

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

DECEMBER 12TH, 2018

+ + + + +

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 9:38 a.m., Frederick Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER[S] PRESENT:

PETER SHAPIRO, District Resident

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN
KAREN THOMAS
BRANDICE ELLIOTT
CRYSTAL MYERS
JONATHAN KIRSCHENBAUM

The transcript constitutes the minutes from the
Public Hearing held on December 12, 2018.

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

(10:09 a.m.)

1
2
3 CHAIRPERSON HILL: All right, Mr. Moy. You can
4 call our first hearing case when you get a moment.

5 MR. MOY: All right, thank you, Mr. Chairman. The
6 Board has moved into the public hearing session. The first
7 case application before the Board is Application Number
8 19844.

9 This is of Richard Gbolahan. This is captioned
10 and advertised as amended for special exception from the
11 penthouse requirements of Subtitle C, Section 1500.4 and the
12 penthouse setback requirements Subtitle C, Section 1502.2 and
13 pursuant to 11 DCMR Subtitle X, Chapter 10 for variances from
14 the front setback requirements of Subtitle B, Section
15 315.1(c), lot width, lot area requirements Subtitle U,
16 Section 201.1 and side yard requirements, Subtitle E, Section
17 307.1.

18 This would construct a new flat in an RF-1 zone.
19 This is at 1033 16th Street Northeast, Square 4074, Lot 828.
20 As the Board will recall, this was originally set for hearing
21 on November 7th and moved to today's date to allow the
22 applicant to present revised relief to the ANC.

23 And I believe, Mr. Chairman, that letter or a
24 motion is in the record under Exhibit 57 from Chairman or
25 rather ANC 5-D.

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1 CHAIRPERSON HILL: All right. Good morning,
2 gentlemen. If you could please introduce yourselves for the
3 record.

4 MR. GBOLAHAN: My name is Richard Gbolahan.

5 MR. SALLAH: Alex Sallah.

6 CHAIRPERSON HILL: Okay. Now I remember. The
7 question was whether or not you should bring the architect
8 back, right, okay, all right. I'm glad the architect is
9 back, okay.

10 So we didn't get very far in the last one in terms
11 of the hearing. And, you know, we have had an opportunity
12 to see everything that has been added since the last time you
13 were here on the record.

14 So it's Gbolahan. So, Mr. Gbolahan, I guess if
15 you could go ahead and tell us about the project, about what
16 you're trying to do and then also how you understand you're
17 meeting the standard of relief for us to grant your
18 application.

19 Also if you could tell us a little bit more about
20 what was happened since the last time you were here. I know
21 you went to present with the ANC and such, okay. I'm going
22 to put 15 minutes on the clock.

23 On either side, you can see the clock, Mr. Moy,
24 just so I kind of know where we are in terms of the time.
25 And you can begin whenever you like.

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1 MR. GBOLAHAN: Good morning, Mr. Chairman. Good
2 morning, Commissioners. The last time we came here you said
3 the architect should review the penthouse. So we collected
4 that. We sent it back to you.

5 I'm proposing a new flat two family row house
6 dwelling consisting of three bedrooms, three bathrooms, a
7 powder room, a living room and a dining room in each flat
8 with the parking. My lot area is 1,501 square feet in size.

9 The nature of relief sought is special exception
10 pursuant of C 1500.4 to allow the construction of a
11 penthouse, B, special exception pursuant of C 1502.2 to allow
12 the construction of the penthouse that does not meet the
13 minimum required setback.

14 The variance from E 202.1 to allow a lot with a
15 lot area that do not meet the minimum lot width and minimum
16 lot area requirement. D, a variance from E 307 for the
17 minimum side yard requirement. The variance (e) -- variance
18 from B 315.1(c) for the front setback requirement.

19 CHAIRPERSON HILL: That's it, Mr. Gbolahan.

20 MR. GBOLAHAN: Yes, sir.

21 CHAIRPERSON HILL: All right, okay. Does anybody
22 have any questions for the applicant? All right, we're going
23 to turn to the Office of Planning.

24 MS. THOMAS: Good morning, Mr. Chair, Members of
25 the Board. Karen Thomas with the Office of Planning. OP

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1 submitted a supplemental report.

2 And this report includes, we didn't have any
3 original report with respect to the surveyor's report
4 regarding the lot's history. We see just to be clear we need
5 a minimum, we need relief from the minimum lot dimensions,
6 side yard and front yard setback.

7 I'll just highlight what was found in the records
8 and hopefully I'm clearer this time than the last time.

9 CHAIRPERSON HILL: No, that's okay. And, Ms.
10 Thomas, if you wouldn't mind if you could, since if you could
11 help us walk through your analysis also. Like I would just
12 like to hear some of the reasoning.

13 MS. THOMAS: Yes, sure.

14 CHAIRPERSON HILL: Thank you.

15 MS. THOMAS: So with respect to the minimum lot
16 dimensions this lot has dimensions that are less than the
17 minimum prescribed for a development in the RF-1 zone, but
18 is typical for row house lots in the area.

19 So the surveyor's record, and you have that
20 information before you with respect to the flat, shows that
21 there was the creation of a tax lot from the record lot in
22 1932. However, that lot remained a tax lot up until this
23 time.

24 And it got smaller due to an alley widening and
25 would not for that it still would have been non-conforming.

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1 And, but it would have been grandfathered under our C 301.1.

2 So we wouldn't have had this issue of it being a
3 record lot or a tax lot. So having it as a tax lot right now
4 in this situation it can't be grandfathered. So we need
5 variance relief to have it be buildable.

6 So you have that factor with respect to the lot
7 and also that the lot is not in common ownership with the lot
8 next door, the vacant lot. So the applicant, this situation
9 creates a practical difficulty, this exceptional situation
10 creates a practical difficulty for the applicant to even get
11 permits for the lot or even design the lot to be built on.

12 So the lot would remain unbuildable were it not
13 for this, if the relief is not approved. So we have that.
14 So we've established that the minimum lot dimensions create
15 a practical difficulty and as such the width of the lot
16 itself as well providing a side yard of five feet will also
17 create a practical difficulty for the applicant to develop
18 the lot in a contemporary fashion.

19 With respect to the front setback also the lot's
20 width the applicant uses a design solution of providing a bay
21 front all the way up to create additional space, living area
22 and livable space. So that's the issue with the front
23 setback.

24 We do not see a substantial detriment to the
25 public good with respect to the side yard, front yard and the

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1 minimum lot dimension.

2 As I said, it would fill in an undeveloped gap on
3 a residential street and along the north windows would not
4 be included along the shared lot line which could accommodate
5 potential future development of the vacant lot next door and
6 the proposal would reinforce the residential character of
7 this square and the block.

8 CHAIRPERSON HILL: Okay, great. Thank you, Ms.
9 Thomas, sorry.

10 MS. THOMAS: I just have a couple more things.

11 CHAIRPERSON HILL: Sure, go on, please.

12 MS. THOMAS: With respect to the intent we would
13 see that there is no substantial harm to the regulations.
14 Relief from the minimum lot dimensions and side yard should
15 not harm the intent as we, this doesn't exist in any RF-1
16 zone.

17 Side yards are not typical of RF-1 zones. And the
18 intent of the front setback is to control the relationship
19 of buildings to the streetscape and bay windows are common
20 features in row house developments, bay front type
21 architectural solutions I would call it.

22 So with that we took care of the, we would support
23 the variance relief from the application and the special
24 exception it satisfies the criteria. With respect for the
25 penthouse special exception we think that the application is,

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1 the criteria is satisfied by the applicant.

2 And that would be it for us. And I would be happy
3 to take any questions. Thank you.

4 CHAIRPERSON HILL: Thank you. I just wanted to,
5 since there wasn't a lot of testimony I just wanted to know
6 a little bit more about kind of the analysis. So thank you
7 very much, Ms. Thomas.

8 Does anyone have any questions for the Office of
9 Planning? Okay. Does the applicant have any questions for
10 the Office of Planning? Okay.

11 Is there anyone here wishing to speak in support
12 of the application? Is there anyone here wishing to speak
13 in opposition to the application?

14 All right. Mr. Gbolahan, is there anything else
15 you would like to add at the end? You may have to push the
16 button unfortunately.

17 MR. GBOLAHAN: No, sir.

18 CHAIRPERSON HILL: Okay, great. Does anybody have
19 any questions for the architect since they're here?

20 VICE CHAIRPERSON HART: I know you looked at me.
21 I just had questions before because of the drawings that were
22 showing the penthouse because the penthouse was shown as, in
23 the previous drawings I can't remember which exhibit that
24 was, but they were just shown as a, there was no opening to
25 actually allow somebody to walk through this, up the stairs

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1 into the penthouse and onto the roof.

2 And those drawings have been updated to show how
3 someone will now be able to do that.

4 CHAIRPERSON HILL: That's at 51, right?

5 VICE CHAIRPERSON HART: I think that's Exhibit 51.

6 CHAIRPERSON HILL: The updated plans are 51, okay.

7 VICE CHAIRPERSON HART: Yes.

8 CHAIRPERSON HILL: Okay, great. All right, then
9 I'm going to close the hearing. Is the Board ready to
10 deliberate? Okay. So originally we had some questions and
11 concerns in terms of what was actually going on as Vice-Chair
12 Hart had mentioned in terms of the penthouse.

13 I don't have any further actual comments other
14 than I agree with the analysis that has been provided by the
15 Office of Planning. In addition to that the great weight
16 that we are supposed to provide the ANC their vote was in
17 support with no issues or concerns a vote of four to zero.

18 And so I will be in approval of the application
19 on the Exhibit, the new or I will be voting I suppose in
20 favor of the application in the updated plans from Exhibit
21 51. Is anybody, does anyone have anything else they would
22 like to add?

23 Okay, nobody is saying anything. I'm going to go
24 ahead and make a motion to approve Application Number 19844
25 as captioned and read by the Secretary and ask for a second.

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1 MEMBER WHITE: Second.

2 CHAIRPERSON HILL: Motion made and seconded. All
3 those in favor say aye.

4 (Chorus of aye.)

5 CHAIRPERSON HILL: All those opposed. The motion
6 passes, Mr. Moy.

7 MR. MOY: The staff would record the vote as five
8 to zero to zero. This is on the motion of Chairman Hill to
9 approve the application for the relief requested. Seconding
10 the motion, Ms. White.

11 Also in support of the motion Ms. John, Vice-Chair
12 Hart and Mr. Shapiro. Motion carries.

13 CHAIRPERSON HILL: All right. Thank you, Mr. Moy.
14 Thank you very much, gentlemen. All right, Mr. Moy, whenever
15 you like.

16 MR. MOY: Thank you, Mr. Chairman. If we can have
17 parties to the table to case Application Number 19820. This
18 is of Cambridge Holdings LLC captioned and advertised for a
19 special exception under the residential conversion
20 requirement, Subtitle U, Section 3220.2.

21 This would convert an existing principle dwelling
22 unit to a three unit apartment house, RF-1 zone. This is at
23 premises 1128 Buchanan Street Northwest, Square 2918, Lot
24 113.

25 CHAIRPERSON HILL: Okay, great. Thank you. Good

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1 morning. If you could please introduce yourselves for the
2 record from my right to left.

3 MR. CAMPBELL: Ulysses Campbell of 4-C03 ANC.

4 MS. AKINSAN: Olivia Akinsan. I am the designed
5 on the project.

6 MR. RAMESHNI: Frank Rameshni from Cambridge
7 Holdings.

8 CHAIRPERSON HILL: Could you spell your last name
9 again for me, sir?

10 MR. RAMESHNI: R-A-M-E-S-H-N-I.

11 CHAIRPERSON HILL: You would think I would be able
12 to remember that, okay. All right, Commissioner Campbell,
13 so as you know you're a representative here for the ANC so
14 you'll have an opportunity to participate in the, I'm sorry
15 participate in the hearing as a party.

16 So, Ms. Akinsan, I suppose, are you going to be
17 presenting to us?

18 MS. AKINSAN: I can.

19 CHAIRPERSON HILL: Okay. So you are going to be
20 then, okay. So, no, I'm just saying so you're, I just need
21 to know who I'm going to talk to.

22 MS. AKINSAN: Yes, yes.

23 CHAIRPERSON HILL: Right. So I suppose if you can
24 just kind of walk of through what has happened since the last
25 time you were here and what changes you've made.

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1 There are a couple of questions I think the Board
2 is going to have as we're kind of going through this
3 presentation. But just if you could again, you know, refresh
4 the Board's memory in terms of what you're doing, what you're
5 trying to do and how you're meeting the criteria for us to
6 grant the approval.

7 I'm going to put 15 minutes on the clock, Mr. Moy,
8 just so I know where we are. And you can begin whenever you
9 like.

10 MS. AKINSAN: Okay. Well this is a single family
11 dwelling located in an RF-1 zone. And we are seeking relief
12 for a three unit apartment building.

13 In our previous meeting Office of Planning
14 basically had issues with the privacy of the neighbors on
15 either side mostly. And so with the help of Office of
16 Planning we've gone back and forth trying to rectify that
17 issue.

18 And so we've come up with some screening devices
19 mainly to rectify the issues of privacy. We also did supply
20 a solar study to help and see what kinds of shadows would be
21 created by the addition. And we've included those revisions
22 in the record.

23 CHAIRPERSON HILL: Okay, right. And you've
24 removed the roof deck and the spiral stair?

25 MS. AKINSAN: Yes, we have.

1 CHAIRPERSON HILL: Okay. Does the Board have any
2 questions of the applicant?

3 MEMBER WHITE: Just a quick question. What, can
4 you just talk to me a little bit about what's going on with
5 the chimney issue with respect to this case?

6 Is there, the chimney for the abutting neighbor,
7 is there an issue with respect to the proposed development
8 that you're seeking and is there any interference with the
9 abutting neighbor's chimney?

10 MS. AKINSAN: To be honest I hadn't heard about
11 the chimney issue before. But in general we would require
12 the neighbor to allow us to extend it.

13 MR. RAMESHNI: I believe there was a ruling as to
14 the minimum distance that the chimney of the neighboring
15 property needs to be. If it's less than a certain distance,
16 yes, we need to check what the distance is, then we are
17 obliged to have to extend it to three feet, I believe, above
18 the top of our building at our cost.

19 VICE CHAIRPERSON HART: Yes, I think we're raising
20 it because it's part of the relief that's being sought.
21 That's why we're asking about it. And the neighbors are
22 against the proposal.

23 So you were asking to increase the size of
24 somebody's, of the neighbor's chimney and they are not
25 supportive of the application. Has that changed?

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1 MS. AKINSAN: No, that has not changed. In cases
2 where the neighbor has not agreed to sign off on raising the
3 chimney we have simply just modified the design so it does
4 not include having to do so. So we would set it back a
5 little bit.

6 VICE CHAIRPERSON HART: And we're approving a
7 particular design right now.

8 CHAIRPERSON HILL: It's okay. We're going to talk
9 this through with you guys anyway. So we were going to get
10 to it. I was going to mention in terms of conditions at the
11 end also.

12 But so what you guys are going to have to do is,
13 again, I think it's ten feet in terms of the distance, right.
14 And so you would need to get, part of the conditions that I
15 would be proposing if we were to move forward with this or
16 get through this and I don't even know where we are going to
17 end up, but would be prior to the issuance of any building
18 permit authorized by this Board the applicant shall obtain
19 the insurance of a building permit to raise the chimney
20 adjacent to the abutting property at 1126 Buchanan Street
21 Northwest, yes.

22 And then the other was that prior to the issuance
23 of any building permit authorized by this order the applicant
24 shall obtain the issuance of a building permit to raise the
25 chimney adjacent to the abutting property 1130 Buchanan

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1 Street Northwest.

2 So you would need to get their approval. I'm just
3 assuming, I don't know, I think it's the ten feet. I don't
4 know, right. So if it is inside the ten feet then you would
5 have to get their approval in order to raise the chimney.

6 I don't particularly like this. I don't know if
7 that's true either. You know, they can now refuse to let you
8 raise the chimney. You would have to change the design.

9 And if that meant cutting back or, you know,
10 whatever getting it so you're inside of the ten feet then you
11 would have to come back before us in terms of, because you
12 would be changing the design. So that's where, you know, you
13 could go with this design here, try to see if you could come
14 to an agreement to raising the chimney.

15 And who knows maybe the neighbors would rather
16 have this design than the design that would have the, you
17 guys pushing it back inside of the ten feet. I don't know.

18 But that would be part of our conditions. So you
19 do understand, right? Okay. So that's where we are on that.
20 Any other questions? Okay. Commissioner, do you have any
21 questions on the testimony from the applicant?

22 MR. CAMPBELL: That's on the testimony that Ms.
23 Akinsan just made?

24 CHAIRPERSON HILL: Yes, just gave.

25 MR. CAMPBELL: I do not.

1 CHAIRPERSON HILL: Okay. So you'll have an
2 opportunity to present to us as well. And so I'm going to
3 do the same thing in terms of putting 15 minutes on the clock
4 for you. And you can begin whenever you like.

5 MR. CAMPBELL: All right, thank you. I appreciate
6 the opportunity to come back before this body. And I also
7 want to recognize that I appreciate the fact that the
8 applicant has been working with the Office of Planning and
9 making an effort to address concerns on the part of the
10 Office of Planning in particular.

11 I, one thing that I just want to point out because
12 I don't want to drag this thing out. It looks like you guys
13 have got a lot of stuff on the agenda.

14 But I had noted in the shadow study that was
15 performed it does not seem to indicate the conditions of late
16 afternoon over at the property in terms of the impact of
17 shadows past about 2:15 as I was looking back here. So I was
18 just, I did have a concern about that because one of the
19 things that the neighbors had mentioned was enjoying the rear
20 of their property in the late afternoon.

21 And so I would have thought that would have been
22 included. As a matter of fact, I believe one of the
23 neighbors, Mrs. Prather had, because she contacted me earlier
24 in the week indicating that there were some pictures that she
25 had taken of shadows in the late afternoon.

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1 I'm not sure whether those were added to the case
2 record or not. I believe that she was in contact with some
3 of the zoning specialists. So I did not see that as part of
4 the record.

5 But I happen to think that's relevant. That
6 doesn't seem to have been included. Beyond that, I just want
7 to reiterate that the neighbors, the adjacent neighbors still
8 have concerns about the impact on light, about the impact on
9 air.

10 You know, some of the privacy issues may have been
11 resolved. But the prevailing issues that caused the
12 neighbors to mount an objection to the application still
13 persist.

14 CHAIRPERSON HILL: Okay, great. Thank you. Does
15 the Board have any questions for the Commissioner?

16 VICE CHAIRPERSON HART: Yes, Mr. Campbell, you
17 were, thank you, Commissioner Campbell, sorry, thank you for
18 coming to kind of talk about this. And the question I had
19 was you were asking about whether or not the shadow studies,
20 you were saying the shadow studies did not take into account
21 late afternoon, like 5:00, 6:00.

22 And what is it that you were looking, you were
23 thinking that they would be showing?

24 MR. CAMPBELL: Well I haven't performed any
25 studies. I haven't been in the rear of the properties at

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1 those hours. But reviewing what was part of the case record
2 it looked as if the shadow studies that were performed
3 focused on the morning and noon and afternoon to about 2:00
4 p.m.

5 So I would imagine because, you know, I mean
6 dependent on what time of the year it is it's getting late,
7 getting dark later. So I was just curious what things look
8 like say between 3:00 and 5:00 in the summer or 6:00 with the
9 addition.

10 And that wasn't part of, you know, not to be
11 suspicious. But I would imagine that somebody is performing
12 shadow studies they see something and, you know, if there's
13 nothing objectionable than that's part of it.

14 The fact that these weren't a part of the record
15 I'm just wow, okay, well that's kind of curious. Why are we
16 cutting off at 2:15 in terms of this? So that's, you know,
17 again not suggesting anything sinister by any stretch of the
18 imagination.

19 But I was just curious. I did think it was
20 relevant.

21 VICE CHAIRPERSON HART: I was just asking, I was
22 asking particularly because typically when you have
23 properties that are, this property is facing towards the
24 north. So it is, you know, the front of the building is
25 towards the north.

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1 That means that the shadows themselves would be
2 tasked on the street because, you know, where the sun is
3 coming which is coming east to west but it's coming from the
4 south and, you know, casting towards the north that you would
5 have more issues when you are, I guess, on the street side
6 because the shadows would be greater when you are kind of
7 looking at that direction or you're in that, if you're on the
8 street you have more shadows than if you are actually in the
9 rear of the property.

10 Even if they added in that I'm just trying to
11 understand are you, were you thinking that they were, is it
12 that they didn't have them so the question is what would they
13 show or is it that you think that they would show more
14 because and they did not provide them?

15 MR. CAMPBELL: Well I appreciate the question.
16 I also appreciate getting a bit of an education on that
17 matter. I know you have a lot more experience in that than
18 I do.

19 And I hadn't, frankly, I hadn't taken into
20 consideration some of the factors that you just mentioned.
21 It was just that they were not there and specifically my
22 constituents had mentioned the late afternoon was when they
23 were out in their back yards.

24 VICE CHAIRPERSON HART: Sure. And I appreciate
25 that. I just wanted to make sure that we were looking at

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1 that, I wanted to understand what the particular issue was
2 and I think I understand it now. Thank you very much.

3 CHAIRPERSON HILL: Okay. Let's see, you don't
4 have to reply to any statements. But do you have any
5 questions on the testimony that was given by the
6 Commissioner?

7 MS. AKINSAN: No.

8 CHAIRPERSON HILL: Okay. I'm going to turn to the
9 Office of Planning.

10 MS. ELLIOTT: Good morning, Mr. Chairman and
11 Members of the Board. I'm Brandice Elliott representing the
12 Office of Planning. The Office of Planning is recommending
13 approval of the request for the conversion relief.

14 I'll go ahead and rest on the record of our
15 reports. But I'm happy to answer any questions you have.

16 CHAIRPERSON HILL: Okay. A quick question I have
17 again and I'm trying to just, I can't remember exactly, this
18 is all the height and how far back they're going it's all a
19 matter of right. It's just the conversion?

20 MS. ELLIOTT: That's correct. The additional
21 themselves comply with the regulations.

22 CHAIRPERSON HILL: So in terms of, now I am
23 curious. In terms of the chimney thing, right, if someone
24 were to just do a two unit as opposed to the conversion for
25 a three unit they would still have to get the chimney sign

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1 off?

2 MS. ELLIOTT: So I think that probably comes into
3 play when they pull their building permits and not
4 necessarily at this stage. There is a requirement in the
5 special exception criteria. Excuse me for just a moment
6 while I look at that.

7 CHAIRPERSON HILL: Sure. Take your time.

8 MS. ELLIOTT: So letter "F" of the criteria reads
9 that the addition shall not block or impede the functioning
10 of a chimney or other external vent. So at the time that we
11 drafted our report we weren't aware of that issue.

12 But this does sound like something that can be
13 worked through as the applicant applies for their building
14 permits. Like there is a solution.

15 CHAIRPERSON HILL: No. What I was asking is they
16 weren't before us at all and if it was just being done by a
17 matter of right they would still be going up as high as
18 they're going up and they would still be going back as far
19 as they would be going back.

20 It would just be two units. So now my question
21 is, you know, it would still interfere with the chimney.
22 It's just that it wouldn't be a conversion. So would they
23 still have to, you don't know or I don't know, would they
24 still have to get the chimney raised otherwise they couldn't
25 do what they need to do?

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1 MS. ELLIOTT: I believe that's a building code
2 requirement.

3 CHAIRPERSON HILL: So then now I'm going to turn
4 to OAG as he's shaking his head because I'm just curious.
5 So even if this were a two unit and you were doing everything
6 matter of right the neighbors could still stop you from doing
7 it because you would not allow them to raise their chimney?

8 MR. TONDRO: Pardon me, I think the issue is as
9 the Office of Planning just said, is that this is a special
10 exception. It's part of the special exception criteria for
11 U 320.2 there is this requirement in the zoning regulations
12 that the chimney issue be addressed.

13 But the underlying regulation is the building
14 code. And so in a matter of right development as you're
15 suggesting there would be no zoning requirement to address
16 the chimney. That would be dealt with by the building code.

17 So that would all take part as part of the
18 building permit application process for DCOA.

19 CHAIRPERSON HILL: We can have a discussion off
20 line then. I kind of understand but at the same time, like
21 the chimney is still there but like, okay, all right. Does
22 anybody have any further questions for the Office of
23 Planning?

24 MEMBER JOHN: One question. Did you have any
25 comment on the sun studies?

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1 MS. ELLIOTT: No, mostly because the additions
2 that are being proposed are a matter of right and, you know,
3 so the zoning regulations sort of take into effect what the
4 appropriate, I'm sorry, take into account what the
5 appropriate bulk and massing of structures should be in this
6 zone.

7 And so for that reason the sun studies, you know,
8 they're important so the neighbors understand the impacts on
9 their properties. But they're not a large part of OP's
10 analysis because it's a by right addition.

11 MEMBER JOHN: Thank you.

12 CHAIRPERSON HILL: So again, I remember right the
13 Office of Planning was concerned about the roof deck and the
14 spiral stair because of privacy issues. However, and now I'm
15 remembering I think from the previous testimony.

16 However, if that roof deck and spiral stair, if
17 it were done as a matter of right it could be done?

18 MS. ELLIOTT: I would have to check on the roof
19 deck. I'm not sure that the roof deck could be matter of
20 right. The spiral stair I think could.

21 CHAIRPERSON HILL: Okay, all right. Well
22 definitely the privacy screening would not have been
23 necessary?

24 MS. ELLIOTT: No.

25 CHAIRPERSON HILL: Okay, all right. So does the

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1 applicant have any questions for the Office of Planning?

2 MS. AKINSAN: No, we don't.

3 CHAIRPERSON HILL: Okay. Does the ANC have any
4 questions for the Office of Planning?

5 MR. CAMPBELL: I do not, thank you.

6 CHAIRPERSON HILL: Okay. Is there anyone here
7 wishing to speak in support of the application? Is there
8 anyone here wishing to speak in opposition of the
9 application?

10 Okay. I'm going to turn back to the applicant.
11 Do you have anything you would like to add in conclusion?
12 Sorry, there's a hand up. Okay, please come forward. Ma'am,
13 were you sworn in when you got here?

14 Okay, no problem. Mr. Moy, if you could please
15 swear in the witness.

16 MR. MOY: With pleasure. Thank you, Mr. Chairman.

17 (Witness sworn.)

18 MR. MOY: Thank you. You may be seated.

19 CHAIRPERSON HILL: Okay, great. Well welcome.
20 Have a seat. You push the microphone button once, red light
21 and you'll stay on. As a member of the public you'll get
22 three minutes to testify.

23 The clock is on the right and the left on the
24 ceiling. And is there a clock in the middle? Nobody knows.
25 Is there a clock in front of you guys?

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1 MR. CAMPBELL: It's right in front of you.

2 CHAIRPERSON HILL: Okay, look at that, okay. And
3 so then and you can begin, first, I'm sorry, could you
4 introduce yourself?

5 MS. PRATHER: My name is Cynthia Prather.

6 CHAIRPERSON HILL: All right, Ms. Prather, you can
7 begin whenever you like.

8 MS. PRATHER: Good morning, everyone. I didn't
9 realize that we could speak today. I thought it was just a
10 decision. So thank you for this last opportunity.

11 There's one thing that hasn't been mentioned and
12 it, and that's the converting three units to two units in an
13 R-1 zone which is for one or two families. And again, why
14 give an exemption to do this if you have the regulation that
15 it should be two?

16 The shadow is, I will correct, I have pictures of
17 other properties where you had, it looks like three units and
18 then a house next door. And so the shadowing you can see or
19 what the positioning is.

20 But I don't right now have pictures of shadows of
21 our house. The shadows you mentioned about on the front we
22 know the house is shady on the front. So the back is where
23 the sun is.

24 And when you have it blocked you don't have sun.
25 You don't have as much light, you know, in the afternoon, in

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1 the morning, whenever. And it's not just our house. It's
2 the house on the other side.

3 So I would just ask you to consider all of the
4 things not just the privacy and the light and the chimney so
5 the things that are coming out of the house, but also
6 converting a one single family unit into three and my
7 understanding was condos not apartments, three instead of two
8 when it is zoned residential. Thank you.

9 CHAIRPERSON HILL: Okay, great. Thank you, Ms.
10 Prather. Does anybody have any questions for Ms. Prather?

11 MEMBER WHITE: Ms. Prather, hi. Are you one of
12 the abutting neighbors?

13 MS. PRATHER: Yes, we are. Let me say technically
14 now we are not. We sold the house to our daughter and her
15 husband so they are now the owners.

16 MEMBER WHITE: What is the, which direction are
17 you?

18 MS. PRATHER: We are 1130 which is just west.

19 CHAIRPERSON HILL: Okay, anyone else? Okay, does
20 the ANC have any questions for the witness?

21 MR. CAMPBELL: I do not, thank you.

22 CHAIRPERSON HILL: Okay. Does the applicant have
23 any questions of the witness?

24 MS. AKINSAN: I did have one. I want to get
25 clarification on what you meant by actually blocking. What

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1 do you see that our development is actually blocking as far
2 as the sunlight?

3 MS. PRATHER: In terms of it's going out into the
4 back yard then when we come out the sun comes up from the
5 east side. And so when you come out instead of seeing the
6 sun you have what is it, how many feet, 70 feet --

7 MS. AKINSAN: Ten feet.

8 MS. PRATHER: Ten feet, okay. Ten feet that,
9 where the sun is, my understanding is blocked.

10 CHAIRPERSON HILL: All right, Ms. Akinsan, that's
11 your answer. You got any other questions?

12 MS. AKINSAN: No, I don't.

13 CHAIRPERSON HILL: Okay. All right, Ms. Prather,
14 thank you very much.

15 MS. PRATHER: Thank you.

16 CHAIRPERSON HILL: Ms. Prather, if you can make
17 sure you fill out two witness cards. They're on the table
18 over there and hand them to the transcriptionist. We're just
19 going with hand signals today.

20 All right, so let's see, right. Anything else you
21 would like to add?

22 MR. CAMPBELL: No, sir.

23 CHAIRPERSON HILL: Ms. Akinsan?

24 MS. AKINSAN: No, thank you.

25 CHAIRPERSON HILL: Okay, all right. I'm going to

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1 close the hearing. Is the Board ready to deliberate? Okay.
2 I can start. I guess for me again it was whether or not we
3 thought that the standards had been for, to grant the special
4 exception for the conversion.

5 And as I've been kind of going back and forth with
6 the Office of Planning in terms of understanding, I mean this
7 is an envelope that could be done by right. It's just merely
8 obviously the conversion that we're talking about.

9 And so I don't think that in terms of the
10 conversion it is anything that I would have an issue with.
11 I mean I am disappointed that the adjacent neighbors
12 obviously are not in favor. I'm also disappointed that the
13 ANC is not in favor of the application.

14 But for me the struggle was again, this is
15 something that the envelope could have been done as a matter
16 of right. It's simply the conversion of one more unit.

17 And I don't think that there's any adverse impact
18 from one more unit on this, in this community. And so since
19 it is a special exception and not a variance it's something
20 that is within the regulations as long as they're meeting the
21 criteria.

22 I believe they meet the criteria. Now as I
23 mentioned in terms of the conditions that we would put
24 forward I mean they still have to get the chimney raised by
25 the next door neighbors if they are inside of the ten feet,

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1 you know, whatever the regulation is.

2 Now if they change that they have to come back to
3 us in terms of changing the design of the building. You
4 would have to come back for us and do a modification in order
5 to get us to approve, you know, take a look at whatever
6 you're trying to do and whether or not we were able to
7 approve it or not, meaning the applicant.

8 So however, I think again the changes that have
9 been made by the applicant, particularly getting rid of the
10 roof deck and the spiral stair was definitely going to solve
11 the adverse impact concerning light, air and privacy that I
12 was having with the original design as well as what the
13 Office of Planning was having with the original design.

14 So I'll be voting in favor of the application with
15 those two conditions that I mentioned. Would anyone else
16 like to add anything?

17 MEMBER SHAPIRO: Thank you. Mr. Chair, I agree
18 with you. My question is more a question for OAG and I just
19 want some clarity around this. And perhaps it's just about
20 what precedent we set as we move forward.

21 But I am still not understanding why we would
22 have, we would consider attaching a condition to this related
23 to the issuance of the building permit and the raising of the
24 chimney adjacent to the abutting property when that's
25 something that's going to come up at building permit.

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1 I just don't understand why we would add this
2 condition and I just want the clarity because this is going
3 to affect our decision making as we move forward.

4 CHAIRPERSON HILL: Okay, before OAG answers I just
5 do want to add a little bit to that in that I think we've
6 done this a few times with this same situation recently
7 wherein I think the thought process was, and I would like
8 OAG's clarification as you were asking them the question, but
9 was that it's something that would happen at permitting.

10 If it didn't happen then they would have to come
11 back, it wouldn't happen, like they wouldn't get the permit
12 approved. And so I guess they would have to come back to us.
13 I guess and I would like to hear OAG's thoughts.

14 And I guess what I'm and to further, a question
15 to OAG, I guess, than that would mean if we're ever in this
16 situation again we would have to have, if we didn't do the
17 condition this way, we would have to have a letter from the
18 adjacent neighbors in the record approving that they would,
19 which is a whole, you're correct, this is a whole other way
20 to do it.

21 And so then, and I'm uncomfortable with it. Then
22 all of a sudden the neighbor is deciding whether or not, you
23 know, you get to do something. I mean so OAG please answer
24 the, somebody else want to, sorry.

25 MEMBER JOHN: Yes, I just wanted to add something

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1 to what you said, Mr. Chairman. My recollection is that in
2 the cases when we've added the condition we've had an
3 agreement already between the neighbor and the applicant.

4 So it was relatively okay for us to say the
5 applicant has met the condition in the regulation. But we're
6 just making sure that it is included in the record by having
7 the condition attached.

8 So there's a subtle difference. One is that we
9 can find that the applicant meets the requirement because
10 there is this existing agreement. So we're just including
11 it in the record to make sure that it can be enforced. So
12 I think that's the subtle difference that we have used in the
13 past.

14 MEMBER SHAPIRO: So in this case, and I'm inclined
15 to support this as you are, Mr. Chair, in this case it's hard
16 to imagine well they don't have a letter from the neighbor
17 saying this is okay. And we are without putting words in any
18 of my colleagues mouths, we're likely to approve this.

19 And yet those letters aren't there. And so when
20 they get to building permit they're not going to have what
21 they need.

22 CHAIRPERSON HILL: We'll have to add another
23 wrinkle into this then.

24 MEMBER JOHN: So they don't have, they have a
25 conditional approval. So it means that if there is any

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1 change then they will have to come back to the Board. It's
2 just more expensive.

3 MEMBER SHAPIRO: But I think that's the question.
4 That's what I don't understand from our process perspective.
5 This does not feel like a conditional approval. This feels
6 like an approval and then when they get to building permit
7 there's a whole other process that they have to go through.

8 We're not, are we or are we not conditioning this
9 approval?

10 CHAIRPERSON HILL: We are conditioning this
11 approval.

12 MEMBER SHAPIRO: And so are we, do we always, will
13 we and have we always conditioned this approval on this issue
14 because this issue comes up a lot? Why are we, in this
15 moment why are we conditioning the approval?

16 CHAIRPERSON HILL: Yes, I mean I guess, we're
17 having, I'm glad we're having this discussion. But and just
18 to add on to what Ms. John said and then finally OAG will get
19 an opportunity.

20 But Ms. John said like then in Ms. John's case the
21 letters were there and we were still putting this in as a
22 condition. So either way it was getting put in as a
23 condition.

24 So to have that discussion then with you,
25 Commissioner, you know, either way it was getting put in as

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1 a condition. Ms. White.

2 MEMBER WHITE: I just wanted to just add that, you
3 know, why we're even having this discussion and why this
4 issue is important is because, you know, if this is a chimney
5 in place during this development process it could have a
6 negative impact. It could potentially be a fire hazard, you
7 know, ventilation issues if you have a development going up
8 that's interfering with a chimney.

9 So I'm very sensitive to it because, you know, I
10 want to make sure there's something in place to protect, you
11 know, negative impacts on the area. This would be a real
12 negative impact if a development went up that was interfering
13 with the chimney.

14 So I would like to have a little bit more clarity
15 in terms of how things are going to be going.

16 CHAIRPERSON HILL: And the last comment that now
17 I'm with Mr. Shapiro to a certain extent which is
18 interesting. Like right, like why are we doing this at all?

19 If it's going to get rejected it's going to get
20 rejected. Why are we suddenly putting a condition in there?

21 That's your discussion or if you're going to
22 follow through with it the whole way you should have letters
23 and then you wouldn't have the condition in there either.
24 So I'll turn to OAG there.

25 MR. TONDRO: Part of the problem here or the issue

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1 is that the criteria of U 320.2(f), addresses the fact that,
2 it says that the Board shall not approve an addition that
3 would block the operating, an operational chimney or vent.
4 That can sometimes be seen at the time of the plans for the
5 Board, sometimes not.

6 So it really, and it specifically addresses, the
7 condition itself specifically addresses the building permit
8 application, that's at the time when it has to be
9 ascertained. So inevitably there's a, looking forward even
10 in the condition itself.

11 I think Board Member John is correct, at least in
12 my recollection for the two previous times that we've dealt
13 with this that there the applicant made a statement or had
14 a written agreement, something, they made some kind of
15 evidence to the Board indicating that they would be able to
16 obtain permission.

17 And the condition was imposed then to make sure
18 that at the time of building permit application that the,
19 that permission would not have been withdrawn, right. And
20 I think there is a difference between that and let's say in
21 this case where the applicant has not made any statement that
22 they are going to get any approval from the neighbors and
23 that both neighbors have indicated on the record that they
24 are in opposition to the conversion.

25 There is a statement in the form of the plans to

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1 notes on the most recently revised plans that show that the
2 neighbors chimney will be extended. But it's not clear,
3 there's no other evidence to indicate on the record that they
4 have obtained the permission of the neighbors or quite
5 frankly where the location of the chimney is whether the
6 neighbor's permission would be needed or not.

7 None of that is on the record before you. I think
8 that is one of the, so there is, I think the 320.2(f),
9 establishes that the Board shall not approve it if it will
10 block the chimney. That would be, the burden of proof would
11 be on the applicant to show that they meet that condition.

12 MEMBER SHAPIRO: If the burden of proof is on the
13 applicant then equally as I hear you describe it, it is
14 reasonable to say that we should not be approving projects
15 where the burden of proof hasn't been met. That seems quite
16 straightforward.

17 And I hear your point that there may be times when
18 we don't have that information. But if it says shall then
19 we should not move forward unless we have that information.

20 CHAIRPERSON HILL: Okay, so you were having a
21 discussion with OAG. And so you've made, I guess, I don't
22 want to go back and forth with OAG right now. Although it's
23 always fun going back and forth with Mr. Tondro back in the
24 day.

25 So let's see. I'll go ahead and say, yes, so

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1 you're where you are with that. I'm still comfortable with
2 the conditions the way they are and I still am fine with my
3 analysis and how I've gotten to where I am.

4 But I do understand that this might be something
5 that we want to have further discussion with OAG to kind of
6 figure out, you know, how we're pointing this out because I
7 think it is a fair question. Does anyone else have anything
8 they would like to add in terms of the analysis on the merits
9 of the case?

10 MEMBER JOHN: I was just thinking, Mr. Chairman,
11 we could ask the applicant if they had a Plan B. If they know
12 what the option would be if they did not get approval to
13 extend the chimney.

14 It seems to me they would have to push the
15 addition back which might require them to go outside of the
16 envelope, the ten foot envelope. I'm just thinking here to
17 see where we could end up.

18 And I don't know if at this point we could, you
19 know, ask that question.

20 CHAIRPERSON HILL: Yes, I'll just go back to the
21 OAG. So everybody is here, right. So I've been, my hand has
22 been slapped for doing this in a decision or in a meeting
23 case.

24 And so I can, we can now, everybody is still here.
25 So I'm looking at OAG. So we can ask someone since they're

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1 right in front of us a further question after we've closed
2 the hearing?

3 MR. TONDRO: Did you in fact close the hearing?

4 CHAIRPERSON HILL: Yes, we're in deliberation.

5 MR. TONDRO: Then, no.

6 CHAIRPERSON HILL: So we can reopen the hearing
7 right now? Okay. And then you want to reopen the hearing
8 to ask your question?

9 MEMBER JOHN: Well maybe --

10 CHAIRPERSON HILL: I'm glad nobody had anywhere
11 to go later this afternoon, you know.

12 MEMBER JOHN: Maybe my question is not important.
13 I was trying to see if there was some sort of a workaround
14 since we are all here because if the neighbor is still in
15 opposition at this stage even though this is a matter of
16 right conversion and technically if this was just, you know,
17 not a conversion we wouldn't be here. So, okay, since we
18 have somewhere to go just --

19 CHAIRPERSON HILL: No, I don't have anywhere to
20 go. I'm saying that, I mean I'm not retired but I have
21 plenty, I'm good. I don't need to go anywhere.

22 The question that I thought and then Mr. Shapiro,
23 and I don't mind because we haven't done this before and I
24 want to know how to do it also because I think it's a fair
25 question and everybody is here. So all we would have to say

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1 is we're reopening the record.

2 We have a question and then we close the record
3 again. So I don't mind that. Mr. Shapiro, you had something
4 to say before we do this?

5 MEMBER SHAPIRO: I mean I think, Ms. John, I
6 interpret your interpretation as a bit of a kindness which
7 is there's an opportunity and is there a, which I think is
8 a decent thing to do. But on the other hand I think they
9 hear loud and clear what they're up against.

10 We have a decision to make. I'm not sure that the
11 Plan B is going to affect what we do about the Plan A
12 decision. That's the way that I would look at it. But I
13 will absolutely follow your lead if there's a desire to open
14 the hearing back up.

15 CHAIRPERSON HILL: This is great.

16 MEMBER JOHN: I would withdraw my request to open
17 it.

18 CHAIRPERSON HILL: No, let's do it because I want
19 to know how to do it. I want to know how to do it.

20 MEMBER JOHN: I thought for informational purposes
21 it would be good for the community to hear the discussion
22 because I'm not sure that there's an appreciation that this
23 is a matter of right development, that they can go back ten
24 feet as a matter of right.

25 CHAIRPERSON HILL: Right.

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1 MEMBER JOHN: And that there would be shadowing
2 there if they stayed within that same envelope, right, in the
3 two units, thank you. So it's helpful for us to have this
4 discussion so we don't keep having this continuing discussion
5 about whether or not there's an issue with a ten foot
6 addition where they come within the envelope.

7 CHAIRPERSON HILL: Okay.

8 MEMBER JOHN: So if my fellow Board Members would
9 like to reopen the hearing.

10 CHAIRPERSON HILL: How do I do it, OAG? All I
11 just say is we're going to reopen the record?

12 MR. TONDRO: Yes.

13 CHAIRPERSON HILL: That's it. Okay, great. So
14 we're going to reopen the record. Look at this it's just
15 like magic. You've appeared again. So the question I, well,
16 Ms. John, you can ask your question of the applicant.

17 MEMBER JOHN: Hopefully I remember what the
18 question is. So at this stage my thinking is that you don't
19 have approval to raise the chimney from the two neighbors.
20 So, and we don't know if you're prepared to go back ten feet
21 from both chimneys.

22 So would it be your intention to, because you've
23 obviously thought of the issue, would it be your intention
24 to push back the addition from the chimneys and then could
25 you still stay within the ten foot by right addition?

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1 MR. RAMESHNI: I think the first thing we need to
2 is check those distances. So that is very well among, I
3 have to clarify. If we do fall under the ten foot then I
4 mean I would have to consult with my partner.

5 But we would have to do a redesign in order to
6 adhere to the ten foot rule.

7 CHAIRPERSON HILL: And/or now I'm going to follow,
8 right, I think what Ms. John is asking, I'm not really sure,
9 is that if you had to push it in from getting from the
10 chimneys you might come back and try to push it out farther
11 which would get you into a whole other thing.

12 All right, fine. So the only thing that I might,
13 I guess, state my question again is that you would have to
14 come back to us for a modification to the plans. And that,
15 currently you haven't explored this so you don't even know
16 what you're going to do.

17 Okay, so we're still back where we are with the
18 plans that we have. Okay, does the Board have any other
19 questions?

20 MEMBER JOHN: Well, so in that case would it be
21 better to continue the hearing and submit new plans to give
22 the applicant an opportunity to go back and definitively
23 confirm whether or not you will get permission to extend
24 those chimneys.

25 And if you cannot get permission to extend those

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1 chimneys then you would submit a redesign which would, I
2 think would expedite the process rather than having you come
3 back and have to file another application.

4 CHAIRPERSON HILL: I guess so now we're in
5 discussion or something.

6 MEMBER JOHN: I'm just thinking out loud, Mr.
7 Chairman.

8 CHAIRPERSON HILL: No, I agree. I understand, I
9 understand. And what I'm saying with that, I'm not in
10 disagreement about but that if they come, we're done with
11 this right. So if we do this we're done with it.

12 It seems like everybody is in agreement in terms
13 of their meeting the standards. Then we're done with this.
14 Then if they have to come back to us and get a modification
15 then they're back before us again versus continuing it to
16 some date and have to do this all again, right, or at least
17 have to have a discussion all again.

18 I would be more in favor with having to have a
19 discussion on a modification. But that's my thought. So
20 anyone else?

21 MEMBER WHITE: I guess where I am right now is
22 that I still have concerns about U 320.2(f), about, you know,
23 that the residential conversion shall not block or impede
24 chimney or other external vent compliant with any D.C.
25 municipal code on an adjacent property.

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1 I still can't get beyond that particular provision
2 in terms of it meeting the criteria for the relief that
3 they're seeking. So that's where I am right now.

4 So I was almost in favor of having something
5 presented as a modification that would not conflict with that
6 particular provision.

7 CHAIRPERSON HILL: Okay. I'm going to, we're
8 going to get back to discussion now in a second because
9 that's not part of discussion I think a little bit more.
10 Does anybody have any more questions for the applicant?

11 MEMBER SHAPIRO: Possibly, because I agree with
12 Board Member John that it might make more sense to continue
13 this and that would be my question for the applicant. But,
14 Mr. Chair, if you feel strongly that we would rather see this
15 resolved one way or another today, Ms. John, you were going
16 the other direction.

17 And that actually made sense to me if that made
18 sense to the applicant which is to continue the hearing.

19 CHAIRPERSON HILL: Okay, we can ask the applicant.
20 But before, I'm just not sure that I'm in favor of asking the
21 applicant or doing what you all want to do. And I can get
22 outvoted because I'm just one.

23 So it's okay. So, no, it's all right. We're all
24 friends or I think. I don't know. That, so, okay, I'm not
25 in favor of continuing the case because I think that the

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1 applicant has to come back to us for a modification if they
2 can't get the, if they can't meet the conditions that we're
3 going to put forward, right.

4 So they would come back when there's a
5 modification. We would look at this merely as a modification
6 and we could have the deliberation on the modification.

7 The problem that I have with the continued case
8 is then I just don't know what's going to happen, I suppose.
9 It seems like it could get more, but we can ask the
10 applicant.

11 And so the applicant, the question is to you.
12 You've heard all this discussion. And is that would you, and
13 I can't, so would you rather continue this to see whether
14 you're going to have to come back before us with a different
15 design or would you, and I'm not, we're not asking your
16 permission by the way because I guess we're just asking a
17 question, or would you prefer to go ahead and move forward
18 and come back if you needed to with a modification?

19 MR. RAMESHNI: Yes, I think we would rather get
20 the chance to go and check this because at the moment we're
21 not sure exactly where we stand with this distance rule. It
22 may not be an issue and we can continue.

23 If not then we would have to do a redesign in
24 which case I would appreciate the opportunity to do that
25 rather than having to go through the whole process again.

1 So if we can have the opportunity to go away, check the
2 distances and come back or come back if it's under the ten
3 foot and put in a redesign. That's basically what you're
4 asking, right.

5 CHAIRPERSON HILL: All right. So you're happy
6 with or not happy, you are leaning towards continuing.
7 You're leaning towards continuing. My fellow, I guess I
8 could do it too, but you all, what do you want?

9 VICE CHAIRPERSON HART: Yes, I haven't said much
10 about this at all. I am listening to the very interesting
11 discussion.

12 I agree with Board Member John in that we have,
13 in the cases that we have had this chimney issue previously
14 there has been an acknowledgment from the next door neighbor
15 that they are either okay with it or we have something in
16 writing.

17 There was something that said that this was not
18 an issue. We haven't had to deal with, in my understanding,
19 Commissioner Shapiro, the issue of well we don't have folks
20 that are in support so then what do you do because it does
21 seem like if we were to be okaying this that we would then
22 be saying kind of (f) is -- 320.2(f) is, we're almost kind
23 of deferring that, you know, that question.

24 And I think that the applicant for us to have a
25 fuller understanding and understanding how the applicant has

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1 met this particular portion of the criteria and the applicant
2 has actually said that they are, they were unfamiliar with
3 this. And it seems like we just need a little bit more
4 information.

5 So I think that continuing to get, continuing the
6 hearing to get that information is probably the best
7 direction to go in. So that's where I am.

8 CHAIRPERSON HILL: Okay. I'm fine. Ms. White,
9 you have anything because now we'll just continue it?

10 MEMBER WHITE: I've already said my piece on this
11 one.

12 CHAIRPERSON HILL: All right. So, Mr. Moy, we're
13 going to, somebody is trying to say something.

14 MR. RAMESHNI: Sorry, can I say something?

15 CHAIRPERSON HILL: Sure.

16 MR. RAMESHNI: We've just had a chat. It is
17 something that we checked at the beginning but we are now
18 having doubts about the distance. But we're now having
19 doubts about the distance.

20 But Ms. Akinsan is pretty sure that we do adhere
21 to the ten foot rule. So based on, I, my memory doesn't
22 serve me well. But Ms. Akinsan feels that.

23 CHAIRPERSON HILL: Like I was the only one that
24 wanted to move forward. So it's going to continued anyway.
25 It's already done. You're finished, right.

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1 MR. RAMESHNI: We didn't think this issue was
2 coming up about the chimney.

3 CHAIRPERSON HILL: That's fine. Okay, all right.
4 Actually I don't even think you're allowed to talk. You're
5 not here. Did we close the thing? No, okay, you're still
6 here, that's right, okay. Fine, you got a question?

7 VICE CHAIRPERSON HART: I think that what we would
8 like to have is as Board Member John says, is some
9 information that says this is what that distance is and this
10 is how you're going to kind of deal with that. And that way
11 we can have a full record and have that part of it kind of
12 put to bed.

13 MR. RAMESHNI: Okay.

14 CHAIRPERSON HILL: Okay, so now we are asking
15 something of you then which is to submit something to us that
16 indicates what's going on with the ten foot rule, I'm sorry,
17 with the ten foot rule and the chimney not to be confused
18 with going back ten feet, okay.

19 So let's see, Commissioner, since you are here you
20 are able to ask any questions based upon the testimony that
21 you heard. Do you have any questions based upon the
22 testimony that you heard?

23 MR. CAMPBELL: I would love to ask some questions.
24 But I've been soaking it all in and I think I need to refer
25 to some of the municipal regulations and the zoning

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1 regulations before I really get into it.

2 So, but I do intend because I sort of made a
3 mental note, I do intend to talk to the applicants sort of
4 off book because there may be some other directions that we
5 can go in terms of trying to address this.

6 CHAIRPERSON HILL: Okay, all right, great.

7 MR. CAMPBELL: But, no, I do not have any
8 questions.

9 CHAIRPERSON HILL: No, is the answer. Okay,
10 great, thank you.

11 VICE CHAIRPERSON HART: And actually maybe I
12 should clarify too. The Commissioner just raised something
13 that I probably should have said.

14 You can either have an agreement with the next
15 door neighbor and bring that agreement or you can have
16 something that shows what the ten foot, you know, kind of you
17 didn't get an agreement and so this is how you're going to
18 have to deal with it. So kind of one of those two things
19 would be what we are looking for.

20 CHAIRPERSON HILL: Right and you've heard the
21 discussion. Like had it not been for the chimney issue this
22 would have gone through, right. So if you can figure out
23 what's going on with the chimney then that's all we're
24 interested in. You don't need to respond.

25 Okay, so, Mr. Moy, continued which will happen

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1 next year when?

2 MR. MOY: Okay, I have two suggested dates for the
3 recontinued hearing and I have a question that would follow
4 that, Mr. Chairman. So looking at the docket sizes staff
5 would suggest either, I wrote this down.

6 I would suggest either January 16th. Hopefully
7 that would work because the next acceptable date for the
8 Board would be February --

9 CHAIRPERSON HILL: I just realized, Mr. Moy, when
10 is Mr. Shapiro back here?

11 MR. MOY: That's pretty far off. That would be
12 February 13th because the second date I was going to suggest
13 would be February 6th.

14 CHAIRPERSON HILL: So now I'm going to ask a
15 question of the applicant. In terms of February, what date,
16 you're back here, 13th, February 13th that's when
17 Commissioner Shapiro is back here again because we get a new
18 guy every week.

19 The, would that be, because if you guys actually
20 needed to redesign it and all like, I mean, will February
21 13th work for you or not?

22 MR. RAMESHNI: That's okay with me.

23 MS. AKINSAN: January.

24 MR. RAMESHNI: Can we do it any sooner or is that
25 not a possibility?

1 CHAIRPERSON HILL: You can do it proxy, okay. So
2 January 16th then, Mr. Moy. Let's do it there.

3 MR. MOY: Well you're hearing new, if it's a
4 continued hearing it would be difficult for Mr. Shapiro to
5 submit an absentee ballot unless you hear the testimony and
6 then send it off for decision the following week perhaps then
7 he could submit an absentee ballot.

8 CHAIRPERSON HILL: Okay, so why do you want
9 January?

10 MR. RAMESHNI: It's just been dragging on for so
11 long. Ideally we just want to wrap this up one way or the
12 other. I mean, I'm sure you guys do as well.

13 CHAIRPERSON HILL: Okay. What's February 13th,
14 all right, we'll do it on January 16th. We'll hear the
15 continued hearing and then we'll see Mr. Shapiro, you know,
16 you can either watch the testimony probably and then vote the
17 next week maybe or something like that or, you know, you
18 started this.

19 So, or you can come in, you know, right, okay.
20 Now that I realized, you know, hey, you know, okay. All
21 right, okay, so we're going to have a continued hearing on
22 January 16th okay, all right.

23 MR. MOY: My follow up question then would be if
24 we're going to hold, now that I have a date for the continued
25 hearing if we set a date when the applicant would submit

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1 would the Board care for any responses from the parties such
2 as the ANC?

3 CHAIRPERSON HILL: Yes. So you would need, so,
4 Mr. Moy, if you could suggest some dates that gets us back
5 here January 16th for a continuance in terms of what
6 information the applicant will be submitting to us and giving
7 time for the ANC to respond.

8 MR. MOY: I'm looking at the applicant because I
9 know you have to get back with, I'm assuming --

10 CHAIRPERSON HILL: You have to go right, figure
11 out the chimney thing, decide whether you're going to change
12 your plans. If you are going to change your plans, then
13 change your plans. And then when, how much time do you need
14 to do that?

15 MR. RAMESHNI: The 2nd of January.

16 MR. MOY: Okay, the 2nd of January is a Wednesday,
17 January 2. Would the parties such as the ANC, including
18 Office of Planning be able to make a response if you care to
19 like within a week?

20 Which would take us to January 9th. I don't know
21 if you need to go back to the full ANC or not.

22 MR. CAMPBELL: Thank you. Office of Planning, Ms.
23 Elliott. I will make every effort to accommodate whatever
24 dates are set. The one factor that I have on the ANC side
25 we're going to be seating five new commissioners at the

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1 beginning of January.

2 So, you know, I've just got to make sure that
3 they're up to speed particularly, and then if --

4 CHAIRPERSON HILL: How many commissioners in your
5 ANC?

6 MR. CAMPBELL: There are ten. We're one of the
7 largest.

8 CHAIRPERSON HILL: There's ten, wow.

9 MR. CAMPBELL: Ten, yes.

10 CHAIRPERSON HILL: And only five re-upped? I'm
11 sorry, so right so the second, they're going to get
12 information to you on the 2nd. So maybe you can come back
13 so a week later.

14 That gives you, you can give us something all the
15 way up until the 15, I mean.

16 MR. CAMPBELL: Yes, because we're going to meet
17 on the 9th of January.

18 CHAIRPERSON HILL: So they're going to have
19 information into the record on the 2nd and we'll give you
20 until the 15th to get us something.

21 MR. CAMPBELL: Okay, Chairman Hill, I appreciate
22 it. That should be fine.

23 CHAIRPERSON HILL: Okay, great.

24 MEMBER SHAPIRO: Just a quick question, Mr. Chair.

25 CHAIRPERSON HILL: Sure.

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1 MEMBER SHAPIRO: Commissioner, is it your SMD?

2 I can't remember.

3 MR. CAMPBELL: It is.

4 MEMBER SHAPIRO: Okay, thank you.

5 CHAIRPERSON HILL: Okay. And if the Office of
6 Planning wishes to supply a supplemental if you could get
7 that to us --

8 MR. MOY: Well the 15th is the day before the
9 16th. Can we make it come in --

10 CHAIRPERSON HILL: That Friday, what's the Friday
11 before the 16th?

12 MR. MOY: It would be, I'm sorry, it would be
13 January 11th.

14 CHAIRPERSON HILL: Could we do January the 11th
15 from OP?

16 MS. ELLIOTT: Yes.

17 CHAIRPERSON HILL: Okay, because if we did get new
18 drawing then we would like to hear whatever OP had to say.

19 MS. ELLIOTT: Of course.

20 CHAIRPERSON HILL: Okay, and I work on the
21 weekends so Friday is nice, okay. All right, okay, is that
22 it?

23 MR. MOY: Again, so that we're all clear so the
24 continued hearing is January 16th. Applicant's to file by
25 January 2nd. Responses, any responses from the parties by

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1 January 15th, right. Office of Planning by January 11th.

2 CHAIRPERSON HILL: Okay, so thank you all very
3 much. And we'll see you January 16th. And, Commissioner,
4 you can or cannot come. It depends on what you want to do,
5 okay.

6 MR. CAMPBELL: Okay, I'm going to plan to be here,
7 you know, I feel it's my obligation to represent my
8 constituents and the ANC.

9 CHAIRPERSON HILL: Okay, great.

10 MR. CAMPBELL: And it's always such a pleasure
11 seeing all of you.

12 CHAIRPERSON HILL: Are you running this year or
13 you already ran?

14 MR. CAMPBELL: I already ran.

15 CHAIRPERSON HILL: Okay, there you go, all right.
16 So let's see, so we're going to take a break. And thanks to
17 this discussion we're probably going to have lunch at some
18 point.

19 MEMBER JOHN: Just a point of clarification, Mr.
20 Chairman. Would the continued hearing be to discuss this
21 issue only? Do we need to specify that we're not reopening
22 the full record?

23 CHAIRPERSON HILL: I appreciate that. Thank you
24 very much, Ms. John. It's a continued hearing, it's a
25 limited continued hearing on the specific issues of the

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1 chimney, okay, all right.

2 Okay, so again, we're taking a break. We're
3 probably going to end up having lunch at some point. We'll
4 see how it goes. And then so we'll probably have lunch
5 around 1:00 o'clock let's say or something. Maybe a little
6 bit closer.

7 We'll see how it goes. Okay, just to let
8 everybody know. Thank you.

9 (Whereupon, the above-entitled matter went off the
10 record at 11:21 a.m. and resumed at 11:38 a.m.)

11 SECRETARY MOY: Thank you, Mr. Chairman, the Board
12 is back in session and the time is approximately 11:40. So
13 I see that parties are to the table. This is to case
14 application number 19847 of Elton Investment Group captioned,
15 advertised for a special exception under Subtitle E, Section
16 205.5 and 5201 from the rear addition requirements of
17 Subtitle E, Section 205.4.

18 This would construct a third story and rear
19 addition to a principal dwelling unit. And convert the
20 dwelling into a flat in an RF1 Zone. This is a 329 16th
21 Street, S.E., square 1074, lot 80.

22 CHAIRPERSON HILL: Okay. Great, thank you. Could
23 you please introduce yourselves for the record?

24 MR. HUGHES: Good morning, Mr. Chair, Members of
25 the Board, Dennis Hughes with Holland & Knight on behalf of

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1 the applicant.

2 MR. PARKER: Good morning, Mr. Chair and Board,
3 my name is Dion Parker. I'm the owner, the resident.

4 MS. CODLIN: Good morning, sir. I'm Suzannah
5 Codlin with the design team.

6 CHAIRPERSON HILL: Could you spell your last name
7 for me?

8 MS. CODLIN: C-O-D-L-I-N.

9 CHAIRPERSON HILL: Okay, great. Mr. Hughes are
10 you going to presenting?

11 MR. HUGHES: Yes, sir.

12 CHAIRPERSON HILL: Your applicant doesn't have
13 anything to do with the chimney today, does he?

14 MR. HUGHES: No, no sir.

15 CHAIRPERSON HILL: Okay. All right.

16 MR. HUGHES: No chimneys, we covered that.

17 CHAIRPERSON HILL: Okay, fine, okay. So if you
18 could please kind of go through the application. And in
19 particular telling us a little about the design, as well as
20 how you're meeting the standard of relief for us to grant
21 this application.

22 One thing I did note, I don't know if it has been
23 put in the record or not. Your affidavit of posting and
24 maintenance. So if you don't or haven't put that in the
25 record, if you could provide testimony that you have done

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1 that. And I'm going to put 15 minutes on the clock just so
2 I know where we are. And you can begin whenever you like.

3 MR. HUGHES: Just as a preliminary, the affidavits
4 of posting and maintenance were added to the record, Mr.
5 Chairman. Posting at Exhibit 35 and Maintenance at Exhibit
6 38.

7 CHAIRPERSON HILL: Okay. I'll take a look at that
8 while you go through that. Thank you so much.

9 MR. HUGHES: Thank you. We appear before you this
10 morning to request special exception approval relating the
11 rear yard requirement in the RF1 zone.

12 As you'll hear from our witnesses, this approval
13 is needed to allow the applicant opportunity to convert a
14 vacant two-story attached dwelling at 329 16th Street, S.E.
15 in Ward 6 into two three-bedroom flats. One of which Mr.
16 Parker will occupy. This conversion is permitted as matter
17 of right in the RF1 zones.

18 Aside from the special exception requested, the
19 renovation project complies fully with applicable zoning
20 regulations. The proposed addition involves a partial third
21 story addition and rear addition, as Ms. Codlin will describe
22 in more detail in a moment.

23 Upon completion, the building will be lower than
24 the permitted 35 foot height limit in the RF1 zone. It will
25 have a percentage of lot occupancy of approximately 43

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1 percent.

2 That's all shown in this table in front of you,
3 which is well under the 60 percent that's permitted. And it
4 will provide a rear yard of 79 feet, which is almost four
5 times the requirement.

6 Our special exception approval pursuant to
7 Subtitle E, Section 205.5 and 5201.1 relates to a rear
8 addition that projects approximately 16 feet beyond the
9 farthest rear wall of the building to the abutting south.

10 The applicant's pre-hearing statement filed to the
11 record at Exhibit 34, details the applicant's compliance with
12 the burden of proof under the zoning regulations. And more
13 specifically the proposed addition will satisfy three
14 criteria.

15 Number one, it will not unduly effect the light
16 and air available to neighboring properties. Number two, it
17 will not unduly compromise the use and enjoyment to
18 neighboring properties.

19 And three it will not substantially visually
20 intrude upon the character, scale, and pattern of houses
21 along the street frontage. We'll be please to discuss any
22 of these elements further at the Board's direction.

23 Before I turn to our witnesses for their brief
24 testimony, I'd like to note that the hearing record includes
25 a recommendation of support from the Office of Planning at

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1 Exhibit 36. Along with report of DDOT indicating no
2 objection at Exhibit 30.

3 And we very appreciate the input we received from
4 these Agencies and believe that the resulting revisions to
5 the project have improved the design.

6 And I'd also like to note that the applicant
7 undertook extensive community outreach for this project. We
8 have unanimous support of ANC 6-B, as well as letters of
9 support from the property owner to the abutting north. And
10 the property owner three buildings to the south.

11 We reached out to the neighbor at 331 16th, the
12 neighbor to the south and she's in the audience. We
13 appreciate that she does not support the application. We did
14 try to address certain, her concerns as best we could
15 regarding light and air and privacy.

16 We shortened the rear, the third floor of the rear
17 addition, such that the projection beyond 10 feet, the 10
18 feet requirement only applies to the ground and second level.
19 We agreed to use HardiPlank material on the addition and for
20 her to choose the color. This is was a product of a
21 conversation held at the ANC.

22 And we committed to protect. There's a large tree
23 that straddles the rear of the property. If you could see
24 it, it sort of breaks the fence line. And we've agreed to
25 protect that tree.

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1 And with that, I would like to introduce Mr.
2 Parker, just to give you a real quick background of his
3 plans. And then Ms. Codlin to give you, hopefully a very
4 brief run through the design. Thank you.

5 MR. PARKER: Hello. How are you doing? I'd like
6 to say that I've been living in this community for all my
7 life. I grew up right across the street at 334. My
8 grandparents owned both properties for over six decades.

9 I started this project in 2014. I'm has a little
10 setbacks because one of the architects, the first architect
11 that I had pretty much ran off with my money. So I had to
12 take legal actions to uphold another architect.

13 I came across Ms. Codlin in 2016, the summer of
14 2016. We had, we hit it off good until the setback in April
15 of last year. It's the ten foot setback, April 2017. Yes.

16 MR. HUGHES: Mr. Chair, just to be clear that's
17 when this particular regulation took effect.

18 CHAIRPERSON HILL: I appreciate that. Yes, Mr.
19 Parker, it's a tough thing. We'll ---- it's a tough thing.
20 We'll figure out what happens today. So, yes?

21 MS. CODLIN: Yes, good morning everyone. As noted
22 by the owner, we were just three approvals from DCRA away
23 from obtaining our building permit being zoning, energy
24 review, and zoning review when the 10 foot rule kicked in.

25 CHAIRPERSON HILL: No actually, your applicant,

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1 that wasn't clear in your testimony. So I feel bad for you.
2 So okay.

3 MS. CODLIN: So with that said, knowing that that
4 was case, we sat down with DCRA. I sat down with the owner
5 regarding redesign. He did express to me that making the
6 project viable.

7 While we would scale back the footprint from what
8 we initially proposed, which was a larger addition with a
9 footprint that would have been more than 43 percent.

10 We scaled back our design as best as possible to
11 still give a workable, moderately spacious footprint for
12 what, you know, the three bedroom, two bath, two-level flats
13 on each one.

14 So we've gone through many of the facts of this
15 particular project. And most notably, we are bringing a
16 really conservative addition at 43.4 percent. And we are
17 looking to go six foot beyond what is customarily allowed as
18 a matter of right.

19 So with that said, I'll just given you a quick
20 contextual view on this slide. What you will note is that
21 we are at 329 16th Street. And if you notice, we are the
22 fourth residence along that block that is expanding its
23 property to about 60 foot, plus or minus.

24 So we're not new in doing in this. And there are
25 seven, yes, seven properties in this immediate area of this

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1 block, within this square. And we're number four to
2 accomplish this expansion. With being only three of them
3 that have substantially large lots.

4 So you could see 335 and 337 have expanded pretty
5 much to where we are, even though they have much smaller
6 lots. So the photos on the left and right do give a context
7 of what the building looks like from the alley.

8 We know that once we've completed the work, we
9 will have a substantial improvement of the alley scape. To
10 the very left, on the photograph to left, is a neighbor at
11 327 who has already improved. And you can see that blue
12 building has improved the scape as well.

13 Our photographs on the right capture what the
14 street scape resembles. Looking from 32-, 16th Street with
15 our facing directly in front of the building from the north
16 or from the south.

17 We plan to do a third floor addition, which you
18 will see from the additional documentation we provide, will
19 not be obtrusive or really overbearing in its appearance from
20 the street scape.

21 And again, we'll incorporate architectural details
22 that that have been reviewed by the ANC, which the ANC has
23 provided suggestion and support. And in fact, we are setting
24 back our third-level addition a full 10 foot, so only the
25 very peak of it will be evident from the street.

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1 So moving on from our site and context, I'll just
2 quickly run through our floor plans. We are extending the
3 house back. The house currently has a bit of a side yard
4 making the house sort of have an L-shape.

5 When we expand the property, we will be going back
6 16 foot, which is six foot beyond a matter of right. So this
7 green line that runs directly across the pages indicating
8 where the matter of right would end.

9 We will have a side feature being stairs accessing
10 the cellar level. But you can see that for the cellar, the
11 first level and the second level, it's relating a small
12 addition. Just if you can look at the me. It's actually the
13 size of my wing span that we're going beyond a matter of
14 right.

15 So with that said, we really did try to pair the
16 design down to come of matter of right. But the truth of the
17 matter is, if you are catering to families, as Mr. Parker
18 will be doing, we have to have bedrooms of at least 100 to
19 120 square foot. You do want to have living area, et cetera.

20 By code, a bedroom is only 70 square foot. But
21 does that make sense for the family and the market who is
22 coming to ensure that we have sufficient space, living space,
23 bedrooms, closets, et cetera.

24 So moving on from our basic plan, we have set back
25 the third floor to come back to a matter of right

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1 measurements. And I'll show you in our building elevation.
2 This green line again indicates the limit of what is matter
3 of right.

4 And this view is from the north side, the neighbor
5 to the north. We would just have that little bit of
6 extension beyond their actual rear wall. And again, the
7 small six foot extension beyond what is matter of right.

8 Also we've incorporated in the front elevation,
9 features that the ANC has recommended with a simulated slate
10 roof that also meets the desire of the respective neighboring
11 owners. Moving on from there, we will highlight the other
12 ----

13 VICE CHAIRPERSON HART: Ms. Codlin, just one
14 question. The existing unit to the north, is -- that is a
15 two-level unit?

16 MS. CODLIN: Yes, it is.

17 VICE CHAIRPERSON HART: Okay. I just wanted to
18 make sure that I was getting the right. I thought that's
19 what I read in that. I just ----

20 MS. CODLIN: Yes.

21 VICE CHAIRPERSON HART: Okay, thank you.

22 MS. CODLIN: Yes, yes it is. So continuing, if
23 we take a quick look at the south elevation, we can see the
24 impact of just setting back the third floor.

25 That really it's just the first level and second

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1 level, which will be going beyond matter of right, which is
2 indicated in green.

3 And in considering light, air, et cetera, et
4 cetera, noted for the property on the south side. This
5 property, the red line indicates what the actual oat line of
6 the rear walls of that property are.

7 So between the red and green lines is where the
8 neighbor to the south would occupy her space in her rear yard
9 if she's close to her rear wall to actually look back. So
10 between what we have again proposed and matter of right is
11 really relatively minuscule to the overall volume of the
12 building, et cetera.

13 So I would like to share with you one of our
14 building sections which does have this green line again
15 showing matter of right. And what it will illustrate is that
16 if we were to come back to matter of right, it creates a
17 situation where we lose bedroom space and/or living space,
18 which really reduces the viability of the project.

19 So going from there and really having a strong
20 consideration for light and air, we conducted shadow studies
21 which illustrate for all three seasons that shadows are
22 primarily created in the morning.

23 We see that in the winter time, it's more the
24 properties at the north that are experiencing the greater
25 shadows. At no season, spring or fall, winter before and

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1 then summer are the properties to the 4th, south impacted for
2 light and wind.

3 And I would also like to note, if we go right back
4 to my second slide here and look right here between 339 16th
5 Street and the neighbors to the side. Our neighbor to the
6 north has given a letter of support.

7 The neighbor to the south, based on what we have
8 proposed versus what is matter of right and the fact that
9 these lots have this tremendously wide alley at the back.
10 I believe it's 25 foot in some place, 29 foot is the alley.

11 There is tremendous exposure to light. There is
12 tremendous opportunity for air to move. And we do not
13 believe that our going six foot or my wing span just beyond
14 what is available as a matter of right, adversely effects
15 wind and light.

16 And also, we would just, I would just close by
17 saying, there is virtually no difference in the shadows
18 created between matter of right and our addition at the rear.
19 At the front, we do have a set back, which is, you know,
20 favorable in noting.

21 If you can see the line on this slide that I'm,
22 I've just brought up. A person who is standing at the
23 sidewalk and looking up toward the roof line will only see
24 a small portion of that third floor addition. Meaning that
25 it's really, really not going to be very noticeable. And it

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1 surely will not be overbearing from the street scape.

2 MR. HUGHES: Thank you, Ms. Codlin. And while
3 we're on this drawing could you? I think this shows and just
4 like you to confirm that there are no windows on the proposed
5 addition that would front into the property to the south.

6 MS. CODLIN: Definitely. On either side of the
7 addition, north or south, there are absolutely no
8 fenestration openings along the property line.

9 MR. HUGHES: Thank you again. And Mr. Chairman,
10 that concludes our presentation. We're certainly pleased to
11 answer any questions you might have.

12 CHAIRPERSON HILL: Okay. I've got a couple of
13 questions. So Mr. Parker, the design that guys originally
14 were trying to put forth, how far back was it going to go?

15 MS. CODLIN: I'll stand in and answer. Going back
16 close to 80 foot.

17 CHAIRPERSON HILL: It was going back 80 foot so
18 you were going back all the way to the rear yard? Basically
19 what you were going to try to do was go all the way, fill out
20 the lot occupancy that you were allowed to do.

21 MS. CODLIN: Yes, sir.

22 CHAIRPERSON HILL: Okay. And the tree would have
23 gone then at that point as well?

24 MS. CODLIN: Yes.

25 CHAIRPERSON HILL: Okay. All right.

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1 MS. CODLIN: There are a number of trees. One of
2 them would have remained. The one with the larger canopy.

3 CHAIRPERSON HILL: Yes. I'm just curious how far
4 back you would have gone, had you had the regulations not
5 changed on you midway. So that's one question. The other
6 was, yes, and then spoke about the ----

7 You did while working with the neighbor that was
8 in opposition, you've agree to pull back the third floor and
9 then also the person would be able to choose the color of the
10 siding. I believe you talked about HardiPlank? And then
11 again you'd agreed to the protection of the tree.

12 MR. HUGHES: May I answer that?

13 CHAIRPERSON HILL: Sure, of course.

14 MR. HUGHES: Mr. Chairman, just to be clear. The
15 pull back from the ---- you asked about the pullback from the
16 rear.

17 CHAIRPERSON HILL: The third floor. Yes, yes --
18 from the rear.

19 MR. HUGHES: Right. We did present that to, I'm
20 sorry I don't know ----

21 CHAIRPERSON HILL: That's okay. I'm just, what
22 I'm trying to, it's all right. What I'm trying. We'll get
23 to everybody. What I was trying to understand was and you
24 know, I'll be able to ask the witness as well. Was that done
25 through kind of consideration of the applicant? That went

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1 through a negotiation if you will.

2 MR. HUGHES: Yes, it was. The pull back from the
3 front was more of a concern ----

4 CHAIRPERSON HILL: No, from the rear.

5 MR. HUGHES: ---- from the Office of Planning.
6 At the rear was what we were hearing from the community ----

7 CHAIRPERSON HILL: Right, right.

8 MR. HUGHES: ---- and it was an effort to address
9 that.

10 CHAIRPERSON HILL: Okay. And then, oh, for the
11 architect. I mean it seemed like, I mean you're going right
12 at four feet something inches past what you could do. Right?
13 From ----

14 MS. CODLIN: Six foot beyond matter of right. The
15 neighbor to the north, we're just jotting out 4 foot beyond
16 him.

17 CHAIRPERSON HILL: Right, that's what you told me.
18 So I was just curious as to, how did you come up with? Could
19 you go back to one of the slides there that show kind of the
20 whole block? I think, yes, that one is great.

21 So did you kind of decide to go to that depth to
22 kind of match 3516, 335 16th or -- I'm trying to understand
23 what the programmatic side of it was to go to that depth.

24 MS. CODLIN: Well to be very transparent, we
25 wanted to fit three bedrooms efficiently with a living space.

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1 And that landed us to something approximately 60 foot deep
2 that happens to be a match to three of the other properties
3 in that block.

4 CHAIRPERSON HILL: Okay, okay. All right, great.
5 Does the Board have any other questions? All right. Going
6 to the Office of Planning.

7 MS. MYERS: Hello, Crystal Myers for the Office
8 of Planning. The Office of Planning is recommending approval
9 of this case from the requested relief, but I would like to
10 note a correction.

11 The relief is from E, pursuant to E, 5201 and E
12 205, so not the D Section, but the E Section. But otherwise,
13 we stay on the record of the staff report.

14 CHAIRPERSON HILL: Okay. Does anybody have any
15 questions for the Office of the Planning? Okay. I actually
16 do, just a little bit because I know that there's someone
17 here in opposition to the project. Could you just kind of
18 walk us through your analysis? As to how you got to your
19 decision?

20 MS. MYERS: Certainly. This is from, like I said,
21 from the E 5201 Section. So the rear yard relief sections.
22 We looked at the impact to light and air to adjacent
23 neighbors.

24 And I did note that there was a marginal amount
25 of impact at around 12 o'clock. But it's really more for the

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1 neighbor to the north. It was very marginal and the neighbor
2 to the north is actually in support of this case.

3 The neighbor to the south, we did note any light
4 and air, or light impact to the neighbor to the south. At
5 least in according to the shadow study submitted. And of
6 course, no impact to air. The applicant's rear yard is more
7 than sufficient. So enough air flow to the adjacent
8 neighbors and to the neighbors in the rear.

9 When it comes to the issue of privacy, again did
10 not see a significant impact to the neighbors' privacy. In
11 the rear, you have the tree, which should be preserved as
12 well as other trees.

13 Be more difficult for the properties in the rear
14 to be impacted, their privacy to be impacted. And again, the
15 neighbor, the applicant's rear yard is quite ample.

16 As for the neighbors to the north and the south,
17 the privacy should not be significantly impacted or the
18 enjoyment of their rear yard should not be significantly
19 impacted.

20 As the applicant has said, it's only about six
21 feet beyond what you can do as a matter of right. And the,
22 in their rear yards would for the most part not really have
23 too much of the addition really impacting them.

24 And as for the character of the neighborhood, the
25 visual character from the public alley and from the street.

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1 As the applicant noted, they worked with the Office of
2 Planning and pulled back the addition a bit from the front
3 so it would be only a little visible from street.

4 This is not a historic district. So the 10 foot
5 set back in the front was more than sufficient to satisfy the
6 visual character of the street and not make a significant
7 impact.

8 And they are also doing a mansard-like roof so it
9 would be more in character with the rest of the street. And
10 again, in the rear, the design of the addition looks pretty
11 similar to others, as well as would have a similar, just a
12 general residential appearance. So in total ----

13 Oh and the other thing of note is, there was some
14 concern about the preservation of the tree in the back. I
15 know there are multiple trees, but there's one in particular
16 that DDOT had noted.

17 But as the applicant has said that they would be
18 preserving the tree as long as it's considered healthy enough
19 to be preserved. So with that, Office of Planning was
20 comfortable concluding that this is recommended for approval.

21 CHAIRPERSON HILL: Okay, thank you. Does the --
22 I'm sorry. Does the Board have any questions?

23 VICE CHAIRPERSON HART: Just one question, Mr.
24 Chairman. Ms. Myers, regarding the privacy aspect of this.
25 When does OP look at whether there should or should not be

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1 like privacy screens, or you know, those things, kind of ----
2 I mean, there's a balcony that's here. It is,
3 extends farther than the building, actually either building
4 on either side. And I just don't know, when does the privacy
5 screen kind of become a thing that you're looking -- that you
6 look into?

7 MS. MYERS: Well every case is unique. So I just
8 want to make sure that what I say, you understand is
9 particularly for this case. I believe in this case, the side
10 yard wasn't an issue.

11 They were complying on the side yard and the rear
12 yard. And because it was only going six feet back and it has
13 I believe a 79 foot rear yard, did not feel that it was
14 significant enough to be an impact on privacy. But it is a
15 subjective point of view.

16 VICE CHAIRPERSON HART: Thank you.

17 CHAIRPERSON HILL: All right. Does the applicant
18 have any questions of the Office of Planning?

19 MR. HUGHES: No, we don't.

20 CHAIRPERSON HILL: I did have one more.

21 VICE CHAIRPERSON HART: One question, Mr.
22 Chairman, for the applicant. Did you all consider having a,
23 at least a, I don't know, I asked OP about this, the screen
24 for the second floor, the second floor balcony? Just because
25 you're kind of farther back than the neighbor at 327 16th.

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1 And they have ----

2 I was just looking at the images, the images that
3 you see here. They've got like, you know, windows back here
4 in the back of their building. And I just know if you were
5 thinking about. On the second floor. I just didn't think,
6 didn't know if you were thinking about that all.

7 MR. HUGHES: Ms. Codlin, could you respond to
8 that?

9 MS. CODLIN: Sure. We did have discussions as
10 we've gone through the process. Noting that if we were to
11 have a modification of the balcony to include a screen, that
12 is something that we would go with in order to meet, you
13 know, any desire by the neighbors with respect to privacy.

14 VICE CHAIRPERSON HART: And you did not hear that
15 from them? You were just saying, kind of thinking of how to
16 deal with it if needed.

17 MS. CODLIN: Yes, it's something we are willing
18 to address.

19 VICE CHAIRPERSON HART: Okay.

20 MS. CODLIN: Yes.

21 VICE CHAIRPERSON HART: Thank you.

22 MS. CODLIN: If that becomes something that's
23 desired by the Board.

24 CHAIRPERSON HILL: Okay. Mr. Hughes, did you
25 present at the ANC?

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1 MR. HUGHES: Yes, sir.

2 CHAIRPERSON HILL: Somewhat is curious. I mean,
3 we hear a lot of these. And you know the regulations were
4 set up the way they were set. And some of the back and forth
5 that got us to this point was because the regulation changed
6 where people can't even fill out their lot the way that they
7 had originally wanted to.

8 And so each ANC has different kinds of discussions
9 when they're talking about this 10 foot rule. Did you? And
10 they approved it. So I mean, what did you hear from them?
11 I mean, there wasn't like a lot discussion about the addition
12 six feet. Or? I'm just curious about that particular ANC.

13 MR. HUGHES: That ANC has a Planning and Zoning
14 Committee. And so we presented to the Planning and Zoning
15 Committee. They recommended approval. And then there were,
16 there was, it was conditional approval the first time we went
17 through.

18 And there were concerns about the next door
19 neighbors. The next door neighbor had expressed some
20 concerns to her SMD. And so the conversation focused on
21 that.

22 And I'm trying, I just want to make sure I answer
23 your question. It, there, it was an acknowledgment that it
24 was a comparatively negligible increase, but there were, the
25 focus was on impacts to the neighbor.

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1 And so that's where we got from the Planning and
2 Zoning Committee, that's where we got suggestions such as the
3 materiality, the HardiPlank.

4 There was also the comment sort of going to the
5 front of the building on the mansard. The synthetic, what's
6 the term? It's a synthetic, essentially stone ----

7 MS. CODLIN: Slate.

8 MR. HUGHES: Okay. What's is called? Simulated
9 slate, sorry.

10 MS. CODLIN: Simulated slate.

11 MR. HUGHES: But back to the issue. There was a
12 question about could we make the, that south facade brighter
13 in some way? And that's where, that was sort of the genesis
14 of coordinating or at least offering to the next door
15 neighbor an opportunity to choose the color to make it
16 brighter.

17 CHAIRPERSON HILL: Okay, okay. I got you, I got
18 you. Ms. White, you had a question?

19 MEMBER WHITE: So are you still kind of in
20 discussions with the neighbor to the south? I mean, are you
21 guys working through some --

22 MR. HUGHES: We, I'm sorry ----

23 MEMBER WHITE: Yes. I'm just curious. Are you
24 working through potential solutions to get their support?

25 MR. HUGHES: No, I think so. We met with her a

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1 few times. I met with her with Mr. Parker once. Very
2 friendly. It was just a difference of opinion. I don't
3 think there's any solution more than.

4 And we did, we did despite that, take the top off.
5 You know, take the third floor off. But I don't think
6 there's any further discussion ongoing.

7 CHAIRPERSON HILL: Okay, great. Anybody else?
8 Oh.

9 VICE CHAIRPERSON HART: Yes, just one last
10 question. Regarding the, what is this? The Capitol Hill
11 Restoration Society, they submitted a letter in opposition
12 as well.

13 MR. HUGHES: Yes, yes.

14 VICE CHAIRPERSON HART: You all met with them.
15 Can you just talk about their -- I'm assuming you met with
16 them.

17 MR. HUGHES: We met with them twice.

18 VICE CHAIRPERSON HART: Okay. And did? Had you
19 made any changes to the design with response to the
20 conversations that you had with them?

21 MR. HUGHES: We did. Well we met with, it was
22 sort of two waves of meetings. We had the original design
23 that was submitted in July that didn't have setbacks at the
24 third floor in the front or the back, more than three feet
25 from the front of the building.

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1 And then we went. And so we met with the Capitol
2 Hill Restoration Society. We're, this property is not in
3 historic district. An offer request was extended to me to
4 present at their meeting.

5 So we certainly did that. And presented our
6 application. They asked us questions and then deliberated
7 after we left. And then I asked them because we were meeting
8 with the ANC roughly at the same time.

9 I asked them without knowing what they, where they
10 were going to come down. Could you hold off because we were
11 going, we were revising the design. So went back to the ANC.
12 And it was the same week that we went back to the Capitol
13 Hill Restoration Society.

14 And I learned after the fact that they appreciated
15 the efforts that the applicant was making to address concerns
16 that they heard. But they still didn't support the
17 application. And then I saw on my way over this morning that
18 a letter had, has been submitted to the record that ----

19 I haven't had a chance to really go through
20 closely. But I take a lot of issue with what I did read.
21 In none of those criteria were. We didn't walk through the
22 criteria that are listed in the letter in the meeting. Nor
23 did, nor does it really take into consideration that this is
24 not a historically designated property. And that the zoning,
25 it's so ----

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1 As I said in my opening, it's so very close, it's
2 so very close. It's compliant, fully compliant with the
3 zoning regulations, save for this relatively new rear
4 addition component. So I hope that answers your question.

5 VICE CHAIRPERSON HART: Oh, it does. Thank you
6 very much.

7 CHAIRPERSON HILL: Okay, great. All right. Is
8 there anybody here wishing to speak in support? Is there
9 anybody here wishing to speak in opposition? If you can
10 please come forward. Did you guys get sworn in earlier?
11 Okay, great. So first of all, if you could introduce
12 yourselves for the record.

13 MR. HARRIS: Joseph Harris.

14 MS. BUECHLER: Jessica Buechler.

15 CHAIRPERSON HILL: You need to speak a little bit
16 more into the microphone.

17 MS. BUECHLER: Jessica Buechler.

18 CHAIRPERSON HILL: Okay. Mr. Harris, what's your
19 address?

20 MR. HARRIS: 306 16th Street.

21 CHAIRPERSON HILL: And Ms. Buechler?

22 MS. BUECHLER: 331 16th Street, I'm legally to the
23 south.

24 CHAIRPERSON HILL: Okay, great. So you'll each
25 get three minutes to testify. There's a clock there on the

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1 left and right. And then also, right in front of you there.
2 And I, you can, I'll just go with you, sir, first. And then
3 move over to the left. So you can begin whenever you like.

4 MR. HARRIS: Hi, I appreciate the opportunity to
5 speak. I've lived on this block since 2011. I'm pretty sure
6 that the house in question has been vacant the entire time.
7 So I appreciate that something's being done with it.
8 However, I am not happy about the solution.

9 I guess my biggest thing is, I mean I
10 understanding popping up is what they're doing is according
11 to the regulations. And so there's not a whole a lot of
12 recourse that I have as a neighbor even though I don't like
13 the appearance of it.

14 But I guess I would say, I would hope he'd
15 consider the precedent that this is setting. There are many
16 older members of our block who have been there for a very
17 long time. And I think a yes vote today is a green light to
18 the developers come in and just completely change this block.

19 There are, that side of the street, all the houses
20 are identical. They are all two-levels, and this will just
21 start a trend that I'm afraid will completely change the view
22 of the block and the feel of the block, which is the whole
23 reason why my family and I moved to this street.

24 CHAIRPERSON HILL: Okay. Does anybody have any
25 questions for Mr. Harris? Mr. Harris did you go to the ANC

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1 meeting when they were talking about this case?

2 MR. HARRIS: I did not. I was not aware of when
3 then day was and I missed it.

4 CHAIRPERSON HILL: Okay.

5 MR. HARRIS: When I thought to look, I had missed
6 it.

7 CHAIRPERSON HILL: Okay. All right. Ms.
8 Buechler? Is it Buechler?

9 MS. BUECHLER: It is, yes.

10 CHAIRPERSON HILL: Okay. Great.

11 MS. BUECHLER: Good morning or afternoon. So I,
12 as I said, live at 331, immediately to the south of this
13 property. As I said in my letter, I bought this house just
14 four months ago in August for me and my daughter.

15 And when I purchased this property, I was, I had
16 purchased it with the expectation that the 10 foot rule would
17 be respected. I knew that this vacant property was next to
18 the home that I was purchasing.

19 But believed that when it was renovated, which
20 according to the neighbors had been this ongoing
21 long-standing issue with this property and trying to get it
22 turned around.

23 So I didn't believe that, that it was going to
24 happen quickly. I thought I was going to be living next to
25 vacant property and dealing with that in itself for quite

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1 some time.

2 But when it was -- would be developed, I believed
3 that the, it wouldn't be able to go past the 10 feet from my
4 existing property. This structure that they're proposing is
5 massive. It's massive when you are standing in my backyard.

6 And when you can see in picture 3 here. So their
7 -- this property that they're building would go past that
8 blue house and up another floor. And take in the dog leg.
9 So immediately next to my backyard is this huge, massive
10 structure.

11 Regardless of the paint color or the material that
12 is used to build it, I believe that it does restrict the air
13 flow in my backyard. Particularly in the summer will limit
14 air flow.

15 I also believe it will limit the light that goes
16 in. I have, my dog leg is there. As they fill in the dog
17 leg and go up three floors, there to a third floor, I believe
18 that I will have less light in my living and dining area,
19 which is one of the things that I love about my house right
20 now.

21 I, you know, have met with them several times.
22 I full respect their position as well. And feel from them.
23 But I also, as I said, just bought this home and intend to
24 live there.

25 I know that they stand to make a lot of money by

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1 flipping this property and putting it into two units. And
2 I appreciate the desire for them to do that. But you can
3 live in these homes on Capitol Hill within their current
4 footprint or a slightly expanded footprint. We all do. I
5 do And I just bought this home.

6 So it doesn't, it doesn't need to, you don't need
7 to go past the ten foot regulation in order to renovate and
8 have families want to live on our street. You can do that
9 within the current regulations that are in place. You can
10 still develop property and even make it multi-unit.

11 I also suggested because of the length of this
12 unit, or this lot, it's so, it goes far back, I suggested to
13 them that they build a second structure at the, in the alley
14 because it's long. Rather than taking over the, you know,
15 this much of the backyard.

16 So I haven't, I didn't ask them to change the
17 color or the structure. Those weren't my requests. From the
18 beginning, I have asked that they follow the 10 foot rule
19 that I was anticipating would be maintained.

20 CHAIRPERSON HILL: Okay. All right. Thanks, Ms.
21 Beechler.

22 MS. BUECHLER: Buechler.

23 CHAIRPERSON HILL: Buechler, Buechler, I'm sorry.

24 MS. BUECHLER: Can I say one other thing, please?

25 CHAIRPERSON HILL: Sure.

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1 MS. BUECHLER: I would also say that the neighbor
2 to the other side, 327. Yes, I would say it's a passive
3 approval.

4 CHAIRPERSON HILL: Yes, Ms. Buechler, I'm sorry.
5 The person's not here. So I can't you have some of this.

6 MS. BUECHLER: No.

7 CHAIRPERSON HILL: And I know that you're the
8 immediate next door neighbor. So we always give those people
9 a little more time to speak anyway. So I think we are going
10 to have some questions for you. One, I guess, so you did go
11 to the ANC and testify in opposition?

12 MS. BUECHLER: No. I was traveling for work and
13 unable to. I ----

14 CHAIRPERSON HILL: Okay. You reached out to your
15 SMD?

16 MS. BUECHLER: Yes. And sent a letter to all of
17 the ANC members.

18 CHAIRPERSON HILL: Okay. Do you know if that your
19 SMD member voted in favor?

20 MS. BUECHLER: They -- so they voted against the
21 first time. They came back with these modifications.

22 CHAIRPERSON HILL: Okay. I can ask then, the
23 attorney there. To the attorney, did the SMD vote in favor?

24 MR. HUGHES: The, at the second vote, they did.

25 CHAIRPERSON HILL: Okay.

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1 MR. HUGHES: It was a unanimous approval.

2 CHAIRPERSON HILL: Okay. So let's see. So the,
3 when you guys were -- I think you heard that we were kind
4 asking because of some of the questions I was asking. So
5 during the negotiate ----

6 Or not negotiations, during the discussion with
7 the person next door, did the pulling back from the third
8 floor, did that come from your discussions? Or an opt, or
9 something that they offered to you in terms of what they were
10 trying to do? Or no?

11 MS. BUECHLER: No.

12 CHAIRPERSON HILL: Okay. So it was their design.
13 Their design was this way.

14 MS. BUECHLER: Yes.

15 CHAIRPERSON HILL: Okay. And then yes, after that
16 I just have a couple of comments in terms of what. I mean,
17 I'm sorry that, you know, it's very emotional. You know, to
18 have some, to have something right next door to you.

19 I mean, we have, you know, all of us here live in
20 dense areas and have things happen around us per the
21 regulations and stuff and/or development and things happen.

22 Now whether or not this goes forward, I don't
23 know. What I'm trying to say, I'm empathize with, you know,
24 change that happens immediately next door to someone. Even
25 it were the 10 foot rule, you know, you might not be terribly

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1 thrilled about it. Right?

2 So you've mentioned a couple of times that you
3 bought this knowing that the 10 foot rule was in existence.
4 Is that what you're saying? So you did research on your own
5 about zoning before you bought the property as to how far
6 back they could go?

7 MS. BUECHLER: I knew from my realtors as we were
8 looking at properties that this 10 foot rule existed. And
9 that when this vacant property next to me was developed,
10 which would be at some point, that the expectation was, I
11 believed it was an actual regulation, not that it was ----

12 CHAIRPERSON HILL: It is a regulation ----

13 MS. BUECHLER: ---- to be waived. Right.

14 CHAIRPERSON HILL: ---- but there is a special
15 exception, so. What I'm also just trying to ask ----

16 MS. BUECHLER: Right. I ----

17 CHAIRPERSON HILL: ---- is your realtor.

18 MS. BUECHLER: Yes.

19 CHAIRPERSON HILL: And I'm going to ask the
20 question real quick. Is that your realtor pointed this
21 regulation out. And the reason why I'm continuing to ask ---

22 -

23 MS. BUECHLER: Yes.

24 CHAIRPERSON HILL: Is that realtors should then
25 also know that there is a special exception, that you don't

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1 know what's going to happen necessarily. But they said that
2 there was a 10 foot regulation and that's what you were
3 basing some of your analysis on.

4 MS. BUECHLER: Yes.

5 CHAIRPERSON HILL: Okay, let's see. Okay, then
6 if that as far as like the, you know, making money and things
7 like that. What people do, you know, with you know ----

8 MS. BUECHLER: Obviously that ----

9 CHAIRPERSON HILL: This will actually improve your
10 property value, as well if this did happen. Whatever it
11 happens from it being vacant, from being a vacant property,
12 you know. Whether it's developed in some possible fashion,
13 whether it's this or another, developed, so ----

14 My point that I just want to make and then I'll
15 let my colleagues ask any questions, is that prior to you
16 guys moving here, even you Mr. Harris. Like there was, what
17 got us to this whole 10 foot thing is people were able to
18 develop all way back.

19 They were able to fill out their lots. Like they
20 are very deep lots. And I don't know if the Commissioner was
21 on the Zoning Commission when this was going on, but there
22 was a lot of public testimony to not even change the
23 regulation.

24 It was people's land that they were basically down
25 zoning. And so that was, there was a lot of testimony back

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1 and forth about whether or you could actually fill out the
2 lot.

3 I'm pointing that out, which is to say, this
4 gentleman. He, the plan was to eventually fill out, you
5 know, was to go all the way back, which was what allowed
6 prior to the regulation being changed.

7 And he was midway through it when it got changed.
8 So I'm just kind of stating the point. Does anybody have any
9 questions for either witness, I suppose?

10 VICE CHAIRPERSON HART: Not a question, but yes,
11 I think that this is the point that Mr. -- sorry, Ms.
12 Buechler raised about thinking that this was, the 10 foot
13 rule was a kind of hard and fast rule.

14 The regulations state that you are, that an
15 applicant, any property owner can move their, can build up
16 to 10 feet. But there are kind of two processes that
17 applicants can go through.

18 One is a special exception process, which is what
19 the applicant is doing here. And there, all that is, is that
20 the special exception just says that you're, the zoning
21 regulations allow someone to go back farther if they meet
22 certain criteria. And so that's why they're kind of going
23 through this process of talking about that criteria.

24 The other process is what they call a variance.
25 And the variance is basically saying that you're going,

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1 you're doing something that's completely outside of what the
2 zoning regulations allow.

3 And so that is, that is a much, much higher level
4 of review. And it requires a lot of, a lot more on the
5 applicant's part to be able to kind of say, this is what we
6 have to, this what we are having to.

7 We should be allowed to do this because this is
8 a, there's a particular you know, concern about the land, or
9 some other issue that's going on. But that's kind of outside
10 of the, outside of zoning.

11 So the regulations that are before us are --
12 really set forth the different criteria. That's what we're
13 supposed to be kind of basing our decision on. And that's
14 the only thing that we can really base that decision on.

15 Is whether or not we believe that the applicant
16 has proven that they have actually met that criteria. And
17 so we ask questions to be able to clarify if they have or
18 have not kind of met that.

19 And so it is, the height that they have, they're
20 actually within the height and the lot occupancy, the side
21 yard, I mean everything except for the, you know, going back
22 is within the actual regulations.

23 If they, you know, meet the criteria that's within
24 the regulations. And so it is our job to figure out whether
25 or not we believe that they have proven the case that they

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1 have met that criteria.

2 MS. BUECHLER: Yes.

3 VICE CHAIRPERSON HART: So that's kind of what's
4 before us now. And while the realtor that you were working
5 with, they, I'm not sure what they were describing, but that
6 is the process that we have to go through to be able to
7 decide this today.

8 MS. BUECHLER: I understand. They did say that
9 they met the air and light requirement and that what? The
10 enjoyment for privacy requirement. And I don't believe that
11 they've met those.

12 CHAIRPERSON HILL: Okay. All right. Does the
13 applicant have any questions from the testimony that was
14 given?

15 MR. HUGHES: No, sir.

16 CHAIRPERSON HILL: Okay. Great. All right, thank
17 you all very much.

18 CHAIRPERSON HILL: Okay. Is the ANC here? Okay.
19 Mr. Hughes, do you have anything you'd like to add in
20 conclusion?

21 MR. HUGHES: No, sir, other than to just
22 appreciate the input from the Office of Planning again and
23 DDOT. And to ask that their report and the ANC report in
24 support be given great weight.

25 CHAIRPERSON HILL: Okay. Great. All right. I'm

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1 going to close the hearing. Is the Board ready to
2 deliberate? Okay. I can start.

3 Yes, it's disappointing that, you know, as I was
4 mentioning earlier, that you couldn't get at least to the
5 sign off of the immediate neighbors because that's something
6 that you always, you know, we would like to see.

7 Just because then it makes it, at least one
8 portion of opposition that is not before us. The, you do
9 have the one approval, you know, the support of the neighbor
10 to the, is it north or south? But so, oh that's right, to
11 the north.

12 And the, what I think what we're here for, and
13 what Vice Chair Hart was talking about was again the special
14 exception criterion in terms of whether or not we think the
15 criterion has been met.

16 I mean, what we are talking about is six feet.
17 I mean, ten feet is already allowed by right. So it's the
18 additional six feet that I'm kind of looking at in terms of
19 the analysis.

20 I think that the additional six feet is not going
21 to further cause any more stress to the -- as the Office of
22 Planning has pointed out -- to the light and air upon the
23 community.

24 I think that fact that the applicant did pull back
25 the third floor does have something to do with the ability

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1 to effect any adverse impact. It does provide some relief
2 from that impact since it's not the third floor that's going
3 all the way back to the full amount as the floors below.

4 I think that, what I continue to kind of struggle
5 with some of these is that again, it's always sometimes, you
6 know, it's like, four feet or six feet, or we've approved
7 things that are 18 feet beyond the ten foot rule.

8 And so it's each individual case. And I, if there
9 was kind of way that it was more standardized then might be
10 something that could be in the regulations and criterion.
11 But the regulations are the way the regulations have been
12 written.

13 And I think that the Office of Planning's analysis
14 is accurate in this particular case. I also am, you know,
15 we are supposed to give great weight to the ANC. And the ANC
16 has voted unanimously to support this special exception.

17 So I think that the criteria has been met. I
18 think that I'll be voting in favor of the application. Does
19 anyone have anything that they'd like to add?

20 MEMBER WHITE: Excuse me, Mr. Chair. Yes, I
21 concur with your analysis. And just for the record, I'm very
22 sensitive to rear additions and the impacts that they have
23 on the community.

24 But I found this particular one okay. But it
25 would have been better if you had both adjacent neighbors

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1 supporting it. But I did listen very carefully to what the
2 neighbor in opposition at 331 16th Street had to say about
3 some of her concerns.

4 And I tried to match that to the special exception
5 criteria in terms of privacy concerns and light and air. I
6 looked at, you know, sun studies. You know, it seems like
7 the neighbor to the ----

8 The question was whether the neighbor to the south
9 is impacted. And I didn't see as much of an impact. And
10 also with the testimony from OP, I'm more comfortable that
11 the criteria within the special exception application were
12 met.

13 It also seems as though the applicant is also
14 trying to kind of mitigate some of the adverse impacts by
15 doing certain things like protecting trees, pulling back the
16 third story.

17 The lot occupancy is I think is 43 percent, which
18 is below the requirement. And perhaps doing some simulated
19 slate and other things that will protect the look and feel
20 of the neighborhood.

21 But with the ANC's unanimous support and the
22 support of the other adjacent neighbor, I will be voting in
23 support of this application.

24 MEMBER JOHN: So, Mr. Chairman, I agree with the
25 comments so far from my fellow Board members. And I will

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1 also support this application for some of the reasons that
2 were stated.

3 I will just sort of emphasize that I am normally
4 very cautious about approving applications seeking more than
5 the required, allowed 10 foot extension. However, in this
6 case, there's a very narrow lot. And even with the addition,
7 there would still be a rear yard of 79 feet.

8 So I think that should take care of some of the
9 concerns of inadequate light and air affecting the neighbor
10 at 331 16th Street. I also think that the applicant has
11 tried to mitigate potential adverse impacts by stepping back
12 the third floor.

13 And as demonstrated in the OP's analysis of the
14 sun study, that there is some impact on light and air, but
15 it is not undue. And I think that's the operative word.
16 There, you know because there'll always be some impact.

17 The question is whether or not, is always in some
18 of our discussion, whether or not that impact is undue. And
19 in this case, I agree with the analysis of the Office of
20 Planning.

21 I appreciate the input from Capitol Hill
22 Restoration Society. However, as noted before, this is not
23 in a historic district. And so we take those comments into
24 consideration, but cannot give them great weight.

25 And so based on the full record, the analysis of

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1 the Office of Planning, and the support of ANC 6B, which took
2 into account all of the changes made by the applicant, I
3 would be in support.

4 I also want to add that the extension in my view
5 is six feet. And in the scheme of things, that's not a very
6 large extension. And I accept the applicant's statement that
7 they based the need for the extension on the size of the unit
8 so that they would useful, useable ---- probably not the best
9 word but, and marketable. So I can support the application.

10 VICE CHAIRPERSON HART: I concur, Mr. Chair.

11 CHAIRPERSON HILL: Okay. All right. Then I guess
12 one other item I'd like to mention is, you know, the
13 applicant did state that they were going to trying to work
14 with the neighbor to the south in trying to -- with color and
15 everything. And I hope that they'll continue to try to do
16 that.

17 Now I'm going to make a motion to approve
18 Application No. 19847 as captioned and read by the Secretary
19 and ask for a second.

20 MEMBER JOHN: Second.

21 CHAIRPERSON HILL: Motion made and seconded. All
22 those in favor, say aye.

23 (Chorus of aye.)

24 CHAIRPERSON HILL: All those opposed? Motion
25 passes, Mr. Moy.

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1 SECRETARY MOY: Staff will record the vote as 5
2 to 0 to 0. This is on the motion of Chairman Hill to approve
3 the application for the relief requested. Second the motion,
4 Ms. John. Also in support of the motion, Ms. White, Vice
5 Chair Hart, and Mr. Peter Shapiro. The motion carries, sir.

6 CHAIRPERSON HILL: All right. Thank you, Mr. Moy.
7 Okay, thank you guys very much.

8 MR. HUGHES: Thank you.

9 CHAIRPERSON HILL: Okay. So there seems to be
10 some scheduling issues that we're going to try to
11 accommodate. We're going to switch a couple of cases around.
12 We're going to do 19882 next. And then we're probably going
13 to take lunch.

14 So let's see. Go ahead and ---- I love the faces,
15 it's always like, it's like, just trying to fix everybody.
16 I mean, I wish I wasn't here either. Okay? So I'm just
17 going to get some food. Okay. Let's see. So Mr. Moy, you
18 can do whatever you need to do.

19 SECRETARY MOY: Thank you, Mr. Chairman. Actually
20 since the Chairman's already called the case, I'll ----

21 CHAIRPERSON HILL: Oh no, please call it. I
22 wouldn't want to ---- yes, please call it.

23 SECRETARY MOY: So that will be case Application
24 No. 19882 of Jubilee Housing, Inc., as amended for special
25 exception under Subtitle C, Section 703.2 from the parking

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1 requirements of Subtitle C, Section 701.5.

2 This would construct a one-story and penthouse
3 addition and convert the existing office building to a
4 mixed-use building, RC-3 Zone. This is a 1724 Kalorama Road,
5 Northwest, Square 2567, Lot 90.

6 CHAIRPERSON HILL: Okay, let's see. So if you
7 could introduce yourselves from my right to left.

8 MS. DWYER: Good afternoon, I'm Maureen Dwyer with
9 Sitar Arts Center.

10 MR. KNIGHT: Greetings, my name is Jim Knight with
11 Jubilee Housing.

12 MS. HOTTEL-COX: Meghan Hottel-Cox with Goulston
13 & Storrs.

14 MR. PICHON: Sean Pichon with PGN Architects.

15 MS. MILANOVICH: Good afternoon, Jami Milanovich
16 with Wilson Associates.

17 CHAIRPERSON HILL: Okay. Let's see. So Ms.
18 Hottel-Cox are you going to be presenting to us?

19 MS. HOTTEL-COX: Yes.

20 CHAIRPERSON HILL: Okay. Great. So let's see.
21 Just real quick, did you guys talk to the ANC?

22 MS. HOTTEL-COX: Yes. They submitted their report
23 into the record yesterday. It was late. They voted on this
24 a week ago, last Wednesday. And there were some issues
25 getting their report submitted. But it is in record at

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1 Exhibit ----

2 CHAIRPERSON HILL: 39 is what I'm being told up
3 here.

4 MS. HOTTEL-COX: And they voted unanimously in
5 support of the project.

6 CHAIRPERSON HILL: Okay. I'll take a look at
7 that. Okay. And your proposed conditions seem to be
8 consistent with DDOT in 29A?

9 MS. HOTTEL-COX: We will touch on that. We are
10 in agreement with all but one of DDOT's conditions. There
11 was an issue with the transportation subsidy. They wanted
12 us to -- the existing ---- and we can speak to this during
13 our presentation, but they had wanted us to ---- there's an
14 existing transportation subsidy for employees of Jubilee
15 Housing. And that transportation subsidy can be used for
16 Metro. But it also can be used for parking.

17 And DDOT wanted us to remove that existing benefit
18 for the employees that would be moving to this site. The ANC
19 was opposed to that removal. And of course, this is an
20 existing benefit for employees of Jubilee. So we would also
21 not be including that in our proposed conditions. But
22 otherwise, we were in agreement with all the DDOT conditions.

23 CHAIRPERSON HILL: Okay. Well you basically just
24 spoke to it. But you can speak to it again, I guess.
25 Because we will talk about a little bit with that. So okay,

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1 if you can just go ahead and walk us through your
2 application.

3 And again, focusing on the requirements for the
4 standard of relief. Or I should say, how we're supposed to
5 analysis the standards to grant the relief. As I'm getting
6 tongue-tied here.

7 And then speak to DDOT. You've already kind of
8 spoke to the ANC. But I'm going to put 15 minutes on the
9 clock so I know where we are. And you can begin whenever you
10 like. Oh sorry, there's -- Mr. Pichon, you're in our book,
11 correct?

12 MR. PICHON: Yes. I was here last Wednesday.

13 SECRETARY MOY: Yes, he is Mr. Chairman.

14 CHAIRPERSON HILL: You need to update this photo
15 Mr. Pichon. It's a little bit, you know? I don't know if
16 that's that accurate at this point in time.

17 (Laughter.)

18 CHAIRPERSON HILL: All right, so Ms. Hottel-Cox,
19 you can go ahead and start whenever you like.

20 MS. HOTTEL-COX: Thank you. Good afternoon,
21 again. My name is Meghan Hottel-Cox and I along with
22 colleague Jeff Utz are with Goulston & Storrs representing
23 the applicant in this case, Jubilee Housing.

24 We're excited to be here today to present
25 Jubilee's plans for a much needed project in Adams Morgan.

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1 We're here requesting special exception relief from the
2 parking requirements for the property located at 7020-, 1724
3 Kalorama Road, Northwest.

4 The project will take an existing three-story
5 commercial office building, which has been vacant for some
6 time and convert it to a mixed-use building with a one-story
7 and penthouse addition.

8 The programming of the building is truly
9 exceptional for this area. Jubilee will be providing
10 approximately 25 all-affordable residential units on floors
11 two through four. And will relocate some of their staff to
12 the penthouse office space.

13 The ground floor will give Sitar Arts Center,
14 which currently is located next door to the property, the
15 chance to expand their programming to continue to serve the
16 youth of D.C. with dynamic arts training and education.

17 The project will include the closure of two curb
18 cuts that currently serving the building, which will add
19 three new street parking spaces to Kalorama Road. The
20 project will not provide any parking and that ---- so the
21 applicant is requesting special exception for the full
22 parking requirement. While the existing building currently
23 does have some parking on the ground floor, most of those
24 spaces are non-compliant with the zoning regulations.

25 And to provide any zoning compliant parking, given

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1 the tight nature of the site would require taking almost the
2 entire ground floor for maneuvering and for drive aisle
3 widths. And therefore, it would prevent Sitar's ability to
4 expand to their program.

5 In addition, both Sitar and Jubilee have committed
6 to assisting staff with transit needs, including assisting
7 with off-street parking at other locations offsite, as
8 detailed in our transportation report. As detailed in our
9 filings as well, Jubilee residents typically don't own cars.
10 And are therefore unlikely to need off-street parking.

11 I'm happy to report that we are here today with
12 the support of the Office of Planning and the District
13 Department of Transportation. As I mentioned, we're in
14 agreement with all of the conditions contained in OP's
15 report. And with all of DDOT's conditions except for the
16 transportation subsidy issue.

17 Jami will speak to this in more detail, but we are
18 proposing to continue Jubilee's existing transportation
19 subsidy for employees, which staff can use for off-street
20 parking in addition to Metro.

21 Additionally the ANC submitted a resolution in to
22 the record showing unanimous support for the project and the
23 requested relief. And they did note their support for the
24 current transportation subsidy that we are proposing to
25 continue for Jubilee's employees.

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1 We have four witnesses today. Jim Knight with
2 Jubilee Housing. Maureen Dwyer with Sitar Arts Center. Sean
3 Pichon with PGN Architects, who we are offering as expert in
4 architecture. And Jami Milanovich with Wilson Associates who
5 we are offering as an expert in transportation engineering.

6 I will note the reason that Sean's resume was
7 passed out. We had initially proffered Jeff Goins, also with
8 PGN Architects as an expert. He had a medical issue and is
9 unable to be with us today. But Sean is familiar with the
10 project and you noted, has been accepted by the Board as an
11 expert before. So we would ask that you allow him to testify
12 today in place of Jeff.

13 CHAIRPERSON HILL: Okay, that's great, thank you.
14 Thank you, Mr. Pichon for allowing me to just point out, have
15 a little fun at your expense. All right.

16 MS. HOTTEL-COX: So with that, I'll turn it over
17 to Jim Knight to walk through some of Jubilee's site history,
18 as well as their mission for the Adams Morgan neighborhood.

19 MR. KNIGHT: Thank you, Meghan and thank you
20 members of the Board and Agencies. It's a pleasure to be
21 here before you today. I understand now we're in between you
22 and lunch. So I will compress my intro and leave a lot to
23 questions.

24 But, basically important to know that Jubilee
25 Housing is a non-profit that was established in 1973. And

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1 we own and operate a dozen apartment buildings in the Adams
2 Morgan walkable neighborhood. In the process of expanding,
3 obviously. And it's really important for our city to have
4 deeply affordable housing options that are in what we refer
5 to as resource rich neighborhoods. Where families who are
6 often cut off from resources, get to have them. We call that
7 justice housing.

8 Another component of justice housing is that it
9 works with other neighborhood partners such as Sitar. You'll
10 hear from Maureen shortly. So housing plus the other
11 resources that any of us need to thrive.

12 So, arts programming on site. We have after
13 school programming on other sites. We have early childhood
14 education in other sites. All of that sort of walkable to
15 this site so that the residents of this property would have
16 access and support.

17 I think a couple of things that I would point out
18 in terms of this particular site and its history. We came
19 to know about it rather quickly in the summertime. It has
20 been the subject of previous development efforts that have
21 stalled for one reason or another.

22 Most previously before us, I think it was a 58 or
23 59 unit plan, 25 units substantially less than that. Our
24 goal to provide family size units. The District has -- as
25 bad as the affordable housing crisis is, it's even worse for

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1 families.

2 And so this project would have one third at one
3 bedrooms, one third at two bedrooms, and one third at three
4 bedrooms. So large units, deeply affordable. Two thirds of
5 the rents at 30 percent AMI and below. So roughly \$30,000
6 and below. The other third at 60 percent AMI and below. And
7 our partner on the ground floor if we are able to have your
8 support.

9 We are also moving Jubilee's headquarters to the
10 penthouse. That is necessitated by a lease that we have on
11 a site nearby that is expiring. And we need to get our own
12 office space.

13 We would essentially move our existing central
14 staff what is about two blocks down from Columbia Road to
15 occupy that penthouse. And that staff would have -- would
16 be able to continue its current transportation arrangements.
17 Many use Metro, some walk, some bike. Those who drive
18 already have parking and the idea would be that they would
19 keep their existing parking.

20 So why don't I wrap that intro up and turn it over
21 to Maureen.

22 MS. DWYER: Thank you, Jim. Hi, I'm Maureen
23 Dwyer. I'm the Executive Director of Sitar Arts Center. And
24 Sitar's mission is to provide transformational possibilities
25 to children and teens in Washington, D.C. who are born into

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1 a world of unequal opportunity.

2 And what we mean by unequal opportunity is
3 financial barriers. So the families who attend Sitar are
4 from low income households. Eighty percent of our students
5 are from households with 50 percent or less of the median
6 income. And most of those are 30 percent or less of the
7 median income. So these are a family of four earning \$34,000
8 or less a year.

9 Our transformational opportunities are high
10 quality arts experiences and a loving nurturing community of
11 mentors during the out of school time hours. So we serve
12 youth after school on Saturdays and during the summertime.

13 We're cradle to career. So we start to the
14 youngest, babies and toddlers working with their parents to
15 create stronger bonds and positive parenting through arts
16 interaction.

17 And then once they enter elementary school and
18 beyond, they come during the out of school time hours for
19 arts education. For our older youth, we enter leadership
20 development and workforce training.

21 We've been in the neighborhood since 2000, and in
22 our current site since 2004 at 1700 Kalorama Road. Why do
23 we need more space? Each summer we have a wait list of 50
24 to 70 families. That's a highly vulnerable time for families
25 with low incomes. They are working. They have very limited

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1 flexibility in their jobs. And their children need safe,
2 exciting, wonderful places of learning during the summer.
3 So we want to expand those options and take those families
4 off the wait list.

5 We're also looking at our older youth. Sitar is
6 almost 20 years old and our youth are growing up with us.
7 And the real need for youth is to prevent disconnection.
8 It's to help them find employment. And the new space will
9 provide work training opportunities through the arts that are
10 immediately applicable that our young people can gain skills
11 that help them to work and thrive as they enter adulthood.

12 We anticipate about a third of the students
13 driving, not themselves, families driving. The families do
14 not park, they drop off and pick up. It will probably
15 require about three more staff for the new space.

16 We currently have -- we own six parking spots and
17 rent two. And have the possibility to rent more parking
18 spots if the additional staff need parking spots. That's
19 usually not a problem for us. I think that about covers it.

20 MR. PICHON: Thank you. Thank you, Board for
21 allowing me to testify today. Just going to walk you through
22 quickly our proposal. Currently the building is a three
23 story commercial building that's been vacant for some time,
24 as was noted.

25 There's been several development opportunities

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1 that have -- PGN has worked on, as well as other
2 architectural firms. So this property has been trying to
3 come back into use for some time now. We're happy to be part
4 of the Jubilee Housing and Sitar's project.

5 We're mid-block on Kalorama Road, just up from
6 Ontario Road. Again, we're proposing a fourth-story addition
7 to the existing building and a penthouse as pictured in the
8 rendering you see here.

9 Again here, we're -- the fourth story would be on
10 top of the existing three-story commercial building and then
11 the penthouse set back at the top. That would be housing.
12 What was noted earlier, as the Jubilee Housing's office
13 space.

14 These are some current photos of the existing
15 building in the current state. As you see, it's in, been in
16 some disrepair for some time, interior and exterior. So
17 there will be extensive work that's being done throughout the
18 building.

19 As mentioned before, the current building had
20 ground floor parking. But as you can see from this diagram,
21 it would not meet the current zoning. The red line indicates
22 the required 20 foot setback from any public street that's
23 required per the new zoning regulations. As well as the
24 parking maneuvering around to get into the spaces would not
25 meet the current requirements. So it was infeasible for us

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1 to propose parking on this ground floor even though some was
2 there previously.

3 Our proposed ground floor, however, will
4 incorporate a ground floor lobby that will access not only
5 the residential units above, but all the Jubilee Housing
6 space above. We'll have some utility rooms and bike storage,
7 as well as the remainder of the space will be the Sitar
8 expansion space.

9 We have some early renderings of the Sitar space,
10 just to give you a feel for what that -- the dynamic space
11 that they're going to be able to occupy on that ground floor.
12 Expanding their capabilities, as they mentioned before to
13 service more youth in the area.

14 On the second and third and fourth floor, we will
15 have residential units. As was noted before, one third one
16 bedrooms, one third two bedrooms, and one third three
17 bedrooms, totaling 25 units of residential housing. And then
18 on the uppermost floor, the penthouse will be the office
19 space for Jubilee Housing.

20 We're going to be renovating the exterior of the
21 building, really updating the exterior of the existing, as
22 well as adding the new building on the addition and the
23 penthouse on top. They'll be refurbishing the existing
24 brick, adding on the additional floors, new architectural
25 cladding metal panels around the building. We will be

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1 meeting all of the required setbacks for the penthouse.

2 The only relief we're seeking today is for the
3 parking relief. So all the other zoning requirements and the
4 regulations are being met through our proposed design. And
5 I'm going to ----

6 CHAIRPERSON HILL: Okay, Mr. Pichon ----

7 MR. PICHON: I'm sorry.

8 CHAIRPERSON HILL: Are you done?

9 MR. PICHON: Yes.

10 CHAIRPERSON HILL: Okay. Because, no, I just want
11 to hear from your transportation expert a little bit before.
12 And I only got like three minutes left, so ----

13 MS. MILANOVICH: Thank you. So this site is well
14 served by a variety of multi-modal transportation options,
15 although we about a half mile from the U Street Metro station
16 and three quarters of a mile from Columbia Heights and
17 Woodley Park Metro stations.

18 There are seven Metro bus routes that stop within
19 a third mile of the site. There's an eight Metro bus routes
20 and a D.C. Circulator route that stops less than a half mile
21 from the site. We also have five Capital Bikeshare stations
22 within a quarter mile of the site. As well as currently 20
23 car share vehicles are located within a half mile of this
24 site.

25 In terms of the proposed plan I think one of the

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1 important things from a transportation and parking
2 perspective is that we're are closing two existing curb cuts
3 that currently serve the building. And those are shown with
4 the dash red lines on this plan.

5 And by closing those two curb cuts, that allows
6 us to actually add three parking spaces on the street that
7 are not there not there today. So we'll be increasing the
8 on street parking supply by virtue of closing those curb
9 cuts.

10 In terms of loading, we are not required to
11 provide any loading by code. Nor are we proposing any
12 loading. I would note in terms of trash service, there is
13 a trash room proposed on the east side of the building, here.

14 Trash receptacles will be wheeled out to the curb
15 on Kalorama Road on trash pick up day. The trash truck will
16 stop along the curb to pick up the receptacles and then those
17 carts will be wheeled back to the trash room after pick up.

18 I think this important because that eliminates the
19 need for a trash truck to either back in or back out of that
20 alley, because there is no room to turn around once they turn
21 into the alley, there's no room to turn around. And so we
22 think this is a safer alternative than the back in or the
23 back out.

24 As mentioned, we are seeking relief from the ten
25 required parking spaces. And because we are looking for the

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1 relief, Jubilee and Sitar have both made arrangements to
2 accommodate their employees in off-street, offsite parking
3 spaces.

4 The employees that will occupy Jubilee's office
5 space in the building are being relocated from their site on
6 Columbia Road. We know because they're existing employees,
7 how many of them currently drive. You can see here, 12
8 employees currently drive.

9 Jubilee will retain the eight parking spaces they
10 have on Columbia Road for those employees. That's about a
11 seven minute walk from this site. They also will have two
12 parking spaces in the Maycroft Building, which will be open
13 in the very near future. And employees will have about a ten
14 minute walk to this site.

15 And then four of the employees currently have
16 offsite private parking that they've secured. And so they'll
17 retain all of those 14 parking spaces, which will more than
18 accommodate the 12 employees that currently drive.

19 In terms of the Jubilee residence, Jubilee has a
20 number of residential buildings throughout the city. This
21 chart just shows those units and how many residents in each
22 of those buildings currently own a car.

23 And so what we've determined is that eight percent
24 of the units are actually occupied by residents who own
25 vehicles. So on a project of this size, we would expect two

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1 units to potentially have residents who own vehicles.

2 In terms of the Sitar employees, as Maureen
3 mentioned, they do have parking in the building next door to
4 this site. Currently six of their employees drive and park
5 in that facility.

6 They expect three new employees. Based on the
7 characteristics of the existing employees we would expect
8 that that would mean one additional person would drive. So
9 they have sufficient capacity in their current garage to
10 accommodate those employees. And they have the ability to
11 obtain more if needed.

12 As with all projects that are required to -- that
13 are seeking parking relief, DDOT requires a transportation
14 demand management plan. Jubilee does have such a plan in
15 place. They've refined this over the years.

16 I'll just point out a couple of the key
17 components. They do offer employees \$100 a month subsidy
18 that can be used for transit. Really any form of
19 transportation, including off-site parking. As Meghan had
20 indicated, DDOT did not want that subsidy to be available for
21 people who drive because they are concerned that it
22 encourages people to park.

23 However, we think it's important to maintain that
24 because there is a concern for people who aren't able to take
25 transit or another form of transportation. Perhaps they have

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1 daycare needs and need to drive, or they simply don't live
2 near transit.

3 We're afraid that if we eliminate that parking
4 subsidy, if you will, that it might encourage people to park
5 on the street. Particularly those who live in the ward and
6 might have an RPP sticker.

7 And so we're cognizant of the concerns of the
8 community, and we certainly don't want to encourage people
9 to park on the street. So we proposed to maintain that \$100
10 a month subsidy that can be used for transit, parking, or you
11 know, for example could be used for Capital Bikeshare for
12 that matter.

13 Jubilee does have a group membership with Capital
14 Bikeshare, which allows both employees and residents to
15 obtain a membership for just \$10 a year. I think the current
16 price for a membership is \$85, so that's a significant
17 savings. Jubilee is providing ten long-term bicycle parking
18 spaces on the first floor of the building for residents and
19 employees.

20 And Sitar also offers a transit subsidy in the
21 amount of \$50 a month. And they will be providing long-term
22 bicycle parking for four bicycles on the first floor of the
23 building. And I think I will close there. This is just a
24 summary.

25 CHAIRPERSON HILL: Okay. Great, thanks. And Ms.

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1 Hillel-Cox, the TDM plan that you guys have is 29A, correct?

2 MS. HOTTEL-COX: Yes, that is correct.

3 CHAIRPERSON HILL: And that has the discrepancy
4 between what you all would like to do and what the ANC would
5 like you guys to do, and what DDOT would like you to do?

6 MS. HOTTEL-COX: Correct. So what is in 29A is
7 what we have agreed to do and what the ANC is supportive of.

8 CHAIRPERSON HILL: Okay. All right.

9 VICE CHAIRPERSON HART: Mr. Chairman, I just have
10 one question. Ms. Milanovich?

11 MS. MILANOVICH: Yes.

12 VICE CHAIRPERSON HART: Is that? Did I --

13 MS. MILANOVICH: Milanovich.

14 VICE CHAIRPERSON HART: Milanovich. Could you go
15 back to slide 28, 29? I don't know which one it was. Maybe
16 go back a little farther. Its plan, this plan. Can you --
17 oh, it moved.

18 Okay, I was trying to figure this out. I couldn't
19 understand why there was a driveway going into the ---- I
20 think it just shifted. The plan shifted and it just was
21 really confusing to me. The plan shows that there's
22 something like there's a doorway at the alley. And I think
23 it's just that the plan was moved over. And I couldn't
24 figure out where that plan was, because I was like, well are
25 you having a driveway into meeting room?

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1 That's the part I was trying to understand. I get
2 it now. It's just a, you know, PDF error. I don't know what
3 you would call that. But, thank you. It was just a little
4 bit confusing. When you were talking about loading, I
5 started looking at this. And then I couldn't figure, well,
6 how do you load that? So, I think ----

7 MS. MILANOVICH: Yes. No, sorry for the
8 confusion. There's ----

9 VICE CHAIRPERSON HART: No, no, it's fine. It's
10 just, you know, sometimes it's harder to read. And just
11 trying to understand that.

12 CHAIRPERSON HILL: Okay. Anyone else? Okay, I'm
13 going to turn to the Office of Planning.

14 MR. KIRSCHENBAUM: Good afternoon, Board Members.
15 Jonathan Kirschenbaum for the Office of Planning. So this
16 development proposal has a parking requirement of ten parking
17 spaces.

18 Seven parking spaces for the housing units, three
19 parking spaces for the daytime care use, which is the Sitar
20 Art Center. And then the office use because it's so small,
21 does not have any parking requirement.

22 And as such, we recommend approval of a parking
23 reduction of ten parking spaces. Please let me know if you
24 have any questions. Thank you.

25 CHAIRPERSON HILL: Does the Board have any

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1 questions for the Office of Planning?

2 Does the applicant have any questions for the
3 Office of Planning?

4 MS. HOTTEL-COX: No.

5 CHAIRPERSON HILL: Could you turn off your
6 microphone if you wouldn't mind. Sorry, sometimes we get
7 feedback. All right. Is there anyone here who wishes to
8 speak in support?

9 Sir, have you been, were you sworn in earlier this
10 morning? Okay. Great. Please have a seat.

11 Sir, good afternoon, sir. You just need, you need
12 to push that microphone button. And first let me go ahead
13 and get your name if you wouldn't mind, and address.

14 MR. BUGGS: Yes, my name is Samuel Buggs. Last
15 name, B-U-G-G-S, address 1740 Euclid Street, Northwest.

16 CHAIRPERSON HILL: Okay, Mr. Buggs. So Mr. Buggs,
17 you'll have three minutes to present your testimony. And the
18 clocks are on the right and left on the ceiling, as well as
19 right in front of you there. And you can begin whenever you
20 like.

21 MR. BUGGS: Yes, sir. I think that the most
22 important thing that while the hearing was going on early,
23 the thing that kept running in my mind was unfortunately it
24 appears that this city is getting down to simply the ability
25 to house families or park cars.

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1 I understand that the city is crowded. There are
2 plenty of cars. Oftentimes a guest of mine aren't able to
3 park because of that. But I think what Jubilee does in that
4 neighborhood in particular, is far more important than
5 someone's ability to park cars.

6 That's just my personal opinion, but with
7 homelessness being as such as it is. Not only in this city,
8 but this country. I think there should be far more emphasis
9 placed on the housing of people, families in particular.
10 That's my concern.

11 CHAIRPERSON HILL: All right, Mr. Buggs. Thanks
12 so much. Thanks for coming down. It's oftentimes we don't
13 getting people coming to speak in support. And so it's nice
14 that you took the time to come on down. We appreciate it.
15 Does anybody have any questions for Mr. Buggs? Sure, go
16 ahead.

17 MEMBER SHAPIRO: Thank you. I would like to say
18 that sometimes I'd like to take you very thoughtful words and
19 put them on a poster on our wall. Because it's an important
20 message to hear. And I'm glad you came down and said it.

21 MR. BUGGS: Thank you. I thank you for the
22 opportunity to say it.

23 MEMBER WHITE: I'd just like to concur with my
24 follow Board Member. You know housing, affordable housing
25 is critical. Obviously, you know, parking issues are an

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1 issue as well. But I think that having, you know,
2 transportation, TDM type plan will help.

3 I'm very familiar with that area. I lived at the
4 Dorchester when I was in law school. So parking is tough.
5 But I think what your words communicate today were very
6 important. So thank you.

7 CHAIRPERSON HILL: Thank you, Mr. Buggs. All
8 right. Is there anyone here wishing to speak in opposition?
9 Okay, please come forward. Well, it's okay, you have to ----

10 First of all did you get sworn it? Okay. Mr.
11 Moy, could you swear in the gentleman? And if there's
12 anybody else here that would like to speak that hasn't been
13 sworn in, if you could please stand. All right, Mr. Moy.

14 (Witnesses sworn.)

15 CHAIRPERSON HILL: Okay. Great, sir. So you just
16 have to push the button of the microphone. And first give
17 us your name and home address.

18 MR. BLODNIKAR: My name is Eric Blodnikar. I am
19 at 2302 -- I'm sorry 2300 Ontario Road, Northwest.

20 CHAIRPERSON HILL: Okay. And could you spell your
21 last name for me? You just push it once. It'll just stay
22 on.

23 MR. BLODNIKAR: Okay. There we go. It's
24 B-L-O-D-N-I-K-A-R.

25 CHAIRPERSON HILL: Bolonikar?

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1 MR. BLODNIKAR: Blodnikar.

2 CHAIRPERSON HILL: Blodnikar.

3 MR. BLODNIKAR: Yes.

4 CHAIRPERSON HILL: Okay. Great. Thank you.

5 MR. BLODNIKAR: Yes.

6 CHAIRPERSON HILL: All right. So you'll have
7 three minutes to testify. The clocks are upon on either side
8 of you and also right in front you.

9 MR. BLODNIKAR: Okay.

10 CHAIRPERSON HILL: And you can begin whenever you
11 like.

12 MR. BLODNIKAR: Great. I put together a little
13 study with the zoning map overlay. Can I present that to the
14 Board, here?

15 CHAIRPERSON HILL: Do you have copies for
16 everybody?

17 MR. BLODNIKAR: Yes.

18 CHAIRPERSON HILL: Okay. If you can give one, you
19 can give it to the Secretary. Mr. Secretary if you could
20 just stop the clock for a second. You can give it to the
21 Secretary to my left over here. And then make sure that one,
22 that the applicant gets one as well.

23 MR. BLODNIKAR: So I'll get to this in second, but
24 -- so yes, hello my name is Eric Blodnikar. I've lived on
25 Ontario Road for over 15 years.

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1 CHAIRPERSON HILL: Mr. Moy, could you start that,
2 start that clock again? Thank you. All right, sorry, sir.
3 Go ahead.

4 MR. BLODNIKAR: So I've lived on Ontario Road for
5 over 15 years. First at 2302 and now with my family at 2300
6 Ontario Road. And that address is located just one to two
7 houses outside of the notification radius of 200 feet. So
8 I asked the Board of Zoning, sorry the Board of Zoning
9 Adjustment to deny the applicant's request for a parking
10 waiver.

11 The developer of Jubilee Housing has based the
12 cusp of their argument for not providing the required onsite
13 residential parking on what appears to be self-certified
14 internal survey of the current car ownership status of the
15 current residences.

16 They've also alluded that their tenants do not own
17 cars based on their income. Jubilee has stated that 3
18 percent and less than 3 percent of their residents own cars
19 in their BZA application. That's to my knowledge, that on
20 Exhibit 11, Page 5 and 9.

21 When speaking to the community, the meetings --
22 at the community meetings, they've said 5 percent of the
23 tenants own cars. And again, have again alluded that their
24 tenants don't own cars based on income.

25 On a flyer that was passed out at the Jubilee --

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1 by Jubilee Housing at the 10-17 ANC, excuse me, ANC PZT
2 meeting, it noted 8 percent of the tenants own cars based on
3 the 235 active apartment units and 19 car owners reported.
4 I think that was up on the screen here.

5 So I come in to question, what is the current car
6 ownership percentage? Is it less than 3 percent? 3 percent?
7 5 percent? 8 percent? Possibly higher. And none of these
8 percentages are really applicable to the 1724 Kalorama
9 project based on the unit type, percentage configuration and
10 target demographic of families.

11 To my knowledge, none of the data collected,
12 assumptions made, or the survey questions asked of the
13 existing Jubilee residents has ever been presented to the
14 public, verified, or scrutinized for accuracy.

15 So basically a developer was allowed to
16 self-certify all this information that they're conveniently
17 asking relief for. Did the survey ask about future car
18 ownership or desires?

19 What about families with children versus couples?
20 In my experience, families with small children are more than
21 likely to have or need a car versus someone who is single and
22 without children.

23 What about families that'll be moving to the area
24 from other parts of the city where car ownership is more
25 popular or a necessity. Are these tenants expected to sell

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1 and not bring their vehicles? Or will these applicants with
2 cars be discriminated against for whatever reason?

3 Impact to the community, this is where the overlay
4 comes into play. I did a brief review of the blocks
5 surrounding 1724 Kalorama to get an idea of the number of
6 properties that do not have onsite parking options.

7 So their properties are landlocked or they're
8 fully developed and parking was never provided. So within
9 a one to two block radius of the proposed project, noted in
10 blue, there are approximately 140, 114 units that do not have
11 access to off-street parking. These are 48 single homes and
12 66 apartments. So the 48 single family homes ----

13 CHAIRPERSON HILL: Mr. Blodnikar, you're running
14 out of time, just letting you know.

15 MR. BLODNIKAR: Okay. Well, the point being that
16 there are a substantial number of houses that don't have
17 access to off street parking. And then again, there are also
18 a substantial number of apartments that have limited on-site
19 parking.

20 So Jubilee has stated they do not provide parking
21 or parking assistance to any of their current tenants. And
22 there are approximately 300 units just north of this
23 property.

24 CHAIRPERSON HILL: Okay. So you're here in
25 opposition to the project. Okay. And you're almost done?

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1 MR. BLODNIKAR: Ah, yes. I would just ----
2 resolution to this, I would like to see Jubilee provide some
3 sort of stipend to their residents to incur if they do have
4 a car, they have some where to park it. Because right now,
5 they're left to their own devices.

6 CHAIRPERSON HILL: Okay.

7 MR. BLODNIKAR: And I'd like to note that the ANC
8 1-C recently they're having four out of the seven ----

9 CHAIRPERSON HILL: Sir, you are going way over
10 your time.

11 MR. BLODNIKAR: I'm turning over. So this topic
12 may not have been fully vetted.

13 CHAIRPERSON HILL: Did you go ANC meeting?

14 MR. BLODNIKAR: I went to all the ANC meetings.

15 CHAIRPERSON HILL: Okay, are you almost done?

16 MR. BLODNIKAR: Yes, I have one quick follow up
17 here. I believe in the service Jubilee and Sitar are
18 providing. I've given donations to them in the past.

19 But as a developer, Jubilee Housing is under the
20 same pressures to get the most that it can squeezed out of
21 any project. Any assumptions made, cannot be simply taken
22 at the developer's word and the negative impact simply
23 ignored.

24 CHAIRPERSON HILL: Okay. All right. So you're
25 done. Does anyone have any questions for Mr. Blodnikar?

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1 Okay, I've got a couple of questions. Oh go you. Well, I
2 got a couple of questions. So, please, that's all right.
3 Okay. Thank you.

4 So you went to your ANC meetings. Right? And so
5 you are here about the parking. And did you read the?
6 You're not a transportation expert?

7 MR. BLODNIKAR: I'm not a transportation expert.

8 CHAIRPERSON HILL: Right. So did you read the
9 report from the transportation expert?

10 MR. BLODNIKAR: I mean, I reviewed ----

11 CHAIRPERSON HILL: Okay. Did you read the DDOT
12 report?

13 MR. BLODNIKAR: Okay. DDOT report, no.

14 CHAIRPERSON HILL: So DDOT is the Department that
15 looks at transportation. And this is whether where I'm
16 getting a little excited. Are you really here in opposition
17 to this project because of parking?

18 Like, you're inconvenienced because you're not
19 going to be able to find some parking. You want to, you're
20 here -- and I appreciate -- I'm just getting a little
21 excited.

22 I appreciate that you came down here in opposition
23 to it. But you're here because you think it's going to be
24 more inconvenient for the community to find parking?

25 MR. BLODNIKAR: Potentially, yes.

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1 CHAIRPERSON HILL: Okay, right. Ms. John, do you
2 have some questions?

3 MR. BLODNIKAR: There's more to parking ----

4 CHAIRPERSON HILL: No, I just ask the questions,
5 sir.

6 MEMBER JOHN: No, Mr. Chairman.

7 CHAIRPERSON HILL: Okay. All right. Thank you,
8 sir. All right. Let's see. You're excused.

9 MR. BLODNIKAR: I mean ----

10 CHAIRPERSON HILL: You're excused. You're
11 excused. Thank you. All right. Does anybody have anything
12 else they'd like to add?

13 MS. HOTTEL-COX: Dr. Chair, if just, if the Board
14 would like clarification on the three percent? That was
15 initially referenced ----

16 CHAIRPERSON HILL: I don't have any questions.

17 MS. HOTTEL-COX: Then we're finished. Thank you.

18 CHAIRPERSON HILL: Okay. Does the Board have any
19 other questions?

20 MEMBER SHAPIRO: Just a brief question. In a
21 nutshell, what's the funding mechanism for this project?

22 CHAIRPERSON HILL: Sir, you're free to leave from
23 the table.

24 MR. KNIGHT: The project will use the low income
25 housing tax credits and the city's housing production trust

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1 fund, as well as some TIER fundraising.

2 MEMBER SHAPIRO: Great, thank you. Thank you, Mr.
3 Chair.

4 CHAIRPERSON HILL: Okay, does the Board have any
5 final questions?

6 MEMBER WHITE: Just a final question, what's the
7 AMI for the residents?

8 MR. KNIGHT: For the development or for our whole
9 community?

10 MEMBER WHITE: For this particular development.

11 MR. KNIGHT: The units will be, two-thirds will
12 be affordable at 30 percent and below. And the remaining
13 third at 60 percent and below.

14 MEMBER WHITE: Okay. All right, thanks.

15 CHAIRPERSON HILL: Okay, I'm going to close the
16 hearing. Is the Board ready to deliberate? Would someone
17 else please go first?

18 VICE CHAIRPERSON HART: Sure. I, after listening
19 to the testimony of the -- and applicant's presentation and
20 also reviewing the record including all of the information
21 that was provided, both from the applicant, from their
22 transportation experts, as well as the Office of Planning
23 report, and the DDOT report. And the Office of Planning
24 report is Exhibit 35, DDOT report is Exhibit 36.

25 I find that the applicant -- I would be able to

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1 support the applicant's request for zoning relief. I mean,
2 I think that the project is a reasonable project that they
3 are trying to provide this housing for a lot of folks, a lot
4 of people in the community.

5 And I understand the issues regarding the parking.
6 And do not have any problems with being able to support the
7 application. I understand that there -- and I'm not exactly
8 sure what the point was with regard to the amount of parking
9 beyond.

10 This is a city and there's a lot of parking issues
11 regardless of where you are living in the city. And it's a
12 fairly, I'm mean moderate to medium density area. So there's
13 already quite a bit of that concern.

14 So I wasn't exactly understanding why this
15 particular project would be, I don't know. I just couldn't
16 quite understand that. So anyhow. Again, I'll say that I
17 would be, I am in support of the application and that's it.

18 MEMBER JOHN: Mr. Chairman, I wanted to say that
19 I also support the application and the need for reduced, for
20 relief from the parking requirement. And I would rely on the
21 OP's report and DDOT's analysis and recommendation. And I
22 have no reason to question the basis for DDOT's
23 recommendation.

24 I think in this case, the applicant has
25 demonstrated that it's not feasible to use the ground floor

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1 for parking. In addition to the fact that there's a question
2 with the size of the alley.

3 I also note that by closing the curb cuts, there
4 will be an increase in on-street parking. So based on the
5 full record and the testimony, I can support this
6 application.

7 I would like to say that I always appreciate when
8 residents show up to testify. And I appreciate the testimony
9 of the gentleman who testified in support of the application
10 because it is true that sometimes we forget or we lose the,
11 what's the phrase? We lose the forest for the trees.

12 And really, we have a dire shortage of affordable
13 family-sized housing. And I think this project is to be
14 commended for its emphasis on affordable housing and for
15 spreading the size of the units, you know, equally across the
16 project.

17 So I appreciate the testimony of the man, the
18 gentleman who testified in opposition, as well. But based
19 on you know, the record as it, I support the application.
20 Thank you.

21 MEMBER WHITE: Mr. Chair, I support the
22 application, as well. I'm not going to be repetitive, but
23 obviously family-size, affordable units in the city is in
24 dire straits.

25 And I can appreciate Jubilee's project. And I

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1 think they've met the criteria under Subtitle C, 703.2 to get
2 an exception for parking in this particular case.

3 And Justice Housing, that's a new term I wasn't
4 familiar with. But I've heard a lot of terms. But I think
5 between the housing and the training for the community and
6 the implementation of this transportation plan will be
7 helpful in mitigating the traffic flows. Because it is quite
8 dense in this area.

9 CHAIRPERSON HILL: Okay. All right. I'll agree
10 with my colleagues. I think that the applicant has met the
11 standard for us to grant this application. I also cite the
12 DDOT's report and their analysis in terms of why this
13 applicant is meeting the criteria.

14 Also the Office of Planning's report. Also that
15 the ANC has voted unanimously in favor of this application.
16 I don't disagree with any of the reasons as to why the Office
17 of Planning has put forward this applicant meeting the
18 criteria.

19 I would go ahead and point out, however, that the
20 TDM plan that we're going to agree with is that which was
21 submitted in Exhibit 29A. And which we've kind of talked
22 through keeping the way that the incentives have been put
23 forward. So that's, that would, the TDM plan that's in 29A.

24 So I'll go ahead and make a motion to approve
25 Application No. 19882, as captioned and read by the Secretary

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1 and ask for second.

2 VICE CHAIRPERSON HART: Second.

3 CHAIRPERSON HILL: Motion made and seconded. All
4 those in favor say aye.

5 (Chorus of aye.)

6 CHAIRPERSON HILL: All those opposed? Motion
7 passes, Mr. Moy.

8 SECRETARY MOY: Staff would record the vote as
9 5:0:0. This on the motion of Chairman Hill to approve the
10 application for the relief requested. Seconded the motion,
11 Vice Chair Hart. Also in support is Ms. White, Ms. John, and
12 Mr. Peter Shapiro. The motion carries.

13 CHAIRPERSON HILL: Okay. Great. Thank you all
14 very much. So were' going to go ahead and take lunch.
15 Probably like you know, 1:50, 2:00. Thank you.

16 (Whereupon, the above-entitled matter went off the
17 record at 1:16 p.m. and resumed at 2:12 p.m.)

18 MR. MOY: Mr. Chairman, the public hearing is in
19 session again, and the time is about 2:13. If I can call
20 parties to the table to Case Application Number 19873 of
21 Julia Bunch. This is an application that as amended for
22 special exception under Subtitle D, Section 306.4 and 5201
23 from the rear addition requirements, Subtitle D, Section
24 306.3. This would construct a one story rear addition to an
25 existing semi-detached principal dwelling unit, R-2 Zone, R-2

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1 District, at premises 724 Burns Street Southeast, Square
2 5378, Lot 13.

3 CHAIRMAN HILL: All right. Thank you, Mr. Moy.
4 If you could please introduce yourself for the record?

5 MR. RAMIREZ: Good afternoon, Board. My name is
6 Roberto Ramirez. And I am the architect for this project,
7 representing Ms. Julia Bunch.

8 CHAIRMAN HILL: Hi, Mr. Ramirez. Did you get
9 sworn in earlier today?

10 MR. RAMIREZ: I did.

11 CHAIRMAN HILL: Okay. Great. Sorry. I've been
12 here all day. All right. Let's see. So, Mr. Ramirez, I
13 don't actually have a whole lot of questions about this. I
14 mean, if you could just kind of briefly go over what you're
15 trying to do. I guess there was a question about the
16 Affidavit of Posting and Maintenance. I don't know whether
17 it was in the record or not. And if not, if you could please
18 testify as to if the posting affidavit has been done. I'm
19 going to go ahead and put 15 minutes on the clock for you
20 just so I know where we are. And you can begin whenever you
21 would like.

22 MR. RAMIREZ: Okay. So with regard to the posting
23 of the affidavit, it was uploaded on Monday. I don't know
24 if you guys had a chance to --

25 CHAIRMAN HILL: Do you know the exhibit number?

1 MR. MOY: It should be 33, Mr. Chairman.

2 CHAIRMAN HILL: Okay, thank you. Okay, great.

3 MR. RAMIREZ: So if I can just give you a little
4 bit of background --

5 CHAIRMAN HILL: Please, go ahead.

6 MR. RAMIREZ: -- background of the project. So
7 Ms. Julia Bunch lives at 724 Burns Street Southeast, which
8 is in Zone R-2. And, you know, it's a modest home. Most
9 recently her oldest brother, who is disabled, has moved in
10 with her which, you know, is the reason why she's seeking to
11 add additional square footage to her home.

12 So the project entails a one story rear addition,
13 which measures 17.5 feet by 16 foot wide, which matches the
14 existing width of the house.

15 And so at this point, I guess, which brings us to
16 the reason why we're here is to seek relief from the Board
17 for an additional 7-1/2 feet to the rear addition under
18 Subtitle D, 306.4, and Subtitle D, 5201, for a rear addition
19 requirement under Subtitle 306.3.

20 And so I take it that you've looked through -- you
21 browsed through the packet that was submitted. It's pretty
22 straightforward.

23 Aside from the additional 7-1/2 feet that we're
24 asking to be relieved from, all the sign development
25 pertaining to the project has been met in terms of height,

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1 lot coverage, size setbacks, rear yard, et cetera, et cetera
2 so. I guess that's all I have.

3 VICE-CHAIR HART: We're actually all looking at
4 some of the exhibits and things.

5 MR. RAMIREZ: Okay.

6 VICE-CHAIR HART: So we're listening, but we're
7 also having to look at the stuff when you're talking so it
8 may seem like we're not listening per se but we are listening
9 and trying to figure out -- to follow along with this. Yes,
10 I didn't have any other questions for the applicant either,
11 Mr. Chairman.

12 MEMBER WHITE: Was the ANC involved in this?

13 MR. RAMIREZ: I'm sorry?

14 MEMBER WHITE: Was the ANC involved in this?

15 MR. RAMIREZ: The ANC, right, so I failed to --
16 I guess I forgot to mentioned that we have support from the
17 adjacent neighbors on both sides.

18 MEMBER WHITE: Mm-hmm.

19 MR. RAMIREZ: Also the Office of Planning has
20 given us their support.

21 MEMBER WHITE: Mm-hmm.

22 MR. RAMIREZ: I did attend the ANC meeting in
23 November. However, the particular ANC, I think, is going
24 through a relocation process. I think they were moving their
25 office and so forth. So they were pretty busy that night.

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1 I didn't get a chance to present. However, I gave
2 them the packet. They looked at it and they said that they
3 were okay with it, that they were going to give us a letter
4 of support. But I never got it and I wasn't able to get
5 ahold of Mr. Allen after the fact.

6 MEMBER WHITE: Okay. That's good. Thank you.

7 CHAIR HILL: Okay. Anyone else. All right. I'm
8 going to turn to the Office of Planning.

9 MS. ELLIOTT: Good afternoon, Mr. Chairman and
10 members of the Board. I'm Brandice Elliott representing the
11 Office of Planning. And OP is recommending approval of the
12 relief that's been requested for the rear yard addition.

13 And just to clarify because our report does have
14 a little paragraph regarding the side yard relief that was
15 part of the original application, that was not necessary.
16 We worked with the applicant. The relief has actually been
17 amended in the record. So the side yard relief is off the
18 table, and it's only for the rear yard addition.

19 I'm happy to answer any questions you have.

20 CHAIRMAN HILL: All right. Does the Board have
21 any questions for the Office of Planning? Does the applicant
22 have any questions for the Office of Planning?

23 MR. RAMIREZ: No, sir.

24 CHAIRMAN HILL: Okay. Is there anybody here who
25 wishes to speak in support of the application? Is there

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1 anyone here who wishes to speak in opposition to the
2 application? Mr. Ramirez, is there anything you would like
3 to add at the end?

4 MR. RAMIREZ: No.

5 CHAIRMAN HILL: Okay. All right. I'm going to
6 close the hearing. Is the Board ready to deliberate? Okay.
7 I'm going to start the deliberation. As I had said at the
8 beginning, I didn't have any issues or concerns, I suppose.
9 I believe that the applicant has met the standard in order
10 for us to grant the relief requested. I think that the
11 Office of Planning's analysis is thorough, and I would agree
12 with the analysis provided by the Office of Planning.

13 We did want to know a little bit about the
14 outreach to the ANC, and Ms. White had asked about that. And
15 I'm satisfied with the testimony that the applicant has given
16 concerning the ANC. So I will be voting in support of this
17 application.

18 Is there anything else anyone else would like to
19 add? Okay. I'm going to make a motion to approve
20 Application Number 19873 as captioned and read by the
21 Secretary and ask for a second.

22 VICE-CHAIR HART: Second.

23 CHAIRMAN HILL: Motion made and seconded. All
24 those in favor say aye.

25 (Chorus of aye.)

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1 CHAIRMAN HILL: All those opposed.

2 Motion passes, Mr. Moy.

3 MR. MOY: Staff would record the vote as 5 to 0
4 to 0. This is on the motion of Chairman Hill to approve the
5 application for the relief requested. Seconding the motion
6 is Vice-Chair Hart. Also in support is Ms. White, Ms. John
7 and Mr. Peter Shapiro. Motion carries.

8 CHAIRMAN HILL: Okay, great. Thank you Mr. Moy.
9 Thank you very much, sir.

10 MR. RAMIREZ: Thank you.

11 MR. MOY: The next case application before the
12 Board is Application Number 19885 of Lorens Helmchen,
13 H-E-L-M-C-H-E-N. Captioned and advertised for special
14 exceptions under the penthouse requirements, Subtitle C,
15 Section 1500.4, and under Subtitle C, Section 1504, from the
16 penthouse enclosing walls requirement of Subtitle C, Section
17 1500.9, and the penthouse setback requirements of Subtitle
18 C, Section 1502.1(b) and (c).

19 This would repair and replace the existing roof
20 access stair and roof deck in the RF-1 Zone. This is at 16
21 10th Street Northeast, Square 941, Lot 821.

22 CHAIRMAN HILL: Okay, great. Thank you, Mr. Moy.
23 Have you guys been sworn in? Oh, okay. Please go ahead, Mr.
24 Secretary, if you could swear the witnesses in?

25 MR. MOY: Do you solemnly swear or affirm that the

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1 testimony you are about to present in this proceeding is the
2 truth, the whole truth and nothing but the truth? Thank you.
3 You may be seated.

4 CHAIRMAN HILL: Okay, great. Please have a seat.
5 If you could introduce yourselves from my right to left,
6 please. I'm sorry. You need to push the button.

7 MS. WHOLEAN: Clair Marie Wholean, architect,
8 company, Archfina. Address 4500 East West Highway, Bethesda,
9 Maryland.

10 MR. HELMCHEN: Lorens Helmchen at 16 10th Street
11 Northeast, Washington, D.C. 20002.

12 CHAIRMAN HILL: Okay, great, thanks. Ms. Wholean,
13 are you going to be presenting to us?

14 MS. WHOLEAN: Yes.

15 CHAIRMAN HILL: Okay, great. So I guess as you're
16 kind of going through the presentation, there was, I think,
17 just trying to clarify in terms of the requested relief that
18 you're asking for, I guess there's been some changes maybe
19 to the deck and deck railing, which seem to be the same
20 relief that you're asking for. But if you could kind of, I
21 guess, clarify what is the relief you're asking for and then
22 also which exhibit has the drawings in it.

23 But I'm going to go ahead and put 15 minutes on
24 the clock so I know where we are. And if you, again, go over
25 the project, go over kind of why you think you're meeting the

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1 standard of relief in order for us to grant the relief, and
2 you can begin whenever you would like.

3 MS. WHOLEAN: Great. Thank you. So in this
4 project, we have an existing stair penthouse on a row house
5 in an RF-1 Zone. And currently it is not compliant either
6 with zoning or with Building Code. It was built without a
7 permit. It's low quality construction, and it's leaking.

8 So the reason for the project is to correct the
9 leak and in addition make the penthouse code compliant. And
10 because it doesn't meet zoning penthouse requirements, that's
11 why we're here. So we're requesting relief from the
12 penthouse requirements.

13 To get into more detail so there's also a deck.
14 There's an existing deck. And what we've done is move the
15 deck a little bit further back so it's more on the rear of
16 the house, the roof, excuse me.

17 And there was a recent revision. So I'll describe
18 what was revised. Because of structural coordination, the
19 space needed to fit in the beams, the stair penthouse had to
20 get a bit larger.

21 So the one that we're building is bigger than the
22 existing and that's needed in order to have the right rise
23 and run on the stair as well as to fit in the structure. So
24 the design of the penthouse is basically as small as it can
25 be while still meeting code and working with the structure.

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1 So the most recent drawings that were uploaded,
2 those have a little bit bigger stair penthouse than the
3 previous one. And that is the latest design.

4 This has been approved by the ANC already and
5 their letter of support has been uploaded. In terms of light
6 and air, there's virtually no affect to neighbors because it
7 is set back from the edge of the roof, really in all
8 directions. On one side it does abut the adjacent neighbor,
9 but they're not occupying their roof. So you really can't
10 -- it doesn't make any effect to the light and air.

11 And then there's also a green roof that's on the
12 front side of the roof. And, of course, that's providing
13 environmental benefit. And then having the roof access for
14 the stair, that's also needed in order, you know, to have
15 maintenance for the green roof. So it's partly occupied with
16 the documents. It's partly green roof.

17 In terms of privacy, there is some visibility of
18 the neighbor's backyards. And Mr. Helmchen has spoken with
19 the neighbors. They have approved the project and provided
20 letters of support. And those letters were given to the ANC.

21 And then there's a six part test. I won't go
22 through every detail in there. If you have any questions
23 about that test, you can ask me.

24 In addition, we met with the Capitol Hill
25 Restoration Society. They were already aware of the

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1 non-compliant condition. They had been aware of it for years
2 based on the previous owner. The previous owner was
3 responsible for that non-compliant construction.

4 Mr. Helmchen purchased it after that was already
5 constructed. So they were kind of watching it. They knew
6 about it. They reviewed the drawings. They really didn't
7 have any comment to me. They just said we will defer to HPO.

8 This is currently under review at DCRA. HPO had
9 approved the initial design. So since then it's been
10 enlarged slightly and that will be resubmitted to them to get
11 their approval on the slightly larger one because in the
12 beginning it was designed so that it wasn't visible from any
13 vantage point. But with making it a little bit bigger, it
14 will be visible from a few viewpoints. But it's a small
15 amount of visibility. So we're asking them for approval of
16 that as well.

17 And that's all I have. If you like, I can go into
18 more detail on the six part test.

19 CHAIRMAN HILL: Okay. Does the applicant have any
20 questions? I'm sorry. Does the Board have any questions for
21 the applicant? Okay. So as far as the -- and I'm going to
22 now turn to OAG or something.

23 So there was, like -- you thought there was a
24 question about the -- or I guess the Office of Planning,
25 maybe I'll turn to them first. So I'm going to turn to the

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1 Office of Planning.

2 And I don't know, there was some question on,
3 like, the deck or deck railings and it's the same relief or,
4 if that's ringing a bell. If not, I'll wait until your
5 report is over and then I'll go ask OAG.

6 MS. ELLIOTT: There is a note in OP's report that
7 any roof deck safety railings have to comply with the
8 regulations. And so they would be required to provide a
9 one-to-one setback --

10 MS. WHOLEAN: Mm-hmm.

11 MS. ELLIOTT: -- ratio.

12 MS. WHOLEAN: Mm-hmm.

13 MS. ELLIOTT: And I'm not sure that that's
14 identified on the plan.

15 MS. WHOLEAN: Okay.

16 MS. ELLIOTT: So that would be the only
17 clarification I think we would need to make regarding the
18 roof deck.

19 MS. WHOLEAN: Okay.

20 CHAIR HILL: So the applicant understands that?

21 MS. WHOLEAN: One-to-one, one of what?

22 MS. ELLIOTT: So, like, a roof deck railing would
23 be 4 feet high. It would be setback 4 feet.

24 MS. WHOLEAN: From the front of the building or
25 the sides?

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1 MS. ELLIOTT: Well, from all sides.

2 MS. WHOLEAN: From all sides, okay. So if we were
3 to set it back 4 feet from all sides, you basically would be
4 left with a deck that is maybe 8 feet or 8 x 10 square. So
5 it would be not really a usable space.

6 So I would -- my comment on that would be that
7 since there is an existing deck, and right now the existing
8 deck, the railing is visible from the street. We're moving
9 it back. So we're keeping the deck about the same size, but
10 we are improving the visibility conditions. And complying
11 with that four feet would really make it not a usable space
12 at all.

13 CHAIR HILL: Okay. Let me do this first. So go
14 ahead and give your report, if you would, Office of Planning.
15 And then we'll circle back around.

16 MS. ELLIOTT: Sure. The Office of Planning is
17 recommending approval of the relief that has been requested
18 for the walls of uniform height and the penthouse setback.
19 And it looks like that with the revisions that the applicant
20 just discussed that the degree of relief has actually been
21 decreased a little bit.

22 And so we would still be in support of the revised
23 drawings. But I am not exactly prepared to provide a
24 recommendation regarding the guardrails because that isn't
25 relief that's been requested and OP has not reviewed that.

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1 CHAIR HILL: Okay. So then the applicant would
2 have to revise the requested relief, have an opportunity for
3 you to look at that relief and then give us an opportunity
4 to hear a supplemental report if we went that route.

5 MS. ELLIOTT: That would be preferred for OP, I
6 guess.

7 CHAIR HILL: So if the applicant is following all
8 of this, and I guess if the Board is understanding all of
9 this, so I think what you're going to have to do is revise
10 some of the relief that you requested based upon what the
11 Office of Planning and work with the Office of Planning.

12 And it sounds as though they would be able to help
13 you get back here again with a supplemental report and have
14 the drawings that you have in Exhibit 40, the drawings in
15 Exhibit 40 be the drawings that you would like us to approve.

16 So unless the Board has any -- okay, I'll turn to
17 OAG in one second. And I guess we will actually go through
18 the -- maybe we might not go through the rest of the
19 testimony. But, please, the Office of Attorney General has
20 a comment?

21 MR. TONDRO: Yes. Thank you, Mr. Chair. I
22 believe an Office of Planning can respond to it that it's the
23 deck itself, at least as to the rear is also raised up. So
24 I think there may be an issue of the deck itself also needing
25 to be setback unless relief is requested.

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1 I think in all cases the relief for the railing
2 and for the deck would be from the same provisions that have
3 already been requested for the penthouse, but that's
4 something that OP can weigh in on.

5 MS. ELLIOTT: I'm sorry. I'm not prepared to
6 weigh in on it, but we can if we're going back to work with
7 the applicant. And we can verify if additional relief would
8 be necessary.

9 CHAIR HILL: Okay. So give me one second, one
10 second. So then, I guess, what I would then still be, and
11 the Board can weigh in in a second, with the applicant, is
12 go ahead and take a look at the application as you have it
13 with the Office of Planning. Make sure that the relief you
14 are requesting is being covered in your application and then
15 we can come back here with a supplemental report.

16 The thing that I would kind of be curious from the
17 Board is that I don't think that since they did submit to the
18 ANC and since they did present these plans to the ANC that
19 it would be necessary to go back to the ANC again. But
20 that's up to -- I think if the plans are the same plans --
21 and first I'm asking the applicant. The plans that you have
22 in Exhibit 40 are the plans that you showed the ANC?

23 MS. WHOLEAN: Yes.

24 CHAIR HILL: Okay. So I wouldn't need you to go
25 back to the ANC if nothing is changing. It would just be

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1 working with the Office of Planning to make sure that the
2 relief that's being requested is the correct relief being
3 requested and have the Office of Planning weigh in on that
4 relief. Does the Board have any other thoughts before I --
5 it looks like the applicant had something to say? No. Okay.
6 You had something to say?

7 MS. WHOLEAN: Yes. So in response to the height
8 of the deck, there's only a very slim margin of where you can
9 put that because of the head room of the stair. So the stair
10 has been designed basically to just above code minimum head
11 room. And, you know, if we were to put the deck at a
12 different height you would have a head room issue in the
13 stair.

14 CHAIR HILL: So that sounds like -- well, it
15 sounds like something you can work through with the Office
16 of Planning. And they can kind of weigh in on that as well.
17 But does the OAG have something they wanted to add?

18 MR. TONDRO: No. I just wanted to call attention
19 to that issue so that as long as you were having this
20 revised, you would get all the relief to reflect the plans
21 that you have provided.

22 CHAIR HILL: So you would be asking for relief
23 from that as well.

24 MS. WHOLEAN: Okay. So two additional.

25 CHAIR HILL: That's what the OAG is saying.

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1 MS. WHOLEAN: Two additional reliefs.

2 CHAIR HILL: Yes.

3 MS. WHOLEAN: Okay.

4 CHAIR HILL: Yes.

5 MS. WHOLEAN: Mm-hmm.

6 CHAIR HILL: And so that being the case, then what
7 I think we'll do, unless the Board has any questions, is
8 we'll continue this. And at that point we'll go ahead and
9 take -- well, no, we'll do it now. Just in terms of public,
10 if there's anybody here.

11 So you're going to have questions for the Office
12 of Planning. So I'm not going to ask you if you have any
13 questions for the Office of Planning. So is there anybody
14 here who wishes to speak in support? Is there anybody here
15 who wishes to speak in opposition? Okay. So seeing none,
16 we'll see what we do the next time.

17 So Mr. Moy, when can -- oh, Mr. Shapiro is back
18 again. I guess it's not necessary. You're back on the 7th.
19 When can we come back here, Mr. Moy?

20 MR. MOY: I was hoping if the applicant could work
21 quickly enough that the Board can rehear this next week.

22 MS. WHOLEAN: That's fine.

23 MR. MOY: If that's possible.

24 MS. WHOLEAN: So if we do it next week, Mr.
25 Helmchen won't be in attendance. Is that okay if it's just

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1 me?

2 CHAIR HILL: Sure. What happened? I'm sorry.
3 Hold on.

4 MR. HELMCHEN: I'll be out of the country so
5 unfortunately I won't be able to be at the meeting.

6 CHAIR HILL: Okay.

7 MR. HELMCHEN: At the hearing --

8 CHAIR HILL: That's all right.

9 MR. HELMCHEN: -- next week.

10 CHAIR HILL: Is it somewhere nice.

11 MR. HELMCHEN: It's Berlin. It's more or less --
12 it's nicer in the summer, much nicer in the summer.

13 CHAIR HILL: Okay. So do we want to come back
14 here again next week? I guess that -- would the Office of
15 Planning meet and get back to us with a supplemental in a
16 week?

17 MS. ELLIOTT: Less than week? It would be --

18 CHAIR HILL: Mr. Moy did it. I didn't do it.

19 MS. ELLIOTT: It would be a little challenging,
20 you know, we'd like a little bit more of a buffer. But if
21 next week is our marching orders, we'll make it work.

22 MR. MOY: Well, actually, it's at the pleasure of
23 the Board because the next hearing after the 19th would be
24 January the 9th. Did I say that right? Yes, January the
25 9th.

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1 CHAIR HILL: Well, I'm asking two things. First
2 of all, how much of in a hurry -- I mean, the deck is already
3 there.

4 MS. WHOLEAN: I can do the revision right away.

5 CHAIR HILL: Okay. All right. Okay. Then we'll
6 come back here next week. Great. Thanks a lot, Mr. Moy.
7 And so if you can go ahead and do the revisions, work with
8 the Office of Planning. If the Office Planning can get us
9 a supplemental by Monday, Tuesday, is that -- Tuesday?

10 MR. MOY: We'll make it Tuesday, all right? Make
11 it Tuesday afternoon?

12 CHAIR HILL: Okay, great, Tuesday. So we're going
13 to review stuff Tuesday then is what you're trying to --
14 okay. All right. So okay. So we're going to continue this
15 until next week. And if you could work with the Office of
16 Planning right away so that the Office of Planning can get
17 us their supplemental and you can change what your request
18 is, okay?

19 MR. MOY: And I would also add, too, if I may, Mr.
20 Chair, that depending on what the changes are, if there's
21 additional relief, again, do another revised of sub cert.

22 MS. WHOLEAN: Yes.

23 MR. MOY: If that's needed.

24 MS. WHOLEAN: Yes, so the burden of proof will be
25 revised to add those.

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1 CHAIR HILL: Okay, great. All right. Thank you
2 very much.

3 MS. WHOLEAN: You're welcome.

4 CHAIR HILL: Okay. Oh, excuse me. Also, if you
5 fill out the witness cards, the transcriber needs two witness
6 cards. Thank you.

7 MR. MOY: Well, just to clarify that did you want
8 this a continued hearing or a decision?

9 CHAIR HILL: So this is a continued hearing next
10 week. Okay, so you guys are going to have to come back or
11 you're going to have come back and can walk us -- we're going
12 to go through the hearing and everything that happened from
13 today. And so we're going to have a continued hearing next
14 week. Okay?

15 MS. WHOLEAN: Okay.

16 CHAIR HILL: All right, great. Thank you. All
17 right, Mr. Moy.

18 MR. MOY: Okay. Thank you, Mr. Chairman. So
19 Application Number 19888 of SOME, Inc. The caption
20 advertised for a special exception under Subtitle C, Section
21 909.2, from the loading requirements of Subtitle C, Section
22 901.1, to construct 139 affordable housing units in a new 14
23 story building, D-5 Zone. This is at 1509 through 1519 North
24 Capitol Street Northeast, Square 668, Lots 41, 47, 810 and
25 809.

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1 CHAIRMAN HILL: Okay, great. Thank you, Mr. Moy.
2 Could you please introduce yourselves from my right to left?

3 MR. BRENNET: Jarrod Brennet with SOME.

4 MS. HOTTEL-COX: Meghan Hottel-Cox with Goulston
5 & Storrs.

6 MR. DICKENS: Steve Dickens with Eric Colbert &
7 Associates, architects.

8 MR. ANDRES: Good afternoon, Erwin Andres with
9 Gorove/Slade Associates.

10 CHAIRMAN HILL: Okay. All right. Let's see. So
11 Ms. Hottel-Cox, are you going to be presenting to us?

12 MS. HOTTEL-COX: Yes.

13 CHAIRMAN HILL: Okay. I'm going to go ahead and
14 let you just kind of run through this. There were a variety
15 of, I guess, conditions. And I'm going to just make sure
16 we're all on the same page with some of them. But as I'm
17 going kind of through that, I guess we're focusing here quite
18 a bit on, I guess, the loading requirements.

19 But if you could go ahead and walk us through what
20 you're trying to do. I assume the updated plans are 33C.
21 I'm sorry, Exhibit 33C, I believe. But if you could please,
22 yes, walk us through what you're trying to do, how you're
23 meeting the standard for us to grant the relief. I'm going
24 to put 15 minutes on the clock so I know where we are. And
25 you can begin whenever you like.

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1 MS. HOTTEL-COX: Thank you very much. And again,
2 good afternoon. My name is Meghan Hottel-Cox. And I, along
3 with my colleague, Jeff Utz, are with Goulston & Storrs
4 representing the applicant in this case, SOME, or So Others
5 Might Eat.

6 We're excited to be here today to present SOME's
7 vision for approximately 139 new truly affordable housing
8 units on North Capitol Street Northeast and to request a
9 special exception for loading relief to effectuate that
10 vision.

11 The project will create a 14 story apartment
12 building on the four lots at 1509 to 1519 North Capitol
13 Street Northeast. This project is an attractive building
14 that will provide truly needed housing for some target
15 clientele, low income individuals in need of housing.

16 The project will also include support services for
17 residents and three live-in staff to help manage the needs
18 of building residents. The site for this building is
19 landlocked. It only has street frontage along North Capitol.
20 And it does not have alley access.

21 DDOT understandably is not supportive of a curb
22 cut for this location, which brings us to the Board to
23 request a special exception for relief from the loading
24 requirements.

25 Due to the unique nature of this building and its

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1 residents, we don't anticipate loading issues at the project
2 even without a loading berth. As detailed in our
3 transportation report and our filings, the units will be
4 fully furnished and therefore residential move-in and
5 move-out will be much more limited than at a market rate
6 project.

7 To that end, the main loading activity for this
8 building is going to be trash, which can be accommodated
9 either in front of the building in some of the existing
10 on-street parking spaces that are there or if those are
11 occupied in the existing commercial loading zone that is
12 adjacent to the site.

13 To ease the trash collection process per a request
14 from the District Department of Transportation, we relocated
15 the trash room in the building to be nearer to that existing
16 loading zone.

17 So this resulted, and Steve will be able to speak
18 to this more, but this resulted in essentially flipping the
19 building so that it's a mirror image of what was originally
20 proposed. But as you noted, the updated plans, which do
21 include the relocated trash room are in the record at Exhibit
22 33C.

23 SOME has undertaken significant outreach within
24 the community and with the government agencies. And I'm
25 happy to report that we are here today with the support of

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1 the Office of Planning, DDOT and the ANC. We are in
2 agreement with all of the conditions contained in the OP and
3 DDOT reports.

4 I would also note that while this property is not
5 within the bounds of any of the civic associations within ANC
6 5-E, SOME presented the project to three of the nearby civic
7 associations, Eckington, Bates and Hanover and all three
8 voted in support of the project in addition to the unanimous
9 support from the ANC, which is in the record at Exhibit 37.

10 We have three witnesses here today, Jarrod Brennet
11 with SOME will testify on behalf of the applicant. Steve
12 Dickens with Eric Colbert & Associates, who we are offering
13 as an expert in architecture, and Erwin Andres with
14 Gorove/Slade, who we are offering as an expert in traffic
15 engineering.

16 With that, I will turn it over to Jarrod to
17 introduce SOME and their mission for the project.

18 CHAIR HILL: Ms. Hottel-Cox, I know Mr. Andres is.
19 Is Mr. Dickens in our book?

20 MS. HOTTEL-COX: Yes. He's been qualified before
21 the board as an expert as well.

22 CHAIR HILL: Okay, great. Thank you, thank you.
23 Okay. Thank you.

24 MR. BRENNET: Good afternoon. Just a brief
25 background on SOME and this project in particular. We exist

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1 to serve the low income and homeless population of the
2 district. We've been doing so on nearby O Street Northwest
3 since the 1970s with our dining room facility.

4 This project came about through the expansion of
5 our affordable housing development program. It was one of
6 the first buildings that we purchased as a townhome on North
7 Capitol Street in the '80s and was used as a transitional
8 short-term housing facility. In subsequent years, we
9 purchased adjacent townhomes next door. So now we own those
10 three.

11 When zoning regulations changed on North Capitol
12 Street and the opportunity to develop came about and create
13 significantly more housing units, we purchased an additional
14 townhome and this plan was developed.

15 As Meghan said, 139 all extremely affordable
16 housing units with three live-in staff members, additional
17 onsite services, seven offices, four staff and amenity space.
18 There will be intensive supportive services.

19 So, again, speaking to demographics, we believe
20 that we're going to have a lot of successful residents in
21 this area. We won't have a high turnover rate. And we'll
22 be reducing the need for additional loading space.

23 We do furnish all the units. Most residents are
24 showing up with just personal belongings and wouldn't put too
25 high of a burden on that restricted commercial loading zone.

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1 When we do have trash pickups occurring, likely
2 on a daily basis, our loading management plan identifies that
3 we will have a loading manager, and onsite staff person, to
4 schedule and coordinate that pickup with our existing trash
5 vendor, who we operate with across the city in all of our
6 programs. So this would be in addition to that and should
7 be a pretty smooth transition.

8 MR. DICKENS: Good afternoon. Steve Dickens from
9 Eric Colbert & Associates, architects. The building, as we
10 stated, is a 14 story building. So it's going up to the 130
11 foot height limit.

12 It is landlocked. There is no alley in the back.
13 It happens to work quite well, however, for the kind of units
14 that SOME wants, which are what you might call micro units.
15 But they are individual apartment units. This is not a
16 boarding house or an SRO or anything like that. It is, in
17 fact, essentially a normal apartment building.

18 The amenities are aimed a little differently.
19 They tend to be a little more towards educational and growth
20 rather than pure leisure. But many of them are pure leisure
21 as well.

22 So here's the site. It's in this almost far
23 northwest corner of this D-5 zone, which broadly speaking is
24 what we call NoMa. Next.

25 And you can see what's on the site right now.

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1 These are the row houses that SOME currently owns. The
2 diagram there you can see that there is no alley in the back.
3 The reason there isn't a lot number there is because that lot
4 is actually a part of the lot to our north. The Advisory
5 Neighborhood Commission was confused about that point. So
6 I thought I would point that out.

7 VICE-CHAIR HART: And just so that I'm
8 understanding, you're saying this little piece that's right
9 here?

10 MR. DICKENS: Yes, sir. That has a building on
11 it, I might note. I think it's 8 P Street Northeast. It's
12 a one story building, probably from the 1950s.

13 VICE-CHAIR HART: Thank you.

14 MR. DICKENS: So this is the crux of the design
15 as it relates to this case, which is the proposed new
16 building. The service entrance to the building is now on the
17 south side of the building. Originally the entire building's
18 design was a mirror image flip of what it currently is, such
19 that the service entrance was on the north because we thought
20 that DDOT might move the loading zone. But they weren't
21 willing to do that.

22 So instead what we ended up doing was a mirror
23 image flip of the entire building to put the service on the
24 south side. And you can see where the existing commercial
25 loading zone is.

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1 In the so-called back of the deck, we have more
2 slides with plans and all of that. But I wasn't planning on
3 showing those unless you asked for it. So with that, I would
4 turn it over to Erwin.

5 VICE-CHAIR HART: Could I ask just one question
6 before we get to the transportation stuff?

7 MR. DICKENS: Yes, sir.

8 VICE-CHAIR HART: Can you explain kind of why did
9 you move the loading zone from one place? Because you kind
10 of moved it from an area that's kind of like, I'm thinking,
11 that is closer to where the Exxon is. You moved it closer
12 to where the residential areas are. So that's what I'm --

13 MR. DICKENS: Basically we had designed the
14 building with the trash chutes and thus the main loading area
15 on the north side of the building. There honestly wasn't any
16 particular reason for that. It's just kind of how we did it.
17 And in our talks with DDOT, we thought it would be reasonable
18 for the existing commercial loading zone to move northward
19 closer to where the Exxon is.

20 DDOT did not ultimately feel that way. And they
21 wanted to keep the loading zone where it is but to move our
22 service to be closer to it. And I think normally that would
23 just be kind of a discrete plan change, but in this
24 particular case, because of how the building worked, it made
25 the most sense just to literally mirror image flip the whole

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1 building.

2 VICE-CHAIR HART: I get that.

3 MR. DICKENS: Okay.

4 VICE-CHAIR HART: The part that I wasn't getting
5 is you're moving closer to where the existing commercial load
6 zone is.

7 MR. DICKENS: Oh, yes, yes.

8 VICE-CHAIR HART: And so I'm -- it's just been.

9 MR. DICKENS: That's all right.

10 VICE-CHAIR HART: And now, I get it. You're
11 trying to make sure that you're fairly close to that so they
12 come, they stop and then be able to get the, you know, refuse
13 and whatever.

14 MR. DICKENS: Exactly.

15 VICE-CHAIR HART: But it's a shorter distance than
16 having to go from the northern side of the building all the
17 way over the -- you know, in front of that down to where the
18 existing loading dock --

19 MR. DICKENS: Exactly.

20 VICE-CHAIR HART: -- or loading zone is.

21 MR. DICKENS: Yes.

22 VICE-CHAIR HART: Thank you.

23 MR. DICKENS: Thank you.

24 MR. ANDRES: Good afternoon, Chairman Hill,
25 members of the Board. Erwin Andres with Gorove/Slade

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1 Associates. The issues related to the loading zoning have
2 been identified with some of my colleagues up here, including
3 the management of how the trash will be taken care of, the
4 existing constraints of the site with the fact that there's
5 no alley.

6 It was pretty clear early on with DDOT that
7 curbside loading was the way to manage this. And in
8 coordinating our discussions with DDOT, they had suggested
9 that we essentially use the existing commercial loading zone.
10 It's a pattern that's already been established.

11 It's big enough to accommodate the vehicles
12 associated with our use as well as the other uses on the
13 block. And so it was appropriate for us to relocate the
14 trash and service area.

15 In addition to that, we've developed a loading
16 manager plan which DDOT had cited as part of their November
17 30, 2018, report. And we are committed to implement these
18 measures in order to mitigate the situation related to
19 loading. So with that, I'm available for questions.

20 DDOT had also reached out to the Office of
21 Planning to confirm that they essentially believed that the
22 latest plan that's been submitted meets the requirements that
23 they're looking for. So I am available for questions. Thank
24 you.

25 CHAIR HILL: Okay. Does anybody have any

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1 questions for the applicant? Peter, please.

2 MEMBER SHAPIRO: Thank you, sir. This actually
3 isn't related to loading, but I'm just curious. What's the
4 funding mechanism for this house that's being built? And I'm
5 curious about the role of DC or tax credits or.

6 MR. BRENNET: So, like, a majority of the projects
7 that we've done in recent years the DHCD's Housing Production
8 Trust Fund. We've applied during this most recent round.
9 We're waiting to hear back on that financing. The
10 anticipation is we'd also use low-income housing tax credits,
11 4 percent tax-exempt bonds and private debt.

12 MEMBER SHAPIRO: All right. And are you looking
13 at any kind of a LEED certification for this building?

14 MR. DICKENS: It's Enterprise Green Communities
15 for Affordable Housing rather than LEED. That used to be --
16 we used to call that LEED Light. But it really isn't
17 anymore. It just kind of slices a little bit differently.
18 It puts more of it in prerequisites and in basic
19 prerequisites like insulation and high efficiency systems and
20 less of it in the elective side, frankly the more interesting
21 parts of green building.

22 So we have registered for Enterprise Green
23 Communities. We've already had the design that goes with
24 that. We're going to exceed their energy requirements by a
25 good bit, actually. And we're also going to exceed the green

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1 roof.

2 And in the other area that -- Green Communities
3 has a significant focus on interior environmental health
4 because they assume that affordable needs people are more
5 likely to have problems, especially respiratory problems.
6 And we're going to be doing more than the green communities
7 minimum for that as well because SOME agrees with that
8 analysis. So that's what we'll be doing.

9 MEMBER SHAPIRO: Great. Have you look at solar
10 panels in addition to the green roof?

11 MR. DICKENS: We fleetingly would be an honest
12 answer.

13 MEMBER SHAPIRO: If you have a conversation with
14 DOEE about it, they may be able to help you direct you to
15 direct you to the right people. Actually, it is likely not
16 to cost you anything but save you money.

17 MR. DICKENS: Okay. Thank you.

18 MEMBER SHAPIRO: That's all I have Mr. Chair.

19 CHAIR HILL: Okay, great. Thanks. Just another
20 item for the applicants, so Ms. Hottel-Cox, I heard you say
21 you're in agreement with all of the conditions of the Office
22 of Planning as well as DDOT. You've already kind of taken
23 care of DDOT's conditions, right, I mean, by flipping the
24 design.

25 MS. HOTTEL-COX: Yes. They also had the

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1 conditions of the loading management plan that we implemented
2 in the way that we had proposed. And so we have met their
3 conditions in terms of providing the updated plans.

4 Those are the plans that we referenced earlier in
5 33C. But they also similar to the OP report conditioned
6 their approval on us including this loading management plan,
7 which is what we had proposed as part of our transportation
8 report in the first place.

9 CHAIR HILL: Okay.

10 MS. HOTTEL-COX: Which is at 31A.

11 CHAIR HILL: And then you're also then -- right.
12 All of the conditions that are in Exhibit 35 with the OP
13 report.

14 MS. HOTTEL-COX: Yes.

15 CHAIR HILL: Okay. All right. I'm going to turn
16 to the Office of Planning.

17 MR. MORDFIN: Good afternoon, Chairman and members
18 of the Board. I'm Stephen Mordfin. And the Office of
19 Planning recommends approval of this application subject to
20 one condition that the -- well, several conditions that come
21 from the applicant's loading management plan to mitigate the
22 impact of not providing any loading spaces on the subject
23 property.

24 CHAIR HILL: Okay. Does anyone have any questions
25 for the Office of Planning? Does the applicant have any

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1 questions for the Office of Planning?

2 MS. HOTTEL-COX: No.

3 CHAIR HILL: Is there anybody here who wishes to
4 speak in support? Is there anyone here who wishes to speak
5 in opposition? Is there anything else the applicant would
6 like to add?

7 MS. HOTTEL-COX: No, thank you.

8 CHAIR HILL: Okay. All right. I'm going to close
9 the hearing. Is the Board ready to deliberate? Would
10 somebody else go?

11 MEMBER WHITE: Sure. I'll go, Mr. Chair. This
12 is the last case, too, I believe, so we're ending it on a
13 high note. First of all, I love the project. But obviously
14 we have to look at the criteria to make sure, you know, we
15 can provide the relief that you're seeking, which is loading
16 relief under C, 901.1. And I'm satisfied that you've met the
17 requirements.

18 And with the support of Office of Planning
19 recommending approval subject to the TDM plan, I think that
20 you've met the criteria. ANC 5-E has also supported it
21 unanimously, I believe, under Exhibit 37. And DDOT also
22 recommends no objection with conditions.

23 This is certainly probably one of the largest
24 supportable housing projects in this area, 14 stories, yes,
25 one hundred and almost forty units. So I would be in support

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1 -- there doesn't appear to be any opposition or any concerns
2 that have been voiced. So with that, Mr. Chair, I would
3 recommend that we support approval of this application
4 subject to the conditions that are in the TDM plan.

5 CHAIR HILL: Does anyone else -- please go ahead.

6 MEMBER JOHN: Oh, just very briefly, Mr. Chairman,
7 I thought that the applicant met all of the development
8 standards except for the loading requirement. And based on
9 the TDM plan and the changes the applicant has made, they're
10 very full to the design. They're very full to the record,
11 the recommendation of both the ANC and OP. I would be in
12 support of this application.

13 CHAIR HILL: Okay. I agree with both of my
14 colleagues' analysis so I have nothing additional to add.
15 I'll make a motion to approve Application Number 19888 with
16 the fact that the applicant has agreed to the conditions of
17 the Office of Planning as well as DDOT and the updated plans
18 is in Exhibit 33C and ask for a second?

19 MEMBER SHAPIRO: Second.

20 CHAIRMAN HILL: Motion made and seconded. All
21 those in favor say aye.

22 (Chorus of aye.)

23 CHAIR HILL: All those opposed.

24 Motion passes, Mr. Moy.

25 MR. MOY: Staff would record the vote as 5 to 0

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1 to 0. And this is on the motion of Chairman Hart to approve
2 the application for the relief requested. Mr. Chairman, I
3 need help with the second. Who seconded that?

4 CHAIR HILL: It was Chairman Hill, and we'll go
5 with Chairman Hart.

6 VICE-CHAIR HART: I seconded it before --

7 CHAIR HILL: We'll give Mr. Shapiro the second.
8 Okay. And Chairman Hill made the motion.

9 MR. MOY: All right. Chairman Hill made the
10 motion. Seconded by Mr. Peter Shapiro. Also in support Ms.
11 White, Ms. John and Vice-Chair Hart. Motion Carries.

12 CHAIR HILL: Okay, thank you, Mr. Moy. Thank you
13 all very much. Good luck. Mr. Moy, does the Board have
14 anything else before us today?

15 MR. MOY: Not from the staff, sir.

16 CHAIR HILL: Okay. Then we stand adjourned.

17 (Whereupon, the above-entitled matter went off the
18 record at 2:57 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Public Hearing

Before: DCBZA

Date: 12-12-18

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.



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