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

8:55 p.m.

CHAIRPERSON KRESS: We will open our special meeting which is to consider possible additional set downs, and, since we were just discussing 1706.9, let us put 1706.9 as perhaps the first item we wish to set down as amended in the testimony of Wilkes, Artis.

COMMISSIONER CLARENS: So moved.

COMMISSIONER HOOD: Second.

CHAIRPERSON KRESS: Any further discussion? Hearing none, all in favor signify by saying eye. Eye. Opposed. Motion carries.

MR. ERONDU: The staff are going to vote four to zero to set down additional hearing on petition.

CHAIRPERSON KRESS: For 1706.9

MR. ERONDU: For 1706.9.

CHAIRPERSON KRESS: As proposed by Wilkes, Artis.

MR. ERONDU: Commissioner Clarens, Hood, Franklin and --

CHAIRPERSON KRESS: Kress.

MR. ERONDU: Commissioner Kress.

CHAIRPERSON KRESS: Perfect. Thank you. Now, do we want to go back and discuss the set downs of the other items? What is your preference on setting down the set down relating to the office space. Is it to set down neither or both? Neither meaning the one proposed by the Office of Planning as well as the one proposed by Mr. Lynch or is it to set down neither at this time. What is -- or one or

1 the other, what is your thinking?

2 COMMISSIONER HOOD: Madam Chair, I would be in the  
3 position that we set down neither one for the simple fact that whether  
4 or not the comprehensive plan is -- the comprehensive plan however it  
5 is articulated is what we should actually go by because it says zoning  
6 should not be inconsistent with the comprehensive plan; and, from the  
7 testimony I have heard here tonight, planning is a key part of any  
8 part of zoning from what I am experiencing and without a plan you have  
9 a problem -- as far as I am concerned -- with the zoning. So, I think  
10 as a guide for the Zoning Commission so we will not set a bad  
11 precedent, I think we should move in the posture of not setting either  
12 one down without going back and looking at the comprehensive plan.

13 CHAIRPERSON KRESS: Does anyone else have a comment?

14 COMMISSIONER FRANKLIN: Madam Chair I think I would  
15 favor setting both down and setting it down does not mean that we will  
16 adopt either one of them, but I think that they are both worthy of  
17 serious consideration.

18 CHAIRPERSON KRESS: I also -- and I would just say I  
19 have a slightly different view on the comprehensive plan and that is  
20 that that is a working basis but many of the things we do are not in  
21 the comprehensive plan. The comprehensive plan is in more of a  
22 generic way. I am not speaking for office here at all. I am just  
23 speaking to your point about how literal the comp plan is to be taken  
24 in general. I feel there is some room for thinking and discussion and  
25 I would hope that the Council would want some of our thinking and  
26 discussion from time to time, and I am not speaking at all to this

1 specific amendment. I am just speaking to my feelings on the  
2 comprehensive plan. But, I guess I would tend to want to set them  
3 both down, again, not necessarily adopting either, but to set the  
4 stage for negotiations to go on between the developer and the  
5 community that has been so actively involved in this through all of  
6 this. What is your feeling?

7 COMMISSIONER CLARENS: Well, I tell you, I was intrigued  
8 by the idea that Commissioner Franklin brought up that in fact that  
9 this is in downtown area and that as a general planning rule, the  
10 downtown area recognizes offices as a use that is in fact natural to  
11 that area. So, there is some consistency from a planning point of  
12 view with the general area. It is not that we are placing something  
13 completely out of whack.

14 COMMISSIONER FRANKLIN: We are not suggesting a fat-  
15 rendering plant.

16 COMMISSIONER CLARENS: That is right. That is right.  
17 Or a transfer station. So, there is some planning consistency there.

18 However, I am also moved by the fact that there has been a process  
19 related to this property that has been on-going for a long, long time  
20 and that there is willingness on all parties, I believe, to come to  
21 some sort of an agreement. I am troubled frankly with looking at  
22 zoning as the way to resolve and one particular property. We are not  
23 talking here about a square. We are talking about a particular  
24 property, and I am troubled with the kind of precedence that we set by  
25 these issues coming to us the way that they are coming to us. I do  
26 not think that this is appropriate for the Zoning Commission to be

1 dealing with one particular site with all the merits that it might or  
2 not have. But be that as it may, it seems to me that I would concur  
3 with the setting down of the proposals if sufficient time was allowed  
4 for the process to continue so that when we have a hearing, we have  
5 something that has gone through the political process that has taken  
6 us to this point.

7           So, I would agree to a set down if sufficient time is  
8 given for this to happen, and I would accept the recommendation that  
9 if we set it down we set it down for somewhere towards the end of the  
10 summer or the beginning of the fall, perhaps early September or  
11 something like that.

12           CHAIRPERSON KRESS: As you know, we have 40 days anyway  
13 and so we cannot even be looking at it until July and we do not meet  
14 in August and so I am just to overlay the practicality of the issue.  
15 Realistically, we probably would not get to a hearing until September  
16 unless we did expedited on an emergency basis.

17           COMMISSIONER FRANKLIN: Could I address Commissioner  
18 Clarens's point which I think is one that has given me concern, and I  
19 agree that we ought not to be as a general rule zoning --

20           CHAIRPERSON KRESS: A building.

21           COMMISSIONER FRANKLIN: -- a building. However, this  
22 particular site is a kind of a keystone of the downtown area and is  
23 sui generis in a sense. I cannot think of another one that would be  
24 quite so important and, of course, it has a long history of having,  
25 you know, what we have heard about. So, I guess I make it in my mind,  
26 at least, an exception on this particular site because of the

1 importance it plays in terms of the entire downtown area. But I agree  
2 with you, as a general rule, we ought not to be involved in this kind  
3 of thing.

4 COMMISSIONER HOOD: It has been my experience why I  
5 disagree with my colleagues that we are bending on this end and later  
6 on down the road somebody else will come down and we will bend again  
7 and then later on down we will bend again and then we will wind up  
8 continue to do the same process. So, my feeling is at some point in  
9 time we just have to stop and go back to planning and do a thorough  
10 plan. That is just my opinion.

11 COMMISSIONER CLARENS: You are saying send it back to  
12 the comp plan --

13 COMMISSIONER HOOD: From what I heard from the  
14 discussions and from what I see and actually the second time this week  
15 planning is just not taking place, in my opinion. And the refer --  
16 Chairman Kress to go back to the comprehensive plan, the law states  
17 that zoning should not be inconsistent with the comprehensive plan.  
18 The comprehensive plan does not have office use in that area. So I  
19 think at some point in time we have to stop and say, "Look, we are  
20 going to set some regulations and abide by the comp plan." I am not  
21 saying we have to take it word for word, but at some point in time we  
22 need to be consistent because another person will come in later on  
23 down the line and do the exact same thing and we will do the exact  
24 same thing and we will keep setting that precedent each time.

25 CHAIRPERSON KRESS: I think the problem is, and I think  
26 it has just been very well articulated, is that it is going around a

1 specific building because the planning and the way the comp planning  
2 is typically done is it is designated for "X" kind of usage and a  
3 range and a size and "X" kind of usage. Typically a building is not  
4 picked out and said, okay, it is used for this, this, this, and this  
5 and this.

6 COMMISSIONER HOOD: I understand that.

7 CHAIRPERSON KRESS: I think that is one of the troubles  
8 that we as the Commission have been having for a couple of years is  
9 that specific buildings, and I do agree, this is a lynch-pen building,  
10 but that specific buildings that get pulled out of nowhere for some  
11 political reason and get put in, and we have had differences and we  
12 have written letters to the City Council saying we kind of disagree  
13 with what you are doing right here. We do not think that that is good  
14 planning.

15 COMMISSIONER CLARENS: Well, Madam Chairperson, let me  
16 ask a question. What is the underlying zone on which this building is  
17 sitting? Or is it not zoned. Mr. Colby do we know, I mean, what is  
18 the --

19 CHAIRPERSON KRESS: There has got be some kind of  
20 zoning.

21 MR. COLBY: It is C-4.

22 COMMISSIONER CLARENS: It is C-4. Now C-4 allows office  
23 use, is that correct?

24 CHAIRPERSON KRESS: Oh sure.

25 COMMISSIONER HOOD: You can do it by amount of right.

26 COMMISSIONER CLARENS: Now, as I read --

1 MR. COLBY: -- when it is not covered by the DD  
2 overright.

3 COMMISSIONER HOOD: Which is?

4 MR. COLBY: What comes --

5 COMMISSIONER HOOD: -- promote housing.

6 MR. COLBY: Which, which --

7 COMMISSIONER FRANKLIN: It promotes other things as  
8 well.

9 CHAIRPERSON KRESS: It is other things as well.

10 MR. COLBY: And the most limiting of the two provisions,  
11 the overlay and the underlying zoning prevail which is why you cannot  
12 build into the matter of right office use on that site today.

13 CHAIRPERSON KRESS: Only office use.

14 MR. COLBY: You cannot build office use on that site  
15 because it is reserved for other uses which are not office use.

16 CHAIRPERSON KRESS: Which we did.

17 MR. COLBY: Which you did.

18 CHAIRPERSON KRESS: Which we did specifically on that  
19 building.

20 COMMISSIONER FRANKLIN: There was a special provision  
21 for department stores as I recall that basically had to be dealt with  
22 --

23 COMMISSIONER CLARENS: Well, what I am trying to get at  
24 Mr. Franklin, I am going to get, it is a C-4 with a DD overlay. Is  
25 that correct?

26 COMMISSIONER FRANKLIN: Well, it has got a history of

1 having also been a department store which had a specific zoning  
2 classification requirement. We had a long hearing as to whether we  
3 ought to require another department store there.

4 COMMISSIONER CLARENS: We just approved one amendment  
5 that reads "the entirety of the gross floor area may be converted as a  
6 matter of right." What I am trying to get at is what is allowed  
7 besides retail service and arts-related uses as a matter of right in  
8 this building.

9 CHAIRPERSON KRESS: Well, maybe we should ask Mr. Colby  
10 --

11 COMMISSIONER CLARENS: I am asking Mr. Colby.

12 CHAIRPERSON KRESS: I believe -- go ahead and answer  
13 that.

14 MR. COLBY: What is permitted is the uses on those two  
15 lists that are referenced.

16 COMMISSIONER CLARENS: On 1710 and 1711.

17 MR. COLBY: Yes, correct.

18 COMMISSIONER CLARENS: That is all --

19 MR. COLBY: -- and not residential --

20 COMMISSIONER CLARENS: And that is all that the DD  
21 allows?

22 MR. COLBY: That is correct. On that site.

23 CHAIRPERSON KRESS: On that site.

24 COMMISSIONER CLARENS: On that site.

25 CHAIRPERSON KRESS: We did that. We as the Zoning  
26 Commission did that to that property specifically.

1                   COMMISSIONER FRANKLIN:     Because that property was  
2 subject to a very specific requirement for department store use.

3                   MR. COLBY:     That is the site and a number of others --  
4 some other sites.

5                   COMMISSIONER FRANKLIN:     And others, the Garfinckel site.  
6 There was a special department store zoning.

7                   CHAIRPERSON KRESS:     That is why this is such a unique --  
8 I mean, that is why we cannot really make any generalizations on  
9 anything.

10                  COMMISSIONER FRANKLIN:     We are still struggling. This is  
11 a fossil of earlier struggling with how to deal with the fact that the  
12 market for department stores was --

13                  COMMISSIONER CLARENS:     Well, once again, I am trying to  
14 get to -- okay.     So if we take those exceptions out of the picture  
15 under regular C-4 DD, office use would be allowed.

16                  COMMISSIONER FRANKLIN:     Yes.     I think that would be  
17 true.

18                  COMMISSIONER CLARENS:     Is that correct?

19                  MR. COLBY:     And arguably, and this is where a great deal  
20 of interpretation comes in and it seems that it always does except in  
21 very straightforward cases that if in fact residential and retail uses  
22 are highly preferred uses and they are not likely to occur or you  
23 believe they are not likely to occur as a matter of right without some  
24 other incentives, and there are incentives coming along as has been  
25 pointed out, clearly the office use as described elsewhere in the  
26 downtown development district regulations and in the comp plan is seen

1 as a generator of other preferred uses.

2 In the past, this site had been seen as so special that  
3 it is was department store or nothing for a long time and then it  
4 became an opera and some other uses. But I think a case can be made,  
5 although the hearing would have to make and you could not just decide  
6 it, that office use is necessary to provide the other preferred uses.

7 That would be the basis under the comprehensive plan for permitting  
8 office use, I believe, and thus not a case easily made, but a case  
9 that I believe could be made or would have to be made to cure that  
10 apparent inconsistency or lack of consistency.

11 COMMISSIONER CLARENS: That is very helpful. Okay, I  
12 will --

13 COMMISSIONER FRANKLIN: And let me add for Mr. Hood's  
14 comfort, particularly, that the discussion we have just had and the  
15 kind of discussions we have about all of these matters illuminate them  
16 to a far greater degree than can ever occur before the City Council  
17 when, in fact, many aspects of the comprehensive plan are put in a  
18 legislative process and never get discussed at all. They just simply  
19 get enacted.

20 So that to the extent there is any opportunity for  
21 planning in the sense of the weighing of alternatives and the  
22 articulation of a suitable public policy, it occurs with this  
23 Commission, and that is more planning than goes on in other aspects of  
24 the City government.

25 CHAIRPERSON KRESS: I also think we are in a new time.  
26 I think we are building a new Office of Planning. We are building a

1 new Office of Zoning. I think that there is going to be rather than  
2 reactionary like we have been in the past, hopefully, more proactive:  
3 us out there working with the community, being a part of these  
4 things, and proactively going to the City Council with suggestions of  
5 planning, particularly for some major areas that, we all know what  
6 they are, that need some real planning studies, and so hopefully we  
7 are seeing a process of change so that we will have a comp plan that I  
8 think we can all feel very good about and that will be well thought  
9 out and well discussed to work from.

10 COMMISSIONER HOOD: Well I agree with you Chairman  
11 Kress. I just think that when those things happen, maybe then we  
12 could revisit it, but right now those things have not happened as far  
13 as specially due to this site -- dealing with this site -- and once  
14 those things do happen with the Office of Planning and Office of  
15 Zoning, then we can go back and revisit it and make a more educated  
16 decision on down the line for the betterment of the City.

17 CHAIRPERSON KRESS: So you are still of the mind you do  
18 not even want to talk about it.

19 COMMISSIONER HOOD: I think we need to -- from what I  
20 have heard here tonight, unless there is something else that I may  
21 have missed, and I will be frankly honest, I missed quite a bit.

22 CHAIRPERSON KRESS: No you do not. Do not say that.

23 COMMISSIONER HOOD: Well with that, I make a motion to  
24 deny the set down.

25 CHAIRPERSON KRESS: Is there a second? The motion fails  
26 for a lack of a second. Is there another motion?

1                   COMMISSIONER FRANKLIN:   Madam Chair, I move to place  
2 before a hearing the recommendations of the Office of Planning as well  
3 as the text recommended to us by the Downtown buster congregations.

4                   CHAIRPERSON KRESS:   All right.  Any further discussion?

5                   COMMISSIONER CLARENS:   The time of the set down, is that  
6 something that we control on the motion or we control later?

7                   MR. ERONDU:   You mean the time of the hearing?

8                   COMMISSIONER CLARENS:   The time of the hearing.

9                   MR. ERONDU:   No, you do not go through with the motion.  
10 That is administratively done.

11                   CHAIRPERSON KRESS:   That is administratively.

12                   COMMISSIONER CLARENS:   Okay.

13                   CHAIRPERSON KRESS:   And if you want to put in a motion  
14 that you would like to see the hearing in September, then we would  
15 set, I mean if that is where you are going, we could put that in the  
16 motion that your preference would be that the hearing be held in  
17 September and then we would make sure we get the notice out 40 days in  
18 advance of the date in September.

19                   COMMISSIONER CLARENS:   Then make a motion we need to  
20 amend the motion to that effect.

21                   CHAIRPERSON KRESS:   Do you agree with that?

22                   COMMISSIONER FRANKLIN:   I have no problem with that.  
23 Forty days would take us into close to July.  In any event then --

24                   CHAIRPERSON KRESS:   We might not have a date until the  
25 first of September.

26                   COMMISSIONER FRANKLIN:   You are into the summer doldrums

1 and so, as soon as possible after Labor Day, I think would be --

2 COMMISSIONER CLARENS: As soon as possible after Labor  
3 Day. Yes.

4 CHAIRPERSON KRESS: Okay, and that is your second.

5 COMMISSIONER CLARENS: I will second.

6 CHAIRPERSON KRESS: Any further discussion? All those  
7 in favor signify by saying eye. Eye. Opposed?

8 COMMISSIONER HOOD: Opposed.

9 MR. ERONDU: Staff records votes three to one.

10 COMMISSIONER FRANKLIN: Three to one.

11 MR. ERONDU: Mr. Franklin, Clarens, and Ms. Kress and  
12 you said no and Commissioner Hood opposed.

13 COMMISSIONER FRANKLIN: Exactly. Now, I had one last  
14 issue which had to do with changing from the 2 to the 4 in Square  
15 4091. What is your pleasure on, I mean, basically to make  
16 Commissioner Hood's point, I mean, literally this is what the Comp  
17 Plan says is 2 FAR, I mean, by definition but the community is  
18 proposing that they would like us to evaluate a 4 FAR to encourage  
19 even more housing downtown on this particular site.

20 COMMISSIONER FRANKLIN: It would not lie well in my  
21 mouth for me to argue for consistency with the Comp Plan --

22 CHAIRPERSON KRESS: That is a point. You cannot play  
23 these both ways. I think your own point just got proven. I hope you  
24 know that.

25 COMMISSIONER FRANKLIN: I would be inclined to let the  
26 market take its course. I mean, there is nothing in this regulation

1 that prevents somebody from coming forward more than 2 FAR.

2 COMMISSIONER HOOD: Have we just said that we are going  
3 to keep it like it is or maybe I missed.

4 CHAIRPERSON KRESS: We passed it like it is.

5 COMMISSIONER HOOD: Exactly.

6 CHAIRPERSON KRESS: And partly the reason was to  
7 guarantee that something did not happen in the interim.

8 COMMISSIONER FRANKLIN: Well, to nail down the fact that  
9 the housing ingredient had to be on site.

10 CHAIRPERSON KRESS: Had to be there.

11 COMMISSIONER FRANKLIN: A very important point.

12 CHAIRPERSON KRESS: Okay, and because that is what was  
13 advertised and what was in the Comp Plan, but there is an offering on  
14 the table that we change the requirement on this site to add even more  
15 FAR of residential use on the site. More than the Comp Plan basically  
16 addressed and the proposal was like 4.

17 COMMISSIONER HOOD: See, I look at that a little  
18 different Chairman Kress. There is a 2.0 FAR on the table. There is,  
19 and I know this is going back to what we just passed. There is an  
20 office use on the table. So, that is just how I look at it. I would  
21 not have any problems because I think that would be consistent in  
22 which ever way the Commission wants to go because there is an 2.0 FAR  
23 on the table. It is a relationship to the Comp Plan and what we just  
24 passed earlier, there is not office use on the table. So that is just  
25 my point.

26 CHAIRPERSON KRESS: Okay. I am sorry. Please forgive

1 me, I am not quite -- you would --

2 COMMISSIONER HOOD: What I am saying is, you were saying  
3 that goes against the point that I made about the office use on the  
4 Comp Plan.

5 CHAIRPERSON KRESS: I am saying -- oh, so your issue is  
6 office. It is not the Comp Plan because the Comp Plan basically says  
7 --

8 COMMISSIONER HOOD: Right. It says 2.0 but that is on  
9 the table. That is there whereas office use was not on the table in  
10 the comprehensive plan, so to --

11 COMMISSIONER CLARENS: Or the other building or the  
12 Woodies building.

13 COMMISSIONER HOOD: Exactly, for the Woodies piece. I  
14 was just kind of --

15 COMMISSIONER FRANKLIN: I do not want to prolong the  
16 discussion unduly, but my view is that office use is within the  
17 comprehensive plan properly understood as the comprehensive plan.

18 COMMISSIONER HOOD: It is not on that site.

19 COMMISSIONER FRANKLIN: Yes, but the comprehensive plan  
20 is not a site-specific plan.

21 COMMISSIONER CLARENS: Yes. But apparently there is a  
22 history to this site.

23 COMMISSIONER FRANKLIN: But on this one Mr. Colby is  
24 telling us that 2.0 is the requirement generally. Is that correct?  
25 So that to change this particular site and to increase it would be a  
26 departure from the general zoning regulations.

1 MR. COLBY: For C-4.

2 COMMISSIONER FRANKLIN: For C-4 right.

3 COMMISSIONER CLARENS: It creates inequities, no. I  
4 mean we are dealing with one site and sort of differently than the  
5 general zone. We are identifying one area and --

6 CHAIRPERSON KRESS: Is this building special enough to  
7 treat different like the Woodies is. I am not sure I have an answer  
8 for that. I mean, I am posing a question without necessarily having a  
9 great answer.

10 COMMISSIONER FRANKLIN: I think it is distinguishable.  
11 It is not sitting on top of Metro Center. It is not the same size.  
12 It does not have the same history, and beyond that it seems to me  
13 that, you know, I am all for getting more housing downtown, but  
14 requiring on a site may be counterproductive. Requiring it to this  
15 degree may be counterproductive because it will chill the  
16 possibilities of getting some housing on the site depending on what  
17 the economics are. Interest rates are rising. We do not know and the  
18 notion that we can just simply by regulation clear the market is very  
19 problematic in my mind. It might occur, but it becomes -- I do not  
20 wish to have the perfect become the enemy of the good.

21 CHAIRPERSON KRESS: Where is your sense right now. That  
22 is where I am, I am kind of whatever. I can go either way on this.  
23 Where are you?

24 COMMISSIONER HOOD: You mean on this stance.

25 CHAIRPERSON KRESS: Pardon me?

26 COMMISSIONER HOOD: Really, it does not matter as far as

1 that is concerned, but I do not want to make it look like I am  
2 inconsistent with my voting. So, that is on the table, I mean,  
3 whatever the Commission, whatever we decide is fine with me.

4 COMMISSIONER CLARENS: Clarify for me what it is it that  
5 --

6 CHAIRPERSON KRESS: What we would be voting on is what  
7 has been put forth in Charles Doctor's letter for the Downtown Housing  
8 Now Committee to evaluate --

9 COMMISSIONER CLARENS: This is for a set down.

10 CHAIRPERSON KRESS: For a set down.

11 COMMISSIONER FRANKLIN: Why don't we set it down Madam  
12 Chair and get educated?

13 CHAIRPERSON KRESS: That is a good idea. Okay. Can you  
14 buy that?

15 COMMISSIONER HOOD: Yes, I can buy that.

16 COMMISSIONER FRANKLIN: 1706.22 as put forth by Charles  
17 Doctor and his letter dated April 5. Commissioner Clarens, you will  
18 make that motion?

19 COMMISSIONER CLARENS: No, no I won't make a motion.

20 CHAIRPERSON KRESS: Will you make the motion? Nobody --

21 COMMISSIONER HOOD: I make the motion.

22 CHAIRPERSON KRESS: Okay, Commissioner Hood makes the  
23 motion.

24 COMMISSIONER HOOD: I make a motion that we set down  
25 1706.22.

26 CHAIRPERSON KRESS: Is there a second? Okay, I will

1 second it. Any further discussion? All in favor signify by saying  
2 eye. Eye. Opposed.

3 MR. ERONDU: The staff records the vote 4 to zero to set  
4 down 1706.22 as recommended by Mr. Charles Doctor.

5 CHAIRPERSON KRESS: Thank you. Anything else we missed  
6 that we would want to consider setting down? Did we miss something.

7 MR. COLBY: No, what was -- I am sorry. Just in terms  
8 of what you just did, is that part of the -- have you added that on to  
9 the other one?

10 CHAIRPERSON KRESS: No, this would be to replace what we  
11 have already just passed today.

12 MR. COLBY: Okay. So, if you are going to hear in the  
13 alternative two and have a hearing then on --

14 CHAIRPERSON KRESS: No, we have already passed the one.  
15 It is done. We just might change it very quickly if we hear  
16 convincing evidence that we should move it to the floor.

17 MR. COLBY: As part of a separate hearing or --

18 CHAIRPERSON KRESS: This is part of the set down for the  
19 hearing. We have set down several things, the Wilkes, Artis, this  
20 one. We set down the one we argued about the two in alternate to each  
21 other having to do with the office, the Woodies office. So we have got  
22 those two set down, one in the alternate of the other, this --

23 MR. COLBY: And that is all these initiatives and I am  
24 informed by whatever Mr. Doctor and others can provide.

25 CHAIRPERSON KRESS: It is all, I did not hear your  
26 point.

1                   COMMISSIONER FRANKLIN:     They have already provided  
2 testimony.

3                   MR. COLBY: Well most of that case is the Office of  
4 Planning's initiative and your initiative basically recorded by our  
5 work, and I guess I am saying the obvious. They are all in that same  
6 category.

7                   COMMISSIONER FRANKLIN: Right.

8                   CHAIRPERSON KRESS: Yes.

9                   MR. COLBY: Okay.

10                  COMMISSIONER FRANKLIN: Okay, any further discussions?  
11 Hearing none, I hereby call this meeting by acclimation adjourned.

12                  (Whereupon, the above-entitled matter was concluded at  
13 9:33 p.m.)

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