

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 Eliminate : Case No.
 the Certificate of Occupancy : 07-24
 Requirement for CBRFs Housing:
 Six or Less Persons with :
 Disabilities :
 -----+

Thursday,
November 8, 2007

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

The Public Hearing of Case No.
07-24 by the District of Columbia Zoning
Commission convened at 6:30 p.m. in the
Office of Zoning Hearing Room at 441 4th
Street, N.W., Washington, D.C., 20001,
Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD Chairperson
- GREGORY N. JEFFRIES Vice-Chairperson
- JOHN PARSONS Commissioner (NPS)
- MICHAEL G. TURNBULL Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

MATT JESICK
JENNIFER STEINGASSER

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Public Hearing held on November 8, 2007.

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

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Anthony J. Hood 35

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

2 6:39 p.m.

3 CHAIRPERSON HOOD: Good evening,
4 ladies and gentlemen. This is a Public
5 Hearing of the Zoning Commission of the
6 District of Columbia for Thursday, November 8,
7 2007. My name is Anthony J. Hood. Joining me
8 this evening is Vice Chairman Greg Jeffries,
9 Commissioner John Parsons and Commissioner
10 Mike Turnbull. We're also joined by the
11 Office of Zoning Staff, Ms. Sharon Schellin,
12 OAG, and the Office of Planning. They will
13 introduce themselves at the appropriate time.

14 These proceedings are being
15 recorded by a court reporter and it's also
16 webcast live. Accordingly, we must ask you to
17 refrain from any disruptive noises or actions
18 in the hearing room.

19 The subject of this evening's
20 hearing is Zoning Commission Case No. 07-24.
21 This is a request by the Office of Planning
22 for text amendments to the Zoning regulations.

1 Notice of today's hearing was published in the
2 D.C. Register on September 28, 2007, and
3 copies of this announcement are available to
4 my left, on the wall bin near the door. The
5 hearing will be conducted in accordance with
6 provisions of 11 DCMR 3021, as follows:
7 preliminary matters; presentation by the
8 petitioner; report of other Government
9 agencies; report of the ANCs; organizations
10 and persons in opposition; organization and
11 persons in -- I'm sorry, in support; and
12 organizations and persons in opposition.

13 The following time constraints
14 will be maintained in this hearing:
15 organizations five minutes, individuals three
16 minutes. The Commission intends to adhere to
17 the time limits as strictly as possible, in
18 order to hear the case in a reasonable period
19 of time.

20 All persons appearing before the
21 Commission are to fill out two witness cards.
22 These cards are located to my left on the

1 table near the door. Upon coming forward to
2 speak to the Commission, please give both
3 cards to the reporter sitting to my right, and
4 take a seat at the table. When presenting
5 information to the Commission, please turn on
6 and speak into the microphone, first stating
7 your name and home address. When you are
8 finished speaking, please turn your microphone
9 off so your microphone is no longer picking up
10 sound or background noise.

11 The decision of the Commission, in
12 this case, must be based exclusively on the
13 public record. To avoid any appearance to the
14 contrary, the Commission requests that persons
15 present not engage the members of the
16 Commission in any conversation during the
17 recess or at any other time. The Staff will
18 be available throughout the hearing to discuss
19 procedural questions.

20 Please turn off all beepers and
21 cell phones, at this time, so as not to
22 disrupt these proceedings. At this time, the

1 Commission will consider any preliminary
2 matters. Does the Staff have any preliminary
3 matters?

4 MS. SCHELLIN: No, sir.

5 CHAIRPERSON HOOD: Okay. Then we
6 will turn to the Office of Planning.

7 MS. STEINGASSER: Chairman,
8 Commissioners, the Office of Planning is
9 proposing a text amendment to clarify that a
10 Certificate of Occupancy is not required for
11 a single family dwelling of six or fewer
12 people with disabilities. The purpose of the
13 case is explained in our report.

14 The Department of Justice has
15 filed a suit against the District, claiming
16 that we've violated the Fair Housing Act by
17 having this discrepancy within the Certificate
18 of Occupancy provisions of the Building Code
19 in the Zoning Regulations. And we're
20 proposing to clarify that through this text
21 amendment.

22 CHAIRPERSON HOOD: Thank you, very

1 much, Ms. Steingasser. Do we have any
2 questions? Any questions? Okay. I think
3 it's pretty straight forward. Do we have --
4 okay. Let me wait for the -- do we have
5 anybody who's here to testify in support? And
6 this is the first case. Again, we have two
7 cases tonight. This is Zoning Commission Case
8 No. 07-24, a text amendment to eliminate the
9 Certificate of Occupancy requirement for CBRS
10 housing six or fewer persons with
11 disabilities. Do we have anyone here to
12 testify in support? Organizations or parties
13 in support?

14 Or do we have anyone --
15 organizations or persons in opposition? Okay.
16 If you could just -- I don't have the list
17 right now and I'm trying to save a little
18 time. So, if you could just come forward to
19 the table, those in opposition? Those in
20 opposition, if you could just come to the
21 table? So, when I get the list, I'm sure
22 there's three names on the list?

1 MS. SCHELLIN: Four.

2 CHAIRPERSON HOOD: Four? Okay.

3 Now, I'm going to mess this first name up, and
4 I've had it before. Let's see, Acquanetta --
5 I'm sorry?

6 (Whereupon, comments made from a
7 person or persons off-mike.)

8 CHAIRPERSON HOOD: No. I haven't
9 got there. I don't think I would have messed
10 that up. I think -- but thank you for helping
11 me. Ms. Acquanetta Anderson, Jourdinia Brown,
12 and Gertrude Jones. So the first name I have
13 is T.A. Ugdah. I'm messing it up. The more
14 I say it, the more I mess it up. Ugdah.
15 Ugdah. Okay. I'll call for that once we've
16 finished.

17 I'm going to ask Ms. Anderson if
18 she could proceed. If you'd turn your
19 microphone on and proceed? And, after you've
20 finished, you can hold your seat and finish
21 filling out your witness cards.

22 MS. ANDERSON: Okay.

1 CHAIRPERSON HOOD: And you'll have
2 three minutes.

3 MS. ANDERSON: Good evening,
4 Chairman and members of the Committee. I
5 appreciate this opportunity to share with the
6 Committee my objections and why this Committee
7 should not change 11 DCMR Section
8 201.100N330.5I.

9 CHAIRPERSON HOOD: Ms. Anderson,
10 just pull your mike down so you can talk right
11 in it so we can hear. Thank you.

12 MS. ANDERSON: Thank you. I'm
13 sorry. My name is Acquanetta Anderson and I
14 am a former Advisory Neighborhood Commissioner
15 and a Ward IV activist. I would like to thank
16 the Committee for this opportunity to testify
17 on the proposed amendments to 11 DCMR. I also
18 comment the Commission for taking a
19 comprehensive approach in tackling the
20 challenge of meeting the housing and other
21 needs of the elderly and disabled persons.

22 My presentation will, by

1 necessity, be a -- be a brief concept outline
2 of potential problems and solutions. Number
3 one, the Fair Housing laws of the United
4 States, most notably Title VII of the Civil
5 Rights Act of 1968, as amended, prohibits --
6 prohibits discrimination in housing and
7 housing related transactions on the basis of
8 race, color, national origin, religion, sex,
9 disability, or against families with children.
10 Number two, Certificate of Occupancy
11 requirements in assisted living.

12 Currently, the Zoning regulations
13 require C of Os for all uses except for one
14 family dwellings. The Office of Zoning has
15 been asked by the Office of Planning to
16 eliminate the requirement that a Certificate
17 of Occupancy be obtained for a -- community
18 based residential facilities which houses six
19 or fewer unrelated persons with disabilities.

20 I respectfully object to the
21 recommendations by the Office of Planning to
22 eliminate the C of O requirements. As a

1 matter of fact, in the State of New York
2 approaches assisted living as a service option
3 in existing housing. In New York, assisted
4 living programs must hold a license as an
5 adult home or enriched housing program, and a
6 license as a licensed home care serve agency
7 or a certified home healthy -- health agency
8 or a long term home health care agency. Adult
9 homes and enriched housing programs are both
10 licensed under the state's Adult Care Facility
11 regulations. Both the models serve five or
12 more people and provide long term residential
13 care, room, board, housekeeping, personal care
14 and supervision. Adult homes represent the
15 state's Board and Care model, while enriched
16 housing programs operate in community
17 integrated settings resembling independent
18 housing units.

19 In keeping the current C of O
20 requirement, in my opinion, does not violate
21 the Fair Housing laws at the Federal level.
22 But the recommendation by the Office of

1 Planning would violate the Federal Assisted
2 Living laws your providers received --

3 CHAIRPERSON HOOD: Can I get your
4 closing sentence, and do we have your
5 testimony?

6 MS. ANDERSON: My -- my
7 recommendations, shortly, is that I recommend
8 that if this Commission decides to move
9 forward and to amend 11 DCMR Section 201...,
10 I recommend that this be added to a clause.
11 The clause -- the added clause should read,
12 which does not accept state or Federal funds,
13 would comply with Assisted Living Federal
14 laws. The law says that if anyone receives
15 state or Federal funds, that they must have a
16 license.

17 And I would like to thank you for
18 your support. I would like to thank the
19 Justice Department for their recommendation in
20 observing the -- in continuing to move to
21 protect our fair housing.

22 CHAIRPERSON HOOD: Okay. Can you

1 hold your seat, Ms. Anderson? Ms. Brown?

2 MS. BROWN: I'm Jourdinia --

3 CHAIRPERSON HOOD: Can you turn
4 your microphone on, Ms. Brown?

5 MS. BROWN: I don't know how to
6 turn it on.

7 CHAIRPERSON HOOD: Just hit the --
8 there we are, right there.

9 MS. BROWN: Okay. I am Jourdinia
10 S. Brown, 7820 14th Street NW, Washington,
11 D.C. Good evening. I want to thank you for
12 this opportunity to testify in opposition to
13 DCMR Title 11, text amendment to eliminate the
14 Certificate of Occupancy requirements for
15 community based residential facilities housing
16 six or less persons with disabilities.

17 When I read Title 11, it was very
18 troubling to me because this legislation has
19 been passed as an emergency. And it appears
20 to be eliminating a layer of protection for
21 our most vulnerable citizens, the elderly,
22 adolescents, and mentally challenged.

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1 In communicating with the Zoning
2 Administration, I was informed of the reason
3 for their actions, namely the U.S. Department
4 of Justice alleging that the Certificate of
5 Occupancy requirement for residents who have
6 disabilities is discriminatory because the
7 same requirement is not required for a group
8 of traditional families.

9 It is difficult for me to
10 understand the equating of a group of
11 physically and mentally challenged groups of
12 unrelated individuals -- unrelated individuals
13 called a family with the traditional family.
14 In my opinion, it is just incredible,
15 irresponsible, and exceedingly egregious.

16 It seems as if money, power,
17 influence and being politically connected have
18 become the principal priorities of too many of
19 our Government officials and employees, rather
20 than the welfare of our District citizens.
21 This has resulted in unscrupulous developers,
22 investors, and businesses making huge profits

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1 at the expense of District citizens. They
2 seem to be more influential in making,
3 defining, and amending laws than some of our
4 elected representatives and citizens.

5 Rather than eliminating the
6 Certificate of Occupancy for community
7 residential facilities based on alleged
8 discrimination, it may be better to require
9 Certificates of Occupancy for all residential
10 dwellings, including those of traditional
11 families, in the future.

12 CHAIRPERSON HOOD: Ms. Brown,
13 hopefully, that was your closing thought?

14 MS. BROWN: No.

15 CHAIRPERSON HOOD: You had three
16 minutes.

17 MS. BROWN: I just --

18 CHAIRPERSON HOOD: Well, let me
19 ask you this, do you have a copy of your
20 testimony? Do you have copies to provide us?

21 MS. BROWN: I don't have the
22 extras.

1 CHAIRPERSON HOOD: Let me just --
2 make your closing thought.

3 MS. BROWN: Many ANCs, as well as
4 other citizens complained about what existed,
5 beginning in the early '90s, with community
6 based facilities. We had people who came into
7 the community to make investments -- unwise
8 investments for our -- to provide housing for
9 our less fortunate people. And instead of
10 supervising the dwellings for these
11 unfortunate or disabled students -- or -- or
12 adults, we left them on their own. And many
13 of them were physically abused and mentally --
14 mentally abused. And some even died because
15 of lack of adequate care.

16 CHAIRPERSON HOOD: Ms. Brown, I'm
17 going to have to --

18 MS. BROWN: -- and this --

19 CHAIRPERSON HOOD: -- I'm going to
20 have to --

21 MS. BROWN: Okay.

22 CHAIRPERSON HOOD: I hate to cut

1 you off. You're singing to me and I hate
2 that, but I'm going to have to cut you off.
3 And, hopefully, you can provide us your
4 testimony. The same thing, Ms. Anderson, if
5 you could do the same thing. But let's give
6 Ms. Jones a chance.

7 CHAIRPERSON HOOD: You have three
8 minutes, Ms. Jones.

9 MS. JONES: Okay. Thank you.
10 Good evening. Thank you for this opportunity
11 to speak. My name is Gertrude L. Jones. I
12 reside at 800 Hemlock Street NW, Washington,
13 D.C. I represent Concerned Neighbors, Inc.,
14 the North Tacoma community, and Ward IV.

15 I simply want to say that we are
16 in opposition of the amendment because I site
17 the Washington Post, from the article May 31,
18 2006, "Abuse, Deaf, and DC Group Homes." The
19 disabled were, according to this article and
20 the confirmation of it, were abused
21 physically, mentally, emotionally; tortured;
22 starved; you name it, it occurred. And

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1 eventually, several deaths occurred.

2 Because of their vulnerability,
3 this clearly demonstrates to me that this
4 occurred with the Certificate of Occupancy in
5 place. If that certificate is amended and not
6 in force, only you and I can imagine what may
7 happen to this most vulnerable population. I
8 believe that, with the Certificate of
9 Occupancy remaining in place, an additional
10 component should be developed and implemented
11 by the Department of Disability Services. And
12 that component should be a random monitoring
13 system which someone can validate or
14 investigate the dwellings on a monthly basis
15 or at least bimonthly, at random, so you can
16 determine what it the quality of care.

17 This is a very soft issue with me,
18 having been a former teacher in the school
19 system with a disability population, and
20 having family members with a disability. So
21 I recommend that these two things be in place
22 and it should be conducted under the

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1 Department of Disability Services. The DCRA
2 should, however, be considered to continue to
3 enforce any type of physical violations of
4 that particular dwelling. Because a lot of
5 the places that I have observed in Ward IV,
6 which has the highest number of residential
7 homes, the landscaping outside of the homes
8 looks horrendous. A lot of times, there's
9 overgrown grass, etc. And you can only
10 imagine what it looks like inside. And we are
11 concerned, and I am concerned, about the
12 quality assurance of these individuals.

13 So therefore, we take that
14 position to oppose that certificate being done
15 away with. And, in closing -- in closing, I
16 would like to thank you for giving me this
17 opportunity and hope that you will consider
18 the fact that people come in and purchase
19 these properties. They don't live in this
20 area. They're out for the profit and the
21 benefit of those who are so vulnerable, who
22 cannot speak for themselves. And we are not

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1 saying we do not want the residential homes,
2 because we support the Federal law that says
3 you cannot discriminate. Thank you so much
4 for this time.

5 CHAIRPERSON HOOD: Thank you all
6 for your testimony. Let me see if we have any
7 questions. Any questions? I will ask,
8 though, do we have your testimony in writing?
9 I know, Ms. Brown, you said you have one copy.

10 MS. BROWN: I do have 14 copies.

11 MS. JONES: May I have the
12 opportunity to send you my testimony?

13 CHAIRPERSON HOOD: Yes. It
14 depends on what happens tonight. You still
15 have the opportunity and time before we do a
16 final action.

17 MS. BROWN: Can it be e-mailed in
18 or do you need the actual printed copy?

19 CHAIRPERSON HOOD: No. We need
20 the actual copies.

21 MS. BROWN: Okay.

22 CHAIRPERSON HOOD: And it would be

1 good if -- it depends on what we do tonight --
2 it would be good to have it.

3 MS. SCHELLIN: If Ms. Johnson has
4 just one copy, we'll take that and she won't
5 have to follow up with extra copies.

6 CHAIRPERSON HOOD: Oh, okay. And
7 we'll make the copies? Okay. Good. So, I
8 think Ms. Brown has -- you have one copy. Can
9 we have your copy? Okay.

10 MS. BROWN: It's not ready for you
11 yet.

12 CHAIRPERSON HOOD: It's not ready?

13 MS. BROWN: But may I ask one
14 thing of you?

15 CHAIRPERSON HOOD: Yes. Take your
16 microphone, so you can be on the microphone.

17 MS. BROWN: All right. When these
18 emergency pieces of legislation come up, will
19 you please try to have a hearing before they
20 are passed, rather than after, so that we can
21 understand all of the ramifications better?

22 CHAIRPERSON HOOD: Right. The

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1 emergency is typically for -- I'm not sure --
2 normally, it's typically for what 120 days?
3 And we do that because there's a pressing
4 issue of why we have to do that. And then we
5 come back, as we're doing tonight, to have our
6 case where we can get citizen's input. I
7 understand what you're saying, you'd like to
8 have that before we do the emergency. But
9 unfortunately there are things that keep us
10 from being able to. We have to move
11 expeditiously for a time period, but we still
12 have time for the citizens to be able to give
13 input, like you're doing tonight. Okay?

14 MS. JONES: Can I ask one
15 question?

16 CHAIRPERSON HOOD: Yes.

17 MS. JONES: Or make a request. At
18 present, and in the future, is it possible to
19 have the persons who own these dwellings for
20 the residential homes investigated to
21 determine, you know, where they're located?
22 Because I think too often we're discovering

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1 that people don't have a connection to this
2 particular issue. And if you're living
3 elsewhere and not connected with your current
4 community, it's sort of like out of sight, out
5 of mind. And that raises another concern for
6 us, in terms of our most vulnerable
7 population.

8 CHAIRPERSON HOOD: I will
9 recommend on that, because that's probably not
10 within our jurisdiction.

11 MS. SCHELLIN: Right.

12 CHAIRPERSON HOOD: I will
13 recommend that you maybe talk to the DCRA and
14 then the officials there, and see if that can
15 be vetted. It may already be vetted. I'm not
16 sure.

17 MS. JONES: Okay.

18 CHAIRPERSON HOOD: But that's
19 probably the proper agency.

20 MS. JONES: Okay. Thank you, so
21 much.

22 CHAIRPERSON HOOD: Thank you all

1 very much for your testimony.

2 COMMISSIONER TURNBULL: Mr. Chair

3 --

4 CHAIRPERSON HOOD: Hold tight.

5 COMMISSIONER TURNBULL: I was just
6 wondering. All three residents were focusing
7 on similar concerns. And I guess I don't want
8 to throw it back to the Office of Planning,
9 but I wonder if they might comment on some of
10 those issues.

11 MS. STEINGASSER: The one thing
12 I'd want to clarify is that what we're doing
13 tonight is amending the Zoning regulations
14 relative to the Certificate of Occupancy of
15 the structure. We're not amending any of the
16 licensing requirements for the care givers or
17 the businesses that offer supportive care.
18 Those licenses will remain in place, and
19 they're administered by separate departments
20 and agencies throughout the District. And
21 we're not amending those in any way. It's
22 just -- it's just recognizing that six or

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1 fewer people do constitute legally a family.
2 And when that family may have the need for
3 supportive help, it could also qualify as a
4 CBRF. And it's that crossover that -- that
5 gets us in trouble with the Fair Housing Act.
6 And that's what we're trying to straighten
7 out. We're not amending any licensing
8 requirements, either by making them stricter
9 or weaker. We're not tampering with those at
10 all with this amendment. It's just the
11 Certificate of Occupancy for the structure,
12 itself -- for the dwelling unit.

13 MS. ANDERSON: Yes. Can I ask a
14 question? My recommendations --

15 CHAIRPERSON HOOD: You need to
16 turn your mike on. And we're not going to
17 have too much of a dialogue. I'm going to
18 allow it.

19 MS. ANDERSON: Just one?

20 CHAIRPERSON HOOD: Sure.

21 MS. ANDERSON: Thank you. My
22 recommendations are, as the Planning

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1 Commission submitted the recommended clause to
2 this Commission, to make it short, I recommend
3 that this be added, "which does not accept
4 state or Federal funds."

5 CHAIRPERSON HOOD: Okay.

6 MS. ANDERSON: And I think that
7 would comply with what you're saying. You can
8 correct me if I'm wrong.

9 MS. STEINGASSER: I am not an
10 expert and I'm not even going to pretend to be
11 an expert on the licensing requirements and
12 what it means for someone to accept funds from
13 the state or Federal agencies. So I -- I know
14 the Zoning regulations get to more of a land
15 use application. They don't -- the wouldn't
16 -- the issue of how someone gets their funding
17 for these things is beyond the scope of the
18 zoning regulations, and it gets more into the
19 licensing issues. So I'm -- it's really not
20 my area. I can assure you that --

21 CHAIRPERSON HOOD: And it's
22 actually not our area, either.

1 MS. STEINGASSER: It's not. It's
2 beyond the Zoning Commission issues.

3 MS. ANDERSON: Well -- well, I
4 think it may be -- I know that Mr. Turnbull --
5 as Chairman Hood said a while ago, but I think
6 it might. Because the question here is, it's
7 fair housing. And fair housing, as I
8 understand it, you can't ask one group and not
9 the other group to comply with something. So,
10 under the U.S. Department of Justice's
11 recommendations, if you just leave it the way
12 the language is, then it's -- it's an open
13 field. But if you include, which does not
14 accept state or Federal funds, then it would
15 not violate the Fair Housing Act and it would
16 not weaken the law, as -- as it is currently.

17 MS. STEINGASSER: Well --

18 MS. ANDERSON: So, I mean, I may
19 be wrong, but those -- those are my
20 recommendation.

21 CHAIRPERSON HOOD: What I would
22 suggest -- what we can do, we have another

1 time frame. And unfortunately, we don't have
2 your testimony. We'll be able to -- depending
3 upon what we're going to do tonight, there
4 will still be another chance for us to review
5 your testimony in between proposed and final.
6 And possibly, if we vote on it tonight,
7 depending on what my colleagues do, we'll
8 still have -- we have to take another vote.
9 Okay? And it has to go through review at
10 NCPC, and others. But anyway --

11 MS. BROWN: One last question for
12 the Planning Commission?

13 CHAIRPERSON HOOD: Ms. Brown,
14 we'll make this the last one.

15 MS. BROWN: Okay.

16 CHAIRPERSON HOOD: Get the
17 microphone because we want to hear you.

18 MS. BROWN: Why was it necessary
19 to change the definition of a family?

20 MS. STEINGASSER: We did not
21 change the definition of a family. That is
22 the definition that's currently on the Zoning

1 regulations.

2 MS. BROWN: Why was that -- as the
3 dictionary defines it as a group of children
4 and parents and/or related individuals. Now
5 it has become a group of unrelated
6 individuals, which is not the traditional
7 definition.

8 CHAIRPERSON HOOD: Yes. But our
9 definition -- we have not changed the Zoning
10 definition in this case.

11 MS. BROWN: Unrelated?

12 CHAIRPERSON HOOD: It's always
13 been unrelated. Right. We haven't changed
14 anything. That's always been there. But
15 again, I'm not sure if we'll work with the
16 Office of Planning at a later time. But we're
17 going to move on. And I understand your
18 concerns, but between proposed and final,
19 maybe we can come up to speed -- all of us can
20 come up to speed on it. Okay?

21 MS. BROWN: Okay.

22 CHAIRPERSON HOOD: But I thank you

1 all for your testimony.

2 MS. ANDERSON: Thank you.

3 MS. BROWN: Thank you.

4 CHAIRPERSON HOOD: Okay. Mr.
5 Parsons, you wanted to ask something? Okay.
6 I actually skipped over the report of the
7 ANCs. Do we have anybody here from the ANC?

8 MS. BROWN: I'm in the ANC.

9 CHAIRPERSON HOOD: Right.

10 MS. BROWN: But I'm speaking as an
11 individual.

12 CHAIRPERSON HOOD: Okay. Thank
13 you, Ms. Brown. Before I go back to that, is
14 there any person in opposition -- organization
15 or person in opposition in this case? Okay.
16 Let me go back to the ANC. We received two
17 letters; one from ANC 6-C, which acts as a
18 proper notice. This notice was mailed out
19 September 28 with 28 working days. And, you
20 know, from September 28th, we have 41 calendar
21 days. I think adequate notice was taken. And
22 again, there's another opportunity before

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1 final action, if someone feels they didn't
2 have enough time to vet it in their ANC,
3 unless my colleagues feel anything other.
4 Hearing nothing, I'll take silence as moving
5 on.

6 The next letter that we received
7 was from Ms. Sarah Green. And she explicitly
8 said she was not speaking on behalf of 4B-01.
9 But the way I read it, in my quick reading of
10 it, I think she just wanted us not to adopt
11 this policy. Okay. Ms. Anderson's
12 testimony. Thank you.

13 Okay. We have everything in front
14 of us, colleagues. Again, there's an
15 implication of a violation of the Fair Housing
16 Act that says the City is imposing a
17 precondition to the occupancy of residential
18 dwellings that only applies to persons with
19 disabilities. We have this faced in front of
20 us. Are we ready to proceed tonight? We're
21 ready? Okay. With that, I would approve
22 Zoning Commission Case No. 07-24, a text

1 amendment to eliminate the Certificate of
2 Occupancy requirement for CBRFs housing six or
3 fewer persons with disabilities. And I would
4 ask for a second.

5 COMMISSIONER TURNBULL: Second.

6 CHAIRPERSON HOOD: Moved and
7 properly seconded. Discussion? Any
8 discussion? I will just say that the three
9 people who testified, there will be another
10 opportunity for us to be able to digest your
11 testimony. I don't want you to think that we
12 just disregarded it, because we did not. But
13 there will be another opportunity for us to
14 take another vote on this.

15 Okay. It's been moved and
16 seconded. Any other discussion? All those in
17 favor by use of sign? Aye. Any opposition?
18 So ordered. Staff, would you record the vote?

19 MS. SCHELLIN: Yes. If you don't
20 mind, Mr. Chairman, before we record the vote,
21 could we give them a date for when you'll
22 allow the record to stay open? Do you want it

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1 to just be 30 days?

2 CHAIRPERSON HOOD: Yes. That will
3 be good; 30 days.

4 MS. SCHELLIN: Okay. Because the
5 proposed rule making was published at the same
6 time the emergency was.

7 CHAIRPERSON HOOD: Okay.

8 MS. SCHELLIN: But it will be
9 referred to NCPC. So 30 days would give them
10 until December 9th. And Staff will record the
11 vote four to zero to one to approve proposed
12 action of Zoning Commission Case No. 07-24;
13 Commissioner Hood moving; Commissioner
14 Jeffries seconding; Commissioners Parsons and
15 Turnbull in favor; Commissioner Esterly not
16 present, not voting.

17 CHAIRPERSON HOOD: Okay. Is there
18 anything else in this case, Ms. Schellin?
19 Okay. Again, I want to thank all the
20 participants. And we're going to be going to
21 our second case immediately. I'll adjourn
22 this one.

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(Whereupon, the hearing on the
above matter was adjourned at approximately
7:08 p.m.)