

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 - Text :

Amendment to Subtitle Z to : Case No.

Suspend Certain Types of : 20-17

Conditions of Approved :

Campus Plans During :

2020-2021 Academic Year Due :

to COVID-19 Pandemic :

-----:

Thursday,

October 8, 2020

Video Teleconference

The Public Hearing of Case No. 20-17 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, Commissioner
- PETER G. MAY, Commissioner
- 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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from the
Public Hearing held on October 8, 2020.

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Adjourn	

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 this public
5 hearing by video conferencing. My name is Anthony Hood.
6 Joining me this evening are Vice Chairman Miller,
7 Commissioner May, and Commissioner Turnbull. We are also
8 joined by the Office of Zoning Staff, Ms. Sharon Schellin,
9 our Secretary, Mr. Paul Young, who is handling all of our
10 virtual operations. I will ask that all others introduce
11 themselves at the appropriate time.

12 Copies of today's virtual public hearing notice
13 are available on the Office of Zoning's website.

14 Please be advised that this proceeding is being
15 recorded by a court reporter. It is also webcast live
16 WebEx and YouTube Live. The video will be available on
17 the Office of Zoning's website after the hearing.
18 Accordingly, all those listening on WebEx or by phone will
19 be muted during the hearing and those who have signed up
20 to participate or testify will be unmuted at the
21 appropriate time. And we will hear from those who have
22 not, who just need to call the number which I will state
23 shortly.

24 Please state your name and home address before
25 providing oral testimony or your presentation. When you

1 are finished speaking, please mute your audio so that your
2 microphone is no longer picking up sound or background
3 noise. As I have said in other proceedings, the key to
4 all this virtual is mute and unmute.

5 If you experience difficulty accessing WebEx or
6 with your telephone call-in, then please call our OZ
7 Hotline number at 202-727-5471 to sign up or to receive
8 WebEx log in call in instructions. I'll repeat that again
9 at the end.

10 All persons planning to testify, either in
11 favor or in opposition, we encourage you to sign up in
12 advance and your name will be called. If you wish to file
13 written testimony or additional supporting documents
14 during the hearing, then please be prepared to describe
15 and discuss it at the time of your testimony, as we have
16 not had time to review it.

17 This hearing will be conducted in accordance
18 with provisions of 11 DCMR Chapter 5, as follows:
19 preliminary matters, presentation by the Petitioner, in
20 this case, the Office of Planning, which will have up to
21 60 minutes -- I don't think we need 60 minutes -- report
22 of other government agencies, report of the ANC. This is
23 citywide so, all ANCs can report if they want to, if they
24 desire.

25 Testimony of organizations and individuals,

1 each having five and three minutes, respectively --
2 organizations five minutes, individuals, three minutes.

3 And we are hearing in the order for those in
4 support, opposition, or undeclared.

5 While the Commission reserves the right to
6 change the time limits for presentations, if necessary, it
7 attends to the time limits as strictly as possible and
8 notes that no time shall be ceded.

9 Again, if you have any issues, please call
10 hotline number -- our OZ Hotline number, 202-727-5471.

11 Again, today's date is October the 8th, 2020
12 and this is a hearing of the Zoning Commission for a text
13 amendment to Subtitle Z, flexibility to approve campus
14 plans during the academic year 2020 through 2021, which is
15 basically one year, due to the public health emergency and
16 also dealing with the flexibility to reopen.

17 So again, a lot of this is contingent on the
18 Mayor's Order, 2020-067.

19 So at this time, the Commission will consider
20 any preliminary matters. Does the staff have any
21 preliminary matters?

22 MS. SCHELLIN: Just to remind the Commission
23 that we took emergency action on this, and it's still in
24 effect until the Commission takes other action.

25 And other than that, I have nothing. I believe

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1 the Office of Planning is ready to give its report.

2 CHAIRMAN HOOD: Okay, we will turn it over to
3 Ms. Steingasser. She's up.

4 MS. STEINGASSER: Chairman Hood, Commissioners,
5 the Office of Planning recommends approval of the text as
6 advertised. We have gone through the comments that are in
7 the public record. And should the Commission feel that
8 they need to respond, the Spring Valley recommendation to
9 have the cap be reiterated within the text, we feel could
10 be adopted without too much consequence.

11 However, the other two comments, do tend to
12 blur the line between the Mayor's Order and the three
13 opening plans, as they are submitted and reviewed through
14 the Department of Health, and we have been trying very
15 hard to keep those two authorities separate, so that the
16 Zoning Commission is not overlapping with the Department
17 of Health and those reopening plans. So, we feel the
18 second two -- I'm sorry. I am getting some pop-up messages
19 here from the computer.

20 The second two from the ANC and from the
21 Neighbors for Livable Communities could blur that line and
22 could create conflict with the ability of the universities
23 to respond in the time necessary to their reopening plan
24 and it would be a very difficult condition to enforce.

25 Also, this text amendment is only good for one

1 academic year. So by the time any of these things would
2 come into effect, the academic year would most likely be
3 over.

4 And with that, I'm happy to answer any
5 questions.

6 CHAIRMAN HOOD: Okay, thank you.

7 Let's see if we have any questions or comments.
8 Commissioner May?

9 COMMISSIONER MAY: Yes, so I do have one
10 question. I appreciate, Ms. Steingasser, your responding
11 immediately to the comments and you know your reaction to
12 them makes sense to me because we don't want to get into
13 the realm of regulating health requirements. It's really
14 about housing, and buildings, and you know the sort of
15 conditions that we would normally want to see in a campus
16 plan.

17 There was something else that came in, and this
18 was from ANC 3D, and I'm wondering what you think of this,
19 which was they were proposing to add to 702.8 the phrase
20 "provided that when availing themselves of the suspension
21 of these provisions, universities shall assess the impact
22 of such actions and policies on the surrounding
23 neighborhoods and take reasonable steps to mitigate any
24 objectionable impacts."

25 And I'm wondering what you thought of that one,

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1 in particular.

2 MS. STEINGASSER: I think that also gets very
3 close to blurring that line because that's exactly what
4 the reopening plans that they worked out with the
5 Department of Health get to. Whatever the state they plan
6 to open, whether it's virtual, or a hybrid, or in class,
7 they have to provide that kind of information to the
8 Department of Health. So it's --

9 COMMISSIONER MAY: Yes, but I mean this seems
10 to be focused on the sort of impacts that we would
11 normally expect to be addressed in a campus plan but you
12 think this is -- it goes beyond that. I mean it's --

13 MS. STEINGASSER: Well, it's the impact --

14 COMMISSIONER MAY: The way I read it that it's
15 more campus plan-focused, as opposed to health protective
16 focus.

17 MS. STEINGASSER: Well, I think I read it
18 differently because I read it in reference through the
19 lens of the Mayor's Order --

20 COMMISSIONER MAY: Okay.

21 MS. STEINGASSER: -- of how they would be able
22 to respond to the Mayor's Order, and then do a land use
23 impact analysis at the same time, and how that -- this
24 provision would be enforced. Because it doesn't have a
25 feedback to it. There's no review of it. It doesn't go

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1 anywhere and I think it would create a difficult burden on
2 the universities to try to --

3 COMMISSIONER MAY: Yes.

4 MS. STEINGASSER: -- do something separate from
5 what's already addressed in their -- in the realty plans.

6 COMMISSIONER MAY: Okay. I mean that seems
7 reasonable. It did seem to me to be vague and difficult
8 to enforce anyway.

9 MS. STEINGASSER: Yes.

10 COMMISSIONER MAY: I thought it was problematic
11 in that regard but I just thought, you know, wondered what
12 you thought about it and how it related to the Mayor's
13 Order or to the extent to which --

14 MS. STEINGASSER: Yes.

15 COMMISSIONER MAY: -- it would focus on campus
16 plan typical mitigations.

17 So that's it for my questions. Thank you very
18 much.

19 CHAIRMAN HOOD: Okay, thank you, Commissioner
20 May.

21 Let's go to Commissioner Turnbull.

22 COMMISSIONER TURNBULL: Thank you, Mr.
23 Chairman.

24 I guess I'm in the same boat with Commissioner
25 May. I think the 3D letter was the only thing that

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1 sounded like maybe there might be something to it.

2 I mean I'll agree with you, Ms. Steingasser,
3 that you can't get in through weeds and start letting or
4 talking about how people -- how the campuses and
5 regulations, such as what some of the others are saying.
6 I think this has to be, basically generic and deal
7 strictly with campus issues and land use planning, like
8 that, and that we can't get into regulating how some of
9 these other measures are really enforced. That really
10 goes beyond what the Zoning Commission can do.

11 So I think I'm satisfied, Ms. Steingasser, with
12 the way it is right now. And as you say, by the time we
13 really -- something -- this is going to be gone in a year.
14 This will expire within a year and, hopefully, by then,
15 we're back to some kind of normalcy and we can go forward
16 and maybe make changes, as needed, then.

17 I think as it is right now, I think I'm okay
18 with the language going forward. Thank you.

19 CHAIRMAN HOOD: Thank you Commissioner
20 Turnbull.

21 Vice Chair Miller.

22 VICE CHAIR MILLER: Thank you, Mr. Chairman and
23 thank you, Ms. Steingasser, for Office of Planning's work
24 on this text amendment and your report today.

25 I agree with my colleagues that have spoken.

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1 However, I don't necessarily see the harm in including
2 language which somehow references the ANC 3D concern that
3 impacts on surrounding neighborhoods should be -- should
4 be assessed by universities and reasonable steps taken to
5 mitigate.

6 I realize the enforcement difficulties with
7 that and that it's -- if we put such language in, it would
8 be difficult to enforce but I think it's kind of just
9 aspirational in nature. I don't really see the harm to
10 the -- or the conflict with that kind of general language.

11 I think our counsel has recommended or has
12 suggested, if we wanted to, incorporate the concerns both
13 of the Spring Valley Wesley Heights group and
14 Neighborhoods for Livable Communities with the ANC 3D
15 concerns as well. And I would just read that language
16 that was suggested by our counsel -- I look forward to
17 hearing the testimony from any witnesses we have today and
18 further discussion from my colleagues, but I, personally,
19 don't have any objection to including the following
20 language, which references both enrollment caps,
21 clarifying that enrollment caps remain in effect, but it
22 also includes the assessment of impacts.

23 So, I would just read this language just to
24 have it there for the record. So the existing language in
25 the preface language, suspension of conditions in our

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1 emergency and proposed rulemaking, says in response to
2 ongoing public -- the ongoing public health emergency, the
3 following conditions and orders approving campus plans and
4 associated PUDs for universities shall be suspended for
5 the 2020-2021 academic year to accommodate reopening
6 plans, pursuant to Mayor's Order 2020-067.

7 And then the following proviso would be added -
8 - could be added, as suggested by our counsel to -- which
9 would read provided that enrollment limits shall remain
10 unchanged and in effect -- which I think Ms. Steingasser
11 has indicated OP has no problem with and my colleagues
12 have no problem with that -- including that language but I
13 would also have no problem with adding the following
14 additional phrase, with some tweaking that I'm going to do
15 and maybe tweaking that Office of Planning and OAG could
16 do, if my colleagues are agreeable. And that proviso is
17 that -- that additional proviso, in addition to
18 referencing unchanged enrollment caps, would be to provide
19 that universities shall assess the land use impact.
20 That's the land use is the additional two words that I
21 would be adding to that proviso. That universities shall
22 assess the land use impact of suspending such conditions
23 on the surrounding neighborhoods and take reasonable steps
24 to mitigate any objectional land use impacts caused by
25 implementing the suspension, in coordination with

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1 applicable community liaison organizations identified in a
2 particular campus plan.

3 So, that would be the additional language that
4 I would add -- have a problem with but I'll look forward
5 to hearing further testimony from the public and
6 discussion by my colleagues and chairman, who we haven't
7 heard from yet.

8 So, thank you, Mr. Chairman.

9 CHAIRMAN HOOD: Thank you, Vice Chair Miller.

10 If anyone who is in the audience and the
11 waiting room, whatever we call it, waiting to testify, if
12 you have not called, please call the number that I gave
13 earlier or contact Ms. Schellin -- we can give that number
14 again -- so that we can get you signed up, when we get
15 ready for you, which we'll be ready shortly. That
16 telephone number again is -- hold on one second -- 727 --
17 one second. As soon as I open up the right file, I will
18 have the phone number. Does anybody have it handy? Hold
19 on one second.

20 MR. YOUNG: Yes, 727-5471.

21 CHAIRMAN HOOD: There you go, 727 -- 202-727-
22 5471. Thank you. Thank you, Mr. Young.

23 So, Ms. Steingasser, I --

24 VICE CHAIR MILLER: Mr. Chairman?

25 CHAIRMAN HOOD: Yes.

1 VICE CHAIR MILLER: I forgot to ask a question
2 of Ms. Steingasser, whenever is appropriate.

3 CHAIRMAN HOOD: Go right ahead. I'll wait.

4 VICE CHAIR MILLER: I'm sorry. Okay.

5 Ms. Steingasser, hi. There you are, right in
6 the middle of my screen.

7 The reopening plans of each university that
8 have been approved by the mayor or the Department of
9 Health, are they -- they're on some website, right? Where
10 are they available?

11 MS. STEINGASSER: They are on the Office of
12 Planning's website under Additional Links. So, if you're
13 looking at our website, it's in the lower left. It takes
14 you to the plans and to the letters of approval.

15 VICE CHAIR MILLER: Okay, thank you very much.

16 That was the question I had, Mr. Chairman.
17 Thank you.

18 CHAIRMAN HOOD: Okay. Ms. Steingasser, I --
19 early on, maybe when we got ready to set this down for
20 emergency, I was wondering why we would be dealing with
21 this anyway but I guess we have to because of the pandemic
22 and the emergency health situation, which I believe that
23 the Mayor's Order, and we talked about this, trumps
24 everything.

25 So for me, you all have already done a due

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1 diligence and I'm sure, as you mentioned, working with Dr.
2 Nesbitt and all the health officials in the city. I am
3 not inclined to add or take anything away. That's just
4 where I am. You know COVID-19 is real.

5 I've read where -- about contesting people off
6 campus, about the -- I think the vice chair just mentioned
7 about the limits. To me, I don't know what those
8 consequences will be. What happens if we do do something
9 then and that goes against what the science and the health
10 experts say?

11 Unfortunately, I do zoning and I'm a community
12 guy. I'm not a health guy. I'm like everybody else. I'm
13 tuned to the TV, following suit, and I'm not sure you know
14 -- a lot of students, from what I see and hear, they can't
15 all be on the campus at one time. They're going to have
16 to find a place to stay. Some of them, the ones that were
17 here Monday went back home.

18 So it's so many -- to me, it's so many unknowns
19 or variables. And I know you all have done the research.
20 You all have been in touch with all the experts, the
21 health experts, and not us. And I know that you're
22 dealing with language and I appreciate everything everyone
23 has given us.

24 But if we were to put something, we don't know
25 if it's going to complicate it, make it worse -- and this

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1 thing is a moving target and I said that. So, I'm fine
2 with what you have. If my colleagues want to add what the
3 vice chair said, that's fine. I'm fine with what we have.

4 And I'm just also saying that for the public.
5 I know they may not appreciate my comments but this is a
6 moving target. Like I even said on my job, nobody knows -
7 - I'm still trying to figure out what we think we know how
8 you catch it. So to put students -- whatever we can do to
9 protect and preserve those students' health is where I am
10 in it. If this is what gets it, let's do it.

11 So that's all I have. I didn't really have a
12 question, Ms. Steingasser, I just had a comment.

13 So, let's see. Any other follow-up questions
14 or comments?

15 MS. STEINGASSER: I did, Chairman Hood, want to
16 -- if it makes the commissioners feel better, as part of
17 the reopening plans, they had to identify, through their
18 campus plan, whether they needed any zoning relief. And
19 none -- all said they did not, as of the date that they
20 filed those plans and they were approved. So, we don't --
21 we don't anticipate that they will need this relief. It's
22 just there as a belt and suspenders, especially for the
23 second term and what may happen then.

24 But they were -- all the universities were
25 working very hard to abide by their campus plans, wherever

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1 they could.

2 CHAIRMAN HOOD: Okay. And the thing about it
3 is, and I'm sure Office of Planning will let us know, if
4 it gets to a point that it's a problem, you bring it back
5 to us, if it's something that we can deal with. If
6 there's a major issue that we need to deal with, bring
7 that back to us just like we did the PUD.

8 Vice Chair, I saw you had something else.

9 VICE CHAIR MILLER: I just had a question.
10 Maybe I Misunderstood Ms. Steingasser.

11 The -- that we're clarifying that the suggested
12 proviso that enrollment limits in the campus plans shall
13 remain in effect, did you have an objection to that as
14 well?

15 MS. STEINGASSER: It's -- oh, I'm sorry. No,
16 sir. It doesn't seem necessary because that is not one of
17 the items that's being suspended by this action but, if it
18 makes people feel better that they see it and it's
19 reinforced through this, we have no problem with that.

20 The main issue of concern was really the
21 Neighbors for Livable Communities that had coordination as
22 they work through these issues. So, if the Ward 3 request
23 that they consider these elements, in terms of how they
24 affect the neighborhood, that we could live with that as
25 well. Obviously, we'll live with whatever the Commission

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1 decides to do.

2 The coordination with the liaisons, I find that
3 to be the most troubling because the universities needed
4 to be nimble and responsive very quickly and, being able
5 to coordinate with these liaison groups and ANCs would
6 delay that, when there's already a reopening plan that's
7 acceptable.

8 VICE CHAIR MILLER: Well, I appreciate that
9 statement of yours because I agree with that.

10 So, I would clarify what I said. So, I can see
11 how the coordination might present both enforceable
12 problems and individual lack of flexibility problems.

13 And so, Mr. Chairman, I would just note that
14 the Office of Planning had said they had no objection and
15 don't really see that it -- they don't think it's
16 necessary but they don't think it's a problem if we have a
17 proviso that references that enrollment limits --
18 university enrollment limits shall remain in effect
19 because that's not a condition that's being suspended.
20 And they didn't have a problem with the general
21 aspirational goal, is all it is, that universities shall
22 assess the impact of such conditions on the surrounding
23 neighborhoods, and take reasonable steps to mitigate such
24 impacts.

25 So they didn't seem to -- unless I'm -- if I'm

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1 misstating that, Ms. Steingasser, that you don't have
2 objection to that part of what some of these groups have
3 suggested, I wouldn't have a problem with that, if you
4 don't have a problem with that.

5 MS. STEINGASSER: I think it raised open an
6 opportunity for objection from communities to say well,
7 how did they assess it. We want proof of how they've
8 assessed it. We would like to see that assessment. And I
9 think that could also -- but if the Commission is going to
10 adopt it, then we would, obviously, find a way to work
11 with that.

12 VICE CHAIR MILLER: All right. Well, I don't
13 want to do anything that would lead to delay, as the
14 Chairman said, and implementing any health-needed
15 measures.

16 So, I then would revise further my own lack of
17 objection, then, to be in concert with the Office of
18 Planning, the only proviso to add where they don't have an
19 objection is because it's simply a clarification, that
20 enrollment limits shall remain unchanged and in effect.
21 Because that's something that the citizens' groups asked
22 for for clarification in the ANC -- that's one of the
23 things they've asked for. If it doesn't create a problem
24 because it's not a condition that's being suspended, and
25 OP doesn't have an objection, then I would urge my

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1 colleagues to maybe include that additional language.

2 But I won't belabor that any further. So,
3 thank you very much.

4 CHAIRMAN HOOD: Okay, thank you, Vice Chair
5 Miller.

6 Commissioners, any other follow-up, second
7 rounds?

8 Okay, thank you.

9 Ms. Schellin, do we have anybody -- well, we
10 did have quite a big input and I appreciate it. We had
11 input from West End Citizens, Spring Valley, Neighborhoods
12 for Livable Communities, ANC 3D, Ms. Kahlow from West End,
13 and John George, and I'm missing one, I think. I thought
14 we had another ANC; maybe we didn't. Okay, I don't see
15 it.

16 All right, so Ms. Schellin, do we have anybody
17 that we need to bring in?

18 MS. SCHELLIN: Mr. Elkins from ANC 3D and
19 Barbara Kahlow were the only two signed up. So, Mr.
20 Elkins gets five minutes and Ms. Kahlow also gets five
21 minutes.

22 CHAIRMAN HOOD: Okay.

23 MS. SCHELLIN: Mr. Elkins is up.

24 CHAIRMAN HOOD: Okay, so we will start with Mr.
25 Elkins -- okay, I see him. Mr. Elkins, if you'd like to

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1 go first because you're listed first.

2 MS. SCHELLIN: He needs to unmute himself.

3 CHAIRMAN HOOD: Mr. Elkins, can you unmute
4 yourself? I don't think -- there you go.

5 MR. ELKINS: Can you hear me now?

6 CHAIRMAN HOOD: Yes, we can hear you.

7 MR. ELKINS: I'm sorry. I'm not used to WebEx.

8 So, thank you very much. I've heard the
9 comments and I appreciate the opportunity to speak to the
10 Commission.

11 I hear the concern about enforcement. I do
12 think that, as I've watched these plans evolve, the
13 reopening plans evolve, that the universities are very,
14 very focused on what goes on on their campus but they, I
15 think, have not given as much attention to what goes on in
16 the surrounding community. And of course they are,
17 because they are not allowed to -- they're not able to
18 house all these students in their own campus, they are
19 having many more students enter the community.

20 There are transportation potential issues, as
21 they try to reopen their campus, the land use, as was
22 mentioned earlier, potentially the enrollment.

23 I guess I would -- I don't know whether I can
24 express this well but with campus plans, my sense of it,
25 from the neighborhood point of view, is 99 percent of the

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1 back and forth between the university and the neighborhood
2 takes place in the neighborhood. It's a conversation
3 about okay, good, can you do a little bit more of this.
4 It's not coming down to the Zoning Commission, thank
5 goodness for you and for all of us.

6 So I think what's happened is, with these
7 provisions, you basically have changed the balance that is
8 in the campus plans. The balance is, essentially, let the
9 university do its educational mission, even in these COVID
10 times, and let's make sure there are not objectionable
11 impacts that just flow from that that they haven't really
12 considered.

13 So, we were trying, in the ANC, not to be
14 burdensome. You're right; it is aspirational, in many
15 ways. And if you want to put in something that makes it
16 clear that the Zoning Commission is not going to be
17 enforcing this, I don't know how or what the language
18 would be but that would be fine with me.

19 I think what we're looking for is, as we go
20 forward and we're all trying to help these universities
21 reopen, that we all work together to make that work. And
22 so I -- I would ask that you -- that we go on and have
23 some language in there about the land use, and
24 transportation, and the aspirational language that we
25 suggested.

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1 And I'll just stop there because you've
2 discussed this and, if you have questions for me, I'll be
3 glad to answer them.

4 CHAIRMAN HOOD: Okay, thank you, Mr. Elkins.
5 If you could, just stay on, we may have some questions.

6 Let's go to Ms. Kahlow.

7 MS. KAHLOW: Does that work? Am I unmuted?

8 CHAIRMAN HOOD: Yes, that works.

9 MS. KAHLOW: Thank you. I don't see my picture
10 but I guess that doesn't happen on WebEx.

11 CHAIRMAN HOOD: Hit your video. It should be -
12 - hit your video, where it says join or something.

13 MS. KAHLOW: Okay, there it is. I see.

14 CHAIRMAN HOOD: Okay.

15 MS. KAHLOW: Okay.

16 CHAIRMAN HOOD: There you are.

17 MS. KAHLOW: Thank you. I usually use Zoom.

18 I, Barbara Kahlow, live at 800 25th Street,
19 Northwest, in the Foggy Bottom-West End neighborhood. I'm
20 testifying on behalf of the Citizens Association, the
21 oldest citizens' organization in Foggy Bottom-West End.
22 One of our goals is maintaining the quality of life for
23 the residential community in Foggy Bottom-West End.

24 First, I want to start by saying I was
25 surprised that the OP representative did not mention that

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1 the two comments in the record from the West End Citizens
2 Association -- I was actually surprised -- I was thankful,
3 Mr. Chairman, that you did.

4 And second, I wanted to summarize before I
5 started, that there has been an adverse effect already for
6 the reopening on the residential community, since there's
7 so few students on campus, everybody's off campus. The
8 people that had planned to come to Washington came off
9 campus.

10 So on August 12th, we filed comments on the
11 emergency and proposed rulemaking and, today, I wanted to
12 add additional comments and I've submitted those in
13 advance at your request, based on first, our discussion
14 with the university, in the quarterly Community Advisory
15 Committee meeting that the Zoning Commission established,
16 and we were horrified and I'll talk about that.

17 Second, the other comments in the rulemaking
18 record. And third, GWU's response to what we said in the
19 September 14th meeting -- it was insufficient.

20 On September 14th, we asked -- we learned that
21 they were only going to test the students in the three
22 dorms, which are about 500 kids, with no testing of any
23 kids off campus. Since most people live off campus,
24 that's a real problem. We were horrified and we said that
25 we had elderly residents in single-family homes and high-

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1 rises; they share elevators and they would be threatened.

2 So they responded and said, okay, we will only
3 test some off campus students, those that have symptoms or
4 have been exposed. And then we said well, what about
5 quarantine? And they said, too bad; we're not going to
6 quarantine them on our campus. They're going to have to
7 live in the neighborhoods and contaminate everybody else.

8 And then I said that one of the other exhibits,
9 Exhibit 9 said that the university should be testing
10 everybody off campus and should be quarantining everybody
11 on campus.

12 So I -- the West End Citizens Association would
13 like the Zoning Commission to consider the adverse impact
14 that has happened because of the approved campus plan, the
15 emergency-approved campus plan, by not testing the
16 students off campus, all of them, and by not quarantining
17 in on campus facilities instead of in our apartment
18 buildings.

19 I don't know, based on what you said earlier,
20 if you're going to do any of this but, we need to know at
21 least if this is an adverse impact. And we did raise it
22 with GW and they were unwilling to do it.

23 Thank you for considering our views.

24 CHAIRMAN HOOD: Thank you, Barbara.

25 Do we have anybody else, Ms. Schellin?

1 MS. SCHELLIN: Chairman Hood, before you go any
2 further, Tom Smith is first. I see Jeffrey Kraskin on and
3 I don't know if he heard or not, he was on when you made
4 the statement, but the only way, if he plans on
5 testifying, again, he needs to either email me or register
6 to testify on our website. We can't do anything with the
7 raising your hand or anything like that because we cannot
8 communicate with you in any other way, Dr. Kraskin. So,
9 either email me or sign up to testify.

10 We only have one more person and that is Tom
11 Smith. He is on the phone and I believe Mr. Young is
12 going to bring him in now.

13 CHAIRMAN HOOD: So what we will do if -- let me
14 just say what we would do. If we have to wait for Mr.
15 Kraskin to get on, we will wait for him but we will go --
16 because I know I have a question for Ms. Kahlow, at least,
17 and you may have other questions.

18 MS. SCHELLIN: Okay.

19 CHAIRMAN HOOD: So, let's go to Mr. Smith. I
20 don't see him. Let's start with Mr. Smith.

21 MS. SCHELLIN: He's on the phone.

22 CHAIRMAN HOOD: Oh, he's on the -- okay.

23 MS. SCHELLIN: Yes.

24 CHAIRMAN HOOD: He can begin.

25 MR. SMITH: Good afternoon. Can you all hear

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1 me?

2 CHAIRMAN HOOD: Yes.

3 MR. SMITH: Okay, thank you very much and thank
4 you for giving me the opportunity to call in and comment.
5 I wasn't planning on testifying. And in fact, I'm going
6 to make comments in lieu of Dr. Kraskin and I'm really
7 speaking on behalf of the Spring Valley/Wesley Heights
8 Citizens Association and I do appreciate the comments that
9 the commissioners have made, especially Commissioner
10 Miller, concerning the language that was recommended by
11 the Spring Valley/Wesley Heights Citizens Association
12 concerning population caps.

13 You know I appreciate what OP has said about
14 the flexibility that's being requested does not include
15 the population issue; however, it does include housing.
16 And in the American University Campus Plan, and this is
17 why we're making this suggestion, the undergraduate
18 population limits and cap is a factor of the housing
19 limit. So, changes that you would -- that would be made
20 to housing would impact population, the flexibility, and
21 that's why we're asking for this assurance on population.
22 It will not, Chairman Hood, in reference to your comment,
23 it's not going to increase the number of people on the
24 campus to create more problems. In fact, it will ensure
25 that the population limits that are in existence now

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1 cannot be exceeded.

2 So, we think that this is added protection.
3 It's consistent with the flexibility that's been sought by
4 the universities and by OP. And again, I want to
5 emphasize that the population cap in the AU plan is quite
6 unique because it is a factor of the housing component and
7 that is a part of the flexibility that is being granted
8 under this text amendment.

9 So, thank you very much and I hope that you'll
10 give this some very serious thought.

11 CHAIRMAN HOOD: Thank you, Mr. Smith, we
12 appreciate you calling in. And you did say your comments
13 also go along with Dr. Kraskin as far as you all --

14 MR. SMITH: Yes, we were just trying to make
15 sure we could get on. So, he's on the computer. I'm on
16 the phone. So my comments are in lieu of anything he
17 would have to say.

18 CHAIRMAN HOOD: So here's my -- here's what --
19 and I'll go straight to what you just said. My whole
20 thing is when we're talking about social distancing, and I
21 think I knew going down the pike that some things would
22 have to be tweaked, I don't know how the universities are
23 all working that out. You know six feet, and now I'm
24 hearing some people say 12. You know it's a moving target
25 for me, Mr. Smith.

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1 MR. SMITH: Right.

2 CHAIRMAN HOOD: I just don't want us to do
3 anything here -- first of all, I'm not going to put nobody
4 in the promised land of something that cannot be enforced.

5 So I was hoping -- remember now, this text
6 amendment is only for one year and I understand the
7 community's concerns. It's only for one year and not
8 only, more than that, it's for different campuses. So
9 while we -- well, I think you mentioned AU, Ms. Kahlow
10 said GW, somebody else said Georgetown, somebody said
11 Howard. So what are the ramifications? The
12 ramifications, I think I saw in your report, may be
13 different from one university to the other.

14 So you know and I may be not understanding it
15 at all and, again, we're leaving it up to Dr. Nesbitt and
16 those experts because I am definitely one who knows all
17 about this COVID-19 and I think neither do a lot of the
18 experts. That's why they're still trying to come up with
19 the best science they can.

20 Now, I understand the community concern,
21 believe me. I understand there's impacts but we almost
22 got to make sure first and foremost, and I think this is
23 where Office of Planning and the Mayor -- I'm sure that's
24 where the Mayor is, is keeping people safe and that's what
25 it is.

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1 Now, to Ms. Kahlow's point, and I'll give you a
2 chance to respond if you have to -- if you need to, Mr.
3 Smith, but let me go to Ms. Kahlow's point.

4 MR. SMITH: Yes, I would like to respond so --

5 CHAIRMAN HOOD: Okay, so go ahead and respond.
6 Let's do that first before I go to Ms. Kahlow.

7 MR. SMITH: Well you know, Mr. Chairman, you
8 know you're -- the efforts -- everybody shares and is
9 deeply concerned about COVID. I mean none of know what
10 the heck is going on. And of course you know we're all
11 very anxiety-ridden.

12 But you know it's the Zoning Commission right
13 now that is proposing making changes and we're concerned
14 that the change that you're making, and the population
15 issue is one, that while it may be applied differently at
16 AU, it's one concern across all universities right now,
17 not just in D.C. but across the country.

18 What we're concerned is that you're going to do
19 something that is actually going to worsen the problem.
20 So, we're just asking for protection. And we're asking
21 for the protection because it's the Zoning Commission,
22 effectively, fact the Office of Planning, that is saying
23 okay, we want to change the housing issues. We're going
24 to change the way students are housed on campus, which
25 makes perfect sense. No one wants students body-to-body.

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1 No one wants that. Everyone wants the students to be
2 protected and we want the community to be protected.

3 So what we're trying to ensure is that this
4 flexibility that you're granting is not going to be used
5 in order to increase the undergraduate population. And
6 that's all we're asking. We're asking for some
7 protection, not to put students at greater risk and not to
8 put the community at greater risk. And the only reason
9 we're asking this is because you're asking -- you are
10 the ones that are proposing to make changes in housing-
11 related issues that could impact the number of students
12 that are on a campus or in a community.

13 We're just asking keep the limits where they
14 are, at a minimum. If you want to reduce them, fine, but
15 don't allow this to be used as a way or an excuse, whether
16 intentionally or accidentally, that the population numbers
17 are going to increase. And I don't think that's an
18 unreasonable request to make.

19 CHAIRMAN HOOD: Okay. Again, and I understand,
20 but to me, all of this -- and I said this to begin with
21 and I'll say it again. I understand but, for me, the
22 Mayor's Order 2020-067, for me is not that we raised our
23 hand, speaking of raising hands, and said we want to do
24 this. That order, we're trying to make sure we come into
25 compliance with this public health emergency. That, to me

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1 -- and you're right. Everybody has a lot of anxiety.

2 And I'm just curious, Mr. Smith, what are other
3 cities doing? Are they even -- do they ask for any input
4 from their Planning or do they just go ahead and do it
5 because it trumps everything? I'm just curious. I
6 haven't done -- maybe that's a way to start it.

7 MR. SMITH: Well, I will tell you. I mean I've
8 had -- I'm not going to say to you that I'm an expert but
9 I have been spending some time working in this area and
10 working with other people who are working in this area.
11 And what's happening with the universities is cause for
12 concern in communities across the country because there
13 are not the kinds of careful efforts that are being made
14 in the District of Columbia.

15 I mean we should be very proud of the fact that
16 we're requiring these reopening plans. We should be very
17 proud of the fact that the OP would look to do a text
18 amendment that enables the public to engage with the
19 officials in local areas and with universities to make
20 these things happen.

21 We're a little concerned that there isn't
22 enough information sharing between the university and the
23 community but you know it is very variable across the
24 country. But, in many ways, what you're doing is a model.

25 And sir, with all due respect, you know we're

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1 all -- this is a public health issue but it's also a
2 zoning issue because we are dealing with giving
3 flexibility in campus plans. And what we want to do is
4 ensure -- I'm sure that the Department of Health is not --
5 as a member of the Board of Medicine, and I'm not speaking
6 on behalf of the Board of Medicine, but I think I can
7 reasonably say that I doubt that the Board of Health is
8 all that focused on the details of every single element,
9 comma, word, language, provision in the campus plans of
10 the universities across the city but many of us in the
11 community are very familiar with those, with the
12 individual plans that apply to us. And what we're saying
13 is we support what OP is doing. We support what the
14 Department of Health is doing. We support what you're
15 doing.

16 But based on the specifics in the campus plans
17 that we deal with, we think what we're suggesting will
18 make it better and will add even more protection for the
19 community in the short-term and in the longer term, and it
20 will provide protection to students. And too often,
21 students have been the afterthought in all of this. And
22 what happened to the students in the summer, with the
23 universities and how the little time that students were
24 given to plan for finding new housing after they were
25 guaranteed housing on campus, that's just not something

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1 that should be acceptable to anybody.

2 So anyway, I've said more than what I planned
3 to say on the phone. But, sir, I think what we're
4 suggesting that you do will actually add additional
5 protection for the city as a whole, for the universities,
6 for the students, and for the communities. And it will
7 not inconvenience anybody and it certainly will not
8 increase the risk. It will actually limit the risk that
9 we're all facing.

10 CHAIRMAN HOOD: Okay. All right, I'm going to
11 -- I'm going to come back to Ms. Kahlow. And if you could
12 stay on for a moments, others may have questions of you,
13 Mr. Smith.

14 Let me go to Commissioner May. Do you have any
15 questions or comments?

16 COMMISSIONER MAY: No, I appreciate the
17 concern. You know the Office of Planning doesn't really
18 have an objection to the notion of reinforcing the caps.
19 I don't see a real problem with that.

20 So, I would also just want to express -- I
21 think it's been a long time since we've seen Mr. Smith or
22 Dr. Kraskin at the Zoning Commission. I can't remember
23 when. But I think since that time, I read the obituary
24 for Dr. Kraskin's mother, who passed, I think, in January.
25 And I just wanted to express my condolences.

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1 MR. SMITH: Thank you very much for that,
2 Commissioner May.

3 CHAIRMAN HOOD: Okay. Well, thank you. We all
4 send our condolences.

5 Let's see, Commissioner Turnbull.

6 COMMISSIONER TURNBULL: Thank you, Mr. Chair.
7 Well, I think we had discussed earlier, I think the vice
8 chair, in discussions with Ms. Steingasser, talked about
9 the most -- the one thing that I think Ms. Steingasser had
10 agreed to was that the campus limits were something she
11 had no problem putting in; that the caps for the campuses
12 would say stay the same. I believe that's what we had
13 agreed to.

14 So, I think that's something that is something
15 we could easily add. I think we sort of may be moving in
16 that direction anyways. I don't know if you were, Mr.
17 Chair, but I think just adding that the caps will remain
18 seemed like a fairly easy thing to add and it wouldn't
19 change much. It's basically reinforcing what's there now.

20 So, I could support that.

21 CHAIRMAN HOOD: So I'm glad you brought it up,
22 Commissioner Turnbull, because I think my initial
23 statement was I just didn't want to do anything -- if
24 they're fine with it; I was fine with it. So, really,
25 maybe Mr. Smith and I probably took about ten minutes that

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1 we probably didn't really have to. So, I'll just leave it
2 at that.

3 Vice Chair Miller?

4 VICE CHAIR MILLER: I have nothing further, Mr.
5 Chairman, thank you.

6 CHAIRMAN HOOD: Okay, so I believe, Mr. Smith,
7 as you heard -- and I was just making a comment but, as
8 you heard, I don't know if you heard my opening statement
9 about that. I didn't want to --

10 MR. SMITH: Yes, thank you.

11 CHAIRMAN HOOD: -- was going to come back but
12 it seems like Office of Planning, through their research
13 and then if the health experts don't have a problem with
14 it, I think the vice chair -- I don't think any of us have
15 a problem. So you and I have just spent ten minutes of
16 time that we probably could have been -- I could have been
17 asking Ms. Kahlow some questions. So, let me go to Ms.
18 Kahlow.

19 MR. SMITH: That's because we're New York
20 Giants fans.

21 CHAIRMAN HOOD: Yes, and I'm losing. So maybe
22 I'm a little upset.

23 All right, thank you.

24 So Ms. Kahlow, now, one of the things that
25 really stood out to me in your letter was the off-campus

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1 testing. To me, I think that goes without saying. I
2 didn't really get that. Maybe you can help me understand.
3 Maybe you can walk me through it.

4 MS. KAHLOW: I'm sorry, what -- you said off-
5 campus. What was the word you said after that?

6 CHAIRMAN HOOD: You said off-campus testing.
7 You were saying --

8 MS. KAHLOW: Testing. We are saying that now
9 there are more kids living off campus. They have -- are
10 congregating in large groups, without social distance,
11 without masks, making lots of noise and the university has
12 no jurisdiction because they're off-campus. They say it's
13 the D.C. Police.

14 But meanwhile, we're all afraid for our health
15 because it's dangerous. They're hanging around outside.
16 And, as Mr. Smith just said, they thought they were going
17 to live on campus and it was only at the last minute that
18 the university said, no, no, we're only going to have
19 dorms for people in extenuating circumstances; you're
20 going to have to find a place to live off campus.

21 So now, there's so many more than we've ever
22 had before.

23 CHAIRMAN HOOD: Okay. And I'm not that much on
24 the reopening. I know what happened, though, to the
25 students who were in the neighborhood, they all went home.

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1 And then one of them told they're going to be at home, I
2 guess doing their studies at home. So I don't know how
3 all that works.

4 So let me ask you what is the ask of West End?
5 I can't remember what you all are asking.

6 MS. KAHLOW: What we want is for the university
7 to test all of their students, not just the few that are
8 in the dorms. And also, if they are infected, to be
9 quarantined on campus instead of the residential
10 buildings, where all of us live, where share elevators,
11 and share common spaces.

12 CHAIRMAN HOOD: So maybe I missed it and maybe
13 my colleagues can help me. But Ms. Kahlow, how -- other
14 than us putting that -- how do we -- I don't want to put
15 you on the spot but how can we enforce that?

16 MS. KAHLOW: I think you can have an
17 aspirational, like you said about these other things. I'm
18 not sure you can enforce it but you could have it
19 aspirational when you talk about the impacts of this
20 suspension of rules on the residential community, that
21 they should be assessing it and they should be taking
22 appropriate actions.

23 I mean I think you can reflect that the
24 community has been adversely affected and the university
25 has a responsibility to respond to mitigate the impacts.

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1 CHAIRMAN HOOD: Okay, let me open that up. Let
2 me open it up. I don't have any questions for Mr. Elkins
3 but let me open it for questions.

4 Commissioner May -- thank you, Ms. Kahlow.
5 Commissioner May, do you have any questions or comments?

6 COMMISSIONER MAY: No.

7 CHAIRMAN HOOD: Okay. Commissioner Turnbull?
8 Vice Chair Miller?

9 VICE CHAIR MILLER: No. No, except I think the
10 whole testing area is certainly outside of our
11 jurisdiction and expertise. It's not something -- I mean
12 of course, I think it should be done but it's just not a
13 zoning -- it's not a zoning issue, thankfully.

14 So, although I understand -- I understand where
15 Ms. Kahlow is coming from.

16 CHAIRMAN HOOD: You're on mute. We definitely
17 want to hear what you're saying. You're on mute. You
18 want to unmute yourself.

19 MS. KAHLOW: Sorry. The Zoning Commission and
20 the campus plan set up the quarterly Community Advisory
21 Committee meeting. And that's where we got them to do a
22 tiny bit of testing but they weren't going to do the rest.
23 We asked them.

24 You set up this relationship and that's what we
25 asked them.

1 CHAIRMAN HOOD: Thank you. I'm not sure
2 because -- I shouldn't -- I can't even get neighbors to
3 wear masks sometimes. So, I'm not making light of it. I
4 understand the concern. It's a concern of all of us, as
5 Mr. Smith was saying. You know there's high incidence --
6 there's a lot of angst. We all have angst.

7 And I'm not sure how we get there. That was my
8 question. But I do understand what you're saying, Ms.
9 Kahlow, and I would hope that the university, at least the
10 university you are speaking in terms of is watching and I
11 would hope that they would be considerate because we do
12 have a lot of seasoned senior citizens who live in that
13 area and I would hope that they would be respectful, at
14 least let the young folks know why. But they're catching
15 it, too.

16 So, I mean we know. We're watching it. It's
17 very fluid and this is a moving target.

18 So I would just say that, Ms. Kahlow, I hope
19 that they will come down with all we can do. I know what
20 your request is and I do understand but I would hope that
21 they will work with you all and be considerate. That's
22 all I can say on that one now.

23 MS. KAHLOW: Is it possible that the Office of
24 Planning could talk to them?

25 CHAIRMAN HOOD: I will ask Ms. Steingasser.

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1 They're listening. They heard your request and they will,
2 I guess, govern themselves accordingly. Once they talk to
3 their director and find out what they can do to try to
4 help you -- question.

5 MS. KAHLOW: That might help. Thank you.

6 CHAIRMAN HOOD: Okay, good.

7 All right, any other questions or comments?

8 I truly want to thank you all, Mr. Smith, Ms.
9 Kahlow, and Mr. Elkins for taking the time to give us
10 information from your perspective and how you would like
11 to see us make additions. So, we really appreciate it,
12 and I think the vice chair really carried the main --
13 mantle, most of it. I think all of us were considerate of
14 it, but, you know, it's a moving target. So, we
15 appreciate you all taking the time to at least participate
16 in this process.

17 All right, Ms. Schellin, do we have anybody
18 else?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: Okay, Commissioners, any
21 questions or comments?

22 So what do we -- what do we need to do?

23 MS. SCHELLIN: So the next step? Is that what
24 you're asking the next step?

25 CHAIRMAN HOOD: Yes, kind of. Yes.

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1 MS. SCHELLIN: So when you guys took emergency
2 action, you also authorized the immediate publication of a
3 proposed rulemaking and we have Mr. Tondro on here, too.
4 My understanding is the next step is final action, since
5 you have, essentially, taken proposed action by
6 authorizing the immediate publication of the proposed
7 rulemaking.

8 And so it's my understanding that the next step
9 would be final action.

10 Mr. Tondro, would you please confirm that?

11 MR. TONDRO: Yes, hello. Yes, the Commission
12 has the choice to either take final action to adopt the
13 text as has already been advertised or, if there is a
14 desire by the Commission to amend that to adopt, for
15 example, the enrollment caps, then that would be for a new
16 proposed action but that could be for a short, a much
17 shorter notice time. I would suggest seven days is
18 probably appropriate, given the fact that all of the
19 parties are already -- or all of the testimony -- this is
20 something that is responding to testimony. So, people are
21 already on notice.

22 So, the Commission has that choice. Either
23 take final action or to take amended proposed action. If
24 they took the amended proposed action, the emergency
25 action would also still remain in effect.

1 CHAIRMAN HOOD: Okay, so I think -- I think it
2 sounds like, Commissioners -- and I'm throwing this out to
3 the commissioners, it sounds like we're going to have to
4 do an amendment and do the seven days, from what I
5 believe, at least what I got from the commissioners.

6 The ask of Ms. Kahlow, we're going to have to
7 just, hopefully the Office of Planning and the university
8 can intercede. I don't know how we can put that in our
9 doings, as the vice chair and I also had mentioned. You
10 know that's kind of hard for us to put that into our --
11 but we would hope, though, I would hope that the Office of
12 Planning and at least the university would work with Ms.
13 Kahlow on that issue. So, we're looking forward to that,
14 even though I know we can't deal with that I don't
15 believe. And I'm sure, Mr. Tondro would tell us if we
16 could, but I believe we can't.

17 So, okay. All right, so Commissioners, any
18 questions or comments?

19 Vice Chair Miller?

20 VICE CHAIR MILLER: Yes, Mr. Chairman, while
21 Mr. Tondro is still visibly on our screen.

22 So it doesn't seem like we have a problem,
23 Office of Planning or my colleagues and I have a problem
24 with referencing the clarification on the enrollment caps
25 in this rulemaking. And you mentioned that we should do

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1 amended proposed action. But shouldn't we do a new
2 emergency with that new language, since the existing
3 emergency is going to expire I think in November, November
4 20-something?

5 So, shouldn't we just -- shouldn't the motion
6 be to take emergency and proposed amended action --
7 amended emergency and proposed action is what we published
8 before but with the clarification that enrollment caps
9 continue?

10 MR. TONDRO: Yes, you're correct, Commissioner
11 Miller, yes.

12 VICE CHAIR MILLER: Okay. I would make that my
13 motion, Mr. Chairman, with the shortened notice period
14 that Mr. Tondro also suggested, if it's appropriate at
15 this time.

16 MR. TONDRO: Commissioner Miller, can I just --
17 just to clarify that the only amendment that you're
18 proposing would be the one about referring to the
19 enrollment caps. Correct?

20 VICE CHAIR MILLER: That is correct.

21 CHAIRMAN HOOD: Okay, so it's been moved. Can
22 I get a second? Well, I guess -- oh, Commissioner May are
23 you -- it's been moved and seconded.

24 Any further discussion?

25 Ms. Schellin, would you do a roll call vote?

1 MS. SCHELLIN: Yes, Commissioner Miller?

2 VICE CHAIR MILLER: Yes.

3 MS. SCHELLIN: Commissioner May?

4 COMMISSIONER MAY: Yes.

5 MS. SCHELLIN: Commissioner Hood?

6 CHAIRMAN HOOD: Yes.

7 MS. SCHELLIN: Commissioner Turnbull?

8 CHAIRMAN HOOD: You're on mute, Mr. Turnbull.

9 COMMISSIONER TURNBULL: Sorry about that. Yes.

10 MS. SCHELLIN: The vote is four to zero to one

11 to take an emergency action and the amended proposed

12 action for shortened publication period, Commissioner

13 Miller moving, Commissioner May seconding.

14 CHAIRMAN HOOD: Okay, so let me just say to Ms.

15 Kahlow I think I have been advised that a lot of her

16 issues she can make contact -- and I'm sure she probably

17 already knows this -- the Department of Health. They also

18 may be able to help her intervene. And that's an issue

19 that I believe they could help her with in that situation.

20 Here at the Zoning Commission, we always try to

21 be helpful.

22 Mr. Tondro, while I have you, let me ask you a

23 question.

24 Why is it -- I noticed the other day on the

25 council, they did like we normally do when we're in the

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1 room. Like, instead of doing a roll call vote -- they
2 started off doing roll call votes and now they are doing
3 all in favor.

4 Could we look into that? I'm not saying -- I
5 like the way we're doing it but I'm just curious of why
6 they changed. I'm asking. I'd rather ask you than ask
7 the chairman.

8 MR. TONDRO: I would be happy to look into the
9 matter. I know that the Commission and the Board are both
10 bound by I believe it's the APA that requires that roll
11 count -- that roll call votes are taken.

12 CHAIRMAN HOOD: Okay, they do a roll call but
13 they also do -- and if you could just help me, help me. I
14 know this might not be appropriate but seize the moment is
15 what I've learned.

16 Okay, so do we have anything else, Ms.
17 Schellin?

18 MS. SCHELLIN: No, sir.

19 CHAIRMAN HOOD: All right, I want to thank
20 everyone for your participation tonight.

21 Commissioners, do you have anything in closing?

22 So we don't meet again until next -- let me
23 pull that up. I like to always announce that. Here we
24 go. Let me see here. October the 15th, Ms. Schellin?

25 MS. SCHELLIN: Correct, next Thursday.

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1 CHAIRMAN HOOD: Okay, we have a regular --
2 that's a meeting night, a Commission public meeting
3 October the 15th at 4:00 p.m.

4 So with that, I want to thank everyone for
5 their participation and this hearing is adjourned. Good
6 night.

7 (Whereupon, the above-entitled matter went off
8 the record at 5:01 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: 10-08-20

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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