

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

OCTOBER 7, 2014

+ + + + +

The Regular Public Hearing
convened in the Jerrily R. Kress Memorial
Hearing Room, Room 220 South, 441 4th Street,
N.W., Washington, D.C., 20001, pursuant to
notice at 10:04 a.m., Lloyd J. Jordan,
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD J. JORDAN, Chairperson
JEFFREY L. HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

ROBERT E. MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALLISON MYERS, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN GYOR
JOEL LAWSON
STEPHEN MORDFIN
STEPHEN COCHRAN
MEGAN RAPPOLT

The transcript constitutes the
minutes from the Public Hearing held on October
7, 2014.

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

2 (10:04 a.m.)

3 CHAIRPERSON JORDAN: Am I, 829?

4 MR. MOY: I'm sorry, I was looking
5 at the wrong sheet of paper. Okay, Application
6 Number 18829, this is, if I pronounce it
7 correctly, Satu Haase-Webb and Michael Webb.
8 Mr. Chairman, this is a request for special
9 exception relief --

10 MS. FOWLER: Yes.

11 MR. MOY: -- not meeting the lot
12 occupancy and court requirements, as
13 advertised.

14 CHAIRPERSON JORDAN: All right.
15 Okay. Good morning. Please identify
16 yourselves. Let's make sure your microphone
17 is on. And you did turn the cards over to the
18 court reporter, right?

19 MS. FOWLER: Yes.

20 CHAIRPERSON JORDAN: Okay.

21 MS. FOWLER: Hi. I'm Jennifer
22 Fowler, Fowler Architects.

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1 (Off microphone discussion)

2 CHAIRPERSON JORDAN: Ah-ha, see.

3 MR. WEBB: Good morning, I'm
4 Michael Webb.

5 CHAIRPERSON JORDAN: All right,
6 thank you. Board, is there any issue with
7 this, or anything that we need to drill down
8 with this Applicant? I think this is pretty
9 straightforward, unless the Board needs to hear
10 something, specifically, from the Applicant?

11 (No response.)

12 CHAIRPERSON JORDAN: You're good?
13 Ms. Fowler, you've been here many times before,
14 certainly, so you have the right to present a
15 presentation to the Board, if you think it's
16 necessary, the Board right now thinks there's
17 sufficient evidence in the record to support
18 the relief.

19 MS. FOWLER: Okay. No additional
20 thoughts here. Thank you.

21 CHAIRPERSON JORDAN: Okay. Then
22 let's turn now to the Office of Planning and to

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1 see if there's anything in addition that they
2 feel is necessary.

3 MR. LAWSON: I'll make this very
4 quick. Joel Lawson with the Office of
5 Planning. I'm really here, principally, to
6 introduce to the Board, a new Office of Planning
7 staff member, Megan Rappolt, joined us a few
8 months ago. And she represented the Applicant
9 in this case, so I'll turn it over to her. And
10 you'll be seeing a lot of Megan.

11 CHAIRPERSON JORDAN: All right,
12 thank you.

13 MS. RAPPOLT: OP stands on the
14 record.

15 CHAIRPERSON JORDAN: All right,
16 very good. All right, Board, any questions for
17 OP?

18 (No response.)

19 CHAIRPERSON JORDAN: Applicant,
20 any questions for OP?

21 (No response.)

22 CHAIRPERSON JORDAN: Is there

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1 anyone here from the Department of
2 Transportation for this case? We do have a
3 letter of no objection from the Department of
4 Transportation, no objection to the relief
5 requested.

6 Is there anyone here from ANC-6B?
7 ANC-6B? We do have a letter from ANC-6B, who
8 voted in support of this application, so
9 certainly we'll give great weight to that
10 recommendation, as well as the Office of
11 Planning.

12 Is there anyone here wishing to
13 speak in support of the application? Anyone
14 wishing to speak in support?

15 (No Response.)

16 CHAIRPERSON JORDAN: There are
17 three letters of support from adjacent
18 neighbors, and we appreciate you getting those
19 letters of support from your neighbors.
20 Anyone here wishing to speak in opposition?
21 Anyone in opposition?

22 (No Response.)

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1 CHAIRPERSON JORDAN: Then we would
2 close the record on this case. And I would
3 move that we grant the relief requested in
4 18829.

5 (Off the record comments)

6 MEMBER HINKLE: Second.

7 CHAIRPERSON JORDAN: Motion made
8 and seconded. Any discussion?

9 (No Response.)

10 CHAIRPERSON JORDAN: All those in
11 favor of the motion, aye.

12 (Chorus of Ayes.)

13 CHAIRPERSON JORDAN: Those
14 opposed, nay.

15 CHAIRPERSON JORDAN: The motion
16 carries, Mr. Moy.

17 MR. MOY: Staff will record the
18 vote as 3-0, this is on the motion of Chairman
19 Jordan to approve the application for the
20 relief requested. I believe, this is approved
21 plans under Exhibit 7 in the record.

22 (Off the record comments)

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1 MR. MOY: Seconded motion, Mr.
2 Hinkle, also in support, Mr. Miller, and two
3 members not present today. The motion
4 carries, Mr. Chairman.

5 CHAIRPERSON JORDAN: Very good.
6 Summary order, please.

7 MR. MOY: Thank you.

8 CHAIRPERSON JORDAN: Thank you.

9 MR. WEBB: Thank you.

10 CHAIRPERSON JORDAN: 834.

11 (Off the record comments.)

12 MR. MOY: Application Number 18834
13 of Mara E. Rudman. Again, this is a special
14 exception under Section 223, not meeting the
15 rear yard setback, and this as advertised.

16 (Off the record comments)

17 CHAIRPERSON JORDAN: Okay.
18 Please identify yourself.

19 MS. RUDMAN: Hi, I'm Mara Rudman.

20 MR. SALTANI: Good morning. Ed
21 Saltani.

22 CHAIRPERSON JORDAN: Good. I

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1 think this application, it stands on its oath
2 and can receive support, as it is. I do have
3 a question though, or an issue.

4 There is the ANC letter, which has
5 two conditions, which they're asking the Board
6 to incorporate in our order, and there are some
7 issues for that to happen, and I think that's,
8 our adding conditions have to be very germane
9 to any impact to the community that we can
10 control within the property. Some of the
11 conditions require something to happen
12 off-site, tree to be planted, was is it,
13 somewhere off the property, et cetera.

14 I understand that there is also an
15 agreement that's already been executed with the
16 ANC that's, hopefully, enforceable and all the
17 dot your I's and cross your T's and that, so I
18 would, let me find out where the rest of the
19 Board is on this issue before we, because I
20 don't think we need to hear anything else from
21 you guys, except for on this issue. Yes, go on.

22 COMMISSIONER MILLER: Mr.

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1 Chairman, thank you. Yes, there is two
2 conditions, this is that they're putting in a
3 rear deck and asking for a special exception for
4 the basement and the deck addition, and the
5 agreement they reached with the ANC and the
6 neighbors, which originally had a party and was
7 requesting party status, but withdrew that
8 request, because they reached the agreement,
9 was that they would plant a tree on the
10 property. This is that case. And then they
11 would also plant a tree somewhere else in the
12 District.

13 MS. RUDMAN: Can I just ask, the
14 requesting party status, who --

15 CHAIRPERSON JORDAN: No that's
16 gone, so that's --

17 MS. RUDMAN: Because that wasn't
18 one of our neighbors, as far as I understand.

19 CHAIRPERSON JORDAN: Not on this
20 one.

21 MS. RUDMAN: Okay.

22 CHAIRPERSON JORDAN: That's all

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1 right. We're okay.

2 MS. RUDMAN: All of us, I just want
3 to be clear that all of our neighbors did the
4 letters of support without making any
5 additional requests. The ANC request was
6 totally apart from any of our adjacent
7 neighbors, who had no problems with the
8 project.

9 CHAIRPERSON JORDAN: That's
10 correct. That's fine. That's okay.

11 COMMISSIONER MILLER: Okay, thank
12 you for that clarification.

13 CHAIRPERSON JORDAN: Thank you.

14 COMMISSIONER MILLER: So I didn't
15 really have an issue with the tree being planted
16 elsewhere. Maybe, it should be planted
17 elsewhere in the ANC, maybe that ties it more
18 to the property.

19 CHAIRPERSON JORDAN: Okay. You
20 know, sometimes I'm a stickler about the rules
21 and where we are, but I think this is no harm
22 no fowl, but I just want to be careful and note

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1 that, and so is there anything --

2 MEMBER HINKLE: Yes, I would just
3 add that, you know, we have the first condition,
4 which would be to remove the paved driveway on
5 the property and if the Applicant's okay with
6 that, I'd like to include that.

7 The second condition was to plant a
8 tree on the property, as well as plant a tree
9 elsewhere. And I think the purview of the
10 Board relates to the property itself, so I would
11 be comfortable with a condition that is,
12 essentially, planting a tree on the property,
13 and not including the second half of that
14 condition that was recommended by the ANC.

15 CHAIRPERSON JORDAN: Okay.

16 MEMBER HINKLE: And if the
17 Applicant is okay with that.

18 CHAIRPERSON JORDAN: If there's
19 room for, yes, that's a good way to solve it.

20 MS. RUDMAN: Okay.

21 CHAIRPERSON JORDAN: And I think
22 that would make the ANC happy also --

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1 MS. RUDMAN: Okay.

2 CHAIRPERSON JORDAN: -- because
3 there's another tree. Okay. The way we
4 function where the Board believes that you have
5 sufficient evidence already in the record, we
6 then ask you if you want to do a presentation,
7 or it's up to you.

8 You have the right to waive it, or
9 you have the right to do a presentation, and do
10 it at your potential peril, but it's certainly
11 up to you, or we can process on.

12 MS. RUDMAN: I think we're fine.

13 MR. SALTANI: We're fine. We're
14 good.

15 CHAIRPERSON JORDAN: Okay.

16 MS. RUDMAN: Okay.

17 CHAIRPERSON JORDAN: We've had
18 some people take that step out and wish they
19 hadn't, but that's okay. But I think the
20 record's sufficient. So let's turn now to the
21 Office of Planning, and see if there's anything
22 in addition they'd like to add, regarding their

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1 recommendation?

2 MS. RAPPOLT: No, OP stands on the
3 record.

4 CHAIRPERSON JORDAN: Thank you.
5 Any questions, Board, for OP?

6 (No Response.)

7 CHAIRPERSON JORDAN: Applicant,
8 any questions for Office of Planning?

9 MS. RUDMAN: I do want to make sure
10 I understood what you said on the tree, that
11 you're saying one for one, basically, was what
12 you were suggesting about the tree?

13 CHAIRPERSON JORDAN: You want to
14 explain to her?

15 MEMBER HINKLE: Yes, the condition
16 that we have that was recommended by the ANC,
17 was to plant one tree on the property, and then
18 one tree elsewhere.

19 MS. RUDMAN: Yes.

20 MEMBER HINKLE: And the Board can
21 only deal with the property, itself, and not
22 elsewhere in the city. So my suggestion is

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1 that we, as a condition, use just the first
2 portion of that recommended condition.

3 MS. RUDMAN: Right.

4 MEMBER HINKLE: That is to plant
5 one tree on the property.

6 MS. RUDMAN: Comfortable with
7 that, yes. Thanks.

8 MR. SALTANI: Yes, okay.

9 CHAIRPERSON JORDAN: All right, is
10 there anyone here from the Department of
11 Transportation? We do have a letter from the
12 Department of Transportation, which has no
13 objection to the relief being requested.

14 Anyone here from ANC-3E? As we
15 discussed, we do have a letter of support from
16 ANC-3E, which had some conditions, which we've
17 modified, and there is an agreement with the
18 Applicant and the ANC, to include certain
19 terms, and the Board's going to include a
20 modified version of those requests, at least,
21 that's potentially where we are. Is there
22 anyone here wishing to speak in support of this

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1 application? Anyone in support?

2 (No Response.)

3 CHAIRPERSON JORDAN: We do have
4 five letters from adjacent neighbors, and
5 again, we really appreciate you doing it. It
6 means a lot to the Board that applicants get
7 adjacent neighbors to weigh in. Is anyone here
8 wishing to speak in support? Anyone wishing to
9 speak in support?

10 (No Response.)

11 CHAIRPERSON JORDAN: Anyone in
12 opposition? Anyone in opposition?

13 (No Response.)

14 CHAIRPERSON JORDAN: Then we'll
15 close the record on what's already presented
16 before us. And I would move that we grant the
17 relief requested in 18834, with the conditions
18 as modified, as specified with Mr. Hinkle, that
19 the tree will be planted on the property
20 somewhere, and that would be my motion.

21 MEMBER HINKLE: Second.

22 CHAIRPERSON JORDAN: Motion made

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1 and second. Additional discussion?

2 (No Response.)

3 CHAIRPERSON JORDAN: All those in
4 favor, aye.

5 (Chorus of Ayes.)

6 CHAIRPERSON JORDAN: Those
7 opposed, nay.

8 CHAIRPERSON JORDAN: The motion
9 carries, Mr. Moy.

10 MR. MOY: The staff would record
11 the vote as 3-0, this on the motion of Chairman
12 Jordan to the application for the special
13 exception relief being accepted requested
14 under Section 223, not meeting the rear yard
15 setback, and of course, with the addition of two
16 conditions, the second tree condition, as
17 amended by the Board, and two members not
18 present today, Mr. Miller, in support, so the
19 motion carries 3-0, Mr. Chairman.

20 CHAIRPERSON JORDAN: Okay. Thank
21 you. Summary order, please.

22 MR. MOY: Thank you.

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1 MR. SALTANI: Thank you.

2 MS. RUDMAN: Thank you.

3 CHAIRPERSON JORDAN: Thank you.

4 828.

5 (Off the record comments)

6 MR. MOY: Before I announce that,
7 Mr. Chairman, I just want to be perfectly clear
8 on the rescheduling of Appeal 82827 of Kinland.
9 I just want to be sure that I stated that that
10 was rescheduled to October 21st. I may have
11 said November --

12 (Off the record comments)

13 MR. MOY: No, this is the appeal
14 case.

15 CHAIRPERSON JORDAN: Oh the appeal
16 case, got you.

17 MR. MOY: Yes.

18 CHAIRPERSON JORDAN: Okay.

19 MR. MOY: I may have said November,
20 but I'm getting a flashback.

21 CHAIRPERSON JORDAN: That's okay.

22 MR. MOY: Thank you.

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1 CHAIRPERSON JORDAN: We still
2 appreciate you.

3 MR. MOY: All right, 18828, this is
4 the application of BFA, pursuant to request for
5 variance relief on the FAR.

6 CHAIRPERSON JORDAN: All right.
7 Good morning. Please identify yourselves.

8 MS. BLOOMFIELD: Good morning.
9 I'm Jessica Bloomfield from the law firm of
10 Holland & Knight.

11 MS. BROWN: Carolyn Brown with
12 Holland & Knight.

13 MR. PADUSSIS: And John Padussis,
14 architect with Gensler.

15 CHAIRPERSON JORDAN: Okay. This
16 is another one, it's been a good day today,
17 right, another case, I believe, the record is
18 sufficient, as what's been submitted to grant
19 the relief. Board, is there any issues, or
20 discussion, anything you need from this
21 Applicant?

22 MEMBER HINKLE: No.

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1 CHAIRPERSON JORDAN: Good. Ms.
2 Bloomfield, you know how we operate, it's up to
3 you, do you want to --

4 MS. BLOOMFIELD: We're good, and
5 thank you.

6 CHAIRPERSON JORDAN: I know this is
7 like one of the first hearings that you're
8 really handling yourself here, although Ms.
9 Brown sitting right there ready to jump in.

10 We can make it really rough for you,
11 so you really get a feel of how we operate here,
12 but no this is a good one to cut your teeth on.
13 So I'm taking it that you're going to waive?

14 (Off the record comments)

15 CHAIRPERSON JORDAN: Okay. Then
16 we return to the Office of Planning to see if
17 there's anything in addition?

18 MR. GYOR: Good morning, Mr.
19 Chairman and Members of the Board. Stephen
20 Gyor with the Office of Planning, and we support
21 the application and rest on the record.
22 Thanks.

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1 CHAIRPERSON JORDAN: Any questions
2 from the Board, or Applicant?

3 (No response.)

4 CHAIRPERSON JORDAN: Then we will
5 turn to the Department of Transportation, if
6 there's anyone here for Transportation? We
7 have a letter of no objection to the relief
8 requested from the Department of
9 Transportation.

10 Is there anyone here from ANC-2B?
11 We don't have a letter from the ANC-2B, we
12 understand that they, there was a presentation
13 to ANC-2B, but they really didn't vote, or
14 anything, right?

15 MR. PADUSSIS: That's correct. I
16 met with them for the preliminary meeting to
17 review the design. They didn't have any big
18 concerns, they were appreciative of the design.
19 But when it came to the point where we got on
20 the docket, they had learned that the Historic
21 Preservation Review Board had already put it on
22 the consent docket, and they said that they no

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1 longer needed to vote on the matter, at that
2 point.

3 CHAIRPERSON JORDAN: All right. I
4 appreciate that. Is anyone here wishing to
5 speak in support of the application? Anyone in
6 support?

7 (No Response.)

8 CHAIRPERSON JORDAN: We do have, do
9 we have five letters from neighbors? It must
10 be a five letter neighbor day, in support of the
11 application, again, we appreciate that.
12 Anyone wishing to speak in support? Anyone in
13 support?

14 (No Response.)

15 CHAIRPERSON JORDAN: Anyone in
16 opposition? Anyone in opposition?

17 (No Response.)

18 CHAIRPERSON JORDAN: Then we'll
19 close the record on this case, and the evidence
20 is already submitted. And I would move that we
21 grant the relief requested in 18828.

22 MEMBER HINKLE: Second.

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1 CHAIRPERSON JORDAN: Motion made
2 and second, any discussion? All those in favor
3 of the motion, aye.

4 (Chorus of Ayes.)

5 CHAIRPERSON JORDAN: Those
6 opposed, nay.

7 CHAIRPERSON JORDAN: The motion
8 carries. Mr. Moy.

9 MR. MOY: The staff would record
10 the vote as 3-0, this on the motion of Chairman
11 Jordan, to approve the application for the
12 relief requested. This is the variance relief
13 from AFR. These are under revised plans under
14 Exhibit 28A. Also, second the motion, Mr.
15 Hinkle, also in support, Mr. Miller, no other
16 members present today, motion carries 3-0.

17 CHAIRPERSON JORDAN: All right.
18 Thank you. Summary order, please.

19 MR. MOY: Thank you, sir.

20 CHAIRPERSON JORDAN: Good. Thank
21 you. Let's do 817, first, I think we're okay
22 on that, but I want to take a preliminary look

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1 at that. 18817, let's call that.

2 MR. MOY: Yes, sir. To the table,
3 18817, of Teymour Zabihi. This is a request,
4 Mr. Chairman, for a special exception relief
5 from the rear yard requirements.

6 CHAIRPERSON JORDAN: Great.
7 Thank you. Please identify yourselves. Make
8 sure your mic --

9 MR. DELEON: Joel DeLeon,
10 Architecture Group Practice.

11 (Off the record comments)

12 MR. DELEON: DeLeon.

13 CHAIRPERSON JORDAN: DeLeon, okay.

14 MR. ZABIHI: Good morning.
15 Teymour Zabihi, the owner.

16 CHAIRPERSON JORDAN: So you're
17 representing yourself, so that takes care of
18 one issue, and the letter of authorization.
19 Has the Affidavit of Posting been filed in this
20 matter?

21 (Off the record comments)

22 CHAIRPERSON JORDAN: It has? How

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1 did it get past me? We do have an Affidavit of
2 Posting? Okay, I see heads going yes, so I must
3 have been the only one that missed it. Okay.

4 Then, if there's been posting, that
5 was the only issue that I had. Board, you got
6 any issues we need to hear from this Applicant?
7 Pretty straightforward?

8 (No Response.)

9 CHAIRPERSON JORDAN: This is one
10 which we can approve as is. You certainly have
11 the right to do a presentation, if you think
12 it's necessary, or you can just waive that and
13 we can proceed on.

14 MR. DELEON: I'll just make a, just
15 a brief statement.

16 CHAIRPERSON JORDAN: Are you sure
17 you want to do that?

18 (Laughter)

19 MR. DELEON: Oh, okay.

20 CHAIRPERSON JORDAN: I'm telling
21 you, people have done that and actually gotten
22 themselves into trouble. But you can do it,

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1 it's your right to hearing. I can sit back and
2 wait.

3 (Off the record comments)

4 MR. DELEON: I'm just here to
5 address any questions.

6 CHAIRPERSON JORDAN: Ah, okay. We
7 better watch him. All right. So then, we
8 will, as Steve was down, no, waive it, waive it.
9 Let's hear the Office of Planning and see if
10 there's anything in addition that you'd like to
11 add.

12 MR. COCHRAN: Thank you, Mr. Chair.
13 I just wanted him to not speak so I could spend
14 more time speaking.

15 CHAIRPERSON JORDAN: No.
16 Anything in addition?

17 MR. COCHRAN: No, sir.

18 CHAIRPERSON JORDAN: Okay, good.
19 Board, any questions for OP?

20 (No Response.)

21 CHAIRPERSON JORDAN: All right.
22 Anyone here from DDOT on this matter? We do

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1 have a letter of no objection from DDOT.

2 (No Response.)

3 CHAIRPERSON JORDAN: I have, my
4 notes are, I have ANC-2F. I have no letter on
5 file, but I have hyphen approval, was there, can
6 you explain that?

7 MR. DELEON: Yes, I tried to enter
8 the letter over the Internet, but I got,
9 apparently, the system shuts off a certain
10 amount of time before the hearing, so I emailed
11 directly the date of our last hearing, so maybe
12 it's still not on file?

13 CHAIRPERSON JORDAN: No, I'm
14 saying it is --

15 MEMBER HINKLE: Yes, Mr. Chairman,
16 it's Exhibit 29 in the record. And there was
17 a vote on, looks like September 10th, unanimous
18 vote 8-0-0 to support to support application.

19 CHAIRPERSON JORDAN: Okay, very
20 good. All right. Anyone here wishing to
21 speak in support of this application? Anyone
22 in support?

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1 (No Response.)

2 CHAIRPERSON JORDAN: Anyone in
3 opposition?

4 (No Response.)

5 CHAIRPERSON JORDAN: Do we have
6 letters from neighbors? Did you talk to your
7 neighbors about this?

8 MR. DELEON: We have reached to
9 them, but we do not have a letter. I've had
10 just verbal, verbal talks, and then email
11 correspondence with the neighbor on the alley,
12 and based on my conversations with her, her
13 concerns were very pragmatic, functional
14 concerns, which we've addressed for her.

15 CHAIRPERSON JORDAN: Okay, but we
16 have nothing from the, that's okay, long as
17 you've had conversation, did you? I thought
18 you said something.

19 (Off the record comments.)

20 CHAIRPERSON JORDAN: Okay. Yes.
21 We're back to the Applicant.

22 COMMISSIONER MILLER: Yes, I just

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1 had one question for the Applicant, just out of
2 curiosity. So you're going to have commercial
3 space on the ground floor and eight dwelling
4 units above, what do you envision for the ground
5 floor commercial space?

6 MR. DELEON: We're still talking to
7 potential tenants, so we don't have anything
8 locked up, yet.

9 COMMISSIONER MILLER: Okay.
10 Thank you.

11 CHAIRPERSON JORDAN: Okay. Did I
12 ask anyone wishing to speak in support? Anyone
13 in support?

14 (No Response.)

15 CHAIRPERSON JORDAN: Anyone in
16 opposition? Anyone in opposition?

17 (No Response.)

18 CHAIRPERSON JORDAN: Then we will
19 close the record on this matter, and I would
20 move that we grant the relief requested in
21 18817.

22 COMMISSIONER MILLER: Second.

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1 CHAIRPERSON JORDAN: Motion made
2 and second, second my Mr. Miller. All those in
3 favor of the motion, aye.

4 (Chorus of Ayes.)

5 CHAIRPERSON JORDAN: Those
6 opposed, nay.

7 CHAIRPERSON JORDAN: The motion
8 carries. Mr. Moy.

9 MR. MOY: Staff would record the
10 vote as 3-0, this on the motion of Chairman
11 Jordan to approve the application for the
12 relief requested. These are under revised
13 plans under Exhibit 26. Also, seconded the
14 motion, Mr. Miller, also in support, Mr.
15 Hinkle. We have two members not present today.
16 The motion carries, Mr. Chairman.

17 CHAIRPERSON JORDAN: All right,
18 thank you. Summary order, please.

19 MR. MOY: Thank you.

20 CHAIRPERSON JORDAN: Thanks.

21 MR. DELEON: Yes.

22 CHAIRPERSON JORDAN: Let's call

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1 the last case for the day. Let's take five
2 minutes and then we'll take the last case.
3 Okay? Thanks.

4 (Whereupon, the foregoing matter
5 went off the record at 10:25 a.m. and went back
6 on the record at 10:34 a.m.)

7 CHAIRPERSON JORDAN: All right,
8 Mr. Moy, let's call 18830, please.

9 MR. MOY: Thank you, sir.
10 Application Number 18830, appears that the
11 Applicants are at the table. This is of Bright
12 Beginnings, and as advertised, special
13 exceptions to allow a child development center
14 for 100 children and 38 teachers and staff under
15 Section 205 not meeting the retaining wall
16 requirements, under Subsection 413.9.

17 The Applicant, I believe, Mr.
18 Chairman, has amended the application to
19 include a variance under 2116.4, this is the
20 parking requirements, not permitting parking
21 between a building and a lot line. And so I
22 would suggest we clarify the relief being

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1 requested, and that completes the staff=s
2 purview, Mr. Chairman.

3 CHAIRPERSON JORDAN: All right,
4 thank you. Please identify yourselves.

5 MS. POUYES: Nydia Pouyes with
6 Ballard Spahr, Counsel for the Applicant,
7 Bright Beginnings.

8 CHAIRPERSON JORDAN: Your name,
9 again?

10 MS. POUYES: Nydia Pouyes.

11 (Off the record comments.)

12 CHAIRPERSON JORDAN: Oh, maybe
13 that's the problem, okay.

14 MS. POUYES: There we go. Nydia
15 Pouyes with Ballard Spahr, Counsel for the
16 Applicant, Bright Beginnings.

17 CHAIRPERSON JORDAN: Okay.

18 MS. GAINES: Betty Jo Gaines, the
19 Executive Director of Bright Beginnings, Inc.

20 MR. MDINGI: Emmanuel Mdingi,
21 Architect, Hamilton Associates.

22 MR. HAMILTON: Emerson Hamilton,

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1 Architect with Hamilton Associates.

2 MR. KABATT: Chris Kabatt with
3 Wells & Associates, Transportation Consultant.

4 MS. POUYES: And we also have Mary
5 Cuthbert, who is the Chair of the ANC-8C.

6 CHAIRPERSON JORDAN: They'll
7 introduce themselves.

8 MS. POUYES: Okay.

9 CHAIRPERSON JORDAN: Just the
10 people who's at this table.

11 MS. POUYES: Okay.

12 CHAIRPERSON JORDAN: All right.
13 Right off the bat, I'm trying to understand why
14 we're requesting, you're requesting special
15 exception and a variance, why not just a special
16 exception relief?

17 MS. POUYES: The special exception
18 is to permit a daycare center an excess of 16
19 individuals, and after consulting with the
20 Office of Planning, we were advised that we also
21 needed an area variance to permit the parking
22 spaces.

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1 CHAIRPERSON JORDAN: But a special
2 exception can still allow for, unless I'm
3 incorrect, that special exception could
4 handle both. I mean, you can get a special
5 exception from 2116, and the special exception
6 for the, what's the other, 2505.

7 (Off the record comments.)

8 CHAIRPERSON JORDAN: Yes, I'm
9 going to ask our Counsel to weigh in on that.

10 MS. MEYERS: Thank you, Mr.
11 Chairman. I'm Allison Meyers with the Office
12 of Attorney General. There is a special
13 exception available for this parking relief
14 you've requested, 2116.5, permits special
15 exception relief for open parking spaces
16 accessory to any building, or structure that
17 may be located anywhere on the lot upon which
18 the building, or structure is located.

19 CHAIRPERSON JORDAN: Yes, that's
20 what I thought. And let me go to Office of
21 Planning to see if, input on that, please?

22 MR. MORDFIN: Good morning. I'm

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1 Stephen Mordfin with the Office of Planning.
2 And OP's understanding was 2116 states that
3 required parking spaces shall not be located
4 between a building line and a lot line abutting
5 a street.

6 And as proposed by the Applicant,
7 the parking is between the building line and a
8 lot line abutting a street, on Trenton Street
9 and on Fourth Street. So therefore, it was our
10 understanding that they would need relief from
11 that Section, in order to place the parking to
12 the front of the building.

13 CHAIRPERSON JORDAN: I guess, what
14 we have, okay, let's keep it as is, I think there
15 might be a conflict -- do you have the other
16 Rule, is that the Rule? It might be a bit of
17 a conflict, or something that's ambiguous in
18 this Rule.

19 Because you also have the catch-all
20 in 2116.5, which says that it could be, as long
21 as it's on any property, and it's specifically
22 in that paragraph only makes an exception to

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1 2117.9.

2 So if we wanted to exclude anything
3 else under that then it would have actually
4 listed any other exclusion. That would be my
5 interpretation, but let's make sure.

6 (Off the record comments.)

7 CHAIRPERSON JORDAN: All right. I
8 really believe that it's sufficient to be
9 allowed as a special exception, but no harm no
10 fowl.

11 Let's make sure that no one stops
12 you later, we'll go ahead and consider it as a
13 variance. I don't want you to go through this
14 process and then get stopped once again at the
15 Zoning Administrator's Office that you needed
16 additional relief.

17 But I think this is one, Mr. Miller,
18 we need to circle and highlight, because we do
19 have a conflict within the Regulation, itself.
20 Okay?

21 (No Response.)

22 CHAIRPERSON JORDAN: All right,

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1 I'm going to do this, I'm going to generally
2 change our order of presentation here, because
3 I think the record supports the relief that you
4 generally requested.

5 I understand that there's an issue
6 here with the Office of Planning, and I'm going
7 to turn to the Office of Planning, if it's okay
8 with the Board, to ask the Office of Planning
9 to explain its position and why they oppose the
10 relief for the Fourth Street, if we could do
11 that, I think that would give us a better
12 guideline for which to operate upon. All
13 right?

14 MR. MORDFIN: Okay.

15 CHAIRPERSON JORDAN: Okay?

16 MR. MORDFIN: Yes, please. Well
17 the Office of Planning recommends denial of the
18 parking between the building line and the lot
19 line on Fourth Street, because that is the main
20 frontage of the property, and that is the area
21 where then what we don't want is that the
22 parking appears more dominant than the

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1 building.

2 And when you place the parking to
3 the front of the building, then that tends to
4 take precedence, and rather than having a
5 street scape of a building, it creates more of
6 a street scape of a parking lot, which is not
7 what the type of street scape that we would
8 desire.

9 It's different on Trenton Street
10 because it's the side of the building, and then
11 you also have some unusual circumstances,
12 because the property gets narrow, you can't put
13 the building there, you can't put the parking
14 on the south side, because of the typography.

15 So we thought some uniqueness of the
16 property that would justify a variance for the
17 Trenton Street frontage, but not for the Fourth
18 Street frontage.

19 CHAIRPERSON JORDAN: So your
20 objection is not to test one and to test two,
21 because I think the property in itself meets
22 both test one and two, yours is just the impact

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1 upon the neighborhood, the community by this
2 being kind of jumping out from the front of the
3 property, is that what I'm understanding?

4 MR. MORDFIN: Well it jumps out in
5 front of the property. Well, for the
6 uniqueness, we don't see that there's a
7 uniqueness that results in the Applicant having
8 to locate the property to the front of the
9 building line, in this case. You don't --

10 CHAIRPERSON JORDAN: All right,
11 but I thought the property had uniqueness that
12 you're already supporting the relief for the
13 other street, it's the same piece of property.

14 MR. MORDFIN: It's the same piece
15 of property, but the uniqueness is that,
16 really, the only place that you're going to put
17 the parking on the site is on the north side of
18 the site at Fourth and Trenton, because of the
19 typography, because of the width of the
20 property.

21 And because of that, there's no way
22 to design it without putting it between the

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1 building and Trenton Street. However, the
2 property is of sufficient width that you could
3 design the parking as required, this property
4 only requires ten parking spaces, so there's no
5 uniqueness that results in a practical
6 difficulty for putting parking on that site
7 that results in the Applicant having to place
8 it forward of the building line on Fourth
9 Street.

10 CHAIRPERSON JORDAN: Okay. It's
11 the same piece of property, so we have
12 uniqueness that surrounds the property. You
13 see a difficulty on the Trenton side. I don't
14 know if we ever bifurcated it that way, but
15 that's okay, I understand what your argument is
16 and what you're saying. Have we, do you know
17 if we ever bifurcated?

18 MR. MCVEIGH: I don't recall.

19 CHAIRPERSON JORDAN: Yes, I don't
20 recall bifurcating. You know, once we have a
21 property that usually qualifies that it's
22 unique and has some difficulties, but I hear

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1 what you're saying, and I understand that, and
2 I think it's even more acceptable for me that
3 we have a design issue, or an impact upon the
4 neighborhood issue than separating that way.

5 So this is what I'm going to ask the
6 Applicant to do, to address solely that issue
7 that's been raised by the Office of Planning.

8 MS. POUYES: Yes.

9 CHAIRPERSON JORDAN: The other
10 matters that we have before us, and relief
11 requested we don't need to, unless the Board
12 needs to drill down anything else, we think the
13 record is sufficient, in regards to that
14 relief, unless there is, I haven't seen any
15 other, is there any opposition in this?

16 (No Response.)

17 CHAIRPERSON JORDAN: No? No?
18 Haven't seen any opposition filed in this case.
19 Then, if something comes up during the hearing,
20 you can come back in rebuttal to discuss it. So
21 let's discuss the issue that we raised with Mr.
22 Mordfin, Office of Planning.

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1 MS. POUYES: So along the Fourth
2 Street side, we understand Mr. Mordfin's
3 concerned. The Applicant, you know, in
4 meeting with the community, wanted to satisfy
5 the community's concerns that there would be
6 sufficient parking at the daycare center. And
7 so to that end, the Applicant decided to do 20
8 parking spaces.

9 CHAIRPERSON JORDAN: The
10 community's concern was what, again?

11 MS. POUYES: Adequate parking, an
12 adequate number of parking spaces at the
13 daycare.

14 CHAIRPERSON JORDAN: For your
15 facility?

16 MS. POUYES: Yes, at the daycare
17 center.

18 CHAIRPERSON JORDAN: Okay, you're
19 already well-beyond that which is required by
20 the regulations.

21 MS. POUYES: Yes.

22 CHAIRPERSON JORDAN: Okay.

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1 MS. POUYES: So to satisfy the
2 community's concerns, the Applicant included
3 20 spaces. And we also included additional
4 landscaping surrounding that portion of the
5 parking lot, to make sure that there was some
6 type of buffer between the street and the
7 parking lot.

8 So while the daycare center can
9 function with fewer parking spaces, the
10 Applicant's goal was to satisfy the concerns of
11 the community.

12 CHAIRPERSON JORDAN: Okay. Show
13 me, on your map here, where we are. I think we
14 have, is it same on the board here?

15 MR. MOY: Yes, do you want it on?

16 CHAIRPERSON JORDAN: No, in fact,
17 Mr. Moy, let's have the light off, please.
18 Okay. And that's --

19 MR. MDINGI: So this is Fourth
20 Street.

21 CHAIRPERSON JORDAN: Yes, okay.

22 MR. MDINGI: This is the --

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1 CHAIRPERSON JORDAN: No, no, no,
2 I'm going to need you to be on the microphone,
3 or use our wireless mic, if you may.

4 MR. MDINGI: Sorry. We have
5 Fourth Street up here, Trenton Street, and
6 basically, because of site limitations and
7 grading issues, as the Planning Office had
8 mentioned, we have trouble putting parking on
9 the southern portion of the site.

10 So we're limited to putting it in
11 this, sort of, angled, kind of, weird shape on
12 the northern portion of it. In addition to
13 that, it's just the transition between Fourth
14 Street and our site, it's just very steep and
15 this is pretty much, the only logical place we
16 could place it.

17 And so due to the narrowness of the
18 site, we're trying to provide 20 spaces,
19 essentially, we'd have to be right up against
20 the property line.

21 CHAIRPERSON JORDAN: Where did the
22 number 20 come from?

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1 MR. MDINGI: That was, basically,
2 just what we, the Center felt would be adequate
3 not to provide any impact on the, to address the
4 community concerns.

5 MEMBER HINKLE: But where did the
6 number come from?

7 CHAIRPERSON JORDAN: Did the
8 community say we have to have 20 spaces there,
9 or --

10 MR. MDINGI: No.

11 MS. GAINES: No, the community,
12 excuse me, the community never said you had to
13 have 20 spaces. The community said be sure
14 that you have enough parking.

15 CHAIRPERSON JORDAN: Got you.

16 MS. GAINES: That's what the
17 community said. So we went back and looked at
18 the regulations, and said, let's go in with the
19 minimum at the hearing, from the Office of
20 Planning, but the community has never said
21 that.

22 CHAIRPERSON JORDAN: Okay. How

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1 many staff people are here?

2 MS. POUYES: Thirty-eight.

3 CHAIRPERSON JORDAN:
4 Thirty-eight. Okay. Did you have something,
5 Mr. Hinkle?

6 MEMBER HINKLE: Yes, just in terms
7 of the configuration of the parking. Have you
8 looked at pushing it south, and kind of making
9 it angled a little bit, to get it out of that
10 building line, or is there some typography
11 issues related to that?

12 MR. MDINGI: It's certainly
13 typography issues dictating where the parking
14 is. We did look at trying to, if we could
15 provide more than 20, or whatever, in order to
16 push it south, we just couldn't.

17 MEMBER HINKLE: And it seem like
18 you can almost angle it towards the east
19 property line, to get most of it out of that
20 building line, have you looked at that?

21 MR. MDINGI: We did, and we
22 couldn't get it to work.

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1 MEMBER HINKLE: Okay.

2 CHAIRPERSON JORDAN: What if it's
3 15 spaces, how does it effect with 15 spaces?

4 MR. MDINGI: We can actually reduce
5 the number to even 13 spaces and can get it to
6 work.

7 CHAIRPERSON JORDAN: You can do it
8 with 13 spaces?

9 MR. MDINGI: Yes, sir.

10 CHAIRPERSON JORDAN: Well why --

11 MS. GAINES: But 15 would be
12 better.

13 CHAIRPERSON JORDAN: No, getting
14 it approved is better.

15 MS. GAINES: Okay. That's true.
16 That's true.

17 CHAIRPERSON JORDAN: All right.

18 MEMBER HINKLE: Just one quick
19 question. Is that a single-family house to the
20 east, along Trenton Street?

21 MR. MDINGI: Yes.

22 MEMBER HINKLE: Okay. Thank you.

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1 CHAIRPERSON JORDAN: Where is
2 that?

3 (Off the record comments.)

4 CHAIRPERSON JORDAN: Oh, back
5 behind it?

6 MEMBER HINKLE: Yes.

7 MR. MDINGI: This one.

8 MEMBER HINKLE: The white one?

9 MR. MDINGI: Yes, sir.

10 MEMBER HINKLE: Okay, thanks.

11 CHAIRPERSON JORDAN: Okay.

12 MR. HAMILTON: If I may?

13 CHAIRPERSON JORDAN: Yes, please.

14 Make sure your microphone's on, please.

15 MR. HAMILTON: In addition to
16 trying to optimize the parking and the layout
17 on the site, the entire site has to be compliant
18 with ADA, and that's one of the other challenges
19 that we face, the typography of the site is a
20 challenge. So, you know, as Emmanuel
21 mentioned, the parking lot had to be there at
22 that location.

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1 In addition to the fact that across
2 the street at Ballou, their parking faces
3 Fourth Street, as well. This is for the future
4 development of Ballou High School.

5 So this is not as impacting to the
6 neighborhood, you know, as they mentioned,
7 because of the fact that the building across the
8 street, the Fourth Street, is Ballou High
9 School and their parking also faces Fourth
10 Street, their future parking, also faces Fourth
11 Street.

12 CHAIRPERSON JORDAN: Okay. And
13 you say that to mean, what?

14 MR. HAMILTON: That the parking
15 with the 20 spaces, we do not see it as being
16 negatively impacting on the neighborhood,
17 because of the use across the street.

18 CHAIRPERSON JORDAN: You guys are
19 going to just keep trying to push that, push
20 that up the hill. Okay. All right. So that
21 we know that 13 gives you more than the 10 that's
22 required, and 13 would fit in the space as

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1 matter of right, is that what I'm
2 understanding?

3 (No Response.)

4 COMMISSIONER MILLER: Right? Is
5 that understanding, without relief you can do
6 13 there? Mr. Mordfin?

7 MR. MORDFIN: They could do 13
8 without relief along Fourth Street, it would
9 still need the relief for Trenton Street.

10 CHAIRPERSON JORDAN: Yes, but
11 that's what I mean, around Fourth Street, which
12 would appease Office of Planning?

13 MR. MORDFIN: Yes.

14 CHAIRPERSON JORDAN: Okay. You
15 know there's a thing about trying to, you know,
16 trying to get a homerun, instead of like getting
17 a double, or a triple, or something, and
18 everybody's safe on base, but you're trying to
19 leg it out and come all the way home and you get
20 tagged out.

21 But it's up to the Applicant to
22 decide how they want to handle it. I think you

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1 can hear the gist of where we may be, but you
2 can proceed on. It's up to you how you want to
3 handle it. Sometimes an agreement, or an
4 understanding is better than trying to force
5 it, but okay.

6 We can put the lights back on. Is
7 there anything else that you want to present,
8 why you think that there should be 20 spaces on
9 Fourth Street?

10 MS. GAINES: I just want to make a
11 statement that why 20 spaces would be desirable
12 and would be nice, we can live with 13 and 13
13 would be appropriate for us, we can deal with
14 that. Because of the transportation that our
15 staff, as well as our parents, at least 50 to
16 60 percent of our staff catch the metro.

17 CHAIRPERSON JORDAN: Okay.

18 MS. GAINES: And we have, of
19 course, our parents catching the metro and the
20 bus coming to the site.

21 CHAIRPERSON JORDAN: Okay. Okay.
22 Back to the Applicant, is there anything else

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1 you want to present on this issue, the reason
2 why you want 20, or if you're backing off of 20,
3 it's up to you how you want to handle it.

4 MS. POUYES: We're good.

5 CHAIRPERSON JORDAN: You're good,
6 what do you mean, you're good?

7 MS. POUYES: We'll go with the 13,
8 if that's what the --

9 CHAIRPERSON JORDAN: Think you can
10 do that on Fourth Street, as a matter of right,
11 and you're not fighting Office of Planning, to
12 who we have to give great weight to, and we
13 listen to, not that we agree all the time, but
14 we certainly give deference to their hard work
15 and their interest in the neighborhood and
16 understanding where they are. Okay, Board?

17 (Off the record comments.)

18 CHAIRPERSON JORDAN: Yes, please,
19 please.

20 COMMISSIONER MILLER: Thank you,
21 Mr. Chairman. I just wanted to ask, you said
22 that you will have landscaping around the

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1 parking, could you just briefly describe the
2 landscaping on Fourth Street, since that was a
3 concern expressed by the Office of Planning
4 about how the parking is adjacent to Fourth, is
5 it bushes, trees, grass?

6 MR. MDINGI: Right now, we're
7 planning to have landscaping right around the
8 pedestrian and vehicular entrance, as well as
9 the front of the center, however, along Fourth
10 Street, we are planning to have a fence to
11 screen the parking.

12 COMMISSIONER MILLER: Do you know
13 what kind of fence, yet?

14 MR. MDINGI: Bottom board.

15 COMMISSIONER MILLER: Thank you.

16 CHAIRPERSON JORDAN: Okay. Good.
17 Thanks. Board, any other questions on this?

18 (No Response.)

19 CHAIRPERSON JORDAN: Okay. Then
20 we're going to proceed on, and see if there's
21 anything else. You certainly can come back in
22 rebuttal, but I think we have sufficient,

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1 enough in the record to support the relief
2 you're requesting, especially on the amended
3 request for 13 versus 20 spaces. So we'll turn
4 back to Mr. Mordfin. Is there anything else
5 that you want to add to this?

6 MR. MORDFIN: No, sir.

7 CHAIRPERSON JORDAN: Okay, good.
8 Not good that you don't have anything to add,
9 but good, you know what I mean. Do we have a
10 letter from, yes, we do have a long letter from
11 the Department of Transportation regarding
12 this property, which after you finish going
13 through and read everything they have no
14 objection to the relief requested. Is anyone
15 here from ANC, which ANC is it?

16 MS. CUTHBERT: 8C.

17 CHAIRPERSON JORDAN: 8C? Yes,
18 please. Welcome.

19 MS. CUTHBERT: Good morning, Mr.
20 Chairman, and Members of the BZA Board.

21 CHAIRPERSON JORDAN: Good morning.
22 How are you?

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1 MS. CUTHBERT: I'm Mary Cuthbert,
2 Chairman Advisory Neighborhood Commission 8C.
3 I believe you have a resolution, from our
4 Commission, regarding Brighter Beginnings, in
5 support of it. The variance, or special
6 exception, we go along with, we discussed it as
7 a group.

8 CHAIRPERSON JORDAN: Well let me
9 stop you one second. I don't see a letter from
10 the ANC, itself.

11 MS. CUTHBERT: It's a resolution.

12 CHAIRPERSON JORDAN: Resolution,
13 do we have that in our file, because all I have
14 is an --

15 MS. CUTHBERT: We sent that back
16 some months ago.

17 CHAIRPERSON JORDAN: Do we have it?

18 MR. MOY: We have two letters, Mr.
19 Chairman, both signed by, one signed by Ms.
20 Cuthbert, and a Mr. Colbert, I believe, and
21 they're under Exhibit 34, and they appear to be
22 individual letters from the Chair.

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1 CHAIRPERSON JORDAN: And it's not
2 --

3 MS. CUTHBERT: There's no
4 resolution in your package?

5 MR. MOY: There's no resolution,
6 resolution as the Board's familiar to see --

7 MS. CUTHBERT: Right, we voted on a
8 resolution.

9 MR. MOY: -- the quantitative votes
10 and whatnot, but that's not in the record file,
11 Mr. Chairman.

12 CHAIRPERSON JORDAN: Okay. All
13 right, so you can just report out to us. We
14 certainly accept your word on that, the ANC --

15 MS. CUTHBERT: I don't have a copy
16 with me.

17 CHAIRPERSON JORDAN: That's okay,
18 we accept your word and --

19 MS. CUTHBERT: Okay. Thank you.

20 CHAIRPERSON JORDAN: And we can
21 certainly make sure it's in the record and the
22 ANC 8C voted in support of this application.

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1 MS. CUTHBERT: That's correct.

2 CHAIRPERSON JORDAN: That's, your
3 word is good for me. Okay. Sometimes we have
4 these little glitches.

5 MS. CUTHBERT: Okay.

6 CHAIRPERSON JORDAN: Okay.
7 Anything else you wanted to say?

8 MS. CUTHBERT: No, I'm happy for
9 the project, it's needed in the Ward, because
10 Ward 8 has the largest amount of young children,
11 and this project will really help the young
12 parents to get back on their feet and get to
13 work.

14 CHAIRPERSON JORDAN: Okay. Good.
15 And, Board, any questions?

16 (No Response.)

17 CHAIRPERSON JORDAN: Applicant,
18 any questions regarding the ANC's testimony?

19 (No Response.)

20 CHAIRPERSON JORDAN: Okay. Thank
21 you. Thank you, very much. And we appreciate
22 you do coming down. Is there anyone wishing to

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1 speak in support of the application? Anyone
2 wish to speak in support?

3 (No Response.)

4 CHAIRPERSON JORDAN: Anyone
5 wishing to speak in opposition? Anyone in
6 opposition?

7 (No Response.)

8 CHAIRPERSON JORDAN: Well we would
9 normally turn back to the Applicant and ask if
10 there's any rebuttal evidence that you want to
11 put forth, but I don't think you have anything
12 you need to rebut on this matter.

13 MS. POUYES: No, we don't.

14 CHAIRPERSON JORDAN: I think the
15 Board's in a comfortable position, as we are,
16 Mr. Miller, you had a question?

17 (No Response.)

18 CHAIRPERSON JORDAN: Yes,
19 comfortable position with the amended relief
20 requested, regarding the 13 parking spaces, so
21 I would move that we grant the relief requested
22 in 18830, as amended, any second?

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1 MEMBER HINKLE: Second.

2 CHAIRPERSON JORDAN: Motion made
3 and seconded. Any discussion, Mr. Miller?

4 COMMISSIONER MILLER: Yes, I just
5 wanted to just briefly state that this is an
6 exciting project. I mean, it's a great project
7 for the community, serving up to 100 --

8 CHAIRPERSON JORDAN: Yes.

9 COMMISSIONER MILLER: -- children,
10 who are from homeless, or low income families,
11 it's serving a real need and I just want to
12 compliment you on your mission and I wish you
13 luck, as you proceed with this project.

14 MS. GAINES: Thank you.

15 CHAIRPERSON JORDAN: Certainly,
16 and I agree with that.

17 MEMBER HINKLE: Yes, I certainly
18 agree with that, as well. Just on a technical
19 matter, I'd like to see, kind of, amended plans,
20 both the site plan and that landscape plan
21 within the record, prior to the release of the
22 order, if we could.

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1 CHAIRPERSON JORDAN: Okay.

2 COMMISSIONER MILLER: And, Mr.
3 Chairman, if Ms. Cuthbert would just send in
4 another copy of the resolution and --

5 MEMBER HINKLE: The resolution.

6 COMMISSIONER MILLER: -- following
7 the ANC.

8 CHAIRPERSON JORDAN: No, you don't
9 need to come up, we're just, all right, thank
10 you. Appreciate it.

11 COMMISSIONER MILLER: Thank you.

12 CHAIRPERSON JORDAN: All right
13 then, so the Applicant understands the request,
14 did you get all that, the amended site plan and
15 design of the site?

16 MS. POUYES: Right.

17 CHAIRPERSON JORDAN: Okay. All
18 right, all those in favor of the motion, signify
19 by saying, aye.

20 (Chorus of Ayes.)

21 CHAIRPERSON JORDAN: Those
22 opposed, nay.

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1 CHAIRPERSON JORDAN: The motion
2 carries. Mr. Moy.

3 MR. MOY: Staff would record the
4 vote as 3-0, this on the motion of Chairman
5 Jordan to approve the application, as amended,
6 including the 13 parking spaces, with the
7 requirement that the Applicant submit revised
8 site plans, showing both the parking spaces and
9 the landscaping, and as well as the ANC
10 submitting their final letter of resolution.

11 Seconded motion, Mr. Hinkle, and
12 also in support, Mr. Miller. Two members not
13 present today. The motion carries, Mr.
14 Chairman.

15 CHAIRPERSON JORDAN: Thank you.
16 Summary order, please.

17 MR. MOY: Thank you.

18 CHAIRPERSON JORDAN: Thank you,
19 all. Appreciate it. Thank you.

20 MS. POUYES: Thank you.

21 MS. GAINES: Thank you.

22 CHAIRPERSON JORDAN: Okay. Mr.

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1 Moy, is there any other business coming before
2 the Board today?

3 MR. MOY: Not today, sir.

4 CHAIRPERSON JORDAN: Board,
5 anything we need to handle today?

6 (No Response.)

7 CHAIRPERSON JORDAN: Okay, then we
8 are adjourned. Thanks, everybody, appreciate
9 it.

10 (Whereupon, the above-entitled
11 Public Hearing of the Board of Zoning
12 Adjustment having been concluded, went off the
13 record at 11:00 a.m.)
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