

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

Wednesday

October 9th, 2019

+ + + + +

The Regular Public Hearing convened in the  
Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441  
4th Street, N.W., Washington, D.C., 20001, pursuant to notice  
at 9:45 a.m., Frederick Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
CARLTON HART, Board Member (NCPC)  
LORNA JOHN, Board Member

ZONING COMMISSION MEMBERS PRESENT:

PETER MAY, Commissioner  
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

The transcript constitutes the minutes from the Public  
Meeting held on October 9th, 2019.

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

(9:44 a.m.)

CHAIRPERSON HILL: All right. Good morning everybody. The hearing will please come to order. We're located in the Terrily R. Kress Memorial Hearing Room at 441 Fourth Street NW, at the 10/9 public meeting. My name is Fred Hill, Chairperson. Joining me today is Carlton Hart, Vice Chair, Lorna John, Board Member. And representing the Zoning Commission will be Peter Shapiro and Peter May today. Copies of today's hearing are located to you and located on the wall behind the door. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or action in the hearing room.

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

All persons planning to testify either in favor or opposition must have raised their hand and been sworn in by the secretary. Also, each witness must fill out two witness cards. These cards are located on the table near the door and on the witness table. Upon coming forward to speak to the Board, please give both cards to the reporter sitting at

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1 the table to my right.

2 If we should file written testimony or additional  
3 supporting documents today, please submit one original and  
4 12 copies to the secretary for distribution. If you do not  
5 have the requisite number of copies, you can reproduce copies  
6 on an office printer in the Office of Zoning located across  
7 the hall. Please remember to collate your set of copies.

8 There are procedures for special exceptions and  
9 variances. As well as appeals are also located as you walk  
10 in through the door. The record shows we close at the  
11 conclusion of each case except for any material specifically  
12 requested by the Board. The Board and the staff will specify  
13 at the end of the hearing what is expected and the date when  
14 the persons must submit the evidence to the Office of Zoning.  
15 After the record is closed no other information shall be  
16 accepted by the Board.

17 The Board's agenda includes cases set for decision.  
18 After the Board adjourns, the Office of Zoning, in  
19 consultation with myself, will determine whether a full or  
20 summary order may be issued.

21 A full order is required when the decision it contains  
22 is adverse to a party, including an affected ANC. A full  
23 order may also be needed if the Board's decision differs from  
24 the Office of Planning's recommendation. Although the Board  
25 favors the use of summary orders whenever possible, an

1 applicant may not request the Board to issue such an order.

2       The District of Columbia Administrative Procedures Act  
3 requires that the public hearing on each case be held in the  
4 open before the public pursuant to Section 405(B) and 406 of  
5 that Act.

6       The Board may, consistent with its rules and  
7 procedures and the Act, enter into a closed meeting on a case  
8 for purposes of seeking legal counsel on a case, pursuant to  
9 D.C. Official Code Section 2-575(B)(4). And/or deliberating  
10 on a case pursuant to D.C. Official Code Section 2-  
11 575(B)(13). But only after providing the necessary public  
12 notice of when the case of emergency closed meeting after  
13 taking roll call vote.

14       The decision with the boarding cases must be based  
15 conclusively on the public record to avoid any appearance to  
16 the contrary. The Board requests that persons present not  
17 engage the members of the Board in conversation. Please turn  
18 off all beepers and cell phones at this time so as not to  
19 disrupt these proceedings.

20       Preliminary matters are those whether -- relate to  
21 whether a case will or should be heard today, such as request  
22 for a postponement, continuance or withdrawal or whether  
23 proper and adequate notice of the hearing has been given.  
24 If you're not prepared to go forward with the case today or  
25 if you believe that the Board should not proceed, now is the

1 time to raise such a matter. Mr. Secretary, do you have any  
2 preliminary matters for us?

3 MR. MOY: Good morning, Mr. Chairman, members of the  
4 Board. I don't have any announcements for any of the case  
5 applications on today's docket. However, I'd like to take  
6 the opportunity though to reference two case applications on  
7 future dates, for the record.

8 We have a scheduled continued hearing on the  
9 application that's scheduled for October 16th, which would  
10 be next week, that is 20092 of James J. Hogan Jr. The  
11 applicant has withdrawn his application.

12 Also case -- application number 20046 of District  
13 Properties.com, Inc. that has been rescheduled for December  
14 the 4th, 2019, has also been withdrawn by the applicant.  
15 Other preliminary matters, Mr. Chairman, I would suggest that  
16 the Board address those when I call the case.

17 CHAIRPERSON HILL: Okay. Great. Thank you, Mr. Moy.  
18 Good morning everybody. If you plan on testifying today, if  
19 you wouldn't mind standing and taking the oath administered  
20 by the secretary to my left.

21 MR. MOY: Good morning. Do you solemnly swear or  
22 affirm that the testimony you're about to present in this  
23 proceeding is the truth, whole truth and nothing but the  
24 truth? Ladies and gentlemen, you may consider yourselves  
25 under oath.

1 CHAIRPERSON HILL: Okay. So just so everybody knows,  
2 we're basically going to follow the agenda today. I think  
3 we are going to switch one decision case around. We're going  
4 to do application 9572 after 20061. And then that'll be the  
5 only shift. Other than that, we're going to go with our  
6 meeting cases.

7 And Mr. Moy, I'm actually not on the first meeting  
8 case so I'm going to turn it over to Mr. Hart and you can  
9 call it whenever you like.

10 MR. MOY: Thank you, Mr. Chairman. So this would be  
11 -- okay. Case application number 20061 of MDP 1353  
12 Wisconsin, LLC. Caption and advertised for area variance  
13 from the floor, area ratio requirements, subtitle G, Section  
14 402.2. This would renovate an existing commercial retail  
15 space and convert the existing residential units into office  
16 space, MU-4 zone. This is at 1353 through 1355 Wisconsin  
17 Avenue Northwest, Square 1243, Lot 812.

18 VICE CHAIRPERSON HART: Thank you Mr. Moy. Is the  
19 Board ready to deliberate?

20 MEMBER JOHN: Yes.

21 VICE CHAIRPERSON HART: Okay. So I can start with  
22 some thoughts and then I'll -- I'd like to hear from my board  
23 members along this as well.

24 This was a fairly difficult case and I'll state that  
25 the -- what we were really looking at was how do the factors

1 that are in -- that are in this area affecting this -- in  
2 this building, affecting this specific property. So one of  
3 the things that we understood throughout this hearing was  
4 that the factors that the applicant raised are, they're  
5 fairly common.

6 And they, you know, are said to have specifically  
7 affected this property that would then allow the Board to  
8 grant the area relief, the area variance, for floor ratio at,  
9 you know, this site. The applicant first had the burden of  
10 proving that there is a practical difficulty with the site.  
11 And they note a few things.

12 One of them is that this is a historic building and  
13 then this has a historic context. There is a need to provide  
14 two building cores if they are using both the residential and  
15 office. There is a, if noted, an inability to provide a  
16 skylight because of the location of rooftop mechanicals as  
17 well as existing conditions on the roof. The narrowness of  
18 the two rowhouses.

19 They also note the small footprint, the lack of  
20 tenants for years to rent the existing apartments. And they  
21 noted that all this led to the inevitable fact that the  
22 building could only be used for, you know, as their -- the  
23 use that they're proposing.

24 And the community is fully supportive of the variance.  
25 We've got letters from residents and others from -- the city

1 council also weighed in on this. However, the Office of  
2 Planning report as well as their supplemental report,  
3 recommends denial of the area variance since they understand  
4 that the factors are raised by the applicant but they are  
5 noting that they are not unique to the building. And they  
6 believe that there are alternatives that the owner could  
7 pursue.

8         The owner actually did -- the applicant did provide us  
9 with a few alternatives to show that they were not really as  
10 viable as the -- what they were looking to pursue. And so  
11 OP was saying because they thought that the factors that the  
12 applicant raised were not unique to the building, they  
13 thought they did not meet the practical difficulty prong.  
14 They just thought that they were just factors that you'd have  
15 to -- that they design issues that they had to deal with.

16         And they also note that the zoning does allow the  
17 mix of uses. And, of course, MU zone -- MU-4 zone. But it  
18 wasn't really allowed to use the entire, I guess, third floor  
19 for commercial space or non-residential space. So kind of  
20 where do I come down on this application?

21         And that's been the difficult part of this. Do I  
22 believe that they have shown enough -- provided enough  
23 information for us to be able to agree and say that they have  
24 enough factors that are a confluence of factors that lead to  
25 this -- to the -- to us granting this variance? And I've

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1 struggled with it, to be honest.

2           And part of it is because I think that there has been  
3 a difficulty in -- that the building has remained vacant or  
4 at least semi-vacant for quite a period of time. And that  
5 the residential uses have not been used. There are fairly  
6 small units that they had shown in the -- in one of the  
7 alternatives that they'd sent before us.

8           They -- there is a historic aspect of this that is the  
9 historic nature of the building, the wall that is in the --  
10 that goes down the middle, does break the building down into  
11 two, you know, spaces. And it makes it difficult to be able  
12 to reuse that. Because of the existing layout of the  
13 building, they were looking to maintain some of the floor --  
14 the stairwell that that also broke up the building in a way  
15 that it made in difficult to reuse in many different ways.

16           So I think that they are definitely design challenges.  
17 And it's the confluence of factors. I can be -- I think I  
18 can be persuaded that they are a confluence of factors that  
19 have led to this variance. But I am not 100 percent there  
20 yet.

21           And I'd like to hear from my other board members to  
22 see how they are -- where they are on this as well. So I'm  
23 -- I know that it's not that helpful, but it does -- I can  
24 be persuaded that this is something that is -- something we  
25 should pursue. I just need to understand where each of you

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1 are.

2 MEMBER JOHN: I'll go next. So I might repeat some of  
3 the things that you said, but I would just like to try to go  
4 through my notes.

5 So the applicant proposes to renovate two existing  
6 small buildings by connecting them internally to create a  
7 single building. The ground floor and part of the second  
8 floor are currently used for retail. There are six  
9 residential units on the second floor, on the second and  
10 third floors. And a part of the third floor remains vacant.

11 The applicant proposes to replace the residential  
12 units with office space on the second and third floors that  
13 would be potentially attractive to a single tenant. And in  
14 this case the applicant hopes to attract an office tenant  
15 because of the -- because there would be more space. Retail  
16 uses would remain on the first floor. The property is  
17 located in the MU-4 zone at 1353 and 1355 Wisconsin Avenue  
18 Northwest.

19 Under Subtitle G, Section 402, an existing building on  
20 a lot of 10,000 square feet or less may have a maximum  
21 density of 2.0 floor area ratio from foreign, nonresidential  
22 uses, provided that the non-residential uses are located on  
23 the ground floor and the floor directly above it. And this  
24 is the current configuration of the two buildings.

25 Because no residential space is proposed, the

1 applicant seeks an area variance to move the non-residential  
2 use to the third floor. An area variance is less restrictive  
3 than a use variance. However, the applicant must still prove  
4 that there's an extraordinary or exceptional situation or  
5 condition that creates a practical difficulty in complying  
6 with the regulation.

7 In meeting that exceptional, conditional -- condition  
8 prong of the three part variance test, the applicants may  
9 show that the exceptional condition is created by a  
10 confluence of factors. On page 4 of Exhibit 54 and other  
11 submissions to the record and in testimony, the applicant  
12 identified several factors. And I'll just go through them  
13 for the record.

14 Architectural, the architectural pairing of the  
15 buildings. The historic HPRB requirements to maintain much  
16 of the existing interior fabric. The small floor plates,  
17 limited windows, the inability to locate skylights at the  
18 rear. Having to maintain two cores. The adverse impacts on  
19 the first floor retail. And the impact on rental viability  
20 and the continuing vacancy and state of disrepair.

21 My difficulty with this proof is that these conditions  
22 are generic to Georgetown and other areas of the district.  
23 In particular, the small floor plate is something that we see  
24 throughout the city. And in those situations it is perfectly  
25 possible to provide residential space on an upper floor

1 consistent with the regulation. And the same is true for the  
2 remaining factors. There are situations where there's a  
3 small floor plate and the property has been in disrepair.

4 So what I'm trying to show is that although there are  
5 a number of factors that affect the property, they -- I --  
6 the application has not shown that they affect this property  
7 in a way that is different from other similarly configured  
8 properties with small floor plates.

9 In this case, the applicant seeks to combine the two  
10 structures and use the property for a specific purpose which  
11 is to have larger office space that would be attractive to  
12 an office tenant. And the applicant's desire to use property  
13 for a specific purpose is not an exceptional condition under  
14 the Gill Martin and Palmer line of cases.

15 Because in my opinion, there is no exceptional condition  
16 affecting this property, based on the existing case law. The  
17 applicant has not met the first prong of the variance test  
18 which is mandatory. And in order to look at the other prongs  
19 of the variance test, the exceptional condition is like a  
20 gateway. And so there is no need to address the second or  
21 the third prong.

22 I also give great weight to OP's analysis and  
23 recommendation. And I would note that the ANC strongly  
24 supports the application through its written submissions and  
25 oral testimony. The Board is required to give great weight

1 to the issues and concerns of the ANC, but only legally  
2 relevant issues and concerns. At Exhibit 45, the ANC  
3 discussed essentially the same factors described by the  
4 applicant in Exhibit 54. I hope I got those exhibits  
5 correctly.

6 But also doesn't show how this property is uniquely  
7 affected by those factors which are, as I said before, are  
8 generic to other properties. However, I want to say I  
9 appreciate the applicant's and ANC's testimony and recognize  
10 that this project has to -- has the potential to rejuvenate  
11 that block through the provision of more desirable office  
12 space. I also appreciate the letters of support from  
13 community members, including the Georgetown Business  
14 Association and the Citizen's Association of Georgetown.

15 However, this is a difficult test and difficult case.  
16 And in looking at that first prong of the variance test, I  
17 was not able to see, through the applicant's presentations,  
18 how each of those generic factors affects this property in  
19 a very unique way and that is the standard that we have to  
20 apply.

21 VICE CHAIRPERSON HART: Thank you. Mr. Shapiro?

22 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Yeah,  
23 I'm in a similar quandary with the two of you. I don't  
24 disagree with the analysis that either of you have brought  
25 forward and I think one additional piece that I would suggest

1 is that there's a -- the confluence of factors which is what,  
2 how they're, the applicant, is suggesting that they address  
3 the extraordinary condition, it kind of, it's a -- the  
4 confluence of factors addressed two prongs of the test and  
5 it's hard for me to tease those two out.

6 So as I'm looking through them, I'm really struggling  
7 to have a clear picture in my mind of which one -- which of  
8 these factors are related to the extraordinary, exceptional  
9 situation and condition and which is the practical  
10 difficulty. That being said -- and then, you know, both of  
11 you have listed specifically the confluence of factors that  
12 would address the -- depending on how we defined it, either  
13 the extraordinary condition or the practical difficulty.

14 But I'm also swayed by the -- and giving great weight  
15 to where the ANC is. And recognizing the need for the  
16 development of the block. And this -- the uniqueness of this  
17 property, to help move that along. I can't say that this is  
18 black and white for me at all. But I would err on the side  
19 of approving this, even if I -- even if there's -- it's a bit  
20 murky.

21 And again, I don't disagree, Board Member John, with  
22 your analysis. I -- it -- point by point what you laid out  
23 is exactly what I'm struggling with as well. It's just that  
24 I feel like there's enough evidence for me to err on the side  
25 of approving this.

1           VICE CHAIRPERSON HART:     Okay.     So that's -- I  
2 appreciate your comments on this. I think that hearing from  
3 both of you and, of course, hearing kind of where I am with  
4 this, I think we may actually need another board member in  
5 this. Only because -- even though we haven't taken a vote,  
6 it seems like the vote is not going to be unanimous. So if  
7 it's not unanimous, we need -- out of the five members that  
8 are on the -- that are -- that make up the Board, we need at  
9 least three of them for -- in either direction, to be able  
10 to, you know, to be able to decide the case.

11           COMMISSIONER SHAPIRO: I think that's an accurate read  
12 of the situation.

13           VICE CHAIRPERSON HART: So currently we have either,  
14 at most two, in one direction. And that would mean that we  
15 don't have a sufficient number -- a number of votes to be  
16 able to approve it or not approve it at this time. It seems  
17 as though that's where we are. Mr. Moy, do we need to  
18 actually take the vote and then --

19           MR. MOY: No, no. I -- no you do not. That's the  
20 option of the Board.

21           And while I have the microphone, sir, the next two  
22 hearing dates is the 16th and the 23rd. I'm assuming that  
23 you would want to give the board member time to review the  
24 record. But then on the third week, which is October the  
25 30th, that's when Mr. Shapiro's back with the Board.

1 VICE CHAIRPERSON HART: I mean, I would -- because we  
2 have such a -- this is a lot of detail that goes into this,  
3 I would like for Mr. Shapiro to be back here. And I want to  
4 give the person, whoever coming on the -- to read in, time  
5 to be able to review it. And then, you know, I think we  
6 could set it for a decision for -- you said the 30th?

7 MR. MOY: Yes, sir.

8 VICE CHAIRPERSON HART: I think we should set it for  
9 that. What's the docket look like for -- I mean, this is a  
10 decision case so it shouldn't be that --

11 MR. MOY: Yes, there's no meeting session on the 30th.  
12 We have three case applications and one appeal.

13 VICE CHAIRPERSON HART: Then that's fine. We can add  
14 this to that meeting. But I appreciate your -- everyone's  
15 thoughts on this. But I'm sorry for the applicant that we  
16 haven't decided this, but I think we need to have a little  
17 bit more conversation with another member to be able to  
18 actually get to the bottom of this and move forward, so.

19 Okay. Thank you all. So I guess we can move to the  
20 next case which -- and thank you Mr. Shapiro. I'm -- I don't  
21 think Mr. May's coming out here yet. He's got another --

22 (Off mic comments.)

23 VICE CHAIRPERSON HART: So I think we're on 19527,  
24 excuse me, 19572, SIM Development.

25 CHAIRPERSON HILL: Mr. Moy, I don't know if you want



1 call it or what you want to --

2 MR. MOY: Okay. So that would be case application  
3 number 19572 of SIM, S-I-M, Development, LLC. This  
4 application has been amended for special exception under  
5 Subtitle C, Section 703.2 from the minimum parking  
6 requirements, Subtitle C, Section 701.5 to add two stories  
7 containing 16 units to an existing two story, nine unit mixed  
8 use building, MU-4 zone, at premises 1960 15th Street  
9 Southeast, Square 5766, Lot 845. Participating on this vote,  
10 Mr. Chairman, is yourself, Chairman Hill, Vice Chair Hart and  
11 Zoning Commissioner Anthony Hood.

12 CHAIRPERSON HILL: All right. Well, Mr. Moy,  
13 unfortunately I think we're going to inefficient today. So  
14 we don't have a quorum for this yet because Chairman Hood was  
15 interested, I guess, in being on this for the deliberation.  
16 Like, when does he come back? When is he with us again?

17 MR. MOY: Mr. Hood returns to the Bard on November  
18 13th, sir.

19 CHAIRPERSON HILL: Okay. Let's do this for November  
20 13th. I guess can we -- yeah, okay. Let's do November 13th.  
21 And then, Ms. John, if you wouldn't mind also reading in,  
22 just so we have a quorum, if necessary.

23 CHAIRPERSON HILL: All right. Mr. Moy, you can call  
24 our last decision case. Have you got Mr. Peter May back or  
25 Commissioner Peter May back with us?

1 MR. MOY: Yes, sir. So this would be application  
2 number 20062 of Mid-City Builders. Request for a special  
3 exceptions under the penthouse requirements, Subtitle C,  
4 Section 1500.4 and Subtitle C, Section 1504 from the  
5 penthouse setback requirements of Subtitle C, Section  
6 1502.2(C)(1)(a).

7 This would construct a new three story flat with a  
8 cellar level, roof deck and a roof top access penthouse, RF-1  
9 zone. This is at 802 10th Street Northeast, Square 933, Lot  
10 47. And participating on this vote is Chairman Hill, Vice  
11 Chair Hart, Ms. John and Zoning Commissioner Peter May.

12 CHAIRPERSON HILL: Okay. Great. As I recall, we  
13 heard this, we set it for decision. We asked for some  
14 additional documents in terms of angles to the rooftop and  
15 what they were trying to do with the penthouse. And is the  
16 Board ready to deliberate? Would anyone like to start?

17 COMMISSIONER MAY: I would.

18 CHAIRPERSON HILL: Sure.

19 COMMISSIONER MAY: So I appreciate the fact that the  
20 applicant submitted the additional information that was  
21 requested. I don't think it was the most illustrative  
22 version that we could have seen. The -- I mean there's a  
23 section drawing that shows the sight line from across the  
24 street, but -- and there's a view from down the street that's  
25 a little tiny image in the upper left corner. And I mean

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1 this is the view that I'm concerned about. And I'm, you  
2 know, I would have liked to have seen an even closer from  
3 across the street.

4 And this is exactly what I would not want to see. And  
5 I think it's what the zoning commission was trying to avoid  
6 have -- avoid happening where you add a story and then add  
7 another -- add a penthouse on top of that. So it's  
8 unfortunate that we do not have anything from the ANC that  
9 was responsive, or that they didn't respond at all.

10 And I appreciate that fact that the applicant tried to  
11 get it on the ANC agenda, but I still, you know, even absent  
12 their advice or their recommendation, I am not inclined to  
13 approve this relief. I don't think that it's necessary.

14 There are many projects that are being built with  
15 hatches, stair hatches. And, you know, I can understand why  
16 some people might not want that, but I think that's what, you  
17 know, that would be a preferable way of doing it. And I  
18 would rather it just be handled that way and then it could  
19 have been a matter of right project, so.

20 VICE CHAIRPERSON HART: So yeah, we reviewed this case  
21 back in July. We did request some additional information as  
22 has been noted by both -- well, by Mr. May. And the  
23 applicant did provide their drawing. It was a little bit  
24 difficult to see that and we did have some questions about  
25 the impact of the stairwell. I had some questions about it,

1 whether or not they were meeting 15 -- Subtitle C, 1504(B).

2 And the -- it does seem as though the views from the  
3 north are partially obscured by some trees, except for where  
4 we, you know, they showed the break in the tree line. You  
5 could actually see over to the building, you were probably  
6 five or six houses up from the -- maybe even more, up north  
7 of the -- of where the property is.

8 I understand that the applicant has stated that this  
9 is their only option and the -- and that the Office of  
10 Planning is also supportive of the application. And so,  
11 again, where do I kind of come down on this? I think that  
12 I am leaning actually not to support the application. But  
13 in particular, because I think that they needed to meet two  
14 pieces of the -- of the zoning regs, 1504(B) and (C), that  
15 the -- B is that the design is the best they could do to not  
16 have it read as an extension of the building wall. And then  
17 C is it would be less intrusive than the roof -- this would  
18 be less intrusive than the roof hatch.

19 We didn't really receive any specific information  
20 showing a comparison of that or it was just kind of stated  
21 that it would be -- that this proposal is less expensive than  
22 what they were, then the roof hatch option. I mean I just  
23 think that that is something that we have asked for in the  
24 past of applicants and, you know, there are a variety of  
25 things that they could do for that.

1           And unfortunately for those -- for the reasons that  
2 I've noted, I just could not support the application. I  
3 think that there's a way to make this more -- less visible --  
4 visibly intrusive. And that's it.

5           CHAIRPERSON HILL: Okay. Well I mean, all right. I  
6 was, I suppose, uncertain as to how I was going vote. After  
7 hearing, I guess, the discussion that I'm having here from  
8 Commissioner May as well as that from Mr. Hart, I would also  
9 probably be voting in denial of this because I do think that  
10 there is another alternative in terms of the hatch. And also  
11 I do think that as you stated, Mr. Hart, that I didn't think  
12 B nor C were necessarily going to be, you know, covered.

13           And so, yeah, so following up with your decision, I  
14 will be voting in denial unless Ms. John, thank you, Ms. John  
15 -- I'm just -- Ms. John is -- has a different opinion that  
16 she'd like to share with us.

17           MEMBER JOHN: So I looked at this case for a long time  
18 and reviewed the submissions. And especially the last set  
19 of submissions. And I do agree that there would some  
20 visibility of the penthouse, the rooftop access penthouse.

21           And I was sort of on the fence and I looked at OP's  
22 analysis and I thought that I could support the application  
23 based on what OP stated. But listening this morning to  
24 everyone, I think there is something to the fact that there  
25 could be a less intrusive solution. And the other thing I

1 looked at was this building was sort of at the end of the  
2 row, not in the middle as I thought -- and as I thought  
3 initially. And so that would sort of mitigate, you know,  
4 having to see the structure from certain angles.

5 So I think I will vote to deny the application only  
6 because it is possible that the hatch would be a less  
7 intrusive option.

8 CHAIRPERSON HILL: Okay. I'm going to make a motion  
9 to deny application number 20062 as captioned and read by the  
10 secretary and ask for a second.

11 COMMISSIONER MAY: Second.

12 CHAIRPERSON HILL: Motion made and seconded. All  
13 those in favor say aye.

14 (Chorus of aye.)

15 CHAIRPERSON HILL: All those opposed? Motion passes,  
16 Mr. Moy.

17 MR. MOY: Staff would record the vote as four to zero  
18 to one. This is on the motion of Chairman Hill to deny the  
19 application for the relief being requested, seconding the  
20 motion, Vice Chair Hart. Also in support of the motion, Ms.  
21 John and Zoning Commissioner Peter May. We have no other  
22 board members and motion carried, sir.

23 (Whereupon, the above-entitled matter went off the  
24 record at 10:22 a.m.)

25

C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Public Meeting

Before: DC BZA

Date: 10-09-19

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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Court Reporter

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