

GOVERNMENT
OF THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

JULY 24, 2012

+ + + + +

The Regular Public Hearing
convened in the Jerrily R. Kress Memorial
Hearing Room, Room 220 South, 441 4th Street,
N.W., Washington, D.C., 20001, pursuant to
notice at 10:12 a.m., Lloyd Jordan,
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LLOYD JORDAN, Chairperson
NICOLE SORG, Vice-Chairperson
RASHIDA MacMURRAY, Board Member
JEFF HINKLE, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

ANTHONY HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
MAXINE BROWN-ROBERTS
PAUL GOLDSTEIN
ARTHUR JACKSON

The transcript constitutes the minutes from the Public Hearing held on July 24, 2012.

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

2 10:12 a.m.

3 BZA CHAIR JORDAN: Good morning,
4 ladies and gentlemen. We are here at the
5 Jerrily R. Kress Memorial Hearing Room at 441
6 4th Street, N.W. Today's date is July 24,
7 2012. We are here for the public hearing of
8 the Board of Zoning Adjustment for the
9 District of Columbia.

10 My name is Lloyd Jordan,
11 Chairperson. To my left is Vice Chair Nicole
12 Sorg. To her left is the Chairman of the
13 Zoning Commission Anthony Hood. To my right
14 is Rashida MacMurray, Board Member. To her
15 right Jeffrey Hinkle, Board Member.

16 Please be advised that this
17 proceeding is being recorded by a court
18 reporter and also webcast live. Accordingly,
19 we ask that you refrain from any disruptive
20 noises or actions in the hearing room. The
21 Board's hearing procedures and how we will
22 process applications can be found on the table

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1 by the back door.

2 All those who are going to testify
3 here today on any of the matters, would you
4 please stand and be sworn or affirmed by the
5 Board Secretary.

6 (Whereupon, the witnesses were
7 sworn.)

8 BZA CHAIR JORDAN: Additionally,
9 prior to your testimony I'm going to ask that
10 you complete two witness cards and then give
11 those to the court reporter. Fill out two
12 witness cards and give them to the court
13 reporter, please.

14 Mr. Moy, can we begin today's
15 hearing agenda. Are there any preliminary
16 matters?

17 MR. MOY: Not overall, Mr.
18 Chairman.

19 BZA CHAIR JORDAN: Will you call
20 our first case, please?

21 MR. MOY: Yes, with pleasure.

22 Again, good morning Mr. Chairman and members

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1 of the Board.

2 The first application before the
3 Board for hearing is Application No. 18387.
4 This is the application of Beverly Pringle and
5 Mark Moran, pursuant to 11 DCMR 3104.1, for a
6 special exception for an addition to an
7 existing one-family row dwelling under section
8 223, not meeting the open court requirements
9 under section 406 in the R-4 District at
10 premises 232 11th Street, N.E. Property is
11 located in Square 964, Lot 827).

12 Mr. Chairman, I believe the
13 Applicant has amended to also relief not
14 meeting the lot occupancy under Section 403
15 according to their filing under Exhibit 24. I
16 believe the Office of Planning is suggesting
17 that there should be relief under
18 nonconforming structure under 2001.3 but we'll
19 leave that to the Office of Planning.

20 That completes the staff's
21 briefing, Mr. Chairman.

22 BZA CHAIR JORDAN: Thank you, Mr.

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1 Moy.

2 Would the persons and parties for
3 this matter come to the witness table, please.

4 Have you completed the witness
5 cards? Please identify yourself.

6 MR. FOWLER: Mike Fowler from
7 Fowler Architects.

8 MR. MORAN: Mark Moran from 232
9 11th Street, N.E.

10 BZA CHAIR JORDAN: Before we
11 begin, it has been indicated, and I don't know
12 if you had conversation with the Office of
13 Planning, that this application also requires
14 relief from Section 2001.3 because of
15 nonconforming so we would need you to (1) you
16 can make an oral motion that it's amended to
17 include that, and then subsequently provide us
18 a writing to that effect.

19 MR. FOWLER: What do we need to
20 do?

21 BZA CHAIR JORDAN: Say, yes, we
22 want to amend according to what I just said.

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1 MR. FOWLER: Yes, we want to
2 amend.

3 BZA CHAIR JORDAN: Just make sure
4 -- what it does is provide that you have all
5 the relief that is necessary. It is a belief
6 that that provision was also necessary.

7 MR. FOWLER: What does that
8 provision cover?

9 BZA CHAIR JORDAN: The property
10 was nonconforming so we changed the
11 nonconforming use so we needed to add that
12 relief. If you left it alone, then it's okay
13 but you changed it.

14 MR. FOWLER: Okay.

15 BZA CHAIR JORDAN: I guess that's
16 simple enough in dialogue.

17 Does the Board have any particular
18 questions or issues with this application
19 seeing that we have Office of Planning
20 support.

21 Do we have ANC support in this?

22 Yes, we have ANC recommended approval in this

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1 matter based upon Office of Planning's
2 representation to us, and they wouldn't tell
3 us anything that is not true. I don't believe
4 we actually received the letter from the ANC.

5 Right, Mr. Goldstein?

6 MR. GOLDSTEIN: Thank you, Mr.
7 Chair. I think in my report I just indicated
8 that the Applicant had said that the Economic
9 Development and Zoning Committee had supported
10 it and that there would be an ANC hearing but
11 I haven't heard the result.

12 BZA CHAIR JORDAN: Okay.

13 Yes, Ms. Sorg.

14 VICE CHAIRMAN SORG: Mr. Chairman,
15 we are getting an indication that it is our
16 Exhibit No. 31. I originally did not receive
17 an Exhibit 31 in my package, and I don't think
18 we did, but it sounds like from staff that we
19 have it.

20 BZA CHAIR JORDAN: Okay. Very
21 good. So we do have ANC support in this
22 matter. Are there any other -- are there any

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1 questions or anything that we think we need to
2 hear from the Applicant?

3 We believe there is probably
4 sufficient enough information -- there is
5 probably enough information in this record for
6 us to grant the relief. However, it's your
7 opportunity if you want to say something, if
8 you really want to say something, you have the
9 opportunity to do that. There has been
10 history of people that talk themselves out of
11 getting relief.

12 MR. MORAN: Mr. Chairman, I'll
13 overrule my colleague here. As an attorney I
14 know the message you just sent and we will
15 rest on the paper record. Thank you.

16 BZA CHAIR JORDAN: Office of
17 Planning?

18 MR. GOLDSTEIN: The Office of
19 Planning is supportive of the relief. We did
20 mention 2001.3 to acknowledge it. I believe
21 this came up after the lot occupancy was
22 revised to make it a nonconforming lot

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1 occupancy. That led us to identify that
2 perhaps 2001.3 was needed. We are supportive
3 of that relief. We are supportive of the
4 original relief. With that I'll rest no the
5 record.

6 BZA CHAIR JORDAN: Is there any
7 other Government agency? Any representative
8 from the ANC here? Any persons in support in
9 the audience that needs to speak? Any persons
10 in opposition to this application? Seeing
11 none, I would move that the Board grant the
12 relief with the additional relief as specified
13 here today of this application.

14 MEMBER MacMURRAY: Mr. Chairman, I
15 second the motion.

16 BZA CHAIR JORDAN: Motion made and
17 seconded. Further discussion? All those in
18 favor signify by saying aye.

19 BOARD MEMBERS: Aye.

20 BZA CHAIR JORDAN: Those opposed
21 nay. The motion carries.

22 Mr. Moy.

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1 MR. MOY: Yes, sir, Mr. Chairman.
2 Staff would record the vote as five to zero to
3 zero. This is on the motion of Chairman
4 Jordan to approve the application per the
5 relief cited. Seconding the motion Vice
6 Chairperson Sorg. Also in support of the
7 motion Mr. Hood, Ms. MacMurray, and Mr.
8 Hinkle.

9 BZA CHAIR JORDAN: It was seconded
10 by Board Member MacMurray.

11 MR. MOY: Oh, seconded by
12 MacMurray. I'm sorry.

13 BZA CHAIR JORDAN: That's okay.
14 We got you. You saved us on the ANC. We'll
15 give you that one.

16 MR. MOY: Okay. My vote count as
17 amended seconded by Ms. MacMurray. Thank you.

18 BZA CHAIR JORDAN: I believe this
19 matter is right for a summary order.

20 MR. MOY: Yes. Thank you, sir.

21 BZA CHAIR JORDAN: Thank you.

22 We'll find this matter concluded.

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1 MR. MOY: The next application
2 before the Board is Application No. 18380.
3 This is the application of Jemal's Wonder LLC,
4 pursuant to 11 DCMR 3104.1 and 3103.2, for a
5 special exception from the roof structure
6 requirements under subsection 770.6, a
7 variance from the rear yard requirements under
8 section 774, and a variance from the off-
9 street parking requirements under subsection
10 2101.1, to allow for alterations and additions
11 to an existing historic landmark building in
12 the ARTS/C-2-B District at premises 641 S
13 Street, N.W. Property located in Square 441,
14 Lot 848.

15 That completes the staff's
16 briefing, Mr. Chairman.

17 BZA CHAIR JORDAN: Before we
18 begin, I know we have some preliminary matters
19 here. One of the preliminary matters is a
20 party status request with the residents of
21 Wiltberger.

22 Mr. Glasgow, have we had

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1 conversations with the parties in opposition?
2 Has there been dialogue about this
3 application?

4 MR. GLASGOW: Yes, sir. Mr.
5 Millstein has had dialogue on that. If you
6 want to get the latest update, we can give
7 that.

8 BZA CHAIR JORDAN: Let me ask are
9 the parties in opposition who requested a
10 party status, the residents of Wiltberger,
11 present?

12 Yes. Would you come to the
13 witness table, please. One second, please.
14 Would you please identify yourselves, please?

15 MS. SOHNEN: Thank you. Eleanor
16 Sohnen, resident, 1809 Wiltberger Street, N.W.

17 BZA CHAIR JORDAN: And your last
18 name again?

19 MS. SOHNEN: Sohnen, S-O-H-N-E-N.

20 BZA CHAIR JORDAN: Yes. And you?

21 MR. EISENBERG: Good morning.

22 Mark Eisenberg, E-I-S-E-N-B-E-R-G. Also 1809

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1 Wiltberger Street.

2 BZA CHAIR JORDAN: Were you two
3 here -- did you get sworn in? I don't think
4 I saw you.

5 MR. EISENBERG: No.

6 BZA CHAIR JORDAN: Would you
7 please stand.

8 Mr. Secretary, would you --

9 (The witnesses were sworn.)

10 BZA CHAIR JORDAN: Now, before we
11 have a discussion about party status -- well,
12 additionally, did you complete the witness
13 cards?

14 In looking at your application for
15 party status, it appears that there hasn't
16 been much dialogue between the party and the
17 Applicant. Has there been dialogue?

18 MR. EISENBERG: Yeah, that's
19 changed. There's been a great deal of
20 dialogue between our group and Paul. We spoke
21 at length yesterday until late last night and
22 came to terms with a memorandum of

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1 understanding this morning.

2 BZA CHAIR JORDAN: And so you are
3 going to withdraw your request for party
4 status? Is that what I'm understanding?

5 MR. EISENBERG: We would like to
6 keep our request for party status and be a
7 proponent of the project.

8 BZA CHAIR JORDAN: Well --

9 MR. EISENBERG: And also if we may
10 make a comment about the project.

11 BZA CHAIR JORDAN: You don't need
12 party status to weigh in and be in support of
13 the project. You would have three minutes to
14 talk about your support as a group or person
15 in support.

16 MR. EISENBERG: I don't know how
17 this process works. I'll do what you suggest.

18 BZA CHAIR JORDAN: Got you. I
19 understand what you want then. You want to be
20 able to weigh in, say your comments because
21 you're in support of the project.

22 MR. EISENBERG: Sorry to

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1 interrupt. We're in support of the project
2 per --

3 BZA CHAIR JORDAN: Per the
4 agreement.

5 MR. EISENBERG: -- per the
6 agreement.

7 BZA CHAIR JORDAN: I understand.
8 To do what you need party status is not
9 necessary.

10 MR. EISENBERG: Understood.

11 BZA CHAIR JORDAN: Thank you.
12 Well then, okay. We also originally had a
13 request for party status that has been
14 withdrawn by Rev. Jim Dickerson of Manna in
15 this matter.

16 There is an issue about an
17 additional relief question that might be
18 necessary here. Is that correct?

19 MS. GLAZER: I'm sorry, Mr. Chair.
20 I was speaking with the secretary and didn't
21 hear the question.

22 BZA CHAIR JORDAN: Is there

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1 additional need to -- that the Applicant may
2 need to amend dealing with Section 771?

3 Mr. Jackson.

4 MR. JACKSON: Mr. Chairman, Arthur
5 Jackson. The issue has to do with the --
6 well, there are two additional air
7 conditioning towers that are shown on the
8 roof. On one plan there is one tower. On the
9 other plan there are two. Under 411.3 all
10 roof structures and mechanical equipment have
11 to be enclosed, or they should be enclosed.

12 That appeared to be the bare
13 structure but the Applicant indicated, and I
14 highlighted this with the Applicant, and the
15 Applicant indicated they would discuss this at
16 the hearing. Again, the plans were so
17 inconsistent because one elevation showed two
18 towers and then one perspective showed one.
19 I'm sure that will be resolved during the
20 presentation.

21 BZA CHAIR JORDAN: Let's talk
22 about it now if we would.

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1 Mr. Glasgow.

2 MR. GLASGOW: All right. First,
3 Mr. Chairman, we did ask for relief from roof
4 structure requirements so that is in the
5 application.

6 BZA CHAIR JORDAN: Okay.

7 MR. GLASGOW: And we have
8 internally because of the complications with
9 respect to the roof structures out of an
10 abundance of caution we have requested the
11 relief because we have a saw-tooth design up
12 on the roof. Then we have a couple of
13 different areas. The architect and Mr. Sher
14 will be able address the issue of the roof
15 structures.

16 BZA CHAIR JORDAN: So we are
17 including -- I understand what you're doing
18 now. I understand what you're doing. And
19 you're just -- so you believe the air
20 conditioning unit would fit within the
21 requested relief for the roof structure?

22 MR. GLASGOW: Well, I don't know.

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1 We had relief for multiple roof structures on
2 equal height, that type of thing. We were
3 looking at all of that. We believe that the
4 air conditioning units, I think, are less than
5 four feet above the --

6 Sacha? Okay, we are going to put
7 all the equipment in one enclosure and we can
8 show that on the plans. The set back meets
9 the other requirements for the roof structure
10 regulations.

11 Are we ready to put it up on the
12 screen? Not yet? Okay.

13 BZA CHAIR JORDAN: Let's do this.
14 Let's begin with introductions of the
15 Applicant.

16 MR. GLASGOW: Mr. Chairman, for
17 the record, my name is Norman M. Glasgow, Jr.
18 of the law firm of Holland & Knight here on
19 behalf of the applicant in this case
20 concerning redevelopment of the historic
21 Wonder Bread property at 641 S Street, N.W.,
22 Lot 848, Square 441.

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1 Here with me today are Mr. Paul
2 Millstein of Douglas Development, Mr. Sacha
3 Rosen of R2L Architects, Mr. Ed Papazian of
4 Kinley Horn Associates, and Mr. Steven Sher of
5 Holland & Knight. We'll be submitting Mr.
6 Millstein as an expert in urban project
7 management and urban development.

8 He's done many projects with
9 Douglas Development. He has been before this
10 Board many, many times and before the Zoning
11 Commission. Mr. Rosen has been accepted as an
12 expert by this Board previously as has Mr.
13 Papazian and Mr. Sher.

14 Next we have filed for the record
15 a copy of the Statement of Applicant and I
16 assume the Board members all have a copy of
17 that. That sets forth the nature of the
18 relief and how we meet each one of the areas
19 of relief.

20 We would note that at the time
21 that we originally filed the application we
22 had no parking provided in the building and,

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1 therefore, we are requesting variance relief
2 from the parking requirements.

3 As a result of contacts with two
4 ANCs and neighborhood groups, the Applicant
5 determined to put a level of parking in the
6 building, 27 spaces. We do concur with the
7 Office of Planning's report where it states
8 that as a result of providing those 27 parking
9 spaces we no longer need variance relief from
10 the parking regulations.

11 BZA CHAIR JORDAN: And are you
12 tendering Mr. Papazian and Mr. Rosen as your
13 experts?

14 MR. GLASGOW: Yes, those are
15 experts. Also we have Mr. Rosen as an expert
16 in urban architecture, Mr. Papazian in traffic
17 engineering, and Mr. Sher with respect to land
18 planning.

19 MR. MOY: If it helps you, Mr.
20 Chairman, the Board has in your book, as you
21 know, Mr. Papazian and Mr. Rosen and Mr. Sher.

22 BZA CHAIR JORDAN: And I thought

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1 there was one other person you were tendering.

2 MR. GLASGOW: Mr. Millstein who
3 has been before this Board on numerous
4 occasions.

5 BZA CHAIR JORDAN: Mr. Moy, do we
6 have --

7 MR. MOY: That's correct, sir.
8 Yes.

9 BZA CHAIR JORDAN: Then we'll
10 accept them as experts.

11 MR. GLASGOW: Thank you.

12 BZA CHAIR JORDAN: Mr. Glasgow,
13 you can begin.

14 MR. GLASGOW: All right. Thank
15 you, sir. Also the Applicant is pleased that
16 both ANCs 1B and 2C have unanimously supported
17 the granting of this relief. We have support
18 in the record from the Office of Planning and
19 DDOT. If there are no preliminary questions,
20 I would like to proceed with the testimony of
21 the witnesses or if the Board would like to
22 proceed with questions.

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1 BZA CHAIR JORDAN: Let's deal with
2 the air conditioning unit and work our way
3 around because we might be -- that's the point
4 of immediate contention for me if we could
5 begin talking about that.

6 MR. GLASGOW: All right. I would
7 like to have Mr. Sacha Rosen address the roof
8 structure.

9 MR. ROSEN: Let me direct your
10 attention to the screen. I'm going to jump
11 ahead in my presentation and just go directly
12 to the roof plan.

13 You can see in this location on
14 the roof we had originally planned for one air
15 conditioning unit and that was what showed up
16 in the prehearing statement. Since that time
17 due to design developments we've added a
18 second tower.

19 After receiving comments from
20 Office of Planning we concur that in order to
21 comply with the Zoning Regulations we should
22 provide one enclosure in this location that

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1 will enclose all of the mechanical units that
2 will be greater than four feet in height. That
3 enclosure will comply with the other
4 requirements such as to exterior material,
5 height, and consistency of height. Thank you.

6 BZA CHAIR JORDAN: That's good.
7 Thank you.

8 You can continue, Mr. Glasgow.

9 MR. GLASGOW: If there are no
10 other questions, I would like to have Mr.
11 Millstein proceed with his statement.

12 BZA CHAIR JORDAN: Mr. Moy, can
13 we --

14 MR. MILLSTEIN: Good morning.
15 Paul Millstein, Vice President of Douglas
16 Development. I want to thank you for the
17 opportunity. It's always a pleasure to be
18 here. This is, again, I think a very nice
19 project that we are bringing forward. We are
20 excited about it.

21 BZA CHAIR JORDAN: Pleasure to be
22 here always?

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1 MR. MILLSTEIN: It is. With this
2 group it's been a good run. We'll just hope
3 to keep that rolling.

4 Anyway, this was a little
5 challenging because the Wiltberger residences
6 border a different ANC than the actual project
7 is in so we took the tact very early to go to
8 bed with the ANCs even though 2C is not in
9 this -- this building isn't in 2C but since it
10 was so close we thought it was appropriate.

11 We doubled the process and worked
12 very hard to try to get everybody on the same
13 page, made a lot of concessions, had some
14 early meetings with Wiltberger residents, and
15 then had some subsequent meetings late into
16 last night to finalize things which we
17 appreciate their effort.

18 I feel good that we're here with
19 everybody in support from the neighborhood,
20 two ANCs, the design and review committee,
21 everybody. I think it's a great project and
22 I hope you feel the same. Thank you.

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1 MR. GLASGOW: Would you like to
2 have the architect make any presentation or
3 just answer questions?

4 BZA CHAIR JORDAN: Anything you
5 want in particular, Ms. Sorg, or just in
6 general? Okay.

7 Would you go ahead with your
8 presentation regarding the architecture.

9 MR. GLASGOW: Mr. Rosen, would you
10 please identify yourself for the record and
11 proceed with your testimony.

12 MR. ROSEN: Good morning. I'm
13 Sacha Rosen, a principal with R2L Architects
14 here in the District. We are happy to be
15 working with Douglas Development on this
16 project. I'll try to make an abbreviated
17 presentation but feel free to interrupt me and
18 ask me any questions if you so choose.

19 Can we dim the lights again,
20 please?

21 This is a very exciting project to
22 be working on. There are very few industrial

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1 historic buildings in Washington, D.C. That
2 is just not our history. This is a very
3 exciting one. This is a former bakery. It
4 was originally built as Dorsch's White Cross
5 Bakery back in the '30s.

6 Then it eventually became the
7 Hostess Twinkie plant. All the Twinkies
8 delivered on the East Coast were manufactured
9 in this facility for a number of years. It's
10 been not used as a factory for a few years now
11 and has been waiting redevelopment.

12 It's in a very exciting location.
13 It's directly adjacent to Progression Place at
14 the corner of 7th and S Streets which is at
15 the top of the Metro station there. There has
16 been a lot of development in the area.

17 Directly to the north of the
18 project is also the Howard Theater which, if
19 you don't know by now, it has been recently
20 renovated. You should definitely go and catch
21 a show there.

22 I'll show you quickly a few

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1 photos. Again, very interesting industrial
2 building, very unique in the city. When we
3 started working on this project this was not
4 a designated landmark structure, although it
5 had been identified by the Historic
6 Preservation Office as a building of interest.

7 Douglas Development Corporation on
8 their own suggested to the Historic
9 Preservation Review Board and the Historic
10 Preservation Office that they would treat this
11 as if it were an historic structure.

12 Also sponsored the preparation of
13 the historic report. Everything that we've
14 done so far as been in keeping with the
15 Historic Preservation Guidelines. Since that
16 time the building has, in fact, been
17 designated a landmark.

18 I'll show you a few photos of it.
19 It was built and rebuilt over a number of
20 years. Lots of different additions of
21 different heights, all industrial in nature.
22 You can see some of the photos where the rear

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1 portions of the building had been loading
2 docks and delivery facilities for these
3 Twinkies and the front portions had been
4 factory use.

5 Here is our site plan. I have an
6 amended copy on a board if anyone would like
7 to see that where we do show the Progression
8 Place which is nearing completion at this
9 time. I also want to show on the plan we have
10 sort of an interesting kind of unique assembly
11 here.

12 This is a design we developed in
13 concert with the Historic Preservation Office
14 as well as the D.C. Preservation League. We
15 made presentations to both bodies numerous
16 times, all of which are very supportive. Also
17 presented the design to the ANC-1B design
18 review committee four, five, six times over
19 the past year or so and received favorable
20 responses every time.

21 There is an existing basement
22 which we are going to clean up and reuse.

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1 This is the proposed use of the basement. You
2 can see the front portion of the lower level
3 would be used for retail space. There's some
4 mechanical space in this corner.

5 Approximately the back half would be used for
6 parking.

7 Again, we had previously designed
8 this project to not have parking but after
9 meeting with the community and receiving
10 statements to the effect they would like to
11 see some parking, we've relocated it to the
12 basement. You can see over here is where the
13 parking garage entry comes down to the lower
14 level.

15 This was the existing ground floor
16 and this is the proposed ground floor. Again,
17 you can see after working with the community
18 and Historic Preservation Office we've
19 established this corner here is having active
20 retailer office use. This area over here
21 would be the main entry to the office.

22 The upper second, third, and

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1 fourth floors will be for office use. This is
2 the main entry here and the reason for that is
3 this is the only handicapped accessible entry
4 to the building without damaging the existing
5 exterior fabric.

6 We have located the main entry
7 here. This one is up a few stairs. This one
8 is at grade with a ramp that comes up to the
9 main entry in this location. I want to bring
10 up the point that this area over here is
11 primarily just office entry.

12 In fact, this is the active use.
13 This will see very little use here. It is
14 really just the connection from the lobby to
15 an inside bike parking area and shower and
16 bathroom to support the use of the biking to
17 work should people decide to do that. Also
18 the connection to a loading dock.

19 BZA CHAIR JORDAN: And the main
20 entrance is on 6th Street?

21 MR. ROSEN: The main entrance is
22 here on S.

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1 BZA CHAIR JORDAN: S. Okay.

2 MR. ROSEN: North is to the right
3 so that is S Street.

4 The rear portion here would also
5 be an active use, probably a retail use. This
6 here is the parking entry and this area over
7 here in the center is the loading. We've been
8 very careful to locate both the parking
9 entrance and the loading facilities off of an
10 alley which is between our site and
11 Progression Place and not on Wiltberger
12 Street.

13 This is a through alley that goes
14 all the way from S Street out to Florida. The
15 design here is that delivery trucks would
16 enter off of S Street, pull here, back in,
17 unload, and go straight out to S Street
18 without impacting the residences along
19 Wiltberger Street.

20 In addition, we've located the
21 parking entry here and at the corner. One of
22 the reasons it was located all the way at the

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1 corner is to preclude anyone from actually
2 coming down the alley to the north side and
3 then making a hard U turn to park into -- to
4 go into the parking ramp.

5 Really the only way to use this
6 parking ramp is to come down the alley that is
7 on the west side of the property. It's a two-
8 way alley so you can come in from Florida or
9 from S Street and use the ramp, but then you
10 have to go out that side and it's almost
11 impossible to make that U turn and come back
12 down towards Wiltberger Street.

13 VICE CHAIR SORG: One question.
14 So does Progression Place have their loading
15 and parking off that alley also?

16 MR. ROSEN: They do and this was
17 an existing 15-foot alley. What they have
18 done is set the ground and, I believe, the
19 second floors of their building back an
20 additional five feet to create a wider alley
21 to facilitate two trucks passing, for example.

22 VICE CHAIR SORG: Okay. Thanks.

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1 MR. ROSEN: There is the existing
2 second floor. You can see the rear portion of
3 the project was one story. It was multi-story
4 towards the front. We are proposing to take
5 the two story all the way to the back.

6 That was as a result of work with
7 the Historic Preservation Office Historic
8 Preservation Office who actually made the
9 ruling that the entirety of the existing
10 building was not historic fabric.

11 In fact, it was a rear addition of
12 one story that they requested the Douglas
13 Development demolish and replace with a new
14 addition and that the new addition should be
15 in keeping with the addition that we are
16 putting on top of the historic structure.

17 Again, this is the third floor.
18 We are providing a setback terrace on the
19 third floor. Again, that was through design
20 negotiation with the Historic Preservation
21 Office that the existing building is two
22 stories along here and three stories along

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1 here. Even though we are providing an
2 additional story here, we would set that back
3 significantly so it would not be visible from
4 the street.

5 This is the existing fourth floor.
6 We are expanding the fourth floor in this area
7 here. The west portion of the building will
8 remain at three stories and a lot of the
9 mechanical equipment will be set down on that
10 level on the roof of the third floor so as to
11 not stick up significantly and be less
12 visible.

13 We had originally planned this
14 fourth floor to be a little bit smaller but at
15 the request of the Historic Preservation
16 Office we actually expanded it towards the
17 back and created a bit more of a larger fourth
18 floor towards the back.

19 VICE CHAIR SORG: So that fourth
20 floor as viewed from Wiltberger Street and the
21 alley to the north screens the -- acts as a
22 sort of screen for some of the rooftop things.

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1 MR. ROSEN: That's correct.

2 VICE CHAIR SORG: And then those
3 are visible from -- how tall is the
4 Progression Place building? Is it taller than
5 you?

6 MR. ROSEN: It's much taller.

7 VICE CHAIR SORG: Oh, of course.

8 MR. ROSEN: About 100 feet tall.

9 In fact, you're correct. The fourth floor --
10 it's feet, the Progression Place. Yes, I
11 would clarify that the fourth floor addition
12 actually provides both visual and acoustic
13 screening from the mechanical equipment that
14 is on the third floor roof on the west side.

15 BZA CHAIR JORDAN: What is the
16 acoustic screen? How is that being screened?

17 MR. ROSEN: You know that rooftop
18 equipment can be noisy but when there is a
19 building between you and the equipment, it
20 blocks it.

21 Here is the front elevation along
22 S Street. You can see in black and white at

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1 the top is the existing condition and the
2 proposed elevation on the south side, again,
3 approved unanimously by Historic Preservation
4 Review Board and with support from D.C.
5 Preservation League.

6 I apologize for the color. Your
7 presentation booklets have a much better color
8 issue but everything is showing up sort of
9 blackish and greenish on the wall here.

10 This is the Wiltberger street
11 elevation. These locations here, all these
12 openings, were originally large openings with
13 overhead doors with industrial use coming in
14 and out. These are actually the ones that are
15 directly facing the residents who live on
16 Wiltberger Street.

17 Originally this location and this
18 location, and also another opening down here,
19 are also large vehicle doors. This was
20 actually predominately for the pickups for the
21 product, for the Twinkies, where they were
22 actually made. This actually received

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1 substantial truck traffic.

2 What we are doing, as I've noted
3 in the plan, this is not really an active use
4 along here. This is really kind of the back
5 corridor from the office lobby connecting to
6 the loading. we were providing some active
7 use towards the back of the building.

8 It's my understanding that has
9 been a particular issue with the Memorandum of
10 Understanding between the Wiltberger residents
11 and Douglas Development. As a result of those
12 negotiations, the only entry -- the only
13 active entry to this facade is going to be at
14 Big Stream northern end which I can show you
15 on the site plan is substantially farther
16 north than the residences.

17 BZA CHAIR JORDAN: Those old
18 loading doors, what are those going to be?
19 What are they going to be now?

20 MR. ROSEN: That's going to be
21 glass block. There will be no ingress or
22 egress at that point. We'll get light on the

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1 inside and there will be some light, some
2 filtered light coming onto the outside to make
3 the alley seem somewhat occupied. However,
4 there won't be people coming in and out.

5 This is the north facade of the
6 building so this is actually facing towards
7 the Howard Theater and it's on an alley.
8 Again, as part of the MOU and negotiations,
9 it's my understanding that this will now be
10 the main actual entry to the retail space on
11 the ground floor.

12 As I noted, this is on the east
13 side so there will be an entry here that kind
14 of goes through and there will be doors both
15 on the east side and on the north side but the
16 main doors that will be used are actually
17 going to be the ones on the north side that
18 aren't even facing onto Wiltberger Street.

19 This is the west facade. Again,
20 just pointing out the garage entry, the
21 parking garage entry here, and then the
22 loading dock doors along this side. All of

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1 that delivery and service use will be a way
2 from Wiltberger Street. Then I would direct
3 your attention to this location here.

4 That is where we are currently
5 showing the two cooling towers on the roof.
6 Again, per our conversation with Office of
7 Planning we will enclose those with a screen
8 wall that will be consistent in height and
9 color with the rest of the building.

10 Some building sections. Feel free
11 to ask questions if you choose. Just some
12 renderings of the project which are also in
13 your packet. Again, from S Street the whole
14 idea with Historic Preservation was to
15 minimize the impact of the new addition.

16 However, on the rear portions,
17 this is Wiltberger Street and this is the
18 alley to the north. Progression Place had not
19 yet been developed when we built this model.
20 The idea here at the request of Historic
21 Preservation we would be bringing the new
22 addition down so it would be visible from the

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1 ground. This is the location of the new
2 proposed retail entry consistent with the
3 Memorandum of Understanding.

4 That's all I have. Thank you.

5 BZA CHAIR JORDAN: Mr. Moy, can we
6 hit the lights?

7 Let's talk about, if we could, the
8 parking and transportation issues and how we
9 are dealing with that.

10 MR. GLASGOW: Well, the Office of
11 Planning after we had modified our project to
12 add in the parking level determined that there
13 was no parking relief required with the
14 addition of the 27 spaces. When we first
15 started out we had zero parking so we needed
16 a parking variance.

17 BZA CHAIR JORDAN: And rear yard?

18 MR. GLASGOW: Mr. Sher will handle
19 rear yard.

20 Mr. Sher, please identify yourself
21 for the record and proceed with your
22 testimony.

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1 MR. SHER: Mr. Chairman, members
2 of the Board, for the record my name is Steven
3 E. Sher, Director of Zoning and Land Use
4 Services with the law firm of Holland &
5 Knight. As has been discussed before, we
6 have, I think, reduced the area of relief that
7 we need to basically want and that is the rear
8 yard.

9 As Mr. Rosen has indicated, we are
10 going to screen the roof structure so we don't
11 have any issue with respect to that. Given
12 the way the Office of Planning has computed
13 the parking requirement, we meet the
14 requirement for the increase in square footage
15 that we're proposing and, therefore, they've
16 indicated that we don't think we need a
17 variance there.

18 What we have left is the rear
19 yard. In the C2A District the required rear
20 yard is 15 feet. For the first 20 feet in
21 height, or effectively the first story here,
22 you can measure the rear yard from the center

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1 line of the alley. Above 20 feet you have to
2 measure the rear yard from the property line.

3 Because the alley is 16 feet wide
4 on the north side because we've set the wall
5 of the building back in excess of seven feet,
6 for that first 20 feet we have a compliance
7 situation.

8 As you can see from, well, even
9 one of those but the one before it I think was
10 a better view, that one on the bottom, we've
11 carried the wall of the building straight up
12 so when you get up above 20 feet in order to
13 have a complying rear yard we would have to
14 set it back another seven feet plus.

15 What does that do the building?
16 Well, No. 1, we are trying to make up some
17 areas of space lost because of the setbacks
18 and other requirements done through Historic
19 Preservation.

20 No. 2, if you set the building
21 back, what it does is it changes the
22 configuration of the parking ramp on the

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1 ground floor. As Mr. Rosen indicated, we
2 designed this is a way to move the parking
3 ramp to the very back of the building so as to
4 facilitate the use of the alley on the west
5 side rather than coming in off Wiltberger
6 Street and trying to make a U turn down there.

7 If you move that parking ramp
8 seven feet plus farther to the south, it can
9 bring up the parking level. What it does to
10 the parking level below grade is it winds up
11 bringing that ramp down seven feet farther
12 south in the parking garage effectively
13 obliterating about five or six spaces that
14 would otherwise have been made which you could
15 leave the parking ramp where it is.

16 That means then you've got to take
17 the parking ramp down another level in order
18 to get that same number of spaces. When you
19 bring that ramp down another level, you lose
20 the spaces at the north end of the site
21 because the ramp has got to go down and ramp
22 down again so you are back to about two-and-a-

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1 half levels to get all the parking that you
2 need.

3 In order to get the same number of
4 spaces we have now we would be at two levels.
5 Because of the historic nature of the
6 building, because of the excavation you would
7 have to do, because of the impact on the
8 number of spaces to get down in the garage,
9 that creates the difficulty for the project.

10 VICE CHAIR SORG: If you're
11 finished, then I'll ask a question. If you
12 are required to set back starting at the
13 second floor, what requires you to move the
14 parking ramp? Is it structural elements
15 coming down to the first floor or what is it?

16 MR. ROSEN: That's right. Then we
17 would have our exterior columns coming right
18 down in the middle of the parking ramp.

19 MEMBER HINKLE: Can I ask what is
20 occurring on the lot north of you? Is that
21 associated with the theater?

22 MR. SHER: At the moment it's a

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1 vacant lot.

2 MEMBER HINKLE: It's a vacant lot
3 still? Okay. Thank you.

4 BZA CHAIR JORDAN: Is there any
5 limitations underneath the building going down
6 deeper?

7 MR. SHER: Under the theater
8 building?

9 BZA CHAIR JORDAN: If you have to
10 excavate to go down lower besides cost issues.

11 MR. ROSEN: Well, there is the
12 fragility of the exterior bearing walls.

13 BZA CHAIR JORDAN: Maybe this is
14 not correct but I thought there was also some
15 type of tunnel issue here but maybe not.

16 MR. SHER: On the record, no.

17 ZC CHAIR HOOD: Mr. Chairman, can
18 I ask a question?

19 BZA CHAIR JORDAN: Yes, please.

20 ZC CHAIR HOOD: Can you show me
21 the roof plan? Let's look at 16. I know you
22 went over this. Explain to me what's

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1 happening there again. I'm not going to say
2 I just woke up but explain to me what's
3 happening.

4 MR. ROSEN: Yeah, again this is a
5 complicated roof plan having to do with the
6 fact that the existing building has two
7 levels. This right here is an existing
8 parapet. It's above the second floor. This
9 area here is on the third floor. It's like an
10 outdoor terrace area.

11 This area here is a roof above the
12 third floor. Instead of making it easy and
13 just having a nice flat roof, we created this
14 sloping kind of roof with lanterns to bring in
15 light and give it an industrial feel. Anyway,
16 this is the roof over the third floor. On top
17 of that roof we are creating some portion of
18 the flat area and we are putting in larger
19 mechanical units there.

20 This area here starting on the S
21 Street side, that is the existing parapet that
22 is on top of the third floor structure here.

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1 This is the roof of the third floor. Then
2 beyond that in this location here we are
3 building a fourth floor.

4 There is actually an existing
5 fourth floor which is an elevator override and
6 mechanical room. We are enlarging that.
7 Along Wiltberger is a fourth floor addition
8 and that wraps along the north side.

9 ZC CHAIR HOOD: Thank you.

10 Thank you, Mr. Chairman.

11 BZA CHAIR JORDAN: What about the
12 combined development credit issue? Where are
13 we on that?

14 MR. GLASGOW: The Applicant is
15 required to have that at the time that you are
16 ready to get Certificates of Occupancy if you
17 are asking for uses that are not permitted
18 without the combined lot development. We are
19 not at the point where we have to provide that
20 to the District at this point.

21 BZA CHAIR JORDAN: It would affect
22 the floor.

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1 VICE CHAIR SORG: It would affect
2 the FAR if they didn't get it but --

3 MR. GLASGOW: It would affect the
4 use of the FAR.

5 VICE CHAIR SORG: Which could
6 potentially imply relief but if it's a self-
7 certified application, then the Applicant
8 certifies that they are going to comply even
9 if they --

10 MR. GLASGOW: We're under the
11 total FAR if you had residential use. If for
12 some reason you didn't have the relief, then
13 you could always just designate part of the
14 building for residential use and then you
15 would be under FAR in height and everything
16 else.

17 VICE CHAIR SORG: Okay then. I'll
18 ask a question which is not exactly related.
19 I'm curious why -- I'm surprised not to see
20 residential proposed on this site. I'm
21 curious about that.

22 MR. ROSEN: I'll take that one.

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1 We considered residential on this site. We
2 did. We looked at it. We actually brought in
3 a residential partner Kettler Brothers who
4 were doing some projects with that and have
5 more expertise in residential than us. They
6 came back to us after several months of doing
7 their preliminary work and felt that it was
8 not a good residential building; the width,
9 the size.

10 There were several list of reasons
11 and they declined the joint venture offer to
12 do residential on that site because they
13 thought it wasn't a good residential building.
14 I wish I could be more technical than that but
15 they gave us technical reasons. We actually
16 went to the ANC and said we are considering
17 going residential and we really started
18 marching down that road but it didn't work
19 out.

20 BZA CHAIR JORDAN: Mr. Sher,
21 what's the parking requirement?

22 MR. SHER: If this were a new

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1 building and you computed the parking
2 requirement from scratch, the number of spaces
3 required, it's a combination retail and office
4 building so you have to pro-rate the
5 exemptions between the 2,000 square feet for
6 office and the 3,000 square feet for retail.

7 When you do all that, you wind up
8 with a total requirement of 55 spaces. That
9 would be 34 spaces -- let me just be sure I'm
10 saying this correctly here. Thirty-four for
11 the office and 21 for the retail.

12 When you look at the net increase
13 in the number of spaces that results from you
14 have an existing building of X thousand square
15 feet. If you look at what the requirement for
16 the addition over and above that, that comes
17 out to be less than the 27 spaces that we are
18 now providing.

19 BZA CHAIR JORDAN: Okay. That's
20 how you got there. Because of the addition is
21 how we got there.

22 MR. SHER: As Mr. Glasgow

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1 indicated at the beginning, we had no parking
2 so we needed a variance no matter who you
3 looked at it but we fixed that.

4 BZA CHAIR JORDAN: Any other
5 questions for the Applicant? Anyone need
6 anything more from the Applicant?

7 If you would, let's discuss the
8 issues and concerns that were taken care of my
9 the Memorandum of Understanding.

10 MR. ROSEN: Sure. When we
11 initially met with the residents of Wiltberger
12 a couple of months ago there were some
13 immediate concerns related to noise, trash,
14 use. The front doors of their homes are very
15 close to this building, closer than usual so
16 we were sympathetic. I understood where they
17 were coming from.

18 Then subsequent to that they put
19 in some specific requests through their ANC
20 which Commissioner Padro requested of us in a
21 formal public meeting and was conditioned on
22 his letter so there were nine items with some

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1 subitems that are in the ANC's letter that we
2 agreed to do.

3 Subsequently there were some
4 additional concerns that the Wiltberger
5 residents raised recently that we worked
6 within the last night to resolve. In addition
7 to the letter of the ANC, we've added some
8 addition things. The biggest of which is the
9 corner entrance. On Wiltberger there was one
10 retail entrance.

11 The concern that they have is that
12 there is a restaurant or bar which would be a
13 natural use for that space, they could be
14 coming out at 2:00 in the morning. People
15 could be congregating. It's noisy. They will
16 hear everything.

17 We have agreed to build a corner
18 entry, take the entrance from where it is now
19 which Sacha will -- you see the vestibule
20 there? We agreed in the ANC meeting to build
21 a vestibule to knock the sound down so when
22 the doors open the sound doesn't spill out

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1 into the street.

2 We are going to take that
3 vestibule condition and push it to the corner
4 and actually put a door on the alley as well.
5 We are going to move that entrance down to the
6 corner moving it farther away from the
7 Wiltberger residents.

8 Then we are going to make it a
9 corner entry so there will be a door on
10 Wiltberger and a door on the alley as well.
11 The door on Wiltberger will basically serve as
12 an address because you need an address.

13 The door on the alley will serve
14 as the main ingress/egress point for whatever
15 retail establishment or user happens to use
16 that space. So, again, that was intended to
17 just get it as far away as possible from the
18 Wiltberger residents.

19 MR. GLASGOW: Can I just clarify
20 on the site plan these are the residents which
21 face onto Wiltberger Street. This is actually
22 an industrial building here which serves as

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1 the delivery point.

2 MR. ROSEN: So initially the quest
3 was to push any retail entrances north of that
4 alley just to the north of the Wiltberger
5 residents? We have subsequently now pushed it
6 farther to the corner and actually pushed the
7 traffic to the alley.

8 We just can't have an alley entry
9 only because there is no address so we'll
10 maintain a door on Wiltberger for address
11 purposes. We'll lock it down and we'll use
12 the north facing the back of Howard as the
13 primary entrance. In addition to that, we had
14 agreed that if there is any excess parking
15 that we will make it available to the
16 Wiltberger residents.

17 They will get the first right or
18 refusal on it. Some of them have a desire to
19 have parking within the building. We need to
20 make sure we take care of the building first.
21 We are going to work with our parking operator
22 to try to secure seven spaces for the

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1 residents of which they will be paying 50
2 percent of the market prevailing rate and
3 we'll try to work that out for them.

4 We agreed to do security cameras.
5 That wasn't on the ANC resolution. That was
6 a recent request to secure the perimeter with
7 cameras. They are having a lot of issues with
8 vagrants and theft and things in the
9 neighborhood right now.

10 We are going to put exterior
11 cameras around the perimeter and we are going
12 to work with the Metropolitan Police
13 Department to try to tie it into their camera
14 network, or at least have the videotape backup
15 so that we can use it in the event there is a
16 problem.

17 There's the nine items that are in
18 the ANC letter that I don't think I need to go
19 through. You guys have probably seen them.
20 Or I can if you haven't.

21 VICE CHAIR SORG: I don't think we
22 actually have that letter. We have a letter

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1 from 1B.

2 MR. ROSEN: Oh, you don't have
3 2C's letter?

4 VICE CHAIR SORG: We have a letter
5 from 1B and a letter from 2C. But you're
6 saying 2C is the one that has the nine items?

7 MR. ROSEN: Yes.

8 VICE CHAIR SORG: I'm sorry. My
9 mistake, you guys.

10 ZC CHAIR HOOD: We actually have
11 two letters.

12 MR. ROSEN: That negotiation
13 process 2C is the appropriate ANC for the
14 Wiltberger residents. Would you like me to
15 read through those or are you good with those?
16 You got them? Okay. I'm just trying to give
17 you the ones that weren't on that.

18 What we did was we took all the
19 ones from the ANC letter, added them to the
20 MOU, and then added in the parking language,
21 the security cameras, the entrance on the
22 corner.

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1 We agreed to work in good faith
2 with the neighbors for any perspective retail
3 tenants moving forward on that retail space,
4 that we would meet with them and bring a
5 perspective user with them so that we're
6 conscious about noise, deliveries, things
7 along that line.

8 We agreed to limit the loading
9 hours for the office building to nothing prior
10 to 7:00 a.m. Monday through Fridays, nothing
11 prior to 9:00 a.m. on Saturdays, and nothing
12 prior to noon on Sundays. Even though the
13 loading dock is on the other side of the
14 street, we wanted to encourage vehicles not to
15 come through there during those times to just
16 further help the noise issue.

17 Of course we then agreed also --
18 we previously discussed installing double-pane
19 windows on the front walls of the Wiltberger's
20 homes to help with the sound. We have now
21 agreed to do triple pane.

22 The thought is that we would get

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1 as quiet a windows as we could basically get
2 to go on the front of their homes to try to
3 knock the noise down because it's a very
4 narrow street. Those are the basic additions
5 to the ANC letter that we recently agreed to
6 that kept us up all night. Thank you.

7 MEMBER MacMURRAY: I have one
8 quick question just referring to the ANC
9 letter.

10 MR. ROSEN: Sure.

11 MEMBER MacMURRAY: You mentioned
12 there were nine items but I only see the list
13 that has five listed. Are you just combining
14 the different --

15 MR. ROSEN: The As, Bs, and Cs.
16 Sorry.

17 MEMBER MacMURRAY: Okay. No
18 problem. I just wanted to make sure we were
19 clear.

20 MR. ROSEN: That's right. We are
21 taking their trash. We provided dumpster
22 space in our trash room for their trash

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1 because there is really nowhere for them to
2 put their trash cans because the street is so
3 narrow. Now all their trash will come into
4 our loading dock and then we'll take care of
5 that. That will help clean the street up,
6 too. Thank you.

7 ZC CHAIR HOOD: Mr. Chairman, can
8 I ask about the parking spaces?

9 BZA CHAIR JORDAN: Did you wake up
10 again?

11 ZC CHAIR HOOD: I just wanted to
12 ask about the seven parking spaces. Now, the
13 seven parking spaces is for the seven homes.
14 Right?

15 MR. ROSEN: I want to be real
16 clear because this is important. There's 27
17 spaces in the building that are for the
18 building. They need to serve the office
19 tenants. They need to serve the retail if
20 they are not being utilized. We have actually
21 got several projects now that we are over
22 parked.

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1 People are using public
2 transportation. They are using Metro. That's
3 why this building is where it is. If there is
4 an availability, we will go to the seven
5 Wiltberger residents first for a first right
6 of refusal and offer them to them on a monthly
7 basis or daily basis if they choose to have
8 one. We've got to make sure the building is
9 taken care of first.

10 We are trying to lease the
11 building without committing any parking to our
12 office users. We are leasing as if it's a
13 nonparking building because it's a
14 transportation oriented development. Our hope
15 is to create the seven spaces, or some number
16 of those, as quickly as possible for the
17 residents. That's what we need to do.

18 ZC CHAIR HOOD: So those residents
19 already know in this MOU, the agreement, that
20 there is a possibility that may not even
21 happen.

22 MR. ROSEN: 100 percent correct.

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1 They weren't happy about that but that is
2 correct.

3 ZC CHAIR HOOD: Okay. Good.

4 Thank you.

5 Thank you, Mr. Chair.

6 BZA CHAIR JORDAN: I remember your
7 transportation report discusses this pretty
8 thoroughly.

9 MR. ROSEN: Yes, it does, Mr.
10 Chairman. Very thoroughly.

11 BZA CHAIR JORDAN: Now, regarding
12 these conditions and the things that you've
13 agreed to, is the Applicant willing to accept
14 those as conditions?

15 MR. GLASGOW: Yes, and we want to
16 enter into the record the MOU. The document
17 is now signed and I'll enter it into the
18 record.

19 BZA CHAIR JORDAN: Thank you.
20 Additionally, I'm going to need updated plans.

21 MR. GLASGOW: For the rooftop and
22 then for the corner entrances.

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1 BZA CHAIR JORDAN: Does the
2 Applicant have anything else before we move on
3 to planning?

4 MR. GLASGOW: We do not have
5 anything further.

6 BZA CHAIR JORDAN: Any other
7 questions?

8 Let's move to the Office of
9 Planning, please.

10 MR. JACKSON: Good morning, Mr.
11 Chairman, and members of the Board. My name
12 is Arthur Jackson with the D.C. Office of
13 Planning. You have before you the Office of
14 Planning's report. We are not opposed to this
15 application. In fact, we highly support it.

16 We really appreciate the work that
17 the Applicant has done to revitalize this
18 building. It has been before us a number of
19 times in large-track review. I think the last
20 time it was before us for large-track review
21 the number of parking spaces on the ground
22 level were not as many as being provided now.

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1 We appreciate the improvements the
2 Applicant has made. As noted in the
3 Applicant's statement, we discussed with them
4 about the additional relief that will be
5 required for the towers. I spoke to the
6 Applicant's representatives during the
7 presentation just to confirm that this
8 proposal has been before the HPRB and asked
9 whether or not HPRB had seen the towers
10 themselves.

11 The indication was no but I think
12 he's correct in his assumption that because of
13 the location of the towers, which is in the
14 middle of the building away from the street,
15 HPRB typically does not -- is not concerned
16 about stretchers that are not visible from the
17 street frontage.

18 The only two street front finishes
19 you have are Wiltberger and S Street. If it's
20 built from the alley, that wouldn't be an
21 issue. If the closure was invisible in the
22 alley, it wouldn't be an issue.

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1 We would generally concur with the
2 Applicant's assumption that the existence of
3 an enclosure for the towers will not be an
4 issue for the Historic Preservation Review
5 Board because they would not be visible from
6 the street frontage.

7 We are encouraged that the
8 Applicant has worked with the neighbors to
9 address their concerns. We continue to
10 support the application as presented and we
11 are available to answer questions.

12 BZA CHAIR JORDAN: Questions for
13 the Office of Planning, anyone?

14 MEMBER HINKLE: Yes. Thank you,
15 Mr. Chairman.

16 You note in your report that the
17 required parking spaces are not subject to the
18 regulations related to parking space size and
19 aisle width and accessibility and moveability.
20 Why not? I'm just curious.

21 MR. JACKSON: There is a parking
22 requirement for historic structures. Under

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1 those requirements they give great flexibility
2 in that you are not required to have the
3 minimum widths for aisles and size. I think
4 the idea is to encourage as much as possible
5 revision of a number of spaces and not
6 necessarily -- and let the Applicant work out
7 the details on circulation internally.

8 It is a provision that is in the
9 regulations so we think the flexibility is
10 more than appropriate to apply to this case
11 because, again, looking back at the large-
12 track review application that preceded this
13 several years ago, this was a difficult
14 building to work with because of the placement
15 of the columns and the distance between the
16 doors and just the internal circulation.

17 Given the new structure that is
18 being provided in the building, we think they
19 have done a very good job of fitting in what
20 they can in terms of parking spaces. Again,
21 the relief is there. We just wanted to
22 highlight that provision is available in the

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1 regulations.

2 MEMBER HINKLE: Okay. Thank you.
3 The combination of compact spaces and full-
4 site spaces does meet the 17 spaces that are
5 required?

6 MR. JACKSON: It's more than --
7 yes, it's more than the 17 spaces that are
8 required.

9 MEMBER HINKLE: Great. Thank you.

10 MR. JACKSON: Yes.

11 BZA CHAIR JORDAN: Any other
12 questions of the Office of Planning?

13 Department of Transportation. Do
14 we have a letter from them? I believe we do.

15 Anyone from the Department of
16 Transportation?

17 We have a letter from the
18 Department of Transportation which weighed in.
19 After doing their analysis and evaluation of
20 this project they indicated no objections to
21 the development.

22 ANC-1B? We have a letter from

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1 ANC-1B in which a quorum was present and a
2 vote of seven to zero in support of this
3 application which will receive great weight by
4 this body.

5 Any other government agency?

6 Persons in support. Mr.
7 Eisenberg.

8 MR. EISENBERG: You want to add to
9 your comment about party status?

10 I have a question just about the
11 logistics of party status.

12 BZA CHAIR JORDAN: Okay.

13 MR. EISENBERG: It's not just me
14 that has the opinion. It's this group of
15 seven of us. It's important to us and it
16 seems like we've gone through this process
17 that the MOU is going to be part of the
18 record. I'm sure that Paul and company will
19 do their best to meet the terms.

20 As a result of being a party would
21 we -- my question is about enforcing what
22 we've agreed to in the MOU. By being a party

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1 as opposed to an individual, wouldn't that
2 help our situation in having the enforcement
3 of the MOU?

4 BZA CHAIR JORDAN: We are going to
5 include the conditions in the order so you
6 would be required to adhere to them.

7 MR. EISENBERG: I got you.

8 BZA CHAIR JORDAN: But I don't
9 want to -- if that was your concern, then it
10 would be part of the order.

11 MR. EISENBERG: Thank you. Okay.
12 So the seven of us that live on Wiltberger
13 have had a number of concerns about this
14 project and I think almost all of them have
15 been met. Paul has been really helpful.

16 Alex Padro, our ANC rep, has been
17 very helpful. I just want to take a little
18 bit of time to talk about what is happening on
19 Wiltberger Street just slightly beyond these
20 variances which I know you're tasked to
21 discuss today.

22 Can you pull up page 8? Oh, it's

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1 on there already. Okay. I want to just very
2 quickly give you a flavor of what is happening
3 on the very narrow Wiltberger Street. At the
4 top of the street on the north is the W&G Food
5 Distribution.

6 That's where all the hot dog
7 vendors, or a great many of the hot dog
8 vendors, bring their carts each day. They
9 begin at 5:15 in the morning and they continue
10 until about midnight. It is extraordinarily
11 noisy.

12 In addition, for the last 23
13 consecutive months there's been construction
14 on Wiltberger Street, first with the Howard
15 Theater, then with DDOT, and Washington Gas.
16 Now with the Wonder Bread factory, not to
17 mention Progression Place. Most of these
18 people are suppose to start at 7:00 a.m.

19 Progression Place starts at 5:00
20 a.m. The Howard Theater has performances that
21 let out at either 1:30, 2:00 or 2:30 in the
22 morning. I have lived in the city for over 20

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1 years. I couldn't be more excited about where
2 I live, the changes to our neighborhood. I
3 love what's happening.

4 There is a tremendous uptake in
5 crime on our street. There are really a lot
6 of problems with noise. This is not my
7 saying, "Hey, I don't like the color of the
8 flower pots that are being put in." This is
9 a dangerous place where I live right now and
10 it's extraordinarily noisy. Not a place where
11 you can raise a child. Not a place where you
12 can work from home.

13 We are proponents of this project.
14 We want this project to move along as quickly
15 as it possibly can so that the construction is
16 over. Above and beyond that, what is zoned on
17 our street in addition to residential, in
18 addition to commercial, in addition to the
19 Howard Theater, is an industrial space.

20 This industrial space as the way
21 it works most of it -- not most. A great deal
22 of it is outside of the building. The hot dog

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1 vendors collect their carts, they receive
2 their deliveries starting between 5:15 and
3 5:45 in the morning and going until late in
4 the evening outside of their warehouse.

5 This is all happening on
6 Wiltberger Street and the alleys that connect
7 to it. This is why we have been so very
8 difficult about the location of this entrance.
9 Pandemonium would be overstating it only
10 slightly but if you chose to come out at 6:00
11 or 7:00 in the morning, you'll see what we're
12 talking about.

13 We want to make sure that this
14 project and your enforcement of this MOU
15 simplifies and alleviates the issues that are
16 happening on Wiltberger Street. I talk about
17 this stuff so often I'm not sure if I'm making
18 clear what's going on on our street and what
19 we wish to occur with this project. Am I
20 making sense?

21 BZA CHAIR JORDAN: We understand.
22 Certainly some of us have lived it in other

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1 areas so we understand.

2 MR. EISENBERG: Okay. Thanks.

3 ZC CHAIR HOOD: May I ask a quick
4 question?

5 BZA CHAIR JORDAN: Yes.

6 ZC CHAIR HOOD: How long have you
7 been in the neighborhood?

8 MR. EISENBERG: I've in our ward
9 for 22 years. On January 1st it changed. Now
10 I'm in Ward 6. I've owned on Wiltberger
11 Street for three years and change.

12 ZC CHAIR HOOD: So you've been
13 there three years?

14 MR. EISENBERG: Correct.

15 ZC CHAIR HOOD: Okay. How long
16 have they been building the hot dog piece?

17 MR. EISENBERG: More than three
18 years. About 20 years.

19 BZA CHAIR JORDAN: Is that the WG
20 Food Distributors?

21 MR. EISENBERG: Correct.

22 ZC CHAIR HOOD: So you weren't

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1 there when the Howard Theater didn't start
2 until 1:00 and didn't get out until 5:00? I'm
3 just saying. I'm not making light of it. I'm
4 just saying that activity -- when you said
5 2:00, I'm glad to know now it's 2:00 because
6 I was a regular attendant when it was 1:00 to
7 5:00. I guess my point is I wanted to know
8 how long you endured it. So you've been there
9 three years. How long has this hot dog piece
10 and that stuff been going on?

11 MR. EISENBERG: Longer than I've
12 lived there. I should also mention if we're
13 getting into the history of Wiltberger Street
14 that these seven residences on Wiltberger
15 Street up until approximately six years ago
16 had very different inhabitants than they do
17 today.

18 We can get into that if you wish.
19 These are not folks that are paying attention
20 to what -- in a polite way these are not folks
21 that were paying attention to what was
22 happening on Wiltberger Street.

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1 ZC CHAIR HOOD: I think, though --
2 well, anyway, that has nothing to do with the
3 case but sometimes if you endure some of that,
4 the end result -- there's light at the end of
5 the tunnel and --

6 MR. EISENBERG: I'm here. I'm
7 here. I'm working with Paul and we're
8 endorsing this project. We couldn't be
9 happier about the changes that are happening
10 in our neighborhood.

11 BZA CHAIR JORDAN: And just
12 looking at the area the faster the better.
13 You still have that big industrial WG
14 building.

15 MR. EISENBERG: And that's a big
16 part of our issues with Paul. Frankly, that
17 has much to do with what is happening and what
18 is failing to be enforced at W&G. A lot of
19 crime, a lot of rats, incredible amount of
20 noise. A lot of the other residents have a
21 lot of concern about the noise in the morning,
22 and now evening.

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1 VICE CHAIR SORG: Mr. Chairman,
2 can I ask --

3 Maybe I missed something but the
4 hot dog people are in that building to the
5 north on the east side of Wiltberger Place?

6 MR. EISENBERG: Correct.

7 VICE CHAIR SORG: Okay.

8 MR. EISENBERG: Directly across
9 where it shows the entrance.

10 VICE CHAIR SORG: All right.

11 Thank you.

12 Actually, I'll just add I
13 appreciate you guys coming down. Actually,
14 Wiltberger Street is one of my favorite
15 streets in the city. I think it's just a very
16 unique and interesting block. I also really
17 appreciate your attitude towards the
18 development. We have people who want nothing
19 to happen and people who want everything to
20 happen. We appreciate your comments and the
21 balanced view that I think you and the
22 residents are bringing.

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1 BZA CHAIR JORDAN: Any other
2 persons --

3 You want to make a statement? Ms.
4 Sohnen, right?

5 MS. SOHNEN: Yes, Sohnen. Just
6 thanks for the opportunity to speak. Again,
7 we are very happy to endorse this project and
8 look forward to its successful completion.
9 Thanks.

10 BZA CHAIR JORDAN: Are there
11 others in support?

12 Yes. Did you take the oath and
13 affirmation?

14 MR. PADRO: No, I have not.

15 BZA CHAIR JORDAN: Mr. Moy.

16 (Whereupon, the witness was
17 sworn.)

18 BZA CHAIR JORDAN: Did you fill
19 out two witness cards?

20 MR. PADRO: I will provide them to
21 the recording secretary.

22 BZA CHAIR JORDAN: Very good. And

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1 your name?

2 MR. PADRO: Mr. Chairman, I'm
3 Alexander M. Padro. I'm chair of the Advisory
4 Neighborhood Commission 2C. ANC-2C has been
5 working with Douglas Development for the past
6 ten plus years to get to the point where we
7 are today.

8 The Wonder Bread factory has been
9 an iconic building but it has been, quite
10 honestly, a blight on the neighborhood for a
11 very long time because it has been vacant so
12 long. Empty buildings are magnets for the
13 types of crime and other negative activities
14 that some of the neighbors have discussed.

15 We were very pleased that the
16 latest iteration of the development has been
17 brought forward. In communicating with our
18 constituents we determined that we could not
19 support the initial application which called
20 for a complete waiver from the parking
21 requirements.

22 We have a level of parking demand

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1 in the neighborhood as a result of the opening
2 of the Howard and other developments that
3 prevented us from considering supporting a
4 plan that would remove all of the parking
5 requirements.

6 We are very grateful to get back
7 from Douglas Development that they heard us
8 and they heard the neighbors and we're
9 prepared to make as much parking available as
10 was viable.

11 Further, we worked with the
12 residents to try to address as many of the
13 possibly negative outcomes of the normal
14 activity of a mixed use building mere feet
15 away from their front doors. We believe that
16 the nine conditions that we placed on the
17 ANC's support for this application satisfied
18 those.

19 We are glad that further
20 negotiations have gotten to a point where
21 almost all of the concerns that have been
22 raised by our constituents have been

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1 addressed. We stand on the letter that is in
2 your record and I am available to answer any
3 questions that the Board may have.

4 BZA CHAIR JORDAN: Thank you, Mr.
5 Padro. We really appreciate the diligence and
6 support, as well as the neighbors. I think
7 you always do the right thing in stepping up
8 to protect the neighborhood and voicing your
9 concern.

10 A lot of times we have people --
11 we have issues and we don't know about the
12 issues and people don't step up. It's always
13 after the fact. You are being very proactive
14 and we appreciate that.

15 Are there any other persons in
16 support in the audience?

17 Does the Applicant have any
18 questions of the Board?

19 MR. GLASGOW: No questions.

20 BZA CHAIR JORDAN: Persons in
21 opposition. Anyone in opposition? Going
22 once, going twice, sold. No persons in

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1 opposition will be speaking.

2 Any wrap-up, Mr. Glasgow?

3 MR. GLASGOW: Mr. Chairman, due to
4 the expediency that everybody wants to get
5 this project completed, we would like to have
6 a summary order with the conditions that we
7 have with the MOU.

8 BZA CHAIR JORDAN: What
9 assumptions you're making. No, go ahead.
10 Yes, we do have the MOU. I'm sorry, Mr.
11 Glasgow. Are you finished?

12 MR. GLASGOW: That's what we would
13 like.

14 BZA CHAIR JORDAN: Are there any
15 other questions for the Applicant or anyone?
16 Then we will close this hearing and close the
17 record.

18 Is the Board ready to deliberate?
19 We'll move into deliberations. Anyone care to
20 start us off?

21 I believe that there has been a
22 complete showing of necessity for the relief

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1 requested. The property itself is
2 exceptionally long and narrow and confined by
3 the public right-of-ways.

4 Now with this historic designation
5 and the need to maintain some integrity of the
6 historic part of the building allows for us to
7 render that this building has exceptional
8 situations and practical difficulties,
9 particularly in regards to what you are going
10 to do regarding the need for the rear yard
11 setback, where the support columns would go
12 for the garage, the other issues that would
13 flow from that.

14 Having the ability to try to
15 manipulate and maneuver into that small way to
16 come into the parking presents an issue for
17 this development and the need among all the
18 other confluence of issues of the Historic
19 Preservation aspect.

20 It's my view that you would have
21 met the requirement to be granted the
22 particular variances that you've asked and

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1 that the special exception of roof structure
2 relief, or as a special exception I think
3 you've met the burden under 411 personally.

4 Any other statement, Ms. Sorg?

5 VICE CHAIR SORG: Why do you
6 assume I'm going to have something to say?

7 BZA CHAIR JORDAN: Because you
8 wanted to speak before me.

9 VICE CHAIR SORG: Mr. Chairman. I
10 concur with your analysis. I'll just comment
11 that I think the management of the roof
12 structure is pretty nice in this project. I
13 would commend the applicant for working with
14 the potential opponents and various community
15 residents here for this project. Thank you.

16 BZA CHAIR JORDAN: Any other
17 comments from the Board? Then I move that we
18 would grant the relief requested and
19 incorporate as a condition the Memorandum of
20 Understanding into the order granting relief.

21 Mr. Hinkle.

22 MEMBER HINKLE: Mr. Chairman,

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1 there is also the additional conditions within
2 the --

3 BZA CHAIR JORDAN: I think they
4 are all adopted within the Memorandum of
5 Understanding.

6 Looking for a second.

7 VICE CHAIR SORG: Second.

8 BZA CHAIR JORDAN: There we go.
9 Motion made and seconded that we grant the
10 relief with the Memorandum of Understanding
11 being included as conditions of the order.

12 Mr. Hood.

13 ZC CHAIR HOOD: Question. I'm
14 just curious. I go back and forth. I've
15 heard it every way. I'm just curious. The
16 conditions -- I'm by no means trying to change
17 anything that's been worked out.

18 I just want to make sure they are
19 enforceable because I've been here long enough
20 to know. I know we usually point to a
21 Memorandum of Understanding but I don't want
22 anybody to leave here with any false hopes.

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1 Is it enforceable? I've seen it both ways.

2 MS. GLAZER: You raise a valid
3 concern. I haven't really looked at this
4 thoroughly but it appears that these are
5 enforceable in their specific items that
6 pertain to mitigate adverse impacts.

7 ZC CHAIR HOOD: Okay. On that I'm
8 ready to vote, Mr. Chairman. I just don't
9 want the neighborhood to work with a good
10 piece and then say, "We wasted our time."

11 BZA CHAIR JORDAN: All those in
12 favor of the motion signify by saying aye.

13 BOARD MEMBERS: Aye.

14 BZA CHAIR JORDAN: Those opposed
15 nay. The motion carries.

16 Mr. Moy.

17 MR. MOY: Yes. Staff would record
18 the vote as five to zero to zero. This is on
19 the motion of Chairman Jordan to approve the
20 application for the relief requested which is
21 the special exception from the roof structure,
22 variances from the rear yard and off-street

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1 parking.

2 Seconding the motion Vice
3 Chairperson Sorg. Also in support of the
4 motion Mr. Hood, Ms. MacMurray, and Mr.
5 Hinkle. The approval, Mr. Chairman, also
6 includes extracting 11 conditions that are
7 contained in the MOU. Those 11 conditions
8 will be stated in the order.

9 BZA CHAIR JORDAN: Thank you.

10 MR. GLASGOW: Mr. Chairman, we
11 would also like to submit for the record a
12 drawing. We have a hand drawing there that
13 shows where the doors are. We wanted to get
14 that into the record. That goes with the MOU.

15 BZA CHAIR JORDAN: Oh, that hand
16 drawing?

17 MR. GLASGOW: Yes, that hand
18 drawing so that Mr. Rosen can have the drawing
19 that shows those two doors. And then the roof
20 plan that we discussed earlier.

21 BZA CHAIR JORDAN: So accepted.

22 MR. EISENBERG: Is it possible for

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1 us to get a copy of the final MOU, please?

2 BZA CHAIR JORDAN: The Applicant
3 will give you a copy of the MOU. We don't
4 have that. When the order is produced, you'll
5 get the MOU.

6 Mr. Moy, have we recorded the
7 vote? Did you record the vote?

8 MR. MOY: I'll restate it again,
9 Mr. Chairman. The final vote is five to zero
10 to zero approval with the 11 conditions for
11 the relief requested. The motion carries.

12 BZA CHAIR JORDAN: Thank you. I
13 think we are prime and right for a summary
14 order so I order a summary order.

15 Very good. Thank you. We are
16 concluded.

17 MR. GLASGOW: Thank you.

18 MR. ROSEN: Thank you very much.

19 BZA CHAIR JORDAN: Can we have --
20 Mr. Moy, if you would call for me case 18384
21 and 18364.

22 MR. MOY: Yes, sir. The next two

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1 applications before the BZA this morning, the
2 first being -- I'm going to read it as
3 advertised -- Application No. 18384. This is
4 the application of, I believe it's pronounced,
5 Epiphania LLC, pursuant to 11 DCMR 3104.1, for
6 a special exception to permit a massage
7 establishment under section 731, in the DC/C-
8 2-B District at premises 2028 P Street, N.W..
9 The property is located at Square 96, Lot 18.

10 The second case, which is a
11 postponed application from June 19, 2012,
12 would be Application No. 18364, the
13 application of Barracks Row Venture LLC,
14 pursuant to -- this is as originally
15 advertised -- to 11 DCMR 3103.2, for a
16 variance from the rear yard requirements under
17 section 774 and a variance from the parking
18 requirements for historic buildings under
19 subsection 2120.3, to allow an addition to an
20 existing building for retail, office and
21 restaurant use in the CHC/C-2-A District at
22 premises 717 8th Street, S.E. Property is

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1 located in Square 904, Lot 35.

2 I believe this application, Mr.
3 Chairman, there may have been an amendment to
4 the relief being requested as well as possibly
5 revised plans but I'll leave --

6 BZA CHAIR JORDAN: Under 18364 I
7 think the relief requested was an amendment to
8 the special exception. Correct?

9 MR. TUMMONDS: Yes. For the
10 record, Paul Tummonds with the law firm of
11 Goulston & Storrs on behalf of the Applicant
12 Barracks Row Venture. Yes, in the July 10,
13 2012 prehearing statement, we revised a relief
14 with special exception and Exhibit A to that
15 statement included the revised plan.

16 BZA CHAIR JORDAN: And if you
17 would -- the persons for 18384 introduce
18 themselves for the record.

19 MR. SULLIVAN: Thank you, Mr.
20 Chairman, members of the Board. My name is
21 Martin Sullivan with the law firm of Sullivan
22 & Barros.

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1 BZA CHAIR JORDAN: Thank you.

2 MR. FRANCA: Thank you. My name
3 is Luis Carlos Franca.

4 MR. SULLIVAN: Mr. Franca is the
5 owner of the property and of the massage
6 establishment.

7 BZA CHAIR JORDAN: Mr. Franca,
8 were you here earlier to be sworn?

9 MR. SULLIVAN: He was.

10 BZA CHAIR JORDAN: Okay. Very
11 good.

12 The Board has reviewed both these
13 cases and believe that the record is very
14 clear in regards to the request that is needed
15 and the supporting documentation. However,
16 the parties have a right to a hearing and/or
17 to make a verbal request to waive the right to
18 a hearing. That is why I have asked you both
19 at the table at the same time to see where we
20 are.

21 MR. TUMMONDS: I will take the
22 hint and we will rest on the record.

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MR. SULLIVAN: Likewise.

BZA CHAIR JORDAN: And the Board
doesn't have any issues --

Does anyone on the Board have any
issues with either one of these applications?

Office of Planning, any issues
with either one of these applications?

MS. BROWN-ROBERTS: I don't have
an issue but I have a condition on Application
18364.

BZA CHAIR JORDAN: Do I have that
in here?

MS. BROWN-ROBERTS: No. It was
not part of our report. This is something
subsequent to that.

BZA CHAIR JORDAN: And have you
discussed the condition with the Applicant?

MS. BROWN-ROBERTS: Yes.

BZA CHAIR JORDAN: What is the
condition?

MS. BROWN-ROBERTS: We would like

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1 to have a condition that the restaurateur for
2 the restaurant that they become a part of the
3 valet service that exist for most of the
4 restaurants that are there right now.

5 BZA CHAIR JORDAN: I thought you
6 had something about the valet service?

7 MR. TUMMONDS: We had but I think
8 we'll need to have our witness be sworn who
9 was not here earlier when the witnesses were
10 sworn.

11 BZA CHAIR JORDAN: Well, let's do
12 this.

13 MR. TUMMONDS: Let them go first.

14 BZA CHAIR JORDAN: Separate the
15 cases, please.

16 BZA CHAIR JORDAN: You threw me a
17 curve ball. Okay. In that case, let's deal
18 with 18384. I would move that the Board grant
19 the relief requested by the Applicant under
20 18384 for a special exception.

21 VICE CHAIR SORG: Second.

22 BZA CHAIR JORDAN: Motion made and

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1 seconded that we grant the relief requested
2 under 18384. Any unreadiness? All those in
3 favor of the motion signify by saying aye.

4 BOARD MEMBERS: Aye.

5 BZA CHAIR JORDAN: Those opposed
6 nay. The motion carries.

7 Mr. Moy.

8 MR. MOY: Staff would record the
9 vote as five to zero to zero. It's on the
10 motion of Chairman Jordon, seconded by Vice
11 Chair Sorg. In support of the motion also Mr.
12 Hood, Ms. MacMurray, and Mr. Hinkle. Again,
13 the final vote five to zero to zero. This was
14 to Application No. 18364.

15 BZA CHAIR JORDAN: Okay.

16 MR. SULLIVAN: I'm sorry. We are
17 requesting a summary order, please.

18 BZA CHAIR JORDAN: Yes, we'll do
19 that.

20 Mr. Moy.

21 MR. MOY: Okay.

22 BZA CHAIR JORDAN: Now let's call

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1 -- thank you. You can leave the table if you
2 want. If you want to sit, you can stay. Have
3 a Coke and a smile.

4 18364, Barracks Row Venture. All
5 parties needing to testify and be a part of
6 18364 please come forward.

7 Again, if you would reintroduce
8 yourselves.

9 MR. TUMMONDS: Yes. Good morning.
10 Paul Tummonds, law firm of Goulston & Storrs
11 on behalf of the Applicant.

12 MR. SELFRIDGE: Greg Selfridge on
13 behalf of Barracks Row Venture.

14 MR. TUMMONDS: And as I mentioned
15 before, Mr. Selfridge will need to be sworn
16 in.

17 (The witness was sworn.)

18 BZA CHAIR JORDAN: Thank you. I
19 think you've heard the Board's position where
20 we are. Office of Planning had indicated
21 there is another issue or something that they
22 want. Let's go back to that particular

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1 discussion from Office of Planning regarding
2 that.

3 MS. BROWN-ROBERTS: Thank you, Mr.
4 Chairman. For the record, I'm Maxine Brown-
5 Roberts representing the Office of Planning.

6 Subsequent to our review of the
7 application, there is in our report, and also
8 in the Applicant's submission, that in order
9 to lessen the impacts of parking along 8th
10 Street, there is a valet service that the
11 restaurants all participate in.

12 We thought that it would be
13 something that we should have the Applicant
14 also participate in. Again, since they are
15 asking for a parking variance, to also
16 participate in that service.

17 Again, it's going to be a separate
18 restaurateur who is going to be operating in
19 that space. In a lot of cases if the
20 recommendation is not in the order, they will
21 not participate. We just wanted to make sure
22 that was something that is enforceable.

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1 BZA CHAIR JORDAN: Does anyone
2 have a question -- does any Board member have
3 a question of the Office of Planning?

4 ZC CHAIR HOOD: I'm just curious.
5 Do we typically do that? I mean, do we ask
6 people to participate in something the
7 community is already doing whether they -- you
8 know, I've just never heard that. Maybe I've
9 missed it.

10 MS. BROWN-ROBERTS: Yes, yes.
11 It's something that's established. It will
12 help in the parking situation along the
13 street.

14 ZC CHAIR HOOD: Is the Applicant -
15 - I may have missed this. Is the Applicant
16 agreeing to it?

17 BZA CHAIR JORDAN: I want to see
18 if we have any questions from the Board and
19 then I'm going to turn to the Applicant to
20 respond.

21 ZC CHAIR HOOD: Okay.

22 BZA CHAIR JORDAN: If you would,

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1 please.

2 MR. SELFRIDGE: Thank you, Mr.
3 Chairman. Greg Selfridge for Barracks Row
4 Venture. In the testimony we submitted, we
5 believe the restaurant operator will certainly
6 explore the possibility of participating in
7 the valet service. We just feel like it's
8 fairly early in the process as the business
9 owner to make those operational decisions for
10 them.

11 The property in question is within
12 two blocks of a Metro station, two bus
13 stations. There's a parking lot down the
14 street. There's three BikeShare stations as
15 well. And we also feel like there's an
16 opportunity in the liquor license process
17 which they will still have to go through to
18 also address the parking issue if this is
19 something the community wants.

20 We did go to the ANC. We met with
21 the Planning and Zoning Committee. We also
22 met with the full ANC. In neither of those

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1 instances did this issue come up. We think
2 that down the road it can still be addressed
3 if we need to.

4 BZA CHAIR JORDAN: Yes, Ms. Sorg.

5 VICE CHAIR SORG: I think there is
6 some grumblings in terms of an understanding
7 of the valet service. I don't know about it
8 so I don't know how many restaurants are
9 participating. Do you know that?

10 MR. SELFRIDGE: I don't. I can
11 tell you it's not universal. It exist on one
12 block and it's not the block on which this
13 restaurant sits so you could argue that even
14 if they were to participate, there would be
15 limited impact or limited benefit that is
16 derived so we don't think that it's universal.
17 Nor has it been required by the ANC or even
18 mentioned.

19 VICE CHAIR SORG: Um-hum.

20 BZA CHAIR JORDAN: Ms. MacMurray.

21 MEMBER MacMURRAY: Mr. Chairman, I
22 would recognize being a resident in this area

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1 and knowing the valet service, not all the
2 restaurants do participate in that valet
3 service that's required. I think it's like
4 maybe five out of the new ones.

5 I think the nuances is regarding
6 the parking, that DDOT has changed some of the
7 parking requirements in that particular area
8 to allow for Zone 6 parking in certain areas
9 and then they have the surface street parking.

10 In the last, I guess, two years
11 they increased the number of restaurants that
12 have come into that area. Parking continues
13 to be an issue. I know that you guys are
14 applying for a variance to remove the two
15 spots that are already -- there is a special
16 exception for the two spots that are already
17 existing.

18 I do think that it might be
19 premature to put that in our order but do
20 recognize that the parking situation, anything
21 that operator can do to try to alleviate
22 parking in that area would probably be

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1 appreciated in that area.

2 MEMBER HINKLE: Yeah. I'm just
3 thinking about the land use issue. There are
4 other matter-of-right uses that actually could
5 go into this property beside the restaurant.
6 I think if we were to condition it, it would
7 be if there is a restaurant use. Even then,
8 you know, there's different types of
9 restaurants.

10 I have a little concern about not
11 knowing what use is going in here and how this
12 property will be managed and what type of
13 restaurant would go in. Not knowing anything
14 about this valet service, I have some real
15 concerns about putting this condition on the
16 Applicant.

17 BZA CHAIR JORDAN: And DDOT hasn't
18 expressed any concern here about any issue
19 like that. Nor have the ANC.

20 Is there anything that the
21 Applicant feels that they need to present?

22 MR. TUMMONDS: No.

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1 BZA CHAIR JORDAN: Any other
2 questions by the Board?

3 VICE CHAIR SORG: What's across
4 the street?

5 MR. SELFRIDGE: The Marine
6 barracks.

7 VICE CHAIR SORG: Oh, it's
8 literally across?

9 MR. SELFRIDGE: Literally across
10 from the Marine barracks.

11 VICE CHAIR SORG: Okay. I'm
12 oriented now.

13 BZA CHAIR JORDAN: Guns and
14 everything.

15 MR. SELFRIDGE: And I will add it
16 was in our packet as well that we did commit
17 to enclose the trash. That was kind of the --

18 BZA CHAIR JORDAN: That's the
19 reason why.

20 MR. SELFRIDGE: Yeah. That was
21 what we agreed to with the ANC and they are
22 very happy with that trade off.

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1 BZA CHAIR JORDAN: It was real
2 clear in the application and the report. You
3 know, it's either trash stuck out in the back
4 in the alley somewhere or enclosed for the
5 neighbors.

6 If there are not any other
7 questions, I will close this hearing and move
8 to deliberations. Any discussion? Then I
9 would move that the Board grant the special
10 exception relief as requested in this
11 application without any other condition toward
12 the valet parking at this point.

13 VICE CHAIR SORG: Second.

14 BZA CHAIR JORDAN: Motion made and
15 seconded. All those in favor signify by
16 saying aye.

17 BOARD MEMBERS: Aye.

18 BZA CHAIR JORDAN: Those opposed
19 nay. The motion carries.

20 Mr. Moy.

21 MR. MOY: Staff would record the
22 vote as five to zero to zero. This is on the

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1 motion of Chairman Jordan to approve the
2 special exception relief. Seconded by Vice
3 Chairperson Sorg. Also in support of the
4 motion Mr. Hood, Ms. MacMurray, and Mr.
5 Hinkle. Again, the vote is five to zero to
6 zero. The motion carries.

7 BZA CHAIR JORDAN: A summary order
8 is appropriate, please.

9 MR. MOY: Very good. Thank you,
10 sir.

11 BZA CHAIR JORDAN: Any other
12 business coming before us for this morning's
13 meeting?

14 MR. MOY: No, sir.

15 BZA CHAIR JORDAN: Okay. Then we
16 stand in recess until this afternoon.

17 (Whereupon, at 11:52 a.m. off the
18 record for lunch to reconvene at 1:05 p.m.)
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A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

1:16 p.m.

BZA CHAIR JORDAN: Let's resume because we were in recess from this morning. However, we are here for Board of Zoning Adjustment hearings on today's cases. Today is July 24, 2012. My name is Lloyd Jordan, Chairperson.

To the left of me is Nicole Sorg, Vice Chairperson. To her left is Anthony Hood, Chairman of the Zoning Commission. To my right is Jeffrey Hinkle, Board Member, and switching chairs.

Please be advised that this proceeding is being recorded by a court reporter and is also being webcast live so we are going to ask that you refrain from any disruptive noises or actions in the hearing room. The Board's hearing procedures and processes and located in paper by the door.

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1 Those who are going to testify in
2 today's hearing if you would please stand and
3 take the oath of office -- excuse me, not
4 office -- oath or affirmation. Those who
5 might want to do office, that's something
6 else.

7 Mr. Secretary, would you please?

8 MR. MOY: Yes, sir. With
9 pleasure.

10 (Whereupon, the witnesses were
11 sworn in.)

12 BZA CHAIR JORDAN: Are there any
13 preliminary matters that we need to address
14 this morning?

15 MR. MOY: Yes, sir. The only one
16 for this afternoon's session of consequence is
17 that the second case in the afternoon,
18 Application No. 18388 of Kirk Freeman has been
19 withdrawn from the agenda.

20 BZA CHAIR JORDAN: We have a
21 letter. It was one of the cases where we
22 didn't think relief was necessary.

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1 Let's call our first case.

2 MR. MOY: Good afternoon, Mr.
3 Chairman, members of the Board. The first
4 application before the Board for public
5 hearing is Application No. 18383.

6 This is the application of Barbara
7 Chambers Children's Center, pursuant to 11
8 DCMR 3104.1 for a special exception to permit
9 the expansion (225 children and 47 staff) of
10 an approved child development center (BZA
11 Order No. 17731) under section 205, in the R-
12 5-B District at premises 1470 Irving Street,
13 N.W. Property located in Square 2672, Lot
14 881.)

15 BZA CHAIR JORDAN: Let's begin
16 this particular case. Could you identify
17 yourselves, please?

18 MR. HUGHES: Good afternoon, Mr.
19 Chair. For the record, my name is Dennis
20 Hughes with Holland & Knight. To my far right
21 is Maribel Ventura-Torres, the director of the
22 Barbara Chambers Children Center. To my

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1 immediate right is Don Warner of KeyUrban, a
2 consultant for the center.

3 BZA CHAIR JORDAN: Do we have an
4 ANC support letter? I didn't see one in my

5 MR. HUGHES: Mr. Chair, there is a
6 letter of support from ANC-1A.

7 MS. GLAZER: Mr. Chair, I think
8 Exhibit 26, Tab G.

9 BZA CHAIR JORDAN: Got it. Thank
10 you.

11 One second, please. Now we're in
12 business.

13 Does anybody have any issues with
14 this particular application that we need to
15 cover? I think it's pretty self-explanatory,
16 pretty straight forward.

17 Is there anything that OP needs to
18 add to it other than what is in the report?

19 MR. JESICK: No, sir. We are
20 happy to rest on the record in support of the
21 application.

22 BZA CHAIR JORDAN: Are there any

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1 persons that are in opposition to this
2 application in the audience?

3 Mr. Hughes, you have the
4 opportunity to do a presentation if you want
5 but I think you were here this morning and
6 understand the consequences -- no. It's an
7 option that you have certainly. Some people
8 like to talk and we are glad to listen.

9 MR. HUGHES: I'm not generally one
10 of those people but I would ask if we might
11 introduce a couple of letters of support that
12 did not make their way into the record yet.
13 I've given copies to staff.

14 We have a letter of support from
15 the Tenant's Association, the apartment
16 building to the immediate east of the property
17 across the public alley, the 1460 Irving
18 Street Tenant's Association, and also a letter
19 of support from the Next Step Public Charter
20 School which has recently purchased the
21 building to which the Barbara Chambers
22 Children Center is physically attached to the

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1 west of the Barbara Chambers Children Center.

2 With that, we just thank the input
3 we received from the Office of Planning and
4 the Department of Transportation. We are
5 available for any questions that the Board may
6 have.

7 BZA CHAIR JORDAN: The only
8 question I need to ask, any issues with the
9 conditions that have been proposed or that
10 remain in place?

11 MR. HUGHES: We have no problems
12 with those conditions, just the request for
13 the additional staff and children.

14 BZA CHAIR JORDAN: The seven
15 conditions that I have are the hours of
16 operation shall be from 7:00 a.m. to 10:00
17 p.m. with all persons off site including
18 parking lot by 10:30. The number of enrolled
19 children shall not exceed 225.

20 The number of staff shall not
21 exceed 47. Outdoor activities shall be
22 supervised and concluded by 8:00 p.m. Trash

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1 receptacles shall be kept on site and
2 collected three times a week and the property
3 shall be kept free of debris.

4 Staff shall monitor the dropping
5 off and picking up of children and the parking
6 lot shall be lit from sunset to sunrise. Is
7 that correct?

8 MR. HUGHES: Correct.

9 BZA CHAIR JORDAN: With that, are
10 there any questions we need to ask of the
11 Applicant or of anyone? There has been --

12 MS. GLAZER: Mr. Chair.

13 BZA CHAIR JORDAN: Yes.

14 MS. GLAZER: I'm sorry to
15 interrupt. I think DDOT also had a suggested
16 condition.

17 BZA CHAIR JORDAN: What was that
18 because -- what page are DDOT's statement?

19 MR. HUGHES: Mr. Chair, the
20 Applicant is aware of DDOT's items and has
21 agreed to add those as conditions.

22 BZA CHAIR JORDAN: I think that is

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1 already in some of the conditions that we just
2 read, right? What are we missing? What did
3 we miss?

4 MR. HUGHES: There is an agreement
5 by the Applicant with regard to SmarTrip
6 benefits for its employees or installation of
7 a bike rack. There is a pickup/drop off plan
8 that the Applicant has agreed to implement.

9 BZA CHAIR JORDAN: And we will
10 adopt that as an additional condition, the
11 agreement with DDOT in regards to the TDM.

12 VICE CHAIR SORG: Mr. Chairman, I
13 would just ask if the Applicant is requesting
14 any particular term.

15 MR. HUGHES: The prior approval
16 from 2008 does not have -- is not time
17 conditioned so we --

18 VICE CHAIR SORG: It's not? Okay.

19 MR. HUGHES: -- would request not
20 to have it time conditioned.

21 VICE CHAIR SORG: Okay. Thanks.

22 BZA CHAIR JORDAN: We will close

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1 this hearing and move onto deliberation. I
2 think the record is very clear and full
3 regarding the items necessary to grant special
4 relief as requested by the Applicant.

5 Therefore, I move that we approve the
6 application as submitted with the conditions
7 I just read into the record with the addition
8 of the DDOT TDM plan.

9 ZC CHAIR HOOD: Second.

10 BZA CHAIR JORDAN: Motion made and
11 seconded. Any further discussion? All those
12 in favor signify by saying aye.

13 BOARD MEMBERS: Aye.

14 BZA CHAIR JORDAN: Those opposed
15 nay. The motion carries.

16 Mr. Moy.

17 MR. MOY: Yes, sir. Staff would
18 record the vote as four to zero to one. This
19 is on the motion of Chairman Jordan to approve
20 the application for the relief from section
21 205, as well as approval with conditions as
22 stated in the Office of Planning letter,

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1 conditions 1 through 7, plus the condition in
2 the DDOT report regarding the Smart Benefits
3 Program.

4 Seconding the motion, Mr. Hood.

5 Also in support of the motion, Vice Chair Sorg
6 and Mr. Hinkle. No other Board members
7 present or participating so, again, the final
8 vote is four to zero to one. The motion
9 carries.

10 BZA CHAIR JORDAN: I believe we
11 are prime for a summary order in this matter.

12 MR. MOY: Yes, sir. Thank you.

13 BZA CHAIR JORDAN: Thank you.

14 MR. HUGHES: Thank you.

15 MR. MOY: The next application
16 before the Board for public hearing is
17 Application No. 18382. This is the
18 application of Pony Express LLC dba EastBanc,
19 Inc., pursuant to 11 DCMR 3103.2, for a
20 variance from the lot occupancy requirements
21 under section 403, a variance from the rear
22 yard requirements under section 404, a

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1 variance from the side yard requirements under
2 section 405 and a variance from the use
3 provisions under subsection 2002.4, to permit
4 the renovation and expansion of an existing
5 building for a retail, commercial and office
6 use in the C-2-A and R-3 Districts at premises
7 1215 31st Street, N.W. Property located in
8 Square 1209, Lot 826.

9 BZA CHAIR JORDAN: Thank you, Mr.
10 Moy.

11 We have a thermostat issue on the
12 Board. This Board usually works together
13 quite nicely but where we have our
14 disagreement is always over the thermostat.

15 I'm good. I don't really have
16 questions on this matter. I know the issue
17 was pertaining to whether or not the relief is
18 necessary but I think it's probably safe to
19 move forward as the relief is necessary.

20 Any Board member have any
21 particular issue with this case? I think the
22 record is full, really full. We have ANC

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1 support in this matter as well as OP support.

2 Anyone? Mr. Hood, any issues or
3 questions?

4 ZC CHAIR HOOD: I think you're
5 exactly right, Mr. Chairman. Also Fine Arts
6 and, I think, Ms. McCarthy basically spelled
7 it out for us on our handout. I'm fine.

8 BZA CHAIR JORDAN: The handout
9 does indeed run with the other items in the
10 record. It just outlines it and prepares it
11 for us and I appreciate that.

12 I don't have any real questions
13 that I need to address. Are we okay, Ms.
14 Sorg? Do you have any questions?

15 Let me turn to the Office of
16 Planning. Is there anything other than what
17 you already have in the record?

18 MS. THOMAS: No, Mr. Chairman.
19 We'll rest on the record. Thank you.

20 BZA CHAIR JORDAN: Are there any
21 persons in -- well, any persons in opposition
22 to this application here? Going once, going

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1 twice, going for the third time.

2 Seeing that there aren't any,
3 people in support that feel they need to talk
4 about this application?

5 I think the application self-
6 presents. The record is clear in all the
7 elements. Subsequently, also your outline
8 defines those things which I have even
9 highlighted myself, the issues here and why
10 this property is unique and the hardship
11 confronted that is necessary for the relief
12 that you requested.

13 You can do a presentation if you
14 like or you don't have to. It's up to you.

15 MS. BRAY: Thank you, Mr. Jordan.
16 Kinley Bray with the law offices of Arent Fox
17 on behalf of the Applicant. We are happy to
18 dispense with the presentation and to stand on
19 the record.

20 I just want to note that we thank
21 OP for their input and make sure that the
22 Board is aware we did submit two exhibits; one

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1 the handout that you just referred to and the
2 other the letter of support from the
3 Commission of Fine Arts that we would like to
4 add to the record today.

5 BZA CHAIR JORDAN: Thank you.

6 Seeing that there is no other evidence
7 necessary to be added to this record, we will
8 close the record on this matter and move now
9 to deliberation.

10 As I said, I believe that the
11 record is clear about the uniqueness and
12 special circumstances, the confluence of
13 issues confronting this particular property.

14 In conjunction, the fact that it's
15 an historic landmark, the structure of the
16 building, the institutional uses necessary,
17 the layout of the land that meets our required
18 test. There has been nothing before this
19 Board that shows that there is a detriment to
20 the public good or to the Zoning Regulation.
21 With that I would that we grant the relief
22 requested by the Application.

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1 ZC CHAIR HOOD: Second.

2 BZA CHAIR JORDAN: Motion made and
3 seconded that the relief be granted as
4 requested. Any unreadiness? Any further
5 discussion? Seeing none, all those in favor
6 signify by saying aye.

7 BOARD MEMBERS: Aye.

8 BZA CHAIR JORDAN: Those opposed
9 nay. The motion carries. Thank you.

10 Mr. Moy.

11 MR. MOY: Yes, sir. The staff
12 would record the vote as four to zero to one.
13 This is on the motion of Chairman Jordan to
14 approve the application for the relief
15 requested. Also seconding the motion Mr.
16 Hood. Others in support of the motion
17 Chairperson Sorg and Mr. Hinkle. No other
18 Board members participating or voting. Again,
19 the final vote is four to zero to one. The
20 motion carries.

21 BZA CHAIR JORDAN: Thank you, Mr.
22 Moy. Can we have a summary order on this one,

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1 please?

2 MR. MOY: Yes. Thank you, sir.

3 BZA CHAIR JORDAN: Thank you very
4 much.

5 MS. BRAY: Thank you very much. I
6 believe that was a record. Appreciate it.

7 BZA CHAIR JORDAN: If you want to
8 stay and talk. How's the family? No.

9 All right. We are ready to rock
10 and roll.

11 MR. MOY: Yes, sir. The next
12 application is an application that was
13 rescheduled from a public hearing of July 10,
14 2012. This would be Application No. 18373,
15 application of Atlas District Veterinary
16 Hospital pursuant to 11 DCMR 3104.1 for
17 special exceptions from the off-street parking
18 requirements under sections 730 and 2116.1, to
19 establish a veterinary hospital under section
20 730, in the HS/C-2-A District at premises 1326
21 H Street, N.E. Property located in Square
22 1026, Lots 86 and 832.

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1 As the Board is aware, the
2 Applicant had amended the application to
3 switch relief from special exception 2116.1 to
4 a variance section 2101. This is to reduce
5 the off-street parking requirements from four
6 spaces to zero spaces, I believe. That
7 concludes the staff's briefing, Mr. Chairman.

8 BZA CHAIR JORDAN: Thank you.

9 If you would please introduce
10 yourselves.

11 DR. ANTKOWIAK: Dr. Matthew
12 Antkowiak, owner of Atlas Vet.

13 BZA CHAIR JORDAN: Are you on the
14 record? Is your mic on? The green button
15 should be pushed.

16 MR. OWENS: Oh, Jeffrey Owens.
17 I'm working with the Applicant as an agent to
18 help them process paperwork and such.

19 BZA CHAIR JORDAN: Good. I think
20 the record is pretty clear. However, we do
21 have some questions we need to address before
22 we turn to you if you want to do a

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1 presentation.

2 Does anyone have questions of the
3 Applicant? No one? Okay.

4 The unique situation here is that
5 back center wall that kind of blocks you off
6 from doing anything.

7 Mr. Hinkle, are you good?

8 MEMBER HINKLE: Yes.

9 BZA CHAIR JORDAN: Mr. Hood, are
10 you okay?

11 ZC CHAIR HOOD: I think we started
12 this case.

13 BZA CHAIR JORDAN: It first came
14 in as a special exception and went to a
15 variance. It's been with us before.

16 ZC CHAIR HOOD: Okay. I think I'm
17 on board.

18 BZA CHAIR JORDAN: I think DDOT
19 has weighed in. Right?

20 VICE CHAIR SORG: And I think, Mr.
21 Chairman, if I may, the agencies that weighed
22 in on July 10th actually based their analyses

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1 on the higher standard. It was a matter of
2 just public notice.

3 BZA CHAIR JORDAN: Turning now to
4 Office of Planning. Office of Planning?
5 Office of Planning? Office of Planning?

6 Well, we do have the Office of
7 Planning report in support of this
8 application. I believe we are pretty clear
9 here as to the relief that is requested and
10 what we need to do. You can make a
11 presentation if you would like.

12 Give me one second. Anybody here
13 in opposition? Seeing you are the only two
14 here at the table, it would be pretty funny if
15 someone jumped up. Since there is no
16 opposition, we are probably inclined to grant
17 this relief unless there is something you need
18 to say to us that is going to change our mind
19 not to grant you the relief.

20 DR. ANTKOWIAK: I'll do my best
21 not to do that, sir.

22 BZA CHAIR JORDAN: So then we

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1 would just move to close the hearing on the
2 record that is already submitted to us and
3 move into deliberation.

4 Anyone want to deliberate? Anyone
5 want to say anything?

6 VICE CHAIR SORG: Well, Mr.
7 Chairman, I would just indicate that I think
8 the Applicant has satisfied the conditions for
9 the relief from 2101 as well as secured
10 support from all the requisite agencies and
11 community groups. I could support the
12 application and would move to do so if you
13 would like.

14 BZA CHAIR JORDAN: And I'll take
15 that as a motion. I will second it. I'll
16 beat Mr. Hood. I saw am reaching and I just
17 wanted to get that on the record.

18 Motion made and seconded to grant
19 the relief as amended requested. All those in
20 favor signify by saying aye.

21 BOARD MEMBERS: Aye.

22 BZA CHAIR JORDAN: Those opposed

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1 nay. The motion carries.

2 Mr. Moy.

3 MR. MOY: Yes, sir. Staff would
4 record the vote as four to zero to one. This
5 on the motion of Vice Chairperson Sorg to
6 approve the application for the relief.
7 Seconding the motion Chairman Jordan. Also in
8 support of the motion Mr. Hood and Mr. Hinkle.
9 No other members participating nor voting.
10 Again, the final vote is four to zero to one.

11 DR. ANTKOWIAK: Thank you very
12 much.

13 BZA CHAIR JORDAN: And please
14 prepare a summary order in this matter.

15 MR. MOY: Yes, sir. Thank you.

16 BZA CHAIR JORDAN: Then we
17 conclude this hearing. Sorry to make you work
18 so hard but we appreciate the up-front work
19 and that's what people need to understand. Do
20 all the work up front.

21 DR. ANTKOWIAK: Thank you.

22 BZA CHAIR JORDAN: Thank you.

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1 All right. Any other hearings?

2 No.

3 As Chairperson of the Board of
4 Zoning Adjustment for the District of Columbia
5 in accordance with Section 405 of the District
6 of Columbia Administrative Procedures Act, I
7 move the BZA hold a closed meeting for July
8 30, 2012, at 4:00 p.m. for the purpose of
9 seeking legal advise from our counsel and
10 deliberating upon the following cases
11 scheduled for decision of July 31st.

12 That would be Case 18423, Case
13 18424, Case 18064, Case 18294 and Case 18385,
14 18389, 18390.

15 Would that be correct, Mr. Moy?

16 MR. MOY: That's correct, sir.

17 BZA CHAIR JORDAN: So that's my
18 motion. Is there a second?

19 ZC CHAIR HOOD: Second.

20 BZA CHAIR JORDAN: Motion made and
21 seconded.

22 Will the Secretary please take a

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1 roll call vote..

2 MR. MOY: Yes, sir.

3 When I call your name, if you can
4 reply with a yes or no.

5 Mr. Hood.

6 ZC CHAIR HOOD: Yes.

7 MR. MOY: Ms. Sorg.

8 VICE CHAIR SORG: Yes.

9 MR. MOY: Chairman Jordan.

10 BZA CHAIR JORDAN: Affirmative.

11 MR. MOY: Mr. Hinkle.

12 MEMBER HINKLE: Aye.

13 MR. MOY: Ms. MacMurray is not
14 present for the vote. The vote is unanimous,
15 Mr. Chairman.

16 BZA CHAIR JORDAN: As it appears
17 the motion has passed, I hereby give notice
18 that the BZA hold an aforementioned closed
19 meeting via telephone conference pursuant to
20 District of Columbia Administrative Procedures
21 Act Section 406.

22 Notice will also be posted in the

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1 Office of Zoning's electronic reading room,
2 placed in the Office of Zoning's electronic
3 calendar on its website, and published in the
4 District of Columbia register in a timely
5 manner as practical.

6 With that, is there any other
7 business coming before the Board this
8 afternoon?

9 MR. MOY: No, sir.

10 BZA CHAIR JORDAN: Then we stand
11 adjourned.

12 (Whereupon, at 1:42 p.m. the
13 hearing was adjourned.)

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