

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

5:49 p.m.

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2
3 CHAIRMAN HOOD: This meeting will please come to
4 order. Good evening, ladies and gentlemen. This is a
5 special public meeting of the Zoning Commission for the
6 District of Columbia.

7 My name is Anthony Hood. Joining me are Vice
8 Chair Miller, Commissioner May, Commissioner Shapiro, and
9 Commissioner Turnbull. We are also joined by the Office of
10 Zoning staff, Mr. Sharon Schellin, Office of the Attorney
11 General staff, Mr. Bergstein and Ms. Lovick.

12 Copies of today's meeting agenda are available to
13 you and are located in the bin near the door. We do not take
14 any public testimony at our meetings unless the Commission
15 requests someone to come forward.

16 Please be advised this proceeding is being
17 recorded by a court reporter and is also webcast live.
18 Accordingly, we must ask you refrain from any disruptive
19 noises or actions in the hearing room, including display of
20 any signs or objects. Please turn off all electronic
21 devices.

22 Does the staff have any preliminary matters?

23 MS. SCHELLIN: No, sir.

24 CHAIRMAN HOOD: If not, let us proceed with the
25 agenda. First on the agenda for this evening, well, the only

1 item on our agenda is final action Zoning Commission case
2 number 11-07G, American University campus plan amendment and
3 further processing. This is Square 1600. Ms. Schellin?

4 MS. SCHELLIN: Yes, sir, there is a preliminary
5 matter in this case and that is at Exhibit 73, the Spring
6 Valley Group's motion to strike ANC 3D's response because it
7 includes signers who are not parties to the case.

8 At Exhibit 74, you have Spring Valley Neighbors
9 Association's opposition to the motion to strike stating that
10 while some of the signers are not parties to the case, some
11 are, and the submission is proof of the significant progress
12 that has been made with AU over the last 18 months.

13 So they ask the Commission to rule on the motion
14 to strike, and the ANC's submission is at Exhibit 72.

15 CHAIRMAN HOOD: Okay, Commissioners, you have
16 heard the request for the -- we have the motion in front of
17 us to strike. Any comments or thoughts?

18 COMMISSIONER MAY: I'm not persuaded that we need
19 to strike the exhibit. I mean, I understand that it goes
20 beyond what -- well, it essentially allows for an endorsement
21 of sorts from folks who are not party to the case, but I
22 think that it's relevant, and it goes to the central issue
23 which is how the CLC is operated, so I'm not inclined to
24 strike it.

25 VICE CHAIR MILLER: Mr. Chair?

1 CHAIRMAN HOOD: Yes, Vice Chair Miller?

2 VICE CHAIR MILLER: Thank you, Mr. Chairman.
3 Yeah, I would agree with Commissioner May. I would not be
4 in favor of striking the exhibit, the submission, and I think
5 we just, you know, we give great weight to the ANC 3D that
6 is a party, and even though they're endorsing what 3D says,
7 we're not giving necessarily the statutory great weight to
8 the other signatories, so I'm comfortable with having that
9 in the record.

10 COMMISSIONER SHAPIRO: I agree, Mr. Chairman.

11 CHAIRMAN HOOD: Okay.

12 COMMISSIONER TURNBULL: Mr. Chair?

13 CHAIRMAN HOOD: Yes?

14 COMMISSIONER TURNBULL: That makes four of us.

15 CHAIRMAN HOOD: Okay, certainly I don't have any
16 issues as well. Anything else on that topic? Do we need to
17 do a motion to -- okay, would someone like to make a motion
18 that we deny the request to strike?

19 COMMISSIONER SHAPIRO: Mr. Chair, I move that we
20 deny the request to strike.

21 VICE CHAIR MILLER: Second.

22 COMMISSIONER SHAPIRO: Do we need more details on
23 that, Mr. Chairman?

24 CHAIRMAN HOOD: No, I think it speaks for itself.
25 It's been moved and properly seconded.

1 COMMISSIONER SHAPIRO: Exhibit 72.

2 CHAIRMAN HOOD: Okay, it's been moved and properly
3 seconded. Any further discussion? All in favor?

4 (Chorus of aye)

5 CHAIRMAN HOOD: Any opposition? Not hearing any,
6 Ms. Schellin, would you record the vote?

7 MS. SCHELLIN: Yes, the staff records the vote as
8 5-0-0 to deny the motion to strike filed by the Spring Valley
9 group, Commissioner Shapiro moving, Commissioner Miller
10 seconding, Commissioners Hood, Turnbull, and May in support
11 of denial.

12 CHAIRMAN HOOD: Okay.

13 MS. SCHELLIN: So after that, at Exhibits 69
14 through 69c, we have the applicant's submission in response
15 to the Commission's request for further information on the
16 CLC, the use of Jacob's Field by third parties, and an
17 explanation of why TDM reports were not provided for the
18 years 2012 through 2015.

19 Exhibit 71, we have the Spring Valley Group's
20 response to the applicant's submission, and Exhibit 72 of
21 course is ANC 3D's response regarding the CLC, and you've
22 already dealt with Exhibits 73 and 74, so we'd ask the
23 Commission to consider final action on this case this
24 evening. Thank you.

25 CHAIRMAN HOOD: Okay, I have been reading so much

1 about the CLC and I'm just going to start off, I guess, if
2 we can get to those issues that are germane as far as for the
3 further processing.

4 But when I look at what was done some years ago
5 about the CLC and what I'm hearing now about this -- I can't
6 think of the collaborative, what the name -- the neighborhood
7 collaborative, a lot of people who put the effort, and time,
8 and the Commission as well put into the CLC are no longer
9 around.

10 They weren't even on the Commission. They weren't
11 even the ANC Commissioners. I don't know of any member that
12 I recollect, and I'm sure there may be some that I may be
13 missing, so forgive me, but that organization and those folks
14 at that time thought that was the best thing to do.

15 Now, for me, the CLC as far as I'm concerned, that
16 was a big issue because we spent a lot of time. I know I
17 spent a lot of time trying to make sure that we achieve, and
18 so they're going to have a mechanism.

19 Now, if the university chose to change that, or
20 if the group chose to change that, then that's fine. I'm
21 sure that maybe we'll hear some more of that later on when
22 they come back for some other things, but if that's the case,
23 then all they had to do was come down here for a consent
24 calendar item, let us know what the works were, and then it
25 could have been changed and we could have been operating on

1 the same page.

2 The way I look at it, and I'm just talking about
3 me, the way Anthony Hood looks at it is sometimes when
4 committees don't form the way they do -- I'm an example of --
5 I've worked with examples of it, then we form something else
6 so we can start getting the questions and the answers that
7 we want to hear.

8 I'm not saying it happened in this case, but from
9 where I'm standing, everything that was talked about in the
10 collaborative, if we needed to rework it, we should have done
11 it under the CLC which was the order of this Commission
12 because I have a problem with that. I have a problem with
13 the way it's done.

14 Now, if the collaborative is what's going to be
15 presented in the future and that's what's going to be -- and
16 it seems like that's working, then that's great, but it
17 should have been also dealt with down here.

18 And one of the things that we don't need is we
19 deal with stuff all over the city when it comes to trying to
20 have people work together. We work hard to achieve that, and
21 again, sometimes when the characters change or the people
22 change, then it shifts to a point where new people want to
23 do a different idea.

24 Now, I'm not talking against the collaborative.
25 If that's what's going to work, then we need to come down

1 here and say that's what we're going to do, and what the
2 rules are, and what everybody's going to play with.

3 We don't need to pit the CLC against the
4 collaborative, and the University against the neighborhood,
5 you know, ANCs against ANCs, civic association against ANC.
6 There's enough of that. We've got enough division.

7 We need to bring down the walls. I think that was
8 -- who was that that said, "Tear down that wall"? Was it
9 Ronald Reagan? Yeah, tear the walls down.

10 So anyway, that's enough of my lecture. Let me
11 open it up and I guess we can get to the issues. Who would
12 like to get it started?

13 VICE CHAIR MILLER: Mr. Chairman, well, on the
14 general issue that you just were speaking to, I happen to --
15 I wasn't here when it the CLC was established in that order,
16 but thankfully I wasn't here for that case originally, but
17 I tend to agree with the ANC, the current ANC, and the
18 applicant that it's an enhancement.

19 It's a complement. It's a supplement to the CLC's
20 structure that was set up. But, I mean, I do agree with you
21 that if it's working and if that's what the ANC and most of
22 the neighborhood wants, it would be better to probably just
23 have one entity that we have to deal with, that the
24 neighborhood has to deal with.

25 So at some point, I think it probably should be

1 modified, maybe when the campus plan comes up or maybe in a
2 modification, but I think I do see it as an enhancement, not
3 as a loggerheads kind of situation if the CLC and the whole
4 community engagement process was having its challenges, which
5 is why the Commission established the CLC, but it still is
6 having a lot of challenges as other projects move forward,
7 so that's where I am generally. So I wasn't
8 prepared at this moment to go right into the specific
9 compliance issues, but I will be when they're ready to do
10 that.

11 CHAIRMAN HOOD: Anybody else want to add?

12 COMMISSIONER MAY: Mr. Chairman?

13 CHAIRMAN HOOD: Commissioner May?

14 COMMISSIONER MAY: On the CLC, I mean, I think the
15 university makes a reasonable case for how the CLC has
16 functioned in accordance with the order, but that doesn't
17 necessarily mean that it's working as well as it should.

18 So, I mean, I think, you know, they've done the
19 quarterly meetings and it's been, you know, managed, I think,
20 and noticed appropriately, and so on, but if the university
21 has to go to other means of collaborating with a
22 neighborhood, then the CLC is not everything that the
23 Commission had hoped it would be.

24 So, I mean, I can see some room for making
25 modifications to the CLC and to incorporate the work of the

1 neighborhood collaborative or just to -- I mean, you know,
2 some of it's just semantics, what we call things.

3 But it is also apparent, I think, that there's
4 been substantial improvement in the relationship and the
5 cooperation between the University, and the neighbors, and
6 the ANC, so that doesn't mean that everybody is happy,
7 obviously, but I do think it has improved and there's room
8 for some further improvement.

9 And I do think that because right now the CLC is
10 what is required by the order, the CLC has to continue to
11 function and it should be -- it is in the best interest of
12 the University to make it as functional as possible.

13 So I don't have any problems with accepting the
14 fact that the CLC is working as it is supposed to in terms
15 of the letter of the order, but I think that we should be
16 aspiring for better cooperation and collaboration ultimately.

17 CHAIRMAN HOOD: Okay, Commissioner Shapiro?

18 COMMISSIONER SHAPIRO: Yeah, Mr. Chair, briefly,
19 I would agree, and I would say I would -- I think where I'm
20 at on an issue like this, and I wasn't here back then, but
21 I imagine the intent as you said was to facilitate the best
22 possible community process.

23 And, you know, I would want to encourage
24 applicants, and in this case, the University, to experiment
25 and to find ways to enhance community cooperation as long as

1 they're still meeting the requirements that we have laid out,
2 and I think they have met the requirements and are looking
3 for ways to go beyond that.

4 So, you know, I think that's something we should
5 encourage as long as they're not disregarding the condition
6 that we've laid out, and it seems pretty clear by the
7 evidence, they're not disregarding it.

8 So I think that's where I am on this, Mr. Chair.
9 I feel like they have met the condition and I think it's
10 helpful to experiment a bit.

11 CHAIRMAN HOOD: Okay, Commissioner Turnbull?

12 COMMISSIONER TURNBULL: Thank you, Mr. Chair.
13 Since I was here with you at the time, I know what we went
14 through to get the CLC in place, and I think for the most
15 part, it is probably working more or less to some tolerable
16 degree.

17 I think even at the time, when we looked at a lot
18 of the universities that were having campus plans, and I
19 think we had a lot of input from different groups that came
20 together to make their organizations work, and I think
21 without citing AU specifically, I think AU was the most
22 problematic of the universities that we had to work with.

23 I'm not sure whether it was just the nature of
24 where they were in that part of the city and the neighbors
25 that were reacting to things that happened, but for us in the

1 long run is basically we look to the order to make sure that
2 everything is going according to the plan that the neighbors
3 and the party, in this case, ANC, agreed to.

4 So I would just encourage them to -- and I'm all
5 for looking for new ways of solving problems, revising the
6 organization, the CLC, in whatever manner it needs to be
7 adjusted to make it work, but I think as you had pointed out
8 in the beginning, they really do need to come back then to
9 the Commission and point out how they want to get it changed
10 to make it work better.

11 But I think they have made strides, but I think
12 there's always room for improvement. Thank you.

13 CHAIRMAN HOOD: All right, so I guess we've
14 exhausted the CLC. You know, I could go on and on about that
15 because as Mr. Turnbull has mentioned, we spent a lot of time
16 trying to work with the community to make sure that something
17 was achievable, what they wanted to do to work with, not what
18 we wanted, and I consider us, the Zoning Commission at the
19 time.

20 We put a lot of work into it as well as the
21 community. Is it 100 percent? No, but can it stand for some
22 more work? Yes, and the only people who would know that is
23 the community folks as well as the University.

24 And I hoping, whether you want to call it the
25 collaborative, and I think, Vice Chair, you mentioned this,

1 maybe it would be better sometime to have one group, but if
2 all of these groups are working and you think it's working,
3 maybe find out what the structure is, and I think I've kind
4 of read through that.

5 I saw where the neighborhood collaborative was
6 able to help with the CLC. I saw all that, you know, and
7 that was a great song and dance, but at the end of the day,
8 it's about achieving the goals of working together.

9 And I think this has come a long way, but I just
10 think that we need to be clear in especially what's in the
11 order because the order is what we're supposed to go by. If
12 there's a change that needs to be made, then let's work
13 together and do it.

14 I don't have a problem. I don't want to get in
15 the middle. I live way across town. I got my own other
16 issues. So if there's something, the best people to fix it
17 are the people who are involved with it, so that's just my
18 speech. So do we -- we don't need to vote on it.

19 Let's talk about use of Jacobs Field. I didn't
20 understand, and I don't know if I really want to call Mr.
21 Thomas up, but it doesn't look like a whole lot, and this
22 third party, the USA Field Hockey Regional Development
23 Training, you know, I didn't really understand some of that,
24 but some it looks like a lot of months.

25 But for me, School Without Walls, I think, is, you

1 know, their lacrosse clinic for School Without Walls, our
2 high schools, our high schools. I think the colleges should
3 be doing stuff like that, so if that's one of the things that
4 we're having a problem with --

5 You know, I know when I was younger -- I just left
6 a gym a few minutes ago. I wish it was a gym when I was
7 there, but it was outside when I was there.

8 So, but I think especially for our high schools,
9 we need to make some concessions. I don't think, and I
10 shouldn't say this, but I don't think the kids, as long as
11 they're on the field and not doing other things, I think, to
12 me, that's a plus.

13 Now, I don't know about this USA Field Hockey
14 Regional. I'm not well-versed on that and this third party
15 chart that we have, but let me open it up to others and see
16 what your thoughts are. I know this has been an issue. I've
17 been hearing now from, we've heard from Ms. Hurstine's
18 daughter, I believe, a doctor. I can't think of her name
19 now.

20 But anyway, we've been hearing a lot about Jacobs
21 Field, and unfortunately, I've been hearing about Jacobs
22 Field since 2001, so what we need to do is come to some
23 conclusion about whether they were in compliance.

24 It doesn't look like there was a whole lot of
25 third party if it's the list I'm looking at. Now, if there's

1 another list that I may be missing, then I'll stand to be
2 corrected, so let me open it up for discussion.

3 COMMISSIONER SHAPIRO: Mr. Chair, I'm sure there
4 will be more detailed discussion. I can tell you based on
5 the information that I've seen the University feels that they
6 are -- my sense is that they are largely in compliance.

7 I mean, there seems to be a specific example here
8 too where there was an event with loudspeakers, an amplified
9 event here and there, but, I mean, I think by and large, they
10 -- it reads to me that we asked for information. They
11 provided the information and it feels pretty clear to me.

12 I understand that doesn't mean that there aren't
13 ways in which neighbors hear noise and even a lot of noise,
14 but that I need to separate that from this issue of whether
15 or not they're in compliance, and to my read, they are.
16 Thank you.

17 CHAIRMAN HOOD: Anybody else? Vice Chair Miller?

18 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,
19 I think from my reading of what's in the record, the
20 University is in substantial compliance with this condition.

21 And, you know, you're not supposed to bring in
22 things that aren't in the record, but when my kid was in high
23 school, I think, maybe it was junior high school, it wasn't
24 Jacobs Field.

25 I think it was that other field next to it maybe.

1 I think she went to a soccer camp. It wasn't an American
2 University student soccer camp. It was an American
3 University sponsored soccer camp for high school kids as I
4 recall.

5 Anyway, I think it fits into what the definition
6 that we do have in our order as a special event or as a youth
7 university sponsored athletic event, so either way, that type
8 of event.

9 And the charitable events that were cited and that
10 Commissioner May referred to, I think, at one of our previous
11 meetings, it sounded like it was a soccer game or a lacrosse
12 game. It wasn't just playing Monopoly as you said on the
13 sidelines.

14 It sounded like it was an athletic event, but it
15 was a charitable event. It was a nonrecurring, non-league
16 competitive kind of thing.

17 Anyway, I think they are in substantial compliance
18 based on what we have in the record. We may need to refine
19 these definitions when we revisit the campus plan I think
20 though because there is obviously too much uncertainty about
21 what's in and what's out.

22 CHAIRMAN HOOD: Commissioner Turnbull?

23 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
24 would agree with the Vice Chair. I think they are
25 substantially in compliance, but I would also agree that we,

1 at some point in time when we go back, we need to look at the
2 definition.

3 I think a lot of the neighbors view some of these
4 camps as not AU sponsored athletic events, which AU is saying
5 they are, so I think there's some wiggle room in the language
6 that makes, that some people in the neighborhood read one way
7 and AU is reading another way.

8 So, but again, I would agree with the Vice Chair
9 that they're substantially in compliance, but there's
10 obviously some points we may need to have to go back and
11 address later on.

12 CHAIRMAN HOOD: Okay, Commissioner May, can you
13 speak on this?

14 COMMISSIONER MAY: Yeah, I agree. I mean, there's
15 a little bit of vagueness in the language in the order about
16 what would be considered a special event, but I don't think
17 it's an unreasonable interpretation on the part of the
18 University that the sort of events that they listed would be
19 included in that.

20 Certainly the example that was explicitly included
21 sounded like it could be big and noisy, and so I don't think
22 that that, you know, in what we're talking about is a really
23 problematic misinterpretation of the clause.

24 I also think that the list that they provided was
25 very helpful. I mean, there were not an awful lot of

1 individual events. Many of them, I'm sure, were quite small.
2 I mean, 20 people in an event is not much of an event in a
3 space that large.

4 I also would say to the broader issue of some of
5 these activities and the need for playing fields for this
6 sort of use, I mean, I would like to see more of those
7 happening at universities across the city.

8 Granted, there are some special aspects of this
9 field that make it a little bit more complicated, but there
10 is a shortage of playing fields and, I mean, certainly School
11 Without Walls which has no playing fields whatsoever, they
12 were always shopping for places to play sports.

13 But also, I mean, knowing from the Park Services'
14 perspective, we have a number of heavily used fields, and
15 frankly, too-heavily used fields, so we always want to see
16 more fields opened up within the city.

17 And of course from our perspective, it doesn't
18 matter if it's specifically neighborhood or District of
19 Columbia use. We have a more regional perspective on these
20 things, so all use of playing fields is important, I think,
21 from our perspective.

22 And I do think though that there is more that the
23 University needs to do to address the sound issue. We had
24 laid it out so that if there's a problem with sound, that
25 other measures could be taken to erect a sound wall of some

1 sort.

2 I'm not sure exactly how that can work, but I
3 think it's something that the University does need to follow
4 through on and expeditiously, regardless of what's occurred
5 at the hearing and what the state of the relationship is with
6 the Hurstines or other neighbors.

7 I just think that it needs to be addressed once
8 and for all, and then I think we will have to look more
9 deeply at this question of what events happen on the field
10 next time the campus plan comes around or maybe the next time
11 we have a further processing and we have further discussions
12 of this same thing, so I think the University should be
13 prepared for that next time around. Thanks.

14 CHAIRMAN HOOD: Vice Chair Miller, do you want to
15 add something?

16 VICE CHAIR MILLER: Yeah, I just want to add I
17 appreciate Commissioner May bringing up something that I had
18 raised the last time I think we had this discussion which is
19 that just in general, the city is very blessed to have these
20 incredible universities and private schools that have
21 outstanding facilities, and to the extent we can make those
22 public amenities, into public benefits that benefit not just
23 the surrounding neighborhood, but all residents of the city
24 is, I think, an important thing that we need to keep in mind,
25 working with the local community to mitigate against any

1 adverse impacts.

2 But I, in general, have an inclination to be
3 against to coming up with limitations on the use by the
4 public of these incredible assets that are amidst -- that are
5 in our neighborhoods. So I made that point previously, but
6 I just wanted to say it again since I forgot to say that.

7 CHAIRMAN HOOD: Okay, I keep hearing the word
8 "substantial." I don't know if I'm going to go that far to
9 substantial, but I don't think from what I'm looking at and
10 in some of the responses, it's not a showstopper, but
11 substantial, I don't know if I would go that far.

12 Let's go to the -- I'm going to say that and then
13 I'm going to say something good now. Let's go to the
14 transportation. I want to know why that wasn't being done,
15 and the response I got, I can tell you I was looking for,
16 "The disc got lost." "We forgot." I even said, "I won't get
17 mad if you said, 'We ignored you,'" but what it said was this
18 was an oversight by AU, pure and simple. That's all.

19 I mean, that's -- I know some people who came down
20 here and came up with all of this. I've heard it. I've been
21 in long enough to hear it. They would have come up with
22 something very creative which wouldn't even sound right.

23 So I want to thank you, Mr. Thomas, for coming
24 back and just telling me that it was just pure and simple.
25 However, it says, and I'm reading from what was submitted,

1 "However, the necessary internal procedures and mechanisms
2 have been in place since 2016 to make sure that such a
3 mistake will not happen in the future."

4 I can accept that. It wasn't nothing creative.
5 It was just pure and simple. I think I might start using
6 that down here now. It's just pure and simple.

7 So anybody else on the transportation? I was
8 probably the only one screaming about that. Okay, do we have
9 any other outstanding issues before we go to this? It seems
10 like everybody is good with the Hall of Science building
11 unless I've missed something.

12 Okay, so we have found them to be in compliance,
13 we'd say probably substantially in compliance, but the bottom
14 line is in compliance with explanations that have been
15 provided. I would just encourage whatever works as stated
16 at the appropriate time will be the CLC, the neighborhood
17 collaborative, or both, one interchanged.

18 Let's leave that up to the neighborhood and the
19 University. You all decide. You've got the ANCs. You've
20 got your civic associations, citizens' associations, your
21 groups.

22 I think there's enough leadership out there that
23 can take the lead from both sides, whether it's the community
24 or AU, to make it happen.

25 You all live in the neighborhood. We don't live

1 in -- well, I don't live in the neighborhood, so you all are
2 the best ones to make it happen, and we just will come down
3 here and massage it, and let's make it work.

4 I think we're on the right path. Let's just make
5 it work whether it be the -- whatever the name is. So I'm
6 going to leave that up to the community.

7 That's our homework assignment. I'll probably be
8 here. If not, the homework assignment is the University and
9 the community, let's work together to work this out so we can
10 -- won't have these misunderstandings. We won't be
11 misunderstood. We can read it correctly.

12 Am I missing any issues? Am I missing anything?

13 COMMISSIONER TURNBULL: Mr. Chair, I think the
14 only one issue we should maybe offer some comments is on the
15 parking issue.

16 CHAIRMAN HOOD: Let me see where that one is.

17 COMMISSIONER TURNBULL: That was -

18 CHAIRMAN HOOD: Did we? You want to -

19 COMMISSIONER TURNBULL: Did we talk about that?

20 CHAIRMAN HOOD: Yeah, we did that earlier, didn't
21 we? What did we do, a minor mod?

22 COMMISSIONER MAY: There's a modification of
23 consequence.

24 COMMISSIONER TURNBULL: Oh, that's right. You're
25 right, okay.

1 CHAIRMAN HOOD: We don't want to bring that one
2 back up.

3 COMMISSIONER TURNBULL: No, we don't want to bring
4 that back.

5 CHAIRMAN HOOD: Okay, so do we need to do anything
6 for the Science, the Hall of Science? So we've now found
7 some substantially in compliance, some in compliance, but
8 either way, they're in compliance. So --

9 MR. BERGSTEIN: Sorry.

10 CHAIRMAN HOOD: I'm going to get corrected.

11 MR. BERGSTEIN: I've got the order. So the
12 standard is that the University has to prove that it's
13 consistently remained --

14 COMMISSIONER SHAPIRO: Alan, we can't hear you.

15 MR. BERGSTEIN: Oh, I'm sorry. All right, so the
16 applicable condition says that you have to find that the
17 University has proven that it has consistently remained in
18 substantial compliance with the conditions.

19 So based upon the dialogue I just heard, I would
20 just appreciate the Chair confirming that that's the finding
21 that you've made.

22 CHAIRMAN HOOD: That's the finding. We just --
23 there were, what, I'm not sure how many conditions there
24 were. We picked the few that we thought needed to be tweaked
25 or discussed. Those were discussed. The majority of them,

1 I believe, they were in compliance, so overall, they're in
2 compliance.

3 Substantial, somebody else might use that word,
4 substantial. Well, overall -- okay, you know what? If I
5 bring in the other conditions, I can say it, but if I bring
6 in some of the stuff I see, I can say they were substantially
7 in compliance, and I think that was actually said even before
8 we started this discussion, so, all right, substantially
9 compliant.

10 VICE CHAIR MILLER: I would agree, Mr. Chairman,
11 that the University, present tense, is currently in
12 substantial compliance with the totality of the conditions.

13 CHAIRMAN HOOD: Right, and there were more than
14 the ones we discussed which would make them substantially
15 compliant. You had to drag that out of me, but, you know.
16 Okay, so, and also, so we need to just make a motion they
17 were substantially in compliance and also approve the further
18 processing, correct?

19 MR. BERGSTEIN: No, it's just that you had to make
20 the finding first in order for you to deal with the merits
21 of the further processing. So you've made a determination
22 that they've proven that they've remained substantially in
23 compliance with the conditions, and if you need to add
24 anything more to your merit discussion of the further
25 processing, you can, but I believe you've also discussed that

1 in a prior session.

2 But now is the point where if you need to say
3 anything further about the merits of the actual application,
4 this is where you can do it.

5 CHAIRMAN HOOD: Okay, any additional issues or
6 comments on the merits of the application? I think we've
7 exhausted that. All right, would somebody like to make a
8 motion?

9 VICE CHAIR MILLER: Mr. Chairman, I would move
10 that this Zoning Commission take final action on Zoning
11 Commission case number 11-07G, American University campus
12 plan amendment and further processing at Square 1600 and ask
13 for a second.

14 CHAIRMAN HOOD: Second. It's been moved and
15 properly seconded. Any further discussion?

16 COMMISSIONER MAY: Mr. Chairman, I would just want
17 to note, you know, I think that in the course of this
18 hearing, we heard a lot of things that are cause for concern,
19 and I think the University does need to redouble their
20 efforts to work with the community.

21 I think that's what you were saying earlier, and
22 I think that, you know, with specific regard to Jacobs Field,
23 they need to take action there to address this in accordance
24 with the original order.

25 CHAIRMAN HOOD: Yeah, I would agree, and plain and

1 simple worked this time. It might not work next time.

2 COMMISSIONER MAY: Right.

3 CHAIRMAN HOOD: Okay, so I think that's the
4 message well sent and I think it's well heard. Any further
5 discussion? All in favor?

6 (Chorus of aye)

7 CHAIRMAN HOOD: Any objections? Not hearing any,
8 Ms. Schellin, would you record the vote?

9 MS. SCHELLIN: Yes, staff records the vote five
10 to zero to zero to approve final action in Zoning Commission
11 case number 11-07G as discussed on the dais this evening,
12 Commissioner Miller moving, Commissioner Hood seconding,
13 Commissioners May, Shapiro, and Turnbull in support.

14 CHAIRMAN HOOD: Okay, Ms. Schellin, do we have
15 anything else?

16 MS. SCHELLIN: Not until 6:30.

17 CHAIRMAN HOOD: Okay, I want to thank everyone who
18 was here for our special public meeting, and those who are
19 here for our 6:30 meeting, we'll be back at 6:30. Thank you.

20 (Whereupon, the above-entitled matter went off the
21 record at 6:22 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Public Meeting

Before: DC ZC

Date: 03-19-18

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
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