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
OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation
JOEL LAWSON
ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

The transcript constitutes the minutes from the Special meeting held on October 7, 2014.
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Adjourn
(6:03 p.m.)

CHAIRMAN HOOD: This is a public meeting of the Zoning Commission for continuation of Zoning Commission case number 08-06. We are reconvening again here tonight for continued deliberations. Tonight we'll be deliberating on Residential Development Standards and Uses, Corner Stores, Accessory Apartments, Alley Lots and R-F zones.

Again, my name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioner Miller, May and Turnbull. We're also joined by the Office of Zoning staff, Director Bardin, Special Assistant Hill and also Secretary to the Office of Zoning, Ms. Sharon Schellin, also the Office of Attorney General, Ms. Glazer. And then also with the Office of Zoning, I'm sorry, Ms. Bushman. Also the Office of Planning, and joining from the Office of Planning Mr. Lawson and Ms. Vitale. And also we'll be joined by Ms. Steingassser.
Copies of today=s meeting agenda are available to you and are located in the bin near the door. We do not take public testimony in our meetings unless the Commission requests someone to come forward. Please be advised that this proceeding is being recorded by a court reporter. It is also webcast live. I believe we have worksheets to my left on the table as you enter into the room so you can follow with our discussions tonight. Again, this is on Commission case number 08-06A, Zoning Regulations Review, deliberations night 2. And for those who are watching webcast live, if you care to join us, tomorrow night we will be talking about Subtitle C, General Rules, Parking, Bike Parking and Loading. Okay. Ms. Schellin, do we have any preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. Colleagues, let's go in the same kind of format we did last night. And we will direct any questions to either the Office of Zoning or the Office of
Planning as we see fit. Okay, let's go to our first worksheet, Residential Development Standards. This is dealing with Setbacks C, Chapter 11 and 12. Set down: Establish the side and rear setbacks to regulate the required distance from a property line measured inward to a building. Some of the public comments, again, as I stated, these are not all but some of them captured. Continue to measure yards in the manner established in Title 11 with the option to measure outward from the building. The recommendation is to measure setbacks from the property line inward to the building as set down. I'd like to start us off with any comments. We're going to be slow tonight but I'm sure it'll pick up.

COMMISSIONER MAY: I agree with the proposal. I don't have any comments.

CHAIRMAN HOOD: Okay. Anyone else?

Thank you, Mr. May. Vice Chair Cohen?

VICE CHAIR COHEN: I also agree with the proposal.
CHAIRMAN HOOD: Okay. So if everyone is in agreement, is somebody going to make a motion? I have no problems with this.

COMMISSIONER TURNBULL: Well, Mr. Chair, I would move that we approve Setbacks C, Chapter 11 and Chapter 12, based upon the OP recommendation and basically measuring setbacks from the property line inward to the building as set down. And move for a second.

CHAIRMAN HOOD: Okay. It's been moved. Can we get a second? I'll second that. Moved and properly seconded. Any further discussion? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to approve setbacks for the residential development standards. Commissioner Turnbull moving, Commissioner Hood seconding. This is measuring setbacks from
the property line inward to the building as set
down. And Commissioners May, Cohen and Miller
agreeing. Thank you.

CHAIRMAN HOOD: Okay. Next, let's
go to side setbacks. I'm not going to read all
that but the set down, as you know, establish
the side setbacks to regulate the required
distance from your property line measured
inward to a building as follows, and the table
is in front of us. And then the public comments,
some of what we heard captured: Oppose allowing
accessory buildings in a required side setback.
And then the recommendation, Office of
Planning's recommendation, is to measure
setbacks from the property line inward to the
building as set down. Let's open it up for any
comments.

COMMISSIONER MAY: I have a
question for the Office of Planning.

CHAIRMAN HOOD: Sure.

COMMISSIONER MAY: So we have
under, I'll just pick R-5-B, which will now
become R-A-2, right? I'm just testing my knowledge of the new naming system. The proposed for detached is 0 or 4 feet, for semi-detached is 0 or 4 feet, and for all other it's none but 4 feet if provided. So what's the difference?

MS. STEINGASSER: There is no difference.

COMMISSIONER MAY: Okay. And then I just want to ask for just one clarification on this which is, and I'm sorry I can't remember where this stands at the moment but, where do we stand on the freestanding wall question? In other words it can be 0 when it's abutting another property with no side yard. But if there's a freestanding wall, is there a requirement that there be a side yard? Because, you know, depending on how you read the old regulations it was required.

MS. STEINGASSER: It would not be required if I understand correctly.

COMMISSIONER MAY: Okay.
MS. STEINGASSER: Like a 0 lot line.

COMMISSIONER MAY: Right.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: I=m not fond of the 0 lot line, particularly when you have a 4 foot side yard allowance. You could have, you know, 0 on one side and 4 on the other, and everybody=s just sort of lined up that way.

MS. STEINGASSER: In this case, this is to maintain a street wall, because these are for the multifamily.

COMMISSIONER MAY: Right.

MS. STEINGASSER: So we were more interested, and when we discussed this with the Commission many years ago the idea was to provide the minimum necessary for maintenance but to try to keep a consistent street wall as opposed to having these 8 and 10 foot gaps.

COMMISSIONER MAY: Okay. All right. So how do we treat a circumstance where you come to the end of a row in a new row house
development? Is there, I mean, you're going to build right up to the property line then, right?

MS. STEINGASSER: You could.

Right. Which is, we see a lot throughout the city.

COMMISSIONER MAY: No we don't. Well, we may see it in some circumstances, but I've seen a lot of PUDs where, when they come to the end of a row because it's a free standing wall, they allowed the side yard.

MS. STEINGASSER: And that was an --

COMMISSIONER MAY: And we're not requiring that.

MS. STEINGASSER: -- interpretation that was made, I don't know, 8, 10 years ago. But --

COMMISSIONER MAY: Well, I remember there was a BZA case where it was set on that path. However, part of the basis for the decision on that was the fact that when we saw PUDs, when you came to the end of the row there
was always a side yard. And it was part of the
fact that, you know, when you came to the end
of the row you could be butting up to somebody=s
rear yard.

MS. STEINGASSER: Mm-hmm.

COMMISSIONER MAY: And it was
accumulative, you know, the addition of the 8
foot side yard plus the 15 or 20 foot rear yard
that made it, you know, a reasonable separation
between the houses.

MS. STEINGASSER: That=s true. In
the R-4 we also saw, especially in areas like
Capitol Hill and Georgetown where you have a row
that runs parallel to the street and then
there=s an alley and then another row that runs
parallel to the street, then you've got an odd
side yard, but you would, an odd end yard --

COMMISSIONER MAY: Right.

MS. STEINGASSER: -- as opposed to
running that to the end, so.

COMMISSIONER MAY: Yes. I mean,
it's less troubling, I mean it's not troubling
at all. The regulations clearly allow for when you come to the end a row at an alley and it's not required, the side yard was not required then. I mean, I guess I can understand the planning reasons why we=d want to allow it this way. But, like I said, I=m not so fond of the zero lot lines. I guess maybe the fact that it's, what we=re promoting is just those, you know, the 4 or 5 foot side yard, it reads more like a row house anyway. And that=s what we=re trying to promote.

MS. STEINGASSER: Okay.

COMMISSIONER MAY: I mean, and that=s what you said in the beginning.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: Yes. I don't know.

MS. STEINGASSER: Well row houses are one thing and the multifamily, which has got a much more prominent street wall effect, as opposed to the residential side yard.

COMMISSIONER MAY: Right.
MS. STEINGASSER: But we're happy to do it either way. I mean, you're right.

COMMISSIONER MAY: Well I remember talking about this a lot in earlier phases of this and never coming to a real conclusion about it. So, I don't know, I guess I will go with the flow depending on how the Commission goes.

CHAIRMAN HOOD: Any other comments? Ms. Steingasser, why do we not have anything down here in R-1-A, R-1-B, R-2 for Georgetown?

MS. STEINGASSER: Well Georgetown is an R-3 zone.

CHAIRMAN HOOD: Okay. And that leads to my next question. What are we doing different here, case in like R-5-A for Georgetown, 3, and let me just get to the point. And I've heard the concern right off, and I know that folks in Georgetown are probably looking for me today. But my concern is, again, and I know they put the time and put the work in. And the same concern I had during the hearings, why
are we singling out, I know they did the work, singling out Georgetown as opposed to Congress Heights? I just don’t understand.

MS. STEINGASSER: I’m happy to talk about this. Georgetown is a national historic landmark. It's not just a historic district. As a district, it's a national historic landmark. In this area that also includes Old Town Alexandria and St. Elizabeths. And these are very unique areas. The houses in Georgetown date back to 1790s. And in Congress Heights they don’t date back to 1790s. And the whole construction standard of how Georgetown developed as its own city, before it became part of the District of Columbia, also is very different. Only 20 percent of Georgetown has any kind of alley system that connects through it. You know, so it's a very, very different environment. But we didn’t single out Georgetown, Georgetown singled itself out. I mean, I’m sorry, kind of ran in here.

CHAIRMAN HOOD: Yes. I understand
that. My issue is what we have here today. And I make it, my issue is, I think though, and I=m trying to take Georgetown out of the equation maybe we can put them in the parking lot because we need to afford, and I understand the history. Believe me, Ms. Steingasser, folks in Georgetown who used to live there, who now no longer live in Georgetown, in the 40s and 50s, trust me, I=ve heard from them. I mean, even before I got on the Commission they told me the stories about Georgetown. I know all about what some of the history that they told us, probably before I was even born. So I understand that part of it.

Now I don=t go back to the 1700s, but I do go back to maybe the 40s and 50s of folks who I know that grew up and raised in Georgetown. And I know about the clubs and some other things that went on in Georgetown. My question is, why are we just, and I understand Georgetown historic, I know there are some other areas that are historic in the city, why
are we just doing Georgetown? I don't want to
get a code just for one area. That's just kind
of where I'm going. And I understand they put
the work in. I don't want to cancel out the work
they put in. But maybe should this come along
later with some of the rest of the stuff that
we're doing as far as this code is concerned.
That's just my concern. I don't know if my
colleagues agree with me.

MS. STEINGASSER: Well, I don't
know we would hold it off. They have done the
work. They did it as a prototype so that we could
see how it would work. How a community should
work together. How they should assess their
properties. It's different, and we're not
looking at its social history whatsoever. We
are looking only at its physical construction.
And, be honest with you, we've spent more time
defending what Georgetown has done than we ever
spent working with Georgetown. I mean, they
really did this.

But we also, to balance it out and
to address the issue head on, we did an enormous amount of planning and zoning east of the river. We downzoned from the R-5-A to R-2, 3 and 4, with this Commission over 8,000 lots of property. And we did this in 2007 and in 2008. And the Commission may remember then in 2011, B came back and said, well we down-zoned some but now we=d really like to up-zone them again. And so we worked with them again. We worked with St. Elizabeths. And we did, before Georgetown, we did a custom zoning for St. Elizabeths that reflected the plan that was worked on with the community, through the Deputy Mayor=s office with great input from the Counsel, and that plan got adopted. And we did zoning through this Commission just for St. Elizabeths. So they=ve, you know, to make it, to posture Georgetown=s community work on their community assessment as some kind of preferential treatment, I just think it's an unfair alignment. I=m sorry, ran up the stairs. And so that=s why I bring that up. Because it's --
CHAIRMAN HOOD: Okay. I understand.

MS. STEINGASSER: -- you know --

CHAIRMAN HOOD: I understand that.

MS. STEINGASSER: -- it's a physical structure.

CHAIRMAN HOOD: Ms. Steingasser, I understand all that. Believe me, that=s not even what I=m saying. I preface my remarks, is I know they=ve done the work.

MS. STEINGASSER: Mm-hmm.

CHAIRMAN HOOD: I already know that, and if you all remember, and I don't know if my colleagues remember, the late Ms. Barbara Zardin. When I heard this was going to be a pilot then, I forget some things, but I didn=t forget this. And I remember saying to Ms. Zardin, and I remember saying on this dais that I thought that they had the opportunity, because I remember when they were doing a pilot, my question then, if you check the transcript, it's the same question I have now. Why are they
the only ones doing the pilot? I said it then
and I say it again now that we=ve gotten to this
point.

One thing I=m not going to do is do
away with the work of Georgetown. I will just
tell you my concern. I=m hoping, and I=m going
to watch and see through the years, that the
same folks in other neighborhoods get the same
treatment, and it's the ease of getting things
done and getting their stuff in the
regulations. Because here's the thing, the
regulations will be in place for everyone else.
It's going to be harder for them to get things
done, as well as what's done here on the cuff
because we=re getting to that point. I just
think it's going to be more difficult for others
to do what Georgetown did on the front-end,
becoming immediate. And I think the record
reflects the concern from people. Not that
anybody=s dismissing the work that Georgetown
did.

What people are concerned of, is
that it was easier done, and actually they had
the volunteerism to come in and do that. A lot
of us maybe, I=ll use my neighborhood for
example. We might not have all the insight and
the ins and outs, where we should probably
should have been on the front end also. We=re
going to come in, in the middle of something and
we=re going to have to navigate the system a
little better to get what we want for our area.
And that goes, not just for this particular
thing, but through the whole process.

But let me ask this question. It
kind of goes along with Commissioner May, we=re
going from 0 to 5 feet. And I can't figure out
in the R-4, I know we have row houses but why
did we decide to do that? Because I think, at
least the way I see it, some of the BZA cases
were that people were saying that people could
see over in their yard. So now we=re looking at
doing away with some of the side setback. Is
this, have we seen enough cases to where we can
narrow it down to 0 to 5, as opposed to 8 feet,
which gives you more space, gives people more privacy? Why did we decide to do this? And I probably should remember but I don't.

MS. STEINGASSER: Well, in the single family detached zones we have maintained 8 feet. So you have 8 feet wherever you have a single family detached or a single family semi-detached.

CHAIRMAN HOOD: But the proposal is 0 to 5 feet.

MS. STEINGASSER: 0 to 5 feet is for --

CHAIRMAN HOOD: The R-4.

MS. STEINGASSER: -- the R-3 zone.

CHAIRMAN HOOD: Yes.

MS. STEINGASSER: So that's a row house zone. So that's saying, where you have a row house in these zones if there's, and it reflects what's in the code right now. The zoning regulations allow for the continuation of a nonconforming side yard that's a minimum of 5 feet.
CHAIRMAN HOOD: Okay. What I have here in front of me said, existing zone, R-4, semi-detached, 8 feet is existing. Proposed is zero to 5 feet. And I’m talking about the R-4. I’m looking at it. Am I reading it correctly? Maybe, I did go to the eye doctor today.

VICE CHAIR COHEN: Which one are you looking at?

CHAIRMAN HOOD: I’m looking at, if you looking on the page one, under number two existing zone, R-4.

PARTICIPANT: Right. So it's zero or 5 feet.

CHAIRMAN HOOD: Zero to 5 feet.

PARTICIPANT: Zero or.

PARTICIPANT: Or.

PARTICIPANT: It's not to.

CHAIRMAN HOOD: Okay. Zero --

PARTICIPANT: It's not a range.

CHAIRMAN HOOD: Okay.

PARTICIPANT: It's either zero or it's 5.
CHAIRMAN HOOD: Zero or 5. But still my question is the same. Why did we go from 8 to zero or, thank you, Commissioner May, zero or.

MS. STEINGASSER: It's a row house zone. And so we recognize that the row house zone is somewhat different. It has a different proximity of structures to each other. And, again, it reflects the nonconforming provision that is in the code, so we applied it, we recommended that it be applied for all types of dwellings.

CHAIRMAN HOOD: Okay. Colleagues, does anybody else share any of my concerns? Vice Chair Cohen. I mean, if you share my concerns, it's different. But I want to see who=s kind of going along with my concern. Anybody?

COMMISSIONER MAY: I have a, well.

CHAIRMAN HOOD: A different concern?

COMMISSIONER MAY: Well it's kind of the same.
CHAIRMAN HOOD: Okay. Well go ahead. It's in the ball park.

COMMISSIONER MAY: Because I just wanted a clarification from OP. I'm under the impression that once we go through this process every neighborhood can come to you for advice and guidance in providing greater specificity for their neighborhood. Am I?

MS. STEINGASSER: They can, I want to be clear. They've got to go through the planning first. Right? You can't zone --

COMMISSIONER MAY: Exactly.

MS. STEINGASSER: -- without planning.

COMMISSIONER MAY: Right.

MS. STEINGASSER: They've got to work through their Comp Plan, through small area plans, through some kind of neighborhood assessment. So I don't want to mislead people that they can just come in and amend this thing before it has ever been done.

COMMISSIONER MAY: No, but the plan
is most important.

MS. STEINGASSER: They got to work through a planning process. And that=s what we did when we worked with Ward 7 and 8 to alter the R-5-A. We had gone through an enormous Comprehensive Planning process. We=d identified those areas. And we moved to that. Same with St. Elizabeths. Again, in Ward 8, we worked with the community. There was a small area plan. So there was, there=s got to be some kind of planning. And there=s got to be community consensus. I mean, you're talking about adjusting people=s property rights. So we want to be really clear. It's not just up to individual ANC members to come running in and request things. There's got to be some kind of consensus. What that is, we haven't said, you know, it's 80 percent, 75 percent. But there=s got to be some kind of evidence that there is general community consensus. And we'll talk about that when we get into the zone creation, you know.
COMMISSIONER MAY: All right.
Actually that is my understanding. And that gives me, Chairman, a bit more comfort.

CHAIRMAN HOOD: Well, again, my point remains the same. And I was here when John Moore first bought everything. And when we changed over to Ward 8 I was here for all that, 7 and 8, we went from changing the zones from 5-A to, we were trying to do away with some of the department issues. I was here for all that. So I understand that.

And first of all, I want to make sure we don=t take it personal. Because I=m not taking it personal, I=m just putting the issues out there. So we=re going to work this thing out. I do have some concerns, because I still have the same concern I had 7 years ago. So it's a 7 year concern. I=ve heard, the record I think illuminates itself. I just I hope it's of ease when others come down and try to do it.

Now, Georgetown, I know they put the work in and I don=t want to discount that. But
I think when other neighborhoods come down, and
I know it wasn’t preferential treatment, 
because I know the work that was put in. But, 
again, when the late Ms. Barbara Zardin, and I
heard about this pilot program, I had then cited
some issues that I had, thinking that we would
end where we are. And here I am, we’re still in
the same boat. So, anyway. Did we ever answer
the question 0 or 5 feet? I think you did. I
think you did so.

MS. STEINGASSER: Part of the 0 or
5 feet also gets to the issue, if I’m
remembering correctly, we see a lot of
artificial fill ins in the R-4 zone, because the
lot occupancy goes from 40 percent for a
detached to 60 percent for an attached
building. So in the R-4, I think we’ve seen this
through the BZA, we’ve definitely seen it
through building permits, where you get these
artificial projections just to hit the property
lines. And then they get a 60 percent lot
occupancy. And so this was a way to try to allow
for some movement, some additions, without creating that pressure to actually fill in to shoot back.

CHAIRMAN HOOD: Okay. And I'll just end on this statement. I'm going to make this statement for those who may be watching. As Ms. Steingasscer mentioned, it's going to take an effort. While I don't necessarily agree with the way we are proceeding, I don't want to discount Georgetown's efforts. It's going to take a consensus of neighborhoods to do this plan. I think the record reflects that there was a lot of concern, not just mine, but a lot of concern about neighborhoods not having the same opportunity or being told, you know, I don't want to get in that because we get a whole bunch of different comments. But I think what Ms. Steingasser said is very key. It's more than just one ANC Commissioner. It's going to have to be a collaborative effort. Maybe Georgetown can be the model of how they work together. Maybe, you know, they can give some advice on
how you bring everybody together to do this plan. And I’ll just leave it at that point. Any other comments? Mr. Turnbull.

COMMISSIONER TURNBULL: Yes. Thank you, Mr. Chair. I just had, I’m trying to, I didn’t seem to have a problem last night with our nomenclature and our zones. But here I’m looking at, we’ve got R-4 down. But that’s existing.

MS. STEINGASSER: For existing zones for the ease of understanding.

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: They’re existing zones.

COMMISSIONER TURNBULL: So eventually there’s like three zones that come out of that R-4.

MS. STEINGASSER: Right. It would be R-F-1 would be the new nomenclature.

COMMISSIONER TURNBULL: Right. Okay. I just want to make sure I understood that. Because I remember Commissioner Miller
last night, we kind of paused and said there=s no more any R-4, it's missing totally. So when I saw this, I know it's the existing zone and I had figured you were trying to do that, but I just wanted to make sure that I didn=t slip up on something.


COMMISSIONER MILLER: Thank you, Mr. Chairman. I share some of your unreadiness with proceeding with the Georgetown tailored, customized zone without, and before other customized, before other neighborhoods come forward with additional customized zones, on the one hand. And on the other hand, if it makes sense, and some of the differences make sense in Georgetown, I don't know if there=s been an evaluation of maybe they should be done in other R-3 or row house zones. But I just want, at this point I=m kind of in the parking lot in my mind. But I just want to let you know that I do share some of that unreadiness.
I also wanted to say something positive, just about the worksheets that you all, Office of Zoning and Office of Planning jointly developed the worksheets. I think they're very helpful. They really do organize the issues once you get through all of them and in a very focused manner, and I really do appreciate the effort that went into creating these worksheets. The public has access to them, too, right? So I think it's very helpful to see, to focus on what the changes are.

The only other thing I wanted to say at this point in general, nothing about the side setbacks, but as long as I have the microphone. That Office of Planning prepared a summary comparison of existing and proposed zoning regulations for the residential zones with all the development standards. And when you go through that list, that summary chart really shows almost how little is being changed between the existing zoning and the new zoning. I mean, we're going to go through each of the
changes here as we go forward, but there=s a lot, most of the existing code development standards are being retained in the residential, particularly in the lower density residential zones. So thank you.

CHAIRMAN HOOD: Any other comments? I will, let me just say this in line with Commissioner Miller. I have a lot of accolades to give out, but I have to get down right now. So we=re going to have to battle for a minute and get through this. But I can tell you, and I will start off, Ms. Steingasser has taken a lot of heat over this. I already know that. And I=m going to complement her at the end, but right now we in battle so that=ll come at the end. So let=s, and I=m not saying it=s between me and her.

MS. STEINGASSER: I would beg to differ, Mr. Hood. We are not in battle.

CHAIRMAN HOOD: We=re not in battle. Okay.

MS. STEINGASSER: We are all
working towards --

CHAIRMAN HOOD: We’re working toward --

MS. STEINGASSER: -- a common goal.

CHAIRMAN HOOD: I just want, I say that because what I want, Ms. Steingasser, for you to understand, I appreciate you always being, I’ve said this publicly. I ask questions and you’ve always been accommodating. We may have our differences, but we always come to a common goal which I think is the best for the city. So, anyway, let’s move on. Okay?

COMMISSIONER MAY: I’m sorry, Mr. Chairman.

CHAIRMAN HOOD: Yes.

COMMISSIONER MAY: Since you have raised the question of Georgetown, I have not talked about that myself, either.

CHAIRMAN HOOD: Oh, okay. Go right ahead.

COMMISSIONER MAY: And so I wanted to offer my two cents on that. I certainly
appreciate the concern that Georgetown is somehow in a more advantageous position as a result of the extra zoning, this extra category of zoning, if you will. And I thought long and hard about this. And, you know, I understand why there is a concern about it and I can appreciate how people might feel. But at the same time, I don’t think it’s really right for the citizens of Georgetown, who put an effort into this, to have to wait a lot longer since they had, you know, they saw what was coming and they jumped on the train early. And, I think, actually thinking back on when this was first started, when they started down that path, essentially they volunteered to be guinea pigs.

My recollection of it was that they were very concerned about this. And when they saw that there was an opportunity to customize the zone for their neighborhood, they jumped in and said, well, you know, maybe we could do this. Maybe this would be a good thing to do. And I thought at the time the Zoning Commission
responded quite positively, thinking that, well, you know, if we could do it in Georgetown, where, honestly people are notoriously fussy about what happens in their neighborhood, that it would be something that could work in a lot of areas. And so certainly back then I think we all welcomed the possibility that this could be a really good pilot program. And that=s the way I regard it, it's a pilot program.

I=m really hoping that there=s a concerted effort to move that out. And maybe actually what we need from the Office of Planning is some sense of how this could happen for other neighborhoods. Not just saying, well they need to go through the planning, they need to go through the zoning. But to think, well, if they were to go through this, who=s actually teed up right now because the small area plan is already there? Any sense of how it is. I would hate to say, yes, let's go ahead with Georgetown. And then, no, well it's going to be 5 more years before anybody else see it. But if
we know that, somebody else, another neighborhood in another part of the city could be knocking on the door with something in 6 months or a year, that might be a better thing.

MR. LAWSON: Sure. And it's true. Georgetown certainly could have come forward and brought forward a text amendment to the current regulations, which is what some of the other neighborhoods have started to work towards. But we=ve already started working with a number of other neighborhoods. It's kind of an ongoing thing. These zoning changes for specific neighborhoods don't happen citywide, to each neighborhood. They happen as a neighborhood kind of comes together and says that they want to do something. So, that=s why Ward 7 and Ward 8 happened in 2008. That=s when they came forward and wanted something done. Georgetown happened to come forward at this time, and they said they wanted to be the prototype and so it seemed to make sense to roll them into this.
We’ve had some pretty intense discussions with Lanier Heights. We’ve had discussions with Trinidad. We’ve had some kind of softer discussions with some other neighborhoods who were kind of thinking about what kind of a process they want. And, frankly, everyone is going to be a little bit different because every neighborhood is different and the issues that they want to address are different. So the discussions, I guess I would say that the discussions are ongoing. They never really stopped because of ZRR, and they won’t start, once ZRR is done because there are ongoing set of discussions. But if you want to know two neighborhoods that are probably furthest along right now, it would be Lanier Heights and Trinidad.

COMMISSIONER MAY: So following up on that, just assume for the sake of an illustration, that by March of next year the zoning regulation rewrite is completed and you’re ready to start introducing potential
customized zones. How much further past that? I mean, are we talking about months or are we talking about a year before we start to see something from either of these neighborhoods or possibly somebody else?

    MR. LAWSON: Well, again, it very much depends on the neighborhood itself. As you know, I mean, Georgetown took about 2-1/2 years and they came up with, ended up coming up with some pretty minor tweaks to their existing zone. They didn=t even re-zone in Georgetown. They were pretty minor tweaks to their existing zone.

    COMMISSIONER MAY: Right.

    MR. LAWSON: Lanier Heights has been working for probably two years on this issue. And we=ve been working somewhat with them, but mostly they=ve been working as a neighborhood. And we understand that they=re now working with their ANC, we met with them last month, and that a proposal may come forward resulting from that. So that could come forward
before ZRR is even adopted. In which case, it would come forward as changes to the current zone. Because right now we don't think it's appropriate to bring forward changes to ZRR.

COMMISSIONER MAY: To a code that hasn't been passed yet.

MR. LAWSON: Exactly. So it would come forward as changes to the existing zone. And then if changes are adopted, it would be rolled into ZRR.

COMMISSIONER MAY: Right.

MR. LAWSON: And those are certainly much more extensive, at least some of the discussion is much more extensive than Georgetown's was, and that they are talking about new zones. They are talking about potentially using some of the new R-F zones. They're talking about down zoning. And they're talking about taking the zoning they have and changing it. They're still talking about what that might be. And what we've told them is, what the neighborhood has to come up with is what
they want to achieve. Instead of worrying about
the tool, instead of worrying about the wording
of the zoning regulations, to talk about what
it is that they're trying to address. And then
once they've decided what they want to address,
then we'll work with them to come up with what
that language might be. And so, as I said, you
may see that before ZRR is even done. But it very
much depends on the neighborhood itself and how
committed they are to doing the work to bringing
forward a change like this.

COMMISSIONER MAY: Okay. I
appreciate that. It is somewhat comforting to
know that we're not going to be waiting years
before we start to see other customized zones,
that they could imminent.

CHAIRMAN HOOD: Okay. And I'm going
to end on this note. Again, I was here when that
went on. I raised, to say that Zoning Commission
thought that was great for the pilot plan, I
don't think that, at least from this
commissioner's standpoint, I can only remember
what I did. And I think the record will be clear, I had concerns then and I got concerns now. I have not waivered in my issues, in my concerns. I would have accepted more of what Ms. Steingasser mentioned and captured, more than I did what I heard from you say, Commissioner May, because again, as I stated earlier, this commissioner had concerns then and he has them now. I=m not going to keep belaboring that point, but I think it's clear that we need to make sure that we afford these other neighborhoods an opportunity.

On that note, Mr. Lawson, is there a roadmap or something out there to show neighborhoods, if they come to you and say, this is what I want, something documented and written. On my job, I always like stuff to be, like some standard operating procedures. This is what you have to do. Or are we just giving it off the cuff?

MR. LAWSON: I would say it's neither one of those. I would say that the first
thing that we want to do is talk to the neighborhood and find out, again, how they're organizing and what it is they want to achieve. We have provided people, when it was appropriate, with some kind of a written format. This is how the Zoning Commission works. This is how, in some cases the concerns are PUDs. These are how PUDs work. But if there is a roadmap, our roadmap is that we work with the neighborhood to achieve what it is that they're, or to bring forward to the Zoning Commission what it is they're trying to achieve. Making it really clear that, in the end it is the Zoning Commission that will make this decision, not the Office of Planning.

So all we can do is help them get to a point where they can bring forward the information in a way that that Zoning Commission can receive it and that it's logical and that hopefully the community is coalesced around that process as much as possible. But in terms of something that we have up on our
website, there isn't because every neighborhood and every situation is so different. I don't think such a thing is possible.

CHAIRMAN HOOD: And when I say a roadmap, I understand. But we have to have something written because people change, positions change. And I think, I mean, it probably wouldn't even come out of development and review, whatever the office is, but maybe the planners. So they can just have, okay, this is one, two, three. Just something to help get them started. And I think that would ease some of the, because the record is clear. I think that would ease some of the comments that we heard. Not that it's going to be exact or going to be tailor made, because that was the whole intent to do this for different neighborhoods. Okay, start having conversations with the Office of Planning or your ward planner. And then the second step is this, and the third step is that. I think that's something we probably
need to take back and talk to the Director in the future. Not that it needs to come out of this office, Ms. Steingasser, but maybe your neighborhood planners. And I think that would give --

(Simultaneous speaking.)

MS. STEINGASSER: I think that's a good idea. On night 4, on Thursday we'll be talking about the creation of new zones and we'll talk through the general regulatory proposals that we've put out. But starting in January the new revisions to the Comprehensive Plan will start, and that would be a good opportunity for people to start to look at what are those issues. You know, Congress Heights is a great example. In the last set of Comprehensive Plans, we put a lot of effort into identifying the types of improvements and growth we expected in Congress Heights, with the community, with the councilmen. And those were expected to be implemented through PUD because there was a lot of infrastructure need
and a lot of need that we wanted to capture through benefits and amenities that you would get through just a simple rezoning. So there's different approaches to how a neighborhood revitalizes beyond just creating a zone.

CHAIRMAN HOOD: Okay.

MS. STEINGASSER: But I think the next step is going to be immediately at the close of the zoning rewrite, when, you know, the next wave of Comp Plan amendments come, it's a great opportunity. But you're right, something along more of a how to guide. We could certainly work with the neighborhood planners on that.

CHAIRMAN HOOD: Thank you very much. And that starts again, the Comp Plan stuff starts in January, right? Okay. All right. Any other comments colleagues? Somebody like to make a motion?

COMMISSIONER MAY: I would move that we approve the side setbacks as they were established in referring to number 2 on our residential development standards, side
setbacks, establish side backs to regulate the
required distance from a property line measured
inward to a building face as follows. And it
lists the setbacks for R-1 all the way through
R-5-E of the existing zones.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: I'll second
that.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any
opposition from those present, Ms. Schellin
would you record the vote?

MS. SCHELLIN: Yes. Staff records
the vote 5 to 0 to 0 to approve the side setbacks
for the residential standards as OP
recommended, to measure setbacks from the
property line inward to the building as set
down. Commissioner May moving, Commissioner
Cohen seconding. Commissioners Hood, Miller
and Turnbull in support.

CHAIRMAN HOOD: Okay. Next let's go to rear setbacks. Set down: Establish the rear setbacks to regulate the required distance from a property line measured inward to a building as follows. The table is before us. Some of the public comments we've heard: Oppose changes to rear setback method of measurement. Should define the rear yard and measure it from the rear line of a principal building outward. The Office of Planning's recommendation is to measure setbacks from the property line inward to the building as set down. Let's open up any comments on this one. A lot of it stayed the same in the R, okay. Any comments? Would you, okay, no I'm going to let somebody else.

VICE CHAIR COHEN: No. I just think that it is consistent with what we've adopted in the prior, and there's not that many changes. If that's how --

COMMISSIONER MAY: I only see one change.
CHAIRMAN HOOD: R-5-E.

COMMISSIONER MAY: R-5-E.

CHAIRMAN HOOD: R-5-E which --

VICE CHAIR COHEN: Yes.

CHAIRMAN HOOD: -- I actually like.

VICE CHAIR COHEN: So I --

CHAIRMAN HOOD: I do like something else.

VICE CHAIR COHEN: I would recommend that we adopt OP=s recommendation.

COMMISSIONER MAY: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, would you record the vote?

MS. SCHELLIN: Yes. Staff records the report 5 to 0 to 0 to approve the rear setbacks as recommended by OP to measure from the property line inward to the building as set

CHAIRMAN HOOD: Okay. Let's go to courts. The set down: Standardized courtyard requirements for the residential zones. Colleagues, I'm not going to read all that, but you can see the table before us. And then some of the public comments that were captured: Maintain existing court requirements from Title 11. And then the recommendation: Standardize court requirements in residential zones.

COMMISSIONER TURNBULL: Mr. Chairman, my one question is now we're, in a lot of the proposed areas we're making reference to the building code, and I know that's come up on some Board of Zoning adjustment cases where we've had some issues on that. I wonder if OP can just clarify that a bit more?

MS. STEINGASSER: So in those places where we say building code.
COMMISSIONER TURNBULL: It's there already.

MS. STEINGASSER: It's there already, right. So it would be whatever the minimum building code requirement is.

COMMISSIONER TURNBULL: So ours basically would be redundant or might be in opposition to something that was in the building code.

MS. STEINGASSER: Right. When we had originally started the discussion on courts, we had recommended doing away with courts altogether in the zoning regulations. But there was a general unease about relying solely on the building code.

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: Because that was really not about an aesthetic or a character defining, that was really about a life safety issue. So in those areas which are usually, I think only in the, where are we, we= re in the
R-4, in the smaller areas that’s where we’ve proposed it. But other than that we have proposed to maintain a minimum court requirement which is reflective of what would have been required in the current, what is currently required for hotels. That’s the minimum standard that you will see, the 250, 2-1/2 inches per foot.

COMMISSIONER TURNBULL: Yes. Okay. Thank you.

CHAIRMAN HOOD: Any other comments on this? If not, we can move right along. Somebody like to make a motion?

COMMISSIONER TURNBULL: Mr. Chairman, I would move that we accept, that we approve item 4 under the residential development standards on courts, standardizing courtyard requirements for residential zones and go with OP=s recommendations of standardizing them.

COMMISSIONER MILLER: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to approve the court section which standardizes the court requirements in residential zones as recommended by OP. Commissioner Turnbull moving, Commissioner Miller seconding. Commissioners Hood, Cohen and May in support.

CHAIRMAN HOOD: Okay. Next we have roof structures, and you see the sites, roof structures in the R-1-A, R-1-B, R-2, R-3 and R-4 zones. Set down said, reduce maximum roof structure height from 18=6" to 10= for residential buildings. Maintain 18=6" roof structure height for all other buildings such as institutional uses. Some of the public comments: Support reduction in roof structure
height. And the recommendation from the Office of Planning is to reduce roof structure height from 18=6” to 10= for residential buildings in residential zones as set down. Let's open it up for any comments.

COMMISSIONER MAY: I had a question about this. I guess it was really more on the next one. But, just to be clear, we're talking about, when you refer to all the zones, it's R-4 is now R-F and it will be R-F-1 through 5? Or 1 through 4?

PARTICIPANT: 3.

MS. STEINGASSER: One through 5.

COMMISSIONER MAY: One through 5. That's what I thought. Okay.

VICE CHAIR COHEN: I don't recall the discussion on this. So can you tell me, what was the rationale behind the reduction, please?

MR. LAWSON: Well, the 18 foot 6 is really intended to accommodate some fairly substantial mechanical equipment, elevator overrides, that kind of thing. Now, while we see
that sometimes, we do see elevators in low
density, in single family houses and flats from
time to time, it's not particularly common. But
they tend to be the kind of elevator that
doesn't need that amount of roof height. There
were also some concerns about how an 18 foot 6
inch height on such a small footprint, as these
buildings tend to be, can impact the visual
character. We just simply feel that it
accommodates what's needed up there in terms of
height and helps to reduce impacts, lessen the
visual height of the building. It's kind of a
win-win. We received no negative feedback from
homeowners or builders of low density
developments.

VICE CHAIR COHEN: So this will
have no impact on elders who may need to put an
elevator in their home.

MR. LAWSON: It should not. They
tend to have the mechanical room in either, I'm
not an engineer and, Commissioner May, may have
more information on this than I do, but they
tend to have the, they can have the mechanical
equipment underneath the elevator instead of
sitting on top or on the side. It's just a
different kind of a system, or systems that
don't really require a rooftop penthouse at
all.

COMMISSIONER TURNBULL: A
residential elevator --

MR. LAWSON: In low density,
rather, yes.

COMMISSIONER TURNBULL: -- it's
usually hydraulic and actually it's probably in
the basement.

MR. LAWSON: Exactly.

COMMISSIONER TURNBULL: The
elevator equipment room is in the basement.

MR. LAWSON: Yes. We haven't seen a
lot of examples of it, quite frankly. But we
thought we might as well kind of nip this one.

VICE CHAIR COHEN: Well this
population is growing within our cities. I just
wanted to make sure that it's not going to
MR. LAWSON: And it would continue to be accommodated.

VICE CHAIR COHEN: Thank you.

MR. LAWSON: Yes.

CHAIRMAN HOOD: Any other comments? Okay. So what we can do is, I would move that we approve number 5, roof structures, taking the recommendation to reduce roof structures height from 18=6" to 10= for residential buildings and residential zones as set forth in the R-1-A, R-1-B, R-2, R-3, R-4 zones, as well as, I think, Ms. Steingasser you said R-5 also, right? Did we say R-5?

PARTICIPANT: R-F.

VICE CHAIR COHEN: R-F.

CHAIRMAN HOOD: R-F. Okay. The R-F, okay.

COMMISSIONER MILLER: I would second that Mr. Chairman.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to approve the roof structure heights being reduced from 18=6" to 10 feet for R-1-A, R-1-B, R-2, R-3 and R-4 zones. And that=’s as recommended by OP. Commissioner Hood moving, Commissioner Miller seconding. Commissioners May, Cohen and Turnbull in support.

CHAIRMAN HOOD: Okay. Let's go to 5-B, roof structures in R-5-A, R-5-B, R-5-C, R-5-D and R-5-E zones. Again, the set down: Maintain the maximum roof structure heights. You see the rest is noted. Public comments: Limit roof structure. And the recommendation, Office of Planning: Maintain a roof structure of 18=6" in R-5 zones with the exception of the 10 foot maximum in the R-5 BCAP zone as set down.
Any comments? Commissioner May.

COMMISSIONER MAY: Yes. So this is where it gets a little confusing for me. Because aren't there some RA zones where you're limited to 40 feet, and yet we'd still allow an 18-6" penthouse? Or did you capture it all? I mean, I'm seeing, well, okay. So maybe it's 50 feet, R-5-B and R-5-C, which are R-A-2 and R-A-3.

MS. STEINGASSER: Right.

COMMISSIONER MAY: We'd still allow an 18-6" --

MS. STEINGASSER: That's correct.

COMMISSIONER MAY: And the rationale is, again, because we're expecting at 50 feet that they're going to have that kind of mechanical equipment?

MS. STEINGASSER: That they would have that type of mechanical equipment and a multi-family size elevator, which would have a higher override.

COMMISSIONER MAY: Yes. But, I mean, if all we're talking about is, we're
talking about an override plus rooftop access. Because you don't need 18=6" just to have an elevator override. Right? I mean, is that what we're envisioning?

MS. STEINGASSER: I don't know that we're envisioning, we just didn't see any, we didn't propose to change it outside of the low density single family.

COMMISSIONER MAY: Yes, I'm not super enthusiastic about 50 foot buildings with 18=6" penthouses on them. I don't know. I'm curious about what the rest of the Commission thinks. Maybe nobody has an opinion. I don't know.

VICE CHAIR COHEN: I always have an opinion, that's why I actually, until you just brought it up I didn't see a problem with it. So I guess my opinion was it seemed appropriate. But I'm not an engineer either. That's why I ask those kinds of questions. I didn't see a problem. But visually I see where you're coming from.
CHAIRMAN HOOD: Okay. Any other issues, questions?

COMMISSIONER TURNBULL: I just have, I want to clarify. I=m looking at the summary comparison of existing, and basically the height of all structures is 40 feet. Is that what we=re saying? Have I read that right?

COMMISSIONER MAY: There=s a range of heights that are allowed in the RA zones. These are all the future RA zones.

PARTICIPANT: And they could go up to 50.

COMMISSIONER MAY: Well, no. They could go higher than that, depending on what zone it is. It's from 40, if you look on the on the next page, there=s actually a maximum building height, number of stories for all those zones. It's the second chart in the middle of the page. And so the range of heights in the RA zones is from 40 feet to 90 feet, depending on whether it's R-A-1, 2, 3 or 4 or 5. And what concerned me is that R-A-2 and 3, that all
other, which would be a small apartment
building, I guess, at 50 feet would have, or
could have, a penthouse of $18=6"$. That=s was the
concern that I had.

CHAIRMAN HOOD: Does anyone else
share that concern?

MS. STEINGASSER: One thing, what
we could do is take a look at this overnight
because that=s just how we roll. And we could,
rather than do it by zone, we could do it by
building type and building height. And so that
for buildings that are 50 feet or under or
single family, they would be limited to 10 feet
unless they were, you know, an institutional or
dormitory or something like that. We could --

(Simultaneous speaking.)

COMMISSIONER MAY: I=m personally
more comfortable with that. Just,
understanding how much taller these things
could be. I don=t think it=s a huge problem
right now. But, then again --

COMMISSIONER TURNBULL: Well.
COMMISSIONER MAY: -- 10 years ago we wouldn’t have predicted that pop ups were going to be a huge problem.

COMMISSIONER TURNBULL: But it's not all R-5-B. It's the R-5-B cap zone.

COMMISSIONER MAY: That's only limited to 55--

COMMISSIONER TURNBULL: 10 feet.

COMMISSIONER MAY: No, but it's --

COMMISSIONER TURNBULL: Isn't the R-5-B cap under the category of height maximum 40 feet?

COMMISSIONER MAY: I'm looking at the chart that says R-5-B and R-5-C are limited, all other buildings are limited to 50 feet. And R-5-A, which is R-A-1, residential buildings are limited to 40 feet.

MS. VITALE: If you look in the table above that, you'll see that the R-5-B cap --

COMMISSIONER TURNBULL: Is 40 feet.
MS. VITALE: -- is 40. And that's why that 10 foot max height for roof structures was pulled through for that zone. Because it's already limited to 40 feet, so we carried that 10 foot roof structure height limit through to that zone. It was a little bit different where that overlay existed.

COMMISSIONER MAY: So Commissioner Turnbull, I was suggesting that we might want to expand the where you're limited to 10 feet.

COMMISSIONER TURNBULL: All right. Well if the OP wanted to take another look at that, then I'm okay with that.

MR. LAWSON: Just so you know, we've already kind of looked at this a little bit and so have you, through the set down for the penthouse changes, where one of our discussion points, one of the things that is being advertised is actually limiting it to 10 feet for a single family and flat buildings, irrespective of the zone. So limiting it to 10 feet in the low density zones for low density...
uses, but carrying that through to the other zones for that low density use. In that one we did not propose to limit it to less than, down to 10 feet for apartment buildings in those zones, but it's certainly something we could look at. I'm just letting you know that you've kind of already gone there a little bit with that set down.

COMMISSIONER MAY: I mean, I think the key issue here is height of residential building and the height of the penthouse that's appropriate on top of it, as opposed to which zone category it fits in.

CHAIRMAN HOOD: Okay. Let's keep moving. So would somebody like to make motion on that with the caveat of what Commissioner May and Commissioner Turnbull have mentioned?

COMMISSIONER MILLER: Mr. Chairman, I would move that we approve item 5-B, roof structures in the R-5-A, R-5-B, R-5-C, R-5-D and R-5-E zones, going with the OP recommendation to maintain the roof structure
of 18 feet 6 inches in the R-5 zones with the exception of 10 foot maximum in the R-5-B cap zone as set down, with the caveat that OP is going to look at the building type and perhaps come back to us with a modified recommendation.

CHAIRMAN HOOD:  Okay.

PARTICIPANT:  Thank you.

CHAIRMAN HOOD:  Moved.

VICE CHAIR COHEN:  Second.

COMMISSIONER MAY:  Second.

CHAIRMAN HOOD:  Okay. It's been moved seconded. Any further discussions? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD:  Not hearing any opposition, Ms. Schellin, would you record the vote?

MS. SCHELLIN:  Yes. Staff records the vote 5 to 0 to 0 to accept the roof structures in the R-5-A, R-5-B, R-5-C, R-5-D and R-5-E at 18=6" in those zones at 18=6" and 10 feet max in the R-5-B cap zone as set down,
with the caveat that OP will look at building
types and bring revised text back by November
3rd. Commissioner Miller moving, Commissioner
May seconding, and Commissioners Hood, Cohen
and Turnbull in support.

CHAIRMAN HOOD: Okay. Next, number
6, maximum building height and number of
stories. We have the table before us. Then the
public comments captured. Establish maximum
building height based on predominant height in
area. There were some opposed additions that
increased building height. The Office of
Planning's recommendation: Establish maximum
building heights and number of stories as set
down, goes back to the set down. Again, the set
down: Maintain the status of maximum height and
number of stories for residential zones. Establish new maximum height and number of
stories for residential zones in Georgetown as
follows. And that's before us, that table's
before us.

COMMISSIONER TURNBULL: I just
have one, I mean, I don't want to, we have another case that has a text amendment that deals with some of these things in the R-4. Are we basically ignoring that right now and putting it down basically as-is?

MR. LAWSON: Essentially that's correct. Although if you take action on that further case, it would obviously be rolled into any new regulations as well. But so far that's not being advertised as part of this text.

COMMISSIONER TURNBULL: I just wanted to clarify. Because I didn't want to open my mouth and stick my foot in it on something that I should leave to another time. So thank you.

CHAIRMAN HOOD: Any other comments? Okay. I'm not going to say anything about Georgetown. This may be appropriate if, but anyway, I'm not going to even go back there now. I've done that already. Okay. All right. Any other comments? Okay. Would somebody like to make a motion?
COMMISSIONER TURNBULL: Yes.

CHAIRMAN HOOD: I don't like to make all the motions. Mr. Turnbull.

COMMISSIONER TURNBULL: I'll be delighted to make a motion. I'm just a moving person. Mr. Chair, I would move that we approve residential development standards item number 6, maximum building height and number of stories, and use the OP recommendation to basically establish maximum building heights and number of stories as set down, and look for a second.

VICE CHAIR COHEN: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any objections, Ms. Schellin, would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the maximum building
height and number of stories as OP recommended and as set down. Commissioner Turnbull moving, Commissioner Cohen seconding. Commissioners Hood, May and Miller in support.

CHAIRMAN HOOD: Okay. And I want to make a comment that I made last night about, for those who may be watching tonight who weren't watching last night. A lot of times when we make our motions, we'll say, using Office of Planning's recommendation, Office of Zoning's recommendation, or whoever made the recommendation. A lot of times the recommendation is not exactly how it was proposed. And I think that's important to know, because I can hear it now, that all the Zoning Commission did was to just do whatever the Office of Planning told them to do. And that has never been how it's worked in my 16 years here. So I'll leave it at that. And I'm trying to cut off some of the misinformation that gets out there, that says all we did was just rubber stamp whatever the Office of Planning give us.
We don't just rubberstamp anything.

Infill construction. Set down:
Allow infill construction on lots of nonconforming areas subject to meeting all other development standards, i.e. lot occupancy, yards, height, pervious surface and GAR. Did we say we were going to call that GAR or was it G-A-R. I forgot. G-A-R? Where'd I get GAR from, I must be tripping. Okay. Then some of the public comments captured: Support provisions that allows for matter of right extensions or additions to pre-1958 homes that follows existing nonconformities for rear and side setbacks. Permit existing vacant lots to be developed to reduce blight. Maintain the status requirements for infill construction. Office of Planning's recommendation, you didn't have a recommendation on this.

MR. LAWSON: Yes. Some of that didn't get in there, but our recommendation is as it was in set down.

CHAIRMAN HOOD: Okay. So it's the
same in set down.

VICE CHAIR COHEN: I have a question.

CHAIRMAN HOOD: Vice Chair Cohen?

VICE CHAIR COHEN: Yes. I just wanted, the public comments seem to support what the set down says. Do you see any contradictions in that? Because I like what the public has said.

MR. LAWSON: Yes. I wouldn't say that this is one of those issues that we got a lot of public comment on.

VICE CHAIR COHEN: I know.

MR. LAWSON: There was, in fact the very first comment I received was from an ANC Commissioner of Ward 7, who was very, very strongly in favor of this. And that's kind of the comment about reducing blight. There certainly were some comments about not allowing development of existing nonconforming lots. And there are some other comments that you'll get to tomorrow night that people wanted to make.
sure that this didn't apply to the creation of new lots. New lots would be required to conform to the lot area, the lot width requirements. This would just apply to existing lots that have been around for a long time and just kind of waiting to be developed.

VICE CHAIR COHEN: Right. I support this infill construction.

CHAIRMAN HOOD: Any other comments? Will obtain a motion if someone would like to make one.

VICE CHAIR COHEN: Sure.

CHAIRMAN HOOD: Vice Chair Cohen.

VICE CHAIR COHEN: I move to approve infill construction that allows infill construction in lots of nonconforming areas, subject to meeting all other development standards, i.e. lot occupancy, yards, height, pervious surface, GAR, and ask for a second.

COMMISSIONER MILLER: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to allow infill construction on lots of nonconforming areas, subject to meeting all other development standards. Commissioner Cohen moving, Commissioner Miller seconding. Commissioners Hood, May and Turnbull in support.

CHAIRMAN HOOD: Okay. Colleagues, minimum lot area. Again, set downs say retain minimum lot area requirements for creation of new lots. Public comments: Support establishments of minimum lot area requirements only for new lots. And Office of Planning's recommendation was to retain minimum lot area requirements for the creation of new lots. Okay. That goes hand in hand. Any other comments? I think that's pretty
straightforward. I would move that actually accept the, but not only for retain minimum lot area requirements for the creation of new lots, that accept the recommendation, retain the minimum lot area of requirements for the creation of new lots and ask for a second.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Moved and properly seconded. Any further discussion? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to retain minimum lot requirements for the creation of new lots. Commissioner Hood moving, Commissioner Cohen seconding. Commissioners May, Miller and Turnbull in support.

CHAIRMAN HOOD: Okay. Thank you Ms. Schellin. So far you can put me and Ms. Cohen
together in that. Last night I didn't want to be, Okay. Thank you. Okay. Number 9, lot occupancy. Colleagues, you'll see the citings. Set down: Establish maximum lot occupancy standards as follows. The table's before us. Some of the public comments: Support eliminating incentives to fill in narrow courts. Establish a sliding scale for lot occupancy based on lot size. And the recommendation: Establish maximum lot occupancy as set down. Any comments? Commissioner Miller, of course.

COMMISSIONER MILLER: Thank you, Mr. Chairman. I just had a question for the Office of Planning. Why we, or maybe you considered and decided not to go with establishing a sliding scale for lot occupancy based on lot size. I think we're doing, you're recommending that in the alley lot area, I believe, if I'm remembering the right thing, a sliding scale. But is there a reason, did you consider that or is it just too complicated and
MS. STEINGASSER: We did not. It's extremely complicated. I mean, it's easy on the alley lots, because they're a very discrete set.

COMMISSIONER MILLER: This was supposed to be a simplification effort as well as a comprehensive review and revisions.

MS. STEINGASSER: We did bring forward the Chain Bridge - University Terrace, they had a sliding scale, but we did not try to apply that citywide.

COMMISSIONER MILLER: As long as you brought up the Chain Bridge, I wanted to make the point, in our previous discussion about customized zones. There are, I don't know how many, probably two dozen customized zones that we're bringing forward from the existing zoning regulations into the proposed new zoning regulations. And so there are a lot of neighborhoods that already do have customized zones and they're being carried forward.
CHAIRMAN HOOD: Okay. Any other comments? Somebody like to make a motion? Anyone?

COMMISSIONER TURNBULL: Mr. Chair, I would move that we approve number 9, lot occupancy and use the OP recommendation that there be establish maximum lot occupancy as set down.

COMMISSIONER MILLER: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to accept the established maximum lot occupancy as set down. Commissioner Turnbull moving, Commissioner Miller seconding. Commissioners Hood, Cohen and May in support.
CHAIRMAN HOOD: Okay. Next, number 10, pervious surface and green area ratio. Set down: It says establish pervious surface requirements for the R-1 through R-4 zones and the GAR requirements for the R-5 zones as follows. The table is before us with the percentages. And then the public comment: Do not penalize property owners for existing impervious surface coverage. And the recommendation says: Establish pervious surface and GAR requirements as set down. Okay. Vice Chair Cohen.

VICE CHAIR COHEN: Thank you, Mr. Chairman. My question is, I read somewhere that this requirement was only for existing lots with new construction, as opposed to requiring every homeowner in the city to modify their surface. Is that correct?

MR. LAWSON: It is. And of course that applies to non-single family dwellings, as well. If an existing situation, whether it's a house or some other use, this applies when that
property undergoes some new development.

VICE CHAIR COHEN: Then, Mr. Chairman, with that particular explanation, I don't know if anybody else has a comment. I would move to accept pervious surface and green area ratio requirements for the R-1 through R-4 zones and GAR requirements for the R-5 zones as follows. And there's a table for us.

COMMISSIONER MILLER: I would second that.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Any further discussion?

COMMISSIONER MAY: Yes. I just have one quick question, which is, I know we discussed some of these changes back when the original GAR was passed. To what extent is this, I mean, are we just addressing areas that were not previously addressed at that time? Or are these extensions of what was bringing forward?

MR. LAWSON: This is just bringing the --
COMMISSIONER MAY:  B- forward right now.

MR. LAWSON:  Yes.

COMMISSIONER MAY:  Okay. All right. I couldn't recall how far we went in the R zones. Because I know there was a lot of discussion about whether it should apply in all the R zones. Okay. Thank you.

CHAIRMAN HOOD:  Any further discussion? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD:  Any opposition? Not hearing any, Ms. Schellin would you record the vote?

MS. SCHELLIN:  Yes. Staff records the vote 5 to 0 to 0 to establish pervious surface and GAR requirements as set down. Commissioner Cohen moving, Commissioner Miller seconding. Commissioners Hood, May and Turnbull in support.

CHAIRMAN HOOD:  Okay. Next. Are we ready to move to the next subject?
PARTICIPANT: Yes.

CHAIRMAN HOOD: Okay. Let's go to corner stores. First we have, regulate corner stores. The set downs say: Provide regulations pertaining to corner store use and cites the reg. Public comments: Support for allowing corner stores. Opposition to allowing corner stores. Recommendation: Provide regulations pertaining to corner stores. Let's open up for any comments. I guess the question is that the set down we were providing, tasked with whether or not we're going to provide regulations pertaining to corner store use, 1605 and 1006. Any comments?

COMMISSIONER MAY: Well, I mean, this is a yes or no, whether we should be doing --

CHAIRMAN HOOD: That's the way I --

COMMISSIONER MAY: -- regulations on corner stores, and I would say, yes, we should be doing regulations on corner stores.

CHAIRMAN HOOD: That's the way I
read this.

VICE CHAIR COHEN: I think that, again, we're looking at not necessarily adding corner stores everywhere. But it's important to have the potential, not only because it's a possible business. Maybe I should actually hold these comments. Because this is only regulate corner stores, and I was going to get more into specifics. So, I'm sorry. I jumped ahead.

CHAIRMAN HOOD: That's All right. You just saved me from having to go back. But you went back so that's fine. Move on back to the question.

VICE CHAIR COHEN: Yes, yes, yes.

CHAIRMAN HOOD: I think what you were going to go into --

VICE CHAIR COHEN: Is something, yes.

CHAIRMAN HOOD: Right.

VICE CHAIR COHEN: I understand.

CHAIRMAN HOOD: Okay. So any objections to regulations the corner store?
Would somebody like to make a motion? I also would agree, I think they need to be regulated.

VICE CHAIR COHEN: I move to regulate corner stores.

COMMISSIONER TURNBULL: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition?

Not hearing, Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to provide regulations pertaining to corner stores. Commissioner Cohen moving, Commissioner Turnbull seconding. Commissioners Hood, May and Miller in support.

CHAIRMAN HOOD: Let me just say. The reason I would like for all of us to make a motion, because as Ms. Steingasser mentioned, we are all in this together. So I want everybody to get in trouble with me. No, I'm just playing.
Just a joke. Okay. Let's go to permit corner stores use in R-3 and R-4 zones. Set down said to allow corner stores as a matter of right in R-3 and R-4, subject to conditions. The alternative said, allow corner stores as a matter of right in other —

PARTICIPANT: Corner grocery stores.

CHAIRMAN HOOD: I'm sorry, allow corner grocery stores as a matter of right and other corner stores by special exception in R-3 and R-4. The public comments: Some said allow it as a matter of right. Allow it as a matter of right in R-3, R-4 and R-5 zones. Allow only by special exception. Allow only by variance. Do not allow. Office of Planning's recommendation to us was to allow corner grocery stores as a matter of right, and other corner stores by special exception in R-3 and R-4 as proposed in the alternative. Let's open it up for any comments. Vice Chair Cohen.

VICE CHAIR COHEN: I would
recommend that we allow corner stores as a matter of right. And my reasoning is based on not only having convenience in many neighborhoods where there are not many corner grocery stores, but also we have a population that's aging. I read in the AARP magazine that some of us get, that people who could no longer drive at a certain age, they live at least 6 to 10 years beyond that period of time. And if they don't have family and if they don't have neighbors who are willing to run their errands, I think this is an important necessity for them to have. I just believe that it's an opportunity for some entrepreneurs to set up grocery stores if they meet regulations that we will have in place, based on what we just approved.

CHAIRMAN HOOD: Okay. Any other comments? What we have before us. Commissioner Miller has a question.

COMMISSIONER MILLER: I have a question for the Vice Chair. You were saying to allow corner stores as a matter of right, not
just corner grocery stores.

VICE CHAIR COHEN: Corner, I'm sorry, I should have specified what is stated here.

COMMISSIONER MILLER: Oh, it is corner grocery stores. Okay. Thank you.

CHAIRMAN HOOD: Any other comments? Ms. Steingasser, I need you to probably help me with the definition, I looked at it last night when we were talking about definitions. I thought the corner grocery store definition, I'm trying to, oh, here, it came up. Let's see what that says. I don't know if anybody else is with me. And I guess, well let me ask, Ms. Steingasser. You can get it quicker than I can find it. Corner grocery stores, what was the definition again? What was the difference between a corner grocery store and a corner store?

MR. LAWSON: Sure. Well, in the original proposal there wasn't one. What we proposed as we went along, because we heard a
lot of comments from the community that they, if there was going to be a by right provision at all, there are certainly a lot of people who don't believe there should be. But if there was going to be one, then it should be required to sell healthy foods and not just snacks and chips and that kind of stuff.

So we did some research. We looked at what some other cities are doing, and we did propose a definition such that it would include a minimum of 40 percent of consumer related sales in display areas. So things that are, that you use to make food as opposed to prepackaged, pre-prepared foods and then 20 percent minimum devoted to perishable goods. That would be like dairy, bakery, fresh foods, vegetables, you know, that kind of stuff. And that would establish that if it was going to be by right, it would have to provide those healthy options to the residents of that neighborhood. If a store didn't want to provide those healthy options, then it would no longer be by right and
it would have to go through the BZA approval process.

CHAIRMAN HOOD: So it's only in the R-3 and R-4 and then the commercial zones.

MR. LAWSON: It's only in the R-3 and R-4. This is just for the corner stores.

CHAIRMAN HOOD: Okay. Colleagues I'm always one who believes in public input. I'm more in line with the allow only by special exception. And I know there are some distinct differences from corner stores and corner grocery stores. And I looked at it last night. While I like the definition of corner grocery store, but I still think it needs to have public input. Not that it's going to disenfranchise any entrepreneurs. Not that I hear the argument about being able to walk to the corner. But when I look at a code for the city, there are going to be a lot of us, or a lot of people when they get to be about 100, not going to be able to walk to the corner.

So, again, for me it's about
balance. And I also think that one of the issues we've had in this city for so many years is, in some neighborhoods, too many liquor stores. And I think public input and a public discussion, at least from my standpoint, should be the way we go here. And it says allow only by special exception, so it can be reviewed. That's my input. Any other comments? Commissioner May.

COMMISSIONER MAY: Yes, I looked back at a lot of the comments on this particular topic, because I know this is one of the more contentious topics. And we really did get the full range. I think there's some people who think that corner stores are the greatest thing and just think that they should be in every neighborhood and everybody should have the benefit of those. I think the people who believe that are the ones who probably don't live right next door the corner store and they also have a really good, helpful corner store in their neighborhood. I happen to have in my neighborhood, there are several that are within
biking distance and there's one within walking
distance, and it's a really great corner store
and they sell beer and wine, and they sell some
fresh fruit and vegetables, and they've got a
lot of other stuff, too. They got their share
of junk. But it's a pretty balance array of
stuff. And they don't have a lot of people
hanging out in front. And they're not selling
drug paraphernalia that used to be a problem
years ago, or the things that could become drug
paraphernalia in some form.

That being said, I've lived in the
neighborhood long enough where I knew a lot of
corner stores that weren't quite so nice, and
that they have a lot of the stuff that you don't
want to have, and there were people hanging out
in front of it. I mean, 11 or 12 o'clock, back
when you could buy beer at 11 o'clock at night,
you go down to the Rosmack at 8th and D
Northeast, and there are a lot of people hanging
out. And it was, I mean, I liked it because I
didn't live right there and I could go there and
get beer at 11 o'clock at night, and I was 20 years old. But if, nowadays, would I want to have that next door to me? No, I really wouldn't. I wouldn't want to have it anywhere near me because of the noise and nuisance it could generate.

That being said, I think that what the Office of Planning has come up with is a reasonable compromise because it does provide for some of the things that we know to be good, which are convenient places to get groceries and, in particular, healthier options, not just prepackaged food, frozen food, chips and candy and all that sort of stuff. Certainly they're going to be selling those things. That's where a lot of the money is. But promoting ready access, being able to walk to the store and buy a head of lettuce or something like that is a really good thing. And so I think that this is probably a reasonable compromise and any time you're talking about something with alcohol, it's going to have to go through a special
exception process. So I understand there's a
certain hesitance. And maybe this is a really
good reason why certain neighborhoods need to
have customized zones, because of their special
concerns in this area. But I think this is a
pretty good starting point.

CHAIRMAN HOOD: Any other

COMMISSIONER MILLER: Yes. I would
agree with a lot of what Commissioner May just
said. And there are a lot of conditions that are
set forth that we're going to get to in about
two minutes or in a few minutes. And even with
the matter of right, it has to meet all these
other conditions and there are prohibitions. So
I think that to the extent that there's
something detrimental that we want to regulate
against or prohibit or restrict, we'll have the
opportunity to do it when we get to the
conditions and prohibitions which follow this
item.

CHAIRMAN HOOD: Okay. Any other
comments? Commissioner Turnbull.

COMMISSIONER TURNBULL: Yes.

Thanks, Mr. Chair. I struggled with this also. Because when you go back and you read the comments and when you recall the hearing, we had a lot of impassioned people who talked both ways. And so there are obviously some big pluses for it, but there are other negative aspects that really came across and hit home, too. And I think as Commissioner Miller said, I think it's the safeguards, the conditions that you put on top of this. And especially if it's the grocery store is the only that's a matter of right. And by conditioning that, hopefully, I think we can address and get enough safeguards that the neighborhoods will feel comfortable with this.

CHAIRMAN HOOD: Okay. I am going to be voting against, if it goes like what I'm hearing. I still think that, even with the grocery store, and again it should apply to all neighborhoods. Some of the things that I'm
seeing here will not be germane to my neighborhood. And I think, when we look at the code, we want to make sure, again, that we allow public input. Yes, I know the conditions are there. But I think, again, we're silencing the voice of the public. And that's just my opinion on this. It doesn't sound like it's going to go my way, but I'll be voting against this.

COMMISSIONER TURNBULL: So, Mr. Chair, you would rather have a special exception for even the grocery store.

CHAIRMAN HOOD: Even the grocery store. I think public review, public input in this city is important. If that was the case, we probably shouldn't have any hearings. We should just say, okay, here are the conditions, and that's it. I think public import is important in this city. And I think some of the things that be captured through a special exception process may not be captured in all of the regulations we have here. I understand the difference, and that's why I went back through
the definition of what was said grocery store. And then another thing, even if we did do that, enforcement is a major issue. We're setting up an enforcement issue. I'm not going to say that, I remember one time the city saying we didn't have enough inspectors. I go back to that. So, you know, I just think that, again, coming and having a public process is important. So, but I see that, I don't think I have the votes.

VICE CHAIR COHEN: Mr. Chairman, again, I think corner groceries did initiate much discussion publicly. There were, and I actually counted, there was about an equal number of fors and against, so it's very difficult to say that a lot of people were against it. But there were also a lot of people for it. The other thing is, I believe that people themselves come together over issues and try to manage their neighborhood issues through, I had the experience on Capitol Hill, to not use a particular corner grocery store. And as our neighbors got together, we boycotted
it and we made sure that the owner changed the way he was doing business. So I think that the enforcement, you're right, you can't rely on the government always for enforcement. But I have a lot of faith in people who can make change in their own neighborhood, as long as there is the backup for them to do so. That there are these regulations in place that they can use as a matter of organizing.

CHAIRMAN HOOD: Okay. When I was growing up in this city, Vice Chair, there was a corner store that sold marijuana. Do we have any, and I know we're talking about something totally different, and I know that was when I was in high school, so that was some years ago. So again those kind of stories can be vetted or dealt with in a public process. I just think that we're stifling it. While I know what Commissioner Miller said about the conditions are there, but those kind of conditions don't come up. So I just think that public input is where we need to stay but. So if you want to make
a motion, you can, if not.

COMMISSIONER TURNBULL: No, I just want to, let me just, you feel that the ANC ought to be involved, the community ought to be involved.

And they can make a decision for that part of the city, that they ought to have the input as to whether or not they really want --

CHAIRMAN HOOD: I think public process is important. I think that if they, because I actually, and I don't want to be personal, because I was the main one said let's not make this personal, but certain neighborhoods it would work and certain neighborhoods it won't work. So I think the best way to solve that issue from what we heard, and this is not a popularity contest, 50 people for it, 50 against it. What works? It gives everybody public input, is what works. That's why we have hearings. That works. Let's have a public vetting processing. You may have a
special exception and nobody shows up. Silence is golden. That mean, okay, fine. We don't have a problem with the grocery corner store.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: I just think it needs to be vetted. And I think we need to give the citizens in this city a chance to vet it. I think if we do it this way and we call it a matter of right, then, you know, what's the input? Then who's going to run around and check the regulations? I don't have to do it, Vice Chair.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: I'm not making it personal but I'm just saying.

VICE CHAIR COHEN: But if it's a problem, people make times for things, if it becomes a problem. But I think that there's a lot of positives in making it convenient. And that the regulations on assuring that there is fresh and healthy food. By the way, the marijuana thing may end up being a corner store
based on what happens in November. But aside from that, again, I understand where you're coming from. I appreciate it. I think we've heard both sides of it and I feel that we have enough in place so that they don't have to go through the process of government. And yes, it give an opportunity to the public, but it's also very government, and I'm surprised I'm saying this because I sound like some people out there that I don't respect. I don't like the government involved in every single thing that needs to happen in the city.

CHAIRMAN HOOD: Okay. I move that we allow corner stores in R-3 and R-4 by special exception and ask for a second. Okay. It dies.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Any further discussion? Commissioner Miller.

COMMISSIONER MILLER: Yes, I struggled with this as well. I would say that with all the conditions and prohibitions that
we're going to be getting to very shortly, whether it's by special exception or matter of right, the margin of profit for these corner stores is going to be very minimal. And we have some testimony that these conditions and prohibitions have come from testimony that we received.

VICE CHAIR COHEN: Mm-hmm.

COMMISSIONER MILLER: But the margin of profit is going to be such that, some of the testimony said they won't even bother to open, because they can't, they won't be able to make it with that amount of shelf space or that limitation on size or that limitation on the operation of hours. So I just have to put the additional burden and cost of going through a Board of Zoning adjustment process and delay, I have some concern about that. But I think the conditions and safeguards, whether it's by special exception or as a matter of right, can address what you're talking about. But I did struggle with this one.
CHAIRMAN HOOD: Okay. Any further discussion? All those in favor of my motion? Aye.

COMMISSIONER TURNBULL: Aye.

CHAIRMAN HOOD: Any opposed?

VICE CHAIR COHEN: Oppose.

COMMISSIONER MILLER: Oppose.

COMMISSIONER MAY: Oppose.

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

MS. SCHELLIN: Yes. Staff records the vote 2 to 3 to 0 to allow corner stores by special exception in R-3 and R-4 zones. Motion fails. Commissioner Hood moving, Commissioner Turnbull seconding. Commissioners May, Cohen and Miller opposed.

COMMISSIONER MILLER: Mr. Chairman, do we need to then make the original motion? Or can we --

PARTICIPANT: We need a new motion.

COMMISSIONER MILLER: -- by inference? No, we can't by inference.
CHAIRMAN HOOD: We really need a motion because if you don't make a motion, then you have nothing. So if you don't want to make it, I'm fine either way. Okay?

COMMISSIONER MILLER: I just wanted procedurally to know if we needed to do it.

CHAIRMAN HOOD: But I was just saying, if you don't, trust me, I'm fine. So you can go ahead.

COMMISSIONER MILLER: I'll defer to the Vice Chair.

VICE CHAIR COHEN: Okay. I move to permit corner grocery stores as a matter of right and other corner stores by special exception in R-3 and R-4, and as we get to the next listing, there are restrictions that will guide the opening of any corner store, grocery store.

CHAIRMAN HOOD: Okay. It's been moved. Is there --

COMMISSIONER MILLER: Second.
CHAIRMAN HOOD: -- a second? It's been moved and properly seconded. Any further discussion? I will just say that those conditions will speak for themselves when we get there. I would not incorporate, I have a issue with that being incorporated in this motion.

VICE CHAIR COHEN: My motion to eliminate the special restrictions.

CHAIRMAN HOOD: Okay. Because the way I see it is that you're allowing for, while you're making the motion in something that we haven't even taken up yet, conditions. Okay. So it's been moved. Is that friendly amendment accepted Commissioner Miller?

COMMISSIONER MILLER: Yes.

CHAIRMAN HOOD: Oh, who seconded it?

COMMISSIONER MILLER: I did.

CHAIRMAN HOOD: Okay. So it's been moved and seconded. Any further discussion? All those in favor?
Chorus of Ayes.


COMMISSIONER TURNBULL: Opposed.

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

MS. SCHELLIN: Yes. Staff records the vote 3 to 2 to 0 to allow corner grocery stores as a matter of right and other corner stores by special exception in the R-3 and R-4 as proposed in the alternative. Commissioner Cohen moving, Commissioner Miller seconding, Commissioner May in support. Commissioners Hood and Turnbull opposed.

CHAIRMAN HOOD: Okay. Location 3-A, general location conditions. These are the conditions, Vice Chair. Set down: Allow corner grocery stores as a matter of right in the R-3 and R-4 zones, subject to the following provisions. At the intersection of 2 generally perpendicular streets on an interior or through lot, providing the building predates May 12, 1958, and was proposed built for a
non-residential use as verified by the Zoning Administrator. A minimum of 500 feet from the nearest property zone, mixed use or neighborhood commercial. Not within 500 feet of more than one other lot with a corner store used, defined as an eating and drinking establishment. Not within 500 feet or more than three other lots with the corner store use defined as retail, general service or arts design and creation. Public comments: Do not allow grocery stores as a matter of right. Allow only at request of neighborhood. Do not restrict the location of corner stores. And the recommendation: Allow corner grocery stores as a matter of right, subject to conditions as set down. Any comments?

COMMISSIONER MILLER: Mr. Chairman.

CHAIRMAN HOOD: Yes.

COMMISSIONER MILLER: I'm in support of these general location conditions and would just note that we're going to get
later on to the items that have prohibitions and other restrictions and allow or don't allow waiver of these location restrictions. I would just note that for the record.

CHAIRMAN HOOD: Okay. Any other comments?

VICE CHAIR COHEN: Yes. Mr. Chairman, in my reading, we are not in any way placing corner groceries where it was a residential unit. We're not taking away any residential units. And I want OP to verify that for me, please.

MR. LAWSON: I'm sorry. I'm not sure I understand your question.

VICE CHAIR COHEN: Again, it's location restrictions. Somewhere I read that the location of a corner grocery store will not in any way impinge on any residential. Okay, we will not permit any residential unit to be sacrificed for a store.

MR. LAWSON: The answer is basically yes, I think. The provisions would
allow for the, as proposed, continuation of an existing store. But it would allow for the conversion of a building that may be currently used as residential to a corner store. It would be limited to the ground floor only. So there would still be the potential for residential up above the ground floor. But, no, this wouldn't apply just to existing commercial purpose built establishments if that's what you meant.

VICE CHAIR COHEN: Thank you.

CHAIRMAN HOOD: Any other comments? Commissioner Turnbull.

COMMISSIONER TURNBULL: Yes. I just want to clarify. I mean, we're repeating as a matter of right. Aren't we basically just allowing corner stores in the following locations?

MR. LAWSON: That's actually a much better way of putting it, yes.

COMMISSIONER TURNBULL: Rather than saying as a matter of right again.

MR. LAWSON: Yes. Yes.
COMMISSIONER TURNBULL: Okay. And that would, okay.

MR. LAWSON: This would pertain to all corner stores.

VICE CHAIR COHEN: Okay.

CHAIRMAN HOOD: All corner stores, not corner grocery stores?

MR. LAWSON: That's correct.

CHAIRMAN HOOD: Okay. Now I'm getting confused. Because it says here all corner grocery stores, and there's a specific difference I thought in the regulations between corner grocery stores and then corner stores. Grocery stores I thought was fine with even though I thought it should be handled a different way, about healthy foods and what's going to be served or what's going to be purchased, as opposed to corner stores.

MR. LAWSON: The only difference between the two, under the OP proposal anyways, would be that the corner grocery store would be by right and the other ones would not. This
really should read, allow corner stores in the R-3 and R-4 zones subject to the following location provisions.

COMMISSIONER MILLER: That makes sense.

CHAIRMAN HOOD: So now we're saying allow corner stores.

MR. LAWSON: I'm sorry. I think that there was, we probably carried forward some wording that shouldn't be carried forward. I think what this should say is allow corner stores in R-3 and R-4 zones subject to the following provisions. So it doesn't relate to whether or not it's a matter of right or not. These are the location restrictions. And in fact if you wanted to put it a different way, it could be worded, establish the following location provisions related to all corner grocery stores.

CHAIRMAN HOOD: Okay. I'm still confused. Just bear with the me, it might take me a minute. So what was just passed by the
Commission was allow corner grocery stores as a matter of right. And in that discussion it was said that the corner grocery stores would be regulated by these conditions here.

    MR. LAWSON: And they would be. Yes. That is correct.

    CHAIRMAN HOOD: So they're regulated by this here, and these also apply to just corner stores.

    MR. LAWSON: These would apply to any corner grocery store, including a corner grocery store.

    MS. STEINGASSER: You have grocery in there.

    MR. LAWSON: I'm sorry. Jennifer just told me that I keep, I think I'm mixing you up, because I think I'm throwing extra words in there.

    (Simultaneous speaking)

    MR. LAWSON: I'm sorry. There's too many words here. This would apply to any corner store, including a corner grocery store. Yes.
COMMISSIONER MILLER: These are the only locations where they could be --

MR. LAWSON: That is correct.

COMMISSIONER MILLER: -- located.

MR. LAWSON: Yes.

COMMISSIONER MILLER:

(Simultaneous speaking)

MR. LAWSON: That is correct.

COMMISSIONER MILLER: -- by right, by special exception or even whether they're grocery or not, these are the only locations where corner stores could be --

(Simultaneous speaking.).

MR. LAWSON: Yes. They would have to meet these conditions. Yes.

CHAIRMAN HOOD: Okay. Any other comments?

MR. LAWSON: Just, sorry, in the interest of full disclosure, the exception to that would be of course an existing corner store, which is dealt with separately.

CHAIRMAN HOOD: Okay. All right.
COMMISSIONER MILLER: Mr. Chairman.

CHAIRMAN HOOD: Commissioner Miller.

COMMISSIONER MILLER: I would move that we approve the general location conditions for all new corner stores in the R-3 and R-4 zones as set forth in item 3-A.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It's been moved and properly seconded. Any further discussion? While I still would like to see all this as a special exception, I think conditions are better than nothing. So I'm going to be voting in favor of this. And I will say, I want to thank the Office of Planning for the direction of this. While I would like to see it as a special exception, it's not going that way. I know when I don't have the votes. But I can tell you that at least the corner grocery store, you found at least a compromise, even though I didn't necessarily agree with it. So I want to thank
Office of Planning for doing that. And I'm going
to be voting in favor of the conditions, because
that's better than nothing. But let the record
reflect that Hood wanted a special exception
and I think so did Mr. Turnbull. Okay. So it's
been moved. Any further discussion? All those
in favor?

Chorus of Ayes.

CHAIRMAN HOOD: Not hearing any
opposition, Ms. Schellin would you record the
vote?

MS. SCHELLIN: Yes, sir. Staff
records the vote 5 to 0 to 0 to allow corner
stores as a matter of right, subject to the
conditions listed under item 3-A. Commissioner
Miller moving, Commissioner May seconding.
Commissioners Hood, Cohen and Turnbull in
support.

CHAIRMAN HOOD: Okay. Next, let's
go to Georgetown 3-B. Allow corner stores in the
R-3 zone in Georgetown, subject to the
following conditions. Most of them I think are
similar with the exception of the minimum of feet from the nearest property zone, mixed use or neighborhood commercial, and maybe something else, but I think those are some of the things that they had tailored. Any other comments?

COMMISSIONER MILLER: I have a question.

CHAIRMAN HOOD: Commissioner Miller.

COMMISSIONER MILLER: So per Office of Planning the Georgetown custom proposal is allowing corner stores as a matter of right? Or through a special exception process?

MR. LAWSON: I'm sorry?

COMMISSIONER MILLER: Are these just the locational, it's really not relevant because these are like the previous item, these really are just the limited locations where any new corner stores could be located.

MR. LAWSON: Yes. These are just
the location restrictions.

COMMISSIONER MILLER: Right.

MR. LAWSON: Yes.

COMMISSIONER MILLER: Okay.

CHAIRMAN HOOD: Okay. Any other comments? Somebody like to make a motion?

COMMISSIONER MILLER: I would move, Mr. Chairman, that we adopt item 3-B as revised to state that these are the only locations in the R-3 zones where new corner stores would be allowed.

CHAIRMAN HOOD: It's been moved. Is somebody --

VICE CHAIR COHEN: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes, sir. Staff
records the vote 5 to 0 to 0 to approve with regard to Georgetown the only locations where corner stores are allowed. Commissioner Miller moving, Commissioner Cohen seconding. Commissioners Hood, May and Turnbull in support.

CHAIRMAN HOOD: Okay. Waiver of location restrictions. Set down: Permit the border zone adjustment to waive the location requirements provided the corner store use will be neighborhood serving. Will not negatively impact the economic viability and vitality of mixed use or neighborhood commercial areas within 500 feet to 750 feet, that's for Georgetown, the 750 feet. Will not create a concentration of non-residential uses that would detract from the overall residential character of the area. Will not result in undue impacts on residents of the area. Public comments: Allow waiver of location requirements. Do not allow waiver of location requirements. Office of Planning recommends us
to allow waiver of location requirements. Let me just ask, would this be a special exception process?

MR. LAWSON: Yes.

CHAIRMAN HOOD: Okay. So we are getting a special exception here somewhere. Okay. But that's only if it's a waiver. Okay. Any other comments?

COMMISSIONER TURNBULL: Well, should we say that in this?

CHAIRMAN HOOD: Yes. I think it needs to be clear what --

COMMISSIONER TURNBULL: Well right now it looks like the BZA, if an applicant says we'd like to waive it, they could simply waive it. I mean, there ought to be some stronger language I think to tighten it up.

MR. LAWSON: Yes. And that language is, or if you feel it's not there, it will be in the text. These, of course, are uses, with the exception of the corner healthy grocery store, that are subject to special exception
anyways. So it would be up to the applicant to prove, if they wanted to waive that location requirement, that they're addressing all of these criteria. We wanted to place some fairly, you know, hard and fast conditions, you know, on when those conditions might be waived.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: Okay. I would move for approval of the waiver of location restrictions, allow the waiver of location requirements as per the recommendation. And that's my motion. Can I get a second?

COMMISSIONER MILLER: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: And that's with the clarifying language with the special exception. Okay. All right. Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records
the vote 5 to 0 to 0 to approve allowing the waiver of location requirements per special exception process. Commissioner Hood moving, Commissioner Miller seconding. Commissioners May, Cohen and Turnbull in support.

CHAIRMAN HOOD: Okay. Next let's go to corner store prohibitions. Set down: A corner store shall not be permitted 1605.5 and 1006.5 on alley lots, on a lot containing an apartment accessory to the principal dwelling unit, on a lot containing another corner store and a building that is accessory to the principal building on a lot in a building or on a lot containing more than one dwelling unit, on an interior or through lot zone R-3 in Georgetown that had not been used as a corner store for 3 or more consecutive years. Okay.

The alternatives: Prohibit corner store uses in squares 1327 and squares 1350 to 1353. Public comments: Permit corner stores in small apartment buildings. Corner stores should not be built within 1200 feet of an
existing commercial zone property in a neighborhood, such as Fox Hall Village, that was built around a central commercial core that is walkable from all points in the neighborhood. The Office of Planning's recommendation is prohibit corner stores on alley lots, on a lot containing an apartment accessory to the principal dwelling unit, on a lot containing another corner store in accessory buildings and buildings on a lot containing more than one dwelling unit on an interior or through lot, zone R-3 in Georgetown, that had not been used as a corner store for 3 or more consecutive years in square 1327 and squares 1350 to 1353. Any comments?

COMMISSIONER TURNBULL: Where are those squares?

PARTICIPANT: Foxhall Village.

COMMISSIONER TURNBULL: That's what I thought. I just wanted to clarify that you were addressing a Fox Hall Village concern. Mr. Chair, if there's no other comments.
CHAIRMAN HOOD: We have a comment.

COMMISSIONER TURNBULL: Do we?

Okay.

CHAIRMAN HOOD: Yes. If we're prohibiting corner stores in these squares now, what happens to the other areas? Or have we done all the research and we've covered the whole city, to find out we don't need to put more squares? I get concerned when we start zoning like that.

MS. STEINGASSER: We have done a survey of all of the R-3 and R-4 zones in the city and mapped out where corner stores could or could not be. Foxhall Village is interesting because it is a planned community that was already built around a corner store type of commercial center and Jetties is there and that's all I've ever been to. But it already anticipated that commercial walkability and so that's why we didn't include them. It already exists. It's there. It's zoned C-1. So there was no need to include it.
CHAIRMAN HOOD: So if we miss, though, some areas, we would have to come back and correct what we have, if we go down that line. Correct? I'm sure we probably didn't but, you know, there's always that chance.

MS. STEINGASSER: Sure, if the neighborhood came forward and said we are also a planned community that was in 1926 and, you know, could demonstrate that same development pattern, we would absolutely include them.

CHAIRMAN HOOD: Okay. Regardless of what year it was built, I think the concept, though, is something that was structured then. Okay. Just wanted to make sure that was clear for the record, and clear to myself. Commissioner Miller.

COMMISSIONER MILLER: Thank you, Mr. Chairman. I have some concern about that too. Because I think there are a lot of neighborhoods, planned or not, whatever year they're not, that are fortunate to have walkable, within walking distance a C-1, you
know, the C-1 types of stores. And I think the restrictions that we have on the locations with the 500 feet and other stores are trying to get it, not hurting those neighborhood commercial areas. I would think that those locational restrictions would, for the most part, protect the Fox Hall Village area, as they're protecting other neighborhoods. That's just my only comment on that. But I had a question about the restriction, the prohibition of a corner grocery store in a building or on a lot containing more than one dwelling unit. What was the rationale for that if there was a grocery store on the ground floor and there was 2 or 3 units above. What are we trying to get at by having this restriction?

MS. STEINGASSER: Again, this is focused, these permissions are only in the R-3 and the R-4 zones. So it was aimed at protecting those that are developed as flats and not creating kind of a multipurpose building that had, you know, more than one unit and a
commercial enterprise. So it anticipated that one of those spaces would be used for the corner store, but the second residential unit could still be used for residential purposes.

COMMISSIONER MILLER: So if it was a family run corner grocery store that wanted to live above their corner grocery store, they'd all have to live in one unit?

MS. STEINGASSER: Yes.

COMMISSIONER MILLER: Okay. I think it's something we need to think about as we go forward, that we might want to be able to accommodate the traditional kind of family living above a grocery store in more than one unit. It's something to think about. I would just note that I don't think it's a conflict of interest, but I think my great-grandfather might have had that living pattern in a grocery store in the 1930s in Washington, DC.

CHAIRMAN HOOD: Okay. Do you want to make a motion?

VICE CHAIR COHEN: My grandfather
CHAIRMAN HOOD: Yes. Okay.

COMMISSIONER MILLER: I don't think it was a residential zone.

CHAIRMAN HOOD: Okay. So any other comments? Somebody like to make a motion?

COMMISSIONER MAY: I would move that we adopt the corner store prohibitions as described in section 5 of our worksheet, corner store shall not be permitted, subtitle D, section 1605.5 and subtitle E, section 1006.5. And I won't list them all but, you know, that's the reference.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: Second that.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?
MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to accept the corner store prohibition. I'm assuming that's the alternative language? Correct, Commissioner May?

CHAIRMAN HOOD: Commissioner May.

COMMISSIONER MAY: Yes. The alternative language incorporating the prohibition --

MS. SCHELLIN: The squares, yes.

COMMISSIONER MAY: -- in the squares 1327, 1350 and 1353.

MS. SCHELLIN: All right. Accepting the alternative language that also incorporates the squares 1327 and squares 1350 through 1353. Commissioner May moving, Commissioner Cohen seconding. Commissioners Hood, Turnbull and Miller in support.

CHAIRMAN HOOD: Okay. Next, conditions for matter of right, corner stores in R-3 and R-4, limit the total permitted area for corner stores. Set down: The limit corner
stores was 1200 square feet in total area. The public comments was do not limit the total square footage of corner stores. The recommendation is to limit total area to 1200 square feet. Any comments?

VICE CHAIR COHEN: I just have a question.

CHAIRMAN HOOD: Vice Chair Cohen.

VICE CHAIR COHEN: 1200 square feet, did you do an analysis of this from existing corner stores? How did you derive 1200?

MR. LAWSON: Well we took a look at the nature of the lots where we're proposing these, R-3 and R-4. The 1200 square foot footprint is not an uncommon kind of a footprint. In the R-3 and R-4 zones the lots tend to be a little bit smaller, but particularly in R-4 the lot occupancy is a little bit bigger. The intention is certainly here that they be located on the ground floor, maybe some storage space in the basement kind
of thing. But that we want to make sure it didn't take over the property.

COMMISSIONER MAY: You raise a question for me, though. Storage in a basement would count toward the 1200 square feet, but storage in the cellar would not? Or would it?

MR. LAWSON: I have to admit, I'd have to look at the details of the text, whether it talks about square footage or whether it talks about square footage that counts towards FAR.

COMMISSIONER MAY: FAR, right.

MR. LAWSON: I think it's a square footage limit, in which case it wouldn't matter if it's a basement or a cellar. But we can clarify that. If you have a preference, we'd be happy to incorporate that.

COMMISSIONER MAY: I don't think I have a preference, but we should be clear about it. I think it's fairly common to have a ground floor as the store and then have all, the entire footprint of that ground floor in the cellar as
storage. And very often, I mean, when I'm picturing corner stores, they're typically kind of walk in, one or two steps up. So it's always going to be a cellar, not a basement. So I think we should look at that, your study of footprints to understand what the right answer is.

MR. LAWSON: Yes. We'd be happy to look at that and provide some clarification there. Certainly the intent is to provide for that storage, you know, within the building because it should not be located external to the building.

COMMISSIONER MAY: Right. Okay.

COMMISSIONER TURNBULL: Yes, I just did a quick calculation. That's a footprint of about 20 feet by 60 feet over 25 by 48, so it's a fairly, it's not a very substantial store. I mean, it's --

MR. LAWSON: Absolutely. It's not a big area.

COMMISSIONER TURNBULL: Yes.
MR. LAWSON: It's intended to be --

COMMISSIONER TURNBULL: Your corner store.

MR. LAWSON: -- a small area. Yes.

COMMISSIONER TURNBULL: Yes.

COMMISSIONER MAY: So, using those calculations, if the cellar is included in that 1200 square feet, then I think it's going to be a really small store. Because I'm thinking about the corner stores in my neighborhood and, off the top of my head, I would say that of the 3 that I think of right away, one of them would be less than 1200 square feet if the cellar is all storage space and the other 2 would not. And none of them are really big.

CHAIRMAN HOOD: And as I think about the corner stores in my neighborhood, it's going to be extremely small. Because most of them don't exist. Okay. Anything else? Okay.

VICE CHAIR COHEN: Well I think OP is going to come back with a confirmation of this square footage, or you're confident that
that's the right number?

MR. LAWSON: We're certainly comfortable with the number. I think we've certainly taken Commissioner May's points of clarifying how that number can be kind of allocated between the basement and the ground floor, and we'll certainly take a look at that. We'll definitely provide that clarification language and highlight that in the text that's provided to you in early November.

CHAIRMAN HOOD: Okay. I think we're all on board with the 1200 square feet. I would move that we limit the total area to 1200 square feet and ask for a second.

COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: It's been moved and properly seconded. All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition?

Not hearing any, Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the
vote 5 to 0 to 0 to limit the total area to 1200 square feet with regard to the limit permitted area for corner stores. Commissioner Hood moving, Commissioner Turnbull seconding. Commissioners May, Cohen and Miller in support.

CHAIRMAN HOOD: Okay. We are at the 2 hour mark. I'm going to try to finish this up before we take a 5 minute break. Is that okay? Or do we need one now? Okay. Let's go to prohibit alcoholic beverages sales for on-site consumption. Set down: Prohibiting the sale of alcoholic beverages for on-site consumption. The public comments says, include new requirement that an applicant for a corner store liquor license for on-site consumption of alcohol shall sign a ABRA approved voluntary agreement with the presiding ANC to ensure compliance. Office of Planning's recommendation: Prohibit the sale of alcoholic beverages for on-site consumption. Let's open up any comments.

VICE CHAIR COHEN: Does anybody
know if ABRA has the authority to --

PARTICIPANT: Mr. Miller?

CHAIRMAN HOOD: They do have voluntary --

(Simultaneous speaking.)

VICE CHAIR COHEN: They do have voluntary agreements, usually for, I don't know if it covers grocery stores does it? Do you know?

CHAIRMAN HOOD: I think that's directed to --

VICE CHAIR COHEN: Yes. Anybody?

COMMISSIONER MAY: I don't know. I mean this would be a loosening of the proposal. Because we're saying --

VICE CHAIR COHEN: Just prohibit it.

COMMISSIONER MAY: -- prohibit it and they're saying that --

VICE CHAIR COHEN: Good point.

COMMISSIONER MAY: -- for on-site consumption they'd have to have a voluntary
agreement. Well we're not saying, I mean, I'm sorry. I think the basic question is whether we're willing to consider on-site consumption, and I don't think we are.

VICE CHAIR COHEN: No.

COMMISSIONER MAY: Right.

VICE CHAIR COHEN: Good point. So then I will move to prohibit alcoholic beverage sales for on-site consumption in a corner grocery store.

COMMISSIONER MAY: Second.

CHAIRMAN HOOD: Okay. And I think when we say on-site, we're talking about inside. Because they always go outside. Okay.

VICE CHAIR COHEN: That's the next one.

CHAIRMAN HOOD: Okay. That's the next one. Okay. I'm just thinking about zoning for the city. Okay. It's been moved and property seconded. Any further discussion? All those in favor?

(Chorus of Ayes.)
CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to prohibit the sale of alcoholic beverages for on-site consumption. Commissioner Cohen moving, Commissioner May seconding. Commissioners Hood, Miller and Turnbull in support.

CHAIRMAN HOOD: Next, limit alcoholic beverages sales for off-site consumption. Set down: Limit of the GFA devoted gross floor area devoted to the sale of beer and wine for off-site consumption to no more than 15 percent of the floor area of the corner store. Alternative: Permit beer and wine sales for off-site consumption capped at 15 percent of the floor area by special exception. Public comments: Prohibit alcoholic beverages sales for off-site consumption. Prohibit unlimited alcoholic beverages sales for off-site consumption. The recommendation: Prohibit beer
and wine sales for off-site consumption, capped at 15 percent of the floor area by special exception. Let's open up any comments.

COMMISSIONER MAY: I just, I think this is fine the way it is. I do think that the square footage question of cellar space plays into this on some level and whether storage space devoted to beer and wine storage is part of that calculation. Or, whether the percentage applies only to the sales area, which I think is the intent?

MR. LAWSON: That's correct.

COMMISSIONER MAY: Yes. So I think it just needs to be clarified that that's what we mean.

CHAIRMAN HOOD: Commissioner Miller.

COMMISSIONER MILLER: Mr. Chairman, I don't have a problem from this from a zoning perspective. But I would just note that the ABC statute as it currently, well as it's read on the books for some time, section 25-336
of the DC official code, generally prohibits retailers ABC licenses in residential use districts unless they were there at the time that this was adopted. I think it ties it back to a CFO in January 1, 2000. So even if we have this zoning provision, it's not, unless this law changes, I don't think there will be any new off-site retail established in a residential area.

CHAIRMAN HOOD: Hmm. So I guess the question is, how did we get to this point? I mean, do we do it anyway and it doesn't mean anything or? Because it's not allowed anyway, right? According to what you just --

COMMISSIONER MILLER: No. Where it wasn't operating there as of 14 years ago. Yes.

CHAIRMAN HOOD: Mr. Lawson and Ms. Vitale, can you tell us how we got there?

MS. VITALE: Commissioner Miller is correct. A new license couldn't be issued for an establishment in a residential zone. But we wanted to include these provisions should there
be future changes in the law. And obviously there are, you know, existing corner stores out there today. So we did want to factor in this special exception provision should things change in the future.

CHAIRMAN HOOD: Okay. I think that's a good rationale. Any other comments, colleagues? Somebody like to make a motion?

VICE CHAIR COHEN: I move to limit alcoholic beverage sales for off-site consumption, capped at 15 percent of the floor area by special exemption. I move to accept that.

CHAIRMAN HOOD: I'll second it. Moved and properly seconded. Any further discussion? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to permit beer and wine sales
for off-site consumption, capped at 15 percent of floor area by special exception. Commissioner Cohen moving, Commissioner Hood seconding. Commissioners May, Miller and Turnbull in support.

CHAIRMAN HOOD: Okay. Next, onsite cooking of food. The set down would prohibit the onsite cooking of food and installations of grease traps. Permit the assembly and reheating of food. The recommendation by Office of Planning: Prohibit the onsite cooking of food and installation of grease traps. Permit the assembly and reheating of food. Okay, the set down is exactly what the recommendation. I don't know if we had a whole lot of conversation on that. Let's open up for any discussion. We don't have any discussion. We don't have to have any. We can move and --

COMMISSIONER MAY: I would move that we accept the recommendation to prohibit onsite cooking of food and food installation of grease traps. Permit the assembly and reheating
of food.

COMMISSIONER TURNBULL: Second.

VICE CHAIR COHEN: I second it.

CHAIRMAN HOOD: Okay. It's been moved and seconded twice. All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to prohibit the onsite cooking of food and installation of grease traps. Permit the assembly and reheating of food. Commissioner May moving, Commissioner Turnbull seconding. Commissioners Hood, Cohen and Miller in support.

CHAIRMAN HOOD: Okay. Let's go to storage. Set down: Materials and trash shall be stored within the building area devoted to the corner store. There shall be no external storage of materials or trash. Public comments: Support any requirements for storage of trash.
on private property. The Office of Planning's recommendation: Require storage of material and trash within the corner store building area.

COMMISSIONER MAY: Mr. Chairman, I would move that we accept the recommendation that materials and trash shall be stored within the building area devoted to the corner store, and there should be no external storage of materials or trash.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Okay. It's been moved and seconded. I have a question to the Office of Planning. I'm trying to make sure, so we're not talking about outside, we're talking about inside the store. We're not talking about dumpsters that sit out in front of the stores like in my neighborhood. We're not talking about that.

MR. LAWSON: We're exactly talking about having it inside the building. Inside the building, yes. So not in a dumpster on the
street. Not in the --

CHAIRMAN HOOD: In front.

MR. LAWSON: -- back alley, not in the front. Yes.

CHAIRMAN HOOD: Okay. All right.

Commissioner Miller.

COMMISSIONER MILLER: So I have a question. I don't know if this is what Commissioner May was referring to before. So it would have to be in the 1200 square feet? It couldn't be in a basement below that? Or is that something that you're looking at in conjunction with Commissioner May's question about --

MR. LAWSON: I think it was a really good suggestion that we take a look at that. I know that our, I believe that, I'll just speak for me. My intention was that it would be part of that 1200 square feet. But I'm starting to understand, starting to get a better sense that this needs some clarity and some clarification. I think it's a good point and we'll make sure that's done.
CHAIRMAN HOOD: We have motion on the table. It's been moved and seconded. Any further discussion? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to require storage of materials and trash within the corner store building area, meaning to clarify that that's inside of the corner store. Commissioner May moving, Commissioner Cohen seconding. Commissioners Hood, Turnbull and Miller in support.

CHAIRMAN HOOD: Okay. Next let's go to dry cleaning. Set down: Prohibit the onsite use of storage of dry cleaning chemicals. Office of Planning's recommendation: Prohibit the onsite use of storage for dry cleaning chemicals. Any --

Commissioner May.
COMMISSIONER MAY: I jumped ahead because I didn't see any public comments. But I was going to go ahead and make a motion. Is that All right?

CHAIRMAN HOOD: Okay. Prohibit the onsite use of storage of dry cleaning chemicals. Okay.

COMMISSIONER TURNBULL: So it's basically a drop off and pick up place.

PARTICIPANT: Right. I mean --

CHAIRMAN HOOD: Oh, okay. So you can't do the work there. You would have to just pick up and then work --

PARTICIPANT: Right.

CHAIRMAN HOOD: Okay. All right.

COMMISSIONER TURNBULL: They would send it out.

CHAIRMAN HOOD: Okay. So that goes against their entrepreneurship argument. Okay. Anyway, I figured I would throw that in there.

VICE CHAIR COHEN: That they are hiring people to do the cleaning to bring back
to the store.

CHAIRMAN HOOD: We can always make it sound, I started, so I'll take it. Okay. So it's been moved. Can somebody make a motion?

COMMISSIONER MAY: I'll make a motion that we accept the recommendation to prohibit the onsite use or storage of dry cleaning chemicals.

COMMISSIONER MILLER: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to prohibit the onsite use or storage of dry cleaning chemicals. Commissioner May moving, Commissioner Miller seconding. Commissioners Hood, Cohen and Turnbull in support.
CHAIRMAN HOOD: Okay. Let's go to the corner grocery store. Set down: Permit a corner store that is fresh food market or grocery store as a matter of right, subject to conditions including limited hours, 7 a.m. to 9 p.m., on a flush mounted, non-illuminated sign.

The alternative: For a matter of right corner grocery store, require that a minimum of 40 percent of the customer accessible sales in display area be dedicated to the sale of a general line of food products intended for home preparation and consumption, and a minimum of 20 percent of retail space be dedicated to the sale of perishable good that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods.

Public comments: Oppose restrictions that establish minimums for sales in display areas of fresh foods and foods for home preparation and consumption. Allow corner grocery stores as a matter of right at the
intersections of 2 generally perpendicular streets and on an interior of a through lot, provided the building predates May 12, 1958, and was purpose, built for non-residential use, and only if the building was used for a corner store use within the past 3 years as verified by the Zoning Administrator.

The Office of Planning's recommendation: Permit corner grocery stores as a matter of right subject to the conditions as set down in the alternative.

COMMISSIONER MAY: I just want to clarify that the recommendation is what was set down in terms of time restrictions and signage plus the alternative language. Is that right?

MR. LAWSON: That's correct.

COMMISSIONER MAY: Right.

CHAIRMAN HOOD: So let me ask this before we make a motion. Mr. Lawson, help me understand what exactly we're doing here. Because that's a lot for enforcement I think. I understand what we're trying to get to, but
I'm just trying to figure out, I guess that question may come later. How are we going to enforce all this? Or what are trying to achieve here? A certain percentage of certain types of foods in the corner store? Or try and eliminate something? What is our goal?

MR. LAWSON: Well the goal here is that if it's going to be a by right use, that it provide a broader range of services, I guess, broader range of product to the neighborhood that it's intended to serve, by ensuring that it provides some space devoted to materials that are used in food preparation and some space devoted to fresh foods, basically. So it isn't all just prepackaged, preprepared kinds of foods. So that's the intent. Now it would be enforced the same way everything else is enforced. It would be enforced by DCRA. It's not unusual for DCRA to be enforcing how a use is operating within a building. So it's something that they're used to doing. It's something that they're equipped to do. It would also, of
course, if a neighborhood had a store that was approved and it wasn't performing up to standard, they would have some place to go. They would be able to go to DCRA and have it inspected to make sure that it's either conforming or not or brought up to a conforming situation.

VICE CHAIR COHEN: And correct me if I'm wrong. Does the Health Department get involved at all? Because they seem to be occasionally visiting certain grocery stores.

MR. LAWSON: Honestly I don't know the answer to that. I think the answer is probably, but we can certainly look into that and get a better answer for you, just what the role of the Department of Health is in a situation like this.

CHAIRMAN HOOD: I guess for me, if a neighborhood does complain that somebody's out of compliance, and they go to the Zoning Administrator, and I know some of those cases in this city have been very trying. I just don't see any repercussions. I'm not sure sometimes,
I've heard so many different stories about how that works. And I'm just, I don't know. I understand what we're trying to achieve to make sure we get the healthy percentages, but I just don't, I just think after you go to the Zoning Administrator and the store is not in compliance, then what does he do? Provoke the CFO?

MR. LAWSON: That's possible, yes. And again, what we were trying to do is to respond to some of the comments that we heard from the public, that a corner grocery store doesn't necessarily have to be a healthy store. And that's absolutely true, it doesn't. There are a lot of corner stores out there that don't sell a lot of healthy product, although there are some very interesting programs in the city that are helping many, many, dozens of corner stores provide healthy options to their neighborhood. Which is encouraging. So this is kind of building on some of those provisions. But, yes, this is intended to respond to some
of those comments. And, as I said, we believe that this is well within the parameters of what DCRA normally administers.

CHAIRMAN HOOD: Okay. Commissioner Miller.

COMMISSIONER MILLER: Yes, I would just follow up on what Mr. Lawson said, that there is an existing statutory and regulatory scheme whereby grocery stores are exempt from what would otherwise be a restriction on selling beer and wine in a commercially zoned district, which has a moratorium or some other limitation on ABC licenses. And there are similar percentages as I recall in terms of the amount of space that must be set aside for the items that are set aside here. So I don't know how well that's being enforced either, but it's not something that's new. It's something that, as Mr. Lawson said, is being built upon.

MR. LAWSON: Yes. I was actually referring to the DC Central Kitchen program.

MS. VITALE: Healthy Corners
MR. LAWSON: The Healthy Corners Initiative that we're working on with the district government, working directly with corner stores. Not necessarily in residential areas. Many of those corner stores they're working with are not, they're in commercial zones, some of them are in residential zones though, to assist them in being able to provide healthy options to the people of the neighborhood.

CHAIRMAN HOOD: Okay. Any other discussion? Did somebody make a motion? Would somebody like to make a motion?

VICE CHAIR COHEN: Mr. Chairman, I move to permit corner grocery stores as a matter of right, subject to conditions as set down in the alternative and they are listed under 6-G of our document.

COMMISSIONER MILLER: I would second that. And with the clarification that Commissioner May made, that it's both as set
down plus the alternative.

VICE CHAIR COHEN: Okay. I amend, yes.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition?

Opposed. Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to approve the permitting corner grocery stores as a matter of right, subject to the conditions as set down in the alternative and the original set down. Commissioner Cohen moving, Commissioner Miller seconding. Commissioners Hood, May and Turnbull in support.

CHAIRMAN HOOD: I actually voted against it.

MS. SCHELLIN: Oh, you did? I'm sorry. I'll re-record the vote. 4 to 1 to 0.
Commission Cohen moving, Commission Miller seconding. Commissioners and May and Turnbull in support, Commissioner Hood opposed.

CHAIRMAN HOOD: Okay. Let's go to relief for requirements. The set down said:
Allow relief for corner stores and retail, general service and arts design and creation uses by special exception, subject to conditions. A corner store not meeting the size onsite or offsite consumption, cooking, storage or dry cleaning provisions shall be considered a variance. The public comment:
There were none. Office of Planning's recommendation: Allow corner stores meeting the specified conditions by special exception of those not meeting the conditions by variance. Any comments?

COMMISSIONER TURNBULL: Why do we want to do this?

MR. LAWSON: This simply establishes the process by which somebody would get relief from these provisions and
establishes that some of those provisions would require a variance, as opposed to, which is a higher test, as opposed to a special exception, which is much more centered on, you know, impact.

COMMISSIONER TURNBULL: Okay. I mean, I guess this goes back to the whole corner store where we have a lot of impassioned people on both sides. And allowing something, either a bigger, you're allowing for a bigger store by this? It can go a lot of ways here. You can allow cooking, dry cleaning. This opens up the whole gamut of items, if I'm reading this right. Not meeting the size or onsite consumption. I guess I don't know how far we are looking at going with this.

MR. LAWSON: Everything after that semicolon would be considered a variance.

PARTICIPANT: Yes.

COMMISSIONER TURNBULL: So in other words a variance.

MR. LAWSON: That's not allowed.
Right. So a corner store not meeting size, onsite or offsite consumption, cooking, storage or dry cleaning provisions have to be variances.

COMMISSIONER TURNBULL: Okay. I'd just like to make that as strong as possible. If there's any other language --

PARTICIPANT: Yes, I --

COMMISSIONER TURNBULL: -- that could be added.

COMMISSIONER MAY: I think the recommendation is confusing. I had read it 4 times to understand which was a variance and which was a special exception.

CHAIRMAN HOOD: I don't know, Mr. Lawson, if we could, again, I guess in time we'll understand it. But if we could try to maybe ease that, make it a little easier. I don't know if we can, but at least we can make an attempt. Anything else? Did somebody? Okay.

COMMISSIONER MAY: I would make a motion that we accept the recommendation
regarding relief from requirements to allow relief for corner stores in the retail, general service and arts design and creation uses by special exception subject to conditions.

CHAIRMAN HOOD: I --

COMMISSIONER MAY: Also noting, sorry, that corner stores not meeting the size, onsite or offsite consumption, cooking, storage or dry cleaning provisions shall be considered a variance.

CHAIRMAN HOOD: Okay. I'll second that. Okay. It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to allow corner stores meeting the specified conditions by special exception and those not meeting the conditions.
by variance. Commissioner May moving, Commissioner Hood seconding. Commissioners Cohen, Miller and Turnbull in support.

CHAIRMAN HOOD: We're going to take about a 7 minute break. And what I would like for us to do is to rearrange and let's do alley lots next, R-F zones next and accessory apartments last. Okay, when I look I think we'll be moving a lot faster for the sake of efficiency. So we'll take about a 7 minute break. And the Vice Chair is going to do alley lots. I'm going to take a break and chime in.

(Whereupon, a brief recess was taken)

VICE CHAIR COHEN: All right. I'm going to call the meeting back to order. So can I have everybody's attention? And we're going to go through alley lots. Is that correct?

CHAIRMAN HOOD: Yes.

VICE CHAIR COHEN: I was hoping it was accessories you gave me.

CHAIRMAN HOOD: I chose that
purposely.

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

Public comments concerning this were: Requirement for frontage along a public alley with a minimum width of 24 feet should be limited to alley lots for residential development. And the OP recommendation is: Permit creation of new alley lots subject to
conditions as set down or the ones that I listed above. Is there any discussion from fellow commissioners?

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

MS. STEINGASSER: Yes.

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

MS. STEINGASSER: Yes.

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

VICE CHAIR COHEN: Commissioner Miller.

COMMISSIONER MILLER: Thank you, Madame Vice Chair. I also have a question. Well,
I don't know if it's a question or it's a comment. I know we reduced the, I think the original proposal at some point might have said 30, that the minimum width of 30 feet, and so it's been reduced to 24 feet. I know this is coming from the fire department. I would agree with the public hearing testimony that we received, that the 24 feet is still too wide. That cuts out a lot of alleys in the city. I know later we'll be getting to a proposal which mitigates against that somewhat by allowing if there's an alternative, if there's access, direct access to a street within 300 feet of the alley lot. So that mitigates that somewhat. But I just, I don't, the 24 feet width for 8 foot wide fire trucks that are going to have to serve, is it a 20 foot high structure is the maximum that is allowed on that alley lot?

PARTICIPANT: That's what we're proposing.

COMMISSIONER MAY: To me it just seems very restrictive. And I would really
like, if there's support for it, to reduce this

to 18 or 20 feet. I know we had testimony that
it should be 15 feet. But maybe I could get
Office of Planning reaction. Because I know
you've been dealing, you've had the discussions
the fire department, I haven't.

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

COMMISSIONER MILLER: I don't know
if there's support of my colleagues for you all
to look at it again.
COMMISSIONER MAY: I would, I mean, one thing I will say is that narrower alleys, it’s not just a matter of the width of the alley and how wide the truck is. It’s being able to make turns. And I happen to be on an alley, my own house, and it turns the corner at my garage. And it’s narrower than 15 feet and my garage kind of takes a beating as a result of that. And there’s no fire truck that would ever get down there. Even a pickup truck sometimes has trouble getting around that corner. But, at the same time, I think they’re, I’m not saying, I think 24 still is excessive. I mean, maybe 15 is sufficient to be able to navigate certain things. And maybe it has, I think we also have a provision for some individual review by special exception. Is that right?

MS. STEINGASSER: Yes.

COMMISSIONER MAY: Right. And I think that, that’s one way to get at it. The other thing is that, the fire department is concerned about this is, being able to fight a
fire in those circumstances. Well, fire code
regulations often change when a building is
sprinklered. And so if it were an alley dwelling
that were sprinklered, it may be that it's a
different firefighting circumstance and they
would be comfortable with that if it's a
residential use. So, I think those are things
that ought to be explored. I'm not sure how we
address sprinklered buildings in zoning regs,
because that's a building code thing. But maybe
that's one of the conditions under which relief
could be granted.

CHAIRMAN HOOD: I think what the
Office of Planning has here before us, the 24
feet, I can tell you that, while we're not
subject matter experts, I think it's very
important that we allow more than less, because
with the former Deputy Fire Chief of the
District of Columbia, I spent a lot of time with
him. And I asked him a lot of questions. And the
people that do the work actually know. And one
thing he's always said is, do more with more
room. They can be able to do their jobs better with the more space and room that they have. So since we're not subject matter experts, I would propose that we stick with this, and if the Office of Planning wants to, reevaluate. But in all of my conversations over the years with him, his service here to this city, he's now retired, it's always the more space the better they can operate. So that's just where I am. Vice Chair Cohen.

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

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

    VICE CHAIR COHEN: Then please make a motion.

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

CHAIRMAN HOOD: Second.

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

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

CHAIRMAN HOOD: I reference that that was fine for them to look at. But I think right now, again, we're not the subject matter experts and --
(Simultaneous speaking.).

COMMISSIONER MAY: Yes. And --

(Simultaneous speaking.).

CHAIRMAN HOOD: Right. I think all that's encompassed. I think that's understood. That we've asked and them to do that.

COMMISSIONER MAY: Oh, okay.

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

COMMISSIONER MAY: That's fine.

Okay.

VICE CHAIR COHEN: Okay.

COMMISSIONER MAY: Just want to make sure.

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

(Chorus of Ayes.)

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

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to accept the permit
creation of new alley lots subject to the conditions as set down, and also OP will look at the 25 foot size and come back with alternative language if they find something different. Commissioner Turnbull moving, Commissioner Hood seconding. Commissioners May, Cohen and Miller in support.

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

Public comments: Minimum pervious surface requirements of 10 percent is inconsistent with 100 percent maximum allowable lot occupancy. Oppose 100 percent occupancy for alley lots and propose a gradual change in lot occupancy based on lot size. 100
percent lot occupancy for a lot of 900 square feet or less, a percentage reduction equal to 2 percent per 45 feet above, 900 square feet up to 1800 square feet, and 60 percent for lots 1800 square feet and larger.

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

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

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

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

COMMISSIONER MAY: I have two quick
questions. One is for development of alley lots, are penthouses permitted?

    MS. STEINGASSER: I don't know.

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

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

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

    VICE CHAIR COHEN: Commissioner Turnbull.

    COMMISSIONER TURNBULL: I would,
basically looking at either chart, it basically says the maximum height is 20 feet. And I'm assuming that that's the maximum height, that there's nothing beyond that.

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

PARTICIPANT: Yes.

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

PARTICIPANT: Yes.

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

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

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

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: -- about the
gradation. We thought that was good idea.

COMMISSIONER TURNBULL: Okay.

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

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

CHAIRMAN HOOD: Second.

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

(Chorus of Ayes.)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to promote matter of right development of alley lots in residential and residential flat zones, subject to the
alternate development standards. Commissioner May moving, Commissioner Hood seconding. Commissioners Cohen, Miller and Turnbull in support.

VICE CHAIR COHEN: Thank you, Ms. Schellin. Item 3, minimum alley width required for residential use of alley lots in R-3 and R-4 zones. The set down was: Allow residential use as a matter of right on alley lots, provided alley is a minimum of 24 feet in width and there is access to a street through an alley or alleys not less than 24 feet in width. Allow development on alley lots not meeting the minimum alley lot with requirement by special exception. There’s an alternative. Allow matter of right development on alleys less than 24 feet in width if within 300 feet of a public street. The public comments were largely: Support special exception for residential use on alley lots on alleys not meeting the 24 foot requirement. Support matter of right residential use on alley lots meeting a 15 foot
alley width requirement. And then lastly, oppose any matter of right residential use of alley lots.

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

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

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

COMMISSIONER MAY: So the last
phrase there, which says, allow development on
alley lots not meeting the minimum alley lot
width requirements.

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

   COMMISSIONER MAY: Alley width
requirements.

   MS. STEINGASSER: Yes.

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

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

   COMMISSIONER MAY: A public
street.
COMMISSIONER MAY: Right.

MS. STEINGASSER: Right.

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

VICE CHAIR COHEN: Commissioner --

CHAIRMAN HOOD: Oh, I'm sorry.

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

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

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

MS. STEINGASSER: I think I might
have misspoke. The 300, if you're within 300 feet of a public street, you would be allowed as a matter of right.

PARTICIPANT: Okay. Got it.

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

COMMISSIONER TURNBULL: Back.

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

COMMISSIONER TURNBULL: Okay.

COMMISSIONER MAY: All right.

Sorry. I'm the one who steered you down that incorrect alley. Sorry about that.

VICE CHAIR COHEN: Chairman.

CHAIRMAN HOOD: So Ms. Steingasser, thank you for the clarification. Are we talking about from the line of the street to the property line of the alley? From property line to property line? Or are we talking about structure? I'm just, what are we talking about?
MS. STEINGASSER: It would be street line to lot line.

CHAIRMAN HOOD: To lot line. Okay.

MS. STEINGASSER: Lot line of the alley.

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

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

CHAIRMAN HOOD: But do we know that that does not cause a problem for them? Have we cleared that with them?
MS. STEINGASSER:  We have.

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

VICE CHAIR COHEN:  Commissioner Miller.

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

VICE CHAIR COHEN:  Then can I have a motion?

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

COMMISSIONER TURNBULL:  Second.
COMMISSIONER MAY: Can I ask a
question of the Office of Planning? So the 300
foot is down any alley whatsoever, including
like a pedestrian alley?

MS. STEINGASSER: Are you talking
about --

COMMISSIONER MAY: Could there be a
--

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

COMMISSIONER MAY: Yes.

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

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

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

COMMISSIONER MAY: Yes.

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

(Chorus of Ayes.)
VICE CHAIR COHEN: Any opposed? The ayes have it. Ms. Schellin.

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

VICE CHAIR COHEN: Thank you. All right, item 4. Uses permitted on alley lots and residential and residential flat zones. Uses permitted as a matter of right on alley lots in R and R-F zones. The set down stated: Permit the following uses as a matter of right and they're listed in the table. Public comments: Do not permit residential use of alley lots as a matter of right. And then permit residential use on alley lots in R-1 and R-2 zones as a matter of right. And OP recommendation is: Permit matter
of right alley lot uses as set down. Any comments? Any questions?

CHAIRMAN HOOD: Ms. Steingasser, Madame Chair. Ms. Steingasser, is this where we talk about the tiny houses?

MS. STEINGASSER: No, sir. The tiny houses are going to come up next, uses permitted by special exceptions. So they will be under 4-B.

CHAIRMAN HOOD: Okay. Well, good. You answered my question. Thank you.

MS. STEINGASSER: I got help from my colleagues.

VICE CHAIR COHEN: Commissioner May.

COMMISSIONER MAY: Yes. So I have a question. I'm confused by, in the use column, the first one is agriculture, residential, and then the bottom of that column says just residential. So when it's just residential it's permitted with conditions in some of those zones, but when it's agricultural residential,
I don't even know what that is.

MS. VITALE: Agricultural residential is actually a specific use that's agriculture related. Like a small, like a garden, that type of thing.

COMMISSIONER MAY: Okay. So it's a residential agriculture.

MS. VITALE: Correct.

COMMISSIONER MAY: Got it. Okay.

VICE CHAIR COHEN: I think that can be clarified.

MS. VITALE: Sure. I think that's just how the use is called out in the --

(Simultaneous speaking.).

COMMISSIONER MAY: In the chart. Okay. So now I understand.

VICE CHAIR COHEN: And I have a question with regarding to, like arts design and creating, parking. They're permitted with conditions in R-1, R-2, R-3, R-4. There are artists that have their studios. And so what type of conditions are we talking about?
MS. VITALE: This is basically carrying forward the existing provisions that would allow those parking, arts design and creation, those uses that are in, you know, permitted on alley lots in those zones now. So things like an artist studio, that would be a permitted alley lot use.

VICE CHAIR COHEN: But what would be condition?

MS. VITALE: I don't have examples in front of me. One second.

VICE CHAIR COHEN: All right. I can look it up. Any other questions while she's --

COMMISSIONER TURNBULL: Basically it's no change from what we have now.

VICE CHAIR COHEN: All right. That's --

(Simultaneous speaking.).

MS. VITALE: That's correct.

VICE CHAIR COHEN: That's fine then.

CHAIRMAN HOOD: Can I ask, again, I
know we're getting to the tiny houses, but my concern is that the tiny house issue in certain parts of the city, and I want to capture this, is that they're saying that they are growing flowers or something, but actually living there. So where I'm having a concern is, if we're looking at, so an R-4 zone or R-3, it would be permitted with conditions. But do those conditions cover those tiny houses where they're saying they are doing, I guess, well agricultural or whatever they're growing, but what they're saying they're doing and what they're doing are two different things. So I'm just trying to make sure that I don't wait till we say, till I vote in favor of it and miss it.

MS. STEINGASSER: Number one, we won't let you miss it.

CHAIRMAN HOOD: Okay.

MS. STEINGASSER: That's true. And these are not intended to allow residential as an accessory use to whatever else may be going on, on the site, you know. So if they're living
on the property, then they need to comply with the residential restrictions, which is usually one residential structure. Otherwise they are allowed to do these particular things only.

CHAIRMAN HOOD: Okay. And they can't circumvent any of this, and I want to make this clear, I want to get clear, make sure they can't circumvent this by being on a trailer. I think we--

MS. STEINGASSER: That's what 4-B is trying to get at. If it's a trailer, then it's camping and it's subject to the camping--

(Simultaneous speaking.)

CHAIRMAN HOOD: I just don't want to miss anything. Thank you. Thank you, Madame Chair.

VICE CHAIR COHEN: Any other comments, questions? Done on my left? Okay. Seeing none, can I ask for a motion? All right. I will move to approve uses permitted as a matter of right on alley lots in R and R-5 zones, use, agriculture residential, arts design and
creation, parking and then plain residential. And we're permitting them as a matter of right. Can I have a second?

COMMISSIONER MAY: Permitting as a matter of --

VICE CHAIR COHEN: Alley --

COMMISSIONER MAY: -- conditions.

VICE CHAIR COHEN: Right. Alley lot uses as set down with these, permitted with conditions.

COMMISSIONER MAY: Right.

VICE CHAIR COHEN: Correct.

CHAIRMAN HOOD: Okay. I'll second.

VICE CHAIR COHEN: Okay. It's been moved and seconded. Can I have a vote please?

All those in favor?

(Chorus of Ayes.)

VICE CHAIR COHEN: And there's no opposition, so Ms. Schellin.

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to permit matter of right alley lot uses as set down and listed in the
chart in 4-A. Commissioner Cohen moving, Commissioner Hood seconding. Commissioners May, Turnbull and Miller in support.

VICE CHAIR COHEN: Thank you. Okay, we're at item 4-B, uses permitted by special exception on alley lots in R and R-F zones. The set down stated: Permit the following alley lot uses by special exception. The alternate is camping in alleys, permit camping on an alley lot by special exception. And the public comments were: Permit accessory apartments on alley lots by special exception. Support special exception requirement for camping on an alley lot. Oppose special exception requirement for camping on an alley lot. And the OP recommendation is: Permit alley lot uses as set down.

MS. STEINGASSER: And we do need to correct that. It should also say with the alternative for camping in alleys.

CHAIRMAN HOOD: Thank you. That was my question. Make sure that it was including
camping in alleys. Okay. Madame Chair, can I make a motion?

VICE CHAIR COHEN: Yes, sir.

CHAIRMAN HOOD: Okay. I move that we approve the 4-B, which is the use permitted by special exception on alley lots for R and R-F zones, also incorporating the camping in alleys as proposed by the Office of Planning.

VICE CHAIR COHEN: Can I have a second please? I'll second.

COMMISSIONER MAY: Can I ask a couple of questions.

VICE CHAIR COHEN: Oh, I --

CHAIRMAN HOOD: No he's fine.

VICE CHAIR COHEN: Yes, sure.

CHAIRMAN HOOD: Motion second and then discussion.

COMMISSIONER MAY: Yes.

VICE CHAIR COHEN: Sure.

COMMISSIONER MAY: You second, didn't you second?

VICE CHAIR COHEN: Yes.
COMMISSIONER MAY: Yes. Okay. So my questions were on the, I'm confused as to why we have residential uses that in this section are special exception, whereas we just said under 4-A that residential uses in some of the zones were permitted with conditions.

MS. STEINGASSER: When a residential use cannot meet the conditions that would enable it to go forward as a matter of right, they can request special exception relief.

COMMISSIONER MAY: Got it. Now I understand. Okay. And then the second thing is, and I don't know whether this is the right place or not but, oh, yes, it is. Because I was looking at the camping in alleys language that had been proposed. And in essence, we're saying that it has to be a special exception but it's still only going to be limited to 30 days.

PARTICIPANT: That's correct.

COMMISSIONER MAY: And that's because the police regulations limit camping on
public or private property to mayoral approval
and for no more than 30 days.

PARTICIPANT: That's correct.

COMMISSIONER MAY: So how are they there now?

MS. STEINGASSER: From what we understand, the tiny houses are technically trailers. They're there as a temporary structure so they're not subject to a certificate of occupancy. I don't know how many evenings people actually sleep in them so that they don't qualify as residential. That's one thing we have not been able to really get our hands around. And then, as you heard testimony from some of the owners that came before you, they say they work there. And even that we would really want to understand if it's a commercial operation in a residential zone, we would want to understand how, whether that complies.

COMMISSIONER MAY: Okay. So given that there's a 30 day limit on what they do there no matter what, and there's a strange
enforcement thing that doesn't seem to be happening. I guess I'm okay with this. But the question it raises is, is there a circumstance where this kind of use is permissible or desirable in any location. Because we could not call it camping, right? And then it wouldn't be subject to the 30 day rule.

MS. STEINGASSER: If it were not considered camping, then it would have to be considered one of the permitted uses.

COMMISSIONER MAY: Right.

MS. STEINGASSER: And so then it would need to comply with number of units on the lots and it would need to meet building code, which is another, the structures now currently are not required to meet technical building code for housing.

COMMISSIONER MAY: Right.

MS. STEINGASSER: Some of the issues we're concerned about also is, since each individual trailer captures their own water for re-use.
COMMISSIONER MAY: Mm-hmm.

MS. STEINGASSER: If there's a fire, how would that be handled? These are not on wide alleys. There's also the public sanitation hook ups. We don't know how the trash --

(Simultaneous speaking.).

COMMISSIONER MAY: So in short, there really is no circumstance where you see that this type of housing could be deployed within the city?

MS. STEINGASSER: No. I don't want to say that. I think this is absolutely a fascinating housing option. It's a great way to re-use, to get underutilized land in. It's a great way to have small, affordable housing. But we just need it to be through a legitimate process that complies with building code, fire code, sanitation codes.

COMMISSIONER MAY: Right.

MS. STEINGASSER: And is compliant with its zoning regulations.
COMMISSIONER MAY: And so for right now, the only way it can happen, if this is passed, would be by special exception and then for only 30 days.

MS. STEINGASSER: Right. Or they --

COMMISSIONER MAY: But you're not closing the door on potentially some other solution that would allow them to exist.

MS. STEINGASSER: No, not at all. There's theoretical subdivisions we could work with. It's just getting a handle on what really is going on. And our main concern is public health and sanitation.

COMMISSIONER MAY: Right. I agree.

Okay.

VICE CHAIR COHEN: All right. We have a motion --

COMMISSIONER TURNBULL: Can I ask --

VICE CHAIR COHEN: Of course.

COMMISSIONER TURNBULL: Getting back to your camping analogy. Although it's 30
days or a month, that's a calendar year total. But the language here says, shall be not two consecutive weeks at any one time.

MS. STEINGASSER: That's correct.

COMMISSIONER TURNBULL: Okay. I just want to be sure of that. The only situation I could see where you might be able to develop this is something similar to, it'd be a land version of the waterfront, where you would have houseboats that come up and dock, but they are actually hooked up to the infrastructure. They're hooked up to plumbing. So in order for trailers to be hooked up --

(Simultaneous speaking.).

COMMISSIONER MAY: I believe that's called a trailer park.

COMMISSIONER TURNBULL: Yes, well, yes, you would. And I don't know, but I'm looking at something a little bit more sophisticated than a trailer park.

MS. STEINGASSER: Yes.

COMMISSIONER TURNBULL: Otherwise
you're going to have a trailer park.

MS. STEINGASSER: It's possible.

It absolutely is possible. Modular housing is a very real option. It's affordable. It can be very exciting in terms of design.

COMMISSIONER TURNBULL: Right.

Well I'm looking more forward thinking than Commissioner May's trailer park. I'm looking at something architecturally significant.

MS. STEINGASSER: Right.

COMMISSIONER TURNBULL: That would be in the forefront of modular housing.

COMMISSIONER MAY: A really nice trailer park.

COMMISSIONER TURNBULL: Nice.

COMMISSIONER MAY: Well just think about the difference between the --

(Simultaneous speaking.).

COMMISSIONER TURNBULL: It has to be stamped by an architect, right?

COMMISSIONER MAY: Think of the difference between a food truck today versus
the weenie cart of 20 years ago. Right?

VICE CHAIR COHEN: Commissioner Miller.

COMMISSIONER MILLER: Thanks, Madame Vice Chair. So if a family or a couple lived in a house on an alley lot that's with all the permitted conditions, they couldn't camp outside in their backyard, front yard or wherever yard they have for even one night without going through a special exception process at the BZA?

MS. STEINGASSER: If on an alley lot under these regulations, that would be correct.

COMMISSIONER MILLER: That's crazy.

MS. STEINGASSER: Okay.

COMMISSIONER MILLER: We've got to find a way to fix that. Because I don't think you're trying to prevent father and son or friends of the kid --

PARTICIPANT: Mother and daughter.
MS. STEINGASSER: No. You're absolutely right. What came to my mind was Boy Scouts. These are great areas for urban Boy Scouts to camp, to set up camp.

COMMISSIONER MILLER: On private property, too.

COMMISSIONER MAY: But, there's a difference. We're talking about alley lots versus your backyard. You're not stopping anybody from camping in their backyard. But, maybe if it's a legitimate alley lot development that has a backyard, they're going to need a special exception to put a tent up in the backyard, is what you're concerned about.

PARTICIPANT: Right.

COMMISSIONER MAY: I just, I don't know that there are going to be that many of those. Having had 3 sons who were heavy scouters and they lived in the city, they tend to go out of the city to camp.

CHAIRMAN HOOD: The scouting is right there on my mind, Commissioner May.
COMMISSIONER MAY: That's right.

CHAIRMAN HOOD: I'm an Eagle Scout --

COMMISSIONER MAY: It is.

CHAIRMAN HOOD: -- so I know all about that. And we did sleep outside and we didn't have a tent. But I think what I'm trying to capture --

COMMISSIONER MAY: Did you do it in alley lots?

CHAIRMAN HOOD: No, I didn't do it in alley lots.

COMMISSIONER MAY: Because that would be --

CHAIRMAN HOOD: We did it over across, what did they call it? Children's Alley years ago. I don't know what, out there without a tent or anything.

COMMISSIONER MAY: Yes.

CHAIRMAN HOOD: Just slept out there in the park. Only had a half a peanut butter jelly sandwich and a half a cup of milk,
I can tell you. That's when I went for the Order of the Arrow. So I'm very well aware of that. But back to this, and I hear this shuck and jiving up here, but at the end of the day, folks are really living these parties that are happening in these tiny houses, I know there's more to it than that. But when those houses come to your backyard, you going to be up here trying to regulate something, I can assure you that. You get a call at 11 o'clock at night, Hood, come around here and see this. You know, it's a little, these are real situations. I'm not saying this is the best fix, but this is a start. So, we can shuck and jive all we want. But when it comes to your doorstep, it's a different occasion.

COMMISSIONER MAY: I'm not sure who we're shucking and jiving, and I'm not questioning --

CHAIRMAN HOOD: Well those are --

COMMISSIONER MAY: -- the need for regulation.
CHAIRMAN HOOD: Those are my words.

PARTICIPANT: I'm not questioning the need for the regulation; I just had questions about the regulation.

CHAIRMAN HOOD: But I'm just saying. Those are my words and that's what I'm going to say, shucking and jiving.

PARTICIPANT: All right.

CHAIRMAN HOOD: I like that word, shucking and jiving.

UNKNOWN: Oh, okay.

CHAIRMAN HOOD: Because that's what we doing.

VICE CHAIR COHEN: Did we finish?

Commissioner --

COMMISSIONER MILLER: No. I would like for the Office of Planning to see if they could find a small carve out that's reasonable, that allows Mr. Hood, if he happened to be in an alley lot to sleep in his sleeping bag out on his own property for one night with his kid or something that is reasonable. I just think
it just shouldn't be the blanket BZA process for that kind of thing.

CHAIRMAN HOOD: And I actually don't object to that. But for me this is getting a start. I don't object to Commissioner Miller's request. I really don't. But any time, I think that would be a good item of the Zoning Commission. We can go out and sleep out overnight, over the stars to see how it works.

COMMISSIONER MILLER: You'd have to do it in public and have recording and --

CHAIRMAN HOOD: All right.

VICE CHAIR COHEN: So are we amending this motion to? No? Okay. So we have a motion and it's been seconded. Can I have a vote please? All those in favor?

(Chorus of Ayes.)

VICE CHAIR COHEN: Any opposed? No opposition. So, Ms. Schellin can you please.

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to accept the Office of Planning recommendation to permit alley lot
uses as set down, with the alternative language
to permit camping on alley lots by special
exception, and asking them to provide some
language that carves out to allow homeowners to
camp on their own property. Commissioner Hood
moving, Commissioner Cohen seconding.
Commissioners May, Turnbull and Miller in
support.

VICE CHAIR COHEN: Thank you. And
our final item, which is 4-6, is to establish
a minimum lot area for residential use of an
alley lot. The set down stated: Require a
minimum of 450 feet of lot area for the
construction or conversion of a building for
residential use. The public comments were:
Retain established zone specific minimum lot
area requirements for residential development
of an alley lot. And the OP recommendation is:
Require a minimum of 450 square feet of lot area
for the construction or conversion of a
building for residential use on an alley lot as
set down. I'm asking for any questions or
comments from my fellow Commissioners. Who shall start? Commissioner May? Chair Hood?

CHAIRMAN HOOD: Do you want me to make a motion?

VICE CHAIR COHEN: Sure.

CHAIRMAN HOOD: Okay. I would move that we adopt the Office of Planning's recommendation to require a minimum of 450 square feet of a lot area for construction or conversion of a building for a residential use on an alley lot as set down.

COMMISSIONER MILLER: Second.

VICE CHAIR COHEN: This item has been moved and seconded. Can I have your vote please? All those in favor?

(Chorus of Ayes.)


MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to require a minimum of 450 square feet of lot area for the construction or conversion of a building for residential use or
in an alley lot as set down. Commissioner Hood moving, Commissioner Miller seconding. Commissioners May, Cohen and Turnbull in support.

VICE CHAIR COHEN: I'm hot.

CHAIRMAN HOOD: Okay. I want to thank the Vice Chair for giving me a break. So I appreciate that. Okay. Let's go right to residential flats. And again, colleagues, we're going to do accessory apartments last. I think flats we only have about 7 or 8 things to consider. Create a new flat zone. Set down said create new zones for areas primarily developed with row dwellings, but where they have been limited apartment conversions, subtitle E. Some of the public comments: Support for creations of new R-F zones, that's what I'll refer to from this point on. And Office of Planning's recommendation was to create new R-F zones at set down. Let me open it up for any discussion.

COMMISSIONER MAY: Mr. Chairman, I
would make a motion that we create new R-F zones and set down as recommended by the Office of Planning.

VICE CHAIR COHEN: And I'll second.

COMMISSIONER TURNBULL: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to create new R-F zones as proposed at set down. Commissioner May moving, Commissioner Turnbull seconding. Commissioners Hood, Cohen and Miller in support.

CHAIRMAN HOOD: Next, dwelling unit density. Establishing dwelling unit density for R-F zones. The set down said: Establish R-F zones with a range of dwelling
unit densities. Permit 2 dwelling units as a matter of right, R-F-1, R-F-2 and R-F-3 zones. Permit 3 dwelling units as a matter of right, R-F-4 zones. And permit 4 dwelling units as a matter of right in R-F-5 zone. Office of Planning's recommendation: Permit 2 dwelling units as a matter of right in R-F-1, 2, and 3 zones. Permit 3 dwelling units as a matter of right in R-F-4 zone. And permit 4 dwelling units as a matter of right in the R-F-5 zone. Any comments?

COMMISSIONER MAY: Mr. Chairman, I would just note that R-F-1, 2 and 3 correspond to existing R-4 zones, and that R-4 and R-5 are new zones that are not currently mapped but might be useful in the future, to be mapped to certain neighborhoods. I know there may have been some concerns about R-F-4 and R-5 and how many dwelling units are permitted. I think that was in some of the comments that we've seen. But I think that's all fine. These are just tools in the toolkit. So I would make a motion that
we accept the recommendation to permit 2
dwelling units as a matter of right in R-F-1,
2 and 3 zones. And permit 3 dwelling units as
a matter of right in R-F-4 zone, and 4 dwelling
units as a matter of right in R-F-5 zones.

VICE CHAIR COHEN: And I'll second
that.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any
opposition, Ms. Schellin would you record the
vote?

MS. SCHELLIN: Staff records the
vote 5 to 0 to 0 to permit 2 dwelling units as
a matter of right in the R-F-1, R-F-2, R-F-3
zones. Permit 3 dwelling units as a matter of
right in the R-F-4 zone. And permit 4 dwelling
units as a matter of right in the R-F-5 zone.
Commissioner May moving, Commissioner Cohen
secording. Commissioners Hood, Miller and
Turnbull in support.

CHAIRMAN HOOD: I should have said this when we had discussion. I actually thought long and hard on this, because I thought it changed the character in a lot of areas. But I know the BZA in a lot of these cases, we get a lot of this. And I think that gave me, not necessarily a confident level, but I had a concern I can tell you about changing the character of these neighborhoods. But I think it's happening anyway. I just have a problem with compounding and packing things on top and things. I should have said that during the discussion, but I voted for it so let's move on.

Establish minimum square footage for conversions in R-F zones. Set down:
Establish the minimum of 900 square feet be required for conversions in the R-F-1, R-F-2 and R-F-3 zones, and 750 feet in R-F-4 and R-F-5 zones. Public comments: Oppose 750 feet minimum for R-F-4 and 5 zones. Propose 900 square feet for all zones.
recommendation is to establish a minimum square
footage for conversions in the R-F zones as set
down. Okay. Any comments?

VICE CHAIR COHEN: I have a
question. How does this deal with those
micro-units that are really shrinking living
sizes?

MS. STEINGASSER: Well it won't
really affect the micro-unit. It would limit a
number of units per land area. So the smaller
the unit got, the more there could be. But
there's a building code limitation, I thinks
it's 220 feet is the smallest a habitable space
could be.

VICE CHAIR COHEN: Good. My puppy
has that.

COMMISSIONER MAY: So I would just
want to make the observation again that R-F-1,
2 and 3 are essentially existing R-4 zones. And
so this is no change to those zones. It carries
on what the existing requirement is. And in
these 2 new zones that are not mapped anywhere
yet, it has the smaller requirement of only 750 square feet per unit. I'm not sure if that's really the right thing, but since it's not mapped anywhere at this moment, I think it's safe enough to leave it at this. And then certainly as something gets mapped, there'll be plenty of community input and something could be, you know if a particular community likes the idea of having 3 or 4 unit flats in their neighborhood, but they want to have conversions limited to 1000 square feet per unit, they could be mapped that way. Right. So I'm perfectly comfortable with this.


COMMISSIONER MILLER: Yes. We'll get to talking about this in the R-4 case that the Office of Planning has proposed. But I have a concern, which I've expressed previously, about the variance process being required for conversions for less than the required minimum square footages in these zones. The BZA has, we
all sat on cases in the BZA and some of us have voted one way and some of us voted other ways. But there have been a lot of cases where we have had the request for a conversion and the ANC has supported it and the adjacent neighbors are supporting, and the need for the housing is great. And it's not necessarily going to change the character of the neighborhood. The houses are large enough or it's still obviously a residential flat neighborhood.

So I really can only support this if we allow a special exception process, rather than a variance process, which will still allow for the public review and input for less than the required minimum square footages for conversions. We can then get to the real issue which is, does it have an adverse impact on the residential character of the neighborhood. And see if the neighborhood is supportive of it in the special exception process. But for the variance process to be applied there in the cases that I've sat on, the BZA is just jumping
through hoops to try to find the confluence of factors making it an exceptional condition to meet the 3-part variance test to try to get what the applicant and the neighborhood wants in that particular situation.

So I can only support this particular item if we change the process for the conversions for projects that have less than the required minimum to a special exception process rather than a variance process. Now I don't know how we get to that. Maybe it's I make an amendment and I don't even get a second on it and we don't even get a vote or --

VICE CHAIR COHEN: Actually, Commissioner Miller, I concur with your analysis of this, because I sat on some of BZA cases where the ANC and the neighbors next door abutting the project did support the modification. And it was heavy lifting to approve it.

COMMISSIONER MILLER: Maybe the way we get at it, if somebody who is
comfortable, as Commissioner May said he was comfortable with the proposal as proposed, if you move that and somebody seconds it. And then maybe I can move an amendment and it'll either fail or maybe that's the way to cleanly deal with that issue.

COMMISSIONER MAY: I'm happy to move that the recommendation as it's set, and I'm not likely to support any sort of special --

COMMISSIONER MILLER: I sense that.

COMMISSIONER MAY: Yes. My experiences on BZA have just been a little bit different. And it certainly, I would guess it's actually not been as extensive. But the ones that I recall have been ones that were not supported by the neighbors and were, so it's a slightly different experience.

COMMISSIONER MILLER: Right. And I've had the experience of the neighbors and the ANC being opposed to it I would have given great
way to the ANC.

COMMISSIONER MAY: Yes. Right.

CHAIRMAN HOOD: Let me just say this, I would also, let me just chime in. I think we haven't heard from Mr. Turnbull. But I would also agree with Commissioner May, I would be supporting this as proposed. I am not in the mind of setting this as a special exception. But, Commissioner Turnbull, I think the cleanest way, since you want to deviate from what we have here proposed is that you make the motion, what you would like to see, and then we either vote that up or down. And then that's voted up or down, then we will go back to Commissioner May. That way we can keep them separate, keep the issues separate. Let's see if Commissioner Turnbull, if you have something you wanted to comment.

COMMISSIONER TURNBULL: Well, I think I talked about this in the hearing we had before. My experience has been, again, similar to Commissioner May. I've been on cases where
really concerned about the changes and what's happened to some of the units. So I could not approve a special exception on something like this.

CHAIRMAN HOOD: Okay. So we will entertain a motion, Commissioner Miller.

COMMISSIONER MILLER: Okay. Thank you, Mr. Chairman, I appreciate your indulgence for that. So I would move that the Zoning Commission approve item 2-B, establish minimum square footage for conversions in R-F zones as set down, but instead of requiring that conversions with less than the required minimums go through a variance process, that they go through a special exception process instead. I think that would allow for the public input and the neighborhood input as necessary. And an evaluation could be made of the residential character of the neighborhood being maintained. But it would also just allow for an easier process to facilitate additional housing that the city so desperately needs in
so many of these close-in, attractive neighborhoods. So I would ask a second.

VICE CHAIR COHEN: I'll second that.

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

VICE CHAIR COHEN: Aye.

COMMISSIONER MILLER: Aye.

CHAIRMAN HOOD: Any opposition?

Opposed.

COMMISSIONER MAY: Opposed.

COMMISSIONER TURNBULL: Opposed.

CHAIRMAN HOOD: 2 in support, 3 in opposition. Ms. Schellin could you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 2 to 3 to 0 to approve the establishment of minimum square footage for conversion in the R-F zones as a set down, but as a special exception process instead of a variance.

Commissioner Miller moving, Commissioner Cohen
seconding. Commissioners Hood, May and Turnbull opposed. Motion fails.

CHAIRMAN HOOD: Okay. Somebody like to make another motion? Commissioner May.

COMMISSIONER MAY: I would make a motion that we adopt the recommendation to establish minimum square footage for conversions in the R-F zones as set down. That would be minimum of 900 square feet be required in the R-F-1, 2 and 3 zones, and 750 square feet in the R-F-4 and 5 zones.

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

Chorus of Ayes.

CHAIRMAN HOOD: Any opposition?

COMMISSIONER MILLER: No.

VICE CHAIR COHEN: No.

CHAIRMAN HOOD: 3 in favor, 2 in opposition. Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records
the vote as 3 to 2 to 0 to approve establish a minimum square footage for conversion in the R-F zones as set down. Commissioner May moving, Commissioner Hood seconding, Commissioner Turnbull in support. Commissioners Miller and Cohen opposed.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: Can I just offer one other thought, which is that it seems to me that this is one of those areas where there might be certain neighborhoods that are really open to having these cases treated differently, and so that might be a case for customization in that this process could go from a variance to a special exception in neighborhoods where the neighbors wanted it.

COMMISSIONER MILLER: And I would just add that when we last discussed the creation of the new R-F zones, R-F-4 and R-F-5, I would prefer that the Office of Planning to take the lead as opposed to making the neighbors have to shoulder the burden of coming forward,
of evaluating which of these zones, areas of the city might be more appropriate areas and provide that information to the ANC and see if they want to go forward with that. I just think it's a lot of, that we do have a lot of experience. And you're right, Commissioner May, I think it is certain neighborhoods where it works and maybe others where it doesn't.

CHAIRMAN HOOD: I'm actually trying to digest that, Commissioner Miller. Because if the Office of Planning is going to take the lead on this, I just want us to, I think we need to be consistent. I don't disagree with that, but earlier when we talked about customizing zones, we talked about something different. I just think we need to be consistent in --

(Simultaneous speaking.)

COMMISSIONER MILLER: We're creating the zones but not mapping, but acknowledging that they might be appropriate somewhere. And so it seems to be appropriate for
the planning agency to maybe outline where they might be appropriate at some point. Maybe not next week or by November 3rd, when we're going to consider this, but --

CHAIRMAN HOOD: Why not? They work overnight. That's what I said earlier.

COMMISSIONER MILLER: That's how they roll.

MS. STEINGASSER: We're booked this evening.

CHAIRMAN HOOD: That's for another discussion. I'm not going to belabor that point. Okay. Anything else? Did we vote? Okay. Let's go on to establish development standards for new R-F zones. The set down said: Establish development standards for R-F zones as follows: 201, 301, 401 and 501, and the table is before us. Then we have an alternate. Establish development standards for the R-F zones that would increase the maximum allowable lot occupancy for detached and semi-detached dwellings to 60 percent, and we have a table
before us. The public comments stated were:

Prohibit any expansions in height or number of stories beyond existing conditions. Propose limiting lot occupancy to 40 percent for existing development. Maintain lot occupancy of 40 percent for detached and semi-detached dwellings in R-F zones. Support 60 percent lot occupancy for row dwellings and flats. Establish a FAR of 1.8 for the R-F-4 and 5 zones.

The Office of Planning's recommendation was establish development standards for the R-F zones as proposed in the alternate and maintain density based on number of units per lot. So opening up for any discussions. Are we all in agreeance with the? Okay. Any changes anybody sees then? Okay. Well not seeing any comments, I would move that we accept the recommendation before us and the alternative, establish development standards for the R-F zones as proposed in the alternate and maintain densities based on a number of units per lot.

COMMISSIONER MILLER: Second.
CHAIRMAN HOOD: It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to establish development standards for the R-F zones as proposed in the alternate and maintain density based on number of units per lot. Commissioner Hood moving, Commissioner Miller seconding. Commissioners May, Cohen and Turnbull in support.

CHAIRMAN HOOD: Okay. Next, establish minimum lot dimensions for the R-F-1, old R-F-4, R-F-2, old R-F-4/DC and R-F-3, R-4 cap zones. Set down: Establish minimum lot dimensions for R-F zones as follows. The table is before us. The Office of Planning's recommendation: Establish minimum lot dimensions for the R-F zones as set down. Let me open up any comments.
COMMISSIONER TURNBULL: I just have the one question. The 15 foot with the IZ in parentheses, wonder if OP could expand upon that.

MS. STEINGASSER: That's the current inclusionary zoning standard for row houses.

COMMISSIONER TURNBULL: I just wanted to put that on the record. Thank you.

CHAIRMAN HOOD: Commissioner Cohen.

VICE CHAIR COHEN: Thank you, Mr. Chairman. I have a question for OP. The row house or flat 18 feet, will that make any of the row houses that exist nonconforming?

MS. STEINGASSER: 58 percent of all row house zones are already nonconforming. It will not increase that number.

VICE CHAIR COHEN: But does it reduce? It doesn't reduce it either?

MS. STEINGASSER: No.

VICE CHAIR COHEN: Okay. I don't
know, I'm just concerned about, again, future housing where we're shrinking the footprint of all housing because of the cost of construction. I just don't want this to in any way inhibit development of possibly new, I forgot the term. New construction.

Subdivisions, I'm sorry.

MS. STEINGASSER: So to that end we are not proposing minimum standards for the 2 new zones, so there'll be more flexibility in how those new zones are mapped and would be able to accommodate that. But these are the current R-4 standards that we just brought forward.

CHAIRMAN HOOD: Commissioner Turnbull.

COMMISSIONER TURNBULL: If there's no other talk on this, I would move that we accept item 4, establish minimum lot dimensions for the R-F-1, R-F-2 and R-F-3 zones and establish the minimum for those as set down by OP.

VICE CHAIR COHEN: Second.
CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to establish the minimum lot dimensions for R-F zones as set down. Commissioner Turnbull moving, Commissioner Cohen seconding. Commissioners Hood, May and Miller in support.

CHAIRMAN HOOD: Okay. Next, number 5. Did we do 4? Yes, we just did. Okay. Number 5, establish density for R-F-4 and R-F-5 zones through development standards and units per lot. The set down said: Density is limit the number of units per lot and the development standards, there is no minimum lot size. The table is before us for 4 and 5. The recommendation, Office of Planning's
recommendation to us: Establish density and development standards for R-F-4 and R-F-5 zones as set down. Let's open to any comments.

COMMISSIONER MAY: I have a question. Because it looked to me like these charts conflict with the information on the previous charts. Lot occupancy for a detached dwelling in R-4 is showing on this chart at 40 percent and we previously approved 60 percent.

MS. STEINGASSER: That's correct. These were not adjusted to reflect the alternate language. So now that we've accepted the alternate, these would reflect that. So it would be 60.

COMMISSIONER MAY: Okay. So those are all going to go to 60.

MS. STEINGASSER: Yes, sir.

COMMISSIONER MAY: And that's true for detached and semi-detached in both R-4 and R-5.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: Okay.
CHAIRMAN HOOD: Any other comments?

COMMISSIONER MAY: I would just make a motion that we accept the recommendation to establish density limited to the number of units per lot and the development standards with no minimum lot size as, I guess, in the alternate version.

VICE CHAIR COHEN: I'll second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to establish density for the R-F-4 and R-F-5 zones through development standards and units per lot. Commissioner May moving, Commissioner Cohen seconding. Commissioners Hood, Miller and Turnbull in
support.

CHAIRMAN HOOD: Okay. Next, units as accessory buildings. Set down: Permit placement of units in the principal building and conforming accessory buildings provided that the combination does not exceed the maximum number of allowed dwelling units. The recommendation from Office of Planning is permit units in principal and accessory buildings limited by dwelling unit density as set down. Let me open up any discussion. It doesn't like we had any public comments on this. Okay. With that I would move that we permit units in principal and accessory buildings limited by dwelling unit density as set down and ask for a second.

COMMISSIONER TURNBULL: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any
opposition, Ms. Schellin would you record the vote?

    MS. SCHELLIN:  Staff records the vote 5 to 0 to 0 to permit units in the principal and accessory buildings limited by dwelling unit density as set down. Commissioner Hood moving, Commissioner Turnbull seconding. Commissioners May, Cohen and Miller in support.

    CHAIRMAN HOOD:  Okay. Next, conversions. Set down: A building or structure in R-F-1, 2 or 3 zones, may not be renovated or expanded to increase the number of dwelling units beyond 2 unless there is a minimum of 900 square feet of a lot area for each dwelling unit. The public comments: Restrict conversions to no more than 2 dwelling units per property, regardless of size. Office of Planning's recommendations: Require a minimum of 900 square feet of record lot area for each dwelling unit for conversions in the R-F-1, R-2 and R-3 zones. Okay. Let's open up any comments.

    COMMISSIONER MILLER:  Yes.
CHAIRMAN HOOD: Commissioner Miller.

COMMISSIONER MILLER: So this is, I think this issue, we just discussed this issue. And I think it's already covered. I think our vote, our actions already covered this and I don't want to make the Commission have to go through another motion by need to allow a special exception of process for something more. So I think we can just get maybe, some guidance that we've already dealt with this issue by the previous action.

MS. STEINGASSER: Yes, sir. I believe you have. I believe it was covered.

CHAIRMAN HOOD: So by general consensus are we accepting the Office of Planning's recommendation?

COMMISSIONER MILLER: No. Because I think we voted, you did 3 to 2 previously.

VICE CHAIR COHEN: In item 2-B.

COMMISSIONER MILLER: You did 3 to 2. It was incorporated in that proposal.
CHAIRMAN HOOD: Okay. But still, okay, I understand what you're saying. But I was just asking about in general so it won't be no questions asked, even though it's probably already covered. But I'm just trying to go by each. Do we need to go through this?

MS. SCHELLIN: It appears that it's taken care of. If you flip back to item 2-B, it talks about establishing minimum square foot for conversions of 900 square feet, and that's what this says. The recommendation is require minimum of 900 square feet of record lot area for each dwelling unit. And so it appears that it is a duplicate.

CHAIRMAN HOOD: Okay. Which number is that? I want to make sure.

MS. SCHELLIN: 2-B.

CHAIRMAN HOOD: 2-B? Okay.

MS. SCHELLIN: If you look back to 2-B which covered R-F-1, R-F-2 and R-F-3.

CHAIRMAN HOOD: R-1, R-2 and R-3.

Okay. Good. Thank you, Commissioner Miller.
MS. SCHELLIN: Yes. But then there's also a 7-B on the back page that still needs to be --

CHAIRMAN HOOD: Is that covered too?

MS. SCHELLIN: No, it's a specific area in Mount Pleasant.

CHAIRMAN HOOD: Yes, no. I know it's Mount Pleasant.

CHAIRMAN HOOD: Okay. Set down not applicable. A building or other structure in Mount Pleasant Historic District may not be converted to more than 2 dwelling units regardless of lot size. The public comments support of the alternate language. The recommendation is, Office of Planning also agrees with some, and I guess the public comment alternative language. And this again is, I guess this came from out of -- stemmed from the community, from that that neighborhood who basically petitioned for this.

MS. STEINGASSER: No, sir. It came
through the public hearing process on this. They testified to the Commission at several public hearings and we were asked to look for an alternative and this is what we came --

(Simultaneous speaking.).

CHAIRMAN HOOD: Okay. So the neighborhood initiated this through the public hearing process. Okay. Any questions or comments?

COMMISSIONER MAY: Yes, I have a question. So this is not too dissimilar from what I suggest before about the ease of making conversions before. This is sort of the opposite end of the spectrum. And I basically wonder whether we shouldn't simply be mapping the Mount Pleasant R-F zones separately as they're own zone with this restriction on it, rather than having an exception in the R-F descriptions that excerpts this historic district. Why is this historic district more important than Capitol Hill historic district or some other historic district?
MS. STEINGASSER: It's not. We actually, if the Commission went forward with this, we saw this as a way to address some of the very focused issues without having to go through the whole exercise of creating a new zone. This was the only issue that was of extreme importance to this community. We were easily able to put it into that, into the formatting that we had, you know, that talked about conversions where we could list those things.

VICE CHAIR COHEN: I'm uncomfortable with this because a lot of communities ask for very specific items that were not addressed in this. And doesn't this come under the heading of also the modifications for pop ups? I don't know. Maybe there's a differentiation, but this selection seems to be--

MS. STEINGASSER: I'll be honest, the Commission asked OP to see what we could do. And in the amount of time we had, this is what
we came back with. You know, their main issue was conversions. And you're right, it will be part of the bigger discussion in January on the R-4 as a total package.

VICE CHAIR COHEN: I just have that, I'm ill at ease about this, so.

CHAIRMAN HOOD: Okay. Commissioner Miller.

COMMISSIONER MILLER: Well I share the Vice Chair's unreadiness. I wanted something, I agree, I think it was a consensus that we did want something to address Mount Pleasant and that's consistent with my previous position. I think a special exception process might be the way to go. But other, what are they, this is currently R-F zones. Is that what this is?

MS. STEINGASSER: It is R-4. Yes.

COMMISSIONER MILLER: And so are there no, but these are generally larger houses on larger lots that you normally find in an R-4 zone.
MS. STEINGASSER: That's correct.

COMMISSIONER MILLER: Which can accommodate --

MS. STEINGASSER: And I think that was part of --

COMMISSIONER MILLER: Which are easily able to accommodate more units than they currently accommodate in this.

MS. STEINGASSER: That's correct.

COMMISSIONER MILLER: So that's my unreadiness, is because it's too conflicting roles of wanting to have stable, preserve residential character in neighborhoods, but also to allow where appropriate and where the neighborhood supports it and ANC supports it, to allow some additional units. So that's, I just don't know if it should be such an absolute prohibition. So if I vote against, that would be only because I have that concern, not because I don't want the neighborhood to have another opportunity other than the historic preservation process, which hasn't allowed
them to argue about residential character and that kind of thing.

MS. STEINGASSER: That's correct. And that's where the conflict came, is the historic preservation process does not look at use. They look only at the structural character of the additions or construction.

COMMISSIONER MILLER: So, again, I won't put the Commission through having to vote on having to do this by special exception, but that would have been my preference. I'll just vote against it, but that's why I'm voting against it, just to --

COMMISSIONER MAY: Well I'm not I support as it's written, because it does, it feels like it's not in keeping with the approach that we've been trying to take with the zoning regulations and with trying to do some customized zones to accommodate the interests and concerns of particular neighborhoods. It just seems like all of a sudden it's a different way of handling it. I'm totally sympathetic to
the concern and the interest, and I think it is something that should be addressed in the zoning regulations. I don't think that this is --

VICE CHAIR COHEN: Gets to the --

COMMISSIONER MAY: Well, it's not the answer.

CHAIRMAN HOOD: Could you make sure you're on the mic Vice Chair if you want to speak so we can have you recorded and we can make sure --

(Simultaneous speaking.).

COMMISSIONER MAY: Well, anyway, I'm just not comfortable that this as the answer. I think there may be a solution that we could execute in the context of the zoning regulations rewrite, but I'm just not comfortable that this is the right answer. In part because I think it's going to invite other neighborhoods to come in and ask for sort of the same treatment. And I think that then it all kind of becomes, you wind up having to deal with
too many of these sorts of things. And we need
to put it into, we need to establish a process
for dealing with particular neighborhood
cconcerns and stick with that. And I think that's
the customized zones, that's my gut reaction.

VICE CHAIR COHEN: And I'd just
like to say that I support, actually, both
Commissioner Miller and Commissioner May's
elaboration, that it just appears that this
particular neighborhood gets the front of the
line, yet we're not dealing with the other
neighborhoods that may have the same arguments
and the same legitimacy. And I just, that's what
makes me uncomfortable. So I would support, the
sense of the board may be sympathetic, but yet
I don't think we're, I am not prepared to
approve this now.

CHAIRMAN HOOD: Okay. I think this
is a start, again. If it's good enough for
Georgetown it's going to be good enough for
Mount Pleasant from my standpoint. I understand
that there's some more tweaking. I think the
Office of Planning has done due diligence to try to come back and comments that they've heard. And we can't have it all ways. I keep hearing special exception now. Let's go back and bring in the conversation about corner grocery stores. But I think that Mount Pleasant, we've asked them to look at it. The folks in Mount Pleasant came down here, and that's a start. I'm not saying is the fix all. This goes along with Commissioner May. Maybe we need to re-look at it. But this gives us some guidance and Ms. Steingasser mentioned, there are some more things that may be added to this, but this is a start. So I'm not going to switch up in mid-stream. I'm going to go ahead and approve this as stated. Commissioner Turnbull.

COMMISSIONER TURNBULL: Thank you, Mr. Chair. God, I thought Georgetown was in front of the line earlier, but now I'm hearing Mount Pleasant is in front of the line. I'm really getting tired of hearing who's in front of the line. Let's talk about the communities
and what we're trying to do to help them. And I'm just thinking that we've had a request. It's part of the process. I think OP has tried to put something together, to cobble something and get this to work. And this is part of what the ZRR is about. And I agree with you 100 percent. I'm totally in favor of going ahead with this.

CHAIRMAN HOOD: Okay. Any other comments? Okay, for Mount Pleasant 7-B I move that we approve the alternative language as noted in the Office of Planning's proposal in front of us and ask for a second.

COMMISSIONER TURNBULL: Second.

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

COMMISSIONER TURNBULL: Aye.

CHAIRMAN HOOD: Any opposition?

COMMISSIONER MAY: Oppose.

VICE CHAIR COHEN: Oppose.

COMMISSIONER MILLER: Oppose.

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

MS. SCHELLIN: Staff records the vote 2 to 3 to 0 to approve the alternate language with regard to Mount Pleasant regarding conversion. Commissioner Hood moving, Commissioner Turnbull seconding. Commissioners May, Miller and Cohen oppose. Motion fails.

CHAIRMAN HOOD: I've been advised that we need to go back and vote on 7-A. It's not exactly the same as 2-B, so let's just go ahead and move forward, as I stated earlier. Let's just go ahead and vote on 7-A. Again, I think we were going to take the Office of Planning's recommendation, require a minimum of 900 square feet of record lot area for each dwelling unit for conversion in the R-F-1, R-F-2 and R-F-3 zones, and with that that's my motion.

COMMISSIONER TURNBULL: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition -- Okay. Any opposed?

VICE CHAIR COHEN: Opposed.

COMMISSIONER MILLER: Oppose.

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

MS. SCHELLIN: Yes. Staff records the vote 4 to 1 to 0 to require minimum 900 square feet of record lot area for each dwelling unit for conversions in the R-1, R-2 and R-3 zones if they're expanding or increasing the number of dwelling units beyond 2. Commissioner Hood moving, Commissioner Turnbull seconding. Commissioners May and Cohen in support.

CHAIRMAN HOOD: Miller and Cohen are in opposition. Everyone else is --

MS. SCHELLIN: Okay. I only heard one opposition. So the vote is 3 to 2 to 0. Commissioner Hood, Commissioner Turnbull, Commissioner May in support. Commissioner
COMMISSIONER MILLER: Mr. Chairman?

CHAIRMAN HOOD: Yes.

COMMISSIONER MILLER: I would like to make a motion that addresses Mount Pleasant, to not permit conversions to more than 2 dwelling units regardless of lot size, except that if the relief that can be granted from that is by special exception instead of by variance. That way we will be, if we have a majority support, then we'll be doing something to address Mount Pleasant. It would be a start, as you put it, it'd just be a different type of start, but at least would give a process for this community to try address a concern that they have in a forum that they can't currently address the problem. So I would move, I would make that motion.

CHAIRMAN HOOD: It's been moved. Is there a second?

VICE CHAIR COHEN: I could go along
with that and second.

COMMISSIONER MAY: I'm very confused.

CHAIRMAN HOOD: Actually I wanted to rule that out of order. I think that's out of order, but I will go ahead and carry it for a vote. I really think that it's totally out of order, but in the sake of collegial to my colleagues I will do that. Because I think we've been down this road before. The only reason I went back to 7-A, because I've been advised by counsel that it was a difference. That was the only reason I went back. But anyway, let's go ahead and carry the motion. There's a motion on the table. It's been moved and properly seconded. Any further discussion? Commissioner May.

COMMISSIONER MAY: Yes. Thank you. Sorry about that. So I'm confused. They're asking that there be, the neighborhood has asked that there be no circumstance under which there be more than 2 dwelling units, and you're
suggesting that instead we relax the current restriction, which is that it can be done only if there's 900 square feet per unit? I mean, currently the protection is, in an R-4, is that you have to have 900 square feet per unit in the lot in order to have a conversion to more than 2 units. And you're suggesting that that be relaxed to a special exception?

COMMISSIONER MILLER: Yes. I guess I was suggesting that. I'll withdraw the motion.

COMMISSIONER MAY: Okay.

CHAIRMAN HOOD: Thank you, Commissioner Miller. Okay. Let's go to accessory apartments. Do we need a break, a 2 minute break? Does anybody need, court reporter? Say yes court reporter, you need a 2 minute break. Okay. We'll take a 2 minute break.

(Whereupon, a brief recess was taken)

CHAIRMAN HOOD: Okay. Let's go back on the record. Let's do, I think the last one
for the night is accessory apartments. Is this the last one? Yes, last one for tonight is accessory apartments. I thought this might take us a little longer. Okay, anyway. Within the main house set down said to allow one accessory apartment as a matter of right subject to specified conditions. The public comments: Allow as a matter of right. Allow only special exception. Do not allow. Office of Planning's recommendation: Set down, allow one accessory apartment as a matter of right subject to specified conditions. Let's open up any comments.

COMMISSIONER MAY: I have one question which is, how does this interface with parking? If we're going to have an accessory apartment in a main unit, then they're going to have to meet whatever the parking requirement is for the base zone.

MS. STEINGASSER: According to the Zoning Administrator there is not a current parking requirement for accessory apartments.
COMMISSIONER MAY: Uh-huh. So in the zones where, I mean, first of all, which zones does this apply to? Is this all the R zones?

MS. STEINGASSER: This would be the current R-1-A, R-1-B, R-2 and R-3.

COMMISSIONER MAY: Okay. All right. You know, I think one of the concerns that we have with accessory apartments is that it's going to cause parking issues. And refresh my memory, for these zones what is the parking requirement? One per 2 units or one per unit, because it's mostly one unit?

MS. STEINGASSER: It's one per unit, one per principal unit. Right.

COMMISSIONER MAY: One per principal unit. Okay. And that's true for all 4 zones, or in R-3 is one per --

MR. LAWSON: No. That's true for all of the zones.

COMMISSIONER MAY: All zones, one per unit. Okay.
COMMISSIONER TURNBULL: So parking is left in the total hands of the Zoning Administrator?

MR. LAWSON: No, what we were saying is that there is currently not a requirement for parking for an accessory dwelling unit in any of these zones. And we're proposing to maintain that.

COMMISSIONER MAY: Right. So, I mean, at one per principal dwelling unit, it's similar to a flat zone, where it's one per 2 units in effect, because you're still required to have one.

MR. LAWSON: With of course the exception that there is a principal owner who controls how that accessory apartment is administered. Whereas with a flat it could be 2 independent owners that have no relation to each other.

COMMISSIONER MAY: Right. I'm just talking about in raw numbers, this is the number of dwelling units you have and this is the
number of parking units that you have. Yes. Okay. All right. And of course for R-1 zones and R-2 zones, they tend to be less dense. It's R-3 zones where it might be a concern. I don't know.

CHAIRMAN HOOD: Okay. Any other comments? Vice Chair Cohen.

VICE CHAIR COHEN: Thank you, Mr. Chairman. I support this item, allowing one accessory apartment as a matter of right subject to specified conditions.

CHAIRMAN HOOD: Okay. Any other comments?

COMMISSIONER MAY: Sorry, I want to ask one more question on the parking issue. So if we're in an R-3 zone and the property is noncompliant for parking right now, which would not be an uncommon thing, if they were to do an accessory apartment, which would be allowed as a matter of right, would that trigger any, you know, further review because they're noncompliant for parking?

MR. LAWSON: It would not.
COMMISSIONER MAY: It would not.

Okay.

CHAIRMAN HOOD: Okay. Is there any of my colleagues that would like to do this by a special exception and not going with the Office of Planning's recommendation? I heard one no. Is there anyone else who would like to join me with a special exception?

VICE CHAIR COHEN: No.

CHAIRMAN HOOD: Okay. It would be nice if you'd get on the mic and say no. I can hear you.

VICE CHAIR COHEN: Oh.

CHAIRMAN HOOD: The public wants to know you're saying no. No, I'm just playing. But it'd be nice, we have to make sure we're on the record. Anyway, I would like to entertain this as a special exception. I did not put you through a motion. What I would ask is if anyone would like to join me. Okay. So any other comments or somebody's going to make a motion?

VICE CHAIR COHEN: I move to accept
the OP recommendation, allow one accessory apartments as a matter of right subject to specified conditions and ask for a second.

COMMISSIONER MILLER: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition?

Opposed. Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 4 to 1 to 0 to approve allowing one accessory apartments as a matter of right subject to specified conditions within the main house. Commissioner Cohen moving, Commissioner Miller seconding. Commissioners May and Turnbull in support. Commissioner Hood opposed.

CHAIRMAN HOOD: Within an accessory building. The set down: Accessory building constructed after January 1, 2013,
should not be used as or converted to an accessory apartment except by special exception for a period of five years after the approval of the building permit for the accessory building. The alternative is allowing accessory apartment and accessory building only by special exception, regardless of when accessory building was constructed. The public comments: Allow as a matter of right ACC, I'm not sure what that means, apartment accessory, okay. Oh, okay. Got me. Apartment use of the ACC, okay, that's what I'll call it, building regardless of when constructed, i.e. remove January 1, 2013, date. Allow as a matter of right the ACC apartment use of ACC building built before January 1, 2013, and by special exception after January 1, 2013. Allow only by special exception regardless of when ACC building was constructed. Do not allow any apartment within an accessory building. Office of Planning's recommendation: Alternate, allow an accessory apartments in an accessory
building only by special exception, regardless of when accessory building was constructed. Let's open up for any comments.

VICE CHAIR COHEN: Question.

CHAIRMAN HOOD: Vice Chair Cohen.

VICE CHAIR COHEN: Thank you. Can you clarify exactly what you're saying? Because it doesn't seem to, it seems to contradict, at least the way I read. Oh, it's within an accessory apartment. No, never mind. I'm sorry. I just woke up this moment. I understand the differentiation. One's the main house, one's an accessory building.

CHAIRMAN HOOD: And we've been here for 4 hours? No, I'm just playing. I had to throw that in there. Any other comments? Commissioner Miller.

COMMISSIONER MILLER: I just was trying to understand the proposal better, too. Is the second bullet, which says allow as a matter of right accessory apartment, use of accessory building built before 1 January of
2013 and by special exception after January 1, 2013, is that the same as the set down description above? Okay. Well I would just say that if it's an existing building that isn't going to be expanded or renovated, or expanded beyond its original footprint, which I think was the Office of Planning's original proposal, I would prefer that, too. But I won't put the Commission through a motion if there's not support for that.

CHAIRMAN HOOD: Is there any support for that? What Commissioner Miller mentioned? Okay. Commissioner May, anybody? Anybody have any comments? What I would go ahead and do in this case, I would accept the alternate. Allow an accessory apartments in an accessory building only by special exception regardless of when the accessory building was constructed. That's my motion. Can I get a second?

COMMISSIONER TURNBULL: Second.

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

   (Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin would you record the vote?

   MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to allow an accessory apartment in an accessory building only by special exception regardless of when the accessory building was constructed. Commissioner Hood moving, Commissioner Turnbull seconding. Commissioners May, Cohen and Miller in support.

CHAIRMAN HOOD: Okay. Next, with an accessory building by new construction including addition. Set down said: Allow as a special exception. Allow as a matter of right. Allow only by special exception. Do not allow. And the recommendation: Set down, allow as a special exception. I would definitely support the Office of Planning's recommendation on this one. So any other comments? Okay. I would move that we approve the set down as proposed and
allow it as a special exception within an accessory building by new construction including additions, and ask for a second.

VICE CHAIR COHEN: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to allow as a special exception an accessory building by new construction including additions. Commissioner Hood moving, Commissioner Miller seconding. Commissioners May, Cohen and Turnbull in support.

CHAIRMAN HOOD: Okay. Next, require minimum lot size. Set down: Maintain required minimum lot size. The alternative: Eliminate required minimum lot size. And the chart is before us. Public comments: Keep the existing minimum lot size requirements. Reduce
the minimum lot size requirements. Eliminate the existing minimum lot size requirements. The recommendation of Office of Planning: The alternate, eliminate minimum lot size requirements. Any comments? Vice Chair Cohen.

VICE CHAIR COHEN: Yes. Thank you, Mr. Chair. I would like to ask the Office of Planning as to the minimum lot areas that they're proposing and why they are that size as opposed to reducing the minimum size? The second bullet under public comments.

MR. LAWSON: Well this is a public comment, not an OP comment. So there were people who stated that there should be a minimum lot size, but they were accepting that it could be less than what the current requirement is, which is what was at set down. Most of the comments were somewhat general. You've got the comments attached to your documents. You should be able to look those up. But we felt that it was appropriate in this case that there be no minimum lot size.
CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: Thank you.

CHAIRMAN HOOD: Any other comments? I am not supportive of the recommendation, the alternate, eliminate minimum lot size requirements. I know Mr. Lawson just said that the comments are there. But I don't think the record, at the least the way I saw it, didn't reflect that. I know a few comments came in. I think, because when we started off, we said at least maintain the minimum size lot requirements. And I would be in favor of maintaining as we did with set down. I'm not sure if anyone agrees with me. If you are, any other comments?

COMMISSIONER TURNBULL: Well maybe OP could get into, the minimum lot size is what's established now or has been used in the past?

MR. LAWSON: Well, the minimum lot size is what's from the current regulations. Exactly. Yes. And these are the lot sizes that
are required for the creation of a new lot in
the zone. And as we know, particularly in some
of the zones, a very large percentage of the
lots, the existing lots don't conform to the
current minimum lot size, in some cases as much
as over half of the lots don't conform to the
minimum lot size.

COMMISSIONER TURNBULL: In these
zones you're saying.

MR. LAWSON: In these zones. The
existing minimum lot size, in some zones more
lots are nonconforming than are conforming. In
other zones it's not as drastic and in other
zones it's not that many. But in each one of
these zones there are many, many lots that don't
conform to the minimum lot size requirement.

COMMISSIONER TURNBULL: And this
goes back to 1958?

MR. LAWSON: Yes.

COMMISSIONER TURNBULL: So that's
when it was established and that's what we've
been using ever since then.
MR. LAWSON: Yes.

MS. STEINGASSER: It's also important to notice that in the R-2 and the R-3 zone, this is 1000 to 2000 square feet larger than the minimum required lot size. This is a minimum lot size for a single family detached in an attached or semi-detached zone. So it's an artificially enlarged lot size that would result in very few.

COMMISSIONER TURNBULL: Well, had you looked at maybe, again one of the comments was reducing the minimum lot sizes. Does that make any sense to make it more compatible to what actually exists?

MR. LAWSON: We felt that it was more appropriate to establish the requirements for the unit itself. So there is a minimum lot size requirement, or sorry, minimum size requirement for the unit. There is a minimum size requirement for the house that the accessory building goes in. So those kinds of limitations that relate more directly to the
nature of the accessory apartments itself, would remain in place. And we felt that those were more than adequate to make sure that the accessory apartment could be --

(Simultaneous speaking.).

COMMISSIONER TURNBULL: Which is what we're going to deal with in the next section.

MR. LAWSON: Exactly, which is coming up. Yes.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: So I guess, Mr. Lawson, and I jumped out there. Because I just tried to figure out why did we go from something to nothing. And maybe the next one will help me understand that, because I'm prepared to vote against this as I see it here.

MS. STEINGASSER: And it's not that we're proposing nothing. These are all record lots. They all legally exist. They have structure on them, utilities, all the basic needs. So it's just an artificial threshold
that if you have a single family detached or a semi-detached house in the R-2 zone, you have
to have twice the lot area to have an accessory apartments, which is in conflict with the whole idea of having a matter of right accessory apartment.

We're also proposing that it not be restricted. Under the current regulations, you can only have any accessory apartments in a single family detached home, regardless of what residential zone you're in. Our provisions have been to allow them in the semi-detached and the detached as well. So to have these standards coupled with that, it really undermines the whole premise of moving forward with accessory apartments.

CHAIRMAN HOOD: So removing the alternate language as proposed before us now, removing the minimum lot area, there are still some precautions, protections when we get to the required minimum house size? Okay. All right.
Somebody like to make a motion?
Commissioner May.

COMMISSIONER MAY: I would move that we accept the recommendation to eliminate minimum lot size requirements for matter of right accessory apartments within the main house.

VICE CHAIR COHEN: I second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: No opposition. Any opposition? Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to eliminate the minimum lot size requirements. Commissioner May moving, Commissioner Cohen seconding. Commissioners Hood, Miller and Turnbull in support.

CHAIRMAN HOOD: Okay. Required
minimum house size. The set down: Maintain required minimum house size to 2000 square feet of gross floor area exclusive of garage. The alternative: To reduce required minimum house size for R-2 and R-3 zones, and the table is before us. The public comments say: Keep the existing minimum house size of 2000 square feet of GFA exclusive of garage. Reduce the minimum house size. And then eliminate the existing minimum house size. OP's recommendation to us is the alternate, reduce minimum house size for R-2 and R-3 zones. Okay. Any comments? Do we accept the -- Oh, I'm sorry. Vice Chair.

VICE CHAIR COHEN: Yes, again, on the minimum house size of 2000 square feet, what is the, I mean, that's a huge house. Is this for interior conversion? Or I guess I'm lost a little bit on this one.

MS. STEINGASSER: This is the square footage of the house not including the garage. So this is just the residential structure. And, again, this is the standard
that was established in 1958 and we just brought it forward.

VICE CHAIR COHEN: So that's allowing, though, an accessory apartment within.

MS. STEINGASSER: Within this.

VICE CHAIR COHEN: Okay.

MS. STEINGASSER: Right.

VICE CHAIR COHEN: That was my question. Thank you.

CHAIRMAN HOOD: Any other discussion? Mr. Turnbull.

COMMISSIONER TURNBULL: I guess just if you could go back over the logic on the R-2, R-3.

MS. STEINGASSER: Well, right now the regulations require that, even in the R-2 and R-3, it can only be in a single family detached home. And so to get it in an accessory, or I'm sorry, to allow an apartment in semi-detached or detached requires a use variance. It's been a very difficult thing to
do. So we are proposing that it be allowed in any single family home, regardless of whether it's attached or detached. So that then begs the question, why have such an inflated lot size for those particular land areas.

COMMISSIONER TURNBULL: You mean house size.

MS. STEINGASSER: And then so we took, we carried that forward and looked at the house size and we did some very rudimentary survey of our tax records to get some sense of what is at the -- I wouldn't even say, a statistician would, roll us over the ropes. But we did look at the tax records to try to figure out what is the general, where is a sweet spot for these semi-detached and detached homes, and we came up with 1200 square feet.

COMMISSIONER TURNBULL: So that's sort of like the going size that you see, is roughly plus or minus 10 to 15 percent or something?

MS. STEINGASSER: No, there's
cellars, there's attics. Yes. It was hard to get
a real feel for what is the average or median
size of a row house or semi-detached. They
really vary. You look at the wardments, those
are really large, beautiful houses. You get
into some of the neighborhoods and they can be
very, very small.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: Any other
comments? Somebody like to make a motion that's
before us?

VICE CHAIR COHEN: I move that we
accept OP's recommendation, alternative,
reduce minimum house size for R-2 and R-3 zones
under required minimum house size.

CHAIRMAN HOOD: Okay. It's been
moved. Can we get a second?

COMMISSIONER MILLER: Second.

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

(Chorus of Ayes.)
CHAIRMAN HOOD: Any opposition?

Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to reduce the minimum house size for R-2 and R-3 zones. Commissioner Cohen moving, Commissioner Miller seconding. Commissioners Hood, Turnbull and May in support.

CHAIRMAN HOOD: Okay. The maximum percentage of the main house that may be used by accessory apartment. Set down was: Allow accessory apartment to occupy no more than 30 percent of the GFA of the house. Public comments: Keep existing maximum area for use by accessory apartment at 25 percent. And next, allow a maximum area for use by an apartment at 30 percent. Office of Planning's recommendation: Continues with the set down. Allow accessory apartment to apply no more than 30 percent of the GFA of the house. Let's open it up for any comments.

COMMISSIONER MAY: I have a
question.

CHAIRMAN HOOD: Commissioner May.

COMMISSIONER MAY: So for the Office of Planning, 30 percent of the GFA. And the GFA is or is not what counts towards the FAR?

MR. LAWSON: Well, there really is no FAR in these zones, but it's the total square footage of the building.

COMMISSIONER MAY: It is the total square footage of the building.

MR. LAWSON: Yes. And that's one of the reasons why we're proposing 30 percent.

COMMISSIONER MAY: Right.

MR. LAWSON: Because in a standard 3-story house that's one floor.

COMMISSIONER MAY: Well, no.

MR. LAWSON: One 3-story house --

COMMISSIONER MAY: It almost one--

MR. LAWSON: -- including the basement.

COMMISSIONER MAY: It's almost one floor.
MR. LAWSON: Yes.

COMMISSIONER MAY: And that was my second question, was, well, in a 3-story house 30 percent means that you've got to carve out a little closet that can't be part of the apartment in the basement.

MR. LAWSON: Yes, or the furnace room.

COMMISSIONER MAY: Or the furnace room. I would just make it 35 percent just to make sure that you're covered but --

MR. LAWSON: We'd be happy to entertain that provision.

COMMISSIONER MAY: Well, I would be, unless there's further discussion I'd make a motion.

CHAIRMAN HOOD: Any other discussion? Go right ahead, Commissioner.

COMMISSIONER MAY: So I would make a motion that we accept the recommendation to allow accessory apartments to occupy no more than 35 percent of the GFA of the house.
Actually they recommended 30, but I'm upping it to 35.

CHAIRMAN HOOD: I don't know if I --

VICE CHAIR COHEN: Second that.

CHAIRMAN HOOD: Okay. It's been moved and seconded. What was the rationale for going from --

COMMISSIONER MAY: So for me it's simple math. You know, if you figure a 3-story house and it's the total square footage of the house and it's the basement floor or maybe it's the attic floor or something like that, it's going to be one-third of the total GFA, which would be 33 percent. And rather than having 33 percent, I just figured round it up to 35 percent. It's just cleaner and simpler.

CHAIRMAN HOOD: Okay. I guess since you know simple math, I'm not that good with simple math, I take the hard math. But I was ready to settle for 30 percent and I guess simple math I'll leave it up to you, Commissioner May. I want to say something else
but it's getting late and I'm tired and I don't want to say that you're the most powerful. No, I don't want to do that.

VICE CHAIR COHEN: We all know that.

CHAIRMAN HOOD: Okay. So I won't.

So it's been moved. Was it seconded?

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Moved and properly seconded. Any further -- Okay. Commissioner Miller. I'm sorry. It's been moved and properly seconded. Any further discussion? At 35 percent. All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Any objections?

Not hearing any. Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accessory apartment to occupy no more than 35 percent of the GFA of the house. Commissioner May moving, Commissioner Miller seconding. Commissioners Hood, Cohen and
Turnbull in support.

CHAIRMAN HOOD: Okay. The next is additional entrance for apartments. Set down: May not be located on a wall facing the street. Office of Planning recommendation: Set down, do not allow additional entrances to be located on a wall facing the street. Mr. Lawson, the ones that exist now, don't most of the entrances face the street?

MR. LAWSON: No. It's actually currently in the provisions that the entrance, if it's a legal unit that the entrance isn't allowed to face the street unless they got relief from the provision. As we all know, most of the existing apartments in the district are not legally registered units, so it's possible there is a second entrance facing the street.

COMMISSIONER MILLER: And why wouldn't we want to allow it at the basement level?

MR. LAWSON: It's really intended to address kind of the streetscape character of
the building, and that this is still predominantly, this is still a single family zone and that the accessory apartment is accessory in both size and in design and in character to that principal unit.

COMMISSIONER MILLER: But that would apply in, okay.

COMMISSIONER MAY: So, I mean, it raises an issue in R-3 neighborhoods, which are predominantly row houses wouldn't it? I mean --

COMMISSIONER MILLER: That's what I was just going to ask.

MR. LAWSON: Yes. And like, I mean, these are the conditions but as you get further down you'll see that we're also bringing forward one of the provisions from the current regulations that some of those provisions, when you get into a special exception process could be waived by the Board of Zoning Adjustment and that kind of thing. But, again if the Zoning Commission is feeling that this is too restrictive, we're happy to take another look
at this.

COMMISSIONER MAY: I guess the row, among the zones that we're looking at, R-3 is the only one that's really just row houses. R-2 would be semi-detached but it's --

MS. STEINGASSER: Semi-detached.

And even in the R-3, it's single family, single household. It's not like the R-4 where you have flats and you --

(Simultaneous speaking.).

COMMISSIONER MAY: Right. But we're talking about allowing accessory apartments, so it's likely to be a basement unit, right? And that's likely to enter, I mean, it's going to have to enter off of the --

MS. STEINGASSER: Off of the back.

COMMISSIONER MAY: Hmm?

MS. STEINGASSER: Well it could enter out the back?

COMMISSIONER MAY: Enter out the back, but how do you get to the back?

MS. STEINGASSER: Or it could be
through a shared entrance.

COMMISSIONER MAY: Okay.

MS. STEINGASSER: You come in and then you would go down a flight of stairs.

COMMISSIONER MAY: So are you concerned that allowing them on the front in an R-3 neighborhood would actually compromise the look of the neighborhood?

MS. STEINGASSER: Well one of the things we heard a lot through our pre-public hearing outreach and through the Comp Plan was the issue of neighborhood character and maintaining that character. And that's especially in those single family zones. And that's what we were trying to get at with this. And since it was already an element in the existing regs, we thought we could keep it and somebody could apply for special exception if they needed it.

COMMISSIONER MAY: I mean, in effect it feels like this just will require that any accessory apartment in the main building in
an R-3 zone would have to be done by special exception. Because it's not practical to think that in a row house neighborhood you're going to be entering through the back.

VICE CHAIR COHEN: Yes.

MS. STEINGASSER: But you could enter into a hallway that is split, that has stairs.

COMMISSIONER MAY: I understand that. You could do that. Yes.

MS. STEINGASSER: I'm not going to argue. We're perfectly comfortable to, especially with the R-3, to maybe call out the R-3 and leave the other two. That's what we were trying to get at.

PARTICIPANT: I would support that.

VICE CHAIR COHEN: I would support that as well to make the R-3 an exception.

COMMISSIONER MAY: I think I'd be willing to support that. But I think it's with a little bit greater certainty from the Office
of Planning about what effect it might have on neighborhood character. Have you studied it much to know? I mean, I don't know.

MR. LAWSON: I can't say that we've studied that, because it's not something that we had proposed.

COMMISSIONER MAY: Right.

MR. LAWSON: It's certainly something we could look at. We could also look at, for example, if you wanted to carve out R-3, allowing that entrance only into the lower level as opposed to having two entrances --

COMMISSIONER MAY: Got it. Side by side.

MR. LAWSON: -- at the ground level.

COMMISSIONER MAY: Right.

MR. LAWSON: Which I think would help to minimize that and is a current condition, frankly.

COMMISSIONER MAY: Right.

MR. LAWSON: So that's something we
could certainly look at.

COMMISSIONER MAY: Yes. And I think that lower level entrance is in keeping with the character of most row house neighborhoods. It's not uncommon at all to have that second entrance on the lower level. But, yes, having two doors side by side, that's those flats.

MR. LAWSON: And I just want to make, and I know you haven't taken a vote yet, but just so I understand where you're coming from so that we can draft this up. When you talk about that, are you talking about just the R-3?

COMMISSIONER MAY: Yes.

MR. LAWSON: Or are you talking about -- Okay. Thank you.

COMMISSIONER MAY: Is there further discussion? Otherwise I would make a motion.

COMMISSIONER TURNBULL: No. I think I agree 100 percent. I understand where OP's coming from and it makes a lot of sense. But there are so many units out there where you
have a door and an area, well, right below the main level that's been there. And it just makes sense to leave it there rather than to try to have somebody try to go all the way to the back. And, they need a second exit anyways to get out from the unit, but, yes, I think the R-3 might be a special case.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: I would go ahead and make the motion to modify the recommendation so that we do not allow additional entrances to be located on a wall facing a street in R-1-A, R-1-B and R-2 zones. And that for R-3 zones an additional entrance may be located in a wall facing a street, providing it is the below grade entrance, the basement entrance.

COMMISSIONER MILLER: Second.

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

(Chorus of Ayes.)
CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to not allow additional entrance to be located on a wall facing a street in the R-1-A, R-1-B and R-2 zones. And in the R-3 zones, another entrance is allowed off the street as long as it's a below grade entrance. Commissioner May moving, Commissioner Miller seconding. Commissioners Hood, Turnbull and Cohen in support.

CHAIRMAN HOOD: Okay. Let's go to owner occupancy requirement. The set down: Owner must live in either the principal dwelling or the accessory apartment. Public comments: Maintain an owner occupancy requirement. Office of Planning's recommendation: Set down, which is a set down, owner must live in either the principal dwelling or the accessory apartment. Any comments or questions? I move that we accept the
Office of Planning's recommendation and the set down. Owner must live in either the principal dwelling or the accessory apartment, and ask for a second.

COMMISSIONER MILLER: Second.

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

(Chorus of Ayes.)

VICE CHAIR COHEN: Actually I --

CHAIRMAN HOOD: Any opposition?

VICE CHAIR COHEN: No.

CHAIRMAN HOOD: Not hearing any.

Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to approve the owner must live in either the principal dwelling or the accessory apartment. Commissioner Hood moving, Commissioner Turnbull seconding. Commissioners May, Cohen and Miller in support.

CHAIRMAN HOOD: Vice Chair, you tried to hit the mic. Did you --
VICE CHAIR COHEN: No, I'm fine.

CHAIRMAN HOOD: Okay. Let's go to the total persons. Set down: Limit total number of persons that may occupy the house and apartment combined to 6. The public comments: Keep limit of 6 for both house and apartment. Put limit only on number of people living in apartment. Office of Planning's recommendation is to limit number of residents in the apartment only. Limit to 3. Any comments? Let me ask, and I think this came up in the hearing, how does this coincide with the Department of Justice about, how does this work with that? Is this in compliance with it? I think we talked about this before.

MS. STEINGASSER: It is in compliance, or it doesn't conflict with any of the Department of Justice issues.

CHAIRMAN HOOD: Okay. Any other comments?

VICE CHAIR COHEN: I have a comment. This could be an issue related to
affordability. A family, mother, father, 2 children need an apartment desperately and they can't afford anything but an accessory apartment. So what you're stating here is, though, they could not be eligible to live in an accessory apartment.

MS. STEINGASSER: Well the current regulations said 6 between the 2 units. And the Commission asked us to look at limiting only the residence in the accessory apartment. So we basically went with half. There was no real science to it. But, you're right, 4 people.

VICE CHAIR COHEN: I have a problem with that.

COMMISSIONER MAY: So I'm actually happy with this solution. I think the limit of 6 for both house and apartment was remarkably small. And the idea of limiting the residents in the accessory apartment, we're talking about basement apartments and that sort of thing. I think that, that's okay for a single, a couple and maybe a child, as well. But beyond that I
think we shouldn't necessarily be encouraging that in these residential zones. I think at the point when you got 4 people in the apartment, it ought to be in a flat zone or an apartment zone. So I think that this is a perfectly reasonable control on occupancy of accessory apartments.

VICE CHAIR COHEN: Well is there, there are very large homes that may have large basements and may end up being almost like an apartment themselves, but we're only limiting it to, I mean, unless I don't understand that connection of --

COMMISSIONER MAY: This goes back to the neighborhood preservation idea. I think that this is, when it's a very large home and there happens to be a very large basement and you could have a 2 bedroom apartment in it, I think it does change the character to have, an entire second family with, 2 or 3 or 4 kids in it.

VICE CHAIR COHEN: Yes. But we
have, again, a very severe housing crisis. And if you have the size unit that does accommodate that family with 2 children, I think it behooves us as a community to house those people. And I'm not saying that it's going to change the neighborhood that greatly, because I don't think it's going to be done that much. And the other thing is the Comprehensive Plan does have a Chinese menu. There are some things within that that happen to be inconsistent. And it's your choice. And I think right now the choice of having additional housing in our city to accommodate not only the growth but the fact that there is a tremendous amount of overcrowding in smaller units throughout the city, so this might actually help relieve that.

COMMISSIONER MAY: I don't disagree that there's an issue with a need for more housing. But I, as you say, the Comprehensive Plan is a Chinese menu. I think it's a matter of balancing your choices so that you wind up with a reasonable balance between
neighborhood preservation and the desire to provide more housing opportunities. And, you know, frankly I'm just, I think that this is the right compromise. You may disagree but I think it's the right one.


COMMISSIONER TURNBULL: Thanks, Mr. Chair. I just want to, you're original comparison sheet for accessory apartments, I don't think you had updated it. The last item G still says 6 for both. And so this is really superseding this old comparison sheet then. G basically says the aggregate number of persons that may occupy the house including the principal dwelling and the accessory apartment combined shall not exceed 6. So you've really gone out in front and it's changed.

MS. STEINGASSER: We were asked to look at this after the July --

COMMISSIONER TURNBULL: After July. That's what I just want to be sure that
we're on the same page.

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

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

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

Chorus of Ayes.

CHAIRMAN HOOD: Any opposition?

VICE CHAIR COHEN: Opposed.

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

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

CHAIRMAN HOOD: Okay. Let's go to
conditions for matter of right accessory apartment within accessory buildings, alley access to apartments in accessory buildings. The set down: There shall be permanent access to the accessory building from a dedicated and improved right of way, 24 foot in an alley when there is not a minimum side yard access. Public comments says: Keep access requirement through alley width of 24 feet minimum. Reduce minimum alley width to 15 feet. Do not require a minimum alley width. The recommendation from Office of Planning: As well as the set down said keep access requirements through alley width of 24 feet minimum where there is not a minimum side yard access, and allow relief by special exception. Any comments? We all in agreeance with the recommendation?

COMMISSIONER MAY: I have a question. Why would we treat this differently from the way we would on alley lots? Why wouldn't we go with the same sort of circumstance as alley lots?
MS. STEINGASSER: Well because these are accessory and they're on the property of the principal dwelling. So if it's a detached or semi-detached, there's usually a side yard where there could be access to the back alley.

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

MS. STEINGASSER: It would only --

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

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

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

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

COMMISSIONER MAY: Right. That's what I'm asking.
MS. STEINGASSER: Yes.

COMMISSIONER MAY: Can we do the 300 foot rule?

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

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

VICE CHAIR COHEN: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the
vote?

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

CHAIRMAN HOOD: Okay. Next, side yard access to apartments and accessory buildings. Set down says 10 feet wide easement for permanent passage open to the sky from the accessory building to a public street through a side setback record in the DC land records. The alternate is an 8 foot wide easement for a permanent passage open to the sky from the accessory building to a public street through a side setback record in the DC land records. Public comments: Support a minimum side yard access. Allow for shared access when there is
a shared access easement between properties. Driveways are -- What's that's supposed, okay. Driveways are. Okay it just stops there. So Office of Planning recommendation: Alternate, allow for optional use of an 8 foot side yard easement or a shared access easement between properties. Any comments? Anybody wants to know what comes after driveways are. Okay. All right. Any comments?

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

VICE CHAIR COHEN: Second.

COMMISSIONER TURNBULL: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the
vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to allow for optional use of an 8 foot side yard easement or a shared access easement between properties. Commissioner Miller moving, Commissioner Turnbull seconding. Commissioners Hood, Cohen and May in support.

CHAIRMAN HOOD: Okay. Which number are we on? I just got distracted? 5-C?

Oh, I thought we were 5-E. Okay. Duration of apartments use of accessory buildings. Set down: Apartment use of accessory building shall be, okay.


COMMISSIONER MAY: I would move that we adopt the recommendation to adopt the
co-terminus requirement that the apartment use
of the accessory building shall be co-terminus
with the permanent access.

VICE CHAIR COHEN: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition?

Not hearing opposition, Ms. Schellin would you
record the vote?

MS. SCHELLIN: Staff records the
vote 5 to 0 to 0 to adopt the co-terminus
requirement with regard to the duration of
apartment use of the accessory building.
Commissioner May moving, Commissioner Cohen
seconding. Commissioners Hood, Miller and
Turnbull in support.

CHAIRMAN HOOD: Okay. Roof decks,
oh, no. I'm sorry.

PARTICIPANT: Other uses.

CHAIRMAN HOOD: Other uses in
accessory buildings. Set down: Accessory building that house an apartment shall not be used simultaneously for an accessory use other than a private vehicle garage. Public comments: Also allow for artist studio and storage. Also allow the tenants to have a home occupation within accessory apartment. Do not allow tenants to have at home occupation with an accessory apartment. Office of Planning's recommendation: Allow the simultaneous use for parking and include artist studio and storage. Allow the tenants to have a home occupation within the accessory apartment and limit the clients or visitors to 8 per day. Any comments?

COMMISSIONER TURNBULL: I'm assuming that the homeowner can also have his home occupation.

MS. STEINGASSER: Yes.

COMMISSIONER TURNBULL: And is he then limited? I mean, how does that work, how would that combine with this? The home occupation requirements?
MS. STEINGASSER: Well the home occupation for the principal would be subject to its regular requirements.

COMMISSIONER TURNBULL: Regular.

MS. STEINGASSER: And this would have the limitation of only 8 visitors per day.

COMMISSIONER TURNBULL: But again, and there's no parking.

MS. STEINGASSER: There's no parking.

COMMISSIONER TURNBULL: There's no parking for this, so they'd be on street. If they're driving here, they're going to be parking on the street.

MS. STEINGASSER: That's correct.

COMMISSIONER TURNBULL: Okay.

COMMISSIONER MAY: So can we talk a little bit about what the home occupancies might be? It's not going to be a medical office or dentist office or something like that.

MS. STEINGASSER: That could be.

COMMISSIONER MAY: That could be in
a normal home use.

MS. STEINGASSER: Medical and dental office is a permitted home occupation.

COMMISSIONER MAY: So it would be anything that's permitted under home occupation.

MS. STEINGASSER: Right.

COMMISSIONER MAY: But you'd only be able to have 8 visitors per day.

MS. STEINGASSER: That's correct.

COMMISSIONER MAY: But if it were in your home, could you have a dentist office in your home in a R-1-A?

MS. STEINGASSER: Yes, you could.

COMMISSIONER MAY: And then there's no limit.

MS. STEINGASSER: And there's no limit. There's, I think if I remember correctly, it's 8 per hour.

COMMISSIONER MAY: 8 per hour.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: Right. So this
is actually --

MS. STEINGASSER: We tried to --

COMMISSIONER MAY: -- fairly minimal by comparison. 8 per day is, that's, I'm not, if you were say an architect and you had your office there, you probably wouldn't have 8 visitors per day. All right. I guess that paints a better picture for me and in the broader context of home occupation, I guess I'm comfortable with this. Because it doesn't seem like it's anywhere near as, what could be allowed as a just a straight home occupation in a principal house.

CHAIRMAN HOOD: I'm trying to understand. It's like a lot is going on in this recommendation. Maybe I'm not, I don't have my hands around it. It's a lot of stuff. I'm just visualizing 8 people, I think it's already 8 within the hours you just stated, but 8 people we're using. Maybe I'm mixing this up. Storage, artist studio, occupancy. That's a lot going on there.
MS. STEINGASSER: You're right. There's a lot in the recommendation and it's not written as clearly as it could be. It's not to imply that all this would go on at the same time. Just that --

CHAIRMAN HOOD: It sure looks like it, but anyway.

MS. STEINGASSER: It does look like and I apologize for that. But the Commission had asked that we clarify that the art uses and the storage continue to be a permitted use, for instance, if the accessory apartment didn't take up the full building. And the other is just to allow the home occupation for the tenant. And if the Commission is uncomfortable with visitors, you could also limit it to professional office with no visitors.

VICE CHAIR COHEN: I think that this is a reasonable amount of clients or visitors on a daily basis. I don't think it, again, people don't descent usually upon a business. Maybe 2 people at a time if it's like
an attorney that's doing wills inside of his accessory apartment. So I just don't think it really is that much of a demand on a neighborhood.

CHAIRMAN HOOD: Okay. Commissioner Miller.

COMMISSIONER MILLER: Thank you, Mr. Chairman. I would agree with, I have actually the comfort level that Commissioner May and Vice Chair do. Probably because, we have to just remember that this is a compromise upon compromise upon a compromise to try to address concerns. Some of us were okay with matter of right apartment use in the accessory building if it wasn't going to be changing the existing, the building that was already there. And that's gone. It's all by special exception now, right? And so this would have that use, would that be going through a special exception process, would it not?

MS. STEINGASSER: The home occupation would not.
COMMISSIONER MILLER: That would just be governed by

MS. STEINGASSE: Just the regulations.

COMMISSIONER MILLER: And this additional limitation here, the 8.

MS. STEINGASSER: Yes, sir.

COMMISSIONER MILLER: Okay. Well I'm comfortable with this proposal. I think there's been a lot of compromise on this whole issue.

CHAIRMAN HOOD: Did you say the additional, besides the home occupation, would be special exception?

I'm asking Ms. Steingasser.

MS. STEINGASSER: No, sir. The home occupation would be a matter of right. The accessory apartment in the accessory building would be by special exception.

CHAIRMAN HOOD: Okay. Before the Vice Chair says, and you talked about looking at something else and I forgot. You talked about
looking at some additional days or I forgot. I was in line what you said but --

COMMISSIONER MAY: Additional limitations to only professional office for example. Right?

CHAIRMAN HOOD: Yes.

MS. STEINGASSER: Yes.

CHAIRMAN HOOD: Is anyone in favor of asking Office of Planning to do that?

COMMISSIONER MAY: I would be happy to know more about what they envision could be happening and sort of tiers of what could happen. But I'm comfortable with what's described now, but I have no problem with seeing more information in case when we get to decision making to take proposed action on actual language that we have something a little different. (Simultaneous speaking)

CHAIRMAN HOOD: I'm prepared to go ahead and vote as written, but I would like to see that.

COMMISSIONER MAY: I have no
problem with that.

CHAIRMAN HOOD: Okay. Anyone else?

COMMISSIONER TURNBULL: Well my only concern, I have no objection to the home occupation in principal. My only concern as far as an impact is if you have a home occupation in the principal dwelling and the tenant has it. And especially if the home occupation could be a doctor. I just see both of them having, would be a big impact on the neighborhood.

CHAIRMAN HOOD: Okay. I thought --

(Simultaneous speaking.).

COMMISSIONER TURNBULL: That's my only, that's my biggest concern.

CHAIRMAN HOOD: That's actually a good point. So one or the other.

COMMISSIONER TURNBULL: But the way it's written you can have both.

CHAIRMAN HOOD: Yes.

PARTICIPANT: Right.

COMMISSIONER MAY: Well it could be very convenient. You can have the doctor in the
main house and then you could have the --

(Simultaneous speaking.)

COMMISSIONER TURNBULL: -- down below.

COMMISSIONER MAY: The malpractice attorney in the --

(Simultaneous speaking.)

CHAIRMAN HOOD: Yes. That sounds like something good. We can make it as a matter of right in Capitol Hill. No, I'm just playing. Okay. So we will ask you to look at some more ideas. And also take into consideration Commissioner Turnbull's good point. That's a good point. Okay. But Commissioner Turnbull do you have a problem approving this as it is or?

COMMISSIONER TURNBULL: No, I would hope that they could look at that. I don't know what you could do, if you have both. I just think it is an impact.

CHAIRMAN HOOD: Okay. I would move that we approve, allow the simultaneous use for parking and include artist studio and storage,
allow the tenants to have a home occupation within the accessory apartment and limits to clients or visitors to 8 per day, knowing the fact of taking into consideration of the Office of Planning re-looking at some of the uses, a dentist, a doctor, be looking at the uses. As well as the issue of whether or not there's a business both in the main house as opposed to the accessory dwelling, and ask for a second.

COMMISSIONER MAY: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition? So staff would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to allow the simultaneous use for parking and include artist studio and storage. Allow the tenants to have a home occupation within the accessory apartment and limit the clients or visitors to 8 per day with
the caveat that OP will look at some other options, re-look at uses, especially the fact that there could be a home occupation in the main home. Commissioner Hood moving, Commissioner May seconding. Commissioners Cohen, Miller and Turnbull in support.

CHAIRMAN HOOD: Okay. Next, roof decks and balconies. Set down: Accessory building that house an apartment shall not have a roof deck or balcony. The alternate: Allow roof decks, balconies, projecting windows by special exception. The public comments: Allow by special exception. Office of Planning's recommendation: Alternate, allow roof decks, balconies and projecting windows by special exception. Any comments? Commissioner May.

COMMISSIONER MAY: I have a question. So what are we measuring as a roof deck? I mean, are we talking about a 2-story accessory building with a deck on top of it? And so then you'd have --

PARTICIPANT: It could be.
COMMISSIONER MAY: And how do you get up there. Can you have a penthouse to get up to it?

MS. STEINGASSER: Not as of about 8:30 this evening you cannot.

COMMISSIONER MAY: Right. But then you'd have an external stairway or something like that would lead up to it. Or a hatch.

MS. STEINGASSER: A hatch.

COMMISSIONER MAY: Right.

MS. STEINGASSER: But you could have a --

COMMISSIONER MAY: Leading up to a deck and then you have to have rails around it.

MS. STEINGASSER: (Simultaneous speaking)

COMMISSIONER MAY: Right. And the rails would or would not count against height.

MS. STEINGASSER: (Simultaneous speaking)

COMMISSIONER MAY: It's another layer of rules that you'd have to figure out.
As much as I like people to get outside and do things, I'm not sure roof decks are really necessary on top of accessory buildings. I think balconies and projecting windows by special exception makes sense. And I could see a circumstance where the second floor is maybe not as big as the first floor and so you have a balcony that takes up a good chunk of that.

MS. STEINGASSER: Mm-hmm.

COMMISSIONER MAY: I was wondering if that's what you meant by roof deck, but that's more of a balcony, right?

MS. STEINGASSER: That would be more of a balcony.

COMMISSIONER MAY: Right. So I'm not keen on allowing roof decks even by special exception.

CHAIRMAN HOOD: So allow roof decks, balconies, so you don't have a problem with balconies and the projecting windows.

COMMISSIONER MAY: Right.

CHAIRMAN HOOD: But it's just an
issue, you want to ban roof decks.

COMMISSIONER MAY: Not on top of accessory buildings. I don't really see the --

CHAIRMAN HOOD: Yes. I concur.

Okay. Any other comments?

VICE CHAIR COHEN: Well I guess I just wanted to state that because it was by special exception and that it would be reviewed by neighbors and ANC and BZA, I didn't have a problem with it. But I'll go along with the modification.

COMMISSIONER MILLER: I would share the Vice Chair's view that the special exception process could take care of that.

COMMISSIONER MAY: Yes. And I ordinarily would just appreciate that. The thing about special exception is that there's a presumption that that use is appropriate, when you're talking about a special exception. It is just a question of whether there is any undue impact associated with it. This is just one thing where I just don't think it's really
appropriate.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: Even --

COMMISSIONER MILLER: I had a question for Office of Planning. We're going to get to this in the next item but, in the Georgetown customized zone for accessory apartments, are they allowing roof decks? I thought --

MS. STEINGASSER: They're definitely in favor of balconies and projecting windows. I don't remember whether roof decks, I think they might have been supporting roof decks. And I think that's why through the public hearings it came out that let's allow them by special exception in the other.

COMMISSIONER MILLER: Right. That's what I was recalling too.

CHAIRMAN HOOD: Okay. Any other comments as proposed by the changes here tonight by Commissioner May as far as taking out roof decks? Somebody like to make a motion?
COMMISSIONER MAY: I would make a motion that we accept a modified recommendation to allow balconies and projecting windows by special exception.

CHAIRMAN HOOD: Okay. I'll second that. It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition. No opposition. Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to allow balconies and projecting windows by special exception. Commissioner May moving, Commissioner Hood seconding. Commissioners Cohen, Miller and Turnbull in support.

CHAIRMAN HOOD: Okay. Commissioner Miller.

COMMISSIONER MILLER: Mr. Chairman, if I could just ask, if it is allowed in the Georgetown situation that we're about to
talk about and there are certain conditions that are there, maybe we can just see if that's applicable here and when we come back and meet, which might meet the concerns, the presumption of appropriateness would have conditions that might mitigate.

CHAIRMAN HOOD: Yes. I would say that we need to be consistent with our actions, and even including the Georgetown piece. And I would go along with that Commissioner Miller. I really would. Because I want to make sure what we do here we're going to do here and what we're going to allow there we allow here and give everyone an opportunity. So that's something we may have to go back. Commissioner May, as Commissioner Miller mentioned, we may have to go back and revisit that last one we voted on.

COMMISSIONER MAY: That's perfectly fine.

CHAIRMAN HOOD: Okay. All right. Now Georgetown standards. Set down: Varying standards based on historic character such as
allowing balconies by right in all apartments
by special exception, regardless of accessory
building status. The public comments: Support
the Georgetown requirement for special
exception for all ACC apartments. Do not
support Georgetown zones. Reduce minimum lot
size to 1,750 square feet. Office of Planning's
recommendation: They support the Georgetown
zones as recognizing their unique status as a
national historic landmark district. Any
comments?

COMMISSIONER MAY: I would move
that we accept the recommendation to the
support the Georgetown zones as recognizing
their unique status as a national historic
landmark district.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: It's been moved and
properly seconded. Any further discussion? I
want the Georgetown folks to still let me come
to Georgetown. I'm not going to say anything
about Georgetown in this particular instance.
Any other discussion? All those in favor?

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to support the Georgetown zones as recognizing their unique status as a national historic landmark district. Commissioner May moving, Commissioner Cohen seconding. Commissioners Hood, Miller and Turnbull in support.

CHAIRMAN HOOD: Okay. Relief from requirements. Set down: Allow relief from 2 requirements except for owner occupancy and maximum number of residents requirements by special exception. Relief from more than 2 requirements shall be considered a variance.

Public comments: Maintain the limit of 2 requirements for special exception relief. Do not limit the number of requirements that the BZA can consider for relief as a special
exception. Office of Planning's recommendation: Allow relief from 2 requirements except for owner occupancy and maximum number of residents requirements by special exception. Any comments? Okay. Ms. Steingasser, help me understand. What are we doing here?

MS. STEINGASSER: Currently the regulations permit an applicant to apply for relief from 2 of the requirements. It does not allow those requirements to include the owner occupancy requirement or, as previously, the maximum number of residents that can live on the property. So we've changed that a little bit through actions of the Commission tonight. But the owner occupancy requirement I think is really critical to maintaining that subordinate relationship between the accessory apartment and the principal apartment and that ownership. So we're just reflecting the current regulations.

CHAIRMAN HOOD: Okay. All right.
Thank you. Any other comments, questions? Mr. May?

COMMISSIONER MAY: No. I would move that we accept the recommendation to allow relief from 2 requirements except for owner occupancy and maximum number of residents requirements by special exception.

COMMISSIONER TURNBULL: Second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to allow relief from 2 requirements except for owner occupancy and maximum number of residents requirements by special exception. Commissioner May moving, Commissioner Turnbull seconding. Commissioners Hood, Cohen and Miller in
CHAIRMAN HOOD: Okay. Last for the night, residential retail business license. Set down: Require property owner to have a residential rental business license from DCRA prior to renting an accessory apartment. Public comments: Require the residential rental business license. Office of Planning's recommendation: Require the residential rental business license. Any comments? Somebody like to make a motion.

VICE CHAIR COHEN: I have a question. I know of so many accessory apartments that do not have residential rental business licenses. What is the purpose, because a lot of people are not in compliance that I've even aware of, and I don't know the whole population in the city of Washington DC. I know it's a requirement now.

MS. STEINGASSER: It is the law.

VICE CHAIR COHEN: It is the law.

MS. STEINGASSER: And we're hoping
once this is done that we would work with DCRA to create a kind of amnesty program to encourage these people to come in. It does require an initial inspection that gets to the life safety issues of the building code. And while I have the microphone, I just want to thank Ms. Alma Gates who sat here for last night. She was very adamant about this particular provision and helped OP find it and install into regulation.

VICE CHAIR COHEN: I would like to complement her for being able to sit through all of this. Actually, the 3 people in the audience. The rest of the people watching may be asleep right now.

COMMISSIONER MILLER: Just a quick question. Do you happen to know the cost of the license? I mean, is it different if you have one apartment versus 100?

MS. STEINGASSER: I believe it is. Right. After 4 I believe you fall into a commercial category of, you're no longer a residential landowner. There is a threshold.
But I don't know what the cost difference is. And obviously don't know how to articulate on that difference.

COMMISSIONER MILLER: That's the other question. It needs to be repeated in the zoning regulations, even though it's in the statute or other regulations. It needs to be --

PARTICIPANT: But what if it changes?

MS. STEINGASSER: The reference to the fees and costs?

COMMISSIONER MILLER: No. The business license, the requirement to have a business license, since it's the law.

MS. STEINGASSER: We felt it was really important to guide people that they needed to get it. Because a lot of people don't know that they have to have it. And especially in areas that may be accommodating students or something. We wanted to make sure they understood they had to get it and it kind of got to that life safety issue of inspections.
COMMISSIONER MILLER: Thank you.

COMMISSIONER TURNBULL: Yes, I think there's so many cases that come up in the BZA where people plead ignorance and they don't know. I think this is a touchstone that would also help keep, remind people that there are regulations that they have to comply with, besides just zoning. So if there's no other comments, I would move that we accept item number 8, residential rental business license.

VICE CHAIR COHEN: And I'll second.

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

(Chorus of Ayes.)

CHAIRMAN HOOD: Any opposition?

Not hearing any, Ms. Schellin would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to require the residential rental business license. Commissioner Turnbull moving, Commissioner Cohen seconding.
Commissioners Hood, May and Miller in support.

CHAIRMAN HOOD: Okay. Ms. Schellin do we have anything else?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: I too want to thank everyone for their participation tonight. Office of Zoning, Office of Planning, Office of Attorney General, and also the 3 who stuck it out. And those who are at home watching us as opposed to the Nationals game, I appreciate you tuning in to us as opposed to the Nationals. So with that, we will reconvene tomorrow night. Goodnight.

(Whereupon, the hearing concluded.)