

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

APRIL 11, 2018

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The Regular Public Hearing convened in the
Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441
4th Street, N.W., Washington, D.C., 20001, pursuant to notice
at 9:30 a.m., Frederick Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARLTON HART, Vice Chairperson
LESYLLEE M. WHITE, Board Member
LORNA JOHN, Board Member

ZONING COMMISSION MEMBERS PRESENT:

PETER SHAPIRO, Board Member
MICHAEL G. TURNBULL, Board Member

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

MATTHEW BELL
STEVE COCHRAN
MAXINE BROWN-ROBERTS
BRANDICE ELLIOTT
ANNE FOTHERGILL
MATTHEW JESICK

The transcript constitutes the minutes from the
Public Hearing held on April 11, 2018.

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19729 of Tracey Turner 95
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9:55 a.m.

CHAIRMAN HILL: Okay. Mr. Moy, you can call our first case whenever you like.

MR. MOY: Thank you, sir. That would be application number 19705. This is of Madison Investments LLC.

Caption advertised for special exception under subtitle X section 813 from the height requirements of subtitle X section 803.3 and from the lot occupancy requirements subtitle K section 804.1.

This would construct a mixed use building in the R-3 zone at premises 2122 14th Street NW square 203 lots 96, 809, 10 and 1.

This was last heard, Mr. Chair, on March 7, 2018. And the supplemental filings are under exhibits 83, 83A, 14 I believe.

CHAIRMAN HILL: Okay, great. Thank you, Mr. Moy. If you could please introduce yourselves from my right to left.

MR. MADANI: Barry Madani, principal, Madison Investments.

MS. MOLDENHAUER: Good morning. Meridith Moldenhauer from the law firm of Cozen O'Connor, land use counsel for the applicant.

1 MR. BERTSCHINGER: Tim Bertschinger from Perkins
2 Eastman D.C., architect.

3 MR. BELL: Matt Bell, Perkins Eastman D.C.

4 MR. ANDRES: Good morning, Erwin Andres,
5 principal, Gorove Slade Associates.

6 CHAIRMAN HILL: Okay. Ms. Moldenhauer, are you
7 going to be presenting to us or continuing to?

8 MS. MOLDENHAUER: Yes, I will begin.

9 CHAIRMAN HILL: Okay, great. So I know that we
10 are having a continued hearing and it's limited scope. And
11 I left at the very end of it actually the last time. This
12 went on for a while. And rightly it should. It's a pretty
13 big project. There's a lot of different moving parts and a
14 lot of things that are going on.

15 And so I guess if you could -- so I actually
16 watched the whole thing again and then I saw what happened
17 at the end. So I am aware of what has been asked of you guys
18 in terms of the continued hearing.

19 But if you could just kind of fill us in as to
20 what's happened since the last time you were here. And if
21 you could just kind of review -- let's start with what has
22 happened since the last time you were here, but I would also
23 like just kind of a little bit of review of everything that
24 you're asking for and also kind of how you're meeting the
25 standards for that relief.

1 I can see from the supplemental filings that a lot
2 has happened and a lot has changed since the last time you
3 were here and so I will go ahead and just put again 15
4 minutes on the clock so I know where I am and then you can
5 begin whenever you like.

6 MS. MOLDENHAUER: Thank you very much. So we have
7 a quick review of what has occurred since our last hearing.

8 The applicant has revised the application and
9 reduced the 45 degree plane request pursuant to section K
10 803.3(b).

11 The applicant presented the revised plans to the
12 Office of Planning and engaged in a dialogue. The Office of
13 Planning has filed a supplemental report at exhibit 85
14 supporting the reduced relief of 803.3(b).

15 The applicant also attended the full ANC meeting
16 on April 5 and obtained their support of the revised 45
17 degree angle relief. And they filed a resolution on that
18 point.

19 We also on a side note also attended the ANC 1B's
20 transportation subcommittee and presented to them the W
21 Street access. They unanimously voted at the subcommittee
22 to support the W Street access and then also at the full ANC
23 meeting also indicated a letter of support for the W Street
24 access for the Public Space Committee that we'll be
25 presenting before on April 26, 2018.

1 Just a reminder, kind of going back through what
2 occurred at the last hearing there was no party in opposition
3 in this case. The Board had denied the request by LDP during
4 the initial hearing and we have ANC support.

5 Additionally since the last hearing on March 22
6 the applicant presented to HPRB. HPRB requested some
7 additional revisions to some of the bay windows and
8 projections but they did indicate that they were supportive
9 of HPO's staff report.

10 We are continuing to work with HPO and will be
11 going back most likely on the consent agenda to HPRB on May
12 24, 2018.

13 We will at the end of the hearing be requesting
14 certain conditions. One of the conditions would be asking
15 for flexibility to obviously modify the plan based on any
16 comments from staff of the HPO as well as HPRB support.

17 I will just then indicate that we are asking for
18 relief under the height of K 803.3(a) and (b) and we will
19 walk through what the specific relief for that is.

20 We are also asking for lot occupancy relief on the
21 second and third floors. During HPRB's hearing they did
22 identify the center garage building as contributing.

23 They went through and reclassified certain
24 buildings, some as contributing, some as non-contributing,
25 but that center garage building was deemed to be

1 contributing.

2 And given the massing of that building that's
3 really what on the second floor creates the need for that
4 special exception relief both on the second and the third
5 floor. And that's areas of relief that we are requesting.

6 We will now go forward and walk through. I'll
7 turn it over to Perkins Eastman to walk through the relief
8 and the revisions as well as we also have Erwin Andres who
9 was previously identified as an expert in transportation to
10 walk through some of the concerns that were identified and
11 addressed during the initial hearing from opposition members
12 regarding cyclists, traffic safety and things to that effect.

13 Even though we're not asking for parking relief
14 we just want to make sure that the record is full and that
15 we address those comments during rebuttal. I'll turn it now
16 over to Tim Bertschinger.

17 VICE-CHAIR HART: Ms. Moldenhauer, just one quick
18 question. You said that you went to HPRB. That was after
19 you had come up with this particular design? So HPRB has
20 seen this particular design that you're presenting to us now.

21 MS. MOLDENHAUER: Correct. Yes. They have seen
22 this design. They have asked for some modifications to this
23 design.

24 VICE-CHAIR HART: I understand that.

25 MS. MOLDENHAUER: Yes. And so we have not yet had

1 a chance to go back to HPO staff and show them some of the
2 additional revisions. So we are showing you the same plan
3 that we showed them and we're asking for --

4 VICE-CHAIR HART: I just wanted to make sure we
5 were kind of seeing the same thing so that we're not like
6 well they kind of looked at something that was earlier. But
7 you've answered the question. Thank you.

8 MS. MOLDENHAUER: Exactly. Thank you.

9 MR. BERTSCHINGER: Good morning. So we're just
10 going to walk you through some of the changes that we made
11 in response to OP report and in discussions with our meetings
12 with them.

13 Primarily the differences in the buildings we're
14 showing you today relate to the 803.3(b) relief which is the
15 rear yard setback or where the arts 3 zone abuts the RA-2.

16 And so the setback requirement in that location
17 is really at 50 feet. You have a 45 degree angular plane
18 which we're asking for a more minor relief from today.

19 So in this diagram you can see at the top the
20 previously proposed condition. We're showing here hashed in
21 blue the area which would be above or outside of that bulk
22 plane, 45 degree bulk plane.

23 Below we're showing the revised condition and you
24 can see we've placed some setbacks and pulled the building
25 back in order to provide more compliance with that.

1 Beyond that there's a line right here, this little
2 green line which is -- that's the 803.3(a) height relief.
3 So 83 and a half feet to sort of refresh everybody on what
4 those two.

5 MR. MOY: Are you using your mouse? I can't see
6 if you're pointing at something.

7 MR. BERTSCHINGER: I'm sorry. Is this better?
8 There we go. So I'll go over that again.

9 So the area here, this red line, this is the
10 angular plane starting at 50 feet. The portion of the
11 building beyond that is obviously the area of relief that we
12 were requesting previously.

13 So after having some conversations with Matt and
14 staff at OP we came back and we made these revisions to
15 really substantially reduce the amount of area that sits
16 beyond that plane.

17 Then this green line here, that's the point of 83
18 and a half feet. The portion above which is about 2 and a
19 half feet we're asking for relief on the penthouse and then
20 we have an elevator overrun here in the middle which is an
21 additional 5 foot 3 inches.

22 So this is the W Street elevation. So one of the
23 things we're doing here is we've broken this into two main
24 architectural masses.

25 We have this projecting mass here. So that's been

1 dropped and it really aligns much more closely to the rest
2 of the height of those apartment buildings that run down the
3 length of W Street.

4 Looking at V Street this is the south elevation
5 of the project. Again here we have the red line which is the
6 angular plane. Beyond that hashed in blue is the area where
7 we asked for relief previously.

8 As we come down to the lower diagram we're showing
9 the revised condition. And again we're stepping the building
10 down closer to that height limit of 50 feet further to the
11 west of V Street and stepping that condition up.

12 This is a section through the middle of the
13 building. One of the conditions that we focused on in our
14 last presentation was that we have two conditions where we're
15 really pushing the building back away from 14th Street to
16 meet historic preservation setback requirements or goals.

17 And we're also pulling the building away from the
18 alley in order to provide relief on the alley.

19 And here I'd like to point out that angular plane
20 in the red line and that we have pulled the building back a
21 little bit further from that so that we get a better quality
22 light and air into that alley space.

23 So to update you on the project character these
24 are some renderings which show that updated condition. The
25 primary difference is really the step in the building right

1 here.

2 So you can see that that cornice line that comes
3 along W Street really begins to pull into the site a little
4 bit with the way that massing sits on the building.

5 As we go to the south condition you can see here
6 we're stepping the building again down to the alley.

7 So you can see we've broken this main mass here
8 into two components. This one steps down a little bit and
9 gives you relief.

10 And then the majority of the building along the
11 alley really steps back away from the alley and gives you a
12 good amount of relief.

13 This is a view looking from W Street east and so
14 you can really begin to see the correspondence between that
15 mass and the height of the buildings along W Street.

16 MEMBER WHITE: I had a question.

17 MR. BERTSCHINGER: Yes.

18 MEMBER WHITE: Did OP support that aspect of the
19 revision?

20 MR. BERTSCHINGER: Yes.

21 MEMBER WHITE: Okay. And the number of units, is
22 it still the same?

23 MR. BERTSCHINGER: It is not. No, we've reduced
24 the number of units by four.

25 MEMBER WHITE: Okay. So the total now is?

1 MR. BERTSCHINGER: Two thirty-five. So looking
2 at the plan at the sixth level this area in white, this is
3 a terrace now. So this area has all been removed from the
4 building on W Street here to the right side of the plan.

5 And then down here on the left side of the plan
6 this would be V Street and you can see again that terrace,
7 that white area is the area removed from the building.

8 As we go up to the seventh floor we carry that up
9 through the seventh floor and then at the penthouse we've
10 also pulled back the wings of the building and pulled back
11 some of the penthouse components as well to reduce the area
12 that extends in to the angular plane.

13 And our penthouse -- or our roof level which is
14 where we have our elevator overrun has remained the same.

15 So looking at the elevation on the alley principal
16 differences are that we've really pulled these two kind of
17 gray elements down to reflect a height that's closer to 50
18 feet both on V and W Street.

19 And you can see that here in this elevation that
20 we're much closer. So previously this was actually pulled
21 up an additional floor.

22 And here on V Street there's a parking lot
23 immediately adjacent so there's not a lot to really show that
24 alignment that the building has been pulled down here as
25 well.

1 So just to look at the solar studies here quickly,
2 we did a comparative study between what we had proposed
3 previously and the improved impacts of the change.

4 You can see that there's really not a lot of
5 period of time during the day where the building is really
6 affecting the adjacent the building, the Hamilton, in a
7 different way.

8 It's really in the morning when you have eastern
9 light. So the principal difference is really around 9 to 11
10 o'clock.

11 So here you can see this is our previously
12 proposed. As we get to what we're proposing now you can see
13 we're beginning to get some light into the units here at the
14 top of the building.

15 And then the bigger differences are really between
16 9, 10 and 11 o'clock. So here at 10 o'clock you can see that
17 previously we had shadows up the building further and here
18 we're able to get an additional floor of light and air in
19 there.

20 And then by the time you hit 11 o'clock the sun
21 is really overhead and so you don't have any difference
22 that's really substantial between the two.

23 Obviously in the afternoon with the western sun
24 the conditions are the same.

25 So this is fall and spring. You can see here

1 there's not a whole lot of difference at 9 o'clock but really
2 the big difference comes into play between 10 and 11 where
3 the shadows are much higher on the building here and we're
4 able to pull it down.

5 One of the comments we had last time from
6 opposition was a concern about the impact of shadows on the
7 building across the street. So the Lumen Condos is located
8 on the north side of 14th Street at the corner of 14th and
9 W.

10 And so this is about a 70 foot right of way. The
11 impact here is really negligible because the sun in terms of
12 getting across the street doesn't ever really hit the
13 building.

14 So the major area of impact would really be at the
15 sidewalk. And because of the right of way width you're not
16 really going to get that impact except for in the winter
17 where you have a much longer range of shadows.

18 So this is a presentation that we gave at DDOT
19 talking about public space. I'm going to skip the majority
20 of the slides because what we really want to address is the
21 safety concerns. Apologies.

22 CHAIRMAN HILL: That's all right. Take your time.
23 Since I do have a moment here I was most interested in the
24 W Street entrance. And if you kind of show that. I know
25 you're trying to show that.

1 And as far as the clock goes I forgot how long
2 this was the last time. Fifteen minutes was a little
3 ambitious. So we'll just kind of work through this.

4 But I don't know if there's tech support or
5 something that can help you with that.

6 Can you actually like really focus in on the
7 entrance and everything? I want to see the W Street thing.

8 MR. BERTSCHINGER: So we've done a number of
9 studies looking at the alley condition at a number of
10 different locations where we could potentially have a parking
11 entrance.

12 But we really wanted to address the entrance to
13 the alley on W Street. So at the corner of 14th and W
14 there's a gas station. So there's a curb cut off 14th
15 Street. There's two curb cuts off W Street.

16 The curb cut at the alley is actually combined so
17 it's about 40 feet wide into the gas station and into the
18 alley.

19 This is the alley. This is the Hamilton
20 immediately to the west. So they have a small garden area
21 that extends out into the public space that's consistent with
22 a lot of the residential streets in the District where
23 there's a smaller sidewalk. There's a stoop that comes down.

24 And both of these bay elements and the cornice all
25 project into public space. So the face of the building here

1 is really at the property line.

2 So the face of our building at grade would really
3 be aligned to this face back here. So I point those
4 conditions out because the garden in particular but also the
5 bay windows are all elements which are projecting forward of
6 the property line.

7 And as you look left which is -- so the direction
8 of travel on W Street is from west to east. As you look left
9 to oncoming traffic, both bicycle and vehicular, that traffic
10 is going to be coming from the direction that from the
11 alleyway is occluded. So your area of vision is obstructed.

12 So this diagram shows a condition where we're
13 pulling out of an alley-facing entrance to the parking
14 garage. So as a car pulls here around the corner looking to
15 the left you really have a very limited view.

16 So this red area, this shows the cone of vision
17 for a driver coming in, like immediately exiting the garage.
18 If you were on the alley.

19 And as you turn the corner you have to pull
20 essentially out into the sidewalk almost in order to be able
21 to see around the garden and the areas of the building here.

22 A second issue is that this is a 15 foot wide
23 alley that's really not two ways. DDOT's perspective and I
24 think we agree is that the alley offers more facility for use
25 by being two-way.

1 We hear in our community meetings that a lot of
2 people walk down the alley both directions. A lot of people
3 use it as a cross block to avoid having to go all the way up
4 to 15th Street.

5 So one of the big issues for us is that because
6 that area is so tight the turning diagram of a car coming in
7 and a car coming out is that they're going to run into each
8 other.

9 That presents a situation where if somebody is
10 turning right off W, somebody is exiting the garage, the
11 person in the garage is going to have to either back up, or
12 more likely the person coming off W Street is going to have
13 to back out again into W Street traffic which is going to
14 potentially run over the bike lane.

15 A person backing up is not going to have as good
16 of vision through the parking area of potentially a bike
17 coming down the street. And they're not going to have as
18 good a vision of people coming in a car down the street as
19 well.

20 VICE-CHAIR HART: Can I ask one question just so
21 that I understand? So the green circle is the tree that's
22 supposed to be there?

23 MR. BERTSCHINGER: Yes.

24 VICE-CHAIR HART: I just want to make sure. And
25 then the 8 feet is the distance between the wall and where

1 the --

2 MR. BERTSCHINGER: Driver would be sitting. As
3 they got to a point --

4 VICE-CHAIR HART: That's coming out.

5 MR. BERTSCHINGER: Yes.

6 VICE-CHAIR HART: Okay.

7 MR. BERTSCHINGER: So essentially their separation
8 from the building is pretty minimal just because of the width
9 of the alley.

10 VICE-CHAIR HART: It's fine. I just thought you
11 might be starting to use them and I was trying to make sure
12 I understood what they were.

13 MR. BERTSCHINGER: I apologize for not covering
14 those items.

15 VICE-CHAIR HART: That's fine.

16 MR. BERTSCHINGER: So in this diagram we have
17 similar layout so the tree is still in there, the distance
18 dimension is still in there.

19 This is our proposed condition coming onto W
20 Street. So again traffic is coming from the left moving to
21 the right towards 14th Street.

22 So as you come out you have a much greater
23 dimension separating you from the adjacent building. You
24 also have a buffer zone. So these green areas here are
25 planted areas.

1 So one of the things that we're working with
2 public space on is the desire to carry the sidewalk dimension
3 from the residential portion of the street further out to our
4 entrance to continue that character.

5 So in addition to the turning movement allowing
6 for two cars to simultaneously enter and exit the garage this
7 also allows the car to pull out essentially further into
8 public space which gives them a clearer view down the street.

9 I think we've probably all kind of been -- Erwin
10 is more the expert, but common sense would dictate that a
11 better view offers better safety.

12 MR. ANDRES: And Tim did a good job of explaining
13 sort of the issues related to W Street.

14 One thing I wanted to add was that the proposed
15 entrance that's currently shown on the screen is actually in
16 the same location as the existing entrance to the gas
17 station.

18 So in terms of driver anticipation and driver
19 experience currently there's a driveway today that carries
20 a significant amount of traffic coming in and out of the gas
21 station. And this is essentially replacing it obviously in
22 a much nicer setting.

23 MS. MOLDENHAUER: Erwin, can you just briefly
24 describe the studies that have been done on alternatives?

25 MR. ANDRES: So typically when we go to DDOT to

1 identify an entrance that doesn't meet their standard we
2 typically look at different alternatives to test why
3 different entrances aren't feasible.

4 We've looked at three different options along the
5 alley that would meet DDOT's standard. However, they would
6 be infeasible given the fact that we are looking to -- we're
7 required to maintain the existing historic building.

8 And in addition to that we've also looked at
9 studies where if you look at the overall trip generation of
10 the gas station and the existing uses onsite it's actually
11 less than what we're proposing.

12 And the main reason is because the gas station
13 given its nature actually generates a significant amount of
14 traffic. Yes, the gas station counts and the associated uses
15 on that block are -- if you take that in aggregate are
16 actually less than what we're currently proposing. Or more
17 than what we are currently proposing.

18 VICE-CHAIR HART: And did you say that the loading
19 is on the alley?

20 MR. ANDRES: The loading is going to be maintained
21 on the alley, within the alley. And that will be managed as
22 per our plans with DDOT.

23 VICE-CHAIR HART: And are they exiting out onto
24 W Street or are they entering?

25 MR. ANDRES: It depends where they're coming from.

1 If they're coming from the west they'll be entering from W
2 Street and if they're coming from the east they're going to
3 be coming in through V Street.

4 VICE-CHAIR HART: Frequency and would that impact
5 views going out. Because you have vehicles kind of coming
6 in there and you're talking about this -- actually this
7 diagram that you're showing now.

8 If you have vehicles that are turning into that
9 if for some reason they have to stop and they're in the
10 public way they're causing some backups as well.

11 Or if they're coming out they may be sitting there
12 waiting to turn out and that would cause a reduction in the
13 amount of visibility along W Street. Because you're looking
14 down towards that west and you see the truck before you see
15 the oncoming traffic.

16 MR. ANDRES: Yes, so in the instance where the
17 truck is approaching from W Street it will obstruct some of
18 the views of our proposed garage.

19 But it's actually a better condition as opposed
20 to as if our access was in the alley. Because in that case
21 you would have a truck coming in and a vehicle potentially
22 coming out.

23 And what Tim said is they're going to be
24 jockeying. And more than likely the person coming in from
25 the public street would be more inclined to stop and back up

1 as opposed to the person in the alley. That's what we've
2 noticed as prevalent behavior where the person coming in
3 typically defers to the person coming out.

4 VICE-CHAIR HART: Thank you.

5 MS. MOLDENHAUER: Mr. Andres, we heard in
6 opposition testimony concerned about gridlock, cyclist
7 safety. Can you provide your opinion on the proposed layout
8 and addressing those issues?

9 MR. ANDRES: So again using sight lines as a
10 primary basis to allow for both the cyclists and the vehicles
11 coming out to react the sight lines are much better if the
12 driveway is not in the alley but actually out on approach
13 street given the existing constraints of the alley itself.

14 So that and we've identified in working with the
15 ANC they suggested that some sort of car share spaces are
16 provided on the frontage along W Street which we have agreed
17 to go to the Public Space Committee with. Because it's their
18 understanding and experience that when car share vehicles
19 come for different residences along the block they
20 essentially end up in the bike lane which is a hazard that
21 we're looking to mitigate in this condition.

22 CHAIRMAN HILL: Okay. Can you guys help me? I
23 can't recall again what the reasoning was for why you can't
24 do it on 14th Street. Can you review that again for me?

25 MR. ANDRES: So, the way that DDOT's driveway

1 design manual works is that if you have access to an alley --
2 access to any new building and new development has to come
3 from the lower level street.

4 So if you have access from an alley it should be
5 from an alley. If you don't have access to the alley it
6 should be from the lower level street which in this case is
7 V or W.

8 And as a last resort it should be on the main
9 street. It's my understanding that DDOT's reasoning for that
10 is the higher level streets typically have more pedestrian
11 traffic and more vehicular traffic so they want to minimize
12 those conflicts as much as possible.

13 It's our experience that any type of 14th Street
14 access would be a non-starter for DDOT.

15 MR. BELL: And they are trying to provide as much
16 continuous retail frontage on 14th Street without
17 interruption.

18 CHAIRMAN HILL: Okay. So thank you all and I'm
19 going to just let the Board start to ask questions as well.
20 But I know that there were some discussions about -- you
21 bring up the arts overlay, what the developer is doing in
22 terms of ensuring their commitment to the arts.

23 I think you did put something in your supplemental
24 but could you elaborate on that, please?

25 MS. MOLDENHAUER: I'll turn to Barry Madani to

1 address that.

2 MR. MADANI: Yes, since our last hearing we've
3 been continuing our outreach with groups and organizations.

4 We've met with Words Beats & Life. We've also met
5 with Made in D.C. And we've reached out to Kings Collective
6 to bring them into the process.

7 We have discussed about using our event space
8 above the existing historic garage building and giving that
9 up to the community to use for special arts events, art
10 installations, art gallery for local artists and to bring
11 them in from that perspective.

12 We've also been talking about using art to
13 celebrate the community with this project and kind of trying
14 to bring the past and the present together through the use
15 of old photographs, trying to bring new residents and old
16 residents together through art, photography and basically
17 using that on the actual site itself whether through display
18 or through actually putting murals out via alleyway to
19 highlight and activate it even further.

20 CHAIRMAN HILL: Okay. Does the Board have some
21 questions?

22 MEMBER SHAPIRO: Thank you, Mr. Chair. Just a
23 question of Mr. Andres for transportation. I can't remember
24 what the discussions were about the alley being two-way or
25 one-way and why you came to the decision that you did.

1 MR. ANDRES: So in general all of the alleys
2 within the District are considered two-way. It's very rare
3 that you'll see a one-way alley because the expectation is
4 such that it's meant to accommodate as much traffic for
5 vehicle access and loading as possible.

6 Given the location of this alley in this
7 neighborhood creating a one-way circulation pattern
8 especially during peak hours creates unnecessary circulation
9 for vehicles around the block.

10 And as you've been in this neighborhood during
11 peak hours you want to get some of the vehicles that are
12 accessing some of the facilities behind the building as
13 quickly as possible given that we don't want unnecessary
14 circulation through the neighborhood.

15 So given that and given our discussions with DDOT
16 we thought that it's appropriate to keep it two-way.

17 However, by moving all of our traffic off of the
18 alley we create better sight lines and have mitigated some
19 of the sight distance issues.

20 MEMBER SHAPIRO: Thank you. Thank you, Mr. Chair.

21 MEMBER WHITE: Was there an IZ component to this
22 project at all? I think we asked questions about it last
23 week and you were going to give some feedback today.

24 MS. MOLDENHAUER: We were just confirming that it
25 is an inclusionary zoning project. We will be providing the

1 required 8 percent as it will be primarily stick built.
2 Sorry, 8 percent stick built would be 10 percent. Eight
3 percent is concrete and steel.

4 And so we also will be providing and contributing
5 to the housing trust fund based on the penthouse that we are
6 providing as well.

7 CHAIRMAN HILL: So just to follow up with that
8 one. So there was testimony, somebody came in, a witness
9 came in and I was trying to remember what this was.

10 So at one point you guys did propose 10 percent
11 because you thought it was what you needed to do. And then
12 you came down to 8 percent because you realized that's what
13 you did have to do, correct?

14 MS. MOLDENHAUER: We always indicated that we were
15 going to be complying with the standard. It was Cheryl Cort
16 from the Coalition for Smart Growth who testified and
17 indicated that she'd always be supportive of additional
18 affordability.

19 And so in our initial submission we indicated that
20 we would be compliant. At that time I think there was a
21 potential that it could have been stick built. Now obviously
22 we've finalized that it will be concrete and steel and so we
23 are just confirming that it would be an 8 percent IZ
24 contribution.

25 CHAIRMAN HILL: So, Mr. Madani, so can you go to

1 10 percent? Is that going to harm your project a lot?

2 MR. MADANI: With the concessions we're making on
3 setbacks and other things it's -- anything is possible but
4 it would obviously have implications.

5 CHAIRMAN HILL: Well, the concessions you're
6 making are because you're not going to get what you want the
7 other way. So you can think about it.

8 MR. MADANI: We can always think about --

9 CHAIRMAN HILL: Okay, we'll keep moving on as we
10 think about this.

11 MS. MOLDENHAUER: Chairman Hill, I would just
12 remind the Board that the Board I think has evaluated whether
13 or not they can condition additional IZ on special exception
14 relief and it's typically not something that can be
15 conditioned.

16 CHAIRMAN HILL: Oh, we're just talking. We're
17 just hanging out up here just having a nice conversation,
18 right.

19 It's a big project. I walked by it the other day.
20 It's a giant block, big hole is going to be there. It's 2
21 percent, right? We're not talking about a lot there to kind
22 of keep moving along here.

23 Okay, anybody have any other questions?

24 MEMBER SHAPIRO: Just one. Do you know what the
25 contribution to the Housing Production Trust Fund is or

1 approximately based upon the habitable penthouse space?

2 MS. MOLDENHAUER: We were looking at that
3 calculation this morning. Approximately 200,000. But we'll
4 be refining that number and making sure it's correct.

5 MEMBER SHAPIRO: Thank you. Thank you, Mr. Cahir.

6 CHAIRMAN HILL: Okay, anybody got anything else?
7 All right, turn to the Office of Planning.

8 MR. JESICK: Thank you, Mr. Chairman and members
9 of the Board. My name is Matt Jesick.

10 We were pleased to continue our discussions with
11 the applicant following the previous hearing and we were very
12 pleased to see their revised design which we feel more
13 closely meets the intent of the zone to provide a visual step
14 down to adjacent residential development.

15 So therefore we can now recommend approval of that
16 area of relief to the 45 degree plane in addition to the
17 other two areas of relief which we had previously recommended
18 approval of.

19 Thank you and I'd be happy to take any questions.

20 VICE-CHAIR HART: Just so that I also understand,
21 you're saying in your supplemental report that you're still
22 in opposition or you would defer to DDOT on the entrance on
23 W Street. Is that correct?

24 MR. JESICK: That's correct. It's not a zoning
25 issue before us now so we do not support the entrance on W

1 Street but we would defer to DDOT and the Public Space
2 Committee to conduct that full analysis.

3 VICE-CHAIR HART: So, I was just looking at
4 subtitle K 813.1(c) which is vehicular access and egress are
5 located in design as to minimize conflict with principal
6 pedestrian ways to function efficiently.

7 MR. JESICK: I think what we found was generally
8 the project does that. They're in conformance with the arts
9 zone which prohibits entrances on 14th Street, vehicular
10 entrances, and generally speaking it's a very walkable
11 environment.

12 So therefore we felt that they met that criteria
13 overall. We do have the concern about W Street but again we
14 felt that that would be better handled through the Public
15 Space Committee.

16 VICE-CHAIR HART: And so it would not rise to the
17 -- it is one aspect of an entire project and while you don't
18 necessarily agree with it you don't think that it should keep
19 the project from moving forward.

20 MR. JESICK: That's correct.

21 VICE-CHAIR HART: I'm not trying to put words in
22 your mouth, I just want to make sure I understood.

23 MR. JESICK: I think that's a correct summary.
24 And the only thing we would ask is that the Board in its
25 order grant flexibility should the entrance be required to

1 move to the alley the applicant would have that flexibility
2 in their plans at a future date.

3 VICE-CHAIR HART: Thank you. And the applicant
4 has provided supplemental drawings that show how they are
5 reducing the impact on the alley and that building to the
6 west by kind of doing a setback of some massing of the
7 proposed building that while still in that 45 degree area is
8 less impactful and so you all are -- the Office of Planning
9 is supportive of that because they have through further
10 design work gotten to a better place with the design. Is
11 that correct?

12 MR. JESICK: That's correct.

13 VICE-CHAIR HART: Thank you.

14 CHAIRMAN HILL: Does anybody have anything more
15 for the Office of Planning? Okay. Do you have any questions
16 for the Office of Planning?

17 MS. MOLDENHAUER: No, no questions. Thank you.

18 CHAIRMAN HILL: Okay. We did support and
19 opposition the last time. We did whether or not anybody was
20 here with the ANC.

21 But you did at the end of the public hearing you
22 said you were going to leave it up to me which means I don't
23 know if anybody showed up here or not. It would have been
24 a whole lot better if you had just said we're not going to
25 do it.

1 So is there anybody here that was wishing to speak
2 in support or opposition? Is anybody here from the ANC?
3 Okay, that makes it easier. All right.

4 Okay, then let's see. Ms. Moldenhauer, I guess
5 you have rebuttal, correct. Pardon me?

6 MS. MOLDENHAUER: We did our rebuttal.

7 CHAIRMAN HILL: Oh, I thought that was -- then you
8 have a conclusion.

9 MS. MOLDENHAUER: Yes.

10 CHAIRMAN HILL: Okay. And this is where I'm a
11 little unsure as to where I am. So I'm just curious of this
12 whole IZ issue just because I'm curious.

13 Is that it's not as you've mentioned you're going
14 to live within the regulations and you're going to do what
15 you're supposed to do.

16 And so I got a little confused when we were
17 talking about the 10 percent and the 8 percent.

18 So you're going to think about it? I'm just kind
19 of curious as to what that means. That means you're just
20 going to think about it.

21 MR. MADANI: I think we're going to be staying
22 with the 8 percent.

23 CHAIRMAN HILL: Okay, so you're going to stay with
24 the 8 percent. All right, Ms. Moldenhauer, you can go ahead
25 and go with your conclusion.

1 MS. MOLDENHAUER: Thank you, Board members. At
2 this point we would conclude that we believe that we satisfy
3 the three areas of special exception relief.

4 This is a request not under a variance but rather
5 three areas of special exception from penthouse setback from
6 K 803.3(a), (b).

7 (a) identifies the fact that we are asking for
8 additional height beyond in excess of the 83 and a half from
9 the measuring point of the project.

10 As we testified in the initial portion of our case
11 we are taking the BHMP from W Street. There is a grade
12 change. And so that measurement is taken from a horizontal
13 plane throughout the entire project.

14 And we are asking for both 85 and 11 1/8 above the
15 BMP on the first penthouse level and 91 and 2 inches above
16 the elevator overrun.

17 We believe that that degree of relief is a minor
18 area of relief and that the ANC and Office of Planning have
19 agreed to support that.

20 We have presented testimony as to how we satisfy
21 the special exception standards and the different factors
22 that come into play here in regards to the multiple historic
23 and contributing buildings on the site as well as the
24 requirement to set back from the 45 degree angle.

25 We are also asking for reduced area of relief for

1 the 45 degree angle under K 803.3(b) and lot occupancy on
2 both the second and third floor for 80 percent lot occupancy
3 is the requirement when we have residential units. We are
4 asking for 86 percent lot occupancy given the mix of both
5 retail and residential on those floors due to the fact that
6 we have the garage building in the center portion of the
7 structure which is now deemed to be a contributing building
8 on the site.

9 Preserving that building provides for that
10 continual retail above the first floor where if we were just
11 providing residential and we did not have that massing of the
12 historic building we would not be needing to request that
13 relief.

14 Given those factors we are asking for that small
15 area of special exception relief from lot occupancy.

16 We believe that we have satisfied the special
17 exception standards in regards to harmony with the purpose
18 and intent of the zone plan.

19 During our initial case in chief we had testimony
20 from Mr. Varga, an expert in planning and zoning and land
21 use, and he provided testimony as to how this project is not
22 inconsistent with the comprehensive plan and does
23 specifically address multiple aspects of the arts purpose and
24 zone district.

25 We also then go through some of the specific

1 special exception conditions. As Board Member Hart pointed
2 out there are specific conditions under K 813.1 which must
3 be satisfied in order to obtain relief under the arts
4 district.

5 One, the use, building, or feature of a size and
6 intensity and location proposed will not substantially
7 adversely affect the purpose of the zone -- sorry, will
8 substantially advance the purpose of the arts zone and will
9 not adversely affect neighboring properties or a detriment
10 to the health, safety, convenience and general welfare of
11 persons living and working in the area.

12 We point out that we have numerous letters of
13 support and we also have the ANC support. We believe the
14 project does specifically enhance and provide substantial
15 advantages towards the arts purpose such as providing retail,
16 enhancing the arts program, creating a pedestrian friendly
17 environment with wraparound retail as well as retail in the
18 alley creating an opportunity not just for projects.

19 One of the unique aspects about this project that
20 does specifically talk to the arts program is that this is
21 a fully mixed use project. We have residential, office and
22 retail. So we are creating an 18-hour activity, not just a
23 situation in which you may have retail which might create
24 activity on a weekend or in the evenings, but we also then
25 have the office which will create daily activity.

1 And as we showed in the initial images that's
2 going to provide access off of the alley creating that
3 environment that I think will really speak to 14th Street as
4 well as some of the arts elements that Mr. Madani spoke to
5 in regards to trying to connect the arts and this building.

6 There also then is under section A the
7 architectural design of the project will enhance the urban
8 design features of the immediate vicinity in which it is
9 located providing if the historic district or historic
10 landmarks are involved which there are here the Board of
11 Zoning Adjustment shall refer to the application to the HPRB
12 Board.

13 As indicated we did present the massing and the
14 project and materials to the Historic Preservation Review
15 Board.

16 They deferred to staff and we will be going back
17 to them in May. But we believe that Perkins Eastman has done
18 a phenomenal job here providing a great design.

19 Even one of the Board members from the opposition
20 party did commend the design of the project during his
21 testimony in opposition at the last meeting.

22 And then the last item, the vehicular access and
23 egress are located in design to minimize conflicts with the
24 pedestrian ways.

25 We do believe that based on the testimony you

1 heard today both from Tim Bertschinger as well as from Erwin
2 Andres that the proposed design does enhance pedestrian
3 access along 14th Street as well as V and W.

4 It also creates a positive environment in the
5 alley to provide both loading but also pedestrian access and
6 improving that environment that is currently -- I think there
7 was testimony from representatives from the Hamilton
8 apartment building that is abutting the alley that currently
9 that alley is not the safest environment. And so this will
10 really enhance and improve that environment.

11 Based on that we believe that the record is full
12 and I'll address the conditions in a moment, but we would ask
13 the Board to vote in support of the relief being requested
14 as well as issue a summary order.

15 We know that we have ANC support and OP support.
16 There was no parties in opposition to this case.

17 In regards to the conditions we have them up on
18 the screen. We would ask that the Board provide us with
19 flexibility for up to minus or plus five parking spaces for
20 the project.

21 That is really in relationship to if we end up
22 needing on point two flexibility to vary the location of the
23 proposed curb cut and driveway access based on Public Space
24 Committee's recommendation.

25 Based on that relocation of the curb cut or the

1 access that will most likely impact the parking space layout.
2 And so we would not be going below the required parking, but
3 we would ask for flexibility as we finalize that design as
4 well as asking for flexibility to vary architectural design
5 massing of the building in accordance with the design
6 approval by Historic Preservation Review Board.

7 Based on that we submit that the record is full
8 and would ask the Board to enter into deliberation and
9 support the application.

10 CHAIRMAN HILL: Okay. Just as far as the first
11 condition that you're mentioning, the plus or minus, you're
12 still going to supply the required spaces.

13 MS. MOLDENHAUER: Yes, correct. Under the 016 you
14 cannot increase or decrease parking by more than 2 percent.
15 Two percent in this case would be I believe one parking
16 space. And so we are asking for the flexibility so we would
17 not have to come back and file a modification of significance
18 here before the Board, but rather asking for the Board to
19 give us that flexibility.

20 CHAIRMAN HILL: Does the Office of Planning have
21 any comment on that first condition?

22 MR. JESICK: No, we're fine with that condition.

23 CHAIRMAN HILL: Okay. Does the Board have any
24 questions again? What was the Dutch term for activating the
25 alley?

1 MR. BERTSCHINGER: A woonerf. W-O-O-N-E-R-F I
2 believe is the Dutch spelling. Mixed modal transportation
3 environment.

4 CHAIRMAN HILL: Okay. No questions? Okay. Mr.
5 Madani, do you play poker?

6 MR. MADANI: I've been known to play poker.

7 CHAIRMAN HILL: Oh, really? You're probably
8 pretty good at it. Okay. Is the Board ready to deliberate?
9 Sure, go ahead, Ms. White.

10 MEMBER WHITE: Well, I know as part of the
11 criteria talks about the fact that you're going to be
12 incorporating the arts aspect of this. And I know you kind
13 of rattled off a lot of things.

14 I don't know if these are just people you've had
15 some conversations with or whether or not you've actually
16 locked in these relationships from a contractual perspective
17 meaning that you're really going to be locked into utilizing
18 this building as an arts type of space on the first and
19 second level or just the first level?

20 MR. MADANI: It's really the second level of the
21 historic garage building in the center.

22 MEMBER WHITE: So I just want to hear a little bit
23 more about that.

24 MR. MADANI: That's really the material element
25 of the arts that we're going to be offering to the community.

1 So we have an approximately 4,000 square foot
2 flexible event space above that historic garage that's
3 underneath the bridge component of the building. And that
4 can be accessed independently from the alley. There's an
5 elevator that brings people up, it shuttles them up to that
6 space.

7 And we have essentially engaged with these
8 different people that I mentioned and have been engaging them
9 to let them know that that space is going to be available in
10 the future for them to use for community events, art events,
11 for artists to use.

12 And a group we met with recently, they kind of
13 bring together both artists and photographers and people that
14 want to basically enhance their craft. And they'll be able
15 to use that space.

16 I've also been engaged with Nathan Ackerman who's
17 the ANC commissioner and we have been talking about different
18 ideas.

19 It's difficult at this point to contractually
20 engage simply because we're really floating ideas. But our
21 commitment is that we're offering space to the community and
22 we think it's going to be a great space. We're going to
23 build it out with A/V equipment and flexibility and the
24 ability to close it in sort of seasonal weather so that it
25 can be used. I think it's going to be something really great

1 for the community.

2 VICE-CHAIR HART: Mr. Chairman, regarding this
3 arts space is it fee-based or does the community get to use
4 it for free? How do you see that working?

5 MR. MADANI: It won't be fee-based. It will be
6 free to the community. We may in turn use it in off months
7 for fee-based activities, but for the community it's going
8 to be free of charge.

9 And they can use it for a month at a time or a
10 week or a day at a time for special events or anything that
11 they propose. The ANC can also use it for hearings and
12 meetings and anything that they wish as well.

13 VICE-CHAIR HART: Thank you.

14 CHAIRMAN HILL: Okay, anyone else? Okay. Are we
15 ready to deliberate? Mr. Hart, do you want to start? Anyone
16 want to start other than me?

17 MEMBER SHAPIRO: I'm happy to start briefly. The
18 issues that I had some concerns about I believe have been
19 addressed.

20 I appreciate that OP and the ANC are on Board with
21 this new design. I appreciate that you were able to come
22 back to us and address this issue especially about the
23 setback.

24 I had lots of issues and concerns about the
25 ingress and egress and loading. In short I was convinced by

1 the case that you made and OP is on Board or DDOT is on Board
2 with that as well.

3 I think it's a quality design. I appreciate the
4 woonef. The arts elements, I understand that you can't
5 necessarily pin that down but it sounds like you're having
6 the right conversations.

7 Yes. So with all that I'm comfortable granting
8 the height relief and the lot occupancy relief, Mr. Chair.

9 VICE-CHAIR HART: Mr. Chair, after reviewing the
10 record and the supplemental OP report I believe that the
11 applicant has provided sufficient information to describe how
12 they meet the criteria.

13 I agree with my colleague, Mr. Shapiro. So I do
14 believe that they have provided information how they could
15 meet the special exception relief for the total height
16 including penthouse and lot occupancy as well as the 45
17 degree setback from the residential zone.

18 I will say that that was one of the parts that I
19 did have some concerns about when we heard this case
20 previously.

21 I'll say previously the design required a greater
22 intensity of relief for that 45 degree setback provision.

23 However, I believe that the applicant worked with
24 the Office of Planning and met with the ANC and developed a
25 more reasonable approach that resulted in the reduction of

1 the building height adjacent to the western property.

2 I appreciate the applicant for providing the
3 shadow studies that helped to show the reduced impact of
4 shadows to the west during the morning hours, understanding
5 that by the time you got to about noon it would be no longer
6 an issue because the shadows would no longer be showing or
7 providing shade in that portion of the building just because
8 of where the sun was located.

9 This reduction for that 45 degree area not only
10 made the proposed building align better with the adjacent
11 neighbor it also provided a stepping down effect to the
12 western side of the building which reduces the massing and
13 as I noted the shadow to the building to the west.

14 Regarding the parking garage entrance while I
15 understand the Office of Planning concerns about the W Street
16 entrance for the parking garage I also understand that they
17 are generally saying that the applicant has provided an
18 overall proposal that includes vehicular access and egress
19 that is located and designed to minimize pedestrian conflict
20 as required under subtitle K 813.1(c).

21 I find that the applicant has gone through the due
22 diligence that they needed to show that they are meeting the
23 requirements under the zoning regulations.

24 With regard to the conditions that they are
25 proposing that are actually on the screen right now the first

1 condition regarding the vehicle spaces I don't really have
2 that much of an issue with. I think that that's giving the
3 flexibility and maybe saying that it's 65 to 75 spaces is --
4 I don't know if we want to say the actual number as opposed
5 to plus or minus 5 spaces.

6 The flexibility for varying the location of the
7 proposed curb cut and driveway. And I understand that that
8 may change.

9 I don't think that it would get worse. I think
10 that it would be better for the pedestrian experience if it
11 were not on W Street.

12 I'm not saying I'm against that, I'm just saying
13 that the condition that they would be creating would be I
14 think less impactful than what they are proposing now which
15 is the W Street entrance. So I'm okay with that condition.

16 The last one I have had issues with not just with
17 this project, and this is the applicant has flexibility to
18 vary architectural design features of the building in
19 accordance with the design approved by the HPRB.

20 I don't know, it just seems very vague. I don't
21 know if it's something that says vary architectural -- I
22 don't want to say features. I'm really trying to get down
23 to the aspects of the design that might change.

24 I don't want the massing to change and I don't
25 know if that would change because that could be construed as

1 a design feature.

2 I don't know if the words design feature is what's
3 kind of bothering me about this. And I don't know if anybody
4 else on the Board has a concern about it.

5 It seems a bit vague to me and I think that that
6 one may need to be addressed or altered. I don't know if you
7 have a concern, Mr. Shapiro?

8 MEMBER SHAPIRO: I would agree that it's vague.
9 If there's a way to tighten it up a little bit. Maybe to
10 take -- to your point, Vice Chair, to be clear that we're not
11 talking about issues related to massing, or height.

12 CHAIRMAN HILL: Ms. Moldenhauer, you had a
13 comment?

14 MS. MOLDENHAUER: I don't want to interrupt
15 deliberation but I think there might be some points of
16 clarification.

17 HPRB did have some questions about the bay
18 projections both over provision 14 and on the corner where
19 the alley and W Street connect. And so that will as we're
20 working with HPO create some massing changes.

21 Obviously we're still trying to work. We have not
22 yet presented those to HPO staff so that's why we're not
23 presenting them to you today.

24 So we are not planning on changing materials,
25 appearances of what we are showing now, nor are we changing

1 any of the FAR that is being proposed.

2 But we are asking to be able to work with HPO and
3 make sure that obviously they are comfortable with the levels
4 of projections. And if we pull those back there may be some
5 overall design changes that we'll have to work out with them.

6 And so we'd like the flexibility here in this
7 situation to revise the plans pursuant to HPRB approval.

8 CHAIRMAN HILL: Okay, thank you. I mean as far
9 as mine, we've had this discussion before and I also don't
10 know exactly what to do with it. It's like we're approving
11 something and then HPRB is going to approve it.

12 And so I don't know exactly how to change that
13 wording. If there's another word that you're more
14 comfortable with I'm happy to --

15 VICE-CHAIR HART: I mean honestly I think -- I
16 would propose that we do not include that condition. And if
17 something is a material change then we address it at that
18 point.

19 Because I feel that it's just too vague of a
20 comment especially what Ms. Moldenhauer just stated. Again
21 I just don't know what that change is going to be.

22 If it is a change that we -- that may be perceived
23 as a significant change or a change of -- a modification of
24 consequence or significance maybe we need to hear that
25 anyway.

1 So I don't know. I just find that it's --

2 CHAIRMAN HILL: That's okay. We're having this
3 discussion now. And I'm trying to figure it out.

4 Because again I don't want -- if they're back
5 before us just for something that is minor then we're just
6 causing -- I don't necessarily think we're doing ourselves
7 or the public any favors.

8 But I don't know if the Office of Planning has
9 another thought in terms of the language, or if since the
10 applicant is here and they have other thoughts in terms of
11 the language.

12 MS. MOLDENHAUER: We'd be more than happy to add
13 to the end of the language to allow for flexibility based on
14 HPRB review provided that the overall height, massing, number
15 of stories of the building remains consistent with the
16 approved plans and any refinements do not result in any new
17 or increased areas of relief.

18 CHAIRMAN HILL: Can you pass that up to me? Or
19 give it to the secretary, please?

20 VICE-CHAIR HART: Ms. Moldenhauer, I appreciate
21 it. And just for the Board's sake I think that that's
22 tighter. Because it really talks about no increase in the
23 amount of relief that's necessary and it looks at the overall
24 kind of massing.

25 Yes, I understand that there may be some changes

1 that HPRB is looking for, I just don't want those changes to
2 be something that may be something that we needed to see.

3 I just don't want us to kind of say yes, we're
4 going to give you that kind of blank check.

5 MEMBER WHITE: And it gives us some protection too
6 in terms of not having something too vague.

7 MS. MOLDENHAUER: And the massing wouldn't be
8 changed on the rear or the 45 degree angle is. So I think
9 in regards to the relief requested that while we're asking
10 for flexibility on massing based on HPRB that it would not
11 be changed in connection with the relief since the relief is
12 on the rear of the site.

13 CHAIRMAN HILL: Okay, so this condition now and
14 thanks for leaving this up. The applicant has flexibility
15 to vary architectural design features of building in accord
16 with design approved by Historic Preservation Review Board
17 provided the overall height, mass, bulk and number of stories
18 of the building remain consistent with approved plans and any
19 refinements do not result in new or increased areas of
20 relief.

21 And I'm looking to my Board members if that's more
22 concise.

23 MEMBER WHITE: That's more concise to me.

24 CHAIRMAN HILL: All right.

25 MEMBER WHITE: I have a question. When the

1 Historic Preservation Review Board looks at these cases do
2 they typically look at them after they're brought before the
3 BZA?

4 CHAIRMAN HILL: I'm going to turn to OAG for that.

5 MS. GLAZER: I don't know that I can answer what's
6 typical. Sometimes the applicant comes here first, sometimes
7 HPRB.

8 Usually the flexibility is more limited in scope
9 and it's limited to very specific things like types of
10 materials, finishes, rather than saying -- leaving it broad
11 to say that it's anything that doesn't require zoning relief.

12 CHAIRMAN HILL: Okay.

13 MS. MOLDENHAUER: Chairman Hill --

14 CHAIRMAN HILL: I'm good. I'm all right. Thanks.
15 Okay. So did you have anything you wanted to add? Okay.

16 So I also am now more comfortable with the project
17 and the way it was. Obviously the thing that we had really
18 the most issue with was the 45 degrees.

19 And then we took a lot of testimony. I mean there
20 was people that were coming here from the buildings at Lumen
21 I guess that had the most objections. And the main one or
22 one that ended up being of most concern was the W Street
23 access.

24 And I thought that the presentation was pretty
25 good and the argument as to why it's not on the alley and why

1 that would be more problematic for even safety, I thought
2 that was a good visual that they gave.

3 I thought it was interesting, and again I know
4 where that gas station is also and so you get more -- it
5 makes sense to me that there's going to be more people coming
6 in and out of that entrance for the gas station.

7 And I didn't know, I just wanted further clarity
8 as to why because the people in opposition were more
9 interested in 14th Street. And so that further clarified my
10 questions.

11 I thought that in terms of the analysis that the
12 Office of Planning provided I thought that was very good and
13 how now I think they're meeting the standard for this project
14 to be approved.

15 I did also appreciate the shadow studies that they
16 provided in terms of the difference between what was proposed
17 and what now is proposed. And I also do appreciate the two
18 slides that they showed so that you could click back and
19 forth to see what was being pulled away and what was there.
20 That made it easier to at least understand.

21 I think that as far as the things that Ms. White
22 brought up I think that I do believe that the developer Mr.
23 Madani and his group, I'm sure they are really going to try
24 to do what they say they're going to do in terms of letting
25 the community have as much access as they can to the space.

1 I'm sure it's going to be a beautiful space, it
2 looks like it's going to be a nice project. As I said I've
3 been by there. We all live in the city and it's a big piece
4 of property that I can't even -- as I was looking at it I
5 just can't even believe that it's getting developed to a
6 certain extent because I remember when I was scared to go
7 down there. It was a while ago, but still. That whole area.

8 Anyway, so I'm comfortable with it now. I also
9 am comfortable with the conditions that were put forth. I
10 do again just continue to hope that the developer does which
11 I'm sure they would because it makes sense for the project
12 just do what they can for the community because I think that
13 alley, I think I learned something new, I can't say the word
14 but I learned something new, that it's a really interesting
15 alley that will get activated which is I'm sure why also the
16 Hamilton, was it the Hamilton, the other building was in
17 approval or wanted to support it because that alley the way
18 it is now is not a whole lot of fun.

19 So unless anybody has anything else to add I'll
20 make a motion. Okay. I'm going to go ahead and make a
21 motion to approve application number 19705 as captioned and
22 read by the secretary including proposed conditions that the
23 applicant may vary the vehicular parking spaces to in between
24 65 and 75 spaces.

25 The applicant has the flexibility to vary the

1 location of proposed curb cut and driveway access to parking
2 level pursuant to pending Public Space Committee application.

3 The applicant may revise the interior floor plan
4 of the ground floor and parking level to adjust the driveway
5 access if necessary.

6 In addition the applicant has the flexibility to
7 vary architectural design features of the building in accord
8 with design approved by Historic Preservation Review Board
9 provided the overall height, mass, bulk and number of stories
10 in the building remain consistent with approved plans and any
11 refinements do not result in new or increased areas of
12 relief. And I ask for a second.

13 VICE-CHAIR HART: Second.

14 CHAIRMAN HILL: Motion made and seconded. All
15 those in favor.

16 (Chorus of aye)

17 CHAIRMAN HILL: All those opposed? Motion passes,
18 Mr. Moy.

19 MR. MOY: Staff would record the vote as 5-0-0.
20 This on the motion of Chairman Hill to approve the
21 application for relief being requested including the three
22 conditions as read in your motion, Mr. Chair.

23 Seconding the motion Vice Chair Hart. Also in
24 support Mr. Peter Shapiro, Ms. White and Ms. John. The
25 motion carries.

1 CHAIRMAN HILL: Summary order.

2 MR. MOY: Thank you.

3 CHAIRMAN HILL: I'm sorry, Mr. Moy. Just to let
4 you know, I forgot. Ms. John didn't participate in this
5 case. She wasn't there.

6 MR. MOY: Okay, then the vote will be 4-0-1.

7 CHAIRMAN HILL: Okay, thank you. And it took
8 longer than 15 minutes so we're going to take a break. Thank
9 you very much.

10 (Whereupon, the above-entitled matter went off the
11 record at 11:03 a.m. and resumed at 11:20 a.m.)

12 CHAIRMAN HILL: All right, Mr. Moy. We can get
13 started again.

14 MR. MOY: Am I on deck?

15 CHAIRMAN HILL: Mr. Moy, we're waiting for you.

16 MR. MOY: I wasn't quite sure. Okay, it's 11:20.
17 The hearing is back in the session and I see the parties are
18 to the table.

19 Case application number 19707 of District of
20 Columbia. Caption advertised for special exceptions under
21 subtitle C section 1610.2 from the lot occupancy requirements
22 of subtitle C section 1603 under subtitle C section 703 from
23 the minimum vehicle parking requirements of subtitle C
24 section 701, under subtitle C section 714.3 from the surface
25 parking screening requirements of subtitle C section 714.2,

1 and under subtitle C section 807.2.

2 This is from the long-term bicycle parking
3 requirements subtitle C section 802. This would construct
4 a new public library in the R-3 zone at premises 900 Wesley
5 Place SW square 542 lot 87.

6 Preliminary before you, Mr. Chair, is that I would
7 ask that the applicant kind of verify the relief being
8 requested. This is in reference to their submission of
9 supplemental filing under exhibit 33 and whether that's
10 consistent with the relief as advertised in their revised
11 self-certification.

12 CHAIRMAN HILL: Okay, I'll ask them. Just to let
13 the audience know also there's been a request for a lunch
14 break. So we're going to be taking a lunch at some point in
15 time, probably in an hour. And so in an hour we'll have like
16 a 15-20 minute lunch. So just trying to keep everybody
17 informed as to whether or not you're going to end up coming
18 up after the lunch or not.

19 So with that being the case if you can please
20 introduce yourselves from my right to left.

21 MS. PAHWA: Good morning, I'm Jaspreet Pahwa. I'm
22 the assistant director of planning and construction, D.C.
23 Public Library.

24 MS. RODDY: Christine Roddy with Goulston &
25 Storrs, land use counsel.

1 MR. KNUTSON: Carl Knutson from Perkins and Will,
2 architect.

3 MS. MILANOVICH: Jami Milanovich with Wilson
4 Associates, transportation consultants for the project.

5 CHAIRMAN HILL: Okay, great, thank you. If you
6 could also just as Mr. Moy had clarified he's captioned and
7 read the relief you're requesting. Can you just clarify that
8 that's accurate and we're all on the same page?

9 MS. RODDY: Sure. So he had referenced relief for
10 the long-term bicycle spaces under section 802.1. And that
11 was what we were initially requesting. We initially were
12 providing two spaces instead of the required three.

13 But after speaking with both DDOT and the Office
14 of Planning they demonstrated a preference for having the
15 required number of spaces even if they didn't meet the
16 required area.

17 And so we are now providing the required number
18 under 802.1 but we do need relief from the area requirements
19 of 805.8 and 805.9.

20 CHAIRMAN HILL: 805.8 and 805.9?

21 MS. RODDY: That's correct.

22 CHAIRMAN HILL: And then you don't need it --
23 long-term bicycle requirements of C 802?

24 MS. RODDY: Correct.

25 CHAIRMAN HILL: Okay. All right. So that's that

1 first part.

2 So if you would as you're doing your presentation
3 just go through what you're proposing to do and also then the
4 relief that's being requested and how you're meeting the
5 standard for that relief.

6 Yes, I'm going to go ahead and put 15 minutes on
7 the clock even though it hasn't done me much good today and
8 we'll see where we end up. Okay?

9 MS. RODDY: Great, thank you. Again, Christine
10 Roddy with Goulston and we appreciate your time today for the
11 consideration of this application for the D.C. public
12 library.

13 And as the materials that we've submitted
14 demonstrate the applicant is proposing to replace the
15 existing library at 900 Wesley Place with a new state of the
16 art public library.

17 And in doing so the new library does require
18 special exception relief. And so as has already been stated
19 the relief is from the lot occupancy requirements. The
20 proposal proposes a 47 percent lot occupancy where 40 percent
21 is the maximum. From the parking space requirements for
22 vehicles nine spaces are required. We are providing seven
23 spaces from the long-term bicycle spaces as we just discussed
24 and then also from the surface parking screening
25 requirements.

1 We will be providing the required screening but
2 part of it will be in public space. And so we do have three
3 witnesses with us today.

4 I did just want to say at the outset we are happy
5 to be here with the ANC support, with the support of the
6 Office of Planning and the support of DDOT.

7 We have also been to the Commission of Fine Arts
8 and they have provided concept approval of the plans.

9 So with that I will -- actually another
10 preliminary matter that I forgot to take up at the very
11 outset is we would like to have Mr. Knutson as well as Ms.
12 Milanovich accepted as experts in their respective fields.
13 And we have submitted their resumes.

14 CHAIRMAN HILL: Okay. Mr. Knutson, and I'm sorry,
15 your name again?

16 MS. MILANOVICH: Jami Milanovich.

17 CHAIRMAN HILL: I thought you'd been before us
18 before.

19 MS. MILANOVICH: Many times.

20 (Simultaneous speaking)

21 CHAIRMAN HILL: You're already in the book.

22 MS. MILANOVICH: I am.

23 CHAIRMAN HILL: Right. Okay. So you're not in
24 the book.

25 MR. KNUTSON: I'm not in the book.

1 CHAIRMAN HILL: Okay. Can you tell us a little
2 about yourself if you don't mind? Thank you.

3 MR. KNUTSON: Sure. I'm an architect having
4 practiced for about 20 years or so both here in D.C. and in
5 Chicago, Illinois.

6 I've worked for Perkins & Will, the firm that I
7 currently work for for about 14 years or so mostly in mixed
8 use large buildings, healthcare, institutional and civic like
9 the library that we are proposing to talk about today.

10 I guess that's a quick summary.

11 CHAIRMAN HILL: Okay, that's good. Ms. Roddy,
12 which exhibit is his, do you know?

13 MS. RODDY: Yes. It's --

14 CHAIRMAN HILL: Okay, great, I see it. Sorry.
15 Okay. I don't have any issue with you being proposed as an
16 expert witness. Does anyone else on the Board?

17 MEMBER TURNBULL: I just had a question for Mr.
18 Knutson. Did you work for Perkins & Will in Chicago?

19 MR. KNUTSON: I did.

20 MEMBER TURNBULL: Okay.

21 CHAIRMAN HILL: I don't know if that's a good or
22 bad thing.

23 MEMBER TURNBULL: I'm from Chicago so I just --

24 CHAIRMAN HILL: Oh, all right. Okay. All right.
25 So we'll go ahead and accept you as an expert witness and now

1 you're in our book. Okay, Ms. Roddy.

2 MS. RODDY: Thank you. I'm going to turn to Ms.
3 Pahwa to give some background on the needs of the library and
4 why the application is the basis of the application today.

5 MS. PAHWA: Thank you, Christine. The existing
6 library constructed in 1961 no longer serves the needs of the
7 community.

8 The library services identified in concert with
9 the community include a variety of meeting spaces, eight
10 specific services and collection for children, teens and
11 adults.

12 The proposed design responds and the special
13 exceptions requested are optimal to deliver library services
14 to the Southwest community.

15 The design is also a response to both the District
16 and the library's commitment to sustainability and resiliency
17 and we have a few slides that kind of speak to what I just
18 talked about as well. That's all.

19 MS. RODDY: And so now Mr. Knutson will speak to
20 the architectural plans.

21 MR. KNUTSON: Great. Thank you for having us
22 today.

23 First a little bit about the context to get
24 everyone oriented as to where we are in the city. Southwest
25 neighborhood. We're down at 4th Street, 4th and I Street SW

1 in the -- next to the Waterfront Metro station where there
2 is a series of existing and new high-rises being proposed in
3 that area along with a commercial area -- sorry, civic area
4 that stretches from the north end of the site.

5 This is the area that was originally the Southeast
6 University area.

7 In the context we're showing a couple of pictures
8 of what we have there including Arena Stage, the Waterfront
9 Metro station along with Christ Church Methodist.

10 We also have several other existing buildings
11 including a lot of buildings that were part of the urban
12 redevelopment that occurred in the nineteen fifties and
13 nineteen sixties in that neighborhood.

14 You can see our site is located at the northeast
15 corner of that active area about -- right close to the
16 Waterfront Metro station that you see right there.

17 Our site is an interesting site as a standalone
18 site in which the library sits on and adjacent to a park.
19 We are located on the south side of that park or playground
20 as it's also referred to.

21 We are proposing to take the existing library,
22 remove it, demolish it and then rebuild in the exact same
23 location.

24 This is our current zoning and proposed zoning
25 requirements on the site. We can go back to those if needed.

1 As you can see our new proposed library is located
2 in approximately the same location as the existing library.
3 So we are going to demolish that in place. We're going to
4 put up a temporary library close by and build this one new
5 in the project timeline.

6 The new library is approximately 20,000 square
7 feet so a little bit larger than the existing library. And
8 it also is organized in a new updated way, more functional
9 way as Jaspreet talked about as the needs for the library.

10 A couple of key things here. We are locating the
11 parking at the same side of the site as is currently located.
12 We are closing one of the curb cuts in consultation with DDOT
13 and Jami will talk about that.

14 We are providing both outside and inside bicycle
15 parking. And the six exterior bicycle spots are located at
16 the northwest corner of the building approximately in this
17 area.

18 We are also providing a bioretention around the
19 building that includes landscape to support the connection
20 to the park and support the collection of rainwater on the
21 site.

22 This is a little more detailed plan view of the
23 ground floor plan along with the site plan just showing some
24 of the general constraints. And I can again go back to this.

25 One of the key things that we wanted to bring into

1 the design is actually getting rid of the basement in this
2 area and getting the whole building out of the flood plain.

3 So you can see the 100 year flood plain noted
4 there in black, the dotted black line that goes throughout
5 the site. So we're actually raising the whole building and
6 removing the basement and providing all the services above
7 grade in the new library which just makes for better space.

8 VICE-CHAIR HART: And you're saying in this image
9 that the flood plain is to the south.

10 MR. KNUTSON: The 100 year flood plain is that
11 black dotted line showing the current elevation of that flood
12 plain line through there. And so what we're doing is we're
13 elevating the first floor elevation to be above that 100 year
14 flood plain line.

15 VICE-CHAIR HART: Yes, I was just saying that the
16 flood plain line is a line but it's usually an area and that
17 area, I'm just making sure that area is to the south.

18 MR. KNUTSON: Yes. Sorry. To the south and to
19 the east.

20 To note we got rid of the basement so we increased
21 the footprint above grade.

22 The other aspect of the footprint that we wanted
23 to articulate here was we have a couple of key components
24 that want to land on the ground floor to make the building
25 much more functional, one being the multipurpose room, the

1 element that you see there in pink.

2 And that is an element, multi-function room much
3 like this that the community can use throughout the day and
4 when the library is closed as well. So there's access to
5 that. We wanted to put that on the ground floor for ease of
6 use, for ease of access and for security purposes.

7 The other key components that we wanted to put on
8 that ground floor is obviously the circulation desk.
9 Marketplace is what it's called now.

10 And then children's services so the parents don't
11 have to take their strollers upstairs. So all those three
12 components wanted to occupy the first floor which is one of
13 the reasons why we're looking for this lot occupancy
14 exception.

15 This is a detailed plan view of that first floor
16 for your reference. Again those components, we have the
17 entry at the upper lefthand corner, the northwest corner of
18 the building along with that multipurpose room which is
19 located right adjacent to that, right below that red arrow
20 that you see there in this zone.

21 We also have the children's reading room which is
22 number seven and the circulation room desk that's number
23 three shown there.

24 The other thing that I wanted to articulate on
25 this plan is we have the bicycle outdoor short-term bicycle

1 parking at number 10 located right near the door, the front
2 entry to the building.

3 And we have the long-term parking located at the
4 back here at what's indicated as number nine which is the
5 three spots indicated by my colleague.

6 The second floor for your reference is the adult
7 reading room shown here, large and open space with the
8 support spaces at the rear.

9 This is the roof plan just for your reference.
10 We are lower than every other building surrounding us which
11 makes that roof a critical part of our design.

12 We are incorporating PV panels as shown there
13 along with a green roof system to support the bioretension.
14 And then we're also depressing the mechanical well for your
15 reference within that PV array.

16 A section for your reference, we're not asking for
17 any exception here but just for your reference.

18 And the elevations for your reference as well.
19 And this is a view of the front entry for your reference.
20 You can see the two-story entry with the bicycle parking
21 immediately to the right of that.

22 And I will turn it over to my colleague here.

23 MS. MILANOVICH: Thank you. This slide is just
24 another summary of the relief that we're requesting from a
25 transportation perspective.

1 I will just point out because we have been asked
2 the question previously we are located within a half mile of
3 the Metro, the Waterfront Metro station.

4 But because we are in a residential zone we're not
5 eligible for that 50 percent reduction in parking. So that's
6 why we're requesting the parking relief, providing seven in
7 lieu of nine spaces.

8 The library is well served by a variety of
9 transportation options. We're about two and a half blocks
10 from the Waterfront Metro station.

11 There are a couple of bus stops adjacent to the
12 site on I Street as well as 3rd Street. Those serve two
13 Metrobus routes. And then another three Metrobus routes are
14 served by a bus stop roughly three blocks to the south on M
15 Street.

16 The library did conduct a survey of its patrons.
17 About 248 patrons responded to the survey and it showed that
18 overwhelmingly visitors to the library do not drive. About
19 5 percent drive, 92 percent walk, and then we have a small
20 percentage that take transit and bike.

21 In terms of the employees the library has 11
22 employees. Seven of those employees take transit to work,
23 four of them drive.

24 I would note that only eight employees work at any
25 given time and when you look at the shifts on average about

1 once a week is when you have the four employees who drive
2 working at the same time. So most times the four employees
3 who do drive are not working at the same time.

4 In the event that there are some visitors that
5 would need to park on those surrounding streets we did an
6 inventory just to see what the parking situation was there.

7 Three of the blocks surrounding the site have
8 meter parking, either two- or four-hour meter parking. So
9 those spaces turn over much more frequently. You can see
10 those are indicated on this graph by the white and the light
11 gray shading.

12 We have 33 meter parking spaces immediately
13 adjacent to the site including two handicap meter spaces.

14 And then on 3rd Street there is RPP parking. It's
15 24 hour RPP parking on the west side of 3rd Street and the
16 north side of I Street which is designated by the reddish
17 color.

18 And then the RPP parking that allows the two-hour
19 window for non-residents is on the east side of 3rd Street.

20 MEMBER WHITE: I had a question. Approximately
21 how many people are visiting the library on a daily basis?
22 I see you had the survey of patrons, the percentages, but I
23 was just curious about the numbers and what numbers you are
24 anticipating with the new construction.

25 MS. MILANOVICH: Sure. So we actually got visitor

1 data from the library and the average for the week that they
2 provided us was 272 on a daily basis. And that ranged from
3 a minimum of 140 on a Monday to a maximum of 364 on a
4 Thursday.

5 So we're pleased to have DDOT support for the
6 relief requested. We do not anticipate any adverse impact
7 on the surrounding neighborhood largely because the vast
8 majority of the patrons do not drive. The majority of
9 employees also do not drive.

10 There is adequate transportation services in that
11 area as well as there is parking nearby that turns over
12 relatively frequently in the event that there would be any
13 type of spillover parking. There would be opportunities for
14 those people to park on street without impacting the
15 residential parking.

16 MS. RODDY: And we're happy to answer questions.
17 I think that you heard from our presentation that the relief
18 that we're requesting really is driven by design
19 considerations. The need to remove that basement because of
20 the flood plain resulted in increased footprint for the lot
21 occupancy that we're requesting. Also resulted in the
22 reduction in the current surface parking hence the parking
23 request that we're asking for today.

24 So we're happy to answer any additional questions.

25 CHAIRMAN HILL: Okay, great. Thank you. Does the

1 Board have any questions?

2 MEMBER TURNBULL: Mr. Chair, I just have a couple.

3 CHAIRMAN HILL: Sure.

4 MEMBER TURNBULL: How does the phasing work on the
5 library. We talk about an interim facility. How far away
6 is it?

7 MS. PAHWA: So, yes, there will be an interim
8 library that will be serving the community while the
9 construction is ongoing.

10 We are very close to pinning down the specific
11 location and the footprint of the library that will be
12 serving as interim during construction.

13 We are looking at 425 M Street and we're in
14 conversations with the owner to execute the memorandum of
15 understanding with them.

16 MEMBER TURNBULL: Okay, 425 M Street. How much
17 space will you be able to provide in the new space?

18 MS. PAHWA: So we're looking at 2,800 square foot
19 as a modular building that we would be locating at that site.
20 That's distinct from what we are talking about here of
21 course.

22 MEMBER TURNBULL: That's an empty lot.

23 MS. PAHWA: Correct.

24 MEMBER TURNBULL: Okay. When do you look to
25 start? When is your projected start and completion?

1 MS. PAHWA: We're hoping to start construction
2 fall. We talk in seasons given all things considered. With
3 a 12-15 month construction and then outfitting phase right
4 after that.

5 MEMBER TURNBULL: Fit-out, okay. So 2020.

6 MS. PAHWA: That is correct.

7 MEMBER TURNBULL: 2020, okay. The vertical bike
8 storage, is that -- I think it's a vertical bike storage
9 system you've got set up.

10 MS. MILANOVICH: That's correct.

11 MR. KNUTSON: Yes.

12 MEMBER TURNBULL: So it's two rows or something?

13 MR. KNUTSON: So what we have shown in the corner
14 here of this is we're showing three vertical bike storage
15 locations located inside the building.

16 MEMBER TURNBULL: Is there an assist to get the
17 upper one down or how do you -- you've just kind of got to
18 lift it up or what?

19 MR. KNUTSON: The way I understand it to be is
20 they're three in a row so you hook it on. So there's nothing
21 above you. They're lined up one, two, three in a row.

22 MEMBER TURNBULL: Staggered.

23 MR. KNUTSON: Yes.

24 MEMBER TURNBULL: All right, thanks. On the solar
25 you've got a bent plate roof system up there. So I'm

1 guessing that 50 percent of the roof has got sunlight on it
2 -- is just rotated. Since your building goes east-west
3 you've got your plate, you're going to get your most direct
4 -- at least 50 percent gets 100 percent of the sunlight for
5 half the day and then as it's going around the other gets 100
6 percent.

7 You're not getting the full effect with the folded
8 plates.

9 MR. KNUTSON: Well and it's interesting because
10 as we've explored and studied the PV panels because of the
11 technology in PV panels has improved so much drastically and
12 they're way more efficient aligning the PV panel with the
13 exact angle of the sun is not as necessary as it used to be.

14 Because the peaks and valleys of that roof we
15 showed you -- it varies 5 feet or so over 10 feet. So it's
16 not a very steep angle. So what we're doing is they all sort
17 of mitigate each other I guess. So some are getting more
18 direct sunlight and some are getting a little bit less over
19 the course of the day.

20 MEMBER TURNBULL: Okay, thank you. That's it, Mr.
21 Chair.

22 CHAIRMAN HILL: Okay. Just real quick for me, can
23 you show me again where the screening is that you're
24 proposing?

25 MR. KNUTSON: The screening we're proposing is off

1 the property line to the east here, east --

2 CHAIRMAN HILL: I see. Okay.

3 MR. KNUTSON: So the property line is 210 feet but
4 it doesn't quite go to the sidewalk that you see right there.

5 CHAIRMAN HILL: How high is the screening?

6 MR. KNUTSON: We are proposing, I think it was
7 about 6 foot screening that we're proposing.

8 CHAIRMAN HILL: Okay. Does anyone else have
9 questions?

10 VICE-CHAIR HART: Yes, Mr. Chair. I was just
11 looking through the plans themselves and you have -- can you
12 talk a little bit about, and I'm sorry if I may have missed
13 it, but the decision to put the entrance at the northwest
14 corner.

15 I mean the corner of the streets are I guess the
16 southwest corner. I'm just trying to figure out why that --
17 is it because of where the park is and so you wanted to kind
18 of orient the building to the park?

19 MR. KNUTSON: Sure. Sorry, I briefed over that
20 piece. What we wanted to do is really open up the building
21 to the north so it engages the park. So all the reading
22 rooms face the north. You get the north light. The north
23 light comes in.

24 All the patrons can go sit up against the north
25 window. So both the first and second level have floor to

1 ceiling glass as we showed you in the first image in our
2 presentation.

3 The other thing that we wanted to reinforce was
4 a connection across this whole civic corridor that we see at
5 this district from the Duck Pond Park past the two churches
6 to our location.

7 And if I go to the overall site plan in this
8 particular site plan Duck Pond Park is located at K Street
9 and 6th Street. And so there is an existing pedestrian
10 walkway that goes in front of all these, the churches across
11 to our location.

12 Because we have a lot of community members coming
13 from 4th Street we wanted to make sure that that axes point,
14 that circulation zone was reinforced. So we want people to
15 come in along a path that runs immediately south of the
16 United Methodist Church and connects right into our building.

17 And furthermore we wanted to reinforce the idea
18 of a reading porch that engaged that park. So we're
19 basically extending that connection across.

20 And so the most logical point for the entry
21 location as you asked for us was at that location so we could
22 connect to the Waterfront Metro and we could engage this new
23 porch and then engage over to 3rd Street SW.

24 VICE-CHAIR HART: And the -- I was also kind of
25 concerned about what happens along K Street because it seems

1 as though it is now -- you would think you'd want to have
2 something that was along K Street to have some interest that
3 was there.

4 You have kind of two -- I guess there are more
5 than two public facades, but along Wesley Place and along K
6 Street they're kind of like the facades. It just seems as
7 though while you have something, an entrance along Wesley the
8 K Street facade seems as it's not as inviting only because
9 there isn't -- it's kind of set back from the street a little
10 bit and there isn't an entrance.

11 I think there's an ADA entrance. Is that what I'm
12 seeing there?

13 MR. KNUTSON: That is a service entrance.

14 VICE-CHAIR HART: Service entrance. But it just
15 seems as though -- did you consider that?

16 MR. KNUTSON: Yes.

17 VICE-CHAIR HART: Grapple with that.

18 MR. KNUTSON: I think one of the big challenges
19 we had with the site was that we are basically -- all four
20 sides are public sides. So we were really looking at the
21 building as a pavilion in the park.

22 So we did want to prioritize and make sure that
23 every side of the building had that sort of presence and
24 accessibility.

25 Because of the pavilion park in the idea we

1 settled on the idea that this northwest corner, Wesley, where
2 the address of the building was the most durable spot for the
3 entrance so to maintain that address.

4 Extending this porch across the north side and
5 then the connection to the parking on the east side made it
6 so we started wrapping the public around which basically
7 pushed the building further towards the north towards this
8 park. And we wanted to engage that park further.

9 So I guess in terms of priorities we felt like
10 Wesley Place for the address, the north side for the north
11 light and this new reading room we're envisioning along with
12 that connection to the parking to the east were sort of the
13 priorities.

14 So yes, the south facade was probably the last
15 priority. But in terms of hierarchy that seemed to make the
16 most from a design standpoint.

17 VICE-CHAIR HART: Thank you very much for that
18 explanation.

19 And a final point. Just actually a bit of
20 clarification. Did the location of the flood plain also have
21 an impact on where you wanted to have the -- I don't want to
22 say the entrance, but what the level of the floor was.

23 Because if you move it south you kind of start
24 getting into much closer to where the flood plain is. And
25 I just didn't know if that had any --

1 MR. KNUTSON: The critical driver for us for the
2 elevation of the ground floor was really to make it so -- we
3 raised it so you did feel like you were a pavilion in the
4 park, but also we wanted to make sure that the accessibility
5 was key so patrons could come right up to the entrance and
6 it didn't feel like you had to walk up steps.

7 So we are sort of at a sweet spot between a ramp
8 that feels comfortable coming up to the main entrance and
9 then just getting everything out of that flood plain.

10 VICE-CHAIR HART: Thank you.

11 CHAIRMAN HILL: Anyone else? Okay. Going to turn
12 to the Office of Planning.

13 MR. COCHRAN: Thank you, Mr. Chair. OP would
14 recommend that you approve all of the requested relief as
15 that was clarified this morning with respect to the parking
16 for the bicycles. We'd be happy to address any questions.

17 CHAIRMAN HILL: When you say that the
18 specification to the area requirements also.

19 MR. COCHRAN: No. For the 805 --

20 CHAIRMAN HILL: 8 and 805.9.

21 MR. COCHRAN: Yes. That's in our report. As
22 opposed to the numbers of parking spaces it's the way in
23 which they're configured.

24 CHAIRMAN HILL: Okay. All right. Anyone else
25 have questions for the Office of Planning? All right. Does

1 the applicant have any questions for the Office of Planning?
2 All right.

3 Is there anyone here from the ANC? Is there
4 anyone here wishing to speak in support? Is there anyone
5 here wishing to speak in opposition? Okay.

6 Ms. Roddy, is there anything else you'd like to
7 add?

8 MS. RODDY: No. We're happy to be here with the
9 support of the community as well as the agencies and so we
10 would ask the Board to approve the application as we
11 submitted it.

12 CHAIRMAN HILL: Okay. If we don't have any
13 questions I'm going to go ahead and close the hearing. Is
14 the Board ready to deliberate?

15 Okay, I can start. Again after hearing all the
16 testimony and also reviewing the record as well as the
17 analysis that has been provided by the Office of Planning I
18 don't have any questions or concerns about the application.

19 I just was a little bit -- there was clarification
20 in the beginning that I was uncertain of and now I am more
21 certain of it in terms of what they're asking for.

22 I thought that -- actually I did have a quick
23 question. At the ANC meeting it was 3-0-2. So two people
24 didn't show up? I'm just curious. Or abstained.

25 MS. PAHWA: I cannot recall exactly, but at that

1 time the chair was Andy Litzky and the current chair is a
2 different chair.

3 (Simultaneous speaking)

4 CHAIRMAN HILL: I was just curious.

5 MS. PAHWA: Two did not attend I'm being reminded.

6 CHAIRMAN HILL: I was just curious. It's a big
7 project and so for the ANC two people didn't make it. I was
8 just curious, that's all.

9 MS. PAHWA: In addition we also made a more recent
10 update to the ANC on March 19 and we got a mini applause at
11 that presentation as well to reiterate their support.

12 CHAIRMAN HILL: All right, thank you. Okay.
13 Again to consider my discussion here for deliberating I think
14 it's a lovely project and I am comfortable with the relief
15 they're asking for and how they're meeting the criteria.

16 Does anyone else have anything they'd like to add?

17 MEMBER WHITE: I would just concur with your
18 comments. I think it's a beautiful design. I can understand
19 the logistics of why you laid it out the way you did, but
20 more importantly the special exception relief that you're
21 seeking I think you have clearly met the criteria for lot
22 occupancy, the bike parking space relief, vehicle parking
23 relief, surface parking screening.

24 And with OP's report as well as the ANC support
25 along with the community I don't have any issues with this

1 project whatsoever.

2 CHAIRMAN HILL: Okay. Anyone else have anything
3 they'd like to add?

4 MEMBER TURNBULL: Yes. Mr. Chair, I think I would
5 concur with Ms. White. I think it's a very elegant looking
6 building. I think it will be a great add to the
7 neighborhood.

8 I was concerned about the phasing only because
9 especially when you said 425 M Street because that's the
10 block that the Metro is on right now. And both 425 and 435
11 are before the Zoning Commission.

12 I can't get into the case but it's interesting.
13 So the phasing was kind of interesting as to how long that
14 would take and these new projects that are being assigned to
15 those spaces.

16 This ANC is very actively involved and their
17 reports are always very, very thorough. Especially on the
18 case that is before the Zoning Commission they're very
19 thorough.

20 But as I say I think this is going to be an
21 elegant project to add to the neighborhood.

22 CHAIRMAN HILL: Okay, great. Then I'm going to
23 go ahead and make -- Mr. Hart.

24 VICE-CHAIR HART: Just one comment. I just wanted
25 to thank the architect for kind of going through some of the

1 decision points and I think it's very helpful to understand
2 that.

3 I understand why you were doing some of it, I just
4 wanted to make sure that I did understand what those
5 decisions were.

6 And as a final note that kind of in looking at the
7 project I think that it's definitely something that will be
8 accepted and is needed I guess for the neighborhood.

9 And I'll just remind the District that projects
10 should be -- while it was submitted to CFA it should also be
11 submitted to National Capital Planning Commission.

12 We actually review all the projects as well. I
13 work for them as well so I just wanted to make sure that you
14 were aware of that.

15 We review projects as well as the Commission of
16 Fine Arts.

17 But I would be supportive of the relief that
18 you're requesting for the reasons that have been stated
19 already. I'm not going to go into that again. And look
20 forward to seeing this again at my own commission. So
21 thanks.

22 CHAIRMAN HILL: So, Mr. Vice Chair Hart, your
23 commission trumps our commission?

24 VICE-CHAIR HART: No, no. It's just it is kind
25 of a continuum. The project has to come before the BZA

1 because of zoning relief. My commission is a federal
2 commission and we review projects for a different set of
3 circumstances where we look at are there any impacts to the
4 federal interest.

5 CHAIRMAN HILL: Federal interest.

6 VICE-CHAIR HART: Federal interest.

7 CHAIRMAN HILL: Okay, I'm sorry. I understand
8 it's different.

9 VICE-CHAIR HART: But the zoning I didn't have any
10 issues with.

11 CHAIRMAN HILL: Okay. So Ms. John, anything?

12 MEMBER JOHN: I don't have a whole lot to add.
13 I thought it was a very well designed building and I'm
14 looking forward to sitting there in one of those spaces on
15 the second floor looking at the park.

16 CHAIRMAN HILL: Okay, great. So I'm going to make
17 an application to approve application 19707 of District of
18 Columbia pursuant to 11 DCMR subtitle X chapter 9 for special
19 exception under subtitle C 1610.2 from the lot occupancy
20 requirements of subtitle C 1603, under subtitle C 703 from
21 the minimum vehicle parking requirements of subtitle C 701,
22 under subtitle C 714.3 from the surface parking screening
23 requirements of C 714.2, and also area requirements of 805.8
24 and 805.9 and ask for a second.

25 MEMBER WHITE: Second.

1 CHAIRMAN HILL: Motion made and seconded. All
2 those in favor.

3 (Chorus of aye)

4 CHAIRMAN HILL: All those opposed? Motion passes,
5 Mr. Moy.

6 MR. MOY: Staff would record the vote as 5-0-0.
7 This is on the motion of Chairman Hill to approve the amended
8 relief being requested. Seconding the motion Ms. White.
9 Also in support Mr. Michael Turnbull, Ms. John, and Vice
10 Chair Hart. The motion carries.

11 CHAIRMAN HILL: Okay, great. Summary order, Mr.
12 Moy.

13 MR. MOY: Thank you.

14 CHAIRMAN HILL: Thank you. Thank you all very
15 much.

16 All right, Mr. Moy, let's see what we can get
17 through before lunch.

18 MR. MOY: Thank you, Mr. Chairman. If we can have
19 parties to the table to case application number 19724 of
20 Trevor and Jennifer Selman.

21 This application, Mr. Chairman, was captioned and
22 advertised for special exception under subtitle G section
23 1200 from the floor area ratio requirements of subtitle G
24 section 402.1, subtitle G section 1201.1 from the rear yard
25 requirements of subtitle G 405.2 to construct a rear egress

1 stair and dumbwaiter addition to an existing restaurant roof
2 deck, MU-4 zone.

3 This is at 5409 Georgia Avenue NW square 2996 lot
4 52. Mr. Chair, as you're aware in the case record there are
5 revised drawings and a revised ZA memo that was filed
6 yesterday April 10 that's in the record. And I think that's
7 it from the staff.

8 CHAIRMAN HILL: Okay. If you could please
9 introduce yourselves from my right to left.

10 MR. SELMAN: My name is Trevor Selman, proprietor
11 and owner of the establishment.

12 CHAIRMAN HILL: Selman.

13 MR. SELMAN: Selman, yes.

14 CHAIRMAN HILL: S-E-L-M-A-N. All right.

15 MR. CRUICKSHANK: My name is Neil Cruickshank,
16 architect, principal of Architectural Solutions LLC.

17 MS. ROTH: Hi, I'm Nancy Roth, ANC 4D of ANC 4D-01
18 which is the SMD in which this business sits.

19 CHAIRMAN HILL: Okay, great. Thanks for coming
20 down. All right so who's going to present to us. You need
21 to push your button there on your microphone when you speak,
22 sir.

23 MR. SELMAN: I don't know much about architectural
24 design. I can only suggest what I would like. To improve
25 the neighborhood and service the community. So anything that

1 I ask is to try to improve the situation, try to improve the
2 business and make it happen.

3 So when these things happen I refer to the
4 architect to design something that works.

5 CHAIRMAN HILL: Okay, Mr. Selman, thank you. Mr.
6 Cruickshank, you've been here before. So you've presented
7 before us as well I believe, correct?

8 MR. CRUICKSHANK: Correct.

9 CHAIRMAN HILL: Okay. So if you could go ahead
10 and just run through what you're proposing and then the
11 relief that you're requesting and how you're meeting the
12 standards for that relief.

13 And if we have any questions we can go ahead and
14 ask you. Mr. Selman, what's the name of your restaurant?

15 MR. SELMAN: Crown Bakery LLC.

16 CHAIRMAN HILL: Okay, great, thank you. All
17 right, Mr. Cruickshank, whenever you like. I'm going to put
18 15 minutes on the clock just so I know where we are and you
19 can start whenever you like.

20 MR. CRUICKSHANK: Okay, so essentially as the
21 relief says we ask for relief for primarily a rear yard
22 setback for the proposed stair.

23 How we came to this situation, this project was
24 approved I guess in 2013 and we had essentially a fire escape
25 stair that came from the second floor that cantilevered down

1 one step for the second means of egress.

2 It took some time for the proprietor to pull money
3 together to do the project. And he had some problems in
4 obtaining a contractor to build the stair.

5 And we went back to get the permit renewed.
6 During that process of trying to get the permit renewed the
7 head of the structural department at the time did not like
8 the previous design and he asked us to redesign the egress
9 stair basically as what we have presented at this time before
10 you.

11 However, with that redesign the new egress stair
12 that we have coming through the alley now requires a rear
13 yard setback.

14 Because of the way the design was changed we had
15 the opportunity to do the dumbwaiter and Trevor asked me if
16 we can do something like that to make it easier to service
17 the upper floors as the kitchen is on the first floor and the
18 dumbwaiter of course will be able to service the main seating
19 area of the restaurant and the second floor and the roof deck
20 up on the roof.

21 That's sort of the genesis as to how we come to
22 where we are today.

23 During that resubmission for the renewal of the
24 permit the zoning department flagged the egress stair and
25 told us basically we have to apply for relief for that egress

1 stair.

2 CHAIRMAN HILL: Okay. Did you hear the
3 announcement that Mr. Moy read and all of the different
4 relief you're requesting?

5 MR. CRUICKSHANK: Yes.

6 CHAIRMAN HILL: Did it all match with what you
7 were asking for?

8 MR. CRUICKSHANK: Pretty much, yes. So
9 essentially Mr. Moy actually called me yesterday alerting me
10 that the Office of Planning --

11 CHAIRMAN HILL: It's okay. When you said pretty
12 much the Office of Attorney General kind of sat up there for
13 a second. Ms. Glazer.

14 MS. GLAZER: Mr. Chair, I'm not sure if the
15 applicant is aware but the latest memo from the zoning
16 administrator states that only a special exception is needed
17 for the construction of a partial second story addition which
18 exceeds the permitted lot occupancy.

19 So I believe that it's for the same project but
20 I guess the ZA is expressing a different way this can be
21 achieved.

22 CHAIRMAN HILL: Okay, so I'm still not clear as
23 to what we're.

24 MS. GLAZER: Well, I raise that because the
25 applicant seems to be addressing the relief that he requested

1 before. And now the ZA is alerting the Board that different
2 relief is required.

3 I would just note that the different relief might
4 be easier to obtain.

5 CHAIRMAN HILL: What's the different relief
6 required?

7 MS. GLAZER: I apologize. I think this got put
8 into the file erroneously. It's for a different case.

9 CHAIRMAN HILL: Gotcha. That's okay. That helps
10 me out more.

11 MS. GLAZER: I apologize. Strike everything I
12 said from the record.

13 CHAIRMAN HILL: Okay. Ms. Glazer's comments will
14 be stricken from the record.

15 Okay. So all right. Does anybody have any
16 questions for the applicant? No, okay.

17 MEMBER TURNBULL: I'm just curious. With the
18 dumbwaiter does the stair from the basement still work?

19 MR. CRUICKSHANK: Yes.

20 CHAIRMAN HILL: You need to turn your microphone
21 on.

22 MR. CRUICKSHANK: So the way we designed the
23 dumbwaiter it's going to be on columns. And then there's
24 enough head room so that the stair from the basement you can
25 pass underneath the dumbwaiter and get to an egress through

1 the restaurant kitchen area to get to the back to the rear
2 exit.

3 MEMBER TURNBULL: Okay. So you go up the stairs
4 to get out. Then you go back inside? Or you go straight out
5 to the alley.

6 MR. SELMAN: You go straight out to the alley.

7 MEMBER TURNBULL: It looks narrow. Is there
8 enough room to get by with the other stair coming down?

9 MR. CRUICKSHANK: No, you do go back inside.

10 MEMBER TURNBULL: Oh, you do go back inside. And
11 then what.

12 MR. CRUICKSHANK: Then we've created if you look
13 at the floor plan --

14 MEMBER TURNBULL: I was just curious.

15 MR. CRUICKSHANK: You would come up this way and
16 then you would exit.

17 MEMBER TURNBULL: I see. And then you go out.

18 MR. CRUICKSHANK: Yes.

19 MEMBER TURNBULL: Okay. I was curious because
20 when I was looking up and I saw that stair it only looks like
21 there's about a foot --

22 MR. CRUICKSHANK: Yes, only about a foot on the
23 side of the proposed stair.

24 MEMBER TURNBULL: Yes. So then you go back inside
25 and then you go back out.

1 MR. CRUICKSHANK: Correct.

2 MEMBER TURNBULL: Okay. I was just curious.
3 Thank you.

4 MR. CRUICKSHANK: No problem.

5 CHAIRMAN HILL: Okay. I'm going to turn to the
6 Office of Planning.

7 MS. FOTHERGILL: Good afternoon, I'm Anne
8 Fothergill with the Office of Planning.

9 The Office of Planning supports the special
10 exception for the rear yard relief for the egress stairs.
11 There was some discussion with the zoning administrator. The
12 original referral memo said there was relief needed for FAR
13 and we confirmed that that is not the case so our analysis
14 does not include that relief.

15 However, there was discussion that we alerted the
16 applicant's architect to about whether or not they needed
17 penthouse relief for having the café on the roof as well as
18 possible setbacks.

19 And we let the applicant know so that they could
20 confirm that with the zoning administrator. But we did not
21 address that relief in this report because it was not part
22 of their request at the time.

23 CHAIRMAN HILL: Just give us one second, Mr.
24 Cruickshank.

25 MR. CRUICKSHANK: Cruickshank is how I pronounce

1 it.

2 CHAIRMAN HILL: Cruickshank, sorry. Yours is
3 probably the right way. So does anybody have questions for
4 the Office of Planning?

5 MEMBER TURNBULL: So, Ms. Fothergill, you're even
6 asking for the use of the restaurant?

7 MS. FOTHERGILL: It was unclear if that was
8 needed. It's unclear if that -- when the roof deck was
9 applied for what relief was needed. The zoning administrator
10 basically needed clarification from the applicant.

11 MEMBER TURNBULL: And then your comment about the
12 setbacks. You're talking about the setbacks at the front and
13 the side, not the rear.

14 MS. FOTHERGILL: Just if they need penthouse
15 setback relief. It's possible that they need 1502 and/or
16 150.3(c). But that was not --

17 MEMBER TURNBULL: Addressed.

18 MS. FOTHERGILL: Addressed. Thank you.

19 MEMBER TURNBULL: Okay.

20 MS. FOTHERGILL: We did do the relief for what was
21 requested. We did do the analysis and we recommend approval
22 of the special exception.

23 MEMBER TURNBULL: Okay. All right, thank you.

24 CHAIRMAN HILL: So this is where I'm just a little
25 confused. I'm looking at your report again.

1 So special exception from G 1200. The floor area
2 requirements of G 402.1. And the rear yard requirements of
3 405.2.

4 And then your report though you talk about -- oh
5 wait, okay.

6 (Simultaneous speaking)

7 MS. FOTHERGILL: It's been determined they do not
8 need relief from floor area ratio requirements. And so that
9 was not addressed by the Office of Planning because it was
10 confirmed with the zoning administrator that they do not need
11 that relief.

12 So we spoke with the applicant and did not do that
13 analysis because that relief is not needed.

14 CHAIRMAN HILL: Okay. I got that. I'm just
15 trying to understand what we're -- okay, Mr. Cruickshank, you
16 had something you wanted to add?

17 MR. CRUICKSHANK: So the relief Ms. Fothergill is
18 referring to for the penthouse, in the new 2016 Zoning Code
19 you're required to have a one to one setback for the roof
20 deck, for any penthouse structure.

21 However, we applied for this penthouse and it was
22 approved before the 2016 code was in force. And it was
23 actually built before that.

24 As I was trying to explain during the course of
25 the project it took some time before Mr. Selman was able to

1 complete the roof deck and we had to go renew the permit.

2 And during that process of trying to renew the
3 permit the sitting head of the structural department at the
4 time Mr. Bailey did not like the original design we had for
5 the fire escape stair and he required us to redesign us this
6 way.

7 Then once it got back to the zoning department
8 that's when they flagged the rear yard setback for the stair.

9 MEMBER TURNBULL: So are you saying that only the
10 rear stair is subject to 2016 regs and the rest of it --

11 MR. CRUICKSHANK: The rest of it was already
12 completed.

13 MEMBER TURNBULL: -- 1958.

14 MR. CRUICKSHANK: Yes.

15 MS. FOTHERGILL: So Ms. Fothergill, I don't know
16 if that makes sense.

17 MS. FOTHERGILL: If they applied for their
18 building permit before the new regulations went into effect
19 then that would be.

20 CHAIRMAN HILL: Okay. All right. Does anybody
21 have any more questions for the Office of Planning? Do you
22 have any questions for the Office of Planning?

23 MR. CRUICKSHANK: I do not.

24 CHAIRMAN HILL: Okay. Oh, there's someone here
25 from the ANC. I was going to say is there anyone here from

1 the ANC. Normally the ANC person isn't already at the table.
2 So Commissioner Roth, welcome. You have five minutes to tell
3 us anything you like and you can start whenever you like.

4 MS. ROTH: Thank you, sir. I have distributed my
5 resolution in support and I believe that this -- this is a
6 very popular and treasured restaurant in the neighborhood.
7 My residents really like it, speak highly of it.

8 And we don't have any kind of facility on that
9 block or actually anywhere in my neighborhood where we have
10 a rooftop. And it would be a nice amenity I think for the
11 neighbors and I believe it would be supported.

12 And this is a businessman who's widely respected
13 and supported and we'd like to see his business thrive and
14 grow to serve the neighborhood.

15 The feeling is so positive that I thought I should
16 come and just give it that little extra bit of support in the
17 neighborhood.

18 CHAIRMAN HILL: Okay, great. Well Commissioner
19 Roth thank you for coming down. We really like to see people
20 from the community and particularly ANC commissioners because
21 you're the ones that are closest to the ground. And so thank
22 you for coming, thank you for serving. And Mr. Selman, it
23 sounds like you have a lovely establishment there.

24 MR. SELMAN: I do.

25 CHAIRMAN HILL: Okay, well congratulations.

1 MR. SELMAN: I hope you guys come and visit.

2 CHAIRMAN HILL: Oh well, thank you very much for
3 the invitation.

4 MEMBER TURNBULL: I was going to say should we go
5 there for lunch.

6 CHAIRMAN HILL: Yes, exactly. All right. Let's
7 see. Does anyone have any questions for the commissioner?
8 Okay.

9 Is there anyone here wishing to speak in support?
10 Is there anyone here wishing to speak in opposition? All
11 right.

12 Mr. Cruickshank, is there anything else you'd like
13 to add?

14 MR. CRUICKSHANK: No, that's it.

15 CHAIRMAN HILL: Okay, thank you. All right, I'm
16 going to go ahead and close the hearing. Is the Board ready
17 to deliberate? Okay.

18 I don't have many questions. After reviewing the
19 record I was just kind of a little bit confused as to what
20 exactly we were looking at in certain areas and so that's
21 been clarified for me and so I don't have any comments.

22 I agree with the analysis of the Office of
23 Planning. It's very supportive of the commissioner to come
24 down and take her time to be here but it does weigh quite a
25 bit with the Board to see commissioners. So I'm in favor of

1 this application.

2 Does anyone have anything else they'd like to add?

3 Okay.

4 I'm going to make a motion then to approve
5 application number 19724 of Trevor and Jennifer Selman
6 pursuant to 11 DCMR subtitle X chapter 9 for special
7 exceptions under G 1201.1 from the rear yard requirements of
8 subtitle G 405.2 to construct a rear egress stair and
9 dumbwaiter addition to an existing restaurant roof deck in
10 the MU-4 zone at premises 5409 Georgia Avenue NW square 2996
11 lot 52 and ask for a second.

12 CHAIRMAN HILL: Second.

13 CHAIRMAN HILL: Motion has been made and seconded.

14 All those in favor.

15 (Chorus of aye)

16 CHAIRMAN HILL: All those opposed? Motion passes,
17 Mr. Moy.

18 MR. MOY: Staff would record the vote as 5-0-0.
19 This on the motion of Chairman Hill to approve the
20 application for the relief requested. Seconding the motion
21 Vice Chair Hart. Also in support Mr. Michael Turnbull, Ms.
22 White and Ms. John. The motion carries.

23 CHAIRMAN HILL: Summary order, Mr. Moy.

24 MR. MOY: Thank you.

25 CHAIRMAN HILL: Thank you. Thank you all very

1 much.

2 MR. SELMAN: Thank you very much. Appreciate it.

3 CHAIRMAN HILL: Congratulations. All right, Mr.
4 Moy whenever you'd like let's try to get our last case in
5 here before lunch.

6 MR. MOY: Thank you, Mr. Chairman. If the Board
7 can have parties to the table to case application number
8 19726 of Amaro LLC.

9 This application has been amended for special
10 exceptions under the use permissions of subtitle U section
11 802.1(c), subtitle C 1504 from the penthouse setback
12 requirements of subtitle C, section 1502.1(b) and (d) and
13 pursuant to 11 DCMR subtitle X chapter 10 for variances from
14 the driveway width requirements, subtitle C section 711.6 and
15 the loading berth requirements of subtitle C section 902.3
16 to construct an emergency shelter in the PDR-2 zone.

17 This is at 101 Q Street NE square 3518 lot 25.

18 CHAIRMAN HILL: Okay. Is the applicant not here.

19 MS. BROWN-ROBERTS: Maxine Brown-Roberts from the
20 Office of Planning.

21 They were here. I think they thought they were
22 going to have lunch --

23 CHAIRMAN HILL: They got confused.

24 MS. BROWN-ROBERTS: Yes.

25 CHAIRMAN HILL: These lunch break things just kill

1 me. Somebody is here. And so let me see what we do, Mr.
2 Moy. Whoever is here. Let's see if that is -- the people
3 who are here, are they for application 19729? Okay, I see
4 nods so we're going to go with that. The other case we'll
5 do it right after lunch.

6 Mr. Moy, the vice chair would like to know if we
7 need to say anything to clarify for the record.

8 MR. MOY: Clarify for the record regarding which
9 application?

10 VICE-CHAIR HART: The case that's before us right
11 now is 19726 and I just wanted to make sure -- you've already
12 read and opened it. I just didn't know if we needed to do
13 anything to continue or what.

14 MR. MOY: No, no, I think it's on the record that
15 they stepped out momentarily and I think the Board said that
16 we'll come back to this application as the next case after
17 the Board holds its lunch recess.

18 CHAIRMAN HILL: Yes, because lunch is a little
19 confusing. But thank you, Mr. Hart. I agree, no, say it the
20 wrong way and you get in trouble.

21 MR. MOY: All right, so to the table this is case
22 application number 19729 of Tracey Turner for special
23 exceptions under subtitle D section 5201 from the rear yard
24 requirements of subtitle D section 306.2, from the previous
25 surface requirements of subtitle D section 308.3, and from

1 the non-conforming structure requirements of subtitle D
2 section 202.2, and pursuant to subtitle X chapter 10 for a
3 variance from the lot occupancy requirements of subtitle D
4 sections 304.1 and 5201.3(e) to permit an existing rear
5 addition to an existing attached principal dwelling unit in
6 the R-3 zone, 2901 North Capitol Street NE square 3500 lot
7 33.

8 CHAIRMAN HILL: Okay, great. Thank you, Mr. Moy.
9 If you could please introduce yourselves from my right to
10 left.

11 MS. BARNES: Diane Barnes with ANC 5E.

12 CHAIRMAN HILL: Barnes?

13 MS. BARNES: Barnes, B-A-R-N-E-S.

14 MR. TURNER: I'm Tracey Turner, the property
15 owner.

16 MS. BIGLEY: Alyssa Bigley of the law firm of
17 Cozen O'Connor, land use counsel.

18 CHAIRMAN HILL: Could you say your last name
19 again?

20 MS. BIGLEY: Bigley.

21 CHAIRMAN HILL: Ms. Barnes, are you the ANC
22 commissioner that submitted a letter later or no?

23 MS. BARNES: No.

24 CHAIRMAN HILL: Okay. I was just trying to figure
25 out whether -- okay, thank you. All right, so Ms. Bigley if

1 you could go ahead.

2 It is a little complicated to me. There was a lot
3 of things that were going on so if you can kind of speak to
4 all the different various relief that you're asking including
5 kind of how you got here.

6 And then -- let's start with that. DDOT did raise
7 some issues I guess about public space that maybe you can
8 talk about.

9 And I'm going to go ahead and put 15 minutes on
10 the clock just so I know where I am because again today
11 though it hasn't seemed to matter. So begin whenever you
12 like.

13 MS. BIGLEY: Thank you, Chair Hill and good
14 afternoon to the members of the Board. Again my name is
15 Alyssa Bigley and I am land use counsel for Tracey Turner,
16 the owner of 2901 East Capitol Street NE.

17 Mr. Turner is seeking retroactive zoning relief
18 for an addition to his single-family zone in the R-3 zone.
19 The request for relief includes special exceptions for rear
20 yard, pervious surface and expansion of an existing non-
21 conformity.

22 And he's also seeking variance relief for lot
23 occupancy.

24 As for the relief requested and how we got to this
25 point in seeking the retroactive relief I will let Mr. Turner

1 speak. He has prepared a presentation so I will let him take
2 it from here.

3 CHAIRMAN HILL: All right, Mr. Turner.

4 MR. TURNER: So I guess you guys can see this
5 presentation. So basically piggybacking off what Alyssa just
6 mentioned for the request that we're asking for I guess you
7 would like to know how we got here.

8 MS. BIGLEY: So the relief requested is for
9 essentially the rear yard as I mentioned, pervious surface
10 and expansion of a non-conformity.

11 There was an existing building on the property and
12 since then I will let Mr. Turner explain the process that he
13 went through in which he realized that due to the addition
14 that was constructed on the property he now requires the
15 relief that we have requested.

16 MR. TURNER: So basically how we got here --

17 CHAIRMAN HILL: Mr. Turner, by the way, just
18 because I said how you got here. It's okay. However your
19 presentation was going to go and however you were going to
20 do it. Please just don't get thrown by how I started you
21 off. However you practiced at home just go ahead and do it
22 that way.

23 MR. TURNER: All right, fine. Well, we got here
24 basically, I submitted my plans and permits through DCRA
25 which was approved. And through the process of some concerns

1 they found out that they issued the permits in error.

2 CHAIRMAN HILL: All right, can you say all that
3 part again?

4 MR. TURNER: Sure. So I submitted my plans and
5 permits which were permitted and stamped through DCRA.
6 Through some questions I guess came up -- I can't talk to
7 that, I'm not sure how it got there, but long story short I
8 think the plans were permitted and stamped but actually
9 skipped a few tables within the DCRA process.

10 In that I got a stop work order. I went to a
11 settlement at DCRA. We agreed on a settlement that I would
12 then resubmit my plans and have them go through the proper
13 channels.

14 When they went through zoning they realized that
15 the plans would require or needed exceptions and that's where
16 we are now.

17 CHAIRMAN HILL: So you got the stop work order
18 lifted and were able to continue to finish the project?

19 MR. TURNER: Yes. But now a stop work order is
20 on the house now until we get through this process.

21 CHAIRMAN HILL: Okay. And just before I forget
22 has everybody been sworn in. Okay, that's all right.

23 So if anybody is here wishing to testify if you
24 can just go ahead and let -- if anybody else other than you,
25 if you would stand please and let Mr. Moy swear you in.

1 (Whereupon, the witnesses were sworn)

2 CHAIRMAN HILL: All right, Mr. Turner. And so can
3 you just tell me that everything that you said before you
4 were sworn in is the truth, the whole truth and nothing but
5 the truth?

6 MR. TURNER: Yes.

7 CHAIRMAN HILL: Okay. So please continue.

8 MR. TURNER: So basically we're here now and I
9 just want to go through this presentation.

10 Basically the house as you see on the paper is a
11 little different than most properties in that area. It's a
12 little slanted. Where the house was already over lot
13 occupancy once purchased.

14 So the property is on the end lot of North Capitol
15 Street NE and Girard. The property is approximately 20 feet
16 wide facing North Capitol Street NE narrowing only 5 and 2/3
17 feet wide of the rear facing the alley.

18 The property square at 3500 is bounded by Michigan
19 Avenue and Franklin Street NE and Girard.

20 MS. BIGLEY: So as for the relief requested as to
21 the variance relief for lot occupancy we feel that the
22 application meets the standard.

23 The property is as Mr. Turner just stated it is
24 an irregular shape. It is triangular in size and very small
25 compared to the other lots on the square. And it is a corner

1 lot.

2 And then in addition those conditions create a
3 practical difficulty. The property was already constructed
4 to a lot occupancy in excess of 70 percent. Therefore any
5 addition or renovation to the property would require variance
6 relief.

7 So the relief that we're requesting is
8 specifically related to the rear of the property. There is
9 the rear portion including there were existing covered
10 porches to the rear.

11 As part of the project Mr. Turner has renovated
12 those rear porches and enclosed them. No additional windows
13 were added. There has been no change to the impact to the
14 surrounding properties and neighbors.

15 And therefore the practical difficulty that he's
16 facing would be if the relief were not granted it would
17 necessitate demolishing a substantial portion of the existing
18 structure and the structure that was already existing on the
19 lot.

20 So there would be no substantial detriment to the
21 public good or impairment to the purpose and integrity of the
22 zone plan.

23 As is stated in our filings and also in the Office
24 of Planning report it's consistent with the surrounding
25 neighborhood. It actually has improved -- the addition and

1 the renovation to the property has improved the quality of
2 the existing structure.

3 There's no encroachment on the properties to the
4 rear. The rear of the property is separated from the nearest
5 lot to the rear from the alley which is --how many feet wide
6 is the alley. I believe it's 15 feet. Either 12 or 15 feet.
7 So there would be no substantial detriment to the public good
8 or the zoning regulations.

9 CHAIRMAN HILL: Okay. Can you go back to that
10 last slide just a second. Okay. I was just curious about
11 this.

12 Are you the developer, Mr. Turner? Yes.

13 MR. TURNER: Yes.

14 CHAIRMAN HILL: So all the other ones, how many
15 units are there in the whole project?

16 MR. TURNER: Well, it's a single-family home.
17 It's a single-family home with an accessory apartment.

18 CHAIRMAN HILL: Okay. All right. Does anybody
19 have any questions for the applicant?

20 MEMBER TURNBULL: I was wondering if you could
21 just clarify, you mentioned that DCRA had issued a stop work
22 order but you still completed the project.

23 MR. TURNER: Well, we came to a resolution and
24 they allowed me to continue.

25 MEMBER TURNBULL: Why would they allow you to

1 continue if there was --

2 MR. TURNER: So we settled on an agreement. We
3 had a hearing and we had a settlement. I paid a fine. I
4 paid the fine. They allowed me to move forward.

5 But then the settlement was overturned. DCRA told
6 me the program manager that created the settlement did not
7 have the jurisdiction to do that and that it needed -- the
8 plans needed to be reviewed by zoning and that's when they
9 realized that the plans skipped zoning.

10 When they went to zoning is when I was told that
11 the plans would need -- I would need to come in front of the
12 BZA for special exception.

13 MEMBER TURNBULL: But the project is completed.

14 MR. TURNER: Yes.

15 MEMBER TURNBULL: So the permit, you don't have --
16 nothing from DCRA right now blessing what you've done.

17 MR. TURNER: I have my approved plans.

18 MEMBER TURNBULL: You have your approved plans.

19 MR. TURNER: My plans are stamped and approved.

20 CHAIRMAN HILL: How long has this process gone on
21 for?

22 MR. TURNER: Three years.

23 MEMBER TURNBULL: If you have approved plans why
24 do you need to come before BZA?

25 MR. TURNER: That's what they're telling me. So

1 went back and forth and I met with everyone except Melinda
2 Bolling herself of how to get this process done.

3 And now I've retained the attorneys to help me
4 kind of get through this because I don't know what else to
5 do.

6 CHAIRMAN HILL: I understand. You had approved
7 plans and that's how you got to this point. Okay. Anyone
8 else? All right. I'm going to turn to the Office of
9 Planning.

10 MR. JESICK: Thank you, Mr. Chairman and members
11 of the Board. My name is Matt Jesick.

12 The Office of Planning reviewed this case pursuant
13 to the variance and special exception criteria and we felt
14 that the application did meet the variance test.

15 The property we felt was encumbered by an
16 exceptional situation specifically its shape. It's 20 feet
17 wide at the front but less than 6 feet wide at the rear.

18 It's also the second smallest lot on the square.
19 And we felt that this led to practical difficulty for the
20 applicant.

21 We felt that the project resulted in no
22 substantial detriment to the public good. There is an
23 addition on the back now but it's not a very deep addition.
24 I believe it's around 8 feet deep.

25 And the character of the addition is in keeping

1 with the overall character of the block and the square.

2 Similarly the special exception criteria we felt
3 were met. Again similar criteria. We felt that there would
4 be no undue impact to light and air available to neighboring
5 properties or to the privacy of adjacent properties.

6 And in fact the adjacent neighbor to the north and
7 the adjacent neighbor across the alley have both submitted
8 letters in support of the application.

9 So the Office of Planning was able to recommend
10 approval and I'd be happy to take any questions. Thank you.

11 VICE-CHAIR HART: Mr. Jesick, thank you for the
12 report. Just the exceptional situation issue. And I
13 understand what you're saying with regard to the irregularly
14 shaped lot.

15 The applicant is seeking to go from 70 percent --
16 they're actually going up to 88 percent. Is this building
17 that has already been constructed larger than other
18 residences on the block? If this were built on a regular
19 size lot would this be a regular sized building or would it
20 be a larger sized building? That's what I'm kind of getting
21 to.

22 MR. JESICK: Sure. And yes, I did that
23 calculation. If the lot were 20 feet wide from the front to
24 the back I believe the lot occupancy only ends up being 56
25 percent or something along those lines.

1 VICE-CHAIR HART: Okay. And so that was something
2 that weighed into your thinking as well on the case.

3 MR. JESICK: Yes. Although the percentage change
4 seems large I think in terms of square feet it's not actually
5 that large. It's because the lot is so small those
6 percentages really jump.

7 VICE-CHAIR HART: Yes. No, I understood that.
8 What I was trying to get to was they could be asking for
9 something that's much larger than any of the other buildings
10 that are on the block regardless of the size of this
11 particular lot.

12 But what you've said is that if they had built
13 this building on a regular sized lot in this particular
14 square it would actually be much less, actually 60 percent.

15 MR. JESICK: That's correct. It would be matter
16 of right lot occupancy.

17 VICE-CHAIR HART: Okay, thank you.

18 CHAIRMAN HILL: Okay, Mr. Jesick. This is
19 actually I think why we actually are here. What could you
20 have built there? What could you have built on that lot if
21 this didn't move forward?

22 MR. JESICK: Well, the existing house was already
23 over lot occupancy before any work was done. So any
24 expansion of the house would require zoning relief.

25 CHAIRMAN HILL: Okay. Does the applicant have any

1 questions for the Office of Planning?

2 MR. TURNER: No.

3 CHAIRMAN HILL: Okay. Commissioner, thanks for
4 coming down. We're always happy to see people from the
5 community. And if you want to go ahead I'm going to give you
6 five minutes as an ANC commissioner and you can begin
7 whenever you like.

8 MS. BARNES: Okay. Because of the fact that the
9 community really supported this project. It was
10 overwhelming. They showed up at the meeting and they talked
11 to me about the design. They said that the design actually
12 helped improve that corner. So the ANC decided to go with
13 that and ask for approval for this relief that he's
14 requesting.

15 CHAIRMAN HILL: Okay, great. Well, again thanks
16 for coming. I mentioned to the previous commissioner again
17 it's always good for us to hear people from the ANC because
18 you're the closest people to the projects.

19 Does the Board have any questions for the
20 commissioner?

21 MEMBER TURNBULL: I just have one which is maybe
22 uncomfortable. We did get a letter into the file from one
23 of your commissioners, Hannah Powell.

24 MS. BARNES: Yes.

25 MEMBER TURNBULL: I wonder if you could maybe

1 comment on that.

2 MS. BARNES: There was a resident that doesn't
3 live within the 200 area range within the project that was
4 built.

5 She stated that the applicant wasn't doing what
6 he's supposed to do and didn't do this and didn't do that.
7 And I stated that if the agency that he's working with are
8 not doing their job then who's to say that she needs to do
9 what she did.

10 But like I said it was overwhelming support
11 because of what she said and what she wrote to you all.

12 And because of the fact that there are certain
13 projects that the community needs to be concerned about we
14 decided to go with to approve the project.

15 But it was already approved before she even wrote
16 the letter because at first she actually voted for it and
17 then she changed her mind.

18 CHAIRMAN HILL: Commissioner Barnes, as I
19 understand it again the ANC resolution is still fully active
20 in support and it was just now she is acting as an individual
21 as a concerned citizen.

22 MS. BARNES: As a concerned citizen, yes.

23 CHAIRMAN HILL: Okay.

24 MS. BARNES: And she wanted to pull her vote back.
25 She was acting as a commissioner at that time.

1 CHAIRMAN HILL: Right. But you didn't have
2 another hearing after that.

3 MS. BARNES: Oh no.

4 (Simultaneous speaking)

5 CHAIRMAN HILL: The vote remains the way it is.

6 MS. BARNES: It still remains the same.

7 CHAIRMAN HILL: Okay. Anyone else?

8 VICE-CHAIR HART: This is not actually to the ANC
9 commissioner but to Mr. Turner. And I'm just trying to
10 understand, they kind of allege various things. Do you have
11 any response? You saw the letter? This is exhibit 42.

12 MR. TURNER: I did. I don't know how she came up
13 with the assumptions that she did. She basically called my
14 attorney a liar and myself a liar.

15 And that we misrepresented what DCRA told me. I
16 have it in emails. Half of the staff at DCRA has been very
17 apologetic about what I've been going through. They admit
18 fault in this.

19 But I think at the end of the day they wanted this
20 to go through the BZA to -- for my own protection of any --
21 in case something came up and they could still pull my
22 permit. So this was for my understanding help me close this
23 out if approved.

24 VICE-CHAIR HART: Thank you.

25 CHAIRMAN HILL: Okay, great. Anybody here wishing

1 to speak in support? Anybody here wishing to speak in
2 opposition? All right. Ms. Bigley, do you have anything
3 else to add?

4 MS. BIGLEY: No, I think we'll rest on the record.
5 Thank you.

6 CHAIRMAN HILL: Okay. I'm going to go ahead and
7 close the hearing. Is the Board ready to deliberate? Okay,
8 I'll start.

9 I just feel bad for Mr. Turner. You get the
10 approved plans and how you got to this, this is the way you
11 have to get to it.

12 And you went through all the right steps even in
13 the beginning. And so went through as someone who has done
14 something similar and failed I hope you succeed.

15 But I have no issues. I think it should be very
16 clearly approved. And I agree with the analysis that was
17 provided by the Office of Planning. I also agree with the
18 great weight that the ANC and thank you very much again for
19 the commissioner coming down has given us to analyze.

20 And I will be in support of this application.
21 Does anyone have anything else to add?

22 MEMBER TURNBULL: Mr. Chair, are you going to be
23 coming before the Board?

24 CHAIRMAN HILL: No, no, no. I will never ever be
25 coming before the Board. Does anyone else have anything else

1 to add?

2 MEMBER WHITE: I would just concur with your
3 comments, Mr. Chair.

4 CHAIRMAN HILL: Okay. Then I'm going to go ahead
5 and approve application number 19729 as captioned and read
6 by the secretary and ask for a second.

7 MEMBER WHITE: Second.

8 CHAIRMAN HILL: Motion made and seconded. All
9 those in favor.

10 (Chorus of aye)

11 CHAIRMAN HILL: All those opposed? The motion
12 passes, Mr. Moy.

13 MR. MOY: Staff would record the vote as 5-0-0.
14 This on the motion of Chairman Hill to approve the
15 application for the relief requested. Seconding the motion
16 Ms. White. Also in support Mr. Michael Turnbull, Ms. John,
17 Vice Chair Hart. Motion carries, sir.

18 CHAIRMAN HILL: Summary order, Mr. Moy.

19 MR. MOY: Yes, sir.

20 CHAIRMAN HILL: Thank you. Thank you all very
21 much.

22 MS. BIGLEY: Thank you very much.

23 CHAIRMAN HILL: Okay, we are going to take a lunch
24 break. I'm going to say 1:10. Okay.

25 (Whereupon, the above-entitled matter went off the

1 record at 12:41 p.m. and resumed at 1:26 p.m.)

2 CHAIRMAN HILL: All right, Mr. Moy, we're back
3 whenever you're ready.

4 MR. MOY: Thank you, Mr. Chairman. I suppose the
5 Board is back in session and I have the time at or about 1:30
6 p.m.

7 So I believe we're back to case application number
8 19726 of Amaro -- I'm not sure if I'm pronouncing that
9 correctly or not -- LLC as amended for special exceptions
10 under the use provisions of subtitle U section 802.1(c) or
11 rather 821.1(c) and under subtitle C section 1504 from the
12 penthouse setback requirements of subtitle C section
13 1502.1(b) and (d), and pursuant to 11 DCMR subtitle X chapter
14 10 for variances from the driveway width requirements of
15 subtitle C section 711.6 and the loading berth requirements
16 of subtitle C section 902.3.

17 This would construct an emergency shelter in the
18 PDR-2 zone. This is at 101 Q Street NE square 3518 lot 25.

19 CHAIRMAN HILL: Okay, great, thank you. Has
20 everyone been sworn in? Okay, all right, that's great. Then
21 if you would like to introduce yourselves please from my
22 right to left.

23 MS. OTERO: My name is Natalia Otero.

24 CHAIRMAN HILL: Otero?

25 MS. OTERO: Otero, yes.

1 MS. HAUN: Ashley Haun, co-counsel for the
2 applicant.

3 MS. VAIAS: Emily Vaias with Ballard Spahr.

4 MR. BAKER: Benjamin Baker with Atelier
5 Architects.

6 MS. RIDENOUR: Elizabeth Ridenour with Atelier
7 Architects.

8 MR. HUME: William Hume with Gelberg AEC.

9 MR. LETTE: Zachary Lette with LPDA, landscape
10 architect.

11 CHAIRMAN HILL: Could you say your last name
12 again?

13 MR. LETTE: Lette, L-E-T-T-E.

14 CHAIRMAN HILL: Ms. Vaias, are you going to be
15 presenting to us? Okay.

16 Well I know that lunchtime thing is confusing.
17 Ms. Vaias if you all would have been right here -- you don't
18 have to apologize to me -- you would have been gone. And
19 this looks like this is going to be longer so thank you
20 because then you would have stood in the way of lunch.

21 Okay. So I guess there's a lot of different
22 things. Well first of all I guess there's a lot of different
23 things, but in terms of all the different things you're
24 asking for with the project.

25 I'll start with this which is again if you can

1 kind of go through the project itself, what again you are
2 requesting relief for and how you're meeting the standard to
3 grant that relief.

4 And there are a bunch of things here but we'll
5 kind of talk about it as we get to it.

6 There's one preliminary matter I guess with the
7 Office of Planning had requested to waive the filing
8 deadline. And I don't have an issue with that. Does the
9 Board have an issue with that? All right, so we're going to
10 go ahead and waive that filing deadline for the Office of
11 Planning.

12 MS. GLAZER: Mr. Chair, there are also some
13 preliminary matters from the applicant who's filed a motion
14 to withdraw the request for the driveway variance and also
15 a motion for refund of a filing fee.

16 CHAIRMAN HILL: Oh yes. Okay. All right, so then
17 Ms. Vaias you can speak to that first. And then -- so why
18 don't you go ahead and speak to that first and then we can
19 get to what you're requesting relief for.

20 MS. VAIAS: Okay, thank you. So we do -- I guess
21 there are a couple of preliminary matters.

22 First would be we had last week filed a variance
23 for the driveway width. We have since met with the zoning
24 administrator and determined that we do not need that
25 variance.

1 We had filed that along with the variance for the
2 loading berth last week and we do still need the variance for
3 that but the driveway is not needed.

4 Because we are a non-profit and it wasn't pending
5 for very long we are requesting a refund of the one variance
6 filing fee if possible.

7 CHAIRMAN HILL: Okay. And I appreciate the
8 request and also the fact that you guys are a non-profit.
9 The information that I have received from the Office of
10 Zoning as well as just kind of the subtitle.

11 The subtitle Y 1602.2 once the filing fee has been
12 submitted it will not be refunded except that the Board may
13 authorize the refund by the District of Columbia treasurer
14 of all or a portion of the filing fee if it finds that the
15 application was incorrectly filed at the direction of the
16 zoning administrator.

17 But because the application was not incorrectly
18 filed at the advice of the zoning administrator but rather
19 the zoning administrator is correcting what the applicant
20 requested based on discussions with DDOT I guess the thought
21 is that, and I'll let the Board also help me with this if
22 they have any difference of opinion, but that it's unclear
23 that the exception would apply here.

24 So I don't think that necessarily you're meeting
25 the provision. And so I wouldn't be -- I mean I'd love to

1 be able to do it and I'm glad you asked, but I can't get on
2 the side of refund based on the regulation.

3 Does anyone else have anything that they'd like
4 to add? Okay. So, sorry.

5 Okay. So then I understand what you're asking for
6 in terms of the application. So I'm just going to go -- I
7 don't even know why I'm bothering today but I'll put 15
8 minutes up on the clock again just so I know where I am, but
9 I don't think -- this is going to take a lot longer than 15
10 minutes.

11 So whenever you're ready to begin please do so.

12 MS. VAIAS: Okay, thank you. So I guess another
13 preliminary matter would be that the variance for the loading
14 berth we had filed a motion to waive the notice requirement
15 because we did file that later than the general notice
16 requirements for filing of the variance.

17 It doesn't change the layout of the site or that
18 the signs were posted for the special exception itself but
19 for that variance in particular that was not given the 40
20 days notice generally that would have been required.

21 We did provide it to the ANC and to the Eckington
22 citizens so we're requesting a waiver of that notice
23 provision so that we can go forward with both the special
24 exception cases as well as the variance today.

25 CHAIRMAN HILL: When did you post?

1 MS. VAIAS: We posted, originally the signs were
2 posted -- I have to check. I apologize.

3 CHAIRMAN HILL: But you did present in front of
4 the ANC you're saying concerning the variance for the loading
5 berth?

6 MS. VAIAS: No. We did not know at the time --
7 we haven't been to the ANC yet so that would be another sort
8 of preliminary matter.

9 We were scheduled to go to the ANC on March 20
10 which was the night of the snowstorm. So they had to cancel
11 their case where we were going to be heard.

12 So we are scheduled to go to them next week. So
13 we will be asking that I guess the Board hold the record open
14 and allow them to submit their letter after their meeting
15 next week. And we realize we may need to come back then
16 before you for final decision.

17 Hopefully we can get on your next agenda
18 potentially on May 9 and they will have acted as well as we
19 will go back to the Eckington Civic Association and make sure
20 that they understand the variance as well.

21 But we have been in contact with both of them and
22 as of this morning they are willing to hear us next week and
23 then Eckington will hear us on the seventh and they will both
24 submit their positions to you the next day, hopefully by the
25 eighth so that we could -- you would have their input by the

1 ninth.

2 CHAIRMAN HILL: Now I remember you, Ms. Vaias.
3 I remember this a little bit more clearly as to why I was a
4 little out of order and I didn't know what we were going to
5 do.

6 I wasn't sure whether you should even be here
7 before us today. Because again the snowstorm happened and
8 that's the night that you guys were going to present to the
9 ANC.

10 So you haven't presented to the Eckington Civic
11 Association.

12 MS. VAIAS: We have.

13 CHAIRMAN HILL: You have. But not with the
14 variance.

15 MS. VAIAS: Not with the variance.

16 CHAIRMAN HILL: Not with the variance. So as far
17 as I'm concerned unless they hear all of it then they don't
18 know what they're hearing.

19 You're not changing any of the plans or anything,
20 it's all the same, it's just that now you know that you do
21 need the variance for the loading berth but you don't need
22 the variance for the driveway width requirement.

23 MS. VAIAS: Correct.

24 CHAIRMAN HILL: Okay.

25 MS. GLAZER: Mr. Chair, I'm sorry to interrupt.

1 Perhaps you want to address OP regarding the issue. OAG
2 concurs with OP that perhaps the relief could be requested
3 as a special exception with respect to the loading berth.
4 And that was in OP's report.

5 CHAIRMAN HILL: Right. Okay. I still don't know
6 if that gets me to where we need to be.

7 MS. GLAZER: It might be relevant in terms of the
8 notice issue.

9 CHAIRMAN HILL: I see, I'm sorry. Okay, thank
10 you. So we're going to jump around I guess a little bit.
11 So if that were the case then. So that you presented -- you
12 haven't presented in front of the ANC. But you have
13 presented in front of the Eckington Civic Association with
14 this project the way it is and it's just that they would not
15 know whether or not they were approving -- or at least they
16 didn't know that you were coming before them for the
17 variance.

18 But they did know that you were coming before them
19 for the loading berth? No.

20 MS. VAIAS: No. They knew that we did not have
21 a loading berth. They knew that we just had parking in the
22 rear. Nothing of design of the building or the project has
23 changed, we just technically didn't say that we also needed
24 a variance for the loading berth.

25 CHAIRMAN HILL: Okay. So I'm going to follow OAG

1 here for a second and turn to the Office of Planning in terms
2 of your thoughts with the special exception for the loading
3 berth versus the variance.

4 MS. BROWN-ROBERTS: Maxine Brown-Roberts with the
5 Office of Planning.

6 In our analysis when I looked at it I thought that
7 they were able to meet the requirements that the loading
8 could be addressed under -- as a special exception.

9 The only portion that I think I had a question
10 about.

11 But the zoning administrator was the one who
12 submitted that they needed a special exception.

13 CHAIRMAN HILL: That they needed a variance.

14 MS. BROWN-ROBERTS: That they needed a variance,
15 right, I'm sorry.

16 CHAIRMAN HILL: Okay, so I'm back to I would be
17 arguing for a variance then because the zoning administrator
18 is the one who's going to sign off on it.

19 Okay. So I'm back to that spot. All right.
20 Well, I guess since we're all here so we can go ahead unless
21 the Board has any other thoughts we'll go ahead and hear the
22 case and we'll see where we get to at the end.

23 I don't think we're going to get to any decisions
24 today and definitely want to hear what the ANC has to say.
25 And maybe the ANC is here today, who knows. Is the ANC here

1 today? No. Okay.

2 So I'll go ahead and let you start, Ms. Vaias.
3 And whenever you want to begin please do so.

4 MS. VAIAS: Okay, thank you. So sorry for a
5 little bit of confusion there.

6 CHAIRMAN HILL: That's right, I've just got to
7 real quick. So Vice Chair Hart just pointed out. So your
8 four experts are not in our book.

9 MS. VAIAS: Right. Yes, we will have to qualify.

10 CHAIRMAN HILL: Okay. The ones that you have here
11 again are Mr. Hume, Mr. Lette, Ms. Ridenour and then Mr.
12 Guckert.

13 MS. VAIAS: Actually Mr. Guckert won't be here.
14 We don't need his testimony. So it's just three.

15 CHAIRMAN HILL: Okay. And can you tell me again
16 where their resumes are?

17 MS. VAIAS: They are exhibit 38. They should all
18 be in there.

19 CHAIRMAN HILL: Okay. Right. And so as I did in
20 the last one if you wouldn't mind just tell me about
21 yourselves so we can take a look at your resumes also while
22 we decide whether or not you're an expert.

23 MS. RIDENOUR: I'm Elizabeth Ridenour. I'm a
24 licensed architect with D.C. license number is ARC 103284.

25 I've been with Atelier Architects in D.C. for the

1 past 12 years. I graduated from the University of Tennessee.

2 We've done a broad variety of projects including
3 -- I believe not listed on that resume but I was having a
4 discussion earlier, we've done a project for a family shelter
5 back in 2012, the Wayne Place. It was called Wayne Place and
6 it was a family shelter that was involved with the housing
7 initiative where people -- sweat equity, the sweat equity
8 program, or pilot sweat equity program at that time.

9 I've also done a significant amount of nursing
10 homes and I've also done a large number of apartment
11 renovations within D.C.

12 CHAIRMAN HILL: Okay, thank you. Does the Board
13 have any objection to Ms. Ridenour being approved as an
14 expert witness? All right, Ms. Ridenour, then we're going
15 to put you in our book. Sir.

16 MR. HUME: My name is William Hume. I am a
17 registered PE in the District of Columbia and frankly I don't
18 have my PE number memorized although I think it's cited on
19 my resume.

20 I've been working for about 26 years in the
21 industry. I've been working about the last 15 in the
22 District of Columbia, northern Virginia, southern Maryland
23 markets.

24 And primarily within the District. I do the site
25 civil piece. Everything basically outside the building, out

1 and down the utility connections and such.

2 I've done a myriad of projects inside the District
3 some of which are affordable housing projects. I have done
4 redevelopment projects of which this is a kind and continue
5 to practice in the District.

6 I have several projects that are working right now
7 within the District with this client and with some others.

8 CHAIRMAN HILL: All right, Mr. Hume. Is the
9 number you're talking about 907362?

10 MR. HUME: That's it.

11 CHAIRMAN HILL: Okay, well, there you go. Does
12 the Board have any objection to Mr. Hume being added into our
13 book?

14 MEMBER TURNBULL: Since he knows his number that's
15 okay.

16 CHAIRMAN HILL: All right there you go. Thank
17 you, Mr. Hume. 907362. Mr. Lette.

18 MR. LETTE: My name's Zachary Lette. I'm the
19 managing principal of Land Planning Design Associates, LPDA.
20 We've been a landscape architecture and planning firm in the
21 mid-Atlantic since 1971.

22 I've been running our D.C. area office since 2009.

23 I'm a licensed landscape architect since 2005 in
24 Virginia and Maryland. I graduated 17 years ago from West
25 Virginia University.

1 Our firm concentrates on planning and landscape
2 architecture projects for development and public clients all
3 the way from the federal government down to the local and
4 state government.

5 This ranges from infill development to large-scale
6 development projects.

7 I've been accepted as an expert witness on zoning
8 cases in the city of Annapolis and Anne Arundel County,
9 Baltimore County, Loudoun County and the cities of Newport
10 News and Alexandria in Virginia.

11 CHAIRMAN HILL: Okay, Mr. Lette. Does the Board
12 have any objection to adding Mr. Lette into our expert book?
13 All right, okay. Congratulations. You all got sworn in,
14 right? Yes, I asked that one. Okay, please.

15 MS. VAIAS: Okay. So we are here today to present
16 to you a case for an emergency shelter for victims of
17 domestic violence as was stated at 101 Q Street.

18 We need the special exception under subtitle U
19 section 802.1(c) for that use, the emergency shelter is a
20 special exception use.

21 And we also need special exception relief from two
22 stairwells that will be leading to the penthouse outdoor area
23 as will be discussed in order to provide secure outdoor space
24 for the residents.

25 It needs to be on the rooftop and hence we need

1 to have stairwells that can get there. And we are asking
2 that they be allowed to be along the walls as opposed to
3 being setback. And that is subtitle C sections 1502.1(b) and
4 (d) which are those special exceptions.

5 And then lastly of course the variance that we
6 have since learned that we need for a loading berth although
7 both of the uses -- we'll be proposing that the building be
8 mainly for the emergency shelter which is the special
9 exception use but also that they may rent space to general
10 office users as well.

11 And even with both uses in the building neither
12 would trigger the need for a loading space on its own but
13 there is a provision in the code subtitle C section 902.3
14 that says even -- if you add both of them together and that
15 exceeds either one of the requirements you must provide the
16 loading berth.

17 So either use standing alone would not require it,
18 but if you combine them it would trigger a requirement and
19 that is the relief that we are asking for under the variance.

20 As I said we were not able to get to the ANC on
21 March 20 when we had hoped so we are going next week and
22 thereafter will get to the Eckington group and hope that we
23 can come back to you next month and have a decision.

24 So with that we will jump right in. Our case is
25 related to property at 101 Q Street. It's in the PDR-2 zone.

1 Currently there's a 16,000 square foot office building there
2 now and we're proposing about a 32,000 square foot five story
3 building that would have the emergency shelter use and some
4 by right office use in the building.

5 It will have rear surface parking which will be
6 secured with gate. There will be bike parking, some green
7 roofs and penthouse area which would be the outdoor
8 recreation space.

9 So with that I will start with Natalia who will
10 tell you a little bit about the applicant and then we'll have
11 the landscape architect talk about the landscape and green
12 areas, the architect will talk about the building design and
13 then the engineer will end with our loading and stormwater
14 management discussion. So with that, Natalia.

15 MS. OTERO: Hi, my name is Natalia Otero and I'm
16 the co-founder and executive director of D.C. Safe, a non-
17 profit dedicated to providing crisis intervention services
18 for D.C. residents that are most vulnerable for family
19 violence.

20 We are a 24/7 365 organization that is available
21 wherever we are needed. We ride along with the police
22 department. We're in the emergency rooms. We have advocates
23 in D.C. Superior Court every day helping clients file for
24 civil protection orders.

25 And we operate an innovative crisis housing

1 facility in need of a new home.

2 Every year nearly a thousand victims and families
3 voice a need for immediate crisis housing. We are the only
4 organization in the city able to provide families within an
5 hour of a violent incident with safe housing.

6 Currently we only have 15 units of shelter and are
7 only able to house up to 400 of the families in need. Our
8 current master lease is not going to be renewed and without
9 this the project won't be able to help families at the
10 highest risk.

11 We have seen an increase in demand in recent years
12 and for these crisis services, particularly for housing.
13 Steady and rapid growth of our client base since 2012
14 reflects that these families have a deep need for effective
15 interventions that preserve their resources and their trust
16 for D.C. Safe programming.

17 This new facility on a site identified after an
18 exhaustive four-year search will provide 30 units of housing.
19 The number of units is identified by the program staff as
20 necessary to meet the current needs and to provide
21 sustainable operations.

22 The project will be the only shelter able to house
23 families of all sizes which is a critical gap in D.C. Many
24 families with children aren't able to be housed together if
25 at all in existing domestic violence housing.

1 D.C. Safe has long been committed to protecting
2 the secondary victims of domestic violence and keeping
3 families together.

4 Our design incorporates units with multiple rooms
5 and allows rooms to be combined for still larger units. We
6 anticipate housing up to a thousand children each year.

7 Our average client with children is accompanied
8 in their stay by four minor children. The ability to retain
9 as much residential area as possible in the building and
10 maintain the unit mix and structure is crucial to the safety
11 of children, residents and the viability of our programming.

12 We also propose an outdoor play space for these
13 children that is safe and private as well as a space for
14 adult and child programming including play and therapy
15 services provided by D.C. Safe and our partners.

16 These needs must be balanced by adequate security
17 since the crisis facility is designed to provide an anonymous
18 and private space for victims of domestic violence hence the
19 need for a gated parking lot and a play and community space
20 on the roof.

21 This important security need is also reflected in
22 the requirement for a separate and controlled access for
23 residents to the residential portion of the facility.

24 In addition to these program focused design
25 elements there are important design elements that reflect the

1 priority of cost savings for our non-profit, the District and
2 its residents.

3 We fully furnish all units and residents will not
4 require loading for personal belongings. Residents do not
5 receive mail at the facility due to their short stay and
6 their need to remain private and anonymous.

7 Funding is also contingent on rapid and timely
8 development of the project. Federal grants that were
9 contributed towards the acquisition of the property require
10 delivery of the project within a two-year period and delays
11 could jeopardize vital funding for the project and the
12 organization at large.

13 Furthermore any delay in moving forward on the
14 project could compromise our ability to obtain annual tax
15 credits required for the financing of construction.

16 In turn we hope to continue delivering cost
17 savings to the city. Our program has demonstrated the
18 ability to decrease the incidence of homelessness and further
19 violence among those who have resided with us both of which
20 are enormous costs to the city.

21 We can estimate that if even 75 victims avoid
22 homelessness as a result of having short-term domestic
23 violence housing options the District would save up to \$2
24 million in operating costs per year.

25 We have service partners to deliver high quality

1 programming for our clients with over 50 organizations which
2 include city organizations and have been humbled by their
3 support for this development.

4 Our largest partners such as MPD, DHS and the
5 Office of Attorney General and the courts have invested time,
6 resources and capital in the support of our programming since
7 2006.

8 The project benefitted from acquisition funding
9 from the Office of Victim Services and Justice Grants and
10 from the Department of Housing and Community Development.

11 In addition to that we have worked to address
12 questions and concerns of the local community through several
13 public and private meetings with residential and commercial
14 neighbors.

15 We have received support for our project from
16 them, the Eckington Civic Association and other neighbors to
17 the property.

18 Our crisis housing is the cornerstone of our
19 services and can make the difference between life and death
20 for so many of the families that we see.

21 Without this project our master lease will expire
22 and the only shelter capable of placing these families in
23 safety immediately after a victimization will disappear.

24 Many families would be forced to make the decision
25 between homelessness and safety. Some will undoubtedly face

1 further violence and lives hang in the balance.

2 We are proud to operate a program that saves lives
3 and serves our D.C. community. Thank you for the
4 consideration of our application and impact of our
5 programming.

6 CHAIRMAN HILL: Thank you. Did you say that
7 you're one of the founders?

8 MS. OTERO: Yes.

9 CHAIRMAN HILL: And how long have you been doing
10 this?

11 MS. OTERO: We incorporated in 2006 but I've been
12 in the domestic violence for 15 years.

13 CHAIRMAN HILL: Well thanks for all the work you
14 do. It's got to be really just tough, tough work and so
15 regardless of how this works out congratulations on all the
16 work you're doing and the success you seem to be having.

17 MS. OTERO: Thank you.

18 CHAIRMAN HILL: Unfortunately you have success I
19 gather. Does anybody have any questions for Ms. Otero?

20 MEMBER WHITE: Just for my clarification what's
21 the relationship between DCC and Amaro LLC.

22 MS. OTERO: Safe is the parent company of Amaro
23 LLC.

24 MS. VAIAS: We created an entity because we are
25 trying to keep as much as we can the name confidential. So

1 we were hoping that at least if we have Amaro as the
2 applicant and as the owner of the property someone who in the
3 future might try to search down where the property is
4 wouldn't be as likely to find it. So we tried to keep D.C.
5 Safe actually off of documents as much as we could and so
6 that was why we created the named entity.

7 CHAIRMAN HILL: Okay, great. Ms. Vaias, please
8 continue.

9 MS. VAIAS: Okay. So we'll be moving into
10 testifying. I will just say that briefly for the emergency
11 shelter there were three specific criteria related to the
12 ability to have an emergency shelter, that it be no more than
13 150 persons be served, that there's no other shelters in the
14 same square or within 1,000 feet and that there were no waste
15 related services within 1,000 feet.

16 And we meet those three criteria and OP agreed
17 that we met those criteria.

18 In addition we'll be going through how we are in
19 harmony with the purpose of the zoning and that we don't
20 adversely affect the neighbors. And then the specific
21 criteria related to the penthouse stairwells and of course
22 the variance.

23 With that I'll let Ms. Haun go ahead and begin
24 with Mr. Lette.

25 MR. LETTE: Thank you. I'll orient everybody to

1 the property location. This is a broad scale picture of
2 where the property exists in relationship to the
3 surroundings.

4 This property shows the relationship of Q Street.
5 The property sits on the corner of Q Street NE and First.
6 It's surrounded by its similar zoning RF-1.

7 To the west on Q Street there are some residential
8 zoned townhouses. I'm sorry, the townhouses are RF-1. Our
9 property is PDR-2 and that is what is also existing in the
10 surrounding sites.

11 The surrounding sites are characterized by large
12 commercial buildings with large surface parking lots. Mainly
13 and kind of a landmark off to the southeast corner is the
14 Sirius XM facility.

15 This slide confirms the zoning. So we're the blue
16 odd-shaped property in the middle. The purple is the PDR-2
17 zone and the yellow is the RF-1 zoning.

18 I'll walk everyone through the plan. So at the
19 ground level we feature tree plantings along Q Street in a
20 streetscape and two islands on First Street that organize
21 some existing parking that's there in the public space.

22 Foundation landscape is being provided along the
23 frontage on First Street with grassed areas along the
24 building perimeter and grassed areas in the back of the site
25 in the parking zone.

1 There's two building entrances along First Street,
2 one for the office and one for the residential portion of the
3 project.

4 MEMBER TURNBULL: I wonder if you could outline
5 the property lines with your cursor just to make sure.

6 MR. LETTE: Can you see on the screen?

7 MEMBER TURNBULL: Okay. We're following.

8 MR. LETTE: Our streetscape improvements are in
9 the public realm.

10 MEMBER TURNBULL: Okay. All right. You're close
11 enough. Thanks.

12 MR. LETTE: We have two entry plazas in front of
13 the building with temporary bike storage, seating and site
14 furnishings.

15 The building is dependent on the penthouse space
16 for its outdoor use which was mentioned as a programming of
17 safety and amenity for the users of the building.

18 So on the penthouse level of the building we're
19 providing green roof area at the penthouse level and then on
20 top of the penthouse level as well as the stairwells.

21 The design team has worked at this point with the
22 architect and the building engineers to ensure the
23 feasibility of the green roof as proposed and will continue
24 to work on the programming of that space as the project moves
25 forward.

1 At this level the project achieves a 0.3 GAR which
2 meets the requirement. It provides 3,240 square feet of GAR
3 when the score factors are applied based on the worksheet.

4 On structure we provide 8 inches of minimum depth
5 of media for the green roof. And then on the ground level
6 which we're using the parking areas in the back we meet the
7 24 required minimum depth or greater for planting media.

8 MS. RIDENOUR: Zach, if you don't mind could you
9 just perhaps explain to the Board some of the improvements
10 from what the existing conditions are that are presented by
11 this project?

12 MR. LETTE: So the existing project is the
13 building that they mentioned and then along Q Street there's
14 a small parking courtyard. It's gated existing.

15 And the site's almost exclusively in pervious area
16 now. So this would be an improvement to the amount of
17 pervious area that's provided on the site.

18 MS. RIDENOUR: I'm going to give a quick overview
19 of the building and then move into how it's affected by the
20 specific -- I'm going to be basically covering the two
21 special exceptions for the stairs.

22 So we're proposing a mixed use building. It's
23 approximately 32,000 gross square feet. The first two
24 stories will be commercial and will include D.C. Safe's
25 offices for their staff.

1 The top three stories are going to be where the
2 shelter is. We're building about a 3 FAR which is what's
3 permitted on this site and we meet all the zoning
4 requirements except at the two stairs. The setbacks,
5 everything else, we meet all the other zoning requirements
6 except at the two stairs where we're making this request.

7 CHAIRMAN HILL: I'm sorry, I was just smiling.
8 Everybody says that. We meet all the other requirements
9 except these two things. It's like that's why we're here.

10 MS. RIDENOUR: Yes. So the building allowed max
11 height is 60 feet. We're below that at 56.67 feet. The
12 penthouse is one story and the roof is 10 feet above the --

13 CHAIRMAN HILL: Can you show the penthouse and the
14 stairwell?

15 MS. RIDENOUR: This is not showing the penthouse
16 at the moment. We can go to the roof plan. Go back to the
17 GAR, that'll give us what we need.

18 Okay, so the penthouse is located basically in
19 this area right here. And then we have an outdoor play space
20 for the kids here. And there's an additional stair here
21 which we'll get into in just a moment. I have a better
22 explanation of that.

23 CHAIRMAN HILL: I appreciate it. I'm just trying
24 to understand again the stairs and why you're here.

25 MEMBER TURNBULL: Just while you're at it I'm

1 assuming that the play area, the deck surface is fenced in.

2 MS. RIDENOUR: Yes.

3 MEMBER TURNBULL: And the height of the penthouse?

4 MS. RIDENOUR: The roof of the penthouse is 10
5 feet off the roof of the building. Ten feet taller.

6 MEMBER TURNBULL: You know, I hate to bring it up
7 but when I looked at your other drawings it shows that your
8 penthouse is 12 feet.

9 MS. RIDENOUR: The parapet goes to 12 feet, yes,
10 but the surface of the roof is 10 feet off the roof of the
11 building.

12 MEMBER TURNBULL: I would like to see that at some
13 point if you could show that. You're not asking for relief
14 on the main penthouse but your drawings were sort of -- when
15 we're looking at analyzing the stairwells it just looked like
16 some of the other penthouse was higher than 10 feet.

17 MS. RIDENOUR: So our understanding was that it
18 was from roof surface to roof surface and it did not include
19 the parapets.

20 MEMBER TURNBULL: No, the height of the penthouse
21 is the exterior elevation of the penthouse, not the roof of
22 the penthouse. Otherwise you could -- if you said that
23 you're only measuring to the roof of the penthouse you could
24 go 2 feet, 4 feet, 6 feet. You could have a 20 foot
25 penthouse with an exterior wall.

1 It's the elevation that you see of the penthouse,
2 not just to the roof of the penthouse. Otherwise you could
3 bring a wall up 2 to 4 feet or whatever. That's what I think
4 is the misconception about the height. It's the height of
5 the penthouse. The visual height of the penthouse that you
6 see.

7 I think if you check with Ms. Brown-Roberts you'll
8 find that out.

9 MS. VAIAS: I think when we had met with staff and
10 read the section we had understood that it was from roof to
11 rooftop and that the parapets would not be counted.

12 Or you would measure potentially I guess from
13 parapet to parapet in order to determine how far it had to
14 be set back.

15 So we've measured the height of the building to
16 the top, but when we're looking at the setback for the
17 penthouse itself we were measuring from the floor that --

18 (Simultaneous speaking)

19 MEMBER TURNBULL: I don't have the rules and
20 regulations in front of me but I think the measurement of the
21 height of the penthouse is from the roof to the top of the
22 penthouse.

23 MS. VAIAS: It's a little vague. We do have the
24 section of the penthouse setbacks. How you measure the
25 penthouse setbacks is not as clear that you would have to go

1 to the top of the parapet.

2 MEMBER TURNBULL: It's the top of the penthouse.

3 MS. VAIAS: -- that it was the top of the
4 penthouse roof. Yes.

5 MEMBER TURNBULL: I don't think it says top of the
6 penthouse roof.

7 MS. VAIAS: No. That is how we thought it had
8 been interpreted. And when we had spoken with staff --

9 MEMBER TURNBULL: I think you should check with
10 the Office of Planning and go back over that.

11 CHAIRMAN HILL: We'll get to that. Commissioner
12 Turnbull brings up a good point but we can kind of go to that
13 as we kind of work through this with the Office of Planning.

14 So go ahead and continue. Please, just go ahead
15 and continue.

16 MS. RIDENOUR: Okay. So basically we have the two
17 specific special exceptions that we're working on for this
18 site.

19 The first one is that the shelter space itself is
20 not allowed so that is automatically a special exception
21 because it's just not allowed by right.

22 The second one is for the two stairwells that both
23 are basically on the exterior wall of the building and go
24 above the maximum behavior height.

25 The two stairwells on the east and south side

1 specifically provide access to the outdoor area for children
2 and adults and they also provide access for the indoor
3 community spaces within the penthouse.

4 Do you understand the context or would you like
5 me to explain a little bit more the context of the
6 surrounding area?

7 CHAIRMAN HILL: If you can explain the context a
8 little bit more of the surrounding area that's fine.

9 MS. RIDENOUR: Sure. Okay. So to the east of the
10 building we have the Sirius XM parking lot. Further east is
11 some mixed use buildings with commercial below and apartments
12 above.

13 To the north we actually have two schools. We
14 have the Friendship Public Charter School. We have a parking
15 lot. And then we also have the Eckington Elementary School.

16 To the west on Q Street both sides of Q Street are
17 row houses. And to the south we're actually backed up by the
18 commercial buildings on Florida Avenue.

19 And specifically directly south of our site is a
20 self-storage facility.

21 So we're going to move on to take a look at both
22 the existing and the proposed. So on the lefthand side you
23 can see the existing building. And we'll do this all the way
24 around the building. And on the righthand side you can see
25 the proposed.

1 This is view from Q Street right adjacent to the
2 XM Sirius parking lot.

3 So this building directly abuts the property line
4 between the XM Sirius parking lot and our site. There are
5 no windows on this side of the wall because future
6 development could essentially close off any windows that we
7 have there and with the upper levels in particular being
8 residential that threatens to close down apartments in the
9 future.

10 You can see at the top there we're showing stair
11 1 which is in our special exception request. The main
12 building is painted CMU and the stairwell above that is going
13 to be EIFS. It's going to be a lighter color than the CMU.
14 The different material is not showing amazingly well in this
15 rendering.

16 And we've included the parapet cap. It's going
17 to run all the way across the top of the building and it will
18 separate the stairwell from the rest of the wall. And the
19 stairwell is inset a couple of inches. Not a lot but it is
20 inset some.

21 CHAIRMAN HILL: So I guess we're probably going
22 to get to this, like why programmatically that stairwell
23 can't be moved.

24 MS. RIDENOUR: Yes.

25 CHAIRMAN HILL: Okay.

1 MS. RIDENOUR: On the north side of the building
2 we're continuing down Q Street. The building main entry is
3 located towards the commercial side of the site. Our
4 proposed site plan replaces what is now a driveway and
5 parking lot with green space and plants and of course another
6 building but still it will be much more attractive.

7 There is an additional entrance to a ground floor
8 tenant along Q Street.

9 Materials are on the commercial office levels
10 they're going to be brick at the first two levels with large
11 windows. We've also got ground faced CMU at the main lobby
12 entry.

13 And up above we have EIFS for the majority of the
14 building with oriole bay windows that will have a wood
15 pattern HPL, high pressure laminate to provide some contrast
16 with the stucco and break up the building so that it doesn't
17 feel quite so large and expansive.

18 If we move along to the next we're going to now
19 move to the corner of Q Street and First Street. So this is
20 the view from the row houses along Q Street to the west of
21 the site.

22 Materials from Q Street continue to wrap around
23 the building onto First Street. And I'm going to point out
24 that on this side of the building the special exception
25 stairwells will not be visible from the row houses on Q

1 Street at all. You can't see them.

2 We can move on to the next slide. This is the
3 south side of the building as seen from the self-storage
4 facility parking area.

5 We can see the secure parking area and the
6 entrance to the emergency shelter on First Street. And we
7 also have from the back parking there's going to be a secure
8 entrance to the building and then there's also a service
9 entrance for trash and recycled removal and access to the
10 elevator when we need it. But that's all there.

11 Materials on First Street continue to wrap around
12 the building and then the brick transitions to a split face
13 CMU.

14 Please note that stair number 2 in our special
15 exception request in this case the stair and the main
16 building wall are EIFS but the penthouse and also the stair
17 are a lighter color than the main building. We're also using
18 the same -- continuing the parapet across the top and
19 offsetting it a little bit just to give it some relief from
20 the back of the building.

21 You can also see, and I want to point this out,
22 that part of stairwell 1 which is included in our special
23 exception is visible here. If we need to move it it's
24 actually going to become more visible from this side. It'll
25 become more visible from this side of the building.

1 I'm now going to move into the plans. We're going
2 to start with the rooftop plan which was the reason we need
3 the stairs to begin with is access to the rooftop
4 programmatic elements.

5 So we have the large children's space. We also
6 have an outdoor adult space so that adults that perhaps don't
7 have children can also not -- essentially get some outdoor
8 space without being with all the kids running around.

9 And then we also have some indoor community spaces
10 again a family area which could be used for playing during
11 inclement weather and then another smaller room for adults
12 only which can also be used for classes and other support
13 elements of this particular program.

14 The penthouse is about 2,000 square feet of
15 interior space and it is mostly community space. Because of
16 the long-term nature of these stays it's really important
17 that both the children and adults have the access to the
18 outdoor areas.

19 And the site really isn't large enough to provide
20 a secure outdoor space at the ground level. Therefore we've
21 been providing at the rooftop.

22 And as a result of the essentially the occupancy
23 load of these elements we need two egress stairs from the
24 roof.

25 If we move the eastern stairs which are stair 1

1 it will significantly reduce the exterior play area and we
2 would likely require a variance for the south and the west
3 wall adjacencies. We've been looking at how it would rotate
4 and move around in that space, but it would be pretty
5 difficult in general to get it the full distance off of the
6 walls that's required at this level.

7 If we move the western stair we will significantly
8 reduce the interior community space available to residents.
9 Community space, again it's used for the indoor play space
10 and for educational purposes and we don't have another space
11 within the building that would necessarily work for that.

12 We're going to move to the residential floor plans
13 which is really where this starts, the stairs really start
14 to need -- we really need the relief at the residential area.

15 So I'm going to be showing the third floor. So
16 we have three floors total with residential units. There's
17 10 units each, 30 units total. We have studios, one-, two-
18 and three-bedroom apartments and we also have two fully
19 accessible units.

20 This building is unique in that it's a short-term
21 stay facility and the units have been designed for maximum
22 flexibility. The residential units have been designed in
23 three interlinkable blocks. I've highlighted them here.

24 So basically within these -- so like within the
25 blue block any of those apartments can be opened up and

1 linked. So you could potentially have an apartment that
2 stretches the entire length of that blue block if you
3 actually had a family that was large enough to utilize it.
4 The same thing with the pink block and the same thing with
5 the purple block.

6 MEMBER TURNBULL: Are you saying those walls are
7 removable?

8 MS. RIDENOUR: There are doors between the units.
9 So essentially the main living room of a space can be used
10 as a bedroom for the space next door.

11 In the case of the pink block those are two
12 separate apartments that can be linked into one large
13 apartment.

14 On the third floor it's a four-bedroom apartment,
15 the whole thing. And on the fourth and the fifth floors it's
16 a five-bedroom apartment when you link both of them together.

17 CHAIRMAN HILL: Ms. Ridenour.

18 MS. RIDENOUR: Yes.

19 CHAIRMAN HILL: So again, and let me say I think
20 the project is great. Obviously I don't think anybody is
21 going to argue with the need and those type of things.

22 So I'm just trying to figure out again why you
23 couldn't move those stairwells to a place that then would be
24 compliant up at the penthouse level. So that's what I'm
25 trying to understand a little bit more of.

1 MS. RIDENOUR: So when we get in -- if you look
2 at the purple block when we start moving that stairwell in
3 we start ending up in a situation where we can no longer --
4 where it starts to block off essentially the end unit from
5 the other units. So that becomes a static unit in size.

6 CHAIRMAN HILL: And the problem just so I
7 understand it for sure is because you're taking it all the
8 way up to the roof.

9 If you didn't have roof access there wouldn't be
10 a problem.

11 MS. RIDENOUR: Because it would not extend above.

12 CHAIRMAN HILL: It wouldn't extend above.

13 MS. RIDENOUR: Correct. Yes.

14 CHAIRMAN HILL: Okay.

15 MS. RIDENOUR: In the purple block for instance
16 it causes an issue with those units become static in size.
17 In the stair towards the southwestern side of the building
18 that particular stair needs to be rotated in order to fit
19 within the space and in order to do that we end up losing an
20 entire apartment on each floor. So it becomes three
21 apartments lost on each floor.

22 MEMBER TURNBULL: Did you do a scheme that showed
23 that?

24 MS. RIDENOUR: We do not have a scheme that shows
25 that at the moment.

1 MEMBER TURNBULL: Okay.

2 MS. RIDENOUR: But that was the issue that we ran
3 into.

4 The other thing is that we're trying to minimize
5 the degree of circulation space in the whole project in
6 general because it's a tight site and we're trying to fit the
7 program on it. And obviously minimizing the circulation
8 space helps with that.

9 I think we need to move to the next slide. We're
10 going to move on to the ground level where we start to
11 interact with -- so at the ground level one of the issues
12 that we ran into is by the time -- as I said it's a tight
13 site.

14 And by the time we dealt with dealing with the
15 parking requirements and the GAR requirements and fitting
16 everything on there we ended up with a building that when we
17 start to move the stairs around on the commercial levels,
18 we're now looking at the ground floor, we would end up
19 blocking off -- if we look at the eastern stair we end up
20 creating down in the southern area of that floor we end up
21 creating a tiny suite that becomes very difficult to lease
22 and utilize from a commercial point of view.

23 So that was really one of the major issues there
24 is that it just completely shuts it off from the rest of the
25 building.

1 And then when we move the other stair it's a
2 little bit more -- we can work around that one a little bit
3 better but it still starts causing problems with navigating
4 through the building.

5 And that stair and that elevator on that side of
6 the building are both secure. So there's one elevator that
7 runs all the way up through the building and that's elevator
8 number 2 and it's on the western side of the building.

9 That building is a secure elevator that requires
10 a key fob to operate. And the point of that is that you
11 can't just come into this building and go up to the
12 residential levels. You have to have a permission and
13 there's a security guard and you have to pass the security
14 guard.

15 Whereas for the commercial portion of the building
16 we're going to be utilizing elevator number 1 which is over
17 next to the eastern stair. That elevator only goes from the
18 basement to the second floor. And that is more the
19 commercial -- or that is the commercial elevator that staff
20 members that are working or utilizing these commercial spaces
21 would be using.

22 We needed to separate those two entities. And
23 when we get into the secure stairs which is stair number 2
24 which is the southwestern stair, that stair when we start
25 rotating it starts inhibiting our -- it creates some space

1 that is not as usable for the building but it also starts
2 inhibiting our ability to separate the commercial aspect of
3 things from the residential aspect.

4 And in this case because of the safety of clients
5 it's important to keep those very, very separate.

6 We do not actually because of -- if you will go
7 back to the south facade. So on the south facade we do not
8 have any impact of light and air on the adjacent parking lot
9 because this faces south.

10 And this is the one with the stairwell -- this is
11 one of the ones that the stairwell affects. So this is
12 stairwell number 2.

13 First off, we're significantly off the property
14 line. It varies because it's a diagonal property line but
15 also whatever building might end up there in the future would
16 be the one casting shadow on us rather than us casting shadow
17 on them.

18 If we go back to the very first of the renderings,
19 when we're dealing with the eastern elevation at this moment
20 in time that's the Sirius XM parking lot. It's owned by
21 Sirius XM and it doesn't have a huge -- it will block a
22 little bit of western sun but it's not going to block a huge
23 amount of western sun simply because the rest of what's up
24 there that would be involved with blocking anything would be
25 the play space and it doesn't block sunlight because it's

1 open.

2 MEMBER TURNBULL: So you had done shadow studies
3 of that?

4 MS. RIDENOUR: No, we have not at this time.

5 CHAIRMAN HILL: Okay. So back at the penthouse
6 with the stairwells.

7 So okay. Ms. Vaias, one question was -- and I
8 don't know, maybe you already addressed this. There was some
9 comments from DDOT. Are you and DDOT on the same page as to
10 what the relief is that you need?

11 MS. VAIAS: Yes, I think that they -- the one
12 issue is with regard to the five parking spaces along First
13 Street which they have said should be removed and grass put
14 there.

15 We would just ask that this Board not make that
16 a condition. We recognize we will have to go to the Public
17 Space Committee ultimately to get the access off of First
18 Street and we'd like the ability to deal with them later on
19 that.

20 But beyond that DDOT was supportive of not having
21 -- they did not see an issue with not having the loading dock
22 and they were okay with the driveway as we have proposed it.
23 And recognizing that we have to go to them for the public
24 space permit we would deal with any other issues.

25 CHAIRMAN HILL: Okay. And the reason why

1 Commissioner Turnbull kind of mentioned this is like the
2 whole penthouse thing has been something that's been going
3 on and on, and the whole setback thing is again something
4 that's been going on and on with us for quite some time.

5 And so I'm interested in hearing what the analysis
6 of the Office of Planning in terms of that relief you're
7 requesting.

8 I understand programmatically why you need to be
9 on that roof. And so it's just kind of that's I think the
10 struggle that you're seeing up here if you're seeing any
11 struggle.

12 So I'm going to turn to the Office of Planning.

13 MS. BROWN-ROBERTS: Again, Maxine Brown-Roberts
14 from the Office of Planning.

15 I'll address the penthouse. I was looking at the
16 regulations and I didn't see anywhere it calls out explicitly
17 as to where that height is measured to so I'm going to ask
18 the Board to give me some time and I will get back to you so
19 that I can do a little bit more research as to exactly where
20 the measurement is and get back to you on that.

21 MS. GLAZER: Mr. Chair, my colleague and I have
22 been trying to look that question up that Mr. Turnbull raised
23 about the measurement and we came upon B 307.1 which says
24 that in certain zones by implication PDR-3 or 2 excuse me,
25 the building height shall be the vertical distance measured

1 from the level of the curb opposite the middle of the front
2 of the building to the highest point of the roof or parapet
3 or a point designated by a specific zone district.

4 CHAIRMAN HILL: That's very clear.

5 MS. VAIAS: That's clear as to the height of the
6 building and how it's measured, but then you get to the
7 penthouse section and the setbacks and it doesn't repeat that
8 language.

9 MS. GLAZER: You're correct, it doesn't. It does
10 seem to say that it's from the height of the roof. Building
11 wall from the roof up.

12 MS. VAIAS: Right. So when you go to section
13 subtitle C 1502 is where then the penthouse setbacks and they
14 talk about the rooftop and it doesn't mention parapets.

15 MEMBER TURNBULL: Since we have a meeting with the
16 Zoning Commission tomorrow I can bring it up, but the intent
17 was to have a finite dimension of the height of the
18 penthouse.

19 I think it was never the intent to measure just
20 to the roof of the penthouse because that means that a
21 penthouse could have a parapet of infinite height. You could
22 do 2 feet, 4 feet, 6 feet which means if we have a limit on
23 a height of 20 feet of a penthouse you just don't measure to
24 the roof of the penthouse. That was never the intent of the
25 Zoning Commission.

1 And if it takes us to clarify we'll clarify it.
2 But that was never the intent of the zoning regulations. And
3 if that's not clear, if there is some ambiguity then we'll
4 need to correct it.

5 But it was never the intent to just measure to the
6 height of the roof. I mean that leaves it wide open as to
7 what you can put up as far as a penthouse.

8 MS. VAIAS: No, we're not arguing that the height
9 could go without reference to the parapet. We're only saying
10 that when you measure the setback from the wall upon which
11 the penthouse sits that that dimension is measured to the
12 roof. Not that you could exceed the height of the building.
13 We're not arguing that.

14 MEMBER TURNBULL: I believe it's a one to one
15 setback of the height of the penthouse to the wall in front,
16 to the space in front of it.

17 CHAIRMAN HILL: Okay. Give me one second.

18 MEMBER TURNBULL: If it's a 10 foot high penthouse
19 you need 10 feet. If it's 12 feet you need 12 feet. I think
20 that we tried to make it as clear as we could but obviously
21 we haven't.

22 MS. RIDENOUR: I would just like to clarify is it
23 -- what I would like to understand is whether we're measuring
24 it from the height of the roof or from the parapet, the
25 height of the front of the parapet of the building. Because

1 we're only 9 and a half feet above the parapet.

2 MEMBER TURNBULL: You would never measure from the
3 parapet. You measure from the roof. I think the Office of
4 Planning can clarify that.

5 MS. BROWN-ROBERTS: That's correct.

6 CHAIRMAN HILL: Okay. So, I think I'm glad that
7 we're working through all this now and I'm glad that you
8 didn't get to present in front of the ANC because now I have
9 a reason as to why we're going to come back.

10 So I'm still over here with the Office of Planning
11 and the Office of Planning has asked for more time which you
12 will have to kind of figure this out a little bit more.

13 Even based upon -- like how are you supporting the
14 penthouse setback relief. Can you explain that a little bit?

15 MS. BROWN-ROBERTS: I think based on what the
16 applicant says we went over all the hardships that they have
17 of not being able to have the setbacks. So I think based on
18 that that's what we're recommending approval of.

19 CHAIRMAN HILL: And Ms. Roberts, I'm sorry, just
20 for me can you kind of like help me understand that analysis
21 a little bit better. Like all the hardships and how you're
22 getting to where you're, you know.

23 MS. BROWN-ROBERTS: Actually it's not a hardship.
24 Let's see. It says a strict application of the requirements
25 of the statute would result in construction that is unduly

1 restrictive, prohibitively costly, or unreasonable in
2 consensus with the building code.

3 And so the applicant demonstrated that having the
4 setbacks would limit the space within the building for the
5 stairs which would in turn reduce the number of units that
6 they're able to provide. So it's a setback that they're
7 asking for the relief from.

8 It also goes on to say the relief requested would
9 result in a better design of the roof structure without
10 appearing to be an extension of the building.

11 In this case the roof structure has a different
12 facade from the rest of the building so you can see that it's
13 distinctly two different structures.

14 In addition it has a band which separates the roof
15 structure from the building.

16 The relief requested would result in a roof
17 structure that is visually less intrusive. I would say that
18 with the setback that is required from a distance you cannot
19 see it from the front of the building so it wouldn't affect
20 it. From the side of the building.

21 And from the side I don't think if you're looking
22 at it from the street that there would be a great difference
23 in the amount of the penthouse that you would see.

24 If you met the regulations the penthouse would
25 still be visible from the street.

1 Again it talks about the operating difficulties
2 in meeting the code. And the applicant has demonstrated that
3 based on the size and shape of the property and the
4 restrictions of having the number of units that meeting the
5 code could cause them some difficulty.

6 Then it says every effort has been made for the
7 housing for mechanical equipment, stairways and elevator
8 penthouse to be in compliance with the requirements. And the
9 mechanical equipment and elevator for the communal rooms all
10 meet the setback requirement.

11 The intent and purpose of this chapter and this
12 title shall not be materially impaired. The non-conforming
13 penthouses have been designed at a height which is below the
14 12 foot maximum permitted. Right now we have to decide on
15 that.

16 And the property to the east is a surface parking
17 lot and the proposed building is setback 12 feet from the
18 rear property line. Therefore the structures would not
19 affect the light and air of adjacent properties.

20 And based on those that's why we are recommending
21 approval.

22 CHAIRMAN HILL: Okay, thank you. I'll let anybody
23 ask questions with the Office of Planning but just one more
24 quick question for the architect. Sorry, please.

25 MS. BROWN-ROBERTS: I wasn't done.

1 CHAIRMAN HILL: Oh, I thought you were done.
2 Sorry. Go ahead.

3 MS. BROWN-ROBERTS: I'd also like to address the
4 variance for the loading and the service delivery area.

5 CHAIRMAN HILL: Ms. Brown-Roberts, I'm sorry. I
6 got through the penthouse part and I was just like okay. Go
7 ahead.

8 MS. BROWN-ROBERTS: Okay, regarding the loading
9 and the service delivery area. As we said before we had
10 looked at it as a special exception, but since the zoning
11 administrator has said that it's a variance I think that we
12 would request approval of the variance because we think that
13 there is an exceptional situation leading to a practical
14 difficulty.

15 This is a specialized use of this property for the
16 shelters. The residents who are going to be there are not
17 coming with anything basically and so therefore they're not
18 generating the need for the loading.

19 And therefore it could be a practical difficulty
20 to the applicant to provide that loading as again it may take
21 away from the space for providing the number of units that
22 they're trying to meet.

23 It would not affect the zone plan or the public
24 good because whatever loading that would be done could be
25 done as said by DDOT that could be done onsite. And

1 therefore there's no necessity for the large trucks.

2 What I could do since I'm going to be submitting
3 additional information that I'll provide this analysis in
4 writing also as a supplemental report.

5 CHAIRMAN HILL: Okay, great. For the variance you
6 mean.

7 MS. BROWN-ROBERTS: Yes.

8 CHAIRMAN HILL: Okay. Does anyone else have any
9 questions for the Office of Planning?

10 MS. BROWN-ROBERTS: We also recommend approval of
11 the special exception for the emergency shelter.

12 CHAIRMAN HILL: Yes, sorry.

13 MS. BROWN-ROBERTS: I'm done.

14 CHAIRMAN HILL: Commissioner Turnbull. I didn't
15 realize he was over there.

16 MEMBER TURNBULL: I'm sorry.

17 CHAIRMAN HILL: And poor Ms. Brown-Roberts, she's
18 getting interrupted left and right. I guess, and I don't
19 really even want to ask this question but as far as the
20 variance what if the building were sold to somebody else for
21 something else for another use?

22 MS. BROWN-ROBERTS: If that use had to come back
23 for a special exception because remember this is a special
24 exception use. So if that use goes away, unless another
25 special exception replaced it. But if there's another use

1 then maybe they would have to come in.

2 CHAIRMAN HILL: Okay, so we'd see them. Okay.
3 All right. So the question for the architect, the parapet
4 wall, why does it have to be 12 feet, not the 10 feet?

5 MS. RIDENOUR: We have green roof on the roof of
6 the penthouse and so we've got 8 inches -- to meet the GAR
7 we have 8 inches of planting material and then we have an
8 additional parapet above that --

9 CHAIRMAN HILL: Oh there's an additional parapet
10 above.

11 MS. RIDENOUR: Yes, there's a little bit above
12 that to give it some wind relief.

13 MEMBER TURNBULL: This is a wood frame building?

14 MS. RIDENOUR: Yes. The top three stories.

15 CHAIRMAN HILL: Okay. Does anybody have any
16 questions for the Office of Planning? Does the applicant
17 have any questions for the Office of Planning? Okay.

18 Is there anyone here from the ANC? Is there
19 anyone here wishing to speak in support? Is there anyone
20 here wishing to speak in opposition? Okay.

21 So Ms. Vaias, I guess what we're going to probably
22 do and I'll see what my colleagues might need from you. I
23 think we're going to just do a continued hearing on this
24 meaning that I'd like to actually hear and take testimony
25 from you again as far as what happens at the ANC. I just

1 don't want a letter or something.

2 So if you could do that for us. I guess from the
3 Office of Planning you were going to give us again a
4 supplemental report that I guess speaks more to the
5 discussion about the penthouse.

6 And also now that you did have an opportunity to
7 write up your analysis of the variance and so you would do
8 that.

9 And then Ms. Vaias, if you could do a revised
10 self-cert for what you're asking for and then go ahead and
11 also repost before -- the ANC meeting is when? The next one.

12 MS. VAIAS: Next week, the 17th.

13 CHAIRMAN HILL: Next week, 17th.

14 MS. GLAZER: Mr. Chair, I think I made a mistake
15 when I said the revised self-cert hadn't been done. I didn't
16 see that one had been filed along with the motion to withdraw
17 part of the variance relief.

18 So I think there is a revised self-cert that
19 accurately reflects the relief being requested at this point.

20 CHAIRMAN HILL: Okay.

21 MS. GLAZER: Unless there's a decision to change
22 the loading berth relief to special exception relief. But
23 right now there is a revised self-cert for a loading berth
24 variance.

25 MS. VAIAS: We appreciate the opportunity.

1 However, the special exception criteria we cannot meet for
2 that so that's why we need a variance.

3 CHAIRMAN HILL: Okay, all right. So we do not
4 need a revised self-cert. However, you could repost. That
5 would be helpful because you didn't have the variance on
6 there.

7 MS. VAIAS: Did you want to take any testimony
8 from our engineer about the loading, or do you want to talk
9 about that later just in terms of the difficulty of making
10 that happen and the shape of the property.

11 You've heard that it's not necessary based upon
12 the use of the building but did you want to hear anything
13 from the engineer?

14 VICE-CHAIR HART: I think anything that we have
15 in writing would be helpful. I don't think we have to
16 actually have testimony itself. Just so we can refer to it
17 and be able to understand that. That's I think sufficient
18 for the case.

19 CHAIRMAN HILL: Mr. Hume, what's your number? No,
20 I'm teasing. But we appreciate you coming down. Sure,
21 please, go ahead, Ms. White.

22 MEMBER WHITE: As far as the units are they
23 completely furnished and are there kitchens in each unit or
24 is there something on the first floor that provides services
25 and food to the residents?

1 MS. OTERO: Yes. The intent of the commercial
2 space is for other similarly placed non-profit organizations
3 that provide crisis services. And we are also considering
4 a tenant where they could have access to food.

5 MEMBER WHITE: Food.

6 MS. OTERO: Yes. So we have at least three
7 organizations that are interested and have been following our
8 progress.

9 In terms of the units they are fully furnished.
10 We are looking at kitchens. We've learned a lot over the
11 last couple of years. We've been running our program since
12 2011.

13 So we're hoping to make some decisions around the
14 kitchenettes that are more viable for our client population.
15 So they're not going to be full kitchens but they are going
16 to meet their needs.

17 MEMBER WHITE: Thank you.

18 MS. OTERO: One more thing just in case this is
19 helpful. Because we received funding through DHCD for the
20 initial acquisition this particular property is required to
21 be for this use for the next 20 years.

22 CHAIRMAN HILL: I'll be 70 years old. Okay.
23 Let's see. I will not be here though. Okay. So I think
24 that that's probably it.

25 I don't know what else -- a supplemental report

1 from the Office of Planning in terms of again the penthouse
2 issues and then the variance.

3 We're going to just do a limited scope hearing the
4 next time and we'll just be talking about the penthouse
5 issues and then also I guess the variance is primarily what
6 we'll be focusing on. But we'll have an opportunity to ask
7 questions of the Office of Planning.

8 We've already tried testimony from ANC support
9 and/or opposition and so we will not be doing that again next
10 time. We're just going to be hearing from you.

11 And so if you could let us know what happens with
12 the ANC. I suppose -- we'll get an ANC report.

13 MS. VAIAS: Mr. Chair, I think that it should be
14 continued hearing limited scope but allow the possibility of
15 the ANC coming to testify. We can't presuppose what the
16 report will say.

17 CHAIRMAN HILL: Okay. That's fine. I thought
18 that the ANC was always allowed to show up. That's okay.
19 So if the ANC wants to come down and testify. You've seen
20 several commissioners come down, it's always helpful. If you
21 get support. If not I wouldn't bring anybody down.

22 I guess I'd like to see -- maybe one of the
23 architects can help me, but I want to see kind of like
24 whatever you end up doing with the design dependent upon
25 talking with the Office of Planning in terms of the

1 penthouse.

2 Like the sight lines or what it actually looks
3 like from the street in terms of the penthouse. Again, I
4 completely understand why you want to have that space up
5 there and the security needs and so it's just that penthouse
6 issue has been very much a contested issue for us in the
7 past.

8 But if the Office of Planning can again as they
9 have been providing the analysis as to how the criteria is
10 being met to approve that would be great.

11 Okay, anyone else have anything else?

12 MEMBER TURNBULL: Yes, just one thing following
13 up on that.

14 Obviously the penthouse issue, the placement has
15 become the major criteria that they're looking at for the
16 success of their program.

17 Ms. Ridenour explained fairly well how they got
18 to where they are.

19 I wouldn't mind, and it's up to my colleagues too,
20 oftentimes we've often asked for a proof of scheme or if
21 you've had some sketches or you could do some sketches that
22 would show why it doesn't work. Something that might help
23 us have better grounds as to say yes, it makes sense.

24 But if you could show us an example or two of why
25 it really wouldn't work and the complications that arise out

1 of that I think that would be worthwhile.

2 CHAIRMAN HILL: Okay, great. That's very helpful.
3 Thank you, Commissioner. So when actually -- so I know
4 you're going to go meet next week. Let me just jump around
5 here so we'll get back to the applicant. But when are you
6 here again, Commissioner Turnbull?

7 MEMBER TURNBULL: Whenever you want me.

8 CHAIRMAN HILL: Actually when are you here next,
9 do you know? You don't know.

10 MEMBER TURNBULL: I think it's in May. Let me
11 pull up, the secretary has actually sent us something. May
12 23.

13 CHAIRMAN HILL: Okay, May 23, so that's pretty
14 long. And I know that you have a lot of issues with your
15 grants and everything. At least to know where you are.

16 So Commissioner Turnbull said he'll come back
17 whenever. So when do you think you can get this stuff to us
18 and actually get to the ANC and come back?

19 MS. VAIAS: May 9.

20 CHAIRMAN HILL: May 9?

21 MS. VAIAS: Yes.

22 MR. MOY: I was looking at an earlier date.

23 MS. VAIAS: Earlier? Well, the Eckington group
24 doesn't meet until May 7 so to the extent that the ANC wants
25 to hear from Eckington we're going to have to go to the ANC

1 on the 17th, Eckington on the 7th, and then get back here on
2 the 9th.

3 CHAIRMAN HILL: Okay. So if we can get, and I
4 would like to hear whatever kind of public outreach from the
5 Eckington Civic Association as well as any -- that
6 information we will leave the record open for.

7 And we will leave the record open for the items
8 that we've just requested. But Mr. Moy, other than that
9 we're going to close the record.

10 MR. MOY: I was a little confused. I was looking
11 at the month of April and then it sounded like the discussion
12 had pivoted to May. So was I correct earlier?

13 CHAIRMAN HILL: Well, May 9 apparently is the date
14 that works out in terms of seeing all the people the
15 applicant needs to see before getting back to us.

16 And I'm on vacation till the end of the month.
17 Although you might have better luck with Mr. Hart.

18 Again, I'm just asking. If May 9 seems to work
19 for you guys at least to find out where you stand. And again
20 you're hearing all the issues that you have.

21 You have to try to figure out the penthouse stuff.
22 You have to work with the Office of Planning in terms of what
23 actually is what the regulation states.

24 And then if you can put together something that
25 shows the sight lines for me for the penthouse and then

1 something for Commissioner Turnbull in terms of why
2 programmatically if you move the core around it doesn't work
3 for you. And then a supplemental from the Office of
4 Planning.

5 And again I'm coming back around to the circle
6 which is that May 9 works for you, right? Okay. And so
7 Commissioner Turnbull, you'll come back on May 9th?

8 MEMBER TURNBULL: Absolutely.

9 CHAIRMAN HILL: Okay, great. All right, I guess
10 that's it then.

11 So just to be clear for me the record is open for
12 the things that we asked about. Otherwise the record is
13 closed. We're not going to take public testimony at the next
14 hearing other than if the ANC wants to come and testify.

15 And the ANC always has the ability to submit
16 information into the record. But I guess we are leaving the
17 record open for something from the Eckington Civic
18 Association and the ANC as of now from the applicant.

19 VICE-CHAIR HART: Mr. Chair?

20 CHAIRMAN HILL: Yes.

21 VICE-CHAIR HART: Just so that we understand the
22 Office of Planning supplemental report should be in by?

23 CHAIRMAN HILL: When can the Office of Planning --
24 well actually that will be tough then. You need to have the
25 microphone on, I'm sorry. Ms. Brown-Roberts, can you put on

1 the microphone? You're not on the record.

2 MS. BROWN-ROBERTS: Oh, sorry. We will have it --

3 CHAIRMAN HILL: A supplemental.

4 MS. BROWN-ROBERTS: The supplemental in time for
5 the --

6 (Simultaneous speaking)

7 VICE-CHAIR HART: Just the Friday before so we
8 have time to read it.

9 MS. BROWN-ROBERTS: Yes.

10 VICE-CHAIR HART: That's why I was asking.

11 MS. BROWN-ROBERTS: Yes, no problem.

12 VICE-CHAIR HART: Okay.

13 MR. MOY: So Office of Planning will submit their
14 supplemental report on Friday, May 4. Continued hearing on
15 May 9. And the applicant will be making their filing when,
16 Mr. Chair?

17 CHAIRMAN HILL: Well, I'm looking to you for the
18 dates.

19 MR. MOY: Okay, then I would say can you file
20 during that first week of May.

21 CHAIRMAN HILL: But we still won't hear -- because
22 you're doing it the night before. Your microphone's not on,
23 sorry.

24 MS. VAIAS: Right, the Eckington won't be until
25 the 7th but we will have been to the ANC to get any of their

1 comments.

2 We can still talk to folks, we just won't have an
3 official vote.

4 CHAIRMAN HILL: I'm confused. So you're saying
5 the ANC wants you to hear from Eckington first.

6 MS. VAIAS: They're going to allow us to present
7 the loading to them so that they understand it but they're
8 not going to officially send in their form to you all until
9 and unless I guess Eckington raises some issue at their
10 meeting on the 7th.

11 So the ANC will meet next week but they won't
12 submit their form to you until the 8th which will allow
13 Eckington to have seen and heard everything as well.

14 CHAIRMAN HILL: Okay. I see. All right.

15 MR. MOY: I think to assist the Board to review
16 some of the materials --

17 CHAIRMAN HILL: We would get everything from them
18 did you say the 4th.

19 MR. MOY: Friday the 4th or Wednesday May 2nd.

20 MS. VAIAS: Generally we'll probably have it done
21 by the 2nd so if it helps we can do the 2nd. We will be
22 working with Office of Planning so we may all finish about
23 the same time. It might be May 4th.

24 CHAIRMAN HILL: May 4th is fine. May 4th. So you
25 guys can give us everything May 4th. Office of Planning is

1 going to give us something May 4th.

2 And the only thing we won't get is again anything
3 from the ANC or Eckington until the 8th. Okay. Is that it?
4 Are we good?

5 MR. MOY: We're set, sir.

6 CHAIRMAN HILL: Okay. Well I'm definitely glad
7 you guys came after lunch. All right. Good luck. Bye bye.

8 MS. OTERO: Thank you.

9 CHAIRMAN HILL: Just to the applicant don't forget
10 to repost.

11 All right, we've got one more, Mr. Moy.

12 MR. MOY: Yes, sir. All right, that would be case
13 application number 19738 of Property Frameworks. Captioned
14 and advertised for special exception from the non-conforming
15 use requirements of subtitle C section 204.9 to change a non-
16 conforming use to another non-conforming use.

17 This is an R-20 zone district at premises 1300
18 35th Street NW square 1227 lot 813.

19 CHAIRMAN HILL: All right, good afternoon. If you
20 could please introduce yourselves.

21 MR. DETTMAN: Good afternoon, Mr. Chairman,
22 members of the Board. Shane Dettman, director of planning
23 services with Holland & Knight.

24 MS. DRIGGS: I'm Carlyn Driggs, property manager
25 for this building from Property Frameworks.

1 CHAIRMAN HILL: Okay, Mr. Dettman I'm going to
2 kind of cut to the chase a little bit here in that I
3 personally didn't have a lot of questions. I don't know if
4 you have a presentation that you're showing us or not. Okay.

5 So when I was going through the architectural
6 drawings I just couldn't kind of figure out the residential
7 unit how it kind of looks so I was just kind of curious. But
8 you can still talk about that if you like.

9 If you could go ahead and mention the relief that
10 you're requesting and how you're meeting the standards for
11 us to grant that relief. And really I don't think we have
12 an ANC report. Oh.

13 Okay then just speak to your outreach with the
14 ANC. And I'm going to put 15 minutes on the clock and you
15 can start whenever you like.

16 MR. DETTMAN: Sure. Thank you, Mr. Chairman. As
17 Mr. Moy announced the relief being requested this afternoon
18 by the applicant is a special exception to change a non-
19 conforming use to another non-conforming use pursuant to 11
20 C DCMR section 204.9 as well as subtitle X section 900.2.

21 Just very quickly about the subject property it's
22 located at 1300 35th Street NW. The subject property is in
23 Georgetown. It's a contributing structure to the Georgetown
24 Historic District and it's zoned R-20 which is a low density
25 residential zone.

1 The existing building is a three story building
2 built in the mid eighteen hundreds. It's a semi-detached
3 structure. On the second and third floors it is a four-unit
4 apartment building which has existed for quite some time.
5 We know that the entire building was used as an apartment
6 building back from the nineteen forties.

7 To the west is the Holy Trinity Church. To the
8 south is the Georgetown East Campus which is comprised of
9 dorms as well as an academic building and to the east is a
10 series of buildings with ground floor retail and residential
11 above.

12 In terms of the zoning history again the building
13 was constructed in 1850. It's a contributing structure to
14 the historic district and it was used as an apartment
15 building in the nineteen forties.

16 Subsequent to the effective date of the 1958
17 zoning regulations in 1976 the Board approved a tailor shop
18 for the ground floor. In 1982 they approved a change in the
19 non-conforming use to a retail sales and then most recently
20 in 1987 the Board again approved a special exception to
21 change that non-conforming use to an office use for visiting
22 professors at Georgetown University.

23 Again the applicant is requesting a change from
24 one non-conforming use to another non-conforming use and
25 specifically the applicant is looking to on the ground floor

1 to change the previously approved non-conforming office use
2 to a residential dwelling unit. And so in totality the end
3 result would be a five-unit apartment building on the first,
4 second and third floors of the building.

5 In terms of the specific criteria under subtitle
6 C section 204.9 which requires -- 204.9(a) requires the
7 proposed non-conforming use would be a permitted matter of
8 right in the most restrictive subtitle in which the existing
9 non-conforming use is permitted.

10 The existing non-conforming use again is an office
11 use and the proposed residential dwelling unit and
12 collectively the apartment house is permitted as a matter of
13 right in an NC zone which an office use is also permitted as
14 a matter of right.

15 204.9(b) in the R, RF and RA zones the proposed
16 use shall be either a single-family dwelling unit, flat, or
17 multiple dwelling unit. With the additional dwelling unit
18 on the ground floor the building would be devoted to an
19 apartment house.

20 204.9(d) the external impacts of the proposed use
21 would be deemed to be no greater than the existing use. The
22 proposed use will not have any impacts that are greater than
23 the previously approved office use. It's only an increase
24 of one dwelling unit.

25 There's no parking required for the addition of

1 the dwelling unit and there's no exterior changes and so
2 likely fewer trips from the previously approved office use.

3 204.9(e) the proposed use shall not adversely
4 affect the present character or future development of the
5 surrounding area within at least 300 feet of the site.

6 Again the proposed use is compatible with other
7 uses in the surrounding context. We have a dorm. There are
8 other apartment buildings. There's residential in the
9 surrounding area.

10 There's no new construction proposed and there's
11 no exterior changes to the existing building.

12 204.9(f) the proposed use shall not create any
13 deleterious external effects. There's no increase in
14 vehicular traffic compared to the previous office use is
15 expected and no impacts on loading, illumination, vibration,
16 or odors. Again there's no construction. There's no changes
17 to the building.

18 When an existing non-conforming use has been
19 changed to a non-conforming or more restricted use it shall
20 not be changed back to a non-conforming use or less
21 restrictive use.

22 The previously approved non-conforming use has not
23 been changed to a more restrictive use or a conforming use.
24 The proposed apartment dwelling unit is more restrictive than
25 the previously approved office use.

1 And then finally turning our attention to the
2 general special exception criteria under subtitle X section
3 901.2(a) which requires the relief to be in harmony with the
4 general purposes and intent of the zoning regulations the
5 purpose and intent of the zoning regulations as you know is
6 to establish minimum standards for the promotion of public
7 health, safety, morals, convenience, order.

8 The requested relief can be granted and be in
9 harmony with the general purpose and intent of the zoning
10 regulations.

11 The R-20 zone is a low density zone that's
12 intended to retain and reinforce Georgetown's unique mix of
13 housing types including semi-detached residential dwellings.

14 The subject application will also not have any
15 impact on light or air as no expansion is proposed and it
16 will not result in any undue concentration of population.

17 Finally, the requested relief can be granted and
18 will not tend to adversely affect the use of neighboring
19 property in accordance with the zoning regulation and zoning
20 maps.

21 The request will bring the subject property
22 actually closer into conformance with the zoning regulation
23 being that the previously approved use was an office use in
24 an R-20 zone which is low density residential. So we think
25 that adding the additional dwelling unit on the ground floor

1 with a five-unit apartment dwelling is more in conformance
2 with the zoning regulations.

3 And finally the request to change the previously
4 approved non-conforming use on the ground floor to a
5 residential dwelling unit is compatible with the surrounding
6 uses that I had described just a moment ago.

7 And so with that Mr. Chairman, that concludes my
8 presentation. I'm happy to answer any questions.

9 CHAIRMAN HILL: We see the letter from the ANC so
10 can you tell me what happened at the ANC.

11 MR. DETTMAN: It was curious. We presented on
12 April 2, provided a short presentation, essentially the same
13 thing that I was just described to you, went through the
14 relevant standards.

15 The ANC expressed no concerns. They asked one
16 question. That question was whether or not the owner
17 intended to target students, Georgetown students for the
18 additional dwelling unit.

19 Our response was that wasn't necessarily the case.
20 We weren't going to target students.

21 The minimum lease term for the dwelling unit as
22 with the ones up above on the second and third floor is one
23 year. And so we wouldn't see a situation where a student
24 wanted to just rent for eight months when they're in town.
25 It's a minimum of one year.

1 But we would not be targeting student housing
2 specifically.

3 That was the only question. The single member
4 district commissioner Rick Murphy said he has no objection.
5 And there were no comments from the community.

6 I will say that it was late in the evening and
7 they started to move really, really quickly through the
8 agenda and they had 25 cases to look at for old Georgetown
9 Board.

10 So they expressed no objection. The next day, it
11 was kind of curious to me so I did follow up with
12 Commissioner Murphy just saying this was my first time
13 presenting to this particular ANC so perhaps that's how you
14 handle things.

15 CHAIRMAN HILL: But they didn't vote.

16 MR. DETTMAN: They didn't take a formal vote. But
17 he said we moved things along fairly quickly but my
18 recollection is that we adopted a resolution stating that 2E
19 has no objection to the grant of the special exception. This
20 is an email that he forwarded to me.

21 And then two days ago he wrote back to me and said
22 your memory was better than mine. We did not take formal
23 action. As a result our chair Joe Gibbons either has sent
24 or will send a letter to the BZA informing the Board that the
25 ANC reviewed the application and took no action which of

1 course means the ANC did not object.

2 CHAIRMAN HILL: Okay. That's not really what we
3 have. I got no action. We have gotten similar responses
4 from this ANC before. And so it doesn't surprise me, I just
5 wasn't sure what the situation was. But I do see that they
6 took no action to the above referenced matter.

7 So does the Board have any questions for the
8 applicant?

9 MEMBER TURNBULL: I just had one. I have no
10 issues with what's being proposed, but the main entrance is
11 on 35th Street. That's that corner door.

12 MR. DETTMAN: When you're looking at the building
13 there's actually two doors.

14 MEMBER TURNBULL: One is for the other apartments
15 above.

16 MR. DETTMAN: The one on the right is the one
17 going up to the second and third floor units and the one on
18 the left --

19 MEMBER TURNBULL: And then around the corner on
20 N Street is like a second exit from that other unit.

21 MR. DETTMAN: That ground floor unit has two
22 entrances, one on 35th and one on N.

23 MEMBER TURNBULL: On N.

24 MR. DETTMAN: There's also a rear entrance that
25 all the units share through a common stair.

1 MEMBER TURNBULL: Okay, thank you.

2 CHAIRMAN HILL: Because it was retail at one point.

3 MR. DETTMAN: Yes, it has. It has always been
4 constructed or configured as a two-bedroom residential
5 dwelling unit.

6 Again in the nineteen forties it was used as an
7 apartment dwelling.

8 CHAIRMAN HILL: So it's structured right now as
9 a two-bedroom.

10 MR. DETTMAN: That's right. And when it was --
11 the previously approved office, that office had a kitchen.
12 The two bedrooms were used as offices. So the configuration
13 has always been a two-bedroom.

14 CHAIRMAN HILL: And that big bay window in the
15 front, that's like just living space.

16 MR. DETTMAN: No, so that bay window and I think
17 in the record we included the previous BZA orders. When they
18 approved the tailor shop I think there's some discussion
19 about that bay window. So I think that was a later addition
20 to the building.

21 CHAIRMAN HILL: Okay. I'm going to turn to the
22 Office of Planning.

23 MS. ELLIOTT: Good afternoon, Mr. Chairman and
24 members of the Board. I'm Brandice Elliott representing the
25 Office of Planning and I'm going to go ahead and stand on the

1 record of our report.

2 We are recommending approval of the requested
3 special exception. But I'm happy to answer any questions you
4 have.

5 CHAIRMAN HILL: Okay. Does anybody have any
6 questions for the Office of Planning? Does the applicant
7 have any questions for the Office of Planning?

8 MR. DETTMAN: No questions.

9 CHAIRMAN HILL: Is there anyone here from the ANC?
10 Is there anyone here wishing to speak in support? Is there
11 anyone here wishing to speak in opposition? Does the
12 applicant have anything further they'd like to add?

13 MR. DETTMAN: Nothing further.

14 CHAIRMAN HILL: Okay. I'm going to close the
15 hearing. Is the Board ready to deliberate? I can start.

16 I don't really have any issues with the
17 application. I think that they meet the criteria for which
18 we should granted.

19 I was a little confused by the ANC's response but
20 I'm not surprised by it. And since they were not in -- we
21 can't necessarily give them great weight because we didn't
22 really get anything to give them great weight for.

23 But they didn't send in opposition. So I don't
24 have any issues. Does anybody have anything they want to add?
25 Okay.

1 I'm going to go ahead and make a motion to approve
2 application number 19738 of Property Frameworks as captioned
3 and read by the secretary and ask for a second.

4 MEMBER TURNBULL: Second.

5 CHAIRMAN HILL: Motion made and seconded. All
6 those in favor?

7 (Chorus of aye)

8 CHAIRMAN HILL: All those opposed? Mr. Moy, the
9 motion passes.

10 MR. MOY: Staff would record the vote as 5-0-0.
11 This on the motion of Chairman Hill to approve the
12 application for the relief being requested. Seconding the
13 motion is Mr. Turnbull. Also in support is Ms. White, Ms.
14 John and Vice Chair Hart. The motion carries.

15 CHAIRMAN HILL: Great. Summary order.

16 MR. MOY: Yes, thank you, sir.

17 CHAIRMAN HILL: Thank you. Thank you all.

18 MR. DETTMAN: Thank you.

19 CHAIRMAN HILL: Mr. Moy, do we have anything
20 before the Board today?

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

22 CHAIRMAN HILL: Okay, well then we stand
23 adjourned. Thank you.

24 (Whereupon, the above-entitled matter went off the
25 record at 3:02 p.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 04-11-18

Place: Washington, DC

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

Neal R Gross

Court Reporter

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