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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning  
Board of Zoning Adjustment

PUBLIC MEETING OF THE BOARD OF ZONING ADJUSTMENT

9:37 a.m. to 11:32 a.m.  
Wednesday, June 7, 2017

441 4th Street, N.W.  
Jerrily R. Kress Memorial Room  
Second Floor Hearing Room, Suite 220-South  
Washington, D.C. 20001

1 Board Members:

2 FREDERICK HILL, Chairperson

3 CARLTON HART, Vice Chairperson

4 LESYLLEE WHITE, Board Member

5 PETER SHAPIRO, Zoning Commission

6 CLIFFORD MOY, BZA Secretary

7

8 Office of Attorney General

9 SHERRY GLAZER, Esq.

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11 Office of Planning

12 STEVE COCHRAN

13 MATTHEW JESICK

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

2 CHAIRPERSON HILL: All right. The hearing  
3 will please come to order.

4 Good morning, ladies and gentlemen. We're  
5 located in the Jerrily R. Kress Memorial Hearing Room  
6 at 441 4th Street Northwest. This is the June 7th  
7 public hearing of the Board of Zoning Adjustment of  
8 the District of Columbia.

9 My name is Fred Hill, Chairperson. Joining me  
10 today is Carlton Hart, Vice Chair, Lesyllee White,  
11 board member, and representing the Zoning Commission  
12 is Peter -- oh, yeah, Peter Shapiro.

13 Copies of today's hearing agenda are available  
14 to you and are located in the wall bin next to the  
15 door. Please be advised that this proceeding is being  
16 recorded by a court reporter and is also webcast live.  
17 Accordingly, we must ask you to refrain from any  
18 disruptive noises or actions in the hearing room.

19 When presenting information to the Board,  
20 please turn on and speak into the microphone, first  
21 stating your name and home address. When you're  
22 finished speaking, please turn off your microphone so  
23 that your microphone is no longer picking up sound or  
24 background noise.

25 All persons planning to testify either in

1 favor or in opposition must have raised their hand and  
2 been sworn in by the secretary. Also, each witness  
3 must fill out two witness cards. These cards are  
4 located on the table near the door at the witness  
5 table. Upon coming forward to speak to the Board,  
6 please give both cards to the reporter sitting at the  
7 table to my right.

8           If you wish to file written testimony or  
9 additional supporting documents today, please submit  
10 one original and 12 copies to the secretary for  
11 distribution. If you do not have the requisite number  
12 of copies, you can reproduce copies on an office  
13 printer in the Office of Zoning located across the  
14 hall.

15           The order that we will follow in terms of  
16 special exceptions, variances, and/or appeals are also  
17 listed on the Board in the box when you come in the  
18 door.

19           The records will be closed at the conclusion  
20 of each case, except for any materials specifically  
21 requested by the Board. The Board and the staff will  
22 specify at the end of the hearing exactly what is  
23 expected, and the date when the persons must submit  
24 the evidence to the Office of Zoning. After the  
25 record is closed, no other information shall be

1 accepted by the Board.

2           The District of Columbia Administrative  
3 Procedures Act requires that the public hearing on  
4 each case be held in the open before the public  
5 pursuant to Section 405(b) and 406 of that act. The  
6 Board may, consistent with its rules of procedures and  
7 the act, enter into a closed meeting on a case for  
8 purposes of seeking legal counsel on a case pursuant  
9 to D.C. Official Code Section 2-575(b) (4) and/or  
10 deliberating on a case pursuant to D.C. Official Code  
11 Section 2-575(b) (13), but only after providing the  
12 necessary public notice, and in the case of an  
13 emergency closed meeting after taking a roll call  
14 vote.

15           The decision of the Board in these cases must  
16 be based exclusively on the public record. To avoid  
17 any appearance to the contrary the Board requests that  
18 persons present not engage the members of the Board in  
19 conversation. Please turn off all beepers and cell  
20 phones at this time so as not to disrupt the  
21 proceedings.

22           Preliminary matters are those which relate to  
23 whether a case will or should be heard today, such as  
24 requests for a postponement, continuance, or  
25 withdrawal, or whether proper and adequate notice of

1 the hearing has been given.

2 If you're not prepared to go forward with the  
3 case today, or if you believe that the Board should  
4 not proceed, now is the time to raise such a matter.

5 Mr. Secretary, do we have any preliminary  
6 matters?

7 MR. MOY: Good morning, Mr. Chairman, members  
8 of the Board. I have two items attended to the docket  
9 for today. The first is Application No. 19494 of Nike  
10 USA, Inc. The applicant has withdrawn his  
11 application. This was submitted into the record  
12 yesterday afternoon under Exhibit 43.

13 The only other news I have for the Board is in  
14 regards to Appeal No. 19410 and 19412, and I believe  
15 it also affects Appeal No. 19505. There is, in the  
16 record, a consent motion to postpone and reschedule to  
17 the date of June the 21st. It would be in the morning  
18 of June 21st. This is a consent motion from all the  
19 parties on the appeals as I have just cited.

20 And that consent motion is under Exhibit 39 in  
21 the record case. And that's it from the staff, Mr.  
22 Chair. There are other preliminary matters too, but I  
23 think it would be appropriate to take those on a case-  
24 by-case basis.

25 CHAIRPERSON HILL: Okay, great. Thank you,

1 Mr. Moy.

2 If anyone is here wishing to testify, if you  
3 could please stand and take the oath, which will be  
4 administered by the secretary?

5 MR. MOY: Good morning.

6 [Oath administered to the participants.]

7 CHAIRPERSON HILL: All right. And before you  
8 start, just so the members of the audience are aware,  
9 we are going to follow the agenda. We are first going  
10 to do our meeting agenda where-in we deliberate on  
11 items that are before us and not necessarily take --  
12 as of anyone from the audience, does not have to be  
13 here for that portion of it. But we're going to  
14 follow the public meeting agenda.

15 And then, during the hearing agenda, Mr. Moy,  
16 I would like to just switch up, and if we could, take  
17 first the application of CHC BOLD PAC. I guess,  
18 19504, and then we'll again follow the agenda in order  
19 after that.

20 So, that being the case, if you want to call  
21 our first meeting when you have an opportunity?

22 MR. MOY: Yes, sir. Thank you, Mr. Chairman.

23 So, in a decision meeting session, that would be, I  
24 believe, Appeal No. 19510 of Nefretiti Makenta. This  
25 is a request for a postponement of her appeal, which

1 has been scheduled for June the 14th. And her request  
2 is in your case folders, I believe under Exhibit 19.  
3 And I think along with that is waiving the filing  
4 deadline for her filing her request to postpone.

5           There is also an opposition to the  
6 postponement in the case record under Exhibit 20, and  
7 I believe last night there was another filing to the  
8 same case file.

9           CHAIRPERSON HILL: Okay. Is the Board ready  
10 to deliberate? So, after looking at the information  
11 that was submitted by the application in terms of the  
12 reasons for the postponement, and then also we had a  
13 letter in opposition from the property owner,  
14 postponing the appeal, it's scheduled for next week.  
15 I did think that there was some merit in the letter in  
16 terms of postponing.

17           However, I didn't think that it was -- I did  
18 think it would prejudice the property owner to  
19 postpone it to where, you know, we're in recess for  
20 the month of August. So, if we were to postpone it  
21 any further than July, where the request was for 45  
22 days, then that would have put us into August and then  
23 we wouldn't be able to hear until September.

24           So, I would be you know, able to entertain  
25 postponing the -- and I'm waiting for Mr. Moy to come

1 back to help with the schedule, but entertain the idea  
2 of postponing to give a little bit more time to the  
3 applicant based upon the letter that was sent forward.

4 And I think what I was looking at, and again, we can  
5 wait for Mr. Moy to come back. But I was suggesting  
6 sometime in, like the first hearing in July. It would  
7 give the applicant, you know, almost a month, or  
8 therefore about a month to have more time to put their  
9 case together. And then that would also give us time  
10 to hear the appeal.

11 And then also, if we had needed, as we usually  
12 do, more time after an appeal, to -- because it's a  
13 lot of information that usually is given to us, take  
14 time to kind of like take a look at it, then we would  
15 be able to have a meeting case again, you know, the  
16 following week. And then even if there was even more  
17 time, we could have it the following week.

18 So, I'd be looking at, again if Mr. Moy comes  
19 back, I'd be looking at postponing until the 12th of  
20 July and I'd look to hear if the Board members have  
21 any thoughts about that.

22 MS. WHITE: My thought is that, you know, I'm  
23 very sensitive to the dates. I think there was merit  
24 to the request to ask for additional time. But I'm  
25 also very sensitive that we don't want to extend it

1 too long as not to prejudice the other parties. So, I  
2 would be supportive of a postponement, but not to make  
3 it -- not for the period that the applicant requested,  
4 but to try to do it sometime in early July.

5 MR. HART: Yeah, I think I would concur. The  
6 appellant, they clearly have quite a bit of work to do  
7 and they've done quite a bit of work. But I think  
8 that getting the amount of time that we're looking at,  
9 another month, I think would allow that -- give the  
10 appellant some time to get their case together, as  
11 well as not have the case, or the appeal, go into  
12 September, which is what would happen if we you know,  
13 went with the timing that the appellant was looking  
14 in, looking for, which was the August 2nd, meeting.  
15 We don't have any meetings in August, so it just seems  
16 like, Mr. Chair, that your idea about having the  
17 hearing in the earlier part of July, and then having  
18 some time, maybe two weeks for the meeting date to be  
19 scheduled would be sufficient to hear this within a  
20 fairly short time period. So, I would be supportive  
21 of that as well.

22 MR. SHAPIRO: I concur, Mr. Chair.

23 CHAIRPERSON HILL: Okay, great. So, Mr. Moy,  
24 how does the 12th look for us, of July?

25 MR. MOY: The 12th of July? I think it's

1 doable for this Board. This Board can do anything as  
2 far as --

3 CHAIRPERSON HILL: Okay. I don't know if I  
4 like that answer, but all right. So, let's go ahead  
5 and move it to the 12th of July.

6 MR. MOY: Okay. The next application for  
7 action from the Board is Application No. 19313A of  
8 Emmanuel Baptist Church. This is a request for a  
9 modification of consequence, and -- okay, I'll leave  
10 it at that.

11 CHAIRPERSON HILL: That's all you're going to  
12 leave it at? Okay.

13 All right. Is the Board ready to deliberate?  
14 Okay. So, after, you know, reviewing the record and  
15 also taking a look at the Office of Planning's report,  
16 I guess kind of the threshold question was whether or  
17 not this is a modification of consequence, or a  
18 modification of significance.

19 I tend to think that, you know, my opinion is  
20 that it is a modification of consequence insofar as  
21 what they are removing as what now is no longer  
22 necessary under the new regulations. So, I would be  
23 in favor of this being a modification of consequence,  
24 and then going ahead and setting up, I guess -- and  
25 I'll wait for the rest of the Board to chime in as to

1 whether their thoughts are in line with mine. And if  
2 so, then I can kind of talk to Mr. -- I guess, Mr.  
3 Moy, you can help me figure out who -- I know  
4 everybody has to be notified and things. But, what  
5 does the Board think?

6 MS. WHITE: Mr. Chair, I also think that the  
7 request does meet the definition of a modification of  
8 consequence. And I don't believe that there are any  
9 significant changes that are going to be taking place  
10 to -- with the proposed plans for the applicant. So,  
11 with OP's recommendation as well as the support from  
12 the ANC, I'm comfortable that it's meeting the test of  
13 modification of consequence under the regulations.

14 MS. GLAZER: Mr. Chair, I'm sorry to  
15 interrupt.

16 CHAIRPERSON HILL: Sure.

17 MS. GLAZER: Before we get to the merits of  
18 the request, there is a procedural issue about  
19 establishing the time table.

20 CHAIRPERSON HILL: Yeah, well, I thought that  
21 we didn't -- and this is where if we were doing -- if  
22 we were in agreement that it was a modification of  
23 consequence, I then thought that we still needed to  
24 provide a timeline for when support and opposition,  
25 and then also information from the -- so, we wouldn't

1 be deciding today.

2 MS. GLAZER: Yeah, that's correct.

3 CHAIRPERSON HILL: Yeah, okay. Right. Yeah.  
4 So, but I'm trying to, again, establish whether or  
5 not we're all in agreement. It's a modification of  
6 consequence. There's a modification of significance  
7 and there's other things that need to -- other hoops  
8 to go through. So, but thank you, Ms. Glazer. Was  
9 anybody just going to --

10 MR. HART: Yeah, just would also concur with  
11 both of you that this is definitely a -- is something  
12 that I could support and think that we can just get  
13 the information from them and then, I guess, have a  
14 meeting to decide on the case.

15 I didn't really have much more to say.

16 CHAIRPERSON HILL: Okay. Okay. So, then, Mr.  
17 Moy, when can we schedule this if we have enough time  
18 for people to -- the original people who are involved  
19 to submit -- who are either in support or opposition.  
20 And then, if possible, I'd like to hear from ANC 8B  
21 before the meeting.

22 MS. GLAZER: The regs require only that the  
23 parties be notified and have a chance to respond. And  
24 the only other party that hasn't submitted anything,  
25 is the ANC.

1 CHAIRPERSON HILL: Okay.

2 MS. GLAZER: So, in setting the time frame  
3 there's no specific time that is required. Just  
4 enough time to get a response from the ANC and that's  
5 it.

6 CHAIRPERSON HILL: Okay.

7 MS. GLAZER: I just want to note that the  
8 applicant's counsel has approached and has some  
9 information about the ANC. Perhaps you want to call  
10 them to the table.

11 CHAIRPERSON HILL: Okay, could the applicant's  
12 counsel please come forward?

13 I'm sorry, if you could just introduce  
14 yourselves?

15 MS. GIORDANO: Yes. Good morning. Cynthia  
16 Giordano, Saul Ewing Law Firm, for the applicant.

17 MS. SARENE: Vandana Sarene with the Michaels  
18 Development Company.

19 CHAIRPERSON HILL: I'm sorry. Could you say  
20 that again?

21 MS. SARENE: Vandana Sarene, with the Michaels  
22 Development Company.

23 CHAIRPERSON HILL: Did you both fill out  
24 witness cards?

25 MS. GIORDANO: No, I didn't know I was

1 speaking.

2 CHAIRPERSON HILL: Okay. Sure.

3 MS. GIORDANO: But I can do that afterwards.

4 CHAIRPERSON HILL: Yeah, if you could both  
5 fill out witness cards, fill out two and give them to  
6 the transcriber. So, I'm sorry.

7 MS. GIORDANO: So, I asked Vandana to join me  
8 because she has been communicating with the ANC, and  
9 we did submit a letter in support from the SMD  
10 representative yesterday.

11 MS. SARENE: So, the ANC has put together a  
12 resolution and I think it's part of the initial  
13 approval in submission, and it's called 2015-05. They  
14 did a support letter for the DHCD Housing Production  
15 Trust Fund, which was in 2015. And subsequently, they  
16 did a support letter for the ANC approval for the BZA  
17 application last year in June of 2016. So, they are a  
18 little not sure what the Office of Planning was  
19 looking for in terms of additional support, but they  
20 agreed and did provide -- SMD supported a letter to  
21 say that we are -- they were very interested in  
22 getting this development underway, and it is primarily  
23 the same development with the changes briefly that  
24 were shared with the Office of Planning.

25 Yes, we did make a presentation and an update

1 on April 18th, at the ANC meeting, at the public  
2 hearing for public meeting that they had.

3 CHAIRPERSON HILL: Okay. All right. Just  
4 give me one second here because I don't know when the  
5 ANC letter came in but --

6 MR. SHAPIRO: It's the last item, but it's not  
7 clear to -- if I can, Mr. Chair? It's not clear to me  
8 that this is a letter from the Commission or from a  
9 Commissioner.

10 MS. SARENE: It's from the commissioner, the  
11 SMD DB-8P-03, but she is also the chair of the ANC,  
12 and a single-member district member for that ANC. And  
13 the letter does reference the support letters that  
14 were also provided previously from the entire ANC.  
15 And they voted on that like twice before.

16 CHAIRPERSON HILL: Okay. Okay, okay. So, I  
17 mean, I'm just now kind of figuring out from what the  
18 timeline is supposed to be in terms of the regulation.  
19 So --

20 MS. GLAZER: The timeline is only required if  
21 all the parties haven't submitted a response.

22 CHAIRPERSON HILL: All right.

23 MS. GLAZER: It appears that they have. I  
24 haven't had a chance to review it and I can't seem to  
25 pull it up on my screen. Perhaps the Board wants to

1 take a minute and take a close look at the letter and  
2 recall the case.

3 CHAIRPERSON HILL: Okay.

4 MS. GIORDANO: And if I could just add, we did  
5 provide the notice to the ANC upon filing. It's been  
6 over 30 days, I believe.

7 CHAIRPERSON HILL: Well, I see the Office of  
8 Planning has joined us here. I mean, would you like  
9 to introduce yourself, and is there anything you'd  
10 like to add?

11 MR. COCHRAN: My name is Steve Cochran with  
12 the Office of Planning, and uncharacteristically, I  
13 have nothing to add.

14 CHAIRPERSON HILL: Thank you, Mr. Cochran.  
15 That's true.

16 All right. Okay. Let's take a minute just to  
17 read this letter.

18 [Pause.]

19 CHAIRPERSON HILL: Okay. So, Ms. Glazer, I  
20 mean, I'm comfortable in terms of the information that  
21 has been submitted to us, and I am comfortable in  
22 terms of being able to vote on this now, after having  
23 reviewed the record, even to get to this point. So,  
24 again, what the OAG is letting us know, the Board,  
25 that we can vote on this today if we wanted to.

1 MS. GLAZER: I don't see any problem in  
2 voting. The letter does seem to say that the chair is  
3 chair of the full ANC 8B. I don't know if it meets  
4 all the great weight requirements, but I don't know  
5 that you necessarily need to look at that.

6 CHAIRPERSON HILL: Okay. So, is the Board  
7 comfortable deliberating?

8 MS. WHITE: Yes.

9 CHAIRPERSON HILL: Okay. All right. Then we  
10 can just go ahead and deliberate then. I mean, I  
11 again had reviewed the record in terms of what they  
12 were trying to do with regards to the parking and also  
13 the information that was provided to us from the  
14 Office of Planning. And so, I don't have any issues  
15 with approving the modification of consequence.

16 MS. WHITE: I don't either, Mr. Chair, and in  
17 fact I did see the letter from the ANC last night, so  
18 I was looking at it. So, I apologize. That's why I  
19 noted that there was -- seemed to be some support from  
20 them. And I also concur, I don't see any issues as  
21 well.

22 CHAIRPERSON HILL: Okay. Anybody have any  
23 other comments?

24 MR. SHAPIRO: Just, Mr. Chair, I'm actually  
25 fine as well, though I do want to note that again,

1 this is not a letter of support for this modification  
2 of consequence from the ANC. It's from the  
3 Commissioner.

4 CHAIRPERSON HILL: Yeah, right. Okay.

5 MR. SHAPIRO: I'm not sure what that affects  
6 us a whole lot one way or the other, but I think it's  
7 worth noting.

8 CHAIRPERSON HILL: Okay. I appreciate that.  
9 I thought that it was we, we, meaning the board,  
10 needed to hear from or were interested in hearing from  
11 the ANC. And I feel comfortable that this is  
12 information that's being provided by, again, the SMD  
13 and the chair in order to move on.

14 And, Ms. Glazer, you again, think that that is  
15 within our rights.

16 MS. GLAZER: Well, yeah, I do because the  
17 letter is not that clear in the sense of the entity  
18 that the person is speaking for, but she does say  
19 she's the SMD chair and also the chair for the full  
20 ANC, and says -- and she does refer to the  
21 modification of consequence at the top.

22 CHAIRPERSON HILL: Okay.

23 MS. GLAZER: It's a little ambiguous.

24 CHAIRPERSON HILL: Okay.

25 MS. GLAZER: But I think that the applicant's

1 counsel, if they're willing to represent that they  
2 presented the modification to the ANC, and that there  
3 was support from the ANC and that would corroborate --

4 CHAIRPERSON HILL: Okay. Could you please  
5 come forward again?

6 MS. GIORDANO: Cynthia Giordano again. I  
7 would just ask Vandana to reiterate that she presented  
8 the modification to the full ANC.

9 MS. SARENE: So, the modification of  
10 consequence was presented to the full ANC on April  
11 18th at their public meeting. It was myself and our  
12 co-developer partner, Terry Gould, Executive Director.  
13 He couldn't be here because of some family emergency.  
14 And they were very aware of the changes, that is the  
15 parking garage that would be removed to reduce the  
16 number of parking spaces. There were Q and A on the  
17 proposed loss of spaces, and their concerns were -- or  
18 questions were addressed, and actually they were -- I  
19 mentioned earlier, they were not sure why the process  
20 was needed because in their prior unanimous approval  
21 of the ANC resolution, it already addresses that one  
22 as to three ratio is good for them.

23 CHAIRPERSON HILL: Okay. That's all right.  
24 Okay. Thank you so much.

25 All right. Since the witnesses are up here,

1 does the Board have any questions?

2 MR. SHAPIRO: No, that's fine for me, Mr.  
3 Chair.

4 CHAIRPERSON HILL: No? Okay. All right.  
5 Okay. Then, I'm going to go ahead and make a motion  
6 to approve Application No. 19313A of Emmanuel Baptist  
7 Church.

8 I'm sorry, I made a motion as the request was  
9 read by the secretary.

10 MS. WHITE: Seconded.

11 CHAIRPERSON HILL: Motion has been made and  
12 seconded.

13 [Vote taken.]

14 CHAIRPERSON HILL: Motion passes, Mr. Moy.

15 MR. MOY: Staff would record the vote as four,  
16 to zero, to one. This is on the motion of Chairman  
17 Hill to approve the request for a modification of  
18 consequence. Seconded the motion, Ms. White. Also in  
19 support, Mr. Peter Shapiro, Vice Chairman Hart. We  
20 have a board seat vacant. The motion carries, sir.

21 CHAIRPERSON HILL: Thanks. Can we do a  
22 summary order?

23 MR. MOY: Yes, thank you.

24 CHAIRPERSON HILL: Thank you.

25 MR. MOY: The next action of the Board is

1 Application No. 18897A of Julian Hunt and Lucrecia  
2 Laudi. This is a request for a time extension of BZA  
3 order 18897. And this request is in your case folders  
4 under Exhibit 1.

5 CHAIRPERSON HILL: Okay. Is the Board ready  
6 to deliberate? Okay.

7 So, this one I thought was pretty  
8 straightforward. I mean, what was in the record and  
9 after we -- after I had a chance to look at it I, you  
10 know, saw the particular reasons for the delay with  
11 the project, which was resulting in their request for  
12 a time extension. And then again, after looking OP's  
13 report, I don't really have any problems with  
14 supporting this time extension. Does the Board have  
15 anything they'd like to add?

16 MS. WHITE: No, I agree. I concur with what  
17 you said. I mean, the order expires June 16th, so I  
18 don't see -- I think they've provided good cause and  
19 they need more time in order to finish government  
20 approvals and other critical items. So, I have no  
21 objection.

22 CHAIRPERSON HILL: Okay. Then I'm going to go  
23 ahead and make a motion to approve Application No.  
24 18897A as read by the secretary.

25 MR. HART: Second.

1 CHAIRPERSON HILL: Motion has been made and  
2 seconded.

3 [Vote taken.]

4 CHAIRPERSON HILL: Motion passes, Mr. Moy.

5 MR. MOY: Staff would record the vote as four,  
6 to zero, to one. This is on the motion of Chairman  
7 Hill to approve the request for a two-year time  
8 extension. This would be to BZA order No. 18897.  
9 Seconding the motion, Vice Chairperson Hart. Also in  
10 support, Mr. Peter Shapiro and Ms. White. Board seat  
11 vacant. The motion carries.

12 CHAIRPERSON HILL: Thank you. A summary  
13 order, Mr. Moy?

14 MR. MOY: Thank you. The next case  
15 application for decision is Application No. 19491.  
16 This is of Jurassic Properties, Inc. This was  
17 captioned and advertised for special exception relief  
18 on the rear yard requirements, Subtitle G, Section  
19 405.2, which would construct a restaurant in the MU-4  
20 Zone, 2009 18th Street Northwest, Square 2557, Lot 19.

21 CHAIRPERSON HILL: Okay, great. Thank you,  
22 Mr. Moy. Is the Board ready to deliberate? Okay.  
23 So, this went -- we had a pretty full hearing on this  
24 and there was a lot of different comments. And I see  
25 that the person that was in opposition is actually

1 here to make sure that everything continues to go  
2 smoothly. And so, you know, we had asked, at the  
3 conclusion of the last meeting on May 17th, we asked  
4 for revised plans reflecting the agreement regarding  
5 the loading and proposed conditions. The conditions,  
6 I did want to clarify in terms of the language.

7           The conditions that I would be in favor of  
8 would be flexibility to vary the exterior design and  
9 materials of the building in order to respond to HPRB  
10 comments, so long as the design changes do not  
11 conflict with the conditions contained in G, Section  
12 1201.1A through D, and then the second condition being  
13 flexibility to vary the location and configuration of  
14 the parking spaces in the partially below-grade  
15 parking garage, so long as the number of parking  
16 spaces are provided in accordance with the minimum  
17 requirements of the zoning regulation.

18           The ANC and OP were in support of this and  
19 DDOT had no objections. So, those are my thoughts.  
20 Does the Board have anything else they'd like to add?

21           MR. HART: No, I would concur with that.

22           CHAIRPERSON HILL: Okay. All right. Then  
23 I'll go ahead and make a motion to approve Application  
24 No. 19491 with the conditions that I read and as  
25 announced by the secretary.

1 MR. HART: Seconded.

2 CHAIRPERSON HILL: Motion has been made and  
3 seconded.

4 [Vote taken.]

5 CHAIRPERSON HILL: Motion passes, Mr. Moy.

6 MR. MOY: Staff would record the vote as  
7 three, to zero, to two. This is on motion of Chairman  
8 Hill to approve the application for relief requested,  
9 along with the amended language to the two conditions.  
10 Seconded the motion is Vice Chair Hart. Also in  
11 support, Ms. White. We have a board seat vacant, and  
12 our participant not present, not voting.

13 CHAIRPERSON HILL: Thank you, Mr. Moy. We can  
14 do a summary order.

15 MR. MOY: Yes, sir.

16 CHAIRPERSON HILL: Thank you. We're just  
17 chugging along here today and it's all kind of quiet  
18 and everything is, you know -- I hope it stays quiet.  
19 All right.

20 MR. MOY: All right. The last item for  
21 decision in this session is Application No. 19475 of  
22 D.C. Boathouse. This application, as you'll recall,  
23 was captioned and advertised for special exceptions  
24 under the penthouse restaurant use requirements,  
25 Subtitle C, Section 1500.3(c), retail use requirements

1 of Subtitle U, Section 504.1(j), which would construct  
2 an addition to an existing dormitory, creating an  
3 apartment building with ground-floor retail use and a  
4 penthouse café in the MU-2 Zone, which was currently  
5 zoned RA-5 at 2601 Virginia Avenue Northwest, Square  
6 6, Lot 42.

7 CHAIRPERSON HILL: Okay, great. Thank you,  
8 Mr. Moy. Is the Board ready to deliberate?

9 Let's see. This was also something that we  
10 had a full hearing on and there was a party status for  
11 the West End Citizen's Association who actually were  
12 in support but wanted to be included and we granted  
13 their party status then. Also, there were some  
14 conditions from DDOT and the Office of Planning. Or,  
15 I'm sorry. Just DDOT. Wherein, the applicant shall  
16 provide a minimum of 83 secure long-term bicycle  
17 parking spaces. Number two, the applicant shall  
18 provide one 20-foot delivery space. Number three,  
19 trash. Dumpsters shall be stored on private property.

20 After reviewing the record again, after we've  
21 had a couple of hearings on this, I would be in  
22 support of the application, given again the  
23 information that we've received from the ANC, being in  
24 support, eight to zero. The Office of Planning was in  
25 support, and then the West End Citizen's Association.

1           The West End Citizen's Association did have  
2 some -- had requested that some of the key terms of  
3 their I guess, memorandum of understanding had been  
4 included. I'm a little bit unclear as to the  
5 specificity of the key terms, but first I'm going to  
6 see if the -- is the WCA -- is anybody here from the  
7 WCA? Oh, okay. Great.

8           Well, before I call you up, let's see how the  
9 rest of the Board is feeling. Does the Board have any  
10 thoughts on the application?

11           MS. WHITE: My thought is that I'm generally  
12 supportive. There didn't appear to be any opposition,  
13 but I am sensitive to the conditions that would need  
14 to be included in our decisions that you outlined  
15 earlier in your discussion.

16           CHAIRPERSON HILL: Okay. So, actually, could  
17 you come forward, please? Thank you. And is the  
18 property owner here as well? Oh, great. Could you  
19 come forward as well?

20           We'll swear you in. So, first, Mr. Moy, if we  
21 could swear in whoever has not been sworn in? And if  
22 anybody else has arrived, please stand up and get  
23 sworn in. Have you taken the oath? Then you can just  
24 go ahead -- Mr. Moy is going to administer --

25           MR. MOY: If there's any doubt, just stand.

1 CHAIRPERSON HILL: Yeah, if you're not sure,  
2 stand up.

3 [Oath administered to the participants.]

4 CHAIRPERSON HILL: I'm sorry. I just have to  
5 make a comment. So, now you can't lie all day. You  
6 go home, you have to tell your spouse exactly what you  
7 think.

8 Okay. The big question that I had again was  
9 the specificity for the key terms that wanted to be  
10 added in the conditions. Do you, the building owner,  
11 understand what the key terms are?

12 MS. HOTTEL-COX: Yes, we do. And we'd be  
13 happy to submit a draft order that includes those  
14 conditions. And to give a copy to the West End  
15 Citizen's Association for the Board.

16 CHAIRPERSON HILL: Can you just tell me what  
17 the key terms are?

18 MS. HOTTEL-COX: They key terms, they were  
19 outlined in the West End Citizen's Association MOU,  
20 specifically with regard to the timing of the  
21 operation hours on the roof, and for the restaurant,  
22 as well as some of the restrictions not applying for  
23 outdoor entertainment licenses and not having a liquor  
24 license for the roof.

25 CHAIRPERSON HILL: Okay. And so, those are

1 the specific conditions that I was just wanting to  
2 clarify, and that's also the ones that you wanted  
3 clarification on within the order, correct?

4 Okay. All right. So then, I would go ahead  
5 and add to the order now, because I want to go -- and,  
6 you know, the condition is that the applicant will not  
7 have outdoor entertainment or any amplified music both  
8 in the ground floor retail and in the rooftop café.  
9 There's going to be no liquor license.

10 MS. HOTTEL-COX: For the roof top.

11 CHAIRPERSON HILL: There will be no liquor  
12 license for the rooftop. And then the limited hours,  
13 the limited hours are for the rooftop then?

14 Okay. And what are the limited hours?

15 MS. HOTTEL-COX: I would have to go back and  
16 confirm in the agreement. But I would be happy to  
17 supplement the record with that information. It is in  
18 the record, the MOU was supplied.

19 CHAIRPERSON HILL: Okay. So, then --

20 MR. KATZEN: I think it's 11:00 p.m. during  
21 the week, and midnight on the weekends, but we can go  
22 back and check.

23 CHAIRPERSON HILL: Okay. Then, I'm just going  
24 to put limited hours in the order and I will trust  
25 that you and the WCA, everyone is on the same page

1 here. You want the project to move forward. And so,  
2 I'm going to leave that as the conditions. Okay,  
3 great.

4 Does the Board have any questions for anyone  
5 since you're up here? Okay. Going to miss the Howard  
6 Johnsons. Even though -- actually, the Howard Johnson  
7 has been gone a long time.

8 All right. So, with that I'm going to go  
9 ahead and make a motion to approve Application No.  
10 19475 of D.C. Boathouse, with the conditions that the  
11 Board has added.

12 MS. WHITE: Second.

13 CHAIRPERSON HILL: Oh, sorry, and as it was  
14 announced by the secretary.

15 MS. WHITE: Second.

16 CHAIRPERSON HILL: Motion has been made and  
17 seconded.

18 [Vote taken.]

19 CHAIRPERSON HILL: Motion passes, Mr. Moy.

20 MR. MOY: Before I give a final vote count,  
21 Mr. Chair, I'm in possession of an absentee ballot  
22 vote from another participant, which is Robert Miller  
23 from the Zoning Commission, and his vote is to approve  
24 the application with such conditions as the Board may  
25 impose.

1           So, that would give a final vote of four, to  
2 zero, to one. This is on the motion of Chairman Hill  
3 to approve the application with the conditional  
4 language as you've cited. Seconded the motion, Ms.  
5 White. Also in support, Vice Chair Hart. And of  
6 course, Mr. Robert Miller. We have a board seat  
7 vacant. The motion carries.

8           CHAIRPERSON HILL: All right. Great. Thank  
9 you, Mr. Moy. Could we do a summary order? Oh, no,  
10 we can't do a summary order. Oh, because we have  
11 party status. Okay.

12           MS. GLAZER: Mr. Chair, but the party status  
13 applicant, or the party -- the party, the West End  
14 Avenue Citizen Association was in support, so  
15 they're --

16           CHAIRPERSON HILL: Oh, then I want a summary  
17 order.

18           MS. GLAZER: We're not adversely --

19           CHAIRPERSON HILL: If we can do a summary  
20 order, let's do a summary order. Yeah. Okay, great.  
21 Thank you.

22           [Pause.]

23           MS. GLAZER: Mr. Chair.

24           CHAIRPERSON HILL: Yes.

25           MS. GLAZER: Some information, counsel

1 approached me, and perhaps he should approach the --

2 CHAIRPERSON HILL: Okay, please come forward.

3 MS. GLAZER: Make this statement on the  
4 record.

5 CHAIRPERSON HILL: Sure. Please, come  
6 forward.

7 MS. GLAZER: There was a factor that I think  
8 we overlooked.

9 CHAIRPERSON HILL: Now, this is for the case  
10 that we just heard and if you could state your name,  
11 please? Oh, you need -- sorry.

12 MR. EPSTEIN: John Epstein with Goulston and  
13 Storrs. If you remember procedurally, we had a map  
14 amendment with the Zoning Commission that was related  
15 to this case. In our filing last week, when we asked  
16 you to do a vote, we asked you to hold this order in  
17 abeyance until the Zoning Commission order came out,  
18 and that hearing, I think, is July 10th. And so, that  
19 case is also supported by the ANC, so we suspect they  
20 will vote again to approve it.

21 But that's the only condition here. So, the  
22 order doesn't come out until after that Zoning  
23 Commission order comes out.

24 CHAIRPERSON HILL: No, Mr. Epstein. Thank you  
25 so much. I had neglected. I remember that now, that

1 right, it was the map amendment you were waiting for.

2 Do we need to do anything differently now?

3 MS. GLAZER: Well, the Board took its vote and  
4 I think there was a request to take the vote and the  
5 Board did that, but it could not take effect until the  
6 zoning designation is changed by the map amendment.  
7 So --

8 CHAIRPERSON HILL: Yeah, I'm saying, we don't  
9 have to revote. We can now hold that --

10 MS. GLAZER: Well, you did vote, so but the  
11 Board should specify that the issuance of the order  
12 will be held in abeyance until such time as the zoning  
13 designation is changed by the map amendment.

14 CHAIRPERSON HILL: Okay. I agree with what  
15 Ms. Glazer just said. Does anybody have anything else  
16 to add?

17 Okay. All right. Thank you, Mr. Epstein.  
18 So, we'll do that then, Mr. Moy.

19 Okay. Give me a minute, though, before you do  
20 the hearing case.

21 [Pause.]

22 CHAIRPERSON HILL: All right, Mr. Moy, you can  
23 go ahead and call the one we're going to do next.

24 MR. MOY: Yes. Yes, sir. That would be,  
25 Application No. 19504 of CHC BOLD PAC, P-A-C, as

1 amended for special exception under the RF-Use  
2 requirements, Subtitle U, Section 320.1(a), and  
3 pursuant to Subtitle X, Chapter 10, for variance from  
4 the minimum lot area requirement, Subtitle U, Section  
5 203.1(n)(2). This is for a use of an existing  
6 residential building for the purposes of a non-profit  
7 organization in the RF-3 Zone at 428 New Jersey Avenue  
8 Southeast, Square 0694, Lot 0813.

9           And as the Board is aware, there is a request  
10 for a postponement, as well as five requests for party  
11 status. And there you go.

12           CHAIRPERSON HILL: Okay, great. Thanks. All  
13 right. Let's see. If you could introduce yourselves  
14 from my right to left?

15           MS. FERSTER: Good morning. I'm Andrea  
16 Ferster. I'm representing Carmen Wiechmann. She has  
17 filed a motion to request party status in opposition.

18           MS. MOLDENHAUER: Good morning. Meredith  
19 Moldenhauer from the law firm of Griffin, Murphy,  
20 Moldenhauer, and Wiggins, on behalf of the applicant.

21           CHAIRPERSON HILL: Okay. So, Ms. Moldenhauer,  
22 again, your client has asked for a postponement. And  
23 we have your letter, as well as the letter from -- as  
24 well as the letter from -- and I can't -- oh, yeah.  
25 The ANC, who is in opposition to postponing. And I

1 don't know who this gentleman is. Could you please  
2 state your name, sir?

3 MR. JAYARAMAN: My name is Chamder Jayaraman.  
4 I'm the Chairman of ANC 6B.

5 CHAIRPERSON HILL: Well, hello, Chairman  
6 Jayaraman. Okay.

7 So, let's see. And then there's five party  
8 status people, which we'll try to figure out how that  
9 goes.

10 So, but first, there is the issue of the  
11 postponement. Can you tell the Board a little bit  
12 about why you would like the postponement, what you  
13 plan on doing with the time, and when you would like  
14 to have this back with us?

15 MS. MOLDENHAUER: Yes. Thank you very much,  
16 Chairman Hill.

17 We, after receiving some of the opposition we  
18 filed a supplemental response to those comments last  
19 night. I don't know if everyone got a copy of that.  
20 We have printed out copies as well. But what that  
21 identified was that, you know, this is a case where  
22 the standard for cause for postponement is good cause.  
23 There have been statements in the record that there  
24 is other requirements, such as extenuating  
25 circumstances, or a higher standard that is not what

1 the zoning regulations require. And that good cause  
2 has been proven.

3 My client is a group of multiple members of  
4 congress, and they are a non-profit organization where  
5 those members of congress actually were out on recess  
6 from May 26th, and they just returned to the District  
7 yesterday.

8 Given that fact, a lot of the additional  
9 filings that came in, there was filings while the  
10 party status came in timely, there were opposition and  
11 supplemental documentation that was filed, additional  
12 supplemental information at Exhibit 52 was filed on  
13 Monday, the 29th. There was a letter from Michael  
14 Turnbull on behalf of the Architect of the Capital,  
15 who we very much, obviously, want to address and give,  
16 you know, great consideration to, and discussion with.  
17 It was no May 30th.

18 Then, there was Exhibits 66 to 69, which are  
19 filed on May 31st. And then, so following that last  
20 kind of grouping of additional exhibits, only two  
21 business days later, we requested the postponement.

22 The postponement would be in order to have the  
23 members of my client meet on Thursday. The first time  
24 that they would be able to meet together here in the  
25 city would be this coming Thursday. They would then

1 be able to discuss the case, and then evaluate, you  
2 know, how to move forward on this case, and be able to  
3 supplement the record or modify the record as  
4 necessary.

5           That being said, just to kind of provide some  
6 additional information, we have done an exhaustive  
7 search of the online database. And from May of 2016  
8 until May this year of 2017, there have been 36  
9 hearings of which 106 requests for postponement, and  
10 81 first-time requests such as hours, nothing that we  
11 could find indicated that any of those requests or  
12 postponements, especially when they were first  
13 request, were denied.

14           In addition to that there is a Court of  
15 Appeals case for *King v. The D.C. WASA*, where there  
16 was -- it went up to the Court of Appeals in 2002,  
17 where there was a woman that actually requested a  
18 postponement the morning of a hearing, and the Board  
19 denied that at the D.C. WASA Review Board, and the  
20 court found that, you know, there was, you know,  
21 reasonable information and that any request, you know,  
22 so long as it's not a situation of a classic no-show,  
23 you know, typically should be granted.

24           CHAIRPERSON HILL: Okay. Okay.

25           MS. MOLDENHAUER: And so, we would request a

1 very minimal postponement potentially to the end --

2 CHAIRPERSON HILL: Okay. Until when?

3 MS. MOLDENHAUER: -- of June.

4 CHAIRPERSON HILL: End of June. The end of  
5 June.

6 MS. MOLDENHAUER: I believe a June 24th  
7 hearing date.

8 CHAIRPERSON HILL: Can't be June 24th.

9 MS. MOLDENHAUER: June 28th?

10 CHAIRPERSON HILL: That's a Saturday.

11 MS. MOLDENHAUER: Sorry. June 28th. Since  
12 you indicated that July, you don't have a hearing in  
13 July on the 5th because of the July 4th holiday, so  
14 then --

15 CHAIRPERSON HILL: Okay. We'll figure it out.  
16 We'll figure it out. So, you're ready to go at the  
17 end of June, you think?

18 MS. MOLDENHAUER: We're trying not to ask for  
19 a substantial delay.

20 CHAIRPERSON HILL: Okay. Okay. Okay.

21 MS. MOLDENHAUER: But just a reasonable one.

22 CHAIRPERSON HILL: All right. Let's see.  
23 Okay. So, I'm going to just kind of go through  
24 everybody, as far as the Board, just so the Board  
25 knows, just kind of go through everybody and then

1 allow the Board to ask some questions.

2           Mr. Ramen (sic), or Chairman Ramen (sic),  
3 you're not -- you've submitted a letter in opposition  
4 to the postponement, and I think it was very clear.  
5 Would you like to add anything to the letter, or would  
6 you like to reiterate?

7           MR. JAYARAMAN: Well, I'd like to add to it.  
8 The calendar for the U.S. Congress is well known. It  
9 was published on January the 1st. And so, it's well  
10 known when the members were going to be out, and when  
11 they were going to be in town. And we've had many  
12 discussions with the applicant, and it's really unfair  
13 for the applicant to file something at 9:30 last  
14 night, when the rest of us commissioners were sitting  
15 in a planning and zoning meeting.

16           CHAIRPERSON HILL: Right. Okay. I  
17 understand. All right.

18           Does the Board have any questions for anybody?

19           [No audible response.]

20           CHAIRPERSON HILL: No? Okay. So, I mean,  
21 what I would like to do today, and this is -- I read  
22 your letter, we all read your letter. And even the  
23 precedent in terms of the time that they have been  
24 asking for, I don't think we're able to move forward  
25 with this anyway today, even if we wanted to. Right?

1 So, we are going to postpone it.

2 What I want to do, though, is kind of clear up  
3 the party status issues and make sure everybody --  
4 that all gets resolved because you know, I don't want  
5 the time to have been wasted here for you. They do --  
6 the applicant has a very uphill climb, if you will.  
7 Everybody's you know -- no one is in favor of this at  
8 this point. So, you know, we'll see how that goes.  
9 But you, as the ANC, have automatic party status. So,  
10 if it's okay, we'll come back to the when to  
11 reschedule and I'm just going to allow the Board right  
12 now, any time that they'd like to comment on where I'm  
13 going with this. Does anybody have any thoughts,  
14 questions? So, it's good? You concur? Do you want  
15 to put that down on the record there, just in your  
16 microphone, you concur? Okay, the Commissioner there.

17 So, let's see. So, then who is here -- so,  
18 the ANC has automatic party status. It's Ms. Ferster?

19 MS. FERSTER: For Ms. Carmen Wiechmann.

20 CHAIRPERSON HILL: Do you happen to remember  
21 which exhibit that letter is in?

22 MS. FERSTER: Yes. It's Exhibit No. 46.  
23 Forty-six.

24 CHAIRPERSON HILL: Okay. So, who else is here  
25 for party status? Okay, could all the party status

1 people come up? And, if we could just kind of -- Ms.  
2 Moldenhauer, if you wouldn't mind scooting all the way  
3 over to the left there? Or your right, I'm sorry.

4           Okay. Okay. So, let's see. So, you all have  
5 some -- well, please introduce yourselves, first, from  
6 my right to left.

7           MS. PONTI: Desiree Ponti, 412 New Jersey  
8 Avenue Southeast.

9           MS. WIECHMANN: Carmen Wiechmann, 412 New  
10 Jersey Avenue Southeast.

11           MS. RIDI: Marisa Ridi, 445 New Jersey Avenue.

12           CHAIRPERSON HILL: I'm sorry, was your  
13 microphone on?

14           MS. RIDI: Marisa Ridi, 445 New Jersey Avenue.

15           CHAIRPERSON HILL: Ridi?

16           MS. RIDI: Ridi.

17           MS. IRIS: Nancy Iris, 413 First Street  
18 Southeast.

19           MR. RUPP: Charles Rupp, 414 New Jersey  
20 Southeast.

21           MR. CORMACK: James P. Cormack, 416 New Jersey  
22 Avenue Southeast.

23           CHAIRPERSON HILL: Okay. Great. So, what the  
24 Board is charged to doing is finding out how you, as  
25 individuals, differ from the ANC in terms of, you

1 know, how you would be best representing yourself  
2 rather than, you know, letting the ANC represent you  
3 in terms of your opposition.

4           With the number of people that are here in  
5 terms of party status, what the Board has -- what has  
6 been kind of the -- what the Board tries to do is get  
7 people to kind of come together and then you know,  
8 they all get party status but one person runs the show  
9 so to speak, if everyone has kind of similar questions  
10 or criteria, concerns.

11           I mean, we've read the letters that have been  
12 put forward in terms of asking for party status. I  
13 guess my inclination is to kind of go through and just  
14 take a minute as to how your -- what are your issues  
15 in concerns with the project, and how your issues are  
16 different from, if the ANC were just to be  
17 representing you. And so, I'm going to do a minute  
18 for each of you if you could tell me that.

19           And then, what I am just for the audience here  
20 as well, because I know we are changing the date and  
21 the time. So, if you have -- if we do grant party  
22 status, and how we do do that, or that means that you  
23 would have a seat at the table, or whoever the person  
24 is that's going to end up speaking for you would have  
25 a seat at the table, they would then have an

1 opportunity to cross-examine. The ANC always is a  
2 member that has an opportunity to cross-examine. And  
3 so, that's how one participates.

4 For other people here in the audience,  
5 normally, you know, we take support or opposition and  
6 there is, you know, three minutes that each person  
7 gets in terms of, you know, giving their information  
8 towards the Board as to, you know, what their stand is  
9 on the hearing.

10 So, since we are postponing this, I don't want  
11 -- you know, so we're going to have an opportunity for  
12 people to do that as well, is what I'm getting at.  
13 For the -- that people that can't -- that were wanting  
14 -- you know, they can come back here as well when it  
15 gets rescheduled. So, but I'm just giving -- letting  
16 everyone know that.

17 So, if you could just go --

18 MS. MOLDENHAUER: Can I ask a procedural  
19 question? There is five party status requests, but  
20 there are six people at the table, and I'm just trying  
21 to figure out if I'm missing an exhibit. I know there  
22 has been a lot of filings. I'm just trying to make  
23 sure --

24 CHAIRPERSON HILL: I agree. I understand.

25 MS. MOLDENHAUER: -- I identify everybody --

1 CHAIRPERSON HILL: I saw five also.

2 MS. MOLDENHAUER: Yes.

3 CHAIRPERSON HILL: And so I, that's why I  
4 counted at the beginning, but I wasn't sure. So,  
5 which one of you did not submit a party status  
6 request?

7 MS. FERSTER: Mr. Chairman, it's my  
8 understanding that one of the people here submitted a  
9 joint request on behalf of a husband and wife.

10 MR. CORMACK: And that's correct. James P.  
11 Cormack and Kathy Cormack, party request for 16 New  
12 Jersey.

13 CHAIRPERSON HILL: Okay.

14 MR. CORMACK: She is here.

15 CHAIRPERSON HILL: That's okay. That's all  
16 right. We're just going to figure it out.

17 So, I've got -- so, I have five. How many  
18 party status requests do we have?

19 MR. MOY: Mr. Cormack, his party status  
20 request is in the record under Exhibit 41. So, he's  
21 legal.

22 CHAIRPERSON HILL: Okay. Okay. All right.  
23 Well, I'm just trying to add up the numbers. I mean,  
24 one, two, three, four, five, six, seven. And how many  
25 do I have? I've got seven people at the table. How

1 many party status requests do I got there?

2 MS. FERSTER: Chairman, my client is at the  
3 table. So, I'm --

4 CHAIRPERSON HILL: Oh, you're represent -- oh,  
5 okay. All right.

6 MS. FERSTER: I don't count. And Mr.  
7 Cormack's spouse is not at the table.

8 MS. MOLDENHAUER: I think we just have one  
9 more and I'm just trying to figure it out. I mean,  
10 Exhibit 40 is Ms. Ridi, and obviously -- and then we  
11 have Cormack, which is Exhibit 41, we have Nancy Iris  
12 at 43. We have Carmen Wiechmann, which Ms. Andrea  
13 Ferster represents at Exhibit 46, and then we have  
14 Charles Rupp at Exhibit 47. But I don't then  
15 believe --

16 MS. PONTI: [Speaking off microphone.]

17 CHAIRPERSON HILL: Can you speak on the  
18 microphone there?

19 MS. PONTI: I submitted one so I don't  
20 understand why it's not in the record.

21 MR. MOY: I'm sorry, what was her name again?  
22 I'm sorry.

23 CHAIRPERSON HILL: What was your name again?

24 MS. PONTI: Last name Ponti, P-O-N-T-I.

25

1 CHAIRPERSON HILL: You submitted perhaps a  
2 letter of opposition, but not a letter to be a member  
3 of --

4 MS. PONTI: I submitted both.

5 CHAIRPERSON HILL: Oh, you submitted both?

6 MS. PONTI: Yeah.

7 CHAIRPERSON HILL: Okay.

8 MS. PONTI: At the same time.

9 CHAIRPERSON HILL: Okay. Well, if the Board  
10 is all right with it, we'll clarify with Ms. Ponti,  
11 and if it's not in the record, if you could make sure  
12 that it ends up in the record, okay?

13 So, I'm going to go back, but thank you if --  
14 so, everybody got named, right? We're all good?  
15 Okay.

16 So, I'm going to go back. Ms. Ponti, I'm  
17 going to start with you. Again, if you could just  
18 take a minute, you know, and tell us, the Board, why  
19 you're different from being represented by the ANC?

20 MR. HART: Mr. Chair, before you start, I just  
21 noticed that the Exhibit 60 actually says request for  
22 party status in the title on the letter, but the  
23 letter just says, letter in opposition. So, I think  
24 it's just how it's being described in the exhibit is  
25 just a little off. So, there is a request for party

1 status for Ms. Ponti.

2 CHAIRPERSON HILL: Ponti. All right, thanks.

3 MR. HART: It's just --

4 CHAIRPERSON HILL: Thank you, Mr. Hart. Okay.  
5 All right, Ms. Ponti, go ahead.

6 MS. PONTI: I think very simply put, I live  
7 less than 100 feet away from the affected property.  
8 With all due respect, our ANC members don't, and while  
9 they represent us well, they're not right on -- that  
10 property is not right on top of your front door.

11 And we live with the consequences on a daily  
12 basis of the types of activity that this party house  
13 is applying to be able to do. So, all of the things  
14 that impact the quality of life for the people on that  
15 street.

16 CHAIRPERSON HILL: Okay.

17 MS. PONTI: So, it's a question of immediacy  
18 and constancy of impact.

19 CHAIRPERSON HILL: Okay. Okay. Great. Thank  
20 you. Next?

21 MS. WIECHMANN: And, I'm Carmen Wiechmann.

22 CHAIRPERSON HILL: Yeah. Yeah, I'm just  
23 trying --

24 MS. WIECHMANN: Sorry. Sorry.

25 CHAIRPERSON HILL: It's okay. I'm just trying

1 to establish how you're different from the ANC in  
2 terms of party status.

3 MS. WIECHMANN: Well, I am the foreigner on  
4 the block, and yeah. And I made a conscious decision  
5 in 2002 to remain in that house in the United States,  
6 which gives me sort of a unique perspective on all of  
7 that.

8 The impact of yet another party house on our  
9 block is the same to all of us.

10 CHAIRPERSON HILL: Okay. Okay. All right,  
11 great. Thank you.

12 MS. WIECHMANN: Thank you.

13 CHAIRPERSON HILL: Sure. Of course.

14 MS. RIDI: My name is Marisa Ridi again. And,  
15 I think that my being a family with a five-year-old in  
16 the house, and being able to talk to certain issues  
17 that I've individually endured and having a  
18 perspective of having a small child on the block makes  
19 me -- or separates me from the ANC and others.

20 CHAIRPERSON HILL: Okay, great. Thank you.

21 MS. IRIS: Hi. My house is also within about  
22 105 feet of the property. I've been in my home for 35  
23 years and just recently, in the last few months I've  
24 had the house next to me become an illegal business,  
25 and I want to speak to the impact of what that means.

1 And again, our ANC representatives are terrific, but  
2 they can't speak about --

3 CHAIRPERSON HILL: Okay.

4 MS. IRIS: -- the daily --

5 CHAIRPERSON HILL: Okay. Great. The ANC  
6 representatives are right there. Yeah. I'm sorry.

7 MS. FERSTER: Yes, and I do represent Ms.  
8 Wiechmann.

9 CHAIRPERSON HILL: Right.

10 MS. FERSTER: But I did want to add that she  
11 is also within -- she lives within 100 feet of the  
12 property.

13 CHAIRPERSON HILL: Okay. Okay.

14 MS. FERSTER: And in addition, you know, in  
15 terms of the ANC representing her interests, with all  
16 due -- or any of the neighbors who live within 200  
17 feet. With all due respect to the ANC, the ANC does  
18 represent a much broader area and there are many, many  
19 times --

20 CHAIRPERSON HILL: Okay.

21 MS. FERSTER: -- in which the ANC, while it  
22 has a position aligned with the neighbors during the  
23 course of a proceeding, it can change.

24 CHAIRPERSON HILL: Okay. All right. Mr.  
25 Rupp?

1           MR. RUPP: Yes, sir. Thank you. I'm  
2 primarily -- I've been retired for 11 years. I've  
3 lived at 414 New Jersey, about 75 feet away from the  
4 applicant's property for 23 years. And for the last  
5 11 years, one of the things I do is read the paper  
6 every morning in the front window of the house, and I  
7 watch the traffic show up. I watch the beer trucks  
8 unload kegs of beer, things of that nature in front of  
9 the house, watch the security detail from the speaker  
10 of the house, double-park on the street. They ain't  
11 going to be moved by anybody.

12           CHAIRPERSON HILL: Okay. All right. Great.  
13 Sir?

14           MR. CORMACK: Again, James P. Cormack. My  
15 wife and I are the longest continuous residents on the  
16 400 block; been there since the late '70s.

17           We are 51 feet away from the house 428, and  
18 I'd like to say that that house is sort of like ours.  
19 It's a modest rowhouse. There is no business at that  
20 -- that house is going into all of these things when  
21 it's just modest house, no parking like ourselves.

22           CHAIRPERSON HILL: Okay. Okay. All right.  
23 So, you had one other thing that you had wanted to  
24 add?

25           MS. WIECHMANN: Thank you, very much. I

1 forgot two important points. I have lived in that  
2 property for 30 years, and I intend, and that is  
3 important, I intend to age in place.

4 CHAIRPERSON HILL: Okay. All right.

5 MS. WIECHMANN: Thank you.

6 CHAIRPERSON HILL: Okay, great. You're  
7 welcome. All right.

8 So --

9 MS. SAMOLYK: [Speaking off microphone.]

10 CHAIRPERSON HILL: Oh, yeah. Wait a minute.  
11 Okay, then can you --

12 MS. SAMOLYK: Is it okay if I --

13 CHAIRPERSON HILL: Yeah, come on in and  
14 introduce yourselves if you would. Have a seat.

15 MS. SAMOLYK: Sorry.

16 CHAIRPERSON HILL: That's okay. That's okay.

17 MS. SAMOLYK: Sorry about that.

18 CHAIRPERSON HILL: That's all right.

19 MS. SAMOLYK: My name is Jennifer Samolyk, and  
20 I am the ANC Commissioner for 6 --

21 CHAIRPERSON HILL: Did you get sworn in this  
22 morning?

23 MS. SAMOLYK: I did get sworn in, thank you.

24 CHAIRPERSON HILL: Okay. All right.

25 MS. SAMOLYK: I would like to support the

1 neighbors in their party status applications.

2 CHAIRPERSON HILL: Okay.

3 MS. SAMOLYK: This has been a very unique  
4 case, and there is actually unique history with the  
5 ANC. And I know that the ANC will do a terrific job  
6 representing 428, but there is some history there.

7 One of our fellow ANC Commissioners who his  
8 term ended at the end of December, he and his -- he  
9 works on the Hill. He started the BOLD PAC.

10 CHAIRPERSON HILL: Okay.

11 MS. SAMOLYK: So, there is a little bit of a  
12 conflict there, and I do believe that Chander and I  
13 will represent the neighbors. We are adamantly  
14 opposed to the variance and the special use.

15 CHAIRPERSON HILL: Okay.

16 MS. SAMOLYK: But I would like to see, just  
17 for the level playing ground and not to give any  
18 appearances of improprieties, I believe that party  
19 status should be given.

20 CHAIRPERSON HILL: Okay. All right,  
21 Commissioner. Thank you. All right. So, this is  
22 what I'm thinking of doing, and trying to figure this  
23 out. And whatever the Board's thoughts are.

24 But, Ms. Fister, Ferster, Ferster? Since  
25 you're an attorney, and it sounds to me that everyone

1 kind of has the same, or similar issues in terms of  
2 proximity, impact, that I would be inclined to grant  
3 party status to the individuals. However, Ms. Ferster  
4 would be the representative, or the person who be  
5 speaking on your behalf during the hearing.

6 MS. FERSTER: It's my understanding that none  
7 of the individuals intend to retain counsel. So, I  
8 will be the only counsel. I can speak on behalf of my  
9 client and the rest of the individuals have indicated  
10 that they will be witnesses, or course. But they have  
11 indicated that they do not intend to cross-examine.  
12 So, if that --

13 CHAIRPERSON HILL: Okay. So --

14 MS. FERSTER: -- makes it easier.

15 CHAIRPERSON HILL: So, from --

16 MS. FERSTER: Is that correct? Yeah.

17 CHAIRPERSON HILL: From a --

18 MS. FERSTER: They all intend to be witnesses.

19 CHAIRPERSON HILL: Okay. So, from a  
20 procedural standpoint, I suppose, and this is kind of  
21 Mr. Moy or Ms. Glazer, I'm trying to just understand,  
22 can they all be named as party status individuals and  
23 then Ms. Ferster would be --

24 MS. GLAZER: Can we backtrack a minute?

25 CHAIRPERSON HILL: Sure.

1 MS. GLAZER: I'm just looking at one of the  
2 party status requests from the Cormacks, states that  
3 they do not expect to call any witnesses, but reserves  
4 the right to cross-examine. So, I mean, the Board as  
5 a general rule, can grant party status but ask that  
6 they coordinate as a group and --

7 CHAIRPERSON HILL: Okay. So, that's what I'd  
8 like to do. And I'm looking for the Board here, if  
9 there's any discrepancy.

10 I'd be inclined to grant the party status to  
11 those individuals, but to coordinate as a group  
12 through Ms. Ferster. And so, does the Board have any  
13 other thoughts?

14 [No audible response.]

15 CHAIRPERSON HILL: Okay. So, that's one issue  
16 that now is going to be resolved.

17 The next is, if there are people here -- so,  
18 then I'm going to have to reschedule and then it's  
19 whether or not -- I am going to have to reschedule. I  
20 mean, I'm going to reschedule. Sure, you can go ahead  
21 and --

22 MS. SAMOLYK: Sorry. The attorney, the  
23 counsel for the applicant didn't really give much  
24 detail on how she was going to spend this extra time.  
25 She requested an 11th hour continuance, but then they

1 didn't -- she didn't say what was going to be done.

2 CHAIRPERSON HILL: That's okay. That's all  
3 right. So, a request has been put forward for us for  
4 a postponement. The case is not ready to be heard. I  
5 mean, I can tell you that now, and the Board -- and  
6 I'm just one vote, so any other member can speak up  
7 right here as well. There is a tremendous amount of  
8 precedent in terms of allowing a postponement for,  
9 particularly when something is not able to come before  
10 us. So, there is nothing really new to this concept.

11 What I'm trying to do is make sure that people  
12 aren't wasting their time by being here, and they can  
13 always come back for when the postponement is. And it  
14 will not be postponed again, right, unless something  
15 else crazy happens. But nonetheless, nonetheless.  
16 And so, I'm trying to get everybody time to speak.

17 And so, we've gone ahead and we've gone  
18 through the party status situation. Now, is there any  
19 other -- now, hold on a second. You did --

20 MS. MOLDENHAUER: Do you know, just on the  
21 party status, I just would want to put on the record  
22 that the applicant -- there was no request as to our  
23 stance on party status. But the applicant does not  
24 challenge party status. We do appreciate the Chair's  
25 attempt to try to consolidate it, and we just wanted

1 to indicate that just, there was a reference to Daniel  
2 Chow, a prior ANC commissioner. He did not form the  
3 BOLD PAC. I just want to clarify that was a --

4 MS. SAMOLYK: That's not what he told me  
5 personally the night of the hearing. He --

6 CHAIRPERSON HILL: Okay. Okay. Hold on,  
7 that's all right. She's just making a comment.

8 MS. SAMOLYK: Okay.

9 MS. MOLDENHAUER: Just putting that on the  
10 record.

11 CHAIRPERSON HILL: Okay. All right.

12 MS. MOLDENHAUER: Thank you, that's it. Thank  
13 you.

14 CHAIRPERSON HILL: Okay. All right. So, you  
15 had something you wanted to say?

16 MS. PONTI: I do. And this is -- I just want  
17 to indicate to everybody in this room, that this room  
18 is filled with people who have full-time jobs. Those  
19 who are retired, we've made Herculean efforts to be  
20 here. I had to give up paid work today to be here.  
21 Other people have had to move medical appointments to  
22 be here.

23 Counsel for the applicant has had far more  
24 time and far more legal resource --

25 CHAIRPERSON HILL: Okay. I just want to say

1 something real quick. I want to say something.

2 MS. PONTI: To we who had to be here.

3 CHAIRPERSON HILL: We have information,  
4 everything is in the record. You disagree with what's  
5 about to happen. So, I understand that, and I do  
6 understand -- I mean, I shouldn't even -- I understand  
7 that everybody came here. The reasoning why we're  
8 granting this postponement is in the record and  
9 there's plenty of precedent for granting the  
10 postponement.

11 So, the case is not ready to be heard right  
12 now, so that's why we're postponing it. But I do  
13 appreciate that everyone is here, and I'm trying to do  
14 my best to allow people to be heard in terms of so  
15 it's not a waste of their time. And now you've been  
16 granted party status, so you will also get all of the  
17 information that is coming forward on this case.

18 So, is there anyone here that is -- outside of  
19 the party status individuals, is there anyone here  
20 that is wishing to speak in support of this  
21 application? In support? In support. That's okay, I  
22 was like, wow, you're really singled out over there.  
23 Right. Okay. Yeah. But thanks for the levity. I  
24 needed it at this moment. You know, thank you.

25 UNIDENTIFIED SPEAKER: [Speaking off

1 microphone.]

2 CHAIRPERSON HILL: Okay, great. Thank you.  
3 Is there anyone here wishing to speak in opposition?  
4 If you are, raise your hands. Okay, great.

5 So now, you have party status, so you're going  
6 to have an opportunity to be engaged in the process.  
7 So, if the people that have party status now can go  
8 ahead and sit back in the audience and I can bring up  
9 the people that are just speaking in opposition, we  
10 can go through that and that way we'll have that on  
11 the record and we'll be able to understand that when  
12 we do hear the case.

13 MS. RIDI: If I may? I'm sorry, if I may?

14 CHAIRPERSON HILL: One moment.

15 MS. RIDI: One of the questions that might be  
16 relevant is the date of the next hearing, because I  
17 believe the date that was discussed was the weekend  
18 before July 4th. And so, if we know the date there  
19 may be people who can come back.

20 CHAIRPERSON HILL: Okay.

21 MS. RIDI: And testify. For those who may not  
22 be.

23 CHAIRPERSON HILL: Yeah. I mean, you can't --  
24 okay, that's a good suggestion. So --

25 MS. FERSTER: And if I may be heard on --

1 CHAIRPERSON HILL: Sure.

2 MS. FERSTER: -- the issue of -- on the one  
3 hand I understand that there are people who may not be  
4 able to attend on the 28th, who are here. On the  
5 other hand, the rules of order do -- you know, your  
6 rules do establish a certain order for opposition  
7 testimony from members of the public. And in my  
8 opinion, the way, the reason why opposition testimony  
9 comes after the applicant's case is so that they can  
10 have an opportunity to respond to it. So, to hear  
11 people out of order if they do have the ability to be  
12 here on the 28th would, I think, be prejudicial to  
13 their ability to respond to the applicant's case.

14 CHAIRPERSON HILL: I appreciate that. To  
15 provide clarity, we will again do this during the  
16 hearing. So, there will be again support, there will  
17 be opposition. This is just so if people can't come  
18 back we will have had an opportunity to hear from them  
19 today. So, they can always come back. They're always  
20 welcome to come back.

21 MS. MOLDENHAUER: Chairman Hill, I --

22 CHAIRPERSON HILL: One moment. One moment.  
23 Ms. Glazer, you had a --

24 MS. GLAZER: I just want to state, I concur  
25 with the points raised by Ms. Ferster. I think the

1 hearing will be more orderly if -- the Board will know  
2 how to determine whether testimony is relevant, for  
3 instance, if they know whether it relates to issues  
4 that were raised during the applicant's case.

5 CHAIRPERSON HILL: I don't disagree.

6 MS. GLAZER: To be heard out of context would,  
7 I think, make for an unruly and repetitive duplicative  
8 hearing that a lot of material would be irrelevant,  
9 possibly.

10 CHAIRPERSON HILL: Okay. I don't disagree.  
11 And again, the Board can chime in at any point as I'm  
12 going through this. We will again do this when -- the  
13 same order will happen and people -- and we're going  
14 to establish a date now, so if anyone is sure that  
15 they can't come for that date, the people that I need  
16 to make sure of the date now is the ANC, Ms. Ferster,  
17 and Ms. Moldenhauer.

18 Now, Ms. Moldenhauer, you had something you  
19 wanted to add?

20 MS. MOLDENHAUER: I just wanted to echo Ms.  
21 Ferster's comments. I would request that the Board  
22 not go forward with any individual testimony, whether  
23 in support or in opposition today. I think that you  
24 know, the record is still open and that if anything  
25 does get supplemented by us, and then they feel that

1 they were not able to respond to that, I think that  
2 that might create a procedural question. And so,  
3 obviously the record is open and we can file anything  
4 and I would believe that anybody who is an individual  
5 would like to be able to respond to that at the  
6 appropriate time at a continued hearing.

7 CHAIRPERSON HILL: Okay. Well, now we're  
8 going to have another discussion about something else  
9 then, in a minute. So, let's get to a date.

10 So, Mr. Moy, the applicant says that after  
11 June they're probably available. Okay? So, what days  
12 would work for you guys?

13 MS. FERSTER: My understanding is that June  
14 28th would work, but my client, and I believe others,  
15 would like to be first on the agenda so that they  
16 don't have to wait around a lot.

17 CHAIRPERSON HILL: Okay. Yeah. The only  
18 reason why I'm smiling, everybody wants to be first on  
19 the agenda and to let you know, I moved you up as soon  
20 as I could. Okay?

21 MS. FERSTER: Appreciate that.

22 CHAIRPERSON HILL: Okay. So, back to the  
23 dates. So, the end of June was the first one on the  
24 table here. Ms. Moldenhauer?

25 MS. MOLDENHAUER: June 28th works, if it works

1 for the board members.

2 CHAIRPERSON HILL: Okay, Mr. Moy?

3 MR. MOY: That's a good date for the Board.

4 CHAIRPERSON HILL: Okay, great. So, we'll go  
5 ahead and do June 28th, okay, for the reschedule, and  
6 everyone is invited to come back. And then, and we as  
7 the Board, you know, want to hear from people. And  
8 again, I do like to clarify at times, I live here too,  
9 meaning I live in the city, I live above commercial  
10 space, I live in a downtown area, I live in a very  
11 dense area. Some of us do not. Some have homes with  
12 yards. I do not. And so, I'd just point that out,  
13 that I'm aware, and we as a board are aware as  
14 residents of the city, what things happen. So, I just  
15 want to clarify that we're all citizens, you know,  
16 here, except for somebody who is out in Maryland.

17 MR. JAYARAMAN: Unlike the members of  
18 congress.

19 CHAIRPERSON HILL: Yes, unlike the members of  
20 congress. Okay.

21 So, oh, okay. Wait, wait. So, the 28th, the  
22 28th -- I'm sorry. So, the 28th is the date that  
23 we're going to reschedule this. Now, the Board, I'd  
24 like to hear from the Board. I'm still interested in  
25 hearing from anybody that has opposition or to this,

1 even if it's out of order, as long as I'm -- as long  
2 as procedurally it's not an issue. But, Mr.  
3 Commissioner, you have a -- Commissioner Shapiro?

4 MR. SHAPIRO: Yeah, my thought on that is that  
5 the reason to have folks come forward and speak is  
6 folks who made the effort to get here and may not be  
7 able to come back. And I do respect that, but I'm  
8 very concerned about this issue around our procedure  
9 and process. I mean, part of me, I'm wondering how  
10 many folks would want to take advantage of this. It  
11 feels like a bit of a fashion --

12 CHAIRPERSON HILL: So, so --

13 MR. SHAPIRO: -- but the procedural issue for  
14 me, I think, is a more significant one.

15 CHAIRPERSON HILL: I thought we, as a board,  
16 had done this before. So, I didn't think procedurally  
17 -- we're able to do this, are we not?

18 MS. GLAZER: I don't want to comment on other  
19 cases. I don't think in general it's a good practice.  
20 I'm sure, in an emergency witness testimony has been  
21 taken out of turn. But in a situation like this,  
22 where we haven't even started the case, I think the  
23 best practice would be to go in the order, especially  
24 because it's possible this application could be  
25 revised and we will end up wasting a lot of time

1 here --

2 CHAIRPERSON HILL: Okay. Okay. All right.  
3 Okay. So, we're going back. I'll let the Board  
4 decide this. I know where I stand, and so I'm  
5 interested in hearing from people that are here that  
6 can't come back. And so, because they've made the  
7 time.

8 But, and Mr. Shapiro seems to be with me. I'm  
9 not sure.

10 MR. SHAPIRO: I would support that. If folks  
11 are here we should let them speak.

12 MR. HART: Mr. Chair, do we know how many  
13 people are not able to be here in the 28th?

14 CHAIRPERSON HILL: I guess by a show of hands,  
15 is there anyone who would not come back to -- so, just  
16 to let you know, on the 28th we will hear everything.  
17 Everything will be in clearer or sharper context, and  
18 so therefore your testimony would have more relevance.  
19 However, is there anyone here who can't come back on  
20 the 28th?

21 Okay. Okay. That's okay. So, there's  
22 someone who's not sure. So, if you'd like to come  
23 forward and give -- well, hold on. Let me just see if  
24 that's okay. Is everyone all right with the one  
25 person?

1           MR. HART: And, I mean, I just kind of think  
2 of it as we have now, several weeks and if the -- we  
3 have several weeks before we're actually going to hear  
4 the case. If the -- since it's only one person, maybe  
5 that is okay to hear that. I just find that there may  
6 be something that happens in that several weeks that  
7 they may want to respond to, you know, as well. So,  
8 it's because we don't know what we're going to be  
9 getting in the next -- you know, what changes are  
10 going to be happening the next two weeks, that's why  
11 I'm kind of like --

12           MS. MOLDENHAUER: And Ms. Iris is --

13           CHAIRPERSON HILL: Okay. Excuse me one  
14 second.

15           MR. HART: Would almost not want to have  
16 someone coming up so that then they would change or  
17 whatever the point is.

18           CHAIRPERSON HILL: Okay, all right. Okay, all  
19 right. Okay. So, then I'm back to now I'm going to  
20 agree with counsel, I suppose, and there's only one  
21 person. So, we won't take testimony today. Does the  
22 Board agree with that?

23           MR. SHAPIRO: Yes.

24           CHAIRPERSON HILL: Okay. All right. So, I'm  
25 sorry, if you could just make sure that your concerns

1 are -- you can submit anything to the record, if you'd  
2 like. You can submit anything into the record if  
3 you'd like. And so, we're going to come back on the  
4 28th. We'll see everybody back here on the 28th.  
5 Everyone will have their time.

6 Ms. Moldenhauer?

7 MS. MOLDENHAUER: Since there are multiple  
8 party status that are being granted and we will most  
9 likely be supplementing the record and addressing some  
10 of the issues, I'm not sure, just from a making things  
11 a little bit more clean and crisp in regards to  
12 timing, if we want to outline maybe some filing dates,  
13 that way it can be clear and that way there's no kind  
14 of additional filings.

15 I'm just suggesting it, if we have the time  
16 frame. Or it's just going to be open for us to file  
17 anything, you know, prior to the hearing. I just,  
18 it's nice to kind of have deadlines. That way there's  
19 no challenges when we get to the hearing date about  
20 late filings or supplemental filings.

21 CHAIRPERSON HILL: I mean, I'm not necessarily  
22 interested in changing anything that we normally would  
23 have done. And so, if Mr. Moy, what do we normally do  
24 before you know, what is the normal timeline?

25 MR. MOY: Well, typically the Board hasn't, in

1 this case, asked for any supplemental information.  
2 So, if there are any changes to the application, at  
3 least a week before prior to the hearing.

4 CHAIRPERSON HILL: So, Ms. Moldenhauer, I  
5 understand what you're trying to ask for, but I'm not  
6 interested in setting any particularly new deadlines.  
7 So, you know, we're going to -- again, what has  
8 happened is we're just postponing this at the request  
9 of the applicant, and this case isn't ready to be  
10 heard right now. So, this has been a postponement.  
11 We'll be back here on the 28th, and the ANC will  
12 obviously be here and we'll hear the case at that time  
13 and everyone will have an opportunity to present.

14 Now that this has been postponed and it has  
15 been such a long process of being postponed, I find it  
16 unlikely that it will be postponed again. And so, you  
17 know, and by the way, it scares -- I can't even  
18 believe you're going to get congress -- you said  
19 congress. I was like, how can you get congress,  
20 whatever. Anyway. It sounds like you've got a lot of  
21 people you're trying to wrangle together, so I hope  
22 you can wrangle them together and get everything ready  
23 so that we can hear this on the 28th of June. That's  
24 all I was mentioning.

25 Ms. Moldenhauer.

1 MS. MOLDENHAUER: Yes. So, I would just want  
2 to reiterate that, you know, whatever, whether it's  
3 revisions or supplemental documents, we will have that  
4 file by the 21st, but then there, you know, I would  
5 have to just hope that obviously everyone from the  
6 audience knows that that would be the date and that  
7 there would be no questions later on about, oh, that  
8 was filed too late before the hearing then, a week  
9 later on the 28th.

10 CHAIRPERSON HILL: I'm -- and this is where  
11 it's a little bit out of my head. Whatever normally  
12 is the timeline, will continue to be the timeline. We  
13 got something yesterday from you, and so I assumed,  
14 that's okay.

15 So, then I guess it's up to the day before the  
16 hearing, you can give me something. Okay? So,  
17 whatever the timeline was before, is what the timeline  
18 is now.

19 So, okay.

20 MS. GLAZER: Mr. Chair.

21 CHAIRPERSON HILL: There you go. Yes, Ms.  
22 Glazer?

23 MS. GLAZER: I don't want to read Ms.  
24 Moldenhauer's mind, but perhaps what she's referring  
25 to is if there's substantial revisions to the

1 application and amendments, that they be served on the  
2 parties, all parties, by a certain date and give them  
3 a chance to respond to any new application.

4 CHAIRPERSON HILL: Okay. So --

5 MR. JAYARAMAN: I believe that's standard.  
6 Yeah.

7 MS. MOLDENHAUER: And I believe -- so, it's  
8 the 21st, we'll file anything by the 21st.

9 CHAIRPERSON HILL: You'll file anything by the  
10 21st?

11 MS. MOLDENHAUER: Correct.

12 CHAIRPERSON HILL: Okay.

13 MS. FERSTER: Mr. Chairman.

14 CHAIRPERSON HILL: Yes.

15 MS. FERSTER: If I may add one request? The  
16 applicant's -- the application would normally require  
17 the applicant to provide a list of witnesses, and also  
18 a summary of their testimony.

19 I believe one witness was identified, a member  
20 of congress, as the witness. And so, if the applicant  
21 does intend to supplement its witness list, I would  
22 request that the applicant do so in a timely manner  
23 and also provide a summary of that testimony.

24 MS. MOLDENHAUER: We will do so by the 21st.

25 CHAIRPERSON HILL: Okay, great. So, the 21st,

1 apparently, is a date that you guys can kind of like  
2 go back and look at things, because they're going to  
3 make a lot of changes until the 21st. So, there you  
4 go. Okay?

5 So, we'll see you all on the 28th. Thank you.

6 MR. JAYARAMAN: Thank you, Mr. Chair.

7 CHAIRPERSON HILL: Ms. Glazer, thank you for  
8 all your help, and I was just in disagreement on one  
9 point of it there, but thank you for your help.

10 We're going to take a three-minute break while  
11 everybody trickles out.

12 [Off the record from 11:00 a.m. to 11:06 a.m.]

13 MR. MOY: Okay, we're reconvening, and it is  
14 11:06.

15 CHAIRPERSON HILL: Maybe we can just shut that  
16 door. You can just shut that door, if you would. If  
17 somebody could just -- yeah, just let the transcriber  
18 do it. There, that will be great. Thank you.

19 MR. MOY: Oh, I need the transcriber. Oh,  
20 there he is.

21 CHAIRPERSON HILL: No, he's just shutting the  
22 door.

23 MR. MOY: All right. You were scaring me, Mr.  
24 Chairman.

25 CHAIRPERSON HILL: Okay.

1 MR. MOY: Okay, I see he's ready. All right.  
2 The next case up for hearing is Application  
3 No. 19498 of Eric Petersen. This application is  
4 captioned and advertised for a special exception  
5 relief from the accessory building use requirements of  
6 Subtitle U, Section 301.1(e). This would construct a  
7 two-story accessory dwelling to be used as a garage  
8 with a two-story dwelling unit in the RF-1 Zone at  
9 premises 1109 D Street Southeast, Square 992, Lot 65.

10 CHAIRPERSON HILL: Okay, great. Could you  
11 please introduce yourselves?

12 MR. PETERSON: Yes. My name is Eric Petersen.  
13 I am the owner and architect.

14 CHAIRPERSON HILL: Mr. Petersen, have you been  
15 sworn in?

16 MR. PETERSON: Yes, I have.

17 CHAIRPERSON HILL: So, you were here for the  
18 whole, the whole thing?

19 MR. PETERSON: Oh, yeah.

20 CHAIRPERSON HILL: Okay. You're the only one  
21 here now. Like, well, that's true, there's one more  
22 case, but this is really strange.

23 So, Mr. Petersen, I'll let the Board ask  
24 anything else if they'd like. I didn't have a lot of  
25 particular questions. What I'd like you to do is go

1 ahead and give kind of a brief presentation on what  
2 you're trying to do and how you're meeting the  
3 criteria for us to approve this. Does the Board have  
4 any specific things they'd like to hear from the  
5 applicant, other than that? Okay.

6 Then, I'm going to go ahead and put 10 minutes  
7 up on the clock for you, just so I know where we are.  
8 Feel free not to use all of it, and then we can go  
9 from there, so you can start whenever you'd like.

10 MR. PETERSON: Of course. I'll be brief. So,  
11 the intent here is to build the two-story accessory  
12 building with a garage by right, and I'm asking for  
13 relief for the use or to put an apartment at that  
14 second level.

15 I feel that the lot accommodates this project  
16 well. There's a deep alley, 30 feet, in this  
17 location. And there's other alley buildings in this  
18 block.

19 CHAIRPERSON HILL: Okay. Does anyone -- I  
20 mean, the record is very full. Does anyone have any  
21 questions for the applicant before I turn to the  
22 Office of Planning?

23 Okay. All right. Then, I'm going to turn to  
24 the Office of Planning.

25 MR. JESICK: Thank you, Mr. Chairman and

1 members of the Board. My name is Matt Jesick. The  
2 Office of Planning can rest on the record in support  
3 of the application. Thank you.

4 CHAIRPERSON HILL: Thank you. All right.  
5 Does anyone have any questions for the Office of  
6 Planning?

7 [No audible response.]

8 CHAIRPERSON HILL: All right. Does the  
9 applicant have any questions for the Office of  
10 Planning?

11 MR. PETERSON: No, I do not.

12 CHAIRPERSON HILL: Okay. All right. I don't  
13 think I'm going to -- is there anyone here that's from  
14 the ANC? Is anyone here wishing to speak in support  
15 of the application? Is anyone here wishing to speak  
16 in opposition to the application?

17 [No audible response.]

18 CHAIRPERSON HILL: All right. There you go.  
19 Do you have anything else you'd like to add?

20 MR. PETERSON: Not at this time.

21 CHAIRPERSON HILL: All right. Does the Board  
22 have any questions at all?

23 Okay. Then I'm going to close the hearing.  
24 Is the Board ready to deliberate?

25 Okay, again, after -- I thought the record was

1 very full. I thought that, you know, the letter in  
2 support from the Capitol Hill Restoration Society, the  
3 adjacent neighbors, the support of the ANC 6B, and  
4 then obviously the very good report from the Office of  
5 Planning, I would vote to approve this as per the  
6 analysis of the Office of Planning.

7 Does anyone have any other thoughts or  
8 comments?

9 MR. SHAPIRO: Second.

10 CHAIRPERSON HILL: No, no, I said, does anyone  
11 have any other thoughts. Does anyone have any  
12 thoughts or comments?

13 MR. SHAPIRO: I heard a motion, Mr. Chair.

14 CHAIRPERSON HILL: I know. That's okay. That  
15 was -- you're already thinking lunch or something.

16 MS. WHITE: I concur with what you said, Mr.  
17 Chairman.

18 CHAIRPERSON HILL: Okay. Then I'd go ahead  
19 and make a motion to approve Application No. 19498 as  
20 read by the secretary.

21 MR. SHAPIRO: Second.

22 CHAIRPERSON HILL: Motion has been made and  
23 seconded.

24 [Vote taken.]

25 CHAIRPERSON HILL: Motion passes, Mr. Moy.

1           MR. MOY: Staff would record the vote as four,  
2 to zero, to one. This is on the motion of Chairman  
3 Hill to approve the application for the relief being  
4 requested. Seconded the motion, Mr. Peter Shapiro.  
5 Also in support is Ms. White, Vice Chair Hart, board  
6 seat vacant, motion carries.

7           CHAIRPERSON HILL: Thank you, Mr. Moy. If we  
8 can do a summary order.

9           MR. MOY: Yes, sir.

10          CHAIRPERSON HILL: Thank you. Thank you, sir.  
11 I hope you enjoy it.

12          MR. MOY: The next application before the  
13 Board is Case Application No. 19503 of D.C. Department  
14 of General Services, captioned and advertised for a  
15 special exception relief under Subtitle C, Section  
16 703.2. This is from the minimum parking requirements  
17 of Subtitle C, Section 701.5. This would replace an  
18 existing recreation center with a new recreation  
19 center in the R-1-B Zone. This is at premises 4500  
20 Van Ness Street Northwest, Square 1560, Lot 805.

21          CHAIRPERSON HILL: All right. Thanks. Good  
22 afternoon. Good morning, still. If you could please  
23 introduce yourselves from my right to left?

24          MR. GHARAMANI: Hello. My name is Shahrokh  
25 Ghahramani. I'm the Project Manager with the D.C.

1 Department of General Services.

2 MS. MAZO: Samantha Mazo with the law firm of  
3 Griffin, Murphy, Moldenhauer, and Wiggins. We're here  
4 for the applicant, DGS.

5 CHAIRPERSON HILL: Okay, great. I guess, Ms.  
6 Mazo, I don't have a lot of particular questions. I  
7 mean, I am kind of interested in hearing about, you  
8 know, what DDOT had to say, and then also the  
9 applicant -- I do have some questions when we get to  
10 kind of like the handicap spot. But if you want to go  
11 and just give us an overview of the project and how it  
12 is that you're meeting the standard to grant the  
13 relief.

14 I'm going to again go ahead and throw 10  
15 minutes up on the clock just so I know where we are.  
16 Does the Board have any other specifics they'd like to  
17 hear from the applicant, other than that?

18 Okay. And then you can begin whenever you'd  
19 like.

20 MS. MAZO: Sure. Just very briefly, this is  
21 an applicant for a special exception pursuant to  
22 Subtitle C, 703.2, to allow the reduction of parking  
23 for a new public recreation community center. I would  
24 just note very briefly for the Board, that while the  
25 application was initially self-certified, we do have a

1 zoning referral letter, which is in the Exhibit -- in  
2 the record at Exhibit 39A, that documents that this is  
3 -- that the correct relief is a special exception. We  
4 also have provided to the Board, a proposed TDM plan  
5 that we have discussed with DDOT, and has been  
6 approved by DDOT as one of the requirements to satisfy  
7 the special exception standard.

8           And just briefly, we'll talk quickly about the  
9 project, but just very briefly, this new recreation  
10 center is part of a long-standing redevelopment of the  
11 play areas of this park in Upper Northwest. This  
12 project has been going on for two years -- almost two  
13 years under construction and also has been in planning  
14 for many, many years before that. And so, this is --  
15 the park has been closed for an extended period of  
16 time, including many summers, which I know many of the  
17 residents feel very acutely during the summer, the  
18 lack of the park. The construction us ongoing now and  
19 we're hoping to -- DGS is hoping to complete it fairly  
20 soon.

21           The application has support of the ANC. We  
22 also have support of numerous neighbors, and we also,  
23 it was just filed in the record, a letter, an e-mail  
24 in support of this application by the Friends of  
25 Friendship Park Group, which is kind of the designated

1 group that has been working closely with DGS during  
2 this park renovation process.

3           So, with that I'm going to just turn it over  
4 to Shahrokh very briefly to describe the property. He  
5 will focus on the issues, or the questions that Chair  
6 Hill raised. In particular, the bike locations, the  
7 bike parking locations, the TDM proposals, and the  
8 proposed area for the handicapped spaces that were  
9 requested by the ANC.

10           MR. GHARAMANI: Thank you. So, the park, as  
11 Ms. Mazo mentioned, is located on the 45th block of  
12 Van Ness, which is bordering by to the north, Van Ness  
13 Street, east would be at 45th, and then it's bordering  
14 at the south as a field that's owned by American  
15 University, which is bounding Mass Ave.

16           Just to let you -- the project is 4,500 square  
17 foot recreation center with a tot lot and a bigger  
18 kids' playground, as well as basketball and tennis  
19 courts. And then we have a baseball field next to it,  
20 which is not part of this project.

21           As far as the TDM plan we have been working  
22 with DDOT on some of the requirements that they have  
23 on, just on the entrance of the park, which we will  
24 have at 10 -- we will have bicycle racks that  
25 accommodate 10, right off the street. And also, 10,

1 we are installing another sets of bike racks that  
2 would have another 10 -- accommodate 10 bicycles. So,  
3 over all we will have 20 bicycle -- we will be able to  
4 accommodate 20 bicycles.

5           There is an ample amount of parking, on-street  
6 parking, as well as there is you know, it's close to  
7 bus stops and Metro, American University and Tenley  
8 Town Metro Station, so that's pretty much what we  
9 have.

10           MS. MAZO: I'm sorry. Just for the record, I  
11 do have some -- I'm having some technical difficulties  
12 getting the PowerPoint to show, but our PowerPoint is  
13 in the record at Exhibit 40, and so if there are any  
14 particular slides that Shahrokh wants to speak to, I  
15 would direct you to that. I won't keep trying with  
16 the computer here.

17           CHAIRPERSON HILL: No, I've got it. Thanks.  
18 I'm flipping through your presentation.

19           The TDM plan, so we're going to -- I heard you  
20 speak to that. What about the handicap spot?

21           MR. GHARAMANI: So, as part of ANC, one of  
22 the conditions that ANC asked us to exercise, was to  
23 work with DDOT to designate a parking spot which would  
24 be the handicap parking, right in front of the rec  
25 center entrance, which would be on the 45th Street.

1 We have plenty of space that we can work and DDOT has  
2 supported that as well.

3 CHAIRPERSON HILL: Okay. So, DDOT is  
4 committed to that because that's not really within our  
5 purview. So, but I just wanted that on the record.

6 MR. GHARAMANI: Yes, correct.

7 CHAIRPERSON HILL: Okay. Does the Board have  
8 any questions for the applicant at this time?

9 MR. SHAPIRO: Just a question, Mr. Chair. Not  
10 quite relevant, but the timing. When are you  
11 expecting completion of this?

12 MR. GHARAMANI: So, we are -- we should be  
13 completed by end of June. We are still working with  
14 DDOT on our public space permit, which all the bike  
15 racks and other requirements are being addressed. But  
16 we're getting really close.

17 MR. SHAPIRO: And just in 30 seconds or less,  
18 why has this been two years?

19 MR. GHARAMANI: So, there has been delays  
20 with -- so, there is Army Corps of Engineers waterline  
21 transmission line that was going through the site, and  
22 no one captured that. D.C. Water thought it was their  
23 line, and then we finally found out it was an Army  
24 Corps line, and we had to make some adjustment onsite  
25 to accommodate all the easement requirements as well

1 as other requirements that both entities have.

2 MR. SHAPIRO: Okay, thank you. Thank you, Mr.  
3 Chair.

4 CHAIRPERSON HILL: Commissioner Shapiro, are  
5 you near the park?

6 MR. SHAPIRO: Near enough where I've been  
7 seeing the -- that it's been shut down for a long  
8 time.

9 CHAIRPERSON HILL: Okay.

10 MS. MAZO: I'm sorry. Chair Hill, at your  
11 request I just want to very briefly walk through how  
12 the project -- how the application satisfies the  
13 special exception standard, just to make sure the  
14 record is --

15 CHAIRPERSON HILL: Sure. Sure.

16 MS. MAZO: -- straight at the hearing. Just,  
17 you know, very briefly the requirements for special  
18 exception are very expressly set out. Development  
19 will be in harmony with the general purposes, will  
20 tend to not affect adversely the use of the  
21 neighboring property, and they satisfy the special  
22 exception standard. I'm sorry, special conditions.  
23 The case law is clear that special exception relief is  
24 presumed to be appropriate when the requirements are  
25 set.

1           We'll be in harmony, this -- addressing the  
2 first prong, the parking relief will be in harmony and  
3 purpose of the intent of the zoning regulations. A  
4 park has been on this property and on this site for  
5 more than 40 years, and it, itself, has never had on-  
6 site parking. And so, you know, allowing this  
7 application would satisfy that it's in harmony with  
8 the zoning regulations. Also, this particular zone  
9 encourages promote a suitable environment for family  
10 life and having a workable and suitable park certainly  
11 helps that.

12           The use of neighboring properties will not  
13 tend to be affected by granting the parking relief.  
14 Again, I reiterate that the park has been in existence  
15 for a very long time and has never had parking.

16           Also, I think it's important to note that  
17 there is ample off-street parking. Or, sorry, on-  
18 street parking surrounding the property, unlike many  
19 other Upper Northwest parks. This particular park, I  
20 think because of its age and the fact that it's been a  
21 park for a long time, has significant amount of  
22 parking on Van Ness and on 45th Street, all around.

23           And then finally, in terms of satisfying the  
24 conditions, you know, certainly we satisfy the  
25 condition for the -- and at least one of the

1 following, due to physical constraints, the parking  
2 cannot be located on there.

3           Also, the property does not have access to an  
4 open public alley, and accordingly a curb cut would be  
5 required, and a curb cut permit for the property has  
6 been denied by the District. And to that end, I do  
7 refer you to the Exhibits 33, Exhibits A and B, in  
8 which it's clear that the applicant, DGS, did apply  
9 for a curb cut for an ability to use the existing curb  
10 cut on Van Ness Street for parking and that request is  
11 not supported by DDOT.

12           And the information that's not supported is  
13 both expressly stated in an e-mail from Ryan Westrom  
14 at DDOT as well as in the public space application.  
15 Or, I'm sorry, public space application, permit  
16 application notes.

17           You know, going on to Subtitle C -- so,  
18 accordingly, the application would satisfy those  
19 prongs. Also, Subtitle C, 703.3, the reduction of the  
20 required number of parking spaces, it's only in the  
21 amount the application is physically unable to  
22 provide, they cannot provide any, and is appropriate  
23 to the reduction in parking demand, and you know, to  
24 the extent that with the additional bike parking  
25 spaces that are being proposed, as well as the way-

1 finding signage, that the proposed TDM plan satisfies  
2 this and any parking requirement is being -- is  
3 appropriate to the reduction. And then, finally, the  
4 final prong is 703.4, which does talk about the  
5 request for a TDM plan.

6 And as noted in the application, the applicant  
7 has worked with DDOT to propose the plan that is at  
8 Exhibit 39B.

9 CHAIRPERSON HILL: Okay. Great. Thank you.

10 MS. MAZO: Thank you.

11 CHAIRPERSON HILL: Ms. White, you had a  
12 question?

13 MS. WHITE: I was just trying to figure out  
14 exactly where the bike space is. Bike parking, where  
15 that was going to be located, as well as the proposed  
16 handicap spot.

17 MR. GHARAMANI: So, the park -- the handicap  
18 parking is between, anywhere between 45th -- the cross  
19 of 45th and Van Ness, through the entrance of the  
20 park. So, right in this area.

21 And as part of our Public Space permit, DDOT  
22 is requiring us to put some additional ADA ramps so  
23 that would accommodate all the requirements.

24 As far as bike racks, there will be proposed  
25 bike racks right in, within the public space, right in

1 front of the entrance on Van Ness, and we are  
2 proposing more bike racks through the site, which  
3 would be right next to the tennis courts.

4 MS. WHITE: Okay.

5 MR. HART: And are there any, just actually  
6 out of curiosity, bike sharing? Are you doing any of  
7 that here as well?

8 MR. GHARAMANI: No, we are not.

9 MS. MAZO: But I do note for the record, that  
10 there is a Bikeshare location, and I'm pulling it up  
11 right now. There is a Bikeshare location very close  
12 to the AU campus, which is 0.3 miles. So, it's on  
13 Massachusetts Avenue, very close to, I guess that's  
14 Tenley -- no. Yeah, I think it's Tenley Circle.  
15 There is a Bikeshare location there. So, it's within  
16 0.3 miles of the property.

17 CHAIRPERSON HILL: Okay, great. And you,  
18 right, the applicant has agreed that the TDM plan is  
19 going to be imposed as a condition?

20 MR. GHARAMANI: Yes.

21 CHAIRPERSON HILL: Okay. All right. I'm  
22 going to turn to the Office of Planning. Office of  
23 Planning.

24 MR. JESICK: Thank you, again, Mr. Chairman  
25 and members of the Board. My name is Matt Jesick.

1 I'm filling in today for Mr. Stephen Mordfin.

2 The Office of Planning can recommend approval  
3 of the application. The applicant has met our one  
4 outstanding issue, which was the submission of a TDM  
5 plan. So again, we can recommend approval of the  
6 case. Thank you.

7 CHAIRPERSON HILL: Okay. Does the Board have  
8 any questions for the Office of Planning? Does the  
9 applicant have any questions for the Office of  
10 Planning?

11 MS. MAZO: No, we don't. Thank you.

12 CHAIRPERSON HILL: All right. Is there anyone  
13 here from the ANC wishing to speak? Is there anyone  
14 here wishing to speak in support of the application?  
15 Is there anyone here wishing to speak in opposition to  
16 the application.

17 [No audible response.]

18 CHAIRPERSON HILL: Okay. With that, I'll turn  
19 back. Is there anything else you'd like to add?

20 MS. MAZO: No, thank you. I just, I know that  
21 the neighbors in this area are very much looking  
22 forward to have the park reopened.

23 CHAIRPERSON HILL: Okay, good. Thank you.  
24 Any other final issues or questions for the Board?

25 Okay. Going to go ahead and close the hearing

1 then. Is the Board ready to deliberate?

2 [No audible response.]

3 CHAIRPERSON HILL: All right. I, after  
4 hearing the presentation and having confirmation in  
5 terms of their proffering the handicap spot, as well  
6 as the TDM plan being issued as a condition, I didn't  
7 particularly have any issues with this application,  
8 and agree with the analysis of the Office of Planning  
9 in terms of why and how this should be approved as  
10 meeting the criteria.

11 Does anyone have anything else they'd like to  
12 add?

13 MR. HART: No, I would concur with you, Mr.  
14 Chairman.

15 CHAIRPERSON HILL: Okay. Then, I'll go ahead  
16 and make a motion to approve Application 19503 as read  
17 by the secretary.

18 MR. HART: And as --

19 CHAIRPERSON HILL: I'm sorry.

20 MR. HART: And with --

21 CHAIRPERSON HILL: Thank you. With the  
22 condition of the TDM plan being included as a  
23 condition.

24 MR. HART: Second.

25 CHAIRPERSON HILL: Motion has been made --

1 MS. GLAZER: Mr. Chair, sorry to interrupt.  
2 There was also the condition about the handicap space  
3 that was --

4 CHAIRPERSON HILL: I thought --

5 MS. GLAZER: -- a condition of ANC approval.

6 CHAIRPERSON HILL: I didn't think we were able  
7 to -- I wasn't adding that as a condition. I thought  
8 it was actually that it was just something that the  
9 application had proffered, and it wasn't something  
10 that we, as the Board, were able to implement as a  
11 condition.

12 MS. GLAZER: Well, normally it would be -- it  
13 might be outside of the Board's purview. However, if  
14 the applicant proffers it as a condition as -- that's  
15 what I understood. I could be incorrect.

16 CHAIRPERSON HILL: Okay. I'll turn back to  
17 the applicant. You were proffering it as a condition?

18 MS. MAZO: The applicant will proffer to work  
19 with DDOT to locate a handicap space in that general  
20 area.

21 CHAIRPERSON HILL: Okay. I'm comfortable with  
22 that. Is that Board comfortable with that?

23 [No audible response.]

24 CHAIRPERSON HILL: Okay. So, I'll again move  
25 forward with making a motion to approve Application

1 No. 19503 as read by the secretary, including the  
2 condition that the TDM plan be included, as well as  
3 the condition that the applicant work with DDOT to  
4 find a spot, a handicapped spot, as requested by the  
5 ANC.

6 I've made a motion. Could I get a second?

7 MR. HART: Seconded.

8 CHAIRPERSON HILL: Motion been made and  
9 seconded.

10 [Vote taken.]

11 CHAIRPERSON HILL: Motion passes, Mr. Moy.

12 MR. MOY: Staff would record the vote as four,  
13 to zero, to one. This is on the motion of Chairman  
14 Hill to approve the request for the relief, the  
15 requested relief, along with the conditions as stated  
16 by the Chair. Seconded the motion is Vice Chair Hart.  
17 Also in support, Mr. Shapiro and Ms. White. We have  
18 a board seat vacant. The motion carries.

19 CHAIRPERSON HILL: Thank you. A summary  
20 order, Mr. Moy.

21 MR. MOY: Yes, sir.

22 CHAIRPERSON HILL: Thank you. Thank you,  
23 guys.

24 All right. Mr. Moy, do we have anything else  
25 before the Board today?

1           MR. MOY: I believe that's it, Mr. Chairman.  
2 There's nothing from the staff.

3           CHAIRPERSON HILL: Okay. Then we stand  
4 adjourned.

5           [Whereupon, at 11:32 a.m., the public hearing  
6 was adjourned.]

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