

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

WEDNESDAY

OCTOBER 4, 2017

+ + + + +

The Regular Public Meeting convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:39 a.m., Frederick Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
LESYLEE M. WHITE, Board Member  
CARLTON HART, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

CHRISTOPHER COHEN, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN COCHRAN

The transcript constitutes the minutes from the Public Meeting held on October 4, 2017.

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

9:39 a.m.

CHAIRPERSON HILL: All right, could everyone please come to order?

Good morning ladies and gentlemen, we are located in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street Northwest.

This is the October 4th Public Hearing of the Board of Zoning Adjustment of the District of Columbia.

My name is Fred Hill, Chairperson. Joining me today is Carlton Hart, Vice Chairperson, Lesylee White, Board Member and representing the Zoning Commission is Rob Miller.

Copies of today's hearing agenda are available to you and located in the wall bin next to the door.

Please be advised that this proceeding is being recorded by a court reporter and is also webcast live.

Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

When presenting information to the Board, please turn on and speak into the microphone, first stating your name and home address. When you're finished speaking, please turn off your microphone so that your microphone is no longer picking up sound or background noise.

All persons planning to testify either in favor or in opposition must have raised their hand and been

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1 sworn in by the Secretary.

2           Also, each witness must fill out two witness  
3 cards. These cards are located on the table near the door  
4 on the witness table.

5           Upon coming forward to the Board, please fill  
6 out both cards and give them to the reporter sitting to the  
7 table to my right.

8           If you wish to file written testimony or  
9 additional supporting documents today, please submit one  
10 original and 12 copies to the Secretary for distribution.

11           If you do not have the requisite number of  
12 copies, you can reproduce copies on the office printer in the  
13 Office of Zoning located across the hall.

14           The order of procedures for special  
15 exceptions, variances and appeals are also in the bin located  
16 to the door when you walk in.

17           The record shall be closed at the conclusion  
18 of each case except for any materials specifically requested  
19 by the Board. The Board and the staff will specify at the  
20 end of the hearing exactly what is expected and the date when  
21 the persons must submit the evidence to the Office of Zoning.

22           After the record is closed, no other  
23 information shall be accepted by the Board.

24           The District of Columbia Administrative  
25 Procedures Act requires that the Public Hearing on each case

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1 be held in the open for the public pursuant to Section 405(b)  
2 and 406 of that Act.

3           The Board may, consistent with its Rules of  
4 Procedures and the Act, enter into a closed meeting on a case  
5 for purposes of seeking legal counsel on a case pursuant to  
6 D.C. Official Code Section 2-575(b)(4) and/or deliberating  
7 on a case pursuant to D.C. Official Code Section 2-  
8 5757(b)(13), but only after providing the necessary Public  
9 Notice.

10           And, in the case of an emergency closed  
11 meeting after taking a roll call vote.

12           The decision of the Board in cases must be  
13 based exclusively on the public record. To avoid any  
14 appearance of the contrary, the Board requests that persons  
15 present not engage the Members of the Board in conversation.

16           Please turn off all beepers and cell phones at  
17 this time, so as not to disrupt the proceedings.

18           Preliminary matters are those which relate to  
19 whether a case will or should be heard today such as requests  
20 for postponement, continuance or withdrawal or whether proper  
21 and adequate notice of the hearing has been given.

22           If you're not prepared to go forward with the  
23 case today, or if you believe that the Board should not  
24 proceed, now is the time to raise such a matter.

25           Mr. Secretary, do we have any preliminary

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1 matters today?

2 MR. MOY: Good morning, Mr. Chairman, Members  
3 of the Board. Welcome, October 4th.

4 I do have a few announcements regarding the --  
5 today's docket that I'd like to read for the record as well  
6 as two preliminary matters.

7 The first is that Application Number 19556 of  
8 304, 306, 308 K Street, Northeast, LLC has been withdrawn by  
9 the applicant.

10 Application Number 19574 of Shirley Taylor has  
11 been postponed, rescheduled to October 25, 2017.

12 The Application Number 19567 of Aung Myint, M-  
13 Y-I-N-T, has been postponed, rescheduled to November 8th,  
14 2017.

15 And, the next two cases have been postponed  
16 and rescheduled to November 15, 2017.

17 That is -- these are Application Number 19581  
18 of Latin American Montessori Bilingual Charter School and  
19 Appeal Number 19550 of ANC 6C.

20 The first, as I mentioned, there are two  
21 preliminary matters, procedural matters dealing with  
22 Application Number 19576 of William Skelton and 19560 of Ross  
23 and Wu.

24 So, I suggest the Board perhaps act on 19576  
25 of Skelton any time during the hearing.

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1 CHAIRPERSON HILL: Yes, let's do it when we  
2 call the cases.

3 MR. MOY: Okay.

4 CHAIRPERSON HILL: Okay, if anyone is here to  
5 testify, if you'd please stand and take the oath administered  
6 by the Secretary?

7 MR. MOY: Good morning. Do you solemnly swear  
8 or affirm that the testimony you're about to present in this  
9 proceeding is the truth, the whole truth and nothing but the  
10 truth?

11 Ladies and gentlemen, you may consider  
12 yourselves under oath.

13 CHAIRPERSON HILL: Okay, great, good morning  
14 everyone.

15 Just to let everyone know in terms of the  
16 agenda, we are going to follow the Public Meeting agenda the  
17 way that you see it in the bin.

18 The hearings, we're going to reorder them just  
19 a little bit. We're going to take Application 19560 first,  
20 followed by 19558. Then, we're going to take 19582 and then,  
21 lastly, 19575.

22 So, that being said, Mr. Moy, if you wouldn't  
23 mind calling our first meeting case?

24 MR. MOY: Yes, thank you.

25 That would be Application Number 19560. This

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1 is the application of Adam Ross and Peng Wu.

2 As captioned, advertised for a special  
3 exception under Subtitle E Section 5201 from the rear yard  
4 requirements of Subtitle E Section 20514 which would  
5 construct a two-story rear addition to an existing one-family  
6 dwelling, RF-1 zone at premises 1739 Harvard Street,  
7 Northwest, Square 2588, Lot 160.

8 CHAIRPERSON HILL: Great, thank you, Mr. Moy.  
9 By the way, Mr. Moy, welcome back.

10 MR. MOY: Oh, thank you, good to be back.

11 CHAIRPERSON HILL: So, is the Board ready to  
12 deliberate?

13 (NO RESPONSE)

14 CHAIRPERSON HILL: Okay. I guess I really  
15 didn't have much of an issue in terms of this being a minor  
16 modification, or sorry, modification of consequence.

17 The Office of Planning was in support, but  
18 they also had mentioned that perhaps they should be on the  
19 same time as Latin American Montessori Bilingual Charter  
20 School which was postponed to November 15th so that they can  
21 have more time to work with the ANC.

22 I didn't really think that that was so  
23 necessary because it was going to the Latin American  
24 Montessori Bilingual Charter School application would be  
25 heard separately and this did get taken through the ANC

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1 already in terms of their support and their report that they  
2 filed with us.

3           So, the original parties that needed to be  
4 notified in order for us to move forward with this was, I  
5 guess, just the ANC and ANC 4C. And ANC 4C is, in fact, the  
6 ANC that did support this modification of consequence.

7           I don't have an issue moving forward on this  
8 now. Does the Board have anything they'd like to add? Or  
9 thoughts?

10                           (NO RESPONSE)

11           CHAIRPERSON HILL: Okay. So, that being the  
12 case, again --

13           MR. COHEN: Mr. Chair?

14           CHAIRPERSON HILL: Yes?

15           MR. COHEN: I'm sorry.

16           CHAIRPERSON HILL: Yes?

17           MR. COHEN: I think we accidentally called the  
18 wrong case here.

19           CHAIRPERSON HILL: Oh.

20           MR. COHEN: This is not a modification of --  
21 19560 is not a modification of consequence case.

22           MR. MOY: Yes, so, because Application 195690,  
23 that's Ross and Wu's, I think perhaps the Board meant  
24 Application Number 16569A of the Kingsbury Center. Am I  
25 correct?

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1 CHAIRPERSON HILL: Yes, I'm sorry. What did  
2 -- oh, I'm sorry, you announced the -- okay. So --

3 MR. MOY: Yes, I announced Application Number  
4 19560, which I thought that was what the Board asked for.  
5 Maybe I thought incorrectly, but maybe the reference actually  
6 should have been the 14th Street case on the decision making  
7 session, which is the modification of consequence. Right?

8 So, that's what threw me off with the case  
9 number.

10 CHAIRPERSON HILL: I'm sorry, I was --

11 MR. MOY: The case number threw me off.

12 CHAIRPERSON HILL: No, that's okay. I was  
13 going along with the agenda.

14 MR. MOY: Yes, it could have been me.

15 CHAIRPERSON HILL: No, the -- oh, it was you.  
16 It was you, yes, no, Mr. Moy.

17 MR. MOY: That's fine.

18 CHAIRPERSON HILL: That's from the holiday.

19 MR. MOY: My wife says the same thing.

20 CHAIRPERSON HILL: Right.

21 So, back to --

22 MR. MOY: Shall I read the caption for this?

23 CHAIRPERSON HILL: Yes, please.

24 MR. MOY: Let's start over.

25 CHAIRPERSON HILL: That would be great, thank

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1 you.

2 MR. MOY: Let's do a -- let's have a redo.

3 CHAIRPERSON HILL: We'll start over again.

4 MR. MOY: Okay, so we're in the decision  
5 meeting session and on the Consent Calendar there's a request  
6 for a minor -- or rather a modification of consequence,  
7 Application Number 16569A of the Kingsbury Center, request  
8 for a modification of consequence to the conditions of BZA  
9 Order Number 16569 governing the hours of operation and the  
10 ages of the children at an existing private school R-16 zone.

11 This is at 5000 14th Street, Northwest, Square  
12 2711, Lot 802.

13 CHAIRPERSON HILL: Okay, so am I back? So,  
14 we've started again?

15 MR. MOY: Yes, I would -- it would help, for  
16 the record.

17 CHAIRPERSON HILL: Okay, no, that's great,  
18 sure. Of course.

19 So, is the Board ready to deliberate? Okay,  
20 all right.

21 Welcome to the Public Hearing. Let's see, so,  
22 would you like to start the deliberation? Public Meeting,  
23 sorry, Public Meeting, thank you. Maybe I've been on  
24 vacation.

25 So, again, the Office of Planning was in

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1 support of this modification of consequence. And, they had  
2 made a comment to perhaps hear this at the same time as the  
3 Latin American Montessori Bilingual Charter School which was  
4 postponed to November 15th in terms of them working more with  
5 the ANC.

6 I agreed with the Office of Planning's  
7 analysis on this being a modification of consequence. And,  
8 the ANC has already been in support of this or was in support  
9 and filed a report of this 8-1-0.

10 I didn't really have an issue with deciding on  
11 this now rather than postponing this to the 15th because  
12 then, on the 15th, we'd have an opportunity to hear from the  
13 Latin American Montessori Bilingual Charter School and I was  
14 comfortable with moving forward on this.

15 Particularly since the issues in terms of all  
16 the parties being notified that were previously involved in  
17 this case have been, including ANC 4C which is the ANC that  
18 has supplied its most recent report.

19 Does the Board have any issue with moving  
20 forward on this today?

21 MEMBER WHITE: Mr. Chair, I don't. I think,  
22 you know, given the request that they are seeking to modify  
23 a couple of the condition, I think they've met the criteria.

24 You know, there are two conditions that they  
25 wanted to modify and that had to do with the time, you know,

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1 modifying Monday through Friday from 7:00 a.m. to 7:00 p.m.  
2 Originally, it was 8:30 to 6:15 p.m.

3 So, that condition was fine. And also,  
4 they're also changing the ages. Originally, it was 5 to 18,  
5 and now, they wanted to state that it would be pre-  
6 kindergarten through high school.

7 So, ANC supported it, ANC 4C as well as OP.  
8 So, DDOT was comfortable, so I'm comfortable as well.

9 CHAIRPERSON HILL: Okay.

10 And then, the only thing to note, I guess, was  
11 in the original condition number 4, it should say school  
12 instead of schools? Is that something that was -- is that  
13 correct, Mr. Moy?

14 MR. MOY: I thought it was students, plural.

15 CHAIRPERSON HILL: Oh, sorry, students.

16 MR. MOY: But, I could be wrong.

17 CHAIRPERSON HILL: No, no, that's correct.  
18 So, that's under condition 4.

19 All right, so, with that, I'd go ahead and  
20 make a motion to approve Application Number 16569A and ask  
21 for a second.

22 MEMBER WHITE: Second.

23 CHAIRPERSON HILL: Motion made and seconded.

24 All those in favor?

25 (CHORUS OF AYES)

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1 CHAIRPERSON HILL: All those opposed?

2 (NO RESPONSE)

3 CHAIRPERSON HILL: The motion passes, Mr. Moy.

4 MR. MOY: The staff would record the vote as  
5 4-0-1, this is on the motion of Chairman Hill to approve the  
6 application for this request for modification of consequence  
7 with the two conditions as stated by the Board.

8 Second of the motion, Ms. White; also in  
9 support, Mr. Robert Miller and Vice Chair Hart. We have a  
10 Board seat vacant. Motion carries.

11 CHAIRPERSON HILL: Thank you, the summary  
12 order.

13 MR. MOY: Yes, thank you.

14 CHAIRPERSON HILL: Mr. Moy, I'm going to pay  
15 attention now if you want to announce the next one.

16 MR. MOY: I'm sorry, sir. No, you're always  
17 paying attention, I was just trying to catch up with you.

18 All right, next item before the Board is a  
19 request for a time extension. This is to Application Number  
20 19113A of Lerner South Capitol Street JV, LLC.

21 As captioned, they advertised for a request  
22 for a two-year time extension of BZA Order Number 19113  
23 approving variances from the side yard requirements under  
24 Section 775.5, loading requirements under Section 2201.1,  
25 special exception from the roof structure requirements under

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1 Section 411.11 to allow a roof -- or rather, allow roof  
2 structures not meeting the setback requirements under Section  
3 770.6(b) and the single enclosure requirements under Section  
4 411.3 which would construct a new multi-family apartment  
5 building in the C-3-C District at premises 1000 South Capitol  
6 Street, Southeast, Square 697, Lot 46.

7 And, I have participating would be you, the  
8 Chair, Vice Chair Hart and Ms. Lesylee White.

9 CHAIRPERSON HILL: Okay, great, thank you.

10 Is the Board ready to deliberate? Okay.

11 So, I went back and actually looked at the  
12 original case in terms of what had been decided. And, I was  
13 comfortable with the good cause argument concerning -- well,  
14 I was comfortable with the good cause argument concerning the  
15 time that it's taken the applicant to work with the  
16 government agencies to secure the necessary documents for the  
17 time extension.

18 The Office of Planning, in their analysis work  
19 and has been in support of this time extension. And, I would  
20 also agree with their analysis.

21 My one question had been kind of the -- and we  
22 hadn't gotten a report from the ANC 6D. But, again, then I  
23 went back and looked at the record and read their support for  
24 the original case and that I didn't think that anything had  
25 changed in terms of what they were agreeing to at that time.

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1           So, I don't have an issue with the time  
2 extension. Does the Board have any thoughts?

3           VICE CHAIRPERSON HART: No, Mr. Chairman. I  
4 would concur with your assessment and with your rationale for  
5 the -- for supporting this application.

6           MEMBER WHITE: I would agree, as well. I  
7 think they established good cause for the extension as well.

8           CHAIRPERSON HILL: Okay. I see the Office of  
9 Planning is here, does anybody have any questions of anybody?

10           (NO RESPONSE)

11           CHAIRPERSON HILL: No? Okay, all right.

12           Then, with that, I'd go ahead and approve  
13 Application Number 19113A as read by the Secretary.

14           VICE CHAIRPERSON HART: Second.

15           CHAIRPERSON HILL: Motion been made and  
16 seconded. All those in favor?

17           (CHORUS OF AYES)

18           CHAIRPERSON HILL: All those opposed?

19           (NO RESPONSE)

20           CHAIRPERSON HILL: The motion passes, Mr. Moy.

21           MR. MOY: The staff would record the votes as  
22 3-0-2 based on the motion of Chairman Hill to approve the  
23 request for a two-year time extension of BZA Order Number  
24 19113, seconding the motion, the Vice Chair Hart.

25           Also in support, Ms. White, seat vacant -- we

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1 have a seat vacant and no other member participating. The  
2 motion carries, sir.

3 CHAIRPERSON HILL: Thank you, summary order.

4 MR. MOY: Yes, thank you.

5 CHAIRPERSON HILL: Thank you.

6 MR. MOY: I believe the next action for the  
7 Board is a request for a minor modification.

8 This is to Application Number 19113B, B as in  
9 Bravo, of Lerner South Capitol Street JV, LLC.

10 Again, this is a request for a minor  
11 modification to the plans approved in BZA Order 19113 which  
12 would permit retail/service use within all or a portion of  
13 the ground floor to reconfigure the ground floor layout, the  
14 parking, loading and bicycle parking facilities and the North  
15 penthouse enclosure.

16 This would permit the addition of balconies to  
17 certain units and to modify the range of dwelling units  
18 permitted in the proposed multi-family apartment building in  
19 the C-3-C District at premises 1000 South Capitol Street,  
20 Southeast, Square 697, Lot 46.

21 CHAIRPERSON HILL: Okay, great, thank you, Mr.  
22 Moy.

23 Is the Board ready to deliberate?

24 (NO AUDIBLE RESPONSE)

25 CHAIRPERSON HILL: Okay. So, again, it was

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1 the same -- it's the same project as the last case we just  
2 heard in terms of the time extension.

3           And so, there was again, the same issue with  
4 my thoughts in terms of there wasn't any feedback from ANC  
5 6D. But, again, I went back to the original report and,  
6 actually, I was a little bit more -- concerned is not the  
7 right word -- I was a little bit more, you know, there was  
8 a lot of changes that had gone on to this really in terms of  
9 it being a minor modification.

10           I do agree with the Office of Planning in  
11 terms of it being a minor modification. And, again, I see  
12 the Office of Planning is here and so we can ask if there's  
13 any questions that we have for them.

14           The other -- the sticking point that I kind of  
15 was coming to was the conditions that DDOT has now kind of  
16 added.

17           There was an original condition that we had,  
18 and I'm jumping around here a little bit, but had to do with  
19 affordable housing and that condition would still remain in  
20 effect.

21           However, now, DDOT has kind of come in and  
22 given a bunch of, you know, conditions. And, it's unclear  
23 to me as to whether or not what the applicant's stance is on  
24 it.

25           And so, I'm kind of torn as to whether or not

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1 to, you know, deliberate this now or try to see if we can get  
2 the applicant in front of us to kind of clarify.

3 Because I know there's been some talk about  
4 how DDOT, you know, the applicant's -- or in the record, I  
5 should say, that they are in approval of DDOT's conditions,  
6 but they would rather not.

7 And so, I don't know what the Board's thoughts  
8 are with that.

9 MEMBER WHITE: I would be interested in  
10 getting OP's feedback on that because I am curious what the  
11 -- whether or not the applicant had had a position regarding  
12 those conditions established by DDOT.

13 But, other than that, I'm comfortable with the  
14 request.

15 CHAIRPERSON HILL: Okay.

16 The Office of Planning, since they're here, do  
17 you have any thoughts on the DDOT request?

18 MR. COCHRAN: The DDOT requests certainly  
19 seemed appropriate to OP. But, I don't -- I can't speak for  
20 the applicant on their reaction to them.

21 CHAIRPERSON HILL: Okay.

22 And, you don't have anything to add in terms  
23 of your report from -- that's in the record from the Office  
24 of Planning?

25 MR. COCHRAN: No, I was just sitting up here

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1 to sure you would -- if you did approve it today that you saw  
2 the DDOT conditions.

3 CHAIRPERSON HILL: Okay.

4 All right, is the applicant here by any  
5 chance?

6 (NO AUDIBLE RESPONSE)

7 CHAIRPERSON HILL: Okay, all right.

8 So, then, what I'd like to do is actually, so  
9 that we can clear up the DDOT conditions, ask the applicant  
10 to come before us. And so, I mean, I'd like to do this as  
11 expeditiously as possible since this was, again, a minor  
12 modification and that we've already reviewed the case.

13 So, Mr. Moy, is it possible to have a hearing  
14 on this as quickly as possible? Or get the applicant in  
15 front of us, I should say?

16 MR. MOY: Yes, you may. I mean, for the month  
17 of October, Mr. Chair, just so the Board is aware, staff  
18 would, given the docket sizes, we would suggest either  
19 October 11th or October 18th. The following two hearings are  
20 pretty full. But, of course, you could always add one more.

21 CHAIRPERSON HILL: Okay. Well, no. The 18th  
22 then, maybe. Maybe that'd be better then it gets a little  
23 bit of time. I mean, we just approved a two-year time  
24 extension, so I don't think a couple weeks is going to be  
25 that problematic. Okay?

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1 MR. MOY: Then, the Board then will -- the  
2 staff will schedule this on the hearing session for October  
3 18th and the staff will get back in touch with the applicant  
4 --

5 CHAIRPERSON HILL: Okay.

6 MR. MOY: -- and any parties so that they're  
7 aware of that schedule is for the 18th.

8 CHAIRPERSON HILL: Okay.

9 VICE CHAIRPERSON HART: And, Mr. Chairman?

10 CHAIRPERSON HILL: Yes, sir?

11 VICE CHAIRPERSON HART: And, what we're asking  
12 from them is a verbal affirmation that they are okay with the  
13 DDOT conditions or do we want something on the record? Do  
14 we want them to submit anything?

15 CHAIRPERSON HILL: I don't -- I mean, if they  
16 show up, I just want to -- I mean, again, there seem to be  
17 kind of -- it wasn't clear to me their position on the  
18 conditions. And so, if they come and let us know, you know,  
19 we can kind of walk that through with them.

20 VICE CHAIRPERSON HART: I just wanted to make  
21 sure if they needed to submit something that they --

22 CHAIRPERSON HILL: Do you need anything?

23 VICE CHAIRPERSON HART: I don't need anything  
24 else, I just would like to understand it as well.

25 CHAIRPERSON HILL: Okay, yes.

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1 MEMBER WHITE: Just need their feedback.

2 CHAIRPERSON HILL: Okay, all right. Then,  
3 we'll see everyone on the 18th. Thank you.

4 MR. MOY: All right, Mr. Chairman, I believe  
5 the next application for the Board to address in the Decision  
6 Meeting session is Application Number 19532 of Avenue  
7 Property, LLC.

8 As captioned for special exception relief  
9 under Subtitle E, Section 5201 from the rear yard  
10 requirements of Subtitle E Section 205. This would construct  
11 a three-story rear addition to an existing two-story, four-  
12 unit apartment house in the RF-1 zone. This is at 2025 E  
13 Street, Northeast, Square 4550, Lot 98.

14 As the Board will recall, the Board addressed  
15 this application in a Hearing Session on September 27th.

16 CHAIRPERSON HILL: Okay, great, thank you, Mr.  
17 Moy.

18 Is the Board ready to deliberate?

19 (NO AUDIBLE RESPONSE)

20 CHAIRPERSON HILL: Okay. I can start.

21 So, this was a hearing that we had last week  
22 and there was -- it was a pretty full hearing. I mean, we  
23 heard from the applicant. We heard from the ANC themselves  
24 came down and also members of the community.

25 There's members of the community that were in

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1 support, including members of the community that were in  
2 opposition.

3 I went back and looked at the video of the  
4 case and reviewed the file just to kind of, again, think of  
5 how the standard was being met to either approve or deny  
6 this.

7 The -- my thought, again, was that the -- I  
8 think that the applicant does meet the standard in terms of  
9 how the special exception could be approved.

10 The analysis that the Office of Planning had  
11 provided also helped with my thought process in this.

12 The -- in addition to that, the ANC was in  
13 approval 10-0-0. Again, as far as the community goes, there  
14 was both support and opposition.

15 I did think that I was, again, taken by the  
16 fact that the applicant, you know, lives in the neighborhood,  
17 that there is going to be a unit that is going to be  
18 affordable housing.

19 There are larger units in terms of their  
20 family units.

21 And, these are all just kind of things that I  
22 thought that were good about the project, not so much how it  
23 went to the standard. Although, I do think that that I was  
24 happy to see that in terms of it just, you know, the family-  
25 size units that the city is trying to produce.

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1           And so, and I did see how, you know, I  
2 listened to the testimony again, or looked back at the  
3 testimony in terms of the opposition. But, I wasn't taken  
4 by -- although I empathize with how they didn't want this  
5 particular project to move forward because they were  
6 concerned about how it would change the dynamic of the  
7 community, I didn't see that as cause to deny this based upon  
8 the criteria that we have within the regulations.

9           So, I would be in support of the project.

10           MEMBER WHITE: Yes, Mr. Chair, I would concur  
11 with you as well. I mean, this was a good example of a case  
12 that kind of came before us that didn't initially kind of  
13 meet the approval of OP.

14           But, the applicant went back, made some  
15 modifications to the plans, communicated with OP. OP did  
16 submit their approval for the special exception rear yard  
17 request.

18           And, I, too, believe that they met the  
19 standard. There was strong ANC support. But, I think we  
20 were correct to give the other civic association an  
21 opportunity to kind of voice their opinion, which was some  
22 opposition to the project as well.

23           I, too, am pleased that this is a project  
24 that's going to provide family-size units to the community,  
25 including an affordable housing unit.

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1           So, you know, I, too, you know, believe that  
2 they met the standard. I looked at the shadow studies. I  
3 didn't see that -- there was some impact, but I didn't think  
4 that it was significant, undue impact to the neighboring  
5 properties.

6           And, in addition, you know, we, you know,  
7 received a lot of letters of support and opposition. But,  
8 overall, I think given what's been submitted on the record  
9 and me reviewing the record, I think that they did meet the  
10 criteria for the application for a special exception to be  
11 granted.

12           VICE CHAIRPERSON HART: Mr. Chair, I took a  
13 hard look at the project and I am -- I think that the  
14 applicant has shown a definite willingness to make changes  
15 and to seek out ways to address the criteria that are in the  
16 Zoning Code for the relief that they were looking for. And,  
17 I think that they successfully did that.

18           I will caution that the Kingman Park Civic  
19 Association brought up some concerns that I think the  
20 applicant should be taking into consideration, understanding  
21 that there are permits that are going to be necessary for  
22 constructing this building.

23           But, they have a long history of being in the  
24 community and I think that the applicant should be taking  
25 that under consideration and understanding how to best

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1 construct this new building, taking that information and  
2 making sure that there won't be future problems with that,  
3 you know, with the construction.

4 I do feel that they met the, again, met the  
5 criteria that's set forth in the zoning regulations.

6 And, that they have accepted the conditions  
7 that were set out -- that were established by OP in the OP  
8 report. And, I think that the project will benefit the  
9 community and I agree that I think that it's good that the  
10 applicant does live in the neighborhood and has that -- I  
11 think has the neighborhood's best interest in mind.

12 And, I think that all of that is helpful for  
13 the applicant. And, it's just good to see.

14 So, I would be in support of the application  
15 as well. I don't know if Mr. Miller wants to say anything.

16 MEMBER MILLER: Thank you.

17 I'm not the participating Zoning Commission  
18 Member in this particular case. And, on the previous two  
19 cases concerning 1000 Capitol -- South Capitol Street,  
20 Southeast. I had recused myself from participating.

21 MEMBER WHITE: I had one question. With this  
22 particular -- if we grant the request would the conditions  
23 need to be included in the Order?

24 CHAIRPERSON HILL: Yes, we would go ahead and  
25 include that condition that the applicant had agreed to that

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1 was in the Office of Planning's report as part of the Order.

2 MEMBER WHITE: Okay.

3 CHAIRPERSON HILL: And then -- and, Mr. Hart,  
4 thank you for mentioning that again in terms of the  
5 opposition.

6 I would encourage the applicant, again, to do  
7 everything they can to make the opposition comfortable in  
8 terms of the construction and things that they had concerns  
9 about.

10 You know, obviously, you know, they are not  
11 getting what they want. And so, if you can just -- if the  
12 applicant could, again, do anything they could to make the  
13 opposition feel more comfortable with the construction, with  
14 some of the issues that they had, I'm sure that they would  
15 appreciate that and it would make for a more easy community  
16 living environment.

17 So, with that, I'd go ahead and make a motion  
18 to approve Application Number 19532 as read by the Secretary,  
19 including the conditions provided by the Office of Planning  
20 and ask for a second.

21 MEMBER WHITE: Second.

22 CHAIRPERSON HILL: Motion has been made and  
23 seconded. All those in favor?

24 (CHORUS OF AYES)

25 CHAIRPERSON HILL: All those opposed?

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1 (NO RESPONSE)

2 CHAIRPERSON HILL: The motion passes, Mr. Moy.

3 MR. MOY: Mr. Chairman, I have -- before I  
4 read the final vote, I do have an absentee ballot vote from  
5 another participating member from the hearing of September  
6 27, Anthony Hood, and his absentee ballot vote is to approve  
7 the application for the relief requested and any conditions  
8 that the Board may impose.

9 So, that would give the final vote of 4-0-1.  
10 This on the motion of Chairman Hill to approve the  
11 application with -- including the conditions that were  
12 provided by the Office of Planning.

13 Seconding the motion, Ms. White. Also in  
14 support, Vice Chair Hart and, of course, Anthony Hood, we  
15 have a Board seat vacant. The motion carries.

16 CHAIRPERSON HILL: Okay, thank you, Mr. Moy,  
17 summary order.

18 MR. MOY: Thank you, sir.

19 CHAIRPERSON HILL: Thank you.

20 (Whereupon, the above-entitled matter went off  
21 the record at 10:15 a.m.)

22

23

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC Board of Zoning Adjustment

Date: 10-04-17

Place: Washington, DC

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



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