

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

SPECIAL MEETING

+ + + + +

THURSDAY, OCTOBER 1, 2008

+ + + + +

The special meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., ANTHONY J. HOOD, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary
- DONNA HANOUSEK, Zoning Specialist

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

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
JOEL LAWSON  
MAXINE BROWN-ROBERTS

This transcript constitutes the minutes from the special meeting held on January 31, 2008.

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## TABLE OF CONTENTS

AGENDA ITEM	PAGE
I. PRELIMINARY MATTERS Mrs. Schellin	5
V. FINAL ACTION Mrs. Schellin	5
A. Z.C. Case No. 08-15 (Friendship-Macomb SC, Inc. - Reconsideration of Z.C. Order No. 08-15)	11
B. Z.C. Case No. 03-30B (Square 643 Associates - Three-Year PUD Time Extension @ 734 1st Street, S.W.)	5

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

2 (6:34 p.m.)

3 CHAIRMAN HOOD: This meeting will  
4 please come to order. Good evening, ladies  
5 and gentlemen. This is October 1st, 2009,  
6 public meeting of the Zoning Commission of the  
7 District of Columbia.

8 My name is Anthony Hood. Joining  
9 me are Commissioners Peter May, Konrad  
10 Schlater, and Mike Turnbull. We are also  
11 joined by Office of Zoning staff Ms. Sharon  
12 Schellin and Ms. Donna Hanousek; also the  
13 Office of Planning staff Ms. Steingasser, Mr.  
14 Lawson, and Ms. Brown-Roberts.

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

20 Please be advised that this  
21 proceeding is being recorded by a court  
22 reporter, is also webcast live. Accordingly,

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

4 I. PRELIMINARY MATTERS

5 CHAIRMAN HOOD: Does the staff  
6 have any preliminary matters?

7 MS. SCHELLIN: No, sir.

8 CHAIRMAN HOOD: I have one  
9 preliminary matter. We are going to take --  
10 we only have two things on our agenda tonight.  
11 They are coming from final action.

12 We are going to do what is  
13 proposed as B first, and we are going to do  
14 what is proposed as A second. So let's get  
15 right into it.

16 V. FINAL ACTION

17 B. Z.C. CASE NO. 03-30B (SQUARE 643  
18 ASSOCIATES - THREE-YEAR PUD TIME EXTENSION @  
19 734 1ST STREET, S.W.)

20 CHAIRMAN HOOD: Zoning Commission  
21 case number 03-30B, Square 643 Associates  
22 three-year PUD time extension at 734 1st

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1 Street, Southwest. Ms. Schellin?

2 MS. SCHELLIN: We have received a  
3 request from the applicant asking for  
4 deferment of this case until our regular  
5 meeting in October, which is actually October  
6 19th.

7 And we have also received a letter  
8 from Council Member Tommy Wells in support of  
9 this extension. He actually says he's in  
10 support of a two-year extension, but this  
11 request is for a three-year extension.

12 CHAIRMAN HOOD: Okay. Thank you,  
13 Ms. Schellin.

14 Obviously, as has already been  
15 mentioned, we have exhibit 7; exhibit 6, which  
16 is the letter from the Council Member, Ward 6,  
17 Tommy Wells.

18 Also we have some other exhibits  
19 that came previously. As we had agreed to  
20 defer, there were some issues. We wanted to  
21 look at I guess the way that the applicant has  
22 been moving forward to try to deal with this,

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1 as opposed to just doing a time extension  
2 carte blanche, which I think is very well,  
3 that we have very well doing it because  
4 sometimes these time extensions will continue.

5 This is not the first time that  
6 the Commission has started dealing with time  
7 extensions and really scrutinizing looking at  
8 them. It's just not a foregone conclusion.  
9 I need two more years, and that's it. I want  
10 to thank my colleagues for bringing that to  
11 the forefront and starting dealing with these  
12 case by case.

13 But, with that, we have these  
14 exhibits in front of us. We have a request  
15 from the applicant asking us to defer until  
16 October the 19th. Now, I'll tell you, the  
17 only thing that I have an issue with is that  
18 I think we were very clear what we asked for.

19 And I think my issue -- and I'm  
20 running in my mind. Well, okay. What didn't  
21 happen these two weeks that is going to happen  
22 in the next two weeks?

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1           Because if you are already doing  
2 this and moving forward and trying to be  
3 aggressively getting a nonprofit or getting  
4 someone to attend it, I think you would have  
5 that to show.

6           I think that's what we asked for.  
7 I think that's what we are looking for. But,  
8 anyway, that is enough of my comments. I open  
9 it up to anyone who has anything else they  
10 want to add.

11           COMMISSIONER MAY: I think it was  
12 certainly the right move to defer  
13 consideration from when we initially received  
14 this or get more information on it. And I  
15 still have that need for more information. I  
16 am generally in favor of everyone being able  
17 to make the best case possible. So if they  
18 would like to defer, I don't have any  
19 disagreement with deferring.

20           Hopefully now at least it is very  
21 clear what has been done. And then that will  
22 be available to us on the 19th.

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1                   CHAIRMAN HOOD:  Anybody else?  Mr.  
2  Schlater?

3                   COMMISSIONER SCHLATER:  I agree  
4  with you both.  I think more information is  
5  needed in this case.  We should give the  
6  applicant as much time as they need to provide  
7  that information, but as it stands right now,  
8  we need a little bit more to help beef up the  
9  case.

10                  So I would support a motion to  
11  defer this to our October meeting.

12                  COMMISSIONER TURNBULL:  I would  
13  concur with the sentiment that has already  
14  been expressed with the rest of the Commission  
15  members.  We have had other applicants come  
16  before us with either bank statements or other  
17  information from lending or tenants saying  
18  they can't -- in other words, supporting  
19  information basically supporting their stance  
20  that it's too difficult a time to do that.  
21  Rather than just saying that, I think we do  
22  need documented evidence that actually shows

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1 that. But I would support this thing.

2 CHAIRMAN HOOD: Okay. Great.

3 With that, I would move that we support  
4 exhibit number 7 submitted by Ms. Cynthia  
5 Giordano asking for the Zoning Commission to  
6 give proposed -- defer -- I was getting ready  
7 to approve a time extension -- defer action on  
8 taking any further action on this time  
9 extension until our next said meeting.

10 And I would also add in my motion  
11 that we will deal with this with or without  
12 any information on October the 19th. Okay.  
13 Thank you. That's my motion. I ask for a  
14 second.

15 COMMISSIONER SCHLATER: Second.

16 CHAIRMAN HOOD: Moved and properly  
17 seconded. Any further discussion?

18 (No response.)

19 CHAIRMAN HOOD: All those in  
20 favor, aye?

21 (Whereupon, there was a chorus of  
22 "Ayes.")

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1 CHAIRMAN HOOD: Any opposition?

2 (No response.)

3 CHAIRMAN HOOD: Not hearing any  
4 opposititon, Ms. Schellin, would you record  
5 the vote?

6 MS. SCHELLIN: The staff records  
7 the vote 4:0:1 to approve the deferment to our  
8 October 19th meeting for Zoning Commission  
9 case number 03-30B, Commissioner Hood moving,  
10 Commissioner Schlater seconding, Commissioners  
11 May and Turnbull in support, Commissioner  
12 Keating not present/not voting.

13 A. Z.C. CASE NO. 08-15

14 (FRIENDSHIP-MACOMB SC, INC. -

15 RECONSIDERATION OF Z.C. ORDER NO. 08-15)

16 CHAIRMAN HOOD: Okay. I think  
17 last on our agenda is Zoning Commission case  
18 number 08-15, Friendship-Macomb SC, Inc.,  
19 reconsideration of Zoning Commission order  
20 number 08-15. This is I think reconsideration  
21 of condition 16, I believe, 16.

22 Ms. Schellin?

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1 MS. SCHELLIN: The staff has  
2 nothing further to add onto this one other  
3 than to advise that I do have an absentee  
4 ballot from Commissioner Keating on this case.

5 CHAIRMAN HOOD: Okay. Thank you  
6 very much. Colleagues, we have some  
7 submissions that have come in. I'm not sure.  
8 Did we defer this? These cases are starting  
9 to run together, and I don't --

10 MS. SCHELLIN: We did. We  
11 deferred this from our September 14th meeting  
12 just to allow the commissioners more time to  
13 absorb. We didn't get any additional filings.  
14 It was just to allow the commissioners more  
15 time to absorb the information.

16 CHAIRMAN HOOD: Okay. Thank you.  
17 We have something from the applicant, which I  
18 think is exhibit 283. We also have something  
19 from the applicant, which is exhibit 287.

20 I just want to get the exhibits in  
21 front of us. We have something from Mr.  
22 Montoldo, which is exhibit 286, which

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1 basically concurs with the submission we have  
2 from the WNNC, Wisconsin Neighbors, which is  
3 exhibit 285.

4 We have a request. We have been  
5 asked to reconsider the way the condition  
6 reads as it states now in the order, "The  
7 applicant shall also fulfill any other  
8 commitment or promise being made as referenced  
9 in the findings of facts above, even if not  
10 specifically stated in one of the above  
11 conditions."

12 I had a chance to look at the  
13 order. I actually thought that was a good  
14 condition.

15 But the question I think,  
16 colleagues, is, is it enforceable? I don't  
17 have to enforce it, but I can read it now and  
18 think it's great. But it's a little  
19 difficult, I think, if you after looking at it  
20 more and looking at some of the submittals if  
21 you are the one on the tail end that has to  
22 make sure that things are being abided by.

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1           In some of the submissions that we  
2 have, we have pros and cons of how we should  
3 do it. I think the letter from WNNC, at least  
4 one of the things I took away from it, it  
5 says, "We fully agree with the intent of  
6 condition 16, which requires the applicant to  
7 fulfill any other commitment or promise it  
8 made."

9           I think the whole thrust is that  
10 what we're trying to accomplish here is that  
11 this is -- I won't say it's common, but it  
12 will do so much to this case. We were trying  
13 to cover everything: promises made to the  
14 community to make sure the applicant fulfills  
15 it.

16           In looking at the submissions, I  
17 basically only came up with two things I would  
18 think that we would want to add to the  
19 condition. I would leave that up to the staff  
20 or to OAG to help us to do that.

21           One of the things is the total  
22 minimum parking requirements and total

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1 commercial parking, as stated in the findings  
2 of facts. I think it was 28 and 49. I don't  
3 think it would be a big deal if we add that.

4 Also, the parking space per  
5 dwelling unit on the north partial and I think  
6 also the south partial. I don't see any big  
7 deal if that's added. It leads to some of the  
8 points that I think are in exhibit 285.

9 The other thing is the community  
10 and overnight parking spaces. The only  
11 problem, I think -- and I would stand to be  
12 corrected if my colleagues see it otherwise.  
13 The use of overnight was I don't think ever  
14 offered or proffered, especially WNNC is  
15 saying from 6:00 p.m. to 9:30 a.m. I'm not  
16 sure if that was ever proffered or offered,  
17 but I think we also covered it in the  
18 transportation management plan.

19 Those are three things I would  
20 like to see added. I think we can work with  
21 the staff, Ms. Schellin, and OAG to be able to  
22 do that. I don't know what else.

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1 MS. SCHELLIN: I think overnight  
2 parking was offered, but off-peak hours were  
3 not defined is what --

4 CHAIRMAN HOOD: Do we need --  
5 well, I guess we would need to define the --

6 MS. SCHELLIN: I think that the  
7 applicant agreed to overnight parking, but the  
8 record never defined off-peak hours. So that  
9 was my understanding from OAG. That was their  
10 recommendation. Since it wasn't defined, we  
11 couldn't really put that in. We can't define  
12 the hours.

13 CHAIRMAN HOOD: So the hours for  
14 overnight parking, is the applicant agreeable  
15 to that?

16 MS. SCHELLIN: They're agreeable  
17 to overnight parking but not specific hours.  
18 They weren't going to define peak hours or  
19 off-peak hours. I'm sorry.

20 CHAIRMAN HOOD: Maybe I'm just not  
21 understanding. If I know that something is  
22 going to go on here the next day, you need to

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1 have your car off the lot by a certain time.  
2 Maybe I'm missing something, though.

3 COMMISSIONER MAY: Well, I guess  
4 --

5 (Whereupon, the foregoing matter  
6 went off the record briefly due to  
7 technical difficulties.)

8 CHAIRMAN HOOD: Are you ready?

9 COMMISSIONER MAY: I think I was  
10 about to jump in.

11 CHAIRMAN HOOD: You were getting  
12 ready to say -- well, maybe, but I want to go  
13 back to the sidebar.

14 COMMISSIONER MAY: Well, but I was  
15 going to actually address that question. Are  
16 we on the record?

17 CHAIRMAN HOOD: Yes. Go back on  
18 the record.

19 COMMISSIONER MAY: Okay. As I  
20 understand it, WNNC is proposing that off-peak  
21 be defined with specific hours. And that was  
22 not done in the original order, and it wasn't

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1 in the testimony or anything else. So it's  
2 hard for us to simply say it shall be defined  
3 as, you know, 9:00 to 5:00, whatever it is.

4 I think it's reasonable to try to  
5 define that because off-peak if it's just left  
6 open to interpretation by the applicant, it's  
7 not really much, necessarily much, of a  
8 benefit because they could redefine off-peak  
9 at different times.

10 I mean, I think it's a reasonable  
11 request. The question is whether the  
12 applicant is willing to actually proffer  
13 different hours or defined hours.

14 CHAIRMAN HOOD: What we have in  
15 the order -- did I sign this order? I was  
16 hoping it had Carol's name on it. Okay. It  
17 says the project shall make at least 30 spaces  
18 in the south partial -- this is the one I'm  
19 looking at -- available during off-peak hours  
20 for users of existing neighborhood restaurants  
21 and overnight parking for the surrounding  
22 community.

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1 I think I am being advised that we  
2 cannot define off-peak hours.

3 COMMISSIONER MAY: Right. And  
4 that makes sense to me. There's nothing in  
5 the record to indicate what off-peak would  
6 mean, and nothing has been offered by the  
7 applicant.

8 I guess my question is, if the  
9 applicant were to -- I mean, WNNC has made  
10 what I think is a reasonable request to define  
11 those hours. If the applicant doesn't agree  
12 with those hours, is the applicant willing to  
13 modify the order to actually put in defined  
14 hours?

15 CHAIRMAN HOOD: I guess I would  
16 ask a legal question because this order is  
17 signed. We're doing a reconsideration of 16.  
18 And I don't know if we -- condition 16. Let  
19 me see.

20 Yes. I guess we would have to  
21 find out if the applicant is agreeable to it.  
22 Ms. Schellin, could you find that out or do

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1 you already know?

2 I'm trying to do this the best way  
3 I can without us -- and if they are agreeable,  
4 could you find out when the off-peak hours  
5 are?

6 MS. SCHELLIN: Okay. Chairman  
7 Hood, at this point they don't know what the  
8 hours of the store are going to be. So,  
9 therefore, they don't really know what  
10 off-peak will be at this point. So they  
11 cannot really define that themselves at this  
12 time. So that's why they left it as  
13 overnight.

14 CHAIRMAN HOOD: We are on the  
15 record, I guess we should -- we are trying to  
16 figure this thing out, though. Let the record  
17 reflect the discussion is -- and, Ms.  
18 Schellin, could you just repeat that so I make  
19 sure I'm --

20 MS. SCHELLIN: Yes. The  
21 applicant's attorney has advised that at this  
22 time, they do not know what the hours of the

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1 store will be. So, therefore, they don't know  
2 what off-peak will be for the store.

3 So they can't really define what  
4 off-peak is for them. They don't know if the  
5 store is going to close at 6:00, at 10:00, at  
6 12:00, or be open 24 hours. So they cannot  
7 define off-peak at this point.

8 COMMISSIONER MAY: Okay. So if  
9 it's 24/7 they are open, then there are no  
10 off-peak hours.

11 MS. SCHELLIN: Well, they would  
12 still have overnight parking available  
13 because, you know, not everybody is going to  
14 shop overnight. So, I mean, they don't know  
15 what off-peak is going to be.

16 CHAIRMAN HOOD: So I guess what we  
17 could --

18 COMMISSIONER MAY: I guess what is  
19 a little bit of a concern is that the peak  
20 hours essentially could shift, right? I mean,  
21 maybe they start out with the peak hours  
22 running through 7:30 in the evening. But as

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1 life moves on, five years from now, they will  
2 redefine it as 7:30 or 9:30 or 10:30.

3 I mean, I think that's what the  
4 neighbors may be concerned about, that it  
5 ought to be reasonably well-defined if this is  
6 actually proffered as an amenity or a  
7 mitigation.

8 CHAIRMAN HOOD: And I think if it  
9 is acceptable to all parties interested, I  
10 think we as the Commission can put something  
11 in there which would save it and would give  
12 that latitude to make the change between I  
13 guess the applicant and the neighborhood.

14 I am just trying to figure out how  
15 we can craft something that would be  
16 acceptable that maybe that there should be a  
17 defined at all times or once they find out who  
18 the tenants are going to be, what the hours  
19 are going to be, that there should be some  
20 type of defined hour or window of off-peak.

21 I think that leaves it open for  
22 changes five years, ten years, also takes care

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1 of what WNNC has concerned. Hopefully the  
2 applicant would agree to somewhat. You know,  
3 it might not help the Zoning Administrator  
4 out.

5 COMMISSIONER TURNBULL: Are you  
6 saying that before they get their C of O,  
7 they've got to come back before the Commission  
8 and establish hours for off peak?

9 CHAIRMAN HOOD: No. I hope that  
10 is not what I was saying.

11 COMMISSIONER MAY: Yes.

12 CHAIRMAN HOOD: I like them, but I  
13 don't want to see them. We have seen them.

14 COMMISSIONER MAY: I am not sure I  
15 necessarily agree that what's peak and off  
16 peak can't necessarily be defined at this  
17 point. This is not the only grocery store in  
18 the area. I mean, there are many others  
19 operated by Giant.

20 Why is it so much more difficult  
21 to find out what peak shopping hours are here?  
22 Do they vary that much from one location to

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1 another? I don't know.

2 I mean, this is all good stuff.  
3 We should have gotten into in the hearing  
4 because God knows we needed to spend more time  
5 in the hearing, but --

6 COMMISSIONER TURNBULL: We could  
7 have had another day.

8 COMMISSIONER MAY: We could have,  
9 yes. I mean, I think it is a reasonable thing  
10 to define it. It may be too late for us to  
11 effectively do that at this time, but, I mean,  
12 at the very least, we ought to be able to say  
13 that the off-peak hours have to be defined  
14 before the C of O is issued. I mean --

15 COMMISSIONER TURNBULL: Well, some  
16 of the federal parking spaces that are then  
17 turned over to the community at night  
18 typically start like around 7:00 p.m. and go  
19 to like 7:00 in the morning or something.

20 CHAIRMAN HOOD: Let me ask -- was  
21 this offered in the hearing or was this ever  
22 offered during the hearing and the discussions

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1 on our proposed action? Was this ever  
2 offered?

3 And if it wasn't offered, I guess  
4 we run into a legal issue or can we do it  
5 because we're asking to reconsideration?  
6 Basically this all revolved around the  
7 reconsideration of condition 16. Can we do  
8 that at this point?

9 COMMISSIONER MAY: I don't think  
10 there was any discussion of what the hours  
11 would be. The fact of off-peak and overnight  
12 parking was offered.

13 CHAIRMAN HOOD: No. We don't take  
14 any public testimony. Unfortunately -- no,  
15 not unfortunately. Fortunately, your  
16 submission will have to stand on its own.

17 I just don't know what the quick  
18 fix is. Okay. We're going to take a  
19 five-minute break, and we're going to consult.  
20 Okay. In five minutes, we will be back.

21 (Whereupon, the foregoing matter  
22 went off the record at 6:56 p.m.)

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1                   and went back on the record at  
2                   7:07 p.m.)

3                   CHAIRMAN HOOD: Okay. Let's go  
4 back on the record. We have consulted with  
5 counsel. We wanted to make sure some of the  
6 legality issues and which way we moved were  
7 legally sufficient. We have done that.

8                   One of the things that we are  
9 proposing is -- and I know this is a proffer.  
10 We are asking that both the applicant -- and  
11 I'm going to ask the party or parties to work  
12 together. And we're going to give you some  
13 time to try to come up with a definition of  
14 the off-peak hours.

15                   And what we're going to ask, I  
16 think we are going to give you a week or so,  
17 come back and see if you all can agree. We're  
18 not forcing your hand. We're just asking that  
19 this be worked out. And that will help us.

20                   If not, we will move forward in  
21 our voting because I think that this may be  
22 everyone can try to come up with an agreement

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1 so we can come up with a definition of  
2 off-peak. And we will just open the record  
3 just for that particular issue.

4 So I'm hoping that everyone will  
5 at least try to work together with the parties  
6 and also with the applicant so we can define.  
7 And that's it, nothing outside of that scope.

8 I don't think we need to hear  
9 anything else. We've had six or seven nights  
10 of hearing, even if it was five. So we're  
11 going to move in that fashion. Do my  
12 colleagues want to add anything?

13 COMMISSIONER MAY: Now, Mr.  
14 Chairman, just to make it very clear, the --

15 CHAIRMAN HOOD: I thought I had  
16 made it clear, but if you can clear it up --

17 COMMISSIONER MAY: No, no, no.  
18 This is for my sake, too. Basically what we  
19 had gotten from the applicant was a revised  
20 condition 16 that would be more enforceable.  
21 And we were going to accept that with some  
22 small modifications.

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1                   And then the modifications would  
2                   be if we reference attachment A, they came  
3                   from WNNC item B and item D. And then with  
4                   regard to item E, if there can be an agreement  
5                   on what off-peak hours are, that that would  
6                   also be incorporated into the revised  
7                   condition 16.

8                   CHAIRMAN HOOD: I think you really  
9                   captured, and I appreciate you doing that.  
10                  Unless my colleagues see something else we  
11                  need to add?

12                  COMMISSIONER MAY: No.

13                  CHAIRMAN HOOD: That's it. Okay.

14                  COMMISSIONER MAY: I mean, that's  
15                  what makes sense to me.

16                  MS. SCHELLIN: Are you going to  
17                  take action on the reconsideration that WNNC  
18                  filed regarding the RPP restrictions?

19                  CHAIRMAN HOOD: No.

20                  MS. SCHELLIN: Are you going to  
21                  take care of that this evening or are you  
22                  going to defer action on that also?

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1                   CHAIRMAN HOOD: Well, I think we  
2 can deal with that this evening unless it's  
3 not confusing or we can do it all at once. I  
4 think the RPP restrictions are out of our  
5 jurisdiction. So I think for me, it's off the  
6 table. Would anyone else like to see it?  
7 Does anyone else differ? Do we need a vote on  
8 that?

9                   (No response.)

10                  CHAIRMAN HOOD: Okay. Well, I  
11 would move that we deny the RPP  
12 reconsideration proposed by -- is it Wisconsin  
13 Neighbors?

14                  MS. SCHELLIN: WNNC is fine.

15                  CHAIRMAN HOOD: Okay. WNNC. And  
16 ask for a second.

17                  COMMISSIONER MAY: Second.

18                  CHAIRMAN HOOD: Moved and properly  
19 seconded. Again, as I stated, I believe that  
20 is out of our jurisdiction. All of those in  
21 favor, aye?

22                  (Whereupon, there was a chorus of

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1 "Ayes.")

2 CHAIRMAN HOOD: Any opposition?

3 (No response.)

4 CHAIRMAN HOOD: Not hearing any,  
5 so ordered. The staff will record the vote.

6 MS. SCHELLIN: Yes. The staff  
7 records the vote 4:0:1 to deny the request by  
8 WNNC to reconsider the residential parking  
9 permit restrictions, and I am recording the  
10 vote 4:0:1 because I have an absentee ballot  
11 from Commissioner Keating, Commissioner Hood  
12 moving, Commissioner Turnbull seconding,  
13 Commissioners May in support, Commissioner  
14 Keating in support by absentee ballot,  
15 Commissioner Schlater not present/not voting.

16 CHAIRMAN HOOD: Okay. Again, what  
17 we're going to ask for, as Commissioner May  
18 has made it much clear where we are trying to  
19 proceed, we only have one narrow scope issue.  
20 And that is the definition of off-peak hours.

21 I think WNNC, while I may not  
22 agree with everything, I think they brought up

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1 some very valid points to help us try to  
2 strengthen and tighten condition 16.

3 So do we have any time frames, Ms.  
4 Schellin?

5 MS. SCHELLIN: Yes. If we could  
6 have their responses by next Friday, the 9th  
7 of October, then we'll put this on our October  
8 19th agenda.

9 CHAIRMAN HOOD: Okay. For those  
10 who are present, does anyone have a problem  
11 with that time frame?

12 (No response.)

13 CHAIRMAN HOOD: And it can be a  
14 one-pager, I think one page.

15 MS. SCHELLIN: I believe Mr. Feola  
16 has a question for clarification. If we can  
17 wait one second?

18 COMMISSIONER MAY: We're looking  
19 for a single report or separate reports if  
20 there is not agreement.

21 CHAIRMAN HOOD: Okay. I'm sorry.

22 MS. SCHELLIN: Just to clarify and

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1 make sure that I am correct and respond to Mr.  
2 Feola, if the parties cannot come up with an  
3 agreement, then they will just simply file a  
4 response next Friday saying that they could  
5 not come to an agreement. Is that correct?

6 CHAIRMAN HOOD: Yes. And I would  
7 strongly encourage them to try to consult. I  
8 may look at this some more and see what other  
9 stuff we can add. I would really encourage  
10 them to at least try to.

11 Okay. Anything else?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: All right. With  
14 that, I want to thank everyone for their  
15 participation tonight. And this meeting is  
16 adjourned.

17 (Whereupon, the foregoing matter  
18 was concluded at 7:12 p.m.)

19

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