

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

```

=====┐
IN THE MATTER OF:           :
                               :
GEORGETOWN UNIVERSITY      :   Case No.
                               :
CAMPUS PLAN 2011-2020     :   10-32
=====┘

```

Thursday,
June 20, 2011

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 10-32 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD SCHLATER, Vice Chairman
GREG SELFRIDGE, Commissioner
PETER MAY, Commissioner (NPS)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON

The transcript constitutes the minutes from the Public Hearing held on June 20, 2011.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

TABLE OF CONTENTS

Case Number 05-28 Parksides
Residential, LLC..... 4

Vote to Approve Emergency Meeting..... 5

Case Number 10-32 Georgetown University
Campus Plan 2011-2020..... 7

Preliminary Matters..... 10

Discussion of Continuance..... 11

Vote to Approve Continuation..... 56

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

2 6:33 p.m.

3 CHAIRMAN HOOD: We're going to go
4 ahead and get started. I want to beg
5 everyone's indulgence. We have a preliminary
6 issue that we need to deal with prior to
7 beginning tonight's hearing.

8 As Chairman for the Zoning
9 Commission for the District of Columbia and in
10 accordance with 407 of the Open Meetings Act
11 of 2010, I move that the Zoning Commission
12 hold a closed emergency meeting on Thursday,
13 June 23rd, 2011 for the purpose of seeking
14 legal advice from our counsel on Case Number
15 05-28 which is the Parkside Residential, LLC
16 per 405(b)(4) of the Open Meetings Act of
17 2010.

18 Is there a second?

19 COMMISSIONER MAY: Second.

20 CHAIRMAN HOOD: Will the secretary
21 please take a roll call vote on the motion
22 before us now that it has been seconded?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. SCHELLIN: Yes. Chairman
2 Hood, how do you vote?

3 CHAIRMAN HOOD: Yes.

4 MS. SCHELLIN: Commissioner
5 Schlater?

6 VICE CHAIRMAN SCHLATER: Yes.

7 MS. SCHELLIN: Commissioner
8 Selfridge?

9 COMMISSIONER SELFRIDGE: Yes.

10 MS. SCHELLIN: Commissioner May?

11 COMMISSIONER MAY: Yes.

12 MS. SCHELLIN: Commissioner
13 Thornbill not present. So, the motion passes.

14 CHAIRMAN HOOD: Okay. As it
15 appears that the motion has passed, I hereby
16 give notice that the Zoning Commission on
17 Thursday, June 23rd at 6:00 p.m. will hold a
18 closed emergency meeting in the Office of
19 Zoning Conference Room pursuant to the Open
20 Meetings Act of 2010.

21 A written copy of this notice will
22 be posted in the Office of Zoning Public

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Reading Room.

2 Ms. Schellin, do we have anything
3 else before us?

4 MS. SCHELLIN: No, sir, we can go
5 into the hearing.

6 CHAIRMAN HOOD: Okay. Thank you .
7 That ends that portion. Let's go right into
8 the hearing tonight.

9 Good evening, ladies and
10 gentlemen. This is the public hearing of the
11 Zoning Commission for the District of Columbia
12 for Monday, June 13, 2011.

13 My name is Anthony Hood. Joining
14 me this evening are Vice Chairman Schlater,
15 Commissioner Selfridge and Commissioner May.

16 We're also joined by the Office of
17 Zoning Staff Ms. Sharon Schellin. Also, the
18 Office of Planning -- well, the District
19 Department of Transportation and I think soon
20 to be joined by the Office of Planning.

21 I'm going to ask Mr. Jennings
22 until I become familiar with names if you can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 introduce those that are with you now.

2 MR. JENNINGS: Sure. Thank you,
3 Chairman Hood.

4 For the record, my name is Jeff
5 Jennings. I work for the District Department
6 of Transportation.

7 Joining me tonight to my left is
8 Sovmya Dey. He's an engineer for the District
9 Department of Transportation and to Sovmya's
10 left is A-Wasim Raja, also a traffic engineer
11 for the District Department of Transportation.

12 CHAIRMAN HOOD: Okay. Thank you,
13 Mr. Jennings and eventually, I'll get all of
14 DDOT. Because I knew Mr. Parker, but he's
15 sitting out in the audience. But, we will get
16 it together.

17 This proceeding is being recorded
18 by a court reporter and is also webcast live.

19 Accordingly, we must ask you to refrain from
20 any disruptive noise or actions in the hearing
21 room.

22 The subject of this evening's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 hearing is Zoning Commission Case Number 10-
2 32. This is a request b y Georgetown
3 University for special exception relief
4 pursuant to 210 and 31 04.1 of the Zoning
5 Regulations.

6 Tonight's hearing is a
7 continuation of the June 6th hearing on this
8 case and is limited in its scope to DDOT
9 issues.

10 Notice of today's hearing w as
11 published in The D.C. Register on January
12 28th, 2011.

13 The hearing will be conducted i n
14 accordance with the provisions of 11 DCMR 3117
15 as follows: DDOT report, cross examination of
16 DDOT by parties, limited presentation related
17 to DDOT issues by parties, rebuttal and
18 closing by the Applicant.

19 All persons appearing before the
20 Commission are to fill out witness cards and I
21 will move on for some of that. W e've been
22 here enough. So, we kno w what the procedure

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 is.

2 The decision of the Commission in
3 this case must be based exclusively on the
4 public report and to avoid any appearance to
5 the contrary, the Commission requests that
6 persons present not engage members of the
7 Commission in conversation during a recess or
8 anytime.

9 The staff will be available
10 throughout the hearing to discuss procedural
11 questions.

12 Please turn off all beepers and
13 cell phones at this time so as not to disrupt
14 these proceedings.

15 Would all individuals wishing to
16 testify please rise to take the oath?

17 Ms. Schellin, would you please
18 administer the oath?

19 MS. SCHELLIN: Yes.

20 Please raise your right hand.

21 Do you solemnly swear or affirm
22 the testimony you'll give this evening will be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the truth, the whole truth and nothing but the
2 truth? Thank you.

3 CHAIRMAN HOOD: Great. Thank you.

4 At this time, the Commission will consider
5 any preliminary matters.

6 Ms. Schellin, does the staff have
7 any preliminary matters?

8 MS. SCHELLIN: Yes, sir, as a
9 preliminary matter, you have before you a
10 request from the Applicant at Exhibit 279 for
11 a request for a continuance and that
12 originally was a request to a date specific
13 September 19th.

14 Subsequent to that, we received at
15 Exhibit 291 a memo from DDOT agreeing to the
16 continuance. However, they feel that the
17 continuance should be to October.

18 Then the Applicant filed a letter
19 at Exhibit 318 agreeing with DDOT to continue
20 the case to October. Specifically requesting
21 October 24th as the date.

22 We have from two of the parties

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from Mr. Hinds at Exhibit 310 opposition to
2 the request for a continuance for both
3 Burleith Citizens Association and the Citizens
4 Association of Georgetown.

5 So, the Commission would ask the
6 -- I'm sorry. The staff would ask the
7 Commission to consider the request for a
8 continuance.

9 CHAIRMAN HOOD: I thought you were
10 going to say the Commission would ask staff.
11 We were staff.

12 MS. SCHELLIN: No, we don't have
13 that much power.

14 CHAIRMAN HOOD: Let me also
15 mention that we've been joined by the Office
16 of Planning Staff Ms. Steingasser and Mr.
17 Lawson.

18 CHAIRMAN HOOD: Okay. Colleagues,
19 we have a request for a continuance as Ms.
20 Schellin has already mentioned. That's our
21 Exhibit 279. I'm sure we've reviewed that in
22 our packet and it goes into the university has

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 reviewed the DDOT report dated June 14th, 2011
2 and I don't need to read it because we've
3 already read it.

4 And then we also have -- well, I
5 don't want to -- but, the issue for me is we
6 have one party or two parties, the Citizens
7 Association of Georgetown and Burleith
8 Citizens Association, who go on to say in
9 their exhibit which is -- I think this is 310
10 that traffic issues were not a major issue.
11 It's the campus plan and I'll read it straight
12 from their letter.

13 "The Commission can separate
14 transportation issues from all other issues
15 raised by the campus plan and address those
16 issues in October. University adverse impacts
17 on traffic are parking availability in the
18 surrounding communities."

19 And they go on to say "CAG and
20 BCA, therefore, request that the Commission
21 concludes the hearing tonight." Which is June
22 20th.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 What I'd like to do at this time
2 is to ask ANC 2E those who have not responded
3 -- we don't need to hear from Citizens
4 Association of Georgetown and Burleigh. I
5 would like to ask ANC 2E, 3D and Foxhall, do
6 they have any objection to the request.
7 First, have they seen the request and do they
8 have any objection to it.

9 We're start with you, Mr. Lewis ,
10 and I ask Ms. Haas to come up and Mr. Avery.

11 You will have approximately two
12 minutes to expound on the issue before us
13 tonight, Mr. Lewis.

14 MR. LEWIS: Thank you, Chairman
15 Hood and Members of the Commission.

16 We oppose this request. We have
17 waited a long time to wrap this case up.
18 We've been talking to the university for two
19 years. They waited until December 30th, the
20 day before their old plan expired, even to
21 file their plan.

22 They came in with an inadequate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 transportation report which DDOT pointed out
2 and assured us at the most recent hearing that
3 they could fill in the gaps in the time that
4 they requested to do it. They didn't do it
5 and now, they're asking to put this over until
6 the fall.

7 Meanwhile, they are uncapped fo r
8 graduate students and for nontrad itional
9 undergraduates because they are u nder their
10 old plan and if history is any guide, they are
11 taking full advantage of that and loading up
12 on graduate students and nontraditional other
13 categories and will soon tell us that that
14 becomes their new baseline.

15 We need to bring this to a
16 conclusion and so, our first position is deny
17 this. DDOT itself has a plan B in thei r
18 filing which is if you deny it, there are
19 certain conditions that we could put in the
20 final order that would d eal with
21 transportation.

22 Other things are really in D DOT's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 bailiwick more than the Commission's. For
2 example, the left turn permission or refusal
3 to permit in the a.m. rush hour at Canal Road,
4 that's DDOT's. They can say yes or they can
5 say no regardless of the transportation issues
6 in this plan and they can say where the buses
7 have to go.

8 So, our first position would be
9 please we're due for relief. Wrap this up
10 tonight. Close the record at the end of the
11 hearing tonight.

12 Our fall back position would be
13 close the record tonight. Have rebuttal
14 tonight. Close the record except for the
15 transportation issues.

16 CHAIRMAN HOOD: Okay. Thank you ,
17 Mr. Lewis. Ms. Haas.

18 MS. HAAS: I agree with ANC 2E in
19 terms of the cap and the continuing operations
20 of the university.

21 Transportation happens to be a
22 really key issue for my neighborhood. So, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 would also support Chairman Lewis' thought
2 about allowing DDOT to review the situation
3 and make recommendations.

4 I would not -- we need some
5 thorough attention to the transportation.

6 CHAIRMAN HOOD: Okay. Thank you .
7 Mr. Avery.

8 MR. AVERY: Yes. Thank you. We
9 basically agree with the positions of our
10 sister associations and the ANCs.

11 As you probably guessed, our main
12 focus is on the loop road. It is our
13 understanding that that really is an issue not
14 so much with the volume of traffic, but where
15 the particular road is place. That does not -
16 - and DDOT has indicated because that's on
17 private property, that is not a DDOT issue.
18 So, we don't see how the DDOT report
19 particularly influences that decision.

20 We further believe that all of the
21 evidence on that aspect has been presented or
22 will be presented by the end of today and we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 would favor closing the record tonight on that
2 particular issue. We don't see anything, an
3 advantage, that might come forward.

4 As Ron Lewis has said, they've had
5 an opportunity since January to present
6 evidence to us on how this road will not cause
7 damage and not be objectionable. If that
8 evidence hasn't been produced, it doesn't
9 require a DDOT report, doesn't require
10 anything from Government. If it hasn't been
11 produced by tonight, it shouldn't be part of
12 the record.

13 So, we would support closing the
14 record tonight.

15 If it were continued narrowly for
16 transportation issues, we would certainly
17 favor that it be restricted to that.

18 There is one issue that they do
19 propose a noise report in their rebuttal. Our
20 view would be that that noise report that they
21 propose to do if it hasn't been done by
22 tonight, they've had ample opportunity to do

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 it. It shouldn't be include d as part of the
2 record.

3 If you do grant a continuance on
4 that, we would ask that there be ample time
5 prior to the October hearing for us to be able
6 to respond to it. We'd request that they do
7 that report within -- so that we would have
8 two months -- by two months prior to that
9 hearing so we would have ample time to
10 respond.

11 Thank you.

12 CHAIRMAN HOOD: Okay. All right.

13 Thank you.

14 Commissioners, is ther e any
15 questions of the three parties who did not
16 submit anything in writing.

17 Okay. Thank you, three. We
18 appreciate it.

19 Does the Applic ant have -- would
20 like to briefly respond t o all of the
21 responses? Are you goi ng to respond to the
22 one in writing?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Commissioner May.

2 COMMISSIONER MAY: Mr. Chairman ,
3 before we go there, what about the Office of
4 Planning? Do we want to hear what the Office
5 of Planning --

6 CHAIRMAN HOOD: Must we hear from
7 them? If you want to hear from the Office of
8 Planning, we'll hear from them.

9 COMMISSIONER MAY: Okay.

10 CHAIRMAN HOOD: But, I think this
11 was a DDOT -- going back and forth with DDOT.
12 I'm not sure. Is the Office of Planning
13 requesting a continuance also?

14 I just want to make sure I
15 understand what's going on.

16 MS. STEINGASSER: The Office of
17 Planning is not directly affected by the
18 request. So, we would support the
19 opposition's suggestion to bifurcate and close
20 the hearing to all other aspects except for
21 the transportation and allow for only the
22 transportation element to continue.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Okay.
2 Commissioner May, is that -- okay. Great.

3 Ms. Dwyer.

4 MS. DWYER: For the record,
5 Maureen Dwyer with Goulston a nd Storrs a nd
6 with me is Dave Avitabile.

7 We very much request a
8 continuance. We believe that we have
9 consistently tried to provide the requested
10 information that DDOT has asked for from our
11 consultants.

12 We believe and we thought as of
13 Monday of last week that we were very close to
14 reaching agreement on certain issues and we
15 were very surprised by the report that came
16 in.

17 Nonetheless, we feel that we have
18 a real opportunity to work together over the
19 next couple of months and address the
20 transportation issue and I think everyone
21 agrees that transportation is a big issue and
22 it may affect the location of the loop road.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 It may affect other aspects of the campus.
2 So, I don't think you can separate that out
3 and say the rest of the campus remains the
4 same.

5 The additional time would also
6 enable us to work with the Office of Planning.

7 There's still some question about how we
8 count our enrollment and some disagreement on
9 that methodology. So, that purpose would be
10 served as well.

11 As you can see in our filing, we
12 are also proposing a community counsel that
13 would be facilitated by a facilitator and we
14 plan to have those meetings over the summer.
15 So, again, it provides an opportunity for
16 the parties to get together and maybe resolve
17 some of the issues.

18 And we just feel that it provides
19 an opportunity for all of us to come together
20 to talk a little bit more, come up with
21 creative solutions and come back to you with a
22 plan that addresses transportation, addresses

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the loop road, provides the additional
2 information you requested, the noise study and
3 other information in a much more comprehensive
4 and cohesive manner.

5 CHAIRMAN HOOD: Okay. Thank you ,
6 Ms. Dwyer.

7 And one of the concerns I t hink
8 you heard from Mr. Lewis is that if we
9 continue this to October, the n -- let me ask
10 this. Will Georgetown University commit to a
11 stay? I mean in other words, nothing else
12 moves. We don't do anything until we hash
13 this out in October.

14 MS. DWYER: Well, on the
15 enrollment issue, all of the offers and
16 acceptances are done in the s pring and early
17 summer. So, the number of students on the
18 campus has been set for many months. These
19 additional two months are not going to affect
20 that.

21 CHAIRMAN HOOD: Okay. S o, let me
22 see. School starts when? In August. I've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 been out for one or two years.

2 MS. DWYER: School starts the en d
3 of August. Yes.

4 CHAIRMAN HOOD: Okay.

5 MS. DWYER: And so, the students
6 have already gotten their roommates, their
7 room assignments, their on-campus housing, the
8 course registration. That was all done many,
9 many months ago.

10 So, we don't have a n opportunity
11 now to pac k in additional students and we
12 would not.

13 VICE CHAIRMAN SCHLATER: How do
14 you determine who to take off the wait list?

15 MS. DWYER: You know, there' s a
16 set number that the university works with and
17 I would ask the university I guess to stay
18 with the same number that they had used --
19 they had in the past. The same enrollment cap
20 that they had from the prior campus plan
21 order.

22 VICE CHAIRMAN S CHLATER: Well, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 think that's the concern. Is that if you're
2 operating under the prior enrollment cap you
3 could potentially increase the numbers of
4 undergraduates and graduates from prior years.

5 MS. DWYER: I guess I'd have to
6 get more information from the university on
7 where they are with their graduate numbers,
8 but I know that they always have operated for
9 the last ten years under the undergraduate
10 cap. So, I can't answer in terms of the
11 graduate numbers, but I know that the
12 undergraduate numbers cannot be increased
13 beyond that.

14 And we are --

15 CHAIRMAN HOOD: Question.

16 MS. DWYER: All the commitments
17 that we put in our filing last week, the daily
18 trash collection, the additional MPD patrols,
19 all of that is being put in place for this
20 fall semester. So, we're not holding off.
21 Those are all commitments that we have made
22 and are being put in place now.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: And I think it was
2 Mr. Avery who said if we were to gra nt a
3 continuance, even th ough I know he was
4 reluctant or against it a nd I don't want to
5 put words in his mouth, b ut that they can
6 continue to work with the university or the
7 university work with them. I think that's
8 kind of where you were going.

9 Continue to work on issues even
10 though I would actually agree, Commissioners,
11 that we take the recommendatio n of Ms.
12 Steingasser to narrow the scope.

13 Because I can tell you, we know
14 who's in opposition. You know, t hose letters
15 keep coming in individually, individually. We
16 know that there's plenty of opposition o ut
17 there. We go t that and we know there's
18 minimum support. We g ot all that. So, we
19 don't need anymore of that. We got that.

20 We need to ge t to the basic
21 fundamental issues of how we can all close
22 this or how this can w ork or how it cannot

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 work. That's kind of where I am now.

2 So, I would be inclined,
3 Commissioners, first of all to take Ms.
4 Steingasser's suggestion or I don't want to
5 just put it on her. I actually was going to
6 recommend something similar to that to begin
7 with.

8 That we just basically narrow it
9 down. If we do the continuance, that we just
10 narrow it down. Narrow the scope to just
11 specifically transportation and transportation
12 only and close the record just for parties to
13 respond. Okay.

14 MS. DWYER: Yes, Mr. Chairman, it
15 would be transportation and then our rebuttal
16 and closing statements.

17 CHAIRMAN HOOD: Okay. And
18 whatever else.

19 MS. DWYER: Right.

20 CHAIRMAN HOOD: But, just limit it
21 to the parties.

22 MS. DWYER: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Okay. O kay. Let
2 me finish. I see the two people who I just
3 gave rights to respond just raise their hands
4 and I think that's how we're going to leave
5 that. So, that's all right. I mean I'll hear
6 from you later, but let's proceed now.

7 Any other questions of Ms. Dwyer
8 while she's at the table? Okay. Thank you.

9 MS. DWYER: If I could just make
10 one other statement.

11 CHAIRMAN HOOD: Sure.

12 MS. DWYER: We are looking at
13 another alternative for the loop road. We
14 have not stopped that analysis. We provided
15 for the record all of the alternatives that we
16 have studied, but we don't want to close that
17 and we want the opportunity if we can come up
18 with a configuration that does not involve
19 going down the western end of the campus to be
20 able to present that as part of our rebuttal.

21 CHAIRMAN HOOD: Okay. Anybody?
22 Any questions?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE CHAIRMAN SCHLATER: I'm a
2 little confused. Just if the Applicant comes
3 back on issues outside of transportation a
4 couple of months from now and softens its
5 position say on residential -- you know, on
6 undergraduate housing, we're open to that I
7 would imagine.

8 So, what are we specifically
9 closing the record to?

10 MS. DWYER: Well, I would just say
11 that rebuttal is a response like that to
12 everything we've heard. So, to the extent we
13 can do more in terms of a loop road or we can
14 do more in terms of housing or we can do more
15 in terms of measures for off-campus student
16 life, that is our rebuttal and we are working
17 strenuously on that.

18 CHAIRMAN HOOD: I think any -- let
19 me clarify that, Vice Chairman Schlater. At
20 least from my standpoint, I think anything
21 that is germane to the parties I would like to
22 keep open. Especially transportation. If

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 something's worked out for loop road with Mr.
2 Avery, you work something out, that's fine.
3 We get that respond.

4 The other things just hearing from
5 individuals -- and I would also employ or ask
6 parties -- I mean individuals or parties not
7 to take individual statements to give them to
8 us. Believe me, this record is full. We have
9 a lot of stuff to read and we're trying to
10 capture everything.

11 So, now, I just think any response
12 we get now needs to be between the university
13 and parties and when the parties speak, I
14 would hope that they would speak not from an
15 individual person who asks you to pass this up
16 to Commissioner May or somebody and would
17 speak for the party as a whole. That's kind
18 of where I am.

19 MS. DWYER: And we would agree to
20 that. Yes.

21 CHAIRMAN HOOD: I was hoping that
22 would agree to it. So, Commissioner May.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER MAY: Yes, Mr.
2 Chairman, just to clarify. I mean I think
3 this is fairly normal procedurally for us to
4 close the record for certain comments. We're
5 not looking for general comments anymore.

6 You know, we're going to have a
7 delayed discussion on transportation and the
8 record is only open for the information
9 relating to that topic and then if in
10 rebuttal, proposals come up, the parties will
11 have the opportunity to respond to those
12 alternative proposals.

13 I mean that's sort of the normal
14 process for resolving things. I don't think
15 we're doing anything unusual by suggesting
16 that we would close the record for the general
17 comments and then allow parties to respond,
18 you know, as needed during the rebuttal
19 process.

20 CHAIRMAN HOOD: Okay. I think
21 that's very well said. Thank you.

22 So, anything else of Ms. Dwyer or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Mr. Avitabile, Commissioners? Okay.

2 Thank you both.

3 Mr. Lewis, I really wanted to go
4 ahead and us deliberate, but is it something
5 important? Something germane to what I just
6 said?

7 MR. LEWIS: Clarification.

8 CHAIRMAN HOOD: Okay. Come to the
9 table.

10 MR. LEWIS: Are we saying that
11 they will or won't present the rebuttal case
12 tonight based on what they've already filed?

13 We would like that to be done and
14 our response and close the record on that.

15 CHAIRMAN HOOD: I think that's
16 what we're getting ready to deliberate on.
17 We're going to determinate on the whole
18 continuous issue.

19 MR. LEWIS: Okay.

20 CHAIRMAN HOOD: And how we're
21 going to proceed.

22 MR. LEWIS: I understand.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: So, just hold
2 tight.

3 MR. LEWIS: Thank you.

4 CHAIRMAN HOOD: I think the answer
5 to your question will be very shortly.

6 MR. LEWIS: Thank you.

7 CHAIRMAN HOOD: Okay. All ri ght.
8 Commissioners, we have a request in front of
9 us basically for transportation. You heard
10 others who would like for us to proceed just
11 with rebuttal.

12 As far as I'm c oncerned, I think
13 it's a complete package. I would not be
14 willing to separate it out. I think when we
15 heard final rebuttal, I would like to have
16 transportation in it.

17 But, I think what is key for me is
18 when I look at the request. A continuance can
19 be -- now, these are the experts and we fuss
20 sometimes when DDOT don't give us reports and
21 we get it. You know, they're the experts.
22 They're the ones that I think about when I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 traffic. I will be frankly honest, but it
2 says here in Exhibit 291, "A continuance can
3 be beneficial and result in a more
4 comprehensive report from the Applicant that
5 will address the outstanding issues as noted
6 in our memorandums dated June 2nd and June
7 14th."

8 If you will notice, I'm going off
9 the top of my head, but I believe the
10 Applicant had requested that we continue this
11 hearing in September.

12 DDOT wanted to get a track record.
13 The way I see it is if they wanted to have
14 some data to give us, some more accurate data,
15 what real live situation that's going on there
16 and they've asked us to take it into October
17 and I think we have a date of October the
18 24th. So, as they state, and I can't say it
19 any better, it will result in a more
20 comprehensive report.

21 Now, the issue from my standpoint
22 about -- and I hate to say this because I was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- I was liking Mr. Hinds and I still do, but
2 I will tell you that the issue about
3 transportation not being important, the
4 Commission can separate transportation issues.

5 I really have it as a whole because when I
6 look at adverse impact, transportation is a
7 part of it. It's a major part for me of it.
8 So, you know, but I disagree with Mr. Hinds on
9 that.

10 Because if we were to proceed
11 today and looking at what DDOT has already
12 requested without a continuance, what I see is
13 denial. So, I think that opportunity needs to
14 be had.

15 I understand that the campus
16 plan's been around for years and people have
17 been working on this and we're here now.
18 We're here now, but can we bridge the gap.
19 So, I will be voting in favor of a
20 continuance.

21 But, let me open it up. That's
22 where I stand. I think that hopefully we can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 close the gap. We could bridge a little
2 more.

3 I know some people are probably
4 saying we've been around for years. But, the
5 Commission, we've only had it a month and a
6 half or so and now, you know, I'm not going to
7 rush to judgment.

8 But, I would like to hear a
9 comprehensive report from DDOT because traffic
10 to me is very important. Not just over in
11 Georgetown, but across the city.

12 We always are on DDOT about giving
13 us a report and I think that they have given
14 us a report and I want to honor that report
15 and that request to see what mitigation or
16 what needs to be done to try to make this
17 whole piece work. Not just the campus plan
18 without transportation, but it all as a whole.

19 Let me open it up and hear from my
20 colleagues. Any comments? Commissioner
21 Selfridge.

22 COMMISSIONER SELFRIDGE: Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Chairman, so, are we talking about continuing
2 this until October 24th or September 19th? It
3 sounds like we're talking about pushing it
4 back to October.

5 CHAIRMAN HOOD: I think the
6 request for a comprehensive -- I mean if we
7 want to just do September, the way I see it we
8 just might as well go ahead and proceed
9 tonight without any information and I'm not in
10 favor of doing that.

11 I think DDOT's request is so they
12 can have a track record or get a look at data.

13 When things actually are going, is that they
14 have time for -- even for the parties to
15 respond to whatever their comments are at the
16 time and I will tell you in their letter they
17 basically say and I think this is very thought
18 out. It says "Other parties may require time
19 to review both the Applicant's report and
20 DDOT's responses prior to the hearing."

21 I think they've also looked at not
22 just the Commission and the Applicant, they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 looked at also the parties in opposition also.

2 So, I think that was very thoughtful.

3 So, I think they have asked for
4 the October 24th date.

5 MS. SCHELLIN: They actually asked
6 for an October date and then that was a date
7 that we had open.

8 CHAIRMAN HOOD: We real busy in
9 October?

10 MS. SCHELLIN: It was one of the
11 latter dates. So, we tried to make it as late
12 as possible.

13 I believe DDOT would like to --
14 Mr. Jennings would like to address the
15 Commission if the Commission would entertain.

16 CHAIRMAN HOOD: Let me hear from
17 the -- you all want to hear from Mr. Jennings
18 first or anybody want to make a comment. Mr.
19 Jennings may have something that may add to
20 it. But, it doesn't matter. Anybody want to
21 -- Mr. Jennings, hold off for a second. Let
22 me hear from Commissioner May first.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER MAY: No, I'm with
2 you, Mr. Chairman. I would prefer to have a
3 complete discussion on this and if there's
4 room to make progress to fix some of the
5 issues through the process of further
6 discussions between the Applicant and DDOT and
7 between the Applicant and the Office of
8 Planning, I would support that.

9 You know, this is a plan that's
10 going to be in place for a long time and we
11 don't want to rush into a decision and to, you
12 know, forcing decisions before they're ready
13 to be made.

14 So, I'm in favor.

15 It's kind of readable as it's
16 going to be four months out there because
17 that's a lot of information to have to re-read
18 when we get to that point, but it is what it
19 is and I'd rather do that than try to force it
20 now.

21 CHAIRMAN HOOD: Anyone else before
22 I got to Mr. Jennings?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Okay. Mr. Jennings, did you want
2 to add something?

3 MR. JENNINGS: Thank you, Chairman
4 Hood.

5 We thought extensively since we
6 submitted our most recent memo and part in
7 parcel the reason why the engineers are here
8 this evening. It's not just limited to the
9 GUTS Bus information and the turns onto Canal
10 Road. There are perhaps other items that we
11 thought would be crucial to DDOT's comments
12 going forward.

13 So, we kind of over the last three
14 days have really kind of thought about this
15 and we were hoping that October would be
16 perhaps good, but even better would be the
17 first week in November to be honest with you.

18 The reason we're stating that here
19 tonight is because it's a collection of data
20 that we need to formally review this study.
21 That would be a two-week time frame after
22 Labor Day. So, essentially the last two weeks

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in September and then the applicant would have
2 deliver its report providing ample opportunity
3 for our transportation and traffic engineers
4 to formally provide comment.

5 And that's the reason I wanted to
6 chime in here and say November 7 for us and
7 I'm not sure if that's a holiday or not, but
8 November 7 for us is that much of a better
9 date than October 24.

10 October 24 could very well get us
11 to a point of where we were on June 14 as we
12 assembled a quick memorandum and tried to get
13 that into the record based on what the
14 Applicant had performed.

15 CHAIRMAN HOOD: Mr. Jennings, I
16 appreciate you being straightforward with us
17 and actually, it's no sense in us going with
18 an October 24th date and that's not going to
19 work. I've asked -- is Thanksgiving day open,
20 Ms. Schellin?

21 MS. SCHELLIN: Actually, we --

22 CHAIRMAN HOOD: Got to have some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 fun up here sometimes.

2 MS. SCHELLIN: Well, it isn't a
3 joke because it'll be the Monday before
4 Thanksgiving, November 21st. That's the last
5 day I have available in November.

6 We could do the 17th? Is that
7 better?

8 CHAIRMAN HOOD: Okay.

9 MS. SCHELLIN: The 17th.

10 CHAIRMAN HOOD: Hopefully, all of
11 us possibly can made it the 17th.

12 MS. SCHELLIN: Seventeenth. Okay.

13 CHAIRMAN HOOD: I know that's five
14 months away, but -- oh, I forgot to ask .
15 Trying to see if we all were going to be here.
16 Well, that was the first step. Is that okay
17 with the Applicant?

18 Excuse me, sir. Come on. Come on
19 now you did that last time. Come on. Okay.
20 What about the parties in opposition? Mr.
21 Hinds, come up. Is that a problem?

22 MR. HINDS: Good ev ening, Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Chairman.

2 Our concern is that the issues
3 that are non-transportation related -- and I
4 did not mean to imply that transportation is
5 not considered by us to be important. It is.

6 Is that the other issues are considered to be
7 far more important.

8 The ones relating to housing.
9 Those are long-term decisions that need to be
10 made by the university. The university has
11 itself put some commitments of a conditional
12 nature on the record.

13 CHAIRMAN HOOD: Mr. Hinds.

14 MR. HINDS: Finding housing is
15 going to take a long time.

16 CHAIRMAN HOOD: Let me say this to
17 you, Mr. Hinds. I understood that point.

18 MR. HINDS: Right.

19 CHAIRMAN HOOD: I understood it
20 the first time it was mentioned and I still
21 understand. So, I understand where you are.
22 We're just trying to -- and we want to deal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 with the whole -- we're going to deal with the
2 whole piece.

3 I think you've heard us already
4 deliberate. If it's something different that
5 what's already been said and in your letter,
6 then you can go ahead. But, if not, I would
7 ask you let us finish and try to pu ll this
8 together.

9 MR. HINDS: Well, the second issue
10 that I would raise is the issue of some sort
11 of a stay. Because the later this gets, the
12 time for an actual decision by this body, this
13 Commission is looking to be moving into
14 another year and then we do face the issue of
15 the university needing some guidance on
16 nontraditional undergraduates which are at the
17 moment untapped and graduate students which
18 have never been tapped and those numbers have
19 been increasing significantly in the last
20 several years. Graduate students 11 percent
21 in the last year alone. So, this is a
22 university that is continuing to e nroll

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 students against the protests of the
2 community.

3 So, there is a concern there about
4 a stay that doesn't deal with that problem.

5 CHAIRMAN HOOD: Okay. A gain,
6 that's a point that we've already heard.
7 Okay. Thank you, Mr. Hinds.

8 Commissioners, any other comments?
9 Commissioner Selfridge?

10 COMMISSIONER SELFRIDGE: Mr.
11 Chairman, I think we heard DDOT's position and
12 it makes a lot of sense, but I got to say I
13 fell the frustration of the ANCs and the
14 neighbors in opposition and this is going to
15 -- we got to November 17th and that gets you
16 into next year and it could be another delay
17 and I think that they are entitled to feel
18 like this process should be forward
19 considering all the time that everybody had to
20 prepare for it.

21 So, you know, I just want to get
22 that on the record that I share their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 frustration with where this process is going
2 and I'm not sure that it's entirely fair to
3 them.

4 CHAIRMAN HOOD: Commissioner
5 Selfridge, I appreciate that, but nobody's
6 more frustrated probably than I am in trying
7 to make all the parties and make it work and
8 be fair. Believe me, I'm a community guy.
9 So, I know how it feels not to be able to move
10 on stuff.

11 But, let me ask you this. Do you
12 have a solution? Can you help me with a
13 solution other than what we already
14 potentially -- we haven't even really talked
15 about the continuance first of all. I'm not
16 even sure if everybody's agrees with the
17 continuance. I know Commissioner May and
18 myself, but I haven't heard from you two.

19 But, do you have another solution
20 maybe how we should move with this?

21 COMMISSIONER SELFRIDGE: Well, I
22 think the early September. I would want to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 revisit September and understand why if we are
2 going to provide a continuance and I
3 understand DDOT's position, if we need to push
4 it as far back as we're suggesting. I guess I
5 would want to open that question back up and I
6 understand DDOT's position, but just amongst
7 ourselves to see if while trying to balance
8 things if that makes sense to push it that far
9 back.

10 CHAIRMAN HOOD: Okay. Anybody
11 else want to respond? I have a response, but
12 I'll -- anybody else want to respond to
13 Commissioner Selfridge's -- Commissioner May.

14 COMMISSIONER MAY: You know, I'm
15 kind of ambivalent about whether it's, you
16 know, three months or four months or five
17 months. I mean, you know, we're still in the
18 multiple month range and if we're going to
19 wait that long, I'd just as soon wait long
20 enough to make sure we get it right. So, it
21 certainly means at least the October date.

22 Whether it needs to be November or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 not, you know, it's a hard judgment to make
2 based on the little bit of information we have
3 and we're not going to get any better
4 information.

5 So, I'm inclined to go along with
6 the wisdom of the Chairman here.

7 CHAIRMAN HOOD: Well, Vice
8 Chairman? Anybody? Vice Chairman Schlater.

9 VICE CHAIRMAN SCHLATER: I think I
10 agree with Commissioner Selfridge. I
11 understand the frustration and personally, I'd
12 like to -- I don't like it when cases drag on
13 for a year. I mean we're asking a lot of the
14 people who are invested in the process to be
15 coming out to meetings over that long a period
16 and frankly, it's difficult as Commissioner
17 May mentioned for us as Commissioners just to
18 stay fresh on the issues and make sure we're
19 on top of everything that's in the record.

20 So, I guess I'm a little
21 frustrated with the Applicant and DDOT and I
22 frankly don't have enough technical

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 wherewithal on these transportation reports to
2 know where this fell apart, but the fact that
3 we have to wait another three months to get
4 good data to make this decision is a little
5 frustrating for me.

6 But, that being said, I think we
7 are already at a point where we're not going
8 to make a decision until September. I think
9 we as a Commission can make a concerted effort
10 to close the process by the end of the year
11 and I think that frankly there's going to be
12 some benefit to having this period of
13 continuance. Because I would hope and expect
14 the Applicant, the Office of Planning and the
15 parties in opposition to come together and get
16 closer together because we don't want to have
17 to dictate that from up here.

18 So, I'm in favor of a continuance.

19 I'd like to see the parties get closer
20 together. I'd like better information on the
21 DDOT traffic report.

22 I actually think that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 practical impacts of the continuance upon the
2 community are not that significant. In that
3 as soon as the campus plan is enacted, they
4 will have to live under the caps and rules and
5 restrictions that are in that new plan and so,
6 therefore, it probably would not be in their
7 interest to go outside the bounds of those new
8 restrictions.

9 So, I'm inclined to support the
10 continuance and I think we should take a vote.

11 CHAIRMAN HOOD: I do want to ask
12 Ms. Dwyer. I mentioned earlier about a stay
13 and I'm unsure whether you said you had to ask
14 the university or what you had to do.

15 MS. DWYER: Well, let me just say
16 that as you can see in our campus plan, we are
17 only proposing a growth of 967 students over
18 the next ten years. So, even though there was
19 growth over the past ten years, the proposed
20 growth is very modest and we are, you know,
21 committed to that as an outside limit. So, we
22 have already self-imposed a limit on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 ourselves. So, there's not going to be this
2 plan of trying to suddenly add in a number of
3 students.

4 In addition, we are committed to
5 moving 1,000 SES students to a satellite
6 location in two years and we're going to
7 continue with those commitments and finding
8 that location.

9 So, we're moving forward on all of
10 those commitments.

11 If at the time of the October or
12 November hearing, there is a feeling that
13 something needs to be done, a stay or
14 whatever, we'd be happy to address that at
15 that time and bring you up to date on where we
16 are in terms of our enrollment and that would
17 be part of our rebuttal presentation.

18 CHAIRMAN HOOD: Well, I guess my
19 point and I think I've heard it from the
20 community is that meanwhile there's a time
21 frame between now and it looks like November
22 and what I heard Mr. Lewis and others saying

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 is that you all are continuing to increase and
2 I know you rebutted and you said that I guess
3 enrollment or whatever, it's already been
4 established.

5 But, I guess the community needs
6 some predictability that we're going kind of
7 operate right where we are and I'm talking
8 about across the board.

9 MS. DWYER: Right. Well, what I
10 can say is that the numbers for the fall with
11 the exception of the waiting list numbers have
12 already -- the offers have gone out and the
13 acceptances have come in and this Commission
14 would not have decided the case at the
15 earliest until September I would assume and
16 possibly October and that wouldn't have had an
17 impact on the fall numbers regardless. So, we
18 are where we are in terms of this fall.

19 If in October/November, whenever
20 the hearing is, there's a concern that maybe
21 something could happen in January, we would be
22 happy to agree to a limit or a stay on those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 numbers at that time.

2 CHAIRMAN HOOD: If nobody else --
3 I'm not sure if I'm satisfied with your
4 answer, Ms. Dwyer, but my colleagues have an
5 issue with that? Okay. Looks like I'm the
6 only one. So, anyway, I'm not going to press
7 it. Okay. We'll deal with that.

8 So, Commissioners, let's talk
9 about the continuance or I think other than
10 Commissioner Selfridge, it looks like everyone
11 thinks it's going to be -- well, I don't want
12 to say you do n't think it's going to be
13 beneficial. I think the concern of
14 Commissioner Selfridge was September and why
15 do we have to -- did that ever get answered
16 for you?

17 COMMISSIONER SELFRIDGE: I don't
18 know that I had a date necessarily. You asked
19 me for a suggestion. I don't know that that
20 was -- and I think that was a potential
21 suggestion. I understand the rationale and
22 I'm willing to support a continuance.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I did want to express that
2 frustration though on where we were.

3 CHAIRMAN HOOD: Okay.
4 Commissioner May.

5 COMMISSIONER MAY: I would like to
6 vote on the continuance. I would just like to
7 know which date we're talking about.

8 CHAIRMAN HOOD: I know that Mr.
9 Jennings said November 7th, but I'll be
10 frankly honest I don't want it to be half-
11 baked November 7th. Ms. Schellin had November
12 17th.

13 MS. SCHELLIN: Correct.

14 CHAIRMAN HOOD: Which, Mr.
15 Jennings, gives you a little more time from
16 the October 24th date. So, when we come back,
17 we're going to be DDOT proof. DDOT going to
18 have it together. Right? Okay. I see a nod.
19 Okay.

20 MS. SCHELLIN: Okay.

21 COMMISSIONER MAY: So, that's
22 what's proposed? Is November 17th?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: November 17th.

2 Correct.

3 COMMISSIONER MAY: Okay.

4 MS. SCHELLIN: Are you going to
5 make a motion --

6 CHAIRMAN HOOD: Will we only need
7 one hearing for that night?

8 MS. SCHELLIN: Right. We were
9 only going to do it tonight. So, we're only
10 going to have one then.

11 CHAIRMAN HOOD: And again, the
12 record is closed other than parties and this
13 hearing on the 17th of November will be a
14 narrow scope and Commissioners --

15 MS. SCHELLIN: And rebuttal and
16 closing.

17 CHAIRMAN HOOD: Rebuttal and
18 closing. Right.

19 MS. SCHELLIN: Correct.

20 CHAIRMAN HOOD: Okay. All right.
21 Is there anything else? Do we need --

22 MS. SCHELLIN: We need a motion.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: We need to vote.
2 Okay. I would move to approve the continuance
3 request asked for by the Applicant with the
4 dates and the information provided by DDOT to
5 November the 17th at -- can we do 6:00 since
6 have --

7 MS. SCHELLIN: Well, complained .
8 They want 6:30 so they can park out front.

9 CHAIRMAN HOOD: Okay, 6:30.

10 MS. SCHELLIN: That's what I heard
11 before I think.

12 CHAIRMAN HOOD: Okay. So, we'll
13 be here until 12:00. So --

14 COMMISSIONER MAY: Yes , we can go
15 to 12:00 that night.

16 CHAIRMAN HOOD: Yes . Okay. Good.
17 Okay.

18 MS. SCHELLIN: Given that they can
19 get home, but okay.

20 CHAIRMAN HOOD: But, we'll go to
21 ten minutes to 12:00. Then we can all catch
22 the bus or the subway. Okay. So, I will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 move --

2 COMMISSIONER MAY: Everyone will
3 have to ride their bikes.

4 CHAIRMAN HOOD: Okay. So, I would
5 move that we grant the continuance requested
6 by the Applicant and supported by DDOT for the
7 facts mentioned in different various
8 submittals to November the 17th at 6:30 and
9 ask for a second.

10 COMMISSIONER MAY: Second.

11 CHAIRMAN HOOD: Okay. It's been
12 moved and properly seconded. Any further
13 discussion?

14 Are you ready for the question?
15 All those in favor, aye.

16 (Ayes.)

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

20 MS. SCHELLIN: Yes, sir. I do
21 have an absentee ballot approving the request
22 from Commissioner Thornbill.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 So, staff records the vote 5 to 0
2 to 0 to approve the motion for a continuance
3 to November 17th, 2011 at 6:30 p.m.
4 Commissioner Hood moving. Commissioner May
5 seconding. Commissioners Selfridge and
6 Schlater in support. Commissioner Thornbill
7 in support by absentee ballot.

8 CHAIRMAN HOOD: Okay. Ms.
9 Schellin, do we have anything else before us
10 this evening?

11 MS. SCHELLIN: Just to confirm
12 that the record is closed to the general
13 public. It's only open to the parties.

14 CHAIRMAN HOOD: Okay. All right.
15 So, I'm hoping that when we come back on
16 November the 17th the gap will have gotten a
17 lot closer with everything.

18 Mr. Avery, if you can come up.
19 Come to the table please.

20 MR. AVERY: Clarification. That
21 if it is continued as it is to November 17th
22 and there is a noise report that that report

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 be delivered to us two months in advance of
2 that hearing so we have an opportunity to hire
3 our own expert to evaluate it.

4 CHAIRMAN HOOD: Is that scheduled?

5 MS. SCHELLIN: I'm seeing a nod
6 from the Applicants. So, I'm assuming that's
7 okay.

8 CHAIRMAN HOOD: But, it's
9 requested two months in advance. You want it
10 two months --

11 MS. SCHELLIN: They're nodding
12 approval.

13 CHAIRMAN HOOD: Oh. Okay. So,
14 two months.

15 MR. AVERY: Thank you.

16 CHAIRMAN HOOD: Okay. Thank you .
17 Anything else?

18 MS. SCHELLIN: No, sir.

19 CHAIRMAN HOOD: All right. I want
20 to thank everyone for coming out tonight and
21 apologize for the continuance, but as stated,
22 we want to do the full picture and get the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 whole picture.

2 So, with tha t, this hearing is
3 recessed until November 17th.

4 (Whereupon, at 7:20 p.m., t he
5 hearing was adjourned.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com