

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY

OCTOBER 7, 2014

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

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

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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

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

2 (6:03 p.m.)

3 CHAIRMAN HOOD: This is a public
4 meeting of the Zoning Commission for
5 continuation of Zoning Commission case number
6 08-06. We are reconvening again here tonight
7 for continued deliberations. Tonight we=ll be
8 deliberating on Residential Development
9 Standards and Uses, Corner Stores, Accessory
10 Apartments, Alley Lots and R-F zones.

11 Again, my name is Anthony Hood.
12 Joining me are Vice Chair Cohen, Commissioner
13 Miller, May and Turnbull. We=re also joined by
14 the Office of Zoning staff, Director Bardin,
15 Special Assistant Hill and also Secretary to
16 the Office of Zoning, Ms. Sharon Schellin, also
17 the Office of Attorney General, Ms. Glazer. And
18 then also with the Office of Zoning, I=m sorry,
19 Ms. Bushman. Also the Office of Planning, and
20 joining from the Office of Planning Mr. Lawson
21 and Ms. Vitale. And also we=ll be joined by Ms.
22 Steingasser.

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1 Copies of today=s meeting agenda
2 are available to you and are located in the bin
3 near the door. We do not take public testimony
4 in our meetings unless the Commission requests
5 someone to come forward. Please be advised that
6 this proceeding is being recorded by a court
7 reporter. It is also webcast live. I believe we
8 have worksheets to my left on the table as you
9 enter into the room so you can follow with our
10 discussions tonight. Again, this is on
11 Commission case number 08-06A, Zoning
12 Regulations Review, deliberations night 2. And
13 for those who are watching webcast live, if you
14 care to join us, tomorrow night we will be
15 talking about Subtitle C, General Rules,
16 Parking, Bike Parking and Loading. Okay. Ms.
17 Schellin, do we have any preliminary matters?

18 MS. SCHELLIN: No, sir.

19 CHAIRMAN HOOD: Okay. Colleagues,
20 let's go in the same kind of format we did last
21 night. And we will direct any questions to
22 either the Office of Zoning or the Office of

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1 Planning as we see fit. Okay, let's go to our
2 first worksheet, Residential Development
3 Standards. This is dealing with Setbacks C,
4 Chapter 11 and 12. Set down: Establish the side
5 and rear setbacks to regulate the required
6 distance from a property line measured inward
7 to a building. Some of the public comments,
8 again, as I stated, these are not all but some
9 of them captured. Continue to measure yards in
10 the manner established in Title 11 with the
11 option to measure outward from the building.
12 The recommendation is to measure setbacks from
13 the property line inward to the building as set
14 down. I'd like to start us off with any
15 comments. We're going to be slow tonight but I'm
16 sure it'll pick up.

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

19 CHAIRMAN HOOD: Okay. Anyone else?
20 Thank you, Mr. May. Vice Chair Cohen?

21 VICE CHAIR COHEN: I also agree
22 with the proposal.

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1 CHAIRMAN HOOD: Okay. So if
2 everyone is in agreement, is somebody going to
3 make a motion? I have no problems with this.

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

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

14 (Chorus of Ayes.)

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

18 MS. SCHELLIN: Yes. Staff records
19 the vote 5 to 0 to 0 to approve setbacks for the
20 residential development standards.
21 Commissioner Turnbull moving, Commissioner
22 Hood seconding. This is measuring setbacks from

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1 the property line inward to the building as set
2 down. And Commissioners May, Cohen and Miller
3 agreeing. Thank you.

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

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

20 CHAIRMAN HOOD: Sure.

21 COMMISSIONER MAY: So we have
22 under, I'll just pick R-5-B, which will now

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1 become R-A-2, right? I'm just testing my
2 knowledge of the new naming system. The
3 proposed for detached is 0 or 4 feet, for
4 semi-detached is 0 or 4 feet, and for all other
5 it's none but 4 feet if provided. So what's the
6 difference?

7 MS. STEINGASSER: There is no
8 difference.

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

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

22 COMMISSIONER MAY: Okay.

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1 MS. STEINGASSER: Like a 0 lot
2 line.

3 COMMISSIONER MAY: Right.

4 MS. STEINGASSER: Yes.

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

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

13 COMMISSIONER MAY: Right.

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

20 COMMISSIONER MAY: Okay. All
21 right. So how do we treat a circumstance where
22 you come to the end of a row in a new row house

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1 development? Is there, I mean, you're going to
2 build right up to the property line then, right?

3 MS. STEINGASSER: You could.
4 Right. Which is, we see a lot throughout the
5 city.

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

11 MS. STEINGASSER: And that was an
12 --

13 COMMISSIONER MAY: And we=re not
14 requiring that.

15 MS. STEINGASSER: --
16 interpretation that was made, I don't know, 8,
17 10 years ago. But --

18 COMMISSIONER MAY: Well, I
19 remember there was a BZA case where it was set
20 on that path. However, part of the basis for the
21 decision on that was the fact that when we saw
22 PUDs, when you came to the end of the row there

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1 was always a side yard. And it was part of the
2 fact that, you know, when you came to the end
3 of the row you could be butting up to somebody=s
4 rear yard.

5 MS. STEINGASSER: Mm-hmm.

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

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

18 COMMISSIONER MAY: Right.

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

21 COMMISSIONER MAY: Yes. I mean,
22 it's less troubling, I mean it's not troubling

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

12 MS. STEINGASSER: Okay.

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

15 MS. STEINGASSER: Yes.

16 COMMISSIONER MAY: Yes. I don't
17 know.

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

22 COMMISSIONER MAY: Right.

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1 MS. STEINGASSER: But we're happy
2 to do it either way. I mean, you're right.

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

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

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

14 CHAIRMAN HOOD: Okay. And that
15 leads to my next question. What are we doing
16 different here, case in like R-5-A for
17 Georgetown, 3, and let me just get to the point.
18 And I've heard the concern right off, and I know
19 that folks in Georgetown are probably looking
20 for me today. But my concern is, again, and I
21 know they put the time and put the work in. And
22 the same concern I had during the hearings, why

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1 are we singling out, I know they did the work,
2 singling out Georgetown as opposed to Congress
3 Heights? I just don=t understand.

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

22 CHAIRMAN HOOD: Yes. I understand

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1 that. My issue is what we have here today. And
2 I make it, my issue is, I think though, and I'm
3 trying to take Georgetown out of the equation
4 maybe we can put them in the parking lot because
5 we need to afford, and I understand the history.
6 Believe me, Ms. Steingasser, folks in
7 Georgetown who used to live there, who now no
8 longer live in Georgetown, in the 40s and 50s,
9 trust me, I've heard from them. I mean, even
10 before I got on the Commission they told me the
11 stories about Georgetown. I know all about what
12 some of the history that they told us, probably
13 before I was even born. So I understand that
14 part of it.

15 Now I don't go back to the 1700s, but
16 I do go back to maybe the 40s and 50s of folks
17 who I know that grew up and raised in
18 Georgetown. And I know about the clubs and some
19 other things that went on in Georgetown. My
20 question is, why are we just, and I understand
21 Georgetown historic, I know there are some
22 other areas that are historic in the city, why

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1 are we just doing Georgetown? I don=t want to
2 get a code just for one area. That=s just kind
3 of where I=m going. And I understand they put
4 the work in. I don=t want to cancel out the work
5 they put in. But maybe should this come along
6 later with some of the rest of the stuff that
7 we=re doing as far as this code is concerned.
8 That=s just my concern. I don't know if my
9 colleagues agree with me.

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

22 But we also, to balance it out and

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

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1 CHAIRMAN HOOD: Okay. I
2 understand.

3 MS. STEINGASSER: -- you know --

4 CHAIRMAN HOOD: I understand that.

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

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

11 MS. STEINGASSER: Mm-hmm.

12 CHAIRMAN HOOD: I already know
13 that, and if you all remember, and I don't know
14 if my colleagues remember, the late Ms. Barbara
15 Zardin. When I heard this was going to be a pilot
16 then, I forget some things, but I didn=t forget
17 this. And I remember saying to Ms. Zardin, and
18 I remember saying on this dais that I thought
19 that they had the opportunity, because I
20 remember when they were doing a pilot, my
21 question then, if you check the transcript,
22 it's the same question I have now. Why are they

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1 the only ones doing the pilot? I said it then
2 and I say it again now that we've gotten to this
3 point.

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

22 What people are concerned of, is

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

12 But let me ask this question. It
13 kind of goes along with Commissioner May, we=re
14 going from 0 to 5 feet. And I can't figure out
15 in the R-4, I know we have row houses but why
16 did we decide to do that? Because I think, at
17 least the way I see it, some of the BZA cases
18 were that people were saying that people could
19 see over in their yard. So now we=re looking at
20 doing away with some of the side setback. Is
21 this, have we seen enough cases to where we can
22 narrow it down to 0 to 5, as opposed to 8 feet,

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1 which gives you more space, gives people more
2 privacy? Why did we decide to do this? And I
3 probably should remember but I don=t.

4 MS. STEINGASSER: Well, in the
5 single family detached zones we have maintained
6 8 feet. So you have 8 feet wherever you have a
7 single family detached or a single family
8 semi-detached.

9 CHAIRMAN HOOD: But the proposal is
10 0 to 5 feet.

11 MS. STEINGASSER: 0 to 5 feet is for
12 --

13 CHAIRMAN HOOD: The R-4.

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

15 CHAIRMAN HOOD: Yes.

16 MS. STEINGASSER: So that=s a row
17 house zone. So that=s saying, where you have a
18 row house in these zones if there=s, and it
19 reflects what's in the code right now. The
20 zoning regulations allow for the continuation
21 of a nonconforming side yard that=s a minimum
22 of 5 feet.

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1 CHAIRMAN HOOD: Okay. What I have
2 here in front of me said, existing zone, R-4,
3 semi-detached, 8 feet is existing. Proposed is
4 zero to 5 feet. And I=m talking about the R-4.
5 I=m looking at it. Am I reading it correctly?
6 Maybe, I did go to the eye doctor today.

7 VICE CHAIR COHEN: Which one are
8 you looking at?

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

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

14 CHAIRMAN HOOD: Zero to 5 feet.

15 PARTICIPANT: Zero or.

16 PARTICIPANT: Or.

17 PARTICIPANT: It's not to.

18 CHAIRMAN HOOD: Okay. Zero --

19 PARTICIPANT: It's not a range.

20 CHAIRMAN HOOD: Okay.

21 PARTICIPANT: It's either zero or
22 it's 5.

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1 CHAIRMAN HOOD: Zero or 5. But
2 still my question is the same. Why did we go from
3 8 to zero or, thank you, Commissioner May, zero
4 or.

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

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

18 COMMISSIONER MAY: I have a, well.

19 CHAIRMAN HOOD: A different
20 concern?

21 COMMISSIONER MAY: Well it's kind
22 of the same.

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1 CHAIRMAN HOOD: Okay. Well go
2 ahead. It's in the ball park.

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

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

12 COMMISSIONER MAY: Exactly.

13 MS. STEINGASSER: -- without
14 planning.

15 COMMISSIONER MAY: Right.

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

22 COMMISSIONER MAY: No, but the plan

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1 is most important.

2 MS. STEINGASSER: They got to work
3 through a planning process. And that=s what we
4 did when we worked with Ward 7 and 8 to alter
5 the R-5-A. We had gone through an enormous
6 Comprehensive Planning process. We=d
7 identified those areas. And we moved to that.
8 Same with St. Elizabeths. Again, in Ward 8, we
9 worked with the community. There was a small
10 area plan. So there was, there=s got to be some
11 kind of planning. And there=s got to be
12 community consensus. I mean, you're talking
13 about adjusting people=s property rights. So we
14 want to be really clear. It's not just up to
15 individual ANC members to come running in and
16 request things. There's got to be some kind of
17 consensus. What that is, we haven't said, you
18 know, it's 80 percent, 75 percent. But there=s
19 got to be some kind of evidence that there is
20 general community consensus. And we=ll talk
21 about that when we get into the zone creation,
22 you know.

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1 COMMISSIONER MAY: All right.
2 Actually that is my understanding. And that
3 gives me, Chairman, a bit more comfort.

4 CHAIRMAN HOOD: Well, again, my
5 point remains the same. And I was here when John
6 Moore first bought everything. And when we
7 changed over to Ward 8 I was here for all that,
8 7 and 8, we went from changing the zones from
9 5-A to, we were trying to do away with some of
10 the department issues. I was here for all that.
11 So I understand that.

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

21 Now, Georgetown, I know they put the
22 work in and I don=t want to discount that. But

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1 I think when other neighborhoods come down, and
2 I know it wasn't preferential treatment,
3 because I know the work that was put in. But,
4 again, when the late Ms. Barbara Zardin, and I
5 heard about this pilot program, I had then cited
6 some issues that I had, thinking that we would
7 end where we are. And here I am, we're still in
8 the same boat. So, anyway. Did we ever answer
9 the question 0 or 5 feet? I think you did. I
10 think you did so.

11 MS. STEINGASSER: Part of the 0 or
12 5 feet also gets to the issue, if I'm
13 remembering correctly, we see a lot of
14 artificial fill ins in the R-4 zone, because the
15 lot occupancy goes from 40 percent for a
16 detached to 60 percent for an attached
17 building. So in the R-4, I think we've seen this
18 through the BZA, we've definitely seen it
19 through building permits, where you get these
20 artificial projections just to hit the property
21 lines. And then they get a 60 percent lot
22 occupancy. And so this was a way to try to allow

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1 for some movement, some additions, without
2 creating that pressure to actually fill in to
3 shoot back.

4 CHAIRMAN HOOD: Okay. And I'll just
5 end on this statement. I'm going to make this
6 statement for those who may be watching. As Ms.
7 Steingasser mentioned, it's going to take an
8 effort. While I don't necessarily agree with
9 the way we are proceeding, I don't want to
10 discount Georgetown's efforts. It's going to
11 take a consensus of neighborhoods to do this
12 plan. I think the record reflects that there was
13 a lot of concern, not just mine, but a lot of
14 concern about neighborhoods not having the same
15 opportunity or being told, you know, I don't
16 want to get in that because we get a whole bunch
17 of different comments. But I think what Ms.
18 Steingasser said is very key. It's more than
19 just one ANC Commissioner. It's going to have
20 to be a collaborative effort. Maybe Georgetown
21 can be the model of how they work together.
22 Maybe, you know, they can give some advice on

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1 how you bring everybody together to do this
2 plan. And I=ll just leave it at that point. Any
3 other comments? Mr. Turnbull.

4 COMMISSIONER TURNBULL: Yes. Thank
5 you, Mr. Chair. I just had, I=m trying to, I
6 didn=t seem to have a problem last night with
7 our nomenclature and our zones. But here I=m
8 looking at, we=ve got R-4 down. But that=s
9 existing.

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

12 COMMISSIONER TURNBULL: Okay.

13 MS. STEINGASSER: They=re existing
14 zones.

15 COMMISSIONER TURNBULL: So
16 eventually there=s like three zones that come
17 out of that R-4.

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

20 COMMISSIONER TURNBULL: Right.
21 Okay. I just want to make sure I understood
22 that. Because I remember Commissioner Miller

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1 last night, we kind of paused and said there=s
2 no more any R-4, it's missing totally. So when
3 I saw this, I know it's the existing zone and
4 I had figured you were trying to do that, but
5 I just wanted to make sure that I didn=t slip
6 up on something.

7 CHAIRMAN HOOD: Okay. Anybody
8 else? Commissioner Miller.

9 COMMISSIONER MILLER: Thank you,
10 Mr. Chairman. I share some of your unreadiness
11 with proceeding with the Georgetown tailored,
12 customized zone without, and before other
13 customized, before other neighborhoods come
14 forward with additional customized zones, on
15 the one hand. And on the other hand, if it makes
16 sense, and some of the differences make sense
17 in Georgetown, I don't know if there=s been an
18 evaluation of maybe they should be done in other
19 R-3 or row house zones. But I just want, at this
20 point I=m kind of in the parking lot in my mind.
21 But I just want to let you know that I do share
22 some of that unreadiness.

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1 I also wanted to say something
2 positive, just about the worksheets that you
3 all, Office of Zoning and Office of Planning
4 jointly developed the worksheets. I think
5 they're very helpful. They really do organize
6 the issues once you get through all of them and
7 in a very focused manner, and I really do
8 appreciate the effort that went into create
9 these worksheets. The public has access to
10 them, too, right? So I think it's very helpful
11 to see, to focus on what the changes are.

12 The only other thing I wanted to say
13 at this point in general, nothing about the side
14 setbacks, but as long as I have the microphone.
15 That Office of Planning prepared a summary
16 comparison of existing and proposed zoning
17 regulations for the residential zones with all
18 the development standards. And when you go
19 through that list, that summary chart really
20 shows almost how little is being changed
21 between the existing zoning and the new zoning.
22 I mean, we're going to go through each of the

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1 changes here as we go forward, but there=s a
2 lot, most of the existing code development
3 standards are being retained in the
4 residential, particularly in the lower density
5 residential zones. So thank you.

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

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

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

22 MS. STEINGASSER: We are all

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1 working towards --

2 CHAIRMAN HOOD: We=re working
3 toward --

4 MS. STEINGASSER: -- a common goal.

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

13 COMMISSIONER MAY: I=m sorry, Mr.
14 Chairman.

15 CHAIRMAN HOOD: Yes.

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

19 CHAIRMAN HOOD: Oh, okay. Go right
20 ahead.

21 COMMISSIONER MAY: And so I wanted
22 to offer my two cents on that. I certainly

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1 appreciate the concern that Georgetown is
2 somehow in a more advantageous position as a
3 result of the extra zoning, this extra category
4 of zoning, if you will. And I thought long and
5 hard about this. And, you know, I understand why
6 there is a concern about it and I can appreciate
7 how people might feel. But at the same time, I
8 don't think it's really right for the citizens
9 of Georgetown, who put an effort into this, to
10 have to wait a lot longer since they had, you
11 know, they saw what was coming and they jumped
12 on the train early. And, I think, actually
13 thinking back on when this was first started,
14 when they started down that path, essentially
15 they volunteered to be guinea pigs.

16 My recollection of it was that they
17 were very concerned about this. And when they
18 saw that there was an opportunity to customize
19 the zone for their neighborhood, they jumped in
20 and said, well, you know, maybe we could do
21 this. Maybe this would be a good thing to do.
22 And I thought at the time the Zoning Commission

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1 responded quite positively, thinking that,
2 well, you know, if we could do it in Georgetown,
3 where, honestly people are notoriously fussy
4 about what happens in their neighborhood, that
5 it would be something that could work in a lot
6 of areas. And so certainly back then I think we
7 all welcomed the possibility that this could be
8 a really good pilot program. And that=s the way
9 I regard it, it's a pilot program.

10 I=m really hoping that there=s a
11 concerted effort to move that out. And maybe
12 actually what we need from the Office of
13 Planning is some sense of how this could happen
14 for other neighborhoods. Not just saying, well
15 they need to go through the planning, they need
16 to go through the zoning. But to think, well,
17 if they were to go through this, who=s actually
18 teed up right now because the small area plan
19 is already there? Any sense of how it is. I would
20 hate to say, yes, let's go ahead with
21 Georgetown. And then, no, well it's going to be
22 5 more years before anybody else see it. But if

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1 we know that, somebody else, another
2 neighborhood in another part of the city could
3 be knocking on the door with something in 6
4 months or a year, that might be a better thing.

5 MR. LAWSON: Sure. And it's true.
6 Georgetown certainly could have come forward
7 and brought forward a text amendment to the
8 current regulations, which is what some of the
9 other neighborhoods have started to work
10 towards. But we've already started working with
11 a number of other neighborhoods. It's kind of
12 an ongoing thing. These zoning changes for
13 specific neighborhoods don't happen citywide,
14 to each neighborhood. They happen as a
15 neighborhood kind of comes together and says
16 that they want to do something. So, that's why
17 Ward 7 and Ward 8 happened in 2008. That's when
18 they came forward and wanted something done.
19 Georgetown happened to come forward at this
20 time, and they said they wanted to be the
21 prototype and so it seemed to make sense to roll
22 them into this.

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1 We=ve had some pretty intense
2 discussions with Lanier Heights. We=ve had
3 discussions with Trinidad. We=ve had some kind
4 of softer discussions with some other
5 neighborhoods who were kind of thinking about
6 what kind of a process they want. And, frankly,
7 everyone is going to be a little bit different
8 because every neighborhood is different and the
9 issues that they want to address are different.
10 So the discussions, I guess I would say that the
11 discussions are ongoing. They never really
12 stopped because of ZRR, and they won't start,
13 once ZRR is done because there are ongoing set
14 of discussions. But if you want to know two
15 neighborhoods that are probably furthest along
16 right now, it would be Lanier Heights and
17 Trinidad.

18 COMMISSIONER MAY: So following up
19 on that, just assume for the sake of an
20 illustration, that by March of next year the
21 zoning regulation rewrite is completed and
22 you're ready to start introducing potential

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1 customized zones. How much further past that?
2 I mean, are we talking about months or are we
3 talking about a year before we start to see
4 something from either of these neighborhoods or
5 possibly somebody else?

6 MR. LAWSON: Well, again, it very
7 much depends on the neighborhood itself. As you
8 know, I mean, Georgetown took about 2-1/2 years
9 and they came up with, ended up coming up with
10 some pretty minor tweaks to their existing
11 zone. They didn't even re-zone in Georgetown.
12 They were pretty minor tweaks to their existing
13 zone.

14 COMMISSIONER MAY: Right.

15 MR. LAWSON: Lanier Heights has
16 been working for probably two years on this
17 issue. And we've been working somewhat with
18 them, but mostly they've been working as a
19 neighborhood. And we understand that they're
20 now working with their ANC, we met with them
21 last month, and that a proposal may come forward
22 resulting from that. So that could come forward

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1 before ZRR is even adopted. In which case, it
2 would come forward as changes to the current
3 zone. Because right now we don=t think it's
4 appropriate to bring forward changes to ZRR.

5 COMMISSIONER MAY: To a code that
6 hasn=t been passed yet.

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

11 COMMISSIONER MAY: Right.

12 MR. LAWSON: And those are
13 certainly much more extensive, at least some of
14 the discussion is much more extensive than
15 Georgetown=s was, and that they are talking
16 about new zones. They are talking about
17 potentially using some of the new R-F zones.
18 They're talking about down zoning. And they're
19 talking about taking the zoning they have and
20 changing it. They're still talking about what
21 that might be. And what we=ve told them is, what
22 the neighborhood has to come up with is what

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1 they want to achieve. Instead of worrying about
2 the tool, instead of worrying about the wording
3 of the zoning regulations, to talk about what
4 it is that they're trying to address. And then
5 once they've decided what they want to address,
6 then we'll work with them to come up with what
7 that language might be. And so, as I said, you
8 may see that before ZRR is even done. But it very
9 much depends on the neighborhood itself and how
10 committed they are to doing the work to bringing
11 forward a change like this.

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

17 CHAIRMAN HOOD: Okay. And I'm going
18 to end on this note. Again, I was here when that
19 went on. I raised, to say that Zoning Commission
20 thought that was great for the pilot plan, I
21 don't think that, at least from this
22 commissioner's standpoint, I can only remember

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1 what I did. And I think the record will be clear,
2 I had concerns then and I got concerns now. I
3 have not waivered in my issues, in my concerns.
4 I would have accepted more of what Ms.
5 Steingasser mentioned and captured, more than
6 I did what I heard from you say, Commissioner
7 May, because again, as I stated earlier, this
8 commissioner had concerns then and he has them
9 now. I=m not going to keep belaboring that
10 point, but I think it's clear that we need to
11 make sure that we afford these other
12 neighborhoods an opportunity.

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

21 MR. LAWSON: I would say it's
22 neither one of those. I would say that the first

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1 thing that we want to do is talk to the
2 neighborhood and find out, again, how they're
3 organizing and what it is they want to achieve.
4 We have provided people, when it was
5 appropriate, with some kind of a written
6 format. This is how the Zoning Commission
7 works. This is how, in some cases the concerns
8 are PUDs. These are how PUDs work. But if there
9 is a roadmap, our roadmap is that we work with
10 the neighborhood to achieve what it is that
11 they're, or to bring forward to the Zoning
12 Commission what it is they're trying to
13 achieve. Making it really clear that, in the end
14 it is the Zoning Commission that will make this
15 decision, not the Office of Planning.

16 So all we can do is help them get to
17 a point where they can bring forward the
18 information in a way that that Zoning
19 Commission can receive it and that it's logical
20 and that hopefully the community is coalesced
21 around that process as much as possible. But in
22 terms of something that we have up on our

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1 website, there isn't because every
2 neighborhood and every situation is so
3 different. I don't think such a thing is
4 possible.

5 CHAIRMAN HOOD: And when I say a
6 roadmap, I understand. But we have to have
7 something written because people change,
8 positions change. And I think, I mean, it
9 probably wouldn't even come out of development
10 and review, whatever the office is, but maybe
11 the planners. So they can just have, okay, this
12 is one, two, three. Just something to help get
13 them started. And I think that would ease some
14 of the, because the record is clear. I think
15 that would ease some of the comments that we
16 heard. Not that it's going to be exact or going
17 to be tailor made, because that was the whole
18 intent to do this for different neighborhoods.
19 Okay, start having conversations with the
20 Office of Planning or your ward planner. And
21 then the second step is this, and the third step
22 is that. I think that's something we probably

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1 need to take back and talk to the Director in
2 the future. Not that it needs to come out of this
3 office, Ms. Steingasser, but maybe your
4 neighborhood planners. And I think that would
5 give --

6 (Simultaneous speaking.)

7 MS. STEINGASSER: I think that=s a
8 good idea. On night 4, on Thursday we=ll be
9 talking about the creation of new zones and
10 we=ll talk through the general regulatory
11 proposals that we=ve put out. But starting in
12 January the new revisions to the Comprehensive
13 Plan will start, and that would be a good
14 opportunity for people to start to look at what
15 are those issues. You know, Congress Heights is
16 a great example. In the last set of
17 Comprehensive Plans, we put a lot of effort into
18 identifying the types of improvements and
19 growth we expected in Congress Heights, with
20 the community, with the councilmen. And those
21 were expected to be implemented through PUD
22 because there was a lot of infrastructure need

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1 and a lot of need that we wanted to capture
2 through benefits and amenities that you would
3 get through just a simple rezoning. So there=s
4 different approaches to how a neighborhood
5 revitalizes beyond just creating a zone.

6 CHAIRMAN HOOD: Okay.

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

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

19 COMMISSIONER MAY: I would move
20 that we approve the side setbacks as they were
21 established in referring to number 2 on our
22 residential development standards, side

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1 setbacks, establish side backs to regulate the
2 required distance from a property line measured
3 inward to a building face as follows. And it
4 lists the setbacks for R-1 all the way through
5 R-5-E of the existing zones.

6 CHAIRMAN HOOD: Okay.

7 VICE CHAIR COHEN: I'll second
8 that.

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

12 (Chorus of Ayes.)

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

16 MS. SCHELLIN: Yes. Staff records
17 the vote 5 to 0 to 0 to approve the side setbacks
18 for the residential standards as OP
19 recommended, to measure setbacks from the
20 property line inward to the building as set
21 down. Commissioner May moving, Commissioner
22 Cohen seconding. Commissioners Hood, Miller

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1 and Turnbull in support.

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

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

21 COMMISSIONER MAY: I only see one
22 change.

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1 CHAIRMAN HOOD: R-5-E.

2 COMMISSIONER MAY: R-5-E.

3 CHAIRMAN HOOD: R-5-E which --

4 VICE CHAIR COHEN: Yes.

5 CHAIRMAN HOOD: -- I actually like.

6 VICE CHAIR COHEN: So I --

7 CHAIRMAN HOOD: I do like something
8 else.

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

11 COMMISSIONER MAY: Second.

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

15 (Chorus of Ayes.)

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

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

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1 down. Commissioner Cohen moving, Commissioner
2 May seconding. Commissioners Hood, Miller and
3 Turnbull in support.

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

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

21 MS. STEINGASSER: So in those
22 places where we say building code.

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1 COMMISSIONER TURNBULL: It's there
2 already.

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

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

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

17 COMMISSIONER TURNBULL: Right.

18 MS. STEINGASSER: Because that was
19 really not about an aesthetic or a character
20 defining, that was really about a life safety
21 issue. So in those areas which are usually, I
22 think only in the, where are we, we're in the

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1 R-4, in the smaller areas that=s where we=ve
2 proposed it. But other than that we have
3 proposed to maintain a minimum court
4 requirement which is reflective of what would
5 have been required in the current, what is
6 currently required for hotels. That=s the
7 minimum standard that you will see, the 250,
8 2-1/2 inches per foot.

9 COMMISSIONER TURNBULL: Yes. Okay.
10 Thank you.

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

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

21 COMMISSIONER MILLER: Second.

22 CHAIRMAN HOOD: Okay. It's been

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1 moved and properly seconded. Any further
2 discussion? All those in favor?

3 (Chorus of Ayes.)

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

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

14 CHAIRMAN HOOD: Okay. Next we have
15 roof structures, and you see the sites, roof
16 structures in the R-1-A, R-1-B, R-2, R-3 and R-4
17 zones. Set down said, reduce maximum roof
18 structure height from 18=6" to 10= for
19 residential buildings. Maintain 18=6" roof
20 structure height for all other buildings such
21 as institutional uses. Some of the public
22 comments: Support reduction in roof structure

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1 height. And the recommendation from the Office
2 of Planning is to reduce roof structure height
3 from 18=6" to 10= for residential buildings in
4 residential zones as set down. Let's open it up
5 for any comments.

6 COMMISSIONER MAY: I had a question
7 about this. I guess it was really more on the
8 next one. But, just to be clear, we=re talking
9 about, when you refer to all the zones, it's R-4
10 is now R-F and it will be R-F-1 through 5? Or
11 1 through 4?

12 PARTICIPANT: 3.

13 MS. STEINGASSER: One through 5.

14 COMMISSIONER MAY: One through 5.
15 That=s what I thought. Okay.

16 VICE CHAIR COHEN: I don=t recall
17 the discussion on this. So can you tell me, what
18 was the rationale behind the reduction, please?

19 MR. LAWSON: Well, the 18 foot 6 is
20 really intended to accommodate some fairly
21 substantial mechanical equipment, elevator
22 overrides, that kind of thing. Now, while we see

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1 that sometimes, we do see elevators in low
2 density, in single family houses and flats from
3 time to time, it's not particularly common. But
4 they tend to be the kind of elevator that
5 doesn't need that amount of roof height. There
6 were also some concerns about how an 18 foot 6
7 inch height on such a small footprint, as these
8 buildings tend to be, can impact the visual
9 character. We just simply feel that it
10 accommodates what's needed up there in terms of
11 height and helps to reduce impacts, lessen the
12 visual height of the building. It's kind of a
13 win-win. We received no negative feedback from
14 homeowners or builders of low density
15 developments.

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

19 MR. LAWSON: It should not. They
20 tend to have the mechanical room in either, I'm
21 not an engineer and, Commissioner May, may have
22 more information on this than I do, but they

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1 tend to have the, they can have the mechanical
2 equipment underneath the elevator instead of
3 sitting on top or on the side. It's just a
4 different kind of a system, or systems that
5 don=t really require a rooftop penthouse at
6 all.

7 COMMISSIONER TURNBULL: A
8 residential elevator --

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

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

14 MR. LAWSON: Exactly.

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

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

20 VICE CHAIR COHEN: Well this
21 population is growing within our cities. I just
22 wanted to make sure that it's not going to

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1 impact that.

2 MR. LAWSON: And it would continue
3 to be accommodated.

4 VICE CHAIR COHEN: Thank you.

5 MR. LAWSON: Yes.

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

15 PARTICIPANT: R-F.

16 VICE CHAIR COHEN: R-F.

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

19 COMMISSIONER MILLER: I would
20 second that Mr. Chairman.

21 CHAIRMAN HOOD: Okay. It's been
22 moved and properly seconded. Any further

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1 discussions? All those in favor?

2 (Chorus of Ayes.)

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

6 MS. SCHELLIN: Yes. Staff records
7 the vote 5 to 0 to 0 to approve the roof
8 structure heights being reduced from 18=6" to
9 10 feet for R-1-A, R-1-B, R-2, R-3 and R-4
10 zones. And that=s as recommended by OP.
11 Commissioner Hood moving, Commissioner Miller
12 seconding. Commissioners May, Cohen and
13 Turnbull in support.

14 CHAIRMAN HOOD: Okay. Let's go to
15 5-B, roof structures in R-5-A, R-5-B, R-5-C,
16 R-5-D and R-5-E zones. Again, the set down:
17 Maintain the maximum roof structure heights.
18 You see the rest is noted. Public comments:
19 Limit roof structure. And the recommendation,
20 Office of Planning: Maintain a roof structure
21 of 18=6" in R-5 zones with the exception of the
22 10 foot maximum in the R-5 BCAP zone as set down.

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1 Any comments? Commissioner May.

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

9 MS. STEINGASSER: Right.

10 COMMISSIONER MAY: We=d still
11 allow an 18=6" --

12 MS. STEINGASSER: That=s correct.

13 COMMISSIONER MAY: And the
14 rationale is, again, because we=re expecting at
15 50 feet that they're going to have that kind of
16 mechanical equipment?

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

21 COMMISSIONER MAY: Yes. But, I
22 mean, if all we=re talking about is, we=re

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1 talking about an override plus rooftop access.
2 Because you don=t need 18=6" just to have an
3 elevator override. Right? I mean, is that what
4 we=re envisioning?

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

9 COMMISSIONER MAY: Yes, I=m not
10 super enthusiastic about 50 foot buildings with
11 18=6" penthouses on them. I don't know. I=m
12 curious about what the rest of the Commission
13 thinks. Maybe nobody has an opinion. I don't
14 know.

15 VICE CHAIR COHEN: I always have an
16 opinion, that=s why I actually, until you just
17 brought it up I didn=t see a problem with it.
18 So I guess my opinion was it seemed appropriate.
19 But I=m not an engineer either. That=s why I ask
20 those kinds of questions. I didn=t see a
21 problem. But visually I see where you're coming
22 from.

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1 CHAIRMAN HOOD: Okay. Any other
2 issues, questions?

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

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

11 PARTICIPANT: And they could go up
12 to 50.

13 COMMISSIONER MAY: Well, no. They
14 could go higher than that, depending on what
15 zone it is. It's from 40, if you look on the on
16 the next page, there's actually a maximum
17 building height, number of stories for all
18 those zones. It's the second chart in the middle
19 of the page. And so the range of heights in the
20 RA zones is from 40 feet to 90 feet, depending
21 on whether it's R-A-1, 2, 3 or 4 or 5. And what
22 concerned me is that R-A-2 and 3, that all

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1 other, which would be a small apartment
2 building, I guess, at 50 feet would have, or
3 could have, a penthouse of 18=6". That=s was the
4 concern that I had.

5 CHAIRMAN HOOD: Does anyone else
6 share that concern?

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

16 (Simultaneous speaking.)

17 COMMISSIONER MAY: I=m personally
18 more comfortable with that. Just,
19 understanding how much taller these things
20 could be. I don=t think it's a huge problem
21 right now. But, then again --

22 COMMISSIONER TURNBULL: Well.

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1 COMMISSIONER MAY: -- 10 years ago
2 we wouldn't have predicted that pop ups were
3 going to be a huge problem.

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

6 COMMISSIONER MAY: That=s only
7 limited to 55--

8 COMMISSIONER TURNBULL: 10 feet.

9 COMMISSIONER MAY: No, but it's --

10 COMMISSIONER TURNBULL: Isn't the
11 R-5-B cap under the category of height maximum
12 40 feet?

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

18 MS. VITALE: If you look in the
19 table above that, you=ll see that the R-5-B cap
20 --

21 COMMISSIONER TURNBULL: Is 40
22 feet.

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1 MS. VITALE: -- is 40. And that=s
2 why that 10 foot max height for roof structures
3 was pulled through for that zone. Because it's
4 already limited to 40 feet, so we carried that
5 10 foot roof structure height limit through to
6 that zone. It was a little bit different where
7 that overlay existed.

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

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

14 MR. LAWSON: Just so you know,
15 we=ve already kind of looked at this a little
16 bit and so have you, through the set down for
17 the penthouse changes, where one of our
18 discussion points, one of the things that=s
19 being advertised is actually limiting it to 10
20 feet for a single family and flat buildings,
21 irrespective of the zone. So limiting it to 10
22 feet in the low density zones for low density

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1 uses, but carrying that through to the other
2 zones for that low density use. In that one we
3 did not propose to limit it to less than, down
4 to 10 feet for apartment buildings in those
5 zones, but it's certainly something we could
6 look at. I'm just letting you know that you've
7 kind of already gone there a little bit with
8 that set down.

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

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

18 COMMISSIONER MILLER: Mr.
19 Chairman, I would move that we approve item 5-B,
20 roof structures in the R-5-A, R-5-B, R-5-C,
21 R-5-D and R-5-E zones, going with the OP
22 recommendation to maintain the roof structure

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1 of 18 feet 6 inches in the R-5 zones with the
2 exception of 10 foot maximum in the R-5-B cap
3 zone as set down, with the caveat that OP is
4 going to look at the building type and perhaps
5 come back to us with a modified recommendation.

6 CHAIRMAN HOOD: Okay.

7 PARTICIPANT: Thank you.

8 CHAIRMAN HOOD: Moved.

9 VICE CHAIR COHEN: Second.

10 COMMISSIONER MAY: Second.

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

14 (Chorus of Ayes.)

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

18 MS. SCHELLIN: Yes. Staff records
19 the vote 5 to 0 to 0 to accept the roof
20 structures in the R-5-A, R-5-B, R-5-C, R-5-D
21 and R-5-E at 18=6" in those zones at 18=6" and
22 10 feet max in the R-5-B cap zone as set down,

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1 with the caveat that OP will look at building
2 types and bring revised text back by November
3 3rd. Commissioner Miller moving, Commissioner
4 May seconding, and Commissioners Hood, Cohen
5 and Turnbull in support.

6 CHAIRMAN HOOD: Okay. Next, number
7 6, maximum building height and number of
8 stories. We have the table before us. Then the
9 public comments captured. Establish maximum
10 building height based on predominant height in
11 area. There were some opposed additions that
12 increased building height. The Office of
13 Planning's recommendation: Establish maximum
14 building heights and number of stories as set
15 down, goes back to the set down. Again, the set
16 down: Maintain the status of maximum height and
17 number of stories for residential zones.
18 Establish new maximum height and number of
19 stories for residential zones in Georgetown as
20 follows. And that's before us, that table's
21 before us.

22 COMMISSIONER TURNBULL: I just

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

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

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

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

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1 COMMISSIONER TURNBULL: Yes.

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

4 COMMISSIONER TURNBULL: I'll be
5 delighted to make a motion. I'm just a moving
6 person. Mr. Chair, I would move that we approve
7 residential development standards item number
8 6, maximum building height and number of
9 stories, and use the OP recommendation to
10 basically establish maximum building heights
11 and number of stories as set down, and look for
12 a second.

13 VICE CHAIR COHEN: Second.

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

17 (Chorus of Ayes.)

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

21 MS. SCHELLIN: Staff records the
22 vote 5 to 0 to 0 to accept the maximum building

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1 height and number of stories as OP recommended
2 and as set down. Commissioner Turnbull moving,
3 Commissioner Cohen seconding. Commissioners
4 Hood, May and Miller in support.

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

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1 We don't just rubberstamp anything.

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

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

22 CHAIRMAN HOOD: Okay. So it's the

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1 same in set down.

2 VICE CHAIR COHEN: I have a
3 question.

4 CHAIRMAN HOOD: Vice Chair Cohen?

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

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

13 VICE CHAIR COHEN: I know.

14 MR. LAWSON: There was, in fact the
15 very first comment I received was from an ANC
16 Commissioner of Ward 7, who was very, very
17 strongly in favor of this. And that's kind of
18 the comment about reducing blight. There
19 certainly were some comments about not allowing
20 development of existing nonconforming lots.
21 And there are some other comments that you'll
22 get to tomorrow night that people wanted to make

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1 sure that this didn't apply to the creation of
2 new lots. New lots would be required to conform
3 to the lot area, the lot width requirements.
4 This would just apply to existing lots that have
5 been around for a long time and just kind of
6 waiting to be developed.

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

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

12 VICE CHAIR COHEN: Sure.

13 CHAIRMAN HOOD: Vice Chair Cohen.

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

20 COMMISSIONER MILLER: Second.

21 CHAIRMAN HOOD: Okay. It's been
22 moved and properly seconded. Any further

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1 discussion? All those in favor?

2 (Chorus of Ayes.)

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

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

13 CHAIRMAN HOOD: Okay. Colleagues,
14 minimum lot area. Again, set downs say retain
15 minimum lot area requirements for creation of
16 new lots. Public comments: Support
17 establishments of minimum lot area
18 requirements only for new lots. And Office of
19 Planning's recommendation was to retain
20 minimum lot area requirements for the creation
21 of new lots. Okay. That goes hand in hand. Any
22 other comments? I think that's pretty

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1 straightforward. I would move that actually
2 accept the, but not only for retain minimum lot
3 area requirements for the creation of new lots,
4 that accept the recommendation, retain the
5 minimum lot area of requirements for the
6 creation of new lots and ask for a second.

7 VICE CHAIR COHEN: Second.

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

11 (Chorus of Ayes.)

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

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

21 CHAIRMAN HOOD: Okay. Thank you Ms.
22 Schellin. So far you can put me and Ms. Cohen

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1 together in that. Last night I didn't want to
2 be, Okay. Thank you. Okay. Number 9, lot
3 occupancy. Colleagues, you'll see the citings.
4 Set down: Establish maximum lot occupancy
5 standards as follows. The table's before us.
6 Some of the public comments: Support
7 eliminating incentives to fill in narrow
8 courts. Establish a sliding scale for lot
9 occupancy based on lot size. And the
10 recommendation: Establish maximum lot
11 occupancy as set down. Any comments?
12 Commissioner Miller, of course.

13 COMMISSIONER MILLER: Thank you,
14 Mr. Chairman. I just had a question for the
15 Office of Planning. Why we, or maybe you
16 considered and decided not to go with
17 establishing a sliding scale for lot occupancy
18 based on lot size. I think we're doing, you're
19 recommending that in the alley lot area, I
20 believe, if I'm remembering the right thing, a
21 sliding scale. But is there a reason, did you
22 consider that or is it just too complicated and

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1 --

2 MS. STEINGASSER: We did not. It's
3 extremely complicated. I mean, it's easy on the
4 alley lots, because they're a very discrete
5 set.

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

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

13 COMMISSIONER MILLER: As long as
14 you brought up the Chain Bridge, I wanted to
15 make the point, in our previous discussion
16 about customized zones. There are, I don't know
17 how many, probably two dozen customized zones
18 that we're bringing forward from the existing
19 zoning regulations into the proposed new zoning
20 regulations. And so there are a lot of
21 neighborhoods that already do have customized
22 zones and they're being carried forward.

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1 CHAIRMAN HOOD: Okay. Any other
2 comments? Somebody like to make a motion?
3 Anyone?

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

9 COMMISSIONER MILLER: Second.

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

13 (Chorus of Ayes.)

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

17 MS. SCHELLIN: Yes. Staff records
18 the vote 5 to 0 to 0 to accept the established
19 maximum lot occupancy as set down. Commissioner
20 Turnbull moving, Commissioner Miller
21 seconding. Commissioners Hood, Cohen and May in
22 support.

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1 CHAIRMAN HOOD: Okay. Next, number
2 10, pervious surface and green area ratio. Set
3 down: It says establish pervious surface
4 requirements for the R-1 through R-4 zones and
5 the GAR requirements for the R-5 zones as
6 follows. The table is before us with the
7 percentages. And then the public comment: Do
8 not penalize property owners for existing
9 impervious surface coverage. And the
10 recommendation says: Establish pervious
11 surface and GAR requirements as set down. Okay.
12 Vice Chair Cohen.

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

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

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1 property undergoes some new development.

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

9 COMMISSIONER MILLER: I would
10 second that.

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

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

21 MR. LAWSON: This is just bringing
22 the --

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1 COMMISSIONER MAY: B- forward
2 right now.

3 MR. LAWSON: Yes.

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

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

11 (Chorus of Ayes.)

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

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

21 CHAIRMAN HOOD: Okay. Next. Are we
22 ready to move to the next subject?

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1 PARTICIPANT: Yes.

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

15 COMMISSIONER MAY: Well, I mean,
16 this is a yes or no, whether we should be doing
17 --

18 CHAIRMAN HOOD: That's the way I --

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

22 CHAIRMAN HOOD: That's the way I

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1 read this.

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

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

14 VICE CHAIR COHEN: Yes, yes, yes.

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

17 VICE CHAIR COHEN: Is something,
18 yes.

19 CHAIRMAN HOOD: Right.

20 VICE CHAIR COHEN: I understand.

21 CHAIRMAN HOOD: Okay. So any
22 objections to regulations the corner store?

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1 Would somebody like to make a motion? I also
2 would agree, I think they need to be regulated.

3 VICE CHAIR COHEN: I move to
4 regulate corner stores.

5 COMMISSIONER TURNBULL: Second.

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

9 (Chorus of Ayes.)

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

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

18 CHAIRMAN HOOD: Let me just say.
19 The reason I would like for all of us to make
20 a motion, because as Ms. Steingasser mentioned,
21 we are all in this together. So I want everybody
22 to get in trouble with me. No, I'm just playing.

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1 Just a joke. Okay. Let's go to permit corner
2 stores use in R-3 and R-4 zones. Set down said
3 to allow corner stores as a matter of right in
4 R-3 and R-4, subject to conditions. The
5 alternative said, allow corner stores as a
6 matter of right in other --

7 PARTICIPANT: Corner grocery
8 stores.

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

22 VICE CHAIR COHEN: I would

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1 recommend that we allow corner stores as a
2 matter of right. And my reasoning is based on
3 not only having convenience in many
4 neighborhoods where there are not many corner
5 grocery stores, but also we have a population
6 that's aging. I read in the AARP magazine that
7 some of us get, that people who could no longer
8 drive at a certain age, they live at least 6 to
9 10 years beyond that period of time. And if they
10 don't have family and if they don't have
11 neighbors who are willing to run their errands,
12 I think this is an important necessity for them
13 to have. I just believe that it's an opportunity
14 for some entrepreneurs to set up grocery stores
15 if they meet regulations that we will have in
16 place, based on what we just approved.

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

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

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1 just corner grocery stores.

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

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

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

20 MR. LAWSON: Sure. Well, in the
21 original proposal there wasn't one. What we
22 proposed as we went along, because we heard a

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1 lot of comments from the community that they,
2 if there was going to be a by right provision
3 at all, there are certainly a lot of people who
4 don't believe there should be. But if there was
5 going to be one, then it should be required to
6 sell healthy foods and not just snacks and chips
7 and that kind of stuff.

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

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1 it would have to go through the BZA approval
2 process.

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

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

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

22 So, again, for me it's about

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

9 COMMISSIONER MAY: Yes, I looked
10 back at a lot of the comments on this particular
11 topic, because I know this is one of the more
12 contentious topics. And we really did get the
13 full range. I think there's some people who
14 think that corner stores are the greatest thing
15 and just think that they should be in every
16 neighborhood and everybody should have the
17 benefit of those. I think the people who believe
18 that are the ones who probably don't live right
19 next door the corner store and they also have
20 a really good, helpful corner store in their
21 neighborhood. I happen to have in my
22 neighborhood, there are several that are within

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1 biking distance and there's one within walking
2 distance, and it's a really great corner store
3 and they sell beer and wine, and they sell some
4 fresh fruit and vegetables, and they've got a
5 lot of other stuff, too. They got their share
6 of junk. But it's a pretty balance array of
7 stuff. And they don't have a lot of people
8 hanging out in front. And they're not selling
9 drug paraphernalia that used to be a problem
10 years ago, or the things that could become drug
11 paraphernalia in some form.

12 That being said, I've lived in the
13 neighborhood long enough where I knew a lot of
14 corner stores that weren't quite so nice, and
15 that they have a lot of the stuff that you don't
16 want to have, and there were people hanging out
17 in front of it. I mean, 11 or 12 o'clock, back
18 when you could buy beer at 11 o'clock at night,
19 you go down to the Rosmack at 8th and D
20 Northeast, and there are a lot of people hanging
21 out. And it was, I mean, I liked it because I
22 didn't live right there and I could go there and

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1 get beer at 11 o'clock at night, and I was 20
2 years old. But if, nowadays, would I want to
3 have that next door to me? No, I really
4 wouldn't. I wouldn't want to have it anywhere
5 near me because of the noise and nuisance it
6 could generate.

7 That being said, I think that what
8 the Office of Planning has come up with is a
9 reasonable compromise because it does provide
10 for some of the things that we know to be good,
11 which are convenient places to get groceries
12 and, in particular, healthier options, not just
13 prepackaged food, frozen food, chips and candy
14 and all that sort of stuff. Certainly they're
15 going to be selling those things. That's where
16 a lot of the money is. But promoting ready
17 access, being able to walk to the store and buy
18 a head of lettuce or something like that is a
19 really good thing. And so I think that this is
20 probably a reasonable compromise and any time
21 you're talking about something with alcohol,
22 it's going to have to go through a special

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1 exception process. So I understand there's a
2 certain hesitance. And maybe this is a really
3 good reason why certain neighborhoods need to
4 have customized zones, because of their special
5 concerns in this area. But I think this is a
6 pretty good starting point.

7 CHAIRMAN HOOD: Any other
8 comments? Okay. Commissioner Miller.

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

22 CHAIRMAN HOOD: Okay. Any other

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1 comments? Commissioner Turnbull.

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

18 CHAIRMAN HOOD: Okay. I am going to
19 be voting against, if it goes like what I'm
20 hearing. I still think that, even with the
21 grocery store, and again it should apply to all
22 neighborhoods. Some of the things that I'm

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1 seeing here will not be germane to my
2 neighborhood. And I think, when we look at the
3 code, we want to make sure, again, that we allow
4 public input. Yes, I know the conditions are
5 there. But I think, again, we're silencing the
6 voice of the public. And that's just my opinion
7 on this. It doesn't sound like it's going to go
8 my way, but I'll be voting against this.

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

12 CHAIRMAN HOOD: Even the grocery
13 store. I think public review, public input in
14 this city is important. If that was the case,
15 we probably shouldn't have any hearings. We
16 should just say, okay, here are the conditions,
17 and that's it. I think public input is
18 important in this city. And I think some of the
19 things that be captured through a special
20 exception process may not be captured in all of
21 the regulations we have here. I understand the
22 difference, and that's why I went back through

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1 the definition of what was said grocery store.
2 And then another thing, even if we did do that,
3 enforcement is a major issue. We're setting up
4 an enforcement issue. I'm not going to say that,
5 I remember one time the city saying we didn't
6 have enough inspectors. I go back to that. So,
7 you know, I just think that, again, coming and
8 having a public process is important. So, but
9 I see that, I don't think I have the votes.

10 VICE CHAIR COHEN: Mr. Chairman,
11 again, I think corner groceries did initiate
12 much discussion publicly. There were, and I
13 actually counted, there was about an equal
14 number of fors and against, so it's very
15 difficult to say that a lot of people were
16 against it. But there were also a lot of people
17 for it. The other thing is, I believe that
18 people themselves come together over issues and
19 try to manage their neighborhood issues
20 through, I had the experience on Capitol Hill,
21 to not use a particular corner grocery store.
22 And as our neighbors got together, we boycotted

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1 it and we made sure that the owner changed the
2 way he was doing business. So I think that the
3 enforcement, you're right, you can't rely on
4 the government always for enforcement. But I
5 have a lot of faith in people who can make change
6 in their own neighborhood, as long as there is
7 the backup for them to do so. That there are
8 these regulations in place that they can use as
9 a matter of organizing.

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

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1 a motion, you can, if not.

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

6 And they can make a decision for
7 that part of the city, that they ought to have
8 the input as to whether or not they really want
9 --

10 CHAIRMAN HOOD: I think public
11 process is important. I think that if they,
12 because I actually, and I don't want to be
13 personal, because I was the main one said let's
14 not make this personal, but certain
15 neighborhoods it would work and certain
16 neighborhoods it won't work. So I think the best
17 way to solve that issue from what we heard, and
18 this is not a popularity contest, 50 people for
19 it, 50 against it. What works? It gives
20 everybody public input, is what works. That's
21 why we have hearings. That works. Let's have a
22 public vetting processing. You may have a

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1 special exception and nobody shows up. Silence
2 is golden. That mean, okay, fine. We don't have
3 a problem with the grocery corner store.

4 COMMISSIONER TURNBULL: Okay.

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

13 COMMISSIONER TURNBULL: Okay.

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

16 VICE CHAIR COHEN: But if it's a
17 problem, people make times for things, if it
18 becomes a problem. But I think that there's a
19 lot of positives in making it convenient. And
20 that the regulations on assuring that there is
21 fresh and healthy food. By the way, the
22 marijuana thing may end up being a corner store

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1 based on what happens in November. But aside
2 from that, again, I understand where you're
3 coming from. I appreciate it. I think we've
4 heard both sides of it and I feel that we have
5 enough in place so that they don't have to go
6 through the process of government. And yes, it
7 give an opportunity to the public, but it's also
8 very government, and I'm surprised I'm saying
9 this because I sound like some people out there
10 that I don't respect. I don't like the
11 government involved in every single thing that
12 needs to happen in the city.

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

16 COMMISSIONER TURNBULL: Second.

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

20 COMMISSIONER MILLER: Yes, I
21 struggled with this as well. I would say that
22 with all the conditions and prohibitions that

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1 we're going to be getting to very shortly,
2 whether it's by special exception or matter of
3 right, the margin of profit for these corner
4 stores is going to be very minimal. And we have
5 some testimony that these conditions and
6 prohibitions have come from testimony that we
7 received.

8 VICE CHAIR COHEN: Mm-hmm.

9 COMMISSIONER MILLER: But the
10 margin of profit is going to be such that, some
11 of the testimony said they won't even bother to
12 open, because they can't, they won't be able to
13 make it with that amount of shelf space or that
14 limitation on size or that limitation on the
15 operation of hours. So I just have to put the
16 additional burden and cost of going through a
17 Board of Zoning adjustment process and delay,
18 I have some concern about that. But I think the
19 conditions and safeguards, whether it's by
20 special exception or as a matter of right, can
21 address what you're talking about. But I did
22 struggle with this one.

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1 CHAIRMAN HOOD: Okay. Any further
2 discussion? All those in favor of my motion?
3 Aye.

4 COMMISSIONER TURNBULL: Aye.

5 CHAIRMAN HOOD: Any opposed?

6 VICE CHAIR COHEN: Oppose.

7 COMMISSIONER MILLER: Oppose.

8 COMMISSIONER MAY: Oppose.

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

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

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

20 PARTICIPANT: We need a new motion.

21 COMMISSIONER MILLER: -- by
22 inference? No, we can't by inference.

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1 CHAIRMAN HOOD: We really need a
2 motion because if you don't make a motion, then
3 you have nothing. So if you don't want to make
4 it, I'm fine either way. Okay?

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

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

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

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

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

22 COMMISSIONER MILLER: Second.

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

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

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

16 COMMISSIONER MILLER: Yes.

17 CHAIRMAN HOOD: Oh, who seconded
18 it?

19 COMMISSIONER MILLER: I did.

20 CHAIRMAN HOOD: Okay. So it's been
21 moved and seconded. Any further discussion? All
22 those in favor?

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1 Chorus of Ayes.

2 CHAIRMAN HOOD: Opposed? Opposed.

3 COMMISSIONER TURNBULL: Opposed.

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

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

14 CHAIRMAN HOOD: Okay. Location
15 3-A, general location conditions. These are the
16 conditions, Vice Chair. Set down: Allow corner
17 grocery stores as a matter of right in the R-3
18 and R-4 zones, subject to the following
19 provisions. At the intersection of 2 generally
20 perpendicular streets on an interior or through
21 lot, providing the building predates May 12,
22 1958, and was proposed built for a

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1 non-residential use as verified by the Zoning
2 Administrator. A minimum of 500 feet from the
3 nearest property zone, mixed use or
4 neighborhood commercial. Not within 500 feet of
5 more than one other lot with a corner store
6 used, defined as an eating and drinking
7 establishment. Not within 500 feet or more than
8 three other lots with the corner store use
9 defined as retail, general service or arts
10 design and creation. Public comments: Do not
11 allow grocery stores as a matter of right. Allow
12 only at request of neighborhood. Do not
13 restrict the location of corner stores. And the
14 recommendation: Allow corner grocery stores as
15 a matter of right, subject to conditions as set
16 down. Any comments?

17 COMMISSIONER MILLER: Mr.
18 Chairman.

19 CHAIRMAN HOOD: Yes.

20 COMMISSIONER MILLER: I'm in
21 support of these general location conditions
22 and would just note that we're going to get

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1 later on to the items that have prohibitions and
2 other restrictions and allow or don't allow
3 waiver of these location restrictions. I would
4 just note that for the record.

5 CHAIRMAN HOOD: Okay. Any other
6 comments?

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

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

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

21 MR. LAWSON: The answer is
22 basically yes, I think. The provisions would

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1 allow for the, as proposed, continuation of an
2 existing store. But it would allow for the
3 conversion of a building that may be currently
4 used as residential to a corner store. It would
5 be limited to the ground floor only. So there
6 would still be the potential for residential up
7 above the ground floor. But, no, this wouldn't
8 apply just to existing commercial purpose built
9 establishments if that's what you meant.

10 VICE CHAIR COHEN: Thank you.

11 CHAIRMAN HOOD: Any other
12 comments? Commissioner Turnbull.

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

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

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

22 MR. LAWSON: Yes. Yes.

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1 COMMISSIONER TURNBULL: Okay. And
2 that would, okay.

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

5 VICE CHAIR COHEN: Okay.

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

8 MR. LAWSON: That's correct.

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

19 MR. LAWSON: The only difference
20 between the two, under the OP proposal anyways,
21 would be that the corner grocery store would be
22 by right and the other ones would not. This

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1 really should read, allow corner stores in the
2 R-3 and R-4 zones subject to the following
3 location provisions.

4 COMMISSIONER MILLER: That makes
5 sense.

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

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

20 CHAIRMAN HOOD: Okay. I'm still
21 confused. Just bear with the me, it might take
22 me a minute. So what was just passed by the

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1 Commission was allow corner grocery stores as
2 a matter of right. And in that discussion it was
3 said that the corner grocery stores would be
4 regulated by these conditions here.

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

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

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

13 MS. STEINGASSER: You have grocery
14 in there.

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

19 (Simultaneous speaking)

20 MR. LAWSON: I'm sorry. There's too
21 many words here. This would apply to any corner
22 store, including a corner grocery store. Yes.

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1 COMMISSIONER MILLER: These are
2 the only locations where they could be --

3 MR. LAWSON: That is correct.

4 COMMISSIONER MILLER: -- located.

5 MR. LAWSON: Yes.

6 COMMISSIONER MILLER:
7 (Simultaneous speaking)

8 MR. LAWSON: That is correct.

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

13 (Simultaneous speaking.).

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

16 CHAIRMAN HOOD: Okay. Any other
17 comments?

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

22 CHAIRMAN HOOD: Okay. All right.

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1 COMMISSIONER MILLER: Mr.
2 Chairman.

3 CHAIRMAN HOOD: Commissioner
4 Miller.

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

9 COMMISSIONER TURNBULL: Second.

10 CHAIRMAN HOOD: It's been moved and
11 properly seconded. Any further discussion?
12 While I still would like to see all this as a
13 special exception, I think conditions are
14 better than nothing. So I'm going to be voting
15 in favor of this. And I will say, I want to thank
16 the Office of Planning for the direction of
17 this. While I would like to see it as a special
18 exception, it's not going that way. I know when
19 I don't have the votes. But I can tell you that
20 at least the corner grocery store, you found at
21 least a compromise, even though I didn't
22 necessarily agree with it. So I want to thank

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1 Office of Planning for doing that. And I'm going
2 to be voting in favor of the conditions, because
3 that's better than nothing. But let the record
4 reflect that Hood wanted a special exception
5 and I think so did Mr. Turnbull. Okay. So it's
6 been moved. Any further discussion? All those
7 in favor?

8 Chorus of Ayes.

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

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

19 CHAIRMAN HOOD: Okay. Next, let's
20 go to Georgetown 3-B. Allow corner stores in the
21 R-3 zone in Georgetown, subject to the
22 following conditions. Most of them I think are

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1 similar with the exception of the minimum of
2 feet from the nearest property zone, mixed use
3 or neighborhood commercial, and maybe
4 something else, but I think those are some of
5 the things that they had tailored. Any other
6 comments?

7 COMMISSIONER MILLER: I have a
8 question.

9 CHAIRMAN HOOD: Commissioner
10 Miller.

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

16 MR. LAWSON: I'm sorry?

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

22 MR. LAWSON: Yes. These are just

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1 the location restrictions.

2 COMMISSIONER MILLER: Right.

3 MR. LAWSON: Yes.

4 COMMISSIONER MILLER: Okay.

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

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

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

14 VICE CHAIR COHEN: Second.

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

18 (Chorus of Ayes.)

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

22 MS. SCHELLIN: Yes, sir. Staff

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1 records the vote 5 to 0 to 0 to approve with
2 regard to Georgetown the only locations where
3 corner stores are allowed. Commissioner Miller
4 moving, Commissioner Cohen seconding.
5 Commissioners Hood, May and Turnbull in
6 support.

7 CHAIRMAN HOOD: Okay. Waiver of
8 location restrictions. Set down: Permit the
9 border zone adjustment to waive the location
10 requirements provided the corner store use will
11 be neighborhood serving. Will not negatively
12 impact the economic viability and vitality of
13 mixed use or neighborhood commercial areas
14 within 500 feet to 750 feet, that's for
15 Georgetown, the 750 feet. Will not create a
16 concentration of non-residential uses that
17 would detract from the overall residential
18 character of the area. Will not result in undue
19 impacts on residents of the area. Public
20 comments: Allow waiver of location
21 requirements. Do not allow waiver of location
22 requirements. Office of Planning recommends us

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1 to allow waiver of location requirements. Let
2 me just ask, would this be a special exception
3 process?

4 MR. LAWSON: Yes.

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

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

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

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

18 MR. LAWSON: Yes. And that language
19 is, or if you feel it's not there, it will be
20 in the text. These, of course, are uses, with
21 the exception of the corner healthy grocery
22 store, that are subject to special exception

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1 anyways. So it would be up to the applicant to
2 prove, if they wanted to waive that location
3 requirement, that they're addressing all of
4 these criteria. We wanted to place some fairly,
5 you know, hard and fast conditions, you know,
6 on when those conditions might be waived.

7 COMMISSIONER TURNBULL: Okay.

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

13 COMMISSIONER MILLER: Second.

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

17 (Chorus of Ayes.)

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

22 MS. SCHELLIN: Yes. Staff records

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1 the vote 5 to 0 to 0 to approve allowing the
2 waiver of location requirements per special
3 exception process. Commissioner Hood moving,
4 Commissioner Miller seconding. Commissioners
5 May, Cohen and Turnbull in support.

6 CHAIRMAN HOOD: Okay. Next let's go
7 to corner store prohibitions. Set down: A
8 corner store shall not be permitted 1605.5 and
9 1006.5 on alley lots, on a lot containing an
10 apartment accessory to the principal dwelling
11 unit, on a lot containing another corner store
12 and a building that is accessory to the
13 principal building on a lot in a building or on
14 a lot containing more than one dwelling unit,
15 on an interior or through lot zone R-3 in
16 Georgetown that had not been used as a corner
17 store for 3 or more consecutive years. Okay.

18 The alternatives: Prohibit corner
19 store uses in squares 1327 and squares 1350 to
20 1353. Public comments: Permit corner stores in
21 small apartment buildings. Corner stores
22 should not be built within 1200 feet of an

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1 existing commercial zone property in a
2 neighborhood, such as Fox Hall Village, that
3 was built around a central commercial core that
4 is walkable from all points in the
5 neighborhood. The Office of Planning's
6 recommendation is prohibit corner stores on
7 alley lots, on a lot containing an apartment
8 accessory to the principal dwelling unit, on a
9 lot containing another corner store in
10 accessory buildings and buildings on a lot
11 containing more than one dwelling unit on an
12 interior or through lot, zone R-3 in
13 Georgetown, that had not been used as a corner
14 store for 3 or more consecutive years in square
15 1327 and squares 1350 to 1353. Any comments?

16 COMMISSIONER TURNBULL: Where are
17 those squares?

18 PARTICIPANT: Foxhall Village.

19 COMMISSIONER TURNBULL: That's
20 what I thought. I just wanted to clarify that
21 you were addressing a Fox Hall Village concern.
22 Mr. Chair, if there's no other comments.

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1 CHAIRMAN HOOD: We have a comment.

2 COMMISSIONER TURNBULL: Do we?

3 Okay.

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

11 MS. STEINGASSER: We have done a
12 survey of all of the R-3 and R-4 zones in the
13 city and mapped out where corner stores could
14 or could not be. Foxhall Village is interesting
15 because it is a planned community that was
16 already built around a corner store type of
17 commercial center and Jetties is there and
18 that's all I've ever been to. But it already
19 anticipated that commercial walkability and so
20 that's why we didn't include them. It already
21 exists. It's there. It's zoned C-1. So there was
22 no need to include it.

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1 CHAIRMAN HOOD: So if we miss,
2 though, some areas, we would have to come back
3 and correct what we have, if we go down that
4 line. Correct? I'm sure we probably didn't but,
5 you know, there's always that chance.

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

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

17 COMMISSIONER MILLER: Thank you,
18 Mr. Chairman. I have some concern about that
19 too. Because I think there are a lot of
20 neighborhoods, planned or not, whatever year
21 they're not, that are fortunate to have
22 walkable, within walking distance a C-1, you

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1 know, the C-1 types of stores. And I think the
2 restrictions that we have on the locations with
3 the 500 feet and other stores are trying to get
4 it, not hurting those neighborhood commercial
5 areas. I would think that those locational
6 restrictions would, for the most part, protect
7 the Fox Hall Village area, as they're
8 protecting other neighborhoods. That's just my
9 only comment on that. But I had a question about
10 the restriction, the prohibition of a corner
11 grocery store in a building or on a lot
12 containing more than one dwelling unit. What
13 was the rationale for that if there was a
14 grocery store on the ground floor and there was
15 2 or 3 units above. What are we trying to get
16 at by having this restriction?

17 MS. STEINGASSER: Again, this is
18 focused, these permissions are only in the R-3
19 and the R-4 zones. So it was aimed at protecting
20 those that are developed as flats and not
21 creating kind of a multipurpose building that
22 had, you know, more than one unit and a

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1 commercial enterprise. So it anticipated that
2 one of those spaces would be used for the corner
3 store, but the second residential unit could
4 still be used for residential purposes.

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

9 MS. STEINGASSER: Yes.

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

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

22 VICE CHAIR COHEN: My grandfather

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1 also.

2 CHAIRMAN HOOD: Yes. Okay.

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

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

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

14 CHAIRMAN HOOD: Okay.

15 VICE CHAIR COHEN: Second that.

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

19 (Chorus of Ayes.)

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

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1 MS. SCHELLIN: Yes. Staff records
2 the vote 5 to 0 to 0 to accept the corner store
3 prohibition. I'm assuming that's the
4 alternative language? Correct, Commissioner
5 May?

6 CHAIRMAN HOOD: Commissioner May.

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

10 MS. SCHELLIN: The squares, yes.

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

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

19 CHAIRMAN HOOD: Okay. Next,
20 conditions for matter of right, corner stores
21 in R-3 and R-4, limit the total permitted area
22 for corner stores. Set down: The limit corner

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1 stores was 1200 square feet in total area. The
2 public comments was do not limit the total
3 square footage of corner stores. The
4 recommendation is to limit total area to 1200
5 square feet. Any comments?

6 VICE CHAIR COHEN: I just have a
7 question.

8 CHAIRMAN HOOD: Vice Chair Cohen.

9 VICE CHAIR COHEN: 1200 square
10 feet, did you do an analysis of this from
11 existing corner stores? How did you derive
12 1200?

13 MR. LAWSON: Well we took a look at
14 the nature of the lots where we're proposing
15 these, R-3 and R-4. The 1200 square foot
16 footprint is not an uncommon kind of a
17 footprint. In the R-3 and R-4 zones the lots
18 tend to be a little bit smaller, but
19 particularly in R-4 the lot occupancy is a
20 little bit bigger. The intention is certainly
21 here that they be located on the ground floor,
22 maybe some storage space in the basement kind

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1 of thing. But that we want to make sure it didn't
2 take over the property.

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

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

12 COMMISSIONER MAY: FAR, right.

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

18 COMMISSIONER MAY: I don't think I
19 have a preference, but we should be clear about
20 it. I think it's fairly common to have a ground
21 floor as the store and then have all, the entire
22 footprint of that ground floor in the cellar as

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1 storage. And very often, I mean, when I'm
2 picturing corner stores, they're typically
3 kind of walk in, one or two steps up. So it's
4 always going to be a cellar, not a basement. So
5 I think we should look at that, your study of
6 footprints to understand what the right answer
7 is.

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

14 COMMISSIONER MAY: Right. Okay.

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

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

22 COMMISSIONER TURNBULL: Yes.

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1 MR. LAWSON: It's intended to be --

2 COMMISSIONER TURNBULL: Your
3 corner store.

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

5 COMMISSIONER TURNBULL: Yes.

6 COMMISSIONER MAY: So, using those
7 calculations, if the cellar is included in that
8 1200 square feet, then I think it's going to be
9 a really small store. Because I'm thinking
10 about the corner stores in my neighborhood and,
11 off the top of my head, I would say that of the
12 3 that I think of right away, one of them would
13 be less than 1200 square feet if the cellar is
14 all storage space and the other 2 would not. And
15 none of them are really big.

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

20 VICE CHAIR COHEN: Well I think OP
21 is going to come back with a confirmation of
22 this square footage, or you're confident that

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1 that's the right number?

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

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

15 COMMISSIONER MILLER: Second.

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

18 (Chorus of Ayes.)

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

22 MS. SCHELLIN: Staff records the

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1 vote 5 to 0 to 0 to limit the total area to 1200
2 square feet with regard to the limit permitted
3 area for corner stores. Commissioner Hood
4 moving, Commissioner Turnbull seconding.
5 Commissioners May, Cohen and Miller in support.

6 CHAIRMAN HOOD: Okay. We are at the
7 2 hour mark. I'm going to try to finish this up
8 before we take a 5 minute break. Is that okay?
9 Or do we need one now? Okay. Let's go to prohibit
10 alcoholic beverages sales for on-site
11 consumption. Set down: Prohibiting the sale of
12 alcoholic beverages for on-site consumption.
13 The public comments says, include new
14 requirement that an applicant for a corner
15 store liquor license for on-site consumption of
16 alcohol shall sign a ABRA approved voluntary
17 agreement with the presiding ANC to ensure
18 compliance. Office of Planning's
19 recommendation: Prohibit the sale of alcoholic
20 beverages for on-site consumption. Let's open
21 up any comments.

22 VICE CHAIR COHEN: Does anybody

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1 know if ABRA has the authority to --

2 PARTICIPANT: Mr. Miller?

3 CHAIRMAN HOOD: They do have
4 voluntary --

5 (Simultaneous speaking.)

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

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

12 VICE CHAIR COHEN: Yes. Anybody?

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

16 VICE CHAIR COHEN: Just prohibit
17 it.

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

20 VICE CHAIR COHEN: Good point.

21 COMMISSIONER MAY: -- for on-site
22 consumption they'd have to have a voluntary

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1 agreement. Well we're not saying, I mean, I'm
2 sorry. I think the basic question is whether
3 we're willing to consider on-site consumption,
4 and I don't think we are.

5 VICE CHAIR COHEN: No.

6 COMMISSIONER MAY: Right.

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

11 COMMISSIONER MAY: Second.

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

15 VICE CHAIR COHEN: That's the next
16 one.

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

22 (Chorus of Ayes.)

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

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

10 CHAIRMAN HOOD: Next, limit
11 alcoholic beverages sales for off-site
12 consumption. Set down: Limit of the GFA devoted
13 gross floor area devoted to the sale of beer and
14 wine for off-site consumption to no more than
15 15 percent of the floor area of the corner
16 store. Alternative: Permit beer and wine sales
17 for off-site consumption capped at 15 percent
18 of the floor area by special exception. Public
19 comments: Prohibit alcoholic beverages sales
20 for off-site consumption. Prohibit unlimited
21 alcoholic beverages sales for off-site
22 consumption. The recommendation: Prohibit beer

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1 and wine sales for off-site consumption, capped
2 at 15 percent of the floor area by special
3 exception. Let's open up any comments.

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

12 MR. LAWSON: That's correct.

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

16 CHAIRMAN HOOD: Commissioner
17 Miller.

18 COMMISSIONER MILLER: Mr.
19 Chairman, I don't have a problem from this from
20 a zoning perspective. But I would just note that
21 the ABC statute as it currently, well as it's
22 read on the books for some time, section 25-336

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1 of the DC official code, generally prohibits
2 retailers ABC licenses in residential use
3 districts unless they were there at the time
4 that this was adopted. I think it ties it back
5 to a CFO in January 1, 2000. So even if we have
6 this zoning provision, it's not, unless this
7 law changes, I don't think there will be any new
8 off-site retail established in a residential
9 area.

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

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

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

19 MS. VITALE: Commissioner Miller
20 is correct. A new license couldn't be issued for
21 an establishment in a residential zone. But we
22 wanted to include these provisions should there

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1 be future changes in the law. And obviously
2 there are, you know, existing corner stores out
3 there today. So we did want to factor in this
4 special exception provision should things
5 change in the future.

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

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

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

17 (Chorus of Ayes.)

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

21 MS. SCHELLIN: Staff records the
22 vote 5 to 0 to 0 to permit beer and wine sales

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1 for off-site consumption, capped at 15 percent
2 of floor area by special exception.
3 Commissioner Cohen moving, Commissioner Hood
4 seconding. Commissioners May, Miller and
5 Turnbull in support.

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

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

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1 of food.

2 COMMISSIONER TURNBULL: Second.

3 VICE CHAIR COHEN: I second it.

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

6 (Chorus of Ayes.)

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

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

17 CHAIRMAN HOOD: Okay. Let's go to
18 storage. Set down: Materials and trash shall be
19 stored within the building area devoted to the
20 corner store. There shall be no external
21 storage of materials or trash. Public comments:
22 Support any requirements for storage of trash

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1 on private property. The Office of Planning's
2 recommendation: Require storage of material
3 and trash within the corner store building
4 area.

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

11 VICE CHAIR COHEN: Second.

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

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

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1 street. Not in the --

2 CHAIRMAN HOOD: In front.

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

5 CHAIRMAN HOOD: Okay. All right.
6 Commissioner Miller.

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

14 MR. LAWSON: I think it was a really
15 good suggestion that we take a look at that. I
16 know that our, I believe that, I'll just speak
17 for me. My intention was that it would be part
18 of that 1200 square feet. But I'm starting to
19 understand, starting to get a better sense that
20 this needs some clarity and some clarification.
21 I think it's a good point and we'll make sure
22 that's done.

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1 CHAIRMAN HOOD: We have motion on
2 the table. It's been moved and seconded. Any
3 further discussion? All those in favor?

4 (Chorus of Ayes.)

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

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

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

22 Commissioner May.

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

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

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

10 PARTICIPANT: Right. I mean --

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

14 PARTICIPANT: Right.

15 CHAIRMAN HOOD: Okay. All right.

16 COMMISSIONER TURNBULL: They would
17 send it out.

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

21 VICE CHAIR COHEN: That they are
22 hiring people to do the cleaning to bring back

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1 to the store.

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

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

9 COMMISSIONER MILLER: Second.

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

13 (Chorus of Ayes.)

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

17 MS. SCHELLIN: Yes. Staff records
18 the vote 5 to 0 to 0 to prohibit the onsite use
19 or storage of dry cleaning chemicals.
20 Commissioner May moving, Commissioner Miller
21 seconding. Commissioners Hood, Cohen and
22 Turnbull in support.

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1 CHAIRMAN HOOD: Okay. Let's go to
2 the corner grocery store. Set down: Permit a
3 corner store that is fresh food market or
4 grocery store as a matter of right, subject to
5 conditions including limited hours, 7 a.m. to
6 9 p.m., on a flush mounted, non-illuminated
7 sign.

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

18 Public comments: Oppose
19 restrictions that establish minimums for sales
20 in display areas of fresh foods and foods for
21 home preparation and consumption. Allow corner
22 grocery stores as a matter of right at the

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1 intersections of 2 generally perpendicular
2 streets and on an interior of a through lot,
3 provided the building predates May 12, 1958,
4 and was purpose, built for non-residential use,
5 and only if the building was used for a corner
6 store use within the past 3 years as verified
7 by the Zoning Administrator.

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

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

16 MR. LAWSON: That's correct.

17 COMMISSIONER MAY: Right.

18 CHAIRMAN HOOD: So let me ask this
19 before we make a motion. Mr. Lawson, help me
20 understand what exactly we're doing here.
21 Because that's a lot for enforcement I think.
22 I understand what we're trying to get to, but

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1 I'm just trying to figure out, I guess that
2 question may come later. How are we going to
3 enforce all this? Or what are trying to achieve
4 here? A certain percentage of certain types of
5 foods in the corner store? Or try and eliminate
6 something? What is our goal?

7 MR. LAWSON: Well the goal here is
8 that if it's going to be a by right use, that
9 it provide a broader range of services, I guess,
10 broader range of product to the neighborhood
11 that it's intended to serve, by ensuring that
12 it provides some space devoted to materials
13 that are used in food preparation and some space
14 devoted to fresh foods, basically. So it isn't
15 all just prepackaged, preprepared kinds of
16 foods. So that's the intent. Now it would be
17 enforced the same way everything else is
18 enforced. It would be enforced by DCRA. It's not
19 unusual for DCRA to be enforcing how a use is
20 operating within a building. So it's something
21 that they're used to doing. It's something that
22 they're equipped to do. It would also, of

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1 course, if a neighborhood had a store that was
2 approved and it wasn't performing up to
3 standard, they would have some place to go. They
4 would be able to go to DCRA and have it inspected
5 to make sure that it's either conforming or not
6 or brought up to a conforming situation.

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

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

17 CHAIRMAN HOOD: I guess for me, if
18 a neighborhood does complain that somebody's
19 out of compliance, and they go to the Zoning
20 Administrator, and I know some of those cases
21 in this city have been very trying. I just don't
22 see any repercussions. I'm not sure sometimes,

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1 I've heard so many different stories about how
2 that works. And I'm just, I don't know. I
3 understand what we're trying to achieve to make
4 sure we get the healthy percentages, but I just
5 don't, I just think after you go to the Zoning
6 Administrator and the store is not in
7 compliance, then what does he do? Provoke the
8 CFO?

9 MR. LAWSON: That's possible, yes.
10 And again, what we were trying to do is to
11 respond to some of the comments that we heard
12 from the public, that a corner grocery store
13 doesn't necessarily have to be a healthy store.
14 And that's absolutely true, it doesn't. There
15 are a lot of corner stores out there that don't
16 sell a lot of healthy product, although there
17 are some very interesting programs in the city
18 that are helping many, many, dozens of corner
19 stores provide healthy options to their
20 neighborhood. Which is encouraging. So this is
21 kind of building on some of those provisions.
22 But, yes, this is intended to respond to some

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1 of those comments. And, as I said, we believe
2 that this is well within the parameters of what
3 DCRA normally administers.

4 CHAIRMAN HOOD: Okay. Commissioner
5 Miller.

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

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

22 MS. VITALE: Healthy Corners

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1 Initiative.

2 MR. LAWSON: The Healthy Corners
3 Initiative that we're working on with the
4 district government, working directly with
5 corner stores. Not necessarily in residential
6 areas. Many of those corner stores they're
7 working with are not, they're in commercial
8 zones, some of them are in residential zones
9 though, to assist them in being able to provide
10 healthy options to the people of the
11 neighborhood.

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

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

20 COMMISSIONER MILLER: I would
21 second that. And with the clarification that
22 Commissioner May made, that it's both as set

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1 down plus the alternative.

2 VICE CHAIR COHEN: Okay. I amend,
3 yes.

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

7 (Chorus of Ayes.)

8 CHAIRMAN HOOD: Any opposition?
9 Opposed. Ms. Schellin would you record the
10 vote?

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

19 CHAIRMAN HOOD: I actually voted
20 against it.

21 MS. SCHELLIN: Oh, you did? I'm
22 sorry. I'll re-record the vote. 4 to 1 to 0.

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1 Commission Cohen moving, Commission Miller
2 seconding. Commissioners and May and Turnbull
3 in support, Commissioner Hood opposed.

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

18 COMMISSIONER TURNBULL: Why do we
19 want to do this?

20 MR. LAWSON: This simply
21 establishes the process by which somebody would
22 get relief from these provisions and

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1 establishes that some of those provisions would
2 require a variance, as opposed to, which is a
3 higher test, as opposed to a special exception,
4 which is much more centered on, you know,
5 impact.

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

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

19 PARTICIPANT: Yes.

20 COMMISSIONER TURNBULL: So in
21 other words a variance.

22 MR. LAWSON: That's not allowed.

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1 Right. So a corner store not meeting size,
2 onsite or offsite consumption, cooking,
3 storage or dry cleaning provisions have to be
4 variances.

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

8 PARTICIPANT: Yes, I --

9 COMMISSIONER TURNBULL: -- that
10 could be added.

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

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

21 COMMISSIONER MAY: I would make a
22 motion that we accept the recommendation

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1 regarding relief from requirements to allow
2 relief for corner stores in the retail, general
3 service and arts design and creation uses by
4 special exception subject to conditions.

5 CHAIRMAN HOOD: I --

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

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

15 (Chorus of Ayes.)

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

19 MS. SCHELLIN: Yes. Staff records
20 the vote 5 to 0 to 0 to allow corner stores
21 meeting the specified conditions by special
22 exception and those not meeting the conditions

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1 by variance. Commissioner May moving,
2 Commissioner Hood seconding. Commissioners
3 Cohen, Miller and Turnbull in support.

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

13 (Whereupon, a brief recess was
14 taken)

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

19 CHAIRMAN HOOD: Yes.

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

22 CHAIRMAN HOOD: I chose that

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1 purposely.

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

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

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

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

9 MS. STEINGASSER: Yes.

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

16 MS. STEINGASSER: Yes.

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

19 VICE CHAIR COHEN: Commissioner
20 Miller.

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

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

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

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

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

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

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

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

18 MS. STEINGASSER: Yes.

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

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

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

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

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

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

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

22 COMMISSIONER TURNBULL: All right.

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

7 CHAIRMAN HOOD: Second.

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

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

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

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1 (Simultaneous speaking.).

2 COMMISSIONER MAY: Yes. And --

3 (Simultaneous speaking.).

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

7 COMMISSIONER MAY: Oh, okay.

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

10 COMMISSIONER MAY: That's fine.
11 Okay.

12 VICE CHAIR COHEN: Okay.

13 COMMISSIONER MAY: Just want to
14 make sure.

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

18 (Chorus of Ayes.)

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

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

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

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

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

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

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

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

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

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

22 COMMISSIONER MAY: I have two quick

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

3 MS. STEINGASSER: I don't know.

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

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

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

20 VICE CHAIR COHEN: Commissioner
21 Turnbull.

22 COMMISSIONER TURNBULL: I would,

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

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

7 PARTICIPANT: Yes.

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

11 PARTICIPANT: Yes.

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

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

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

21 COMMISSIONER TURNBULL: Right.

22 MS. STEINGASSER: -- about the

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1 gradation. We thought that was good idea.

2 COMMISSIONER TURNBULL: Okay.

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

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

12 CHAIRMAN HOOD: Second.

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

16 (Chorus of Ayes.)

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

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

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

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

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

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

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

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

22 COMMISSIONER MAY: So the last

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

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

6 COMMISSIONER MAY: Alley width
7 requirements.

8 MS. STEINGASSER: Yes.

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

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

21 COMMISSIONER MAY: A public
22 street.

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1 COMMISSIONER MAY: Right.

2 MS. STEINGASSER: Right.

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

8 VICE CHAIR COHEN: Commissioner --

9 CHAIRMAN HOOD: Oh, I'm sorry.

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

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

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

22 MS. STEINGASSER: I think I might

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

4 PARTICIPANT: Okay. Got it.

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

8 COMMISSIONER TURNBULL: Back.

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

12 COMMISSIONER TURNBULL: Okay.

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

16 VICE CHAIR COHEN: Chairman.

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

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

3 CHAIRMAN HOOD: To lot line. Okay.

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

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

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

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

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1 MS. STEINGASSER: We have.

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

4 VICE CHAIR COHEN: Commissioner
5 Miller.

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

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

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

22 COMMISSIONER TURNBULL: Second.

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

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

7 COMMISSIONER MAY: Could there be a
8 --

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

11 COMMISSIONER MAY: Yes.

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

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

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

18 COMMISSIONER MAY: Yes.

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

22 (Chorus of Ayes.)

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

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

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

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1 of right alley lot uses as set down. Any
2 comments? Any questions?

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

6 MS. STEINGASSER: No, sir. The tiny
7 houses are going to come up next, uses permitted
8 by special exceptions. So they will be under
9 4-B.

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

12 MS. STEINGASSER: I got help from
13 my colleagues.

14 VICE CHAIR COHEN: Commissioner
15 May.

16 COMMISSIONER MAY: Yes. So I have a
17 question. I'm confused by, in the use column,
18 the first one is agriculture, residential, and
19 then the bottom of that column says just
20 residential. So when it's just residential it's
21 permitted with conditions in some of those
22 zones, but when it's agricultural residential,

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1 I don't even know what that is.

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

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

8 MS. VITALE: Correct.

9 COMMISSIONER MAY: Got it. Okay.

10 VICE CHAIR COHEN: I think that can
11 be clarified.

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

14 (Simultaneous speaking.).

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

17 VICE CHAIR COHEN: And I have a
18 question with regarding to, like arts design
19 and creating, parking. They're permitted with
20 conditions in R-1, R-2, R-3, R-4. There are
21 artists that have their studios. And so what
22 type of conditions are we talking about?

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1 MS. VITALE: This is basically
2 carrying forward the existing provisions that
3 would allow those parking, arts design and
4 creation, those uses that are in, you know,
5 permitted on alley lots in those zones now. So
6 things like an artist studio, that would be a
7 permitted alley lot use.

8 VICE CHAIR COHEN: But what would
9 be condition?

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

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

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

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

18 (Simultaneous speaking.).

19 MS. VITALE: That's correct.

20 VICE CHAIR COHEN: That's fine
21 then.

22 CHAIRMAN HOOD: Can I ask, again, I

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

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

18 CHAIRMAN HOOD: Okay.

19 MS. STEINGASSER: That's true. And
20 these are not intended to allow residential as
21 an accessory use to whatever else may be going
22 on, on the site, you know. So if they're living

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1 on the property, then they need to comply with
2 the residential restrictions, which is usually
3 one residential structure. Otherwise they are
4 allowed to do these particular things only.

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

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

13 (Simultaneous speaking.)

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

17 VICE CHAIR COHEN: Any other
18 comments, questions? Done on my left? Okay.
19 Seeing none, can I ask for a motion? All right.
20 I will move to approve uses permitted as a
21 matter of right on alley lots in R and R-5 zones,
22 use, agriculture residential, arts design and

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1 creation, parking and then plain residential.
2 And we're permitting them as a matter of right.
3 Can I have a second?

4 COMMISSIONER MAY: Permitting as a
5 matter of --

6 VICE CHAIR COHEN: Alley --

7 COMMISSIONER MAY: -- conditions.

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

11 COMMISSIONER MAY: Right.

12 VICE CHAIR COHEN: Correct.

13 CHAIRMAN HOOD: Okay. I'll second.

14 VICE CHAIR COHEN: Okay. It's been
15 moved and seconded. Can I have a vote please?
16 All those in favor?

17 (Chorus of Ayes.)

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

20 MS. SCHELLIN: Yes. Staff records
21 the vote 5 to 0 to 0 to permit matter of right
22 alley lot uses as set down and listed in the

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1 chart in 4-A. Commissioner Cohen moving,
2 Commissioner Hood seconding. Commissioners
3 May, Turnbull and Miller in support.

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

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

21 CHAIRMAN HOOD: Thank you. That was
22 my question. Make sure that it was including

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1 camping in alleys. Okay. Madame Chair, can I
2 make a motion?

3 VICE CHAIR COHEN: Yes, sir.

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

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

11 COMMISSIONER MAY: Can I ask a
12 couple of questions.

13 VICE CHAIR COHEN: Oh, I --

14 CHAIRMAN HOOD: No he's fine.

15 VICE CHAIR COHEN: Yes, sure.

16 CHAIRMAN HOOD: Motion second and
17 then discussion.

18 COMMISSIONER MAY: Yes.

19 VICE CHAIR COHEN: Sure.

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

22 VICE CHAIR COHEN: Yes.

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

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

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

20 PARTICIPANT: That's correct.

21 COMMISSIONER MAY: And that's
22 because the police regulations limit camping on

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1 public or private property to mayoral approval
2 and for no more than 30 days.

3 PARTICIPANT: That's correct.

4 COMMISSIONER MAY: So how are they
5 there now?

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

20 COMMISSIONER MAY: Okay. So given
21 that there's a 30 day limit on what they do there
22 no matter what, and there's a strange

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1 enforcement thing that doesn't seem to be
2 happening. I guess I'm okay with this. But the
3 question it raises is, is there a circumstance
4 where this kind of use is permissible or
5 desirable in any location. Because we could not
6 call it camping, right? And then it wouldn't be
7 subject to the 30 day rule.

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

11 COMMISSIONER MAY: Right.

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

18 COMMISSIONER MAY: Right.

19 MS. STEINGASSER: Some of the
20 issues we're concerned about also is, since
21 each individual trailer captures their own
22 water for re-use.

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1 COMMISSIONER MAY: Mm-hmm.

2 MS. STEINGASSER: If there's a
3 fire, how would that be handled? These are not
4 on wide alleys. There's also the public
5 sanitation hook ups. We don't know how the trash
6 --

7 (Simultaneous speaking.).

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

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

20 COMMISSIONER MAY: Right.

21 MS. STEINGASSER: And is compliant
22 with its zoning regulations.

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1 COMMISSIONER MAY: And so for right
2 now, the only way it can happen, if this is
3 passed, would be by special exception and then
4 for only 30 days.

5 MS. STEINGASSER: Right. Or they --

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

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

14 COMMISSIONER MAY: Right. I agree.
15 Okay.

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

18 COMMISSIONER TURNBULL: Can I ask
19 --

20 VICE CHAIR COHEN: Of course.

21 COMMISSIONER TURNBULL: Getting
22 back to your camping analogy. Although it's 30

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1 days or a month, that's a calendar year total.
2 But the language here says, shall be not two
3 consecutive weeks at any one time.

4 MS. STEINGASSER: That's correct.

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

14 (Simultaneous speaking.).

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

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

21 MS. STEINGASSER: Yes.

22 COMMISSIONER TURNBULL: Otherwise

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1 you're going to have a trailer park.

2 MS. STEINGASSER: It's possible.
3 It absolutely is possible. Modular housing is
4 a very real option. It's affordable. It can be
5 very exciting in terms of design.

6 COMMISSIONER TURNBULL: Right.
7 Well I'm looking more forward thinking than
8 Commissioner May's trailer park. I'm looking at
9 something architecturally significant.

10 MS. STEINGASSER: Right.

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

13 COMMISSIONER MAY: A really nice
14 trailer park.

15 COMMISSIONER TURNBULL: Nice.

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

18 (Simultaneous speaking.).

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

21 COMMISSIONER MAY: Think of the
22 difference between a food truck today versus

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1 the weenie cart of 20 years ago. Right?

2 VICE CHAIR COHEN: Commissioner
3 Miller.

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

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

15 COMMISSIONER MILLER: That's
16 crazy.

17 MS. STEINGASSER: Okay.

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

22 PARTICIPANT: Mother and daughter.

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1 MS. STEINGASSER: No. You're
2 absolutely right. What came to my mind was Boy
3 Scouts. These are great areas for urban Boy
4 Scouts to camp, to set up camp.

5 COMMISSIONER MILLER: On private
6 property, too.

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

15 PARTICIPANT: Right.

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

21 CHAIRMAN HOOD: The scouting is
22 right there on my mind, Commissioner May.

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1 COMMISSIONER MAY: That's right.

2 CHAIRMAN HOOD: I'm an Eagle Scout

3 --

4 COMMISSIONER MAY: It is.

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

9 COMMISSIONER MAY: Did you do it in
10 alley lots?

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

13 COMMISSIONER MAY: Because that
14 would be --

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

19 COMMISSIONER MAY: Yes.

20 CHAIRMAN HOOD: Just slept out
21 there in the park. Only had a half a peanut
22 butter jelly sandwich and a half a cup of milk,

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1 I can tell you. That's when I went for the Order
2 of the Arrow. So I'm very well aware of that.
3 But back to this, and I hear this shuck and
4 jiving up here, but at the end of the day, folks
5 are really living these parties that are
6 happening in these tiny houses, I know there's
7 more to it than that. But when those houses come
8 to your backyard, you going to be up here trying
9 to regulate something, I can assure you that.
10 You get a call at 11 o'clock at night, Hood, come
11 around here and see this. You know, it's a
12 little, these are real situations. I'm not
13 saying this is the best fix, but this is a start.
14 So, we can shuck and jive all we want. But when
15 it comes to your doorstep, it's a different
16 occasion.

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

20 CHAIRMAN HOOD: Well those are --

21 COMMISSIONER MAY: -- the need for
22 regulation.

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1 CHAIRMAN HOOD: Those are my words.

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

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

8 PARTICIPANT: All right.

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

11 UNKNOWN: Oh, okay.

12 CHAIRMAN HOOD: Because that's
13 what we doing.

14 VICE CHAIR COHEN: Did we finish?
15 Commissioner --

16 COMMISSIONER MILLER: No. I would
17 like for the Office of Planning to see if they
18 could find a small carve out that's reasonable,
19 that allows Mr. Hood, if he happened to be in
20 an alley lot to sleep in his sleeping bag out
21 on his own property for one night with his kid
22 or something that is reasonable. I just think

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1 it just shouldn't be the blanket BZA process for
2 that kind of thing.

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

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

12 CHAIRMAN HOOD: All right.

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

17 (Chorus of Ayes.)

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

20 MS. SCHELLIN: Yes. Staff records
21 the vote 5 to 0 to 0 to accept the Office of
22 Planning recommendation to permit alley lot

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1 uses as set down, with the alternative language
2 to permit camping on alley lots by special
3 exception, and asking them to provide some
4 language that carves out to allow homeowners to
5 camp on their own property. Commissioner Hood
6 moving, Commissioner Cohen seconding.
7 Commissioners May, Turnbull and Miller in
8 support.

9 VICE CHAIR COHEN: Thank you. And
10 our final item, which is 4-6, is to establish
11 a minimum lot area for residential use of an
12 alley lot. The set down stated: Require a
13 minimum of 450 feet of lot area for the
14 construction or conversion of a building for
15 residential use. The public comments were:
16 Retain established zone specific minimum lot
17 area requirements for residential development
18 of an alley lot. And the OP recommendation is:
19 Require a minimum of 450 square feet of lot area
20 for the construction or conversion of a
21 building for residential use on an alley lot as
22 set down. I'm asking for any questions or

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1 comments from my fellow Commissioners. Who
2 shall start? Commissioner May? Chair Hood?

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

5 VICE CHAIR COHEN: Sure.

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

12 COMMISSIONER MILLER: Second.

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

16 (Chorus of Ayes.)

17 VICE CHAIR COHEN: Any opposition?
18 Hearing none. Ms. Schellin.

19 MS. SCHELLIN: Staff records the
20 vote 5 to 0 to 0 to require a minimum of 450
21 square feet of lot area for the construction or
22 conversion of a building for residential use or

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1 in an alley lot as set down. Commissioner Hood
2 moving, Commissioner Miller seconding.
3 Commissioners May, Cohen and Turnbull in
4 support.

5 VICE CHAIR COHEN: I'm hot.

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

22 COMMISSIONER MAY: Mr. Chairman, I

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1 would make a motion that we create new R-F zones
2 and set down as recommended by the Office of
3 Planning.

4 VICE CHAIR COHEN: And I'll second.

5 COMMISSIONER TURNBULL: Second.

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

9 (Chorus of Ayes.)

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

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

19 CHAIRMAN HOOD: Next, dwelling
20 unit density. Establishing dwelling unit
21 density for R-F zones. The set down said:
22 Establish R-F zones with a range of dwelling

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1 unit densities. Permit 2 dwelling units as a
2 matter of right, R-F-1, R-F-2 and R-F-3 zones.
3 Permit 3 dwelling units as a matter of right,
4 R-F-4 zones. And permit 4 dwelling units as a
5 matter of right in R-F-5 zone. Office of
6 Planning's recommendation: Permit 2 dwelling
7 units as a matter of right in R-F-1, 2, and 3
8 zones. Permit 3 dwelling units as a matter of
9 right in R-F-4 zone. And permit 4 dwelling units
10 as a matter of right in the R-F-5 zone. Any
11 comments?

12 COMMISSIONER MAY: Mr. Chairman, I
13 would just note that R-F-1, 2 and 3 correspond
14 to existing R-4 zones, and that R-4 and R-5 are
15 new zones that are not currently mapped but
16 might be useful in the future, to be mapped to
17 certain neighborhoods. I know there may have
18 been some concerns about R-F-4 and R-5 and how
19 many dwelling units are permitted. I think that
20 was in some of the comments that we've seen. But
21 I think that's all fine. These are just tools
22 in the toolkit. So I would make a motion that

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1 we accept the recommendation to permit 2
2 dwelling units as a matter of right in R-F-1,
3 2 and 3 zones. And permit 3 dwelling units as
4 a matter of right in R-F-4 zone, and 4 dwelling
5 units as a matter of right in R-F-5 zones.

6 VICE CHAIR COHEN: And I'll second
7 that.

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

11 (Chorus of Ayes.)

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

15 MS. SCHELLIN: Staff records the
16 vote 5 to 0 to 0 to permit 2 dwelling units as
17 a matter of right in the R-F-1, R-F-2, R-F-3
18 zones. Permit 3 dwelling units as a matter of
19 right in the R-F-4 zone. And permit 4 dwelling
20 units as a matter of right in the R-F-5 zone.
21 Commissioner May moving, Commissioner Cohen
22 seconding. Commissioners Hood, Miller and

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1 Turnbull in support.

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

15 Establish minimum square footage
16 for conversions in R-F zones. Set down:
17 Establish the minimum of 900 square feet be
18 required for conversions in the R-F-1, R-F-2
19 and R-F-3 zones, and 750 feet in R-F-4 and R-F-5
20 zones. Public comments: Oppose 750 feet minimum
21 for R-F-4 and 5 zones. Propose 900 square feet
22 for all zones. Office of Planning's

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1 recommendation is to establish a minimum square
2 footage for conversions in the R-F zones as set
3 down. Okay. Any comments?

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

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

15 VICE CHAIR COHEN: Good. My puppy
16 has that.

17 COMMISSIONER MAY: So I would just
18 want to make the observation again that R-F-1,
19 2 and 3 are essentially existing R-4 zones. And
20 so this is no change to those zones. It carries
21 on what the existing requirement is. And in
22 these 2 new zones that are not mapped anywhere

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1 yet, it has the smaller requirement of only 750
2 square feet per unit. I'm not sure if that's
3 really the right thing, but since it's not
4 mapped anywhere at this moment, I think it's
5 safe enough to leave it at this. And then
6 certainly as something gets mapped, there'll be
7 plenty of community input and something could
8 be, you know if a particular community likes the
9 idea of having 3 or 4 unit flats in their
10 neighborhood, but they want to have conversions
11 limited to 1000 square feet per unit, they could
12 be mapped that way. Right. So I'm perfectly
13 comfortable with this.

14 CHAIRMAN HOOD: Okay. Any other
15 comments? Commissioner Miller.

16 COMMISSIONER MILLER: Yes. We'll
17 get to talking about this in the R-4 case that
18 the Office of Planning has proposed. But I have
19 a concern, which I've expressed previously,
20 about the variance process being required for
21 conversions for less than the required minimum
22 square footages in these zones. The BZA has, we

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1 all sat on cases in the BZA and some of us have
2 voted one way and some of us voted other ways.
3 But there have been a lot of cases where we have
4 had the request for a conversion and the ANC has
5 supported it and the adjacent neighbors are
6 supporting, and the need for the housing is
7 great. And it's not necessarily going to change
8 the character of the neighborhood. The houses
9 are large enough or it's still obviously a
10 residential flat neighborhood.

11 So I really can only support this if
12 we allow a special exception process, rather
13 than a variance process, which will still allow
14 for the public review and input for less than
15 the required minimum square footages for
16 conversions. We can then get to the real issue
17 which is, does it have an adverse impact on the
18 residential character of the neighborhood. And
19 see if the neighborhood is supportive of it in
20 the special exception process. But for the
21 variance process to be applied there in the
22 cases that I've sat on, the BZA is just jumping

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1 through hoops to try to find the confluence of
2 factors making it an exceptional condition to
3 meet the 3-part variance test to try to get what
4 the applicant and the neighborhood wants in
5 that particular situation.

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

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

21 COMMISSIONER MILLER: Maybe the
22 way we get at it, if somebody who is

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1 comfortable, as Commissioner May said he was
2 comfortable with the proposal as proposed, if
3 you move that and somebody seconds it. And then
4 maybe I can move an amendment and it'll either
5 fail or maybe that's the way to cleanly deal
6 with that issue.

7 COMMISSIONER MAY: I'm happy to
8 move that the recommendation as it's set, and
9 I'm not likely to support any sort of special
10 --

11 COMMISSIONER MILLER: I sense
12 that.

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

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

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1 way to the ANC.

2 COMMISSIONER MAY: Yes. Right.

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

19 COMMISSIONER TURNBULL: Well, I
20 think I talked about this in the hearing we had
21 before. My experience has been, again, similar
22 to Commissioner May. I've been on cases where

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1 really concerned about the changes and what's
2 happened to some of the units. So I could not
3 approve a special exception on something like
4 this.

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

7 COMMISSIONER MILLER: Okay. Thank
8 you, Mr. Chairman, I appreciate your indulgence
9 for that. So I would move that the Zoning
10 Commission approve item 2-B, establish minimum
11 square footage for conversions in R-F zones as
12 set down, but instead of requiring that
13 conversions with less than the required
14 minimums go through a variance process, that
15 they go through a special exception process
16 instead. I think that would allow for the public
17 input and the neighborhood input as necessary.
18 And an evaluation could be made of the
19 residential character of the neighborhood
20 being maintained. But it would also just allow
21 for an easier process to facilitate additional
22 housing that the city so desperately needs in

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1 so many of these close-in, attractive
2 neighborhoods. So I would ask a second.

3 VICE CHAIR COHEN: I'll second
4 that.

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

8 VICE CHAIR COHEN: Aye.

9 COMMISSIONER MILLER: Aye.

10 CHAIRMAN HOOD: Any opposition?
11 Opposed.

12 COMMISSIONER MAY: Opposed.

13 COMMISSIONER TURNBULL: Opposed.

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

17 MS. SCHELLIN: Yes. Staff records
18 the vote 2 to 3 to 0 to approve the establishment
19 of minimum square footage for conversion in the
20 R-F zones as a set down, but as a special
21 exception process instead of a variance.
22 Commissioner Miller moving, Commissioner Cohen

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1 seconding. Commissioners Hood, May and
2 Turnbull opposed. Motion fails.

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

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

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

15 Chorus of Ayes.

16 CHAIRMAN HOOD: Any opposition?

17 COMMISSIONER MILLER: No.

18 VICE CHAIR COHEN: No.

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

22 MS. SCHELLIN: Yes. Staff records

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1 the vote as 3 to 2 to 0 to approve establish a
2 minimum square footage for conversion in the
3 R-F zones as set down. Commissioner May moving,
4 Commissioner Hood seconding, Commissioner
5 Turnbull in support. Commissioners Miller and
6 Cohen opposed.

7 CHAIRMAN HOOD: Okay.

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

17 COMMISSIONER MILLER: And I would
18 just add that when we last discussed the
19 creation of the new R-F zones, R-F-4 and R-F-5,
20 I would prefer that the Office of Planning to
21 take the lead as opposed to making the neighbors
22 have to shoulder the burden of coming forward,

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1 of evaluating which of these zones, areas of the
2 city might be more appropriate areas and
3 provide that information to the ANC and see if
4 they want to go forward with that. I just think
5 it's a lot of, that we do have a lot of
6 experience. And you're right, Commissioner
7 May, I think it is certain neighborhoods where
8 it works and maybe others where it doesn't.

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

18 (Simultaneous speaking.)

19 COMMISSIONER MILLER: We're
20 creating the zones but not mapping, but
21 acknowledging that they might be appropriate
22 somewhere. And so it seems to be appropriate for

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1 the planning agency to maybe outline where they
2 might be appropriate at some point. Maybe not
3 next week or by November 3rd, when we're going
4 to consider this, but --

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

7 COMMISSIONER MILLER: That's how
8 they roll.

9 MS. STEINGASSER: We're booked
10 this evening.

11 CHAIRMAN HOOD: That's for another
12 discussion. I'm not going to belabor that
13 point. Okay. Anything else? Did we vote? Okay.
14 Let's go on to establish development standards
15 for new R-F zones. The set down said: Establish
16 development standards for R-F zones as follows:
17 201, 301, 401 and 501, and the table is before
18 us. Then we have an alternate. Establish
19 development standards for the R-F zones that
20 would increase the maximum allowable lot
21 occupancy for detached and semi-detached
22 dwellings to 60 percent, and we have a table

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1 before us. The public comments stated were:
2 Prohibit any expansions in height or number of
3 stories beyond existing conditions. Propose
4 limiting lot occupancy to 40 percent for
5 existing development. Maintain lot occupancy
6 of 40 percent for detached and semi-detached
7 dwellings in R-F zones. Support 60 percent lot
8 occupancy for row dwellings and flats.
9 Establish a FAR of 1.8 for the R-F-4 and 5 zones.
10 The Office of Planning's recommendation was
11 establish development standards for the R-F
12 zones as proposed in the alternate and maintain
13 density based on number of units per lot. So
14 opening up for any discussions. Are we all in
15 agreeance with the? Okay. Any changes anybody
16 sees then? Okay. Well not seeing any comments,
17 I would move that we accept the recommendation
18 before us and the alternative, establish
19 development standards for the R-F zones as
20 proposed in the alternate and maintain
21 densities based on a number of units per lot.

22 COMMISSIONER MILLER: Second.

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

4 (Chorus of Ayes.)

5 CHAIRMAN HOOD: Any opposition?
6 Ms. Schellin would you record the vote?

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

14 CHAIRMAN HOOD: Okay. Next,
15 establish minimum lot dimensions for the R-F-1,
16 old R-F-4, R-F-2, old R-F-4/DC and R-F-3, R-4
17 cap zones. Set down: Establish minimum lot
18 dimensions for R-F zones as follows. The table
19 is before us. The Office of Planning's
20 recommendation: Establish minimum lot
21 dimensions for the R-F zones as set down. Let
22 me open up any comments.

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1 COMMISSIONER TURNBULL: I just
2 have the one question. The 15 foot with the IZ
3 in parentheses, wonder if OP could expand upon
4 that.

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

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

10 CHAIRMAN HOOD: Commissioner
11 Cohen.

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

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

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

21 MS. STEINGASSER: No.

22 VICE CHAIR COHEN: Okay. I don't

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1 know, I'm just concerned about, again, future
2 housing where we're shrinking the footprint of
3 all housing because of the cost of
4 construction. I just don't want this to in any
5 way inhibit development of possibly new, I
6 forgot the term. New construction.

7 Subdivisions, I'm sorry.

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

14 CHAIRMAN HOOD: Commissioner
15 Turnbull.

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

22 VICE CHAIR COHEN: Second.

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

4 (Chorus of Ayes.)

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

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

14 CHAIRMAN HOOD: Okay. Next, number
15 5. Did we do 4? Yes, we just did. Okay. Number
16 5, establish density for R-F-4 and R-F-5 zones
17 through development standards and units per
18 lot. The set down said: Density is limit the
19 number of units per lot and the development
20 standards, there is no minimum lot size. The
21 table is before us for 4 and 5. The
22 recommendation, Office of Planning's

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1 recommendation to us: Establish density and
2 development standards for R-F-4 and R-F-5 zones
3 as set down. Let's open to any comments.

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

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

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

17 MS. STEINGASSER: Yes, sir.

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

21 MS. STEINGASSER: Yes.

22 COMMISSIONER MAY: Okay.

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1 CHAIRMAN HOOD: Any other
2 comments?

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

9 VICE CHAIR COHEN: I'll second.

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

13 (Chorus of Ayes.)

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

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

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1 support.

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

17 COMMISSIONER TURNBULL: Second.

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

21 (Chorus of Ayes.)

22 CHAIRMAN HOOD: Not hearing any

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1 opposition, Ms. Schellin would you record the
2 vote?

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

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

22 COMMISSIONER MILLER: Yes.

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1 CHAIRMAN HOOD: Commissioner
2 Miller.

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

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

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

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

20 VICE CHAIR COHEN: In item 2-B.

21 COMMISSIONER MILLER: You did 3 to
22 2. It was incorporated in that proposal.

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

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

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

17 MS. SCHELLIN: 2-B.

18 CHAIRMAN HOOD: 2-B? Okay.

19 MS. SCHELLIN: If you look back to
20 2-B which covered R-F-1, R-F-2 and R-F-3.

21 CHAIRMAN HOOD: R-1, R-2 and R-3.
22 Okay. Good. Thank you, Commissioner Miller.

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1 MS. SCHELLIN: Yes. But then
2 there's also a 7-B on the back page that still
3 needs to be --

4 CHAIRMAN HOOD: Is that covered
5 too?

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

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

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

22 MS. STEINGASSER: No, sir. It came

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1 through the public hearing process on this.
2 They testified to the Commission at several
3 public hearings and we were asked to look for
4 an alternative and this is what we came --

5 (Simultaneous speaking.).

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

10 COMMISSIONER MAY: Yes, I have a
11 question. So this is not too dissimilar from
12 what I suggest before about the ease of making
13 conversions before. This is sort of the
14 opposite end of the spectrum. And I basically
15 wonder whether we shouldn't simply be mapping
16 the Mount Pleasant R-F zones separately as
17 they're own zone with this restriction on it,
18 rather than having an exception in the R-F
19 descriptions that excerpts this historic
20 district. Why is this historic district more
21 important than Capitol Hill historic district
22 or some other historic district?

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1 MS. STEINGASSER: It's not. We
2 actually, if the Commission went forward with
3 this, we saw this as a way to address some of
4 the very focused issues without having to go
5 through the whole exercise of creating a new
6 zone. This was the only issue that was of
7 extreme importance to this community. We were
8 easily able to put it into that, into the
9 formatting that we had, you know, that talked
10 about conversions where we could list those
11 things.

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

20 MS. STEINGASSER: I'll be honest,
21 the Commission asked OP to see what we could do.
22 And in the amount of time we had, this is what

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1 we came back with. You know, their main issue
2 was conversions. And you're right, it will be
3 part of the bigger discussion in January on the
4 R-4 as a total package.

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

7 CHAIRMAN HOOD: Okay. Commissioner
8 Miller.

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

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

19 COMMISSIONER MILLER: And so are
20 there no, but these are generally larger houses
21 on larger lots that you normally find in an R-4
22 zone.

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1 MS. STEINGASSER: That's correct.

2 COMMISSIONER MILLER: Which can
3 accommodate --

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

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

9 MS. STEINGASSER: That's correct.

10 COMMISSIONER MILLER: So that's my
11 unreadiness, is because it's too conflicting
12 roles of wanting to have stable, preserve
13 residential character in neighborhoods, but
14 also to allow where appropriate and where the
15 neighborhood supports it and ANC supports it,
16 to allow some additional units. So that's, I
17 just don't know if it should be such an absolute
18 prohibition. So if I vote against, that would
19 be only because I have that concern, not because
20 I don't want the neighborhood to have another
21 opportunity other than the historic
22 preservation process, which hasn't allowed

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1 them to argue about residential character and
2 that kind of thing.

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

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

14 COMMISSIONER MAY: Well I'm not I
15 support as it's written, because it does, it
16 feels like it's not in keeping with the approach
17 that we've been trying to take with the zoning
18 regulations and with trying to do some
19 customized zones to accommodate the interests
20 and concerns of particular neighborhoods. It
21 just seems like all of a sudden it's a different
22 way of handling it. I'm totally sympathetic to

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1 the concern and the interest, and I think it is
2 something that should be addressed in the
3 zoning regulations. I don't think that this is
4 --

5 VICE CHAIR COHEN: Gets to the --

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

8 CHAIRMAN HOOD: Could you make sure
9 you're on the mic Vice Chair if you want to speak
10 so we can have you recorded and we can make sure
11 --

12 (Simultaneous speaking.).

13 COMMISSIONER MAY: Well, anyway,
14 I'm just not comfortable that this as the
15 answer. I think there may be a solution that we
16 could execute in the context of the zoning
17 regulations rewrite, but I'm just not
18 comfortable that this is the right answer. In
19 part because I think it's going to invite other
20 neighborhoods to come in and ask for sort of the
21 same treatment. And I think that then it all
22 kind of becomes, you wind up having to deal with

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1 too many of these sorts of things. And we need
2 to put it into, we need to establish a process
3 for dealing with particular neighborhood
4 concerns and stick with that. And I think that's
5 the customized zones, that's my gut reaction.

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

18 CHAIRMAN HOOD: Okay. I think this
19 is a start, again. If it's good enough for
20 Georgetown it's going to be good enough for
21 Mount Pleasant from my standpoint. I understand
22 that there's some more tweaking. I think the

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1 Office of Planning has done due diligence to try
2 to come back and comments that they've heard.
3 And we can't have it all ways. I keep hearing
4 special exception now. Let's go back and bring
5 in the conversation about corner grocery
6 stores. But I think that Mount Pleasant, we've
7 asked them to look at it. The folks in Mount
8 Pleasant came down here, and that's a start. I'm
9 not saying is the fix all. This goes along with
10 Commissioner May. Maybe we need to re-look at
11 it. But this gives us some guidance and Ms.
12 Steingasser mentioned, there are some more
13 things that may be added to this, but this is
14 a start. So I'm not going to switch up in
15 mid-stream. I'm going to go ahead and approve
16 this as stated. Commissioner Turnbull.

17 COMMISSIONER TURNBULL: Thank you,
18 Mr. Chair. God, I thought Georgetown was in
19 front of the line earlier, but now I'm hearing
20 Mount Pleasant is in front of the line. I'm
21 really getting tired of hearing who's in front
22 of the line. Let's talk about the communities

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1 and what we're trying to do to help them. And
2 I'm just thinking that we've had a request. It's
3 part of the process. I think OP has tried to put
4 something together, to cobble something and get
5 this to work. And this is part of what the ZRR
6 is about. And I agree with you 100 percent. I'm
7 totally in favor of going ahead with this.

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

13 COMMISSIONER TURNBULL: Second.

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

17 COMMISSIONER TURNBULL: Aye.

18 CHAIRMAN HOOD: Any opposition?

19 COMMISSIONER MAY: Oppose.

20 VICE CHAIR COHEN: Oppose.

21 COMMISSIONER MILLER: Oppose.

22 CHAIRMAN HOOD: Okay. Ms. Schellin

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1 would you record the vote?

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

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

20 COMMISSIONER TURNBULL: Second.

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

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1 those in favor?

2 (Chorus of Ayes.)

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

5 VICE CHAIR COHEN: Opposed.

6 COMMISSIONER MILLER: Oppose.

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

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

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

19 MS. SCHELLIN: Okay. I only heard
20 one opposition. So the vote is 3 to 2 to 0.
21 Commissioner Hood, Commissioner Turnbull,
22 Commissioner May in support. Commissioner

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1 Miller, Commissioner Cohen oppose.

2 COMMISSIONER MILLER: Mr.
3 Chairman?

4 CHAIRMAN HOOD: Yes.

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

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

22 VICE CHAIR COHEN: I could go along

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1 with that and second.

2 COMMISSIONER MAY: I'm very
3 confused.

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

18 COMMISSIONER MAY: Yes. Thank you.
19 Sorry about that. So I'm confused. They're
20 asking that there be, the neighborhood has
21 asked that there be no circumstance under which
22 there be more than 2 dwelling units, and you're

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1 suggesting that instead we relax the current
2 restriction, which is that it can be done only
3 if there's 900 square feet per unit? I mean,
4 currently the protection is, in an R-4, is that
5 you have to have 900 square feet per unit in the
6 lot in order to have a conversion to more than
7 2 units. And you're suggesting that that be
8 relaxed to a special exception?

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

12 COMMISSIONER MAY: Okay.

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

19 (Whereupon, a brief recess was
20 taken)

21 CHAIRMAN HOOD: Okay. Let's go back
22 on the record. Let's do, I think the last one

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1 for the night is accessory apartments. Is this
2 the last one? Yes, last one for tonight is
3 accessory apartments. I thought this might take
4 us a little longer. Okay, anyway. Within the
5 main house set down said to allow one accessory
6 apartment as a matter of right subject to
7 specified conditions. The public comments:
8 Allow as a matter of right. Allow only special
9 exception. Do not allow. Office of Planning's
10 recommendation: Set down, allow one accessory
11 apartment as a matter of right subject to
12 specified conditions. Let's open up any
13 comments.

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

20 MS. STEINGASSER: According to the
21 Zoning Administrator there is not a current
22 parking requirement for accessory apartments.

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1 COMMISSIONER MAY: Uh-huh. So in
2 the zones where, I mean, first of all, which
3 zones does this apply to? Is this all the R
4 zones?

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

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

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

16 COMMISSIONER MAY: One per
17 principal unit. Okay. And that's true for all
18 4 zones, or in R-3 is one per --

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

21 COMMISSIONER MAY: All zones, one
22 per unit. Okay.

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1 COMMISSIONER TURNBULL: So parking
2 is left in the total hands of the Zoning
3 Administrator?

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

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

14 MR. LAWSON: With of course the
15 exception that there is a principal owner who
16 controls how that accessory apartment is
17 administered. Whereas with a flat it could be
18 2 independent owners that have no relation to
19 each other.

20 COMMISSIONER MAY: Right. I'm just
21 talking about in raw numbers, this is the number
22 of dwelling units you have and this is the

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1 number of parking units that you have. Yes.
2 Okay. All right. And of course for R-1 zones and
3 R-2 zones, they tend to be less dense. It's R-3
4 zones where it might be a concern. I don't know.

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

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

11 CHAIRMAN HOOD: Okay. Any other
12 comments?

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

22 MR. LAWSON: It would not.

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1 COMMISSIONER MAY: It would not.
2 Okay.

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

9 VICE CHAIR COHEN: No.

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

13 VICE CHAIR COHEN: Oh.

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

22 VICE CHAIR COHEN: I move to accept

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1 the OP recommendation, allow one accessory
2 apartments as a matter of right subject to
3 specified conditions and ask for a second.

4 COMMISSIONER MILLER: Second.

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

8 (Chorus of Ayes.)

9 CHAIRMAN HOOD: Any opposition?
10 Opposed. Ms. Schellin would you record the
11 vote?

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

20 CHAIRMAN HOOD: Within an
21 accessory building. The set down: Accessory
22 building constructed after January 1, 2013,

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1 should not be used as or converted to an
2 accessory apartment except by special
3 exception for a period of five years after the
4 approval of the building permit for the
5 accessory building. The alternative is
6 allowing accessory apartment and accessory
7 building only by special exception, regardless
8 of when accessory building was constructed. The
9 public comments: Allow as a matter of right ACC,
10 I'm not sure what that means, apartment
11 accessory, okay. Oh, okay. Got me. Apartment
12 use of the ACC, okay, that's what I'll call it,
13 building regardless of when constructed, i.e.
14 remove January 1, 2013, date. Allow as a matter
15 of right the ACC apartment use of ACC building
16 built before January 1, 2013, and by special
17 exception after January 1, 2013. Allow only by
18 special exception regardless of when ACC
19 building was constructed. Do not allow any
20 apartment within an accessory building. Office
21 of Planning's recommendation: Alternate, allow
22 an accessory apartments in an accessory

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1 building only by special exception, regardless
2 of when accessory building was constructed.
3 Let's open up for any comments.

4 VICE CHAIR COHEN: Question.

5 CHAIRMAN HOOD: Vice Chair Cohen.

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

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

18 COMMISSIONER MILLER: I just was
19 trying to understand the proposal better, too.
20 Is the second bullet, which says allow as a
21 matter of right accessory apartment, use of
22 accessory building built before 1 January of

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1 2013 and by special exception after January 1,
2 2013, is that the same as the set down
3 description above? Okay. Well I would just say
4 that if it's an existing building that isn't
5 going to be expanded or renovated, or expanded
6 beyond its original footprint, which I think
7 was the Office of Planning's original proposal,
8 I would prefer that, too. But I won't put the
9 Commission through a motion if there's not
10 support for that.

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

21 COMMISSIONER TURNBULL: Second.

22 CHAIRMAN HOOD: It's been moved and

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1 properly seconded. Any further discussion? All
2 in favor?

3 (Chorus of Ayes.)

4 CHAIRMAN HOOD: Any opposition?
5 Ms. Schellin would you record the vote?

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

13 CHAIRMAN HOOD: Okay. Next, with an
14 accessory building by new construction
15 including addition. Set down said: Allow as a
16 special exception. Allow as a matter of right.
17 Allow only by special exception. Do not allow.
18 And the recommendation: Set down, allow as a
19 special exception. I would definitely support
20 the Office of Planning's recommendation on this
21 one. So any other comments? Okay. I would move
22 that we approve the set down as proposed and

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1 allow it as a special exception within an
2 accessory building by new construction
3 including additions, and ask for a second.

4 VICE CHAIR COHEN: Second.

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

8 (Chorus of Ayes.)

9 CHAIRMAN HOOD: Any opposition?
10 Ms. Schellin would you record the vote?

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

17 CHAIRMAN HOOD: Okay. Next,
18 require minimum lot size. Set down: Maintain
19 required minimum lot size. The alternative:
20 Eliminate required minimum lot size. And the
21 chart is before us. Public comments: Keep the
22 existing minimum lot size requirements. Reduce

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1 the minimum lot size requirements. Eliminate
2 the existing minimum lot size requirements. The
3 recommendation of Office of Planning: The
4 alternate, eliminate minimum lot size
5 requirements. Any comments? Vice Chair Cohen.

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

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

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1 CHAIRMAN HOOD: Okay.

2 VICE CHAIR COHEN: Thank you.

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

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

20 MR. LAWSON: Well, the minimum lot
21 size is what's from the current regulations.
22 Exactly. Yes. And these are the lot sizes that

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1 are required for the creation of a new lot in
2 the zone. And as we know, particularly in some
3 of the zones, a very large percentage of the
4 lots, the existing lots don't conform to the
5 current minimum lot size, in some cases as much
6 as over half of the lots don't conform to the
7 minimum lot size.

8 COMMISSIONER TURNBULL: In these
9 zones you're saying.

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

17 COMMISSIONER TURNBULL: And this
18 goes back to 1958?

19 MR. LAWSON: Yes.

20 COMMISSIONER TURNBULL: So that's
21 when it was established and that's what we've
22 been using ever since then.

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1 MR. LAWSON: Yes.

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

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

15 MR. LAWSON: We felt that it was
16 more appropriate to establish the requirements
17 for the unit itself. So there is a minimum lot
18 size requirement, or sorry, minimum size
19 requirement for the unit. There is a minimum
20 size requirement for the house that the
21 accessory building goes in. So those kinds of
22 limitations that relate more directly to the

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1 nature of the accessory apartments itself,
2 would remain in place. And we felt that those
3 were more than adequate to make sure that the
4 accessory apartment could be --

5 (Simultaneous speaking.).

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

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

11 COMMISSIONER TURNBULL: Okay.

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

18 MS. STEINGASSER: And it's not that
19 we're proposing nothing. These are all record
20 lots. They all legally exist. They have
21 structure on them, utilities, all the basic
22 needs. So it's just an artificial threshold

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1 that if you have a single family detached or a
2 semi-detached house in the R-2 zone, you have
3 to have twice the lot area to have an accessory
4 apartments, which is in conflict with the whole
5 idea of having a matter of right accessory
6 apartment.

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

17 CHAIRMAN HOOD: So removing the
18 alternate language as proposed before us now,
19 removing the minimum lot area, there are still
20 some precautions, protections when we get to
21 the required minimum house size? Okay. All
22 right.

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1 Somebody like to make a motion?
2 Commissioner May.

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

8 VICE CHAIR COHEN: I second.

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

12 (Chorus of Ayes.)

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

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

22 CHAIRMAN HOOD: Okay. Required

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

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

19 MS. STEINGASSER: This is the
20 square footage of the house not including the
21 garage. So this is just the residential
22 structure. And, again, this is the standard

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1 that was established in 1958 and we just brought
2 it forward.

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

6 MS. STEINGASSER: Within this.

7 VICE CHAIR COHEN: Okay.

8 MS. STEINGASSER: Right.

9 VICE CHAIR COHEN: That was my
10 question. Thank you.

11 CHAIRMAN HOOD: Any other
12 discussion? Mr. Turnbull.

13 COMMISSIONER TURNBULL: I guess
14 just if you could go back over the logic on the
15 R-2, R-3.

16 MS. STEINGASSER: Well, right now
17 the regulations require that, even in the R-2
18 and R-3, it can only be in a single family
19 detached home. And so to get it in an accessory,
20 or I'm sorry, to allow an apartment in
21 semi-detached or detached requires a use
22 variance. It's been a very difficult thing to

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1 do. So we are proposing that it be allowed in
2 any single family home, regardless of whether
3 it's attached or detached. So that then begs the
4 question, why have such an inflated lot size for
5 those particular land areas.

6 COMMISSIONER TURNBULL: You mean
7 house size.

8 MS. STEINGASSER: And then so we
9 took, we carried that forward and looked at the
10 house size and we did some very rudimentary
11 survey of our tax records to get some sense of
12 what is at the -- I wouldn't even say, a
13 statistician would, roll us over the ropes. But
14 we did look at the tax records to try to figure
15 out what is the general, where is a sweet spot
16 for these semi-detached and detached homes, and
17 we came up with 1200 square feet.

18 COMMISSIONER TURNBULL: So that's
19 sort of like the going size that you see, is
20 roughly plus or minus 10 to 15 percent or
21 something?

22 MS. STEINGASSER: No, there's

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1 cellars, there's attics. Yes. It was hard to get
2 a real feel for what is the average or median
3 size of a row house or semi-detached. They
4 really vary. You look at the wardments, those
5 are really large, beautiful houses. You get
6 into some of the neighborhoods and they can be
7 very, very small.

8 COMMISSIONER TURNBULL: Okay.

9 CHAIRMAN HOOD: Any other
10 comments? Somebody like to make a motion that's
11 before us?

12 VICE CHAIR COHEN: I move that we
13 accept OP's recommendation, alternative,
14 reduce minimum house size for R-2 and R-3 zones
15 under required minimum house size.

16 CHAIRMAN HOOD: Okay. It's been
17 moved. Can we get a second?

18 COMMISSIONER MILLER: Second.

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

22 (Chorus of Ayes.)

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1 CHAIRMAN HOOD: Any opposition?
2 Ms. Schellin would you record the vote?

3 MS. SCHELLIN: Staff records the
4 vote 5 to 0 to 0 to reduce the minimum house size
5 for R-2 and R-3 zones. Commissioner Cohen
6 moving, Commissioner Miller seconding.
7 Commissioners Hood, Turnbull and May in
8 support.

9 CHAIRMAN HOOD: Okay. The maximum
10 percentage of the main house that may be used
11 by accessory apartment. Set down was: Allow
12 accessory apartment to occupy no more than 30
13 percent of the GFA of the house. Public
14 comments: Keep existing maximum area for use by
15 accessory apartment at 25 percent. And next,
16 allow a maximum area for use by an apartment at
17 30 percent. Office of Planning's
18 recommendation: Continues with the set down.
19 Allow accessory apartment to apply no more than
20 30 percent of the GFA of the house. Let's open
21 it up for any comments.

22 COMMISSIONER MAY: I have a

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1 question.

2 CHAIRMAN HOOD: Commissioner May.

3 COMMISSIONER MAY: So for the
4 Office of Planning, 30 percent of the GFA. And
5 the GFA is or is not what counts towards the FAR?

6 MR. LAWSON: Well, there really is
7 no FAR in these zones, but it's the total square
8 footage of the building.

9 COMMISSIONER MAY: It is the total
10 square footage of the building.

11 MR. LAWSON: Yes. And that's one of
12 the reasons why we're proposing 30 percent.

13 COMMISSIONER MAY: Right.

14 MR. LAWSON: Because in a standard
15 3-story house that's one floor.

16 COMMISSIONER MAY: Well, no.

17 MR. LAWSON: One 3-story house --

18 COMMISSIONER MAY: It almost one--

19 MR. LAWSON: -- including the
20 basement.

21 COMMISSIONER MAY: It's almost one
22 floor.

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1 MR. LAWSON: Yes.

2 COMMISSIONER MAY: And that was my
3 second question, was, well, in a 3-story house
4 30 percent means that you've got to carve out
5 a little closet that can't be part of the
6 apartment in the basement.

7 MR. LAWSON: Yes, or the furnace
8 room.

9 COMMISSIONER MAY: Or the furnace
10 room. I would just make it 35 percent just to
11 make sure that you're covered but --

12 MR. LAWSON: We'd be happy to
13 entertain that provision.

14 COMMISSIONER MAY: Well, I would
15 be, unless there's further discussion I'd make
16 a motion.

17 CHAIRMAN HOOD: Any other
18 discussion? Go right ahead, Commissioner.

19 COMMISSIONER MAY: So I would make
20 a motion that we accept the recommendation to
21 allow accessory apartments to occupy no more
22 than 35 percent of the GFA of the house.

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1 Actually they recommended 30, but I'm upping it
2 to 35.

3 CHAIRMAN HOOD: I don't know if I --

4 VICE CHAIR COHEN: Second that.

5 CHAIRMAN HOOD: Okay. It's been
6 moved and seconded. What was the rationale for
7 going from --

8 COMMISSIONER MAY: So for me it's
9 simple math. You know, if you figure a 3-story
10 house and it's the total square footage of the
11 house and it's the basement floor or maybe it's
12 the attic floor or something like that, it's
13 going to be one-third of the total GFA, which
14 would be 33 percent. And rather than having 33
15 percent, I just figured round it up to 35
16 percent. It's just cleaner and simpler.

17 CHAIRMAN HOOD: Okay. I guess since
18 you know simple math, I'm not that good with
19 simple math, I take the hard math. But I was
20 ready to settle for 30 percent and I guess
21 simple math I'll leave it up to you,
22 Commissioner May. I want to say something else

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1 but it's getting late and I'm tired and I don't
2 want to say that you're the most powerful. No,
3 I don't want to do that.

4 VICE CHAIR COHEN: We all know
5 that.

6 CHAIRMAN HOOD: Okay. So I won't.
7 So it's been moved. Was it seconded?

8 VICE CHAIR COHEN: Second.

9 CHAIRMAN HOOD: Moved and properly
10 seconded. Any further -- Okay. Commissioner
11 Miller. I'm sorry. It's been moved and properly
12 seconded. Any further discussion? At 35
13 percent. All those in favor?

14 (Chorus of Ayes.)

15 CHAIRMAN HOOD: Any objections?
16 Not hearing any. Ms. Schellin would you record
17 the vote?

18 MS. SCHELLIN: Staff records the
19 vote 5 to 0 to 0 to accessory apartment to occupy
20 no more than 35 percent of the GFA of the house.
21 Commissioner May moving, Commissioner Miller
22 seconding. Commissioners Hood, Cohen and

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1 Turnbull in support.

2 CHAIRMAN HOOD: Okay. The next is
3 additional entrance for apartments. Set down:
4 May not be located on a wall facing the street.
5 Office of Planning recommendation: Set down, do
6 not allow additional entrances to be located on
7 a wall facing the street. Mr. Lawson, the ones
8 that exist now, don't most of the entrances face
9 the street?

10 MR. LAWSON: No. It's actually
11 currently in the provisions that the entrance,
12 if it's a legal unit that the entrance isn't
13 allowed to face the street unless they got
14 relief from the provision. As we all know, most
15 of the existing apartments in the district are
16 not legally registered units, so it's possible
17 there is a second entrance facing the street.

18 COMMISSIONER MILLER: And why
19 wouldn't we want to allow it at the basement
20 level?

21 MR. LAWSON: It's really intended
22 to address kind of the streetscape character of

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1 the building, and that this is still
2 predominantly, this is still a single family
3 zone and that the accessory apartment is
4 accessory in both size and in design and in
5 character to that principal unit.

6 COMMISSIONER MILLER: But that
7 would apply in, okay.

8 COMMISSIONER MAY: So, I mean, it
9 raises an issue in R-3 neighborhoods, which are
10 predominantly row houses wouldn't it? I mean --

11 COMMISSIONER MILLER: That's what
12 I was just going to ask.

13 MR. LAWSON: Yes. And like, I mean,
14 these are the conditions but as you get further
15 down you'll see that we're also bringing
16 forward one of the provisions from the current
17 regulations that some of those provisions, when
18 you get into a special exception process could
19 be waived by the Board of Zoning Adjustment and
20 that kind of thing. But, again if the Zoning
21 Commission is feeling that this is too
22 restrictive, we're happy to take another look

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1 at this.

2 COMMISSIONER MAY: I guess the row,
3 among the zones that we're looking at, R-3 is
4 the only one that's really just row houses. R-2
5 would be semi-detached but it's --

6 MS. STEINGASSER: Semi-detached.
7 And even in the R-3, it's single family, single
8 household. It's not like the R-4 where you have
9 flats and you --

10 (Simultaneous speaking.).

11 COMMISSIONER MAY: Right. But
12 we're talking about allowing accessory
13 apartments, so it's likely to be a basement
14 unit, right? And that's likely to enter, I mean,
15 it's going to have to enter off of the --

16 MS. STEINGASSER: Off of the back.

17 COMMISSIONER MAY: Hmm?

18 MS. STEINGASSER: Well it could
19 enter out the back?

20 COMMISSIONER MAY: Enter out the
21 back, but how do you get to the back?

22 MS. STEINGASSER: Or it could be

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1 through a shared entrance.

2 COMMISSIONER MAY: Okay.

3 MS. STEINGASSER: You come in and
4 then you would go down a flight of stairs.

5 COMMISSIONER MAY: So are you
6 concerned that allowing them on the front in an
7 R-3 neighborhood would actually compromise the
8 look of the neighborhood?

9 MS. STEINGASSER: Well one of the
10 things we heard a lot through our pre-public
11 hearing outreach and through the Comp Plan was
12 the issue of neighborhood character and
13 maintaining that character. And that's
14 especially in those single family zones. And
15 that's what we were trying to get at with this.
16 And since it was already an element in the
17 existing regs, we thought we could keep it and
18 somebody could apply for special exception if
19 they needed it.

20 COMMISSIONER MAY: I mean, in
21 effect it feels like this just will require that
22 any accessory apartment in the main building in

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1 an R-3 zone would have to be done by special
2 exception. Because it's not practical to think
3 that in a row house neighborhood you're going
4 to be entering through the back.

5 VICE CHAIR COHEN: Yes.

6 MS. STEINGASSER: But you could
7 enter into a hallway that is split, that has
8 stairs.

9 COMMISSIONER MAY: I understand
10 that. You could do that. Yes.

11 MS. STEINGASSER: I'm not going to
12 argue. We're perfectly comfortable to,
13 especially with the R-3, to maybe call out the
14 R-3 and leave the other two. That's what we were
15 trying to get at.

16 PARTICIPANT: I would support
17 that.

18 VICE CHAIR COHEN: I would support
19 that as well to make the R-3 an exception.

20 COMMISSIONER MAY: I think I'd be
21 willing to support that. But I think it's with
22 a little bit greater certainty from the Office

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1 of Planning about what effect it might have on
2 neighborhood character. Have you studied it
3 much to know? I mean, I don't know.

4 MR. LAWSON: I can't say that we've
5 studied that, because it's not something that
6 we had proposed.

7 COMMISSIONER MAY: Right.

8 MR. LAWSON: It's certainly
9 something we could look at. We could also look
10 at, for example, if you wanted to carve out R-3,
11 allowing that entrance only into the lower
12 level as opposed to having two entrances --

13 COMMISSIONER MAY: Got it. Side by
14 side.

15 MR. LAWSON: -- at the ground
16 level.

17 COMMISSIONER MAY: Right.

18 MR. LAWSON: Which I think would
19 help to minimize that and is a current
20 condition, frankly.

21 COMMISSIONER MAY: Right.

22 MR. LAWSON: So that's something we

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1 could certainly look at.

2 COMMISSIONER MAY: Yes. And I think
3 that lower level entrance is in keeping with the
4 character of most row house neighborhoods. It's
5 not uncommon at all to have that second entrance
6 on the lower level. But, yes, having two doors
7 side by side, that's those flats.

8 MR. LAWSON: And I just want to
9 make, and I know you haven't taken a vote yet,
10 but just so I understand where you're coming
11 from so that we can draft this up. When you talk
12 about that, are you talking about just the R-3?

13 COMMISSIONER MAY: Yes.

14 MR. LAWSON: Or are you talking
15 about -- Okay. Thank you.

16 COMMISSIONER MAY: Is there
17 further discussion? Otherwise I would make a
18 motion.

19 COMMISSIONER TURNBULL: No. I
20 think I agree 100 percent. I understand where
21 OP's coming from and it makes a lot of sense.
22 But there are so many units out there where you

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1 have a door and an area, well, right below the
2 main level that's been there. And it just makes
3 sense to leave it there rather than to try to
4 have somebody try to go all the way to the back.
5 And, they need a second exit anyways to get out
6 from the unit, but, yes, I think the R-3 might
7 be a special case.

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER MAY: I would go ahead
10 and make the motion to modify the
11 recommendation so that we do not allow
12 additional entrances to be located on a wall
13 facing a street in R-1-A, R-1-B and R-2 zones.
14 And that for R-3 zones an additional entrance
15 may be located in a wall facing a street,
16 providing it is the below grade entrance, the
17 basement entrance.

18 COMMISSIONER MILLER: Second.

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

22 (Chorus of Ayes.)

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

4 MS. SCHELLIN: Yes. Staff records
5 the vote 5 to 0 to 0 to not allow additional
6 entrance to be located on a wall facing a street
7 in the R-1-A, R-1-B and R-2 zones. And in the
8 R-3 zones, another entrance is allowed off the
9 street as long as it's a below grade entrance.
10 Commissioner May moving, Commissioner Miller
11 seconding. Commissioners Hood, Turnbull and
12 Cohen in support.

13 CHAIRMAN HOOD: Okay. Let's go to
14 owner occupancy requirement. The set down:
15 Owner must live in either the principal
16 dwelling or the accessory apartment. Public
17 comments: Maintain an owner occupancy
18 requirement. Office of Planning's
19 recommendation: Set down, which is a set down,
20 owner must live in either the principal
21 dwelling or the accessory apartment. Any
22 comments or questions? I move that we accept the

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1 Office of Planning's recommendation and the set
2 down. Owner must live in either the principal
3 dwelling or the accessory apartment, and ask
4 for a second.

5 COMMISSIONER MILLER: Second.

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

9 (Chorus of Ayes.)

10 VICE CHAIR COHEN: Actually I --

11 CHAIRMAN HOOD: Any opposition?

12 VICE CHAIR COHEN: No.

13 CHAIRMAN HOOD: Not hearing any.

14 Ms. Schellin would you record the vote?

15 MS. SCHELLIN: Staff records the
16 vote 5 to 0 to 0 to approve the owner must live
17 in either the principal dwelling or the
18 accessory apartment. Commissioner Hood moving,
19 Commissioner Turnbull seconding.
20 Commissioners May, Cohen and Miller in support.

21 CHAIRMAN HOOD: Vice Chair, you
22 tried to hit the mic. Did you --

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1 VICE CHAIR COHEN: No, I'm fine.

2 CHAIRMAN HOOD: Okay. Let's go to
3 the total persons. Set down: Limit total number
4 of persons that may occupy the house and
5 apartment combined to 6. The public comments:
6 Keep limit of 6 for both house and apartment.
7 Put limit only on number of people living in
8 apartment. Office of Planning's recommendation
9 is to limit number of residents in the apartment
10 only. Limit to 3. Any comments? Let me ask, and
11 I think this came up in the hearing, how does
12 this coincide with the Department of Justice
13 about, how does this work with that? Is this in
14 compliance with it? I think we talked about this
15 before.

16 MS. STEINGASSER: It is in
17 compliance, or it doesn't conflict with any of
18 the Department of Justice issues.

19 CHAIRMAN HOOD: Okay. Any other
20 comments?

21 VICE CHAIR COHEN: I have a
22 comment. This could be an issue related to

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1 affordability. A family, mother, father, 2
2 children need an apartment desperately and they
3 can't afford anything but an accessory
4 apartment. So what you're stating here is,
5 though, they could not be eligible to live in
6 an accessory apartment.

7 MS. STEINGASSER: Well the current
8 regulations said 6 between the 2 units. And the
9 Commission asked us to look at limiting only the
10 residence in the accessory apartment. So we
11 basically went with half. There was no real
12 science to it. But, you're right, 4 people.

13 VICE CHAIR COHEN: I have a problem
14 with that.

15 COMMISSIONER MAY: So I'm actually
16 happy with this solution. I think the limit of
17 6 for both house and apartment was remarkably
18 small. And the idea of limiting the residents
19 in the accessory apartment, we're talking about
20 basement apartments and that sort of thing. I
21 think that, that's okay for a single, a couple
22 and maybe a child, as well. But beyond that I

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1 think we shouldn't necessarily be encouraging
2 that in these residential zones. I think at the
3 point when you got 4 people in the apartment,
4 it ought to be in a flat zone or an apartment
5 zone. So I think that this is a perfectly
6 reasonable control on occupancy of accessory
7 apartments.

8 VICE CHAIR COHEN: Well is there,
9 there are very large homes that may have large
10 basements and may end up being almost like an
11 apartment themselves, but we're only limiting
12 it to, I mean, unless I don't understand that
13 connection of --

14 COMMISSIONER MAY: This goes back
15 to the neighborhood preservation idea. I think
16 that this is, when it's a very large home and
17 there happens to be a very large basement and
18 you could have a 2 bedroom apartment in it, I
19 think it does change the character to have, an
20 entire second family with, 2 or 3 or 4 kids in
21 it.

22 VICE CHAIR COHEN: Yes. But we

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1 have, again, a very severe housing crisis. And
2 if you have the size unit that does accommodate
3 that family with 2 children, I think it behooves
4 us as a community to house those people. And I'm
5 not saying that it's going to change the
6 neighborhood that greatly, because I don't
7 think it's going to be done that much. And the
8 other thing is the Comprehensive Plan does have
9 a Chinese menu. There are some things within
10 that that happen to be inconsistent. And it's
11 your choice. And I think right now the choice
12 of having additional housing in our city to
13 accommodate not only the growth but the fact
14 that there is a tremendous amount of
15 overcrowding in smaller units throughout the
16 city, so this might actually help relieve that.

17 COMMISSIONER MAY: I don't
18 disagree that there's an issue with a need for
19 more housing. But I, as you say, the
20 Comprehensive Plan is a Chinese menu. I think
21 it's a matter of balancing your choices so that
22 you wind up with a reasonable balance between

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1 neighborhood preservation and the desire to
2 provide more housing opportunities. And, you
3 know, frankly I'm just, I think that this is the
4 right compromise. You may disagree but I think
5 it's the right one.

6 CHAIRMAN HOOD: Okay. Anyone else
7 to comment? Commissioner Turnbull.

8 COMMISSIONER TURNBULL: Thanks,
9 Mr. Chair. I just want to, you're original
10 comparison sheet for accessory apartments, I
11 don't think you had updated it. The last item
12 G still says 6 for both. And so this is really
13 superseding this old comparison sheet then. G
14 basically says the aggregate number of persons
15 that may occupy the house including the
16 principal dwelling and the accessory apartment
17 combined shall not exceed 6. So you've really
18 gone out in front and it's changed.

19 MS. STEINGASSER: We were asked to
20 look at this after the July --

21 COMMISSIONER TURNBULL: After
22 July. That's what I just want to be sure that

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1 we're on the same page.

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

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

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

11 Chorus of Ayes.

12 CHAIRMAN HOOD: Any opposition?

13 VICE CHAIR COHEN: Opposed.

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

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

22 CHAIRMAN HOOD: Okay. Let's go to

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

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

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

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

11 MS. STEINGASSER: It would only --

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

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

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

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

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

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1 MS. STEINGASSER: Yes.

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

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

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

16 VICE CHAIR COHEN: Second.

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

20 (Chorus of Ayes.)

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

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1 vote?

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

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

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

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

15 VICE CHAIR COHEN: Second.

16 COMMISSIONER TURNBULL: Second.

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

20 (Chorus of Ayes.)

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

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1 vote?

2 MS. SCHELLIN: Staff records the
3 vote 5 to 0 to 0 to allow for optional use of
4 an 8 foot side yard easement or a shared access
5 easement between properties. Commissioner
6 Miller moving, Commissioner Turnbull
7 seconding. Commissioners Hood, Cohen and May in
8 support.

9 CHAIRMAN HOOD: Okay. Which number
10 are we on? I just got distracted? 5-C?

11 Oh, I thought we were 5-E. Okay.
12 Duration of apartments use of accessory
13 buildings. Set down: Apartment use of accessory
14 building shall be, okay.

15 Co-terminus. It's too late for
16 those words. Co-terminus, with the permanent
17 access. Public comments: Support of a
18 co-terminus requirement. Office of Planning:
19 Adopt a co-terminus requirement. Any comments?
20 Somebody like to make a co-terminus motion?

21 COMMISSIONER MAY: I would move
22 that we adopt the recommendation to adopt the

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1 co-terminus requirement that the apartment use
2 of the accessory building shall be co-terminus
3 with the permanent access.

4 VICE CHAIR COHEN: Second.

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

8 (Chorus of Ayes.)

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

12 MS. SCHELLIN: Staff records the
13 vote 5 to 0 to 0 to adopt the co-terminus
14 requirement with regard to the duration of
15 apartment use of the accessory building.
16 Commissioner May moving, Commissioner Cohen
17 seconding. Commissioners Hood, Miller and
18 Turnbull in support.

19 CHAIRMAN HOOD: Okay. Roof decks,
20 oh, no. I'm sorry.

21 PARTICIPANT: Other uses.

22 CHAIRMAN HOOD: Other uses in

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1 accessory buildings. Set down: Accessory
2 building that house an apartment shall not be
3 used simultaneously for an accessory use other
4 than a private vehicle garage. Public comments:
5 Also allow for artist studio and storage. Also
6 allow the tenants to have a home occupation
7 within accessory apartment. Do not allow
8 tenants to have at home occupation with an
9 accessory apartment. Office of Planning's
10 recommendation: Allow the simultaneous use for
11 parking and include artist studio and storage.
12 Allow the tenants to have a home occupation
13 within the accessory apartment and limit the
14 clients or visitors to 8 per day. Any comments?

15 COMMISSIONER TURNBULL: I'm
16 assuming that the homeowner can also have his
17 home occupation.

18 MS. STEINGASSER: Yes.

19 COMMISSIONER TURNBULL: And is he
20 then limited? I mean, how does that work, how
21 would that combine with this? The home
22 occupation requirements?

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1 MS. STEINGASSER: Well the home
2 occupation for the principal would be subject
3 to its regular requirements.

4 COMMISSIONER TURNBULL: Regular.

5 MS. STEINGASSER: And this would
6 have the limitation of only 8 visitors per day.

7 COMMISSIONER TURNBULL: But again,
8 and there's no parking.

9 MS. STEINGASSER: There's no
10 parking.

11 COMMISSIONER TURNBULL: There's no
12 parking for this, so they'd be on street. If
13 they're driving here, they're going to be
14 parking on the street.

15 MS. STEINGASSER: That's correct.

16 COMMISSIONER TURNBULL: Okay.

17 COMMISSIONER MAY: So can we talk a
18 little bit about what the home occupancies
19 might be? It's not going to be a medical office
20 or dentist office or something like that.

21 MS. STEINGASSER: That could be.

22 COMMISSIONER MAY: That could be in

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1 a normal home use.

2 MS. STEINGASSER: Medical and
3 dental office is a permitted home occupation.

4 COMMISSIONER MAY: So it would be
5 anything that's permitted under home
6 occupation.

7 MS. STEINGASSER: Right.

8 COMMISSIONER MAY: But you'd only
9 be able to have 8 visitors per day.

10 MS. STEINGASSER: That's correct.

11 COMMISSIONER MAY: But if it were
12 in your home, could you have a dentist office
13 in your home in a R-1-A?

14 MS. STEINGASSER: Yes, you could.

15 COMMISSIONER MAY: And then
16 there's no limit.

17 MS. STEINGASSER: And there's no
18 limit. There's, I think if I remember
19 correctly, it's 8 per hour.

20 COMMISSIONER MAY: 8 per hour.

21 MS. STEINGASSER: Yes.

22 COMMISSIONER MAY: Right. So this

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1 is actually --

2 MS. STEINGASSER: We tried to --

3 COMMISSIONER MAY: -- fairly
4 minimal by comparison. 8 per day is, that's, I'm
5 not, if you were say an architect and you had
6 your office there, you probably wouldn't have
7 8 visitors per day. All right. I guess that
8 paints a better picture for me and in the
9 broader context of home occupation, I guess I'm
10 comfortable with this. Because it doesn't seem
11 like it's anywhere near as, what could be
12 allowed as a just a straight home occupation in
13 a principal house.

14 CHAIRMAN HOOD: I'm trying to
15 understand. It's like a lot is going on in this
16 recommendation. Maybe I'm not, I don't have my
17 hands around it. It's a lot of stuff. I'm just
18 visualizing 8 people, I think it's already 8
19 within the hours you just stated, but 8 people
20 we're using. Maybe I'm mixing this up. Storage,
21 artist studio, occupancy. That's a lot going on
22 there.

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1 MS. STEINGASSER: You're right.
2 There's a lot in the recommendation and it's not
3 written as clearly as it could be. It's not to
4 imply that all this would go on at the same time.
5 Just that --

6 CHAIRMAN HOOD: It sure looks like
7 it, but anyway.

8 MS. STEINGASSER: It does look like
9 and I apologize for that. But the Commission had
10 asked that we clarify that the art uses and the
11 storage continue to be a permitted use, for
12 instance, if the accessory apartment didn't
13 take up the full building. And the other is just
14 to allow the home occupation for the tenant. And
15 if the Commission is uncomfortable with
16 visitors, you could also limit it to
17 professional office with no visitors.

18 VICE CHAIR COHEN: I think that
19 this is a reasonable amount of clients or
20 visitors on a daily basis. I don't think it,
21 again, people don't descent usually upon a
22 business. Maybe 2 people at a time if it's like

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1 an attorney that's doing wills inside of his
2 accessory apartment. So I just don't think it
3 really is that much of a demand on a
4 neighborhood.

5 CHAIRMAN HOOD: Okay. Commissioner
6 Miller.

7 COMMISSIONER MILLER: Thank you,
8 Mr. Chairman. I would agree with, I have
9 actually the comfort level that Commissioner
10 May and Vice Chair do. Probably because, we have
11 to just remember that this is a compromise upon
12 compromise upon a compromise to try to address
13 concerns. Some of us were okay with matter of
14 right apartment use in the accessory building
15 if it wasn't going to be changing the existing,
16 the building that was already there. And that's
17 gone. It's all by special exception now, right?
18 And so this would have that use, would that be
19 going through a special exception process,
20 would it not?

21 MS. STEINGASSER: The home
22 occupation would not.

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1 COMMISSIONER MILLER: That would
2 just be governed by

3 MS. STEINGASSER: Just the
4 regulations.

5 COMMISSIONER MILLER: And this
6 additional limitation here, the 8.

7 MS. STEINGASSER: Yes, sir.

8 COMMISSIONER MILLER: Okay. Well
9 I'm comfortable with this proposal. I think
10 there's been a lot of compromise on this whole
11 issue.

12 CHAIRMAN HOOD: Did you say the
13 additional, besides the home occupation, would
14 be special exception?

15 I'm asking Ms. Steingasser.

16 MS. STEINGASSER: No, sir. The home
17 occupation would be a matter of right. The
18 accessory apartment in the accessory building
19 would be by special exception.

20 CHAIRMAN HOOD: Okay. Before the
21 Vice Chair says, and you talked about looking
22 at something else and I forgot. You talked about

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1 looking at some additional days or I forgot. I
2 was in line what you said but --

3 COMMISSIONER MAY: Additional
4 limitations to only professional office for
5 example. Right?

6 CHAIRMAN HOOD: Yes.

7 MS. STEINGASSER: Yes.

8 CHAIRMAN HOOD: Is anyone in favor
9 of asking Office of Planning to do that?

10 COMMISSIONER MAY: I would be happy
11 to know more about what they envision could be
12 happening and sort of tiers of what could
13 happen. But I'm comfortable with what's
14 described now, but I have no problem with seeing
15 more information in case when we get to decision
16 making to take proposed action on actual
17 language that we have something a little
18 different. (Simultaneous speaking)

19 CHAIRMAN HOOD: I'm prepared to go
20 ahead and vote as written, but I would like to
21 see that.

22 COMMISSIONER MAY: I have no

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1 problem with that.

2 CHAIRMAN HOOD: Okay. Anyone else?

3 COMMISSIONER TURNBULL: Well my
4 only concern, I have no objection to the home
5 occupation in principal. My only concern as far
6 as an impact is if you have a home occupation
7 in the principal dwelling and the tenant has it.
8 And especially if the home occupation could be
9 a doctor. I just see both of them having, would
10 be a big impact on the neighborhood.

11 CHAIRMAN HOOD: Okay. I thought --
12 (Simultaneous speaking.).

13 COMMISSIONER TURNBULL: That's my
14 only, that's my biggest concern.

15 CHAIRMAN HOOD: That's actually a
16 good point. So one or the other.

17 COMMISSIONER TURNBULL: But the
18 way it's written you can have both.

19 CHAIRMAN HOOD: Yes.

20 PARTICIPANT: Right.

21 COMMISSIONER MAY: Well it could be
22 very convenient. You can have the doctor in the

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1 main house and then you could have the --

2 (Simultaneous speaking.)

3 COMMISSIONER TURNBULL: -- down
4 below.

5 COMMISSIONER MAY: The malpractice
6 attorney in the --

7 (Simultaneous speaking.)

8 CHAIRMAN HOOD: Yes. That sounds
9 like something good. We can make it as a matter
10 of right in Capitol Hill. No, I'm just playing.
11 Okay. So we will ask you to look at some more
12 ideas. And also take into consideration
13 Commissioner Turnbull's good point. That's a
14 good point. Okay. But Commissioner Turnbull do
15 you have a problem approving this as it is or?

16 COMMISSIONER TURNBULL: No, I
17 would hope that they could look at that. I don't
18 know what you could do, if you have both. I just
19 think it is an impact.

20 CHAIRMAN HOOD: Okay. I would move
21 that we approve, allow the simultaneous use for
22 parking and include artist studio and storage,

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1 allow the tenants to have a home occupation
2 within the accessory apartment and limits to
3 clients or visitors to 8 per day, knowing the
4 fact of taking into consideration of the Office
5 of Planning re-looking at some of the uses, a
6 dentist, a doctor, be looking at the uses. As
7 well as the issue of whether or not there's a
8 business both in the main house as opposed to
9 the accessory dwelling, and ask for a second.

10 COMMISSIONER MAY: Second.

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

14 (Chorus of Ayes.)

15 CHAIRMAN HOOD: Any opposition? So
16 staff would you record the vote?

17 MS. SCHELLIN: Staff records the
18 vote 5 to 0 to 0 to allow the simultaneous use
19 for parking and include artist studio and
20 storage. Allow the tenants to have a home
21 occupation within the accessory apartment and
22 limit the clients or visitors to 8 per day with

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1 the caveat that OP will look at some other
2 options, re-look at uses, especially the fact
3 that there could be a home occupation in the
4 main home. Commissioner Hood moving,
5 Commissioner May seconding. Commissioners
6 Cohen, Miller and Turnbull in support.

7 CHAIRMAN HOOD: Okay. Next, roof
8 decks and balconies. Set down: Accessory
9 building that house an apartment shall not have
10 a roof deck or balcony. The alternate: Allow
11 roof decks, balconies, projecting windows by
12 special exception. The public comments: Allow
13 by special exception. Office of Planning's
14 recommendation: Alternate, allow roof decks,
15 balconies and projecting windows by special
16 exception. Any comments? Commissioner May.

17 COMMISSIONER MAY: I have a
18 question. So what are we measuring as a roof
19 deck? I mean, are we talking about a 2-story
20 accessory building with a deck on top of it? And
21 so then you'd have --

22 PARTICIPANT: It could be.

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1 COMMISSIONER MAY: And how do you
2 get up there. Can you have a penthouse to get
3 up to it?

4 MS. STEINGASSER: Not as of about
5 8:30 this evening you cannot.

6 COMMISSIONER MAY: Right. But then
7 you'd have an external stairway or something
8 like that would lead up to it. Or a hatch.

9 MS. STEINGASSER: A hatch.

10 COMMISSIONER MAY: Right.

11 MS. STEINGASSER: But you could
12 have a --

13 COMMISSIONER MAY: Leading up to a
14 deck and then you have to have rails around it.

15 MS. STEINGASSER: (Simultaneous
16 speaking)

17 COMMISSIONER MAY: Right. And the
18 rails would or would not count against height.

19 MS. STEINGASSER: (Simultaneous
20 speaking)

21 COMMISSIONER MAY: It's another
22 layer of rules that you'd have to figure out.

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1 As much as I like people to get outside and do
2 things, I'm not sure roof decks are really
3 necessary on top of accessory buildings. I
4 think balconies and projecting windows by
5 special exception makes sense. And I could see
6 a circumstance where the second floor is maybe
7 not as big as the first floor and so you have
8 a balcony that takes up a good chunk of that.

9 MS. STEINGASSER: Mm-hmm.

10 COMMISSIONER MAY: I was wondering
11 if that's what you meant by roof deck, but
12 that's more of a balcony, right?

13 MS. STEINGASSER: That would be
14 more of a balcony.

15 COMMISSIONER MAY: Right. So I'm
16 not keen on allowing roof decks even by special
17 exception.

18 CHAIRMAN HOOD: So allow roof
19 decks, balconies, so you don't have a problem
20 with balconies and the projecting windows.

21 COMMISSIONER MAY: Right.

22 CHAIRMAN HOOD: But it's just an

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1 issue, you want to ban roof decks.

2 COMMISSIONER MAY: Not on top of
3 accessory buildings. I don't really see the --

4 CHAIRMAN HOOD: Yes. I concur.
5 Okay. Any other comments?

6 VICE CHAIR COHEN: Well I guess I
7 just wanted to state that because it was by
8 special exception and that it would be reviewed
9 by neighbors and ANC and BZA, I didn't have a
10 problem with it. But I'll go along with the
11 modification.

12 COMMISSIONER MILLER: I would
13 share the Vice Chair's view that the special
14 exception process could take care of that.

15 COMMISSIONER MAY: Yes. And I
16 ordinarily would just appreciate that. The
17 thing about special exception is that there's
18 a presumption that that use is appropriate,
19 when you're talking about a special exception.
20 It is just a question of whether there is any
21 undue impact associated with it. This is just
22 one thing where I just don't think it's really

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1 appropriate.

2 CHAIRMAN HOOD: Okay.

3 VICE CHAIR COHEN: Even --

4 COMMISSIONER MILLER: I had a
5 question for Office of Planning. We're going to
6 get to this in the next item but, in the
7 Georgetown customized zone for accessory
8 apartments, are they allowing roof decks? I
9 thought --

10 MS. STEINGASSER: They're
11 definitely in favor of balconies and projecting
12 windows. I don't remember whether roof decks,
13 I think they might have been supporting roof
14 decks. And I think that's why through the public
15 hearings it came out that let's allow them by
16 special exception in the other.

17 COMMISSIONER MILLER: Right.
18 That's what I was recalling too.

19 CHAIRMAN HOOD: Okay. Any other
20 comments as proposed by the changes here
21 tonight by Commissioner May as far as taking out
22 roof decks? Somebody like to make a motion?

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1 COMMISSIONER MAY: I would make a
2 motion that we accept a modified recommendation
3 to allow balconies and projecting windows by
4 special exception.

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

8 (Chorus of Ayes.)

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

12 MS. SCHELLIN: Staff records the
13 vote 5 to 0 to 0 to allow balconies and
14 projecting windows by special exception.
15 Commissioner May moving, Commissioner Hood
16 seconding. Commissioners Cohen, Miller and
17 Turnbull in support.

18 CHAIRMAN HOOD: Okay. Commissioner
19 Miller.

20 COMMISSIONER MILLER: Mr.
21 Chairman, if I could just ask, if it is allowed
22 in the Georgetown situation that we're about to

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1 talk about and there are certain conditions
2 that are there, maybe we can just see if that's
3 applicable here and when we come back and meet,
4 which might meet the concerns, the presumption
5 of appropriateness would have conditions that
6 might mitigate.

7 CHAIRMAN HOOD: Yes. I would say
8 that we need to be consistent with our actions,
9 and even including the Georgetown piece. And I
10 would go along with that Commissioner Miller.
11 I really would. Because I want to make sure what
12 we do here we're going to do here and what we're
13 going to allow there we allow here and give
14 everyone an opportunity. So that's something we
15 may have to go back. Commissioner May, as
16 Commissioner Miller mentioned, we may have to
17 go back and revisit that last one we voted on.

18 COMMISSIONER MAY: That's
19 perfectly fine.

20 CHAIRMAN HOOD: Okay. All right.
21 Now Georgetown standards. Set down: Varying
22 standards based on historic character such as

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1 allowing balconies by right in all apartments
2 by special exception, regardless of accessory
3 building status. The public comments: Support
4 the Georgetown requirement for special
5 exception for all ACC apartments. Do not
6 support Georgetown zones. Reduce minimum lot
7 size to 1,750 square feet. Office of Planning's
8 recommendation: They support the Georgetown
9 zones as recognizing their unique status as a
10 national historic landmark district. Any
11 comments?

12 COMMISSIONER MAY: I would move
13 that we accept the recommendation to the
14 support the Georgetown zones as recognizing
15 their unique status as a national historic
16 landmark district.

17 VICE CHAIR COHEN: Second.

18 CHAIRMAN HOOD: It's been moved and
19 properly seconded. Any further discussion? I
20 want the Georgetown folks to still let me come
21 to Georgetown. I'm not going to say anything
22 about Georgetown in this particular instance.

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1 Any other discussion? All those in favor?

2 (Chorus of Ayes.)

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

6 MS. SCHELLIN: Staff records the
7 vote 5 to 0 to 0 to support the Georgetown zones
8 as recognizing their unique status as a
9 national historic landmark district.
10 Commissioner May moving, Commissioner Cohen
11 seconding. Commissioners Hood, Miller and
12 Turnbull in support.

13 CHAIRMAN HOOD: Okay. Relief from
14 requirements. Set down: Allow relief from 2
15 requirements except for owner occupancy and
16 maximum number of residents requirements by
17 special exception. Relief from more than 2
18 requirements shall be considered a variance.
19 Public comments: Maintain the limit of 2
20 requirements for special exception relief. Do
21 not limit the number of requirements that the
22 BZA can consider for relief as a special

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1 exception. Office of Planning's
2 recommendation: Allow relief from 2
3 requirements except for owner occupancy and
4 maximum number of residents requirements by
5 special exception. Any comments? Okay. Ms.
6 Steingasser, help me understand. What are we
7 doing here?

8 MS. STEINGASSER: Currently the
9 regulations permit an applicant to apply for
10 relief from 2 of the requirements. It does not
11 allow those requirements to include the owner
12 occupancy requirement or, as previously, the
13 maximum number of residents that can live on the
14 property. So we've changed that a little bit
15 through actions of the Commission tonight. But
16 the owner occupancy requirement I think is
17 really critical to maintaining that
18 subordinate relationship between the accessory
19 apartment and the principal apartment and that
20 ownership. So we're just reflecting the current
21 regulations.

22 CHAIRMAN HOOD: Okay. All right.

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1 Thank you. Any other comments, questions? Mr.
2 May?

3 COMMISSIONER MAY: No. I would move
4 that we accept the recommendation to allow
5 relief from 2 requirements except for owner
6 occupancy and maximum number of residents
7 requirements by special exception.

8 COMMISSIONER TURNBULL: Second.

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

12 (Chorus of Ayes.)

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

16 MS. SCHELLIN: Staff records the
17 vote 5 to 0 to 0 to allow relief from 2
18 requirements except for owner occupancy and
19 maximum number of residents requirements by
20 special exception. Commissioner May moving,
21 Commissioner Turnbull seconding.
22 Commissioners Hood, Cohen and Miller in

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1 support.

2 CHAIRMAN HOOD: Okay. Last for the
3 night, residential retail business license.
4 Set down: Require property owner to have a
5 residential rental business license from DCRA
6 prior to renting an accessory apartment. Public
7 comments: Require the residential rental
8 business license. Office of Planning's
9 recommendation: Require the residential rental
10 business license. Any comments? Somebody like
11 to make a motion.

12 VICE CHAIR COHEN: I have a
13 question. I know of so many accessory
14 apartments that do not have residential rental
15 business licenses. What is the purpose, because
16 a lot of people are not in compliance that I've
17 even aware of, and I don't know the whole
18 population in the city of Washington DC. I know
19 it's a requirement now.

20 MS. STEINGASSER: It is the law.

21 VICE CHAIR COHEN: It is the law.

22 MS. STEINGASSER: And we're hoping

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1 once this is done that we would work with DCRA
2 to create a kind of amnesty program to encourage
3 these people to come in. It does require an
4 initial inspection that gets to the life safety
5 issues of the building code. And while I have
6 the microphone, I just want to thank Ms. Alma
7 Gates who sat here for last night. She was very
8 adamant about this particular provision and
9 helped OP find it and install into regulation.

10 VICE CHAIR COHEN: I would like to
11 complement her for being able to sit through all
12 of this. Actually, the 3 people in the audience.
13 The rest of the people watching may be asleep
14 right now.

15 COMMISSIONER MILLER: Just a quick
16 question. Do you happen to know the cost of the
17 license? I mean, is it different if you have one
18 apartment versus 100?

19 MS. STEINGASSER: I believe it is.
20 Right. After 4 I believe you fall into a
21 commercial category of, you're no longer a
22 residential landowner. There is a threshold.

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1 But I don't know what the cost difference is.
2 And obviously don't know how to articulate on
3 that difference.

4 COMMISSIONER MILLER: That's the
5 other question. It needs to be repeated in the
6 zoning regulations, even though it's in the
7 statute or other regulations. It needs to be --

8 PARTICIPANT: But what if it
9 changes?

10 MS. STEINGASSER: The reference to
11 the fees and costs?

12 COMMISSIONER MILLER: No. The
13 business license, the requirement to have a
14 business license, since it's the law.

15 MS. STEINGASSER: We felt it was
16 really important to guide people that they
17 needed to get it. Because a lot of people don't
18 know that they have to have it. And especially
19 in areas that may be accommodating students or
20 something. We wanted to make sure they
21 understood they had to get it and it kind of got
22 to that life safety issue of inspections.

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1 COMMISSIONER MILLER: Thank you.

2 COMMISSIONER TURNBULL: Yes, I
3 think there's so many cases that come up in the
4 BZA where people plead ignorance and they don't
5 know. I think this is a touchstone that would
6 also help keep, remind people that there are
7 regulations that they have to comply with,
8 besides just zoning. So if there's no other
9 comments, I would move that we accept item
10 number 8, residential rental business license.

11 VICE CHAIR COHEN: And I'll second.

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

15 (Chorus of Ayes.)

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

19 MS. SCHELLIN: Staff records the
20 vote 5 to 0 to 0 to require the residential
21 rental business license. Commissioner Turnbull
22 moving, Commissioner Cohen seconding.

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1 Commissioners Hood, May and Miller in support.

2 CHAIRMAN HOOD: Okay. Ms. Schellin
3 do we have anything else?

4 MS. SCHELLIN: No, sir.

5 CHAIRMAN HOOD: I too want to thank
6 everyone for their participation tonight.
7 Office of Zoning, Office of Planning, Office of
8 Attorney General, and also the 3 who stuck it
9 out. And those who are at home watching us as
10 opposed to the Nationals game, I appreciate you
11 tuning in to us as opposed to the Nationals. So
12 with that, we will reconvene tomorrow night.
13 Goodnight.

14 (Whereupon, the hearing
15 concluded.)

16

17

18

19

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21