

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL MEETING

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THURSDAY

OCTOBER 24, 2019

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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 6:00 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

- JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation
- JOEL LAWSON
- JONATHAN KIRSCHENBAUM

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- ALEXANDRA CAIN, ESQ.
- PAUL GOLDSTEIN, ESQ.

MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from the Special meeting held on October 24, 2019.

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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by Chairman Anthony Hood 4

Proposed and Emergency Action
ZC Case No. 19-15
Text Amendment to Subtitles B, H, K, & U to Authorize
Short-Term Rentals 5
Vote to Approve ZC Case No. 19-15 (5-0-0) 9

Adjournment 10

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

6:01 p.m.

CHAIRMAN HOOD: Go ahead and get started. We have a 6:30 meeting. Anyone who's here for the 6:30 meeting, we ask for your indulgence.

Good evening, ladies and gentlemen. This is a public -- special public meeting of the Zoning Commission for the District of Columbia. My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner Shapiro, Commissioner May and Commissioner Turnbull. We will soon be joined by the Office of Zoning staff Ms. Sharon Schellin, Office of Attorney General Mr. Tondro, Ms. Cain and Mr. Goldstein, Office of Planning staff Mr. Lawson and Mr. Kirschenbaum.

Copies of today's meeting agenda are available to you in the bin at the door.

We do not take any public testimony at our meetings unless the Commission requests someone to come forward.

This proceeding is being recorded by a court reporter. It is also web cast live.

We also thank you for refraining from any disruptive noise or actions in the hearing room including the display of any signs or objects.

Also I want to -- I get this all the time. I want to acknowledge Paul who does our streaming, which I think is

1 very important because we have a lot of residents in this
2 city who stay home and stream to see what kind of actions
3 we're taking.

4 At this time the Commission will consider any
5 preliminary matters. Does the staff have any preliminary
6 matters?

7 MS. SCHELLIN: No preliminary matters. Just to
8 advise, as the Commission knows, the submissions that were
9 requested have been placed in the record, so we'd ask the
10 Commission to consider proposed action, and also as you know
11 the Petitioner did request that the Commission take emergency
12 action. So you have both requests before you this evening.

13 CHAIRMAN HOOD: Okay. All right. I would say I
14 really appreciate the -- I will start off. I really
15 appreciate the hearing. I thought it was well-vetted. I
16 came in prepared tonight actually to have this special public
17 meeting last approximately two minutes. So I think the
18 requested -- hold for a second.

19 Commissioner Shapiro?

20 COMMISSIONER SHAPIRO: Mr. Chair, I just want to
21 say that at your request I did review the record and I'm
22 prepared to participate tonight.

23 CHAIRMAN HOOD: Okay. Did you watch the video?

24 COMMISSIONER SHAPIRO: I watched the video.

25 CHAIRMAN HOOD: Did I say anything bad about you?

1 COMMISSIONER SHAPIRO: I'd rather not talk
2 about --

3 (Laughter.)

4 CHAIRMAN HOOD: All right. So let me just open
5 it up. That's where I am. I don't have a whole lot. I
6 thought it was very well-vetted. I know there were a couple
7 of questions that Commissioners wanted to ask, because it is
8 what it is. The Council did their due diligence as far as
9 what I've seen.

10 I will say that I'd rather have plus-one, but
11 that's a whole other issue. I'll leave that alone for now.
12 I think what we have moving forward is what we have.

13 Vice Chair Miller?

14 VICE-CHAIR MILLER: Thank you, Mr. Chairman, and,
15 yes, I want to join you in thanking both Council Chairman
16 Mendelson and the Office of Planning for providing the
17 additional submissions in response to our requests. I think
18 Chairman Mendelson's letter which responded to your request
19 to justify the emergency rulemaking, which they -- which the
20 Council unanimously first asked for I think over a year ago,
21 as he points out -- he makes a very good case with all the
22 reasons which are in the record, so I'm not going to
23 summarize them.

24 But I think that they do make the case for why we
25 need to act to make short-term home rentals legal. They're

1 being operated -- they've been operated for a long time, but
2 not -- mostly in residential zones, which is not legally
3 permissible. It hasn't been enforced by the city and now the
4 -- and the Council over a year ago did adopt all those
5 licensing restrictions.

6 And I think, yes, if the Council had left a little
7 bit of flexibility to us to go over the parameters of some
8 of those restrictions, we might have gone in a different way,
9 might have been a little less restrictive, but it's kind of
10 a -- it's a moot point at this -- we can't do anything that's
11 less restrictive. We could do something more restrictive.
12 We could -- but I'm certainly not inclined to do that. So
13 I'm prepared to move forward.

14 I do want to note that the Office of Planning's
15 memo did address one of the questions I'd raised at the
16 hearing about the downtown zones; and I think then even the
17 Council chairman addressed it that night that short-term
18 rentals would be permitted in downtown zones, but my real
19 question was could they be permitted under a -- since those
20 are mostly commercial zones, could they -- where all
21 residential is a matter of right, and commercial uses -- most
22 commercial uses are a matter of right as well.

23 They -- I think they pointed out that if someone
24 had a -- in one of those commercial zones had a lodging
25 Certificate of Occupancy or if they get a lodging Certificate

1 of Occupancy and have a license from DCRA for one of those
2 lodging categories of hotel and bed and breakfast motel, or
3 whatever, that they could operate more permissibly actually
4 than the licensing restrictions that are set forth in the
5 whole short-term rental licensing scheme that the Council
6 established.

7 So I appreciate that clarification and I'm
8 prepared to move forward with both emergency and proposed
9 rulemaking this evening.

10 CHAIRMAN HOOD: Any other comments? Questions?

11 COMMISSIONER SHAPIRO: No, sir.

12 CHAIRMAN HOOD: No comments, questions?

13 Okay. So I would move -- first -- I forgot this
14 that quick. Do I need to do the emergency first or do I need
15 to do the regular? I forgot just that quick and I think I
16 asked.

17 (No audible response.)

18 CHAIRMAN HOOD: Doesn't matter? Okay. Can I do
19 it all in once? All in one motion?

20 (No audible response.)

21 CHAIRMAN HOOD: Okay. So with that I would move
22 that we approve both in emergency fashion as well as the
23 proposed language before us, Zoning Commission Case No. 19-15
24 and ask for a second.

25 VICE-CHAIR MILLER: Second.

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

3 (No audible response.)

4 CHAIRMAN HOOD: Any further discussion?

5 (No audible response.)

6 CHAIRMAN HOOD: All in favor?

7 (Chorus of aye.)

8 CHAIRMAN HOOD: Any opposition?

9 (No audible response.)

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

12 MS. SCHELLIN: Yes, staff records the vote as five
13 to zero to zero to take emergency action and proposed action
14 on Zoning Commission Case No. 19-15. Commissioner Hood
15 moving; Commissioner Miller seconding; Commissioners May,
16 Shapiro and Turnbull in support.

17 CHAIRMAN HOOD: Okay. Do we have anything else
18 for this special public meeting?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: I want to thank the work that
21 everyone has put into this and all the work that the Council,
22 the chairman and the Council and the residents and everyone
23 involved. We really appreciate all the work that you put
24 into this and we'll see where it goes from here.

25 So with that, this hearing -- this special public

1 meeting is adjourned.

2 (Whereupon, the above-entitled matter went off the
3 record at 6:08 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Meeting

Before: DCZC

Date: 10-24-19

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

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