

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

JANUARY 8, 2013

+ + + + +

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 10:05 a.m., Lloyd J. Jordan,
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

MARCIA COHEN, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.
MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

BRANDICE ELLIOTT
STEPHEN MORDFIN
KAREN THOMAS
MAXINE BROWN-ROBERTS
ARTHUR JACKSON

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

LEWIS C. BOOKER

The transcript constitutes the
minutes from the Public Hearing held on
January 8, 2013.

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

2 10:05 a.m.

3 CHAIRPERSON JORDAN: We've been
4 joined by Marcia Cohen, member of the Zoning
5 Commission.

6 Welcome.

7 CHAIRPERSON JORDAN: We will close
8 out from our public meeting and move into our
9 public hearing meeting for today.

10 All those who are here to testify
11 in a matter that is on our docket for today,
12 if you're going to give testimony, I'm going
13 to ask that you please rise and take the oath
14 or affirmation from the Board's secretary.
15 Also to complete two witness cards each and
16 give them to the court reporter prior to
17 testifying.

18 (Whereupon, the witnesses were
19 sworn.)

20 MR. MOY: Again, good morning, Mr.
21 Chairman, members of the Board. Welcome to
22 the public hearing session. The first

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1 application before the Board is Application
2 No. 18479. This is the application of Bruce
3 Joseph and Lois Kampinsky pursuant to 11 DCMR
4 3104.1.

5 This is for a special exception to
6 allow rear additions to an existing one-family
7 semi-detached dwelling under Section 223, not
8 meeting the lot occupancy requirements under
9 Section 403, and the side yard requirements
10 under Section 405, in the R-1-B District at
11 premises 3814 Woodley Road, N.W. Property
12 located in Square 1816, Lot 34.

13 CHAIRPERSON JORDAN: Thank you,
14 Mr. Moy. We don't have an ANC. Do we have an
15 ANC letter or did we get one overnight?

16 MR. MOY: We did get one
17 overnight, Mr. Chairman, and it is --

18 CHAIRPERSON JORDAN: For this
19 case?

20 MR. MOY: Yes. It should be
21 Exhibit 28. It came in last night.

22 CHAIRPERSON JORDAN: Oh, I don't

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1 think I have it. We don't have it.

2 MR. MOY: I'll pass you the file.

3 MR. SNOWLES: I have multiple
4 copies available.

5 CHAIRPERSON JORDAN: Could you
6 hand it to the Board's secretary, Mr. Moy.

7 Mr. Moy, he's going to give you a
8 copy.

9 CHAIRPERSON JORDAN: And this file
10 doesn't have a letter of authorization for
11 representation, I believe. Is that right, Mr.
12 Moy? There is no letter.

13 MR. SNOWLES: The letter of
14 authorization was submitted to Mr. Nero
15 yesterday and he acknowledged receiving it.

16 CHAIRPERSON JORDAN: So we have a
17 resolution from ANC-3C that recommends
18 approval of the special exception. We do have
19 a letter of authorization that was filed late
20 which we will waive and accept because it
21 should have been in long before but we will
22 wave the late filing and add it to the record.

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1 MR. SNOWLES: Thank you.

2 CHAIRPERSON JORDAN: All right.

3 Does the Board have any issues or concerns
4 with this application that we need to
5 particularly address? I think the file is
6 full and there is certainly enough there to
7 grant the request. I was happy to see that
8 the common-wall neighbor wrote a letter in
9 support of this which was good.

10 Does anybody have anything that
11 they need to hear from the Applicant?

12 You certainly have the right to do
13 a presentation but the Board believes there is
14 enough in the file to grant the relief that is
15 requested. You can put on a presentation if
16 you want or you can just waive that and we can
17 move on with the proceeding.

18 MR. SNOWLES: I think we can just
19 move on.

20 CHAIRPERSON JORDAN: Let's turn
21 now to the Office of Planning and see if there
22 is anything in addition that the Office of

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1 Planning would like to add to the report that
2 they have already submitted.

3 MS. ELLIOTT: Good morning, Mr.
4 Chairman, members of the Board. My name is
5 Brandice Elliott. I'm representing the Office
6 of Planning. I would like to make one note
7 concerning lot occupancy.

8 At the time that it was being
9 reviewed by staff the request was for 44.35
10 percent lot occupancy relief and it has since
11 been increased as requested by the Applicant
12 to 45.31 percent. It's just under 1 percent.
13 However, staff is still in support of the
14 application and recommends approval. I would
15 be happy to answer any other questions.

16 CHAIRPERSON JORDAN: Does the
17 Board have any questions for Planning? Does
18 the Applicant have any questions for Planning?

19 MR. SNOWLES: No, thank you.

20 CHAIRPERSON JORDAN: Anyone from
21 the Department of Transportation? We do have
22 a letter, Exhibit 17, where they make their --

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1 where they have no objection to the special
2 exception. I guess that is the way to put it.

3 Is there anyone here from ANC-3C?
4 We do have a letter from ANC-3C which we will
5 waive the late filing and accept which makes
6 recommendation for the approval of the special
7 exception which we will give great weight to.

8 Is there anyone in the audience
9 who wishes to speak in support of the
10 application?

11 We have on file three letters of
12 support including an adjacent neighbor for
13 this matter. We have that in our record.

14 Is there anyone here wishing to
15 speak in opposition? We have no letters in
16 our file of opposition.

17 We will turn back at this point to
18 our Applicant normally to ask for rebuttal but
19 there is nothing to rebutt. You can close but
20 it's self-closing unless you want to say
21 something in that regard.

22 We will close the hearing based

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1 upon the record and move to deliberation. I
2 would move that we grant the request for
3 relief as submitted as modified by the
4 Applicant.

5 COMMISSIONER COHEN: And I'll
6 second.

7 CHAIRPERSON JORDAN: Motion made
8 and seconded. Any unreadiness? All those in
9 favor signify by saying aye.

10 BOARD MEMBERS: Aye.

11 CHAIRPERSON JORDAN: Those opposed
12 nay. The motion carries.

13 Mr. Moy.

14 MR. MOY: Staff would record the
15 vote four to zero. This is on the motion of
16 Chairman Jordan to approve the application for
17 the special exception relief under 223.
18 Seconding the motion Ms. Cohen. Also in
19 support of the motion Vice Chairperson Sorg
20 and Mr. Hinkle. The motion carries, Mr.
21 Chairman.

22 CHAIRPERSON JORDAN: A summary

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1 order would be appropriate, Mr. Moy.

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

3 MR. SNOWLES: Thank you very much.

4 MR. MOY: The next application

5 before the Board is Application No. 18480.

6 This is the application of David M. Sohn

7 pursuant to 11 DCMR 3103.2.

8 As originally noticed this is for
9 a variance from the lot occupancy requirements
10 under Section 403, a variance from the rear
11 yard requirements under Section 404, a
12 variance from the side yard requirements under
13 Section 405, and a variance from the open
14 court requirements under Section 406, to
15 construct a rear deck additio to a one-family
16 dwelling in the R-1-B District at premises
17 2926 Newark Street, N.W. Property located at
18 Square 2082, Lot 857.

19 Mr. Chairman, the Applicant has, I
20 believe revised the application under their
21 Exhibit 25 which I believe is to eliminate or
22 remove Section 406. This is the open court

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1 requirements. They have 2001.3, nonconforming
2 structures provision.

3 Other than that, there is also a
4 filing from the Applicant which is dated
5 Monday, December 31, 2012 which doesn't meet
6 the 14 days filing prior to a public hearing.
7 The Board should act on that as well as since
8 there was no request for a waiver for time
9 requirement.

10 CHAIRPERSON JORDAN: What is that
11 filing, Mr. Moy?

12 MR. MOY: That filing, I
13 believe --

14 CHAIRPERSON JORDAN: What is the
15 substance?

16 MR. MOY: I believe it's a letter
17 of clarification of the zoning relief. It
18 appears to be an email from the Applicant to
19 the Office of the Zoning Administrator.

20 CHAIRPERSON JORDAN: All right.
21 Before we rule on that, let me sure we're
22 clear as the type of relief that's necessary.

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1 This package has been modified. I believe
2 what we have in front of us is there relief
3 requested for Section 403 lot occupancy, 404
4 rear yard, 405 side yard, and 2001.3 for
5 nonconforming. Is that what's before us?

6 MR. CARROLL: Do you want us --

7 CHAIRPERSON JORDAN: Give me your
8 name, please. Identify yourself.

9 MR. CARROLL: Dickson Carroll.
10 I'm the architect.

11 CHAIRPERSON JORDAN: Is your
12 microphone on? The green button should be
13 pushed brightly.

14 MR. CARROLL: Okay. I'm sorry.
15 I'm Dickson Carroll, the architect for the
16 project. Mr. Sohn is the client.

17 Originally this application was
18 filed as a variance application. Then we
19 decided -- it's a split-level deck -- to lower
20 the lower deck a foot so that we would conform
21 with the 2 percent lot occupancy. We still
22 need relief side rear and percentage of lot

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1 occupancy relief.

2 The issue is in talking to Mr.
3 Mordfin of the Planning Department who had a
4 conference with Matt LeGrant, he said because
5 we lowered that lower deck, we no longer
6 needed relief from the court and the other
7 subsequent provision which was the court
8 connected the garage and we ended up with zero
9 side yard.

10 CHAIRPERSON JORDAN: So the relief
11 that's needed is from 403 lot occupancy.

12 MR. CARROLL: Yes. And we're
13 delighted with Mr. LeGrant's decision. I
14 personally don't understand how that lowering
15 the back deck actually affected the court
16 issue. I talked to three people at DCRA
17 Zoning and they all agreed it was a court.

18 I just put that letter in and it
19 was to Mr. LeGrant to be sure that he
20 understood our application because I don't
21 want you to grant us relief -- the improper
22 relief.

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1 If we go back to D.C. Zoning and
2 they say, "Oh, it is a court actually," we
3 don't want to have to come back to you. Since
4 I didn't understand the basis under which Mr.
5 LeGrant made that determination, and we are
6 delighted with his decision, I just wanted to
7 --

8 CHAIRPERSON JORDAN: The most
9 recent letter is just in an abundance of
10 caution to make sure we have all the issues on
11 the table?

12 MR. CARROLL: Because, I might add
13 that last relief, the townhouse relief, is not
14 included under 223.

15 CHAIRPERSON JORDAN: Let me turn
16 to Planning and get an understanding of the
17 relief that Planning believes is necessary.
18 I think I understand. Is there anything
19 different than what I said?

20 MR. MORDFIN: Good morning,
21 Chairman, members of the Board. I'm Stephen
22 Mordfin. The relief that was listed is the

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1 relief that I believe is required for this.
2 I did meet with Matt LeGrant and Kathleen
3 Beeton on this. Because the lower deck is
4 less than four feet and height is no longer a
5 structure and Matt LeGrant said, therefore,
6 it's the same as grass. That's why it no
7 longer connects with the garage. There is the
8 detached garage and the semi-detached house
9 but they are no longer connected by a
10 structure. They might be --

11 CHAIRPERSON JORDAN: So it's not a
12 courtyard.

13 MR. MORDFIN: So it's not a court.

14 MR. CARROLL: Would it be
15 connected by a court?

16 MR. MORDFIN: It's not connected
17 by a court because there's no structure as
18 defined by Zoning connecting the two.

19 MR. CARROLL: Not to argue the
20 point but what about the upper deck? That's
21 a structure.

22 MR. MORDFIN: The upper deck is a

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1 structure and requires the relief for the lot
2 occupancy in the side yard and the rear yard.

3 MR. CARROLL: But it doesn't
4 create a court with the garage?

5 MR. MORDFIN: Correct, because
6 it's not connected to the garage.

7 MR. CARROLL: Only by virtue of
8 the court which counts as lot occupancy.

9 MR. MORDFIN: But it's not a
10 court.

11 MR. CARROLL: We're delighted with
12 that decision. I just want to be sure it will
13 hold.

14 CHAIRPERSON JORDAN: Well, I think
15 all the government people that you've spoken
16 with, as I'm understanding, is comfortable
17 with the fact that it's not a court. From
18 what I'm hearing, that's probably correct.

19 MR. SOHN: Great.

20 CHAIRPERSON JORDAN: Although we
21 don't give advisory opinions of the Board, but
22 that's why you go to Zoning and Planning

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1 because they will provide to you the input
2 that is necessary. Matt LeGrant is the head
3 honcho, the chief person over there. Whether
4 or not his indians may say something to the
5 contrary, at the end of the day he's the top
6 man there.

7 CHAIRPERSON JORDAN: With that
8 then we'll proceed with the four areas of
9 relief as a special exception.

10 Does the Board have any particular
11 concerns or issues with this?

12 COMMISSIONER COHEN: Excuse me,
13 Mr. Chairman. Do we need to make a decision
14 about the 14 days?

15 CHAIRPERSON JORDAN: Oh, thank
16 you. I don't think it's necessary that we
17 even accept that as a filing. I don't think
18 it's necessary. If you think it's important
19 for us -- it's probably the same conversation
20 we just had. If you makes you comfortable,
21 we'll accept it. We'll accept it. If the
22 Board doesn't have a problem with it, we'll

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1 just put it in the record.

2 COMMISSIONER COHEN: I just want
3 to clarify, too, that there are signatures of
4 support from neighbors.

5 CHAIRPERSON JORDAN: Then we will
6 want that in the file. We are just trying to
7 get really particular about our 14-day rule.
8 We are trying to reduce down the last-minute
9 submissions to the Board. We have to draw
10 some lines in that regard but we will accept
11 this since it's not really --

12 MR. CARROLL: This issue emerged
13 in working with Mr. Mordfin after his meeting
14 with LeGrant. That's why when that evolved it
15 evolved after the deadline or when I got it.

16 CHAIRPERSON JORDAN: Appreciate
17 it. Thank you.

18 Does the Board have any other
19 questions or any issues we have with this that
20 we need to drill in on? Then I'm going to
21 turn to the Applicant.

22 You were here earlier when I just

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1 had a hearing where we believe that the record
2 is complete, that it already provides the
3 information necessary for you to be granted
4 the relief you requested. You certainly have
5 the right, if you wish, to do a presentation
6 and whatever. Or you can just waive that and
7 we can proceed on in the hearing.

8 MR. CARROLL: Only if the Board
9 has any doubts about the project.

10 CHAIRPERSON JORDAN: Then we will
11 turn to the Office of Planning to see if there
12 is anything in addition you wish to say.

13 MR. MORDFIN: Office of Planning
14 has nothing additional to add.

15 CHAIRPERSON JORDAN: Thank you for
16 your help in this matter.

17 Is there an ANC letter here?
18 Okay. We do have a letter from ANC-3C in
19 support of the application.

20 Anyone here from the Department of
21 Transportation? We have a letter, if no
22 objection, submitted by the Department of

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1 Transportation. We have six letters of
2 support from neighbors regarding this project.

3 Is that in addition to what we
4 just got today? I don't know how many is on
5 that list we received today. Is this one
6 additional letter? So seven letters of
7 support in regards to this application, I
8 believe.

9 Is there anyone in the audience in
10 support -- who wishes to speak in support of
11 this application? Anyone in the audience
12 wishing to speak in opposition?

13 Then we'll move back to the
14 Applicant for rebuttal and closing, but I
15 think we've already had that unless there's
16 something else you want to add. Anyway, we'll
17 close the hearing based upon the record and
18 move into deliberations.

19 Any member of the Board have
20 anything they want to say about the
21 application? All right. Then I would move
22 that we grant the special exception relief

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1 submitted by the Applicant.

2 VICE CHAIRMAN SORG: Second.

3 CHAIRPERSON JORDAN: Motion made
4 and seconded. Any unreadiness? All those in
5 favor signify by saying aye.

6 BOARD MEMBERS: Aye.

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

9 Mr. Moy.

10 MR. MOY: Staff would record the
11 vote as four to zero. This is on the motion
12 of Chairman Jordan to approve the application
13 for special exception relief as cited.

14 Seconding the motion Vice Chairperson Sorg.

15 Also in support of the motion Ms. Cohen and

16 Mr. Hinkle. We have a Board seat that's

17 vacant. The motion carries, Mr. Chairman.

18 CHAIRPERSON JORDAN: And a summary
19 order, please.

20 MR. MOY: Yes, sir. Thanks.

21 MR. CARROLL: Thank you very much.

22 MR. MOY: The next application

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1 before the Board is Application No. 18478.
2 This is the application of Rene' D. McCray,
3 pursuant to 11 DCMR 3104.1, for a special
4 exception to allow a free standing carport as
5 an accessory structure under Subsection
6 2300.8, in the R-1-B DIstrict at premises 1502
7 Irving Street, N.E. Property located in
8 Square 4014, Lot 22.

9 CHAIRPERSON JORDAN: All right.
10 Thank you.

11 Good morning. Let me have you
12 identify yourselves, please. Would you make
13 sure that the -- yeah, is the green light on?
14 No, bush the button. There you go.

15 MS. RENE' McCRAY: Thank you.
16 Sorry. Good morning. My name is Rene' McCray
17 and I reside at 1502 Irving Street, N.E.

18 MS. ALICE McCRAY: I'm Alice
19 McCray, 1502 Irving Street, N.E. I'm Rene'
20 McCray's mother.

21 CHAIRPERSON JORDAN: Good. Thank
22 you. And you are representing yourself in

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1 this matter?

2 MS. RENE' McCRAY: Yes, sir.

3 CHAIRPERSON JORDAN: That's why we
4 don't have a letter of authorization on file.
5 Scratch that note.

6 MS. RENE' McCRAY: Oh, I'm sorry.

7 CHAIRPERSON JORDAN: No, no.
8 That's okay. You don't need to have it.
9 Staff made a note. That's all.

10 We do have a letter from ANC-5A,
11 although you were caught in the rezoning, but
12 we're good. You did this all yourself, uh?

13 MS. RENE' McCRAY: Yes, sir.

14 CHAIRPERSON JORDAN: Wow. There's
15 been some professionals who sit back and come
16 before this Board that don't do such a good
17 job.

18 MS. RENE' McCRAY: Thank you.

19 CHAIRPERSON JORDAN: For a special
20 exception to do a carport.

21 Does the Board have any issues
22 with this application? I think it's been done

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1 quite well. I see Officer Jackson bowing his
2 head. You're not going to lose that joke.
3 You know that. It's never going away.

4 We have letters of support from
5 several of your neighbors in support of this
6 application. We believe this application
7 based upon the record is sufficient to grant
8 the relief that you request. Sir, you have
9 the right to do any other presentation if you
10 want, or you can waive it and we can just
11 proceed on.

12 MS. RENE' McCRAY: I would be
13 happy to waive.

14 CHAIRPERSON JORDAN: You're much
15 better than some of the professionals we have
16 here. There are lawyers and architects that
17 come in and still want to talk and get
18 themselves into trouble. They staff off with
19 a winning program and then by the time they
20 get to talking we go, "Hum."

21 Let's turn to the Office of
22 Planning.

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1 MR. JACKSON: Good morning. My
2 name is Author Jackson, D.C. Office of
3 Planning.

4 CHAIRPERSON JORDAN: Pull it a
5 little closer to you. Maybe that will help.

6 MR. JACKSON: Yes, I'm sorry.
7 Arthur Jackson, D.C. Office of Planning. We
8 have our report before you. We have nothing
9 to add except the applicant did do an
10 excellent job preparing this application.

11 She did the necessary outreach and
12 we highly recommend approval of the requested
13 relief. That concludes our summary and we are
14 available to answer questions.

15 CHAIRPERSON JORDAN: Does the
16 Board have questions of Mr. Jackson?

17 Does the Applicant have any
18 questions of Mr. Jackson, Office of Planning?

19 MS. RENE' McCRAY: No, not at this
20 time.

21 CHAIRPERSON JORDAN: Then no one
22 is here from the Department of Transportation.

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1 We do have a letter of no objection from the
2 Department of Transportation.

3 Is there anyone here from ANC-5A
4 or B? 5A or B. This matter was one where it
5 started off in 5A but as redistricting just
6 occurred -- just went into effect rather, it
7 is now part of 5B. We do have a letter in
8 support from ANC-5A which recommends approval
9 of the application.

10 Is there anyone in the audience --
11 well, let me go back a second. We have at
12 least four letters of support from surrounding
13 neighbors which is very good in support of
14 this package and your request for special
15 exception.

16 Does anyone in the audience wish
17 to speak in support of this application?
18 Anyone wish to speak in opposition to this
19 application? Then, with that, let's turn back
20 to the Applicant.

21 I assume you want to waive any
22 other statement because it's not necessary.

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1 MS. RENE' McCRAY: Yes.

2 CHAIRPERSON JORDAN: Let's close
3 this matter based upon what's already in the
4 record. With that, I would move that we grant
5 the special exception relief requested by the
6 Applicant.

7 COMMISSIONER COHEN: I would
8 second it.

9 VICE CHAIRMAN SORG: Second.

10 CHAIRPERSON JORDAN: In unison we
11 have a second. Motion made and seconded. All
12 those in favor signify by saying aye.

13 BOARD MEMBERS: Aye.

14 CHAIRPERSON 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. This is on
19 the motion of Chairman Jordan to approve the
20 special exception relief.

21 CHAIRPERSON JORDAN: Who seconded
22 it?

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1 MR. MOY: Second would be -- on
2 the good graces of the Vice Chairperson the
3 second would be Ms. Cohen. Also in support of
4 the motion Vice Chairperson Sorg and Mr.
5 Hinkle. We have a Board vacancy so the motion
6 carries, Mr. Chairman.

7 CHAIRPERSON JORDAN: Thank you.
8 Can we have a summary order in this matter?

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

10 CHAIRPERSON JORDAN: Thank you.

11 MS. RENE' McCRAY: Thank you.

12 CHAIRPERSON JORDAN: Thank you
13 both for coming.

14 Thanks, Mother.

15 MR. MOY: The next application is
16 Application No. 18477. This is the
17 application of Abdo 14th Street, LLC, pursuant
18 to 11 DCMR 3104.1 and 3103.2, for a variance
19 from the building height setback requirements
20 under Subsection 1902.1(b), a variance from
21 the off-street parking requirements under
22 Subsection 2101.1, and a special exception

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1 from the rear yard requirements under
2 Subsection 774.2.

3 This is in the ARTS/C-3-A District
4 at premises 1400-1404 14th Street, N.W.
5 Property in Square 210, Lots 82, 102, and 800.

6 CHAIRPERSON JORDAN: Okay. What
7 do we have here? Oh, okay. All right. I'm
8 familiar with where we're going with this.

9 Okay. Welcome. Would you please
10 identify yourselves?

11 MR. KADLECEK: Good morning
12 members of the Board. My name is Cary
13 Kadlecek from Goulston & Storrs. I'm the
14 attorney representing the Applicant.

15 MR. WALTERS: Maurice Walters,
16 Maurice Walters Architect.

17 MS. MILANOVICH: Good morning. My
18 name is Jami Milanovich with Wells &
19 Associates, the traffic consultant for the
20 project.

21 CHAIRPERSON JORDAN: I think we've
22 seen you a couple of times before.

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MS. PRINCE: Allison Prince, also
of Goulston & Storrs.

CHAIRPERSON JORDAN: Uh, oh.
We're getting double teamed today.

MR. ABDO: Good morning
distinguished Board members. Jim Abdo with
Abdo Development.

MR. BUIST: Good morning. Gordon
Buist with Abdo Development.

CHAIRPERSON JORDAN: Welcome and
happy after-the-holidays-back hearing. We
just got inundated with a bunch of stuff. I
hope we've already got these things in our
file.

MR. KADLECEK: Actually, I wanted
to explain what those new submissions are.

CHAIRPERSON JORDAN: New
submissions? Did I hear the word new?

MR. KADLECEK: They are new, yes.
Largely in response to DDOT's report which was
issued on Friday. As Jami Milanovich will

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1 explain, the 8.5 by 11 filings are responses
2 to DDOT's report.

3 Then the larger 17 by 11 are the
4 plans just to show the bicycle parking spaces
5 as the Office of Planning requested but there
6 are no changes to the plans from what have
7 been originally been submitted.

8 CHAIRPERSON JORDAN: All right.
9 Help us here with the loading question. Is
10 loading required?

11 MR. KADLECEK: Loading is not
12 required under the Zoning Regulations as an
13 addition to a historic building. Loading is
14 not required for this project.

15 CHAIRPERSON JORDAN: Do you want
16 to -- I think our record is pretty full here
17 so let's just deal quickly with your response
18 because we haven't had a chance to look at the
19 Department of Transportation's --

20 MR. KADLECEK: We had planned to
21 respond to the District Department of
22 Transportation's Report. Jami will give an

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1 overview of her analysis and then specifically
2 hit the points that were raised in the
3 District Department of Transportation.

4 CHAIRPERSON JORDAN: And we know
5 her analysis pretty much.

6 MR. KADLECEK: We'll highlight
7 exactly what our responses are and we'll
8 explain why the District Department of
9 Transportation's request to have more time for
10 this is not really warranted based on the
11 responses that Jami will provide.

12 MS. MILANOVICH: Thank you. In
13 the interest of time I'll just focus on the
14 DDOT report and forego a summary of our report
15 that is in the record.

16 DDOT really raised three main
17 issues in their report dated January 4th.
18 First, DDOT indicated that they were unable to
19 evaluate the impact of the proposed parking
20 variants due to the lack of an on-street
21 parking occupancy survey, a parking demand
22 evaluation, and a copy of the Washington Plaza

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1 rental agreement that Abdo has worked out with
2 the hotel.

3 As DDOT noted in the report, they
4 did not request these items during the nearly
5 six-week scoping process. As such, they were
6 not included in our traffic study. However,
7 we believe the impact associated with the
8 proposed redevelopment will be minimal as we
9 presented in our study based on really three
10 key things.

11 First, the employees of the
12 existing office building park at nearby Abdo
13 properties that currently have excess parking
14 available. That practice will continue after
15 the proposed redevelopment so there will be no
16 additional increase in parking associated with
17 the office component.

18 Additionally, the square footage
19 of the office component will decrease with the
20 redevelopment so that no additional traffic or
21 parking impacts would be anticipated due to
22 the office component of the redevelopment.

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1 Secondly, the retail patrons of
2 the existing site currently park on the
3 street. The increase in square footage
4 associated with the retail component will be
5 minimal, approximately 5,200 square feet.

6 Based on this minimal increase in
7 square footage, the increased parking demand
8 if you look at the Urban Land Institute rates
9 for parking demand, that square footage would
10 result in an increase of just five parking
11 spaces assuming the nature of the retail
12 remains generally consistent with what is
13 there today.

14 I would also note that if a
15 destination retail type use would go into the
16 proposed redevelopment, we would fully expect
17 that any reasonable operator of a restaurant
18 of that nature would apply for a valet parking
19 permit and would park using a valet operation.

20 Obviously they need parking to be
21 convenient in order for that type of a use to
22 be successful so we would anticipate that any

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1 type of restaurant would have a valet parking
2 operation.

3 Thirdly, due to the very small
4 size of the residential units proposed in the
5 development, they are not being marketed
6 towards families. They are marketed towards
7 young people just starting out, along with the
8 prevalent transportation options that are
9 surrounding the site's location in the
10 neighborhood with many, many community
11 amenities.

12 There is a grocery store right
13 next door. There is a drug store. There are
14 banks. There are several restaurants nearby.
15 Basically anything you would need is within
16 walking or biking distance.

17 All of those components really
18 lend this residential component to be marketed
19 towards tenants that do not own cars. The
20 number of vehicles owned by the tenants of
21 this residential building would be --

22 CHAIRPERSON JORDAN: You're kind

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1 of fading in and out.

2 MS. MILANOVICH: I'm sorry. I'm
3 getting over laryngitis.

4 CHAIRPERSON JORDAN: I can hear
5 it. I can hear it.

6 MS. MILANOVICH: And so the other
7 issue is that Abdo has worked out a rental
8 agreement with the Washington Plaza Hotel
9 located just two blocks south to lease 20
10 parking spaces upon completion of the proposed
11 redevelopment.

12 Those parking spaces would be
13 available for those residents who do choose to
14 own a car and live there so there would be
15 very minimal, if any, parking on street
16 associated with the residential component.
17 For all of those reasons, the proposed
18 redevelopment would not have an adverse impact
19 on the on-street parking surrounding the
20 proposed redevelopment.

21 The second --

22 CHAIRPERSON JORDAN: So you

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1 actually have the lease executed?

2 MS. MILANOVICH: Correct.

3 MR. KADLECEK: Sorry, Jami. In
4 the submission that we just provided to you,
5 the one with the paper clip on it, the second
6 piece of information there is a letter signed
7 by the manager of the Washington Plaza Hotel
8 acknowledging the leasing of the spaces.

9 CHAIRPERSON JORDAN: Thank you.

10 MS. MILANOVICH: The second issue
11 that DDOT raised in their report they
12 indicated that the trip generation that we
13 used for the existing uses was based on floor
14 areas that are larger than what is found on
15 the D.C. tax records.

16 The square footages that were used
17 in our study are, in fact, correct. The
18 square footages that DDOT referenced in its
19 report that were found on the District tax
20 records are actually land area square footages
21 and not building square footages. We did go
22 back and just triple check and confirm that

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1 the square footages that were used in our
2 analysis are, in fact, correct.

3 The square footages that DDOT
4 referenced would significantly underestimate
5 the trip generation for the existing uses
6 since they are just land area.

7 The third point that DDOT raised
8 was that no loading or service delivery
9 facilities were proposed. As Cary had
10 indicated, and as we indicated during the
11 scope and process, we are not seeking a
12 loading variance because of the historic
13 structure. No loading is required by code.

14 I would note, though, as a
15 practical matter we have a 30-foot alley to
16 the rear of the property. It's one of very
17 few 30-foot alleys in the city. It has very
18 sufficient width that accomodates the loading
19 that's happening today, not only for this
20 project but for other users on the square.

21 We would continue to use that
22 alley for future loading operations of the

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1 proposed redevelopment so that the adjacent
2 public streets would not be impacted by the
3 loading activities. There's plenty of room in
4 the 30-foot alley to accomodate those loading
5 operations.

6 Then, finally, I just wanted to
7 address some of the chronology of the
8 interactions with the DDOT. We are having
9 problems getting it to show here but in the
10 handout that we gave you there is a
11 chronology.

12 DDOT has requested additional time
13 to review the study noting that they didn't
14 have sufficient time to complete the review
15 since the study was submitted on December
16 21st. However, we submitted DDOT's required
17 detailed eight-page scoping document on
18 October 29th.

19 In order to complete that scoping
20 document, we're required to a substantial
21 portion of the analysis and compile the
22 background information up front. About 50

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1 percent of the work was really completed when
2 we completed that eight-page scoping document
3 which was submitted to DDOT on October 29th.

4 Many of these issues that were
5 just raised this past week could have been
6 raised much sooner in the process based on the
7 information that we provided to DDOT on
8 October 29th.

9 As you can see from the
10 chronology, we reached out to DDOT a number of
11 times over the approximately six weeks since
12 we submitted the scoping document requesting
13 their feedback, requesting comments. We
14 finally received those comments on December
15 6th.

16 Then once we received their
17 comments we went back and forth with DDOT for
18 about a week just seeking some clarification
19 and making sure we were on the same page. We
20 ultimately finalized the scoping agreement on
21 December 14th and submitted our final study
22 just one week later addressing all of the

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1 comments that DDOT raised during the scoping
2 process.

3 So we really do feel like we've
4 done everything we possible could to help
5 expedite the process. We responded to DDOT in
6 a timely manner. We received their latest set
7 of comments at the end of the day last
8 Wednesday and within two business days
9 responded to DDOT with detailed responses,
10 again just doing everything we could to help
11 expedite the process.

12 We do believe that DDOT's request
13 for additional time is unwarranted given the
14 six-week interaction we've had with them since
15 we submitted the scoping document at the end
16 of October.

17 CHAIRPERSON JORDAN: Does anyone
18 on the Board have any questions you need to
19 ask regarding -- oh, we would be remiss. We
20 need to go ahead and accept Ms. Milanovich and
21 Mr. Walters as experts in this matter. They
22 previously have been designated by this Board

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1 as experts.

2 Are we okay? Is the Board okay in
3 regards to moving forward? Okay. Great.
4 Does the Board have any other issues or
5 questions they need to have answered by the
6 Applicant regarding this? I think this
7 package is full.

8 CHAIRPERSON JORDAN: Jami, if
9 there's something else that you -- I mean, if
10 you wish to --

11 COMMISSIONER COHEN: My only
12 question is that the three-story building to
13 the south -- I think it's the south of your --

14 MS. MILANOVICH: North.

15 COMMISSIONER COHEN: North. Do
16 they give you any feedback as to your
17 development?

18 CHAIRPERSON JORDAN: The little
19 building here.

20 MR. ABDO: Yes. They are
21 providing us a letter of support. We've been
22 in touch with them. The gentleman that would

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1 provide that is Mr. Greg Zahn who is an
2 architect in the neighborhood. He is hiking
3 in California right now and was unable to get
4 us a letter but he is in support of this and
5 we can provide that to you later if you would
6 like that.

7 COMMISSIONER COHEN: Yes, I would
8 like a letter in the file.

9 MR. ABDO: Absolutely. Happy to
10 do it.

11 CHAIRPERSON JORDAN: Anybody else?
12 Ms. Sorg.

13 VICE CHAIRMAN SORG: Just to
14 remind me, if you can tell me what is the unit
15 mix again?

16 MR. ABDO: It's studios and one
17 bedrooms. The average unit size in the
18 building is 575 square feet. We are designing
19 this to be sort of micro-units for --

20 VICE CHAIRMAN SORG: Five hundred
21 and some odd is not micro-units anymore, I
22 don't think.

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1 MR. ABDO: I'm an old developer.
2 I've been around a while.

3 VICE CHAIRMAN SORG: I'm glad to
4 hear you say that.

5 CHAIRPERSON JORDAN: Sliding down,
6 down, down, down, down.

7 MR. ABDO: I'm showing my age here
8 because I remember when you come to market
9 with a 575-square-foot unit and people would
10 just tell you, "Are you crazy?" These are
11 relatively small units that are designed to
12 allow people that feel like they've been
13 priced out of the renaissance that this
14 neighborhood has seen to be able to
15 participate. That's what our goal is here.

16 VICE CHAIRMAN SORG: And how many
17 units again?

18 MR. ABDO: It's a total of 30.

19 VICE CHAIRMAN SORG: Thirty.
20 Right. Of course.

21 COMMISSIONER COHEN: And you will
22 have some IZ units in this development?

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1 MR. ABDO: Absolutely, yes.

2 VICE CHAIRMAN SORG: I do have one
3 other question. I was to understand from the
4 filings that the intention with regard to the
5 second floor office space is to use it as
6 offices for Abdo Development. I can certainly
7 understand how that sort of dovetails with the
8 parking variance request. But there is
9 nothing -- then this is sort of a question I
10 would -- you know, there is nothing that says
11 you have to keep your offices there forever.
12 I think we want to be clear that the office
13 space itself, not just for the use as the Abdo
14 Offices are appropriate for the relief as
15 well.

16 MR. ABDO: Yes. We've been on
17 that corner for 17 years. I have a nine-year-
18 old son who swears he's going to run this
19 company and he's already smarter than I am.
20 There is probably a good chance our offices
21 will remain there for quite some time. I
22 don't know if you have anything else you

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1 wanted to add.

2 MR. KADLECEK: Just from a zoning
3 standpoint, if the use were somehow to change,
4 it would, of course, change the parking
5 requirement and that would trigger a need for
6 additional relief. We have to keep the office
7 use the same to maintain the relief that we're
8 seeking today.

9 CHAIRPERSON JORDAN: I guess what
10 Ms. Sorg is saying is that it doesn't run with
11 Abdo, it runs with the building.

12 MR. KADLECEK: Exactly.

13 CHAIRPERSON JORDAN: I think, Mr.
14 Kadlecek, our record is good unless there is
15 something else you think we need to hear.

16 MR. KADLECEK: No, we have nothing
17 additional.

18 CHAIRPERSON JORDAN: Then let's
19 turn to the Office of Planning if there is
20 anything in addition.

21 MS. BROWN-ROBERTS: Good morning,
22 Mr. Chairman, and members of the Board.

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1 Maxine Brown-Roberts of the Office of
2 Planning. I have nothing else to add. The
3 one recommendation that we had regarding the
4 bicycle parking has been addressed in new
5 plans and, therefore, we do stand by the
6 recommendation that was submitted. Thank you.

7 CHAIRPERSON JORDAN: Thank you for
8 your report.

9 Does the Board have any questions
10 of the Office of Planning?

11 Does the Applicant have any
12 questions for Office of Planning?

13 MR. KADLECEK: No questions.

14 CHAIRPERSON JORDAN: Then let's
15 move to the Department of Transportation.

16 MR. BOOKER: Lewis Booker for the
17 Department of Transportation.

18 CHAIRPERSON JORDAN: Can you pull
19 the mic closer or something?

20 MR. BOOKER: Can you hear me now?

21 CHAIRPERSON JORDAN: Would you say
22 your name again, please?

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1 MR. BOOKER: Lewis Booker, the
2 Department of Transportation. I would like to
3 comment on the review process and the
4 coordination we've had with Ms. Milanovich and
5 Wells & Associates. I would like to credit
6 them for continuing to work with us throughout
7 the holidays. We did ask for a lot of
8 additional information to help us facilitate
9 our analysis. I think they did do the best
10 that they could to provide that information.
11 They submitted the parking agreement. They
12 provided the floor plans. We had some
13 concerns with the floor plans and they
14 provided that information. I think they
15 really worked with us to address some of those
16 concerns. My only comment would be if the
17 Board decided to not grant an extension and
18 move forward with the decision today that we
19 implement some standard TDM measures to offset
20 the parking impact. Specifically to provide
21 each new resident with a SmarTrip card or a
22 membership to the Capital Bike Share Program.

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1 The SmarTrip card value should be \$100 and
2 Capital Bike Share should be \$75. Actually it
3 should be Capital Bike Share or a \$50
4 membership to a car sharing program in
5 addition to the SmarTrip card for each new
6 resident. We believe the office users will
7 continue to use mass transit as they've been
8 doing. The coffee shop and restaurant users
9 will probable be a lot of non-automobile
10 trips, a lot of walk-by, pass-by trips as they
11 stated in their study. I think the main
12 parking impact might be the residents. We
13 would just push for TDM measures.

14 CHAIRPERSON JORDAN: Does the
15 Board have any questions for Mr. Booker or the
16 Department of Transportation?

17 Yes, Ms. Cohen.

18 COMMISSIONER COHEN: Mr. Chairman,
19 I think the request for TDM measures is
20 reasonable.

21 CHAIRPERSON JORDAN: Okay. And,
22 again, you're asking for?

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1 MR. BOOKER: For each new resident
2 to have -- to be provided with either a \$50
3 membership to a car sharing service, or a \$75
4 membership to the Capital Bikeshare Program in
5 addition to \$100 SmarTrip card value, SmarTrip
6 card with a value of \$100 on it at the time of
7 move in.

8 CHAIRPERSON JORDAN: Does the
9 Board have any other questions of the
10 Department of Transportation?

11 Does the Applicant have questions?

12 Oh, let me --

13 VICE CHAIRMAN SORG: Sorry. I do
14 have a question.

15 In your report from DDOT you asked
16 a few questions wanting to know more
17 information from the Applicant regarding the
18 loading and refuge pickup and so forth. Ms.
19 Milanovich indicated that because there wasn't
20 any requirements for loading relief that
21 wasn't something that they felt was needed.
22 I'm just curious whether you wanted to respond

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1 to that.

2 MR. BOOKER: Well, I'll only
3 respond they did send a detailed response to
4 all of our comments. One of the issues was
5 loading and they said they would keep the
6 loading at the rear of the property using the
7 30-foot alley for access.

8 We support that position. The
9 only thing I would say is that currently there
10 are trash bins that are placed on Rhode Island
11 Avenue and they cross the sidewalk. I believe
12 the coffee shop uses those. We don't want
13 those to continue in the future.

14 We don't want any -- we can allow
15 typical service delivery across the sidewalk
16 but we don't want trash collection and
17 building loading to occur across the sidewalk.
18 Especially when you're going to have outdoor
19 seating in a heightened pedestrian area.

20 MR. ABDO: If I could respond to
21 that, by virtue of the project itself, that is
22 something that we intend to eliminate. We are

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1 certainly not going to make this level of
2 investment and allow that kind of activity to
3 take place. We have worked diligently in this
4 neighborhood to eliminate those kinds of uses
5 over the last 15 to 17 years. We agree with
6 DDOT on that one for sure.

7 CHAIRPERSON JORDAN: Any other
8 questions of the --

9 COMMISSIONER COHEN: Can you
10 comment on some of their suggestions for the
11 TDM? Are you willing to do that?

12 MR. ABDO: Yes, I will. I think
13 that is something from a marketing perspective
14 that we think is a good idea and something
15 that we were contemplating doing anyhow. We
16 are passionate about smart growth development.

17 It's what I built this company on
18 and it's something that we want to encourage.
19 I think that having it as a requirement that
20 lives in on perpetuity is a bit ominous.

21 I think that certainly through
22 lease-up and stabilization it's something that

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1 I would be happy to agree to and happy to
2 initiate but I think to have sort of something
3 like that that just continues on indefinitely
4 would be a bit akward.

5 COMMISSIONER COHEN: I would like
6 to then bounce this back to DDOT. What is
7 your belief about just having it as an
8 operating function at the beginning of the
9 project? Did you want it in perpetuity? Did
10 you recommend it?

11 MR. BOOKER: I think that would be
12 more appropriate for the initial year maybe.
13 Maybe do a full lease-out.

14 MR. ABDO: That's great. We would
15 be -- we think that is a great idea.

16 COMMISSIONER COHEN: Okay. I
17 think that's reasonable.

18 MR. BOOKER: I agree. I don't
19 think perpetuity really makes sense,
20 especially when you have rollover. Thank you.

21 CHAIRPERSON JORDAN: Any other
22 questions the Board may have of Department of

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1 Transportation?

2 Let's turn to the Applicant to see
3 if there are any other questions.

4 MR. KADLECEK: I just have one
5 question for a point of clarification. Based
6 on the responses that we submitted, is it your
7 position now that we've adequately addressed
8 the concerns that you raised based on all the
9 comments we provided?

10 CHAIRPERSON JORDAN: I think he
11 said that.

12 MR. KADLECEK: Okay. I was just
13 trying to make that clear.

14 CHAIRPERSON JORDAN: He opened the
15 door. I think he said that.

16 MR. ABDO: Strike what the
17 attorney just said, please, from the record.
18 Thank you.

19 CHAIRPERSON JORDAN: Just trying
20 to help you out there. Any other questions?

21 MR. ABDO: No question.

22 CHAIRPERSON JORDAN: The only

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1 thing in addition that he wanted to see was
2 the TDM measures for that year period of lease
3 up.

4 MR. ABDO: As was in our report,
5 we did propose it to the TDM program.

6 VICE CHAIRMAN SORG: I didn't know
7 actually in that regard from your proposal
8 there was membership but without a dollar
9 amount I think there is a point of
10 clarification.

11 MR. KADLECEK: I was going to have
12 Ms. Milanovich clarify that in closing but I
13 would like to have her just clarify that right
14 now with respect to the different types of
15 membership.

16 MS. MILANOVICH: What we've been
17 typically doing for these types of projects is
18 offering residents their choice of either a
19 SmarTrip card. DDOT has been asking for a
20 \$100 SmarTrip card or a one-year membership to
21 Capital Picture or a one-year membership for
22 Zip Car. One of those three because we don't

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1 want to just give a couple or all three to
2 each resident because they end up not using
3 all three depending on their mode of travel.
4 They would have the choice depending on their
5 mode of travel which one of the three they
6 would prefer. Then we would provide that
7 during the initial lease-up process.

8 CHAIRPERSON JORDAN: So it's \$100
9 Smart Card and one-year Bike Share and one-
10 year car?

11 MS. MILANOVICH: Capital Bike
12 Share or Zip Car. Correct.

13 CHAIRPERSON JORDAN: One year?

14 MS. MILANOVICH: For one year.

15 CHAIRPERSON JORDAN: And the Smart
16 Card is how much?

17 MS. MILANOVICH: \$100 is what DDOT
18 is asking for. It can be any amount.

19 CHAIRPERSON JORDAN: Any other
20 questions? Any further questions of the
21 Department of Transportation?

22 MR. KADLECEK: No further

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1 questions.

2 CHAIRPERSON JORDAN: Then let's
3 move to -- I think we received something from
4 ANC-2F which we will waive the late receipt
5 of. The late filing, rather, which stands in
6 support of the application, ANC-2F, which
7 meets our criteria for great weight, I
8 believe. Yes, so we grant great weight to
9 their recommendation.

10 Is there anyone in the audience
11 here to testify in support of the application?
12 We do have some letters in our file already
13 for letters of support.

14 Come to the mic, identify
15 yourself, and say that for us and that would
16 be fine.

17 MR. KANE: My name is Jim Kane and
18 I'm a 20-year resident of the neighborhood
19 across the street. I represent an ad hoc
20 committee of probably about 15 neighbors,
21 condominium single-family owners, apartment
22 dwellers in the immediate neighborhood and we

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1 are in support of this project and have
2 participated in all of the neighborhood
3 discussions that Jim and his staff have had
4 with us to discuss the project, to go over
5 parking, to go over the ramifications of what
6 is going to happen. We feel very comfortable
7 with it and have testified continuously in
8 support of the project. If there's any
9 questions you have about us, about the
10 participation or our support, we would be
11 happy to let you know.

12 CHAIRPERSON JORDAN: If you would
13 complete the witness cards. Did you do that?

14 MR. KANE: We did, sir, and I have
15 it ready to turn in.

16 CHAIRPERSON JORDAN: Very good.
17 Thank you. That's all I need you to do.

18 MR. KANE: Thank you, sir.

19 CHAIRPERSON JORDAN: Any questions
20 of the witness by the Board or by the
21 Applicant?

22 Thank you. Really appreciate you

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1 taking the time.

2

3 As I said, we also have three
4 letters of support in our record.

5 Is there anyone in the audience
6 wishing to speak in opposition to the
7 application?

8 I was remiss. We do have our
9 Exhibit 7 that HPRB has found this project to
10 be compatible to their views. We have that in
11 the record.

12 Then we will turn back to the
13 Applicant to see if there's any closing that
14 you may wish to do.

15 MR. KADLECEK: I don't have a lot
16 to close with other than, as we discussed,
17 DDOT issues have been resolved. Ms.
18 Milanovich has explained the TDM measures that
19 we are comfortable with agreeing to as part of
20 the order.

21 With that, I'll let Mr. Abdo make
22 any concluding remarks about the nature of the

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1 project.

2 MR. ABDO: Well, only just to tell
3 you how much this neighborhood means to us.
4 It's been our sort of home office since I
5 started the company. We are passionate about
6 this neighborhood. We have really thought
7 this building through because we are there
8 every single day. We are very excited to
9 start this.

10 The only other thing I wanted to
11 add is that I want to make sure on the record
12 that we owe you that letter from Mr. Zahn
13 because you mentioned three and we do owe you
14 four. We'll make sure you get that as soon as
15 he arrives back from California. Thank you.

16 CHAIRPERSON JORDAN: With that
17 then we will close --

18 VICE CHAIRMAN SORG: Just before
19 you close, Mr. Chairman, it sounds like there
20 is going to be a couple of conditions,
21 potential contentions. I don't know whether
22 that is something that --

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1 CHAIRPERSON JORDAN: You mean
2 other than the TDM measures and that the
3 parking agreement run with the land?

4 VICE CHAIRMAN SORG: Well, I have
5 the TDM that we discussed, the agreement with
6 the hotel as well. There was a mention that
7 the loading and refuge should be done from the
8 rear.

9 I think that is a fair thing, in
10 my opinion, to put into a condition. There
11 were a couple of other TDM measures that were
12 suggested by the Applicant such as the one
13 that is always there, the person with the
14 information who is going to give it out.

15 MR. KADLECEK: Can I make one
16 point of clarification about the agreement
17 with the hotel? We don't want to be bound by
18 condition with that hotel specifically.

19 We are comfortable with making
20 sure that we provide spaces but we can't
21 predict exactly how everything will go with
22 the hotel in the future. We don't want to say

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1 we will always be with the Washington Plaza
2 Hotel. We will be provided office space off-
3 site somewhere.

4 CHAIRPERSON JORDAN: Okay.

5 VICE CHAIRMAN SORG: For 20
6 spaces?

7 MR. KADLECEK: Twenty spaces.

8 CHAIRPERSON JORDAN: So let's
9 close the record and move to deliberation.
10 Does anyone have anything they want to say?

11 Then I would move that we grant
12 the request for relief for the Applicant with
13 the addition of the conditions tht loading
14 should take place from the rear of the
15 building, that a TDM plan be put in place as
16 represented here today. I think it's
17 acceptable to do the one that you've
18 recommended. The three alternatives which you
19 submitted, I think, makes a lot more sense.
20 Running with the land and the use thereof is
21 off-site parking for 20 spaces.

22 Anybody else have anything else?

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1 That would be my motion.

2 VICE CHAIRMAN SORG: Second.

3 CHAIRPERSON JORDAN: Motion made
4 and seconded that we grant the relief
5 requested with the conditions specified, and
6 that this record remain open for the letter
7 from Mr. Zahn, the neighbor property.

8 All those in favor of the motion
9 signify by saying aye.

10 BOARD MEMBERS: Aye.

11 CHAIRPERSON JORDAN: Those opposed
12 nay. The motion carries.

13 MR. MOY: The staff would record
14 the vote as four to zero. This is on the
15 motion of Chairman Jordan to approve the
16 application for the four conditions as he has
17 cited.

18 Seconding the motion Vice
19 Chairperson Sorg. Also in support of the
20 motion Ms. Marcie Cohen and Mr. Hinkle. We do
21 have a Board vacancy so, again, the motion
22 carries, Mr. Chairman.

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1 CHAIRPERSON JORDAN: Good. I
2 believe we can have a summary order in this.
3 I think it would make a few people happy.

4 MR. MOY: Yes, sir.

5 CHAIRPERSON JORDAN: Or do you
6 want to wait? I think we'll go with the
7 summary. Okay. Thank you so much.
8 Appreciate it.

9 MR. KADLECEK: Thank you very
10 much.

11 CHAIRPERSON JORDAN: I move that
12 we move this afternoon's hearing up to now and
13 then the people -- no. I'm just joking. I
14 wish we were going to that rolling docket.
15 We've been asking for it.

16 I understand it's going to start
17 in February, Mr. Moy?

18 MR. MOY: Very soon.

19 CHAIRPERSON JORDAN: So we're in
20 recess now for a long two-hour period as we
21 watch the clock tick away, tick, tick, to
22 1:00. Thank you. We're in recess.

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1 (Whereupon, at 11:06 a.m. off the
2 record for lunch to reconvene at 1:00 p.m.)

3
4 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

5 1:09 p.m.

6 CHAIRPERSON JORDAN: I will call
7 the Board of Zoning Adjustment back into
8 session from our afternoon break.

9 Mr. Moy, would you call the first
10 case.

11 Well, let me first say if there is
12 anyone who is here to testify on the case set
13 on our docket today, 18483. Please stand and
14 take the oath or affirmation administered by
15 the Board Secretary.

16 (Whereupon, the witnesses were
17 sworn.)

18 CHAIRPERSON JORDAN: I'm going to
19 ask that you prepare two witness cards and
20 give them to the court reporter before your
21 testimony, please.

22 Mr. Moy, you want to call our

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1 afternoon docket, please?

2 MR. MOY: Yes, sir. Before I call
3 the first case, I just want to record for the
4 record that one of the two cases for the
5 afternoon the Board had previously granted the
6 request for postponement which is Application
7 No. 18409 of CAS Riegler Companies. The Board
8 had granted that request to a new hearing date
9 of March 12, 2013.

10 With that, Mr. Chairman, good
11 afternoon, Mr. Chairman, members of the Board.

12 Application No. 18483. This is
13 the application of Sergei Mikhailov and Sara
14 Bakker, pursuant to 11 DCMR 3103.2. This is
15 for a variance from the off-street parking
16 requirements under Subsection 2101.1, to allow
17 the construction of a new flat (two-family
18 dwelling) in the R-4 District at premises 1235
19 4th Street, N.W. Property located in Square
20 523, Lot 23.

21 CHAIRPERSON JORDAN: Would you
22 please identify yourself first, please. Make

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1 sure your mic is on. There should be a bright
2 green light. There you go.

3 MR. MIKHAILOV: I'm Sergei
4 Makhailov. I'm the owner of Lot 23 in Square
5 523.

6 CHAIRPERSON JORDAN: Do we have
7 any preliminary matters here?

8 Do we have an ANC letter in this
9 case? Did we get one late?

10 Mr. Moy, do you have anything from
11 the ANC? We do? Thank you.

12 MR. MOY: It should be your
13 Exhibit 27, sir.

14 CHAIRPERSON JORDAN: All right.
15 Does the Board have any issues or matters that
16 we need to raise with this Applicant on the
17 application? I think the record here -- Mr.
18 Mikhailov, the record is full regarding the
19 requested relief. Unless the Board has any
20 particular questions, you might be able to
21 just stand on the record. I don't know if
22 there's any questions anyone has.

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1 You have the opportunity to do a
2 presentation but, one, we feel it's not
3 necessary. We believe that the file is
4 complete with all that is necessary to grant
5 the relief. I see you shaking your head that
6 you don't need to do a presentation. Is that
7 correct?

8 MR. MIKHAILOV: That's correct.
9 I'll stand on the record.

10 CHAIRPERSON JORDAN: We would then
11 turn to Office of Planning and see if there is
12 anything in addition to the report that's
13 already been prepared.

14 MS. THOMAS: Nothing.

15 CHAIRPERSON JORDAN: You are way
16 down there.

17 MS. THOMAS: I don't know. I
18 ended up here. Karen Thomas for the Office of
19 Planning. We have nothing further to add.
20 Thank you.

21 CHAIRPERSON JORDAN: Okay.

22 Does the Board have any questions

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1 for Ms. Thomas? Does the Applicant have any
2 questions for the Office of Planning?

3 MR. MIKHAILOV: Actually, I was
4 going to say I have a special request that --

5 CHAIRPERSON JORDAN: Let's hold
6 that. Not for the Office of Planning but just
7 in general?

8 MR. MIKHAILOV: No, not for the
9 Office of Planning.

10 CHAIRPERSON JORDAN: I understand
11 and we'll get to that point.

12 The Department of Transportation
13 is not here. We do have a letter in our file
14 indicating no objection to your applicaztion.

15 Is anyone here from ANC-6C? We do
16 have a letter submitted from ANC-6C which
17 meets our requirements for great weight. They
18 stand in support of your application.

19 Is there anyone in the audience
20 here to testify in support of this
21 application? Anyone here to testify in
22 opposition to this application?

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1 Do we have any letters in the
2 file? I don't see them in my notes.

3 We will turn back to you for any
4 closing statement you wish to make.

5 MR. MIKHAILOV: Yes. I wanted to
6 attract your attention to a letter that I've
7 added to the file dated December 24th.
8 Basicaly it's titled "Request for an Order for
9 3125.8 permitting additional zoning compliance
10 changes to submit building plans without us
11 undergoing the procedures as indicated in
12 3129.

13 CHAIRPERSON JORDAN: We understand
14 what you want, I believe, but I don't think
15 that's what you said.

16 MR. MIKHAILOV: Okay.

17 CHAIRPERSON JORDAN: But, anyway,
18 you are before us on relief from off-street
19 parking variance. We don't think this is
20 germane what you are requesting. I think
21 you're going to be able to do what you need to
22 do.

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1 MR. MIKHAILOV: I just want to
2 make sure that I can because I had an email
3 exchange withy Kathleen Beeton in DCRA. She
4 is the Assistant Zoning Administrator. I've
5 asked her to what extent can I still make some
6 changes to my building plans. She said that
7 her preference is that the plans are nearly
8 identical, the ones that will have my building
9 permit set versus the plans that you're
10 looking at so I just want to make sure that
11 you have it in your order so if my plans do
12 differ, which they will a little bit, it's not
13 going to be --

14 CHAIRPERSON JORDAN: We're not
15 going to differ from what we normally do which
16 gives you leeway to make some minor changes
17 and what have you. This is not dependent on
18 basically the plans that you have unless they
19 change in a significant way.

20 MR. MIKHAILOV: Okay.

21 CHAIRPERSON JORDAN: We can close
22 the record on this. Any questions for the

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1 Applicant? We will close the record based
2 upon what is in the record and move to
3 deliberation.

4
5 Anyone want to say anything about
6 this application? Then I would move that we
7 grant the relief requested by the Applicant.

8 COMMISSIONER COHEN: And I'll
9 second.

10 CHAIRPERSON JORDAN: Motion made
11 and seconded to grant the relief. Any
12 unreadiness? All those in favor signify by
13 saying aye.

14 BOARD MEMBERS: Aye.

15 CHAIRPERSON JORDAN: Those opposed
16 nay. The motion carries.

17 Mr. Moy.

18 MR. MOY: Yes, sir. The staff
19 would record the vote as four to zero. This
20 is on the motion of Chairman Jordan to approve
21 the application for variance relief for the
22 off-street parking relief.

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1 Seconding the motion Vice
2 Chairperson -- rather, Ms. Cohen. Also in
3 support of the motion Vice Chairperson Sorg
4 and Mr. Hinkle. We have a Board vacancy. The
5 motion carries, Mr. Chairman.

6 CHAIRPERSON JORDAN: May we have a
7 summary order, please?

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

9 CHAIRPERSON JORDAN: Thank you.

10 Is there any other business coming
11 before the Board this afternoon?

12 MR. MOY: Not from the staff, sir.

13 CHAIRPERSON JORDAN: Anybody have
14 anything you need?

15 Then we stand in adjournment.
16 Thank you.

17 (Whereupon, at 1:17 p.m. the
18 hearing was adjourned.)

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