

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL MEETING

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MONDAY,

SEPTEMBER 29, 2008

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The Special Meeting of Case Nos. 07-27 and 06-40 by the District of Columbia Zoning Commission convened at 6:00 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairperson
CURTIS ETHERLY	Commissioner
MICHAEL TURNBULL	Commissioner (FAIA) (OAC)
PETER MAY	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
MATT JESICK

OFFICE OF THE ATTORNEY GENERAL:

JACOB RITTING, ESQ.

This transcript constitutes the minutes from the Special Meeting held on September 29, 2008.

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

6:13 p.m.

CHAIRMAN HOOD: Okay. This meeting will, please, come to order. Good evening, ladies and gentlemen. This is the September 29, 2008 Public Meeting of the Zoning Commission of the District of Columbia. My name is Anthony J. Hood. Joining me are Commissioners Turnbull, Etherly and May.

We are also joined by the Office of Zoning staff, Ms. Sharon Schellin and Ms. Donna Hanousek, Office of Attorney General, I thought Ms. Nagelhout, Mr. Ritting, okay, and the Office of Planning staff under the leadership of Ms. Steingasser.

Okay. Copies of today's agenda are available to you and are located in the bin near the door. Please, be advised that this proceeding is being webcast live. Please, turn off all beepers and cell phones.

Does the staff have any preliminary matters?

1 MS. SCHELLIN: No, sir.

2 CHAIRMAN HOOD: Okay. We have two
3 cases in front of us tonight. Zoning
4 Commission Case No. 07-27 and also Zoning
5 Commission Case No. 06-40. While I did not
6 note that in my opening statement, that's what
7 is before us on our Special Public Meeting
8 agenda.

9 Okay, okay. We will begin with
10 Zoning Commission Case No. 07-27, EYA, LLC and
11 St. Paul's College - Consolidated PUD and
12 Related Map Amendment at 3015 4th Street, N.E.
13 Ms. Schellin?

14 MS. SCHELLIN: You have everything
15 before you to consider this case for proposed
16 action. There are several documents that came
17 in after the record was closed, that is
18 Exhibits 45 through 49 and Exhibit 53.

19 CHAIRMAN HOOD: Okay. We're going
20 to ask that Commissioner May just advise us
21 whether he read the record or not.

22 COMMISSIONER MAY: Yes, Mr.

1 Chairman, I read the record in full and am
2 prepared to participate in the discussion.

3 CHAIRMAN HOOD: Okay. We need to
4 open the record. What exhibit numbers were
5 they again?

6 MS. SCHELLIN: 45 through 49 and
7 53.

8 CHAIRMAN HOOD: Okay. Colleagues,
9 we have in front of us some submittals. I
10 think we actually asked for one of them, so
11 what I would do is move that we open up the
12 record to accept any late filings and I ask
13 for a second.

14 COMMISSIONER ETHERLY: I second,
15 Mr. Chair.

16 CHAIRMAN HOOD: It's moved and
17 properly seconded. Any further discussion?

18 All those in favor?

19 ALL: Aye.

20 CHAIRMAN HOOD: Certainly there is
21 no opposition. Staff, would you record the
22 vote?

1 MS. SCHELLIN: The staff records
2 the vote 4-0-1 to accept the late filings at
3 Exhibits 45 through 49 and Exhibit 53.
4 Commissioner Hood moving, Commissioner Etherly
5 seconding, Commissioners May and Turnbull in
6 support, Commissioner Jeffries not voting, not
7 present.

8 CHAIRMAN HOOD: Okay. Let me just
9 run down the list and I'll ask all my
10 colleagues to remember what you asked for.
11 Photographs of surrounding neighborhood and
12 that was in the submission dated August 15th,
13 projects relationship to neighborhood. Can
14 everyone hear me or are we having a problem
15 with the microphone?

16 Vignette Views Intra-Project,
17 volumetric study of courtyard, detailed
18 colored rendering with roof line variety,
19 traffic circulation patterns, LEED commitments
20 and additional information requested. And
21 I'll read it as "The Commission requested
22 additional information, including details on

1 the amenities package, details of the
2 administration of the proposed scholarship
3 fund, business grants and contributions to the
4 Edgewood Civic Citizens Association."

5 And the applicant's response to
6 the Office of Planning's position with regard
7 to the size of the affordable housing units.
8 So with that colleagues, and I will tell you
9 that Exhibit 50, I think it's 50, yeah, we
10 just got this evening, and it talks about the
11 amenities package.

12 It elaborates on some of the
13 specific things we asked for. I know in
14 particular I did and while my colleagues are
15 addressing their issues, I'm going to sit here
16 and actually read. I'm going to be honest,
17 because we just got this, so I'm going to sit
18 here and try to peruse this document.

19 As I understand it, we went right
20 up to the moment, but we spent our time on
21 Sunday not even looking at the Redskins and
22 the Cowboys so we can read this stuff, to some

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1 degree.

2 So what I will do is open it up to
3 one of my colleagues to ask you to get it
4 started, so I can read what we got this
5 evening. Thank you. Commissioner May?

6 COMMISSIONER MAY: Yeah, Mr.
7 Chairman, I think I'll start first, because
8 I'm catching up for not having participated in
9 the hearing. And I do appreciate the
10 Chairman's valiant effort to read and get
11 answers to all of my questions, which are
12 apparent in the record and also apparent in
13 many of the issues that I had raised and been
14 addressed.

15 I appreciate having the context
16 photos, the three initial views of the
17 project, the broader site context drawing
18 which shows something about the roads coming
19 in and out and how this -- the development
20 works with the surrounding roads, which was
21 not apparent in the initial submissions.

22 And I appreciate getting the more

1 detailed elevations of the buildings and that
2 has been helpful to evaluate the project. I
3 also appreciate the -- I think it was
4 Commissioner Jeffries who was interested in a
5 volumetric study of the courtyard, and I think
6 that that's, you know, helpful to see what we
7 see here.

8 I'm not sure it's exactly what we
9 were -- what he was getting at based on my
10 reading of the transcript. I think only he
11 could speak to that.

12 Let's see what else did I want to
13 comment on. You know, I have to say with all
14 of this additional information, I can't -- I
15 don't feel like I am completely satisfied in
16 that, you know, particularly the three
17 dimensional views that were provided and the
18 elevations that were provided are not the kind
19 of detail that I would ordinarily want to see
20 to be able to truly evaluate what these
21 buildings will look like.

22 I also think that some of the

1 concerns that I have are not fully addressed.
2 For example, I'm not sure exactly how, you
3 know, the water gets off of the roof decks
4 that are facing the front of the building and
5 so on. But I'm also not sure that I'm
6 necessarily going to be completely satisfied
7 by getting additional information, so, at this
8 point, I'm not asking that we postpone any
9 decision making for the sake of getting
10 additional information.

11 If the Commission determines that
12 we should go ahead tonight, based on other
13 submissions and whether we are satisfied with
14 the amenities package and so on, you know, I'm
15 prepared to move ahead. You know, I think
16 there are other concerns that I have with the
17 project that are, frankly, not going to be
18 addressed with additional submissions. They
19 go to more of the core issues of the site
20 planning, which I have to say I'm not very
21 happy with. Not that I have any better ideas
22 or things that I would -- that I find

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1 particularly problematic.

2 I'm just not enamored of this
3 particular housing type the way it is being
4 developed here and other circumstances. I
5 don't -- I think it is -- I have made my views
6 known to the Commission and the Office of
7 Planning in the past that this particular
8 housing type, which replaces backyards with an
9 alley and a deck is not a, you know, housing
10 type that I would want to try to promote in
11 the city.

12 It's an alternative to a slightly
13 higher density apartment type of arrangement
14 or condo. It achieves a higher density than
15 a standard townhouse that has a rear yard in
16 it. But in the long run, I'm not sure that
17 it's a really great housing type and I'm just,
18 as I said, not thrilled with that, but, you
19 know, at this point, it's not -- I don't think
20 it really helps.

21 I'm just voicing my overall
22 concern about that is what it boils down to.

1 I would also add that I'm not particularly
2 enamored of the architecture of this. I think
3 the elevations are not particularly well-
4 composed. I think the materials that were
5 shown on the sample board are not very high
6 quality.

7 And I would say that being
8 familiar with some of the projects that were
9 referenced as examples of what has been done
10 before, I don't think that they are
11 particularly well-built projects, either, at
12 least from, you know, what I can see from the
13 street in terms of the masonry work and so on.
14 It's not the highest quality of projects that
15 I have seen.

16 I say all this know full well that
17 these projects are very successful and that
18 they have been well-received in the community.
19 And I think that this project has been well-
20 received by this particular community, but I
21 -- that still doesn't -- it's not enough to
22 make me completely happy with this. So that's

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1 my general sentiment about it. I would be
2 interested in discussing the amenities package
3 with my fellow Commissioners as they were more
4 involved in that or were involved in that
5 discussion at the hearing.

6 CHAIRMAN HOOD: Thank you,
7 Commissioner May. Anyone else like to start
8 off? Commissioner Etherly?

9 COMMISSIONER ETHERLY: Thank you
10 very much, Mr. Chair. I'll be fairly brief
11 and focus my remarks primarily on the traffic
12 piece. As my colleague, Mr. May, indicated,
13 I think the information that was provided to
14 help fill in some of the gaps, if you will,
15 was somewhat helpful.

16 I am perhaps still left,
17 essentially, in a position of needing to weigh
18 some of the oral testimony that we heard
19 earlier with respect to some of the traffic
20 concerns. As my colleagues will note at, I
21 believe it would be, Tab F and potentially Tab
22 G, if I have my tabs correct, or it could all

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1 be at Tab G, which shows both the inbound
2 trips and the outbound trips.

3 My colleagues will recall that
4 there was, I felt, fairly tangible concern
5 expressed about the vehicular impacts, traffic
6 impacts on some of those side streets, in
7 particular, Jackson, Hamlin. I believe there
8 was also some questions raised about 6th, 5th
9 and Franklin in their ability to handle the
10 additional capacity.

11 The trip generation numbers
12 suggested that these streets would be more
13 than sufficient to handle the trips generated.
14 And my colleague, Mr. Hood, of course, may
15 recall that there was a little back and forth
16 Q&A around that issue.

17 I am still somewhat working
18 through. basically, I believe the information
19 that we're going to have in hand. And perhaps
20 as my colleague, Mr. May, indicated, it may
21 simply end up being an issue where one just
22 has to weigh the testimony that was provided,

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1 the written evidence and submittals and make
2 the best possible assessment, because at this
3 point, I feel as though, the traffic question
4 is may it at best be a wash, but there is
5 still in my mind this, shall we say,
6 unrebutted testimony around the traffic
7 concerns.

8 Again, weighing what was provided
9 to us in terms of the traffic analysis for the
10 project, I'll highlight that. My colleagues,
11 again Mr. Hood, having been here will recall
12 some discussion about the issue of the
13 context, if you will, especially from an
14 architectural standpoint, of the surrounding
15 neighborhood and how the new project would
16 fold into that.

17 The applicant's submittal, I
18 believe, was very helpful in that regard in
19 terms of laying out what the neighborhood
20 context looks like in a more definitive way.
21 Just to compare in contrast, if you will, I
22 will most certainly take my colleague's, Mr.

1 May, comments to heart and consider them fully
2 with respect to the discussion about the
3 architectural piece being a little more
4 learned in that area than I am, indeed.

5 But those would be my starting
6 comments, Mr. Chair. Still somewhat, shall we
7 say, betwixt and between on the issue of the
8 traffic concerns being completely resolved, in
9 my mind, but otherwise more than prepared to
10 move forward and continue with our discussion
11 as to next steps. Thank you, Mr. Chair.

12 CHAIRMAN HOOD: Thank you,
13 Commissioner Etherly. Commissioner Turnbull,
14 did you want to add something?

15 COMMISSIONER TURNBULL: Thank you,
16 Mr. Chair. I guess I can empathize with
17 Commissioner May's comments about some of the
18 architectural elements. And I know we, I
19 think, wrestled and wrangled with the
20 applicant in the beginning on the plan. And
21 I know we sent the applicant back to revisit
22 the original plan that was submitted and we

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1 did get increased courtyards.

2 We did get more green space. And
3 I think we did get a lot more land that we had
4 originally. And I know Commissioner May and
5 I -- I agree to an extent about the private
6 alleys, the parking alleys. We have struggled
7 with this on other projects where we have a
8 rather narrow venue for cars to get in and
9 out.

10 You have got trash removal.
11 You've got what is basically the back end of
12 the building where the building -- that part
13 of the building that's really meant for only
14 the tenants or the owners of that space. And
15 I know we're always concerned about that can
16 be sort of the ugly end that no one ever sees.
17 It's kind of like behind everything.

18 And I don't know. I don't know
19 how far you struggle or how far you lead an
20 applicant down to tell them about space and
21 quality of space and how you can enliven that.
22 But I think we did get, from the original, the

1 original design. I think we agreed it was
2 terrible and I think we got that changed.

3 So we did get some changes. We
4 did get courtyards that have more green space.
5 We did get a revision of some of the roads to
6 make it work better. And I don't know how
7 many iterations you go through with that
8 process. It's tough.

9 What I will agree with,
10 Commissioner May, and I will not accept in the
11 future is the kind of rendering we got on
12 those projects. Those renderings, although
13 expressive artistically, are really not what
14 the Zoning Commission can use to analyze what
15 a building actually looks like. And then we
16 accepted them and I think probably at the
17 time, we should have said no.

18 I mean, they gave you an idea.
19 They were -- again, they are creative
20 drawings. They were -- but they are more the
21 kind of drawings that you would see if you
22 were out shopping in a little boutique and you

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1 wanted some artsy little rendering for your
2 house that would show what a street may look
3 like.

4 It's not the kind of descriptive
5 drawings that help the zoning body look at
6 what the buildings really look like. And
7 that's what we really need to know. But that
8 being aside, I didn't mind Building No. 28.
9 I thought that rather the harkened back to the
10 college was kind of an expressive feature that
11 I thought should we have more of that? I
12 don't know.

13 I guess, you could argue that from
14 a design standpoint one way or another. I
15 agree with Commissioner Etherly about the
16 parking, the actual access in and out from the
17 streets. Getting in and out was an issue.
18 And have we totally solved that? I'm not
19 sure.

20 It's -- I think the applicant
21 again went back and again, from the original
22 design, restudied it and made some changes to

1 make it work. But I don't know. I guess it's
2 one of those 6 and 1 of this. I mean, the
3 neighborhood seemed to be totally -- the
4 neighbors seemed to like it and get into it.
5 I don't think there was any major strong
6 objections from the neighbors as to what they
7 were getting.

8 I think the amenity package is
9 strong. But I would have liked to have seen
10 a little bit. I think Commissioner May makes
11 some very valid points. But at this point, I
12 don't know if I'm ready to vote against it or
13 to delay it. I think it's one of those things
14 that you deal from almost.

15 From one standpoint it does have a
16 lot of positive aspects to it, but it could
17 have gone up that other notch. We could have
18 ratcheted it up just a little bit more to get
19 some out of it. But again, I think we will
20 have to work with the Office of Planning on
21 again those private alleyways in the future.

22 I don't know how far -- I mean,

1 that could be awkward from getting in and out
2 and children back there. I mean, you know,
3 things are going to happen back there. And
4 they do look tight. But again, without
5 beating a dead horse, we did get more green
6 space. We got more green space than we had
7 originally.

8 But I'll pass it on to you, Mr.
9 Chair.

10 COMMISSIONER MAY: Mr. Chairman,
11 can I ?

12 CHAIRMAN HOOD: Go ahead,
13 Commissioner May.

14 COMMISSIONER MAY: Yeah, I just
15 want to comment. The -- I did see the
16 earliest version of this that was presented
17 for setdown at one point and not accepted. So
18 I do appreciate how much it has changed to get
19 to this point. It's an improvement.

20 You know, I do think that the --
21 with projects like this, it is very important
22 to really see exemplary buildings, exemplary

1 design. If not -- even if it's not proffered
2 as a benefit of the project. And I think it
3 also is important that what is presented be
4 presented very clearly and well.

5 And I just don't have really warm
6 feelings about what we have gotten on this
7 project. I don't feel like, at this moment,
8 I could, you know, say very clearly, you know,
9 we need X, Y and Z in order to find it
10 acceptable, because I think, frankly, we could
11 get all those things and I still wouldn't be
12 very happy about it.

13 But that's kind of where I am.
14 The -- you know, I also agree that the
15 amenities package, I think, is pretty
16 substantive and in some cases we get amenities
17 packages that are -- where there isn't a lot
18 of substantive or it's a little bit of -- it's
19 not as direct a benefit. And I think that the
20 affordable housing component is significant.

21 I think that's about it for me for
22 right now.

1 CHAIRMAN HOOD: Okay. I would
2 associate myself with all the comments of my
3 colleagues. I guess the issue would be how do
4 we proceed? Because I can tell you from my
5 standpoint, we have Exhibit 46, we have
6 Exhibit 53 and we also have Exhibit 50, the
7 old amenities package. And unless -- and also
8 the ANC letter speaking of how to vote and how
9 the motion was made by Commissioner Grant.

10 One of the things that I was
11 looking for and I guess Exhibit 50 is the
12 proper exhibit to finalize exactly what was
13 agreed upon and the amounts. My only issue of
14 concern, colleagues, is I don't know what 56--
15 I'm sorry, Exhibit 46 is. And I think this
16 comes from Jack Lesser, Vice President of EYA,
17 LLC. And I just want to make sure that those
18 marry up, even though, I guess, it was faxed.
19 And I want to make sure that is the exact same
20 thing, even though Exhibit 50 goes into more
21 detail.

22 But my issue is the dollar amount

1 is not the -- I don't believe it's
2 corresponding. It's not the same. It doesn't
3 equal. So from my standpoint, I think we need
4 to have some clarification. And also one of
5 the concerns that I have -- we have a petition
6 here, Exhibit 53, which speaks about concerns.
7 Petition demand on construction traffic not
8 usual local/residential streets.

9 I'm not sure if we ask the
10 applicant or it's up to the applicant to
11 proffer some type of TMA, some type of
12 Transportation Management -- TMP, I'm sorry,
13 Plan or Construction Management Plan, but I
14 think the viability of this particular stable
15 and set community, it's an older neighborhood,
16 I think that needs to be done.

17 I would encourage the applicant,
18 because I take this petition very seriously,
19 and it speaks to the petition as far as
20 tearing up the streets and the neighborhood.
21 And that's one of the things that I think that
22 I would ask the applicant to do before we get

1 there.

2 If Exhibit 50, Ms. Schellin, is
3 what we need to be looking at for amenities?

4 MS. SCHELLIN: Yes, sir. I was
5 just advised by the applicant's attorney that
6 Exhibit 46, just to clarify, that was an
7 internal letter written to the ANC in the
8 start of negotiations.

9 CHAIRMAN HOOD: Okay. So we
10 should be looking as far as --

11 MS. SCHELLIN: So they -- yeah.
12 Look at Exhibit 50.

13 CHAIRMAN HOOD: I have already
14 heard from two of my colleagues that this is
15 a strong amenities package, which I think it
16 is. I just think that there are some -- a few
17 little strings that we need to pull a little
18 bit and that's why I was trying to probe a
19 little bit into what was 46 versus 50. So we
20 should all be looking at Exhibit 50.

21 Also, we had a letter from --
22 Exhibit 48 and on the back. you have to search

1 for it, it says "To Whom It May Concern, the
2 District of Columbia Department of Parks and
3 Recreation does not have any signed agreement
4 with EYA/EYA Homes, Inc. related to the
5 Triangle Park, bounded by Franklin Street, 4th
6 Street and Lincoln Road, N.E. Should you have
7 any questions, please, call me directly.
8 Melissa McKnight, Director of Partnerships and
9 Development."

10 And I think that needs to be --
11 unless it's in here and I missed it, what they
12 are doing with Triangle Park, we need to have
13 some from DPR. I believe that's how -- at
14 least that's how it used to work. Maybe
15 things have changed, but I think you need to
16 have something.

17 I think that's what I'm reading.
18 I don't know who asked for this in Exhibit 48,
19 but it was given to us. They did not even
20 have an agreement with the park. Again, these
21 are relative things that I think that I will
22 be looking for before final action.

1 I will tell you that the other
2 question is has the ANC seen Exhibit 50?

3 MS. SCHELLIN: I'm sorry, just to
4 answer your last question first, in the
5 applicant's prehearing statement at Tab D is
6 a letter from DPR. It's unsigned because it
7 is contingent on the PUD being approved. So
8 that's why there is no signatures.

9 CHAIRMAN HOOD: What is the date
10 of that letter?

11 MS. SCHELLIN: That is -- was part
12 of their April 28, 2008 prehearing statement.

13 CHAIRMAN HOOD: I have a letter
14 here from Clark Ray, Director, September 16,
15 2008. So we don't have it. Anyway, I know --

16 MS. SCHELLIN: Oh, they are just
17 saying that that letter that you are referring
18 to just says that they haven't signed an
19 agreement yet. And that is true. They
20 haven't actually signed it is what the
21 applicant is saying, because it is contingent
22 on the PUD being approved.

1 CHAIRMAN HOOD: Okay. Well,
2 before final, Mr. -- I don't think Mr. Ray
3 would have went through all that, take time to
4 send us anything of this nature. But anyway,
5 be it as it may, I'll be looking for that for
6 final. And if it's a problem, we need to
7 explain why.

8 I was commenting on a group.
9 There is another group, Help Foundation, and
10 we opened the record to accept this as Exhibit
11 47. The thrust of it is, let me try to
12 highlight for some reason. "I am delighted to
13 hear that there will be new development in
14 Ward 5, but I would like to go on record as
15 opposing the amenities package. I would like
16 to request an opportunity to speak," which
17 unless we call you up, that opportunity won't
18 happen, because we will serve your submittal
19 and then we'll analyze that.

20 So that I can expand on my
21 findings and give my reasons for opposition on
22 the record. I can contact. Now, in a PUD

1 case, we have to balance the flexibility asked
2 for as well as the amenities package. And I
3 think this Commission has been very good at
4 balancing that. And I will tell you that as
5 you have already heard from two of my
6 colleagues, this is a good amenities package.
7 It looks like it is administered well.

8 I just wanted to find it all in
9 one place. That was my whole issue, you know,
10 I wanted to make sure that what I see in
11 Exhibit 46 corresponds with Exhibit 50, which
12 I believe now we have been told that is the
13 case. We're not going to meet everybody's
14 concern. I read the letter from the ANC,
15 Commissioner Grant. And I have looked here at
16 the resolution. And I'll read this,
17 Commissioner Grant, the motion.

18 "The Advisory Neighborhood
19 Commission 5C submitted resolution. The
20 Commission opposed the PUD application on the
21 grounds: (1) The community and the applicant
22 could not agree on the components of the value

1 of the community benefits package."

2 And I think that's -- is that \$1.8
3 million? I know we don't get into money. We
4 just get into balancing the relief.

5 MS. SCHELLIN: I think that was --
6 did not include the additional \$750,000, I
7 believe. I believe the applicant wrote their
8 letter after the ANC meeting and provided some
9 additional amenities after that meeting. So
10 I think there might have been some overlap in
11 those letters, but we can have the applicant
12 clarify exactly what is, you know, just one
13 list.

14 CHAIRMAN HOOD: So it may be some
15 change to it?

16 MS. SCHELLIN: I think there is
17 some changes since the ANC meeting, is my
18 understanding.

19 CHAIRMAN HOOD: Okay. Because
20 this letter was dated the 26th and the ANC
21 letter was dated the 25th. I mean, I'm sorry.

22 MS. SCHELLIN: And the meeting was

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1 before. The applicant's Exhibit 50 refers to
2 the ANC meeting on -- I think this was after
3 their September meeting, is my understanding.

4 CHAIRMAN HOOD: Okay.

5 MS. SCHELLIN: They went before
6 the ANC in September.

7 CHAIRMAN HOOD: Okay. One of the
8 things that I would ask for the applicant to
9 revisit is the -- and I know there's some kind
10 of TMP, some kind of Transportation
11 Management Plan, because I think we need to
12 protect the residents who live in that
13 neighborhood and be courteous as we do
14 development.

15 What, I don't have all the
16 answers, but I do know that I heard this loud
17 and clear from this petition.

18 COMMISSIONER MAY: Mr. Chairman?

19 CHAIRMAN HOOD: Yes.

20 COMMISSIONER MAY: Just to clarify
21 for me, you're talking about Transportation
22 Management Plan or are you talking about a

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1 Construction Management Plan? Because it
2 seemed to me what was being suggested by that
3 petition was that there be some -- I mean, it
4 was specific to construction traffic. Is that
5 right?

6 CHAIRMAN HOOD: Construction
7 traffic. But you know what, let's do both.
8 Thank you for that.

9 COMMISSIONER MAY: Yeah, well, but
10 I think there is -- I mean, there was some
11 sort of TDM package. There is a TDM package
12 that's approved.

13 CHAIRMAN HOOD: Okay. Well, I may
14 have missed it. I just was focused on this.
15 And I guess they call it Construction
16 Management. They have changed the name so
17 much. It was TMP or TM something.

18 COMMISSIONER MAY: Yeah.

19 CHAIRMAN HOOD: But anyway, you
20 are exactly right, a Construction Management
21 Plan. But also, unless my colleagues can
22 point me to it right away, and I'm saying that

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1 in line with Commissioner Etherly, because I
2 think traffic, the pattern, pattern still was
3 an issue. Commissioner Etherly?

4 COMMISSIONER ETHERLY: Thank you,
5 Mr. Chair. Again, I think the challenge was
6 there is a certain plan that the applicant has
7 presented for how vehicles are expected to
8 circulate through this area. There are
9 studies as well as, I believe, some of the
10 DDOT information, if I recall correctly, and
11 I'm trying to find -- I'm trying to put in
12 front of me my DDOT submittal, indicated that
13 there was some sense -- some comfort, if you
14 will, about the anticipated level of vehicular
15 traffic that would be generated by residents
16 likely to inhabit this development.

17 So all of that to say, Mr. Chair,
18 I'm perhaps going to pull a page out of Mr.
19 Turnbull's book and say that I don't feel that
20 I'm at a point where I would not be able to
21 move forward or necessarily request additional
22 clarification on this issue of traffic. I

1 think there is -- I would like to have more.

2 But that being said, I think there
3 is enough information to weigh the concerns
4 that I have heard with the proposed vehicular
5 circulation plan as it has been outlined, if
6 you will, by the applicant, both in terms of
7 some of the graphical submissions today and
8 some of the earlier information.

9 At the end of the day, I don't
10 recall hearing anything in our previous oral
11 testimony that spoke to whether or not it
12 would be more prudent to limit or reduce the
13 number of ingress and egress points from the
14 development. And I don't necessarily feel
15 that that would be, at the end of the day,
16 more helpful here, because, essentially, you
17 then create just a bigger choke point in one
18 location or two locations as opposed to the
19 couple of different ways that the applicant
20 anticipates vehicles coming here.

21 So all of that to say, Mr. Chair,
22 I think the amenities clarifications that you

1 outlined would definitely be helpful before
2 final action and potentially other issues that
3 may be identified, but I'm not certain that
4 there is going to be, from my standpoint,
5 additional information that is really going to
6 help to completely resolve this traffic
7 debate.

8 The issue of the Construction
9 Management Plan, I agree, would be helpful
10 just so we have some clarity and a greater
11 sense of security there. But in terms of the
12 overall Transportation Plan for how residents
13 are expected to get in and out, I believe, if
14 I recall correctly, I even had a little bit of
15 an exchange about the issue of 4th Street and
16 whether or not there could be some utility
17 gained by lengthening or creating more of an
18 access point than there already currently
19 exists with respect to 4th Street.

20 And I believe the answer to that
21 was that there wasn't going to be any added
22 utilities. So that's a very long way of

1 saying, Mr. Chair, I don't know if there is
2 additional information or additional reworking
3 that i want to get into at this point on the
4 issue of traffic.

5 I think it's just going to be a
6 matter of weighing the testimony that we have
7 heard with the information that we already
8 have in hand. But I don't have a comfort
9 level yet and I'm not encouraging trying to
10 get to one of figuring out whether or not
11 there are street access points that could be
12 closed off or in some other way limited so
13 there are fewer ways to get into this
14 development.

15 Again, as you look at that exhibit
16 that I referenced a little bit earlier that
17 talks about inbound trips and outbound trips
18 and illustrates it graphically, I'm referring
19 to the submittal of -- for what would be -- if
20 I had my -- Exhibit 44 dated August 15th. You
21 will see there are a number of ways that
22 traffic is anticipated to be moving both into

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1 the development and outside of the
2 development.

3 If you were to eliminate some of
4 those points of ingress and egress, I don't
5 necessarily think that that solves your
6 potential problem. So I'll leave it at that,
7 Mr. Chair.

8 CHAIRMAN HOOD: Thank you,
9 Commissioner Etherly. I have been advised
10 that we do have a Construction Management Plan
11 that was proffered. It is in the submittal
12 way back early on. I'm not sure of the exact
13 date, but it was in one of our first
14 submittals.

15 One of my issues I'm looking -- as
16 Commissioner Etherly talked about behind Tab
17 F, I'm trying to reconcile it with the request
18 from the community, because they live there.
19 We demand that the 7th, 5th and 6th Streets not
20 be used for construction traffic. And I ask
21 my colleagues to go to F. If 7th, 6th and 5th
22 are not used, then I don't guess there's any

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1 housing on Jackson and Hamilton -- Hamlin, I'm
2 sorry, because they are going to be getting
3 the brunt.

4 Does anyone else see any interest?
5 And I just wonder what would those residents
6 who are on Hamlin and Jackson Street say if
7 all the traffic is directed -- I see you, but
8 we don't take any comment unless we call for
9 it. You know, that is one of my issues there
10 from looking at this. Any other comments?

11 COMMISSIONER MAY: Mr. Chairman, I
12 just had a question. You say that there was
13 a Construction Management proffered early?

14 CHAIRMAN HOOD: Yeah, it's in one
15 of our earlier.

16 COMMISSIONER MAY: Do you know
17 which -- where it is in the --

18 MS. SCHELLIN: Exhibit 25 from
19 June.

20 CHAIRMAN HOOD: September? When
21 is it?

22 MS. SCHELLIN: It's dated June 30,

1 2008, Exhibit 25.

2 CHAIRMAN HOOD: Oh.

3 MS. SCHELLIN: And it's Tab E.

4 CHAIRMAN HOOD: It's Tab E. Thank
5 you, Ms. Schellin. And you know what, from
6 looking at this, it does not address 7, 6, but
7 it talks about cleanliness to the site. "All
8 construction workers shall eat and drink on-
9 site." Well, let me rephrase that. "have
10 lunch on-site." Not eat and drink on-site.

11 "EYA shall provide different
12 things. All construction workers, deliveries
13 of equipment, construction materials shall
14 only occur during construction hours."

15 And I think that is a concern of
16 how -- and maybe this is something that -- if
17 I ask the question, maybe this is something
18 that can be solved -- resolved at final and
19 that would give the ANC a chance to comment,
20 because I see the Commissioner raising his
21 hand. And we normally don't take public
22 comment.

1 And I don't want us to move in the
2 wrong direction not making sure we get all
3 aspects of any comments that anyone has. But
4 let me back up and ask my colleagues, Mr.
5 Turnbull mentioned, he said delay. I always
6 throw in do we -- can we do something before
7 final? And I know that Commissioner May --
8 Commissioner Turnbull, Commissioner Etherly,
9 I'm trying to give all of us a comfort level
10 for voting, like to vote in the blind.

11 But I know that you two would say
12 that it's not a show stopper for you, at least
13 that's the way I heard it. But you also
14 bought the question, Commissioner Turnbull,
15 about a delay.

16 Commissioner May, I don't know if
17 a delay would help us any. So I kind of know
18 where we are going there.

19 COMMISSIONER MAY: No, but I would
20 say that when it comes to things like
21 addressing the, you know, construction traffic
22 a little bit -- in a little bit more detailed

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1 fashion, I think would be helpful to get
2 clarified before final action certainly. You
3 know, that's one issue where additional
4 information would be helpful, but it certainly
5 would not, you know, change my thinking about
6 the project overall.

7 CHAIRMAN HOOD: Okay.

8 COMMISSIONER TURNBULL: Mr. Chair,
9 let me just ask -- offer -- I'm just thinking
10 out loud here on this Construction Management
11 Plan. One of the things -- and I know we
12 talked to the college at one point, and I know
13 it came up in discussions about the main
14 entrance is on 4th Street to the college. And
15 we talked about not having direct access into
16 the development from the 4th Street entrance.

17 But I throw out, just as a
18 discussion point, from the standpoint of the
19 neighborhood and construction traffic, if
20 there is a way, I mean, just as a discussion,
21 to try to merge, separate the 4th Street
22 entrance somehow as a construction entrance

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1 and divide it somehow so that they can still
2 have their regular traffic going in, but make
3 that somehow serve also as a point.

4 Again, I'm not sure what is
5 involved with that or how complicated it is,
6 but it might alleviate some of the issues
7 about going through the neighborhood. I think
8 it would have to be studied, but again, I
9 don't know how complicated that is, but I just
10 offer that as a possible option if there is a
11 way to either enlarge, double up, add some
12 extra asphalt or do something on a temporary
13 basis to alleviate going through the
14 neighborhood.

15 CHAIRMAN HOOD: I think that is
16 very well-said and very well-thought out off
17 the cuff recommendation. What I would like to
18 do and let me open it up, I would like to
19 delay the vote, ask for clarification on your
20 option, Mr. Turnbull, about 4th Street. I
21 think that we are confined and we know what's
22 going on with Exhibit 50, as I stated, and

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1 also to find out about the Construction
2 Management Plan.

3 And I will ask Ms. Schellin to
4 find out from the applicant and from the ANC
5 is that causing any hardship or burden if we
6 delay it for a week or two to see if we can
7 get some clarification. Any other issues,
8 colleagues, that we may need to get some
9 clarification on or does everyone feel
10 comfortable moving forward, like we are now,
11 towards the final?

12 COMMISSIONER MAY: Well, Mr.
13 Chairman, you know, I'm -- I don't think that
14 the applicant can provide much to satisfy my
15 concerns other than revisiting the entire site
16 plan and getting -- taking another look at the
17 architecture. And so, you know, I would be
18 inclined, you know, at this moment not to vote
19 in favor.

20 But I don't think that that would
21 be changed by, you know, any kind of further
22 submissions. I also realize that I am

1 probably not in the majority in expressing
2 those concerns, but it doesn't keep me from
3 wanting to express it. So I would -- I think
4 that when it comes to, you know, additional
5 submissions, I would be open to either
6 delaying the vote or looking for further
7 information at final action.

8 CHAIRMAN HOOD: Okay. Mr.
9 Etherly?

10 COMMISSIONER ETHERLY: Thank you
11 very much, Mr. Chair. I would be inclined to
12 continue to move forward seeking the
13 clarifications that you have asked for. I
14 think they are discrete enough that they can
15 be dealt with and clarified before we move
16 towards final action.

17 I am perhaps -- not perhaps, let
18 me stop. I'm not certain that the 4th Street
19 piece, if I understood Mr. Turnbull's proposal
20 and again, I appreciate most certainly the
21 spirit in which it was offered, were you
22 speaking to the issue of construction traffic

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1 impact mitigating that or was that more of a
2 suggestion as a relief valve for any
3 residential vehicular impact on a permanent
4 basis?

5 COMMISSIONER TURNBULL: Yeah, no,
6 I was just looking at it as a temporary basis
7 during construction. Again, throwing it out
8 and knowing what the neighbors would be going
9 through and their fears and just saying is
10 there any way you could add an extra lane of
11 asphalt to your 4th Street entrance and
12 somehow accommodate the burden of the traffic
13 through your own -- I mean, making it that you
14 have a clean enough drive for your own traffic
15 going to the college, but is there a way to
16 try to do something on a temporary basis?

17 I mean, we do it up on Capitol
18 Hill all the time to accommodate construction
19 projects. I'm just trying to say, you know,
20 let's try to work with the neighborhood and
21 offer something that maybe we will take away
22 a little bit of the burden from the rumble of

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1 dump trucks and everything else going through
2 those streets.

3 COMMISSIONER ETHERLY: Okay.

4 COMMISSIONER TURNBULL: Again,
5 whether it can work, I don't know.

6 COMMISSIONER ETHERLY: But I just
7 threw it out.

8 COMMISSIONER ETHERLY: Understood.
9 Mr. Chair, my inclination would be to move
10 forward, but I would also be supportive if the
11 majority of my colleagues feel it appropriate
12 to pause and add some time to seek
13 clarification on some of these issues. So I'm
14 most certainly not going to stand on the
15 sword's edge here about moving forward
16 tonight.

17 CHAIRMAN HOOD: Okay. Mr.
18 Turnbull, do you want to add comments?

19 COMMISSIONER TURNBULL: I guess I
20 would agree with Commissioner Etherly. I'm
21 not opposed to moving ahead if we don't feel
22 we have everything at final action, we simply

1 don't approve it. I mean, we have done that
2 before. We have got to final action and we
3 think -- and we say nope, we've got to go back
4 and revise something.

5 But again, if you have worries or
6 issues that maybe we're not understanding, I'm
7 more than willing to listen. And if you feel
8 that you -- it would be better to get more
9 information before we do it, I would be
10 willing to hear it. But right now, I have no
11 angst against going ahead and knowing that we
12 could stop it at final action.

13 CHAIRMAN HOOD: Okay. Hearing
14 that, I think what we will do is move forward.
15 We just need to make sure we address some of
16 the issues that we asked for. And I do not
17 mind and I'm sure my colleagues don't mind
18 voting against it or stopping it at final
19 action until we get what we asked. That's one
20 thing I know that we don't have a problem with
21 doing.

22 Another thing, you know, what

1 concerns me was the amenities package and
2 making sure it was all in one place. I'm glad
3 that we had Exhibit 50. But the neighborhood
4 brought up a valid point. One of the things
5 I would like for them to do is to work with
6 the ANC again and fine tune. I'm not saying
7 you have to add anything or take it off,
8 because we're going to balance it.

9 You already heard it's a strong
10 commitment, but I'm reading about the buff and
11 scrub. I've never heard of it, but I'm seeing
12 about the buff and scrub. If that is already
13 proposed for Shade Elementary, then I don't
14 think that this applicant should be coming
15 down offering that as an amenity.

16 If it's not already proposed, then
17 fine. But I think those are some of the
18 issues relative to what others in the
19 community have spoken about, who is going to
20 get what and all of that. I think it's
21 spelled out in Exhibit 50. I just want to
22 make sure it's clear, because I can tell you

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1 you have heard from my colleagues and I, too,
2 agree the amenities package balances.

3 I just wanted to make sure it is
4 administered somewhat like it says in Exhibit
5 50. For example, the buff and scrub, I don't
6 even know what that is, but if it is already
7 being offered, the applicant does not need to
8 come down here and offer buff and scrub,
9 because you know, first of all, he wouldn't be
10 paying for it. The city would be paying for
11 it. And I think that's an injustice to them.

12 I'm not saying it is, because I'm
13 not -- the way I read it from the submittals,
14 it is already being offered, but it was not --
15 either way, I'm going to ask that the
16 community and applicant work on that. Let's
17 go to the fine tuning and buff and scrub.

18 Because at the end of the day, the
19 people who live around there are going to be
20 the ones that have to endure and who are going
21 to have to put up with it. While the project,
22 I'm sure, will be good for the community after

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1 we get through all of this, but while we're
2 going through all of this, the folks in that
3 neighborhood have to deal with it.

4 Okay. All right. So any thing
5 else? Are we clear on what we need? The
6 amenities again, clarification? I also saw a
7 Commissioner raising his hand about the 4th
8 Street. I like that idea. I will ask that
9 the applicant go back and look at that and
10 come up with some -- and also if,
11 Commissioner, you could respond to us about
12 the comment I made about Jackson Street and
13 Hamlin Street.

14 That may not be an issue, but we
15 don't want to get -- we have a petition from
16 those on 7th, 6th and 5th and then we come back
17 to final, we're going to have a petition from
18 those if there are homes on Jackson and
19 Hamlin. I'm not sure what all that is. I'm
20 looking at an aerial view, but let's try to
21 nail that down, the amenities and also the
22 suggestion about 4th Street.

1 Am I overlooking anything?
2 Commissioner May there's no hope? All right.
3 We all straight, Ms. Schellin?

4 MS. SCHELLIN: Yes.

5 CHAIRMAN HOOD: Anybody like to
6 make a motion? I move that we approve Zoning
7 Commission Case No. 07-27 with the caveat that
8 the things that we asked for before final, if
9 it's not there on final, we will reconsider.
10 Well, not reconsider the proposal, but we will
11 stop it at that point, and I ask for a second.

12 COMMISSIONER TURNBULL: Second.

13 CHAIRMAN HOOD: Moved and properly
14 seconded. Any further discussion?

15 All those in favor?

16 COMMISSIONER TURNBULL: Aye.

17 CHAIRMAN HOOD: Aye.

18 COMMISSIONER ETHERLY: Aye.

19 CHAIRMAN HOOD: Any opposition?

20 COMMISSIONER MAY: Opposed.

21 CHAIRMAN HOOD: And we have a
22 proxy vote. Ms. Schellin, would you record

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1 the vote?

2 MS. SCHELLIN: Yes, staff records
3 the vote 4-1-0 to approve proposed action in
4 Zoning Commission Case No. 07-27.
5 Commissioner Hood moving, Commissioner
6 Turnbull seconding, Commissioner Etherly in
7 favor, Commissioner Jeffries in favor by
8 absentee ballot, Commissioner May Opposed.
9 And just if we could, Chairman Hood, set some
10 dates for the applicant to file those
11 additional documents and a time to allow the
12 ANC to file their response, other than that,
13 the record is closed, correct?

14 CHAIRMAN HOOD: Correct. And I
15 would encourage anyone else to work through
16 their local ANC, so they can incorporate any
17 comments that you may have through your ANC
18 Commissioners.

19 MS. SCHELLIN: I believe the ANC
20 meets next, I see Mr. Grant out there, October
21 21st. Is that correct? So we have to, of
22 course, refer this to NCPC for a 30 day

1 comment period anyway, so it wouldn't come up
2 until our November 10th meeting. So if we
3 could give the applicant until October 20th to
4 make their submission. And then the ANC could
5 file by November 3rd, then we can come back
6 and consider final action.

7 CHAIRMAN HOOD: Okay. Thank you.
8 Let's move right along. We're running behind.
9 For those here for our two hearings tonight,
10 we should be getting to those at about 7:30,
11 if not sooner.

12 Okay. Zoning Commission Case No.
13 06-40. This is the Gateway Market Center,
14 Inc., Consolidated PUD and Related Map
15 Amendment, 1240-1248 4th Street, N.E. This
16 must be Ward 5 meeting day. Ms. Schellin?

17 MS. SCHELLIN: Yes, next we have
18 Case No. 06-40. We do have a request to
19 reopen the record by the applicant to accept
20 Exhibit 84. Those are some revised drawings
21 that they provided in response to NCPC.

22 CHAIRMAN HOOD: Okay. We have a

1 request to the Commission to reopen the
2 record, as Ms. Schellin asked for. Are there
3 any objections? I would move that we reopen
4 the record for the revised drawings that
5 specify the National Capital Planning
6 Commission's comments and ask for a second.

7 COMMISSIONER TURNBULL: Second.

8 CHAIRMAN HOOD: Moved and properly
9 seconded. Any further discussion?

10 All those in favor?

11 ALL: Aye.

12 CHAIRMAN HOOD: Any opposition?

13 So would the staff record the vote?

14 MS. SCHELLIN: Yes, staff records
15 the vote 4-0-1 to accept Exhibit 84 into the
16 record. Commission Hood moving, Commissioner
17 Turnbull seconding, Commissioners Etherly and
18 May in favor, Commissioner Jeffries not
19 present, not voting.

20 CHAIRMAN HOOD: I am real sorry
21 that Commissioner Jeffries took ill, because
22 I can tell you this is right up his alley when

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1 I was reading it. I was going to wait and let
2 him talk about all the retail. He is a retail
3 man.

4 So I think we do have a proxy from
5 him, but, colleagues, if we look at the -- we
6 also have findings and facts. But I want to
7 draw our attention to August 21, 2008, very
8 well done.

9 One of the things that may have
10 already been done and I made myself a note.
11 Is ANC-6C, I thought, raised a lot of good
12 food for thought and information. And I would
13 just ask that before final that the applicant
14 look at it and I'm sure a lot of it was
15 already incorporated and some of what the
16 applicant, I'm sure, has done, but I thought
17 that some of the suggestions and some of the
18 comments about recommendations on the market,
19 project and the support, you know, while ANC-
20 6C supported it, they have some very thorough
21 comments.

22 And it's not in ANC-6C. It's in

1 ANC-5B and I would ask that the applicant
2 before final just look at that and see if --
3 it doesn't have to be a long history of
4 anything. It can be a one pager, you know.
5 Some of the things you may have incorporated
6 from the September 15th note, if so, fine, if
7 not, I understand. But I think they -- I
8 would just be curious if any of that was
9 already put into existence or being
10 considered.

11 Okay. Let's look at the April --
12 I mean, I'm sorry, August 21, 2008 submittal,
13 post-hearing submission. And it basically
14 talks about the retail strategy. I'm not sure
15 if anyone here -- but I do have something --
16 okay. It talks about the contingency plan.
17 I think Commissioner Jeffries talked about a
18 contingency plan if A doesn't work. And they
19 spelled it out, which I thought was good.

20 Retail Plan B is a contingency
21 plan for Commissions -- the plan the
22 Commission requested if after a reasonable

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1 period of time it becomes clear that Plan A is
2 not working, the applicant will be able to
3 implement Plan B, most likely. And two or more
4 gradual stages depending on retail,
5 residential and office market conditions at
6 that time.

7 And I appreciate the applicant
8 coming back with that and the things that we
9 have also asked for and it also goes on to
10 talk about nearly 7,500 persons work at 10
11 places of employment within walking distance.
12 And it goes on to really give us insight on
13 exactly what's going on and what the
14 conditions are in that particular community.

15 And also, I think Commission May
16 if you wanted to comment, I think this was the
17 case about the height. Okay.

18 COMMISSIONER MAY: Yeah, I mean,
19 it looks like the height questions have been
20 resolved and the setback issues with regard to
21 the penthouse having been resolved. And if,
22 you know, certain changes were made in order

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1 to reconcile all this with NCPC, who regard
2 themselves as the height police, I would --
3 you know, I think that's fine.

4 I didn't have so much issue with
5 the height as it was the concern about, you
6 know, the setbacks not being technically
7 compliant. The -- but it's good to have
8 greater clarity on that subject.

9 I would also note that, you know,
10 in terms of the retail layout, it does seem --
11 I would not suggest that I could speak for
12 Commissioner Jeffries with regard to retail,
13 but I do think that this is -- has moved in a
14 good direction. You know, I'm still pretty
15 pessimistic about how likely the second floor
16 retail is to succeed, but I think that the
17 plan that rearranges some of this and
18 addresses a number of what I would have
19 considered hard to lease spaces, even on the
20 first floor, I think is an improvement.

21 I'm hoping Commissioner Jeffries
22 would feel the same way. It's going to be a

1 hard project to work out in terms of selling
2 that retail. So I'm optimistic that it's
3 moved in a positive direction.

4 CHAIRMAN HOOD: Okay. Thank you.
5 Any other comments? Commissioner Turnbull?

6 COMMISSIONER TURNBULL: Thank you,
7 Mr. Chair. I would concur with Commissioner
8 May's comments. I think we all struggled from
9 the beginning. I think perhaps Commissioner
10 Jeffries more than anyone with the retail
11 layout and I think it is -- as Commissioner
12 May said, there has been some dramatic changes
13 here. And I think it works a lot better from
14 a space standpoint and access standpoint from
15 the street.

16 And the arrangement of the spaces
17 and the size, so I have no issues right now
18 with this project.

19 CHAIRMAN HOOD: Okay. Let me just
20 also add when I looked under the conclusions
21 of law, one of the things that -- one of the
22 decisions, one of the things that I saw in the

1 draft that were submitted by the applicant was
2 how this whole ANC office was going to work.

3 And I think -- I just want to run
4 and see if it triggers anyone to maybe make
5 some changes. And we note it has not been
6 checked by OAG yet for legal sufficiency, but
7 the ANC -- and I thought it was very well
8 worded, but I just want to make sure that some
9 other minds think about it and think --
10 hopefully we are not creating any issues. I
11 don't think we are looking at it, from my
12 standpoint.

13 "ANC office shall be assigned to
14 ANC-5B or any successor ANC which may be
15 designated to represent the PUD site by
16 redistricting legislation enacted by the
17 Council of the District of Columbia and signed
18 by the Mayor."

19 Does that move anyone? Foresee
20 any problems? Okay. Anything else?

21 If everything is in order, I would
22 move approval of Zoning Commission Case No.

1 06-40 and ask for a second.

2 COMMISSIONER MAY: Second.

3 CHAIRMAN HOOD: Moved and properly
4 seconded. Any further discussion? Any
5 further discussion?

6 All those in favor?

7 ALL: Aye.

8 CHAIRMAN HOOD: Not hearing any
9 opposition, Mrs. Schellin, would you record
10 the vote along with proxy?

11 MS. SCHELLIN: Yes, sir. Staff
12 records the vote 5-0-0 to approve proposed
13 actions of Zoning Commission Case No. 06-40.
14 Commissioner Hood moving, Commissioner May
15 seconding, Commissioners Etherly and Turnbull
16 in support. Commissioner Jeffries in support
17 by absentee ballot.

18 CHAIRMAN HOOD: With that, we're
19 going to take a 10 minute break. Okay.

20 (Whereupon, the Public Meeting was
21 concluded at 7:13 p.m.)

22