



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

2 10:10 a.m.

3 AGENT FLETCHER: Would the parties in  
4 the matter of Navy Yard, please, come forward?  
5 The parties in the matter of Navy Yard.

6 DR. FARLEE: You should sit over  
7 there.

8 AGENT FLETCHER: This is Case No. 18-  
9 PRO-00068, MHG Navy Yard, LLC t/a Circa at Navy  
10 Yard. What's the last part of that, El what?

11 MS. BARTA: El Bebe.

12 AGENT FLETCHER: El Bebe, 99 M Street,  
13 S.E., License No. ABRA-109955. This is a  
14 Retailer Class CR new application.

15 The protest issues are adverse impact  
16 on peace, order and quiet.

17 My name is LaVerne Fletcher. I'm  
18 conducting the Roll Call Hearing as the Board's  
19 Agent.

20 DR. FARLEE: I think we put in  
21 transportation and pedestrian safety as well.

22 AGENT FLETCHER: Did that include

1 residential parking and vehicular and pedestrian  
2 safety?

3 DR. FARLEE: Right.

4 AGENT FLETCHER: Okay. Thank you.

5 DR. FARLEE: It wasn't only peace,  
6 order and quiet.

7 AGENT FLETCHER: Okay. Thank you.

8 Introductions. My name is LaVerne Fletcher  
9 conducting the Roll Call Hearing on behalf of the  
10 ABC Board. I already said that.

11 Introductions beginning with the  
12 applicant, please. Your name? If you could  
13 state it and spell it for the record?

14 MS. BARTA: My name is Nichole, N-I-C-  
15 H-O-L-E, last name is Barta, B-A-R-T-A.

16 AGENT FLETCHER: Did you say B as in  
17 boy?

18 MS. BARTA: B as in boy.

19 AGENT FLETCHER: A-R-T-A?

20 MS. BARTA: Yes.

21 AGENT FLETCHER: And, Ms. Barta, you  
22 are the?

1 MS. BARTA: Chief Administrative  
2 Officer for MHG Navy Yard.

3 AGENT FLETCHER: Thank you. And on  
4 behalf of ANC-6D?

5 DR. FARLEE: Coralie Farlee, Chair ABC  
6 Committee.

7 AGENT FLETCHER: Ms. Farlee, would you  
8 spell your name for the record, please?

9 DR. FARLEE: C-O-R-A-L-I-E F-A-R-L-E-  
10 E.

11 AGENT FLETCHER: ANC-6D has standing  
12 as a protestant.

13 We need to set a date for a mediation,  
14 a Status Hearing and a Protest Hearing. I'll  
15 give you --

16 DR. FARLEE: Well, LaVerne, I think we  
17 don't need a mediation session. The issue really  
18 is a zoning one --

19 AGENT FLETCHER: Um-hum.

20 DR. FARLEE: -- for the sidewalk cafe.  
21 And the applicant is in negotiations with the  
22 Planning Office, with the Public Space Office.

1 AGENT FLETCHER: Um-hum.

2 DR. FARLEE: And we are quite certain  
3 we can reach some kind of an agreement in time  
4 for the October 15 ANC meeting.

5 AGENT FLETCHER: Well, you know zoning  
6 issues are not ABRA issues.

7 DR. FARLEE: I understand that.

8 AGENT FLETCHER: So I'm making --

9 DR. FARLEE: If affects whether --  
10 what we say in the agreement about sidewalk cafe.

11 AGENT FLETCHER: I'm only making a  
12 point for the record, Dr. Farlee. I understand  
13 exactly what you are saying. Only for the record  
14 I'm making this --

15 DR. FARLEE: But I'm saying we --  
16 because of that, I believe we don't need a  
17 mediation session between the applicant and the  
18 ANC.

19 AGENT FLETCHER: I understand 100  
20 percent.

21 DR. FARLEE: Okay.

22 AGENT FLETCHER: And I'm going to make

1 a note of that. Dr. Farlee, the only point that  
2 I'm making is that was not a protestable issue to  
3 begin with. The issues that I just read are --

4 DR. FARLEE: Because of the sidewalk  
5 cafe, we included issue, peace, order and quiet  
6 and pedestrian safety and traffic --

7 AGENT FLETCHER: Okay.

8 DR. FARLEE: -- that had to do with  
9 the sidewalk cafe space.

10 AGENT FLETCHER: Okay. That's fine.  
11 Are you in agreement with that, Ms. Barta?

12 MS. BARTA: Yes.

13 AGENT FLETCHER: Okay. So we won't  
14 schedule the mediation. I'm just going to make a  
15 note that you believe it's not going to be  
16 necessary, so I'm going to make a note.

17 DR. FARLEE: But you were going to  
18 protect -- propose a Status Hearing as well?

19 AGENT FLETCHER: I'm going to give you  
20 the date for the Status and Protest Hearing  
21 dates, because I have to.

22 DR. FARLEE: Well, the status -- the

1 Protest Hearing is already listed.

2 AGENT FLETCHER: It's already listed.  
3 I'm going to give it to you anyway.

4 DR. FARLEE: On the placard.

5 AGENT FLETCHER: Yeah, the Protest  
6 Hearing is on the Placard Notice, but I'm going  
7 to give it to you again today, that date will not  
8 have changed. But I --

9 MS. BARTA: It ended last week I  
10 believe.

11 AGENT FLETCHER: I'm talking about --

12 DR. FARLEE: November 28.

13 AGENT FLETCHER: I'm talking about the  
14 protest date.

15 MS. BARTA: Oh, okay.

16 DR. FARLEE: November 28 is on the  
17 Protest Placard.

18 AGENT FLETCHER: Yeah, so that date is  
19 already --

20 DR. FARLEE: Yes.

21 AGENT FLETCHER: -- Dr. Farlee is  
22 correct. That date is on the Placard Notice.

1 I'm just going to restate it just for the record  
2 today.

3 So I made a note that mediation is not  
4 necessary, Dr. Farlee, for the reason that you  
5 both just stated.

6 I'll give you the date for the Status  
7 Hearing. The Status Hearing is scheduled for  
8 October 31st at 9:30 a.m., but if you submit that  
9 settlement agreement before then, we will cancel  
10 that.

11 DR. FARLEE: Yes. October 31, you  
12 said?

13 AGENT FLETCHER: Yes, October 31 at  
14 9:30.

15 DR. FARLEE: Um-hum.

16 AGENT FLETCHER: The day for the  
17 Protest Hearing is November 28th.

18 DR. FARLEE: Right.

19 AGENT FLETCHER: November 28 at 4:30.

20 DR. FARLEE: We desperately hope we  
21 won't get that far.

22 AGENT FLETCHER: Okay.



1 DR. FARLEE: So I think our option is,  
2 what is being negotiated is the -- one of the  
3 sidewalk cafes.

4 AGENT FLETCHER: Yes.

5 DR. FARLEE: One option is just to  
6 leave it out and make an amendment to the  
7 agreement if there is any change.

8 AGENT FLETCHER: Yes.

9 DR. FARLEE: Or when there is a final  
10 decision about it.

11 AGENT FLETCHER: That's true.

12 DR. FARLEE: So we can get something  
13 through for the October 15 meeting.

14 AGENT FLETCHER: Exactly. Well, any  
15 questions at all? Any questions at all, Ms.  
16 Barta?

17 MS. BARTA: No.

18 AGENT FLETCHER: Okay. Well, the Roll  
19 Call Hearing is concluded. Thank you for coming.

20 DR. FARLEE: Thank you, LaVerne.

21 MS. BARTA: Thank you.

22 AGENT FLETCHER: Thank you. The Roll

1 Call Hearing is concluded. Thank you.

2 (Whereupon, the Roll Call was  
3 concluded at 10:16 a.m.)  
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16  
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18  
19  
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22

<b>A</b>		<b>H</b>	
<b>A-R-T-A</b> 3:19	<b>Circa</b> 1:6 2:9	<b>H-O-L-E</b> 3:15	8:13 9:13
<b>a.m</b> 2:2 8:8 10:3	<b>Class</b> 2:14	<b>Hearing</b> 1:8,14 2:18 3:9	<b>Office</b> 4:22,22
<b>ABC</b> 3:10 4:5	<b>COLUMBIA</b> 1:1	4:14,14 6:18,20 7:1,6	<b>Officer</b> 4:2
<b>ABRA</b> 5:6	<b>come</b> 2:4	8:7,7,17 9:19 10:1	<b>option</b> 9:1,5
<b>ABRA-109955</b> 1:8 2:13	<b>coming</b> 9:19	<b>hope</b> 8:20	<b>order</b> 2:16 3:6 6:5
<b>Administrative</b> 4:1	<b>Committee</b> 4:6		<b>P</b>
<b>adverse</b> 2:15	<b>concluded</b> 9:19 10:1,3		<b>P-R-O-C-E-E-D-I-N-G-S</b>
<b>Agent</b> 1:18 2:3,8,12,19	<b>conducting</b> 2:18 3:9	<b>I</b>	2:1
2:22 3:4,7,16,19,21	<b>Control</b> 1:2,13,14	<b>impact</b> 2:15	<b>parking</b> 3:1
4:3,7,11,19 5:1,5,8,11	<b>Coralie</b> 1:20 4:5	<b>include</b> 2:22	<b>part</b> 2:10
5:19,22 6:7,10,13,19	<b>correct</b> 7:22	<b>included</b> 6:5	<b>parties</b> 2:3,5
7:2,5,11,13,18,21	<b>CR</b> 1:8 2:14	<b>Introductions</b> 3:8,11	<b>peace</b> 2:16 3:5 6:5
8:13,16,19,22 9:4,8		<b>issue</b> 4:17 6:2,5	<b>pedestrian</b> 2:21 3:1 6:6
9:11,14,18,22	<b>D</b>	<b>issues</b> 2:15 5:6,6 6:3	<b>percent</b> 5:20
<b>agreement</b> 5:3,10 6:11	<b>D.C</b> 1:15		<b>placard</b> 7:4,6,17,22
8:9 9:7	<b>date</b> 4:13 6:20 7:7,14	<b>J</b>	<b>Planning</b> 4:22
<b>Alcoholic</b> 1:2,13,14	7:18,22 8:6		<b>please</b> 2:4 3:12 4:8
<b>amendment</b> 9:6	<b>dates</b> 6:21	<b>K</b>	<b>point</b> 5:12 6:1
<b>ANC</b> 5:4,18	<b>day</b> 8:16		<b>PRESENT</b> 1:17,19
<b>ANC-6D</b> 4:4,11	<b>decision</b> 9:10	<b>L</b>	<b>presiding</b> 1:15
<b>Anderson</b> 1:15	<b>desperately</b> 8:20	<b>LaVerne</b> 1:18 2:17 3:8	<b>PRO-00068</b> 2:9
<b>anyway</b> 7:3	<b>DISTRICT</b> 1:1	4:16 9:20	<b>propose</b> 6:18
<b>applicant</b> 3:12 4:21	<b>Donovan</b> 1:15	<b>leave</b> 9:6	<b>protect</b> 6:18
5:17	<b>Dr</b> 2:6,20 3:3,5 4:5,9,16	<b>License</b> 1:8 2:13	<b>protest</b> 2:15 4:14 6:20
<b>application</b> 1:10 2:14	4:20 5:2,7,9,12,15,21	<b>listed</b> 7:1,2	7:1,5,14,17 8:17
	6:1,4,8,17,22 7:4,12	<b>LLC</b> 1:6 2:9	<b>protestable</b> 6:2
	7:16,20,21 8:4,11,15		<b>protestant</b> 4:12
	8:18,20 9:1,5,9,12,20	<b>M</b>	<b>Public</b> 4:22
<b>B</b>		<b>M</b> 1:7 2:12	<b>put</b> 2:20
<b>B</b> 3:16,18	<b>E</b>	<b>making</b> 5:8,11,14 6:2	
<b>B-A-R-T-A</b> 3:15	<b>E</b> 4:10	<b>matter</b> 1:5 2:4,5	<b>Q</b>
<b>Barta</b> 1:20 2:11 3:14,15	<b>EI</b> 1:7 2:10,11,12	<b>mediation</b> 4:13,17 5:17	<b>questions</b> 9:15,15
3:18,20,21 4:1 6:11	<b>ended</b> 7:9	6:14 8:3	<b>quiet</b> 2:16 3:6 6:5
6:12 7:9,15 9:16,17	<b>exactly</b> 5:13 9:14	<b>meeting</b> 1:3 5:4 9:13	<b>quite</b> 5:2
9:21		<b>met</b> 1:14	
<b>Bebe</b> 1:7 2:11,12	<b>F</b>	<b>MHG</b> 1:6 2:9 4:2	<b>R</b>
<b>beginning</b> 3:11	<b>F-A-R-L-E-</b> 4:9	<b>Monday</b> 1:11	<b>reach</b> 5:3
<b>behalf</b> 3:9 4:4	<b>far</b> 8:21		<b>read</b> 6:3
<b>believe</b> 5:16 6:15 7:10	<b>Farlee</b> 1:20 2:6,20 3:3,5	<b>N</b>	<b>reason</b> 8:4
<b>Beverage</b> 1:2,13,14	4:5,5,7,9,16,20 5:2,7	<b>N-I-C-</b> 3:14	<b>record</b> 3:13 4:8 5:12,13
<b>Board</b> 1:2,13,18 3:10	5:9,12,15,21 6:1,4,8	<b>N.W</b> 1:14	8:1
<b>Board's</b> 2:18	6:17,22 7:4,12,16,20	<b>name</b> 2:17 3:8,12,14,15	<b>Reeves</b> 1:14
<b>boy</b> 3:17,18	7:21 8:4,11,15,18,20	4:8	<b>residential</b> 3:1
<b>Building</b> 1:14	9:1,5,9,12,20	<b>Navy</b> 1:6,6 2:4,5,9,9 4:2	<b>restate</b> 8:1
	<b>final</b> 9:9	<b>necessary</b> 6:16 8:4	<b>Retailer</b> 1:8 2:14
<b>C</b>	<b>fine</b> 6:10	<b>need</b> 4:13,17 5:16	<b>Roll</b> 1:7 2:18 3:9 9:18
<b>C-O-R-A-L-I-E</b> 4:9	<b>Fletcher</b> 1:18 2:3,8,12	<b>negotiated</b> 9:2	9:22 10:2
<b>cafe</b> 4:20 5:10 6:5,9	2:17,22 3:4,7,8,16,19	<b>negotiations</b> 4:21	<b>Room</b> 1:14
<b>cafes</b> 9:3	3:21 4:3,7,11,19 5:1,5	<b>new</b> 1:10 2:14	
<b>Call</b> 1:7 2:18 3:9 9:19	5:8,11,19,22 6:7,10	<b>Nichole</b> 1:20 3:14	<b>S</b>
10:1,2	6:13,19 7:2,5,11,13	<b>note</b> 6:1,15,16 8:3	<b>S.E</b> 2:13
<b>cancel</b> 8:9	7:18,21 8:13,16,19,22	<b>Notice</b> 7:6,22	<b>safety</b> 2:21 3:2 6:6
<b>Case</b> 1:9 2:8	9:4,8,11,14,18,22	<b>November</b> 7:12,16 8:17	<b>saying</b> 5:13,15
<b>certain</b> 5:2	<b>forward</b> 2:4	8:19	<b>schedule</b> 6:14
<b>Chair</b> 4:5			<b>scheduled</b> 8:7
<b>Chairperson</b> 1:15	<b>G</b>	<b>O</b>	<b>SE</b> 1:7
<b>change</b> 9:7	<b>give</b> 4:15 6:19 7:3,7 8:6	<b>October</b> 1:12 5:4 8:8,11	<b>session</b> 4:17 5:17
<b>changed</b> 7:8			
<b>Chief</b> 4:1			

<b>set</b> 4:13	<b>2</b>
<b>settlement</b> 8:9	<b>2000</b> 1:14
<b>sidewalk</b> 4:20 5:10 6:4 6:9 9:3	<b>20009</b> 1:15
<b>sit</b> 2:6	<b>2018</b> 1:12
<b>space</b> 4:22 6:9	<b>28</b> 7:12,16 8:19
<b>spell</b> 3:13 4:8	<b>28th</b> 8:17
<b>standing</b> 4:11	<b>3</b>
<b>state</b> 3:13	<b>31</b> 8:11,13
<b>stated</b> 8:5	<b>31st</b> 8:8
<b>status</b> 4:14 6:18,20,22 8:6,7	<b>4</b>
<b>Street</b> 1:7,14 2:12	<b>4:30</b> 8:19
<b>submit</b> 8:8	<b>400S</b> 1:15
<b>Suite</b> 1:15	<b>5</b>
<b>T</b>	<b>6</b>
<b>t/a</b> 1:6 2:9	<b>7</b>
<b>talking</b> 7:11,13	<b>8</b>
<b>Thank</b> 3:4,7 4:3 9:19,20 9:21,22 10:1	<b>9</b>
<b>today</b> 7:7 8:2	<b>9:30</b> 8:8,14
<b>traffic</b> 6:6	<b>99</b> 1:7 2:12
<b>transportation</b> 2:21	
<b>true</b> 9:11	
<b>U</b>	
<b>Um-hum</b> 4:19 5:1 8:15	
<b>understand</b> 5:7,12,19	
<b>V</b>	
<b>vehicular</b> 3:1	
<b>W</b>	
<b>W</b> 1:15	
<b>Washington</b> 1:15	
<b>wasn't</b> 3:5	
<b>week</b> 7:9	
<b>X</b>	
<b>Y</b>	
<b>Yard</b> 1:6 2:4,5,9,10 4:2	
<b>Yard/</b> 1:6	
<b>Z</b>	
<b>zoning</b> 4:18 5:5	
<b>0</b>	
<b>1</b>	
<b>10:10</b> 2:2	
<b>10:16</b> 10:3	
<b>100</b> 5:19	
<b>14th</b> 1:14	
<b>15</b> 5:4 9:13	
<b>18-</b> 2:8	
<b>18-PRO-00068</b> 1:9	

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Circa at Navy Yard

Before: DCABRA

Date: 10-01-18

Place: Washington, DC

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.

*Neal R Gross*

-----  
Court Reporter

**NEAL R. GROSS**

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