

GOVERNMENT  
OF THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

JULY 24, 2012

+ + + + +

The Regular Public Hearing  
convened in the Jerrily R. Kress Memorial  
Hearing Room, Room 220 South, 441 4th Street,  
N.W., Washington, D.C., 20001, pursuant to  
notice at 10:12 a.m., Lloyd Jordan,  
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

ANTHONY HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
JOHN NYARKU, Zoning Specialist

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS  
MAXINE BROWN-ROBERTS  
PAUL GOLDSTEIN  
ARTHUR JACKSON

The transcript constitutes the  
minutes from the Public Hearing held on July  
24, 2012.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

	TABLE OF CONTENTS	PAGE
MORNING		
Call to Order, Chairperson Jordan . . . . .	5	
Application No. 18387 of Beverly Pringle and Mark Moran. . . . .	6	
Vote to approve the application . . . . .	12	
Application No. 18380 of Jemal's Wonder LLC .	13	
Preliminary matters . . . . .	14	
Witnesses:		
Sacha Rosen, R2L Architects . . . . .	28	
Steven Sher, Director of Zoning and Land Use Services, Holland & Knight . .	43	
Office of Planning, Arthur Jackson. . .	64	
Department of Transportation (letter) .	69	
ANC-1B (letter) . . . . .	69	
Persons in support. . . . .	69	
Vote to approve the application . . . . .	86	
Application No. 18384 of Epiphania LLC . . .	89	
Vote to approve the application . . . . .	94	
Application No. 18364 of Barracks Row Venture LLC . . . . .	90	
Office of Planning, Maxine Brown- Roberts . . . . .	96	
Vote to approve the application . . . . .	104	
AFTERNOON		
Preliminary matter. . . . .	107	

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

Application No. 18383 of Barbara Chambers Children's Center . . . . .	108
Vote to approve the application . . . . .	114
Application No. 18382 of Pony Express LLC dba EastBanc, Inc. . . . . .	115
Vote to approve the application . . . . .	120
Application No. 18373 of Atlas District Veterinary Hospital . . . . .	121
Vote to approve the application . . . . .	128
ADJOURN, Chairperson Jordan . . . . .	129

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

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

2 10:12 a.m.

3 BZA CHAIR JORDAN: Good morning,  
4 ladies and gentlemen. We are here at the  
5 Jerrily R. Kress Memorial Hearing Room at 441  
6 4th Street, N.W. Today's date is July 24,  
7 2012. We are here for the public hearing of  
8 the Board of Zoning Adjustment for the  
9 District of Columbia.

10 My name is Lloyd Jordan,  
11 Chairperson. To my left is Vice Chair Nicole  
12 Sorg. To her left is the Chairman of the  
13 Zoning Commission Anthony Hood. To my right  
14 is Rashida MacMurray, Board Member. To her  
15 right Jeffrey Hinkle, Board Member.

16 Please be advised that this  
17 proceeding is being recorded by a court  
18 reporter and also webcast live. Accordingly,  
19 we ask that you refrain from any disruptive  
20 noises or actions in the hearing room. The  
21 Board's hearing procedures and how we will  
22 process applications can be found on the table

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 by the back door.

2 All those who are going to testify  
3 here today on any of the matters, would you  
4 please stand and be sworn or affirmed by the  
5 Board Secretary.

6 (Whereupon, the witnesses were  
7 sworn.)

8 BZA CHAIR JORDAN: Additionally,  
9 prior to your testimony I'm going to ask that  
10 you complete two witness cards and then give  
11 those to the court reporter. Fill out two  
12 witness cards and give them to the court  
13 reporter, please.

17 MR. MOY: Not overall, Mr.  
18 Chairman.

19 BZA CHAIR JORDAN: Will you call  
20 our first case, please?

21 MR. MOY: Yes, with pleasure.

22 Again, good morning Mr. Chairman and members

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 of the Board.

The first application before the Board for hearing is Application No. 18387. This is the application of Beverly Pringle and Mark Moran, pursuant to 11 DCMR 3104.1, for a special exception for an addition to an existing one-family row dwelling under section 223, not meeting the open court requirements under section 406 in the R-4 District at premises 232 11th Street, N.E. Property is located in Square 964, Lot 827).

22 BZA CHAIR JORDAN: Thank you, Mr. .

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 Moy.

2                   Would the persons and parties for  
3 this matter come to the witness table, please.

4                   Have you completed the witness  
5 cards? Please identify yourself.

6                   MR. FOWLER: Mike Fowler from  
7 Fowler Architects.

8                   MR. MORAN: Mark Moran from 232  
9 11th Street, N.E.

10                  BZA CHAIR JORDAN: Before we  
11 begin, it has been indicated, and I don't know  
12 if you had conversation with the Office of  
13 Planning, that this application also requires  
14 relief from Section 2001.3 because of  
15 nonconforming so we would need you to (1) you  
16 can make an oral motion that it's amended to  
17 include that, and then subsequently provide us  
18 a writing to that effect.

19                  MR. FOWLER: What do we need to  
20 do?

21                  BZA CHAIR JORDAN: Say, yes, we  
22 want to amend according to what I just said.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 MR. FOWLER: Yes, we want to  
2 amend.

3 BZA CHAIR JORDAN: Just make sure  
4 -- what it does is provide that you have all  
5 the relief that is necessary. It is a belief  
6 that that provision was also necessary.

7 MR. FOWLER: What does that  
8 provision cover?

9 BZA CHAIR JORDAN: The property  
10 was nonconforming so we changed the  
11 nonconforming use so we needed to add that  
12 relief. If you left it alone, then it's okay  
13 but you changed it.

14 MR. FOWLER: Okay.

15 BZA CHAIR JORDAN: I guess that's  
16 simple enough in dialogue.

21 Do we have ANC support in this?  
22 Yes, we have ANC recommended approval in this

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701  
(202) 234-4433 [www.nealrgross.com](http://www.nealrgross.com)

1 matter based upon Office of Planning's  
2 representation to us, and they wouldn't tell  
3 us anything that is not true. I don't believe  
4 we actually received the letter from the ANC.

5 Right, Mr. Goldstein?

6 MR. GOLDSTEIN: Thank you, Mr.  
7 Chair. I think in my report I just indicated  
8 that the Applicant had said that the Economic  
9 Development and Zoning Committee had supported  
10 it and that there would be an ANC hearing but  
11 I haven't heard the result.

12 BZA CHAIR JORDAN: Okay.

13 Yes, Ms. Sorg.

14 VICE CHAIRMAN SORG: Mr. Chairman,  
15 we are getting an indication that it is our  
16 Exhibit No. 31. I originally did not receive  
17 an Exhibit 31 in my package, and I don't think  
18 we did, but it sounds like from staff that we  
19 have it.

20 BZA CHAIR JORDAN: Okay. Very  
21 good. So we do have ANC support in this  
22 matter. Are there any other -- are there any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 questions or anything that we think we need to  
2 hear from the Applicant?

3 We believe there is probably  
4 sufficient enough information -- there is  
5 probably enough information in this record for  
6 us to grant the relief. However, it's your  
7 opportunity if you want to say something, if  
8 you really want to say something, you have the  
9 opportunity to do that. There has been  
10 history of people that talk themselves out of  
11 getting relief.

12 MR. MORAN: Mr. Chairman, I'll  
13 overrule my colleague here. As an attorney I  
14 know the message you just sent and we will  
15 rest on the paper record. Thank you.

16 BZA CHAIR JORDAN: Office of  
17 Planning?

18 MR. GOLDSTEIN: The Office of  
19 Planning is supportive of the relief. We did  
20 mention 2001.3 to acknowledge it. I believe  
21 this came up after the lot occupancy was  
22 revised to make it a nonconforming lot

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 occupancy. That led us to identify that  
2 perhaps 2001.3 was needed. We are supportive  
3 of that relief. We are supportive of the  
4 original relief. With that I'll rest no the  
5 record.

6 BZA CHAIR JORDAN: Is there any  
7 other Government agency? Any representative  
8 from the ANC here? Any persons in support in  
9 the audience that needs to speak? Any persons  
10 in opposition to this application? Seeing  
11 none, I would move that the Board grant the  
12 relief with the additional relief as specified  
13 here today of this application.

14 MEMBER MacMURRAY: Mr. Chairman, I  
15 second the motion.

16 BZA CHAIR JORDAN: Motion made and  
17 seconded. Further discussion? All those in  
18 favor signify by saying aye.

19 BOARD MEMBERS: Aye.

20 BZA CHAIR JORDAN: Those opposed  
21 nay. The motion carries.

22 Mr. Moy.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 MR. MOY: Yes, sir, Mr. Chairman.

2 Staff would record the vote as five to zero to  
3 zero. This is on the motion of Chairman  
4 Jordan to approve the application per the  
5 relief cited. Seconding the motion Vice  
6 Chairperson Sorg. Also in support of the  
7 motion Mr. Hood, Ms. MacMurray, and Mr.  
8 Hinkle.

9 BZA CHAIR JORDAN: It was seconded  
10 by Board Member MacMurray.

11 MR. MOY: Oh, seconded by  
12 MacMurray. I'm sorry.

13 BZA CHAIR JORDAN: That's okay.  
14 We got you. You saved us on the ANC. We'll  
15 give you that one.

16 MR. MOY: Okay. My vote count as  
17 amended seconded by Ms. MacMurray. Thank you.

18 BZA CHAIR JORDAN: I believe this  
19 matter is right for a summary order.

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

21 BZA CHAIR JORDAN: Thank you.  
22 We'll find this matter concluded.

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MOY: The next application  
2 before the Board is Application No. 18380.  
3 This is the application of Jemal's Wonder LLC,  
4 pursuant to 11 DCMR 3104.1 and 3103.2, for a  
5 special exception from the roof structure  
6 requirements under subsection 770.6, a  
7 variance from the rear yard requirements under  
8 section 774, and a variance from the off-  
9 street parking requirements under subsection  
10 2101.1, to allow for alterations and additions  
11 to an existing historic landmark building in  
12 the ARTS/C-2-B District at premises 641 S  
13 Street, N.W. Property located in Square 441,  
14 Lot 848.

17 BZA CHAIR JORDAN: Before we  
18 begin, I know we have some preliminary matters  
19 here. One of the preliminary matters is a  
20 party status request with the residents of  
21 Wiltberger.

22 Mr. Glasgow, have we had

NFAI R GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 conversations with the parties in opposition?  
2 Has there been dialogue about this  
3 application?

4 MR. GLASGOW: Yes, sir. Mr.  
5 Millstein has had dialogue on that. If you  
6 want to get the latest update, we can give  
7 that.

8 BZA CHAIR JORDAN: Let me ask are  
9 the parties in opposition who requested a  
10 party status, the residents of Wiltberger,  
11 present?

12 Yes. Would you come to the  
13 witness table, please. One second, please.  
14 Would you please identify yourselves, please?

15 MS. SOHNEN: Thank you. Eleanor  
16 Sohnen, resident, 1809 Wiltberger Street, N.W.

17 BZA CHAIR JORDAN: And your last  
18 name again?

19 MS. SOHNEN: Sohnen, S-O-H-N-E-N.

20 BZA CHAIR JORDAN: Yes. And you?

21 MR. EISENBERG: Good morning.

22 Mark Eisenberg, E-I-S-E-N-B-E-R-G. Also 1809

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
(202) 234-4433 WASHINGTON, D.C. 20005-3701  
[www.nealrgross.com](http://www.nealrgross.com)

1                   Wiltberger Street.

2                   BZA CHAIR JORDAN: Were you two  
3 here -- did you get sworn in? I don't think  
4 I saw you.

5                   MR. EISENBERG: No.

6                   BZA CHAIR JORDAN: Would you  
7 please stand.

8                   Mr. Secretary, would you --

9                   (The witnesses were sworn.)

10                  BZA CHAIR JORDAN: Now, before we  
11 have a discussion about party status -- well,  
12 additionally, did you complete the witness  
13 cards?

14                  In looking at your application for  
15 party status, it appears that there hasn't  
16 been much dialogue between the party and the  
17 Applicant. Has there been dialogue?

18                  MR. EISENBERG: Yeah, that's  
19 changed. There's been a great deal of  
20 dialogue between our group and Paul. We spoke  
21 at length yesterday until late last night and  
22 came to terms with a memorandum of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 understanding this morning.

2 BZA CHAIR JORDAN: And so you are  
3 going to withdraw your request for party  
4 status? Is that what I'm understanding?

5 MR. EISENBERG: We would like to  
6 keep our request for party status and be a  
7 proponent of the project.

8 BZA CHAIR JORDAN: Well --

9 MR. EISENBERG: And also if we may  
10 make a comment about the project.

11 BZA CHAIR JORDAN: You don't need  
12 party status to weigh in and be in support of  
13 the project. You would have three minutes to  
14 talk about your support as a group or person  
15 in support.

16 MR. EISENBERG: I don't know how  
17 this process works. I'll do what you suggest.

18 BZA CHAIR JORDAN: Got you. I  
19 understand what you want then. You want to be  
20 able to weigh in, say your comments because  
21 you're in support of the project.

22 MR. EISENBERG: Sorry to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 interrupt. We're in support of the project  
2 per --

3 BZA CHAIR JORDAN: Per the  
4 agreement.

5 MR. EISENBERG: -- per the  
6 agreement.

7 BZA CHAIR JORDAN: I understand.  
8 To do what you need party status is not  
9 necessary.

10 MR. EISENBERG: Understood.

11 BZA CHAIR JORDAN: Thank you.

12 Well then, okay. We also originally had a  
13 request for party status that has been  
14 withdrawn by Rev. Jim Dickerson of Manna in  
15 this matter.

16 There is an issue about an  
17 additional relief question that might be  
18 necessary here. Is that correct?

19 MS. GLAZER: I'm sorry, Mr. Chair.  
20 I was speaking with the secretary and didn't  
21 hear the question.

22 BZA CHAIR JORDAN: Is there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 additional need to -- that the Applicant may  
2 need to amend dealing with Section 771?

3 Mr. Jackson.

4 MR. JACKSON: Mr. Chairman, Arthur  
5 Jackson. The issue has to do with the --  
6 well, there are two additional air  
7 conditioning towers that are shown on the  
8 roof. On one plan there is one tower. On the  
9 other plan there are two. Under 411.3 all  
10 roof structures and mechanical equipment have  
11 to be enclosed, or they should be enclosed.

12 That appeared to be the bare  
13 structure but the Applicant indicated, and I  
14 highlighted this with the Applicant, and the  
15 Applicant indicated they would discuss this at  
16 the hearing. Again, the plans were so  
17 inconsistent because one elevation showed two  
18 towers and then one perspective showed one.  
19 I'm sure that will be resolved during the  
20 presentation.

21 BZA CHAIR JORDAN: Let's talk  
22 about it now if we would.

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
(202) 234-4433 WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   Mr. Glasgow.

2                   MR. GLASGOW: All right. First,  
3                   Mr. Chairman, we did ask for relief from roof  
4                   structure requirements so that is in the  
5                   application.

6                   BZA CHAIR JORDAN: Okay.

7                   MR. GLASGOW: And we have  
8                   internally because of the complications with  
9                   respect to the roof structures out of an  
10                  abundance of caution we have requested the  
11                  relief because we have a saw-tooth design up  
12                  on the roof. Then we have a couple of  
13                  different areas. The architect and Mr. Sher  
14                  will be able address the issue of the roof  
15                  structures.

16                  BZA CHAIR JORDAN: So we are  
17                  including -- I understand what you're doing  
18                  now. I understand what you're doing. And  
19                  you're just -- so you believe the air  
20                  conditioning unit would fit within the  
21                  requested relief for the roof structure?

22                  MR. GLASGOW: Well, I don't know.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1       We had relief for multiple roof structures on  
2       equal height, that type of thing. We were  
3       looking at all of that. We believe that the  
4       air conditioning units, I think, are less than  
5       four feet above the --

6                   Sacha? Okay, we are going to put  
7       all the equipment in one enclosure and we can  
8       show that on the plans. The set back meets  
9       the other requirements for the roof structure  
10      regulations.

11                  Are we ready to put it up on the  
12      screen? Not yet? Okay.

13                  BZA CHAIR JORDAN: Let's do this.  
14                  Let's begin with introductions of the  
15      Applicant.

16                  MR. GLASGOW: Mr. Chairman, for  
17       the record, my name is Norman M. Glasgow, Jr.  
18       of the law firm of Holland & Knight here on  
19       behalf of the applicant in this case  
20       concerning redevelopment of the historic  
21       Wonder Bread property at 641 S Street, N.W.,  
22       Lot 848, Square 441.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

14 Next we have filed for the record  
15 a copy of the Statement of Applicant and I  
16 assume the Board members all have a copy of  
17 that. That sets forth the nature of the  
18 relief and how we meet each one of the areas  
19 of relief.

20 We would note that at the time  
21 that we originally filed the application we  
22 had no parking provided in the building and,

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 therefore, we are requesting variance relief  
2 from the parking requirements.

3 As a result of contacts with two  
4 ANCs and neighborhood groups, the Applicant  
5 determined to put a level of parking in the  
6 building, 27 spaces. We do concur with the  
7 Office of Planning's report where it states  
8 that as a result of providing those 27 parking  
9 spaces we no longer need variance relief from  
10 the parking regulations.

11 BZA CHAIR JORDAN: And are you  
12 tendering Mr. Papazian and Mr. Rosen as your  
13 experts?

14 MR. GLASGOW: Yes, those are  
15 experts. Also we have Mr. Rosen as an expert  
16 in urban architecture, Mr. Papazian in traffic  
17 engineering, and Mr. Sher with respect to land  
18 planning.

19 MR. MOY: If it helps you, Mr.  
20 Chairman, the Board has in your book, as you  
21 know, Mr. Papazian and Mr. Rosen and Mr. Sher.

22 BZA CHAIR JORDAN: And I thought

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 there was one other person you were tendering.

2 MR. GLASGOW: Mr. Millstein who  
3 has been before this Board on numerous  
4 occasions.

5 BZA CHAIR JORDAN: Mr. Moy, do we  
6 have --

7 MR. MOY: That's correct, sir.  
8 Yes.

9 BZA CHAIR JORDAN: Then we'll  
10 accept them as experts.

11 MR. GLASGOW: Thank you.

12 BZA CHAIR JORDAN: Mr. Glasgow,  
13 you can begin.

14 MR. GLASGOW: All right. Thank  
15 you, sir. Also the Applicant is pleased that  
16 both ANC 1B and 2C have unanimously supported  
17 the granting of this relief. We have support  
18 in the record from the Office of Planning and  
19 DDOT. If there are no preliminary questions,  
20 I would like to proceed with the testimony of  
21 the witnesses or if the Board would like to  
22 proceed with questions.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   BZA CHAIR JORDAN: Let's deal with  
2 the air conditioning unit and work our way  
3 around because we might be -- that's the point  
4 of immediate contention for me if we could  
5 begin talking about that.

6                   MR. GLASGOW: All right. I would  
7 like to have Mr. Sacha Rosen address the roof  
8 structure.

9                   MR. ROSEN: Let me direct your  
10 attention to the screen. I'm going to jump  
11 ahead in my presentation and just go directly  
12 to the roof plan.

13                  You can see in this location on  
14 the roof we had originally planned for one air  
15 conditioning unit and that was what showed up  
16 in the prehearing statement. Since that time  
17 due to design developments we've added a  
18 second tower.

19                  After receiving comments from  
20 Office of Planning we concur that in order to  
21 comply with the Zoning Regulations we should  
22 provide one enclosure in this location that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 will enclose all of the mechanical units that  
2 will be greater than four feet in height. That  
3 enclosure will comply with the other  
4 requirements such as to exterior material,  
5 height, and consistency of height. Thank you.

6 BZA CHAIR JORDAN: That's good.  
7 Thank you.

8 You can continue, Mr. Glasgow.  
9 MR. GLASGOW: If there are no  
10 other questions, I would like to have Mr.  
11 Millstein proceed with his statement.

12 BZA CHAIR JORDAN: Mr. Moy, can  
13 we --

14 MR. MILLSTEIN: Good morning.  
15 Paul Millstein, Vice President of Douglas  
16 Development. I want to thank you for the  
17 opportunity. It's always a pleasure to be  
18 here. This is, again, I think a very nice  
19 project that we are bringing forward. We are  
20 excited about it.

21 BZA CHAIR JORDAN: Pleasure to be  
22 here always?

1                   MR. MILLSTEIN: It is. With this  
2 group it's been a good run. We'll just hope  
3 to keep that rolling.

4                   Anyway, this was a little  
5 challenging because the Wiltberger residences  
6 border a different ANC than the actual project  
7 is in so we took the tact very early to go to  
8 bed with the ANCs even though 2C is not in  
9 this -- this building isn't in 2C but since it  
10 was so close we thought it was appropriate.

11                  We doubled the process and worked  
12 very hard to try to get everybody on the same  
13 page, made a lot of concessions, had some  
14 early meetings with Wiltberger residents, and  
15 then had some subsequent meetings late into  
16 last night to finalize things which we  
17 appreciate their effort.

18                  I feel good that we're here with  
19 everybody in support from the neighborhood,  
20 two ANCs, the design and review committee,  
21 everybody. I think it's a great project and  
22 I hope you feel the same. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR. GLASGOW: Would you like to  
2 have the architect make any presentation or  
3 just answer questions?

4                   BZA CHAIR JORDAN: Anything you  
5 want in particular, Ms. Sorg, or just in  
6 general? Okay.

7                   Would you go ahead with your  
8 presentation regarding the architecture.

9                   MR. GLASGOW: Mr. Rosen, would you  
10 please identify yourself for the record and  
11 proceed with your testimony.

12                  MR. ROSEN: Good morning. I'm  
13 Sacha Rosen, a principal with R2L Architects  
14 here in the District. We are happy to be  
15 working with Douglas Development on this  
16 project. I'll try to make an abbreviated  
17 presentation but feel free to interrupt me and  
18 ask me any questions if you so choose.

19                  Can we dim the lights again,  
20 please?

21                  This is a very exciting project to  
22 be working on. There are very few industrial

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 historic buildings in Washington, D.C. That  
2 is just not our history. This is a very  
3 exciting one. This is a former bakery. It  
4 was originally built as Dorsch's White Cross  
5 Bakery back in the '30s.

6                   Then it eventually became the  
7 Hostess Twinkie plant. All the Twinkies  
8 delivered on the East Coast were manufactured  
9 in this facility for a number of years. It's  
10 been not used as a factory for a few years now  
11 and has been waiting redevelopment.

12                   It's in a very exciting location.  
13 It's directly adjacent to Progression Place at  
14 the corner of 7th and S Streets which is at  
15 the top of the Metro station there. There has  
16 been a lot of development in the area.

17                   Directly to the north of the  
18 project is also the Howard Theater which, if  
19 you don't know by now, it has been recently  
20 renovated. You should definitely go and catch  
21 a show there.

22                   I'll show you quickly a few

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 photos. Again, very interesting industrial  
2 building, very unique in the city. When we  
3 started working on this project this was not  
4 a designated landmark structure, although it  
5 had been identified by the Historic  
6 Preservation Office as a building of interest.

18 I'll show you a few photos of it.  
19 It was built and rebuilt over a number of  
20 years. Lots of different additions of  
21 different heights, all industrial in nature.  
22 You can see some of the photos where the rear

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 portions of the building had been loading  
2 docks and delivery facilities for these  
3 Twinkies and the front portions had been  
4 factory use.

5                   Here is our site plan. I have an  
6 amended copy on a board if anyone would like  
7 to see that where we do show the Progression  
8 Place which is nearing completion at this  
9 time. I also want to show on the plan we have  
10 sort of an interesting kind of unique assembly  
11 here.

12                   This is a design we developed in  
13 concert with the Historic Preservation Office  
14 as well as the D.C. Preservation League. We  
15 made presentations to both bodies numerous  
16 times, all of which are very supportive. Also  
17 presented the design to the ANC-1B design  
18 review committee four, five, six times over  
19 the past year or so and received favorable  
20 responses every time.

21                   There is an existing basement  
22 which we are going to clean up and reuse.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 This is the proposed use of the basement. You  
2 can see the front portion of the lower level  
3 would be used for retail space. There's some  
4 mechanical space in this corner.

5 Approximately the back half would be used for  
6 parking.

7 Again, we had previously designed  
8 this project to not have parking but after  
9 meeting with the community and receiving  
10 statements to the effect they would like to  
11 see some parking, we've relocated it to the  
12 basement. You can see over here is where the  
13 parking garage entry comes down to the lower  
14 level.

15 This was the existing ground floor  
16 and this is the proposed ground floor. Again,  
17 you can see after working with the community  
18 and Historic Preservation Office we've  
19 established this corner here is having active  
20 retailer office use. This area over here  
21 would be the main entry to the office.

22 The upper second, third, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1       fourth floors will be for office use. This is  
2       the main entry here and the reason for that is  
3       this is the only handicapped accessible entry  
4       to the building without damaging the existing  
5       exterior fabric.

6 We have located the main entry  
7 here. This one is up a few stairs. This one  
8 is at grade with a ramp that comes up to the  
9 main entry in this location. I want to bring  
10 up the point that this area over here is  
11 primarily just office entry.

12 In fact, this is the active use.  
13 This will see very little use here. It is  
14 really just the connection from the lobby to  
15 an inside bike parking area and shower and  
16 bathroom to support the use of the biking to  
17 work should people decide to do that. Also  
18 the connection to a loading dock.

19 BZA CHAIR JORDAN: And the main  
20 entrance is on 6th Street?

21 MR. ROSEN: The main entrance is  
22 here on S.

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 BZA CHAIR JORDAN: S. Okay.

2 MR. ROSEN: North is to the right  
3 so that is S Street.

4 The rear portion here would also  
5 be an active use, probably a retail use. This  
6 here is the parking entry and this area over  
7 here in the center is the loading. We've been  
8 very careful to locate both the parking  
9 entrance and the loading facilities off of an  
10 alley which is between our site and  
11 Progression Place and not on Wiltberger  
12 Street.

13 This is a through alley that goes  
14 all the way from S Street out to Florida. The  
15 design here is that delivery trucks would  
16 enter off of S Street, pull here, back in,  
17 unload, and go straight out to S Street  
18 without impacting the residences along  
19 Wiltberger Street.

20 In addition, we've located the  
21 parking entry here and at the corner. One of  
22 the reasons it was located all the way at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 corner is to preclude anyone from actually  
2 coming down the alley to the north side and  
3 then making a hard U turn to park into -- to  
4 go into the parking ramp.

5                   Really the only way to use this  
6 parking ramp is to come down the alley that is  
7 on the west side of the property. It's a two-  
8 way alley so you can come in from Florida or  
9 from S Street and use the ramp, but then you  
10 have to go out that side and it's almost  
11 impossible to make that U turn and come back  
12 down towards Wiltberger Street.

13                   VICE CHAIR SORG: One question.  
14                   So does Progression Place have their loading  
15 and parking off that alley also?

16                   MR. ROSEN: They do and this was  
17 an existing 15-foot alley. What they have  
18 done is set the ground and, I believe, the  
19 second floors of their building back an  
20 additional five feet to create a wider alley  
21 to facilitate two trucks passing, for example.

22                   VICE CHAIR SORG: Okay. Thanks.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR. ROSEN: There is the existing  
2 second floor. You can see the rear portion of  
3 the project was one story. It was multi-story  
4 towards the front. We are proposing to take  
5 the two story all the way to the back.

6                   That was as a result of work with  
7 the Historic Preservation Office Historic  
8 Preservation Office who actually made the  
9 ruling that the entirety of the existing  
10 building was not historic fabric.

11                  In fact, it was a rear addition of  
12 one story that they requested the Douglas  
13 Development demolish and replace with a new  
14 addition and that the new addition should be  
15 in keeping with the addition that we are  
16 putting on top of the historic structure.

17                  Again, this is the third floor.  
18 We are providing a setback terrace on the  
19 third floor. Again, that was through design  
20 negotiation with the Historic Preservation  
21 Office that the existing building is two  
22 stories along here and three stories along

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 here. Even though we are providing an  
2 additional story here, we would set that back  
3 significantly so it would not be visible from  
4 the street.

5                   This is the existing fourth floor.  
6 We are expanding the fourth floor in this area  
7 here. The west portion of the building will  
8 remain at three stories and a lot of the  
9 mechanical equipment will be set down on that  
10 level on the roof of the third floor so as to  
11 not stick up significantly and be less  
12 visible.

13                   We had originally planned this  
14 fourth floor to be a little bit smaller but at  
15 the request of the Historic Preservation  
16 Office we actually expanded it towards the  
17 back and created a bit more of a larger fourth  
18 floor towards the back.

19                   VICE CHAIR SORG: So that fourth  
20 floor as viewed from Wiltberger Street and the  
21 alley to the north screens the -- acts as a  
22 sort of screen for some of the rooftop things.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR. ROSEN: That's correct.

2                   VICE CHAIR SORG: And then those  
3 are visible from -- how tall is the  
4 Progression Place building? Is it taller than  
5 you?

6                   MR. ROSEN: It's much taller.

7                   VICE CHAIR SORG: Oh, of course.

8                   MR. ROSEN: About 100 feet tall.

9                   In fact, you're correct. The fourth floor --  
10                  it's feet, the Progression Place. Yes, I  
11                  would clarify that the fourth floor addition  
12                  actually provides both visual and acoustic  
13                  screening from the mechanical equipment that  
14                  is on the third floor roof on the west side.

15                  BZA CHAIR JORDAN: What is the  
16                  acoustic screen? How is that being screened?

17                  MR. ROSEN: You know that rooftop  
18                  equipment can be noisy but when there is a  
19                  building between you and the equipment, it  
20                  blocks it.

21                  Here is the front elevation along  
22                  S Street. You can see in black and white at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 the top is the existing condition and the  
2 proposed elevation on the south side, again,  
3 approved unanimously by Historic Preservation  
4 Review Board and with support from D.C.  
5 Preservation League.

6 I apologize for the color. Your  
7 presentation booklets have a much better color  
8 issue but everything is showing up sort of  
9 blackish and greenish on the wall here.

10 This is the Wiltberger street  
11 elevation. These locations here, all these  
12 openings, were originally large openings with  
13 overhead doors with industrial use coming in  
14 and out. These are actually the ones that are  
15 directly facing the residents who live on  
16 Wiltberger Street.

17 Originally this location and this  
18 location, and also another opening down here,  
19 are also large vehicle doors. This was  
20 actually predominately for the pickups for the  
21 product, for the Twinkies, where they were  
22 actually made. This actually received

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 substantial truck traffic.

2                   What we are doing, as I've noted  
3 in the plan, this is not really an active use  
4 along here. This is really kind of the back  
5 corridor from the office lobby connecting to  
6 the loading. we were providing some active  
7 use towards the back of the building.

8                   It's my understanding that has  
9 been a particular issue with the Memorandum of  
10 Understanding between the Wiltberger residents  
11 and Douglas Development. As a result of those  
12 negotiations, the only entry -- the only  
13 active entry to this facade is going to be at  
14 Big Stream northern end which I can show you  
15 on the site plan is substantially farther  
16 north than the residences.

17                   BZA CHAIR JORDAN: Those old  
18 loading doors, what are those going to be?  
19 What are they going to be now?

20                   MR. ROSEN: That's going to be  
21 glass block. There will be no ingress or  
22 egress at that point. We'll get light on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1       inside and there will be some light, some  
2       filtered light coming onto the outside to make  
3       the alley seem somewhat occupied. However,  
4       there won't be people coming in and out.

5               This is the north facade of the  
6       building so this is actually facing towards  
7       the Howard Theater and it's on an alley.

8               Again, as part of the MOU and negotiations,  
9       it's my understanding that this will now be  
10       the main actual entry to the retail space on  
11       the ground floor.

12               As I noted, this is on the east  
13       side so there will be an entry here that kind  
14       of goes through and there will be doors both  
15       on the east side and on the north side but the  
16       main doors that will be used are actually  
17       going to be the ones on the north side that  
18       aren't even facing onto Wiltberger Street.

19               This is the west facade. Again,  
20       just pointing out the garage entry, the  
21       parking garage entry here, and then the  
22       loading dock doors along this side. All of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 that delivery and service use will be a way  
2 from Wiltberger Street. Then I would direct  
3 your attention to this location here.

4                   That is where we are currently  
5 showing the two cooling towers on the roof.  
6 Again, per our conversation with Office of  
7 Planning we will enclose those with a screen  
8 wall that will be consistent in height and  
9 color with the rest of the building.

10                  Some building sections. Feel free  
11 to ask questions if you choose. Just some  
12 renderings of the project which are also in  
13 your packet. Again, from S Street the whole  
14 idea with Historic Preservation was to  
15 minimize the impact of the new addition.

16                  However, on the rear portions,  
17 this is Wiltberger Street and this is the  
18 alley to the north. Progression Place had not  
19 yet been developed when we built this model.  
20 The idea here at the request of Historic  
21 Preservation we would be bringing the new  
22 addition down so it would be visible from the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 ground. This is the location of the new  
2 proposed retail entry consistent with the  
3 Memorandum of Understanding.

4 That's all I have. Thank you.

5 BZA CHAIR JORDAN: Mr. Moy, can we  
6 hit the lights?

7 Let's talk about, if we could, the  
8 parking and transportation issues and how we  
9 are dealing with that.

10 MR. GLASGOW: Well, the Office of  
11 Planning after we had modified out project to  
12 add in the parking level determined that there  
13 was no parking relief required with the  
14 addition of the 27 spaces. When we first  
15 started out we had zero parking so we needed  
16 a parking variance.

17 BZA CHAIR JORDAN: And rear yard?

18 MR. GLASGOW: Mr. Sher will handle  
19 rear yard.

20 Mr. Sher, please identify yourself  
21 for the record and proceed with your  
22 testimony.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 MR. SHER: Mr. Chairman, members  
2 of the Board, for the record my name is Steven  
3 E. Sher, Director of Zoning and Land Use  
4 Services with the law firm of Holland &  
5 Knight. As has been discussed before, we  
6 have, I think, reduced the area of relief that  
7 we need to basically want and that is the rear  
8 yard.

9 As Mr. Rosen has indicated, we are  
10 going to screen the roof structure so we don't  
11 have any issue with respect to that. Given  
12 the way the Office of Planning has computed  
13 the parking requirement, we meet the  
14 requirement for the increase in square footage  
15 that we're proposing and, therefore, they've  
16 indicated that we don't think we need a  
17 variance there.

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 line of the alley. Above 20 feet you have to  
2 measure the rear yard from the property line.

3                   Because the alley is 16 feet wide  
4 on the north side because we've set the wall  
5 of the building back in excess of seven feet,  
6 for that first 20 feet we have a compliance  
7 situation.

8                   As you can see from, well, even  
9 one of those but the one before it I think was  
10 a better view, that one on the bottom, we've  
11 carried the wall of the building straight up  
12 so when you get up above 20 feet in order to  
13 have a complying rear yard we would have to  
14 set it back another seven feet plus.

15                   What does that do the building?  
16 Well, No. 1, we are trying to make up some  
17 areas of space lost because of the setbacks  
18 and other requirements done through Historic  
19 Preservation.

20                   No. 2, if you set the building  
21 back, what it does is it changes the  
22 configuration of the parking ramp on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 ground floor. As Mr. Rosen indicated, we  
2 designed this is a way to move the parking  
3 ramp to the very back of the building so as to  
4 facilitate the use of the alley on the west  
5 side rather than coming in off Wiltberger  
6 Street and trying to make a U turn down there.

7           If you move that parking ramp  
8 seven feet plus farther to the south, it can  
9 bring up the parking level. What it does to  
10 the parking level below grade is it winds up  
11 bringing that ramp down seven feet farther  
12 south in the parking garage effectively  
13 obliterating about five or six spaces that  
14 would otherwise have been made which you could  
15 leave the parking ramp where it is.

16           That means then you've got to take  
17 the parking ramp down another level in order  
18 to get that same number of spaces. When you  
19 bring that ramp down another level, you lose  
20 the spaces at the north end of the site  
21 because the ramp has got to go down and ramp  
22 down again so you are back to about two-and-a-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 half levels to get all the parking that you  
2 need.

3 In order to get the same number of  
4 spaces we have now we would be at two levels.  
5 Because of the historic nature of the  
6 building, because of the excavation you would  
7 have to do, because of the impact on the  
8 number of spaces to get down in the garage,  
9 that creates the difficulty for the project.

10 VICE CHAIR SORG: If you're  
11 finished, then I'll ask a question. If you  
12 are required to set back starting at the  
13 second floor, what requires you to move the  
14 parking ramp? Is it structural elements  
15 coming down to the first floor or what is it?

16 MR. ROSEN: That's right. Then we  
17 would have our exterior columns coming right  
18 down in the middle of the parking ramp.

19 MEMBER HINKLE: Can I ask what is  
20 occurring on the lot north of you? Is that  
21 associated with the theater?

22 MR. SHER: At the moment it's a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 vacant lot.

2 MEMBER HINKLE: It's a vacant lot  
3 still? Okay. Thank you.

4 BZA CHAIR JORDAN: Is there any  
5 limitations underneath the building going down  
6 deeper?

7 MR. SHER: Under the theater  
8 building?

9 BZA CHAIR JORDAN: If you have to  
10 excavate to go down lower besides cost issues.

11 MR. ROSEN: Well, there is the  
12 fragility of the exterior bearing walls.

13 BZA CHAIR JORDAN: Maybe this is  
14 not correct but I thought there was also some  
15 type of tunnel issue here but maybe not.

16 MR. SHER: On the record, no.

17 ZC CHAIR HOOD: Mr. Chairman, can  
18 I ask a question?

19 BZA CHAIR JORDAN: Yes, please.

20 ZC CHAIR HOOD: Can you show me  
21 the roof plan? Let's look at 16. I know you  
22 went over this. Explain to me what's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 happening there again. I'm not going to say  
2 I just woke up but explain to me what's  
3 happening.

4 MR. ROSEN: Yeah, again this is a  
5 complicated roof plan having to do with the  
6 fact that the existing building has two  
7 levels. This right here is an existing  
8 parapet. It's above the second floor. This  
9 area here is on the third floor. It's like an  
10 outdoor terrace area.

11 This area here is a roof above the  
12 third floor. Instead of making it easy and  
13 just having a nice flat roof, we created this  
14 sloping kind of roof with lanterns to bring in  
15 light and give it an industrial feel. Anyway,  
16 this is the roof over the third floor. On top  
17 of that roof we are creating some portion of  
18 the flat area and we are putting in larger  
19 mechanical units there.

20 This area here starting on the S  
21 Street side, that is the existing parapet that  
22 is on top of the third floor structure here.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 This is the roof of the third floor. Then  
2 beyond that in this location here we are  
3 building a fourth floor.

4 There is actually an existing  
5 fourth floor which is an elevator override and  
6 mechanical room. We are enlarging that.  
7 Along Wiltberger is a fourth floor addition  
8 and that wraps along the north side.

9 ZC CHAIR HOOD: Thank you.

10 Thank you, Mr. Chairman.

11 BZA CHAIR JORDAN: What about the  
12 combined development credit issue? Where are  
13 we on that?

14 MR. GLASGOW: The Applicant is  
15 required to have that at the time that you are  
16 ready to get Certificates of Occupancy if you  
17 are asking for uses that are not permitted  
18 without the combined lot development. We are  
19 not at the point where we have to provide that  
20 to the District at this point.

21 BZA CHAIR JORDAN: It would affect  
22 the floor.

1 VICE CHAIR SORG: It would affect  
2 the FAR if they didn't get it but --

3 MR. GLASGOW: It would affect the  
4 use of the FAR.

5 VICE CHAIR SORG: Which could  
6 potentially imply relief but if it's a self-  
7 certified application, then the Applicant  
8 certifies that they are going to comply even  
9 if they --

10 MR. GLASGOW: We're under the  
11 total FAR if you had residential use. If for  
12 some reason you didn't have the relief, then  
13 you could always just designate part of the  
14 building for residential use and then you  
15 would be under FAR in height and everything  
16 else.

17 VICE CHAIR SORG: Okay then. I'll  
18 ask a question which is not exactly related.  
19 I'm curious why -- I'm surprised not to see  
20 residential proposed on this site. I'm  
21 curious about that.

22 MR. ROSEN: I'll take that one.

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1       We considered residential on this site. We  
2       did. We looked at it. We actually brought in  
3       a residential partner Kettler Brothers who  
4       were doing some projects with that and have  
5       more expertise in residential than us. They  
6       came back to us after several months of doing  
7       their preliminary work and felt that it was  
8       not a good residential building; the width,  
9       the size.

10           There were several list of reasons  
11       and they declined the joint venture offer to  
12       do residential on that site because they  
13       thought it wasn't a good residential building.  
14       I wish I could be more technical than that but  
15       they gave us technical reasons. We actually  
16       went to the ANC and said we are considering  
17       going residential and we really started  
18       marching down that road but it didn't work  
19       out.

20           BZA CHAIR JORDAN: Mr. Sher,  
21       what's the parking requirement?

22           MR. SHER: If this were a new

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 building and you computed the parking  
2 requirement from scratch, the number of spaces  
3 required, it's a combination retail and office  
4 building so you have to pro-rate the  
5 exemptions between the 2,000 square feet for  
6 office and the 3,000 square feet for retail.

7 When you do all that, you wind up  
8 with a total requirement of 55 spaces. That  
9 would be 34 spaces -- let me just be sure I'm  
10 saying this correctly here. Thirty-four for  
11 the office and 21 for the retail.

When you look at the net increase in the number of spaces that results from you have an existing building of  $x$  thousand square feet. If you look at what the requirement for the addition over and above that, that comes out to be less than the 27 spaces that we are now providing.

19 BZA CHAIR JORDAN: Okay. That's  
20 how you got there. Because of the addition is  
21 how we got there.

22 MR. SHER: As Mr. Glasgow

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 indicated at the beginning, we had no parking  
2 so we needed a variance no matter who you  
3 looked at it but we fixed that.

4 BZA CHAIR JORDAN: Any other  
5 questions for the Applicant? Anyone need  
6 anything more from the Applicant?

7 If you would, let's discuss the  
8 issues and concerns that were taken care of my  
9 the Memorandum of Understanding.

10 MR. ROSEN: Sure. When we  
11 initially met with the residents of Wiltberger  
12 a couple of months ago there were some  
13 immediate concerns related to noise, trash,  
14 use. The front doors of their homes are very  
15 close to this building, closer than usual so  
16 we were sympathetic. I understood where they  
17 were coming from.

18 Then subsequent to that they put  
19 in some specific requests through their ANC  
20 which Commissioner Padro requested of us in a  
21 formal public meeting and was conditioned on  
22 his letter so there were nine items with some

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
(202) 234-4433 WASHINGTON, D.C. 20005-3701  
[www.nealrgross.com](http://www.nealrgross.com)

1 subitems that are in the ANC's letter that we  
2 agreed to do.

3 Subsequently there were some  
4 additional concerns that the Wiltberger  
5 residents raised recently that we worked  
6 within the last night to resolve. In addition  
7 to the letter of the ANC, we've added some  
8 addition things. The biggest of which is the  
9 corner entrance. On Wiltberger there was one  
10 retail entrance.

17                   We have agreed to build a corner  
18                   entry, take the entrance from where it is now  
19                   which Sacha will -- you see the vestibule  
20                   there? We agreed in the ANC meeting to build  
21                   a vestibule to knock the sound down so when  
22                   the doors open the sound doesn't spill out

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 into the street.

2                   We are going to take that  
3 vestibule condition and push it to the corner  
4 and actually put a door on the alley as well.  
5 We are going to move that entrance down to the  
6 corner moving it farther away from the  
7 Wiltberger residents.

8                   Then we are going to make it a  
9 corner entry so there will be a door on  
10 Wiltberger and a door on the alley as well.  
11 The door on Wiltberger will basically serve as  
12 an address because you need an address.

13                  The door on the alley will serve  
14 as the main ingress/egress point for whatever  
15 retail establishment or user happens to use  
16 that space. So, again, that was intended to  
17 just get it as far away as possible from the  
18 Wiltberger residents.

19                  MR. GLASGOW: Can I just clarify  
20 on the site plan these are the residents which  
21 face onto Wiltberger Street. This is actually  
22 an industrial building here which serves as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 the delivery point.

2 MR. ROSEN: So initially the quest  
3 was to push any retail entrances north of that  
4 alley just to the north of the Wiltberger  
5 residents? We have subsequently now pushed it  
6 farther to the corner and actually pushed the  
7 traffic to the alley.

8 We just can't have an alley entry  
9 only because there is no address so we'll  
10 maintain a door on Wiltberger for address  
11 purposes. We'll lock it down and we'll use  
12 the north facing the back of Howard as the  
13 primary entrance. In addition to that, we had  
14 agreed that if there is any excess parking  
15 that we will make it available to the  
16 Wiltberger residents.

17 They will get the first right or  
18 refusal on it. Some of them have a desire to  
19 have parking within the building. We need to  
20 make sure we take care of the building first.  
21 We are going to work with our parking operator  
22 to try to secure seven spaces for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 residents of which they will be paying 50  
2 percent of the market prevailing rate and  
3 we'll try to work that out for them.

4 We agreed to do security cameras.  
5 That wasn't on the ANC resolution. That was  
6 a recent request to secure the perimeter with  
7 cameras. They are having a lot of issues with  
8 vagrants and theft and things in the  
9 neighborhood right now.

10 We are going to put exterior  
11 cameras around the perimeter and we are going  
12 to work with the Metropolitan Police  
13 Department to try to tie it into their camera  
14 network, or at least have the videotape backup  
15 so that we can use it in the event there is a  
16 problem.

17 There's the nine items that are in  
18 the ANC letter that I don't think I need to go  
19 through. You guys have probably seen them.  
20 Or I can if you haven't.

21 VICE CHAIR SORG: I don't think we  
22 actually have that letter. We have a letter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 from 1B.

2 MR. ROSEN: Oh, you don't have  
3 2C's letter?

4 VICE CHAIR SORG: We have a letter  
5 from 1B and a letter from 2C. But you're  
6 saying 2C is the one that has the nine items?

7 MR. ROSEN: Yes.

8 VICE CHAIR SORG: I'm sorry. My  
9 mistake, you guys.

10 ZC CHAIR HOOD: We actually have  
11 two letters.

12 MR. ROSEN: That negotiation  
13 process 2C is the appropriate ANC for the  
14 Wiltberger residents. Would you like me to  
15 read through those or are you good with those?  
16 You got them? Okay. I'm just trying to give  
17 you the ones that weren't on that.

18 What we did was we took all the  
19 ones from the ANC letter, added them to the  
20 MOU, and then added in the parking language,  
21 the security cameras, the entrance on the  
22 corner.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1           We agreed to work in good faith  
2 with the neighbors for any perspective retail  
3 tenants moving forward on that retail space,  
4 that we would meet with them and bring a  
5 perspective user with them so that we're  
6 conscious about noise, deliveries, things  
7 along that line.

8           We agreed to limit the loading  
9 hours for the office building to nothing prior  
10 to 7:00 a.m. Monday through Fridays, nothing  
11 prior to 9:00 a.m. on Saturdays, and nothing  
12 prior to noon on Sundays. Even though the  
13 loading dock is on the other side of the  
14 street, we wanted to encourage vehicles not to  
15 come through there during those times to just  
16 further help the noise issue.

17           Of course we then agreed also --  
18 we previously discussed installing double-pane  
19 windows on the front walls of the Wiltberger's  
20 homes to help with the sound. We have now  
21 agreed to do triple pane.

22           The thought is that we would get

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 as quiet a windows as we could basically get  
2 to go on the front of their homes to try to  
3 knock the noise down because it's a very  
4 narrow street. Those are the basic additions  
5 to the ANC letter that we recently agreed to  
6 that kept us up all night. Thank you.

7 MEMBER MacMURRAY: I have one  
8 quick question just referring to the ANC  
9 letter.

10 MR. ROSEN: Sure.

11 MEMBER MacMURRAY: You mentioned  
12 there were nine items but I only see the list  
13 that has five listed. Are you just combining  
14 the different --

15 MR. ROSEN: The As, Bs, and Cs.  
16 Sorry.

17 MEMBER MacMURRAY: Okay. No  
18 problem. I just wanted to make sure we were  
19 clear.

20 MR. ROSEN: That's right. We are  
21 taking their trash. We provided dumpster  
22 space in our trash room for their trash

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 because there is really nowhere for them to  
2 put their trash cans because the street is so  
3 narrow. Now all their trash will come into  
4 our loading dock and then we'll take care of  
5 that. That will help clean the street up,  
6 too. Thank you.

7 ZC CHAIR HOOD: Mr. Chairman, can  
8 I ask about the parking spaces?

9 BZA CHAIR JORDAN: Did you wake up  
10 again?

11 ZC CHAIR HOOD: I just wanted to  
12 ask about the seven parking spaces. Now, the  
13 seven parking spaces is for the seven homes.  
14 Right?

15 MR. ROSEN: I want to be real  
16 clear because this is important. There's 27  
17 spaces in the building that are for the  
18 building. They need to serve the office  
19 tenants. They need to serve the retail if  
20 they are not being utilized. We have actually  
21 got several projects now that we are over  
22 parked.

1                   People are using public  
2 transportation. They are using Metro. That's  
3 why this building is where it is. If there is  
4 an availability, we will go to the seven  
5 Wiltberger residents first for a first right  
6 of refusal and offer them to them on a monthly  
7 basis or daily basis if they choose to have  
8 one. We've got to make sure the building is  
9 taken care of first.

10                  We are trying to lease the  
11 building without committing any parking to our  
12 office users. We are leasing as if it's a  
13 nonparking building because it's a  
14 transportation oriented development. Our hope  
15 is to create the seven spaces, or some number  
16 of those, as quickly as possible for the  
17 residents. That's what we need to do.

18                  ZC CHAIR HOOD: So those residents  
19 already know in this MOU, the agreement, that  
20 there is a possibility that may not even  
21 happen.

22                  MR. ROSEN: 100 percent correct.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 They weren't happy about that but that is  
2 correct.

3 ZC CHAIR HOOD: Okay. Good.

4 Thank you.

5 Thank you, Mr. Chair.

6 BZA CHAIR JORDAN: I remember your  
7 transportation report discusses this pretty  
8 thoroughly.

9 MR. ROSEN: Yes, it does, Mr.  
10 Chairman. Very thoroughly.

11 BZA CHAIR JORDAN: Now, regarding  
12 these conditions and the things that you've  
13 agreed to, is the Applicant willing to accept  
14 those as conditions?

15 MR. GLASGOW: Yes, and we want to  
16 enter into the record the MOU. The document  
17 is now signed and I'll enter it into the  
18 record.

19 BZA CHAIR JORDAN: Thank you.  
20 Additionally, I'm going to need updated plans.

21 MR. GLASGOW: For the rooftop and  
22 then for the corner entrances.

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
(202) 234-4433 WASHINGTON, D.C. 20005-3701  
[www.nealrgross.com](http://www.nealrgross.com)

1 BZA CHAIR JORDAN: Does the  
2 Applicant have anything else before we move on  
3 to planning?

6 BZA CHAIR JORDAN: Any other  
7 questions?

8 Let's move to the Office of  
9 Planning, please.

10 MR. JACKSON: Good morning, Mr.  
11 Chairman, and members of the Board. My name  
12 is Arthur Jackson with the D.C. Office of  
13 Planning. You have before you the Office of  
14 Planning's report. We are not opposed to this  
15 application. In fact, we highly support it.

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1           We appreciate the improvements the  
2   Applicant has made. As noted in the  
3   Applicant's statement, we discussed with them  
4   about the additional relief that will be  
5   required for the towers. I spoke to the  
6   Applicant's representatives during the  
7   presentation just to confirm that this  
8   proposal has been before the HPRB and asked  
9   whether or not HPRB had seen the towers  
10   themselves.

11           The indication was no but I think  
12   he's correct in his assumption that because of  
13   the location of the towers, which is in the  
14   middle of the building away from the street,  
15   HPRB typically does not -- is not concerned  
16   about stretchers that are not visible from the  
17   street frontage.

18           The only two street front finishes  
19   you have are Wiltberger and S Street. If it's  
20   built from the alley, that wouldn't be an  
21   issue. If the closure was invisible in the  
22   alley, it wouldn't be an issue.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 We would generally concur with the  
2 Applicant's assumption that the existence of  
3 an enclosure for the towers will not be an  
4 issue for the Historic Preservation Review  
5 Board because they would not be visible from  
6 the street frontage.

7                   We are encouraged that the  
8                   Applicant has worked with the neighbors to  
9                   address their concerns. We continue to  
10                  support the application as presented and we  
11                  are available to answer questions.

12 BZA CHAIR JORDAN: Questions for  
13 the Office of Planning, anyone?

14 MEMBER HINKLE: Yes. Thank you,  
15 Mr. Chairman.

16 You note in your report that the  
17 required parking spaces are not subject to the  
18 regulations related to parking space size and  
19 aisle width and accessibility and moveability.  
20 Why not? I'm just curious.

21 MR. JACKSON: There is a parking  
22 requirement for historic structures. Under

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 those requirements they give great flexibility  
2 in that you are not required to have the  
3 minimum widths for aisles and size. I think  
4 the idea is to encourage as much as possible  
5 revision of a number of spaces and not  
6 necessarily -- and let the Applicant work out  
7 the details on circulation internally.

8                   It is a provision that is in the  
9 regulations so we think the flexibility is  
10 more than appropriate to apply to this case  
11 because, again, looking back at the large-  
12 track review application that preceded this  
13 several years ago, this was a difficult  
14 building to work with because of the placement  
15 of the columns and the distance between the  
16 doors and just the internal circulation.

17                   Given the new structure that is  
18 being provided in the building, we think they  
19 have done a very good job of fitting in what  
20 they can in terms of parking spaces. Again,  
21 the relief is there. We just wanted to  
22 highlight that provision is available in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 regulations.

2 MEMBER HINKLE: Okay. Thank you.

3 The combination of compact spaces and full-  
4 site spaces does meet the 17 spaces that are  
5 required?

6 MR. JACKSON: It's more than --  
7 yes, it's more than the 17 spaces that are  
8 required.

9 MEMBER HINKLE: Great. Thank you.

10 MR. JACKSON: Yes.

11 BZA CHAIR JORDAN: Any other  
12 questions of the Office of Planning?

13 Department of Transportation. Do  
14 we have a letter from them? I believe we do.

15 Anyone from the Department of  
16 Transportation?

17 We have a letter from the  
18 Department of Transportation which weighed in.  
19 After doing their analysis and evaluation of  
20 this project they indicated no objections to  
21 the development.

22 ANC-1B? We have a letter from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 ANC-1B in which a quorum was present and a  
2 vote of seven to zero in support of this  
3 application which will receive great weight by  
4 this body.

5 Any other government agency?

6 Persons in support. Mr.  
7 Eisenberg.

8 MR. EISENBERG: You want to add to  
9 your comment about party status?

10 I have a question just about the  
11 logistics of party status.

12 BZA CHAIR JORDAN: Okay.

13 MR. EISENBERG: It's not just me  
14 that has the opinion. It's this group of  
15 seven of us. It's important to us and it  
16 seems like we've gone through this process  
17 that the MOU is going to be part of the  
18 record. I'm sure that Paul and company will  
19 do their best to meet the terms.

20 As a result of being a party would  
21 we -- my question is about enforcing what  
22 we've agreed to in the MOU. By being a party

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 as opposed to an individual, wouldn't that  
2 help our situation in having the enforcement  
3 of the MOU?

4 BZA CHAIR JORDAN: We are going to  
5 include the conditions in the order so you  
6 would be required to adhere to them.

7 MR. EISENBERG: I got you.

8 BZA CHAIR JORDAN: But I don't  
9 want to -- if that was your concern, then it  
10 would be part of the order.

11 MR. EISENBERG: Thank you. Okay.  
12 So the seven of us that live on Wiltberger  
13 have had a number of concerns about this  
14 project and I think almost all of them have  
15 been met. Paul has been really helpful.

16 Alex Padro, our ANC rep, has been  
17 very helpful. I just want to take a little  
18 bit of time to talk about what is happening on  
19 Wiltberger Street just slightly beyond these  
20 variances which I know you're tasked to  
21 discuss today.

22 Can you pull up page 8? Oh, it's

1 on there already. Okay. I want to just very  
2 quickly give you a flavor of what is happening  
3 on the very narrow Wiltberger Street. At the  
4 top of the street on the north is the W&G Food  
5 Distribution.

6 That's where all the hot dog  
7 vendors, or a great many of the hot dog  
8 vendors, bring their carts each day. They  
9 begin at 5:15 in the morning and they continue  
10 until about midnight. It is extraordinarily  
11 noisy.

12 In addition, for the last 23  
13 consecutive months there's been construction  
14 on Wiltberger Street, first with the Howard  
15 Theater, then with DDOT, and Washington Gas.  
16 Now with the Wonder Bread factory, not to  
17 mention Progression Place. Most of these  
18 people are suppose to start at 7:00 a.m.

19 Progression Place starts at 5:00  
20 a.m. The Howard Theater has performances that  
21 let out at either 1:30, 2:00 or 2:30 in the  
22 morning. I have lived in the city for over 20

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 years. I couldn't be more excited about where  
2 I live, the changes to our neighborhood. I  
3 love what's happening.

4 There is a tremendous uptake in  
5 crime on our street. There are really a lot  
6 of problems with noise. This is not my  
7 saying, "Hey, I don't like the color of the  
8 flower pots that are being put in." This is  
9 a dangerous place where I live right now and  
10 it's extraordinarily noisy. Not a place where  
11 you can raise a child. Not a place where you  
12 can work from home.

13 We are proponents of this project.  
14 We want this project to move along as quickly  
15 as it possibly can so that the construction is  
16 over. Above and beyond that, what is zoned on  
17 our street in addition to residential, in  
18 addition to commercial, in addition to the  
19 Howard Theater, is an industrial space.

20 This industrial space as the way  
21 it works most of it -- not most. A great deal  
22 of it is outside of the building. The hot dog

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 vendors collect their carts, they receive  
2 their deliveries starting between 5:15 and  
3 5:45 in the morning and going until late in  
4 the evening outside of their warehouse.

5                   This is all happening on  
6 Wiltberger Street and the alleys that connect  
7 to it. This is why we have been so very  
8 difficult about the location of this entrance.  
9 Pandemonium would be overstating it only  
10 slightly but if you chose to come out at 6:00  
11 or 7:00 in the morning, you'll see what we're  
12 talking about.

13                   We want to make sure that this  
14 project and your enforcement of this MOU  
15 simplifies and alleviates the issues that are  
16 happening on Wiltberger Street. I talk about  
17 this stuff so often I'm not sure if I'm making  
18 clear what's going on on our street and what  
19 we wish to occur with this project. Am I  
20 making sense?

21                   BZA CHAIR JORDAN: We understand.  
22 Certainly some of us have lived it in other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 areas so we understand.

2 MR. EISENBERG: Okay. Thanks.

3 ZC CHAIR HOOD: May I ask a quick  
4 question?

5 BZA CHAIR JORDAN: Yes.

6 ZC CHAIR HOOD: How long have you  
7 been in the neighborhood?

8 MR. EISENBERG: I've in our ward  
9 for 22 years. On January 1st it changed. Now  
10 I'm in Ward 6. I've owned on Wiltberger  
11 Street for three years and change.

12 ZC CHAIR HOOD: So you've been  
13 there three years?

14 MR. EISENBERG: Correct.

15 ZC CHAIR HOOD: Okay. How long  
16 have they been building the hot dog piece?

17 MR. EISENBERG: More than three  
18 years. About 20 years.

19 BZA CHAIR JORDAN: Is that the WG  
20 Food Distributors?

21 MR. EISENBERG: Correct.

22 ZC CHAIR HOOD: So you weren't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 there when the Howard Theater didn't start  
2 until 1:00 and didn't get out until 5:00? I'm  
3 just saying. I'm not making light of it. I'm  
4 just saying that activity -- when you said  
5 2:00, I'm glad to know now it's 2:00 because  
6 I was a regular attendant when it was 1:00 to  
7 5:00. I guess my point is I wanted to know  
8 how long you endured it. So you've been there  
9 three years. How long has this hot dog piece  
10 and that stuff been going on?

11 MR. EISENBERG: Longer than I've  
12 lived there. I should also mention if we're  
13 getting into the history of Wiltberger Street  
14 that these seven residences on Wiltberger  
15 Street up until approximately six years ago  
16 had very different inhabitants than they do  
17 today.

18 We can get into that if you wish.  
19 These are not folks that are paying attention  
20 to what -- in a polite way these are not folks  
21 that were paying attention to what was  
22 happening on Wiltberger Street.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   ZC CHAIR HOOD: I think, though --  
2 well, anyway, that has nothing to do with the  
3 case but sometimes if you endure some of that,  
4 the end result -- there's light at the end of  
5 the tunnel and --

6                   MR. EISENBERG: I'm here. I'm  
7 here. I'm working with Paul and we're  
8 endorsing this project. We couldn't be  
9 happier about the changes that are happening  
10 in our neighborhood.

11                  BZA CHAIR JORDAN: And just  
12 looking at the area the faster the better.  
13 You still have that big industrial WG  
14 building.

15                  MR. EISENBERG: And that's a big  
16 part of our issues with Paul. Frankly, that  
17 has much to do with what is happening and what  
18 is failing to be enforced at W&G. A lot of  
19 crime, a lot of rats, incredible amount of  
20 noise. A lot of the other residents have a  
21 lot of concern about the noise in the morning,  
22 and now evening.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 VICE CHAIR SORG: Mr. Chairman,  
2 can I ask --

3                    Maybe I missed something but the  
4                    hot dog people are in that building to the  
5                    north on the east side of Wiltberger Place?

6 MR. EISENBERG: Correct.

7 VICE CHAIR SORG: Okay.

10 VICE CHAIR SORG: All right.

11| Thank you.

12                   Actually, I'll just add I  
13 appreciate you guys coming down. Actually,  
14 Wiltberger Street is one of my favorite  
15 streets in the city. I think it's just a very  
16 unique and interesting block. I also really  
17 appreciate your attitude towards the  
18 development. We have people who want nothing  
19 to happen and people who want everything to  
20 happen. We appreciate your comments and the  
21 balanced view that I think you and the  
22 residents are bringing.

NEAL R. GROSS

## COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   BZA CHAIR JORDAN: Any other  
2 persons --

3                   You want to make a statement? Ms.  
4 Sohnen, right?

5                   MS. SOHNEN: Yes, Sohnen. Just  
6 thanks for the opportunity to speak. Again,  
7 we are very happy to endorse this project and  
8 look forward to its successful completion.

9 Thanks.

10                  BZA CHAIR JORDAN: Are there  
11 others in support?

12                  Yes. Did you take the oath and  
13 affirmation?

14                  MR. PADRO: No, I have not.

15                  BZA CHAIR JORDAN: Mr. Moy.

16                  (Whereupon, the witness was  
17 sworn.)

18                  BZA CHAIR JORDAN: Did you fill  
19 out two witness cards?

20                  MR. PADRO: I will provide them to  
21 the recording secretary.

22                  BZA CHAIR JORDAN: Very good. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 your name?

2 MR. PADRO: Mr. Chairman, I'm  
3 Alexander M. Padro. I'm chair of the Advisory  
4 Neighborhood Commission 2C. ANC-2C has been  
5 working with Douglas Development for the past  
6 ten plus years to get to the point where we  
7 are today.

8 The Wonder Bread factory has been  
9 an iconic building but it has been, quite  
10 honestly, a blight on the neighborhood for a  
11 very long time because it has been vacant so  
12 long. Empty buildings are magnets for the  
13 types of crime and other negative activities  
14 that some of the neighbors have discussed.

15 We were very pleased that the  
16 latest iteration of the development has been  
17 brought forward. In communicating with our  
18 constituents we determined that we could not  
19 support the initial application which called  
20 for a complete waiver from the parking  
21 requirements.

22 We have a level of parking demand

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 in the neighborhood as a result of the opening  
2 of the Howard and other developments that  
3 prevented us from considering supporting a  
4 plan that would remove all of the parking  
5 requirements.

6 We are very grateful to get back  
7 from Douglas Development that they heard us  
8 and they heard the neighbors and we're  
9 prepared to make as much parking available as  
10 was viable.

11 Further, we worked with the  
12 residents to try to address as many of the  
13 possibly negative outcomes of the normal  
14 activity of a mixed use building mere feet  
15 away from their front doors. We believe that  
16 the nine conditions that we placed on the  
17 ANC's support for this application satisfied  
18 those.

19 We are glad that further  
20 negotiations have gotten to a point where  
21 almost all of the concerns that have been  
22 raised by our constituents have been

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
(202) 234-4433 WASHINGTON, D.C. 20005-3701  
[www.nealrgross.com](http://www.nealrgross.com)

1 addressed. We stand on the letter that is in  
2 your record and I am available to answer any  
3 questions that the Board may have.

4 BZA CHAIR JORDAN: Thank you, Mr.  
5 Padro. We really appreciate the diligence and  
6 support, as well as the neighbors. I think  
7 you always do the right thing in stepping up  
8 to protect the neighborhood and voicing your  
9 concern.

10 A lot of times we have people --  
11 we have issues and we don't know about the  
12 issues and people don't step up. It's always  
13 after the fact. You are being very proactive  
14 and we appreciate that.

15 Are there any other persons in  
16 support in the audience?

17 Does the Applicant have any  
18 questions of the Board?

19 MR. GLASGOW: No questions.

20 BZA CHAIR JORDAN: Persons in  
21 opposition. Anyone in opposition? Going  
22 once, going twice, sold. No persons in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 opposition will be speaking.

2 Any wrap-up, Mr. Glasgow?

3 MR. GLASGOW: Mr. Chairman, due to  
4 the expediency that everybody wants to get  
5 this project completed, we would like to have  
6 a summary order with the conditions that we  
7 have with the MOU.

8 BZA CHAIR JORDAN: What  
9 assumptions you're making. No, go ahead.  
10 Yes, we do have the MOU. I'm sorry, Mr.  
11 Glasgow. Are you finished?

12 MR. GLASGOW: That's what we would  
13 like.

14 BZA CHAIR JORDAN: Are there any  
15 other questions for the Applicant or anyone?  
16 Then we will close this hearing and close the  
17 record.

18 Is the Board ready to deliberate?  
19 We'll move into deliberations. Anyone care to  
20 start us off?

21 I believe that there has been a  
22 complete showing of necessity for the relief

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 requested. The property itself is  
2 exceptionally long and narrow and confined by  
3 the public right-of-ways.

4 Now with this historic designation  
5 and the need to maintain some integrity of the  
6 historic part of the building allows for us to  
7 render that this building has exceptional  
8 situations and practical difficulties,  
9 particularly in regards to what you are going  
10 to do regarding the need for the rear yard  
11 setback, where the support columns would go  
12 for the garage, the other issues that would  
13 flow from that.

14 Having the ability to try to  
15 manipulate and maneuver into that small way to  
16 come into the parking presents an issue for  
17 this development and the need among all the  
18 other confluence of issues of the Historic  
19 Preservation aspect.

20 It's my view that you would have  
21 met the requirement to be granted the  
22 particular variances that you've asked and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 that the special exception of roof structure  
2 relief, or as a special exception I think  
3 you've met the burden under 411 personally.

4 Any other statement, Ms. Sorg?

5 VICE CHAIR SORG: Why do you  
6 assume I'm going to have something to say?

7 BZA CHAIR JORDAN: Because you  
8 wanted to speak before me.

9 VICE CHAIR SORG: Mr. Chairman. I  
10 concur with your analysis. I'll just comment  
11 that I think the management of the roof  
12 structure is pretty nice in this project. I  
13 would commend the applicant for working with  
14 the potential opponents and various community  
15 residents here for this project. Thank you.

16 BZA CHAIR JORDAN: Any other  
17 comments from the Board? Then I move that we  
18 would grant the relief requested and  
19 incorporate as a condition the Memorandum of  
20 Understanding into the order granting relief.

21 Mr. Hinkle.

22 MEMBER HINKLE: Mr. Chairman,

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
(202) 234-4433 WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 there is also the additional conditions within  
2 the --

3 BZA CHAIR JORDAN: I think they  
4 are all adopted within the Memorandum of  
5 Understanding.

6 Looking for a second.

7 VICE CHAIR SORG: Second.

8 BZA CHAIR JORDAN: There we go.  
9 Motion made and seconded that we grant the  
10 relief with the Memorandum of Understanding  
11 being included as conditions of the order.

12 Mr. Hood.

13 ZC CHAIR HOOD: Question. I'm  
14 just curious. I go back and forth. I've  
15 heard it every way. I'm just curious. The  
16 conditions -- I'm by no means trying to change  
17 anything that's been worked out.

18 I just want to make sure they are  
19 enforceable because I've been here long enough  
20 to know. I know we usually point to a  
21 Memorandum of Understanding but I don't want  
22 anybody to leave here with any false hopes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 Is it enforceable? I've seen it both ways.

2 MS. GLAZER: You raise a valid  
3 concern. I haven't really looked at this  
4 thoroughly but it appears that these are  
5 enforceable in their specific items that  
6 pertain to mitigate adverse impacts.

7 ZC CHAIR HOOD: Okay. On that I'm  
8 ready to vote, Mr. Chairman. I just don't  
9 want the neighborhood to work with a good  
10 piece and then say, "We wasted our time."

11 BZA CHAIR JORDAN: All those in  
12 favor of the motion signify by saying aye.

13 BOARD MEMBERS: Aye.

14 BZA CHAIR JORDAN: Those opposed  
15 nay. The motion carries.

16 Mr. Moy.

17 MR. MOY: Yes. Staff would record  
18 the vote as five to zero to zero. This is on  
19 the motion of Chairman Jordan to approve the  
20 application for the relief requested which is  
21 the special exception from the roof structure,  
22 variances from the rear yard and off-street

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 parking.

2                             Seconding the motion Vice  
3 Chairperson Sorg. Also in support of the  
4 motion Mr. Hood, Ms. MacMurray, and Mr.  
5 Hinkle. The approval, Mr. Chairman, also  
6 includes extracting 11 conditions that are  
7 contained in the MOU. Those 11 conditions  
8 will be stated in the order.

9                             BZA CHAIR JORDAN: Thank you.

10                            MR. GLASGOW: Mr. Chairman, we  
11 would also like to submit for the record a  
12 drawing. We have a hand drawing there that  
13 shows where the doors are. We wanted to get  
14 that into the record. That goes with the MOU.

15                            BZA CHAIR JORDAN: Oh, that hand  
16 drawing?

17                            MR. GLASGOW: Yes, that hand  
18 drawing so that Mr. Rosen can have the drawing  
19 that shows those two doors. And then the roof  
20 plan that we discussed earlier.

21                            BZA CHAIR JORDAN: So accepted.

22                            MR. EISENBERG: Is it possible for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 us to get a copy of the final MOU, please?

2 BZA CHAIR JORDAN: The Applicant  
3 will give you a copy of the MOU. We don't  
4 have that. When the order is produced, you'll  
5 get the MOU.

6 Mr. Moy, have we recorded the  
7 vote? Did you record the vote?

8 MR. MOY: I'll restate it again,  
9 Mr. Chairman. The final vote is five to zero  
10 to zero approval with the 11 conditions for  
11 the relief requested. The motion carries.

12 BZA CHAIR JORDAN: Thank you. I  
13 think we are prime and right for a summary  
14 order so I order a summary order.

15 Very good. Thank you. We are  
16 concluded.

17 MR. GLASGOW: Thank you.

18 MR. ROSEN: Thank you very much.

19 BZA CHAIR JORDAN: Can we have --  
20 Mr. Moy, if you would call for me case 18384  
21 and 18364.

22 MR. MOY: Yes, sir. The next two

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 applications before the BZA this morning, the  
2 first being -- I'm going to read it as  
3 advertised -- Application No. 18384. This is  
4 the application of, I believe it's pronounced,  
5 Epiphania LLC, pursuant to 11 DCMR 3104.1, for  
6 a special exception to permit a massage  
7 establishment under section 731, in the DC/C-  
8 2-B District at premises 2028 P Street, N.W..  
9 The property is located at Square 96, Lot 18.

10                   The second case, which is a  
11 postponed application from June 19, 2012,  
12 would be Application No. 18364, the  
13 application of Barracks Row Venture LLC,  
14 pursuant to -- this is as originally  
15 advertised -- to 11 DCMR 3103.2, for a  
16 variance from the rear yard requirements under  
17 section 774 and a variance from the parking  
18 requirements for historic buildings under  
19 subsection 2120.3, to allow an addition to an  
20 existing building for retail, office and  
21 restaurant use in the CHC/C-2-A District at  
22 premises 717 8th Street, S.E. Property is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 located in Square 904, Lot 35.

2 I believe this application, Mr.  
3 Chairman, there may have been an amendment to  
4 the relief being requested as well as possibly  
5 revised plans but I'll leave --

6 BZA CHAIR JORDAN: Under 18364 I  
7 think the relief requested was an amendment to  
8 the special exception. Correct?

9 MR. TUMMONDS: Yes. For the  
10 record, Paul Tummonds with the law firm of  
11 Goulston & Storrs on behalf of the Applicant  
12 Barracks Row Venture. Yes, in the July 10,  
13 2012 prehearing statement, we revised a relief  
14 with special exception and Exhibit A to that  
15 statement included the revised plan.

16 BZA CHAIR JORDAN: And if you  
17 would -- the persons for 18384 introduce  
18 themselves for the record.

19 MR. SULLIVAN: Thank you, Mr.  
20 Chairman, members of the Board. My name is  
21 Martin Sullivan with the law firm of Sullivan  
22 & Barros.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 BZA CHAIR JORDAN: Thank you.

2 MR. FRANCA: Thank you. My name  
3 is Luis Carlos Franca.

4 MR. SULLIVAN: Mr. Franca is the  
5 owner of the property and of the massage  
6 establishment.

7 BZA CHAIR JORDAN: Mr. Franca,  
8 were you here earlier to be sworn?

9 MR. SULLIVAN: He was.

10 BZA CHAIR JORDAN: Okay. Very  
11 good.

12 The Board has reviewed both these  
13 cases and believe that the record is very  
14 clear in regards to the request that is needed  
15 and the supporting documentation. However,  
16 the parties have a right to a hearing and/or  
17 to make a verbal request to waive the right to  
18 a hearing. That is why I have asked you both  
19 at the table at the same time to see where we  
20 are.

21 MR. TUMMONDS: I will take the  
22 hint and we will rest on the record.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1

2 MR. SULLIVAN: Likewise.

3

4 BZA CHAIR JORDAN: And the Board

5

6 Does anyone on the Board have any

7

8 Office of Planning, any issues

9

10 with either one of these applications?

11

12 MS. BROWN-ROBERTS: I don't have

13 an issue but I have a condition on Application

14

15 BZA CHAIR JORDAN: Do I have that

16 in here?

17

18 MS. BROWN-ROBERTS: No. It was

19 not part of our report. This is something

20 subsequent to that.

21

22 BZA CHAIR JORDAN: And have you

discussed the condition with the Applicant?

19

20 MS. BROWN-ROBERTS: Yes.

21

22 BZA CHAIR JORDAN: What is the

condition?

22

MS. BROWN-ROBERTS: We would like

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 to have a condition that the restauranteur for  
2 the restaurant that they become a part of the  
3 valet service that exist for most of the  
4 restaurants that are there right now.

5 BZA CHAIR JORDAN: I thought you  
6 had something about the valet service?

7 MR. TUMMONDS: We had but I think  
8 we'll need to have our witness be sworn who  
9 was not here earlier when the witnesses were  
10 sworn.

11 BZA CHAIR JORDAN: Well, let's do  
12 this.

13 MR. TUMMONDS: Let them go first.

14 BZA CHAIR JORDAN: Separate the  
15 cases, please.

16 BZA CHAIR JORDAN: You threw me a  
17 curve ball. Okay. In that case, let's deal  
18 with 18384. I would move that the Board grant  
19 the relief requested by the Applicant under  
20 18384 for a special exception.

21 VICE CHAIR SORG: Second.

22 BZA CHAIR JORDAN: Motion made and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 seconded that we grant the relief requested  
2 under 18384. Any unreadiness? All those in  
3 favor of the motion signify by saying aye.

4 BOARD MEMBERS: Aye.

5 BZA CHAIR JORDAN: Those opposed  
6 nay. The motion carries.

7 Mr. Moy.

8 MR. MOY: Staff would record the  
9 vote as five to zero to zero. It's on the  
10 motion of Chairman Jordon, seconded by Vice  
11 Chair Sorg. In support of the motion also Mr.  
12 Hood, Ms. MacMurray, and Mr. Hinkle. Again,  
13 the final vote five to zero to zero. This was  
14 to Application No. 18364.

15 BZA CHAIR JORDAN: Okay.

16 MR. SULLIVAN: I'm sorry. We are  
17 requesting a summary order, please.

18 BZA CHAIR JORDAN: Yes, we'll do  
19 that.

20 Mr. Moy.

21 MR. MOY: Okay.

22 BZA CHAIR JORDAN: Now let's call

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 -- thank you. You can leave the table if you  
2 want. If you want to sit, you can stay. Have  
3 a Coke and a smile.

4 18364, Barracks Row Venture. All  
5 parties needing to testify and be a part of  
6 18364 please come forward.

7 Again, if you would reintroduce  
8 yourselves.

9 MR. TUMMONDS: Yes. Good morning.  
10 Paul Tummonds, law firm of Goulston & Storrs  
11 on behalf of the Applicant.

12 MR. SELFRIDGE: Greg Selfridge on  
13 behalf of Barracks Row Venture.

14 MR. TUMMONDS: And as I mentioned  
15 before, Mr. Selfridge will need to be sworn  
16 in.

17 (The witness was sworn.)

18 BZA CHAIR JORDAN: Thank you. I  
19 think you've heard the Board's position where  
20 we are. Office of Planning had indicated  
21 there is another issue or something that they  
22 want. Let's go back to that particular

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 discussion from Office of Planning regarding  
2 that.

3 MS. BROWN-ROBERTS: Thank you, Mr.  
4 Chairman. For the record, I'm Maxine Brown-  
5 Roberts representing the Office of Planning.

6 Subsequent to our review of the  
7 application, there is in our report, and also  
8 in the Applicant's submission, that in order  
9 to lessen the impacts of parking along 8th  
10 Street, there is a valet service that the  
11 restaurants all participate in.

12 We thought that it would be  
13 something that we should have the Applicant  
14 also participate in. Again, since they are  
15 asking for a parking variance, to also  
16 participate in that service.

17 Again, it's going to be a separate  
18 restauranteur who is going to be operating in  
19 that space. In a lot of cases if the  
20 recommendation is not in the order, they will  
21 not participate. We just wanted to make sure  
22 that was something that is enforceable.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   BZA CHAIR JORDAN: Does anyone  
2 have a question -- does any Board member have  
3 a question of the Office of Planning?

4                   ZC CHAIR HOOD: I'm just curious.  
5 Do we typically do that? I mean, do we ask  
6 people to participate in something the  
7 community is already doing whether they -- you  
8 know, I've just never heard that. Maybe I've  
9 missed it.

10                  MS. BROWN-ROBERTS: Yes, yes.  
11 It's something that's established. It will  
12 help in the parking situation along the  
13 street.

14                  ZC CHAIR HOOD: Is the Applicant -  
15 - I may have missed this. Is the Applicant  
16 agreeing to it?

17                  BZA CHAIR JORDAN: I want to see  
18 if we have any questions from the Board and  
19 then I'm going to turn to the Applicant to  
20 respond.

21                  ZC CHAIR HOOD: Okay.

22                  BZA CHAIR JORDAN: If you would,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 please.

2 MR. SELFRIDGE: Thank you, Mr.  
3 Chairman. Greg Selfridge for Barracks Row  
4 Venture. In the testimony we submitted, we  
5 believe the restaurant operator will certainly  
6 explore the possibility of participating in  
7 the valet service. We just feel like it's  
8 fairly early in the process as the business  
9 owner to make those operational decisions for  
10 them.

11 The property in question is within  
12 two blocks of a Metro station, two bus  
13 stations. There's a parking lot down the  
14 street. There's three BikeShare stations as  
15 well. And we also feel like there's an  
16 opportunity in the liquor license process  
17 which they will still have to go through to  
18 also address the parking issue if this is  
19 something the community wants.

20 We did go to the ANC. We met with  
21 the Planning and Zoning Committee. We also  
22 met with the full ANC. In neither of those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 instances did this issue come up. We think  
2 that down the road it can still be addressed  
3 if we need to.

4 BZA CHAIR JORDAN: Yes, Ms. Sorg.

5 VICE CHAIR SORG: I think there is  
6 some grumblings in terms of an understanding  
7 of the valet service. I don't know about it  
8 so I don't know how many restaurants are  
9 participating. Do you know that?

10 MR. SELFRIDGE: I don't. I can  
11 tell you it's not universal. It exist on one  
12 block and it's not the block on which this  
13 restaurant sits so you could argue that even  
14 if they were to participate, there would be  
15 limited impact or limited benefit that is  
16 derived so we don't think that it's universal.  
17 Nor has it been required by the ANC or even  
18 mentioned.

19 VICE CHAIR SORG: Um-hum.

20 BZA CHAIR JORDAN: Ms. MacMurray.

21 MEMBER MacMURRAY: Mr. Chairman, I  
22 would recognize being a resident in this area

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 and knowing the valet service, not all the  
2 restaurants do participate in that valet  
3 service that's required. I think it's like  
4 maybe five out of the new ones.

5 I think the nuances is regarding  
6 the parking, that DDOT has changed some of the  
7 parking requirements in that particular area  
8 to allow for Zone 6 parking in certain areas  
9 and then they have the surface street parking.

10 In the last, I guess, two years  
11 they increased the number of restaurants that  
12 have come into that area. Parking continues  
13 to be an issue. I know that you guys are  
14 applying for a variance to remove the two  
15 spots that are already -- there is a special  
16 exception for the two spots that are already  
17 existing.

18 I do think that it might be  
19 premature to put that in our order but do  
20 recognize that the parking situation, anything  
21 that operator can do to try to alleviate  
22 parking in that area would probably be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   appreciated in that area.

2                   MEMBER HINKLE: Yeah. I'm just  
3                   thinking about the land use issue. There are  
4                   other matter-of-right uses that actually could  
5                   go into this property beside the restaurant.  
6                   I think if we were to condition it, it would  
7                   be if there is a restaurant use. Even then,  
8                   you know, there's different types of  
9                   restaurants.

10                  I have a little concern about not  
11                  knowing what use is going in here and how this  
12                  property will be managed and what type of  
13                  restaurant would go in. Not knowing anything  
14                  about this valet service, I have some real  
15                  concerns about putting this condition on the  
16                  Applicant.

17                  BZA CHAIR JORDAN: And DDOT hasn't  
18                  expressed any concern here about any issue  
19                  like that. Nor have the ANC.

20                  Is there anything that the  
21                  Applicant feels that they need to present?

22                  MR. TUMMONDS: No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   BZA CHAIR JORDAN: Any other  
2 questions by the Board?

3                   VICE CHAIR SORG: What's across  
4 the street?

5                   MR. SELFRIDGE: The Marine  
6 barracks.

7                   VICE CHAIR SORG: Oh, it's  
8 literally across?

9                   MR. SELFRIDGE: Literally across  
10 from the Marine barracks.

11                  VICE CHAIR SORG: Okay. I'm  
12 oriented now.

13                  BZA CHAIR JORDAN: Guns and  
14 everything.

15                  MR. SELFRIDGE: And I will add it  
16 was in our packet as well that we did commit  
17 to enclose the trash. That was kind of the --

18                  BZA CHAIR JORDAN: That's the  
19 reason why.

20                  MR. SELFRIDGE: Yeah. That was  
21 what we agreed to with the ANC and they are  
22 very happy with that trade off.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   BZA CHAIR JORDAN: It was real  
2 clear in the application and the report. You  
3 know, it's either trash stuck out in the back  
4 in the alley somewhere or enclosed for the  
5 neighbors.

6                   If there are not any other  
7 questions, I will close this hearing and move  
8 to deliberations. Any discussion? Then I  
9 would move that the Board grant the special  
10 exception relief as requested in this  
11 application without any other condition toward  
12 the valet parking at this point.

13                  VICE CHAIR SORG: Second.

14                  BZA CHAIR JORDAN: Motion made and  
15 seconded. All those in favor signify by  
16 saying aye.

17                  BOARD MEMBERS: Aye.

18                  BZA CHAIR JORDAN: Those opposed  
19 nay. The motion carries.

20                  Mr. Moy.

21                  MR. MOY: Staff would record the  
22 vote as five to zero to zero. This is on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 motion of Chairman Jordan to approve the  
2 special exception relief. Seconded by Vice  
3 Chairperson Sorg. Also in support of the  
4 motion Mr. Hood, Ms. MacMurray, and Mr.  
5 Hinkle. Again, the vote is five to zero to  
6 zero. The motion carries.

7 BZA CHAIR JORDAN: A summary order  
8 is appropriate, please.

9 MR. MOY: Very good. Thank you,  
10 sir.

11 BZA CHAIR JORDAN: Any other  
12 business coming before us for this morning's  
13 meeting?

14 MR. MOY: No, sir.

15 BZA CHAIR JORDAN: Okay. Then we  
16 stand in recess until this afternoon.

17 (Whereupon, at 11:52 a.m. off the  
18 record for lunch to reconvene at 1:05 p.m.)

19  
20  
21  
22

1  
2

3 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

4 1:16 p.m.

5 BZA CHAIR JORDAN: Let's resume  
6 because we were in recess from this morning.  
7 However, we are here for Board of Zoning  
8 Adjustment hearings on today's cases. Today  
9 is July 24, 2012. My name is Lloyd Jordan,  
10 Chairperson.

11 To the left of me is Nicole Sorg,  
12 Vice Chairperson. To her left is Anthony  
13 Hood, Chairman of the Zoning Commission. To  
14 my right is Jeffrey Hinkle, Board Member, and  
15 switching chairs.

16 Please be advised that this  
17 proceeding is being recorded by a court  
18 reporter and is also being webcast live so we  
19 are going to ask that you refrain from any  
20 disruptive noises or actions in the hearing  
21 room. The Board's hearing procedures and  
22 processes and located in paper by the door.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 Those who are going to testify in  
2 today's hearing if you would please stand and  
3 take the oath of office -- excuse me, not  
4 office -- oath or affirmation. Those who  
5 might want to do office, that's something  
6 else.

7 Mr. Secretary, would you please?

10 (Whereupon, the witnesses were  
11 sworn in.)

12 BZA CHAIR JORDAN: Are there any  
13 preliminary matters that we need to address  
14 this morning?

15 MR. MOY: Yes, sir. The only one  
16 for this afternoon's session of consequence is  
17 that the second case in the afternoon,  
18 Application No. 18388 of Kirk Freeman has been  
19 withdrawn from the agenda.

20 BZA CHAIR JORDAN: We have a  
21 letter. It was one of the cases where we  
22 didn't think relief was necessary.

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   Let's call our first case.

2                   MR. MOY: Good afternoon, Mr.

3                   Chairman, members of the Board. The first  
4                   application before the Board for public  
5                   hearing is Application No. 18383.

6                   This is the application of Barbara  
7                   Chambers Children's Center, pursuant to 11  
8                   DCMR 3104.1 for a special exception to permit  
9                   the expansion (225 children and 47 staff) of  
10                  an approved child development center (BZA  
11                  Order No. 17731) under section 205, in the R-  
12                  5-B District at premises 1470 Irving Street,  
13                  N.W. Property located in Square 2672, Lot  
14                  881.)

15                  BZA CHAIR JORDAN: Let's begin  
16                  this particular case. Could you identify  
17                  yourselves, please?

18                  MR. HUGHES: Good afternoon, Mr.  
19                  Chair. For the record, my name is Dennis  
20                  Hughes with Holland & Knight. To my far right  
21                  is Maribel Ventura-Torres, the director of the  
22                  Barbara Chambers Children Center. To my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 immediate right is Don Warner of KeyUrban, a  
2 consultant for the center.

3 BZA CHAIR JORDAN: Do we have an  
4 ANC support letter? I didn't see one in my

5 MR. HUGHES: Mr. Chair, there is a  
6 letter of support from ANC-1A.

7 MS. GLAZER: Mr. Chair, I think  
8 Exhibit 26, Tab G.

9 BZA CHAIR JORDAN: Got it. Thank  
10 you.

11 One second, please. Now we're in  
12 business.

13 Does anybody have any issues with  
14 this particular application that we need to  
15 cover? I think it's pretty self-explanatory,  
16 pretty straight forward.

17 Is there anything that OP needs to  
18 add to it other than what is in the report?

19 MR. JESICK: No, sir. We are  
20 happy to rest on the record in support of the  
21 application.

22 BZA CHAIR JORDAN: Are there any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 persons that are in opposition to this  
2 application in the audience?

3                   Mr. Hughes, you have the  
4 opportunity to do a presentation if you want  
5 but I think you were here this morning and  
6 understand the consequences -- no. It's an  
7 option that you have certainly. Some people  
8 like to talk and we are glad to listen.

9                   MR. HUGHES: I'm not generally one  
10 of those people but I would ask if we might  
11 introduce a couple of letters of support that  
12 did not make their way into the record yet.  
13 I've given copies to staff.

14                   We have a letter of support from  
15 the Tenant's Association, the apartment  
16 building to the immediate east of the property  
17 across the public alley, the 1460 Irving  
18 Street Tenant's Association, and also a letter  
19 of support from the Next Step Public Charter  
20 School which has recently purchased the  
21 building to which the Barbara Chambers  
22 Children Center is physically attached to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 west of the Barbara Chambers Children Center.

2                   With that, we just thank the input  
3 we received from the Office of Planning and  
4 the Department of Transportation. We are  
5 available for any questions that the Board may  
6 have.

7                   BZA CHAIR JORDAN: The only  
8 question I need to ask, any issues with the  
9 conditions that have been proposed or that  
10 remain in place?

11                  MR. HUGHES: We have no problems  
12 with those conditions, just the request for  
13 the additional staff and children.

14                  BZA CHAIR JORDAN: The seven  
15 conditions that I have are the hours of  
16 operation shall be from 7:00 a.m. to 10:00  
17 p.m. with all persons off site including  
18 parking lot by 10:30. The number of enrolled  
19 children shall not exceed 225.

20                  The number of staff shall not  
21 exceed 47. Outdoor activities shall be  
22 supervised and concluded by 8:00 p.m. Trash

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1           receptacles shall be kept on site and  
2           collected three times a week and the property  
3           shall be kept free of debris.

4                   Staff shall monitor the dropping  
5           off and picking up of children and the parking  
6           lot shall be lit from sunset to sunrise. Is  
7           that correct?

8                   MR. HUGHES: Correct.

9                   BZA CHAIR JORDAN: With that, are  
10           there any questions we need to ask of the  
11           Applicant or of anyone? There has been --

12                   MS. GLAZER: Mr. Chair.

13                   BZA CHAIR JORDAN: Yes.

14                   MS. GLAZER: I'm sorry to  
15           interrupt. I think DDOT also had a suggested  
16           condition.

17                   BZA CHAIR JORDAN: What was that  
18           because -- what page are DDOT's statement?

19                   MR. HUGHES: Mr. Chair, the  
20           Applicant is aware of DDOT's items and has  
21           agreed to add those as conditions.

22                   BZA CHAIR JORDAN: I think that is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 already in some of the conditions that we just  
2 read, right? What are we missing? What did  
3 we miss?

4 MR. HUGHES: There is an agreement  
5 by the Applicant with regard to SmarTrip  
6 benefits for its employees or installation of  
7 a bike rack. There is a pickup/drop off plan  
8 that the Applicant has agreed to implement.

9 BZA CHAIR JORDAN: And we will  
10 adopt that as an additional condition, the  
11 agreement with DDOT in regards to the TDM.

12 VICE CHAIR SORG: Mr. Chairman, I  
13 would just ask if the Applicant is requesting  
14 any particular term.

15 MR. HUGHES: The prior approval  
16 from 2008 does not have -- is not time  
17 conditioned so we --

18 VICE CHAIR SORG: It's not? Okay.

19 MR. HUGHES: -- would request not  
20 to have it time conditioned.

21 VICE CHAIR SORG: Okay. Thanks.

22 BZA CHAIR JORDAN: We will close

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 this hearing and move onto deliberation. I  
2 think the record is very clear and full  
3 regarding the items necessary to grant special  
4 relief as requested by the Applicant.  
5 Therefore, I move that we approve the  
6 application as submitted with the conditions  
7 I just read into the record with the addition  
8 of the DDOT TDM plan.

9 ZC CHAIR HOOD: Second.

10 BZA CHAIR JORDAN: Motion made and  
11 seconded. Any further discussion? All those  
12 in favor signify by saying aye.

13 BOARD MEMBERS: Aye.

14 BZA CHAIR JORDAN: Those opposed  
15 nay. The motion carries.

16 Mr. Moy.

17 MR. MOY: Yes, sir. Staff would  
18 record the vote as four to zero to one. This  
19 is on the motion of Chairman Jordan to approve  
20 the application for the relief from section  
21 205, as well as approval with conditions as  
22 stated in the Office of Planning letter,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 conditions 1 through 7, plus the condition in  
2 the DDOT report regarding the Smart Benefits  
3 Program.

4 Seconding the motion, Mr. Hood.

5 Also in support of the motion, Vice Chair Sorg  
6 and Mr. Hinkle. No other Board members  
7 present or participating so, again, the final  
8 vote is four to zero to one. The motion  
9 carries.

10 BZA CHAIR JORDAN: I believe we  
11 are prime for a summary order in this matter.

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

13 BZA CHAIR JORDAN: Thank you.

14 MR. HUGHES: Thank you.

15 MR. MOY: The next application  
16 before the Board for public hearing is  
17 Application No. 18382. This is the  
18 application of Pony Express LLC dba EastBanc,  
19 Inc., pursuant to 11 DCMR 3103.2, for a  
20 variance from the lot occupancy requirements  
21 under section 403, a variance from the rear  
22 yard requirements under section 404, a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 variance from the side yard requirements under  
2 section 405 and a variance from the use  
3 provisions under subsection 2002.4, to permit  
4 the renovation and expansion of an existing  
5 building for a retail, commercial and office  
6 use in the C-2-A and R-3 Districts at premises  
7 1215 31st Street, N.W. Property located in  
8 Square 1209, Lot 826.

9 BZA CHAIR JORDAN: Thank you, Mr.  
10 Moy.

11 We have a thermostat issue on the  
12 Board. This Board usually works together  
13 quite nicely but where we have our  
14 disagreement is always over the thermostat.

15 I'm good. I don't really have  
16 questions on this matter. I know the issue  
17 was pertaining to whether or not the relief is  
18 necessary but I think it's probably safe to  
19 move forward as the relief is necessary.

20 Any Board member have any  
21 particular issue with this case? I think the  
22 record is full, really full. We have ANC

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
(202) 234-4433 WASHINGTON, D.C. 20005-3701  
[www.nealrgross.com](http://www.nealrgross.com)

1 support in this matter as well as OP support.

2                   Anyone? Mr. Hood, any issues or  
3 questions?

4                   ZC CHAIR HOOD: I think you're  
5 exactly right, Mr. Chairman. Also Fine Arts  
6 and, I think, Ms. McCarthy basically spelled  
7 it out for us on our handout. I'm fine.

8                   BZA CHAIR JORDAN: The handout  
9 does indeed run with the other items in the  
10 record. It just outlines it and prepares it  
11 for us and I appreciate that.

12                  I don't have any real questions  
13 that I need to address. Are we okay, Ms.  
14 Sorg? Do you have any questions?

15                  Let me turn to the Office of  
16 Planning. Is there anything other than what  
17 you already have in the record?

18                  MS. THOMAS: No, Mr. Chairman.  
19 We'll rest on the record. Thank you.

20                  BZA CHAIR JORDAN: Are there any  
21 persons in -- well, any persons in opposition  
22 to this application here? Going once, going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 twice, going for the third time.

2                   Seeing that there aren't any,  
3 people in support that feel they need to talk  
4 about this application?

5                   I think the application self-  
6 presents. The record is clear in all the  
7 elements. Subsequently, also your outline  
8 defines those things which I have even  
9 highlighted myself, the issues here and why  
10 this property is unique and the hardship  
11 confronted that is necessary for the relief  
12 that you requested.

13                  You can do a presentation if you  
14 like or you don't have to. It's up to you.

15                  MS. BRAY: Thank you, Mr. Jordan.  
16 Kinley Bray with the law offices of Arent Fox  
17 on behalf of the Applicant. We are happy to  
18 dispense with the presentation and to stand on  
19 the record.

20                  I just want to note that we thank  
21 OP for their input and make sure that the  
22 Board is aware we did submit two exhibits; one

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 the handout that you just referred to and the  
2 other the letter of support from the  
3 Commission of Fine Arts that we would like to  
4 add to the record today.

5 BZA CHAIR JORDAN: Thank you.

6 Seeing that there is no other evidence  
7 necessary to be added to this record, we will  
8 close the record on this matter and move now  
9 to deliberation.

10 As I said, I believe that the  
11 record is clear about the uniqueness and  
12 special circumstances, the confluence of  
13 issues confronting this particular property.

14 In conjunction, the fact that it's  
15 an historic landmark, the structure of the  
16 building, the institutional uses necessary,  
17 the layout of the land that meets our required  
18 test. There has been nothing before this  
19 Board that shows that there is a detriment to  
20 the public good or to the Zoning Regulation.  
21 With that I would that we grant the relief  
22 requested by the Application.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   ZC CHAIR HOOD: Second.

2                   BZA CHAIR JORDAN: Motion made and  
3                   seconded that the relief be granted as  
4                   requested. Any unreadiness? Any further  
5                   discussion? Seeing none, all those in favor  
6                   signify by saying aye.

7                   BOARD MEMBERS: Aye.

8                   BZA CHAIR JORDAN: Those opposed  
9                   nay. The motion carries. Thank you.

10                  Mr. Moy.

11                  MR. MOY: Yes, sir. The staff  
12                  would record the vote as four to zero to one.  
13                  This is on the motion of Chairman Jordan to  
14                  approve the application for the relief  
15                  requested. Also seconding the motion Mr.  
16                  Hood. Others in support of the motion  
17                  Chairperson Sorg and Mr. Hinkle. No other  
18                  Board members participating or voting. Again,  
19                  the final vote is four to zero to one. The  
20                  motion carries.

21                  BZA CHAIR JORDAN: Thank you, Mr.  
22                  Moy. Can we have a summary order on this one,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 please?

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

3 BZA CHAIR JORDAN: Thank you very  
4 much.

5 MS. BRAY: Thank you very much. I  
6 believe that was a record. Appreciate it.

7 BZA CHAIR JORDAN: If you want to  
8 stay and talk. How's the family? No.

9 All right. We are ready to rock  
10 and roll.

11 MR. MOY: Yes, sir. The next  
12 application is an application that was  
13 rescheduled from a public hearing of July 10,  
14 2012. This would be Application No. 18373,  
15 application of Atlas District Veterinary  
16 Hospital pursuant to 11 DCMR 3104.1 for  
17 special exceptions from the off-street parking  
18 requirements under sections 730 and 2116.1, to  
19 establish a veterinary hospital under section  
20 730, in the HS/C-2-A District at premises 1326  
21 H Street, N.E. Property located in Square  
22 1026, Lots 86 and 832.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   As the Board is aware, the  
2                   Applicant had amended the application to  
3                   switch relief from special exception 2116.1 to  
4                   a variance section 2101. This is to reduce  
5                   the off-street parking requirements from four  
6                   spaces to zero spaces, I believe. That  
7                   concludes the staff's briefing, Mr. Chairman.

8                   BZA CHAIR JORDAN: Thank you.

9                   If you would please introduce  
10                  yourselves.

11                  DR. ANTKOWIAK: Dr. Matthew  
12                  Antkowiak, owner of Atlas Vet.

13                  BZA CHAIR JORDAN: Are you on the  
14                  record? Is your mic on? The green button  
15                  should be pushed.

16                  MR. OWENS: Oh, Jeffrey Owens.  
17                  I'm working with the Applicant as an agent to  
18                  help them process paperwork and such.

19                  BZA CHAIR JORDAN: Good. I think  
20                  the record is pretty clear. However, we do  
21                  have some questions we need to address before  
22                  we turn to you if you want to do a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 presentation.

2                   Does anyone have questions of the  
3 Applicant? No one? Okay.

4                   The unique situation here is that  
5 back center wall that kind of blocks you off  
6 from doing anything.

7                   Mr. Hinkle, are you good?

8                   MEMBER HINKLE: Yes.

9                   BZA CHAIR JORDAN: Mr. Hood, are  
10 you okay?

11                  ZC CHAIR HOOD: I think we started  
12 this case.

13                  BZA CHAIR JORDAN: It first came  
14 in as a special exception and went to a  
15 variance. It's been with us before.

16                  ZC CHAIR HOOD: Okay. I think I'm  
17 on board.

18                  BZA CHAIR JORDAN: I think DDOT  
19 has weighed in. Right?

20                  VICE CHAIR SORG: And I think, Mr.  
21 Chairman, if I may, the agencies that weighed  
22 in on July 10th actually based their analyses

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 on the higher standard. It was a matter of  
2 just public notice.

3 BZA CHAIR JORDAN: Turning now to  
4 Office of Planning. Office of Planning?  
5 Office of Planning? Office of Planning?

6 Well, we do have the Office of  
7 Planning report in support of this  
8 application. I believe we are pretty clear  
9 here as to the relief that is requested and  
10 what we need to do. You can make a  
11 presentation if you would like.

12 Give me one second. Anybody here  
13 in opposition? Seeing you are the only two  
14 here at the table, it would be pretty funny if  
15 someone jumped up. Since there is no  
16 opposition, we are probably inclined to grant  
17 this relief unless there is something you need  
18 to say to us that is going to change our mind  
19 not to grant you the relief.

20 DR. ANTKOWIAK: I'll do my best  
21 not to do that, sir.

22 BZA CHAIR JORDAN: So then we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 would just move to close the hearing on the  
2 record that is already submitted to us and  
3 move into deliberation.

4                   Anyone want to deliberate? Anyone  
5 want to say anything?

6                   VICE CHAIR SORG: Well, Mr.  
7 Chairman, I would just indicate that I think  
8 the Applicant has satisfied the conditions for  
9 the relief from 2101 as well as secured  
10 support from all the requisite agencies and  
11 community groups. I could support the  
12 application and would move to do so if you  
13 would like.

14                   BZA CHAIR JORDAN: And I'll take  
15 that as a motion. I will second it. I'll  
16 beat Mr. Hood. I saw am reaching and I just  
17 wanted to get that on the record.

18                   Motion made and seconded to grant  
19 the relief as amended requested. All those in  
20 favor signify by saying aye.

21                   BOARD MEMBERS: Aye.

22                   BZA CHAIR JORDAN: Those opposed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 nay. The motion carries.

2 Mr. Moy.

3 MR. MOY: Yes, sir. Staff would

4 record the vote as four to zero to one. This

5 on the motion of Vice Chairperson Sorg to

6 approve the application for the relief.

7 Seconding the motion Chairman Jordan. Also in

8 support of the motion Mr. Hood and Mr. Hinkle.

9 No other members participating nor voting.

10 Again, the final vote is four to zero to one.

11 DR. ANTKOWIAK: Thank you very  
12 much.

13 BZA CHAIR JORDAN: And please

14 prepare a summary order in this matter.

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

16 BZA CHAIR JORDAN: Then we  
17 conclude this hearing. Sorry to make you work  
18 so hard but we appreciate the up-front work  
19 and that's what people need to understand. Do  
20 all the work up front.

21 DR. ANTKOWIAK: Thank you.

22 BZA CHAIR JORDAN: Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1                   All right. Any other hearings?

2                   No.

3                   As Chairperson of the Board of  
4                   Zoning Adjustment for the District of Columbia  
5                   in accordance with Section 405 of the District  
6                   of Columbia Administrative Procedures Act, I  
7                   move the BZA hold a closed meeting for July  
8                   30, 2012, at 4:00 p.m. for the purpose of  
9                   seeking legal advise from our counsel and  
10                  deliberating upon the following cases  
11                  scheduled for decision of July 31st.

12                  That would be Case 18423, Case  
13                  18424, Case 18064, Case 18294 and Case 18385,  
14                  18389, 18390.

15                  Would that be correct, Mr. Moy?

16                  MR. MOY: That's correct, sir.

17                  BZA CHAIR JORDAN: So that's my  
18                  motion. Is there a second?

19                  ZC CHAIR HOOD: Second.

20                  BZA CHAIR JORDAN: Motion made and  
21                  seconded.

22                  Will the Secretary please take a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1 roll call vote..

2 MR. MOY: Yes, sir.

3 When I call your name, if you can  
4 reply with a yes or no.

5 Mr. Hood.

6 ZC CHAIR HOOD: Yes.

7 MR. MOY: Ms. Sorg.

8 VICE CHAIR SORG: Yes.

9 MR. MOY: Chairman Jordan.

10 BZA CHAIR JORDAN: Affirmative.

11 MR. MOY: Mr. Hinkle.

12 MEMBER HINKLE: Aye.

13 MR. MOY: Ms. MacMurray is not  
14 present for the vote. The vote is unanimous,  
15 Mr. Chairman.

16 BZA CHAIR JORDAN: As it appears  
17 the motion has passed, I hereby give notice  
18 that the BZA hold an aforementioned closed  
19 meeting via telephone conference pursuant to  
20 District of Columbia Administrative Procedures  
21 Act Section 406.

22 Notice will also be posted in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

1       Office of Zoning's electronic reading room,  
2       placed in the Office of Zoning's electronic  
3       calendar on its website, and published in the  
4       District of Columbia register in a timely  
5       manner as practical.

6                   With that, is there any other  
7       business coming before the Board this  
8       afternoon?

9                   MR. MOY: No, sir.

10                  BZA CHAIR JORDAN: Then we stand  
11       adjourned.

12                  (Whereupon, at 1:42 p.m. the  
13       hearing was adjourned.)

14

15

16

17

18

19

20

21

22

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701

[www.nealrgross.com](http://www.nealrgross.com)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)