

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: :

:

Text Amendment to Subtitles Y: Case No.

and Z to Extend Validity : 20-07

Period of Approvals Due to :

COVID-19 Pandemic :

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Thursday,

June 18, 2020

Video-Teleconference

The Public Hearing of Case No. 20-07 by the

District of Columbia Zoning Commission convened at 4:00

p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

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

The transcript constitutes the minutes from

the Public Hearing held on

June 18, 2020.

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

4:00 p.m.

1
2
3 CHAIRMAN HOOD: This hearing will please come to
4 order. Good afternoon, ladies and gentlemen. We are convened
5 and broadcasting this hearing by videoconferencing.

6 My name is Anthony Hood. Joining me this evening
7 are Vice Chair Miller, Commissioner Shapiro and Commissioner
8 Turnbull. We are also joined by the Office of Zoning staff
9 Ms. Sharon Schellin, our Secretary, and Mr. Paul Young who
10 is working behind the scenes to make sure everything goes
11 smoothly for the hearing. Others will introduce themselves
12 at the appropriate time.

13 Copies of today's virtual Public Hearing Notice
14 are available on the Office of Zoning website. Please be
15 advised that this proceeding is being recorded by a Court
16 Reporter and it is also webcast live via Webex and YouTube
17 Live. The video will be available on the Office of Zoning's
18 website after the hearing.

19 Please state your name and home address before
20 providing oral testimony or your presentation. All
21 presentations should be limited to a summary of your most
22 important points. When you are finished speaking please mute
23 your audio so that your microphone is no longer picking up
24 sound or background noise.

25 If you experience and I guess I need to lead by

1 example, if you experience difficulty accessing Webex or with
2 your telephone call-in then please call our OZ Hotline, the
3 Office of Zoning's Hotline number at 202-727-5471. Again,
4 any problems please call 202-727-5471 to sign up or to
5 receive Webex login or call-in instructions.

6 All persons planning to testify either in favor
7 or in opposition must sign in in advance and will be called
8 by name. If you wish to file written testimony or additional
9 supporting documents during the hearing then please be
10 prepared to describe and discuss it at the time of your
11 testimony. And for those that did not sign in we will, if
12 you will call that number we will work so we can make sure
13 that we hear you.

14 This hearing will be conducted in accordance with
15 the business of 11 DCMR Chapter 5 as follows. We're having
16 Preliminary Matters, Presentations by the Petitioner. In
17 this case, I believe it's OZ or Office of Planning, Reports
18 of Other Government Agencies, Report of the ANC, and then
19 we'll have testimony of organizations or individuals.

20 While the Commission reserves the right to change
21 the time of the presentations, if necessary, it notes that
22 it intends to adhere to the time limits as strictly as
23 possible and notes that the time shall not exceed.

24 At this time the Commission will consider any
25 preliminary matters. Does the staff have any preliminary

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1 matters?

2 MS. SCHELLIN: No, sir, no preliminary matters.

3 CHAIRMAN HOOD: Okay. We will go to the
4 presentation.

5 MS. SCHELLIN: Very briefly, as you know this is
6 a Text Amendment, two subtitles, Y & and Z to allow any
7 approvals and orders, both BZA and Zoning Commission that
8 expire between April 27th and December 31st, an automatic
9 six-month extension.

10 Recently, we put before the Commission some
11 clarifying language and asked the Commission to approve a
12 second emergency rule-making and authorize the needed
13 publication of a second Notice of Proposed Rule-making which
14 the Commission did approve at their June 8th meeting and we
15 sent that to the Register for Publication. We've only
16 received one comment on this Text Amendment that was received
17 by Goulston and Storrs which that was brought up at the --
18 included in the June 8th meeting, a text that was provided
19 to you and the report from OAG so that language was included
20 in the Notice of Proposed Rulemaking. So, we'd ask the
21 Commission this evening to just proceed with the hearing,
22 listening to OP or anyone else. Nobody else has signed up
23 to testify this evening. So, any concerns the Commission may
24 have otherwise once the 30-day comment period is over the
25 Commission can proceed with Final Action if they choose to

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1 do so.

2 CHAIRMAN HOOD: Okay.

3 MS. SCHELLIN: That's all we have.

4 CHAIRMAN HOOD: Thank you, Ms. Schellin.

5 Commissioners, I think -- let me just add though.
6 We did get previous support from UDC, University of the
7 District of Columbia and also Holland and Knight. As Ms.
8 Schellin has already mentioned the letter from Goulston and
9 Storrs was added to the language but we have that which is
10 fine tuned.

11 Let me open it up but let me just say this.

12 I think that what we have here and I realize that
13 some people have made some further suggestions but I think
14 what we have here is ripe, ready for us to go exactly as
15 described. I think all have worked hard on it, OAG, OP and
16 I think the public.

17 I know some people are asking for some additional
18 time but I don't think that's warranted now. I think that,
19 Commissioners, as we've always done we look at things at that
20 particular time when it's needed and we'll make adjustments
21 just as we did here.

22 So, I like what we have here and I'm inclined to
23 support it as is. Let me open it up first and then we'll go
24 to Commissioner Shapiro.

25 Any questions of Ms. Schellin or me or anybody or

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1 any comments?

2 COMMISSIONER SHAPIRO: I have no questions, Mr.
3 Chair, for Ms. Schellin or for you and I'm happy to proceed
4 with this.

5 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

6 COMMISSIONER TURNBULL: Mr. Chair, I agree with
7 you. I think the language the way it is is fine. I have no
8 comments and I'm ready to move ahead.

9 CHAIRMAN HOOD: Okay. Vice Chair Miller.

10 VICE CHAIR MILLER: Thank you, Mr. Chairman and
11 thank you, Ms. Schellin, for that presentation.

12 Yes, I agree with you and my colleagues that this
13 is ready. It's in good shape right now and if we need to
14 make adjustments and in any of our Zoning regulations we
15 always are flexible and interested in considering that at the
16 appropriate time. So, thank you. I have no other comments.

17 CHAIRMAN HOOD: Okay. With that, I think we're
18 ready to move forward.

19 Ms. Schellin, do we have anybody on the line that
20 you know? Ms. Schellin.

21 MS. SCHELLIN: Nobody signed up to testify and I
22 did not see anybody. I think all of our attendees are just
23 listeners.

24 CHAIRMAN HOOD: Okay.

25 MS. SCHELLIN: I don't know that -- I don't think

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1 that OP could possibly have anything else to add. I see
2 Steve Cochran is on and Mr. Tondro is on. I've not gotten
3 any notification that they have anything additional to add.
4 But you have OP's report if you want to go to Mr. Cochran.

5 CHAIRMAN HOOD: No, unless Mr. Cochran has worked
6 hard on a report. If he can signal you all, unless he's
7 worked hard on the report and wants to report to it. I think
8 his report can stand on its own.

9 Okay. Not hearing anything. Okay. And not
10 having anyone. I think we're ready to go ahead and move
11 forward.

12 Commissioners, what is your pleasure? Would
13 someone like to make a motion?

14 MS. SCHELLIN: I'm sorry, Chairman Hood. You guys
15 by publishing and I know this is kind of crazy since this is
16 an emergency and the immediate publication of the proposed
17 rule-making so that was essentially proposed. So, basically
18 the hearing would just close and at a future meeting once
19 that 30 days has run for the public to actually respond on
20 this second Notice of Proposed Rule-making then you can come
21 back at one of your meetings and actually take final action
22 on --

23 CHAIRMAN HOOD: Right.

24 MS. SCHELLIN: You can't actually do it this
25 evening.

1 CHAIRMAN HOOD: Right. I remember now. The way
2 we have it now with our emergency and this is a case when we
3 get ready to discuss this, colleagues, I want us to remember
4 these type of cases just like I had a BZA case. Some of
5 these are ripe for us to move forward. But I think, Ms.
6 Schellin, we cannot make a motion tonight.

7 MS. SCHELLIN: Yes. Because the 30 days is not up.

8 CHAIRMAN HOOD: Right. And then we have another
9 case where every hearing I think -- but, you know, that's
10 something we'll discuss. But I want us to remember these
11 kind of cases as we get to that discussion on our virtual
12 hearings.

13 Okay.

14 MS. SCHELLIN: Yes. That's in July.

15 CHAIRMAN HOOD: With that --

16 COMMISSIONER TURNBULL: So, even for an emergency
17 we have to wait 30 days, is that right?

18 MS. SCHELLIN: It's the rule-making process. So,
19 you guys took the emergency action so the emergency is
20 actually in effect for 120 days from the day you guys took
21 the action. So, this case is in effect already.

22 CHAIRMAN HOOD: Right.

23 MS. SCHELLIN: And then you took the second
24 emergency because you revised the language a little bit for
25 clarity and --

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1 COMMISSIONER TURNBULL: Thank you for clarifying.

2 MS. SCHELLIN: -- because the language was
3 revised, yeah.

4 CHAIRMAN HOOD: Okay. All right.

5 COMMISSIONER TURNBULL: Thank you for the
6 clarification.

7 MS. SCHELLIN: Now that 30 days restart.

8 CHAIRMAN HOOD: Okay.

9 MS. SCHELLIN: Yes.

10 CHAIRMAN HOOD: I think we got it.

11 All right.

12 COMMISSIONER SHAPIRO: Mr. Chair?

13 CHAIRMAN HOOD: Commissioner Shapiro.

14 COMMISSIONER SHAPIRO: Yes. So, are we moving with
15 -- is what's before us including language that clarifies the
16 applicability of this to campus plan approvals as well?

17 CHAIRMAN HOOD: That's correct.

18 MS. SCHELLIN: Yes.

19 COMMISSIONER SHAPIRO: Okay. Thank you. That's
20 all I have, Mr. Chair.

21 MS. SCHELLIN: That language there. That's what
22 restarted the 30 days.

23 COMMISSIONER SHAPIRO: Okay, thank you.

24 CHAIRMAN HOOD: All right. So --

25 MS. SCHELLIN: So, Final Action will be at the July

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1 -- we only have one meeting in July. July 27th meeting.

2 CHAIRMAN HOOD: Okay.

3 MS. SCHELLIN: It will be on that agenda.

4 CHAIRMAN HOOD: So, are there any other problems,
5 Commissioners? I think this is pretty straightforward.
6 We'll see it again on the date Ms. Schellin just gave us the
7 27th.

8 Ms. Schellin, do we have anything else before us?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: Okay. So, with that, I want to
11 declare this virtual meeting adjourned and I appreciate
12 everyone's participation.

13 COMMISSIONER SHAPIRO: Mr. Chair?

14 CHAIRMAN HOOD: Yes.

15 COMMISSIONER SHAPIRO: So, is the Public Hearing
16 closed as well?

17 CHAIRMAN HOOD: Yes, everything is closed. The
18 whole thing is closed.

19 COMMISSIONER SHAPIRO: Okay. Thank you, Mr. Chair.

20 CHAIRMAN HOOD: Yes.

21 MS. SCHELLIN: Chairman Hood, did you want to say
22 something about the retiring long-time --

23 CHAIRMAN HOOD: So, I was told in advance already
24 that I will be doing that next Thursday because I understand
25 he will be here.

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1 MS. SCHELLIN: Oh, okay.

2 CHAIRMAN HOOD: Okay. So, I mean --

3 MS. SCHELLIN: Okay. Thank you.

4 CHAIRMAN HOOD: I mean I can say something tonight,
5 then I can say something again next --

6 MS. SCHELLIN: No, no.

7 CHAIRMAN HOOD: I don't mind talking.

8 MS. SCHELLIN: Okay. We're good.

9 CHAIRMAN HOOD: I'll say it next Thursday. So,
10 we're looking forward to that.

11 MS. SCHELLIN: Okay.

12 CHAIRMAN HOOD: Vice Chair Miller.

13 MS. SCHELLIN: Okay.

14 VICE CHAIR MILLER: Thank you, Mr. Chairman.

15 Just following up on Commissioner Shapiro's
16 question about the public hearing record being closed.

17 The 30-day rule-making commentary though is still
18 open, Ms. Schellin, or is that closed as well?

19 MS. SCHELLIN: Yes, yes. So, the record itself is
20 open. The hearing is closed --

21 VICE CHAIR MILLER: Okay.

22 MS. SCHELLIN: -- but the record actually is open.
23 This is being published, actually, I take that back. The
24 record reopens on Friday the 19th. That's when the 30-day
25 comment period starts.

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1 VICE CHAIR MILLER: So, I just wanted to clarify
2 that for the public that they can comment.

3 MS. SCHELLIN: Yes. I mean he's right that the
4 record is closed now but it reopens on Friday the 19th.

5 VICE CHAIR MILLER: Okay. Thank you.

6 MS. SCHELLIN: Tomorrow.

7 VICE CHAIR MILLER: Thanks.

8 CHAIRMAN HOOD: So, I guess for me I was just
9 saying that we won't have another hearing, I don't think.
10 I don't think we're going to need another --

11 MS. SCHELLIN: Yes.

12 CHAIRMAN HOOD: But there still will be a comment
13 period. So, thank you for all those clarifications.

14 So, Ms. Schellin, I don't want to miss this
15 opportunity now. I'm sure that I was told at our next week
16 next Thursday is when he will be present with us.

17 MS. SCHELLIN: Okay. Yes, the 25th.

18 CHAIRMAN HOOD: Right.

19 MS. SCHELLIN: Which makes sense.

20 CHAIRMAN HOOD: I'm sorry?

21 MS. SCHELLIN: Okay. That makes sense.

22 CHAIRMAN HOOD: Okay.

23 MS. SCHELLIN: That makes sense that's the case.

24 COMMISSIONER TURNBULL: I was wondering if one of
25 you might take a screen shot of this stream. I want to show

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1 my agency I'm actually doing virtual hearings.

2 MS. SCHELLIN: Yes.

3 CHAIRMAN HOOD: Let me get it for you.

4 MS. SCHELLIN: Good. While you were talking.

5 CHAIRMAN HOOD: Yes. So, why don't we put the one
6 up where all of the -- where all of us are on there so they
7 can see -- oh, hold on. There you go. Something came up.
8 Okay. There you go.

9 COMMISSIONER TURNBULL: You guys are --

10 MS. SCHELLIN: I put it up while Turnbull was on.

11 COMMISSIONER TURNBULL: I really appreciate this.

12 CHAIRMAN HOOD: Okay. All right.

13 COMMISSIONER TURNBULL: It proves my existence, you
14 know.

15 CHAIRMAN HOOD: So, I think next week for the
16 public as Vice Chair Miller did lastly, I think we have --
17 I don't know what they are but we have a meeting Monday,
18 Tuesday and Thursday.

19 COMMISSIONER TURNBULL: Yes, a very busy week.

20 CHAIRMAN HOOD: Right. And I have BZA Wednesday
21 so I'm sure I will probably join with you.

22 COMMISSIONER TURNBULL: Yes. I have to be there
23 for a case, too, I believe.

24 VICE CHAIR MILLER: And I'll be there for the
25 decision part of the meeting. We have eight cases to decide

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1 at least.

2 CHAIRMAN HOOD: Okay.

3 COMMISSIONER SHAPIRO: Decide the case on Wednesday
4 as well.

5 CHAIRMAN HOOD: Okay.

6 MS. SCHELLIN: We'll start calling it a joint
7 meeting.

8 CHAIRMAN HOOD: I know it's probably still
9 recording so we'll go ahead and close this out so I want to
10 thank everyone for their participation and with that this
11 hearing is adjourned.

12 (Whereupon, the above hearing was concluded at
13 4:15 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: Public Hearing

Before: DCZC

Date: 06-18-20

Place: teleconference

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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