

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY,

APRIL 9, 2012

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room at Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 a.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

MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

JACOB RITTING, ESQ.

This transcript constitutes the  
minutes from the Regular Meeting held on April  
9, 2012.

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## T-A-B-L-E O-F C-O-N-T-E-N-T-S

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Anthony Hood, Chairman..... 4

CORRESPONDENCE:

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**VOTE:** 5-0-0 to Approve Extension:..... 7  
 Set for Decision on July 16, 2012:..... 8

HEARING ACTION:

ZC Case No. 06-08C - Fort Lincoln:..... 10  
 Request to Set for Hearing:..... 11  
 Motion to Approve Request:..... 12  
**VOTE:** 5-0-0 to Approve Request:..... 12

ZC Case No. 11-03A - Hoffman-Struever:.. 13  
 Matt Jesick, OP..... 13  
 Commission Questions/Comments:..... 18  
 Motion to Set for Multiple Hearings:.. 47  
**VOTE:** 5-0-0 to Approve Hearings:..... 48

FINAL ACTION:

ZC Case No. 11-22 - OP Text Amendment:.. 48  
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**VOTE:** 5-0-0 to Approve:..... 50

ZC Case No. 11-07B - AU:..... 50  
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1 P-R-O-C-E-E-D-I-N-G-S

2 6:35 p.m.

3 CHAIRMAN HOOD: Okay. We are  
4 ready to get started. This is our regular  
5 monthly meeting for Monday, April 9, 2012 at  
6 6:30.

7 Joining me are Vice Chairman  
8 Schlater, Commissioner Turnbull, Commissioner  
9 May and Commissioner Cohen.

10 We're also joined by the Office of  
11 Zoning staff, Ms. Sharon Schellin, also the  
12 Office of Attorney General, Mr. Ritting, and  
13 expected to join us later Ms. Nagelhout,  
14 Office of Planning is Ms. Steingasser and Mr.  
15 Lawson and Mr. Jesick.

16 We do not take typically any  
17 testimony at our Public Meetings, so we will  
18 not be calling anyone forward. We also ask  
19 you to not make any disruptive noises in the  
20 hearing room, because we are being recorded  
21 and video-recorded also, webcast live.

22 With that, let's go into our

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1 agenda. I want to rearrange some of the items  
2 on the agenda for efficiency.

3 First, we are going to do  
4 correspondence. Second, we're going to do the  
5 consent calendar item. Third, we are going to  
6 do hearing action. And fourth, we're going to  
7 do final action.

8 Ms. Schellin, do we have any  
9 preliminary matters?

10 MS. SCHELLIN: No, sir.

11 CHAIRMAN HOOD: Okay. Let's go  
12 right into it. Under correspondence, Ms.  
13 Schellin?

14 MS. SCHELLIN: Yes, sir. This is  
15 a joint letter from the University, ANC-2E,  
16 CAG and BCA asking for an extension of the  
17 filing deadlines that were set by the  
18 Commission.

19 And also, if you will recall,  
20 there was a meeting date that was scheduled  
21 just for the Commission to decide whether a  
22 further hearing on just the specific topic

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1 that they were going to respond on was going  
2 to be necessary or not.

3 CHAIRMAN HOOD: Okay. Thank you,  
4 Ms. Schellin. Commissioners, we have a  
5 request, which is Exhibit No. 371, from  
6 Georgetown and ANC Chair 2E, the President of  
7 the Citizens Association of Georgetown and the  
8 President of Burleith Citizens Association and  
9 trying to do more collaboration, which I think  
10 was a strong signal, at least, I know this  
11 Commission sent. And it looks like that is  
12 being undertaken.

13 And I will open it up, but I would  
14 be in agreement to allowing the additional  
15 time and even additional time, if needed, but  
16 in allowing the request that is proper before  
17 us. Any other discussion? Any other  
18 discussion?

19 COMMISSIONER MAY: I would just  
20 say I'm encouraged to know that they are  
21 having a constructive enough discussion to,  
22 you know, need more time to be able to work it

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1 out, so, as I said, I'm encouraged.

2 CHAIRMAN HOOD: Okay. So,  
3 Commissioners, I would -- anyone else?  
4 Commissioner Cohen?

5 COMMISSIONER COHEN: No. Mr.  
6 Chairman, I would move to postpone the hearing  
7 of this and have the Georgetown University  
8 Campus Plan request for postponement be  
9 approved.

10 CHAIRMAN HOOD: Okay. Thank you.  
11 Can I get a second?

12 COMMISSIONER TURNBULL: Second.

13 CHAIRMAN HOOD: Okay. It has been  
14 moved and properly seconded that we honor the  
15 request in Exhibit No. 371. It has been moved  
16 and properly seconded. Any further  
17 discussion? Are you ready for the question?

18 All those in favor?

19 ALL: Aye.

20 CHAIRMAN HOOD: Not hearing any  
21 opposition, Ms. Schellin, would you, please,  
22 record the vote?

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1 MS. SCHELLIN: Yes, sir. Staff  
2 would record the vote 5-0-0 to approve the  
3 requested extension to the dates mentioned in  
4 the joint letter. Commissioner Cohen moving,  
5 Commissioner Turnbull seconding, Commissioners  
6 Hood, May and Schlater in favor.

7 And just in case anyone asks, this  
8 was a procedural issue and even though Ms.  
9 Cohen did not sit on the case, she could do  
10 that, is my understanding.

11 And one other issue. There was a  
12 meeting date in May scheduled for a decision  
13 on this case, a Special Public Meeting. And  
14 because these dates have been moved, we need  
15 to reschedule that May date, if we could, to  
16 July 16<sup>th</sup>, if the Commission is happy with  
17 that.

18 CHAIRMAN HOOD: So we need to  
19 reschedule what to July 16<sup>th</sup>? I didn't follow  
20 that. I just honored the whole request and  
21 what they had in front of us. Is there  
22 something else we need to do?

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1 MS. SCHELLIN: Right. That was  
2 the request that they had asked for, which  
3 were the filing deadlines and the one meeting  
4 to decide whether a shortened hearing --

5 CHAIRMAN HOOD: They said the  
6 meeting is going to be postponed from April  
7 30<sup>th</sup> to June 25<sup>th</sup>.

8 MS. SCHELLIN: But that meeting  
9 was only to decide whether you were going to  
10 require a narrow scope hearing. And if so,  
11 then, of course, the Special Public Meeting to  
12 make the decision would not occur, which was  
13 scheduled for May 10<sup>th</sup>.

14 CHAIRMAN HOOD: Okay.

15 MS. SCHELLIN: So now that date --  
16 just in case you decide to go forward with the  
17 decision, we need to have something on the  
18 calendar. So if you decide at the June 25<sup>th</sup>  
19 meeting that a narrow scope hearing is not  
20 needed, then we need to set a date for you to  
21 decide the case and that's what the July date  
22 would be.

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1 CHAIRMAN HOOD: July 16<sup>th</sup>?

2 MS. SCHELLIN: 16<sup>th</sup>.

3 CHAIRMAN HOOD: Is that the only  
4 thing we have that night?

5 MS. SCHELLIN: It will be, yes.

6 CHAIRMAN HOOD: Okay.

7 MS. SCHELLIN: A Special Public  
8 Meeting.

9 CHAIRMAN HOOD: Does anyone have  
10 any problems with July 16<sup>th</sup>? Okay. Not  
11 seeing any, okay. So we will also move in  
12 that fashion. Thank you, Ms. Schellin. I  
13 don't think we need to call the vote on that.  
14 We have general consensus.

15 Okay. Anything else on that?

16 MS. SCHELLIN: No.

17 CHAIRMAN HOOD: Okay. Let's go to  
18 the Consent Calendar item. First, let me ask,  
19 I was supposed to ask this first, does anyone  
20 believe that the Consent Calendar item  
21 proposed for today, which is Zoning Commission  
22 Case No. 06-08C, should come off as a Consent

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1 Calendar item?

2 COMMISSIONER COHEN: Mr. Chairman,  
3 I do.

4 CHAIRMAN HOOD: Okay.

5 COMMISSIONER COHEN: I think the  
6 changes are fairly significant that it should  
7 go through a Public Hearing.

8 CHAIRMAN HOOD: Okay. All it  
9 takes is one. We will take this now and I  
10 believe move it down to Hearing Action, which  
11 we have third anyway. So again, let's go to  
12 Zoning Commission Case No. 06-08C.

13 Ms. Steingasser, anyone prepared  
14 to talk about this, because apparently we are  
15 going to set this down for a hearing.

16 MS. STEINGASSER: Just that we do  
17 recommend that it be set down for a hearing.  
18 We find that the issues are not -- do not  
19 merit a minor modification, which is by  
20 definition a modification of little or no  
21 consequence. These are actual conditions of  
22 the order, so, therefore, they were of

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1 substantial consequence and we recommend that  
2 it be set down for hearing.

3 CHAIRMAN HOOD: Okay.  
4 Commissioners, we have in front of us a  
5 request to set this down for a hearing. I  
6 would like to hold in abeyance the issue about  
7 the affordability and the continuation for 10  
8 years. I think that we can hold that in  
9 abeyance until the time of the hearing and at  
10 such time we make a decision.

11 Any other comments? Okay. I move  
12 that we set down Zoning Commission Case No.  
13 06-08C for a modification hearing on Square  
14 4325 and ask for a second.

15 VICE CHAIRMAN SCHLATER: Second.

16 CHAIRMAN HOOD: It has been moved  
17 and properly seconded. Any further  
18 discussion?

19 All those in favor?

20 ALL: Aye.

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

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1 record the vote?

2 MS. SCHELLIN: Staff records the  
3 vote 5-0-0 to set down Zoning Commission Case  
4 No. 06-08C as a contested case. Commissioner  
5 Hood moving, Commissioner Schlater seconding,  
6 Commissioners Cohen, May and Turnbull in  
7 support.

8 CHAIRMAN HOOD: Okay. Next, let's  
9 go to Hearing Action, another Hearing Action  
10 item, Zoning Commission Case No. 11-03A,  
11 Hoffman-Struever Waterfront, LLC, 2<sup>nd</sup> Stage  
12 PUD at Square 390, 391, 471W, 472, 473 and  
13 503. Mr. Jesick?

14 MR. JESICK: Thank you, Mr.  
15 Chairman and Members of the Commission. The  
16 Office of Planning is pleased to recommend set  
17 down of this 2<sup>nd</sup> Stage PUD application for the  
18 Southwest Waterfront Project, also known as  
19 The Wharf.

20 The application before you is very  
21 complex and extremely detailed, so I'm going  
22 to limit my remarks to just some of the main

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1 points and highlights and leave the remainder  
2 of the time for Commission comments and  
3 questions.

4 Last year in the 1<sup>st</sup> Stage PUD, the  
5 Commission approved the site plan for the  
6 Southwest Waterfront, the general massing,  
7 general use mix for the project. Now, with  
8 this application, we are beginning to see some  
9 of the details of the architecture and the  
10 open space design for Phase 1 of the project.

11 And Phase 1 includes over half of  
12 the land area, but just under half of the  
13 building floor area for the entire Southwest  
14 Waterfront.

15 There are building designs for the  
16 11 parcels. Most of the northern end of the  
17 project site is included with Parcels 2  
18 through 4 and their associated open spaces.  
19 Also, Parcel 11 and the Waterfront Park at the  
20 very southern end of the Southwest Waterfront.

21 Now, there are some very  
22 interesting ideas and concepts presented in

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1 this application. One is the overall vision  
2 for the open spaces, which OP supports. And  
3 these are the mews, the plazas, the wharf  
4 itself, the piers.

5 These should all be very active  
6 and vibrant open spaces. We think they would  
7 appeal to both residents of the immediate  
8 neighborhood, other D.C. residents as well as  
9 tourists. They would also help to draw people  
10 to the water, which has been a major theme of  
11 planning for this area.

12 Some of the open spaces would be  
13 slightly larger, such as the transit, pier and  
14 the 9<sup>th</sup> Street Plaza, these could be used for  
15 civic functions or other festivities. All of  
16 the open spaces would provide great walking  
17 and biking areas and provide some limited  
18 automobile access as well.

19 OP also supports an extensive  
20 robust retail program. There is retail on the  
21 ground floor of all of the buildings and this  
22 retail would really help enliven the open

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1 spaces, which are next to it.

2           There are also some very  
3 interesting architectural ideas proposed with  
4 some of the larger buildings. Parcel 3B and  
5 Parcel 4 achieve the applicant's goal of a  
6 waterfront warehouse aesthetic. And both have  
7 some modern touches along with that.

8           Buildings on Parcel 11 use  
9 interesting materials and have some different  
10 geometric forms. And OP will continue to work  
11 with the applicant to refine the design of  
12 Parcels 2 and 3A. Those parcels present some  
13 really unique architectural opportunities.

14           There are some small buildings  
15 proposed with this application that have very  
16 interesting architecture, such as the Transit  
17 Pavilion, the Dock Master building and the  
18 Capital Yacht Club building and OP supports  
19 those designs.

20           And there are a few items that we  
21 will continue to work with the applicant on.  
22 Those are described in the report.

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1           Three I would just like to mention  
2 this evening. One is the provision of vantage  
3 points or elevated locations where people  
4 could take advantage of views out over the  
5 water or simply people-watch. There are some  
6 restaurants proposed for upper levels, but I  
7 think there are also opportunities for free  
8 and public areas that people could go to as  
9 well.

10           Related to that is the provision  
11 of more general seating in places like the  
12 plazas and the wharf in addition to all of the  
13 great outdoor restaurant seating in those  
14 areas.

15           And third, we do hope to continue  
16 to work with the applicant to explore the idea  
17 of more modern design and a mix of materials  
18 on some of the larger buildings. But overall,  
19 OP strongly supports this 2<sup>nd</sup> Stage  
20 application. It is not against this with the  
21 1<sup>st</sup> Stage approval or the Comprehensive Plan  
22 or the intent of the Zoning Regulations.

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1                   So we are, therefore, recommending  
2 set down. And I would be happy to take any  
3 questions.

4                   CHAIRMAN HOOD: Okay. Thank you,  
5 Mr. Jesick. Commissioners, any questions?  
6 Vice Chairman Schlater?

7                   VICE CHAIRMAN SCHLATER: Thank  
8 you, Mr. Chair. One thing I just noted from  
9 the application. If you are looking on page  
10 34 it says "The applicant may seek such  
11 flexibility in parking and loading  
12 requirements for this first Stage 2  
13 application, the lot occupancy requirements  
14 for Parcel 11 and other minor flexibility  
15 during the final design phase of the  
16 building."

17                   That to me sounded like there may  
18 be another stage of approval even after we get  
19 through this State 2 approval. Am I reading  
20 that correctly?

21                   MR. JESICK: This would be the  
22 final approval for the buildings in question.

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1 I think we have asked the applicant to  
2 clarify the relief that they are seeking.  
3 That statement was confusing to me as well, so  
4 that's something that we will definitely ask  
5 them to give us more detail on.

6 VICE CHAIRMAN SCHLATER: There are  
7 also a number of areas where you asked for  
8 more detail on the buildings from a design  
9 standpoint. Does OP think we have enough  
10 before us to evaluate the buildings today or  
11 is it something we expect to have enough by  
12 the time we have a hearing on this?

13 MR. JESICK: Yes. A lot of the  
14 areas we asked for more detail. I think  
15 that's somewhat typical of set down and we do  
16 anticipate working extensively with the  
17 applicant between now and the Public Hearing.

18 So I think there is enough detail here for  
19 set down and we do recommend that it be set  
20 down.

21 VICE CHAIRMAN SCHLATER: It also  
22 sounded like the -- one of the very

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1 interesting aspects of the application, and  
2 there are a lot of exciting aspects of the  
3 application, was this cogeneration facility.  
4 And in reading the application, it made it  
5 sound like it was something that was in the  
6 very early stages of exploration. Is that  
7 consistent with your understanding?

8 MR. JESICK: Yes, that is  
9 consistent and we have asked for more detail  
10 on that one as well.

11 VICE CHAIRMAN SCHLATER: So what  
12 would happen were there not to be a  
13 cogeneration facility? What would happen to  
14 the building in that event?

15 MR. JESICK: We don't have that  
16 information from the applicant, but that's  
17 something that I think they should do to  
18 prepare as an option.

19 VICE CHAIRMAN SCHLATER: Okay.  
20 I'll just say that I think this is a very  
21 exciting project. I think there is a lot of  
22 stuff in here to review. I'm somewhat

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1 overwhelmed by the amount of information and  
2 the amount of drawings that have been  
3 submitted.

4 I feel like this is more to review  
5 than we can probably cover in a single  
6 hearing, that would be my feeling. On some of  
7 these buildings, like Parcel 2, where we have  
8 a new performance facility, cogeneration  
9 facility, you've got the garage underneath it,  
10 there is a lot of stuff going on. And I don't  
11 think we can give that review justice if we  
12 are reviewing that at the same time as the  
13 park in Parcel 11 and some of these other  
14 parcels.

15 So I would give some thought to  
16 how we may be able to break this up. I'm  
17 supportive of moving it forward, but I just  
18 think we need to -- I don't think we can stick  
19 it into one hearing.

20 I'll give you my other comments  
21 just for what they are worth.

22 It wasn't really discussed in the

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1 application or maybe I didn't find it in the  
2 right place, but a pretty prominent part of  
3 the Consolidated PUD was placing the streetcar  
4 down on the waterfront. And that doesn't seem  
5 to be there any more. And I'm just curious  
6 how those discussions got to the point they  
7 are at.

8 I think I'm going to want to get  
9 into more detail about the distribution of  
10 affordable housing among the buildings,  
11 because they are not consistently distributed  
12 and that may be fine, but I think it bears  
13 some investigation.

14 I would also like to just get an  
15 update. I saw the exhibit on the phasing of  
16 the amenities, which I found very helpful and  
17 spot on. It did raise the question of where  
18 the developer of that with respect to the  
19 Banneker Overlook connection as well as the  
20 improvements to the fish market.

21 And I would like to get a better  
22 sense of the overall -- you know, within the

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1 Stage 2, which is a huge project, if there has  
2 been consideration to phasing within this  
3 Stage 2 application, which buildings are  
4 coming first. How this whole project is going  
5 to get built-out in the first space. That's  
6 it for me. Thank you.

7 CHAIRMAN HOOD: Okay. Thank you.

8 Anybody else? Commissioner Turnbull?

9 COMMISSIONER TURNBULL: Thank you,  
10 Mr. Chair. I would agree with the Vice Chair.

11 This is an exciting project and I think it  
12 has got a lot of issues to look at. I think  
13 there is a lot of worthwhile things, but, you  
14 know, we've got four or five different parcels  
15 all being developed at once.

16 And I can't see that happening in  
17 one hearing. I can't see us looking at all of  
18 this and being -- giving this project, this  
19 development its real due that it needs for  
20 review.

21 I would reiterate the idea about  
22 the streetcar. There is still questions about

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1 limited automobile traffic that is coming down  
2 the streets with pedestrians. I think that  
3 some of the buildings that you see in the  
4 drawings that we have right now are more  
5 articulated than others.

6 When I go down and look at Parcel  
7 4 and there the architecture looks like they  
8 just didn't think about it at the time, they  
9 just -- I just see these red bricks and that's  
10 about all.

11 I'm also concerned about Parcel  
12 11. Remember when we were doing Parcel 11  
13 before and I didn't find the other submission,  
14 but I know we asked for some additional  
15 drawings on how that building would be  
16 compatible with the buildings across the  
17 street. And we had several perspective views  
18 looking down the street looking at the  
19 proposal. And I have only got one of them in  
20 front of me, but it's radically different with  
21 the drawings that we see now.

22 I mean, I just want to go back and

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1 say well, how are we blending in? How are we  
2 meeting the neighborhood? To me, that seems  
3 like it is -- what we are seeing now is very  
4 different from a proposal that they sent to us  
5 initially as looking at how they could be  
6 compatible.

7 And so, you know, I mean, it's a  
8 design issue and I'm just wondering, I would  
9 like to go back and have some views looking  
10 down that street as to how it really reflects  
11 the neighborhood across the street. I think  
12 what they submitted before was very good, but  
13 now, I'm confused by which way they are going  
14 on this.

15 I'm also concerned, I think, one  
16 of the relief they are asking for is for roof  
17 setbacks. I think there are quite a few  
18 issues with towers, clock tower architectural  
19 embellishments up there and how much of the  
20 roofs are really being used. I don't want to  
21 get this thing to be over powering up on the  
22 roof lines, but there is -- there are some

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1 issues with some of the buildings that we have  
2 seen right now that, I think, need to be  
3 looked at very carefully.

4 So, yes, I mean, I don't know how  
5 you want to handle this, but I think we are  
6 going to need to break it down into smaller  
7 chunks somehow, because you know they are not  
8 going to develop four buildings at one time.  
9 And I think the idea of looking at phasing and  
10 seeing how they are going to do this, I think  
11 we need to understand that.

12 CHAIRMAN HOOD: Any other  
13 questions or comments? Commissioner May?

14 COMMISSIONER MAY: Well, I have  
15 one question, which is this is on the  
16 waterfront, does it mean that they have to get  
17 CFA-approval for the design at this stage?

18 MR. JESICK: Yes. It's our  
19 understanding that there would need to be CFA-  
20 approval.

21 COMMISSIONER MAY: And so is that  
22 going to occur before they come back to us for

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1 hearings?

2 MS. STEINGASSER: They have met  
3 with CFA, both the commission and the staff,  
4 already and they will be continuing to have  
5 those meetings.

6 COMMISSIONER MAY: So has this  
7 design already been approved by the --

8 MS. STEINGASSER: It has not been  
9 approved, but it has been presented.

10 COMMISSIONER MAY: But it was  
11 presented for approval?

12 MS. STEINGASSER: I'm not sure  
13 whether it was for approval.

14 COMMISSIONER MAY: Concept  
15 approval?

16 MS. STEINGASSER: Approval or  
17 concept.

18 COMMISSIONER MAY: Concept  
19 approval. Okay. Okay. I don't want to  
20 burden them with two sets of design reviews,  
21 in essence, and give them some comfort to know  
22 that it is going to have to be approved by the

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1 Commission of Fine Arts, but I would -- I have  
2 a hard time believing that what we see here  
3 has actually been approved by them in any  
4 fashion, because it just seems just like way  
5 too much.

6 There are a number of things in  
7 here that I would have expected they would  
8 have concerns about and would be changed. So  
9 I would be interested to know how that -- all  
10 that is going to come together.

11 I would echo the concerns of the  
12 Vice Chairman and Commissioner Turnbull about  
13 how much we have to consider as this is being  
14 developed. I mean, I could easily see this  
15 coming before us in four or five phases or  
16 four or five Stage 2s.

17 I mean, I know we -- this is not  
18 far from what was approved in the Stage 1, but  
19 the idea of evaluating all these buildings and  
20 there -- and a number of them are very complex  
21 buildings all in one setting is just too much.

22 And so at the very least, it

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1 should be multiple hearings. Frankly, I wish  
2 this was coming to us in multiple Stage 2s,  
3 rather than this. I don't know if we have the  
4 -- whether we have the ability to simply say  
5 we will only set down part of this and break  
6 it up or maybe request that the applicant  
7 propose a scheme for breaking it up, but there  
8 is just no way that I think we can absorb this  
9 and do the work that we are supposed to do in  
10 evaluating it with this amount of information.

11 With regard to the concerns that I  
12 have about the design, at this point, I'll be  
13 fairly brief, but I am very concerned about  
14 the architecture of this collection of  
15 buildings. I think that we have essentially  
16 too many buildings with really prominent, you  
17 know, look at me features.

18 There are towers and there are  
19 projections and there are extra rooftop  
20 elements and just all sorts of things that are  
21 a distraction. And I just find it chaotic. I  
22 think it's just way, way overboard. I think

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1 that many of the features are fine ideas in  
2 themselves, but there are so many of them and  
3 then you add to that the fact that there is no  
4 consistency in the architecture of some of  
5 these individual buildings.

6 It's like every time you go 50  
7 feet, there is another fenestration treatment  
8 or a new set of materials and it just makes it  
9 really, really difficult to appreciate the  
10 building. And it makes, you know, the handful  
11 of really good prominent features, it makes it  
12 hard for them to work when the background is  
13 so confusing.

14 I particularly find problematic  
15 the 200 foot tall tower. I mean, the idea  
16 that something that is 70 feet higher than the  
17 roof, that they are allowed to have, is just  
18 an architectural embellishment for no reason  
19 other than saying hey, look at me I'm here. I  
20 mean that just seems silly.

21 So I'm not opposed to having  
22 architectural embellishments on the top of the

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1 building, but it is possible to make such  
2 embellishments, you know, to go overboard with  
3 them. And I think that they certainly have  
4 with that tower.

5 I'm also concerned about the kind  
6 of loudness of the architecture and the  
7 lighting and everything else that may be  
8 associated with some of the structures over  
9 the water, given their proximity to East  
10 Potomac Park and the spires that march down  
11 the pier and so on.

12 I definitely want to see what that  
13 is going to look like at night. I would be  
14 concerned about having, you know, loud  
15 restaurant establishments in the middle of the  
16 waterway. So -- because it's -- because of  
17 the proximity of the park. So I think I need  
18 to see a fair amount of information on that.

19 Another reason why this is just  
20 too much to absorb because there is -- I mean,  
21 we could have a hearing on all this stuff and  
22 if I got to ask my questions first, we would

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1 not finish with my questions by the end of the  
2 night. So I think we should be breaking this  
3 up.

4 CHAIRMAN HOOD: You know,  
5 Commissioner May, I was not going to say it,  
6 but I just have to say it. What's the  
7 difference any other time? But anyway,  
8 Commissioner Cohen?

9 COMMISSIONER COHEN: Thank you,  
10 Mr. Chairman. First of all, since this is my  
11 first introduction to this project, for me,  
12 it's very exciting. The project -- this  
13 neighborhood really could use some attention  
14 to it, especially trying to get it to be very  
15 active.

16 But similar to my seasoned  
17 colleagues, it was a lot of information to  
18 reflect on and I would agree that it would be  
19 better if we broke it down, especially since I  
20 don't think that there is any financing  
21 available to do the whole thing all at once.  
22 I'm not sure why the applicant didn't decide

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1 to do that.

2 One of the concerns that I have,  
3 and it's a concern no matter where this  
4 occurs, is having shared zones with cars and  
5 pedestrians. My experience is that  
6 pedestrians always lose. So I would like to  
7 see more information and covered maybe more by  
8 DDOT when they come forward.

9 I actually like a lot of activity.

10 You know, I don't know if I'm disagreeing  
11 with Commissioner May or not, but I thought it  
12 was a very exciting plan. And it accommodated  
13 a lot of interest and a lot of age groups.  
14 Although, some of the wharfs, I think, need  
15 greater safety features on them for kids,  
16 younger kids especially.

17 I guess I don't have anything more  
18 to add. My colleagues did cover quite a bit  
19 and I think I agree with a number of their  
20 observations. So I am asking, I guess, or  
21 agreeing that it be broken up more.

22 CHAIRMAN HOOD: Okay. I won't

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1 belabor the point. I think that this is an  
2 exciting project. I'm ready to get into it.  
3 The only issue is, I guess, how we do it. I'm  
4 not sure if we want to leave breaking it up up  
5 to the staff to work that out or would we like  
6 to try to attempt it?

7 I don't think we can do it here on  
8 the dias, but I think that I'm sure that the  
9 applicant has heard the many concerns about  
10 this being a voluminous amount of detail and  
11 everything that has actually happened down  
12 there and it's just different parcels that are  
13 being developed all at once. And we ask -- we  
14 look at it and I would agree with Commissioner  
15 Turnbull that we want to give these parcels  
16 and these projects their due diligence.

17 So one of the things I would like  
18 to do, unless -- Ms. Steingasser, I saw -- you  
19 know, I'm very observant. I saw Ms.  
20 Steingasser go in the audience, maybe she has  
21 something that the applicant may want to try  
22 to recommend to us.

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1 MS. STEINGASSER: Well, I did  
2 speak to the applicant about the staging  
3 issue. They point out that buildings 2, 3 and  
4 4 are built on a common underground garage  
5 plan and that's why they need to be  
6 constructed together and that they are going  
7 to be financed together.

8 So they would like, if possible,  
9 to keep 2, 3 and 4 together. And then 11  
10 could be separate and then, of course, the  
11 park.

12 CHAIRMAN HOOD: Why don't we do  
13 this, can we leave that up to staff, if we  
14 want to proceed? And everybody has heard how  
15 we would like for it -- to see it come back  
16 and the fashion. Office of Planning and staff  
17 work together with the applicant and break  
18 some of that up for us. Is that a problem?  
19 Anybody have any other suggestions?  
20 Commissioner May?

21 COMMISSIONER MAY: Well, at the  
22 very least, if we leave it up to staff, I

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1 would like to hear before we have a hearing  
2 how it has been broken up, what the logic is.

3 So maybe if the staff worked on it, we can  
4 get a report at the next meeting.

5 CHAIRMAN HOOD: Okay.

6 MS. SCHELLIN: From what Ms.  
7 Steingasser has said, is that how they would  
8 want it broken up? 2, 3, 4 and then 11 and  
9 then the park by itself? So three separate  
10 hearings?

11 MS. STEINGASSER: Ideally, I think  
12 they would like them to be heard together.  
13 Second to that, they would like 2, 3 and 4 to  
14 be heard together.

15 MS. SCHELLIN: Right.

16 MS. STEINGASSER: And possibly  
17 building 11 and the park would be separate.  
18 If the Commission just wanted to have multiple  
19 hearing nights, you know, if 2, 3 and 4 could  
20 be heard in sequence, since they do play  
21 together and off of each other and  
22 structurally are tied together.

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1                   COMMISSIONER MAY: Yes, I mean, 2,  
2                   3 and 4 are the most complex individual  
3                   buildings. 2 is the most complex, right?  
4                   Yes, I mean, I'm not really fond of the idea  
5                   of hearing 2, 3 and 4 all at the same time in  
6                   the same hearing. So if that could be done in  
7                   two or three hearings and then another one.

8                   I mean, 11 and the park, that's  
9                   the most straightforward portion of this,  
10                  that's the most manageable segment.

11                  MS. SCHELLIN: So you're saying  
12                  they could be heard together?

13                  COMMISSIONER MAY: I think they  
14                  could be --

15                  MS. SCHELLIN: 11 and the park?

16                  COMMISSIONER MAY: I think 11 and  
17                  the park could be heard together.

18                  MS. SCHELLIN: And then you would  
19                  want separate hearing nights for 2, 3 and 4?  
20                  So that would be three -- a total of four  
21                  hearings? Am I hearing --

22                  CHAIRMAN HOOD: Well, actually,

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1 four plus, because we don't --

2 COMMISSIONER MAY: Yes.

3 CHAIRMAN HOOD: -- you know, you  
4 just never know.

5 COMMISSIONER MAY: We will start  
6 with four.

7 MS. SCHELLIN: Start with four.

8 CHAIRMAN HOOD: We are going to be  
9 taking attendance. All five of us are going  
10 to be here.

11 COMMISSIONER MAY: But, you know,  
12 I don't object. In fact, I like the idea of  
13 having them in rapid succession, if we can do  
14 that, 2, 3 and 4 especially.

15 MS. SCHELLIN: Okay.

16 COMMISSIONER MAY: Because they  
17 are all very closely tied together and we are  
18 dealing with the development of spaces in  
19 between those buildings as well. So I think  
20 that makes sense.

21 MS. SCHELLIN: Okay.

22 CHAIRMAN HOOD: So are we fine

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1 with that? I don't know how many nights this  
2 is going to be. We don't know who all is  
3 going to testify.

4 COMMISSIONER MAY: Well, four  
5 hearings to start with. One for 2, one for 3,  
6 one for four and then --

7 CHAIRMAN HOOD: Let me just ask  
8 this. We get building 2, we get 2 in and we  
9 get halfway -- we get finished by 8:30, see  
10 that's -- I just don't know how we manage  
11 that. Do we just stop and come back again  
12 another night?

13 MS. SCHELLIN: That's what I  
14 thought was happening, yes, there would be  
15 separate nights. They would actually be  
16 advertised separately. The hearing dates,  
17 rather, would be spelled out as to what was  
18 going to be heard on each of the nights.

19 CHAIRMAN HOOD: And it's hard to  
20 predict and try to get through. I just hate  
21 to come in and we get through at 7:30, which I  
22 doubt.

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1                   COMMISSIONER MAY:    I don't think  
2 that's going to happen.

3                   CHAIRMAN HOOD:    Well, I know it's  
4 not, but I'm just using that.    Don't take  
5 exactly what I say, because it never happens  
6 like that.    But I'm just saying if we get  
7 through early and in time enough, for  
8 efficiency sake, to finish two things in one  
9 night, that's all I'm saying.    I'm just trying  
10 to make it convenient.

11                   But I guess since we want to hear  
12 them one-by-one, I guess, we will just do that  
13 and come up with 2, 3 and 4 as single  
14 hearings.    And then 11 and the park, okay.

15                   Ms.    Steingasser,    do   yo   have  
16 something you want to add?

17                   MS.    STEINGASSER:       Well,   the  
18 applicant   has   requested   that   they   be  
19 advertised   together,   so   that   should   the  
20 Commission   have   fewer   concerns   than  
21 anticipated,   that   you   could   move   at   a   faster  
22 pace   than   only   advertising   one   per   evening,   in

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1 which case you would be legally bound to stop.

2 So if you advertise 2, 3 and 4 and  
3 you gave them four separate -- or three  
4 separate evenings, but you got done in two,  
5 you could continue.

6 CHAIRMAN HOOD: And we can control  
7 that. That can be controlled. We do that  
8 now.

9 COMMISSIONER MAY: I'm sorry, so  
10 we go through the whole sequence of a hearing  
11 and then when we are done, we start the next  
12 one?

13 MS. STEINGASSER: Yes.

14 COMMISSIONER MAY: Okay. The only  
15 problem with that is that the folks who are  
16 interested in, you know, building 4 and want  
17 to come and testify, they might have to come  
18 down for all the hearings, when all they  
19 really want to talk about is building 4.

20 CHAIRMAN HOOD: Well, if I can  
21 predict what is going to happen, I would be  
22 the anonymous Mega winner.

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1                   COMMISSIONER COHEN: I think that  
2 people can basically judge based on the  
3 initial meeting whether or not we are going to  
4 get through. And I assure you, you'll have  
5 plenty of time or I'll devote some of my time  
6 to you, if needed.

7                   COMMISSIONER MAY: But I'm really  
8 not worried about my time. I was just making  
9 a joke.

10                  COMMISSIONER COHEN: Oh.

11                  COMMISSIONER MAY: What I was most  
12 concerned about is the amount of information  
13 that we have to digest for these things. And  
14 so it's not --

15                  VICE CHAIRMAN SCHLATER: I agree.

16                  COMMISSIONER MAY: -- just a  
17 question of --

18                  VICE CHAIRMAN SCHLATER: I think  
19 you just need to break it up into discrete  
20 parts.

21                  COMMISSIONER MAY: Yes.

22                  VICE CHAIRMAN SCHLATER: So that

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1 you get a submission on one building.

2 COMMISSIONER MAY: Right.

3 VICE CHAIRMAN SCHLATER: So that  
4 you understand what the issues are, what is  
5 the relief being asked, how fully-baked is  
6 that particular project.

7 COMMISSIONER MAY: Right.

8 VICE CHAIRMAN SCHLATER: Go  
9 through it in a night and then --

10 COMMISSIONER MAY: Yes. I mean,  
11 we have to prepare for these hearings, too.

12 VICE CHAIRMAN SCHLATER: -- start  
13 the next night.

14 COMMISSIONER MAY: So we have to  
15 digest all the information that we receive in  
16 advance and I would rather do that -- I mean,  
17 you know, we've got that much stuff for this  
18 and that's -- this is just the set down  
19 package. We are going to have four or five  
20 times this amount of information by the time  
21 we are done.

22 So I don't want to have to -- I

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1 don't think we are being fair to the applicant  
2 or fair to the community if we don't give it,  
3 you know, one night at a time, 2, 3 and 4.

4 CHAIRMAN HOOD: Okay. Let's do  
5 this. I would agree. Let's go ahead and do  
6 one night at a time, because we're going to  
7 wind up being here and we will have to have  
8 four hearings. Let's go ahead and put it one  
9 night at a time. But can we schedule it so  
10 like a Monday we deal with one, a Thursday we  
11 deal with another one?

12 MS. SCHELLIN: It may be  
13 September, but, yes.

14 CHAIRMAN HOOD: September? Well,  
15 that's our Wednesday nights. Let's get it  
16 done. Let's look at Wednesday nights. You  
17 want to get it done, let's get it done.

18 COMMISSIONER MAY: That's fine.  
19 volleyball moves inside when it gets warmer,  
20 so that's on Tuesday nights.

21 CHAIRMAN HOOD: Well, let's move  
22 it to Tuesday. Whatever night volleyball is,

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1 let's move it to that night. No, seriously,  
2 if it's a point where we might have to do one,  
3 let's just do it Wednesday. Let's try to get  
4 through this. And I would like for them to be  
5 in succession. Okay.

6 COMMISSIONER COHEN: There goes my  
7 social life.

8 MS. SCHELLIN: Right. We have a  
9 couple people, I think, out in July, so that's  
10 why I thought since you want them together, it  
11 may be September.

12 CHAIRMAN HOOD: Since they were  
13 the part that says let's break it up, I'm sure  
14 they will cancel their plans and come and do  
15 whatever we need to do to get this done. But  
16 anyway on a serious note, Ms. Schellin, if we  
17 could work that out and maybe have it Mondays,  
18 Thursdays like that. Okay?

19 MS. SCHELLIN: Whatever the  
20 schedule will allow, I will do.

21 CHAIRMAN HOOD: Okay. All right.  
22 Are we all on the same page? And you say it

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1 might go to September?

2 MS. SCHELLIN: Correct.

3 CHAIRMAN HOOD: Is that any  
4 heartburn? I guess not. Well, we don't want  
5 to do anything in August anyway or July.

6 MS. SCHELLIN: It gives the  
7 applicant heartburn, but we have to do what's  
8 on the schedule, what's available.

9 CHAIRMAN HOOD: Okay. Any other  
10 questions? Do we need to do anything with  
11 this tonight?

12 MS. SCHELLIN: We need to set it  
13 down.

14 COMMISSIONER COHEN: Mr. Chairman,  
15 can I just make one comment? It's an aside,  
16 but it really is something that I find to be  
17 important. And that is to the applicant to  
18 copy both sides of the paper. I mean, it's so  
19 wasteful to have thick packages, they are  
20 heavy, but it's also wasteful. So I just urge  
21 them to do that.

22 CHAIRMAN HOOD: Okay. And as far

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1 as -- thank you, Commissioner Cohen. And as  
2 far as the set down, what am I setting down?

3 MS. SCHELLIN: Yes, to approve all  
4 of them, yes, as separate hearings. All  
5 buildings as separate hearings.

6 CHAIRMAN HOOD: Okay. Would  
7 somebody like to make a motion? Mr. Turnbull?

8 COMMISSIONER TURNBULL: Mr. Chair,  
9 I would move that we set down Zoning Case No.  
10 11-03A, Hoffman-Struever Waterfront, LLC's 2<sup>nd</sup>  
11 Stage PUD at Squares 390, 391, 471W, 472, 473  
12 and 503 to be held on as many nights as it  
13 needed to be.

14 CHAIRMAN HOOD: And it will be  
15 separate hearings.

16 COMMISSIONER TURNBULL: Separate  
17 hearings.

18 CHAIRMAN HOOD: Okay. It has been  
19 moved. And can I get a second?

20 COMMISSIONER COHEN: I'll second  
21 it.

22 CHAIRMAN HOOD: It has been moved

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1 and properly seconded. Any further  
2 discussion?

3 All those in favor?

4 ALL: Aye.

5 CHAIRMAN HOOD: Not hearing any  
6 opposition, Ms. Schellin, would you, please,  
7 record the vote?

8 MS. SCHELLIN: Staff records the  
9 vote 5-0-0 to set down Zoning Commission Case  
10 No. 11-03A as a contested case. Commissioner  
11 Turnbull moving, Commissioner Cohen seconding,  
12 Commissioners Hood, May and Schlater in  
13 support. And as the motion was made, these  
14 would be at least four separate hearings.

15 CHAIRMAN HOOD: Okay. Thank you.  
16 And I thank everyone who participated in  
17 trying to help us get to that point.

18 Next, let's go to final action.  
19 This is Zoning Commission Case No. 11-22,  
20 Office of Planning Text Amendment at ' 199,  
21 601, 701 and 901. Ms. Schellin?

22 MS. SCHELLIN: Yes, sir. Staff

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1 has nothing further to add on this. You do  
2 have the proposed final rulemaking and also a  
3 copy of the proposed rulemaking that was  
4 published in the Register. No comments were  
5 received, I don't believe. So it's ready for  
6 final action.

7 CHAIRMAN HOOD: Okay. Thank you,  
8 Ms. Schellin. Commissioners, again, this was  
9 a case that stemmed from the Zoning  
10 Administrator dealing with Yoga studios and  
11 group instruction centers and studios as a  
12 matter-of-right in the C-1, CR and W  
13 Districts. I think we had three witnesses  
14 that came down in that case. It was pretty  
15 straightforward. We actually did a Bench  
16 decision.

17 Any further discussion on this?  
18 Okay. I would move approval of Zoning  
19 Commission Case No. 11-22 and ask for a  
20 second.

21 COMMISSIONER MAY: Second.

22 CHAIRMAN HOOD: Okay. It has been

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1 moved and properly seconded. Any further  
2 discussion?

3 All those in favor?

4 ALL: Aye.

5 CHAIRMAN HOOD: Not hearing any  
6 opposition, Ms. Schellin, would you, please,  
7 record the vote?

8 MS. SCHELLIN: Staff records the  
9 vote 5-0-0 to approve final action in Zoning  
10 Commission Case No. 11-22. Commissioner Hood  
11 moving, Commissioner May seconding,  
12 Commissioners Cohen, Schlater and Turnbull in  
13 support.

14 CHAIRMAN HOOD: Okay. Next,  
15 Zoning Commission Case No. 11-07B. This is  
16 the American University Further Processing of  
17 Campus Plan on the Tenley Campus. Ms.  
18 Schellin?

19 MS. SCHELLIN: Yes, sir. If the  
20 Commission will recall, this was on the March  
21 26<sup>th</sup> agenda for consideration. And, at that  
22 time, the Commission did ask the applicant if

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1 they were agreeable to some issues that were  
2 brought up to which they provided a written  
3 response to the Commission.

4 And in addition, there were  
5 responses from the parties that also came in.

6 CHAIRMAN HOOD: Okay.  
7 Commissioners, I know we had a few outstanding  
8 issues, but I thought we talked a lot of this  
9 through. And we have the issue of the notice  
10 of continuing legal, education, and special  
11 events on the Tenley Campus.

12 The Transportation Demand  
13 Management Plan and Annual Monitoring Reports,  
14 the off-campus parking enforcement and the  
15 vehicle interest to underground parking spaces  
16 and dedicated left-turn lanes on Nebraska  
17 Avenue.

18 Also, we have gotten, I think this  
19 is, an additional letter from ANC-3E, which  
20 was provided to us April the 4<sup>th</sup>. And in that  
21 letter, they were encouraging us to make sure  
22 that we point to the agreement which American

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1 University and the neighbors had agreed to as  
2 well.

3 And I saw one other piece. Oh,  
4 also, we have the response from the Tenley  
5 Neighbors Association, Inc. and they have put  
6 their comments into some of the comments that  
7 we had discussed while we were deliberating.

8 So I think we have a pretty narrow  
9 scope, a lot of issues, I think, we dealt  
10 with. These are some of the things that we  
11 had outstanding. So at this point, let me  
12 just open it up. Any comments?

13 One of the issues we had was the  
14 number of parking spaces. The university  
15 proposed 450. DDOT said, I think, over-  
16 parked. I don't want to use the -- I don't  
17 think that was something we decided. I don't  
18 think we decided on that.

19 And I think the community's view  
20 is 450. The university said 450. DDOT says  
21 that it's over-parked. They are saying we  
22 need to go to 250, because there will be other

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1 public transportation around that area. And  
2 then the community says 450, I believe, is not  
3 enough. I think I characterized that.

4 So why don't we start with that  
5 issue first as far as impacts. Are we going  
6 to accept what the university has asked for  
7 450 parking spaces or are we going to look at  
8 DDOT and the community? And for me, I would  
9 proceed on the side of caution. I think the  
10 university has recommended 450 spaces.

11 I don't know if I can get with  
12 DDOT with the 250, especially when the  
13 neighbors have concerns. I don't know if I  
14 would agree that's over-parked. The impacts,  
15 I think, are felt by those and TCNA and others  
16 and ANC-3E in that fashion. So I don't know  
17 if I could go with the 250, but let me open  
18 that up for discussion on that subject.

19 Commissioners? Anybody?

20 COMMISSIONER MAY: I would agree,  
21 Mr. Chairman, that it seems that the -- I  
22 don't believe or I don't feel that, at this

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1 point, it makes a lot of sense to  
2 significantly reduce what the university has  
3 proposed in the way of parking.

4 I admire DDOT's objectives and  
5 their ambitions to reduce the number of  
6 vehicles coming into the neighborhood by  
7 reducing the number of available parking  
8 spaces, but I think that I'm comfortable with  
9 what the university has proposed and am in  
10 favor of going ahead with that.

11 CHAIRMAN HOOD: I would also  
12 agree. Commissioner Cohen? I'm sorry.

13 COMMISSIONER COHEN: Yes, I would  
14 agree with Commissioner May that we should be  
15 more cautious about the parking. Although, I  
16 believe that the proximity of the Metro and  
17 the buses would relieve some of the demand on  
18 the -- on using cars. You know, if you have  
19 450 parking spaces, there probably will be 450  
20 cars that use them. You know, that is what  
21 has been proven with widening roads.

22 You know, you put a larger road

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1 out there, you get more cars. But in this  
2 case, because the neighbors are concerned, I  
3 would agree with Commissioner May and yourself  
4 to be conservative.

5 CHAIRMAN HOOD: Okay. Anybody  
6 else on that topic? Okay. Commissioner  
7 Turnbull?

8 COMMISSIONER TURNBULL: I would  
9 concur with leaving the 450 as is.

10 CHAIRMAN HOOD: Okay. Anyone else  
11 have any other issues? The only other thing,  
12 I believe, is the issue with the agreement  
13 that was signed by Tenleytown. Oh, I'm sorry,  
14 Advisory Neighborhood Commission 3E. Is that  
15 who it's by? And this is not the old  
16 agreement. I'm talking about the new  
17 agreement dated 2011.

18 While typically the Zoning  
19 Commission cannot enforce individual  
20 agreements, I think in the findings of facts  
21 as asked by TCNA and ANC-3E that the -- that  
22 agreement will be pointed to in the order.

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1 And it will be noticed or pointed to in the  
2 order, at that point.

3 Can we do that, Ms. Nagelhout?

4 MS. NAGELHOUT: Yes. And also,  
5 the applicant has proposed a number of  
6 conditions that are in their draft order and  
7 also in this filing No. 79, dated March 28<sup>th</sup>,  
8 that reflects their final offer of proposed  
9 conditions that incorporate the recent  
10 submission as well as what they had proposed  
11 before that came out of that agreement.

12 CHAIRMAN HOOD: Okay. So  
13 basically, what's in these conditions is  
14 pretty much the same or if not the same what  
15 is in those -- in that agreement.

16 And, Commissioners, that exhibit  
17 as Ms. Nagelhout has said is Exhibit 79,  
18 that's where I was referring. Did you want to  
19 add anything else, Ms. Nagelhout?

20 MS. NAGELHOUT: No, I didn't.

21 CHAIRMAN HOOD: Okay. All right.

22 Let me open it up for discussion. Anything

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1 else? Are we missing anything? Oh, left-  
2 hand-turn lane on Nebraska Avenue into the  
3 campus. The university has recommended that  
4 we make a left-turn. I can't remember what  
5 DDOT -- I think DDOT was okay with it.

6 Did we discuss that already?  
7 Okay. Okay. So the community does not want--  
8 let's talk about this. I don't have that  
9 right in front of me. But the community, I  
10 believe, does not want to have the left-hand-  
11 turn lane, because I think they thought it  
12 would take parking spaces and it was also I  
13 remember more of the danger part of it, the  
14 left-hand lane, left-hand-turn lane.

15 I'm not sure how far do we go with  
16 the left-hand-turn? I'm not sure how far we  
17 go. What are we being asked to do? We're  
18 being asked to approve it with the left-hand-  
19 turn lane. But doesn't DDOT, this is where I  
20 get confused, have the final say so? Does  
21 anybody know? DDOT has the final say?

22 MS. SCHELLIN: I believe that they

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1 said they would take it up during the Public  
2 Space permitting process, so they would --

3 CHAIRMAN HOOD: So --

4 MS. SCHELLIN: Yes.

5 CHAIRMAN HOOD: -- what are we  
6 being asked to approve? I mean, if DDOT has  
7 the final say so, we're just approving as part  
8 of the plan?

9 MS. SCHELLIN: Correct.

10 COMMISSIONER MAY: Ms. Steingasser  
11 might be able to clarify.

12 MS. STEINGASSER: Well, I think  
13 the Commission could approve it as submitted  
14 or as modified at your discretion, but,  
15 ultimately, you are approving what is on the  
16 private property side of the property line and  
17 DDOT will have the ultimate say on what is  
18 going on in the street and the right-of-way.

19 So if you approve something and  
20 DDOT chose to do something that was contrary,  
21 the applicant would be obligated to come back  
22 and modify the order. But it's certainly your

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1 way of letting the Public Space Committee know  
2 your wishes.

3 CHAIRMAN HOOD: Okay.  
4 Commissioners, does anybody have a position on  
5 that before I give mine?

6 COMMISSIONER MAY: You know, this  
7 is one of those areas where we have to trust  
8 that what happens at the Public Space  
9 Committee is going to be the most effective  
10 means of dealing with issues of traffic and  
11 safety and the efficiency of getting people  
12 into the parking garage.

13 And I don't think that what the  
14 university has proposed is unreasonable and I  
15 think that it's okay for us to assume that  
16 that's what will prevail in the end.

17 But if DDOT or if the Public Space  
18 Committee sends them in a different direction  
19 and they have to come back, they have to come  
20 back.

21 CHAIRMAN HOOD: And all we are  
22 approving is the -- as Ms. Steingasser

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1 explained more for me, because I'm trying to  
2 figure out why it's even in front of us,  
3 because I know DDOT has the final say. But we  
4 are approving, I guess, the interest until  
5 we're making that left. That's all we are  
6 approving is the private spot.

7 Because if I was approve -- on  
8 record, if I was having to approve a left-turn  
9 lane from the public street, I would not be in  
10 agreement with that. But since that's not  
11 what is in front of me, if I'm understanding  
12 correctly, I would go ahead and just go with  
13 what the community -- I mean, with what the  
14 university has said about the interest.

15 But if the left-hand-turn signal  
16 lane was in front of me, I would not approve  
17 that, because I think the community made a  
18 very good point and I would have to see or  
19 know exactly what the mitigations are to turn  
20 left. But the public part is not in front of  
21 me, so I'm not going to deal with that.

22 But for the record, I wanted to

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1 put that out there. Anybody else have any  
2 other comments? Do we have anything else?

3 COMMISSIONER MAY: No. I just  
4 have a question. I mean, do we really  
5 understand that there is going to be anything  
6 significantly different in terms of what  
7 happens on the private property as a result of  
8 the left-turn lane being handled one way  
9 versus another?

10 MS. STEINGASSER: I don't believe  
11 so, because they are still going to need to  
12 enter the driveway whether they are coming  
13 southbound --

14 COMMISSIONER MAY: Yes.

15 MS. STEINGASSER: -- and take a  
16 right-hand-turn or whether they are going  
17 northbound and take a left-hand-turn.

18 COMMISSIONER COHEN: I don't know.

19 MS. STEINGASSER: We can take this  
20 to the applicant.

21 COMMISSIONER COHEN: I have a  
22 vague recollection that the left-hand-turn was

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1 needed because it would then permit less  
2 traffic in the area around, so that people  
3 didn't have to go all the way around the  
4 block. And I think we are losing maybe two  
5 spaces from that.

6 COMMISSIONER MAY: You know, if it  
7 doesn't physically change what happens on the  
8 property that is owned by the university one  
9 way or another, I don't know that we need to  
10 even make a decision on it.

11 I mean, you know, I'm looking at  
12 the image of the left-turn lane in plan and  
13 it's basically a divided entrance into the  
14 campus. And it's fairly broad and if there is  
15 going to be a left-turn lane or left-turn  
16 allowed there and a lane specified for it,  
17 okay. If it is going to be handled in a  
18 different way, it's okay.

19 I don't think it's going to change  
20 what is physically on the campus. And if  
21 that's the case, why do we need to make a  
22 decision specific to that?

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1 CHAIRMAN HOOD: Okay. Well, I  
2 would agree with my colleagues. And I will  
3 stand for what is within our jurisdiction and  
4 I was ready to proceed. Anything else,  
5 Commissioners? Okay. If we have covered  
6 everything, which I think we have --

7 MS. NAGELHOUT: Mr. Chair?

8 CHAIRMAN HOOD: Yes?

9 MS. NAGELHOUT: Did you talk about  
10 the request for variance relief in this  
11 application?

12 CHAIRMAN HOOD: Variance relief on  
13 the 450 spaces?

14 MS. NAGELHOUT: No. The setback  
15 of one of the buildings.

16 CHAIRMAN HOOD: Okay. Ms.  
17 Nagelhout, now what are you asking us to  
18 expound upon?

19 MS. NAGELHOUT: Do you have --

20 CHAIRMAN HOOD: Variance to the  
21 parking or variance to the setback?

22 MS. NAGELHOUT: No. There was a

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1 variance from -- I don't have my draft order  
2 with me, unfortunately. There was a setback  
3 from Nebraska Avenue, I believe.

4 CHAIRMAN HOOD: Okay. Mr.  
5 Turnbull, do you remember what you said?

6 COMMISSIONER TURNBULL: No. I'm  
7 trying to go back, because I remember we had--  
8 on Nebraska originally the applicant had a  
9 turn lane going in, which DDOT said no. And I  
10 think the relief is the building, the property  
11 line of the building is closer to -- it's  
12 farther than what would be allowed. And they  
13 were asking for relief.

14 And remember, there was some  
15 comments by the neighbors about we think the  
16 one building is too close, but it's Nebraska  
17 Avenue. It's a venue that could take that  
18 extra land. And I think at the time when we  
19 went through it, when we had arguments on it,  
20 I think we agreed that the building -- that  
21 the variance would be fine.

22 I don't think we had an issue with

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1 it. It's sort of that -- at the -- well,  
2 what's the corner? It's Nebraska and?

3 VICE CHAIRMAN SCHLATER: Warren.

4 COMMISSIONER TURNBULL: Right.

5 COMMISSIONER MAY: Yes.

6 COMMISSIONER TURNBULL: And that  
7 little piece is a little closer to the corner  
8 than what it normally would have been.

9 CHAIRMAN HOOD: Ms. Nagelhout, I  
10 think it's in the transcript from the previous  
11 meeting.

12 MS. NAGELHOUT: That's fine then.

13 CHAIRMAN HOOD: And if it's not, I  
14 stand to be corrected. But I remember, I  
15 think it was. Mr. Turnbull, that's how I  
16 remember you had exhaustively talked about the  
17 variance and we all concurred.

18 COMMISSIONER MAY: No, I have  
19 that.

20 CHAIRMAN HOOD: There was another  
21 issue about the redistricting, I think, that  
22 was brought up. Did we discuss that? I will

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1 be frank and honest, the only thing I remember  
2 is maybe two issues on this, because we  
3 exhausted a lot of time on this the last time.

4 And we got the response from the applicant.  
5 We did get responses again from ANC-3E and  
6 TCNA as well as TNA.

7 So I think we have exhausted all  
8 of this. We only had two or three things that  
9 were still out there that we needed to close  
10 the loop on. And me trying to rehash what we  
11 did is starting to make --

12 COMMISSIONER COHEN: Yes.

13 CHAIRMAN HOOD: -- a mockery of  
14 what I'm getting ready -- what we are doing  
15 here. So I don't want to do that, unless  
16 somebody can remember something that I don't  
17 remember.

18 COMMISSIONER COHEN: Chairman, I  
19 thought we decided that the current boundaries  
20 were the ones we were going to deal with. I  
21 think that was discussed.

22 CHAIRMAN HOOD: Okay.

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1 COMMISSIONER COHEN: Okay.

2 CHAIRMAN HOOD: That was  
3 discussed. Okay. Was that a different case?

4 No, I think it was this case. But anyway --

5 COMMISSIONER MAY: I mean, we did  
6 -- during the --

7 COMMISSIONER COHEN: It was two  
8 cases.

9 COMMISSIONER MAY: During the  
10 hearing, we had significant testimony and  
11 exhibits relating to the placement of the  
12 buildings along Nebraska Avenue. And I mean,  
13 I remember clearly, we have lots of drawings  
14 that I marked up to indicate what -- how big  
15 we thought the building would be and what the  
16 dimensions were and how the dimensions were  
17 changing. I mean, those are the marks that I  
18 had made in my notes.

19 I mean, since the -- I don't  
20 recall exactly what we said at the last  
21 meeting about this topic, but in terms of the  
22 -- I mean, we did go over many of the findings

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1 of fact and I think the -- in the course of  
2 the hearing, I was satisfied that what was  
3 being proposed was workable.

4 I don't know that it was -- you  
5 know, there may be other ways to solve this to  
6 push the building back a little bit further to  
7 change the configuration of the building, but  
8 they are dealing with fairly discrete objects  
9 that have to be, you know, spaces that have to  
10 be accommodated within the buildings. And in  
11 order to do that and to maintain the integrity  
12 of the historic buildings on the campus, it  
13 became necessary to push the buildings closer  
14 to the Nebraska Avenue.

15 And I'm satisfied that it meets  
16 the test for a variance.

17 CHAIRMAN HOOD: And I will echo we  
18 did talk about that. I think we all agreed.  
19 I don't want to rehash it. So again, is there  
20 anything else? Anything new? I think we have  
21 covered it all. We have incorporated what  
22 ANC-3E and TCNA has asked us to do. That will

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1 be in the findings of fact.

2 It looks like ANC-3E came into a  
3 great agreement with the university. I know  
4 there are still some lingering things dealing  
5 with 3F and some redistricting, but for what's  
6 in front of us, I think all that has been  
7 decided. And we have made our findings and we  
8 have come up with our conclusions.

9 I don't want to belabor the point.  
10 Would someone like to make a motion?

11 I would move that we approve  
12 Zoning Commission Case No. 11-0B with the--

13 MS. SCHELLIN: 07.

14 CHAIRMAN HOOD: What did I say?

15 MS. SCHELLIN: Just 0B.

16 CHAIRMAN HOOD: Oh, I'm sorry.  
17 11-0 -- did we omit something, Ms. Schellin?

18 MS. SCHELLIN: Did you guys want  
19 to decide on the number for the amount of  
20 people, I think it was, I don't think it was  
21 just students, on the campus at one time?

22 Remember the -- I believe TNA

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1 proposed 1,000.

2 CHAIRMAN HOOD: Didn't we discuss  
3 that?

4 UNIDENTIFIED SPEAKER: They  
5 already agreed to it.

6 MS. SCHELLIN: You can't talk on  
7 that.

8 CHAIRMAN HOOD: Didn't we discuss  
9 that? Because I remember --

10 COMMISSIONER MAY: It was  
11 discussed.

12 MS. SCHELLIN: It was discussed,  
13 but it was one of the things that I believe it  
14 was not one of the issues that --

15 COMMISSIONER MAY: The applicant  
16 did not address it in their submission.

17 MS. SCHELLIN: Right.

18 COMMISSIONER MAY: The TNA  
19 addressed it in their submission.

20 MS. SCHELLIN: In theirs.

21 COMMISSIONER MAY: And explained  
22 further why they thought it was necessary and

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1 appropriate.

2 MS. SCHELLIN: Correct.

3 CHAIRMAN HOOD: But I thought, and  
4 I don't want to put you on the spot,  
5 Commissioner, you and I had a dialogue about  
6 that.

7 COMMISSIONER MAY: Oh, wait. We  
8 had said -- we discussed it at length. I was  
9 not particularly convinced that it would be an  
10 enforceable condition. You know, TNA  
11 indicates that the university has already  
12 effectively agreed to that limit by saying  
13 that, what was it, it was going to be 800  
14 students at any given time and then no more  
15 than 150 for an event. And that adds up to  
16 950.

17 And I mean, if they have already  
18 agreed to it, I'm not sure why it needs to be  
19 a condition, 1,000 at any one time needs to be  
20 a condition, that we would insert here.

21 I also, frankly, think that it is  
22 practically a difficult thing to enforce

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1 anyway, so I mean, I think, that if the  
2 university has estimated that this is what is  
3 going to happen with the 800 and the 150, you  
4 know, I think that's a reasonable -- I mean,  
5 it's one thing to estimate it. It's another  
6 thing to limit it to that and somehow enforce  
7 it.

8 I don't -- I did not detect or I  
9 don't recall that the university actually  
10 offered to limit the number on campus at any  
11 given time to 950.

12 CHAIRMAN HOOD: I purposefully  
13 didn't bring that up, because I thought we had  
14 specifically come to some conclusion. So I  
15 wasn't trying to go back and rehash it.

16 COMMISSIONER MAY: Right.

17 CHAIRMAN HOOD: And if I'm wrong,  
18 I apologize, but I specifically remember when  
19 I looked at how they came with their  
20 methodology of students on campus, they looked  
21 in the, what was it, schedule and some other  
22 ways that they looked and so I thought we had

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1 hashed this out.

2 It seems like we are going back  
3 over the same stuff.

4 COMMISSIONER MAY: Well, we had a  
5 lot of discussion of it certainly.

6 CHAIRMAN HOOD: Commissioner  
7 Cohen?

8 COMMISSIONER COHEN: Yes. And  
9 thank you, Chairman Hood. I agree with  
10 Commissioner May. I think it's a fairly good  
11 estimate by AU Tenley Campus. The enforcement  
12 of it is practically impossible. You know,  
13 there is no way that we can hold them  
14 accountable to that number. There may be, you  
15 know, 1,001. It may be 998, but how do you  
16 know the difference?

17 So I believe we have been through  
18 this a lot and just agreed to allow some  
19 flexibility there.

20 CHAIRMAN HOOD: Let's, I guess,  
21 rehash. And I thought I had mentioned this  
22 earlier, but I guess the notice -- one of the

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1 things that we did ask the university to do,  
2 and I want to thank them for coming back, is  
3 they give a 10 day notice of special events on  
4 the campus. That was one of the things that  
5 we did talk about. That was understood.

6 The applicant believes that the  
7 14<sup>th</sup> additional components of the  
8 Transportation Demand Management Plan proposed  
9 by ANC-3F, when necessary, much of the detail  
10 should not be included in the conditions of  
11 approval. Many of the additional requirements  
12 proposed by ANC-3F are already addressed in  
13 the applicant's TDM.

14 And I also looked at we talked  
15 about the off-campus parking enforcement. The  
16 issue about the 10 minute -- walking 10  
17 minutes or how far it can be enforced and how  
18 every, I think it is, two hours, I believe,  
19 the applicant has come back with about the  
20 enforcement of the area.

21 AU has employed standard industry  
22 metrics to calculate the 10 minute walkshare

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1 referred to in the TNA and ANC-3F submissions.

2 So that was, I believe, proposed by ANC-3F  
3 and TNA, the 10 minute walk, even though I  
4 think I had asked for a little more.

5 So I thought these things we had  
6 already kind of delved into, but if I have to  
7 re -- we will accept that, I believe, unless  
8 somebody wants to do something a little  
9 differently.

10 And one of the things I do buy is  
11 the applicant's argument about not exactly  
12 setting specific boundaries, because they are  
13 going to be monitoring as it goes on. And if  
14 they need to increase the walk to 12 minutes,  
15 that's the way I understood it, they will  
16 increase the walk to 12 minutes, so I don't  
17 want to set guidelines. Because 10 minutes,  
18 you might sell yourself short.

19 We talked about the lane, the  
20 Nebraska Avenue left-turn lane.

21 And then we have some conditions,  
22 as I already stated, that were basically taken

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1 from the agreement from the community and the  
2 university.

3 Is there anything else,  
4 Commissioners? Ms. Nagelhout, is there  
5 anything else we need to talk about?

6 MS. NAGELHOUT: No, I don't think  
7 so.

8 CHAIRMAN HOOD: Okay. All right.  
9 I would move approval with all the necessary  
10 amendments that have been talked about for  
11 Zoning Commission Case No. 11-07B, American  
12 University Further Processing Campus Plan and  
13 Tenley Campus and ask for a second.

14 COMMISSIONER MAY: Second.

15 CHAIRMAN HOOD: Okay. It has been  
16 moved and properly seconded. Any further  
17 discussion?

18 All those in favor?

19 ALL: Aye.

20 CHAIRMAN HOOD: Not hearing any  
21 opposition, Ms. Schellin, would you, please,  
22 record the vote?

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1 MS. SCHELLIN: Staff records the  
2 vote 4-0-1 to approve the further processing  
3 and variance request in Zoning Commission Case  
4 No. 11-07B. Commissioner Hood moving,  
5 Commissioner May seconding, Commissioners  
6 Cohen and Turnbull in support. Commissioner  
7 Schlater not voting, having not participated.

8 CHAIRMAN HOOD: Okay. Do we have  
9 anything else?

10 MS. NAGELHOUT: Mr. Hood, would  
11 you like OAG to revise the draft order that  
12 you have then to incorporate these changes?

13 CHAIRMAN HOOD: Yes, we would.  
14 Thank you. Thank you, Ms. Nagelhout.

15 Do we have anything else? Office  
16 of Planning, do you have anything?

17 MS. STEINGASSER: No.

18 CHAIRMAN HOOD: Do we have a  
19 status on the DOES roundtable? That's all  
20 right, we will -- at the next meeting if we  
21 can --

22 MS. STEINGASSER: That was -- you

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1 actually asked me to do that and yes, we have  
2 contacted them. We just need to coordinate  
3 with some dates with the Office of Zoning. I  
4 would assume that it was going to be at a  
5 regular meeting?

6 CHAIRMAN HOOD: Yes, because we  
7 will only need about 5 or 10 minutes.

8 MS. STEINGASSER: Okay. I just  
9 hadn't gotten the --

10 CHAIRMAN HOOD: Okay. Now, it's  
11 going to be more than DOES I understand now,  
12 right? Is it just DOES?

13 MS. STEINGASSER: DOES is on the  
14 record.

15 MS. SCHELLIN: Later there would  
16 be -- I think the Inclusionary Zoning issue  
17 you're talking about, that would be a  
18 roundtable, a public roundtable at another  
19 date.

20 CHAIRMAN HOOD: Okay.

21 MS. STEINGASSER: Yes.

22 MS. SCHELLIN: By itself.

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1                   CHAIRMAN HOOD:   Okay.   All right.  
2           Thank you everyone for all the work that you  
3   are doing.

4                   Is   there   anything   else,   Ms.  
5   Schellin?

6                   MS. SCHELLIN:   No, sir.

7                   CHAIRMAN HOOD:   Okay.   With that,  
8   this meeting is adjourned.

9                   (Whereupon, the Public Meeting was  
10   concluded at 7:46 p.m.)

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