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GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

NOVEMBER 5, 2013

+ + + + +

The Regular Public Hearing convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 10:03 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 MEMBER PRESENT:

MICHAEL TURNBULL, FAIA, Commissioner
(AOC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
STEPHEN VARGA, Zoning Specialist
JOHN NYARKU, Zoning Specialist
D.C. OFFICE OF THE ATTORNEY GENERAL

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PRESENT:

MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

ARTHUR JACKSON
STEPHEN GYOR
KAREN THOMAS
BRANDICE ELLIOT
STEPHEN MORDFIN

The transcript constitutes the minutes
from the Public Hearing held on November 5,
2013.

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TABLE OF CONTENTS

<u>Item</u>	<u>Page</u>
Application No. 18650; Application of Jonathan Colston Carr	4
Application No. 18649; Application of Rosalyn G. Millman	9
Application No. 18652; Application of Stephie Funk	15
Application No. 18653; Application of Foundation Sweet Success, Inc.	22
Application No. 18629; Application of Leticia Long	28
Application No. 18648; Application of LHO Washington Hotel Four LLC	39
Application No. 18651; Application of Peter J. Fitzgerald	99
Application No. 18600; Application of Wilfredo Bonilla	103
Adjourn	113

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

10:03 a.m.

MR. MOY: Yes sir. All right.

The application before the board is application number 18650. This is an application of Jonathan and Colston Carr. This is for a special exception for, to add or rather an addition to a one-family detached dwelling under Section 223. Not meeting the nonconforming structure requirements under Subsection 2001.3 premises 3400 Morrison Street, N.W.

CHAIRMAN JORDAN: Thank you. Will the applicant or those who plan to testify in regards to 18650 come forward. Thank you for turning in those witness cards first. Please make sure your light is on, bright green, and introduce yourselves.

MR. CARR: Hi. I am John Carr. I am the resident at the house. My wife and I are the applicants.

MR. DENT: My name is Michael Dent,

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1 owner and president of MGD Design Company
2 hired by the owner to create the plans for the
3 project.

4 CHAIRMAN JORDAN: Okay. Thank you
5 and welcome. My initial examination of this
6 application appears that file already
7 sufficient information necessary for the board
8 to grant relief. I don't know if the board
9 has any questions or they want to hear
10 anything from the applicant on this. If not
11 then I will turn to you to say that you have
12 a right to certainly put on additional
13 evidence if you feel you need to or we can
14 proceed under the process. But as I said
15 before, based upon your filing, you will
16 qualify for the relief that you have
17 requested.

18 MR. CARR: No I think we are all
19 set. We are here to answer any questions that
20 you may have. So thank you for your time and
21 for review of the case.

22 CHAIRMAN JORDAN: Okay. Thank you.

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1 We will turn it to the Office of Planning and
2 see if there's something in addition that the
3 Office of Planning wishes to add to their
4 report. Mr. Jackson.

5 MR. JACKSON: Good morning Mr.
6 Chairman and members of the board. Office of
7 Planning wants to put on the record, I have
8 nothing to add to the recommendations of the
9 board.

10 CHAIRMAN JORDAN: Okay, thank you.
11 Is there a representative of Department of
12 Transportation for this file? I don't see
13 one. A representative from ANC 3G? Let me go
14 back. The Department of Transportation
15 submitted a letter of no objection to your
16 relief requested. A representative from ANC
17 3G? Do you want to come? We do have a letter
18 report of no objection to this application.
19 But if you want to give your report.

20 MR. GRIFFIN: My name is Henry
21 Griffin. I already turned in my card. I am
22 embarrassed to admit that the particular

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1 meeting at which this came before the ANC I
2 had to be late due to some work matters. So
3 I was not present. However I understand the
4 ANC did vote as you say no objection.

5 CHAIRMAN JORDAN: Yes, thank you.
6 I appreciate it. Thank you for coming. Is
7 there anyone wishing to testify in support of
8 this application? Anyone wishing to testify
9 in support? Anyone in opposition?
10 Opposition? We normally return back to the
11 applicant for rebuttal and closing. But
12 seeing there is nothing really to rebut at
13 this point and we understand what your closing
14 would be to grant your relief. We will speed
15 past that. Then I would move that -- well
16 excuse me. We will close the record based
17 upon the evidence already received by the
18 board. And I would move that we grant the
19 relief requested by the applicant.

20 ZC COMMISSIONER TURNBULL: Second.

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

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1 MEMBER HINKLE: Mr. Chair, I would
2 just note that we have three letters of
3 support from immediate neighbors and I
4 appreciate us getting that in the file.

5 CHAIRMAN JORDAN: Thank you and I'm
6 glad you, you always catch me on that. We
7 really do, the board really does appreciate
8 input whether they are for or against the
9 matter. That helps us to look at these files
10 and for people to really take the time and
11 effort to do so. I really want to commend
12 that. All of those in favor of the motion,
13 signify by saying aye.

14 [Chorus of ayes]

15 CHAIRMAN JORDAN: Those opposed,
16 nay? The motion carries. Mr. Moy?

17 MR. MOY: Yes sir. We would record
18 the vote as 4 to 0. This is on the motion of
19 Chairman Jordan to approve the application
20 with the relief requested. Also, a second the
21 motion that Mr. Turnbull offers support, Vice-
22 Chair Allen and Mr. Hinkle. We have one board

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1 seat vacant. The motion carries 4 to 0.

2 CHAIRMAN JORDAN: May we have a
3 summary letter please.

4 MR. MOY: Yes sir.

5 CHAIRMAN JORDAN: Thank you very
6 much. I appreciate you all taking the time.

7 MR. CARR: Thank you very much.

8 CHAIRMAN JORDAN: Thank you. 649.

9 MR. MOY: The next application
10 before the board is application 18649. This
11 is the application of Rosalyn G. Millman
12 pursuant to 11DCME § 3104.1, special exception
13 to allow an accessory apartment in an existing
14 one-family semi-detached dwelling under
15 subsection 202.10, in the R-2 District located
16 at 5144 Nebraska Avenue, N.W.

17 CHAIRMAN JORDAN: Let me have the
18 applicant come forward on 18649. Similarly
19 this matter appears to be fine for relief
20 based upon the filing and the documentation
21 submitted with the filing. But would you
22 please identify yourselves for us, identify

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1 yourself for us please.

2 MS. MILLMAN: Thank you. I'm --

3 CHAIRMAN JORDAN: Make sure your
4 mic is on.

5 MS. MILLMAN: I'm Rosalyn Millman.

6 CHAIRMAN JORDAN: You've got to
7 make sure the mic is on. You will have a real
8 glowing green light. Try that.

9 MS. MILLMAN: Sorry.

10 CHAIRMAN JORDAN: Here you are.

11 MS. MILLMAN: I'm Rosalyn G.
12 Millman. I'm the owner of the property at
13 5144 Nebraska Avenue. I'm the applicant.

14 CHAIRMAN JORDAN: I don't have any
15 questions or think I need to hear anything
16 from you. I'm going to turn and ask the
17 board, is there any questions or anything you
18 need to drill down on? As you may have heard
19 in the previous case, the board believes that
20 the relief can be granted based upon what
21 you've already filed. I don't have any
22 questions or really have a need to hear

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1 anything from you unless you just want to
2 talk. The people have had the habit of doing
3 that and talk themselves into problems.

4 MS. MILLMAN: Thank you. I
5 certainly wouldn't want to do that but I do
6 want to say thank you to Henry Griffin and the
7 ANC for considering my application and I also
8 have a letter, a statement from my one
9 neighbor in support of the application and my
10 other two neighbors have generously devoted
11 their time to come down.

12 CHAIRMAN JORDAN: That's very kind
13 of you. We don't get a lot of that.

14 MS. MILLMAN: I would like to
15 submit my neighbor's statement for the record?

16 CHAIRMAN JORDAN: You can do that
17 after we finish and give it to the board
18 secretary.

19 MS. MILLMAN: Thank you.

20 CHAIRMAN JORDAN: So let's turn to
21 the Office of Planning and see if there is any
22 addition to their report. I do see that we

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1 had a condition Office of Planning.

2 MS. ELLIOT: NÓ, there shouldn't be
3 any additions.

4 CHAIRMAN JORDAN: Okay, all right.
5 Maybe its my notes. Late night. So, anything
6 to add?

7 MS. ELLIOT: For the record, Mr.
8 Chairman, I'm Brandice Elliot with the Office
9 of Planning and Office of Planning is
10 recommending approval of this application and
11 has nothing else to add. So I will stand on
12 the record.

13 CHAIRMAN JORDAN: Thank you very
14 much. Anyone here from the Department of
15 Transportation for this particular matter?
16 Department of Transportation. We do have a
17 letter from the Department of Transportation
18 indicating no objections for relief. Mr.
19 Griffin, ANC 3G. You guys are busy today.
20 But really again I appreciate it.

21 MR. GRIFFIN: Yes sir. As
22 before, ANC has no objection to this and had

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1 received the indication of support from the
2 neighbors as well.

3 CHAIRMAN JORDAN: Okay, thank you.
4 We just bounced you back and forth. If you
5 have a second case, I will let you stay. I
6 apologize. Anyone here wishing to testify in
7 support of the application? I know we already
8 have neighbors in support and we have letters
9 in support so it wouldn't be necessary.
10 Anyone else? Anyone wishing to testify in
11 opposition? Any one in opposition. Then
12 turning back to the applicant, we normally
13 have rebuttal or a closing statement. We will
14 assume that you don't want to rebut, there
15 isn't anything to be rebutted. And then
16 closing, we assure we know that you would ask
17 for the relief to be granted. So with that,
18 let's close the record on this matter and I
19 would move that we grant the relief requested
20 in this matter. I move that we grant relief.

21 VICE-CHAIR ALLEN: Second.

22 CHAIRMAN JORDAN: Okay. Motion

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1 made and seconded to grant the relief
2 requested by the applicant. Any unreadiness?
3 Seeing none, all of those in favor signify by
4 saying aye.

5 [CHORUS OF AYES]

6 CHAIRMAN JORDAN: Those opposed
7 nay. The motion carries. Mr. Moy.

8 MR. MOY: Yes staff recorded the
9 vote as 4 to 0 on the motion by Chairman
10 Jordan to approve the application for relief
11 requested. Seconded motion, Vice-Chair Allen.
12 Also support, Mr. Turnbull and Mr. Hinkle.
13 One board seat vacant. Motion carries 4-0.
14 Mr. Chairman.

15 CHAIRMAN JORDAN: Thank you. Sorry
16 to make you sweat. We can be rough on people.

17 MR. MOY: The next case before the
18 board is application 18652. This is an
19 application of Stephanie Funk, pursuant to 11
20 DCMR § 3103.2, for variances from lot
21 occupancy rear yard nonconforming structure as
22 advertised for an addition to an existing one-

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1 family row dwelling in R-5-B District, 2516
2 Mill Road, N.W.

3 CHAIRMAN JORDAN: Thank you. Would
4 you identify yourself for us please?

5 MR. PETERSEN: Yes. My name is
6 Eric Petersen, the architect and also acting
7 as agent for the owner, Stephanie Funk.

8 CHAIRMAN JORDAN: We have your
9 opposition letter in the file? Okay, just
10 preliminary matter here. I think we can move
11 forward in this. Understand that there's kind
12 of been a change for the relief that was
13 requested here. Initially started off as a
14 variance request and then it was learned and
15 the BZA did a referral after discussion I
16 guess with OP or yourself that you are simply
17 seeking special exception relief.

18 MR. PETERSEN: That is correct.

19 CHAIRMAN JORDAN: Well what I need
20 you to do immediately after this hearing is to
21 file a self certification with that request
22 for special exception relief as opposed, so we

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1 can document the file.

2 MR. PETERSEN: Sure.

3 CHAIRMAN JORDAN: I believe that we
4 think that you would qualify for the special
5 exception. The occupancy is what now? Is it
6 going to be less than 70 percent?

7 MR. PETERSEN: Correct.

8 CHAIRMAN JORDAN: You may make some
9 changes or something, because initially it was
10 71 percent.

11 MR. PETERSEN: Right. The target
12 is 70 percent, not to exceed.

13 CHAIRMAN JORDAN: Well its going to
14 have to be. Going to be a target.

15 MR. PETERSON: Sure, that's the
16 plan. It is not to exceed 70 percent.

17 CHAIRMAN JORDAN: I think the
18 initial plans you submitted with the BZA was
19 something like 71 percent. You are
20 subsequently making the modifications.

21 MR. PETERSEN: Right. Honestly it
22 was a bit of a rounding error, like 70.7

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1 percent was the calculations so they rounded
2 up to 71 percent. But we went through an
3 extensive review.

4 CHAIRMAN JORDAN: Okay because we
5 will come out with a ruler. Because it does
6 have a maximum 70 percent occupancy. Otherwise
7 we would be back in a variance here.

8 MR. PETERSEN: Understood.

9 CHAIRMAN JORDAN: Okay. So we have
10 that on the record. We are clear, right?
11 Based upon the following, we do believe that
12 you meet the requirements for the special
13 exception. The board would -- do you have any
14 questions? Does the board have any other
15 questions about the application? I think we
16 handled that in this series of questions. So
17 it is your opportunity to put on additional
18 evidence if you want or it can stand on the
19 record as we have it.

20 MR. PETERSON: Stand on the record.

21 CHAIRMAN JORDAN: Then we will turn
22 to Office of Planning to see if there's

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1 anything that planning would like to add.

2 MR. GYOR: Good morning Mr.
3 Chairman and members of the board. Stephen
4 Gyor with the Office of Planning. We support
5 the applicant's request for relief and rest on
6 the record. Thank you.

7 CHAIRMAN JORDAN: Thank you.
8 Representative of Department of
9 Transportation? Anyone from transportation on
10 this file? OP question.

11 VICE-CHAIR ALLEN: OP question.
12 So when you received the package, did you guys
13 know that it was less than 70 percent or that
14 it was 70 percent? I was just interest in how
15 you got to the special exception analysis as
16 opposed to doing variances.

17 MR. GYOR: After conferring with
18 Mr. Petersen, the applicant, he showed me the
19 correct number was 70 percent and it was a
20 rounding error from DCRA. That's why our
21 analysis is a special exception and not a
22 variance.

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1 VICE-CHAIR ALLEN: Thank you.

2 CHAIRMAN JORDAN: All right, thank
3 you. We do have a letter from the Department
4 of Transportation. No objection to the relief
5 requested. Is there a representative of ANC
6 2E? ANC 2E representative? We do have a
7 letter for which the board give great weight
8 to from ANC 2E that also has no objection to
9 the relief being requested. Is there anyone
10 in the audience wishing to testify in support
11 of the application? Anyone in support?
12 Anyone in opposition? Anyone in opposition?
13 Then we will close the record based upon the
14 evidence that we already have in the file. I
15 would move that we grant the relief with
16 special exception relief requested by the
17 applicant.

18 ZC COMMISSIONER TURNBULL: Second.

19 CHAIRMAN JORDAN: Motion made and
20 seconded. Mr. Turnbull seconded. When we get
21 around to close out the record, just ease up
22 the microphone a little bit.

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1 [Laughter]

2 CHAIRMAN JORDAN: Motion made and
3 seconded. Any unreadiness? Seeing none, all
4 those in favor signify by saying aye.

5 [CHORUS OF AYES]

6 CHAIRMAN JORDAN: Thank you.
7 Opposed, nay. The motion carries. Mr. Moy.

8 MR. MOY: Yes sir, staff would
9 record the vote as 4-0 on the motion of
10 Chairman Jordan to approve the application
11 amended for special exception. Also second
12 the motion Mr. Turnbull. In support also Vice
13 Chair Allen, Mr. Hinkle, board seat vacant.
14 Motion carries on vote of 4-0.

15 CHAIRMAN JORDAN: All right. Thank
16 you. Mr. Moy, give me one second please. I
17 was remiss. There is another party status
18 matter. I need the applicant for 18648 and
19 the person seeking party status in 18648 come
20 forward please. I just need one applicant
21 representative and the person seeking party
22 status. Would you please identify yourself

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1 please?

2 MS. BROWN: Good morning Mr. Chair.
3 Carolyn Brown with Holland and Knight on
4 behalf of the applicant.

5 CHAIRMAN JORDAN: Thank you.

6 MR. DZIEWECZYNSKI: Hi. I'm
7 Jeffrey Dziejeczynski. I live at 1422 Rhode
8 Island Avenue NW and I'm 15 feet from the
9 proposed addition.

10 CHAIRMAN JORDAN: And I apologize
11 for this but I'm going to ask you two, to meet
12 and confer and attempt to resolve. As you
13 heard earlier, how we seek that to happen. So
14 prior to your case being called, which is not
15 going to be the next case called, anyway, to,
16 would you just go have a conversation and see
17 if you can resolve that and let me know when
18 you come back in. I appreciate it. Thank
19 you. Mr. Moy, 653.

20 MR. MOY: Sorry sir?

21 CHAIRMAN JORDAN: 65 -- did I give
22 you 653 next? What did I give you?

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1 MR. MOY: Well we can do that.

2 CHAIRMAN JORDAN: Yes, 653 please.

3 MR. MOY: ' Okay. Next up.

4 Application 18653 of Foundation Sweet Success
5 Inc. pursuant to 11 DCMR § 3103.2. This is a
6 variance from the FAR under subsection 931.2
7 to allow restaurant, retail, bakery and other
8 related office use in the entire building in
9 the R -- rather W-1 District, 3206 Grace
10 Street, N.W.

11 CHAIRMAN JORDAN: Good morning.
12 Please identify yourself.

13 MR. SULLIVAN: Good morning Mr.
14 Chairman and board members. My name is Marty
15 Sullivan with the law firm of Sullivan and
16 Barros here on behalf of the application.

17 MR. CURRY: Good morning. My name
18 is Father Rich Curry. I'm from Georgetown
19 University. I'm the founder, president of Dog
20 Tag Bakery.

21 CHAIRMAN JORDAN: Thank you.

22 MR. MARKUS: I'm Rich Markus,

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1 architect.

2 CHAIRMAN JORDAN: Mr. Sullivan, I
3 think this is, the only issue there, did you
4 see the OP report thinking that there was
5 additional relief that may be necessary?

6 MR. SULLIVAN: I actually asked
7 that the application be amended in the pre-
8 hearing statement to have the additional
9 relief. But I realize that I didn't file
10 another self certification too.

11 CHAIRMAN JORDAN: Okay, then we're
12 good. Does the board have any questions or do
13 you want a presentation of any sort? Mr.
14 Sullivan you are in front of us enough to know
15 how we operate and practice. And the board,
16 I think there's sufficient information to
17 grant the relief requested. It is certainly
18 your opportunity whether or not you are going
19 to put on evidence or not but you can just
20 proceed on.

21 MR. SULLIVAN: We are happy to
22 stand on the record. Thank you.

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1 CHAIRMAN JORDAN: Yes?

2 ZC COMMISSIONER TURNBULL: Excuse
3 me. I just had two questions. Is Georgetown
4 University the owner of the property?

5 MR. CURRY: No, no.

6 ZC COMMISSIONER TURNBULL: They are
7 not. Okay. So there is no relationship.

8 MR. CURRY: I just live at
9 Georgetown University.

10 ZC COMMISSIONER TURNBULL: Okay.
11 And the second question is, originally, this
12 other plan is the most recent set of plans, do
13 not show a rooftop structure.

14 MR. CURRY: Totally correct.

15 ZC COMMISSIONER TURNBULL: So
16 there's nothing on the roof. It is simply the
17 existing building, probably a new roof from
18 whenever but its just as is.

19 MR. CURRY: Yes.

20 ZC COMMISSIONER TURNBULL: Thank
21 you.

22 CHAIRMAN JORDAN: Then let's turn

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1 to the Office of Planning and see if there's
2 anything additional?

3 MS. THOMAS: Good morning Mr.
4 Chair. Karen Thomas with the Office of
5 Planning. We would stand on the record of our
6 report and I would be happy to take any
7 questions. Thank you.

8 CHAIRMAN JORDAN: Thank you.
9 Anyone here from Department of Transportation.
10 I don't see a Department of Transportation
11 report. So I don't think there is one. It's
12 not required but I don't think there is one.
13 Is there a representative from ANC 2E? ANC
14 2E? We do have a letter of support from ANC
15 2E but it was subject to a covenant to ensure
16 residential use. No use on the second floor,
17 which really outside of our purview for this
18 board to issue that type of condition to this
19 file. So we can't do that. But I don't know
20 if we now have lost ANC support.

21 MR. SULLIVAN: If I might, Mr.
22 Chairman. The reason why we agreed to do a

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1 covenant is specifically because of that. The
2 ANC and myself both understood that you
3 probably could not accept that as a condition
4 and so the covenant is meant to be outside of
5 the BZA order.

6 CHAIRMAN JORDAN: Very good. So
7 you are handling that. You have already
8 entered into or are you going to do so?

9 MR. SULLIVAN: Oh we will before we
10 are finished, before we start operating.

11 CHAIRMAN JORDAN: Okay, thank you.
12 Is anyone here wishing to talk in support of
13 the application? Anyone wishing to speak in
14 support? Anyone wishing to speak in
15 opposition? Anyone in opposition? Then let's
16 close the record on this matter. Let's close
17 the record on this matter and I would move
18 that we grant the relief, the amended relief
19 requested by the applicant. I think we have
20 to go through this practice again. I move
21 that we grant the amended relief.

22 VICE-CHAIR ALLEN: Second.

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1 CHAIRMAN JORDAN: Motion made and
2 seconded. Let me know if you don't want to
3 second it. Motion made and seconded that we
4 grant the amended relief. Any unreadiness?
5 All those in favor? I'm going to have to
6 separate you two. All those in favor signify
7 by saying aye.

8 [CHORUS OF AYES]

9 CHAIRMAN JORDAN: Those opposed
10 nay. The motion carries. Mr. Moy.

11 MR. MOY: Yes sir. The staff will
12 record a vote as 4-0. This is on the motion
13 of Chairman Jordan to approve the application
14 for the amended relief. Second the motion is
15 Vice Chair Allen. Also support Mr. Turnbull
16 and Mr. Hinkle. One board seat vacate. On
17 the vote of 4-0 the motion carries.

18 CHAIRMAN JORDAN: Okay. Let me
19 have a summary please.

20 MR. MOY: Yes sir.

21 CHAIRMAN JORDAN: And thank you
22 very much. We're going to call -- what time

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1 is it? 18629.

2 MR. MOY: Application 18629. This
3 application is Leticia Long, pursuant to 11
4 DCMR § 3103.2, for a variance to establish an
5 indoor cycling fitness center under subsection
6 330.5, in the R-4 District. Address is 2028
7 4th Street, N.E., Square 3563, Lot 94.

8 CHAIRMAN JORDAN: Please identify
9 yourself.

10 MS. LONG: Leticia Long, applicant.

11 CHAIRMAN JORDAN: Make sure your
12 mic is on.

13 MR. LONG: Leonard Long, husband
14 and owner of, husband of Leticia Long and
15 owner of the property.

16 CHAIRMAN JORDAN: Very good. I
17 don't know if this is really -- I think we are
18 missing something. I think you've done a much
19 job than the first time this was before us.
20 My issue and I guess we could do it because
21 what you are requesting is use variance. And
22 use variance requires a much stricter standard

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1 by the board, the strictest standard. And so,
2 I can kind of accept what you put in forth in
3 regards to exception condition. But I don't
4 know if we've made the hardship argument. I
5 understand you are talking about a financial
6 hardship. This is just my view. The
7 financial hardship basically on the cost of
8 redeveloping this property as a residential.
9 But what we don't have is the opposite one,
10 the cost of doing the office structure and
11 then the financials that were done, that you
12 prepared in regards to developing the building
13 so we can see where it breaks. So we have a
14 cost from you of, only the cost of what it
15 would be to make this residential but we have
16 nothing to compare it to.

17 MS. LONG: I'm not clear.

18 CHAIRMAN JORDAN: This because it
19 may cost \$150,000 doesn't mean that it's a
20 practical difficult or presents a hardship to
21 you. It's a matter of \$172,000. I think that
22 was the amount.

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1 MS. LONG: Yes.

2 CHAIRMAN JORDÁN: But we have, in
3 my estimation and certainly open to the board,
4 we have to compare it to something. How do we
5 know? What we normally get is financial
6 saying this is our revenue, our income versus
7 on a project of the property. We are going to
8 generate x amount of dollars from this
9 property so we only have enough to do a
10 building of \$52,000 based upon the revenue
11 that we are generating. But it would cost us
12 \$172,000 to do this other thing. That's just
13 my thought. We can proceed on to hearing if
14 you wish but the board, what's your feeling on
15 that matter? We can give you more time to
16 come up with just the financials on it or we
17 can go forward. Board do you have any thought
18 about it?

19 MR. LONG: I'm sorry, Mr. Chairman.
20 When you say financials, you are talking about
21 our personal finances or the --

22 CHAIRMAN JORDAN: For instance.

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1 You presented us what it would cost to do the
2 construction for the residential unit. But we
3 have nothing from you that says what you could
4 generate if you sold it, if you did the
5 construction sold it, did the construction or
6 rented it. So we don't know what your income
7 side of the venture would be.

8 MR. LONG: The hardship would be a
9 requirement to sell it.

10 CHAIRMAN JORDAN: No, you are
11 misunderstanding. Let me suggest something.
12 I'm trying to help, because I'm trying to
13 help.

14 MR. LONG: Yes sir.

15 CHAIRMAN JORDAN: Because we can
16 just move forward and you just live with those
17 consequences. You are only giving one side of
18 the ledger. That's what I'm saying to you.
19 There's two sides to that. We need to know
20 what the, if you develop it, it cost you
21 \$172,000, if you develop it as residential.
22 If you develop it as residential, it will have

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1 some type of value for either to, because it
2 is kind of a business venture, for you to
3 either rent it out, sell it, do condos with
4 it. And that would generate some income.
5 Would it not? If you sold the property, say
6 you developed it residential. You spent
7 \$172,000 to do it and you sold the property,
8 right? You would get some income, would you
9 not?

10 MS. LONG:

11 CHAIRMAN JORDAN: It may not be
12 enough to say its worth doing \$172,000 worth
13 of renovations. Say if you did \$172,000 of
14 renovations and you only make on the property
15 \$100,000. It don't make sense. So what, a
16 hardship kind of. But we don't have the other
17 side. I don't know what you would generate
18 from doing the work. Does that make sense to
19 you? Is there somebody else that can explain
20 it better? Have I missed a step? We don't
21 know if it's a hardship at this point. We
22 know it cost --

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1 MS. LONG: So let's say, I mean
2 let's say we spent the \$172,000 to convert it
3 over to a residence.' My guess is you are
4 saying so if we sold it for more than
5 \$172,000, it wouldn't be a hardship.

6 CHAIRMAN JORDAN: Not necessarily
7 because also there's within the law of
8 regulations allowed you to get a reasonable
9 return on your money. So, depends on what
10 your overall return would be from the
11 development.

12 MS. LONG: Well I think given the
13 fact that people know what the potential of
14 the building is now, I mean we have people
15 knocking on the door.

16 CHAIRMAN JORDAN: I don't know the
17 potential of the building.

18 MS. LONG: Well I'm just saying the
19 neighborhood, there's a lot of -- what are
20 those people? Contractors? Anyway I don't
21 get into that.

22 CHAIRMAN JORDAN: I'm trying to

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1 help you. I'm going to ask you to talk to
2 Office of Planning and/or --

3 MS. LONG: We've had constant
4 contact with Stephen. So Stephen are you able
5 to?

6 CHAIRMAN JORDAN: Yes, do you --
7 no, no. Let me do this. We need the other
8 side of the ledger. You gave us one side of
9 the ledger. We need the other side. So I'm
10 going to ask you if you would, talk with OP,
11 Office of Zoning after this and we can carry
12 this over for two weeks even and get you back
13 on the docket. But we have to have the
14 evidence in the file to support what you are
15 saying. We already know what your cost is but
16 we don't know the revenue side, potential
17 revenue side.

18 MS. LONG: Can we get it moved to a
19 week?

20 CHAIRMAN JORDAN: You're going to
21 need some time to do this. Because also you
22 need to come in with some markets. Talk to

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1 somebody. You really, because the board
2 normally requires marketing study to find out,
3 to verify your numbers. We don't just accept
4 you saying we can only generate \$100,000 from
5 this property. What is your support from
6 that? What we did, the market research, we
7 know this property can only based upon square
8 foot, cost per square foot, sell price. You
9 are going to need to do some work. I'm
10 pushing it for you, for two weeks. I think
11 you are going to be hard pressed to hit two
12 weeks.

13 MS. LONG: Okay.

14 VICE-CHAIR ALLEN: I would also
15 suggest that you look at the appropriate
16 designation of the space. I think that you
17 had suggested that its going to be a training
18 center for cyclists and that may not be within
19 the zoning --

20 CHAIRMAN JORDAN: That's not a
21 defined use.

22 VICE-CHAIR ALLEN: It's not a

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1 defined use. So you should just look and see,
2 there are other terms that probably would
3 identify what it is you are going to use that
4 are acceptable.

5 MR. MOY: Mr. Chairman, you wanted
6 to say something about the other side.

7 ZC COMMISSIONER TURNBULL: Well, I
8 guess we were talking about comps I mean from
9 a real estate standpoint. The other thing is,
10 there is a certain cost that you are going to
11 pay to refurbish the building even to operate
12 as a cycling center. You've got a window
13 replacements, stucco and doing other repairs
14 to it. So if there's a certain cost that you
15 just have to pay, whether its \$80,000 or what.
16 So I think one of the sort of what the Chair
17 was talking about was that there's cost to do
18 the whole house renovation but there's also
19 still a cost just to refurnish to get the
20 business up and running. I think that might
21 also something.

22 MS. LONG: Okay.

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1 CHAIRMAN JORDAN: Thank you. The
2 word that I was missing I couldn't get it was
3 comp. We just actually need to see the comps.
4 So let's do that. I think you are going to be
5 hard pressed doing it in two weeks but we will
6 do that. We'll put it on the docket for two
7 weeks. If the docket's comfortable for two
8 weeks, Mr. Moy. I think you are probably
9 going to need really 30 days. You are walking
10 your way through this. You are getting
11 closer.

12 MS. LONG: Okay, so we can work
13 with 30 days.

14 CHAIRMAN JORDAN: I think its
15 probably --

16 MS. LONG: I'm leaning toward,
17 that's a good suggestion.

18 CHAIRMAN JORDAN: Because you need
19 to get comps.

20 MS. LONG: Right.

21 MR. MOY: Mr. Chairman, that would
22 put on December 3.

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1 CHAIRMAN JORDAN: Okay, let's do
2 December 3, with this continuance. And as I
3 said, ask somebody. A lot better than where
4 it was before.

5 MS. LONG: Right.

6 CHAIRMAN JORDAN: I think we can be
7 there with you but we have to have our files
8 documented and the proper evidence. We have
9 to do it right.

10 MS. LONG: Other than that,
11 everything else looks okay?

12 CHAIRMAN JORDAN: We can't give an
13 advisory opinion. However, if you listen to
14 what I've been saying, I think you can pick up
15 where we think this case is.

16 MS. LONG: Thank you.

17 CHAIRMAN JORDAN: So, Mr. Moy.

18 MR. MOY: Yes, Mr. Chair the
19 continued hearing, it will be comfortable to
20 have information on the record at least seven
21 days before the hearing.

22 MS. LONG: Absolutely.

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1 MR. MOY: Which gives us November
2 26.

3 MS. LONG: That's right, okay. 25th
4 you said?

5 MR. MOY: 26th.

6 MS. LONG: Okay.

7 CHAIRMAN JORDAN: Thank you.

8 MS. LONG: Thank you.

9 MR. MOY: Before the board is
10 application 18648. This is the application of
11 LHO Washington Hotel Four LLC. As advertised
12 this is pursuant to 11 DCMR § 3103.2, for
13 variances from the prohibition of expanding
14 the gross full area of the hotel by increasing
15 the function or the meeting space with a
16 construction of an addition to the hotel
17 existing on or before May 16, 1980 under
18 subsection 350.4(d), in the R-5-E District,
19 1430 Rhode Island Avenue, N.W. Square 211, Lot
20 858.

21 CHAIRMAN JORDAN: Thank you. Please
22 introduce yourselves again please.

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1 MS. BROWN: Thank you, good morning
2 Mr. Chair and members of the board. I am
3 Carolyn Brown with the Law Firm of Holland and
4 Knight here on behalf of the applicant.

5 MS. ZOOK: Good morning. My name
6 is Joanna Zook. I represent the ownership of
7 LHO Washington Hotel 4 LLC.

8 MR. WEISSMAN: Good morning. I'm
9 Gene Weissman with Architecture, Inc. I am
10 the architect for the applicant.

11 MR. DZIEWCZYNSKI: And I'm Jeffrey
12 Dziejczynski of 1422 Rhode Island Avenue, N.W.

13 MR. FINLEY: And I'm Joe Finley of
14 1426 Rhode Island Avenue N.W. Condominium
15 Association.

16 CHAIRMAN JORDAN: So you've had a
17 chance to confer. Have we resolved any issues
18 outstanding?

19 MR. DZIEWCZYNSKI: We have not.

20 CHAIRMAN JORDAN: Okay. Would you
21 move closer to a mic so we can hear you. I'm
22 inclined board that we based on the filing to

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1 grant party status so Ms. Brown is there
2 something you want to say about the party
3 status?

4 MS. BROWN: We have no objection.

5 CHAIRMAN JORDAN: All right. Then
6 we will grant party status to Mr.
7 Dziewczynski, correct. Did I say it
8 correctly?

9 MR. DZIEWCZYNSKI: That is close
10 enough.

11 CHAIRMAN JORDAN: To grant you
12 party status. Ms. Brown also I would believe
13 that additional relief is necessary on 402.4
14 because your FAR is going to exceed 6.0. Is
15 that correct? I thought you were looking for
16 a FAR that exceeds a FAR 6.

17 MS. BROWN: No we're asking for the
18 exact same relief that the board granted in
19 2008.

20 CHAIRMAN JORDAN: But what about
21 402.4 to have the maximum FAR of 6.0? Am I
22 missing something here? And there's another

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1 error too. The relief is not from 350.4(d).
2 It is from 350(e), .4(e)'. Would you agree?

3 MS. BROWN: 'Let me verify. Yes I
4 probably do agree.

5 CHAIRMAN JORDAN: Let me ask Office
6 of Planning while you do that. I've very
7 clear on 350.4(d) is not it.

8 MS. BROWN: Yes.

9 CHAIRMAN JORDAN: Office of
10 Planing, I'm just going to ask in regards to
11 402.4. Do you want the book?

12 MR. MORDFIN: Um, I'm just going to
13 look in the zoning and see if I did an error.
14 Give me just a second.

15 MS. BROWN: Mr. Chair, I was
16 looking at our pre-hearing statement. We do
17 it say (e) as in Edward.

18 CHAIRMAN JORDAN: Okay, but I think
19 the application might have had something else
20 in mind, correct?

21 MR. MOY: Let me pull up the
22 application.

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1 MS. BROWN: Just a moment.

2 CHAIRMAN JORDAN: On the District
3 application is d.

4 MS. BROWN: That's correct. I
5 was just being advised by our associate that
6 it was d and it was corrected to e.

7 CHAIRMAN JORDAN: Did you take a
8 look at 402.?

9 MR. MORDFIN: Yes, I do agree.
10 It is subsection (e).

11 CHAIRMAN JORDAN: Okay. What about
12 402.4?

13 MR. MORDFIN: 402.4 does permit
14 in that zone district a maximum of 6.0.

15 CHAIRMAN JORDAN: And this file is
16 6. --

17 MR. MORDFIN: For a hotel. And
18 they are requesting either, in their pre-
19 hearing statement they said 6.1.1 so that is
20 in excess of 6.0.

21 CHAIRMAN JORDAN: So we can do an
22 oral amendment.

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1 MS. BROWN: Yes, to the extent
2 that we need it. We were just following
3 exactly what the board approved in 2008. So
4 we are fine asking for an amendment for relief
5 from 402.4.

6 CHAIRMAN JORDAN: With the
7 condition, that was another project, the
8 condition might have been less than 6.0. I
9 don't know.

10 MS. BROWN: It was 6.12.

11 CHAIRMAN JORDAN: Okay.

12 MS. BROWN: So it was slightly
13 less.

14 CHAIRMAN JORDAN: Okay, slightly,
15 okay. But this board --

16 MS. BROWN: And I'm happy to
17 amend the application to improve that area,
18 that section.

19 CHAIRMAN JORDAN: It might have
20 been one of those curve balls, somebody just
21 kind of, where the ump is calling and said I
22 think it was a strike, but was really a ball.

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1 Yes?

2 MR. DZIEWCZYŃSKI: Yeah, when it
3 was approved versus what they are currently
4 proposing or expanding also the front of the
5 hotel in addition to the event space that is
6 actually adding square footage to the hotel.

7 CHAIRMAN JORDAN: Okay, but we
8 worked it out and accepting the old amendment
9 and update a cert on this. We can proceed on
10 it.

11 MS. BROWN: Yes, thank you.

12 CHAIRMAN JORDAN: What I would ask
13 you to do, we are very clear about what the
14 project, what you are doing with the project,
15 what the project consisted of, its design, its
16 layout, we understand that. I would ask that
17 you focus on Mr. Dzieweczynski's issues
18 particularly as to address those. You have a
19 presentation you are going to do, I think.
20 Let me make sure we have any other issues.
21 Board, any other issue that we need to pull
22 out that we are concerned about since we have

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1 really stepped through our main issue just a
2 minute ago. The relief that required -- that
3 was Mr. Hinkle's catch. No. No. That's what
4 we are here for. I definitely would like to
5 hear in regards to the effect upon the
6 neighborhood and why you consider this it is
7 not going to have a substantial impact upon
8 you.

9 MS. BROWN: Thank you. I would
10 as part of our opening statement just like to
11 briefly review very quickly the fact that this
12 essentially asking for reapproval of the
13 slightly less than what was approved and a
14 reconfiguration of the space.

15 CHAIRMAN JORDAN: And let me do
16 this. We are doing 15 minute on the
17 presentations max.

18 MS. BROWN: Okay. And that the
19 exact same exceptional extraordinary
20 conditions that are enumerated on page six of
21 the order approved by this board in 2008 still
22 exists and that the practical difficulties

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1 also enumerated on page six of the order still
2 exists and the lack of adverse impacts are
3 also the same conditions today. And in light
4 of the limitation on the time, I would turn it
5 over directly to our first witness, Ms. Joanna
6 Zook.

7 MS. ZOOK: Good morning.

8 CHAIRMAN JORDAN: Are you on?
9 Thank you.

10 MS. ZOOK: So I represent, I am the
11 owner of the hotel working for LaSalle Hotel
12 Properties. And part of the scope of this
13 project is to not only increase meeting space
14 but really with the intent of changing the
15 client demographic of the hotel. So just a
16 real brief history. We bought it back in
17 2001. It was a Howard Johnson's. We
18 renovated, repositioned at that time to be
19 kind of a hip boutique hotel. The Hotel
20 Helix. It obviously back then it was the
21 neighborhood was very different. And that's
22 why we came, the hotel market in DC was

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1 thriving in the mid 2000s. And so we decided
2 to go ahead and expand the meeting space back
3 then. We put that on hold based on the
4 economic downturn. So, now we are back to
5 take advantage of the vibrant DC hotel market.
6 And in addition to the vibrant neighborhood.
7 So we feel that there is benefits to this and
8 to address some of the -- I'm going to call
9 you Jeffrey because it is easier to say,
10 Jeffrey's concerns. We are looking to
11 increase the demographic to be a more
12 corporate, more sophisticated hotel that will
13 attract a corporate business clientele. You
14 take away some of the entertainment and torn
15 travel component that currently exists in our
16 clientele. We are not looking, we are not
17 looking to increase the actual occupancy of
18 the hotel. It has a very good occupancy of
19 about 80 percent and we are looking to
20 actually change the makeup of that. The
21 expansion will allow us to really attract
22 corporate business, that really is our focus.

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1 We like corporate business traveler. They
2 want meeting space that they can train, they
3 can have seminars but also have lunches and
4 board meetings. This expansion with
5 unobstructed 1800 square feet of space will
6 allow that to happen. In addition to really
7 have a full service restaurant compared to the
8 present restaurant. So we feel that the
9 change in demographic, the improvement in the
10 exterior of the hotel, will benefit the
11 neighborhood. We were also, as Carolyn had
12 mentioned, we are expanding the lobby space.
13 So we feel that the 179 room hotel will be
14 able to, the new extended lobby will be able
15 to accommodate that level of volume that we
16 have and minimize the trickle out onto the
17 street from a noise perspective and a body
18 perspective. So we can again, exterior
19 appeal-wise in addition to handling the volume
20 of the hotel will both be improved with this
21 new scope. The drive will also be changed to
22 a two-lane drive versus that's one lane that's

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1 there now. So we think that will improve the
2 challenges with the congestion. In addition,
3 we think the torn travel component will be
4 less which will minimize the buses. The
5 actual seating in the patio area will be the
6 same as it is now under 50. So we think all
7 of those things are pros that will make it a
8 better partner in that neighborhood, in that
9 beautiful residential neighborhood.

10 CHAIRMAN JORDAN: So again so you
11 think there's, the impact is going to be
12 reduced because you are changing the clientele
13 to business hotel?

14 MS. ZOOK: That is the goal,
15 specifically mid-week.

16 CHAIRMAN JORDAN: Are you changing
17 your advertisement?

18 MS. ZOOK: We'll be changing, the
19 plan is to now change the name to complete
20 market and PR campaign to really reintroduce
21 it as a brand new hotel.

22 CHAIRMAN JORDAN: But that's still

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1 kind of -- why are you changing the scope of
2 the hotel? The clientele? What is your basic
3 objective?

4 MS. ZOOK: To have it be a more
5 lucrative business.

6 CHAIRMAN JORDAN: Okay. It wasn't
7 due to the previous kind of clientele is a bit
8 rowdy or noisy or any of that?

9 MS. ZOOK: Well with that crowd,
10 comes a certain, it is also a certain price
11 level that we would like to exceed. We're
12 behind our competition with regards to what
13 kind of an average rate, what kind of price,
14 what we are getting for our hotel room versus
15 the competition. So, we really want to grow
16 with the market. We feel like the existing
17 meeting space and look of the hotel is an
18 obstacle to doing that.

19 CHAIRMAN JORDAN: Okay. And the
20 driveway again, you are making a two-lane
21 driveway so you don't have the backup. Is
22 that what?

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1 MS. ZOOK: The actual egress and
2 ingress will be the same as far as the
3 sidewalk. But when you go in, it will be a
4 two-lane in front of the property it will be
5 two lanes.

6 CHAIRMAN JORDAN: Have the
7 neighbors complained prior to about the effect
8 upon the neighborhood?

9 MS. ZOOK: The neighbors actually
10 complain about the existing situation.

11 CHAIRMAN JORDAN: I know. So they
12 have complained?

13 MS. ZOOK: About the existing
14 situation.

15 CHAIRMAN JORDAN: Yes, that's what
16 I'm talking about.

17 MS. ZOOK: Yes, they have, yes.

18 CHAIRMAN JORDAN: That's kind of
19 the history that put before the neighbors
20 right now and those who feel that they will be
21 impacted is that its having problems now?

22 MS. ZOOK: Correct.

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1 CHAIRMAN JORDAN: So when you
2 expand it, use will have a further impact and
3 your offset to that is that you are changing
4 the clientele from a more economic kind of
5 client to a higher end client based upon the
6 pricing of the rooms. But we still, but the
7 question have there been complaints about
8 noise, rowdiness, the use of the driveway and
9 all?

10 MS. ZOOK: Yes.

11 CHAIRMAN JORDAN: And have you met
12 with the neighbors to see how you can mitigate
13 that in the past?

14 MS. ZOOK: Yes.

15 CHAIRMAN JORDAN: And what did you
16 do?

17 MS. ZOOK: Well we actually changed
18 our, the actual term, changed our, we actually
19 have, one of the problems was the busses. So
20 we actually committed to a, what do you call
21 it, a liquor license where you have kind of an
22 addendum to it? We agreed to have the buses

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1 only idling for ten minutes. We actually have
2 that in our group contracts now. Part of it
3 was that the buses at Rhode Island and
4 definitely impede the neighbors. So we
5 rationally include that in the group contract
6 and the hotel actually keeps a log of exactly
7 how long they are there, when they get there
8 and they will engage with the bus driver and
9 the group immediately. Some of that
10 unfortunately is out of our control. We do
11 have off-site parking that we do try to move
12 that along to get it away from our building to
13 move it on to this off-site parking area for
14 the overflow. Those were some additions. We
15 did meet with the bordering neighbors which
16 are the ones that are actually bordering our
17 property line to address specifically the
18 construction and potentially the building that
19 they will be living next to. So they had
20 input in our actual design with regards to
21 green space and what would be the makeup of
22 the fencing that would happen between the

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1 hotel and the property and also the look of
2 the actual top of the roof of the addition to
3 make sure it was appealing from there, from
4 there vantage point.

5 CHAIRMAN JORDAN: Any board
6 questions?

7 ZC COMMISSIONER TURNBULL: Yes,
8 just to clarify. This was your courtyard
9 here.

10 MS. ZOOK: On the other side.
11 Where it says function at the top of the
12 building, yes. That is presently a courtyard.

13 ZC COMMISSIONER TURNBULL: That's a
14 courtyard now.

15 MR. WEISSMAN: There's the
16 courtyard.

17 ZC COMMISSIONER TURNBULL: And
18 these, now originally there was glass or it
19 was open, it was open and glass?

20 MS. ZOOK: Open. Presently its an
21 open space with fencing.

22 ZC COMMISSIONER TURNBULL: And

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1 what's that going to be now? There was no
2 elevation of that in our plans that we could
3 see what it looked like because I couldn't see
4 anything.

5 MR. WEISSMAN: The function room
6 wall essentially goes up and replaces what is
7 an existing screen fence now. In the 2008
8 discussion there was a tree at that point that
9 had deteriorated and actually pushed out an
10 existing retaining wall, the neighboring condo
11 property. That tree is since gone. The wall
12 was falling over at this point. So as part of
13 the addition, this retaining wall would be
14 reconstructed. It would be a masonry wall
15 enclosing their courtyard providing a roof or
16 wall for our function room and providing a
17 green screen trail structure on the outside of
18 that wall so the neighboring courtyard
19 actually is a green wall where vines can grow
20 up and create foliage.

21 ZC COMMISSIONER TURNBULL: So the
22 neighbor over here is going to be looking at

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1 a green wall?

2 MR. WEISSMAN: The portion to
3 that courtyard will look against the green
4 wall facade and then the other portion the
5 roof of the structure, the green roof as well.
6 So, they will be looking down. Part of the
7 change from 2008 to 2013 we removed the
8 mechanical, noise generating mechanical
9 equipment from the roof and put in the garage
10 so there's now no source of noise from the top
11 of that roof.

12 ZC COMMISSIONER TURNBULL: Okay.
13 And what about on this side here? There's a
14 patio?

15 MR. WEISSMAN: The restaurant
16 patio, the existing seating is limited to 49
17 based on egress. The patio will be renovated
18 but it will still remain at a count of 49.

19 ZC COMMISSIONER TURNBULL: And were
20 there any concerns about how it was operating
21 from the neighbors before?

22 MS. ZOOK: I don't think so. It

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1 really is not a very, its not used, the space
2 is not used that much. 'And it really is,
3 honestly where that is, we have a district
4 hotel on the bordering on the right side pro
5 se. And we have our hotel really surrounds
6 it. So we have, its in our best interest to
7 manage that because we'll be, our customers,
8 our bread and butter. So we will definitely,
9 we have managed that.

10 ZC COMMISSIONER TURNBULL: Okay.
11 And this landscaping here and here is new?
12 This is all redone?

13 MR. WEISSMAN: On the right side
14 is as you face the hotel. That landscaping is
15 reasonably existing. There's an existing tree
16 that we are salvaging. The tree on the
17 opposite side against the condominium project,
18 that is a new tree. We discussed it in our
19 preliminary design review meeting with DDOT.
20 They recommended we replace the tree there.
21 There's also an additional street tree on the
22 opposite side, the right side as you face the

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1 hotel that we are adding, as part of our
2 meeting with DDOT.

3 ZC COMMISSIONER TURNBULL: That's
4 this here?

5 MR. WEISSMAN: Correct. The net
6 gain loss of green space is zero. We
7 maintained what is there now even though we
8 have a double drive aisle, which we feel is
9 going to eliminate much of the stacking issue
10 upon the existing single lane drive.

11 ZC COMMISSIONER TURNBULL: And the,
12 for the parking that you do take care of in
13 the hotel is back in here?

14 MR. WEISSMAN: Correct. There are
15 33 spaces in the garage below. There were
16 three parking spaced on site. You can see
17 them adjacent to the condominium. Those are
18 being eliminated because they are in public
19 space. So DC's new public space, we are
20 trying to green up the front of that property.

21 ZC COMMISSIONER TURNBULL: Okay,
22 thank you.

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1 CHAIRMAN JORDAN: Ms. Allen?

2 VICE-CHAIR ALLEN: Thank you Mr.
3 Chairman. Actually I was just going to ask
4 you about the three spaces that you are
5 eliminating. So, when I looked at the plans
6 earlier, my thought was so if someone wants to
7 come in and do something and it's a ten minute
8 hop in and hop out, they would have a place to
9 park. So is the idea now they are going to
10 stack up, which I think is one of Mr.
11 Dzieweczynski's, I'm sorry, one of his issues.
12 But is there some place for those type of
13 people to park or to stop or are they going to
14 have to go around to the back? And do you
15 think that's realistic that they are going to
16 do that?

17 MS. ZOOK: Well I think that we do,
18 because there are two lanes. We do have an
19 option for probably one space if not two, to
20 be that holding. But we will still probably
21 get the cars into the garage whether it be
22 overflow or our space quicker than now. I

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1 don't really know what spaces are used for
2 now. I don't think there's a lot of holding.
3 I know when I go, I park there. So I will
4 have to give up my space.

5 VICE-CHAIR ALLEN: Okay.

6 CHAIRMAN JORDAN: Which I think is
7 a good question. I'm not comfortable yet with
8 the response because I have not seen a hotel
9 yet that people don't pull up just to even run
10 in or wait for people, etc. So how is that
11 going to be?

12 MS. ZOOK: I would say we're going
13 from three spaces to two spaces based on the
14 two-lane components. Right now if you look at
15 the previous. Right now we have a horseshoe
16 and literally it's a single lane. So what
17 happens is if we have one person that leaves,
18 says well I'll be back in five minutes. It
19 really does, it stops everything. And that
20 does impact Rhode Island. Whereas I think up
21 front we will have those two spaces that we
22 can still have traffic move next to it.

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1 CHAIRMAN JORDAN: Let's go back to
2 the screen, that one. What are your proposed,
3 what's proposed there now after you take those
4 three spaces out?

5 MR. WEISSMAN: Currently the
6 drive loop is the dark gray area. The tree and
7 the planted area, essentially there is a six-
8 inch curb and a slope top and grass.

9 ZC COMMISSIONER TURNBULL: The area
10 right there. What is that?

11 MR. WEISSMAN: That's all
12 planted, landscaping.

13 CHAIRMAN JORDAN: So then it can be
14 altered to put back the spaces if necessary?

15 MR. WEISSMAN: Most of this was
16 based on our discussions with public space but
17 we certainly could.

18 CHAIRMAN JORDAN: Oh that's public
19 space?

20 MR. WEISSMAN: Yes, public space
21 is from the front of the building outward. So
22 those three parking spaces were actually in

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1 public space. We removed them and tried to
2 reduce the public space impact.

3 VICE-CHAIR ALLEN: So, just I'm
4 going to follow up on what you said. So you
5 are saying that and I'm not trying to trick
6 you or anything. I just want to make sure I
7 understand what you said. So you said when
8 the three spaces were there, people, because
9 there was only one loop, people would pull in
10 and they would stop and then they would back
11 into Rhode Island and that would cause issues.

12 MS. ZOOK: Those three spaces were
13 usually always occupied. They were parked
14 cars versus.

15 VICE-CHAIR ALLEN: Right, but my
16 point is if that occurred when there were
17 three spaces, now there's not three spaces and
18 even though and by your statement, there's
19 basically now two places that cars could
20 actually idle or stop or run or do whatever.
21 I'm not sure how that helps the backup into
22 Rhode Island. It seems like it would make it

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1 worse.

2 MS. ZOOK: The three spaces that
3 are presently there are really the hotel
4 wanted, they put their cars there. They are
5 the ones that put the cars in that space. It
6 is not the actual customer. So they will
7 actually be just parking it in the garage.

8 CHAIRMAN JORDAN: Why do the
9 doorman or whoever put the cars there?

10 MS. ZOOK: Because it's three
11 legitimate spaces.

12 CHAIRMAN JORDAN: Otherwise, where
13 would the cars have gone?

14 MS. ZOOK: Into the garage.

15 CHAIRMAN JORDAN: Okay.

16 VICE-CHAIR ALLEN: But, you see
17 my point. That if you have more than two and
18 you are saying you are going to have a
19 corporate culture and have more people coming
20 in during the day. If for some reason
21 somebody stopped in and they are blocking now
22 your second lane, that there is potential

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1 there still to have issues on Rhode Island.
2 I'm asking the question.'

3 MS. ZOOK: ' From an operational
4 standpoint, the guest service employees up-
5 front will be taking keys from anyone who is
6 stopping in the space. It's just like any
7 hotel today. If you are stopping, I need your
8 keys. Here's a tag. We have kind of where we
9 put the car based on the flow of traffic.

10 VICE-CHAIR ALLEN: So your
11 statement is that you will have your staff
12 manage that space so that there is not flow or
13 overflow or stoppage on Rhode Island?

14 MS. ZOOK: Yes.

15 VICE-CHAIR ALLEN: Thank you.

16 CHAIRMAN JORDAN: Board, any other
17 questions? In the and we are eliminating the
18 patio space. Is that correct?

19 MS. ZOOK: No.

20 CHAIRMAN JORDAN: We are keeping
21 the patio space?

22 MS. ZOOK: Yes.

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1 CHAIRMAN JORDAN: That's what I
2 thought. I thought you said before that you
3 were eliminating the patio space. I said I
4 thought we were keeping the patio space.

5 MR. WEISSMAN: By code, we're
6 limited to 49 occupants.

7 CHAIRMAN JORDAN: So you are still
8 keeping it.

9 MR. WEISSMAN: That doesn't
10 change. It gets renovated. It will look a
11 little different but it won't change.

12 CHAIRMAN JORDAN: And is there
13 residents on that side?

14 MS. ZOOK: It's the District Hotel.

15 CHAIRMAN JORDAN: Another hotel?

16 MS. ZOOK: Right. So that patio is
17 really surrounded by us and the District
18 Hotel.

19 CHAIRMAN JORDAN: Very good.
20 Additional questions anyone? Mr.
21 Dziejewczynaski, do you have any questions you
22 would like to ask the applicant?

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1 MR. DZIEWCZYNSKI: None at this
2 time.

3 CHAIRMAN JORDAN: Okay, thank you.

4 MS. BROWN: Mr. Chairman, I'm
5 sorry. Did you want a presentation from our
6 architect or are your questions sufficient?

7 CHAIRMAN JORDAN: No, our
8 questions. We understand the project. We
9 understand what's going on. The question you
10 are asking --

11 MS. BROWN: I just wanted to make
12 sure.

13 CHAIRMAN JORDAN: -- are excise
14 and to the point.

15 MS. BROWN: I did not want to
16 point out that there is a report from DDOT
17 supporting the elimination of, has no
18 objection to the elimination of the three
19 parking spaces that are in public space. And
20 again, all that's being driven by the public
21 space committee saying that they want these,
22 the public space returned to the landscaping

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1 area and so virtue of any changes in the
2 public space, that's why they are being
3 eliminated.

4 CHAIRMAN JORDAN: Anything else you
5 want to present? I think you have -- Mr. Moy
6 how much time do they have?

7 MR. MOY: 11 minutes.

8 CHAIRMAN JORDAN: 11 minutes, if
9 there is anything you think you need. I think
10 we are okay about, we know the design. We
11 understand where you are. We understand the
12 necessity for making the changes. Our concern
13 certainly flows toward the impact, at least
14 for me. I don't know about anybody else on
15 the board, the impact on the community which
16 is something important for us.

17 MS. BROWN: Well I think its
18 significant there are six letters in the
19 record in support notwithstanding the
20 opposition lodged by Mr. Dzieweczynski if
21 I've gotten that close, and by the Wilson
22 Condominium. There are six letters in support

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1 and we have Mr. Finley sitting to my left who
2 is one of the residents who was closely
3 affected by this who is going to be speaking
4 in support as well. Additionally we made a
5 presentation to the ANC. The ANC is in
6 support of this. And we have made a
7 presentation to the Historic Presentation
8 Review board and it was delegated, I'm sorry,
9 the design was approved through a staff
10 delegation. So we have support for this and
11 again there is the precedent established by
12 the previous order of this board that we do
13 meet the standards for the variance relief.

14 CHAIRMAN JORDAN: Each one of these
15 applications stand on their own body as they
16 are presented to us?

17 MS. BROWN: Actually I would --

18 CHAIRMAN JORDAN: I understand what
19 you are saying. But coming from the
20 standpoint and we are looking at the aspect of
21 this. As I said, our concern is about the
22 impact of the change of the neighborhood. And

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1 as you change, no matter what you are doing
2 may be impacted. That is the purpose of this
3 board. We are not bound by that earlier
4 decision in that regard. You said it several
5 times. You can say it and it will be on the
6 record but that's not what we are doing as a
7 board. We are not going to sit here and just
8 sit and rubberstamp it and move it forward.
9 We have some concerns. The issues we raised,
10 whether or not it is one neighbor, 50
11 neighbors, 12 neighbors. If it is one,
12 there's an issue for us to examine its impact.
13 Okay?

14 MS. BROWN: I agree whole
15 heartedly Mr. Chairman. Thank you.

16 MR. WEISSMAN: May I? One thing
17 about the design that wasn't discussed today.
18 One of the differences, one of the primary
19 differences from the 2008 proposal to this
20 proposal is the fill of that lobby area. We
21 are doing some of that increasing FAR. It is
22 covered space. Essentially in filling where

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1 that drive loop goes under the existing
2 building, part of the reason for that is the
3 function space which is undersized for a hotel
4 this size, even as proposed. The people empty
5 out of that space. Currently they flood out
6 onto the street and that's one of the
7 neighbor's biggest concerns. Part of
8 expanding that lobby is it actually houses
9 where these people go. It keeps the people
10 inside the building, which I think is an
11 important point. One of the reasons we didn't
12 embellish the public space with seating and
13 areas like that. The neighbors said that was
14 a concern of there's. So in expanding the
15 interior we tried to create enough space to
16 house the people that are using those function
17 rooms and the hotel itself.

18 VICE-CHAIR ALLEN: Yes. I'm
19 sorry. Can you just say, you are talking
20 about the function room at the top there?

21 MR. WEISSMAN: The function room
22 is the meeting room. That's the primary

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1 expansion filling in the courtyard. If you
2 look at the shaded area on this diagram. You
3 see how the driveway goes around behind the
4 stairs?

5 VICE-CHAIR ALLEN: Yes.

6 MR. WEISSMAN: That's outdoor
7 space now. This expansion infills that with
8 lobby area. So we are essentially providing
9 a lobby in an apartment building that really
10 had no lobby.

11 CHAIRMAN JORDAN: People would
12 congregate and have discussions and talk
13 around.

14 MR. WEISSMAN: Pre-meeting space.

15 MS. ZOOK: There's also a pretty
16 functionary. If you look at the functions that
17 the room, the function room we are adding.
18 The pre-function is --

19 CHAIRMAN JORDAN: If you would.
20 What we've been doing, I've been remissed.
21 Let's identify which particular diagram for
22 the record you look. It's hard to follow in

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1 the future.

2 MR. WEISSMAN: Understood.

3 CHAIRMAN JORDAN: And so we
4 identify which particular.

5 MS. ZOOK: On the proposed plan.

6 CHAIRMAN JORDAN: What?

7 MS. ZOOK: Schematic 3.

8 CHAIRMAN JORDAN: There you go.

9 MS. ZOOK: Thank you. The function
10 space is what we are actually adding at the
11 top of the screen. The pre-function space
12 exists now as a meeting room. That will not
13 be used as a meeting room because it really is
14 the entrance into the larger room. So that
15 will be also overflow from that function space
16 in addition to the area that Gene was
17 referencing with the lobby expanding. And
18 again, I wanted to reiterate that we are not
19 looking to increase the occupancy of the
20 hotel. And we are not changing, we are not
21 adding keys. So I think the corporate
22 business traveler will be a hotel guest. But

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1 on weekends or on social functions, that's
2 where we are going to be adding volume to
3 Jeffrey's point. We do think that the
4 expansion of the lobby and that pre-function
5 area will keep that flow in the hotel, which
6 is what Jeffrey want and is what we want also.

7 MS. BROWN: Ms. Allen, to the
8 extent that you find it helpful in Scheme 8
9 which is under Tab B of our pre-hearing
10 submission there's a comparison of the 2008
11 plan approved and the proposed plan so you can
12 see the difference of where it is being filled
13 in, in that front area.

14 CHAIRMAN JORDAN: Okay. Any other
15 questions of the applicant? And I think
16 you've already said you don't have any other.
17 Let's turn to the Office of Planning for its
18 input.

19 MR. MORDFIN: The capital
20 situation that results in a practical
21 difficulty in this case is that this building
22 was originally an apartment building and it

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1 doesn't lend itself to the meeting rooms that
2 typically come with a hotel. By infilling the
3 courtyard area on the north side of the
4 building, the applicant is able to create a
5 space that otherwise cannot be created in this
6 building. Not because it doesn't have the
7 space inside the building but because of the
8 structural components of the building. And
9 Office of Planning didn't see that there was
10 any substantial detriment to the public good.
11 It is creating a space that otherwise could be
12 put in a building of this size that is used
13 for hotel except for the placement of the
14 columns within this building that make it
15 different to utilize the interior of this
16 building. And that's for the same reason that
17 we did not see a substantial harm to the
18 zoning regulations because its just creating
19 one large public function space that otherwise
20 cannot be done because of the way the building
21 was constructed, because it was constructed as
22 an apartment house.

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1 COURT REPORTER: I'm sorry, we lost
2 you.

3 MR. MORDFIN: I'm sorry. I've
4 available for any questions. Thank you.

5 CHAIRMAN JORDAN: Thank you. Board
6 questions of Office of Planning? Did you
7 actually go out there and look around?

8 MR. MORDFIN: I had been out
9 there and looked around. And I see that it is
10 going to infill a portion of the building that
11 currently some of it is underneath the
12 building, its on the side of the building. It
13 is closer to the street than it is currently
14 today. It respects the front property line.

15 CHAIRMAN JORDAN: Any other
16 questions of planning? Anyone? Does the
17 applicant have any questions?

18 MS. BROWN: No questions.

19 CHAIRMAN JORDAN: Party in
20 opposition, questions of planning?

21 MR. DZIEWCZYNSKI: No questions but
22 could I say something in regards to correcting

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1 the record.

2 CHAIRMAN JORDÁN: No, you can do it
3 when it is your turn to present your case.
4 But if you have questions we would certainly
5 be glad to hear them.

6 MR. DZIEWCZYNSKI: I do not.

7 CHAIRMAN JORDAN: Department of
8 Transportation? Anyone here for Department of
9 Transportation? We do have a letter from
10 Department of Transportation having no
11 objections to the requested relief. Anyone
12 here from ANC 2F? ANC 2F? We do have a
13 letter from ANC 2F supporting the approval of
14 the plans. We do have eight letters of
15 support, I believe. Six, seven letters of
16 support in the file. Does anyone else wish to
17 testify in support of the application?

18 MR. FINLEY: Yes Mr. Chairman. My
19 name is Joe Finley. I live at 1426 Rhode
20 Island Avenue N.W. Condominium Association.
21 We are the building immediately adjacent to
22 the Helix Hotel. On the schematics, we are at

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1 the top of the plans there. You see the
2 courtyard. We overlook the courtyard as you
3 walk into our units, into our own courtyard.
4 You have the letters of support from our
5 neighbors. I've also submitted written
6 testimony to the secretary. I will brief and
7 just go over some of the main points. But I'm
8 here on behalf of the residents in our
9 association to offer our enthusiastic support
10 of the expansion. We urge BZA to approve their
11 plans for the following reasons. We have
12 worked with LaSalle and Helix together to talk
13 about design, the proposed design and to talk
14 about our concerns. They listened to our
15 concerns with their expansion and offered
16 their plan both in terms of design but also
17 the exterior. We know that not every issue
18 can be resolved in our favor. We are pleased
19 with the compromises that have been made.
20 Moreover, we think that the negative impacts
21 from the construction will be temporary and
22 overall this would be positive to the

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1 neighborhood. By expanding the conference
2 space, we agreed with LaSalle that the hotel
3 will attract a different more upscale
4 clientele with less dependence on tourism and
5 nightlife traffic along 14th Street. The
6 hotel is also committed to stabilizing and
7 addressing the issues with our property line
8 wall, which has been significant for us. In
9 the submissions from the opposition, the
10 opponents state that the increased conference
11 space will bring 150 new hotel guests.
12 However, as LaSalle has mentioned no
13 additional hotel rooms are being added. This
14 is merely a conference space which will most
15 likely capture in existing hotel guests. We
16 are pleased to work with LaSalle to try and
17 improve their property with the constrictions
18 of the tight urban lot we have and we are
19 pleased with what they propose so far and are
20 enthusiastic about seeing the expansion in the
21 future. Thank you.

22 CHAIRMAN JORDAN: Board, any

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1 questions for this witness?

2 ZC COMMISSIONER TURNBULL: Yes, Mr.
3 Chair. Well obviously you are the closest
4 one. That's going to have a lot of impact
5 here. You said stabilizing your wall. To
6 what extent are you, what's happening that
7 makes you feel better about this?

8 MR. FINLEY: As the architect
9 mentioned, and I'm not an engineer myself but
10 the tree.

11 MR. WEISSMAN: I can describe the
12 scope. Is that right?

13 MR. FINLEY: Yes.

14 MR. WEISSMAN: There is a
15 retaining wall that supports the plaza upon
16 the condominium side. You can see it shown in
17 the plan.

18 ZC COMMISSIONER TURNBULL: Here.

19 MR. WEISSMAN: Correct. If you
20 see the up arrows and steps. There is a
21 series of terraced outdoor spaces creating a
22 courtyard essentially, an internal courtyard

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1 to the condominiums. The tree that was
2 referenced in the 2008 hearing, the roots
3 actually caused the retaining wall to
4 essentially come undone and start to tip over
5 the property line. That's part of this
6 expansion, that retaining wall be removed and
7 we would actually stabilize them.

8 ZC COMMISSIONER TURNBULL: With the
9 extent of the new construction, have you, I
10 don't know how much vibration or how much work
11 you are going to be doing there. Do you see
12 much impact on that property?

13 MR. WEISSMAN: We don't. The
14 current courtyard is actually really not a
15 ground level courtyard. It is actually the
16 roof of the garage below.

17 ZC COMMISSIONER TURNBULL: Okay.

18 MR. WEISSMAN: So right now there
19 is some equipment on that area. It's a
20 concrete and gravel courtyard. It's not
21 adorned of any significant landscape or
22 anything of that nature now. We're seeing the

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1 green roof as an improvement of what that will
2 look like.

3 ZC COMMISSIONER TURNBULL: Okay. I
4 guess getting back to Mr. Finely. So you feel
5 comfortable.

6 MR. FINLEY: Yes, as mentioned the
7 courtyard currently has just been open, full
8 of gravel. We feel the new green roof and the
9 green fencing will be a big improvement in
10 terms of what we see as we walk through our
11 courtyard back to our units.

12 ZC COMMISSIONER TURNBULL: Okay.
13 And you've got, the rest of you, the people
14 who live back there are all in the same?

15 MR. FINLEY: Correct, yes.

16 ZC COMMISSIONER TURNBULL: Okay,
17 thank you.

18 CHAIRMAN JORDAN: Anyone else?
19 Does the applicant have any questions of the
20 witness?

21 MS. BROWN: No questions.

22 CHAIRMAN JORDAN: Party status,

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1 questions of the witness?

2 MR. DZIEWCZYNSKI: In regards to
3 the retaining wall, who actually ends? Is
4 other work going to be done to your condo
5 units in exchange for support of the project?

6 MR. FINLEY: Other work to the
7 condominium meaning?

8 MR. DZIEWCZYNSKI: With your common
9 walkway is the retaining wall, sidewalks and
10 about?

11 MR. FINLEY: No.

12 MR. DZIEWCZYNSKI: Who owns the
13 retaining wall or whose property is that on?

14 MR. FINLEY: I believe it's the
15 condominium.

16 CHAIRMAN JORDAN: Which
17 condominium?

18 MR. FINLEY: The 1426.

19 MR. DZIEWCZYNSKI: And in regards
20 to the seven letters of support are they all
21 your condo association, or from other people
22 in the neighborhood?

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1 MR. FINLEY: The condominium
2 association.

3 MR. DZIEWCZYNSKI: So its just one
4 lot that is in support of the project. Is
5 that correct?

6 MR. FINLEY: That's one way of
7 looking at it.

8 CHAIRMAN JORDAN: Any additional
9 questions?

10 MR. DZIEWCZYNSKI: No, no
11 questions.

12 CHAIRMAN JORDAN: Did you have a
13 question, or did we already get it? Anyone
14 else wishing to testify in support? Mr.
15 Dziejczynski please you have -- where are we?
16 15 minutes? 10 minutes?

17 MR. MOY: Presentation is 15
18 minutes.

19 CHAIRMAN JORDAN: 15 minutes to put
20 on your case.

21 MR. DZIEWCZYNSKI: Okay. It's
22 going to be really quick.

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1 CHAIRMAN JORDAN: Do what you need
2 to do.

3 MR. DZIEWCZYNSKI: If you look at
4 the hotel plans to reinvent itself in a hotel
5 that caters to business conferences and large
6 social events. As a neighbor of the Helix and
7 I'm only 15 feet from the proposed addition.
8 I do not support this change and believe that
9 it will alter the characteristics of our
10 neighborhood and street. The addition of a
11 conference room that accommodates 150 people
12 will significantly increase the noise and
13 chaos that we already endure when the Helix
14 guests come and go, particularly at night.
15 The Helix staff has not been successful in
16 keeping the noise and congestion to an
17 acceptable level, even when small numbers of
18 guests congregate around the entrance. There
19 is every reason to believe that each time the
20 Helix host an event with scores of people, the
21 neighborhood will be subjected to loud noise
22 and intolerable street noise. The problem

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1 will be further exacerbated by the Helix' plan
2 to bring its driveway closer to the sidewalk.
3 Cars dropping off guests and picking them up
4 will block the sidewalk and cause backups on
5 the street to say nothing of the increased
6 noise of 150 people milling around the
7 sidewalk as an event ends. Finally the
8 expansion of the service areas of the hotel
9 will invite greater non-guest patronage. More
10 people coming and going will only add to the
11 congestion and disruption we already
12 experience from the Helix guests. The current
13 hotel bar crowd already causes plenty of noise
14 and on occasion police have been called to
15 disburse the loitering crowds. The expansion
16 of the bar, restaurant and outdoor patio and
17 the additional of the events space for 150
18 people and the shortening of the driveway will
19 further disrupt the peace, order and quiet of
20 the neighborhood. And I am proposed to be
21 opposed to the expansion of the Felix Hotel.
22 And also just to correct one, the statement

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1 that was made earlier. They said the Wilson
2 Condominium Association was in support. The
3 board should have received a letter from them.
4 I also have a copy of it. They are opposed to
5 it and that's 23 units and they are across the
6 street from the Felix Hotel.

7 CHAIRMAN JORDAN: We do have a
8 letter from them.

9 MR. DZIEWCZYNSKI: Thank you.

10 CHAIRMAN JORDAN: Is there anything
11 else. You had something else you wanted to
12 say? Did you get that?

13 MR. DZIEWCZYNSKI: Yes, I did.
14 It's that there are other people within the
15 neighborhood that are opposed to it such as my
16 other neighbor which is 1420, 1425 and they
17 all should have sent letters in. I can
18 provide copies of those letters if you have
19 not received them.

20 CHAIRMAN JORDAN: Mr. Turnbull, you
21 had a question?

22 ZC COMMISSIONER TURNBULL: Yes, I

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1 just wanted to clarify whereabouts you live in
2 reference to the property?

3 MR. DZIEWCZYNSKI: Okay. If you
4 look at where it says function room.

5 ZC COMMISSIONER TURNBULL: Yes.

6 MR. DZIEWCZYNSKI: Okay. Right
7 next to the function room, that's 1424, that's
8 how the condo people get in. And my house is
9 right next to that. So its 15 feet from the
10 function room.

11 ZC COMMISSIONER TURNBULL: Right
12 here?

13 MR. DZIEWCZYNSKI: Yes, part of, my
14 house actually fronts Rhode Island Avenue. So
15 if you are at, where it says function room and
16 you go to the front of the hotel. The first
17 unit is 1424, which is 15 feet wide. And then
18 my house is right next to that.

19 ZC COMMISSIONER TURNBULL: Oh, you
20 are on the other side? You are on the other
21 side?

22 MR. DZIEWCZYNSKI: I'm in the

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1 front, right attached to it. There is 1424
2 and then --

3 MS. ZOOK: The second condo.

4 MR. DZIEWCZYNSKI: And I think with
5 the condo association the majority of those
6 units except for one are in the back. So they
7 don't have to deal with any of the congestion
8 on Rhode Island Avenue. And then 1424 which
9 is part of 1426 that unit is owned by Glaston
10 LLC of Portage, Michigan. So they are not
11 even actually a resident.

12 ZC COMMISSIONER TURNBULL: Okay,
13 thank you.

14 CHAIRMAN JORDAN: Yes, Ms. Allen?

15 VICE-CHAIR ALLEN: Mr., I
16 actually had it last night. I was practicing.
17 I actually was, Dzieweczynski, right?

18 MR. DZIEWCZYNSKI: Dzieweczynski.

19 VICE-CHAIR ALLEN: Dzieweczynski.
20 So, the applicant testified that they had
21 because of complaints that they had received
22 in the past, that they had directed their

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1 staff to and they put into their contracts for
2 buses that are unloading, that there is a ten
3 minute idling time and no longer and that they
4 have to move along. Have you seen any
5 difference as --

6 MR. DZIEWCZYNSKI: Yes.

7 VICE-CHAIR ALLEN: So its
8 improved?

9 MR. DZIEWCZYNSKI: Yes with the
10 buses that has improved. Our concerns are
11 still with the bar crowd and then when people
12 try to pull into their driveway and they just
13 dump their car in a completely bottlenecks and
14 it blocks up Rhode Island Avenue.

15 VICE-CHAIR ALLEN: Okay, thank
16 you.

17 CHAIRMAN JORDAN: Okay. Any other
18 questions for Geoffrey Board? Does the
19 applicant have questions?

20 MS. BROWN: No questions.

21 CHAIRMAN JORDAN: Is there anyone
22 else in the audience wishing to testify in

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1 opposition? Anyone else in the audience in
2 opposition? Okay. Then let's turn back to
3 the applicant for rebuttal. So let me ask
4 again. So, your current drop off, so when
5 people come up to do car drop off, how are
6 they going to be handled?

7 MS. ZOOK: I think operations-wise,
8 the services will be up front and they will
9 anyone who is leaving their car not to be
10 parked, will be giving their keys, well its
11 all valet. So the keys will be going to the
12 service attendant, some valet driver. If
13 someone is stopping for a short amount of
14 time, our employee will make sure to get the
15 keys from that person so they will be able to
16 manage that.

17 CHAIRMAN JORDAN: And they're going
18 to do what, when they get the keys?

19 MS. ZOOK: If it gets backed up,
20 they are going to move the car and park it in
21 the garage.

22 CHAIRMAN JORDAN: So your front

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1 door person is going to take the car and drive
2 it to the back and whose going to maintain the
3 front while he's gone.

4 MS. ZOOK: There's going to be more
5 than one.

6 CHAIRMAN JORDAN: Okay. And what
7 about the buses? How are the buses handled
8 now?

9 MS. ZOOK: We actually have in our
10 contracts with our groups or tour companies
11 that we work with, a very clear idling time.
12 I think it is a ten minute rule that they have
13 to, when they pull up they have to really
14 unload and move that vehicle.

15 CHAIRMAN JORDAN: Ten minutes?

16 MS. ZOOK: Excuse me?

17 CHAIRMAN JORDAN: Did you say ten
18 minutes?

19 MS. ZOOK: I believe so. And that
20 just for the record, that has been publically,
21 from my perspective that has been the major
22 complaint of the neighbors.

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1 CHAIRMAN JORDAN: And is there any
2 music being played on the restaurant patio or
3 anything like that?

4 MS. ZOOK: We're not allowed to.

5 CHAIRMAN JORDAN: No music on the
6 patio. Board any other questions you may want
7 to ask before any rebuttal? Yes.

8 MS. BROWN: Thank you Mr. Chair.
9 Just another point with regard to parking and
10 drop off. There are about three or four
11 parking spaces in front of the hotels that are
12 specifically designated for quick drop off or
13 15 minute parking. So that can help solve
14 some of the quick drop off points. So in
15 addition to the two spots that are there in
16 the hotel, there are the three to four on the
17 street for 15 minute loading and unloading.

18 CHAIRMAN JORDAN: Fifteen, okay.

19 MS. BROWN: We've very sensitive
20 to the concerns of the neighbors. We
21 understand that the noise spilling out from
22 the current conditions can be disruptive to

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1 the neighbors and the LaSalle hotel, Helix
2 Hotel making every effort to try to control
3 that by changing the clientele to attract a
4 different type of guest user that will have
5 them stay in the hotel for conferences and not
6 be as disruptive as the current type of
7 clientele that currently uses the hotel. So
8 I think that will make a big change and have
9 a positive effect on the way the neighbors
10 experience the hotel now. And I think also
11 with the bus idling measures that are in
12 effect and the valet requirements that also
13 will help with the congestion and prevent cars
14 from backing up onto the street. So I think
15 that they will be very responsive and based on
16 the letters that you have in the record in
17 support, I think that other neighbors have
18 suggested that if there have been any
19 complaints that the hotel has been very quick
20 and responsive and try to do the right thing.
21 They will continue to do so. So I believe
22 based on the record before you, you have the

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1 evidence of the exceptional and unusual
2 conditions in the property as you heard from
3 the Office of Planning. The practical
4 difficulties that it has created and based on
5 the testimony that you've heard today that
6 there will be no adverse impacts based on the
7 measures the hotel will be implementing to
8 control them.

9 CHAIRMAN JORDAN: Let me ask
10 another question. Are there any group events
11 out on the restaurant patio, organized group
12 events?

13 MS. ZOOK: Not historically. It's
14 not a good idea. No, we don't have them.

15 CHAIRMAN JORDAN: No, its not a
16 good idea.

17 MS. ZOOK: We are very restrictive
18 with noise. We can, our liquor license, we
19 can't have loud music out there. So, that
20 really limits what we can do out there. We
21 might have, maybe eating functions in the
22 future but that would be it.

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1 CHAIRMAN JORDAN: Then we will
2 close the record with the exception of
3 something I'm going to ask the applicant to
4 do. I want you to propose a set of conditions
5 that are going to mitigate these issues that
6 we raised, the car dropping off for guests and
7 how they are going to be handled. I need to
8 see that in black and white as a proposed
9 condition. How that's going to be handled.
10 How traffic congestion will be handled in
11 front of the building. How buses will be
12 handled although I understand you have it in
13 your agreement. It actually needs to be in
14 writing as part of our condition for the
15 order. No music or group functions on the
16 patio, restaurant. And the designation of a
17 neighborhood coordinator who the neighbors
18 will know to go to if they have issues, they
19 can talk to and get issues resolved. Those
20 are just my requests. Does the board anything
21 else that you may want to see?

22 ZC COMMISSIONER TURNBULL: No, I

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1 would agree. I think we understand what the
2 site is I think. We are looking at a traffic
3 management plan, an arrival plan. A plan
4 that's going to be in black and white tell us
5 exactly how things are going to be mitigated.
6 I think that's the level of comfort we need.

7 CHAIRMAN JORDAN: And so we will
8 close the record except for that and then I'm
9 going to ask that Mr. Dzieweczynski has the
10 opportunity to make comments to those
11 conditions. Then we are going to set this
12 down for a board decision for? Do we have a
13 30-day window or so? I want to have at least
14 a week for Mr. Dzieweczynski to make comments
15 to any proposed conditions.

16 MR. MOY: Mr. Chairman, the Board
17 already has a schedule, public decision
18 session on December 3, which is about a month.

19 CHAIRMAN JORDAN: How are we
20 looking case wise?

21 MR. MOY: Case wise, sure why not.

22 CHAIRMAN JORDAN: Okay. Each

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1 weeks increases to 8, 9, 15 cases a day. Okay
2 the week before that is November 26.

3 MR. MOY: That's correct.

4 CHAIRMAN JORDAN: Hey I remembered
5 from the last case. So that needs to be
6 November 19. We need to have the proposed
7 conditions filed and certainly sent to Mr.
8 Dziejewczynski and then you have a week to make
9 your comments to them and get them filed by
10 the 26th.

11 MR. DZIEWCZYNSKI: Okay.

12 CHAIRMAN JORDAN: The board would
13 then render its decision December 3.

14 MR. DZIEWCZYNSKI: So that would be
15 the order?

16 MR. MOY: Correct sir.

17 CHAIRMAN JORDAN: Thank you all. I
18 appreciate you taking the time. Mr. Moy did
19 you want to call, what was the one you just
20 gave me? 18651?

21 MR. MOY: Yes sir. That would be
22 application 18651 of Peter J. Fitzgerald.

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1 Very quickly this is a request for variances
2 from a lot area, lot occupancy, rear yard,
3 off-street parking, alley with requirements
4 for subdivision allowing an existing apartment
5 building and construction of a new one-family
6 dwelling on an alley lot, CAP/R-4 District,
7 319 A Street, N.E. and rear of 319 and 321 A
8 Street, N.E., Square 786, Lot 827 and Square
9 786, part of Lot 22 and Lot 827.

10 CHAIRMAN JORDAN: Sometimes when
11 you make these announcements and announce
12 these cases, you can go out for lunch and you
13 come back and you are still announcing a case.
14 Mr. Brown, there is a request for?

15 MR. BROWN: Yes a joint request
16 from Ms. Schmidt who represents the neighbors
17 and my client to continue today's hearing to
18 the late January time frame. That's important
19 because it will allow the process to go
20 through two full cycles of the ANC in December
21 and January and make sure that the matter has
22 been fully vetted at that forum. So that's

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1 why we are targeting in light of holidays and
2 other schedules. That kind of time frame.

3 MS. SCHMIDT: And the reason for
4 our request is that there was inadequate --

5 CHAIRMAN JORDAN: Your microphone,
6 make sure its on.

7 MS. SCHMIDT: The reason for the
8 request Mr. Jordan is because the neighbors as
9 a whole brought to the attention of the
10 Fitzgerald property owners that there was
11 inadequate, minimally inadequate notice of the
12 ANC hearings at the planning and zoning level
13 and that the full board which resulted in two
14 owners in the area that were proponents or
15 agreed with the Fitzgerald request, but
16 excluded the other concerned neighbors that
17 are here and that I concur that myself and Mr.
18 Hollins who had to leave were elected as
19 representatives of the individuals who have
20 come before you requesting party status. And
21 the outcome of the meet and confer should be
22 very good for you. We have agreed to a

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1 continuance so that we can, with the consent
2 of Fitzgerald property return to the ANC for
3 purposes of going through the whole planning
4 and zoning committee as well as a full ANC to
5 revisit the support letter that the ANC
6 granted in the absence of hearing from
7 concerned neighbors who saw party status
8 today.

9 CHAIRMAN JORDAN: Very good. We
10 appreciate you working together because that's
11 important. The board doesn't have a problem
12 with making a decision and somebody is not
13 going to be happy. But neighbors are
14 neighbors. People live in communities
15 together. And so its important. That's why
16 we ask people to meet and confer and have
17 these kind of conversations. So we will grant
18 the continuance to January -- Mr. Moy.

19 MR. MOY: Yes sir. I was looking
20 at for the board either, and I was checking
21 the meeting of the ANC hoping that they would
22 meet, not in January, but in January I think

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1 the docket would be January 14 or January 28.

2 CHAIRMAN JORDAN: January 14 or the
3 28?

4 MS. SCHMIDT: I would ask for the
5 28 just -- we don't want to have to come back
6 and ask for another continuance with the
7 efficiency here. But we don't know the
8 January schedule for the ANC yet, for 2014.

9 CHAIRMAN JORDAN: I appreciate it.
10 So let's move it to the 28th. And please
11 continue to roll up your sleeves and work
12 these things out. As I said before we've had
13 parties as great as ten in opposition in some
14 areas and people once you really decide you
15 are going to work together, work together.
16 And we've had others who didn't work out and
17 it didn't come out the way they thought it was
18 going to come. So I really appreciate it. We
19 move this to January, was it 28?

20 MR. MOY: 28, sir.

21 CHAIRMAN JORDAN: 28. Thank you so
22 much. I appreciate it.

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1 MS. SCHMIDT: Thank you Mr.
2 Chairman.

3 MR. BROWN: Mr. Chairman, so
4 we're all clear, typically this would not
5 require reposting the property?

6 CHAIRMAN JORDAN: Nope.

7 MR. BROWN: Okay.

8 CHAIRMAN JORDAN: Do you want to
9 call our last case.

10 MR. MOY: Yes sir, that would be --

11 CHAIRMAN JORDAN: Mr. Moy, we only
12 have one case right?

13 MR. MOY: Yes sir.

14 CHAIRMAN JORDAN: Go ahead and call
15 it.

16 MR. MOY: Okay. That would be
17 application 18600. This is an application of
18 Wilfredo Bonilla, pursuant to 11 DCMR 3103.2.
19 These are multiple variances from lot
20 occupancy, a rear yard, non-conforming
21 structure provisions as well as the alley
22 setback requirements for a two-car garage

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1 addition in R-4 District, at 1023 Irving
2 Street, N.W. As the board will recall this
3 was postponed from September 10 and October 1,
4 2013.

5 CHAIRMAN JORDAN: All right. Thank
6 you. Please identify yourselves.

7 MR. BONILLA [Speaking Spanish].

8 MR. JULIAN: Good morning. I have
9 been assigned by you to help Mr. Bonilla --

10 CHAIRMAN JORDAN: For the record
11 you need to say your name.

12 MR. JULIAN: Julian Gonzalez.

13 CHAIRMAN JORDAN: Okay.

14 MR. BONILLA: The name is Wilfredo
15 Bonilla and I live on Irving Street.

16 MS. CRAWFORD: Hi. Good morning.
17 I'm Theresa Crawford and with my husband Mike
18 Hess, we own 1021 Irving Street, N.W., which
19 is the adjacent property.

20 CHAIRMAN JORDAN: And I'm trying to
21 see. What's your purpose?

22 MS. CRAWFORD: We submitted the

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1 issues that we have with the structure.

2 CHAIRMAN JORDAN: You requested a
3 party status? The party status request is
4 really out of time. It can't be accepted.
5 But you can provide testimony as a witness in
6 regards to this. But really do something.
7 You have the opportunity to have conversation.
8 Looking over this file, this file is really
9 not ready to be processed. I don't know what
10 help you sought since the last time this was
11 scheduled but the board recommended that you
12 receive help to prosecute this case or to seek
13 the relief. We have not seen any substantial
14 change in your application or documentation to
15 move this forward. Can you tell us what
16 you've done in the interim since the last time
17 it was set to get information or help or how
18 to handle these matters?

19 MR. BONILLA: I have been looking
20 for legal assistance but due to my economic
21 conditions, I have not been able to find an
22 attorney to represent me.

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1 CHAIRMAN JORDAN: There are places
2 to go to get free help. 'Is there not? I've
3 been talking about for the longest, but what
4 about have you met with the Office of Zoning
5 and the Office of Planning? Mr. Jackson have
6 you met with them?

7 MR. JACKSON: No.

8 CHAIRMAN JORDAN: You have not?
9 Wait a minute. Very fundamentally. We said
10 this before I believe at our last setting, for
11 you to meet with the Office of Planning.
12 That's a great spot to start.

13 MR. BONILLA: Perhaps I have been
14 to the office because the places that I have
15 been I must have gone to the wrong office
16 because I must have been given the wrong
17 numbers.

18 CHAIRMAN JORDAN: Okay. Let's do
19 this. Ms. --

20 MS. CRAWFORD: We're married but
21 I go by my maiden name Crawford.

22 CHAIRMAN JORDAN: Okay. I think

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1 the letter came from Mr. Crawford. I'm going
2 to do this. Mr. Jackson could you give them
3 your information? Will you give them your
4 information and try to meet with them like
5 today? This guy, we have an interpreter here
6 and schedule something later.

7 MR. JACKSON: Yes.

8 CHAIRMAN JORDAN: We understand
9 the predicament you are in and understand what
10 this matter does. But we have to have all the
11 evidence in the file if we are going to grant
12 relief. But what we are finding out
13 fundamentally is that there maybe, that you
14 may not understand what's required. So before
15 we reject something its important for us to
16 know that you knew the burden and the
17 responsibilities that you have had. So I'm
18 going to suggest you meet with Mr. Jackson who
19 is willing to take his time to meet with you,
20 let you know where he is located etc. You can
21 always come up to the Office of Zoning, across
22 the hall and talk to the people there. And

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1 they will also help you point in for help. We
2 don't have lawyers for you but certainly the
3 technical resources are Mr. Jackson and others
4 in the Office of Planing and the Office of
5 Zoning. Let's do this. Let's move this, give
6 this a 60-day, 60 day Mr. Moy?

7 MR. MOY: Yes sir.

8 CHAIRMAN JORDAN: And then if you,
9 go ahead and give 60 days and will try to work
10 on it. Maybe you might not have the issue
11 because it might go away.

12 MS. CRAWFORD: We continue to
13 have flooding problems so the sooner we could
14 deal with this, the better. It was in our
15 letter that we submitted to you guys. The
16 biggest issue we have is the water runoff, off
17 the property. We are like \$10,000 in the
18 basement. So as it continues to rain over
19 wintertime. That and the electrical, there's
20 extension cords, extension cords that are not
21 meant to be outside that are running
22 electrical from the main property into the

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1 garage.

2 CHAIRMAN JORDAN: Thank you. And
3 I'm glad you pointed that out. So Mr. Moy, 60
4 days?

5 MR. MOY: Yes, and I would suggest
6 Mr. Chairman that again I think January 14
7 would be a good day.

8 CHAIRMAN JORDAN: January 28?

9 MR. MOY: January 14.

10 CHAIRMAN JORDAN: What's the 28th?
11 Didn't we just give out a 20th or 26th date?

12 MR. MOY: Yes, 28 is fine.

13 CHAIRMAN JORDAN: all right.
14 January 28. Although that's just a bad
15 Tuesday.

16 MR. BONILLA: May I ask a
17 question?

18 CHAIRMAN JORDAN: It depends.

19 MR. BONILLA: The problem that
20 she's submitting is in regards to the water
21 overflow that's going inside her property. If
22 I could be provided the opportunity to remove

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1 the roof and just allow me to keep the walls.

2 CHAIRMAN JORDÁN: This is being set
3 for a different date. You come back and
4 change your relief, whatever your doing. We
5 are not taking testimony in regards to any
6 allegations at this time. So, on January 28.
7 This is set for January 28. Talk to some
8 people. If you are going to alter your issues
9 then do that and let us know. We'll try to get
10 this resolved for you. That will conclude
11 that hearing, this hearing. Thank you Ms.
12 Crawford. Try to stay around. I want to
13 take, January 28 is our fourth Tuesday. I
14 know we have cases already set. But what I
15 want to suggest to the board is that maybe,
16 let me check my schedule first, that we
17 possibly move January 28 to the following, to
18 that Wednesday, since you know we have a pre-
19 issue on every fourth Tuesday. Right now we
20 are short a board member, which is being
21 processed. It's not that anybody is moving
22 slow, its just recently been recommended.

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1 Let's do this. What we are looking at is to
2 alter the fourth Tuesday to a Wednesday
3 possibly so we can have Ms. Allen's
4 participation until we get our other board
5 member.

6 VICE-CHAIR ALLEN: Are we meeting
7 on the 24th? We're not are we?

8 CHAIRMAN JORDAN: That's Christmas
9 Eve. Do we meet on Christmas Eve? We've got
10 to deck the halls. You can't deck the halls
11 and have board meetings. Let's find out.
12 What we are considering, let me ask Mr. Nero.
13 Is there any real reason Mr. Nero why we
14 couldn't move this date to January 29?

15 MS. FRANKLIN: We have the
16 notices about to go out.

17 CHAIRMAN JORDAN: But we haven't
18 sent them or we could re-notice is that
19 correct?

20 MS. FRANKLIN: Re-notice? If
21 this is what you want to do.

22 CHAIRMAN JORDAN: We have not sent

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1 out the January 28 out yet have we?

2 MS. FRANKLIN: We have not.

3 CHAIRMAN JORDAN: All right thanks.

4 I appreciate that.

5 MS. FRANKLIN: We are on the cusp
6 of doing that right now.

7 CHAIRMAN JORDAN: Okay.

8 MS. FRANKLIN: It could start in
9 February. You would need to notify the
10 commission.

11 VICE-CHAIR ALLEN: I move that in
12 order to, I move that we move our January 28
13 meeting to January 29 to have as much
14 participation by the board as possible?

15 CHAIRMAN JORDAN: So let's the
16 motion. Is there a second anyone? Second?
17 Going once. Going twice.

18 MEMBER HINKLE: I'll second that.

19 CHAIRMAN JORDAN: Motion made and
20 seconded to move the January 28 docket to
21 January 29. Any further unreadiness. We know
22 there's an issue with and its probably just at

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1 the right time. The staff may have to redo
2 letters but they have not been sent out yet.
3 We understand that and appreciate the effort
4 that has to be made for that. All those in
5 favor signify by saying aye.

6 [CHORUS OF AYES]

7 CHAIRMAN JORDAN: Opposed, nay.
8 The motion carries. Mr. Moy.

9 MR. MOY: The motion is recorded as
10 4-0. On the motion of Vice Chair Allen to
11 reschedule the January 28 meeting to January
12 29. Second the motion Mr. Hinkle. In support
13 Mr. or rather Chair Jordan and Mr. Turnbull.

14 CHAIRMAN JORDAN: All right. Any
15 other business coming before the board today?

16 MR. MOY: Not today sir.

17 CHAIRMAN JORDAN: Okay. Thank you.
18 We are adjourned.

19 (Whereupon the above-entitled
20 hearing was concluded at 11:53 a.m.)
21
22

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