

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

PUBLIC MEETING

9:45 a.m. to 11:30 a.m.
Tuesday, September 27, 2016

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

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Board Members:

MARNIQUE Y. HEATH, Chairperson

ANITA BUTANI-D'SOUZA, Vice-Chairperson

MICHAEL TURNBULL, Zoning Commission

CLIFFORD MOY, Board Secretary

Office of Planning:

MAXINE BROWN-ROBERTS

MATT JESICK

STEVEN MORDFIN

STEVE COCHRAN

BRANDICE ELLIOTT

Office of Attorney General:

SHERRY GLAZER

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P R O C E E D I N G S

CHAIRPERSON HEATH: The hearing will please come to order.

Good morning, ladies and gentlemen. We're here in the Jerrily R. Kress Memorial Hearing at 441 4th Street Northwest. Today's date is September 27th, 2016 and we're here for the public meeting and hearings of the Board of Zoning Adjustment of the District of Columbia.

My name is Marnique Heath, chairperson. Joining me today is Anita Butani-D'Souza, Vice Chairperson, and Michael Turnbull, a member of the Zoning Commission sitting in as a member of the board today.

Please be advised that this proceeding is being recorded by a court reporter and is also being webcast live. Accordingly we must ask you to refrain from any disruptive noises or actions while in the hearing room today. The Board's hearing procedures and how we will process applications can be found on the table by the back door.

All individuals wishing to testify today will need to do two things prior to testifying. The first is you'll need to address two witness cards. That's two witness cards and give them to the court reporter

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seated to my right prior to testifying.

The second is, we'll need you to now stand and take the oath as administered by the Board Secretary, Mr. Moy.

MR. MOY: Good morning.

[Oath administered to the participants.]

MR. MOY: Ladies and gentlemen, you may consider yourselves under oath.

CHAIRPERSON HEATH: All right. So we're getting a bit of a late start today so I apologize for the delay this morning. We had some issues that we had to address prior to coming out and as a result I think, Mr. Moy, you'll have some preliminary matters and updates regarding our docket today.

MR. MOY: Yes. Thank you, Madam Chair. Okay. First things first. For the record, then, for the cases for the transcript, the -- let's see. All right. The one, two, three; three cases off the docket today because they were withdrawn by the applicant, Madam Chair. Our cases 19282. This is of Noel. Noel. N-O-E-L. 193825 of PN Hoffman, Inc., 19326 of Magnolia Tree, LLC. These two cases have been withdrawn.

And because of the unexpected absence of one of the board members that's going to cause a

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reflection on whether we have a quorum on certain cases, Madam Chair, the first of which is -- the first of which is on the public meeting session would be the request for reconsideration on Application 19154 of District Design. That's one of them, as a quorum issue. And Application No. 19200 of Jamal's Pappas Tomatoes, LLC., which is a modification of consequence on the consent calendar. And I believe those are the only two. If I forgot one then we'll address it when I call the case.

[Discussion off the record.]

MR. MOY: So that's it for me, Madam Chair. And whatever line up you want to use at this point.

CHAIRPERSON HEATH: Okay. So, because we have just a procedural matter on Pappas Tomatoes, we'll handle that this morning, but we are -- we don't have a quorum, unfortunately, on the request for reconsideration, 19154.

Mr. Moy, do we need to schedule a new date for that at this point or --

MR. MOY: I think that would be desirable. This is the -- let's see, I'm sorry. Just a second, Madam Chair.

CHAIRPERSON HEATH: Sure.

MR. MOY: I'm looking in the availability of

Mr. May. And I believe he is back. Yes, he is, on Tuesday, October the 18th.

CHAIRPERSON HEATH: Okay. All right. So Tuesday, October 18th will be the new date for the request for reconsideration for Application No. 19154. All right.

Any other preliminary matters, Mr. Moy?

MR. MOY: Not from me at the moment, Madam Chair.

CHAIRPERSON HEATH: Okay. All right.

MR. TURNBULL: Madam Chair, I have one preliminary --

CHAIRPERSON HEATH: Sure.

MR. TURNBULL: -- matter. This is a very sad day for the Board of Zoning Adjustment, as it is the last day that the chair will be on the dais, as she is stepping down and retiring. So I think we're going to miss her and she has been an excellent chair over the years, and so I think she deserves a round of applause.

CHAIRPERSON HEATH: Oh, well, thank you. Thank you. Thank you. I didn't expect that we were going to -- I was going to say something, but I was going to wait until the end, which was going to be at the point where the room was empty and it would be

really simple.

But I have really enjoyed my time on the Board. It's been -- my time was two and a half years, and because I took over someone else's term. And so I have really enjoyed my time here. I've learned a ton and I really appreciate all of the help and support that I've gotten over the years from prior board members, including the former chair, Lloyd Jordan, from Director Bardin, certainly from Cliff Moy. This job would be impossible without the heavy lift that we get from Cliff every week. And also from OAG. We get a lot of great advice from them in preparation for our hearings and meetings and couldn't do this job without them.

But I've also developed a lot of friends as a result, and plan to keep in touch with everyone, and particularly the Zoning Commissioners and board members. We have a social chair who will keep us all linked in Anita, and so I do plan to continue to remain in touch. Even though this is my official retirement. So, thank you, all.

MR. MOY: Madam Chair, if I may? I'd be remiss if I didn't say anything. On behalf of Sarah Bardin and Director, and certainly all of my BZA staff, we will miss you. We will miss your wisdom

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and your generosity since you've been here on the Board. So we hope that you don't forget us, and maybe, who knows, maybe in a couple of years you'll be back.

CHAIRPERSON HEATH: Well, I leave you in very capable hands. The Board is in great shape and I know things will be great going forward under both Anita Butani-D'Souza and Fred Hill and Jeff Hinkle, and the great zoning commissioners that we have joining us every week. So I appreciate the kind words, Commissioner Turnbull. Thank you so much.

MR. TURNBULL: I just felt obligated to do it, so.

CHAIRPERSON HEATH: Thank you. All right. Now with that we can get down to business.

Mr. Moy, do you want to call our first case?

MR. MOY: Okay. I believe you wanted to take up on the procedural for the Jamal's. Am I correct?

CHAIRPERSON HEATH: Yes.

MR. MOY: Okay. So that would be Application No. 19200A, A as in Alpha, of Jamal's Pappas Tomato's, LLC.

This is a request for a modification of a consequence pursuant to Subtitle Y, Section 703, which would modify the plans approved in BZA Order

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19200. This would incorporate an existing third-story addition in the PDR-1 Zone, 1401 Okie, that's O-K-I-E, Street Northeast, Square 4093, Lot 832.

MS. BUTANI-D'SOUZA: Okay. Thank you, Mr. Moy. Do we have anyone here representing the applicants on this case? Why don't you come forward?

Okay. And I know there were no parties to the original application. So I believe that what the regulations call for us to do today is to establish a timeline for parties from the original proceedings to provide responses. So in that case I believe the ANC is an automatic party to the proceeding. So we need to establish a timeline for them to provide a response.

I did see that we have a letter from the SMD, but the full ANC is the actual party, so that's who we need to establish the timeline for. Have you already met with the ANC about this?

MS. BLOOMFIELD: Okay. My name is Jessica Bloomfield for the record. Good morning.

MS. BUTANI-D'SOUZA: Good morning.

MS. BLOOMFIELD: We have not met with ANC. We've been in communication with them and with the SMD on a number of occasions. And the SMD wrote the letter as you mentioned.

MS. BUTANI-D'SOUZA: Uh-huh.

MS. BLOOMFIELD: I will say that it was our understanding that based on the way these new regulations are written is that within 10 days of filing and serving the application, that's when there's a 10-day window that all parties, including the ANC, would have the ability to weigh in. So it's our understanding that this is the situation where we establish the timeline, but I guess that's for you to decide.

MS. BUTANI-D'SOUZA: Okay. Why don't I have you two introduce yourselves for the record as well?

MS. GOURDIN: Andrea Gourdin with Douglas Development.

MS. BUTANI-D'SOUZA: Okay.

MR. LOONEY: And I'm Julian Looney with Antunovich Associates.

MS. BUTANI-D'SOUZA: Okay. All right. Well, we -- why don't we go ahead and establish the time frame because that will also give us an opportunity to have the Office of Planning weigh in on this. So, has the ANC, do you know if they've set a date to discuss this?

MS. BLOOMFIELD: Yeah, they have it October, mid-October is their meeting.

MS. BUTANI-D'SOUZA: Mid October.

MS. BLOOMFIELD: Second Tuesday.

MS. BUTANI-D'SOUZA: Do we have anyone from the ANC here? I think this is ANC -- I don't have it handy, but okay.

So why don't we do this? You said it was October 15th?

MS. BLOOMFIELD: It's --

MS. BUTANI-D'SOUZA: Mid October?

MS. GOURDIN: I think their meetings are the second Tuesday of every month, so it might be the --

MS. BLOOMFIELD: Okay.

MS. GOURDIN: What date that is in October.

MS. BUTANI-D'SOUZA: Okay. So, we would need to give them some time to -- it's ANC 5D.

MS. GLAZER: Madam Chair, just for your information, October 11th appears to be the second Tuesday.

MS. BUTANI-D'SOUZA: Thank you.

MS. GLAZER: So, October 11th, and then we would need to give them an opportunity to provide a report. Although certainly if you were already in conversation with the SMD and had unanimous approval for the original and you wanted to have the ANC issue something early, you know, certainly that could be

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entered into the record. And then if you wish to make a response as well, and I don't know how much time you would need for that.

So, would say two weeks after the 11th be sufficient time or --

MS. BLOOMFIELD: We could probably do one week.

MS. BUTANI-D'SOUZA: One week?

MS. BLOOMFIELD: If we could do one week, that would be better.

MS. BUTANI-D'SOUZA: Okay. So that would be the 18th of October then.

MS. GLAZER: Madam Chair, the rules require, I think, that you have a date for responses in opposition or in support, and then another date for response to that.

MS. BUTANI-D'SOUZA: I see, so --

MS. GLAZER: They're not simultaneous, in other words.

MS. BUTANI-D'SOUZA: Do we need -- we don't need to have a hearing on that, I don't think. We just need to have dates for them to file by.

Okay. So we are meeting on the 18th. Why don't we provide a request for the ANC to file? I'm trying to think whether we think they could file

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actually by the end of that week, or if that would be too aggressive.

MR. MOY: I'm sorry. What was the date of the ANC meeting?

MS. BUTANI-D'SOUZA: The 11th of October.

MR. MOY: The 11th? Okay. They could file either by the end of the week, which would be a Friday the 14th, or the following Monday the 17th, was your --

MS. BUTANI-D'SOUZA: Okay.

MR. MOY: -- was your wish.

MS. BUTANI-D'SOUZA: If they were to file by Friday the 14th, would that give you enough time by the Monday to provide a response?

MS. BLOOMFIELD: Yes, that would be fine.

MS. BUTANI-D'SOUZA: Perfect. Okay. So why don't we request the ANC and OP provide a response by October 14th, and that the applicant provide any response, given that it's going to be the night before, or the day before the hearing that we receive your response, we're going to request that you keep it relatively short if at all possible.

MS. BLOOMFIELD: And you would like us to submit a response? It's not an optional --

MS. BUTANI-D'SOUZA: No, you don't have to

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submit a response.

MS. BLOOMFIELD: Okay. Okay.

MS. GLAZER: So, Madam Chair, is this going to be continued to October 18th?

MS. BUTANI-D'SOUZA: Yes.

MS. GLAZER: Is that the plan?

MS. BUTANI-D'SOUZA: I think that should be -- let's try to do that. Let's schedule it for the 18th, for the decision for deliberation, I suppose. Because that would be the -- we scheduled the time line and then we can go ahead and deliberate.

MS. GLAZER: If you think that's enough time.

MS. BUTANI-D'SOUZA: I'm comfortable with that. Do other members of the Board have any comments? Mr. Turnbull, do you have any comments on scheduling that?

Okay. All right. Yeah, I think we're comfortable with that.

MS. BLOOMFIELD: Can I ask a question?

MS. BUTANI-D'SOUZA: Sure.

MS. BLOOMFIELD: If we had had an ANC letter from the full ANC before this meeting, would you have done this timeline? Or is this the process going forward for modifications of consequence?

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MS. BUTANI-D'SOUZA: I believe in this case we wanted to have information from OP as well. So, we would have needed something from the ANC and from OP.

MR. TURNBULL: We just completed a similar process on a Zoning Commission case where we had a -- we took it up at another public meeting. It was a modification of consequence, and we set a timeline. And in our case there was only about two weeks or something; three weeks before we came back and decided it.

But yeah, there is that interval we have to allow for.

MR. MOY: Okay. So if there's nothing else then --

MS. BUTANI-D'SOUZA: Okay.

MR. MOY: Then once again, this will be back before the Board at meeting session on October the 18th. Filings from the ANC and Office of Planning by Friday, October the 14th, and any responses from the applicant on Monday, the 17th.

MS. BUTANI-D'SOUZA: Thank you very much.

[Discussion off the record.]

CHAIRPERSON HEATH: All right, Mr. Moy, you can call our next case, which is our expedited review

case.

MR. MOY: Thank you, Madam Chair. That would be on -- this is the only one on the expedite review calendar, which is Application No. 19335 of Aaron and Stephanie Johnson.

Reading very quickly for the record, as amended pursuant to Subtitle X, Chapter 9, special exception under Subtitle E, Section 5201, from the lot dimension requirements of Subtitle C, Section 201, lot occupancy requirements, Subtitle E, Section 304, and the rear yard requirements of Subtitle E, Section 306. This would construct a two-story rear addition to an existing one-family dwelling, R-F-1 Zone, 18 -- or rather, 181, I was going to say Upland, but it's, I think it's spelled U-H-L-A-N-D, Terrace Northeast, Square 3535E, Lot 97.

CHAIRPERSON HEATH: All right. Thank you. So, I think this application appears to be complete. We don't have a letter from the ANC, but we do have a statement from the applicant noting that they have made multiple attempts to get in front of the ANC.

They were able to get two letters submitted into the record in support from their neighbors on this application. Additionally we have a letter recommending approval from Office of Planning and a

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recommendation of no objection from the Department of Transportation.

I don't have any issues with moving forward with this.

MS. BUTANI-D'SOUZA: I don't have any issues moving forward with this either. It seems complete.

CHAIRPERSON HEATH: Okay. Then I will make a --

MR. TURNBULL: I'm good.

CHAIRPERSON HEATH: Okay.

MR. TURNBULL: I'm good with it.

CHAIRPERSON HEATH: Perfect. Then I'll make a motion that we approve the request for a special exception to construct a two-story rear addition to an existing one-family dwelling at 181 Uhland Terrace Northeast.

MS. BUTANI-D'SOUZA: Seconded.

CHAIRPERSON HEATH: The motion has been made and seconded. Any further discussion?

[Vote taken.]

CHAIRPERSON HEATH: The motion carries.

MR. MOY: Staff would record the vote as three to zero to two. This is on the motion of Chairperson Heath to approve the application for the relief requested. Seconding the motion is Vice Chair

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Butani. Also in support, Mr. Turnbull. We have two other board members not present today, Madam Chair. Motion carries.

CHAIRPERSON HEATH: Thank you. Summary.

MR. MOY: Thank you.

CHAIRPERSON HEATH: All right. And we have one case for a decision. Mr. Moy, you can call that case.

MR. MOY: Yes. Thank you, Madam Chair. That would, I believe, be Application No. -- rather 18511C of Alleyoop, LLC. as amended. This would be a request for a modification of significance to BZA Order No. 18511, now requesting area variances from the alley lot height requirements of Subtitle E, Section 5102, alley center line setback under Subtitle E, Section 5106, an enlargement of a nonconforming structure under Subtitle C, Section 202.2, and a variance relief under the RF use requirements, Subtitle U, Section 600.1, Sub B. This would convert an existing auto repair shop into an office in two one-family dwellings, RF-1 zone, premises 1018 Irving Street Northeast, Square 2851, Lots 219 through 221.

I'm sorry. That was a mouth full.

CHAIRPERSON HEATH: That was. But you

handled it very well.

So, this case was heard last week and the Board completed hearing procedures at that time and allowed the -- during the hearing we allowed the applicant and the party opponent to spend some time meeting in order to see if they could possibly come to some agreement, and miraculously they did.

And so at the conclusion of the hearing we asked the applicant to put forward revised conditions that were a summary of what was agreed upon by the applicant and the former party opponent. At that hearing the party opponent withdrew their party status and is now supporting this application.

We also asked for a revised self-certification form from the applicant in order to clarify the relief that was being requested and asked for revised plans to show a change in the overall height of the parapet wall of the building. And the applicant submitted that showing the new parapet with the reduction of four inches in height.

So, I think a lot of work has been done on this, this project, to get us to the point where I'm prepared to move forward with approval of this application.

We still have a letter from Office of

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Planning where they are partially in support. They're in support of the special exception for residential use with conditions, but they are recommending denial of the height variance. And I think based on the work that the applicant has done with the other party to this case in reducing the height of the parapet, I think the lift here for height variance is de minimis. And so I am in support of this application.

MS. BUTANI-D'SOUZA: I would tend to agree, Madam Chair. I think with regard to OP's continued opposition to the height, as I looked at it, because the peak of the roof would be behind the parapet and because the amount of roof relief was so limited, I felt comfortable moving forward with the relief on height, although OP did provide a very strong analysis of that argument, I just felt that this was, as you stated, a de minimis request in that regard and I think it's also great that the applicant has been able to work through the opposition from the neighbors and come up with some, hopefully sensible ways to manage the potential impacts on the alley.

CHAIRPERSON HEATH: All right. So there are a list of conditions that combine the original conditions to this, the application from Application

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No. 18511, the original application on this property. And then new conditions from both DDOT and Office of Planning. And so I just want to read through those for clarity.

So the first is that the applicant shall implement the proposed trash pickup restriction plan including the requirement that the hired trash company wheeled trash bins from inside the property to the street during pickup activities. The trash shall -- or the truck shall park on either Irving Street or Columbia Road while the trash is wheeled over. In addition trash pickup shall not occur before 9:30 a.m. in order to reduce traffic impacts. This trash pickup plan and the use of a private trash company shall apply to all three lots.

The second is that the applicant shall install appropriate no-parking signs along the property.

The third is that the applicant shall install at least three secured long-term bicycle parking spaces within their proposed garage. These secured bicycle spaces shall be easily accessible and visible to users.

Number four is that the applicant shall install DDOT approved pedestrian markings in the

alley to delineate a pedestrian path.

The fourth is that the applicant shall upgrade the existing alley lot lighting to support the office and residential uses.

Six is the applicant shall coordinate with DDOT, request to install protection for the property located at 1023 Columbia Road at the expense of 753 Development. The protective element shall be placed at each corner and along the east wall of the property and be spaced no less than 10 feet. The final type and method of protection shall be determined after discussions with DDOT and coordination with the owner of the property, Jacob Elwanger.

Number seven is, the applicant shall provide high efficiency HVAC units.

Number eight is that the applicant shall lower the perimeter parapet by four inches with a building height of 26 feet as shown in the revised plans in Exhibit 47.

Number nine is that the applicant -- number nine in the last is that the applicant shall retain the existing cornice on the building as shown in Exhibit 47.

There any other conditions that I missed?

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All right.

Then that is a summary of the conditions that the Board will adopt as a part of this order and I'll make a motion then that we approve the request for this modification of significance based on the relief as revised by the applicant.

MS. BUTANI-D'SOUZA: Seconded.

CHAIRPERSON HEATH: The motion has been made and seconded. Any further discussion?

[Vote taken.]

MR. MOY: Madam Chair, before I give final vote we do have absentee ballots from two other participants. From Mr. Fred Hill and Chairman Anthony Hood with their absentee ballots. And both of their absentee votes is to approve the application with such conditions as the Board may impose.

So, with their votes then I would record the vote as four to zero to one, and this is on your motion, Madam Chair, to approve the application for the relief requested with nine conditions as you've recited. Seconding, Vice Chairperson Butani. And of course Mr. Hill, Mr. Hood, and Mr. Hinkle is not present with us today so the motion carries.

CHAIRPERSON HEATH: Okay. Thank you.

MR. MOY: Because the other person withdrew

his party status.

CHAIRPERSON HEATH: Right. So we can do a summary on this. All right. Thank you.

We can move to our hearing cases. Mr. Moy, you can start with our first new application on the agenda.

MR. MOY: That would be, let's see, parties to the table to Application No. 19230 of St. Albans, Albans Investments, as captioned and advertised for special exception relief under the NC-Use Group B requirements of Subtitle H, Section 1107.1 Sub D, to establish an eating and drinking establishment in the NC-16 Zone, 814 H Street Northeast, Square 911, Lot 75.

CHAIRPERSON HEATH: Good morning. Would you introduce yourselves, please?

MR. SHARIEFF: Good morning to the Board. Good morning, Madam Chair. My name is Otiff Sharieff (phonetic).

MR. APPLAN: Good morning. My name is Damon Applan.

CHAIRPERSON HEATH: All right. Has this application been posted on the property? Have you posted notice?

MR. SHARIEFF: Yes, ma'am.

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CHAIRPERSON HEATH: Did you add -- I don't believe we have an affidavit of posting in the file.

MR. SHARIEFF: Okay. I sent it to Mr. Vargas as late as yesterday. We were having a lot of difficulty uploading our documents to the ISIS.

CHAIRPERSON HEATH: Okay.

MR. MOY: If I may intervene, Madam Chair?

CHAIRPERSON HEATH: Is it -- you know?

MR. MOY: It's under Exhibit 38.

CHAIRPERSON HEATH: It is now? Got it.

MR. MOY: It's the last one.

CHAIRPERSON HEATH: Okay.

MR. SHARIEFF: Oh, so Mr. Vargas did put it -
- okay. Cool.

CHAIRPERSON HEATH: Yes. So he got it up for you.

MR. SHARIEFF: Great. Correct.

MR. MOY: If you look at the dates, Madam Chair, it was a little bit late.

CHAIRPERSON HEATH: Yeah, so when did -- you posted this on the 22nd?

MR. SHARIEFF: That's correct. Full transparency. This is our first submission of this nature.

CHAIRPERSON HEATH: Okay.

MR. SHARIEFF: And it's been a journey, and one of them being we got the placard. We picked up the placard a little bit late.

CHAIRPERSON HEATH: Okay. All right. We do require that notice be posted for the required amount of time. Part of the real reason for that, and the reason that we're stringent about that requirement is that it gives others in the neighborhood the opportunity to understand what you're doing and to be able to be a part of this process, to participate whether they're in favor or whether they have issues with your project.

And so I do see that you met with the ANC, and that you received a unanimous support from the ANC.

MR. SHARIEFF: That's correct, Madam Chair. Not only did we receive unanimous support from the ANC, but we had to meet with the Capitol Hill Restoration --

CHAIRPERSON HEATH: Uh-huh.

MR. SHARIEFF: -- Society as well.

CHAIRPERSON HEATH: Okay.

MR. SHARIEFF: They supported us as well. We also have three letters of recommendation, not only from adjacent property owners, but from also a

neighbor as well.

CHAIRPERSON HEATH: Okay. All right.

MR. SHARIEFF: I believe we started the process off with the ANC quite -- much earlier in the game, I think, than we had initially wanted to. So, this placard thing I feel is kind of the only thing that's --

CHAIRPERSON HEATH: Uh-huh. Sure. So unless the Board has any objection, given all that they've done with the neighbors and the ANC and the unanimous support that they've received, I would recommend that we waive the --

MS. BUTANI-D'SOUZA: I would tend to agree.

CHAIRPERSON HEATH: Okay. All right. So, we appreciate that you are new to this process. And hopefully next time you'll be able to get your posting up.

MR. SHARIEFF: Yes, I believe we have the syllabus now for --

CHAIRPERSON HEATH: Perfect.

MR. SHARIEFF: -- successful submission.

CHAIRPERSON HEATH: Very good. All right. So then with that it appears that your application is complete and I don't see any issues with the relief that you're requesting, and you know, Office of

Planning has conditions as a part of their report. You've seen those and you've agreed to those, correct?

MR. SHARIEFF: That's right.

CHAIRPERSON HEATH: I see you nodding your head. Okay. All right. Okay. Then I don't have any other questions or issues. Does the Board?

Uh-huh. All right. So if you're okay with us proceeding on we're not going to need a full presentation from you, but I would like to hear from Office of Planning if you're okay with us --

MR. SHARIEFF: Absolutely.

CHAIRPERSON HEATH: -- continuing. Okay.

MS. THOMAS: Good morning, Madam Chair, Members of the Board. Karen Thomas for the Office of Planning, and we will stand on the record of our report in support of this application to establish this -- for this eating establishment. And based on the conditions outlined in our report and any other conditions that may be enforceable as outlined by the ANC or DDOT.

CHAIRPERSON HEATH: Okay. All right. And as Ms. Thomas mentioned, there are conditions that are listed in the ANC report. You've agreed to all of those conditions as well.

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MR. SHARIEFF: Yes, we have.

CHAIRPERSON HEATH: Okay. All right. So we have conditions both in the OP report and the ANC report.

MR. SHARIEFF: Correct, as well as the DDOT report. It seems to be trash and loading and unloading and --

CHAIRPERSON HEATH: Yes.

MR. SHARIEFF: -- we're on it.

CHAIRPERSON HEATH: Okay. Very good. Very good. All right. Thank you, Ms. Thomas.

Let's see. So, is there anybody here from ANC 6A on this application? All right. As I noted, we do have their letter noting unanimous approval on this. And we also have the letter of no objection from Department of Transportation with their conditions.

We -- I see in the file your three letters of support from neighbors. So I appreciate, again, the work that you've done to get your neighbor's support and to make them aware of what you're doing. Is there anyone here wishing to speak in support of this application? Anyone in support?

Anyone here wishing to speak in opposition? Any opposition? All right. Then unless the Board

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has any other questions we'll turn back to you. Normally we would ask you for closing but it probably doesn't make sense for you to make any closing statement as it appears you're in good shape right now.

MR. SHARIEFF: I appreciate that, thank you.

CHAIRPERSON HEATH: All right. Okay. Then I'll make a motion that we approve the request for special exception to establish an eating and drinking establishment at 814 H Street Northeast, with the conditions noted by Office of Planning, the ANC 6A, and Department of Transportation.

MR. TURNBULL: Second.

CHAIRPERSON HEATH: So the motion has been made and seconded. Any further discussion?

[Vote taken.]

CHAIRPERSON HEATH: Okay.

MR. MOY: I'm sorry, Madam Chair.

CHAIRPERSON HEATH: So the motion carries.

MR. MOY: Okay. So staff would record the vote as three to zero to two. This is on the motion of Chairperson Heath to approve the application with your relief that you requested, along with the conditions established in the ANC report, OP report, and DDOT's. Seconding your motion, Mr. Turnbull.

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Also in support, Vice Chair Butani. We have two other board members not present with us today. Your motion carries, Madam Chair.

CHAIRPERSON HEATH: All right. Thank you.

MR. SHARIEFF: Thank you for your time.

CHAIRPERSON HEATH: Summary.

MR. APPLAN: Thank you.

MR. MOY: Summary? Thank you.

CHAIRPERSON HEATH: We're going to continue proceeding in order of the agenda, so you can call our next case.

MR. MOY: All right. Thank you, Madam Chair. So I believe that would be Application No. 19328 of Jason Liebel. This is pursuant to Subtitle X, Chapter 9, Request for a special exception under the penthouse requirements of Subtitle C, Sections 1500.9 and 1500.10. This would convert a flat into a three-unit apartment house, RA-8 Zone, 1739 17th Street Northwest, Square 178, Lot 82.

CHAIRPERSON HEATH: All right. If you could introduce yourselves, please?

MR. WARREN: Good morning, Madam Chair and Members of the Board. My name is Charles Warren. I'm Principal of Teass Warren Architects, here on behalf of the applicant.

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Hi. I'm Jason Liebel, the owner/application.

CHAIRPERSON HEATH: Okay. All right. Did you all meet with the ANC on this application?

MR. WARREN: So, we tried. Essentially we were in communication with Commissioner Warwick there, and he thought that the nature of the relief we were seeking was so minor it didn't really rise to the level of needing ANC you know, oversight. So he's frankly called it quote/unquote, silly. But that was -- that was our attempt to communicate with him.

CHAIRPERSON HEATH: Okay. Did you have that as an e-mail communication?

MR. WARREN: I do have an e-mail, yes. Would you like us to add it to the record or --

CHAIRPERSON HEATH: It's not official, so it probably -- and given that he's not said he's in support of this it may not make sense to upload that. So --

MR. WARREN: Okay.

CHAIRPERSON HEATH: So, no. I don't think it makes sense given the conversation between the two of you.

MR. WARREN: Okay.

CHAIRPERSON HEATH: If he had indicated that

he was in support of this I would say otherwise, but --

MR. WARREN: It was sort of a tacit in support.

CHAIRPERSON HEATH: Okay.

MR. WARREN: His communication was that the ANC was awfully busy and it didn't seem to really warrant --

CHAIRPERSON HEATH: Increasing their --

MR. WARREN: Increasing their workload.

CHAIRPERSON HEATH: -- agenda. Right. Right. Okay. All right. Okay. So, I think we may have a few questions for you on this application, because I think the Board had some questions about setbacks for the penthouse. Right.

Commissioner Turnbull, did you want --

MR. TURNBULL: Thank you, Madam Chair. I guess the question is, although -- and even the Office of Planning makes reference to 1500.9 and 1500.10. I don't see anybody addressing 1502, penthouse setback requirements. And in particular 1502.1, number C talks about, that penthouses, screening around enclosed mechanical rooftop for pools, deck, trellises, or guardrail shall be set back from the edge of the roof as follows; a distance

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equal to the height of the -- from the side building of the roof in which it's located, in any zone on a building used as a detached dwelling, semi-detached dwelling, row house, or flat, adjacent to a property that has low or equal permitted matter of right building height. And then it goes on.

But so you're right adjacent to another building which is the same height.

MR. WARREN: Correct.

MR. TURNBULL: But your penthouse is right up next to it.

MR. WARREN: Correct. As I understand that section, it doesn't apply to apartment houses. Our use as apartment house, not a row house or a flat.

MR. TURNBULL: We'll ask the Office of Planning to weigh in on that.

CHAIRPERSON HEATH: Okay. Any other questions from the Board? Okay. Then if you're okay with us proceeding on to Office of Planning, I think at this point it's appropriate for us to just address this question with them.

MR. WARREN: That's good.

CHAIRPERSON HEATH: Okay.

MR. JESICK: Thank you, Madam Chair and Members of the Board. My name is Matt Jesick. I'm

sitting in for Ms. Elisa Vitale this morning.

The Office of Planning recommends approval of the areas of requested relief. Based on what you read, Mr. Turnbull, I apologize, I don't have the text in front of me but it did sound like this section regarding setbacks would not apply to apartment buildings.

MR. TURNBULL: Okay. I think we'll review that with the Office of Planning then, if you could mention that to Ms. Steingasser, that we need to take a closer look at this, then.

MS. BUTANI-D'SOUZA: So just to clarify for my own understanding, Mr. Jesick. So, I believe that what Mr. Turnbull read indicated that for row houses the penthouse does need to be set back but so is it -- so basically what you're saying is that a row house that contains apartments does not qualify as a row house, the definition of a row house, under the zoning code. Therefore, that provision regarding penthouse setbacks does not apply to this application.

MR. JESICK: Without having the text in front of me that's my understanding, that it's dependent on the use, not the form of the structure.

MS. BUTANI-D'SOUZA: I see.

MR. JESICK: Yes, after reviewing the text I remain confident in that position that it only applies to detached dwellings, semi-detached dwelling, row house or flat. But it is not applicable to apartment buildings.

MR. TURNBULL: All right. I think that's a fine point that maybe we've missed in the reading of this. I think we need to go back and revisit that because I think -- I think that could lead to several issues with a penthouse like that.

CHAIRPERSON HEATH: Okay. All right. Any other questions of Office of Planning from the Board? Any questions from the applicant of Office of Planning?

Okay. All right. All right. Then we'll continue on. As I said, we don't have a report from ANC 2B and I assume they're not here, given their response to your request for a meeting. We have a letter of no objection from the Department of Transportation on this case, and we also have two letters of support from adjacent property owners.

Are those the immediate neighbors?

MR. WARREN: Yes, they are the two adjoining properties.

CHAIRPERSON HEATH: Okay. All right. Okay.

Does the board have any other questions?

MS. BUTANI-D'SOUZA: I'm just curious whether you believe that it would be possible to reconfigure this to enable the setback that Mr. Turnbull is describing from the sides.

MR. WARREN: No, I don't think that would work. The setback is on -- it's only about 18 feet wide so you get stuck trying to set back from the sides to the point where each side would have to be set back and there would be no meaningful construction left.

MS. BUTANI-D'SOUZA: How tall is it?

MR. WARREN: It's nine foot, four inches.

MS. BUTANI-D'SOUZA: Nine foot, four inches. And is it purely a stair penthouse?

MR. WARREN: Correct. Just access to the roof. Yeah.

MS. BUTANI-D'SOUZA: So nine foot, four inches is the --

MR. WARREN: Is --

MS. BUTANI-D'SOUZA: Is the minimum height that you can achieve there?

MR. WARREN: It's pretty close to the minimum height. We need to provide insulation and other things, so that's to the top of the roof and then

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there's a roof structure portion that needs to be insulated. And then our ceiling height is right at seven feet, so we're basically right at it.

MS. BUTANI-D'SOUZA: Okay.

MR. TURNBULL: I would just note that you could rework that top floor to get it to work. But it's not -- I mean, it's something that's doable, I believe, in working the plan, if they were following what I thought was the code. I mean, what the Zoning Regulations were talking about. But it would involve a little bit more effort to configure the plan. But I believe it is doable.

MS. BUTANI-D'SOUZA: Are we allowed to -- I think it sounds like the point that you're making is that the intent of the -- the intent of the regulation, and I'm not sure if we're allowed to consider that.

MR. TURNBULL: Well, that's my feeling. I thought that was the intent. But Mr. Jesick seems to feel that the way the language of the regulation is structured that it for some reason exempts apartments, which I think it's a fine point when you're talking about a row house structure in the context of whether your -- of what is perceived to be a row house dwelling and to -- because it's

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determined to be an apartment and not a flat or a single family or multiple dwelling.

I think it's a fine point that maybe was not correctly addressed, or the language needs to be tightened up. But if Mr. Jesick feels that that's the correct interpretation, then that's what it is. But I think the feeling that I understood when we were doing this, that it would be in the context of a row dwelling such as what we're looking at, that we would be separating the penthouses, such that they would have to have a setback.

But I think it's doable. I think anything that is doable, it just takes a little bit more effort on the architect to get it to work. But Mr. Jesick will take it back but, you know, I'm willing to go with the OP ruling as to what it is, but I'm not happy with it. I feel like it should have been a little bit tighter then.

CHAIRPERSON HEATH: Okay. So you may have gotten a break on this one. All right. Is there anyone here wishing to speak in support of this application? Anyone in support?

Anyone wishing to speak in opposition to this application? All right. Then we again normally turn back to you for closing but I don't know that it's

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necessary. You don't want to talk yourself into trouble.

MR. WARREN: I heard the Board on that one.

MS. GLAZER: Madam Chair, sorry to interrupt.

CHAIRPERSON HEATH: That's all right.

MS. GLAZER: I was just wondering if I missed something. I want to take this back for review also.

CHAIRPERSON HEATH: Okay.

MS. GLAZER: If Mr. Jesick could repeat what the basis of his interpretation is?

MR. JESICK: Certainly. I'm looking at Section 1502.1C1 of Subtitle C. And it reads, in any zone -- well, this is referring to the setback from the side building wall. It shall be set back in any zone if it is on a building used as a detached dwelling, a semi-detached dwelling, a row house, or a flat. And those are for uses that are listed there, rather than types of buildings and the use, apartment house or multiple dwelling is not listed.

MS. GLAZER: So you're calling attention to the word, "used," in that subsection, where it says, "It is a building used as," and then it goes on to list. Is that as opposed to the structure?

MR. JESICK: That's correct.

MS. GLAZER: Okay. Thank you. I understand

now.

MS. BUTANI-D'SOUZA: Madam Chair, I think if I may comment?

CHAIRPERSON HEATH: Uh-huh.

MS. BUTANI-D'SOUZA: You know, we have a member of the Zoning Commission here who was party to the discussions about ZR-16 and the changes in the penthouse regulations and I think that it's perhaps worthwhile to have the applicant look at whether it is possible to reconfigure the penthouse to enable it to comply with side setback. And if it's truly impossible to at least demonstrate that, showing why it's impossible. That's my feeling. Of course of the rest of the Board disagrees then I'm happy to go with that.

But I know that there has been some comments previously that there -- as, you know, the new regulations go into place sometimes the regulations may be worded slightly differently from what the intention was. And so you know, before we go with such a strict interpretation of the words there, I think it may be worthwhile to consider that question.

MS. GLAZER: Madam Chair, I just want to state, it's obvious, but this is a self-certified application. So that means that the applicant, it

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takes its chances if the ZA agrees with OP's interpretation, then there would be no need to seek additional relief or establish that he's complied. In other words, I'm saying it would be up to the ZA at this point.

CHAIRPERSON HEATH: Sure. Sure.

MS. GLAZER: And I would think that if MR. Turnbull has questions about it, the appropriate route would be for him to take it back to the Zoning Commission and they could look at it and possibly amend the language if they are not happy with that interpretation.

CHAIRPERSON HEATH: Sure. So, you understand that given that this is a self-certified application you're taking the risk if you don't meet this side setback request. It's all, at this point it will be -- you'll be subject to the Zoning Administrator's interpretation of this section of the code. So, you know, it's up to you as to how you want to proceed if you want to continue with not showing the side setbacks, you can, at your risk.

MR. WARREN: I think we'll continue with that.

CHAIRPERSON HEATH: Okay. All right. So, given that those self-certified, I would be fine to

proceed.

MS. BUTANI-D'SOUZA: Okay.

CHAIRPERSON HEATH: Allow them to take that risk. Okay. All right.

All right. Okay. Then any other comments from the Board? So, we'll conclude the hearing then at this point, and I will make a motion that we approve the request for special exception to convert a flat to a three-unit apartment house at 1739 17th Street Northwest.

MS. BUTANI-D'SOUZA: Second.

CHAIRPERSON HEATH: All right. So the motion has been made and seconded.

[Vote taken.]

CHAIRPERSON HEATH: All right. The motion carries.

MR. MOY: Staff would record the vote as three to zero to two. This is on the motion of Chairperson Heath for the relief requested. Seconding the motion, Vice Chairperson Butani. Also in support, Mr. Turnbull. We have two board members not present with us today. Your motion carries, Madam Chair.

CHAIRPERSON HEATH: Thank you. Summary.

MR. MOY: Thank you.

MR. WARREN: Thank you.

MR. LIEBEL: Thank you.

MR. MOY: The next application is No. 19332. This is of Brant -- I don't want to take a risk here, but I'll spell it. S-H-A-L-I-K-A-S-H-V-I-L-I, and Marleen Welsh, as advertised and captioned for variance relief from the lot occupancy requirements of Subtitle E, Subsection 304.1. This would construct a single car detached garage at the rear of the property in the RF-1 Zone 446 N Street Northwest, Square 513, Lot 77.

CHAIRPERSON HEATH: All right. I'm going to let you introduce yourself and tell us what your -- how to pronounce your last name.

MR. SHALIKASHVILI: It's Brant Shalikashvili, owner/applicant.

CHAIRPERSON HEATH: Shalikashvili. Okay.

MR. SHALIKASHVILI: I never let anybody have to suffer that. Brant is perfectly adequate.

CHAIRPERSON HEATH: Okay. Thank you.

MS. WELSH: Good morning. I'm Marleen Welsh. I'm also owner/applicant.

CHAIRPERSON HEATH: Okay. All right. Let's see. I don't have any issues with this application. It looks like your application is complete based on

the information that we've received in the file. Let me look at one last thing, I think, if this will open.

All right. We have a corrected self-certification for you. So, yeah, I don't have any questions. Does the Board have any questions on this application?

MR. TURNBULL: I have no questions, other than, you have a garage door at both ends.

MR. SHALIKASHVILI: So part of the purpose for that was, again, we have a very narrow house.

MR. TURNBULL: Okay.

MR. SHALIKASHVILI: And so everything that we were doing is about, how do we maximize use of space. And so having a garage door on the inside space allows us to open that to expand the yard into kind of a covered space for entertaining or things like that.

MR. TURNBULL: Oh, I got you. Okay.

MR. SHALIKASHVILI: And so all of the things that we did were, how do we make the house as flexible as possible.

MR. TURNBULL: Yeah, I had no objection to it. I was just curious what your -- it makes sense.

CHAIRPERSON HEATH: All right. Okay. Then

it appears we're not going to need a full hearing on this, so if you're okay with us proceeding on, we will.

MS. WELSH: Wonderful.

CHAIRPERSON HEATH: All right. So, Office of Planning?

MR. JESICK: Thank you, Madam Chair and Members of the Board. Again, my name is Matt Jesick.

The Office of Planning can rest on the record in support of the application. Thank you.

CHAIRPERSON HEATH: All right. I don't think the Board has any questions of Office of Planning. Does the applicant have any questions of Office of Planning?

MS. WELSH: No, thank you.

CHAIRPERSON HEATH: All right. We received the letter from ANC 6E, recommending their approval, and from Department of Transportation recommending no objection on this application.

Let's see. Any letters in support or objection on this application, but is there anyone here wishing to speak in support? No on in support?

Anyone here wishing to speak in opposition? No opposition? All right.

Then we'll turn back to you. You've kind of

seen how this morning has gone and there's probably no need to close so if you're okay we'll --

MS. WELSH: We're good.

CHAIRPERSON HEATH: -- conclude the hearing. All right. Then I will make a motion that we approve this request for a variance from the lot occupancy requirements under Subtitle E, 304.1 to construct a single car detached garage at the rear of the property at 446 N Street Northwest.

MS. BUTANI-D'SOUZA: I would second.

CHAIRPERSON HEATH: So the motion has been made and seconded. Any further --

MS. GLAZER: Madam Chair.

CHAIRPERSON HEATH: Yes.

MS. GLAZER: I'm sorry to interrupt. Just a point about the ANC report. I don't know if the Board was giving great weight but there were some technical errors. The Board can take a look at it and waive those provisions. If it wishes to give great weight to the report I would suggest doing that.

CHAIRPERSON HEATH: Let me look at it really quickly. And of course it's taking a while to open. Okay.

MS. BUTANI-D'SOUZA: Are you referring to the

letter from the ANC?

MS. GLAZER: Yes. Exhibit 34, I think, as written. It didn't meet the requirements under 406.2 B, C, and D.

MS. BUTANI-D'SOUZA: I'm sorry, are you saying the relief or the actual letter itself doesn't meet the --

MS. GLAZER: The ANC report needs to contain certain information that's provide for in those sections. The Board can waive those rules. They're waivable.

CHAIRPERSON HEATH: I would recommend that we waive them in this case.

MS. GLAZER: Okay.

CHAIRPERSON HEATH: Okay? All right. Any objection to that?

MS. BUTANI-D'SOUZA: I would tend to agree.

CHAIRPERSON HEATH: Okay. All right. So, then --

MS. WELSH: Thank you for calling our attention to that. Thanks.

[Vote taken.]

CHAIRPERSON HEATH: The motion carries.
Thank you.

MR. SHALIKASHVILI: Thank you very much.

MR. MOY: Staff then would record the vote as three to zero to two. This is on the motion of Chairperson Heath to approve your application for the relief requested. Seconding the motion, Vice Chair Butani. Also in support, Mr. Turnbull. And no other board members present with us, Madam Chair. So with the waiving of the ANC 6E rules, I guess you can proceed with a summary order if you care to.

CHAIRPERSON HEATH: Yes, summary.

MR. MOY: Thank you.

[Discussion off the record.]

CHAIRPERSON HEATH: All right. Mr. Moy, you can call our next application.

MR. MOY: Thank you. Parties to the table to Application No. 19323 of Christopher D. French.

[Discussion off the record.]

MR. MOY: I'm sorry. This is a request for a special exception relief under Subtitle F, Section 5201 for the lot occupancy requirements of Subtitle F 304.1, rear yard requirements, Subtitle F 305.1, and Subtitle C, Section 703 from the vehicle parking requirements of Subtitle C, 704.1. This would add a third-floor addition to an existing two -- or rather, existing two-story one-family dwelling, R-A-2 Zone, 929 5th Street Southeast, Square 825, Lot 31.

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CHAIRPERSON HEATH: All right.

MR. MOY: And I believe the revised drawings are under Exhibit 27, with I think an additional sheet under Exhibit 37.

CHAIRPERSON HEATH: All right. Good morning. Could you introduce yourself, please?

MR. FRENCH: Good morning. My name is Chris French. I'm the homeowner/applicant.

CHAIRPERSON HEATH: Okay. All right. Okay. I don't think I have any issues with your application, although I do now see -- I think these must have come in late, some letters in opposition. I'm going to just look at them quickly.

[Pause.]

CHAIRPERSON HEATH: Are you aware of these opposition letters?

MR. FRENCH: Oh, I'm still live. I saw them this morning as I was sitting down in here, preparing.

CHAIRPERSON HEATH: All right. Okay. We'll continue and come back to these in a moment, since they did come in late.

All right. Does the Board have any questions of this applicant?

[Discussion off the record.]

CHAIRPERSON HEATH: All right. Thank you. We spend a lot of time over the weekend reviewing applications and when we get information late it kind of throws us for a loop. So this is not your fault at all, but it's these additional letters that were added pretty late that we're just trying to skim quickly.

So, I don't think we have any questions at this point, but we'll come back to you if we do through the course of the hearing.

MR. TURNBULL: I just have a comment. I'm just -- this may get to the -- I mean, this may meet the technical requirements of the zone, but even the applicant's drawings just show that this addition does not really fit in with the context of the neighborhood. I mean, this just looks -- the sketches provided on sheet -- the first sheet just show this big pop-up that just doesn't seem to blend in with the context of the rest of the row houses. I mean it's just -- I don't know if any thought was given by the architect to try to subdue this a bit. I mean, granted that this meets the regulations but there's just no thoughtfulness in the design on how to blend this in. And the ANC's comments are just totally inane. I just, there's no -- I'm just sad.

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MR. FRENCH: Excuse me. May I ask which date drawings you're looking at? They were significantly revised after the first ANC meeting.

MR. TURNBULL: Well, I'm looking at Exhibit No. 6, but then I'm looking at now, Exhibit No. 27.

CHAIRPERSON HEATH: Thirty-seven only shows one --

MR. TURNBULL: Twenty-seven?

CHAIRPERSON HEATH: -- drawing.

MR. TURNBULL: Is there another one?

CHAIRPERSON HEATH: Only one page under Exhibit 37, just the building --

MR. TURNBULL: Well, let me pull up 37.

CHAIRPERSON HEATH: -- section.

MR. FRENCH: Oh, I'm sorry. Thirty-seven was just a --

CHAIRPERSON HEATH: Just a building section?

MR. FRENCH: -- section response to a zoning question that came up from the Office of Planning regarding the proposed retractable canopy. And we clarify that it is in fact retractable.

MR. TURNBULL: Yeah, I mean, even so on the previous submission, which would be Exhibit 27, this looks -- I mean, I guess OP's comment, which I -- the proposed addition would be set back from the front

yard and the rear walls of the existing building as shown. And it -- no changes -- the proposed addition would be set back and only a small portion of the addition would be visible from the street in the front of the house. But if I go to Exhibit 27, the very first sheet on the cover sheet, the two street views which are basically from eye level, street level, do show this as being very visible. So I don't understand the context.

MR. FRENCH: We didn't make the case that it wouldn't be visible. We definitely have -- you know, we're aware that it's an existing building and we're proposing a change. We did make an effort to set it back, which is not -- you know, if you look at the bulk study, is not required under zoning, but it's something that we proposed and that actually costs us functionally in the house, because now we've got a stair taking up a significant amount of the width of a proposed bedroom up there, that we would not -- a condition we would not have had if we had taken the house all the way to the front.

MR. TURNBULL: Yeah, I just -- yeah, as I said, you may be meeting the technical requirements but I just think there was no effort made to really try to blend this context in with the rest of the

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street. I just feel it's -- I just feel it's sad.

MR. FRENCH: May I talk briefly about context? Is that --

MR. TURNBULL: You can do whatever you want.

MR. FRENCH: Okay. There are two points on context that I'd like to make. One is that this is -- it's not a historic block and it's not a historically designated building or neighborhood. And more specifically the houses are not -- I would say not architecturally aspirational homes. The existing homes were workforce housing built in approximately 1890. The age has significance, I understand.

The neighborhood context, I think there's a little bit of a different character in the Navy Yard near Southeast neighborhood. And that's sort of exemplified by a lot of the commercial renovations and additions, and I understand this is a single-family home. But the commercial renovations, if you look at all the work that Forest City is doing, even the work on the Navy Yard campus itself, there's been an effort to preserve what's historic as historic, and to differentiate pretty significantly contemporary additions. And to in fact make them look contemporary on those properties.

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And so we were sort of following what we felt was a neighborhood precedent. And in fact a little bit of a unique opportunity in the city. There aren't very many opportunities to do sort of an aspirational addition on an older building.

CHAIRPERSON HEATH: So it looks like in this block and the adjacent block, there are row homes that have an additional story added that's set back. Looks like it's a -- in this case it's a fourth story that's set back. But they're set back far enough that they aren't visible from the street. And their roofline doesn't accentuate the fact that they're there. Your roofline does accentuate the fact that you've got this addition on top. Have you considered -- let me ask this; what is the reason for trying to call so much attention to this addition on top with the canted roofline?

MR. FRENCH: Right. So the canted roofline has gone away. The side-to-side cant, we've gotten rid of. We have everything now horizontal -- well, that was the biggest concern.

CHAIRPERSON HEATH: Okay.

MR. FRENCH: Concern that we got. And we eliminated that completely. So now everything, everything as far as what you do see is a slope from

front to back which is traditional for row houses. The homes that are four stories, it's easier to conceal an addition on top of a third story. There's a significant height difference between two stories and three. It's almost impossible to conceal a second story addition, and we --

CHAIRPERSON HEATH: Do you mean third story?

MR. FRENCH: I'm sorry, an addition on top of a second story house. You know, your site lines, they just don't really allow it. You know, without literally pushing it all the way to the back of the house which, you know, wouldn't leave anything left to build.

MS. BUTANI-D'SOUZA: I'm not an architect. To me it's tough as I look at this block because, you know, I don't think that this block has a tremendous amount of beauty in the existing facades. I see there are some awnings and things of that nature. So, you know, to me as I look at this I think this is nicer than the existing architecture.

But I'm sensitive to the fact that it doesn't really match, and I'm curious about since you don't have any requirement to preserve the existing façade, whether you considered making modifications to the façade of the existing structure to make it match

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more closely with the more modern style that you're proposing for the visible addition.

MR. FRENCH: We did. We looked at a number of different potential iterations and modifications and in the end, ironically, we felt that it was better to preserve what was there and limit our sort of interpretive work to the addition. The --

MS. BUTANI-D'SOUZA: Can you help us understand why, because again, I -- sorry to interrupt, but I'm just trying to understand why you wouldn't --

MR. FRENCH: Yeah. Sure. I think it's interesting. There is -- I think there is some sense -- so there are several reasons. One, there's added expense to do that, and it wasn't a functional change to make that change.

Second is there does seem to be some community interest in retaining the existing portions of the building.

Third is that they've got a -- they've got sort of a unique, or not unique, but difficult to work with cornice brick work, and that it's different on one side of the building than it is on the other because the buildings step down. And the -- how to accommodate that without, you know, negatively

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impacting the adjacent houses, we didn't see a way to do that.

And so we looked at it in pretty good detail and felt that for a number of reasons it probably wasn't the best thing to do.

MS. BUTANI-D'SOUZA: I mean, even something as simple as paint color could help to make this feel a little bit more cohesive.

MR. FRENCH: We definitely intend to tie it together with paints. That hasn't -- we sort of haven't progressed to that level of detail. In fact, we're not sure exactly what the color scheme we'd like to propose for the addition is. I think we want to experiment with that a little bit. We wanted to get through the form part of the discussion first before we proceeded to that level of detail.

MS. BUTANI-D'SOUZA: Okay. Thank you.

MR. TURNBULL: I just had a question. You're also extending your neighbor's flue?

MR. FRENCH: At our expense the proposed addition, as far as we can tell and I haven't confirmed up on everybody's roofs with measurements. But as far as we can tell the addition will require code modification. I mean, not code modification. A code required extension of the flue.

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MR. TURNBULL: And what about your roofline? Looks like it's also extending into the other property.

MR. FRENCH: That, I noticed that in the drawings this morning. That can be handled either way. There's an eve right now that we're showing projecting over, really just for water retention. The intention was that it would be framed separately, essentially furred on, that it could be easily removed without impacting the roof lines. That's not necessary to the design.

MR. TURNBULL: Okay. All right. Then I think that concludes our questions for you at this point, Mr. French, if you're okay with us proceeding on we do have questions for Office of Planning.

Okay. All right. Thanks. All right. Ms. Brown-Roberts.

MS. BROWN-ROBERTS: Good morning, Madam Chair and Members of the Board.

CHAIRPERSON HEATH: Good morning.

MS. BROWN-ROBERTS: Maxine Brown-Roberts for the Office of Planning. I'm going to stand on the record. The applicant has met the requirements of the requested special exceptions, and we recommend approval, but I'm available for any questions.

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MS. BUTANI-D'SOUZA: Good morning, Ms. Brown-Roberts. I note that, you know, one of the things that we have to consider here is whether the addition or accessory structure together with the original building is viewed from the street, alley, and other public way shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage.

I'm just curious to get your comments on whether, you know, given how different the style is here, between the addition and the existing house, if you could walk us through your thinking on why this doesn't actually visually intrude.

MS. BROWN-ROBERTS: As in a number of cases we have seen where additions have been made to structures which are you know, much older. And where modern or an addition is done that is not reflective of the existing structure.

We have seen it in a number of cases, across the city. We prefer to see that sort of thing than trying to -- because I had a BZA case recently where the applicant tried to mimic the existing structure and it just didn't look right.

And so you keep the existing structure as what it represents for its time, and then you can add

an addition that is more modern.

Of course it's sort of, you know, in the eye of beholder as to you know, how we view the addition. In this case, yes, it is a modern -- it is a very modern addition. It is set back. It, as you stated, it can be seen from the street, but I don't think that it substantially intrudes on the character. The building across the street is a commercial, is a big residential multi-family. Actually, it's a senior housing.

So, yes there is this row of structures, but it's surrounded by much more modern, modern architecture. The other four-story buildings are much more recent construction and so we are supportive of the addition.

MS. BUTANI-D'SOUZA: Okay. All right. I think my only question is just, since we did receive these late submissions, having an opportunity to review them would be good because it looks like there's three of them.

CHAIRPERSON HEATH: There are, and they're fairly old.

MS. BUTANI-D'SOUZA: Yeah, so -- and I'm just curious about, I know you said you haven't had a chance to think through the color scheme yet, but

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given that we have some late submissions that we may like to review, I'm wondering if you may be able to put some thought into the color scheme to perhaps appease some of the concerns regarding the disjointed visual appearance or other perhaps, modifications to either the structure or the addition to address that.

MR. FRENCH: I think color, certainly. You know, again, we've been through a pretty significant round of design changes to address the community feedback that we've gotten.

I did have a chance to scan the letters this morning and sort of in advance, I know you're going to be reviewing them yourselves. The two immediately adjacent neighbors have written opposition letters, apparently. And most of the concerns as I have read them, are about construction issues. And we did, on August 30th, propose a draft construction management plan that's fairly detailed and with the intention of getting their feedback on it.

To date we've gotten some feedback from the owner to the south, which is Lexar Quami (phonetic), and we have gotten no feedback yet from the owner to the north, which is Aaron Lorenzo. And then specifically in Ms. Quami -- and I'm calling her -- I'm sorry. I'm calling her Ms. Quami. She's

recently gotten married. I'm not sure what her full name is now. But specifically she's requested in her letter that we get a second opinion on the structural existing conditions that at our cost. And I am -- we're certainly open to considering something like that. You know, obviously it's in our best interest to make sure that the structure is maintained as well as possible.

So I think we are -- you know, the main thing I want to -- just the main point I'd like to make is that we are absolutely committed to addressing any construction concerns that our neighbors may have and that, you know, at the end of the day it's in our best interest both for this, you know, integrity of our own house, but also for our relations with our neighbors to be proactive about that, and that's our intention all the way through.

MR. TURNBULL: Well, I think the construction management agreement that you're working on is good. It's something we can't include in the order. We can reference the fact that you've done it. But I think what would be good for us is maybe some more communication or some letters back that describe what's the result of the process with the neighbors.

I think -- I mean, at least I think for the

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record from our standpoint to make sure that since these are adjacent property owners, I think we're going to need something in the record to at least make us feel comfortable that their concerns are being addressed.

MR. FRENCH: We're still waiting to hear responses as well.

MR. TURNBULL: Okay.

MR. FRENCH: We'd be encouraged by getting some responses to what we've proposed.

CHAIRPERSON HEATH: All right. Okay. So we're going to continue this hearing, but I do want to just see if there are people here wishing to speak on behalf of this application. Is there anyone here wishing to speak in support of this application?

Anyone who is here wishing to speak in opposition? You can come forward.

Good morning. If you can -- were you here this morning to be sworn in?

MR. LORENZO: [Speaking off mic.]

CHAIRPERSON HEATH: Okay. So, we'll need him to be sworn in, Mr. Moy.

MR. MOY: Yes. If you could stand for just a moment, sir?

[Oath administered to the participant.]

CHAIRPERSON HEATH: All right. If you could make sure your mic is on, just push the button and you'll get a glowing green light.

MR. LORENZO: Okay.

CHAIRPERSON HEATH: And then introduce yourself and we'll give you up to three minutes.

MR. LORENZO: Sure.

CHAIRPERSON HEATH: To make your statement.

MR. LORENZO: I'm Aaron Lorenzo. I'm one of the adjacent neighbors immediately to the north, 927 5th Street Southeast.

I would make a first point. I appreciate some of the aesthetic concerns raised by Mr. Turnbull. And the other two points I would make relate to what Chris was saying regarding the construction management agreement, structural concerns I have, liability concerns with the construction happening on or around mostly, and potentially on my roof. And I appreciate the efforts they're making to try to blunt or mitigate these possible outcomes.

I'm in contact with legal counsel before I actually go back to them and make agreements, which is in -- party explains why I haven't had a full exchange on these things. I want to make sure that

everything he's offering does in fact indemnify me and my property. So, basically I just want to make those points on the record since I have this opportunity.

CHAIRPERSON HEATH: Okay.

MR. LORENZO: Thanks.

CHAIRPERSON HEATH: All right. Thank you. And we do have your letter. This additional time that we'll take will give us time to read it thoroughly. We've just skimmed it.

MR. LORENZO: Okay. Sure. Thanks.

CHAIRPERSON HEATH: To this point, but thank you.

All right. So, anyone else here wishing to speak in opposition? All right. Then we're going to put this on for another date. Mr. Moy, we should probably see when Commissioner Turnbull is back again.

MR. MOY: Well, Mr. Turnbull, I believe, won't be back to the Board until November, because the October date with your other colleagues are full for October. So you're sitting sometime in November and it could be as early as November 2nd. If the Board wants you to hear this sooner, then Mr. Turnbull would have to come back earlier.

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MR. TURNBULL: Is that your first Wednesday?

MR. MOY: Yes.

MR. TURNBULL: Okay.

MR. MOY: Because I don't have any scheduled hearings from your colleagues beginning with that first Wednesday in November. So I guess it's your pick. Because if --

MR. TURNBULL: I'm okay. I'm okay. Sure.

CHAIRPERSON HEATH: All right. So, November 2nd. We'll put this on for a limited continued hearing since we've gone through all of the hearing procedures.

MR. TURNBULL: Madam Chair would you -- this is continued so do you want to set a deadline for -- I believe the applicant mentioned that he's still waiting for responses from his neighbors, I believe, on the construction management. Or do you just want to wait until that's filed on November 2nd?

CHAIRPERSON HEATH: You know, what? We should stick to our typical filing deadlines. By Wednesday.

MR. MOY: You could set a date if you want because the initial regulation date has already been set, so this is a continuation.

MS. BUTANI-D'SOUZA: I think it would be

helpful to get this back, if I may?

CHAIRPERSON HEATH: Sure.

MS. BUTANI-D'SOUZA: To get this back the Thursday before the hearing. So that would be --

MR. MOY: October the 27th.

MS. BUTANI-D'SOUZA: October 27th. If you can work with your neighbors and on any plan revisions and get everything submitted by the Thursday before that will give us an opportunity to review it before the meeting.

MR. FRENCH: Would you like us to submit the draft CMP for the record?

MS. BUTANI-D'SOUZA: Sure. And if you have an executed construction management agreement or --

MR. FRENCH: It won't be executed until we have a contractor, and we're a long way from -- obviously we have to get through this step --

MS. BUTANI-D'SOUZA: Okay.

MR. FRENCH: -- before we get to a contractor.

MS. BUTANI-D'SOUZA: Sure.

MR. FRENCH: And --

MS. BUTANI-D'SOUZA: If you have any sort of indication that your neighbors have come to an agreement on that so that it's no longer a draft, I'm

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sure that would be helpful to us as well.

MR. FRENCH: Sure. I think we can do a letter of intent or something along those lines.

MS. BUTANI-D'SOUZA: Sure.

MR. FRENCH: May I ask, on the aesthetics, are there specific requests?

One of the things that we did, and this was in the presentation, but we did look at a range of homes that had more modern additions and more sort of matchy additions. And we sort of discovered that there's not an inherent benefit to one choice over the other. You know, we found that there were a lot of really bad matchy additions and a lot of really bad modern additions, and a lot of really good modern ones, and a lot of really good matchy ones.

And so we -- but we did have a technical challenge on our property in that we wanted to put some clear story windows in the bedroom because it's so small. And in order to do that we had to set back that portion above the bed wall, three feet from the side property line, which makes our house asymmetrical. And once that condition happened, good matching becomes really difficult. And so there's sort of a functional driver that steered us toward the more contemporary addition.

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So, I guess my question for you is, you raised color. I'm wondering if there are specific things that you would be looking for.

MS. BUTANI-D'SOUZA: I think it would be great to see your analysis on that front, but I think as far as your point goes about whether we're saying you should make this matchy, matchy, or whether you should keep it modern, you know, I think as has been stated, beauty is in the eye of the beholder. I think the direction is to make it good. And we're not sure that you're quite there, good, whether it's matching or a mix of contemporary and traditional styles, or whether it's all contemporary. I think, you know, use your eye as an architect to make it, to make it good.

MR. FRENCH: Great. Thank you.

MR. TURNBULL: Yeah, I guess the only other thing might be a better street view from the street of the residence with the addition, maybe sort of like a photo montage with the houses on either side showing the building.

MR. FRENCH: Sure, we have that. We can do that.

MR. TURNBULL: Yeah, if you could do that just to show what --

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MR. FRENCH: We'll combine that with color studies.

MR. TURNBULL: Yeah, the eye on the street, what somebody would see.

MR. FRENCH: Absolutely.

MR. TURNBULL: Okay.

MR. FRENCH: Yep.

CHAIRPERSON HEATH: Okay. Thank you. We're going to take a five-minute break and we'll come back with our next application, which will be 19254, 7th Street.

[Recess from 11:35 a.m. to 11:46 a.m.]

CHAIRPERSON HEATH: All right. We'll come back to order.

Before we have you all introduce yourselves, and before he calls this case, we had one other preliminary issue that we wanted to tackle. You all can stay where you are. Just give us a moment.

MR. MOY: Yes. Thank you, Madam Chair. I neglected to mention this other case at 9:30 or -- yeah, a little after 9:30 this morning. That's Application No. 19241 of Ira Hartwell. And this one also we had an issue with a quorum with another member who is not with us today. Actually, two.

So, if Mr. --

CHAIRPERSON HEATH: Is that applicant here?
Mr. Hartwell? Okay.

We had a couple issues with this. If you would just come to the -- if you could come to the table quickly? All right. Could you just introduce yourself for the record? Make sure your mic is on. Push the button that says push.

MR. HARTWELL: Okay.

CHAIRPERSON HEATH: There you go.

MR. HARTWELL: Is that -- is that it?

CHAIRPERSON HEATH: That's it.

MR. HARTWELL: Okay. Yes, Madam Chair.
Congratulations on your retirement.

CHAIRPERSON HEATH: Thank you.

MR. HARTWELL: And I'm sure the Board is going to miss you.

With regards to -- oh, I'm Ira Hartwell, the owner/applicant, and this property was a property that I've purchased to move my mother here from Philadelphia. And I was just trying to put in a sunroom off of the kitchen where she could come out and sit. Yes, ma'am.

CHAIRPERSON HEATH: Okay. Before you go into too much of an explanation, the reason I called you up is because we weren't sure if this case was going

to be heard today.

MR. HARTWELL: Okay.

CHAIRPERSON HEATH: And we don't have a quorum on this case.

MR. HARTWELL: Okay.

CHAIRPERSON HEATH: As you know, this was continued from I think it was July 6th, where we started this hearing. And at that time we asked for additional information. So couple of issues here.

One, we don't have a quorum to meet on this today. But I think given that the Board still hasn't received the information that we requested we wouldn't be able to go forward with the rest of the hearing today anyway. So we wanted to call you up here to make you aware of that.

There were a few things that we asked for --

MR. HARTWELL: Okay.

CHAIRPERSON HEATH: -- at the last hearing. That was revised plans to reflect the landscaping that OP suggested, and the updated surveyor's plat. We also asked about your presentation to the ANC. Have you met with the ANC?

MR. HARTWELL: I've tried on numerous cases. I recently had bi-lateral knee replacement. I've tried to get all this done before --

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CHAIRPERSON HEATH: Okay.

MR. HARTWELL: -- the operation, but was not successful.

CHAIRPERSON HEATH: Okay.

MR. HARTWELL: So I have been waiting because they were recessed through --

CHAIRPERSON HEATH: Sure. Through the summer.

MR. HARTWELL: August.

CHAIRPERSON HEATH: Okay.

MR. HARTWELL: Right.

CHAIRPERSON HEATH: And then we also asked about outreach to other neighbors. Have you reached out to --

MR. HARTWELL: Absolutely. There has no been -- there has been no rejection or objection to the work that we were doing.

CHAIRPERSON HEATH: Okay. So what I would ask, because we're not going to hear this today, but I do want to make sure that you're prepared the next time you come back here.

MR. HARTWELL: Okay.

CHAIRPERSON HEATH: That you submit the revised plans into the record.

MR. HARTWELL: Okay.

CHAIRPERSON HEATH: So that we have them on file to review in advance of the hearing. That you also continue your efforts to try to get in front of the ANC. Now that they're back from their summer break I would imagine they're resuming their regular meeting schedule. So if you could talk to your commissioners and see if you could get on the next agenda.

MS. BUTANI-D'SOUZA: Or at a minimum submit some information showing that you've made outreach efforts. And similarly with your neighbors, I'm sure you're going there.

CHAIRPERSON HEATH: Uh-huh.

MS. BUTANI-D'SOUZA: Either you know, letters from them or some indication of the outreach that you've made. It can be very simple. And the same thing with the landscaping plans. They can be simple modifications. Shouldn't be too intense.

MR. HARTWELL: Okay. On the front, the building itself actually extended beyond the lines for encroachment, the original building. So I wasn't aware of that at the time, but I've eliminated the wraparound porch and just trying to get the --

CHAIRPERSON HEATH: That's fine.

MR. HARTWELL: Okay.

CHAIRPERSON HEATH: We'll review this when we call you back for a hearing.

MR. HARTWELL: Right.

CHAIRPERSON HEATH: We're going to put this on for a later date, though.

MR. HARTWELL: How will I know I'm going to hear from you, or how will I hear from you?

CHAIRPERSON HEATH: We're going to give you a date right now if you just give us a moment.

MR. HARTWELL: All right.

MR. MOY: Madam Chair, the -- for Mr. Miller, he's scheduled to appear with the Board on October the -- October the 4th. My only concern is if the -- if Mr. Hartwell --

CHAIRPERSON HEATH: Uh-huh.

MR. MOY: I don't know when the ANC is meeting in October, but for the Board with Mr. Miller it's October the 4th. We could proceed with that and then see where the applicant --

CHAIRPERSON HEATH: That will be too soon.

MR. MOY: It will be too soon?

MR. HARTWELL: Mr. Moy, if I may? I'm going to be out of town from the 28th until the 4th. I'll be returning on the 4th, so that's going to be kind of difficult for me. I've already made travel

arrangements. Travel arrangements.

CHAIRPERSON HEATH: So we'll find another date.

MR. HARTWELL: Okay.

MR. MOY: All right, Madam Chair. All right. Well, we have Mr. Turnbull in October. What did we have that for? No, November. Okay. We're looking at November.

Staff would suggest, then, that we bring this application back to allow time. Probably the later part of November.

MR. HARTWELL: Okay.

MR. MOY: The middle part. Mid to late November, sir?

MR. HARTWELL: Okay.

MR. MOY: So, I'm going to suggest a time before the Thanksgiving holiday, and that first hearing date would be November the 16th. So, Madam Chair, I'm suggesting either November 16th or after the Thanksgiving holiday, November the 30th. So it's the 16th or the 30th.

MR. HARTWELL: The 16th is fine.

MR. MOY: Madam Chair?

CHAIRPERSON HEATH: I'm fine with the 16th. It's sort of a trick question.

MR. MOY: Boy, I set you up for that.

MS. BUTANI-D'SOUZA: The rest of the Board is fine with the 16th too.

MR. MOY: Okay. November 16th it is. So, if the Board wishes to set a deadline for your additional filings, perhaps the week before, is that possible? Then that would be a date of November the -- November the 9th.

MR. HARTWELL: Okay.

CHAIRPERSON HEATH: All right. Okay. Thank you, Mr. Hartwell.

MR. HARTWELL: Thank you.

CHAIRPERSON HEATH: All right. So, Mr. Moy, you can call our next case, 19254.

MR. MOY: Application No. 19254. This is of 1612 7th Street Northwest, LP., or NW LP. I believe as amended the relief is for special exceptions from the retail parking requirements, Subtitle C, Section 701.5, retail loading requirements, Subtitle C, Section 901.1, court requirements, Subtitle G, Section 202.2, lot occupancy requirements, Subtitle G, Section 404.1, and the rear yard requirements of Subtitle G, 405.2. That's that section number.

This would allow the rehabilitation of and addition to a contributing historic structure for

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conversion to a mixed use building, first and second floor retail uses, and eight residential units in the M-U-4 Zone, 1612 through 1616 7th Street Northwest, Square 420, Lot 38.

And there's a waiver from -- a request for a waiver of the 15 day posting from the applicant, since the posting, I believe, was for seven days under Exhibit 52.

CHAIRPERSON HEATH: Okay. Good morning. Would you introduce yourselves?

MS. MOLDENHAUER: Good morning. Meredith Moldenhauer, land use counsel for the applicant from the law firm of Griffin, Murphy, Moldenhauer, and Wiggins, and --

MR. STEVENSON: Matt Stevenson with PGN Architects.

MR. GRODSKY: Richard Grodsky. I'm with the ownership entity.

CHAIRPERSON HEATH: Okay. What was the reason for the delay in posting?

MS. MOLDENHAUER: We had previously posted the property when it had the original hearing date, and then when we had -- we had taken pictures of that. But then those had been removed and then there was the delay to go through HPRB. We then obviously

refiled it under the ZR-16. And then when we came before the hearing date approached and we realized that we had not posted it again for this new hearing.

CHAIRPERSON HEATH: All right.

MS. MOLDENHAUER: Typically, if you have a hearing and then it's continued, that initial posting is then sufficient. But since we had then removed and there was the summer break in between, we obviously repost the property and then also complied with the new maintenance requirements.

CHAIRPERSON HEATH: Okay. All right. That makes sense.

Well, given that you've posted and you're just updating postings to reflect changes in the hearing dates and the changes in the regulations, I would be amenable to waiving the posting requirement.

MS. BUTANI-D'SOUZA: I'm comfortable with that too.

CHAIRPERSON HEATH: All right. So the Board is willing to waive that.

All right. Yeah. Yeah. I think you know, we've reviewed your application and we understand what you're doing here, but if you could just give a quick summary, a two-minute presentation if that's possible? Just, I know you submitted your PowerPoint

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as well, which we greatly appreciate. Thank you for doing that. But if you could just walk us through the highlights, that would be great.

MS. MOLDENHAUER: Sure. We'll try to just jump to that, to the main points. So the property is located in an M-U Zone. I think one of the more important aspects of this is the proximity to transit, .08 miles from the Shaw Metro Center. You can see in this image you have the proximity to the Shaw Metro, and then also you have local bike share stations in close proximity as well to the site.

At this point I'll turn it over to Matt Stevenson to just simply kind of go very briefly through some of the historic aspects and the elements which obviously modify the design from our initial filing to our current filing.

MR. STEVENSON: Sure. Thank you, Meredith.

The block that this is on is a fairly complete historic block along the storefront. It's kind of bookended on at least this one end with the larger three-story building, but it's got a fairly continuous two-story historic character along it. A lot of the work that we've been doing with Historic Preservation is how to add on top of that, make this project essentially invisible from the street, the

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piece that we're trying to add on.

The character of the neighborhood as you get away from this block, the density of the buildings increases. There's also a pretty large variation in style, so you do have -- can we go to the next slide? You have the Shaw Library, which is a very modern building, very close. Almost, you know, catty-corner across Rhode Island Avenue from there.

There's also a bunch of new construction that's going up farther up 7th Street. So it's a pretty varied neighborhood. There's a lot of diversity as far as scale and styles of buildings, but the block itself that this project is on is pretty harmonious in a, you know, two-story historic language that extends most of the distance of the block. Except for the 7-Eleven on the one end.

And there's a new building that's under construction right now as well.

So this is the existing façade of -- originally this was three separate buildings. Our design is basically to take the second floor elements that are historic, keep those, restore them. You know, they're historic contributing components of this project. And then return the first floor which the current design is not really historic in any way.

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We want to return it to a three-bay configuration that would be more in line with what would traditionally have been the layout of that façade. And you can see on this slide sort of what one of those bays would look like.

[Discussion off the record.]

MR. STEVENSON: We can run through the plans real quick.

MR. TURNBULL: Can I just interrupt you for one minute?

MR. STEVENSON: Sure.

MR. TURNBULL: You mentioned you had been talking with Historic Preservation. Is there any -- I'm looking. Were there any documents that came from them to us? Have you copied us with anything?

MS. MOLDENHAUER: Yes. We provided in our prehearing statement, Exhibit C. So it was, let's see here --

MR. TURNBULL: Forty-eight?

MS. MOLDENHAUER: Forty-eight C. It was the final letter from HPO staff saying that they had conducted a final flag test, and that at that point in time they were now referring everything to staff level and that the HPRB Board had then approved it. So, again that's 48C that we had included in the

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record.

MR. TURNBULL: Thank you.

MR. STEVENSON: So in the set in the PowerPoint here, we have the initial plan and then we have the modifications that we made after working with the staff at HP. And you can see if you look at the initial plan versus the proposed plan now, there are significant setbacks that we've added, just the density of the addition has gone down. We were at -- where were we at previously? Twenty-two feet from the front. And we moved that to 31 feet.

And then if we go up to the penthouse. You know, originally we were proposing this relatively large penthouse and that has been drastically reduced to setback from the street, 54 feet, two inches, now. So the density of the project has really gotten pushed back off of the street, stepped back from the sides to really limit the impact of anything that we're adding on and how it's going to affect that historic character of the street frontage there.

We'll look at this section. I think this section is a good drawing that really explains how the sightlines work. Even from the other side of 7th Street, everything is within that sightline. It also shows how working with Historic has really pushed the

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density of this building towards the back of the property to have less of an impact on the historic façade there.

Okay, yeah. I mean, that's pretty much the quick rundown two-minute version.

MS. MOLDENHAUER: So then obviously all of under the new Zoning Regulations, all of the requested reliefs are special exceptions. We have worked diligently with the ANC and we have a lot of support from the ANC in Exhibit 36. We've also worked with the Central Shaw Neighborhood Association who have representatives here today to speak in regards to the project and in support of their letter which is attached, actually twice in the record. Once at Exhibit 28C and then once at Exhibit 29.

We also have letters of support from neighboring property owners at 28D. I can walk through the harmony, but with OP's support I think I'll rest on the record at this point in time.

CHAIRPERSON HEATH: Okay. And you're accepting the conditions from both DDOT and Office of Planning. Have you agreed to those?

MS. MOLDENHAUER: Yes. So, let me just all go to the condition page. For Exhibit 33 on our PowerPoint the applicant will work with DDOT to

locate six short-term bike spaces within public space. The plans show four long-term bicycle spaces for the retail employment. We have copies of those revised plans. I believe that the PowerPoint did not include an enlarged retail bicycle parking component. And then that shower and changing facilities with lockers will be located in the retail spaces per tenant improvements if needed.

CHAIRPERSON HEATH: Okay. All right.

MS. BUTANI-D'SOUZA: I have just one quick question, I'm just curious. What's the retail plan for this development?

MR. GRODSKY: We don't have a specific tenant identified yet, but it would be -- or it could be a food use. It could be a gym. There's a lot of possibilities. But we don't -- it's too early. We don't really know what we have to lease at this point. But once we get a little further along we'll start trying to identify retail tenants.

MS. BUTANI-D'SOUZA: I think a gym would be a great use here.

MR. GRODSKY: It will be for the neighborhood use.

CHAIRPERSON HEATH: She's speaking as a neighbor. All right. Okay.

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Any other questions from the Board? All right. Then with that we'll turn to Office of Planning.

MR. MORDFIN: Good afternoon. I'm Steven Mordfin and the Office of Planning recommends approval of the special exceptions requested for this application and that it's in compliance with the criteria necessary for each of the individual special exceptions requested.

CHAIRPERSON HEATH: Okay. All right. Does the Board have any questions of Office of Planning? Does the applicant have any questions of Office of Planning?

MS. MOLDENHAUER: No question. Thank you.

MS. BUTANI-D'SOUZA: I do have one question. I think there was something in the conditions that OZ noted that one of the conditions from OP is that the applicant review its loading plans with DDOT. Did you review your loading plans with DDOT already?

MS. MOLDENHAUER: We will continue to work with DDOT, both with the bicycle parking in public space -- the bicycle space in public space, as well as our loading.

MS. BUTANI-D'SOUZA: Okay. So we'll just make sure that that's reflected in the way the

conditions are worded.

Where do you show the showers and changing facilities?

MS. MOLDENHAUER: We don't currently show the showers and changing facilities. They would be part of the retail space that would then be leased and would be part of a tenant buildout. So the tenant would then determine during their tenant improvement, where they would want to locate those and if those would be necessary based on their specific use.

As Mr. Grodsky indicated, if it's a gym then they'll have, you know, facilities based on a gym or things to that affect. If it's a restaurant then they may have different facilities. We don't want to obviously limit that as part of the plans now, so that's why our condition indicated that that would be part of the retail space, tenant improvement as needed.

CHAIRPERSON HEATH: Okay. The condition as I see it doesn't say, as needed. But it makes it -- it states it as though it's a requirement. So just because that was a condition for both Office of Planning and DDOT --

MS. BUTANI-D'SOUZA: How do you intend on doing that? Presumably you're going to have to

roughen the plumbing before you have a tenant.

MR. GRODSKY: I think that if we don't have something like a gym tenant, where there would already be showers built into the plan, we'll probably do a shower room in the basement that's accessible to all of the retail tenants. So I think that's probably the most logical way that we would handle that.

MS. BUTANI-D'SOUZA: I'm wondering whether something like that would be easy enough to show in the plans and if that would be necessary.

MR. STEVENSON: If I could speak on that for a second? I would say absolutely. I mean, if it would sort of appease everyone we can show a shower room down there and then depending on what tenant ends up finally getting in there, if that requires, you know, a whole set of locker rooms then we can update the plans to show that.

MS. MOLDENHAUER: I think the plans right now, I mean, I don't know if we need to actually modify the plans. Obviously if the record is full we'd like to move forward and then just allow the applicant the flexibility to, as I said, provide shower rooms as the tenant requires. So if the tenant is requiring shower rooms in their own space

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then obviously that would satisfy the condition.

If the shower rooms are not provided in their own space, such as it's not going to be a locker room, then we would be providing it in part of the common space, and then that retail space would be modified.

MS. BUTANI-D'SOUZA: I think that's acceptable as long as the condition notes that it will be there even if the tenant doesn't specifically require shower space. I'm comfortable with that.

CHAIRPERSON HEATH: Okay. Is Office of Planning comfortable with that?

MR. MORDFIN: Yes, because it provides --

CHAIRPERSON HEATH: Okay.

MR. MORDFIN: -- shower space for the employees.

CHAIRPERSON HEATH: Perfect. Okay. All right.

Okay. Then let's see. So we do have your letter of support from ANC 6E, and the letter of no objection with the conditions that we've talked about from the Department of Transportation.

We also -- is anybody here from 6E on this application? All right. We also have the letters of support that you mentioned from the Central Shaw

Neighborhood Association, and from adjacent property owners. But we'd love to hear from anybody who is here wishing to speak in support.

MR. PETERS: Hello. My name is Brian Peters. I serve currently as president of the Central Shaw Neighborhood Association, which is an organization that comprises four blocks, including the block of this proposed development. We are about 70 members and have had extensive discussions with the developer and their team.

As you can see from our letter of support they came and met with association members on two separate occasions. And intervening those two meetings we sought additional plans and additional information, and the developer, Mr. Grodsky, engaged with the community, had extensive communication, heard concerns, and we worked on essentially a 12-clause agreement that was part of a motion that the Association passed with 20 members present, unanimously.

And I would say that many of the members present at both of those meetings were immediately affected neighbors. There was a slide up earlier that showed the block itself. And I think to the north along Rhode Island Avenue, immediately behind

the property, we had four households. And then across the alley, where I also live, we had five households present.

So the vast majority of the block of the residential neighbors to the west and to the northwest, were all there and have been a part of these extensive conversations. And I must say, having dealt with all kinds of developers, retail and otherwise, I haven't quite seen a level of engagement and responsiveness from any developer like this. So they should be commended for all of the efforts they made and it would be a great model for a lot of other developers in the neighborhood as well.

CHAIRPERSON HEATH: Thank you. All right. Board, any questions for this representative? Anyone else here wishing to speak in support of this application?

Anyone wishing to speak in opposition to this application? No opposition? All right.

Then, thank you, and we'll turn back to the applicant for any closing you want to make.

MS. MOLDENHAUER: We rest on the record. The only thing that we would want to modify would be, I believe Commissioner Turnbull is aware, there is currently pending potential modification to the

current language that would restrict any modifications or changes from the plans. Out of an abundance of caution we have written some requested areas of flexibility as the applicant continues to work with HPO staff and as they refine any of the elements of the project and making sure that we would not have to come back here for a modification of convenience. I forgot the terminology. Consequence.

CHAIRPERSON HEATH: Consequence.

MS. MOLDENHAUER: Consequence. The new language. Exactly.

CHAIRPERSON HEATH: Uh-huh.

MS. MOLDENHAUER: Thank you. And so we've proposed four requests of flexibility. We have them printed out. I can read them in the record or I can just provide them to Mr. Moy for the Board to consider.

CHAIRPERSON HEATH: If you could get us those, that would be great.

MS. BUTANI-D'SOUZA: You can read them in the meantime.

MS. MOLDENHAUER: Sure. One is interior partition locations, number, size, and location of units and stairs and elevators are preliminary and show for illustrative purposes only, final layout and

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design. Interior plans may vary so long as zoning relief is not increased or affected. Two flexibilities requested to make refinements to parking, bicycle configurations, including layouts along as the required bicycle and parking comply with the size and location and access maintenance and operational requirements of DCMR 11. Flexibility is requested to vary the final selection of exterior materials with color ranging and general material types proposed pursuant to Historical Preservation Office staff approval, and based on the availability that time and construction without reducing the quality of materials for flexibility is requested to make minor refinement to exterior materials and dimensions including belt courses, sills, bases, choruses, railings, and trim locations, window locations, size and shape, or any other changes to comply with Historic Preservation office staff approval, or otherwise necessary to obtain building permits.

MS. BUTANI-D'SOUZA: All right. I'm comfortable with all of these.

CHAIRPERSON HEATH: Yes. I am too.

MR. TURNBULL: Yeah, the only thing is that when we talk about under 3, final selection of

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exterior materials within the color ranges of. So it's the same material, you're just looking for a deviation of color within -- not changing materials.

MS. MOLDENHAUER: That would be anything pursuant to HPRB approval, since this is obviously not a PUD we are simply saying, as approved by HPRB staff.

MR. TURNBULL: Okay. Only by HPO. Okay.

CHAIRPERSON HEATH: Yeah, given that it's HPO, I'm fine with this. All right. So we'll accept these conditions.

MS. GLAZER: Madam Chair. I'm sorry. Does the Board usually add something, just a statement that says provided that no additional relief is required?

CHAIRPERSON HEATH: I think that --

MS. GLAZER: Is it in there?

CHAIRPERSON HEATH: On Number 1 --

MS. GLAZER: It says so --

CHAIRPERSON HEATH: -- that would be the main thing.

MS. GLAZER: Okay.

CHAIRPERSON HEATH: That could affect the --

MS. GLAZER: But is that for the rest of -- does that apply to the rest?

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CHAIRPERSON HEATH: I think materiality I wouldn't --

MS. MOLDENHAUER: Materials wouldn't change any areas of relief.

CHAIRPERSON HEATH: Right.

MS. BUTANI-D'SOUZA: We could just make that, out of an abundance of caution, we can make that --

MS. GLAZER: Just make it a general statement. That's all right.

MS. BUTANI-D'SOUZA: Perhaps in the preamble there.

CHAIRPERSON HEATH: All right.

MS. MOLDENHAUER: Hopefully the Zoning Commission will provide more flexibility to the Zoning Administrator and this won't be required in the future.

CHAIRPERSON HEATH: We'll see. Okay. So we'll just add that statement so long as zoning relief is not increased or affected, to the preamble, and we can accept these. All right.

Any other comments from the Board?

MR. TURNBULL: I want to make sure we note that this drawing A19 is referenced in the documents as part of the order.

The only other thing is that in the language

that we put in the order, since we're not getting any kind of a plan on the shower and changing facility with lockers for use for all retail tenants, I think this had to be carefully noted in the order and I would say that it would be a condition prior to the issuance of a CO. I think the Zoning Administrator, I mean, that's -- I think this is significant since we're dealing with this nebulous space that it should be reference very carefully that it's going to be provided.

CHAIRPERSON HEATH: Okay.

MS. BUTANI-D'SOUZA: Yes, I would tend to agree.

CHAIRPERSON HEATH: All right.

MS. BUTANI-D'SOUZA: Does the Office of Zoning need us to specify further what the language would be or is that sufficient to draft the condition?

MS. GLAZER: OAG can work with staff. I'm sure they can handle it.

MS. BUTANI-D'SOUZA: Great.

CHAIRPERSON HEATH: All right. Do you want to make a motion?

MS. BUTANI-D'SOUZA: Sure. I would just like to say that I enthusiastically support this project.

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Obviously I'm very familiar with the block. I think this is thoughtfully designed and it brings, you know, a much needed amenity to this block in the form of eyes on the street. As we know there's a, you know, a Metro stop that's right there. There is a bus stop at 7th and P and there is a tendency for there to be some crime between sort of 7th and P and 8th and S. So I think filling in the retail in this manner, which brings eyes on the street in the form of the window bays that you're proposing is really fantastic.

And so, you know, I think this is a wonderful project and appreciate your efforts to work with the community on it. So if it's not clear, I am enthusiastically in support of this. And I would make a motion to approve the request for special exceptions as noted in the advertised relief.

CHAIRPERSON HEATH: All right. With the conditions that --

MS. BUTANI-D'SOUZA: With the conditions that we've discussed here and that are recommended by, I believe it was the Office of Planning.

CHAIRPERSON HEATH: And DDOT.

MS. BUTANI-D'SOUZA: And DDOT.

CHAIRPERSON HEATH: All right. Second. So

the motion has been made and seconded.

[Vote taken.]

CHAIRPERSON HEATH: The motion carries.

Thank you.

MS. MOLDENHAUER: And we'd ask that you waive your requirements for a summary order.

MR. MOY: Staff would, for the record, record the vote as four -- as rather, three to zero to two. This is on the motion of Vice Chair Butani. Also in support, Chair Heath. The voting in support of the motion, Mr. Turnbull, two members not participating today. So the motion carries, Madam Chair, and I believe you said it's a summary order.

CHAIRPERSON HEATH: I did.

MR. MOY: And of course, these with the conditions.

CHAIRPERSON HEATH: Perfect. Thank you. You can call our next case.

MR. MOY: That would be Application No. 19277. This is of Orpel Tucker, in parens, Sanders, as advertised. This, Madam Chair, was amended for special exceptions from the off-street parking requirements of Subtitle C, Section 703, and the daytime care requirements of Subtitle U, Section 203.1, Sub G. This would operate a child development

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center for 30 children and 14 staff in the R-1-B Zone, 3302, 18th Street Northeast, Square 4143, Lot 800.

CHAIRPERSON HEATH: All right. Good afternoon. Would you all please introduce yourselves?

MR. SHERMAN: Good afternoon, William Sherman, counsel for the applicant. I'm with the firm of Dinsmore and Shole (phonetic).

CHAIRPERSON HEATH: Make sure your mic is on.

MS. TUCKER: Good morning. I'm Orpel Tucker, the owner of Woodridge Daycare Center.

CHAIRPERSON HEATH: Okay. All right. So you all have us busy this afternoon with several applications. So we'll start with the first. There is some messiness with the documents that have been submitted and I think on this one, one of the things that I noticed was some inconsistencies with Office of Planning's report.

So, we'll ask some questions about that. But can you just clarify for us, the relief that's being asked? Sure.

MR. SHERMAN: Let me make sure I understand which application we're talking about.

CHAIRPERSON HEATH: Sure. So, 18th Street.

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MR. SHERMAN: Okay. As far as 18th Street is concerned, I believe that the application requests special exception to the parking requirement. The requirement is that there be two spaces. What has happened on 18th Street is that there have recently been posted, no parking signs. And that creates a couple of issues for the center.

The larger, I think, is the drop-off and pick-up. And we were just recently made aware of the nonapproval of the plan that was submitted to DDOT. And so there's a requirement that we work with DDOT to acquire signage that would indicate the times for drop-off and the times for pick-up to allow that to occur in the area where obviously there's no parking during any other time.

And so our request, and I think we've discussed this, is to be allowed to work with DDOT and we believe that we can get that accomplished for the school type signage required for the drop-off and pick-up.

CHAIRPERSON HEATH: Okay. So that would occur on 18th Street?

MR. SHERMAN: Yes.

CHAIRPERSON HEATH: In front of the property?

MR. SHERMAN: Yes. There's no alley and so

we can't redirect the drop-off and pick-up to the rear.

CHAIRPERSON HEATH: All right. So you would still need the relief for the parking.

MR. SHERMAN: Yes.

CHAIRPERSON HEATH: Because you're not providing any parking spaces here, correct?

MR. SHERMAN: That's correct.

CHAIRPERSON HEATH: And you would work with DDOT on the drop-off and pick-up lane. Okay. Okay.

Yeah, I think just to clarify, based on what I saw in Office of Planning's report, they were saying that you just hadn't addressed the off-street parking requirement yet.

MR. SHERMAN: It had been addressed, and it may have gotten lost in the shuffle.

CHAIRPERSON HEATH: Okay.

MR. SHERMAN: We did submit in July, a plan and I think as a result of submission of the plan what has been suggested is to work with DDOT to get the appropriate signage so the drop-off and pick-up can occur in front of the facility.

CHAIRPERSON HEATH: Okay. All right. Now, there have been some other letters posted into the file from neighbors who are in opposition to this.

And a lot of their issues have to do with lack of maintenance of the property, water, pooling, and as a result, mosquitoes. So standing water, mosquitos, overgrowth of weeds, they've said there's poison ivy in the yard, that the roof structure is dilapidated, and that there are trash issues. Did you see these letters? Is there actually two of them?

MR. SHERMAN: We knew that there were two letters. We did not get an opportunity to review exactly what those complaints were. We thought that they were more related to the parking issue. However, there is a -- well, there is an issue with the front yard on one of the other facilities, which I think we'll get to later.

CHAIRPERSON HEATH: Yeah, let's keep them separate.

MR. SHERMAN: The only reason I mention that is because the applicant is in contact with a landscaper who could address some of the issues that you approach -- excuse me, that you mentioned for this application.

CHAIRPERSON HEATH: Okay. There hasn't been a plan yet to do any landscaping work at this site?

MR. SHERMAN: There has not been any plan submitted or uploaded that -- for your consideration.

But that can certainly be done.

CHAIRPERSON HEATH: Uh-huh. Agree. What about any other maintenance work being done to the building itself, the roof or windows?

MR. SHERMAN: The applicant is indicating that the roof has been fixed, and we can submit and upload the proof of that, hopefully to the Board's satisfaction.

MS. BUTANI-D'SOUZA: Yeah, I think some pictures would be helpful if you have before and after pictures even, that would be -- I'm sure your contractor has those.

CHAIRPERSON HEATH: And a receipt from your contractor or some invoice showing that they've done the work. We'll definitely want to see --

MS. BUTANI-D'SOUZA: A plan for trash.

CHAIRPERSON HEATH: A plan for landscape and for trash; how you're dealing with trash at the site.

MS. BUTANI-D'SOUZA: And I think it's, if I'm recalling the pictures correctly, I think it's an issue of both where the dumpsters are located and trash pickup around the property, and the lack of, I think there is some bald spots, heavy compaction of soil in those areas which creates, potentially create mud and further standing water issues.

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So I think what we're asking for is for you to actually look at these issues in depth, and there may need to be some construction work done to address and alleviate some of the concerns of your neighbors. I think we may -- maybe helpful to hear from the Office of Planning on whether they have any recommendations on -- I think one of the items we're supposed to consider is whether any special treatment is needed in the way of design, screening, and buildings, planting, and so forth. So it will be helpful to hear from the Office of Planning if they have any thoughts on that.

CHAIRPERSON HEATH: One of the other things that would be helpful for you is once you have either done the work or have plans in place to do the work, if you could reach out to your neighbors, who have expressed concerns about the current condition to let them know what you're doing. If we can get a letter from them just saying that they've met with you, they know that you are -- either you've handled their concerns or addressed them, or that you will, that would be helpful as well.

MS. BUTANI-D'SOUZA: Especially since there's no report from ANC 5B. It would be very helpful to have some indication of your neighbors being

satisfied, at least as a proxy for the ANC if they don't intend on weighing in on this.

CHAIRPERSON HEATH: Have you met with the ANC?

MS. TUCKER: Not in Ward 5, but in other wards. Can I speak for a minute?

In that area, actually the property here, 1830 -- I mean, 3302 and the next property next to it, all of them was owned by my parents, my grandparents. And we have a trashcan here and that's where the problem lies, in that as far as that trashcan issue. But we got a letter of support in the area from everybody in the area. No one said nothing to me.

CHAIRPERSON HEATH: Well, we -- you have --

MS. TUCKER: I mean --

CHAIRPERSON HEATH: -- a petition --

MS. TUCKER: Okay.

CHAIRPERSON HEATH: -- that people have signed. But we also received letters from people who expressed concerns.

MS. TUCKER: Oh, okay.

CHAIRPERSON HEATH: So, I think it's important that you look at those letters so you understand their concerns.

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MS. TUCKER: Okay.

CHAIRPERSON HEATH: And --

MS. TUCKER: And I'll address them.

CHAIRPERSON HEATH: Right.

MS. TUCKER: Okay.

CHAIRPERSON HEATH: So the things that we've just talked about today are a lot of the concerns that they've raised.

MS. TUCKER: Okay. All right.

MR. TURNBULL: It looks like it's the property, 3304.

MS. TUCKER: Just that property there actually -- I knew it was next -- that's right next to me. The guy next to me. Actually, that property was owned by our parents and what happened is, we have a driveway right there, and that's where the problem lies in that. That driveway is right there. I try to keep the piece down. I own half and he own half of the property. And so the trashcan, we pull it over to our side of the property. But what goes on -- I don't want to fight or nothing with him. So we don't park there. That driveway is supposed to be a shared thing because that property going all the way down 18th Street, my great granddaddy was the architect and he built all this stuff up here.

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So when my aunt sold that property this is where the problem come in. So I talked to him next door and everything, but what I don't do, we don't put the trash can on his side. So that's where that -- that's where the lie -- that's where the problem come in at, ma'am.

MS. BUTANI-D'SOUZA: I think you should definitely take a look at the letters that were submitted to the record. And I'm sure your counsel can help you pull those down from the web, because I think their concerns are certainly with regard to trash. But there are broader concerns as well regarding the mosquitos, landscaping, and the roofing.

MS. TUCKER: Okay. Thank you.

CHAIRPERSON HEATH: All right. Any other questions from the Board? Okay. All right. So, you've got some work to do on this one.

MR. SHERMAN: Yes.

CHAIRPERSON HEATH: Before we're going to be ready to proceed. We have Office of Planning here and so while you're here, if you have any additional comments you'd like to add, we can hear from you now.

MR. MORDFIN: Yes. Steven Mordfin. And the Office of Planning does support the idea of a

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landscape plan. And also included in that plan then should be screening for the dumpsters.

CHAIRPERSON HEATH: Uh-huh.

MR. MORDFIN: Be that landscaping or be it a fence. But it should be to visually, visually block the dumpsters from the street. And from the adjoining properties.

CHAIRPERSON HEATH: Sure.

MR. MORDFIN: So we support that and I think that would address the issues of the standing water, the trash, and the landscaping on the property.

The Board did mention an inconsistency and there is an error in the report under special exception review standards on page 3, where I indicated that the applicant needs to identify suitable outdoor play location. There is a suitable outdoor play location. That's an error.

CHAIRPERSON HEATH: Okay.

MR. MORDFIN: And so I would like to correct that.

CHAIRPERSON HEATH: Okay. All right. Okay.

MS. BUTANI-D'SOUZA: Burroughs Elementary School has an excellent playground.

CHAIRPERSON HEATH: All right. Okay. So I would also encourage you to continue your work with

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Office of Planning as you develop your landscape plan and the plan for screening trash. Thank you, Mr. Mordfin.

MR. SHERMAN: Thank you.

MS. TUCKER: Thank you so much.

CHAIRPERSON HEATH: Any other? Okay. So we're going to put this on for a later date. And, Mr. Moy.

MR. MOY: Okay. Madam Chair, here again Mr. Turnbull is back on November 2nd.

CHAIRPERSON HEATH: Okay.

MR. MOY: But if you want it sooner than that then I have to pick another date in October.

MR. SHERMAN: I think November timeframe would be sufficient for us to get these items addressed.

CHAIRPERSON HEATH: Okay. I would also say that given that we're talking about November, that gives you the month of October to try to meet with the ANC. So if you could reach out to them to get on their calendar for their next meeting, that would be helpful.

MR. MOY: Would the Chair care to set a deadline for these supplemental information, because I'm assuming this also will involve a revised site

plan and landscape plan, given what the Board is requesting.

CHAIRPERSON HEATH: Sure. I'll let the Vice Chair --

MS. BUTANI-D'SOUZA: I think it would be helpful given that we're going to have to have a member of the Board read into the record to receive this information at least a week before the hearing to give them an opportunity to read into the record and --

MR. MOY: Okay. With that, then, the deadline for submission, sir, would be, let's say Wednesday, October 26th.

MR. SHERMAN: October 26th is fine.

MR. MOY: Thank you.

MS. BUTANI-D'SOUZA: And just to be clear, we're looking for landscaping plans to address the issues related to mosquitoes and standing water, plans showing as OP has suggested, some screening for the dumpster area, and perhaps also addressing some of the compaction issues there, perhaps with some paving or other kind of pavers or something of that nature, evidence of roof repairs that have taken place, or any window repairs that have taken place, an indication from your neighbors that they have

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reviewed your updated plans and are comfortable with them, and if you're able to speak with the ANC and get some input from them we would of course appreciate that.

Did I miss anything in the additional? Okay. That's it.

CHAIRPERSON HEATH: All right. Thank you.

MS. BUTANI-D'SOUZA: And you said you were going to continue to work with DDOT on the signage. So if you could present any information regarding drop-off and pick-up and how that issue has been resolved.

MR. SHERMAN: Will do.

CHAIRPERSON HEATH: Okay. All right. I'm going to have you remain seated and we'll call the next application.

MR. MOY: Okay. This would be --

CHAIRPERSON HEATH: 19278?

MR. MOY: Yes. Application No. 19278. And let me just read this. As amended, request for special exception relief from the off-street parking requirements of Subtitle C, Section 703, and the daytime care requirements of Subtitle U, Section 203.1 Sub G, to operate a child development center for 28 children and 14 staff in the R-F-1 Zone, 424

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Irving Street Northwest, Square 3050, Lot 138.

CHAIRPERSON HEATH: All right. For the record we'll have you introduce yourselves again.

MR. SHERMAN: Again, William Sherman, counsel on behalf of the applicant with the firm of Dinsmore and Shole.

MS. TUCKER: Orpel Tucker on behalf of the Woodridge Daycare, the owner.

CHAIRPERSON HEATH: All right. And I'm going to have you start again by just clarifying the relief that you need for this application as well.

MR. SHERMAN: It's my understanding that for the Irving Street location that we are requesting a special exception for parking, and that there is a need to demonstrate in compliance with the operation of the child care center, a safety, or a safe play area.

I think the Board is aware that the current play area is planned for future construction, and that therefore there is a requirement that the children who are using the Urban Street location, that currently use Bruce Monroe Park be provided with alternative play area. And the applicant has located two alternative play areas. This information again has not been provided to the Board.

The applicant has located two alternative play areas. One would be Parkview School, which is located at 693 Otis Place Northwest, and/or KDP Recreation Center located at Emerson and Georgia Avenue Northwest.

CHAIRPERSON HEATH: Okay. All right.

MS. GLAZER: Madam Chair, just preliminarily, I don't know if the Board addressed this that -- I think the Board needs clarification about how many spaces are required and what the relief is. The applicant said that parking relief is being sought but he didn't state what the requirement was, or how many spaces are being provided.

CHAIRPERSON HEATH: Sure. Thank you. If you could add that as well.

MR. SHERMAN: Okay. So we are -- two spaces are required and we're requesting relief of not requiring two spaces, I guess. The special exception for two spaces.

CHAIRPERSON HEATH: Okay. So, all right.

MS. GLAZER: And DDOT, however, says that one space is -- that relief is being sought only from one space, so I think the review was predicated upon that.

MR. SHERMAN: I think that's correct.

CHAIRPERSON HEATH: Yeah, they do say from one space.

MR. SHERMAN: Yes, there is a parking space in the rear of the Irving Street, and therefore the relief being sought is for one space.

CHAIRPERSON HEATH: Okay. All right.

MR. SHERMAN: Thank you.

CHAIRPERSON HEATH: And the -- you've worked with DDOT on these conditions?

MR. SHERMAN: Yes. DDOT is aware and I think in the report --

CHAIRPERSON HEATH: They state a number of conditions that mostly pertain to pick-up and drop-off.

MR. SHERMAN: Yes.

CHAIRPERSON HEATH: In the alley.

MS. BUTANI-D'SOUZA: Is this the report where the conditions are repeated between 278 and 292?

CHAIRPERSON HEATH: They might be, but this report is for -- it says it's for 278.

MS. BUTANI-D'SOUZA: Okay. So the conditions that they've described regarding the pick-up and drop-off through the alley, that pertains to this property for sure. So it doesn't pertain to the other property. Okay. Got it.

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All right. And so you've agreed to all of the requirements stipulated here, that you'll provide staff at the back to make sure that people are clear with how to pick-up and drop-off, that you'll provide information to all clients about this.

And it does look like there's an embedded condition in ANC 1A's resolution. ANC 1A's resolution states that the applicant has also agreed to identify off-site parking for parents to use during pick-up and drop-off hours for the 424 Irving Street Northwest location.

Can you describe what you're intending to do there?

MS. TUCKER: Off-site parking is upon the corner, and what we do, the staff member at 7:00 we come up, we come out, and we get the kids and we bring them so the parent can keep going two to -- I mean, two to three minutes where it's no traffic for the safety purpose. So the off-site parking is upon -- that's Water Street up on the corner and we have staff members there and we bring the kids down and take them into the building ma'am.

MS. BUTANI-D'SOUZA: Okay. So it's sort of a temporary, like a kiss-n-ride kind of thing.

MS. TUCKER: Right. Uh-huh.

MS. BUTANI-D'SOUZA: Okay. Got it. Should we be adding that in as a condition? It's sort of an embedded in one of the whereas-is for the ANC that they had agreed. It's the same ANC for this one and the next one.

CHAIRPERSON HEATH: Will you continue that with the pick-up and drop-off in the alley?

MS. TUCKER: Yes, ma'am.

CHAIRPERSON HEATH: Okay.

MS. TUCKER: Yes.

CHAIRPERSON HEATH: So we can --

MS. BUTANI-D'SOUZA: Why don't we add that in there as a condition as well.

CHAIRPERSON HEATH: All right. Okay. Okay. Go ahead.

MS. BUTANI-D'SOUZA: I am sure we're going to get into this with the Office of Planning, but the Office of Planning had a condition that you identify a location where the children will play while Bruce Monroe is under construction. Have you put any thought into that?

MS. TUCKER: Yes. We going to use -- we're going to use the two -- Parkview, we're going to use their -- uh-huh.

MR. SHERMAN: Parkview School on 693 Otis

Place Northwest and/or KDP Recreation Center located at Emerson and Georgia Avenue Northwest.

MS. TUCKER: And we'll use transportation to take them there during the hours that they're supposed to play. We have transportation to carry them there and also to bring them back.

MS. BUTANI-D'SOUZA: Okay. Terrific.

CHAIRPERSON HEATH: Okay. All right. Any other questions from the Board?

All right. Then if you're okay with us proceeding on we do have some questions for Office of Planning.

MR. SHERMAN: Yes, please.

CHAIRPERSON HEATH: Did you have anything you'd like to state before we get into questions?

MR. MORDFIN: Office of Planning does support this application and supports either of the two locations or both of those locations for off-site play for the time period when Parkman Road is under construction.

CHAIRPERSON HEATH: Questions? Oh, okay. Oh, okay. So we don't have any questions for you.

MR. MORDFIN: Thank you.

CHAIRPERSON HEATH: I thought we did. All right. Okay. All right. Thank you.

All right. So we do have the letter recommending approval with that embedded condition that the Vice Chair stated from ANC 1A. Is there anybody here from ANC 1A on this application? Looks like no. All right.

And then we've talked about DDOT's report and their conditions that you've accepted. We also have the letter recommending approval from OSSE. Thank you for getting that. Is there anyone here wishing to speak in support of this application? No support?

Anyone wishing to speak in opposition to this application? All right.

Then we'll turn back to the applicant if there's anything you'd like to say in closing.

MR. SHERMAN: Only that as already has been stated that the applicant accepts the conditions and will comply and will continue to comply.

CHAIRPERSON HEATH: Okay. All right. All right. Is the Board ready to deliberate on this?

MS. BUTANI-D'SOUZA: Yes.

CHAIRPERSON HEATH: All right. I think that, you know, with our questions being answered this application is fairly straight forward and you've addressed the parking and pick-up and drop-off concerns that the Board had. So I would make a

motion that we accept this request for special exceptions to operate a child care development center for 28 children and 14 staff at 424 Irving Street Northwest.

MS. BUTANI-D'SOUZA: Second.

CHAIRPERSON HEATH: The motion has been made --

MS. BUTANI-D'SOUZA: With the conditions.

CHAIRPERSON HEATH: -- with the conditions as proposed.

So the motion has been made and seconded.

MR. MOY: Sorry to interrupt. So the drop-off and pick-up lane is going to be a narrative?

CHAIRPERSON HEATH: That's right.

MR. MOY: Is that shown on the plans or anything, or --

CHAIRPERSON HEATH: It's not a -- I don't know that it's a lane. It's in the alley.

MR. MOY: In the alley. Okay.

CHAIRPERSON HEATH: And that's a condition in DDOT's report.

MR. MOY: Okay. Good, so we can make that clear in the order. All right.

CHAIRPERSON HEATH: Yes.

MS. BUTANI-D'SOUZA: And the conditions, the

condition embedded in the ANC report.

MR. TURNBULL: It's Exhibit 48.

MR. SHERMAN: Thank you.

CHAIRPERSON HEATH: All right.

[Vote taken.]

CHAIRPERSON HEATH: So the motion carries.

MR. MOY: Staff would record the vote as three to zero to two. This is on the motion of Chairperson Heath to approve the application for the relief requested, as well as the conditions as cited. Seconding the motion, Vice Chair Butani. Also in support, Mr. Turnbull. Two members not participating with us today, Madam Chair.

CHAIRPERSON HEATH: Okay. All right.

Summary.

MR. MOY: Thank you.

CHAIRPERSON HEATH: All right. And you all can stay seated. We'll call the next application.

MR. MOY: That would be Application No. 19293 of Orpel Tucker, as amended for special exception relief from the off-street parking requirements of Subtitle C, Section 703, and the daytime care requirements of Subtitle U, Section 203.1, Sub G, to operate a child development center for 28 children and 14 staff in the R-F-1 Zone, 629 Columbia Road

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Northwest, Square 3052, Lot 150.

CHAIRPERSON HEATH: All right. If you could introduce yourself again.

MR. SHERMAN: Again, for the record --

CHAIRPERSON HEATH: You know the drill.

MR. SHERMAN: For the record, William Sherman, counsel for the applicant from the firm of Dinsmore and Shole.

MS. TUCKER: Orpel Tucker, applicant of Woodridge Daycare Center, owner.

CHAIRPERSON HEATH: Okay. All right. So, this one is a little messier than the last. I think one of the -- you've seen Office of Planning's report and I assume you've met with them so you understand they're still looking for additional information. And I believe this was the property where there were similar issues. Is this where you were --

MR. SHERMAN: Yes, this is where I was going in the last one.

CHAIRPERSON HEATH: Okay. With the landscape plan?

MR. SHERMAN: Yeah, one of the conditions certainly is to do some landscaping in the front. There is a ramp and it's arguably, and I tend to agree, it doesn't blend in very well with the

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aesthetics of the neighborhood.

CHAIRPERSON HEATH: Uh-huh.

MR. SHERMAN: And so it has been requested that certain landscaping be done to obscure the site of the ramp which is on the front of the house. We certainly agreed to that condition and will submit a plan demonstrating what those corrections can be and what those corrections the applicant intends to make for that condition.

Secondly, I think there is a request for an exception for one space, one parking space, as there is a parking space in the rear but the property requires two, or the use requires two. And then lastly whether the Board knows it or not, the Columbia Road and Irving Street locations are fairly close together. And so the children of the Columbia Road facility were also using Bruce Monroe Park, which is scheduled for construction and would not be available.

And during that time again, the applicant has identified two alternative play areas. One being Parkview School, located at 693 Otis Place Northwest, and KDP Recreation Center located at Emerson and Georgia Avenue's Northwest. And again, for the record, Woodridge does have two vans that can safely

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transport the children to and from those locations for play.

CHAIRPERSON HEATH: Okay. All right.

MS. GLAZER: Madam Chair, sorry to interrupt. Again, I want to just call out an issue regarding the parking requirement and note there's a discrepancy between OP and DDOT as to their analysis of this. OP in its supplemental report, I believe, says that two spaces are required and they're applying one space per 1,000 square feet, whereas DDOT in its supplemental report, Exhibit 55, states the applicant seeks full relief from one required space.

OAG isn't commenting on what the requirement is, except to say that the chart that governs is contained in Subtitle C, Section 701, which provides that minimum parking requirements for a daytime care use, which we believe this is, is 0.5 spaces per 1,000 square feet, with a minimum of one required space.

So the requirement should be calculated based upon that. I don't know how many square feet this property is. But perhaps OP can opine on that.

CHAIRPERSON HEATH: Okay. Sure.

MR. COCHRAN: Thank you. For the record, Steve Cochran, Office of Planning.

OAG is correct. It is required to have at least one parking space. The parking requirements dropped from the old regulations to the new regulations. We don't know exactly how many square feet are in the house, I'm sorry to say. But given the size of the lot and the lot coverage, it seemed as though there would be less than 2,000 square feet, but more than 1,000 square feet.

So if it's .5 per thousand, then even if it's at 2,000 square foot, or 1,999 square foot lot, it would still require only one parking space, and they've asked for four. So they don't need relief. They have one parking space already. That's under the new regs. I think that's where some of the confusion comes from because we switched from 58 to 16.

In realistic terms they actually have room for two back there but it just doesn't meet the standards in the Zoning Regulations.

[Discussion off the record.]

MR. COCHRAN: The applicant didn't go back to the ZA --

CHAIRPERSON HEATH: Okay.

MR. COCHRAN: -- to get it reself-certified. Or rather, re-reviewed by the ZA under the new regs.

CHAIRPERSON HEATH: Okay.

MS. BUTANI-D'SOUZA: So we're considering this under the new regs.

MR. COCHRAN: Yes.

MS. BUTANI-D'SOUZA: I see. So then do we need to grant the relief if we're under the new regs? The Zoning Administrator is directing us to grant relief under '58 but not under '16, so --

MR. COCHRAN: You don't need to grant any parking relief. We looked at parking only as a special exception as part of the overall package, and we have no problem with it as part of the overall.

MS. BUTANI-D'SOUZA: Okay.

CHAIRPERSON HEATH: Okay.

MS. BUTANI-D'SOUZA: Madam Chair, I do note that again ANC 1A has embedded a condition here.

CHAIRPERSON HEATH: Uh-huh.

MS. BUTANI-D'SOUZA: Well, it's a little bit confusingly worded given the way that our relief is changing here, but it says, the applicant has also requested a parking variance from the BZA for two parking spaces for staff to utilize at 629 Columbia Road Northwest. However, the owner will authorize parents to utilize these spaces during pick-up and drop-off hours to eliminate illegal parking on the

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600 block of Columbia Road Northwest during rush hour traffic.

So it sounds like you've agreed to use the --

MS. TUCKER: Alley.

MS. BUTANI-D'SOUZA: -- one to one and a half space in the back to assist with parking with the pick-up and drop-off. So I think it would be sensible to add that as a condition to the order.

CHAIRPERSON HEATH: All right. Where are you with your -- the development of your landscape plan?

MR. SHERMAN: A landscaper by the name of The One to Call. No, the Pro to Call in Hyattsville has been contacted. And we can update and upload as the plans develop more.

CHAIRPERSON HEATH: Okay.

MR. SHERMAN: Came out, looked at the -- looked at the area in front of the house and has made some recommendations in terms of either small trees or large shrubs, as they put it, as well as some flowering pots along the ramp to obscure and beautify.

And again, we won't go back to the other one but again, those plans are being developed as we speak and will certainly be submitted for approval prior to the -- and I'm jumping the gun here, but the

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submission date which we would request would be the same as for the other application.

CHAIRPERSON HEATH: Sure. I'm with you on that. So, have you also seen that there's a letter in opposition from one of the neighbors of this property?

MR. SHERMAN: I have not seen the letter. I do know that it was a letter in opposition. It was my understanding it was in regard to parking, but it could be about anything.

CHAIRPERSON HEATH: Primarily parking, traffic generally, and noise. So if you could look at that letter it would be good to have you address those concerns, since we're going to give you additional time on this one.

All right. So, all right. So we'll want to see that landscape plan, once it's developed.

I don't have anything else. Okay. So we'll put this on, on the same date for a continued hearing November 2nd. Was it November 2nd?

MR. COCHRAN: The -- yes, I think it was.

CHAIRPERSON HEATH: All right.

MR. COCHRAN: The date for deadline of submission was October 24th.

CHAIRPERSON HEATH: Yes.

MR. COCHRAN: At least that's my understanding. I'm not sure we set it.

MS. BUTANI-D'SOUZA: Yes, a week before.

CHAIRPERSON HEATH: Yeah. November 2nd was the hearing date, and then the --

MS. BUTANI-D'SOUZA: Will October 24th provide the Office of Planning with enough time to review a submission date that's sufficient for you?

MR. COCHRAN: Yes. Are we going to get any opportunity to give our report?

CHAIRPERSON HEATH: Yes.

MR. COCHRAN: Okay.

CHAIRPERSON HEATH: That would be great since your report is not in support yet. So.

MS. BUTANI-D'SOUZA: I think he means today.

CHAIRPERSON HEATH: Oh, today? Oh, I'm sorry. Yes.

MR. COCHRAN: Yes, Madam Chair and Vice Chair.

CHAIRPERSON HEATH: Yes. Yes.

MR. COCHRAN: Okay. Thanks. We would like to be able to move towards a recommendation in support of the application. But as we noted in the report there are a couple of things that we think are needed before we can really fully evaluate. And

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you've already addressed most of them.

The play area is maybe of a little bit more concern on this site than the other. There is no place to play on site. The back yard is completely unimproved. I'm not even sure that there is direct access. The front yard, as you can see from the pictures is basically a big ramp.

So we'd like to see some evidence of contact with the management at the Parkview and the KDB (sic) Recreation areas. And some explanation of how they'll coordinate both the Irving Street and the Columbia Road pick-up and drop-offs.

CHAIRPERSON HEATH: Uh-huh.

MR. COCHRAN: And making sure, also, that this is okay with the agencies that give the licensing for the daycare center, because the second one that they're proposing is probably 13 blocks away.

CHAIRPERSON HEATH: Okay.

MR. COCHRAN: So just want to be sure. And as far as the landscaping goes, we'd love to be able to review the plans, especially for screening. There's not much they can do in terms of changing the ramp in the front yard, but it is all public space.

CHAIRPERSON HEATH: Sure.

MR. COCHRAN: And so we'd like to see it brought up to the standards of the neighborhood.

CHAIRPERSON HEATH: Okay.

MS. BUTANI-D'SOUZA: So you're looking for clarity from OSSE that they understand the distance between the facility and the playground, and the --

MR. COCHRAN: In addition to some evidence of a discussion that it's okay to use those playgrounds that won't overburden them, and that kind of thing.

MS. BUTANI-D'SOUZA: Okay. So a specific report from OSSE about that; from the Office of State Superintendent of Education.

MR. COCHRAN: And from Parks and Recreation.

MS. BUTANI-D'SOUZA: And from Parks and --

MR. COCHRAN: The people who actually run the playgrounds.

MS. BUTANI-D'SOUZA: Parks and Recreation, or if it's a school, then the appropriate school facility administrators. Okay.

MR. MOY: Madam Chair. Maybe this is a good time, because you had mentioned the proposed date for the continuation. There's been an update in terms of refinement, in terms of the chairs.

CHAIRPERSON HEATH: Uh-huh.

MR. MOY: Zoning Commission Chairs.

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CHAIRPERSON HEATH: Sure.

MR. MOY: Seating chairs. So actually Mr. Turnbull will be back November the 16th.

CHAIRPERSON HEATH: Okay.

MR. MOY: Which would be like another week, so I don't think -- and actually I think it would afford the applicant even a little extra time. So we can change this date to November 16th and the previous case under 19277, also to the 16th. I think that would be more convenient for the Board.

CHAIRPERSON HEATH: Okay.

MR. SHERMAN: Are we keeping the submission deadline the same?

MR. MOY: I would like to do that, unless you find that to be an issue.

CHAIRPERSON HEATH: That would give Office of Planning sufficient time to review and --

MR. MOY: Yes.

MS. BUTANI-D'SOUZA: The submission date would remain 10/24.

MR. COCHRAN: For our report

CHAIRPERSON HEATH: No, for their --

MR. COCHRAN: Or for their information.

CHAIRPERSON HEATH: Their information.

MR. COCHRAN: Thank you.

CHAIRPERSON HEATH: November 16th. All right. All right. So the Board will see you back again on November 16th.

MR. SHERMAN: Thank you.

CHAIRPERSON HEATH: Thank you.

MS. TUCKER: Thank you.

CHAIRPERSON HEATH: All right. We're going to take a quick break for five minutes or so, and we'll come back with our next application, which will be 19343. And then after that our last application will be 19316.

[Recess from 1:07 p.m. to 1:21 p.m.]

CHAIRPERSON HEATH: All right. So we'll come back to order. We'll call the next case.

MR. MOY: Yes. Thank you, Madam Chair. This is Application No. 19343 of GS U Street, LLC., and as captioned and advertised for a variance relief from the public open space requirements under Section 633, rear yard requirements under 636, open court requirements under 638, and the off-street parking requirements under 2101.1. This would permit the construction of an eight story mixed-use building in the R/CR District at 1355 through 1357 U Street Northwest, Square 236, Lot 64 through 65. And as you can see this is vested under the ZR-1958 rules.

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CHAIRPERSON HEATH: Okay. Thanks. You all were here this morning. Okay, all right. So, okay. Thanks. If you could stand, Mr. Moy, they need to take the oath.

MR. MOY: I'm sorry. Instead of switching to that.

[Oath administered to the participants.]

CHAIRPERSON HEATH: All right. If you all could introduce yourselves, please?

MR. LEWIS: David Lewis of Goulston and Storrs on behalf of the applicant.

MS. RODDY: Christine Roddy with Goulston and Storrs.

MR. MAY: Eric May, part of the ownership entity.

MR. SPERRY: Kevin Sperry, Antunovich Associates.

MS. WHITE: Nicole White, Principal with Symmetra Design Traffic, Transportation, and Parking.

CHAIRPERSON HEATH: Okay. So we got your package. I think it would be helpful if you could just give us a two-minute-high light summary of the proposal and we would like for you to walk us through the TDM measures that are proposed on this.

MS. RODDY: Sure. Again, Christine Roddy

with Goulston and Storrs and Mr. Moy really captured -- captioned the case well as he noted this was granted concept approval by the HPRB and is vested under the 1958 Zoning Regulations.

And the plans that we are presenting to you have really been the result of a dialog of over a yearlong dialog with the HPRB, as well as with the ANC. And they are being presented to you today.

So just quickly I'd like to note that we are here with a recommendation of support from the Office of Planning as well as support from the ANC. DDOT has also submitted a favorable and supportive letter. They noted in their report that there were three TDM measures that they wanted the applicant to consider, and we have considered and we are agreeable to incorporating those. And Ms. White can speak to that in more detail, but in essence it's with respect to the short-term bicycle spaces, providing a transit screen, as well as providing the funds that would be capped at \$12,500. We will incorporate those as conditions of approval.

And I would also just like to draw attention to a letter that was submitted yesterday from the neighboring condominium building. It's a letter in support of the application and just wanted to make

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sure you had an opportunity to review that.

So as you know, we are here today for variance relief from the court, open space, parking, and rear yard requirements. And the need for that relief really stems from the unique attributes of this property. The property is very narrow. It's 38 and a half feet wide, and it is improved with two structures, existing structures that are considered contributing buildings to the U Street Historic District. And so these structures both occupy the entirety of the street frontage along U Street.

And so I will turn to Mr. Sperry now and he can walk through those areas of relief.

MR. SPERRY: Thank you, Christine. Good afternoon, everyone.

I will quickly run through my presentation here just to summarize. We have, at the beginning, a few site photographs where you can see our property on U Street, just off of 14th. Here in the upper left image we have the photograph of the two existing store fronts that we are going to be renovating and upgrading and reusing in our project.

Here we have some close-up images of some of the alley way to the west of our building. You can clearly see here the extent of the existing

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structure, and then a new structure behind it.

Here's more images of the alley and how the Langston Lofts, which is the entity who sent the approval letter, kind of relates to our building in the rear.

Site plans showing a 15-foot public alley to the west, a 30-foot public alley to the north in the rear of the property.

Essentially this is our proposed plan. I'll get more into this as I go through the areas of relief. Three levels of -- shall I just flip through these quickly? Here we can see the proposed plan from two points on the street. And then sort of directly in front as you can see the alleyway sliding to the west of our building.

So we have three levels of retail, that's basement, first, and second. We have a residential lobby in front. At the ground level there are three existing doors and we wanted to make sure that we reused all three of those doors for meaningful purposes. So one is going to be a retail entrance. The middle door is actually kind of going to be a swing entrance for handicap accessibility to the residential lobby and resident -- I'm sorry, retail access to the basement and second floors.

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The residential lobby itself is being used, we're taking advantage of an existing door which is elevated from an existing stair. So, we didn't want to -- we wanted to make sure that we didn't send ADA tenants all the way around to the back. We wanted to give them a good entry on the front street, so that's why we're using that central door for that purpose. So it's a total of about 11,500 square feet of retail on all three of these levels.

And as you can see in the lower level plan, in the cellar, we have a pretty generous area for residential storage and bike parking. And we can get more in detail into that later.

Here are the residential levels above as mentioned previously. It's an eight-story building. We have a total of 23 units on residential floors are six. And as you can see the building continuously steps back as it goes higher into the air.

Now I'll get into some of the areas of relief. The first one is parking. As we're showing today we have three parking spaces proposed from the rear alley. It's tough to get parking spaces off of the side alley because it's only 15 feet wide so you won't really have enough area to back out of those spaces. So all the parking is being accessed from

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the rear.

Here it kind of explains that a little bit more. We also have, you know, ample uses for that alley to the west. There's trash and loading for the restaurants for the adjacent properties. Things like that.

Here's a quick exhibit of what would happen if we were to try to achieve parking as required. Essentially because the site is so narrow there's just no room for it. If you were to try and ramp down, you have a 20-foot wide ramp and you only have then about 18 feet left over. So there's really no physical way you could get any parking on that first level, nor could you drive around and ramp down again to an additional level. So it's virtually impossible to meet these requirements if you were to try to do it subterranean.

Here's the effect that it would have on the ramp of the first floor retail. And then a section showing that proposed ramp if we were to -- not proposed ramp, but if we were to do it hypothetically.

The second area of relief that I'm going to discuss is the setback, rear yard setback. As Christine mentioned we worked very closely with HPRB

to kind of form the massing of the project. And it was important for them that this read as a mid-block building. So what they meant by this was they really wanted us to push our mass of the building as far back as possible so that it's read on U Street. Almost seeming like it's on the opposite side of the block as opposed to the southern side of our block.

So what we did then was because we had such a great setback on the front of the building, we don't really have any area in the back to do it. Here are some exhibits that show if we did adhere to the required setback how much area would be lost in the rear of the building. And then here's a great example to show both the front setbacks as we had discussed with HPRB, and we worked with Steve and Ann very closely on this and they were in support. We kind of got here together, frankly. And how the setbacks in the rear would affect the building. It would essentially make the building seem less of a mid-block building because proportionately that mass might seem a little bit closer to the front of the building.

Here we have a simple slide showing the court relief. We have one court which we're requesting relief from. And again, working with HPRB, they and

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we together came up with an initial setback of four feet on the rear of the façade. This is actually, the minimum court should be 10 feet. So it's a simple court relief request based on the massing that we had discussed with HPRB. The other two courts are compliant as they pass the circle test.

And finally, for open space relief, that would need to be at the front of the building at the entrance. And because we're dealing with two existing fronts, two existing buildings at U Street, we have no area to provide that open space.

I hope that is adequate. I will turn it over to our traffic engineer.

MS. WHITE: Hi. Good afternoon. I know you asked a specific question about TDM so should I give my full presentation and talk about accessibility and everything? Okay. So we'll jump right ahead to the TDM measures.

So as Christine noted, DDOT submitted a report with no objection with three conditions and we've continued to coordinate with DDOT. And as of yesterday afternoon the applicant has agreed to all of the conditions that DDOT has noted, so I'll just highlight what those conditions were. First noting that we will provide indoor bicycle parking, the

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long-term storage above zoning, and to meet DDOT request for 29 spaces.

We noticed there were some constraints in public space but we have talked to DDOT and will work with them through the public space process to find short-term parking. So that was one of the requests that they have and the applicant has agreed to provide six short-term parking spaces in public space.

And then here is a list of the TDM measures. And as Christine noted at the beginning of our presentation the applicant will provide a pool for Capital Bike Share and Car Share membership with a cap of \$12,650 for a five-year period. And then the other request was for a transit screen in the lobby and we were able to work as a team and find a location for the transit screen. So those were the three conditions that DDOT requested.

MS. BUTANI-D'SOUZA: I have a question, actually, for the architect. Are there any at-risk windows on the east side?

MR. SPERRY: Yes, there are. I think you can see that in one of the renderings. Here you go. This is the east elevation here. We have a few that we're proposing. These are all in units.

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MS. BUTANI-D'SOUZA: Okay.

MR. SPERRY: Residential units.

MS. BUTANI-D'SOUZA: And you're proposing -- I'm sorry, can you remind me? Are these apartments or condos?

MR. SPERRY: They're condos.

MS. BUTANI-D'SOUZA: So are you going to note anywhere in any condo disclosures that those windows are at-risk so that folks are aware that that is --

MR. MAY: Yes, we will. There are secondary windows for each unit.

MS. BUTANI-D'SOUZA: Okay.

MR. MAY: So we will make sure they're noted in the condo documents that they exist and they're at risk.

MS. BUTANI-D'SOUZA: Okay. I think we should add that as a condition to the order just to make sure that everyone is -- that that is definitely included.

MR. MAY: That's fine.

MR. TURNBULL: Basically those -- most of those are studio units? Four through six are studios. And then the seventh floor is the three-bedroom?

MR. MAY: Yeah, we're still fine-tuning the

unit mix. I think at 23 units as you're looking at it right now, that's the maximum. My guess or educated guess is that we're going to end up with less units when all is said and done. Probably closer to 20 or 21.

MR. TURNBULL: What about the, on the trash, the pick-up. There's a -- at the rear on the first floor there's a trash room. But what about dumpsters. Where are you storing -- how are you dealing with the actual pick up? Especially the retail. I mean, they're going to generate --

MR. SPERRY: This trash shown would be residential trash only.

MR. TURNBULL: That's residential trash.

MR. SPERRY: Yes.

MR. TURNBULL: Okay.

MR. SPERRY: The retail trash would have to be taken out from the retail space on the first floor.

MR. TURNBULL: Okay. So they would have their own, on that first floor they would have --

MR. SPERRY: On the first floor. That's right. Yeah. This residential trash room is, there's a chute which comes down and goes right into that room.

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MR. TURNBULL: That's what it looks like, yeah.

MR. SPERRY: There's no additional space for retail.

MR. TURNBULL: That's what I thought. Okay. Just wanted to be sure. So you will take a piece out of the retail area at the back.

MS. BUTANI-D'SOUZA: So, sorry, I'm not following. So how is that going to work with a dumpster? Are you saying that there is going to be an opening here where the parking is that the dumpster would go? Or --

MR. SPERRY: I think we might just have to modify how we have our egress from that retail. But it would come through the -- there's kind of an area here where we have set back the rear entrance to the building, right in here. So the trash room would just kind of fit right in here and it would be pulled out through that --

MS. BUTANI-D'SOUZA: Got it.

MR. SPERRY: -- walkway space.

MS. BUTANI-D'SOUZA: Okay. Perfect. Can I ask, just curious what the retail mix planned here is.

MR. MAY: We've actually had a lot of

interest in the retail thus far. I think ultimately our goal was to limit the food use so if there's food or beverage it's going to be first floor only. We've had a lot of interest from gyms. We've had a lot of interest from quasi, retail for the second floor. So whether it's a We Work type or something like that that is quasi retail office, but it's our intention to limit any food or beverage to the first floor only if we do that.

MS. BUTANI-D'SOUZA: Okay. And this is outside the -- this is outside the arts area that we looked at last week with the limit on the percentage of space that could be dedicated in that particular block to retail.

MS. RODDY: It's within the Arts Overlay, and we have spoken with the Zoning Administrator and there's still availability on this block for food.

MS. BUTANI-D'SOUZA: Okay. Perfect.

MR. TURNBULL: Are both elevators available for residential?

MR. SPERRY: No. Only the rear elevator is available for residential.

MR. TURNBULL: Only the rear elevator.

MR. SPERRY: On the front elevator it goes from basement first, first mezzanine as you could

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call the residential lobby, and then second.

MR. TURNBULL: Okay.

MR. SPERRY: Because of our building setback, the second level is as high as it can go there. So I guess you could say it's available for residential only to get from the ground level to the lobby.

MR. TURNBULL: Up to, for the lobby.

MR. SPERRY: Yep.

MR. TURNBULL: Okay. So the rear elevator is strictly residential so there's no stop on that retail office floor, the second -- okay.

MR. SPERRY: That's correct.

CHAIRPERSON HEATH: Okay. Then, if the Board has no other questions I'd like to hear from Office of Planning at this time.

MR. COCHRAN: Thank you, Madam Chair. The Office of Planning would be pleased to stand on the record unless of course the Board wants otherwise.

CHAIRPERSON HEATH: Okay. All right. Board, any questions of Office of Planning?

Does the applicant have any questions of Office of Planning? Okay. All right.

We also have a letter recommending approval from ANC 1B with some requirements built into their letter. You all are, you're nodding your heads so I

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assume you know of them and you're agreeing --

MR. MAY: Yes.

CHAIRPERSON HEATH: -- with them. Okay.

MR. MAY: Yes.

CHAIRPERSON HEATH: All right. Great. Is there anyone here from ANC 1B? Looks like no. Okay. And we talked about DDOT's conditions, which you all have incorporated.

We do have a letter of support and we received the -- I think this is a new letter of support from the Langston Condo Association. Thank you for getting that to us. Is there anyone here wishing to speak in support of this application?

I don't think Mr. Bello is wanting to speak in support, so it looks like probably no. And probably no one is here wishing to speak in opposition. All right.

So, then I'll turn back to the applicant for any closing you want to make.

MS. RODDY: We would just ask for -- we are continuing to coordinate with the Historic Preservation Office as we refine these plans for our permit drawings. So we would ask for the flexibility to continue that coordination so long as it does not affect any of the areas of relief that we are seeking

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or obviously require additional relief.

CHAIRPERSON HEATH: Okay. With that caveat, I'm fine to grant the flexibility --

MS. RODDY: Yeah.

CHAIRPERSON HEATH: -- for just refinements with HPO.

All right. Then with that, is the Board ready to deliberate on this?

MS. BUTANI-D'SOUZA: Yes.

CHAIRPERSON HEATH: Okay. I've been curious to see what was going to happen with this property. It's been vacant for a really long time and you know, if you're somebody who has lived in the District for as long as I have, I didn't grow up here but I've lived here for a really long time and I've been to those establishments in the past, and you know, I was hopeful that somebody would redevelop those properties for good use. And so, I'm happy to see that this is finally happening here.

And I think the project is thoughtful. I hope to see some great retail there as well. And so I am in support of this.

MS. BUTANI-D'SOUZA: Yeah, I am also in support. I agree with your comments, Madam Chair. And I would also say that I do hope that DDOT

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improves the bike infrastructure on 14th Street to support the many, many bike parking spaces that you're putting in this project. I think the density is absolutely appropriate here. It's very transit rich. I think the parking is perfectly acceptable, and I think it's great to see so many bikes. Of course 14th Street is like a death trap to bike on, so I do hope that there's something that happens there.

I'm putting that on the record that it is extremely dangerous. And looking forward to this project being constructed.

CHAIRPERSON HEATH: All right. So the --

MR. TURNBULL: I agree with both your comments.

CHAIRPERSON HEATH: Ditto. All right. So then I will make a motion that we approve the request for variances to permit the construction of an eight-story mixed use building at 1355 to 1357 U Street Northwest.

MS. BUTANI-D'SOUZA: Second.

CHAIRPERSON HEATH: With the conditions, the conditions that we've discussed, the TDM measures and the flexibility that's been requested for HPO. So --

MS. BUTANI-D'SOUZA: So, second.

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CHAIRPERSON HEATH: All right. So the motion has been seconded. Any further discussion?

[Vote taken.]

CHAIRPERSON HEATH: All right. The motion carries. Thank you.

MR. SPERRY: Thank you.

MR. MOY: Staff would record the vote as three to zero to two. This is on the motion of Chairperson Heath to approve the application for the relief requested, including the conditions and the TDM measures, design flexibility which you're looking at me for. Sorry. Seconding the motion, Vice Chair Butani. Also in support, Mr. Turnbull. And we have two members not present with us today, Madam Chair. Motion carries.

MS. RODDY: We would ask that the Board consider waiving the requirements for a full order and issue a summary order in this instance.

CHAIRPERSON HEATH: I don't see any reason why we can't do that. So, summary. All right. Thank you.

All right. All right. Mr. Moy, you can call our last application.

MR. MOY: Yes. Thank you, Madam Chair. That would be Application No. 19316 of Dilan Investment,

LLC.

Madam Chair, this is a request for a special exception from the residential development requirements under Section 353 to construct a 12-unit apartment building, R-5-A District. This is at 1904 Irving Street Northeast, Square 4207, Lot 15. And as the Board is aware, this was before the Board on July 19th, 2016.

MS. BUTANI-D'SOUZA: Okay. So I'm going to give a quick summary of what happened in the last hearing, although I understand that Chairperson Heath has read the record.

So why don't we start by having you introduce yourselves?

MR. BELLO: Good afternoon, Toye Bello representing the applicant.

MR. JEHAT: Good afternoon. Jehat Namatolu (phonetic) from Deland Investments.

MS. BUTANI-D'SOUZA: Okay. So at the last hearing we had a party status in opposition that was granted to an adjacent neighbor who had concerns about trash and I believe the creation of shadows and other issues that could promote ongoing unsafe behavior. This is a special exception where the applicant had largely met the criteria but we did

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take seriously the considerations that were raised by the party in opposition. We requested that the applicant and the party in opposition take some time to see if they could sort out their issues.

And so I would be curious just to understand from the applicant what efforts you made over your summer, if you had a productive summer in dealing with this. And I see from the record that it looks like some good progress has been made.

MR. BELLO: Yes, we're glad to report that we in fact have the support of the adjoining neighbor at this point. I would have the applicant speak to that if he chooses to because he took the lead on that one.

MR. JEHAT: We had some differences. We had some stuff that we had to resolve with our adjoining neighbor and I went to reach out to her the first -- my first trial didn't work out. She didn't have the time. But the neighborhood had some issues with crime and ongoing problem with our block. And I been a part of the neighborhood e-mails which I've been responding and they brought to my attention that our property, because it was vacant and there was the greenery and not enough light was attracting some activity that wasn't wanted in the neighborhood.

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And I was part of those e-mails and we did our part and we went beyond our part. We put cameras and light fixtures and cut the greenery. I wasn't aware but the opposition, the neighbor, adjoining neighbor was copied on those e-mails. And candidly, once she saw our efforts to make the street a better place and to be a part of the neighborhood, she change her position.

She felt like we will be a good neighbor from our efforts, what we have done in the neighborhood so far. And she gave me her letter that supports the project.

MS. BUTANI-D'SOUZA: Okay. And have you done any further efforts in terms of outreach with the ANC?

MR. BELLO: Yes, we sent the ANC all the additional supplemental documents we found. We attempted to get on their agenda, but to no avail. We actually attended the meeting on last week, Wednesday, but the ANC did not place us on their calendar.

MS. BUTANI-D'SOUZA: Okay. Let me see.

MR. TURNBULL: Madam Chair, I just want to point out for the record that I have reviewed the case.

CHAIRPERSON HEATH: I've reviewed it as well so I think we're all prepared to go forward with this.

MS. BUTANI-D'SOUZA: I'm just checking to see if we've completed hearing procedures on this. I do note that we did receive a letter in the record indicating that the party in opposition has withdrawn their party status in opposition.

Okay. So, just out of an abundance of caution we're going to go through the hearing procedure. So does the applicant have anything further that they wish to state in their statement?

MR. BELLO: Well, only that the application only speaks -- seeks a special exception to establish use. The proposed project conforms in every respect with all of the provisions of the Zoning Regulations with respect to density, parking, lot occupancy. So the only relief that we are seeking is that special exception.

We're able to satisfy the opposing neighbor. Not only did they withdraw the opposition, they in fact submitted a letter of support which is Exhibit 55, I believe. That's about all we have to add unless the Board has specific questions.

MS. BUTANI-D'SOUZA: No. Why don't I turn it

back to the outgoing chair to take over proceedings?

CHAIRPERSON HEATH: All right. So, I appreciate the work that you've done. You clearly spent some time over the summer to get that party opponent on board with this project. So I think we're okay to proceed.

At this point, then, I'd like to hear from Office of Planning and any further comments that they have.

MS. ELLIOTT: Good afternoon, Madam Chair, Members of the Board. I'm Brandice Elliott with the Office of Planning. Prior to the meeting in July we were actively working with the applicant to sort of enhance the architecture of this building. The 353 process does give us a little more discretion in reviewing building architecture. So we were going -- we were trying to achieve something a little higher quality than what had original been submitted.

We had worked out a lot of those details prior to the hearing, but a lot of those didn't actually make it into the record. And so it got a little confusing. But that since -- that information has since been entered into the record. We have the final plans, and the applicant did incorporate suggestions that we offered, including the brick

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façade and the cornice around the building, and some embellishments around the windows so that it's not as flat as it had appeared in those original drawings.

So, overall we're happy with the changes and we have changed our recommendation from one of denial to approval. So with that I'd be happy to answer any questions you have.

CHAIRPERSON HEATH: Okay. Thank you. All right. Any questions from the Board?

MR. TURNBULL: No.

CHAIRPERSON HEATH: Does the applicant have any questions of Office of Planning?

MR. BELLO: No, Madam Chair.

CHAIRPERSON HEATH: Okay. Where are we with the ANC?

MR. TURNBULL: Don't have anything.

CHAIRPERSON HEATH: Okay. That's right. Yeah, so we had a letter recommending denial from the ANC. Have you spoken to them again since you've done any of this work?

MR. BELLO: Yes, Madam Chair. Not only did we send e-mails, also the additional documents, I also put in calls to the single-member district commissioner, including showing up at the meeting last week, Wednesday. The ANC was unresponsive to

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say the least.

CHAIRPERSON HEATH: Okay.

MS. BUTANI-D'SOUZA: I would not that the, just for the record, the ANC's report describes a large massive building would create more unsafe and dark areas, loss of open space, trees, pervious area. The applicant has noted that the massing of the building is in compliance with the Zoning Regulations and I believe that the plans have addressed the neighborhood concerns regarding light and dark areas. So, and I would assume that the impervious areas will be designed in keeping with DOEE regulations pertaining to pervious surface and pervious areas. So, I think we -- I, you know, from my point of view I think we can give great weight to their concerns and still, you know, proceed forward.

CHAIRPERSON HEATH: Sure. Okay. All right. We also have a letter from Department of Transportation.

MS. GLAZER: Madam Chair, I'm sorry to interrupt. Regarding the ANC issues and concerns, I think if the Board is looking towards voting today on this matter, possibly in support, I think we'd need a little more detailed analysis of each of their issues and concerns, which would have to be addressed in an

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order.

CHAIRPERSON HEATH: Anita just read them.

MS. GLAZER: Yeah.

MS. BUTANI-D'SOUZA: I can go through again. So I think from the point of view of the Board, or as I speak for myself, I'm sure we'll go over this in deliberations, but this is a request for a special exception. The Zoning Regulations lay out the allowable massing here, and the ANC, their first concern is the large massive building which you know, in my view this is allowable by the regulations. So I don't think we see that as a concern that would cause us to vote -- to, you know, not grant the relief.

Second, the ANC notes that there is -- that the size of the building would create unsafe and dark areas. It's my understanding that the applicant has addressed these concerns about dark areas and safety. Can you just describe briefly what you've done?

MR. BELLO: The completed project would actually set back a much greater distance than the existing structure that is a blight on the property as we speak. And there will be no mature trees that would cause any kind of dark areas, and all around the properties will be lit by lighting, adequate

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lighting.

MS. BUTANI-D'SOUZA: Okay. And are you planning on keeping the cameras? Okay, so the applicant is going to keep cameras, security cameras around the property which presumably you could share the feed with MPD if needed.

Okay. And then the third point that the ANC raises is a loss of open space, trees, and pervious area. So here I would evaluate this as the open space is again something that they're allowed to change based on the Zoning Regulations.

With regard to trees and pervious area, I believe that those questions are going to very likely be addressed by DOEE when they submit their permit plans. And presumably DOEE will make sure that the plans are in line with the 2013 storm water regulations.

So I feel comfortable that the ANC has expressed their concerns and that we can evaluate them and still see an option to move forward.

MR. TURNBULL: I would just add to your comments that the regulations for R-5-A that call for 40 percent maximum lot occupancy. And as OP has put in their report that the proposal is at 30 percent lot occupancy, so it's under what is required for the

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area. So it's not as mass -- I mean, it's a relative term when you look at it and say what's massive.

CHAIRPERSON HEATH: Okay. Thank you. Okay. I think I pointed out Department of Transportation's letter of no objection that we have in the record, with one condition. Let me go back to that. One second.

[Pause.]

CHAIRPERSON HEATH: There it is. All right. Okay. So yeah, there was the condition -- is this the right one? Yeah. To provide the required four long-term bicycle parking spaces in a location that's secure, easily accessible, and protected from weather elements.

Have you located that?

MR. BELLO: The secured bike rack storage will be located on the east property, side property for four bicycles.

CHAIRPERSON HEATH: Okay.

MR. BELLO: As recommended by DDOT.

CHAIRPERSON HEATH: Okay. All right. So we'll make that a condition. Is it protected? And is it inside?

MR. BELLO: It's actually storage. There's a kind of storage boxes for bikes.

CHAIRPERSON HEATH: Okay.

MR. BELLO: That are dismantable. So they're movable but they're covered and secured.

CHAIRPERSON HEATH: Okay, the bikes themselves, and that storage unit is --

MR. BELLO: The storage and the bikes, yes.

CHAIRPERSON HEATH: Okay. Okay. All right. Okay. We do now have the letter of support from the prior party opponent.

MR. BELLO: That's correct.

CHAIRPERSON HEATH: So, is there anybody here wishing to speak in support of this application? Anyone in support?

Anyone wishing to speak in opposition? Okay. No. All right. Then we'll turn back to you for any closing you'd like to make, Mr. Bello.

MR. BELLO: We'll just stand on the record, Madam Chair. Thank you.

CHAIRPERSON HEATH: All right. Thank you. Then, is the Board ready to deliberate on this?

MS. BUTANI-D'SOUZA: Yes. I think that this application has come a long way from where it was in July. I think the applicant has done a commendable job of addressing the neighbors' concerns, both in terms of the vacant property and in terms of the

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plans. So I would commend the applicant on that effort.

And, you know, I think that this is a sensible development and I think we should support it. Thank you.

CHAIRPERSON HEATH: All right. I would agree with the comments that you've made. This has really come a long way and I appreciate the work that the applicant has done to get there. So I will make the motion to approve the request for a special exception to construct a 12-unit apartment building in the R-5-A at 1904 Irving Street Northeast, with the condition proposed by Department of Transportation.

MS. BUTANI-D'SOUZA: Second.

CHAIRPERSON HEATH: Okay. I thought that was the only condition. All right. So the motion has been made and seconded. Any further discussion?

[Vote taken.]

CHAIRPERSON HEATH: So, the motion carries. Thank you.

MR. BELLO: Thank you.

MR. MOY: Staff would record the vote as three to zero to two. This is on the motion of Chairperson Heath to approve the application for the relief requested, including the addition of a

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condition as cited. Seconding the motion, Vice Chairperson Butani. Also in support, Mr. Turnbull. We have two members not present today, Madam Chair. So the motion carries.

CHAIRPERSON HEATH: All right. Thank you.

MS. BUTANI-D'SOUZA: And before --

CHAIRPERSON HEATH: Should we do a full order?

MS. GLAZER: You need a portion at a minimum addressing the --

CHAIRPERSON HEATH: Okay.

MS. GLAZER: -- ANC issues and concerns. But you could just handle that with a hybrid.

CHAIRPERSON HEATH: Okay. So I'll request a hybrid, then, to address the ANC's concerns. Thank you.

MS. BUTANI-D'SOUZA: And before we adjourn for the day I'd just like to thank Marnique for all of her guidance and her outstanding service as Chair.

CHAIRPERSON HEATH: Thank you.

MS. BUTANI-D'SOUZA: Your respect, sensitivity to the applicants and to the process has added a tremendous amount of value and I've learned so much from you. So you'll be very much missed and I really hope that you may change your mind and

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decide to join us sometime in the next six months. Maybe log into ISIS and send us your thoughts.

CHAIRPERSON HEATH: Thank you.

MS. BUTANI-D'SOUZA: We'll keep working on it.

CHAIRPERSON HEATH: You all will be, you'll be great. You've got a great team here with you and Fred and Jeff, and the zoning commissioners who sit in each week. So I trust that you all will be in good hands moving forward. Thank you.

MS. BUTANI-D'SOUZA: If you want to share your notes with us, you know --

CHAIRPERSON HEATH: I will absolutely. I will be happy to turn over all of my notes. So, and I'm happy to provide any help and support that you all need in the background. So, thank you.

MS. BUTANI-D'SOUZA: Thank you.

CHAIRPERSON HEATH: We're adjourned.

MR. MOY: There is one other administrative action, Madam Chair.

CHAIRPERSON HEATH: Oh, yes. Okay. Did I get that from you?

MR. MOY: Yes, I have a hardcopy.

CHAIRPERSON HEATH: That would be great.

MR. MOY: If you need it.

[Discussion off the record.]

CHAIRPERSON HEATH: All right. So one last thing. In accordance with Section 405C of the Open Meetings Act, D.C. Official Code Section 2-575, I move that the Board of Zoning Adjustment hold closed meetings on the Mondays of October 3rd, October 17th, and October 24th. These meetings start at 4:00 p.m. and are held for the purpose of obtaining legal advice from our counsel and deliberating upon but not voting on the cases scheduled to be publicly heard, or decided by the Board on the day after each such closed meeting. Those cases are identified on the Board's public meeting and hearing agendas for October 4th, October 18th, and October 25th.

A closed meeting for these purposes is permitted by Sections 405-B4 and B13 of the Act. Is there a second?

MS. BUTANI-D'SOUZA: Second.

CHAIRPERSON HEATH: So will the Secretary please take a roll call on the motion?

MR. MOY: Yes. When I call the member's name if you would reply with a yes or no, yea or nay.

[Roll call vote taken.]

MR. MOY: The motion carries, Madam Chair.

CHAIRPERSON HEATH: Thank you. I request

that the Office of Zoning provide notice of these closed meetings in accordance with the Act.

[Whereupon, at 2:06 p.m., the Board Hearing was adjourned.]