

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 Nos.
Reorganization of Subtitles : 19-27
D, E, and F; Reorganization : 19-27A
of Subtitles C, G, H, K, and:
U :
-----:
Thursday,
July 28, 2020

Video Teleconference

The Public Hearing of Case Nos. 19-27 and 19-27A 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

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
JONATHAN KIRSCHENBAUM
ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.
MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from
the Public Hearing held on July 28, 2020.

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

2 4:00 p.m.

3 CHAIRMAN HOOD: Good afternoon, ladies and
4 gentlemen. We are convening and broadcasting the public
5 hearing by video conferencing.

6 My name is Anthony Hood, and joining me this
7 evening are Vice Chair Miller, Commissioner Shapiro, and
8 Commissioner Turnbull. We are also joined by the Office
9 of Zoning Staff, Ms. Sharon Schellin, our Secretary, as
10 well as Mr. Paul Young who will be handling all of our
11 virtual operations.

12 Copies of today's virtual public hearing notice
13 are available on the Office of Zoning's website, and
14 today's date is July 28, 2020.

15 Tonight's cases are 19-27 and 19-27A, and they
16 are combined as one case, we just have two case numbers
17 because they had an addition, which added 19-27A.

18 Please be advised, this proceeding is being
19 recorded by a court reporter. It's also webcast live,
20 WebEx, and YouTube Live. The video will be available on
21 the Office of Zoning's website after the hearing.

22 Accordingly, all those listening on WebEx or by
23 phone will be muted during the hearing, and those who have
24 signed up to participate or testify will be unmuted at the
25 appropriate time. We ask that you please state your name

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1 and home address before providing oral testimony or your
2 presentation. When you are finished speaking, please mute
3 your audio so that your microphone is no longer picking up
4 sound or background noise.

5 If you experience difficult accessing WebEx or
6 with your Telephone Call In, then please call our OZ
7 hotline number, and I'll repeat it, at 202-727-5471.
8 Again, that's 202-727-5471 to sign up or to receive WebEx
9 login or call in instructions.

10 All persons planning to testify, either in
11 favor or in opposition, we encourage you to sign up in
12 advance, and we'll call you by name at the appropriate
13 time. If you wish to file written testimony or additional
14 supporting documents during the hearing, then please be
15 prepared to describe or discuss it at the time of your
16 testimony.

17 The hearing will be conducted in accordance
18 with provisions of 11Z DCMR, Chapter 5 as follows,
19 Preliminary Matters, Presentation in this case is the
20 Office of Planning, and the Office of Planning has over 60
21 minutes, I don't think they need it. We'll see. Report
22 of Other Government Agencies, Report of the ANC, this is
23 City-wide, testimonies of organizations and individuals,
24 the organizations will have five minutes, individuals will
25 have three minutes.

1 While the Commission reserves the right to
2 change the time limits on presentations if necessary, it
3 intends to adhere to the time limits as strictly as
4 possible, no time shall be ceded.

5 Again, if there are issues please call the OZ
6 hotline at 727-5471, and I have already been notified that
7 we do not have anyone who signed up, so if that happens
8 during this hearing I ask that you please notify Ms.
9 Schellin or Mr. Young.

10 At this time, the Commission will consider any
11 preliminary matters. Does the staff have any preliminary
12 matters?

13 MS. SCHELLIN: No, sir, we do not.

14 CHAIRMAN HOOD: Okay, with that, I believe Ms.
15 Steingasser or Ms. Vitale, I'm not sure who is going to
16 present it.

17 MS. SCHELLIN: If I could just -- just one
18 thing, if I can have Mr. Young also bring on Alexandra
19 Cain, along with Max Tondro. They are both
20 representatives from OAG on this case. So, if you could
21 bring her in as a panelist also.

22 CHAIRMAN HOOD: Yes, I want them always to be
23 up with us in any case.

24 MS. SCHELLIN: Yes.

25 VICE CHAIR MILLER: Mr. Miller, I just want to

1 note my presence.

2 CHAIRMAN HOOD: Mr. Miller, I've already
3 announced you before. I wrote you a note.

4 VICE CHAIR MILLER: I won't even go into what
5 the technical issues were.

6 CHAIRMAN HOOD: So, I did announce you in my
7 opening statement.

8 VICE CHAIR MILLER: Thank you, I appreciate
9 that.

10 CHAIRMAN HOOD: So, we have Mr. Kirschenbaum,
11 Ms. Vitale. I think I got it right.

12 MS. VITALE: You got it right, Vitale.

13 CHAIRMAN HOOD: Vitale, okay, got you.

14 MS. VITALE: Good afternoon, Mr. Chair, and
15 Members of the Commission, Elisa Vitale, for the Office of
16 Planning, for Zoning Commission Cases 1927 and 19-27A.

17 The Commission set down Case 19-27, which would
18 amend Subtitles D, E and F of the Zoning Regulations in
19 November of 2019. I know that feels like a long time ago
20 now. In April of this year, the Commission set down a
21 companion case, 19-27A, and that would amend Subtitles E,
22 G, H, K and U. And, OP also anticipates bringing forward
23 additional conforming language and the reorganization of
24 Subtitle J, but that will be coming to you likely some
25 time this fall.

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1 At the time of the adoption of the 2016 Zoning
2 Regulations, OP agreed to monitor the use and
3 functionality of the new regulation, and the text
4 amendment that's before you today really reflects our
5 experience working with the regulation. The proposed
6 reorganization that we're bringing forward will reduce
7 redundancy, would clarify the relationship between zones,
8 including base zones and the geographically-identified
9 zones, and would also facilitate future text amendments.

10 There are no substantive changes to any of the
11 development standards, use permissions, or other
12 provisions being proposed as part of the reorganization
13 cases. Corrections have been made since set down to
14 ensure consistency. This would be something like the use
15 of subtitle versus title in the language in the Zoning
16 Regulations, and we've also corrected some issues related
17 to numbering of sections. Those changes were reflected in
18 the public hearing notice, and they were also identified
19 in the OP hearing report.

20 OP does request flexibility as it continues to
21 work with the Office of the Attorney General, as well as
22 the Office of Zoning, to refine the reorganized text and
23 to add any conforming language as necessary. And, we
24 highlighted throughout these cases, there are also other
25 zoning text amendment cases that are pending before the

1 Commission, and OP would be like to be able to incorporate
2 the final language of those text amendments in the
3 reorganized text where possible.

4 In the set down, the Commission requested a
5 clean version of the proposed text, and OP provided same
6 versions of the subtitles, and this has been offered in
7 the respective case records.

8 OP requests the Commission take preferred
9 action on the zoning text reorganization this evening, and
10 we look forward to moving forward with this
11 reorganization, as well as the changes to the zoning that
12 was contained in Zoning Case 18-13.

13 This concludes the Office of Planning report.
14 We are available to answer any questions. Thank you very
15 much.

16 CHAIRMAN HOOD: Thank you, Ms. Vitale. I
17 appreciate all the work that the Office of Planning has
18 done on this. As I was reading through this and looking
19 at it, it's very tedious I know. I'm glad that I didn't
20 have to do it, I'll state that.

21 Let me open it up for my colleagues, and start
22 with Mr. Shapiro, any questions, comments?

23 COMMISSIONER SHAPIRO: I don't have any
24 questions or comments, Mr. Chair. It's quite
25 straightforward.

1 CHAIRMAN HOOD: Okay. Commissioner Turnbull,
2 do you have any questions or comments?

3 COMMISSIONER TURNBULL: Not really, this is
4 very comprehensive, it's very long, but I have no comments
5 really.

6 CHAIRMAN HOOD: Vice Chair, do you have any
7 questions or comments?

8 VICE CHAIR MILLER: No comments or questions,
9 Mr. Chairman.

10 Thank you for your report, Ms. Vitale.

11 CHAIRMAN HOOD: Ms. Vitale, as I was looking at
12 this, I did write down some things that came to my quick
13 attention. Page reducer and more friendly, is that a fair
14 assessment?

15 MS. VITALE: That is a fair assessment. We
16 really were able to eliminate a lot of redundancy, so this
17 will result in a slimmer final document, fewer pages.

18 CHAIRMAN HOOD: Okay. And, I appreciate you
19 saying that. I know we had a request -- I appreciate you
20 saying about the substance, nothing substance. So, I
21 think that's very important for the public to know as
22 well.

23 Okay. Thank you.

24 Let's see if we -- I didn't see any other
25 Government reports. I didn't even see anything from any

1 ANCs. We did have a letter for postponement. I think we
2 handled that already. It's not substantive.

3 But then again, whoever wants to help with the
4 changes, the line up and all that, feel free, if so we
5 welcome that, but I'm sure the Office of Planning could
6 use some help. But, you also have another opportunity to
7 work on that as well, but it's nothing substantive.

8 Again, I don't believe we have anyone, Ms.
9 Schellin or Mr. Young, that is here to testify. I take
10 that as a no.

11 Okay. Office of Planning, do you have anything
12 in closing? Typically, that's not in our rulemaking, but
13 do you have any closing, anything you want to say?

14 MS. VITALE: No, I don't think we have anything
15 else to add. Thank you.

16 CHAIRMAN HOOD: Okay. Colleagues, let me see,
17 did we lose Ms. Schellin. Oh no, there she is.

18 So look, colleagues, let me see, how would you
19 like to move forward? I think this is pretty
20 straightforward, this is a realignment, really I call it a
21 page reducer and more friendly. That's what I want to call
22 this case.

23 So, would somebody like to make a motion?

24 COMMISSIONER TURNBULL: Mr. Chair, I would move
25 that we take proposed action, I think it's proposed action

1 --

2 CHAIRMAN HOOD: Proposed, yes.

3 COMMISSIONER TURNBULL: -- on Zoning Cases 1927
4 and 1927-A. If this is a proposed hearing report for a
5 proposed text amendment to reorganize the Title D, E, F,
6 and G, and make the conforming text in Subtitles C, K and
7 U, and look for a second.

8 VICE CHAIR MILLER: Second.

9 CHAIRMAN HOOD: Okay, thank you, and it's been
10 seconded by the Vice Chair, correct? Okay. All right.

11 So, it's been moved and properly seconded. Any
12 further discussion?

13 Ms. Schellin, can you do a roll call vote?

14 MS. SCHELLIN: Okay. I'm sorry, who made the
15 motion?

16 CHAIRMAN HOOD: Commissioner Turnbull made the
17 motion and it was seconded by Vice Chair Miller.

18 MS. SCHELLIN: Okay, and that's for proposed
19 action, correct?

20 CHAIRMAN HOOD: Correct.

21 MS. SCHELLIN: Okay. So, staff records the
22 vote 4-0-1 to take proposed action in Zoning Commission
23 Case Nos. 19-27 and 19-27A.

24 CHAIRMAN HOOD: We have to do a roll call.

25 MS. SCHELLIN: Oh, I'm sorry, I forgot about

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1 that.

2 Commissioner Turnbull?

3 COMMISSIONER TURNBULL: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIR MILLER: Yes.

6 MS. SCHELLIN: Commissioner Hood?

7 CHAIRMAN HOOD: Yes.

8 MS. SCHELLIN: And, Commissioner Shapiro?

9 COMMISSIONER SHAPIRO: Yes.

10 MS. SCHELLIN: Commissioner May, not present,
11 so the vote is 4-0-1 to approve proposed action in Zoning
12 Commission Case Nos. 19-27 and 19-27A, for proposed action
13 and that is it, 4-0-1.

14 CHAIRMAN HOOD: All right. Thank you, Ms.
15 Schellin.

16 MS. SCHELLIN: Commissioner May not present,
17 not voting.

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

20 MS. SCHELLIN: That's it.

21 CHAIRMAN HOOD: Okay. I want to thank
22 everyone, but I do want to announce -- first, let me thank
23 the Office of Planning for all the work they've done with
24 the renumbering, and like I said, I have to say it again,
25 the page reducer and the more friendly way we are doing

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1 this.

2 I also want to thank the Office of Planning and
3 all those who participated in this as we continue to move
4 forward with the proposed to final.

5 I do want to announce this is the Zoning
6 Commission's last meeting for the month, for August. Our
7 recess, is Zoning Commission Case 20-11, Office of Zoning
8 Text Amendments to Subtitles Y and Z, virtual public
9 hearing regulations, and I hope we have a great discussion
10 on that. I think it's very important, but I think it's
11 been working well. So, looking forward to that, that will
12 be 4:00 in the afternoon this coming Thursday, July the
13 30th.

14 With that, I'm going to adjourn this hearing,
15 and we will see everybody on Thursday.

16 This hearing is adjourned.

17 (Whereupon, the above-entitled matter was
18 concluded at 4:13 p.m.)

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In the matter of: Public Hearing

Before: DCZC

Date: 07-28-20

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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