

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 and Z : Case No. 20-26
 for Administrative Approvals of :
 Validity Period of Approvals During :
 COVID-19 Pandemic :
 ----- :

MONDAY

JANUARY 4, 2021

Video Teleconference

The Public Hearing of Case No. 20-26 by the District of Columbia Zoning Commission convened via videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- ROBERT MILLER, Vice Chair
- PETER SHAPIRO, Commissioner
- MICHAEL G. TURNBULL, Commissioner
- PETER G. MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from the Regular Public Hearing held on January 4, 2021.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

OPENING STATEMENT
 Anthony Hood 4

PRESENTATION:
 Case Number 20-26
 Ms. Schellin 6

COMMENTS AND QUESTIONS:
 Commissioners: 7

VOTE:
 Commissioners: 9

ADJOURN:
 Anthony Hood 10

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

2 (4:00 p.m.)

3 CHAIRMAN HOOD: Okay. This is the public hearing of the
4 Zoning Commission. Today's date is January 4th, 2021. First, let
5 me wish everyone a Happy New Year, and I think -- I don't know if
6 we had any birthdays, but if we did, happy birthday, and let me
7 see what else I need to do. Congratulate Commissioner Shapiro,
8 and did I leave anything out, Commissioners?

9 Okay. We are convening and broadcasting this public
10 hearing by video conferencing. My name is Anthony Hood. Joining
11 me are Vice Chair Miller, Commissioner Shapiro, Commissioner May,
12 and Commissioner Turnbull. We are also joined by the Office of
13 Zoning staff, Ms. Sharon Schellin, and also of the Zoning staff,
14 Mr. Paul Young, who is handling all of our virtual operations. We
15 will ask all others to introduce themselves at the appropriate
16 time. Copies of today's virtual public hearing notice are
17 available on the Office of Zoning's website.

18 Again, tonight's case is Zoning Commission Case Number
19 20-26. This is dealing with the Office of Zoning's Text Amendment
20 to Subtitle Y and Z for Administrative Approvals of Validity
21 Period of Approvals during COVID-19 Pandemic. Please be advised
22 this proceeding is being recorded by a court reporter and is also
23 webcast live via Webex and YouTube live. The video will be
24 available on the Office of Zoning's website after the hearing.
25 Accordingly, all those listening on Webex or attending by phone

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1 will be muted during the hearing, and those who have signed up to
2 testify will be unmuted at the appropriate time. In all cases, we
3 ask that you sign up in advance so that you are sworn in. If you
4 have not signed up, please contact the staff on the Hotline
5 number, which will be given out shortly.

6 When speaking, please state your name and home address
7 before providing your testimony. When you are finished speaking,
8 please mute your audio so that your microphone is no longer
9 picking up sound or background noise. If you experience any
10 technical difficulty or any problems during these proceedings,
11 then please call our OZ Hotline number at 202-727-5471, and the
12 Office of Zoning staff will assist you. If you wish to file
13 written testimony or additional supporting documents during this
14 hearing, then please be prepared to describe and discuss it at the
15 time of your testimony.

16 The hearing will be conducted in accordance of the
17 provisions of 11Z-DCMR, Chapter 5, as follows: Preliminary
18 matters, the petitioner in this case is the Office of Zoning;
19 report of other government agencies; report of the agents of the
20 ANC, in this case it is citywide, and we want to congratulate all
21 of our new ANC's, who were just installed on Saturday; testimony
22 of organizations five minutes, and individuals three minutes,
23 respectively. And we will hear in order from those in support,
24 opposition, undeclared.

25 While the Commission reserves the right to change the

1 time limits for presentations if necessary, it intends to adhere
2 to the time limits as strictly as possible and notes that no time
3 shall be ceded. Again, any issues, please call the OZ Hotline
4 number at 202-727-5471.

5 At this time, the Commission will consider any
6 preliminary matters. Does the staff have any preliminary matters?

7 MS. SCHELLIN: No preliminary matters.

8 CHAIRMAN HOOD: Okay. So with that, Ms. Schellin, you
9 may begin, if you can tee it up for us.

10 MS. SCHELLIN: Sure. As the Chairman stated, this is
11 the Text Amendment to Subtitles Y and Z for Administrative
12 Approvals of the Validity Period of Approvals During the COVID-19
13 Pandemic. This would revise, make revisions to Subtitle Y, the
14 Board of Zoning Adjustment Rules of Practice and Procedures,
15 Sections 702, 705, and 1,600; and Subtitle Z, the Zoning
16 Commission Rules of Practice and Procedures, Sections 702, 705,
17 and 1,600. We felt that this was needed. It's something in
18 between the automatic extension that the Commission approved last
19 year in going through the full process, and so this was a way for
20 staff to do a six-month or a one-year approval.

21 The developers are still having problems getting
22 financing, and so we have actually done a couple of these
23 approvals, and the process is working out well. So that's pretty
24 much all I have to say on it. Any questions from the Commission,
25 I'm ready to answer, hopefully.

1 CHAIRMAN HOOD: Okay. Thank you. Thank you, Ms.
2 Schellin. Commissioners, any questions? I know this was an
3 emergency, and this is our hearing part of it.

4 Commissioner May, do you have any questions or comments?

5 COMMISSIONER MAY: No.

6 CHAIRMAN HOOD: Commissioner Shapiro, any questions or
7 comments?

8 COMMISSIONER SHAPIRO: No.

9 CHAIRMAN HOOD: Commissioner Turnbull, any questions or
10 comments?

11 COMMISSIONER TURNBULL: No.

12 CHAIRMAN HOOD: Vice Chair, any questions or comments?

13 VICE CHAIR MILLER: No.

14 CHAIRMAN HOOD: Ms. Schellin, do you have anything final
15 to add or are you good?

16 MS. SCHELLIN: The 30-day comment period has already
17 run, and I believe Mr. Tondro can verify it. I believe that final
18 action can be taken this evening, since we have had a 30-day
19 comment period, and NCPC has responded at Exhibit 6, stating that
20 they, by delegated authority, that the proposed text amendment is
21 not inconsistent with the comp plan. And of course, this is our
22 Rules of Practice and Procedures, so technically, while we did not
23 have to refer it to NCPC, we did. But I would leave that for Max
24 to respond on that, but I believe final action could be taken this
25 evening. And there is no one to testify this evening either.

1 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. Mr.
2 Tondro, do you have anything you want to add to some of the
3 comments?

4 MR. TONDRO: I agree with Ms. Schellin that if the
5 Commission so desires, you can take final action.

6 CHAIRMAN HOOD: Okay. Thank you. I still will,
7 procedure-wise, still go through the process of our agenda. Thank
8 you, Ms. Schellin. There were no questions for Ms. Schellin?

9 Let's go to reports of other government agencies; I
10 didn't see any. Reports of any ANC's; I didn't see any. And as
11 already noted, let's check again to make sure we have no one here
12 to testify in support, opposition, or undeclared. So noted.
13 Okay.

14 All right. So we have the request before us. I think
15 it's pretty straightforward. I think we did talk about it when we
16 set it down for an emergency. That's why you probably won't hear
17 a lot of discussion. I think it's pretty straightforward,
18 especially with the situation we're in now. I will close the
19 record and open it up for comments or a motion from one of my
20 colleagues.

21 VICE CHAIR MILLER: Mr. Chairman.

22 CHAIRMAN HOOD: Vice Chair Miller.

23 VICE CHAIR MILLER: I would move that the Commission
24 take final action on Zoning Commission Case Number 20-26, Office
25 of Zoning Text Amendment to Subtitles Y and Z for COVID

1 Administrative Extensions and ask for a second.

2 COMMISSIONER TURNBULL: Second.

3 CHAIRMAN HOOD: Okay. It's been moved and properly
4 seconded. Any further discussion? Okay. Ms. Schellin, could you
5 do a roll call vote?

6 MS. SCHELLIN: Commissioner Miller.

7 VICE CHAIR MILLER: Yes.

8 MS. SCHELLIN: Commissioner Turnbull.

9 COMMISSIONER TURNBULL: Yes.

10 MS. SCHELLIN: Commissioner Hood.

11 CHAIRMAN HOOD: Yes.

12 MS. SCHELLIN: Commissioner Shapiro.

13 COMMISSIONER SHAPIRO: Yes.

14 MS. SCHELLIN: Commissioner May.

15 COMMISSIONER MAY: Yes.

16 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve final
17 action in Zoning Commission Case Number 20-26.

18 COMMISSIONER HOOD: Okay. Ms. Schellin, do we have
19 anything else before us tonight?

20 MS. SCHELLIN: No, sir.

21 COMMISSIONER HOOD: Okay. On January the 7th, the
22 Zoning Commission will have another hearing on Zoning Commission
23 Case 20-25. It's the Office of Planning Text Amendment to
24 Subtitles C, U, and X, to clarify performing use status of
25 lawfully constructed apartment housing in our zones. Okay. And

1 that will be this coming Thursday at 4:00 p.m.

2 All right. So with that, I thank everyone for their
3 participation. Again, I hope everyone had a great New Year and
4 will continue to stay safe. And with that, this hearing
5 adjourned. Good night.

6 (Whereupon, the above-entitled matter went off the
7 record at 4:09 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: 1-4-21

Place: Teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

CHRIS HOFER

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