

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman

MARCIE COHEN, Vice Chair

MICHAEL G. TURNBULL, FAIA, Commissioner
(AOC)

ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation

MAXINE BROWN-ROBERTS

The transcript constitutes the
minutes from the Public Hearing held on
April 25, 2013.

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2 (6:31 p.m.)

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is a public
5 hearing of the Zoning Commission for the
6 District of Columbia for Thursday, April 25,
7 2013.

8 My name is Anthony Hood. Joining
9 me are Vice Chair Cohen, Commissioner Miller,
10 and Commissioner Turnbull.

11 I believe Commissioner May will be
12 reading the record to participate. I also
13 want to thank him for taking this off the
14 Consent Calendar item. I notice he is
15 missing.

16 Anyway, we are also joined by the
17 Office of Zoning staff, Sharon Schellin. I
18 only did that because I know he is going to
19 read the record or view it. He expected me
20 probably to say something like that.

21 But anyway, this proceeding is
22 being recorded by a Court Reporter and is also

1 being webcast live. Accordingly, we must ask
2 you to refrain from my disruptive noises or
3 actions in the hearing room.

4 The subject of this evening's
5 hearing is Zoning Commission Case Number 04-
6 08C/02-45. This is a request by the D.C.
7 Department of Mental Health for approval of a
8 PUD modification for property located at
9 Square 5868S.

10 Notice of today's hearing was
11 published in the D.C. Register on March 1,
12 2013, and copies of that announcement are
13 available to my left on the wall near the
14 door.

15 The hearing will be conducted in
16 accordance with the provisions of 11 DCRM 3022
17 as follows: preliminary matters, applicant's
18 case, report of the Office of Planning, report
19 of other government agencies, report of the
20 ANC -- in this case, ANC-8C -- organizations
21 and persons in support, organizations and
22 persons in opposition, rebuttal, and closing

1 by the applicant.

2 The following time constraints
3 will be maintained in this meeting: the
4 applicant, five minutes, or you can stand on
5 the record; organizations, five minutes;
6 individuals, three minutes.

7 Please turn off all beepers and
8 cell phones at this time, so as not to disrupt
9 these proceedings.

10 Would all individuals wishing to
11 testify please rise to take the oath? Ms.
12 Schellin, would you please administer the
13 oath?

14 MS. SCHELLIN: Please raise your
15 right hand.

16 (Whereupon, an oath was
17 administered to those persons
18 planning to testify at the
19 proceedings.)

20 MS. SCHELLIN: Thank you.

21 CHAIRMAN HOOD: Okay. At this
22 time, the Commission will consider any

1 preliminary matters. You can come to the
2 table. Does staff have any preliminary
3 matters?

4 MS. SCHELLIN: No, sir.

5 CHAIRMAN HOOD: Okay. If you all
6 want to --

7 COMMISSIONER MILLER: As a
8 preliminary matter, can I quickly ask if staff
9 received the affidavit of sign maintenance?
10 Okay. Thank you.

11 CHAIRMAN HOOD: Does anybody have
12 any more preliminary matters?

13 (No response.)

14 All right. You all may begin.

15 MR. WARSH: Good evening,
16 Commissioners. Nice to see you all again.

17 My name is Ethan Warsh. I am with
18 the Office of the Deputy Mayor for Planning
19 and Economic Development. We are representing
20 the District Department of Mental Health this
21 evening for this particular case. I am joined
22 by my colleague Joe Lapan, also with the

1 Deputy Mayor's Office, and Merritt Drucker
2 back here who is with the Department of Mental
3 Health.

4 So just wanted to hit a few points
5 before we got started, really brief. Nothing
6 that we are presenting here tonight should be
7 new material. The requested modification is
8 simply to realign the boundary of the
9 hospital's existing PUD to conform with the
10 recently passed St. Elizabeths East District,
11 which, in accordance with the St. E's master
12 plan, will guide the development of the area
13 to be removed from the hospital PUD along with
14 the rest of the East Campus.

15 The Office of Planning has
16 recommended approval. As you had mentioned,
17 they had submitted the report. The hospital
18 has -- again, the hospital has been built out
19 in accordance with the approved PUD, and the
20 public benefits contemplated by the PUD have
21 been and continue to be implemented.

22 We have coordinated this

1 realignment with the hospital, and we continue
2 to coordinate with the hospital as this, you
3 know, essentially -- what is an administrative
4 becomes a built environment. And we have also
5 coordinated this with the community through
6 the master planning process, and in speaking
7 with the Commissioner from 8C, Ms. Mary
8 Cuthbert, in terms of letting her know that
9 this was coming down the line, both, you know,
10 through the formal process but also through
11 informally speaking with her when we have the
12 occasion to see her.

13 We did hear questions from one or
14 more of the Commissioners regarding the
15 environmental impact that this action might
16 have, specifically, on the ravine portion of
17 the campus. So I just wanted to touch that
18 preemptively and say that we have -- through
19 the entitlements process, and started the
20 planning process, we have already coordinated
21 with the U.S. Army Corps of Engineers, the
22 District Department of the Environment,

1 identified the wetlands that are within the
2 boundaries of the campus, specifically in the
3 ravine as well. That happens to be where the
4 wetlands on the campus are located. And we
5 have undertaken the jurisdictional delineation
6 process with them.

7 The U.S. Army Corps of Engineers
8 did not claim jurisdiction, and so we have
9 moved over to complete that same process with
10 the District Department of the Environment.

11 They have claimed jurisdiction,
12 and so any development that would occur in
13 this area that would be deemed affecting
14 negatively the wetlands that are located there
15 would have to continue through the permitting
16 and relocating of wetlands process that is
17 required by law.

18 Thanks. We did see some formal
19 questions that Commissioner May I think had
20 submitted to the Office of Planning. I can
21 address those now. I have them here. Or I
22 can wait for you all to address us later.

1 CHAIRMAN HOOD: I'm actually going
2 to be Commissioner May tonight. I know I look
3 a lot better, but anyway, I'm going to ask you
4 his questions. I want to ask them the way he
5 has it, so you can -- so when he goes back to
6 revisit we can kind of do it like we normally
7 do it.

8 So if you'll finish your
9 presentation, I will just -- I'm going to ask
10 his questions. What I'm going to do is I'm
11 going to ask DMPED and the Office of Planning
12 I think when we get to that point. Okay?

13 MR. WARSH: All right.

14 CHAIRMAN HOOD: Because I do have
15 his questions also, so I am going to ask them.
16 So when he relooks at this, it will be the
17 normal process.

18 MR. WARSH: All right. Then, in
19 that case, that is the extent of my
20 presentation. So thank you, and we are
21 available for questions.

22 CHAIRMAN HOOD: Okay. Great.

1 Okay. Thank you very much. We appreciate the
2 brief presentation. I think the record is
3 complete.

4 We have also been joined by the
5 Office of Planning, Ms. Steingasser and Mr.
6 Brown-Roberts.

7 Okay. Commissioners, any
8 questions? Vice Chair.

9 VICE CHAIR COHEN: Thank you, Mr.
10 Chairman. I think if you could submit the
11 Army Corps of Engineers' letter, whatever you
12 have, stating that it is not in their
13 jurisdiction, it would be helpful if -- again,
14 for the record.

15 CHAIRMAN HOOD: Okay.
16 Commissioner Miller?

17 COMMISSIONER MILLER: Thank you,
18 Mr. Chairman. So I'm just looking at a -- one
19 of these maps that was attached to the
20 application. And it is the one that -- it's
21 Attachment 5 in Exhibit 3. I don't know if
22 you have that. It just shows the old PUD

1 boundary -- the existing PUD boundary and the
2 proposed.

3 And if I'm reading it correctly,
4 it looks like there is parcels that would now
5 become part of the St. Elizabeths zoning,
6 specifically part of 19, and a lot of 6,
7 Parcel 6, and then Parcel 13, and Parcel 16 I
8 guess.

9 What is -- can you refresh my
10 memory as to what the St. Elizabeths master
11 plan or the zoning would allow? Would these
12 lots be developable under the proposed zoning
13 and master plan? And what would -- and just
14 generally, what would they -- what type of
15 development in terms of density?

16 MR. WARSH: Sure. So I can just
17 go through them. So 19 is -- actually, that
18 is the one area where the PUD boundary is
19 actually -- well, no, that's right. Yeah. So
20 that we just -- 19 is not developable. That's
21 within the St. E's district. That is
22 maintained as essentially grassy or forested

1 area and not allowed to be developed.

2 Parcel 6 is where the master plan
3 contemplates primarily residential uses.
4 However, the zoning, if you recall, allows for
5 a flexibility of uses within most of the
6 zones. And so it does allow for the --
7 essentially the gamut of uses that the zoning
8 district allowed. That is where some of the
9 higher densities are allowed on campus,
10 thinking, again, if you recall that we
11 essentially scaled up in density as we moved
12 away from the existing neighborhood fabric.

13 So the building envelope for
14 Parcel 6 is 776,352 square feet, the footprint
15 being 242,610 square feet.

16 The same can be said essentially
17 for Parcel 13 in terms of the types of uses
18 that are allowed and the type of density
19 contemplated. Parcel 13 has a footprint of
20 152,358 square feet, and a total building
21 envelope of 487,546 square feet.

22 The other -- Parcel 16, again,

1 similar types of uses, allows for the gamut of
2 uses that were proposed. And the footprint is
3 76,206 square feet, and the total allowable
4 envelope is 243,859 square feet.

5 Parcel 17, which is not in the
6 ravine area, but actually is in the portion of
7 the current PUD that is adjacent to Alabama
8 Avenue, is contemplated as the town center,
9 leveraging its -- the fact that it is located
10 adjacent to the Metro and the -- but, again,
11 it does allow for -- it requires ground floor
12 retail, 50 percent of ground floor FAR be
13 committed to retail.

14 And above that, again, there is a
15 flexibility of uses between residential and
16 commercial, and its footprint is 89,057 square
17 feet, and its total envelope is 222,643 square
18 feet.

19 COMMISSIONER MILLER: Thank you.

20 CHAIRMAN HOOD: Any other
21 questions?

22 COMMISSIONER TURNBULL: Yes, Mr.

1 Chair. I've just got -- I guess to simplify
2 it, the proposed edge of the PUD now is about
3 the edge of the ravine area, roughly. Or does
4 it overlap into the --

5 MR. WARSH: It depends on how you
6 define "ravine."

7 COMMISSIONER TURNBULL: Yes. I
8 know. It's -- I was just looking at this --
9 the section through the property where you
10 have the development, the buildings being, you
11 know, on the properties you mentioned, and it
12 sort of shows that the ravine started -- and
13 I'm guessing that it's close to where that
14 line is, that PUD line.

15 MR. WARSH: Yes. So one of the
16 exhibits that we had attached was an aerial
17 photo with the boundary laid over it. And so
18 that is probably the most useful. If by --
19 you know, if when discussing ravine you are --
20 you know, it's just that point up until it
21 drops off steeply --

22 COMMISSIONER TURNBULL: Yes.

1 MR. WARSH: -- then, yes, I do
2 believe the majority of the ravine, if not all
3 of the -- at least that bank of the ravine is
4 included in -- is being moved over to the --
5 being moved into the new districts and outside
6 of the boundaries of the PUD.

7 But I think that the aerial is the
8 most illustrative exhibit to answer that
9 question.

10 COMMISSIONER TURNBULL: Okay. All
11 right. Thank you.

12 CHAIRMAN HOOD: Okay. You
13 mentioned you had a conversation with Ms.
14 Cuthbert -- Commissioner Cuthbert, excuse me.
15 And how did that go?

16 MR. WARSH: I was personally not
17 the one to have the conversation with Ms.
18 Cuthbert. Katherine Buell had the
19 conversation with Ms. Cuthbert. If you recall
20 Ms. Cuthbert's comments about me at the last
21 hearing, we don't have many conversations
22 anymore.

1 CHAIRMAN HOOD: Yes. I actually
2 thought that had improved. I mean, when I
3 heard it, I thought you had the conversation.

4 MR. WARSH: It improved as a
5 result of us no longer having conversations.

6 CHAIRMAN HOOD: Well, actually
7 sometimes you have to do that. But anyway,
8 what was the result of her --

9 MR. WARSH: Well, essentially she
10 was, you know -- as you can see, she is not
11 here this evening. I don't believe the ANC
12 supported any documentation for or against
13 this. She -- you know, it was explained to
14 her what we were doing, and I believe she
15 understood that this was essentially, you
16 know, for a certain -- to a certain extent an
17 administrative action pursuant to the bulk of
18 the decision, which had already been made as
19 a part of the St. Elizabeths East District's
20 ruling.

21 CHAIRMAN HOOD: Okay. All right.
22 What I want to do is -- I guess you've --

1 well, as you mentioned, you've seen
2 Commissioner May's questions. In his note to
3 me, he asked me to ask you and the Office of
4 Planning.

5 So what I'm going to do, because I
6 want to -- I'm sure he's going to watch this,
7 so I'm going to ask you his questions, and if
8 you can just provide the answers. And when we
9 get to the Office of Planning I'm going to ask
10 you the same questions. And if it's ditto,
11 then we'll just say "ditto." If there's a
12 little more you want to add, we'll go that
13 way. Is that okay for you, Commissioner May?

14 But anyway, let's go ahead and do
15 that. Okay. Number one -- and some of this
16 you may have already spoken -- expounded on.
17 What is the approximate total potential square
18 footage of buildings that can be built under
19 this St. Elizabeths zoning in the area now
20 proposed to be removed under this PUD
21 modification?

22 MR. WARSH: Sir, that is -- I

1 mean, my ability to answer that is the same
2 answer that I would give -- that I gave to
3 Commissioner Miller's question. I can't say
4 -- because we have, you know, illustrative
5 drawings of, you know, what development might
6 look like within these parcels, I can't say
7 how much of the, you know, potential FAR will
8 fall within the boundaries that was once PUD
9 and how much of it will fall within what is --
10 what was outside of the realm of the PUD.

11 I can only say for the parcels
12 that -- most of which were included in the
13 PUD, but that all of that area can potentially
14 be developed upon. We have submitted -- I
15 don't know if we submitted it for the record,
16 but I do have excerpts from the -- I have
17 excerpts from the master planning document.

18 One says Parcel 6 and one says
19 Parcel 13, and those show essentially the
20 boundaries of the parcel, and then have an
21 illustrative drawing of what might -- of what
22 a building might look like if it were to be

1 built on that parcel.

2 But I don't know if I was making
3 sense earlier. But essentially, you know, if
4 you look at, you know, the proposed PUD
5 boundary versus -- the proposed new PUD
6 boundary versus the existing, it is sort of
7 this jagged line that cuts out a portion of
8 the parcel. And so it is hard to say, like I
9 mentioned, exactly where the density will fall
10 on the site now.

11 CHAIRMAN HOOD: Okay.

12 MR. WARSH: But it is certainly
13 allowed to fall on the entirety of the
14 boundary within the boundary that we are
15 proposing.

16 CHAIRMAN HOOD: Okay. Some of the
17 area -- number two. Some of the area will be
18 removed from the PUD. It includes the
19 currently forested and sloped area of the
20 ravine. Will the removal of this land area
21 from the PUD result in development of this
22 forested area?

1 If so, how much of the forested
2 area will be developed? Can you provide a
3 graphic that depicts this? The graphics in
4 the record -- the graphics in the record to --
5 do not do a good job of addressing this
6 question.

7 MR. WARSH: So it is sort of the
8 same answer. The entire parcel -- you know,
9 the entire boundary of the new parcel can be
10 developed, and so, in theory, all of the
11 forested area that falls within -- that would
12 be removed from the PUD and falls within these
13 new parcels could theoretically be developed.

14 I can't say to what extent a
15 developer will come along and decide where he
16 positions his density and where he'd leave
17 open. You know, I can opine that in the areas
18 -- for instance, Parcel 16, where the ravine
19 drops off significantly more steeply than it
20 does in Parcel 13, that maybe that density
21 will be pushed further towards the roadway,
22 and, thus, you would have a greater portion of

1 the site being preserved as forested.

2 But I can't say with any certainty
3 what will occur in the future. I can say
4 that, you know, one scenario that would
5 certainly be allowed under what we're
6 proposing would be that all of the forested
7 area within the site would be deforested.

8 CHAIRMAN HOOD: Okay. Let's go to
9 number three. There is no indication in the
10 record -- and this is in parentheses -- at
11 least from what he -- from what I have seen so
12 far -- that the ANCs have reviewed this change
13 to the PUD and taken a position on it.

14 Has either OP or DMPED presented
15 this matter to the affected ANCs? Is there
16 anything to report from those discussions, if
17 they occurred?

18 MR. WARSH: Again, to reiterate my
19 answer to you, we have had -- discussions have
20 been had with Commissioner Cuthbert and others
21 to mention to her that it is coming down --
22 you know, that this hearing was coming, that

1 this action was being proposed.

2 As far as my understanding as I
3 had heard it reported to me, that there were
4 no issues that they had highlighted, which I
5 think is evidenced by the fact that they were
6 aware of it, and they decided not to submit
7 anything for or against.

8 CHAIRMAN HOOD: Okay. Thank you
9 very much, and I'm sure Commissioner May
10 appreciates you answering the question in that
11 realm, so he can go back and read the tape.

12 Let me just do this right quick.
13 Office of Planning, did you want to add
14 anything to one, two, or three?

15 MS. STEINGASSER: I'm going to go
16 ditto with one and two, and on number three I
17 would just say that I also personally had some
18 conversations with Ms. Cuthbert, Commissioner
19 Cuthbert, about this case pretty much relaying
20 the same information that Mr. Warsh has said
21 Katherine Buell also relayed to her about --
22 that it was a technical boundary resulting in

1 an implementation of the master plan. And she
2 did not express any concern to me.

3 CHAIRMAN HOOD: Okay. Thank you
4 very much.

5 Okay. Let's go to the Office of
6 Planning's report, and then we have -- unless
7 you all have anything -- do you have anything
8 else to add?

9 MS. BROWN-ROBERTS: I have --

10 CHAIRMAN HOOD: No, I mean on
11 their report, and then I will -- do you have
12 anything else on your report?

13 MS. BROWN-ROBERTS: Good evening,
14 Mr. Chairman. The Office of Planning will
15 stand on the record regarding our report.

16 CHAIRMAN HOOD: Okay. Great.
17 Vice Chair, you had a question for the Office
18 of Planning?

19 VICE CHAIR COHEN: Yes.

20 CHAIRMAN HOOD: Or either DMPED,
21 either one.

22 VICE CHAIR COHEN: I just want to

1 make sure that we're going to get something in
2 writing from the Department of the
3 Environment, especially with regard to --
4 again, I don't recall Parcel 19. Can you
5 remind me what the reuse of that land is for?

6 MS. STEINGASSER: Nineteen is the
7 open space. So that will serve as the bulk of
8 the park open space that is shown in the
9 master plan.

10 VICE CHAIR COHEN: But this is the
11 forested area that I thought we said you are
12 going to build on. Maybe I misunderstood you.

13 MS. STEINGASSER: The parcel -- or
14 STE 6, 13 --

15 VICE CHAIR COHEN: Oh, okay.

16 MS. STEINGASSER: -- 16, and a
17 little bit of 18.

18 VICE CHAIR COHEN: All right. But
19 we are still going to get a report from the
20 Department of Environment, correct?

21 MS. STEINGASSER: Normally --

22 MR. WARSH: I can get you their

1 jurisdictional determination from the Corps,
2 and also the -- also DDOE.

3 VICE CHAIR COHEN: Okay. I think
4 that their view of this might be enlightening
5 as well.

6 MR. WARSH: So you want a separate
7 report on this action by DDOE?

8 VICE CHAIR COHEN: I think so,
9 yes.

10 MS. STEINGASSER: Well, normally,
11 DDOE does not weigh in on just the basic
12 rezoning. They would take a look at any
13 development through the building permit
14 process to ensure compliance with stormwater,
15 GAR, that kind of thing. But that doesn't
16 typically come to the Zoning Commission. As
17 you may recall, this plan was designed for
18 matter of right development.

19 VICE CHAIR COHEN: Okay. Thank
20 you.

21 CHAIRMAN HOOD: Any other
22 questions for Office of Planning, or either --

1 DMPED, either one?

2 (No response.)

3 Okay. Okay. Report of other
4 government agencies? I don't know if Mr.
5 Drucker had anything he wanted to add? I was
6 wondering where you were, Mr. Drucker. I
7 hadn't seen you in some years.

8 MR. DRUCKER: We have no
9 objection. We concur with the plan as
10 presented.

11 CHAIRMAN HOOD: Okay.

12 MR. DRUCKER: We have been in very
13 close coordination on it.

14 CHAIRMAN HOOD: Okay. All right.
15 And the report of the ANC? We have heard the
16 comments and the comments that have been made
17 to Commissioner Cuthbert. I'm sure if there
18 were some issues we would have seen or heard
19 from the ANC.

20 Organizations or persons in
21 support?

22 (No response.)

1 Organizations or persons in
2 opposition?

3 (No response.)

4 And, Mr. Warsh, do you have any
5 closing comments?

6 MR. WARSH: No. Thank you very
7 much.

8 CHAIRMAN HOOD: Okay. Ms.
9 Schellin, did I say enough bad stuff about Mr.
10 May tonight, so he can -- when he is reviewing
11 this?

12 MS. SCHELLIN: Probably not, but
13 -- he'll probably expect more.

14 CHAIRMAN HOOD: So I was easy on
15 him tonight.

16 MS. SCHELLIN: Right. He'll
17 expect more, so he'll be pleased.

18 CHAIRMAN HOOD: Okay. So I didn't
19 say anything about him taking this off of the
20 Consent Calendar and not being here for the
21 rest of us who were here for this --

22 MS. SCHELLIN: That's what he

1 expected to hear.

2 CHAIRMAN HOOD: Oh. So, but I
3 didn't say anything about that. Okay.

4 (Laughter.)

5 All right. Any other comments,
6 Commissioner Miller?

7 COMMISSIONER MILLER: If it's
8 appropriate, I'd like to make a motion to
9 approve.

10 CHAIRMAN HOOD: His other request
11 was to -- he wanted to participate in I think
12 both. We have two. Both the --

13 MS. SCHELLIN: Right. He asked
14 that a bench decision not be made this
15 evening, so that he could participate -- fully
16 participate.

17 CHAIRMAN HOOD: So we won't look
18 like we are holding things up, can we put this
19 on our next -- when is our next meeting?
20 Monday? Can you all do everything -- do we
21 have anything that's needed?

22 MS. SCHELLIN: We could get this

1 letter -- final action. He won't be able to
2 read -- no, we can't --

3 CHAIRMAN HOOD: He can't read the
4 record, but he can look at the -- he can look
5 at the video. Can't he look at the video?
6 Okay. A whole week? Let's give him time.
7 Let's do a week. And we can do it at a
8 special public meeting, because I don't -- I
9 don't see this being -- needing to be held up.

10 MS. SCHELLIN: Let's see. If we
11 do a special -- we just have to make sure we
12 have enough time to -- because we do have to
13 advertise it.

14 CHAIRMAN HOOD: You need seven
15 days?

16 MS. SCHELLIN: No. We have to
17 have five days.

18 CHAIRMAN HOOD: Five days?

19 MS. SCHELLIN: We could do a
20 special public meeting for -- at 6:15 on May
21 2nd.

22 CHAIRMAN HOOD: That's next week.

1 Okay. Let's do that.

2 MS. SCHELLIN: Okay.

3 CHAIRMAN HOOD: Okay. And we
4 might want to let him know that he can review
5 the --

6 MS. SCHELLIN: This means I get to
7 stay later tonight to do that.

8 CHAIRMAN HOOD: What, the
9 transcript? I mean, the transcript won't be
10 ready, but he can look at the --

11 MS. SCHELLIN: No. No. I just
12 need to make sure that I advertise it.

13 CHAIRMAN HOOD: Oh, okay. Well,
14 put that in the -- when you send him the email
15 to look at it, just put the caption -- the
16 results of some of the things that went on
17 tonight.

18 Okay. Anything else? One week?
19 Mr. Warsh is not going --

20 COMMISSIONER TURNBULL: But, Mr.
21 Chair, this is still only a proposed action?

22 CHAIRMAN HOOD: Still only a

1 proposed action. Right.

2 COMMISSIONER TURNBULL: Okay.

3 CHAIRMAN HOOD: He asked us not to
4 do a bench decision, so he can participate.

5 MR. LAPAN: Commissioner Hood,
6 just to be clear, will the record remain open,
7 so that we can submit the items requested?

8 CHAIRMAN HOOD: Yes. We can -- do
9 you still want that?

10 MS. SCHELLIN: How long is that
11 going to take you guys to get that?

12 CHAIRMAN HOOD: By Monday?

13 MR. LAPAN: Tomorrow.

14 CHAIRMAN HOOD: Oh, okay.

15 MS. SCHELLIN: Okay. So we'll
16 leave the record open, just to be safe, until
17 Monday, the 29th, 3:00 p.m.

18 CHAIRMAN HOOD: I think we can
19 wait for our other colleague who wants to
20 participate in this case, not to mention he
21 took it off and he's not here tonight. But I
22 just -- I'm not going to mention that.

1 Okay. I'm sure I'll hear about
2 it.

3 Do we have anything else, Ms.
4 Schellin?

5 MS. SCHELLIN: I think that's it.

6 CHAIRMAN HOOD: Okay. All right.
7 I'm going to --

8 MS. SCHELLIN: Other than draft
9 findings of fact and conclusions of law. We
10 can get those -- if we could have those by May
11 13th, 3:00 p.m.

12 CHAIRMAN HOOD: Oh. For the
13 final.

14 MS. SCHELLIN: Yes. We need to --
15 we are not going to be taking it final for a
16 while, but --

17 CHAIRMAN HOOD: That's for final
18 action.

19 MS. SCHELLIN: -- but we need to
20 get draft findings of fact and conclusions of
21 law.

22 CHAIRMAN HOOD: Okay. All right.

1 I don't think that's that much of an
2 inconvenience. But we can -- we will move in
3 that fashion.

4 Okay. Anything else?

5 (No response.)

6 All right. So I want to thank
7 everyone for their participation tonight, and
8 this hearing is adjourned.

9 (Whereupon, at 6:57 p.m., the
10 proceedings in the foregoing
11 matter were adjourned.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 04-25-13

Place: Washington, DC

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



Court Reporter

NEAL R. GROSS

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