

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

JEWISH HISTORICAL SOCIETY : Case No.
OF GREATER WASHINGTON : 08-34H
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Monday,
December 10, 2018

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

The Public Hearing of Case No. 08-34H by the
District of Columbia Zoning Commission convened at 6:30
p.m. in the Jerrily R. Kress Memorial Hearing Room at 441
4th Street, N.W., Washington, D.C., 20001, Anthony J.
Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

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JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
ANNE FOTHERGILL

The transcript constitutes the minutes from
the Public Hearing held on December 10, 2018.

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

(6:32 p.m.)

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This a public hearing of the Zoning Commission for the District of Columbia. Today's date is December the 10th, 2018. We're located at Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner Shapiro, Commissioner May, and Commissioner Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin as well as the Office of Planning staff, Ms. Steingasser and Ms. Fothergill.

This proceeding is being recorded by a court reporter and is also webcast live. Accordingly, we must you refrain from any disruptive noises or actions in the hearing room, including display of any signs or objects.

Notice of today's hearing was published in the D.C. Register and copies of that announcement are over to my left on the wall near the door. The hearing will be conducted in accordance with provisions of 11(z) DCMR Chapter 4, as follows:

Preliminary matters, Applicant's case, report of the Office of Planning, report of other Government agencies, report of the ANC, organizations and persons in support, organizations and persons in opposition, and also

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1 organizations and persons who are undeclared. Then we will
2 have rebuttal and closing by the Applicant.

3 The Applicant has up to 60 minutes, but I think
4 we can probably do this -- I think if the record's complete,
5 we can do it in 15 or 20, whatever you desire. Fifteen,
6 preferably. Organization's five minutes, individuals three
7 minutes. All persons wishing to testify before the
8 Commission in this evening's hearing are asked to register
9 at the witness kiosk.

10 The decision of the Commission in this case must
11 be based exclusively on the public record. The staff will
12 be available throughout the hearing to discuss procedural
13 questions. Please turn off all electronic devices at this
14 time so not to disrupt these proceedings.

15 Would all individuals wishing to testify please
16 rise to take the oath? Ms. Schellin, would you please
17 administer the oath?

18 MS. SCHELLIN: Please raise your right hand. Do
19 you solemnly swear or affirm the testimony you'll give this
20 evening will be the truth, the whole truth and nothing but
21 the truth?

22 (Witnesses sworn.)

23 MS. SCHELLIN: Thank you.

24 CHAIRMAN HOOD: Okay. Next, the Commission will
25 consider any preliminary matters. Does the staff have any

1 preliminary matters?

2 MS. SCHELLIN: Yes, sir. The first at Exhibit 22,
3 the Applicant filed a motion -- for a motion to waive the 20-
4 day requirement to amend the application, so we'd ask the
5 Commission to consider granting that wavier.

6 CHAIRMAN HOOD: Colleagues, we have a motion to
7 waive our 20-day rule to submit a request for an amendment.
8 Any objections?

9 No objections. We'll do that by general
10 consensus.

11 Anything else, Ms. Schellin?

12 MS. SCHELLIN: The second part of that letter
13 there, asking for wavier of the proffer process. This is a
14 second-stage PUD, so if, at the conclusion of the hearing,
15 the Commission wishes to do so and would waive that proffer
16 process, they could take action at the conclusion of the
17 hearing. So, that would be something that -- that waiver
18 request would be considered at the end of the hearing if the
19 Commission chooses to move forward with action.

20 So, the only other thing is the proffered experts.
21 Of course, Jami Milanovich has been previously accepted, so
22 I just ask that the Commission would accept her in this case.
23 And then, Hal Davis is being proffered in architecture. And
24 his resume's at 11B-2.

25 CHAIRMAN HOOD: Okay. I think we will continue

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1 unless I hear an objection from Ms. Milanovich. Also, Mr.
2 Davis, his credentials are in Exhibit 11B-2. Any objections?

3 COMMISSIONER TURNBULL: I would move that we
4 accept Mr. Davis.

5 CHAIRMAN HOOD: Okay. So, Mr. Davis got a quick
6 move, so he's definitely accepted. Okay. Any objections?

7 CHAIRMAN HOOD: Okay. No objections.

8 All right. Anything else, Ms. Schellin?

9 MS. SCHELLIN: That's all staff has.

10 CHAIRMAN HOOD: Okay. With that, you can identify
11 yourself and you may begin.

12 MS. LOGAN: Good evening, commissioners. My name
13 is Jennifer Logan along with my colleague, John Epting --

14 CHAIRMAN HOOD: Ms. Logan, is your mic on? If you
15 can just pull it up closer?

16 MS. LOGAN: Sure. Any better?

17 CHAIRMAN HOOD: Yeah. That's fine.

18 MS. LOGAN: I'm here with my colleague, John
19 Epting. We're attorneys with the law firm of Goulston &
20 Storrs. We're here tonight to present the Jewish Historical
21 Society of Greater Washington's plan for a second-stage PUD,
22 located in Square 568, Lots 863, 864 and 7,000.

23 The property's located on the southeast corner of
24 3rd and F Street Northwest. It's part of the larger Capitol
25 Crossing PUD. The first stage of the PUD was approved by the

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1 Commission in 2011. And under the first-stage PUD, the
2 Property Zone C-4.

3 The applicant plans to relocate an existing
4 historic synagogue to the corner of 3rd and F Streets, and
5 construct an associated office space and adjoining museum.
6 The design of this stage-two PUD is consistent with the
7 first-stage PUD approved by the condition. It has a
8 reduction in the gross floor area, FAR and height from the
9 approved first-stage PUD.

10 The Applicant is seeking special exception relief
11 from the penthouse setback requirements and the project has
12 received concept approval from HPRB. We're happy to be here
13 tonight with positive reports from the Office of Planning and
14 the District Department of Transportation.

15 We have the materials board requested by the
16 Office of Planning this evening and we also agree with the
17 minor alterations and the requested flexibility language
18 noted in the OP report.

19 We're also pleased to have the support of the
20 community and of ANC 2C for the project, and the Applicant
21 will continue to work with Government agencies, in particular
22 with DDOT, regarding the final design in the public space.

23 With that, we have three witnesses here this
24 evening: Stuart Zuckerman will testify on behalf of the
25 Applicant, Jewish Historical Society; Hal Davis is proffered

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1 as an expert in architecture and building design; and Jami
2 Milanovich in traffic engineering is available for any
3 questions.

4 MR. ZUCKERMAN: Good evening. My name is Stuart
5 Zuckerman. I'm the task president of the Jewish Historical
6 Society and chair of the Building Committee.

7 For 60 years, the JHS has documented and told the
8 story of the Jewish community of our region, the story of
9 Washingtonians, such as myself, who have contributed to the
10 life of the city and the story of those who have come to
11 serve the nation. We conduct walking tours, we produce
12 exhibits and we sponsor programs for the benefit of the
13 entire city.

14 In 1968, a group of volunteer organized to save
15 the 1876 synagogue from destruction. They moved the
16 structure from the site of the then future WMATA headquarters
17 to a corner in the right-of-way of a recently-constructed 395
18 Highway. We now propose, as we've stated, to move this
19 structure to 3rd and F Streets.

20 For purposes of the PUD, we are an amenity to the
21 Capitol Crossing project, an architecturally distinct space,
22 for reflection. Before the stakeholders in our organization,
23 this is the realization of a 60-year dream to create a new
24 cultural institution in the City of Washington: a modern,
25 interactive museum, with a core, permanent exhibit

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1 highlighting our community, large gallery spaces for
2 traveling exhibits and a permanent home for our wandering
3 building.

4 We have met -- I've personally met several times
5 with our ANCs and we enjoy their support and the support of
6 our neighbors. Thank you.

7 MR. DAVIS: Good evening. My name is Hal Davis.
8 I am an architect with SmithGroup and I am the principal in
9 charge of the project. I think most of you have seen this
10 presentation somewhat before. It is now in its final
11 presentation form.

12 So, I'm going to run you through this, if I may,
13 very quickly, just to give you a refresh. This is the
14 location that you see for Capitol Crossing that's outlined.
15 These are the facts and figures on the development data for
16 the actual building itself.

17 I think what you'll see between the first and
18 second stages is the fact that we are actually underneath
19 each of the requirements that were approved in the first
20 stage of the PUD. Here is actually the location of the site,
21 which is adjacent to the Holy Rosary Church, which is across
22 the street on F Street and we are on the corner of 3rd and
23 F. And you can see on the right the actual synagogue.

24 This is a rendering from the corner, looking down.
25 And as you can see, we've elevated the building. It sits on

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1 the plinth above the sidewalk. There are steps that allow
2 access and there is a ramp to the backside, which comes in
3 for handicapped access, both of which arrive in the atrium
4 space.

5 Here you can see the setback requirements as
6 required by the Office of Planning and Public Space, so we've
7 met all the require from that standpoint regarding DOT's
8 requirements as well.

9 This is a rendering from the corner at 3rd and F,
10 looking at the synagogue, which, in fact, is the main
11 collection item for the museum itself. And the museum itself
12 is surrounding it, cradling the museum and atrium separating
13 the two. And the actual massing of the building is done in
14 a way to offset the height and setbacks.

15 This is a view from the corner, looking at the
16 steps. This is a view looking at the entrance off of 3rd
17 Street. This is a view looking up, 3rd toward F, at the
18 garage entrance, which is on the initial right.

19 This is an elevation looking along F Street with
20 the -- a new building, which is being proposed as part of
21 Capitol Crossing on the left. And here, you're going to see
22 the first lines of signage that we're looking at.

23 So, there's a little wall at the top which shows
24 the name of the museum, which is inscribed, basically, into
25 the stone that's in the wall. And then below that, you can

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1 see that there are raised letters that are on the entry
2 coming in from 3rd Street. This is actually the south
3 elevation looking at -- coming up from 3rd Street. We'll
4 talk about that a little more in just a moment.

5 So, what we're suggesting here is that both of
6 these locations, which are on the north face on the left and
7 the south face on the right, would be future banner locations
8 and sizes. The size on the left is approximately 10 by 20
9 as the maximum, and on the right is 8 by 40 as the maximum
10 size, and roughly the placement that we would have for these
11 banners.

12 The outline that you see in dotted form is the
13 original stage-one PUD. And as you can see, we are inside
14 of that, for the most part.

15 We're talking about materials next. We have a
16 material board, which is here in front of us, the actual
17 materials that you're looking at. We're looking at metal
18 panel construction and we've shown you the actual physical
19 samples and colors on the right.

20 And this is actually the material palette as
21 you're looking at it. So, there's the base option, which is
22 at the top, which is the metal panel. And then, there is an
23 alternative, which we hope to be able to use for an upgrade
24 to terra cotta in locations on the building itself.

25 This is actually the roofscape, which there is a

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1 surround which covers the mechanical unit as well as the
2 elevator penthouse, which is -- in this instance, we've
3 managed to get it down to a maximum of 12 feet to the very
4 top so it doesn't protrude above the screen. And then there
5 is green roof even on top of the elevator as well.

6 These are elevations of the building, indicating
7 where the materials are, also a height of the building, which
8 is less than the height that was in the first-stage PUD.
9 Elevations from 3rd Street, showing entrance to the garage
10 on the bottom-right, entrance between the synagogue and the
11 museum in the center there. And the 3rd Street looking up
12 elevation on the south.

13 Quick section through the building, indicating the
14 community lab and the multipurpose room on the bottom. And
15 then, a second through the atrium space itself, which is two
16 stories. It separates the two buildings; the museum from the
17 synagogue. It's also the bridge across that allows you
18 access and accessibility into the second floor of the
19 synagogue, which is actually the sanctuary level.

20 And another section through that atrium space with
21 the skylight coming down through. And then a section,
22 actually, through the garage ramp to show you how we are
23 building on top of what will be an existing garage ramp and
24 enclosure that's being done by PGP Partners and will be,
25 hopefully, under construction very shortly. And then, we

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1 will come through and build on top of that.

2 So, what we're building on top is in the dark-
3 lined area and then the existing piece will be built by PGP,
4 which is in the slightly post-shade area below that. There
5 have been some questions in terms of circulation. This is
6 the loading dock plan, which indicates movement back and
7 forth to the elevator core that services the actual museum.

8 And then, these are the 12 spaces that are
9 designated for use by the museum and access to the elevator
10 core, that gives you access then to the lobby area and atrium
11 area of the museum. And that is actually a quick run-through
12 of the entire plan. Thank you.

13 CHAIRMAN HOOD: Anything else, Ms. Logan?

14 MS. LOGAN: No. We're happy to take any
15 questions.

16 CHAIRMAN HOOD: Okay. All right. Great. Thank
17 you. Thank you all for your presentation. Again, we have
18 read the materials and this is a second-stage, but let me
19 open up and see if we have any follow-up. Commissioner May?

20 COMMISSIONER MAY: Yeah. A few questions. So,
21 back to the signage. Are you -- you seem to have permanent
22 signage and banner signage in the same place. Is that right?
23 Am I reading that right?

24 MR. DAVIS: We're looking at actually one or the
25 other, but not both.

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1 COMMISSIONER MAY: One or the other, but not both?

2 MR. DAVIS: Correct.

3 COMMISSIONER MAY: Okay. And can we go to Page
4 27? Yeah. So, where in this plan is the museum?

5 MR. DAVIS: It's a little hard to read in this
6 plan.

7 COMMISSIONER MAY: Yeah.

8 MR. DAVIS: So, if you look at the ramp that goes
9 around the side of the core area, there is a small elevator
10 exterior there and an elevator lobby just right off of that
11 curve. And that's actually the entrance to the elevator
12 lobby that would take you, then, up to the atrium space.

13 COMMISSIONER MAY: So, the garage entrance that
14 we are seeing --

15 MR. DAVIS: That's off 3rd Street.

16 COMMISSIONER MAY: Right. And where does that --
17 I mean, there are lots of garage ramps in here. Which one
18 does it feed --

19 MR. DAVIS: It's actually coming down from the
20 level above this, and circles in and comes back around again,
21 so --

22 COMMISSIONER MAY: Yeah. But I mean, it's --

23 MR. DAVIS: Let me go back.

24 COMMISSIONER MAY: If I understand what you were
25 saying about the plan, it would be the ramp that's

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1 immediately above the elevator car that we're seeing.

2 MR. DAVIS: The ramp actually coming down from 3rd
3 Street is on the bottom-right-hand corner above that area
4 that you're seeing on the curve. So, it comes down, back
5 around --

6 COMMISSIONER MAY: Yeah. It'd be really good if
7 you could point to it somehow.

8 MR. DAVIS: Okay.

9 COMMISSIONER MAY: And so, you -- I mean --

10 MR. DAVIS: Let's see how we --

11 (Simultaneous speaking)

12 CHAIRMAN HOOD: Do they have same capability down
13 there that we have up here?

14 PARTICIPANT: Yes.

15 CHAIRMAN HOOD: Okay.

16 MR. DAVIS: Let's see --

17 CHAIRMAN HOOD: You can draw on it.

18 MR. DAVIS: Let's see if we can --

19 CHAIRMAN HOOD: Because I just drew that red line.

20 MR. DAVIS: Let me do this. You can see the
21 cursor?

22 COMMISSIONER MAY: Yeah.

23 (Simultaneous speaking.)

24 MR. DAVIS: Okay. So this curve just above that
25 is actually the entrance ramp above. Comes right over the

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1 top of that, down and around, comes back around, and you're
2 looking at the next level below the ramp.

3 So, when I show you the second, which we'll go to
4 -- I'll go back to in a second here, which is there, that is
5 the ramp coming in from 3rd Street right here, down, back
6 around. And the plan that you're looking at, at the moment,
7 is down on the level where my cursor is at the moment.

8 COMMISSIONER MAY: Okay. So, the mechanical room
9 that we're seeing there below the ramp is in the lower-right
10 --

11 MR. DAVIS: Yes. That's correct.

12 COMMISSIONER MAY: -- corner on the place,
13 correct?

14 MR. DAVIS: Mm-hmm.

15 COMMISSIONER MAY: Okay. All right. I appreciate
16 that, understanding what's happening there. And then I just
17 had a question about the flexibility that was requested.
18 There's quite a bit in the OP's report about that.

19 And the one that concerned me the most was number
20 6 on their list. I don't know where that fits into your
21 presentation, but it had to do with the flexibility to alter
22 the size and number of facade openings kind of willy-nilly,
23 which just didn't make any sense to me.

24 MS. LOGAN: Yeah. We're fine to agree to the
25 proposed language that OP had in the report.

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1 COMMISSIONER MAY: Okay. All right. I'll have
2 to ask them about that because I'm not sure I found that
3 satisfactory either. But I'll read that again before they
4 get to their part. So, I will turn it over to anybody else
5 who has questions.

6 CHAIRMAN HOOD: You have questions? Mr. Turnbull?

7 COMMISSIONER TURNBULL: Thank you, Mr. Chair.
8 Thank you for your presentation. I think it's an elegant
9 little building. The only -- and I'm not sure how we quite
10 handle the signage, whether you're going to do one or the
11 other, and how we put that into language of the order to do
12 one -- I have no problems with the upgrade to the materials.

13 We've normally had -- part of the problem with
14 your request originally was that you wanted to change
15 materials. And while we expect that by the time you get here
16 you've pretty much determined what you're going to have.

17 So, we don't mind changes in color of the
18 materials within the ranges that you proposed with changes
19 in materials. But here is an upgrade in going with terra
20 cotta and that I don't mind, per se, but I -- so I think we
21 have to work out with OAG how we want to phrase that in the
22 language.

23 But I would agree with Commissioner May. And I
24 think one of the things we want to do -- notwithstanding what
25 OP has in their report, but we've just gone through this with

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1 the Office of the Attorney General. And I think we can
2 either talk with Mr. Ritting or Mr. Tondro about the exact
3 language that we've agreed on to kind of language for
4 materials and changes in that. But other than that, I really
5 don't have any issues with the project.

6 CHAIRMAN HOOD: Any other questions or comments?

7 VICE CHAIR MILLER: A comment, yes.

8 CHAIRMAN HOOD: Okay. Vice Chair Miller?

9 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
10 thank you for your presentation. I don't think I have any
11 questions. I think it's a very -- I think Mr. Turnbull's
12 term, elegant project, is a good -- the blending of the brick
13 with the modern materials is all very attractive. And having
14 some relief from all that height and density of the rest of
15 the project, I think, is very welcome for the Capitol
16 Crossing project.

17 One of the areas of proposed exception, I think,
18 was on the phasing of the rooftop terrace. That's on top of
19 the museum and what would that -- what's going to be up
20 there? I guess I missed that slide.

21 MR. DAVIS: There is a rooftop terrace area which,
22 if I may -- let me just go back for a second here and point
23 that out to you. Okay. So, here on this, on the far left-
24 hand side, you'll see the rooftop. There is a terrace at
25 that level and there's a pergola, basically, proposed to go

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1 over the top.

2 And so, that's where that is located. It's
3 accessible off of the building itself. It has a maximum
4 capacity of 50 people.

5 VICE CHAIR MILLER: And just -- it's a gathering
6 place?

7 MR. DAVIS: Right. Correct. Outdoors.

8 VICE CHAIR MILLER: Yeah. So, when you get the
9 approvals here, when do you expect that this would be
10 constructed and open?

11 MR. DAVIS: We are looking to go to bid April of
12 next year and hopefully opening in late 2020.

13 VICE CHAIR MILLER: Okay. All right. Well, thank
14 you very much.

15 MR. DAVIS: You're welcome.

16 VICE CHAIR MILLER: I appreciate all the work and
17 effort in this wandering project.

18 MR. DAVIS: Thank you.

19 CHAIRMAN HOOD: Mr. Shapiro?

20 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
21 would also agree. I find it a very attractive project. Just
22 a couple quick questions. First of all, I'm just curious,
23 what are the precedents that you used for this design?

24 MR. DAVIS: Well, it's interesting because we
25 looked at many different solutions to this particular

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1 problem, but decided in the end that the appropriate response
2 was to essentially cradle the existing synagogue, placing it
3 on the corner as being, essentially, the main artifact of the
4 museum itself, and then connecting it with the glassed-in
5 atrium space.

6 Then it became an issue of how best to offset the
7 massing of the building against the adjacent building, which
8 also then steps up from 90 feet on the adjacent building to
9 135 feet at the ultimate side of Capitol Crossing. So, we
10 felt this was kind of the best compromise that we felt
11 comfortable with in terms of height and certainly the massing
12 of the building itself.

13 And then we tried to be sympathetic in terms of
14 response to the red brick that was in the synagogue itself
15 in terms of the color palette that was selected as well as
16 the materials. So, hopefully, that gives you some background
17 how we got there.

18 COMMISSIONER SHAPIRO: I appreciate it. And you
19 this is, in part, raised so it parallels the Catholic church
20 across the street.

21 MR. DAVIS: Correct. Which is also up on plinth
22 as well.

23 COMMISSIONER SHAPIRO: So it looks like they're
24 --

25 (Simultaneous speaking.)

1 MR. DAVIS: That's correct. There are several
2 things that caused us --

3 COMMISSIONER SHAPIRO: Is there unconscious
4 competition going on as well?

5 MR. DAVIS: Well, hopefully not. Hopefully it's
6 meant to be sympathetic all the way through. But we felt the
7 other reason to raise it beyond aesthetics was a security
8 issue. We really did not feel comfortable putting up
9 bollards in front of the building or anything of that nature.
10 And so, therefore, elevating it helped us tremendously in
11 that regard.

12 COMMISSIONER SHAPIRO: It's great, too. I think
13 that's also an elegant feature. Last thing is I don't see
14 any conversation or anything about any kind of LEED
15 certification.

16 MR. DAVIS: We are actually going for silver.

17 COMMISSIONER SHAPIRO: Okay.

18 MR. DAVIS: LEED silver, so --

19 COMMISSIONER SHAPIRO: Do we have any material,
20 any backup on that at all?

21 MR. DAVIS: I don't know if we actually gave you
22 the physical LEED sheet on that. Was that in the submittal?

23 MS. LOGAN: I don't think so.

24 MR. DAVIS: Okay. We do have that. We can send
25 that back to you.

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1 COMMISSIONER SHAPIRO: Yeah. That'd be great.

2 MR. DAVIS: Happy to do it.

3 COMMISSIONER SHAPIRO: That's all I have, Mr.
4 Chair.

5 CHAIRMAN HOOD: Thank you. Let me -- where is the
6 material board? Is it down in front of me?

7 MR. DAVIS: It's right here.

8 CHAIRMAN HOOD: Oh, maybe I need to -- oh, okay.

9 MR. DAVIS: I can come -- why don't I --

10 CHAIRMAN HOOD: All right. No, that's okay. I
11 just didn't --

12 MR. DAVIS: I can come over and pick it up.

13 CHAIRMAN HOOD: No, that's okay. Unless the
14 others want to see, I think that's --

15 (Simultaneous speaking.)

16 MR. DAVIS: Sure.

17 CHAIRMAN HOOD: Mr. Zuckerman, right?

18 MR. ZUCKERMAN: Yes.

19 CHAIRMAN HOOD: You seem to have been very
20 fortunate to have two ANC commissioners -- I guess one of
21 them didn't show.

22 MR. ZUCKERMAN: Yeah.

23 CHAIRMAN HOOD: Was the meeting well attended?

24 MR. ZUCKERMAN: It was well attended. And the ANC
25 commissioner that wasn't there happens to be our SMD.

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1 CHAIRMAN HOOD: Okay.

2 MR. ZUCKERMAN: It's Theresa Harrison. Yes.
3 Theresa Harrison. And we met with her in-person before we
4 submitted, and talked to her about it, so we regularly
5 communicated.

6 CHAIRMAN HOOD: Good.

7 MR. ZUCKERMAN: Yeah. We talked.

8 CHAIRMAN HOOD: Okay. I just found it was
9 interesting. I know we have different numbers of
10 commissioners across the city.

11 MR. ZUCKERMAN: It's really unusual.

12 CHAIRMAN HOOD: And to see two or three --

13 MR. ZUCKERMAN: Yeah. I know. My own agency, I
14 think, has, like, a hundred members, but -- yeah.

15 CHAIRMAN HOOD: Okay. All right. And I, too,
16 would echo the comments on the design. So, any other
17 questions up here? I don't have anymore. All right. Let's
18 go to the -- again, is anyone here representing the ANC?

19 Let me ask this. Is there anyone here in
20 opposition of this case? Okay. Mr. Epting already knows
21 because he's -- I guess he's already looked around because
22 he shook his head to let me know no.

23 Okay. Let's go to the Office of Planning and --
24 to the Office of Planning.

25 MS. FOTHERGILL: Good evening, Chairman Hood and

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1 members of the Commission. I'm Anne Fothergill with the
2 Office of Planning. And the Office of Planning rests on the
3 record in support of the application. And I'm happy to take
4 any questions.

5 CHAIRMAN HOOD: Okay. The Ms. Fothergill. Any
6 questions of the Office of Planning? I'm not seeing any --
7 and as well we do have a letter from DDOT.

8 COMMISSIONER MAY: Yeah. No, I do.

9 CHAIRMAN HOOD: Oh, I'm sorry. Commissioner May?

10 COMMISSIONER MAY: Yes. So, now I'm struggling
11 to find where I saw this, but I thought there was a request
12 for flexibility that was -- oh, I know. I'm looking at the
13 wrong report. That's what it is.

14 Where they were asking for flexibility on the
15 placement of windows. During the final design, the museum
16 facade, including the number-sized sign location of windows,
17 doors, awning, canopies, and similar features to accommodate
18 the needs of code requirements. And I -- is that something
19 where you had suggested alternative language?

20 MS. FOTHERGILL: Initially, their request included
21 flexibly for the signage in that Number 6 and they also had
22 a separate one for Number 8. And so, there was some
23 clarification needed.

24 And they submitted supplemental clarification
25 taking out the request for signage and just leaving the --

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1 any code requirements related to the museum facade. And so,
2 that is what the Number 6 change was.

3 And we consulted with OAG on all of the
4 flexibility because there was some changes requested from the
5 first-stage PUD and we wanted to make sure it was consistent
6 with the flexibility that had been approved in the first-stage
7 PUD.

8 And also, consistent with other zoning commission
9 orders. And so, this was reviewed by OAG and that's how we
10 got to the language that's here.

11 COMMISSIONER MAY: Okay. I mean, what struck me
12 is that it seemed like -- and maybe this has been the
13 standard language for a long time and I just missed it. But
14 the way it's written, to vary the final design of the museum
15 facade, I mean, basically opens the door for everything to
16 get rearranged, but only if it's necessary to accommodate the
17 code requirements.

18 It still seems like it's pretty loose because it
19 doesn't say anything about preserving the intention or to --
20 you know, to make minor adjustments in the placement or
21 something like that. So, it seems like it's a pretty
22 substantial thing.

23 And again, maybe this has been the standard
24 language for a long time, but it seemed like it was broader
25 from my perspective.

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1 COMMISSIONER TURNBULL: No. This has not been
2 standard language. This has never been in any of our orders.
3 We have talked about possibility of changing sills, copings,
4 modifications like this, but never to the extent of doors,
5 awnings, windows location and sizes. This cannot be --

6 (Simultaneous speaking.)

7 COMMISSIONER MAY: Yeah. Yeah. Five was the
8 standard --

9 (Simultaneous speaking.)

10 COMMISSIONER TURNBULL: We cannot agree to this.

11 COMMISSIONER MAY: Yeah.

12 COMMISSIONER TURNBULL: I don't think OAG -- and
13 you can check with Mr. Ritting or Mr. Tondro with the
14 language. We have never had anything close to Number 6.

15 COMMISSIONER MAY: It just seems like an odd
16 thing.

17 COMMISSIONER TURNBULL: It's very strange.

18 COMMISSIONER MAY: Maybe Mr. Davis would want to
19 help us understand why it's necessary to have that
20 flexibility?

21 MR. DAVIS: Thank you. I'd be happy to explain.
22 Basically, what you see is what we hope to deliver. We are
23 in permit review with DCRA at the moment. So, I think this
24 was put in as a caveat in the event that DCRA, for any
25 reason, had comments that would affect that.

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1 COMMISSIONER MAY: And what sort of things do you
2 fear they might change? I mean --

3 MR. DAVIS: Honestly, we don't know. But at the
4 time when we put this together, we felt like they might come
5 back and ask us to change entry piece or something of that
6 nature.

7 So, we're comfortable with everything we
8 submitted. We believe we've met the code requirements. But
9 in the event that DCRA comes back, I think there was some
10 desire to put in a flexibility issue. Happy to take that out.

11 COMMISSIONER MAY: Yeah. I mean, I would want to
12 take it out if you're willing to just because it's too broad.
13 I mean, there's a certain amount of flexibly that the Zoning
14 Administrator, I think, probably already has to make minor
15 tweaks.

16 And there's certainly language that we could
17 handle that would allow for minor tweaks. You know, if a
18 door's got to go to 38 inches from 36 or something like that
19 to accommodate egress, that's understandable. But this sort
20 of opens the door for completely redesigning the facade and
21 I don't think that's --

22 MR. DAVIS: That's certainly not our intent.

23 COMMISSIONER TURNBULL: I would agree,
24 Commissioner May. There is language -- past language that
25 we have used before that carefully is structured to address

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1 minor revisions or refinements to issues involving code, but
2 is not as broad as what this language as it is now written.
3 So, I would suggest that maybe OP should check with OAG again
4 and just go through it once more.

5 COMMISSIONER MAY: But if the Applicant is willing
6 to just simply strike Number 6, the I would --

7 MS. LOGAN: Our understanding is, actually, this
8 language was worked on with OAG and --

9 (Simultaneous speaking.)

10 COMMISSIONER MAY: Right. But they're not the
11 Zoning Commission. We're the Zoning Commission and this is
12 too much flexibility. So, the fact that it might be legally
13 acceptable doesn't mean that it's acceptable to us.

14 So, I think that's what the essential issue --
15 again, if the -- I mean, if you're confident that this is
16 going to work and are willing to accept it, then -- I mean,
17 X it out, I would suggest we X it out.

18 CHAIRMAN HOOD: Well, we can -- and I saw that.
19 Actually, I remember a case where we had somebody -- this is
20 some years ago with Number 6. We definitely took it out. So,
21 I kind of figured that was going to come up with discussion
22 in deliberations, but obviously that came up tonight.

23 So, you can carry on with it, but I knew we were
24 going to deliberate on those -- some of those flexibility
25 items. So, if you want to take it out -- I mean, you can

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1 think about it because -- if you want to take it out, you
2 can.

3 MR. DAVIS: I think --

4 CHAIRMAN HOOD: And if you don't -- let me just
5 say this. If you want to take it out, you can. If you don't
6 and we don't see any revisions, we'll leave the record open
7 for that. If we don't see anything different, then we will
8 deliberate on it.

9 MR. DAVIS: Thank you. As Commissioner May
10 brought up, I think our only main concern might be on egress
11 doors and we just want to make sure that we have some
12 flexibility in that regard.

13 COMMISSIONER MAY: So, I mean, that could be --
14 the language can be reduced to marry -- you know, vary the
15 final -- or, to make minor refinements to door openings as
16 may be required by code. Something like that.

17 MR. DAVIS: That would be acceptable.

18 COMMISSIONER MAY: Yeah. Because the rest of it
19 is just -- I mean, window openings I can't see being
20 affected. That would have to do with --

21 MR. DAVIS: We don't think so.

22 COMMISSIONER MAY: -- proximity and fire codes and
23 things like that.

24 MR. DAVIS: We don't think so.

25 COMMISSIONER MAY: Yeah.

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1 MR. DAVIS: Let me just explain the window
2 situation because the windows of the synagogue itself look
3 into the atrium space. And because of separation of use and
4 type of construction, we had to create three-hour barrier at
5 that point. So, we've done three-hour shutters over the
6 windows.

7 At the time, I think, when we were looking at this
8 and the original discussion came up, we weren't sure exactly
9 how we were going to have to handle the windows in order to
10 maintain the separation. So, now that we've resolved all of
11 that, I think we're good.

12 COMMISSIONER MAY: That's good. That I could
13 understand. It's the entire facade that was --

14 MR. DAVIS: Sure. Sure. Which is not our intent.

15 COMMISSIONER MAY: Yeah.

16 CHAIRMAN HOOD: And since we brought it up -- and
17 I don't remember much doing Number 3 as well, but I was going
18 to wait till we deliberate because maybe I just -- maybe we
19 have done it in part and maybe I just didn't remember -- I
20 know -- it's the material changes.

21 So, I don't -- I really think that maybe we might
22 want to -- after what I'm hearing from Commissioner May and
23 others, what we may want to do is leave the record open for
24 you to continue to work with -- you've heard the
25 commissioner's wishes.

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1 But continue to work with whoever you're working
2 with, OAG, Office of Planning, and kind of fine-tune this to
3 scale it back because flexibility around here is not a word
4 we find a whole lot of interest in, okay? And I think
5 everybody knows that.

6 COMMISSIONER MAY: Mr. Chairman, I don't know.
7 They've agreed on the fly to the change I requested on Number
8 6. I think that's okay. And for Number 3, it's in order to
9 get the final approval from HPRB. And I think, generally
10 speaking, I'd be willing to defer to HPRB when it comes to
11 the final selection of the exterior materials.

12 CHAIRMAN HOOD: So, that's kind of what you want,
13 Commissioner May. But other, you know --

14 (Simultaneous speaking.)

15 COMMISSIONER MAY: Okay. No, it's fine. I'm just
16 letting you where I am.

17 CHAIRMAN HOOD: Yeah. I appreciate that. But we
18 have eight things where they're asking for flexibility. I
19 know some of them are very simple and relatively simple.

20 But that's why I wanted to kind of discuss this
21 in deliberations. I don't want to be hard, fast rule, and
22 I don't think I am. I just think that we need to have some
23 thought. And off-the-cuff and off the -- you know, on-the-
24 fly sometimes gets us in a lot of trouble.

25 I don't know if others agree with me. We may be

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1 able to fine-tune it to where it satisfies what Commissioner
2 May says as well as my issues and anyone else or other issues
3 that may appear. Sometimes it's not always good to do stuff
4 off-the-cuff. Trust me.

5 I've had to come back down here and have another
6 hearing because it was off-the-cuff, because the courts told
7 me to come back. So, I mean, unless others disagree, I would
8 like to give you-all just a little bit more time to fine-tune
9 some of the issues you heard here about the flexibility and
10 give, I think, all five of us some ease.

11 MS. LOGAN: We're happy to fine-tune. But just to
12 clarify the flexibility language I think that Commissioner
13 May was referring to was our originally proposed flexibility
14 language. OP has proposed slightly modified language in their
15 report, which we've agreed to without a mention of HPRB.

16 CHAIRMAN HOOD: Which one are you talking about,
17 ma'am? Number 3 or Number 6 or another one?

18 MS. LOGAN: I think it was Number 3 that had the
19 HPRB mentioned.

20 CHAIRMAN HOOD: So, what you said is you-all
21 mentioned HPRB?

22 VICE CHAIR MILLER: It's on Page 8.

23 MS. LOGAN: Our initial flexibility language that
24 we had proposed did mention HPRB. OP suggested this modified
25 flexibility language for, you know, Items 1 through 8. And

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1 we've agreed to modify accordingly.

2 VICE CHAIR MILLER: The revised language is on
3 Page 8 of the OP report, Mr. Chairman, I believe.

4 CHAIRMAN HOOD: Okay.

5 COMMISSIONER MAY: I thought that's what I was
6 reading. Yeah. And I was looking for the Applicant's
7 supplemental statement and there's the statement there about
8 the flexibility, which I didn't quite understand.

9 MS. LOGAN: Sorry. On Page 8, the asterisk for
10 Number 3 -- I'm sorry. Not the asterisk, but the OP notes
11 that the proposed language in Number 3 differs from the
12 original approved flexibility in the original order.

13 And so, in consultation with OAG, the recommended
14 the language that's noted now in Number 3 on your Page 1 as
15 being consistent with what the Zoning Commission orders say
16 now.

17 CHAIRMAN HOOD: So, now I'm confused. On Page 8
18 is what the Applicant asked. And what we're asking to
19 approve is on Page 1?

20 MS. LOGAN: Page 1 is what was discussed with OAG
21 as some refinements to the flexibility that the Applicant
22 requested.

23 CHAIRMAN HOOD: So, who was Page 8? Page 8 was
24 who?

25 MS. LOGAN: The Page 8 is a listing of what the

1 Applicant requested.

2 COMMISSIONER MAY: So, Page 9 is where the revised
3 condition Number 3 is. I just found it.

4 CHAIRMAN HOOD: Okay. Number 3. Okay. I
5 actually like on Page 8. It kind of goes in line with --
6 because it's spelled out in --

7 COMMISSIONER MAY: But Page 3 is -- actually is
8 consistent with what we've done in the past, where it's the
9 ability to vary within a -- the range that's been shown to
10 us.

11 CHAIRMAN HOOD: Do we do that on --

12 COMMISSIONER MAY: Yeah.

13 CHAIRMAN HOOD: -- materials?

14 COMMISSIONER MAY: Within a range, sure.

15 CHAIRMAN HOOD: Okay. I don't --

16 COMMISSIONER MAY: Do we have a range on the
17 board, there? That's what I thought.

18 CHAIRMAN HOOD: You know what? Okay. Which one
19 -- this is, like, what size -- how many feet we going to do
20 something? Three feet, five feet, eight feet. Whatever you-
21 all need to do, just -- I mean, that's why I'm inconsistent
22 with my colleagues. I'm done with that, okay?

23 MS. STEINGASSER: Chairman Hood?

24 CHAIRMAN HOOD: Yes?

25 MS. STEINGASSER: Excuse me. Could I suggest that

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1 we have an opportunity to work with the Applicant in the next
2 day or two to refine these languages because we were working
3 off the original order with input with OAG? And then there's
4 been some modifications and now what's going on tonight. So,
5 that we could work and get that in, and so the Commission
6 could take action on the 17th?

7 CHAIRMAN HOOD: I think --

8 MS. STEINGASSER: Would that be helpful?

9 CHAIRMAN HOOD: Yeah. That would be very helpful.
10 Any disagreement with that moving forward? Again, we're back
11 to -- so we don't do anything off the cuff. I want you to
12 know we're very well organized around here. Sometimes it
13 doesn't seem that way, but we are.

14 Okay. So, I think, yeah, we can deal with that
15 on the 17th and fine-tune that. And I appreciate that
16 officer, Ms. Steingasser.

17 MS. STEINGASSER: I'd also like to point out on
18 the -- on Page 3 of the presentation, they talk about the
19 Applicant seeing relief from the penthouse setback. I want
20 to make sure that we at least address that in approval.
21 Office of Planning has recommended approval of that, but I
22 don't want that to fall off the table.

23 COMMISSIONER MAY: Yes. I noticed it. I don't
24 have any problem with this particular request for
25 flexibility. I mean, it's up against a building twice its

1 size, so I don't -- the flexibility also seems to be
2 technically required. I think it would be a very hard thing
3 to, like, make them move the elevator shaft at this point.
4 Anyway.

5 CHAIRMAN HOOD: Okay. So, we won't have any
6 surprises on the 17th. We're fine with that. Thank you, Ms.
7 Steingasser. Anything else? Have you-all finished? We were
8 asking our -- I got confused now. What are we doing? We
9 were asking our questions, right? Okay. Oh, Office of
10 Planning. We weren't asking -- okay.

11 Any further questions, Office of Planning? And
12 again, DDOT, you saw their report where they ask you to
13 continue to work during their Public Space permitting
14 process, continue to work with them. But they do approve of
15 this -- of moving forward.

16 Anything else? Any other Government agencies I
17 may have missed? Okay. Let's go -- Vice Chair Miller, did
18 I miss --

19 VICE CHAIR MILLER: I think there's an MPD letter
20 that just said no concerns

21 CHAIRMAN HOOD: No objections. And I appreciate
22 MPD weighing in as well. Let me go to the ANC. Do we have
23 anyone representing the ANC? Let me read the ANC report.

24 And it just says, on October 15th, 2018, that the
25 regularly scheduled meeting, due to notice, the meeting the

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1 advisory neighborhood commission ANC 2-C with a quorum of two
2 of three commissioners at the public presentation, the above
3 mentioned item came before us. And Mr. Zuckerman presented
4 the plans and renovation of the synagogue and museum. And
5 they voted 2-0-0 to approve the application. And that's our
6 Exhibit 15.

7 Okay. Do we have any organizations or persons who
8 are here in support? Any organizations or persons who are
9 here in opposition? Any organizations or persons who are
10 undeclared? Okay.

11 Ms. Logan, do you have any rebuttal? Do you have
12 any closing?

13 MS. LOGAN: Nope.

14 CHAIRMAN HOOD: Okay. All right. So, we're going
15 to fine-tune some things and I guess we'll have some dates
16 for the 17th. Ms. Schellin, do we have anything else?

17 MS. SCHELLIN: No, sir. Just the dates.

18 CHAIRMAN HOOD: Yeah. I think we're going to deal
19 with this on the 17th, right?

20 MS. SCHELLIN: If that's what you want.

21 CHAIRMAN HOOD: Yes.

22 MS. SCHELLIN: Yes.

23 CHAIRMAN HOOD: Because I think it's really -- any
24 objections to us dealing with this on the -- okay. No
25 objections.

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1 MS. SCHELLIN: Are they going to be able to submit
2 their information by then? So --

3 CHAIRMAN HOOD: That's a whole --

4 MS. SCHELLIN: 17th --

5 CHAIRMAN HOOD: Mr. Epting will have it -- he'll
6 have it to us. Ms. Logan and Mr. Epting will have it to us.

7 MS. SCHELLIN: In the next day or two?

8 CHAIRMAN HOOD: Mr. Epting's lawyer will cover
9 that.

10 MS. LOGAN: That's fine.

11 MS. SCHELLIN: Okay.

12 MS. LOGAN: That's fine.

13 CHAIRMAN HOOD: I didn't mean to speak for you,
14 but I'm sure --

15 (Simultaneous speaking.)

16 MS. LOGAN: You were right, so it's fine.

17 MS. SCHELLIN: Okay. Thanks.

18 CHAIRMAN HOOD: Okay. So, with that, we will deal
19 with this next week. Anything else?

20 MS. SCHELLIN: Nope.

21 CHAIRMAN HOOD: With that, I want to thank
22 everyone for participation in this hearing today and this
23 hearing's adjourned.

24 (Whereupon, the above-entitled matter went off the
25 record at 7:16 p.m.)

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