

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

SPECIAL MEETING

+ + + + +

THURSDAY

JULY 14, 2011

+ + + + +

The Special Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:15 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- KONRAD W. SCHLATER, Vice Chairman
- GREG M. SELFRIDGE., Commissioner
- MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
- PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation

ARLOVA JACKSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

The transcript constitutes the
minutes from the Special meeting held on July
14, 2011.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

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

2 6:20 p.m.

3 CHAIRMAN HOOD: Okay. This
4 special public meeting will please come to
5 order. Good evening, ladies and gentlemen.
6 This is a July 14th, 2011 special public
7 meeting of the Zoning Commission for the
8 District of Columbia. My name is Anthony
9 Hood. Joining me are Vice Chairman Schlater,
10 Commissioner May, Commissioner Selfridge, and
11 Commissioner Turnbull. We are also joined by
12 the Office of Zoning staff, Ms. Sharon
13 Schellin; Office of Attorney General, Mr.
14 Bergstein; Office of Planning, Ms.
15 Steingasser; and also Ms. Jackson.

16 Copies of today's agenda are
17 available to you and are located in the bin
18 near the door. We do not take any public
19 testimony at our meetings unless the
20 Commission requests someone to come forward.
21 Please be advised that this proceeding is
22 being recorded by a court reporter and is also

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 web cast live. Accordingly, we must ask you
2 to refrain from any disruptive noise or
3 actions in the hearing room. Please turn off
4 all beepers and cell phones.

5 Does the staff have any
6 preliminary matters?

7 MS. SCHELLIN: Yes, sir. The
8 staff would ask the Commission to please waive
9 the rules of Section 3005.3, which requires
10 that the proposed agenda for each meeting be
11 posted in the office at least four days prior
12 to a meeting. This emergency meeting was
13 posted. The agenda was posted yesterday,
14 which was just a day before the meeting. So
15 staff would ask that the Commission please
16 waive those rules.

17 CHAIRMAN HOOD: Thank you, Ms.
18 Schellin. We'll recommend that we waive our
19 four-day rule. I believe that the
20 advertisements are in the list and everything
21 has been moved forward, at least to try to
22 satisfy this requirement within a day or so.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 So I would move that we waive rule number
2 3005.3, and I would ask for a second.

3 COMMISSIONER TURNBULL: Second.

4 CHAIRMAN HOOD: Been moved and
5 properly seconded. Any further discussion?
6 Any further discussion? Are you ready for the
7 question? All those in favor?

8 (Chorus of ayes.)

9 CHAIRMAN HOOD: Not hearing
10 opposition, Ms. Schellin, would you please
11 record the vote?

12 MS. SCHELLIN: Yes. Staff records
13 the vote five to zero to zero to waive Section
14 3005.3, Commissioner Hood moving, Commissioner
15 Turnbull seconding, Commissioners Selfridge,
16 Schlater, and May in support.

17 CHAIRMAN HOOD: Also,
18 Commissioners, I would also recommend under
19 hearing action, before we go to the Office of
20 Planning, that we waive our rules to accept
21 the late filings of your Office of Planning's
22 report. Any discussion? I would move that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 waive that report, and I ask for a second.

2 VICE CHAIRMAN SCHLATER: Second.

3 CHAIRMAN HOOD: It's been moved
4 and properly seconded. Any further
5 discussion? Are you ready for the question?
6 All those in favor?

7 (Chorus of ayes.)

8 CHAIRMAN HOOD: Not hearing
9 opposition, Ms. Schellin, would you please
10 record the vote?

11 MS. SCHELLIN: Yes. Staff records
12 the vote five to zero to zero to waive the
13 rules to accept the late filing of the Office
14 of Planning reporting Zoning Commission Case
15 Number 11-16, Commissioner Hood moving,
16 Commissioner Schlater seconding, Commissioners
17 Turnbull, Selfridge, and May in support.

18 CHAIRMAN HOOD: Okay. Let's go
19 right to hearing action. Ms. Steingasser?

20 MS. STEINGASSER: The Office of
21 Planning recommends that the Zoning Commission
22 take emergency action for text amendment to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Section 721, that you publish a notice a
2 proposed rulemaking, that you set the case
3 down for public hearing, and that you allow
4 for the immediate advertising of that notice
5 for public hearing. We're available for
6 questions.

7 CHAIRMAN HOOD: Okay.
8 Commissioners, any questions? Any comments?
9 Commissioner May?

10 COMMISSIONER MAY: My only
11 question is that taking action to set this
12 down, as I recall, only when we take action
13 the rules go into effect. Will this rule go
14 into effect immediately?

15 CHAIRMAN HOOD: Once we do
16 emergency action.

17 MR. BERGSTEIN: It is correct that
18 as soon as you adopt the rule the rule goes
19 into effect immediately.

20 COMMISSIONER MAY: Right. Okay,
21 thank you.

22 CHAIRMAN HOOD: Okay. Again, any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 other questions? Again, Commissioners, this
2 is to permit firearm retail sales
3 establishments within a District law
4 enforcement or licensing agency here in the
5 District of Columbia. That is before us. I
6 would move that we, and I'm going to try to do
7 this all in one motion, that we approve this
8 in an emergency action and also set it down
9 for a public hearing and also publish
10 publication of a proposed rulemaking and
11 immediate advertisement of the public hearing.

12 Mr. Bergstein, did I cover everything?

13 MR. BERGSTEIN: Yes, you did, sir.

14 CHAIRMAN HOOD: Okay. And that's
15 my motion, and I'd ask for a second.

16 VICE CHAIRMAN SCHLATER: Second.

17 CHAIRMAN HOOD: It's been moved
18 and properly seconded. Any further
19 discussion? All those in favor, aye?

20 (Chorus of ayes.)

21 CHAIRMAN HOOD: Not hearing any
22 opposition, Ms. Schellin, would you please

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 record the vote?

2 MS. SCHELLIN: Yes. Staff records
3 the vote five to zero to zero to approve
4 emergency action set down as a rulemaking
5 case, publication of the proposed rulemaking
6 and immediate advertisement of the public
7 hearing in Zoning Commission Case Number 11-
8 16, Commissioner Hood moving, Commissioner
9 Schlater seconding, Commissioners Turnbull,
10 Selfridge, and May in support.

11 CHAIRMAN HOOD: Okay. Ms.
12 Schellin, do we have anything before us in
13 this special public meeting, anything else?

14 MS. SCHELLIN: Nothing else for
15 the meeting.

16 CHAIRMAN HOOD: Okay. With that,
17 for those who are waiting for the next case,
18 we will be back in about five minutes. And
19 with that, I will adjourn this special public
20 meeting.

21 (Whereupon, the foregoing matter
22 was concluded at 6:25 p.m.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701