

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Zoning Commission

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9 Public Hearing

10 Case No. 04-33H [Text Amendments - Inclusionary
11 Zoning - Addition of Affordable Housing Required by
12 District Law to Exemptions from Inclusionary Zoning.]

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16 6:33 p.m. to 6:40 p.m.

17 Thursday, October 6, 2016

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21 Jerrily R. Kress Memorial Hearing Room

22 441 4th Street, N.W., Suite 220 South

23 Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JENNIFER STEINGASSER

12 JOEL LAWSON

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

2 CHAIRPERSON HOOD: Good evening, ladies and
3 gentlemen. This is the public hearing of the Zoning
4 Commission for the District of Columbia. Today's
5 date is October the 6th and 2016. We're located in
6 the Jerrily R. Kress Memorial Hearing Room.

7 My name is Anthony Hood. Joining me this
8 evening are Vice Chair Miller and Commissioner May
9 and Turnbull. We're also joined by the Office of
10 Zoning staff, Ms. Sharon Schellin, as well as the
11 Office of Planning staff, Ms. Steingasser and Mr.
12 Lawson.

13 The proceeding is being recorded by a court
14 reporter and is also webcast live. Accordingly, we
15 must ask you to refrain from any disruptive noises or
16 actions in the hearing room, including the display of
17 signs or objects.

18 Notice of today's hearing was published in
19 the D.C. Register and copies of that announcement are
20 available to my left on the wall near the door.

21 The hearing will be conducted in accordance
22 with provisions of Subtitle -- is this 2? It's
23 Subtitle Z, Chapter 5, preliminary matters,
24 presentation by the -- today's presentation by the
25 Office of Planning, reports of other government

1 agencies, report of the ANCs, the ANCs.

2 Organizations and persons in support, organizations
3 and persons in opposition.

4 The following time constraints will be
5 maintained in this meeting. The Office of Planning
6 has up to 60 minutes but I'm sure they don't need 60
7 minutes. Organizations, five minutes. Individuals,
8 three minutes.

9 All persons appearing before the Commission
10 are to fill out two witness cards. These cards are
11 located on the table near the door. The staff will
12 be available throughout the hearing to discuss
13 procedural questions. Please turn off all beepers
14 and cell phones at this time so not to disrupt these
15 proceedings.

16 At this time the Commission will consider any
17 preliminary matters. Does the staff have any
18 preliminary matters?

19 MS. SCHELLIN: No.

20 CHAIRPERSON HOOD: And if there is anyone in
21 the audience who would like to sign up, you can use
22 the kiosk to my left. And Ms. Schellin will assist
23 you if you need some help. And if you're unable to
24 find a seat -- anyway.

25 What I'll do at this point in time, I'll turn

1 it over to Ms. Steingasser.

2 MS. STEINGASSER: Chairman Hood,
3 Commissioners, the Office of Planning continues to
4 recommend adoption of the text advertised as
5 emergency text, and we are happy to stand on the
6 record.

7 CHAIRPERSON HOOD: Thank you very much, Ms.
8 Steingasser and Office of Planning for the
9 recommendation. Any questions or comments?

10 Commissioner -- Vice Chair Miller.

11 MR. MILLER: Thank you, Mr. Chairman. I
12 support the proposed rulemaking and emergency
13 adoption of the proposed rulemaking. But I had a
14 question that I raised in the context of a case that
15 came up recently and just wanted to ask the Office of
16 Planning, would this case be the appropriate place
17 where if we wanted to consider an exception to the
18 exemption from IZ for District or Federally
19 subsidized affordable housing projects, and exception
20 being that IZ would apply for habitable rooftop
21 space?

22 MS. STEINGASSER: No, sir. It's our opinion
23 that this would not be the appropriate case. We have
24 talked with the Office of Attorney General about the
25 issue that arose from that other case, and we are

1 continuing to work with them to figure out how to
2 bring forward necessary revisions.

3 MR. MILLER: So what I'm suggesting might
4 have to be an amendment to the penthouse, the rooftop
5 penthouse regulations.

6 MS. STEINGASSER: Yes, sir. As a separate
7 case.

8 MR. MILLER: And there might have to be --
9 there may or may not have to be a conforming
10 amendment to this part of the IZ.

11 MS. STEINGASSER: That's correct.

12 MR. MILLER: Okay. So I hope we can get to
13 that with all deliberate speed. Thank you.

14 CHAIRPERSON HOOD: Any other comments or
15 questions up here? Okay. Let's go to the -- thank
16 you, Office of Planning.

17 Let's go to the, any other reports of any
18 government agencies. I didn't see any.

19 Do we have any other ANC reports? I didn't
20 see any. Okay, no ANC reports.

21 Is there anyone here, organizations or
22 persons who would like to testify in support?

23 Any organizations or persons who are in
24 opposition? Let the record reflect that the room is
25 actually empty with the exception of -- in the

1 audience, with the exception of the court reporter to
2 my right. So, colleagues, I guess we can --
3 obviously there's a lot of support for this so let's
4 go ahead and dispose of this this evening. Somebody
5 like to make a motion?

6 MR. MILLER: Mr. Chairman. Mr. Chairman.

7 CHAIRPERSON HOOD: Yes.

8 MR. MILLER: I would move that the Zoning
9 Commission -- we're doing both proposed rulemaking
10 and --

11 CHAIRPERSON HOOD: And emergency.

12 MR. MILLER: -- emergency adoption. Is that
13 correct?

14 CHAIRPERSON HOOD: We need to do emergency
15 and the proposal.

16 MS. SCHELLIN: The emergency was already
17 approved, so it's only proposed.

18 CHAIRPERSON HOOD: Oh, okay. It's just
19 proposed, okay. do we need more time with the
20 emergency?

21 MS. SCHELLIN: Not at this time.

22 CHAIRPERSON HOOD: Okay.

23 MR. MILLER: Okay. Then I would -- and this
24 is 04-33 G or H?

25 MS. SCHELLIN: H.

1 MR. MILLER: Okay. Then I would move that
2 the Zoning Commission take favorable action, proposed
3 action, rulemaking action on 04-33H to exempt
4 affordable housing mandated by District Law from
5 Inclusionary Zoning and ask for a second.

6 CHAIRPERSON HOOD: All right. I will second
7 that. It's been moved and properly seconded. Any
8 further discussion?

9 [Vote taken.]

10 CHAIRPERSON HOOD: Ms. Schellin, would you
11 record the vote?

12 MS. SCHELLIN: Yes. Staff records the vote
13 four to zero to one to approve proposed action in
14 Zoning Commission Case No. 04-33H, Commissioner
15 Miller moving, Commissioner Hood seconding,
16 Commissioners May and Turnbull in support, third
17 mayoral appointee position vacant, not voting.

18 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we
19 have anything else tonight?

20 MS. SCHELLIN: That's it.

21 CHAIRPERSON HOOD: Okay. So with that I want
22 to thank everyone for their participation tonight and
23 Office of Planning for bringing this to us. And with
24 that, this hearing is adjourned.

25 [Hearing adjourned at 6:40 p.m.]