

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

JUNE 27, 2011

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
GREG M. SELFRIDGE., Commissioner
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

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

OFFICE OF PLANNING STAFF PRESENT:

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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.
JACOB RITTING, ESQ.

The transcript constitutes the
minutes from the Regular meeting held on June
27, 2011.

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

FINAL ACTION:

<u>Case No. 06-04B</u>	5
Result: Deferred to July 11th	
<u>Case No. 05-28E</u>	17
Result: Approved 4-0-1	18
<u>Case No. 05-28B</u>	19
Result: Approved 4-0-1	23
<u>Case No. 11-02</u>	27
Result: Approved 4-1-0 incorporating the conditions in the draft order....	76
<u>Case No. 11-02A</u>	78
Result: Approved 5-0-0, including the conditions in the order	80

CORRESPONDENCE

<u>Case No. 04-28F</u>	24
Result: Approved 4-0-1 a waiver of Section 2406.7	26

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

2 6:32 p.m.

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

5 Good evening, ladies and
6 gentlemen.

7 This is the June 27, 2011 Public
8 Meeting of the Zoning Commission of the
9 District of Columbia.

10 My name is Anthony Hood. Joining
11 me are Commissioners Selfridge, May and
12 Turnbull. We're also joined by the Office of
13 Zoning staff Ms. Schellin, Office of Attorney
14 General staff Mr. Ritting and Mr. Nagelhout,
15 Office of Planning -- you know, it's nice.
16 Everybody here I know tonight. DDOT's not
17 here. Office of Planning staff Ms.
18 Steingasser and Mr. Lawson.

19 Copies of today's meeting agenda
20 are available to you and are located in the
21 bin near the door.

22 We do not take any public

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1 testimony unless the Commission requests
2 someone to come forward.

3 Please be advised that this
4 proceeding is being recorded by a court
5 reporter and is also webcast live.
6 Accordingly, we must ask you to refrain from
7 any disruptive noise in the hearing room.
8 Please turn off all beepers and cell phone.

9 Does the staff have any
10 preliminary matters?

11 MS. SCHELLIN: No, sir.

12 CHAIRMAN HOOD: If not, let us
13 proceed with the agenda. Okay.

14 First, relating to Final Action.
15 This is Zoning Commission Case No. 06-04B
16 Florida and Q Street, LLC - two-year PUD time
17 extension at Square 3100. Ms. Schellin?

18 MS. SCHELLIN: Yes, sir. This is,
19 as you said, a request from the Applicant for
20 a two-year PUD time extension. They've given a
21 reason for requesting this as an inability to
22 obtain financing.

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1 We have at Exhibit 5 an OP report
2 that recommends approval.

3 At Exhibit 7 we have ANC 5-C's
4 report that recommend approval but for a
5 shorter period of time and they go on to
6 explain why they're making that
7 recommendation.

8 At Exhibit 8 we have a letter from
9 the Applicant that responds to ANC 5-C's
10 report.

11 We'd ask the Commission to
12 consider this request.

13 CHAIRMAN HOOD: Okay.

14 Commissioners, we have the request before us.

15 We also have a supplemental report from
16 Office of Planning which states this Applicant
17 has demonstrated evidence of good cause for
18 the extension. And OP recommends that the
19 Commission grant the extension requested for a
20 period of two years until June 15, 2013.

21 We also had a request that came in
22 this evening, which I had in front of me

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1 earlier, from Chairperson Edwards, thank you,
2 Ms. Schellin, which he mentioned a shorter
3 time frame, and I thought I saw 18 to 24
4 months, the first page. Okay.

5 "Commission voted to support the
6 request of extension consolidated upon the
7 Applicant fulfilling an agreement to advance a
8 construction plan such that the Applicant must
9 file an application for a building permit
10 within the next six to twelve months." Okay.

11 "And agree to commence construction by
12 December 31st, 2012 or no later than June
13 15th, 2013."

14 So we have a number of issues in
15 front of us. I will tell you that I was not
16 aware of ANC 5-C's position until I came in
17 this evening, and I'm sure all of us received
18 that this evening.

19 So, let me open it up for
20 discussion.

21 And I actually found my copy.

22 Thank you.

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1 Any discussion or do we need time?

2 COMMISSIONER MAY: Mr. Chairman?

3 CHAIRMAN HOOD: Commissioner May?

4 COMMISSIONER MAY: I don't have a
5 particular position at this moment, but I have
6 to tell you that when I read the initial
7 submission or what we received in our packet
8 justifying the time extension, I found it to
9 be a bit light compared to what we've been
10 requesting of PUD Applicants in the recent
11 past and particularly in cases, I think, when
12 something has been extended once already. So,
13 I mean, that was just my initial reaction to
14 it so I guess I'm not that surprised that
15 there was some similar concern on the part of
16 the ANC. And the fact that the Office of
17 Planning supports the request, that's pretty
18 generic support. It didn't say much about the
19 reasons why, I guess. But the fact that the
20 Office of Planning does put their support
21 behind it, it has certainly some significance
22 because they should have their finger on the

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1 pulse of a very developed property in the
2 District.

3 So, anyway, like I said, I don't
4 really have a specific position staked out
5 yet, I'm just the simple fact of the ANC's
6 concerns I'm not sure what to make of it. I'm
7 not so much sure what more we need to ask for.

8 I know that in the past we did ask
9 for a lot more specific information in one
10 case, and we got it. And I would not be
11 opposed to making a request to the Applicant
12 before we rule on this matter.

13 CHAIRMAN HOOD: Thank you,
14 Commissioner May. I would agree in light of
15 what we received this evening. When I look
16 through this, it's pretty much general like we
17 normally say the recession, how the economy's
18 doing, and also I would look behind Tab C, as
19 was noted in the submission from the
20 Applicant, that there's an affidavit from
21 Monty Burhan on behalf of Florida & Q Street
22 and it goes on to talk about -- I highlighted

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1 this one actually in particular. It says:
2 "There's no financial advantage to Florida & Q
3 Street, LCC to continue to carry this property
4 and not have it redeveloped. Therefore, we
5 have every incentive to develop the site when
6 financing is obtained." And then it says
7 "Unfortunately," something we've heard before,
8 "the lenders and capital sources that we
9 contacted were not willing to refinance,
10 invest or fund major land development
11 proposals thus far." I think we're starting
12 to transition out of that, but I'm not going
13 to say that this particular Applicant is not
14 having any problem.

15 But in light of what we received
16 from the ANC who is now asking us, I thought I
17 saw 18 to 24 months but I see here it's six to
18 twelve months. And the problem I see if we do
19 six months -- I mean if we do anything what
20 the ANC is asking, I would rather entertain 12
21 months. Because what will happen in six months
22 we'll be right back here doing the exact same

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1 thing and we want to make sure we try to be
2 fair to all parties involved. Or even if we
3 do 12 months, we might be back here doing the
4 same thing. But as Commission May has
5 mentioned, and right now my mind is undecided
6 with this late submission that came in.
7 Because I know community folks, we want to
8 have some predictability. And obviously, if we
9 need to ask for some information, then ask for
10 it. As Commissioner May has already mentioned,
11 we usually ask for a little bit more.

12 And what got me kind of over that
13 hurdle was the affidavit. Because when I
14 looked through the package I saw an affidavit.
15 I said "Okay, they really have the intention
16 of developing the site." And I think they
17 tried to address their case behind Exhibit C,
18 and also in their first page.

19 But anyway, let me hear from some
20 other Commissioners. Let's open it up.

21 COMMISSIONER TURNBULL: Well, I
22 would agree with you. I think six months is

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1 totally a non-starter. I don't think anybody
2 can work with that. And even a year is going
3 to be tight I think, too. But I'm willing to
4 entertain it for a while.

5 And again, I don't know how much
6 more information we're going to get but we
7 could -- Commissioner May's right. We have
8 had substantial more information on a lot of
9 the other PUDs that have asked for extensions.

10 COMMISSIONER SELFRIDGE: Mr.
11 Chairman, I could support the two year
12 extension, frankly, but would certainly be
13 open to requesting more information from the
14 Applicant.

15 Like you, I saw the affidavit and
16 I think that they've made good faith efforts
17 to get the financing. And we've seen it time
18 and time again even in my short time up here
19 that it's been a difficult market for some of
20 these projects. So, I think if we want to get
21 more information, then certainly we can
22 request it but I would think that we would

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1 find ourselves back here addressing this
2 application again if we make the time period
3 too short.

4 CHAIRMAN HOOD: Okay. So do we
5 want to hold off on this until we get
6 additional information? Okay. So, I'm
7 hearing that we want to hold off until we get
8 additional information.

9 Also, I'm going to ask the
10 Applicant to work with the ANC and address
11 some of the -- give them a level of confidence
12 or at least try to work to a level of
13 confidence in what we see here tonight. And
14 also give us some additional information.

15 Commissioner May, do we need to
16 give -- I guess in terms of -- well, they know
17 what we ask for. I mean this legal counsel
18 has been down here enough, they know exactly
19 what we ask for when we ask for additional
20 information.

21 COMMISSIONER SELFRIDGE: Mr.
22 Chairman, I would just say that, you know the

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1 statement that I found kind of weak in the
2 affidavit and it's also in the letter from
3 Solomon is that -- it basically says that
4 we've sought funding from a number of lenders
5 and investors to refinance current invest or
6 provide development financing for the project,
7 some of the groups that we have talked to
8 include PMC Bank, BB&T, M&T and Eagle Bank and
9 that's kind of the extent of it. I mean,
10 that's not a very detailed statement, there's
11 not a detailed statement about what's already
12 been invested in this.

13 You know, we've gotten information
14 like that in the past and I think that, you
15 know I'm just looking for a stronger showing
16 that the Applicant is really very serious
17 about pursuing funding and pursuing the
18 development. And so I think that's sort of
19 the weak point in the argument for me. I don't
20 think it should be that difficult to provide,
21 so hopefully the Applicant can do that in
22 short order and we can act on this.

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1 CHAIRMAN HOOD: So we will hold
2 off on this request, and I will again ask that
3 the Applicant work along with the ANC and,
4 hopefully, come back down holding hands and we
5 won't have to be faced with whether do a year
6 or two years, or make that decision.

7 So, Ms. Schellin, we will put this
8 on our next meeting, which if you can give us
9 a date.

10 MS. SCHELLIN: July 11th.

11 CHAIRMAN HOOD: July 11th at 6:30.
12 Hopefully, is that enough time for the
13 Applicant and the ANC?

14 MS. SCHELLIN: Do you want to go
15 with that or with the 25th? Okay.

16 CHAIRMAN HOOD: Is that okay with
17 the ANC also?

18 MS. SCHELLIN: July 11th?

19 CHAIRMAN HOOD: Let me hear from
20 my colleagues.

21 COMMISSIONER MAY: You know, I
22 think this requires a special effort on the

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1 part of the Applicant and perhaps on the ANC
2 as well. So, I would be inclined to try to
3 move it along quickly.

4 CHAIRMAN HOOD: Okay.

5 MS. SCHELLIN: July 11th then.

6 CHAIRMAN HOOD: July 11th it is.
7 Hopefully, the ANC can have a special public
8 meeting to address this issue.

9 MS. SCHELLIN: And Chairman Hood,
10 just to make sure and I showed the Applicant
11 that the Commission did have it in front of
12 them, that attached to the Applicant's
13 supplemental that you received this evening
14 was a copy of the letter from the District
15 Department of Environment. I just wanted to
16 assure them that you do have that.

17 CHAIRMAN HOOD: Yes, we do.

18 Okay. So we'll take this up July
19 11th, and we hope the ANC can have a special
20 public meeting.

21 Okay. Let's move right along.
22 Next on the agenda is Zoning Commission Case

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1 No. 05-28E. This is Lano Parcel 12, LLC &
2 D.C. {Primary Care Association - PUD
3 Modifications at Square 5055. Ms. Schellin?

4 MS. SCHELLIN: Yes, sir. This is
5 before the Commission for final action, and
6 the only additional submission before the
7 Commission since proposed action is an NCPC
8 report at Exhibit 60. NCPC has stated in their
9 report that they have no issues.

10 CHAIRMAN HOOD: Okay.
11 Commissioners, we have a draft order in front
12 of us, and as Ms. Schellin's already stated,
13 Exhibit 60, I believe. NCPC has noted that
14 they adversely affect any other federal
15 interests, it's already stated.

16 So, Commissioners, any comments?
17 And I think we flushed a lot of this one out
18 when we did proposed, I believe. Any
19 comments?

20 COMMISSIONER MAY: I don't recall
21 that we were awaiting further information on
22 this. I think this was all hashed out pretty

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1 thoroughly when we took proposed action.

2 CHAIRMAN HOOD: Okay. If there's
3 no unreadiness --

4 COMMISSIONER MAY: Would you like
5 a motion?

6 Go ahead.

7 COMMISSIONER TURNBULL: Mr. Chair,
8 I would like to move approval of Application
9 5-28E only as to the request to modify the
10 first stage PUD for the DCPCA property and the
11 request to modify the first stage PUD and
12 related Map amendment for the CCDC property,
13 and look for a second.

14 COMMISSIONER MAY: Second.

15 CHAIRMAN HOOD: Okay. It' been
16 moved and properly second. Any further
17 discussion? Are we ready for the question?
18 All those in favor aye.

19 ALL: Aye.

20 CHAIRMAN HOOD: Not hearing any
21 opposition, Ms. Schellin, would you record the
22 vote? And do we have a proxy?

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1 MS. SCHELLIN: Not on this; he did
2 not participate in this case.

3 Staff would record the vote four-
4 to-zero-to one to approve final action in
5 Zoning Commission Case No. 05-28E as
6 Commissioner Turnbull stated. Commissioner
7 Turnbull making the motion, Commissioner May
8 seconding, Commissioners Hood and Selfridge in
9 support, Commissioner Schlater not present not
10 voting.

11 CHAIRMAN HOOD: Okay. Next Zoning
12 Commission Case No. 05-28B. This is the D.C.
13 Primary Care Association - 2nd stage PUD &
14 Related Map Amendment at Square 5055. Ms.
15 Schellin?

16 MS. SCHELLIN: Yes, sir. On this
17 case we also have an NCPC report at Exhibit
18 65. Again, no issues.

19 And then at Exhibit 67 we have a
20 supplemental report from DDOT.

21 CHAIRMAN HOOD: Okay. I want to
22 make sure; some of this runs together

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1 sometimes. This is not dealing with the
2 Community College of the District of Columbia
3 because that's not involved with this case.
4 This is only the Primary Care Association?
5 Okay. I just wanted to make sure.

6 Okay. Let me open it up for
7 discussion. Is there any discussion?

8 COMMISSIONER MAY: Again, I don't
9 think that there were outstanding issues that
10 we are looking for from the Applicant between
11 proposed action and final.

12 CHAIRMAN HOOD: Okay. And I think
13 that one of us asked for some information from
14 DDOT. And DDOT has completed the traffic
15 signal construction work. I think the
16 question came about what is going on. I'm not
17 sure who it was.

18 COMMISSIONER SELFRIDGE: I think
19 that was more related to the CCDC application
20 which 05-28C there was some discussions about
21 the loading, I believe. So I think we're going
22 to get that, hopefully, response from DDOT

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1 prior to that.

2 CHAIRMAN HOOD: Okay. Because
3 they have in their letter, we need to note
4 that they have --

5 MS. SCHELLIN: This was requested
6 also

7 CHAIRMAN HOOD: For this case?

8 MS. SCHELLIN: Yes.

9 CHAIRMAN HOOD: Okay.

10 MS. SCHELLIN: For this case, this
11 was requested also.

12 COMMISSIONER MAY: But what we
13 received -- I mean this is in the more general
14 -- I think we wanted assurance from DDOT that
15 they've done all that they could to finish the
16 improvement project that had been built in
17 that area and that the signals have been set
18 up properly and so on because the project kind
19 of hinges on the proper functioning of the
20 Burroughs Ave/Kenilworth intersections and all
21 that complicated stuff that was recently
22 rebuilt there.

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1 CHAIRMAN HOOD: So this basically
2 came in every case, obviously. So, let me just
3 do it for this case and so note and we'll save
4 a copy and read it again the next time.

5 It basically says exactly what
6 was our discussion. "DDOT has completed the
7 traffic signal construction work at Nannie
8 Helen Burroughs." And I'm paraphrasing, it
9 should be noted that the westbound vehicle
10 traffic at Nannie Helen Burroughs may continue
11 to experience some small delays because of
12 intersection construction that happened at
13 Minnesota Avenue and Nannie Helen Burroughs.
14 But in summary recommendation DDOT remains
15 very supportive of a proposed DCPCA in the
16 Parkside neighborhood. The work associated
17 with the signal timing changes, new signs and
18 new intersection pavement markings has been
19 addressed by DDOT Operations staff.

20 And that is dated June 20th, 2011.
21 And even though this has Zoning Commission
22 Case No. 05-28B, the one we're taking up now,

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1 I believe this is germane to the whole gamut,
2 the whole piece in all cases.

3 Okay. Anything else,
4 Commissioners? Okay. If I don't hear
5 anything else, we can entertain a motion. We
6 have a proposed order in front of us.

7 We've already mentioned NCPC. And
8 we also had a response to the order. I think
9 everything is in place, so we hashed a lot of
10 this out during proposed action. So I would
11 move that we approve Zoning Commission Case
12 No. 05-28B and ask for a second.

13 COMMISSIONER TURNBULL: Second.

14 CHAIRMAN HOOD: It's been moved
15 and properly second. Any further discussion?
16 Are we ready for the question?

17 All those in favor?

18 ALL: Aye.

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

22 MS. SCHELLIN: Yes. Staff records

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1 the vote four-to-zero-to-one to approve final
2 action in Zoning Commission Case No. 05-28B.
3 Commissioner Hood moving, Commissioner
4 Turnbull seconding, Commissioners May and
5 Selfridge in support. Commissioner Schlater
6 not present, not voting.

7 CHAIRMAN HOOD: You know what I
8 would like to do? I know I should have
9 mentioned this earlier. I would like to,
10 let's take out the correspondence item right
11 quick because I think it's going to give a
12 little more time on the final action. And if
13 we could just do that right quick,
14 Commissioners. Okay.

15 Give Ms. Schellin a moment to move
16 her papers around also.

17 Okay. Let's go right to
18 correspondence. Zoning Commission Case No.
19 05-28F this is Lano Parcel 12, LLC request to
20 waive 2406.7, Ms. Schellin?

21 MS. SCHELLIN: Yes, sir. This is
22 a new case that was filed today and the

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1 Applicant has made a request for the
2 Commission to waive the requirements of 2406.7
3 which requires the applicants to file -- to
4 send out a Notice of Intent to owners within
5 200 feet a notice of their intent to submit an
6 application at least ten days before doing so.

7 And this letter from the Applicant states
8 that they sent the notice out four days before
9 submitting their application and so therefore
10 they're asking for a waiver from this
11 requirement. And so it asks the Commission to
12 please consider this request.

13 CHAIRMAN HOOD: Thank you, Ms.
14 Schellin.

15 We have a request in front of us.
16 And as mentioned, the requirement is 14 days,
17 this Applicant has only done four days. And a
18 lot of it stems from conversations we've had
19 here on the dias. So, I would be in favor of
20 voting to waive, and what gave me the comfort
21 level is I look at some of the charettes, I
22 think they're planning to have at least three

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1 charettes. So that gave me a comfort level in
2 making sure that the community is notified.
3 Not only is notified, but also being involved
4 with the construction or the production of the
5 process. So I would recommend that we move in
6 favor of granting this request for the waiver
7 of 2406.7, and I would move that we grant the
8 waiver of 2406.7 in Zoning Commission Case 05-
9 28F and ask for a second.

10 COMMISSIONER MAY: Second.

11 CHAIRMAN HOOD: Moved and properly
12 second. Any further discussion? You ready
13 for the question. All those in favor aye.

14 ALL: Aye.

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

18 MS. SCHELLIN: Yes. The staff
19 records the vote four-to-zero-to-one to grant
20 the waiver from 2406.7 in Zoning Commission
21 Case No. 05-28F. Commissioner Hood moving,
22 Commissioner May seconding, Commissioner

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1 Selfridge and Turnbull in support,
2 Commissioner Schlater not present not voting.

3 CHAIRMAN HOOD: Okay. Besides the
4 Campus Plan and the Further Processing, Ms.
5 Schellin, do we have anything else before us
6 tonight?

7 MS. SCHELLIN: No, sir.

8 CHAIRMAN HOOD: Okay. We don't
9 have a status report? Okay. Good. Now we
10 can focus just on that.

11 And, Commissioners, we're not
12 going to rush. We have 32 hours, because we
13 don't normally get out until 10:30; we're not
14 going to rush through this. You know, I was
15 just joking, actually, but let's take our time
16 because there were a lot of issues. We've
17 heard a number of campus plans and when you
18 hear a number of them, I'll be honest with
19 you, some of them run together. So what we're
20 going to do is take our time and make sure we
21 focus on what we have in front of us.

22 Now, I'd like to do the proposed

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1 orders, stem from that, and we can raise some
2 of the issues and concerns to see if it gives
3 anyone pause. But I was glad to hear, or glad
4 to read at least it looks as though when I
5 look at ANC 3F's Exhibit 54, which is dated
6 June the 20th, and the statement simply says:

7 "The Zoning Commission should be pleased to
8 find that ANC 3F has agreed to most of the
9 conditions of the Campus Plan proposed by
10 UDC." But then it goes on to say at the
11 second Zoning Commission hearing it was asked
12 to continue to work together and then it says
13 "Unfortunately, ANC 3F is unable to report
14 favorable meetings with the UDC since the
15 second hearing because ANC 3F has not had the
16 opportunity to meet with UDC to discuss the
17 additional points raised in the second
18 hearing. UDC declined our request to meet
19 with them. ANC 3F also requested a meeting
20 with DDOT to discuss its proposed traffic
21 demand management conditions, but DDOT
22 declined a meeting with ANC 3F."

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1 So, that's kind of where we're
2 going to start. Let's get to the proposed
3 order. We have a proposed order from --

4 COMMISSIONER MAY: Mr. Chairman,
5 where are you reading from?

6 CHAIRMAN HOOD: This came from ANC
7 3F, it's dated June 20th and it's Exhibit 54.

8 COMMISSIONER MAY: Okay. Thank
9 you.

10 CHAIRMAN HOOD: And it goes on to
11 talk about some of the conditions. What
12 confused me for most of it, I didn't know
13 which ones they agreed on and which ones they
14 didn't. So I kind of put question marks on
15 the ones I thought were suitable and the ones
16 I thought were asking a little much. So we
17 can just open it up.

18 Let's start with our proposed
19 order first.

20 And also, I want to find the
21 Office of Planning's report. Just give us a
22 moment.

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1 Okay. Let's start out,
2 Commissioners, with the proposed order.

3 I will tell you something else
4 that was given to us, I can't put my hand on
5 it right now. Someone asked for the
6 violations on the streets, the RPP within the
7 area. And that was provided to us by the --

8 MS. SCHELLIN: Exhibit 47, DDOT's
9 report.

10 CHAIRMAN HOOD: I know I saw.
11 But, anyway, it had quite a few violations and
12 it kind of depicted -- I'm not sure who
13 exactly asked for that.

14 Thank you, Ms. Schellin.

15 I think some of the opposition
16 raised issues about parking problems that
17 they're having. And I think that UDC also
18 mentioned that they were going to curtail
19 their costs for parking. And, again, our job
20 is to try to make sure that the plan does not
21 cause objectionable consequences to the
22 surrounding neighborhood.

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1 Actually, when Ii saw this, and I
2 can't remember what their plan was, but I
3 remember another university had a specific
4 plan which I think has been very successful.
5 And I would implore or ask UDC to look at that
6 plan and maybe institute that. Not that I'm
7 going to ask them to take it full fledged, but
8 American University has a plan. I don't like
9 to get in and talk about other campuses, but
10 they have a parking plan that think actually
11 works, at least so far from the testimony I've
12 received actually works. And I'd like for UDC
13 to look at that and see what can we do to help
14 mitigate some of the objectionable impacts of
15 the surrounding neighborhood.

16 Let me start with that. Does
17 anyone have any unreadiness or problems with
18 that, agree, disagree?

19 COMMISSIONER MAY: Well, on that
20 particular motion?

21 CHAIRMAN HOOD: Just on that.

22 COMMISSIONER MAY: Yes. I think

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1 generally speaking I would agree with that
2 concept. I mean, I don't think that the
3 problem in this circumstance is perhaps as
4 difficult as it is in the vicinity of American
5 University. But regardless, the fact that they
6 have that plan for dealing with parking in the
7 neighborhood I think is significant.

8 And what I'm looking for is an
9 indication from the Applicant of what they
10 plan to do. And I thought we had that in the
11 most recent submission that they were --

12 CHAIRMAN HOOD: And again, they
13 need to tailor it towards UDC. That's kind of
14 what I'm asking. I'm not asking them to adopt
15 a full fledged plan that American uses, but
16 they need to tailor a plan that tailors and
17 works for UDC.

18 So I think exhibit, what it is,
19 April 28, 2011 where they talked about
20 reducing maximum campus enrollment to 6500
21 students and a head count based on 5,000
22 students on a full time equipment basis?

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1 And also, the Office of Planning
2 has a recommendation on how they count their
3 FTEs. Head counts shall include all students
4 enrolled in a creditable course. I've been
5 out of school forever, I couldn't figure out.

6 I'm going to go to Office of Planning. Ms.
7 Steingasser or Mr. Lawson, or Mr. Goldstein,
8 you want to tell me what a creditable course
9 is?

10 MR. GOLDSTEIN: This is Paul
11 Goldstein for the record with the Office of
12 Planning.

13 Actually, I believe in further
14 discussions after that language was proposed,
15 the word "creditable" was taken out. So it
16 just actually says "all courses." I believe
17 that was actually the latest language. We had
18 some questions as well about how that's
19 defined.

20 CHAIRMAN HOOD: Okay. I think the
21 community would appreciate that more because
22 it said "all courses." That means any courses

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1 that are noncredits, so that cap would
2 encompass anybody who goes to the university,
3 even if it's for -- well, I don't want to call
4 what kind of courses may be up there, but I
5 think that would encompass everybody. Okay.
6 So that's what we got. Okay. Great.

7 Commissioners, any discussion on
8 that? Any problems?

9 And it goes on to say "Head count
10 shall include all students enrolled in a
11 course at UDC." Okay.

12 And I think this has been adjusted
13 since then, "UDC reduces the proposed 8,000
14 FTEs and 10,000 head count caption nearer to
15 the anticipated student population" -- I think
16 it's the same -- "reductions of 5,000 FTEs or
17 6,500 head count."

18 And I actually think that this
19 university has the capacity, I think, of
20 14,000. I may be incorrect, but it's quite a
21 bit. It's much more than what they're asking
22 for. Any comments on that?

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1 Also, and I'm going off the top of
2 my head, I think I saw in the ANC 3F
3 submission or maybe it was Veazey, someone
4 mentioned about the dorms. And I think that
5 the objectives that we have witnesses try to
6 get all students on campus. And right now I
7 think that UDC does not have dormitories on
8 their campus, and I think this is a move in
9 the right direction to get started. And I was
10 really uncomfortable what I heard at the
11 hearing about -- I'm not sure what apartment
12 building that was. It was Van Ness South.
13 And I think my question to him was do we
14 require that for other universities of not
15 leasing.

16 And here's what I don't want to
17 do. I don't want to try the case that was
18 already heard before the Board of Zoning
19 Adjustment. That case was tried. I think Mr.
20 Selfridge sat on that case. I think some
21 information kind of takes us back to that
22 case. I think our colleagues have decided

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1 that case, and I really don't know which way
2 it went. And I don't think that it is
3 incumbent upon us to that up again.

4 So, I sat on the materials, and I
5 would tell the public we're not going to
6 readdress that issue. That issue was already
7 decided within the BZA. Okay. Any
8 disagreement?

9 COMMISSIONER SELFRIDGE: Mr.
10 Chairman?

11 CHAIRMAN HOOD: Yes, Commissioner
12 Selfridge?

13 COMMISSIONER MAY: Yes, I did just
14 want to point out as well that I think the
15 university is committed to not lease any
16 additional units in Van Ness South and slowly
17 start to wind that program down as housing
18 becomes available. So I think the university,
19 regardless of what happened at the Board of
20 Zoning Adjustment, recognizes there's an issue
21 and is working to address it. So, I do think
22 that's worth nothing.

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1 CHAIRMAN HOOD: Okay. I don't
2 want to ask you what happened. I'll find out
3 later today. I'm just curious what happened.
4 I don't know what happened.

5 But anyway --

6 COMMISSIONER MAY: Mr. Chairman?

7 CHAIRMAN HOOD: Commissioner May?

8 COMMISSIONER MAY: I just want to
9 say, you know I think that what has happened
10 with Van Ness South is clearly a bad
11 circumstance. And I think the way the
12 university went about it in subdividing the
13 apartment units to create more bedrooms made
14 the problem worse. And I think that -- I'll
15 wait for a second.

16 CHAIRMAN HOOD: I'm sorry.

17 COMMISSIONER MAY: That's okay.

18 I was just saying that Van Ness
19 South, what's happened there is clearly a bad
20 circumstance. And I think the decision by the
21 university to subdivide units in order to make
22 more bedrooms created problems that I would

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1 hope the university did not anticipate, but
2 which shouldn't have been created.

3 I think that other universities
4 when they do lease apartments, I have not ever
5 heard of them subdividing apartment units to
6 make more bedrooms. I mean, that's never come
7 up in another university case that I've been
8 part of. Not that I've been part of that
9 many, but you know a few.

10 So, I think that's a very odd
11 thing. I think that the idea of getting out
12 of Van Ness South is a commitment on the part
13 of the university is essential.

14 I don't think that we need to say
15 that there shall never ever be any off campus
16 housing, but hopefully the university is going
17 to lessen the circumstances of Van Ness South
18 and isn't going to do something that is going
19 to create a problem for the residents of that
20 building.

21 I have not gotten reports when
22 other universities rent apartments in other

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1 buildings, whether those are an inherent
2 problem. But I honestly don't recall that
3 ever being reported to us, but the mere fact
4 that there are students living in some of
5 these apartment buildings that have been
6 rented through the university automatically
7 creates a problem. I think a problem was
8 clearly created here and the university is
9 taking the right steps to address it.

10 CHAIRMAN HOOD: Okay. And again,
11 well I'm not necessarily just talking about
12 Van Ness South, I would agree and that was
13 kind of where I wanted to go. Because I do
14 not think that we cannot say that this
15 university cannot pursue this in the
16 surrounding neighborhood. I think that's what
17 we've been asked to do.

18 But I think that, again, there's
19 an opportunity here that it looks like the ANC
20 Commissioners and the other parties were
21 willing to do. There's an opportunity here,
22 so we won't go down the road that we go on

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1 some other universities and have some of the
2 difficulties that we have.

3 This right now is the first Campus
4 Plan. And I said this in the hearing, we can
5 shape and mold this one and make it right so
6 it's a win/win for everyone. That's the way I
7 see that.

8 Okay. Let's look again if nobody
9 has a problem with the duration of the 2011
10 Campus Plan, the maximum enrollment of the Van
11 Ness Campus should not exceed 6,500 students
12 on a head count basis, shall not exceed 5,000
13 students on an FTE basis.

14 Let's move. Any issues with
15 housing? The university will construct the
16 proposed on campus housing as described. And
17 one of the issues I heard was about the
18 massing and the height, and the noise and the
19 buffers. And I think this came up at the
20 hearing, we would have further processing.
21 There's a time I believe that that can be
22 revisited, and that's in a further processing

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1 case.

2 COMMISSIONER MAY: Mr. Chairman?

3 CHAIRMAN HOOD: Yes?

4 COMMISSIONER MAY: Let me just say
5 I was never particularly troubled by the
6 concerns that were raised about having housing
7 on campus. I mean, it has it on campus better
8 then, obviously, this current circumstance
9 with the housing off campus. And I think that
10 the density of what was being proposed in that
11 context was not inherently objectionable.

12 I am a little bit concerned about
13 the campus becoming too crowded because I
14 think in the long run it does not help
15 universities when they try to cram too much
16 stuff into the space that they have. They
17 need to maintain that campus atmosphere and
18 they can't become -- I mean, there's always a
19 risk that they try to jam too much stuff in.
20 But I think that what is being proposed for
21 the Campus Master Plan level I think is
22 appropriate. I'm not too concerned about it

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1 being too close to more of this because I
2 think the fact that there are other
3 institutional uses that immediately surround
4 the university I think provide a significant
5 buffer. And I think, again as you said, when
6 we get to the further processing of it we can
7 take care to make sure that the buildings or
8 building their buildings are situated properly
9 and that if there are concerns on the part of
10 any of the neighbors, that they're addressed
11 in the design of those dormitory buildings.

12 CHAIRMAN HOOD: Okay. Anybody
13 else?

14 I'm just looking again at the
15 decision. I think this is excellent, and it
16 says "The University shall provide the
17 community with notice and opportunity to
18 review the proposed design of their on campus
19 housing at least 60 days prior to filing of
20 the application of further processing."

21 And I'm actually on page -- I
22 don't know what page I'm on now. I'm in the

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1 decision. I'm actually still on number two in
2 the decision. Let's look that over and make
3 sure.

4 And this goes to your point as
5 mentioned, Commissioner May, or maybe
6 Commissioner Selfridge. "The University shall
7 lease no more than 31 units in Archstone Van
8 Ness Apartment Complex." I think that was in
9 an agreement that's been worked out. I believe
10 I saw this in the 3F.

11 Student conduct. "All students of
12 the Van Ness Campus whether living on campus,
13 off campus in the housing leased directly by
14 the University, on or off campus and privately
15 owned or leased property shall be required to
16 comply with the University Code of Conduct."
17 And we know in some other cases, we had to
18 kind of push from here to make sure that
19 happened off campus as well as -- well, on
20 campus it was a given but off campus was not
21 as easy. And here the University saying here
22 they would do it all the way around.

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1 "Within three months of approval
2 of the Campus Plan, the University will
3 evaluate and collect input from the Task Force
4 on revisit of a Code of Conduct that will
5 address the impacts of students living on or
6 near campus." Any comments? Commissioner
7 Selfridge?

8 COMMISSIONER SELFRIDGE: I was
9 just going to say, Mr. Chairman, that I think
10 that this is a good step and it's something
11 that we should see more of that off campus
12 conduct should be similar to on campus
13 conduct. And the University should not be
14 making a distinction. So I'm glad to see that
15 and this is something that is going to go
16 forward. And as I said, I think it would be
17 great if we saw it more often.

18 CHAIRMAN HOOD: Okay.
19 Transportation and parking. "The University
20 shall manage its own campus parking supply and
21 encourage all students, faculty, staff or
22 visitors to use transit and other alternatives

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1 pursuing the occupied vehicles through the
2 implementation of the TDM measures."

3 You all need to help me with this.
4 I think someone asked for us to look at the
5 TDM measures. I'm not sure if the ANC or
6 Office of Planning. Did the Office of
7 Planning ask us to --

8 MR. GOLDSTEIN: I believe that we
9 in our original report asked that any
10 conditional TDM measures be forfeited, being
11 more certain. I don't know if we asked. I
12 think we also asked about on-street parking
13 off campus. That was early on, and I think
14 there were a number of discussions between
15 multiple parties after that about the adequacy
16 of the TDM measures.

17 CHAIRMAN HOOD: I believe if I
18 remember correctly that there was going to a
19 lowering of the fee for the garage for those
20 who -- oh, it went up? Oh. Because I have to
21 catch the Metro right there. Okay. Maybe it
22 was another case they were lowering the fee. I

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1 thought it was this one. Okay. The fee has
2 gone up.

3 MR. GOLDSTEIN: Yes. I believe
4 that their intention is to have it 80 to 90
5 percent occupied at most and to eliminate any
6 free parking.

7 CHAIRMAN HOOD: Oh, the parking
8 was free?

9 MR. GOLDSTEIN: Yes. At least at
10 certain times, I believe it was.

11 CHAIRMAN HOOD: Okay. Okay. The
12 parking was free. So now they're going to
13 have to pay, and I guess the community is
14 saying -- well, I don't want to put no words
15 in their mouth. But I thought we were trying
16 to get people from not parking on the streets
17 around the area. I thought that's what the
18 goal was.

19 COMMISSIONER MAY: Mr. Chairman,
20 you know this is sort of a troubling aspect of
21 the whole case because on the one hand people
22 are advocating that there is not enough

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1 parking being provided and for that reason
2 that people are parking in the neighborhood,
3 and that's only going to go up as the Campus
4 Plan is realized. But at the same time the
5 neighbors who are objecting to the amount of
6 traffic that will be generated by the Campus
7 Plan over a period of time.

8 And so one way to make sure that
9 the traffic stays down is to make sure that
10 the parking stays limited and that you manage
11 the parking demand through TDM. And I think
12 that is the right way to go. And I think that
13 part of managing TDM is increasing parking
14 fees so that people are less encouraged to
15 drive.

16 I mean, if you have a choice
17 between paying market rate for parking or
18 having to walk three walks and possibly get a
19 ticket or take the Metro, hopefully people are
20 going to chose to take the Metro instead. The
21 University is taking other measures such as
22 publicizing that for even events and many

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1 other University uses of their facilities that
2 there would be no parking available so that
3 people don't drive to an event at the ballroom
4 and the student center, and things like that.

5 So, you know I think that the
6 right approach is transportation demand
7 management. I think that aggressive good
8 neighbor parking policy on the part of the
9 University so that University affiliated cars
10 are aggressively ticketed in the neighborhood;
11 I mean all of those things I think are a way
12 to manage the issue and allow the growth in an
13 area that is well suited for it. I mean, the
14 proximity of the Metro and the availability of
15 buses along Connecticut Avenue, I mean these
16 are all things that in the long line make this
17 a good place for an urban campus with good
18 transit connections and that's what should be
19 emphasized, not ample parking. Especially not
20 ample cheap parking.

21 CHAIRMAN HOOD: And if I would
22 just read what I have in front of us, I

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1 probably would answer some of my own questions
2 that I'm trying to do off the top of my head.

3 Number 15, it says: "The
4 University shall require all students, faculty
5 and staff to park in University or other
6 commercial parking facilities on or near the
7 Van Ness Campus.

8 The University shall prohibit to
9 the extent permitted by law students from
10 parking on residential streets adjacent to the
11 surrounding Van Ness Campus. To accomplish
12 those purposes the University shall employ
13 of system of administrative actions, penalties
14 and fines for violations of this policy."

15 You know, I see this and I want to
16 make sure that, again, some of this stuff has
17 been proffered in other cases. And what we
18 hear all the time when people come back ten
19 years later, like I said that once, this stuff
20 never happens. So we have the golden
21 opportunity here with UDC to make this happen,
22 and actually be the model for some of the

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1 other universities that have really not made
2 good on some of these promises. So I think we
3 have an opportunity here.

4 I won't be here two years now with
5 Commissioner May, but we have a golden
6 opportunity to make this work, and I can
7 emphasize that.

8 Okay. Anything else under
9 transportation and parking?

10 And also, what I've been doing
11 Commissioners, I've been looking back at some
12 of the comments we got from, like, ANC 3F, Van
13 Ness South and you know trying to go back and
14 forth. And it's not the easiest job. And see
15 if anything rise to the level of anything we
16 may want to add from what 3F has said.
17 Because a lot of this stuff, I think some
18 things they have agreed upon and some things
19 they have not.

20 COMMISSIONER SELFRIDGE: I think
21 it's work nothing as well, Mr. Chairman, that
22 the Applicant did look at the Nelson/Nygaard

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1 report and respond to it, which is something
2 that we did ask them to do. I think we all
3 felt like there were some good suggestions and
4 ideas in there.

5 So, I don't know that I have it
6 all completely processed, but there is a
7 point-by-point response to Nelson/Nygaard
8 study and there is some adoption of some of
9 their recommendations as well.

10 CHAIRMAN HOOD: The Applicant has
11 adopted some of that, and I would agree.

12 For improvements, and a lot of
13 this is stated in the order subject to funding
14 and some of this goes into the student center
15 final issuance of the C of O for the student
16 center. "The University shall use good faith
17 efforts to work with District agencies and
18 other stakeholders to promote the construction
19 of improvements to the intersection of Veazey
20 Terrace with Connecticut Avenue" as shown in
21 our Exhibit K of the University submission
22 behind Tab K.

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1 I guess this is a good time,
2 because I think this follows, ANC 3F has asked
3 us, and I think this was asked also in the --
4 the issue was why was -- and I think there's a
5 legal reason, which I'm not sure, but why was
6 Building 52 a commercially zoned building
7 currently housing Wilson High School students
8 plays an important role in the UDC campus?

9 To make a long story short, I
10 think ANC 3F or the community wants to know
11 Building 52 should be incorporated as far as
12 part of the Campus Plan, and accordingly by
13 subjects or conditions that the campus is also
14 subject to. I think there's a legal reason,
15 am I correct, why that's not --

16 MS. NAGELHOUT: From what I
17 understand, Building 52 is located in a
18 commercial zone and Section 210 applies in a
19 resident zone. It's similar to the current AU
20 Law School, which is up the street on
21 Massachusetts. So the law school and
22 Georgetown Law School, those are not

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1 considered a part of the campus because those
2 happen to be a greater distance away than
3 Building 52. But Building 52 maybe a better
4 analogy would be the properties that GW has on
5 K Street which are also commercially zoned.

6 CHAIRMAN HOOD: And it looks like
7 they have Wilson High School, and forgive me
8 for not being up on the school stuff, but it
9 looks like that Wilson is usually in that
10 building anyway, Wilson High School.

11 MS. NAGELHOUT: They are this
12 year. I think they'll be leaving. They
13 weren't there last year and I don't think
14 they'll be there next year.

15 CHAIRMAN HOOD: They have a brand
16 new school to go to.

17 If we say something wrong up here,
18 our decision is not going to be based on that.

19 And I'm just saying this to everyone who may
20 want say he's got it wrong. They will make
21 sure the law is correct, and what we're doing
22 is just deliberating. Whether Wilson is there

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1 next year or not there, or whether they're
2 there now; that will not have any major -- the
3 issue was whether or not that building should
4 be included in the campus. It was not
5 proffered, it was not offered. As stated,
6 it's in a commercially zoned building and as
7 already stated, our regulations require us to
8 deal with the stuff in the residential zone.
9 That's kind of where we are, am I correct?

10 Okay. That's important.

11 MS. NAGELHOUT: A University use
12 is permitted as a matter-of-right in a
13 commercial zone and that's why they don't go
14 through the Campus Planning process.

15 CHAIRMAN HOOD: Okay.

16 MS. NAGELHOUT: As long as it's a
17 matter-of-right use, it's a matter-of-right
18 use.

19 CHAIRMAN HOOD: Okay. All right.

20 I just wanted to respond to a couple of the
21 things that were in the submissions from the
22 ANC office.

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1 Okay. Community outreach. I
2 think they have a liaison group or they have
3 instituted a liaison group. Let's see.

4 "Within one month of approval of
5 the Campus Plan the University shall establish
6 a task force that included representatives
7 from the University, ANC 3F, residents of the
8 surrounding Van Ness and North Cleveland Park
9 neighborhoods including residents of both the
10 single-family neighborhoods and high rise
11 buildings near campus."

12 "The University shall keep minutes
13 of all task force meetings as well as a log of
14 all attendees." Okay. Great.

15 "Within one month of each task
16 force meeting the University shall circulate
17 the minutes of the meeting to ANC 3F." I
18 don't think -- I know there's not a number.
19 It's good to have one or two from each party
20 of interest, but I would just implore -- and
21 I'm telling anybody how to do it, we just want
22 it to work. You don't want 50 people on this

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1 task force because we won't get anything done.

2 So, I don't see a number.
3 Typically they say seven or nine, or probably
4 no more than maybe 11. But that's just me
5 talking off the cuff. But I can tell you that
6 you don't need a whole lot of people, and
7 please make sure that -- I should don't do
8 that, Ms. Perry, but Ms. Perry and I know each
9 other. Please make sure that Ms. Perry and
10 others are involved, that ANC 3F is involved
11 in that group. Please do that for me.

12 Okay. Anything else community
13 outreach?

14 COMMISSIONER MAY: Mr. Chairman?

15 CHAIRMAN HOOD: Mr. May?

16 COMMISSIONER MAY: Yes. I think
17 that generally speaking there has been
18 substantial contact between the University and
19 the neighbors in the development of the Campus
20 Plan. I would not say that it has been
21 perfect by any stretch, but I think it's been
22 substantial.

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1 I also think we've seen enough
2 where the University is still trying to figure
3 out how to do it properly. And one example
4 that stands out for me, and this is less to do
5 with the Campus Plan, but the notification
6 that's required by law when they lease space.

7 So I mean at least the apartments they were
8 required to notify the ANC, by law they should
9 have done that. I don't know whether they did
10 or they didn't. We didn't get a -- well, it's
11 the implication or what I have read seems to
12 indicate that they don't know for sure whether
13 it was or wasn't done or that if it wasn't
14 done, they don't know exactly why it wasn't
15 done. In any case, it should have been done
16 and whether or not it was it not really a
17 zoning issue except to the extent that it
18 indicates that there's a need for
19 communication that has to be addressed by the
20 University. And the University has an
21 affirmative obligation to make sure that the
22 neighbors are well informed of all the things

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1 that its going to do that have the potential
2 to affect the neighbors. And it goes beyond
3 whatever is in the order, but I think that
4 they really need to live up to not just the
5 letter of the zoning decision, but the spirit
6 of it and make sure that there's good
7 communication with the ANCs and that there's
8 good outreach, and that things are going in a
9 timely fashion because ANCs operate on a
10 regular cycle. And, you know you can't always
11 run to them at the last minute and expect to
12 get meaningful feedback. And it takes a while
13 for people to observe things. You know, ANC
14 representatives are volunteers and the people
15 who go and attend them are giving of their own
16 time. And you can't always get the focus that
17 you need first time around; you got to go out
18 multiple times. You got to make sure that
19 people are well informed. I think the
20 University needs to make a better effort in
21 that regard.

22 CHAIRMAN HOOD: Along with -- I

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1 remember at the hearing asking I think it was
2 Ms. Perry, or someone, they were talking about
3 her communicating with Thomas Redmond and Ms.
4 Jumper. And I think I asked did the person
5 follow up with you. And I think that they
6 have been very responsive to some points, but
7 I was kind of dismayed to see that at the
8 second meeting UDC declined to meet. I'm not
9 saying that they did, but that's what was
10 written. And I was just kind of hoping that
11 maybe we consider that because that meeting
12 might have happened like the first meeting.
13 The first meeting when you start reading
14 something and everybody was agreeing and
15 you're saying "Oh, this is going to be an easy
16 day." So it'll be good that, hopefully, those
17 meetings can still happen irregardless of how
18 this is moved, whether it be this evening or
19 whenever, hopefully those meetings could still
20 take place.

21 Okay. Anything else on that
22 subject?

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1 Future campus plans. Commissioner
2 May, you'll be here in 10 years, did you want
3 to respond to that? It's saying to the Campus
4 Plan, at least 60 days -- I think I already
5 mentioned this. Sixty days prior, the
6 announcement says at least 60 days prior to
7 the community kickoff meeting for the planning
8 process, ANC 3F with its Notice of Intent to
9 commence the planning process for any future
10 Campus Plans at least 60 days prior to the
11 community kickoff.

12 Basically, I guess that's bringing
13 the community in a lot sooner as opposed to
14 later in the process. And as you said,
15 Commissioner May, this is the first one and
16 hopefully in the years to come it will get
17 better.

18 Okay. Next is the student center
19 design. Any comments?

20 COMMISSIONER MAY: First, I'd like
21 to say that I'm grateful that we've gotten
22 more embedded information about the design of

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1 the building as the hearing went on, including
2 information that was received most recently in
3 our packets.

4 This is the sort of information
5 that I think we need to see at the beginning.
6 So, again, I guess it's a learning experience
7 of the University to try to give us the kind
8 of information that we need to understand
9 exactly what's going on with the project and
10 understanding the spaces that are being
11 created in the process.

12 And I mean, I'll let the further
13 reviews of this -- I mean, as I recall there
14 has been concept review or concept approval by
15 Commission of Fine Arts which presumably means
16 that there will be another review, and I'd
17 leave it to them to help get the refinements
18 of the design finished completely.

19 You know, there was an issue with
20 this student center sort of cutting off a
21 shortcut across the plaza. We had a diagram
22 that was submitted that shows that the

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1 existing path that makes use of that cut
2 through in the area of the student center
3 cutting across the plaza. And it's not a
4 significantly longer distance to actually walk
5 up and through the plaza and between Building
6 38 and 39 and then out to Van Ness. There's a
7 difference of 15 feet according to their
8 measurements. And actually, it's always going
9 to be a more interesting, more attractive
10 walk.

11 So, you know I don't have much
12 more to say about the design of the building
13 itself.

14 CHAIRMAN HOOD: Okay.
15 Commissioner Turnbull?

16 COMMISSIONER TURNBULL: Yes, I
17 would agree with Commissioner May. I had
18 several comments I think before about the
19 entrance and some of the other views and what
20 the materials actually look like. And the
21 drawings that we have in our package for this
22 meeting clarify a lot. I think the drawings

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1 are a lot more succinct. And I think that the
2 way they're showing the representation is a
3 lot more clear. And these are the kinds of
4 drawings that I'd really like to see. I think
5 they really define the building and I think it
6 gives us a good representation of what the
7 structure is going to look like. So, I'm very
8 happy with the material we got.

9 COMMISSIONER MAY: Mr. Chairman, I
10 just want to mention again the fact that I had
11 forgotten this because we review so many
12 projects and look at their LEED certification
13 aspirations. But the idea that the student
14 center, that they intend to design to meet
15 Platinum is pretty amazing. So, it's really
16 of note.

17 CHAIRMAN HOOD: Thank you, both,
18 thank you all for your comments.

19 I was just looking to make sure I
20 had pretty much covered. And I was looking at
21 what the Van Ness Street Residents
22 Associations had mentioned previously, and we

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1 discussed a lot of this. And it looks like a
2 lot of things have been taken, at least from
3 the way I see it, it might not be all but a
4 lot of things have been worked out with the
5 University to try to accommodate and kind of
6 take care of some of the concerns that have
7 been placed. And I'm not saying it's a 100
8 percent. I don't want anyone saying Anthony
9 Hood said it's a 100 percent, but I can tell
10 you that we're a lot closer then where we were
11 when we first started. And the University has
12 agreed now to make sure that the community
13 gets involved in the process long before they
14 get ready to start on their Campus Plan. So,
15 again, it will be a lot sooner as opposed to
16 later.

17 Anything else, Commissioners?

18 COMMISSIONER TURNBULL: Yes, Mr.
19 Chair. I wonder if we could go back just a
20 minute to the housing issue. And under five,
21 the University -- this goes back, you were
22 talking about it. "The University shall lease

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1 no more than 30 rental units in the Archstone
2 Van Ness" -- this is the Van Ness South
3 building. They'll continue to monitor.

4 Previously, though, in the
5 discussions they were talking about -- this is
6 where we talked of those 31 units, but for
7 approximately 86 students. These are the
8 rooms, or the units that have been modified,
9 and this says "in the near term." And then
10 back on in the previous section, not the one
11 that we're reading now.

12 So I'm just wondering if it means
13 in the near term is they're leaving Van Ness?

14 Is that defined or they're going to continue
15 to occupy Van Ness even after the dorms have
16 been built?

17 I mean, I'm confused at the
18 language in the order part of the document
19 talks about near term and then this talks
20 about continue to operate.

21 COMMISSIONER SELFRIDGE: I thought
22 the idea was that they would not increase it

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1 going forward. And as the dorms came on line,
2 and I forget what the actual time period was,
3 after the dorms came on line they would agree
4 to phrase it out completely.

5 In the interim, and that was for
6 Van Ness South.

7 COMMISSIONER TURNBULL: Right.

8 COMMISSIONER SELFRIDGE: In the
9 interim, though, I do believe that they were
10 leaving the option open to lease within a
11 wider geographic area outside of Van Ness
12 South. I don't know if that stayed in there
13 or not, but I think that was where they went
14 into the compromise on it. We're not going to
15 Van Ness South anymore, we can't pull them out
16 until we have on campus housing and where we
17 do go off campus, it'll be in a more dispersed
18 geographic area.

19 COMMISSIONER TURNBULL: So it's
20 your understanding that they're eventually
21 vacating Van Ness South?

22 COMMISSIONER SELFRIDGE: I think

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1 that's true. And I think it was dependent on
2 the creation of the dorms.

3 COMMISSIONER TURNBULL: Right.

4 COMMISSIONER SELFRIDGE:
5 Obviously, it's going to take a while to get
6 those built. But once that happens, then
7 they're out.

8 COMMISSIONER TURNBULL: Okay. The
9 other thing is that under B "The University
10 shall be permitted to lease additional units
11 and other buildings up to a total of no more
12 than 100 units." And I'm just concerned with
13 Mr. May's, because what he mentioned before,
14 about how the units have been modified to have
15 additional rooms in them. What those 100
16 units actually translate to as far as an FTE
17 student.

18 You know, are we concerned more
19 about them modifying -- we have other where
20 they're privately owned and they've been
21 modified. And I don't want to open up a can
22 of worms, but 100 units that they're going to

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1 have a master lease on, are they going to be
2 separately leased and are these being modified
3 to take three students each, four students
4 each? I'm just concerned about the impact on
5 the neighborhood, I guess.

6 COMMISSIONER MAY: You know, I
7 thought I had a pretty good understanding of
8 what they were intending to do. And in our
9 draft order it says: "The University shall
10 terminate the leasing of its units at Van Ness
11 South in coordination with the completion of
12 the on campus housing."

13 "Shall honor these leases prior to
14 the first full semester during which the on
15 campus housing is in operation. If permitted
16 under the terms of the lease, the University
17 shall remove the internal walls that were
18 constructed by the University in those units."

19 So they're going to restore them to their
20 original condition.

21 But I think that the idea the
22 University might continue to lease additional

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1 units in other buildings, no more than 100
2 units within a mile of the Van Ness Campus and
3 provide on resident advisor for eight units to
4 serve as an administrative presence, I mean I
5 think they're doing the right things to be
6 able to make sure that they don't create an
7 objectionable circumstance when they --

8 COMMISSIONER TURNBULL: Yes, I
9 guess I was just concerned about the Van Ness
10 situation that developed, it's not going to be
11 repeated someplace else.

12 COMMISSIONER MAY: Right. I
13 believe the University has learned its
14 lesson--

15 COMMISSIONER TURNBULL: I would
16 hope so.

17 COMMISSIONER MAY: -- not to
18 subdivide the units and also that they've
19 learned that they need to provide sufficient
20 oversight.

21 COMMISSIONER TURNBULL: Yes.

22 COMMISSIONER MAY: Okay.

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1 CHAIRMAN HOOD: And I think
2 Commissioner May has captured that very well
3 in the order that has already been read, "The
4 University shall be permitted to lease
5 additional units in other buildings up to a
6 total of no more than 100 units within a mile
7 of the Van Ness Campus mile." So I think that
8 gives me a comfort level.

9 But I do want to bring up
10 something that I was reviewing. The Van Ness
11 Street Resident Association's findings of
12 facts. And I can remember the noise -- I
13 think they mentioned the noise. I can't
14 remember if it was from the student center or
15 was it from the dorms?

16 MS. SCHELLIN: It was from the
17 dorms.

18 CHAIRMAN HOOD: It was from the
19 dorms. And was this where they're talking
20 about building? And every time I go out 50,
21 you know you're going out 50 you're going to
22 Annapolis or wherever, you see those things on

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1 the side of the highway, the sound barriers.
2 Was that this case? I want to make sure I'm
3 in the right case. Was that this case? Oh,
4 wrong case. Okay. Disregard that. Okay.
5 Just forget it. Disregard it; wrong case.

6 Okay. I'll save those comments
7 for that case then. Okay. I'm in the wrong
8 case. Okay. I'm sorry.

9 Sometimes this does run
10 altogether. I just wanted to make sure we had
11 addressed it, and I thought maybe I misread
12 what Van Ness Street Residents put in their
13 findings. So, forgive me. But they did talk
14 about noise.

15 COMMISSIONER MAY: Mr. Chairman.

16 CHAIRMAN HOOD: Commissioner May?

17 COMMISSIONER MAY: You know, we
18 received this additional submission that
19 addressed where the housing might be. And I
20 think its useful because it gives you a
21 pictorial representation of the distance
22 between the housing zone, if you will, under

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1 the plan and the residences. And you've got
2 International Drive and International Court
3 and the buildings that those include as a
4 buffer. Plus, you're going up hill. And it's
5 at least 500, by my just scaling it visually,
6 600 feet -- 600 feet from the student housing
7 to the nearest private home. You know, I
8 think that that's a substantial distance, and
9 I think that to the extent to which there
10 needs to be further treatment of the site with
11 trees or what have you for treatment of the
12 buildings when they are designed so that, you
13 know there may be operable windows but they're
14 going to be limited in their operation so that
15 you don't get a lot of sound coming out, you
16 know I think those are all things that can be
17 addressed in the further processing to make
18 sure that there's not an objectional impact.

19 I mean, I think this is actually
20 quite a good situation where you have the
21 university's housing separated from homes from
22 more than 600 feet. You know, we're dealing

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1 with other universities where their dorms are
2 backup right against homes, and that's not the
3 case here.

4 CHAIRMAN HOOD: I would agree.
5 And I actually like the layout. I don't know
6 if I said this, but I actually like the layout
7 and utilization of what UDC has done with what
8 they had to work with, and they have a whole
9 lot. But I'd like to lay about what they had
10 to work with. I'm just hoping they continue
11 to work with the community, those that can be
12 impacted if any impacts exist to some degree
13 to make sure we minimize any discomfort for
14 those residents who reside in that area.

15 Anything else, Commissioners? I
16 am just about through. I don't know, did we
17 leave anything else out that we should be
18 discussing?

19 Do we have a proxy on this?

20 MS. SCHELLIN: On both.

21 CHAIRMAN HOOD: On both? Okay.

22 Are we finished? Take your time.

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1 We got 22 more hours, 3 hours actually. I
2 want to make sure we get it right as close as
3 possible.

4 Okay. For the Campus Plan,
5 Commissioners, I would move approval with any
6 additional comments that we mentioned in our
7 deliberation or discussion on Zoning
8 Commission Case 11-02 University of District
9 of Columbia's Campus Plan 2011-2020 Campus
10 Plan and ask for a second.

11 COMMISSIONER MAY: Second.

12 CHAIRMAN HOOD: It's been moved
13 and properly second.

14 MS. SCHELLIN: Commissioner Hood,
15 your motion incorporates the conditions
16 mentioned in the draft order that you were
17 just discussing?

18 CHAIRMAN HOOD: Oh, yes, all the
19 conditions included, everything incorporated
20 in our discussion. Yes.

21 MS. SCHELLIN: Okay.

22 CHAIRMAN HOOD: Did I leave

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1 anything out, other than the conditions?

2 Okay. All right. Let me do it again.

3 Let me move approval of Zoning
4 Commission Case 11-02 University of District
5 of Columbia Campus Plan 2011-2020 Campus Plan
6 which incorporates everything discussed as
7 well as the conditions within the draft order,
8 and ask for a second.

9 COMMISSIONER MAY: Second.

10 CHAIRMAN HOOD: It's moved and
11 properly second. Any further discussion?

12 COMMISSIONER MAY: Woops.

13 CHAIRMAN HOOD: These two guys to
14 the right, they confuse me every night.

15 COMMISSIONER MAY: I'll withdraw
16 my second if Mr. Selfridge would like to.

17 COMMISSIONER SELFRIDGE: Mr.
18 Chairman, I would like to second.

19 CHAIRMAN HOOD: Okay. So it's
20 been moved and properly second. Any further
21 discussion? Are you ready for the question?
22 All those in favor aye?

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1 ALL: Aye.

2 CHAIRMAN HOOD: Not hearing any
3 opposition, Ms. Schellin, would you record the
4 vote with the proxy?

5 MS. SCHELLIN: Yes. Staff would
6 record the vote four-to-one-to-zero to approve
7 the final action in Zoning Commission Case No.
8 11-02. Commissioner Hood moving, Commission
9 Selfridge seconding, Commissioners May and
10 Turnbull in support, Commission Schlater
11 opposed by absentee ballot.

12 CHAIRMAN HOOD: Was there any
13 reason behind that? Is there a statement?

14 MS. SCHELLIN: He thought it
15 needed more work. Needed more specific
16 answers on the dorm location and massing,
17 tennis courts should be open to the public. He
18 agreed with some of the ANC TDM measures. And
19 he agreed with Councilmember Cheh on the
20 master leasing restrictions.

21 CHAIRMAN HOOD: Okay. At least
22 that last park, I know at least the University

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1 has agreed to handle that situation.

2 And I know we just made the
3 motion, but did we deal with the tennis
4 courts? I saw a submission in there. And we
5 know what other universities do. That would
6 kind of let me back off of that tennis court
7 issue when I look at what other areas do.

8 COMMISSIONER MAY: As I understand
9 it, I mean there was some discussion of what
10 it does in comparison to what other
11 universities do in terms of their facilities.

12 And also I think the University has offered
13 to rent the tennis courts on an hourly basis.

14 I'm not exactly sure how they manage that,
15 but it is a way of making it more accessible.

16 I don't think that it's reasonable
17 to require that universities keep them wide
18 open for all public use.

19 CHAIRMAN HOOD: And when I look at
20 the comparison of what other universities are
21 doing, that's what made me back off this
22 issue.

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1 Okay. Okay. So we voted for the Campus
2 Plan in the affirmative. Commissioner
3 Selfridge opposes it. Oh, I'm sorry, excuse
4 me. Excuse me. Schlater. Forgive me.

5 Now let's look at further
6 processing. I'm going to associate my
7 comments about the new student center with
8 Commissioner May. And looking at the design,
9 I just talked about design, I don't know how
10 you reorient the student housing. Anyway, but
11 I'm going to associate myself with
12 Commissioner May in the design of the student
13 center. I think it's going to be a big asset
14 to this university. And I think the latest
15 craft, at least when I see it -- we had a lot
16 of advise to the Applicant about things on the
17 University, but I think the way this is
18 crafted I think the first floor and what it's
19 going to be used for and open to the public
20 and all the amenities that's going to be
21 happening in that building. I wasn't sure
22 whether they said they're going to have ANC

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1 meetings in there or not, I'm not sure about
2 all that. But I'm just saying that. But
3 again, I'm sure that UDC so far it looks like
4 they have been a good neighbor and it looks
5 like they're going to continue to do that.

6 So, any other discussion on the
7 further processing of the new student center?

8 Okay.

9 Anybody want to make a motion?

10 COMMISSIONER TURNBULL: Mr. Chair,
11 I would like to make a motion that we approve
12 Zoning Commission Case No. 11-02A, University
13 of the District of Columbia further processing
14 of the 2011 Van Ness Campus Plan to construct
15 a new student center, and ask for a second.

16 COMMISSIONER SELFRIDGE: Second.

17 MS. SCHELLIN: Mr. Turnbull, I
18 assume your motion includes the conditions
19 mentioned in the order as well?

20 COMMISSIONER TURNBULL:
21 Absolutely. Yes. I apologize for not
22 mentioning. You want me to redo it.

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1 CHAIRMAN HOOD: Just redo it.

2 COMMISSIONER TURNBULL: Including
3 -- I amend my motion to include all of the
4 items issued in the order.

5 COMMISSIONER SELFRIDGE: Second.

6 CHAIRMAN HOOD: It's been moved
7 and properly second. Any further discussion?

8 All those in favor aye.

9 ALL: Aye.

10 CHAIRMAN HOOD: Not hearing anyone
11 present in opposition, Ms. Schellin, would you
12 record the vote and read the proxy?

13 MS. SCHELLIN: Yes. Staff would
14 record the vote five-to-zero-to-zero to
15 approval final action in Zoning Commission
16 Case No. 11-02A. Commissioner Turnbull making
17 the motion, Commissioner Selfridge seconding,
18 Commissioners Hood and May in support,
19 Commissioner Schlater in support by absentee
20 ballot.

21 CHAIRMAN HOOD: Okay. Ms.
22 Schellin, do we have anything else before us?

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1 MS. SCHELLIN: That's it.

2 CHAIRMAN HOOD: Okay. Again,
3 while it might not have been all one person's
4 way, some people may feel one way and some
5 another, I will tell you that we see a lot of
6 campus plans, especially lately, and this is a
7 good one. Let's not have this go in the other
8 direction. Let's continue to work together as
9 a community and a university and make it work.

10 Okay. With that, this meeting is
11 adjourned.

12 (Whereupon, the Regular Meeting of
13 the Zoning Commission was adjourned at 7:57
14 p.m.)

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