

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

NOVEMBER 18, 2013

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:37 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation

ARTHUR JACKSON

MATT JESICK

JOEL LAWSON

STEPHEN MORDFIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

The transcript constitutes the
minutes from the Regular meeting held on
November 18, 2013.

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

2 6:41 p.m.

3 CHAIRMAN HOOD: Okay. This is
4 the regular public meeting of the Zoning
5 Commission on Monday, November the 18th,
6 2013.

7 My name is Anthony Hood. Joining
8 me are Vice Chair Cohen and Commissioner
9 Miller, Commissioner May and Commissioner
10 Turnbull.

11 We're also joined by the Office
12 of Zoning Staff Ms. Sharon Schellin, Office
13 of Attorney General Mr. Bergstein, Office of
14 Planning Ms. Steingasser, Mr. Lawson, Mr.
15 Mordfin, Mr. Jesick and Mr. Jackson.

16 We have Mr. Goldstein in the
17 audience.

18 We do not take any public
19 testimony at our meetings and we would ask
20 that we not have any disruptive noises in the
21 hearing room.

22 Again, we are in the Jerrily R.

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1 Kress Memorial Hearing Room.

2 Let's move right to our agenda.
3 I think we have a preliminary matter, Ms.
4 Schellin. Any preliminary matters?

5 MS. SCHELLIN: Yes, sir, we do.
6 We have one item that we've added under
7 correspondence first of all. So, there is a
8 revised agenda on the wall -- in the bin on
9 the wall.

10 And then because of the
11 Government shutdown that happened not so long
12 ago, the BZA and Zoning Commission were not
13 able to have their joint training session.
14 So, we need the Commission to vote for the
15 new date that's scheduled in December.

16 CHAIRMAN HOOD: Okay. Thank you,
17 Ms. Schellin.

18 Let's move right in. I am
19 Anthony Hood, Chairman of the Zoning
20 Commission for the District of Columbia.
21 This is a recording -- oh, you know what?
22 Forgive me. I read the wrong one. This is

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1 the second mistake I made this year.

2 As Chairman of the Zoning
3 Commission for the District of Columbia and
4 in accordance with 407 of the District of
5 Columbia Administrative Procedures Act, I
6 move that the Zoning Commission hold a closed
7 meeting on Tuesday, December 10th, 2013 from
8 9:00 a.m. to 12:00 p.m. for the purpose of
9 receiving training as permitted by D.C.
10 Official Code 2-575(b)(12).

11 Is there a second?

12 VICE CHAIR COHEN: Second.

13 CHAIRMAN HOOD: Will the
14 secretary please take a roll call vote on the
15 motion before us now? It has been seconded.

16 MS. SCHELLIN: Yes, sir.

17 Chairman Hood?

18 CHAIRMAN HOOD: Yes.

19 MS. SCHELLIN: Vice Chair Cohen?

20 VICE CHAIR COHEN: Yes.

21 MS. SCHELLIN: Commissioner

22 Miller?

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1 COMMISSIONER MILLER: Yes.

2 MS. SCHELLIN: Commissioner May?

3 COMMISSIONER MAY: Yes.

4 MS. SCHELLIN: Commissioner
5 Turnbull?

6 COMMISSIONER TURNBULL: Yes.

7 CHAIRMAN HOOD: As it appears
8 that the motion has passed, I request that
9 the Office of Zoning provide notice of the
10 closed meeting in accordance with the Act.

11 Thank you.

12 Ms. Schellin, anything else on
13 that issue?

14 MS. SCHELLIN: No, sir.

15 CHAIRMAN HOOD: Okay. do we have
16 any other preliminary matters?

17 MS. SCHELLIN: No, sir.

18 CHAIRMAN HOOD: Okay. Let's go
19 right to our agenda. Let's begin with Final
20 Action.

21 Zoning Commission Case Number 05-
22 36G. This is the K Street Developers, LLC

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1 [CASCO] - PUD Modification & Related Map
2 Amendment @ Square 749.

3 Ms. Schellin.

4 MS. SCHELLIN: Yes, sir. At
5 Exhibits 50 and 51, you'll find the
6 Applicant's draft findings of facts,
7 conclusions of law and also a list of
8 benefits and conditions pursuant to Section
9 2403.16 of the regulations.

10 Exhibit 52 is an NCPC report that
11 came in stating that it found no issues with
12 the project with regard to Federal elements
13 of the comprehensive plan for the National
14 Capital.

15 We'd ask the Commission to
16 consider final action this evening.

17 CHAIRMAN HOOD: Okay.
18 Commissioners, we have before us the final
19 action. Any comments on the draft that we
20 have before us? Ms. Schellin. I mean I'm
21 sorry. Vice Chair Cohen.

22 VICE CHAIR COHEN: Thank you, Mr.

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1 Chairman. It's been a long couple of weeks.

2 I would just like to state that
3 under B. Public Benefits and Project
4 Amenities which starts on page 24, paragraph
5 13 on page 25, I just would suggest that we
6 change the word regarding the five affordable
7 units. That they not -- that we change
8 devoted in perpetuity to as long as the
9 building exists. I think that's more
10 appropriate.

11 And then to add a paragraph 19.
12 Again, under Public Benefits and Project
13 Amenities, a paragraph stating for the life
14 of the project five units will be affordable
15 housing and I'll have the Office of General
16 Counsel do the, you know, language on that.

17 In addition, I just want to state
18 that I think it may be appropriate for us to
19 reference a letter that the applicant
20 received from the phase 2 owner with regard
21 to the availability of parking spaces in the
22 building since the parking presently is

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1 underutilized and the owner made reference to
2 making any available parking spaces available
3 to the phase 3 development.

4 CHAIRMAN HOOD: Anything else,
5 Vice Chair?

6 VICE CHAIR COHEN: No, sir. No,
7 thank you, sir.

8 CHAIRMAN HOOD: Does anyone have
9 any objections to what the Vice Chair has
10 asked that we incorporate or include? Okay.

11 Not seeing any objections. Any other
12 comments?

13 Okay. Someone like to make a
14 motion?

15 COMMISSIONER TURNBULL: Mr.
16 Chair, I would move that we approve Zoning
17 Case Number 05-36G, K Street Developers, LLC
18 [CASCO], PUD Modification & Related Map
19 Amendment @ Square 749 and ask for a second.

20 COMMISSIONER MILLER: I would
21 second it.

22 CHAIRMAN HOOD: Okay. It's been

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1 moved and properly seconded. Any further
2 discussion?

3 All those in favor, aye.

4 (Ayes.)

5 CHAIRMAN HOOD: Any opposition?

6 Not hearing none, Ms. Schellin, would you
7 record the vote?

8 MS. SCHELLIN: Staff records the
9 vote 5-0-0 to approve final action on Zoning
10 Commission Case Number 05-36G. Commissioner
11 Turnbull moving. Commissioner Miller
12 seconding. Commissioners Cohen, Hood and May
13 in support.

14 CHAIRMAN HOOD: Okay. Next.
15 Zoning Commission Case Number 10-31. This is
16 the D.C. Ballpark 2, LLC, Capitol Gateway
17 Overlay Review @ Square 700.

18 Ms. Schellin.

19 MS. SCHELLIN: Yes, sir, on this
20 one, we have Exhibits 37 through 38A which
21 represent the Applicant's post-hearing
22 submissions and I believe this one we -- the

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1 Commission held off deliberations until -- in
2 hopes that Commissioner May could participate
3 and he'll indicate whether he was able to
4 review the record and we'd ask the Commission
5 to consider final action on this case.

6 COMMISSIONER MAY: I was able to
7 review the record and I'm very pleased to be
8 able to participate.

9 CHAIRMAN HOOD: Great. Okay.
10 Thank you, Commissioner May, for reviewing
11 the record.

12 Any comments, Commissioners?

13 As already stated, we have some
14 submissions. I'm not sure who asked what.

15 COMMISSIONER MAY: Mr. Chairman,
16 I do have a couple of comments.

17 CHAIRMAN HOOD: Okay.
18 Commissioner May.

19 COMMISSIONER MAY: The first is I
20 do appreciate everyone's attention to issues
21 that they thought might be of concern to me
22 and I completely agree with the concern about

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1 the awning or canopy or whatever it is on the
2 top floor and I see how it has been revised
3 in response to Commissioner Turnbull's
4 suggestions.

5 I find that wholly inadequate. I
6 believe because it looks like a very heavy
7 piece that essentially looks like they're --
8 that they're not living up to the 45-degree
9 setback at all. I mean if they had really
10 truly designed something that was, you know,
11 sort of a diaphanous membrane or something
12 that was really transparent, I could possibly
13 see it, but what I see up there right now is
14 a long hard solid bar and I think it flies in
15 the face of the 45-degree setback.

16 So, I would not be able to
17 support that condition and would like to
18 suggest that they try again.

19 CHAIRMAN HOOD: Okay. Anything
20 else? Okay. Mr. Turnbull.

21 COMMISSIONER TURNBULL: I would
22 concur with my colleague. I think I was

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1 hoping for something a lot more lighter, more
2 transparent. In which case, if it did
3 protrude, I might have been able to accept
4 that, but I think still being as heavy as it
5 is it does go against the 45 setback. It
6 makes it more apparent and I really don't
7 appreciate it.

8 I guess the only other thing is
9 we were looking on the one side of the
10 building. I think weren't we looking for --
11 and I can't tell by the rendering. The blank
12 side of the building which was on the -- on
13 the back, what we call the back. It was --
14 and we asked them to be a little bit more
15 architectural and we do have a ribbed precast
16 concrete, but I really -- I can't tell from
17 what I've got how well -- if it's going to --
18 what that really is going to look like. I
19 mean we know it's the back side of -- it's a
20 side of the building you're not going to see
21 a lot, but at the same time, we're in an area
22 of town that's developing and I think we

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1 wanted a little bit more investment in an
2 architectural character to at least not make
3 it so dreary and dead back there.

4 And so, the red concrete may be
5 fine. I just can't really tell from this
6 rendering if it's -- what it really -- it
7 looks very -- and it looks dark. It looks
8 similar to some of the other material which
9 they've used. But, I guess I would like a
10 little bit more of a blow up on what that's
11 really going to look like or to see what it's
12 -- it may be fine.

13 I'm not -- I don't want to
14 nitpick on this one facade more than anything
15 else, but I think one thing we wanted was a
16 little bit more character and I -- from this,
17 I'd like to see more of a section through it
18 or sort of like a -- an eyewash sketch
19 looking down to how this is or how ribbed it
20 is.

21 I just can't tell from this what
22 the real character of that wall is.

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1 COMMISSIONER MAY: Mr. Chairman,
2 if I could pile on a little bit. I had
3 forgotten about this issue.

4 You know, I think that the image
5 number 4 on page 7, the view analysis that
6 was submitted to us, really it's an
7 interesting juxtaposition of the public space
8 or whatever they call it. That rental, you
9 know, storage rental space place right next
10 to the building.

11 Because that's kind of what the
12 side of the building looks like. I mean it's
13 a bit more elegant and the color scheme's a
14 little better, but it basically looks like
15 the side of a warehouse.

16 And I think that doing something
17 better there would be appropriate. I don't
18 know that it's just color. I think that
19 even, you know, the expression of the
20 structural grid which is what it seems to be
21 is -- you know, creates the wrong scale. I
22 don't know. I mean I think a completely

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1 different treatment might be appropriate.

2 COMMISSIONER TURNBULL: Okay.

3 So, we can send them back to --

4 COMMISSIONER MAY: Yes.

5 COMMISSIONER TURNBULL: -- look
6 at that. Good.

7 COMMISSIONER MAY: I mean I think
8 so.

9 CHAIRMAN HOOD: Let's make sure
10 we -- Commissioners, any other concerns?
11 Anyone else? Commissioner Miller?

12 COMMISSIONER MILLER: Well, Mr.
13 Chairman, thank you.

14 I just want to tell you I think
15 the Applicant did make an effort to try to
16 respond to the Commission's concerns last
17 time about the rooftop trellis. I think it
18 is -- it may not be as thin and transparent
19 as folks currently want, but it is a lot
20 thinner than it -- than the previous
21 iteration and it also punched those holes up
22 along the north side similar to -- which

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1 weren't there before. So, I appreciate the
2 Applicant's effort and they just need to have
3 some additional transparency.

4 CHAIRMAN HOOD: Okay. Vice
5 Chair, do you have anything you want to -- at
6 first, when we heard this case, I had some
7 issues about the red banding, but now, I know
8 what the concept is and how it's showing --
9 it's singling out the retailer. I feel a
10 little more comfortable. The message they're
11 trying to send to the public as they view
12 this building..

13 So, in respect to my two
14 colleagues, I guess they hope the Applicant
15 has heard the concerns. We will put this
16 off. I'm not sure, Ms.
17 Schellin. Will we put this off until our
18 next meeting? Is that enough time?

19 MS. SCHELLIN: We're calculating
20 the time and it looks like it would be our
21 January meeting because they would need --

22 CHAIRMAN HOOD: Okay.

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1 MS. SCHELLIN: -- a little more
2 time.

3 So, we could go ahead and give
4 them a date to have their submissions in.

5 CHAIRMAN HOOD: Okay. So, we
6 will take this up at our January -- do we
7 need to give dates?

8 MS. SCHELLIN: Are you guys
9 finished with what all you want?

10 CHAIRMAN HOOD: Is there anything
11 left in the building? No, I'm just playing.

12 Yes, I think Commissioner
13 Turnbull and Commissioner May have given
14 their history. Unless someone else --

15 MS. SCHELLIN: Do you guys need
16 more than a week to get that in?

17 COMMISSIONER MAY: I mean is
18 there really a rush? Can we give them enough
19 time that it takes to get it done right since
20 we're talking about a January hearing?

21 CHAIRMAN HOOD: She's actually
22 not on the record. She's just talking to Ms.

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1 Schellin.

2 Okay. So, we're all set.

3 MS. SCHELLIN: Um-hum.

4 CHAIRMAN HOOD: We're on the same
5 page. Okay.

6 Let's move right along with our
7 agenda. Zoning Commission Case Number 05-
8 28L, Lano Parcel 12, LLC, et als., Two-Year
9 PUD Time Extension @ Squares 5041, 5055 &
10 5056.

11 Ms. Schellin.

12 MS. SCHELLIN: Yes, sir, as you
13 stated, the Applicant is requesting a two-
14 year extension of the first-stage PUD. They
15 are citing financing difficulties. This is
16 their second request for extension.

17 At Exhibit 10, there's an OP
18 report in support of the extension. Exhibit
19 11 is an ANC SMD 7D07 letter in support.

20 We'd ask the Commission to
21 consider final action on this request.

22 CHAIRMAN HOOD: Thank you, Ms.

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1 Schellin.

2 The letter in support is -- did
3 we ask for the letter in support or was this
4 in our original file from Commissioner Woods.

5 I think he testified at the hearing.

6 MS. SCHELLIN: He testified and
7 it was received I believe maybe even today.
8 It came in as part of your supplemental
9 package today I believe.

10 CHAIRMAN HOOD: Okay. Well, it's
11 a letter of support, but I thought he also
12 wrote a letter in the previous -- in the
13 hearing in the original case as well as the
14 full ANC.

15 But, anyway, the exhibits have
16 been described by Ms. Schellin.

17 Commissioners, any comments,
18 questions or unreadiness?

19 COMMISSIONER MAY: I would just
20 want to note this is a project that has been
21 going on for a long time and it seems to be
22 on a pretty uncertain path. So, I -- you

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1 know, while I'm willing to support this
2 today, it's not with great confidence. I
3 have great concerns about the project and how
4 it's being realized or in some cases not
5 being realized with, excuse me, with
6 revisions to other parcels and, you know, I'm
7 not sure why it's been so difficult. I'm
8 sure everybody's trying their best.

9 But, it's still -- I don't feel
10 great that -- with the progress that's being
11 made at this point.

12 Also, I mean it would be very
13 helpful to me to see graphically what the
14 state of everything is. I mean I don't see a
15 graphic that sort of shows well, this site
16 has been developed or this site will be
17 developed and so on.

18 But, I can still move ahead
19 without that today.

20 CHAIRMAN HOOD: Okay. Vice
21 Chair.

22 VICE CHAIR COHEN: Thank you, Mr.

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1 Chairman.

2 Again, I would have liked greater
3 detail with regard to some of the financial
4 institutions that were approached. They say
5 20 sources of financing. They say nothing
6 about did they go to a community development
7 financial institution? Did they go to the
8 housing finance agency for, you know, tax
9 exempt bonds?

10 I kind of could read into it that
11 I think the large part of the issue regards
12 again the values that have been reduced since
13 the depression. But, it didn't give me that
14 kind of comfort.

15 And I guess, for the record, I'm
16 making this statement so that in the future
17 the attorneys who are in the audience
18 recognize that we make a lot of assumptions
19 without having full explanation, but I would
20 not stand in the way. I know this is a very
21 complex project and I would vote for
22 extension in spite of the fact that I made

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1 quite a few assumptions.

2 CHAIRMAN HOOD: Okay.

3 Commissioner Miller.

4 COMMISSIONER MILLER: Thank you,
5 Mr. Chairman.

6 This is a very large project.
7 Three million square feet of mixed-use
8 development on over 15 acres of vacant
9 property east of the Anacostia in Ward 7
10 including 1500 to 2,000 residential units,
11 over half a million square feet of office
12 space, 30,000 -- 50,000 square feet of retail
13 and there has been progress.

14 Maybe not -- not as fast as the
15 Applicant, the community or we would like,
16 but since the last extension, the Applicant
17 has noted that the senior housing facility
18 has opened and it's currently 98 percent
19 occupied. The D.C. Primary Care Facility
20 opened this past month and will serve an
21 estimated 50,000 patients annually. The
22 Applicant will be filing a building permit

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1 for the public park at the center of the PUD.

2 This in the next month.

3 The Applicant is in the process
4 of finalizing its funding agreement with DDOT
5 and depositing its contribution for the
6 pedestrian bridge between the PUD and the
7 metro rail station and that is estimated to
8 start construction in the first quarter of
9 2014.

10 So, there are a number of things
11 I think that have been done to move this
12 project forward and I'm prepared to support
13 it this evening and make a motion at the
14 appropriate time.

15 CHAIRMAN HOOD: Any other
16 comments? I just -- Commissioner Turnbull.

17 COMMISSIONER TURNBULL: Well, I
18 would concur with my colleague that there has
19 been a significant amount of work done, but I
20 would also recognize the Vice Chair and Mr.
21 May's comments that although there has been
22 progressed there are still issues. The

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1 larger projects seem to be hung up and are
2 not proceeding and those are the ones I think
3 that the community would really like to see
4 happen.

5 So, I just want to, you know,
6 applaud the work so far, but I think the
7 Applicant needs to realize that coming back
8 in two years for another extension is going
9 to be frowned upon. That we're really hoping
10 that the progress really takes off within the
11 next two years and that the community is
12 really looking forward to this.

13 CHAIRMAN HOOD: I just want to
14 associate myself and I'm not going to be
15 redundant of the list of -- laundry list that
16 Commissioner Miller mentioned, but I think
17 his point is well taken.

18 I would associate myself with his
19 comments. They just had a ribbon cutting I
20 think he mentioned last week or whenever and
21 I think it's still evolving, You're going up
22 and down that area. You ride by and you see

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1 it evolving.

2 Yes, it's not moving as fast as
3 we would like and I know there's some
4 outstanding issues, but it's getting done and
5 I think it even looks better from what's
6 being done over there already.

7 So, I would concur with my
8 colleagues about the extension and I hope
9 they would make more progress than what
10 they're making at this point, but, you know,
11 I think that the two-year -- the extension is
12 warranted. I really do. Especially with the
13 way we heard the case and trying to put
14 pieces together and changing the height on
15 certain parcels and everything and I think
16 this is very well done and it's starting to
17 come into play. So, I would support this.

18 Any other comments?

19 I would move that we grant Zoning
20 Commission Case Number 05-28L, Lano Parcel
21 12, LLC, et als and ask for a two-year
22 extension and ask for a second.

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1 VICE CHAIR COHEN: Second.

2 CHAIRMAN HOOD: It's been moved
3 and properly seconded. Any further
4 discussions on the Squares 5041, 5055 and
5 5056? That's my amendment to my motion.
6 Would you accept it, Vice Chair? I let the
7 squares out. I'm sorry.

8 VICE CHAIR COHEN: Yes, sir.

9 CHAIRMAN HOOD: Okay. It's been
10 moved and properly seconded with the
11 amendment. Any further discussion?

12 All those in favor, aye.

13 (Ayes.)

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

17 MS. SCHELLIN: Yes, staff records
18 the vote 5-0-0 to approval final action on
19 Zoning Commission Case 05-28L. Commissioner
20 Hood moving. Commissioner Cohen seconding.
21 Commissioners May, Miller and Turnbull in
22 support.

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1 CHAIRMAN HOOD: I'm going to call
2 the next two together. We have Zoning
3 Commission Case 06-04C. This is Florida & Q
4 Street, LLC - PUD Modification @ Square 3100
5 and also, E which is Zoning Commission Case
6 Number 06-04D Florida & Q Street, LLC - Two-
7 Year PUD Time Extension @ Square 3100.

8 Ms. Schellin.

9 MS. SCHELLIN: Yes, sir, on Case
10 Number 06-04C, we have Exhibits 34 through 37
11 which are the Applicant's post-hearing
12 submission, draft findings of facts,
13 conclusions of law and the list of benefits
14 and conditions pursuant to Section 2403.15 of
15 the regulations. Exhibit 38, there's an NCPC
16 report that states no issues with the project
17 with regard to Federal elements of the comp
18 plan for the National Capital.

19 And with Case Number 06-04D, the
20 Applicant is requesting a two-year PUD
21 extension citing financing difficulties and
22 Exhibit 5 in that case is an OP report in

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1 support of the extension.

2 CHAIRMAN HOOD: Okay.

3 Commissioners, I guess we can do both of
4 these at the same time and talk about the
5 modifications and concerns and then, we can
6 also do the time extension in that order.
7 Oh, well, we can do them together.

8 Any comments?

9 VICE CHAIR COHEN: Yes, actually,
10 there's one minor comment. The findings of
11 fact, paragraph 3, it talks about 65 to 85
12 dwelling units and then throughout the
13 remainder of the zoning order, it's 85 to 95
14 which I believe is the correct number.

15 MR. BERGSTEIN: I think paragraph
16 3 references the existing approval and the
17 remaining paragraphs represent the
18 modification.

19 VICE CHAIR COHEN: Oh. Okay.
20 Right. It was providing between -- can that
21 be clarified a little bit more maybe?
22 Because if I made the mistake.

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1 MR. BERGSTEIN: Yes, I mean I
2 could say -- it says the approved project
3 before the modification. I feel like I could
4 add something like that.

5 VICE CHAIR COHEN: Yes, I think
6 that would be helpful to whoever reads this.

7 MR. BERGSTEIN: Yes, I had the
8 same impression when I first read it. So.

9 VICE CHAIR COHEN: Okay. Thanks.
10 Oh, I just want to -- because this is a
11 modification, it is subject to IZ,
12 inclusionary zoning.

13 CHAIRMAN HOOD: Okay. Thank you.
14 Any further questions?

15 Okay. Someone like to make a
16 motion? Commissioner Miller.

17 COMMISSIONER MILLER: Mr.
18 Chairman, thank you. I would move final
19 action on Zoning Commission Case Number 06-
20 04C, Florida & Q Street, LLC - PUD
21 Modification @ Square 3100 and ask for a
22 second.

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1 COMMISSIONER TURNBULL: Second.

2 CHAIRMAN HOOD: Okay. It's been
3 moved and properly second. Commissioner
4 Miller, could you incorporate or did you say
5 the two-year time extension also? Because we
6 can put all that in one motion. Can we amend
7 that?

8 COMMISSIONER MILLER: Yes, I'm
9 sorry. I neglected to say and Zoning
10 Commission Case Number 06-04D, Florida & Q
11 Street, LLC - Two-Year PUD Time Extension @
12 the same Square 3100. So, both of those, D
13 and E on our agenda.

14 COMMISSIONER TURNBULL: And I'll
15 second that also.

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

19 All those in favor, aye.

20 (Ayes.)

21 CHAIRMAN HOOD: Any opposition?

22 Not hearing any, Ms. Schellin, would you

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1 record the vote?

2 MS. SCHELLIN: Yes, staff records
3 the vote 4-0-1 to approve Zoning Commission
4 Case Number 06-04C and 06-04D. Commissioner
5 Miller moving. Commissioner Turnbull
6 seconding. Commissioner Cohen and
7 Commissioner Hood in favor. Commissioner May
8 not voting having not participated in the
9 cases.

10 CHAIRMAN HOOD: Okay. Proposed
11 Action, Zoning Commission Case 12-14/12-14A,
12 3rd & M, LLC & Park Inn Associates -
13 Consolidated PUD & Related Map Amendment @
14 Square 542.

15 Ms. Schellin.

16 MS. SCHELLIN: Yes, sir, at
17 Exhibits 58 through 59F, we have the
18 Applicant's post-hearing submissions.
19 Exhibit 60 is the letter from Waterfront
20 Tower Condo Board, their response. Exhibit
21 61 is the Applicant's draft findings of facts
22 and conclusions of law.

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1 We'd ask the Commission to
2 consider proposed action this evening.

3 CHAIRMAN HOOD: Okay.
4 Colleagues, I think this case is -- I think
5 we had an exhaustive hearing on this case.
6 Some issues about proponent, opponent.

7 I think the letters --
8 originally, I was going to recuse myself from
9 this case, but after looking at the letters
10 and seeing how things went, I wanted to make
11 sure I stick to the job and the task at hand
12 and that's zoning.

13 So, we can open it up for
14 discussions. As Ms. Schellin has already
15 mentioned, we have some submissions. Some of
16 the things we may have asked for. In
17 particular, Exhibit 59-59F as well as some
18 other submissions, 50A-1 and 50A-3 and also,
19 Exhibit 60, 58 and I think that's it.

20 Okay. Let me open it up. Any
21 comments? Commissioner May, I'm sorry.

22 COMMISSIONER MAY: Mr. Chairman,

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1 I just want to state for the record that I
2 did review the record in this case and am
3 prepared to participate in the decision
4 making and I can start off with a few
5 comments if you'd like.

6 CHAIRMAN HOOD: Sure.

7 COMMISSIONER MAY: So, first of
8 all, again, I appreciate everyone trying to
9 pay attention to what you think my concerns
10 would be. I think you hit the nail on the
11 head. In some cases, I think there was a
12 mixed message on at least one issue. So, I'm
13 not sure we got the right result.

14 In any case, I agree
15 wholeheartedly with the concern about the
16 size of the penthouses particularly at the
17 ends of the building and so, that request for
18 relief from that setback was definitely a
19 problem for me. I see it has improved.

20 What's uncertain to me is how
21 much it has improved because I don't see the
22 dimensions. I see the images, but I didn't

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1 see the images, but I didn't see the
2 dimensions. Now, maybe somebody else can see
3 them in there. I don't know what the setback
4 is versus what it's supposed to be. Maybe
5 it's imbedded in the text.

6 I looked through everything
7 twice. I didn't see, but it's always
8 possible I missed it.

9 The color of the penthouse, this
10 is the one where I think we sent a mixed
11 message. Because I do tend to want
12 penthouses to be darker in color and somehow
13 the -- I think the Applicant thought that we
14 wanted them lighter and they came in lighter.

15 So, I mean darker is better. I think the
16 original proposal for the color of the
17 penthouses, at least the wings that were
18 covered with the metal, being darker I think
19 that made sense.

20 And I was generally okay with the
21 design of those and the uneven heights. I'm
22 not a big fan of uneven heights, but in this

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1 case, it was symmetrical and seemed
2 appropriate for the design of the building
3 and it's necessary to reduce that height so
4 as to diminish the impact of that penthouse
5 at the -- again, at the east and west ends of
6 the buildings.

7 And then the last thing I would
8 say is that I think we have gotten into the
9 habit lately of having a diagram of the
10 rooftop accessory space to demonstrate that
11 it is actually accessory to the roof. In
12 other words, it's limited to whatever it is
13 15 percent or 20 percent of the outdoor
14 space. This is something that's usually
15 accomplished with just a diagram and a
16 calculation and it certainly could be
17 something that we request before final
18 action.

19 But, you know, again, we just
20 need to demonstrate that any kind of rooftop
21 amenity space that's associated with the
22 outdoor space is actually accessory to that

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1 space.

2 So, that's it. Darken the
3 penthouse and I just need -- does anybody
4 know what the setback is on those penthouses
5 now? Could you find it?

6 COMMISSIONER MILLER: Well, yes,
7 but the statement says that the -- as a
8 result to the changes to the penthouse size,
9 the Applicant no longer requests relief from
10 the setback -- required penthouse setback.

11 COMMISSIONER MAY: Oh, so, it's
12 no longer -- no relief is needed it's now
13 setback 1:1?

14 COMMISSIONER MILLER: Right.

15 COMMISSIONER MAY: Okay.

16 COMMISSIONER MILLER: Now, maybe
17 you want to see a rendering of that.

18 COMMISSIONER MAY: No. No. No.

19 I mean if it meets the requirement, then I
20 think we're covered.

21 COMMISSIONER MILLER: It does --
22 their statement says that it -- the revised

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1 penthouse design conforms to the 1:1 setback
2 requirement.

3 COMMISSIONER MAY: Okay. Well, I
4 appreciate that. Can you point to me where
5 that is?

6 COMMISSIONER MILLER: That's page
7 2 of the Applicant's submission dated October
8 21st, 2013 to the Commission. It probably
9 should have been the first document on top of
10 this document instead of that --

11 CHAIRMAN HOOD: It's Exhibit 59-
12 59F.

13 COMMISSIONER MILLER: Yes.

14 COMMISSIONER MAY: Yes, and it's
15 page 2 and it's paragraph --

16 COMMISSIONER MILLER: The past
17 paragraph.

18 COMMISSIONER MAY: Oh, got it.
19 Here it is in italics so I can see it.

20 COMMISSIONER MILLER: But, not in
21 bold.

22 COMMISSIONER MAY: How did I miss

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1 that? Well, apparently, it needs to be bold.

2 Anyway, I do really, really --

3 COMMISSIONER MILLER: Darker
4 color.

5 COMMISSIONER MAY: Yes, exactly.

6 I really do appreciate that. So, that's --
7 that clarifies one thing. Then I'm just
8 looking for darker penthouses and a diagram
9 of the accessory space.

10 Thank you.

11 CHAIRMAN HOOD: Okay. We've
12 heard Commissioner May's comments. Anyone
13 else? Commissioner Turnbull.

14 COMMISSIONER TURNBULL: I'm good
15 I think. They picked up the things that I
16 had mentioned. They graphically show how the
17 penthouse is reduced, but Mr. Miller is
18 correct and on page 2, it calls out very
19 definitively that, you know, they don't need
20 any kind of relief from the penthouse from
21 that. So, I'm fine with that.

22 CHAIRMAN HOOD: Okay. Vice

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1 Chair.

2 VICE CHAIR COHEN: Thank you, Mr.
3 Chairman.

4 I'd like the Applicant to explain
5 how their IZ compliance can be a public
6 benefit since this project is subject to IZ
7 where all the rents would be moderate. Yet,
8 they are stating that there's a set of --
9 that whereas half would have been set aside
10 for low income in an R5d District. So, I'm a
11 little confused over that public benefit.

12 Also, the fact that they're
13 vesting the PUD for 13 years, I would like to
14 have further explanation with regard to that.

15 Two years after the order for the first
16 building permit, that's fine. But, seven
17 years after the order to construct, I think
18 it didn't even take the Taj Mahal that long
19 to be built.

20 And I think that we're not going
21 -- we should not incorporate the entire MOU.

22 I think that we should extract the most

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1 relevant parts of it that can be tracked.

2 And there seems to be an issue
3 now with providing funds directly to the
4 Department of Parks and Recreation and so, we
5 need to have the Applicant come up with an
6 alternative.

7 I believe they understand why
8 this requirement cannot be fulfilled with a
9 direct cash reimbursement to a city
10 governmental agency. So, we need to
11 elaborate another alternative or find out
12 what the Applicant would prefer to do.

13 MR. BERGSTEIN: Applicant's
14 counsel can call me about that issue.

15 CHAIRMAN HOOD: Yes, I think Mr.
16 Bergstein can work that issue out with the
17 Applicant.

18 Also, in response to what the
19 Vice Chair mentioned, I would ask that the --
20 you know, as she mentioned about not
21 incorporating or putting the whole MOU, what
22 we need to do is -- within that MOU, if we

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1 can find the conditions and that all parties
2 agree because I know there are some -- the
3 ANC believes one thing. The WT Condominium
4 says something else. But, what we would like
5 to see is that the enforceable conditions,
6 and both parties agrees, that's the ANC and
7 Water Tower Condominium Board, that those
8 agree with the conditions and we will try to
9 incorporate -- then we will incorporate that,
10 the enforceable conditions, into our order.

11 So, I would agree with the Vice
12 Chair about not incorporating everything and
13 let's find out the conditions. Let's see if
14 all parties agree and then we can see about
15 that going into our order.

16 Okay. Also, I would ask in
17 Exhibit 60 for final action the Waterfront
18 Tower Condo Board has sent -- I don't know if
19 -- none of these items are responded to, but
20 I would like for these issues, these bullet
21 points to be responded to by the time that we
22 have final action if we get to final action.

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1 Okay.

2 Anything else? I don't want to
3 take anything for granted. That's why I say
4 if we get there. Okay. Anything else? Any
5 other comments? Commissioner Miller.

6 COMMISSIONER MILLER: Yes, I
7 would just associate myself with my
8 colleague's comments and I think we can -- I
9 think between proposed action and final
10 action, we can get more information on the
11 affordable housing IZ. Whether it's a public
12 benefit or not and maybe get an explanation
13 as -- on the time frame for the PUD. I think
14 most of us think that that is too long, but I
15 think we can ask for and receive additional
16 information on the vesting of PUD.

17 And on the MOU, I would agree
18 with the Chairman that not all of the draft
19 MOU conditions that are currently being
20 negotiated with the Waterfront Tower
21 necessarily would be in a final MOU. Because
22 the one about the gates, for example,

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1 Waterfront Tower is adamant that that south
2 courtyard be closed off and the ANC was
3 pretty strong as well or some of my fellow
4 Commissioners on there being access to that
5 courtyard by the public at least during the
6 daytime. So, those -- so, as long as all the
7 parties agree and that includes the ANC, they
8 can be -- and if they're land-use related and
9 enforceable, they can be referenced and
10 incorporated in our final order.

11 But, I think we can get the
12 additional information we need between now
13 and final reading. I appreciate all the
14 design changes that the Applicant has made.

15 I think we can maybe get a
16 different color scheme on the penthouse,
17 Commissioner May. I think the Applicant may
18 have mis-heard or we may have misstated your
19 reference in your absence on that question.
20 But, the intent clearly was to go with your
21 preference on that.

22 COMMISSIONER MAY: I think that -

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1 - that was clear to me because I know how
2 we've discussed it in the past, but I was a
3 little confused about the message that was
4 sent when I, you know, read over the
5 transcript. So.

6 COMMISSIONER MILLER: So, and I
7 appreciate the Applicant providing the third
8 letter that tries to ameliorate further the
9 first letter that we sent to the neighbors.

10 So, with that, Mr. Chairman, I
11 would be prepared to move approval of the
12 proposed action if that's appropriate at this
13 time.

14 Proposed action on Zoning
15 Commission Case Numbers 12-14/12-14A, 3rd &
16 M, LLC & Park Inn Associates - Consolidated
17 PUD & Related Map Amendment @ Square 542 and
18 as for a second.

19 COMMISSIONER MAY: Second.

20 CHAIRMAN HOOD: Okay. It's been
21 moved and properly second. Any further
22 discussion?

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1 All those in favor, aye.

2 (Ayes.)

3 CHAIRMAN HOOD: Without hearing
4 any opposition, Ms. Schellin, could you
5 record the vote?

6 MS. SCHELLIN: Yes, staff records
7 the vote 5-0-0 to approve proposed action in
8 Zoning Commission Case Numbers 12-14/12-14A.
9 Commissioner Miller moving. Commissioner
10 May seconding. Commissioners Cohen, Hood and
11 Turnbull in support.

12 If we could just have the
13 Applicant submit those additional documents
14 that were requested this evening by December
15 16th and --

16 CHAIRMAN HOOD: Do we need to go
17 over them? So, that way when we get to
18 December 16th, we don't have to delay it
19 until January.

20 MS. SCHELLIN: Well, they can
21 pull up the transcript I think and -- unless
22 you guys want to go over it again.

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1 CHAIRMAN HOOD: No, I just wanted
2 to make sure we were clear on -- I mean --
3 okay, that's fine. Remember I'm going to
4 play this back --

5 MS. SCHELLIN: We have video
6 OnDemand. So, they can watch it tomorrow
7 and --

8 CHAIRMAN HOOD: Speaking of video
9 OnDemand, did anybody say anything bad about
10 you, Commissioner May, while you were away?

11 COMMISSIONER MAY: You know I
12 listen carefully for those things.

13 CHAIRMAN HOOD: Okay. We're
14 going to have to --

15 COMMISSIONER MAY: I didn't
16 notice anything.

17 CHAIRMAN HOOD: We're going to
18 get better at that.

19 MS. SCHELLIN: And the other
20 thing just to remind the -- since this was
21 proposed action that the Applicant needs to
22 comply with Section 2403.15 through 2403.20.

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1 I have a copy of that if they need it.

2 CHAIRMAN HOOD: Okay. So, we
3 won't go through that. We have video
4 OnDemand and we'll deal with it in December.
5 Okay.

6 Anything else on this? All
7 right. Let's go to --

8 MS. SCHELLIN: We'll actually
9 take it up in January.

10 CHAIRMAN HOOD: We'll take it up
11 in January. Well, maybe I need to look at
12 the video.

13 MS. SCHELLIN: Right. Because we
14 need to refer it to NCPC.

15 CHAIRMAN HOOD: Okay. We'll take
16 it up in January.

17 Okay. Let's go to hearing
18 action. Zoning Commission Case Number 13-07.

19 This is David Belt - Map Amendment @ Square
20 5081. Mr. Jackson.

21 MR. JACKSON: Mr. Chairman and
22 Members of the Zoning Commission, this is a

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1 brief summary of the new Office of Planning
2 preliminary report on this petition.

3 As you recall, David P. Belt
4 submitted a petition in April of this year
5 requesting rezoning of several lots on Square
6 5081 from C3a to R5a, a zone thought more
7 consistent with the moderate density
8 residential designation on the current future
9 land-use map of the District of Columbia
10 Comprehensive Plan.

11 Based on the current plan
12 guidance, pattern zoning around the subject
13 property is another reason in our previous
14 report. The Office of Planning recommended
15 that the Commission schedule -- set down the
16 zoning of the subject properties as
17 identified for a public hearing.

18 Opposition to this rezoning
19 proposal expressed by two property owners and
20 an affordable housing development proposal on
21 one of the lots led the Office of Planning to
22 put forth a modified recommendation to

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1 dismiss this petition in October. The
2 Commission then voted to rescind the original
3 set down and directed the Office of Planning
4 to prepare another recommendation.

5 Petitioner Belt also submitted a
6 letter to the Commission now requesting
7 rezoning of the subject properties from C3a
8 to R5b. The report before you reflects this
9 history and the previous guidance provided by
10 the Commission.

11 However, in light of
12 conversations with the property owners, the
13 Office of Planning hereby modifies our
14 current proposal to recommend set down of
15 amendments to rezoned lots 14, 15, 22, 804,
16 805 and 806 from C3a to R5b and lot 52, site
17 of the proposed affordable housing
18 development, from C2a to R5c.

19 The list of changes will still
20 not be inconsistent with the Comprehensive
21 Plan and would limit future matter of right
22 development and uses to one family detached

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1 or semi-detached dwellings, residential
2 rowhouse and apartment development and some
3 service and institution uses on most
4 properties, allow existing -- the existing
5 office use on lot 804 to continue as a legal
6 non-conforming use, but not to expand and
7 require any new development to conform with
8 the allowable height, bulk and use
9 restrictions of the R5b district and allow
10 the moderate density, 100 percent affordable,
11 housing development plan for lot 52 to
12 proceed subject to the limitations of the R5c
13 district.

14 That concludes this brief summary
15 and we're available to answer questions.

16 CHAIRMAN HOOD: Thank you, Mr.
17 Jackson, for teeing that up for us.

18 Commissioners, any questions?
19 Any questions or -- no questions of the
20 Office of Planning?

21 We did have a request to do -- to
22 go certain lots from the C3a to the R5b. Is

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1 anyone -- and that's Exhibit 27. Is anyone
2 in favor of moving in that fashion or
3 accepting the recommendation of setting down
4 what we have before us?

5 And actually, some of that was
6 discussed before we had a new set down. So,
7 any comments?

8 COMMISSIONER MAY: Well, Mr.
9 Chairman, first of all, I appreciate the
10 Office of Planning trying to figure this out
11 because it is important that we be acting to
12 be consistent with the Comprehensive Plan.

13 It's also important to try to
14 reconcile all these different interests and I
15 think that the proposal that they've made is
16 certainly a reasonable proposal.

17 However, I do also think that
18 there may be some merits of the alternate
19 proposal and I would be open to the idea of
20 setting down the Office of Planning's
21 proposal and having the set-down rule apply
22 to that proposal, but also advertising in the

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1 alternative the alternate proposal of all
2 R5b.

3 CHAIRMAN HOOD: Any other
4 comments, Commissioners?

5 Did everybody understand exactly?

6 So, we wouldn't be -- we would set down the
7 C3a to the R5c. We would do that to rezone
8 the smaller lots and then also in the
9 alternative, we would set down the request to
10 R5b.

11 COMMISSIONER MAY: Just to
12 clarify, OP's proposal is a combination of
13 R5a and R5c.

14 CHAIRMAN HOOD: Right. OP R5a
15 and R5c and then we have something that --

16 COMMISSIONER MAY: Sorry. What
17 is your proposal?

18 MR. LAWSON: Sorry. In Mr.
19 Jackson's testimony tonight, he testified
20 that or in his report tonight, he noted that
21 we've had further discussions with the owners
22 and we feel that an R5b proposal for all of

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1 the lots except for the one property at the
2 end being rezoned to R5c is what we would now
3 recommend. So, R5b rather than R5a.

4 CHAIRMAN HOOD: So, R5 -- okay.
5 Let me take it. Forgive me. We've only been
6 here one night this month. So --

7 MR. LAWSON: I understand.

8 CHAIRMAN HOOD: So, now, let's
9 make sure. Because I thought we had
10 something that would work for everyone with
11 the exception of maybe one particular body.

12 But, let me ask you this. What
13 is the R5c? What lot is that?

14 MR. LAWSON: R5c would be lot 52.
15 That's the property that is being proposed
16 to be developed as the affordable housing
17 development.

18 CHAIRMAN HOOD: So, we would set
19 that down, colleagues, as R5c.

20 MR. LAWSON: That's our
21 recommendation. Yes.

22 CHAIRMAN HOOD: Okay. That's you

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1 all's recommendation if we set it down today.

2 MR. LAWSON: That's correct and
3 the other properties other than that our
4 recommendation is they be set down for R5b.

5 CHAIRMAN HOOD: R5b.

6 MR. LAWSON: Correct.

7 CHAIRMAN HOOD: So, a is now off
8 the table?

9 MR. LAWSON: That's no longer our
10 recommendation. Yes.

11 CHAIRMAN HOOD: Okay. All right.
12 Colleagues, we've heard the recommendation.

13
14 I would move that we set it down
15 in the fashion of what Mr. Lawson just
16 mentioned and I ask for a second.

17 COMMISSIONER MILLER: Second.

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

20 COMMISSIONER MAY: Chairman.

21 CHAIRMAN HOOD: Commissioner May.

22 COMMISSIONER MAY: I was just

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1 wondering whether we wanted to give
2 consideration to setting down all R5b as was
3 suggested in the other letter that we
4 received.

5 CHAIRMAN HOOD: All? So, instead
6 of the R --

7 COMMISSIONER MAY: No instead of.
8 As advertising it in the alternative. R5b
9 plus R5c for OP according to OP's proposal
10 and then all R5b in the alternative.

11 CHAIRMAN HOOD: For the whole
12 thing?

13 COMMISSIONER MAY: For the whole
14 thing. Yes.

15 CHAIRMAN HOOD: That puts us
16 right back I think --

17 VICE CHAIR COHEN: Yes. It murks
18 up the -- is that a term? It messes up the
19 affordable housing site. I think they've
20 proceeded with R5 -- no.

21 COMMISSIONER MAY: No, not really
22 because the set-down approval would -- we

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1 would have to clarify that set down would
2 apply. Set down will apply only to the OP
3 proposal. The R5b and R5c alternative.

4 We may find in the hearing that
5 there's good reason to zone the entire area
6 R5b. You know, between now and then things
7 may happen or other issues may develop and it
8 would just cover us for an alternative.

9 VICE CHAIR COHEN: I think that
10 just doesn't

11 CHAIRMAN HOOD: Okay. I'm --

12 VICE CHAIR COHEN: -- make --

13 CHAIRMAN HOOD: I can tell you
14 I'm actually not in support of that.

15 COMMISSIONER MAY: Okay.

16 CHAIRMAN HOOD: I'm in support of
17 what Mr. Lawson. Anyone else in support of
18 the -- I mean we go by a majority. Anybody
19 else in support of what Commissioner May
20 mentioned?

21 Not hearing anyone. We don't
22 have the votes. So, did somebody -- did I

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1 make a motion?

2 VICE CHAIR COHEN: Yes, you did.

3 CHAIRMAN HOOD: Okay. It's been
4 moved. Did somebody second it?

5 VICE CHAIR COHEN: Yes.

6 CHAIRMAN HOOD: Okay. Moved and
7 properly second. Any further discussion?

8 All those in favor, aye.

9 (Ayes.)

10 CHAIRMAN HOOD: Not hearing any
11 opposition, so, staff, would you record the
12 vote?

13 MS. SCHELLIN: Staff records the
14 vote 5-0-0 to set down Zoning Commission Case
15 Number 13-07 as all lots as R5b except for
16 lot 52 which will be set down as R5c.
17 Commissioner Hood moving. Commissioner
18 Miller seconding. Commissioners Cohen, May
19 and Turnbull in support.

20 This is being set down as a
21 rulemaking case.

22 CHAIRMAN HOOD: Do we have

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1 anything else on that, Ms. Schellin?

2 MS. SCHELLIN: We have a
3 correspondence item.

4 CHAIRMAN HOOD: Oh, yes. I mean
5 anything else on that particular --

6 MS. SCHELLIN: No.

7 CHAIRMAN HOOD: Okay. We have a
8 correspondence item. Ms. Schellin.

9 MS. SCHELLIN: Yes, sir. Today,
10 we received a request from the attorney Jerry
11 Moore for Case Number 10-32B which is
12 Georgetown University. They're asking for a
13 postponement of their December 16th hearing
14 and we'd ask the Commission to consider that.

15 CHAIRMAN HOOD: Okay.
16 Colleagues, I would suggest that we would
17 approve this postponement, but we would also
18 put some of the work on Mr. Moore and that he
19 do all notifications to provide this office -
20 - do all notifications and also provide this
21 office with proof that all the notifications
22 have went out for this postponement within

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1 seven days. Okay.

2 Is somebody going to notify him
3 that he needs to --

4 MS. SCHELLIN: Yes, I spoke with
5 him today and he advised that he is agreeable
6 to do that. He will notify the office within
7 seven days that he has notified all owners
8 within 200 feet and the ANC that the hearing
9 has been cancelled and he will provide
10 verification to the office that he has done
11 that and he can do that within seven days --

12 CHAIRMAN HOOD: Okay.

13 MS. SCHELLIN: -- if the
14 Commission is agreeable to canceling the
15 hearing.

16 CHAIRMAN HOOD: Okay. Is
17 everyone in agreeance? So, do we need to do
18 -- I guess we need to do a motion.

19 MS. SCHELLIN: Should do a motion
20 or is it by consensus?

21 MR. BERGSTEIN: Well, actually,
22 as Chair, you can grant a continuance like

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1 that. So, if you just state that you order
2 the continuance granted under the
3 circumstances, that would do it.

4 CHAIRMAN HOOD: Okay.
5 Commissioners, any objections to us granting
6 -- okay. So, we will grant this extension
7 with the modifications noted that the
8 Applicant will provide within seven days that
9 he has done all the necessary notifications.

10 Ms. Schellin, do we have anything
11 else?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: Ms. Steingasser,
14 do we have an Office of Planning report?

15 MS. STEINGASSER: No.

16 CHAIRMAN HOOD: Okay. I'll see
17 you all tomorrow night. With that, this
18 meeting is adjourned.

19 (Whereupon, at 7:35 p.m., the
20 meeting was adjourned.)

21

22

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