

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

MARCH 20, 2019

+ + + + +

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD MOY, Secretary
- JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- HILLARY LOVICK, ESQ.
- MAXIMILIAN TONDRO, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
ANNE FOTHERGILL
STEVEN COCHRAN
BRANDICE ELLIOTT

The transcript constitutes the minutes from
the Public Hearing held on March 20, 2019.

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

10:31 a.m.

CHAIRPERSON HILL: Mr. Moy, you had a preliminary matter?

MR. MOY: Yes, sir. That is to application number 19914 of 3110 Monroe.

CHAIRPERSON HILL: Okay, great. Can the applicant please come forward?

MR. MOY: Should I read the case as they're coming forward?

CHAIRPERSON HILL: Yes, sure, go ahead, please.

MR. MOY: All right. This is application number 19914 of 3110 Monroe Street Associates LLC. This is a request for area variance from the lot occupancy requirements of Subtitle D Section 302.1 to subdivide the existing lot and construct a new detached principal dwelling unit R-1-B zone. This is at 3110 Monroe Street NE Square 4310 Lot 2, and as I said, there's a request from the applicant for postponement.

CHAIRPERSON HILL: Okay, great. Could you please introduce yourself for the record?

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1 MS. FERREIRA: Catarina Ferreira,
2 Principal at ARCHI-TEXTUAL. We are the
3 architects on the project.

4 CHAIRPERSON HILL: Okay, great. Ms.
5 Ferreira, you've been before us a lot lately,
6 you know? I mean, I didn't see you for like
7 three years, and now suddenly you're here a lot.
8 Did you just move into the area?

9 MS. FERREIRA: No, not really.

10 CHAIRPERSON HILL: No. Okay. All
11 right. Okay. Let's see. So you have a --
12 you'd like us to postpone, and could you please
13 explain why you'd like the postponement?

14 MS. FERREIRA: Sure. We have been
15 trying to set up a meeting with the ANC to
16 further review the project. It's been going on
17 for quite a while now, and there's a lot of new
18 information that we have submitted into the
19 record, but it appears that there continue to be
20 misunderstandings about what is being submitted
21 based on some of the recent correspondence from
22 the ANC. So we are still trying to get them to
23 support our project, and at the very least, to
24 bring clarity so that at least everyone
25 understands what it is that is being proposed,

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1 and what the issues are.

2 CHAIRPERSON HILL: Okay. And so
3 you're trying to get back in front of the ANC?
4 Did you already present to them, or no?

5 MS. FERREIRA: We did, yes.

6 CHAIRPERSON HILL: And so you're
7 going to try to get back in front of them again.
8 And when are they meeting again?

9 MS. FERREIRA: They are meeting
10 again the third week of April.

11 CHAIRPERSON HILL: Okay. And are
12 you on their agenda?

13 MS. FERREIRA: I don't have
14 confirmation of that yet.

15 CHAIRPERSON HILL: Okay. So when
16 would you think you'd want to try to get back in
17 front of us?

18 MS. FERREIRA: The last week of
19 April, I believe, was the date I had requested
20 on the request for postponement --

21 CHAIRPERSON HILL: Okay.

22 MS. FERREIRA: -- as that would be
23 following the ANC meeting.

24 CHAIRPERSON HILL: The ANC meeting.
25 Okay. So the Board might have some questions

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1 for you since you actually are here.

2 MS. FERREIRA: Sure.

3 CHAIRPERSON HILL: I don't have an
4 issue with the postponement, and so I'd be happy
5 to grant the postponement however -- because
6 they're trying to get back in front of the ANC,
7 but I think -- does the Board have any questions
8 for the applicant since they are here?

9 VICE CHAIRPERSON HART: Yes, I
10 actually would be in support of the -- of the
11 postponement as well. I think it would be good
12 to not only talk to the ANC, but just to try to
13 address some of the concerns or some of the
14 statements that the Office of Planning made in
15 their report. And I -- with a project I'm just
16 getting a little bit of confusion myself over,
17 and if you could provide why -- a response to
18 the Office of Planning's statement that they had
19 some conversations with DOEE, and DOEE had a
20 recommendation to just regrade the site and --
21 which I think that they were -- feeling was less
22 costly than the option that you're kind of
23 moving forward with.

24 And I'm just not understanding why
25 that's not a possibility, and I don't

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1 necessarily want an answer now. I'm just
2 looking for a response for the -- from the
3 applicant for the Office of Planning. I think
4 it's their -- at the end of their report. I
5 can't recall which page it's on, but it's at the
6 very end where they say they've talked to other
7 departments, and you know, the DOEE had raised
8 this issue about possibly regrading the site.

9 And the other piece I think that is
10 going to be very necessary, because this is a
11 variance that you're seeking, is how can you
12 provide further information about the other --
13 other lots in the square. They seem to be very
14 similar dimensions. I mean, very similar
15 dimensions. And again, I don't know that by
16 looking at the exact dimensions of each of --
17 each of the properties. It's more just kind of
18 looking at it, just kind of eyeing them.

19 And this site, while it is on the
20 corner, it is -- there is three others that are
21 on the corner that, you know, are very similar
22 to, on the other corners of the street that
23 it's, what, I think it's --

24 MS. FERREIRA: Clinton.

25 VICE CHAIRPERSON HART: -- Clinton.

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1 Thank you. I was going to say Curtis -- that
2 are also on Clinton Street that just seem to be
3 very similar to this. And you know, with
4 variances, we're looking at kind of how is this
5 one different, and so you know, this is what's
6 causing these things. And I understand that
7 there may be a response for that. I think it
8 just needs to be very clear as to how that is
9 the case.

10 And if a lot is, you know, the other
11 lots look also very deep, also very wide, and so
12 I'm just at a loss as to how this one would be
13 differentiated between the others. And I think
14 that that's going to be a case that you'll need
15 to make a little bit differently than you've
16 made it right now so that it can be then
17 understood and -- I don't know. Right now, I
18 just, I just am not seeing it, so I think that
19 it needs to be further information put in the --
20 in the record.

21 And the final piece is I understand
22 that there's stuff about drainage that you've --
23 or you have a geotechnical report that's in the
24 record. I think it may be helpful to have
25 something that describes how the geotechnical

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1 report -- why that is -- a summary of why that
2 is -- why that was necessary and what are some
3 of the things that you've looked at to try to
4 deal with the drainage issue that is happening.

5 It seems as though there is some,
6 you know, drainage that's, or some other
7 properties that are draining onto this, and
8 that's not exactly clear as to where it's --
9 where that's coming from, and it's just because
10 I'm not as intimately involved in it as you and
11 the homeowner are.

12 So I think it would be helpful to
13 have a, I don't know, something that kind of
14 lays out some of these issues so that it's kind
15 of crystal clear as to what these things are.
16 And it -- right now, I just don't think that
17 we're there.

18 MS. FERREIRA: Okay.

19 MEMBER WHITE: Can I ask --

20 CHAIRPERSON HILL: Sure.

21 MEMBER WHITE: I hope I'm not being
22 repetitive. I was trying to listen to you the
23 entire time, but I got distracted for a second.
24 A couple of questions that I imagine you can
25 address when you come back, so --

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1 MS. FERREIRA: Sure.

2 MEMBER WHITE: -- I thought I'd just
3 give you an insight into what I'm thinking in my
4 mind in terms of meeting the variance test, the
5 three prong test, specifically with respect to,
6 you know, some of the feedback that OP shared
7 about the meeting the practical difficulty prong
8 as part of that variance relief that you're
9 seeking.

10 Second thing, you have an SMD letter
11 from the ANC. It's not -- you said you're going
12 to go to the full ANC, so there is some feedback
13 from the SMD, but we're not able to really give
14 it great weight unless it's -- it comes from the
15 full ANC, and they provide some substantive
16 comments. So, and going back to them, I know
17 your goal is to get their support, so it would
18 be good to get a letter.

19 And then, third, I -- in reading the
20 record, I don't know if you ever addressed
21 whether regrading the lot was a viable option.
22 So those are the three things that I just wanted
23 to make sure I had some clarity on.

24 MS. FERREIRA: Okay.

25 CHAIRPERSON HILL: Okay. All right.

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1 So, Mr. Moy, what day are you looking at?

2 MR. MOY: Mr. Chairman, so I'm
3 suggesting one of two dates. The first one is
4 April the 17th, which may be too soon, and the
5 other is May 1st, which might be too long, but
6 the problem is the other hearing dates
7 sandwiched between these two dates we have
8 appeal cases.

9 CHAIRPERSON HILL: Okay.

10 MR. MOY: Of course, naturally, you
11 could --

12 CHAIRPERSON HILL: Right. So let's
13 use the 1st then. We're going to do it on the
14 1st because you might need a little bit more
15 time anyway based upon all the comments that
16 we've just given you. So May 1st, Mr. Moy?

17 MS. FERREIRA: Sure.

18 MR. MOY: Yes.

19 CHAIRPERSON HILL: Okay. Is that
20 good with you?

21 MS. FERREIRA: That's fine.

22 CHAIRPERSON HILL: All right. Thank
23 you. We'll see you then.

24 MS. FERREIRA: Thank you for the
25 feedback.

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1 CHAIRPERSON HILL: Sure.

2 VICE CHAIRPERSON HART: So, Mr. Moy,
3 I think we can call the next case, which is
4 19949. Are we doing that one?

5 CHAIRPERSON HILL: Yes. We -- and
6 I'm -- I just wanted to state for the record I'm
7 not on this because I got confused by the
8 format, so I missed reading into it. So I just
9 wanted to let everyone know it's not for any
10 other reason than my ignorance.

11 MR. MOY: Okay. With that, thank
12 you, Mr. Chairman. With that, if we can have
13 parties to the table to application number 19949
14 of Martha's Table, as amended for special
15 exceptions under the use provisions of Subtitle
16 U Section 203.1(j), under Subtitle C Section
17 710.3. This is from the location restrictions
18 of Subtitle C Section 710.2(b)(5) under Subtitle
19 C Section 714.3 from the surface parking
20 screening requirement, Subtitle C Section 714.2,
21 and under Subtitle C Section 1402 from the
22 retaining wall requirements of Subtitle C, 1401,
23 and pursuant to Subtitle X Chapter 10, for a
24 variance from the accessory parking use
25 requirements, Subtitle U Section 203.1(j)(8)(A),

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1 to permit a surface accessory parking lot R-3
2 zone at 2395 Elvans Road, E-L-V-A-N-S, SE,
3 Square 5877, Lot 874. And --

4 VICE CHAIRPERSON HART: Thank you,
5 Mr. --

6 MR. MOY: -- Mr. Vice Chair, there
7 are -- under Exhibit 41, there are, I guess
8 there was a request for expert status, witness
9 status, under Exhibit 41A.

10 VICE CHAIRPERSON HART: Thank you.
11 Good morning.

12 MS. KURZ: Good morning.

13 VICE CHAIRPERSON HART: If you could
14 introduce yourselves from my right to left.

15 MS. KURZ: Good morning. I'm Amy
16 Kurz, the Chief Administrative Officer of
17 Martha's Table.

18 VICE CHAIRPERSON HART: And could
19 you spell your last name?

20 MS. KURZ: K-U-R-Z, as in zebra.

21 VICE CHAIRPERSON HART: Thank you.

22 MS. HOTTEL-COX: Meghan Hottel-Cox
23 with Goulston & Storrs.

24 MR. SZYNAL: Michael Szynal, Wiles
25 Mensch, Civil Engineer.

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1 VICE CHAIRPERSON HART: And could
2 you spell your last name again?

3 MR. SZYNAL: S-Z-Y-N-A-L.

4 MR. CHAMBERS: Joe Chambers from
5 Landscape Architecture Bureau. We're the
6 landscape architects for the project.

7 VICE CHAIRPERSON HART: Okay. And
8 Ms. Hottel-Cox, I'm assuming you're going to be
9 presenting the case to us?

10 MS. HOTTEL-COX: Yes.

11 VICE CHAIRPERSON HART: If you -- so
12 there were some preliminary matters that we had
13 to -- there were a couple of expert witnesses?

14 MS. HOTTEL-COX: Yes. And just, we
15 had to make a last minute change on the
16 landscape architect, so the resume that was
17 submitted into the record is not Mr. Chambers's
18 resume, but I have provided copies of Mr.
19 Chambers's resume to the secretary, and we would
20 ask the Board to consider both Mr. Chambers and
21 Mr. Szynal as experts in their respective
22 fields.

23 VICE CHAIRPERSON HART: Okay. If
24 you can give us a second, we'll look over that.
25 Thank you.

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1 MS. HOTTEL-COX: Sure. Thank you.

2 VICE CHAIRPERSON HART: Okay. So
3 I'm looking at the -- Mr. Chambers's resume, and
4 you said the, Mr. -- I'm going to pronounce your
5 name wrong -- Szynal?

6 MR. SZYNAL: Szynal.

7 VICE CHAIRPERSON HART: Szynal? I
8 knew I was going to do that. The S is silent.
9 Okay. Yes, and I've -- I didn't have an issue
10 with this. It looks like you've had a -- quite
11 a bit of extensive work, so, for both of you.
12 So I don't know if anyone else has any -- no,
13 any objections? No? Okay. So we'll add both
14 of them to our expert book.

15 MS. HOTTEL-COX: Thank you.

16 VICE CHAIRPERSON HART: Thank you
17 very much. So let's put, I don't know, 10, 15
18 minutes?

19 MS. HOTTEL-COX: Sure, that would be
20 fine.

21 VICE CHAIRPERSON HART: Okay. Ten
22 minutes?

23 MS. HOTTEL-COX: Ten minutes.

24 VICE CHAIRPERSON HART: Okay. Ten
25 minutes on the clock, Mr. Moy, and we'll start

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1 with that.

2 MS. HOTTEL-COX: Good morning.
3 Again, my name is Meghan Hottel-Cox with
4 Goulston and Storrs, and I'm happy to be here
5 representing Martha's Table in this case. We're
6 excited to present this proposal for an
7 accessory parking lot in the R-3 zone district,
8 adjacent to Martha's Table's new headquarters in
9 Southeast DC. The parking lot will provide 40
10 parking spaces for Martha's Table staff to
11 support their vital mission at the new
12 headquarters at The Commons at Stanton Square.

13 Martha's Table currently has a
14 parking lot associated with the headquarters
15 that is used for parents and guests, while staff
16 who must drive often have to park in the
17 surrounding neighborhood. In order to reserve
18 neighborhood parking for residents and provide
19 Martha's Table staff who must drive a convenient
20 and accessible place to park for work, Martha's
21 Table purchased the property adjacent to their
22 headquarters to provide staff parking.

23 Based on feedback from the Office of
24 Planning and DDOT, as well as the community and
25 the ANC, Martha's Table has designed the parking

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1 lot to be attractive from the street, to be
2 safe, and prevent hiding places at the perimeter
3 of the lot, and to be accessible for all users.

4 In order to accomplish the project, the
5 applicant is requesting relief to use the
6 property as a parking lot under Subtitle U.

7 In addition to the special exception
8 for parking as a use in the R-3 zone district,
9 the unique shape and grade challenges require
10 special exception relief for the location of
11 some parking spaces closer than six feet to a
12 lot line, retaining walls greater than four feet
13 in height, and nonstandard screening. The
14 project also requires a variance to locate two
15 parking spaces outside of the area -- within 200
16 feet of the Martha's Table headquarters.

17 The relief requested will allow
18 Martha's Table to continue its mission serving
19 the community, and provide a safe, accessible,
20 and attractive place for staff to park.

21 Martha's Table has undertaken significant
22 outreach with the community and government
23 agencies for the project, and I'm happy to
24 report that we are here today with the support
25 of the Office of Planning, DDOT, and the ANC.

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1 There are also numerous letters in
2 support in the record, and the ANC voted
3 unanimately last night to support the parking
4 lot, and I recognize that our SMD is here as
5 well.

6 We have three witnesses today: Amy
7 Kurz with Martha's Table will testify on behalf
8 of the applicant; Michael Szynal, with Wiles
9 Mensch, who we are offering and the Board has
10 accepted as an expert in civil engineering; and
11 Joe Chambers with Landscape Architecture Bureau,
12 who we have offered and the Board has accepted
13 as an expert in landscape architecture. With
14 that, I'll turn it over to Amy to introduce
15 Martha's Table and their mission for this
16 project.

17 MS. KURZ: Good morning. I'm Amy
18 Kurz from Martha's Table, and at Martha's Table
19 we believe that every child deserves the
20 opportunity for their brightest future. We do
21 that through high quality early childhood
22 education programs, no-cost pop-up grocery
23 markets at 53 elementary schools in Wards 7 and
24 8, and a no-cost clothing program for families
25 with young children.

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1 We were thrilled to move our
2 headquarters to The Commons at Stanton Square
3 this summer, in June 2018, after operating on
4 14th Street for almost 40 years. We believe
5 that neighborhood matters, and we're dedicated
6 to working alongside our neighbors to achieve
7 our long-term goal of children growing up in our
8 neighborhood, having the same outcomes as their
9 middle income peers across the District.

10 We have been working as neighbors
11 since we got to The Commons, and, as Meghan
12 stated, parking has been an issue, both for our
13 staff, but also for our neighbors. We thought
14 the best thing we could do was build a parking
15 lot so that our staff could park safely off the
16 street and allow street parking for our
17 neighbors so that they can have convenient
18 access to their homes, as well as for their
19 guests.

20 We did examine other transportation
21 options for staff, and implemented many options
22 that allow our staff to take public
23 transportation. We advocated for the DC
24 Circulator to change its route so that it does
25 service our new headquarters at The Commons. We

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1 also added a Capital Bikeshare station, and
2 provided a transit screen onsite. However, we
3 do still have a number of staff that drive to
4 the site every day. We did explore other
5 parking options for staff nearby offsite, but it
6 was financially not a viable option for Martha's
7 Table.

8 Lastly, we have engaged in extensive
9 community outreach throughout this process.
10 We've held meetings with neighbors since the
11 fall of 2018, and we're very excited to have the
12 support of our neighbors and of the ANC. Thank
13 you.

14 MR. SZYNAL: Thank you. Hello.
15 Today I'd like to speak to the general condition
16 of the site and then the overall design of the
17 parking lot. The site has a unique trapezoidal
18 shape, with the site being 154 feet wide on the
19 eastern side, and just 26 feet wide on the west.
20 The site also has significant grade change going
21 from east to west.

22 The south corner of the property has
23 a high point of roughly 212, and the northwest
24 corner of the property has a low point of
25 roughly 182 feet, a difference of 30 feet in a

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1 lot that is only about 300 feet long. Along
2 with the unique shape and topography of the
3 site, the property is also uniquely situated to
4 the adjacent properties. To the north is the
5 Stanton Square property, which is currently
6 being developed without homes, and is
7 significantly lower in elevation than the
8 parking lot property.

9 The Stanton Square project was
10 constructed with a large retaining wall along
11 the property line with this project. This wall
12 varies in height between 10 feet on the western
13 edge of the parking lot, and up to 15 feet on
14 the eastern edge. To the east, the Stanton
15 Commons property, which houses the Martha's
16 Table building, is significantly higher in
17 elevation with the parking lot property.

18 The side elevation of Martha's
19 Table, the building closest to the parking lot,
20 is at elevation 213, and the highest elevation
21 of the parking lot is roughly 204, a difference
22 of about 9 feet. In both instances, the grade
23 difference between the adjacent property would
24 tend to hide the parking lot, and will lead to
25 less visual impact than the parking lot would

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1 have had if the grades were the common elevation
2 with the adjacent properties.

3 As we have discussed, this site has
4 a challenge in both the overall shape and the
5 topography. Designing the parking lot, the goal
6 was to work with the existing shape and the
7 topography of the site as much as possible. The
8 result was a lot containing 40 spaces on 2
9 different grading planes. A lower plane on the
10 northern portion of the site, containing 32 of
11 the parking spots, and a higher plane on the
12 southern portion of the site, containing 8
13 spots, 2 of which are handicap accessible.

14 All of the parking spaces will be
15 porous asphalt paving. The next goal of the
16 design was to grade the parking lot with overall
17 accessibility in mind. The lower parking lot
18 has a plane -- the lower parking lot plane has a
19 slope of no greater than 5 percent, and the
20 upper parking lot has a slope of no more than 2
21 percent. As mentioned previously, the site has
22 an overall grade difference of 30 feet over 300
23 feet, which is an average of about 10 percent
24 through the property.

25 Since the parking was designed with

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1 accessibility at the forefront, this led to
2 several locations where retaining walls were
3 required to help alleviate some of the grade
4 differences. In two of those locations, walls
5 were designed to be over four feet in height,
6 but no greater than six feet.

7 The last goal of the project was to
8 ensure that there was enough parking spots to
9 satisfy the ongoing needs of the Martha's Table
10 building. The total amount of parking that the
11 site could sustain, given the grading and lot
12 shape conditions, was 40 spaces. However, due
13 to the long and narrow nature of the site, 2 of
14 those spaces ended up out of the 200 foot
15 requirements for parking, supporting the
16 adjoining use, and 18 of those spots were within
17 6 feet of the northern property line.

18 In our discussions with OP during
19 the initial stages of the design, it was the
20 opinion of OP that it was preferable to have the
21 parking -- if the parking was going to be within
22 six feet of the property line, that the location
23 be on the northern portion of the site, which is
24 separated by a large retaining wall, rather than
25 along the street frontage. And I'll pass it on

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1 to Joe.

2 MR. CHAMBERS: Can you advance that
3 to -- oh, yes, that's great. My name is Joe
4 Chambers. I'm a principal with Landscape
5 Architecture Bureau. Landscape Architecture
6 Bureau and Wiles Mensch were both on the team to
7 design the main property for Martha's Table
8 adjacent, and our firm has carried over a number
9 of the plants that were used there and tried to
10 make these two properties as unified as
11 possible.

12 We saw our role here as to make the
13 property as sustainable as possible, and I'll
14 run through some of those things, and to make it
15 attractive for the neighborhood.

16 So this is a palette of native
17 plants. Our office focuses on plant selections
18 that are good for habitat. These are all plants
19 that are native to the region. They support
20 pollinators, and the canopy of trees, the red
21 maples, will provide heat shielding from the --
22 on the parking areas. They're very -- it's a
23 very durable, flexible tree. The flowering
24 trees at the end are -- support pollinators, and
25 the planting in along the edges, closest to the

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1 sidewalk -- I'm sorry, I'm watching the clock
2 run out now. I can keep going.

3 VICE CHAIRPERSON HART: Don't worry
4 about it.

5 MR. CHAMBERS: Okay.

6 VICE CHAIRPERSON HART: I just put
7 the time on because I -- it's just to give me an
8 understanding of how long it's been.

9 MR. CHAMBERS: Okay, great.

10 VICE CHAIRPERSON HART: It's
11 sometimes hard to figure out, like, if you're
12 going through questions and stuff, how much time
13 has passed. So --

14 MR. CHAMBERS: Okay. I was afraid a
15 buzzer was going to go off or something.

16 VICE CHAIRPERSON HART: No, no, no.
17 Don't worry about it.

18 MR. CHAMBERS: Okay.

19 VICE CHAIRPERSON HART: Thank you.

20 MR. CHAMBERS: The -- in along the
21 edges and next to the sidewalk, we've provided
22 some low shrub planting to create a soft edge in
23 between the passersby and the parking area, but
24 it's all low, only about 18 to 24 inches, so
25 that it can be, so that from vehicles and people

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1 on the sidewalk, that they'll be able to see
2 into the lot. Important for safety.

3 The plantings in the storm water
4 detention basins are all native to the area, as
5 are all of the perennial and shrub plantings.
6 We're also showing native vines that will be
7 attached to some of the higher retaining walls
8 that will relieve some of the heat gain on those
9 walls and provide flowers for color. I think
10 that's it.

11 MS. HOTTEL-COX: And that concludes
12 our presentation, but we're happy to answer any
13 questions from the Board.

14 VICE CHAIRPERSON HART: I just have
15 one quick question, and then I'll open it up to
16 the Board. So the retaining walls, can you just
17 point out where they -- where the retaining
18 walls are that are not compliant with the
19 zoning.

20 MR. SZYNAL: Sure. There's one on
21 the northern edge here, or the eastern edge
22 here, in the red, and then over here there's a
23 small portion of this wall.

24 VICE CHAIRPERSON HART: Okay. I
25 thought they were there; I just wanted to make

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1 sure because you pointed out a number of them,
2 and I said well, these are the ones, I think,
3 but --

4 MR. SZYNAL: Just the red ones.

5 VICE CHAIRPERSON HART: I didn't
6 have any other questions, and I will open it up
7 to my fellow Board members.

8 MEMBER WHITE: I just had one
9 question -- two questions. How close is it to
10 the actual development?

11 MR. SZYNAL: So it's three -- the
12 parking lot itself is about three feet from the
13 property line.

14 MEMBER WHITE: Okay.

15 MR. SZYNAL: And then after that,
16 there's a retaining wall on the adjacent
17 property, and about a 5-foot landscape strip, a
18 20-foot alley, and then there's some townhouses.

19 MEMBER WHITE: Yes. Can you point
20 to where the Martha's Table will actually be
21 located?

22 MR. SZYNAL: Martha's Table is
23 generally right here in this spot right here.

24 MEMBER WHITE: Okay. Okay. And the
25 other thing is, is the parking lot going to be

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1 open 24 hours, or, and will there be lighting?

2 MS. KURZ: So the parking lot will
3 be open for staff, according to our operational
4 hours, which are 6:30 a.m. to 9 p.m. And yes,
5 somebody else can answer the lighting question.

6 MR. CHAMBERS: There will be pole
7 lights at the edge of the parking area, adequate
8 lighting per code for parking areas, but not
9 more.

10 MEMBER WHITE: Thank you.

11 VICE CHAIRPERSON HART: Any fences?

12 MR. CHAMBERS: There is a fence down
13 at the western part of the site, and we have
14 some images. The, here, let me click through
15 here. Where's my -- here we go. Here we go.
16 So the blue area that you see down here, just
17 along the heel of the site, down at the bottom
18 of this slope, we will design a fence that will
19 have playful perhaps colors and shapes and
20 things like this. Something appealing to the
21 kids that come, to attract their eye, as they
22 come, as sort of a, you know, an introduction to
23 the site, so that they see it each time they
24 come.

25 VICE CHAIRPERSON HART: Thank you.

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1 Any other questions?

2 COMMISSIONER SHAPIRO: Thank you,
3 Mr. Chair. This may come up with OP report too,
4 but if you can talk specifically about the area
5 variance, and point to the two spaces that are
6 not going to be located within 200 feet, and
7 talk about why you feel that's necessary, and
8 just describe that to us specifically here.

9 MS. HOTTEL-COX: Sure, we'd be happy
10 too. So Michael's pointing on the screen to the
11 two spaces that are that very kind of narrow end
12 tail of the site. Obviously, one of the
13 important aspects of this project is to provide
14 parking that's necessary for Martha's Table
15 staff, and as Michael said, this, you know, lot
16 could include 40 spaces. The lot is affected by
17 a unique condition in both the shape of the lot
18 and that it narrows to this point. It's kind of
19 long and triangular, and then also, in its
20 grading.

21 So we're not able to put spaces at
22 the eastern side of the edge of the site because
23 of the extreme grading change between the
24 adjacent Martha's Table property and this
25 parking lot. So, and that creates the hardship

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1 for the applicant to be able to provide the
2 number of parking spaces that are needed to
3 serve the staff.

4 And so that's why we believe that
5 those two spaces meet the area variance
6 standards, and as well, given that it is a very
7 minor amount of spaces, we don't think that it
8 creates any kind of negative impact on
9 neighboring properties, as well as the intent of
10 the zoning regulations, given that it is a small
11 area of relief. But again, the importance of
12 maximizing the number of parking spaces to
13 ensure -- to prevent a negative impact on the
14 surrounding neighborhood.

15 COMMISSIONER SHAPIRO: So something
16 that describes why the difference between 38 and
17 40 spaces is that important. I mean, what are
18 you all --

19 MS. KURZ: So it's really important
20 to our neighbors. They have expressed that
21 they're excited to have Martha's Table in the
22 neighborhood, and participation from our
23 neighbors has been great, and we're
24 collaborating on a lot of things. But the
25 neighbors have made it very clear to us that

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1 they are not okay with our staff parking on the
2 street, that they need those spaces for
3 themselves and for their family members to go to
4 and from work, and for their children and their
5 grandchildren. And we have inadvertently caused
6 a hardship for them. So the spots are really
7 important for our neighbors.

8 MS. HOTTEL-COX: And, Amy, can you
9 also just, you know, in our conversations, my
10 understanding is based on the approximate number
11 of staff who do currently drive, 40 spaces is --
12 would accommodate that number of staff, but 38
13 would fall short of the staff you anticipate
14 driving.

15 MS. KURZ: That's correct. We
16 anticipate that there are approximately 40 staff
17 driving to work.

18 COMMISSIONER SHAPIRO: Okay. Okay.
19 Thank you. That's all I have, Mr. Chair.

20 VICE CHAIRPERSON HART: And I
21 appreciate the question because I had the same
22 question as well. And I'm going to show
23 something on the -- on this -- on the screen. I
24 just wanted to understand, just so that I get
25 kind of to Commissioner Shapiro's question, you

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1 are not able to put parking here or here because
2 of the grade? And maybe I'm looking at the -- I
3 don't know. I'll look at, on this side of the
4 table because of the designers. So there is a
5 problem with trying to put the parking there
6 because of what?

7 MR. SZYNAL: Go up one page. But
8 yes, you can see in those two areas that we have
9 significant grade change going on between this
10 level of the parking lot and this level of the
11 parking lot.

12 VICE CHAIRPERSON HART: And those
13 are -- those are one-foot, two-foot --

14 MR. SZYNAL: One-foot contours.

15 VICE CHAIRPERSON HART: They're one-
16 foot contours? So it's like a two-foot, two-
17 foot grade change even between where you're kind
18 of driving -- this little area right here. You
19 have a hard time with that because you'd have a
20 car kind of on its --

21 MR. SZYNAL: Yes. So --

22 VICE CHAIRPERSON HART: -- on its
23 side, trying to --

24 MR. SZYNAL: -- going from this
25 entryway up to this parking is about an 8

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1 percent to 9 percent slope. So adding
2 additional parking here, that parking would be
3 on that too steep of an incline for --

4 VICE CHAIRPERSON HART: And you'd
5 have to also then re-engineer the slope that
6 goes down here, because this would have -- the
7 flat part would be here, and the slope going
8 down to that would be more, would be steeper
9 than 8 or 9 percent.

10 MR. SZYNAL: It would be too great.

11 VICE CHAIRPERSON HART: And so then
12 -- you'd have an issue. So what you're trying
13 to do is to just deal with all of the problems
14 with the topography in a way that maximizes the
15 number of parking spaces without minimizing the
16 -- without affecting the slope too great and
17 cause some weird kind of cross --

18 MR. SZYNAL: Yes. Correct.
19 Absolutely.

20 VICE CHAIRPERSON HART: -- concerns.
21 Okay. Thank you. Thank you. Did we just lose
22 the Office of Planning? If there are no other
23 questions, and actually, Commissioner, can you
24 come to the -- are for the ANC?

25 MR. GASTON: Yes.

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1 VICE CHAIRPERSON HART: You can come
2 to the table, please. You can give it to the
3 secretary, yes. And you're going to have to
4 speak into the mic. Thank you very much.

5 MR. GASTON: No problem.

6 VICE CHAIRPERSON HART: If you could
7 introduce yourself first, and we'll go from
8 there.

9 MR. GASTON: Good morning. Darrell
10 Gaston, the Advisory Neighborhood Commissioner
11 for 8B04, which -- 2395 Elvans Road SE.

12 VICE CHAIRPERSON HART: And your
13 last name is Gaston?

14 MR. GASTON: Gaston, yes.

15 VICE CHAIRPERSON HART: Okay. So,
16 Commissioner Gaston, thank you very much for
17 coming. I didn't know, since the ANC is a party
18 in these cases, I didn't know if you had any
19 questions that you wanted to have for the
20 applicant at this time.

21 MR. GASTON: There was no questions.
22 It was just a short testimony that we wanted to
23 at least put on the record as it relates to this
24 particular --

25 VICE CHAIRPERSON HART: Please

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1 provide it.

2 MR. GASTON: All right. Thank you
3 so much. Good morning to the Chairman of the
4 Board of Zoning Adjustment and to the
5 Commissioners. Thank you for the opportunity to
6 speak before you today in regards to case number
7 19949, which is an application for Martha's
8 Table.

9 My name is Darrell Gaston, and I'm
10 the Advisory Neighborhood Commissioner for
11 Single Member District 8B04, which the zoning
12 case 19949 in regards to the premises 2395
13 Elvans Road SE is located within my district.

14 As you are aware, they're seeking a
15 special variance to allow them to construct a
16 surface accessory parking lot in the R-3 zone,
17 located at the premises 2395 Elvans Road SE.
18 From the start of my campaign, running for the
19 Advisory Neighborhood Commissioner to the
20 swearing in, residents have brought to my
21 attention the lack of parking that has been
22 taken away from visitors and parents of both
23 Martha's Table and Community of Hope. As a
24 commissioner, I brought my constituents'
25 concerns to Martha's Table.

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1 While parking in front of your home
2 may seem as -- seem to some as a little issue,
3 living in a community ridden from crime, and
4 being a senior citizen and having to walk one,
5 two, or three blocks from your house at various
6 times can be quite the experience for some.
7 Working from prior knowledge of Martha's Table
8 presenting at the Advisory Neighborhood
9 Commission 8B, October 2018 meeting, and getting
10 notified of the BZA case in February 2019, I
11 immediately requested a one-on-one meeting with
12 Martha's Table, and also requested them to
13 present at my Single Member District meeting on
14 March 13, 2019 so that I could hear from the
15 neighbors that would be directly impacted from
16 this proposed parking lot.

17 While no residents showed any major
18 objection to the plan, I -- share a concern of
19 parking being further limited because of
20 construction vehicles or limited/no parking that
21 may be requested by Martha's Table during
22 construction, and we were able to come up with a
23 solution that allows the residents impacted the
24 most to be able to park with approval on the
25 current parking lot that exists next to The

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1 Commons at Martha's Table.

2 Last night, on March 18, 2019, at
3 our regularly scheduled Advisory Neighborhood
4 Commission 8B meeting, Martha's Table presented
5 their plan once more before the entire
6 Commission, and I presented the Martha's Table
7 parking lot construction support resolution of
8 2019, which passed unanimously without
9 objection. And I have to commend Martha's Table
10 for both being a good neighbor, and also
11 engaging residents, the Commission, in going
12 beyond the call of duty, and I'm happy to
13 support this resolution to parking issues on the
14 2300 block of Elvans Street -- Elvans Road, I
15 apologize -- located within my Single Member
16 District.

17 But just in conclusion, I would say
18 this. That I, throughout the past couple
19 months, been engaging with Martha's Table. I am
20 quite shocked to hear that there are 40
21 employees actually driving to work because most
22 of the conversations that I've had with Martha's
23 Table have been that the majority of the cars
24 that have been parking in front of the homes
25 have been visitors and/or parents.

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1 So to hear that there is 40 people
2 working at Martha's Table parking during
3 business hours is quite a surprise because -- as
4 that was not previously told to me. But I do
5 support this because -- I get complaints from
6 residents that are getting tickets because they
7 have to park near a fire hydrant and/or a
8 parking, a parking sign, like a stop sign. And
9 we are also working with the DCPS facility
10 management because there's an off street on the
11 odd side of 2300 block of Elvans Road that is
12 currently not being utilized, but it has the
13 parking restrictions of not being able to park
14 there between 8 and 4 p.m.

15 And so since Moten was re-modernized
16 four years ago, the entrance has since been
17 relocated to another side of the building, and
18 so we're trying to free up that parking space as
19 additional parking for parents and guests. But
20 I would say as well that if they could encourage
21 parents to currently use the parking lot that is
22 currently there for their drop-off for their
23 children, that would make it a lot easier for
24 actual parents -- for the residents who live
25 there because most of the times, the parents,

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1 because they don't want to walk, they block the
2 sidewalks.

3 And so they have made a commitment
4 to us to address that, and they have brought on
5 a traffic person during the morning time to kind
6 of ease parents where to park during their
7 morning and evening drop-off.

8 VICE CHAIRPERSON HART: Thank you
9 very much. Do the Board members have a
10 question? Commissioner Shapiro?

11 COMMISSIONER SHAPIRO: Thank you.
12 Thank you, Mr. Chair. Commissioner, first of
13 all, you're newly elected?

14 MR. GASTON: I'm newly elected for
15 this Single Member District. I served six years
16 previous.

17 COMMISSIONER SHAPIRO: Okay.

18 MR. GASTON: And one of the things
19 that I wanted to do was re-engage Martha's
20 Table, because even though the ANC voted in
21 support in October, the past commissioner's kind
22 of been inactive, not coming to meetings, not
23 being engaged. And so I wanted to at least re-
24 engage the residents that had concerns. So we
25 kind of rescinded the October vote and redid it

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1 again to make sure that the residents that had
2 concerns, and to my surprise, when I had the
3 Single Member District meeting that I had, 49
4 residents came out, which is definitely uncommon
5 to hear at a -- even at an ANC meeting,
6 especially a Single Member District meeting.

7 COMMISSIONER SHAPIRO: Sure. I'm
8 sure they appreciate your leadership. Thank you
9 very much. The resolution speaks to --
10 specifically speaks to a 42-space parking lot.
11 This is -- proposes a 40-space parking lot.
12 You're -- obviously you're in support. The ANC
13 is in support. I would just read that to say
14 that it sounds like the ANC wants to maximize
15 the parking.

16 MR. GASTON: Yes. So what we were
17 told originally, when we had a presentation,
18 there was 42 parking spots, which is why the
19 resolution -- supports 42. We can definitely
20 support it if it's 40. We support whatever the
21 BZA supports. Our goal is to maximize parking
22 to allow as much on-street parking for the
23 actual residents because the -- once this
24 parking lot is actually built, we will go back
25 to Zone 8 parking with the ability so that the

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1 2300 block of Elvans Road from 8 in the morning
2 to 8 p.m. will be exactly for Zone 8 sticker-
3 holders so that we can make sure that the
4 seniors along those streets have easy access to
5 park in front of their homes, because the way
6 that the street is currently constructed, there
7 are about 15 to 16 town homes, but each town
8 home has a driveway, and has about a three to
9 four-foot curve cut between each house. So it
10 makes it impossible for them to park on the odd
11 side of Elvans Road, so it will only allow for
12 them to park on the even side, which is along
13 the corridor where the proposed parking lot is.

14 COMMISSIONER SHAPIRO: Got you.
15 Okay, thank you. Thanks again for your
16 leadership. That's all I have, Mr. Chair.

17 MR. GASTON: Thank you so much.

18 VICE CHAIRPERSON HART: Thank you.
19 Are there other questions?

20 MEMBER WHITE: No questions. I'd
21 just like to express appreciation for you coming
22 today, and providing --

23 MR. GASTON: Thank you.

24 MEMBER WHITE: -- those comments,
25 and we hope to see you more.

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1 MR. GASTON: Thank you so much.
2 I'll be here next month. There's another BZA
3 case.

4 MEMBER WHITE: Be careful what you
5 wish for. No, really. We look forward to
6 seeing you.

7 MEMBER JOHN: Mr. Chairman, I have a
8 quick question for the application. I'm not
9 sure who will answer, but I believe someone said
10 that the community would have access to this
11 parking lot. Did I hear that correctly?

12 MS. KURZ: So the parking lot that
13 we're building is for staff, but the concern was
14 raised about what's going to happen during
15 construction when parking may be more limited
16 because we're building the parking lot, and
17 that's the compromise that we've worked out, to
18 allow neighbors access to the existing parking
19 lot during that time.

20 MR. GASTON: Yes, and I also would
21 say that the reason why the design is the way
22 that it is, as far as not looking like an actual
23 parking lot, not having the security gates to
24 open and close per ID card or employee card is
25 because the residents directly impacted or

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1 across from this proposed parking lot wanted it
2 to be more inclusive, and not necessarily look
3 like a universal building, and look out of shape
4 and out of compliance with what the neighborhood
5 is. And so Martha's Table did ensure that the
6 security, as far as maintaining that nothing
7 happens once Martha's Table is closed for the
8 day, that they would have adequate security, and
9 the reason why there's shrubs and bushes along
10 the parking lot is because they wanted to have
11 as much open space so that the residents could
12 be able to see what's happening on the parking
13 lot, and be able to call the police if they did
14 witness any unnecessary or illegal activities on
15 the site, and that's the reason why the parking
16 lot, as far as the trees and the shrubs and the
17 design, is being -- is being proposed as it is
18 because of the concerns from the residents.

19 MEMBER JOHN: One more question.

20 VICE CHAIRPERSON HART: Sure.

21 MEMBER JOHN: So just to be clear,
22 when Martha's Table is closed, are residents
23 allowed to park on that lot?

24 MR. GASTON: So to my understanding,
25 no. That -- the concern that I have is that

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1 when Martha's Table is closed, and whether it's
2 residents or whether it's guests or people who
3 live in adjacent communities parking on that
4 lot, the safety that it may concern for those
5 particular cars, but also if there -- let's say
6 they live in the neighborhood at Forest Ridge,
7 which is about 300 feet away, and they leave
8 their car there, and the car gets towed, like,
9 who gets notified?

10 And thinking -- hearing your
11 question now, and those are definitely concerns
12 that I would definitely go back and talk to
13 Martha's Table about. But as far as the
14 residents being parking on that lot, that is not
15 something that came out of the meetings that
16 we've had.

17 VICE CHAIRPERSON HART: And it
18 sounds like the issue would also be that the
19 cars now -- you'd be able to -- you'd have kind
20 of street parking back.

21 MR. GASTON: Yes.

22 VICE CHAIRPERSON HART: So that's
23 the kind of -- the piece. And I know that it's,
24 that you wouldn't necessarily have this with,
25 during their regular hours, but at least you

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1 would have that when the, when Martha's Vineyard
2 -- well, Martha's Vineyard, wow -- Martha's
3 Table, excuse me, was open, and there were some
4 staff there, they wouldn't be parking on the
5 street, they'd be parking there. So --

6 MR. GASTON: Yes.

7 VICE CHAIRPERSON HART: -- it would
8 be a gain in some ways of the parking that they
9 -- the staff use -- are using currently --

10 MR. GASTON: Yes.

11 VICE CHAIRPERSON HART: -- on the
12 street.

13 MR. GASTON: Yes, and they would be
14 able to go back to full Zone 8 parking on Elvans
15 Road, but if you would like for the ANC to go
16 back to Martha's Table to figure out how to
17 actually maximize that public space because --
18 and I did read the DDOT report -- I mean Office
19 of Planning report. It didn't mention other
20 options to maximize that space as well, as far
21 as residential offsite parking. But as of now,
22 the only thing that we agreed to was the
23 residents being able to park currently on the
24 smaller lot that is being occupied by Community
25 of Hope.

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1 VICE CHAIRPERSON HART: And I don't
2 know if you would like to respond to that?

3 MS. KURZ: No, that --

4 VICE CHAIRPERSON HART: That's fine.

5 MS. KURZ: -- sounds right.

6 VICE CHAIRPERSON HART: Just, I
7 just, you looked like you were going to say
8 something, so okay. So I think we've -- we're
9 okay with questions. Let's move over to the
10 Office of Planning. Good morning.

11 MS. THOMAS: Good morning. Good
12 morning, Mr. Chair, members of the Board. Karen
13 Thomas in -- at OP. OP is in support of the
14 special exception request and variance relief to
15 allow Martha's Table to develop its staff
16 parking lot. I would say that the relief is in
17 part a result of the shape, the topography of
18 the lot, as well as OP's desire and request to
19 the applicant to make -- to provide meaningful
20 environmental features and elements on the lot.

21 In its design, we are satisfied with
22 the result, and we would stand on the record of
23 report. I just add that we -- when Martha's
24 Table initially came to the Office of Planning,
25 we wanted to see more landscaping to the front.

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1 We wanted it pushed back, more of the parking
2 pushed back to the rear, and as a result, you
3 would find some of the parking slipping down
4 further to the, towards Stanton Road, and away
5 from the upper west side because of the slope,
6 the topography, and our need to have more
7 landscaping features to the front of the lot to
8 sort of reduce the visual impact on your lot and
9 on the neighborhood. And with that, I'll rest
10 on the record. Thank you.

11 VICE CHAIRPERSON HART: Thank you.
12 Are there any questions for the Office of
13 Planning? Okay. Does the applicant have any
14 questions for the Office of Planning?

15 MS. HOTTEL-COX: No. Thank you.

16 VICE CHAIRPERSON HART: Thank you.
17 Does the ANC have any questions? Thank you.
18 Okay. So we will open the -- see if there are
19 anyone that is in support of the application
20 that would like to speak. Anyone that is in
21 opposition to the application?

22 No one has raised their hand. So
23 any final questions from the Board? Ms. Hottel-
24 Cox, do you have any final statement?

25 MS. HOTTEL-COX: No. Thank you.

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1 VICE CHAIRPERSON HART: Okay. So I
2 think that we're ready to vote, so I will -- or
3 at least have a deliberation. So I will close
4 the record. We don't need anything else.
5 That's correct? Okay. So we'll close the
6 record.

7 And I can start on this. I thought
8 that the applicant had provided a sufficient
9 information for me to be able to support the
10 application. I understand that they are looking
11 to, and the ANC is looking for them to as well.

12 Thank you very much for the --
13 Commissioner Gaston for coming in to provide his
14 testimony, that they really want to have parking
15 off the street for, from the neighborhood
16 because the neighbors are finding some issues
17 with trying to find parking themselves, and this
18 would reduce that, the pressure, parking
19 pressure as we have in DC in some -- many
20 neighborhoods, and this would help to do that.

21 I also understand that I would be --
22 I understand that this is a -- kind of an odd-
23 shaped lot with a very kind of steep slope that
24 is involved as well, that causes some concerns
25 or some design consideration and changes like

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1 the retaining walls that are required on the
2 eastern side, as well as the southwestern side
3 along Elvans Road to provide the necessary
4 parking.

5 The 200 foot rule, I understand
6 that, as the design goes, that they didn't have
7 a lot of control over the -- some of the design
8 because of the topographic changes and
9 challenges that they've encountered with the
10 very steep slope of the site.

11 And reviewing the Office of Planning
12 report, I felt that the applicant had provided
13 sufficient information for me to be able to --
14 or the Office of Planning had -- I would agree
15 with their recommendation to approve the
16 application because I've felt that they've met
17 the, both the special exception criteria
18 regarding parking use, location, providing
19 screening, retaining walls, and the general
20 criteria under the various subtitles, and there
21 are quite a number, as well as the variance
22 test.

23 I mean, I think this is a, you know,
24 it's a, it is a, kind of an odd site by any
25 definition, that has a lot of different

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1 constraints that are going on, not only in the,
2 as I said, the shape, but also the topographic
3 changes. And I think that they have proved
4 their case in how they meet the prongs of the
5 variance test. I'd be happy to hear some other
6 comments if any of my fellow Board members have
7 any.

8 COMMISSIONER SHAPIRO: I concur, Mr.
9 Chair.

10 MEMBER JOHN: I concur as well, Mr.
11 Vice Chair. I believe the most difficult issue
12 was whether or not the applicant met the
13 variance test, and I believe that the applicant,
14 through testimony and exhibits in the record,
15 has provided a clear explanation of how the
16 shape and topography create a practical
17 difficulty in locating these two parking spaces
18 within the 200 foot radius.

19 And I also think that there's been a
20 good demonstration, based on the testimony of
21 the applicant and the ANC on why there is the
22 need to maximize the number of parking spaces
23 available, and that two spaces, in the scheme of
24 things, is not -- is relatively -- I don't want
25 to use the word minor, but it's not extremely

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1 significant.

2 And I also believe that the
3 applicant has shown that the -- that the
4 applicant meets the criteria for the special
5 exception requests as well. And so I can
6 support this application.

7 VICE CHAIRPERSON HART: Any other
8 comments?

9 MEMBER WHITE: I concur with all of
10 your comments. I'm not going to be repetitive,
11 but I will say that both Martha's Table and the
12 ANC is a perfect example of how you can work
13 together to kind of resolve some of these
14 issues. Martha's Table has an excellent
15 reputation in the community when they were on
16 14th Street, and it's interesting to see how
17 you're building a community in this new part of
18 DC. And there is obviously a need that you can
19 fulfill there.

20 So, but with respect to what our job
21 is, the most important thing is that you've made
22 a case for meeting the tests for variance and
23 special exception, and the ANC commissioner
24 being here was very helpful. So I will also
25 stand in support of this particular application

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1 as well.

2 VICE CHAIRPERSON HART: Okay. I
3 think we're ready to vote, so I will make a
4 recommendation to approve -- if I can have the
5 application in front of me, it would be helpful.
6 Give me a sec. Application number 19949 of
7 Martha's Table, as read and captioned by the
8 secretary. Do I have a second?

9 MEMBER JOHN: Second.

10 VICE CHAIRPERSON HART: Hearing a
11 second, all of those in favor, say aye.

12 (Chorus of aye.)

13 VICE CHAIRPERSON HART: Any opposed?
14 Motion carries, Mr. Moy.

15 MR. MOY: Staff would record the
16 vote as 4-0-1. This is on the motion of Vice
17 Chair Hart to approve the application for the
18 relief requested, the second of the motion Ms.
19 John, also in support, Ms. White, Mr. Peter
20 Shapiro, and we have no other participating
21 Board member. The motion carries.

22 VICE CHAIRPERSON HART: Thank you.
23 Thank you all very much. We're going to take a
24 few minute break, maybe a three minute break.
25 We'll be back at about 11:28, 11:30. Thanks.

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1 (Whereupon, the above-entitled
2 matter went off the record at 11:26 a.m. and
3 resumed at 11:44 a.m.)

4 VICE CHAIRPERSON HART: All right,
5 Mr. Moy. We have a matter to take attendance,
6 or take, deal with.

7 MR. MOY: I think I lost you on
8 that, because, excuse me, the next case
9 application that's up is -- oh, yes, that
10 reminds me of lunch. It's the 19940, unless
11 there was something else you want to -- okay.
12 All right. If we can have parties to the table
13 to case application number 19940 of Team
14 Washington, Inc. d/b/a Domino's Pizza, request
15 for special exception under the use provisions
16 of Subtitle U Section 513.1(c) to permit a fast
17 food use in the MU-4 zone at premises 6239
18 Georgia Avenue NW, Square 2979, Lot 27. And I
19 forgot the mention that the Board was back in
20 session. It's about 11:45.

21 CHAIRPERSON HILL: Okay. Good
22 morning. Could you please introduce yourselves
23 for the record?

24 MR. WILLIAMS: Yes, good morning.
25 Zach Williams, counsel for the applicant.

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1 MS. FULTON: Susan Fulton, Director
2 of Marketing and Store Development for Team
3 Washington, and we're a franchisee of Domino's
4 Pizza stores.

5 CHAIRPERSON HILL: Okay, great. If
6 one of you could turn off your microphones when
7 the other, you get feedback up here when more
8 than one is on at a time. Mr. Williams, I guess
9 you're going to present to us?

10 MR. WILLIAMS: I do have a brief
11 presentation.

12 CHAIRPERSON HILL: Okay. So I don't
13 have a lot of questions on it actually. I think
14 that it's relatively straightforward, but if you
15 want to go ahead and tell us about the
16 application, what you're trying to do, and how
17 you're meeting the special exception test. You
18 can go ahead and begin.

19 MR. WILLIAMS: Okay. Just load a
20 brief PowerPoint.

21 VICE CHAIRPERSON HART: And Mr.
22 Williams, if you could just, and I think you're
23 probably aware of the letter than we got that's
24 in the record. If you just could speak to the
25 letter, Exhibit 37. I guess it's a letter in

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1 opposition.

2 MR. WILLIAMS: I was not aware of
3 that --

4 VICE CHAIRPERSON HART: Okay.

5 MR. WILLIAMS: -- letter, actually.

6 VICE CHAIRPERSON HART: Well, now
7 you, I just saw it. I think it was posted
8 yesterday, or not, or Monday. It was, it's been
9 fairly recent, so we can talk about it later,
10 but I just wanted to make sure that you were
11 aware of it.

12 MR. WILLIAMS: Absolutely. So
13 quickly, this is the application of Team
14 Washington, Inc., which is a Domino's Pizza
15 operator in the Washington, DC region. And the
16 project overview is the property 6239 Georgia
17 Ave. NW. Proposed use is a Domino's Pizza
18 location, and this requires a special exception
19 from the BZA because it is classified as a fast
20 food establishment and/or a food delivery
21 service in the MU-4 zone.

22 The subject project is, as I said,
23 zoned MU-4. It's about 2,400 square feet of lot
24 area. There's no historic district or other,
25 any other zoning conditions or overlays that

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1 would apply here. It's a former auto parts
2 store. It has frontage on Georgia Ave., as well
3 as Sheridan Street NW. It's a corner lot. It's
4 adjacent to a rear commercial parking lot.

5 There are neighboring restaurants, bars, and
6 shops along Georgia Avenue in this location.

7 This is, this slide shows the
8 existing conditions, and this is, as I said,
9 it's a former auto parts store. It's now
10 vacant. It was, the structure was built in or
11 about 1933, and this application would propose
12 to put the new Domino's that was in the existing
13 structure. The proposed project is a conversion
14 of the interior of the existing building to a
15 new Domino's Pizza location.

16 This is a relocation of the Domino's
17 currently located just about a block away at
18 1211 Tuckerman Street NW. And it's, this new
19 location would feature the pizza theater
20 concept, which is a new concept. Ms. Fulton
21 probably could speak to that better than me, if
22 there's any questions, but essentially, it's a
23 replacement of the current facility, which is
24 sort of old school bulletproof glass, not very
25 inviting, not really intended for folks to eat

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1 in at all, to a new concept, which is an
2 improved in-store experience, dine-in counters
3 and chairs, an inviting and upgraded interior
4 space that really opens up the pizza operation
5 and makes it a more enjoyable, inviting, and
6 safe space for the community.

7 The MU-4 zone, as I said, permits
8 fast food and delivery service uses with a
9 special exception. The two special exception
10 standards are applicable here, that the Board,
11 I'm sure, is familiar with. It has to be in
12 harmony with the general purpose and intent of
13 the MU zone, zoning regulations and zoning maps,
14 and it must not adversely affect neighboring
15 properties.

16 So the application here is in
17 harmony with the general purpose and intent, and
18 of the MU zone, zoning regulations and zoning
19 maps. MU-4 zone encourages moderate density and
20 mixed use development, which is what this
21 application would provide. This is a relocation
22 and major upgrade to an existing Domino's
23 location just a block north, so it's a, it's a,
24 it's an upgraded version of something that's
25 already in the neighborhood and in the vicinity.

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1 It's located in an existing one-
2 story structure, surrounded by commercial retail
3 uses along Georgia Avenue NW, and it's easily
4 accessible by pedestrians, and less than a block
5 away from the 70 Metrobus route stop on Georgia
6 Avenue. It would not affect adversely
7 neighboring properties. All of the neighboring
8 properties are, include a mix of commercial
9 retail and restaurant uses.

10 There's no adjacent residential
11 here. The nearest residential property is more
12 than 100 feet from the rear entrance of the
13 store. The adjacent properties to the rear are
14 a commercial parking lot, and that's where all
15 the parking required for the delivery vehicles
16 and staff would be located here. And the
17 application otherwise meets all conditions of
18 Subtitle U Section 513.1(c), as outlined in OP's
19 report.

20 As I mentioned, OP recommends
21 approval of application, and we met with ANC 4B,
22 had a very good meeting, and they filed a letter
23 of support. It was a unanimous letter of
24 support. And that concludes my presentation.

25 CHAIRPERSON HILL: Okay, great.

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1 Thank you. Well, actually, Chairman Hart, or
2 Vice Chair Hart just mentioned about a letter,
3 so I'll let you take a look at that letter if
4 you have a chance to look at the letter there
5 while I kind of go through our process here.
6 Other than the, before I turn to the Office of
7 Planning, does anyone have any questions for the
8 application?

9 MEMBER WHITE: Yes. Hi. So I had
10 some questions. The hours of operation, so it
11 looks like it's going to be operated very late,
12 so will people be eating inside of the
13 restaurant until like 1:00 in the morning on the
14 weekends? How does, how does that work? You
15 have to push the button. Sorry.

16 MS. FULTON: That's typically not
17 the case in most of our stores, and most of our
18 stores close carry-out and eat-in at 10:00 at
19 night, just for safety and security reasons for
20 our staff.

21 MEMBER WHITE: Okay. So you'll be
22 closed for people to eat in by 10:00 at night?

23 MS. FULTON: Yes.

24 MEMBER WHITE: Okay. And also, I
25 wanted you to describe how the trash and the

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1 pest control mechanism, you know, maybe that you
2 have in place. I know it's a very, there are
3 other restaurants around, but you know, as far
4 as I know, there are rodent issues. So as part
5 of your plan, is there a pest plan that you have
6 in place, and how is trash being disposed of?

7 MS. FULTON: There is a pest plan in
8 place for all of our stores. We have a monthly
9 service, and if we have any problems, they will
10 come back out as many times as necessary,
11 whether it's to put out, you know, traps, or any
12 of that type of thing. And that's not only a
13 Team Washington thing, that's also a standard of
14 Domino's Pizza. So we're required, that's one
15 of the things that they check whenever they
16 audit our stores, is to make sure that that's in
17 place.

18 At the back of the store, there is a
19 dumpster enclosure that is part of the build-out
20 that will hold dumpsters, and those will be
21 picked up on a regular basis, presumably, two to
22 three times a week, depending on the volume that
23 the store has as far as sales. And that would
24 be a recycling dumpster, as well as a trash
25 dumpster.

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1 MEMBER WHITE: Okay. I was looking
2 at one exhibit that showed the rear of the
3 store, and I just wanted you to kind of describe
4 for me where that trash dumpster would be.

5 MS. FULTON: There's a back --

6 MEMBER WHITE: I'm looking at the
7 photograph at Exhibit 11. If you look at the
8 rear photographs that you took, I'm just trying
9 to understand exactly where those dumpsters
10 would be.

11 MS. FULTON: If I'm standing in the
12 commercial parking lot behind the building,
13 facing that door that is boarded up at this
14 point, the trash dumpster would be on the left-
15 hand side of it, and it would be a, built
16 against the building, facing out to be easily
17 picked up from the alley, and would have doors
18 on the front of it.

19 MEMBER WHITE: Okay. That's all I
20 have for now. I'm just trying to --

21 CHAIRPERSON HILL: Okay. Anyone --

22 MEMBER JOHN: Mr. Chairman?

23 CHAIRPERSON HILL: Sure. Of course.

24 MEMBER JOHN: I had a question. Can
25 you point out on your presentation where the

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1 parking lot is at the rear of the building?

2 MR. WILLIAMS: I'll pull the
3 presentation back up to see if I have a slide,
4 but I think I do. Okay. So this is the, this
5 slide shows the parcel that the, where the
6 building's located, and then back here, just
7 behind the building --

8 VICE CHAIRPERSON HART: Is it about
9 right there?

10 MR. WILLIAMS: Behind, just even
11 behind there is --

12 VICE CHAIRPERSON HART: Okay.

13 MR. WILLIAMS: -- where the lot,
14 this is 30, Lot 36 and 37. That is an existing
15 commercial parking lot right there, and that
16 serves the uses along Georgia Avenue, and that
17 is where we will park the three to four delivery
18 vehicles expected to be used for this use.

19 VICE CHAIRPERSON HART: Are they
20 designated spots?

21 MR. WILLIAMS: So the parking lot, I
22 believe, has 15 or 16 spaces, and so we, they
23 are spots that are required by our lease to be
24 provided. The parking lot is going to be re-
25 striped at some point, and so when that happens,

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1 we will have designated spots for our drivers.

2 MEMBER WHITE: Vice Chair, if you
3 look at Exhibit 11 on page 3, I believe that's
4 what it actually looks like. So I imagine that,
5 is that going to be re-paved and, or is it going
6 to continue to kind of look like that?

7 MR. WILLIAMS: Yes, that's a
8 condition of our lease, actually, that the --

9 MEMBER WHITE: Okay.

10 MR. WILLIAMS: -- owner resurface
11 that lot.

12 MEMBER WHITE: Okay.

13 VICE CHAIRPERSON HART: I have no
14 further questions.

15 MEMBER WHITE: Okay.

16 CHAIRPERSON HILL: Okay. I'm going
17 to go ahead and turn it to the Office of
18 Planning.

19 MS. FOTHERGILL: Good morning. For
20 the record, I'm Anne Fothergill with the Office
21 of Planning, and the Office of Planning rests on
22 the record in support of the special exception,
23 and I'm happy to take any questions.

24 VICE CHAIRPERSON HART: Just a quick
25 question. Ms. Fothergill, did you happen to see

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1 the letter in opposition?

2 MS. FOTHERGILL: I checked the
3 record yesterday and I didn't see it, so --

4 VICE CHAIRPERSON HART: Yes. I
5 think it was --

6 MS. FOTHERGILL: -- I did not.

7 VICE CHAIRPERSON HART: -- like I
8 said, I can't recall when it came in. I just
9 remember it. It was recent. So it may have
10 been today, it may have been later yesterday.
11 So thank you.

12 CHAIRPERSON HILL: Okay. Anyone
13 have any questions for the Office of Planning?
14 All right. Does the application have any
15 questions for the Office of Planning?

16 MR. WILLIAMS: We do not.

17 CHAIRPERSON HILL: Okay. Is there
18 anyone here who wishes to speak in support? Is
19 there anyone here -- in support?

20 MS. DENNIS: No.

21 CHAIRPERSON HILL: Is there anyone
22 here who wishes to speak in opposition?

23 MS. DENNIS: Yes.

24 CHAIRPERSON HILL: Okay. Please
25 come forward. Did you get sworn in earlier?

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1 MS. DENNIS: I did.

2 CHAIRPERSON HILL: Okay, great. If
3 you can please have a seat.

4 MS. DENNIS: Do I pass the card to
5 you?

6 CHAIRPERSON HILL: No, you just have
7 to give the cards to the person, but you can go
8 ahead and testify first, and then you can give
9 it to the reporter, to the table sitting over
10 there to my right. If you could please
11 introduce yourself for the record.

12 MS. DENNIS: My name is Lisa Dennis.

13 CHAIRPERSON HILL: Dennis. Okay,
14 Ms. Dennis. Well, thanks for coming down.
15 You're going to have three minutes to -- I've
16 lost my secretary. Normally there's three
17 minutes on the clock there, so you're just going
18 to have to kind of pay attention, I suppose, or
19 I'll set me clock here and let you know. So you
20 can go ahead and, oh, there we go. Good.
21 Somebody else is going to try to do it. So
22 regardless, whether they get it up there or not,
23 you know, please go ahead and give us your
24 testimony, and you can being whenever you like.

25 MS. DENNIS: Thank you. My name is

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1 Lisa Dennis, and I live at 922 Sheridan Street
2 on the opposite side of that alleyway, and my
3 husband I bought that house in 1988. We were
4 very young when we bought that house, and we did
5 not realize, to our detriment, what it would be
6 to live on an alley with an adjacent commercial
7 lot behind businesses, loosely regulated by DC
8 government.

9 Presently, that lot is in disarray.
10 My home has been victim of countless trucks that
11 are using, or that use that alley that service
12 the businesses that face Georgia Avenue. I did
13 upload a letter of opposition. That letter was
14 uploaded so that I could demonstrate to this
15 Board how my most recent effort to have DC
16 government, Department of Transportation, and
17 other businesses address the issues that are
18 occurring in that community, and to look at my
19 home and see how my home has been damaged by
20 service vehicles.

21 Yes, Uptown Auto did occupy that
22 property at one time. Changing the use from an
23 auto store that closes at 7:00 to a restaurant,
24 in their application, that stated they would be
25 open to 1:00 on weekends, would wreak further

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1 havoc on the community. Our community is drug-
2 ridden. It's oftentimes lawlessness.

3 We have a problem with trash. We
4 have a problem with rodents. We have just
5 countless health and safety issues in that
6 community. So I'm more than happy to share
7 pictures of where my house has been hit by
8 garbage trucks, delivery trucks, where, over the
9 years, my front fence, my back fence, the side
10 of my house have all been damaged by commercial
11 vehicles.

12 I've made many attempts to work with
13 Peoples Drug Store, Family Dollar, and all of
14 the stores, especially the larger corporations,
15 that are in that block. So the ANC may have
16 approved and may have issued a letter of
17 support, but there is no one on that ANC board
18 that lives as close as I do. When we first
19 purchased that house and we moved there, less
20 than a month, our son was born. We had no idea
21 that his bedroom was so close to garbage trucks
22 picking up at 5 a.m. in the morning, and
23 literally rattling our house.

24 So that has been 30 years ago. The
25 problems continue. The lack of support, the

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1 lack of responsibility by corporations has not
2 been there. The city is very lax on regulating
3 the alley, the alley usage, the problems that
4 come from a whole block of restaurants that all
5 have very poor dumpsters for dumping their, you
6 know, leftover foods. Some of the restaurants
7 in that block don't even have the appropriate
8 commercial dumpsters.

9 There's several restaurants that
10 have just regular dumpsters that a resident
11 would use. So I am in opposition because of the
12 time frame, because of the hours, because of
13 the, actually, the lack of understanding the
14 problems that exist there and adding a
15 restaurant of this magnitude, which is, which
16 has caused problems further.

17 I noted in the applicant's statement
18 that they said that it wouldn't cause much
19 disruption to the community, or much disruption
20 to the homeowners, and that is just not true.
21 It's just not true. So I ask that this Board
22 reconsider summarily just granting this
23 application without knowing further about the
24 actual conditions that exist in that community,
25 because there are human beings that are directly

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1 affected when these type businesses move into
2 the community and just get a good go ahead.

3 And that's basically all I have to
4 say. I can upload pictures that I have with me
5 today to show the actual condition, and some of
6 the things that exist in that parking lot when
7 that lot is unmanned or left open, or in the
8 condition that it has been in for the past three
9 years. There is excessive drug use,
10 prostitution, theft, car, people working on
11 cars.

12 There's just a laundry list of
13 activities that occur in that block, and I think
14 that their application needs to be amended. I
15 think that it needs to consider the actual human
16 impact of the people that live right close to
17 that store, not just the ANC, and none of them
18 live anywhere near the store.

19 CHAIRPERSON HILL: Okay. All right.
20 Well, thank you, Ms. Dennis. Does the Board
21 have any questions for Ms. Dennis? Sure.

22 COMMISSIONER SHAPIRO: Thank you,
23 Mr. Chair. Ms. Dennis, just curious about some
24 of your past experiences on this. You've
25 reached out the ANC, the single-member district

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1 advisory neighborhood commissioner. Have you
2 had those conversations with them? It sounds
3 like --

4 MS. DENNIS: I have.

5 COMMISSIONER SHAPIRO: -- if you
6 have, it hasn't been very productive, but --

7 MS. DENNIS: I have. No, I have --

8 COMMISSIONER SHAPIRO: -- you've
9 been having conversations?

10 MS. DENNIS: Yes. I, actually I do
11 know the, a few of the members, and I've been
12 engaged with them over --

13 COMMISSIONER SHAPIRO: Good.

14 MS. DENNIS: -- the years, because I
15 have lived there for 30 years. So the Board
16 now, I don't know them all, but the person I
17 think that is the head of the Board, when I had
18 an issue with a truck hitting my front brick
19 wall, maybe two years ago, was of no help.

20 COMMISSIONER SHAPIRO: Okay.

21 MS. DENNIS: I mean, so they know.
22 They're clear that the, that the residents that
23 actually border that alley have suffered
24 tremendous property damage.

25 COMMISSIONER SHAPIRO: I hear you.

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1 And I'm asking in part because some of what
2 you're speaking to, as difficult as it is to
3 hear, so what you're speaking to isn't in our
4 purview.

5 MS. DENNIS: I understand that.

6 COMMISSIONER SHAPIRO: But --

7 MS. DENNIS: But it's their conduct,
8 the application --

9 COMMISSIONER SHAPIRO: But you're,
10 sure.

11 MS. DENNIS: Yes.

12 COMMISSIONER SHAPIRO: And you're
13 smart to come down and have, take the
14 opportunity to speak, and to make your voice
15 heard whenever you can, when you're focused on
16 your property and you want to take care of it.

17 MS. DENNIS: Well, I, yes. It's --

18 COMMISSIONER SHAPIRO: So I'm, so
19 I'm glad you came down, even if a lot of what
20 you're talking about isn't in our purview, it's,
21 I'm glad you took the opportunity to have your
22 voice heard.

23 MS. DENNIS: True. But they, in
24 their application, they said that it would not
25 disturb the residents of the community, and

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1 that's just not true.

2 COMMISSIONER SHAPIRO: I hear you.

3 CHAIRPERSON HILL: Okay.

4 MS. DENNIS: And those hours are
5 definitely --

6 CHAIRPERSON HILL: Ms. Dennis, which
7 lot --

8 MS. DENNIS: -- outside --

9 CHAIRPERSON HILL: -- are you?
10 You're the lot --

11 COMMISSIONER SHAPIRO: Right behind
12 the parking lot, first house in.

13 CHAIRPERSON HILL: Right. So you're
14 the, and so, right. So I mean, I guess, I'm
15 just kind of echoing what Commissioner Shapiro
16 was just saying in the terms of like, since you
17 have come, I don't know what's going to happen
18 here. I mean, you know that the ANC, so did you
19 go to the ANC meeting?

20 MS. DENNIS: I didn't go.

21 CHAIRPERSON HILL: Okay. And so
22 the, I mean, for us, like, you know, it's kind
23 of, there is, there was a auto body, auto shop,
24 I think, there at some point, right?

25 MS. DENNIS: Yes.

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1 CHAIRPERSON HILL: And so now,
2 there's no one, it's unoccupied right now?

3 MS. DENNIS: It is.

4 CHAIRPERSON HILL: Do you know?
5 Okay. So I mean, I hear what you're saying, and
6 what Commissioner Shapiro is saying, that a lot
7 of that is not within our purview. It's kind of
8 like what does, what would this Domino's
9 possibly do to the community, and the way I'm
10 most, I don't, just kind of sharing with you my
11 opinion, that as far as that, since they're
12 coming in, that lot is at least going to get re-
13 paved and re-striped, and so that's actually a
14 help, I would think, in terms of, you can have
15 your opinion, but I'm just saying, I would think
16 that's a help in terms of what the lot is there
17 now.

18 And for the store to actually be
19 occupied with a tenant, that is something that
20 would then be of a better benefit to the
21 community in terms of safety, people are there,
22 it's, you know, other things are going on, as
23 opposed to it being vacant. But that's just,
24 you know, kind of my thoughts. I'm just kind of
25 sharing, you know, you've shared your thoughts.

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1 I'm just giving you my thoughts on that.

2 MS. DENNIS: I understand your
3 point.

4 CHAIRPERSON HILL: Okay.

5 MS. DENNIS: And I, and I, and I
6 agree with you to some regard.

7 CHAIRPERSON HILL: Okay.

8 MS. DENNIS: But --

9 CHAIRPERSON HILL: Okay.

10 MS. DENNIS: -- the conduct that
11 will be easier if that store is open those
12 hours.

13 CHAIRPERSON HILL: Right.

14 MS. DENNIS: And the conduct that is
15 out there on that lot, the police department,
16 they are not responsive --

17 CHAIRPERSON HILL: Okay.

18 MS. DENNIS: -- to that conduct at
19 all. So my point is, unless it's going to be
20 monitored, unless that lot is going to be
21 locked, secured with lights, it's just going to
22 continue.

23 CHAIRPERSON HILL: Okay. All right.
24 Okay, I hear you. So all right. Does anybody
25 have any more questions for the witness?

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1 MEMBER JOHN: Just for my
2 information, now, where is the trash picked up
3 now? At the rear of your house?

4 MS. DENNIS: There is, there is a
5 dumpster that is beside my house now. The
6 trucks that pick up that dumpster, that dumpster
7 is used for Family Dollar. The truck that picks
8 up that particular dumpster, the drivers have
9 admitted to me that they've hit my house before.
10 Right now, my house is, it's messed up right
11 now. So we're constantly repairing from the
12 trucks.

13 The measurement of the alleyway is
14 okay for a truck to drive inside of the alley,
15 but to maneuver, to twist and to turn to pick up
16 a dumpster is what causes the problem. So if
17 the, if the, if the trash truck comes four times
18 a week, three times, they probably tap my house.
19 And I've done absolutely everything to try to
20 get it, to get that resolved.

21 But you know, and I understand that
22 Domino's is a few blocks away. There is nothing
23 in the block that would hold the volume and be
24 open, the volume of people, and would be open
25 the hours that they suggested in their

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1 application.

2 MEMBER JOHN: Okay. Thank you.

3 MEMBER WHITE: So I just want to ask
4 a specific question. What adverse impact would
5 the opening of the Domino's have to you, to that
6 immediate area --

7 MS. DENNIS: The adverse impact --

8 MEMBER WHITE: -- that didn't exist
9 before?

10 MS. DENNIS: Well --

11 MEMBER WHITE: So I know that there
12 are problems now, but the question is, to what
13 extent is Domino's potentially increasing or
14 creating some adverse impact that we can at
15 least identify? If not, it becomes hard to just
16 say, there are problems, so we don't want any
17 other business located there. So I just want to
18 get that feedback from you --

19 MS. DENNIS: Right. Okay.

20 MEMBER WHITE: -- before you, in
21 your testimony.

22 MS. DENNIS: For example, the, there
23 are restaurants that are there now. The,
24 primarily, those restaurants kind of start
25 shutting down a lot earlier. And even though

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1 it's a very busy corridor of Georgia Avenue,
2 even though that corridor exists and it's busy,
3 it does kind of quiet down between 7 and 8:00.

4 Adversely, if you have a restaurant
5 on a corner that is likely going to have
6 delivery drivers picking up pizzas and
7 delivering them, I'm not sure how that is going
8 to impact the traffic, the foot traffic in that
9 area, the parking on the street, even though
10 they may be in the lot.

11 Adversely, if, unless they control
12 the lot, maintain, have security, have lights,
13 and lock that lot at night, it would just go
14 back to what it is now. I just think that the
15 hours, the capacity, and that parking lot are
16 the main issues that are really going to
17 adversely affect that community and our block,
18 because it's very busy in there.

19 MEMBER WHITE: Thank you.

20 MS. DENNIS: And the -- excuse me.
21 And the rodent issue too. I've had the alleyway
22 inspected for rodents before, and when the
23 inspector has come out, he said he didn't see
24 any evidence, so therefore, they will turn down
25 spraying or whatever they would do for rodents

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1 in that area. And I know that the testimony
2 here was that they have a rodent system in
3 place, but I'm not sure if it's for only the
4 interior of their premises.

5 MEMBER WHITE: Thank you.

6 CHAIRPERSON HILL: Okay. Okay, Ms.
7 Dennis. Do you have any questions for the
8 witness?

9 MR. WILLIAMS: We do not.

10 CHAIRPERSON HILL: Okay, great. All
11 right, Ms. Dennis. Thank you very much for your
12 testimony.

13 MS. DENNIS: Thank you.

14 CHAIRPERSON HILL: If you could just
15 turn off that microphone, Ms. Dennis, if you
16 don't mind. Thanks. All right. So let's see.
17 Where are we? Oh, okay. Do you have anything
18 you'd like to add in closing, Mr. Williams?

19 MR. WILLIAMS: Just maybe a couple
20 of thoughts. The dumpster, I'm certainly
21 sensitive to the issues that are going on. It
22 sounds like there are a lot of things going on
23 there that are going to continue whether we're
24 here or not. Being a neighbor though, you know,
25 I think it's important, and the concerns are

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1 legitimate.

2 The, as far as our dumpster goes, as
3 was mentioned, it will be on our property, and
4 it will be screened as required pursuant to the
5 conditions that we have to meet to get the
6 special exception. It requires screening, and
7 that is something that we are doing, and it will
8 be completely contained on our lot, not on the
9 parking lot, not in the alley.

10 So as opposed to the, what sounds
11 like Family Dollar might be doing, our dumpster,
12 I don't think, will create any problem for the
13 residences. I'd also say, this is a Domino's
14 that exists already a block away, and so it's
15 something that's already on the block, and it's
16 something that the community, is already in the
17 community, and what we're providing is a vastly
18 upgraded experience, a safer space, a cleaner
19 space than what currently exists.

20 And thirdly, just catty corner to
21 us, is a gas station that is open, I believe, 24
22 hours. I don't, I don't know that for sure, but
23 there is a gas station catty corner from us on
24 Georgia Ave. So you know, there already are
25 uses there that are pretty intense, and into

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1 the, you know, hours of the night that are
2 driving a lot of, presumably, a lot of vehicular
3 traffic, at least catty-corner from us. So I
4 think we'll be a much less intense use than
5 something like that that's already there.

6 CHAIRPERSON HILL: Okay. All right,
7 Mr. Williams.

8 MR. WILLIAMS: Thank you.

9 CHAIRPERSON HILL: Ms. Fulton,
10 you're the franchisee?

11 MS. FULTON: I wish.

12 CHAIRPERSON HILL: Oh, you wish?
13 Oh, okay.

14 MS. FULTON: No, I'm the director of
15 marketing and store development for the
16 franchisee.

17 CHAIRPERSON HILL: Okay.

18 MS. FULTON: Mary Lynne Carraway is
19 a local franchisee. She lives in Vienna,
20 Virginia.

21 CHAIRPERSON HILL: Okay. Okay.

22 MS. FULTON: She owns it.

23 CHAIRPERSON HILL: The reason why
24 I'm asking, or mentioning, is, I mean, you know,
25 depending upon how this goes, either one way or

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1 the other, you know, maybe you could get the
2 information from the, or you know, you can share
3 some information with the witness so that, you
4 know, if there's issues, perhaps the, concerning
5 your operation, that might be something that you
6 might be able to at least provide some comfort
7 with.

8 In terms of the, so that's, I was
9 just curious whether you were the franchisee or
10 not. I mean, and I understand actually, again,
11 the discussion with the upgrading of the store
12 to more of a theater side, as was pointed out
13 during the testimony. Does the Board have any
14 further questions of the applicant?

15 MEMBER JOHN: Just one question. So
16 is it your testimony that the hours will be
17 until 1:00 on the weekend, or is it your
18 testimony that the store, like the others, will
19 most likely close at 10? Because there's a
20 little bit of confusion. The application has
21 longer hours than today's testimony. So can we
22 have some clarification on that?

23 MS. FULTON: Yes. The hours are,
24 we're open Sunday through Thursday until
25 midnight, and then until 1:00 in the morning on

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1 Friday and Saturday. We typically close though
2 for carry-out at 10:00 at night, but the
3 delivery schedule would stay the same as it is
4 right now in the current store, and the same
5 traffic patterns would basically be up and down
6 Georgia Avenue.

7 We would certainly go into Sheridan
8 if we had a delivery there, but the traffic
9 patterns would stay pretty much the same, and
10 the hours, the times, and so forth, would stay
11 pretty much the same as they are right now.

12 MEMBER JOHN: And another question,
13 what is the size of your delivery trucks? Are
14 you using cars or what --

15 MS. FULTON: Yes. They're cars that
16 are owned by the delivery drivers themselves.

17 MEMBER JOHN: And how many delivery
18 trucks per week do you think you will have?
19 You, would you have larger trucks at any time,
20 say 30-foot trucks --

21 MS. FULTON: Well, we would have
22 deliveries from the commissary system delivering
23 food, and all of our food comes from the
24 Domino's Pizza supply chain center, and then we
25 would have a delivery once a week from Coca-

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1 Cola, and they're, I'm not sure what size they
2 are, but they're your typical big red and white
3 Coke trucks that you see delivering to all
4 restaurants.

5 MEMBER JOHN: Thank you.

6 CHAIRPERSON HILL: Okay. Anyone
7 else? Okay. All right. I'm going to go ahead
8 and close the hearing. I'm ready to deliberate.
9 I think that, you know, I thought it was, it was
10 relatively straightforward until we heard from
11 the witness, in terms of the community outreach
12 that had taken place. I think that the, that
13 the analysis of the Office of Planning has
14 provided.

15 I think it's accurate in terms of
16 the mitigating any kind of circumstances to the
17 community there, and I think that their analysis
18 is, wait a minute. So their analysis is
19 accurate. I guess what I, confused me, I
20 suppose, in terms of the witness's testimony, is
21 that, you know, the ANC was also voting
22 completely in support, as, so it was unanimous.
23 So then, one of the SMD members then voted in
24 support.

25 The things that the applicant -- or

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1 I'm sorry -- that the witness had come forward
2 to speak about, which I can, I can, you know,
3 understand, because also I live in a home that
4 has, you know, that's next to an alley, and the
5 trucks are coming all of the time. And so I, as
6 I was stating during the hearing, I mean, I
7 think that the fact that it is vacant now, and
8 that this applicant is coming forward, and due
9 to that application, there's going to be a new
10 lot, and it's going to be paved and striped, you
11 know, that could possibly help at least the
12 situation.

13 Unfortunately, a lot of the things
14 that the applicant is bringing up, in terms of
15 like the policing of that parking lot, and
16 things like that, those are things that don't,
17 that are not under our purview. So it doesn't
18 really go to this particular application.

19 So, but I am, I hope that this
20 applicant, as we've just kind of mentioned,
21 would possibly, you know, share information with
22 the witness, and then be able to possibly help
23 in terms of their use, if this actually were to
24 move forward. Obviously, they, this applicant
25 has nothing to do with any of the commercial

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1 properties that are on there, or were able to do
2 anything. But I certainly feel for the
3 applicant being that close to that parking lot.

4 I'm sorry, the witness being that
5 close to that parking lot. But I'm going to be
6 voting in approval of the application. Would
7 anyone else like to add anything?

8 MEMBER WHITE: I mean, overall, I
9 think I am in support of the project, but I do
10 have some concerns about some of the things that
11 the witness said about, concerns about trash and
12 pests. And I know we've heard other
13 applications before where we've had witnesses
14 come up and kind of voice concerns about how a
15 business is going to impact a neighborhood.

16 But I think to kind of mitigate some
17 of it, I would feel more comfortable if we at
18 least include a condition or conditions that
19 included things like maintaining the trash on
20 their property with pickup X amount of days a
21 week, and also to be responsible for regular
22 pest control, because it is going to be a
23 business with a lot of food coming in and out, a
24 lot of food being discarded, and there's going
25 to be a lot of foot traffic. They've already

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1 said that they're going to be paving that
2 parking lot, and I don't know if that's a part
3 of any of the statements that they've submitted
4 into the record, but I would also suggest that
5 that be included as well.

6 CHAIRPERSON HILL: Okay. So now,
7 Ms. White has comments about conditions. I
8 don't have, I don't know how to, I don't know
9 how to necessarily specify those conditions at
10 this point. Does anyone have any other things
11 they'd like to add in response to, well, first
12 of all, in response to whether or not you're in
13 favor of the proposal, and then if you have any
14 comments about Ms. White's comment about a
15 condition.

16 MEMBER JOHN: Mr. Chairman, I would
17 be in support of the application based on OP's
18 analysis, which I think is fairly
19 straightforward. The pizza restaurant would
20 replace the auto store, and so the question is
21 whether or not that use would be so much more
22 intense that it would affect, have an adverse
23 effect on the neighboring properties.

24 And although we have had testimony
25 about potential adverse impacts, I don't think

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1 that those impacts would be due entirely to the
2 new restaurant. So I think some of those issues
3 are, could be taken up with DDOT, and certainly
4 whoever operates the parking lot can perhaps do
5 something about security. But as to this
6 particular applicant, I don't think that we can
7 say that all the potential adverse impacts would
8 be as a result of this new restaurant. It has
9 been in the community for several years.

10 So I expect that they will continue
11 to be in a good, be a good neighbor in that
12 community. And as to the conditions, I can go
13 either way on conditions. The only, they've
14 already testified as to the, and included
15 information in the record as to how the garbage
16 will be stored, and it meets the criteria and
17 the regulations. So I can hear more discussion
18 about conditions.

19 CHAIRPERSON HILL: Okay. Next.

20 VICE CHAIRPERSON HART: Yes, just to
21 add, I'd be in support of the application for
22 the reasons that everyone has stated already.
23 I'm not really sure where I am with the
24 conditions, because I'm not really sure what the
25 conditions, I mean, I know what you were, what

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1 you were saying. I guess it's, I think it's,
2 would be helpful to probably have them. So, but
3 general support for them.

4 COMMISSIONER SHAPIRO: Thank you,
5 Mr. Chair. Similar, I'm in support, I'm
6 inclined to be in support. The parking lot is
7 not theirs. So my understanding is the parking
8 lot's not theirs, so we couldn't put a condition
9 on them related to the parking lot.

10 MEMBER WHITE: Okay.

11 COMMISSIONER SHAPIRO: But in terms
12 of the, I imagine they have a plan for, and as
13 Board Member John said, that some of this is
14 already in the record, but if we want clarity
15 around what their schedule is for trash pickup
16 and pest control, I don't have any objection to
17 that. I just want to make sure that actually
18 that's something that is typically appropriate
19 for us to condition, first of all. If it is, I
20 don't have any problem with that.

21 I imagine the applicant wouldn't
22 have any issues with it either, because they're
23 going to, if they're a good neighbor, they'll be
24 doing it anyhow. Parking lot, again, I would
25 keep that up, because it's not theirs.

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1 MEMBER WHITE: Yes, I could agree
2 with that. I, the parking lot, at this point, I
3 would not be including as part of my
4 recommendation.

5 CHAIRPERSON HILL: Okay. So the,
6 again, what I'm just trying to figure out is
7 whether we've done, and I'm going to turn to OAG
8 here again here in a second. Like, in terms of,
9 and I don't, I don't necessarily know if, I
10 mean, have we, have we put conditions on trash
11 pickup or pest control? Is that something that
12 we've done in the past?

13 MS. LOVICK: I mean, I think so. I
14 think that you, you know, and in addressing
15 adverse impacts, you have imposed those types of
16 conditions before, yes.

17 COMMISSIONER SHAPIRO: Perhaps if we
18 can, if it's appropriate, we could hear from the
19 applicant. They may have a plan in place, and
20 we could essentially, if that plan makes sense,
21 that plan could be, could be the condition.

22 CHAIRPERSON HILL: Okay. All right.
23 So I'm going to reopen the record here. So the
24 applicant's right here in front of us. So could
25 you please, again, outline your trash pickup

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1 plan, and then also your pest control plan?

2 MS. FULTON: On a monthly basis, we
3 have all of our stores serviced by a pest
4 control company. If there are any problems, we
5 will increase that to twice a month or three
6 times a month until the problem is handled.
7 That's part of the contract that we have with
8 them. Whenever it comes to --

9 CHAIRPERSON HILL: I'm sorry, that's
10 part of the, oh, that's part of the contract you
11 have with the pest control company?

12 MS. FULTON: Correct.

13 CHAIRPERSON HILL: Okay.

14 MS. FULTON: And it is a standard of
15 Domino's Pizza, the franchiser, that every
16 franchise store has to have a monthly pest
17 control service. So it's audited from the
18 franchiser side as well, to enforce that. From
19 the trash pickup, we have a commercial trash
20 company that will come and pick up the recycling
21 and the regular trash. Depending on the volume
22 of trash, it'll get picked up two times or three
23 times a week, and that depends entirely on the
24 amount of trash, and how frequently they're
25 filled up.

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1 CHAIRPERSON HILL: Okay. So Board
2 Member White, how, is that, is that --

3 MEMBER WHITE: Yes.

4 CHAIRPERSON HILL: -- satisfactory
5 to you in terms of their testimony, or do you
6 need to put something in as a condition?

7 MEMBER WHITE: I'd like to have
8 something in there as a condition because of the
9 nature of the business. It's something they're
10 going to do anyway, but I don't think, for me,
11 verbally, a verbal representation is not going
12 to be sufficient because there are some
13 tremendous trash issues --

14 CHAIRPERSON HILL: That's fine.

15 MEMBER WHITE: -- and pest issues in
16 this area.

17 CHAIRPERSON HILL: So how would you
18 like to, how would you, how would you propose a
19 condition?

20 MEMBER WHITE: I would say that the,
21 that Domino's agrees to provide monthly pest
22 control for their business. In the event that
23 their problem has been identified, that they may
24 increase it until the problem has been contained
25 or resolved. And then with respect to trash

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1 pickup, that they will, they will retain a
2 commercial trash pickup service that will pick
3 up trash two to three times per week.

4 I'm not suggesting anything that
5 you're not already saying that you already do.
6 I just want to make sure that it's, that it's
7 done, and that you're obligated to do it,
8 because of the issues that have been identified,
9 because of the issues in the neighborhood.

10 CHAIRPERSON HILL: Okay. And I'm
11 not, I'm not disagreeing with what you're
12 stating. I'm just trying to figure out how to
13 list it as a condition, because then what's,
14 then once it is a condition --

15 MEMBER WHITE: Yes.

16 CHAIRPERSON HILL: -- if they don't
17 do the specifics of that condition, then they're
18 going to have to be, you know, there's something
19 that the community can go up against. So you're
20 saying that, so commercial trash pickup, now I'm
21 just trying to, two to three times a week? Is
22 that what you're --

23 MEMBER WHITE: Yes, the applicant
24 indicated that they do trash pickup at least
25 twice a week --

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1 MS. FULTON: Correct.

2 MEMBER WHITE: -- two to three times
3 per week --

4 MS. FULTON: Correct.

5 MEMBER WHITE: -- depending on the
6 volume of trash.

7 MS. FULTON: Correct.

8 MEMBER WHITE: And then, pest
9 control will be planned, pest control will take
10 place on a monthly basis, or increased if -- on
11 an as -- on as-needed basis.

12 CHAIRPERSON HILL: Okay. So does --

13 MEMBER WHITE: So I'm just trying to
14 simplify it.

15 CHAIRPERSON HILL: Sure. So does
16 the Board have any issues with those conditions?
17 I do not. So I'm going to make a motion to
18 approve application number 19940, as captioned
19 and read by the secretary, including the
20 conditions that --

21 MEMBER WHITE: Including the
22 condition, including the condition that the
23 applicant will provide trash pickup at least two
24 to three times per week, as well as provide a
25 monthly pest control plan on an as-needed basis.

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1 CHAIRPERSON HILL: Okay. Is that,
2 OAG do you understand the conditions?

3 MS. LOVICK: Yes, that's fine. I
4 mean, I just jotted down some language, but I
5 mean, I think --

6 MEMBER WHITE: You may have better
7 language, but basically, it's monthly pest
8 control. In the event it needs to be increased,
9 they'll increase it on an as-needed basis, and
10 that they will do commercial trash pickup two to
11 three times per week, depending on the volume of
12 trash.

13 MS. LOVICK: Okay. I think that's
14 fine.

15 CHAIRPERSON HILL: Okay. All right.
16 So I'll go ahead and make a motion. Could I get
17 a second?

18 VICE CHAIRPERSON HART: Second.

19 CHAIRPERSON HILL: Motion made and
20 seconded. All those in favor, say aye.

21 (Chorus of ayes.)

22 CHAIRPERSON HILL: All those
23 opposed? The motion passes, Mr. Moy.

24 MR. MOY: Staff would, excuse me,
25 record the vote as 5-0-0. This is on the motion

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1 of Chairman Hill to approve the application for
2 the relief requested, along with the two
3 conditions as cited by the Board, the second of
4 the motion, Vice Chair Hart, also in support.
5 Ms. John, Ms. White, and Mr. Peter Shapiro.

6 CHAIRPERSON HILL: Okay. Thank you,
7 Mr. Moy. And thank you very much. Mr. Moy, I
8 think, so we have a couple of, I'd like to deal
9 with this. Now, how are we going to do this,
10 actually? So there's something that came up
11 with the appeal, and so we'd have to, and I just
12 want to understand, so we'd have to call the
13 appeal, correct?

14 MR. MOY: Yes, sir.

15 CHAIRPERSON HILL: Are there, and so
16 they would have, somebody would have to be here,
17 correct?

18 MR. MOY: Well --

19 CHAIRPERSON HILL: And we can see,
20 if not, then we can, I think we are going to
21 have to take a lunch. And so we can do that
22 after the lunch, but is there, is there, is
23 there anyone here for appeal 19938? Okay. So
24 then, we'll just keep moving along, I guess.

25 MR. MOY: Yes, I would. I would, I

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1 was going to suggest, Mr. Chair, that we pursue
2 the lineup of the docket in the event that
3 someone from the public does appear for the
4 appeal, which is last on the docket.

5 CHAIRPERSON HILL: Then, so Mr. Moy,
6 we're trying to understand what we're going to
7 do here for lunch, and what we think might
8 happen with the case load. So I think what
9 we're going to do is switch the last two cases.
10 We're going to do application number 19941, and
11 then we're going to take lunch, and then we're
12 going to do application 19929. So if you
13 wouldn't mind calling it in that order, please.

14 MR. MOY: Yes, sir. Thank you. So
15 if we, if we could have parties to the table to
16 application number 19941 of Brason, B-R-A-S-O-N,
17 Properties, LLC. This application was amended
18 for special exceptions under Subtitle E Section
19 5203, from the height requirements of Subtitle E
20 Section 303.3, and under Subtitle C Section 1504
21 from the penthouse setback requirements of
22 Subtitle C Section 1502.1(c) to raise the
23 existing attached principle dwelling unit and
24 construct a new flat in the RF-1 zone. This is
25 at 1318 10th NW, Square 339, Lot 29.

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1 CHAIRPERSON HILL: Okay, great.
2 Thank you. Good afternoon. Could you please
3 introduce yourself for the record?

4 MR. RIVERO: Nicholas Rivero.

5 CHAIRPERSON HILL: Could you spell
6 your last name for me, sir?

7 MR. RIVERO: River with an O at the
8 end of it.

9 CHAIRPERSON HILL: Oh, Rivero,
10 right. Rivero?

11 MR. RIVERO: Yes.

12 CHAIRPERSON HILL: Okay. Okay. All
13 right, Mr. Rivero. I'm going to go ahead and
14 let you move through your presentation, and let
15 us know exactly what you're trying to propose,
16 and how you believe you meet the criteria for us
17 to approve the application. I'm going to put 15
18 minutes on the clock just so I know where I am,
19 and you can begin whenever you like.

20 MR. RIVERO: All right. Thank you
21 very much. For 303.3, the relief to the 35-foot
22 height limit, we are just trying to meet it with
23 the neighboring properties, as the current ones
24 are at that level. One to the left, to the
25 south, is actually a little bit higher than

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1 that, so we'll still be a little under that
2 property, but the 1320 property to the right,
3 we'll be dead par with.

4 And this, we have no forward
5 extensions, or we actually do not exceed the
6 rear of the neighboring properties, so we will
7 not obstruct any of their rear, their view,
8 their sight lines. We've brought in all of the
9 mechanical vent lines, we've brought in the
10 outdoor air duct work to the center of the
11 property to reduce any air contamination to
12 their side of the property, and that's for the
13 height restriction.

14 And then, in regards to 1502.1,
15 there was a roof popup. We actually had, there
16 was a pergola. There was an actual door with a
17 roof popup, hatch to access the roof, but after
18 extensive conversations with Steve Cochran at
19 the Office of Planning, we've removed all of the
20 infringements, and went with one that was
21 approved, I believe.

22 Sorry for all the drawings and the
23 different iterations that were applied, but we
24 believe we've met the Office of Planning's
25 requirements, and I hope that satisfies. That's

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1 all I have.

2 CHAIRPERSON HILL: Okay. One
3 question. So when you went to the ANC, you
4 didn't have the penthouse relief?

5 MR. RIVERO: No, we weren't sure of
6 that one at the time. It was in the
7 application, but we weren't sure, we weren't
8 aware that we needed to apply for us, relief for
9 that.

10 CHAIRPERSON HILL: Okay. But they
11 saw, in terms of that there was a penthouse?

12 MR. RIVERO: They saw the plans, but
13 we actually got rid of all of that.

14 CHAIRPERSON HILL: Okay.

15 MR. RIVERO: There's still just like
16 a deck there, and that's it.

17 CHAIRPERSON HILL: Okay. All right.
18 Does anybody have any questions for the
19 applicant? Okay. I'm going to turn to the
20 Office of Planning.

21 MS. COSPER: Oh. Thank you, Mr.
22 Chair. I'd just like to note for the record,
23 OP, of course, does not have requirements. We
24 have suggestions, we have recommendations --

25 MR. RIVERO: Oh.

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1 MS. COSPER: -- but not
2 requirements.

3 MR. RIVERO: Well, thank you for
4 your help then.

5 MS. COSPER: And OP does recommend
6 approval of the request, and is willing to stand
7 on the record.

8 CHAIRPERSON HILL: Okay, great.
9 Does the Board have any questions for the Office
10 of Planning? Does the applicant have any
11 questions for the Office of Planning?

12 MR. RIVERO: No.

13 CHAIRPERSON HILL: Is there anyone
14 here who wishes to speak in support? Is there
15 anyone here who wishes to speak in opposition?
16 All right, Mr. Rivero, is there anything else
17 you'd like to add at the end?

18 MR. RIVERO: That would be all.
19 Thank you.

20 CHAIRPERSON HILL: Okay. All right.
21 I'm going to close the hearing. Is the Board
22 ready to deliberate? Okay. I am comfortable
23 with, well, first of all, I agree with the
24 analysis of the Office of Planning, and I am
25 also in agreement with the, or not agreement, I

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1 should say, but also the analysis that the, has
2 the support, which was provided by ANC 2F. They
3 voted 7-0 in support.

4 I thought it was, you know, a pretty
5 nice project, actually. And not that that
6 matters, but I did. And then, yes, and then
7 DDOT also had no objection, and I agree that
8 they meet the criteria for us to grant the
9 relief, and so I'll be voting to approve. Does
10 anyone have anything they'd like to add?

11 COMMISSIONER SHAPIRO: Mr. Chair, I
12 can go along with the Office of Planning's
13 requirements.

14 MR. RIVERO: Suggestions.

15 CHAIRPERSON HILL: I think, yes,
16 suggestions was what the word, but yes. Okay.
17 All right. Then I'm going to go ahead and make
18 a motion to approve application number 19941, as
19 captioned and read by the secretary, and ask for
20 a second.

21 VICE CHAIRPERSON HART: Second.

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

24 (Chorus of ayes.)

25 CHAIRPERSON HILL: All those

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1 opposed. The motion passes, Mr. Moy.

2 MR. RIVERO: Thank you for your
3 time.

4 MR. MOY: Staff would record the
5 vote as 5-0-0. This is on the motion of
6 Chairman Hill to approve the application for the
7 relief requested, seconded the motion, I'm going
8 to assign to Peter Shapiro, and also in support
9 of the motion, Ms. John, Ms. White, and Vice
10 Chair Hart. The motion carries, sir.

11 CHAIRPERSON HILL: Okay, thank you.
12 Thank you very much.

13 MR. RIVERO: Thank you for your
14 time.

15 CHAIRPERSON HILL: All right. So
16 we're going to take lunch, and hopefully we'll
17 be back here at, okay. We're going to, I'm
18 going to give you a realistic 1:30. And so,
19 yes. I think one, oh, wow. That's almost a
20 whole hour. All right, let's try 1:15. We'll
21 come back at 1:15, okay? Thank you.

22 (Whereupon, the above-entitled
23 matter went off the record at 12:40 p.m. and
24 resumed at 1:41 p.m.)

25 CHAIRPERSON HILL: All right. Mr.

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1 Moy, whenever you'd like.

2 MR. MOY: Thank you. Thank you, Mr.
3 Chairman. The Board is back from recess, and
4 the time is about 1:42 p.m.

5 If we can have parties to the table
6 to Case Application Number 19929 of 614 Otis
7 LLC. This application is a request for special
8 exception under the residential conversion
9 requirements, Subtitle U, Section 320.2, to
10 construct a rear addition and convert an
11 existing attached principal dwelling unit into a
12 three-unit apartment house, RF-1 zone. This is
13 at 614 Otis Place, Northwest, Square 3035, Lot
14 63, and there are preliminary matters as to the
15 affidavit of posting and affidavit of
16 maintenance.

17 CHAIRPERSON HILL: Okay. Let's see.
18 First of all, did everybody get sworn in? Is
19 anyone -- if anyone here who is wishing to
20 testify has not been sworn in, can you raise
21 your hand?

22 Okay. Great. Can you stand up,
23 please, and then, Mr. Moy, if you could
24 administer the oath?

25 MR. MOY: Thank you, sir.

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1 CHAIRPERSON HILL: You can raise
2 your hand and just face him. Thank you.

3 (Witnesses sworn.)

4 CHAIRPERSON HILL: Okay. Well, first
5 of all, I was closer to the hour for lunch, and
6 so I'll remember next time. I'll try to figure
7 that out, but -- so apologize for starting a
8 little later.

9 Let's see. So if you could please
10 introduce yourselves for the record.

11 MR. MEEKINS: Bert Meekins, project
12 designer.

13 CHAIRPERSON HILL: Could you say that
14 again? I'm sorry.

15 MR. MEEKINS: Bert Meekins, project --

16 CHAIRPERSON HILL: Meekins?

17 MR. MEEKINS: Yes.

18 MR. CROSS: R. Michael Cross,
19 architect.

20 MR. DUNGAN: Adrian Dungan, owner of
21 614.

22 CHAIRPERSON HILL: Okay.

23 MR. DUNGAN: One of the owners of 614
24 Otis LLC.

25 CHAIRPERSON HILL: Okay. Great.

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1 Thanks. Mr. Cross, are you testifying for us?

2 MR. CROSS: I will be.

3 CHAIRPERSON HILL: Okay. Great. So I
4 guess, let's see, so I'm going to go ahead and
5 let you kind of walk us through the application
6 and how -- what you're trying to do, and then
7 also how you think you're meeting the
8 requirements for the standards for us to
9 actually grant the application.

10 I know that you know where you sit in
11 terms of the discussions that you've had with
12 the Office of Planning, so I won't let you -- I
13 will let you focus on what you would like to
14 focus on. I'm going to put 15 minutes on the
15 clock, just so I know where I am, and you can
16 begin whenever you'd like.

17 MR. CROSS: Thank you. Appreciate
18 your time today. We're here to seek relief for
19 a three-unit conversion in the RF-1 zone
20 pursuant to Subtitle U, Section 320.2. The
21 project being proposed is located at 614 Otis
22 Place, Northwest. It's on the south side of the
23 block between Park Place and Warner Road.

24 In an effort to reduce the impact of
25 an addition directly off the rear of the

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1 existing home, the proposed design is a
2 courtyard scheme, which maintains a two-family
3 principal structure mass while adding the
4 additional family size unit in the rear carriage
5 house style addition.

6 The proposed construction is
7 conforming with the requirements of U, 320.2,
8 with the exception of the fact that we are
9 seeking a waiver from the 10-foot rule
10 regulating the projection of rear additions. So
11 to be able to space our rear addition off of the
12 back of the row, in an effort to maintain light
13 and air for the adjacent neighbors.

14 We are also seeking a waiver from the
15 architectural rooftop element provision, in
16 order to be able to provide a new mansard and
17 dormer that is compatible with the area, so to
18 avoid the project looking like an out-of-
19 character pop-up.

20 Our client has engaged with many of
21 the members of the community, as well as the
22 ANC, continuously throughout the creation of
23 these plans, and has received support from the
24 adjacent neighbor, singular; the other property
25 is vacant. And from the ANC, which has provided

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1 much scrutiny and comments on the design of the
2 front facade throughout the process.

3 Their comments, and specifically the
4 comments of SMD Commissioner Kent Boese, were
5 integrated into this design, and subsequently
6 approved unanimously by ANC-1A.

7 Here today is the property owner, who
8 can speak a little bit more to all of the
9 outreach that was done on this property.

10 MR. DUNGAN: Again, I'm Adrian Dungan,
11 and with this particular property we approached
12 the neighbor, Mr. Jamison, at 616 Otis Place,
13 early on and presented our initial design of a
14 standard rear addition to the existing
15 structure.

16 And in looking through it with him and
17 with meeting him several times at his home, he
18 was not as excited about a standard rear
19 addition, which would have impacted his rear
20 windows, and the light that would be let in, and
21 so we worked with the Cross Design Group to come
22 up with a solution and have seen some other
23 projects where the massing is then moved to the
24 rear of the lot when you have a very unique deep
25 lot, which mitigated that issue to where, then,

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1 the shadow would be cast in the yard as opposed
2 to on the rear of his structure.

3 And so he then supported our courtyard
4 design scheme. And we -- I actually went around
5 Parkview, the neighborhood there, rode my bike
6 around for two weekends, taking pictures of all
7 of the pop-ups in the area, and they leave a lot
8 to be designed.

9 And in trying to create a more
10 aesthetically appealing solution that fits in
11 with the architectural fabric of the surrounding
12 neighborhood, we came up with the front mansard
13 design, so that we wouldn't have what will end
14 up being kind of a roof deck right at the front
15 there.

16 It will be a front mansard, which in
17 this particular -- as Commissioner Boese pointed
18 out, in this particular row of homes that's
19 pictured in the report, it actually does not
20 show the block in its entirety, which actually
21 has three different front setbacks and a lot of
22 different houses. And this row was built by a
23 builder, Hollenstein, and all of the properties
24 across the street were also built by this same
25 builder, and they all have the faux mansard

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1 dormers, which we are kind of resetting that
2 roofline and mimicking those rather than doing
3 the -- kind of the box that is three feet set
4 back.

5 And that is what everybody supported
6 after showing them different pictures of
7 alternatives. And so I went up there nine
8 weekends in a row, knocking on everybody's
9 doors, and we had unanimous support. And
10 everybody preferred this front mansard look, and
11 we explained that it would mean we need a
12 special exception to try to achieve it, and we
13 are committed to going for that.

14 And this is also, then, presented to
15 the ANC with every Commissioner there, and we
16 received a 12-0 unanimous vote.

17 That's all I've got.

18 CHAIRPERSON HILL: Okay. Mr. Dungan,
19 just real quick, when you say that you went to
20 the neighbor and were trying to show them
21 different designs, you showed him something that
22 was 10 feet back or was farther back in terms of
23 they preferred this design with the courtyard?
24 What did you show them?

25 MR. DUNGAN: We showed him 10-foot

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1 rear addition, and then we also had a deck
2 attached to that, because that's where the core
3 -- the access for those units would have been an
4 exterior staircase that attached onto that
5 10-foot structure. That's not a rear wall, so I
6 think our deck was -- I don't know what the
7 width of a deck for staircase access would be.
8 So it would be 10 feet plus a staircase.

9 CHAIRPERSON HILL: Right. But in your
10 -- in your current proposal, you are planning to
11 go back 10 feet, correct?

12 MR. DUNGAN: No, sir. We are going
13 back, I believe, only five feet. I believe the
14 current depth of the existing structure is 45
15 feet, as are the adjacent properties, and we are
16 proposing a five-foot rear addition, so that we
17 can --

18 CHAIRPERSON HILL: Okay. Okay. All
19 right. Please continue.

20 MR. DUNGAN: As far as --

21 CHAIRPERSON HILL: No. If you're
22 done, you're done. That's fine. I'm just
23 saying, are you done, Mr. Cross?

24 MR. CROSS: That's the end of our
25 presentation.

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1 CHAIRPERSON HILL: Okay.

2 MR. CROSS: Glad to answer questions.

3 CHAIRPERSON HILL: Sure. I know that
4 we have some. Who would like to begin with
5 questions?

6 VICE CHAIRPERSON HART: Sure, if I
7 could.

8 CHAIRPERSON HILL: Sure.

9 VICE CHAIRPERSON HART: So I
10 understand that you -- what you all are trying
11 to do with this, but I am -- we have seen a
12 couple of these in -- at the BZA so far, and I
13 understand the rationale as to why you're trying
14 it, and I'm just not sure how I kind of look at
15 them or how I view them, whether or not I think
16 they are more intrusive or less intrusive.

17 But to kind of get to the -- to the
18 regulations or the zoning regs, one of the
19 things that they look at is, what is -- one of
20 the things that is required in the zoning regs
21 is to understand how this project will impact
22 others along the street, and, you know, kind of
23 what is that view? Do you have any views that
24 show us that, besides the one that you just
25 showed us with the two next -- the two buildings

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1 next door?

2 I mean, right now, we heard from Mr.
3 Dungan that said that there was a variety of
4 different kind of uses along the street, but I
5 would -- I would like to understand how what
6 you're proposing would impact other -- the line
7 of buildings or houses that are along the street
8 now. And I just don't know what that -- what
9 that looks like. So that's kind of one thing.

10 And I think we should also understand
11 that when the zoning regs talk about the -- kind
12 of what the -- whether or not the project would
13 substantially visually intrude upon the
14 character, scale, and pattern of houses along
15 the subject street or alley. So we are actually
16 looking at kind of two different kind of
17 aspects, and I don't remember seeing either one
18 of those.

19 And what I would like to understand
20 is, what is the impact of the particular project
21 that you are proposing on the street frontage.
22 And because you are looking at a new building
23 that would go in the rear, what that would --
24 what impact that would have.

25 And I just -- I don't know what that

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1 is, and I -- if you could speak to the character
2 also of the kind of rear, along the alley, what
3 that looks like. I see that there are a couple
4 of -- I think they are one-story garages -- I
5 may be wrong on that -- but on either side of
6 the property. But this is three stories that
7 you are proposing, so, again, I don't have a
8 good sense as to what that is.

9 There are some other things that I'm
10 interested in understanding a little bit more.
11 And kind of generally speaking, it's stuff like
12 I understand that your building is I think 35
13 feet in height, but I didn't see that
14 measurement anywhere on any of the drawings. So
15 I'm not exactly sure what -- I would like to
16 have a drawing that just shows what the actual
17 overall height of the building is.

18 I see these, but these start with the
19 first floor. So I'm not really sure where the
20 measuring point is, so -- and none of them
21 include a measuring point that I could
22 understand where that started. The image that
23 you have on the left, you have these drawings
24 that are -- these images, these dimensions here,
25 they add up to more than 35 feet.

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1 So I -- and I understand that it
2 includes a basement, so you do want to include
3 that. But it would be helpful to have what the
4 overall height dimension is. This is just kind
5 of like a basic thing that I would like to have
6 added to the drawings.

7 But if you could speak to kind of what
8 the impact is along the -- kind of the street
9 and alley, I would appreciate it.

10 MR. CROSS: Certainly. I think that
11 the alley context is best understood by Exhibits
12 3 and 4, or sheets 3 and 4 of the set, BZA-03,
13 BZA-04, showing the existing and proposed site
14 plan, which clearly shows as you -- as you
15 stated that the context of this alley already
16 has built structures at the rear of properties.

17 While they are one-story existing
18 structures, they -- the masses are back there.
19 They do obstruct sight lines, and they do create
20 shadows existing there today.

21 And, again, that was -- we don't have
22 -- we don't have a view from the alley. More
23 than happy to provide one. It was not -- it was
24 not something that the conversations that led to
25 the design and that were being discussed at the

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1 ANC level were asking for.

2 The streetscape -- as Mr. Dungan
3 alluded to, Commissioner Boese suggested that
4 part of his understanding of why this type of
5 relief would be supported by the ANC is that
6 this row, while the context photo in our actual
7 application doesn't seem to give the context of
8 the diversity of this row, when you look the
9 opposite way, as shown here from Google Maps,
10 you get the -- you get the sense that the --
11 just a couple of doors down, the row starts to
12 break apart into a whole variety of different
13 masses and setbacks, you know, as you can see in
14 --

15 VICE CHAIRPERSON HART: And which is -
16 - which is the 614?

17 MR. CROSS: 614, I believe, is -- so I
18 believe it's the one with the staggered three
19 windows and the door just under the tree limb
20 there.

21 VICE CHAIRPERSON HART: Is it this
22 one?

23 MR. CROSS: I'm --

24 VICE CHAIRPERSON HART: That circle?

25 MR. CROSS: Yes, sir.

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1 VICE CHAIRPERSON HART: Okay. Yeah.
2 And I guess what I'm looking at is this is what
3 the existing, you know, kind of scale is and
4 pattern and the sequence of building along the
5 street. But I don't know what the project is
6 that you are proposing, how that would affect
7 that -- you know, that view.

8 So what I am looking for is, we have
9 to -- we have to determine whether or not we
10 think that this should -- that this would
11 visually intrude upon the character, scale, and
12 pattern of the houses along the subject alley or
13 street.

14 And the information that I think that
15 we have been provided is that this is another
16 floor that is being added to here. There has
17 been some -- I guess the Office of Planning has
18 looked at it, and their issue I think is more
19 with the dormer and kind of removing the rooftop
20 architectural element.

21 But I think it would be -- it's
22 important for us to understand whether or not
23 there is the -- there is an impact on the --
24 kind of the sequence and the rhythm of the
25 existing houses on the street, and I don't know

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1 that. And the image that you provided, which is
2 on the first page of the exhibit -- I guess it's
3 35 -- which is this image, is really the only
4 image that we have that shows what this would
5 look like in kind of perspective view along the
6 street. And even that has kind of, you know, an
7 outline of where or a line that shows where the
8 top of the buildings are to the -- you know, on
9 either side of it.

10 It doesn't give enough context for me
11 to be able to kind of say, "Oh, okay, I get it."
12 And I don't know if that is a -- just a drawing
13 that it would be helpful to have in the record,
14 or if it is a, you know, computer-generated
15 perspective rendering or something -- or a
16 Photoshop, something that helps me give more
17 understanding of how that would be affecting
18 what is already there.

19 And the reason that I bring that is
20 you're in the middle of a block of, what, seven,
21 six, you know, identical units. And then -- or
22 houses, and you're making that. You're kind of
23 taking away from that, and I don't know what
24 that impact is, and I'm not -- I'm speaking for
25 myself. I'm not speaking for anyone else that

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1 is up here. But I would like to see what that's
2 like.

3 Regarding the rear of the alley, I
4 understand that there are one-story, you know,
5 garages or whatever the accessory building is
6 that is to the rear, and you can see them here
7 in this image. But you're introducing a much
8 larger building on the -- and it's not a
9 building, it's a mass that is on the rear of the
10 building, and I'm not exactly sure what that
11 does.

12 You know, again, you have very -- it
13 looks like very similar-looking buildings that
14 are on the alley side. And, again, I don't know
15 what that impact is going to be, so that's why
16 I'm kind of trying to understand that. It's
17 helpful to know, you know, is there something
18 that is happening on the other side of the
19 alley? I mean, you know, what is that view?
20 And I just don't know what that is.

21 And I understand that that may not
22 have come up in the ANC meeting, but the ANC is
23 really looking at what they feel as being kind
24 of different from what is already existing. We
25 have to look at it as what the zoning

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1 regulations say and what do we -- how do we
2 perceive that.

3 So we have two different types of
4 perspectives that we have to kind of gain from
5 that. So right now, I just don't feel like I
6 have that information to be able to definitively
7 say yes or no. I'm more kind of, I don't know.
8 And sometimes you have an entire block that has,
9 you know, a very similar look. It seems as
10 though that's not the case here. It may be a
11 smaller section of the block, but I don't know
12 what's going on on the other side of the street.

13 Again, I think it is just helpful to
14 understand that, so we can make a -- you know, a
15 decision based on the information that is in the
16 record. So that's my -- that's my viewpoints.

17 CHAIRPERSON HILL: Sure. Anyone

18 MEMBER WHITE: I'm just going to be
19 brief. I'm kind of echoing some of Vice Chair
20 Hart's sentiment, too, because I don't know --
21 I'm not clear on whether or not the burden of
22 proof has been met for the special exception,
23 especially with respect to the rear yard
24 addition.

25 I'm not clear that the proposed

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1 addition itself will not substantially have an
2 adverse impact on those rear views from the
3 alley. That part I'm probably a little bit more
4 concerned with. But, yes, I would like to see
5 that addressed a little bit more clearly.

6 COMMISSIONER SHAPIRO: Thank you, Mr.
7 Chair. I would echo my colleague's comments.
8 Part of it is that, the picture that we're
9 looking at right here, so I can see that there
10 is a three-story building off the alley on the
11 other side. It looks like there's buildings on
12 the left side of the alley that have a good
13 amount of height. When you were pulling up the
14 Google Maps, I could see the height of the
15 buildings across the street, which sort of could
16 help me to understand that this actually
17 probably is in context.

18 But that's all inferring things from
19 what are around the edges of pictures and the
20 Google Maps piece, and so it's more making that
21 a formal part of your presentation to help us
22 establish that this will fit in with the
23 character of the neighborhood.

24 So I would agree that would be helpful
25 to make the record. It looks like all the -- I

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1 mean, from my perspective, it looks all the
2 data's there. But I don't want to be making
3 that decision based upon a glance on the Google
4 Maps piece and, you know, what's around the
5 corner of the picture.

6 MEMBER JOHN: Mr. Chairman?

7 CHAIRPERSON HILL: Sure.

8 MEMBER JOHN: So I'm leaning towards
9 not wanting to support the new roof line, the
10 removal of the mansard roof, because looking at
11 this photograph and looking at the Google Maps
12 as well, these six or seven houses have the
13 identical architectural features in the front.

14 And so what you're proposing would be
15 substantially different, and it would not be set
16 back. So I believe there's another photograph
17 that shows -- or drawing that shows what the
18 front would look like with the setback
19 maintaining the mansard roof. And maybe it
20 could be integrated a little more elegantly, but
21 I think this maintains the mansard roof.

22 On the opposite side of the street,
23 the houses are a different design, and they have
24 different windows. So, right, this is what I
25 was looking at. It's a different design

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1 altogether on the other side of the street. And
2 on the same side of the street, 614, you can see
3 that the front setbacks are different, and I
4 can't see beyond that.

5 So that's sort of my feeling about
6 removal of that mansard roof. And it's in the
7 middle of the block, so it would be very
8 obvious.

9 CHAIRPERSON HILL: Okay. So Mr.
10 Cross, and I've got a bunch of questions too,
11 I'm a little curious. So we had something
12 similar to this, that there was a huge appeal
13 and whatever in terms of what they were trying
14 to do. Right?

15 And so when you all were coming up
16 with your program, and this is what I'm just
17 trying to understand, I mean, you went -- so you
18 originally -- so you have kind of like a
19 meaningful connection between the two front
20 units and the one unit in the back. Right? And
21 the one unit in the back is going out how high,
22 again?

23 MR. DUNGAN: We wanted to try to make
24 sure that it did not visually intrude as much as
25 it could have based on allowable height. And so

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1 we pulled it down and sunk the rear, quote
2 unquote, alley house much further down into the
3 ground taking, I believe, it was eight feet off
4 total, getting it down almost an entire floor,
5 instead of 35, down to 27 with that in mind.

6 And then also where it sits on the
7 rear alley, which I think as was mentioned, you
8 can see there's another alley coming down from
9 Newton Place there. It actually sits at the end
10 of the alley there, so it's not backing up to
11 the back of another property, as in the rear of
12 somebody else's home isn't going to be facing it
13 directly on.

14 CHAIRPERSON HILL: Okay, okay. And
15 how many parking spaces are you providing?

16 MR. DUNGAN: We're providing the
17 required two parking spaces, because it's 1.5
18 and then it rounds up to two. And then we've
19 also discussed with the adjacent neighbor, Mr.
20 Jamison to rebuild his dilapidated carport
21 there, because he currently cannot use it.

22 And then knocking on all the doors and
23 talking to neighbors, it's a one-way street, and
24 parking is kind of a premium there. So for us
25 to try to do our part and rebuilding his

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1 carport, brings back online, so to speak, two
2 parking spots, which people were happy about
3 that we want to do that.

4 CHAIRPERSON HILL: Okay. And Mr.
5 Dungan, by the way, I mean, I appreciate what
6 you're trying to do, meaning you're trying to
7 develop this property. You're trying to develop
8 it the way that you kind of have gone down this
9 road.

10 And so I'm just kind of trying to
11 figure out a little bit more, because this is
12 kind of the first time I'm seeing it in this
13 way, or this kind of conversion being done in
14 this way, for this size property. I'm a little
15 surprised that the ANC was in favor of it,
16 because we've had other ANCs that -- whatever,
17 just were not in favor of this type of program.
18 Right? And so I'm just trying to understand how
19 you got into this program, as opposed to, we've
20 had plenty of people come in with, you know,
21 conversions and then going back maybe, you know,
22 20 feet or trying to go back farther to
23 accommodate what they're trying to do. Right?
24 So this is the first time now that I'm seeing it
25 where there's, you know, like, kind of, a

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1 meaningful connection into the second, or the
2 third unit. Right?

3 And I also appreciate what you're
4 saying. I'm sure that's accurate that you were
5 like trying to lower it so that, you know, it
6 would have less of an impact on the adjacent
7 properties. And I also appreciate that you got,
8 you know, the support of one adjacent property,
9 and the other one's vacant, and that you've been
10 working with the Office of Planning.

11 So you kind of have come down this
12 road. I'm just trying to figure out what I
13 think of this particular type of program, and so
14 we'll see what happens, you know.

15 MR. DUNGAN: One of the things --

16 CHAIRPERSON HILL: There's nothing
17 there to respond to, but you can if you want to.

18 MR. DUNGAN: Oh, I was just going to
19 say what took us down this road was
20 communicating with Mr. Jamison, the owner of 616
21 Otis Place, because he preferred the courtyard
22 scheme over the standard rear addition, because
23 from our perspective, this is much more complex
24 to execute both cost-wise and on every front.
25 You know, instead of having just two facades, we

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1 now have four, but it is what he pointed at and
2 said, I like this one. So that's --

3 CHAIRPERSON HILL: Yes. No, Mr.
4 Dungan, I understand. I'm trying to -- I guess
5 what I'm appreciative of and am disappointed
6 that somebody gets a yes or a no in, is you've
7 spent money and you've gone down this road now.
8 Right?

9 And so what I'm -- is I'm just looking
10 at even the slide that Mr. Cross has up right
11 now. You know, if you were just to push these
12 two buildings together, right, that's going to
13 go out way farther than anything we've approved
14 before. So I'm also looking at this now as kind
15 of, is this a different concept that people are
16 now going to come before us again if we kind of
17 move through that. I'm just letting you know
18 where you are in this discussion and how I am
19 trying to look at this now. Okay?

20 Because, this is -- and Mr. Cross, you
21 know, I think you've been here before. I don't
22 know if you've done this before, but I mean, if
23 you were to just now push that, I mean, how far
24 back would this one property go?

25 MR. CROSS: Yes, the -- I just wanted

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1 to go on the record to say that, to Mr. Dungan's
2 point, this was not the original design that we
3 developed for this project.

4 CHAIRPERSON HILL: That's fine. So
5 the original design went back how far?

6 MR. CROSS: The original design went
7 back ten feet, and so --

8 CHAIRPERSON HILL: But ten feet's a
9 matter of right.

10 MR. CROSS: Well, so, as we got into
11 the design, it was introduced with the community
12 outreach that Mr. Dungan did that this might be
13 a solution that they would like to see, and we
14 retroactively created this --

15 CHAIRPERSON HILL: As opposed to the
16 matter of right?

17 MR. CROSS: -- late in the SD phase,
18 for what it's worth. It came as a result of Mr.
19 Dungan's outreach to the community and was not a
20 design that we created internally from the
21 outset.

22 CHAIRPERSON HILL: Okay. I'm just
23 trying to understand. I mean, I've been up here
24 long enough now that I'm like, you know, I get
25 confused when people are saying they had

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1 something by matter of right, and now they're
2 trying to do something else that -- I mean, you
3 would just be here for the conversion.

4 MR. CROSS: Yes.

5 CHAIRPERSON HILL: Right.

6 MR. CROSS: Exactly. To his point --

7 CHAIRPERSON HILL: You'd just be here
8 for the conversion.

9 MR. CROSS: We are seeking relief
10 under 320.2, which is for the conversion. We're
11 seeking a waiver from the ten foot extension,
12 but the relief is 320.2.

13 CHAIRPERSON HILL: Anyway, okay. So
14 it's just more complicated -- never mind. Okay.
15 So all right, anybody have any more questions?
16 Sure?

17 MEMBER WHITE: Just a clarification,
18 because I'm a little confused. Maybe I'm not
19 looking at your most recent plan. Are you going
20 52 feet past the rear wall of the adjacent
21 property?

22 (Off-microphone comments.)

23 MEMBER WHITE: You can clarify it for
24 me.

25 VICE CHAIRPERSON HART: Yes. The

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1 applicant is going back 52 feet, but there is a
2 courtyard that is included in this, so it's not
3 all building. It is only 29 feet, I guess, of
4 building that is pushed back 22 feet from the
5 back of the house.

6 And so it's odd because, you know, it
7 is this kind of shift that's really moving the
8 project back. And typically we've seen the
9 projects come in and they are, you know,
10 building onto an existing structure, and they're
11 just kind of pushing that back wall back.

12 This is actually creating another
13 structure or another mass behind the actual, you
14 know, existing building, existing house.

15 CHAIRPERSON HILL: Sure. Mr. Shapiro?

16 COMMISSIONER SHAPIRO: Thank you.
17 Yes, I'm trying to figure this out in the sort
18 of context of a accessory dwelling unit, but
19 it's not because there's the meaningful
20 connection.

21 But I don't see, and I may just have
22 missed it, but I don't see any elevations that
23 show me what that meaningful connection looks
24 like. Oh, you've got it. Okay. Thank you.

25 CHAIRPERSON HILL: Exhibit 35.

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1 COMMISSIONER SHAPIRO: And what does
2 that look like from the other side? What would
3 the neighbors see?

4 MR. CROSS: This connection occurs at
5 the cellar level. So they would see a portion
6 of a story wall along the property line, not
7 dissimilar from a fence.

8 COMMISSIONER SHAPIRO: And how high
9 would that fence look like to them,
10 approximately?

11 MR. CROSS: I can't accurately speak
12 to the grades, but it would be somewhere between
13 probably seven and five feet.

14 COMMISSIONER SHAPIRO: Okay, okay.
15 Thank you.

16 VICE CHAIRPERSON HART: Yes, I mean, I
17 think that there's --

18 CHAIRPERSON HILL: That's built down
19 into the ground?

20 MR. CROSS: The connection is at the
21 cellar level, yes, sir.

22 VICE CHAIRPERSON HART: The cellar
23 level for the existing building. There's
24 another -- I think that there's a topography
25 change that happens between the front of the

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1 building, of the existing building, and the rear
2 of the building.

3 And so, yes, this section shows that a
4 little bit better. So it's this piece that
5 we're talking about. So it kind of, I'll use a
6 different color here.

7 (Off-microphone comments.)

8 VICE CHAIRPERSON HART: Yes, it goes
9 down and then kind of goes --

10 CHAIRPERSON HILL: So Mr. Cross, I
11 might be interested in seeing what that looks
12 like a little bit better as we kind of move
13 along, let's see what happens when we end here,
14 in terms of what that looks like from the
15 neighbor, you know, what that is, right, on the
16 other side. Okay?

17 I mean, it's not very clear as to how
18 high -- I mean five feet, that doesn't sound
19 like much as opposed to, you know, what it looks
20 like to me is, you know, a full story. So just
21 from the shot that I'm looking at that you had
22 up a second ago from Exhibit 35.

23 MR. CROSS: I just want to say, it's
24 less than a full story, but I may be misstating
25 the actual height, so we'll provide that in the

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1 next submission.

2 VICE CHAIRPERSON HART: That would be
3 helpful to have the dimensions, you know, that
4 we're talking about. And regarding the
5 courtyard space itself, I think I need to
6 understand a little bit more about what that
7 courtyard space is.

8 And the reason I'm kind of going there
9 is because you're creating this with the rear
10 building. And -- I call it a building, it's the
11 mass that's in the back. And I'm not exactly
12 sure -- the space looks like it is kind of
13 broken, well, it actually doesn't look like, it
14 is broken up by the stair that is leading the
15 front building.

16 Let me go to a different image,
17 because it's hard to see. Actually, this is
18 fine. So the issue that I guess I'm trying to
19 figure out is what level is -- what height is
20 that? What height are you at? I mean, you're
21 talking, from the ground level, from this level
22 up, are you talking ten feet?

23 MR. CROSS: Of which element are you
24 referring?

25 VICE CHAIRPERSON HART: So the stair

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1 that's here, it's coming off and it is coming
2 down, turning and going into the door that's
3 there. And I'm almost wanting the -- because
4 you are kind of coming in at a higher level,
5 you're looking over into the neighbor's yard and
6 you're kind of going down. And if there's a
7 fence or whatever that's between you and the
8 neighbor, then you're kind of looking over that
9 fence as you're walking down. And I didn't know
10 if there was a better way to make that stair
11 work so that it, one, doesn't kind of separate
12 the courtyard. And maybe it is the stair gets
13 closer to the existing building and it doesn't
14 turn this way, but it may turn kind of parallel
15 to the back stair, sorry, the back wall and then
16 turn -- what is that -- south towards this
17 entrance.

18 And I don't, if it's easier to show
19 that on a plan, I can, I'm more than happy to
20 tell you what that looks like on a plan.

21 Actually, can you go to Number 7, Slide 7?

22 So what I'm saying is that, is there a
23 way to have so the stairs -- the landing is
24 here, but the stairs do this? So that you can
25 at least have a courtyard that you can use. I

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1 understand that the stairs are going to be
2 closer to the windows, but it just seems like
3 you kind of lose the entire use of this
4 courtyard, and you also will move people away
5 from the neighbors so that the stairs are not
6 next to the neighbors, they are next to your
7 building.

8 And so it provides a little bit more
9 privacy for the next door neighbors, so they
10 don't see some guy walking down the stairs as
11 they're, you know, as they're leaving out of
12 their house trying to go to the parking in the
13 back. If there was a fence next to them, you'll
14 see their head as they're kind of descending on
15 the stairs.

16 I was just trying to figure out a way
17 not to have that happen to reduce the privacy
18 impact or to improve the privacy impact,
19 whatever, to make it less visible for the next
20 door neighbor on the -- is that the west side?
21 I think it's the west side.

22 So I just was thinking that that might
23 kind of solve two problems. One of them is that
24 you don't have to deal with the, you know --
25 you're improving, you're making it less

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1 impactful for privacy for the next door
2 neighbor, and you're making a space that you can
3 actually use. Because I just think that this
4 space is going to be -- if you cut it up so
5 much, it's just going be like nobody wants to
6 spend any time there. But, again, I'm still
7 trying to figure out how I kind of view the two
8 building, two masses, but I think that may at
9 least help some with that. Again, it's just a
10 suggestion.

11 MEMBER JOHN: So, Mr. Chairman, I just
12 have one quick -- well, two. I'm not sure I
13 understand how you make the meaningful
14 connection test, so if you could explain that.

15 And the second observation is that, if
16 you count the five-foot extension plus the 22
17 feet, I believe, can you show the slide you had
18 before? So, no, not that one. I think this is
19 it. Page 7. I think that shows that you have
20 on the existing structure, a five-foot extension
21 and then on the new building, there is 17, 23-
22 1/2 inches, so that's a 28-1/2 inch addition?

23 VICE CHAIRPERSON HART: Feet.

24 MEMBER JOHN: Feet, feet, right, in
25 total for the mass, the new mass would be five

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1 feet plus another 20, my math is terrible, 21
2 feet? I can't quite get those numbers. So
3 that's a longer rear addition that we've been
4 willing to do in many cases.

5 So my third question is whether you
6 had considered doing the matter-of-right
7 addition, and then an accessory structure in the
8 rear with the typical garage on the first floor
9 and a unit on the top floor? So there are three
10 questions. Sorry about the number of questions.

11 MR. CROSS: I'll answer and maybe
12 others can help fill in the blanks. I believe
13 the first one was about meaningful connection.
14 The meaningful connection is satisfied -- sorry,
15 I'm just having a very hard time controlling
16 this. The meaningful connection is satisfied on
17 the cellar level as shown as BZA-06.

18 MR. MEEKINS: So from the cellar
19 level, you step up three risers to put you at
20 the rear first level. So if you were to -- the
21 meaningful connection would be both shown on
22 BZA-06 and then on BZA-07, let me go back up
23 one. That would be where you would see the
24 meaningful connection be on the way out of the
25 rear.

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1 COMMISSIONER SHAPIRO: So that's the
2 two 11-foot sections on the left, is that what
3 we're looking at? On BZA-06? I'm just looking
4 at the marks on the left.

5 MR. MEEKINS: That's correct.

6 COMMISSIONER SHAPIRO: Okay.

7 MR. CROSS: So meaningful connection.
8 The other question you had was regarding the
9 distance of projection. I'm not sure if I was
10 following all the math, but the best summary of
11 the projection is shown on BZA-04.

12 The only number that's not explicitly
13 labeled here is the one that you correctly
14 called out, that there is a five foot addition
15 to the existing. So when you see BZA-03, the
16 existing building's 45 feet. The BZA-04 shows
17 that the mass goes to 50 feet before providing a
18 22-foot courtyard and then a 25-foot rear
19 structure.

20 VICE CHAIRPERSON HART: So that's the
21 five foot that I just circled. That should be
22 located on there. One question that I am -- and
23 I'm sorry, Board Member John. Okay, so and I
24 don't want to get too deep into this.

25 But when I was looking, I was trying

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1 to remember about the meaningful connection
2 issue, and I started to -- I think you need to
3 make sure that you understand what it is that
4 you are calling a meaningful connection. And
5 the one thing that I'll note, and I'm just
6 looking at the definitions in the zoning regs.
7 This is in Subtitle B-9, and it talks about
8 buildings being kind of separate.

9 And then it also says, structures or
10 sections shall be considered parts of a single
11 building if they are joined by an enclosed
12 connection that is fully above grade, is heated
13 and artificially lit and either a common space
14 shared by users of all portions of the building.

15 And I only bring this up because if
16 any portion of this is, any part below grade
17 then I think you may have -- there may be an
18 issue to try to figure out, and I think you'd
19 need to make sure that that's not a concern.
20 Because, this may not be a meaningful
21 connection, and I just think you just need to
22 make sure that that's clear as to what's going
23 on. And I know we were talking about, you know,
24 whether or not it's five feet or seven feet or
25 it's completely above grade.

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1 Just understand what that is and
2 clearly describe that so we have that as part of
3 the record as well. And I don't know if OAG has
4 any thoughts on that or not.

5 MS. LOVICK: No.

6 VICE CHAIRPERSON HART: Thank you,
7 OAG.

8 CHAIRPERSON HILL: Hold on, okay,
9 wait.

10 MEMBER JOHN: So I didn't get an
11 answer to the --

12 CHAIRPERSON HILL: Oh, I'm sorry. She
13 said she didn't get -- and her microphone's not
14 on, Vice Chair.

15 MEMBER JOHN: So the third question, I
16 guess, was a matter-of-right option, because
17 even with the explanation that I just got, you
18 have 30 feet of additional mass in the rear,
19 which is longer than anything we've ever, well,
20 that I've ever approved above ground.

21 And I get that a part of the cellar
22 level is below ground and would not be seen by
23 the neighbors, not much of it, but with the
24 above ground portion, we're still looking at 30
25 feet of additional mass. So that would just be

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1 my comment about how I'm looking at the
2 application.

3 MR. DUNGAN: Thank you, Board Member
4 John. So I think you had a question in there
5 about -- so it was, why not by right and what
6 about an ADU, and what would that look like
7 size-wise in total?

8 So on that front, firstly, there's the
9 ten foot rear addition by right, now as we all
10 know. And then here we have a total of 30 feet
11 that you've pointed out, so 20 feet more than
12 the typical while moving the massing to the
13 rear.

14 And if we did a by-right project, we
15 would be at 55 feet. So we would have a ten-
16 foot rear addition and then we would have no
17 meaningful connection. And then for an ADU,
18 they can be a total of a footprint of 450 square
19 feet.

20 The lot is 20 feet wide. So we would
21 have another 22.5 feet, and those can be up to
22 20 feet high. So really, we are going two-and-
23 a-half less than what we'd be able to do if we
24 did a ten-foot addition and then a by-right
25 allowable size for an ADU.

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1 And we're only going seven feet above
2 what is allowed for an ADU, because you could
3 have 20 by 22.5 feet at the rear there, and then
4 a 20 foot high ADU. They can be two stories
5 above grade, is my understanding.

6 COMMISSIONER SHAPIRO: Thank you, Mr.
7 Chair. That's an interesting perspective.
8 Right? Because then it might be helpful to
9 present this as a modified extension and ADU
10 based upon -- I'm thinking of what Vice Chair
11 Hart said about the meaningful connection. I'm
12 assuming, and I just want to make sure I
13 understand this correctly, the separate
14 building, the rear, not the rear addition, the
15 back building, that's a two-bedroom unit. Is
16 that right?

17 MR. MEEKINS: Three bedroom.

18 COMMISSIONER SHAPIRO: Three-bedroom
19 unit? And that's going to be -- it's a rental
20 unit. It's going to be rented out separately.
21 Is that the plan?

22 MR. DUNGAN: No. Our plan is to sell
23 all units. They're all family-sized units.
24 Because that was one of the things that we got
25 as far as feedback from a number of the

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1 residents of Otis Place, is there are a lot of
2 families there, and the house was previously a
3 big, kind of, group house rental that they
4 elaborated on having parties.

5 And they didn't want that. So they
6 didn't want us to build something that was a
7 rental. So we committed to everybody to try to
8 build family-size flats that people could grow
9 into and then also to sell everything.

10 COMMISSIONER SHAPIRO: Okay. So at
11 the end of the day what you are proposing here
12 is how many for sale units?

13 MR. DUNGAN: There would be three for
14 sale units.

15 COMMISSIONER SHAPIRO: And each of
16 them will have how many bedrooms?

17 MR. DUNGAN: Three to four bedrooms.

18 COMMISSIONER SHAPIRO: Okay. Okay,
19 thank you. Thank you, Mr. Chair.

20 CHAIRPERSON HILL: Okay. And I'm
21 going to go quickly through as well. All right,
22 so the meaningful connection, what is that, how
23 does that thing get used? It's -- everyone has
24 access to it to get to the back? How's the
25 meaningful connection getting used?

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1 MR. MEEKINS: Yes, that's correct.
2 Everyone has a public access to get to the rear
3 for trash and parking.

4 CHAIRPERSON HILL: Okay. But there's
5 nothing -- that doesn't go to the front
6 anywhere? That meaningful connection doesn't go
7 out to the front. The two --

8 MR. DUNGAN: Yes, it does go to the
9 front, and that's where it's initially accessed.

10 CHAIRPERSON HILL: Can you show me the
11 front, Mr. Cross? Just, okay, however you want
12 to do it.

13 MR. DUNGAN: So the entrance to the
14 connection occurs at the front at the cellar
15 level. That connection continues through as
16 discussed to the first floor level as it
17 connects through the building to the rear
18 parking. It also serves as the entrance to that
19 rear dwelling from the front. So it is a
20 required connection -- a legitimate connection,
21 in the sense that it is the entrance to the
22 third unit.

23 CHAIRPERSON HILL: Okay, but the first
24 two units can also use that meaningful
25 connection to get to the back. Correct?

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1 MR. DUNGAN: That is also correct.

2 CHAIRPERSON HILL: You had a picture
3 of the front. I'm just trying to -- the very
4 first page. I got it. I see, the door to the
5 left there. So that goes, okay, so maybe, and
6 we'll see where we get to, but maybe again, you
7 can kind of clarify how that meaningful
8 connection is used by all, just in a diagram or
9 something so it's a little bit easier for us to
10 see.

11 Okay. So does anybody have any other
12 comments or questions before we turn to the
13 Office of Planning?

14 VICE CHAIRPERSON HART: Just one last
15 quick one. I know I've talked a lot, but if you
16 go to Page 6, I get the movement through here,
17 so I get if somebody's walking, they're walking
18 through here. And I'm assuming that they can
19 continue walking through and up a few stairs
20 that are right there. And then they're in this
21 level. Right?

22 MEMBER JOHN: Where is that?

23 VICE CHAIRPERSON HART: And so this
24 level is just a little bit above, like a couple,
25 maybe a foot or two above where the cellar level

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1 is, for lack of a better term. You can go to
2 the next one. And then, you continue walking
3 and then you can walk straight through to the
4 back.

5 MR. CROSS: Exactly.

6 VICE CHAIRPERSON HART: So what I was
7 trying to, what was kind of confusing to me, if
8 you go back to 6, was that this ended here, and
9 I couldn't figure out, like, why did that end
10 there? But it doesn't end. It's just that it's
11 below, and so it is -- the cellar that the --
12 wow, this is a really confusing level, because
13 the cellars are not at the same level. The
14 floor plan that you have, the cellars for the --
15 or the basement for the existing building and
16 the new building are at different levels, and so
17 it throws off these plans.

18 And so it makes it look like there's
19 an end, and I couldn't figure out why there was
20 a dead end here. And then I realized, oh, it's
21 not a dead end. It actually goes through. It
22 just goes through on another level.

23 And so you're kind of seeing, I don't
24 know. I don't know how to explain it. But
25 you're seeing kind of two levels on two

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1 different images.

2 MR. CROSS: You're exactly correct.
3 There is a grade change that accounts for some
4 of that. The other piece that's happening is
5 the client, as discussed before, was very
6 sensitive to the height and actually lowered the
7 building. Even though that was not part of the
8 ANC discussion, we had lowered it since
9 originally presented to the ANC, because they
10 wanted to keep the sight lines even further down
11 as far as possible. It's what they asked us to
12 do.

13 VICE CHAIRPERSON HART: And then, I
14 did say that was my last question, but this is
15 my last question. So the first level of the
16 building, the mass in the back, there is a --
17 when you -- if you're at grade and going into
18 that building, there is a -- when you actually
19 turn into the building, there is a kind of
20 atrium that you look down into the living room,
21 and then you can go upstairs to the master
22 bedroom or go downstairs to the living room and
23 the other bedrooms up there.

24 And I just thought that, while I
25 understand kind of why you did it, because it is

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1 somewhat constrained, the hallway makes the back
2 unit somewhat constrained on that first floor
3 level, it seems as though you're somewhat,
4 you're kind of missing some space that you could
5 have a living room on this level and possibly
6 not have the basement level or continue to have
7 it on the basement level and maybe bring one of
8 the bedrooms down here or something.

9 It just seems like it's kind of lost
10 space that if you gain that by putting a bedroom
11 or something else down there, you might actually
12 be able to lower the building.

13 And I understand kind of why you're
14 doing it to some degree, but it just seems like
15 you kind of walk in and you see this kind of
16 opening on the right-hand side to where the
17 living room is. But it just seems like you're
18 kind of losing -- you're building this building
19 and you're losing half of a floor because of how
20 you've had to deal with dropping the living room
21 and trying to lower the entire building.

22 So I don't know if it makes sense to -
23 - I don't know what makes sense. Because I
24 think you need -- I understand that you need the
25 basement level. I'm not sure if you really want

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1 to have the bedrooms on the first floor, but it
2 just seems like this is still being kind of
3 figured out.

4 And I just, I think that if you could
5 find a way of getting maybe a bedroom on this
6 floor, maybe the master, I don't know, but some
7 bedroom, that might be able to lower the
8 building.

9 I'm somewhat concerned about the
10 height even of what you're proposing on the
11 alley and so I was thinking of a way to maybe
12 kind of reduce that height, but I understand
13 that you all have to figure out what is
14 marketable.

15 And so I'll leave it to you, but it's
16 just a thought that you might be able to try to
17 rejigger this to figure out how to deal with
18 that open space and open area, the atrium that
19 you're trying to create, or that you've created
20 for the living area. And like I said, I'll just
21 leave it as a thought.

22 CHAIRPERSON HILL: Okay. I'm very
23 glad that we're not going to have an appeal
24 later. All right, so I'm going to turn to the
25 Office of Planning, please. Office of Planning?

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1 MS. ELLIOTT: I'll try to sound just
2 as enthusiastic.

3 CHAIRPERSON HILL: Thank you. Thank
4 you. Thank you. The lunch is setting in.

5 MS. ELLIOTT: Good afternoon, Mr.
6 Chairman, members of the board. I'm Brandice
7 Elliott representing the Office of Planning.
8 The Office of Planning is recommending approval
9 of the conversion itself.

10 In terms of the actual waivers, we do
11 have sort of split approval and denial. So for
12 the requested waiver for the rear addition,
13 Office of Planning is recommending approval. We
14 understand that it's a large rear addition. It
15 goes 52 feet back from the rear wall. We think
16 that the design actually does do a pretty good
17 job of protecting light and air to adjacent
18 neighbors. I'm happy to provide more analysis
19 if that's needed.

20 And then also OP is recommending
21 denial of the requested waiver for the removal
22 of the rooftop architectural element. I know
23 that there was some discussion, or quite a bit
24 of discussion already, regarding some of the
25 adjacent properties and the predominant design

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1 in the neighborhood. And we do recognize that
2 there are other building, you know, building
3 styles even on the same street. But what we
4 were looking at and what we were most concerned
5 with, is the fact that this property is right in
6 the middle of about seven other row homes that
7 look exactly like it. And so our concern was
8 that the roof line be maintained. And we think
9 that actually keeping the existing mansard roof
10 and setting the addition back three feet would
11 be the best way to do that.

12 Although we do appreciate the
13 applicant's efforts in, you know, outreach to
14 the neighborhood and working with the ANC to get
15 a design that everyone was on board with.

16 The thing that -- well, something that
17 hasn't been discussed that I'll bring up is the
18 potential for a roof deck on the rear portion of
19 the rear addition where that third unit would
20 be. We do have some concerns that there could
21 be a roof deck there. The regulations -- so
22 there are different regulations for detached
23 structures in the rear yard. And those
24 regulations do not allow for rooftops on
25 detached structures.

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1 This is a little different because
2 it's attached, but it essentially functions the
3 same way as a detached structure would. And so
4 we think that it's actually important for the
5 maintenance of, you know, privacy to some of the
6 surrounding properties that there is no roof
7 deck on that third unit. And we think that
8 that's actually in keeping with the intent of
9 the regulations.

10 The other thing that's been discussed
11 at length is the meaningful connection. And the
12 only discussions I had with the applicant was
13 that it would comply, so I don't have much to
14 add to that, except that I'm happy to continue
15 working with them to make sure that, you know,
16 there is a meaningful connection that does
17 comply with the Regulations.

18 I'm happy to answer any questions you
19 have.

20 CHAIRPERSON HILL: So I think that
21 we're going to have bunch of questions. Right,
22 so there's the meaningful connection. Right?
23 So you, I mean, we can talk about that, Ms.
24 Elliott.

25 But, I mean, I guess I just want to

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1 kind of have you walk me through a little bit.
2 I haven't seen this yet. Right? I've seen this
3 -- we had a big appeal about something very
4 similar, and it was against like, I think there
5 was a giant apartment building next door.

6 And actually, I have to go back,
7 because I can't remember how I voted. I think I
8 wasn't happy about whatever the vote I was that
9 I had to have. But the fact that the Office of
10 Planning is in favor of this, it just surprised
11 me a little bit in that that means that we'll
12 see more of these if this, you know, potentially
13 starts to become a thing. Right?

14 And this is where, again, Mr. Dungan,
15 I'm looking, there's somebody in the back over
16 there that's also probably connected to this.
17 And believe me, I understand how you got here,
18 I'm just letting you all know, the reason why
19 this is going to take much longer is this hasn't
20 happened yet, okay, in this way. And this is
21 going to be a different, pardon me?

22 Well, it hasn't happened easily, you
23 know? And so, you know, if this kind of -- I
24 mean, again, I'm just trying to struggle with
25 the discussion that the Office of Planning, and

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1 I guess -- what's my question? I mean, I know
2 you guys all talk together. So, you know, how
3 did you as the Office of Planning come up with,
4 this seems like a good idea possibly moving
5 forward? Each on an individual basis of course.

6 MS. ELLIOTT: You think we talk to
7 each other? No, we did have some discussions
8 about this project and whether it's something
9 that we would want encourage. But, you know, it
10 is a creative way of complying with the
11 Regulation, well, yes.

12 And it is a way of, I guess, creating
13 more, you know, more sensitive development, you
14 know, that -- so essentially, by taking the rear
15 addition out so far, the Applicant doesn't
16 necessarily have to go as high. So it has a
17 height of 28 feet as opposed to 35 feet.

18 CHAIRPERSON HILL: The rear addition, you
19 mean? But, the first addition --

20 MS. ELLIOTT: Right, the first --

21 CHAIRPERSON HILL: The first one does go up to
22 35. Correct?

23 MS. ELLIOTT: I guess it is 35. We had that
24 discussion too, yes. I apologize.

25 CHAIRPERSON HILL: That's okay.

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1 MS. ELLIOTT: But, usually what we would see
2 would be, you know, a row home with like a 20-foot rear
3 addition or something. That's fairly typical. And
4 it's just that creates a lot more shadowing on the
5 neighbor's properties than something like what's been
6 proposed here, where you have the meaningful
7 connection, which is one story high or even maybe less,
8 we'll have to work with that.

9 And that doesn't impact the neighbors quite as
10 much as what that large mass attached to the rear of
11 the building would. And so I think that that was the
12 main, you know, the main thing that we factored into
13 our analysis, is that this would actually have less
14 impact than some of the other projects that we have
15 seen. And certainly it helps in this case that, you
16 know, that applicant worked extensively with the ANC.
17 The ANC knew what they wanted. They approved it
18 unanimously. They've worked with the neighbors.

19 And that may not be the case in all
20 neighborhoods. I think that there would be a lot of
21 neighborhoods that would outright reject this type of
22 development, but that's, you know, that's part of the
23 special exception criteria is, you know, working with
24 the neighbors, building something that is sensitive to
25 the surrounding context and, you know, something that

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1 the ANC is willing to approve.

2 CHAIRPERSON HILL: Okay. That's good. I
3 don't want to take up so much time, because there's
4 other people here. So you all got questions for the
5 Office of Planning?

6 MR. MEEKINS: That kind of did it for me.

7 VICE CHAIRPERSON HART: Just, and I understand
8 that you said that you would work with the applicant on
9 the kind of meaningful connection thing, but were you
10 aware that part of this might be partially not at
11 grade?

12 MS. ELLIOTT: I didn't recognize that, no.

13 VICE CHAIRPERSON HART: I mean, it would not
14 have been easy to find that through the drawing. So I
15 just wanted to make sure that that was --

16 MS. ELLIOTT: Right.

17 VICE CHAIRPERSON HART: It's fine. I didn't
18 necessarily want to put you on the spot. It was more
19 just trying to understand like, you know, kind of how
20 we're supposed to see this.

21 MS. ELLIOTT: Right.

22 VICE CHAIRPERSON HART: Thank you.

23 CHAIRPERSON HILL: Okay. Does the applicant
24 have any questions for the Office of Planning?

25 MR. CROSS: We do not, thank you.

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1 CHAIRPERSON HILL: Okay. Is there anybody
2 here wishing to speak in support? Is there anyone here
3 wishing to speak in opposition? Please come on
4 forward. The ANC's not here. Correct? No. Okay.
5 Okay.

6 No problem, that's all right. You'd have to
7 speak in the microphone anyways, nobody can hear you.
8 If you could please introduce yourselves for the
9 record?

10 MS. COLE: Good afternoon, my name is Lisle
11 Cole. I am a resident at 622 Otis Place, Northwest.

12 CHAIRPERSON HILL: Okay.

13 MS. SMITH: Good afternoon, my name is Phyllis
14 Smith. I'm a resident of 618 Otis Place, Northwest.

15 CHAIRPERSON HILL: Okay. So Ms. Cole, you're
16 not next door. Correct? Or you're not -- you need to
17 push the button again.

18 MS. COLE: I'm not directly next door.

19 CHAIRPERSON HILL: You're not directly next
20 door? Okay. So how far down are you?

21 MS. COLE: Actually, I am four houses down.

22 CHAIRPERSON HILL: Four houses down. And Ms.
23 Smith, are you on the same side of the street?

24 MS. SMITH: I'm on the same side of the
25 street, and I'm actually two doors down. I am next

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1 door to Mr. Jamison where the 614 property is being
2 developed.

3 CHAIRPERSON HILL: Okay. Ms. Cole, have you
4 been down here before?

5 MS. COLE: Only working in another section.

6 CHAIRPERSON HILL: Okay. All right. So
7 you'll each get three minutes to provide your
8 testimony. Ms. Cole, we'll go ahead and start with
9 you, and you can begin whenever you like.

10 MS. COLE: Okay. I do actually have something
11 to submit.

12 CHAIRPERSON HILL: Okay. You can give it to
13 Mr. Moy over there.

14 MS. COLE: Okay. So I am hereby voicing my
15 opposition to this particular project. First, I have a
16 one-year-old child who was born preterm, and so the
17 development in itself will cause excessive dirt, dust,
18 and runoff.

19 Also, in regards to the project, it was not
20 clear in -- when they submitted the burden of proof on
21 October, as well as December, by the developer, first,
22 these are not single-family semi-detached homes. They
23 are row houses. So it does immediately impede both of
24 your neighbors on both sides of you. You have only
25 received information and a signature from one neighbor

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1 who will be directly affected.

2 Also both of the neighboring homes do have
3 chimneys. There was only one signature received from
4 Mr. Jamison, who is located at 616 Otis Place. Whether
5 or regards that the other home at 612 Otis Place is
6 vacant, there needs to be the owner -- I believe should
7 be contacted and also get permission in regards to the
8 development.

9 Also, for this particular development, the
10 Office of Planning has indicated some of the things
11 that are asked for in the variance. For the proposed
12 development, they are requesting an additional build
13 out of 52 feet from the neighbor's wall. So our yards
14 are approximately 72 to 75 feet in length and in
15 regards to them having an additional 52 foot build out
16 and also accommodating for two additional parking
17 spaces, that really seems that it is not really going
18 to be feasible.

19 Also, in regards to the special exception that
20 has been requested for Subtitle U 320.2, Subsection
21 (f)(2)(I), I am particularly opposed to the development
22 for an additional 35 feet in height above and beyond
23 the roofing elements, which will directly impact the
24 aesthetic of our neighborhood. We have seniors. We
25 have children. We have the RF-4 -- RF-1 zoning for

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1 residential flat zoned roofs, and this is a large
2 extreme development. It's going to definitely impede
3 and change the characteristic and aesthetic of our
4 neighbors directly.

5 This project also -- they have indicated that
6 they require a dwelling in the rear position of the
7 building where the third unit will be located. The
8 extension of this property will impede the site, the
9 sun, the air, and the lighting for all of the neighbors
10 that are located on that block.

11 Also, in addition to that, when the burden of
12 proof statement was initiated, it noted multifamily
13 apartment homes. Now, Mr. Dungan is stating that the
14 homes will be for sale condominiums. So that needs to
15 definitely be clarified and placed clearly in the
16 record so that all the neighbors are aware of this.

17 This is very -- it's such a massive project.
18 Even the scale that they have shown us today, we can
19 see it's a little bit convoluted and not very clear.
20 The multilevel structures seem as to be a maze. We
21 actually have single-family homes there and so in
22 providing for this above cellar, below cellar, you
23 know, connections, matter of fact, and things like
24 that, it does not go along with the character of our
25 neighborhood.

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1 And the additional roof height and elements,
2 those do not go along with the character, site or the
3 consistency of our neighborhood as well. So,
4 therefore, I am clearly placing my opposition to this
5 development. I feel that it has become a monstrous
6 property in proposal, and we really need to be
7 consistent, thoughtful and good neighbors to any
8 projects that are going to be affecting our community.

9 And in regards as well to the development of
10 this proposal, it is going to be massive in context, so
11 it will impede directly our parking spaces, our alleys.
12 We have had recently two other developments in the
13 back.

14 CHAIRPERSON HILL: Ms. Cole? I just want to
15 interrupt you. You're going on five minutes.

16 MS. COLE: Okay.

17 CHAIRPERSON HILL: So you can wrap it up if
18 you want to.

19 MS. COLE: Okay. So I just want to make clear
20 that I am opposed due to the direct impaction that this
21 project will have.

22 CHAIRPERSON HILL: Okay, great. Thank you.
23 Please.

24 MS. SMITH: Yes, my name is Phyllis Smith, and
25 I am opposed to the building.

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1 CHAIRPERSON HILL: Could you just pull that
2 microphone a little bit closer to you, Ms. Smith?
3 Thank you.

4 MS. SMITH: Yes, I'm opposed to this building,
5 especially where they have the rooftop. To my
6 knowledge, I know having a rooftop will be very noisy
7 to the other neighbors if they do have tenants in there
8 that will have parties, which will be very disturbing.

9 And the house, he claims that it's a semi-
10 detached, which to my knowledge is a row house. And
11 the back structure that they say they're going to have,
12 my thing about -- I really don't understand the back
13 structure. And I'm just thinking that it will block
14 part of the alley, and it will also block most of the
15 lighting. And also my problem with this proposal too
16 is that our taxes will go up. And I am in a
17 neighborhood that has a lot of seniors, who have been
18 on that street, like, for over 40 years, who are
19 retired and living on a fixed income. And that would
20 be a problem with our, with some of the other
21 residents. And so the zoning, I think, would be a
22 little bit of a problem.

23 CHAIRPERSON HILL: Okay, Ms. Smith. Thank
24 you. Does anyone have any questions for the witnesses?

25 VICE CHAIRPERSON HART: Just a quick question.

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1 Thank you all for coming out. It's been a long day.
2 When you went to the -- you went to the ANC meeting
3 where they were voting on this?

4 MS. COLE: I was not able to attend the ANC
5 meeting in particular where they cast the vote.

6 VICE CHAIRPERSON HART: Did you send any
7 information to them to let them know that there were
8 folks that were in opposition? I just don't know if
9 they were kind of like, okay, well, you're in
10 opposition and, you know. Or if they were like, okay,
11 well --

12 MS. COLE: I had just submitted my
13 notification of opposition to the zoning board.

14 VICE CHAIRPERSON HART: To us?

15 MS. COLE: Yes.

16 VICE CHAIRPERSON HART: Okay. I think that's
17 it. Thank you.

18 CHAIRPERSON HILL: Okay. Right, so I mean,
19 just as far as, I mean, Ms. Cole and Ms. Smith, yes,
20 thanks for coming down. And I know you guys have been
21 here the whole day now.

22 Right, so you are aware, right, that the ANC
23 did vote in favor of it, and you can hear all the
24 discussions that we're having right now, so you'll see
25 where we go with that. But I just wondered, because

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1 you all have your own personal opinion on this perhaps,
2 but do you know about like, have you seen development
3 projects that kind of like go back farther in terms of,
4 you know, you've heard of pop ups and pop backs.

5 Right?

6 Yes, but let me just ask the question first,
7 which is that, you know, if this were something that
8 went back 20 feet, would you also be -- or do you even
9 know if you would be able to say what your thoughts
10 would be to something like that?

11 MS. COLE: I think that originally with the
12 statute with the Office of Planning that states up to
13 ten feet, I feel that that would be more feasible and
14 also because that will not directly impede the site
15 vision and also the air, lighting, and space for the
16 other abutting neighbors.

17 CHAIRPERSON HILL: Okay. All right. Does the
18 Applicant have any questions for the witnesses?

19 MR. CROSS: Not specifically. I did want to
20 address, just to clarify a couple of points.

21 CHAIRPERSON HILL: Okay. That's okay, so do
22 you have any questions first for the witnesses?

23 MR. CROSS: I don't.

24 CHAIRPERSON HILL: Okay, great. All right.
25 Thank you all very much. Okay. So we're going to

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1 still have some questions. I don't know exactly where
2 we're going to be, but I guess I'm still trying to
3 figure out with the Office of Planning, in terms -- I'm
4 just kind of having a discussion here since we've been
5 here so long together, and these continue to kind of
6 come up.

7 Again, what I have been, and I mention this
8 every time somebody comes up with this, and I guess we
9 might have some more training on this, but again, and
10 this is for the witnesses also that if, you know, the
11 by right ten feet. You know, a lot of things that
12 we've talked with the by right of ten feet is that it's
13 not a lot of space. Right? Like ten feet, as some
14 people have told me isn't even really a bathroom, you
15 know, and so -- or a closet.

16 And so to spend that kind of money to make
17 kind of a -- and this is kind of the Zoning Commission,
18 you weren't here for this whole -- I don't think you
19 were here for the rule change that -- they weren't
20 there, I don't think, right, for the ten-foot rule.

21 I mean, this -- and I have to keep saying this
22 to myself so that I am reminded of this that, you know,
23 at one point, you could go back and fill out the whole
24 lot as to whatever you were allowed to do matter of
25 right, up until your lot occupancy, which had people

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1 going back 60 feet or whatever it was to fill out their
2 lot.

3 Then, the Zoning Commission had, you know,
4 these pop backs were going really far back. They had a
5 discussion. They came to ten feet. Right? Now at ten
6 feet, people are saying that you can only do a bathroom
7 for ten feet. So now people come in here, and we get
8 the stuff with the Office of Planning, which is like 25
9 feet, 20 feet, 28 feet. It's all dependent upon each
10 individual case. And now this is a new -- to me, this
11 is kind of a new approach, okay, to how this is doing.

12 And I do remember, Carl, I mean, Mr. Hart,
13 that you did, you are correct. I remember the one that
14 you're talking about that we did approve, where it,
15 again, I think it was a little bit of a more unique
16 situation where there was an alley on one side. And
17 then I think the lot was even bigger. It was a larger
18 lot. And then, I look out, everybody's nodding their
19 head. And that the meaningful connection was in the
20 middle. And that, you know, it seemed like a very nice
21 design that actually was not going to harm the light
22 and air of the neighboring properties. And so I'm
23 saying all this for the Applicant.

24 And, again, because, you know, you got to this
25 point, and how you got to this point is you heard

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1 people saying yes or this sounded like a good idea and
2 maybe we'll do this. And so I don't know whether you
3 got me. Right, okay? But I'm just telling you that I
4 know how you got here. Because if somebody said,
5 you're probably not going to get BZA approval, you
6 wouldn't have spent any of this money, okay, to get to
7 here. You would have stuck with whatever you thought
8 was the matter of right, which by the way, the ten feet
9 out, you know, I would have least come back for 20 feet
10 or something. So, you know, I don't know what that
11 means.

12 So okay, I don't know what I'm saying other
13 than I guess I'm just having an overall discussion for
14 wherever the deliberation is and what I don't know I
15 need yet to get to whether I think I can or can't
16 approve this for me.

17 VICE CHAIRPERSON HART: Let me kind of add in
18 to that, Mr. Chairman. I know I'm not ready to
19 deliberate on this today. I think that there were a
20 few things that I had requested from Mr. Cross and the
21 designers to have so that we have that in the record.

22 And I think that it's helpful to understand
23 what those, and I was looking at particularly what are
24 the impacts along the street, what are the impacts
25 along -- the visual impacts along the street and the

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1 alley. Because currently, I don't think that we have
2 that sufficient information beyond the image that you
3 see here on the front -- on the slide that's in front
4 of us, which is the first page of the submission that
5 was provided. And I think this is actually a different
6 submission than we have in the other record, by the
7 way. There was one image that was in here, or a couple
8 of images in here that weren't in what I saw as the
9 plans on, I think it's 35, Exhibit 35.

10 But, be that as it may, I do think there needs
11 to be some changes to the -- or at least some other
12 images that were provided to help me understand this
13 further so that I can then be able to make that
14 decision at an upcoming meeting.

15 I think that may actually be a public hearing
16 that I'd like, so that we can least have a conversation
17 with the Applicant. I just think that that's where I
18 am. I don't know where I am in terms of the -- either
19 being supportive or not supportive of the design. I'm
20 more just, I need further information to get there, in
21 either case.

22 And I think if we have that then that would go
23 farther along so that we can then use that to base the
24 decision on. That may also help, and I don't know how
25 the Applicant is going to address the -- well, I know

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1 how you've addressed the Office of Planning's comments
2 so far regarding the architectural element --
3 architectural rooftop element, in that you stated that
4 you'd had conversation with the ANC, and the ANC was
5 more supportive of this than the kind of three foot,
6 you know, whatever, that area where you kind of push
7 back off of the existing mansard roof.

8 So I kind of understand where you are with
9 that, but the Office of Planning was not in support of
10 that, so it would be helpful to, maybe to kind of,
11 reiterate that on the record that this is how you got
12 to this point. But I think those are kind some of the
13 things that I'm looking for so that I can then base my
14 decision on it in the future. So just for your
15 information, I know that I won't be able to make a
16 decision now, but I think with that information, I'd be
17 able to at least get to a conclusion on, you know, yes
18 or no.

19 MEMBER WHITE: I mean, I think, again, I asked
20 early on just for just some additional meat in terms of
21 how you think you're meeting the burden of proof,
22 because I've never approved anything like this before,
23 and I'm usually pretty sensitive, especially with some
24 of these rear additions. But I think this is an
25 interesting kind of design, but I do have concerns

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1 about how the neighbors have expressed themselves
2 about, you know, having some reservations about the
3 rear addition.

4 And I was just noting in the record, you know,
5 just looking at the ANC's comments, and they indicated
6 that there was a lot of support from neighbors. I
7 think it -- I don't know, Exhibit 21, and they said
8 that there was about 21 signatures or something of that
9 nature of neighbors that -- I don't know if that was
10 ever submitted in the record, but I'd be curious to see
11 if there are other neighbors that are supportive of
12 this.

13 I see the ones that are opposing it in the
14 record, but I didn't see a lot of support from the
15 people that were actually living there. But the
16 neighbor that did kind of say, yes, it's okay that was
17 on the other side, is his written authorization in the
18 record?

19 MR. CROSS: It's my understanding both of
20 those items are in the record.

21 MEMBER WHITE: Okay.

22 MR. CROSS: I'm not sure of the exact exhibit
23 number, but we'll be sure to provide those at our next
24 hearing.

25 MEMBER WHITE: Okay.

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1 VICE CHAIRPERSON HART: Is it Mr. Jamison?
2 Yes, it's 19. It's Exhibit Number 19, there's a letter
3 that's in there.

4 MEMBER JOHN: Okay?

5 CHAIRPERSON HILL: Sure.

6 MEMBER JOHN: So first of all, I think this is
7 really a creative way to try to achieve your
8 objectives. I am having a lot of difficulty with
9 adding 30 feet of mass in the rear. And I always have
10 to think about what the regulations require. And as
11 the Chairman has said, as a Board, we have always been
12 stuck about how much more than ten feet we should
13 allow. And I am typically in favor of something more
14 than ten feet, but 30 feet is too much for me to
15 absorb.

16 And I hear you in terms of what you could get
17 with an accessory structure, and I don't quite remember
18 all the minor details of the accessory structure. I
19 know it has to -- it can't be the same mass as the
20 primary structure. So I wouldn't mind seeing something
21 -- what a by-right development would get you, and still
22 maintain the parking if you can or meet the parking
23 requirement whatever that is. I believe it would be
24 for one parking space? It would be for two?

25 So that's sort of where I am, just to give you

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1 an idea of how some of us are thinking, but I commend
2 you on trying to do something different. I think the
3 -- it looks to me like an underground passageway, which
4 is sort of gimmicky. And I don't think that meets the
5 definition of a meaningful connection, but there again,
6 you can take a look at the regulations and see. It has
7 to be above ground as far as I understand. So those
8 are my thoughts. Thank you.

9 CHAIRPERSON HILL: Board Member, you should
10 have been here for the whole trellis discussions. That
11 was my joke at OP. So, Commissioner?

12 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.
13 We'll get more information, and we'll deliberate when
14 the time comes. I mean, where I am with this now is I
15 agree that it feels like a creative solution that I
16 could see where this could be beneficial in many parts,
17 this kind of solution could be beneficial in many parts
18 of D.C. It's not going to be everywhere.

19 But I'm curious about this. I think it has to
20 be done right, and I think Vice Chair Hart's point even
21 the, you know, small point as it is, that it may not
22 meet the requirements because the meaningful connection
23 is below grade. So that's an issue that has to be
24 addressed and then it changes the design. That's an
25 example.

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1 The other thing I would say, you know,
2 speaking for myself, I liked the mansard roof approach.
3 I thought that was an interesting, in some ways I think
4 that is -- might have less neighborhood impact than
5 that front roof deck, which you would get by putting
6 the addition a little bit set back.

7 So for what it's worth, I don't even, despite
8 where OP is, I don't completely rule that out. I find
9 that creative and interesting, and I imagine if that's
10 the direction where these row of homes went, it would
11 be, you know, it would be a nice addition to the
12 neighborhood.

13 So I think all the things that my fellow
14 commissioners have asked for are things that I'd like
15 to see as well. And I'm looking forward to
16 deliberating on this.

17 CHAIRPERSON HILL: Again, we might end up
18 doing another round here, because I'm going to do one
19 more round. So just to be clear, Mr. Cross, you guys
20 are going up the by-right height. Correct?

21 MR. CROSS: That's correct.

22 CHAIRPERSON HILL: In the front unit.
23 Correct?

24 MR. CROSS: Conforming with the matter-of-
25 right height.

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1 CHAIRPERSON HILL: Right. And it's 35 feet?

2 MR. CROSS: The maximum is 35 feet.

3 CHAIRPERSON HILL: Yes. And then the rear is -
4 - I forget how the -- so you could have gone -- OP,
5 they could have gone up to 35 feet in the rear as well?
6 No?

7 MS. ELLIOTT: As it's currently -- since it's
8 connected, and it's technically one structure --

9 CHAIRPERSON HILL: Yes.

10 MS. ELLIOTT: -- yes, you can go up to 35
11 feet.

12 CHAIRPERSON HILL: Yes, it could have gone up
13 to 35 feet, right, because it's a meaningful
14 connection, and it's actually one structure. Right, so
15 you could have gone up to 35 feet in the rear. But
16 because you were trying to work with the community, you
17 lowered it, right, increasing your costs by having to
18 dig out. Right? Or I don't know, whatever, possibly.

19 Okay. So you're up 35 feet by right. I think
20 you do have to clarify whether or not it is a
21 meaningful connection, meaning whether or not it has to
22 be above grade. And actually, I'm looking to OP.
23 Doesn't it have to be above grade?

24 MS. ELLIOTT: That's where we're falling with
25 this discussion, but I --

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1 CHAIRPERSON HILL: You don't know? No, no,
2 no. I mean, I'm just --

3 MS. ELLIOTT: I mean, that's the way the
4 definition reads.

5 CHAIRPERSON HILL: Okay.

6 MS. ELLIOTT: I don't know if there's a
7 certain percentage above grade.

8 CHAIRPERSON HILL: Okay.

9 MS. ELLIOTT: That's --

10 CHAIRPERSON HILL: The reason why I'm asking
11 and since we're having the discussion here, is that if
12 it were above grade, it's actually going to have a
13 larger impact than if it was done the way it is now.

14 So I would think that if this were to move
15 forward and you could have a meaningful connection and
16 it is below grade and it can be allowed, then I would
17 think that the Office of Planning would -- so you're
18 going to work that out.

19 I'm just saying work that out whether it's a
20 meaningful connection. And if it -- and then we're
21 going to have a supplemental hearing so then we can
22 find out whether or not it is or isn't above grade and
23 that might change the Office of Planning's opinion, I
24 don't know.

25 If we did get to this probably, I don't know,

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1 we can talk about it. But there would possibly be a
2 condition that no roof deck is allowed on the third
3 unit. Okay? I'm just throwing that out there for a
4 reminder. And also if OP will put a supplemental -- if
5 they do a supplemental, they could throw that in as a
6 condition if that's something that you think should be
7 a condition.

8 For my vote now, just to continue and we can
9 go around, I'm with the -- I like the Office of
10 Planning, which is to pull back the three feet and even
11 though it's, you know, my opinion is just that it -- I
12 agree with the Office of Planning, in terms of the
13 pulling back the three feet, but you can have at it
14 however you want to have at it.

15 I guess, I'm -- since I get to be the
16 chairman, I get to talk. I'm struggling. Okay? Like
17 I don't know if you got me, but it sounds like -- I'm
18 just maybe -- and I am thankful that there are other
19 people here on the Board that actually are going to
20 provide their input as to how this may in this
21 situation meet the criteria, in particular with the
22 light and air and privacy, enjoyment, character, scale
23 and pattern of houses.

24 So I mean, this might be a solution that I
25 would agree with the commissioner that maybe is in

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1 different parts of the city, that would be a
2 possibility or more of a possibility.

3 I'm also looking at this not only -- yes, I'm
4 just looking at this one particular issue and then I
5 guess also thinking about it that this will then be a
6 possible solution that will be before us again on
7 different lots. And so that's why you guys are kind of
8 the test balloon, okay, to a certain extent here, for
9 me. So if you showed kind of like a matter of right I
10 suppose, meaning if you showed what the -- and this is
11 whether or not, I don't even know if you can get me, so
12 I don't know if you need to spend your money on me.
13 Okay?

14 So if there was the matter of right for like,
15 you know, whatever the ten foot extension matter of
16 right is, and then the accessory dwelling unit that the
17 Commissioner once mentioned, what does that look like
18 as opposed to this, and how does that affect the
19 neighboring properties, as opposed to this? That's
20 something that I could at least wrap my head around,
21 and I could be like okay, this is what the light and
22 air is going to effect by the by right with the
23 accessory dwelling unit at the height that they're
24 allowed as an accessory dwelling unit.

25 However, you're not going to have a connection

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1 to it, so it's not, I don't know what the, off the top
2 of my head, how high that can be, the accessory
3 dwelling unit. Does the Office of Planning know?

4 MS. ELLIOTT: 20 feet.

5 CHAIRPERSON HILL: 20 feet, right. So you're
6 at 28 feet. Right? So, you know, you're losing -- so
7 anyway that's what I, if you wanted to -- that's what
8 maybe you could do to get me, but I don't even know if
9 you can get me.

10 COMMISSIONER SHAPIRO: Mr. Chair, if I may,
11 I'd like to see that too.

12 CHAIRPERSON HILL: Okay.

13 COMMISSIONER SHAPIRO: So it's not just you.

14 MEMBER WHITE: Yes.

15 MEMBER JOHN: Mr. Chair?

16 CHAIRPERSON HILL: Yes?

17 MEMBER JOHN: I'd even go beyond ten feet.

18 CHAIRPERSON HILL: You need to push the, oh,
19 I'm sorry, you're on. You would even go?

20 MEMBER JOHN: I would be willing to go beyond
21 ten feet matter of right. Or I could extrapolate from
22 the ten feet. I'm just not happy with 30 feet of
23 additional mass.

24 CHAIRPERSON HILL: Right. So what would you
25 be asking possibly from the Applicant? A different

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1 solution?

2 MEMBER JOHN: I'm not asking the Applicant to
3 spend money to satisfy what I might want to do, I might
4 want to see. But just talking --

5 CHAIRPERSON HILL: Okay. So anyway, we're the
6 two that you're having the most trouble with anyway at
7 this point. So, you know, okay. So I think you can
8 figure out whatever you want to give to us to try to
9 see if you can get, you can go back and watch the whole
10 tape and be like, okay.

11 This is what I'm going to give to this, this
12 is what I'm going to give that and see what happens. I
13 guess I feel for you being here, because again, you
14 went to the ANC, you worked through the ANC. You
15 worked through the Office of Planning.

16 This is something that I haven't seen yet in
17 this particular format, in this particular way, so it's
18 going to take a lot for me to kind of get my head
19 around it. And the only way I can think about getting
20 my head around it is, again, the matter of right with
21 the ten feet and the accessory dwelling unit and how
22 does that affect the character of the neighborhood.

23 How does that tie up to the regulations as
24 opposed to this, which I think would probably help with
25 Board Member John at least kind of getting an idea as

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1 to what -- I'm sorry, yes, John, as to you were looking
2 for.

3 MEMBER JOHN: Thank you, Mr. Chairman, that
4 would help. But I would like to say I'm open to going
5 beyond ten feet, because I'm one of the people who say
6 that ten foot is just barely enough for a decent
7 bathroom.

8 CHAIRPERSON HILL: Okay. All right. Okay.
9 Ms. White?

10 MEMBER WHITE: I'm still very sensitive to
11 rear additions just generally, but I'm open to looking
12 at options or whatever you want to present. But I was
13 just curious, whether or not there was any feedback
14 from the neighbors at the ANC meeting?

15 If that was something that you recall or, I
16 mean, was there generally support for it or was it kind
17 of a mixed bag?

18 MR. DUNGAN: So over the nine weekends that I
19 went up and knocked on doors, everybody was very
20 supportive and encouraging and preferred the front
21 mansard roof rather than a setback. And then also the
22 basis for this design was all with the intention of
23 satisfying Mr. Buckrey Jamison, Mr. Jamison of 616 Otis
24 Place, because it was not our initial design.

25 We were just going with a standard-fare rear

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1 addition as Board Member John was just mentioning, and
2 the neighbor, Mr. Jamison, preferred us shifting the
3 mass off of the building, which is why we came up with
4 this, putting this here in front of you as test
5 balloons.

6 MEMBER WHITE: Much appreciated.

7 CHAIRPERSON HILL: Okay, so Mr. Cross, do you
8 kind of understand what you're going to do?

9 MR. CROSS: I do.

10 CHAIRPERSON HILL: Okay. Do you have a
11 question?

12 MR. CROSS: Yes. When appropriate, I'd like
13 to just make one closing comment.

14 CHAIRPERSON HILL: Sure, sure. Mr. Moy, when
15 could we have additional documents or I guess could
16 check out for Mr. Cross when he thinks -- when do you
17 think you'll be able to give us, when do you think
18 you'll be able to figure out what you want to do and
19 then give us something?

20 Just a quick question, Office of Planning
21 again. So the courtyard complies?

22 MS. ELLIOTT: There are no minimum court width
23 requirements in the RF-1 anymore, so yes.

24 CHAIRPERSON HILL: So the courtyard could have
25 been ten feet?

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1 MS. ELLIOTT: Yes.

2 CHAIRPERSON HILL: Right, well, I mean, the
3 discussion, I'm -- no? Okay. All right. Okay, so Mr.
4 Cross, you understand what you're being asked to do and
5 when you think you might be able to get it to us?

6 MR. CROSS: Yes, sir, I understand what you're
7 requesting. I believe that we might need to push off
8 for a month to be sure that we get the materials
9 created to satisfy your desires and also check with all
10 relevant entities on compliance of meaningful
11 connection, et cetera so that there's no question in
12 our next hearing.

13 CHAIRPERSON HILL: Okay. So we'll say that
14 you can get the materials to us in a month is what you
15 say. Right? So Mr. Moy, if we're back here in a -- or
16 if materials get submitted in a month, right, then you
17 may or may not want to go back before the ANC, Mr.
18 Cross.

19 You may or may not want to go back -- you guys
20 got a lot to talk about. Okay? So you may or may not
21 want to go before the ANC again, because if you change
22 the design significantly, you might have to go back to
23 the ANC.

24 Anyway, so we'll just stick with a month. You
25 guys can let us know what happens later. Okay? So

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1 it's a month from now. That puts us at, all right
2 April --

3 MR. CROSS: 24th.

4 CHAIRPERSON HILL: 24th. Right? So that's
5 when we would get submissions from you. So then it
6 would take, so then, Mr. Moy, I'm doing your job, I'm
7 sorry. The 24th of April.

8 MR. MOY: I'm happy with you running through
9 the schedule. No, seriously though. Okay, so if the
10 applicant were to make their filing by April the 24th,
11 and I like to give Office of Planning time to review
12 those materials, say Friday, May 10th? Would you need
13 more time?

14 MS. ELLIOTT: That would be fine. Thanks.

15 MR. MOY: Okay. Friday, May 10th. And then
16 we could schedule, I'm assuming you're scheduling this
17 for decision-making? No?

18 CHAIRPERSON HILL: That's okay.

19 MR. MOY: Okay, I'll act surprised.

20 CHAIRPERSON HILL: Continued.

21 MR. MOY: So a continued hearing. So let's do
22 this May 22. Do you think that's too long for you to
23 go?

24 CHAIRPERSON HILL: No, that's fine. I mean,
25 Mr. Shapiro, when are you back? You don't know?

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1 COMMISSIONER SHAPIRO: It's not set yet, but I

2 --

3 CHAIRPERSON HILL: Maybe you can try --

4 COMMISSIONER SHAPIRO: -- switch --

5 CHAIRPERSON HILL: May 22. If you can kind of
6 figure that out, that would be great. So one more
7 question for the Office of Planning, and I'm going to
8 finish my thought.

9 So since there is no required courtyard width,
10 right, in this zone, you could have a three-foot wide
11 courtyard and have the meaningful connection and do the
12 same thing, or try?

13 MS. ELLIOTT: I guess in theory, yes. There
14 are other issues that may come into play like lot
15 occupancy and --

16 CHAIRPERSON HILL: No, I got. I'm just trying
17 to -- I'm just thinking it through a little bit.

18 MS. ELLIOTT: Yes.

19 CHAIRPERSON HILL: Okay. All right. Mr.
20 Cross, you said you had some final closing thoughts?

21 MR. CROSS: Yes, I appreciate it. I really
22 appreciate all the time and consideration that you all
23 have given us. I recognize that it is a relatively
24 unique case.

25 I think that all I really wanted to point out

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1 is to your point, this at one time that many of us
2 remember was matter of right. There was a lot of
3 sentiment from the community that wanted more oversight
4 of this, the whole stop the popup movement. And these
5 regulations that are being enforced today are a result
6 of that movement. And it's my understanding that the
7 purpose or the intent of these regulations is to get
8 the community more involved in projects that were
9 previously just happening in their communities without
10 any sort of oversight.

11 And I think what you have all very well
12 recognized and what is unique about this case is my
13 client workshopped this with the community and drove --
14 the community drove this design. And, therefore, I
15 would argue that the regulations, the intent of the
16 regulations that were put there by the people, are
17 being upheld with the case as presented, largely as
18 presented, in the sense that they had a great impact on
19 the proposal as presented.

20 But we look forward to meeting with you again.
21 We welcome that opportunity, and we will be sure to
22 provide all of the required additional materials.

23 CHAIRPERSON HILL: Okay. And, Mr. Cross, I do
24 want to follow up just with a couple of comments.
25 You've mentioned matter of right a few times, so I just

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1 want to be kind of clear as to where I believe you're
2 saying you started.

3 So you started at a ten foot rear addition for
4 a conversion? I mean, you would have had to do a
5 conversion, 35 feet up, ten feet back, and you would be
6 here just for a conversion?

7 MR. CROSS: I believe --

8 CHAIRPERSON HILL: That's what I'm kind of
9 following as matter of right, like you're not --

10 MR. CROSS: And the point of my closing
11 statement is the project as a three-unit conversion was
12 matter of right six, eight years ago.

13 CHAIRPERSON HILL: I mean, you would always
14 have to be here for, how many years ago?

15 MR. CROSS: I believe the 800 foot rule -- the
16 900 foot rule was there as a matter of right when I
17 started 12 years ago.

18 CHAIRPERSON HILL: Right. I mean, but that
19 guide that's changed since then, but --

20 MR. CROSS: But I guess --

21 PARTICIPANT: What's the point?

22 CHAIRPERSON HILL: No, I was just trying to
23 understand, and I'm not discounting anything that you
24 said, Mr. Cross. And I want you and your client to
25 really understand that I appreciate how you got here.

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1 I just wanted to make sure I understand as to
2 how you did get here and that's what I'm asking is that
3 when you started, you did, you're using the term matter
4 of right, and so you would have had to have been here
5 for a conversion regardless. Right?

6 You would have had to be here for a
7 conversion, full stop. Right? And so right away, you
8 have no matter of right. That's not matter of right.
9 You have to be here for the conversion to get the
10 special exception. But you would have only been going
11 back ten feet, and then what drove you to do this
12 solution, and this is where I don't really need an
13 answer I suppose, but I'm just a little confused is
14 that you spoke to the neighbors, and they were like,
15 you know, we don't want you going back ten feet
16 anymore, we would rather you do this. Okay?

17 And so that to me I find a little confusing,
18 but that's okay. So anyway, I agree with everything
19 you said. But I see how you got here, and I think
20 we've been actually I think pretty transparent to you
21 and your client as to where we are right now. And so,
22 there you go. Okay. All right. Thank you all very
23 much.

24 MR. DUNGAN: Thank you.

25 CHAIRPERSON HILL: Mr. Dungan, you have a very

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1 even keel, you know, demeanor to you, you know. If you
2 were chosen as the spokesperson, they chose well, you
3 know, as opposed to somebody who kind of like peaks and
4 valleys, you know. All right, we have another
5 something, Mr. Moy?

6 MR. MOY: Yes, we do, Mr. Chairman. Your last
7 action for the day. So there was a preliminary matter,
8 Mr. Chairman to Appeal Number 19938 of ANC 1C, and I'm
9 going to read the caption for the record.

10 This is the appeal from the decision made on
11 October 5, 2018 by the Zoning Administrator, the
12 Department of Consumer Regulatory Affairs to issue
13 building permits number B1900300, B1900301, B1900302 to
14 renovate three existing attached principal dwelling
15 units on a single-record lot in the RF-1 zone. This is
16 at 1630 through 1634 Argonne Place Northwest, Square
17 2589, Lot 480.

18 The preliminary matter, Mr. Chairman, is that
19 there is a consent motion to postpone hearing on this
20 appeal and to continue it to a future date. And that
21 was filed by DCRA, and she's in the hearing chamber.

22 CHAIRPERSON HILL: Okay. Could DCRA come
23 forward, please?

24 MS. LORD-SORENSEN: Good afternoon.

25 CHAIRPERSON HILL: Good afternoon. Could you

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1 please introduce yourself for the record?

2 MS. LORD-SORENSEN: Certainly, Adrienne Lord-
3 Sorenson, Assistant General Counsel with the D.C.
4 Department of Consumer and Regulatory Affairs.

5 CHAIRPERSON HILL: Okay. Ms. Lord-Sorenson, I
6 believe I know that Mr. LeGrant is ill. Correct?

7 MS. LORD-SORENSEN: That's correct.

8 CHAIRPERSON HILL: And so we're sorry that
9 he's ill, we hope it gets better. But that's the
10 reason why you're asking for the postponement?

11 MS. LORD-SORENSEN: That's correct.

12 CHAIRPERSON HILL: Okay. And I believe, Mr.
13 Moy, you said that the other party was in agreement to
14 the postponement?

15 MR. MOY: Yes, sir. And the party is counsel
16 to the property owner and as well as the Appellant, ANC
17 1C. I would direct your attention to the record file
18 under Exhibit 42 as I speak.

19 So the parties consent to the request to
20 postpone and now it gets a little bit sticky. As to
21 the rescheduled hearing date, okay, ANC 1C prefers a
22 reschedule date of May 1st. Okay? And I'm in
23 possession of -- just a second if I may. And the
24 counsel to the property owner, again, consents to the
25 motion to continue. However, they are opposed to

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1 postponing or setting a date of, where am I at, they're
2 opposed to rescheduling to May 1st, which is what the
3 appellant prefers. And the property owner would prefer
4 either March 27th or April 3rd. And I don't know
5 DCRA's position on the future date.

6 CHAIRPERSON HILL: All right, I'm sorry. I
7 got a little lost.

8 MR. MOY: Would you like me to go over it
9 again?

10 CHAIRPERSON HILL: That's all right, that's
11 okay. So we're with the Appeal 19938. Okay? And this
12 appeal we are now, they have requested a postponement
13 because the zoning administrator is ill.

14 As I understand what you're suggesting is that
15 Appeal Number 19938 will just simply be moved to next
16 week, which is March 27th. Correct?

17 MR. MOY: Correct.

18 CHAIRPERSON HILL: That's the first step.

19 MR. MOY: Correct.

20 CHAIRPERSON HILL: So I would be fine with
21 that. The board has no issue with that I would assume.
22 Correct?

23 (Off-microphone comments.)

24 CHAIRPERSON HILL: Okay. So now, that next
25 item is that there's already an appeal scheduled for

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1 that day, and that appeal is 19950. Correct?

2 MR. MOY: Yes. This particular one was a
3 little bit problematic, because we haven't in the
4 record received any of the responses to the Property
5 Owner's request to move that application to May 1st.

6 CHAIRPERSON HILL: Who requested to move the
7 application to May 1st?

8 MR. MOY: Appeal Number 19950.

9 CHAIRPERSON HILL: Who requested to move the
10 appeal?

11 MR. MOY: The counsel to the Property Owner.
12 I --

13 CHAIRPERSON HILL: That's okay. I'm just
14 trying to -- we have two appeals that day.

15 MR. MOY: That's correct.

16 CHAIRPERSON HILL: Okay, I understand. I'm
17 just saying we have two appeals that day and what's on
18 the table is now moving Appeal Number 19950 to another
19 day.

20 MR. MOY: Yes and no. I would prefer that the
21 Board wait to receive responses from that. That has
22 not occurred yet.

23 CHAIRPERSON HILL: Okay.

24 MR. MOY: So I would prefer we hold off until
25 we get a response.

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1 CHAIRPERSON HILL: Okay. So currently, we the
2 Board, would be hearing two appeals next week?

3 MR. MOY: Let me check, double check. The
4 27th, yes.

5 CHAIRPERSON HILL: So I'm just trying to
6 understand, 19950 is currently on the docket for next
7 week.

8 MR. MOY: That's correct, sir.

9 CHAIRPERSON HILL: So who is -- what else do
10 we have next week other than one appeal, how many
11 cases?

12 MR. MOY: We have ten applications. But, of
13 course, this other, this second appeal is the same
14 Appellant, is ANC 1C.

15 CHAIRPERSON HILL: I understand that, and I
16 understand how, I just don't, I mean even if we were
17 willing to do it, I don't know if we could pull it off,
18 you know. So let's go ahead and do this. Let's go
19 ahead and first approve the postponement of 19938 to
20 March 27th. Okay?

21 MR. MOY: Yes.

22 CHAIRPERSON HILL: And we're going to do that
23 by consensus with the Board. Okay?

24 MR. MOY: Okay.

25 CHAIRPERSON HILL: And then we will wait to

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1 see what happens with Appeal 19950 and whether or not
2 we have to move it.

3 MR. MOY: That's correct.

4 CHAIRPERSON HILL: Okay. Or I guess, I mean,
5 and now I'm just trying to discuss with my fellow Board
6 Members here a little bit. Because we could also then,
7 and this was the discussion, we could also then move
8 Appeal, Mr. Moy, I'm sorry 19938, the one we're
9 currently moving to just whatever date we wanted to
10 move it to.

11 And the reason why that may not work is
12 because, as far as I recall, the Appellant, the
13 building is already there. And so that is why they
14 didn't want to have that pushed out farther.

15 MR. MOY: That's my understanding also, sir.

16 CHAIRPERSON HILL: Okay. So if we, the Board,
17 determine, and I'm just trying to understand what our
18 options are as a Board. Because, I mean, if anybody's
19 watching, they're welcome to watch.

20 Two appeals and ten cases, I don't even think
21 if we stayed here for 12 hours, I don't know if we
22 would do two appeals and ten cases. I'm just saying,
23 it wouldn't happen. So somebody would get bumped
24 anyway. Okay?

25 So I'm trying to understand what our

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1 opportunity is, and OAG's right there, in terms of
2 changing our minds with things later. Like I'm happy,
3 the Board I think is also willing to entertain
4 currently the fact that we're going to have Appeal
5 19938 on March 27th, and we're going to have Appeal
6 19950 on March 27th, and we may, we may move one of
7 them.

8 So I just want to make sure that I can
9 understand that the board's option still is to possibly
10 move 19938 to another date. Correct?

11 MR. MOY: That could occur, yes, sir. That's
12 an option.

13 CHAIRPERSON HILL: Like, we as the Board can
14 move cases around if the docket is too full.

15 MR. MOY: That is correct, sir.

16 CHAIRPERSON HILL: Okay. So if the Board's
17 satisfied and we can figure this out later, is that
18 we'll currently have Appeal 19938 next week, and we'll
19 also have Appeal 19950 next week, but we have to move
20 something.

21 Okay. We'll have to figure it out. Okay?
22 All right. So Ms. Sorenson, is that understood?

23 MS. LORD-SORENSEN: Yes.

24 CHAIRPERSON HILL: Okay. Is that it then?
25 Can we stop this case?

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1 MR. MOY: With pleasure, yes.

2 CHAIRPERSON HILL: Okay. Is there anything
3 else before the Board, Mr. Moy?

4 MR. MOY: No, sir.

5 CHAIRPERSON HILL: Okay. We stand adjourned.
6 Thank you.

7 (Whereupon, the above-entitled matter went off
8 the record at 3:39 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: Board of Zoning Adjustment

Date: 03-20-19

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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