

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

MAY 4, 2010

+ + + + +

The Public Hearing convened in
Room 220 South, 441 4th Street, N.W.,
Washington, D.C., 20001, pursuant to notice
at 9:30 a.m., Meredith Moldenhauer,
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MEREDITH MOLDENHAUER, Chairperson
SHANE L. DETTMAN, Vice Chairperson,
Board Member (NCPC)
NICOLE SORG, Board Member

ZONING COMMISSION MEMBER PRESENT:

PETER MAY, Commission Member

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
BEVERLEY BAILEY, Sr. Zoning Specialist
JOHN NYARKU, Zoning Specialist

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ATTENDEES (cont'd)

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LORI MONROE, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
ARTHUR JACKSON

The transcript constitutes the minutes from the Public Hearing held on May 4, 2010.

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

APPLICATION NO. 18036

Mr. Harry Sikes..... 11
Office of Planning, Ms. Thomas..... 16
ANC 8-C, Ms. Cuthbert..... 18
Closing Statement, Mr. Harry Spikes..... 19
Vote: Three, zero, two to approve..... 24

APPLICATION NO. 17987

Mr. Anna Maria Fernandez..... 25
Continuance to June 22, 2010..... 32

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

2 10:18 a.m.

3 CHAIRPERSON MOLDENHAUER: This
4 hearing will please come to order.

5 Good morning, ladies and
6 gentlemen. This is the May 4, 2010 public
7 hearing of the Board of Zoning Adjustments.

8 My name is Meredith Moldenhauer,
9 Chairperson. Joining me to my right is Vice-
10 Chair Shane Dettman, representative of the
11 National Capital Planning Commission. To his
12 right is Peter May, representative of the
13 Zoning Commission. To my left is Nicole Sorg,
14 Mayoral Appointee.

15 Copies of today's hearing agenda
16 are available to you and are located to my
17 left in the wall bin near the door.

18 Please be advised that this
19 proceeding is being recorded by a court

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1 reporter and is also being webcast live.
2 Accordingly, we must ask you to refrain from
3 any disruptive noise or actions in the hearing
4 room.

5 When presenting information to the
6 Board, please turn on and speak into the
7 microphone, first stating your name and home
8 address. When you are finished speaking,
9 please turn off your microphone so that your
10 microphone is no longer picking up sound or
11 background noise.

12 All persons planning to testify
13 either in favor or in opposition are to fill
14 out two witness cards. These cards are
15 located to my left on the table near the door
16 and on the witness tables. Upon coming
17 forward to testify to the Board, please give
18 both cards to the court reporter to my right.

19 The order of proceedings for a
20 special exception or variance is statements
21 and witnesses of the applicant, government

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1 reports including Office and Planning and
2 Public Works, reports of the ANC, parties and
3 persons in support, parties and persons in
4 opposition, and then closing remarks by the
5 Applicant.

6 Pursuant to Section 3117.4 and
7 3117.5, the following time constraints will be
8 maintained. The Applicant/Appellant, persons
9 and parties except the ANC in support
10 including witnesses have 60 minutes
11 collectively. Appellees, persons and parties
12 except ANC in opposition including witnesses
13 have 60 minutes collectively. And individuals
14 have three minutes.

15 These time restraints do not
16 include cross-examinations or questions from
17 the Board. Cross-examination of witnesses is
18 permitted by the Applicant and parties. The
19 ANC within which the property is located is
20 automatically a party in a special exception
21 or variance case. Nothing prohibits the Board

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1 from placing reasonable restrictions on cross-
2 examination including time limits or
3 limitations on the scope of cross-examination.

4 The record will be closed at the
5 conclusion of each case except for specific
6 materials requested by the Board. The Board
7 and the staff will specify at the end of each
8 hearing exactly what is expected and the date
9 when the persons must submit that evidence to
10 the Office of Zoning. After the record is
11 closed, no other information will be accepted
12 by the Board.

13 The Sunshine Act requires that the
14 public hearings on each case be held in the
15 open before the public. The Board may,
16 consistent with the rules of procedures of the
17 Sunshine Act, enter executive session during
18 and after the public hearing on a case for
19 purposes of reviewing the record or
20 deliberating on the case.

21 The decision of the Board in these

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1 contested cases must be based exclusively on
2 the public record. To avoid any appearance to
3 the contrary, the Board requests that persons
4 present not engage the Board Members in
5 conversation.

6 Please turn off all cell phones
7 and beepers at this time so as not to disrupt
8 these proceedings.

9 The Board will now consider any
10 preliminary matters. Preliminary matters are
11 those that relate to whether a case will or
12 should be heard today such as requests for
13 postponement or continuance or withdrawal or
14 whether the proper adequate notice for a
15 hearing has been given.

16 If you are not prepared to go
17 forward today, or you believe that the Board
18 should not proceed, now is the time to raise
19 such matters.

20 Does the staff have any
21 preliminary matters?

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1 MS. BAILEY: Madam Chair and
2 Members of the Board, good morning.

3 There is a preliminary matter,
4 Madam Chair. And I'm not sure if you want to
5 take it up now or later. It concerns
6 Application 17987, El Jardin' Infantil.

7 We do not have all of the
8 information that has been requested on this
9 project from the Applicant. We don't have the
10 affidavit of posting, and we don't have an ANC
11 report.

12 However, the Applicant is in the
13 audience, and she does want her case to be
14 heard today. So I'm not sure if this is
15 something you want to take up now or at a
16 later date -- a later time I should say.

17 CHAIRPERSON MOLDENHAUER: What
18 we'll do is we'll take it up as it's shown on
19 the agenda.

20 MS. BAILEY: Okay. Thank you.

21 CHAIRPERSON MOLDENHAUER: All

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1 individuals wishing to testify today, please
2 rise to take the oath. Ms. Bailey will
3 administer the oath.

4 (Whereupon, the witnesses were
5 sworn.)

6 MS. BAILEY: Members of the Board,
7 this is a continuation case. It's continued
8 from the March 9, 2010 public hearing. It's
9 the application of Newcomb Child Development
10 Center. The number is 18036. And it's
11 pursuant to 11 DCMR Section 3104.1 and 3103.2,
12 for a variance from the off-street parking
13 requirements under subsection 2101.1 and a
14 special exception for a child development
15 center that's 39 children and 13 staff under
16 section 205. The property is zoned R-5-A.
17 It's located at 541 Newcomb Street, S.E.,
18 Square 5985, Lot 818.

19 Please have a seat at the table.

20 CHAIRPERSON MOLDENHAUER: If you
21 can go ahead and introduce yourself, we'll

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1 start on my right and we'll introduce everyone
2 at the table, please.

3 MS. SPIKES: My name is Patricia
4 Spikes. I'm the director at Newcomb Day Care
5 located at 541 Newcomb Street, S.E.

6 MS. CANNON: My name is Andrea
7 Cannon. I am the executive director/owner of
8 Newcomb Day Care.

9 MR. SPIKES: I'm Harry Spikes,
10 representative of Newcomb Day Care.

11 MS. CUTHBERT: Good morning, Madam
12 Chair, and Members of the Commission. I'm
13 Mary Cuthbert, the Chair of Advisory
14 Neighborhood Commission 8-C and single-member
15 district 8-C-03.

16 CHAIRPERSON MOLDENHAUER: Thank
17 you very much, everybody.

18 Just to kind of recoup where we
19 are in these proceedings, we heard the entire
20 testimony and case for the 205 child
21 development center relief, and now we're here

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1 today to finish up just simply the review of
2 the parking. There were some additional
3 documentations that we had requested. The
4 Applicant has provided that to us. So I
5 appreciate that for getting that in.

6 And what we can do is we'll start
7 off with the Applicant's statements in regards
8 to the parking variance.

9 MR. SPIKES: Madam Chair, we had a
10 meeting with the ANC on the 7th of April and
11 also on the 17th of April, 2010. And we
12 thoroughly discussed the parking situation.
13 We had some communication with the neighbors
14 and also others in the community. And we took
15 photographs displaying the availability of
16 parking. And we have assured ourselves and
17 also the neighbors that the variance that we
18 are requesting would not impact on the
19 neighborhood adversely in any respect. And we
20 have approval of the neighbors.

21 CHAIRPERSON MOLDENHAUER: Either

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1 you can rely on your submissions already or
2 you can simply walk through the standard for a
3 variance as articulated in the Office of
4 Planning report.

5 MR. SPIKES: Well, I don't think
6 I'm prepared to walk through the particular
7 requirements for the variance. I was here
8 with the opinion that we needed to simply
9 explain that there were available parking
10 spaces, we were required to explain that we
11 had communicated with the ANC, and that there
12 would be no adverse effect of the day care
13 center having employees parking on on-site
14 parking -- street parking, that is -- since we
15 only had approximately two employees and
16 sometimes three who actually came to work by
17 way of private vehicles, and also to -- we
18 have a four-unit apartment there. And if we
19 were to use that building as an apartment, we
20 would in effect a minimum of four required
21 parking spaces. And so what we are using now

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1 is one parking space less than the four that
2 we would be entitled to had we used the
3 building for another purpose.

4 CHAIRPERSON MOLDENHAUER: Okay.
5 Then we can all just ask you some questions.

6 The parking variance requires the
7 Applicant to show that the property has some
8 exceptional circumstances that to satisfy the
9 zoning regs as they're strictly interpreted,
10 it would create an undue hardship on you, the
11 Applicant, and then that would not unduly
12 impact the public.

13 MR. SPIKES: Yes.

14 CHAIRPERSON MOLDENHAUER: So if
15 you can kind of provide a little explanation
16 as to the retaining wall and potentially the
17 uniqueness of the back alley or the lack of
18 access by the alley, if you can --

19 MR. SPIKES: Yes, yes. I can do
20 that.

21 CHAIRPERSON MOLDENHAUER: Thank

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1 you.

2 MR. SPIKES: What we have done, we
3 had an engineer to come back and take a look
4 at the -- the yard in the back of the
5 building. And there is a retaining wall
6 there. And the slope is so steep that if we
7 attempted to create a parking space there, it
8 would be hazardous to not only traffic coming
9 through the alleyway but also to the physical
10 location of the alley itself.

11 And there's a utility pole there
12 that would be required to be removed. And
13 there is an area there for -- to contain
14 garbage disposal.

15 So to create a parking space in
16 the available area that we have would create a
17 hazardous situation, and it would create a
18 serious hardship on the owner. And it would
19 -- it would be almost impossible to -- to
20 reasonably create a parking space there.

21 And plus, the digging in the area

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1 would require us to go to the foundation of
2 the building. And that would be totally
3 unpermissible structurally.

4 CHAIRPERSON MOLDENHAUER: Thank
5 you.

6 Do you have any further testimony
7 in that regard?

8 MR. SPIKES: Well, I'm here to
9 answer any questions you may ask, Madam Chair.
10 Beyond that, I have none.

11 CHAIRPERSON MOLDENHAUER: Thank
12 you.

13 What I'll do is we'll first go to
14 the Office of Planning. And then after the
15 end of the all the testimony, I'll open up the
16 floor to any Board questions.

17 MS. THOMAS: Good morning, Madam
18 Chair, Members of the Board. Karen Thomas
19 with the Office of Planning here.

20 The Office of Planning did concur
21 that the property has an exceptional situation

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1 with respect to the topography. And none of
2 the residents with front on Newcomb Street are
3 able to provide parking in the rear. There's
4 a big retaining wall that runs along the back
5 of that alley for properties that front on
6 Newcomb Street. So it's particularly
7 difficult to provide parking at the rear.

8 In addition, this lot is
9 irregularly shaped. And it would require
10 extensive digging just to provide even a
11 single parking space. So there is a practical
12 difficulty in providing parking at the rear
13 since it would only accommodate properly one
14 parking space but with extensive excavation.
15 So we did support variance relief to waive the
16 parking requirement in this instance.

17 And not only that, there's
18 sufficient on-street parking to accommodate
19 any drop-off or pick-up or any employee
20 parking. But we do note that the majority of
21 their employees and attendees reside in the

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1 neighborhood.

2 So I'd be happy to take any
3 questions. Thank you.

4 CHAIRPERSON MOLDENHAUER: Thank
5 you very much for that summary of your report.

6 And your reports which are at 23 are actually
7 very thorough. So I appreciate that.

8 At this time, if any Board Members
9 do not have any questions for OP -- which I do
10 not see any -- we will move on to the ANC.
11 Ms. Cuthbert, if you'd like to present your
12 report or any statements.

13 MS. CUTHBERT: We did put in a
14 letter. And I would like to ditto the Office
15 of Planning observance of the property where
16 it's impossible for them to be able to park in
17 the rear -- provide parking in the rear.

18 On-street parking is available
19 during the hours of their working hours. And
20 we've had a neighbors at our ANC meeting. And
21 one recommendation was to have a staff person

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1 receive the children as the parents drive up
2 to deliver them to the facility or pick them
3 up -- the few who do drive -- so there'll be
4 no double parking in the street. And that's a
5 big concern since I am public transit
6 dependent. I have a big concern about double
7 parking.

8 So that was the only concern that
9 we had from the community. And I believe
10 they're going to adhere to that.

11 CHAIRPERSON MOLDENHAUER: Thank
12 you. I'll turn to the Applicant and see if
13 you will confirm that statement in regards to
14 whether you guys are willing to provide a
15 staff member that will accessible to receive
16 or I guess escort children to the curb for
17 pick-up and drop-off.

18 MR. SPIKES: We are in the process
19 of doing that. We -- we -- we do that now.
20 And Ms. Cuthbert has monitored us in that
21 respect. So that is something that is

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1 ongoing, and we -- we will not make an
2 exception to that. That would be continuous.

3 CHAIRPERSON MOLDENHAUER:
4 Fabulous.

5 At this point then, I will look to
6 the audience to see if there are any persons
7 or parties in support or in opposition for
8 this case.

9 Seeing none, I'll turn back to the
10 Applicant for any closing remarks.

11 MR. SPIKES: We pray that you
12 grant the relief that we speak. And that --
13 that's about it. Thank you very much.

14 CHAIRPERSON MOLDENHAUER: Thank
15 you.

16 At this time, are the Board
17 Members ready to deliberate on this case?

18 I believe we are.

19 And so what we will do is I'll
20 start us off with deliberation on Application
21 No. 18036, which is a relief for a child

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1 development center under 205, and also relief
2 for a parking variance. And this would be for
3 39 children and 14 staff.

4 This application has been before
5 us. It has a long history of different
6 relief. So I feel that I wanted to personally
7 thank you to Ms. Cuthbert and the Applicant
8 for your service to the community, working
9 with the Applicant and the Applicant's
10 diligence in trying to come forward providing
11 all of the questions that we've been asking
12 and everything. I'm really happy to see it
13 appears that this CDC is really improving.
14 And I know and I will again thank Ms. Cuthbert
15 to continue to work with the CDC and Newcomb
16 Development Center to make sure that they
17 continue to uphold these higher standards and
18 that that does not fall at all. I think that
19 what I will do is I will incorporate Office of
20 Planning's reports both for the CDC 205 relief
21 and also for the variance relief into my

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1 deliberation.

2 We had reviewed some of the
3 employees' security checks. And I just
4 implore the Applicant to continue to keep
5 those up. I know that OSSE has supported this
6 application and they've been reviewing and
7 they continue to review everything. So that
8 is definitely recommended.

9 I know that the issue currently in
10 regards to parking, I think that the Applicant
11 has shown that the property does have some
12 exceptional circumstances -- both the
13 retaining wall, the elevation of the rear to
14 the alley. OP has stated that it would
15 require extensive excavation, that that would
16 be a hardship to the Applicant in regards to
17 excavating and then also trying to have to
18 work with moving the utility poles,
19 coordinating with the garbage and such, and
20 that this would not have a detriment to the
21 public. Both the ANC and OP have indicated

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1 that there is sufficient parking. The
2 Applicant has also provided pictorial
3 documentation showing that there is sufficient
4 parking in the area that it would not be a
5 hardship to the public or impact the public.

6 Stating that, I would recommend
7 approval of this application for -- and hold
8 on a moment -- I would submit a motion to
9 approve the Application for Newcomb Child
10 Development Center under 18036 conditioned on
11 a three-year approval, Monday through Friday,
12 7:00 a.m. to 6:00 p.m. for a maximum of 39
13 children to be enrolled, 13 staff members; all
14 outdoor activities shall take place under
15 staff supervision; outdoor play during the
16 summer should not begin any earlier than 9:00
17 a.m.; that all of the staff shall work to
18 ensure that all parents are met at the curb
19 and escort the children both at pick-up and at
20 drop-off. And those are all of the
21 conditions.

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1 Do I have a second?

2 MS. SORG: I'll second.

3 CHAIRPERSON MOLDENHAUER: The
4 motion has been made and seconded.

5 Is there any further deliberation?

6 MS. MONROE: Madam Chair, if I
7 could interrupt.

8 At one point, you said 14 staff,
9 and at one point you said 13. So I just
10 wanted to clarify.

11 CHAIRPERSON MOLDENHAUER: It is
12 for 13 staff.

13 So the motion has been made and
14 seconded.

15 If there's no further
16 deliberation, all those in favor say aye.

17 (A CHORUS OF AYES.)

18 MS. BAILEY: Madam Chair, the vote
19 is recorded as four, zero, one to grant the
20 application. Ms. Moldenhauer made the motion;
21 Ms. Sorg seconded. Mr. May and Mr. Dettman

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1 support the motion. The third Mayoral
2 Appointee is not present at this time. And we
3 have seven conditions to accompany your
4 approval.

5 VICE-CHAIRPERSON DETTMAN: Ms.
6 Bailey, just very quickly. I'm not on this
7 case.

8 MS. BAILEY: Oh, you aren't?
9 Okay. Thank you.

10 So the vote is three, zero, two.

11 CHAIRPERSON MOLDENHAUER: Thank
12 you very much. Thank you, Ms. Bailey.

13 MS. BAILEY: And we're doing a
14 summary order, Madam Chair?

15 CHAIRPERSON MOLDENHAUER: Yes,
16 please. We'll waive our requirements and have
17 a summary order issued.

18 MR. SPIKES: Thank you very much.

19 CHAIRPERSON MOLDENHAUER: Ms.
20 Bailey, we're ready to call the next case,
21 please.

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1 MS. BAILEY: Madam Chair, it's
2 Application 17987, El Jardin' Infantil. And
3 it's pursuant to 11 DCMR Section 3104.1 for a
4 special exception to allow a child development
5 center that's 12 children and two staff under
6 Section 205. The property is zoned R-1-B.
7 It's located at 2108 48th Street, N.W., Square
8 1390, Lot 825.

9 CHAIRPERSON MOLDENHAUER: Hello.
10 How are you doing?

11 MS. FERNANDEZ: Hi. My name is
12 Anna Maria Fernandez. And what else am I
13 supposed to say?

14 CHAIRPERSON MOLDENHAUER: Your
15 address, please.

16 MS. FERNANDEZ: 2108 48th Street,
17 N.W.

18 CHAIRPERSON MOLDENHAUER: Okay.
19 Ms. Fernandez, this application has now been
20 postponed three times. And both the Office of
21 Zoning sent you a letter and Office of

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1 Planning have requested a list of different
2 documentation that is required in order for
3 this case to proceed. Can you I guess provide
4 us with an understanding --

5 MS. FERNANDEZ: This?

6 CHAIRPERSON MOLDENHAUER: Yes.
7 That letter. Exactly.

8 Can you provide us I guess with a
9 background as to what the delay has been? And
10 then we will move on to figure out when we can
11 re-schedule this, providing you enough time to
12 specifically provide the Office of Planning
13 with these six elements.

14 MS. FERNANDEZ: Yes. I open up
15 this program three years ago -- September
16 2006. In October 2006, I had a colonoscopy
17 and amounting to having opened the program, I
18 was diagnosed with colon cancer, Stage 3. So
19 at the same time when I opened the program,
20 which is a Spanish -- full Spanish immersion
21 program for two-, three-year-olds, I had to

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1 start with the cancer treatment.

2 So for three years, the program
3 was -- stayed open. And I was very fortunate
4 to have wonderful, wonderful teachers who
5 supported me. So it's been a program that has
6 been strived.

7 Now the colon has metastasized.
8 So I have a long, long way to go yet. And
9 this year, in September I could not open up
10 because I was sick. I been in treatment on
11 and off. So I did not open up. And
12 basically, everything just -- I had to lay
13 everything on the side -- you know.

14 So at the -- at the same time, I
15 had applied to extend the program. So I had
16 started the process. And I presented my
17 papers, and I contacted the -- the ANC so I
18 could have a hearing. And then I -- I had to
19 call them and say that I couldn't come. They
20 gave me a second date. And the second date,
21 they canceled. They said that I should

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1 postpone it because Ms. Sandza -- Elizabeth
2 Sandza emailed me saying that she had heard
3 that if I got the approval, I would not open
4 up right away. So she said let's do it
5 sometime in the spring or the summer -- your
6 hearing. So I say okay, that's fine. I was
7 ready to go and -- so that did not happen. So
8 that was the second time when we tried to --
9 to do it.

10 Well, I mean I can go on with my
11 health issues. But that's not why I'm here.

12 CHAIRPERSON MOLDENHAUER: No.
13 Obviously I feel for you. And I wish you luck
14 with your fight.

15 MS. FERNANDEZ: Some of -- one of
16 the -- is here. She drove me here today in
17 case there was any questions of any sort.

18 CHAIRPERSON MOLDENHAUER: Okay.
19 Yes, and unfortunately we cannot proceed
20 today.

21 MS. FERNANDEZ: That's fine.

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1 CHAIRPERSON MOLDENHAUER: The
2 process requires that the Office of Planning
3 provides a recommendation, reviews the
4 different information. And I did see that you
5 had the March 9th letter.

6 What we need to do is we need to
7 find out how long it will take you to go
8 through questions 1 through 6 on that March
9 9th letter that you held up a moment ago.

10 MS. FERNANDEZ: Oh, but I can
11 answer them now.

12 CHAIRPERSON MOLDENHAUER: But the
13 Office of Planning needs to have time to --

14 MS. FERNANDEZ: Okay.

15 CHAIRPERSON MOLDENHAUER: -- to
16 receive that information, review that
17 information, and then provide a response to
18 it. And they can't provide a response right
19 now.

20 So what I would need you to do is
21 I would need to find out from you how long

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1 will it take you to put those answers in
2 writing, or to call the Office of Planning and
3 meet with them and explain to them these
4 answers. And then they would be able to --
5 let me direct this question to OP.

6 Would you require seven days or do
7 you need more than seven days once you get the
8 information from the Applicant?

9 MR. JACKSON: I think seven days
10 would be sufficient. However, one of the
11 issues is really one we'd like to have DDOT
12 comment on. And that's regarding the drop-
13 off/pick-up and how they're conveying students
14 back and forth to the street.

15 So I would think logically
16 speaking, it would probably be a couple of
17 weeks to make sure that they had a chance to
18 comment on it and get the comments back to me.

19 CHAIRPERSON MOLDENHAUER: Well,
20 let me see if I can't recommend this.

21 Would you have time to meet with

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1 the Applicant after we conclude this hearing
2 today and to get all the information in
3 writing or verbally?

4 MR. JACKSON: That's fine.

5 CHAIRPERSON MOLDENHAUER: Okay.
6 That way at least we don't have to wait. I
7 would hate to have this go further.

8 So if you can then sit down and
9 meet with the Office of Planning for a few
10 minutes after we conclude, we will then
11 postpone any further hearing for about two
12 weeks.

13 And let's see here. I would say
14 that we then have potentially that would leave
15 us I think May 18th would give us enough time
16 to get DDOT to respond?

17 MR. JACKSON: On further
18 consideration, I note that DDOT usually likes
19 to have three weeks in order to respond to a
20 request for information.

21 And again, my concern would be

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1 that I think their response is actually the
2 most critical. So if it's possible to re-
3 schedule for three weeks, I could press them,
4 and if necessary, take them out there myself
5 to get them to respond to it.

6 CHAIRPERSON MOLDENHAUER: I mean,
7 we either have a May 18th date or we then have
8 to go all the way to June 22nd.

9 So is June 22nd convenient for
10 you, Ms. Fernandez?

11 MS. FERNANDEZ: Sure.

12 CHAIRPERSON MOLDENHAUER: Okay.
13 And then that would also give you enough time
14 -- I'm not sure what the ANC's schedule is --
15 but you would also then need to meet with the
16 ANC prior to the June 22nd date. And they
17 usually have their meetings at the beginning
18 of the month. So that probably would be
19 better anyway.

20 So what we'll do is we will
21 continue this case until June 22nd. I will

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1 require you now to actually go and meet with
2 OP right now to answer these questions. That
3 way, there won't be an actual deadline for you
4 to provide the information because you're
5 going to be doing that today.

6 And then OP, you will have
7 obviously seven days prior to the 22nd. So if
8 we can get your report in by the 15th of June?

9 MR. JACKSON: Yes, Madam Chair.

10 CHAIRPERSON MOLDENHAUER:
11 Fabulous. Thank you.

12 So then this will be continued
13 until June 22nd.

14 MS. BAILEY: Madam Chair, we don't
15 have an affidavit. So it might be useful for
16 the Applicant to also post the property.

17 CHAIRPERSON MOLDENHAUER: Yes. So
18 Ms. Fernandez, you will need to go and meet
19 with the Office of Zoning and obtain a poster,
20 and provide a posting of the property 14 days
21 before the hearing -- so 14 days prior to June

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1 22nd. Okay? So you need to come in, pick up
2 a poster, and then post the properties. It
3 will provide adequate notice to the community.

4 MS. FERNANDEZ: Okay.

5 CHAIRPERSON MOLDENHAUER: Okay?

6 MR. MOY: Madam Chair, for the re-
7 scheduling to June 22nd, I'm assuming that's
8 for the afternoon of June 22nd?

9 CHAIRPERSON MOLDENHAUER: Yes,
10 that is.

11 MR. MOY: Thank you.

12 CHAIRPERSON MOLDENHAUER: Thank
13 you very much.

14 We'll look forward to seeing you
15 back here on June 22nd. Thank you.

16 MS. FERNANDEZ: Thank you very
17 much.

18 CHAIRPERSON MOLDENHAUER: And
19 thank you very much to OP for working with us
20 on this.

21 MR. JACKSON: Certainly.

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1 CHAIRPERSON MOLDENHAUER: Ms.
2 Bailey, I believe is that all for this
3 morning, and we'll reconvene at 1:00 o'clock?

4 MS. BAILEY: One o'clock it is,
5 Madam Chair.

6 CHAIRPERSON MOLDENHAUER: Thank
7 you.

8 (Whereupon, at 10:48 a.m., the
9 hearing was adjourned.)

10

11

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