

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

:

OFFICE OF PLANNING - : Case No.

PROPOSED TEXT AMENDMENT TO :

AMEND PUBLIC SCHOOL ZONING : 19-11

REGULATIONS :

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Thursday,

December 5, 2019

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 19-11 by the

District of Columbia Zoning Commission convened at 6:30

p.m. in the Jerrily R. Kress Memorial Hearing Room at 441

4th Street, N.W., Washington, D.C., 20001, 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:

DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
JONATHAN KIRSCHENBAUM

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

PAUL GOLDSTEIN, ESQ.
MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from
the Public Hearing held on December 5th, 2019.

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

6:29 p.m.

1
2
3 CHAIRMAN HOOD: Okay, this meeting will please
4 come to order. My name is Anthony Hood. Joining me are Vice
5 Chair Miller, Commissioner Shapiro, Commissioner May, and
6 Commissioner Turnbull. We are also joined by the Office of
7 Zoning staff, Ms. Hanousek; Office of Attorney General, Mr.
8 Tondro and Mr. Goldstein; Office of Planning, Mr.
9 Kirschenbaum.

10 Notice of this hearing was published in the DC
11 Register and copies of that announcement are available in the
12 bin near the door.

13 Tonight, we will proceed as follows: preliminary
14 matters. Tonight, we will hear from the Office of Planning,
15 report of the Office of Planning; report of other government
16 agencies; report of the ANC; testimony of organizations and
17 individuals will have time to testify and then we will do the
18 closing.

19 I don't think I need to go through all of the
20 housekeeping items which is to please turn off your cell
21 phones. Anyone who would like to testify, please register
22 at the kiosk.

23 When you present your testimony -- I don't think
24 I need to go through that. I think Mr. Eckenwiler, so far,
25 is the only one here so we will deal with that accordingly.

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1 Okay, so -- hold on for a second.

2 (Pause.)

3 I don't think I need to say it because this
4 hearing is being recorded by a court reporter. It's also
5 webcast live. We ask you to refrain from disruptive noises.
6 So anyway, with that, I will go ahead and move now at this
7 point and turn it over to Mr. Kirschenbaum.

8 MR. KIRSCHENBAUM: Good evening, Chair Hood and
9 members of the Zoning Commission. The Office of Planning
10 recommends approval of the proposed zoning text amendments
11 to regulations pertaining to public schools. The Office of
12 Planning works closely with the District of Columbia Public
13 Schools to provide additional flexibility for public schools
14 to modernize existing buildings without requiring relief from
15 the Board of Zoning Adjustment and to ensure that existing
16 zoning regulations align with best practices for public
17 school design and construction.

18 Please let me know if you have any questions
19 regarding this application. Thank you.

20 CHAIRMAN HOOD: Thank you. I don't think I called
21 Mr. Turnbull's name, but anyway, I thank you Mr.
22 Kirschenbaum.

23 Let's see if we have any questions or comments.
24 I think this is pretty straight forward, the request. I know
25 that we have some outstanding conversations specifically that

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1 may be quickly to add, but any questions or comments on
2 what's being proposed?

3 Okay. So with that, we will go to the other
4 government reports. We do have a letter of support -- let
5 me do this first. We'll go to ANC 6B and 6C, but let me do
6 this first.

7 (Pause.)

8 We do have a letter of support from the DC Public
9 Schools. I just wanted to mention that.

10 Do we have any other letters that I may be
11 missing?

12 (Pause.)

13 All right, we have a letter of support and I know
14 I'm getting ready to mess this name up. Swiatocha.

15 MS. SWIATOCHA: Swiatocha.

16 CHAIRMAN HOOD: Swiatocha. She's not here
17 tonight, oh, how do you pronounce it again?

18 MS. SWIATOCHA: Swiatocha.

19 CHAIRMAN HOOD: Okay, Ms. Swiatocha, all right,
20 thank you. So we do have a letter of support. I just wanted
21 to acknowledge that from the -- who is the Deputy Chief of
22 Facilities. Thank you for your submission.

23 All right, let's go ANC -- Mr. Eckenwiler, if you
24 don't mind, I know you're here. But let me just also
25 acknowledge that we have a letter from ANC 6B a report from

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1 ANC 6B, but we'll hear the comments and everything from Mr.
2 Eckenwiler of ANC 6C at this time.

3 MR. ECKENWILER: Thank you, good evening, Chairman
4 Hood and members of the Commission, Mark Eckenwiler here
5 presenting the official views of ANC 6C pursuant to our vote
6 last month.

7 I'm here just to speak about one particular
8 provision. That's the proposed revisions to 11C DCMR Section
9 702. Under the current regulation, the 50 percent parking
10 reduction is not available in Zones R or RF. And the
11 proposed amendment would create an exception to that for
12 public schools, assuming they satisfy the conditions set
13 forth -- well, one of the conditions I should say, set forth
14 in Subtitle C, Subsection 702.1(a), (b), or (c). Basically,
15 it's proximity to Metro, rail, you know, some other major
16 form of transit, major bus corridor.

17 We oppose this change. The short version here,
18 you have my letter on behalf of ANC 6C before you. We are
19 the preeminent transit rich ANC in my SMD which includes
20 Union Station. There is no better place for multi-modal
21 transport. If you want to get somewhere in ANC 6C, you have
22 all kinds of options, whether it's bus along the multiple
23 corridors, DC street cars that happen to serve your part of
24 the city, and of course, Union Station itself with all the
25 different modes that terminate or pass through there.

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1 And yet, my experience over the now almost seven
2 years of being a commissioner is that parking demands at DCPS
3 facilities is remarkably inelastic. Early on in my tenure,
4 we went through a major reconstruction and expansion at
5 Stuart-Hobson Middle School. That's at 410 E Street,
6 Northeast. That's less than half a mile from the front door
7 of Union Station. And there was a lot of wrangling with
8 school administration and DCPS about the amount of parking
9 that was going to be needed. It's sort of a long,
10 complicated story, but the short version is they had some
11 staff parking on the blacktop, the entire north third of that
12 square. It was just paved over and what wasn't used as
13 parking was not a very good playground.

14 And someone came up with the rather good idea of
15 completely reconstructing that and turning it into an
16 artificial turf field, track, used for multiple sports.
17 Great idea, but then the question was where was the staff
18 going to park? And there was a lot of pushback.

19 Every time I would say you probably really don't
20 need all that much parking because think about where we are.
21 You have proximity to transit and there was not just
22 resistance, but this was ardent opposition to the suggestion
23 that the location made any difference.

24 And if it's that bad where we are, that close to
25 Union Station, that close to all these bus corridors, to the

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1 street car, it can't possibly be any better anywhere else in
2 the District. So we would urge you not to adopt this blanket
3 rule to cut the parking. Part of the problem here is you've
4 got these projects. In fact, we have one. That's how I know
5 Ms. Swiatocha who submitted a letter on behalf of DCPS.
6 Also, my SMD, it's the Capitol Hill Montessori at Logan at
7 215 G Street, even closer to Union Station.

8 Parking is going to continue to be an issue and
9 reducing the requirement, I think it fails to grapple with
10 the realities on the ground.

11 Now, we don't want to be Dr. No. And so one of
12 the things that ANC 6C would like to propose to the
13 Commission is an alternative. I'm frankly a little surprised
14 this was not anywhere mentioned in the OP report. My
15 colleague, Corey Holman, mentioned it in his letter for ANC
16 6B.

17 There is new legislation that came into effect.
18 It was adopted by the Council last year. It came into effect
19 in February of this year, so this is now actual law and I've
20 attached a copy of that legislation to our letter that
21 provides for a framework for creating basically school-
22 dedicated parking, curbside parking, so outside the lot
23 boundaries which my understanding, I'm happy to have OP or
24 distinguished counsel for the Office of Zoning here correct
25 me on this, but my understanding is under Section 710 under

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1 ZR 16, that's again Subtitle C, in order to satisfy a parking
2 minimum, all of the parking spaces, in addition to satisfying
3 any other requirements in terms of setbacks and the lot
4 lines, screening, what have you, it's all got to be inside
5 the lot boundaries.

6 And what this legislation now contemplates is a
7 process whereby parking can be created specific to a
8 particular school that will serve the school and staff needs
9 that's going to be outside the lot boundaries, basically in
10 public roadway. So typically, that would be the curb next
11 to the school.

12 And I can tell you, in fact, this is modeled on
13 exactly what happened at Stuart-Hobson where it was kind of
14 a seat of the pants process. There was no -- honestly, there
15 was no legal framework or even, honestly, basis for doing it,
16 but it was a solution to a very real problem and I think the
17 Council took note of the fact that there needed to be some
18 more regularity and consistency around that.

19 So we now have this mechanism, approved by the
20 Council that allows for the creation of such parking. And
21 what ANC 6C would like to suggest is that instead of simply
22 making a blanket cut at 50 percent in the RN and RS zones for
23 public schools, relax the location requirements in Section
24 710 instead.

25 That's the gist of my testimony. I do want to add

1 one other thing though simply because I have now sat on two
2 different SITs. The set down report from Office of Planning
3 talks about SITs, school improvement teams, and you can find
4 that, I believe that's Exhibit 2 in the case file.

5 Starting at the bottom of page 4 and then
6 continuing on to page 5, at the top of the page 5 in the box,
7 there's some rather purple prose there about how often the
8 SIT meets and how different stakeholders get together and
9 hold hands and it's all wonderful. And it concludes DCPS
10 stated to OP that based on these outreach efforts they can
11 adequately address parking needs and impacts.

12 And I am here to tell you that there can be no
13 more rose-colored glasses than these present of how that
14 works. I've been on two different SITs, one for Stuart-
15 Hobson and now one for Logan. And while it's true that the
16 stakeholders are there, I think it's counter factual to say
17 that. And everybody comes to some sort of understanding.

18 DCPS and DGS will ultimately do what they want and
19 if there's sufficient pressure from the ANC because of other
20 zoning reasons, maybe it's historic preservation, so unless
21 there's other leverage, they'll just do what they want. And
22 so you should not labor under any misimpression that the SIT
23 process alone is one that adequately addresses community
24 concerns about parking impacts and the competing needs of the
25 school and what may be legitimate needs on the part of staff

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1 and school administration and the surrounding community.

2 So let me just stop there. I'm happy to answer
3 your questions.

4 CHAIRMAN HOOD: Thank you, Mr. Eckenwiler.

5 Let's see. Vice Chair Miller, do you have a
6 question?

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
8 thank you, Commissioner, for coming down today and for your
9 testimony.

10 So are you saying that -- you're saying the 50
11 percent reduction in the parking minimum around schools, you
12 want that Council legislation adopted a year ago to be
13 implemented which would allow curbside parking around the
14 schools to be set aside for staff and teachers.

15 Would you be willing --- would you be supportive
16 of 50 percent going into effect if that curbside parking for
17 teachers and staff was implemented by DDOT which only gets
18 implemented if you, your ANC requests -- it can only can
19 begin to get implemented if an ANC in the affected area
20 requests that that happens, as I read the legislation.

21 So you're saying -- your ANC is willing to request
22 it for schools in your ANC? I guess that's my first
23 question.

24 MR. ECKENWILER: Sure. And in fact, I've had
25 conversations in the SIT and with DCPS staff specifically

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1 about the Logan School because

2

3 they're -- I mean I have particular thoughts and my
4 colleagues will back me up on this about where certain kinds
5 of curbside uses for the school, so staff parking versus say
6 pick up and drop off, where that should be occurring, just
7 because of the particular, how that site is configured, where
8 it sits on the boundary between it's a highly commercial and
9 situational area and neighborhood.

10 But just to come back to your original question,
11 yes, the idea is retain parking minimums because the demand
12 really is there and this idea that we can just let schools
13 expand to occupy as much space on the lot as possible, you
14 know, with minimal parking, there's still going to be a
15 demand for parking. And frankly, even at Stuart where
16 ultimately three of the four sides is an entire city square,
17 three of the four sides were dedicated to staff parking and
18 there is still additional spillover. And the issues are less
19 problematic now, but for quite a period there was a lot of
20 abuse of the parking passes had been issued with that because
21 frankly, there are a lot of staff who come in from places.
22 They don't want to have to take transit and there's just a
23 demand for parking.

24 So I think the parking minima need to be retained.
25 The idea is to contemplate the existence of this process that

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1 the Council has now created that provides an alternative
2 location and that would serve the interest. There's some
3 language quoted in footnote 2 of our letter. Because the
4 issue is schools sometimes do feel squeezed on a site. They
5 don't want to have to sacrifice play space. It's important.
6 That was what drove the original decision for Stuart-Hobson.
7 And so the idea of being able to displace that -- and you're
8 not going to have kids playing in the street. So being able
9 to put parking in the street instead, but under our proposal,
10 have that go towards satisfying the parking minimum makes a
11 lot more sense.

12 VICE CHAIR MILLER: So you still want the parking
13 minimum, even if that legislation would be implemented
14 pursuant to an ANC request?

15 MR. ECKENWILER: Yes. The minimum is there
16 because in my experience and in our experience, the demand
17 is there. The demand is always there.

18 VICE CHAIR MILLER: Yes, I just wanted to clarify.
19 What happened on that fourth side? It was just a major
20 corridor?

21 MR. ECKENWILER: The fourth side was signed RPP
22 and it has remained RPP.

23 VICE CHAIR MILLER: So what happens in my
24 neighborhood and DDOT I'm sure knows this, is that residents
25 who are friendly to the local school give their visitor

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1 parking passes, their free visitor parking passes to the
2 school and staff because there's plenty of parking. Maybe
3 not right adjacent to the school, but a couple blocks away.
4 There's plenty of RPP spaces available. And we give -- I
5 haven't, but I know that my neighbors do, and maybe if my
6 kids were still there I would, too, if I was asked by the
7 teachers. So we do have a problem.

8 Can I ask OP, I'm sure you don't have an answer
9 tonight, but if you can check on at some point when we next
10 hear this case, maybe on -- whenever we hear it, whenever we
11 are deliberating on it, what the status is of any rulemaking
12 on implementing that Council legislation or maybe -- do you
13 know that off the top of your head?

14 MR. LAWSON: I think we'd be happy to provide more
15 information, but I think the Commission needs to understand
16 that that Council action won't change the zoning regulations.

17 VICE CHAIR MILLER: Right.

18 MR. LAWSON: The parking requirement will stay the
19 same.

20 VICE CHAIR MILLER: Right.

21 MR. LAWSON: So, in fact, we believe this is a
22 good amendment to the regulations--

23 VICE CHAIR MILLER: I do too.

24 MR. LAWSON: --And we think that it makes sense
25 that this reduction in the required parking, this is not a

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1 reduction in the parking. This is a reduction in the number
2 of parking spaces that would be required. The school would
3 be free to provide more parking spaces on site if they have
4 sufficient space to do so and this Council action might
5 facilitate some additional parking on public space, but that
6 parking on public space could not count towards their parking
7 requirement. So I can't think of other analogies like this,
8 but of other uses that where parking is specifically set
9 aside for an on-site use, the only one that I can think of
10 that might be relevant would be, for example, embassies,
11 where I know that there are parking spaces on public streets,
12 sometimes set aside for embassies, but those spaces do not
13 count towards any parking requirement that that use has.

14 So I think that the two provisions, the reducing
15 of the parking through the zoning regulations and the Council
16 action actually work together, not in opposition to each
17 other and could actually -- they would each make each other
18 maybe a little bit more viable. I don't think they work
19 against each other. And I think the only other thing I would
20 note --

21 VICE CHAIR MILLER: I would agree with you.

22 MR. LAWSON: The only other note is that we, of
23 course, have heard only from one other ANC and that's 6B
24 which explicitly says that it supports the reduction in the
25 required parking requirement.

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1 VICE CHAIR MILLER: What is the required parking
2 generally in the residential zone for schools? That's based
3 on staff and employees, I assume, but I don't know what it
4 is and maybe I missed it in the report.

5 MR. KIRSCHENBAUM: The requirement is .25 spaces
6 per 1,000 square feet of space.

7 VICE CHAIR MILLER: That's hard to quantify in my
8 head as to how that works out.

9 MR. KIRSCHENBAUM: Yes, in the old regulations it
10 was based on students and teachers and it was a very
11 complicated procedure and we ran into a lot of problems when
12 school population went up or down or when the number of
13 teachers went up or down. So the decision by the Commission
14 is part of ZR 16 was to tie it to the building which what
15 most parking is based on. So it was clear and consistent and
16 neighborhoods knew consistently what the parking requirement
17 would be rather than it potentially changing from year to
18 year. But it does mean that the parking requirement
19 obviously would be different for each school because the
20 schools themselves are different sizes.

21 VICE CHAIR MILLER: Okay. Thank you.

22 CHAIRMAN HOOD: Any questions or comments,
23 Commissioner May?

24 COMMISSIONER MAY: Yes. So, Mr. Eckenwiler, did
25 Stuart-Hobson case require BZA relief for what they actually

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1 did?

2 MR. ECKENWILER: I thought you might ask that.
3 Did it in the abstract? I think almost certainly yes, zoning
4 relief should have been obtained.

5 COMMISSIONER MAY: But they didn't actually go for
6 BZA relief?

7 MR. ECKENWILER: No.

8 COMMISSIONER MAY: Okay, and so if -- well, if
9 that was the case, I mean how -- well, all right, if it was
10 not an abstract question, if they actually had attempted to
11 meet the parking minimum, what would that have resulted in
12 at Stuart-Hobson? A smaller playing field?

13 MR. ECKENWILER: Yes, again, assuming -- well,
14 obviously, BZA doesn't have the power to change the location
15 rules, so I guess they could have just gone for a variance
16 to eliminate that requirement and then it would have been
17 basically what Mr. Lawson is proposing which is where you
18 don't have to have any parking, but if you can kind of sort
19 it out, then that's great. What we're suggesting is actually
20 amend the provision Mr. Lawson --

21 COMMISSIONER MAY: I know what you're suggesting.
22 That's not what my question is. I'm trying to understand
23 what the bad outcome would be if we go ahead and do this.
24 And it seems to me that there isn't one.

25 And in the case of Stuart-Hobson, I mean, you

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1 know, our kids all went there. Did your kids ever get
2 injured on that asphalt playing space? Mine did.

3 MR. ECKENWILER: Yes, yes.

4 COMMISSIONER MAY: So it's a lot better and it
5 seems a little hard for me to see the logic of requiring that
6 schools devote more space to cars than to the children
7 who would use that space. I'm not looking for a response on
8 that question. That's just part of my logic problem.

9 I understand completely the issue with SITs. I've
10 been on a SIT before as well, and that was the School Without
11 Walls which actually technically I don't really have any
12 parking, but there is parking that occurs there in the voting
13 area and stuff like that. But I mean it's -- you know, and
14 that is a transit-rich environment. It's also an environment
15 where you can't drive if you don't have parking, right?

16 So I think it is possible to enforce parking
17 minimums is what it boils down to. And it actually, I think,
18 helps in this circumstance rather than referring to this
19 other process and allowing the parking to be located
20 elsewhere. I mean basically, you're opening the door for a
21 lot more neighborhood parking, a lot more space to be
22 consumed by neighborhood parking if you point to that
23 regulation and the school demands, you know, 100 spaces in
24 the neighborhood when they could get by with, you know, 20,
25 I mean we use parking minimums across the city and have since

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1 ZR 16 went into effect, to try to push down the availability
2 of supply. So that it helps discourage people from parking.
3 And it's not just because we're trying to push it down
4 ourselves, but also because the bigger -- the larger trend
5 is away from large areas for parking, particularly surface
6 parking which is what all schools, well, almost all schools
7 are going to be.

8 So I'm having a hard time understanding how this
9 actually could be beneficial to anyone. I also think that
10 this rule in conjunction with the Council's regulation could
11 be sort of the best of both worlds. I don't know that there
12 is -- I mean I don't think we would want to have a
13 circumstance where the entirety of the minimum parking
14 requirement has to be met or can be met on neighborhood
15 streets as opposed to insisting on a certain minimum. There
16 are always going to be cases when a certain minimum can't
17 even be met, again, like School Without Walls. But I think
18 if we simply say it can be met offsite and there happens to
19 be this other way to do it, I think we're opening the door
20 to having absolutely no parking whatsoever and it's unclear
21 how much parking will wind up in the neighborhood.

22 I mean I think this regulation is actually
23 striking the right balance. So anyway, that really wasn't
24 a question. That was just my little lecture on it.

25 Mr. Shapiro had questions as well. I'm stalling

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1 and I'm looking --

2 CHAIRMAN HOOD: Don't stall. I'm here. I might
3 have something to say.

4 COMMISSIONER MAY: I figured you would want to
5 close.

6 CHAIRMAN HOOD: I usually do. I usually close,
7 but since he's back, I'll close.

8 We'll go to Mr. Shapiro.

9 COMMISSIONER SHAPIRO: Thank you. In short, I
10 would associate myself with Commissioner May's remarks and
11 I think that what the other ANC, 6B, the way they laid it
12 out, it's not even clear to me what the impact would be, but
13 it certainly is a trade-off and I think the trade-off is --
14 should be in favor of parking and should be in favor of play
15 space or whatever is appropriate for the school use. I don't
16 have an issue with this, Mr. Chair, and I'll leave it at
17 that.

18 CHAIRMAN HOOD: I kind of understand. I think,
19 again, I would say that 6B kind of summed it up for me when
20 I look at both.

21 Let me just say this first. I always appreciate
22 when ANCs weigh in. I appreciate ANC 6C weighing in with
23 their view. I understand their view, but when I started
24 looking at relative issues and how this all could work, and
25 I appreciate, this case has taught me what a SIT is. I

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1 haven't really been that much among the schools and how the
2 schools have been operating I think since Floretta McKenzie.
3 So that tells you how far back I go for those who have been
4 around.

5 But anyway, I think that -- as my colleagues have
6 already, I think, noted, alluded to that I think we strike
7 the right balance. 6B put something in there that really
8 struck me and I think this is what Commissioner Shapiro
9 alluded to which is related specifically to the reduced
10 parking requirement. ANC 6B considered the impact of parking
11 on nearby residents and decided that the value of extra play
12 in educational space outweighs the impact.

13 Some other cases, and I think you've heard, my
14 colleagues have heard me say, you know, the impacts don't --
15 sometimes do not outweigh the solution. So, you know,
16 sometimes the impacts, the greater good can sustain some of
17 the impacts if you understand what I'm saying. So I think
18 this is one of those cases. We just had a case a couple of
19 weeks ago I think where you all remember, I said the same
20 thing and I know some of the neighbors were upset, but in the
21 long run I think it's going to be beneficial to the city and
22 that was with the solar panels. But anyway, same thing here.

23
24 When I look at this, while I understand what 6C
25 is saying and I think they have a valid point, I think as

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1 Commissioner May has already alluded to, this kind of
2 hopefully strikes a balance, but if not, it's so noted.
3 Commissioner Eckenwiler, it's so noted.

4 And as I've always asked Office of Planning and
5 even the school system, if we have a problem, let's come back
6 and look at it, especially if it's within the bailiwick of
7 the Zoning Commission.

8 I will ask that and I will leave that on the
9 table.

10 All right, any other questions? Okay. So I think
11 that's it. This is a rulemaking, so. Let me ask this.

12 (Pause.)

13 All right, so it sounds like we're ready to go
14 ahead and move forward. So with the discussions already had
15 and we do have another vote and I think the Vice Chair has
16 asked for some additional information and we can get that
17 before final.

18 Would anybody like to make a motion? Okay, I
19 would move approval of Zoning Commission Case 19-11 and also
20 incorporate the discussion into our findings as we move
21 forward in this vote and ask for a second.

22 VICE CHAIR MILLER: Second.

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

25 (Chorus of aye.)

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1 Any opposition? Not hearing any, Ms. Hanousek,
2 would you please record the vote.

3 Let me ask this, I see Mr. Tondro looking puzzled?
4 Is there something -- okay. Around here, you know, sometimes
5 we go down the road and get puzzled and I get puzzled and I
6 say I just want to make sure we're all fine. Okay. Thank
7 you.

8 MS. HANOUSEK: Okay, upon the motion of Hood and
9 seconded by Miller, the Zoning Commission took proposed
10 action in Case 19-11 by a vote a 4-0-1. Hood, Miller,
11 Shapiro, and May to approve; Turnbull, not present, not
12 voting.

13 CHAIRMAN HOOD: Okay, so we know what we need,
14 what we've asked for.

15 Okay, is there anything else before us tonight,
16 Ms. Hanousek?

17 MS. HANOUSEK: No, sir.

18 CHAIRMAN HOOD: Okay, so I'm starting to read this
19 closing statement that I've had for years and never read.
20 Let me find it for the record.

21 I wish to thank you for your testimony and
22 assistance in this hearing. The record is closed with the
23 exception of things that we may have asked for. The
24 Commission will make a decision in this case at one of its
25 regular monthly meetings, following the closing of the

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1 record.

2 If any individual is interested in following the
3 case, please contact staff to determine whether this case is
4 on the agenda of a particular meeting.

5 With that, I thank everyone for their
6 participation --

7 MR. TONDRO: Chairman Hood?

8 CHAIRMAN HOOD: Yes.

9 MR. TONDRO: I apologize. I just wanted to
10 clarify, since this is a rulemaking, by definition once the
11 Notice of Proposed Rulemaking is published in the Register,
12 then that triggers a comment period from the public. So the
13 record isn't technically closed until after you take final
14 action.

15 CHAIRMAN HOOD: So I guess there's a reason I
16 never read the end of the statement.

17 (Laughter.)

18 So maybe I'll just go back to what I normally do.
19 I want to thank everyone for their participation tonight and
20 this hearing is adjourned.

21 (Whereupon, the above-entitled matter went off the
22 record at 7:01 p.m.)

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC ZC

Date: 12-05-19

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.



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