

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

JULY 31, 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 11:00 a.m., Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

- PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- JACOB RITTING, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN COCHRAN
BRANDICE ELLIOT
ANNE FOTHERGILL
MATTHEW JESICK
STEPHEN J. MORDFIN
CRYSTAL MYERS
MAXINE BROWN-ROBERTS

The transcript constitutes the minutes from the
Public Hearing held on July 31, 2019.

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

10:58 A.M.

1
2
3 CHAIRPERSON HILL: All right, Mr. Moy, you can
4 call us back whenever you like.

5 MR. MOY: Thank you, Mr. Chairman. The time is
6 at or about 10:58. The Board is back in session.

7 And we have moved into the public hearing session
8 for today. And the first case application, if we can have
9 parties to the table, to Application No. 20062. This is of
10 Mid City Builders, LLC. Captain advertised for special
11 exceptions under the penthouse requirements of Subtitle C
12 Section 1500.4, Subtitle C 1504 from the penthouse setback
13 requirements of Subtitle C Section 1502.1(c)(1)(a) which
14 would construction a new three-story flat with a cellar
15 level, roof deck, and a rooftop access penthouse, RF-1 Zone.
16 This is at 802 10th Street, Northeast, Square 933, Lot 47.

17 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
18 Moy. Good morning. Please introduce yourselves for the
19 record from my right to left.

20 MR. RITTERMAN: It's Aaron Ritterman.

21 MR. CORELL: Matthew Corell of DBMC Design.

22 CHAIRPERSON HILL: Can you spell your last name
23 for me, sir?

24 MR. CORELL: C-O-R-E-L-L.

25 CHAIRPERSON HILL: Okay, great. Mr. Corell, are

1 you going to be presenting to us? Okay.

2 So I guess if you can kind of walk us through the
3 application in terms of what you're trying to do and why do
4 you think you reached the standard for us to grant the relief
5 that you're requesting. If you could speak a little bit to
6 the public outreach that you've done because I don't see an
7 ANC report unless it came in over the weekend. So I'm going
8 to kind of look through the record for that.

9 I'm going to put 15 minutes on the clock just so
10 I know where I am. The clocks are located on the ceiling and
11 you can begin whenever you like.

12 MR. CORELL: Good morning. Thank you, Mr.
13 Chairman. So in terms of the ANC, we reached out to them and
14 tried to get on to their schedule two weeks ago, but the
15 chairman inadvertently left us off of the schedule, so we
16 were not able to present to them. But they certainly know
17 that we are trying to present to them. Since they don't meet
18 again until September, we are hoping to do it in September,
19 but have yet to finalize the day.

20 Regarding the application, so we have existing
21 vacant lot which was a D.C.-owned property that was purchased
22 in early spring of last year from DCRA or from D.C.

23 The proposed RF-1 zone, so we're doing a multi-unit
24 building of two units and we have a building permit already
25 for just the two units of a three-story building plus cellar

1 and decided to add a rooftop deck for an additional mini-
2 space for the top unit.

3 The property itself is about 18 feet wide and in
4 order to get a staircase penthouse to the roof, we decided
5 to put it on the property line to the north of the building,
6 but due to the 18 foot wide property, we couldn't put it in
7 the center as well as it would create some functional flows,
8 dysfunctional flows in the third level of the unit.

9 Now the roof deck itself and the handrails are set
10 back one to one. From the front of the building, the
11 penthouse itself is also set back greater than one to one and
12 cannot be seen from across the street.

13 The penthouse itself is only 8 foot 6 tall, so we
14 tried to make it as short as possible, so we wouldn't create
15 any sort of visual traffic as you're walking down the street.
16 What is also interesting to note is that the alley directly
17 to the south, actually one property to the south is NC-16
18 right on H Street. So those buildings that are going up
19 there now, there's currently a five-story building just
20 across the street that is 50-feet high and a mixed-use
21 building. We don't feel that the penthouse will cause any
22 sort of visual impact that's not already there or going to
23 be there.

24 Directly across the alley on 9th Street are two
25 buildings that do have rooftop penthouses. If you look on the

1 drawings you can see those on sheets A002 which document what
2 those are. We also have two letters of support from adjacent
3 neighbors who are in favor and who do not oppose the
4 penthouse itself. Thank you.

5 CHAIRPERSON HILL: Does the Board have any
6 questions for the applicant? Please.

7 COMMISSIONER MAY: A couple of questions. So you
8 say in the burden of proof that your purpose in seeking this
9 relief is essentially for the ease of use or maybe it was in
10 the OP report, ease of use for the occupants and water
11 infiltration concern. And that's why you've opted against
12 doing a hatch which is something that is now commonly used
13 to access that.

14 Can you explain why other people can do that and
15 you can't?

16 MR. CORELL: I think the ease of use is exactly
17 right. Having seen the hatches and used the hatches, it's
18 not exactly the easiest thing get in and out of. I don't
19 particularly like them, as well as more importantly doing
20 sort of the bathtub stairwell is always a nightmare in terms
21 of waterproofing and something that we try to avoid at all
22 costs.

23 COMMISSIONER MAY: But other people do it
24 regularly.

25 MR. CORELL: Correct.

1 COMMISSIONER MAY: Did you look at doing a rear
2 stair? Isn't there a third-floor deck? I saw a reference
3 to a third-floor deck, but I didn't see it in the plan?

4 MR. CORELL: There is a balcony --

5 COMMISSIONER MAY: A balcony off of that.

6 MR. CORELL: Correct.

7 COMMISSIONER MAY: Did you look at doing a
8 stairway off of that that would lead to the roof deck?

9 MR. CORELL: No, we did not. But that would eat
10 up all the docking space had we done that and we'd still have
11 a situation where the railing of the spiral stair would still
12 be above the height limit and on the property line. So we'd
13 still need a relief if we did it that way as well.

14 COMMISSIONER MAY: But a handrail is less
15 noticeable than a stair enclosure?

16 MR. CORELL: True, but the setback is quite
17 substantial and since the penthouse itself is only 8 foot 6,
18 I don't believe it's going to be that noticeable.

19 COMMISSIONER MAY: No, it's going to be very
20 noticeable. It's adjacent to a two-story building that's
21 about 22 feet tall and you're building this 35 plus 8-6,
22 right?

23 MR. CORELL: Yes, sir.

24 COMMISSIONER MAY: So it may not be visible from
25 directly across the street, but all you have to do is walk

1 ten feet further to the north and it's going to be very, very
2 visible. And I think it is, in fact, quite disruptive to the
3 character and nature of the adjacent rowhouses which is one
4 of the reasons why I'm pressing on this issue.

5 MR. CORELL: Okay.

6 COMMISSIONER MAY: And I think -- well, I won't
7 get into an argument about it, but that's why I'm asking
8 these questions because I think it is a big concern. The
9 proximity of other tall buildings on H Street is not a
10 concern. It's really about immediate adjacency more so than
11 it is are there other tall buildings nearby.

12 The fact that there are other buildings that other
13 houses that have gotten additions like this in the
14 neighborhood is -- I don't think it's a good argument either
15 because that's exactly why these regulations were put into
16 place because those things were objectionable. I assume
17 that those things probably pre-date the regulation change.
18 I don't have any other questions.

19 CHAIRPERSON HILL: Does the Board have any other
20 questions?

21 VICE CHAIR HART: Just if you could go through
22 again how you are meeting -- in the criteria, I guess it's
23 1504.1(a), the strict application of the requirements of this
24 chapter would result in construction that is unduly
25 restrictive, prohibitively costly, unreasonable, or

1 inconsistent with building codes, and how the requested,
2 relief requested would result in a better design of the
3 restructure without appearing to be an extension of the
4 building wall.

5 MR. CORELL: I would go back to an earlier saying
6 that the hatches or the bathtub staircase is not a better
7 design. Those have functional issues and water proofing
8 issues. The cost of the hatch is actually more than the pop-
9 up stair that we're proposing and it would still need some
10 sort of railing on the property line anyway, so we'd still
11 be here regardless.

12 VICE CHAIR HART: I understood that part, but what
13 I was trying to get to was without appearing to an extension
14 of the building wall aspect of it.

15 MR. CORELL: I don't think there's any way to get
16 around doing that considering how narrow the site actually
17 is.

18 VICE CHAIR HART: So you're saying that you are
19 not planning on doing that?

20 MR. CORELL: The wall itself is on the property
21 line and does extend to support the stair.

22 VICE CHAIR HART: I understand that, but you're
23 building on the property line because you're saying that's
24 your only option?

25 MR. CORELL: Correct.

1 VICE CHAIR HART: And I'm just saying this
2 regulation is saying that without appearing to be an
3 extension of the building wall, you're saying that you're
4 unable to do that.

5 MR. CORELL: Correct.

6 CHAIRPERSON HILL: Okay, anyone else?

7 MEMBER JOHN: So the property is 16 feet wide?

8 MR. CORELL: It's about 18 feet wide, I believe.

9 MEMBER JOHN: The lot width. Do I have the right
10 case?

11 MR. CORELL: 16'4", forgive me.

12 MEMBER JOHN: Okay, so is that part of the issue
13 in terms of getting access to the roof and can you talk about
14 how the width of the building affects the solution that you
15 have proposed?

16 MR. CORELL: Yes, ma'am. So because the lot
17 itself is 16 foot 4 wide, even if we were to slide into the
18 middle of the building, we would still be -- have the one to
19 one setback issue, not to mention that the stair, even if
20 it wasn't in the middle of the building would adversely
21 affect the third story unit layout and design.

22 MEMBER JOHN: Would you have to change anything
23 in the middle of the building to get the access to the roof?
24 How would you do that?

25 MR. CORELL: I'm not exactly sure without --

1 MEMBER JOHN: Okay, so the question is if you were
2 to put the access in the middle of the floor, what would that
3 do to the configuration below?

4 MR. CORELL: It would be right in the middle of
5 the kitchen. Yes, ma'am.

6 MEMBER WHITE: Just one question. Are there any
7 public safety permits required? I noticed some notes from
8 DDOT regarding the porch and the steps and the bay windows.
9 How are you addressing that?

10 MR. CORELL: We got a permit from DDOT for the
11 projecting bay which is approved.

12 MEMBER WHITE: Okay.

13 CHAIRPERSON HILL: Okay. Now we turn to the Office
14 of Planning.

15 MR. JESICK: Thank you, Mr. Chairman, and members
16 of the Board. My name is Matt Jesick. The Office of
17 Planning reviewed this application against the relevant
18 criteria, primary among those being Subtitle C Section 1504.1
19 which lists a number of considerations that the Board should
20 examine. Letter A, for example, asks the Board to look at
21 whether strict application of the requirements would result
22 in construction that is unduly restrictive, prohibitively
23 costly, or unreasonable. And given the width of the lot at
24 a little over 16 feet, any stair penthouse, even if moved to
25 the center of the lot would not meet the one to one set back

1 from the side property line.

2 Also, as was stated, if it were moved to the
3 center, the layout of the third floor would be unreasonably
4 restricted and made more inefficient.

5 The considerations also asked the Board to look
6 at whether the penthouse structure would be visually
7 intrusive or not. The penthouse would be located along the
8 northern wall. We felt that given the continuous row of
9 rowhouses to the north, that would somewhat lessen the visual
10 impact of the structure. The penthouse is set back more than
11 one to one from the front to the rear and the south, so that
12 should minimize the visual impact from other directions
13 around the property.

14 Also, the regulations ask the Board to consider
15 other options which Commissioner May touched on. We also
16 asked the applicant if they had looked at hatches or an open
17 stairwell, and as the applicant stated, those options were
18 rejected.

19 And finally, the final consideration for the Board
20 is whether light and air would be unduly impacted and we felt
21 that given the location of the penthouse, the light and air
22 to adjacent properties would not be unduly impacted.

23 We were comfortable recommending approval of the
24 application and I'd be happy to take any questions. Thank
25 you.

1 CHAIRPERSON HILL: Okay, does the Board have any
2 questions for the Office of Planning?

3 COMMISSIONER MAY: I have one. In your report,
4 you state that you recommended that the applicant provide
5 additional renderings in the north elevation. What
6 renderings were you looking for and did you get what you were
7 seeking? Because I was -- what I thought was missing was a
8 rendering that showed it from across the street a little bit
9 further to the north so that we could understand what it
10 really looked like.

11 MR. JESICK: That's exactly -- that was the
12 primary rendering we were hoping to see. I just don't
13 believe that was entered into the record.

14 COMMISSIONER MAY: I didn't see it in the record.
15 Okay. Thank you.

16 CHAIRPERSON HILL: Sure, of course, please.

17 MEMBER JOHN: So how would seeing that rendering
18 assist you in evaluating whether or not it would change the
19 character of houses on the street? Looking at page 5 of your
20 report showing that on I Street, there are houses all along
21 the middle of I Street. So it would not be possible to view
22 that penthouse from I Street.

23 How would it affect the views from 9th Street and
24 10th Street because also on 8th Street there are houses there
25 as well. So it would really be difficult, it seems to me,

1 you would have to be in that alley to have a very good view
2 of the penthouse, but you could perhaps address that.

3 MR. JESICK: Well, I think we were -- the
4 rendering we were looking for would be from 10th Street,
5 further to the north looking back at the subject property and
6 the penthouse.

7 I think you're right that from 9th Street, it
8 would be impossible to see it given -- I believe those are
9 three-story rowhouses on that side. From I Street, that
10 would be quite a distance. And then H Street, depending on
11 where you are on H Street, you might see the penthouse.
12 Obviously, due south it would be blocked by the commercial
13 buildings. It probably will be visible from 10th Street.
14 I think our stance on that was that given the row of
15 rowhouses along 10th Street as you're coming, as you're
16 walking south, that should help to minimize any visual
17 impact.

18 MEMBER JOHN: Thank you.

19 VICE CHAIR HART: Just one clarifying point. And
20 I think Commissioner May brought up the issue about the
21 additional renderings and things. In the criteria, it does
22 talk about that the roof structure should not be appearing
23 as an extension of the building wall. I know we don't have
24 that kind of image, but you're saying that you're okay that
25 it does not -- that you don't believe that it would, that in

1 OP's position that that part of the criteria has been met?

2 MR. JESICK: Well, just quoting from the report
3 what we said was locating the penthouse on the north property
4 line could result in an appearance of a taller wall along a
5 common lot line. So we acknowledge that it could appear to
6 be an extension of the wall. But this is one of several
7 considerations that the Board is tasked with evaluating. So
8 on balance, we felt that given all the considerations, we
9 could recommend approval.

10 VICE CHAIR HART: So you're saying that they may
11 not meet this but because they meet the other pieces of it,
12 as a cumulative thing you would think that that's less of a
13 concern?

14 MR. JESICK: I don't know that it's less of a
15 concern, but I think the first part of your statement I agree
16 with that on balance, given the other considerations in that
17 section we were comfortable recommending approval.

18 VICE CHAIR HART: Thank you.

19 MEMBER WHITE: So the only question I have is, is
20 this going to change the character of that block? I mean is
21 it an unusual type of project that would be showing up on
22 that block that would kind of change the character or do you
23 think that it would mesh well with that area? I know we have
24 abutting neighbors supporting it which was helpful
25 information, but I just wanted to get your opinion on that.

1 MR. JESICK: Well, the house, the flat that they
2 already have permits for and which is already under
3 construction would be taller than the other buildings
4 already. I think -- I believe every other rowhouse on that
5 side of 10th Street is two stories. Theirs would be three
6 stories. So in that sense it already is a different
7 building. Then you have the penthouse that, you know, it
8 would be somewhat visible, but I don't think it would
9 drastically change the character of the block or, in general,
10 would it be out of character with a rowhouse neighborhood.

11 MEMBER WHITE: But those renderings will help you
12 kind of confirm your opinion regarding that point, correct?

13 MR. JESICK: I would say we were comfortable
14 recommending approval even without the renderings. If
15 renderings were to be submitted to the record, hopefully that
16 would reinforce our position.

17 MEMBER WHITE: Thank you.

18 CHAIRPERSON HILL: Okay, just real quick, the
19 issue of the hatch that kind of gets brought a lot. I mean
20 are you -- like we've had things before us where we end up
21 getting the hatch or the hatch ends up being an option that
22 gets supplied.

23 The Office of Planning wasn't necessarily pushing
24 for the hatch answer as a design because of the cost? I'm
25 just kind of curious as to how the hatch thing didn't end up

1 becoming part of -- more part of the discussion with the
2 Office of Planning.

3 MR. JESICK: No, I mean certainly we brought that
4 up with the applicant. If they did a hatch, it would
5 probably be a matter-of-right project and the case would go
6 away and that would be easier for everyone. But we evaluated
7 the case that was submitted and we felt it met the
8 considerations and the regulations, so therefore, we
9 recommended approval.

10 CHAIRPERSON HILL: Okay, all right. Okay. Does
11 the applicant have any questions for the Office of Planning?

12 MR. CORELL: No.

13 CHAIRPERSON HILL: Again, I know that you said you
14 tried to get in front of the ANC and you hadn't had a chance
15 to present yet. I forgot what you said, you had feedback
16 from them? Have you gotten any feedback from them?

17 MR. CORELL: No, sir. We have not.

18 CHAIRPERSON HILL: You haven't presented. You got
19 nothing from them and you tried to get on, but then the chair
20 forgot to put you on the agenda.

21 MR. CORELL: That's correct.

22 CHAIRPERSON HILL: Okay. Is there anybody here
23 who wishes to speak in support?

24 Is there anybody here who wishes to speak in
25 opposition?

1 Okay. Do we have any more questions for this
2 applicant? Okay.

3 Somebody wants to speak in support? Okay, you can
4 come up forward, sir. Did you get sworn in earlier? Okay,
5 great. Just have a seat there wherever you like. If you can
6 just give us your name and home address and as a member of
7 the public, you'll have three minutes to provide your
8 testimony which is up on the clocks right there. And you can
9 begin whenever you like.

10 MR. deCLOUET: I live at 831 10th Street, so I'm
11 on the opposite side towards the north end, so I'm basically
12 one house over from the corner of 10th and I. I have no
13 issue with it. If I look towards --

14 CHAIRPERSON HILL: I'm sorry, what was your name
15 again?

16 MR. deCLOUET: Paul deClouet, D-E-C-L-O-U-E-T.

17 CHAIRPERSON HILL: Okay, Paul.

18 MR. deCLOUET: Yes. So when I look towards H
19 Street I look basically right at their lot, but more of
20 almost the rendering point that you want. You have that very
21 large two block development going on on H Street that towers
22 over anything that they could put, so I have no issue with
23 it. I mean I know they're also adjacent to them on H Street,
24 they're putting a four- or five-unit place right there on H
25 Street that will be pretty high, too. So no issues on our

1 part.

2 CHAIRPERSON HILL: Okay. All right. Does the
3 Board have any questions for the witness? Okay.

4 Mr. deClouet, there are a lot of adults that are
5 bored to tears. I'm sure your son is just bored to tears.

6 MR. deCLOUET: He is bored to death.

7 CHAIRPERSON HILL: This is going to end soon.
8 Thank you very much.

9 MR. deCLOUET: Thank you.

10 CHAIRPERSON HILL: Does the applicant have
11 anything they'd like to add at the end?

12 Okay, I don't know what to do. Well, I'll close
13 the hearing. Is the Board ready to deliberate?

14 COMMISSIONER MAY: Mr. Chairman, if we're going
15 to deliberate, I think I've already indicated where I stand
16 on this, but I think that if the -- unless there are others
17 who are inclined to say wait, I think at the very least, the
18 Board should see the rendering from across the street and a
19 little bit further up so that we understand what that
20 potential impact is.

21 Plus, I think we should hear from the ANC and the
22 fact that it didn't get scheduled for whatever reason, I
23 think it is important for the ANC to weigh in on this because
24 sometimes ANCs really want to weigh in on this kind of a
25 development.

1 CHAIRPERSON HILL: Okay. I'm going to reopen the
2 record again because I don't think we're -- like I think that
3 Mr. Corell, if you could provide the rendering that the
4 Commissioner over here is kind of interested in seeing. I
5 actually don't have an issue with the project necessarily,
6 but the fact that you didn't present in front of the ANC at
7 all, I'd like to have some kind of feedback from them.

8 I understand there are some here in the community
9 that would like to see that actually get developed because
10 it's just an empty lot right now, so I think you guys are
11 pretty close to where you need to be. Whether or not you'd
12 get the vote of -- I don't know where the rest of the members
13 currently, but you've gone down this road already now. You
14 could have done the hatch as a matter of right, probably and
15 you wouldn't be here, but I would go ahead and have you
16 present in front of the ANC and then we get something back
17 from them unless there's something -- and I'll let the
18 members of the Board I suppose respond to what I'm proposing
19 and you can actually respond right now because is it Mr.
20 Ritten, how do you say your name, sir?

21 MR. RITTERMAN: Ritterman.

22 CHAIRPERSON HILL: So Mr. Ritterman, are you the
23 developer?

24 MR. RITTERMAN: Yes.

25 CHAIRPERSON HILL: So financially -- we're in

1 August, right, so now got August and then you got September.
2 I mean I don't know where we are in terms of deliberations.
3 I mean again, I'm a little uncomfortable not getting anything
4 from the ANC. You hadn't presented in front of the ANC yet,
5 but is there any kind of -- I'm giving you an opportunity to
6 speak right now in terms of like timing, because basically
7 you wouldn't be back in front of us until -- we try to get
8 you in as quickly as we could. It would probably be like the
9 end of September. Is that going to really cause a big
10 significance to your project?

11 MR. RITTERMAN: No, that would be okay.

12 CHAIRPERSON HILL: Okay. Great. Good for us.
13 Okay, all right. Then we'll keep the record open unless the
14 Board has any objections to the direction this is going in?

15 VICE CHAIR HART: No, no. I would just support
16 Commissioner May's -- the request and I think, you know, I
17 think that it is actually -- it is really important to have
18 this particular view because this is the one view that would
19 actually help to determine what that impact is and right now
20 I just don't have that -- I mean we have almost all the other
21 views except for that, the one view that would have actually
22 shown what this is. I just think that that's helpful for us
23 to have as part of a full record.

24 CHAIRPERSON HILL: Okay, so Mr. Corell, we're
25 going to close the hearing except for the things that we've

1 requested which is the rendering from the angle that -- you
2 know that we're talking about, correct? And also if you can
3 get something from the ANC. So we'll leave the record open
4 for the ANC and also the rendering.

5 And then Mr. Moy, I know that we have a lot of
6 stuff going on in September, but maybe we can put them on the
7 last one in September, then that would get -- and we'll just
8 put it on for decision.

9 Is that good with you guys, decision? Okay. All
10 right. So we'll put it on for decision September, what 25th?

11 MR. MOY: This might help you, Mr. Chairman.
12 According to the ANC's website, they meet, assuming that the
13 applicant can get on the next ANC meeting, they meet the
14 second Thursday, so that would be September 12th. So where
15 the Board sits, Mr. Chairman, you can pick any decision-
16 making case after that date. So 25th of September would be
17 fine unless you want the 18th.

18 CHAIRPERSON HILL: No, let's do the 25th. Do you
19 want to the 18th? If you guys want the 18th. What's the
20 18th look like? What does the 25th look like? They're both
21 the same for us?

22 If they meet on the 12th, that means that you guys
23 would have to get it back pretty quickly to us by the 18th.

24 MR. MOY: Actually, Mr. Chairman, with respect to
25 the docket size, the 25th is better for the Board.

1 CHAIRPERSON HILL: Okay. Let's do the 25th, okay?
2 So you guys have to try to get on the ANC's docket, calendar,
3 and then we'll put this on for decision on the 25th.

4 All right, Mr. Moy?

5 MR. MOY: Good.

6 CHAIRPERSON HILL: Thank you, gentlemen.

7 MR. CORELL: Thank you.

8 MR. MOY: All right, thank you, Mr. Chairman. If
9 we can have parties to the table in Case Application No.
10 20079 of Kennedy 9, LLC, captioned and advertised for a
11 special exception under Subtitle E Sections 205.5 and 5201
12 from the rear yard requirements of Subtitle E Section 205.4,
13 which would construct a flat in the RF-1 Zone. This is at
14 5413 9th Street, Northwest, Square 2994, Lot 26.

15 CHAIRPERSON HILL: All right, if you could please
16 introduce yourselves for the record.

17 MR. MEEKINS: Bert Meekins, project designer.

18 MR. CROSS: Michael Cross, project architect.

19 CHAIRPERSON HILL: Okay, Mr. Cross, I assume
20 you're going to be presenting to us?

21 MR. CROSS: Mr. Meekins is going to present, when
22 you're ready.

23 CHAIRPERSON HILL: Okay, great. Okay, Mr.
24 Meekins. I don't have specific questions other than I don't
25 think we have any feedback from the ANC yet, unless that came

1 in while I was -- over the weekend.

2 So you can go ahead, Mr. Meekins, walk us through
3 your application, including how you think you're meeting the
4 standard for us to grant the requested relief. I'm going to
5 put 15 minutes on the clock there, so I know where we are,
6 and you can begin whenever you like.

7 MR. MEEKINS: Thank you, Mr. Chairman. The relief
8 we're seeking is from Section E202 which states that no
9 addition shall extend more than 10 feet past an adjoining
10 structure. The property is located at 5413 9th Street,
11 Northwest, on the east side of 9th Street between Kennedy and
12 Jefferson. The projects we're proposing at this property was
13 designed as a matter of right two family flat. However,
14 after we completed our design, construction began next door
15 which was less feet than our proposed building which made our
16 building nonconforming.

17 While the attached portion of our building only
18 extends 11 feet past the building under construction at 5415
19 9th Street, Northwest, there's a small terraced two-story
20 wing off the back of the structure which extends an
21 additional 8 feet off the second story, and an additional 14
22 feet on the ground floor past the connected portion.

23 These 8 feet and 14 feet portions are set back by
24 the 7 foot 9 inch width court as well. Because of the
25 detached nature of the rearmost projection and the terrace

1 design the effects of the light and air to the adjacent
2 property is minimized. The Silver studies show the net
3 impact of the light on our neighbor's yard over and above the
4 matter of right scenario. This is represented by the red
5 shadows.

6 As you can see on the Silver study, ultimately our
7 building and that of our neighbor are shaded by 5401 9th
8 Street, Northeast, and that our building adds virtually no
9 additional shadow on the winter solstice.

10 We have updated our front facade based on
11 community feedback and that of DDOT. We have obtained a
12 letter of support from the owner of the affected neighboring
13 property at 5415 and 5417 9th Street, Northwest.

14 And in regards to the ANC matter, we've uploaded
15 Exhibit 35 which is a letter of intent to support from the
16 ANC. This was due unfortunately to unforeseen circumstances.
17 The ANC that we had visited twice selected a quorum to vote
18 after they had requested for us to bring a letter of support
19 from our neighbor which we had obtained and it is uploaded
20 in the record as well.

21 We appreciate your time and welcome any questions.
22 Thank you.

23 CHAIRPERSON HILL: Okay, does the Board have any
24 questions for the applicant?

25 MEMBER WHITE: So the ANC didn't vote, but they're

1 going to bring it up again at their next meeting. Is that
2 correct?

3 MR. MEEKINS: So they didn't vote --

4 MEMBER WHITE: According to their letter, I see
5 it's in Exhibit 35.

6 MR. MEEKINS: Yes, so they didn't vote at this
7 meeting. We were hoping that the letter of intent to support
8 would indicate their position on our case just because there
9 were unforeseen circumstances not in our control that
10 occurred.

11 MEMBER WHITE: Okay.

12 CHAIRPERSON HILL: Anyone else? Going to turn to
13 the Office of Planning.

14 MS. MYERS: Hello, Crystal Myers for the Office
15 of Planning. The Office of Planning is recommending approval
16 of this case and stands on the record of staff report.

17 CHAIRPERSON HILL: Does anybody have any questions
18 for the Office of Planning?

19 Does the applicant have any questions for the
20 Office of Planning?

21 MR. MEEKINS: No.

22 CHAIRPERSON HILL: Is there anyone here who wishes
23 to speak in support?

24 Is there anyone here who wishes to speak in
25 opposition?

1 Does the Board have any final questions for the
2 applicant?

3 Is there anything that you would like to add at
4 the end?

5 MR. MEEKINS: No, thank you.

6 CHAIRPERSON HILL: Okay. All right, we're going
7 to close the hearing.

8 Is the Board ready to deliberate?

9 Okay, I can start. I would agree with the
10 analysis of the Office of Planning in terms of how the
11 applicant is meeting the criteria. I think that these
12 extensions -- I still find sometimes it's so interesting how
13 they do get all of the things that we take into analysis in
14 terms of whether or not they meet the criteria and I do
15 believe that this one has met the criteria.

16 I also am comforted by the fact that they have
17 been reaching out to the ANC, that the ANC has been able to
18 provide some kind of feedback. However, were not able to
19 give it great weight due to the fact that they didn't have
20 a quorum at their meeting. However, the applicant says that
21 they are going to go back and get a formal vote from the ANC
22 after the recess. So I'm going to be voting in favor of this
23 application.

24 Is there anything else anyone would like to add?

25 I'm going to go ahead and make a motion to approve

1 Application No. 20079, as captioned and read by the Secretary
2 and ask for a second.

3 MEMBER WHITE: Second.

4 CHAIRPERSON HILL: Motion made and seconded. All
5 those in favor say aye. Aye.

6 (Chorus of ayes.)

7 CHAIRPERSON HILL: All those opposed?

8 (No response.)

9 CHAIRPERSON HILL: Motion passes. Mr. Moy?

10 MR. MOY: Staff would record the vote as 5 to 0
11 to 0. This was on the motion of Chairman Hill to approve the
12 application for the special exception and relief requested.
13 Seconding the motion, Ms. White; also in support, Ms. John,
14 Vice Chair Hart, and Zoning Commissioner Peter May.

15 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
16 Moy. Thank you, gentlemen.

17 (Pause.)

18 CHAIRPERSON HILL: Mr. Moy, you can go ahead and
19 call it.

20 MR. MOY: Thank you, Mr. Chairman. If the Board
21 can have parties to the table to Application No. 20080 of
22 Anna-Louisa Yon, Y-O-N, and I'll take a stab at this, Edwin
23 Darilek, D-A-R-I-L-E-K, captioned to ask for a special
24 exception under Subtitle E Section 205.5 and 5201. This is
25 from the rear yard requirements of Subtitle E205.4 to

1 construct a two story rear addition to an existing detached
2 -- or rather attached principal dwelling unit, RF-3 Zone.
3 This is 323 5th Street, Southwest, Square 820 Lot 30.

4 CHAIRPERSON HILL: Great. Thank you, Mr. Moy.
5 Will you please introduce yourself for the record?

6 MS. MAY: Good morning, my name is Lindsey May.
7 I am an architect and the agent of the applicant.

8 CHAIRPERSON HILL: Okay, Ms. May. Is it Lindsey
9 May or May.

10 MS. MAY: Lindsey May.

11 CHAIRPERSON HILL: That's the last name, Lindsey
12 May.

13 MS. MAY: May is the last name.

14 CHAIRPERSON HILL: I was just checking, just
15 checking. It's the end of the year people.

16 COMMISSIONER MAY: It's hard having a simple last
17 name.

18 MS. MAY: I agree.

19 CHAIRPERSON HILL: Oh, yeah, May. Oh, that's
20 good. All right. Okay, Ms. May, if you want to go ahead and
21 walk us through the application including why you think
22 you're meeting the criteria for us to grant the relief
23 requested. I'm going to put 15 minutes on the
24 clock, Mr. Moy, so we know we are and you can begin whenever
25 you like.

1 MS. MAY: Great. Thank you. So as Mr. Moy
2 mentioned I am seeking relief from your rear yard requirement
3 of Subtitle E205.4 for a 10-foot addition, beyond the
4 allowed 10-foot addition. This is the property that we are
5 working on. It's a two story existing single family home.
6 this is a view of the rear of that home. And these are
7 images of the adjoining properties. On the right, you can
8 see 325 5th Street, Southeast, which already has an addition
9 that is 22 feet past the main principal rear facade of our
10 property. And then on the other side, you can see 321 5th
11 Street which the rear facade is in line, but there is a porch
12 with a shading structure and sort of heavy canvas curtains
13 that provide further shading and privacy between our
14 property, 323 5th Street, and their property. We have signed
15 letters of support from both these adjoining properties.

16 This is a plan view. I think something that we
17 are proud of is that we're remaining in the scale and
18 character of the block on either side of our property.
19 There's three houses that are a similar massing and we work
20 to respect the materials, the structure, the scale, and the
21 character.

22 Again, for the south -- so north is up in this
23 plan for the south neighbor, there is no effect on privacy,
24 on light or air, because they are facing south and they
25 already have this addition. For the neighbor to the north,

1 we feel that in terms of air because there's a five-foot
2 setback between our addition due to the dog leg, air is
3 allowed to flow through, through the curtain area of their
4 addition.

5 For light, we think that the shading porch that
6 they already have with a roof structure and the curtains
7 already shade most of that area, so the shading won't be
8 impactful, not to mention there's also the five-foot setback
9 with the dog leg that puts -- that reduces the shade on their
10 property and in terms of privacy, we carefully placed and
11 selected the size of the windows in the addition to maintain
12 the privacy of the neighbor to the north.

13 Moreover, in conversation with the neighbor, with
14 the homeowner that we're working with and that north
15 neighbor, the neighbor to the north actually communicated
16 their interest and excitement in seeing windows on the face
17 of the addition to animate and sort of break up that facade.

18 This is just a three-dimensional view to
19 understand the general massing and how our addition fits in
20 with the scale and character. And then this is the rear
21 elevation and the side elevation that faces the north.

22 We are grateful and happy to have the support of
23 the Office of Planning report, unanimous support from the
24 ANC, signed letters of support from both adjacent neighbors,
25 and no opposition from the Capitol Hill Restoration Society,

1 who we presented this project to in June. I welcome any
2 questions and further conversation. Thank you.

3 CHAIRPERSON HILL: Thank you. Does the Board have
4 any questions for the applicant?

5 If you wouldn't mind, if you would go back two
6 slides? I'm just curious, tell me again how you're going to
7 fill in the dog leg?

8 MS. MAY: We chose not to do that for light and
9 air. In going all the way to the property line, you can't
10 have windows as well in an addition, so we wanted to make
11 sure that the rooms in the interior of the building were
12 provided light.

13 CHAIRPERSON HILL: I was just curious. Okay. All
14 right, we'll turn now to the Office of Planning.

15 MR. COCHRAN: Thank you, Mr. Chair. OP recommends
16 approval of the application and stands on the record.

17 CHAIRPERSON HILL: Okay. Does anyone have any
18 questions for the Office of Planning? Does the applicant
19 have any questions for the Office of Planning? Is there
20 anyone here who wishes to speak in support? Is there anyone
21 here who wishes to speak in opposition? Is there anything
22 else you'd like to add at the end?

23 Okay, I'm going to go ahead and close the record.
24 Is the Board ready to deliberate? Okay, I can start. I
25 think that I would be in agreement with the analysis that was

1 provided by the Office of Planning and how they're meeting
2 the criteria. Also, the burden of proof that the applicant
3 has provided, as well as the analysis that ANC 6B has given
4 in terms of support. I also am glad to hear that the
5 neighbors, both adjacent neighbors, are in support of this
6 application. However, again, I do think that they've met the
7 burden of proof for us to grant this, and I'm going to be
8 voting in favor.

9 Is there anything anyone would like to add? I'm
10 going to go ahead and make a motion to approve Application
11 No. 20080, as captioned and ready by the Secretary, and ask
12 for a second.

13 VICE CHAIR HART: Second.

14 CHAIRPERSON HILL: Motion made and seconded. All
15 those in favor say aye.

16 (Chorus of ayes.)

17 CHAIRPERSON HILL: All those opposed?

18 (No response.)

19 CHAIRPERSON HILL: Motion passes. Mr. Moy?

20 MR. MOY: Staff would record the vote at 5 to 0
21 to 0 and this is on the motion of Chairman Hill to approve
22 the application for the relief requested. Seconding the
23 motion is Vice Chair Hart; also in support, Ms. John, Ms.
24 White, and Zoning Commissioner Peter May.

25 CHAIRPERSON HILL: Thank you, Mr. Moy. Thank you

1 very much.

2 MS. MAY: Thank you.

3 MR. MOY: If we can have parties to the table to
4 Case Application No. 20082 of Friendship Public Charter
5 School, Inc. And this has been amended as special exceptions
6 under Subtitle G, Section 409.1 and 1201.1 from the minimum
7 rear yard requirements of Subtitle G, Section 405.1, Subtitle
8 C, Section 909.2 from the loading requirements of Subtitle
9 C, Section 909.1 which would construct a three story public
10 charter middle school building with an elevated and enclosed
11 pedestrian walkway to an existing public charter elementary
12 school building, MU-4 Zone. This is at 2721-2725 Martin
13 Luther King, Jr., Southeast, Square 5980, Lots 812, 822, and
14 Parcel 234/31. And I believe, Mr. Chair, there's a waiver
15 request to accept an untimely filing under Exhibits 33 and
16 Exhibit 34.

17 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
18 Moy. If you would please introduce yourselves from my right
19 to left.

20 MR. VAN PELT: I'm Dan Van Pelt with Gorove-Slade
21 Associates.

22 MR. WALLER: James Waller, Chief of School for
23 Friendship Public Charter School.

24 MR. BROWN: Patrick Brown from Greenstein DeLorme
25 & Luchs on behalf of Friendship.

1 MR. NEWMAN: Tony Newman with Michael Marshall
2 Design as the project architect.

3 CHAIRPERSON HILL: Okay. Mr. Brown, are you going
4 to be presenting to us?

5 MR. BROWN: I am very briefly. And a couple of
6 housekeeping matters. Mr. Moy mentioned a request for
7 waiver. There was a late filing after the 21-day deadline.
8 It occurred for two reasons. One, it was based on a plan
9 that wasn't available in a timely manner. And two, it's the
10 basis for withdrawing the zoning relief for the long term
11 bicycle parking. The plan provided shows the bike room being
12 provided in an appropriate location and appropriate size, and
13 it also includes TDM measures which were requested by DDOT
14 after the original filing deadline.

15 Also, further to that point, since that was
16 supplied, DDOT has asked for further clarifications on the
17 TDM and loading management program. And those are provided
18 in a report which I've submitted from Gorove-Slade and also
19 featured in our PowerPoint presentation. We agreed to all
20 the TDM and loading management requests made by DDOT.

21 CHAIRPERSON HILL: Okay. Thank you, Mr. Brown.
22 I saw the request for the wavier and I understand now again
23 why you are asking for this. I don't have any issues with
24 granting the information into the record. Does the Board
25 have any? Okay. We'll go ahead and grant the waiver and

1 allow the information into the record.

2 I guess, Mr. Brown, I'll go ahead and whoever is
3 going to start can start, but I'm going to put 15 minutes on
4 the clock. If you can tell us again what you're trying to
5 do and how you're meeting the standard for us to grant the
6 relief requested. The one thing that you did already start
7 to mention is again kind of like the DDOT concerns or issues.
8 And then the two things that seem to be, I wasn't sure
9 whether you guys were all on the same page in terms of what
10 your conditions that you had put forward, as well as those
11 that DDOT has mentioned. So you can kind of speak to that
12 if you would again, as you go through your presentation. And
13 you can begin whenever you like.

14 MR. BROWN: And I'll only speak briefly. Based
15 on the withdrawal of the bike relief, we're talking about the
16 rear yard relief, and it arises --- and this was confirmed
17 with discussions with the Zoning Administrator -- because of
18 the enclosed pedestrian walkway that enclosed -- connects the
19 new building which is the middle school to the existing rear
20 building which is the existing elementary school.

21 And the rear yard relief is only requested for
22 that portion, the tunnel that occupies the required 15 foot
23 rear yard there.

24 And then the second question is loading, and
25 loading will be provided at a centralized location at the

1 existing elementary school site and so I think -- and it's
2 laid out both in my filings and in the OP report that the
3 criteria are met for both zoning relief and one, they're
4 minor, and two, they can be done without any adverse impact
5 and fully within the special exception criteria.

6 I can allow Mr. Newman, who is the project
7 architect, to walk you through briefly, and then -- but I'd
8 like Mr. Waller to first just introduce Friendship very
9 briefly.

10 MR. WALLER: Good morning, Friendship Public
11 Charter Schools was established in 1998 around the first
12 round of public charter schools. In 2005, we acquired
13 Southeast Academy. At the time, it was a previous charter
14 school that was in an old Safeway building. We renovated
15 that building and made it a pre-K through 5 elementary
16 school.

17 In 2008, the Public Charter School Board granted
18 us approval to go 8th grade to make it a pre-K through 8th
19 grade which is consistent with all of our other schools in
20 Washington, D.C. We agreed to expand one grade at a time.
21 The middle school building is a continuation of the program
22 of Southeast Elementary School. There will be classes,
23 grades 6 through 8, in the addition, but some of the other
24 functions, cafeteria, library, the specialist class including
25 world languages will be in the existing building.

1 MR. BROWN: Mr. Newman?

2 MR. NEWMAN: I'm going to jump around in this just
3 a little bit. So we can start with the renders that you see
4 here. These are perspectives from Martin Luther King, Jr.
5 Southeast, looking at the proposed middle school building.
6 This is filling in an existing parking lot right now, so the
7 property is already controlled by the school and we're just
8 improving the use as much as possible.

9 If you can go down to the -- just one more. The
10 bridge. So the perspective of the bridge here is exactly
11 what we hope to produce as a result of this hearing and I
12 think that's it for the renders.

13 Go down to the site plans, please. So again, the
14 existing conditions are a site parking lot. There are
15 actually five curb cuts getting into the existing property.
16 We're proposing to close off three of those in accordance
17 with some of the DDOT recommendations, improving the
18 streetscape, improving pedestrian access to the site. The
19 curb cut that is shown plan left at the moment, is actually
20 just going to be modified to provide access for an adjacent
21 property. So that will remain, but it will be reduced in
22 size.

23 Next. So the proposed plan, as you can see, we're
24 within the 15-foot setback requirement for the rear yard,
25 everywhere except the bridge as Mr. Brown had indicated. We

1 meet all of the other zoning requirements. So I think you
2 can skip through.

3 This first floor plan highlights the new bike room
4 based on our withdrawal of that request and a couple of minor
5 modifications to other plans, documents, that you already
6 have on record modifying the door swings based on DDOT's
7 recommendations. Second floor shows all the classrooms laid
8 out and gym on the third floor.

9 If you could skip through to the next -- so in
10 this elevation it's showing the -- all the requirements of
11 this pedestrian walkway, how we're meeting those with the
12 site height requirements, public space, and I just wanted to
13 have that on record for you.

14 After that, I think we can go to Mr. Van Pelt.

15 MR. VAN PELT: Thanks, Tony. Again, for the
16 record, I'm Dan Van Pelt with Gorove-Slade.

17 Friendship Public Charter School has frontage
18 along Martin Luther King, Jr. Avenue and Milwaukee Place,
19 Southeast, as shown here in this slide. The nearest Metro
20 rail station is the Green Line and that's over at Congress
21 Heights. It's about 8/10ths of a mile walk today and will
22 be approximately about a half mile from that station once the
23 connectivity is completed through the St. Elizabeths campus.

24 There are eight Metro bus lines that service the
25 site and Metro bus is heavily utilized on this corridor and

1 is by the existing school. There are bike lanes on Malcolm
2 X Avenue and Alabama Avenue as assigned bike route. There's
3 a Capital Bikeshare station to the south, and there will be
4 two additional stations with the completion of the St.
5 Elizabeths campus.

6 So I think as Tony mentioned, there are some curb
7 cuts that are going to be eliminated. We met early on with
8 DDOT as they were planning the site. The existing curb cut,
9 one of them as Tony said will be narrowed and relocated next
10 to the car wash. This is going to enhance the public realm
11 along that corridor and simplify traffic operations.

12 I'll talk about the circulation plan for the
13 school and just a bit more in a moment. There will be 64
14 parking spaces and this number of spaces will adequately
15 accommodate project needs. And I think as already has been
16 mentioned, we're no longer asking for relief from the bike
17 parking. There will be five long term bike spaces and 20
18 short term bike parking spaces.

19 So on the pick-up and drop-off operations,
20 students that are being dropped off by car will use the alley
21 to the south of the school which is to the left on this page
22 here. And use that to access the site. Middle school
23 students will be circulated up through the alley that runs
24 between the new middle school and elementary school. I don't
25 know if we can point that out or not. But that goes

1 underneath of the bridge that connects the two buildings.
2 After drop-off or pick-up, this traffic will then exit to
3 Milwaukee and then out to Martin Luther King.

4 Elementary students and early childcare will enter
5 the same way via the alley off of Martin Luther King. Again,
6 on the left of the page there and continue to the back of the
7 elementary school building. Early childhood students require
8 parents to park and then walk their child into the school,
9 so there's parking provided for that activity. And then the
10 elementary students, drop off will continue around Milwaukee
11 Place and will exit around to Martin Luther King.

12 Most of the high school students take transit to
13 school, but those being dropped off will use the middle
14 school circulation loop.

15 This pattern has all of the traffic exiting out
16 to Milwaukee and Martin Luther King. Again, this plan was
17 reviewed with DDOT and they believe it's an acceptable plan.
18 DDOT will be installing a new traffic signal at Milwaukee and
19 Martin Luther King, and this is going to help manage traffic
20 at that location and signaling the pedestrian crossing.

21 Next slide, please. Multi-modal transportation
22 review was completed for this project following DDOT's
23 comprehensive transportation review requirements. The scope
24 of the CTR was approved by DDOT before we proceeded. The
25 addition of approximately 200 students is expected to

1 generate a relatively low number of new vehicular trips
2 during both morning and afternoon periods. However, capacity
3 analysis was will performed for this around the intersections
4 as better organization of the overall pick-up and drop-off
5 activities was part of the review too.

6 Our study did identify that a new traffic signal
7 at Martin Luther King and Milwaukee is warranted. And we
8 know, as I said just a moment ago, DDOT intends to install
9 that signal. A Transportation Demand Management Plan was
10 also developed for the project along with a loading
11 management plan. And with these things, it's our conclusion
12 that the project will not have a detrimental impact,
13 transportation impact.

14 So if we can go back up one more slide, the slide
15 of the DDOT mitigations. We're pleased to have DDOT support
16 for the project as given in the July 19 staff report. DDOT
17 did have a few additional conditions and we've agreed to all
18 of them. We have bolstered our TDM measures in implementing
19 the loading management plan to mitigate the requested loading
20 relief. We'll continue to coordinate with DDOT on sidewalks
21 and all other public space issues through the public space
22 permitting process.

23 This slide lists the components of our
24 Transportation Demand Management plan. I won't read them
25 all, but if you see in the lower right hand column there on

1 the bottom there's two bullets in italics, and those were
2 added at DDOT's request into the TDM plan.

3 As mentioned, we are requesting loading relief
4 from the loading berth and platform of service delivery space
5 of zoning requirements. The school currently uses the area
6 adjacent to the elementary school for servicing, and that
7 activity will continue to happen at that location and serve
8 the new building. DDOT did request the development of a
9 loading management plan that puts a little more parameters
10 and commitments around how that space would be used, and have
11 it not conflict with pick-up and drop-off times, so the
12 elements of that plan are given here.

13 And lastly, our response to the DDOT staff report
14 was submitted into the record today. I think you have copies
15 of that. That captures the loading management plan and the
16 TDM enhancements that were requested by DDOT. And with that,
17 we believe we have satisfied all of DDOT's conditions on this
18 zoning application.

19 CHAIRPERSON HILL: Okay, Mr. Van Pelt, just so I'm
20 clear, all of those conditions and everything, you guys are
21 all in agreement with everything that's in Exhibit 37, the
22 DDOT report, Exhibit 37?

23 MR. VAN PELT: Yes, I believe so.

24 CHAIRPERSON HILL: Okay. All right. Mr. Brown,
25 in terms of like the outreach to ANC 8C, can you tell us how

1 that went? You need to push the microphone.

2 MR. BROWN: The team met at the ANC, made a
3 presentation on June 5th. They voted in support 7-0-0 which
4 was all their members present. We've been asking for their
5 letter, provided them a draft several times and asked and
6 begged, and they still haven't responded.

7 CHAIRPERSON HILL: Okay, but again your testimony
8 is you guys presented, and they voted in support?

9 MR. BROWN: Yes.

10 CHAIRPERSON HILL: Does anybody have any questions
11 for the applicant?

12 MEMBER JOHN: Yes, Mr. Chairman.

13 CHAIRPERSON HILL: Sure.

14 MEMBER JOHN: Can you go over how your plan
15 supports relief from the loading requirements? If you could
16 use one of the slides because based on the criteria of the
17 special exception. Actually, I'm asking you for your burden
18 of proof.

19 MR. BROWN: Yes. Well, for the loading
20 requirements, the providing of loading strictly for this new
21 property would utilize the -- would have to utilize the alley
22 system because the applicant had surrendered their curb cuts
23 on Martin Luther King. That was not due to an acceptable
24 measure for loading purposes, which would conflict with the
25 school's use for students of that portion of the alley and

1 others. It's a public alley. The car wash is located on one
2 side of the property for which we've provided a dedicated
3 access for them and a convenience store on the other side.
4 So the public alley was not considered. While it's
5 available, was not considered both by the applicant and DDOT
6 as an appropriate access point for loading where loading
7 could be provided through not using that portion of the
8 public alley, but the existing public alley to the elementary
9 school site which already has loading facilities adequate to
10 serve both buildings. And in fact, centralized delivery is
11 actually deemed more appropriate in the circumstance, food
12 deliveries and things like that. It's been a routine to a
13 central location. And then you also have the above-grade
14 communication between the two buildings. So I think both
15 from the applicant and the DDOT standpoint, this was more
16 than adequate response to the burden of proof.

17 MEMBER JOHN: Thank you. That's -- I was going
18 to ask you to pull up a slide that describes everything you
19 just said. So the alley was originally where? Can you just
20 point to that?

21 MR. NEWMAN: One thing I would like to add is that
22 the existing elementary school which is this building, the
23 current main entry --

24 VICE CHAIR HART: Can you make this image larger?
25 Just hit it so that it displays as a presentation slide.

1 MR. NEWMAN: I don't remember which button it is.

2 VICE CHAIR HART: Thank you.

3 MR. NEWMAN: So the existing elementary school,
4 as I was saying, uses the -- their main entry is actually
5 located along the public alley, which is why we've oriented
6 our building the way that we have.

7 VICE CHAIR HART: Is that here?

8 MR. NEWMAN: It is. It is right under the bridge.
9 So that being said, the existing loading area to the back of
10 the elementary school is being reused in addition to the fact
11 that the main entry is on this public alley, the new building
12 does not have a cafeteria. It doesn't have its own
13 administration area. So having a single loading area for
14 this building that is truly sharing this facility, that was
15 the plan. And that's the idea behind having a single loading
16 area for this project.

17 MEMBER JOHN: And where is the existing loading
18 area?

19 MR. NEWMAN: I don't think you can see my mouse
20 for some reason.

21 VICE CHAIR HART: The screen that you have in
22 front of you, the gray screen that you have in front of you,
23 you can actually draw on it.

24 MR. NEWMAN: Okay. Thank you. So the loading
25 area is to the rear of that building.

1 CHAIRPERSON HILL: You need to speak in that
2 microphone, sorry.

3 MR. NEWMAN: The loading area is shown -- I've
4 just circled it, and there's an existing ramp and a blocked
5 off area that is controlled and will adhere to all of our
6 requirements of DDOT's request.

7 MEMBER JOHN: Thank you.

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

10 MR. MORDFIN: Good morning. I'm Stephen Mordfin
11 and the Office of Planning supports this application,
12 especially in light of the applicant's withdrawal of their
13 request for a special exception from the long term bicycle
14 parking request and is available for questions. Thank you.

15 CHAIRPERSON HILL: Does the Board have any
16 questions for the Office of Planning? Does the applicant
17 have any questions for the Office of Planning?

18 MR. BROWN: No questions.

19 CHAIRPERSON HILL: Is there anyone here wishing
20 to speak in support? Is there anyone here wishing to speak
21 in opposition? Mr. Brown, is there anything you'd like to
22 add at the end?

23 MR. BROWN: No. And we would ask that -- and it's
24 in the slide presentation and Mr. Van Pelt's report, the
25 agreed-upon TDM and loading management provisions are laid

1 out there that correspond to the requirements requested by
2 DDOT.

3 CHAIRPERSON HILL: Okay, great. Thank you. All
4 right. I'm going to go ahead and close the record. Is the
5 Board ready to deliberate? Okay.

6 I can start. I also would agree with the analysis
7 of the Office of Planning, as well as the burden of proof
8 that's been supplied by the applicant. I also would take the
9 testimony that the applicant has said in terms of them
10 presenting to ANC 8C, and that they had voted to unanimously
11 support. I think that the applicant has come to the same
12 terms, is on the same page with DDOT concerning their TDM and
13 loading management plan. And so I think that they've met the
14 criteria, and I'll be voting in favor. Is there anything
15 else that anyone would like to add?

16 VICE CHAIR HART: Only that -- I would also be in
17 support of the application. The only thing I would add is
18 that just to suggest that the applicant meet with or at least
19 talk to the folks at the St. Elizabeths West campus, if you
20 haven't already. And that's just around that -- possibly
21 putting a light there. There's a lot of transportation stuff
22 that's going on with --- as part of the St. Elizabeths West
23 campus project. And I just want to make sure that you
24 coordinate with them or at least understand what they are
25 doing because at one point they were looking at having --

1 widen the roadway and there were some other changes. And
2 because of those changes, you may want to just make sure that
3 you're coordinating so that you don't put a light in there
4 and that causes some other problems down the road. So that's
5 it.

6 MEMBER WHITE: Mr. Chair. I support this project
7 as well. I think they've clearly met the criteria. I would
8 also like to share my approval in terms of the design of the
9 project. I think this is going to be a very good addition
10 to the community. So I would be in support, especially with
11 the ANC's approval of the project as well.

12 MEMBER JOHN: Just briefly, Mr. Chairman. I
13 believe the applicant has shown that it has met its burden
14 of proof, especially in light of the oral testimony regarding
15 the loading plan. And I will give great weight to OP's
16 analysis as well. So I can support the application.

17 CHAIRPERSON HILL: Okay. I'm going to make a
18 motion to approve Application No. 20082, as captioned and
19 read by the Secretary, including the conditions that DDOT has
20 put forward in Exhibit 37, and ask for a second.

21 MEMBER WHITE: Second.

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

24 (Chorus of ayes.)

25 CHAIRPERSON HILL: All those opposed?

1 (No response.)

2 CHAIRPERSON HILL: Motion passes. Mr. Moy?

3 MR. MOY: Staff would record the vote as 5 to 0
4 to 0. This is on the motion of Chairman Hill to approve the
5 application for the relief requested, along with conditions
6 as cited and contained in the DDOT report. Seconding the
7 motion, Ms. White; also in support Ms. John, Vice Chair Hart,
8 and Zoning Commissioner Peter May.

9 CHAIRPERSON HILL: Okay. Thank you, Mr. Moy.
10 Thank you, gentlemen.

11 (Pause.)

12 CHAIRPERSON HILL: All right, we're probably going
13 to do one more case and then take lunch, so just to let
14 everybody know. And Mr. Moy, you can call our next one.

15 MR. MOY: Thank you, Mr. Chairman. So with that,
16 parties to the table to Case Application No. 20083 of Studio
17 Acting Conservatory on behalf of 3423 Holmead Place, LLC, as
18 amended for special exceptions under the use provisions of
19 Subtitle U Section 320.1(a) and Subtitle U Section 303.1(1),
20 or (1) rather, and from the private school regulations under
21 Subtitle X Section 104.1, to permit a private school use in
22 an existing building in the RF-1 Zone. This is at 3423
23 Holmead Place, Northwest, Square 2834, Lot 63.

24 CHAIRPERSON HILL: Okay, great. Good afternoon.
25 If you could please introduce yourselves for the record from

1 my right to left?

2 MR. WRAY: Good morning, Michael Wray, ANC 1A.

3 MS. ZINOMAN: Joy Zinoman, Director of the Studio
4 Acting Conservatory.

5 MR. CABRERA: Michael Cabrera from the law firm
6 Donohue & Stearns representing Studio Acting Conservatory.

7 MR. HENSLEY: Jon Hensley with Jon Hensley
8 Architects.

9 MR. ANDRES: Good afternoon, Chairman Hill, Erwin
10 Andres with Gorove-Slade Associates.

11 CHAIRPERSON HILL: All right, welcome,
12 Commissioner. All right, who is going to be presenting to
13 us today?

14 MR. CABRERA: I am and you'll hear from Joy
15 Zinoman, the Director, as well as well as the architect and
16 our transportation consultant.

17 CHAIRPERSON HILL: Okay, great. All right so if
18 you can just kind of walk us through your application in
19 terms of what you're trying to do and also how you're meeting
20 the criteria for us to grant the relief requested. I'm going
21 to put 15 minutes on the clock that Mr. Moy has put forward
22 on to the time there, what have you, and you can begin
23 whenever you like.

24 MR. CABRERA: And just as a couple of housekeeping
25 matters, we have the qualification of expert witnesses, our

1 architect and our transportation expert, and we also have a
2 motion to accept the transportation report later than 30 days
3 before the hearing.

4 CHAIRPERSON HILL: I didn't see the preliminary
5 motion. Well, Mr. Andres is in the book. The architect?

6 MR. CABRERA: Yes, and Mr. Hensley has also been
7 qualified as an expert in architecture before you in the
8 past.

9 CHAIRPERSON HILL: Okay, all right, so then we
10 don't have to do that. So you had a late filing?

11 MR. CABRERA: We filed the transportation report
12 after the 30-day deadline prior to the hearing. So it was
13 shared with DDOT on June 24th so it was shared with DDOT in
14 time. It just wasn't uploaded to IZIS in time.

15 CHAIRPERSON HILL: Okay. All right. I don't have
16 an issue with that.

17 Does the Board have any issues with that?

18 Okay, we'll go ahead and approve that. And then
19 again, Mr. Cabrera, you can begin whenever you like.

20 MR. CABRERA: Okay. I'm just going to hand it off
21 to Joy Zinoman, so she can describe the school and what we're
22 trying to do here.

23 MS. ZINOMAN: Okay. So the Studio Acting
24 Conservatory began as a small acting studio on 14th and Rhode
25 Island Avenue in 1975. In 1978, I founded the Studio

1 Theater, first on Church Street and 14th, and then on the
2 corner of 14th and P. So I was in that corridor for a long
3 time. So after the riot corridor, as you all know, that
4 corridor rose to become a useful corridor, producing the
5 finest, contemporary theater and housing the Acting
6 Conservatory. So the entire building is over 50,000 square
7 feet. The Acting Conservatory has 6,000 square feet.

8 So now years later, 43 years later, we are leaving
9 the Studio Theater and the Acting Conservatory is becoming
10 an independent institution. So we are filled, continue to
11 be filled with seriousness of purpose, the training of
12 artists, and we hope to do it 15 blocks up 14th Street in
13 Columbia Heights.

14 So slowly for 43 years, we have trained small
15 groups of the finest actors in Washington and directors.
16 They act on every stage and they contribute to the cultural
17 heritage of the theater. It is a special school for artists.
18 In individual classes, never more than four classes at a
19 time, and that even is unusual, and the classes have 8 to 12
20 students. We pay attention to the actors' movement, to their
21 voice, and acting in a three-year curriculum.

22 There is also a small young people's program that
23 is only for students age 13 to 17. It is on Saturday morning
24 during the year and six weeks in the summer. And 50 percent
25 of that young people's program is completely tuition free.

1 Those are extremely talented young people in the District who
2 want professional training.

3 Three times a year, at the end of each semester,
4 we open our doors to parents and friends of the students for
5 the final class. That's called final scenes, and maybe 30
6 people come to see these presentations which is really the
7 last class. The classes are held generally Monday to
8 Thursday evening and night and Saturday morning. There are
9 occasional afternoon classes that I teach because I'm old.
10 So I get to teach in the afternoon. Also, there is a
11 permanent office staff of two that are there 40 hours a week.

12 Our students come to study. They walk. They
13 bike. They take the Metro and the bus. At 14th and P where
14 we have been for 43 years there is literally no parking.
15 They are used to it. Now they will be closer to Metro. They
16 have lots of bus routes and we will encourage, continue to
17 encourage public transportation. The Transportation Demand
18 Management will not only be complied with, but will be a
19 priority of our staff, none of whom have cars. I and three
20 of our teachers can walk. I live two blocks away from this
21 new location.

22 With Gala Theater and the National Dance
23 Institute, Studio Acting Conservatory wants to be a great
24 neighbor and build a Columbia Heights arts district. Early
25 in the process, we reached out to the ANC. Happily, the

1 chairperson was a member of my audience when I ran the Studio
2 Theater and community leaders. We presented to the ANC
3 Zoning Committee and then to the full ANC. We had an open
4 house for neighbors, sending letters to 200 of our closest
5 neighbors inviting them to come to this open house. And
6 lastly, just last week as our student volunteers were
7 cleaning up and weeding the area around the church that we
8 want to convert, neighbors stopped by. Just anecdotally,
9 they were supportive, curious, and encouraging. Some wanted
10 to sign up for classes or ask about coming to final scenes.

11 A meeting place for the community, helping to
12 develop and build bridges in Columbia Heights, we are
13 dedicated to our mission of training artists. We hope to do
14 it in beautiful studios in what was this Holmead church.

15 MR. CABRERA: And then I just have a couple of
16 follow-up questions and I think one possible little
17 misstatement. Did we send letters to 200 people or to
18 everyone who was an adjacent neighbor to invite them to open
19 house?

20 MS. ZINOMAN: I did what you said.

21 MR. CABRERA: And then one other question. Did
22 you have volunteers from the Studio Theater put flyers to all
23 of the adjacent neighbors inviting them to the open house?

24 MS. ZINOMAN: Yes, we did that one whole Saturday.

25 MR. CABRERA: Okay. And then I guess I should

1 also say because I forgot to state up front, that we're just
2 seeking a special exception for the use as a private school.
3 We're not looking for any other relief which I think is
4 pretty self-evident. But I just didn't say it.

5 So now I'll turn it over to Jon Hensley, the
6 project architect.

7 MR. HENSLEY: Chairman Hill, Board Members. I'll
8 give a brief description of the property. It's located at
9 3423 Holmead Street, Northwest. It's an existing two-story
10 structure built in 1980. There are currently five parking
11 spots accessed from the rear alley. The front yard is
12 somewhat of a raised terrace with, as you know, the broad
13 stairs leading up to the entry. As Michael just stated the
14 only exception being requested here is for use. There are
15 no planned additions to the building. The only thing that
16 we plan to do is provide cosmetic improvements. We'd like
17 to address the accessibility issues into the structure and
18 we would like to provide lighting that the Office of Planning
19 had requested as part of the review. Other than that I'm
20 here to answer any questions you may have.

21 MR. ANDRES: Good afternoon, Chairman Hill,
22 Members of the Board. For the record, Erwin Andres of
23 Gorove-Slade Associates. We coordinated extensively DDOT in
24 developing a transportation statement that they reviewed and
25 they issued their letter in support of the project, dated

1 July 18, 2019. As part of that letter, they've concurred
2 with our findings in that the implementation of
3 Transportation Demand Management plan is an important element
4 that we're committed to.

5 Ms. Zinoman did a fantastic job identifying the
6 background and the culture associated with the conservatory,
7 such that people are currently used to taking transit and
8 walking and if anything, the new location north of, just
9 slightly north of Columbia Heights Metro Station is actually
10 more accessible to the site. In addition to that, there are
11 well over a couple hundred spaces that are available in the
12 DC USA Project, just two blocks away.

13 With that, I'm available for questions.

14 CHAIRPERSON HILL: All right, thanks. Mr.
15 Cabrera, so just to go over a couple of things and we'll get
16 to OP. I'm not really sure whether some of their things are
17 conditions or not.

18 So your applicant is aware of the conditions that
19 ANC 1A had put forward?

20 MR. CABRERA: Yes, and we agreed to those in our
21 supplemental statement.

22 CHAIRPERSON HILL: Okay, great. And then also the
23 conditions that DDOT had in their report as well?

24 MR. CABRERA: Yes. And I think Joy also testified
25 that they're happy to do all of that and their staff will

1 comply with all of the TDM measures.

2 CHAIRPERSON HILL: And Mr. Hensley, what does the
3 front look like? I was just curious what it looked like. I
4 saw like the layout.

5 MR. HENSLEY: We can pull it up really quick on
6 Google Maps.

7 CHAIRPERSON HILL: I know what the current church
8 looks like. I'm saying do you have anything as to what it's
9 going to look like after you do whatever you're going to do
10 to the front?

11 And while you look that up, I know what it looks
12 like now. But that's okay. There wasn't anything that showed
13 what your plan for it. I was just curious.

14 MR. HENSLEY: The only plan right now is to do
15 cosmetic improvements. We're not planning any additions --

16 CHAIRPERSON HILL: What does cosmetic improvements
17 mean to you?

18 MR. HENSLEY: That could be paint, changing out
19 the front doors, things like that.

20 CHAIRPERSON HILL: Okay. Interesting. Does the
21 ANC have anything they'd like to add since you've been
22 waiting here all the time?

23 MR. WRAY: Are you looking for me to ask a
24 question or --

25 CHAIRPERSON HILL: You can ask questions. You can

1 give your presentation. You are a member, a party, thank you
2 so much. And so you can feel free to give your presentation,
3 ask questions, do whatever you like.

4 MR. WRAY: Good. Thank you. And again, Michael
5 Wray, ANC 1A. The ANC felt it was important to come because
6 we really do support this application. We did vote
7 unanimously 10 to 0 at our public meeting, but leading up to
8 that, we had a committee meeting. We met with the applicant
9 and based on that committee meeting and conversations with
10 the public that were there, we decided that additional
11 outreach was necessary just to make sure that everyone at
12 least had a chance to hear about the project. That's when
13 we asked that they do the flyers and that they hold the open
14 house.

15 The ANC attended the open house as well. I don't
16 believe we got a lot of people there, but we did hold it and
17 then we again discussed it at our public meeting where
18 everybody was in full support. The three conditions that we
19 put into our report basically point out that this is a
20 relatively small school and because it is a small school we
21 don't feel that it's going to have a big impact on the
22 traffic or the noise or the issues that might come in the
23 neighborhood if it had been a much larger project. And they
24 have graciously agreed to work with us going forward which
25 is really all we needed with the other two. But I just

1 wanted to point that out and in case I've written it in a way
2 that was confusing, I wanted to be here to answer your
3 questions. Thank you.

4 CHAIRPERSON HILL: All right Commissioner, thank
5 you. Does the Board have any questions for the applicant or
6 the Commissioner?

7 VICE CHAIR HART: Thank you very much for coming
8 down. Had you -- the first condition, did you have a
9 particular number that you were -- I mean I noted that you
10 don't have a number in there. Can you just talk a little bit
11 about that?

12 MR. WRAY: We discussed that with the applicant.
13 We know that 52 comes out of the number from the math that
14 goes with the number of parking spaces. But because the
15 school might in the future be able to get additional parking
16 spaces, we didn't feel it was necessary to put the number in,
17 but simply request that they meet the requirements of the
18 statute.

19 VICE CHAIR HART: Okay.

20 CHAIRPERSON HILL: Okay, anyone else? All right,
21 we'll turn to the Office of Planning.

22 MS. ELLIOTT: Thank you, Mr. Chairman, and members
23 of the Board. I'm Brandice Elliott representing the Office
24 of Planning. The Office of Planning is recommending approval
25 of the special exception relief that's been requested. We

1 have not provided any conditions of approval. We have sort
2 of outlined the parameters of the project at the beginning
3 of our report, so that was submitted as part of the
4 application. We didn't feel the need to mitigate those
5 conditions further, I'm sorry, mitigate those specifics
6 further by adding conditions. Although that being said, we
7 are supportive of the conditions that the ANC has put forward
8 as well as DDOT. But I'm happy to answer any questions you
9 have.

10 CHAIRPERSON HILL: Okay. Does the Board have any
11 questions for the Office of Planning?

12 Does the -- sorry, go ahead.

13 MEMBER JOHN: So as to the last condition, the
14 applicant agrees to work with the ANC. What were your
15 thoughts in that?

16 MS. ELLIOTT: I'm sorry, the condition put forward
17 by the ANC? Well, we would expect that because of the nature
18 of the use and the fact that there would be public
19 performances periodically that the applicant would continue
20 to work with the ANC. I'm not sure as a condition of its
21 enforceability, but it serves as a reminder to the applicant.

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

24 MR. CABRERA: No.

25 CHAIRPERSON HILL: Okay. Is there anyone here who

1 wishes to speak in support?

2 Is there anyone here who wishes to speak in
3 opposition?

4 Okay. You can come on forward. If you can please
5 state your name and then also as a member of the public
6 you'll have three minutes to provide your testimony.

7 Mr. Moy, if you could put that up on the clock.
8 Three minutes on the clock, Mr. Moy.

9 First, why don't we get your name and address,
10 please, sir.

11 MR. FORDE: My name is Kenneth Forde. I live at
12 1345 Monroe Street, Northwest.

13 CHAIRPERSON HILL: Can you spell your last name
14 for me?

15 MR. FORDE: F-O-R-D-E.

16 CHAIRPERSON HILL: Okay. Great. All right, Mr.
17 Forde, so the clock is up there on the ceiling and you can
18 begin whenever you like.

19 MR. FORDE: I'm a father of two graduates of Duke
20 Ellington School for the Arts. I'm the last person to go
21 against a school. I have watched for the last 42 years I've
22 lived there. Things happened. We had to deal with the
23 development inside the lot that's right across from me
24 leading to the public garden.

25 One of the things I notice here in this

1 application is that it says a private school. It's a private
2 school, right? So it's a private school? Is it a commercial
3 -- it's commercial because people pay to go to that school,
4 don't they? So I'm asking a question.

5 CHAIRPERSON HILL: Well, Mr. Forde, I can go back
6 and look through -- as a member of the public, you have an
7 opportunity to go ahead and give your testimony. And then
8 the Board can go ahead and ask the questions after you've
9 gone ahead and asked them. So you do have a question. Now
10 you're asking us whether or not it's a private school.

11 MR. FORDE: My testimony, sir, is that this school
12 is in a residential area. Since it is a private school, it's
13 a paid enterprise. If the patterns of commercial enterprises
14 in our area, if you look at them, you will notice that
15 Holmead Place is not a commercial area. So therefore I don't
16 think that all of the things that people say they will not
17 be enough parking. I live there. I bought a house 35 years
18 ago. And I've seen things change. I've seen our living
19 changes because of parking and the kind of stuff like that.

20 So what I have to say today is that I totally
21 disagree with the Board and whoever who passes this thing.
22 We are not going to be -- we aren't going to have any relief
23 that this area has, that they will entertain us. I don't
24 think so. I think that our living is going to change
25 regardless of what people feel about this. I don't think it

1 should be approved at all. I don't think so.

2 Like I said, my main point is that if you look at
3 the commercial building, what they mentioned the dance place.
4 They mentioned the Gala Theater. They're all in commercial
5 spaces. Where this school is is a private area and it's
6 supposed to be residential, not commercial. And this school
7 is commercial. So I am concerned. The word private means
8 that somebody is paying for it. And that's all I have to
9 say.

10 CHAIRPERSON HILL: Okay. All right. Thank you,
11 Mr. Forde.

12 Does the Board have any questions for Mr. Forde?

13 Okay. So let's see, does the applicant have
14 anything they'd like to add at the end?

15 MR. CABRERA: Not really, I mean, just to say that
16 we're also neighbors. As Joy mentioned, she lives two blocks
17 away. So everyone is concerned about parking and traffic and
18 all these things and we want to do our best to be a good
19 neighbor. This is a very low-impact use. It's not a
20 traditional private school. It's not commercial. It's a
21 nonprofit that's coming in that will teach four classes at
22 one time.

23 (Off-microphone comment.)

24 CHAIRPERSON HILL: Excuse me, sir. We're not
25 having testimony from outside there. Go ahead.

1 MR. CABRERA: And it will have a limited number
2 of students at any one time, so it should be very low impact,
3 it should have no impact on the --- a completely minimal
4 impact on the transportation network.

5 MS. ZINOMAN: I forgot to say it's not for profit.

6 CHAIRPERSON HILL: Okay. All right. Okay, I'm
7 going to close the hearing. Is the Board ready to
8 deliberate? Okay.

9 So I think that the applicant has met the criteria
10 for us to go ahead and grant this application. I think that
11 the analysis that has been provided by the Office of Planning
12 in terms of how they're meeting the criteria, I think that
13 we did have the ANC Commissioner that was here and the ANC
14 has voted in approval of this with the three conditions that
15 they put forward. The applicant has agreed to those
16 conditions to mitigate any kind of adverse impact that the
17 community thought they might have in that area. And I also
18 think that they have met the criteria in terms of the work
19 that they've done with DDOT and I'm going to be voting in
20 favor of the application.

21 Does anyone have anything they'd like to add?

22 MEMBER WHITE: Yes, Mr. Chair. I agree with your
23 assessment of the criteria. I think they've met the
24 criteria, but I also think that the conditions that we're
25 incorporating or that they've agreed to with the ANC will

1 mitigate some of the adverse impacts that we heard a few
2 minutes ago from Mr. Forde with respect to traffic.

3 However, based on the testimony, we've also heard
4 that there's a minimum amount of car traffic that will be
5 associated with the studio. So my hope is that the studio
6 will continue to work with the community which they've agreed
7 to do. But I am very -- I do hear the concerns of the
8 neighbors that have lived there for many years.

9 CHAIRPERSON HILL: Okay.

10 VICE CHAIR HART: I would also be in support of
11 the application. I'll just also point out that this is a
12 special exception, so the zoning regulations clearly had the
13 -- include a provision to allow these types of uses, as long
14 as they meet the regulations and the criteria that's in the
15 zoning regulations. I felt that they did meet that. I mean
16 this is not a variance that they are -- a use variance that
17 they are seeking. So I would be in support of it and I also
18 think that the Office of Planning report is -- I would
19 support this application because I believe that report goes
20 through what -- how they meet the criteria and the applicant
21 has provided sufficient information as well for me to be able
22 to understand how they meet the criteria as well. That's it.

23 CHAIRPERSON HILL: Okay. I'm going to make a
24 motion to approve Application No. 20083, as captioned and
25 read by the Secretary, including the conditions that were in

1 the ANC 1A report in Exhibit 38, as well as those in the DDOT
2 report in Exhibit 43 and ask for a second.

3 VICE CHAIR HART: Second.

4 CHAIRPERSON HILL: Motion made and seconded. All
5 those in favor say aye.

6 (Chorus of ayes.)

7 CHAIRPERSON HILL: All those opposed?

8 (No response.)

9 CHAIRPERSON HILL: Motion passes. Mr. Moy?

10 MR. MOY: Staff would record the vote as 5 to 0
11 to 0, this is on the motion of Chairman Hill to approve the
12 application for the relief requested, along with the
13 conditions cited in his motion. Seconding the motion, Vice
14 Chair Hart; also in support, Ms. John, Ms. White, and Zoning
15 Commissioner Peter May.

16 CHAIRPERSON HILL: Okay. Thank you, Mr. Moy.
17 Okay, thank you all very much.

18 All right, so we're going to lunch everyone and
19 we will be back hopefully around like 1:00, 1:05, maybe
20 Okay. Thank you.

21 (Whereupon, the above-entitled matter went off the
22 record at 12:25 p.m. and resumed at 1:20 p.m.)

23 CHAIRPERSON HILL: All right, Mr. Moy, whenever
24 you like.

25 MR. MOY: Thank you, Mr. Chairman. The Board is

1 back in session after its lunch recess and the time is at or
2 about 1:22.

3 If I can call parties to the table to -- let's
4 see, Case Application No. 20085 of NW DC Property, LLC. This
5 caption, as amended, for a use variance from the requirements
6 of Subtitle U, Section 401.1 at (d)(2) and area variances
7 from a lot occupancy requirements, Subtitle F, Section 604.1
8 from the rear yard requirements, Subtitle F, Section 605.1
9 to enclose outdoor courtyard space to construct a new
10 attached accessory structure. This is to an existing hotel
11 building in the RA-10 Zone at 1515 Rhode Island Avenue,
12 Northwest., Square 195, Lot 149.

13 CHAIRPERSON HILL: Okay, thank you. If you could
14 please introduce yourselves for the record? You need to push
15 the button.

16 MR. PRITCHARD: Evan Pritchard with Venable, land
17 use counsel for the applicant.

18 MR. ARFF: Good afternoon, Tobias Arff, A-R-F-F,
19 like Frank, general manager of the Darcy Hotel.

20 MR. GOETZ: Lewis Goetz, G-O-E-T-Z, architect with
21 Baskervill Architects.

22 CHAIRPERSON HILL: Okay, great. Well, thank you
23 all for coming back after lunch. Did you guys see the young
24 boy that was over there sitting there? He was sitting with
25 the Office of Planning people and just rolling his eyes and

1 his head, he was just like I can tell you I feel like that
2 right now. All right. Okay. Gentlemen, not to you, just
3 the end of a long summer, whatever it is. We're going home
4 after this.

5 So if you could please walk us through your
6 application in terms of what you're trying to achieve and why
7 you think that you are meeting the criteria for the relief
8 you're requesting. I don't know who is going to be
9 presenting to us.

10 Is it you, Mr. Pritchard?

11 MR. PRITCHARD: Yes.

12 CHAIRPERSON HILL: Is it Pritchard?

13 MR. PRITCHARD: Yes.

14 CHAIRPERSON HILL: Okay. And so I'm going to put
15 15 minutes on the clock, Mr. Moy, just so I know where we
16 are. And you can begin whenever you like.

17 MR. PRITCHARD: All right, thank you. Good
18 afternoon, everybody. This application is about the Darcy
19 Hotel located at 1515 Rhode Island Avenue, Northwest. You've
20 already met the team here. We also have Lorraine LaVelle,
21 the project manager sitting behind us.

22 Just to orient you, as I said, this is on Rhode
23 Island Avenue, Northwest, in Dupont Circle, adjacent to the
24 Holiday Inn and the General Scott Condominium and close to
25 16th Street, Northwest.

1 What we're talking about today occurs on the rear
2 of the property where I've labeled it rear patio. There's
3 an existing outdoor patio space that we'd like to build an
4 enclosure onto and to do that we filed variance application.
5 We're seeking three areas of relief, as Mr. Moy mentioned.
6 The most significant of which is to add a function room space
7 in the patio area which also requires an increase in the lot
8 occupancy from 71 to 82 percent, and a reduction in the rear
9 yard from 21.7 feet to 18 feet, which matches the existing
10 conditions which I'll explain later.

11 Just some photos of the existing conditions. Out
12 back, the top picture is in the one on the bottom left to
13 show you the patio space. The views in the bottom two
14 pictures to the right are the views from the alley. As you
15 can see, there's an existing wall enclosure for the patio
16 that hems it in.

17 And then this is a site plan view of the existing
18 property. You can see kind of in light blue, purple, the
19 terrace that we're talking about and then in various colors
20 you can see what else is going on inside the hotel, a skinny
21 green ballroom north and a ballroom west, and then there's
22 also a cafe space and a separate restaurant space, as well
23 as the typical lobby and kitchen space as you'd expect to
24 find in any hotel.

25 And then this is a site plan view showing the new

1 addition in light blue again in the patio area. And this
2 slide also illustrates what's going on with the setbacks.
3 The building would match the existing condition in that it
4 would be within the existing wall on the patio. You can see
5 that the existing portion of the hotel to the east and right
6 hand side of the photo already extends as an existing
7 condition, already extending into the setback area. You also
8 have a section view on this slide in the bottom right, just
9 showing how the new addition which will be 17.5 feet in
10 height compares to the 8 story existing hotel.

11 And then in this slide, a site plan view of the
12 inside of the proposed space. Again, it's going to be a
13 function room. It's going to have a skylight feature above,
14 restrooms and corridors, storage areas on the left, and a
15 portion of the patio is going to remain open to the sky over
16 on the right hand side.

17 And we are very sensitive to what the view from
18 above is going to look like for this building, both for the
19 condo owners who live to the west of the property, but also
20 for the guests, many of whom's rooms is going to look out
21 over this area, so we tried to get creative and had an
22 interesting more than your typical rooftop and for this
23 mosaic pattern or with colored gravel, green and white to
24 sort of frame the skylight and give a little bit of visual
25 interest.

1 And then these are just concepts, schematic
2 section views of the -- elevation views, rather, excuse me,
3 of what the building is going to look like, a lot of glass,
4 a lot of opening on to the east elevation to spill out on to
5 the patio for folks to enjoy. And then this is a bird's-eye
6 view of what it's going to look like back above the alley.

7 As far as how we meet the variance standard, the
8 hotel building that's there on the property was built back
9 in '61. Has a lot of frontage along Rhode Island Avenue and
10 it's very narrow in depth. The result is a kind of an
11 irregular lot shape and kind of a funky space to work within
12 to lay out function rooms that work well.

13 The existing function rooms are kind of packed all
14 the time and we desperately need more space. And to create
15 that in a way that better meets the needs of current hotel
16 guests and future hotel guests, we're having to go into the
17 patio area rather than sort of cannibalize other portions of
18 the hotel, like the kitchen and the cafe and the restaurant.
19 If we didn't get relief that would result in a practical
20 difficulty in terms of providing the necessary function room
21 area and satisfying the zoning ordinance lot occupancy and
22 setback requirements. It really kind of hamstring us.

23 As far as no substantial detriment to the public
24 good, I should mention that the origin of this project
25 actually came at the suggestion of the neighboring property

1 owners. That came to light a year ago when our client took
2 ownership of the property -- bought the property last year,
3 took it over from previous management, applied -- in the
4 process of applying for liquor licenses, some complaints
5 about noise back in the alley and on the patio came to light.
6 And the local ANC and the condo owners in the General Scott
7 all recommended requesting a variance to enclose this portion
8 that we have here before you today as a way to sort of tamp
9 down on the noise created by guests out on that patio. So
10 we're happy to come forward with this application for that
11 reason.

12 We don't believe it will work any substantial harm
13 to the zoning regulations. It meets the general intent of
14 the RA regulations. It's an existing by right use as a hotel
15 in an RA-10 district. When we go back and look at the
16 origins of the language that doesn't allow for new hotels or
17 expansions without a variance of existing hotels, it was
18 clear that the rationale was a concern about residential
19 buildings being converted to new hotels, new large conference
20 facilities being constructed that wouldn't be compatible to
21 the neighborhood. Obviously, what we're proposing is on a
22 much smaller scale and we think would be not only compatible
23 with the neighborhood, but hopefully a little bit of a
24 welcome change.

25 So with that, we're happy to answer any questions

1 that the Board may have.

2 CHAIRPERSON HILL: Okay. Does anybody have
3 questions for the applicant?

4 Okay. The only question I have and I haven't
5 looked closely enough with the ANC. They kind of had some,
6 not necessarily conditions, but they were kind of asking
7 about a few things, hopefully you guys would take under
8 consideration when you're doing the design.

9 Do you know what I'm talking about, Mr. Pritchard?

10 MR. PRITCHARD: I do. They asked us if we would
11 look into doing a green roof. There were concerns expressed
12 about just the aesthetics of it and tamping down on the
13 noise. We feel like the design we've implemented is going
14 to take care of the noise problem and we think that the
15 gravel design solution we come up with is going to be
16 aesthetically pleasing and would avoid the maintenance
17 concerns that you can sometimes with green roofs. They can
18 sometimes become an eyesore.

19 CHAIRPERSON HILL: Okay. And I mean you guys want
20 it to look aesthetically pleasing again because your guests
21 are going to be looking down on top of that roof.

22 MR. PRITCHARD: That's exactly right.

23 CHAIRPERSON HILL: I mean I'm familiar with the
24 property. I mean you guys rent out that back space for
25 events, right? I mean people have cocktail things out there

1 and that's why the different people have spoken about the
2 noise and everything, I suppose, over the years, correct?

3 MR. ARFF: Yes, and that's how it first started.
4 So I was hired three years ago to do the conversion from the
5 Doubletree to the Darcy. And we met in March of 2018 with
6 the neighbors and proposed a retractable roof and then asked
7 for full enclosure. So absolutely. And we had a full
8 meeting and we invited everybody.

9 CHAIRPERSON HILL: Got it. Okay. All right. I'm
10 going to turn to the Office of Planning.

11 MS. FOTHERGILL: Good afternoon. I'm Anne
12 Fothergill with the Office of Planning and the Office of
13 Planning recommends approval of the three area variances that
14 the applicant has requested and we did find that they met the
15 variance test. There was an exceptional condition of the
16 property related to the shallow shape of the lot, the
17 building footprint, the restricted interior space, and that
18 all those together created an exceptional condition that lead
19 to practical difficulty and that they met the other two
20 prongs of the variance test and we recommend approval. And
21 I'm happy to take any questions.

22 CHAIRPERSON HILL: Okay, does the Board have any
23 questions for the Office of Planning?

24 MEMBER WHITE: I have one question for the
25 applicant. I just noticed in the letter that they also --

1 the ANC was asking for a low noise HVAC unit.

2 MR. PRITCHARD: Yes.

3 MEMBER WHITE: I just wanted to know if you're
4 addressing that.

5 MR. PRITCHARD: Certainly. Mr. Goetz can add to
6 this if you have anything to add, but the space is small
7 enough. It's just over 2500 square feet. And it will adjoin
8 the existing hotel and the system will actually be able to
9 do most of the cooling for the new space, so that the only
10 feature that's going to be on the roof of the new structure
11 is going to be basically a fan. So it's not going to
12 generate. It's not going to have a compressor and it's not
13 going to generate as much noise as a typical HVAC system
14 would.

15 MR. ARFF: And to quickly add on, so about 6 feet
16 above that are guest rooms, so it's in our own interest that
17 we keep that very quiet because it's surrounded by 40 percent
18 of my guest rooms.

19 CHAIRPERSON HILL: Okay, anyone else for the
20 Office of Planning?

21 Anyone else for the applicant?

22 VICE CHAIR HART: Just one question for the
23 applicant. When you were designing this, I'm assuming you
24 looked at meeting the rear yard setback and you just weren't
25 able to do that?

1 MR. PRITCHARD: Well, we matched the exist -- we
2 went to the line of the existing wall so the existing patio
3 -- maybe I should just go back very quickly to this slide.
4 So we did consider all the options. We felt like the most
5 appropriate would be to just match the existing wall line
6 here that encloses the patio just to get the most functional
7 use out of the new space.

8 VICE CHAIR HART: And if you were to go -- if you
9 were to build the new addition which is on top of this
10 existing terrace patio, you would -- you possibly would lose
11 some space. I mean, it wouldn't be a ton of space, but you
12 would lose some space, but you'd still have to deal with the
13 lot occupancy issue. Is that correct?

14 MR. PRITCHARD: That's correct.

15 VICE CHAIR HART: Okay, so even if you were to
16 have this new addition that was at the rear yard setback, it
17 would still be the lot occupancy issue that you'd have to
18 address?

19 MR. PRITCHARD: Correct, it would have to be a
20 really small addition to stay within the --

21 VICE CHAIR HART: I kind of figured that, but I
22 just wanted to make sure I had that on the record. Thank
23 you.

24 CHAIRPERSON HILL: Okay. Is there anyone who
25 wishes to speak in support?

1 Is there anyone here who wishes to speak in
2 opposition?

3 Mr. Pritchard, is there anything you'd like to add
4 at the end?

5 MR. PRITCHARD: No, thanks.

6 CHAIRPERSON HILL: Okay. I'm going to close the
7 hearing. Is the Board ready to deliberate?

8 Okay. I'm going to be in agreement with the
9 analysis that was provided by the Office of Planning. I do
10 see that again DDOT didn't have any objection. I'm familiar
11 with the property, but I do think that their main criteria
12 for us to grant the relief requested and also then ANC 2B was
13 in support, as well. And then you mentioned some of the
14 things and I think that this will actually help alleviate
15 some of the noise issues that probably some of the people in
16 that kind of like little closed in area have been
17 experiencing from just cocktail parties and being out there
18 on that patio. So I'm going to be voting in favor.

19 Does anybody have anything they'd like to add?

20 Okay, I'm going to make a motion to approve
21 Application No. 20085 as captioned and read by the Secretary
22 and ask for a second.

23 VICE CHAIR HART: Second.

24 CHAIRPERSON HILL: Motion made and seconded. All
25 those in favor say aye.

1 (Chorus of aye.)

2 CHAIRPERSON HILL: All those opposed?

3 (No response.)

4 CHAIRPERSON HILL: Motion passes. Mr. Moy?

5 MR. MOY: Staff would record the vote as 5-0-0.

6 This is on the motion of Chairman Hill to approve the
7 application for the relief requested. Seconding the motion
8 is Vice Chair Hart; also in support, Ms. John, Ms. White, and
9 Zoning Commissioner Peter May.

10 CHAIRPERSON HILL: Okay, thanks. Thanks,
11 gentlemen. That restaurant moved out, huh?

12 MR. ARFF: Yes.

13 CHAIRPERSON HILL: You guys don't have a new one
14 yet?

15 (Off-microphone comments.)

16 CHAIRPERSON HILL: All right. Okay. Bye-bye now.
17 Thank you.

18 All right, Mr. Moy, whenever you like.

19 MR. MOY: Thank you, Mr. Chairman. Parties are
20 at the table. This is the Case Application No. 20086 of
21 Solid Properties, LLC, captioned and advertised for a special
22 exception under the new residential development requirements
23 of Title E, Section 421.1 to raze the existing swimming pool
24 and accessory structure to construct a new 3 story 30 unit
25 residential building, RA-1 Zone. This is at 130-134 Ivanhoe

1 Street, Southwest, Square 6271, Lot 32.

2 CHAIRPERSON HILL: Okay, great. Thank you. Good
3 afternoon. If you would please introduce yourselves for the
4 record?

5 MR. duPONT: I'm Stephen duPont, architect.

6 MR. WELLER: Greg Weller, Solid Properties.

7 MS. PRINCE: Allison Prince with Goulston &
8 Storrs.

9 CHAIRPERSON HILL: Okay, Ms. Prince, I assume
10 you're going to be presenting to us?

11 MS. PRINCE: Yes, I am.

12 CHAIRPERSON HILL: Okay, great. All right, I
13 guess I'm going to go ahead and put 15 minutes on the clock,
14 Mr. Moy, if you could.

15 Ms. Prince, if you could walk us through the
16 application in terms of what you're trying to propose and how
17 you're meeting the standard for us to grant the relief
18 requested.

19 The only thing I guess a little bit is the -- kind
20 of your ANC outreach and if you could kind of touch on that
21 as you kind of walk through your presentation, as well as
22 some of the comments that kind of DDOT has kind of brought
23 up in terms of also I guess I'm unclear where the trash might
24 be stored on site, the ADA ramp it looks like they're
25 speaking to, and also three elements I guess that require

1 public space permits, curb cuts, sidewalk, and public
2 parking, and lead walks. Just kind of speak to some of those
3 things.

4 MS. PRINCE: We will do so.

5 CHAIRPERSON HILL: Okay, great. You can start
6 whenever you like.

7 MS. PRINCE: At the outset, Allison Prince from
8 Goulston & Storrs here on behalf of the applicant. At the
9 outset, I'd like to qualify Stephen duPont as an expert in
10 architecture. He's got over 30 years of experience. We
11 submitted his resume with our prehearing submission.

12 CHAIRPERSON HILL: Okay, Mr. duPont, you're
13 already in the book. I've seen you a ton of times. Okay,
14 sorry.

15 MR. duPONT: Not as an expert, but as a self-
16 certified.

17 CHAIRPERSON HILL: Okay. All right. I don't have
18 any issues with Mr. duPont being put in as an expert. Does
19 anyone else?

20 Okay, welcome, Mr. duPont, to the record as an
21 expert. There you go.

22 All right, Ms. Prince, whenever you like.

23 MS. PRINCE: Good morning, Chairman Hill, and
24 members of the Board. We're here today to request special
25 exception approval pursuant to Subtitle U, Section 421 for

1 a new multi-family in the RA-1 Zone. It's located at 130
2 Ivanhoe Street, Southwest, in Ward 8. The property is
3 currently vacant. There's a pool house, an abandoned pool
4 house on the property, but otherwise it's vacant. It served
5 a dormant swimming pool. The pool has actually been filled
6 in. And we plan to redevelop the site with an apartment
7 house with 30 units. So it's a small apartment house, only
8 32 feet tall.

9 And aside from the special exception for the use,
10 we'll fully comply with all setback and other requirements.
11 I note that both OP and DDOT have submitted reports. We can
12 address the items that were raised in the DDOT report, some
13 of which are public space matters which I urge you to just
14 defer to the Public Space Committee.

15 The applicant also presented before ANC 8D, and
16 Greg will be able to talk about his interactions with the
17 ANC. They did file a letter yesterday, after full support
18 of the ANC at a meeting on July 25th.

19 Just to touch briefly on the standards for these
20 RA-1 cases, this building certainly won't overburden the
21 surrounding schools. The schools all have capacity. They
22 are only 60 to 70 percent in-boundary students as it stands.
23 So they fill up with out-of-boundary kids. So there's no
24 concern there.

25 And certainly, given that there are three public

1 parks in the immediate vicinity, as well as the rec center,
2 and given that the street is 60-feet wide, there's no concern
3 about the standard addressing adequacy of streets,
4 recreation, and other public properties.

5 As I said at the outset, light and air is not an
6 issue. We meet all setback and other requirements and we're
7 not changing the grade of the property, so there's no issue
8 there.

9 And finally, we believe that the proposal which
10 is really affordable housing is in harmony with the general
11 purpose and intent of the Zone Plan. We'll be complying with
12 the inclusionary zoning regulations because we're not exempt,
13 but the rents in a project like this are typically at a 60
14 percent AMI level.

15 If you have no immediate questions, I'll proceed
16 with the testimony of Mr. Weller from Solid Properties.

17 MR. WELLER: Thank you, Allison. So real quickly
18 a background of Solid Properties. We were founded in about
19 2012. And we have since grown from a 16 unit apartment
20 building to now owning and operating over 689 apartment units
21 all for affordable housing in D.C. We have about 189 within
22 Congress Heights, which is neighboring this property.

23 Prior to going into this acquisition, we had met
24 with the tenants association. We actually hired an
25 independent counsel to represent them to protect their

1 rights. And part of that discussion was going into this deal
2 was presenting to you guys to build out this pool hall to
3 another affordable housing building. They were accepting of
4 that and I presented to the ANC, both the Planning Committee
5 and also the Full Board that also had the community involved,
6 unanimous support, which was great.

7 Basically, what we're presenting to you is a 29-
8 unit building in our community. As Allison mentioned, we'll
9 adhere to the AMI restrictions in IZ, the units that we need
10 to have. A lot of our business level is also with vouchers,
11 so we will accept vouchers in the city which is another
12 crisis that we're trying to alleviate some pressure.

13 Some of the aspects that I think that are
14 important for you guys to know about this property, we are
15 addressing some of the needs of the community at Oak Park
16 that the tenants association has presented to us and we came
17 up with a developer's agreement going into this deal. We are
18 adding green solar energy to the roofs of this building,
19 while also trying to incorporate that into several of the
20 other flat-roof buildings and potentially some of the other
21 buildings that have great light exposure. That's ongoing on
22 right now.

23 We're excited about this deal. I think that the
24 community is excited. There is also a community room that
25 we're trying to add into another building. That will be part

1 of this deal with the bank. So we're further trying to
2 support the community at Oak Park. And with that, I think
3 I'll pass it on to Mr. duPont to talk about the structure
4 itself. Thank you.

5 MR. duPONT: Thank you for your time. The
6 building is a fairly simple building. The buildings in the
7 area in the Oak Park complex were built in the '40s, we
8 think. They're very conventional brick skin, brick
9 structural buildings. We will be going back with a much
10 lighter weight construction, but better built in terms of
11 energy codes. In fact, because of the size of the building
12 we're also subject to the D.C. Green Code which means we have
13 to exceed the energy code in significant areas. So the
14 building will be very well built, very comfortable to live
15 in.

16 In the process of design, we met with Mr. Shaheen,
17 Chris Shaheen from OP. He's also on the DDOT Public Space
18 committee. And we addressed a number of issues that he
19 brought up such as the ADA ramp and some of the building skin
20 aspects. But otherwise, it's a fairly simple three-story
21 building with a full cellar and bicycle spaces, ADA access.
22 As Mr. Weller said, solar on the roof. Has a nice rear yard
23 with two barbecue patios. Honestly, it's a rather attractive
24 location.

25 CHAIRPERSON HILL: Okay, does anyone have any

1 questions for the applicant?

2 MEMBER WHITE: I just have one question. Do you
3 have a rendering of the actual color, color rendering?

4 MR. duPONT: We have -- we did about 30 renderings
5 and I have some on my laptop, but I don't know -- yes, here
6 in the hard copy we have.

7 MS. PRINCE: There are renderings in the July 12th
8 submission, the set of plans that was attached.

9 MR. duPONT: The skin is painted -- mostly paint,
10 so the colors can change at any time.

11 VICE CHAIR HART: Exhibit 37A.

12 MEMBER WHITE: Thank you.

13 VICE CHAIR HART: That's Exhibit 37A2.

14 CHAIRPERSON HILL: Okay, does anybody else have
15 any other questions? Sure, go ahead.

16 COMMISSIONER MAY: This is not really that
17 relevant to the decision making, but this is a very unusual
18 property. It has a pool house and then a filled-in pool.
19 I mean when was the last time it was actually used as a pool
20 and then who used it?

21 MS. PRINCE: I understand it was filled in many
22 years ago. We think it was filled in in the '80s.

23 (Simultaneous speaking.)

24 MS. PRINCE: And it was used by the complex and
25 I don't know why it was filled in. We surmise it might have

1 been liability issues, but we don't know.

2 COMMISSIONER MAY: But it was part of that complex
3 that was sold off --

4 MS. PRINCE: It was. It was constructed as part
5 of the complex.

6 COMMISSIONER MAY: Yes, okay.

7 MR. duPONT: But it would have been built after
8 the complex was built I would think.

9 COMMISSIONER MAY: Yes, okay. I was just curious.
10 It's not something you run across every day.

11 MR. duPONT: No.

12 COMMISSIONER MAY: All right, thanks.

13 CHAIRPERSON HILL: All right, I'm going to -- I'm
14 sorry, go ahead.

15 MEMBER JOHN: For information purposes, so this
16 property is covered by TOPA. I'm not understanding the
17 development agreement that's attached. Because it's talking
18 about tenants, who are the tenants?

19 MR. WELLER: When we purchased, this property is
20 protected by TOPA and that was part of the -- I guess when
21 we acquired Oak Park, we acquired 108 units and that was the
22 actual apartment complex or community. Yeah, it's 23
23 separate buildings. And I guess to answer your question,
24 yes, they are protected by TOPA, but that's why we hired, we
25 paid for their counsel representation.

1 MEMBER JOHN: Okay, thank you. I didn't -- I
2 missed the part where it was part of a larger complex.

3 MR. WELLER: I'm sorry.

4 MEMBER JOHN: I read it as just a swimming pool on
5 this vacant lot. Thank you.

6 MR. WELLER: My apologies.

7 CHAIRPERSON HILL: All right. Sorry.

8 VICE CHAIR HART: I'm sorry. And the decision for
9 the -- I kind of understand the HardiePlank, I think that's
10 just an economic thing, just a little easier to put that in,
11 but about the -- and I know I probably shouldn't get into
12 this, but the detailing around this door, why would you think
13 about that having as brick? I just thought you might use
14 something else. I was just curious.

15 MR. duPONT: Well, we initially were going to redo
16 it in cast stone to replicate the neighboring buildings as
17 much as possible. Mr. Shaheen was pretty eager to get some
18 brick and materials on the building that were referencing the
19 neighborhood, but we really -- we actually tried to use brick
20 in places up and down the skin and it ended up looking kind
21 of freckled and inappropriate. And it was just sort of an
22 accident that we came up with the idea of bringing the brick
23 around the door surround, but it will then be cut and grooved
24 to match the stone patterning on the neighboring buildings.
25 So it's kind of like a palimpsest or a collage of two

1 different design approaches, one overlaid on the other. And
2 it didn't really make sense to have two different materials.
3 We're going to have a brick base and to have a stone surround
4 floating in the middle of the siding just didn't make sense.

5 VICE CHAIR HART: No, I kind of understand. I
6 guess it was just -- it looks a little bit odd because and
7 I don't know if it's just because of the detailing. It
8 almost looks like it has like keystone.

9 MR. duPONT: It does, and that's what the
10 buildings next door have.

11 VICE CHAIR HART: I understand that. But they
12 have it because the cut stone is -- that is more true to what
13 they are. So this is because of the size and scale of the
14 brick, it makes it look a little bit odd because -- again,
15 it's not a huge thing. I just was --

16 MR. duPONT: It is a conceit and I understand your
17 comment and I suppose you would have to say it's kind of a
18 post-modernist idea which is not my favorite era of design,
19 but I think when it's done, if it's done properly it will
20 look pretty good.

21 VICE CHAIR HART: No other questions.

22 CHAIRPERSON HILL: Okay, going to turn to the
23 Office of Planning.

24 MR. MORDFIN: Good afternoon. I'm Stephen Mordfin
25 and the Office of Planning is in support of this application

1 and stands on the record and is available for any questions.

2 Thank you.

3 CHAIRPERSON HILL: Does anybody have any questions
4 for the Office of Planning?

5 Does the applicant have any questions for the
6 Office of Planning?

7 MS. PRINCE: No questions.

8 CHAIRPERSON HILL: Is there anyone here who wishes
9 to speak in support?

10 Is there anyone here who wishes to speak in
11 opposition?

12 Ms. Prince, is there anything you'd like to add
13 at the end?

14 MS. PRINCE: No closing comments. Thanks for your
15 time today.

16 CHAIRPERSON HILL: Okay, great. I'm going to
17 close the record. Is the Board ready to deliberate?

18 Okay, I can start if you like which is again that
19 I am going to follow the analysis of the Office of Planning
20 in terms of their recommendation. I do believe they have
21 outlined how the applicant is meeting their burden of proof
22 as well as the burden of proof provided by the applicant.
23 I am also happy to see that the ANC 8D is in support.
24 Obviously, it seems like something that would be in need of
25 affordable housing in the neighborhood there. The applicant

1 actually seems to be doing the best that they can to provide
2 that and so they should be commended for that as well. And
3 so I'm going to be voting in approval.

4 Does anybody have anything they'd like to add?

5 MEMBER WHITE: I would just add that this is an
6 excellent project. I'm very happy about the affordable
7 housing aspect of it. But more importantly, I think they
8 definitely met the criteria for the special exception, so I
9 would be in support and look forward to seeing the project.

10 CHAIRPERSON HILL: Okay, great. I'm going to make
11 a motion to approve Application No. 20086 as captioned and
12 read by the Secretary and ask for a second.

13 MEMBER JOHN: Second.

14 CHAIRPERSON HILL: Motion made and seconded. All
15 those in favor say aye.

16 (Chorus of aye.)

17 CHAIRPERSON HILL: All those opposed?

18 (No response.)

19 CHAIRPERSON HILL: The motion passes. Mr. Moy?

20 MR. MOY: Staff would record the vote as 5-0-0,
21 based on the motion of Chairman Hill to approve the
22 application for the relief requested. Seconding the motion,
23 Ms. John; also in support, Ms. White, Vice Chair Hart, and
24 Zoning Commissioner Peter May.

25 CHAIRPERSON HILL: Great, thank you, Mr. Moy.

1 Thank you very much.

2 MS. PRINCE: Thank you.

3 CHAIRPERSON HILL: Thank you.

4 (Pause.)

5 MR. MOY: All right, the next application before
6 the Board is Case No. 20081 of Scott Phillips, captioned and
7 advertised for special exceptions under Subtitle D, Section
8 5201, from the lot occupancy requirements of Subtitle D,
9 Section 1204.1, nonconforming structure requirements of
10 Subtitle C, Section 202.1 to construct a rear addition to an
11 existing attached principal dwelling unit, R-20 Zone. This
12 is at 1511 33rd Street, Northwest, Square 1255, Lot 814.

13 CHAIRPERSON HILL: Okay, great. Thank you. Sir,
14 did you get sworn in earlier? Okay, if you would please
15 stand and Mr. Secretary will administer the oath.

16 (Witness sworn.)

17 CHAIRPERSON HILL: Okay, great. Thank you. Will
18 you please introduce yourself for the record?

19 MR. HORSEY: Outerbridge Horsey.

20 CHAIRPERSON HILL: All right. Okay, so Mr.
21 Horsey?

22 MR. HORSEY: Yes, sir.

23 CHAIRPERSON HILL: Okay. So Mr. Horsey, I don't
24 have a lot of questions about this particular case. If you
25 want to go ahead and kind of walk us through what you're

1 trying to do and why you think you're meeting the criteria
2 for us to grant the relief requested. I'm going to put 15
3 minutes on the clock and Mr. Moy, if you wouldn't mind. And
4 you can begin whenever you like.

5 MR. HORSEY: Great. Thank you very much. I also
6 want to thank you and the Board for allowing me to postpone
7 this case to the end of the day today.

8 Basically, we're looking at the rear facade here
9 of the existing house and what we're doing is we're moving
10 that entire facade out about 20 inches eastward to arrive at
11 the maximum allowed lot occupancy of 70 percent for a row
12 dwelling in an R-20 district.

13 There's no opposition from either neighbor to the
14 side. They're in support. There's very little impact, if
15 any on the -- certainly not on the one on the left. You can
16 see in the left hand photograph there's about a -- we're not
17 coming out quite flush with the facade of the house to left
18 which is to the south and we're extending a little bit beyond
19 the house to the north on the right hand photo. That owner
20 is in full support.

21 So I think we meet the light and air criteria and
22 the no impact and also this project, you can see the stamp
23 on this sheet and others in the submission has been approved
24 by the Commission on Fine Arts.

25 So I think that takes care of most of the

1 criteria.

2 CHAIRPERSON HILL: Okay. Does the Board have any
3 questions for the applicant?

4 I'm going to turn to the Office of Planning.

5 MS. BROWN-ROBERTS: Good afternoon, Mr. Chairman
6 and members of the BZA, Maxine Brown-Roberts for the Office
7 of Planning.

8 I'm going to stand on the record. The applicant
9 meets all of the requirements of Subtitle D 5201 and also C
10 202. And we recommend approval. Thank you.

11 CHAIRPERSON HILL: Okay. Does the Board have any
12 questions for the Office of Planning?

13 Does the applicant have any questions for the
14 Office of Planning?

15 MR. HORSEY: No, sir.

16 CHAIRPERSON HILL: Is there anyone here who wishes
17 to speak in support?

18 Is there anyone here who wishes to speak in
19 opposition?

20 Mr. Horsey, is there anything you'd like to add
21 at the end?

22 MR. HORSEY: No, sir.

23 CHAIRPERSON HILL: Okay. I'm going to close the
24 record. Is the Board ready to deliberate?

25 Okay, I'll start. I will also be in agreement

1 with the analysis that was provided by the Office of Planning
2 and that as well of DDOT. I am glad to see that ANC 2E has
3 submitted something to the record in terms of their approval
4 for the relief requested. I do think it's a small, minor
5 amount of relief and I believe they meet the criteria for us
6 to grant the relief requested.

7 Is there anything else anyone would like to add?

8 MEMBER JOHN: Mr. Chairman, I believe the ANC 2E
9 said they had no comment.

10 CHAIRPERSON HILL: Okay. Thank you. I'll clarify
11 that for the record, that they had no comment on it. Let me
12 see here.

13 MEMBER JOHN: Exhibit 34.

14 CHAIRPERSON HILL: Okay, so still I'm comfortable
15 with voting to approve.

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

17 I'm going to go ahead and make a motion to approve
18 Application No. 20081, as captioned and read by the
19 Secretary, and ask for a second?

20 MEMBER JOHN: Second.

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

23 (Chorus of aye.)

24 CHAIRPERSON HILL: All those opposed?

25 (No response.)

1 CHAIRPERSON HILL: Motion passes. Mr. Moy?

2 MR. MOY: Staff would record the vote as 5-0-0.
3 This is on the motion of Chairman Hill to approve the
4 application for the relief requested and I'm going to give
5 the second to Ms. John; also in support Ms. White, Vice Chair
6 Hart, and Zoning Commissioner Peter May.

7 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
8 Moy.

9 MR. MOY: Finally, Mr. Chairman, we have Case
10 Application No. 20087 of Outerbridge Horsey, captioned and
11 advertised for a special exception under the accessory
12 apartment regulations of Subtitle U, Section 253.4 to add an
13 accessory apartment to an existing semi-detached principal
14 dwelling unit. R-20 Zone. This is at 3018 P Street,
15 Northwest, Square 1257, Lot 218.

16 CHAIRPERSON HILL: Great. Thank you, Mr. Moy.

17 Could you please introduce yourself for the
18 record?

19 MR. HORSEY: Yes, sir. This is Outerbridge Horsey
20 and I am the owner of the building with my wife, Georgina
21 Owen.

22 CHAIRPERSON HILL: All right, Mr. Horsey. If you
23 could go ahead and again walk us through what you're trying
24 to do and why you think you have met the standard for us to
25 grant the relief requested.

I'm going to put 15 minutes on the clock, Mr. Moy,

1 so we know where we are.

2 And you can begin whenever you like.

3 MR. HORSEY: Great. So I guess this isn't coming
4 up on your screens. Do you see it on yours? No. Well, you
5 see it in the file though. I'm looking at photographs of
6 this rowhouse, it's not a rowhouse, but this semi-detached
7 house in Georgetown. It does have a basement entrance on the
8 street. We're requesting permission under the accessory
9 dwelling unit regulations to --

10 CHAIRPERSON HILL: Mr. Horsey, someone is going
11 to maybe try to help you pull this up, so we can --

12 MR. HORSEY: Perfect. Thank you. So this is the
13 front of the house from P Street, P Street is on the right,
14 just on the south side of P Street and the next photograph
15 shows the existing basement entrance on the street.

16 We redid -- we've just finished renovating this
17 house and in the process, we renovated this area way to make
18 it a little bit safer and more accessible and better looking.

19 So we are not applying for any relief for any of
20 the conditions under the ADU regulations and so we comply
21 with all of those. When the time comes that it will be used
22 as an accessing dwelling unit, we're just asking for the
23 permission now. It will obviously be inspected by DCRA and
24 get a license and all that.

25 I can pull up the plans if you want, but it's only

1 the basement and it complies with the square footage and all
2 of the other conditions for an ADU that you require. So
3 there's no waiver requested, no relief from those conditions.

4 CHAIRPERSON HILL: Okay. Does anybody have any
5 questions for Mr. Horsey?

6 All right, I'm going to turn to the Office of
7 Planning.

8 MS. MYERS: Good afternoon, Crystal Myers with the
9 Office of Planning. The Office of Planning is recommending
10 approval of this case and stands on the record of staff
11 report.

12 CHAIRPERSON HILL: Okay. Thank you. Does the
13 Board have any questions for the Office of Planning?

14 Mr. Horsey, do you have any questions for the
15 Office of Planning?

16 MR. HORSEY: No, sir.

17 CHAIRPERSON HILL: Mr. Horsey, as far as like the
18 ANC letter, I'm trying to even figure out what they did. So
19 do you know -- you went and presented to them and did they
20 vote? They voted to do what? To approve?

21 MR. HORSEY: They voted -- you know, the ANC in
22 Georgetown is a little bit different from other ANCs in my
23 experience. They seem to prefer to comment, unless they
24 oppose it in which case they state their opposition. But
25 they do not go so far as to say they approve applications.

1 The same thing was true with the prior case, 20081.

2 CHAIRPERSON HILL: Right, we just got something
3 in the record.

4 MR. HORSEY: They're just reiterating the
5 conditions, I think, that are already part of the DCRA
6 regulations that when and if this does become an actual
7 apartment that is rented out with the owner and residents
8 either in the house or in the apartment, that the apartment
9 has to be inspected and approved by DCRA, which of course it
10 would be. I think that's mostly what they say in the letter.

11 CHAIRPERSON HILL: Okay. All right, great. All
12 right, you did not have any questions of the Office of
13 Planning, is that correct?

14 MR. HORSEY: Right.

15 CHAIRPERSON HILL: Is there anyone here wishing
16 to speak in support?

17 Is there anyone here wishing to speak in
18 opposition?

19 Mr. Horsey, is there anything you'd like to add
20 at the end?

21 MR. HORSEY: No, sir.

22 CHAIRPERSON HILL: Okay. I'll go ahead and close
23 the hearing. Is the Board ready to deliberate?

24 Okay, I am going to again follow the
25 recommendations of the Office of Planning in terms of their

1 analysis as to how the applicant is meeting the criteria for
2 us to grant this application. I also would agree with his
3 burden of proof.

4 I am glad that the ANC at least has commented in
5 some regard as to their not having any opposition to this.
6 And I do believe that they are meeting the criteria for us
7 to grant the application, so I'll be voting to approve.

8 Is there anything else anybody would like to add?

9 With that, I'll go ahead and make a motion to
10 approve Application No. 20087, as captioned and read by the
11 Secretary and ask for a second.

12 MEMBER WHITE: Second.

13 CHAIRPERSON HILL: Motion is made and seconded.

14 All those in favor say aye.

15 (Chorus of aye.)

16 CHAIRPERSON HILL: All those opposed?

17 (No response.)

18 CHAIRPERSON HILL: The motion passes. Mr. Moy?

19 MR. MOY: Staff would record the vote as 5-0-0.

20 This is on the motion of Chairman Hill to approve the
21 application for the relief requested. Seconding the motion
22 is Ms. John. Also in support, Ms. White, Vice Chair Hart,
23 and Zoning Commissioner Peter May.

24 CHAIRPERSON HILL: Ms. White seconded the motion,
25 Mr. Moy.

1 MR. MOY: I'm sorry. Strike that. Let me have
2 a do over here.

3 The motion was made to approve on a vote of 5-0-0
4 by Chairman Hill. Seconding the motion is Ms. White. And
5 also in support, Ms. John, Vice Chair Hart, and Zoning
6 Commissioner Peter May.

7 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
8 Moy. Thank you, sir.

9 MR. HORSEY: Thank you. Appreciate your time.

10 CHAIRPERSON HILL: Yes. All right, Mr. Moy, is
11 there anything else that is before the Board before we
12 adjourn for a summer recess?

13 MR. MOY: Nothing from the staff, sir.

14 CHAIRPERSON HILL: We are adjourned. See you all
15 in September.

16 (Whereupon, the above-entitled matter went off the
17 record at 2:05 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: DC BZA

Date: 07-31-19

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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