

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY

DECEMBER 3, 2013

+ + + + +

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
S. KATHRYN ALLEN, Vice-Chairperson
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBERS PRESENT:

MICHAEL G. TURNBULL, FAIA, Commissioner
(AOC)
ANTHONY J. HOOD, Chairman

OFFICE OF ZONING STAFF PRESENT:

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

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

The transcript constitutes the minutes from the Public Meeting held on December 3, 2013.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

9:42 a.m.

CHAIRMAN JORDAN: Good morning. May we please come to order? We're located at Jerrily R. Kress Memorial Hearing Room at 441 4th Street, Northwest, Washington, D.C.

Today's date is December 3, 2013, and we're here for the hearing and public meeting of the Board of Zoning Adjustment of the District of Columbia.

I'm Lloyd Jordan, Chairperson. To my left is Michael Turnbull, member of the Zoning Commission. To my right, Vice Chair S. Kathryn Allen. To her right, Jeffrey Hinkle, member of the Board.

Please be advised that today's proceeding is being webcast live and also being recorded by a court reporter. So, therefore, I'm going to ask you to refrain from any disruptive noises here in the hearing room. This'll be a great time to silence your cell phones and other things, please.

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1 Now, if you're planning to testify or
2 give a statement in any case on today's docket,
3 I'm going to ask you to do two things for me.
4 So, if you're going to testify or provide any
5 testimony or statement regarding any case on
6 today's docket, I need you to do two things.

7 One is to complete two witness cards
8 per person. Each person who's going to testify
9 has to complete two witness cards and prior to --
10 prior to -- giving testimony, please give those
11 witness cards to the court reporter sitting to my
12 right, to your left.

13 So, if you're going to provide any
14 statement or address the Board, please complete
15 two witness cards and give them to the court
16 reporter prior to testifying.

17 The second thing I'm going to need you
18 to do is -- I'm trying to wait for everybody to
19 kind of get their cards or whatever their doing
20 so we can move to the next phase of this -- is if
21 you're going to provide a statement or if you're
22 a witness in any of the cases on today's docket

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1 or are going to address the Board in any manner,
2 I'm going to ask you to now stand and take the
3 oath -- time out. Sorry, sorry. Let me go back
4 and start over.

5 I'm going to ask you if you're going
6 to provide any statement or testimony today, I'm
7 going to ask you to stand and take the oath or
8 affirmation being given by the Board Secretary,
9 Mr. Moy.

10 (ALL PRESENT SWORN BY MR. MOY)

11 CHAIRMAN JORDAN: Thank you. Before
12 ruling today's docket, I need to read a -- I'm
13 going to read -- take a second to read the
14 statement from the Zoning Commission.

15 The Zoning Commission who's been
16 working very hard in regards to the zoning
17 regulation and review will be holding a hearing
18 on ZC case number 08-06A, the Zoning Regulation
19 Review, on Thursday, January 30, 2014, from
20 6 p.m. to 10 p.m., to hear from the advisory
21 neighborhood commission.

22 The hearing is being held in

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1 conjunction with Chairman Middleson's ANC
2 Quarterly meeting and will be held at the John A.
3 Wilson Building in Room 412. Notices will be
4 mailed to all commissioners.

5 So, if you want to participate or want
6 to attend or to view that meeting, which will be
7 held Thursday, January 30, 2014, from 6 p.m. to
8 10 p.m., and it's not going to be held in this
9 building, but at the John A. Wilson Building in
10 Room 412. That's regarding the zoning rewrite.

11 Mr. Moy, I know we have some
12 administrative things we need to do, but let me -
13 - let's first call our -- can I have a
14 representative in case 18668 and the party -- the
15 persons requesting party status in 18668 to come
16 forward, please?

17 I just need one person to come forward
18 in regards to each party or person regarding the
19 matter. Whoever's going to --

20 UNIDENTIFIED SPEAKER: He's from the
21 ANC.

22 CHAIRMAN JORDAN: So if you would

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1 identify yourselves for me please?

2 MR. KADLECEK: Good morning. My
3 name's Cary Kadlecek from Goulston & Storrs on
4 behalf of the applicant.

5 CHAIRMAN JORDAN: Just make sure your
6 microphone is turned on.

7 MR. KAYE: Hi. My name is Keith Kaye.
8 We live at 1107 Rhode Island Avenue. It's
9 adjacent to the property.

10 MS. AGOSTINI: I'm Debra Agostini. We
11 live right next door to this project at 1107
12 Rhode Island Avenue, Northwest.

13 CHAIRMAN JORDAN: I only asked -- or --
14 -- so, you're Debra?

15 MS. AGOSTINI: Yeah.

16 CHAIRMAN JORDAN: Okay. I thought you
17 had the same last names, but different last
18 names.

19 MR. KAYE: No. We're married, but
20 different last names.

21 CHAIRMAN JORDAN: Okay. Because the
22 application had same last name. That's what

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1 threw me.

2 MS. AGOSTINI: Oh, sorry.

3 CHAIRMAN JORDAN: That's what threw me
4 because it had Keith and Debra Kaye.

5 MR. KAYE: I did that.

6 CHAIRMAN JORDAN: So that threw me.
7 Okay.

8 MR. CAIN: My name is Walt Cain. I'm
9 from ANC-2.

10 CHAIRMAN JORDAN: Again?

11 MR. CAIN: Walt Cain from ANC-2F.

12 CHAIRMAN JORDAN: The Kayes have made
13 a request for party status, and let me hear from
14 the applicant. Do you have any concern about the
15 party status because I would tend to grant the
16 party status based upon what's been filed.

17 MR. KADLECEK: We don't have any
18 problems with the party status, although I will
19 say that we have been in extensive communication
20 with the neighbors. We've talked --

21 CHAIRMAN JORDAN: As you know, this is
22 the point where I ask --

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1 MR. KADLECEK: Yes.

2 CHAIRMAN JORDAN: -- that question and
3 would like for you to continue to confer and let
4 me know. Have you already conferred? You've
5 discussed, and you're as far as you can get with
6 our discussions?

7 MR. KADLECEK: I think we're as far as
8 we can get. We've had months of conversations
9 with them, and we've reached an agreement with
10 every neighbor in the square but them.

11 CHAIRMAN JORDAN: Okay. Let me say
12 this. I want you to confer one more time as
13 you're here today prior to this case being
14 called. It's better that if -- for you to work
15 it out as opposed to having us work it out if
16 necessary.

17 We've been really successful, as you
18 know, Mr. Kadlecek, and others with having
19 parties confer, and we will request that you do
20 so prior to your hearing. So step out in the
21 hall, have the conversations, and your case will
22 be called later on the docket. Then I want you

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1 to report back to us.

2 MR. KADLECEK: Okay.

3 CHAIRMAN JORDAN: Okay? Really
4 appreciate it. Thank you.

5 MR. KAYE: I'd like to state, though,
6 they have not been in extensive contact with us.

7 CHAIRMAN JORDAN: That's -- what I'm
8 saying -- the light goes on today, now. Whatever
9 happened before is done. Today is the day.

10 MR. KAYE: Okay.

11 CHAIRMAN JORDAN: Thank you very much.
12 Mr. Moy, I know we have some announcements,
13 please.

14 MR. MOY: Yes, sir. I have some
15 announcements for the record pertaining to the
16 docket for today. First, Application
17 Number 18665, this is the application for French
18 Quarter Hospitality, LLC, has been withdrawn by
19 the applicant.

20 Second announcement is that
21 Application Number --

22 CHAIRMAN JORDAN: 18613?

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1 MR. MOY: Yes, 18613, that application
2 on the request of the applicant has been
3 postponed or continued to February 11, 2014.

4 I think those are the primaries.
5 There are some preliminaries for certain cases,
6 which the Board can address when that case is
7 called.

8 CHAIRMAN JORDAN: No. You need to
9 call 18628.

10 MR. MOY: Okay. I can do that. That
11 would be Application Number, as you say, 18628 of
12 William Green. 18628 of William Green and --

13 CHAIRMAN JORDAN: Is Mr. Green here?
14 18628?

15 MR. MOY: Should I go further with
16 that or should we just push it down?

17 CHAIRMAN JORDAN: Yes, we're going to
18 move -- no, we're going to move it from the
19 docket anyway because of the -- so why don't you
20 make the announcement regarding what we're
21 moving.

22 MR. MOY: Yes, the -- for the Board,

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1 Mr. Chairman, a letter from the applicant
2 requesting reasonable accommodation, which is
3 attended to the Fair Housing Act, which is a
4 subject that's not before the Board of Zoning
5 Adjustment.

6 CHAIRMAN JORDAN: So let's move it
7 from our -- let's move it from today's docket,
8 place it on an additional docket sometime in
9 time?

10 MR. MOY: In 2014.

11 CHAIRMAN JORDAN: Yes, sometime in
12 2014, and we're asking that they meet with whom,
13 Mr. Moy?

14 MR. MOY: With the District's --
15 regulatory and --

16 CHAIRMAN JORDAN: Department of
17 Consumer and Regulatory Affairs. So, Mr. Green
18 needs to meet with the Department of Consumer and
19 Regulatory Affairs in re-file for the reasonable
20 accommodation application, which they filed in
21 the Office of Zoning, which is not the place to
22 give, but it sends us a flag for us to put halts

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1 in regards to your application.

2 They must go to the Department of
3 Consumer and Regulatory Affairs for the
4 processing of a reasonable accommodation request.

5 MR. MOY: Well done, Mr. Chairman.

6 CHAIRMAN JORDAN: Did I get it right?

7 UNIDENTIFIED SPEAKER: Absolutely.
8 Absolutely correct.

9 MR. KADLECEK: And they're not hear
10 anyway, so maybe they're over at DCIA. Okay.
11 Let's -- we're going to call Commissioner
12 Turnbull's cases first.

13 MR. MOY: Okay. The Board would like
14 to begin with Application Number 18269. This is
15 the request for a two-year time extension.

16 CHAIRMAN JORDAN: That's correct.

17 MR. MOY: All right. Again,
18 Application Number 18269 of Triangle Development
19 Associates, LLC, their request for a two-year
20 time extension. The applicant made a timely
21 filing on October 31, 2013 under Exhibit
22 Number 37, which is in your case folders.

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1 There are two filings that follow.
2 The first is an ANC-1 letter dated November 18,
3 2013 under Exhibit 38 and a report from the
4 Office of Planning under Exhibit 39.

5 With that, then the Board is to act on
6 the merits of the request to extend another two
7 years the validity of Order Number 18269 pursuant
8 to the criteria to subsection 3130.6, sub C-1 to
9 C-3. That completes the -- Mr. Chairman.

10 CHAIRMAN JORDAN: All right. Thank
11 you, Mr. Moy. Does the Board have any issues
12 with granting the -- does anyone have an issue
13 with granting the two-year extension?

14 I think that the file was well-
15 documented with the reasons and the basis thereof
16 and would support the requirements to grant an
17 extension.

18 So, with that, I would move that we
19 grant the extension requested in 18629.

20 MEMBER ALLEN: Seconded.

21 CHAIRMAN JORDAN: Motion made and
22 seconded. Any unreadiness?

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1 All those in favor, signify by saying
2 aye.

3 (Chorus of ayes)

4 CHAIRMAN JORDAN: Those opposed nay.
5 The motion carries. Thank you. Mr. Moy?

6 MR. MOY: Yes, sir. Staff would
7 record the vote as 4-0. This was on the motion
8 of Chairman Jordan to grant the request for a
9 two-year time extension to order -- to
10 Application Number 18269. Second the motion,
11 Vice Chairperson Allen. Also support, Mr.
12 Turnbull, Mr. Hinkle. We have a Board seat
13 vacant. Motion carries.

14 The next application is Application
15 Number 18648 of LHO Washington Hotel Four, LLC.
16 This application was amended on December 3, 2013
17 to include variance relief from the floor area
18 ratio under subsection 402.4 and also clear up a
19 technical change to section 350.4(e).

20 The other variance request is for --
21 is from the prohibition of expanding the gross
22 floor area of a hotel. The filings that the

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1 Board would request to supplement the record are
2 in your case folders.

3 CHAIRMAN JORDAN: Mr. Moy, you don't
4 have to repeat what we've gotten in exhibits. I
5 think --

6 MR. MOY: Okay. Okay. Good. Then
7 we're good to go.

8 CHAIRMAN JORDAN: -- yes, any other
9 cases because we have the file and it's filed
10 with public record and we know it's in there.
11 Save you some time and everyone knows.

12 MR. MOY: Thank you.

13 CHAIRMAN JORDAN: Unless you just want
14 to go through --

15 MR. MOY: No, no, no. Not at all,
16 actually.

17 CHAIRMAN JORDAN: Okay. Then the
18 matter before us 18648. Is the Board ready to
19 deliberate on that? We're just glad to have
20 Mr. Hinkle back with us whose been on jury duty
21 for such a long time. We almost forgot what he
22 looked like, but we're just glad -- doing double

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1 public duty doing jury duty and then here today.

2 Thank you. Glad to have you back, Mr. Hinkle.

3 Anyone have any issue and want to
4 start it?

5 MEMBER ALLEN: The two -- I think that
6 the Hotel Four, LLC responded to most of our
7 questions that we had asked at the meeting, but
8 two concerns I continue to have are the ones
9 that were raised by the opposition that they
10 didn't deal with the function and the patio which
11 you had specifically asked them to do.

12 I just wasn't clear about the weekend
13 night parking, and if somebody can help me with
14 that.

15 CHAIRMAN JORDAN: I think we can take
16 care of that with conditions. My initial thought
17 is just that they meet the burden for the
18 variance because the property was originally
19 constructed as an apartment house and it's not -
20 - it wasn't set up to be for a hotel and the
21 structure has the columns and other challenges to
22 it that creates a unique condition regarding this

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1 property.

2 Because of those columns, it's hard to
3 do the build-out and you can't move it because
4 it's structure in nature so it would have a
5 practical difficulty in meeting the requirements
6 of the zoning regulation.

7 Greatly concerned about the proximity
8 to the hotel and the residents and the neighbors,
9 and the testimony that was given during that
10 hearing exactly as it has been.

11 It's kind of -- I can't say 50/50 but
12 some of the neighbors are supporting it and glad
13 to have it and said there haven't been any
14 problems but other neighbors have said that there
15 has been problems with noise and traffic backup,
16 particularly due to busses and the people doing
17 the pick-up and drop-off of customers at the
18 hotel.

19 But I believe that can be mitigated if
20 we put the proper conditions in place to deal
21 with that and reducing the potential for the
22 substantial impact upon the neighborhood, and I

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1 think there's been some give and take also
2 regarding what the applicant has submitted and
3 parties' person party status has submitted. So
4 there's been some doctoring of them.

5 I've taken a look at the recommended
6 conditions, and I thought some of those things we
7 could change to make it more effective. So I
8 would suggest this to the Board that for the
9 parking congestion that the applicant -- for
10 condition one, for parking congestion, that the
11 applicant shall maintain three parking spaces on
12 the front of its property for short-term, less
13 than 15 minutes, for the discharge and pick-up of
14 customers from the hotel.

15 Remember, there's three spaces there
16 now on the hotel property that was going to be
17 turned into trees or a garden or something that
18 we said that we would like for them to keep those
19 three. So, they need to keep those -- I would
20 recommend one condition that they keep those
21 three parking spaces, that it's used for short-
22 term parking less than 15 minutes for picking up

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1 and dropping off of customers to the hotel.

2 One B would be that they offer valet
3 parking to the restaurant patrons and hotel
4 guests with spaces available within the hotel
5 parking garage. Any visitor in need of short-
6 term parking less than 15 minutes that cannot be
7 accommodated in the circular drive or in other
8 areas shall be required to valet park their car.

9 One C, the hotel shall provide
10 sufficient staff to address the short-term
11 parking needs in the circular drive while other
12 cars are being valet parked.

13 The second issue was in regards to the
14 bus congestion, and so condition number two, tour
15 bus congestion, that the applicant will -- shall
16 in all contracts and reservation for groups
17 provide notice that operators and drivers of
18 busses must comply with the District of Columbia
19 traffic regulation prohibiting idling of such
20 busses in public streets for more than ten
21 minutes.

22 Condition B, request any bus idling in

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1 front of the hotel beyond a ten-minute limitation
2 to move from in front of the hotel. So it puts
3 an affirmative duty on the hotel to take some
4 action regarding the idling. That's an added
5 condition that was not in the recommendation.

6 Condition number three, noise and
7 privacy, that the applicant shall comply with the
8 Government mandate noise restrictions including
9 District of Columbia Noise Control Act for all
10 events and activities at the hotel.

11 Three B, make any necessary operations
12 or architectural improvements to ensure that the
13 music, noise, and vibrations from the summer
14 garden are not audible above ambient sounds
15 within a residential property of the owners next
16 door at the 1400 block or the Rhode Island
17 Avenue.

18 C would be not permit live music or
19 disc jockeys on the summer garden and shall keep
20 all recorded music, if any, at levels that is not
21 audible above the ambient noise or sound for the
22 residential properties.

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1 Three D, that they not support or
2 assist in any group functions of more than four
3 people to be held in the summer garden.

4 Four, neighborhood coordinator, the
5 applicant shall a) designate its hotel general
6 manager as the neighborhood coordinator to
7 receive and address any complaints from adjacent
8 neighbors pertaining to parking, tour bus
9 congestion, noise, and etc. resulting from this
10 particular relief that we're granting.

11 But I added a 4B, the neighborhood
12 coordinator shall provide prompt response within
13 48 hours to the adjacent neighbors on how the
14 hotel should mitigate the cause of the complaint.

15 We don't just want complaints to go in and
16 nothing come back out.

17 So those would be what I would suggest
18 would be the conditions if you so agree with the
19 approval. Any conversation? Mr. Hinkle?

20 MEMBER HINKLE: Yes, thank you, Mr.
21 Chair. I was just looking at the plans. I'm not
22 sure if the plans as being proposed can maintain

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1 those three parking spaces that you suggested and
2 it looks like potentially could keep two, but --

3 CHAIRMAN JORDAN: When we had the
4 hearing, they said it was elective that they
5 could keep three. Am I mistaken? Does anybody -
6 -

7 MEMBER HINKLE: I'm just comparing the
8 site plan that's being proposed to the existing
9 conditions. The way the front drive is being
10 addressed or proposed in the new plans, I'm not
11 quite sure that they could fit those.

12 CHAIRMAN JORDAN: They presently have
13 three.

14 MEMBER HINKLE: Correct. Correct.

15 CHAIRMAN JORDAN: So, during the
16 hearing, as my notes indicate, clearly we were
17 asked that they could keep the three. So, you're
18 saying that that's not what you got from the
19 hearing or --

20 MEMBER HINKLE: Well, I'm just looking
21 at the plans, and from my understanding in the
22 hearing, I think there's -- I understood it as

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1 there could be three; two directly in front of
2 the hotel entryway plus one adjacent within the
3 drive itself.

4 But I'm not sure if the drive and as
5 it's being proposed can actually accommodate the
6 existing three parking spaces.

7 CHAIRMAN JORDAN: You're confusing me.
8 When you say if as proposed, you mean as they
9 have it -- as they submitted or --

10 MEMBER HINKLE: Correct.

11 CHAIRMAN JORDAN: -- in light of --
12 you're saying they're not able to change what's
13 submitted? Is that what you're saying?

14 MEMBER HINKLE: What I'm saying is
15 you're proposing they maintain the three existing
16 parking spaces that are --

17 CHAIRMAN JORDAN: Correct.

18 MEMBER HINKLE: -- up front, adjacent
19 to the sidewalk, and just looking at the proposed
20 site plan, I'm not sure that the reconfiguration
21 of the front drive can accommodate all three of
22 those spaces.

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1 I think it could accommodate two from
2 what it appears, but I'm concerned that we would
3 put a condition --

4 CHAIRMAN JORDAN: Okay.

5 MEMBER HINKLE: -- that can't
6 necessarily be defined in the site plan.

7 CHAIRMAN JORDAN: So -- Mr. Turnbull?

8 ZC MEMBER TURNBULL: It may be
9 possible, but I would say a minimum of two.

10 CHAIRMAN JORDAN: Let's say a minimum
11 of two.

12 MEMBER HINKLE: I can live with that.

13 CHAIRMAN JORDAN: Yes, let's do that.
14 I think that's good. Thank you for the catch,
15 Mr. Hinkle.

16 MEMBER ALLEN: I have one.

17 CHAIRMAN JORDAN: Yes, Ms. Allen?

18 MEMBER ALLEN: I just want to make
19 sure that -- and I missed -- I don't know if I
20 missed it or if you didn't have this condition
21 that the hotel shall provide sufficient staff to
22 address the short term parking, whatever time of

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1 the day or night it occurs.

2 I think we need to state that
3 affirmatively.

4 CHAIRMAN JORDAN: Okay --

5 MEMBER ALLEN: Because the concern was
6 that at late at night, the valet folks are gone
7 and that's when all the --

8 CHAIRMAN JORDAN: Yes, we do -- number
9 three.

10 MEMBER ALLEN: Okay.

11 CHAIRMAN JORDAN: This hotel shall
12 provide sufficient staff to --

13 MEMBER ALLEN: That's all. Great.
14 I'm good.

15 CHAIRMAN JORDAN: Any other
16 unreadiness?

17 ZC MEMBER TURNBULL: Mr. Chair, the
18 only -- I guess the only thing that -- I'm glad
19 you broke those down and clarified on some of
20 these issues. For the neighborhood coordinator,
21 I'm just wondering if it'd be a little bit more
22 proactive if we say that the neighborhood

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1 coordinator shall meet with the ANC annually to
2 review issues that'll come up.

3 I'm not sure whether we want --

4 CHAIRMAN JORDAN: Yes.

5 ZC MEMBER TURNBULL: I mean, a lot of
6 times we added that the ANC is really the main
7 stakeholder in looking in the area, and I'm just
8 wondering if that might be an opportunity to vet
9 concerns with the neighbors. At an ANC meeting,
10 it could be discussed with the coordinator.

11 CHAIRMAN JORDAN: So we want to say at
12 least annually?

13 ZC MEMBER TURNBULL: I would say at
14 least annually. I wouldn't want to put it more
15 than that.

16 CHAIRMAN JORDAN: Okay. Let me --
17 just give me one second. Okay, so let's add
18 number 4C that the neighborhood coordinator shall
19 meet at least annually with the ANC to assess the
20 effect upon the relief that we're granting upon
21 the neighbors. Okay?

22 Any other discussion? Any other

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1 concerns? Then I would move that we grant the
2 relief requested with the conditions as been
3 defined.

4 ZC MEMBER TURNBULL: Second.

5 CHAIRMAN JORDAN: Motion made and
6 seconded? Any additional discussion? I keep
7 adding other parts to that word second. All
8 those in favor of the motion signify by saying
9 aye.

10 (Chorus of ayes)

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

13 MR. MOY: Yes, sir. Staff would
14 record the vote as 4-0. This is on the motion of
15 Chairman Jordan to approve or grant the
16 application with the relief requested with the
17 stated conditions. Second the motion,
18 Mr. Turnbull.

19 Also support of Vice Chairperson Allen
20 and Mr. Hinkle with the fourth seat vacant. The
21 motion carries 4-0.

22 CHAIRMAN JORDAN: Let's have --

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1 MR. MOY: Yes, sir.

2 CHAIRMAN JORDAN: Okay, for the last
3 matter we're going to have a summary order.

4 MR. MOY: Yes. So I'm assuming the
5 Board will want to move to the --

6 CHAIRMAN JORDAN: Yes, we're going to
7 hand it to Mr. Turnbull.

8 MR. MOY: Okay. So I believe that
9 would be Application Number --

10 CHAIRMAN JORDAN: 629?

11 (Whereupon, the foregoing matter went off the
12 record at 10:09 a.m. and went back on
13 the record at 11:15 a.m.)

14 CHAIRMAN JORDAN: All right. We're
15 back in session. Mr. Moy, let's handle -- we
16 have a decision case, right?

17 MR. MOY: Yes, we do have one decision
18 case remaining.

19 CHAIRMAN JORDAN: Okay. Let's call
20 that.

21 MR. MOY: All right. That would be
22 Application Number 18599 of Trinity AME Zion

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1 Church. This Board is aware of -- the Board
2 heard this at a hearing on October the 8th and
3 scheduled a decision to December 3 with a request
4 for the applicant to submit further information
5 to supplement the record.

6 That's in your case folders, and under
7 exhibits 33 and 34. With that, the Board is to
8 act on the request for a special exception for a
9 parking lot under Section 213.

10 CHAIRMAN JORDAN: Okay. Please
11 identify yourself.

12 MR. MAHONE: Good morning. My name is
13 Othello Mahone. I represent Trinity AME Zion
14 Church.

15 CHAIRMAN JORDAN: Thank you. Is the
16 Board ready to deliberate on this matter?

17 MEMBER HINKLE: Yes, Mr. Chair. I was
18 not here on October 8, but I have read the record
19 and will participate in this.

20 CHAIRMAN JORDAN: Okay. Very good.
21 Thank you, Mr. Hinkle. I really -- well, I
22 really appreciate the effort that was used,

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1 Mr. Mahone, by you and your clients to really try
2 to work with the community on this and having the
3 proposed agreement. Did it finally get signed?

4 MR. MAHONE: We have not signed
5 because the pastor's out of town and he'll be
6 back later this week, but we also wanted you to
7 review it and to see if you wanted anything
8 changed in the agreement.

9 CHAIRMAN JORDAN: Well, I just -- we
10 won't get involved in that kind of side
11 agreement, but we really do appreciate you taking
12 the effort and meeting.

13 Neighbors got to talk; that's what I
14 always say. You got to -- you may not like each
15 other, but you got to live together, so -- and
16 that usually doesn't go away and we don't want
17 people to move away from one another.

18 But I really appreciate it, and I
19 don't know if the Board has anything else that
20 they need of this applicant, but I -- on this
21 application for this continued special exception
22 for the use of that lot, but I would be ready for

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1 us to move forward.

2 So I would move that we grant the
3 request of the applicant with the conditions that
4 -- and I'm going to submit that it's for a five-
5 year extension, three year I think is just too
6 much, and let's see how it goes and then we'll
7 come back and see how we do.

8 And with the conditions that have been
9 listed that the applicant should not operate the
10 parking lot as to cause a dangerous or otherwise
11 objectionable traffic condition or in a manner
12 that should have -- or operate in a manner that
13 should have a substantial impact on the
14 community.

15 MR. MAHONE: I've changed some of
16 these and I'll give them to you so you have them.

17 CHAIRMAN JORDAN: The applicant shall
18 allow a reasonable, convenient use of the parking
19 lot for the immediate community. The applicant
20 shall pave and maintain all driveways, access
21 lanes, parking areas with bituminous concrete --
22 got my tongue on my tooth; couldn't say what I

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1 was saying -- concrete, brick, impermeable
2 pavers, a combination of these materials of a
3 minimum of four inches.

4 The applicant shall not allow any
5 parts of a vehicle to project over the lot line
6 or building line. The parking lot shall only be
7 used as permitted by law, including the additions
8 of any structures on the lot.

9 No vehicle entrance or exit shall be
10 within 40 feet of the street intersection as
11 measured by the intersection to curb line.

12 Any lighting shall be pointed down
13 away a range so it's not a direct rays off the
14 surface. The parking lot shall be kept free from
15 rubbish and debris.

16 The parking lot shall not be -- shall
17 be landscaped, shall be landscaped with trees and
18 shrubs containing a minimum of life, 5% of the
19 total parking area. Landscaping shall be
20 maintained in a healthy growing condition and in
21 a neat and orderly appearance.

22 The lot shall be screened from all

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1 continuous residential property by solid brick or
2 stone wall at least 12 inches thick and 42 inches
3 high. That provision was already there.

4 Number 11, the dimensions of the
5 parking lot shall be a minimum of 9 feet -- the
6 parking spaces should be a 9 feet in width and
7 19 feet in length.

8 The parking spaces and drive aisles
9 shall be clearly demarcated. There should be
10 signs requesting the community's cooperation to
11 maintain the lot free of debris.

12 A prominently displayed community
13 bulletin board shall be installed in the vicinity
14 of Lots 556, 557, and 558 that would announce
15 activity sponsored by the church in the community
16 as well as stipulations regarding use of the lot.

17 Is that something that you've already
18 agreed to?

19 MR. MAHONE: Yes, we have. We have.

20 CHAIRMAN JORDAN: Okay. Okay. The
21 use of the lot should be for Trinity Zion Church
22 shall provide -- Trinity Zion Church shall

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1 provide designated parking to members of the
2 community as well as those of the Trinity
3 Neighborhood Advisory Board that was created.

4 Anything else we need? You all agreed
5 to a lot of stuff for the use of this lot, but I
6 just hope it all works out. So my motion would
7 be that we approve the request for relief with
8 these conditions. Any unreadiness?

9 MEMBER ALLEN: Second.

10 CHAIRMAN JORDAN: Mr. Hood?

11 ZC CHAIR HOOD: I second.
12 Mr. Chairman, you read all the conditions and I
13 would agree it's a lot. The Office of Planning
14 did have another one. I don't know if we can --

15 CHAIRMAN JORDAN: I've edited some and
16 took some out, so if you want something --

17 ZC CHAIR HOOD: Maybe it sounded
18 different. It said on bad weather days --

19 CHAIRMAN JORDAN: I took that --

20 ZC CHAIR HOOD: -- the community
21 members shall be allowed parking on lots at any
22 time of the day or the week, but you took that

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1 out.

2 CHAIRMAN JORDAN: I took some of those
3 out, left some of them in, because also there's
4 an advisory board that's going to establish this
5 --

6 ZC CHAIR HOOD: The advisory board
7 will be established --

8 CHAIRMAN JORDAN: That's going to say
9 --

10 ZC CHAIR HOOD: Right, and I want to
11 also commend the applicant working and getting
12 that advisory board because as the Chairman's
13 already mentioned, it's key -- that's very key to
14 the existence of both. So that's very
15 convenient.

16 CHAIRMAN JORDAN: Especially lifting
17 up from where it was this last time you were
18 here. No, there's a lot to be said about that.
19 I really appreciate it.

20 ZC CHAIR HOOD: It's a lot of work
21 that really needs to get done. I looked at the
22 agreement and I looked at all the conditions so

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1 hopefully it'll sustain the test of time. It
2 should.

3 CHAIRMAN JORDAN: Any further
4 unreadiness? All those in favor signify by
5 saying aye.

6 (Chorus of ayes)

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

9 MR. MOY: Staff would record the vote
10 as 4 to 0. This on the motion of Chairman Jordan
11 to approve the application with the conditions as
12 cited and edited.

13 This order would be for a period of
14 five years. Second the motion, Vice Chairperson
15 Allen and also support from Mr. Hood, Mr. Hinkle,
16 board seat vacant. Motion carries 4-0,
17 Mr. Chairman.

18 CHAIRMAN JORDAN: Thank you again.

19 MR. MOY: Yes, sir.

20 (Whereupon, the above-entitled matter was
21 concluded at 11:22 p.m.)
22

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