

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

IN THE MATTER OF:

TEXT AMENDMENT TO
SECTION 106

Case No.
11-20

Thursday,
December 22, 2011

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 11-20 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Chairman
MARCIE COHEN Commissioner
PETER G. MAY Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

This transcript constitutes the minutes from the Public Hearing held on December 22, 2011.

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

6:34 p.m.

MS. SCHELLIN: Good evening. The hearing scheduled for this evening, Case No. 11-20, the Office of Zoning Text Amendment to Section 106 will begin at, approximately, 7:15 p.m. Thank you.

(Whereupon, at 6:34 p.m. a recess until 7:47 p.m.)

CHAIRMAN HOOD: Okay. Good evening, ladies and gentlemen. Again, I want to apologize to you for us being late. I have a preliminary matter that I need to deal with first before we get into tonight's hearing.

As Chairperson of the Zoning Commission for the District of Columbia and in accordance with 405 and 406 of the District of Columbia Administrative Procedures Act, I move that the Zoning Commission hold closed meetings on January 9th and the 23rd of 2012 for the purpose of:

(1) Seeking legal advice from our

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1 counsel in deliberating upon Zoning Commission
2 Case No. 10-32, which is the Georgetown
3 University Campus Plan, and Zoning Commission
4 Case No. 11-07, which is the American
5 University Campus Plan, per DC Official Code
6 2-575(b)(4) and (13).

7 Is there a second?

8 COMMISSIONER MAY: Second.

9 CHAIRMAN HOOD: Will the Secretary,
10 please, take a roll call vote on the motion
11 before us now that has now been seconded?

12 MS. SCHELLIN: Yes. If the
13 Commissioners would, please, respond yes or
14 no?

15 Anthony Hood?

16 CHAIRMAN HOOD: Yes.

17 MS. SCHELLIN: Marcie Cohen?

18 COMMISSIONER COHEN: Yes.

19 MS. SCHELLIN: Peter May?

20 COMMISSIONER MAY: Yes.

21 MS. SCHELLIN: Commissioners

22 Schlater and Turnbull not present.

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1 CHAIRMAN HOOD: As it appears that
2 the motion has passed, I hereby give notice
3 that the Zoning Commission will hold closed
4 meetings on January 9th and the 23rd of 2012 at
5 4:30 p.m. in the Office of Zoning Conference
6 Room pursuant to the District of Columbia
7 Administrative Procedures Act.

8 A written copy of this notice will
9 be posted in the Office of Zoning, at this
10 time.

11 Ms. Schellin, do we have any
12 preliminary matters?

13 MS. SCHELLIN: No, sir.

14 CHAIRMAN HOOD: Okay. Let's move
15 right into this evening's case.

16 Again, I want to apologize to each
17 and everyone. Commissioner Cohen and I were
18 sworn in this evening by the Mayor, so I want
19 to apologize for us being a little tardy.

20 This is a Public Hearing of the
21 Zoning Commission of the District of Columbia
22 for Thursday, December 22, 2011.

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1 My name is Anthony Hood. Joining
2 me are Commissioners Cohen and May.

3 We are also joined by the Office of
4 Zoning staff, Ms. Sharon Schellin, and the
5 Office of Planning, Mr. Lawson.

6 This proceeding is being recorded
7 by a Court Reporter and is also webcast live.

8 Accordingly, we must ask you to refrain from
9 any disruptive noises in the hearing room.

10 The subject of this evening's
11 hearing is Zoning Commission Case No. 11-20.
12 This is a request by the Office of Zoning for
13 a Text Amendment to the Zoning Regulations to
14 make GIS Map the official Zoning Map.

15 Notice of today's hearing was
16 published in the DC Register on October 7,
17 2011 and copies of that announcement are
18 available to my left on the wall near the
19 door.

20 This hearing will be conducted in
21 accordance with the provisions of 11 DCMR 3021
22 as follows:

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1 Preliminary matters; presentation
2 by the Office of Zoning; report of the Office
3 of Planning; report of other Government
4 agencies; report of all the ANCs citywide;
5 organizations and persons in support;
6 organizations and persons in opposition.

7 The following time constraints will
8 be maintained in this hearing:

9 Office of Zoning 15 minutes,
10 possibly; organizations 5 minutes; individuals
11 3 minutes.

12 The Commission intends to adhere to
13 the time limits as strictly as possible.

14 The decision of the Commission in
15 this case must be based exclusively on the
16 public record.

17 Please, turn off all beepers and
18 cell phones, at this time, so as not to
19 disrupt these proceedings.

20 At this time, the Commission will
21 consider any preliminary matters.

22 Does the staff have any preliminary

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1 matters?

2 MS. SCHELLIN: No, sir.

3 CHAIRMAN HOOD: Okay. Mr. Nero,
4 first of all, let me thank you for your
5 service. Whenever I have called in my tenure
6 here on the Commission and asked you to step
7 in, you have always been willing and I want to
8 thank you for that. I think you are a great
9 leader in the city and I know the Mayor
10 concurs with me. And I'm sure my colleagues
11 do also. So we want to thank you for your
12 service and your staff that has worked under
13 your leadership.

14 I know we will be making a change
15 in January, but again, I wanted to publicly
16 thank you for your service and your continued
17 service to the city.

18 So, Mr. Nero, I really think the
19 record is complete, but I'll give you an
20 opportunity to tell me you want to stand on
21 the record.

22 MR. NERO: Yes, the record -- our

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1 report has been submitted and we will be happy
2 to stand on the record.

3 CHAIRMAN HOOD: Okay.
4 Commissioners, let's do this first. Do you
5 have any questions of Mr. Nero, who is
6 actually standing on the record? I think the
7 record is full and complete.

8 COMMISSIONER MAY: No, it's pretty
9 clear to me it's a pretty straightforward
10 matter.

11 CHAIRMAN HOOD: Okay. Mr. Lawson?
12 I'm sorry, Commissioner Cohen?

13 COMMISSIONER COHEN: No, I have no
14 questions.

15 CHAIRMAN HOOD: Okay. Mr. Lawson,
16 you see how things are going.

17 MR. LAWSON: Yes. I would like to
18 make a 50 minute presentation, if I may? No,
19 I'm just kidding.

20 CHAIRMAN HOOD: You're definitely
21 not my friend any more, but anyway, Mr.
22 Lawson, we'll turn it over to you.

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1 MR. LAWSON: Office of Planning, of
2 course, would be happy to stand on the record.
3 We recognize the benefits of this amendment
4 being proposed by the Office of Zoning and we
5 support it.

6 CHAIRMAN HOOD: Okay.

7 MR. LAWSON: Thank you.

8 CHAIRMAN HOOD: Great. Any
9 questions of the Office of Planning? Okay.

10 ANC-4A is here. Do they do cross-
11 examination of the Office of Planning?

12 MS. SCHELLIN: No, since it's a
13 Rulemaking, there are no parties, but, Ms.
14 Black is here for 4A.

15 CHAIRMAN HOOD: Oh, I see. Reports
16 of other Government agencies? We don't have
17 any, I don't think. Okay.

18 Report of ANCs. Ms. Black, if you
19 want to come forward? We have a letter here.

20 I think this is ANC-4A, the Chair, is this
21 Stephen Whatley? Stephen Whatley is the chair
22 and they have designated Ms. Black to present

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1 the ANC's position in protest at the December
2 22, 2011 hearing.

3 Okay. Good evening, Ms. Black.
4 You may begin when you are ready.

5 MS. SCHELLIN: I believe it's on
6 now.

7 MS. BLACK: I thank you for the
8 opportunity to offer comments on behalf of the
9 Advisory Neighborhood Commission 4A.

10 My name is Gale Baron Black and I
11 have been authorized to present this
12 testimony. I have also shared another copy of
13 the actual resolution that was passed on
14 December 6 by the ANC-4A.

15 Now, ANC-4A opposes the request for
16 a Text Amendment to designate as the official
17 Zoning Map the map that is drawn on the GIS,
18 Geographic Information System.

19 The Zoning Regulations, for us as
20 an ANC, are extremely important. They control
21 the land use, everything from height to
22 density to how much space there needs to be on

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1 a side yard.

2 Right now, we can rely on any
3 construction or changes that have been
4 proposed that they would be in conformance
5 with the existing Zoning Regulations and the
6 Zoning Map.

7 And we also understand, from the
8 information that over the years we have gotten
9 from you all, that the -- what is done here
10 has to be not inconsistent with the
11 Comprehensive Plan. That is required by
12 D.C.'s Home Rule Charter.

13 We believe that what is being
14 proposed right now has a number of drawbacks.

15 And let me just highlight a few.

16 One of the most significant is the
17 Office of Zoning is petitioning to repeal the
18 existing subsection which is Subsection 106.3.

19 And that subsection currently requires that
20 each page of the Atlas be certified as
21 correct, that it be initialed and any
22 amendments be dated, so that we would be able

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1 to know exactly what is going on.

2 I noticed that at the next table
3 there is a copy of the Zoning Map, the huge
4 written paper, that we often look at to tell
5 whether or not an area is an R-1 or an R-3
6 Zone and we can tell what kind of commercial
7 designation there is.

8 The Comprehensive Plan at -- and
9 there are a number of action items that I'm
10 outlining in my oral testimony, requires
11 certain steps that I think this proposal would
12 be inconsistent with, one being that we would
13 be given great weight in any deliberations
14 that you make involving land use.

15 And it is not enough for the
16 Executive Branch like the Office of Planning
17 to say oh, we see no inconsistency when you
18 are proposing not to require that there be a
19 certification that the maps are accurate.
20 Some of us in the room spent a lot of time on
21 the past -- for the Comprehensive Plan and
22 those policies are extremely important.

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1 We, at the ANC, look at variances
2 whether they be for special exceptions. We
3 have got some huge ones coming through,
4 whether it is Walmart, Walter Reed. We deal
5 with churches, embassies, group sites. And we
6 rely on the information that we can look to
7 the Zoning Commission for to get information.

8 In the oral testimony, I have
9 outlined some of the many subsections of the
10 Comprehensive Plan that we believe this
11 proposal would be inconsistent with.

12 One, for example, requires mixed-
13 use zones to provide usable recreation space.

14 How would we know if that is done? Childhood
15 -- child care and early development centers,
16 how would we know? Because we wouldn't be
17 provided the information that we get right now
18 or we are used to getting.

19 The city is supposed to undertake
20 revisions only to eliminate inconsistencies.
21 And before that is done, we are supposed to be
22 provided with a list of those inconsistencies

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1 where you think they are and why you are
2 proposing it, that's the responsibility that
3 is supposed to be shared between OP, OZ and
4 the ANCs. It is not happening in this case.

5 There is a proposal also over the
6 years to have a planning commission, so are we
7 saying that we are not going to do that? We
8 are just going to -- whatever is on the ground
9 gets locked in and that's the official Zoning
10 Map?

11 Perhaps we are misunderstanding
12 what you are doing, but it clearly has not
13 been presented to the ANCs in a way that we
14 feel we could embrace. And we are counting on
15 the city to ensure consistency with the
16 existing regulations, consistency with the
17 Comprehensive Plan and that all of the rules,
18 especially those that require public input be
19 followed.

20 The fact that I am the only ANC --
21 we are the only ANC here in a town that has as
22 many very active civic and citizen

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1 organizations should tell you something, that
2 you are not getting the kind of input that I
3 think you need.

4 So we ask that you consider our
5 opposition, please, and that this be made a
6 part of the record and that you not approve
7 this until you actually have a chance to hear
8 from more than just ANC-4A.

9 We, as the resolution points out,
10 cover Crestwood, Shepherd Park, 16th Street
11 Heights, Brightwood. These are low density,
12 primarily low density residential areas. And
13 we have 16,000 residents. We felt very
14 strongly about this. It was passed
15 unanimously.

16 So for that reason we ask for
17 consideration of our request. Thank you.

18 CHAIRMAN HOOD: Commissioner Black,
19 I want to thank you for coming down and
20 providing testimony. And I think there may be
21 some mix-up to some degree, but I'm going to
22 let Mr. Nero and Mr. Nyambi explain a little

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1 more.

2 And, typically, a lot of time when
3 the room is empty, that means people like it.

4 That's what I have seen. Now, it can go both
5 ways and I agree with you, we have worked very
6 hard on the -- I was a Task Force Member of
7 the Comprehensive Plan, so you know I know I
8 spent those nights along with the nights that
9 I spend here, so, you know, your points and
10 your comments are well-taken.

11 But when I look at the map, I don't
12 know if that's the last map that has Carol's
13 name on it or my name on it. I hope it's not
14 the one with my name as the Chairperson.

15 MR. NERO: Carol is.

16 CHAIRMAN HOOD: Carol was the
17 chair, at that time, because that was the one
18 after me. That map right there is probably so
19 outdated and the problem is -- and you know
20 what, really, I'm not going to present the
21 Office of Zoning's case. I'm going to be
22 quiet. I'll come back at the back end of it.

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1 I'm going to let the folks who do
2 the work on the map do the explanation,
3 because I think an explanation -- you deserve
4 an explanation. And I'm not sure if it's
5 going to be you, Mr. Nero, or Mr. Nyambi
6 Nyambi.

7 MR. NERO: We can both speak.

8 CHAIRMAN HOOD: Both of you. So
9 I'll start with you. I'll turn it over to
10 you.

11 MR. NERO: Okay. And we have read
12 the ANC's resolution. And since 2002,
13 actually, OZ has done a tremendous amount of
14 outreach to the community, including to ANCs.

15 Besides the regular notice to proceed at this
16 hearing tonight, we invited the community,
17 including all of the ANCs in 2009, to an
18 official launching of the Electronic Zoning
19 Map, that was quite an undertaking.

20 The Mayor was there, all the ANCs.

21 Since that time, it was put up on our website
22 and has been used consistently since that

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1 point. And we have gotten feedback from
2 several of the ANCs over the years.

3 You mentioned the paper map. With
4 the publication of the electronic map, the
5 sales of the paper map dropped off
6 drastically. Basically, because that map was
7 obsolete the minute it was published, because
8 it is not updated on a regular basis, as is
9 the electronic map. That's one of the great
10 selling points of our map.

11 Over the last year, OP traveled to
12 each ward in the city and conducted our Zoning
13 101 Outreach to each of the ANCs and we
14 showcased the map and its ability at each one
15 of those forums. The one in Ward 4 was held
16 at Tacoma Park Library. I forgot the date,
17 but it was in late summer.

18 The section in the Zoning
19 Regulations that speaks to certification of
20 the map by the OZ Director is reference to a
21 one-time event that happened transferring the
22 old 1958 -- the old map that predated the '58

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1 Base Book and, at that point, it was required
2 that we, that the city, that the Office of
3 Zoning certify that that transfer occurred and
4 that the Base Book was updated to reflect the
5 Zoning Map, at that time.

6 Since that point, those
7 certifications never happened again.

8 CHAIRMAN HOOD: Can I just
9 interrupt? You said that this -- would the
10 Office of -- let me just ask this question.

11 Would the Office of Zoning be
12 willing to go to ANC-4A or have ANC-4A come
13 down here and do a presentation to those
14 Commissioners? And I'll tell you why. When
15 you mentioned late summer, I saw Ms. Black's
16 head do like this.

17 And everybody knows in this city,
18 and I have said this a thousand times up here
19 and I don't know what the schedule was like,
20 but if you ever want to do something in the
21 city that we are not going to know, do it in
22 the late summer or do it around the holiday

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1 season.

2 MS. BLACK: Yes.

3 CHAIRMAN HOOD: And I saw your
4 reaction, Commissioner Black, but I wanted to
5 say it before you did, because I want you to
6 know that we are aware of that. And I'm sure
7 that this office -- I don't know when they
8 went out, but I'm sure that this Office of
9 Zoning is very amenable.

10 MS. BLACK: Yes.

11 CHAIRMAN HOOD: They will come out.

12 And the key is, we make rulings up here twice
13 a week. And then when the order is done and
14 complete and it goes out, that map changes a
15 lot. What you get there, you all use that and
16 we have already made -- we may have made a map
17 amendment or we may have made a change. And
18 what you are going to get once Mr. Nyambi
19 Nyambi comes out or you all come in, what you
20 are going to get is more accuracy.

21 I don't know the time frame or
22 anything, but you are going to get more

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1 accuracy of the changes. And I think that's a
2 benefit. But I didn't mean to cut you off,
3 but I wanted to get there before Commissioner
4 Black did.

5 MR. NERO: That's okay. I wanted
6 to correct that late summer. It was actually
7 June 6th. 7th, thank you.

8 CHAIRMAN HOOD: Okay. Well, June
9 is all right. Now, I can see July and August.
10 Can we agree on that, Commissioner Black?
11 July and August, you know, we --

12 MS. BLACK: We definitely would
13 agree July and August is --

14 CHAIRMAN HOOD: Okay.

15 MS. BLACK: -- almost as bad as
16 December 22nd, but we would see the one -- the
17 updates in paper form.

18 MR. NYAMBI: If you don't mind, I
19 just want to add that in my -- that what we
20 are looking at over there was created in 2003.
21 And that map was an extract from the GIS Map.
22 So we created the first GIS Map in 2000.

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1 And upon the request of the Chair,
2 at that time, there was that need to have a
3 printed version of the map and we printed that
4 extract. And as we are going to make the GIS
5 Map the official map, we are going to continue
6 to producing the GI -- I mean, the map extract
7 exactly the same as that.

8 You can print it. You can look at
9 it on-line. And you can get a paper version
10 of it. So we are not -- there is nothing we
11 are doing differently than what we have been
12 doing in the past. It's -- all we are doing
13 is transferring the medium that we produced,
14 that we keep the information from the Base
15 Books to the GIS environment.

16 But the basic tenets of the map are
17 going to stay exactly the same.

18 COMMISSIONER MAY: Okay. Actually,
19 I have a couple of questions based on the
20 testimony. It has brought up for me some --
21 if you don't mind my asking now?

22 The way things work right now, the

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1 official map is it a paper map that is held
2 somewhere in your office?

3 MR. NYAMBI: Yes, it's the Base
4 Map. It's a picture of it in our report.

5 COMMISSIONER MAY: Okay. So and
6 then on-line you have a GIS version of that
7 that is an unofficial version, in essence,
8 right?

9 CHAIRMAN HOOD: Mr. Nero, pull your
10 mike up and make sure the green light is on.
11 I know you're an expert at that.

12 MR. NERO: Used to be. Now, I'm
13 getting back at it.

14 That is correct.

15 COMMISSIONER MAY: Okay.

16 MR. NERO: Yes.

17 COMMISSIONER MAY: So I mean, there
18 is a certain comfort in knowing that there is
19 one place and a piece of paper, because it's
20 hard to change a piece of paper without
21 leaving tracks, if you will.

22 And I think that one of the

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1 concerns that this does raise for me is that
2 somebody could actually go in and manipulate
3 this electronically and it would wind up --
4 you know, it could be changed tomorrow and not
5 be detected for five years. And how are you
6 ever going to figure out what happened and
7 when?

8 So how do you prevent somebody
9 either accidentally or perhaps deliberately
10 changing the electronic information and making
11 sure that you have, you know, some sort of
12 tracking? I mean, are you going to do -- I
13 mean, tell me how you are going to make sure
14 that it stays how it is and that any changes
15 are appropriately tracked.

16 MR. NERO: Sure. Yes.

17 MR. NYAMBI: The system as it is
18 now that holds the data that creates the map,
19 has currently -- the only person that has
20 access to that map will be me. And, up until
21 recently, we had another employee, you know,
22 who was actually doing the changes when the

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1 Zoning Commission acts on any of the
2 amendments.

3 COMMISSIONER MAY: Yes.

4 MR. NYAMBI: That will continue.
5 The old system that we had, the way it
6 happened was that when there is an amendment,
7 the Base Books were changed by hand and they
8 were drawn in pencil.

9 COMMISSIONER MAY: Yes.

10 MR. NYAMBI: So anybody -- the
11 security of that was that anybody in the
12 Office of Zoning or anybody who came into the
13 Office of Zoning could go into the Base Book
14 because the Base Books are available to
15 everybody, to the public.

16 COMMISSIONER MAY: Okay. You're
17 not making me feel any better.

18 MR. NYAMBI: Okay.

19 COMMISSIONER MAY: I want to know
20 that the future is going to be better than
21 whatever system we have.

22 MR. NYAMBI: The future will be

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1 much better in that because that map is going
2 to be in a much more secure environment.

3 COMMISSIONER MAY: Yes.

4 MR. NYAMBI: And what we will be
5 publishing to the public as an extract will be
6 just that, an extract. And you -- they are
7 not going to be changed. The --

8 COMMISSIONER MAY: Okay. So --

9 MR. NYAMBI: -- map itself, the GIS
10 Map itself that we will be putting out also
11 that will be facing the public and you will --
12 outside of the Office of Zoning can view it,
13 it has protections that do not allow anybody
14 to get in to make any such changes, unless
15 those changes are coming through me or
16 somebody else that is designated to do that.

17 COMMISSIONER MAY: Okay. I'm not
18 totally satisfied by that answer.

19 Can you tell me, the extracts that
20 you will be producing, I mean, is it
21 essentially going to be a book like that?

22 MR. NYAMBI: Yes.

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1 COMMISSIONER MAY: Okay. And so
2 are those going to be produced on a periodic
3 basis or any time there is a change?

4 MR. NYAMBI: Those extracts --
5 these books in the past under the Zoning
6 Commission's Rules to create Summary Zoning
7 Maps, in the past, they were done once every
8 10 years.

9 COMMISSIONER MAY: Right. Okay.

10 MR. NYAMBI: They will be producing
11 that same extract once every quarter.

12 COMMISSIONER MAY: Okay. So and
13 those will be archived materials? Those will
14 be official records of the Government and so
15 they will be treated like other official
16 records and paper copies will be kept, if
17 that's what is required, or electronic copies
18 will be kept?

19 MR. NYAMBI: Electronically kept,
20 yes.

21 COMMISSIONER MAY: Okay. So you
22 have electronic record keeping now?

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1 MR. NYAMBI: Yes, sir.

2 COMMISSIONER MAY: Okay. So in any
3 case, there will be an official Government
4 record of this?

5 MR. NYAMBI: Yes.

6 COMMISSIONER MAY: That will be,
7 you know, basically like printing out the
8 whole map every --

9 MR. NERO: At that point in time.

10 COMMISSIONER MAY: -- three months?

11 MR. NYAMBI: Yes.

12 COMMISSIONER MAY: Okay. So that
13 gives me some comfort knowing that if, in
14 fact, something does happen to the system,
15 because, you know, even if it's only you
16 making the changes, I mean, first of all,
17 you're not going to be doing that job forever.

18 Secondly, with electronic systems, you know,
19 you always live in fear that somebody could,
20 in fact, break into it somehow.

21 So even if we are totally convinced
22 that it is absolutely safe, it's still

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1 possible that there could be bad data in
2 there.

3 In fact, I have myself encountered
4 bad data in the Zoning Map in the past and I
5 think it was corrected as a result of what I
6 found. And it wasn't anything malicious or
7 anything, it was just something was entered
8 incorrectly.

9 So anyway, knowing that there is a
10 record there and that that will always be
11 there, I think actually does give me some
12 comfort.

13 One last question I have for you is
14 who is actually -- the control of this data
15 will remain completely in the Office of
16 Zoning? It will not be given over to OCTO or
17 their GIS Program?

18 Now, they will be able to pull your
19 information into their system, right, or they
20 do now?

21 MR. NYAMBI: As a citywide effort,
22 we all share data through OCTO. And but the

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1 Office of Zoning controls what is the Office
2 of Zoning's data. And we have total control
3 over that. But we do allow a read-only access
4 for that data from other agencies.

5 COMMISSIONER MAY: All right.
6 Thanks. That's -- oh, I did want to make a
7 suggestion actually in terms of how we proceed
8 from here, since ANC-4 --

9 MS. BLACK: A.

10 COMMISSIONER MAY: -- A, thank you.
11 I'm sorry, there's so many ANCs, I can't keep
12 everybody straight.

13 ANC-4A has concerns about this and
14 the Chairman already suggested that the Office
15 of Zoning staff would make a presentation to
16 them and explain everything. Actually, I
17 think it would be beneficial for us, too, you
18 know, in how we proceed here for that
19 presentation to occur and then for us to leave
20 the record open tonight for a supplementary
21 report or a follow-on report from 4A, based on
22 having gotten that presentation.

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1 MR. NERO: We would be more than
2 happy to do that.

3 COMMISSIONER MAY: Okay.

4 CHAIRMAN HOOD: Okay. Any other
5 questions up here? Anyone? Okay.
6 Commissioner Black, since you are the only one
7 that is, I believe, here to testify, will that
8 suit some of the needs of 4A, at least, to
9 have a presentation and to have more
10 explanation? Have a one-on-one especially for
11 4A in understanding exactly what is taking
12 place and how it's taking place?

13 Either they come out there or it
14 will probably benefit you all to come down
15 here. I'm not sure. Yes, because we are all
16 set up down here.

17 MS. BLACK: It will address some of
18 the concerns. I still have a concern in terms
19 of bad data or that what is shown is
20 inconsistent with the official use.

21 As an example, right now, Broad
22 Branch Road is closed. So if you are looking

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1 from on high, if I'm understanding this, I'm
2 not sure how would that be captured? Would it
3 be still reflected officially as an open road
4 or how are you going to look at it?

5 I know with -- we have had this
6 issue before where things just suddenly get
7 changed without going through the official
8 process in D.C. and that's just a current
9 example of one.

10 MR. NYAMBI: We had -- as I said
11 earlier that we work in a very collaborative
12 environment in the city to produce all of the
13 city's maps. We control zoning data only
14 period.

15 The Office of the City Surveyor and
16 other agencies that have to do with roads,
17 they control closed roads and they do all the
18 mapping for that. We just use the Base Maps
19 to overlay zoning information.

20 CHAIRMAN HOOD: Right. The zoning
21 is going to be the same for that area, unless
22 we make a change.

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1 MS. BLACK: Okay.

2 CHAIRMAN HOOD: If Broad Branch is
3 closed, I don't know if DDOT does anything on
4 the GIS system. I don't know what they do or
5 who all does it.

6 MS. BLACK: Yes.

7 CHAIRMAN HOOD: But as Mr. Nyambi
8 mentions, someone makes that notification.
9 There is some -- and I think that -- it will
10 be good for them, for you all to come down and
11 have a one-on-one with the Office. I want you
12 to have a comfort level, as my colleagues up
13 here want you to do, before we move forward,
14 because at the end of the day, this is the way
15 things are moving.

16 And we want to make sure that our
17 residents, especially those Commissioners that
18 work hard like you and others, have a comfort
19 level.

20 MS. BLACK: Okay. I appreciate it.
21 Thank you.

22 CHAIRMAN HOOD: Okay. Any other

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1 questions? Did the Office of Zoning want to
2 make any other closing remarks? Okay. No
3 other remarks. Okay. Great, great.

4 Ms. Schellin, is there anything
5 else? Do you want to give us a schedule? The
6 gentleman in the back is a friend of mine. He
7 won't be testifying.

8 MS. SCHELLIN: Okay.

9 COMMISSIONER COHEN: But anyway --

10 MS. SCHELLIN: All right.

11 CHAIRMAN HOOD: -- he is actually
12 waiting on me.

13 MS. SCHELLIN: Oh, okay. Good.

14 CHAIRMAN HOOD: Is there anyone
15 else in the audience who would like to testify
16 on this case? Actually, the gentleman in the
17 back is the reason I'm here.

18 MS. SCHELLIN: Oh, he is?

19 CHAIRMAN HOOD: Yes, he is. He
20 worked, at that time, Mayor Marion Barry, and
21 he is one of the reasons I'm here.

22 Okay. Anyone else want to testify?

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1 Not hearing any. Any other comments,
2 colleagues?

3 COMMISSIONER COHEN: No.

4 CHAIRMAN HOOD: Okay. So I guess
5 we want to end.

6 Ms. Schellin, do you want to give
7 us a schedule?

8 MS. SCHELLIN: Oh, I wanted to ask
9 Mr. Nero and Mr. Nyambi if they wanted, since
10 Ms. Black is here, to go ahead and set a date
11 for the ANC to come here for the presentation?

12 I have my calendar if you want to take a look
13 at it to pick a date?

14 And then we can decide when we
15 could take this up for proposed action, if
16 they could just -- because I'm thinking since
17 she is here, she will have that information to
18 take back to her ANC.

19 CHAIRMAN HOOD: When is the next
20 time you all meet?

21 MS. BLACK: We meet on the first
22 Tuesday of each month.

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1 MS. SCHELLIN: Okay.

2 CHAIRMAN HOOD: The first Tuesday.

3 MS. SCHELLIN: That's the 3rd.

4 CHAIRMAN HOOD: The 3rd.

5 MS. BLACK: The 3rd of January.

6 CHAIRMAN HOOD: She may have to
7 mention that to them at the meeting. I'm not
8 sure.

9 MS. BLACK: Yes.

10 MS. SCHELLIN: Okay. Chairman
11 Hood? Okay. Chairman Hood and Commissioners
12 Cohen and May, they have come up with a
13 scheduled time of January 11, 2012 at 11:00
14 a.m. for ANC-4A to have a presentation here in
15 this same room.

16 And if we do that, then we can put
17 this on our January 30th agenda for
18 consideration for proposed action.

19 CHAIRMAN HOOD: Okay. Are we all
20 on the same page?

21 I want to thank everyone for their
22 participation tonight.

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1 MS. SCHELLIN: And, Chairman Hood,
2 do you want to leave the record open after
3 that, they have their presentation for Ms.
4 Black, to follow-up?

5 CHAIRMAN HOOD: We are only going
6 to leave the record open for ANC-4A.

7 MS. SCHELLIN: Only for 4A, that's
8 what I meant.

9 CHAIRMAN HOOD: I think that's --

10 MS. SCHELLIN: Until how about one
11 week later, January 18th, one week after the
12 meeting.

13 MS. BLACK: I'm hesitating only
14 because anything we do is supposed to be in a
15 public meeting.

16 MS. SCHELLIN: Right.

17 MS. BLACK: But --

18 MS. SCHELLIN: But since you know
19 now and you are having your meeting, maybe you
20 can schedule a little special meeting right
21 after the presentation or something --

22 CHAIRMAN HOOD: They may --

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1 MS. SCHELLIN: -- since you have
2 advance notice.

3 CHAIRMAN HOOD: -- give you -- if
4 you ask for the meeting on the 3rd and ask them
5 to give you a committee or whatever, however
6 you all work it, the flexibility to make or
7 write a submission to us, you may want to ask
8 for it on the 3rd.

9 MS. BLACK: Okay.

10 CHAIRMAN HOOD: That may help you
11 out some.

12 MS. SCHELLIN: And then --

13 CHAIRMAN HOOD: If not, we have to
14 wait until February.

15 COMMISSIONER MAY: Yes, I mean, is
16 there a real rush? I mean, why don't we let
17 them just take it up at their February
18 meeting? It's the first Tuesday in February
19 and then we would take it up at our next -- at
20 our first meeting in February. That would put
21 us off just two weeks from the schedule you
22 are talking about and they would be able to

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1 have a discussion at their next regular ANC
2 meeting.

3 CHAIRMAN HOOD: Our first meeting
4 in February is the third week, right, or is it
5 the --

6 MS. SCHELLIN: It's the 13th.

7 CHAIRMAN HOOD: Oh.

8 COMMISSIONER MAY: Yes.

9 CHAIRMAN HOOD: I thought it was
10 the third week. Okay.

11 MS. SCHELLIN: It's just that if
12 they don't take it up until the 7th, it makes
13 it tight for us to get it in the package. You
14 are not going to get it.

15 COMMISSIONER MAY: I can't imagine
16 it's going to be so lengthy that we couldn't
17 just --

18 MS. SCHELLIN: Okay.

19 COMMISSIONER MAY: -- read it on
20 the night of.

21 MS. SCHELLIN: That's up to you.

22 COMMISSIONER MAY: Yes.

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1 CHAIRMAN HOOD: Okay. So why don't
2 we do this? I agree with Commissioner May.
3 Let's -- I mean, we have one ANC, let's do all
4 we can to make sure they have a comfort level,
5 which I'm sure they will.

6 MS. SCHELLIN: Can we ask Ms. --

7 CHAIRMAN HOOD: I'm hoping you
8 will.

9 MS. SCHELLIN: -- Black how soon
10 you could get your report in after the
11 February 7th meeting? How long does it usually
12 take you, just so we can set a date?

13 MS. BLACK: Um, this is a unique
14 situation, but it shouldn't take us very long.

15 MS. SCHELLIN: Okay. How about the
16 10th, that Friday?

17 MS. BLACK: The 10th of February?

18 MS. SCHELLIN: Yes.

19 MS. BLACK: Okay. All right.

20 CHAIRMAN HOOD: Let me just ask
21 this, how long have we been using this map as
22 the unofficial map?

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1 MS. SCHELLIN: Mike. Turn your
2 mike on.

3 MR. NERO: Since 2002.

4 CHAIRMAN HOOD: 2002? Okay.
5 That's a long time. Okay.

6 MS. SCHELLIN: Okay.

7 CHAIRMAN HOOD: All right.

8 MS. BLACK: In the presentation,
9 would you -- I mean, I think one of the
10 questions we all would have is why that
11 subsection is being dropped. I mean, it seems
12 kind of like basic.

13 And so in your presentation to us,
14 can you explain why? Thank you.

15 CHAIRMAN HOOD: Okay. So we are
16 all on the same page. We will be dealing with
17 this at one of our meetings in February.

18 MS. SCHELLIN: Right. January 11th
19 for the presentation at 11:00 a.m. And I'm
20 going to leave it to Ms. Black to let her
21 Commissioners know that.

22 February 10th for the ANC to

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1 provide any feedback, if they choose to do so,
2 that's Friday after their meeting in February.

3 And then we can consider it at our
4 February 13th meeting.

5 CHAIRMAN HOOD: Okay. Is there
6 anything else before us tonight?

7 MS. SCHELLIN: That's it.

8 CHAIRMAN HOOD: Okay. I want to
9 thank everyone for their participation tonight
10 and this hearing is adjourned.

11 (Whereupon, the Public Hearing was
12 concluded at 8:21 p.m.)

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