

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-Proposed : Case No.
   
Text to Clarify Requirements : 19-26
   
For Covenants Required by the:
   
Zoning Regulations :
   
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Thursday,
   
January 30th, 2020

Hearing Room 220 South
   
441 4th Street, N.W.
   
Washington, D.C.

The Public Hearing of Case No. 19-26 by the
   
District of Columbia Zoning Commission convened at 6:34
   
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:

- SHARON S. SCHELLIN, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development  
Review & Historic Preservation

JOEL LAWSON  
KAREN THOMAS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.  
ALEXANDRA CAIN, ESQ

The transcript constitutes the minutes from  
the Public Hearing held on January 30th, 2020.

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

6:31 p.m.

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3 CHAIRMAN HOOD: This is a public hearing of the  
4 Zoning Commission for the District of Columbia. My name is  
5 Anthony Hood. Joining me are Vice Chair Miller, Commissioner  
6 Shapiro, Commissioner May, Commissioner Turnbull.

7 We're also joined by the Office of Zoning staff,  
8 Ms. Sharon Schellin, as well as Mr. Paul Young, who's doing  
9 our streaming devices.

10 At this time I will ask the Office of Attorney  
11 General if they would introduce themselves, followed by the  
12 Office of Planning, in that order.

13 MR. TONDRO: Maximilian Tondro, Office of Attorney  
14 General.

15 MS. CAIN: Alexandra Cain, Office of the Attorney  
16 General.

17 MS. STEINGASSER: Jennifer Steingasser, Office of  
18 Planning.

19 MR. LAWSON: Joel Lawson with the Office of  
20 Planning.

21 MS. THOMAS: Karen Thomas, Office of Planning.

22 CHAIRMAN HOOD: Thank you. Again, notice of the  
23 hearing was published in the D.C. Register, and copies of  
24 that announcement are available in the bin near the door.

25 The hearing will be conducted in -- We're having

1 two hearings tonight. Zoning Commission Case number 19-26,  
2 and Zoning Commission Case 10-03D. I'm going to ask that the  
3 opening be applicable to both cases.

4 The hearing will be conducted -- I think I can do  
5 that. Oh, I can't do that. Okay. Well, I'll read the part  
6 for the next case when we get there, like the introductions.

7 The hearing will be conducted in accordance with  
8 provisions of 11Z DCMR Chapter 4 as follows. Preliminary  
9 matters, applicant's case.

10 I really appreciate that, Sharon, because you keep  
11 me on cue. All right. And that's not on the script.

12 Report of the Office of Planning and Department  
13 of Transportation, report of the Government agencies, report  
14 of the ANC, testimony of organizations and individuals in  
15 support, opposition, and undeclared. And then, we'll have  
16 rebuttal and closing by the applicant.

17 Is that the right, am I reading the right  
18 statement?

19 MS. SCHELLIN: Since you read that one for the  
20 second case we can keep on going, and say that's for the  
21 second case. Then --

22 CHAIRMAN HOOD: Okay. I'll do --

23 MS. SCHELLIN: And go ahead and do that one.

24 CHAIRMAN HOOD: -- read that one. Okay. All  
25 right. Now, this --

1 MS. SCHELLIN: That's for 10-03D.

2 CHAIRMAN HOOD: Okay. Let's just keep it like  
3 we're going. And I'll go back to the first one before we  
4 start the first case.

5 While the Commission, and this is for the second  
6 case. While the Commission reserves the right to change the  
7 time limits for presentations if necessary, it intends to  
8 adhere to the time limits as strictly as possible.

9 And then, at, when we get to the case I'll read  
10 the couple of housekeeping components at that time.

11 Now, for this case, okay. The hearing will be  
12 conducted for this case, to begin right here, 11Z DCMR  
13 Chapter 5 as follows, preliminary matters.

14 The presentation in this case will be by the  
15 Office of Planning, report of other Government agencies,  
16 report of the ANC. And then, we'll have testimony from  
17 organizations and individuals who are both in support,  
18 opposition, and undeclared.

19 While the Commission reserves the right to change  
20 the time limits for presentations if necessary, it intends  
21 to adhere to the time limits as strictly as possible, and no  
22 time shall be ceded.

23 Again, a couple of housekeeping rules, items we  
24 would ask. Please turn off all electronic devices, so not  
25 to disrupt these proceedings.

1           Anyone who will be testifying, we'd ask that you  
2 register at the kiosk to my left. And the staff will be  
3 available throughout the hearing to discuss procedural  
4 questions.

5           And this is for our hearing, our first hearing.  
6 At this time the Commission will be settling any preliminary  
7 matters. Does the staff have any preliminary matters?

8           MS. SCHELLIN: No, sir.

9           CHAIRMAN HOOD: Okay. All right. We'll turn it  
10 over Ms. Steingasser.

11           MS. STEINGASSER: Chairman Hood, Commissioners,  
12 the Office of Planning stands on the record, and recommends  
13 that the Commission adopt the text amendment as advertised.  
14 We'd be happy to answer any questions.

15           CHAIRMAN HOOD: Okay. Thank you for that  
16 presentation. Actually, the report was well written. I do  
17 have one question. But let me ask others first. Any others?  
18 Questions on this first case?

19           Ms. Steingasser, you know, I know we're limited  
20 to open it up. And maybe I may be going off. So, there's  
21 some times when the Commission or the Board has a case, and  
22 it has a covenant that runs with the land.

23           Is this what this is all about? I mean, is that  
24 within our purview? Or what are we trying to achieve here?

25           MS. STEINGASSER: We're trying to align the, and

1 make consistent the wording and the requirements of who signs  
2 and accepts the covenant so the language is the same between  
3 --

4 CHAIRMAN HOOD: So --

5 MS. STEINGASSER: -- the two sections.

6 CHAIRMAN HOOD: And I'm trying to go somewhere.  
7 Maybe this is not even -- When I see covenant I'm thinking  
8 about cases where the land may run with a covenant saying,  
9 you can do this, you cannot do this. Is this what we're  
10 talking about here? This is, or is that far reaching?

11 MS. STEINGASSER: It sounds like you're referring  
12 to conditions. And this has to do with the actual covenants.  
13 But I'm going to draw in the Office of Attorney General, to  
14 see if they can provide some light on this.

15 MR. TONDRO: Yes, Chairman Hood, these are  
16 generally going to be covenants that are a requirement of the  
17 Zoning Regulations. So, for example, for off street, off  
18 site parking, to satisfy the parking requirements. There is  
19 an option to provide that off site.

20 In order to do so, however, the applicant that's  
21 seeking to use that method must provide a covenant that says  
22 that they have, that they are binding the off site parking  
23 location for that use, for as long as the use that requires  
24 the parking is there.

25 These are, they vary in the weeds. But these are

1 covenants that are used for, to satisfy certain requirements  
2 of the Zoning Regulations.

3 CHAIRMAN HOOD: So, we're not honoring a covenant?  
4 It's already in place before it gets to Zoning? This is  
5 something that we're trying to do to make them -- Okay.

6 So, I think my question may be applicable. Then  
7 I'll just speak to you. I don't, it's not necessarily  
8 germane to a case. I just needed some further clarification.

9 Okay. So, any questions or comments from anybody  
10 else? All right. Do we have -- Hold on a second. Let me --  
11 Ms. Schellin, I think I will say this.

12 I think I need the book back out here. I don't  
13 need it tonight. But sometime I do use the book, sometime.  
14 I don't need it now. But sometime I do use it.

15 Okay. Let's go to the, do we have any other --  
16 Okay. Do we have any other Government reports? Okay. I  
17 didn't see any. Hold on a second. Do we have any other --

18 Is there anyone here who would like to testify on  
19 this case in support? Opposition? Or undeclared? Okay.  
20 Not seeing anyone, Commissioners, I think this is pretty  
21 straightforward, obviously. I'm the only one who had a  
22 question.

23 And I don't see anything else in the record. So,  
24 it's pretty straightforward. I think everybody's on board.  
25 So, unless there are any other questions or comments, let's

1 go ahead, and I'll take a motion from someone.

2 COMMISSIONER SHAPIRO: Mr. Chairman, I would move  
3 that we approve Zoning Case number 19-26, Office Planning  
4 proposed text amendment to clarify requirements for covenants  
5 required by the Zoning Regulations. Ask for a second.

6 COMMISSIONER MAY: Second.

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

9 (Chorus of aye)

10 CHAIRMAN HOOD: Any opposition?

11 (No response)

12 CHAIRMAN HOOD: So, Ms. Schellin, would you please  
13 -- Hold on a second. Hold on a second.

14 VICE CHAIR MILLER: I just want to clarify that  
15 this is for proposed action tonight.

16 CHAIRMAN HOOD: Right. Right.

17 COMMISSIONER MAY: That's correct, for proposed  
18 action.

19 CHAIRMAN HOOD: Right. Okay. Michelle, would you  
20 please record the vote?

21 MS. SCHELLIN: Staff records the vote five, to  
22 zero, to zero to approve proposed action in Zoning Commission  
23 Case number 19-26. Commissioner Turnbull moving,  
24 Commissioner Miller seconding, Commissioners Hood, Shapiro,  
25 and May in support.

1 CHAIRMAN HOOD: I've been informed that we don't  
2 need to take a break, Michelle, in between cases. So, let's  
3 go right into --

4 MS. SCHELLIN: And so, you're closing that case.  
5 And the record is closed --

6 CHAIRMAN HOOD: Okay.

7 MS. SCHELLIN: -- until the --

8 CHAIRMAN HOOD: Right.

9 MS. SCHELLIN: -- proposed rulemaking is  
10 published. And then, it will reopen for a 30 day comment  
11 period.

12 CHAIRMAN HOOD: Okay. All right. So, that  
13 closes.

14 (Whereupon, the above-entitled matter went off the  
15 record at 6:39 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: Case No. 19-26

Before: DCZC

Date: 01-30-20

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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Court Reporter

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