

**GOVERNMENT
OF
THE DISTRICT OF COLUMBIA**

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY

JANUARY 29, 2013

+ + + + +

The Regular Public Hearing
convened in the Jerrily R. Kress Memorial
Hearing Room, Room 220 South, 441 4th Street,
N.W., Washington, D.C., 20001, pursuant to
notice at 9:30 a.m., Lloyd Jordan,
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

**LLOYD JORDAN, Chairperson
NICOLE SORG, Vice-Chairperson
JEFF HINKLE, Board Member (NCPC)**

ZONING COMMISSION MEMBER PRESENT:

**MICHAEL G. TURNBULL, FAIA,
Commissioner (AOC)**

OFFICE OF ZONING STAFF PRESENT:

**CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist
STEPHEN VARGA, Zoning Specialist**

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEVEN COCHRAN

BRANDICE ELLIOTT

STEPHEN MORDFIN

KAREN THOMAS

**The transcript constitutes the
minutes from the Public Hearing held on
January 29, 2013.**

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

2 9:42 a.m.

3 CHAIRPERSON JORDAN: Would the
4 hearing please come to order. Good morning,
5 ladies and gentlemen.

6 We're located in the Jerrily R.
7 Kress Memorial Hearing Room at 441 4th Street,
8 N.W. Today's date is January 29th, 2013.
9 We're here for the Public Hearing of the Board
10 of Zoning Adjustment of the District of
11 Columbia.

12 My name is Lloyd Jordan,
13 Chairperson. To my right is Jeffrey Hinkle,
14 Board Member. To my left is Vice Chair Nicole
15 Sorg. To her left is Michael Turnbull, Member
16 of the Zoning Commission.

17 Please be advised that these
18 proceedings are being webcast live and also
19 being recorded by a court reporter. So, I'm
20 going to ask that you refrain from any
21 disruptive noises here in the hearing room
22 today. Like cell phones for example.

1 The Board's hearing procedures and
2 processes are contained in a pamphlet or
3 printout by the door. So, if you're not
4 familiar how we operate, please be sure to
5 grab that.

6 I'm going to ask if there's anyone
7 who plans to testify in a case today to stand
8 and take the oath or affirmation from the
9 Board's Secretary and at the end of that, to
10 complete two witness cards for each person and
11 prior to your testimony give them to the court
12 reporter.

13 So, with that, those who plan on
14 testifying today please stand and Mr. Moy will
15 give the oath or affirmation.

16 MR. MOY: Do you solemnly swear or
17 affirm that the testimony you're about to
18 present in this proceeding is the truth, the
19 whole truth and nothing but the truth?

20 You may consider yourself under
21 oath.

22 CHAIRPERSON JORDAN: Mr. Moy,

1 let's do some housekeeping here this morning.
2 Would you let us know what we have on our
3 docket, what we don't have on our docket and
4 where we are?

5 MR. MOY: Yes, sir. Of the
6 scheduled cases on the docket, there are three
7 cases.

8 One I would like to announce for
9 the record. That case I'd like to announce
10 for the record is Application Number 18491 of
11 Janet Katowitz. The Applicant has withdrawn
12 her application. So, that's off the docket.

13 Also, the second item is
14 Application Number 18437 of Lawrence Palmer.
15 Mr. Chairman and the Board, I had a discussion
16 with Mr. Palmer, the Applicant, last night who
17 said that he wanted to drop his application.
18 Meaning that -- and I clarified with him that
19 he wanted to withdraw his application and I
20 did ask for his action in writing and said
21 that he would email me a letter this morning
22 and as of now, I have not received that yet.

1 CHAIRPERSON JORDAN: But, you had
2 an oral withdrawal?

3 MR. MOY: Yes.

4 CHAIRPERSON JORDAN: Okay.

5 MR. MOY: Third and final is
6 Application Number 18459 of Quiton Cooper and
7 as you know in your case folders, Mr.
8 Chairman, there is -- the last exhibit in that
9 filing is a letter from the Applicant -- the
10 Agent on behalf of the Applicant requesting a
11 postponement to a time in the springtime in
12 April.

13 CHAIRPERSON JORDAN: And so, that
14 matter's postponed. Okay. Very good.

15 MR. MOY: Yes, sir.

16 CHAIRPERSON JORDAN: Then let's
17 call our first case for the day.

18 MR. MOY: Oh, by the way, on the
19 postponement, the staff has set a schedule
20 date, Mr. Chairman, of April 23rd if that's
21 amendable to the Board.

22 CHAIRPERSON JORDAN: Does anyone

1 have any problems with April 23rd? No, I
2 believe not. Thank you.

3 MR. MOY: Thank you, sir.

4 So, with that, the first
5 application on the docket for the Board
6 hearing is Application Number 18490. This is
7 the application of Petco Animal Supplies
8 Store, Incorporated pursuant to 11 DCMR 3104.1
9 and 3103.2. This is for a variance from the
10 requirement that a pet grooming establishment
11 not abut a residence district under Subsection
12 736.4, a variance from the requirement that a
13 pet shop not abut a residence district under
14 Subsection 737.3 and special exceptions under
15 Sections 736 and 737 to allow a pet grooming
16 establishment and a pet shop in an existing
17 retail shopping center in the C-3-A District
18 at premises 3100 or 3-1-0-0 14th Street, N.W.
19 Property located in Square 2674, Lot 721.

20 CHAIRPERSON JORDAN: That's a
21 mouthful. Please introduce yourselves.

22 MR. CADLECEK: Good morning,

1 Members of the Board. My name is Cary
2 Cadlecek, Land Use Attorney on behalf of the
3 Applicant and I'll let the representatives of
4 Petco introduce themselves.

5 MR. BUCHANAN: Doug Buchanan,
6 District Manager of the Washington, D.C. Petco
7 Stores.

8 CHAIRPERSON JORDAN: I'm sorry.
9 Your last name again.

10 MR. BUCHANAN: Buchanan.

11 CHAIRPERSON JORDAN: Buchanan.
12 Okay.

13 MR. WATTS: Jim Watts, Petco --

14 CHAIRPERSON JORDAN: Just make
15 sure that your -- yes, the green button should
16 be bright.

17 MR. WATTS: Jim Watts, Petco
18 Construction Project Manager.

19 CHAIRPERSON JORDAN: Okay. The
20 Board has -- well, excuse me. I believe that
21 this file is pretty complete. That what's in
22 the record so far would meet what's necessary

1 to grant the relief that's requested. I think
2 the Board is in agreement with that.

3 Certainly, as you know, Mr.
4 Cadlecek, you've been here before, that you
5 have the opportunity and you're allowed to put
6 on a presentation if you want to.

7 However, the Board doesn't believe
8 that we need to have one at this time and we
9 can advance on to find out if Office of
10 Planning has anything additional or whatever.

11 But, again, it's up to you to take
12 that chance and step out there.

13 MR. CADLECEK: We agree that the
14 record is quite full and we're happy resting
15 on the record.

16 CHAIRPERSON JORDAN: Good. Then
17 let's turn to the Office of Planning and see
18 if there's anything in addition the Office of
19 Planning would like to add.

20 MR. MORDFIN: Good morning, Chair
21 and Members of the Board. I'm Stephen Mordfin
22 with the Office of Planning and we have

1 nothing additional to add to the record.

2 CHAIRPERSON JORDAN: Okay. Very
3 good. Is anyone here from the Department of
4 Transportation?

5 We do have a letter from the
6 Department of Transportation with no objection
7 to the requested relief.

8 Is anyone here from ANC-1A?

9 We have a letter in support from
10 ANC-1A where they voted unanimously 10 to 0 to
11 support the application.

12 Is there anyone in the audience
13 who wishes to speak in support of this
14 application? Anyone wishing to speak in
15 support?

16 Anyone wishing to speak in
17 opposition?

18 Then we would normally turn back
19 to the Applicant for rebuttal, but there's
20 nothing to rebut and closing which I'm sure
21 you're going to waive that.

22 So, with that, then we will close

1 this hearing based upon the record as we have
2 it so far and move to deliberation.

3 I would move that we grant the
4 relief requested by the Applicant in the Case
5 18490.

6 VICE CHAIR SORG: I would second
7 that.

8 CHAIRPERSON JORDAN: Motion made
9 and seconded. Any discussion?

10 All those in favor signify by
11 saying aye.

12 (Ayes.)

13 CHAIRPERSON JORDAN: Those opposed
14 nay. The motion carries. Mr. Moy.

15 MR. MOY: Staff would record the
16 vote as 4 to 0. This on the motion of
17 Chairman Jordan to agree with the application
18 for the variance and special exceptions
19 requested. Second the motion is Vice
20 Chairperson Sorg. Also in support of the
21 motion Mr. Michael Turnbull and Mr. Jeffrey
22 Hinkle and we have a Board seat that's vacant.

1 So, the motion carries, Mr.
2 Chairman.

3 CHAIRPERSON JORDAN: And a summary
4 order please.

5 MR. MOY: Yes, sir. Thank you.

6 CHAIRPERSON JORDAN: Thank you.

7 MR. CADLECEK: Thank you very
8 much.

9 MR. MOY: The next application for
10 public hearing is Application Number 18493.
11 This is the application of N.W., which I
12 assume is Northwest, 1800 I Street Associates,
13 LLP pursuant to 11 DCMR 3103.2. This is for
14 a variance from the floor area ratio
15 requirements under Section 771 to renovate an
16 existing office and retail building in the C-4
17 District at premises 1800 I Street, N.W.
18 Property located in Square 105, Lot 847.

19 CHAIRPERSON JORDAN: Okay. Would
20 you please identify yourselves?

21 MS. PRINCE: Allison Prince,
22 Goulston & Storrs, here for the Applicant.

1 MR. MULLER: Stephen Muller, Union
2 Realty Partners, Development Agent for the
3 owner.

4 MR. STEWART: Dale Stewart,
5 Principal of CORE Architects.

6 CHAIRPERSON JORDAN: Okay. I do
7 believe that this file is also one which is
8 pretty full. However, the Board does have
9 some questions -- some specific questions we
10 need to address and I'm going to initially
11 turn to Mr. Turnbull so that we can find out
12 -- so we can directly answer some of those
13 questions.

14 COMMISSIONER TURNBULL: Thank you,
15 Mr. Chair.

16 My principal question is in your
17 Exhibit 24 talking about the key feature of
18 the proposal relocating and consolidating the
19 core elements to the perimeter of the building
20 which requires the infill of the rear
21 courtyard. This non-compliant courtyard would
22 be replaced by new code compliant fire stairs

1 and -- but, in our records, we have no
2 drawings that show or explain this.

3 I think I would like to see
4 something that actually would give us some
5 background information and show us exactly why
6 this needs to be done. So, I think that would
7 have been good to have for the record.

8 MS. PRINCE: Our architect Dale
9 Stewart can walk you through the plans and
10 explain that to you.

11 CHAIRPERSON JORDAN: You need to
12 be on a microphone.

13 MR. STEWART: Yes, thank you.

14 This is the typical floor of the
15 existing building and what we have is 18th
16 Street here. We have I Street this way and
17 the building has a court, a nonconforming
18 court, in the back in this location.

19 And if you look, you can see that
20 there is an interior fire stair here which is
21 non-code compliant. There is an exterior fire
22 escape stair in the back. So, people come out

1 through a window location or a door location,
2 come down into that court and exit back
3 through the building to get out.

4 There's currently an elevator in
5 this location and another elevator in this
6 location both of which are too small to meet
7 ADA requirements.

8 So, you can see that the current
9 configuration is kind of a mishmash core
10 location. Core site. Kind of in the center
11 of the building.

12 What we're proposing is to put in
13 two new fire stairs that are code compliant as
14 well as two ADA accessible elevators and
15 restrooms and locate them at the perimeter of
16 the lot in essentially the rear of the
17 building to allow us a floor plate that we can
18 use for leasable office space.

19 COMMISSIONER TURNBULL: So, what
20 happens on the first floor then?

21 MR. STEWART: Okay. On the first
22 floor, there's currently a split-level

1 entrance.

2 COMMISSIONER TURNBULL: Okay.

3 MR. STEWART: You come into the
4 lobby and you go up half a level or down half
5 a level. Down half a level to the basement
6 retail. Up half a level to the lobby.

7 And what we're proposing to do is
8 to take that half level out and drop all of
9 that down to grade to make an at-grade retail
10 space on I Street.

11 COMMISSIONER TURNBULL: Okay.

12 MR. STEWART: And then the lobby
13 would enter off of 18th Street.

14 COMMISSIONER TURNBULL: And then
15 the typical floor then you've got -- okay and
16 that can be for single tenants, multiple
17 tenants then.

18 MR. STEWART: That's correct.

19 COMMISSIONER TURNBULL: Okay.
20 Okay. Thank you.

21 CHAIRPERSON JORDAN: Does the
22 Board have any additional concerns or

1 questions they would like to ask the
2 Applicant?

3 VICE CHAIR SORG: I just have one
4 additional question.

5 So, I've been in this building and
6 it is rough when you enter. So, it looks like
7 you're changing the main entrance to the
8 corner of the building. Also, retaining the
9 current entry or is that --

10 MR. STEWART: Yes, the current
11 entry which is at this location --

12 VICE CHAIR SORG: Right.

13 MR. STEWART: -- will serve as the
14 retail entrance.

15 VICE CHAIR SORG: I see. Okay.

16 MR. STEWART: And then the office
17 lobby entrance will be brought around --

18 VICE CHAIR SORG: To the other
19 side.

20 MR. STEWART: -- to the 18th
21 Street side.

22 VICE CHAIR SORG: Thank you.

1 CHAIRPERSON JORDAN: So, the
2 retail's going to be on which side again? The
3 retail is --

4 MR. STEWART: The retail is on I
5 Street.

6 CHAIRPERSON JORDAN: On I Street.
7 Okay. I guess I got it reversed. Okay. All
8 right.

9 Any other questions of the
10 Applicant?

11 I believe the Board's question has
12 been answered and that we're very comfortable
13 with the request for relief and that we
14 believe that the file has sufficient
15 information to support the relief.

16 Certainly, it's up to you if you
17 believe that the Board needs to hear anything
18 else. It's up to you.

19 MS. PRINCE: We don't think any
20 further information is necessary if your
21 questions are answered.

22 CHAIRPERSON JORDAN: Okay. Then

1 let's turn to the Office of Planning to see if
2 there's anything in addition to their report.

3 MR. COCHRAN: OP stands on the
4 record.

5 CHAIRPERSON JORDAN: Okay. And I
6 was remiss before. Does the Applicant have
7 any questions of OP?

8 MS. PRINCE: No questions of OP.

9 CHAIRPERSON JORDAN: I didn't do
10 that in the last hearing, but I assumed he
11 wouldn't ask any questions. Okay.

12 Is anyone here from Department of
13 Transportation?

14 We do have a letter from the
15 Office of Transportation of no objection to
16 the requested relief.

17 Is anyone here from ANC-2B?

18 Yes, are you the person to
19 represent ANC-2B? I need to pull the letter.
20 Okay.

21 MR. STEPHENS: I don't have much
22 to say. I'm Will Stephens. I'm the Chair of

1 ANC-2B, but we just filed a relatively simple
2 letter of support. So.

3 We had a couple of items on
4 today's agenda. So, I just happen to be here
5 to confirm that we do support the project. We
6 thought it was quite an attractive design and
7 addition to the --

8 CHAIRPERSON JORDAN: Good. Well,
9 welcome.

10 MR. STEPHENS: -- factors.

11 CHAIRPERSON JORDAN: Thank you for
12 coming and that your ANC voted unanimously to
13 support this application. Which we will give
14 great weight to.

15 Is there anyone in the audience
16 who wishes to speak in support of the
17 application that has not spoken that wishes to
18 speak? In support, anyone?

19 Anyone in opposition wishing to
20 speak? Anyone wishing to speak in opposition?

21 Then let's turn back to the
22 Applicant. There is no rebuttal. There's no

1 need to close and we will close the record if
2 that's okay with you based upon what's already
3 been submitted.

4 MS. PRINCE: Yes.

5 CHAIRPERSON JORDAN: And then the
6 Board would move to deliberation. Is the
7 Board ready to deliberate? Anybody have
8 anything they want to say about this?
9 Anything?

10 So, then I would move that we
11 grant the relief requested by the Applicant.

12 COMMISSIONER TURNBULL: Second.

13 CHAIRPERSON JORDAN: Motion made
14 and seconded that we grant the relief
15 requested. All those in favor signify by
16 saying aye?

17 (Ayes.)

18 CHAIRPERSON JORDAN: Those opposed
19 nay. The motion carries. Mr. Moy.

20 MR. MOY: Staff would record the
21 vote as 4 to 0. This on the motion of
22 Chairman Jordan to approve the application for

1 the variance relief from FAR. Seconding the
2 motion is Mr. Michael Turnbull. Also in
3 support, Vice Chairperson Sorg and Mr. Jeffrey
4 Hinkle and there's a Board seat vacant, Mr.
5 Chairman. The motion carries.

6 CHAIRPERSON JORDAN: Thank you.
7 Thank you. Oh, can we have a summary order
8 please?

9 MR. MOY: Yes, sir. Thank you.

10 The next application before the
11 Board is Application Number 18494. This is
12 the application of Lauriol Properties, LLC
13 Cactus Cantina pursuant to 11 DCMR 3104.1.
14 This is for a special exception to allow the
15 continued use of an accessory parking lot
16 under Section 214 in the R-5-B District at
17 premises 1780-1782 T Street, N.W. Property
18 located in Square 152, portion of Lot 862.

19 CHAIRPERSON JORDAN: Okay. Would
20 you please identify yourselves?

21 MS. BATTIES: Good morning, Mr.
22 Chair, Members of the Board. Leila Batties

1 with the law firm of Holland and Knight on
2 behalf of the Applicant.

3 MR. SANCHEZ: Good morning.

4 CHAIRPERSON JORDAN: Oh, just make
5 sure your microphone is on please.

6 MR. SANCHEZ: Good morning,
7 Members of the Board and Chairman and my name
8 is Raul Sanchez. I am co-owner of the
9 restaurant Lauriol Plaza and I have been
10 operating the restaurant.

11 CHAIRPERSON JORDAN: I just need
12 you to identify yourself.

13 MR. SANCHEZ: Oh, that's all.

14 CHAIRPERSON JORDAN: Um-hum.

15 MR. SANCHEZ: Okay.

16 MR. RUEDA: Good morning.
17 Guillermo Rueda with Singletary Rueda
18 Architects. Architect for LPI.

19 MR. SHER: Good morning, Mr.
20 Chairman, Members of the Board. For the
21 record, my name is Steven E. Sher, the
22 Director of Zoning and Land Use Services with

1 the law firm of Holland and Knight.

2 CHAIRPERSON JORDAN: Is Mr. Joseph
3 Brinker here? Would you please come forward?
4 And please be sure that the green light for
5 the microphone is brightly showing.

6 MR. BRINKER: Can you hear me?

7 CHAIRPERSON JORDAN: Push the
8 button please.

9 MR. BRINKER: There we go.

10 CHAIRPERSON JORDAN: Yes, there we
11 go.

12 MR. BRINKER: Okay.

13 CHAIRPERSON JORDAN: You've made a
14 request for party status being in opposition
15 to the request for relief.

16 MR. BRINKER: Correct.

17 CHAIRPERSON JORDAN: Now, exactly
18 where is your house situated? Where is your
19 residence then situated to where this project
20 is?

21 MR. BRINKER: It's practically
22 directly across the street from the entrance

1 to Lauriol Plaza.

2 CHAIRPERSON JORDAN: Has there
3 been any conversation between the parties and
4 Mr. Brinker regarding his opposition?

5 MS. BATTIES: I don't believe that
6 the Applicant has spoken directly with Mr.
7 Brinker.

8 CHAIRPERSON JORDAN: And I
9 understand, Mr. Brinker, that your concerns
10 are that this property's creating a nuisance.
11 That the parking lot area is creating a
12 nuisance and excuse me one second. That it's
13 creating a nuisance. That the parking lot's
14 creating a nuisance. Correct?

15 MR. BRINKER: Correct.

16 CHAIRPERSON JORDAN: Because you
17 understand that even if we don't grant the
18 relief requested that doesn't do anything with
19 the operation of the restaurant itself. They
20 may not be able to use that sliver of parking
21 lot. Do you understand?

22 MR. BRINKER: I understand that.

1 CHAIRPERSON JORDAN: Okay. So,
2 any questions that you raise have to be
3 germane to how that parking lot is affecting
4 you.

5 MR. BRINKER: Correct.

6 CHAIRPERSON JORDAN: If the Board
7 has no objection, I'm going to grant party
8 status, but on a simple narrow issue as we're
9 discussing here with this application.

10 MR. BRINKER: Okay.

11 CHAIRPERSON JORDAN: Then we'll
12 grant you party status. Do you understand
13 what party status grants you?

14 MR. BRINKER: I do.

15 CHAIRPERSON JORDAN: Okay.

16 MS. BATTIES: Chairman Jordan, if
17 we may, we object to the request for the party
18 status on the basis that Mr. Brinker's not
19 uniquely affected by the traffic.

20 CHAIRPERSON JORDAN: I got you. I
21 already ruled.

22 MS. BATTIES: Okay.

1 CHAIRPERSON JORDAN: Yes, we took
2 all that in consideration and so, then we know
3 that Office of Planning has looked at this and
4 made some recommendations for conditions and
5 does that Applicant have any issues with the
6 conditions that are posed?

7 MS. BATTIES: We have no issues
8 with the conditions proposed by the Office of
9 Planning.

10 CHAIRPERSON JORDAN: Now, I'm
11 going to hedge as opposed to having a full
12 presentation because I believe the file is
13 full. However, we do have some questions and
14 we do know there's some concerns by citizens
15 regarding this request for relief.

16 Regarding the use of the valet and
17 that area of traffic that seems to congest on
18 T Street, what's the Applicant going to do to
19 relieve that if you're granted the relief?

20 MS. BATTIES: Right. In
21 connection with the extension of the parking
22 lot, the Applicant is looking to modify the

1 parking operations at the restaurant. They
2 have an application in to DDOT's Public Space
3 Committee where they would have a valet
4 station on 18th Street. Customer's would drop
5 their cars off on 18th Street and from there
6 be directed to -- their cars will either be
7 driven or they would be directed to the T
8 Street lot or the lot on California Street
9 which Lauriol Plaza also owns. Which is just
10 two blocks north of the property.

11 That modification was suggested by
12 the ANC as a way to alleviate some of the
13 backup that goes to the intersection of 18th
14 and T and with that, once the customers are
15 done at the restaurant, they would pick up
16 their car on T Street and make a right turn
17 only out of the parking lot or --

18 CHAIRPERSON JORDAN: So, the
19 initial drop off would be where on 18th
20 Street?

21 MS. BATTIES: On 18th Street right
22 in front of the restaurant. The entrance to

1 the restaurant.

2 CHAIRPERSON JORDAN: And DDOT has
3 not gotten back with you to approve that or
4 not?

5 MS. BATTIES: Well, we have been
6 in touch with DDOT. We've also been in touch
7 with the police department because they have
8 to review that application before -- or review
9 that proposal before it went to the Public
10 Space Committee and we have not heard any
11 concerns from DDOT to this point. But, it
12 does go before the Public Space Committee on
13 February 28th.

14 CHAIRPERSON JORDAN: Does any
15 other Board Member have a question on the
16 parking pick up, drop off, the valet? Because
17 I want to then talk about the landscaping.

18 COMMISSIONER TURNBULL: My only
19 question is do you foresee backups on 18th
20 Street with people dropping off cars then? I
21 mean how many people are going to be servicing
22 from a valet standpoint taking cars away? Is

1 there just one or two individuals there or how
2 many people will be handling cars?

3 MR. SANCHEZ: Well, we do have
4 either busy times and sometimes we're not that
5 busy. So, lunchtime let's say Monday or
6 Tuesday, we will have a couple of people. Two
7 people. Then in the evenings, we will have
8 either three, four, five or six depending on
9 how it will go on that.

10 We have been in touch with some
11 valet companies. We might hire them or we
12 might continue to do our own management and
13 operation.

14 In there, we still in the air of
15 what to do. But, it depends on what we need.

16 COMMISSIONER TURNBULL: Okay.
17 Thank you.

18 CHAIRPERSON JORDAN: I think what
19 Mr. Turnbull also asked is has there been a
20 study or something indicating what kind of
21 backup there may be on 18th Street. I think
22 you did ask that. Didn't you, Mike? The back

1 -- any --

2 MS. BATTIES: They have not hired
3 a traffic consultant to look at the stacking
4 onto 18th Street. They're aware, fully aware,
5 of the conditions that are generated though or
6 caused by during the heavy restaurant hours or
7 busy times at the restaurant.

8 CHAIRPERSON JORDAN: Okay. Any
9 other questions about the valet pick up/drop
10 off? Anyone? No.

11 VICE CHAIR SORG: I guess I'll
12 just ask one question. I'm also very familiar
13 with this area. So, and --

14 CHAIRPERSON JORDAN: I don't think
15 there's a part of this city that you're not
16 familiar with.

17 VICE CHAIR SORG: No. No, that's
18 not true. I just -- we don't have a lot of
19 restaurants for lunch near my office. So.

20 And just as a note, I think that
21 the valet proposal looks like it really will
22 help the issues on T Street which I've

1 definitely seen.

2 Now, I know that in the block that
3 the restaurant occupies there is sort of a
4 indent in the curb. Does that -- that's on
5 the other side. Is there -- two questions.

6 Is there a bike lane there and
7 also, does that continue across, what is that,
8 Swann Street?

9 CHAIRPERSON JORDAN: No, it's not.

10 MS. BATTIES: I don't --

11 VICE CHAIR SORG: It's S?

12 MS. BATTIES: I don't know the
13 answer to that.

14 MR. RUEDA: The bulb -- I mean the
15 bump out does not continue across Swann.

16 VICE CHAIR SORG: Okay.

17 MR. RUEDA: You have an alley to
18 the --

19 VICE CHAIR SORG: Oh, right. You
20 have an alley before that.

21 MR. RUEDA: -- to the south before
22 you get to Swann Street. So, that would be

1 the portion that people would line up on.

2 VICE CHAIR SORG: Okay.

3 MR. RUEDA: Potentially -- let me
4 get -- thank you. We're showing currently the
5 stacking space here, sorry, on the curb at the
6 front of 18th Street and then the bulbout here
7 was part of the congestion that started to,
8 you know, be created by cars stacking up and
9 then not having a place to sort of go. So,
10 part of this response is as a result of that
11 as well.

12 VICE CHAIR SORG: And then is
13 there a bike lane there also?

14 MR. RUEDA: No, that wasn't my
15 recollection actually. No.

16 VICE CHAIR SORG: Okay.

17 CHAIRPERSON JORDAN: Additionally,
18 there are concerns about the landscaping and
19 from the pictures I saw, it looks very sparse,
20 the landscaping and I think that was part of
21 the original order. So, what are we going to
22 do about the landscaping and the site itself?

1 MS. BATTIES: We did see the
2 letter of opposition from the property owners
3 at 1767 and 1769 T Street. Mr. Sanchez has
4 agreed to replant or plant new trees, the four
5 missing trees that are referenced in that
6 letter and they have been in touch with Ms.
7 Haber since she filed that letter with the
8 Board of Zoning Adjustment.

9 So, they are working on getting
10 the trees planted. They can't do it now
11 because of the season, but as soon as I guess
12 spring comes, they will plant the trees.

13 They have also shown on the site
14 plan that they've submitted to the Board the
15 landscaping strip, the north/south strip,
16 which they will install as well.

17 CHAIRPERSON JORDAN: Mr. Hinkle.

18 MEMBER HINKLE: I'm sorry. Could
19 you explain what you're referencing in terms
20 of that north/south strip?

21 MS. BATTIES: Sure. If you look
22 on the site plan, there is --

1 CHAIRPERSON JORDAN: What exhibit
2 number is that?

3 MS. BATTIES: Oh, Exhibit A of the
4 prehearing statement. There is a narrow strip
5 of landscaping that extends from the front of
6 the parking lot or north/south strip on the
7 east side of the property, east property line
8 and they will install that landscaping strip
9 as well as the portion that is on the south
10 side of the lot.

11 MEMBER HINKLE: Okay. Thank you.
12 This landscape plan does not represent the
13 additional trees that you just spoke of.

14 MS. BATTIES: It does not.

15 MEMBER HINKLE: Okay. Thank you.

16 CHAIRPERSON JORDAN: Any other
17 questions about the landscaping?

18 Now, what are we doing for crowd
19 control and people that are gathering in front
20 of the restaurant? How is that handled and
21 how is that going to be handled?

22 MR. SANCHEZ: Well, at times, it's

1 -- when we get in the springtime or
2 summertime, it's a little bit crowd there. We
3 do have an off-duty police officer. Sometimes
4 we have two off-duty police officers. One
5 that control the crowd at the entrance and the
6 other one that controls whatever it could be
7 on the entrance to the parking lot and these
8 are every evening where we have that in
9 addition to our managers. That we try to
10 control all that.

11 CHAIRPERSON JORDAN: So, when you
12 say control, what is their job to do? What's
13 their target?

14 MR. SANCHEZ: Well, if they spill
15 out to the sidewalk, the officer will direct
16 them to go inside. In case that happen.

17 CHAIRPERSON JORDAN: So, right
18 now, when people are waiting to come in, where
19 do they queue? Where do they wait? Inside or
20 outside and does the inside have sufficient
21 capacity to have everybody inside?

22 MR. SANCHEZ: They wait either at

1 the bar, in front of the bar inside or they
2 wait on the -- in front of the entrance, but
3 not on the sidewalk.

4 It's only at times when people try
5 to be on the sidewalk when either our manager,
6 sometime we do have an employee right there to
7 direct people not to stand on the sidewalk and
8 if -- and sometimes we do have the police
9 officers. But, we always have an employee in
10 there.

11 CHAIRPERSON JORDAN: Okay. So,
12 it's monitored at all times --

13 MR. SANCHEZ: Monitored if it
14 happened. When it happened, the people try to
15 be outside our space in front of the door. If
16 that happen, we'll, you know, ask them to go
17 inside or clear the sidewalk.

18 CHAIRPERSON JORDAN: Is there any
19 other issues that the Board believes they need
20 to have addressed directly at this point?
21 Okay.

22 Then I'm going to ask the

1 Applicant is there anything that you feel that
2 you need to present further to us? Okay.

3 Then I'm -- okay. Then I'm going
4 to ask Mr. Brinker does he have any cross
5 examination for any of the Applicant's
6 witnesses? And we will accept Mr. Sher as an
7 expert witness although he didn't have to say
8 anything so far, but --

9 MR. BRINKER: Thank you. In terms
10 of cross examination, is it possible for me to
11 just give a few points?

12 CHAIRPERSON JORDAN: No, you can
13 just ask questions of any of the Applicant's
14 witnesses.

15 MR. BRINKER: Okay.

16 CHAIRPERSON JORDAN: Just so that
17 you know, you have the opportunity to cross
18 examine, to ask questions of anyone who's
19 given testimony.

20 MR. BRINKER: Okay.

21 CHAIRPERSON JORDAN: There is --
22 after the Applicant's case is made, there is

1 a point where you will then be allowed to put
2 on your case either by just making a statement
3 or bringing in any witnesses which you would
4 like to. Okay.

5 MR. BRINKER: Okay. Thank you.

6 CHAIRPERSON JORDAN: So, now,
7 we're at the point where you may ask questions
8 of the Applicant.

9 MR. BRINKER: Okay. Great. With
10 respect to the plan for the valet parking, one
11 question I know that is of concern to me and
12 many of our neighbors would be exactly where
13 the cars would sit while people are getting
14 out of those cars and waiting for the valet
15 parking. Because currently there's so much of
16 a crowd that shows up on the weekend nights in
17 particular in the summertime that you already
18 have a backup and from what I can gather, if
19 you're moving the valet over there, you're
20 actually just going to create more of a
21 backup.

22 I fail to see where the spot is

1 going to be where the valet can actually take
2 place because you have an alley on one side of
3 the building and then you immediately go into
4 either a no parking area or a parking. So,
5 you're either going to be creating a visual
6 obstruction for people who are coming out of
7 the alley --

8 CHAIRPERSON JORDAN: If you'll
9 just get to your question please.

10 MR. BRINKER: Well, where are they
11 going to actually do the valet? Because I
12 don't see how that's going to relieve the
13 congestion on 18th Street.

14 CHAIRPERSON JORDAN: Where they
15 said on 18th Street. You mean where will the
16 cars be pulled up. Is that what you're
17 asking?

18 MR. BRINKER: Where are the cars
19 going to be pulled up because it's already a
20 single lane there and it's already very
21 congested. So.

22 CHAIRPERSON JORDAN: Questions

1 only not testimony.

2 MR. RUEDA: The lay-by area that
3 is currently marked off as a loading zone for
4 the restaurant is actually within the parking
5 strip that's protected by the bulbout where
6 the sidewalk has been expanded and so, the
7 cars would set here away from the intersection
8 which has additional problems of congestion
9 when you have, you know, it narrowed down for
10 pedestrian access as cars try to hit that
11 intersection whether they're for the
12 restaurant or not.

13 This at least gives opportunity
14 for more relief from passing traffic.

15 MR. BRINKER: When you say stack,
16 you pointed three times, but you were pointing
17 at places that are actually metered parking
18 spaces.

19 MR. RUEDA: The area in front of
20 the restaurant as you pointed out has a no
21 parking area because it's an entryway.

22 MR. BRINKER: Part of it does.

1 MR. RUEDA: That's correct and so,
2 during -- part of the application with DDOT
3 contemplates how to use some of those metered
4 spots.

5 MS. BATTIES: Right. If I may
6 clarify, as part of their approval for the
7 valet parking operation, they will actually
8 have to pay for those spaces to use those
9 spaces as part of their valet parking
10 operation. So, that will be reviewed by --

11 MR. BRINKER: But, won't that
12 create a further parking inconvenience for
13 people in the neighborhood?

14 MS. BATTIES: I think not having
15 the use of the parking lot will create further
16 problems for people in the neighborhood.

17 MR. BRINKER: Well, that leads to
18 another question of mine.

19 CHAIRPERSON JORDAN: We're not
20 going to have a give back exchange. We're
21 going to ask questions.

22 MR. BRINKER: Okay.

1 CHAIRPERSON JORDAN: We're going
2 to be in control and we're going to move
3 forward. Your next question.

4 MR. BRINKER: With respect to the
5 valet parking, another question I have is
6 doesn't the presence of the valet parking
7 itself create a situation where Lauriol is
8 increasing becoming a destination restaurant
9 in a neighborhood that is --

10 CHAIRPERSON JORDAN: That's not
11 relevant. What's your next question?

12 MR. BRINKER: Okay. Well, those
13 are my main questions. The other -- actually
14 one more question.

15 Part of the problem with the
16 congestion at T Street is that the valet line
17 is already --

18 CHAIRPERSON JORDAN: What's --

19 MR. BRINKER: Okay.

20 CHAIRPERSON JORDAN: I'm really
21 going to put short arms on you and I need you
22 to ask the question --

1 MR. BRINKER: Okay. Great.

2 CHAIRPERSON JORDAN: -- and not
3 give -- otherwise I'm going to cut you off.

4 MR. BRINKER: Okay. Where are the
5 valet parkers going to park the cars? Because
6 oftentimes --

7 CHAIRPERSON JORDAN: So, the
8 question is where are the valet --

9 MR. BRINKER: The T Street lot is
10 full most of the time. So, I'm not sure how
11 the valets just picking the cars up at a
12 different place is going to help anything.

13 CHAIRPERSON JORDAN: The question
14 is where will the cars go once they valet?

15 MR. SANCHEZ: We have behind the
16 restaurant the parking lot and that will be
17 one of the -- one of the places where the cars
18 would be parked.

19 We also own another -- a lot on
20 California and 18th Street. It's about two --
21 two very short blocks and that's our own and
22 to service the Lauriol Plaza customers.

1 Now, those two are the lots where
2 the cars will be parked.

3 CHAIRPERSON JORDAN: Okay. Are
4 there any other questions for the Applicant?
5 Do you have any other questions?

6 MR. BRINKER: No, sir.

7 CHAIRPERSON JORDAN: All right.
8 Then let's turn to the Office of Planning to
9 see if there is something additional.

10 MS. ELLIOTT: Good morning, Mr.
11 Chairman and Members of the Board. For the
12 record, my name is Brandice Elliott
13 representing the Office of Planning.

14 I have nothing to add to the staff
15 report at this time. So, we'll stand on the
16 record.

17 CHAIRPERSON JORDAN: Okay. Does
18 the Board have any questions of Office of
19 Planning? Mr. Turnbull.

20 COMMISSIONER TURNBULL: Yes, thank
21 you, Mr. Chair.

22 You're looking for an approval for

1 15 years.

2 MS. ELLIOTT: The Applicant has
3 requested the approval for 15 years.

4 COMMISSIONER TURNBULL: But,
5 you're going along with that.

6 MS. ELLIOTT: We are in agreement
7 as indicated by the first condition.

8 COMMISSIONER TURNBULL: In light
9 of the concerns and questions on the changes,
10 wouldn't 15 be a little bit long in light of
11 some of the issues that have been presented?

12 MS. ELLIOTT: The Board is welcome
13 to adjust that as they see fit.

14 COMMISSIONER TURNBULL: Okay.
15 Great. Thank you.

16 MS. ELLIOTT: Um-hum.

17 VICE CHAIR SORG: Just that brings
18 up one thing and this is either for you or the
19 Applicant. I just can't remember. What was
20 the previous approval for? How long? For 15
21 years also?

22 MS. BATTIES: For 15 years.

1 VICE CHAIR SORG: That's what I
2 thought. Okay.

3 CHAIRPERSON JORDAN: Does the
4 Board have any other questions of Office of
5 Planning? Okay. Does the Applicant have any
6 questions for Office of Planning?

7 MS. BATTIES: No, we don't.

8 CHAIRPERSON JORDAN: Mr. Brinker,
9 do you have any questions for Office of
10 Planning?

11 MR. BRINKER: No, sir.

12 CHAIRPERSON JORDAN: Okay. Then
13 let's move to any other Government agency?
14 Anyone here from Department of Transportation?
15 We presently have a letter of no objection to
16 the plan.

17 ANC-2B, we definitely have the
18 Chairperson of ANC-2B. He is with us and we
19 do have their letter of support.

20 MR. STEPHENS: Yes, thank you, Mr.
21 Chairman.

22 Again, for the record, my name is

1 Will Stephens. I'm the Chair of ANC-2B and
2 also, I'm the Single Member District for this
3 area as well.

4 Yes, and just to clarify, you have
5 our resolution and we had originally intended
6 for that to be a simple support letter because
7 we had anticipated that the DDOT Public Space
8 hearing would have been before this one, but
9 because of the timing with the filing of
10 paperwork, the DDOT Public Space hearing as
11 you heard earlier is going to be in February.
12 But, we see those things an inextricably
13 linked as the discussion I think has showed.
14 So, our letter is actually conditional support
15 if DDOT approves the valet parking on 18th
16 Street.

17 And the issue really is the change
18 in infrastructure since this was originally
19 approved 15 years ago where DDOT did an 18th
20 Street streetscape and that's what created
21 that bulbout. That wasn't there before.

22 So, there was, you know, from time

1 to time during the busiest times of the
2 restaurant even before the bulbout, some
3 issues, but it's been exacerbated by that
4 because it did two things. It took away the
5 ability to scoot around the corner. So, now,
6 there's really only room for one car to turn
7 right on T Street and it also took away one
8 sort of idling place where people could idle
9 their cars. So, with those things removed,
10 it's created the logjam that you all have been
11 discussing.

12 And so, when this came up, I
13 brought up the idea of actually changing and
14 having the valet be picked up on 18th Street
15 and the establishment was very open to that
16 and I had originally suggested three spaces,
17 but in some further discussions with
18 neighbors, the establishment learned that
19 maybe five spaces would be even more
20 appropriate on 18th Street. So, that's been
21 a change since our resolution that you have in
22 front of you. They've actually committed to

1 look for five spaces instead of three and so,
2 I really think that'll clear up a lot of the
3 issues.

4 And one part that I think is
5 important to notice, I think the way they've
6 discussing having the drop off be on 18th
7 Street, but pick up on T is actually a good
8 idea because it splits up those two functions.
9 So, it'll lessen the logjam that way as well.

10 One other thing that's happened
11 since you got our resolution letter is I met
12 personally with MPD Representatives. You were
13 wondering about whether there would be traffic
14 issues created on 18th Street and in walking
15 around and viewing the space, our Lieutenant,
16 Lieutenant Lindsey, was very receptive and
17 supportive and so, my understanding is that
18 MPD is going to submit a note of support to
19 the DDOT Public Space Committee for that
20 hearing in February.

21 You had asked about 18th Street.
22 It does have no bike lane. I can confirm

1 that. It is a little bit wider. So, I think
2 that will alleviate the issues.

3 And also, the only times there
4 ever is some back up right now on 18th Street
5 is when taxis are dropping off there, but with
6 five spaces for valet, that'll also create a
7 little bit of space for taxis to drop off.
8 So, I anticipate this will alleviate the
9 nuisance concerns.

10 So, our request which I'm just
11 here to confirm today is that you all also
12 somehow tie whatever you do into the move of
13 the valet parking and the DDOT approval.

14 CHAIRPERSON JORDAN: I made a note
15 of that. Thank you.

16 Let me ask you. Do you find this
17 place provides excessive noise or nuisance to
18 the area?

19 MR. STEPHENS: Honestly, only the
20 way the valet system works right now is the
21 number one kind of nuisance concern related to
22 the place. There's just not space for more

1 than one car there now to spot or idle or get
2 directions on how to go up to their other lot.

3 That's also an issue. Because
4 when cars pull around and the lot's full and
5 they want to direct people up to the 18th
6 Street lot, those people have to hear how to
7 make three turns and then go back up 18th
8 Street. Whereas if everything's on 18th
9 Street, they can just be directed due north.
10 It'll be a lot faster.

11 CHAIRPERSON JORDAN: Okay. So,
12 Board, any other questions? Have any
13 questions of -- yes.

14 COMMISSIONER TURNBULL: Yes, thank
15 you, Mr. Chair.

16 You've heard Mr. Brinker's
17 comments. Have you had any discussions with
18 him or some of the other neighbors related to
19 similar concerns?

20 MR. STEPHEN: I have. Not with
21 Mr. Brinker, but with some of the other -- Ms.
22 Haber who was mentioned earlier is on our

1 block and others and those conversations are
2 what led, in part, to the idea of five spaces
3 instead of three. Which I think -- which I
4 hadn't thought of myself, but some of the
5 neighbors thought of. So, I thought that was
6 a good addition to the application.

7 And also in those discussions with
8 some of the older neighbors, the landscaping
9 concept, that predates me. I hadn't actually
10 lived in the neighborhood 15 years ago when
11 this was first here and certainly wasn't on
12 the ANC. But, some of the neighbors that have
13 been around that long mentioned that there was
14 suppose to be more robust landscaping. So,
15 that's how that made it into our resolution
16 from talking with some of the neighbors who
17 have been around a little bit longer than me.

18 COMMISSIONER TURNBULL: The pick
19 up is going to be on the street around the
20 corner, on T Street. But, one of my concerns
21 is just after hearing it some of the cars are
22 not parked on T Street. They're on 18th and

1 California. So, there's a little bit of a --
2 there's two blocks to go to pick up cars.

3 It just sounds like -- I'm a
4 little bit concerned about -- I mentioned this
5 before. I was worried about the amount of
6 people that are going to be handling these
7 cars and I'm just concerned about back, you
8 know, the whole 18th and the intersection
9 problems that have been mentioned before.

10 You don't see that as an issue?

11 MR. STEPHENS: The establishment
12 can clarify. My understanding was that the
13 way they work it now is the valets park just
14 in the lot that we're talking about that's the
15 subject of this hearing.

16 COMMISSIONER TURNBULL: I thought
17 I heard 18th and California come up as a
18 second lot.

19 MR. STEPHENS: They can explain.
20 My understanding of the current situation is
21 people are directed to go up there if the
22 lot's full, but the valets don't take the cars

1 up.

2 COMMISSIONER TURNBULL: Oh, the
3 valets do not take the cars. They're directed
4 to go self-park up there? Is that -- can you
5 clarify that?

6 MR. SANCHEZ: We haven't decided
7 exactly how we're going to do that. We either
8 direct people to go up to California and also
9 to pick up their car there or we might park
10 their car and bring it back.

11 It is something that we -- it
12 hasn't been decided yet and we will probably
13 decide it in the -- in the way of the
14 operation. How it will be easier to do it.

15 COMMISSIONER TURNBULL: Okay. I
16 mean I'm just trying to get a picture on how
17 we're trying to solve a problem in the
18 neighborhood and I think ANC wants to
19 definitely solve this and it sounds like
20 there's still some issues in place. So, I
21 guess I'd like to -- I'm a little tentative
22 about some of the we might do this, we're

1 going to do this. I'd like to see something
2 definite and clear on this.

3 MR. STEPHENS: If I can respond,
4 with the timing of the DDOT Public Space
5 application, we're anticipating hearing that
6 at our February ANC meeting which is the
7 second Wednesday of February.

8 So, my request I guess of the
9 Applicant is to clarify some of those things
10 so that the ANC will know for sure how that's
11 going to work before we have our letter or
12 resolution weighing in specifically on the
13 DDOT Public Space application.

14 COMMISSIONER TURNBULL: Okay. All
15 right. Thank you.

16 CHAIRPERSON JORDAN: Any other
17 questions from the Board? Does the Applicant
18 have any questions?

19 MS. BATTIES: We don't have any
20 questions.

21 CHAIRPERSON JORDAN: Mr. Brinker,
22 any questions of the ANC Chair?

1 MR. BRINKER: Yes, I have one
2 question.

3 You mentioned the noise not being
4 an issue. Do you think that there is a
5 difference between -- it sounds like you live
6 on T Street.

7 MR. STEPHENS: I do.

8 MR. BRINKER: Have you been on
9 18th Street on a Friday or Saturday night in
10 the summertime at say 10:30 and would you rate
11 that noise as not a nuisance?

12 MR. STEPHENS: Well, they do close
13 up at 11:00. I mean we're right across T
14 Street from there.

15 MR. BRINKER: Oh, the outdoor area
16 closes at 11:00.

17 MR. STEPHENS: Eleven and yes,
18 then inside at 12:00. I mean it's loud, but
19 I don't consider it a nuisance. I'm about as
20 close as anybody lives to it. To me, the
21 chief nuisance was the noise and traffic
22 creation. You know, honking and all that sort

1 of stuff and too many people collecting there
2 to both pick up and drop off. I find that
3 more of a nuisance than the establishment just
4 operating.

5 MR. BRINKER: I invite you to come
6 over to my house anytime. Preferably on a
7 Friday or Saturday night.

8 CHAIRPERSON JORDAN: I'm not
9 having any -- come on. Let's -- questions
10 please. All right. Okay. Let's proceed on.

11 Is there anyone in the audience --
12 I think appreciate it. Anybody any other
13 questions? I guess not.

14 Anyone in the audience wishing to
15 testify in support of this application?

16 We do have several letters in
17 support by neighbors that surround the
18 restaurant and those who live even next door
19 and across the street from the parking lot who
20 are in support of this application.

21 Again, anyone else wishing to
22 speak in support other than what we've heard?

1 Then let's turn to -- let me do
2 this. Let me see if there's anyone in the
3 audience who wishes to speak in opposition?
4 I'll come back to Mr. Brinker's presentation.
5 Anyone wishing to speak in opposition?

6 Then I'm going to turn to Mr.
7 Brinker and have you do your presentation.
8 You have five minutes if you need that much
9 time. You don't have to use all of that time
10 to present testimony or evidence and if you
11 need more time, then you make a request and we
12 will considering granting it.

13 MR. BRINKER: Thank you. Five
14 minutes should be sufficient.

15 First off, as a normal citizen,
16 I'm a little bit unclear about the way this
17 process has unfolded. The first time I heard
18 about this hearing was from the letter I
19 received that I responded to and it seems like
20 from the discussions that have taken place
21 today, this process is much further along and
22 there are a number of people in the

1 neighborhood who certainly have not been
2 consulted. Certainly not the people who live
3 in my building at 1830 18th Street.

4 I've never had a conversation with
5 Mr. Stephens and I would welcome the
6 opportunity to speak with him about some of
7 these issues as with the Board and I'm hoping
8 that in the future we have an opportunity to
9 answer some of the assertions that were made
10 today that I don't think we would entirely
11 agree with.

12 Essentially, the issue with the
13 valet parking I think comes down to two
14 points. One has already been addressed and
15 that is that there is a problem with the
16 current intersection at T and 18th with cars
17 backing up there.

18 While the valet parking is
19 intriguing and I'm interested to hear more
20 about that, I think there is still going to be
21 problem because the parking lot -- part of the
22 problem is the parking lot fills up very

1 quickly. So, if you have valet you still
2 haven't alleviated the fact that the parking
3 lot fills up like that. Where are the cars
4 going to go? So, that's one question I would
5 have.

6 CHAIRPERSON JORDAN: Are you
7 talking about the parking on 18th and
8 California?

9 MR. BRINKER: I'm talking about
10 the parking lot on T Street.

11 CHAIRPERSON JORDAN: Well, what
12 about the parking lot on 18th and California?

13 MR. BRINKER: I'm not as aware of
14 sort of how that flows up or how that works,
15 but again, it seems like it's not clear sort
16 of how the -- if there's self-parking up
17 there, that's one thing. But, a lot of people
18 seem to come and expect to be able to valet
19 park.

20 CHAIRPERSON JORDAN: Excuse me
21 just one second. How many spaces do we have
22 at 18th and California?

1 MR. SANCHEZ: In total about 60
2 cars.

3 CHAIRPERSON JORDAN: Sixty. Okay.

4 MR. BRINKER: Okay. The other
5 issue is more of a broader one and I don't
6 know if it's appropriate to bring it up here
7 or not and that is that I've lived in the
8 neighborhood off and on since 1993. I used to
9 be a real regular customer of Lauriol Plaza
10 when they were --

11 CHAIRPERSON JORDAN: You're
12 getting a little garbled. Just pull yourself
13 back a little bit from the mike.

14 MR. BRINKER: Okay. Yes. Great.

15 CHAIRPERSON JORDAN: There you go.

16 MR. BRINKER: There we go.

17 So, I've been a regular customer
18 back when they were a much smaller restaurant
19 down on the corner of 18th and S and over the
20 years, I've seen the restaurant turn into a
21 destination for people who drive in from
22 outside of the neighborhood and I think that

1 part of the problem we're seeing with the
2 noise in general and with the crowd spilling
3 out is that people are being encouraged to
4 drive in.

5 And at some point, you know, there
6 are a number of us who have said, you know, at
7 what point does this stop. It is a
8 residential neighborhood with small businesses
9 and this restaurant has turned into a
10 destination for people who drive in from quite
11 far away and really jam up the -- really jam
12 up the neighborhood and I think part of that
13 is they're lured in by the valet parking.

14 So, I think that there's a wider
15 issue here about that the crowds that the
16 valet parking attracts. So, those would be my
17 main issues.

18 I would also just say that it is
19 very different, the noise level on T Street
20 and the noise level on 18th Street because
21 18th Street is where the entrance is and while
22 the owner described their measures for

1 controlling the crowd, those are definitely
2 there. They're insufficient. Their noise is
3 still there. The people still spill out onto
4 the street. People come across the street and
5 smoke cigarettes on my doorstep while they're
6 waiting for the two-hour wait to get into
7 Lauriol.

8 And so, I just feel like it's
9 gotten to be a little bit much. I think the
10 restaurant can still be very full if not
11 always full, but when you start getting into
12 one and two-hour waits to get a table, then
13 that pushes pressure out into the neighborhood
14 in terms of traffic and people just lingering
15 around because they can't get a seat.

16 And I've only got about 30 seconds
17 left. So, I'll leave it at that. Thank you.

18 CHAIRPERSON JORDAN: So, if the
19 parking lot was eliminated, if they weren't
20 granted the relief requested for the 20 spaces
21 that is already part of the property right
22 behind the property where they already have

1 another ten spaces, so, if they were not to
2 get that relief, do you think that would have
3 a more negative affect upon the neighborhood
4 that they would have lost 20 spaces to use?

5 MR. BRINKER: I think it would
6 have a positive affect on the neighborhood.

7 CHAIRPERSON JORDAN: If they don't
8 get 20 spaces.

9 MR. BRINKER: If they don't have
10 -- if that's not valet parking, if --

11 CHAIRPERSON JORDAN: No, I'm
12 talking -- we're talking about their request
13 and this application is for the continued use
14 as a special exception for the lot -- the
15 additional lot that's adjacent to their
16 present lot behind the building and so, my
17 question to you is if they do not get the use
18 of the slither of parking spaces there,
19 wouldn't that have a greater negative affect
20 upon the neighborhood because the question
21 goes where will the cars go?

22 MR. BRINKER: Well, I think it

1 would stop the draw of people driving in from
2 far and wide into the neighborhood.

3 It used to be people would walk to
4 Lauriol Plaza or ride their bike to Lauriol
5 Plaza or maybe take a taxi to Lauriol Plaza
6 and I would say that -- just anecdotally that
7 I would say at least half the people are now
8 driving in to Lauriol Plaza from Virginia or
9 Maryland.

10 CHAIRPERSON JORDAN: So, those 20
11 -- so, the loss of those 20 spaces -- so, the
12 people wouldn't take their cars and drive and
13 find spaces throughout the neighborhood?

14 MR. BRINKER: Because they know
15 D.C. parking's a nightmare. So, they would go
16 somewhere else or they would take a taxi in.

17 CHAIRPERSON JORDAN: Okay.

18 VICE CHAIR SORG: I just want to
19 jump in on this point.

20 I actually don't disagree with
21 you. I've walked by plenty of times on Friday
22 and Saturday night. I used to live in the

1 neighborhood and a lot of those cars that are,
2 you know, stacked up have, you know, Maryland
3 and Virginia plates. That's not a bad thing.
4 We want them to come and spend their money in
5 the District for sure.

6 But, I think if you're going to
7 make the assertion that there's a connection
8 between the availability of the extra parking
9 on the second half of the lot and the success
10 or how busy the restaurant is, that's going to
11 have to be substantiated.

12 MR. BRINKER: I don't disagree
13 with that. It would have to be substantiated.

14 But, anecdotally, I can tell you
15 there's a lot of people who think it's very
16 real and, you know, all you have to do is
17 compare what's going on at Lauriol to another
18 popular restaurant, any other popular
19 restaurant of a similar size say in the 14th
20 Street Corridor that doesn't have that kind of
21 parking. You don't have those issues. You
22 don't.

1 You don't have big jams of cars in
2 front of say Masa 14 or other restaurants
3 that, one, have the infrastructure to support
4 a restaurant of that size and two, don't have
5 parking so they draw less people in.

6 I do think that the parking is a
7 big draw for people who are coming in. They
8 go to Lauriol. There's restaurants right
9 across the street that are quite good that are
10 half empty on those nights and I think it's
11 because people don't even know about them.

12 And they know about Lauriol for a
13 variety of reasons. One, food's good. Two,
14 it's been around. It gets written up in
15 Washingtonian and whatnot. But, it's also the
16 parking. It's also the parking. People know
17 oh, we'll be able to go in there and we'll be
18 able to park our car and we'll be hassle free.

19 So, it's an issue that I just
20 think needs to be explored and part of the
21 reason why -- what motivated me to come in is
22 this was an opportunity to speak. This is an

1 issue, but there are wider issues that are
2 starting to push the envelope too far and
3 people are noticing it.

4 Thank you.

5 CHAIRPERSON JORDAN: Does the
6 Board have any other questions of the --

7 COMMISSIONER TURNBULL: Well, no,
8 but I just had a -- Mr. Chair, I just had a
9 comment.

10 Mr. Brinker, the Board is not here
11 to penalize an operation for being successful.
12 But, we're here to solve problems or to work
13 out an application, a continued application
14 for parking. So, believe me, we're not here
15 to penalize them because they're doing a good
16 business. We're here to solve a problem.

17 MR. BRINKER: I totally agree. I
18 don't think any business should be penalized
19 for being successful. I think it's a --
20 Lauriol Plaza is a great story and I've been
21 a customer there. I'm still a customer, but
22 I'm just saying that it's starting to -- the

1 phenomenon is starting to exceed the
2 infrastructure in the neighborhood and it's a
3 residential neighborhood that's mostly got
4 small businesses in that area. It's not a
5 small business.

6 I think he can still be quite
7 successful with some adjustments.

8 CHAIRPERSON JORDAN: Okay. Ms.
9 Sorg and then we're going to go.

10 VICE CHAIR SORG: Yes. I actually
11 have a question of the Applicant.

12 CHAIRPERSON JORDAN: Yes.

13 VICE CHAIR SORG: If you wanted to
14 do something else before we do questions.

15 CHAIRPERSON JORDAN: Yes, because
16 we'll get to come back. If you --

17 VICE CHAIR SORG: Okay. Go for
18 it. I'll wait. No problem.

19 CHAIRPERSON JORDAN: Does the
20 Applicant have any questions of Mr. Brinker
21 that you think you need to ask?

22 MS. BATTIES: I have a few.

1 CHAIRPERSON JORDAN: Okay.

2 MS. BATTIES: Mr. Brinker, when
3 did you purchase your property?

4 MR. BRINKER: I purchased my
5 property in May of 2010, but I was a
6 residential there as of February 2010.

7 MS. BATTIES: So, when you
8 purchased your property, was Lauriol Plaza
9 operating in its current state?

10 MR. BRINKER: It was though it was
11 wintertime and it was only until after I
12 purchased that I realized what it was like in
13 the summertime.

14 MS. BATTIES: But, you said you
15 had lived in the neighborhood for several
16 years. Right?

17 MR. BRINKER: I moved into the
18 neighborhood in 1993. I have been in and out
19 of the neighborhood. When I live in
20 Washington, I live in the neighborhood. I --
21 I live overseas quite a bit, but yes, I've
22 been able to see the progression of the

1 restaurant over the years and frankly, I was
2 shocked after I moved in about how much what
3 was going on at Lauriol Plaza had changed.

4 MS. BATTIES: And do you know the
5 land-use designation on your property?

6 MR. BRINKER: I don't think I know
7 the exact legal, you know, framework for that,
8 but I know it's a residential property where
9 the basement may or may not be used a small
10 business.

11 MS. BATTIES: Your property --
12 well, your property is zoned for commercial
13 use. Your specific property and that entire
14 corridor along 18th Street is zoned for
15 commercial use.

16 Do you have other restaurants next
17 door to you?

18 MR. BRINKER: There are other
19 restaurants and I don't have any issue with
20 them.

21 MS. BATTIES: Okay. Just to
22 clarify, your property is not zoned

1 residential.

2 CHAIRPERSON JORDAN: Let's more
3 on. Let's move on to your next question.
4 We've kind of drilled that one.

5 MS. BATTIES: I have no further
6 questions.

7 CHAIRPERSON JORDAN: Okay. All
8 right. Then let's turn back to the Applicant
9 for any rebuttal and I know that Board does
10 have some questions. Ms. Sorg.

11 MS. BATTIES: I have nothing
12 further. I do want to point out that there
13 are several, as you mentioned, several letters
14 of support.

15 CHAIRPERSON JORDAN: Let me ask
16 you to hold it a second so Ms. Sorg can ask
17 her question.

18 MS. BATTIES: Oh. Oh, I'm sorry.

19 CHAIRPERSON JORDAN: To be
20 something else you might want to --

21 VICE CHAIR SORG: Okay. Well --

22 CHAIRPERSON JORDAN: No, because

1 it's turning back for rebuttal and I'd rather
2 for you to have asked your question so just in
3 case it needs to --

4 VICE CHAIR SORG: Okay. I think
5 perhaps there is a little -- maybe I'm just a
6 little still unclear about some of the plans
7 for the valet operation and I think sometimes
8 other applicants who are starting a valet
9 operation such as this have come in with a
10 little bit more clarity. That may not be the
11 case all the time.

12 But so, I want to ask about the
13 three spaces that we see on this site plan
14 versus the five spaces that the ANC
15 Commissioner mentioned and whether or not
16 those would be further reducing the immediate
17 parking or whether those would be in the entry
18 of the restaurant.

19 Also, it may be useful for us to
20 know if there's any further clarification that
21 you can give on whether or not at peak hours
22 all of the parking would be valet or whether

1 there would be self-parking at all. Which I
2 think does go a little bit to one of Mr.
3 Brinker's questions.

4 And those are my two questions.

5 MS. BATTIES: Okay. With regard
6 to -- I'll start with the second question
7 first.

8 During the peak hour, all of the
9 parking will be valet. Correct?

10 MR. SANCHEZ: Again, on the peak
11 hours, it will be either valet. That way
12 we'll either park the car and retrieve the car
13 or it will be direct -- the customer will be
14 direct park there or pick up the car there.

15 At this point --

16 CHAIRPERSON JORDAN: Wait. Wait.
17 Wait. Park the car there or park the car
18 there.

19 MR. SANCHEZ: Well --

20 CHAIRPERSON JORDAN: Are you
21 talking about the T Street lot or the
22 California lot when you're talking?

1 MR. SANCHEZ: Both. We could
2 either tell the customer -- direct the
3 customer to park on T Street or direct the
4 customer to park on California or we might
5 have our valet park the car on T Street or
6 park the car on California and it's a big
7 difference between Monday lunch or Tuesday
8 lunch than Friday night.

9 MS. BATTIES: Just during the peak
10 hour. Friday --

11 VICE CHAIR SORG: Yes, I'm just
12 thinking about Friday or Saturday night.

13 MR. SANCHEZ: Yes, most probably
14 -- again, you know, it's something that we
15 will operate or we will hire a company. We've
16 been talking to a couple of companies of
17 whether they will operate the valet.

18 And it's the same way. We might
19 find that it's easier for us to direct -- when
20 the lot at T Street is full, it might be
21 easier for us to tell the customer go to --
22 like we do now. Go to California Street two

1 blocks there. Park the car. It's free and
2 come back.

3 And if the customer wants to get
4 the car, we'll say well, go and get the car
5 there to California or we might find out that
6 it's better, it's easier to park the car and
7 retrieve the car.

8 At this point, it's -- you know,
9 we're consulting with companies and with our
10 own experience of managing the lot on the
11 back. It is something that is not clear right
12 now --

13 VICE CHAIR SORG: And --

14 MR. SANCHEZ: -- on the peak hour.
15 But, we will find something that will be good
16 for the neighborhood and good for our
17 customer. As we always have in every issue
18 that we ever encounter, we will get there,
19 solve the problem for both the neighborhood
20 and for us.

21 Very difficult at this point to
22 really say exactly what it would be.

1 VICE CHAIR SORG: So, what is it
2 that's going to lead you to make that
3 decision? Is it the Public Space meeting? Is
4 it further discussions with your current staff
5 and parking potential companies?

6 MS. BATTIES: I think there's a
7 couple of issues. Right now, they manage
8 their parking lot, the accessory parking lot.
9 So, they think one of the things they have to
10 decide is whether or not they're going to
11 continue to manage the parking operations or
12 they're going to hire a valet company
13 specifically to do that. That has not been
14 decided.

15 The application before the Public
16 Space Committee also then has to be approved
17 and the recommendation or suggestion for five
18 spaces was not in our original application.
19 So, our application -- we will present that to
20 the Public Space Committee, but that approval
21 has not yet been granted.

22 VICE CHAIR SORG: I'm asking

1 because I think that there are some sort of
2 interesting ideas or possibilities that are
3 available for a business of this size, but
4 this kind of resource for parking, you know,
5 I think -- and I certainly am no expert on
6 this. But, you know, I think potentially the
7 idea -- I think one of the points that the ANC
8 Chair brought up.

9 Can you remind me of your name?

10 I'm sorry.

11 MR. STEPHENS: Will Stephens.

12 VICE CHAIR SORG: Stephens.

13 MR. STEPHENS: Yes.

14 VICE CHAIR SORG: Mr. Stephens
15 brought up that keeping people on 18th Street.
16 You know, sometimes people who come from
17 faraway are a little confused in our
18 neighborhoods. One way streets and all.

19 You know, is interesting.

20 Potentially streamlining an idea, but I think
21 perhaps we need to know a little bit more and
22 the idea of having the valet park the car and

1 then retrieve it -- then the customer retrieve
2 it gets people away potentially from the entry
3 of the restaurant.

4 So, there's some interesting ideas
5 and it sounds like flexibility based on the
6 resources of the restaurant. But, I might
7 want to hear a little bit more clarity.

8 MR. STEPHENS: May I answer or
9 speak to that? I don't know if that's
10 appropriate at this point.

11 CHAIRPERSON JORDAN: Yes, but I
12 don't know if you can because what your
13 hearing is that we're -- the plans for this
14 parking operation, the valet parking, et
15 cetera is still up in the air and that it may
16 need some more time to cultivate before we can
17 get there.

18 So, if you can, you know --

19 MR. STEPHENS: Yes, my comment was
20 just going to be just from hearing how things
21 are going and what I had thought about in
22 leading up to considering the DDOT Public

1 Space Application which will be like I said at
2 our February ANC meeting. I had anticipated
3 that it would be the current operation where
4 the valet goes into the T Street lot that
5 we're talking about today and people just get
6 self-directed up to the 18th Street lot.

7 That would be -- I'm willing to
8 talk about other things, but that would be
9 what I would recommend the ANC would support
10 at this point. But, I'm willing to hear other
11 options and discuss it a little bit. But,
12 that was my understanding and that was what we
13 were talking about as a group earlier. So.

14 CHAIRPERSON JORDAN: And I think
15 there's so many different options with this
16 that we need to hammer it down because you can
17 actually have the valet people into the T
18 Street lot and at the same time, send people
19 down by signage or whatever to the California
20 location or both. So, but we just got to get
21 our arms around it. Okay.

22 Any other questions of the

1 Applicant? Then whatever rebuttal or wrap-up
2 or closing you wish to do first please.

3 MS. BATTIES: We have nothing
4 further. I do want to just point out that as
5 you're aware several letters of support were
6 submitted to the Board and many of those
7 people, we have an exhibit here, many of those
8 people live just as close to the restaurant as
9 Mr. Brinker and they were still willing to
10 offer letters in support. So.

11 CHAIRPERSON JORDAN: Yes, I
12 thought I indicated that in the record. When
13 we went to the part about those who wish to
14 speak in support, I indicated there were
15 several letters of people who were in support.
16 Even those who live adjacent to the parking
17 lot and across the street and around them.
18 Okay. All right.

19 Is there anything else?

20 Then let's conclude this hearing
21 and I'm thinking maybe we should leave this
22 open for additional information after you get,

1 I see your head's nodding, from Public Space,
2 DDOT and Metro to say what you can do.

3 That's my inclination to do. But,
4 I don't know where the Board is on that.

5 VICE CHAIR SORG: I agree with Mr.
6 Chairman that that would be useful and perhaps
7 in specific, you know, a parking plan or a
8 valet plan as well as proposed condition
9 relating to that or proposed conditions
10 relating to all of it if they would like.

11 CHAIRPERSON JORDAN: Because I've
12 been toying back and forth with what the valet
13 operation and the conditions would be and I've
14 changed it three times since sitting here.

15 VICE CHAIR SORG: Right and that's
16 why I think it's not there yet. Yes. Yes.
17 Yes.

18 CHAIRPERSON JORDAN: Anyone else?
19 Mr. Turnbull.

20 COMMISSIONER TURNBULL: No, I
21 would agree with both you and the Vice Chair.

22 I think the Applicant is well

1 meaning and I applaud their efforts for trying
2 to solve the problem and I think they
3 recognize the issues themselves. I think it's
4 obvious what the issues are with the parking.

5 But, as you know, it's hard for us
6 to write into an order maybe. Maybe this.
7 Maybe that.

8 So, I think we need a little bit
9 more finality and maybe if there's some more
10 meetings with the ANC and Mr. Brinker attends
11 and at least get some consensus on the valet
12 and some finality on how that's going to be
13 handled. I think that would be good and maybe
14 by that time the ANC will have met, the Public
15 Space Meeting will have been held. So, maybe
16 we'll have a little bit more information.

17 I mean obviously, as I said
18 before, we don't want to penalize success. I
19 mean this is a well-established restaurant.
20 You're doing an excellent. You're part of the
21 community.

22 But, I think, and you recognize,

1 that there are issues in this.

2 So, I think maybe a little bit
3 more incubation time to just kind of finesse
4 these little things would help, but yes, I --
5 but, I would concur with your comments on
6 this.

7 CHAIRPERSON JORDAN: When are you
8 do for a Public Space Hearing?

9 MS. BATTIES: February 28th.

10 CHAIRPERSON JORDAN: Twenty-eighth
11 and ANC is --

12 MR. STEPHENS: We're the second
13 Wednesday in February. If I -- I don't have
14 a calendar in front of me, but I believe
15 that's the 13th.

16 CHAIRPERSON JORDAN: Okay. So,
17 I'm closing this hearing and only going to
18 allow to keep the record open regarding the
19 submission of the valet plan and operational
20 plan and Jeff, I'm sorry.

21 MEMBER HINKLE: Yes. Thank you,
22 Mr. Chair.

1 What I would like to see as well
2 is a finalized landscape plan that shows the
3 replacement trees as requested by the
4 neighbors and agreed upon by the Applicant.

5 CHAIRPERSON JORDAN: Yes, and so
6 that you know, we're interested in having a
7 landscape plan that will allow for continuous
8 screening of the lot from the neighborhood.
9 If I'm not speaking out of turn, that's --
10 okay.

11 MR. MOY: Mr. Chairman.

12 CHAIRPERSON JORDAN: So, let's get
13 a date for a decision. I guess this is going
14 to be a decision, a March date.

15 MR. MOY: Mr. Chairman, two
16 things. As to your first question, the next
17 scheduled for a decision day in March would be
18 March the 26th.

19 CHAIRPERSON JORDAN: Okay. And
20 then submission date?

21 MR. MOY: Submission date, if we
22 go two weeks prior to March 26, we're looking

1 at March the -- Tuesday, March the 5th.

2 CHAIRPERSON JORDAN: I think it
3 would be okay with -- even if we let it the
4 19th or so. Is that good for you or bad for
5 you? Even if we got a week --

6 MR. MOY: Oh. Oh. Oh. Oh. I
7 see. March -- oh, one week.

8 CHAIRPERSON JORDAN: Okay.

9 MR. MOY: Sure. Oh, that's right.
10 Any responses from opposition? There is a
11 party status in opposition.

12 CHAIRPERSON JORDAN: All right.
13 So, let's do the 14 days and then if there's
14 any -- then we need any response by a week
15 before.

16 MR. MOY: Okay. So, then the
17 Applicant would submit by Tuesday, March 5th.
18 Any responses by the party in opposition by
19 March 12th.

20 CHAIRPERSON JORDAN: Um-hum.

21 MR. MOY: All right. Well, me
22 restate that. Then submission would be March

1 -- submission by the Applicant would be March
2 12th. Any responses by March 19th and a
3 decision on the 26th.

4 CHAIRPERSON JORDAN: Yes, and that
5 includes the ANC, OP and the party in
6 opposition and be able to make responses.

7 MR. MOY: Thank you. Oh, one last
8 thing, Mr. Chairman, if I may. The Applicant
9 submitted copies of a site plan with blue
10 arrows on it for the record. So, I'm not sure
11 what this is.

12 CHAIRPERSON JORDAN: We haven't
13 had it here. So, if it needs to be submitted,
14 you'll submit it with your supplemental.

15 MR. MOY: Okay. Good.

16 CHAIRPERSON JORDAN: Okay. Good.
17 Then we will dismiss this hearing. Thank you.
18 Move on to -- thank you, Mr. Stephens.

19 MR. SANCHEZ: Thank you.

20 MR. MOY: The next application is
21 for Board hearing is Application Number 18495.
22 This is the Application of Jose Contreras

1 pursuant to 11 DCMR 3103.2. This is for a
2 variance from the use provisions to convert a
3 one-family dwelling into a flat, a two-family
4 dwelling, under Subsection 320.3 in the R-3
5 District at premises 448 Emerson Street, N.W.
6 Property located in Square 3251, Lot 213.

7 CHAIRPERSON JORDAN: 18495. Would
8 you please identify yourselves?

9 MR. POWELL: My name is Leroy
10 Powell.

11 CHAIRPERSON JORDAN: Powell?

12 MR. POWELL: Yes, Powell.

13 MS. THOMAS: I don't think you're
14 on the mike, sir.

15 CHAIRPERSON JORDAN: Yes. Make
16 sure.

17 MR. POWELL: Okay. My name is
18 Leroy Powell and I'm here as a representative
19 with --

20 CHAIRPERSON JORDAN: Oh, you
21 submitted that party status on the opposition
22 form, but you're actually in support of the

1 application.

2 MR. POWELL: Yes.

3 CHAIRPERSON JORDAN: And what's
4 your role here other than you submitted what
5 attempted to be a party status request? But,
6 I'm hearing you say something differently now.

7 MR. POWELL: Yes, I'm here as a
8 representative and interpreter for Jose
9 Contreras.

10 CHAIRPERSON JORDAN: We don't have
11 -- well, I guess anybody can represent
12 anybody. Okay. All right. So, the Applicant
13 has accepted you as the representative?

14 MR. POWELL: Yes.

15 CHAIRPERSON JORDAN: And we don't
16 have a letter in our file that indicates that.
17 So, we need you to do a letter at some point
18 today after we finish this hearing to
19 supplement our file that you are the
20 representative.

21 We'll accept the owner's -- the
22 Applicant's oral here that you're his

1 authorized representative. Okay.

2 Do we have an affidavit of
3 posting? Did it come in? I think this is one
4 where I don't believe there's an affidavit of
5 posting in this file.

6 Does the Applicant have one? An
7 affidavit of posting and the required pictures
8 of the posting indication. Was this property
9 posted with a big placard sign saying that a
10 hearing was going to be -- that an application
11 had been submitted for Board of Zoning relief?

12 The look on your faces, I'm
13 thinking that it didn't happen because we
14 don't have a copy of the affidavit in our
15 file.

16 MR. MOY: That's correct, Mr.
17 Chairman.

18 CHAIRPERSON JORDAN: That's what
19 I'm just asking.

20 MR. MOY: That's correct, Mr.
21 Chair. There is no affidavit in the official
22 record.

1 CHAIRPERSON JORDAN: I just asked.
2 That's what I was just asking and I said I
3 looked at their faces. They're looking at me
4 like what am I talking about. So.

5 So, did we post a sign?

6 MR. POWELL: No, a sign was not
7 posted.

8 CHAIRPERSON JORDAN: Okay. Did
9 you make a request to the ANC to do a
10 presentation in front of the Advisory
11 Neighborhood Commission or submit a request to
12 meet with the Advisory Neighborhood
13 Commission?

14 MR. POWELL: No, a request wasn't
15 made with the --

16 CHAIRPERSON JORDAN: Got ya. Then
17 what we're going to do is going to continue
18 this matter to another date.

19 I'm going to ask that you visit
20 with the Office of Zoning across the hall so
21 you find out everything that's necessary to
22 have the matter before the Board because this

1 file is not complete. There's certain public
2 disclosures, public announcements and certain
3 requirements under the law that you have to do
4 before we can grant you any relief and we
5 don't have that.

6 One, posting of the sign, the big
7 placard sign that you need to get from across
8 the hall. You need to make a request to the
9 Advisory Neighborhood Commission, I think it's
10 4D, to let them know what you're doing and
11 request time to do a presentation in front of
12 them. They may not let you. You may not have
13 to do it, but at least you got to have some
14 dialogue with them on the matter. Would be
15 good. They also get a letter from us, but
16 still it's good for you to do a reach out.

17 My issue is to go across the hall.
18 I don't know if you're just volunteering your
19 time to help out.

20 Is that what you're doing or --

21 MR. POWELL: Yes.

22 CHAIRPERSON JORDAN: Um-hum.

1 Well, you need to visit across the hall and
2 then we're going to need a letter of
3 authorization for you to do so.

4 Are you an architect or a lawyer
5 or --

6 MR. POWELL: No, I'm an architect
7 and a consultant.

8 CHAIRPERSON JORDAN: You're
9 licensed in the District of Columbia as an
10 architect?

11 MR. POWELL: No, not as an
12 architect. No.

13 CHAIRPERSON JORDAN: Okay. Visit
14 across the hall and they will tell you what
15 you need, but at the minimum is those things
16 that I've talked about.

17 MR. POWELL: Okay.

18 CHAIRPERSON JORDAN: Okay.
19 Anything else the Board needs or think they
20 need to say on this application?

21 Okay. Mr. Moy, we're going to
22 need a date date date. Not a soon date.

1 MR. MOY: Yes, sir, staff is
2 looking at -- well, for the posting, it's 15
3 days prior to a public hearing.

4 CHAIRPERSON JORDAN: We don't know
5 when the ANC --

6 MR. MOY: Plus, also, we don't --
7 exactly. I was going to the ANC. So, I think
8 staff should leave at least minimum of a
9 month, but I'd say maybe a month and a half to
10 two months date.

11 CHAIRPERSON JORDAN: Right.

12 MR. MOY: So, with that guideline
13 then we're looking at -- I'm looking at a date
14 in March, Mr. Chairman.

15 CHAIRPERSON JORDAN: Okay.

16 MR. MOY: So, the dockets are
17 fairly full with approximately about six cases
18 per hearing, Mr. Chairman.

19 CHAIRPERSON JORDAN: Six hearings
20 on that date? On what date?

21 MR. MOY: Six cases whether it's
22 March 5th, March 12th. We have a decision

1 meeting on the 26th. So, I would say either
2 -- let's say March 12th.

3 CHAIRPERSON JORDAN: Okay. March
4 12th.

5 MR. MOY: March 12th.

6 CHAIRPERSON JORDAN: Okay.

7 MR. POWELL: Thank you, Mr.
8 Chairman.

9 CHAIRPERSON JORDAN: Okay. Then
10 we will terminate this hearing and we'll
11 continue this hearing to another date. Very
12 good.

13 MR. POWELL: Okay. Thank you.

14 CHAIRPERSON JORDAN: As another
15 item of business, we need to approve the
16 announcements for closed meetings for legal
17 advice and deliberation and for training. The
18 things that will occur in February.

19 So, in accordance with Section
20 405(c) of the Open Meetings Act, D.C. Code
21 Section 2575(c), I move that the Board of
22 Zoning Adjustment hold closed meetings on

1 Mondays February 4th, 11th and 25th that will
 2 begin at 4:00 p.m. for the purpose of
 3 obtaining legal advice from our counsel and to
 4 deliberate upon, but not voting on the cases
 5 scheduled to be publicly heard or decided by
 6 the Board on the day after each such closed
 7 meeting. These cases are identified on the
 8 Board's public agendas for February 5th, 12th
 9 and 26th.

10 And in accordance with Section 407
 11 of the District of Columbia Administrative
 12 Procedure Act, I also move that the Board of
 13 Zoning Adjustment hold on a closed meeting on
 14 Tuesday, February 26th, 2013 for 9:30 to 12:00
 15 p.m. for the purpose of receiving training as
 16 permitted under the D.C. Code Section
 17 2575(b)(12).

18 After all that, is there a second?

19 VICE CHAIR SORG: Second.

20 CHAIRPERSON JORDAN: Motion made
 21 and seconded. Will the Secretary please take
 22 a roll call vote on the motion?

1 MR. MOY: Yes, sir. Yes, sir.
2 Staff will call a member's name and if the
3 member would respond by either yes or no, yea
4 or nay.

5 Mr. Michael Turnbull.

6 COMMISSIONER TURNBULL: Yes.

7 MR. MOY: Vice Chair Sorg.

8 VICE CHAIR SORG: Yes.

9 MR. MOY: Chairman Jordan.

10 CHAIRPERSON JORDAN: Yes.

11 MR. MOY: Mr. Hinkle.

12 MEMBER HINKLE: Yes.

13 MR. MOY: And we have no other
14 Board Member sitting as the Board seat is
15 vacant.

16 I would say the motion carries,
17 Mr. Chairman.

18 CHAIRPERSON JORDAN: All right.
19 Thank you. Is there any other business coming
20 before the Board today?

21 MR. MOY: Not from the staff, sir.

22 CHAIRPERSON JORDAN: Well, thank

1 you and then we are adjourned.

2 (Whereupon, at 11:10 p.m., the
3 hearing was adjourned.)

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This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 01-29-13

Place: Washington, DC

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