

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

WEDNESDAY

NOVEMBER 14, 2012

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

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JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation

JOEL LAWSON

MATT

JESICK

STEVE COCHRAN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ

The transcript constitutes the
minutes from the Regular meeting held on
November 14, 2012.

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

2 (6:38 p.m.)

3 CHAIRMAN HOOD: This meeting will
4 please come to order.

5 Good evening, ladies and gentlemen.

6 This is the November 14th, 2012, public meeting
7 of the Zoning Commission for the District of
8 Columbia.

9 Again, I want to thank everyone for
10 coming down this evening. This meeting was
11 rescheduled from October 29th, 2012, meeting
12 because of the issue with Hurricane Sandy.

13 My name is Anthony Hood. Joining
14 me this evening are Vice Chair Cohen,
15 Commissioner Miller who will be joining us
16 shortly. He's here. He will come out in the
17 cases he's going to be participating in,
18 Commissioner May and Commissioner Turnbull.

19 We are also joined by the Office of
20 Zoning staff Ms. Sharon Schellin, Office of the
21 Attorney General, Mr. Ritting, Office of
22 Planning, Ms. Steingasser, Mr. Lawson and Mr.

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1 Jesick.

2 Copies of today's meeting agenda are
3 available to you and are located in the bin near
4 the door. We do not take any public testimony
5 at our meetings unless the Commission requests
6 someone to please come forward.

7 Please be advised that this
8 proceeding is being recorded by a Court Reporter
9 and is also being webcast live. Accordingly,
10 we must ask you to refrain from any disruptive
11 noises or actions in the hearing room. Please
12 turn off all beepers and cell phones at this
13 time.

14 Does the staff have any preliminary
15 matters?

16 SECRETARY SCHELLIN: No, sir.

17 CHAIRMAN HOOD: If not, let us
18 proceed with the agenda.

19 Let me just say, we're going to take
20 our time and go through this -- well, we always
21 do that but I just want to take our time and
22 go through this this evening thoroughly.

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1 Okay. First on the agenda we have
2 Final Action, Zoning Commission Case Number
3 02-38C. This is the Waterfront, 425 M Street,
4 LLC, and D.C. Office of the Deputy Mayor PUD
5 Time Extension to April 15, 2015.

6 Ms. Schellin.

7 SECRETARY SCHELLIN: Yes, sir.

8 At Exhibit 13, ANC 6D has submitted
9 a report that rescinded their earlier report
10 that opposed the request for extension. They
11 now support the extension and the Commission
12 had asked both the private developer and DMPED
13 to provide some additional responses. They've
14 done that at Exhibits 12 and 14 and we'd ask
15 the Commission to consider taking action this
16 evening.

17 CHAIRMAN HOOD: Okay. Mrs.
18 Schellin has given us the laundry list of the
19 different items that have come in. I
20 particularly remember, I think, in this case
21 one the issues, one of my colleagues we had was
22 to get a response, I believe, from the ANC.

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1 I think this was the case. But anyway, be as
2 it may, the ANC has pulled back their opposition
3 and we have the letter from DMPED and other
4 submissions from the Applicant as well.

5 Let me open it up for discussion.

6 Any discussion? If I don't hear any, I would
7 move in favor of the -- any discussion?

8 VICE CHAIR COHEN: Mr. Chairman, I
9 just want to state for the record that, again,
10 with the DMPED site for housing, I think that
11 there needs to be a sense of urgency by the city
12 to move forward with this site to provide
13 housing, especially, if it includes affordable
14 housing. There is an urgent need in this city
15 by many, many citizens for housing. And so I
16 really think that we need to have the city move
17 ahead expeditiously but I will support this
18 two-year extension.

19 CHAIRMAN HOOD: Any other comments?

20 Okay. I would move that we approve
21 both requests, both for the Deputy Mayor's
22 Office as well as the two-year time extension

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1 and ask for a second.

2 COMMISSIONER TURNBULL: Second.

3 CHAIRMAN HOOD: It's been moved and
4 properly seconded.

5 Any further discussion?

6 Are you ready for the question, all
7 those in favor?

8 (AYES)

9 CHAIRMAN HOOD: Any opposition?

10 So ordered. Staff, will you please
11 record the vote?

12 SECRETARY SCHELLIN: Yes, staff
13 records the vote, 4 to zero to one to approve
14 both time extensions from DMPED and Waterfront,
15 425 M Street, LLC.

16 Commissioner Hood moving,
17 Commissioner Turnbull seconding, Commissioners
18 Cohen and May in support. Commissioner Miller
19 not voting, not present, not voting.

20 CHAIRMAN HOOD: Okay, next.

21 Let's go to Zoning Commission Case
22 Number 03-12N and 03-13N in Square 769, LLC &

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1 DCHA - Two-Year PUD Time Extension @ Square 769.

2 Ms. Schellin.

3 SECRETARY SCHELLIN: Yes, the
4 Applicant is requesting a two-year extension
5 to September 26, 2014. They cite several
6 difficulties that have and continue to cause
7 the project to suffer including site financing,
8 construction and leasing impediments. At
9 Exhibit 5 is an OP Report in support. Exhibit
10 6 is an ANC 6D report in support of the extension
11 and we'd ask the Commission to consider action
12 this evening.

13 CHAIRMAN HOOD: Again, we have
14 another request for time extension. I think
15 this is our first time seeing this one. The
16 time extension will go to September 26, 2014.

17 As Ms. Schellin has already stated, the
18 Applicant cites several difficulties and are
19 so noted in, I believe, Exhibit 2 and throughout
20 their submissions.

21 Let me open it up for comments.

22 COMMISSIONER MAY: I think we did

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1 extend this once before. We modified it a
2 couple of times as well. But I think that the
3 case has been made that the extension should
4 be granted in this case. And I'll leave it at
5 that.

6 CHAIRMAN HOOD: Okay. Well, yes,
7 actually we did. It's the first time within
8 the last three months that we dealt with this
9 so I was just meaning the first one we just dealt
10 with recently. That's what I meant.

11 COMMISSIONER MAY: Right.

12 CHAIRMAN HOOD: We got plenty of
13 times we dealt with this, I agree.

14 Okay. Would somebody like to make
15 a motion?

16 COMMISSIONER MAY: I would move
17 that we grant the request to extend the time
18 to file a building permit for 250 M Street,
19 Southwest, Zoning Commission Case 03-12N and
20 03-13N.

21 CHAIRMAN HOOD: Thank you.

22 VICE CHAIR COHEN: Second that

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1 motion.

2 CHAIRMAN HOOD: Okay. Thank you,
3 both.

4 It's been moved and properly
5 seconded.

6 Anything further discussion?

7 Are you ready for the question? All
8 those in favor?

9 (AYES)

10 CHAIRMAN HOOD: Not hearing any
11 opposition, Ms. Schellin, would you please
12 record the vote.

13 SECRETARY SCHELLIN: Staff records
14 the vote four to zero to one to approve the
15 two-year time extension request in Case No.
16 03-12N/03-13N.

17 Commissioner May moving,
18 Commissioner Cohen seconding, Commissioners
19 Hood and Turnbull in support. Commissioner
20 Miller not present, not voting.

21 CHAIRMAN HOOD: Okay. Let's go to
22 the next one on our agenda. Zoning Commission

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1 Case No. 12-05, Ballpark Square, LLC-Capital
2 Gateway Overlay Review @ Square 701.

3 Ms. Schellin.

4 SECRETARY SCHELLIN: Yes, sir.

5 At Exhibit 22 is the Applicant's
6 Post-Hearing submission containing some
7 additional information that the Commission
8 asked for.

9 Exhibit 23 contains a report from
10 ANC 6D in support and we would ask the Commission
11 to consider action on this case.

12 And I would also state that OP
13 submitted a supplemental report. They did
14 request that the Commission reopen the record
15 to accept their report. I believe that's at
16 Exhibit 25. We'd ask the Commission to reopen
17 the record for that report.

18 CHAIRMAN HOOD: Okay. We have a
19 request to reopen the record for the additional
20 retail guidelines that OP has implemented.

21 First, let's see if there are any
22 objections to reopening the record?

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1 Okay. No objections so we will
2 reopen the record.

3 I guess the next question is do we
4 agree with OP on the new design or the additional
5 guidelines for the retail spaces? Any
6 objection? Okay.

7 Any further comments?

8 Commissioner May?

9 COMMISSIONER MAY: Yes, I would
10 note that some of the things that we had asked
11 to be addressed in terms of the design changes
12 for the trellis. It's a little hard to see
13 exactly here on the drawings that were submitted
14 but I believe it's been addressed and the trellis
15 that had been so prominent, I think, it's been
16 set back but, again, it's a little hard to tell.

17 I'm looking for the right drawing to compare.

18 Bear with me a second.

19 COMMISSIONER TURNBULL: While
20 Commonwealth May is looking for that I would
21 just add the comment that I would agree with
22 him. Normally, we get a comparative drawing

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1 that shows the old and the new and kind of gives
2 us a better example of what's actually being
3 change. This is rather small scale.

4 COMMISSIONER MAY: I think what
5 would have made it is that we have this very
6 lovely perspective view that shows how prominent
7 that trellis is that's right on the front cover
8 and that's repeated in the drawing set. And
9 I can't find the same drawing in what was
10 submitted. Maybe I'm missing it. We often
11 have a lot of paper to look at.

12 I mean, looking at it in plan which
13 is Drawing A-24 behind Tab A of the most recent
14 submission and comparing that with the roof plan
15 which is shown on Drawing -- I had it a second
16 ago. Drawing No. 10, the roof plan in the set.

17 I don't have a date on the set but it was what
18 we reviewed in the hearing. You can see that
19 the terrace that had been close to the First
20 Street side of the building is now shifted back
21 so it's closer to the courtyard area. So, it's
22 certainly less prominent which I am more

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1 comfortable with. So, I think it's been
2 addressed. It would have been nice to see that
3 viewed, make it easier but I think it's enough
4 information to give it the go ahead at least
5 on that issue.

6 CHAIRMAN HOOD: Any other comments?
7 Again, this is a final action. Any other
8 comments?

9 Somebody like to make a motion?

10 COMMISSIONER TURNBULL: Mr. Chair,
11 I would move that we approve Zoning Commission
12 Case 12-05, Ballpark Square, LLC, CG Overlay
13 Review at Square 701 and look for a second.

14 VICE CHAIR COHEN: I'd like to,
15 well, I don't know if this is appropriate.

16 CHAIRMAN HOOD: Could you second it
17 first?

18 VICE CHAIR COHEN: I could second
19 it, yes. I will. But I would also like to say
20 that we should include the design guidelines
21 as part of the zoning order.

22 CHAIRMAN HOOD: Okay. It's been

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1 moved and properly seconded. Any further
2 discussion?

3 COMMISSIONER MAY: Mr. Chairman, I
4 want to note the other area that we sought some
5 clarification was on the penthouse areas and,
6 again, it's hard to tell what really has been
7 changed from one drawing to the next but I didn't
8 see this as a huge issue anyway but it was one
9 that I know we had noted when we discussed the
10 case at the hearing. So, I'm comfortable moving
11 ahead.

12 CHAIRMAN HOOD: Okay. Anything
13 else?

14 We have a motion on the table. It's
15 been moved and properly seconded. Any further
16 discussion?

17 All those in favor?

18 (AYES)

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

22 SECRETARY SCHELLIN: Yes, Staff

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1 records the vote four to zero to one to approve
2 Final Action on Zoning Commission Case No.
3 12-05.

4 Commissioner Turnbull moving,
5 Commissioner Cohen seconding, Commissioners
6 Hood and May in support. Commissioner Miller
7 not voting, having not participated.

8 CHAIRMAN HOOD: Okay. Let's move
9 right in our Proposed Action which is Zoning
10 Commission Case No. 04-14B, Florida Rock
11 Properties - PUD Modification at Square 708.

12 Ms. Schellin.

13 SECRETARY SCHELLIN: Yes, sir. At
14 Exhibits 35 and 36 with some additional
15 information that the Commission asked the
16 Applicant to provide.

17 At Exhibit 37 the Applicant has
18 asked the Commission to accept a full set of
19 plans and then at Exhibit 38 they have provided
20 a full set of plans so that they would be in
21 one place, that there were multiple submissions.

22

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1 And Exhibit 39 is the Applicant's
2 draft Findings of Fact, Conclusions of Law.

3 CHAIRMAN HOOD: Okay.
4 Commissioners, we have all of our exhibits in
5 front of us. Some of the main issues, I think,
6 that we're going to need to grapple with are
7 the affordable housing benefit, I think, is
8 something that we're going to need to grapple
9 with. The relationship between the land swap
10 and when you look at some of those issues as
11 we discuss this, would you like to start us off,
12 Vice Chair?

13 VICE CHAIR COHEN: Thank you, Mr.
14 Chairman. I'm going to request that the
15 Applicant provide a calculation of the
16 additional affordable housing that is provided
17 as a result of the PUD Related Map Amendment
18 prior to our final action.

19 CHAIRMAN HOOD: Could you repeat
20 that again, what are we asking for?

21 VICE CHAIR COHEN: Asking that the
22 Applicant provide a calculation of the

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1 additional affordable housing that is provided.

2

3 CHAIRMAN HOOD: Understand now.

4 Thank you.

5 VICE CHAIR COHEN: Okay.

6 CHAIRMAN HOOD: Okay. Any other
7 comments?

8 I'd like to peruse down this road.

9 I think there is an issue about I think the
10 Applicant is asking for indefinitely. I think
11 the Office of Planning agrees with them. I'm
12 not sure if we want to do anything indefinitely
13 as far as I think it's Condition 11 or maybe
14 it's 10, I'm sorry.

15 Do we want to put a time limit on
16 this. I think because of the moving of the
17 bridge, I think they're requesting indefinitely
18 and my only concern is, I'm not sure where we
19 are in the line of when that bridge is going
20 to be done. But I don't know if we want to put
21 indefinitely. I'd rather for us to put some
22 time on it and then review it at a later time,

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1 not that we just want to have meetings to meet
2 to meet, but I think so we can get some kind
3 of update or the Commonweal at that time can
4 get some kind of update. Let me open it up.

5 COMMISSIONER TURNBULL: I would put
6 on the table for talking points, 10 years. I
7 think the bridge will be -- I think the way the
8 design is going and the way they are approaching
9 it, I think that bridge is going to be within
10 six years. Don't hold me to that, but I think
11 is going forward at a good pace. And, I mean,
12 I think 10 years is a descent number to work
13 with. If there is a problem, they can always
14 come back for a modification.

15 CHAIRMAN HOOD: Okay. Anybody
16 else?

17 COMMISSIONER MAY: Yes, you know,
18 leaving it completely open-ended doesn't make
19 any sense to me, although it certainly feels
20 like we've been working on this PUD forever given
21 its long history and its many iterations. But
22 I don't think we want to keep it going forever

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1 either. So, I think the idea of limiting it
2 to 10 years for right now makes sense. I
3 certainly think that, you know, we should let
4 the record show that in 10 years if the bridge
5 isn't completed and the land disposition process
6 hasn't taken its course, that it would make sense
7 to extend the first stage of the PUD for that
8 reason alone. But I think 10 years is a
9 reasonable time frame. It certainly is very
10 long compared to what we're used to for PUDs.
11 So, that works for me.

12 By the way, I should state for the
13 record that I have reviewed the record from the
14 case even though I was not here for the hearing.

15
16 CHAIRMAN HOOD: Okay. So, can we
17 all agree the first stage we'll do it for 10
18 years?

19 VICE CHAIR COHEN: Mr. Chairman, I
20 concur with my colleagues.

21 CHAIRMAN HOOD: Okay. All right.
22 Those were the main issues. Any other issues,

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1 either on the first or the second?

2 The phase. Anyone want to talk
3 about the phases?

4 COMMISSIONER MAY: Mr. Chairman, I
5 think that there were some things that were still
6 a bit unresolved and from DDOT's report and their
7 requirements. But I think that there is a path
8 forward there. I think that DDOT seemed to
9 comfortable enough with proceeding and having
10 sufficient monitoring of the demand.

11 I think there are some finer points
12 on how the demand is monitored or how the actual
13 performance of the project is monitored and then
14 possibly modifying either the TDM measures or
15 the available parking in future phases because
16 it is relatively speaking fairly heavily parked.

17 CHAIRMAN HOOD: Right, and I think
18 one of things that DDOT wanted included, I
19 believe, was about the bicycle and pedestrian
20 pathways which I think is a great idea. So,
21 I'm sure somebody will Tweet that. Whenever
22 I say bicycles I get Tweeted. So, quote,

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1 Anthony Hood said I think that's a great idea.

2 Okay.

3 Anything else? And I appreciate
4 you, Commissioner May bringing up the DDOT
5 issue.

6 Mr. Ritting, did we cover the legal
7 issues here?

8 MR. RITTING: I believe so.

9 CHAIRMAN HOOD: All right.

10 MR. RITTING: Unless there's some
11 additional thing that you believe needs to be
12 discussed or hashed out.

13 CHAIRMAN HOOD: Do we need more time
14 to look through this again, Commissioners?

15 VICE CHAIR COHEN: I would just like
16 to point out to the draft order. There were
17 some issues with typos so take a look at that
18 again.

19 COMMISSIONER MAY: Mr. Chairman,
20 going back to the DDOT issue for just a second.

21 There were some, again, a few things
22 that were in the DDOT report that may require

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1 a little bit more attention. There was some
2 disagreement, I think, between DDOT and the
3 Applicant. Maybe it's since been resolved
4 about how long the performance monitoring plan
5 will be needed. DDOT is pushing it for all
6 phases of the project and the Applicant was
7 offering it for less than the full four. I think
8 they were looking at two years after phase one
9 is completed or something like that. In any
10 case, I think that given the way the project
11 may develop in the future and how critical the
12 performance of their transportation demand
13 management program is I would be in favor of
14 a more aggressive and long-lasting monitoring
15 program.

16 So, again, if it's not been
17 completely resolved, I would be inclined in that
18 direction.

19 CHAIRMAN HOOD: I think if we look
20 at -- I think this is Exhibit 35. I think the
21 Applicant did a good job of -- it was accurately
22 providing us some of the things that I'm sure

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1 that have come up during our discussions or
2 during the hearing.

3 And if we look at page 1 of that
4 you'll see if there is anything that stands out.

5 I know we talked about the green roof and other
6 issues. Is there anything that stands out?
7 If not, if we covered everything in the
8 discussion and the limited discussion, then I
9 will look for a motion.

10 COMMISSIONER TURNBULL: There were
11 some design issues I think that came up with
12 the facade on Potomac Avenue but after seeing
13 the revised drawings I'm comfortable with the
14 look of the facade.

15 CHAIRMAN HOOD: I don't want to
16 belabor the point. I would move that we approve
17 the amendments that we have mentioned or that
18 we've asked for, if we asked for any tonight
19 for Proposed Actions on Zoning Commission Case
20 No. 04-14B and ask for a second.

21 COMMISSIONER TURNBULL: Second.

22 CHAIRMAN HOOD: It's been moved and

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1 properly seconded. Any further discussion?

2 Are you ready for the question? All
3 those in favor?

4 (AYES)

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

8 SECRETARY SCHELLIN: The Staff
9 records the vote four to zero to one to approve
10 Proposed Actions on Zoning Commission Cast No.
11 04-14B.

12 Commissioner Hood moving,
13 Commissioner Turnbull seconding, Commissioners
14 Cohen and May in support. Commissioner Miller
15 not voting having not participated.

16 And if any of the parties are in the
17 audience, if they would approach the dais I do
18 have a procedural order to give them a copy of.

19
20 CHAIRMAN HOOD: Okay. Let's go to
21 our next item under Proposed Action on Zoning
22 Commission Cast No. 11-03A. This is

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1 Hoffman-Struever Waterfront, LLC, - 2nd Stage
2 PUD at Southwest Waterfront.

3 And remember, Commissioners, we
4 took each one of these cases, each parts of this
5 case, individually and heard them in that case
6 and we'll continue to move in that fashion as
7 we have done all along in the process.

8 Ms. Schellin.

9 SECRETARY SCHELLIN: Yes, sir.
10 And along those lines, the Applicant did provide
11 four separate filings providing additional
12 responses based on the Commission's last meeting
13 on this case in response to some information
14 that the Commission asked for and those are at
15 Exhibits 235 through 235E, 236 through 236A,
16 237 and 238 through 238B. 239 is a DDOT
17 supplemental report. 240 is 6th Street
18 Homeowner's response to the hearing number 4
19 submission. And Exhibit 241 is Mr. Solon's
20 response to hearing number 4 submission and ask
21 the Commission to consider taking action on the
22 four actions on this case.

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1 CHAIRMAN HOOD: Okay. Thank you.

2 Let's start with the first -- I call
3 it hearing one. Some people like to call it
4 something else. So, the first case which is,
5 well, I'm going to call it hearing one. I think
6 was that 11-03A? Okay. I'm trying to make sure
7 I make everybody happy.

8 Commissioner May?

9 COMMISSIONER MAY: You mean Parcel
10 2, right?

11 CHAIRMAN HOOD: Okay. Parcel 2,
12 okay, that's what we're going to call it. Okay.
13 Well, hearing one from my standpoint and Parcel
14 2.

15 Let's go to that and we have an
16 additional submission, 235 and 235E from the
17 Applicant.

18 I remember when I first looked at
19 this the other night I was thinking I thought
20 we were finished with this but I guess we asked
21 for some things and that's why we have this.
22 I guess we had an exhausted discussion and out

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1 of that discussion came some things that we
2 wanted to see. So, here we are and I'll just
3 open it up for any comments.

4 I'm looking at 235 through 235E.

5 COMMISSIONER MAY: Well, Mr.
6 Chairman, one of the things was we had asked
7 that the Applicant would respond further to
8 whatever DDOT submitted when we asked them to
9 submit a report. Well, not to respond to it
10 but they were -- we asked DDOT to comment and
11 the Applicant was supposed to work with DDOT
12 to facilitate whatever their submission was.
13 I mean, I think that all occurred. There wasn't
14 a lot more back and forth.

15 I don't get the sense from DDOT's
16 report that they are completely satisfied but
17 I think that they are generally satisfied.
18 There are a few areas where such as performance
19 monitoring where I think there again is
20 something of an issue. Let me look at this.
21 I noted this on their report.

22 So, the Applicant proposed a

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1 monitoring program that was similar to what DDOT
2 initially requested. DDOT requested three
3 monitoring sessions and the Applicant proposed
4 two. The Applicant proposes removing the
5 monitoring after five sessions despite results
6 whereas DDOT has not proposed removing
7 monitoring session requirements until the
8 program is successfully completed. So, they'd
9 like to keep it going through the whole project
10 rather than stopping the monitoring at some
11 point based on whether certain conditions have
12 been met.

13 Frankly, I would rather and this is
14 a really, really big project. And traffic is
15 one of the biggest concerns that the neighbors
16 had voiced. And I just don't think that it's
17 really a good time to cut many corners on what
18 DDOT would like to do in trying to manage the
19 traffic impacts. So, I'd rather see greater
20 agreement between them certainly before we take
21 this to a Final Action.

22 CHAIRMAN HOOD: I would agree,

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1 Commissioner May. As I look back through this
2 report again, I would agree because it's leaving
3 like some open-ended unsure -- and I think the
4 testimony we got, I think we need to nail some
5 of these things down.

6 Even though he's talking about the
7 monitoring -- in the report it talks about the
8 monitoring of the traffic with all the parcels
9 as opposed to -- they are letting us know that
10 they'd like to do the monitoring of the whole
11 project and they kind of mentioned that early
12 on in the first parcel or hearing that we had.

13 There are a lot of things here. I'm
14 not sure if the Applicant has had a chance to
15 truly continue to work with DDOT and I think
16 we need to get more agreement as my colleague
17 has already mentioned which will give me a
18 comfort level to move forward to go ahead and
19 proceed with this case.

20 I think we could wait forwarding to
21 Final. Hopefully, that will give some more time
22 and if we need to give additional time to nail

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1 some of this down, let's do it.

2 Any other comments?

3 VICE CHAIR COHEN: Yes, Mr.
4 Chairman.

5 In the Applicant's zoning order
6 submission I was attempting to figure out the
7 numbers in paragraphs 61 and 62, 63. And I could
8 not match them up so I need a cheat sheet before
9 we consider the final order.

10 In addition, I think that in
11 paragraph 64 I would just -- I think it's a
12 stretch to say that this is the, you know, the
13 most unprecedented project of its kind for North
14 America because, frankly, I know of several
15 instances in New York City where it certainly
16 exceeded the Southwest Waterfront and
17 affordable housing. So, I would just delete
18 that first line in paragraph 64.

19 CHAIRMAN HOOD: If we have the order
20 what's in New York City I'd like to see what
21 they said.

22 VICE CHAIR COHEN: No, we don't have

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1 a zoning order. I'm just suggesting that--

2 CHAIRMAN HOOD: I was just asking.

3 VICE CHAIR COHEN: Okay. I can
4 give you examples.

5 The other thing that I would like
6 to ask my colleagues is, I don't believe in
7 paragraph 77 that we approved a 10 percent
8 variation, and OP at one point in time wanted
9 a smaller variation, I believe. So, if my
10 colleagues could look at that, I'd appreciate
11 it.

12 CHAIRMAN HOOD: Let me ask you a
13 question. Are these changes that you would like
14 to see us implement?

15 VICE CHAIR COHEN: Yes, sir.

16 CHAIRMAN HOOD: Okay. So, let me
17 just say this. As she goes down her list, if
18 we have any problems. So far I agree with her
19 but I just want to see the order from New York.

20 But as she goes down her list, could be say
21 whether or not we agree or disagree with her
22 and keep moving.

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1 VICE CHAIR COHEN: Let me clarify.
2 I didn't mean a zoning order. I meant projects
3 that have been developed make this zoning order
4 a little bit, you know --

5 CHAIRMAN HOOD: And I'm really just
6 messing with you. I really am.

7 VICE CHAIR COHEN: See what I put
8 up with, people?

9 And then my other question is,
10 should we in paragraph 76, should be put the
11 amount of roof structure relief? Should that
12 be specified? So, I need some colleagues to
13 advise me on that.

14 COMMISSIONER MAY: I'm sorry, can
15 you explain that one again?

16 VICE CHAIR COHEN: Yes, the
17 Applicant is proposing a penthouse height of
18 18 feet, 6 inches, thereby requiring a setback
19 and the relief now required is -- I don't know.

20 Let's see. This was two weeks ago. What did
21 I pen then? I'm sorry. They do specify so I
22 don't know why I had that first comment. But

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1 could you look at 77. Do we want 10 percent
2 deviation?

3 COMMISSIONER MAY: Well, I'm not
4 sure where the 10 percent number comes from.
5 The 10 percent does apply to roof setback?

6 VICE CHAIR COHEN: No, I'm sorry.

7 COMMISSIONER MAY: I was confused
8 there. All right. Yes, I mean, I wasn't
9 prepared to talk about the roof structure
10 setback because having gone through that the
11 last time we met and deliberated on this I was
12 comfortable with where we had landed.
13 Although, you know, it's preferable not to have
14 any relief needed for roof setbacks. It seems
15 like it's just a constant issue.

16 VICE CHAIR COHEN: So, you are
17 comfortable with the roof setback fur are you
18 now comfortable with the number of residential
19 units?

20 COMMISSIONER MAY: Let me read this
21 section again. Yes, I don't have any difficulty
22 with that.

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1 COMMISSIONER TURNBULL: I don't
2 have that in front of me but from what you're
3 talking about I don't have any issue with it.

4 VICE CHAIR COHEN: Okay. All
5 right. Thank you. I'll drop that.

6 CHAIRMAN HOOD: Okay. Anything
7 else? Okay. I think those are all good points.

8 Okay. We talked about DDOT. Did
9 we get a response back, Ms. Schellin, from OAG
10 about the First Source? Okay.

11 MR. RITTING: No, I didn't provide
12 a specific response because I thought it was
13 more a part of a general discussion that we were
14 going to have. And if you do want a specific
15 response that relates to this particular project
16 I can provide it. Or if your intention was for
17 it to be a more general discussion I'm available
18 to have that.

19 CHAIRMAN HOOD: I think with the
20 magnitude of this project as a whole, I'd like
21 to have it before final because this -- possibly
22 a missed opportunity and I think this is a bad

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1 project to miss the opportunity. Okay. If we
2 can do that.

3 MR. RITTING: Okay. And my
4 understanding is that that will be a memo that
5 I will provide to the Commission.

6 CHAIRMAN HOOD: Okay. Yes.

7 MR. RITTING: Okay. Thank you.

8 CHAIRMAN HOOD: And on another
9 note, Ms. Schellin, I can't remember what the
10 -- because I know I kept using this case about
11 page 11 of 12 and this case --

12 SECRETARY SCHELLIN: I think
13 they've changed their page numbers since then
14 and so we'll have to check on it.

15 CHAIRMAN HOOD: As a result of this
16 case, I don't want Mr. Glasgow and his Applicant
17 -- his client to think that I just used this
18 case. I think this was a case with the impetus
19 of all other cases. I've been asking 11 of 12
20 or whatever page it is long after this case.
21 So, if we follow up on that.

22 Anything else, Commissioners?

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1 I can just tell you from my
2 standpoint. I probably shouldn't go down this
3 line, but I will.

4 If we look at 1.6, I just think
5 that's beautiful and I don't usually say that.

6 I think it's beautiful. The overlook. Page
7 1.6. Okay.

8 Anything else on parcel 2 of hearing
9 one?

10 Mr. Turnbull.

11 COMMISSIONER TURNBULL: Mr. Chair,
12 I'm willing to go ahead for Proposed Action on
13 this but with the caveat that Final Action will
14 address all of the concerns we talked about --
15 parking and monitoring.

16 Is that my understanding?

17 CHAIRMAN HOOD: I think that's what
18 we're looking for, some --

19 COMMISSIONER TURNBULL: The DDOT
20 report?

21 CHAIRMAN HOOD: Yes and nail out
22 some of the issues that they have.

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1 COMMISSIONER TURNBULL: Okay.

2 CHAIRMAN HOOD: And we may, Ms.
3 Schellin, so we need to take a vote on this case
4 -- each case.

5 SECRETARY SCHELLIN: Yes.

6 CHAIRMAN HOOD: Okay.

7 All right. Anything else,
8 Commissioners? And I'm not rushing you.

9 COMMISSIONER MAY: No, Mr.
10 Chairman, I would just note that we had for all
11 of these cases I think we wanted to see the final
12 agreement with the Gangplank Marina Slipholders
13 Association and we have that. So, we have that
14 in the record now.

15 CHAIRMAN HOOD: Right. That's
16 Exhibit -- what is that?

17 COMMISSIONER MAY: I mean, I guess
18 I should go back to the penthouse issue on parcel
19 2 as well.

20 I was not comfortable at the last
21 meeting looking back now at all of my information
22 that's in front of me. It's a little hard to

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1 keep it all straight. And it asked for further
2 reduction, I believe, and the Applicant has come
3 back saying that they cannot make any further
4 reduction.

5 Considering where we started, I'm
6 willing to go along with what we've got now.
7 They did modify the color to make it a little
8 bit darker so it would recede more so I think
9 that's an improvement. So, I'm ready to move
10 forward with Parcel 2, Hearing One.

11 COMMISSIONER TURNBULL: Mr. Chair,
12 you were asking about the Gangplank Marina
13 development agreement. It's in Tab C of Exhibit
14 235, 245E.

15 CHAIRMAN HOOD: I knew it was in
16 there. I just didn't know where it was. Okay.

17 All right. Anything else? Would
18 somebody like to -- and let me just ask this.

19 This case number is 11- --

20 SECRETARY SCHELLIN: The case
21 number for all of them is 11-03A. It's just
22 different parcels or if you want to refer to

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1 it as hearing number one, hearing two, hearing
2 three, hearing four, however you want to do it
3 it's fine.

4 CHAIRMAN HOOD: Okay.

5 COMMISSIONER TURNBULL: Mr. Chair,
6 if you'd like I'll make --

7 CHAIRMAN HOOD: Thank you.

8 COMMISSIONER TURNBULL: I would
9 move that we approve Zoning Case No. 11-03A,
10 Hoffman-Struever Waterfront, LLC - 2nd Stage
11 PUD @ Southwest Waterfront, Parcel 2, the
12 combined heating and power plant, Parcel 1,
13 temporary uses and the transit pier and look
14 for a second.

15 VICE CHAIR COHEN: I'll second.

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

19 COMMISSIONER MAY: I just want to
20 clarify that's inclusive of the comments that
21 we made earlier with regard to further --

22 COMMISSIONER TURNBULL: Yes.

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1 COMMISSIONER MAY: -- information
2 and agreement with DDOT's issues?

3 COMMISSIONER TURNBULL: I would add
4 onto my motion.

5 CHAIRMAN HOOD: Okay.

6 VICE CHAIR COHEN: And my cheat
7 sheet.

8 CHAIRMAN HOOD: Okay. Do you
9 accept all of that? Okay. It's been moved and
10 properly seconded with the amendment of the
11 acceptance of everything we discussed.

12 Is there any further discussion?
13 Are you ready for the question?

14 All those in favor?

15 (AYES)

16 CHAIRMAN HOOD: Not hearing any
17 opposition, Ms. Schellin, would you please
18 record the vote?

19 SECRETARY SCHELLIN: Yes, Staff
20 records the vote four to zero to one to approve
21 Proposed Action on Zoning Commission Case No.
22 11-03A with regard to Parcel 2, the combined

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1 heating and power plant, Parcel 1, temporary
2 uses and the transit pier.

3 Commissioner Turnbull moving,
4 Commissioner Cohen seconding, Commissioners
5 Hood and May in support. Commissioner Miller
6 not voting having not participated and would
7 ask that any of the parties that were granted
8 party status in that portion of the hearing if
9 they would come forward and receive a copy of
10 the procedural order.

11 Thank you.

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

14 Now, let's go to Parcel 3A, Parcel
15 3B, District Pier and Pier & Avenue Mews, which
16 I like to refer to as Hearing 2.

17 Ms. Schellin.

18 SECRETARY SCHELLIN: I don't have
19 anything to add for any of the rest of them.
20 I gave you all the information up front for each
21 section.

22 CHAIRMAN HOOD: Okay. Thank you.

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1 I think, Commissioners, right now
2 we're looking at Exhibit in this case, Exhibit
3 236 and 236A. This may be some stuff that we
4 asked and, again, the DDOT report I think is
5 for all the different parcels and I think that
6 can just carry over unless there's something
7 different that we need to add for this parcel,
8 but I think that just carries over to each
9 particular parcel or hearing number.

10 So, let me open it up looking at
11 Exhibit 236 and 236A.

12 Any comments?

13 COMMISSIONER MAY: I would agree.

14 The issues that were relevant on Hearing 1,
15 Parcel 2, a number of those apply in this
16 circumstance and have been addressed.

17 The penthouse issue is similar, I'll
18 accept that.

19 The First Source employment
20 agreement and the final report from DDOT, those
21 issues remain. But otherwise, I think this is
22 fine.

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1 CHAIRMAN HOOD: Okay. Not to
2 belabor the point. Any comments? Okay.

3 VICE CHAIR COHEN: In the draft
4 order, paragraph 59, the roof structure setbacks
5 have not been inserted. Just a minor detail.

6
7 CHAIRMAN HOOD: Okay. I think they
8 will make that correction.

9 Anything else? Okay. Unless I
10 hear anything, I would move approval of Zoning
11 Commission Case 11-03A which consists of Parcel
12 3A, 3B, District Pier and Avenue Mews and
13 Adjacent Spaces, better known as the Hearing
14 2 and ask for a second?

15 VICE CHAIR COHEN: Second.

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

19 Are you ready for the question? All
20 those in favor?

21 (AYES)

22 CHAIRMAN HOOD: Not hearing any

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1 opposition, Ms. Schellin, would you please
2 record the vote?

3 SECRETARY SCHELLIN: Yes, the Staff
4 records the vote four to zero to one to approve
5 Zoning Commission Case No. 11-03A with regard
6 to Parcel 3A, Parcel 3B, District Pier and the
7 Avenue Mews.

8 Commissioner Hood moving,
9 Commissioner Cohen seconding, Commissioners May
10 and Turnbull in support. Commissioner Miller
11 not voting having not participated.

12 And, again, any of the parties with regard
13 to this portion of the hearing if they would
14 come forward and receive a copy of the procedural
15 order.

16 CHAIRMAN HOOD: Okay. Next let's
17 go to Hearing 3 of 11-03A. This is Parcel 4A,
18 Parcel 4B, Capital Yacht Club, Capital Yacht
19 Club Plaza, Piazza Mews, Jazz Alley and 7th
20 Street Park and adjacent spaces.

21 Ms. Schellin, you don't have
22 anything?

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1 SECRETARY SCHELLIN: No.

2 CHAIRMAN HOOD: Okay. I think we
3 should be looking at Exhibit 237. Applicant
4 responses to some of things that we asked for
5 again. So noted. The DDOT report as well as
6 First Source.

7 I'm not sure who mentioned the ADA
8 accessibility of Jazz Alley. But let's open
9 it up for discussion or anything else dealing
10 with this parcel.

11 I'm sure. Does anyone remember
12 mentioning the ADA?

13 VICE CHAIR COHEN: I think it was
14 also part of the -- one of the parties in
15 opposition mentioned it, I recall.

16 CHAIRMAN HOOD: Okay. But the
17 Applicant states, I'm not sure. Maybe it was
18 something one of our parties asked for but the
19 Applicant states in the submission. Well, it
20 says the Commission requested clarification on
21 the ADA accessibility of Jazz Alley. And as
22 we see, the pathways on each side of Jazz Alley

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1 will be handicap accessible with a width of
2 approximately six feet on each side. So, I
3 think that has been clarified. I'm not sure
4 who spoke on that.

5 Anything else? Okay. I'd like to
6 maybe get a motion on this to move forward.
7 This is Hearing 3.

8 VICE CHAIR COHEN: Sorry, so much
9 paper.

10 CHAIRMAN HOOD: Okay. Anything
11 else? Somebody like to make a motion?

12 COMMISSIONER MAY: Mr. Chairman, I
13 would move approval of Hearing 3, Parcel 4A,
14 4B, Capital Yacht Club, Capital Yacht Club
15 Piazza Mews, Jazz Alley, 7th Street Park and
16 Adjacent spaces.

17 CHAIRMAN HOOD: Okay. It's been
18 moved and properly seconded. Thank you.

19 Any further discussion?

20 Are you ready for the question?

21 All those in favor?

22 (AYES)

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1 CHAIRMAN HOOD: Not hearing any
2 opposition, Ms. Schellin, would you please
3 record the vote?

4 SECRETARY SCHELLIN: yes, Staff
5 records the vote four to zero to one to approve
6 Proposed Action on Zoning Commission Case Number
7 11-03A for the portion of the hearing that
8 includes Parcel 4A, 4B, Capital Yacht Club, the
9 Yacht Club Plaza, Piazza Mews, Jazz Alley and
10 7th Street Park.

11 Commissioner May moving,
12 Commissioner Turnbull seconding.
13 Commissioners Cohen and Hood in support.
14 Commissioner Miller not voting having not
15 participated.

16 Once again I would ask the parties
17 that were granted party status in that portion
18 of the hearing please come forward for the
19 procedural order.

20 CHAIRMAN HOOD: Let's go to Hearing
21 4, which is Parcel 11A, 11B, Waterpark and
22 Adjacent Spaces.

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1 As already stated, Ms. Schellin does
2 not have anything. I think the DDOT report and
3 the First Source continue over to this parcel.

4

5 Let's open it up to any comments.

6 Vice Chair Cohen?

7 VICE CHAIR COHEN: Mr. Chairman,
8 Parcel 11, there was a request for an
9 inclusionary zoning waiver which I think is up
10 for discussion. I do not believe we agree to
11 it but I think that my colleagues should comment
12 as well.

13 CHAIRMAN HOOD: Okay. Who would
14 like to start us off.

15 Would you like to start us off?

16 I'm sorry, you said you didn't agree
17 to it?

18 VICE CHAIR COHEN: No. I did not.

19 CHAIRMAN HOOD: And I think that's
20 clear for the record. Actually, I thought we
21 had decided that when we had the discussion,
22 unless someone disagrees, I would echo the

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1 comments of the Vice Chair. I thought we had
2 probably discussed it but since we're not sure,
3 I guess it's good to maybe -- I don't know if
4 we need to do it again just do we all agree those
5 who are voting? Okay.

6 Anything else?

7 Let's take our time and look again
8 through Exhibit 240 which is the 6th Street
9 Homeowners and 241, Mr. Gene Solon's responses.

10 And I noticed that there is a letter, I don't
11 want to say a form letter. But there's a form
12 letter of residents behind the submission by
13 the 6th Street Homeowners and pay attention to
14 those residents

15 COMMISSIONER MAY: Mr. Chairman?

16 CHAIRMAN HOOD: Yes, Commissioner
17 May.

18 COMMISSIONER MAY: First of all,
19 one of the issues that stood out in the DDOT
20 report is the handling of tour buses. I think
21 it's a particular concern at this site. And
22 from what I'm reading in the report, it's not

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1 clear to me that DDOT is satisfied in the long
2 term with what's been proposed.

3 I'm also not completely clear on
4 whether this is, in fact, proposed as just a
5 short-term solution or the permanent solution.

6 But the DDOT report clearly threw into doubt
7 whether they could park and off load and load
8 buses on Main Avenue in perpetuity. It seems
9 to me they're directing or they're going to be
10 looking for that loading to be accommodated on
11 site and not on Main Avenue in the long run.
12 And I don't know that that's -- I don't recall
13 that being part of the -- well, certainly not
14 part of the other parcels that we've seen so
15 far. Maybe it's something that's planned for
16 subsequent parcels, I don't know.

17 Is anybody reading that differently
18 or recall that there is some other plan for
19 handling these buses in the future?

20 CHAIRMAN HOOD: Does anyone?
21 Commissioner May, are you asking that we maybe
22 get some clarification?

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1 COMMISSIONER MAY: Yes, I think
2 that there is a substantive disagreement between
3 DDOT and the Applicant on this issue.

4 CHAIRMAN HOOD: Okay.

5 COMMISSIONER MAY: And how it gets
6 handled in the long run. I mean, they seem to
7 be okay in the short run and that may be fine,
8 but we would need clarity on what would be
9 acceptable in the long run. And maybe that's
10 something that could be taken care at Final.
11 Maybe there are other issues that would cause
12 a delay taking a vote on this.

13 CHAIRMAN HOOD: Okay. So,
14 hopefully we can get that at Final if you're
15 agreeable to that.

16 COMMISSIONER MAY: Yes, if that's
17 the only issue.

18 CHAIRMAN HOOD: So far. I'd just
19 like for us to peruse again the -- I'm looking
20 over the submission from 6th Street and Mr.
21 Solon. I just want to know if anybody is moved
22 by some of the arguments about the density, the

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1 residential building and others that they have
2 cited in their submissions?

3 VICE CHAIR COHEN: Mr. Chairman,
4 again, I think that much of the authority lies
5 with the Army Corps of Engineers in their
6 approvals and I read the record and they seem
7 to have supported what the developer has
8 proposed to do. So, I think that that's the
9 comfort level that I have in moving forward.

10 COMMISSIONER TURNBULL: Mr. Chair,
11 I think one of the issues on this which I think
12 is the alternative direct entry for 6th Street
13 in place units which had been a big point for
14 the neighbors. They were looking for that to
15 bring more or an urban quality, bring the street
16 life. They wanted an increased presence on the
17 street. And I think their concern was that by
18 having units directly entered from the street,
19 you were going to get that. And so what the
20 Applicant has offered is on page 2, item 5 of
21 their submittal is an alternative direct unit
22 entry for 6th Street employees. They've shown

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1 a drawing 2.10A as to what that would look like.

2 And basically they're seeking direction from
3 us whether we want them to go ahead or not.

4 COMMISSIONER MAY: Mr. Turnbull,
5 have you taken a good look at drawing 2.10B?
6 It's the facade. It's a prospective --

7 COMMISSIONER TURNBULL: No, I did
8 not.

9 COMMISSIONER MAY: Yes, so I think
10 that better captures what they're trying to do.

11 I looked at it in plan and I was encouraged
12 --

13 COMMISSIONER TURNBULL: Yes.

14 COMMISSIONER MAY: -- because it
15 looked like they were incorporating street
16 entries. But what they're incorporating here
17 are street entries to the lowest level units
18 which --

19 COMMISSIONER TURNBULL: They're
20 not quite as --

21 COMMISSIONER MAY: Yes, to say the
22 least it's not just very gracious so I would

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1 never want to opt for this in --

2 COMMISSIONER TURNBULL: Right.

3 COMMISSIONER MAY: -- other else
4 was proposed. But, frankly, I don't think this
5 is a very good version of what we were
6 suggesting.

7 COMMISSIONER TURNBULL: I don't
8 think it was what we were looking for.

9 COMMISSIONER MAY: No, certainly
10 not what I was looking for or not what I was
11 expecting.

12 COMMISSIONER TURNBULL: I don't
13 think this is what the neighbors would be looking
14 for.

15 COMMISSIONER MAY: No. So, you
16 know, I honestly and a lot of what was submitted
17 in the other party's information was not
18 particularly responsive to what was submitted
19 by the Applicant. In other words, the issues
20 that we had identified and requested additional
21 information. We saw a lot of rehash of issues
22 that we had discussed and decided previously

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1 or at least didn't consider to be open issues.

2

3 But this is one area where I think
4 that it is still very much an open issue and
5 the parties in the case, I think, may have a
6 reasonable issue here that still needs to be
7 addressed. Certainly I'm not comfortable with
8 what's been proposed here. And, frankly,
9 seeing stuff like this is making me more
10 sympathetic to the idea that maybe the whole
11 thing needs to be shrunk a little bit so that
12 they get enough room to make a gracious entry
13 on the street.

14 CHAIRMAN HOOD: So, if I understand
15 correctly, what was presented to us first and
16 I see, you're right. The interest, I see what
17 they're trying to present here with the
18 interests at the lowest level.

19 So, if I understand your comments,
20 Commissioner May and maybe Commissioner
21 Turnbull and Vice Chair. Your comments, you
22 liked what we had first previously as opposed

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1 to what is presented tonight. Did I
2 characterize that correctly?

3 COMMISSIONER MAY: You know, I
4 liked what they had before better than what they
5 have now but I didn't like what they had before
6 very much. That's why we were asking them to
7 take another look at, try to address having,
8 you know, street entrances to a number of those
9 units. I don't know why they elected to go to
10 the lower units rather than the upper units.
11 Maybe having a stairway over the -- you know,
12 you're little recessed patio makes it less
13 attractive. Maybe that was the thinking. I
14 don't know.

15 There certainly have been PUDs
16 approved by this Commission, not while I was
17 on it but PUDs approved by this Commissioner
18 where there were very successful street entries
19 to kind of elevated units. You know, the first
20 floor above grade. You could enter off the
21 street and then there a sunken patio, if you
22 will, that served the lower level units and those

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1 were done very successfully on other projects
2 that I've seen built and approved by this
3 Commission.

4 So, I don't know why they didn't
5 elect to go that route. I would rather see them
6 attempt that.

7 COMMISSIONER TURNBULL: I was
8 thinking of the Brooklyn project but I don't
9 think that had entrances.

10 COMMISSIONER MAY: No, but it was
11 the same --

12 COMMISSIONER TURNBULL: Same kind
13 of concept?

14 COMMISSIONER MAY: Same architect.

15 The one I was thinking of, I was
16 thinking of Senate Square.

17 COMMISSIONER TURNBULL: Okay.

18 Well, we can look for another
19 solution. We can ask for another try at this.

20 COMMISSIONER MAY: I would be in
21 favor of that.

22 CHAIRMAN HOOD: Okay. Let me just

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1 ask this before I make a comment on this
2 particular hearing 4 for this parcel.

3 Mr. Solon and the 6th Street
4 neighbors have presented responses. Does
5 anyone move for the section we just discussed
6 of anything else of either one of these
7 submission, which may make the building a little
8 smaller. I'm not sure. It depends on what they
9 come back with but anything else?

10 COMMISSIONER MAY: All I can say is
11 that before I saw the material that as submitted
12 tonight I was generally comfortable with the
13 size of building. And having seen these
14 submissions and seeing what was proposed here,
15 I'm beginning to have doubts. I'm not
16 suggesting at this moment they have to scale
17 back the building.

18 CHAIRMAN HOOD: But we want to see
19 something as far as entrances on that side.
20 Yes.

21 COMMISSIONER MAY: Yes. And it's
22 not just limited to the entrances frankly. I

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1 think that, you know, what I wrote down in my
2 notes is that the treatment of the facade was
3 not very street friendly. And I was hoping for
4 something that was going to be more street
5 friendly. And so they shouldn't consider
6 themselves limited to where they put the stairs
7 and so on. They can -- I think that they can
8 look carefully at what was submitted by the
9 parties in this case, the 6th Street neighbors
10 and see if there's anything else that inspires
11 them to make other changes to the treatment of
12 that facade.

13 CHAIRMAN HOOD: Anything else?
14 Here's what I would suggest because of the
15 magnitude of the 6th Street facade, that side
16 of the building and some other issues.

17 I would suggest that, unless we feel
18 otherwise, that we not go all the way to final,
19 that we hold off on this one. Give the Applicant
20 time to come back and address some of the issues
21 that we've asked for other than I don't know
22 much more than we just spoke about. And take

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1 this up at another hearing -- another meeting
2 or special public meeting. December meeting?

3 Is December time enough for the Applicant?

4 SECRETARY SCHELLIN: Yes, I think
5 they can make their submission by November 26th
6 so --

7 CHAIRMAN HOOD: Let me find out.
8 Is that okay, Commissioners? Okay. So, we'll
9 move in that fashion.

10 SECRETARY SCHELLIN: Can I give you
11 the dates?

12 CHAIRMAN HOOD: Yes.

13 SECRETARY SCHELLIN: Set the dates.

14

15 CHAIRMAN HOOD: I want to make sure
16 everybody agrees.

17 SECRETARY SCHELLIN: Monday,
18 November 26th and then the parties would be able
19 -- 3:00 p.m. Parties could file their response
20 by 3:00 p.m., December 3rd, and we can take it
21 up the following Monday, the 10th.

22 CHAIRMAN HOOD: Okay. The Vice

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1 Chair will do a proxy. You don't have any other
2 issues other than that?

3 VICE CHAIR COHEN: No.

4 CHAIRMAN HOOD: Okay. So, we will
5 deal with this on December 10th at our next
6 meeting. Okay. So, in that case we need to--
7 okay, hearing 4 we will deal with at our next
8 December the 10th meeting. Okay. Anything
9 else that we need to let the Applicant know while
10 we're here? Okay.

11 All right. So, with that let's go
12 to Hearing Action.

13 Hearing Action Zoning Commission
14 Case No. 05-36G. This is CASCO, Inc. on behalf
15 of K Street Developers, LLC - PUD Modification
16 & Related Map Amendment @ Square 749.

17 I'm going to ask Commissioner Miller
18 who is sitting back patiently waiting for us
19 to get to this point. He will join us and we
20 will go with Mr. Cochran.

21 MR. COCHRAN: Thank you, Mr. Chair.

22 OP recommends that the Commission

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1 set down the application and related map
2 amendment from C-3-B to C-2-C as a major
3 modification to PUD 05-36 which is a 6-13 story
4 development with approximately 700 residential
5 units and 17,000 square feet of neighborhood
6 serving retail space occupied all but three of
7 the lots on the block bounded by K, L, 2nd and
8 3rd Street, Northeast.

9 The 200 units in the first stage of
10 the approved PUD have been completed. The
11 second stage has not yet been started.

12 Now, for the proposed third stage,
13 CASCO, Incorporated, has joined with the
14 developers of the first two stages to request
15 the Commission approve the following
16 modifications to the overall PUD.

17 The incorporation into the PUD of
18 5,000 square feet comprising the remaining three
19 lots in the square. A PUD related map amendment
20 for those three lots from C-2-B to C-3-C as was
21 approved for the first two stages of the PUD.

22 Construction of a seven-story

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1 approximately 41 unit all residential building
2 at the corner of 3rd and L Street, Northeast,
3 which is at the northeastern corner of Square
4 749. A very marginal reduction in the overall
5 projects .71 parking ratio and finally relief
6 from the rear yard requirements to enable
7 provision of a five-foot setback from the center
8 line of an alley, rather than the 13 feet, 3
9 inch setback that's required. Even with the
10 requested relief, the affected distance between
11 the rear wall of the proposed stage three
12 building and the side wall of the stage two
13 building would still be approximately 50 feet
14 due to the width of the garage and driveway
15 adjacent to the alley.

16 For the third stage that we're
17 asking you to set down tonight, the parking and
18 loading would be provided by the facilities that
19 are already planned for the first two stages.

20 If the application is set down, the Applicant
21 will need to provide additional analysis and
22 information prior to a public hearing. These

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1 items include the clarification of the
2 Applicant's compliance with inclusionary zoning
3 requirements for stage 3. The modification
4 that would be needed to previously approved
5 First Source employment agreements and
6 agreements with the District Department of Small
7 and Local Business Development.

8 The sustainability components proposed
9 and the potential LEED eligibility, further
10 discussion of the third stage's public benefits
11 and amenities and addressing of the traffic
12 impact and parking for the third stage.

13 That concludes our testimony and,
14 of course, I'm happy to answer any questions.

15 CHAIRMAN HOOD: Thank you, Mr.
16 Cochran.

17 Commissioners, do we have any
18 questions?

19 COMMISSIONER TURNBULL: Yes, Mr.
20 Chair. Mr. Cochran, was there any
21 consideration of retail on L Street?

22 MR. COCHRAN: The proposed second

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1 stage does have retail on L Street closer to
2 the New York Avenue Metro, closer to the tracks.

3 There was not retail considered for L Street
4 in this building. When the Applicant met with
5 OP it seemed quite appropriate as it
6 transitioned to the residential neighborhood
7 nearby for that corner to remain all
8 residential.

9 COMMISSIONER TURNBULL: Okay.
10 Thank you.

11 VICE CHAIR COHEN: Mr. Chairman.

12 CHAIRMAN HOOD: Vice Chair.

13 VICE CHAIR COHEN: Thank you.

14 Can you look at your review page 2,
15 the paragraph that says -- it begins the second
16 stage PUD has been modified? And that last
17 sentence about the parking garage I was a little
18 confused about the numbers.

19 You're saying in addition to the
20 parking garage for a total of 506 to 448?

21 MR. COCHRAN: Right. They are
22 committing to provide a ratio of .71. The 506

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1 to 448 is an indication that they're still not
2 sure about how many units they will finally put
3 in the second stage but that gives, you know,
4 the range of units in the corresponding range
5 of parking spaces.

6 VICE CHAIR COHEN: And, again, you
7 did ask the Applicant to clarify the project's
8 compliance with IZ?

9 MR. COCHRAN: Yes.

10 VICE CHAIR COHEN: Thank you.

11 CHAIRMAN HOOD: Any other
12 questions?

13 COMMISSIONER MAY: Mr. Chairman, I
14 would just make a comment that, you know, given
15 that this is a modification to the previous PUD
16 I'm comfortable enough setting it down with the
17 limited amount of information that we have.
18 But the drawing that were submitted with this
19 are no where near what we will need to evaluate
20 this. I mean, essentially, we're adding
21 another building to a PUD. It may not e a big
22 building but there are substantial aspects of

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1 the design that we need to see in far greater
2 detail than we have in what was submitted. But
3 I assume that the Office of Planning is already
4 aware of that.

5 MR. COCHRAN: Yes.

6 CHAIRMAN HOOD: And with the
7 Applicant on that.

8 CHAIRMAN HOOD: Okay. Anybody
9 else?

10 COMMISSIONER TURNBULL: I would
11 just concur with Commissioner May's comments
12 on the drawings.

13 THE COURT: All right. Would
14 somebody like to make a motion to --

15 COMMISSIONER MAY: Mr. Chairman, I
16 would move that we set down Zoning Commission
17 Case 05-36G, Modification to PUD in Square 749.

18 VICE CHAIR COHEN: And I'll second.

19
20 CHAIRMAN HOOD: It's been moved and
21 properly seconded. Any further discussion?

22 Are you ready for the question?

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1 All those in favor?

2 (AYES)

3 CHAIRMAN HOOD: Any opposition?

4 So ordered. Staff, would you record the vote?

5 SECRETARY SCHELLIN: Yes, Staff

6 records the vote five to zero to zero to set

7 down Zoning Commission Case No. 05-36G as a

8 contested case.

9 Commissioner May moving,

10 Commissioner Cohen seconding. Commissioners

11 Hood, Miller and Turnbull in support.

12 CHAIRMAN HOOD: Okay. Next, let's

13 go to Hearing Action Case 11-03B,

14 Hoffman-Struever Waterfront, LLC - Second Stage

15 PUD at Squares 390, 391, 471, 472, 473 and 503.

16

17 Mr. Jesick.

18 MR. JESICK: Thank you, Mr.

19 Chairman and Members of the Commission.

20 This is a second stage PUD

21 application for Parcel 5 of the Southwest

22 Waterfront. Parcel 5 is located between Parcel

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1 4 and the 7th Street Park. And development on
2 this site would include two hotels, ground floor
3 retail and a central courtyard on the second
4 level.

5 The Office of Planning is very
6 supportive of the design. It would add
7 pedestrian activity to the area, especially the
8 surrounding open spaces which include the 7th
9 Street Park, the wharf, the Jazz Alley and Main
10 Avenue. And the architecture is also generally
11 appropriate for its prominent location at a
12 major intersection and along the waterfront.

13 In our report, OP does have some
14 comments on the design and requests for
15 additional information which can be provided
16 prior to a public hearing and those items can
17 be found beginning on page 9 of the report.

18 I would just like to highlight just
19 one of those comments that's regarding the
20 stairs leading from the 7th Street Park to the
21 second level courtyard and OP appreciates the
22 Applicant's verbal commitment to keep the

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1 courtyard open and free to the public. We feel
2 that having that elevated public vantage point
3 over the water and over the wharf will help
4 increase pedestrian activity at the ground
5 level.

6 And related to that, we've asked the
7 Applicant to look at ways to make the connection
8 to the second level more inviting so that the
9 public knows that the courtyard is a place where
10 they can go and are welcome.

11 But overall the application is
12 consistent with the first-stage PUD approval,
13 the Comprehensive Plan and the zoning
14 regulations, so the Office of Planning
15 recommends that it be set down for a public
16 hearing.

17 Thank you.

18 CHAIRMAN HOOD: Okay. Thank you,
19 Mr. Jesick.

20 Commissioners, any questions? Any
21 questions or comments? Okay. Commissioner
22 Miller.

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1 COMMISSIONER MILLER: Your report
2 indicates that an earlier plan had a staircase
3 to the courtyard that was facing the wharf but
4 that was eliminated. Can you provide
5 information on why it was eliminated?

6 MR. JESICK: We have extensive
7 discussions with the Applicant about that.
8 They view that location as the prime retail
9 location for this site which is certainly
10 understandable. We think it is too. They
11 wanted to maximize their retail frontage along
12 the wharf, so I believe that's why the stair
13 was eliminated.

14 CHAIRMAN HOOD: Mr. Turnbull.

15 COMMISSIONER TURNBULL: Thank you,
16 Mr. Chair.

17 I think back on page 5 also, Mr.
18 Jesick, you say that the Applicant is describing
19 and you're talking about relief, roof structure
20 and the design describes the Main Avenue and
21 wharf fans of the penthouses as architectural
22 embellishments.

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1 I'm not that impressed with the
2 embellishments on Main Avenue, especially I
3 think it's a little egregious. I really don't
4 think that we could accept that, at least I don't
5 think I could accept that. I think that this
6 goes a little bit beyond -- I really don't think
7 it's an embellishment. There's two walls that
8 run the whole length of the building that are
9 penthouses which I find very troubling. And
10 maybe Commissioner May has a few comments on
11 that. But that's one aspect of the design
12 that's troubling. I think that they're really
13 ponderous to look at. I really find them heavy
14 and they sort of take away from the streetscape
15 of it.

16 COMMISSIONER MAY: Mr. Turnbull, I
17 would second the concern about this. You know,
18 it seems that at every turn what we're seeing
19 in this project or overall project attempts to
20 make, I don't know. Each building is trying
21 to shoulder the other ones out of the way and
22 be more prominent, be taller and be, you know,

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1 more exuberant in some fashion. And, you know,
2 I just see it as unnecessary competition between
3 the buildings.

4 You know, the notion of pushing out
5 a portion of the facade and then extending it
6 all the way up so that it meets up with the
7 penthouse to become a singular element with the
8 penthouse, I don't think that's a really good
9 strategy and I think the building would benefit
10 from being from not trying so hard to stick its
11 face further out toward Main Avenue, in
12 particular. I think that's problematic.

13 When you look at what we've already
14 taken proposed action on, there are a number
15 of buildings that have the same sort of moves
16 where it's a large projecting portion of the
17 building, reaching out toward the water,
18 extending all the way up to the roof. This is
19 probably the least attractive of those that
20 we've seen so far that try to do that. And,
21 you know, the proportions are wrong. The
22 treatment of the facade all the way up is wrong.

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1 I just don't think it's a great version of it
2 and I'd like to see a substantial revision.

3 COMMISSIONER TURNBULL: I would
4 agree and I don't think that the Commission for
5 Fine Arts --

6 COMMISSIONER MAY: Yes, who knows
7 what they will say. Hopefully I'm not sending
8 the Applicant in a completely different
9 direction.

10 COMMISSIONER TURNBULL: I just
11 can't see them approving this.

12 COMMISSIONER MAY: Yes, I would be
13 surprised. But I don't know what kind of review
14 they've already gotten. And do we know, does
15 OP, can you report anything on the Commission
16 on the Fine Arts review on this?

17 MR. JESICK: I'm not aware of their
18 review on this particular parcel.

19 COMMISSIONER MAY: Okay. So,
20 we'll see how that goes.

21 COMMISSIONER MAY: Mr. Chairman, I
22 have some other comments as well.

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1 First of all, I want to thank the
2 Applicant profusely for submitting only a single
3 parcel this time around. It's just a lot easier
4 to deal with one of these than five.

5 I think OP also made the comment
6 about the setback of the penthouses in the
7 courtyard area. I think that's also an issue
8 that should be examined more closely because
9 I don't think the building benefits from making
10 those courtyards seem even, you know, making
11 the building feel that much taller around the
12 courtyard itself. I think that's the area where
13 you want to make that height. You really want
14 to minimize that perceived height.

15 I also agree with the comments about
16 the public accessibility of the courtyard.

17 And, finally, this is a relatively
18 minor one but it's not clear from what was
19 submitted how the retail and the restaurant that
20 face on the wharf itself how they actually load.

21 We see a truck diagram that provides access
22 to a truck dock for the portion of the building

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1 that's more along Main Avenue. But it doesn't
2 connect to the restaurant and the retail as far
3 as I could see. And there obviously needs to
4 be plan for those spaces to be able to load.
5 But it's not clear from what I saw.

6 CHAIRMAN HOOD: Okay. Any other
7 comments? Question of Office of Planning?

8 I would be interested to see what
9 comes back on the building and reaching out to
10 what the building is doing. I'm just curious.

11 It had a different spin or different take but
12 I'll reserve my comments.

13 Vice Chair Cohen?

14 VICE CHAIR COHEN: No, I think I'm
15 in the same place as you are, Mr. Chairman.

16 CHAIRMAN HOOD: Sometimes that's
17 not a good idea.

18 VICE CHAIR COHEN: But, again, I
19 think the Commission on the Fine Arts, my
20 colleagues, I kind of liked the variation of
21 the wall so we'll see how that plays out. But
22 I just thought it made a much more interesting

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1 presence to have that variation on Main Street.

2 But I'm not a trained architect. I just like
3 buildings.

4 CHAIRMAN HOOD: You don't have to
5 tell us you're not a trained architect.

6 COMMISSIONER TURNBULL: Well, we
7 are the --

8 VICE CHAIR COHEN: Your view on
9 things and that's the way I look at it.

10 COMMISSIONER TURNBULL: Vice Chair
11 Cohen, we are the preservers of the zoning regs.
12 We have to look at the zoning regs very
13 carefully.

14 VICE CHAIR COHEN: I --

15 COMMISSIONER TURNBULL: We do offer
16 flexibility. I think we look at these things
17 very carefully.

18 VICE CHAIR COHEN: No, I'm not in
19 any way challenging what you're saying. I'm
20 just, you know, aesthetically in a different
21 place.

22 CHAIRMAN HOOD: She not, but I am.

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1 Okay.

2 Anything else?

3 Somebody like to make a motion?

4 COMMISSIONER MILLER: I would move
5 to set down Zoning Commission Case No. 11-03B.

6 VICE CHAIR COHEN: I'll second
7 that.

8 CHAIRMAN HOOD: Okay. It's been
9 moved and properly seconded. Thank you both.

10 Any further discussion?

11 All those in favor?

12 (AYES)

13 CHAIRMAN HOOD: Any opposition?

14 Not hearing any, Ms. Schellin, would
15 you please record the vote.

16 SECRETARY SCHELLIN: Yes, Staff
17 records the vote five to zero to zero to set
18 down Zoning Commission Case No. 11-03B as a
19 contested case.

20 Commissioner Miller moving,
21 Commissioner Cohen seconding.

22 Commissioners Hood, May and

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1 Turnbull in support.

2 CHAIRMAN HOOD: Okay. You know,
3 before everybody leaves, I'm sure everybody is
4 going to be leaving. I forgot to say this
5 earlier.

6 We have someone up here who
7 celebrated their 19th birthday, I believe it
8 was. And we want to say on the record that we
9 think she's very special. She does a great job
10 for us and 19 plus birthdays. Let me correct
11 myself. Nineteen plus birthdays so we want to
12 say happy birthday again to Ms. Sharon Schellin
13 whose birthday was November the 10th and I'm
14 sure she had a great time. Hopefully you
15 enjoyed your day.

16 SECRETARY SCHELLIN: Thank you.

17 CHAIRMAN HOOD: On behalf of all of
18 us, happy birthday.

19 I figured I better do that before
20 the few people we had left leave. Okay.

21 Let's go to the ZRR Guidance. Ms.
22 Steingasser.

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1 MS. STEINGASSER: I don't have any
2 update on the actual guidance. I did want to
3 update the Commission on our outreach program.

4 We'll be starting on Saturday,
5 December 10th. We plan to have -- I'm sorry,
6 December 8th. Saturday, December 8th at 10:00.

7 The first one will be in Ward 6. What we're
8 planning is to host one meeting. It will be
9 the same meeting. We'll take it all eight wards
10 so people will have eight separate opportunities
11 to attend. We're going to have three on
12 Saturdays. The rest will be on either Tuesday
13 or Wednesday night. We're having them east of
14 the river as well as west of the river on either
15 side of the holidays so there should e ample
16 opportunity for somebody to make any or all of
17 the meetings.

18 There will be the same meeting with
19 the same presentation and we plan to start that
20 again on December 8th followed by December 11th
21 and 13th. Then we'll go over the holidays
22 respecting the Commission's -- following the

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1 Commission's lead of not meeting the week of
2 the 17th.

3 We'll then be starting again on
4 Saturday, January 5th, January 8th, 9th, again
5 on Saturday January 12th and then concluding
6 on January 16th.

7 After we have these in person
8 meetings, we'll also be having what we call a
9 virtual town hall where we will be available
10 on line for probably one to two hours where the
11 director will be available and we'll answer
12 on-line and deal with the virtual community.
13 The Tweeters and the Bloggers. So, we're very
14 excited about that.

15 CHAIRMAN HOOD: Good. I'm
16 actually -- I'm sorry, are you finished, Ms.
17 Steingasser?

18 I'm actually glad to hear that we're
19 not going to be having it during the holiday
20 time. I think the ending date you said was the
21 13th. I think that's enough time that like you
22 said following our schedule. You don't have

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1 those two weeks. And then also after the New
2 Year's celebration, you're going to have it
3 after that.

4 And it's good to hear that the same
5 things are going to go ward to ward. Often times
6 we hear that one thing is triggered in one ward
7 and it's presented different at another ward.

8 So, I'm glad to see that that's going to go.

9

10 The question I do have is, is this
11 going to be on Channel 16?

12 MS. STEINGASSER: We're trying to
13 get it on Channel 16. We do plan to videotape
14 it ourselves but we do have an inquiry into
15 Channel 16 as to whether they can work with us
16 to get it up on line.

17 CHAIRMAN HOOD: I sure hope that--
18 maybe we can get Commissioner Miller and Cohen
19 to see if the Administration will fund it or
20 whatever we need to do to get that done.

21 MS. STEINGASSER: Yes.

22 CHAIRMAN HOOD: Because I think

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1 that's very important. That piece is. And
2 myself, whatever we need to do. If we need to
3 ask to get some assistance, Office of Planning,
4 you know, I don't know how all of it works, but
5 I think that's very important.

6 MS. STEINGASSER: Yes, sir.

7 CHAIRMAN HOOD: Channel 16, that
8 one, wherever you are whether it's 6 or 7 or
9 8 or 2 is done, then that runs over and over
10 and over again and more people will be able to
11 see it and word of mouth and the word will get
12 out. And I like the Webinar I guess that you
13 want to do which I think is great.

14 MS. STEINGASSER: Yes, sir. And
15 we've also posted -- when we gave a comprehensive
16 summary to the Zoning Commission at the end of
17 September where we went through all of the zones
18 and changes, we posted that weblink to that
19 presentation as well as that PowerPoint up on
20 line. And we have also -- we have translation
21 services that will translate all the public
22 notices into six languages.

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1 CHAIRMAN HOOD: Okay. I guess I
2 will find out from OAG if it's conflict if we
3 may attend because we may -- some of us may want
4 to attend. But we'll find out how that all
5 works. Some of that changes, so I'm not sure.

6 Commissioner May?

7 COMMISSIONER MAY: Yes, I'm sorry.
8 Did you say you would send us a list of when
9 those are and where?

10 MS. STEINGASSER: Yes. Sure. The
11 first one will be in Ward 6 in our building at
12 the Southwest Waterfront and we're trying to
13 stay as close if not right on top of the Metro
14 Station for each and every meeting.

15 CHAIRMAN HOOD: Commissioner
16 Miller?

17 COMMISSIONER MILLER: As long as
18 you just announce the location for the December
19 8th one, can you just announce briefly where
20 the December 11th and 13th ones are?

21 MS. STEINGASSER: We're still
22 waiting confirmation from the building

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1 maintenance on that.

2 COMMISSIONER MILLER: Do you know
3 which wards they are?

4 MS. STEINGASSER: Would Ward 2 and
5 then Ward 8.

6 COMMISSIONER MILLER: Okay.

7 CHAIRMAN HOOD: And all of those are
8 Saturdays. They're not all Saturdays, are
9 they?

10 MS. STEINGASSER: No, sir. We
11 tried to mix them up so that there would be one
12 Saturday east of the river, one Saturday west
13 of the river and there would be some before the
14 holiday, again, splitting back and forth.

15 There is going to be three on
16 Saturday and five --

17 CHAIRMAN HOOD: Okay. Any other
18 questions on the ZRR how it's moving or
19 presentations?

20 Okay. Thank you very much, Ms.
21 Steingasser and Mr. Lawson.

22 We have one other item.

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1 Correspondence. Oh, two. Okay. Two other
2 items. Okay. I'm sorry.

3 Let me go to Zoning Commission Case
4 11-17. This is the Adams Morgan Hotel motion
5 for extension of time to file response from
6 Champlain Street Neighbors and Applicant's
7 Response thereto.

8 Ms. Schellin.

9 SECRETARY SCHELLIN: Yes, sir.
10 This was a request from the party in opposition.
11 They had asked for the Applicant to translate
12 the documents into Spanish. We contacted the
13 Applicant and they did agree to do so and as
14 you know, you granted the extension. The
15 Applicant has since provided those documents
16 translated but I think you wanted to make a
17 comment or wanted to make a statement regarding
18 a comment that was made in Mr. Otten's
19 submission.

20 CHAIRMAN HOOD: Okay. I will say
21 that the request for the extension, that's
22 already been approved. I've done that.

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1 However, I did want to clarify a statement made
2 by Mr. Otten's submission. It stated that the
3 Zoning Commission -- Mr. Otten stated the Zoning
4 Commission, the Applicant to deliver all the
5 materials translated into Spanish back on
6 September 11th, 2012. I did not recall the
7 Commission directing the Applicant to do such
8 and ask Staff to pull the transcript for the
9 September hearing.

10 At the September 6th hearing, Vice
11 Chairperson Cohen asked Mr. Glasgow to assure
12 that people were aware of what the Applicant
13 was doing and that they understood it because
14 she thought there was a bit of misunderstanding
15 from what she had read in the record.

16 Mr. Glasgow then responded back to
17 the Vice Chair and asked -- mr. Glasgow then
18 asked if Vice Chair Cohen was asking if certain
19 portions of the submittals should he translated
20 and the Vice Chair strictly said, responded,
21 she would leave it up to his judgment as to what
22 should be translated. At no time did the

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1 Commission direct the Applicant to translate
2 every filing.

3 I just wanted to clarify that for
4 the record. So, I think that his request falls
5 short. I don't think it's something that we
6 need to take up and I would deny that request
7 and proceed with the schedule in front of us.

8 Vice Chair Cohen, did you want to
9 mention anything?

10 VICE CHAIR COHEN: I just wanted to
11 tell you, Mr. Chairman. I appreciate your going
12 back to the record to check that out. I hate
13 being misquoted and misunderstood and I think
14 I was pretty clear. But somebody did not think
15 I was.

16 So, thank you for looking into that.

17

18 CHAIRMAN HOOD: Okay. Seems
19 that's the way of the day now. You have to go
20 back to the transcript and make sure that we
21 done get misquoted.

22 Okay. Ms. Schellin, do we need to

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1 do anything else?

2 SECRETARY SCHELLIN: No, sir, not
3 on that one.

4 CHAIRMAN HOOD: On Zoning
5 Commission Case 10-32?

6 SECRETARY SCHELLIN: The second
7 item, no action is needed. I just wanted to
8 have on the record in case anyone was looking
9 for the revised campus plan per the order in
10 this case. The order does state that, I
11 believe, it's within 30 days of the order that
12 a revised campus plan would be filed. The
13 Applicant and several of the parties filed a
14 joint request for an extension which was granted
15 until November 20th. And I just wanted to have
16 that stated on the record so that if anybody
17 was listening or watching or was here that they
18 would know that an extension was granted.

19 CHAIRMAN HOOD: Okay. Do we have
20 anything else?

21 SECRETARY SCHELLIN: No, sir.

22 CHAIRMAN HOOD: Okay. I would just

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1 ask. I'm going to ask OAG, colleagues, to find
2 out if it's permissible for us to go to some
3 of those -- maybe one or two of those Office
4 of Planning presentations, not that we're going
5 to present or say anything, but at least go to
6 just kind of observes. I'm not sure if that's
7 permissible, but I will ask. I'll follow up
8 with Mr. Bergstein and Mr. Ritting at a later
9 time and we will get the word out if it's
10 permissible.

11 Anything else, Commissioners?

12 Okay. I want to thank everyone for
13 their participation at this meeting. This
14 meeting is adjourned.

15 (Whereupon, the above matter was
16 concluded at 8:11 p.m.)

17

18

19

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