

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY,

JANUARY 27, 2015

+ + + + +

The Regular Public Hearing convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 10:02 a.m., Lloyd J. Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson  
MARNIQUE HEATH, Vice Chairperson  
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER[S] PRESENT:

PETER MAY, Board Member (DCZC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

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STEPHEN MORDFIN  
KAREN THOMAS  
STEVEN COCHRAN  
MATT JESICK  
BRANDICE ELLIOT

The transcript constitutes the minutes from the  
Public Hearing held on January 27, 2015.

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

10:02 a.m.

CHAIRPERSON JORDAN: Nine zero three, Mr. Moy.  
We're now moving to our hearing cases.

MR. MOY: Okay. Nine zero three. Nine zero three. Nine zero two. Nine zero two or 903?

CHAIRPERSON JORDAN: Nine zero three please.

MR. MOY: Nine zero three. Okay. Here we go.  
Nine zero three.

Application Number 18903 of Distance Education and Training Council as advertised for special exception from the office uses requirements under Section 508 to operate a private non-profit organization in a condominium unit. This is at premises 1601 18th Street, N.W.

CHAIRPERSON JORDAN: Thank you. Good morning.  
Would you please identify yourselves?

MS. BLOOMFIELD: Good morning. My name is Jessica Bloomfield from Holland & Knight.

DR. MATTHEWS: Good morning. My name is Dr. Leah Matthews from the Distance Education Training Council.

MR. COLLINS: Christopher Collins, Holland & Knight.

CHAIRPERSON JORDAN: Okay. I believe that the documents and exhibits already submitted in this case sufficiently support your request for relief and so, it's your

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1 opportunity, Ms. Bloomfield, as you know how we proceed, that  
2 you have the opportunity to waive additional hearing and/or  
3 to present anything you wish -- you think you want to present  
4 that might change our minds from wanting to grant you the relief  
5 you requested.

6 MS. BLOOMFIELD: We'd be happy to rest on the  
7 record. Thank you.

8 CHAIRPERSON JORDAN: Board, any questions  
9 though that you may have? No.

10 Then we go to Planning.

11 MR. COCHRAN: Which also rests on the record.

12 CHAIRPERSON JORDAN: Okay. And we do have your  
13 report on file.

14 Anyone from the Department of Transportation  
15 here?

16 Do we have a letter from Transportation in this  
17 case?

18 MS. BLOOMFIELD: There was no letter from DDOT  
19 in the record.

20 CHAIRPERSON JORDAN: I didn't think so.  
21 Thanks. That means I didn't sleep a document.

22 Anyone here from ANC-2B? ANC-2B on this case.  
23 We do have a letter of support from ANC-2B supporting the relief  
24 requested.

25 Is anyone here wishing to speak in support of the

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1 application? Anyone wishing to speak in support?

2 Anyone wishing to speak in opposition? Anyone  
3 in opposition?

4 Then we will close the case based upon what's been  
5 presented to the Board in our record and I would move that we  
6 grant the relief in Case 18903.

7 MEMBER HINKLE: Second.

8 CHAIRPERSON JORDAN: Any additional discussion?  
9 All those in favor aye.

10 (Ayes.)

11 CHAIRPERSON JORDAN: Those opposed nay. The  
12 motion carries. Mr. Moy.

13 MR. MOY: Staff would record the as 4 to 0 on the  
14 motion of Chairman Jordan for the relief requested. Second  
15 the motion Mr. Hinkle. Also in support Mr. Peter May and Vice  
16 Chair Heath. Board Member not present. Motion carries 4 to  
17 0, sir.

18 CHAIRPERSON JORDAN: Summary.

19 MR. MOY: Thank you.

20 MS. BLOOMFIELD: Thank you.

21 CHAIRPERSON JORDAN: Okay. Mr. Moy, let's do  
22 18855 please. Then it's -- what's wrong with 906 -- 907? Yes.  
23 What's wrong with that? Yes. Let's do -- well, let's do this.  
24 If you have that called -- did you already pull it up?

25 MR. MOY: I have no yet. I have no called it yet.

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1 CHAIRPERSON JORDAN: All right. How are you  
2 guys with 907? Okay. Let's do 907, Mr. Moy. Okay.

3 MR. MOY: Okay. Application Number 18907 of  
4 David Ruddy or Ruddy, Ruddy, thank you, and Eley. This is  
5 pursuant to or rather this Applicant is requesting relief for  
6 -- a variance relief from loc occupancy under Section 403.2  
7 and I believe it has been amended for a special exception rear  
8 yard and variance on a nonconforming, Mr. Chairman.

9 CHAIRPERSON JORDAN: Correct. Okay. Would  
10 you please identify yourselves?

11 MR. RUDDY: Good morning. My name is --

12 CHAIRPERSON JORDAN: Let's make sure your  
13 microphone is turned on. The bright glowing green light.

14 MR. RUDDY: Good morning, Board Members. My  
15 name is David Ruddy. I'm the Applicant and owner of 1811  
16 Wiltberger Street and with me is Mark Lawrence, the architect,  
17 who's on the application as well.

18 CHAIRPERSON JORDAN: Okay. On the amended  
19 application, the additional relief, one, is that -- Mr. Moy,  
20 has any additional fees and et cetera been paid or is that  
21 something that they need to visit later?

22 MR. MOY: They need -- if they need to revisit,  
23 they wouldn't receive the order until after they've -- they've  
24 --

25 CHAIRPERSON JORDAN: Okay. I just wanted to

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1 make sure to put you on notice of that.

2 MR. MOY: I appreciate it. Thank you, sir.

3 CHAIRPERSON JORDAN: I read the memo. I've been  
4 accused of allowing this additional relief and not giving the  
5 District their money. So.

6 I believe this file with the exhibits already  
7 filed would support the application for relief.

8 I don't know if the Board has any questions you  
9 need to drill down with the Applicant on, but I think you can  
10 -- if you want, you can waive additional presentation and we  
11 can proceed with the hearing or it's up to you.

12 MR. RUDDY: No, I waive and submit decision on  
13 the record. Thank you.

14 CHAIRPERSON JORDAN: Board, any questions?

15 MS. GLAZER: Mr. Chair.

16 CHAIRPERSON JORDAN: Yes.

17 MS. GLAZER: Sorry to interrupt, but did the  
18 Board mention that 223 needs to be included. That's -- that  
19 would just be a technical amendment for the rear yard relief.

20 CHAIRPERSON JORDAN: All right. We can accept  
21 that. We'll add to it the additional technical amendment  
22 that's been requested.

23 All right. Then we will turn to the Office of  
24 Planning and see if there's anything the Office of Planning  
25 wishes to add.

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1 MR. MORDFIN: Good morning, Chair and Members of  
2 the Board. I'm Stephen Mordfin and the Office of Planning  
3 rests on the record.

4 Thank you.

5 CHAIRPERSON JORDAN: Board, any questions of  
6 Office of Planning? Applicant, any questions of Office of  
7 Planning?

8 Anyone from DDOT on this case? We do have a  
9 letter of no objection for the requested relief from Department  
10 of Transportation.

11 Anyone here from ANC-6E on this case? ANC-6E?  
12 We do have a letter of support for ANC-6E although it only  
13 mentions the lot occupancy variance and not the special  
14 exception relief.

15 Is there anyone here wishing to testify or speak  
16 in regards to support of this application? Anyone in  
17 supporting wishing to speak on this application? Anyone in  
18 support?

19 Anyone in opposition? Anyone in opposition on  
20 this case?

21 Then we will close the record on this matter and  
22 I would move that we grant the relief requested in 18907 with  
23 the additional amended relief discussed here.

24 MEMBER HINKLE: I'll second that, Mr. Chair. I  
25 just want to note that there are some letters of support from

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1 adjacent neighbors and I think that's helpful.

2 CHAIRPERSON JORDAN: Yes, thank you, Mr. Hinkle.  
3 Yes, there were.

4 All right. Any other discussion? All those in  
5 favor of the motion signify by saying aye.

6 (Ayes.)

7 CHAIRPERSON JORDAN: Those opposed nay. The  
8 motion carries. Mr. Moy.

9 MR. MOY: Staff would record the vote as 4 to 0.  
10 This on the motion of Chairman Jordan to approve the amended  
11 relief as already described. Second the motion, Mr. Hinkle.  
12 Also in support Mr. Peter May and Vice Chair Heath and a Member  
13 not present with us today.

14 CHAIRPERSON JORDAN: Summary please.

15 MR. MOY: Thank you.

16 CHAIRPERSON JORDAN: And our next case is 55, Mr.  
17 Moy.

18 MR. MOY: Application Number 18855 of David S.  
19 and Martha Dantzic. This application has been advertised for  
20 multiple reliefs and I believe it's also been amended to add  
21 courts relief under Section 406 and revised plans are under  
22 Exhibit 40E, E as in echo.

23 CHAIRPERSON JORDAN: Good morning. Please  
24 identify yourselves.

25 MS. OLSON: Hi. Good morning. My name is Kate

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1 Olson with the law firm of Greenstein, DeLorume & Luchs  
2 representing the Applicant.

3 MR. DANTZIC: Good morning. I'm Dave Dantzic.  
4 I'm the Applicant.

5 MR. PRESSICK: Good morning. Garrett Pressick  
6 with Bell Architects.

7 CHAIRPERSON JORDAN: Okay. So, we do have --  
8 okay. So, it is there. Okay. Thank you. I guess the time  
9 I went in, it wasn't in the record. Try not to go in too early,  
10 but, you know, try to get it done, too.

11 So, I don't know if the Board has any questions  
12 or anything we need to hear from the Applicant on this. I think  
13 the record is pretty correct in regards to be able to grant  
14 you the relief requested.

15 Board, any questions you would like or any  
16 statements? Anything on here from the Applicant? Anybody?  
17 Okay.

18 So, Ms. Olson, as you know how we proceed here,  
19 you have the ability to present to the Board or you can waive  
20 it since we've already told you we think you're already there.

21 MS. OLSON: We'd be happy to stay on the record.

22 CHAIRPERSON JORDAN: Good. All right. Then we  
23 will then turn to the Office of Planning and see if there's  
24 anything in addition that may need to be added by Ms. Elliot.

25 MS. ELLIOT: Thank you, Mr. Chairman.

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1 I would just like to make a quick note that OP's  
2 report was filed before the revisions had been made to the  
3 application and the extent of the relief actually wasn't  
4 modified. So, we didn't file an updated report, but we're  
5 still supportive of the request.

6 CHAIRPERSON JORDAN: Thank you. Board, any  
7 additional questions of Office of Planning? Applicant, any  
8 questions of Office of Planning?

9 MS. OLSON: No.

10 CHAIRPERSON JORDAN: We'll turn to Department of  
11 Transportation. Is there anyone here from Transportation on  
12 this? We do have a letter of no objection by the Department  
13 of Transportation.

14 Is anyone here from ANC-6B for this? Anyone from  
15 ANC-6B in this case? We do have a letter of support with a  
16 vote of 8 to 0 from ANC-6B.

17 Anyone here wishing to speak in support of this  
18 application? Anyone in support?

19 We do have Exhibit 29 through 38 of nine letters  
20 in support from neighbors on this application.

21 Anyone wishing to speak in opposition? Anyone  
22 in opposition?

23 Then we will close the record and I would move  
24 that we grant the relief requested and as amended in this case.

25 MEMBER HINKLE: Second.

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1 CHAIRPERSON JORDAN: Additional discussion?

2 COMMISSIONER MAY: Mr. Chairman.

3 CHAIRPERSON JORDAN: Yes, Mr. May.

4 COMMISSIONER MAY: I just would want to comment  
5 also that there's a letter in support from the Capitol Hill  
6 Restoration Society Zoning Committee and I think that overall  
7 it should be noted that this is -- it's sort of an unusual case  
8 because it's -- you know, they're using the terrace, I'm sorry,  
9 the trellis connection in order to allow that second story of  
10 a garage on an alley.

11 But, I think that that's something that in the  
12 future that workaround won't be necessary if the Zoning  
13 Regulations are passed as they've been amended.

14 But, overall, I think it's all been well done and  
15 I especially appreciate the fact that the Applicant was  
16 responsive to the concerns of HPRB and reduced the size of it  
17 --of the addition on the garage.

18 And it's -- I especially appreciate it being a  
19 nearby neighbor. I walk by all the time. Not that it would  
20 affect me in any way, shape or form. But, I especially  
21 appreciate the fact that the -- for the ongoing construction,  
22 the porta potty is cloaked in a woodshed. So, nobody even has  
23 to see that. It's all being done very sensitively.

24 Thank you.

25 CHAIRPERSON JORDAN: Good on the porta potty.

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1 No, very good.

2 So, all those in favor of the motion aye.

3 (Ayes.)

4 CHAIRPERSON JORDAN: Those opposed nay. The  
5 motion carries. Mr. Moy.

6 MR. MOY: Yes, sir, the staff would record the  
7 vote as 4 to 0. This is on the motion of Chairman Jordan to  
8 approve the application, the amended application. Also  
9 seconding Mr. Peter May. Also in support Vice Chair Heath and  
10 Mr. Hinkle. Board Member not present with us today. Motion  
11 carries, sir.

12 CHAIRPERSON JORDAN: Okay. Summary please.

13 CHAIRPERSON JORDAN: Thank you.

14 MS. OLSON: Thank you.

15 CHAIRPERSON JORDAN: Let's start at the top of  
16 the batting order.

17 MR. MOY: Okay. Here we go. Top of the ticket  
18 Application Number 18902 of Frost-LaBule, LLC. This is  
19 property located at 2620 Bowen Road, S.E.

20 CHAIRPERSON JORDAN: Give me one second. I need  
21 to catch myself.

22 MR. MOY: While there's a pause, I believe that  
23 the plans on record are under Exhibit 7.

24 CHAIRPERSON JORDAN: One second. I want to find  
25 out where that is and then catch myself. I made a note to

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1 myself to go back and look at it and I didn't.

2 Good morning. Would you please identify  
3 yourselves please?

4 MR. KEYS: Good morning, Mr. Chairman. George  
5 Keys of Jordan and Keys, PLLC representing the Applicant.

6 MR. BROWN: Kevin Brown with the Neighborhood  
7 Development Company, the contract purchaser of the site.

8 MR. GREENBERG: Charles Greenberg with EDG  
9 Architects.

10 CHAIRPERSON JORDAN: I'm sorry. What is your  
11 name again?

12 MR. GREENBERG: Charles Greenberg.

13 MR. REESE: Good morning. Russell Reese with  
14 Maddox Engineers & Surveyors.

15 MR. GIULIONI: And Michael Giulioni with the  
16 Neighborhood Development Company.

17 CHAIRPERSON JORDAN: All right. I don't  
18 believe we need a full presentation. I think we understand  
19 what this project is about or at least, I don't. I don't about  
20 the other Board Members. But, I do have some questions and  
21 some other things I think is missing from this particular file  
22 and we want to go over TDM measures and a few other things.

23 So, unless the Board needs to see a full  
24 presentation, I wish we could just, if it's okay, to just drill  
25 down on questions.

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1           Is that -- then you also have the opportunity for  
2 what we miss. If there's a -- if we go through this process  
3 on rebuttal to hit anything that you may want to, but I think  
4 we understand what the project's about and the relief  
5 requested.

6           But, for instance, my concern is that I saw no  
7 financials here to support your claim that it's financially  
8 not feasible to do this parking.

9           MR. KEYS: Mr. Chairman, I'll let Mr. Brown  
10 respond to that.

11           I just wanted to give you -- it's a letter from  
12 DHCD just setting out their understanding of the term sheet  
13 and the time limits that are applicable to that.

14           I think Mr. Brown can address the financing  
15 question.

16           CHAIRPERSON JORDAN: Yes. But, let me really  
17 say a couple of things.

18           One, that this document doesn't reflect what I  
19 just asked about the financials. So, I thought you were going  
20 to give us the financials.

21           When these cases are filed and when you -- we look  
22 at these cases well before we hear today. I mean we spend hours  
23 and hours and hours looking at these cases and so, it's helpful  
24 to have the information so we can digest it and be able to  
25 properly ask questions if necessary and do the citizens of the

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1 District of Columbia the service that they need to have so we  
2 can drill down.

3 The issue about financials is one of the main  
4 points of what the request for relief is supported. That it's  
5 not financially feasible to do the parking that's there.  
6 Right? So, we would wish that we'd have had that and something  
7 tangible to touch and feel and hold in our hands.

8 But, with that, Mr. Brown, if you wanted to go ahead and  
9 talk about it.

10 MR. BROWN: Yes. This project is a low-income  
11 housing tax credit project. We have received a term sheet from  
12 the Department of Housing and Community Development for gap  
13 financing. I apologize for that not being included in the  
14 submission package.

15 We also have received termships for construction  
16 financing for the project as well as letters of interest from  
17 the equity providers for the project.

18 This would be the third low-income housing tax  
19 credit project that my firm's completed in the last six years  
20 and we believe we have the financing in place to complete this  
21 project.

22 CHAIRPERSON JORDAN: Okay. Well, I understand  
23 all that and I commend the affordability of this project and  
24 I understand how DCD works.

25 I don't know. Is this 42 or 9 percent money?

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1 What is this?

2 MR. BROWN: Four.

3 CHAIRPERSON JORDAN: And I know this project's  
4 been up before and has been revised and et cetera.

5 I just need to document. We have to have what  
6 we can proceed on and I believe there's enough here, but I need  
7 to have it for our record at some point prior to us, you know,  
8 probably concluding this matter with the financials. Either  
9 we can have it submitted subsequently or not.

10 I can believe based upon some other discussions  
11 that it might be, but we don't have the real meat and potatoes,  
12 the numbers in front of us that shows us that there's a -- the  
13 finances create a practical difficulty for you to be able to  
14 do that. So, that's my concern.

15 Board, any other questions you may want to ask  
16 the Applicant on this case?

17 I think otherwise it's pretty straightforward,  
18 but for that.

19 And you got to have financials around. Heck, I'm  
20 sure DHCD puts you through all the dot the I's, cross your T's.  
21 You got equity investors. So, I know that you got financials.

22 You have not given it to us to show what that --  
23 we need to know. We need to see the cost of being able to do  
24 the garage and how prohibitive it is for you to do it. You  
25 know, the parking requirement. That's it.

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1 All right. So, if there's no questions, Board,  
2 I'm going to see if there's anything that you think you need  
3 to present to the Board. Otherwise, we can probably proceed  
4 on.

5 Is that okay with the Board?

6 Is there anything you think you need to present?  
7 Because otherwise, we would have asked the questions if we had  
8 a question. But, if you think you need to talk.

9 MR. KEYS: No, Mr. Chairman. We --

10 CHAIRPERSON JORDAN: Okay.

11 MR. KEYS: -- we will rely on your reading of the  
12 record.

13 CHAIRPERSON JORDAN: Oh, one other thing. Now,  
14 the ANC-8A, did that meeting that -- what happened with that?

15 MR. KEYS: Mr. Chairman, as we indicated in our  
16 supplemental filing of January 13th, we had numerous contacts  
17 with the ANC. We presented at an ANC meeting and I think Mr.  
18 Brown could perhaps summarize that since he was present and  
19 represented the company.

20 MR. BROWN: We notified the ANC back in July when  
21 we knew we were going to be submitting this variance request.  
22 We attended a meeting in September to further advise them.  
23 Spoke with the SMD and the ANC Chairman.

24 I presented at the ANC's executive committee  
25 meeting in October. I also presented at the ANC meeting in

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1 January and then we also presented at a community meeting  
2 organized by the single member district person Natalie  
3 Williams.

4 CHAIRPERSON JORDAN: And they just have not made  
5 a decision?

6 MR. BROWN: They have not.

7 CHAIRPERSON JORDAN: You presented to the full  
8 ANC Board?

9 MR. BROWN: We presented to the full ANC at the  
10 January meeting. We presented to the executive committee in  
11 October.

12 At that meeting, only three of the members were  
13 present, but we attended and presented.

14 CHAIRPERSON JORDAN: All right. Thank you.  
15 Then let's turn to the Office of Planning.

16 MS. THOMAS: Good morning, Mr. Chair. Karen  
17 Thomas for the Office of Planning.

18 We have nothing further to add. We just ask the  
19 Applicant to provide the GAR score for the project.

20 CHAIRPERSON JORDAN: Oh. Okay. All right.  
21 And I don't know if you have that for OP. You had that  
22 discussion with OP before.

23 MR. KEYS: Yes, Mr. Chairman. We have and we  
24 provided OP with a score sheet on the GAR that showed we  
25 couldn't satisfy the requirements for R-5-A.

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1 CHAIRPERSON JORDAN: Okay. So, I guess it's --

2 MS. THOMAS: Well, I assumed that -- I'm sorry.

3 I assumed that they submitted it to the record.

4 CHAIRPERSON JORDAN: Okay. All right.

5 MR. KEYS: I have it to submit.

6 CHAIRPERSON JORDAN: Okay. We --

7 MR. KEYS: I have it to submit and would be --

8 CHAIRPERSON JORDAN: Okay. Thank you. Board,  
9 any questions of Office of Planning? Applicant, any questions  
10 of Office of Planning?

11 MR. KEYS: No.

12 CHAIRPERSON JORDAN: Okay. Okay. Thanks.  
13 Got it. Anyone here from Department of Transportation on this  
14 case? Did we get a letter from OP? I mean DDOT rather.

15 COMMISSIONER MAY: Yes, Mr. Chairman, there's an  
16 approval from DDOT.

17 CHAIRPERSON JORDAN: Okay. Is anyone here from  
18 -- well, anyone here from ANC-8A? Anyone here from ANC-8A?

19 Because we just had a discussion about the status  
20 of that, but you did present and you did go to the ANC. Which  
21 we -- is a requirement and we are glad you did that and we know  
22 sometimes it's difficult for the ANCs to get everybody together  
23 or to have a meeting. But, they do the best they can.

24 It doesn't prohibit us from going forward, but  
25 it's something that we take very seriously. Your interaction

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1 with the ANC.

2 Anyone here wishing to speak in support of this  
3 application? Anyone in support?

4 Anyone in opposition? Anyone in opposition?

5 Then we would -- let me go over the these TDM  
6 measures. We turn it back to the Applicant.

7 You submitted, I think, what five TDM measures.

8 MR. KEYS: That's correct, Mr. Chairman.

9 CHAIRPERSON JORDAN: And has DDOT seen these and  
10 discussed it with DDOT?

11 MR. KEYS: Yes, we've had -- these are -- they  
12 come out of the report and the discussions that we've had with  
13 DDOT.

14 CHAIRPERSON JORDAN: Board, any questions about  
15 these transportation demand management steps?

16 All right. Then let's -- there's really nothing  
17 for you to rebut and I would say that we would -- really want  
18 those financials though. Yes. Yes.

19 COMMISSIONER MAY: Mr. Chairman, can I ask?  
20 You're concerned about the financials. Is that driven largely  
21 because of the parking relief and the cost of the parking?

22 MR. KEYS: Yes, that's right. That's right.

23 CHAIRPERSON JORDAN: That's right. I just need  
24 to have something in the record to support that phase.

25 COMMISSIONER MAY: Sure. You know, I think that

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1 the Board in the past and certainly the Zoning Commission in  
2 the past has developed at least a general understanding of the  
3 extra cost associated with excavating for additional parking  
4 below grade and I think that it would not be really out of the  
5 ordinary for us to go ahead and grant relief on this based on  
6 the overall circumstance of the project. That this is a high  
7 level of affordability. It's a difficult site because of the  
8 terrain. There's a large PUD immediately next door.

9 We grappled with that at the Zoning Commission.  
10 I think that there's enough information in the record to be  
11 able to support the parking variance on that grounds.

12 CHAIRPERSON JORDAN: Yes, I appreciate that, Mr.  
13 May. Because I am on the borderline. But, all the other  
14 pluses for this project and understanding that it's being --  
15 DHCD has helped finance them.

16 However, if we do go forward, not setting any  
17 precedents that people can come in here and any applicant can  
18 come in and not submit a full package and justify their  
19 allegation what they have a practical difficulty or a hardship.  
20 It's a requirement to put the supporting documentation.

21 But, I agree with you, Mr. May. I think there's  
22 enough here to like sweep past. It's like the strike zone and  
23 the ball is like just right on the edge. So, it's up to the  
24 referee to make that call.

25 And so, I think we're going to give you the

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1 benefit of the doubt on this, but never, never again nor anybody  
2 else should be allowed to do that. But, this project, it kind  
3 of reeks that it's going to be issues. Especially with the  
4 terrain, how this project is situated in this up-down valley  
5 situation. So, I can move on with that.

6 So, with that then, I would move that we grant  
7 the relief requested.

8 COMMISSIONER MAY: Second.

9 CHAIRPERSON JORDAN: Motion made and second.  
10 Additional discussion?

11 COMMISSIONER MAY: Mr. Chairman, do we want to  
12 note that it's subject to the proposed conditions? The TDM  
13 measures.

14 CHAIRPERSON JORDAN: The TDM. With the TDM.

15 COMMISSIONER MAY: Yes.

16 CHAIRPERSON JORDAN: Um-hum. All of those in  
17 favor of the motion aye.

18 (Ayes.)

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

21 MR. MOY: Yes, sir. Staff would record the vote  
22 as 4 to 0. This on a motion of Chairman Jordan to approve the  
23 application for the relief requested as well as the five TDM  
24 measures. Second the motion is Mr. Peter May. Also in  
25 support Vice Chair Heath and Mr. Hinkle.

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1                   And I believe also -- check my notes.    The  
2 revised drawings are under Exhibit 26.

3                   CHAIRPERSON JORDAN:   All right.    Thank you.  
4 Summary please.

5                   MR. MOY:   Yes, sir.

6                   MR. KEYS:   Thank you very much, Mr. Chair.

7                   CHAIRPERSON JORDAN:   Who's first and who's  
8 second?

9                   MR. MOY:   Let's do 66 -- 866.

10                  CHAIRPERSON JORDAN:   Oh, yes.    Let's take a  
11 five-minute please.

12                  (Whereupon, the above-entitled matter went off  
13 the record at 10:31 a.m. and resumed at 10:36 a.m.)

14                  CHAIRPERSON JORDAN:   All right.    Did we call the  
15 case already, Mr. Moy?

16                  MR. MOY:   Not yet, sir.

17                  CHAIRPERSON JORDAN:   Okay.

18                  MR. MOY:   This would be Application Number  
19 18866, and I believe they're at the table, of Planned  
20 Parenthood Association.

21                  The Board will recall this was heard originally  
22 on December 2nd and is a continuation of that hearing.

23                  CHAIRPERSON JORDAN:   Okay.    Let's, for the  
24 record, reintroduce ourselves please.

25                  MS. RODDY:   Thank you.    My name is Christine

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1 Roddy and I'm an attorney with Goldstein & Storrs.

2 MS. NELSON: Good morning. I'm Jane Nelson of  
3 Nelson Architects.

4 MR. ANDRES: Good morning, Chairman Jordan,  
5 Members of the Board. Erwin Andres with Gorove Slade  
6 Associates.

7 CHAIRPERSON JORDAN: Okay. Thank you. We had  
8 a full hearing in this matter. We beat around the bush on this.  
9 There's been some amendments and some changes.

10 Do you want to bring us up on exactly what the  
11 -- I think we are. I just want to make sure we're all on the  
12 same page.

13 MS. RODDY: Sure. The pertinent changes to the  
14 plans, one, I know there were some questions with respect to  
15 the trellises on the roof and we have removed those.

16 The other changes are with respect to parking.  
17 The initial application was for 20 residential units. We had  
18 reduced that to 17 and we have since reduced it to 15 and we  
19 have squeaked out one more space on site. So, we now have an  
20 additional space for a total of four on-site parking spaces  
21 and four spaces is actually the requirement for the residential  
22 use. So, we would be able to completely park the residential  
23 use on site. We will be seeking the variance for the  
24 commercial use.

25 CHAIRPERSON JORDAN: Yes, and that's the nine

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1 spaces? Is it?

2 MS. RODDY: Yes.

3 CHAIRPERSON JORDAN: Um-hum. Yes. I don't know  
4 if the Board had any other questions on this.

5 Still my issue, and I think I'm there, but I'm  
6 still not real comfortable, is on the uniqueness of the  
7 exceptional condition because there's other property on here  
8 that -- on that square or on that block that is similar.

9 MS. RODDY: Sure. I'd be happy to address that.

10 This lot, as you know, is 50-feet wide and as you  
11 said, there are two other lots in this square that are either  
12 50-feet or less. Those are three lots out of the 11 lots in  
13 that square. The average width of the lots in the square is  
14 actually 129 feet. With the greatest width being 296 feet.

15 So, as you can see, there's a big discrepancy  
16 between the 50 feet that we are and the 296 feet.

17 Case law is clear that the exceptional condition  
18 does not need to be unreservedly unique. It just can't be --

19 CHAIRPERSON JORDAN: Let me stop you on that  
20 point. You cite Fletcher?

21 MS. RODDY: Right and that cites to Palmer and  
22 Gilmartin.

23 CHAIRPERSON JORDAN: But, where in Fletcher does  
24 it say that? Because maybe I'm concerned about that.

25 MS. RODDY: I have it. I could also refer to

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1 Gilmartin and Palmer which do specifically state that. I have  
2 that.

3 CHAIRPERSON JORDAN: Yes, because I know you  
4 said Fletcher and that's who -- the case which you used.

5 MS. RODDY: I have that.

6 CHAIRPERSON JORDAN: And I think Fletcher  
7 actually says to the contrary. Fletcher specifically says  
8 "The critical point in this case is that extraordinary and  
9 exceptional conditions must affect a single property." But,  
10 maybe this is a misquote in your brief.

11 MS. RODDY: Well, I was referring to -- cite to  
12 Palmer where it says it's not the unique -- the hardships,  
13 they're not unique circumstance peculiar to the applicant's  
14 property and not to the general conditions of the neighborhood  
15 and it goes on to say that if they are the general conditions  
16 of the neighborhood, then the amendment process may be a more  
17 appropriate process.

18 CHAIRPERSON JORDAN: Right. But, it doesn't  
19 say what you've been saying. I'm just trying to make sure  
20 we're on the same page because I -- it's like, okay, I'm trying  
21 to get to where you are. So, that's why the issue still remains  
22 with me.

23 MS. RODDY: Okay.

24 CHAIRPERSON JORDAN: All right. But, that --

25 MS. RODDY: Well, Palmer case which is the one

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1 that really is a pivotal case in the land-use legislation  
2 before the District and that clearly states that this is  
3 something that is -- it can't be a prevailing condition of the  
4 community. That if it -- and it doesn't have to be  
5 unreservedly unique. It just has to be --

6 CHAIRPERSON JORDAN: We just have to be careful  
7 that we're not redoing zoning and doing text amendments and  
8 map amendments here as the Board of Zoning Adjustment.

9 That's your argument and that's something -- I  
10 just got to be careful how we as a Board operate because we  
11 get a lot of different things and the next thing you know  
12 somebody will run in and say well, you did it with this case  
13 and you did it with that case and so, we try to build some  
14 consistency on the Board so that there's some predictability.

15 We've talked about that a lot over the years since  
16 I've been here and probably even before. Some predictability.

17 That's why I'm kind of drilling down on that and  
18 need to make sure that our record is clear about what we do  
19 to these type of things.

20 MS. RODDY: No, I appreciate that and just to  
21 continue, so, this is one of three lots then within this square  
22 that's 50 feet or narrower and of those three lots, it is the  
23 only interior lot. The other two lots have frontage on an  
24 alley or on a street and that provides some flexibility in a  
25 below-grade garage. They could go into vault space and use

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1 that.

2 But, we are absolutely constrained by the  
3 northern and southern property lines. We cannot extend over  
4 the property line to accommodate those spaces. So, this is  
5 an absolutely unique property within this square.

6 CHAIRPERSON JORDAN: Okay.

7 MS. RODDY: And I would also -- I'm sorry. Just  
8 to add to that, we are also proposing the only residential use  
9 in this square and I think that goes to the uniqueness in that  
10 we're an SP2. It's a split-zone square. So, the west is C4.  
11 We're SP2.

12 And SP2 actually encourages residential use. It  
13 caps the amount of commercial use you can do, but it encourages  
14 residential and allows additional density for residential use.

15 And it's difficult to reconcile the residential  
16 use and the density permitted in the SP2 within the parking  
17 requirement on a lot this size.

18 CHAIRPERSON JORDAN: Okay. That's helped me.  
19 Board, any other questions that you have for this --

20 COMMISSIONER MAY: Did you actually submit  
21 anything regarding the trellises other than noting that they'd  
22 be removed? I didn't see a plan.

23 MS. RODDY: We submitted a plan.

24 CHAIRPERSON JORDAN: An amended plan. Didn't  
25 they?

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1 COMMISSIONER MAY: Yes. Where is it? Is it --

2 MS. RODDY: It's double sided. It was -- it's  
3 Tab A.

4 COMMISSIONER MAY: Oh. Okay. Sorry. I  
5 missed that. Thank you.

6 CHAIRPERSON JORDAN: Okay. If there's not any  
7 other questions, let me run past the TDMs.

8 MS. RODDY: Yes.

9 CHAIRPERSON JORDAN: I think there's one, two,  
10 three, four. Is there five? Five TDMs? Five. Five. Five  
11 provisions for your transportation management plan.

12 MS. RODDY: Yes.

13 CHAIRPERSON JORDAN: Okay. Let me offer -- let  
14 me go over what -- some changes that -- unless the Board had  
15 some other questions about the merits of the case. Then let  
16 me go through how I altered -- I would suggest that the Board  
17 would adopt it as a TDM here. I've altered some of this.

18 The first one, the Applicant shall disseminate  
19 information regarding the phone apps that provide access to  
20 the alternative commuting means. Everything else that you  
21 have there stays in place.

22 Two, the Applicant shall install a transit screen  
23 that would provide residents and office patrons a quick guide  
24 reference. All the other things you had stay in place.

25 I said the Applicant shall provide each new

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1 tenant one year car share or Capital Bike Share membership.  
2 Each new tenant one year.

3 Then, the next, Applicant shall provide -- I  
4 dropped the other five years, but just said that the Applicant  
5 needs to do it for each new tenant. Because our whole purpose  
6 here as you've said, Mr. Andres, many, many times to try to  
7 get people to get a taste of how to use alternative means.

8 MR. ANDRES: Um-hum. Sir, are you suggesting  
9 each new tenant for infinity?

10 MS. RODDY: I would just like to -- it's a condo  
11 building and that was why we had proposed a five-year period.

12 CHAIRPERSON JORDAN: We wanted it to be in the  
13 HOA. I'm having -- the Board has not concluded, but it's  
14 important that -- it doesn't -- you know, the building just  
15 doesn't live today and live tomorrow. We have to make sure  
16 that whoever new comes in -- everybody right up front's going  
17 to get all of this. But, we want to make sure that everybody  
18 new who comes in understands how we're trying to push them away  
19 from cars. Right? And it can be in the HOA agreement.

20 MR. ANDRES: And actually, I'd just like to  
21 comment on that, Chairman Jordan. Yes, the intent typically  
22 is that, you know, the new tenants that do come in get this  
23 benefit and it creates a culture for the building. So, that  
24 subsequent tenants after that know what the culture is and  
25 typically, that's why the TDM measures are geared for an

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1 initial period either lease up or with the condo docs and  
2 because -- in that sense, once that culture's developed, it  
3 becomes a part of the neighborhood.

4 And essentially, that's what's happened in older  
5 historic neighborhoods like Dupont Circle where there's a lot  
6 of older buildings. You know, the first buildings that were  
7 built in Dupont Circle, you know, had no parking. So, that  
8 culture was developed to a point where people know that, you  
9 know, when you move to certain buildings in Dupont Circle, you  
10 have no parking and essentially --

11 CHAIRPERSON JORDAN: And I'm going to sell my  
12 building to whoever -- my condo to whoever I want to. I'm not  
13 having that discussion. Got you. Which you want it, but no,  
14 I would --

15 MS. RODDY: We understand.

16 CHAIRPERSON JORDAN: It has to be there because  
17 people come and go. You know, cultures -- I'm not selling my  
18 culture necessarily. I'm not putting a line in that deed. If  
19 you're going to pay me the right price for my condo, done. In  
20 fact, I want everybody to know -- no. The right price.

21 We need to make sure that we're protecting. You  
22 know, parking is like -- well, I was going to say oil, but oil  
23 has dropped here. It's really important here in the District  
24 and you know better than I do how important it is. So, that's  
25 what we would want to see in the condo docs that would run with

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1 this land.

2 And the other thing we had, the Applicant shall  
3 provide materials or part of the move-in package that shall  
4 include a map of the Capital Bike Share stations and et cetera  
5 and the Applicant shall provide nine off-site parking spaces  
6 by lease agreement with a garage that will allow for overnight  
7 parking in the vicinity of the project.

8 This is a slight amendment to what you had, but  
9 it's the same thing.

10 MS. RODDY: Can I -- I'm sorry to interrupt, but  
11 with respect to the overnight parking, since we will be parking  
12 the commercial uses, would you still want to keep the overnight  
13 requirements?

14 CHAIRPERSON JORDAN: I got that language from  
15 you guys about overnight.

16 MS. RODDY: Oh, then if we could just say in one  
17 of the garages.

18 CHAIRPERSON JORDAN: Okay. Yes. All right.

19 MS. RODDY: And that would be great. Thank you.

20 CHAIRPERSON JORDAN: Yes, because I got that  
21 from you. So. All right. If that's okay with the Board. If  
22 those things are okay with the Board. Okay.

23 So, then if there's -- I don't think there's  
24 anything else that we -- the Board needs to hear.

25 We can go to Office of Planning. If Ms. Thomas

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1 have anything in addition that she may want to add.

2 MS. THOMAS: Good morning, Mr. Chair. The  
3 Office of Planning has nothing additional to add and we remain  
4 in support of this application.

5 CHAIRPERSON JORDAN: Good. Thank you.

6 MS. THOMAS: Thanks.

7 CHAIRPERSON JORDAN: Board, any questions of Ms.  
8 Thomas? Applicant, any questions?

9 We do have a letter from the Department of  
10 Transportation which we've gone through the whole discussion  
11 with the transportation demand. Is there anybody else here  
12 from DDOT? No. On this? No. Okay.

13 ANC -- it's ANC-2 something. Right? Do we have  
14 something from ANC-2B? Oh, it must be in my other. I got two  
15 file notes on this case. Had to go back to the other. ANC-2B  
16 was no objection vote 6 to 0. That was from our -- what was  
17 that? November hearing?

18 MS. RODDY: December.

19 CHAIRPERSON JORDAN: December. Okay. All  
20 right. Good. Okay.

21 Is anyone here wishing to speak in support of this  
22 application? Anyone in support? I think we've already went  
23 through this before.

24 MS. RODDY: If I could note, I know Ms. Cheryl  
25 Cort was anticipating in being here, but the snow has delayed

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1 her. We did submit a letter that she provided into the record.

2 CHAIRPERSON JORDAN: All right. Thank you.

3 Anyone wishing to speak in opposition? Anyone  
4 in opposition?

5 Then it's safe to close the record on this matter.  
6 Then we'll close the record.

7 Is the Board ready to deliberate?

8 There's no opposition to this. Is it?

9 So, I don't need to go through a whole dialogue  
10 on this. Okay. Good.

11 So, then I would move that we grant relief -- the  
12 amended relief requested in this case including the  
13 conditions, the TDM measures as conditions as discussed here  
14 today.

15 MEMBER HINKLE: Second.

16 CHAIRPERSON JORDAN: Motion made and second.  
17 Additional discussion? Oh, yes, I'm sorry.

18 VICE CHAIR HEATH: One comment. I wasn't here  
19 for the December 2nd hearing, but I have read the record and  
20 viewed the hearing. So, I'm fully familiar with all issues  
21 and prepared to vote.

22 CHAIRPERSON JORDAN: Good. Thank you. Thank  
23 you for that.

24 MEMBER HINKLE: Yes, Mr. Chair, I just want to  
25 note that I appreciate the Applicant taking another look at

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1 this as a variance and I think it's a much better project to  
2 be honest with the proposed parking and the other revisions.  
3 I certainly support it.

4 COMMISSIONER MAY: Mr. Chairman.

5 CHAIRPERSON JORDAN: Yes.

6 COMMISSIONER MAY: So, I supported this last  
7 time around. You know, so, I'm certainly going to support it  
8 again this time around, but to me, the case was clearly made  
9 that this is a unique property due to the width and the  
10 difficulty of doing underground parking and the historic  
11 preservation aspects of it.

12 We had OP support and ANC support. That's  
13 exactly the sort of housing development that the Zoning  
14 Commission has supported, you know, up to this point and in  
15 the Zoning Regulations coming up.

16 You know, this case was really made for it. The  
17 ample, commercial parking nearby means that if somebody really  
18 does need to park, there are places to do it nearby with having  
19 an impact on the neighbors.

20 So, this was an easy decision even at the last  
21 hearing for me. So, I'm certainly going to support it now.

22 CHAIRPERSON JORDAN: All of those in favor of the  
23 motion signify by saying aye.

24 (Ayes.)

25 CHAIRPERSON JORDAN: Okay. All opposed nay.

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1 The motion carries. Mr. Moy.

2 MR. MOY: Yes, sir, staff would record the vote  
3 as 4 to 0. This on the motion of Chairman Jordan to approve  
4 the amended relief with the four conditions contained in the  
5 TDM plan. Second the motion Mr. Peter Mays. Also in support  
6 Vice Chair Heath and Mr. Hinkle. Board Member not present.

7 CHAIRPERSON JORDAN: Okay. And I believe we can  
8 do a summary order please. Very good. Thank you very much.

9 MS. RODDY: Yes.

10 CHAIRPERSON JORDAN: Okay. Is the last case?  
11 We only have one -- is this the last case?

12 MR. MOY: Yes, sir.

13 CHAIRPERSON JORDAN: Is that right?

14 MR. MOY: Yes, sir.

15 CHAIRPERSON JORDAN: Wow.

16 MR. MOY: Last two on the same property.

17 CHAIRPERSON JORDAN: You guys are so efficient.

18 MR. MOY: Two different properties.

19 CHAIRPERSON JORDAN: Yes, we merged those two.  
20 Yes, that's correct. You guys are so efficient and quick. I  
21 don't know what to say.

22 All right. Do you want to call it, Mr. Moy?

23 MR. MOY: Yes, sir. Again, this would be  
24 Application Numbers 18852 and 18853. Both of SB Urban, LLC.  
25 One is at premises 90 Blagden Alley, Square 368, Lot 165.

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1 Another at 91 Blagden Alley, N.W., Square 368, Lot 164.

2 I would hope that perhaps at this point maybe the  
3 Applicant can go over once again the relief that's being  
4 requested. Because I'm unclear at least from the staff side  
5 whether or not loading requirements is part of the requested  
6 relief or not.

7 CHAIRPERSON JORDAN: Okay. Change my notes  
8 here.

9 MR. MOY: Mr. Chairman, just to remind you that  
10 there have been --

11 CHAIRPERSON JORDAN: Yes. Yes.

12 MR. MOY: Okay. You got it.

13 CHAIRPERSON JORDAN: Well, there is -- yes,  
14 there is a motion for party status and a request for party  
15 status and I've looked at those documents and that's going to  
16 be denied.

17 We've already been through a hearing in this  
18 matter that's way out of time. We've already taken tons of  
19 testimony and we're just here going back on the supplemental  
20 information which was transportation demand study and well,  
21 the overall analysis of how TDMs have been operating within  
22 the general area and some other little questions the Board  
23 might want to go over. But, we've had a full hearing with  
24 witnesses and et cetera and it's just really, really way out  
25 of time to grant party status.

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1                   So, that's going to be the ruling unless the Board  
2 wants to change that. Okay.

3                   And that's where -- so, there won't be an  
4 additional party status in this matter.

5                   So, Mr. Moy, you asked that the Applicant --

6                   MR. MOY: At this point perhaps to go over once  
7 again the relief that's being requested.

8                   CHAIRPERSON JORDAN: Relief has not changed.  
9 Has it?

10                  MR. KADLECEK: No, the relief has not changed.

11                  CHAIRPERSON JORDAN: So, it would be -- go ahead  
12 so we can make sure that Mr. Moy's records are clear for both  
13 M Street and 9th Street properties.

14                  MR. KADLECEK: Okay. I'll just summarize for  
15 you. A variance from the side --

16                  CHAIRPERSON JORDAN: Could you identify  
17 yourself though?

18                  MR. KADLECEK: I'm sorry. Cary Kadlecek from  
19 the law firm of Goldstein & Storrs on behalf of the Applicant.

20                  For the 9th Street building which is 91 Blagden  
21 Alley, the relief requested is a variance from Section 775.5  
22 the side yard requirement, a variance from Section 2101.1 the  
23 parking requirement and a special exception under Section  
24 411.11 for a roof structure.

25                  And then for the M Street building which is 90

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1 Blagden Alley, a variance from Section 776.3 court width  
2 requirement, a variance from Section 2604.2 lot occupancy and  
3 a special exception under Section 2120.6 for parking for a  
4 historic resource and oh, sorry, Section 411.11 special  
5 exception for roof structure relief.

6 Again, that's not changed since the initial  
7 application.

8 CHAIRPERSON JORDAN: Mr. Moy, is that sufficient  
9 for you?

10 MR. MOY: Thank you very much, sir.

11 CHAIRPERSON JORDAN: Okay. Board, any  
12 additional questions for this Applicant on any of the  
13 submissions, the subsequent submissions?

14 I appreciate you submitting the transportation  
15 study of the area. I was concerned. Just one property was  
16 D.C. I think. Is what Square 52? Is that what it is?

17 MS. MILANOVICH: Square 54. Jami Milanovich  
18 with Wells & Associates.

19 CHAIRPERSON JORDAN: It's helpful, but I still  
20 -- I guess I don't know when the District's going to get theirs  
21 so we can really get down to an independent kind of review of  
22 these TDMs. But, thank you for that. I appreciate it.

23 And seeing that at least what your report is  
24 showing that there's been some success with TDMs. Yes.

25 MS. MILANOVICH: That's correct.

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1 CHAIRPERSON JORDAN: In fact, some of those look  
2 like it was well above what the intent was. The targeted goal.

3 MS. MILANOVICH: Correct and if I may, the sites  
4 that were not in Washington, D.C. I thought were important to  
5 include simply because they are further from Metro and when  
6 you're in D.C., it's sort of hard to tell what the impact is  
7 associated with the fact that you happen to be by a Metro  
8 Station versus what impact you're getting from the TDM program  
9 itself.

10 And so, we felt that those sites that were in  
11 Northern Virginia that were further from Metro Station did a  
12 good job of getting down to what the impact of the TDM program  
13 itself was.

14 CHAIRPERSON JORDAN: Yes, that's a good point.  
15 Yes, because Square 54 sits on top of Metro almost.

16 MS. MILANOVICH: Correct.

17 CHAIRPERSON JORDAN: Which is a little  
18 different. Yes. Okay. Okay.

19 Board, any additional questions? Something we  
20 need to drill down on with this matter?

21 We can -- if there's not any additional  
22 questions, can we drill down -- I don't know if we did this  
23 last time. These TDM. Went over the TDMs. Did we do that?

24 MR. KADLECEK: We didn't get that deep into them.  
25 No.

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1 CHAIRPERSON JORDAN: I think -- yes, because I  
2 think everybody has submitted a TDM measure for this project  
3 that can submit one.

4 MR. KADLECEK: Right.

5 CHAIRPERSON JORDAN: We've been trying to  
6 consolidate them and put them altogether and there's -- I mean  
7 everyone submitted TDMs, but I think we're down to these and  
8 let me go over those.

9 And certainly, Board, jump in and out at some  
10 point.

11 The first being prior to the issuance of a  
12 certificate of occupancy for the building, the applicant shall  
13 (a)(1) Record an easement with the recorder of deeds for the  
14 91 Blagden Alley, N.W. that will preserve the six-foot side  
15 yard along the alley for pedestrians and prevent future  
16 development in the area.

17 And (b) Pay the cost of installing a new Capital  
18 Bike Share station with 27 docks, 14 bikes and one year of its  
19 operating expenses within a quarter of a mile of the project  
20 site to be determined by DDOT.

21 (c) Record with the recorder of deeds a covenant  
22 prohibiting the property from having RPP and temporary or  
23 visitor parking passes until such time as the property provides  
24 parking as required by the Zoning Regulations.

25 I think we really did go over these. Two, the

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1 Applicant shall implement a transportation demand plan that  
2 includes (a) a designated member of the property management  
3 team as a TMC, traffic coordinator -- transportation  
4 management coordinator who will be responsible for  
5 disseminating the information and that person, while we don't  
6 have any jurisdiction over that, can do other duties. He  
7 doesn't have to be a -- someone that's solely hired for that  
8 purpose.

9 (b) Notifying residents that they are not  
10 eligible for RPP.

11 (c) Include a provision in all the leases or condo  
12 declarations that the residents are not eligible for RPP and  
13 that they are prohibited from applying for or obtaining any  
14 short term temporary or visitors parking passes and that a  
15 violation of this prohibition shall terminate the lease unless  
16 cured within ten days. The Applicant no less than  
17 semi-annually verifies the tenant/resident's compliance of  
18 the prohibition working with Department of Transportation and  
19 Department of Motor Vehicles to insure the restrictions are  
20 enforced.

21 (c) Provide information or links to the following  
22 programs and services on the property management site and that  
23 list that you had, you know, Roman Numeral I to X.

24 (d) Provide two electronic displays, one in each  
25 building, in common shared space of the project to provide a

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1 real-time availability.

2 Did we talk about the apps? I thought that we  
3 -- do we have an app? Didn't we have an app. Well --

4 MR. KADLECEK: We didn't propose anything about  
5 an app.

6 CHAIRPERSON JORDAN: Okay. Usually apps --  
7 anyway, I think this is DDOT wanted these particular screens.  
8 Didn't they probably? I think so. I think the app's probably  
9 better, but well, let's leave it like it is..

10 (e) Provide covered, convenient and secure bike  
11 parking facilities inside the project for at least 42 bicycles.  
12 (a) Have a bicycle repair facility. (b) For the life of the  
13 project, provide all new residents Capital Bike Share  
14 membership for a term of one year. (c) --

15 MR. KADLECEK: Actually, I'm sorry. DDOT had  
16 requested that we provide that in perpetuity which we had  
17 agreed to.

18 CHAIRPERSON JORDAN: Oh, for everybody to have  
19 -- for the life of the project for all new residents, Capital  
20 Bike Share was -- period. For all initial leases.

21 MR. KADLECEK: Yes, for the initial leases.  
22 Correct.

23 CHAIRPERSON JORDAN: Okay. We should be clear  
24 then. Okay. For life -- for as long as they're tenants or  
25 residents. For the --

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1 MR. KADLECEK: Yes, I think --

2 CHAIRPERSON JORDAN: For the term of their  
3 residence.

4 MR. KADLECEK: For the term of their lease. So,  
5 if they have a 12-month lease, they get a Capital Bike Share  
6 membership for those 12 months.

7 CHAIRPERSON JORDAN: Okay. And ongoing.  
8 Okay. All right.

9 (c) Provide at least ten shared bicycle helmets  
10 for use by the residents. Who cleans these out?

11 (d) For the life of the project, provide all new  
12 residents carshare memberships. For the initial term or is  
13 that throughout the term?

14 MR. KADLECEK: It's the same thing as the bike  
15 share.

16 CHAIRPERSON JORDAN: Okay. So, for the term of  
17 their lease.

18 MR. KADLECEK: Right.

19 CHAIRPERSON JORDAN: For the term of their  
20 lease.

21 (e) Hosts an annual bicycle training event  
22 conducted by the Washington Area Bicycle Association of  
23 similar organization for the residents.

24 I told you there's been a lot of TDMS in this.

25 (3) The Applicants implement a loading and

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1 delivery management plan that includes (a) a member of the  
2 property management team designated as the loading coordinator  
3 and then all the other stuff that you had with those  
4 responsibilities. (b) In the leases and rules of the property  
5 will provide that the tenants who are -- the tenants who need  
6 temporary parking for more than a brief arrival in the parking  
7 and unloading zone shall be required to notify, I guess this  
8 must be the management, at least three weeks in advance, the  
9 loading coordinator before moving in and out so that the  
10 loading coordinator can assist in establishing curbside  
11 loading consistent with the DDOT policies.

12 I think that's where you're going to go get the  
13 placards and they have to pay for that. Okay.

14 (c) Clearly mark -- a clearly marked package  
15 delivery room accessible for delivery vendors directly off of  
16 9th Street. The property management team shall direct all  
17 private carriers to park in the provided loading spaces on 9th  
18 Street and observe signs which Applicants shall post and  
19 maintain on or near the building entrance at the alley that  
20 states: No delivery parking -- no delivery parking.  
21 Delivery parking only in loading spaces provided on 9th Street.  
22 Deliveries may be left at the package delivery room.

23 That's a sign? That's what I always do when I  
24 try to park in D.C. I have to read about 50 signs. Say which  
25 one is that? Does that cut that one out? Does that go with

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1 that one?

2 The final location of and language of the sign  
3 shall be subject to DDOT's approval.

4 Okay. I think just two more.

5 All trash pick up shall occur from M Street. No  
6 trash containers shall be kept outside of the building. The  
7 trash haulers shall be required to bring the trash containers  
8 outside when they arrive for pick up and the trash haulers shall  
9 return the trash containers back inside.

10 (5) The Applicant is to have flexibility to  
11 modify the design of the building to address any comments and  
12 concerns from HPRB or the Historic Preservation Office staff  
13 so long as such modifications do not require additional relief  
14 from this Board.

15 Got all those? Did I get them all, everybody?  
16 Did I get them all?

17 MR. KADLECEK: Yes.

18 CHAIRPERSON JORDAN: Okay. Any questions on  
19 that anybody? Board? Applicant?

20 Okay. Mr. Jesick. Let's go to the Office of  
21 Planning. Anything in addition that we might have missed, Mr.  
22 Jesick?

23 MR. JESICK: Thank you, Mr. Chairman, Members of  
24 the Board.

25 And Office of Planning has nothing to add to our

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1 previous testimony. Rests on the record.

2 I did want to point out it was pointed out to me  
3 earlier there was an error in my report. I referred to the  
4 existing garage as a landmark. It's not a landmark. It is  
5 a contributing building to the historic district.

6 CHAIRPERSON JORDAN: Okay. Thank you.

7 We've already been through this route. So,  
8 anybody else from ANC-2F. We do have the letter of support.  
9 Both the closed vote and the extended vote on both parts, but  
10 the ANC did vote particularly in regards to parking by the hair  
11 of the chinny chin chin. But, we do have a vote of support.

12 And we had several letters and we've also had  
13 previous testimony for people who are in opposition on this  
14 case.

15 I mean we had -- we already had testimony from  
16 people in support and people in opposition on this previously.  
17 I think we had Ms. Nelson as a BB, Ms. Showers, Ms. Lapinsey  
18 spoke in opposition and others. So, we already asked for that.  
19 We've already covered that.

20 And then there was a few people who spoke in  
21 support. So, yes, I'm looking at my notes now. We did already  
22 have that.

23 So, turning back to the Applicant, is there  
24 anything you think we need to hear?

25 MR. KADLECEK: We have nothing additional.

1 CHAIRPERSON JORDAN: Board, anything in  
2 addition that you need to hear from anyone?

3 MEMBER HINKLE: Yes, I just want to make a  
4 statement, Mr. Chair.

5 I think we have a number of people here who have  
6 serious interest in this project and I appreciate them coming  
7 out and, you know, fighting the bad weather and everything to  
8 be here.

9 And, you know, I understand your position and  
10 that this is a continued hearing and we already had that public  
11 testimony, but I just want to say that, you know, I tend to  
12 oppose that decision.

13 CHAIRPERSON JORDAN: No, that's okay. We'll do  
14 it this way. I mean that's why I asked if there was any issue  
15 and then we wouldn't do it.

16 MEMBER HINKLE: Right.

17 CHAIRPERSON JORDAN: So, then lets do this.  
18 Anyone wishing to speak in support of the project? Anyone  
19 wishing to speak in support? Yes, please come.

20 And I'm going to limit the amount of time because  
21 we've already done this before. So, I'm just going to try and  
22 accommodate people coming through and battling the snow  
23 weather.

24 MS. CORT: Mr. Chairman, I just want to say I've  
25 spoken already in support of the project.

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1 CHAIRPERSON JORDAN: Right.

2 MS. CORT: So, I'm Cheryl Cort with the Coalition  
3 for Smarter Growth.

4 I just want to reiterate our enthusiasm for this  
5 project. Demonstrating there's no fixed amount of parking  
6 specific to housing close to downtown where most people walk  
7 to more. About 37 percent of the households walk to work.

8 And we're also very excited about the 11  
9 inclusionary zoning units in it. So, not only is this a  
10 contribution to market-rate housing and also actually it is  
11 both moderate and low income. It goes down to 50 percent AMI.

12 So, overall, we think this is a tremendous win  
13 for the city. Thank you.

14 CHAIRPERSON JORDAN: Thank you. Appreciate  
15 that. Any questions, anyone?

16 Okay. Anybody else wishing to speak in support?

17 Anyone wishing to speak in opposition? Please  
18 come forward and you're limited to three minutes to speak in  
19 opposition.

20 Give those to the Board Secretary please. Mr.  
21 Moy.

22 If you've already spoken, then we're not going  
23 to do it again. We did. We already let someone in support  
24 speak. So, let's go on. Let's just get it. Yes.

25 See we've already been through this process and

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1 I'm just extending the courtesy to folks braving through the  
2 -- well, it's not Boston. So, we're lucky on that regard.  
3 But, still coming out and it's always important to get  
4 citizens' input to where we are on this matter.

5 So, please. You have three minutes each to speak  
6 and would you please identify yourself.

7 MR. MICHALOV: Good morning, Mr. Chairman. My  
8 name is Sergei Michalov.

9 We understand that we have the right to make  
10 several formal requests to the Board. So, to this end, I've  
11 included -- I've given a letter to the secretary.

12 So, our first request is -- well, we do believe  
13 that our request for party status was timely because --

14 CHAIRPERSON JORDAN: I'm not going to hold  
15 argument on the party status. If you want to talk about for  
16 or against the project, please do.

17 MR. MICHALOV: Okay. Okay. But, I'm making --  
18 I want to make formal request. The first one is that we  
19 understand that pursuant to 31.2005 we have the right to  
20 request the Board to waive your own rules and reconsider our  
21 party --

22 CHAIRPERSON JORDAN: Once again, we talked about  
23 the party status. The motion was filed to waive it. I  
24 overruled. I denied that request.

25 MR. MICHALOV: Okay. We also request that the

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1 Board reopen the record and allow us to submit additional  
2 information. We've spent about two weeks working on rebuttals  
3 to the transportation studies that the Applicant has  
4 submitted. We have a 23-page report which we think is just  
5 as good, you know, as far as our own facts and we rebut pretty  
6 much everything that they claim as far as their TDM.

7 So, we believe that the record will be  
8 fundamentally enhanced if you allow us to submit those  
9 documents for the record and we have several others.

10 Also, considering the contested nature of this  
11 case and in order to make the administrative record complete  
12 and amendable to judicial review, we request that the Board  
13 provide a finding of fact and conclusion of law in your order.  
14 This is pursuant to Parsons v. D.C. Board of Zoning. Which  
15 is a relatively recent case and the petitioner there basically  
16 -- also, compelled the Board to provide finding of facts and  
17 conclusions of law which we feel would be very helpful here  
18 especially on the request for special exemption.

19 We fundamentally feel that there's no reason --

20 CHAIRPERSON JORDAN: All our orders come out  
21 with a finding of fact and conclusions of law.

22 MR. MICHALOV: I know, but generally, you waive  
23 that requirement.

24 CHAIRPERSON JORDAN: Sometimes. We will not do  
25 that in this case.

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1 MR. MICHALOV: Okay. Great. Thank you.

2 CHAIRPERSON JORDAN: We generally don't do it  
3 where there's been opposition or there's been party status and  
4 there's been opposition or there's issues such as this.

5 MR. MICHALOV: All right. Very briefly, if I  
6 may also provide this for the record.

7 CHAIRPERSON JORDAN: Just slow down. Take your  
8 time and get --

9 MR. MICHALOV: I will. Sorry.

10 CHAIRPERSON JORDAN: You know, that's why we  
11 want you to give these things to the Board Secretary to handle  
12 the distribution of these things and I know this is new to --  
13 you know, you don't do -- you folks don't do this all the time.  
14 So.

15 MR. MICHALOV: All right. So, if you can refer  
16 now to summary. You want to give some to the party as well.  
17 The Applicant.

18 So, the first section is in regards to special  
19 exemption. This Applicant has already been before the Board  
20 for BZA Hearing 18744 which is the 1115 Dupont Circle. It's  
21 interesting to point out that the arguments from the Applicant  
22 and the Office of Planning. They're essentially copy and  
23 paste arguments.

24 The fundamental difference though is that in the  
25 1115 Dupont Circle that was a legitimate landmark and it was

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1 a mansion.

2 In this case, we have a picture on the second  
3 page. It's a garage. We are very disappointed in the Office  
4 of Planning. If you look and page through our summary, you  
5 can see a copy and paste sentence that's used in both of the  
6 reports. So much so that they even use the word historic  
7 landmark on page 5 of their report.

8 That just proves to us that there was no  
9 consideration whatsoever made in the OP report because OP --  
10 it's legitimate to expect the OP to not misuse the word  
11 landmark. They did.

12 And because of that, the whole argument of them  
13 being eligible for a special exemption falls flat. Because  
14 whereas there may have been additional challenges to comply  
15 with providing parking in the case of the historic Dupont  
16 Circle mansion, we really challenge the Applicant to prove this  
17 and we really request the Board to look very strongly and  
18 scrutinize every single claim.

19 On page 3 of our summary, two things. First of  
20 all, the garage only takes up a tiny, tiny -- well, basically,  
21 at the most 25 percent of the lot. The remainder of the lot  
22 is vacant.

23 There is no reason or thus far, they have not  
24 proven of there being any reason or why they cannot provide  
25 parking there.

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1           In fact, they admit they can build a code  
2 compliant parking garage --

3           CHAIRPERSON JORDAN: You have four -- I'm going  
4 to give you one minute to wrap up.

5           MR. MICHALOV: Okay. They admit that they can  
6 build a code-compliant parking garage unlike the BZA Case 18638  
7 when there was an issue of grade and they could not build a  
8 code-compliant garage.

9           Furthermore, there's no reason. We have a  
10 picture here. Other builders do, you know, much more  
11 complicated underpinnings. They can move a house.

12           So, to claim here that this garage cannot --  
13 there's a danger to this garage in terms of providing parking  
14 is frankly absurd and actually insulting. So, we urge the  
15 Board to deny the special exemption.

16           Page 4, parking variance, please scrutinize the  
17 claims of exceptional situation. There is simply none. They  
18 list a bunch of things and they declare that there is a  
19 combination of factors. Those are all positive  
20 characteristics. There's no combination to the point where  
21 there's an exceptional situation.

22           Frankly, there is also no practical difficulty.

23           In conclusion, ZA confirmed that car elevators  
24 can be used if you want to increase efficiency of a garage.  
25 They can simply use a car elevator to not have to build those

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1 internal ramps.

2 Office of Planning refused to consider a car  
3 elevator as a way to increase the efficiency of the garage  
4 because they thought that car elevators in themselves will  
5 require a variance.

6 We have a confirmation from the Office of Zoning  
7 Administrator that car elevators are allowed to be used without  
8 seeking a variance.

9 So, why can't they put a car elevator in there?  
10 If they put that, the width of 60 feet or so is plenty sufficient  
11 to build two levels of a garage, you know, without the ramps.

12 Everybody is disappointed that you have  
13 professional architects --

14 CHAIRPERSON JORDAN: All right. I'm going to  
15 ask you to stop now.

16 MR. MICHALOV: Okay. Thanks.

17 CHAIRPERSON JORDAN: And I granted you a lot more  
18 time than -- way over the three minutes. Just to make sure  
19 --

20 MR. MICHALOV: I appreciate that.

21 CHAIRPERSON JORDAN: All right. Next person  
22 please.

23 MR. AIT-GHEZALA: Good morning, everybody. My  
24 name is --

25 CHAIRPERSON JORDAN: Let me do one thing because

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1 I -- although you're not a party and cannot necessarily make  
2 a motion, but regarding 3129 in which you made a request to  
3 open the record, it's not the proper provision for that.  
4 That's for modification of plans. But, I just wanted to make  
5 that on the record. I was remembering when you were talking.

6 Next please.

7 MR. AIT-GHEZALA: Good morning, everybody. My  
8 name is Ahmed Ait-Ghezala and I actually live right next door  
9 to the proposed development and to be honest, I -- the reason  
10 I haven't been involved previously is because I'll have to  
11 plead like lack of judgment and I didn't know about any previous  
12 hearing.

13 I actually met with the manager Brook Katzen last  
14 May so he could take a look at my property.

15 CHAIRPERSON JORDAN: You didn't see any signage  
16 on the property?

17 MR. AIT-GHEZALA: Sir, I left town for a couple  
18 of weeks the end of November and when I came back, I saw a small  
19 orange sign on the property saying there was a December 2nd  
20 hearing. So, I just missed it.

21 And again, it's interesting. I did meet with the  
22 manager Brook Katzen in the middle of last year and was never  
23 told about any hearing. That's fine.

24 Sir, I just ask you for a bit more time perhaps  
25 because I haven't had a chance to think about anything.

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1 But, so, we strongly believe that the parking  
2 relief will cause substantial detriment to the public good.  
3 I'm going to summarize a few points here that we put together  
4 after your 36-page report which rebuts every single argument  
5 that Wells & Associates makes and also the DDOT which is based  
6 on the Wells & Associates report.

7 So, the Applicant is basically trying to convince  
8 all parties that the tenants will have no cars. They tell us  
9 that they'll use car sharing services like Car To Go, Hertz  
10 and Zipcar.

11 We strongly believe that relying on these private  
12 resources, okay, and outsourcing their parking needs to  
13 private companies is a big mistake.

14 So, for example, in their report from last year,  
15 they cite 12 Zipcar spots two blocks away from the property.  
16 Since then, that entire lot has been taken over by another  
17 development. The Zipcars have gone.

18 They cite Car To Go as another option for tenants.  
19 Car To Go is essentially a way to mimic car ownership because  
20 Car To Go can park anywhere in the city even in permit parking.

21 They tell us that tenants will use nearby garages  
22 and parking lots. The only convenient one was two blocks away  
23 if you look at their analysis and that one is again gone because  
24 a new development is started there. So, that lot held  
25 approximately 100 cars and now, that's gone.

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1 By the way, that block is two blocks away from  
2 this property. They're building permits with parking.

3 They tell us that the tenants will use public  
4 transit because the site has great walking transit and  
5 bicycles. So, we looked. We actually did an analysis and  
6 called nine different buildings in the D.C. area. Many of them  
7 new. Along the 14th Street corridor. So, they all have  
8 comparable transit, walk and bike scores. All of them and  
9 every single one of them provides parking. We found that the  
10 average utilization of parking was above 70 percent in these  
11 properties.

12 The only exception was one which I think was in  
13 the 30s and the only reason is because it was so new, but it  
14 also has 43 percent occupancy at that moment.

15 One of them actually, the Colonial D.C., is being  
16 constructed 100 feet away from the this property and  
17 construction hasn't been completed. So, they're actually on  
18 the same block and they're going to provide 0.37 parking spots  
19 per rental unit.

20 So, these are all in our analysis. So,  
21 basically, good transit options, their entire argument, just  
22 don't imply zero ownership.

23 So, their target tenant is somebody like me. So,  
24 kind of young and yes, I use a bike. Right. I use -- 95  
25 percent of my time around the city is with a bike, but I still

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1 have a car. Okay, sir.

2 CHAIRPERSON JORDAN: Thank you very much.

3 MR. AIT-GHEZALA: Just two more minutes please.

4 CHAIRPERSON JORDAN: No. No few more minutes.

5 I'll give you another -- I'll give you one minute.

6 MR. AIT-GHEZALA: Okay. One minute. So, the  
7 TDM strategies case studies that they provide actually every  
8 single one of them shows a need for parking.

9 In the Square 54 D.C. which was the only D.C. case  
10 study as you said, Chairman Jordan, is actually -- has an  
11 excellent TDM strategy by Boston Properties and you can look  
12 at documentation and yet when we called them, they have 73  
13 percent utilization of their parking and it provides 0.37 spots  
14 for every rental unit.

15 Every other -- the only other TDM case study that  
16 they showed, they actually showed account difference between  
17 the -- actually showed an effective TDM because the other ones  
18 were just, you know, surveys, et cetera. Showed the TDM has  
19 a stagnating effect.

20 So, the other one that had any numbers, there are  
21 two that had numbers, but one of them had an increase in  
22 deduction from the ITE calculations. In the first year, it  
23 had 31 percent, but then it fell to 30 percent in the third  
24 year.

25 Finally, they didn't do any parking demand study.

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1 So, we did our own study using ITE data and we found they needed  
2 70 spots. Sixty-three were required by Zoning.

3 So, just to sum up, to sum up, there is no going  
4 back from this. Okay. If we agree to zero parking when the  
5 Zoning requires 63, we can't go back five years down the line  
6 and say oh, we made a big mistake.

7 So, just to paint a picture, 63 spots is 150  
8 percent of all the public spots between 9th and 10th Street  
9 on both sides. Ninth and 10th Street on M Street has 44 spots.

10 CHAIRPERSON JORDAN: I got to call you.

11 MR. AIT-GHEZALA: Okay.

12 CHAIRPERSON JORDAN: All right. Thank you.

13 MR. AIT-GHEZALA: Thank you.

14 CHAIRPERSON JORDAN: Appreciate it.

15 MR. AIT-GHEZALA: Yes, thank you.

16 MS. SCHAUER: Good morning. My name is Barbara  
17 Schauer.

18 I'm one of the people who requested party status.  
19 So, in addition to the ten of us who requested party status  
20 in a timely way, I believe, on December 30th, there are an  
21 additional 142 residents of Squares 368 and 369 who are also  
22 in very strong opposition.

23 The Coalition for Smart Growth came up with a list  
24 of 40 people. Not a single one even has a zip code that is  
25 in this area. So, these are people who don't have any stake

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1 in the game here.

2 We do. We live in Squares 369 and 368.

3 Also, we have prepared three documents. One is  
4 a response to the amended ANC-2F letter. One is a response  
5 to the D.C. Office of Planning memo and one is a response to  
6 the DDOT report and both Wells & Associates reports and we would  
7 like to have these read into -- put into the record officially  
8 so that the Board can see what the opposition thinks of this.

9 We spent many, many hours working on these.  
10 We've analyzed them. I'm an engineer. We've looked at all  
11 of the traffic studies and we believe that these would be  
12 helpful for the Board in making a decision on this very  
13 important project.

14 There is no going back. This alley could be  
15 destroyed in terms of history. Our neighborhood will be very  
16 badly impacted.

17 There's also the issue of the loading berth.  
18 According to the regulations and as verified by Mr. Jesick,  
19 this development required a loading berth.

20 They have assumed an exemption. They do not  
21 qualify for an exemption.

22 A simple reading of the regulations shows this.  
23 They have cited one paragraph in the regulation, but they fail  
24 to cite the paragraph that follows it that says that they are  
25 not exempt.

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1                   Just because they have a small little garage on  
2 one end of the site, doesn't mean that the protections for that  
3 garage apply to another 35,000 square feet that they plan to  
4 develop.

5                   It's a misreading and we would like that  
6 addressed formally now. Because if they want to operate this  
7 building without a loading berth, they need variance and they  
8 need to come back to you for one.

9                   This would be a terrible impact on this  
10 community. All of the loading, the unloading, the deliveries  
11 for a building that operates like a hotel. All the trash  
12 removal. Everything's going to happen across a public  
13 sidewalk and we don't approve of that.

14                  This building is enormous. It will have a  
15 tremendous utilization. There will be people coming and  
16 going. Taxis, Car To Go, all these things, bikes. All of this  
17 across a public sidewalk.

18                  No loading berth even though it is required by  
19 this building. They have gone around this by assuming an  
20 exemption. Nobody has questioned this and they do not qualify  
21 for it.

22                  We mention all of these things in these reports.  
23 These are not original reports. These are simply responses  
24 to what has been put into the record and we really respectfully  
25 request that you allow us to put these into the record because

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1 we think they're important.

2 CHAIRPERSON JORDAN: What document are you  
3 trying to submit to the record?

4 First let me say and I do appreciate and this  
5 Board loves to have the input of citizens and especially those  
6 people who live in the neighborhood.

7 But, we owe a responsibility across the board to  
8 the Applicant, to the neighbors, to the community. This  
9 matter's been filed since August of 2014. There's been  
10 notices sent to people within 200 feet of the property.  
11 There's been postings and et cetera on this particular matter.  
12 We've already had a hearing where there were other people  
13 who've also testified in opposition.

14 So, hearing folks say that they didn't get notice  
15 and didn't know, we can do that all day long because it also  
16 takes an affirmative act to do it.

17 So, we've already had a really heavy hearing  
18 here, but I gave you the opportunity because we really want  
19 to have that input from you. We really want to have that input  
20 from you which we take very, very seriously because the Board  
21 has not made up its mind.

22 MS. SCHAUER: With all due respect, we have to  
23 many ANC meetings.

24 CHAIRPERSON JORDAN: Excuse me. Excuse me.

25 MS. SCHAUER: Yes, I'm sorry.

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1 CHAIRPERSON JORDAN: I've been courteous to you.  
2 I would expect for you to be courteous to me. That's all I'm  
3 asking and so, if you let me finish, then I will get to where  
4 you need me to be.

5 But, I want to let you know that I'm making an  
6 exception to accept these documents into the record, but you  
7 have a responsibility as citizens to also step up and do the  
8 things upfront.

9 This Board spends a lot, a lot of time before we  
10 get here. We spend at least -- I know I spend at least 12 hours  
11 on cases. I don't know about some others. We read these  
12 things. We go through every documents. We do all of that and  
13 we've done it actually in this case twice. So, that's a lot  
14 of time.

15 So, and a courtesy, I certainly want to give you  
16 the opportunity and thank you, Mr. Hinkle. You're absolutely  
17 right to allow those who came for their first time here to have  
18 -- who came this time to speak especially through this weather  
19 because we need your input.

20 So, we will accept your documents in the record.  
21 I need to know what they. Would you identify what they were  
22 and make sure that Mr. Moy has them before we move on.

23 MS. SCHAUER: May I --

24 CHAIRPERSON JORDAN: Yes, please. I think we  
25 accepted -- well, I know some other things were passed out

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1 already for the record. Right?

2 No testimony or comment about a document that you  
3 wish to submit. Yes. Um-hum.

4 MR. AIT-GHEZALA: All I want to say is that we're  
5 actually not opposed to the development. It's really  
6 important that you understand that. We --

7 CHAIRPERSON JORDAN: So, you're not talking  
8 about the document you submitted. You're giving me testimony.  
9 I said not testimony.

10 MR. AIT-GHEZALA: Oh. Oh. Oh. I'm sorry. I  
11 guess --

12 CHAIRPERSON JORDAN: But, if you want to tell me  
13 something about a document that you want to submit.

14 MR. AIT-GHEZALA: Oh. Oh. I'm sorry. Okay.  
15 Okay.

16 CHAIRPERSON JORDAN: All right. I understand.  
17 It's new to every -- I know if you're not down here regularly,  
18 I understand this can be really --

19 MR. MICHALOV: Mr. Chairman.

20 CHAIRPERSON JORDAN: Sometimes I'm sitting here  
21 going what's the rules? How do you do this?

22 MR. MICHALOV: Mr. Chairman.

23 CHAIRPERSON JORDAN: Yes. Um-hum.

24 MR. MICHALOV: May I also address -- I agree with  
25 you. I told my colleagues that they will -- the Chairman will

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1 say well, you guys had ample notice. We had --

2 CHAIRPERSON JORDAN: We're not going to -- we're  
3 not debating that please.

4 MR. MICHALOV: Oh.

5 CHAIRPERSON JORDAN: Okay. If there are some  
6 documents you want to submit that the Board should consider,  
7 then I think you've already provided something to the Board.

8 Board, any questions of any of the witnesses on  
9 this? Applicant, any rebuttal or excuse me, cross examination  
10 of any of the witnesses?

11 MR. KADLECEK: Just a couple of questions. Mr.  
12 Michalov, is that correct? Sorry. Michalov.

13 MR. MICHALOV: It's Michalov.

14 MR. KADLECEK: I'm sorry. Is it correct your  
15 address is 1235 4th Street, N.W.?

16 MR. MICHALOV: Yes.

17 MR. KADLECEK: And is it correct that in BZA Case  
18 Number 18483 -- is that correct that you got a 100 percent  
19 parking variance for your building?

20 MR. MICHALOV: Exactly. I'll address that.

21 MR. KADLECEK: Oh, that's all I have. Thank  
22 you.

23 MR. MICHALOV: May I explain?

24 CHAIRPERSON JORDAN: Well, you asked a question.  
25 So, I want him to have the ability in a short fashion to give

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1 a full and complete answer please.

2 MR. MICHALOV: Yes. Yes, I recently finished  
3 building a house at 1235 4th Street, N.W. It's in Mount Vernon  
4 Square Historic District.

5 The lot is landlocked. I don't have access to  
6 the alley.

7 I was building a flat. Because of the separate  
8 basement, I was required to provide one parking space. I was  
9 clearly stated by Historic that I will never get a curb cut  
10 because as a matter of policy they don't give those out because  
11 that would take away one parking space to the benefit of a  
12 private party.

13 So, they told me, you know, I had a  
14 matter-of-right. I could build a flat and I did. I wanted  
15 to provide parking and I would have if I had alley access.

16 CHAIRPERSON JORDAN: But, I think the question  
17 was did you -- so, are you saying you got a waiver of parking  
18 requirement?

19 MR. MICHALOV: No. No. I got a variance from  
20 providing one required parking space for my house. Yes.

21 CHAIRPERSON JORDAN: I think that was the basis  
22 of what his -- what he was trying to get at. The question.

23 MR. MICHALOV: Correct.

24 CHAIRPERSON JORDAN: But, you have to let the  
25 witness, Mr. Kadlecsek, answer completely. You know, once you

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1 open the door for --

2 MR. MICHALOV: Unlike the Applicant, I didn't  
3 not have area --

4 CHAIRPERSON JORDAN: No. No.

5 MR. MICHALOV: -- size of my lot.

6 CHAIRPERSON JORDAN: Yes. Once you open the  
7 door with a question, you got to let him answer fully and  
8 completely. Not just when you hear the part you want to hear  
9 and cut him off. Okay.

10 Any other additional cross examination?

11 MR. KADLECEK: No, but I do have a couple of  
12 rebuttal.

13 CHAIRPERSON JORDAN: Let me check with the  
14 Board. Board, any additional questions for these witnesses?

15 COMMISSIONER MAY: Yes, I have questions of the  
16 witnesses.

17 So, if I understand correctly, the entirety of  
18 your concern here is that with this number of people moving  
19 into this building that even though they are not eligible for  
20 residential parking permits that they're going to wind up  
21 parking on the street. Is that correct?

22 MS. SCHAUER: Yes. Many of them will.

23 COMMISSIONER MAY: You need to on a microphone.

24 CHAIRPERSON JORDAN: Make sure your  
25 microphone's on please.

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1 MS. SCHAUER: Yes. Many of them will. We live  
2 in the city. All of us -- yes.

3 COMMISSIONER MAY: It's a pretty  
4 straightforward question.

5 And are there any nonresidential parking permit  
6 blocks in your area? In other words, anything where you could  
7 -- where it's just free and open or is it all controlled by  
8 residential parking?

9 MR. AIT-GHEZALA: Well, yes. Actually, sir,  
10 it's a very interesting location because of the convention  
11 center. So, the entire 9th Street area --

12 COMMISSIONER MAY: It's all commercial. Right?

13 MR. AIT-GHEZALA: Right. And one side, of  
14 course, of M Street is two-hour parking for nonresidents during  
15 the day and then peak hour at night is anybody can park there.  
16 So.

17 COMMISSIONER MAY: One side of which?

18 MR. AIT-GHEZALA: One side of M Street. So,  
19 between 9th and 10th Street, half of it is only Zone 2. Half  
20 of it is two-hour parking during the day and then the peak hour  
21 at night is anybody can park there after a certain amount of  
22 time and then 9th Street is --

23 COMMISSIONER MAY: So, is there a reason why  
24 that's not part of the residential parking permit system to  
25 start with?

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1 MR. AIT-GHEZALA: No. No. I think that that's  
2 -- if you -- you mean why the two-hour system is not? I think  
3 it's --

4 COMMISSIONER MAY: Oh. No. No. I mean it's a  
5 two-hour limit.

6 MR. AIT-GHEZALA: Yes, but --

7 COMMISSIONER MAY: Are your zone permit holders  
8 accepted there?

9 MR. AIT-GHEZALA: Yes, but no zone permit --  
10 people who don't have a zone parking permit can park overnight.

11 COMMISSIONER MAY: Right. Starting at what  
12 time?

13 MR. AIT-GHEZALA: I don't know. Peak hours I  
14 think is like 10:00. After 10:00.

15 COMMISSIONER MAY: Ten p.m.

16 MR. AIT-GHEZALA: Something like that.

17 COMMISSIONER MAY: Ten p.m. So, that's pretty  
18 typical across the city.

19 MR. AIT-GHEZALA: Yes. There's no difference  
20 there.

21 COMMISSIONER MAY: Probably is 10:00 p.m.

22 MR. AIT-GHEZALA: But, the 9th Street side is all  
23 -- there's no -- it's just pay parking. Yes.

24 CHAIRPERSON JORDAN: Right. Meter parking.

25 MR. KADLECEK: Yes, exactly. Because --

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1 COMMISSIONER MAY: Right. All meter parking.

2 MR. AIT-GHEZALA: -- of the convention center  
3 location. Which is actually another added thing. Right.  
4 Like, you know --

5 COMMISSIONER MAY: Right.

6 MR. AIT-GHEZALA: -- whenever there's a big  
7 convention center event, that area gets flooded.

8 COMMISSIONER MAY: I'm sure.

9 MR. AIT-GHEZALA: Yes. Yes.

10 CHAIRPERSON JORDAN: Isn't it also limited for  
11 two-hour spots?

12 MR. AIT-GHEZALA: During the day for non-zone  
13 parking.

14 COMMISSIONER MAY: Well, yes, and is there -- is  
15 any portion of the neighborhood zone parking permit only 24  
16 hours?

17 MR. AIT-GHEZALA: Yes. Yes. So, 22 spots  
18 between 10th and 9th. I'm talking about just the M Street  
19 side. Right?

20 COMMISSIONER MAY: Right.

21 MR. AIT-GHEZALA: So, 22 spots are only Zone 2.

22 COMMISSIONER MAY: Right.

23 MR. AIT-GHEZALA: Yes. And by the way, try  
24 finding parking in the evening there any -- yes, it's  
25 impossible.

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1 COMMISSIONER MAY: I understand. That's a  
2 common problem throughout the city.

3 MR. AIT-GHEZALA: And if I may just add, that  
4 there are many, many ways to get around the RPP. I've done  
5 it myself. So, for eight months -- I know it's terrible. But,  
6 for eight months, I've gone to the local police station. It  
7 takes ten minutes. You do with a D.C. ID. You get zoning  
8 permit parking. No address. Nothing. Just D.C. ID and you  
9 get two-week permit. I've done it for eight months in a row.  
10 Every two weeks I go. I spend five/ten minutes.

11 CHAIRPERSON JORDAN: That's something. I know  
12 we haven't had any discussion about the D.C. Police's ability  
13 to give those things. But, okay.

14 MR. AIT-GHEZALA: And then -- and the whole  
15 argument about putting it in the leases, you know, completely  
16 unenforceable. It's just not enforceable.

17 Even -- you know, it's impossible to believe that  
18 the main entrance to this building is on M Street. It's  
19 impossible -- absolutely impossible to believe. They're  
20 making fun of us if they're saying that mail delivered to M  
21 Street, 917 M Street, is not going to be delivered to this  
22 building. Of course, it's going to be delivered and you take  
23 that and you get an RPP and there's absolutely no way -- any  
24 way to check RPP is basically using our tax money --

25 CHAIRPERSON JORDAN: Well, part of -- well, part

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1 of --

2 MR. AIT-GHEZALA: -- our tax money to -- sorry.

3 CHAIRPERSON JORDAN: So, part of this is that  
4 we've made these things a condition of their occupancy.

5 MR. AIT-GHEZALA: Yes.

6 CHAIRPERSON JORDAN: And so, the enforcement  
7 actually does come from the neighbors to report that to --

8 MR. AIT-GHEZALA: But, that's a cost. Right?

9 COMMISSIONER MAY: But, also, I mean it --

10 CHAIRPERSON JORDAN: That's not a cost.

11 MR. AIT-GHEZALA: No. I mean it's a cost in  
12 terms of time. It's costing --

13 COMMISSIONER MAY: The database by which they  
14 issue permits is based at the legal address of the building.  
15 It's not based on where the mail goes.

16 MR. AIT-GHEZALA: Oh. No. No. What I'm  
17 saying to you is that when I go to get our RPP --

18 COMMISSIONER MAY: Right.

19 MR. AIT-GHEZALA: -- I have to show them a bill  
20 that says show me your address.

21 COMMISSIONER MAY: No, when you --

22 MR. AIT-GHEZALA: Right.

23 COMMISSIONER MAY: -- when you go to get an RPP  
24 permit from DMV?

25 MR. AIT-GHEZALA: Yes. Yes. Yes, I have to

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1 show them like show me your address.

2 COMMISSIONER MAY: Your block where your legal  
3 address is has to be in the database.

4 MR. AIT-GHEZALA: Yes, but 917 M Street is in the  
5 database.

6 COMMISSIONER MAY: In a block where the legal  
7 address of the building is. They've told us that the legal  
8 address of the building is going to be the alley and the alley  
9 block will not be in an RPP.

10 MR. MICHALOV: Well, I guess what we're saying  
11 is if I -- to prove my residency, I can, for example, give  
12 my cell phone bill and my --

13 COMMISSIONER MAY: It's not a matter of proving  
14 residency. It's a matter of proving that you live on a block  
15 that is eligible for residential parking.

16 MR. AIT-GHEZALA: Exactly. So, how do you prove  
17 that? By saying that my address -- my --

18 COMMISSIONER MAY: There's a database.

19 MR. AIT-GHEZALA: Okay. So --

20 COMMISSIONER MAY: That DDOT compiles and DMV  
21 uses. Department of Motor Vehicles uses in order to issue  
22 those permits.

23 MR. AIT-GHEZALA: Okay. So --

24 COMMISSIONER MAY: We know this because we've  
25 gotten extensive training on parking --

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1 MR. AIT-GHEZALA: Okay.

2 COMMISSIONER MAY: -- because of cases like  
3 this. So, we understand how the system works. There's a  
4 database.

5 MR. AIT-GHEZALA: Okay.

6 COMMISSIONER MAY: If the building's address is  
7 not in the database, then you will not be able to get a  
8 residential parking permit.

9 MR. AIT-GHEZALA: So, answer or not. I mean  
10 aside from that like I said there are ways to get around RPP.  
11 Car To Go, you know, it's like --

12 COMMISSIONER MAY: Yes, I understand.

13 MR. AIT-GHEZALA: I'm just saying. The other  
14 thing is that there's no way to enforce this long-term  
15 covenant. You know, if this building changes hands five  
16 years down the line or, for example, they change the way they  
17 run the building, change the lease terms, you know, who says  
18 how this is going to change. Again, this is not something we  
19 can go back on. Right. And it's very expensive to me or  
20 the neighbors to go --

21 COMMISSIONER MAY: Okay. You've answered my  
22 questions. Now, you're just testifying.

23 CHAIRPERSON JORDAN: You know, I was going to say  
24 because -- I was going to have the -- because a Board Member  
25 asked a question, I was going to say though we really started

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1 getting a whole debate here that's probably well beyond this  
2 room.

3 But, parking's a serious issue in the District  
4 and it's like a no win for anybody, but we try to do our best  
5 here to manage it if we can. As best we can to mitigate  
6 whatever impact we can as well as weigh the balancing of what's  
7 required under the law and et cetera.

8 So, it's -- I don't think we're going to have a  
9 solution for that conversation about what's good for parking  
10 and bad for parking. Those in a higher pay grade than me for  
11 sure. Okay. Anyway, higher pay grades than me for sure have  
12 had -- are debating that. Are going to debate that for awhile.

13 Additional cross examination questions, Mr.  
14 Kadlecek?

15 MR. KADLECEK: No questions.

16 CHAIRPERSON JORDAN: All right. Thank you all  
17 very, very much. We have accepted your documents in the record  
18 for this case. Thank you.

19 Any rebuttal please.

20 MR. KADLECEK: Just a couple of items. First is  
21 I do want to state our objection to the admittance of that  
22 material into the record. It's --

23 CHAIRPERSON JORDAN: You know, it's kind of  
24 late. Because when they made the request for it, that's the  
25 time for the objection. I've already accepted it. So, go

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1 ahead.

2 MR. KADLECEK: Well, I'd like to state for the  
3 record that we do object to that being admitted to the record,  
4 but that notwithstanding, all this information was not served  
5 on us. Most of it came in the last 48 hours. We haven't had  
6 a time to review it. We'd like the opportunity to review it  
7 --

8 CHAIRPERSON JORDAN: We'll get --

9 MR. KADLECEK: -- and thoroughly respond to it  
10 in a written submission.

11 CHAIRPERSON JORDAN: Yes, and I want to make  
12 certain that all the documents that you submitted to us you  
13 do give it to the Applicant. Have you done that? They need  
14 to have a copy of your documents.

15 MR. SCHOR: Sorry. Just to say that we actually  
16 tried to submit everything through -- I think you -- yes.

17 CHAIRPERSON JORDAN: All right. Let me say  
18 this. Thank you, Mr. Kadlecek.

19 MR. KADLECEK: Was served on us is what I'm  
20 saying.

21 CHAIRPERSON JORDAN: Well, you also have a  
22 responsibility to check the record making sure you have -- you  
23 know, how we process here. Especially when we're dealing with  
24 non-lawyers, people who are representing themselves, they may  
25 not know all of the dot the I's, cross the T's. So, it's

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1 incumbent if I know in cases representing Applicants that I  
2 check the record.

3 So, I'm going to ask you to also load those  
4 documents. Mr. Moy, we're going to allow them to load the  
5 documents also into ISIS online. If you have some problems,  
6 you need to contact the Office of Zoning across the hall.

7 In fact, I would probably go over there before  
8 you leave here. They will take you to a room. We can do it  
9 here. Right? They'll show you how to load it and you can load  
10 those documents while you're here. Okay.

11 MS. SCHAUER: Yes, they have them.

12 CHAIRPERSON JORDAN: Huh?

13 MS. SCHAUER: I sent them over on Friday.

14 CHAIRPERSON JORDAN: Okay.

15 MS. SCHAUER: They have everything.

16 CHAIRPERSON JORDAN: I just want to make sure.

17 Well --

18 MS. SCHAUER: They wouldn't load them though.

19 CHAIRPERSON JORDAN: Well, you go over and load  
20 them. They'll show you how to load the documents is what I'm  
21 saying.

22 MS. SCHAUER: All right.

23 CHAIRPERSON JORDAN: Mr. Kadlecek, continue on  
24 your rebuttal.

25 MR. KADLECEK: I withdraw our objection to the

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1 documents being submitted into the record if the Board's  
2 willing to deliberate and vote today.

3 CHAIRPERSON JORDAN: This is not a -- wait.  
4 Hold. Hold. Time out.

5 Thank you, Mr. Kadlecek. Do you have any more  
6 rebuttal?

7 MR. KADLECEK: We have no rebuttal other than our  
8 request to be able to review the materials and provide a written  
9 submission.

10 CHAIRPERSON JORDAN: Let me say. I try to give  
11 you a second here before --

12 MR. KADLECEK: Right.

13 CHAIRPERSON JORDAN: You're going to make me --  
14 I said in 2010, I was being kinder and gentler. But, you're  
15 really trying me on this.

16 It's not a debate or a discussion or a negotiation  
17 with you what decisions this Board is going to make.

18 MR. KADLECEK: Fair enough.

19 CHAIRPERSON JORDAN: And I think you know that.

20 MR. KADLECEK: Yes. Understood.

21 CHAIRPERSON JORDAN: Any more rebuttal?

22 MR. KADLECEK: No. No, further rebuttal.

23 CHAIRPERSON JORDAN: Thank you.

24 Board, any additional questions? Okay.

25 Yes, well, thank you all for coming down. Really

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1 appreciate it.

2 We know it's -- this is -- it's not an easy thing.  
3 It's not easy.

4 And so, we really appreciate you all taking the  
5 time both from the Applicant, those for and against.  
6 Especially going through this two-process hearing.

7 It's going to -- whatever decision is made, it's  
8 going to affect all.

9 I'm going to ask that the Applicant submit a  
10 finding of facts and conclusion of law. Proposed finding of  
11 facts and conclusions law.

12 We're going to put this for a decision date to  
13 give the Board enough time to go back through any additional  
14 documents, to look at the proposed finding of facts and  
15 conclusions of law and that -- we set this for a decision date  
16 for? Just take your time, Mr. Moy.

17 MR. MOY: Mr. Chair, I'm looking at either -- to  
18 allow two weeks for the finding of facts and conclusions of  
19 law.

20 CHAIRPERSON JORDAN: Yes.

21 MR. MOY: Which would take us to a Board decision  
22 on either the 17th or the 24th of February.

23 CHAIRPERSON JORDAN: All right. Is that a  
24 comfortable date, Mr. Moy? Our comfort. Not your comfort.  
25 You know, 27 cases on a docket. No, I'm just joking.

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1 Yes, so, the 17th works for Mr. May. Then that  
2 would be good. Thank you.

3 And so, we need that in by what time? February  
4 3rd?

5 MR. MOY: Let's say -- so, today is the 27th.  
6 Let's allow the Applicant -- this is a draft finding just from  
7 the Applicant, sir?

8 CHAIRPERSON JORDAN: Yes, that's -- well,  
9 there's only -- that's the only party.

10 MR. MOY: I know. I just --

11 CHAIRPERSON JORDAN: Or except the ANC --

12 MR. MOY: -- I just wanted --

13 CHAIRPERSON JORDAN: -- or OP of course.

14 MR. MOY: Right. Thank you. So, let's say  
15 February the -- let's say February -- let's say Friday,  
16 February the 13th.

17 CHAIRPERSON JORDAN: Okay. So, that's the only  
18 thing that can be added to this record after today. Is the  
19 proposed finding of facts and conclusions of law.

20 Those other documents that we already agreed to  
21 will be in the record and the Board certainly will take those  
22 things into consideration prior to making a decision. Okay.  
23 All right. So, everybody have --

24 MR. KADLECEK: Just a --

25 CHAIRPERSON JORDAN: Yes.

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1 MR. KADLECEK: -- point of clarification. Did  
2 you also want our rebuttal information to those documents that  
3 were submitted in addition to the findings of fact? Because  
4 I don't think that we can really rebut them in the finding  
5 of fact in the same way we do --

6 CHAIRPERSON JORDAN: Yes, because you have not  
7 seen them.

8 MR. KADLECEK: We have not seen them. Right.

9 CHAIRPERSON JORDAN: Okay. Yes. So, yes, both  
10 at the same time.

11 MR. KADLECEK: Okay.

12 CHAIRPERSON JORDAN: All right.

13 MR. MOY: So, once again, Mr. Chairman, the  
14 decision date by the Board is February the 17th.

15 CHAIRPERSON JORDAN: Yes.

16 MR. MOY: A Tuesday and the submissions as  
17 described by Friday, February the 13th. I think that should  
18 be ample time.

19 CHAIRPERSON JORDAN: Good. All right. Well,  
20 thank you all. Appreciate it. Good.

21 All right. We just keep things happening here.  
22 Oh.

23 Yes, you sure there's a hearing on the 17th?  
24 What is it? Oh, it's training. We have training that day.  
25 Right. So, hold it a second. Hold it a second.

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1 On the 17th, Mr. Moy?

2 MR. MOY: Oh, that's right. Thank you. Boy,  
3 that's --

4 CHAIRPERSON JORDAN: All right. We're coming  
5 back. We're going back. We're going back. We're going to  
6 open it for changing the hearing date -- the decision date on  
7 this.

8 MR. MOY: Then, let's -- we'll keep the other  
9 date for the filing, but for the decision itself, it would have  
10 to be a little bit later.

11 CHAIRPERSON JORDAN: The 24th looks like a date  
12 for -- oh, no, Mr. May, is that okay for you? The 24th?

13 MR. MOY: We'll deal with this first on that  
14 morning.

15 CHAIRPERSON JORDAN: Whenever it's --

16 MR. MOY: Whichever it works.

17 CHAIRPERSON JORDAN: Okay. So, we'll have the  
18 decision date on the 24th of February. Okay. All right.  
19 Good. Thank you.

20 All right. Another order of business for the  
21 Board. In accordance with Section 405(c) of the Open Meetings  
22 Act, District of Columbia Section 2575, I move that the Board  
23 of Zoning Adjustment hold closed meetings on the Mondays of  
24 February 2nd, 9th and 23rd. The meetings shall start at 4:00  
25 p.m. and be held for the purpose of obtaining legal advice from

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1 our counsel and deliberate on without deciding cases scheduled  
2 for the docket the following day. These cases are identified  
3 on the Board's public hearing agenda for February 3rd, 10th  
4 and 24th.

5 Closed meeting for this purpose is permitted by  
6 Section 405(b)(4) and (b)(13) of the Open Meetings Act and is  
7 there a second.

8 MEMBER HINKLE: Second.

9 CHAIRPERSON JORDAN: Would the Secretary please  
10 roll call the vote.

11 MR. MOY: Yes, sir. Thank you. When I call a  
12 member's name, if you would kindly respond with a yes or a no.

13 Mr. Peter May.

14 COMMISSIONER MAY: Yes.

15 MR. MOY: Vice Chairperson Heath.

16 VICE CHAIR HEATH: Yes.

17 MR. MOY: Chairman Jordan.

18 CHAIRPERSON JORDAN: Yes.

19 MR. MOY: Mr. Hinkle.

20 MEMBER HINKLE: Yes.

21 MR. MOY: And we have a Board Member not present  
22 today.

23 There's a unanimous roll call vote, Mr. Chairman.

24 CHAIRPERSON JORDAN: All right. Seeing that  
25 the vote has passed, then I ask that the Office of Zoning be

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1 sure to provide the proper public notice on the Office of  
2 Zoning's bulletin board and have the notice published in the  
3 D.C. Register. Okay. Thank you.

4 Any other business coming before the Board today?

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

6 CHAIRPERSON JORDAN: Anybody want to tell some  
7 jokes or something? No. All right. Then we are adjourned.  
8 Appreciate it. Thank you all.

9 (Whereupon, the above-entitled matter went off  
10 the record at 11:44 p.m.)  
11  
12  
13  
14  
15  
16  
17  
18