

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY

July 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 9:30 a.m., Lloyd Jordan, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
MARNIQUE HEATH, Vice-Chairperson

ZONING COMMISSION MEMBER PRESENT:

MICHAEL TURNBULL, Architect of the Capitol Designee

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.
LAWRENCE FERRIS, ESQ.

The transcript constitutes the minutes from the Public Meeting held on July 28, 2015.

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Application No. 19028 of Maria Sorto-Chacon (Expedited Review)	5
Application No. 19045 of Wayne Lin and Christina Balch (Expedited Review)	6
Application No. 19020 of Jemal's Bulldog LLC	7

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

(9:44 a.m.)

CHAIRPERSON JORDAN: Good morning, ladies and gentlemen. We're located at the Jerrily R. Kress Memorial Hearing Room, 4th Street, N.W. And we're here for the meeting of the Board of Zoning and Adjustment of the District of Columbia.

My name is Lloyd Jordan, Chairperson. To my right is Vice Chair Marnique Heath. To my left is Mike Turnbull, a member of the Zoning Commission, sitting in today as a member of the Board of Zoning Adjustment.

Please be advised that today's proceedings are being webcast live, and also being recorded by a court reporter. So therefore, I'm going to ask you to refrain from any disruptive noises here in the hearing room. That's your simple announcement to make sure that you silence any device that might disrupt the proceedings.

If you want to provide any testimony to the Board, that means sit at this table and read a letter or become a witness, I'm going to need you to do two things. Let me say that again. If you're going to present anything to the Board or address the Board in any manner I'm going to need you to do two things.

The first of which is to complete two witness cards per person, and prior to testifying give those cards to the court reporter who's seated to my right. So that's two witness cards

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 prepared per person, and give them to the court reporter prior
2 to taking a seat at this table. And the court reporter is to
3 my right.

4 The second thing I'm going to need you to do is now stand
5 and take the oath, which will be provided by, the oath or
6 affirmation, which will be provided by Mr. Moy, Secretary to
7 the Board.

8 MR. MOY: Good morning. Do you solemnly swear or
9 affirm that the testimony you're about to present in this
10 proceeding is the truth, the whole truth, and nothing but the
11 truth? Ladies and gentlemen, you may now consider yourselves
12 sworn in.

13 CHAIRPERSON JORDAN: All right. Thank you. All
14 right, Mr. Moy, do we have any announcements for today?

15 MR. MOY: Yes, I do, Mr. Chairman. Good morning,
16 Members of the Board. Very quickly, Mr. Chairman, two cases
17 in respect to the docket today. Application number 19056 of
18 Margaret Cheney, has been, at the request of the applicant,
19 postponed and rescheduled to October 6, 2015.

20 And also Application number 19044, Gerald West, was
21 removed from the expedited relief calendar to be scheduled on
22 a public hearing session on September 22nd, 2015. And that's
23 it, Mr. Chairman.

24 CHAIRPERSON JORDAN: All right. Thank you. Let's
25 call our first decision case, please.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. MOY: All right. That would be Application number
2 19028. And this application, one of two, which is on the
3 expedited relief calendar.

4 CHAIRPERSON JORDAN: All right. Review this case.
5 Mr. Moy, is there an affidavit of posting in this case?

6 MR. MOY: No, there is not, Mr. Chairman.

7 CHAIRPERSON JORDAN: All right. Then we can't
8 proceed. We have no affidavit of posting. Can we have
9 contact with the applicant in this case?

10 MR. MOY: We have not received any communication, or I
11 think we have. And I think, I don't want to speak out of turn,
12 but I think they are aware that they had not posted on the
13 property.

14 CHAIRPERSON JORDAN: Oh, they haven't posted?

15 MR. MOY: That is my understanding.

16 CHAIRPERSON JORDAN: All right. Well, that's all I
17 need to hear. Since it's not filed, and we need to have that
18 done. So let's then pull this and give them notice that this
19 is being pulled, failure to meet requirements. But let's, I
20 wonder if we just put this in the show cause. But no, let's
21 not put it in the show cause. Let's just give them a new date.

22 MR. MOY: All right, Mr. Chairman. Assuming that the
23 Board is to reschedule this on another public meeting session,
24 my understanding is Mr. Turnbull will be back with the Board
25 on September 29th. I think that would give sufficient public

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 notice for posting. So that would be September 29th, 2015.

2 CHAIRPERSON JORDAN: And that would be the letter.

3 MR. MOY: All right. Thank you.

4 CHAIRPERSON JORDAN: All right. The next one, please.

5 MR. MOY: All right, the second and last application on
6 the expedited review calendar is the Application number 19045
7 of Wayne --

8 CHAIRPERSON JORDAN: Did you say second to last?

9 MR. MOY: It's the second case on the expedited
10 calendar.

11 CHAIRPERSON JORDAN: Okay. I thought you said, and
12 last.

13 MR. MOY: For the expedited calendar.

14 CHAIRPERSON JORDAN: Now, we have 19020, right,
15 expedited.

16 MR. MOY: No. That's for a decision.

17 CHAIRPERSON JORDAN: I'm sorry, I'm wrong.

18 MR. MOY: No. That's okay.

19 CHAIRPERSON JORDAN: Scared me here.

20 MR. MOY: Anyways, Application number 19045. This is
21 an application of Wayne Lin and Christina Balch. And this is
22 property at 6812 Laurel Street, N.W.

23 CHAIRPERSON JORDAN: Is the Board ready to deliberate
24 on 19045? Okay. My thought is that the application already
25 meets the requirements necessary for the relief requested, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that we should grant this expedited relief request. So I would
2 move that we grant the relief request for 19045.

3 VICE CHAIRPERSON HEATH: I would second.

4 CHAIRPERSON JORDAN: Any discussion? All those in
5 favor of the motion, aye.

6 (Chorus of ayes)

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

9 MR. MOY: Staff would record the vote as three to zero.
10 This on a motion from Chair Jordan to approve the application
11 for the relief requested, special exception 223, not meeting
12 the rear yard requirements. Second the motion, Vice
13 Chairperson Heath. Also in support Mr. Michael Turnbull, with
14 two Board Members not present today. Mr. Chairman, the motion
15 carries.

16 CHAIRPERSON JORDAN: Okay. Summary please.

17 MR. MOY: Thank you.

18 CHAIRPERSON JORDAN: Now let's go to decision case,
19 please.

20 MR. MOY: All right. That will be Application number
21 19020, Jemal's Bulldog. This is a property located at 1011
22 K Street N.W. Mr. Chairman, the Board last heard this on, I
23 think June 23rd, 2015. Requested additional funds from the
24 applicant and party in opposition. In the record, Mr.
25 Chairman, that both parties have filed.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 However the party in opposition filed a motion to reopen
2 the record, to submit additional documents. They do have a
3 response to the applicant's TDM measures, which the applicant
4 did post on Exhibit 50. And the party opposition is found
5 under responses, Exhibit 54. And the applicant finally has
6 submitted supplemental information to the filing on Exhibit
7 55.

8 CHAIRPERSON JORDAN: One second, Mr. Moy. Okay. So
9 you said there was a motion pending to open the record. This
10 case with all the subsequent filing kind of got out of hand.
11 We were very limited in what we asked for from the applicant,
12 very limited in what we allow the respondent to respond to.
13 We're not opening this thing up for another hearing. At lease
14 I suggest that the Board doesn't.

15 We asked at that hearing for the applicant to finalize,
16 or to justify the TDM in another manner, and kind of consolidate
17 those. And then we gave the party in opposition the
18 opportunity to respond to that. Well, this thing turned into
19 everybody trying to make other arguments. And it just kind
20 expanded, expanded, expanded.

21 The party in opposition has filed a motion for, to reopen
22 the record, which I would suggest that the Board denies.
23 Because we've, this is on for decision. We beat this thing
24 up at the hearing, a long hearing. And I further reviewed the
25 hearing tape again. Yes, I probably had nothing else to do

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that evening. But, not that I mean, it helped me go to sleep.

2 But I reviewed the hearing again to make sure where we
3 were on this case. Because it's one that really troubles me.
4 So I would, unless there's some opposition, I would order that
5 we deny the, so by consensus we'll deny the motion to reopen,
6 Mr. Moy.

7 MR. MOY: Yes, sir.

8 CHAIRPERSON JORDAN: Now, this case is one which the --
9 I guess overall looking at these things, as they're supposed
10 to look at each one standing on the bottom. Here's one that
11 you kind of look at what's happening in the area. Because we
12 have the responsibility to see its impact on the surrounding
13 community, et cetera.

14 We had a party status that put us on notice that this
15 particular property's relief, in regards to the parking
16 relief, would negatively impact their business, or what they
17 do, and others in the area. The applicant for this particular
18 project proposes a 13-story hotel with 200 guest rooms, and
19 not to have parking.

20 And the property will also about I think a building.
21 It's another four-story 19th century building that's located
22 on the lot. It's about 4,000 square feet of ground space.
23 Ground space floor rental would be for retail. It's going to
24 have a restaurant and a bar on the property, I think on the
25 lower two levels.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 The rooms are going to be relatively small. The rooms
2 are going to 150 square feet, so as not to attract -- Yes, 150
3 square feet room doesn't really attract families. I would
4 agree with that part of what the applicant has presented to
5 us.

6 And that the site is clearly around public
7 transportation, other public modes of transportation,
8 particularly being within about five subway lines, and I within
9 three blocks, I think, of the convention center and other
10 places. So all the lines run in the area.

11 But the applicant has asked for relief in this from
12 regulation 776 regarding closed court 2101.1, regarding the
13 off street parking, where they're asking us to waive their
14 requirements to put 65 parking spaces in an area which is like
15 downtown, right off the convention center, and loading
16 requirements of 2201.1, where they're required to have close
17 to 30 and 20 foot loading docks.

18 The exceptional conditions I say, although were
19 presented in a different way. But I would say the exceptional
20 conditions or situation with this property kind of all run
21 together. So I don't want to talk about that. I mean, the
22 property is not very wide. It's 50 feet. It's L shaped
23 property.

24 It's adjoining the kind of historic buildings that have
25 been, I don't know if they've been declared historic, but they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 have historic value. And those buildings are going to be
2 maintained. And for this, and the area space of those
3 buildings take up about 30 percent of the property.

4 Those things presented the practical difficult, excuse
5 me the exceptional condition and situation for the property
6 to meet certain requirements. One, the court requirement
7 would require, would be absolutely almost impossible if
8 they're going to expand to what the regulations require for
9 the court, and use up probably one half of the property if they
10 do not get the court requirement.

11 The nearness of the building would also, as the building
12 property is also narrowed by keeping those historic
13 properties. And then if you have an inability to dig
14 underneath the properties because of that, for the underground
15 parking requirement. And the building being 50 feet doesn't
16 allow for the 30 foot and 20 foot parking, excuse me, loading
17 requirement.

18 So I think it speaks for itself that there's an
19 exceptional situation and condition regarding the three areas
20 relief of, variance relief. And also, I think the same thing
21 has an effect for, I think there's a special exception request
22 for rear yard. And I think it kind of speaks within those
23 things that I talked about.

24 I don't see any way that the special exception request
25 for rear yard negatively impacts light and air, or adversely

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 effects the neighbors. And I think it was clear from the
2 testimony that it didn't. The impact of, well, except for the
3 parking relief I don't see the other relief having any impact
4 upon the surrounding areas, or affecting the public good.

5 But as we talked about, we're looking at an aspect of
6 the relief from 65 parking spaces. That gives me some area
7 of pause. The question is whether or not the impact is
8 substantial, and can that impact be mitigated by the
9 transportation mitigation plan that was in place.

10 First, not only are they, want the relief for 65 parking
11 spaces, they're also, in the area there's eight parking spaces,
12 six of which I think was RPP. And this applicant is also going
13 to seek to relieve part of that on street parking so that they
14 can have valet parking and something else, and some other curb
15 cuts, and et cetera for this area. So there's another aspect
16 of impact regarding this property.

17 We had a transportation study, which has been presented
18 to us. And I believe there is some merit to it on one hand.
19 On the other hand I think there's not. Because these
20 transportation studies are really getting into a real guessing
21 game, because we're not having the real anecdotal kind of
22 evidence to support these assumption that we've been over and
23 over again on this parking.

24 And this transportation study also did not discuss the
25 impact of the 33 employees who will be working there. And the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 area and parameters that was examined for this parking study
2 was kind of limited.

3 But there's also some discussion that we had during the
4 hearing that hotel employees will tend to come in these areas.
5 They may not park in that two block, three block radius. They
6 may park in a radius which could be up to a mile, as long as
7 they can walk. So there's some other spill over aspect of
8 impact on this.

9 There was evidence presented by the applicant that there
10 is available public parking for hire, parking garages in the
11 area, which kind of helped their part of the argument that
12 there's ways for other people to park in the area that was
13 already studied, that was studied.

14 We've have other studies about other development in the
15 same areas, also counting the same available parking. And
16 these things at some point, you know, they're going to collide.
17 You know, I hope that it don't collide in a negative way. But
18 we keep using some of the same availability of parking for three
19 or four or five, six other projects in the area.

20 And I don't know if anybody's keeping a running score
21 how many times we've checked those boxes and said that space
22 number 451 that we used in one case was available, is the same
23 451 that's been in ten other cases. At some point it goes away.
24 As I said, I think the, you know, it's in a transportation study
25 that was done.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And I certainly credit it, as much as that
2 transportation study and the work that's being done there can
3 work upon what we already have research wise. However, I
4 can't say that it's really empirical. And certainly a lot of
5 it is anecdotal. And a lot of it is guesstimation about what's
6 going to happen with parking.

7 Because we say that, you know, you start with these
8 numbers. You say because we're going to put these things in
9 place, because we're going to have advertisement and website,
10 that people are not going to drive.

11 Or we're going to greatly reduce the number of people
12 who are going to park, because we had our website say we are
13 not parking, we don't have places for you to park, and we
14 recommend that you use transportation. I think that's all
15 well and good. But I think, you know, it's another aspect.

16 The other side of it, I don't know how we advertise
17 regarding the restaurant's patrons coming there, and how
18 that's going to affect using, or stopping them from using the
19 parking. So those are the concerns that I have. I do think
20 that there's going to be some impact.

21 I think by the applicant's own study they said, the range
22 for people who realistically park, or need parking on a daily
23 basis is from four to 16 parking spaces on a daily basis. And
24 the alternative was that they would then be, can use the other
25 garages.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 The mitigation plan which was put in place, which is
2 being offered by the applicant, includes proving
3 transportation management coordinator, having onsite
4 transportation information screen onsite, engaging in an
5 intense marketing plan, which will, as I talked about.

6 Letting those particular hotel guests know that this is
7 multi-modal area, and they have other means of getting to the
8 hotel, and they shouldn't drive, and put it on the hotel website
9 and on the reservation confirmation forms. And that they
10 would note that the adjoining overnight parking facilities.
11 And that they also have valet parking.

12 They're also offering some transportation incentives
13 regarding bicycling, and some bicycle stands, and et cetera.
14 And they're offering to their employees an incentive to be
15 involved in ride matching and ride sharing, and however that
16 may work.

17 And they're, through our discussion here at the table,
18 and I'm glad to accept it, probably I have a suggestion that
19 they help the employees even more. And here, the hearing date,
20 because of that conversation offered to provide \$50 dollars
21 a month, I think, at that time, or provide the employees some
22 type of financial incentive for --

23 COMMISSIONER TURNBULL: Well, if we're accepting
24 Exhibit 55, they bumped that up to \$75.

25 CHAIRPERSON JORDAN: Right. I was going to say, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 then they bumped it up.

2 COMMISSIONER TURNBULL: Then they bumped it, okay.

3 CHAIRPERSON JORDAN: After looking at it again, they
4 bumped it up to \$75 a month for seven years. And that's for
5 alternatives using the SmarTrip card, or annual capital bike
6 share membership, or annual car share membership.

7 I'm not really certain that these TDMs are going to
8 really cure anything. But I think it substantially reduces
9 the aspect of it. So, I could very borderline agree to
10 approval of this with the TDM. But I think that we need to
11 maybe do something else regarding TDM.

12 And I would suggest for us to discuss, or I certainly
13 want to hear everybody's aspect. I think we need to,
14 something's still missing in this TDM that doesn't make me
15 comfortable. One, as I said, the restaurant use. But I don't
16 know how you get to it. But I really think we need to find
17 out whether or not these TDM measures are going to work.
18 Because once these things leave here, it's out the window, and
19 we have no other control of it.

20 So, I think that what we might need to do is have them
21 capture, and this is kind of talking and thinking. That they
22 need to capture the actual use of vehicles at that location.

23 Maybe we should require for the first three years that
24 they capture and turn in a report to the Office of, Department
25 of Transportation and Office of Planning, on what the real

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 parking issue has been. How many guests are actually driving
2 their cars, and how those cars are handled. Whether or not
3 they're going to a public garage, or they're parking on the
4 street.

5 Maybe capture whether or not the employees are driving,
6 how many are driving, how many are taking, availing themselves
7 of the alternative incentive basis that they have. And return
8 those things to the Office Planning and Department of
9 Transportation. Maybe on an annual basis. I don't know how
10 we'd capture it.

11 And then that if they do not meet that, then they have
12 to meet a stronger mitigation plan that the Department of
13 Transportation would agree to, or approval or accept.

14 Or alternatively, we could talk about them actually
15 buying ahead of time, contracting with those parking garages
16 just, you know, up to ten spaces. They can still get their
17 money back, because they can charge those back off.

18 So that's kind of what my thoughts are on this. And just
19 want to hear what everybody else has to say. I know I just
20 ran off with it. But it's one I was losing sleep on.

21 COMMISSIONER TURNBULL: Oh, go ahead, Marnique.

22 VICE CHAIRPERSON HEATH: I do like your proposal to give
23 this a little bit more teeth. I feel like, well, I was also
24 somewhat on the fence, but happy to see that the applicant had
25 strengthened the TDM by providing incentives for their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 employees.

2 But I, you know, we saw the letters from two nearby
3 parking garages who made it sound like they're on board with
4 helping to support this hotel. But there wasn't a real
5 commitment there. And so, I do agree that if we can get some
6 commitment from those parking garages, have the applicant
7 actually purchase spaces.

8 You know, we know there are going to be people who drive
9 here, even if there are just a few. Whether it's employees
10 or hotel guests, or restaurant and bar guests. And so, you
11 know, what is the real commitment from the applicant to
12 providing some parking at nearby facilities. I think that
13 proposal makes a lot of sense.

14 The applicant has also stated that they will provide
15 this \$75 dollar a month incentive for employees for up to a
16 period of seven years, at which time they will reevaluate
17 whether or not that incentive is working, whether they should
18 continue it.

19 And so, I started thinking, based on that, that we should
20 have some point of reevaluation. If it's not working and this
21 is causing a problem in the neighborhood, that we should be
22 able to revisit this TDM plan, and find a way to make it work
23 better for the neighborhood.

24 And so, I agree that if we can find a solution whereby
25 the applicant has to revisit this, and provide us with some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 statistics, whether it's three years or five years from now,
2 I think it would make me feel more comfortable granting the
3 parking relief.

4 CHAIRPERSON JORDAN: Mr. Turnbull.

5 COMMISSIONER TURNBULL: I would agree with the Vice
6 Chair's comments totally. I guess the list my, the other
7 question I had is, and I appreciate the applicant's revised
8 plan for the new transportation measures. In that Exhibit 55
9 they go into some discussion on the doorman and his role. And
10 I can scroll here through my screen. You can never find a thing
11 on the screen when you want it.

12 CHAIRPERSON JORDAN: That's always there.

13 COMMISSIONER TURNBULL: Oh, yes. They talk about the
14 doorman as, how his, what his role is at a select service hotel.
15 And talking about that he's going to be almost at the door.
16 He's going to be greeting people. He's going to offer valet
17 parking, which they will have. And then aiding loading,
18 unloading of guests and their luggage.

19 Now the, and it was referenced we had those two letters
20 from the parking garage. And one of them says they're going
21 to, they will provide so many valet parking spaces. So the
22 only question is, who does, who actually moves the car? The
23 doorman's not going to leave.

24 And so, well I guess what I'm, I'm just, well, it hasn't
25 been fully explained as the whole -- As you know if there's,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 one car shows up at a hotel, there's always two. So the
2 doorman's trying to handle these people, and trying to also,
3 you say you're going to deal with traffic. So the role of this
4 gentleman or gentlewoman out there, this person who's the
5 greeter, is going to be handling --

6 CHAIRPERSON JORDAN: Excuse me one second. It's what?
7 Okay, what happens to the old MCO transcriber, and -- Are you
8 better? Are you now? Okay?

9 (Whereupon, the above-entitled matter went off the
10 record at 10:09 a.m. and resumed at 10:19 a.m.)

11 COMMISSIONER TURNBULL: We do have angst, as the fact
12 that it has no parking whatsoever, and it's in a very, it's
13 in the downtown area. But I have no problem with moving
14 forward with approving this, but I just wish there were some
15 other things that were just tweaked a bit more.

16 CHAIRPERSON JORDAN: Plan of operation for the doorman
17 operation, right?

18 COMMISSIONER TURNBULL: Yes. Parking, retrieval, all
19 of that. And then coming back we need a review before the Board
20 in three years just to help plan through. The transportation
21 to be a management aspect is really working.

22 CHAIRPERSON JORDAN: Okay.

23 COMMISSIONER TURNBULL: So I don't know how you want to
24 handle it. I mean, because they could come back in a week,
25 I don't know, with the answers to that. I mean, I understand

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you do have a hearing or a meeting next --

2 CHAIRPERSON JORDAN: Yes.

3 COMMISSIONER TURNBULL: I don't know if you want to add
4 anything.

5 CHAIRPERSON JORDAN: I don't want to really add
6 anything to the docket. Because that's a special meeting for
7 --

8 COMMISSIONER TURNBULL: Oh, oh.

9 CHAIRPERSON JORDAN: -- another case that's --

10 COMMISSIONER TURNBULL: Oh, oh. Okay.

11 CHAIRPERSON JORDAN: -- that's been beating us up. So
12 if we -- what if they just submit it prior to, that they would
13 have to submit to the ZA the plan of operation for the
14 doorman/valet operation at the front of the door?

15 COMMISSIONER TURNBULL: Would that be then submitted to
16 our records also, so it's part of our --

17 CHAIRPERSON JORDAN: We can. Yes.

18 COMMISSIONER TURNBULL: Part of our record?

19 CHAIRPERSON JORDAN: Does that make sense? Okay. I'm
20 trying to catch up type-wise on the operation.

21 COMMISSIONER TURNBULL: Okay.

22 CHAIRPERSON JORDAN: Okay, I think I captured it. If
23 I didn't capture it properly, I'm sure OAG will capture it
24 properly. Okay, anything else on this? Let me make sure I
25 capture where the Board may be, that we would include the TDM

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 measures as offered by the, as revised and offered by the
2 Applicant.

3 And that way we require them for three years, annually
4 for three years to provide the Office of Zoning, OP, DDOT and
5 the ANC an annual report on the number of hotel guests and
6 restaurant patrons who drive through parking permit and how
7 the parking was handled, mainly street, garage or valet, and
8 that the Applicant shall be required to contract for, I had
9 said ten spaces in the nearby garage.

10 Do you think that's adequate or is that too much? I
11 think we have to mitigate this issue in the garage. Because
12 the Applicant will have the ability to recoup their costs from
13 the guests or the patrons.

14 (Off microphone comments)

15 CHAIRPERSON JORDAN: Yes. I would say, well, at least.
16 Yes, we'll say at least ten. And the Applicant shall submit
17 a plan of operation to the Board of Zoning Administration and
18 ZA on its parking, doorman/valet activity, how it's going to
19 operate. Make sense?

20 VICE CHAIRPERSON HEATH: Yes.

21 CHAIRPERSON JORDAN: Okay. So if that is -- I would
22 move the approval of the requested relief with the revised
23 conditions as stated.

24 VICE CHAIRPERSON HEATH: Second.

25 COMMISSIONER TURNBULL: Second.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 VICE CHAIRPERSON HEATH: All right.

2 CHAIRPERSON JORDAN: Okay. So we've got a second.
3 That's okay. We can split it, second and a third. Make sure
4 the record indicates we had a third on that. And so is there
5 any further discussions? All those in favor of the motion,
6 aye.

7 (Chorus of ayes)

8 CHAIRPERSON JORDAN: Those opposed, nay. The motion
9 carries. Mr. Moy?

10 MR. MOY: Before I get a final vote count, Mr. Chairman,
11 we do have an absentee ballot from another participant, Mr.
12 Hinkle. And his absentee ballot vote is to approve with such
13 conditions as the Board may impose.

14 So that would give a final vote of four to zero, all
15 right. And this is on the motion of Chairman Jordan to approve
16 with the revised conditions as cited. Second the motion of
17 Vice Chairperson Heath who also supports Mr. Turnbull, two
18 members, or rather one other member not present. So the motion
19 carries four to zero.

20 CHAIRPERSON JORDAN: All right. Thank you, Mr. Moy.
21 And let's begin for our hearing cases, or do we need a break?
22 Let's do hearing cases and then take one break. We always
23 take another break that we didn't need. But I'm talking about
24 scheduled hard-wired break.

25 (Whereupon, the above-entitled matter went off the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 record at 10:24 a.m.)

2

3

4

5

6

7

8

9

10

11

12

13

14

15