

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

THURSDAY,

FEBRUARY 16, 2012

+ + + + +

The Special Public Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:33 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Chairman
KONRAD W. SCHLATER Vice Chairman
MARCIE COHEN Commissioner
PETER G. MAY Commissioner (NPS)
MICHAEL G. TURNBULL Commissioner FAIA,
(AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy
Director, Development Review &
Historic Preservation
JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

This transcript constitutes the
minutes from the Special Public Meeting held
on February 16, 2012.

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

2 6:33 p.m.

3 CHAIRMAN HOOD: We are ready to
4 get started. This meeting will, please, come
5 to order.

6 Good evening, ladies and
7 gentlemen. This is the February 16, 2012
8 Special Public Meeting of the Zoning
9 Commission for the District of Columbia.

10 My name is Anthony Hood. I'm
11 going to try this again. I'm going to ask the
12 dias to introduce themselves starting to my
13 left and we will go from my left to the right.

14 MS. NAGELHOUT: I'm Mary Nagelhout
15 with the Office of the Attorney General.

16 MS. SCHELLIN: Sharon Schellin
17 with the Office of Zoning.

18 COMMISSIONER TURNBULL: Michael
19 Turnbull representing the Architect of the
20 Capitol.

21 VICE CHAIRMAN SCHLATER: Konrad
22 Schlater, Mayoral Appointee.

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1 COMMISSIONER COHEN: Marcie Cohen,
2 Mayoral Appointee, and I am not sitting --
3 officially voting or sitting on this.

4 COMMISSIONER MAY: Peter May
5 representing the National Park Service.

6 MS. STEINGASSER: Jennifer
7 Steingasser, Office of Planning, and I'll be
8 joined by Joel Lawson, also with the Office of
9 Planning.

10 CHAIRMAN HOOD: Okay. Thank you,
11 everyone.

12 Copies of today's meeting agenda
13 are available to you and are located in the
14 bin near the door. We do not take any public
15 testimony at our meetings, unless the
16 Commission requests someone to come forward.

17 Please be advised that this
18 proceeding is being recorded by a court
19 reporter and is also webcast live.
20 Accordingly, we must ask you to refrain from
21 any disruptive noises or actions in the
22 hearing room.

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1 Please, turn off all beepers and
2 cell phones.

3 Does the staff have any
4 preliminary matters?

5 MS. SCHELLIN: Just to advise that
6 the additional request that the Commission
7 made from the applicant was submitted in Case
8 No. 11-07 at Exhibit 602. And then the
9 parties responded in Exhibit 604 through 607.

10 And then 11-07A at Exhibit 33, the applicant
11 made a submission and Exhibit 34 is the
12 response from ANC-3D.

13 CHAIRMAN HOOD: Okay. Thank you,
14 Ms. Schellin. And let me just say this for
15 the record. People ask why doesn't the
16 Chairman just go ahead and introduce the dias.

17 The rationale is so I can get myself
18 together, that allows me time to get my
19 paperwork shifted around. And I'm being
20 honest. That's really why I do that. It's a
21 time saver.

22 But anyway, let's get right into

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1 business. Commissioners, there were a number
2 of things that we asked for in our first
3 decision meeting, Zoning Commission Case 11-
4 07, and we have had a number of submissions.

5 And what I would like to do is ask
6 my colleagues do we want to start off again
7 with the -- I think the best way we can go is
8 to start off with the submissions that were
9 given to us to answer some of the questions.

10 I particularly am -- I will tell
11 you what this particular Commissioner is
12 particularly interested in is the Community
13 Liaison Group, but what I would like to do is
14 open it up and see does anyone have a
15 preference or would like to start us off
16 besides myself?

17 All the materials that we have
18 here are things that we requested and asked
19 for.

20 VICE CHAIRMAN SCHLATER: Mr.
21 Chairman, maybe we could use the applicant's
22 submission as sort of a guide book for how to

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1 address the issues tonight, unless you just
2 want to -- so that we cover all the issues.

3 CHAIRMAN HOOD: Is that 602?

4 VICE CHAIRMAN SCHLATER: Yes.

5 CHAIRMAN HOOD: Okay. We can use
6 that. Also, I want to make sure that we
7 reference to the other information that we
8 got, 603 from ANC.

9 Well, let's do that. I would
10 agree. Let's go ahead and use 602. I don't
11 want anyone thinking we're not paying or we
12 have not focused on their submissions that
13 they volunteered and worked hard on.

14 So I would agree, we can go right
15 down those lines. We're going to talk about
16 student housing, if that's the order we choose
17 to move in.

18 I think there was a lot of
19 discussion. I think it was one of the ANCs
20 mentioned that the university was only at like
21 50, I can't remember, I don't have it right in
22 front of me, 50 percent. If anyone recalls

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1 what that percentile was, let me know.

2 But Office of Planning in their
3 Exhibit No. 588, they had the student housing
4 and what their recommendation was and that was
5 something that we had the last time, which we
6 delayed until this meeting.

7 And I guess do we want to use that
8 as a reference? I have heard some discussion,
9 I thought, at the last decision making to
10 focus and look at their recommendation.

11 VICE CHAIRMAN SCHLATER: I have a
12 question for the Office of Planning.

13 CHAIRMAN HOOD: Sure.

14 VICE CHAIRMAN SCHLATER: The
15 exhibit itself says the university's proposal
16 is now fully consistent with the Office of
17 Planning's recommendations on the issue. Is
18 that consistent with the Office of Planning's
19 understanding?

20 MS. STEINGASSER: Based on the
21 changes, yes.

22 VICE CHAIRMAN SCHLATER: Okay.

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1 MS. STEINGASSER: We have reached
2 that conclusion.

3 VICE CHAIRMAN SCHLATER: Now, one
4 of the issues that was raised by ANC-3D was
5 linking the 67 percent housing mandate to a
6 population cap. Is OP anywhere near there?

7 MS. STEINGASSER: You will have to
8 give me a little more detail.

9 VICE CHAIRMAN SCHLATER: I think
10 the idea was if they didn't meet these -- what
11 are the consequences of not meeting the 67
12 percent housing requirement?

13 MS. STEINGASSER: I'm just kind of
14 confused as to which issue we are referencing.
15 They are now proposing to meet the 67 percent
16 undergrads on-campus, on their --

17 VICE CHAIRMAN SCHLATER: By the
18 fall of 2016, correct?

19 MS. STEINGASSER: That's correct,
20 yes.

21 COMMISSIONER MAY: I think what
22 the ANC was proposing was that the enrollment

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1 be limited or capped or tied to the
2 achievement of the housing, on-campus housing
3 goals. Is that the question that you are
4 asking?

5 VICE CHAIRMAN SCHLATER: Yes, I
6 think so.

7 MS. STEINGASSER: And you are
8 asking me to comment on --

9 VICE CHAIRMAN SCHLATER: Where is
10 OP on that issue? Yes.

11 MS. STEINGASSER: Well, we have
12 not taken any different stance from what our
13 original proposal was.

14 VICE CHAIRMAN SCHLATER: Okay.

15 MS. STEINGASSER: Which
16 accommodated the construction timing.

17 VICE CHAIRMAN SCHLATER: Okay.
18 And does OP have a position on the elimination
19 of all of the Master Leasing Agreements? So I
20 know the Master Leasing Agreements are no
21 longer counted towards the 67 percent, but I
22 think the ANC wanted to go one step further

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1 and just eliminating those Master Leasing
2 Agreements altogether.

3 MS. STEINGASSER: We haven't, to
4 be honest, taken a stance on that issue in
5 isolation.

6 VICE CHAIRMAN SCHLATER: Yes.

7 MS. STEINGASSER: In theory, it is
8 -- we would not oppose a master lease,
9 especially if it were tied with the university
10 responsive management. So whether there is
11 RAs on the site or professors or somebody that
12 could control the students, so it's not just
13 the students aren't just sub-tenants.

14 VICE CHAIRMAN SCHLATER: Yes.

15 MS. STEINGASSER: But there is
16 actually university control, so that the
17 impacts could be managed.

18 VICE CHAIRMAN SCHLATER: Okay.

19 CHAIRMAN HOOD: Okay.
20 Commissioners, what is your pleasure? Again,
21 I'm looking at -- I'm inclined to go with the
22 recommendation of the Office of Planning, at

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1 this time. And I thought about this. And
2 they gave us a supplemental report and it
3 looks like we are getting pretty close. And I
4 think, as we stated, they are in agreeance
5 with the applicant.

6 And I just want to know if anyone
7 would like to deviate from what we see here on
8 Exhibit No. 588? I think we have two
9 questions. Student housing and the population
10 cap. And I think the caps are at the student
11 housing on -- in Exhibit No. 588.

12 COMMISSIONER MAY: Well, can we do
13 these one at a time? I mean, the first one
14 being the on-campus housing and the goal of
15 housing 67 percent by 2016. And now that the
16 applicant is fully in agreement with the
17 Office of Planning, I'm certainly comfortable
18 with that.

19 The idea that there -- I mean, it
20 was suggested by the ANC and perhaps others
21 that the university agreed never to do any
22 Master Leasing Agreements. I don't think that

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1 that's really a necessary step. I didn't hear
2 a lot of or see a lot of evidence that the
3 existing arrangement where they are housing
4 200 students at the Berkshire, I didn't hear a
5 lot saying that that was in itself a problem.

6 I think it is a good idea for
7 those beds to move on-campus, but if, in the
8 future, there is some reason why that makes
9 sense for the university, I certainly wouldn't
10 want to -- you know, if OP is comfortable with
11 that concept as a tool at some point in the
12 future, I wouldn't want to tie the
13 university's hands or suggest that they tie
14 their own hands here.

15 So in other words, I'm comfortable
16 with the housing the way it is and what has
17 been proposed by the applicant. It's just the
18 Office of Planning addresses the critical
19 issues.

20 CHAIRMAN HOOD: Okay. So you are
21 also in agreeance with Exhibit No. 588?

22 COMMISSIONER MAY: I think so.

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1 But I'm going on my recollection and on
2 subsequent exhibits in the Office of
3 Planning's statement. So I'll go back and
4 look at 588 --

5 CHAIRMAN HOOD: No, no, no.

6 COMMISSIONER MAY: -- to make sure
7 I'm absolutely --

8 CHAIRMAN HOOD: I just know what
9 is in black and white. I can't -- I do not go
10 on my memory.

11 COMMISSIONER MAY: Oh, I know,
12 but, you know, we all go by the piece of
13 papers that are in front of us. So I haven't
14 gone back and looked at 588. I'll go back and
15 look at it.

16 CHAIRMAN HOOD: Which piece is in
17 front of us? We have quite a few. But
18 anyway, I'm going to pass it down to you. I
19 just wanted to make sure we are all on the
20 same page before we move to the next one.

21 MS. SCHELLIN: Here.

22 COMMISSIONER MAY: Oh, thank you.

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1 CHAIRMAN HOOD: Oh, you don't want
2 my copy? Okay. Well, if I need your's, pass
3 it down to me.

4 COMMISSIONER MAY: All right. Got
5 it. All set. Thanks.

6 CHAIRMAN HOOD: Okay. Thank you,
7 Mr. Turnbull. Mine is even highlighted.

8 COMMISSIONER MAY: Yes, I agree
9 with 588, if that's what you are waiting for.

10 CHAIRMAN HOOD: Okay. Thank you
11 very much. Okay. Now, this issue about the
12 master leasing, and I'm trying to recount. I
13 don't want to go by my recollection,
14 Commissioner May. You didn't want to tie the
15 hands, even though the ANC has asked that we
16 include that as a condition? And you didn't
17 want to tie -- I guess you are saying that we
18 didn't hear enough testimony at the hearing
19 that that was a major issue. Is that where
20 you were going?

21 COMMISSIONER MAY: Yes. I mean,
22 the university needs to continue master

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1 leasing at least until the East Campus is
2 built out and all of the beds that would
3 otherwise be at the Berkshire are on the East
4 Campus.

5 So they certainly need to -- they
6 need that flexibility in the short-term, but
7 in the long-term, if -- I didn't see evidence
8 or hear testimony that indicated that the
9 Berkshire and the university's management of
10 that was, in itself, a problem.

11 And if the university has the need
12 for some unforeseen reason to do a master
13 lease for a number of apartments, I wouldn't
14 want to deny them that ability to do it,
15 because there is no reason for us to deny
16 that, that I have seen or heard.

17 CHAIRMAN HOOD: But I think --

18 COMMISSIONER MAY: I'm willing to
19 be -- I mean, if anybody can correct me or
20 point me at things that indicate otherwise?

21 CHAIRMAN HOOD: But I think that
22 at least the way I'm interpreting, and this

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1 might go along with the Vice Chair, it may be
2 different I'm not sure, but the ANC-3D is
3 asking us that if at the appropriate time for
4 that master leasing -- it says -- let me read
5 it, so I won't put any words in the ANC's
6 mouth.

7 "ANC-3D recommends that the Zoning
8 Commission include a condition of its approval
9 of 2011/2021 Campus Plan," I don't know if
10 that's the term, but anyway, "and requirement
11 that all master leasing should be terminated
12 by fall of 2016, which if you look together
13 will house at least 67 percent of total
14 undergraduate enrollment by the beginning of
15 the academic fall semester of 2016."

16 I think what they are asking us to
17 do is to make sure that all of that is
18 terminated by the time this other piece kicks
19 in. At least that's the way I read it. Is
20 anyone open to that? Are you open?

21 COMMISSIONER MAY: No, I mean, I
22 don't see a particular reason to require that.

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1 I mean, the real requirement here is that
2 they house 67 percent on the campus by 2016.
3 I mean, what if there is sufficient demand
4 that they hire -- that they house 67 percent
5 on-campus and there is still demand for the
6 Berkshire apartments? It doesn't count
7 towards the 67 percent requirement and it
8 might make sense for the university to do
9 that.

10 CHAIRMAN HOOD: Okay. Anybody
11 else agree with Commissioner May or anybody
12 else open to the recommendation or requests?

13 COMMISSIONER TURNBULL: Well, I
14 mean, the university, I think, in 602 is
15 saying that the calculation of the percentage
16 of full-time undergraduate students will be
17 terminated. They won't be counting the
18 Berkshire by 2016.

19 I mean, they are saying that and
20 that has to do with the timing of the East
21 Campus.

22 CHAIRMAN HOOD: So as I

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1 understand, that will happen anyway without
2 being said. We are still accomplishing the
3 same thing that the ANC -- I don't know why I
4 thought it was D, but E. It was D.

5 VICE CHAIRMAN SCHLATER: I don't
6 think so.

7 CHAIRMAN HOOD: It's something
8 they are saying.

9 VICE CHAIRMAN SCHLATER: I think
10 it is two different issues. One is how you
11 calculate the 67 percent. I think the
12 university, OP, the ANC are all on the same
13 page with that.

14 The second issue is the practice
15 of master leasing off-campus and whether the
16 Zoning Commission should weigh in and say that
17 the university should not be allowed to master
18 lease these apartment buildings.

19 There has been testimony -- well,
20 I can't recall on the record very strong
21 evidence that this practice is creating
22 problems. So I'm hesitant to weigh in on that

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1 one. I think we should -- I'm not in favor of
2 putting that sort of condition in the order.

3 CHAIRMAN HOOD: So I think we are
4 all in the same place. However we say it,
5 however we interpret it, we still all end up
6 in the same place. I just wanted to make sure
7 that we read it and see if anyone had any
8 interest.

9 I actually had an interest, but I
10 can count the votes. I listen to my
11 colleagues. I can count the votes.

12 Okay. Okay. Let's -- and I just
13 wanted to have a discussion, but I think I'll
14 go more with what I heard Mr. Turnbull say.
15 That gives me a comfort level to not put it in
16 there to move forward, because I actually may
17 disagree a little bit with the Vice Chair, but
18 anyway, we all end up in the same place.

19 Okay. So we are all set with the
20 student housing and the master leasing issue.

21 Okay. Let's move right along and we're
22 taking it from 602.

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1 Would anybody like to start us
2 off?

3 VICE CHAIRMAN SCHLATER: I think
4 the next issue to address is the GSA decision
5 on the Homeland Security Traffic Study.

6 CHAIRMAN HOOD: I think I'll
7 actually quote it, Commissioner May requested
8 the applicant address the appropriateness of
9 one of the models.

10 COMMISSIONER MAY: Well, I find it
11 a bit difficult to find -- to really
12 understand what is correct here. I mean, the
13 applicant makes a reasonable response and says
14 that what was used was a limited amount of
15 data and that DDOT agreed with the use of that
16 data.

17 There were numerous -- I guess
18 several of the submissions, put it that way,
19 indicated that much more was taken from the
20 GSA study, including conclusions about the
21 rate of growth of traffic along Nebraska
22 Avenue and what percentage that would be.

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1 And, you know, I don't know that
2 that was necessarily taken. They may have
3 been using the same -- it may have been that
4 they had that number of 1 percent over 10
5 years in common with the GSA study, but I
6 didn't see a clear indication that it actually
7 came from the GSA study.

8 But, you know, I think that it's
9 pretty clear that this is an issue that a
10 number of the parties have dug into in great
11 detail and it's hard for me to make a
12 determination that it is, in fact -- that the
13 applicant's reliance on any part of the GSA
14 study is inappropriate.

15 I would hope that if, in fact, it
16 really was flawed and the flaws from the GSA
17 study, to the extent they were identified and
18 agreed with by DDOT, I mean, I would expect
19 DDOT to speak up and say, you know what, this
20 doesn't work any more. But they haven't done
21 that.

22 So I think that my fall back is

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1 that I don't see DDOT raising the issue and
2 the problem, so otherwise I have -- we have
3 sort of competing experts. And, you know, I
4 think it is all interesting, helpful
5 illuminating, but I don't feel like I'm the
6 one who can decide that any of the parties
7 know the issue better than the traffic
8 consultants for the -- on the part of the
9 university.

10 And as I said, DDOT has not raised
11 the issue with the university study, so I
12 could tend to just go along with that.

13 CHAIRMAN HOOD: Anyone else?
14 Okay. I actually would agree. Anyone else
15 want to comment? Okay.

16 Let's go to enhanced neighborhood
17 liaison, I have been itching to get to this
18 one.

19 COMMISSIONER MAY: I'm sorry, Mr.
20 Chairman, can we talk more specifically about
21 some of the issues that were raised from the--
22 on transportation issues, we addressed the

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1 first one in the applicant's submission, but
2 not the next couple.

3 I had asked specifically about the
4 appropriateness of the Stanford model for this
5 case, the so-called trip cap. And I guess I
6 agree with the applicant's conclusion that it
7 is not necessary, at this moment.

8 I don't know that it's not
9 appropriate. I'm not going to try to argue
10 that for some reasons it's not really
11 appropriate at all, but I don't buy all of
12 that.

13 I think that this is a tool that
14 is still out there and that, in the future,
15 something -- it's something that might be
16 considered.

17 Theoretically, if everything holds
18 true that the applicant says, in 10 years, we
19 are not going to be worrying about this,
20 because, you know, the trip generation from
21 the university is going to decrease so much,
22 that the university will not be the major

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1 factor of congestion in the area.

2 I don't know, maybe, Chairman
3 Hood, you and I will be here in 10 years and
4 we can see if that's true or not. But
5 actually, I think that maybe this is something
6 where it is a tool that should be available in
7 the shorter term, if measures that are in the
8 campus plan don't help them to achieve that --
9 you know, the trip generation numbers that
10 they are hoping for.

11 So maybe in a few years this is
12 something that can be revisited and if
13 additional measures are needed, that this is
14 something that is in the toolbox to be used.

15 VICE CHAIRMAN SCHLATER: And I
16 think that's exactly what a trip cap is, even
17 in the Gorove/Slade memo included in the
18 applicant's response it cited the Lab School
19 and the trip cap instituted by the BZA there.

20 And all it said was if you exceed the trip
21 cap, you have to come back and institute
22 addition TDM measures. So it's almost a

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1 monitoring --

2 COMMISSIONER MAY: Right. But I--

3 VICE CHAIRMAN SCHLATER: It's a
4 hammer, too, but it's monitoring device.

5 COMMISSIONER MAY: Well, my
6 impression is that it's more -- it requires
7 more immediate monitoring than would otherwise
8 be done under the terms of what is proposed
9 right now.

10 VICE CHAIRMAN SCHLATER: Yes.

11 COMMISSIONER MAY: So --

12 VICE CHAIRMAN SCHLATER: I mean,
13 I'm certainly interested in the discussion.

14 COMMISSIONER MAY: Yes.

15 VICE CHAIRMAN SCHLATER: And the--

16 COMMISSIONER MAY: Well, I mean,
17 if other Members of the Commission think that
18 a trip cap, I have to say that very carefully,
19 I think, is appropriate, you know, I could be
20 convinced of that, too.

21 COMMISSIONER TURNBULL: Yes, my
22 only question is how accurately can you set

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1 that? I don't want to set it at such a point
2 where it's so limiting that you can't function
3 or at the same time, put it at a point where
4 it is meaningless.

5 I mean, working with a
6 Transportation Demand Management Plan, you
7 know, is what we have been working with in the
8 future. I guess I'm still uncertain on how it
9 really works. I mean, the BZA has implemented
10 it, but it has only been on one case.

11 I guess I don't know if there is
12 enough background there to show how it really
13 works.

14 VICE CHAIRMAN SCHLATER: It sounds
15 like it works. I mean, I don't think there is
16 any one way it can be implemented. You could
17 say, for instance, if you exceed the trip cap
18 two consecutive years, you've got to go back
19 to DDOT and propose a more ambitious TDM
20 program.

21 COMMISSIONER TURNBULL: Well, but
22 how do you set the trip cap?

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1 VICE CHAIRMAN SCHLATER: Well, I
2 don't -- that is a good question.

3 COMMISSIONER MAY: Yes, and that's
4 where I think it gets to be a very significant
5 requirement on the part of the university.
6 And I'm not sure that we have seen enough
7 evidence that it really is justified at this
8 moment. I mean, it may be that it will be if
9 things don't go as predicted, that's why I'm
10 just -- I don't feel like it's something we
11 have to do now, but maybe it's something that
12 needs to be done in the future, but --

13 COMMISSIONER TURNBULL: Well,
14 could that be a condition say after five
15 years?

16 COMMISSIONER MAY: Or less even.

17 COMMISSIONER TURNBULL: Or less.

18 COMMISSIONER MAY: I think that
19 that -- I mean, I think there are a number of
20 issues that are in this plan right now that
21 may be worth revisiting in some fashion within
22 a few years to see whether further measures

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1 are necessary.

2 COMMISSIONER TURNBULL: So I think
3 that --

4 COMMISSIONER MAY: Maybe if we can
5 put that question into -- off to the side at
6 the moment and come back to it.

7 COMMISSIONER TURNBULL: Okay.

8 CHAIRMAN HOOD: And I would just
9 weigh in. I don't think we have enough
10 information, at least I don't, to make a
11 decision about the trip cap. It sounds to me
12 like we would need to -- because we are
13 getting ready to make a decision that can
14 affect the community and the neighborhood.

15 So I would think we would need to,
16 first of all, get more information. But I
17 will put that in the parking lot, because we
18 are going to put the term in the parking lot.

19 So again, I would go with the discussion I
20 heard on the latter part of the discussion.

21 Okay. Anything else on
22 transportation?

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1 COMMISSIONER MAY: There is one
2 other item that I had particular questions
3 about, which was the applicant's response to
4 MCV Associates' traffic study. And I did read
5 that memorandum thoroughly.

6 And, you know, I can't say that I
7 found it fully satisfying, maybe that's why if
8 it was, I mean, as I understand it, previously
9 submitted, although I haven't been able to
10 locate it in my vast piles of information.

11 But I'm not completely satisfied
12 with some of the responses, but, again, it's
13 one of those areas where if I cannot resolve
14 the differences of opinion, I mean, clearly
15 there is some, I think, where the applicant's
16 case is well-stated and is clear and is
17 factual and I can agree with, but not 100
18 percent of what was stated in those rebuttals
19 of the MCV study.

20 So failing -- I mean, when it
21 comes down to differing opinions of experts in
22 some of these cases, again, I have to fall

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1 back to, you know, what red flags has DDOT
2 raised on that. And I don't -- I haven't seen
3 them pointing at the MCV study and saying hey,
4 this is -- you know, they are on target here.

5 I mean, a lot of the rebuttal from
6 the applicant on the MCV study has to do with
7 well, we did what DDOT told us to do and these
8 are the results. So if DDOT disagreed with
9 that, I think they would have spoken up.

10 CHAIRMAN HOOD: Anybody else?
11 Okay. Can we move on? Enhanced Neighborhood
12 Liaison Committee. As I started saying
13 earlier, I have been itching to get to this
14 one, because I think some of the stuff we even
15 have with all of this campus plan could be
16 dealt with or what should have been dealt with
17 properly right here.

18 I don't like what the applicant
19 submitted. While I think that they made an
20 effort, I think just to say that each meeting
21 will be led by a member of the president's
22 cabinet, if I'm a special assistant to the

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1 president, I'm considered part of the cabinet.

2 So I don't see the special
3 assistant coming to any meeting and making a
4 decision. Now, I'm not going to say that
5 American -- and I think I asked American to
6 look at what Howard did, and I know that
7 people say well, he thinks Howard is the
8 ruler, no, I don't.

9 What I think is that what Howard
10 did worked. And when I look at this, this is
11 something that just says okay, we're going to
12 have a meeting. We're going to set the
13 agenda, as somebody said in one of the
14 submissions. We are going to have the whole
15 neighborhood come in and we are going to
16 revisit it, but we are not going to end with
17 any resolution.

18 That's the way I took this. And I
19 think if this right here was beefed up like it
20 should be, I think these campus plans and
21 these discussions would probably be hashed out
22 long before it gets down here to the Zoning

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1 Commission, that's just my opinion.

2 But I don't like what I see here.

3 While I think a good effort might have been
4 made, I still don't think it meets the goal of
5 what I was trying to achieve and get to, which
6 I think would cut back on us sitting up here
7 making these comments and if I have to do this
8 or this may happen, this may not happen or I'm
9 really not sure about this, because at the end
10 of the day, I don't think any of us live up on
11 the American University area.

12 We are not going to be the ones
13 that are going to be impacted. It's going to
14 be the community and the college. So when I
15 look at this, I think the best place to be is
16 a meeting of the minds, have some coordination
17 and organization in a room with somebody who
18 can make a decision.

19 And I understand that through that
20 I think Mr. Taylor has mentioned or someone
21 some testimony that he has been in meetings
22 and some senior vice president folks have been

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1 at meetings, I don't know who the decision
2 makers are now. Somebody from the president's
3 cabinet, that's a very vague statement.

4 Maybe if I'm missing something,
5 you have to -- for me, that's a show stopper.

6 This right here, this piece right here is
7 very key for me, because that's where the
8 rubber meets the road, that's where you meet
9 with the community and for this to just say
10 president's cabinet to assure the neighbors
11 ready access to senior management, come on.

12 We've got to do better than that.

13 And for me tonight, if somebody is looking
14 for a decision from me tonight, unless my
15 colleagues convince me otherwise and I'm out
16 voted, this for me tonight is a show stopper.

17 So that's all I have to say on the
18 Enhanced Neighborhood Liaison Committee, other
19 than please look at the model of Howard
20 University and make it happen and make it
21 work.

22 And another thing, unfortunately,

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1 we don't need all those groups. We need to
2 coordinate that and formulate that and have
3 representatives. We don't need the whole --
4 we don't need 75 people in a room. We need
5 representatives just like, for example, if
6 somebody from the ANC comes, the community who
7 is under a particular ANC, we've got a
8 Commission who is representing our issues.

9 It's better to have a few in the
10 room, just like us, there is five of us,
11 there's not 50 of us up here deciding on the
12 campus plan. It's five of us and I think we
13 need to do that. We need to get serious, so
14 we don't have to come down here and all this
15 stuff looks good in black and white, but does
16 it work? Obviously not.

17 And I've been itching on that one,
18 because I didn't like what I read. So anyway,
19 let me open it up.

20 COMMISSIONER MAY: Mr. Chairman?

21 CHAIRMAN HOOD: Yes.

22 COMMISSIONER MAY: I would agree

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1 that I didn't see the sort of beefing up that
2 I thought we were asking for. You know, on
3 its face, the idea that a member of the
4 president's cabinet would be there, I mean, it
5 sounds good.

6 CHAIRMAN HOOD: Yes.

7 COMMISSIONER MAY: But, you know,
8 we are talking about quarterly meetings and I
9 have no idea how many people are in the
10 president's cabinet and how they do this. I
11 mean, if this is -- it might be like saying,
12 you know, a vice president in a bank, because
13 there are thousands of them, you know, you
14 just don't know.

15 And that may not be the case here,
16 it's just that we just don't know. We don't
17 know how -- what rank these people really are
18 or how many there are and so on. But it's
19 four meetings a year. I mean, why can't there
20 be one person for whom this becomes part of
21 their job and attends four meetings a year?

22 It just doesn't seem like it's

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1 that difficult to do. And that it be the
2 right person who can get the decisions.

3 Then there is the question of how
4 the meetings actually would be structured. I
5 mean, I appreciate the fact that they listed
6 issues that are of ongoing concern. However,
7 the different issues affect different groups
8 of people. So if everybody has got to come to
9 one big meeting quarterly and you've got to
10 wait through the whole agenda to talk about
11 the one issue that is important to you and the
12 people in your neighborhood, it's not
13 necessarily the most efficient way of doing
14 business.

15 So I think something that is more
16 aggressive and where there is more frequent
17 meetings and that the meetings could be more
18 topical, in other words, you don't have to
19 cover every agenda item at every meeting. I
20 just think would be much more efficient and
21 would make better use of people's time and
22 would be less frustrating for the people

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1 involved.

2 I would also say that while I
3 understand some of the parties would like to
4 see a very explicit dispute resolution
5 process, I'm not sure that what has been
6 suggested makes sense. I mean, I can see
7 having some course for escalating decisions,
8 but I don't think you could actually negotiate
9 a dispute resolution process that is going to
10 become part of a zoning order at this point.

11 I just don't know, unless it has
12 been done before in some other case and we
13 know how to do this sort of thing with the
14 context of a zoning order, I just don't think
15 that that's where we want to go.

16 We could say something about them
17 establishing a dispute resolution process as a
18 requirement and reporting to us maybe, but I
19 just think it's unrealistic to say that this
20 has to be nailed down right now.

21 CHAIRMAN HOOD: Okay. Anybody
22 else on that?

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1 COMMISSIONER TURNBULL: I would
2 agree.

3 CHAIRMAN HOOD: And I also have a
4 note to myself, Commissioner May, about the
5 quarterly meetings. I wrote down here more if
6 needed.

7 COMMISSIONER MAY: Yes.

8 CHAIRMAN HOOD: I mean, you know,
9 whatever gets it done and accomplished. And
10 I'm not saying that the university --
11 understand. I'm not saying that the
12 university is going to always be wrong in
13 these situations. What I'm saying is at least
14 open up the dialogue and have some not
15 necessarily solutions, but have some
16 resolution. Make it happen.

17 I'm very disappointed in what I
18 got here tonight. I really am, because
19 actually I think I'm having the same meeting
20 we had on the 23rd or whatever date that was.

21 But anyway, I will leave that as is. For me,
22 that's a show stopper. That's very important

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1 to me.

2 Okay. Anybody else on this?

3 Okay. Let's go to East Campus, updated
4 elevations and landscape plans reduce amount
5 of retail use. I'm not sure who that was.
6 From my recollection, I'm not sure.

7 Okay. We've got revised
8 elevations, confirm the sequencing of the
9 construction of the proposed building on the
10 East Campus and enhance the landscaping
11 buffer.

12 COMMISSIONER TURNBULL: Well, Mr.
13 Chair, I'll start us off. I think on the
14 elevations, I think I may have mentioned, at
15 some point, about the character of them and
16 someone has twisted Ms. Buffington's arm to
17 add brick to the facade.

18 But there has been a change. I
19 mean, it's basically the same, but they have
20 gotten rid of the -- I think, the limestone
21 has been cut back and they are trying to
22 incorporate the brick. And you could see how

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1 it extends into the quad, the bricks on the
2 facade.

3 I have no objection to the -- I
4 think it is a very good start. I think it was
5 a meaningful change. I think once you get
6 some landscaping back there, too, I mean, the
7 pictures we have, basically, show it bare
8 bones, too. So I think you will get more of a
9 -- once you have landscaping, we will develop
10 more of a residential, if you want to call it,
11 tone to it.

12 I mean, it will be -- it will
13 significantly alter it even beyond what we see
14 now. I mean, but just to show us it, I mean,
15 it's, basically, just bare bones right now. I
16 think including the brick is a significant
17 change that they have done.

18 CHAIRMAN HOOD: Mr. Turnbull, are
19 you finished?

20 COMMISSIONER TURNBULL: Yes.

21 CHAIRMAN HOOD: Take your time.

22 Take your time. Are you finished?

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1 COMMISSIONER TURNBULL: Yes, for
2 now.

3 CHAIRMAN HOOD: Okay. Vice
4 Chairman, do you have something?

5 VICE CHAIRMAN SCHLATER: I have a
6 question for the Office of Planning again.
7 Specifically related to the reduction in the
8 amount of university-related retail space, I
9 definitely supported OP's push to reduce the
10 amount of retail --

11 MS. STEINGASSER: Yes.

12 VICE CHAIRMAN SCHLATER: -- on
13 this site. I'm just wondering now that it is
14 down to 3,000 square feet, does OP have an
15 opinion on the location of that retail space
16 and whether this is appropriately located?

17 MS. STEINGASSER: We have no
18 objections to it's proposed location.

19 CHAIRMAN HOOD: Okay. Anyone
20 else?

21 COMMISSIONER MAY: Mr. Chairman?

22 CHAIRMAN HOOD: Yes?

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1 COMMISSIONER MAY: I am okay with
2 the revised elevations. I'm pleased to see
3 that the buildings 4 and 6 will be completed
4 no later than the opening of the student
5 housing buildings on the East Campus.

6 I think the enhanced landscape
7 buffer is fine. And I think the reduced
8 amount of retail is fine. And if the Office
9 of Planning is okay with that location, I'm
10 okay with that location.

11 You know, there was a question
12 about a further study of the lighting with
13 regard to the parking lot. I'm not sure --
14 that was cited in some of the party
15 submissions as a concern that I had. I think
16 maybe I'm -- it's hard for me to remember even
17 sometimes what I have said, but I thought my
18 concern was mostly -- mostly had to do with
19 cars in the parking lot and headlights hitting
20 houses and things like that.

21 And I think that is sufficiently
22 addressed. I'm not too concerned about the

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1 actual lighting scheme for the parking lot,
2 because I believe that in order to meet the
3 kinds of standards that we have nowadays,
4 there is going to be no lead of significant
5 light off the property.

6 CHAIRMAN HOOD: Okay. Anyone
7 else?

8 COMMISSIONER TURNBULL: Well,
9 there was, I think, a question raised by, I
10 think it was, the ANC or one of the ANCs
11 regarding the landscaping, the length of the
12 property on the -- and the -- although the
13 applicant has added coniferous trees,
14 deciduous trees and tried to balance it, there
15 was a question whether that was enough.

16 And I really don't know, but, I
17 mean, looking at the applicant's plan, the
18 three sections, and maybe Mr. May can join in
19 on this, but I think, it seems to be fully
20 fleshed out. I don't know how much more you
21 can stick, you can cram into a site like this
22 and still have trees be healthy and grow.

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1 So I mean, there has to be some
2 room for expansion of the trees as they
3 mature, but looking at the revised landscape
4 plan, it seems to be -- I mean, maybe -- I
5 mean, I suppose you could always go back and
6 say well, we could add another tree here,
7 another tree there, but I'm not the one to be
8 actually saying that, how you actually judge
9 that.

10 I mean, I think as the university
11 plants these and as it gets growing, I'm sure
12 they are going to make adjustments and fill in
13 as needed to make this plan work.

14 COMMISSIONER MAY: Mr. Chairman,
15 since Mr. Turnbull had mentioned my name, I
16 would just say I looked at the planting plan
17 as well and I think the way the various trees
18 have been distributed in that area, I think,
19 is fine. I mean, very often when I have faced
20 issues like this before, you know, we come
21 back with, whoever I'm working with will come
22 back with, a proposal to plant a line of

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1 evergreen trees.

2 And because they think that's the
3 way to get the coverage and that has not been
4 done here. This has been -- it seems like it
5 is thoughtfully placed trees and clusters and
6 so it's -- I mean, I wouldn't say that it is
7 going to look like a natural forest setting or
8 anything like that, but it's -- I think it has
9 been done sensitively. And I think it
10 provides the coverage, the balance of
11 evergreen trees and deciduous trees.

12 CHAIRMAN HOOD: And I think the
13 note, and I'm not a landscape expert, even
14 though I'm becoming one, I think that what we
15 have here behind Tab D shows a lot of the
16 winter views. And I think for the winter
17 views, it's very well-carefully thought out.
18 And I actually like the design of the
19 landscape and the pattern of the trees.

20 So anyway, anyone else? Okay.
21 All right. Anything else on East Campus D?
22 Okay. Let's go to use of Jacobs Athletic

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1 Field.

2 This has been an outstanding
3 issue. If you look at -- I actually had a
4 question. And I saw where, Mr. Herzstein has
5 been included, the university will install,
6 with input and advice from Robert Herzstein, a
7 new sound system on the Jacobs Athletic Field,
8 which will result in placement of the speakers
9 physically closer to the bleacher seats.

10 Which, I think, in Mr. Herzstein's
11 submission, he is asking that that be deleted
12 out of the plan. I guess, for me, I want to
13 make sure this issue is resolved. And I'm
14 going to tell you because this is an issue
15 that has been around since 2001 and it needs
16 to be resolved or dealt with.

17 But I do see where it says the
18 university will install, with input and advice
19 from Mr. Herzstein. I guess I just don't know
20 what that means. Do we say do you agree with
21 what we are trying to do or does he sign off
22 on something? I guess I don't know how --

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1 what kind of advice or how much influence he
2 is going to have in the decision about the
3 noise and the sound.

4 And I'm not sure how I get to
5 that. Maybe if Mr. Tummonds may want to
6 mention to Ms. Schellin, maybe he can mention
7 to Ms. Schellin and Ms. Schellin can mention
8 to me a little more on that. What does that
9 actually mean? How much influence and input
10 is Mr. Herzstein going to have on that whole
11 new sound system?

12 And I do know we have conditions
13 of how the field is going to be utilized in
14 our Exhibit F, the uses of the field. Ms.
15 Schellin?

16 MS. SCHELLIN: Yes. If I get this
17 correct, what I heard from Mr. Tummonds was
18 that Mr. Herzstein would have the ability to
19 help them to actually design this. And also,
20 it would be an ongoing -- it wouldn't just
21 stop there. It would be ongoing. They would
22 want Mr. Herzstein to tell them how it is

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1 working.

2 And if it is not working, then
3 they will meet and try to come to another
4 agreement to change it or whatever. And, of
5 course, AU will have to abide by the noise
6 ordinance.

7 MR. HERZSTEIN: Mr. Chairman?

8 CHAIRMAN HOOD: Oh, no, no, no,
9 Mr. Herzstein. I'm going to be Mr. Herzstein
10 tonight.

11 VICE CHAIRMAN SCHLATER: Mr.
12 Chairman, I think the standard in this case,
13 because we are talking about a campus plan,
14 which is, you know, a university use in a
15 residential neighborhood, has to be higher
16 than simply meeting the letter of the law with
17 respect to the sound ordinance.

18 You know, I think this is a fairly
19 fundamental issue when we are talking about a
20 campus plan. It's whether the university's
21 use is going to have an adverse impact on the
22 residences adjacent.

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1 And in this case, it is. And so
2 I'm concerned that the, you know, provisions
3 put forward by the applicant aren't meaty
4 enough. I'm not exactly sure. In some
5 regards, we are just talking about two things
6 that don't coexist well. One is an
7 intercollegiate athletic game and the other is
8 a residential use. And they just don't mix
9 particularly well.

10 I don't have a good solution. I'm
11 sorry.

12 CHAIRMAN HOOD: Okay. Anyone else
13 want to comment on that issue, Jacobs Field?

14 COMMISSIONER MAY: Yes. I think
15 that one of the shortcomings that I saw was
16 that -- the monitoring, what was proposed for
17 monitoring, which is taking sound readings
18 three times between and on each athletic
19 event, I guess, is what they specifically
20 called out.

21 And it does say that those will be
22 recorded and made available, but the process

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1 did not seem to be very immediate or
2 accessible. So in other words, they would
3 keep a log book and they would share it on
4 occasion perhaps at the quarterly NLC meetings
5 or something.

6 It seems to me that this sort of
7 data is easy enough to collect and fairly
8 immediately make publicly available. And as I
9 recall, there was some -- I mean, there was
10 something about having a webpage devoted to
11 the activities of the NLC. Is that right? So
12 maybe that would be the right forum for sound
13 readings to be reported and that they would be
14 reported within a very specific and short time
15 frame.

16 I also think, you know, I'm not an
17 acoustic expert, but I recall that decibel
18 readings are different, can be different at
19 different pitch, different frequency of sound.

20 So you could have something that registered
21 to 60 DB during -- you know, in sort of the
22 normal range, but, at the same time, have a

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1 very low range, a very low frequency sound
2 that actually exceeds that and rattles the
3 windows, for example, in your home.

4 You know, I have experienced
5 things like that in my own home from various
6 noise sources. So I don't know what that
7 means in terms of what gets included here, but
8 I think that it has to be a little bit more
9 meat to what is going to be recorded and how
10 it is going to be reported as an ongoing
11 measure.

12 CHAIRMAN HOOD: Refreshing my
13 memory of some information that was provided
14 by Mr. Herzstein. I don't know. For me, all
15 this stuff sounds good, finessing it and
16 talking about how it should work. But when
17 you are out there in it and you are the
18 recipient of it, it's a different thing.

19 And I would associate myself
20 closely with the Vice Chairman's comments. He
21 said he didn't have necessarily a remedy and
22 neither do I. But there needs to be some type

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1 of remedy. I know that there are certain
2 events that are going to be intercollegial
3 events, games that are going to have sound and
4 some special events that won't have sound.
5 And I understand all of that.

6 But at the end of the day, how do
7 we get to 10 years from now, Commissioner May,
8 you'll be here, because I'm sure after we
9 finish with this, they definitely won't want
10 me back, but you will still be here, but how
11 do we get to not having the Zoning Commission
12 to continue to just every 10 years finesse it
13 or in black and white it sounds good,
14 everybody is mad and we don't still get any
15 resolution?

16 So to me, I'm ready to hold up
17 again on this issue until we finally nail this
18 down. This issue and the liaison issue, right
19 now are the two for me. And I guess from my
20 standpoint, once we get over that hurdle, then
21 I will be ready to talk about a term and see
22 what measures we have in place.

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1 But right now, these are two
2 sticking points for me. I don't have a
3 solution. I know that the college has to
4 exist, but we still need to be mindful of the
5 community.

6 And I know this may not be the
7 answers everybody wants to hear, but we only
8 had a few months and some people have had
9 years to try to get this right.

10 COMMISSIONER TURNBULL: Mr. Chair,
11 I would agree with you. This is a difficult--
12 the sound is a very difficult thing to
13 address. I mean, you have to do it in a
14 holistic approach and look at everything. I
15 guess I still even question the 6 to 7 foot
16 fence, what that really does at the back.

17 I mean, should that be a 12 foot
18 fence with sound deadening, better sound
19 deadening acoustical material? I mean, at the
20 BZA we even require child care centers to be
21 able to do that. I mean, I don't know what
22 this fence has or, you know, how much it is

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1 going to do, but I think a 6 or 7 feet fence
2 is not going to -- I mean, sound is just going
3 to float right over it.

4 So, I mean, at the same point, you
5 don't want to create the Berlin Wall, but you
6 need something that -- this is a tough issue
7 to deal with. And I think it is beyond our
8 technical resources to be able to figure it
9 out, but I think there needs to be a better
10 plan, a more holistic approach to resolving
11 this.

12 CHAIRMAN HOOD: Okay. Anybody
13 else?

14 COMMISSIONER MAY: I would agree
15 with Mr. Turnbull. I mean, I think a fence
16 solution or it's just hard to imagine how that
17 could work when the source of the sound is a
18 certain distance away and the -- from the
19 fence. It really does just flow right over it
20 and so I'm not sure what the right solution
21 is. I think it is probably going to be in the
22 design of whatever sound system it is.

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1 And I think, you know, the sound
2 of the crowd, I'm not sure that there is
3 anything that could ever be done about that.
4 You know, I live 10 blocks away from RFK and
5 if the wind blows the right way and there is.
6 you know, one of the infrequent games there,
7 but a large crowd and a game, you can hear the
8 noise. It all depends on which way the wind
9 is blowing.

10 CHAIRMAN HOOD: When the Redskins
11 was playing, you didn't hear much noise, did
12 you?

13 COMMISSIONER MAY: I heard a lot
14 of noise back then.

15 CHAIRMAN HOOD: Oh, okay. I was
16 just --

17 COMMISSIONER MAY: But I was
18 living a little closer.

19 CHAIRMAN HOOD: Okay. So what do
20 we want to do with this?

21 COMMISSIONER MAY: I think this is
22 a university with an issue where the

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1 university needs to take another look and try
2 to find something more satisfactory than what
3 has been proposed.

4 CHAIRMAN HOOD: And again, even
5 though I know -- and I want to thank Mr.
6 Tummonds for coming and telling Ms. Schellin
7 to help me clarify the issue about Mr.
8 Herzstein, I just don't want to -- I think
9 that this issue has been going on long enough.

10 And I think hopefully before I leave the
11 Commission, that we can resolve it and
12 hopefully resolve it this time. That's kind
13 of where I am.

14 Vice Chairman Schlater?

15 VICE CHAIRMAN SCHLATER: I think I
16 agree with Commissioner May that the primary
17 issue here is amplified sound. And there is a
18 commitment from the university to install a
19 new system, sound system, on Jacobs Field,
20 which I think is the right solution.

21 I don't see any time lines
22 associated with that, so that's something I

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1 would be interested in seeing, otherwise,
2 absent a time line, I'm with -- I'm sort of --
3 I associate myself with the ANC and Mr.
4 Herzstein, himself, which says, you know, turn
5 off the speakers until you have got the new
6 system in place.

7 CHAIRMAN HOOD: And on to that, I
8 still want to make sure we nail down exactly
9 what kind of advice are we going to be getting
10 from Mr. Herzstein. I don't know if he is a
11 sound expert. He may be now, but still what
12 kind of advice are we going to be getting from
13 him? What kind of input are we going to get?

14 And what magnitude are we going to seriously
15 consider to try to deal with that?

16 And even if Mr. Herzstein was to
17 sell his house, the person who lives there,
18 what are we going to do with that person in
19 that area that's right there? Okay. So I
20 think that's one of the things that we would
21 be asking the university to come back with and
22 the other comments associated.

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1 Anything else on this?

2 COMMISSIONER MAY: Yes, Mr.
3 Chairman, I would just add that the -- what
4 Ms. Schellin related as coming from the
5 applicant before describing Mr. Herzstein's
6 role, that is getting closer to what we would
7 need to have happen here or need to see here.

8 It just wasn't spelled out as clearly on
9 paper as what was -- what Ms. Schellin related
10 to us.

11 So I think that is getting closer.

12 It may not be there, but it's getting closer.

13 The other thing I would say also
14 is that it was brought up in the -- some of
15 the party submissions, the use of airhorns and
16 bullhorns and other loud noise making devices
17 that are not part of the sound system per se.

18 And they say that that is not
19 addressed at all and I haven't reread all of
20 the conditions, but I did look at what was
21 submitted in the applicant's submission and I
22 didn't see an exclusion of those sorts of

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1 devices. So I think that needs to be
2 addressed by the university.

3 And I believe it is possible to --
4 I mean, these are things that people carry in
5 on their person in order to make noise. I
6 don't know if they can stop me from taking a
7 bottle of water into RFK Stadium, they ought
8 to be able to stop airhorns and things like
9 that.

10 CHAIRMAN HOOD: I'll probably
11 contradict myself here, because I'm thinking,
12 I mean, realistically, when you go to a game
13 and I'm not really sure how the intermural
14 games are and the special events, do you have
15 airhorns and whistles? Do you carry all those
16 things to a game. I'm trying to think about
17 some of the games I went to.

18 I don't carry it, but do I hear
19 them? Yes, you hear a few things there. I
20 don't know. I'm just trying to -- you are
21 frowning up at me.

22 COMMISSIONER MAY: No, I was

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1 frowning up because I missed your point.

2 CHAIRMAN HOOD: My point --

3 COMMISSIONER MAY: I was --

4 CHAIRMAN HOOD: -- is --

5 COMMISSIONER MAY: -- thinking
6 about something of my own.

7 CHAIRMAN HOOD: -- I'm just trying
8 to think are we really thinking -- I'm just
9 trying to think are we thinking this thing
10 through? When people go to games, do they
11 carry all those things? But I guess we have
12 to balance it because it's right next to a
13 residential neighborhood and they have to
14 coexist, but normally you carry those things.

15 You take -- for me, continuous
16 sound is different from a blow or something.
17 I mean, and I know there are times in a
18 specific game you can't make certain --
19 especially if you are the home team, you
20 shouldn't be blowing a horn while the opposing
21 team is doing whatever they are doing.

22 COMMISSIONER MAY: Well, Mr.

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1 Chairman, the language that was in the
2 applicant's submission says that the
3 university shall provide -- shall use its best
4 efforts to observe the following guidelines
5 related to special events on Jacobs Field.

6 And embedded within that it says
7 "sound amplification produced by public
8 address systems, loudspeakers, bullhorns,
9 musical amplifiers or other similar devices
10 for the intensification of sound shall not be
11 permitted to unreasonably interfere with or
12 disturb the neighbors enjoyment of their
13 property or with the university's academic or
14 administrative activities consistent with
15 university's sound amplification policy."

16 CHAIRMAN HOOD: Okay. Which
17 number was that?

18 COMMISSIONER MAY: This is in Tab
19 F.

20 CHAIRMAN HOOD: Okay.

21 COMMISSIONER MAY: And it's on the
22 last page.

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1 CHAIRMAN HOOD: Okay.

2 COMMISSIONER MAY: Item D-ii.

3 CHAIRMAN HOOD: Because there's a
4 word that you said that -- D-ii. I thought
5 you said the university should do its best.

6 COMMISSIONER MAY: At the
7 beginning of D --

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER MAY: -- it says --

10 CHAIRMAN HOOD: I see guidelines,
11 the university shall use its best efforts.

12 COMMISSIONER MAY: Yes. I mean --

13 CHAIRMAN HOOD: We are doing our
14 best effort here. So, I mean, some people
15 might think that's not doing much.

16 COMMISSIONER MAY: Well, that's
17 what I'm asking. I mean, I guess that's what
18 I'm asking. I mean, I didn't feel like --
19 certainly the parties in this case don't
20 believe that this is adequate to address the
21 noise from such smaller devices in addition to
22 the PA system.

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1 CHAIRMAN HOOD: Okay.

2 COMMISSIONER MAY: And I would
3 tend to agree with that. I didn't feel like
4 this was very strong. I mean, use best
5 efforts to prevent these devices -- to prevent
6 them from unreasonably interfering with or
7 disturbing the neighbors' enjoyment of their
8 property.

9 So it's okay for them to
10 reasonably interfere with the neighbors'
11 enjoyment of their property? I mean, there is
12 just too many words in there for it to have
13 much meaning. I think it should be a little
14 bit more direct about whether or not they are
15 going to permit these things or if they are
16 going to permit them, how they are going to
17 make sure that they do not interfere or they
18 do not create an objectionable condition.

19 CHAIRMAN HOOD: So the issue on
20 this, so if the university is listening, come
21 back with a plan. This is not a plan. This
22 is too much openness and too much room for not

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1 making it happen. Come back with a plan.

2 So okay. Any more on that?
3 Anything else? Okay. Let's go to -- now, we
4 have a section here additional issues raised.
5 Appropriateness of design flexibility
6 requested by the applicant for further
7 processing.

8 COMMISSIONER MAY: Mr. Chairman, I
9 just have a historical question on that. I
10 mean, you know, the applicant provided
11 evidence of how this has been done in some
12 past zoning cases, but not, as I recall,
13 specific to campus cases. Maybe I'm wrong,
14 maybe I need to read that again.

15 But, I guess, it might be a
16 question for OAG. Do we have -- is the
17 language that's being proposed here radically
18 different from what has been done in past
19 campus plans? I guess that's kind of my
20 question.

21 MS. NAGELHOUT: I don't remember
22 flexibility in past campus plans, but it is

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1 pretty common in BZA special exception orders.

2 COMMISSIONER MAY: So the
3 treatment of further -- I mean, this has to do
4 with further processings, right? That's
5 really only where design flexibility comes in.

6 MS. NAGELHOUT: Right.

7 COMMISSIONER MAY: So are you
8 saying in the past for further processings the
9 design flexibility was not written into the
10 plan itself, but might have been addressed in
11 the further processing case?

12 MS. NAGELHOUT: That's possible.
13 I don't remember any instance off hand, but --

14 COMMISSIONER MAY: Okay.

15 MS. NAGELHOUT: -- certainly in
16 just regular special exceptions not involving
17 universities.

18 COMMISSIONER MAY: Right. Well, I
19 mean, the only thing about further processing
20 is that we typically have less information
21 about the design than we would have in a
22 normal -- certainly less than we would have in

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1 a PUD. And so it doesn't strike me that
2 granting a similar level of flexibility is
3 problematic unless it opens, you know, some
4 other door that we are not thinking of.

5 VICE CHAIRMAN SCHLATER: Mr. May,
6 I would just note that the language that is
7 being proposed here --

8 COMMISSIONER MAY: Yes.

9 VICE CHAIRMAN SCHLATER: -- I
10 don't have any problem with granting
11 flexibility on the interior of the building.

12 COMMISSIONER MAY: Oh, yes.

13 VICE CHAIRMAN SCHLATER: That's
14 certainly not under our purview. And I think
15 we often give flexibility to vary final
16 selection and exterior materials within color
17 ranges and material types proposed, that's
18 fine. No problem there.

19 It's this last sentence that
20 troubles me. "The university is granted
21 flexibility to make refinements to exterior
22 details and dimensions, including belt

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1 courses, sills, bases, cornice, railings, trim
2 and facade patterns and articulations."

3 Which if read on the face of it
4 means you have flexibility for just about the
5 entirety of the exterior facade. And if you
6 actually look at the other examples cited,
7 this language is in there, but there is the
8 caveat that these changes are only being made
9 to comply with Construction Codes that are
10 otherwise necessary to obtain a final building
11 permit. That's a fairly important caveat.

12 So I wouldn't have any problem
13 including this language as long as it mirrored
14 the language that was in the other orders.

15 COMMISSIONER MAY: Well, you know,
16 I guess on one level it's questionable whether
17 how you interpret the word refinements,
18 because a refinement, to me, does not mean
19 wholesale radical change. If you look at --

20 VICE CHAIRMAN SCHLATER: I guess
21 some of the other details, they specifically
22 say minor refinements. I think trying to get

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1 to the point that it's not --

2 COMMISSIONER MAY: Yes. Well, but
3 again, because we don't see that same level of
4 details we would see on a PUD, I'm not sure
5 that the buildings are designed -- I mean,
6 certainly what we have seen in the further
7 processings associated with this case, is not
8 enough information for us to limit it to minor
9 refinements, because there is a whole lot of
10 information that we do not have, that we would
11 typically have on a PUD.

12 CHAIRMAN HOOD: Okay.

13 COMMISSIONER MAY: I mean, I guess
14 on a certain level, what I'm -- I would be --
15 if this, in the conditions, were to apply to
16 the further processings only, is that what
17 this is all about? Is this just about --

18 VICE CHAIRMAN SCHLATER: No. We
19 are approving further processing --

20 COMMISSIONER MAY: No, I know.

21 VICE CHAIRMAN SCHLATER: -- as
22 part of this.

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1 COMMISSIONER MAY: But this is
2 only about these further processings, about --
3 as opposed to all future further processings.

4 MS. SCHELLIN: Commissioner May,
5 I'm getting a nod from the applicant that yes,
6 you are correct. It is the current, the ones
7 that are before you.

8 COMMISSIONER MAY: I just don't
9 have that much anxiety about making
10 refinements to that, because there have to be
11 refinements in order to design the building.
12 Not just to meet code, just to design the
13 building.

14 VICE CHAIRMAN SCHLATER: I would
15 just like to say, yes, Mr. Chairman, I think I
16 would like it to be minor refinements, not any
17 refinements.

18 CHAIRMAN HOOD: Well --

19 VICE CHAIRMAN SCHLATER: I think
20 that would go a long way.

21 CHAIRMAN HOOD: Okay. What I
22 asked the Vice Chairman without my mike on was

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1 was his issue minor refinements. Commission
2 May, did you --

3 COMMISSIONER MAY: I guess I don't
4 have any problem with calling it minor
5 refinements.

6 CHAIRMAN HOOD: Okay. So that
7 means that Commissioner Cohen then would have
8 to read the record. Okay.

9 MS. SCHELLIN: Yes, and the
10 applicant is saying yes, they agree to that.

11 CHAIRMAN HOOD: Okay.

12 COMMISSIONER TURNBULL: I would
13 agree with adding --

14 CHAIRMAN HOOD: We're all agreeing
15 to something.

16 COMMISSIONER TURNBULL: I would
17 agree with adding minor. I mean, if you
18 really look at it, we don't give the ZA that
19 much latitude.

20 CHAIRMAN HOOD: Okay. Let's see,
21 any other issues? Can we do 11-07A or do we--
22 can we do 11-07A?

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1 MS. SCHELLIN: As long as you
2 don't vote on it until you vote on 11-07.

3 CHAIRMAN HOOD: Okay.
4 Commissioners, what -- Commissioner May, do
5 you have something you want to say?

6 COMMISSIONER MAY: Yes. I mean,
7 there were other issues, the other additional
8 issues that were in the applicant's
9 submission. Federal Agency review of
10 environmental issues. I'm completely
11 comfortable with that. Of course, I was
12 before.

13 CHAIRMAN HOOD: Right.

14 COMMISSIONER MAY: At least I
15 think I was. Orientation of the proposed
16 Reeves Field bleachers. I think that is
17 appropriate to deal with at further
18 processing.

19 And details and issues that will
20 be addressed in further processing
21 applications. And this is a condition that
22 "With each further processing application, the

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1 university shall submit information as to how
2 the structure complies with the approved
3 campus plan and updated traffic analysis, a
4 report indicating the supply of on-campus
5 housing and the number of undergraduate
6 students."

7 That may not be all that we would
8 want to have reporting on, because I think we
9 put some things in the parking lot that we
10 would want to come back to perhaps. And it
11 comes to that kind of reporting. But other
12 than that --

13 CHAIRMAN HOOD: We did. Did we
14 put -- when did we put it in the parking lot?
15 The last time or this time?

16 COMMISSIONER MAY: No, this time.

17 CHAIRMAN HOOD: Okay. Because I
18 was hoping you were going to say the last
19 time, because I thought we -- okay.

20 COMMISSIONER MAY: I think
21 whatever we parked, they took for a drive --

22 CHAIRMAN HOOD: Okay.

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1 COMMISSIONER MAY: -- to see
2 whether we were satisfied with it.

3 CHAIRMAN HOOD: All right. All
4 right. Do we want to talk a little about the
5 submission 11-07A? There is a lot of massing
6 and design issues, appropriateness of the
7 massing of the project on the character of
8 Massachusetts Avenue side.

9 COMMISSIONER MAY: Mr. Chairman,
10 I'm sorry to keep us from moving forward, but
11 I'm just wondering whether we wanted to talk
12 and come back at all to the enrollment
13 questions, since that was raised in a number
14 of the submissions by the parties.

15 CHAIRMAN HOOD: I actually thought
16 that --

17 COMMISSIONER MAY: And there was a
18 desire to sort of tie that to housing, you
19 know, address the other issues of how the
20 actual student count could be much larger if
21 the university relocates its graduate
22 operations to the commercial area where the

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1 law school is currently situated.

2 You know, some of those issues.
3 Do we want to try to address some of those
4 kinds of issues?

5 CHAIRMAN HOOD: I'm trying to --
6 if somebody or you can help me remember where
7 did we leave off? Did we say we were going
8 to --

9 COMMISSIONER MAY: Well, I mean, I
10 think some of us were comfortable with the
11 enrollment numbers as they were, but I think
12 that since that was raised in a number of the
13 submissions, I think it's worth it for us to
14 say whether any of these concerns would cause
15 us to revisit that.

16 Of course, I'm not sure that
17 everybody was comfortable with that number or
18 whether that was with the enrollment numbers
19 or whether that was something you wanted to
20 keep in the parking lot until we get --

21 CHAIRMAN HOOD: Actually --

22 COMMISSIONER MAY: -- to the end.

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1 CHAIRMAN HOOD: -- that and the
2 term, I think, we can do on the back end. But
3 if you -- you know, I don't have a problem if
4 we want to discuss it and talk about other
5 views of the submissions.

6 I think, for me, that and the term
7 we could probably do on the back end after we
8 get --

9 COMMISSIONER MAY: That would be
10 fine with me.

11 CHAIRMAN HOOD: Somebody threw
12 their book on the floor, so they don't agree
13 with it. But anyway, I think that that and
14 the term, I think, we can do towards the end.

15 And I'm thinking, Ms. Schellin,
16 depending upon the time, I know everybody
17 wants to try to get a decision, and some of
18 the things we asked for tonight, unless my
19 colleagues disagree, we may do a 45 minute
20 Special Public Meeting.

21 But we can probably look at some
22 dates.

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1 COMMISSIONER MAY: Okay.

2 CHAIRMAN HOOD: Along with
3 something else. Maybe we could do that with
4 something else. I don't know, should we?

5 COMMISSIONER MAY: You know, I
6 think it depends on what is submitted. It
7 could be a long conversation.

8 Just going through my list of
9 issues, I think, you know, we have now covered
10 all the things that were covered in the most
11 recent submissions or at least the ones that I
12 was very concerned about talking about.

13 You know, I think ANC-3D raised an
14 issue of a concern about further processing
15 and the university's reluctance to engage in
16 detailed design prior to approval of further
17 processing. And I think there needs to be
18 some explanation of what the level of design
19 is that goes into further processing and what
20 the level of design is that is necessary to
21 design a building and to meet codes and things
22 like that, because there is a really, really

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1 big difference.

2 And, you know, I think there just
3 should -- you know, it's in the university's
4 best interest, I think, to clarify what the
5 appropriate level of design is for further
6 processing. I don't think we need to get into
7 that, because I'm comfortable enough with what
8 we see.

9 But I think that the ANC has
10 latched onto the phrase detailed design as if
11 that had some specific meaning. And I don't
12 think it does. I think there just needs to be
13 some common understanding about what level of
14 design is needed at further processing.

15 CHAIRMAN HOOD: So you are asking
16 for the applicant to respond to that?

17 COMMISSIONER MAY: Well, you know,
18 they can respond to that in a submission to us
19 or they can deal with it in their direct
20 discussions with the community, as far as I'm
21 concerned. I just don't feel it's an issue
22 that we need to address in the sense of making

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1 a change or a new condition within this order.

2 CHAIRMAN HOOD: Okay. Does
3 anybody else agree with Commission May? Are
4 we fine with it? Okay. Okay.

5 Anything else? Any other issues?
6 Okay. Do we want to talk about 11-07A,
7 appropriateness of massing?

8 COMMISSIONER MAY: Yes. Mr.
9 Chairman, shall I go ahead?

10 CHAIRMAN HOOD: Go right ahead.

11 COMMISSIONER MAY: Okay. The
12 applicant rightly notes that we did not
13 express a concern about that the proposed
14 North Hall would tower over or loom over
15 Massachusetts Avenue. That may be a direct
16 quote.

17 And I believe that is correct.
18 And I think that, you know, I do have greater
19 confidence in the renderings that have been
20 done showing the massing of the building, but
21 I was disappointed previously about the
22 university's unwillingness to try to address

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1 some of the concerns by stepping back the
2 building a little bit as it faces
3 Massachusetts Avenue, because I believe there
4 is flexibility.

5 I believed, at the time, that
6 there was flexibility in that regard. The
7 university has replied by saying there isn't
8 really flexibility. In order to meet their
9 bed count, they absolutely have to have the
10 building this shape, this mass, this presence.

11 I'll accept it. I don't
12 particularly like it, because I'm not sure I
13 agree with it. And I would just say that on
14 the second issue with the design of that North
15 Hall having to do with further modifications
16 of the facade treatment, they did eliminate or
17 modify the very glassy portion of the rooms, I
18 guess. And that was, I think, one of the
19 things that the neighbors had asked for.

20 And while, you know, that has been
21 addressed, I don't think that the new
22 elevations are particularly artful. I don't

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1 know. It seemed to have gone from glass walls
2 to blank walls. And I guess I would encourage
3 them to make further minor refinements of that
4 design.

5 But since we're not deciding it,
6 maybe they want to make more significant
7 refinements on that. I mean, it just seems
8 like the pendulum swung all the way from one
9 end to the other.

10 Commissioner Turnbull, did you
11 have thoughts on that?

12 CHAIRMAN HOOD: You two must be
13 architects. Commissioner Turnbull, I was
14 going to actually come to you, because I
15 thought you had said something about the
16 massing. I thought it was you actually.

17 COMMISSIONER TURNBULL: It could
18 have been. I don't recall. I don't know. I
19 guess I'm -- I mean, I guess we could argue
20 back and forth on the detailing of it. I
21 think answering the neighbors' concern is one
22 thing.

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1 I don't know how far to push on
2 the architecture, Commissioner May. I guess
3 we could -- well, what exactly were you
4 looking for or what are your issues? Is it
5 what the -- the precast or is it just the
6 amount of it, the way it is --

7 COMMISSIONER MAY: It's just, I
8 mean, they got rid of all the glass and now we
9 have a big blank wall. I mean, maybe I'm --

10 COMMISSIONER TURNBULL: Maybe the
11 picture --

12 COMMISSIONER MAY: -- doing the
13 wrong thing, because I'm just seeing this in
14 elevation.

15 COMMISSIONER TURNBULL: Right.

16 COMMISSIONER MAY: And I haven't
17 been able to --

18 COMMISSIONER TURNBULL: Keep --
19 see it through --

20 COMMISSIONER MAY: -- sort of
21 mentally --

22 COMMISSIONER TURNBULL: Right.

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1 COMMISSIONER MAY: -- master it
2 onto the perspectives that they had previously
3 done. I mean, at the very least, maybe I
4 would like to see a perspective view of those
5 changes.

6 COMMISSIONER TURNBULL: Right.
7 Okay.

8 COMMISSIONER MAY: So I can
9 compare it to previous versions.

10 COMMISSIONER TURNBULL: I mean,
11 they have set up a pattern or a rhythm with
12 this riving. I don't know if that would help
13 or do anything in this area here or not.
14 Again, you would need to see it. I mean, it's
15 hard to look at these things in elevation.
16 You really want to see how the whole thing
17 works.

18 COMMISSIONER MAY: Right. You
19 know, I think the previous design had more
20 inherent architectural merit.

21 COMMISSIONER TURNBULL: Yes.

22 COMMISSIONER MAY: Because of that

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1 glassy element with the, you know, fins on it
2 and such. But since it was a concern of the
3 neighbors and made it feel out of context and
4 so on, I was sympathetic to that concern.

5 COMMISSIONER TURNBULL: Right.

6 COMMISSIONER MAY: But I think
7 that what we wound up with is not necessarily
8 the --

9 COMMISSIONER TURNBULL: Do you
10 think it looks too stark now?

11 COMMISSIONER MAY: Something, yes.

12 COMMISSIONER TURNBULL: It looks a
13 little bland.

14 COMMISSIONER MAY: It looks a
15 little blank.

16 COMMISSIONER TURNBULL: Well,
17 maybe Ms. Buffington could take another look
18 at this then.

19 COMMISSIONER MAY: Well, you know,
20 and again, it's, you know, sometimes seeing
21 things in elevation is kind of the worst way
22 to see it.

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1 COMMISSIONER TURNBULL: Right.

2 COMMISSIONER MAY: So --

3 COMMISSIONER TURNBULL: Well,
4 maybe we could just ask for a --

5 COMMISSIONER MAY: We could ask
6 for a --

7 COMMISSIONER TURNBULL: --
8 perspective looking at that, at the building
9 in that corner.

10 COMMISSIONER MAY: I think that
11 would be a help no matter what.

12 CHAIRMAN HOOD: Okay. Do you have
13 any other issues? Did we leave any? Okay.
14 So I guess, Commissioners, what I would
15 recommend is that we -- I was thinking about a
16 Special Public Meeting along with another
17 meeting, but I just see the issue is getting
18 closer. I think that the -- well, I better
19 not say that. I was going to say that I think
20 that everybody they see where we are now in
21 the gap.

22 They understand a little closer

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1 what we are looking for. But again, I think
2 Commission May is right. It depends on what
3 comes back. So maybe we better not tie this
4 in, Ms. Schellin, with another meeting. Maybe
5 we better keep it open.

6 Okay. All right. Shed some
7 light. Any other comments? Vice Chairman
8 Schlater?

9 VICE CHAIRMAN SCHLATER: Mr.
10 Chairman, I just wanted to address one issue
11 with respect to North Hall and that's that the
12 university is representing that they can't
13 deliver these units in 2016 as -- 2015. I
14 don't know. I can read it. I'll reread it,
15 but, basically, they are going to have a hard
16 time meeting their commitment to get to the 67
17 percent provision of beds on campus, if this
18 isn't approved tonight.

19 Now, I don't like to be put in
20 that position, but what I'm hearing here is
21 that people are generally comfortable with the
22 direction of that site. I don't know if we --

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1 I don't know. I think it is important just to
2 say that I think we are comfortable with the
3 general direction of that site.

4 And I would hope the applicant
5 hears that up here and it wouldn't slow down
6 the further planning. So that's all I have to
7 say.

8 COMMISSIONER MAY: Yes, I would
9 agree we are very close on this in every
10 respect.

11 CHAIRMAN HOOD: Okay. That's a
12 good point. And I don't think any of us
13 actually agree with that -- disagree with
14 that.

15 Okay. Anything else,
16 Commissioners? Okay. Ms. Schellin, do we
17 have some stuff worked out?

18 MS. SCHELLIN: Just a second.

19 CHAIRMAN HOOD: Do you need a
20 moment? Okay.

21 MS. SCHELLIN: Okay. If we could
22 have the requested -- or have the applicant

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1 address the issues that were brought up this
2 evening for both cases by 3:00 p.m. February
3 24th and then the applicant -- I'm sorry,
4 February 23rd instead of the 24th, 3:00 p.m.

5 And then the applicant -- or the
6 parties would have until March 1st to provide
7 a response to what the applicant filed.

8 And we could take this up March
9 8th. That would require staff giving the
10 Commission the parties' responses on March
11 5th, but I think that will work, because you
12 have a hearing that evening anyway.

13 CHAIRMAN HOOD: So March 5th is
14 when we are going to --

15 MS. SCHELLIN: No, March 8th.

16 CHAIRMAN HOOD: March 8th. But we
17 will get the materials March 5th?

18 MS. SCHELLIN: It's just that the
19 responses from the parties won't come in until
20 after the package goes out, so we will have to
21 provide that to you.

22 CHAIRMAN HOOD: On March the 5th?

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1 MS. SCHELLIN: Yes.

2 CHAIRMAN HOOD: Okay.

3 MS. SCHELLIN: So that still gives
4 you -- it gives it to you ahead of time.

5 CHAIRMAN HOOD: We'll deal with
6 this then. We will deal with this March the
7 8th? Is that a regular meeting night?

8 MS. SCHELLIN: It's nothing. It
9 was a free night, but not any more.

10 CHAIRMAN HOOD: Okay. All right.

11 MS. SCHELLIN: If we put it on our
12 regular agenda, it's going to delay it some
13 more. It will make it late even further and I
14 think they are -- they want a meeting -- a
15 decision earlier than later.

16 VICE CHAIRMAN SCHLATER: Do we
17 have a meeting on the 12th?

18 MS. SCHELLIN: We do.

19 VICE CHAIRMAN SCHLATER: So we are
20 talking about four days?

21 MS. SCHELLIN: But at this point,
22 we don't know what is going to be on that

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1 agenda.

2 VICE CHAIRMAN SCHLATER: I would
3 propose we do it on the 12th.

4 MS. SCHELLIN: He wants to add it
5 to the regular meeting agenda.

6 COMMISSIONER MAY: Do we know much
7 about that meeting agenda? No, that's --

8 MS. SCHELLIN: Not enough. Not
9 yet.

10 COMMISSIONER MAY: Yes. I mean,
11 unless you want us to not schedule anything
12 else for that meeting.

13 MS. SCHELLIN: There is already
14 stuff that is committed to that meeting.

15 COMMISSIONER MAY: Okay.

16 CHAIRMAN HOOD: You know what?

17 COMMISSIONER MAY: I mean, that's
18 why they have -- where it gets problematic for
19 me is just too much to -- too many different
20 things to be deciding.

21 CHAIRMAN HOOD: Yes, and I would
22 agree. If we could, Vice Chairman, let's keep

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1 the 8th. Do we need to vote on that? Let's
2 keep the 8th, because we don't want to get
3 into overload. Could we keep the 8th?

4 MS. SCHELLIN: Yes.

5 CHAIRMAN HOOD: Are you all right
6 with that? Come on. Okay. Thank you, Vice
7 Chairman, for agreeing to keeping the 8th.

8 Okay. Ms. Schellin, do we have
9 anything else?

10 MS. SCHELLIN: No, sir.

11 CHAIRMAN HOOD: Are we all on the
12 same page?

13 Okay. I want to thank everyone
14 for their participation tonight an this
15 meeting is adjourned.

16 (Whereupon, the Special Public
17 Meeting was concluded at 8:03 p.m.)

18

19

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