

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: :

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Office of Planning's text : Case No.

amendment to Subtitle C for : 20-15

the Green Area Ratio :

Requirements for Landscape :

Expert Requirements :

:

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Monday,

November 2, 2020

Video Teleconference

The Public Hearing of Case No. 20-15 by the

District of Columbia Zoning Commission convened at 4:00

p.m., 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:
ELISA VITALE

The transcript constitutes the minutes from
the Public Hearing held on November 2, 2020.

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

4:00 p.m.

CHAIRMAN HOOD: Good afternoon ladies and gentlemen. Today's date is November 2, 2020. We are convened and broadcasting this public hearing by videoconferencing.

My name is Anthony Hood. Joining me are Vice-Chair Miller, Mr. Shapiro, Commissioner May, and soon-to-be Commissioner Turnbull. We're also joined by the Office of Zoning Staff Ms. Sharon Schellin, as well as the Office of Zoning Staff who's handling all of our virtual operations, Mr. Paul Young. I would ask all the others to introduce themselves at the appropriate time.

Copies of today's virtual public notice are available on the Office of Zoning's website. Tonight's zoning case is 20-15. It is the Office of Planning's text amendment to Subtitle C to the Green Area Ratio Requirements for Landscape Expert Requirements.

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

Accordingly, all those listening on WebEx or attending by phone will be muted during the hearing, and those who have signed up to testify will be unmuted at the

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1 appropriate time. In all cases, we ask that you sign up in
2 advance, so that you are sworn in. If you have not signed
3 up, please contact the staff on the hotline number, which
4 will be given out shortly.

5 When speaking, please state your name and home
6 address before providing your testimony. When you are
7 finished speaking, please mute your audio, so that your
8 microphone is no longer picking up sound or background noise.

9 If you experience any technical difficulty or any
10 problems during these proceedings, or have not signed up,
11 then please call our Office of Zoning hotline number, at
12 202-727-5471, and the Office of Zoning Staff will assist you.

13 If you wish to file written testimony or
14 additional supporting documents during the hearing, then
15 please be prepared to describe, as we have not had time to
16 discuss your testimony. Please present it in your testimony.

17 This hearing will be conducted in accordance with
18 the provisions of 11Z DCMR Chapter 5, as follows.

19 Preliminary matters. We will have the
20 presentation. In this case, it will be by the Office of
21 Planning. Report of other government agencies, report of
22 ANC -- this is citywide. Testimony organizations, five
23 minutes; and individuals, three minutes, respectively. And
24 we'll hear it in the order from those in support, opposition,
25 or undeclared.

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

5 Again, any issues, please call the OZ hotline
6 number at 202-727-5471.

7 At this time, the Commission will consider any
8 preliminary matters. Does the Staff have any preliminary
9 matters?

10 MS. SCHELLIN: No preliminary matters.

11 CHAIRMAN HOOD: Okay. We will turn it over, I
12 believe, to Ms. Vitale, Vitale. I'm going to get that right
13 eventually.

14 And we're also joined by OAG and others at the
15 Office of Planning, and just for the record. So, Ms. Vitale,
16 you may begin.

17 MS. VITALE: Good afternoon, Mr. Chair and members
18 of the Commission. Elisa Vitale, with the Office of
19 Planning, for case 20-15.

20 On July 27th, the Commission set down a text
21 amendment to the green area ratio provisions in Subtitle C
22 that recognize the District of Columbia's certification of
23 landscape architects, and provided a one-year grace period
24 to allow landscape architects registered in Virginia and
25 Maryland to obtain DC certification.

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1 OP, OAG, DOEE and DCRA worked together to draft
2 this proposed text. It has been refined slightly since
3 shutdown, although there were no substantive changes made.

4 The DCRA licensing board and the DC Board of
5 Architecture, Interior Design and Landscape Architecture also
6 reviewed the proposed text.

7 We recommend that the Commission approve the
8 proposed text amendment (audio interference) Chapter 6, and
9 this concludes my report. I'm available to answer any
10 questions. Thank you.

11 CHAIRMAN HOOD: Thank you, Ms. Vitale, for your
12 report. Let's see if we have any questions or comments.
13 Commissioner May? Commissioner Shapiro? Commissioner
14 Turnbull? And Vice-Chair Miller?

15 Okay. All right, I think it's pretty
16 straightforward, but I don't know why I always have to be the
17 only one to ask a question on this kind of stuff, but I do.
18 This goes beyond this case. Shall we do something like this
19 for architects?

20 MS. VITALE: I believe the architect certification
21 already exists for the District. So, I think this text
22 amendment is really specific to a more recent certification
23 for landscape architects in the District of Columbia.

24 CHAIRMAN HOOD: Okay. So, I realize that. But
25 I know a lot of times when we look -- I'm probably reading

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1 more into it. I think this is pretty straightforward. I
2 just was wondering, a lot of times when we ask, are you
3 licensed in the District, when we get the architects, maybe
4 that's a whole different ball game, so I was just wondering.

5 Let me ask, what -- I'm not really sure, and I
6 really just read the report. What are we really trying to
7 achieve? I understand we want them to be certified, and I
8 appreciate DOE bringing that to our attention and everybody
9 who did this.

10 But what if there's somewhere else? I mean, is
11 it just germane to Maryland and Virginia? Or what if they're
12 in Philadelphia? So, I'm just throwing this out here.

13 And we thought about that, or do we know that that
14 won't happen?

15 MS. VITALE: I believe in this instance, that the
16 DOEE, the GAR recommendation was -- there are a range of
17 certifications that are covered, including the Maryland and
18 Virginia ones specifically, this proposal at the District of
19 Columbia.

20 DOEE and DCRA did not recommend that there were
21 other states that should be included in this, so I don't
22 believe that that's an issue.

23 CHAIRMAN HOOD: Okay. All right, I'm sure all
24 that was thrown out. I just threw that out there. As I was
25 reading through it and I was thinking, okay, well are we

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1 leaving anything out, but I'm not going to make a big deal
2 of it. Commissioner May?

3 COMMISSIONER MAY: Yeah, Mr. Chairman, I just
4 wanted to clarify. I mean, the reason, I think, if I
5 understand this -- and maybe Ms. Vitale could correct me if
6 I'm wrong -- but the reason for this is that landscape
7 architects are one of the categories of people who can sign
8 off on a GAR certification that does not come through the
9 Zoning Commission or anything like that. It's just the
10 regular GAR checklist and form, and all that sort of stuff.

11 And we're looking to assure that there's some
12 minimum level of expertise on the part of those who are doing
13 those forms. So, it's not just landscape architects who can
14 do it, but I think there was a list of horticulturists and
15 other credentialed professionals who understand the GAR and
16 how it works, and that they are signing off on it and putting
17 their own sort of professional stamp on it, if you will. Not
18 an actual stamp, but just --

19 And so, it's different from architects because
20 there isn't -- I mean, there are requirements for certain
21 types of submissions to DCRA to be stamped or certified by
22 engineers or architects, but that's not really related to
23 zoning. GAR is the zoning thing.

24 CHAIRMAN HOOD: Okay. Commissioner Turnbull?
25 You're on mute.

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1 COMMISSIONER TURNBULL: I think also, I'm not sure
2 that landscape -- to be a licensed, certified landscape
3 architect in DC, I don't think that was required in years
4 past. I don't think that was a big issue for us. I don't
5 think that came up. Having a license was not necessary, I
6 think, to do things.

7 So, I think it's just the next step. Our
8 requirement for an architect to be an expert witness before
9 us has always been, if you're a licensed architect -- and
10 we've accepted Maryland, Virginia, DC, I think we've had a
11 couple of architects from New York that have been presenting,
12 which we've accepted as certified experts -- so licensing a
13 landscape architect, to me, is fine.

14 I mean, that means that they can then get expert
15 status for us when they come before us on the Zoning
16 Commission, which I don't think before we've had that. I
17 don't think that was a requirement.

18 But I think it's just an extra feather in their
19 hat to have that. So, I'm glad to see it.

20 CHAIRMAN HOOD: Okay. I appreciate it. I
21 appreciate the discussion. So, any other questions or
22 comments?

23 Yeah, I'm actually glad to see it as well. I
24 would agree with your comments, Mr. Turnbull.

25 Okay, let's go to reports of other government

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1 agencies. I think Ms. Vitale has already mentioned that they
2 have been working in collaboration with OAG, DOEE, Office of
3 Planning, and I'm not sure what else there was, but I think
4 that was also noted in the report. And I didn't see any
5 other government agencies responding in the file.

6 Okay, reports of any ANCs? I didn't see any in
7 the file as well. So, Ms. Schellin, do we have anybody here
8 to testify?

9 MS. SCHELLIN: No, sir. No one (audio
10 interference).

11 CHAIRMAN HOOD: Okay. So, This, I think, is
12 pretty straightforward. Commissioners, you have your quest
13 before us. Let me know how you would like to proceed. Let
14 me see who's unmuted. Nobody's unmuted, so -- did somebody
15 unmute? Mr. Turnbull.

16 COMMISSIONER TURNBULL: All right, by default.
17 Mr. Chair, I would move that we approve Zoning Case 20-15,
18 the Office of Planning Text Amendment to Subtitle C from
19 Green Area Ratio Requirements for Certified Landscape Expert
20 Requirements, and ask for a second.

21 COMMISSIONER SHAPIRO: Second.

22 CHAIRMAN HOOD: All right, it's been moved and
23 properly seconded. Moved by Mr. Turnbull and seconded by
24 Commissioner Shapiro. Any further discussion? Commissioner
25 May?

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1 Okay. Not seeing any further discussion, Ms.
2 Schellin, would you please do a roll call vote, please.

3 MS. SCHELLIN: Yes. Commissioner Turnbull?

4 COMMISSIONER TURNBULL: Yes.

5 MS. SCHELLIN: Commissioner Shapiro?

6 COMMISSIONER SHAPIRO: Yes.

7 MS. SCHELLIN: Commissioner Hood.

8 CHAIRMAN HOOD: Yes.

9 MS. SCHELLIN: Commissioner May?

10 COMMISSIONER MAY: Yes.

11 MS. SCHELLIN: Commissioner Miller?

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: The vote is 5-0-0 to approve
14 proposed action, Zoning Commission Case No. 20-15.

15 CHAIRMAN HOOD: I want to thank everyone for all
16 the work that they've done, and I would agree with my
17 colleagues on this. I think this is good to have those
18 credentials, especially in District of Columbia, which was
19 required. And I appreciate DDOE, Office of Planning, and
20 OAG, all who worked on this.

21 If I left anyone out, we appreciate whoever else
22 I left out as well. Ms. Schellin, do we have anything else?

23 MS. SCHELLIN: No, sir.

24 CHAIRMAN HOOD: So, the Zoning Commission's next
25 meeting is November -- hearing, I'm sorry -- is November 9th,

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1 and the Zoning Commission will hear Case No. 66-68A,
2 Enterprise for Community Development and Corporation,
3 Modification of Significance for a Large-Scale Planning and
4 Development for Edgewood Commons. And that will be this
5 coming Monday at 4:00 p.m. Anything else? Any other
6 comments, Commissioners?

7 Not hearing any, I want to thank everyone for your
8 participation tonight in this hearing, and we appreciation
9 the Office of Planning's report. And this hearing is
10 adjourned.

11 (Whereupon the above-entitled matter went off the
12 record at 4:13 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: 11-03-20

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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