

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

2 12:21 p.m.

3 CHAIR MILLER: Okay. I'm going to
4 call the case. It's Centrolina, located at 974
5 Palmer Alley, NW, License Number 98356 in ANC 2C.
6 Can you hear with this on? Okay. And this
7 involves an application for a grocery store
8 license and would you identify yourselves for the
9 record?

10 MS. BRANDWEIN: Hi. I'm Amy
11 Brandwein. I'm the owner of Centrolina.

12 CHAIR MILLER: Okay.

13 MR. FONSECA: Michael Fonseca on
14 behalf of the Applicant. She is a licensee for
15 the CR.

16 CHAIR MILLER: Oh, right.

17 MR. FONSECA: What should have been
18 somewhat, you know, side-by-side applications,
19 but we've been working at these; the
20 qualifications.

21 CHAIR MILLER: Okay. So you might
22 have heard me say this before about the previous

1 one. This is a fact-finding, that's what we call
2 it, because it's not an evidentiary hearing,
3 you're not under oath, and the purpose is to go
4 over your plans and make sure that they comply
5 with our regs, and Board Member Jones is the
6 Board Member that's most versed in these
7 measurements and everything, so I'm going to turn
8 this over to him, if you're ready, okay?

9 MEMBER JONES: Thank you, Madam Chair.

10 CHAIR MILLER: Yes.

11 MEMBER JONES: So good afternoon,
12 everyone. I just wanted to set the stage for
13 what the intent of today's activity was. It's
14 really just to provide you clear and concise
15 feedback as to how the Board reviews and assesses
16 the qualifications or how well you meet the
17 qualifications for a full-service grocery store,
18 and also to give you an opportunity to provide
19 clarification on some areas that the Board may
20 have some questions on in terms of how certain
21 things, or how certain spaces, would be used to
22 see how well it fit into our understanding.

1 And thirdly, to give you some feedback
2 and assessment of how we review so that you can
3 have an understanding from a precedence setting
4 standpoint, i.e., what have we done in the past
5 and how what we've done in the past lends itself
6 to what we're doing as we evaluate your
7 application. Is that fair?

8 MR. FONSECA: Yes.

9 MEMBER JONES: Okay. So first and
10 foremost, my understanding is that there is a set
11 of drawings that we have placed before us. I
12 don't know, necessarily, a revision or version
13 number, but the date of the diagram or drawing
14 that I have in front of me is dated, printed
15 date, 5/19/15. Does that correspond to the
16 diagrams that we have set before us here in the
17 Boardroom?

18 MR. FONSECA: I will confirm. I
19 believe that is the case. Yes.

20 MEMBER JONES: Okay.

21 MR. FONSECA: Yes, as to both.

22 MEMBER JONES: Perfect. Thank you

1 very much, sir. So given that, my understanding,
2 there's been some dialog back and forth with ABRA
3 as an agency related to some changes or some
4 modifications to what was originally submitted,
5 so there's been back and forth related to that,
6 and part of what I wanted to try and help
7 accomplish today was to put a firm line in that
8 process so that we can clearly make one, if not
9 anymore, but no more than revision, and we're all
10 on the same page. We can kind of bring this to
11 closure as quickly as possible.

12 So hopefully that is in line with your
13 expectations to at least some degree, and if not,
14 then hopefully you can adjust accordingly. So
15 let's talk about the tests. So there's test one
16 and then there's test two. Test one is a test
17 verify that you are dedicating either at least 50
18 percent of your selling area for the purposes of
19 food sales, or you have 6000 square feet
20 dedicated to food sales.

21 Based on a quick preliminary review of
22 your diagram, I think it's pretty obvious that

1 you'd be trying to qualify under test one under
2 the 50 percent category, is that correct?

3 MR. FONSECA: That is correct.

4 MEMBER JONES: All right. So given
5 that, let's step one back just a little bit, so
6 my understanding is that you are well aware of
7 the formulas that we use in order to make the
8 determination for test one, but just for the
9 purposes of completeness and make sure we're on
10 the same page, I'd like to quickly go over those.

11 So there's the total square footage
12 for the entire leased space is one parameter,
13 there's the selling area -- and total square
14 footage variable is T. Then there's the selling
15 area, and that variable is S. There's the food
16 selling area, that variable is F as in Frank.
17 There's the non-food selling area, that is N.
18 And then there's the non-selling area, which is
19 U.

20 So to make the determination of what
21 your overall selling area is, we take the total
22 square footage of the entire leased space and we

1 subtract from that, the non-selling area. Those
2 non-selling areas are areas that are used for,
3 like, storage, bathrooms, back of the house types
4 of things, et cetera.

5 So does that comport with your
6 understanding of what those parameters were
7 intended to be?

8 MR. FONSECA: Yes.

9 MEMBER JONES: Okay. Then the next
10 item is -- excuse me. So sorry. Just make sure
11 we're clear here. Selling area, S , is equal to
12 the total square footage, T , minus the non-
13 selling areas, which is U , so S is equal to T
14 minus U . And, Mr. Fonseca, have you jotted that
15 down?

16 MR. FONSECA: Yes.

17 MEMBER JONES: All right. The next
18 item is, what is your food selling area? The
19 determination of your food selling area is the
20 selling area, which is S from the previous
21 equation, minus N , which is your non-food selling
22 area. Non-food selling area would be areas where

1 you might be selling knick-knacks, statues, wood,
2 things that are not part of the food categories
3 as we've defined them. Is that your
4 understanding of what those categories were for?

5 MR. FONSECA: Yes.

6 MEMBER JONES: Okay. So for example,
7 in your diagram --

8 MR. FONSECA: We'll put a pin in that
9 when it gets back to the percentages.

10 MEMBER JONES: Yes, understood. I
11 fully expect to do so, but just to make sure
12 we're clear, so for example, in the drawing you
13 have a prepared foods area, that is, my
14 understanding, you're counting that as part of
15 your non-food selling area.

16 MR. FONSECA: That is correct.

17 MEMBER JONES: And that would fall in
18 line with our expectations as well. So does that
19 comport with all the categories as far as you're
20 concerned?

21 MR. FONSECA: Yes.

22 MEMBER JONES: Okay. So now, let's

1 dive into test one, and this is where it gets, I
2 won't say tricky, but this is where it becomes an
3 area that we need to make sure we're on the same
4 page in terms of how we make this assessment. So
5 totally remove test two from your thoughts all
6 together. Right now, we're just focused on test
7 one. So we have to confirm that you have selling
8 area is greater than or equal to 50 percent.
9 Your food selling area is greater to or equal to
10 50 percent of your available square footage as
11 we've defined it.

12 So first, let's look at S -- or the
13 total. So in this diagram that I have before me,
14 you have a total lease space of 4080; 4000 and 80
15 square feet. And you have a total non-selling
16 area of 2094 square feet. Is that still
17 accurate?

18 MR. FONSECA: That is accurate. I
19 would say, based on this drawing, to be clear,
20 and that's where we'll probably end up focusing
21 on for the 50 percent test that, we have included
22 within the non-selling area, two vestibules,

1 which equal approximately 127.5 feet.

2 MEMBER JONES: Right.

3 MR. FONSECA: Absent that inclusion,
4 for which we may have to request some flexibility

5 --

6 MEMBER JONES: Understood.

7 MR. FONSECA: -- we will fall short by
8 a fraction of 1 percent of the 50 percent.

9 MEMBER JONES: Okay. So not to cut
10 you off, I'm not trying to necessarily dive into
11 whether or not we've actually made the numbers or
12 not made the numbers. Right now, I'm just trying
13 to set the framework for the how.

14 MR. FONSECA: Okay.

15 MEMBER JONES: So I want to make sure
16 we're all on the same page in terms of the how.
17 And there may be some disagreement in terms of
18 how the vestibules are counted or not, whatever
19 the case may be, but I don't want that to drive
20 to the results. Let's just look at it from a
21 qualitative stance of our level of understanding
22 of what we're counting.

1 MR. FONSECA: Understood.

2 MEMBER JONES: So from that
3 standpoint, the total lease space is the 4080 and
4 the total non-selling area is 2094. So just to
5 make sure I'm clear, on your total non-selling
6 area, so just keep in mind, I haven't done the
7 actual math to calculate this independent of the
8 numbers you provided, because I thought it was,
9 first, important that we make sure we're on the
10 same page in terms of what should be counted,
11 what shouldn't be counted, so that when you
12 provide your final revision to these drawings, if
13 one is necessary, that it is in line with what
14 we're expecting to see and we're all on the same
15 page so there's not that continued back and
16 forth.

17 So given that, I'm taking your numbers
18 at face value for right now. Given that, the
19 total non-selling area of 2094, I'm going to say
20 some things to you and I need you to let me know
21 whether or not I'm right or wrong. So your total
22 non-selling area, that is inclusive of an area on

1 your diagram noted as expo kitchen, as expediting
2 area, as service station, et cetera, that's
3 correct?

4 MR. FONSECA: Yes.

5 MEMBER JONES: Okay. Does that also
6 include an area at the top -- near the top of the
7 drawing where it says, work area, and service
8 bar?

9 MR. FONSECA: Yes.

10 MEMBER JONES: Okay. There's another
11 area that is not specifically noted or labeled,
12 but it's to the right of the area that we defined
13 as work area, which has -- it's almost a perfect
14 square and it has prepared food located in that
15 spot.

16 MR. FONSECA: Where it says -- yes,
17 that's a --

18 MEMBER JONES: So I recognize that
19 that label probably doesn't apply to that area,
20 but that area that is a grayed-out area, that is
21 intended to be part of your non --

22 MR. FONSECA: Because that's only

1 employee accessed and that's, essentially, the
2 baristas are there.

3 MEMBER JONES: That's fine. So that
4 area is part of that. Okay. Right. You have a
5 host area and you have what you're counting
6 currently is your vestibule area, right? And
7 you're saying that these are areas that are
8 included in your non-selling area, correct?

9 MR. FONSECA: That is correct.

10 MEMBER JONES: All right. So --

11 MR. FONSECA: You know, besides the
12 expo kitchen, there is the BOH, or back of the
13 house kitchen, and a dishwashing --

14 MEMBER JONES: Right. There's the
15 bathrooms back here, dishwasher, et cetera.

16 MR. FONSECA: Yes.

17 MEMBER JONES: And typically, what we
18 look for as non-selling areas are those areas
19 that are either not accessible to the public,
20 i.e., where you noted the barista and there's the
21 server station, I'm assuming these areas, just
22 based on the definition, are not accessible to

1 the public.

2 Now, we'll get into, perhaps later, as
3 to how they're going to be made to be not
4 accessible to the public, but as it stands right
5 now, I'm taking it at face value that they're not
6 accessible to the public. And those areas that
7 are specifically discreetly noted, i.e., storage
8 areas, bathrooms, et cetera.

9 So bathrooms are, obviously,
10 potentially, accessible to the public, but those
11 are part of the definition as being part of the
12 non-selling area. Okay. So we understand and
13 we're on the same page regarding that.

14 MR. FONSECA: Yes.

15 MEMBER JONES: Okay. So given that,
16 that leaves you with a total selling area of 1986
17 square feet, and that's simply the math, right?

18 MR. FONSECA: That's correct.

19 MEMBER JONES: That's the S is equal
20 to T minus U, T is 4080, and U is 2094, and that
21 leaves with you 1986 square feet in your selling
22 area. So now we're looking at what is your food

1 selling area. Food selling area is equal to S,
2 which is the selling area, which is 1986, minus
3 N, which is your non-food selling area.

4 So your non-food selling area are
5 those areas that are in your selling area that
6 are not specifically denoted as not being used
7 for selling food. So for example, you had your
8 prepared food area that is denoted as a non-food
9 selling area. There are one, two, three, four
10 blocks that we have here on your diagram and
11 these are the blocks that you're counting as your
12 total non-food selling area. It equals the 78
13 square feet.

14 MR. FONSECA: That's correct.

15 MEMBER JONES: Okay. So this is where
16 we may have a small divide, and it just depends
17 on how -- excuse me, this is, in part, due to how
18 we've treated this in the past. So now I need to
19 start asking you some more specific questions
20 about the restaurant space. So how have you
21 accounted for the restaurant space when it comes
22 to the four categories that we've talked about so

1 far? With those being the total lease space, the
2 non-selling area, the total selling area, and
3 your non-food selling area.

4 MR. FONSECA: I think in our initial
5 draft, we counted the dining area, or restaurant
6 area, as non-food for making both our percentages
7 for our categories plus our 50 percent. We were
8 redirected that that area would have to be
9 counted. I know there are some very, very small
10 grocery stores where I think the Board has
11 allowed, where there's two, four seats, to go
12 ahead when they're going to end up getting, like,
13 a DR license for that, to count that as being --
14 they'll count that space.

15 MEMBER JONES: Right.

16 MR. FONSECA: And so we were under the
17 impression that because, and this is a first, I
18 think, having such a large dining area in a small
19 grocery, that we'd have to, therefore, leave it
20 as part of the selling area, even though it's
21 non-food.

22 MEMBER JONES: Right.

1 MR. FONSECA: If that's where we're
2 diverging, I mean, you know, that will clearly
3 change our second test, even though we've met it
4 --

5 MEMBER JONES: Okay.

6 MR. FONSECA: -- with lower numbers.

7 MEMBER JONES: So let's look at it
8 from the standpoint, what's the model that you're
9 using for the restaurant area, and specifically,
10 this is a clear line of divide, so is this
11 restaurant a restaurant where it's a sit-down
12 restaurant where I come in and hostess greets me
13 and seats me at my seat, or is it one where I am
14 a patron of your grocery store section, and I can
15 go in and buy groceries, or buy a prepared
16 sandwich, and I can seat myself in your dining
17 area?

18 Which one of those two models would
19 apply?

20 MS. BRANDWEIN: The first one.

21 MEMBER JONES: The first one.

22 MS. BRANDWEIN: Yes.

1 MEMBER JONES: Okay. So in that
2 instance, what we're looking at is, and the way
3 we've treated this before, so there was a grocery
4 store that we approved that was a Wagshal's
5 grocery store, where they had a sit-down
6 environment where a hostess sat you at your
7 table. You weren't able to free roam and sit
8 wherever you wanted to sit.

9 In that instance, then the model that
10 I believe I heard you speak to, Mr. Fonseca, that
11 you applied, is the model that applies to your
12 situation because of the nature of how you're
13 operating a restaurant. So the numbers that the
14 basis for your calculation would be the same.

15 Now, in that instance then, I don't
16 see that number in your -- excuse me. That
17 number is included in your total selling area.
18 The square footage associated with your sit-down
19 restaurant and your number of 1986, essentially,
20 because what you did was, you subtracted the
21 total non-selling area --

22 MR. FONSECA: Total non-food, 78.

1 MEMBER JONES: And the total non-food
2 area, correct, 78, subtracted it from there. But
3 in the -- it's an obvious question, but it's one
4 that I want to make sure I get on the record.

5 MR. FONSECA: Sure.

6 MEMBER JONES: So you've included the
7 restaurant space, the square footage associated
8 with your restaurant space, is included in the
9 1986 number, correct?

10 MR. FONSECA: Correct. And if you
11 look over at the vestibule that's on the grocery
12 side, which is to the left, there is some space
13 that's not color-coded, which means it falls
14 within the categories, that space is also
15 calculated into that total.

16 MEMBER JONES: No, understood.

17 MR. FONSECA: Right.

18 MEMBER JONES: But I just want to make
19 sure, as far as the restaurant itself, the areas
20 you dedicated to the restaurant, that is included
21 in the 1986.

22 MR. FONSECA: Yes.

1 MEMBER JONES: Okay. Good. So then
2 that's a good place to start. So now we're on
3 the same page in terms of how we're determining
4 what your F is; what your food selling area is.
5 So F is going to be equal to your selling area,
6 which is the 1986, minus the non-food selling
7 area, which is the 78 square feet. These are
8 based on your calculations again.

9 And just as a caveat to this, I know
10 I said it earlier, we're going to go back, once
11 we clear up this discussion and make sure we're
12 on the same page, we're going to go back and run
13 these numbers independently just to verify that
14 we're close to being in agreement, but from that
15 standpoint, taking your numbers at face value,
16 right now where we are, is your food selling area
17 is equal to your 997 square feet.

18 That's the part where I'm not in
19 agreement with --

20 MR. FONSECA: No, our food selling
21 area actually ends up being 1908.

22 MEMBER JONES: Thank you. Okay.

1 MR. FONSECA: And that's at the bottom
2 underneath the categories.

3 MEMBER JONES: Got it. Okay.

4 MR. FONSECA: And if it's better that
5 we bring that up to the top with the larger
6 typeface, we can.

7 MEMBER JONES: Okay.

8 MR. FONSECA: But it's captured there
9 and if you do the math and you subtract the 78
10 square feet from the 1986, you end up with the
11 1908.

12 MEMBER JONES: Perfect. Okay. So
13 that was the expectation. I didn't see that
14 number and I apologize. I missed it at the
15 bottom there.

16 MR. FONSECA: And it is smaller and I,
17 you know --

18 MEMBER JONES: So just to make sure
19 we're on the same page, the F from your test one
20 is equal to 1986 minus the 78, which would be
21 1908 square feet, 1908 square feet.

22 MR. FONSECA: That is correct.

1 MEMBER JONES: All right. So the 1908
2 square feet now becomes the food selling area by
3 definition. That 1908 is more than 50 percent of
4 your selling area.

5 MR. FONSECA: Yes, by 0.2 percent.

6 MEMBER JONES: Right. So based on
7 that, based on your numbers here, it looks like
8 you passed on test one. It's close, but you pass
9 on test one. That number, 1908, now becomes the
10 basis or your -- so now we're transitioning off
11 of test one, and now we're going to transition
12 into test two.

13 Test two uses the F, or the food
14 selling area, as defined, or as calculated in
15 your test one as the basis, or your denominator,
16 for determining whether or not you meet 5 percent
17 for your individual food categories. So I think
18 that's what you did based on my quick look at
19 your numbers here, but I just want to make sure
20 we're on the same page.

21 So F is 1908 and F is going to be
22 divided into your square footage for each one of

1 your individual food categories; each one of the
2 seven. So for example, your produce, you have
3 indicated here is 102 square feet. You're taking
4 102 and you're dividing it by 1908, and that's
5 how you arrived at the 5.3 percent, correct?

6 MR. FONSECA: That's correct.

7 MEMBER JONES: All right. So given
8 that, I think we are on the same page in terms of
9 the how. Now, let's get into some of the finer
10 points of, the nuances of, how you have your
11 layout and what these categories really mean.
12 And really, I'll just be upfront, the intent of
13 this is to make sure we agree with your
14 assessment of how a particular section is
15 categorized.

16 So for example, we already know we're
17 going to be talking about the vestibule, so I'll
18 save that for the end. Let's deal with the low-
19 hanging fruit. So the easy one, the bathrooms,
20 we know that those are publicly accessible, but
21 they are defined by the definition as being part
22 of the non-selling area, so we're clean there.

1 What we did notice here, and I don't
2 understand how the business works, so please
3 don't take these questions in any way other than
4 my ignorance. So there's an expo kitchen and
5 then there's a BOH kitchen. I have no idea what
6 those two things are, but it's a lot of square
7 footage that's dedicated to kitchen activities.

8 Can you just give us a feel for how
9 your business operates and how it utilizes such a
10 large amount of square footage for kitchen-type
11 activities?

12 MS. BRANDWEIN: Sure. You know, we
13 have two concepts in, you know, one space. So we
14 are doing a lot of preparation. So BOH refers to
15 back of the house, it means just all kitchen
16 operations preparing food. Basically, cooking
17 and preparing food. And also, anything
18 involving, like, cleaning, you know, dishwashing,
19 that kind of thing.

20 MEMBER JONES: Okay.

21 MS. BRANDWEIN: The expo area is just
22 where I or a food runner personally stands to

1 take the food, process the food, inspect the
2 food, prepare the food, finish the food before it
3 goes out to the dining room sales floor.

4 MEMBER JONES: Okay. And that's a
5 separate room, i.e., these are spaces that have
6 walls, that have doors to access, that public
7 can't just roam into, correct? Your general
8 patrons won't be able to just roam into the expo
9 kitchen, I'm assuming. Is there a physical
10 barrier there?

11 MS. BRANDWEIN: There is no physical
12 barrier there.

13 MEMBER JONES: Okay.

14 MS. BRANDWEIN: But just, you know,
15 that's actually where the staff is going to
16 stand, so I don't anticipate customers, like,
17 actually being there. There's no seating there.
18 It's just, actually, spaces for me, and trays,
19 and things like that, and plates to come out of.

20 MEMBER JONES: Okay. But it's not
21 intended for patrons to be able to go.

22 MS. BRANDWEIN: No, I don't want them

1 in there.

2 MEMBER JONES: Okay. I guess that's
3 the main one.

4 MS. BRANDWEIN: No offense.

5 MEMBER JONES: Okay. Cool.

6 MR. FONSECA: Let's just be clear.

7 MEMBER JONES: Yes.

8 MR. FONSECA: There is a door leading
9 from the expediting area and the service station,
10 which takes you in, so where the chef will be,
11 she'll actually be where the public -- I mean,
12 could somebody race in there? I mean, it is the
13 back of the house.

14 MEMBER JONES: No, no, so --

15 MS. BRANDWEIN: There is a service
16 door to allow people to come in and out, staff,
17 to process what they need to do.

18 MEMBER JONES: If I am Joe Blow
19 patron, and I walk into your establishment, the
20 intent is, if someone on your staff sees me back
21 there, it's a problem.

22 MR. FONSECA: Exactly.

1 MS. BRANDWEIN: Definitely.

2 MEMBER JONES: Right. So that means
3 that area, as far as we're concerned, is not
4 publicly accessible. Not that it can't be
5 breached in an inappropriate fashion by the
6 public, but it's not intended for the public to
7 be back there.

8 MS. BRANDWEIN: Right.

9 MEMBER JONES: All right. Got it.
10 Okay. So that clears that up. The next question
11 is, and this is part of, I don't know what this
12 means, but in the expediting area, really, what's
13 relevant for me is, how is that area used in a --
14 how's that area going to be used that keeps it
15 from being publicly accessible, i.e., that keeps
16 it from being used to promote the sale of goods
17 of any type, i.e., wine, beer, chips, carrots,
18 wood, statues, plants, whatever?

19 How is that area going to be
20 segregated so that it won't be used for that type
21 of activity?

22 MS. BRANDWEIN: Well, I mean, there's

1 no product being placed there, so that's the
2 first thing.

3 MEMBER JONES: Okay.

4 MS. BRANDWEIN: The only thing that is
5 being put in front of the kitchen are plates that
6 are supposed to go out to the dining room.

7 MEMBER JONES: Okay.

8 MS. BRANDWEIN: So, you know, the
9 cooks prepare the food, I look at the food, I
10 wipe the plates, garnish the food, and then it's
11 given to a food runner who's standing next to me
12 to take the food out to the patrons in the
13 restaurant. It's not meant to have anything to
14 do with the market.

15 MEMBER JONES: Got it. Okay. So this
16 is really --

17 MS. BRANDWEIN: They actually are two
18 separate, you know --

19 MEMBER JONES: This is restaurant
20 space. This is kind of like the area where,
21 please, this is kind of a bad analogy from a
22 movie, but, you know, you kind of hit these fast

1 food/diner-type places, they hit the bell, soup's
2 up, right, and then they hand it to the person
3 who actually then takes it out to give it to the
4 person sitting at the table to eat it. That area
5 there is kind of like that staging area where it
6 comes out of the back of the kitchen and gets the
7 final prep to it, and then the waiter or waitress
8 then physically takes it from that expediting
9 area to my seat where I'm the patron sitting down
10 to eat it?

11 MS. BRANDWEIN: Correct.

12 MEMBER JONES: Okay. Fair enough.

13 MR. FONSECA: And --

14 MEMBER JONES: Yes, sir.

15 MR. FONSECA: -- just to add to that
16 so that it -- the natural flow here is such, and
17 if you look the way that the guests will come
18 into the place and move around, and then go to
19 the restrooms, this expediting area and the
20 server station is going to constantly be occupied
21 by moving employees, servers and such, that the
22 public is going to understand, and they'll

1 telling them, you know, this space is needed for
2 servers.

3 MEMBER JONES: Okay.

4 MR. FONSECA: And I think this booth
5 lends itself to showing, kind of, the delineation
6 where it's a natural and you come in and out.

7 MEMBER JONES: Right. Fair enough.
8 Okay. Likewise, same thing with the server
9 station, dishwasher, and all that stuff seems
10 pretty straightforward in terms of what I would
11 normally have if I had -- excuse me. What I
12 would normally expect to see if I went into a
13 traditional restaurant space of some sort where
14 it's the back of the house, right, the back of
15 the room where food is prepared and things are
16 cleaned, et cetera.

17 So that's the intent of this section
18 down here at the bottom that is in light grey,
19 solid light grey, it's really, this is more or
20 less the back of the kitchen that you would have
21 at a typical restaurant, and obviously, the
22 associated bathrooms where patrons can come and

1 relieve themselves. Got it. And wash their
2 hands, hopefully.

3 So next item I had was, let's talk
4 about the section at the top where it says, work
5 area and service bar. So concept-wise, give me a
6 con-op. Walk me through how that area functions.

7 MS. BRANDWEIN: Well, that is just
8 meant to be an area where the service staff picks
9 up cocktails and drinks for the dining room,
10 basically.

11 MR. FONSECA: And the access point to
12 enter the work area.

13 MS. BRANDWEIN: Yes.

14 MEMBER JONES: Okay.

15 MS. BRANDWEIN: It's also a place to
16 walk through.

17 MEMBER JONES: So is that area
18 intended to cater to or service more of the
19 restaurant side of the house or the other side of
20 the house?

21 MS. BRANDWEIN: Restaurant.

22 MEMBER JONES: The restaurant side.

1 Okay. So this is also part of the restaurant and
2 you said the intent there is for drink service?

3 Okay. Got it. So this is where it gets a little
4 tricky for me, in terms of my mental, and that's
5 why I wanted you here, to kind of help walk me
6 through it, so the work area, the service bar, is
7 intended to cater to the restaurant portion of
8 the house, but then we have the entire work area,
9 with the exception of the specific area where it
10 says, service bar, seems to be surrounded by
11 elements of your supermarket component.

12 And I'm trying to understand how that
13 works in terms of, you have your restaurant
14 patrons and you have your supermarket patrons, so
15 if I'm the supermarket patron and I wanted to
16 access the orange block that is to the far right
17 of the work area, how does that work from a flow
18 standpoint? Will I have patrons kind of walking
19 around my restaurant area checking out goods or
20 how does that work in your concept?

21 MR. FONSECA: This was an add-on here,
22 much as in the private dining room where we have

1 dry goods.

2 MEMBER JONES: Yes.

3 MR. FONSECA: Unlike then at the north
4 wall, near the vestibule, those would be your
5 normal shelving. So you could have a low come
6 over here and pick those up. What's going to
7 occur here is, above the bar is shelving, and the
8 plan was, and again, this is an open space, so
9 even though you got diners here, it's a way to
10 sell the products.

11 MEMBER JONES: Right.

12 MR. FONSECA: So pastas and other
13 items would be there, some signage that would
14 say, for sale in the market.

15 MEMBER JONES: Got it.

16 MR. FONSECA: And as I understood it,
17 we could do that, and we gave consideration even
18 on the, what I'll call, west wall, take that
19 these are natural directions, but even the
20 architect says we can't put a shelve there, it's
21 right over their heads, so this is a little bit
22 recessed. So even though the stools are shown in

1 the reach-in area, it's for safety purposes.

2 MEMBER JONES: Got it.

3 MR. FONSECA: We would have done the
4 same thing, but we're not going to have people
5 grabbing it, you know, but it's more so that the
6 diners, not only are they enjoying their meal, if
7 they've never been on to the grocery side, they
8 can say, you know, we need to go over there when
9 we leave and get a bag to go.

10 MEMBER JONES: Got it. Okay. So the
11 intent there is that those items would be more
12 display items to entice the restaurant patrons to
13 recognize that, oh, before I leave the restaurant
14 and go home, I would love to try this nice
15 gourmet coffee that I see here. I heard so much
16 about, they actually have it here. I can just
17 kill two birds with one stone type of approach,
18 is that --

19 MR. FONSECA: Yes.

20 MEMBER JONES: Okay. So it would be
21 high up. So for example, this is -- I'm sitting
22 at the barstool area and there'd be a display

1 case analogous to this light fixture that we have
2 here over the dais.

3 MS. BRANDWEIN: Yes.

4 MEMBER JONES: Okay. And then on this
5 display case would be sundries, and other
6 products, and items that you have for sale at
7 your supermarket, correct?

8 MS. BRANDWEIN: Correct.

9 MEMBER JONES: All right.

10 MR. FONSECA: That would fall in a dry
11 grocery category.

12 MEMBER JONES: Got it. Okay. Fall
13 under dry grocery. Okay. I understand that
14 better now. Okay. So that's how you intend to
15 use that space. Likewise, just to make sure
16 we're on the same page, is it the same intent for
17 the private dining area?

18 MR. FONSECA: Yes, now there, we would
19 have shelving. It's conceivable they could pull
20 it and walk out with it, but I think these
21 products -- I mean, in a sense, these products
22 are still going to be located in other areas

1 where there's dry grocery, so in all likelihood,
2 we'll just have a display there.

3 MEMBER JONES: Right.

4 MR. FONSECA: So they can interchange
5 what they're putting there to market.

6 MEMBER JONES: Got it. Okay. But the
7 intent there is more, again, for display.

8 MR. FONSECA: Correct.

9 MEMBER JONES: So that I, as a patron,
10 the intent wouldn't be for me to go into the
11 private dining area, grab that gourmet coffee,
12 walk out, and go to the checkout of the
13 supermarket area. It's more for a display to
14 say, hey, I'm a restaurant patron. Wow, that's
15 that gourmet coffee again, I want it, get up, and
16 then find my way into the market before I go
17 home. Is that fair?

18 MS. BRANDWEIN: Yes.

19 MEMBER JONES: Okay. All right. I
20 think I understand that now. And let's see, I
21 think those were all the major area questions.
22 You already talked about the area to the left,

1 excuse me, the grayed-out area that is almost a
2 perfect square to the left of the work area that
3 we were just describing. Can you just briefly go
4 over that again, what that space is for, and how
5 it is that we're keeping public from accessing
6 that from a full service grocery store
7 standpoint?

8 MS. BRANDWEIN: Yes, that is the
9 coffee/espresso counter top, so behind that, you
10 have staff making coffee.

11 MEMBER JONES: Got it. Okay. So like
12 a, I hate to use it but, Starbucks or --

13 MS. BRANDWEIN: Starbucks. Yes.

14 MEMBER JONES: Got it. Okay.

15 MS. BRANDWEIN: And as you can see,
16 there's sinks and there's other equipment that
17 you can see with storage and so forth.

18 MEMBER JONES: Yes. Okay. All right.
19 It makes sense to me and I think I'm clean there
20 now. Okay. Well, two areas that, one, we know
21 about are the vestibules, right? So let's go
22 ahead and dig into that right now. So the

1 vestibule areas, I understand how and why you're
2 counting it the way that you're counting it.
3 What I need to get from you is, on the record,
4 that these areas will never be used for the
5 display or sale of products associated with your
6 supermarket area.

7 And if that is on the record, you can
8 commit to that, then I think, and I can't make
9 this decision individually, it is something that
10 I need to discuss with the rest of the Board to
11 make sure we have a consensus on that, but if we
12 can get that commitment from you on the record, I
13 think it would help us in justifying how and why
14 we would not include the vestibules, in this
15 instance, as part of your selling area, although,
16 we have done that in previous applications, or
17 previous full service grocery store assessments.

18 We have mandated that the vestibules
19 be counted, but in those instances, there wasn't
20 a commitment to not use those spaces for the
21 display of product that would be for sale. So if
22 we can get that commitment from you on the

1 record, then I think it would help us justify not
2 counting the vestibules as part of your selling
3 area.

4 MS. BRANDWEIN: I have no intention of
5 using the vestibules for selling. Right now, I
6 have firewood decorative display, I have a piece
7 of art in the entrance for the restaurant, and
8 then on the other side we might actually just
9 put, like, a little bench for people to be able
10 to sit, or something like that, but, you know, I
11 have no intention of putting products there
12 because I also don't want the product to walk out
13 there door.

14 MR. FONSECA: Right.

15 MS. BRANDWEIN: So, you know, that's
16 not my intent. It's really more decoration as an
17 entrance to point to welcome people, but no
18 products at all.

19 MEMBER JONES: Okay. Fair enough.

20 MR. FONSECA: And just to save the
21 potential for that being an issue, I don't
22 believe, over on the grocery side, because of ADA

1 issues, there's much you can do there because of
2 the swinging of the doors.

3 MS. BRANDWEIN: Right.

4 MR. FONSECA: Including the bench. So
5 I think of the two, there is nothing that can be
6 put there, other than, perhaps, a piece of art.
7 The other one, it's conceivable, you could have
8 something, but it's not for sale.

9 MEMBER JONES: Right. Okay.

10 MR. FONSECA: Because when we re-split
11 that side on the restaurant side, we did have an
12 area that is 21.5 square feet where they were
13 going to store the wood that goes into the wood-
14 burning stove. But that's just optional, we
15 don't know what we're going to do there, but it's
16 definitely not a selling area.

17 MEMBER JONES: Okay.

18 MR. FONSECA: Definitely not, and
19 we're committed to that.

20 MEMBER JONES: And so I've gotten --

21 MR. FONSECA: And just the last thing
22 if I can say --

1 MEMBER JONES: Yes.

2 MR. FONSECA: -- we know the lease
3 lines include the vestibules. The problem here
4 is the fact that, you know, the clientele,
5 whether they're going in the restaurant or
6 they're going into the grocery store, they enter
7 two doors, and after the first door, they're in a
8 vestibule, after the second door, they've entered
9 the space that is either selling or dining.

10 And that, we believe in all fairness
11 is, even though I know, perhaps, the strictest
12 reading is that maybe considered the selling
13 space, but since we won't sell anything there, we
14 think it's reasonable to at least, you know, give
15 us that last oomph we need of about 0.3, 0.4
16 percent.

17 MEMBER JONES: Right. Understood. So
18 let's look at it from this perspective. So I
19 hear you and I understand the merits of your
20 argument. There's the other side of that, which
21 is, there are -- I can probably count in my
22 neighborhood about six different small, little,

1 I'll call them, corner stores where they have a
2 vestibule, and in that vestibule, you'll have
3 display cases of items for sale.

4 Some of them are Twinkies, Hostess
5 Cakes, some of them are alcohol, beer, wine, et
6 cetera, some of them are movie rental kiosk-type
7 things, so we understand and appreciate that your
8 intent isn't to use it, but we have to recognize
9 that it is possible to use those areas for the
10 sale of items, whether they be food, whether they
11 be alcohol, whether they be dot, dot, dot.

12 So because it's possible that it could
13 be used for that, we have to include that as part
14 of your selling area, unless, on the record, you
15 commit to not doing that. And really, what this
16 comes down to is, now on the record you're
17 committing to not using that, so in the future,
18 when a compliance check is done, the expectation
19 is that there will be nothing there, and that's
20 really what we're looking for in this instance.

21 It's really not a got you, it's not a
22 trick, it's just to make sure we're on the same

1 page so that we have clear guidance to give to
2 our compliance analysts when they come and do a
3 verification that we're still within spec. Is
4 that fair?

5 MS. BRANDWEIN: Yes, I have zero
6 intent to sell anything in the vestibules.

7 MEMBER JONES: Perfect. Okay. Based
8 on my read of the, and I hate using this term
9 but, upscale nature of the intent of how you plan
10 to operate your establishment, I didn't get the
11 impression that you'd have a gumball machine in
12 your vestibule for a quarter gumdrop, or whatever
13 the case may be, but I don't want to assume that
14 I know, so I figured, best to ask the question
15 and get it on the record.

16 Okay. So then it only leaves one area
17 that I had a question about, which was related
18 to, there are dark-gray blocks on your diagram.
19 For example, right next to the expo kitchen,
20 there is a dark-gray rectangle that is a solid
21 dark gray. It's not labeled, and I don't know
22 that there's a specific category under which that

1 falls.

2 MR. FONSECA: Dark?

3 MEMBER JONES: Yes.

4 MR. FONSECA: Are you talking the expo
5 kitchen?

6 MEMBER JONES: So there's an expo
7 kitchen. If you look immediately to the left of
8 the expo kitchen --

9 MR. FONSECA: Oh, I see.

10 MS. BRANDWEIN: Ah, yes.

11 MEMBER JONES: See it? Okay. I don't
12 -- it's called out in a different color. I
13 didn't know if that color coding was significant,
14 why it was different than the light gray. Based
15 on my rough calculations, it appears as if you
16 included that as part of your gross selling area.

17 MR. FONSECA: No.

18 MEMBER JONES: But I'm not sure how
19 these blocks were counted. And it's not
20 significant if you look at just that one block,
21 but if you look across your entire diagram, you
22 have a few of those that could add up to a

1 significant number at some point. So I wanted to
2 make sure I understood what the intent -- what is
3 that category? What is that space?

4 MS. BRANDWEIN: That's actually part
5 of the kitchen.

6 MEMBER JONES: That's part of the
7 kitchen. Okay.

8 MS. BRANDWEIN: Yes. It's part of the
9 --

10 MEMBER JONES: Non-selling area?

11 MS. BRANDWEIN: Yes, there's an oven
12 there and that's a shelf that has fuel, firewood,
13 above it.

14 MEMBER JONES: Okay. All right. So
15 there's no --

16 MS. BRANDWEIN: Somebody working right
17 there.

18 MEMBER JONES: Got it. All right.
19 Okay. So there's no -- I'll probably lean on Mr.
20 Fonseca for this one more than anything else --

21 MR. FONSECA: I think, and Member
22 Jones, the architects were fairly good about

1 putting dimensions so you count -- so for
2 example, here, the one that you picked out isn't
3 as dark as others, and I will note, some of these
4 are columns.

5 MEMBER JONES: Okay.

6 MR. FONSECA: Okay. So if you take
7 the north wall, you've got a column between,
8 here, the first vestibule, between the two F
9 categories, and then between the two D's, you
10 have another small one.

11 MEMBER JONES: And that was my guess
12 for those.

13 MR. FONSECA: Yes, that's what they
14 are.

15 MEMBER JONES: Right.

16 MR. FONSECA: And then you've got the
17 same, I think what you may have here is actual
18 space near the service bar that leads you, then,
19 to actually enter into the -- because that's
20 where the blue, B area, fresh meats, it's within.

21 MEMBER JONES: Okay.

22 MR. FONSECA: So I think to some

1 extent, I'll confirm that, but they do have some
2 measurements there.

3 MEMBER JONES: Okay. Well, I'll tell
4 you what, if you can do me a favor, just get
5 clarification from the architect that this is
6 exactly what these are. If they're columns,
7 that's fine. That's my guess. That's what I'm
8 assuming them to be, for the most part. Some of
9 these, based on where they are located, don't
10 appear as if they are columns, but I don't want
11 to guess when I can be told what it is, so if we
12 can get that figured out.

13 MR. FONSECA: That first one we were
14 talking about, the expo kitchen, that's where
15 firewood is located.

16 MEMBER JONES: Okay. So that's, like,
17 a chimney?

18 MS. BRANDWEIN: It's just a shelve.
19 The cook is right next to the oven where we cook
20 the fish and meat, and they just grab the wood to
21 put it in the oven.

22 MEMBER JONES: Okay.

1 MS. BRANDWEIN: So it's really kind of
2 a cooking area.

3 MEMBER JONES: Okay. So Mr. Fonseca,
4 if we can get a readout from the architect as to,
5 is there any significance in the color difference
6 there, one way or the other, and if not, let's
7 just make it uniform so we have a good consistent
8 drawing related to that, as well as, there's a
9 small area -- so do you see the server station?

10 MR. FONSECA: Yes.

11 MEMBER JONES: Right above the server
12 station there's another dark gray, which is
13 darker than the solid light gray for the server
14 station area. Just need to get clarification on
15 exactly what that is and why it's there.

16 MS. BRANDWEIN: That is a beam.

17 MEMBER JONES: It is a beam.

18 MS. BRANDWEIN: Yes.

19 MEMBER JONES: So it's like a
20 structural member of some sort.

21 MS. BRANDWEIN: Yes.

22 MEMBER JONES: Okay.

1 MS. BRANDWEIN: And then they put,
2 like, some decorations in there.

3 MEMBER JONES: Okay.

4 MS. BRANDWEIN: But it's non-usable.
5 It's just like it's part of the building.

6 MEMBER JONES: Okay. All right. And
7 I think, given that, that concludes the questions
8 that I had related to the nature of the
9 operations and what the spaces were intended to
10 be used for. I think from my optic, I think
11 we're on the same page in terms of how the
12 calculations were done. My request would be
13 this, that if you are so inclined, if -- two
14 things, one, if we could get the -- so there's
15 what I call a math summary at the top right-hand
16 corner of the diagram.

17 If we can get the math summary to
18 accurately reflect what the selling area is as we
19 agreed upon, which is the 1908, based on your
20 calculations, if you can have that specifically
21 called out for in there, it'd be great. And then
22 two, if we can get clarification from the

1 architect on his or her assessment of what the
2 dark-gray area blocks are and where they should
3 be counted.

4 And quite honestly, I don't even need
5 to know specifically what they're for, I just
6 need to know that they are intended to be
7 included as part of the non-selling area or
8 whether included as something else, and if so,
9 can we color-code those appropriately so that we
10 have a diagram on file that is reflective of what
11 we talked about, to a degree.

12 And then from there, if you could
13 provide that, what I will do -- what we will do,
14 excuse me, as a Board is, we will -- we have
15 enough information now, I believe, to -- we
16 understand what we think we're -- we understand
17 what we think your understanding and intent is
18 and was when you put together the diagram and how
19 you're operating the establishment.

20 We have enough information here in
21 terms of the dimensions. We can independently do
22 some spot checks of the math to make sure that we

1 are in agreement. And if so, then the next step
2 would be for us to do the independent
3 calculations, spot check it, and make sure we're
4 in agreement. If we are, then I think, I don't
5 want to get ahead of myself, we'd be in a
6 position to vote to placard or not to placard
7 based on passing test one and test two.

8 Based on my initial preliminary
9 calculations of what I've seen right now, you
10 pass test one and you're in good stead on test
11 two. I do want to get clarification on exactly
12 what these categories are, because you're very
13 close in some of these areas, so because you're
14 so close, I just want to make sure we're sure in
15 terms of how we're counting certain areas and
16 certain things before I make the final assessment
17 or recommendation to the Board.

18 But then from there, we can vote on
19 whether or not you pass test two and vote to
20 placard or not from there. Test one, I think
21 we're okay on, test two, I have questions on, but
22 I think we're in good shape. I just need to get

1 that feedback from you to finalize that, then we
2 can independently verify it, and then move
3 forward from there, and I think the next step
4 would be to vote to placard or not from there.

5 So I don't know if you had any other
6 questions. You've done this rodeo before a few
7 times, Fonseca, so I just wanted to make sure. I
8 think you understand where we are, but I didn't
9 want to not speak to it if it mattered.

10 MR. FONSECA: No, understood, and I
11 just think the dilemma, from an operational thing
12 is, the dining room and the market are now open.

13 MEMBER JONES: Right.

14 MR. FONSECA: And she's been inundated
15 with patrons asking to buy wine.

16 MEMBER JONES: Understood. So from
17 me, individually, as an individual Board Member,
18 this is my primary focus as far as, this is
19 probably the only reason why I'm still on the
20 Board, right, is because I am engaged in this
21 quite heavily. So the burden and onus is on me
22 to turn this around as quickly as possible, so as

1 soon as you get it to us, then I will make a
2 commitment to you to get the math done as quickly
3 as possible, which is in a -- if you get it to
4 me, I can have it done by the next time the Board
5 meets that following Wednesday. If you give me a
6 couple of days, I can get that done, and then I
7 can make my recommendation.

8 MR. FONSECA: This is Wednesday. I
9 hope I can work with the architects and we can
10 get something back to Director Moosally by
11 Friday.

12 MR. FONSECA: Yes, that'd be great,
13 because that would give me the weekend to run the
14 numbers, and then I can make a clean
15 recommendation to the Board by or prior to our
16 next session, which is Wednesday.

17 MR. FONSECA: I will just put on the
18 record, and so the Board knows, both the
19 restaurant, as I -- well, the restaurant's now
20 operating under a stipulated license, at the same
21 time, the ANC supported the B having a
22 stipulation, but we do need, under the

1 regulations, to have placards posted before we
2 can seek that advantage.

3 So again, everything's kind of tied to
4 the nature of it going over to licensing after
5 you vote and then it getting into the register
6 and sometimes we're looking at three weeks after
7 the Board makes a decision.

8 MEMBER JONES: Understood.

9 MR. FONSECA: It's just the nature of
10 why we're trying to move this thing along, but we
11 thank you.

12 MEMBER JONES: But one of the reasons
13 why we wanted you here -- well, one of the
14 reasons why we, collectively, wanted you here
15 today to take the time is to kind of zero-in on
16 that instead of a back and forth. Things kind of
17 get lost in translation sometimes, kind of hear
18 it directly, make sure we're all on the same
19 page, so we can kind of move and expedite this to
20 the extent possible.

21 So I think this is useful for me to
22 have a clear understanding and I think,

1 hopefully, it was useful for you so that you have
2 a clear understanding of what we need to see, and
3 then from there, it should move, promises are
4 promises, but it should move fairly quickly from
5 this point because I think we're on the same
6 page.

7 MR. FONSECA: Thank you.

8 MEMBER JONES: And, Madam Chair,
9 that's all I have.

10 CHAIR MILLER: Okay. I just wanted to
11 ask you a little bit about the process. There
12 are a few things that are outstanding and one was
13 that you said, I think, change the summary so
14 that the -- I think it's a total food selling
15 area is up above, and I think that that's
16 something they can do very easily and quickly,
17 like, today, probably. So the stumbling block --

18 MR. FONSECA: Yes, I think what it is,
19 it isn't total selling area. What it is, is,
20 total food selling area.

21 CHAIR MILLER: Total food selling
22 area.

1 MR. FONSECA: Will be moved and I
2 don't know if you can read that.

3 CHAIR MILLER: Well, we have these.

4 MR. FONSECA: Yes, so we would end up
5 lifting that up, but we could leave it still
6 there so that it makes sense for the line of
7 percent, but lift it up so it's also up in the
8 upper area.

9 CHAIR MILLER: Oh, the selling less
10 the non-food, that was the category.

11 MR. FONSECA: Correct.

12 CHAIR MILLER: But in any event,
13 that's something that's easy to do and, you know,
14 I just have a question about the issue about the,
15 I guess they were gray blocks in here, that Mr.
16 Jones' concern, that he doesn't know what they
17 are. And I was just wondering if there was any
18 way that you can address what you know they are
19 or they aren't with respect to possible selling
20 areas or non-selling areas?

21 MS. BRANDWEIN: Yes, actually, I
22 think, you know, sometimes it's hard to see which

1 ones are gray, but I think I know which ones
2 you're referring to, and I can say just having
3 built the space, and watching the construction
4 every day, that I feel pretty confident about
5 what they are, and there's, like, because the
6 building is so massive, there's these huge
7 concrete beams that run through the entire
8 building.

9 So on the front facade, those two
10 dark-gray areas are posts, like, supporting the
11 building, and the concrete, like, beams or
12 something, things that, you know, are part of the
13 structure. And then the other dark-gray spot,
14 which was kind of in front of the service
15 station, is a beam too, and so it's basically,
16 like, non-usable space that is part of the
17 building.

18 You know, they had to build around the
19 structures, basically, so there's these things
20 that we couldn't move and we kind of just, like,
21 left them there and incorporated them into the
22 design. At the area of the private dining room,

1 there's a huge beam there too. There's like a
2 little gray block, two gray blocks, those are
3 also beams.

4 And then, like I said, the area with
5 the firewood, that was just a little nook. It's
6 part of the kitchen, actually, and I think in
7 front of that is just, basically, like, structure
8 that they were building around. So I think all
9 those are, like, concrete or steel structures
10 that are just part of the --

11 MEMBER SHORT: Weight-bearing.

12 MS. BRANDWEIN: Yes. My husband's in
13 construction and I think it's just what holds
14 everything together, but it's non-usable. It's
15 not part of anything having to do with either
16 operation.

17 MR. FONSECA: Unlike our Watergate
18 garage where I lost my car, we didn't have enough
19 of those.

20 CHAIR MILLER: You did.

21 MEMBER SHORT: That's why the building
22 codes change so frequently.

1 CHAIR MILLER: So I guess I want to
2 ask you, Mr. Jones, whether that helps or you
3 want to get verification from an architect.

4 MEMBER JONES: Oh, it doesn't help or
5 hinder. It doesn't change the request. I still
6 need the document from the architect that's clean
7 because I'm going to have to submit an updated
8 diagram anyway for the record and then we want to
9 make sure we're all on the same page with the
10 updated diagram.

11 So I will start the process of
12 performing the calculations, but I will still
13 need the updated diagram to make sure that it's
14 finalized, that we are truly speaking the same
15 language.

16 CHAIR MILLER: Updated diagram, do you
17 mean changing the category to the top or do you
18 mean more that's going to change?

19 MR. FONSECA: The calculations won't
20 change.

21 MEMBER JONES: So I don't believe that
22 they will, that's why I'm going to start the

1 process --

2 MR. FONSECA: Yes, because I think, in
3 good conscious and belief, because we went
4 through this so many times, that the architect
5 would have taken anything other than dead space
6 and counted it, which would have been the beams
7 or the concrete pillars, so it's only a question
8 of getting that for your clarification.

9 MEMBER JONES: That's it.

10 MR. FONSECA: Because we've gone
11 through these numbers a number of times, and
12 there was always a foot or two that changed, and
13 they went back and they said, that's because we
14 have to go back and look at this, so I'm pretty
15 comfortable with the architects on what they've
16 done.

17 MEMBER JONES: Right. So I guess,
18 it's not that I don't believe you, it's just that
19 the architect isn't here to speak definitively to
20 what those things are, so if we could just get
21 the architect to speak definitively to what those
22 things are, then we can press forward.

1 CHAIR MILLER: Okay. Anything else?
2 So as, you know, quickly as you can get that to
3 us, then that's the last thing --

4 MR. FONSECA: As quickly as we can.

5 CHAIR MILLER: -- then we'll turn it
6 around.

7 MR. FONSECA: And if the Board wanted
8 to discuss this as a conditional approval, and
9 have that already to go for staff to speed up the
10 placarding, then I think it might work because
11 you could always pull it if Member Jones says,
12 no, now that I see what the architect's done,
13 it's fallen below the threshold.

14 MEMBER JONES: So I see no reason not
15 to go down that path, but I'll defer -- I think
16 we could probably talk about that.

17 CHAIR MILLER: Okay.

18 MR. FONSECA: I think that would be
19 done in deliberation, obviously.

20 MEMBER JONES: Yes. Right.

21 CHAIR MILLER: But that's a good
22 suggestion.

1 MR. FONSECA: I think I've done that
2 before. This is a common thing before the Public
3 Space Committee. You end up -- you know, it's
4 conditionally approved, you resubmit the drawing,
5 removing this, this, and your numbers that we've
6 approved is this, and you don't submit it, then
7 you're not going to get the permit.

8 MEMBER JONES: Right.

9 MR. FONSECA: I think that's all we're
10 talking about. We're just trying to move it
11 along to get to the placards.

12 MEMBER SHORT: Thank you. We
13 understand your professionalism.

14 MR. FONSECA: Absolutely. Thank you.

15 CHAIR MILLER: All right. Anything
16 else? All right. Thank you very much.

17 MS. BRANDWEIN: Thank you.

18 MR. FONSECA: Thank you very much for
19 your patience.

20 (Whereupon, the hearing in the above-
21 entitled matter was concluded at 1:16 p.m.)
22

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