

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: :
 :
 Design Review in the CG zone & :
 relief from court requirements, :
 South Capitol St, SW (Sq. 653, : Case No. 21-27
 Lots 65, 66, 827, 829 & 830) :
 - Ward 6 :
 -----:

MONDAY

OCTOBER 3, 2022

The Public Hearing of Case No. 21-27 by the District of Columbia Zoning Commission via videoconference, pursuant to notice, at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice-Chair
- PETER MAY, Commissioner
- JOSEPH IMAMURA, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Zoning Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the  
Public Hearing held on October 3, 2022.

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 Design Review in the CG zone & relief from court  
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1 P-R-O-C-E-E-D-I-N-G-S

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and  
4 gentlemen. Today's date is October the 3rd, 2022. We are  
5 convening and broadcasting this public hearing by video  
6 conferencing. My name is Anthony Hood and I'm also joined by  
7 Vice-Chair Miller and Commissioners May and Imamura. We're also  
8 joined by the office only staff, Ms. Sharon Schellin and Mr. Paul  
9 Young, who will be handling all of our virtual operations as well  
10 as Mr. Jacob Ritting who is our Office of Zoning Legal Division  
11 counsel. Just a second. I will ask all others to introduce  
12 themselves at the appropriate time.

13 The virtual public hearing notice is available on the  
14 Office of Zoning's website. This proceeding is being recorded  
15 by a court reporter and the platforms used are webcast live,  
16 Webex or YouTube Live. The video will be available on the Office  
17 of Zoning's after the hearing.

18 All persons planning to testify should have signed up  
19 in advance and will be called by their name at the appropriate  
20 time. At the time of signup, all participants will complete the  
21 oath or affirmation required by Subtitle Z-48.7. Accordingly,  
22 all those listening on Webex or by phone will be muted during  
23 the hearing and only those who have signed up to participate or  
24 testify will be unmuted at the appropriate time. When called,  
25 please state your name and home address before providing your

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1 testimony. When you are finished speaking, please mute your  
2 audio. If you are experiencing difficulty accessing Webex or  
3 with your telephone call-in, or have not signed up, then please  
4 call our OZ hotline number at 202-727-0789. If you wish to file  
5 written testimony or additional supporting documents during the  
6 hearing, then please be prepared to describe and discuss it at  
7 the time of your testimony.

8 The hearing will be conducted in accordance with the  
9 provisions of 11-Z, DCMR, Chapter 4 as follows: Preliminary  
10 matters; I have a preliminary matter. The Applicant's case, the  
11 report of the Office of Planning and Department of  
12 Transportation, the report of other government agencies, the  
13 report of the ANC. In this case, I believe it is 6D.

14 Testimony of organizations and individuals:  
15 organizations, five minutes, individuals, three minutes. And we  
16 will hear in the following order from those who are in support,  
17 opposition or undeclared, and then we'll have rebuttal and  
18 closing by the Applicant.

19 Again, the OZ hotline number is 202-727-0789 for any  
20 concerns during these proceedings.

21 At this time, the Commission will consider any  
22 preliminary matters. Does the staff have any preliminary  
23 matters? But before I go to the staff, I believe that -- I'm  
24 going to go to the staff, but I believe that, Ms. Schellin, I  
25 probably could have incorporated -- because I think I opened this

1 hearing up once before.

2 MS. SCHELLIN: You did.

3 CHAIRPERSON HOOD: So I probably did not to read all  
4 that, so I will do that. But let me go to you first, Ms. Schellin,  
5 do we have any preliminary matters?

6 MS. SCHELLIN: Just very briefly just to -- as you  
7 said, the hearing was opened before and the Commission -- just  
8 as a reminder, the Commission did grant party status in opposition  
9 to Sheila Samaddar and Greg Keagle. They're represented by  
10 Aristotle Theresa. As you stated, ANC 6D, they're represented  
11 by Edward Daniels. I'm sorry, I believe Fredrica Kramer is  
12 actually the representative, and the Commission did continue the  
13 hearing to allow them to work with the party in opposition and  
14 to come back with the -- a design and it was postponed until I  
15 believe it was June, and then they asked for more time to work  
16 things out which is where we are now. So there's nothing further  
17 than that to present to the Commission.

18 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Let me say  
19 -- and I don't think I said this. But, anyway, this is Zoning  
20 Commission Case No. 21-27, Chun Lam, design review in the Capitol  
21 Gateway Zone and relief from court requirements at Square 653,  
22 Lot 65, 66, 827, 829 and 830, South Capitol Street, Southwest,  
23 and again, today's date is October 3rd, 2022.

24 I thank you, Ms. Schellin, for teeing that up. I will  
25 tell you when I looked over this again yesterday to review this,

1 I was very confused, perplexed. It looks like I don't know what's  
2 been done since all this time but I will tell you, I -- I'm in  
3 the mindset and I'm opening it up, especially with comments I  
4 received from counsel and others in trying to figure this thing  
5 out, one of the things that I'd really like to know what the  
6 final design of the building and when can we get the final design  
7 plan set and the likelihood of the deal with the party opponents.  
8 And that was promised, I think, by the Applicant previously and  
9 it looks like that the deal will not happen. How does the  
10 Applicant believe the project meets the standards of the  
11 applicable design review standards and the regulations without a  
12 deal?

13           So there's some questions. And, also, there's a DDOT  
14 issue about the curb. When is DDOT going to make the decision?  
15 So I will tell you this, it's all right to put together a piece  
16 -- and I know that the opposition, Mr. Theresa, the opposition  
17 has presented some facts. I think they've even requested that  
18 we hold off until the egress issue is dealt with. I'm even  
19 inclined to do that, because I'd rather for something to be clean  
20 -- and I know at the end of the day, I usually ask my colleagues  
21 what you all think, but I know the final decision. I've never  
22 done this, but I feel strong about this one, like I've been about  
23 the others. I don't like half-baked material when I review it.  
24 I'd rather review -- know what I'm reviewing when I'm reviewing  
25 it. And if I don't understand it, I think I do a dis -- or we

1 do a disservice to this City for something in this nature. As  
2 far as I'm concerned, it's in the same place. But let me open  
3 it up and see if others feel that way, but I'm pretty sure that  
4 my final decision is going to be not to have it, as we've been  
5 advised and also from reading the record, in my situation.

6 Let me go to Vice-Chair Miller first. Let me give  
7 Commissioner May a chance to catch his breath.

8 VICE CHAIR MILLER: Okay. Thank you, Mr. Chairman.  
9 Yeah, it's been, I think, five and a half months since we had  
10 the first public hearing in April, '21, I think, on this case.  
11 And I think a lot of progress has been made. A lot of changes  
12 have been made as a result of Office of Planning, Advisory  
13 Neighborhood Commission, party in opposition comments. I was  
14 hopeful, I guess, as maybe everybody was, that we would get there  
15 with a -- an agreement with the neighbors and so that the party  
16 in opposition and the ANC concerns would be addressed which were  
17 slightly different. So it looks like we're not there yet. And,  
18 yeah, to the extent that -- I mean, I don't want to have a third  
19 hearing. I don't want to have three hearings on one project. To  
20 the extent there could be -- it looked like they were close. It  
21 looks like they are close if they can just finalize an agreement.  
22 I don't know what happened with -- I mean, I saw that I -- we  
23 know that DDOT was not going to allow that curb cut that the ANC,  
24 in particular, wanted to have. I don't know, really, what -- if  
25 we really got a full report of what happened at that DDOT Public

1 Space Committee meeting ten days ago, but I assume if -- I assume  
2 they didn't grant the curb cut because I think there might have  
3 been an agreement, at least with the ANC, if there were, because  
4 that's what the -- the Applicant was willing to do that.

5           So, yeah, I'm willing to get -- I hear what you're  
6 saying, Mr. Chairman, that you feel strongly that it shouldn't  
7 go forward this evening and give a set dead -- deadline by which  
8 the parties can try to further work out the remaining differences.  
9 I really think a lot of progress has been made, and there are a  
10 lot of good aspects to this project. But, yeah, I think it could  
11 benefit from more time so that -- even though there's been a lot  
12 of time -- to try to just resolve it and get to the finish line  
13 or closer to a completed design set, at least, so we know what  
14 we're even considering before us. So I guess that's where my  
15 meandering thoughts are, I think, and I would yield to my other  
16 commissioners for their comments.

17           CHAIRPERSON HOOD: Okay. And Commissioner Imamura.

18           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
19 concur with Vice Chair Miller's comments that both -- you know,  
20 I don't want to minimize the progress that has been made because  
21 there has been progress, but this is a design review  
22 (indiscernible), in my mind, I don't think that we have a complete  
23 design yet to fully review. I'm not comfortable reviewing one  
24 that has a few missing pieces, some "hanging chads," if you will.  
25 So I would prefer to see, as you do, Mr. Chairman and Vice Chair

1 Miller, sort of a buttoned up package, I think. Most of the time  
2 we receive projects that have already resolved many of these  
3 issues before they come to the Commission, so I think it's  
4 important that they resolve these final issues, and then I think  
5 the Commission would be in a much better position to hear the  
6 case. But until then, I think it's a sort of incomplete -- an  
7 incomplete record.

8 CHAIRPERSON HOOD: And Commissioner May.

9 COMMISSIONER MAY: Yes, so -- can you hear me okay?  
10 All right. Good. So you know, I can see a narrow path to be  
11 able to proceed with the hearing today, but it leaves a lot of  
12 questions open, right? The issue with the party in opposition,  
13 that would affect the relief that might be needed, and so it  
14 would be best to have that issue resolved as well before we  
15 proceed. Having, you know, a definitive understanding -- I mean,  
16 I -- you know, we have the ANC insisting on something that DDOT  
17 is saying that they won't do. So that's a bit of an impasse and  
18 then -- and the Applicant is kind of stuck in the middle on that  
19 one.

20 I mean, there are a lot of loose ends, a lot of issues  
21 that are unresolved here and I don't like delaying this anymore,  
22 but I don't see a really clear path (indiscernible). Again, it  
23 is a narrow path. There's -- it could, conceivably, be navigated.  
24 We certainly wouldn't be able to make a decision tonight. We'd  
25 have to put it off until further submissions are made and God

1 knows how long those would take. So I think we're probably better  
2 off just holding off and having the hearing at a later date once  
3 the dust has settled on these issues.

4 I would not -- I actually would be interested in hearing  
5 from the Applicant an update on all of these issues from their  
6 perspective at this point and how they think things are going to  
7 play out since, you know, they're the ones who really have  
8 something at stake here and I just -- I'm kind of interested in  
9 just getting sort of a status update on the outstanding issues  
10 with the party in opposition, with the ANC, with DDOT, with the  
11 completion of the design, et cetera.

12 CHAIRPERSON HOOD: Okay. Thank you. I am inclined  
13 -- and just if you -- just listening to what each of you said,  
14 which even favors my decision to not move forward, as we are  
15 moving forward. So much uncertainty. I was debating with  
16 Commissioner May whether I wanted to hear it, because the last  
17 time we delayed it and the person came up and wanted to start  
18 deliberating the case to me.

19 So let's go ahead and bring up the ANC, if they're  
20 here. Let's bring up the attorney for the opposition, Mr.  
21 Theresa, and let's bring up the Applicant.

22 Now, we've made our decision. Please don't come on and  
23 tell me where I need to hear this tonight. That's what happened  
24 previously, and I'm not inclined to hear that because if -- here's  
25 the thing, I do a disservice if I know -- if the Commission says

1 with all the problems we had with this, if I don't understand  
2 what I'm doing, I do a disservice to the City. So that's kind  
3 of where I am.

4 Let me go first to the Applicant. Ms. Wilson?

5 MS. WILSON: Hi, Alex Wilson from Sullivan and Barros  
6 on behalf of the applicant and completely understood, so it won't  
7 be moving forward tonight.

8 CHAIRPERSON HOOD: Okay. You are the model for that.  
9 So I do feel blessed with --

10 MS. WILSON: Bless it.

11 CHAIRPERSON HOOD: Okay.

12 MS. WILSON: You (indiscernible).

13 CHAIRPERSON HOOD: Yes. Thank you. So I appreciate  
14 that, but I think I might -- I'm probably going to do what I  
15 said. If you could just let us know or you have some kind of an  
16 update of where you all are, we'd (indiscernible) appreciate it.

17 MS. WILSON: Yep, I -- you know, I drafted something  
18 to update you all at the beginning tonight. I'm happy to walk  
19 through that.

20 We've signed a settlement agreement with the party  
21 opponents and so we are just waiting on the updated easement to  
22 be finalized, and it's being drafted by a party who is not here  
23 tonight. It's the 1319 neighbors. We all share that easement.  
24 We're all a party to that easement. So we are quite literally  
25 just waiting on an exhibit to be updated for that easement. We've

1 all agreed to sign it. We've agreed to the terms. And so once  
2 that is signed and recorded, it says in our settlement agreement  
3 -- and Mr. Theresa is here, he can corroborate this -- they will  
4 withdraw the party status once that is signed. But I'm completely  
5 comfortable waiting until that is done so that everyone else is  
6 more comfortable moving forward. And I don't think the  
7 determination of the easement will impact the design at all, but  
8 again, happy to wait until that is done. I think that should be  
9 done within the next three to four weeks. So that's the timeline  
10 for that.

11 In terms of the ANC, it seems that we are at an impasse  
12 with respect to the outstanding issue of the curb cut and loading.  
13 We were very happy to receive the conditional support letter;  
14 however, it is conditioned on us getting that loading. And so  
15 we've tried everything we could to get on the ANC with this  
16 particular issue. And the main reason we did postpone the hearing  
17 from June to today, or until further, was to go to the Public  
18 Space Committee, so that would give us the opportunity to receive  
19 those comments.

20 DDOT has a clear issue with the curb cut and loading.  
21 It's recommending denial. We also had additional comments from  
22 utility companies regarding an underground vault.

23 You know, the short story is we are not going to be  
24 able to get this curb cut, and so we are not going to have any  
25 parking or loading, and it is not required at this site. And so

1 we do have mitigation options and we can continue to talk to the  
2 ANC about that, but that seems to be our main issue.

3 And then we have provided additional information to the  
4 record, but those are the two main items, I think, you were  
5 interested in hearing about.

6 CHAIRPERSON HOOD: Thank you, Ms. Wilson. Let me just  
7 ask. Do you still have to go -- I think you said Public Space,  
8 or you had to go --

9 MS. WILSON: So we attempted to go to Public Space and  
10 they said -- they sent us back, essentially, and didn't let us  
11 present September 22nd because of the DDOT comment, that was DDOT  
12 is recommending denial of the curb cut. So it was -- it's been  
13 communicated pretty clearly to us that we are not going to be  
14 able to move forward with this proposal. I mean, I guess we  
15 could go -- there's one in October. If we're going to push this,  
16 we can try to go -- if we want the official no, if that would  
17 make everybody here more comfortable, but we -- I'm a hundred  
18 percent sure we're not going to get this curb cut. But if  
19 everyone's more comfortable with this moving forward, we can try  
20 and get the no on record.

21 CHAIRPERSON HOOD: The official no is always good for  
22 the record. And also, in consultation with ANC, I just want to  
23 make sure that all our (indiscernible) out. There's still some  
24 design stuff going on, correct, or and -- yeah, there's still  
25 some design. But we -- can we get a final set that we can look

1 at? I guess that depends, once you get your no.

2 MS. WILSON: Sure. So I think the discrepancy in this  
3 the set we submitted and what needs to be updated are the 3D  
4 renderings. We had some additional comments from the Office of  
5 Planning and I -- as I understand it, the person in the  
6 architect's office who does the 3D renderings is out of the office  
7 and wasn't able to complete those. So there's a couple  
8 discrepancies with the greenscape and the balconies on the 3D  
9 rendering, so we can get you an updated set, for sure. But we  
10 are not going to be providing any parking or loading so there's  
11 no changes to that aspect, but the set we've submitted reflects  
12 that.

13 CHAIRPERSON HOOD: Okay. So hopefully, in this time  
14 that have, there'll be enough time to show that both the ANC,  
15 the party in opposition, and (indiscernible) come back to us, and  
16 that way we'll know where everybody is, we will know what's  
17 directly in front of us and we will proceed at that point. So  
18 anyway, let me see if anybody else -- Commissioner May, you have  
19 any questions?

20 COMMISSIONER MAY: No.

21 CHAIRPERSON HOOD: Anybody have any questions or  
22 comments?

23 VICE CHAIR MILLER: I just -- quickly, the ANC on the  
24 esthetic and design, I mean, they had some larger issues, but in  
25 the end, they were suggesting some small tweaks such as -- I'm

1 reading from page -- well, it's not numbered. I think it's page 3  
2 of their most recent letter which -- a continuation of the lintels  
3 from historic houses to the ground and second stories of the new  
4 building, and more accurate scale and placement of the second  
5 story windows to make the link between the historic houses and  
6 some commitment, specific commitment to the specific building  
7 materials and brick color. Is that part of what's going to be  
8 part of the final design, or we'll hear that in three or four  
9 weeks as well or whenever.

10 MS. WILSON: We can provide more information in a  
11 response to the record about why those aspects are likely not  
12 going to be able to fit with the design. It has to do with the  
13 discrepancy between the height of our building and the adjacent  
14 building, but we can talk -- we can provide something to the  
15 record about that, as well as the specific commitment to the  
16 brick. It's just going to depend on what materials are available  
17 at the time, so it's just very difficult to make those  
18 commitments. But we can provide more information to that to the  
19 record because I would like the architect to weigh in on that  
20 more than me.

21 VICE CHAIR MILLER: Okay. Thank you.

22 CHAIRPERSON HOOD: And Commissioner Imamura, do you  
23 have any questions or comments?

24 COMMISSIONER IMAMURA: No questions or comments.

25 CHAIRPERSON HOOD: Okay. Let's go to next, Ms. Kramer,

1 | from the You heard our discussion, Ms. Kramer. Do you have any  
2 | comments or anything you'd like to add?

3 |           MS. KRAMER: I can't really add. I think what we will  
4 | do, I -- we have a meeting between now and the time that you will  
5 | hear this again. And I think that I'll bring it back to our  
6 | commission and see if there's any way we can push this further,  
7 | or give you more detail on where we stand and maybe also meet  
8 | with the Applicant. So I'm happy to try to make the best of the  
9 | additional time that we have. We've already submitted our report.  
10 | That's where we stand. We can clarify where we stand. We may  
11 | be able to work with the Applicant further and that would help  
12 | you, I think.

13 |           CHAIRPERSON HOOD: You're so right. I would love for  
14 | you all -- you've heard the constraints of what the other agencies  
15 | are doing, what they are not going to do. So it would be good  
16 | if you all could try to find a happy medium or a win-win, not  
17 | that you're going to meet there all the way. It would be better  
18 | for you all to do it, but you -- sure everyone is going in from  
19 | the (indiscernible), if we approve this. I'd rather for you all  
20 | to help make the decision as opposed to us. That's just kind of  
21 | where I am.

22 |           MS. KRAMER: I -- no, no, I appreciate that. I think  
23 | there's some confusion on the curb cut. The curb cut that there  
24 | was -- we were prepared to testify at the Public Space Committee  
25 | and they uncalendared the case. That -- I believe what they were

1 | commenting on was the curb cut in the -- at the west end of the  
2 | property which goes over a vault, a Pepco, or a vault, and there  
3 | were other things with it. We are speak -- we're speaking about  
4 | a different curb cut. Also may be not acceptable to do that,  
5 | but we will -- we'll pursue that case and see whether we can work  
6 | something out with all parties. But, anyway, that's where we  
7 | are. And I understand that you don't want to come back and hear  
8 | us meander around through issues that nobody can resolve.

9 |           CHAIRPERSON HOOD: Right, right. So let's see what we  
10 | can do to try to at least find a happy medium if possible. If  
11 | not, we will do our job. So thank you --

12 |           MS. KRAMER: Sure.

13 |           CHAIRPERSON HOOD:       -- Commissioner Kramer.     I  
14 | appreciate it.

15 |           Mr. Theresa, you have any questions or comments?

16 |           MR. THERESA: No, but we are -- we're okay with the  
17 | (audio interference) as requested. Hopefully, it will be  
18 | resolved in three to four weeks, but there's a chance there --  
19 | it isn't, but we're hopeful. It's not in either of our hands.  
20 | It's in another third party's hands what's happening, so we're  
21 | cautiously optimistic, but, yeah, hopeful.

22 |           CHAIRPERSON HOOD: Okay. Let's keep that hope.

23 |           Let me let me ask this. I know it's in a third party's  
24 | hand. I'm throwing this question out to everybody, really a  
25 | (indiscernible). I'm throwing this out to everybody. Should we

1 wait? Should we wait for that? I know there was a request asking  
2 us to look at waiting on that.

3           Would that be in the best interest if everyone come  
4 back here and kind of do some of the same things? I'm just  
5 throwing that -- let me ask my colleagues first.

6           Commissioner May, what do you think?

7           COMMISSIONER MAY: I -- I'm confused by your question.

8           CHAIRPERSON HOOD: Should we waiting until the decision  
9 is made? The party in opposition and the Applicant are dealing  
10 with this in another venue. So should we wait until that is --  
11 decision is made because there may be some different designs, or  
12 should we just come back in four months and that has not been  
13 resolved? Because nobody really can predict when that's probably  
14 going to happen.

15           COMMISSIONER MAY: Yeah.

16           CHAIRPERSON HOOD: I'm just asking.

17           COMMISSIONER MAY: Yeah, I mean, I had the sense that  
18 it was -- that it will be relatively quickly. Certainly, the  
19 Applicant and Mr. Theresa want to get it resolved very quickly,  
20 so hopefully, they can put on the necessary pressure to get it  
21 done by the time we have our next hearing on this topic. That's  
22 what I would go for. Let's schedule this for four weeks out or  
23 something like that and then hope it all gets resolved by then.  
24 If it doesn't, I mean, I think, you know, we can -- if we resolve  
25 the issue between the ANC and if we resolve the issue with the

1 design, I think there is a way for us to navigate through to  
2 decision making even if we don't have this easement fully  
3 resolved.

4 CHAIRPERSON HOOD: Okay. I guess that's why there's  
5 four of us right now. I don't know if I'm a hundred percent with  
6 but -- for now. Let's just see.

7 Vice Chair Miller. I mean, we're not taking a tally,  
8 I just. Okay. Vice Chair Miller.

9 VICE CHAIR MILLER: I agree with setting a schedule I  
10 think that motivates us, and potentially others, who we have no  
11 control over, to try to resolve the issue so we can make a  
12 decision. And, as Commissioner May said, we can make a decision  
13 without that resolution which might not be -- which might not  
14 satisfy everybody, which doesn't always satisfy everybody in the  
15 end anyway. So I think we have to keep a schedule and there's  
16 -- I think we should keep a schedule and not just leave it open-  
17 ended for something else to be resolved that we don't even know  
18 where that is and have no control over. So I'm in favor of  
19 setting a time in a month out or whatever to try to resolve --  
20 to make a decision on this case which has been around for a little  
21 while.

22 CHAIRPERSON HOOD: Right. Okay. All right.

23 Then we'll go to Commissioner Imamura. Any questions  
24 or comments?

25 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I can

1 see it through both lenses. I think Vice Chair Miller's comment  
2 that it might not motivate others is well taken, but I am wildly  
3 ambivalent.

4 CHAIRPERSON HOOD: Okay. The motivation -- and this  
5 -- I'm going to say this jokingly. When I was at a function,  
6 one of the judges -- and the motivation was, you all did a good  
7 job, why did they still send it back to me? So I would say that  
8 was (indiscernible) best motivation. So I will tell you -- all  
9 I really saying Vice Chair Miller was that we need to give more  
10 time than three or four weeks. That -- that's kind of where I  
11 was, but we'll deal with the four weeks.

12 Ms. Schellin, I don't know if we can do a scheduling.  
13 I don't know what our schedule looks like, but let's see where  
14 we are and see if it meets everybody's schedule. Hopefully, it  
15 does. Even if -- is anybody interested in an off night?

16 MS. SCHELLIN: Yeah, it'll probably have to be if you  
17 want three or four weeks, because we don't have anything open in  
18 November at all other than the night -- well, actually, that's  
19 the day before elections and usually we don't schedule the night  
20 before elections.

21 CHAIRPERSON HOOD: Okay. No, not -- no.

22 MS. SCHELLIN: And so we have nothing in November and  
23 nothing in December. So it will have to be an off night unless  
24 we go into January.

25 COMMISSIONER MAY: Do we have something on

1 November 14th? I don't (indiscernible).

2 MS. SCHELLIN: We do.

3 COMMISSIONER MAY: Okay.

4 CHAIRPERSON HOOD: So some -- sometime in January, Ms.  
5 Schellin?

6 MS. SCHELLIN: Yes, it will be --

7 CHAIRPERSON HOOD: We might wind up getting it anyway  
8 so --

9 MS. SCHELLIN: January 5th is the first date available.

10 CHAIRPERSON HOOD: January the 5th.

11 Ms. Wilson, is January 5th -- well, no, I was going to  
12 ask you does it present any problems, but, no, I'm sure it  
13 doesn't. No. All right.

14 Ms. Wilson, January 5th okay? Maybe I'll ask it that  
15 way.

16 MS. WILSON: Yes, if that's (indiscernible) the first  
17 available so --

18 CHAIRPERSON HOOD: Okay. Ms. Kramer, January 5th? You  
19 all probably (indiscernible) --

20 MS. KRAMER: Just -- I just wonder why I didn't look  
21 at the calendar because -- I'll be back in two seconds. Sorry.

22 CHAIRPERSON HOOD: Mr. Theresa, January 5th okay?

23 MR. THERESA: It's fine. Thank you.

24 CHAIRPERSON HOOD: Okay.

25 VICE CHAIR MILLER: It's Roseann's birthday. I'm sure

1 she'll be thrilled to celebrate with us.

2 MS. SCHELLIN: I'm celebrating my birthday with you  
3 guys.

4 VICE CHAIR MILLER: I'm celebrating mine.

5 CHAIRPERSON HOOD: Oh, that's right, it's coming up  
6 next month.

7 MS. SCHELLIN: Yeah. I think we celebrated Anthony's  
8 this year too.

9 CHAIRPERSON HOOD: I've been celebrating a lot of mine  
10 here, so I mean --

11 MS. SCHELLIN: Yeah, it seems like it, hasn't it?

12 MS. KRAMER: Sorry.

13 MS. SCHELLIN: I think Peter is the only one here that  
14 (indiscernible).

15 MS. KRAMER: January 5th is fine. We --

16 CHAIRPERSON HOOD: Oh, okay. I'm sorry, Ms. Kramer  
17 -- Commissioner Kramer. Go right ahead.

18 MS. KRAMER: Sorry. That's fine, we actually could  
19 meet. We will have several -- a couple of meetings before that  
20 to iron out anything. So that's fine. January 5th is fine with  
21 the ANC.

22 CHAIRPERSON HOOD: All right. So it sounds like we  
23 have a date. Everybody's going to come back. We might not be  
24 holding hands exactly but we'll be touching hands. So it sounds  
25 like we will hopefully have things in order -- more concrete for

1 us to be able to proceed. And I really appreciate everybody's  
2 time and attention and for taking your time this evening.

3 Ms. Schellin, I'm not going to close this hearing  
4 because I'm going to read that statement again.

5 MS. SCHELLIN: Do you want to set dates for submission?

6 CHAIRPERSON HOOD: Oh, yes. If you could set dates,  
7 yes.

8 MS. SCHELLIN: Ms. Wilson, how long do you think it  
9 will take to set -- to have a complete set of plans together?  
10 Because that seems to be the thing to take the longest --

11 MS. WILSON: Uh-huh.

12 MS. SCHELLIN: -- and to get an agreement finalized,  
13 the -- regarding the easement.

14 MS. WILSON: So we have a settlement agreement signed  
15 which we can submit to the record already. I'm not sure when  
16 the easement will be finalized or recorded because we'll also  
17 need to get sign-off by people's lenders. That's a lengthier  
18 process. I will note that the easement, whether it's signed,  
19 whether it exists, won't impact our final set. So the thing that  
20 is impacting the final set of plans is a discussion with the ANC  
21 that's ongoing if we want to tweak a few things. So I understand  
22 we'll have a few meetings. Maybe we could submit a set 30 days  
23 before the hearing. I think that would give us plenty of time  
24 to continue to work with the ANC.

25 MS. SCHELLIN: Okay. So if we could have -- when do

1 -- does the ANC meet in December, Ms. Kramer?

2 MS. KRAMER: All right. Let me check. It meets on  
3 the 12th.

4 MS. SCHELLIN: Okay. So if the Applicant could work  
5 with the ANC and get them a set of plans in November and then  
6 submit those say to the record by the -- say the last day of  
7 November, the 30th, and then the A -- and meet with the ANC  
8 regarding those. The ANC could then provide their response by  
9 December 19th.

10 MS. KRAMER: Yeah. It looks like -- right? That's  
11 right. That's fine.

12 MS. SCHELLIN: And if the Applicant has to revise those  
13 plans based on some changes, meetings with the ANC, they could  
14 update those and make that submission also on the 19th and state  
15 that it's due to the meeting with the ANC. And then we'll have  
16 the meeting -- or the hearing, I'm sorry, on January 5th at 4:00  
17 p.m.

18 CHAIRPERSON HOOD: So, Ms. Kramer, is your ANC going  
19 to have a -- are you available where it's going to be -- you have  
20 a -- probably (indiscernible) long before January the first, I'm  
21 sure. If you have to do any changes, it will be before January  
22 1st, correct?

23 MS. KRAMER: Oh, yeah. I think what we -- we'll meet  
24 -- we'll discuss this, actually tonight I hope, and next week  
25 formally, and then we'll discuss it again in December. We'll be

1 fine. I mean, I think we'll be fine to submit anything, yeah.

2 CHAIRPERSON HOOD: Okay. All right. I do know that  
3 things have changed in redistricting, and we usually run into  
4 that, and we make sure that we are able to bring some things  
5 along and that's one of them. So okay.

6 Anything else, Ms. Schellin?

7 MS. SCHELLIN: No, sir.

8 CHAIRPERSON HOOD: All right. I want to thank everyone.  
9 And we will continue this hearing to January the 5th at 4:00 p.m.  
10 on these same platforms. And I don't think we need to notice it  
11 anymore, because I've already said, we will continue January the  
12 5th at 4:00 p.m.

13 MS. SCHELLIN: Right.

14 CHAIRPERSON HOOD: With that, I want to thank everyone  
15 for their cooperation and participation tonight. And with that,  
16 this hearing will be continued January 5th. Good night.

17 (Whereupon the above-entitled matter went off the  
18 record at 4:33 p.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 10-03-22

Place: Video Conference

was duly recorded and accurately transcribed under my  
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