

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY
MAY 21, 2013

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The Regular Public Meeting
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
JEFF HINKLE, Board Member (NCPC)
KATHRYN ALLEN, Board Member
MARCIE COHEN, Board Member
PETER MAY, Board Member

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.
MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEVE COCHRAN

STEPHEN MORDFIN

BRANDICE ELLIOTT

The transcript constitutes the
minutes from the Public Hearing held on May
21, 2013.

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

9:35 a.m.

CHAIRMAN JORDAN: Good morning.

Would the hearing meeting please come to order. Good morning ladies and gentlemen; we are located at Jerrily R. Kress Memorial Hearing Room at 441 4th Street NW; today's date is May 21, 2013. We're here for a meeting of the Board of Zoning Adjustment; my name is Lloyd Jordan, Chairperson. To my left is Marcie Cohen, member of the Zoning Commission; to my right, S. Kathryn Allen, a member of the Board of Zoning Adjustment, and to her right, Jeffrey Hinkle, member of the Board.

Please be advised that this proceeding is being recorded by a court reporter, and also being webcast live; so therefore, I'm going to ask that you refrain from any disruptive noises in the meeting room today. So that means like, turn off cell phones, please. Those who are here to testify on a case on our agenda today, we're going to

1 ask that you do two things: one; complete a
2 witness card, two witness cards for each
3 person, and then I'm going to ask you to stand
4 now and take the oath or affirmation being
5 given by the Board secretary to you. So if
6 you're going to testify in any case that's on
7 our docket today, I need you to stand and take
8 the oath; get sworn in.

9 MR. MOY: Good morning. Do you
10 solemnly swear or affirm that the testimony
11 you're about to present in this proceeding is
12 the truth, the whole truth, and nothing but
13 the truth? Ladies and gentlemen, you may
14 consider yourself under oath.

15 CHAIRMAN JORDAN: Mr. Moy, is there
16 any preliminary matters that we need to
17 handle, anything regarding the docket, for
18 instance? I think some things have been
19 removed.

20 MR. MOY: Yes sir, thank you. A
21 couple of things; first is on today's docket
22 in the public hearing portion, application

1 number 18514 is the application number; Andrew
2 Daly and Patty Jordan has been rescheduled
3 with mutual consent of the parties to July 23,
4 2013. The other cases I think it would be
5 efficient for the Board to address on a case-
6 by-case basis, Mr. Chairman.

7 CHAIRMAN JORDAN: Okay. Did I just
8 hear that there were three cases you received,
9 two cases you pulled?

10 MR. MOY: I just moved the first
11 one, although there are two other cases that
12 there's been a request for a postponement; I
13 believe that those representatives are here
14 today and those are application number 18409
15 of CAS Riegler Companies--

16 CHAIRMAN JORDAN: If we didn't'--so
17 you haven't granted those?

18 MR. MOY: No, we have not, and I
19 don't think that would take very long for the
20 four.

21 CHAIRMAN JORDAN: Let's try--

22 MR. MOY: Okay. Well in that case,

1 let's start with the one I just cited, which
2 is application number 18409, which is the
3 application of CAS Riegler Companies.

4 CHAIRMAN JORDAN: Please identify
5 yourself for the record.

6 MR. KADLECEK: Hi, my name is Cary
7 Kadlecek from the law firm of Goulston and
8 Storrs on behalf of the applicant.

9 MS. BETTAREL: My name is Robin
10 Bettarel, and I work for CAS Riegler Company.

11 CHAIRMAN JORDAN: You need to make
12 sure your microphone is turned on, please.

13 MS. WORTHMAN: I'm Katherine
14 Worthman, I'm a resident of the neighborhood;
15 I live across the street at 1309 Park Row.

16 CHAIRMAN JORDAN: Mr. Kadlecek,
17 you've made a request to continue this matter?

18 MR. KADLECEK: Yes.

19 CHAIRMAN JORDAN: Is this the one
20 that we've been continuing, kind of continuing
21 and continuing?

22 MR. KADLECEK: Yes. Yes. If I

1 could just give you a little bit of background
2 to help you understand exactly where we are.
3 So what happened is we've been trying to come
4 up with some legislation to get the building
5 restriction line removed; that has been
6 proceeding very slowly. First we had to meet
7 with the Ward council member, by the time we
8 got that meeting, then of course we have to
9 try and meet with the chairman of the council
10 to get it scheduled for a hearing; that took
11 a considerable amount of time, multiple
12 meetings with him. We've come to the
13 realization that trying to move this matter
14 along with respect to the building restriction
15 line is just becoming far too time-consuming.

16 So what we have decided to do is
17 proceed with a plan that does not require us
18 to build beyond the building restriction line.
19 We will still be asking for the same parking
20 relief, so it doesn't need to be re-
21 advertised, because it's the exact same
22 relief, but we do need some time to redesign

1 the plans and resubmit the plans so that they
2 are within the building restriction lines.

3 CHAIRMAN JORDAN: Okay well let's--
4 well we'll see once we get those amended
5 plans. I'm inclined to go ahead and grant
6 this continuance. The Board--Mr. Moy, what
7 day are we working with?

8 MR. MOY: If I had some clarity of
9 when the applicant--

10 CHAIRMAN JORDAN: How soon do you
11 think you will have your amendment prepared?

12 MR. KADLECEK: So we need at least
13 a month to prepare the plans, so maybe around
14 six weeks to eight weeks.

15 MR. MOY: Sir, we're looking into
16 the month of July, let's go, Mr. Chairman, I'm
17 looking at either the hearing date of July 23
18 or July 30; either will do.

19 CHAIRMAN JORDAN: The 23rd.

20 MR. MOY: Let's go with 23rd, July
21 23?

22 CHAIRMAN JORDAN: 23rd is fine with

1 us, yes.

2 MR. MOY: Let's still make the
3 submission at least 14 days prior to the
4 hearing.

5 MR. KADLECEK: Understood.

6 CHAIRMAN JORDAN: Okay, with that
7 then, we will continue this matter for relief.

8 MR. KADLECEK: Thank you.

9 CHAIRMAN JORDAN: Yes, we're ready
10 for you. No, you said you had another
11 continuance.

12 MR. MOY: Sorry about that. The
13 heat's getting to me. Okay, so that would be
14 application number 18541, which is the
15 application of Lubertha Payne, and here again
16 I believe there is a request for a
17 postponement.

18 CHAIRMAN JORDAN: Good morning.
19 Identify yourself first please? Are you on
20 the mic? Is your mic on? Bright green light.

21 MS. TOKDEMIR: I see.

22 CHAIRMAN JORDAN: There you go.

1 Now you're on.

2 MS. TOKDEMIR: My name is Derya
3 Tokdemir, I'm with Crowell Moring law firm,
4 I'm here to represent Ms. Lubertha Payne. We
5 also are seeking for a postponement because we
6 would like to complete our file and possibly
7 amend our application. Our application was
8 for a special exception because Ms. Payne
9 would like to expand her business to have more
10 than six children at her child care center,
11 but she's also planning to construct an
12 additional space, and in that case, we need
13 some architectural drawings and elevations to
14 be submitted to the file.

15 CHAIRMAN JORDAN: I thought the
16 real motive here, the reason you needed a
17 continuance, from the letter, that she had
18 serious operation yesterday.

19 MS. TOKDEMIR: Yes, she did have--
20 and that's the reason, because we weren't able
21 to carry on that work, because she had been in
22 a car accident and she just had--

1 CHAIRMAN JORDAN: An operation.

2 MS. TOKDEMIR: --an operation
3 yesterday. And she would also like to appear
4 at the hearing.

5 CHAIRMAN JORDAN: That's good
6 enough, because you started leading in a
7 different way from what the letter was
8 requesting.

9 MS. TOKDEMIR: No, no, that's
10 actually the main reason that we were not able
11 to complete the file as well.

12 CHAIRMAN JORDAN: I would be
13 inclined to grant that if the Board's okay
14 with that, Mr. Moy? How much time do you
15 think you're going to need--well the recovery,
16 I don't know--

17 MS. TOKDEMIR: Her recovery they
18 say it will be two months, and I think the
19 Board is in recession in August?

20 MR. MOY: That's correct, and
21 we're--we would be going forward with a
22 hearing date in September.

1 MS. TOKDEMIR: I believe so.

2 MR. MOY: Okay perfect. Well, in
3 that case, we do have an opening for September
4 10th?

5 MS. TOKDEMIR: Okay.

6 MR. MOY: And that would be the
7 morning. Okay, it will be September 10, Mr.
8 Chairman.

9 MS. TOKDEMIR: Thank you.

10 MR. MOY: September 10. Okay, Mr.
11 Chairman we're back--

12 CHAIRMAN JORDAN: Back on the
13 batting order.

14 MR. MOY: --back on track, yes sir.
15 The first item for the Board's consideration
16 is the expedited review calendar. We have two
17 special section 223 cases on that calendar;
18 the first is application number 18552, this is
19 Christopher Scott Fay and Brett DeWitt, and
20 again it's for a special exception due to 223.

21 CHAIRMAN JORDAN: All right, then
22 you've called the case; would the persons or

1 party for 18552 please come forward.

2 MR. MOY: This is a--

3 CHAIRMAN JORDAN: Oh, did you call
4 it?

5 MR. MOY: I called the--I thought
6 it was an expedited review calendar, but--

7 CHAIRMAN JORDAN: I thought that
8 was an expedited case? 18552, right?

9 MR. MOY: Yes, that's Christopher
10 Fay and--

11 CHAIRMAN JORDAN: Well, that's what
12 I said; will the parties for 18552 come
13 forward.

14 MR. MOY: Oh, I'm sorry. Well
15 you're right.

16 CHAIRMAN JORDAN: Okay.

17 MS. MOLDENHAUER: Meredith
18 Moldenhauer, here representing the applicants.

19 CHAIRMAN JORDAN: Good morning.
20 One of those mornings, right? Special
21 exception would be for a medium high occupancy
22 lot area. Has the Board had a chance to

1 review this file?

2 MEMBER COHEN: Yes.

3 CHAIRMAN JORDAN: Do you have any
4 issues with it?

5 MEMBER COHEN: No.

6 CHAIRMAN JORDAN: I think the file
7 speaks for itself, Ms. Moldenhauer, so you
8 have the right, certainly you know, to
9 continue on and do a presentation and take
10 that risk, or to let us proceed on.

11 MS. MOLDENHAUER: We will allow the
12 Board to proceed, thank you.

13 CHAIRMAN JORDAN: Okay, and is Ms
14 Thomas? Ms Thomas is not with us; I guess
15 we'll stand on her report, and I don't have--
16 oh, do we have a letter from ANC 1B? Because
17 I have a report from OP saying that they voted
18 regarding this. Do we have a letter? Do you
19 have--have you seen a letter?

20 MS. MOLDENHAUER: Yes, I have seen
21 the letter; we provided them a draft
22 resolution. There's no letter yet in the

1 file?

2 MR. MOY: It's not in the file, Mr.
3 Chairman.

4 MS. MOLDENHAUER: I personally
5 appeared at the ANC, and they voted in support
6 unanimously. We attended both the Design
7 Review Committee, as well as the meeting as a
8 whole.

9 CHAIRMAN JORDAN: Okay, thank you.
10 Is anyone here from the Department of
11 Transportation? No? We have their report on
12 file; they have no objection to the relief.
13 Is anyone here wishing to testify in support
14 of the application? Anyone here wishing to
15 testify in support of the application? Anyone
16 here wishing to testify in opposition? Anyone
17 in opposition? Then we will go back to the
18 applicant, which knowing that she's waiving
19 her rebuttal because there's nothing to rebut,
20 and we will be able to close the record based
21 upon what was already obtained. The Board is
22 ready to deliberate, and I would move that we

1 grant the relief requested by the application.

2 MEMBER ALLEN: I second it.

3 CHAIRMAN JORDAN: Motion made and
4 seconded; all those in favor signify by saying
5 aye.

6 [Chorus of ayes].

7 CHAIRMAN JORDAN: Those opposed,
8 nay. The motion carries.

9 MR. MOY: The staff would record
10 the vote as 4-0; this is on the motion of
11 Chairman Jordan to approve the application for
12 a special exception relief under section 223;
13 second motion of Ms. Marcie Cohen; also in
14 support of the motion Ms. Allen and Mr.
15 Hinkle, we have no dissenting Board member.
16 Motion carries, Mr. Chairman.

17 CHAIRMAN JORDAN: Thank you, and we
18 can have a summary audit, please.

19 MR. MOY: Thank you, sir. The
20 second of two cases on the expedited calendar
21 is application number 18561, this is the
22 application of Drey Samuelson and Lisa

1 Herrick, and again, this is for a special
2 exception relief under section 223.

3 CHAIRMAN JORDAN: The parties for
4 that case please come forward. And please
5 identify yourself.

6 MR. SAMUELSON: My name is Drey
7 Samuelson, or Alfred Samuelson probably on the
8 list.

9 CHAIRMAN JORDAN: All right. Let
10 me turn to OAG. Is there an issue with notice
11 here? Is that what I'm understanding, or is
12 there no issue here? No, no, no; it was
13 something on one of the reports, something
14 about notice. All right. Now let's--are you
15 familiar with OP's recommendation that you
16 need relief from 2001.3 because of the
17 reconfiguration of the stairs and the landing?

18 MR. SAMUELSON: No.

19 CHAIRMAN JORDAN: Have you not had
20 a chance to have a discussion?

21 MR. SAMUELSON: Our--the architect
22 has--I don't know anything about this process,

1 I'm sorry to say, so our architect couldn't be
2 here, so I'm here. But I don't know, I guess
3 I don't know about--I thought the ANC voted
4 for it--

5 CHAIRMAN JORDAN: I'm talking about
6 the Office of Planning.

7 MR. SAMUELSON: Oh no, I don't--

8 CHAIRMAN JORDAN: So let's do this,
9 let's go out of order and have the Office of
10 Planning weigh in on this.

11 MR. SAMUELSON: Okay.

12 MR. COCHRAN: The Office--we spoke
13 to the--sorry, Steve Cochran, Office of
14 Planning. We spoke to the applicant's
15 architect, and he understood it, and the only
16 reason we have this on the report is because
17 the BZA has advised us that, in your opinion,
18 a 223 doesn't cover, in and of itself, 2001.3
19 Traditionally, OP had thought that it did, but
20 we--we're bringing this up because it's
21 irregular procedure.

22 CHAIRMAN JORDAN: And because of

1 the small, the small step into the rear yard
2 is why we're saying it's increasing
3 nonconformance.

4 MR. COCHRAN: It's--it's about as
5 marginal an increase as I've ever seen, but it
6 has to be considered.

7 CHAIRMAN JORDAN: Yes, well let's
8 go ahead and deal with that also at the same
9 time, although I think that it is de minimus,
10 so, but just to give you cover.

11 MR. SAMUELSON: Okay. I'm all for
12 cover.

13 CHAIRMAN JORDAN: Does the Board
14 have any questions or any issues with this
15 application? It's pretty straightforward.
16 Okay. Mr. Samuelson, you have an opportunity
17 to do a presentation, or you can waive that
18 presentation and we can proceed on. We
19 believe that there's enough information in the
20 file for us to--that you meet the standard
21 requirements for the relief that you're
22 requesting.

1 MR. SAMUELSON: I'm good.

2 CHAIRMAN JORDAN: Then let's go to
3 Mr. Cochran, if there's anything--Cochran--if
4 there's any other thing that you need to say?

5 MR. COCHRAN: No, sir.

6 CHAIRMAN JORDAN: And do we have
7 anyone here from the Department of
8 Transportation? They filed a letter of no
9 objection. Anyone here from ANC--was it ANC3?
10 3/4G; what the heck? Is anyone here from the
11 affected ANC? It's interesting. And ANC
12 filed a report in support of this application.
13 And there is--you do have a letter of support
14 from, is it DeSoto ?

15 MR. SAMUELSON: Yes.

16 CHAIRMAN JORDAN: In support of his
17 application. Is anyone here wishing to
18 testify in support of this application?
19 Anyone wishing to testify in support? Anyone
20 wishing to testify in opposition? Anyone in
21 opposition? Okay. All right, then we will
22 close the record based upon what we already

1 have in our file; is the Board ready to
2 deliberate? I would move that we grant the
3 relief requested, with the addition of relief
4 from 2001.3 for the nonconformity regarding
5 the rear yard.

6 MEMBER COHEN: I second it.

7 CHAIRMAN JORDAN: Motion made and
8 seconded; all those in favor signify by saying
9 aye.

10 [Chorus of ayes]

11 CHAIRMAN JORDAN: Those opposed,
12 nay. The motion carries. Mr. Moy?

13 MR. MOY: Yes sir, staff would
14 record a vote--record the vote as 4-0; it is
15 on the motion of Chairman Jordan to approve
16 the application, amended to add relief under
17 section 2001.3; second motion Ms. Cohen; also
18 in support Ms. Allen and Mr. Hinkle. No
19 members participating, no others sitting. So
20 the motion carries, Mr. Chairman.

21 CHAIRMAN JORDAN: All right, and
22 summary audit, please.

1 MR. MOY: Thank you.

2 CHAIRMAN JORDAN: Thank you. Thank
3 you very much.

4 MR. MOY: The next application for
5 decision by the Board is application number
6 18511, this is of Alleyloop LLC. The Board
7 last convened this application April 3, then
8 rescheduled its decision to today, May 21.
9 There were filings in the record requested by
10 the Board, Mr. Chairman, and that is in your
11 case folders. The applicant, under Exhibit
12 45, this was responses from the party
13 opposition. Under Exhibit 47, we have a
14 supplemental report from the Office of
15 Planning under Exhibit 46. So with that, the
16 Board is acting the merits of the amended
17 variance relief that's in your package.

18 CHAIRMAN JORDAN: All right, the
19 persons or parties for 18511 please come to
20 the witness table. As a preliminary matter,
21 I know we have a request from the party in
22 opposition to waive the date late filing,

1 which we will do. I'm concerned about this
2 amended application, that it is my thought
3 that this needs to be re-noticed, and go back
4 through the process of being re-noticed. I
5 think the relief is being significantly
6 changed, and that would be my thought on this
7 matter; I don't know where the Board is on
8 that.

9 MEMBER COHEN: Agreed.

10 CHAIRMAN JORDAN: So with that, Ms.
11 Moldenhauer, we would like for you to--we want
12 this to be re-noticed and go through the
13 process. Did the ANC get contacted with the
14 amended?

15 MS. MOLDENHAUER: We had had
16 support from the ANC, and they had gotten a
17 copy of this; they had not indicated any
18 concern. It was a reduction in the relief;
19 obviously significantly, so considering they
20 were supporting a much larger project, there
21 was, you know, really the major concern was
22 the individual opposition, which there had

1 been some dialogue back and forth with him,
2 and obviously we sat down and met with the
3 Office of Planning, who now is recommending
4 support.

5 CHAIRMAN JORDAN: Okay. Mr. Moy,
6 I want to continue this matter; I want to have
7 it re-noticed in enough time that the ANC gets
8 the opportunity to handle it.

9 MR. MOY: Yes, sir. I'm looking--

10 CHAIRMAN JORDAN: July 23rd date?

11 MR. MOY: I think July 23 would be
12 perfect.

13 CHAIRMAN JORDAN: I agree, so July
14 23rd.

15 MS. MOLDENHAUER: Okay, so then is
16 the Office of Zoning going to be re-noticing
17 the individuals in the community as well, or
18 is this simply just being re-posted, and we
19 should obtain a new poster and post the
20 property 15 days prior to the 23rd date? I'm
21 just trying--

22 MR. MOY: Yes; it's also the

1 staff's understanding that we do re-posting;
2 it would also require the noticing to the
3 property owners for the 200 feet radius of the
4 site.

5 CHAIRMAN JORDAN: Okay. All right.
6 Well with that, we appreciate it, and we will
7 move on to our next case.

8 [Off the record comments]

9 CHAIRMAN JORDAN: Joining us for
10 the next two cases on our decision docket is
11 Peter May, member of the Zoning Commission.
12 Mr. Moy?

13 MR. MOY: Yes, sir. The first of
14 the two, being application number 18544; this
15 is of Penn Avenue Partnership, LLC. This
16 Board will recall completed public testimony
17 closed the record on April 30, 2013,
18 requesting the applicant to provide additional
19 information to supplement the record. The
20 applicant made their filing. I've got to
21 check the record on the party opposition in a
22 moment, Mr. Chairman. Other than that, then

1 the Board is set for the merits of the request
2 for a special exception and variance relief
3 from the off street parking provisions.

4 CHAIRMAN JORDAN: Why don't you
5 mean check the record on the party in
6 opposition? What do you mean?

7 MR. MOY: I just want to check the
8 record to refresh m memory when the party in
9 opposition made final response.

10 CHAIRMAN JORDAN: Made the final?

11 MR. MOY: Yes.

12 CHAIRMAN JORDAN: It looks like
13 something came in this morning, which would be
14 out of time. Is he here?

15 MR. MOY: Yes, and I'm corrected
16 that actually the party opposition made a
17 motion to request a postponement.

18 CHAIRMAN JORDAN: Made a--with who?
19 Made a motion with who?

20 MR. MOY: To--party opposition made
21 a request of the Board to postpone the
22 decision date.

1 CHAIRMAN JORDAN: Okay then. When
2 did that happen?

3 MR. MOY: Let me pull the file in
4 a second, Mr. Chairman. Be right with you.
5 Okay Mr. Chairman for the record I have in our
6 official record, as I've just previously
7 cited, the applicant made their post hearing
8 submission, and it's under Exhibit 36, and I
9 don't have any other filings in the official
10 record.

11 CHAIRMAN JORDAN: The record is
12 complete?

13 MR. MOY: That's correct.

14 CHAIRMAN JORDAN: The document that
15 was actually file-stamped for this morning.

16 MR. MOY: Well actually it was
17 submitted May 7 under Exhibit 36. You're
18 right.

19 CHAIRMAN JORDAN: Okay. No, no,
20 not 36.

21 MR. MOY: Okay here we go, Mr.
22 Chairman. I'm sorry for that; I apologize.

1 There was a filing today, actually this
2 morning from party opposition, Mr. Balducci.

3 CHAIRMAN JORDAN: Yes. And is Mr.
4 Balducci here today? There's not a request
5 for leave, so we'll just put this to the side.
6 Okay, now, the parties for this case please
7 come forward. All right, please identify
8 yourselves.

9 MR. TUMMONDS: Good morning,
10 members of the Board. Paul Tummonds with
11 Goulston & Storrs, counsel for the applicant.

12 MR. SELFRIDGE: Greg Selfridge of
13 Nova Development for the applicant.

14 MR. DICKENS: Steve Dickens with
15 Eric Colbert and Associates, the architect.

16 CHAIRMAN JORDAN: We appreciate the
17 supplemental filings; you made the filings in
18 request to answer questions raised by the
19 Board during the hearing phase of this, and we
20 did receive those and review those. I'm going
21 to ask the Board are there questions we'd like
22 to raise in a discussion about any of the

1 supplemental filings before--yes, Mr. May,
2 please.

3 MEMBER MAY: I have one question
4 about the RPP eligibility, and it said the
5 applicant was told that DDOT does not use a
6 property zone district designation as a sole
7 guide as to whether a property is eligible for
8 RPP. So are you referring to the C2A zone?

9 MR. TUMMONDS: That's correct. So
10 in response to your question, we tried to get-
11 -find is there a clear, definitive thing;
12 truthfully, DDOT could not provide that to us.

13 MEMBER MAY: Right, well--but
14 supposedly, there is a--it's not so much that
15 it's C2A, it's that it's a commercial street
16 versus a residential street; did you find
17 anything about that?

18 MR. TUMMONDS: Yes, well I think--
19 on May 14, 2013, DDOT submitted a report into
20 the record.

21 MEMBER MAY: Okay, so I'm not sure
22 I actually have that.

1 CHAIRMAN JORDAN: Yes, and what was
2 that? No, I didn't; I just rejected it. I
3 just rejected it. For the record so we're
4 clear, there's no--excuse me, let me go back
5 for our record, the Board Secretary brought an
6 issue, was not clear about the ruling
7 regarding the document dated from Mr. Balducci
8 dated--his letter of May 20, but received in
9 this office May 21. The 20th is the filing
10 date. Cliff, did this come in on the 14th?
11 No.

12 MR. MOY: It just came in today.
13 It came in today, but the responses were due
14 May 14th.

15 CHAIRMAN JORDAN: It's been
16 rejected; there was no request for leave, it
17 was out of time by over a week, and it's being
18 rejected, so leave is not being granted; leave
19 wasn't even requested. Okay. I'm sorry, so
20 lets' go back. Do we have--so there was a
21 discussion that a letter came in from
22 Department of Transportation?

1 MR. TUMMONDS: Yes, so--

2 CHAIRMAN JORDAN: And can you
3 summarize that for us?

4 MR. TUMMONDS: Yes, it basically
5 provided--there is one paragraph on what DDOT
6 looks at to determine RPP eligibility; should
7 be the first paragraph of that, but basically
8 it says "We look at the totality of the
9 surrounding area" and applying those standards
10 to this site, we find that this property would
11 be eligible for RPP."

12 CHAIRMAN JORDAN: Okay, that's
13 regardless of the commercial nature of the
14 street?

15 MEMBER MAY: Right, well and the
16 thing about the commercial nature of the
17 street is that that may be the zone, but it
18 doesn't seem to be the use. Primarily on that
19 block, everything else is those town houses
20 where everybody parks on the sidewalk.

21 MR. TUMMONDS: And they noted
22 similarly the residential nature of Kentucky

1 Avenue on the back.

2 MEMBER MAY: Right, so I pass that
3 on.

4 CHAIRMAN JORDAN: So they were very
5 definitive that this is an eligible property?
6 It says that very definitively.

7 MR. TUMMONDS: That is correct.

8 CHAIRMAN JORDAN: So it wasn't kind
9 of a quagmire; they were very definitive.

10 MR. TUMMONDS: They were
11 definitive; the quagmire is how you apply that
12 to future cases; it seems to be a case-by-case
13 basis, but for this one, they were clear.

14 CHAIRMAN JORDAN: Got it.

15 MEMBER MAY: Yes, and my experience
16 is that when pressed on the question, they
17 will answer that directly, but it doesn't
18 necessarily mean that whoever shows up on the
19 day of the hearing happens to have the
20 database in their head and can tell us exactly
21 whether it's eligible or not. In any case, it
22 is also possible for an applicant to state

1 that they will not allow their residents to
2 apply for RPP, but that's not what you're
3 suggesting here.

4 MR. TUMMONDS: That is correct.

5 CHAIRMAN JORDAN: In fact, you're
6 arguing to the contrary; your argument is that
7 you've had presentations with the ANC and the
8 ANC initially had concerns, and then
9 subsequently after you had discussions with
10 them, the ANC backed off that concern?

11 MR. TUMMONDS: That is correct.

12 CHAIRMAN JORDAN: But I think
13 that's still an issue for us as a Board, and
14 in taking a look at it so that you know it's
15 still on the table. Does the Board have any
16 other questions regarding supplemental
17 filings? I think we--the applicant provided
18 the information that we've requested, and
19 we've had time to look at that. We still
20 have--and did we cover the conditions that
21 DDOT has recommended with you, and are you in
22 agreement with those?

1 MR. TUMMONDS: I think we are now.
2 The concerns that DDOT had previously have not
3 all gone away with the reconfiguration of the
4 entrance to the parking garage off of the
5 alley, so we can--we are okay with the DDOT
6 conditions with regards to the entrance to the
7 alley, but I think with regards to RTMP, we
8 still prefer RTMP. There was, if you may
9 remember, DDOT had the condition that we give
10 someone \$75,00; it could also go to SmarTrip.
11 DDOT said it shouldn't go to SmarTrip; we
12 think it should be able to go to SmarTrip or
13 Bikeshare or Car Share.

14 CHAIRMAN JORDAN: You have me so
15 confused in response.

16 MR. TUMMONDS: I'm sorry. So--

17 CHAIRMAN JORDAN: No. Let's do
18 this. The DDOT provided four conditions;
19 correct? And one of which was--four
20 conditions. "One, the applicants will
21 redesign the parking garage access such that
22 the public space on Kentucky Avenue is not

1 utilized."

2 MR. TUMMONDS: That has been
3 addressed. I'm sorry. I believe we and DDOT
4 are in agreement on that condition.

5 CHAIRMAN JORDAN: Thank you. The
6 second one is "Applicant demonstrates that the
7 loading berth adequately accommodates a
8 Regulation 30 for a truck."

9 MR. TUMMONDS: We have now removed
10 the 30-foot loading berth as a result of the
11 change to the configuration; DDOT is
12 supportive of our request not to have a 30-
13 foot loading berth along the alley there, so--

14 CHAIRMAN JORDAN: Did you
15 supplement your filing on that?

16 MR. TUMMONDS: Yes. So the May 7
17 submission addresses that issue.

18 MEMBER MAY: So you make that
19 statement, and I only glanced at the DDOT
20 report; did they state that in their report
21 that they're okay with the elimination of the
22 30-foot berth?

1 MR. TUMMONDS: Yes.

2 CHAIRMAN JORDAN: Yes, it say it.

3 MEMBER MAY: Okay.

4 CHAIRMAN JORDAN: The third is
5 "Applicant increase the number of bicycle
6 parking spaces from 28 to at least 41 to
7 reflect a ratio of one long-term bike parking
8 spaces per every two units; improvise four
9 inverted U-racks for short-term public bike
10 parking on sidewalk in a location approved by
11 DDOT."

12 MR. TUMMONDS: As we testified at
13 the hearing, we're doing 28--we will provide
14 28 parking spaces, which is the code-required
15 parking spaces, and we will attempt to put as
16 many in as we can, but at this point we cannot
17 assure that there will be 41 code-compliant
18 bike parking spaces.

19 CHAIRMAN JORDAN: Okay, and the
20 fourth one is "As part of the TDM, the
21 applicant offer a financial incentive to all
22 new tenants instead of the initial occupants,

1 and limit the incentives to Capital Bikeshare
2 membership or subsidy."

3 MR. TUMMONDS: We have agreed that
4 our subsidy will be for all tenants, not just
5 the initial; however, we would like to be able
6 to have people use that \$75.00 for a SmarTrip
7 card, not just a bike share or a car sharing
8 service.

9 CHAIRMAN JORDAN: And that subsidy
10 is \$75.00; is that correct?

11 MR. TUMMONDS: That is correct.

12 CHAIRMAN JORDAN: I didn't see a
13 dollar amount in your letter; I didn't see
14 that initially, that \$75.00. All right. The
15 Board have any other questions for this
16 applicant? All right. We concluded the
17 hearing, but just this supplemental
18 information that we needed to have before us,
19 so there's no other discussion that's
20 necessary here. So we'll close the record; is
21 the Board ready to deliberate on this case?
22 I believe this is a case in which we can grant

1 the relief requested. I'm concerned, though,
2 that this is a matter, again, granting parking
3 relief in an area where we--well, I think the
4 parking is always an issue. I understand the
5 applicant doesn't accept that; however, we're
6 making a significant reduction from the amount
7 of parking spaces that's required for this,
8 and I would be inclined that whatever relief
9 we grant, we would include the restriction for
10 RPP. Anyone else want to weigh in? Mr. May?

11 MEMBER MAY: I'm sorry, you're
12 suggesting that the property not be eligible
13 for RPP in order to improve it?

14 CHAIRMAN JORDAN: Yes.

15 MEMBER MAY: Okay.

16 CHAIRMAN JORDAN: That was just my
17 thought, so you guys feedback.

18 MR. MAY: Is that something that
19 we--a condition that we can impose, or is it--
20 is that something that has to be proffered?

21 CHAIRMAN JORDAN: We have done it
22 in the past, but let me ask counsel. Come

1 talk to me, if you--come talk to me, please.
2 Well I think there's--as I said and
3 indicated,--well counsel, to answer your
4 question, Mr. May says yes we can do it;
5 however, we have to make sure that there's
6 proper record here, and I think that the
7 relief requested itself in an area which
8 through testimony and the party in opposition,
9 that they presented issues and concern about
10 the parking in the area, would give me reason
11 and basis for why we need to be sure that
12 there is not going to be continued parking
13 issues in this area. So that would be the
14 basis thereof. Anyone else want to weigh in?

15 MEMBER ALLEN: Thank you, Mr.
16 Chairman. If you all could help me with this.
17 I continue to be concerned about the parking
18 issue; I know that the applicant has stated
19 that they will provide, and several of these
20 conditions go to providing alternative sources
21 of travel, including amended restriction of
22 the RPP, Mr. Chairman, which you're concerned

1 about, again, to sort of alleviate the parking
2 issue. So given that, I guess I'm concerned
3 that the applicant has indicated that it does
4 not--that it will not commit to more than I
5 guess the 28 required spaces for the bikes as
6 well. And again, I just would like some
7 thoughts on that. I really--I'm sort of like
8 can we do something, you know, more than just
9 what is required based on the fact that
10 they're asking for this variance on the
11 parking.

12 CHAIRMAN JORDAN: Anyone else? Mr.
13 May?

14 MEMBER MAY: Yes, I mean I think
15 generally speaking, I'm comfortable with the
16 project as it's been presented. Normally, I'm
17 a stickler for the RPP issue, and am not
18 inclined to approve parking relief without a
19 proffer from the applicant saying that they
20 would take it off the RPP rolls. In this
21 circumstance, it does seem that there's
22 sufficient parking in the neighborhood to make

1 up for the 11 parking spaces that are
2 requested as relief; although you know,
3 whether that's the actual relief needed or the
4 technical relief are two different things. I
5 mean, we could very well have, you know, 80-
6 some residents or 80-plus residents, because
7 there may be more than one person per unit and
8 multiple cars, and so you could wind up with
9 this thing requiring, you know, 100 parking
10 spaces. And then since RPP is readily
11 available, people start parking in the
12 neighborhood.

13 That's why I like to see the RPP;
14 I would love it if it were proffered, but I
15 don't feel as strongly about this as I do in
16 other circumstances, again, because there does
17 seem to be some parking availability in the
18 neighborhood, and the ANC seems to have gotten
19 comfortable with that. The--I'm glad some of
20 the other issues have been addressed and taken
21 care of, the ramp change and the additional
22 relief for the loading are okay by me. The

1 fact that we got the submission on the
2 calculation of the roof top space to
3 demonstrate that it's accessory; that
4 satisfies what I need to have in the record.

5 As for the bike parking and whether
6 we get 41 versus 28, you know I'm obviously a
7 very big supporter of bicycles and bicycle
8 parking, but at the same time, the needs of a
9 bicycle to be parked are not the same as the
10 needs of a vehicle. In other words, if there
11 is isn't sufficient bicycle parking in the
12 building, it's an impact to the residents. If
13 there isn't sufficient automobile parking in
14 the building, it's an impact on the neighbors.
15 And so I'm not inclined to push that far, I
16 mean if anything, I might be open to the idea
17 that we give them some flexibility to reduce
18 the car parking by a space in order to
19 accommodate more bicycles if that's needed,
20 but I don't even really think that's needed.
21 I think that the, you know, if people have to
22 put their bicycles into their apartments, a

1 lot of people do that. I assume that the
2 building will not prohibit that. I see nods
3 in agreement essentially, although I did get
4 one of this and one of this, so.

5 MR. TUMMONDS: That is correct.
6 And commissioners, let me help you out with
7 this. I notice there is concern about us
8 proffering an RPP restriction. Since we are
9 requesting a variance refill of 11 parking
10 spaces, approximately 25% of the parking
11 requirement, we would be willing to proffer
12 that we would reduce the availability of RPP
13 parking that same 25%. I think that is a
14 proportionate--

15 CHAIRMAN JORDAN: Okay.

16 MR. TUMMONDS: --change, just as
17 we were--and in the same way that--the way we
18 do this now is--

19 CHAIRMAN JORDAN: That makes sense.

20 MR. TUMMONDS: --it's put on the
21 list, so that DDOT has a list of RPP parking
22 is available, then here in fact, the same list

1 would say there are X number of RPP spots
2 available for 1515 Pennsylvania Avenue. That
3 number should be 25% less, if that--

4 MEMBER MAY: Do they actually
5 control by number in their database? I didn't
6 think that they could. I mean, I could go and
7 get, you know, 10 cars registered and get RPP
8 at my house.

9 MR. TUMMONDS: Right. Well it
10 seems to me that this whole process is the
11 fact that they can take your name--take an
12 address off the list I would think in the same
13 way that they should be able to say there are
14 only X number of RPP stickers available.

15 MEMBER MAY: Okay. I think it's a
16 very clever idea, and I hope it can work. I
17 would like to have certainty--well I'd like to
18 have certainty that it can work, but I mean
19 I'll take a chance here and let you work it
20 out with DDOT, and just next time we see Mr.
21 Tummonds, I'd like to know--

22 MR. TUMMONDS: I'll let you know

1 how it went.

2 MEMBER MAY: Great. And that'll be
3 pretty soon I'm sure.

4 CHAIRMAN JORDAN: I'm glad you did
5 that, because that I just really tempted to
6 make this kind of a conditional approval,
7 which would really do some things here. We
8 wouldn't want to do that. But we are very,
9 very, concerned about parking in a lot of
10 places in the District, and especially where
11 we have to grant parking relief. So, its'
12 just an issue for us, and others should
13 recognize it's an issue for us when there's a
14 request for parking relief. So let's just
15 move on, and we will accept that; I believe
16 that's--I would appreciate your proffer of
17 that. Okay, with that, does the Board have
18 any other comments regarding that? All right,
19 let me do one adjustment. I'm going back
20 through these conditions, including Smart
21 Card.

22 MEMBER MAY: Can I make a comment

1 on the whole Smart Card debate, if I would?
2 I'm completely sympathetic to DDOT's point of
3 view and part of their reasoning for it, for
4 doing it is to really incentivize these
5 alternative forms of transportation, and
6 SmarTrip and Metro are so prevalent, the use
7 is so prevalent that I don't think that that's
8 really offering very much. It certainly is
9 going to help you get tenants, but I'm not
10 sure that it really does much to encourage
11 alternative transportation, because they're
12 probably using Metro anyway. I understand
13 that completely, but I really don't like
14 having to deal with negotiating the terms with
15 DDOT when you get to this point. I like
16 things to come in the door with you and DDOT
17 in agreement; it makes it a lot easier. I
18 don't want to have to get into the middle of
19 that negotiation, so I'm inclined to accept
20 what the applicant has offered in this
21 circumstance and would encourage DDOT to work
22 more closely with all applicants to resolve

1 issues before they get here.

2 CHAIRMAN JORDAN: And I would be in
3 agreement with that. All right, so with that,
4 I believe that we can grant the relief
5 requested with some conditions. I believe
6 that this property has--the applicant has
7 clearly shown that there's uniqueness and
8 practical difficulty. It's an area that has
9 a sloping topography, combined with the fact
10 that there's an issue with the garage ramp,
11 and being on the higher side of the site. The
12 other issues involving the driveway makes it
13 another practical difficulty for there to be
14 compliance with the zoning regulations, and
15 because of the structure or the physical
16 nature of the property, it makes it an issue
17 for getting the required parking spaces
18 necessary for the underground parking in this
19 location, and so I would be inclined that we
20 grant the relief as requested with those
21 changes as we've discussed here.

22 I do not find the party's--the

1 person/party status in opposition to be
2 persuasive; in fact, I think even during the
3 hearing, he testified well yes, I can agree
4 with that in regards to the application, and
5 he just wanted to voice concerns about the
6 issues that we talked about, the parking and
7 a few other things. But during the hearing,
8 he acquiesced in the presentation by the
9 applicant, so--and I would move that we would
10 grant the relief with the modification as the
11 removal for the 30-foot loading dock request,
12 and that we provide the following conditions:
13 that the applicant redesign parking garage
14 access such that the public space on Kentucky
15 Avenue is not utilized; that the applicant
16 increase the number of bicycle parking spaces
17 from--well, at least 28, and well, at least
18 28, and that they provide the four inverted U-
19 racks for short-term parking spaces along the
20 sidewalk, and put in place the TDM measures as
21 represented by the applicant in its
22 application, and that the applicant seek to

1 restrict the--that the applicant restrict the
2 residential parking permits to 20% less than
3 what the building is eligible by working with
4 Department of Transportation and, if
5 necessary, provide that in 25% of the
6 leaseholds or--this is lease property, very
7 good--leaseholds, lease agreements, so you do
8 have some control over them. With that, that
9 would be my motion.

10 MEMBER MAY: I'll second that.

11 CHAIRMAN JORDAN: Motion made and
12 seconded; any unreadiness? All those in favor
13 signify by saying aye.

14 [Chorus of ayes]

15 CHAIRMAN JORDAN: Those opposed,
16 nay. The motion carries. Thank you. Mr.
17 Moy--I'm going to have Mr. Moy do a poll of
18 the Board.

19 MR. MOY: Yes, the staff would
20 record the vote as 4-0; that's on the motion
21 of Chairman Jordan to approve the application
22 for the request, the zoning request relief

1 requested as modified, as well as the
2 conditions as the Chairman just cited. The
3 seconded motion and Mr. Hinkle also support;
4 Mr. Peter May and Ms. Kathryn Allen. No
5 other Board members participated. Motion
6 carries, Mr. Chairman.

7 CHAIRMAN JORDAN: Thank you. I
8 think we're going to need a full order for the
9 party in opposition, or it really could be a
10 hybrid, but let's go ahead with the full
11 order.

12 MR. MOY: Thank you, sir.

13 CHAIRMAN JORDAN: Thank you. Mr.
14 Tummonds, can we--and I should have said that,
15 and I thank you for reminding me. As we're
16 trying to establish some policies, can you
17 proffer up findings of fact and conclusions of
18 law consistent with our ruling?

19 MR. TUMMONDS: Yes.

20 CHAIRMAN JORDAN: Thank you.

21 MR. MOY: Last of the cases for
22 decision, Mr. Chairman, is application number

1 18543; this is the application of Yves Balcer.
2 As the Board will recall, on April 30, 2013,
3 the Board completed public testimony and
4 closed the record, requesting additional
5 information, which included the applicant
6 submitting an agreed-upon covenant with all
7 the opposition. That document is in your case
8 folders, identified as Exhibit 39, Mr.
9 Chairman. There was also a request to waive
10 the time deadline on that filing.

11 Today, the Board also received two
12 letters from party opposition, withdrawing
13 their opposition. One is from the attorney,
14 Mr. Keyes, representing, as well as Mr.
15 Sullivan, representing, and that's in your
16 case folders, Mr. Chairman.

17 CHAIRMAN JORDAN: All right, thank
18 you. Okay, so would the parties for this case
19 please come forward. Okay, would you please
20 identify yourselves?

21 MR. TUMMONDS: Paul Tummonds,
22 Goulston & Storrs on behalf of the applicant.

1 MR. GURNEY: Robert Gurney,
2 architect.

3 MR. FORET: Palmer Foret, and I was
4 one of the other parties in opposition; I'm
5 just here to make clear that my opposition is
6 withdrawn based on what Mr. Moy said and the
7 covenant. I just also want to make sure that
8 the covenant before the Board is the one that
9 was submitted by email on Friday the 17th.

10 CHAIRMAN JORDAN: Yes, Mr.
11 Tummonds, would you--do we have an executed--

12 MR. TUMMONDS: I'm playing the role
13 of Mr. Prince this morning.

14 CHAIRMAN JORDAN: I know, that's
15 why we were looking for--didn't see it, so Mr.
16 Prince/Tummonds, can you share with us the
17 status of the execution of the--

18 MR. TUMMONDS: Yes. So, on the 17th
19 of May, Friday, you received a covenant; that
20 is the complete covenant that the applicant
21 and the parties in opposition have agreed to.
22 That is the covenant that should be referenced

1 in the order approving this application.

2 CHAIRMAN JORDAN: And let's take a
3 moment. Mr. Moy, would you show--I'm sorry,
4 your name again?

5 MR. FORET: Palmer Foret.

6 CHAIRMAN JORDAN: Mr. Foret the
7 document which is in the record, Exhibit 40?

8 MR. MOY: Yes, just a moment sir.

9 CHAIRMAN JORDAN: Or if you want
10 to, Mr. Tummonds, show--are you comfortable
11 with--

12 MR. FORET: Yes, that's the correct
13 one.

14 CHAIRMAN JORDAN: And so at the
15 time you were representing a larger group of
16 parties in opposition; they are all in board
17 with the--

18 MR. FORET: Yes. The letters--

19 CHAIRMAN JORDAN: --because you
20 consolidated, and you were the spokesperson--

21 MR. FORET: I was the spokesperson,
22 and Mr. Moy has letters withdrawing the

1 opposition from the other parties and myself
2 and my wife were parties in opposition, and
3 that's withdrawn also.

4 CHAIRMAN JORDAN: We appreciate it.
5 Mr. Tummonds, can you tell me where we are
6 with the ANC? I haven't gotten anything with
7 the ANC's--excuse me.

8 MR. TUMMONDS: There's nothing
9 official from the ANC. One of the parties in
10 opposition is in fact an ANC commissioner
11 named Ms. Wells. It's my general
12 understanding that the ANC was supportive of
13 the covenant, and they were supportive of the
14 parties in opposition agreeing to that, and
15 they would follow suit.

16 CHAIRMAN JORDAN: I think that was
17 what was expressed to us also during the
18 hearing. So I want to make sure the record's
19 clear about that, and your representation is
20 accurate, thank you, that the ANC is in
21 agreement with the covenant.

22 MR. TUMMONDS: That's correct.

1 CHAIRMAN JORDAN: Does the Board
2 have any questions--

3 MR. FORET: Mr. Commissioner,
4 certainly the ANC Commissioner who is our
5 representative, and is also a neighbor,
6 certainly is on board with the covenant.

7 CHAIRMAN JORDAN: Yes. Does the
8 Board have any other questions? We're good,
9 Mr. Foret; does the Board have any other
10 questions? Then, any other issues? You think
11 we're ready to move forward with this? Okay,
12 then I would move that we grant the relief
13 requested by the applicant, and as a condition
14 thereof, that we would include the requirement
15 that the covenant--prior to any building
16 permit being issued, that the covenant is
17 executed and recorded in the Recorder of
18 Deeds' office. That would be my motion.

19 MEMBER ALLEN: Second.

20 CHAIRMAN JORDAN: Motion being
21 seconded on readiness.

22 MS. NAGELHOUT: Mr. Chair?

1 CHAIRMAN JORDAN: Yes?

2 MS. NAGELHOUT: Sorry to interrupt;
3 I think usually the Board requires that the
4 covenant be recorded prior to a building
5 permit being issued.

6 CHAIRMAN JORDAN: I thought that's
7 what I said.

8 MS. NAGELHOUT: Is it? I'm sorry;
9 I didn't hear the building permit part.

10 CHAIRMAN JORDAN: Didn't I say
11 that?

12 MS. NAGELHOUT: I just--okay, I
13 apologize.

14 CHAIRMAN JORDAN: No, that's all
15 right. Go ahead, keep me on my toes. But
16 thank you for the help. So all those in favor
17 signify by saying aye.

18 [Chorus of ayes]

19 CHAIRMAN JORDAN: Those opposed,
20 nay. The motion carries. Mr. Moy?

21 MR. MOY: Okay, the staff would
22 record the vote as 4-0; as the motion of

1 Chairman Jordan to approve the application
2 with the proviso as cited. I believe Ms.
3 Allen seconded; also in support Mr. Peter May
4 and Mr. Hinkle. So I think that gives me
5 four; no other members participating. So
6 again, the motion carries.

7 CHAIRMAN JORDAN: All right, thank
8 you. And again, well I guess we can have a
9 summary order in this matter. Yes, let's have
10 a summary order. We're good. Thank you very
11 much.

12 [Off the record comments]

13 CHAIRMAN JORDAN: All right, Mr.
14 Moy; whenever you're ready. We will go to
15 554, I believe.

16 MR. MOY: Yes, sir. Okay. At the
17 top of the list for public hearing cases, the
18 first being 18554; this is the application of
19 Catherine L. Bennett, for a request for a
20 special exception relief at 2456 Skyland
21 Place, and if the applicant can clarify the
22 request being--the relief being requested, I'd

1 be grateful. Thank you.

2 CHAIRMAN JORDAN: Would you please
3 identify yourself?

4 MS. BENNETT: Catherine L. Bennett,
5 property owner.

6 MR. BURWELL: Andre Burwell--

7 CHAIRMAN JORDAN: I'm sorry; make
8 sure your microphones are turned on. There
9 should be a bright green light.

10 MR. BURWELL: Andre Burwell,
11 designer.

12 CHAIRMAN JORDAN: There's a couple
13 of issues that we need to handle. Mr. Moy,
14 what I have--are you making a request for
15 special exception for Section 403, lot
16 occupancy and Section 404, rear yard? Is that
17 correct?

18 MR. BURWELL: Yes, sir.

19 CHAIRMAN JORDAN: Okay. Mr. Moy,
20 did you need something in addition to that?

21 MR. MOY: No, I think I'm fine; I
22 just wanted--but we don't have an affidavit of

1 posting in our file; did we get one
2 subsequently?

3 MR. BURWELL: I'll have to follow
4 up on that, that was sent out--

5 CHAIRMAN JORDAN: Sent out? What
6 do you mean by sent out?

7 MR. BURWELL: I--after we got it
8 signed and finished, we had a courier deliver
9 it.

10 CHAIRMAN JORDAN: Deliver it here?

11 MR. BURWELL: Yes.

12 CHAIRMAN JORDAN: In favor of
13 posting?

14 MR. BURWELL: Yes.

15 CHAIRMAN JORDAN: All right; we
16 don't have it in our file, and also, we don't
17 have anything from the ANC; did you do a
18 presentation and discussion with ANC 8--is it
19 8B, ANC 8B? Did you meet with them, did you
20 do a presentation at ANC?

21 MR. BURWELL: We hadn't had a
22 presentation with ANC.

1 CHAIRMAN JORDAN: You're required--
2 well, the ANC receives, which we really would
3 like for you to have conversation with the
4 ANC; they may want you to do a presentation,
5 but--and in light of the fact that I don't
6 have an affidavit of posting also, I'm
7 inclined that we continue this matter to
8 another date.

9 MR. BURWELL: Okay.

10 CHAIRMAN JORDAN: I'll give you 30
11 days, well I don't know if the ANC is going
12 to--probably best, something after 45 days I'm
13 thinking, to make sure that the ANC has time
14 to weigh in on this, and you've got to make
15 contact with them.

16 MR. BURWELL: Okay.

17 CHAIRMAN JORDAN: So let's do that.
18 Mr. Moy, what are we looking on that July 20-
19 something date?

20 MR. MOY: Yes, we're looking the
21 middle of July, so--and we have three appeal
22 cases on the 16th, which I wouldn't recommend

1 if I--

2 CHAIRMAN JORDAN: What about the
3 23rd?

4 MR. MOY: The 23rd is still good.

5 CHAIRMAN JORDAN: July 23rd, we'll
6 continue to July 23. Please reach out to the
7 ANC, and let's make sure we have the affidavit
8 of posting as required, okay?

9 MR. BURWELL: Okay.

10 CHAIRMAN JORDAN: All right, thank
11 you very much.

12 MR. BURWELL: I'm sorry, do I need
13 to put up a new posting at this point now?

14 CHAIRMAN JORDAN: Not if you--no,
15 once you make notice to the ANC, and if you
16 then make sure we get a copy of that which was
17 already posted, we'll be okay.

18 MR. BURWELL: Okay.

19 MEMBER ALLEN: Mr. Chairman, may I
20 just ask for some clarification? It says that
21 OP actually did its approval on something
22 other than what was actually requested; does

1 that mean OP should re-look at that as well,
2 or do I--have they changed that? It says OP
3 recommended approval of a two-story addition,
4 as opposed to the rear deck.

5 CHAIRMAN JORDAN: I don't know.
6 Let's--is there an issue for OP on this,
7 because I don't think--

8 MR. MORDFIN: The addition on the
9 back, from the plans that we have, is a two-
10 story addition, unless--

11 MEMBER ALLEN: I was confused.

12 CHAIRMAN JORDAN: No, you're asking
13 for relief--special exception for a two-story-
14 -

15 MR. BURWELL: Two-story addition.

16 CHAIRMAN JORDAN: --addition, yes.

17 MR. BURWELL: It's always been a
18 two-story addition from the very beginning.

19 CHAIRMAN JORDAN: Absolutely; I've
20 seen nothing to--okay, appreciate it. Thank
21 you.

22 MR. BURWELL: Okay.

1 [Off the record comments]

2 CHAIRMAN JORDAN: We're just
3 waiting on Mr. Moy.

4 MR. MOY: Sir, I was waiting for a
5 signal. Okay, here we go. Okay, next up is
6 application number 18551; this is the
7 application of Broad Branch Children's House,
8 again for a special exception relief under
9 Section 205.

10 CHAIRMAN JORDAN: All right, would
11 you please identify yourselves.

12 MR. HENRY: My name is Joe Henry
13 with the Broad Branch Children's House.

14 CHAIRMAN JORDAN: You're with who?

15 MR. OBOLER: Joshua--

16 MR. HENRY: Broad Branch Children's
17 House.

18 CHAIRMAN JORDAN: Your last name
19 again?

20 MR. OBOLER: Oboler, O-B-O-L-E-R.

21 CHAIRMAN JORDAN: And you're with?
22 You're with the applicant?

1 MR. OBOLER: Yes.

2 CHAIRMAN JORDAN: What do you--so,
3 we have a letter designating you as the
4 representative; is that what we have?

5 MR. HENRY: That's correct.

6 CHAIRMAN JORDAN: Okay.

7 MR. HENRY: Mr. Bloom is the owner
8 of the building.

9 CHAIRMAN JORDAN: Do we have
10 authorization letter from the building owner?
11 You're tenants, correct?

12 MR. HENRY: We're tenants; you
13 should have, and we submitted--

14 CHAIRMAN JORDAN: Do we have an
15 authorization letter?

16 MR. MOY: It should be under
17 Exhibit 6, Mr. Chairman.

18 CHAIRMAN JORDAN: Okay, I just
19 wanted to verify. Yes, I think we're okay.
20 Okay, very good. Thank you. All right so,
21 there's a couple of issues. Your request is
22 to allow up to 80 children and 12 staff

1 persons; is that correct?

2 MR. HENRY: That's correct.

3 CHAIRMAN JORDAN: And a parking
4 variance is required, and there's no request
5 for a parking variance.

6 MR. OBOLER: So originally, we
7 requested a parking variance, and then we were
8 told that we didn't need one, because we have
9 four stacked parking spaces, and so we
10 withdrew the request for the parking variance.

11 CHAIRMAN JORDAN: No; I think you
12 need it. Who told you to withdraw it?

13 MR. HENRY: Mr. Jackson at the
14 Office of Planning. It was suggested we send
15 a letter, which we did.

16 MEMBER COHEN: When you say that
17 you have four stacked spaces, can you be more
18 descriptive of what that--how that's going to--
19 --because when I think of stacked, I think of
20 a garage, not a--

21 MR. OBOLER: I think that was the
22 phrase he used, so we were just parroting

1 that. There's--when you pull in, there's two
2 spaces to the right, and then you can put two
3 more cars this way. It's like a driveway.

4 MR. HENRY: It is a driveway.

5 MR. OBOLER: It is a driveway, yes.

6 MR. HENRY: And actually, there's
7 more than room for four spaces in that;
8 there's--you can get eight cars in.

9 MEMBER ALLEN: So the stacked--
10 because I was a little confused by that as
11 well. So the stacked goes to that they're
12 behind each other?

13 MR. OBOLER: Exactly.

14 MEMBER ALLEN: Thank you.

15 MR. OBOLER: Yes, but that--

16 CHAIRMAN JORDAN: I'm going to ask
17 the Office of the Attorney General to weigh in
18 regarding the--so the Board's clear about
19 stacked parking.

20 MS. NAGELHOUT: Under Chapter 21,
21 there are requirements that all parking spaces
22 have to be accessible from a street or an

1 alley, so stacked parking doesn't comply--
2 doesn't count as zoning compliant spaces. So
3 even if you can physically fit four cars on
4 the parking area, it might only be two spaces,
5 say for zoning purposes.

6 CHAIRMAN JORDAN: And also there's
7 an additional issue here, because they're not
8 spaces for this applicant, is that--

9 MS. NAGELHOUT: Exactly; they have
10 to be dedicated to the child development use
11 and not for the market.

12 CHAIRMAN JORDAN: This is what I
13 need you to do. I'm going to continue this
14 matter; I think you need to amend your
15 application, you need to re-notice this matter
16 for the parking variance. Be sure that the
17 ANC is aware of the issue, what--the relief
18 you're getting, and--

19 MR. OBOLER: Sir, may I clarify
20 something? So in our original application,
21 and when we went to the ANC, there was a
22 parking variance requested because we

1 originally had an attorney who did this for us
2 before we moved away from that process, and so
3 it was only in the last meeting we had, and
4 the noticing calls for the parking variance.

5 CHAIRMAN JORDAN: It already does?

6 MR. OBOLER: Yes, and the last
7 meeting we had where--

8 MR. HENRY: It was Office of
9 Planning, and DDOT approved us, or in the
10 report, approves the off-street parking
11 waiver. It's the Office of Planning--we met
12 with Office of Planning two weeks ago.

13 MR. OBOLER: And when they came
14 out, they said oh, well, why are you asking
15 for parking relief? You have plenty of
16 parking. And we said really? We were told
17 that we needed parking relief. And he said
18 no, so send--and he told us, send this letter
19 saying you don't need it. So I'm prepared to
20 move, I think, forward with our original
21 application, minus the letter withdrawing the--
22 -

1 CHAIRMAN JORDAN: Yes, but we may
2 not be.

3 MR. OBOLER: No, that's fine.

4 CHAIRMAN JORDAN: Let me ask the
5 Office of Planning to weigh in, because--

6 MR. MORDFIN: Good morning, I'm
7 Stephen Mordfin with the Office of Planning,
8 and in Mr. Jackson's report on page 4, under
9 Section 205.4, he addresses the parking saying
10 that in the previous application, 17147, that
11 four tandem parking spaces were approved in
12 that application, and based on that, the
13 Office of Planning determined that the zoning
14 regulation requirement was met for the four
15 spaces, and those four spaces would then be
16 used for this application because that does
17 satisfy the requirement of the four spaces
18 that were previously approved.

19 MEMBER COHEN: Can you state where
20 that is stated in the review, because I may
21 have an incomplete report.

22 MR. MORDFIN: On page 4.

1 MEMBER COHEN: I only have a page
2 2.

3 MR. MORDFIN: Now, it did not get
4 included in the conditions of approval from
5 that application, where it discussed that four
6 parking spaces were approved, but it was part
7 of the application and part of the Board's
8 motion to approve four parking spaces.

9 CHAIRMAN JORDAN: Say that last
10 part for us again, please.

11 MR. MORDFIN: My understanding from
12 discussing this with Mr. Jackson is that the
13 four parking spaces that were a part of the
14 application 17147 were approved by the Board,
15 but it did not make it onto the order. At the
16 end--

17 CHAIRMAN JORDAN: That didn't make
18 it onto the order?

19 MR. MORDFIN: Well it was not
20 reflected on the order. What Mr. Jackson
21 wrote was--excuse me just a second. I may
22 have misspoken, just a minute.

1 CHAIRMAN JORDAN: Uh huh. I
2 understand this is not your case, so. In
3 fact, in that case, there was a summary order;
4 it was a summary order, so there's no finding
5 in that case, and then I'm very reluctant to
6 accept that as precedence. On summary orders,
7 as you know, it's not providing that type of
8 basis of direction.

9 MR. MORDFIN: Oh, what Mr. Jackson
10 wrote is "OP noted that the provision of the
11 required on site parking was not reflected in
12 the previous approval conditions."

13 CHAIRMAN JORDAN: Okay. Nothing?
14 Our record does not indicate--I've been
15 advised by the Board Secretary, there's
16 nothing in our file that indicates a request
17 for parking relief.

18 MR. OBOLER: In this application?

19 CHAIRMAN JORDAN: Yes, nothing in
20 our file. You have something where you filed
21 with us that you had asked for the parking
22 relief?

1 MR. OBOLER: So we could--yes, in
2 our statement of the applicant, it goes into
3 great detail; it's the majority of our
4 statement of the applicant, and then this is
5 our actual application; do you want a copy of
6 that?

7 CHAIRMAN JORDAN: Yes.

8 MR. OBOLER: To be honest with you,
9 I'm not sure where I would find it on here,
10 but would it be listed on the application for
11 various special exception form? It's in our
12 statement of the applicant; it is the majority
13 of our statement of the applicant.

14 CHAIRMAN JORDAN: What about your
15 application?

16 MR. OBOLER: So I'm looking at the
17 application; where would it be reflected on
18 here? This isn't my--I don't do this
19 professionally.

20 CHAIRMAN JORDAN: Do we have a ZA
21 letter, or is this Self-Cert? It's a self-
22 cert? Put right in the middle, a paragraph

1 stating what action you want us to do?

2 MR. OBOLER: So the Broad Ranch
3 Children's House, located at 5608 Broad Ranch
4 Road, request the Board of Zoning continue its
5 approval of a special exception for the use of
6 the child development center on a permanent
7 basis. DBCH seeks approval for a maximum of
8 80 children on site at any one time and a
9 maximum of 12 staff members at center.

10 CHAIRMAN JORDAN: No parking
11 relief, right?

12 MR. OBOLER: It doesn't say that.

13 CHAIRMAN JORDAN: Okay. You know
14 what we're going to? This is what we're going
15 to do on this. Better safe than sorry; we're
16 going to continue this for 30 days, make a
17 request for a parking variance. In the
18 interim, I want to make sure we're clear about
19 where the law is regarding the parking
20 variance issue and the stacking, and we will
21 move forward in that direction.

22 [Off the record comments]

1 CHAIRMAN JORDAN: All right, so
2 give me a date 30 days out.

3 MR. MOY: All right, that would--
4 Mr. Chairman, that would be--let's--I'd move
5 it to the middle of July, for an abundance of
6 caution, and--

7 CHAIRMAN JORDAN: You want to move
8 it to that July--what are we looking at on the
9 23rd or the 30th date?

10 MR. MOY: Yes, July 23 is starting
11 to stack up, no pun intended. Let's go with
12 July 30, sir.

13 CHAIRMAN JORDAN: Also, there's
14 nothing in the file from the office of State
15 Superintendent of Education; I don't know--I'm
16 sure they received our letter, but they just
17 have not responded as required.

18 MR. MORDFIN: They came out for an
19 inspection two weeks ago.

20 CHAIRMAN JORDAN: Okay. They
21 haven't provided anything in our records, so
22 you might want to prod them.

1 MR. OBOLER: Okay.

2 CHAIRMAN JORDAN: Well, not prod
3 them, but call up and ask them nicely to get
4 it in for us. Okay, so we'll move this to
5 July 30.

6 MR. OBOLER: Okay, and do we
7 reapply, or is--do we just show up on the 30th?

8 CHAIRMAN JORDAN: Well, I'll tell
9 you what, why don't we have--make sure that
10 you get back in contact with Office of
11 Planning and have conversation with them, but
12 I think it's probably safe--I think you will
13 be required to make a request for a parking
14 variance. Just--you would just amend your
15 application, a simple letter saying we want to
16 amend our application for--to receive a
17 parking variance. I don't--since you said
18 you've already noticed a parking variance at
19 some time--

20 MR. HENRY: We discussed it at the
21 ANC.

22 CHAIRMAN JORDAN: You already

1 discussed it at the ANC?

2 MR. HENRY: And we discussed it
3 with DDOT. It was not until Mr. Jackson came
4 out last week--

5 CHAIRMAN JORDAN: But our file
6 doesn't have anything in it. I think we're
7 going to have to re-notice it. I'm safer with
8 re-noticing this application because our file
9 has nothing in it regarding that relief being
10 requested; yes, it's hidden--I wouldn't use
11 the word hidden--it is a statement in the
12 statement of the applicant, but that's not in
13 the application itself. And then you should
14 contact the ANC again, and just make sure--
15 it's better to do these things right than to
16 cut corners and get things done.

17 MEMBER COHEN: Thank you, Mr.
18 Chairman. I would just also state that there
19 are a number of letters from neighbors in
20 opposition to this particular project, and I
21 know that you have addressed some of the
22 issues, but take a look at the most recent

1 letters that we got, maybe yesterday, and make
2 sure that you have this compelling case, and
3 maybe talk to them directly and see if you can
4 come up with a resolution to their concerns.
5 Some of it may be better landscaping as an
6 example.

7 MR. OBOLER: Okay, thank you very
8 much.

9 CHAIRMAN JORDAN: All right. Very
10 good. And with that, let's move to the next--
11 let's take a five minute break, please.

12 [Off mic comments]

13 CHAIRMAN JORDAN: No, you won't,
14 because we're not going forward with this
15 hearing. They're being required to kind of
16 start all over again.

17 [Off mic comments]

18 CHAIRMAN JORDAN: Yes, you have an
19 opportunity--because the process is starting
20 over again.

21 [Off mic comments]

22 CHAIRMAN JORDAN: Yes.

1 [Off mic comments]

2 CHAIRMAN JORDAN: Well, the
3 applicant needs to do what's required, with
4 the proper notice to the public, because if
5 it's raised and we're not comfortable with
6 what's noticed, then they stand the
7 opportunity of not moving forward. So, dot
8 your i's, cross your t's; it's best to be on
9 the safe of caution. Public disclosure in
10 anything that you do. Now let's take five
11 minutes, please.

12 [Whereupon, the proceedings were
13 recessed from 10:56 a.m to 11:04 a.m.].

14 CHAIRMAN JORDAN: All right, Mr.
15 Moy, whenever.

16 MR. MOY: Yes, sir. Thank you,
17 sir. The--I believe the last application for
18 the day is application 18553; this is the
19 application of Hashim Hassan, and this for a
20 special exception relief under Section 353 at
21 MacArthur Boulevard, NW.

22 CHAIRMAN JORDAN: Okay, will the

1 parties please come to the witness table?
2 Well, let--I don't--am I missing something,
3 because I don't have a party request in
4 opposition; I have people in opposition. Is
5 that correct, Mr. Moy?

6 MR. MOY: That's correct.

7 CHAIRMAN JORDAN: No, if you will
8 wait, you will have the opportunity to voice
9 your concern. When we get to a part where
10 each of you will have three minutes, where we
11 ask for persons in opposition to come forward.
12 Stay with us just a little bit longer. Yes?

13 The ANC always is a party and you can come
14 sit if you wish, or sit back there, wait,
15 whichever, but we're glad to have you. Okay,
16 let's get this show on the road. Please
17 identify--make sure your microphones are on,
18 and please identify yourselves.

19 MR. HASSAN: Hashim Hassan.

20 CHAIRMAN JORDAN: Are you on?

21 MR. HASSAN: I'm sorry. My name is
22 Hashim Hassan, I'm the property owner at 4529

1 MacArthur Boulevard NW, and an applicant.

2 MR. GREIGG: Hi, my name is Michael
3 Greigg, I'm representing the Soe Lin and
4 Associates architects.

5 CHAIRMAN JORDAN: Okay. All right.
6 So you're representing yourself, then?

7 MR. HASSAN: Correct.

8 CHAIRMAN JORDAN: Okay. And let me
9 just for the sake of the record, for ANC 3D,
10 they filed an untimely report; however, we
11 will grant leave to accept that. You're self-
12 representation, okay. Let me ask you, have
13 you--well, you don't have the ANC report?
14 It's Exhibit 34. We--in fact, we need to
15 receive the ANC report in. Can we have
16 copies, please, Mr. Moy? I think it's 34.
17 No, we need copies of the ANC, because no one
18 has it up here, so. I mean it was submitted
19 with the file as Exhibit--you don't have it?
20 It's amazing. I mean Ms. Cohen you don't get
21 the floppy, I mean the--floppy, I'm dating
22 myself. Yes, but in my exhibit, that was

1 given with our 33, yes, it would come with the
2 flash drive.

3 [Off mic comments]

4 CHAIRMAN JORDAN: Okay, but let's
5 proceed. Is it Basson? Your last name?

6 MR. HASSAN: Oh, the last name is
7 Hassan, H-A-S-S-A-N.

8 CHAIRMAN JORDAN: Hassan, oh okay.
9 Oh, Hassan. I'm sorry.

10 MR. HASSAN: Sorry.

11 CHAIRMAN JORDAN: No, no, it's my
12 fault. We understand the relief that you're
13 requesting, and there's a lot of opposition to
14 it in regards to the height of the building,
15 the type of architecture that's used, the
16 setback and et cetera. So I need you to talk
17 about that for me.

18 MR. HASSAN: Sure.

19 CHAIRMAN JORDAN: But let me ask
20 you, have you--did you meet with the ANC, give
21 the ANC your proposal?

22 MR. HASSAN: Correct.

1 CHAIRMAN JORDAN: Did you meet with
2 the other neighbors and people on the street
3 and discuss this?

4 MR. HASSAN: I have. I have also
5 met with ANC Commissioner for the District,
6 Gayle Trotter, and the chairman, chairperson
7 for the ANC and the leading opposition at my
8 house prior to the ANC meeting. After the ANC
9 meeting, I've also requested some opposition
10 on an email invite to come to the house and
11 meet and trying to clarify any questions or
12 concerns. One thing I noticed from after the
13 ANC meeting, that there were some
14 misunderstanding or not full clarity on the
15 type of project that I was proposing. For
16 example--well, I also want, before I go any
17 further, if I can submit some letter of
18 support from a few of the neighbors--

19 CHAIRMAN JORDAN: Well let's
20 finish--we can do that later, but continue
21 with what we're doing here.

22 MR. HASSAN: Sure. So a few of the

1 neighbors who had signed the petitions, they
2 thought that I was removing the existing
3 landscaping and the stone wall to do this
4 construction, and then bringing the house,
5 bringing the new building--

6 CHAIRMAN JORDAN: Do we have those
7 pictures that you can refer to in the file for
8 us?

9 MR. HASSAN: The site plan you
10 have, and then some of these pictures are
11 already in there.

12 CHAIRMAN JORDAN: Just give me a
13 second, let me see if we can--I want to be
14 sure to try to follow you because you know,
15 that's kind of hard to see from here.

16 MR. HASSAN: Correct.

17 CHAIRMAN JORDAN: And I don't see
18 any of those pictures in the file.

19 MR. HASSAN: Sure.

20 CHAIRMAN JORDAN: I'll tell you
21 what, you know, it might be possible, let's
22 put this on--move it, bring it down here, put

1 it on the easel, let's move these pictures if
2 you would, because of the importance of your
3 saying there's a misunderstanding, let's--
4 you'll see the camera down somewhere right--
5 there's an easel, and then there's a camera,
6 so that we all can be looking at the same
7 time. Okay, you need to bring the easel this
8 way, bring it over to the camera that's in
9 front of Mr. Moy. Yes, but can we--Mr. Moy,
10 is there a way we get the big overhead showing
11 the picture? Oh you made copies? Then yes,
12 let's have those. And let me have another set
13 since--tell you what I'm going to ask you to
14 do. Give it--would you hand it to the person
15 sitting to the left, just so they don't have
16 to strain their eyes? Let them have a copy of
17 it, please? I just wanted you to be able to
18 follow along.

19 [Off the record comments].

20 CHAIRMAN JORDAN: Okay, that's not
21 working?

22 MR. MOY: The tech staff is looking

1 into it; if that doesn't work, then I'll just
2 pass the board to--

3 CHAIRMAN JORDAN: Okay.

4 MEMBER COHEN: That's what I think
5 we should do.

6 CHAIRMAN JORDAN: Yes, I guess
7 that's what we're going to have to do, then.
8 Okay.

9 MR. HASSAN: Do you want me to
10 present--

11 CHAIRMAN JORDAN: Yes, there is a
12 wireless mic--it's not working? Okay, the
13 other is not working. Okay.

14 MR. HASSAN: I can speak loud.

15 CHAIRMAN JORDAN: No, no, you need
16 the wireless mic.

17 MR. HASSAN: Okay.

18 CHAIRMAN JORDAN: You can stand and
19 show us, but we're going to need you to--

20 MR. HASSAN: Sure.

21 CHAIRMAN JORDAN: --because the
22 Board can't use, and these pictures you gave

1 us are not those pictures, so.

2 MR. HASSAN: Okay.

3 CHAIRMAN JORDAN: All right, I'm
4 going to ask you to do this. Bring the
5 pictures down, because I'd rather for the
6 Board--because the Board can't see without
7 that one being on. And those pictures that
8 they--well, hold it. Hold it. This is ugly.
9 No, but I want to make sure that other people
10 can see. I'll tell you what. Bring the board
11 down, we'll just stand up and take a look at
12 it. Bring the easel.

13 [Off the record comments]

14 CHAIRMAN JORDAN: Push it back,
15 come back just a little bit so--right there.
16 All right, let's talk about what you're
17 showing to us.

18 MR. HASSAN: Sure. Generally, this
19 is the MacArthur Boulevard, Q Street; I'm the
20 property right here at the corner with the red
21 dot. There's a public alley in the back--

22 CHAIRMAN JORDAN: So for the

1 record, we're describing an aerial view where
2 you've designated on that one I guess property
3 within 200 feet?

4 MR. HASSAN: Correct.

5 CHAIRMAN JORDAN: Okay. And it's
6 an aerial view, okay.

7 MR. HASSAN: Correct. I--and this
8 is the view from Q Street neighbors, so let's
9 say we are one of these houses looking at my
10 property, this is Q Street looking at
11 MacArthur, this is the back of my garage and
12 the existing tree scape, and these are the
13 existing apartment buildings in the perimeter.
14 This is the corner of Q and MacArthur, one
15 existing large building with a surface parking
16 lot in the back, and I'm right here, so to my-
17 -if I'm looking at this view to my right, it's
18 an apartment building; across the street is a
19 large apartment building with a surface
20 parking lot, and then also directly across the
21 street is a large apartment building, four
22 stories, red color, with a surface parking

1 lot. And then I have two houses, and then six
2 townhouses which are actually a multi-family
3 12-unit building, and then some single family
4 houses and multi-family apartment buildings.

5 MEMBER COHEN: And what's across
6 the street from the townhouses next to the
7 apartment house?

8 MR. HASSAN: Right here?

9 MEMBER COHEN: Yes.

10 MR. HASSAN: These are also multi-
11 family apartment buildings; they are about
12 between four and eight unit buildings, and all
13 red brick and various architectural design.

14 CHAIRMAN JORDAN: For the record,
15 you're showing both sides of the street of
16 MacArthur Boulevard; is that correct?

17 MR. HASSAN: Yes. So I'm right
18 here now, and then this building is right
19 here, directly across the street on Q and
20 MacArthur, and then this red brick building is
21 also directly on the same corner of Q and
22 MacArthur, this large block, and they are both

1 a three story plus the basement, about 35 to
2 40 feet high, red brick. And here I'm showing
3 the Q Street, so I'm standing at MacArthur
4 looking at Q Street, and my house is on the
5 right side; we're behind the landscape. And
6 this perimeter landscape is an evergreen, and
7 they're about 15 to--anywhere from like 12 to
8 about 15 to 20 feet high.

9 MEMBER COHEN: And will they
10 remain?

11 MR. HASSAN: They will remain, and
12 I'm showing that on my site plan that they
13 will remain, and you can barely see the top of
14 my chimney from a street scape. Now the Hardy
15 Rec Center and the tennis courts are, if you
16 continue up on Q, they are right behind there.
17 So this is the view that I'm showing. Now
18 this view is standing at the tennis courts,
19 and Q Street single family houses looking down
20 towards my lot on Q, and the MacArthur
21 intersection. So this building is right here,
22 and that building is right there, so the

1 camera is from this angle.

2 So what I'm trying to show here is
3 the view from Q Street looking at MacArthur
4 Boulevard; the chances of seeing my
5 development is very unlikely, but I'm sure it
6 will be visible, but existing tree scape
7 provides a lot of privacy. And this picture
8 here, it's--

9 MEMBER ALLEN: I just want to be
10 clear. So on--this is your--

11 MR. HASSAN: Correct.

12 MEMBER ALLEN: --property?

13 MR. HASSAN: Where the black car
14 is, and the garage.

15 MEMBER ALLEN: Thank you.

16 MR. HASSAN: Now okay, here's the
17 view from MacArthur looking towards, I guess
18 towards east. So here's my property; on my
19 site plan I'm showing an existing elm tree,
20 which is going to remain. That elm tree is
21 over 50 feet, and my proposed building will
22 come up to maximum of 37 feet, so it will be,

1 again, it will not be very visible. And then
2 the perimeter landscape will remain. And then
3 other things I wanted to bring up is that
4 after talking to a lot of the neighbors, some
5 of the concerns that they have brought up is
6 this particular curb cut.

7 I have an existing curb cut leading
8 into a private garage, as you can see from the
9 picture there, two cars here. Now, kids are
10 here at the tennis courts and the rec center,
11 and they are coming down the hill on Q Street
12 going towards MacArthur back to their houses.
13 There may be, you know, kids on bikes and
14 scooters and things like that, so from the
15 safety perspective, having a curb cut is not
16 an ideal, even though it's an existing. I as
17 the, you know, good neighbor, and just to be
18 on the safety side, I have proposed to
19 eliminate that curb cut, so now my parking is
20 going to come everything from the street,
21 public space, public alley in the back.

22 So I have four parking spaces, and

1 they are four legal spaces, and I'm shy of
2 literally about six inches from additional
3 fifth space. So theoretically, there could be
4 five spaces on site, and that's not counting,
5 you know, people do park in the public space
6 because it's a corner lot; even my existing
7 driveway is in a public space. I'm not even
8 counting that, and what I'm going to be doing
9 is to do some additional landscaping so this
10 view will be even more dense with trees so
11 people--my neighbors on Q Street will have a
12 very, very limited view of my project.

13 MEMBER COHEN: Are you keeping the
14 retaining wall?

15 MR. HASSAN: Yes. That was one of
16 the--you know, some of the people that were
17 opposing and signed the petitions, they were
18 under the impression that this retaining wall
19 was being removed, and the tree scape was
20 being removed, and they were also under the
21 impression that my building was going to be up
22 against MacArthur on the bus stop, and that is

1 not the case. The sidewalk--on the site plan,
2 I'm showing a building, it's set back at least
3 about 33 feet from the sidewalk, and it is
4 going to be at the same location where the
5 previous existing building is. I'm not
6 changing anything in the front; everything is
7 going to remain the same. A few of the
8 neighbors that I've talked to, and I have
9 letter of support from them, they are
10 delighted to see that this public safety will
11 be improved, and then it will be safer for the
12 kids and the pets to walk down on the
13 sidewalk. And then also by maintaining this
14 landscaping will help improve the visibility
15 and attractiveness of the corner property.

16 MEMBER COHEN: Sorry. Remind me
17 how much higher you're going on your current
18 property.

19 MR. HASSAN: Sure. It is R5A; I'm
20 not asking for any zoning relief. I meet the
21 height requirement, I meet the site set backs
22 on the site yard in the back yard, and I meet

1 the parking requirement, I meet the FAR--

2 CHAIRMAN JORDAN: So the record
3 indicates that it's going to be 37.5 feet?

4 MR. HASSAN: Correct.

5 CHAIRMAN JORDAN: And in the R5, 40
6 feet is the maximum height?

7 MR. HASSAN: 40 feet, correct. Now
8 also the other thing about my property is that
9 I will be at the 37.5 feet at the very peak;
10 in the back, where if I'm looking at the back,
11 I'm only 24 feet. So 37, and then it scales
12 down to 24 feet in the back. So here's where
13 the cars will be parked, so if I'm looking at
14 the view from Q Street neighbors looking back
15 at my property, the first thing they will see
16 is the trees, and then whatever they can see
17 above the trees will be 24, and then 37. So
18 it scales up.

19 CHAIRMAN JORDAN: How much parking
20 is it providing?

21 MR. HASSAN: I'm providing four
22 spaces, and I'm proposing four units; one of

1 them I'll be occupying as my residence. The
2 other people, as I begin to talk to the
3 neighbors, but I came a little bit later, and
4 neighbors have already organized and signed
5 the petitions. But now that they have a
6 clarification on what is truly happening, they
7 were not--they rescinded, they say they have
8 no objection; however, the petitions have
9 already been signed.

10 For example, like people on Foxhall
11 area, which is outside the 200 feet radius, in
12 fact Foxhall is close to 2000 something feet
13 from the property, they thought that I would
14 be--they thought a multi-family four unit,
15 they thought there would be a student housing
16 rentals, and that it would increase the
17 student population in the neighborhood, and
18 that is not the case. It is actually, it's
19 going to be one residence will be my
20 residence, and then three will be for sale.

21 MEMBER COHEN: For sale?

22 MR. HASSAN: Correct.

1 MEMBER COHEN: What's the size of
2 the apartments?

3 MR. HASSAN: Sure. The three for
4 sale are about 1200 square feet, two bedrooms,
5 two and a half bath, and then my unit will be
6 the top two floors, and that will be about
7 2400 square feet. How I came to this property
8 was, you know, there's a rec center there, I
9 go to the rec center with my son to play
10 basketball and so on, and this was on the
11 market for about three or four months for
12 sale, and no action, nobody was buying; every
13 time we see the sign again and again, and we
14 ended up buying it. And it is zoned for it,
15 and that's why I went ahead and purchased it.
16 I'm not asking for a rezoning or anything.

17 MEMBER COHEN: And the materials on
18 the building, are--they're much the same as
19 what exists across the street, that red brick?

20 CHAIRMAN JORDAN: That red brick?

21 MR. HASSAN: Correct, yes.

22 Initially, my neighbors had a--my very initial

1 design was more modern, because it was not--
2 there's no design restrictions on that block
3 of MacArthur. I had proposed a dry bed stucco
4 with brick and glass, but then as soon as the
5 neighbors had a concern on my design being too
6 modern, I proactively changed it immediately
7 into more in line with the red brick. If you
8 look at these buildings, they're all red--

9 CHAIRMAN JORDAN: So you had
10 another design that was before?

11 MR. HASSAN: And that was done in
12 the very first meeting, but then by the time
13 we went to the ANC and so on, this design has
14 been presented. This red brick with the
15 darker color frame windows, just like most of
16 the buildings in the surrounding MacArthur
17 Boulevard and up and down.

18 CHAIRMAN JORDAN: Does the Board
19 have any other questions they would like to
20 ask the applicant? Does the Board have any
21 other questions? Ms. Allen?

22 MEMBER ALLEN: Thank you, Mr.

1 Chairman. Could you just explain the egress
2 and ingress for me? I see the four parking
3 spaces, and then the units are like that,
4 right?

5 MR. HASSAN: Correct.

6 MEMBER ALLEN: So would you walk
7 around or through the back? It's just hard
8 for me to see--

9 MR. HASSAN: Sure. I'm a corner
10 property--

11 MEMBER ALLEN: Right.

12 MR. HASSAN: So one of the units is
13 going to come from MacArthur Boulevard, and
14 then three of the units will come from Q
15 Street, including my unit. So Unit number one
16 is going to come from--

17 CHAIRMAN JORDAN: Do you have the
18 Q Street entrance shown somewhere?

19 MR. HASSAN: Correct, on the site
20 plan.

21 CHAIRMAN JORDAN: Okay, we have
22 that in the files.

1 MR. HASSAN: Correct. So this will
2 help--so this is Q Street right here, so I
3 have three units coming from Q Street, parking
4 in the back; they will park here, people will
5 just come up the sidewalk and go to the units.

6 MEMBER ALLEN: Thank you.

7 CHAIRMAN JORDAN: Board, any other
8 questions? Let me ask you to do this. If you
9 would take the easel with the poster, keep it
10 up, but put it towards the end and face it so
11 that the audience can see it, please.

12 MR. HASSAN: Sure.

13 CHAIRMAN JORDAN: And then if you
14 can take your seat again, please. Any other
15 questions from the Board? Is there anything
16 else that you think you need to present to the
17 Board regarding support of the--take your
18 seat, please. Is there anything else that you
19 wish to present to the Board in your
20 discussion?

21 MR. HASSAN: Sure. I've also met
22 with the ANC and letter of ANC is attached.

1 At the ANC meeting, Foxhall Civic Association
2 came and opposed. Foxhall again is a little
3 bit further away from this 200 feet radius;
4 they are 2000 some feet away from--

5 CHAIRMAN JORDAN: They're 2000?

6 MR. HASSAN: --minimum 2000--well,
7 they're over 200--I would say 2000 to 2500
8 square feet away. I've also met with the
9 Palisades Citizens Association, where I'm in
10 the Palisades neighborhood, and they have
11 voted to stay neutral. They are not
12 supporting, they are not also opposing. And
13 to the best of my knowledge, my immediate
14 neighbor directly next to me hasn't signed the
15 petition. And I have tried to address the
16 five concerns that my neighbor has brought
17 that my neighbors are concerned about. The
18 height being too tall; it's only 37 feet, 37.5
19 feet at the max, and it's below the height.
20 Modern design, I have already changed it to
21 more in line with the brick and existing
22 structures. If they are concerned about the

1 traffic increase, and I mentioned I'm
2 eliminating the curb cut and it's safer for
3 the community, and also I am providing four
4 legal spaces, so it is--I'm not asking for a
5 parking waiver. And then MacArthur bus stops,
6 crowing MacArthur bus stop, and that's an
7 existing bus stop; I'm not doing anything to
8 the MacArthur bus stop.

9 So these show that I have been
10 proactively meeting the concerns of the
11 neighbors. I do want to be in harmony; I also
12 have more than required minimum site yard
13 requirements for light and air of my neighbor,
14 so if you look at the site plan, the existing
15 property is within five feet of the property
16 line; my proposed new building is going to be
17 nine and a half feet at the closest end, and
18 then 17.5 feet at the back. So requirement
19 only is eight feet, so which will allow for
20 plenty of light and air, and then also room to
21 do some tree scapes and landscaping and so on.
22 And I have the letter of support from

1 neighbors in Palisades and a neighbor on
2 Foxhall that I'll be submitting.

3 CHAIRMAN JORDAN: If you want to
4 submit those, we will take those letters,
5 please.

6 MR. HASSAN: Sure. Do I do it now?

7 CHAIRMAN JORDAN: Yes. Hand them
8 to Mr. Moy, please. To Mr. Moy. Board, any
9 other further questions of the applicant?
10 Then let's turn to Ms. Elliott from Office of
11 Planning.

12 MS. ELLIOTT: Good morning, Mr.
13 Chairman, members of the Board. For the
14 record, I'm Brandice Elliott, representing the
15 Office of Planning. The Office of Planning
16 does support the applicant's request for a
17 special exception under Section 353. The
18 proposed building does comply with all
19 development requirements, including height,
20 setback, FAR and parking. The neighborhood on
21 MacArthur Street is characterized by a variety
22 of different types of residential, including

1 larger multi-family developments, as well as
2 the detached, single family dwellings.
3 Because there is--the two developments
4 adjacent to this property, across the street
5 on MacArthur, and then also across the street
6 on Q, they're actually larger, multi-family
7 developments. We feel that this smaller,
8 multi-family development consisting of only
9 four units is actually compatible with the
10 neighborhood. So for that reason, we are
11 recommending approval, and I'd be happy to
12 take any questions you may have.

13 CHAIRMAN JORDAN: Board, questions
14 of Ms. Elliott? Ms. Cohen?

15 MEMBER COHEN: Ms. Elliott, the
16 zoning allows a structure up to 40 feet, and
17 my question is that I think one of the
18 opponents claims that this is 43 feet as
19 opposed to what is stated in your review, that
20 it's 37.5 feet. So are we measuring from the
21 same point? Where are you measuring from?

22 MS. ELLIOTT: The top of the--the

1 ceiling height is actually measured to the top
2 of the--well, the ceiling. So there can be
3 some embellishment above that, but the ceiling
4 height is where we're measuring to. And
5 whether--if this structure--whether it's a
6 single family detached dwelling or a multi-
7 family dwelling, this would comply with the
8 current requirements for building height.

9 MEMBER COHEN: When you visited the
10 property and you sort for various angles,
11 let's say on Q Street, was the foilage
12 sufficient that most of the property was
13 hidden behind it?

14 MS. ELLIOTT: There is actually
15 considerable landscaping on this property, and
16 actually one of our conditions, one of our
17 recommended conditions is that the applicant
18 continue to work with Urban Forestry and
19 maintain the landscaping that is on the
20 property, but we do feel that the existing
21 trees, the elm and the evergreens would
22 actually be sufficient in screening this

1 development.

2 MEMBER COHEN: Thank you very much.

3 CHAIRMAN JORDAN: Any other
4 questions for Ms. Elliott? Does the applicant
5 have any questions for Ms. Elliott?

6 MR. HASSAN: No, thank you.

7 CHAIRMAN JORDAN: Is anyone here
8 from the Department of Transportation? We do
9 have a letter of no objection to your
10 application filed by the Department of
11 Transportation. I'm going to ask for a
12 representative from ANC--is it 3D, to come
13 forward, please and provide us--please provide
14 your name for us, please? No, there--push the
15 button.

16 MS. PAGANO: There, now we're on.

17 CHAIRMAN JORDAN: Yes, thank you.

18 MS. PAGANO: Good morning, Mr.
19 Chair, members of the Commission. My name is
20 Penny Pagano, and I'm currently the chair of
21 Advisory Neighborhood Commission 3D. You have
22 our letter in front of you, and I wanted to

1 give you just briefly, I thought I'd frame a
2 little bit of why we took the action we did
3 and how we responded to the neighbors'
4 concerns. And I thought I could do it very
5 briefly if I did it in three ways: the
6 location, the height and the density, and then
7 the change from a single family to a multi-
8 family property.

9 This is an odd location, this
10 corner. It's a T intersection, and there are
11 multi-family houses all around it. This one
12 little section of land where this house is
13 located and the two adjoining one sits up on
14 a rise for some reason, which is very
15 different than the rest of MacArthur Boulevard
16 as you approach this. It's like there was an
17 old hill there that just stayed for some
18 reason. So the three houses that are there,
19 which are old and in character, very much in
20 character with the neighborhood, rise up, and
21 you've seen by the photographs the wall that's
22 there and then the fairly dense shrubbery that

1 surrounds the property. So location is kind
2 of unique for that little part of MacArthur
3 Boulevard.

4 So I think the concern for the
5 neighbors, which was reflected in our
6 decision, is that you start then building this
7 from a higher level up; even with the
8 screening, it becomes just a different--you're
9 not starting from the sidewalk where a lot of
10 the other properties are. So I think that
11 gave a concern, and so that brings, while
12 you're still within the 40 foot range, it does
13 bring the height up a lot for that corner of
14 the neighborhood.

15 And then the density is four units
16 opposed to a single family home there; the
17 three homes that are there are fairly
18 compatible with each other; they've been there
19 for a long time, and I think there's some
20 concern in the neighborhood that with
21 something like this, that the other homeowners
22 are going to feel far more vulnerable that

1 this will just start the change and start
2 taking away the older homes that have remained
3 within a block or so of MacArthur Boulevard,
4 and I think you'll hear the neighbors speak to
5 that. So I think that that has generated
6 concern about changing from a single family
7 home to a multi-family home.

8 So, those were the points I think
9 that the ANC had, and that from someone who's
10 been there, and I've been with Mr. Hassan and
11 know his work, and it's just these are the
12 characteristics of the neighborhood that I
13 think are worrying people a little bit about
14 being a tipping point for some of the older
15 homes in MacArthur Boulevard to start the
16 change and things like that. So, those were
17 the points I wanted to make.

18 CHAIRMAN JORDAN: Appreciate it.
19 You know, let's talk about the character of
20 the neighborhood. When I first read the
21 opposition and the petition of 115 people and
22 all the reasons, and let me help you also. In

1 your letter, if you could next time from the
2 ANC, if you could explain your opposition a
3 little better so that we're forced to then
4 respond to your--if any decision that we make
5 that might be contrary, because your letter
6 right now just kind of says well, we want to
7 go with the neighbors and disagree with it.
8 Just advice.

9 MS. PAGANO: Good advice.

10 CHAIRMAN JORDAN: But regarding
11 the character of the neighborhood, when I
12 first read these things, I'm going oh my gosh,
13 this is terrible, this is going to put up a
14 multi-family in a single family neighborhood
15 area, but going through the evidence that's
16 actually been presented, it appears in this
17 general area, especially within 200 feet and
18 further, that it's more multi-family homes
19 going down MacArthur Boulevard than I've seen
20 single family homes. In fact, right next door
21 to the third house--I guess is it south, would
22 that be southeast--southeast--

1 MS. PAGANO: Going towards the
2 city.

3 CHAIRMAN JORDAN: --there's a
4 multifamily home; across the street there's--
5 multi-family building, excuse me. Across the
6 street, multi-family; cat-a-corner from this
7 property is multi-family; down the street, I
8 tried to look at and take a look at the
9 pictures, and et cetera, and it's more multi-
10 family. But you said the character of the
11 neighborhood, and that's what concerns me. I
12 think at some point, the character changed,
13 and it--so that's kind of my question to you.
14 Isn't it more multi-family on this street, on
15 that block, than it is single family?

16 MS. PAGANO: It is if you go around
17 the corner to Q Street, the side street where
18 the parking lots are, and the park is across
19 the street, then that is all single family.
20 Along MacArthur in that area, there are
21 apartment buildings all around that T
22 intersection there.

1 CHAIRMAN JORDAN: Any other
2 questions?

3 MS. PAGANO: And townhouses I would
4 say.

5 CHAIRMAN JORDAN: Okay. Does the
6 applicant have any questions of Ms. Pagano?

7 MR. HASSAN: No, thank you.

8 CHAIRMAN JORDAN: Good. Well we
9 really appreciate you coming down and giving
10 your testimony; we always like to have ANC
11 commissioners come in and actually--so we can
12 talk and have dialogue and get the concerns.
13 We thank you very much.

14 MS. PAGANO: Thank you very much
15 for your time.

16 CHAIRMAN JORDAN: Anyone wishing to
17 speak in support of the application? Anyone
18 wishing to speak in support of the
19 application? Anyone wishing to speak in
20 opposition, please come and take a seat at the
21 witness table. Have you all been sworn in and
22 prepared the witness cards and--all right,

1 thank you; I'm going to have to have the Board
2 Secretary--

3 MR. MOY: Do you solemnly swear or
4 affirm that the testimony you're about to
5 present in this proceeding is the truth, the
6 whole truth, and nothing but the truth? Thank
7 you.

8 CHAIRMAN JORDAN: All right, please
9 identify yourselves. Well let's do this, you
10 can identify yourselves as we go down the
11 line. You have up to three minutes, and
12 there's a clock that will time you. You don't
13 have to use all three minutes, but you have a
14 maximum of three minutes to provide testimony.
15 So let's start left to right, please. Who's
16 speaking--yes, I don't--are all four of you
17 wishing to speak?

18 WITNESSES: Yes.

19 CHAIRMAN JORDAN: Okay, then
20 whichever order you wish to speak, as long as
21 you identify yourself for the record; make
22 sure the microphone is turned on.

1 MS. STAROBA: Am I on?

2 CHAIRMAN JORDAN: Yes, there you
3 go.

4 MS. STAROBA: Okay. Thank you. My
5 name is Arden Staroba. My husband and I have
6 lived at 4503 MacArthur, which is just a
7 little bit past your 200 yards, for 45 years.
8 This is the first time that anyone has
9 proposed tearing down a remodeled and in good
10 condition house on our block. Although you
11 point out that there are more apartment
12 buildings than single family homes, one of the
13 points we want to make is that we want--we're
14 out of balance, and we want to keep the houses
15 we've got. It is also true that the houses
16 we've got, for instance, my house was built in
17 the late 1890's, and the houses right around
18 it were built up to 1930. So although they're
19 not designated historic, they are historic
20 houses.

21 We object to the change of use from
22 a single family to an apartment building, and

1 so we put out a petition. We now have 126
2 signatures on that petition, and we have more
3 coming in every day. Mr. Hassan mentioned
4 that he had talked to some neighbors, but he
5 has I believe given you three letters from
6 neighbors; we have 126 and more coming, and
7 they are vociferous. We object to his
8 building the apartment building because it
9 will change the character of our neighborhood.
10 Thank you.

11 CHAIRMAN JORDAN: All right, thank
12 you. Next please.

13 MR. BEMIS: Is this on?

14 CHAIRMAN JORDAN: Yes, it's on.
15 And your name, please?

16 MR. BEMIS: I'm Gerald Bemis, and
17 I own the property and reside at 4519
18 MacArthur Boulevard--

19 CHAIRMAN JORDAN: I'm sorry, I've
20 been remiss. Does the Board have any
21 questions of Ms. Staroba? Staroba?

22 MS. STAROBA: Staroba, uh huh.

1 CHAIRMAN JORDAN: And does the
2 applicant have any questions of Ms. Staroba?

3 MR. HASSAN: No, I do not. Thank
4 you.

5 CHAIRMAN JORDAN: I'm sorry; now if
6 you would, Mr. Bemis.

7 MR. BEMIS: Back to me. So, Gerald
8 Bemis, and I reside and own the property at
9 4519 MacArthur Boulevard, two houses from the
10 proposed project. You know, we're talking
11 about the character of the neighborhood, and
12 I think without seeing it, a description, it
13 doesn't really give you the atmosphere of
14 what's going on here. The apartment buildings
15 that are there, existing, have been there for
16 a long time. The houses that we're talking
17 about here, like my house was built in 1927.
18 You reference the townhouses there; you know,
19 they describe them as multi-family, but that's
20 not their appearance. Their appearance is
21 private townhouses. So we have all the row of
22 the houses where their houses are, the

1 townhouses; then we have my house next to the
2 townhouses, and then we have the next house,
3 and then the house in question. So indeed it
4 is all houses aligned.

5 And as far as all the apartment
6 buildings, the apartment buildings that were
7 referenced across from the townhouses are not
8 really apartment buildings; they're garden
9 apartments. They're merely two story. So
10 there's really a totally different complexion
11 that seems to be presented as the atmosphere
12 of what's going on on MacArthur Boulevard.

13 It was referenced that no petition
14 was signed by the party living directly next
15 to the house. No, I guess they did not sign
16 the petition; they're both in the hospital and
17 have been for several months. I'm sure that
18 if they found out that an apartment building
19 was being built right next to their house,
20 happy they would not be. And what is that
21 going to do to our property values? Then we
22 have the townhouses, then we have my house,

1 and then we have a house next door, the
2 Chevaliers, stuck between--with an apartment
3 building towering over the top of the
4 Chevaliers' house.

5 This can do nothing but destroy our
6 property value; this could do nothing but to
7 change and bring down the atmosphere, the
8 charm and part of--what's part of what we're
9 trying to hold on to here, houses, old houses.
10 That's what MacArthur Boulevard is known for.
11 And I'm putting a lot of work into my house,
12 because--

13 CHAIRMAN JORDAN: What's your
14 address again?

15 MR. BEMIS: 4519 MacArthur
16 Boulevard.

17 CHAIRMAN JORDAN: Okay.

18 MR. BEMIS: Because I want this
19 nice. I want it for me, and I want it for
20 MacArthur Boulevard. On a separate issue,
21 we're talking about the parking for this house
22 and providing four parking spaces. Just

1 because there are four residences in this
 2 building does not mean there are only four
 3 cars needed. So this could be additional
 4 cars, then there will be guests coming by.
 5 The parking, there is no parking all day long
 6 on MacArthur Boulevard, so forget that--one
 7 side is rush hour restrictions; the other side
 8 is only like--there's only a maximum of five
 9 spaces, which are already used. The side
 10 street is Q Street. Q Street runs from
 11 MacArthur to Foxhall Road; it is all private
 12 single family homes; parking there is next to
 13 impossible.

14 CHAIRMAN JORDAN: Okay, I'm going
 15 to ask you to--

16 MR. BEMIS: Where is everybody else
 17 going to park?

18 CHAIRMAN JORDAN: Okay, and that
 19 would have to be your parting words; we really
 20 appreciate you coming down.

21 MR. BEMIS: My three minutes.

22 CHAIRMAN JORDAN: Well, you're

1 actually over it, but that's okay.

2 MR. BEMIS: Oh, well thank you.

3 CHAIRMAN JORDAN: We let you go a
4 little bit over, but we appreciate it. Next,
5 are there any questions from the Board? Yes,
6 uh huh.

7 MEMBER ALLEN: I guess I just have
8 one question, Mr. Hassan--

9 CHAIRMAN JORDAN: No, not to Mr.
10 Hassan.

11 MEMBER ALLEN: No, no, no. I'm
12 just referring to him--indicated that there
13 would be lots of landscape; there's mature
14 trees that are around the area; that it's
15 going to be pretty difficult to even see the
16 structure, and I'm just--it seems that just
17 looking at the pictures and the trees that are
18 already there, and he's said that those will
19 not be removed, that it's actually going to be
20 kind of difficult to see this, so I'm just
21 wondering does that change your opinion at
22 all, or--

1 MR. BEMIS: No, it does not. The
2 trees you're referencing, they're lovely;
3 they're on Q Street, and they do block a lot
4 of the property. However, between 4529 and
5 4525, this is not the same situation. This is
6 where the apartment building is going to be
7 adjacent to the house, where the people--

8 MEMBER ALLEN: Where the people are
9 in the hospital--

10 MR. BEMIS: --and they can't defend
11 themselves. So that's--it's not the same
12 situation.

13 MEMBER ALLEN: Okay. I just
14 wondered if you had though about that.

15 MR. BEMIS: Oh yes, I have.

16 MS. STAROBA: May I add a comment?

17 CHAIRMAN JORDAN: No, you can't.
18 No, you cannot. Mr. Hassan, do you have any
19 questions you'd like to ask?

20 MR. HASSAN: No, I don't. Thank
21 you.

22 CHAIRMAN JORDAN: Then let's go to

1 our next witness, please.

2 MS. HAAS: My name is Ann Haas, I
3 live right up the street from this building;
4 in fact, on the corner of Q and 45th. Q Street
5 is single family residential houses; we would
6 not like to see multi-family units march up Q
7 Street. I have a quick slide show to
8 introduce you to the neighborhood.

9 CHAIRMAN JORDAN: Whatever you want
10 to do in your three minutes is fine.

11 MS. HAAS: Right, okay. This is
12 the house; you've seen those shots. These are
13 the three-story apartments across the way,
14 this is Georgetown Day School that has 575
15 kids; we have lots of traffic on MacArthur
16 Boulevard. There's another apartment
17 building, also three stories. This is a
18 typical example, this is the one on the corner
19 of Q and MacArthur, two stories. Here are the
20 1925 houses adjacent to townhouses. These are
21 the five Victorians in a row. This is looking
22 down Q Street; this building occupies a corner

1 lot, and if it becomes a four-unit apartment
2 building, this will have a negative impact on
3 our neighborhood. We are scared. The word
4 vulnerable applies.

5 Marching up Q Street, these are the
6 single family homes that we have; these are
7 not fancy places, but they are stable. This
8 is Hardy Recreation Center, this public school
9 in the background is now leased to Lab School;
10 our public school system is fully subscribed,
11 over fully subscribed. I notice that there's
12 no comment from the Board of Education, and I
13 understand why. Hardy--sorry, Key, Man and
14 Stoddard are all bulging at the seams; Key's
15 been doubled in the last decade. Here's our
16 Hardy School, actually it's now the Lab
17 School. This is marching up Q Street; these
18 are again single family homes; this is the
19 quality of the neighborhood that we would like
20 to maintain, the character, looking down Q
21 Street from Foxhall Road.

22 Foxhall Road is two blocks away

1 from this building, the proposed building.

2 These are the new townhouses on MacArthur at
3 Foxhall; this is 45th Street. The interesting
4 feature of this house is that the upper right
5 hand side shows a second story that has been
6 so integrated to the floor plan, that it looks
7 as though it was meant to be. We have traffic
8 issues; the last DDOT study of traffic was in
9 2002. We've had 18,000 cars on Foxhall,
10 19,000 on MacArthur, 20,000 on Canal Road; we
11 are dealing with traffic issues.

12 We have parking issues, including
13 the Hardy Rec Center. Four units, four places
14 for an eight-bedroom building are not going to
15 work. Will those bedrooms accommodate two
16 people? Are we looking at 16 people on a site
17 that used to have one family? These are the
18 kinds of issues that we are struggling with,
19 and we ask for your support in preserving our
20 neighborhood.

21 CHAIRMAN JORDAN: Thank you. Does
22 the Board have any questions for this witness?

1 Yes, we will come back to the applicant. Does
2 the Board have any questions? Does the
3 applicant have any questions?

4 MR. HASSAN: No, thank you.

5 CHAIRMAN JORDAN: All right, good.
6 Thank you. Thank you for your presentation.
7 Next, please.

8 MR. STAROBA: My name is Frank
9 Staroba, I live at 4503 MacArthur with my
10 wife, Arden Staroba. I will try to summarize
11 what I think are our three essential points of
12 our objection. First is to the change of use.
13 The change of use is going to increase the
14 density of the neighborhood, and it is that
15 essential change of use against which 126
16 people have signed petitions. And Mr. Hassan
17 has quoted one neighbor on Foxhall who has
18 apparently is on his side, and there may be
19 two more, but two versus 126 does not suggest
20 a landslide of support in his favor.

21 The second point, and this
22 addresses Ms. Cohen's concern, is the height.

1 Now while 37.5 feet from grade up to ceiling
2 height gets him within the 40, if you look at
3 the building from MacArthur Boulevard, you see
4 that the grade begins at 5.5 feet; that gets
5 the total height up to 43 feet. That building
6 will be the tallest building on the corner,
7 and it will have the smallest footprint of any
8 building on the corner. So it's going to be
9 narrow and tall, and though a portion of it
10 will be hidden by the greenery, there's an
11 interesting question about how effectively he
12 can protect the greenery, since he has to tear
13 down the existing building and expose the
14 roots of the elm, expose the roots of the
15 surrounding hedge, and there's serious concern
16 there whether he can actually protect the
17 greenery that's there. Even if he does, the
18 two entrances, one on MacArthur and one on Q,
19 will expose the full front of the building to
20 any passerby. So you're still going to have
21 the effect of a towering building on the
22 corner.

1 The final question for us is the
2 purported goodwill that Mr. Hassan suggests.
3 It is true that he has changed the design and
4 moved from a starkly modern, stucco covered,
5 cheap style of construction to something that
6 is now facade with red brick and dark windows.
7 That's a move in the right direction, but on
8 three occasions, several via email, we have
9 talked about the possibility of getting
10 together to discuss a compromise, and on the
11 third of those occasions, live, just outside
12 a meeting, I suggested to Mr. Hassan when he
13 asked what we might be willing to agree to,
14 was that if he would build something that was
15 a max of two stories above ground rather than
16 three, we would find that acceptable.

17 And if a two story structure could
18 accommodate two dwellings or three dwellings,
19 maybe the ingenuity of his designer could
20 accomplish that, we'd be willing to talk about
21 that. But short of that, we are absolutely
22 determined to oppose what he's proposing. So,

1 I would seriously question his good neighbor
2 pose. The height is key concern, and the
3 primary concern is the change of use and the
4 threat that this is going to be the beginning
5 of a domino effect that will continue down the
6 block of MacArthur Boulevard and go up Q
7 Street, and then we are going to be a solid
8 urban canyon before you know it.

9 CHAIRMAN JORDAN: We thank you for
10 your testimony. Any questions from the Board?
11 Does the applicant have any questions?

12 MR. HASSAN: No, thank you.

13 CHAIRMAN JORDAN: Well good. Thank
14 you, thank you very much for your testimony.
15 Then let's turn back to the applicant for
16 rebuttal and follow up questions from the
17 Board, please. First let me give you the--let
18 me ask the Board if they have some questions
19 for you, then you can rebut some of the other
20 things that's been said. Yes, please.

21 MEMBER COHEN: Oh, thank you, Mr.
22 Chairman. I'd like to hear from the

1 architect, who's been very silent up to now,
2 because one of the things that I did notice is
3 that even though the proposed multi-unit
4 building takes some of its designs from the
5 existing properties nearby, especially 4503,
6 so I was wondering how in your mind you
7 integrated the design of the new building with
8 the existing, older buildings. I see some
9 similarities, so I just wanted to get your
10 feedback.

11 MR. GREIGG: Yes, I mean, there
12 obviously is some reference to the existing
13 buildings in the area, of trying to keep in
14 concert with what's already there, and
15 changing it to brick, we had no problem with
16 doing that. Trying to be, again, with Mr.
17 Hassan's direction, we're trying to be good
18 neighbors, and even though that the height of
19 the building is taller than what is there
20 currently, we've tried to step it back as you
21 come away from the street, and build it up in
22 both front and back as you come up the street

1 and down the street. And so, you know, we're
2 trying to keep that into consideration when we
3 put together the massing for that.

4 We've also tried keep the building
5 at the setback of where the existing house
6 was; we didn't push it up to the front of the
7 property, and again trying to keep it into
8 concert with what's going on in the street.
9 So that's sort of where we were coming from at
10 that point. And as far as the aesthetic
11 design, you know, we're trying to keep it in
12 context with what's already there, but we're
13 also trying to, you know, give it a little bit
14 of a fresh start. So some of the windows are
15 oversized, trying to get more light and air
16 into the tenants.

17 CHAIRMAN JORDAN: Okay. Any
18 additional questions? I did notice, Mr.
19 Hassan, that the letters of support are from
20 people who are not really in the area, and I
21 just wanted to--is that correct, what I'm
22 looking at?

1 MR. HASSAN: Correct. A petition
2 has been circulated, almost like a half a mile
3 or a mile radius of the neighborhood; a lot of
4 the petition signers are in Foxhall and
5 Reservoir, and all outside the 200 feet
6 radius--or not all, but majority of them, and
7 then I have submitted three homeowners, I
8 understand my neighbors here have 120 some
9 signatures; however, they're husband and wife,
10 two people per household. The reason why I
11 submitted the neighbor from Foxhall is because
12 Foxhall was a big opposition at the ANC
13 meeting, and I think it was in the ANC report
14 that the Foxhall Civic Association president
15 came and testified in opposition. And I
16 happened to be at the property, and I talked
17 to a neighbor, and he was jogging with his dog
18 from the rec center, and he said "I come here
19 all the time, and I have no objection, and in
20 fact, I'm in support because of eliminating
21 the curb cut." And that's the neighbor from
22 Foxhall.

1 And the other two neighbors are
2 Palisades Homeowners, so these are Palisades
3 neighbors, and one of the supporters used to
4 live in that six townhouses that are next to
5 the three houses from me; those were rental
6 multi-family 12-unit building with a surface
7 parking lot with three stacked parking spaces.
8 So he said "I used to live in one of the
9 townhouses, and what you are doing is actually
10 in line with what is there right now." And
11 when time came for him to buy a house, from a
12 rental house to home ownership, he chose not
13 to buy on MacArthur because he said "I want to
14 be in a more single family neighborhood." So
15 he went to Nebraska to buy. So--

16 CHAIRMAN JORDAN: Well let's--let
17 me kind of get to where--is there anything
18 else that you want to present to the Board on
19 this?

20 MR. HASSAN: Other thing is that
21 Ms. Haas mentioned that marching up on Q
22 Street, and Ms. Pagano also mentioned that our

1 block, corner block is on a little bit of a
2 higher hill. If you look at the view from Q
3 Street going up towards the rec center and
4 Foxhall Road, it isn't uphill. So neighbors
5 on Q are actually over eight, nine, 10 feet,
6 and they are also walking about eight, nine
7 feet higher. So if you are looking at the--
8 from the street level, their houses are about
9 40 some feet taller, looking back down to Q
10 Street, and then--so that's something I just
11 wanted to bring to your attention.

12 And regarding the saving of the
13 trees, that has come up, including Ms. Haas
14 mentioned to me at the ANC meeting, after the
15 meeting, on how I'm going to preserve them.
16 I'm going to be coming with a construction
17 equipment from the alley, so the trees are in
18 the public space, and I'm not allowed to go
19 and do any construction in the public space.
20 So all of my construction would be within my
21 property line, property corner, property
22 borders. So if you look at the site plan, the

1 construction trucks would come from an alley,
2 and then removed that way, so the elm tree and
3 all the other trees will be preserved and
4 protected. Thank you.

5 CHAIRMAN JORDAN: Does the Board
6 have any other questions? Then we would
7 complete this hearing based upon our--the
8 record that we have in front of us, and let me
9 ask, is the Board willing to deliberate,
10 understanding, and I don't know what the--this
11 is on special exception; this is not a request
12 for a variance, which gives us a lot of
13 leeway. And special exceptions are handled
14 very limited, that if the four corners of the
15 requirements for special exceptions are met,
16 it's almost a ministerial function that the
17 Board has in regards to special exceptions.
18 It's a difference if it was a variance; we
19 have a lot more latitude to deal with this
20 particular issue.

21 This project gives me some grave
22 concerns, and if it was on a variance, I think

1 you would have some real difficulties with me.
2 Also, the other thing is that this is fronting
3 MacArthur Boulevard, and MacArthur Boulevard
4 is full of multi-family homes, except for
5 those three or four that are there. I think
6 there's an issue in regards to Q Street
7 application there. So this project, as I
8 said, is kind of troubling for me, but based
9 upon our special exception requirements, and
10 as the court has instructed, and a big part of
11 the special exception requirement is that for
12 the Office of Planning to make a determination
13 if in their estimation, does this meet certain
14 requirements, and the Office of Planning's
15 report does indeed provide that support of
16 this particular project in several different
17 ways, even concluding that it's in harmony
18 with the other structures in the neighborhood
19 and the block. So that's just my initial
20 thought; anybody else want to weigh in? Mr.
21 Hinkle?

22 MEMBER HINKLE: Yes, thank you Mr.

1 Chair. I would like a little bit of time to
2 think about this, and you know, suggest that
3 we put it on a decision calendar.

4 CHAIRMAN JORDAN: Okay, and let me
5 do something else, because this is really
6 where I'm--I mean, let me find out where the
7 rest of the Board is on this, and I think I
8 have something else I want to offer. Ms.
9 Cohen, do you want to say anything? Ms.
10 Allen? Mr. May?

11 MS. COHEN: Just again, my
12 observation is the fronting MacArthur
13 Boulevard I think, even the train's left the
14 station there; it's just a lot of density
15 existing, and I don't think we are entitled to
16 deny the use of a particular parcel of land.
17 I also believe that subject to what the Office
18 of Planning suggested, that they maintain tree
19 protection and fencing, that that is going to
20 offset the possibility of some negative views.
21 I think the design actually, and that's why I
22 wanted the architect to talk, updates a few of

1 the architectural features of the surrounding
2 housing, and I think, again, change is very
3 scary. I mean it just--I believe once this
4 building is constructed, the neighbors will
5 feel a little bit more relaxed as to its
6 incompatibility. I don't really see that in
7 the drawings that have been provided,
8 especially since the brick has been added,
9 which is consistent again with the
10 neighborhood.

11 So I'm inclined to, again, move
12 forward with this, respecting the concerns of
13 the neighbors that there have been a few steps
14 taken to address their concerns, but I really
15 don't think we can deny the use of the
16 property that is owned by the applicant.

17 CHAIRMAN JORDAN: Go ahead, Ms.
18 Allen.

19 MEMBER ALLEN: I'm pretty much in
20 agreement with Ms. Cohen's comments; however,
21 I think that Mr. Hassan has indicated and
22 shown that he really does want to be a good

1 neighbor, and he has attempted, whether it's
2 been satisfactory to the other neighbors or
3 not, to address some of the concerns that he
4 has. So if the Chairman is going to grant us
5 some time to consider it, I would certainly
6 encourage.

7 CHAIRMAN JORDAN: Yes, I don't--
8 whatever the Board wants to do. I'm just
9 wondering if there's some room to have
10 discussion about altering the design and
11 giving that another shot to see if we can
12 have--and I see the applicant also agreeing
13 with that. And I like--it's better if we can
14 have some consensus here--we all have to live
15 together in these neighborhoods, so reaching
16 out is something that may be good, and I can--
17 if we can put this on a quick turn for you to
18 have dialogue and discussion. Mr. Moy, what
19 would be quick turn if we carry this one for
20 decision?

21 MR. MOY: The earliest scheduled
22 decision meeting, Mr. Chairman, is June 4.

1 CHAIRMAN JORDAN: That's that late?

2 MR. MOY: No, two weeks.

3 CHAIRMAN JORDAN: I can't keep up
4 with the calendar anymore, it's like half--
5 part of the year is gone. Okay, so June 4th,
6 we have time to meet, have discussion with
7 those that are here, and they're willing to
8 work with you is what I'm hearing, and I'm
9 understanding with your head going up and down
10 meaning yes, you're willing to have that
11 conversation and you're willing to try to work
12 it out, because you'd rather have it that way
13 yourself?

14 MR. HASSAN: Sure. I have reached
15 out to my neighbors, including Ms. Ann Haas,
16 and requested for a meeting to clarify
17 anything, and I was refused--

18 CHAIRMAN JORDAN: Well I think--I
19 think now you have some help in getting that
20 done, and it's certainly better if things are
21 worked out as opposed to having us rule, which
22 we don't mind ruling, as you heard, but I've

1 got some issues; some Board members don't have
2 issues, so let's just put this on June 4,
3 let's have some fruitful dialogue. If there's
4 something that you need more time on, let us
5 know; but otherwise, we're going for June 4.
6 So those in opposition have also heard the
7 flavor of the Board, some of the thought that
8 they have, so there's just no real driver's
9 seat here, and we really would--if you can
10 reach some conclusions together, that's great.
11 Ms. Cohen?

12 MEMBER COHEN: Yes, I just wanted
13 to add one other thing for the record. It
14 concerned me when I was reading, the record
15 was that you know, this is a four-unit
16 building, but the owner intends to live there,
17 and so some of the concerns with regarding
18 maintenance of other apartment buildings on
19 MacArthur I think is not as relevant because
20 if the owner's living there, one presumes that
21 the owner will keep the property up to proper
22 maintenance standards. So that sort of made

1 me feel a little bit better when I heard the
2 intention of the owner not to use it as
3 investment property.

4 MR. HASSAN: And it will be a
5 condominium; I'll be occupying the top two
6 floors as one unit; I'll be sure to maintain
7 and keep the property in good condition and
8 attractive.

9 CHAIRMAN JORDAN: Okay, so I'm
10 going to move this to June 4, I'm going to--

11 MR. MOY: Excuse me, pardon me, I
12 misspoke. It's June 11 is actually the next
13 decision meeting.

14 CHAIRMAN JORDAN: Okay.

15 MR. MOY: And actually it might not
16 be a bad idea because today's the 21st and I
17 don't know how much the individuals may need
18 time--

19 CHAIRMAN JORDAN: June 11 we're
20 putting this on? Please get together, have a
21 discussion, let's try to be good neighbors
22 here and otherwise, on June 11, we're making

1 a decision one way or the other.

2 MS. HAAS: Can I ask a question,
3 Mr. Chairman?

4 CHAIRMAN JORDAN: You're really out
5 of line to do so, but if it's procedural, I'll
6 be glad to answer it.

7 MS. HAAS: Are the plans of March
8 what we're dealing with? The plans that I
9 have a copy of go back to March, and I'm
10 wondering whether that's the latest--

11 CHAIRMAN JORDAN: I--let's be sure
12 to share the most recent plans with the
13 neighbors, please. Okay.

14 MR. MOY: Mr. Chairman? I'm sorry
15 to interrupt again. Did you want the
16 applicant to submit anything prior to?

17 CHAIRMAN JORDAN: If there is some
18 changes, we certainly want to see the changes,
19 and so--and if there--I don't know how soon a
20 meeting is going to be, so that would actually
21 place them around a June 4 date.

22 MR. MOY: June 4th would be great

1 for--

2 CHAIRMAN JORDAN: For getting
3 something to us one way or the other? Okay.

4 MEMBER COHEN: And Mr. Chairman,
5 excuse me, I have one final--again, I don't
6 know if the architect has been present at
7 these meetings, but if the architect can
8 describe what I have been seeing that makes it
9 not as difficult to see the context that he
10 has taken in to the more up-to-date building
11 from the surrounding properties, I think that
12 would be very, very helpful. Just how you
13 derived your whole design.

14 CHAIRMAN JORDAN: It's all about
15 understanding. So, this is being moved to
16 June 4, I mean June 11, with a June 4 date for
17 any other submission, and so with that, we're
18 going to close this particular hearing. Thank
19 you. The record is only being remained open
20 subject to alternative design and requests.

21 MR. MOY: Only from the applicant.

22 CHAIRMAN JORDAN: Yes, at this

1 point.

2 MR. MOY: And the ANC? No?

3 CHAIRMAN JORDAN: Not unless
4 there's a change.

5 MR. MOY: Okay. Okay. Okay.

6 CHAIRMAN JORDAN: And so that's
7 good. So we'll close this hearing. Thank you
8 all for coming, thank you for being here. Any
9 other business other than this last bit of
10 business for the Board? Then in accordance
11 with Section 405c of the Open Meetings Act, DC
12 Official Code Section 2575c, I move the Board
13 of Zoning Adjustment to hold closed meetings
14 on the Mondays of June 3, 10, 17 and 24. This
15 will begin at 4:00 p.m. for the purpose of
16 obtaining legal advice from our counsel and to
17 deliberate on, but not voting on cases
18 scheduled to be publicly heard or decided by
19 the Board on the day after the closed meeting.
20 Those cases are identified in the Board's
21 public agenda for June 4, 11, 18 and 25. Is
22 there a second?

1 MEMBER COHEN: Second.

2 CHAIRMAN JORDAN: Motion made and
3 seconded. Roll call vote, Mr. Secretary.

4 MR. MOY: Yes sir. When I call the
5 member's name, if you could reply with a yes
6 or a no. Ms. Marcie Cohen?

7 MS. COHEN: Yes.

8 MR. MOY: Chairman Jordan?

9 CHAIRMAN JORDAN: Yes.

10 MR. MOY: Ms. Kathryn Allen?

11 MS. ALLEN: Yes.

12 MR. MOY: Mr. Jeffrey Hinkle?

13 MR. HINKLE: Yes.

14 MR. MOY: And there's no other
15 Board member sitting, Mr. Chairman.

16 CHAIRMAN JORDAN: Thank you.
17 Seeing that the motion is passed, then we will
18 be in closed session on those dates, and ask
19 that public notice be given accordingly.

20 MR. MOY: Thank you, sir.

21 CHAIRMAN JORDAN: All right. Any
22 other business for the Board?

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

2 CHAIRMAN JORDAN: Okay. Board
3 members, we're good? All right then; we're
4 adjourned. Thank you.

5 [Whereupon, the proceedings were
6 concluded at 12:15 p.m.]

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: BZA

Date: 05-21-13

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