

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

TUESDAY

APRIL 28, 2015

+ + + + +

The Regular Public Meeting convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 09:30 a.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBERS PRESENT:

PETER G. MAY, Board Member (NPS)
ROBERT MILLER, Board Member
MICHAEL G. TURNBULL, Board Member (AOC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LAWRENCE FERRIS, ESQ.

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OFFICE OF PLANNING STAFF PRESENT:

STEVE COCHRAN
BRANDICE ELLIOTT
MATT JESICK
MEGAN RAPPOLT

The transcript constitutes the minutes from the
Public Hearing held on April 28, 2014.

Application No. 18905

7

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

2 9:36 a.m.

3 CHAIRPERSON JORDAN: If we can please come to order.
4 Good morning. We're located at the Jerrily R. Kress Memorial
5 Hearing Room at 441 4th Street NW, and today's date is April
6 28, 2015, and we're here for a meeting of the Board of Zoning
7 Adjustment of the District of Columbia. My name is Lloyd
8 Jordan, Chairperson, to my right is Jeffrey Hinkle, Member of
9 the Board, to my left is Vice Chair Marnique Heath, to her left
10 is Robert Miller, Member of the Zoning Commission sitting in
11 as a Member of the Board of Zoning Adjustment today.

12 Please be advised that today's proceedings are being
13 Webcast live and also being recorded by a court reporter,
14 therefore, I'm going to need to refrain from any disruptive
15 noises here in the room. That's your signal to ensure that
16 we silence any device that's going to ring, or buzz, or et
17 cetera.

18 The Board's hearing procedures are contained in a
19 document to the door to my left in the back. Feel free to get
20 those documents, to read them, to understand how we process
21 things here at the Board. If you're going to provide any
22 statements, or address the Board, or read a statement, or
23 testify with the Board today, I'm going to need you to do two
24 things.

25 The first of which, I'm going to need you to complete

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1 two witness cards per person, and prior to testifying, give
2 those cards to the court reporter. So if you're going to
3 testify, read a statement, or address the Board in any manner,
4 I'm going to need you to do two things; the first of which is
5 to complete two witness cards and give them to the court
6 reporter prior to you taking a seat here at this table, and
7 the court reporter is to my right.

8 The second thing I'm going to need you to do is stand
9 and take the oath, which will be given by Mr. Moy, Secretary
10 to the Board.

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

16 CHAIRPERSON JORDAN: Mr. Moy, are there any
17 announcements?

18 MR. MOY: Yes, I do. Good morning, Mr. Chairman and
19 Members of the Board. This is for the record and I have five
20 cases that are not on today's document. The first is the
21 application of --

22 CHAIRPERSON JORDAN: Wait, wait, wait, what do you
23 mean? Are off the docket?

24 MR. MOY: Off the docket.

25 CHAIRPERSON JORDAN: That were not filed; that we're

1 adding to the docket.

2 MR. MOY: No, no, no, thanks for the clarification, sir.
3 So these are Application of 18987 of Pierce, which has moved
4 or been rescheduled to June 9th. Application 18953. This is
5 the application of Saudi Arabia, which has been tentatively
6 scheduled for November 3, 2015. Application 18906, Endeka
7 Enterprises, has been rescheduled to June 30, 2015.
8 Application Number 18985 of David Benson has been rescheduled
9 to June 30, 2015, and finally, Application Number 18989, this
10 is 1725 Kalorama Limited Partnership, has been withdrawn by
11 the Applicant. That completes the staff's introduction, Mr.
12 Chairman.

13 CHAIRPERSON JORDAN: Thank you, Mr. Moy. Okay.
14 Today's docket is kind of different and we're going to be doing
15 a lot of juggling around today's docket. One of the reasons
16 is that we have three different Zoning Commission Members who
17 have to participate in a variety of cases, and we usually like
18 to consolidate the dockets for Members of the Zoning Commission
19 so that only one has to be here because they have another life,
20 and they were here last night, and so getting them off of their
21 jobs and their work to come in for these cases, which they are
22 so dedicated to do, so we're going to be moving things around
23 quite a bit here today.

24 (Whereupon, the proceedings went off the record at 9:43
25 a.m. and went back on the record at 11:46 a.m.)

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1 CHAIRPERSON JORDAN: Thank you. We have one more, Mr.
2 Turnbull? We used all of them? All right. So we continue
3 the musical Zoning Commission Members. Thank you. We
4 appreciate you taking the time to come in. All right.
5 Joining us is Peter May, Member of the Zoning Commission,
6 sitting in as a Member of the Board of Zoning Adjustment today.
7 All right. So let's call our decision case, Mr. Moy.

8 MR. MOY: Yes, sir. That would be Application Number
9 18905 of Jemal's 9th Street Gang of 3. As the Board will
10 recall, the case was heard on March 10, 2014 and the Board
11 requested draft findings of fact, conclusions of law from the
12 parties, and that is in the case file, sir. As a preliminary,
13 after that, the following exhibits from the parties were not
14 requested by the Board, and those are identified under Exhibits
15 48, 50, 51, and 53.

16 CHAIRPERSON JORDAN: If they're exhibits that we didn't
17 -- if there are documents we didn't request, then they're not
18 part of the -- they shouldn't be part of the record.

19 MR. MOY: All right. Thank you, sir.

20 CHAIRPERSON JORDAN: Because I haven't seen any
21 requests for leave, right, with the file? All right. So,
22 Board, are you ready to deliberate on this case? Any thoughts
23 about what's going and what we need to be doing? Anybody? Mr.
24 Hinkle.

25 BZA MEMBER HINKLE: Yes, thank you, Mr. Chair, I'll

1 start, and I actually have a bit to say about this case. And
2 I like the project. I like what's being proposed, but this
3 isn't necessarily about whether I like the project or not. You
4 know, the BZA doesn't really have the luxury or the ability
5 to approve projects because we like them, but we're really
6 charged to judge these projects based on the requirements of
7 the zoning code.

8 And I just cannot figure out how the structure, which
9 is actually under construction based on approved plans, meets
10 the three prongs of the variance test to allow the BZA to
11 approved the requested relief of the commercial FAR
12 limitations, and I think that's really the question. I don't
13 think whether or not the Applicant can efficiently construct
14 residential on top of the commercial is the issue because the
15 Applicant has no intention of constructing residential, which
16 is not a requirement of the zone, so there's no, really,
17 practical difficulty in the Applicant constructing
18 residential because the Applicant is not required to do so.

19 And I think the allowable FAR in that C-2A zone, as well
20 as most commercial zones, is an incentive to provide
21 residential units, so to say that the requested FAR would still
22 be under the maximum FAR permitted for the zone -- I'm sorry,
23 the requested FAR would still be under the maximum FAR
24 permitted for the zone, and therefore, would not be
25 substantially -- would not substantially do harm to the zoning

1 regulations is wrong, as I think the regulations are clear that
2 this maximum FAR permitted is for the supply of residential
3 or a residential and commercial structure, and not just for
4 a commercial structure.

5 So the issue here is whether or not there's a practical
6 difficulty in constructing the commercial space in accordance
7 with the zoning regulations, and the regulations allow an FAR
8 of 1.5 for commercial uses within the C-2A zone, and apart from
9 the difficulties that the Applicant claims to have in terms
10 of reusing the three townhouses, the Applicant currently does
11 have an approved building permit for a commercial structure
12 that complies with these FAR limitations, and is actually
13 currently under construction in accordance with those building
14 permits.

15 So I can't see any justification for the requested
16 relief if there's actually no practical difficulty in
17 constructing the commercial space as allowed under the zoning
18 regulations. And, you know, to be honest, I looked at this
19 and I know I'm the one that requested the extra time, and I,
20 you know, was looking for a way around this, but I just couldn't
21 find it. And I actually have a problem with the request.

22 And in particular, I have a problem with the Applicant
23 hanging their argument on the uniqueness of the structure and
24 that's claiming a practical difficulty on recent plans for
25 constructions. And just as an example of my concerns, the

1 approved 3rd-floor plan on Page 4 of Exhibit 42, which was
2 presented -- you know, part of the presentation documents
3 presented to the Board, shows a staircase and an elevator going
4 to nowhere on the 3rd floor. And that is, I guess I could take
5 the elevator to the 3rd floor and walk over to the stairs and
6 go down, or vice versa, but the plans really show no other floor
7 plate on that floor.

8 So why build the elevator and staircase to the 3rd floor
9 in the first place and then claim that the approved plans are
10 inefficient, and thus, they need relief for the FAR? It just
11 didn't make sense to me. And because I don't believe the case
12 has been made for this additional commercial FAR in the case,
13 I can't begin to discuss the parking relief requested, but,
14 you know, we've talked about this a lot. And I think if the
15 Board does see, you know, one more request for full parking
16 relief for a building, at least in this area, then DDOT really
17 does need to look closely at the cumulative effects that are
18 potentially negative to the neighborhood.

19 And then finally, I think the party in opposition really
20 did a tremendous job in their arguments and research, and I
21 think the Board would be remiss in dismissing much of their
22 statements, and I do want to commend them for the work, and
23 I'm actually pretty much in agreement with everything they
24 submitted to us. So that's my statement.

25 CHAIRPERSON JORDAN: Just how do you feel about that?

1 BZA MEMBER HINKLE: But I'm certainly open to hearing
2 other arguments.

3 CHAIRPERSON JORDAN: Anybody else? Mr. May, please.

4 ZC MEMBER MAY: Sure, so the first thing I'd like to do
5 is, I'd like to get clarification on the comment you made, Mr.
6 Hinkle, about the plans and the 3rd floor elevator? I mean,
7 do you mind walking me through that again, because I tried to
8 follow the argument you were making and I couldn't quite do
9 it.

10 BZA MEMBER HINKLE: Sure, and I don't have it in front
11 of me, but --

12 ZC MEMBER MAY: You had the drawing reference, right?
13 What exhibit was it?

14 BZA MEMBER HINKLE: Right. Let me pull it up. That
15 was Exhibit 42, Page 4. Let me pull it up myself.

16 ZC MEMBER MAY: Okay.

17 BZA MEMBER HINKLE: If I can find it here. Page 4, on
18 the 3rd floor plans, in the addition portion, so that's behind
19 the existing historic structures.

20 ZC MEMBER MAY: Right.

21 BZA MEMBER HINKLE: There's the elevator there in the
22 hatch part, and there's a staircase, and there's, except for
23 what's being shown as a path between the two, no additional
24 floor. So you can --

25 ZC MEMBER MAY: That's not what I was reading that to

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1 be. I was reading that as the -- I mean, the full floor is
2 the outline of the building, and that they were just showing
3 the hatched area out what the circulation would be relative
4 to that entire footprint.

5 BZA MEMBER HINKLE: Well, this is the approved plans.

6 ZC MEMBER MAY: Right.

7 BZA MEMBER HINKLE: And my understanding is, where the
8 cross is on the plans, those portions are open space. Right.
9 So you actually have open space above the 1st floor all the
10 way through the 3rd floor.

11 ZC MEMBER MAY: You mean open to below?

12 BZA MEMBER HINKLE: Yes. And they said that in the
13 hearing.

14 ZC MEMBER MAY: I see.

15 BZA MEMBER HINKLE: So my question is, how can you claim
16 an inefficient floorplan when you designed a building with an
17 elevator and a staircase that goes to the 3rd floor but doesn't
18 go to any floor plate?

19 ZC MEMBER MAY: I think I have to look at that a little
20 bit more carefully. I have reached the opposite conclusion
21 of Mr. Hinkle on this. I was concerned about some of the
22 arguments that were made and this, you know, hinges on the
23 question of whether an additional 0.54 of FAR of commercial
24 space is necessary relief for the project, and I was
25 particularly concerned about the argument made by the

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1 opposition party that, essentially, this is -- they have an
2 approved plan and what they're asking for is a change to those
3 plans, why can't they just build it the way they had originally
4 planned?

5 And, you know, I asked that question at the very end of
6 the last hearing, and the essential answer to that was that
7 the developer made a mistake in figuring that the by right
8 project would work. And knowing a little bit about the
9 developer and how they make some of their decisions on these
10 projects, I'm not surprised that they took a flier on something
11 and it didn't work, and now they've invested a lot of extra
12 effort into trying to make it work in a fashion that's
13 acceptable.

14 And I'm sympathetic to them. I mean, this is an unusual
15 property because of the historic portions of it, and the
16 placement of it, and the fact that they're not -- I mean, it's
17 not being overbuilt in the way some other properties get
18 overbuilt when you windup with some historic property that
19 needs to be constructed and you wind up building some other
20 massive thing behind it. I mean, overall, it's a pretty modest
21 project.

22 And I think that the arguments about the efficiency of
23 the building at 60 or 70 percent is a viable argument, given
24 the constraints on the building. I mean, I looked at this very
25 carefully as we were going through the case, trying to

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1 understand what was going on with the space, and I was fairly
2 convinced. I mean, I'm usually a skeptic on these things, but
3 I thought that they had made a good argument that it doesn't
4 really work as residential space, even though they'd be
5 entitled to an extra 1.0 FAR for it, and it -- you know, what
6 they've found in actually researching the potential uses of
7 this, and trying to shop it out to people, that the only way
8 they can make it work is to make these changes.

9 So I am inclined to grant the relief on all counts. The
10 parking, especially is, I think that's the easiest one to
11 reach. I mean, it is only a special exception when we're
12 dealing with a historic property, so I'm convinced. I'm not
13 sure what I would need to do to convince Mr. Hinkle that it's
14 the right thing to do, but, you know, I believe that this is
15 relief where the case has been made by the Applicant and we
16 should be granting it.

17 CHAIRPERSON JORDAN: All right.

18 VICE CHAIR HEATH: I'd like to just get some clarity
19 around the confusion of the plans, and particularly, the 3rd
20 floor, because as I look at Exhibit 44, I think that was the
21 one that I have open -- is that the exhibit you were looking
22 at Mr. Hinkle? 42?

23 BZA MEMBER HINKLE: 42.

24 VICE CHAIR HEATH: Okay. Right. So in 42, Page 4, the
25 hatched lines are indicating common space and circulation, and

1 when I look at Page 6, it appears that the 3rd floor is more
2 of a complete floor. Now, these plans that shows office space
3 on the 3rd floor, so I just want to make sure we're all on the
4 same page with how we're reading--

5 CHAIRPERSON JORDAN: For which plans?

6 VICE CHAIR HEATH: The floors and how they're occupied.
7 How much space is being occupied.

8 ZC MEMBER MAY: Do we need to ask that question of the
9 Applicant?

10 VICE CHAIR HEATH: You may.

11 CHAIRPERSON JORDAN: Yes, we may.

12 VICE CHAIR HEATH: That was kind of what I was getting
13 to.

14 CHAIRPERSON JORDAN: That's what she was trying to get
15 to. Yes, I want to make sure on that. Okay. If they're here,
16 please come forward. If the Applicant's here, just take a seat
17 at the table, we're good, and then we can ask you quickly.

18 MR. MILLSTEIN: Good morning. Paul Millstein, Douglas
19 Development Corporation.

20 MS. BATTIES: Leila Batties with the law firm of Holland
21 & Knight.

22 CHAIRPERSON JORDAN: Okay. Board, you want to ask them
23 a question about which plans and what are we looking at on the
24 plans?

25 VICE CHAIR HEATH: I think you all understand our

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1 question. We just need clarity around which plans we should
2 be referencing.

3 MR. MILLSTEIN: So I'll just -- working off my memory,
4 there was an existing 3rd floor building at one of the historic
5 structures. I don't remember if -- I believe it was the middle
6 -- I'm actually not sure. One of the three had a 3rd story
7 on it, so the intention -- we had an existing 3rd story, right,
8 in one of the historic buildings, and as we testified earlier,
9 we were keeping the full depth of the buildings, so when we
10 put the elevator in, we put the elevator in to access the 3rd
11 floor. We weren't sure exactly which portion of the 3rd floor
12 would be occupied, because we had no tenants in mind when we
13 designed this building, it was a shell, but we certainly --
14 we were keeping the 3rd floor of the historic buildings, we
15 were required to, therefore, we took circulation to it that
16 made sense to us at the time.

17 VICE CHAIR HEATH: So there is a full 3rd floor that's
18 approximately 3500 gross square feet, does that sound about
19 right?

20 MR. MILLSTEIN: No, that sounds big.

21 VICE CHAIR HEATH: Okay.

22 MR. MILLSTEIN: The existing 3rd floor of the historic
23 building, I don't think was 3500. I think it was smaller.

24 ZC MEMBER MAY: I think she was suggesting the proposed
25 plan with the full build-out.

1 MR. MILLSTEIN: That's correct. I apologize.

2 VICE CHAIR HEATH: Okay.

3 ZC MEMBER MAY: 3rd floor was 1000 in the --

4 VICE CHAIR HEATH: In the existing.

5 ZC MEMBER MAY: Or yes, in the efficiency study.

6 MR. MILLSTEIN: That makes more sense.

7 VICE CHAIR HEATH: Okay.

8 MR. MILLSTEIN: As part of the existing historic
9 structures. That's it.

10 VICE CHAIR HEATH: Got it. Okay.

11 MR. MILLSTEIN: That's right. Thank you.

12 VICE CHAIR HEATH: Okay.

13 ZC MEMBER MAY: Okay. So I mean, I do understand a
14 little bit better myself and I guess the approved plan's
15 efficiency study, that was just a look at what the overall
16 efficiency would be. I mean, to me, the more compelling thing
17 is that, when you look at the efficiency plans for the proposed
18 plans, even then we're at 68, 69 percent, something like that,
19 and it really does not look very efficient in terms of the floor
20 plate of the building. We're also talking about only, you
21 know, a two to three-story building, so it's not very
22 efficient.

23 And, you know, if you were starting from a blank site
24 with this square footage and you asked for the full allowable
25 FAR, it would be, I think it was 9800 square feet versus what

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1 they're asking for, which is only 700 square feet more. I
2 mean, I think it really is a marginal difference. You know,
3 one of the things that we looked at in the zoning regulations,
4 not that we can vote on this based on the new regulations, but
5 one of the things we looked at is this problem that we have
6 with C-2A zones where you're allowed 1.5 FAR and -- I'm sorry.
7 Yes, maximum of 1.5 FAR of commercial use, which means a story
8 and a half, which is not very practical, and it leads to some
9 practical difficulties in developing C-2A properties, and so
10 you windup having to come to BZA regularly to be able to get
11 those properties developed.

12 And I don't remember where we landed, but at the very
13 least, it's a recognized issue and if we -- you know, we could
14 well windup with the allowed FAR on C-2A to go up to 2.0 in
15 order to deal with the fact that these are typically
16 three-story buildings and it's a way of trying to get the --
17 make the development of those properties a little bit easier.

18 I also think it's important to appreciate the ANC's
19 support of this and the Applicant's attempts to address the
20 concerns of the community. I mean, this is a developer that
21 is known for working very hard with the community and trying
22 to address the concerns that they have, and I believe that that
23 was done, and the ANC supports it. I mean, I guess we don't
24 have official recognition that the relief on the parking is
25 for 21 spaces versus 14, but I think that's fairly minor.

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1 You know, the idea is that there isn't going to be --
2 I mean, they supported parking relief and we have significant
3 testimony to the fact that there's not likely to be that much
4 parking demand and the extent to which there's demand related
5 to the commercial uses if they're going to be using valet
6 parking, and there's plenty of valet parking.

7 So I mean, I think they've covered all the bases that
8 they can and as I said before, I support the project and I'm
9 ready to vote to approve the relief.

10 CHAIRPERSON JORDAN: Okay. Anyone else? All right.
11 I'm kind of up in the air on this and I've been listening to
12 the arguments. We've been kind of up in the air on this. This
13 is my real concern for this area, especially when we talk about
14 parking. This is an area that's constantly getting
15 compounded, and compounded, and compounded, and compounded,
16 and projects, and projects, and everybody says there's no
17 impact upon parking, and won't be because they're in a
18 transit-rich area, and et cetera, and based upon the design
19 of the building, we're not going to let anybody park there,
20 and I know each one of these we have to weigh standing on its
21 own bottom, but the problem is, and practicality is, it just
22 does not -- these things add up at some point.

23 And the community is the one who suffers from it, so I
24 just, you know, still going back and forth in my mind on it,
25 and I've listened to both arguments here in this case. I think

1 there has been a showing that this building has some
2 exceptional conditions and there are some, clearly,
3 difficulties here. I think I'm just looking at the other
4 prongs, the substantial impact upon the community, the, you
5 know, historical nature of this building, certainly, it
6 provides some difficulties. Clearly, it provides some
7 difficulties.

8 But the amount of relief being requested, I think, is,
9 you know, generally, minor, I'm just, like I said, thinking
10 about the other aspect on it, so that's just where I am on this
11 one. But if someone wants to make a motion, we can see where
12 we are with it.

13 ZC MEMBER MAY: Mr. Chairman, I would make a motion that
14 we approve for Zoning -- I'm sorry, BZA Case Number 18905, 1218
15 9th Street, NW, variance for floor area ratio, and special
16 exception for parking for historic buildings, and would ask
17 for a second.

18 VICE CHAIR HEATH: I will second.

19 CHAIRPERSON JORDAN: Okay. Motion made and seconded.
20 That would include the conditions?

21 ZC MEMBER MAY: The conditions as they were most
22 recently proffered, right?

23 CHAIRPERSON JORDAN: There's like, what, seven
24 conditions?

25 ZC MEMBER MAY: Seven conditions.

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1 CHAIRPERSON JORDAN: In those conditions there was
2 loading conditions, that there's continued work with the ANC,
3 valet parking, was there anything that we talked about?
4 Here's the other concern I'm having is that, the building's
5 going to have employees. We're saying the employees are going
6 to use mass transit, but what happens if they don't use mass
7 transit, where do they park? What happens to them? Where do
8 they go?

9 ZC MEMBER MAY: Well, the neighboring parking is
10 subject to RPP in the residential areas, and there are parking
11 lots in the area. We've had testimony to that effect, if not
12 in this case, certainly in other cases. Most recently, there
13 was extensive testimony about how much parking is available
14 in the area.

15 I mean, it's like any other part of the city, if you can't
16 park -- I mean, you know, most of us don't get free parking.
17 I didn't have free -- well, I have free parking now, but I don't
18 use it. I ride my bicycle, but most of my career, you know,
19 I couldn't park. I couldn't park when I worked in Georgetown
20 and I had to take a bus.

21 CHAIRPERSON JORDAN: If it's RPP, that's true, yes, but
22 I certainly give deference to Mr. Hinkle's argument here, which
23 was very persuasive. All right. So let's go ahead and put
24 this to a vote, I guess. Right. So there's been a motion made
25 and second that we approve the requested relief with the

1 conditions provided. Okay. All in favor of the motion, aye.

2 (Ayes)

3 CHAIRPERSON JORDAN: Did that count? Those opposed.

4 BZA MEMBER HINKLE: Opposed.

5 CHAIRPERSON JORDAN: All right. So we got to make a
6 decision and one abstention doesn't get you any further, so
7 I'm going to vote to approve the application with the
8 conditions. Mr. Moy.

9 MR. MOY: Yes. The staff will record the vote as 3-1.
10 This is on the motion of Mr. Peter May to approve the
11 application for the relief requested with seven conditions.
12 Seconded the motion of Vice Chair Heath. Also in support,
13 Chairman Jordan. Opposed, Mr. Hinkle, and we have a Board seat
14 vacant.

15 CHAIRPERSON JORDAN: All right. Let me ask, did we ask
16 for a proposed finding of facts and conclusions? We did?
17 Okay. So it's already in there. Okay. So we have that, then
18 let's go ahead and process it with the -- all right. Tough
19 one. Sorry. I was on the fence with this one and I just feel
20 for this neighborhood. I'm just telling you. Somebody's got
21 to get a harness around this neighborhood and the impact this
22 community is going to have, but, you know, as someone said,
23 as it comes here, each case has to stand on its own bottom,
24 and we're not the Zoning Commission, which can look at the
25 totality.

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1 BZA MEMBER HINKLE: Yes, Mr. Chair, if I can just make
2 a statement. I think this is a good project. I don't live
3 very far away from here. I walk to the restaurants and the
4 alleys. You know, I'm very supportive of redevelopment on 9th
5 Street. I just don't think that there's a practical
6 difficulty here, and so that's what my vote was based on, and
7 I just wanted to clarify.

8 CHAIRPERSON JORDAN: You're okay. It was persuasive.
9 I'm telling you. It came out and had me on the rocks. So
10 anyway, that would be the order. All right.

11 (Whereupon, the proceedings went off the record at 12:15
12 p.m.)

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