

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

APRIL 13, 2022

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 9:48 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

- FREDERICK L. HILL, Chairperson
- LORNA JOHN, Vice Chairperson
- CARL BLAKE, Board Member
- CHRISHAUN SMITH, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

- ANTHONY HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD MOY, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

- STEPHEN MORDFIN
- ANNE FOTHERGILL
- KAREN THOMAS
- BRANDICE ELLIOTT
- MAXINE BROWN-ROBERTS
- STEPHEN COCHRAN

CRYSTAL MYERS
JONATHAN KIRSCHENBAUM
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

The transcript constitutes the minutes from
the Regular Public Hearing held on April 13, 2022.

CONTENTS

Application No. 20647 of 1345 Madison Street, NW, LLC	4
Application No. 20652 of Chelsea O. Blake and Kevin K. Blake	11
Application No. 20664 of 701 Quincy St NE, LLC	17
Application No. 20667 of Samuel C. Medvene	31
Application No. 20668 of DANEX, LLC	64
Application No. 20670 of Katherine Steel	108
Application No. 20671 of Jeremy Kern and Rebecca Fitch	113
Application No. 20672 of Sarah Audelo	119
Application No. 20673 of Karl Driessen	127
Application No. 20675 of Krzysztof Laski	133
Application No. 20680 of DMV Realty Investments, LLC	142

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

2 (9:48 a.m.)

3 BZA CHAIR HILL: And that being the case -- that
4 being the case, Mr. Moy, if you could call our first case.

5 MR. MOY: Oops. Okay. All right. This would be
6 Case Application Number 20647 of 1345 Madison Street, NW, LLC
7 and Mr. Chairman, this is a self-certified application for
8 a special exception from the matter-of-right easements of
9 Subtitle U Section 401 pursuant to Subtitle U Section 421 and
10 Subtitle X Section 901.2. This would construct a three-story
11 rear addition and add three additional residential units to
12 an existing semi-detached two-story flat in the RA-1 zone,
13 property located at 1436 Eastern Avenue NW, Square 5171, Lot
14 19. And that's it from me, Mr. Chairman.

15 BZA CHAIR HILL: Thank you, Mr. Moy. Mr.
16 Sullivan, can you hear us?

17 MR. SULLIVAN: Yes, I can. Thank you, Mr.
18 Chairman and Members of the Board. Marty Sullivan with
19 Sullivan & Barros on behalf of the applicant.

20 BZA CHAIR HILL: Okay. Great. Mr. Sullivan, I
21 see that we did get a letter from the ANC Chairman Holmes,
22 and so that's something I'm just kind of review real quick
23 right now. If you want to go ahead and walk us through why
24 you believe your applicant is meeting the standard for us to
25 grant the relief requested? I'm going to put 15 minutes on

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1 the clock just so I know where we are. I see your PowerPoint
2 present in Exhibit 31. You can begin whenever you like.

3 MR. SULLIVAN: Thank you, Mr. Chair. If Mr. Young
4 could load the PowerPoint presentation? This is 1436 Eastern
5 Avenue NE. The only request is for approval under the RA-1
6 regulations under U 421. Next slide, please.

7 These are some of the zoning criteria. It's a --
8 essentially, it's a three-story addition to what is two-unit
9 semi-detached building. We do have a letter of support from
10 the attached property to add three units for a total of five
11 units. Next slide, please.

12 We have the support of the Office of Planning and
13 a very detailed report, and no objection from DDOT. And
14 we're happy to be able to add the ANC support to this list
15 as well. And next slide, please. And with us is architect
16 Mike Rouse who can take you through the plans.

17 MR. ROUSE: Chairman and Board, my name is Michael
18 Rouse. I'm an architect at MPR Architecture, and I reside
19 at 1232 Hamilton Street, NW, Washington, D.C. This just
20 basically shows you where the property is located at 1436
21 Eastern Avenue, kind of an aerial there on the bottom left
22 and then a street perspective showing that it is an attached
23 property. Next slide, please.

24 This is the rear of the property just to show you
25 we've got a nice deep lot. That's where the addition is

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1 going to be built. Next slide, please. You can go to the
2 next slide as well. Perfect.

3 This is a site plan before, is in the middle of
4 the page there showing the two-unit flat, and then up above
5 in the light gray box is the proposed three-story addition
6 which would house three units, and below is showing a side
7 elevation just showing that we're meeting the zoning
8 regulations for height. Next slide, please.

9 At top there is our landscape plan which has also
10 been submitted into the record and then a grading plan. Next
11 slide, please. We were asked to do some shadow studies with
12 most of the shadows -- you know, it's kind of evident where
13 they're falling. Next slide, please. Some floor plans of
14 the unit layouts. Next slide, please. And again, this would
15 be the second and third level showing a two-bedroom layout.
16 Next slide, please.

17 Finally, the color rendering showing the
18 materials. So the existing two-unit building is a brick
19 building, and then this would also be a brick and painted
20 siding building. We are putting most of the mass towards the
21 back so that the views from the street would be minimized.
22 Next slide.

23 And then this is the elevation facing the attached
24 property. We are proposing to do some blind windows with
25 piece -- soldier course lintels there. Next slide. Just

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1 kind of a section through the building. Next slide. I'll
2 hand it back over to Mr. Sullivan.

3 MR. SULLIVAN: Thank you, Mr. Rouse. So the
4 project meets the general requirements of Subtitle X 901.2.
5 It is in harmony with the purpose and intent of the zoning
6 regulations. It's a relatively small project for the RA-1
7 zone with just five units, maintaining the existing side
8 setback and not requiring relief from any of the area
9 development standards and just adding three units. Next
10 slide, please.

11 Regarding the specific requirements, it has been
12 referred to the relevant agencies. Next slide, please. And
13 it's for the Office of Planning. The Office of Planning has
14 made some very detailed findings on all of the criteria cited
15 in 421.3. And I believe that's it, so if there are any
16 questions -- thank you.

17 BZA CHAIR HILL: Okay. I'm starting with my
18 fellow Board Members. I'm going to first turn to the Office
19 of Planning and then have questions for everybody. Ms.
20 Elliott, are you there?

21 MS. ELLIOTT: I sure am, Mr. Chairman. Thank you.
22 I am Brandice Elliott representing the Office of Planning for
23 BZA Case 20647. The Office of Planning is recommending
24 approval of the relief that's been requested. It is a new
25 residential apartment house development, but it does comply

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1 with all of the relevant development standards for the zone.
2 I am aware of the Board's heavy agenda today, so I'm happy
3 to stand on the record of our report, but if you prefer, I
4 can give a summary of that report as well.

5 BZA CHAIR HILL: That's okay. Thank you, Ms.
6 Elliott. Let me get to questions from the Board, please.
7 Does the Board have any questions for the applicant or the
8 Office of Planning?

9 Okay. Is there anyone here wishing to speak, Mr.
10 Young?

11 MR. YOUNG: We do not.

12 MS. HAMILTON: Okay. I would like to mention to
13 my fellow Board Members, I mean I'm trying to be efficient.
14 However, if you do have any questions, please ask them.
15 Again, however, I think there will be cases that will take
16 some time today and won't necessarily move quickly. All
17 right. Mr. Sullivan, do you have anything you'd like to add
18 at the end?

19 BZA CHAIR HILL: Okay. Going to go ahead and
20 close the hearing and the record. Mr. Young, if you could
21 please excuse everyone. Okay. Almost. Okay. All right.
22 I really didn't have any issues with this application. I
23 thought that the applicant made a good argument as to why
24 they're meeting the relief -- I'm sorry -- the standards that
25 we need to look at in terms of granting the relief requested.

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1 I would also agree with the analysis of the Office of
2 Planning's support as well as that of DDOT. There were some
3 people in support as well. And then the ANC Commission
4 Chairman Holmes' letter of support. I'm going to be voting
5 in favor. Mr. Smith, do you have anything you'd like to add?

6 MEMBER SMITH: No, Mr. Chairman. I agree with
7 your analysis and will support the application.

8 BZA CHAIR HILL: Mr. Blake?

9 MEMBER BLAKE: Voting in favor of the application
10 as well. I believe the applicant has met the burden of proof
11 to be granted relief under U 421 and X 901.2, and I give
12 great weight to the Office of Planning's recommendation,
13 DDOT's obviously no objection, ANC and DCAR and Federation
14 of Citizens Associations are in support and also have in
15 support adjacent property owner. So for those reasons, I
16 would be in support of the application.

17 BZA CHAIR HILL: Thank you. Chairman Hood.

18 ZC CHAIR HOOD: I agree with everything that's
19 been said and also the merits of this case, and I'll be
20 voting in favor. Thank you.

21 BZA CHAIR HILL: Thank you. Vice Chair John?

22 VICE CHAIRPERSON JOHN: I believe this is very
23 straightforward and I'm in support of the application.

24 BZA CHAIR HILL: All right. I'm going to make a
25 motion to approve Application Number 20647 as captioned and

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1 read by the secretary and ask for a second. Ms. John?

2 VICE CHAIRPERSON JOHN: Second.

3 BZA CHAIR HILL: The motion was made and seconded.

4 Mr. Moy, can you take a roll call?

5 MR. MOY: Thank you, sir. When I call each of
6 your names, if you would please respond with a yes, no,
7 abstain to the motion made by Chairman Hill to approve the
8 application for the relief that's requested. The motion to
9 approve was second by Vice Chair John. Zoning Commissioner
10 Chair Anthony Hood?

11 ZC CHAIR HOOD: Yes.

12 MR. MOY: Mr. Smith?

13 Mr. Blake?

14 MEMBER BLAKE: Yes.

15 MR. MOY: Vice Chair John?

16 VICE CHAIRPERSON JOHN: Yes.

17 MR. MOY: Chairman Hill?

18 Staff would record the vote as 5-0-0 and this is
19 on the motion made by Chairman Hill to approve the
20 application following the motion to approve second by Vice
21 Chair John. Also in support of the motion to approve, Zoning
22 Commissioner Chair Anthony Hood, Mr. Smith, Mr. Blake, and
23 of course, Vice Chair John and Chairman Hill. Motion carries
24 on the vote of 5-0-0.

25 BZA CHAIR HILL: Great. Thank you, Mr. Moy. When

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1 you have a chance, you can call our next one.

2 MR. MOY: Before the Board is Case Application
3 Number 20652 of Chelsea O. Blake and Kevin K. Blake. This
4 is a self-certified application for special exception from
5 the lot occupancy requirements of Subtitle E Section 304.1,
6 pursuant to Subtitle E Section 5201 and Subtitle X Section
7 901.2. This would construct a one-story, rear addition to
8 an existing, attached, two-story with basement, principal
9 dwelling unit in the RF-1 zone. Property is located at 909
10 Kent Place, NE, Square 931, Lot 19.

11 BZA CHAIR HILL: Thank you, Mr. Moy. Ms. Wilson,
12 can you hear me? Could you introduce yourself for the
13 record, please?

14 MS. WILSON: Yes. Hi. Alexandra Wilson from
15 Sullivan & Barros on behalf of the applicant in this case.

16 BZA CHAIR HILL: Okay. Great. Ms. Wilson, I see
17 your PowerPoint presentation. If you could go ahead and walk
18 us through why you believe your client is meeting the
19 standard for us to grant the requested relief? I'm going to
20 put 15 minutes on the clock, so I know where we are, and you
21 can begin whenever you like.

22 MS. WILSON: Great. Thank you so much. Mr.
23 Young, could you pull up the presentation, please? In this
24 case, we are requesting special exception relief to do a one-
25 store addition at the rear of the building. Next slide,

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1 please. The subject property is currently improved with a
2 two-story, single-family row building. As I mentioned we are
3 proposing to construct a one-story addition at the rear and
4 are seeking lot occupancy relief; 67.5 percent is proposed
5 whereas 60 is the maximum.

6 ANC 6A supports the application. The Office of
7 Planning is recommending approval. DDOT has no objection and
8 the Capitol Hill Restoration Society also voted to support,
9 and the application has received three letters of support and
10 each from the adjacent neighbors as well. Next slide,
11 please.

12 This is just showing the location of the subject
13 property and again, as I mentioned, both adjacent neighbors
14 are in support. Next slide, please.

15 In terms of the general special exception
16 requirements, the area is made up of row dwellings which
17 occupy larger portions of their respective lots as many of
18 the lots are substandard, and the addition is only one story,
19 it will extend 8.3 feet past the building to the east, but
20 the building to the west will continue to be longer than even
21 the proposed addition. Next slide, please. This is showing
22 the rear of the subject property for some context. Next
23 slide, please.

24 In terms of the specific requirements, the
25 addition is only one story, only extends 8.3 feet, and it's

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1 only an additional 7.5 percent lot occupancy. The addition
2 will not have any windows facing the neighboring buildings
3 to the east or west, and the only windows face south
4 overlooking the property's rear yard, and the area is made
5 up row dwellings such as this. The addition is only one
6 story, and it will not be visible from Kent Place, and there
7 is a fence along the rear lot abutting the alley which will
8 limit visibility from the alley. Next slide, please.

9 So we do have the architect here if you have any
10 questions about the proposed addition and plans. We can
11 answer questions from the Board, or he can walk through it
12 now. Whatever you prefer.

13 BZA CHAIR HILL: Ms. Wilson, why don't you just
14 continue on, and if the Board has questions of the architect,
15 I'll get them at the end.

16 MS. WILSON: Right. Okay. Shawn or Ellen, would
17 you like to walk through the couple pages of plans, please?

18 MR. BUEHLER: Hi. My name is
19 Shawn Buehler. I'm the architect from Bennett Frank McCarthy
20 Architects. The project -- if you go to the next slide, you
21 can see floor plans that show -- the white partitions are the
22 existing walls, and then at the rear of the house is a one-
23 store addition over unfinished basement space to expand the
24 kitchen toward the backyard. If you go to the next slide,
25 please.

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1 This shows in the top left corner our rear
2 elevation. Again, the addition is one-story and you can see
3 the two-story row house rising up beyond it. On the top
4 right is a side elevation which would be shown from the
5 neighbor to the east, which is the house that's slightly
6 shallower than ours would be. And then the bottom drawings
7 are sections through the addition that show, again, a one-
8 story addition behind a two-story row house. I believe
9 that's everything and I'm happy to answer any questions if
10 there are any.

11 MS. WILSON: Thank you, Shawn. Yes. That's the
12 end of our presentation.

13 BZA CHAIR HILL: All right. Let me go ahead and
14 drop that. Can I go ahead and turn to Ms. Thomas real quick?

15 MS. THOMAS: Good morning, Mr. Chairman, Members
16 of the Board. Karen Thomas for the Office of Planning, and
17 the Office of Planning is recommending approval of the one-
18 store rear addition. And I would stand on the record of our
19 report. Thank you.

20 BZA CHAIR HILL: Okay. Does the Board have any
21 questions of either the applicant or the Office of Planning
22 and if so, raise your hand? Mr. Young, is there anyone here
23 wishing to speak?

24 MR. YOUNG: We do not.

25 BZA CHAIR HILL: Ms. Wilson, do you have anything

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1 you'd like to add at the end?

2 Okay. All right. I'm going to go ahead and close
3 the hearing and the record. Mr. Young, if you could excuse
4 everyone, please. Okay. Again, in this particular case, I
5 didn't have any issues with the application. I thought that
6 I would agree with the argument that the applicant has put
7 forward as to how they're meeting the standard to grant the
8 relief requested. I would also agree with the analysis of
9 the report that the Office of Planning has provided as well
10 as the ANC being support. There are letters in support
11 including adjacent properties; also, the Capitol Hill
12 Restoration Society and DDOT. Again, I just thought it was
13 pretty straightforward, so I'm going to be voting in favor
14 of the application. Mr. Smith, do you have anything you'd
15 like to add?

16 MEMBER SMITH: NO. I agree with your analysis,
17 Chairman Hill, will support the application. I would just
18 note that the Capitol Hill Restoration Society submitted a
19 letter in support, and we do have letters in support from the
20 adjacent property owners, so I give OP staff report great
21 weight and support the application.

22 BZA CHAIR HILL: Thank you. Mr. Blake?

23 MEMBER BLAKE: I'm voting in favor of the
24 application as well. I have nothing to add to your comments.

25 BZA CHAIR HILL: Chairman Hood?

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1 ZC CHAIR HOOD: Nothing to add. I support the
2 application.

3 BZA CHAIR HILL: Vice Chair John?

4 VICE CHAIRPERSON JOHN: Very straightforward so
5 I'm in support of the application.

6 BZA CHAIR HILL: Okay. I'm going to go make a
7 motion to approve Application Number 20652 as captioned and
8 read by the secretary and ask for a second. Ms. John?

9 VICE CHAIRPERSON JOHN: Second.

10 BZA CHAIR HILL: The motion was made and seconded.
11 Mr. Moy, if you can you take a roll call, please?

12 MR. MOY: Thank you, sir. When I call your names,
13 if you would please respond with a yes, no, or abstain to the
14 motion made by Chairman Hill to approve the application for
15 the relief requested. The motion to approve was second by
16 Vice Chair John. Zoning Commissioner Chair Anthony Hood?

17 Mr. Smith?

18 Mr. Blake?

19 Vice Chair John?

20 VICE CHAIRPERSON JOHN: Yes.

21 MR. MOY: Chairman Hill?

22 Staff would record the vote as 5-0-0 and this is
23 on the motion made by Chairman Hill to approve. The motion
24 was second -- the motion to approve was second by Vice Chair
25 John. Also in support of the motion to approve, Zoning

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1 Commission Chair Anthony Hood, Mr. Smith, Mr. Blake, and of
2 course, Vice Chair John, Chairman Hill. Motion carries on
3 the vote of 5-0-0.

4 BZA CHAIR HILL: Thank you, Mr. Moy. You can go
5 ahead and call or next one if you like, Mr. Moy.

6 MR. MOY: Before the Board is Case Application
7 Number 20664 of 701 Quincy Street NE, LLC. This is self-
8 certified application for special exception relief from the
9 matter-of-right uses of Subtitle U Section 401, pursuant to
10 Subtitle U Section 421 and Subtitle X Section 901.2. This
11 would construct two additional residential units to an
12 existing, semi-detached, two-story with cellar, 4-unit
13 apartment house in the RA-1 zone. Property located at 701
14 Quincy Street, NE, Square 3820, Lot 01.

15 MEMBER BLAKE: Mr. Chairman, I just want to say
16 I'll be recusing myself from this case.

17 BZA CHAIR HILL: Okay. Thank you, Mr. Blake. All
18 right. Ms. Wilson, can you hear me? If you'd introduce
19 yourself for the record, please?

20 MS. WILSON: Hi. Alexandra Wilson from Sullivan
21 & Barros on behalf of the applicant in this case.

22 BZA CHAIR HILL: Okay. Ms. Wilson, if you could
23 go ahead and walk us through your client's application and
24 how you believe your client is meeting the standard for us
25 to grant the requested relief? If you could speak a little

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1 bit more to the ANC and some of their --

2 MS. WILSON: Yes.

3 BZA CHAIR HILL: -- concerns? I know that they
4 had a construction management agreement that we may or may
5 not include as conditions as to whether or not the Board
6 feels that it's within our purview. And then also -- those
7 would be my initial thoughts. And I've got your PowerPoint
8 presentation pulled up. I'm going to put 15 minutes on the
9 clock, and you can begin whenever you like.

10 MS. WILSON: Great. Thank you so much. Mr.
11 Young, could you pull the PowerPoint presentation up when you
12 have a chance. And in terms of the ANC, we had overall
13 positive discussions with the SMD and the surrounding
14 neighbors. We attended an SMD meeting and they requested
15 that we provide a construction management agreement, because
16 one of the concerns raised had to do with just construction
17 in that alley, just in general. So we agreed to a
18 construction management agreement. That's signed and that
19 has been submitted to the record. And I'm happy to answer
20 any other questions, but I think that was the main concern,
21 just how to control the construction in that alley. And we
22 also changed up the widow pattern on one of the sides as
23 well. Mr. Young, could you go to the next slide, please?

24 So the property is located in the RA-1 zone. It's
25 currently improved with a four-unit apartment building. The

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1 proposed project consists of adding two units in the cellar
2 for a total of six units. The applicant is not proposing to
3 alter the existing building exterior envelope or enlarge the
4 building footprints. The project does require special
5 exception approval pursuant to U 421.

6 The Office of Planning is recommending approval.
7 DDOT has no objection and ANC 5B does support the
8 application along with the construction management plan which
9 is in the record. Next slide, please?

10 BZA CHAIR HILL: Ms. Wilson, for the record, your
11 client agrees and will uphold that construction management
12 plan, correct?

13 MS. WILSON: Absolutely. The one in the record
14 should have his signature as well, so it's already signed by,
15 I think, both the ANC and our client.

16 BZA CHAIR HILL: I can see it. Okay. Thank you.

17 MS. WILSON: Yes. So in terms of the general
18 special exception requirements, the project is in harmony
19 with the general purpose and intent of the zoning
20 regulations. The proposal is for a moderate density multi-
21 family residential building. Again, the applicant is not
22 proposing to alter the existing building footprint, just to
23 add two units in cellar space. And the project is also
24 providing four parking spaces. Next slide, please.

25 This is just showing the location of the property.

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1 Next slide, please? Again, we are not proposing to alter the
2 building footprints and will maintain the same style. Next
3 slide, please.

4 In terms of the specific criteria for approval
5 under U-421, it is expected that the Office of the State
6 Superintendent of Education will not have an issue with the
7 increase in residents. There are only two additional units.
8 The applicant is only proposing two units and four parking
9 spaces. The property is located relatively close to the
10 Metro. The new residents should be adequately served by the
11 surrounding public streets and public transportation options.
12 Next slide, please.

13 The applicant is not altering the existing
14 building footprints. The applicant is maintaining the
15 existing 25-foot rear yard and the 7'6" side yard on the west
16 side of the property, and the applicant has submitted all of
17 the relevant materials. We -- I think we are requesting to
18 waive the requirement for an existing and proposed grade plan
19 as the grade is not being altered, and the applicant is not
20 proposing any new rights-of-ways or easements. Next slide,
21 please.

22 We do have a set of plans and I have the architect
23 here if there are any questions, but that concludes my
24 presentation.

25 BZA CHAIR HILL: Okay. Mr. Young, if you'd drop

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1 that. Okay. Does the Board have any questions for the
2 applicant? Chairman Hood?

3 ZC CHAIR HOOD: Question, very briefly, Ms.
4 Wilson. You said the applicant is providing parking. So I'm
5 trying to figure out, isn't that public -- is there parking
6 around back, or is that public street parking?

7 MS. WILSON: Yes. There are four parking spaces
8 at the rear of the property.

9 ZC CHAIR HOOD: Okay. I'm familiar with the area.
10 I never knew that. Okay. Thank you.

11 VICE CHAIRPERSON JOHN: Yes.

12 BZA CHAIR HILL: Sure. Vice Chair John?

13 VICE CHAIRPERSON JOHN: Ms. Wilson, can you point
14 out where the IZ unit will be located?

15 MS. WILSON: (Audio interference) any IZ unit.

16 VICE CHAIRPERSON JOHN: Okay. So I have -- do I
17 have the wrong case? One of the units will be -- that's in
18 the OP report. This is 701 Quincy?

19 MS. WILSON: I'll defer to the OP reviewer,
20 because one of the proposed units will not be an IZ unit.

21 VICE CHAIRPERSON JOHN: Okay. I'll hear from OP
22 then. Maybe I'm mixing --

23 BZA CHAIR HILL: Yes -- no. Vice Chair John,
24 you're looking at the correct line item. I can ask the
25 Office of Planning. I don't know whether that -- well, first

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1 let me go ahead and turn to the Office of Planning for their
2 report.

3 MS. THOMAS: Good morning, Mr. Chair, again,
4 Members of the Board. We are recommending approval of this
5 application because we believe it meets the criteria, and if
6 you see a request for IZ unit in here, that's incorrect.
7 I didn't -- that's incorrect.

8 VICE CHAIRPERSON JOHN: Okay.

9 MS. THOMAS: That's not what -- was not part of
10 the application. I don't see it but --

11 MEMBER SMITH: It's in the table, Section 3 of the
12 new residential development.

13 MS. THOMAS: Oh, I'm sorry. That's incorrect.
14 Thank you for pointing that out.

15 MEMBER SMITH: Okay.

16 BZA CHAIR HILL: Okay. All right. So that'll be
17 -- that's an error so that'll be --

18 MS. THOMAS: Yes.

19 BZA CHAIR HILL: -- corrected. All right. Let's
20 see, anyone else for the Office of Planning? Mr. Young, is
21 there anyone wishing to speak?

22 Ms. Wilson, is there anything you'd like to add
23 at the end?

24 MS. WILSON: No. Thank you.

25 BZA CHAIR HILL: Okay. Mr. Ali, how are you

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1 doing.

2 MR. ALI: Good. How are you?

3 BZA CHAIR HILL: Good. You want to introduce
4 yourself for the record, Mr. Ali?

5 MR. ALI: Yes. I'm Ramy Ali with Ramy Design
6 Architects. We're the architect and engineer for this
7 project. I believe Alex pretty much covered the full scope.
8 We're not proposing any additions or change of footprints of
9 the structure. Most of the work is interior of the building.
10 We're adding four parking spaces, as Alex indicated, and
11 screening that with 6-foot high fences, mechanical roll-up
12 doors. And the only other change that we're doing on the
13 exterior is the window patterns. We're just replacing the
14 four-foot high windows to 6'8" high windows, and that's
15 pretty much the list of changes that we're doing to the
16 exterior.

17 BZA CHAIR HILL: Okay, Mr. Ali. I just wanted to
18 say hello. I haven't seen you in a little while there. You
19 know, it's been -- you remind me of when there wasn't COVID.

20 MR. ALI: I know.

21 BZA CHAIR HILL: Okay. All right. I'm going to
22 go ahead and close the hearing and the record. Okay. Mr.
23 Smith, can I trouble you to start talking or begin
24 deliberation or somebody else? I'm just trying to spread out
25 the wealth here.

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1 MEMBER SMITH: Okay. I mean I can begin the
2 deliberations. I think that the applicant has met the burden
3 of proof for us to be able to grant the special exception
4 from Subtitle U-421 for a new residential development, to
5 increase the number apartments at the property from four to
6 six. I believe they've met the standards of Section 901.2.
7 They wouldn't be expanding the physical footprint of the
8 building. The new additional -- the additional units will
9 be located within the cellar. So it wouldn't change the
10 character of the neighborhood. So I believe it's in
11 character with Section 901.2(a) and also (b) based off of the
12 physical nature of where the apartments being that they
13 wouldn't expand the apartment building.

14 So we have the support of the ANC conditioned upon
15 a couple of conditions. Let me pull them up. Attempt to
16 maintain as much green space as possible, incorporation of
17 pervious pavers and grass or other filler plants to be used
18 as pavers in the parking area, and they were also asked to
19 develop or to consider planting additional trees. And
20 finally, the residents asked that construction vehicles not
21 block the alley behind the property.

22 As far as some of these conditions, the last one
23 where they're requesting vehicles not to block the alley and
24 construction be done between Monday and Friday, I think
25 that's taken care of by the construction management

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1 agreement. I think it would be properly regulated through
2 the construction management agreement and the administrative
3 requirements that DCRA has as part of the building permit
4 process.

5 As far as maintaining green space, the applicant
6 is not proposing to expand the existing building, so I
7 believe that, you know, the very nature of the special
8 exception, the green space -- existing green space will be
9 maintained. But I am open to hear what the rest of my Board
10 Members feel about a condition about filler plants used
11 between the pavers in the parking area.

12 So with that, you know, I give great weight to
13 OP's staff report and will support this application, and I
14 just welcome any feedback from my Board Members about any
15 conditions as recommended by the ANC.

16 BZA CHAIR HILL: Okay. Thanks, Mr. Smith. Thank
17 you for starting that. I -- yeah. So my thoughts on the
18 construction management agreement were that the applicant and
19 the ANC have gone already over the construction management
20 agreement and the applicant has agreed to it. That would be
21 the only thing that I would reference in the order but not
22 use it -- or it needs my thoughts -- not put it in as a
23 condition as it would be something that I think some of it
24 is outside of the Board's purview. However, to quote
25 Chairman Hood and the Good Neighbor Policy, it is something

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1 that I think has been now agreed to that they will follow up
2 on. So that's what I would propose.

3 Ms. John, do you have anything to add?

4 VICE CHAIRPERSON JOHN: Well, I appreciate Board
5 Member Smith's detailed analysis, and I don't have anything
6 to add to it. I agree that some of these conditions proposed
7 by the ANC should not be included in the order, but I also
8 support including the condition number 2, including the plans
9 in the parking area and the landscaping because -- yes, I
10 believe those are appropriate. And of course, I would
11 suggest that we refer to the construction agreement. We
12 don't typically include them in the order, although they're
13 quite useful to the neighbors and the ANC, and we like to see
14 them. But the Board cannot enforce them. But what the Board
15 could enforce, I believe, would be conditions 2 and 3 because
16 they would be in the plans. And I need to be sure that
17 they're actually in the plans.

18 BZA CHAIR HILL: Okay. Is that from -- that's
19 from the -- which Exhibit is it?

20 VICE CHAIRPERSON JOHN: That would be -- the ANC
21 Exhibit is Exhibit 23, and I was looking for the plans.
22 Maybe someone can help me figure out if the landscaping is
23 there. If not, we should include it.

24 BZA CHAIR HILL: Vice Chair John, I'm just looking
25 for the 2 and 3.

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1 VICE CHAIRPERSON JOHN: Okay. Let's pull up
2 Exhibit 23.

3 BZA CHAIR HILL: I don't know why I don't see the
4 2 and 3.

5 VICE CHAIRPERSON JOHN: I'm trying to pull it up,
6 23.

7 BZA CHAIR HILL: Mr. Smith, do you know where
8 number 2 -- the exhibit that's being referenced.

9 VICE CHAIRPERSON JOHN: It's 23.

10 MEMBER SMITH: It's in the ANC Report.

11 VICE CHAIRPERSON JOHN: ANC Report.

12 BZA CHAIR HILL: Mine's not showing that. Okay.
13 Residents are asked to maintain green space as much as
14 possible at the property, pervious pavers and grass or other
15 filler plants be used between the pavers in the parking area,
16 plant trees or other suitable sized landscaping in the front
17 yard. Are those the conditions that you all are speaking to?

18 VICE CHAIRPERSON JOHN: Yes.

19 MEMBER SMITH: Yes.

20 BZA CHAIR HILL: Okay. I'm fine with those.

21 VICE CHAIRPERSON JOHN: Except for the green
22 space. I mean based on what Mr. Smith said, I agree with
23 that. There's no change to the footprint so I'm not sure
24 what that refers to, but I would agree that the section that
25 discusses pervious pavers and grass or the filler plants and

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1 planting trees or other suitably sized landscaping. It's
2 basically a best efforts condition, so I don't have any issue
3 with it.

4 BZA CHAIR HILL: Okay. I guess my -- I mean I can
5 -- we can either add them as conditions or that this is
6 something that they agreed to and we can reference the -- I
7 don't know if it's in their construction management plan or
8 not. But I'm happy to do it either way. If you want to put
9 them in as a condition, that's fine as well. Is that what
10 you all would like?

11 VICE CHAIRPERSON JOHN: I would hear from the
12 others.

13 BZA CHAIR HILL: Okay. Mr. Smith, you want it as
14 a condition or you want me to reference it?

15 MEMBER SMITH: I would prefer to have it as a
16 condition.

17 BZA CHAIR HILL: Okay. Chairman Hood, do you have
18 anything you would like to add?

19 ZC CHAIR HOOD: No, but I would agree with the
20 comments I've heard. I mean I know we go back and forth on
21 conditions and referencing, but it sounds to me like there's
22 a good relationship with the community as well as this
23 applicant, so I don't have any reasonable doubt to believe
24 that this won't be taken care of. So whichever way you all
25 choose, I'm fine.

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1 BZA CHAIR HILL: Okay. All right. Well, I think
2 that the applicant also has met its burden of proof and also,
3 I would agree with the analysis of the Office of Planning's
4 report as well as that of the ANC. I'm going to go ahead and
5 make a motion to approve Application Number 20664 as
6 captioned and read by the secretary including the condition
7 that they install pervious pavers and grass or other filler
8 plants to be used between the pavers in the parking areas as
9 well as planting trees or other suitably sized landscaping
10 in the front yard as much as possible and ask for a second.
11 Ms. John?

12 VICE CHAIRPERSON JOHN: Second.

13 BZA CHAIR HILL: All right. I'm going to make a
14 motion to approve Application Number 20647 as captioned and
15 read by the secretary and ask for a second. Ms. John?

16 VICE CHAIRPERSON JOHN: Second.

17 BZA CHAIR HILL: Motion made and seconded. Mr.
18 Moy, if you'd take a roll call, please?

19 MR. MOY: When I call your names, if you would
20 please respond with a yes, no, or abstain to the motion made
21 by Chairman Hill to approve the application for the relief
22 requested including the two conditions as cited in the
23 motion. The motion was second by Vice Chair John. Zoning
24 Commission Chair Anthony Hood?

25 ZC CHAIR HOOD: Yes.

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1 MR. MOY: Mr. Smith?

2 Vice Chair John?

3 Chairman Hill?

4 BZA CHAIR HILL: Yes.

5 MR. MOY: We have one Board Member not
6 participating. Staff would record the vote as 4-0-1 and this
7 is on the motion made by Chairman Hill to approve with
8 conditions. Motion to approve was second by Vice Chair John.
9 Also in support of the motion to approve, Zoning Commissioner
10 Chair Anthony Hood, Mr. Smith, and of course, Vice Chair
11 John, Chairman Hill, Board Member not participating. Motion
12 carries on the vote of 4-0-1.

13 BZA CHAIR HILL: Thank you. All right. Can we
14 all try to do one -- you want to do one more, and then we'll
15 take a break, or you want to take a break? One more and take
16 a break, okay. Mr. Moy, you want to call our next one?

17 MR. MOY: This would be Case Application Number.
18 20667 of Samuel C. Medvene, and this is as amended, a self-
19 certified application for special Exceptions for the
20 following; the matter-of-right uses of Subtitle U Section
21 301, pursuant to Subtitle U Section 320.2 and Subtitle X
22 Section 901.2 from the rooftop architectural elements
23 requirements of Subtitle E Section 206.1 pursuant to Subtitle
24 E Section 206.4, Subtitle E Section 5207.1 and Subtitle X
25 Section 901.2. This would construct a third story and rear

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1 addition and to convert to a three-unit apartment house, an
2 existing, semi-detached, two-story with basement, principal
3 dwelling unit in the RF-1 zone. Property is located at 826
4 Varnum Street, NW, Square 3024, Lot 49.

5 BZA CHAIR HILL: Good morning, Mr. Williams. Can
6 you hear me? Could you introduce yourself for the record,
7 please?

8 MR. WILLIAMS: Yes. Zach Williams, land use
9 attorney with Venable representing the applicant.

10 BZA CHAIR HILL: Okay. Ms. Williams, I see your
11 PowerPoint presentation in the record. I'm going to go ahead
12 and put 15 minutes on the clock. If you could explain to us
13 why you believe your client is meeting the standard for us
14 to grant the requested relief? And you can begin whenever
15 you like.

16 MR. WILLIAMS: Great. Thank you. Mr. Young, if
17 you could pull up that presentation? Thank you. This
18 application is for a property located at 826 Varnum Street
19 NW. Next slide, please. And here is an excerpt from the
20 zoning map showing the property highlighted there. Again,
21 this is in the RF-1 zone on Varnum Street, NW between 8th and
22 9th Streets. Next slide, please.

23 There's a -- this slide shows an excerpt from the
24 survey of the existing property and existing structures.
25 This is a lot that has just under 3,300 square feet. There's

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1 alley access in the back, 15-foot public alley, the Zone RF-
2 1. There's currently a semi-detached row home on this
3 property. It's one of a matched pair as we'll get into in
4 the presentation. The other matched pair is at 824 Varnum
5 Street, and it's depicted as Lot 50 here. And as you can
6 see, that original footprint has been expanded in the last
7 few years of the attached pair, matched pair row home. Next
8 slide, please.

9 These All right. The current conditions today.
10 You can see the property at issue in this matter is on the
11 right. The matched -- the original matched pair is on the
12 left. That was recently renovated with the third-story
13 addition, and what we're ultimately looking to do today is
14 to bring the property at 26 into conformance, add a third
15 story addition and more or less match what was done on the
16 matched pair properties several years ago. You can see the
17 back of the property there as well. There you can really
18 start to appreciate the addition that was put on the matched
19 pair on the 24 Varnum compared to the original house, which
20 is on the left in that photo, and sort of understand the
21 difference in massing. And ultimately, what we're going to
22 be looking to do is to align with that new party wall on the
23 matched pair house at 824. Next slide, please.

24 There are some architectural illustrations of the
25 proposed project. You're looking -- in the illustration on

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1 the left, you're looking at the house from the west, and so
2 you're looking at that existing bay window. Again, this is
3 a semi-detached house, so there's actually a side yard here.
4 That's a bay window that currently exists on the house in the
5 middle there, and there'll be an extension of the third
6 floor. The front of the house, which is on the right here,
7 will just be the same gambrel roof line. It'll be raised
8 again to match -- more or less match the matched pair house
9 that was renovated several years ago. Next slide, please.

10 BZA CHAIR HILL: Mr. Williams, before you move on
11 -- Mr. Young, could you go back one? That's the roof that
12 the neighbor was concerned about, correct?

13 MR. WILLIAMS: That's correct.

14 BZA CHAIR HILL: And so the neighbor is to the
15 east, is that correct?

16 MR. WILLIAMS: To the west.

17 BZA CHAIR HILL: To the west?

18 MR. WILLIAMS: Yes.

19 BZA CHAIR HILL: Okay.

20 MR. WILLIAMS: So --

21 BZA CHAIR HILL: Okay. I just wanted to get a
22 picture of where that roof deck was. Okay. Please go ahead.

23 MR. WILLIAMS: Next slide, please? We are
24 requesting two special exceptions in this case. One is the
25 special exception to convert to a three-unit apartment house

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1 in the RF-1 zone. And the special exception is to alter the
2 rooftop architectural element related to that gambrel roof
3 line.

4 BZA CHAIR HILL: Mr. Williams, I'm sorry to
5 interrupt you. The property that is concerned, when you said
6 it's to the west, that's not the matching pair one?

7 MR. WILLIAMS: No. It's not the matched pair.

8 BZA CHAIR HILL: Right. Okay. Got you. It's the
9 one across from the side yard?

10 MR. WILLIAMS: Correct.

11 BZA CHAIR HILL: Okay. Great. Thank you.

12 MR. WILLIAMS: Next slide, please. So working
13 through the special exception standards here, as we know, the
14 first standard is that it must be in harmony with the general
15 purpose and intent of the zoning regulations. This is an
16 apartment house conversion that is permitted in the RF-1 zone
17 for structures older than 1958, which is the case here. Nine
18 hundred square feet of land area is required per unit. We
19 have just under 1,100 square feet per unit for this property.
20 As I've mentioned a few times, we'll be looking to mirror the
21 attached matched pair home at 824 Varnum, which was expanded
22 in the last five years. We'll also be providing housing for
23 the neighborhood. This project will provide a two-bedroom,
24 two-bath unit in the basement, three bed, three bath unit on
25 the first and second floor, and a four bed, 2-1/2 bath unit

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1 on the second and third floor. Next slide, please.

2 The second important standard is that the project
3 will not adversely affect neighboring properties, and we
4 don't believe it will. Here again, as far as the property
5 to the east goes, we will be aligning with that party wall
6 and more or less bringing this building back into sort of a
7 matching conformance with its original configuration. The
8 property to the west is -- does have a side yard separating
9 it, so there's already a buffer area, if you will, between
10 the two properties. The mirror image house will more or less
11 match what we're looking to do here. There's a slight
12 variation in height based on the way that we measure the sort
13 of max side of the house versus the way that it was measured
14 several years ago, but we're providing the max height that
15 we can. We're also providing two parking spaces, will help
16 to alleviate any concerns about parking. Next slide, please.

17 With respect to the rooftop element, working
18 through the special exception standards for that relief,
19 essentially there's three standards that we must meet.
20 First, the light and air of the neighboring properties must
21 not be unduly affected. The privacy of use and enjoyment of
22 neighboring properties must not be unduly compromised, and
23 the proposed construction must not intrude on the character,
24 scale, and pattern of the houses on the street. Next slide.

25 And here we believe we meet those standards for

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1 several reasons. First, as I've already mentioned, we will
2 be aligning with that party wall. It's already been expanded
3 so there will be no impacts to light, air, and privacy to the
4 property to the west. With respect to the property -- I'm
5 sorry -- the property to the east. The property to the west,
6 again, is separated by a side yard so that will also help to
7 minimize impacts of light, air, and privacy since we already
8 have that buffer on our property separating the house from
9 the neighboring house to the east.

10 And again, we'll be bringing this property into
11 conformance and essentially restoring the matched pair that
12 was originally contemplated for these two houses at 826 and
13 824 Varnum. And I should point out this developer is not the
14 same developer that did 824 Varnum. That was a separate
15 project, a separate developer, separate owner so that's why
16 you're seeing these come at different points in time. Next
17 slide.

18 This is the original property at 824 Varnum, and
19 so this was the property before it was renovated, the
20 property to the east. And now you can sort of see how it
21 aligned originally with the property that we're talking about
22 today. This had to come to the BZA as well in Case Number
23 19233 for support for that same relief that we're seeking
24 today. BZA supported that. The ANC supported that project
25 as well. Next slide, please.

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1 As I mentioned, we've reached out to the ANC. We
2 met with the ANC. We presented at the ANC's hearing. We've
3 also held a meeting with ANC members and the community at the
4 property. The ANC supports this application and there's a
5 letter in the record to that effect. There's general -- I
6 would say there's general support for the project in the
7 neighborhood. There's already been a reference to -- a
8 comment about the roof deck but as was pointed out in OP's
9 report, that is actually not something we need relief for,
10 the roof deck. With respect to the relief we are seeking,
11 we haven't heard any opposition and it's been fully
12 supported. Next slide. I think that's my last one. Right.
13 That concludes my presentation.

14 BZA CHAIR HILL: Thanks, Mr. Williams. Does the
15 Board have any questions?

16 ZC CHAIR HOOD: I do have a question for Mr.
17 Williams very quickly. In the other case that you mentioned,
18 do you recall if the ANC had any conditions in that case as
19 well? If you don't remember, don't worry about it. I just
20 was curious.

21 MR. WILLIAMS: I'm not sure that they did and I
22 don't -- but I don't know for sure. I'd have to look back.

23 ZC CHAIR HOOD: Thank you.

24 BZA CHAIR HILL: All right. Now I turn to the
25 Office of Planning.

1 MR. COCHRAN: I'm Steve Cochran. I'm representing
2 the Office of Planning for this case, 20667. OP's
3 recommending that you approve both special exceptions; one,
4 with respect to the limitation on the number of dwelling
5 units. That's under Section -- that's Subtitle U Section
6 301; and the other one in Subtitle E Section 206 regarding
7 the requirements for the alterations to the original rooftop
8 architectural element. I'm happy to stand on the record
9 beyond that but also would be pleased to answer any questions
10 you have.

11 BZA CHAIR HILL: Thank you, Mr. Cochran. Does the
12 Board have any questions for the Office of Planning? Does
13 the applicant have any questions for the Office of Planning?

14 MR. WILLIAMS: We do not.

15 BZA CHAIR HILL: Mr. Young, is there anyone here
16 wishing to speak?

17 MR. YOUNG: Yes. We have one witness signed up.

18 BZA CHAIR HILL: Okay. Bring that person in,
19 please. Is it Mr. Newton?

20 MR. NEWTON: Yes.

21 BZA CHAIR HILL: Could you introduce yourself for
22 the record, please?

23 MR. NEWTON: Sure. My name is Adam Newton. I
24 reside at 828 Varnum Street NW with my family.

25 BZA CHAIR HILL: Okay. Mr. Newton, you'll have

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1 three minutes to give your testimony, and you can begin
2 whenever you like.

3 MR. NEWTON: Good morning, Chairman and Board.
4 Again, my name is Adam Newton. I reside at 828 Varnum Street
5 NW. My property is adjacent to the proposed multi-unit
6 building with roof deck. I'm here to state that my family
7 and my neighbors at 830 Varnum Street NW, none of them were
8 notified by an ANC rep, value our privacy and low level of
9 noise. And my family opposed the addition of the roof deck
10 to the property at 826 Varnum Street NW.

11 The matched pair, as mentioned by Mr. Williams,
12 at 824 does not have a roof deck, and I also notice that
13 there was a lot of mention of it mirroring the matched pair.
14 In this case, the roof deck would not mirror the matched
15 pair. So to this day, we have yet to be notified by our Ward
16 4 ANC Commissioner, Paul Johnson, about these plans. We were
17 made aware of the ANC's letter of support after visiting the
18 website written on the poster displayed at 826 Varnum Street
19 NW.

20 I also want to mention that the community meeting
21 that was mentioned by Mr. Williams happened one day after we
22 were made aware of it, so it was scheduled within one day,
23 24 hours after we were made aware of this community meeting
24 that would happen during business hours out in front of the
25 property during the week.

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1 I'm also curious, is it true that no voices of
2 opposition will be considered as part of this process? And
3 I'm asking this specifically because the developer, Sam
4 Medvene, came by yesterday to explain that none of our
5 comments would make a difference and his plans would be
6 approved regardless. Thank you for your time.

7 BZA CHAIR HILL: Okay. Let's see. Mr. Newton,
8 so you should have gotten -- first of all, you should --
9 first of all, there would have been a placard that puts
10 forth, you know, the work, right. Then second of all, you
11 should have gotten -- and whether or not you noticed it or
12 whatever, you know, noticed it in the mail, you should have
13 gotten something from the -- us letting you know that this
14 is kind of coming through. So you would have gotten
15 something in the mail, right. And then after that --

16 MR. NEWTON: We did not.

17 BZA CHAIR HILL: Well, I mean you had to cause
18 otherwise, I would have gotten something back saying that you
19 didn't. Now whether or not you noticed it or not, I don't
20 know, because --

21 MR. NEWTON: You're saying I didn't notice it but
22 I didn't get it so I'm just letting you know that. Please
23 continue.

24 BZA CHAIR HILL: Okay. I'm letting you know I
25 don't have anything that says you didn't get it so --

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1 MR. NEWTON: I don't have anything that says that
2 you sent it so I'm sorry.

3 BZA CHAIR HILL: That's fine. I'm just telling
4 you I don't have anything that says -- so what I'm saying is
5 somebody missed it, right.

6 MR. NEWTON: Yes.

7 BZA CHAIR HILL: And our side -- on our side, it
8 says that you got it so that's what I'm just trying to tell
9 you, right.

10 MR. NEWTON: On my side, I didn't get it.

11 BZA CHAIR HILL: Okay. That's fine. So we both
12 understand each other?

13 MR. NEWTON: Yes.

14 BZA CHAIR HILL: Okay. And so that's that. So --
15 all right. The -- yeah, okay. Let's see. So Mr. -- oh, I'm
16 sorry. Does the Board have any questions for Mr. Newton?
17 Sure. Mr. Hood.

18 ZC CHAIR HOOD: Yes. Good morning, Mr. Newton.
19 Have you tried to reach out to -- I'm sure you have -- and
20 Mr. Chairman, I'm going somewhere else with this. Again, I
21 believe and I'm always troubled when I hear -- and actually,
22 it's another line in the regulations for me when I hear
23 applicants say -- and I've heard this before -- oh, there's
24 nothing you're going to do about it, we go in front of the
25 Board. I'm very troubled by that. I'm not saying they did

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1 or didn't but when I hear that, I have problems.

2 Mr. Newton, let me just ask, have you reached out
3 to the applicant? Have you all had a conversation? Maybe
4 I missed all that?

5 MR. NEWTON: Yes, yesterday.

6 ZC CHAIR HOOD: Yesterday.

7 MR. NEWTON: Yes.

8 ZC CHAIR HOOD: So the first time you had some
9 yesterday. Obviously, you all didn't come to some type of
10 agreement or some -- and I understand that they are well down
11 the line, but Mr. Chairman, I'm always believable if people
12 have time, some of these issues can be resolved, because when
13 I look at the ANC's, well, conditions or whatever we want to
14 call them at the end of this, I thought they were very
15 thoughtful. I thought they were very good, and I appreciate
16 ANC 4C.

17 But then I look at Mr. Newton's situation. And
18 Mr. Newton, I will have to say that this office is very good.
19 You said you didn't get it and I don't need to get into that.
20 What I want to get into is how can we find some type of
21 resolve where you all can work this thing out, cause they
22 meet the letter -- the standards of the -- letter of the
23 regulations. But it's about being good neighbors because
24 after the Board is gone, we've all gone, you all are -- will
25 still be there. So that's what we're trying to work out.

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1 And I'm sure Mr. Williams and all will help. I'm not sure
2 where the Board is going, but I think you all need some more
3 time, obviously, to have a conversation, because they do meet
4 the regulations. So that's all I have. Thank you, Mr.
5 Chairman.

6 BZA CHAIR HILL: Okay. Let's see. All right.
7 So Mr. Newton, you didn't go to the ANC meeting? You didn't
8 know about the ANC meeting?

9 MR. NEWTON: I was made aware of it 24 hours
10 before it happened and it happened during the day. I wasn't
11 able to make it.

12 BZA CHAIR HILL: Your ANC meetings are during the
13 day? ANC meeting at 4?

14 MR. NEWTON: Yes. The meeting in the front. That
15 wasn't an ANC meeting, no.

16 Okay. So no, I didn't -- I wasn't made aware of
17 that meeting, no.

18 BZA CHAIR HILL: Okay.

19 PARTICIPANT: We never heard from Paul --

20 MR. NEWTON: When --

21 PARTICIPANT: -- Johnson --

22 MR. NEWTON: Right. So I think it was Paul
23 Johnson is our ANC for Ward 4 and we have never, not once to
24 this day, as I mentioned, have we heard from him about this.

25 BZA CHAIR HILL: Did you reach out to him?

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1 MR. NEWTON: No.

2 PARTICIPANT: Yes. We emailed him and every other

3 --

4 MR. NEWTON: Oh, sorry. Yes. We emailed everyone
5 on the ANC, yes, we did.

6 BZA CHAIR HILL: Okay.

7 MR. NEWTON: This is why I'm here.

8 BZA CHAIR HILL: Okay. That's fine.

9 MR. NEWTON: Right. We went and found the
10 placard, as you mentioned, on 824 on our own because again,
11 we didn't receive anything in the mail.

12 BZA CHAIR HILL: Right.

13 MR. NELSON: We found the website and -- yes, and
14 that's --

15 PARTICIPANT: And the letters.

16 MR. NEWTON: -- and that's how we found the letter
17 of support. And in response to that, after finding out that,
18 getting that information, that's when we sent a letter of
19 opposition to everyone on the ANC.

20 BZA CHAIR HILL: Okay. In their report, I guess,
21 you know, that the ANC did not that there was objection to
22 the project. And even though the neighborhood was divided
23 on the issue, your ANC did believe that they are meeting the
24 standard with which we're supposed to grant the relief
25 requested. I'm just kind of letting you know as far as what

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1 the report states. And that, right, it wasn't like the whole
2 neighborhood believed that this was something that they would
3 like to see or not. And one again, whether or not --
4 unfortunately, whether or not the neighborhood things that
5 it's something they would like to see, what we're supposed
6 to do is decide whether or not the application is meeting the
7 standard for us to grant the relief requested just to let you
8 know, right.

9 MR. NEWTON: It's there, yes. But also, I think
10 that more of our neighbors would like to have had a say if
11 they had -- and I think they probably would have had they
12 been given notice of this meeting.

13 BZA CHAIR HILL: All right. And I guess, Mr.
14 Newton, what I'm just trying to push back against you is that
15 --

16 MR. NEWTON: Okay.

17 BZA CHAIR HILL: -- the city makes sure that
18 everybody has the opportunity to be heard and --

19 MR. NEWTON: Yes.

20 BZA CHAIR HILL: -- whether or not people
21 understand or know that there are ANC meetings that happen
22 every month, you know, that deal with the neighborhood
23 issues, that's something that some people don't necessarily
24 pay attention to.

25 MR. NEWTON: Right.

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1 BZA CHAIR HILL: But I'm just saying that -- I
2 guess what I'm trying to push back on you is that we've done
3 -- the city has done what it can to get people notified, and
4 if your SMD hasn't necessarily -- you keep shaking your head,
5 you're disagreeing with me, but you're here right now, right?

6 MR. NEWTON: Yes. Because of my own --

7 BZA CHAIR HILL: You got some kind of notice --

8 MR. NEWTON: -- due diligence.

9 BZA CHAIR HILL: -- right? So -- well, I know,
10 but what I'm saying is that well, now you know your ANC
11 meeting meets every month, right? And so now you know when
12 it meets. So anyway, we're going to have a disagreement on
13 this one, I can see. So -- but what I would like to know a
14 little bit more is that you're saying you met -- and I don't
15 want to -- I'll let the applicant comment on this -- you're
16 saying you met with the applicant yesterday?

17 MR. NEWTON: Yes.

18 BZA CHAIR HILL: And that led to a discussion of
19 some kind --

20 MR. NEWTON: Yes -- yes.

21 BZA CHAIR HILL: -- wherein you were told there's
22 nothing you could do?

23 MR. NEWTON: That's correct. Basically, I was
24 told that it's -- it was -- I was being given a favor to even
25 have the discussion with them about it, because really they

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1 don't -- they aren't required to do anything to appease me
2 or to help me out or to, you know, or even listen to my
3 wishes about it. That may or may not be true but that's what
4 was said, and they said that my -- me voicing my opinion
5 today would not matter in the end, that they would -- that
6 it would be possible that it would delay the project, but
7 that's all that would happen and that otherwise, it would be
8 a pointless effort for me to show up today.

9 BZA CHAIR HILL: Okay. All right. Well, on the
10 one hand, I can see they want you to remove a roof deck that
11 they don't want to remove, and I'm going to let Mr. Medvene
12 respond to this one. But -- so let's see. Okay. Does the
13 Board have any other questions of the witness before I ask
14 for a response from Mr. Medvene? Vice Chair John?

15 VICE CHAIRPERSON JOHN: So when did you first see
16 that red sign on the property?

17 MR. NEWTON: Two, three weeks ago.

18 PARTICIPANT: Three weeks ago.

19 MR. NEWTON: About three weeks ago, taking a
20 guess, three weeks ago.

21 VICE CHAIRPERSON JOHN: Okay. That's fine. Thank
22 you.

23 BZA CHAIR HILL: Okay. All right. Mr. Newton,
24 if you can mute your line for me? Mr. Medvene, could you
25 introduce yourself for the record?

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1 MR. MEDVENE: Yes. Good morning, guys. My name
2 is Matt Medvene. I am the applicant and one of the owners
3 with my brother who is actually still in the -- I think the
4 attendees. Is there any way he could get promoted up,
5 please?

6 BZA CHAIR HILL: Is that -- because that's who
7 spoke with the applicant -- I mean with the --

8 MR. MEDVENE: Well, he also registered to be a
9 witness as part of the application but yes, he also is the
10 one that spoke directly with the neighbors.

11 BZA CHAIR HILL: Okay. What's his name again, Mr.
12 Medvene?

13 MR. MEDVENE: Sam Medvene.

14 BZA CHAIR HILL: Mr. Young, could you bring in Sam
15 Medvene, please? Mr. Medvene, can you hear me? I can't hear
16 you, Mr. Medvene, sorry. Still can't hear you. Nope. Mr.
17 Medvene, I don't even know how much I need to hear from you.
18 I mean if you want to, you can call the hotline number and
19 just call on the phone.

20 MR. MEDVENE: One second. Sorry, he's in another
21 part of the house. He's coming up.

22 BZA CHAIR HILL: Okay.

23 MR. MEDVENE: I don't know what's going on with
24 his computer. As you guys know, we have extensive experience
25 going through this process, and I'll let Sam speak to the

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1 actual conversation, but as you guys have probably, I would
2 hope, recall from our past experiences, the recount of events
3 is something that we have never done before and won't be
4 doing ever in the future.

5 BZA CHAIR HILL: Say that again, the recount of
6 events?

7 MR. MEDVENE: The -- how the neighbor described
8 the events and the discussion.

9 MR. S. MEDVENE: How are you guys doing? Sorry
10 about that.

11 BZA CHAIR HILL: That's all right. Could you tell
12 us your name for the record, please?

13 MR. S. MEDVENE: Yes. Sam Medvene. I am the
14 owner and applicant.

15 BZA CHAIR HILL: Okay. And did you -- I hate to
16 do this now -- did you go ahead and register as a witness?

17 MR. S. MEDVENE: I did.

18 BZA CHAIR HILL: So, therefore, you did take the
19 oath when you registered?

20 MR. S. MEDVENE: Correct.

21 BZA CHAIR HILL: Okay. All right. So Mr.
22 Medvene, I was just curious as a response to like your
23 community outreach --

24 MR. S. MEDVENE: Yes.

25 BZA CHAIR HILL: -- both at like at the ANC level

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1 and then what you know about everything and then also your
2 conversation with Mr. Newton.

3 MR. S. MEDVENE: Yes, happy to. So Mr. Newton and
4 Mrs. Newton are actually the first individuals I reached out
5 to, and we've had conversations since December on this. Upon
6 us having our first iteration, I got texts and proof of all
7 of that as well, so actually discussing on the first write.

8 What we do is we actually door knock as well. And
9 I've got dates of the doors that knocked on, responses, and
10 so on and so forth. But -- and one of the conversations that
11 recently came up, and the reason that we do the outreach is
12 to be able to discuss potential design features and/or answer
13 any questions and be proactive associated to all of that.

14 They actually responded on December 3rd with a
15 photo of one of the original structures and then -- of which
16 we discussed through seeing if we could potentially get a
17 porch. So one day notice and so on and so forth of the
18 project and things as a whole is a little be
19 misrepresentative associated to everything.

20 But then I continued to reach out throughout that,
21 specifically with her on February 9th. Met with them on
22 February -- and then let's see, Friday, February 11th, 9:30,
23 Sunday, so that would be 12th -- February 13th met with them
24 again. And that's when I handed them plans and be able to
25 originally discuss with them about this project. And then --

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1 BZA CHAIR HILL: Okay. Mr. Medvene, I'm going to
2 cut you off real quick cause I just -- I have a couple of
3 quick questions.

4 MR. S. MEDVENE: Sure.

5 BZA CHAIR HILL: The sticking point for them is
6 the roof deck, correct?

7 MR. S. MEDVENE: Right, of which we put in the
8 center, and so it's not overlooking any of their -- you can't
9 even see their backyard from the -- like from the roof top.
10 It's not maximized. It's actually central to the project --

11 MR. WILLIAMS: It's pushed back.

12 MR. S. MEDVENE: -- which we did purposefully
13 because of the feedback.

14 MR. WILLIAMS: It's pushed back. You moved that
15 roof deck back because of the feedback, is that what you're
16 telling me?

17 MR. S. MEDVENE: Well, in general concern --
18 general concern with the impacts of a roof deck of which
19 could be put in the direct back, but it's -- no, it's not.

20 BZA CHAIR HILL: Okay. All right. Does the Board
21 have any questions of Mr. Medvene?

22 MR. S. MEDVENE: I have also -- if it's possible
23 for me to note, as far as telling them that their feedback
24 would not have any difference, I did not stated this and did
25 not -- the conversation went along the lines of associated

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1 to the fact that they're -- and I actually ended up reaching
2 out to Commissioner Jonah well in our ANC, who is our regular
3 -- Johnson was non-responsive, so we had to reach out to the
4 Board to be able to go through to try to get this meeting set
5 up and proactive that they send another Commissioner, because
6 this one was not responding, and he was in contact, and I
7 sent their emails and everything for them to be able to
8 communication as well. And he stated that traditionally
9 speaking, in these cases, they are usually -- they have --
10 go through in that situation. It was not -- and I'm sorry
11 if you took it that way -- it was not phrased as your voice
12 doesn't matter. That's why I went through the conversations
13 a dozen times, to be able to make sure that we were able to
14 discuss and try to -- their sticking point is with the
15 rooftop deck and not wanting development in the city or in
16 our neighborhood or in their street of which I said, you
17 know, I'm actually going to be moving into the upper unit,
18 and the rooftop deck, as a conversation point, would be not
19 -- this is not a reasonable request that I can potentially
20 do about. And we've talked about other things like gates and
21 other things that I can help with. And there's several other
22 developments that are even higher than us that are already
23 looking down into their property as well as balconies on the
24 adjoining property at 824 that already are overseeing that
25 as well.

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1 BZA CHAIR HILL: Okay. Thanks, Mr. Medvene. All
2 right. Does the Board have any -- yes, sure, Mr. -- Chairman
3 Hood.

4 ZC CHAIR HOOD: Won't be but a moment. I'm just
5 trying to walk through the sequence of events, and I want to
6 thank the Vice Chair for asking the placard question, because
7 the placard question tells me that, Mr. Newton, you did have
8 notice. The placard was there and you saw the placard, then
9 you had notice -- your notice.

10 But I'm always concerned when I hear those
11 comments, but it seems like everybody took the situation
12 under different -- understood something different. But what
13 I will say is, as I've said previously, I think that as we
14 move forward, as I move forward, I'm just trying to make sure
15 that the -- everyone is on equal footing and everyone had a
16 fair shot -- because the regulations, I believe, are met.
17 But I don't -- Mr. Chairman, I want to withdraw my comment
18 about holding this off or whatever's going to happen, cause
19 I think that as the placard was there -- I think Mr. Newton
20 -- unless you disagree with me, Mr. Newton, I think that you
21 had proper notice. So I will leave it at that, and I look
22 forward to seeing what others are saying as we move forward.
23 Thank you, Mr. Chairman.

24 BZA CHAIR HILL: All right, Chairman Hood. Okay.
25 Does -- Mr. Williams, you have questions of anybody?

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1 MR. WILLIAMS: I do not. Thank you, Chairman
2 Hill.

3 BZA CHAIR HILL: Okay. Thank you. All right.
4 Mr. Newton, thanks for your testimony, and we're going to
5 excuse you now from the public witness portion, and we'll see
6 what happens next. Thank you, Mr. Newton.

7 All right. Mr. Cochran, can you hear me?

8 MR. COCHRAN: Yes.

9 BZA CHAIR HILL: My -- I just want to hear what
10 your thoughts are on the roof deck. I mean my whole thing
11 about the adverse impact and it being pushed back from the
12 edge there, and the fact that there are other roof decks and
13 balconies that look into everybody's yard, I mean that's kind
14 of what happens in the city. But from the Office of
15 Planning's perspective, what are your thoughts on the roof
16 deck and the undue impact?

17 MR. COCHRAN: Well, the only thing that OP would
18 be concerned about with respect to the zoning regulations and
19 the roof deck is whether the railing on the roof deck was
20 appropriately set back. I don't have information on that.
21 Everything else -- if it were set back appropriately, then
22 the roof deck would be permitted as -- by right and wouldn't
23 -- and discussion about it wouldn't be relevant.

24 My impression in looking at the plans was that the
25 roof deck would provide a good view of the roof of the

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1 adjacent structure. To see anything else, you would probably
2 have to crane yourself and lean out over the railing to see
3 anything else. I can't speak to what kind of noise might be
4 generated on the roof deck.

5 BZA CHAIR HILL: Okay. All right. Thanks, Mr.
6 Cochran. All right. Does anybody got anything for anybody?
7 Okay. Mr. -- oh, sorry, Ms. John -- Vice Chair John?

8 VICE CHAIRPERSON JOHN: Can we get clarification
9 from the architect of the railing on the roof deck?

10 MR. PETYAK: Yes. This is Ryan Petyak, the
11 architect from 3877th. The railing is set back 3'6 from the
12 roof edge as it relates to the height of the railing, it
13 being 3'6 for a guardrail.

14 VICE CHAIRPERSON JOHN: Okay. Thank you very
15 much.

16 BZA CHAIR HILL: Okay. All right. Mr. Williams,
17 you got anything at the end?

18 MR. WILLIAMS: No.

19 BZA CHAIR HILL: Okay. I'm going to close the
20 hearing and the record. Okay. I'll wait for you. Okay.
21 I mean we're here for the relief that has been requested, to
22 conduct a third-story rear addition to a two-story semi-
23 detached building and conversion to an apartment house. The
24 -- concerning all of the other standards besides the
25 opposition for the neighbor and the roof deck, I do believe

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1 and would agree that the applicant has met the standard for
2 us to grant the relief requested. I don't particularly think
3 this is such a odd request for us, and I'm not uncomfortable
4 approving this request.

5 The part that kind of did give me a little bit,
6 you know, discomfort, is just again kind of somehow the
7 process goes about this as to whether or not people fully
8 know or are participating or listened to or understand what's
9 going on in their neighborhood. I think that it sounds as
10 through the applicant has been trying to work with the
11 neighborhood as much as possible to get some of their issues
12 and concerns dealt with. Mr. Moy or Mr. Young, can you bring
13 up -- can you bring back Mr. Williams?

14 VICE CHAIRPERSON JOHN: Mr. Chairman, are you
15 planning to reopen the --

16 BZA CHAIR HILL: Yes. I'm going to officially,
17 thanks. I'm going to officially again reopen the record,
18 okay, cause I have a question for Mr. Williams. I love it.
19 If we were live, they would just come right back to the
20 table. And I was just informed by the secretary that there
21 is a letter in opposition that is inside of the 24-hour
22 window, so I would go ahead and allow that letter into the
23 record. And if that's the case, Mr. Moy, thank you so much
24 for letting me know, but now this is just going to -- I need
25 to see the letter first. So if you can go ahead, Mr. Moy,

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1 and drop the letter into the record, and Mr. Williams, you
2 can take a look also. And then, Mr. Moy, can you hear me?

3 MR. MOY: The letter should be there momentarily
4 in the record.

5 BZA CHAIR HILL: Okay. And I wonder for future
6 reference how -- you know, normally, we get stuff inside the
7 24-hour period but oftentimes, that's for people that are
8 involved in the hearing.

9 MR. MOY: I think this -- this letter came in this
10 morning, sir.

11 BZA CHAIR HILL: Okay. I'm just waiting for it
12 to drop, but while I do weight, Mr. Williams, I just wanted
13 to clarify your client is in agreement to the conditions that
14 the ANC had put forward concerning a point of contact, phone
15 numbers the neighbors can contact with any questions or
16 concerns about development; the applicant will replace any
17 lead water lines on the private side of their property and
18 work with DC Water to schedule replacement on the public
19 side; the applicant will notify neighbors at 824 and 828
20 Varnum in case those properties want to coordinate with DC
21 Water to do public line replacement at the same time; and
22 that pest abatement on the property be completed before any
23 demolition work begins to mitigate -- to mitigate any
24 migration to nearby properties? Your client is in agreement
25 with those conditions, correct?

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1 MR. WILLIAMS: Yes. The applicant is in agreement
2 with all of those conditions.

3 BZA CHAIR HILL: Okay. I do not think, from a
4 Board's perspective, that they are necessary for us to put
5 in the application as conditions, cause I don't necessarily
6 think they all apply to us. I think they're more
7 construction management. However, I'm glad that the
8 applicant has agreed to the conditions and that the applicant
9 has gone through -- see the letter here -- give me a moment.

10 (Pause.)

11 MR. MOY: While there's a pause, the letter in
12 opposition should be in the record now, Mr. Chair.

13 BZA CHAIR HILL: Yes. That's what I'm reading,
14 Mr. Moy.

15 MR. MOY: Okay. Good.

16 (Pause.)

17 BZA CHAIR HILL: Okay. Mr. Williams, how did that
18 ANC meeting go? Did you go?

19 MR. WILLIAMS: I did.

20 BZA CHAIR HILL: And so was it controversial?

21 MR. WILLIAMS: No. I don't recall any opposition.
22 There was some discussion amongst the Commissioners about the
23 fact that was alluded to already that the SMD for this
24 particular property had not coordinated and that different
25 Commissioners had to step in and handle that. But there was

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1 no controversy with respect to this application.

2 BZA CHAIR HILL: Okay. All right. Does anybody
3 have any -- I just wanted to confirm with Mr. Williams about
4 the conditions. Did anybody have any questions? If so,
5 raise your hand. All right. Once again, we're going to
6 close the hearing and the record. Thank you, Mr. Williams.

7 Mr. Young, if you could excuse Mr. Williams?
8 Thanks.

9 So I'll go back to my discussion. I mean I think
10 that they're meeting the requirements to grant the relief
11 requested. I would agree with the analysis that the Office
12 of Planning has provided. I mean they're even -- they're
13 providing two parking spaces to take parking off the road,
14 you know, off the street. That roof deck is a matter-of-
15 right roof deck. I mean it's set back appropriately to have
16 the roof deck there and so, you know, we have the upper floor
17 requirements that were before us that I believe they're
18 meeting the standard and criteria for us to grant those --
19 that relief. I also think that the conditions are something
20 that can be referred to in the order, because I don't
21 necessarily think they're within our purview. I think that
22 the fact that they're aligned with that party wall, even that
23 roof that roof deck that's aligned with the party wall, I
24 think that again, to the west, there's nothing that you can
25 be seen and then to the party to the east, or at least -- and

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1 I -- if I'm getting my directions wrong, I apologize, but the
2 party that was in opposition, there is a side yard there, and
3 that deck has, again, as I said, been pushed back from the
4 edge so that you can't really look into the person's yard
5 anyway. And in addition to that, people -- I mean I'm not
6 saying that that's not something that people have a right to
7 be concerned about, but there are other roof decks and other
8 balconies that look into everybody's -- I'm sorry -- that do
9 look into people's back yards. I mean that's something that
10 we all face by living in the city.

11 So, however, I can understand that the neighbors
12 are concerned and, however, I think the as far as the Board's
13 concerned, as far as I'm concerned and able to quantify,
14 they're, again, meeting the standard to grant this
15 application. So I'm going to be voting in favor. I'm going
16 to turn to Mr. Smith next if that's all right.

17 MEMBER SMITH: Honestly, I don't have anything in
18 addition to add. I agree with everything that you stated.
19 You know, I duly understand the neighboring property owner's
20 concern about privacy, but this is a by-right deck -- a
21 matter-of-right deck that is placed in a manner where it
22 should minimize any impacts to the adjacent property owners.
23 Other than that, you know, I agree with your assessment of
24 this. I do believe they have met the standard for us to be
25 able to grant these special exceptions, and I will support

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1 this application.

2 BZA CHAIR HILL: Thank you. Mr. Blake?

3 MEMBER BLAKE: Yes, Mr. Chair. I agree that the
4 applicant has met the burden of proof to be granted relief.
5 I'm in favor of the application. I do agree that the matter-
6 of-right deck has been designed in such a way to be less
7 impactful and again, it is matter-of-right as we established
8 from the architectural input on the setbacks.

9 The other thing though is that the letter in
10 opposition received talked a little bit about the impact on
11 the changing character of the neighborhood and how it might
12 impact that. I think that we've established that the --
13 through the drawings and so forth, by replacing the trim and
14 putting it more in line with the other property actually is
15 more -- it is more supportive of the character and pattern
16 of houses along the street. So in that regard, I think that
17 it is actually a design that improves and actually, it
18 supports that.

19 So -- and anyway, I think that the -- I give great
20 weight to the Office of Planning report. DDOT has no
21 objections. And I do think that the ANC 4C was very
22 thoughtful in creating the conditions necessary to mitigate
23 the impact on this notwithstanding the confusion that may
24 have taken place within that group. So I am prepared to
25 support.

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1 BZA CHAIR HILL: Chairman Hood?

2 ZC CHAIR HOOD: I was just trying to walk down a
3 line. My question -- line of questions trying to walk down
4 a line about notice. You know, I'm big on good neighbor
5 policies, but I think the relief requested under Subtitle U-
6 3202 as well as the roof top deck -- the roof deck, I
7 believe, has been carefully designed where -- to lessen
8 impact as my colleagues already stated.

9 And I think that as far as notice, there are three
10 or four -- I know there are at least three ways of notice,
11 in the *Register*, through the ANC, and also the placard. And
12 I want to thank Vice Chair for helping me resolve that issue.
13 The placard was known about for a while, so I think we were
14 all properly noticed. Whether we did something or not is a
15 whole different story.

16 But even through all of that, I would encourage
17 Mr. Newton and Mr. -- and the applicant to continue to work
18 together, because at the end of the day, they all have to be
19 neighbors. So thank you, Mr. Chairman.

20 BZA CHAIR HILL: Thank you, Chairman Hood. Vice
21 Chair John?

22 VICE CHAIRPERSON JOHN: Thank you, Mr. Chairman.
23 I really have nothing to add. Everything has been covered
24 very well by all of the members so far -- Board Members so
25 far, so I'm in support of the application, and I have no

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1 issues concerning notice to the neighbor at 8 -- Mr. Nichols,
2 I believe his name was. Thank you.

3 BZA CHAIR HILL: Okay. Thank you. All right.
4 I'm going to go ahead make a motion to approve Application
5 Number 20667 as captioned and read by the secretary and ask
6 for a second. Ms. John?

7 VICE CHAIRPERSON JOHN: Second.

8 BZA CHAIR HILL: The motion was made and seconded.
9 Mr. Moy, if you'd take a roll call?

10 MR. MOY: If you would please respond with a yes,
11 no, or abstain to the motion made by Chairman Hill to approve
12 the application for the relief that's requested. The motion
13 to approve was second by Vice Chair John. Zoning Commission
14 Chair Anthony Hood?

15 ZC CHAIR HOOD: Yes.

16 MR. MOY: Mr. Smith?

17 Mr. Blake?

18 Vice Chair John?

19 VICE CHAIRPERSON JOHN: Yes.

20 MR. MOY: Chairman Hill?

21 Staff would record the vote as 5-0-0 and this is
22 on the motion made by Chairman Hill to approve the motion to
23 approve, was second by Vice Chair John. Also in support of
24 the motion to approve, Zoning Commissioner Chair Anthony
25 Hood, Mr. Smith, Mr. Blake, and of course, Vice Chair John

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1 and Chairman Hill. Motion carries on the vote of 5-0-0.

2 BZA CHAIR HILL: Okay. Thanks, Mr. Moy. All
3 right, you all, you want to take a 15-minute break? We'll
4 come back at 11:30. Okay. Thank you.

5 (Whereupon, the above-entitled matter went off the
6 record at 11:15 a.m. and resumed at 11:33 a.m.)

7 BZA CHAIR HILL: So Mr. Moy, you want to call your
8 next one?

9 MR. MOY: Thank you, Mr. Chairman. After a quick
10 recess, the Board has returned to its hearing session and the
11 time is now at or about 11:32 a.m.

12 The next case application before the Board for
13 action is Application No. 20667 of DANEX, LLC. This is a
14 self-certified application for special exceptions from the
15 matter of right uses of Subtitle U Section 401 pursuant to
16 Subtitle U Section 421 and Subtitle X Section 901.2 from the
17 floor area ratio requirements Subtitle F Section 302.1,
18 pursuant to Subtitle F Section 302.2, Subtitle F Section
19 5206.1, and Subtitle X Section 901.2. And finally from
20 minimum vehicle parking requirements of Subtitle Section
21 701.5, pursuant to Subtitle C Section 703 and Subtitle X
22 Section 901.2. This would construct a three-story, with
23 cellar, eight-unit, apartment house in the RA-1 zone. The
24 property is located at 2838 Langston Place, SE, Square 5741,
25 Lot 137.

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1 BZA CHAIR HILL: Great. Mr. Sullivan, can you
2 introduce yourself for the record, please?

3 MR. SULLIVAN: Yes, thank you, Mr. Chairman, and
4 Board members. Marty Sullivan with Sullivan & Barros on
5 behalf of the applicant.

6 BZA CHAIR HILL: Thank you. Mr. Sullivan, if you
7 could walk us through your client's application and why you
8 believe they're meeting the standard for us to grant the
9 relief requested? And if you could also speak to why I don't
10 have an ANC report yet and then so then the public outreach
11 on that issue, and then also anything you might want to talk
12 about in terms of the Office of Planning's report or DDOT's
13 discussion.

14 I'm going to put 15 minutes on the clock there.
15 I see that your PowerPoint is in the record. And Mr. Young
16 if you could pull that up and Mr. Sullivan, you can begin
17 whenever you like.

18 MR. SULLIVAN: Thank you, Mr. Chairman. So
19 regarding the ANC, Mr. Trantham, the Single Member District
20 Commissioner is here on the panel, I believe, and he can talk
21 about that, but we went to two full ANC meetings and hoped
22 for a vote at the second. Unfortunately, there was no
23 quorum. But we've had positive feedback.

24 So next slide, please.

25 There's three areas of relief. One is for the

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1 U421, approval of an RA1 new residential development. The
2 second area of relief is for the voluntary inclusionary
3 zoning. And the third area of relief is for the relief from
4 one parking space required because it's a narrow lot, unable
5 to have a curb cut to get to it with no alley.

6 The building is a three-story unit apartment
7 building. It will have a lot occupancy of 30 percent, a rear
8 yard of 60 feet, and one side yard of 10 feet.

9 Next slide, please.

10 I have the support of the Office of Planning and
11 DDOT and I will turn it over to the project architect, Mr.
12 Bostan, to take you through the project.

13 Next slide, please.

14 MR. BOSTAN: Good afternoon, everybody. As Marty
15 said, this is an eight unit apartment building and it is
16 located south of the Skyland neighborhood. It's north of
17 Suitland Parkway. It is located on a street with similar
18 characteristic apartment buildings as you can see on the
19 slide.

20 Next slide, please.

21 The current lot -- currently the lot is an empty
22 lot. The trees have been cleared from the site with the
23 appropriate permits in I believe in September of last year.

24 Next slide, please.

25 These are the floor plans, two units per floor.

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1 The building is three stories and a cellar. There are two
2 units at every floor. Seven two bedrooms, one one bedroom.

3 Next slide, please.

4 Next slide.

5 This is the section showing the FAR calculations.

6 Next slide.

7 This is the front of the building. We kept the
8 brick in the front as much as possible and the brick on the
9 next slide.

10 Next slide, please.

11 The brick turns around the corner, the base of the
12 building and it's a cementitious material in the back and the
13 sides.

14 Next slide, please.

15 And that's the other side.

16 Next slide, please.

17 I think that summarizes the overall building. I
18 can get into more details if there are any questions, but
19 I'll give it back to Marty.

20 MR. SULLIVAN: Thank you, Sahnur. So the project
21 meets the general requirements. RA1 zone provides for areas
22 predominantly developed with low to moderate density
23 development including multi-family. You can tell -- you can
24 see from the surrounding area, this is in an actual apartment
25 zone, an existing multi-family zone.

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1 Next slide, please.

2 The specific requirements are that it be referred
3 to OSSE and to other agencies regarding these particular
4 requirements and that has been done.

5 Next slide, please.

6 And has been referred for the primary work on this
7 to the Office of Planning which has made their findings on
8 these, all the criteria included in 421.3 in their report.
9 And I would refer the Board to that.

10 Next slide, please.

11 Regarding the parking space, we do meet the
12 special exception requirement and we're required to meet one
13 of the requirements and it's primarily the physical
14 constraints of the property. The lot is narrow and interior
15 lot is only 40-feet wide, so we're not able to get a driveway
16 in there as well and still provide the building.

17 One thing I would mention in the DDOT report, they
18 have stated that they are waiving any requirement to provide
19 a TDM plan for this and noted as well that the Zoning
20 Commission is eliminating that requirement in this case as
21 well, but because of the area and because of the proximity
22 to a Metro, and other factors, they said in this case a TDM
23 plan was not required.

24 Next slide, please.

25 And that's it. And if you have any other

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1 questions, again, with the ANC, Mr. Trantham, I believe is
2 on the panel, so he can answer questions about the ANC as
3 well. Thank you.

4 BZA CHAIR HILL: Thanks. Commissioner Trantham --
5 sorry, Mr. Blake, you want to go ahead, first?

6 MEMBER BLAKE: Yes, one quick question. I just
7 wanted to know could you point out the IZ unit and its
8 configuration.

9 MR. BOSTAN: Mr. Commissioner, the IZ unit, we
10 haven't decided which one yet, but it cannot be in the
11 cellar. It's going to be, I believe, one of the two
12 bedrooms, one bathroom, but by zoning regulations it cannot
13 be in the cellar.

14 We have not -- we need to provide that information
15 as part of the zoning permit and go with the DC Housing
16 Authority regulations, but as of now, we have not decided
17 which unit exactly.

18 MEMBER BLAKE: Thank you.

19 BZA CHAIR HILL: Chairman Hood.

20 ZC CHAIR HOOD: I know Mr. Sullivan will opine.
21 I'm not sure and I think Board Member Blake is definitely
22 right. We would also -- I would like to see and I know the
23 Commission we see it, but I don't know, the Board may not,
24 so that's -- when you flip back and forth sometimes.

25 But either way, is there a perspective -- to Mr.

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1 Bostan. Is there a perspective of how the building is going
2 to sit there? I saw the drawings, but do you have a
3 perspective and I know a lot of times the BZA may not require
4 that as well. So is there a perspective?

5 MR. BOSTAN: Not on the record. I mean we studied
6 the lot and the footprint of the project. I mean I don't
7 have it available right now, but again, it's a three story --
8 it is sitting at three stories. It's the same height as the
9 brick building right next to it.

10 ZC CHAIR HOOD: I get all that, Mr. Bostan. I
11 thank you, but I was just wondering -- sometimes it's better
12 to see and I realize what you're developing, but it's
13 sometimes better to see. So thank you.

14 Thank you, Mr. Chairman.

15 BZA CHAIR HILL: Thank you, Chairman Hood. Anyone
16 else before I turn to the Commissioner.

17 Commissioner Trantham, you're on mute,
18 Commissioner Trantham.

19 MR. TRANTHAM: Good morning, Board, Commissioners,
20 Chairs, thank you all for having this opportunity.

21 I'm kind of turn because I support this project.
22 However, I was very disappointed when I learned that the
23 neighbors are going to ask for a special exception for
24 parking. Let me go backwards. So they did come -- Mr. Niyi
25 Herbert and Mr. Jackson came to me. I met with them. He gave

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1 me the plans for this building and I was impressed with what
2 they were doing.

3 However, I learned later, as well as, as early as
4 a few days ago that they only want to ask for one parking --
5 only going to be required for one parking spot. So I called
6 Mr. Jackson because I just wanted to make sure I thought I
7 heard what I heard when I met with them. And I told them
8 that you need to go back and find me more parking spots. I
9 didn't ask for eight. I said go back and find me, get me two
10 more.

11 And I'm not saying this to this Board in
12 consideration of my tenure in this position. I would hope
13 that when they come before you all, that you all let them
14 know that Mr. Trantham is adamantly about parking. It makes
15 no sense that the Board or all these developers will come
16 into your community, want to present a building for people
17 to live, and they have struggles to park. It makes no sense.

18 For an example, if you went and bought a \$500
19 home, but no driveway, no garage, would you still want to
20 live there? No.

21 Think of how bad -- we know parking is hard in
22 D.C. But when you talk about right here on Langston Place,
23 Ainger Place, where already the parking is congested public
24 parking. Soon you all will be hearing in the news how people
25 will be fighting over parking spots.

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1 It makes no sense that the Board would approve or
2 allow them to make a special request for an exemption for
3 parking. If you can put up a \$2 million apartment building
4 or a \$3 million, you can afford to put parking in there to
5 make it available for the residents and the tenants that live
6 in there. Let's be common sense human, a little bit human
7 about this.

8 Then I have another project that's going to put
9 a handicap ramp, but you're not providing -- that's not going
10 to go. And then I would ask the Board to also -- I listened
11 to you, the other presentation and I said oh, that's a good
12 idea. I would ask this Board to consider when you're asking
13 are they being friendly to the neighborhood that they provide
14 you with lists and names of people that they have spoken with
15 and have consent with coming into their neighborhood building
16 this apartment building or whatever they're building, it's
17 a disrespect that these developers want to come in here and
18 build these unit buildings and then don't provide parking.

19 I'm torn because I supported the project, and I
20 did send Mr. Niyi Herbert a letter, and I spoke with Mr.
21 Robert Reeve, and the reason being why it was not voted on
22 as Mr. Sullivan did say they did come to our meeting. We did
23 not have a quorum. We were going to vote in the Executive
24 Board, but on that Thursday when the weather was inclement
25 and we couldn't get a hold of all of our ANC. So I called

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1 downtown and asked the ANC office, OANC, could I write a
2 letter of support on my own. They said yes, but only put you
3 -- you're not representing the entire Board. I said okay.
4 And that's what I did.

5 So I sent the letter saying that I do support this
6 project and I was only after did I learn that they were
7 asking for a special exception and like I said before, I
8 called Mr. Clarence Jackson who attended this meeting with
9 me, Mr. Niyi Herbert. And when he said -- what I thought I
10 heard what I heard, when he said one, I said no, you got to
11 go back and get me at least two more parking spaces for this
12 project.

13 Then I went around there on the street. They can
14 provide parking. And that was a good question you raised
15 about can you see the building and the curb cut, Mr. Hood.
16 They can provide parking.

17 So I'm asking -- in a way I'm supporting it and
18 in a way I'm discouraged because -- not discouraged, I'm
19 disappointed that they could think they could come into this
20 community, provide housing, but not provide parking spaces
21 for the people to parking in. So where are they going to
22 park in? If they can't park on the property and you're on
23 the street, on Langston Street, and then the reason I asked
24 for you all to have a list of people that they have talked
25 to in the community as you stated to the other guy in the

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1 other presentation, then you all will have a little bit more
2 knowledge of people being more friendly and then making the
3 community aware of what they're coming in -- and then they
4 will see for themselves how difficult it is to park. There's
5 no parking on Langston Place. After you got the other
6 apartment building in Woodland, where are these people going
7 to park at?

8 Then you have the audacity to talk about Metro.
9 Do you know how far a Metro -- the closest Metro Station is
10 right down the street by IHOP, okay. And then you've got
11 Anacostia. You got Congress Heights, that's the closest
12 Metro. That's like six, seven blocks away from where they're
13 presently going to be residing. And then you've got
14 Anacostia. You have a bus stop at the top, so now you're
15 saying well, let's inconvenience them or force them to catch
16 the Metro to -- the bus to a Metro Station.

17 So I don't understand when they come in talking
18 about well, we got Metro access, no, you don't. Seven, eight
19 blocks away from where the building is going to be built,
20 you're going to force people to find a way to get to the
21 Metro or to use the Metro? What about their car, if they
22 have a vehicle, a motor vehicle?

23 So I'm asking this Board to think of ways in how
24 you all can take out that special exception of parking.
25 Anybody that's coming into your development, building an

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1 apartment building or whatever, should also make plans for
2 parking. It's just dumbfounded that anybody could think they
3 could come into your community and not provide you with a
4 parking spot to where you want to live.

5 Thank you for listening to me. I can't hear you.
6 I can't hear you.

7 BZA CHAIR HILL: I said thank you, Commissioner.
8 I know that other Board members might have some comments.
9 Unfortunately, for the parking, like they're asking for one
10 less parking space. I'm not disagreeing with you. I'm just
11 kind of pointing out a couple of things.

12 They're asking for one less parking space and I
13 don't see how they can necessarily provide the parking space
14 in terms of they would need to get a curb cut from DDOT where
15 DDOT wouldn't necessarily approve that, but I'm going to turn
16 to the Office of Planning, when I get a chance, to kind of
17 find a little bit more clarity on that one.

18 Do my fellow Board members have any questions or
19 comments for the Commissioner? Chairman Hood.

20 ZC CHAIR HOOD: Yes. Thank you, Mr. Chairman.

21 Thank you, Commissioner Trantham and thank you for
22 your years of labor and work not just in Ward 8, but in the
23 city. I think you are a model for what we should all pattern
24 after. I hear about all your work, see some of your work,
25 and I'm out there with you. So I thank you for your work.

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1 I want to make sure I say that.

2 Now let me ask you, is there is a chance that the
3 ANC, your ANC, I know you called the ANC Office and they told
4 you to submit something. But is there a chance your ANC
5 could vote on something like that?

6 MR. TRANTHAM: Yes. I can bring it up in the next
7 ANC meeting which on April the 19th. I can do that. I mean
8 the only thing, Commissioner, Chair, is that one, when we
9 first had our meeting, public meeting last month, we did not
10 have a quorum, but all three people that were on the virtual
11 meeting agreed. We just didn't have a quorum. So then after
12 we left there, I took it upon myself to call downtown to the
13 OANC Office and I asked them what could I do because I did
14 not want to hinder the project. I didn't want to stop the
15 project.

16 So they told me, Mr. Trantham, is yours a Single
17 Member District? I said yes. They said you did it before?
18 And I said yes, I did, but I got some stuff back or feedback
19 offered. She said you can send a letter of support which I
20 gave Mr. Niyi Herbert. I sent it to him and I even talked
21 to Mr. Robert Reeve who was an outstanding -- I really
22 appreciated all the help he gave me. He gave me great help.
23 That's the only way I'm on this page right here today.

24 Then that Thursday when the rain, when it was
25 raining very badly, the chair and I was on the phone

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1 together. And we were trying to see if we could have that
2 executive meeting so we could vote on this as a whole -- as
3 a body. But we could not get a hold of two of other ANC
4 Commissioners and then the other one, she was in a training
5 course that she couldn't be there. So it could not be done.

6 So I felt so bad because I gave my word that I
7 would do it and that's the reason why I went on and wrote a
8 letter. And I even let Mr. Reeve know that I wrote the
9 letter and I sent it to Mr. Niyi Herbert which he sent me
10 back a receipt saying that he received it.

11 If you all want to hold it off until April 19th,
12 I can get a vote.

13 ZC CHAIR HOOD: Okay, so Mr. Trantham, let me ask
14 you this and I hope you don't mind me asking you this
15 question.

16 MR. TRANTHAM: Go ahead.

17 ZC CHAIR HOOD: Aren't you licensed to preach now?

18 MR. TRANTHAM: I am a preacher, yes, sir.

19 ZC CHAIR HOOD: And the reason I said that -- and
20 I know I've been on you -- but that's we get those long
21 answer, but you're a good preacher.

22 MR. TRANTHAM: Okay. And could I say one last
23 thing to Mr. Hill and Mr. Hood and the rest of the Board?

24 ZC CHAIR HOOD: Commissioner Trantham, I have a
25 couple more questions for you right quick.

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1 MR. TRANTHAM: Okay, bring it on.

2 ZC CHAIR HOOD: So as the Chairman already
3 mentioned, they're only asking for one space. I'm sure we
4 can think outside the box. I hear you. I believe there's
5 a church -- I can't think of the name of the church --

6 MR. TRANTHAM: Emmanuel Baptist. Emmanuel
7 Baptist.

8 ZC CHAIR HOOD: Emmanuel Baptist, exactly. So I
9 am familiar with the neighborhood. It's been a while. But
10 I do know there are some parking issues, but I think if
11 there's some more collaboration, we can work outside the box.
12 As the Chairman mentioned, even if it's only one space, one
13 space for this project, one space for the next project, one
14 space for the next -- we've got to start thinking outside the
15 box. As far as I'm concerned, your points are well taken.

16 I'm going to yield to my colleagues, Commissioner
17 Trantham, and they may have some other questions, but I will
18 --

19 MR. TRANTHAM: I'd like to respond back to you,
20 Mr. Hood. You're more than right about thinking outside the
21 box and I even went there with them. I said you know
22 somebody is going to need to build a parking garage or
23 something and that's the reason why I'm asking you all as a
24 Board and I ain't patronizing you or anything, but sometimes
25 maybe I'll go look at the very area and the community at

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1 which people asking to building property in and see the
2 congestion. We're congested. Now will the church allow them
3 to park on their parking lot? I doubt it if truthfully
4 spoken. My church is directly across the street, Allen
5 Chapel AME, okay?

6 There's so much congestion. You have Woodland,
7 you have Langston Place, and eventually that's right there
8 on that same strip where the Hope Village was at. It's not
9 being occupied right now, but eventually somebody is going
10 to purchase that property and wanting there to park there on
11 that public parking because of construction and everything
12 else.

13 And all I'm asking you all, you know, I jump
14 before the gun and I own up to it. I wrote a letter of
15 support, but if I really understood that it was only going
16 to be one spot requested, I would not have supported this and
17 I let Mr. Niyi Herbert know it. And I know Mr. Sullivan
18 because me and him have spoken, so -- and all the other
19 projects, they need to come up with parking, point blank
20 period or my Board will not support this because it's already
21 -- I'm having problems already now for Ainger Place. People
22 are fighting for parking space. They're territorial. You
23 all don't hear about this. People are literally fighting for
24 parking spots. Who wants to park three and four and five
25 blocks away from their house where they live at?

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1 Cars are being torn up, shot up. Who wants that?
2 See, this is what you all need to hear down there at the
3 Board before you all make a decision and saying I approve.
4 These people need to -- the same way you expect to go home
5 and be able to park in at least one or two or three blocks,
6 three parking spaces from your house or in your garage.
7 These same people have the same right to do the same thing.
8 And then they're going to be paying -- this apartment
9 building being for these 30 or 40 years, whether they stay
10 there that entire time or someone else, they're going to be
11 paying their rent or their mortgage or whatever.

12 And I'm asking this Board to take to heart what
13 I'm saying about this so-called special exception about
14 parking. Tell me you take that out. They need to find a way
15 to include parking in whatever building that they are
16 building and that's all I'm saying. Thank you.

17 BZA CHAIR HILL: Okay, thanks, Commissioner. All
18 right, I'm going to turn to the Office of Planning. I see
19 you, Mr. Blake. Just let me get to Office of Planning.

20 MR. MORDFIN: Good afternoon, no, still good
21 morning.

22 Good morning, Chair and members of the Board. I'm
23 Stephen Mordfin with the Office of Planning. And the Office
24 of Planning is in support of this application.

25 There's been a lot of discussion regarding the

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1 parking. One parking space is required for this site and the
2 applicant is requesting to provide none. And a lot of that
3 has to do with the configuration of the property.

4 Now if one parking space were provided, a curb cut
5 would be needed to be constructed and when you construct a
6 curb cut, you also take away street parking and typically
7 what happens is you're going to exchange an on-street parking
8 space or maybe two depending on the configuration for one
9 off-street parking space. So there's no net gain or loss.
10 You trade the on-street parking space for one on the
11 property. So it doesn't -- there's no benefit from providing
12 one parking space on the site because you've lost one on the
13 street.

14 The applicant hasn't requested that only one
15 parking space be provided for this property. That is what is
16 required by the zoning regulations, so perhaps that is the
17 issue that the Commissioner has is maybe with the zoning
18 regulations and not with this application which is in
19 conformance with the requirements of the zoning regulations
20 for reducing the parking to -- by one because they are --
21 there's a list -- that's the way the zoning regulations are
22 written. So that is why we've recommended approval and the
23 application is in conformance with that provision.

24 As for the other two requests for the new
25 residential developments, the application is in conformance

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1 with those. The applicant did add additional submissions to
2 the file, documenting the proposed and existing landscaping
3 plan and also as he also mentioned with the TDM plan that's
4 required to be provided that DDOT has waived in this case
5 with us because it is only for one parking space. So that,
6 therefore, OP is in support and I'm available for any
7 questions.

8 ZC CHAIR HOOD: Okay, thanks, Mr. Mordfin. All
9 right, does the Board have any questions for the Office of
10 Planning?

11 Commissioner Hood, Chairman Hood.

12 ZC CHAIR HOOD: Mr. Mordfin, I noticed you kicked
13 it back to the Zoning Commission to look at the regulations.
14 I'm just curious. We do different things and this is where
15 I'm starting to have some concerns about the way we do things
16 versus the BZA. The courts have said certain things in our
17 jurisdiction. The BZA says -- so I stopped sharing with my
18 jurisdictions. So now, from now on everything is in my
19 jurisdiction. The courts opposed that.

20 So Mr. Mordfin, I appreciate your work, but one
21 of the concerns I have is there are always thinking outside
22 the box. I agree with the regulations. I don't think the
23 Zoning Commission needs to change anything.

24 I know sometimes we do accessory -- like there are
25 two churches. There can be an agreement where they can park

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1 at night. I hear Commissioner Trantham saying they won't
2 let them do that. There's an agreement where those -- maybe
3 the neighborhood can use parking at the church and be off the
4 lot by 8 o'clock in the morning. Most churches are only open
5 on Sunday and they do stuff in the evenings, so you can park
6 after 10 and you have to be off the lot by 8. That may help
7 some of those problems because what Commissioner Trantham was
8 saying was real live in this city. People are getting shot
9 over a parking space. It just hasn't hit some of us yet.
10 And it's live, he's living it. I live it. Some of us on
11 here live it, so we need to make sure -- when we're deciding
12 on these cases, that we think about all those things.

13 So my question to you is is that a possibility as
14 well, that they can continue to have a discussion? See if
15 you can park at Emmanuel Baptist Church at night. So to me,
16 that's thinking outside the box. So do you have any comment
17 on that you'd rather just leave it alone?

18 MR. MORDFIN: I mean they can work (audio
19 interference) to the church as long as it doesn't interfere
20 with their minimum parking requirements so that they would
21 (audio interference) insufficient parking is required for
22 them. I know there's a large parking lot there. I have no
23 idea what the parking requirements are for that church. But
24 if they have surplus parking, then they could -- if they
25 could come up with an agreement with the church to let people

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1 park there whenever it is that they want to allow it, then
2 they could do that if they want to have a private agreement
3 that wouldn't involve -- I don't see how that would involve
4 us, but they could have a private agreement to allow parking
5 spaces to be used whenever.

6 ZC CHAIR HOOD: Thank you, Mr. Mordfin. Some of
7 the time when we're having these special communities, and
8 those things need to be offered, because I think your
9 comments to me about a wash, a curb cut versus a parking
10 space off the street, I think you're right. It's a wash.
11 I would agree with that. But Commissioner Trantham and the
12 community they don't do this all the time. So sometimes we
13 could probably make those kind of suggestions. Even though
14 it's not always in our -- in the regulations in our
15 jurisdiction, but we're also stewards of doing -- of looking
16 after the residents of the city. So that's all I have to say
17 on that. So I appreciate your comments and I thank you.

18 Thank you, Mr. Chairman.

19 MR. TRANTHAM: Mr. Hood, Mr. Hill --

20 BZA CHAIR HILL: Commissioner Trantham, give me
21 one second. I'm going to come to you. You'll have an
22 opportunity, Commissioner.

23 MR. TRANTHAM: Thank you.

24 BZA CHAIR HILL: Just so we get through the Board.

25 MR. TRANTHAM: Thank you, sir.

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1 BZA CHAIR HILL: No problem, Commissioner. Mr.
2 Blake, you had your hand up. Are you good?

3 MEMBER BLAKE: I'm just trying to clarify whether
4 there was permit parking on that street or not. That was the
5 only question I had.

6 BZA CHAIR HILL: I don't know, Commissioner, if
7 you know that. Is it permit parking?

8 MR. TRANTHAM: No, sir. I did not choose to do
9 that and you have to understand why. I did it on Skyland
10 where I live at. I got permit parking on my specific street.
11 I personally went around to every single apartment building
12 and got the signatures. After I got the permit parking put
13 up -- this entire -- 20 percent of this block cussed me out.
14 Threatened me and cussed me out and I had to understand that.

15 But I explained to them when I got their
16 signatures for the 51 percent, I explained to them myself.
17 I knocked on the doors. I walked past. Even when I got the
18 approval, I sent the letter -- I walked around and put the
19 letters in their doors. You don't know how many people.

20 Even the rental office challenged me. The rental
21 office here at Skyland challenged me because they could no
22 longer park on the street. They had to go park up in their
23 parking lot. They even thought they could go over me so I
24 said I'm not going in certain areas of the city. People may
25 not be financially stable to afford their two-year sticker.

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1 Then after 8:00 -- after 8:00 it's all open for everybody
2 anyway so --

3 BZA CHAIR HILL: Okay.

4 MR. TRANTHAM: Can I continue to speak or you want
5 me to wait?

6 BZA CHAIR HILL: Just give me one second,
7 Commissioner.

8 MR. TRANTHAM: Yes, sir. Yes, sir.

9 BZA CHAIR HILL: Okay. Does anybody got anything?
10 Give me a second, Mr. Sullivan. I see you leaning
11 in. Let's see. Okay. Go ahead, Commissioner. Sorry,
12 Commissioner Trantham, you had a question for the Office of
13 Planning?

14 MR. TRANTHAM: Yes, sir. He said one spot, right?
15 So then who is supposed to get that one spot? The rest of
16 the seven people that live in that building, who going to get
17 that one particular spot? Who going to be fighting for that
18 one particular spot?

19 All I'm asking this Board, as Mr. Hood stated, we
20 have to be -- even though it may be -- there may be a
21 requirement and an order to get everything in place by the
22 Board. I'm asking this Board to go into a discussion and
23 have a meeting, a discussion, and talk about this.

24 BZA CHAIR HILL: Commissioner, I just want to say
25 one thing. I mean, we, the Board, definitely hear about this

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1 and talk about the parking. What is before us is the one
2 parking spot, right? So that's what we kind of have to talk
3 about. What I'm trying to say is that the discussion that
4 you're speaking to is really discussions that also kind of
5 either get to the council level or also the Zoning Commission
6 level.

7 Right? And, I mean, I guess I can answer your
8 question probably for the Office of Planning which is whoever
9 was going to get that one spot is whoever probably paid for
10 that one spot, you know, from the units in the building.
11 Right?

12 Is that correct, Mr. Mordfin? Would that be your
13 answer?

14 MR. MORDFIN: We have it set up already. It was
15 just open for any of the residents of the building and it
16 would be first come, first serve. It would be restricted
17 to --

18 BZA CHAIR HILL: Okay. I've got to catch up, Mr.
19 Mordfin, just a little bit because I've got a really long day
20 also.

21 So, let's see, okay. Do my Board Members have any
22 other questions?

23 Mr. Young, is there anyone here wishing to speak?

24 I'll get you, Vice Chair John.

25 Is there anyone here wishing to speak, Mr. Young?

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1 Okay. Vice Chair John, you had your hand up?
2 You're on mute, Vice Chair John.

3 VICE CHAIRPERSON JOHN: This is a quick question
4 for Mr. Sullivan.

5 Just for my information, what kind of response
6 have you had from churches about using their parking lots?
7 Have you ever tried that? What is your knowledge of the
8 existing situation?

9 MR. SULLIVAN: Churches have a relatively high
10 parking requirement and one of the requirements to satisfy
11 our parking requirement would be that the parking space that
12 we use does not already satisfy the church's parking
13 requirement.

14 Churches historically most of them don't meet
15 their parking requirement because the parking requirement is
16 rather steep. It's one for each 10 seats, or 70 square feet
17 of space if there aren't seats in the sanctuary so it's a
18 steep parking requirement. We have yet to see a church that
19 had spaces to spare.

20 VICE CHAIRPERSON JOHN: Okay. Thank you.

21 BZA CHAIR HILL: Okay. All right. I'm going to
22 go around the table here.

23 Commissioner Trantham, do you have anything you
24 would like to add at the end?

25 MR. TRANTHAM: Thank you so much, Mr. Hill. I

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1 appreciate you all allowing me this opportunity to speak on
2 this. That's not correct what Mr. Sullivan said. Second of
3 all, that's a good idea, Mr. Hood. They should go to these
4 churches to see if they could strike up -- get a contract.
5 In ours alone we have over 96 spots on our parking lot.
6 Emmanuel have more than we do.

7 Now here comes the problem. The problem becomes
8 Allen, nor Emmanuel, nor Independence, nor Hague Mabuyu will
9 be able to afford to secure the vehicles that stay on that
10 lot and then they will be forced to hire security. The city
11 is going to have to do something much better. Yes, I already
12 -- Mr. Hood will tell you -- when I represent, I represent.

13 Yes, I've already called the council member. I'm
14 meeting with Chair Mendelson because I think it's a disgrace
15 that they continue to allow developers to come here and then
16 use that special exemption as a way of getting their
17 buildings built. I am adamantly upset about that. Okay?
18 So that's the problem with the parking lot, the churches.

19 On the Allen parking lot alone -- I'll just share
20 this as a point of information -- we have seven vans.
21 Because we did not have something to secure our lot, someone
22 came in -- found the time to come in there and take all --
23 what you call those cap guns off the car -- off the vans?
24 The cata -- what do you call that, Hood? Help me out with
25 it. It's called the --

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1 ZC CHAIR HOOD: Catalytic converter. Yeah, they
2 been taking them.

3 MR. TRANTHAM: They came and took all seven of our
4 catalytic converters off our vans just because we didn't have
5 a secure gate at the entrance. If they can do that, just
6 imagine what they would do to people's personal vehicles.
7 Unless you go in and talk to the pastor and see if they will
8 arrange some type of agreement with these developers for
9 parking, the church is not going to take on that
10 responsibility, that liability.

11 That's what happened to us and guess who had to
12 pay for all those caps to be put back on our lot alone. We
13 have seven church vans and they took every last one of them.
14 One of them was --

15 BZA CHAIR HILL: Just a second, Mr. Herbert. Give
16 me a second, Mr. Herbert.

17 Look, you all, I got to kind of get through this
18 hearing. I've got a long day also.

19 MR. TRANTHAM: I know you do, sir. Thank you.

20 BZA CHAIR HILL: Commissioner, I appreciate it.
21 I'm just saying like unfortunately like a lot of the stuff
22 you're talking about, I totally agree with. It's just that
23 it's not something that we can deal with here.

24 MR. TRANTHAM: Okay. I got you.

25 BZA CHAIR HILL: And so --

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1 MR. TRANTHAM: Just know this, ANC-8B won't be
2 supporting nothing that's coming up in our development
3 without them getting parking spots, having parking spots.
4 I'm going to my board today. I'm going to call up every last
5 one of them and let them know that I was on the phone with
6 you all. This is going to stop over here in 8A -- 8B. It's
7 going to stop. As early as today it's going to stop.

8 BZA CHAIR HILL: Okay. All right, Commissioner.
9 Give me a second, Mr. Herbert. I don't even know
10 if you all need -- I don't know what you guys are going to
11 talk about so I don't know what the point is, right?

12 Mr. Herbert, you had your hand up. Go ahead.

13 MR. HERBERT: Thank you, sir.

14 BZA CHAIR HILL: First introduce yourself for the
15 record, Mr. Herbert. Hold on, Mr. Herbert. I'm going to
16 talk to your counsel first.

17 Mr. Sullivan, you had your hand up.

18 MR. SULLIVAN: Yeah. We should be able to respond
19 to this and I'll turn it over to Mr. Herbert in a second.
20 First time we've ever heard of an issue with parking. We've
21 been to full ANC meetings.

22 BZA CHAIR HILL: Mr. Sullivan, I got you. I got
23 you. Just give me a second.

24 MR. SULLIVAN: I just want to let the Board know
25 that we --

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1 BZA CHAIR HILL: I understand. I'll give you
2 chance --

3 MR. SULLIVAN: This is news to us. It's a 180
4 from the ANC meeting.

5 BZA CHAIR HILL: I don't have anything from the
6 ANC right now.

7 MR. SULLIVAN: I understand but we get to respond
8 to -- you've been listening for a long time now.

9 BZA CHAIR HILL: You'll get to respond. You'll
10 get to respond. What I'm trying --

11 MR. TRANTHAM: Mr. Herbert --

12 BZA CHAIR HILL: Whoa, whoa, whoa, whoa, whoa.
13 We are not going to start yelling over a freaking electronic
14 system called Zoom, right? I don't care what you all say,
15 okay? So this is turning into like the whole like dias live
16 stuff again where people are yelling at each other over the
17 computer system. Again, what I'm trying to point out again
18 to everybody, and this is what I'm trying to get at, I've got
19 a really long day and we're talking about one parking spot,
20 okay?

21 So, Mr. Herbert, what would you like to say?

22 MR. HERBERT: Thank you. Thank you very much,
23 everyone. I just want to -- I want to let you know that I
24 had a meeting with Commissioner Paul awhile ago when I
25 introduced the project and he embraced the project when I

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1 introduced it. We had our first ANC meeting. They said we
2 are going to have a second one and we had a second one.

3 If they had had a quorum in the second one --
4 because they told me he was going to support the project --
5 they would have automatically voted in the second meeting.
6 Because they didn't have a quorum, that's why we had to say
7 give us a support letter towards this.

8 They are aware of it. When I called yesterday to
9 remind him of the support letter, he asked me on the phone
10 how many parking spots are you going to provide here? I said
11 by requirement it is one. Then he said why are we providing
12 one parking spot? I said it's by requirement.

13 But the thing about it is I go to Langston quite
14 often because of this project and I know there are some
15 offices right there during the day and I'm still able to
16 park. I'm able to do street parking because I'm there most
17 of the time. In the last one week I've been in Langsdon
18 about four times and I was able to do street parking so --

19 BZA CHAIR HILL: Okay, Mr. Herbert. I got you.
20 The Board understands what we are supposed to look at. I
21 don't need to hear any more about this issue.

22 Mr. Sullivan, you're welcome to go ahead and give
23 us a conclusion and speak to whatever you'd like to speak to.
24 Would you like to give us a conclusion?

25 MR. SULLIVAN: Yes, Mr. Chair. I did want a

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1 rebuttal and conclusion.

2 BZA CHAIR HILL: Sure. Before you do, Mr.
3 Sullivan, I do want to clarify one thing with the
4 Commissioner.

5 Commissioner, there's a letter that you submitted
6 that isn't in the record yet and all I want to clarify was,
7 again, you -- it's okay. You can change your mind here. I
8 just want to understand. You were in support of this
9 project. It seemed as though you were in support of this
10 project. But since they are not giving the one parking spot,
11 are you now withdrawing your support? Because, if so, I'm
12 not going to put the letter in the record.

13 MR. TRANTHAM: No. As I stated in the beginning
14 in my opening statement, I said I'm kind of torn but I did
15 not -- I did tell them -- I sent Mr. Nigel Herbert, which he
16 should have told you, I sent him the letter. He has the
17 letter. Mr. Reed asked me to send it and I can forward it
18 to you all.

19 BZA CHAIR HILL: No, I just want to make sure you
20 still --

21 MR. TRANTHAM: Yeah, I'm going to support it
22 simply because I gave my word.

23 BZA CHAIR HILL: Okay.

24 MR. TRANTHAM: That's why. The only reason is I
25 gave my word. But when I learned that they was only

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1 providing one spot, that's where I became a little disturbed
2 with the situation.

3 BZA CHAIR HILL: No, Commissioner, I got you. Two
4 things. First of all, they are providing zero spots, okay?
5 They are supposed to provide one spot. This is what I'm
6 trying to tell you. They are supposed to provide one spot
7 and what the Office of Planning is saying is that in order
8 to get that one spot, we have to take away one spot from the
9 road. Okay?

10 MR. TRANTHAM: Right. Curbside. Okay.

11 BZA CHAIR HILL: So I'm just trying to point that
12 part out. What I wanted clarity one, which I think you've
13 given me, is that -- I mean, again, Commissioner, the issue
14 that you're speaking to is a larger issue than this case and
15 what you're talking about so I just gave you clarity. You
16 do want that letter in the record and I'm putting it in the
17 record. Correct?

18 MR. TRANTHAM: Correct. Just this one.

19 BZA CHAIR HILL: Okay.

20 MR. TRANTHAM: I've already written a letter.
21 Because I've already written a letter and sent it to Mr.
22 Nigel Herbert. I'm not going to go back on my promise as Mr.
23 Sullivan is talking about 180. From this day forward Mr.
24 Sullivan and all of his clients that come with some pockets
25 won't be approved from 8B. I can assure you of that.

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1 BZA CHAIR HILL: Okay. Mr. Moy, if you can please
2 put that letter into the record. Okay? That's number one.
3 All right. Now I'm going to finish.

4 Mr. Sullivan, you can have rebuttal and a
5 conclusion and then we're going to move on with our day.

6 MR. SULLIVAN: I don't have anything further to
7 say.

8 BZA CHAIR HILL: Okay. All right. Let me see
9 here. Okay. All right. Okay. I'm going to go ahead and
10 close --

11 Commissioner Trantham, it's nice to meet you,
12 Commissioner.

13 MR. TRANTHAM: Thank you so much. Thank you all
14 for allowing me the opportunity to speak before this
15 Commission. I know it's been a long time and I thank you so
16 much. Be blessed.

17 BZA CHAIR HILL: You take care. You as well, sir.

18 All right. Okay. I'm closing the hearing and the
19 record.

20 Mr. Young, if you could please excuse everyone.

21 Okay. So we are here again for the special
22 exception for the eight units that are proposed for the floor
23 area ratio requirements for the IZ unit and to not provide
24 the one parking space which is of major concern to the
25 community -- I'm sorry, parking in general seems to be a

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1 major concern to the community.

2 From the discussion -- I'm sorry. From the
3 presentation that the Applicant has given, I do believe that
4 they are meeting their requirements to grant the relief
5 that's been requested due to the standards that we are
6 supposed to look at in order to grant the relief requested.

7 Getting beyond that, there is the ANC which has
8 not officially voted yet because they didn't have the quorum
9 but according to the testimony of the Commissioner, there
10 were three that were in favor. Whether or not it would have
11 passed now, I don't know. We don't have anything in the
12 record in terms of giving great weight to the ANC one way or
13 the other.

14 We do have something in the record now that shows
15 that the one Commissioner that testified here was in support
16 of the project. I think that we, the Board, in my tenure
17 here has seen many discussions about parking. I can think
18 of an apartment building that came through us not too long
19 ago when there was a big discussion about parking. There's
20 many other people that will have something to say after I'm
21 done, but there was a big discussion about parking and
22 parking being provided.

23 Oftentimes what happens is like, you know, it's
24 eight units, nine units, whatever, and there's one parking
25 space that's being provided because that's what the

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1 regulations allow. And that what seems to be happening with
2 the regulations is maybe there's another way, and I don't
3 know, Chairman Hood, if there's a way to be creative about
4 this in another capacity.

5 I mean, it sounds as though like the churches have
6 a minimum parking requirement. The regulations state that
7 you can't use the parking that goes towards the minimum
8 parking requirement of another application which makes
9 complete sense to me, right? But if there's like a loop hole
10 of some way to be creative at night where you could maybe do
11 something different at night, I don't know, right?

12 But definitely that's outside of this little
13 Board's, you know, purview meaning we don't change
14 regulations. We just look at the regulations that are before
15 us and I know the Commissioner would also understand. So I
16 think that they meet the regulations. I think as far as the
17 parking space, to give the parking space they have to take
18 away the parking space.

19 As you all know, DDOT doesn't give curb cuts,
20 right, that easily. It's very rare that they give a curb
21 cut. The likelihood of getting -- they could even provide
22 the parking if they wanted to, right? I'm going to be voting
23 in favor of the application. However, I'm glad we had an
24 opportunity to hear from everyone. I'm going to ask Mr.
25 Smith if he has anything he would like to add.

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1 MR. SMITH: I agree with what you stated, Chairman
2 Hill. To the ANC representative, what we are tasked with
3 here is looking at Subtitle C 703.1 and whether it's
4 appropriate to grant this parking reduction. There are 10
5 or 12 different criteria that we can use to evaluate whether
6 to grant a full or partial reduction in the number of
7 required parking spaces.

8 Again, this property is only required to have one
9 parking space so in theory it would be a full reduction.
10 You know, many of them are fairly -- it's not a high bar for
11 many of them to -- for us to grant this approval. For the
12 ones that the Office of Planning particularly state are (A)
13 due to the physical constraints of the property.

14 This is a fairly small lot and DDOT may be less
15 inclined to grant a curb cut along this street and that would
16 further reduce parking -- on-street parking on the street.
17 It may create an additional problem that you're attempting
18 to mitigate by pushing for them to have on-property parking,
19 as opposed to on-street parking. The other residents along
20 the block would lose a parking space if another curb cut is
21 created.

22 The other point raised by the Office of Planning
23 is that the property is well served by mass transit share
24 vehicle, bicycle facilities. I understand your statement
25 that this is far away from Metro but the standard isn't

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1 necessarily Metro. It's if it's served by mass transit which
2 this site is fairly well served by mass transit.

3 The other standard was (H), the property does not
4 have access to an open public alley. This is getting to what
5 Chairman Hill has stated that we commonly see issues like
6 this on properties that do not have public allies. Again,
7 DDOT does not support the creation of curb cuts along
8 principal roads as opposed to accessing parking through a
9 public alley.

10 They meet these three standards. Based on that,
11 we can support the special exception to reduce the parking
12 from that one parking space down to zero. Other than that,
13 I do believe that they meet all the standards for us to be
14 able to grant these series of special exceptions and I will
15 support their application.

16 BZA CHAIR HILL: Thanks, Mr. Smith.

17 Mr. Blake.

18 MEMBER BLAKE: Mr. Chairman, I too would be in
19 support of the application for all three areas of relief.
20 They have obviously met the criteria for a U421. The parking
21 space issue is one that I totally understand. I think that
22 issue is complicated by a lot of other factors but based on
23 the facts of the case, in this particular case, the Applicant
24 has met the criteria and should be granted relief. I'll be
25 voting in favor.

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1 BZA CHAIR HILL: Thank you.

2 Chairman Hood?

3 ZC CHAIR HOOD: Mr. Chairman, I would agree. I
4 want to support two out of three of the relief requested.
5 I would ask that you do the motion in parts so I can vote
6 against the 703 part, which is the parking because, as I see
7 it, it's a domino effect. We're going to do it, we're going
8 to have this discussion here today. Probably had it
9 previously. We're going to have it again next week. We're
10 going to have it the week after. At some point in time we
11 have to stop pushing back to some degree and thinking outside
12 the box.

13 Yes, Mr. Sullivan, I heard what you said. I know
14 for a fact churches do not meet their quota. I helped a
15 major church in this city about two years, and I'm not going
16 to name the church, to be able to help them with their
17 parking. I know it's not all the time, and especially in
18 Ward 1. I know it's done there. Exactly what we talked
19 about here is done there.

20 Again, I guess that's the difference in the
21 Commission and also what the Board does. I think sometimes
22 we have to also look at adverse impacts. What we have to
23 look at is not creating them. I believe if we continue to
24 move down the lines that we're discussing today, we're going
25 to create them.

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1 The other thing is I would ask Mr. Trantham to
2 work with Mr. Mordfin and see if there is something that
3 maybe we need to revisit in this particular area. I'm going
4 to leave that up to Commissioner Trantham and also to the
5 Office of Planning member Mr. Mordfin. Let's see if it needs
6 to come back to the Zoning Commission and we need to revisit
7 that. We revisit parking all the time so let's look at that.
8 Thank you, Mr. Chairman. I would ask that you do the motion
9 in part. Thank you.

10 BZA CHAIR HILL: Okay. Vice Chair John?

11 VICE CHAIRPERSON JOHN: So I didn't know this case
12 would create so much discussion about the parking because
13 it's such a straightforward request. Basically there is no
14 alley entrance so there can't be any parking from the back
15 so it would have to be from the front and DDOT won't allow
16 a curb cut. If you lower curb cuts, you lose parking from
17 the street.

18 To me it's fairly straightforward based on what
19 the regulations say. I think these regulations for parking
20 relief are not very stringent because I believe the city has
21 some policy of trying to limit the amount of people who drive
22 cars so this is why there is, I think, generous relief from
23 the parking requirements in my view. But I will leave that
24 to Chairman Hood in his wisdom, as well as the Commission to
25 look at these parking regulations again.

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1 I think the Applicant showed on Exhibit 30, Slide
2 15, I believe, why in this case even if there could be a curb
3 cut, then the Applicant could not achieve -- could not build
4 their apartments because the lot would be so narrow. This
5 particular project, you know, has some challenges but I
6 appreciate the amount of two and three-bedroom units in the
7 IZ unit. For those reasons I'm in support.

8 I absolutely hear what the ANC Commissioner stated
9 about parking. I can't disagree with -- I can't disagree
10 with the comments about the impacts of having very limited
11 parking in your neighborhood because I live with it. At the
12 same time, I also understand that some churches do not want
13 to allow this relationship with the community for parking
14 because of the security problems.

15 I believe that is something that could be worked
16 around if people wanted to engage in it, but those are
17 private agreements that have nothing to do with our
18 regulations. To me it's a shame to see churches with these
19 huge parking lots with, you know, big ropes and gates locking
20 in all that great parking. That's just my soapbox about
21 churches and parking and it's not for me to decide, or for
22 this Board to decide. In short, I support the agreement.

23 Chairman Hood, I hear you.

24 BZA CHAIR HILL: Okay. Thanks. I guess it's
25 funny because, you know, it brings in other issues like

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1 security and what's going to happen and who's going to be
2 responsible for anything damaged. It opens a whole bunch of
3 issues, right? Okay. All right.

4 I'm going to make a motion to approve Application
5 No. 20668 which is self-certified application for special
6 exception pursuant to Subtitle X 901.2 from one. The new
7 residential development requirements under Subtitle U 421.1,
8 eight units proposed.

9 And, two, the floor area ratio requirements of
10 Subtitle F 302.1 pursuant to Subtitle F 302.2, and Subtitle
11 F 5206.1 from 0.9 to 1.08 with IZ permitted, 1.08 with IZ
12 proposed in terms of the FAR requirements. I would ask for
13 a second.

14 Ms. John.

15 VICE CHAIRPERSON JOHN: Second.

16 BZA CHAIR HILL: The motion made and seconded.

17 Mr. Moy, if you could take a roll call, please.

18 ZC CHAIR HOOD: I have a discussion, Mr. Chairman.

19 You did leave out -- I didn't hear you mention --

20 BZA CHAIR HILL: Yeah, I split the parking.

21 ZC CHAIR HOOD: Okay.

22 BZA CHAIR HILL: Yeah, this is just for the two
23 other relief items.

24 ZC CHAIR HOOD: Thank you.

25 MR. MOY: -- your name if you would please respond

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1 with yes, no, or abstain to the motion made by Chairman Hill
2 to approve the application for the two special exception
3 relief as the Chairman has cited, which is Subtitle U,
4 Section 401, and the FAR requirements of Subtitle F, Section
5 302.1. This motion was seconded by Vice Chair John.

6 Mr. Smith.

7 MEMBER SMITH: Yes.

8 MR. MOY: Mr. Blake.

9 MEMBER BLAKE: Yes.

10 MR. MOY: Vice Chair John.

11 VICE CHAIRPERSON JOHN: Yes.

12 MR. MOY: Chairman Hill.

13 BZA CHAIR HILL: Yes.

14 MR. MOY: Zoning Commission Chair Anthony Hood.

15 Staff would record the vote as five to zero to
16 zero. This is on the motion made by Chairman Hill on the two
17 areas of relief that was cited in his motion. The motion was
18 seconded by Vice Chair John. Also in support of this motion
19 Zoning Commission Chair Anthony Hood, Mr. Smith, Mr. Blake,
20 Vice Chair John, and Chairman Hill. This motion carries on
21 a vote of five to zero to zero.

22 BZA CHAIR HILL: Okay. All right. The next
23 motion I'm going to make is, again, for Application No.
24 20668. That is to approve under self-certified application
25 for special exception pursuant to Subtitle X 901.2 from the

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1 minimum vehicle parking requirements of Subtitle C 701.5,
2 pursuant to Subtitle C 703.2 for one space required, zero
3 proposed, and ask for a second.

4 Ms. John.

5 VICE CHAIRPERSON JOHN: Second.

6 BZA CHAIR HILL: Motion made and seconded.

7 Mr. Moy, take a roll call.

8 MR. MOY: When I call your names if you would
9 please respond with a yes, no, or abstain to the motion made
10 by Chairman Hill to -- was this a motion in the affirmative,
11 Mr. Chairman?

12 BZA CHAIR HILL: It's to approve the parking which
13 we're going to get a no on.

14 MR. MOY: Okay. All right. I got you. I just
15 wanted that for clarity.

16 This is on the motion made by Chairman Hill to
17 approve the special exception relief under Subtitle C,
18 Section 701.5. This motion was seconded by Vice Chair John.

19 Mr. Smith.

20 Mr. Blake.

21 MEMBER BLAKE: Yes.

22 MR. MOY: Vice Chair John.

23 VICE CHAIRPERSON JOHN: Yes.

24 MR. MOY: Chairman Hill.

25 Zoning Commission Chair Anthony Hood.

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1 ZC CHAIR HOOD: Not in favor. You didn't get a
2 no, Mr. Chairman. You got a not in favor.

3 (Laughter.)

4 MR. MOY: All right. I need your assistance here,
5 Mr. Chairman. Staff would record the vote as four to zero
6 to one, or is this four to one to zero?

7 BZA CHAIR HILL: Four to zero to one. Chairman
8 Hood is using a more polite way of saying no.

9 MR. MOY: All right.

10 ZC CHAIR HOOD: Why is it four to zero to one?
11 It should be -- why is it four --

12 BZA CHAIR HILL: I'm sorry. Four to one to zero.

13 ZC CHAIR HOOD: Yeah. Come on.

14 BZA CHAIR HILL: I always forget which the zero
15 is, whether it's abstaining or whatever, or not there. You
16 said no. You got four to one.

17 MR. MOY: That's what I thought. That's why I
18 checked. Staff would record the vote as four to one to zero
19 and this is on the motion made by Chairman Hill. The motion
20 was seconded by Vice Chair John. Also in support of this
21 motion to approve the special exception relief is Mr. Smith,
22 Mr. Blake, Vice Chair John, Chairman Hill. Opposed to the
23 motion is Zoning Commission Chair Anthony Hood. Again, the
24 motion carries on a vote of four to one to zero.

25 BZA CHAIR HILL: Okay. Thanks, Mr. Moy.

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1 Okay. We've got seven more still so I would say
2 we at least do one more. What I propose is that if you need
3 a snack, just hit the camera off button and snack away
4 because I'm trying to get out of here by 5:00. Okay? So,
5 you know, let's try to, you know, work together. Okay?

6 Mr. Moy, you want to go next with the next case?

7 MR. MOY: Yes, sir. The next case before the
8 Board is Application No. 20670 of Katherine Steel. This is
9 a self-certified application for special exceptions from the
10 lot occupancy requirements, Subtitle E, Section 304.1,
11 pursuant to Subtitle E, Section 5201, and Subtitle X, Section
12 901.2.

13 And from the rear yard requirement, Subtitle E,
14 Section 306.1 pursuant to Subtitle E, Section 5201 and
15 Subtitle X, Section 901.2. This would construct a third story
16 and rear addition to an existing, attached, two-story
17 principal dwelling unit in the RF-1 zone. The property is
18 located at 344 14th Street SE (Square 1061, Lot 71). That's
19 all I have, Mr. Chairman.

20 BZA CHAIR HILL: Okay, great.

21 Mr. Ward, are you there? Or Ms. Ward? I don't
22 know.

23 MR. WARD: I'm the architect at 601 E Street, NE.
24 I'm going to pass it over to the owner, Kate Steel, to
25 present. Before I do that, we did not prepare a slide show

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1 so hopefully you can refer to the case file --

2 BZA CHAIR HILL: That's okay. That's okay, Mr.
3 Ward. I got you.

4 MR. WARD: Okay.

5 BZA CHAIR HILL: Ms. Steel, can you hear me?

6 MS. STEEL: Yes, I can. Can you hear me?

7 BZA CHAIR HILL: Yes. Just tell us about your
8 project a little bit. I think the record is pretty full and
9 we reviewed the record. Can you just tell us about your
10 project?

11 MS. STEEL: Sure. For the record, I'm Katherine
12 Steel. I'm the owner at 344 14th Street, SE. As noted, I'm
13 seeking relief on lot coverage moving up from 60 percent
14 allowed to 69.5 percent, and seeking a setback exception from
15 the required 20 feet to 18 feet and three inches. That's to
16 build a small addition on the back and then a third story.

17 It's keeping in line with existing properties.
18 The adjacent property actually goes back quite a bit further
19 on the first floor. This will go slightly further back on
20 the second floor. There is an existing third floor addition
21 on the house two doors down so there should be no impact on
22 lighting or use of backyards.

23 As well, I'm planning to keep the existing cornice
24 on the house and set back the addition from the front of the
25 house so it's not as massive, and keep the cornice on the

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1 side of the property as well by insetting the third-floor
2 addition.

3 That's about it. I am happy to answer questions
4 but you did say the record is there.

5 BZA CHAIR HILL: I got you. Ms. Steel, are you
6 an attorney?

7 MS. STEEL: No, sir.

8 BZA CHAIR HILL: Okay. All right.

9 Ms. Myers, could you give us your report, please?

10 MS. MYERS: Crystal Myers for the Office of
11 Planning. We are recommending approval of this case. We can
12 stand on the record of the staff report but, of course, if
13 you want me to go further into it, I can.

14 BZA CHAIR HILL: Okay. Ms. Myers, do you know
15 what happened -- what is that thing two houses down? Is that
16 something we approved or you don't know?

17 MS. MYERS: I don't know. Do you mean the
18 addition to the neighboring house?

19 THE DEFENDANT: Yes.

20 MS. MYERS: I don't know. I don't know the
21 history on it, though, but it is an existing addition.

22 BZA CHAIR HILL: Yeah. Ms. Steel, do you know
23 when that was built?

24 MS. STEEL: I don't know but every house on that
25 block except for one has bumped back.

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1 BZA CHAIR HILL: Right. Okay. I was just curious
2 whether that was when I was around. Okay.

3 MS. STEEL: No. The addition I'm planning will
4 be lower than that one. That one shows a peaked roof which
5 I think takes it over the --

6 BZA CHAIR HILL: I understand. I was just curious
7 as to whether that addition was done while I was on this
8 Board so you would have that answer.

9 All right. Mr. Young, do we have anybody here
10 wishing to speak?

11 MR. YOUNG: We do not.

12 BZA CHAIR HILL: Does the Board have any questions
13 of the Applicant?

14 All right, Ms. Steel. I'm going to let you go.
15 I've got to close the hearing and the record. Thank you, Ms.
16 Steel.

17 MS. STEEL: Thank you very much.

18 BZA CHAIR HILL: Okay. I thought this was pretty
19 straightforward. I didn't really have any issues with it.
20 I believe they are meeting the criteria for us to grant the
21 relief requested. I would also rely on the report that was
22 submitted by the Office of Planning and their analysis, as
23 well as the ANC being in support, as well as DDOT, as well
24 as the adjacent property owners so I'm going to be voting in
25 favor.

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1 Mr. Smith, do you have anything to add?

2 MEMBER SMITH: Completely agree with your analysis
3 and I will support the application --

4 BZA CHAIR HILL: Sorry about that, Mr. Smith.

5 Mr. Blake, do you have anything to add?

6 MEMBER BLAKE: Yeah, I would agree with your
7 assessment. I'm prepared to support. I would also add the
8 letter of support from the Capitol Hill Restoration.

9 BZA CHAIR HILL: Thank you.

10 Chairman Hood?

11 ZC CHAIR HOOD: I've heard and also moving forward
12 with this case. Thank you, Mr. Chairman.

13 BZA CHAIR HILL: Thank you.

14 Vice Chair John.

15 VICE CHAIRPERSON JOHN: Thank you. I'm in support
16 of the application and I agree with everything that's been
17 said so far.

18 BZA CHAIR HILL: Thank you. I'm going to make a
19 motion to approve Application No. 20670 as captioned and read
20 by the Secretary and ask for a second.

21 Ms. John.

22 VICE CHAIRPERSON JOHN: Second.

23 BZA CHAIR HILL: Motion made and seconded.

24 Mr. Moy, could you take a roll call.

25 MR. MOY: If you would please respond with yes,

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1 no, or abstain to the motion made by Chairman Hill to approve
2 the application for the relief that's been requested. The
3 motion is approve was seconded by Vice Chair John.

4 Zoning Commission Chair Anthony Hood.

5 ZC CHAIR HOOD: Yes.

6 MR. MOY: Mr. Smith.

7 Mr. Blake.

8 MEMBER BLAKE: Yes.

9 MR. MOY: Vice Chair John.

10 VICE CHAIRPERSON JOHN: Yes.

11 MR. MOY: Chairman Hill.

12 Staff would record the vote as five to zero to
13 zero. This is on the motion made by Chairman Hill to
14 approve. It was seconded by Vice Chair John to approve.
15 Also in support of the motion to approve Zoning Commission
16 Chair Anthony Hood, Mr. Smith, Mr. Blake, Vice Chair John,
17 Chairman Hill. Motion carries five to zero to zero.

18 BZA CHAIR HILL: Thank you. I think the next case
19 should be kind of quick. Can we do one more and then take
20 lunch? Okay. I see nobody throwing up their hands yet.

21 Mr. Moy, can you go ahead and give us our next
22 case when you get a chance?

23 MR. MOY: Before the Board is Case Application No.
24 20671 of Jeremy Kern and Rebecca Fitch. This is a request
25 for a special exception relief from the lot occupancy

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1 requirements of Subtitle D, Section 304.1, pursuant to
2 Subtitle D, Section 5201 and Subtitle X, Section 901.2.

3 And from the rear yard requirements of Subtitle
4 D, Section 306.2, pursuant to Subtitle D, Section 5201 and
5 Subtitle X, Section 901.2. this would construct a rear deck
6 addition to an existing semi-detached, two-story with
7 basement, principal dwelling unit in the R-3 zone. Property
8 located at 2309 38th Street, NW (Square 1301, Lot 671).

9 BZA CHAIR HILL: Ms. Luthra, are you there?

10 MS. LUTHRA: Yes. Hi, good afternoon, everyone.

11 BZA CHAIR HILL: Hi. Introduce yourself for the
12 record, please.

13 MS. LUTHRA: Yes. I'm Avneet Luthra representing
14 the case on behalf of Jeremy and Rebecca Fitch -- Jeremy Kern
15 and Rebecca Fitch. We are requesting to build a 13 feet by
16 10 feet deck off rear with stairs up the main level. Sorry,
17 I forgot to mention that we don't have a presentation but the
18 drawings and pictures and all the supporting documents should
19 be in the report.

20 BZA CHAIR HILL: That's okay, Ms. Luthra. People
21 don't have to have a presentation. I mean, the ones that
22 come before us regularly can but it's okay. We have
23 everything that's in the record to look at so please go ahead
24 and continue.

25 MS. LUTHRA: All right. So the proposed lot

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1 occupancy will be 64.8 percent and the rear yard setback will
2 be 15 feet, six inches. We are demoing the existing steps
3 and the landing and basically redoing the same thing with a
4 deck which is 13 by 10. We also have a letter of support
5 from the ANC, the adjacent neighbor, and the neighbors on the
6 Benton Street as well.

7 We have allies at the back which is the north and
8 west side so the privacy of the deck and for other neighbors
9 will not be an issue. Additionally, most of the houses on
10 38th Street, Benton Street, and Huidekoper Street have rear
11 decks with similar dimensions and architectural scale and
12 style as well. We are not concerned about changing the alley
13 or anything on that street.

14 BZA CHAIR HILL: Okay, Ms. Luthra. I've got to
15 interrupt you one second.

16 May I turn to the Office of Planning, please?

17 MS. MYERS: Crystal Myers for the Office of
18 Planning. We are in support of this case and can stand on
19 the record of the staff report.

20 BZA CHAIR HILL: Great. Thank you.

21 Does the Board have any questions for the Office
22 of Planning or the Applicant?

23 Mr. Young, is there anyone here who wishes to
24 speak?

25 MR. YOUNG: We do not.

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1 BZA CHAIR HILL: Okay. All right. I'm going to
2 go ahead and close the hearing and the record. Mr. Young,
3 if you could please excuse everyone.

4 Ms. Luthra -- hold on, Mr. Young. Ms. Luthra, can
5 you hear me?

6 MS. LUTHRA: Yes.

7 BZA CHAIR HILL: I'm technically still opening the
8 record here and the hearing for one second. When you went
9 through the ANC, this is the project that you presented to
10 them. Correct?

11 MS. LUTHRA: Yes.

12 BZA CHAIR HILL: Okay. Exactly the way it is now.
13 Correct?

14 MS. LUTHRA: Exactly the way it is.

15 BZA CHAIR HILL: Okay. Great.

16 All right. I'm going to close the hearing and the
17 record. If you could please excuse everyone. Thank you, Mr.
18 Young.

19 Okay. I didn't really, again, have much issue
20 with this. I thought it was pretty straightforward. I think
21 it's a pretty simple application. I am happy that the Office
22 of Planning and I would agree with the support that the
23 Office of Planning has provided in their analysis. Also for
24 the ANC I was asking the question as to whether or not this
25 exactly was the project that was presented before the ANC

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1 because the ANC does not reference the lot occupancy
2 requirements.

3 I assume they would have because this is what they
4 had seen so I am comfortable with moving forward concerning
5 the ANC's ability to comment about this project. DDOT has
6 also provided their input and they are comfortable with it,
7 as well as the adjacent property owners. I'm going to be
8 voting in support.

9 Mr. Smith, do you have anything to add?

10 MEMBER SMITH: No, I agree with your analysis,
11 Chairman Hill.

12 BZA CHAIR HILL: Mr. Blake.

13 MEMBER BLAKE: I'm voting in favor of the
14 application and agree with your analysis as well.

15 BZA CHAIR HILL: Chairman Hood.

16 ZC CHAIR HOOD: I also would agree.

17 BZA CHAIR HILL: Vice Chair John.

18 VICE CHAIRPERSON JOHN: Thank you. I have nothing
19 else to add. I think the application meets the requirements
20 for relief.

21 BZA CHAIR HILL: Thank you. Thank you all. I'm
22 going to make a motion to approve Application No. 20671 as
23 captioned and read by the secretary and ask for a second.

24 Ms. John.

25 VICE CHAIRPERSON JOHN: Second.

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1 BZA CHAIR HILL: Motion made and seconded.

2 Mr. Moy, if you could take a roll call.

3 MR. MOY: Would you please respond with a yes, no,
4 or abstain to the motion made by Chairman Hill to approve the
5 application for the special exception relief requested. The
6 motion to grant was seconded by Vice Chair John.

7 Zoning Commission Chair Anthony Hood.

8 ZC CHAIR HOOD: Yes.

9 MR. MOY: Mr. Smith.

10 Mr. Blake.

11 Vice Chair John.

12 VICE CHAIRPERSON JOHN: Yes.

13 MR. MOY: Chairman Hill.

14 BZA CHAIR HILL: Yes.

15 MR. MOY: Staff would record the vote as five to
16 zero to zero and this is on the motion made by Chairman Hill
17 to approve. The motion to approve was seconded by Vice Chair
18 John. Also in support of the motion to approve Zoning
19 Commission Chair Anthony Hood, Mr. Smith, Mr. Blake, Vice
20 Chair John, and Chairman Hill. Motion carries on a vote of
21 five to zero to zero.

22 BZA CHAIR HILL: Okay. Thanks, you guys. We have
23 five more cases left. It's 12:50. You want to say 1:20 and
24 see what happens? Okay.

25 Chairman Hood, I know you know this is your

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1 favorite part. We are going to try 1:20. Okay?

2 ZC CHAIR HOOD: 1:20 or 1:30. Now I know it's
3 1:20.

4 BZA CHAIR HILL: I usually say around 1:20. All
5 right. Thank you all. Have a nice lunch.

6 (Whereupon, the above-entitled matter went off the
7 record at 12:50 p.m. and resumed at 1:31 p.m.)

8 BZA CHAIR HILL: Okay. All right, Mr. Moy. You
9 can call our next one when you get a chance.

10 MR. MOY: The Board has returned to its public
11 hearing session after a lunch recess. And the time is at our
12 about 1:31 p.m. The next case before the Board is
13 Application No. 20672 of Sarah Audelo.

14 And this is a self-certified application for
15 special exception relief from the following: from the
16 accessory building area requirements of Subtitle D, Section
17 5003.1, pursuant to Subtitle D, Section 5201 and Subtitle X,
18 Section 901.2, the accessory apartment requirements of
19 Subtitle U, Section 253.8(e), pursuant to Subtitle U, Section
20 253.3, Subtitle U, Section 253.8(f) and Subtitle X, Section
21 901.2. This would construct a new, detached, two-story
22 accessory apartment with roof deck in the rear yard of an
23 existing detached, two-story with basement, principal
24 dwelling unit in the R-1-B zone. Property is located at 2210
25 30th Street, Southeast, Square 5652, Lot 830.

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1 BZA CHAIR HILL: All right. Thanks, Mr. Moy. Is
2 it Ms. Schinder?

3 MS. SCHINDER: Ileana Schinder, yes.

4 BZA CHAIR HILL: Ms. Schinder, could you introduce
5 yourself for the record, please?

6 MS. SCHINDER: I am Ileana Schinder. I am the
7 architect for the homeowner, the Audelo family.

8 BZA CHAIR HILL: Okay. Ms. Schinder, could you
9 tell us -- kind of just tell us about your project and why
10 you believe that your client is meeting the criteria for us
11 to grant the relief requested? And you can begin whenever
12 you like.

13 MS. SCHINDER: Yes, I'll be brief. This is an
14 additional dwelling unit located in an oversized lot, in the
15 rear of an oversized lot. This project exceeds the zoning
16 requirement of a limit of 450 square feet.

17 Our client is bringing their parents to live in
18 the property, and they requested a design that exceeds the
19 square footage. We're still respecting all setbacks, parking
20 requirements, height, and all the other massing requirements.
21 We believe that the project will not interfere with -- will
22 not negatively impact the life of the neighbors. And so I
23 think that this is a project that respects the spirit of the
24 zoning requirements.

25 BZA CHAIR HILL: Okay. I'm going to turn to the

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1 Office of Planning.

2 MR. JESICK: Thank you, Mr. Chairman and members
3 of the Board. My name is Matt Jesick providing testimony for
4 the Office of Planning in this case. And the Office of
5 Planning is happy to rest on the record in support of the
6 application. But I can take any questions.

7 BZA CHAIR HILL: Okay, great. Does anybody have
8 any questions for the Office of Planning? Vice Chair John?

9 VICE CHAIRPERSON JOHN: Thank you. Yes, I had a
10 question about the deck/balcony. Did you have any comments
11 on that?

12 MS. SCHINDER: Me, as the architect?

13 VICE CHAIRPERSON JOHN: I'm sorry. The Office of
14 Planning.

15 MR. JESICK: Well, pursuant to Section 253.8(e),
16 a deck is not normally permitted. And the Zoning Commission
17 -- excuse me, the Zoning Administrator has determined that
18 this would qualify as a rooftop deck. However, the Board can
19 waive that requirement.

20 And that is pursuant to 253.10. The only
21 conditions there are that the owner must reside on the
22 property -- and that is the intention here -- and that the
23 modification should not change the residential character of
24 the neighborhood. And we found that this small change would
25 not alter or have a negative impact on the residential

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1 character of this property or surrounding properties.

2 VICE CHAIRPERSON JOHN: So what did you consider
3 specifically with regard to the deck? Did you see impacts
4 in privacy or anything else that might impact light, air, or
5 privacy just with the deck itself?

6 MR. JESICK: No. Certainly in terms of light and
7 air, we didn't feel that adding a deck would have an impact
8 there. One could argue that a deck might change the privacy
9 characteristics of this property or adjacent properties.
10 However, this property is surrounded on two sides by alleys
11 which provides extra distance between it and the properties
12 to the north and east. And then to the south, any visibility
13 would be primarily of the neighbor's garage and driveway.
14 So we felt that there would be little to no impact to privacy
15 of adjacent properties.

16 VICE CHAIRPERSON JOHN: Okay. Thank you.

17 BZA CHAIR HILL: Okay. Anyone else for the
18 applicant or the Office of Planning? Mr. Young, is there
19 anyone here wishing to speak?

20 MR. YOUNG: The ANC Commissioner, Ms. Brown.

21 BZA CHAIR HILL: Oh, hi, Ms. Brown. Can you hear
22 me? Commissioner, can you hear me?

23 MS. BROWN: Yes, I can hear you. I was able to
24 unmute.

25 BZA CHAIR HILL: Okay, great. Commissioner Brown,

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1 do you want to give us your testimony?

2 MS. BROWN: I just wanted to say that the
3 Commission is in support of this project. We submitted --
4 I guess it's the ANC 129 or 130, whichever form it is. And
5 I have -- it's also in my single-member district.

6 I've had two meetings with the community. And
7 it's fine. No one has any real issues with the building of
8 this, especially given what the exception is for.

9 BZA CHAIR HILL: Okay, Commissioner. Thanks, and
10 I appreciate you taking the time out of your day to come
11 speak with us because it is really helpful to always have
12 somebody from the community speak to this. And it's kind of
13 a big sized project. And so it's good that -- and it looks
14 like a good project, particularly for people's parents.

15 MS. BROWN: Yeah.

16 BZA CHAIR HILL: And so those of us that still
17 like our parents. But I'm glad to have you here to testify.
18 Thank you. Does anybody have any questions for the
19 Commissioner?

20 All right. Okay. And Mr. Young, you said there's
21 no one else, correct? Okay. Ms. Schinder, do you have
22 anything to add at the end?

23 MS. SCHINDER: No, no. Thank you for the
24 reviewers at Office of Planning.

25 BZA CHAIR HILL: Okay, great. I'm going to ahead

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1 and close the hearing on the record. Okay. This is, again,
2 a new two-story accessory building for an accessory apartment
3 with roof deck in the rear yard of an existing two-story
4 detached principal dwelling. Parking pad will be found at
5 the rear alley with the main house and the accessory
6 apartment.

7 I think it's a good project. I think it's a well-
8 designed project. I'm glad that the Office of Planning is
9 in -- well, I shouldn't say I'm glad again. I would agree
10 with the analysis that the Office of Planning has provided.

11 I am glad that the ANC is in support and that DDOT
12 is also in support. I do think that they meet the criteria
13 for us to grant the relief requested. And I appreciate the
14 questions that Vice Chair John asked about concerning the
15 roof deck. So with that being said, I will vote to approve
16 and in agreement with the other reports and be voting to
17 approve. Mr. Smith?

18 MEMBER SMITH: -- your analysis, Chairman Hill,
19 as well as OP's analysis. So I agree with OP's analysis that
20 they have met the burden of proof to grant special exceptions
21 and they would be able to accessory apartment with the
22 rooftop deck. I appreciate that the ANC did come down -- a
23 representative for the ANC did come down and spoke on the
24 position of the ANC that they are in support of this request.
25 I would be voting in support.

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1 BZA CHAIR HILL: Great. Thank you. Mr. Blake?

2 MEMBER BLAKE: Yes. I too will be voting in favor
3 of the requested relief. This is a very large lot and nearly
4 12,000 square feet and with the current lot occupancy of only
5 around 10 percent. So even though it's a larger size ADU,
6 it won't overpower the lot.

7 The lot occupancy increases from 10 percent to
8 about 16 percent. And because there's separation between the
9 neighbor's, the primary dwelling, and ADU and because of this
10 design, it won't become objectionable to neighboring
11 properties because of noise, traffic, parking, or any other
12 objectionable conditions. So as I said, I believe it meets
13 the conditions for 5201 and also the general standards, and
14 I would be prepared to support the request for the relief.

15 BZA CHAIR HILL: Great. Chairman Hood?

16 ZC CHAIR HOOD: This application warrants at least
17 my approval. I'm voting in support. Thanks. I approve.

18 BZA CHAIR HILL: Thank you, Chairman Hood. Vice
19 Chair John?

20 VICE CHAIRPERSON JOHN: Thank you, Chairman. I'm
21 in support of the application as well and note that the lot
22 occupancy even with the accessory building and ADU would
23 still be only 16.4 percent on a very large lot that's more
24 than twice the average size. So I am in support of the
25 application and would vote to approve.

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1 BZA CHAIR HILL: Thank you, Ms. John. All right.
2 I'm going to make a motion to approve Application No. 20672
3 as captioned and read by the Secretary and ask for a second.
4 Ms. John?

5 VICE CHAIRPERSON JOHN: Second.

6 BZA CHAIR HILL: Mr. Moy, the motion was made and
7 second. If you'll take a roll call.

8 MR. MOY: -- name if you would please respond with
9 a yes, no, or abstain to the motion made by Chairman Hill to
10 approve the application for the relief requested. The motion
11 to approve was second by Vice Chair John. Zoning
12 Commissioner Chair Anthony Hood?

13 ZC CHAIR HOOD: Approve, yes.

14 MR. MOY: Mr. Smith?

15 Mr. Blake?

16 MEMBER BLAKE: Yes.

17 MR. MOY: Vice Chair John?

18 VICE CHAIRPERSON JOHN: Yes.

19 MR. MOY: Chairman Hill?

20 BZA CHAIR HILL: Yes.

21 MR. MOY: Staff would record the vote as 5 to 0
22 to 0. And this is on the Chairman's motion to approve. The
23 motion to approve was second by Vice Chair John. Also in
24 support of the motion to approve, Zoning Commission Chair
25 Anthony Hood, Mr. Smith, Mr. Blake, and of course Vice Chair

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1 John and Chairman Hill. Motion carries on a vote of 5 to 0
2 to 0.

3 BZA CHAIR HILL: All right. Thank you, Mr. Moy.
4 Mr. Moy, what's our next case?

5 MR. MOY: 20673.

6 BZA CHAIR HILL: Okay. All right. If you could
7 call that, please, when you get a chance.

8 MR. MOY: Before the Board is Application No.
9 20673 of Karl Driessen, D-R-I-E-S-S-E-N. And this is a
10 request for a special exception relief from the accessory
11 building area requirements, Subtitle D, Section 5003.1,
12 pursuant to Subtitle D, Section 5201 and Subtitle X, Section
13 901.2, and also from the accessory apartment requirements,
14 Subtitle U, Section 253.8(e), pursuant to Subtitle U, Section
15 253.3, Subtitle U, Section 253.8(f), and Subtitle X, Section
16 901.2. This would construct a new detached two-story
17 accessory apartment in the rear of an existing detached two-
18 story with basement principal dwelling unit in the R-8 zone.
19 Property located at 2840 Brandywine Street, Northwest, Square
20 2255, Lot 1.

21 BZA CHAIR HILL: Okay, great. Thanks, Mr. Moy.
22 Ms. Schinder, can you hear me?

23 MS. SCHINDER: Yes, I can hear you.

24 BZA CHAIR HILL: Could you introduce yourself for
25 the record, please?

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1 MS. SCHINDER: I am Ileana Schinder. I'm the
2 architect for the homeowner and applicant.

3 BZA CHAIR HILL: When I reviewed this, I didn't
4 realize the connection and now I'm confused a little bit.
5 Is it the same design?

6 MS. SCHINDER: No, it's not the same design. It's
7 very, very different, in fact.

8 BZA CHAIR HILL: Okay. All right, Ms. Schinder.
9 Why don't you go ahead and walk us through your application
10 why you believe your client is meeting the criteria for grant
11 relief requested and begin whenever you'd like.

12 MS. SCHINDER: Yes. This property is an oversized
13 lot in northwest D.C. The applicant has -- the homeowner has
14 requested that we design a two-bedroom additional dwelling
15 unit that exceeds the requirement limit of 450 square feet
16 per level. So we designed a building that accommodates the
17 homeowner's needs.

18 The owner is expected to occupy the building as
19 well. And again, this lot is oversized for the city. So we
20 understand that the oversized building does not affect
21 privacy or safety or space usage and the neighbors.

22 We do have plenty of parking. We are away from
23 neighboring properties. And we do have access from the rear
24 and the front for this property. And I'm open to questions.

25 BZA CHAIR HILL: All right. I'm going to first

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1 turn to the Office of Planning and then we'll come back for
2 questions of the Board. Do I see the Office of Planning?

3 MR. JESICK: Thank you again, Mr. Chair. For the
4 record, my name is Matt Jesick. And the Office of Planning
5 is happy to rest on the record in support of this
6 application.

7 I will just note that for the proposed second
8 floor balcony or deck, that deck faces to the south. And
9 this lot and all of the adjacent lots have very deep rear
10 yards in that direction. So any proposed -- or any possible
11 views from that deck would be mostly of the rear yards or the
12 rear alley.

13 And furthermore, the lots in this area at the rear
14 by the alley tend to have a lot of landscaping which helps
15 to shield any views onto adjacent properties. So again, OP
16 recommends approval. But I'd be happy to take any questions.
17 Thank you.

18 BZA CHAIR HILL: So OP is fine with FEMS and DC
19 Water and everybody being notified?

20 (Simultaneous speaking.)

21 MR. JESICK: OP reached out to FEMS and DC Water
22 and have not heard back.

23 BZA CHAIR HILL: Ms. Schinder, you're about to say
24 something?

25 MS. SCHINDER: Within the DCRA process, Department

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1 of Environment has approved it and DC Water as well has
2 approved it.

3 BZA CHAIR HILL: Okay. All right. Does anybody
4 have any questions of Office of Planning? Yeah, sure. Mr.
5 Blake?

6 MEMBER BLAKE: Yeah. Mr. Jesick, did you have an
7 issue with the east side setback -- east side yard setback?

8 MR. JESICK: Yes, thank you. The original plans
9 showed a side yard less than what was required which is eight
10 feet. The applicant has submitted revised plans which show
11 a compliant side yard. So we're fine with that now.

12 MEMBER BLAKE: Thank you.

13 BZA CHAIR HILL: Okay. All right. Mr. Young, is
14 there anyone here wishing to speak?

15 MR. YOUNG: We do not.

16 BZA CHAIR HILL: Okay. Does the Board have any
17 final questions. Ms. Schinder, do you have anything you'd
18 like to add at the end?

19 MS. SCHINDER: Thank OP for their support.

20 BZA CHAIR HILL: Okay. All right. I'm going to
21 go ahead and close the record in the hearing and excuse
22 everyone, Mr. Young. Okay. I was confused for a second
23 there. I didn't realize the architect was the same
24 architect, and I got confused with the same request.

25 But I'm comfortable with what's being before us.

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1 I'm comfortable with what is before us and that they are
2 meeting the standard with which we can grant the relief
3 requested. I would also agree with the analysis that was
4 provided by the Office of Planning and the ANC. And I am
5 comfortable given the size of the lot as well as the analysis
6 the Office of Planning has pried again about that deck,
7 voting to approve. Mr. Smith, do you have anything you'd
8 like to add?

9 MEMBER SMITH: No, I don't have anything to add.
10 I agree with your analysis and comfortable with the size of
11 the accessory building, given the size of the lot and the
12 landscaping to the rear of the lot. So I think this size,
13 it wouldn't have a major impact on adjacent property owners.
14 So I do believe that it makes sense for us to approve it.
15 I will support the application.

16 BZA CHAIR HILL: Thank you. Mr. Blake?

17 MEMBER BLAKE: I'll be voting in support of the
18 application. I agree that it is a very large lot and lot
19 occupancy only increases to about 16.7 percent with the ADU
20 which is still well below the 30 percent required. And all
21 those issues well, as it was in the other case, mitigate a
22 lot of the issues with regard to noise, light, air, et
23 cetera. So I am in favor of the application.

24 BZA CHAIR HILL: Thank you. Chairman Hood?

25 ZC CHAIR HOOD: I will be supporting this

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1 application.

2 BZA CHAIR HILL: Thank you. Vice Chair John?

3 VICE CHAIRPERSON JOHN: I have nothing to add.
4 I'm in support of the application, and I agree with all of
5 the comments so far.

6 BZA CHAIR HILL: Okay. Thank you. Going to make
7 a motion to approve Application No. 20673 as captioned and
8 read by the Secretary and ask for a second. Ms. John?

9 VICE CHAIRPERSON JOHN: Second.

10 BZA CHAIR HILL: Motion made and second. Mr. Moy,
11 if you could take a roll call.

12 MR. MOY: When I call your name, if you would
13 please respond with a yes, no, or abstain to the motion made
14 by Chairman Hill to approve this application for the relief
15 requested. The motion to approve was second by Vice Chair
16 John. Zoning Commission Chair Anthony Hood?

17 ZC CHAIR HOOD: Yes.

18 MR. MOY: Mr. Smith?

19 Mr. Blake?

20 MEMBER BLAKE: Yes.

21 MR. MOY: Vice Chair John?

22 VICE CHAIRPERSON JOHN: Yes.

23 MR. MOY: Chairman Hill?

24 BZA CHAIR HILL: Yes.

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

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1 to 0. And this is on the motion made by Chairman Hill to
2 approve. The motion to approve was second by Vice Chair
3 John. Also in support of the motion to approve Zoning
4 Commission Chair Anthony Hood, Mr. Smith, Mr. Blake, Vice
5 Chair John, Chairman Hill. Motion carries on a vote of 5 to
6 0 to 0.

7 BZA CHAIR HILL: Thank you, Mr. Moy. When you
8 have an opportunity, Mr. Moy, you're welcome to call our next
9 case.

10 MR. MOY: Before the Board is Case Application No.
11 20675 of Krzysztof -- I know I'm not pronouncing it
12 correctly, K-R-Z-Y-S-Z-T-O-F -- Laski, L-A-S-K-I. This is
13 a self-certified application for special exception from the
14 lot occupancy requirements, Subtitle E, Section 304.1,
15 pursuant to Subtitle E, Section 5201 and Subtitle X, Section
16 901.2. This would construct a rear deck addition to an
17 attached three-story principal dwelling unit in the RF-1
18 zone. Property located at 1307 South Carolina Avenue,
19 Southeast, Square 1040, Lot 35.

20 BZA CHAIR HILL: Thank you, Mr. Moy. Is it Ms.
21 Themak?

22 MS. THEMAK: Yes, that's correct.

23 BZA CHAIR HILL: Could you introduce yourself for
24 the record, please?

25 MS. THEMAK: Yes, Tracy Themak with Donahue,

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1 Themak, and Miller. We're here for Krzysztof Laski.

2 BZA CHAIR HILL: Okay. Ms. Themak, if you could
3 walk us through your client's application and why you believe
4 we should grant the relief requested. And you can begin
5 whenever you like.

6 MS. THEMAK: Great. I think this is fairly
7 straightforward. Actually, Claire Money, Krzys' wife, has
8 described this as -- it's a deck. They're proposing deck and
9 landscaping in the rear yard which is the reason for the
10 requested increase in the lot occupancy from currently about
11 60 percent to just under 70 percent, 69 percent, a little
12 over 69 percent.

13 This is going to allow a 29 foot by 5 foot deck
14 or platform outside of the rear doors of the property that
15 they can use to access the backyard. And their parking space
16 is actually located on the neighboring condo's property along
17 the alley. So it allows them access from the back doors to
18 get down to the backyard and out to their parking spot there.

19 The ANC planning and zoning committee heard this
20 on March 1st and recommended approval to the entire ANC who
21 voted to support on March 8th. The Capitol Hill Restoration
22 Society also voted to support it. And you their letter. I
23 believe it's dated April 9th.

24 We have some letters in support from the
25 neighboring property owners. And we don't think that there's

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1 a negative impact either of the immediately adjoining owners.
2 And I believe we have OP's support. So we are here mainly
3 to answer any specific questions you all may have. But
4 again, we're asking for that increase in 10 percent lot
5 occupancy to 70 percent to allow for the platform deck and
6 the landscaping.

7 BZA CHAIR HILL: Okay. Thank you. I'm going to
8 just turn to the Office of Planning real quick first and get
9 questions from my Board. You're on mute, Ms. Roberts?

10 MS. BROWN-ROBERTS: Good afternoon, Mr. Chairman
11 and members of the BZA. Maxine Brown-Roberts from the Office
12 of Planning on Case No. 20675. The proposal is for the rear
13 deck addition which would increase the lot occupancy to 70
14 percent.

15 The proposal meets the special exception
16 requirements of Subtitle E, 5201 for an addition to building
17 and that the lot occupancy would not exceed 70 percent.
18 According to the applicant, the proposed deck would not
19 extend beyond the walls of the adjacent properties and only
20 be five feet wide which should not cast any shadows or unduly
21 affect the light and air to adjacent properties. The privacy
22 of adjacent properties would not be duly affected as the deck
23 would have no views into private areas of the adjacent
24 properties.

25 And the property to the rear is a parking lot for

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1 the adjacent apartment. The property does not abut an alley
2 and would not be visible from the street. And the house
3 would remain a conforming use with a 70 percent lot occupancy
4 allowed by this section.

5 Regarding the general special exception, the
6 proposed deck would not interfere with the existing light and
7 air and the building would continue to be residential use and
8 meets the requirements of Subtitle E, 5201. Again, the
9 increasing lot occupancy would not tend to adversely affect
10 the use of neighboring properties. The Office of Planning
11 therefore recommends approval of the requested special
12 exception. Thank you, Mr. Chairman. And I'm available for
13 questions.

14 BZA CHAIR HILL: Thank you, Ms. Brown-Roberts.
15 Does the Board have any questions for the Office of Planning?
16 Okay. Oh, sorry. Mr. Blake?

17 MEMBER BLAKE: Yeah, quick question. I want to
18 get just some clarification on the dimensions of the proposed
19 deck. I understand it's five feet wide. But I calculated
20 somewhere between 130 to 140 square feet.

21 And I would just kind of get a sense of you had
22 requested some additional information on dimensions. I
23 wanted to get a sense of how that fared. And also with
24 regard to the other elements, I understand this is a self-
25 certified application. I just noticed that there was no

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1 information with regard to rear yard, and I was curious to
2 understand how big it was relative to that given the lot
3 occupancy issue.

4 MS. BROWN-ROBERTS: As I said in my report, the
5 dimensional requirements were not provided by the applicant
6 that were requested. So I can't answer that question. And
7 the applicant said that the width of the deck was five feet.
8 So that was what we went by.

9 MEMBER BLAKE: Mr. Chair, I'd like to ask the
10 applicant to just clarify the dimensions for me, if possible.

11 BZA CHAIR HILL: Sure, Mr. Blake.

12 MS. THEMAK: You're correct. And it's about 145
13 square feet that we're adding here. The proposed deck is 5
14 feet by 29 feet in length. There's an aerial that shows --
15 that we did submit that shows the dimensions of the deck and
16 the distance from the rear property line. And I believe that
17 is Exhibit --

18 MEMBER BLAKE: What is the distance?

19 MS. THEMAK: I believe it's 20 feet from the fence
20 -- the existing fence. And then there's an additional -- to
21 the mid-center of that property line, it's between 10 and 20
22 additional feet. I also have Krzys Laski here who is the
23 property owner. He might be able to speak to that distance.

24 BZA CHAIR HILL: I don't -- oh, yeah. Mr. Laski,
25 can you hear me?

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1 MR. LASKI: Okay. Thank you for unmuting me. So
2 let me kind of give a little bit of context and I have some
3 pictures. We have an existing set of stairs that come up to
4 our level. So this is a three-story building my wife and I
5 live on and my family live on the second and third floor.

6 So we have a staircase that leads up to a door
7 which is a five foot wide platform. The deck or the exterior
8 corridor we're proposing would extend across the back of the
9 building to a connecting set of double doors. I have a
10 picture for you if you'd allow me to share.

11 BZA CHAIR HILL: That's okay. Let me just see if
12 Mr. Blake -- Mr. Blake, does that answer your question?

13 MEMBER BLAKE: It does to a large extent. The one
14 question I have is about the rear yard, and it's not part of
15 the relief. But I was trying to understand it with a 20 foot
16 property.

17 You said you didn't even use the area for parking.
18 So I was just curious to understand was it shorter than that.
19 It seems like there's a fair amount of space back there. I
20 just want to --

21 MR. LASKI: There is. There is. So it's not a
22 perfect square. So South Carolina Ave is a diagonal, and the
23 back of my house would face C Street. So that's kind of an
24 east-west. And so at the short end, it's -- I think the way
25 to describe is as opposed to a perfect square, you have kind

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1 of a trapezoid. And so the staircase, we have kind of a lot
2 of room, more than 20 feet, from the back of building to what
3 would be the back of the yard, if that makes sense to you.

4 MEMBER BLAKE: Thank you. And it's about nine and
5 a half feet off the ground as I understand. Is that right?

6 MR. LASKI: Yeah, it's a story, right? So
7 whatever the standard story is, we have eight-foot ceilings
8 plus gap between floors kind of thing.

9 MEMBER BLAKE: Okay. Thank you.

10 BZA CHAIR HILL: Anyone else? All right. Mr.
11 Young, is there anyone here wishing to speak?

12 MR. YOUNG: We do not.

13 BZA CHAIR HILL: All right. Ms. Themak, do you
14 have anything you'd like to add at the end?

15 Okay. I'm going to go ahead and close the hearing
16 and the record. I'm going to excuse everyone. Okay. Who
17 would like to start? Anyone like to start?

18 VICE CHAIRPERSON JOHN: Okay. I'll start.

19 BZA CHAIR HILL: Thanks.

20 VICE CHAIRPERSON JOHN: This is a fairly
21 straightforward application. I didn't have any difficulty
22 with the size of the deck because of the width. It's just
23 five feet for the deck, five feet deep. And it's a self-
24 certified application.

25 So if the rear yard does not meet the kind of

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1 requirement, then the applicant would need to come back to
2 the Board for relief. And so I'm going to give great weight
3 to the Office of Planning's report and the ANC report. The
4 ANC had no issues or concerns, neither did DDOT. DDOT had
5 no objections.

6 And so there's a caveat with the OP report that
7 the Office of Planning was unable to provide a recommendation
8 and needed additional dimensional requirements. But based
9 on today's testimony, I am satisfied with the OP report. And
10 I would be in support of the application.

11 BZA CHAIR HILL: Thank you, Vice Chair John. Mr.
12 Smith?

13 MEMBER SMITH: -- provided by Vice Chair John to
14 this particular application. I do give great weight to OP
15 staff report. I will be in support of the application.

16 BZA CHAIR HILL: Thank you. Mr. Blake?

17 MEMBER BLAKE: I too will be voting in favor of
18 the application. I believe the burden of proof was met. The
19 deck itself is open and uncovered and enclosed. It's only
20 about nine and a half off the ground level.

21 It won't extend beyond the rear of either of the
22 adjacent properties and windows at direct eye level off the
23 deck. So there are no issues with the privacy as well. And
24 it should not have an impact on the visual landscape of the
25 rear as well.

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1 So I feel comfortable with this. I give great
2 weight to the Office of Planning report. DDOT has no
3 objections. The ANC 6B is in support with no issues or
4 concerns. And I would also indicate you have a letter of
5 support from Capitol Hill Restoration and also letters of
6 support from most of the neighbors including one of the
7 adjacent neighbors.

8 BZA CHAIR HILL: Thank you. Chairman Hood?

9 ZC CHAIR HOOD: For the sake of not repeating, I
10 would ditto everything Board Member Blake mentioned. Thank
11 you.

12 BZA CHAIR HILL: Thank you, Chairman Hood. I have
13 nothing to add. I think it's a pretty straightforward and
14 small deck. I'm going to make a motion to approve
15 Application No. 20675 as captioned and read by the Secretary
16 and ask for a second. Ms. John?

17 VICE CHAIRPERSON JOHN: Second.

18 BZA CHAIR HILL: Motion made and second, Mr. Moy.
19 If you'll take a roll call.

20 MR. MOY: When I call your name, if you would
21 please respond with a yes, no, abstain to the motion made by
22 Chairman Hill to approve the application for the relief
23 that's requested. Motion was second by Vice Chair John.
24 Zoning Commission Chair Anthony Hood?

25 ZC CHAIR HOOD: Yes.

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1 MR. MOY: Mr. Smith?

2 Mr. Blake?

3 MEMBER BLAKE: Yes.

4 MR. MOY: Vice Chair John?

5 Chairman Hill?

6 BZA CHAIR HILL: Yes.

7 MR. MOY: Then staff would record the vote as 5
8 to 0 to 0. And this is on the motion of Chairman Hill to
9 approve. The motion to approve was second by Vice Chair
10 John. The motion to approve was also supported by Zoning
11 Commission Chair Anthony Hood, Mr. Smith, Mr. Blake, Vice
12 Chair John, and Chairman Hill, of course. Motion carries on
13 a vote of 5 to 0 to 0.

14 BZA CHAIR HILL: Thank you, Mr. Moy. Mr. Moy, you
15 can call our next one when you get a chance.

16 MR. MOY: The next case before the Board is
17 Application No. 20680 of DMV Realty Investments, LLC. This
18 is a self-certified application for special exception from
19 the rear addition requirements, Subtitle E, Section 205.4,
20 pursuant to Subtitle E, Section 205.5, Subtitle E, Section
21 5201, and Subtitle X, Section 901.2. This would construct
22 a third story with roof deck and rear addition and convert
23 to a three-unit apartment house, a semidetached three-story
24 wood cellar principal dwelling unit in the RF-4 zone.

25 Property located at 801 20th Street, Northeast,

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1 Square 4495, Lot 20. The preliminary matter here, very
2 quickly, Mr. Chairman, is that there was a revised surveyor's
3 plat that was submitted late, probably within that 24-hour
4 block. So that's before the Board.

5 BZA CHAIR HILL: Okay. Unless the Board has any
6 issues, I want to see the surveyor's plat. So Mr. Moy, if
7 you could drop that into the record, please, so we can take
8 a look. Let's see. Is it Mr. Teran?

9 MR. TERAN: Good afternoon, Mr. Teran.

10 BZA CHAIR HILL: Teran? Could you introduce
11 yourself for the record, please?

12 MR. TERAN: My name is Eric Teran. I'm the
13 architect and representing the owners of the property.

14 BZA CHAIR HILL: Are you with Eustilus
15 Architecture?

16 MR. TERAN: Yes.

17 BZA CHAIR HILL: Okay. All right. Okay. So then
18 you're the representative, correct?

19 MR. TERAN: Correct.

20 BZA CHAIR HILL: Okay. All right. Mr. Teran, if
21 you could go ahead and walk us through your client's
22 application and why you believe they should be granted the
23 relief requested in terms of the standard with which we're
24 supposed to look at the regulations. And I'm going to put
25 15 minutes on the clock there so I know where we are, and you

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1 can begin whenever you like.

2 MR. TERAN: Okay. Thank you very much for giving
3 me the time to present the case. The plat that I did submit
4 this morning is to correspond to these plans. It's basically
5 the original plat was showing three parking spaces, but --

6 BZA CHAIR HILL: Are you pulling this up, Mr.
7 Teran? Or is this Mr. Young?

8 MR. TERAN: I pulled it up. Should I take it off?

9 BZA CHAIR HILL: No, that's all right. Mr. Young,
10 they can do that?

11 MR. TERAN: There's a button that said share.

12 BZA CHAIR HILL: Hold on a second, Mr. Teran.
13 Give me a second.

14 MR. TERAN: Sure.

15 MR. YOUNG: -- aware that they could. I thought
16 that I had to give them permission to do that.

17 BZA CHAIR HILL: Okay. So --

18 MR. TERAN: Should I unshare?

19 BZA CHAIR HILL: No, no. Give me a second. So
20 this is now just like when we are in a hearing. You're doing
21 something interesting, Mr. Teran. Just give me a second.
22 So Ms. Nagelhout, can you hear me?

23 MS. NAGELHOUT: I can.

24 BZA CHAIR HILL: So this is just like a hearing.
25 I mean, it's so funny that it took somebody now just to push

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1 a button. But this is now just like a normal hearing then,
2 right, if we were on the dais, meaning they're coming before
3 us with their presentation. It doesn't have to be dropped
4 into the record before the hearing.

5 MS. NAGELHOUT: Could be. Yes, that's what the
6 rules requirement, or else they ask for a waiver of the 24-
7 hour deadline.

8 BZA CHAIR HILL: So it should be in the record
9 ahead of time?

10 MS. NAGELHOUT: Yes.

11 BZA CHAIR HILL: Okay. And I'm sorry. Just give
12 me a second, Mr. Teran. Like, I don't recall when we were
13 live on the dais, whenever somebody presented something to
14 us, it wasn't necessarily always in the record ahead of time.
15 I mean, you're saying it was -- it's a -- or they ask for a
16 waiver, correct?

17 MS. NAGELHOUT: That's the rule in the virtual
18 environment. When we're in person, they can just show up
19 with their presentation and people could put whatever into
20 the record until the record was closed at the end of the
21 hearing. But there's a 24-hour rule now for the virtual
22 stuff.

23 BZA CHAIR HILL: I see, for the virtual stuff.
24 So it's really the virtual environment that -- I didn't
25 realize that. The virtual environment is causing the 24-hour

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1 rule, correct? Yes. Mr. Teran, do you have something that
2 you can refer us to that's in the record? Is it just your
3 plans?

4 MR. TERAN: This is everything that's in the
5 record. I'm not showing you anything new.

6 BZA CHAIR HILL: Okay. Are you -- so give me a
7 second. So if you could drop this. So unshare this, Mr.
8 Teran.

9 MR. TERAN: Sure. I got to figure out how to do
10 that. Stop sharing, there we go.

11 BZA CHAIR HILL: Okay. So then Mr. Young, I guess
12 if we can disable that button in the future, I don't know.
13 You can do a little research on it. And then I guess if you
14 could bring up Exhibit 21 for Mr. Teran.

15 (Pause.)

16 BZA CHAIR HILL: I'm sorry. I'm just checking if
17 you heard me.

18 MR. YOUNG: Yeah, I am pulling it up now.

19 BZA CHAIR HILL: Okay. No problem. All right,
20 Mr. Teran. You can just ask for Mr. Young to advance to the
21 next slide.

22 MR. TERAN: Okay. Yes, if you can, please,
23 advance to the next slide. This is the subject property, Lot
24 20. And as you can see, we're adding to the back.

25 We're asking for an extra 7 feet and 10 inches

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1 past the 10 feet of Lot 21. That'd be for the three levels
2 above grade. You can see Lot 65 to the left and Lot 19.
3 It's in similar size. If you'd go next, please.

4 These are the floor plans. We can skim through
5 them quickly unless one of the members has a question. It's
6 basically we're adding to the back lot an extra 7 feet. So
7 it's extending overall 17 feet past the existing adjacent
8 house.

9 So it's three units. The first unit is the
10 cellar, and half of it is on the first floor which is Unit
11 A. And Unit B, half of it is on the first floor. If you go
12 to the next slide, please. You'll see the rest of Unit B on
13 the second floor.

14 And the final unit is Unit C. That would be on
15 the third floor. Next, please. And then we have -- Unit C
16 does have access to a roof deck through a roof hatch which
17 you can see that there's little kind of an angle piece there
18 above where it says, open to below. That's where they have
19 access to the roof deck. Next please.

20 These are the elevations. We'll look at the 3D
21 images as well which I think tells a better store. But
22 quickly, I want to point out that we are asking for
23 additional feet at the back. And because of that, we are not
24 extending by right to what we could have done which is 40
25 feet to the roof plus another 4 feet with a parapet if we're

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1 wanting to do that.

2 As you can see, the parapet and the gabled roof
3 are lower which will give a massing a smaller feeling than
4 if we did everything by right. Next, please. This is the
5 front elevation. Same thing, just showing the front half on
6 the corner where the roof deck is located.

7 It's facing the corner of the street, so there is
8 no privacy concerns looking towards somebody's backyard. And
9 then you can see the gable roof. So it breaks up the
10 massing. So it's not another three-story big rectangular
11 building.

12 We're hoping that by breaking it up, giving it
13 some additional features, it'll help with the shading of the
14 northern neighbors. And also I think given it some relief
15 will have more interest. Next, please. So this is the
16 adjacent neighbor's property to the north.

17 You can see the outline. And there, you can see
18 where the 10 feet is allowed plus an extra 7 feet. And you
19 can see how we are lower than what we are allowed by right
20 to do. Next please.

21 Just a section, I don't think it shows too much
22 here. Next, please. And then just the demo plans. And is
23 it possible to bring up Exhibit 22, the three images, please?
24 And Exhibit 14 afterwards, please, to show the sun study.

25 (Pause.)

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1 MR. TERAN: So these are the 3D renderings that
2 we have prepared. I think they'll give a better picture
3 showing how it fits with the neighborhood. These are the
4 angles of the six images we'll view. Next, please.

5 So this is the house with the house to the north
6 and showing how the parapet walls work. And that'd be the
7 area for the roof deck. Next, please. This is at the corner
8 just showing the massing. Next, please.

9 And that's along the street. This is where the
10 new front door will be along this side. And we're providing
11 two parking spaces. Next, please.

12 Another view, as you can see, this is where I was
13 going back to where we have parapet in the front, gabled roof
14 in the back. We believe by doing this gabled roof, it will
15 help lessen the sun effect on the properties to the north.
16 And it's also smaller -- it's not as big of a mass than if
17 we build it by right. Next, please.

18 And this is showing with the neighbor to the north
19 and the additional 7 feet 10 inches that we're asking for.
20 Once again, we're lower than what we're allowed to be. If
21 you could bring one more. The next one, please. Sorry. And
22 that's just a little bit further back, just kind of showing
23 the relationship to the other building that's to the east,
24 just similar in scale.

25 And if you can just bring up Exhibit 14, please,

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1 to go over the sun study, or 17. So we have the sun study
2 at the summer solstice and the winter solstice. This first
3 set is at the summer solstice.

4 As you can see at 9:00 a.m., there is not effect
5 on the house to the north. Next, please. Here at noon there
6 is some. As you can see in that red highlighted area on the
7 left side, it's pretty minimal.

8 Once again, if we did build it by right and went
9 up to 44 feet, we'd be creating a much bigger shadow than
10 what we are doing now. Next, please. And this is at 3:00
11 p.m. And there is no effect on the house to the north.
12 Next, please.

13 This is the winter solstice. There is a little
14 bit more of an impact, as you can see, the red on the left
15 side cutting through the yard. Next, please. Once again,
16 the red highlighted area would be the additional shadow. One
17 more, please.

18 And this is at the very end where it would be
19 creating a shadow. But it's at the very corner back part of
20 the yard. So there's additional shadow effect here. But I
21 don't think it's -- it's on the yard, not on the house.

22 And lastly, the roof deck as I mentioned is on the
23 front. So we're not -- there is no privacy concern. We
24 believe with a sun study we're showing that there isn't much
25 effect on the light or air. And we did believe that the

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1 house falls in line with the character of the neighborhood.
2 And I'm happy to take any questions.

3 BZA CHAIR HILL: Okay. Does anybody have
4 questions of the applicant? Mr. Blake?

5 MEMBER BLAKE: With regard to the parking first,
6 could you just make sure -- I just want to make sure I
7 understand where the building height -- the building
8 restriction line is and if the parking spaces are behind that
9 line.

10 MR. TERAN: Yeah, they're not within the building
11 restriction line. I spoke to DDOT about that. That's not
12 allowed. So it is all -- the width of the house is basically
13 behind there and a few parking spaces. On the side plan --
14 on one of the floor plans, I believe you could see it.

15 MEMBER BLAKE: Okay. How far is building
16 restriction line? Is it on it?

17 MR. TERAN: The parking? I mean --

18 MEMBER BLAKE: The building -- at the building
19 restriction line or is it --

20 MR. TERAN: Yes. The building is on the building
21 restriction line. And then the two black pieces at the
22 parapet, that extended into the building restriction line.
23 So we have to get DDOT approval for that.

24 MEMBER BLAKE: And the parking spaces, though,
25 would not. So they would line up essentially at the building

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1 --

2 (Simultaneous speaking.)

3 MR. TERAN: Correct, within the building
4 restriction line.

5 MEMBER BLAKE: And DDOT had mentioned something
6 about putting some type of plantings or landscaping in there
7 to kind of shield the cars. Do you do something like that,
8 or --

9 (Simultaneous speaking.)

10 MR. TERAN: We're actually putting a fence because
11 we have submitted to DCRA and zoning set of fences required
12 to block parking. So we are actually going to put in a 6
13 foot fence along the building restriction line at per zoning
14 request.

15 MEMBER BLAKE: Okay. That's not on a plan,
16 though. So where the car is now, we would not see that car.
17 Is that what you're saying?

18 MR. TERAN: Correct.

19 MEMBER BLAKE: Okay. Thank you for that.

20 BZA CHAIR HILL: Anyone else -- oh, Mr. Smith?

21 MEMBER SMITH: I have a question and help me to
22 understand the shadow studies. You have a proposed amount
23 of light. So to understand just to make sure that the area
24 that you're striking red is the additional shadowing beyond
25 the matter of light shadowing that you're showing on the

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1 right?

2 MR. TERAN: Correct. So that highlighted area on
3 the photos on the left would be what's additional.

4 (Simultaneous speaking.)

5 MR. TERAN: We're extending an additional 7 feet.

6 MEMBER SMITH: I'm sorry. I'm sorry. What was
7 that?

8 MR. TERAN: The highlighted area was showing where
9 the additional shadow is because we're proposing to -- this
10 7 foot 10 inch addition.

11 MEMBER SMITH: So is the red -- are you showing
12 that in the context of the existing footprint? Is that in
13 the context of what you could do a matter of right? So on
14 the right side of these images in the sun study, is that what
15 you can build as a matter of right up to the by right height?

16 MR. TERAN: We showed it as our design without the
17 additional 7 foot 10 inches.

18 MEMBER SMITH: Okay. And what's on the right?

19 MR. TERAN: That'd be what's on the right.

20 MEMBER SMITH: That's what's on the right? Okay.
21 All right. So there are some images here when you -- there
22 is some additional shadowing on the adjacent property. To
23 mitigate that, was there some discussion of lowering the
24 height or removing some of the bulk and mass that you
25 proposed beyond the 10 feet, not having that bulk and mass

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1 to potentially reduce the impacts to the adjacent properties?

2 MR. TERAN: So that's what we were trying to
3 accomplish with the gable roof so that we wouldn't have just
4 a straight up wall right on the property line. We're tilting
5 it, and that's helping with the shadows. So that's what we
6 felt was a good compromise.

7 MEMBER SMITH: I'm still seeing even with the
8 gabled roof there is a wall there. So I don't know what you
9 can do differently from an architectural standpoint to
10 mitigate that. But it still seems to me to be a wall was
11 being created very similar to what's on the other side of the
12 alley there that (audio interference). But anyway, just was
13 a thought. I guess I'll hear from the ANC. So that's all
14 the questions that I have.

15 BZA CHAIR HILL: Anyone else for the applicant?
16 Mr. Teran, maybe I'll ask the Commissioner also, is there,
17 like, an apartment building behind the --

18 MR. TERAN: The building to the east, I think it's
19 --

20 BZA CHAIR HILL: On H Street?

21 MR. TERAN: -- condos, yeah.

22 BZA CHAIR HILL: They're condos?

23 MR. TERAN: I believe so, yeah.

24 BZA CHAIR HILL: They look familiar. I wonder if
25 we approved those. I can't remember now.

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1 MR. TERAN: Commissioner Moore will be able to
2 fill you in more on the history of this nice neighborhood.

3 BZA CHAIR HILL: Okay, okay. Well, these people
4 are smiling. Okay. All right. Commissioner Moore, can you
5 hear me? Could you introduce yourself for the record,
6 please?

7 MS. MOORE: Yes, I'm Commissioner Sydelle Moore.
8 I represented 5D05, and I'm the Chairperson for ANC 5D.

9 BZA CHAIR HILL: All right, Commissioner. Thanks
10 for joining us. I know that you don't get paid to be here.
11 So let's see. Could you give us your testimony, please,
12 Commissioner?

13 MS. MOORE: Sure. So I'll just give kind of a
14 brief overview of the difference in how we see this project
15 as an ANC. We did vote against this particular addition for
16 a variety of reasons. One was really kind of illustrated by
17 the questions about sun and light that you all just discussed
18 and our concern that there are basically times of the year
19 when there's absolutely no sunshine for hours and hours
20 during the day on the adjacent property owner to the north
21 property.

22 And so that is concerning for us, and that's
23 concerning for her. The other thing that we really discussed
24 with the applicant was just the fact that this helped set a
25 precedent for rear setback since we're now in RF-4 zone which

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1 is why that property across the alley does not look -- is not
2 an appropriate point of reference to use. That is from a
3 different zone.

4 If you all recall, we had a zoning case, ZC19-30.
5 And the reason why that building may look a little bit
6 familiar is because one of the examples that the ANC and the
7 Office of Planning gave for inappropriate architecture in our
8 area was exactly that building across the alley. And so this
9 really imitates a lot of the elements from that building
10 which was the underpinning in large part to have that zoning
11 case approved which changed us on those blocks from an RA-2
12 zone to an RF-4 zone which the first mapped RF-4 zone in the
13 city.

14 And so it's not that the neighbors are necessarily
15 completely adverse to additions to properties. It's that
16 certain types of additions lead to situations where you
17 continue to have rear setbacks that are based on the adjacent
18 property. So you have an addition here, then that means that
19 the adjoining property can go back even further and the
20 adjoining property to that one can go back even further.

21 So it sets a precedent that we specifically had
22 a zoning case in 2019 in order to avoid for these blocks so
23 that the changes in development could be more gradual. And
24 the residents who don't want to change their properties can
25 continue to enjoy their sun and air as other property owners

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1 make different decisions for their properties. So that is
2 kind of the basic synopsis there, and I'm happy to answer any
3 questions about the gap in the previous zoning from the
4 example given versus the zoning now and why some of those
5 decisions were made.

6 BZA CHAIR HILL: Okay. Does the Board have any
7 questions for the Commissioner? Commissioner Hood -- I mean,
8 Chairman Hood?

9 ZC CHAIR HOOD: That's all right. Thank you,
10 Chairman Hill. And always good to see you, Commissioner
11 Moore. I appreciate --

12 MS. MOORE: It's good to see you.

13 ZC CHAIR HOOD: -- all that you do. I think I saw
14 you quite a bit during redistricting.

15 MS. MOORE: I think so.

16 ZC CHAIR HOOD: Job well done. I'm concerned when
17 you say ZC Case 19-30. I'm going to have to go back and
18 look. And I will be the first to admit. Sometimes I look --
19 and I think I've said this at oversight hearings. Sometimes
20 I look -- I've been around so long. So sometimes I look at
21 stuff and I say, did we actually do that. So I need to --
22 in D.C. Case 19-30, was there support from the community on
23 this? Or was it opposite?

24 MS. MOORE: Yes.

25 ZC CHAIR HOOD: Okay.

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1 MS. MOORE: It was very heavily supported by
2 members of the community. Most of the opposition we had save
3 one person was actually outside of the community. And
4 actually, most of that opposition was from Ward 3.

5 ZC CHAIR HOOD: Okay, okay. I was just wondering.
6 I thought we had a snafu here. All right. So I see in your
7 testimony, I think -- excuse me if I don't -- correct
8 statute. I think it was 5203.1 is what you cited. And
9 again, kind of state to me what the -- I do see the blank
10 wall. I guess it's on the east side. If my orientation is
11 off, it's off.

12 But I'm just curious. Again, help me understand.
13 Is there a happy medium here? Is this something that the
14 community would like to see. I'm always trying to push the
15 envelope even more because I do know the regulations -- which
16 some I agree with, some I don't -- allow for some of this.
17 What is a win-win for everybody here in your opinion?

18 MS. MOORE: I mean, I think we set rules very
19 recently because 2019 is not that long ago that already allow
20 quite a lot of flexibility over what is already there. So
21 we are for the most party, a neighborhood where the
22 townhouses have about 40 lot occupancy. We still bumped up
23 to about 60 percent lot occupancy.

24 The height requirements are still about twice as
25 tall as the adjoining townhomes. And we do allow for that

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1 additional 10 feet in the rear. So it's not that -- there
2 are some cases where neighborhoods have not looked at their
3 zoning for quite some time, and times have changed so much
4 in the interim that it might make a lot of sense to offer
5 zoning adjustment like this one.

6 But I think in this instance, we really looked at
7 what is available in terms of housing in the community now,
8 what the housing patterns are in terms of things that people
9 are building. And we really try to be fair. And so that
10 zoning change really was the win-win and the happy medium to
11 say that, yeah, we are going to allow for some additional
12 growth here because the other option for us as a community
13 is that we were being considered for historic designation
14 which was part of the conversation during that ZC 19-30 case.

15 And so this was the happy medium. And so to now
16 kind of just as soon as we get settled into that happy
17 medium, kind of have the developer approach between to, well,
18 let's continue to push the envelope for a new happy medium.
19 You do reach a point where you just have a shift goal post
20 at a certain point.

21 And I think that we did a really good job in
22 conjunction with the Office of Planning, looking at what
23 standards we wanted to set for the community. We did go with
24 one of the very new zones in order to develop that. And it
25 still gives quite a bit of room for growth.

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1 Twice as tall like I said nothing to sneeze at.
2 An additional 10 feet back out of a 40 foot lot which already
3 has a 10 foot addition on the adjoining property is nothing
4 to sneeze at. So it does already offer quite a bit of
5 leeway. And we would just like to have -- we'd like to
6 actually enforce the guidelines we have now before changing
7 them again. I think that's really the thinking in terms of
8 being fair to all parties involved.

9 ZC CHAIR HOOD: Okay. Thank you, Chairperson
10 Moore. I appreciate your comments. Stay tuned. Thank you.
11 Thank you, Mr. Chairman.

12 BZA CHAIR HILL: Chairperson, they actually say
13 that? Chairman, they don't say Chairman? Chairperson Moore?
14 I say Chairman?

15 MS. MOORE: Just don't call me late for dinner.

16 BZA CHAIR HILL: Right, that's -- oh, there you
17 go. So Chairperson Moore, was it a unanimous vote no?

18 MS. MOORE: Yes.

19 BZA CHAIR HILL: I can't remember. Okay. And so
20 --

21 (Simultaneous speaking.)

22 MS. MOORE: And as was the zoning case vote, 19-
23 30. That was also a unanimous vote.

24 BZA CHAIR HILL: Okay. So if they didn't go back
25 beyond the 10 feet, then you'd be kind of okay with this just

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1 because --

2 (Simultaneous speaking.)

3 MS. MOORE: Yeah. I mean, we set rules that we
4 wanted the process to flow smoothly and to still be able to
5 see some growth and some development on properties, but just
6 to be fair to the adjoining neighbors. And so I do think
7 that if they were to stay within what's there as a matter of
8 right, that's not a problem for us. That's what we
9 anticipated.

10 BZA CHAIR HILL: Mr. Teran, can you hear me?

11 MR. TERAN: Yes.

12 BZA CHAIR HILL: What did -- what did the neighbor
13 to the -- whatever, the next door neighbor is, what did they
14 say about this project? I forget.

15 MR. TERAN: She's been very difficult to work
16 with. She opposes any type of construction. The owners gone
17 over once or twice. I've been over twice. She doesn't want
18 anything to be built. And so we've tried.

19 BZA CHAIR HILL: That's okay, Mr. Teran. It's
20 okay. She just doesn't want anything built. That's all
21 right.

22 MR. TERAN: Yes.

23 BZA CHAIR HILL: Everybody is entitled to their
24 opinion.

25 MS. MOORE: I actually have a different

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1 perspective based on my conversations with that neighbor.

2 MR. TERAN: The last time two times I spoke to
3 her, that's what she told me.

4 BZA CHAIR HILL: That's fine. What is that,
5 Commissioner?

6 MS. MOORE: Well, I think her concern is more so
7 -- it is that additional extension and then it's things on
8 her side of the property. She -- there's also an expansion
9 there as you guys were discussing to the building line, the
10 building restriction line, that goes to the south of the
11 building. Not a concern for her in any way, shape, or form
12 because it doesn't impact her.

13 So I think that her opinion around the
14 construction is a bit more nuanced than that if you're really
15 just talking purely about the construction and not
16 necessarily about interactions or some of the misgivings I
17 think people have sometimes in situations like this. Not to
18 cast dispersions at all, but people are apprehensive about
19 necessarily having robust conversations sometimes with
20 developers if they think it might become adversarial.

21 BZA CHAIR HILL: Got it. Okay, Commissioner.
22 Thanks.

23 (Simultaneous speaking.)

24 BZA CHAIR HILL: Give me one second, Mr. Teran.

25 MR. TERAN: Sure.

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1 BZA CHAIR HILL: Mr. Smith, you had a question?

2 MEMBER SMITH: Yeah, and that question was to Mr.
3 Teran to your point, this dialogue that we're having now.
4 And I understand that the property owner to the north, you
5 said that she wasn't in support of any development. Did you
6 present some other design schemes to her that may have won
7 over her support? Was there a review of the schemes you
8 presented to her?

9 MR. TERAN: I couldn't even show her what we had.
10 She didn't want to look at anything. And that's just what
11 she told me. She didn't want to see -- she didn't want to
12 have any noise or any disruption which I understand. I mean,
13 it's going to be eight, ten months of construction. But I
14 couldn't get her to see anything that we had done.

15 MEMBER SMITH: Okay. Did you present some other
16 schemes to the ANC?

17 MR. TERAN: No, it was this one because we believe
18 that, yes, by right I think it's going to be much taller.
19 It's going to feel more -- I mean, we just did a big
20 rectangle that was an extra 10 feet and up to 44 feet. It's
21 going to look exactly like the building to the east that I
22 don't like and I don't think anybody in the neighborhood
23 likes.

24 So we believe a good compromise was the roof deck
25 in the front with the lower grove. I mean, I think we're 7

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1 feet lower or 5 feet lower than we're allowed. And the
2 gabled roof I think takes -- gives it a more interesting
3 shape, gives it more relief than just a big rectangular box
4 that you see most developers putting up because they want to
5 try get as much square footage and area as they can. We
6 could've easily gone -- every ceiling height could've been
7 10 feet because you have a 40 foot height limit. But we
8 decided not to go that route.

9 MEMBER SMITH: Okay. Thank you.

10 MR. TERAN: And one more thing too about -- each
11 house is about 40 percent. This what we're proposing is at
12 36.8 percent. Granted, the majority of it is within the
13 building restriction area. But it's just a bigger lot. And
14 we are still at 36.8 percent.

15 MEMBER SMITH: Thank you for that context.

16 BZA CHAIR HILL: Mr. Teran, again, the by right,
17 can you clarify that again? If you just went 10 feet back,
18 you could only go 10 feet back from -- and this, I can ask
19 Office of Planning. You can only go 10 feet back from the
20 bottom floor and then 10 feet back from the second story?

21 I somewhat forget that. I should know that right
22 off the top of my head. And then the height, how would the
23 by right project look differently? Can you tell me that
24 again?

25 MR. TERAN: Yes. So you can push back 10 feet and

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1 that can go all the way up to three floors. And the height
2 limit is 40 feet. So if you wanted to, the ceiling of the
3 third floor could go up to 40 feet.

4 BZA CHAIR HILL: What are you guys proposing?
5 What are you proposing at now?

6 MR. TERAN: I think it's -- the roof deck, it's
7 35. And then at the gable, the way the gable height is
8 measured is from the midpoint of the roof.

9 BZA CHAIR HILL: Yeah.

10 MR. TERAN: And I think it's shown in one of the
11 elevations. And that gable point -- the midpoint is a little
12 bit under 40, and the point of the gable is at 44. But we
13 could in theory have the entire roof be at 40 feet, and then
14 we could put a 4 foot parapet all the way around it. That
15 is allowed by right. And I think that's going to look much
16 more of a monster.

17 BZA CHAIR HILL: Yeah, I appreciate the
18 discussion. I don't know if you can do that through the
19 second story, though. But that's the part that I'm not clear
20 on.

21 MR. TERAN: I mean, you can have each story --
22 each floor could have a 10 foot, 11 foot ceiling if you
23 wanted.

24 BZA CHAIR HILL: No, I'm saying that I don't know
25 from the second floor if you can go back. You'd have to only

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1 go back 10 feet from the second story of the adjacent
2 neighbor.

3 MR. TERAN: My understanding is from any floor
4 can't go past 10 feet.

5 BZA CHAIR HILL: Okay. All right. Let's see.
6 Okay. Anybody else at this point? Vice Chair John?

7 VICE CHAIRPERSON JOHN: Mr. Teran, I just have
8 difficulty understanding what additional height would get
9 you. You wouldn't be able to add anymore units. There'd
10 just be more headroom?

11 MR. TERAN: Exactly.

12 VICE CHAIRPERSON JOHN: So --

13 MR. TERAN: My point is I don't think it's
14 necessary, and we don't need it. And so we're not building
15 as much as we're allowed to. We're building to be aware that
16 there's neighbors there, to be respectful to them.

17 So I think that's the point that I'm trying to get
18 across that even though we're allowed to build more, we're
19 not. And kind of a compromise is were' asking for those
20 additional 7 feet. But we're not building out as much as we
21 could.

22 VICE CHAIRPERSON JOHN: I know. It sort of isn't
23 a compromise for us because you're already at 10 feet back.
24 So anything about that is within the Board's discretion. And
25 when I looked at this application, I was a bit troubled by

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1 the 25 feet on the second floor.

2 So when you say that you could go up higher,
3 that's neither here nor there to me because I'm more
4 concerned about the impact of the bump out going back 25 feet
5 on the second floor. That's not a small thing for the person
6 living next door. I'm not saying I'm opposed to it, but I'm
7 just trying to explain what my difficulty is.

8 MR. TERAN: That's understood. And the way zoning
9 has it is you can go 10 feet past, whatever is the furthest
10 extension of a house. So that's why the first floor is only
11 10 plus 7. But the second floor is more.

12 VICE CHAIRPERSON JOHN: And that's why I think the
13 gable roof helps to make that wall not a 44 foot walls all
14 the way up but we have a gable roof to cut that down.

15 MEMBER SMITH: I do --

16 VICE CHAIRPERSON JOHN: Thank you.

17 MEMBER SMITH: -- disagree with that opinion that
18 the gable roof cuts that down, because at the peak, it still
19 reads as -- to the peak is 44 feet. And your max height is
20 45 feet. So given the pitch of that gable roof, to me, it
21 still reads -- it's still going to read as a 45 foot tall
22 building. So you saying that does not sway my opinion.

23 MR. TERAN: Well, I think if you stand in the
24 adjacent back yard and you're looking up, you're not going
25 to see the peak. You're going to see where the eave starts

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1 going up. So this point here where the roof starts, I
2 believe it's at 35 feet rather if it was a straight wall up,
3 it'd be 44 feet.

4 So I think that's where lies the difference. I
5 mean, understanding 100 feet back, you'll see the gable.
6 You'll see the tip of the gable. Or if you're standing along
7 H Street, you'll see the gable. It just depends where you're
8 standing and how it affects you.

9 (Simultaneous speaking.)

10 ZC CHAIR HOOD: Oh, I'm sorry. Go ahead.

11 (Simultaneous speaking.)

12 ZC CHAIR HOOD: Had you finished, Board Member
13 Smith? I'm sorry.

14 MEMBER SMITH: Yes, I'm done.

15 ZC CHAIR HOOD: Okay. Mr. Teran, let me ask you.
16 Are you going to be residing in this project?

17 MR. TERAN: The owner says he wants to live on the
18 third floor with his wife.

19 ZC CHAIR HOOD: Okay, so the owner. But
20 Chairperson Moore, I went back and looked at the case. This
21 was initiated by ANC 5D, correct?

22 (Simultaneous speaking.)

23 MS. MOORE: Right.

24 ZC CHAIR HOOD: Okay. That gives me more credence
25 to where -- I've heard my colleagues, Mr. Teran -- I mean,

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1 not Commissioner Teran. Everybody is a Commissioner. Mr.
2 Teran, I would just tell you that I think you should hear
3 some of the comments I'm hearing, especially when I'm looking
4 at what the ZC has done initiated by a community.

5 Even though -- I'll always say this. Even though
6 it allows you to do certain things, sometimes it's about
7 design that's tastefully. And also because it says you can
8 go to a 10, you don't always have to go to a 10. That's just
9 where I am. So thank you. And you can take head of that,
10 and that's just I'm thinking. Thank you, Mr. Chairman.

11 BZA CHAIR HILL: Okay. I'm going to turn to the
12 Office of Planning.

13 MR. KIRSCHENBAUM: Good afternoon, Chair Hill and
14 members of the Board of Zoning Adjustment. I am Jonathan
15 Kirschenbaum with the Office of Planning. We did recommend
16 approval of the rear wall extension.

17 I should say that this was not the easiest
18 application for us to review, and it was not the easiest
19 decision to get to. I will say that what is proposed is
20 probably at the sort of the upper limit of what we would find
21 acceptable. But based on the applicant's sun study, we did
22 find that the additional shadows that would be created beyond
23 a matter of right condition would generally be minimal and
24 would vary on a season and would be for not very extended
25 periods of the day considering that this a built out

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1 rowhouse, neighborhood.

2 And so there would be some additional shadowing
3 as we indicated in the OP report properties to the north.
4 There would not be any shadowing properties to the south as
5 it's the southernmost building on the square. We did not
6 find that privacy or enjoyment of neighboring properties
7 would be unduly compromised as there would be no windows
8 proposed on the subject property facing the property to the
9 north and that generally the proposed scale of the building
10 overall in terms of height, in terms of front setback, in
11 terms of side setbacks would conform to the zone. Please let
12 me know if you have any further questions. Thank you.

13 BZA CHAIR HILL: Yeah. Okay, Mr. Smith. Give me
14 one second because I just want to ask Mr. Kirschenbaum. So
15 Mr. Kirschenbaum, again, I -- and I'm not clear on the answer
16 for this from me. From the second store, is it 10 feet back
17 from the second story?

18 MR. KIRSCHENBAUM: So zoning does not prescribe
19 this rule. This is an interpretive rule by the zoning
20 administrator. I have always understood it that it's based
21 on the location of the furthest rear wall on the neighboring
22 property.

23 So it doesn't matter what floor it is. It's where
24 the furthest rear wall is. In the case of the property to
25 the north, that would be the first floor. The first floor,

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1 extends further out. So you base the 10 foot measurement on
2 that floor. But I will say that that is an interpretation,
3 and I am happy to get that in writing from the zoning
4 administrator if the Board would like me to do so.

5 BZA CHAIR HILL: No, that makes sense. I mean,
6 I don't know when the Zoning Commission put this forward
7 again whether they had thought about the second floor or the
8 third floor. Or I don't know.

9 I remember the wedding cake conversation from way
10 back in the day that has been discussed in terms of the floor
11 setting back. Okay. That was the one question I had. And
12 then you say that the Office of Planning had some hesitancy
13 about the application, I guess.

14 I was just curious as to what were you guys just
15 hesitant about, like, again, like, the light and air or that
16 massing? I mean, I think the design is a nice design. I
17 mean, I'll be honest.

18 I mean, the design is a nice design. I think the
19 parking being in the rear with the door in the rear, I mean,
20 I think the architect did a good job. I mean, I'm not trying
21 to get -- I'm just curious as to why the Office of Planning,
22 you say you guys were kind of hesitant. Was it the massing?

23 MR. KIRSCHENBAUM: It was a bit of the massing.
24 I mean, I think a little bit of the struggle here is just the
25 fact that the existing built out houses to the north are

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1 significantly built under what the maps on zoning would
2 allow. And so generally speaking, this subject property is,
3 more or less, conforming most to the prescribed zoning
4 requirements except for the rear setback.

5 And that is what made this case a little bit
6 difficult to review. It's significantly under law. You can
7 see it conforms to the height. It conforms to the number of
8 stories.

9 It's providing the required 20 foot rear yard
10 setback. It's just it's distance past of houses to the
11 north. And again, as I said, when looking at the shadow
12 study and also this piece in the context to how we generally
13 review these rear wall extensions, we did find that sort of
14 on balance that this would be acceptable.

15 BZA CHAIR HILL: Okay. And so to the
16 Commissioners, I mean, we've seen these before in that it
17 does domino the block. And you'll get people that will then
18 be able -- I mean, it's just the way progress also does
19 happen and change. Do you -- does the Office of Planning,
20 do they think about how -- I mean, they couldn't go --
21 another person couldn't go back another 10 feet from this
22 because they'd be then into the rear yard, correct?

23 MR. KIRSCHENBAUM: That would -- yes. So if
24 someone wanted to go beyond this proposed rear wall, then
25 that property owner would have to also request rear yard

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1 setback relief.

2 (Simultaneous speaking.)

3 BZA CHAIR HILL: Right, right. They'd be back
4 before us for that --

5 MR. KIRSCHENBAUM: They would.

6 BZA CHAIR HILL: -- if that were something that
7 they were trying to do. Okay. Mr. Smith, you had questions?

8 MEMBER SMITH: Mr. Kirschenbaum, it relates to
9 criteria under 5201.4(c) as it relates to -- my question is
10 -- I don't know how to say this -- that the criteria that I'm
11 referencing is the proposed addition, dot, dot, dot, shall
12 not substantially visually intrude upon the character, scale,
13 or pattern of houses along the street or alley frontage. And
14 you stated in your -- the reasons why we need support is that
15 the proposed height, scale, and design as viewed from the
16 street are in keeping with the intent of the zoning -- and
17 my question pertains with -- and the prevailing residential
18 character of the block fronts. So could you expand on that?

19 What did OP look at along the block fronts to
20 arrive at this building if they're going to keep it? Did you
21 look at across H Street and the heights of those buildings
22 or up 20th Street and look at heights of those buildings?
23 Could you expand on how you arrived at this?

24 MR. KIRSCHENBAUM: Sure. So I mean, this criteria
25 is not just about height. It's more about design, and it's

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1 a bit of a subjective criteria because it is about design.
2 Generally speaking, the proposal is designed to look
3 residential in nature. And the prevailing development on the
4 subject square and the surrounding squares are also
5 residential in nature.

6 The applicant is not proposing a 40-foot cinder
7 block square building with one window, right? If that was
8 proposed, we would probably say that is not the -- that
9 doesn't not match the prevailing residential nature or
10 character of the subject square. But because of the way it's
11 designed, we did feel that it does generally match the
12 residential appearance of the neighborhood.

13 MEMBER SMITH: Okay, okay. That was the only
14 question I had.

15 BZA CHAIR HILL: I mean, the follow up of that,
16 Mr. Kirschenbaum, again, from the front, I don't know if I
17 would necessarily agree with that. It doesn't really look
18 like the rest of that row. Is that what the Office of -- the
19 Office of Planning did have some discussion about that?

20 MR. KIRSCHENBAUM: We did not have too much
21 discussion about that. I mean, again, the criteria is --
22 it's not historic preservation. It's not supposed to make
23 the proposal look exactly like what currently exists.

24 BZA CHAIR HILL: Okay, okay.

25 MR. KIRSCHENBAUM: And again, I would also say

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1 that this is -- particularly without criteria, it is not a
2 straightforward, either yes or no, black and white answer.
3 And the Board has the ability to recommend changes to the
4 design that they feel is so appropriate to ensure that
5 there's more compatibility with the surrounding neighborhood.
6 So I would definitely recommend to the Board that if they do
7 feel that their needs to be additional design changes, to do
8 so.

9 BZA CHAIR HILL: Okay. And I'll let -- I mean,
10 Mr. Teran, I mean, this is turning into be more than I had
11 anticipated I guess a little bit. I mean, I don't know even
12 what I think of that front. I mean, I think the -- like I
13 said, I think the design is nice.

14 I just don't know what I think in the front of
15 that building in regard to the row. But -- and when I say,
16 front, like, your address is still -- the address is still
17 going to be 801 20th Street, correct?

18 MR. TERAN: Most likely will change to H Street
19 because usually they have where the front door is facing --

20 BZA CHAIR HILL: Right.

21 MR. TERAN: -- that's where the address is. So
22 most likely, it'll be an address change.

23 BZA CHAIR HILL: Got it.

24 MS. MOORE: That did not occur for the building
25 across the alley, that that building is still listed as 800

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1 21st Street, Northeast which creates a lot of confusion for
2 the neighbors in terms of RPP.

3 BZA CHAIR HILL: Okay. All right. Anybody else
4 got some more questions? Yeah, Ms. John.

5 VICE CHAIRPERSON JOHN: Thank you. Did the
6 Commissioner have something to say?

7 MS. MOORE: I just had one quick question because
8 I found the conversation about the rear wall interesting.
9 Does that include porches? Because if we're measuring from
10 the farthest rear wall, does that include a partially
11 enclosed porch?

12 VICE CHAIRPERSON JOHN: Thank you.

13 MR. KIRSCHENBAUM: And again --

14 VICE CHAIRPERSON JOHN: Well, I was about to help
15 you with that because that was my question. I'm going to ask
16 Mr. Young to put up Exhibit 35 which is the plat. And we can
17 talk about where the 10 foot measurement should begin because
18 on the first floor, there's a small addition on one floor.

19 BZA CHAIR HILL: Ms. Vice Chair John?

20 VICE CHAIRPERSON JOHN: Exhibit 35, that's the
21 revised building plat.

22 BZA CHAIR HILL: Okay. And all my exhibits --

23 VICE CHAIRPERSON JOHN: Exhibit 35.

24 BZA CHAIR HILL: 35?

25 ZC CHAIR HOOD: I don't know.

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1 VICE CHAIRPERSON JOHN: No? Okay. What if I have
2 the wrong case?

3 ZC CHAIR HOOD: Or maybe it's mine. I don't know.
4 Sometimes I don't have all the files.

5 VICE CHAIRPERSON JOHN: Well, let's see.

6 BZA CHAIR HILL: This one's 28.

7 VICE CHAIRPERSON JOHN: Oh, no, 28. Okay. Mine
8 -- at the top it says 35, so 28.

9 BZA CHAIR HILL: Yeah, yeah, yeah, 28.

10 VICE CHAIRPERSON JOHN: Sorry about that. So
11 maybe the Office of Planning could kind of walk us through
12 or maybe the architect, where the 10 feet is measured from.
13 I think it's measured from the rear wall and not from that
14 small proposed addition -- that small addition.

15 MR. TERAN: If you zoom in, it is measured from
16 the furthest rear portion of the building. And that is on
17 the first floor, and that's where you start your 10 feet.

18 VICE CHAIRPERSON JOHN: You start the 10 feet at
19 the end of that small addition?

20 MR. TERAN: Yes, where it says adjacent house,
21 first floor.

22 VICE CHAIRPERSON JOHN: Mm-hmm.

23 MR. TERAN: And that's where you start your 10
24 feet.

25 VICE CHAIRPERSON JOHN: Okay. And then you would

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1 go in addition to that another almost 17 feet?

2 MR. TERAN: No, no, 7 foot, 10 inches.

3 VICE CHAIRPERSON JOHN: So the total distance
4 would be 16.84 from the rear wall addition?

5 MR. TERAN: Correct.

6 VICE CHAIRPERSON JOHN: Okay. And then on the
7 second floor, it would be 25 feet.

8 MR. TERAN: Correct.

9 VICE CHAIRPERSON JOHN: So this is starting from
10 the rear wall where you see that arrow adjacent, the second
11 floor.

12 MR. TERAN: Correct.

13 VICE CHAIRPERSON JOHN: Yeah. So that's a
14 difficulty for me. Okay. Thank you.

15 ZC CHAIR HOOD: Chairman?

16 BZA CHAIR HILL: Yeah? All right. Go on. Sorry,
17 Chairman Hood. I was looking at the exhibit.

18 ZC CHAIR HOOD: Mr. Kirschenbaum, let's go back
19 to Office of Planning's decision making. The way I heard
20 from your testimony, it could've went either way. Your
21 support could've went either way.

22 MR. KIRSCHENBAUM: It could've gone either way.
23 But it was something that we really had to really analyze.
24 This wasn't just a quick one to make a decision about. It
25 was we did struggle somewhat with reaching our decision. But

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1 I continue to recommend approval. I don't -- recommendations
2 made, we're not going to change at this point.

3 ZC CHAIR HOOD: Okay. I agree. Okay. I mean,
4 I appreciate you standing with your recommendation. But
5 that's just the way it came across to me, and I look at
6 everything that's being said. I look at the record, and I
7 also look at the Zoning Commission 19-30 which I need to come
8 back to speed on because to me that's very important in this
9 process. Okay. Thank you. Thank you, Mr. Kirschenbaum.

10 ZC CHAIR HOOD: Vice Chair John?

11 VICE CHAIRPERSON JOHN: Mr. Kirschenbaum, one more
12 quick clarification. When you say rear wall, are we talking
13 about the original building or the small addition on the
14 first floor?

15 MR. KIRSCHENBAUM: Yes, thank you for asking that
16 clarifying question. And this goes back to the
17 Commissioner's question too. So again, this is not
18 prescribed in zoning. This is interpreted from the Zoning
19 Administrator. The furthest rear wall in this case based on
20 the applicant's self-certified application would be at the
21 very, very end of what you saw, that little sort of addition
22 at the end.

23 And in order for that to be the furthest rear
24 wall, it has to be enclosed space and it has to be
25 conditioned space, so heating, air conditioning. That is

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1 what -- furthest application that the applicant has self-
2 certified. That is where he can measure to because it's
3 conditioned space and it's enclosed. It cannot just be,
4 like, an open air porch.

5 VICE CHAIRPERSON JOHN: Right, right. We're clear
6 about the porches. What I wasn't sure about was the small
7 addition which doesn't take up the full width of the rear
8 wall as I recall. But anyway, that's -- thank you. I think
9 that clears it up. Thank you.

10 BZA CHAIR HILL: Okay. Commissioner, you had a
11 question?

12 MS. MOORE: A comment. That rear porch is not
13 conditioned space. I personally been in that porch, and it
14 actually is a porch that you couldn't sit there in the
15 wintertime. And the top part of the space does -- I can see
16 how someone would say this is an enclosure. But it's those
17 metal screens that were popular, I would say, in the late
18 '60s, early '70s that are -- that kind of work like -- I
19 forget what those windows are called but basically tilting
20 windows. But it's just a series of metal screens with mesh
21 in the middle.

22 BZA CHAIR HILL: So this is a Zoning Administrator
23 question, Mr. Kirschenbaum.

24 MR. KIRSCHENBAUM: Two options, you can approve
25 this based on what the applicant has self-certified. And he

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1 can go to permitting, and the Zoning Administrator could say,
2 hey, this is not really enclosed conditioned space as I've
3 interpreted it to be. Or the Board can ask the Office of
4 Planning. We're happy to reach out to the Zoning
5 Administrator to further discuss this and get some sort of
6 interpretation in writing. It's up to the Board.

7 BZA CHAIR HILL: Okay. Let's see where we get
8 with this. All right. Mr. Young, is there anyone here
9 wishing to speak?

10 MR. YOUNG: We do not.

11 BZA CHAIR HILL: Okay. All right. So I don't
12 know where I am. So that is my first statement. I really
13 don't know where I am. Like, I'm looking to my fellow Board
14 members. Like, I don't know.

15 Like, as I said, I don't -- well, hold on a
16 second. Let me shut this door. I don't know. I'm not
17 closing the hearing because I want something to happen. I
18 just don't know what it is or if anybody else has anything
19 that they want to happen.

20 I mean, I'm confused in terms of whether or not
21 that first floor -- I'm sorry. Yeah, the first floor,
22 whether it's in enclosed conditioned space and therefore they
23 can go 10 feet back from that. That's one question I'm
24 having. I'm looking at my Board members by the way.

25 Then the other is that that second wall, they're

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1 going basically -- I mean, 6, 7 feet back from the 10 feet.
2 That's something that we've approved before. I mean, I know
3 it's all in context on different cases and everything. But
4 that's not -- like, we've approved 25 feet past the 10 feet.
5 I mean, it all depends on what each individual case is
6 different, right?

7 And so this -- the struggle that I'm having with
8 is kind of that row and the way that row is. However, the
9 building -- the zoning allows for larger buildings on that
10 row. So that whole row is eventually going to go in some
11 capacity or another I would think, right, because of the way
12 that the zoning is, right?

13 And so what is allowed now kind of -- I'm just not
14 really sure. In other words, I don't know whether I want to
15 see -- I don't know. I don't know whether I put this off for
16 a week, we come back, we reopen it. Whatever you all --
17 maybe you guys are somewhere else and I'm not.

18 I've got a little bit of a problem with the front
19 of the building. I think the building -- again, the
20 architect, I think it's a good design. I think the rear
21 looks nice. I think it all looks nice. I'm just having
22 trouble with again some of the light and air issues and how
23 it could be changing that block. But that's just me.

24 And I'm going to kind of go around the table and
25 see where we are and see if anybody has a suggestion about

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1 anything. Or maybe you all are ready. I don't know. And
2 I'm going to go in the same order that I've been going all
3 day long. So unfortunately, Mr. Smith, that's you next.

4 MEMBER SMITH: Well, Chairman Hill, I've shared
5 some of the same concerns that you have. I'm not a yes on
6 this because -- and probably even further from a yes than it
7 sounds like you are with this because I am concerned about
8 light and air to the adjacent property owners and this issue
9 of E-5201.4(c) that I think is raised by the ANC and the
10 adjacent property owners. I do believe as designed, this
11 building would visually true upon character, scale with the
12 houses along the street and the alley frontage based on the
13 mass of the building.

14 I can appreciate -- to the architect, to Mr.
15 Teran, I can appreciate you looking to that building to the
16 east and making a decision that you don't want to design the
17 building that looks like that, just a block. So I think
18 you've done a great job of breaking up the facade along H
19 Street. But to me, it still reads as a large mass.

20 And I can fully respect the fact that given the
21 zoning, these existing rowhomes from this area are
22 substantially smaller than the maximum allowed -- maximum
23 bulk and size allowed within the zone as a matter of right.
24 But you're here asking for a special exception. And so I do
25 believe that we can attempt to break up the facade a little

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1 bit more (audio interference) a little bit or reducing that
2 (audio interference) a little bit so that this building can
3 be more in keeping with I think the character of the
4 neighborhood and speak to what this Commission of the Board
5 is saying on gradual stair step increase of buildings in this
6 neighborhood.

7 I mean, I welcome -- if you want to give it a week
8 or additional time, I welcome some additional designs that
9 kind of speak to what I'm referencing. But that's where I'm
10 at. So I'll just leave it at that and I'll listen to the
11 rest of my Board members.

12 BZA CHAIR HILL: And before I move on to the next
13 one, Mr. Teran, we're going to come back to you and
14 everything. And I appreciate everybody being kind of calm
15 as we kind of go through this which, Mr. Teran, you don't own
16 the property. So you're able to be a little bit more calm.

17 And so the -- I'm just trying to think as you kind
18 of hear what people are talking about. Like, I'm still kind
19 of curious as to whether or not even that you might not even
20 be able to do what you think you're able to do once you get
21 to permitting whether or not that enclosed space is
22 considered something you can go 10 feet past, right? So I'm
23 just kind of discussing that as we kind of go through this.
24 Mr. Blake, do you have comments or do you know where you are?

25 MEMBER BLAKE: Well, I'm in the middle. I think

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1 that the design is somewhat interesting. But I'm very
2 sympathetic to what Commissioner Moore has pointed out and
3 the issue of visual intrusion on the alley. And I go back
4 to that building, the measuring wall.

5 It does seem that based on the definition that
6 wall would be the other wall which would address some of
7 these issues in terms of what could actually be built there.
8 So I would love to have clarification on that point even
9 though I know it's a self-certified application and they can
10 revisit it later. I think it'd be less efficient to do that.

11 I think it would be more efficient to kind of make
12 that determination about that particular thing. It's one
13 thing to not be in the spot and make the assumption based on
14 what may be the case in the subject building. But it is what
15 it is.

16 I mean, the rules kind of are what they are. I
17 think that we've had instances before with this measuring
18 wall. And it makes a difference in terms of what could be
19 accomplished.

20 So from that perspective, that's a very important
21 part for me. And I definitely agree with Board Member
22 Smith's assessment about visual intrusion. And to your point
23 again about the front end design, it does look a little boxy.
24 But it's not unreasonable.

25 And so I'm on the fence. But in fact, I'm not on

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1 the fence. I need to have clarification on the back wall
2 because that's important to me with regard to the size of the
3 property and if it meets the criteria. So I'd love to have
4 clarification on that.

5 BZA CHAIR HILL: All right. So Mr. Kirschenbaum,
6 can you hear me?

7 MR. KIRSCHENBAUM: Yes, I --

8 BZA CHAIR HILL: We can ask Mr. Moy also. But I
9 guess we want clarification from the Zoning Administrator as
10 to what's 10 feet past, right? Is it 10 feet past that --
11 what I'm looking at is the possible second story. Or is it
12 10 feet past that enclosed space, right?

13 So that's one question. And this is where I
14 always get confused, how long it takes. Like, when do you
15 get answers back from the Zoning Administrator?

16 MR. KIRSCHENBAUM: There's not a prescribed
17 process. But I would say that this should not be a schedule
18 for next week. We'll need a couple of weeks to ensure we
19 hear back from the Zoning Administrator.

20 BZA CHAIR HILL: No, that's fine. Anyway, so but
21 still -- right. You'll think about this. You think about
22 it for a second as to how long you think you might be able
23 to get something back from the Zoning Administrator as I
24 continue to go through this process. Chairman Hood, where
25 are you, may I ask?

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1 ZC CHAIR HOOD: I want to give you a little bad
2 news. I was going to be back next week because some kind of
3 way, the Zoning Commission, we scheduled things different.
4 So I will be back with you all next week. And Mr.
5 Kirschenbaum just X'ed that out of the whole conversation.

6 One of the things I would ask Commissioner Moore
7 to do -- or Chairperson more to do for me is to help members
8 on the Commission Case No. 19-30 since it's looks like we're
9 going to be putting this off. I can't remember all what we
10 did. But it was a self-initiated map amendment from the
11 community.

12 And I want to make sure we -- and I really
13 appreciate her comments and I agree with that. And I will
14 tell you this. I mean, if we open it up, Mr. Chairman, I
15 would like to get that from Commissioner Moore.

16 The other thing is -- and it doesn't have to be
17 a long dissertation. It could just be, like, a paragraph to
18 help refresh my memory and the others as well. Also, I'm not
19 sure who put the site photos in the file, but that didn't do
20 me any good.

21 That didn't help me. That just -- I had
22 flashbacks. But that was something the city required the
23 Zoning Commission to do when we started building pop-ups,
24 pop-backs.

25 So I would say that we still have to craft it.

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1 And I think Commissioner Moore's comments about tastefully
2 moving forward I think exactly is what the community wants.
3 And they're the ones who's going to have to endure it.

4 You're going to develop, others develop and they
5 go home and we have to endure it. And no disrespect to you.
6 So I still think that conversation can still be had because
7 it looks like we're not going to be deciding this today
8 because if we were deciding it today, I would have to vote
9 it down. So that's where I am, Mr. Chairman. Thank you.

10 BZA CHAIR HILL: Okay. Vice Chair John, may I ask
11 your suggestions?

12 VICE CHAIRPERSON JOHN: So I agree that we can
13 decide this two weeks from today to get clarification on the
14 measurement of the 10 foot extension, whether it's from that
15 back wall or from the back of the addition. So that's one
16 thing.

17 And I guess what I like about the project is that
18 it's still at 36 percent lot occupancy even with the
19 addition. And it has the -- still has a conforming rear yard
20 and two parking spaces. But I am a bit troubled by that 25
21 foot extension on the second floor.

22 I might be willing to go to 16 feet from the back
23 wall. And even if we have gone more than that in prior
24 cases, I think this particular block that is sort of
25 sandwiching that neighbor to the north. I mean, 25 feet is

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1 really long.

2 So if the applicant could go back to the drawing
3 board and see what's possible. And for me, whether or not
4 you have 8 or 11 foot ceilings doesn't solve the problem of
5 the 25 feet back. So those are just my thoughts.

6 BZA CHAIR HILL: Okay. All right, Mr. Teran.
7 I'll give you a chance also. So I'm trying to make this at
8 least step process for me. Mr. Kirschenbaum is going to get
9 back to us as to the Zoning Administrator, right, as to
10 whether or not it's 10 feet back from that brick wall or 10
11 feet back from the enclosed porch. Okay? So that's the
12 first question, right?

13 The other, I guess, Mr. Teran, I don't know
14 whether you got the votes yet or not. So that's why I'm
15 trying to figure this out, right? Like, your height is
16 basically almost the height. I mean, I appreciate the gable
17 roof, right?

18 And what I've told other applicants before is that
19 even if you could possibly build something within the matter
20 of right, you might not do it because it's not financially
21 feasible, right? It just doesn't make any sense to
22 necessarily fill the envelope just because you can. And so
23 I think that if were the -- and if you got the -- if you were
24 able to somehow get the buy in from the ANC, then at least --
25 and I know this isn't necessarily supposed to be a helpful

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1 thing or not.

2 But then you might get a summary order rather than
3 a full order which means maybe you'll get to your project a
4 little bit sooner which might be helpful to your client,
5 right? And I think that knowing my fellow Board members a
6 little bit that what Vice Chair John is saying is that the
7 16 or 17 feet that you're -- you're trying to get 7 more feet
8 from the 10 feet on that first floor, right? So you getting
9 the -- what Ms. John seems to be saying and I'm just kind of
10 spit balling this here a little bit -- I don't know what that
11 term means -- is that 17 feet from the second floor seems
12 like everybody is kind of that might not be as -- it might
13 be something that's palatable -- I don't know.

14 You might want to try to show us that, right? And
15 whether or not that works within your program, I don't know,
16 because by right you'd only be able to probably go ten feet
17 from that second story I think. I don't know. We'll wait
18 and see what the Zoning Administrator says, right?

19 And even if you were able to go 10 feet from that
20 first story, I still think it's a big wall to just kind of
21 be there. Like, it's just so odd to me to kind of like --
22 I just can't -- I can't get my head around it that far back,
23 right? Even at 10 feet from the first story, and I mean, if
24 that's what you're allowed to do by right, then I guess
25 that's what you're allowed to do by right, right?

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1 And then the last thing just to throw all this
2 into confusion is that this whole changing character of the
3 alley stuff that has been brought up, I mean, I still wonder,
4 have you thought about putting the front -- the door on the
5 front again and having parking in the back? I mean, I think
6 the design is very nice. I mean, that's the problem. I like
7 the design.

8 I think it's an interesting design. It's a
9 quarter unit. It makes sense. It looks nice. I think it'd
10 be a nice thing for the neighborhood. But did you think of
11 putting it on the front, the entrance? And how did that
12 look, or what did it look -- how did you get to this design?

13 MR. TERAN: Are you done?

14 BZA CHAIR HILL: Yeah, I'm done.

15 MR. TERAN: Well, we definitely did look at the
16 front door. I mean, one thing was parking, if somebody was
17 parked in the alley and they have to walk all the way around
18 to get to the front door. And since the owners do plan on
19 living there, they were more comfortable with parking and
20 being closer to that front door. That was one aspect.

21 Another one was how it laid out with the floor
22 plans. The stairs do start to take up a lot of space. It
23 is a big lot. But since most of it is within the building
24 restriction line, the width isn't that big and the stairs
25 start to take up a lot of space.

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1 And I mean, those are the two main reasons why we
2 shifted the door over to H Street. As far as the wall goes,
3 I agree with you as well. I think all of these are houses
4 that are in RF-1 and now this RF-4 that go 35-40 feet. I
5 think they're tall, especially if you have a two-story house
6 right next to it.

7 But zoning has allowed it. I don't understand why
8 this -- they change the zoning here recently why they didn't
9 drop it down to 35 feet and why they kept it at 40. I find
10 that interesting because that 5 feet is a lot. So I agree
11 with you.

12 But zoning allows it by right which I worked with
13 the owner to try to lower it as much as we could and still
14 have it acceptable for him where he can live comfortably and
15 he can have some money renting out the lower units where they
16 can be big enough, the units, that it makes sense for him.
17 As far as the 10 feet, I'm about 99 percent certain that you
18 take it from the furthest structure in the rear yard. I've
19 had multiple projects where we have done this before where
20 it's only the first floor, sometimes the second floor where
21 it's cantilevering over the first floor.

22 And the zoning reviewers I've always dealt with
23 have allowed me to go 10 feet up to three stories, mainly the
24 RF-1 zone that these happen in. But it has happened multiple
25 times. And I have not had an issue with it.

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1 BZA CHAIR HILL: For those kind of, like,
2 additions for that type, they're not really, like -- they're
3 kind of a sun porch thing, right? You're saying that --

4 MR. TERAN: They're considered that as an
5 enclosure and as part of the house. And as long as it's kind
6 of like a screen porch, from my experience, that they count
7 because it counts toward lot occupancy. It was only a deck,
8 then you can't do it. But that's been my experience.

9 BZA CHAIR HILL: Right. So then --

10 MR. TERAN: I'm happy to have zoning respond and
11 have it in writing and --

12 BZA CHAIR HILL: I mean, I --

13 MR. TERAN: -- it could take a day or maybe two
14 weeks.

15 BZA CHAIR HILL: I'm just trying to get us to a
16 yes or no faster also. Like, then that means that your by
17 right is the 10 feet -- and I'm looking at whatever slide
18 that you got up here, Slide No. 6 -- I don't know what
19 exhibit I'm in -- that has your red line, right?

20 MR. TERAN: Yes.

21 BZA CHAIR HILL: So you guys would go to that 10
22 foot red line.

23 MR. TERAN: Yes, and that's -- it's been my
24 experience that is what we will be allowed by right.

25 BZA CHAIR HILL: Right. So then -- is this is

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1 where I don't know what to do with my fellow Board members.
2 Maybe we just need a week and we'll figure it out. Like, I
3 mean, you're basically talking about the difference in
4 shadowing now. And this is why the Office of Planning
5 probably was always also. The difference in shadowing
6 between that 10 feet and the additional 7.84, correct?

7 MR. TERAN: Yes.

8 BZA CHAIR HILL: That's the additional shadowing
9 which is additional shadowing. But does your program work
10 within the by right?

11 MR. TERAN: It would get -- it would kill a
12 bedroom on each floor. It gets --

13 (Simultaneous speaking.)

14 BZA CHAIR HILL: You've got three bedrooms now on
15 each floor?

16 MR. TERAN: I believe we squeezed four. So it
17 would be three bedrooms and now everybody needs a home
18 office. So we're building for what people are looking for
19 in homes now. So I mean, the living room, dining, kitchen
20 area is very small. It's an open concept for that area. I
21 mean, it's definitely not --

22 BZA CHAIR HILL: All right. Okay. That's all
23 right, Mr. Teran. I don't know where we are here with this.
24 So I mean, I think that it's still kind of something to
25 discuss with my Board members. So I'm going to do this.

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1 I say let's just wait. I think we might reopen
2 this because I don't know what to do, right? So let's just
3 wait and see what the Zoning Administrator says which I think
4 probably Mr. Teran is correct because he does this, right?

5 And since that thing -- he says it counts toward
6 lot occupancy, then probably he's correct. It's going to be
7 10 feet back from that enclosed space, right? So that'll
8 take two weeks, Mr. Kirschenbaum, perhaps?

9 MR. KIRSCHENBAUM: I would like to -- this is a
10 short week (audio interference) on Friday. So I think
11 realistically and for just sort of the Board's ability to not
12 have things postponed, three to four weeks would be more
13 preferable or I think it would.

14 BZA CHAIR HILL: But what I want to do is also --
15 and I apologize. I shouldn't say I apologize. I just don't
16 know where we are. And I'm not really sure how to make this
17 thing move forward at this point.

18 Like, I don't know what my fellow Board members
19 may or may not do. And I guess actually to quite honest with
20 you, we can just vote on it and not have to worry about it.
21 Like, it'll just get denied. And so the -- but if we went
22 ahead and said the 4th, right? We come back here.

23 Whether or not I got a -- whether or not I have
24 an opinion from the Zoning Administrator or not by the 4th,
25 we can at least come back and see if Mr. Teran had any other

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1 different opinions after hearing from the Board. Or if you
2 and your client wanted to stick with what you got and then
3 we kind of come back here and figure out what the -- because
4 I think we just need a little bit of time just to think about
5 it ourselves, right, individually. Mr. Moy, what does the
6 4th look like?

7 MR. MOY: It's for the next two or three, four
8 hearings. They're all equally the same. But I know that May
9 4th would accommodate Chairman Hood really well.

10 BZA CHAIR HILL: Oh, it'll accommodate Chairman
11 Hood May 4th?

12 MR. MOY: Yes, sir.

13 BZA CHAIR HILL: Okay. All right. I guess he
14 knows something you don't, Chairman Hood.

15 ZC CHAIR HOOD: Must not because I thought it was
16 next week. And May 4th? Okay.

17 MR. MOY: Yeah, once it was changed, Chairman
18 Hood. I'll double back with you.

19 ZC CHAIR HOOD: I think you're right. You got it.

20 BZA CHAIR HILL: So let's do this. Mr. Teran,
21 I'll leave the record open and we're going to have a
22 continued hearing on the 4th. Okay? And if we do get
23 something from the Zoning Administrator, by then, that will
24 be wonderful, Mr. Kirschenbaum, okay, just so we can know
25 that. And then, Mr. Teran, I'll leave it up to you as to if

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1 you want to submit anything or not, right?

2 MR. TERAN: Okay.

3 BZA CHAIR HILL: We'll come back here on the 4th.
4 I mean, I guess you need to have a discussion with your
5 client. And you can figure out where you think the Board may
6 or may not be and whether or not you want to stick with your
7 original plan right now or whether you want to change
8 anything.

9 I mean, it may work out for you this way. I'm not
10 really sure is what I'm trying to say. Even if the Zoning
11 Administrator -- and I'm just speaking for me here. Even if
12 the Zoning Administrator comes back and says, yes, it's from
13 that first floor, then it's the shadowing in my opinion that
14 goes on between the by right and the additional 7 feet, but
15 that's just me, right?

16 And still I don't -- and still I'm a little bit
17 off on that whole rear entrance thing because I think it
18 makes the front look a whole lot different for that row,
19 right? So if you wanted to submit something, you're welcome
20 to in terms of a change. Or we could possibly be back here
21 on the 4th, and then the Board would have an opportunity to
22 have thought about this and we can have a discussion.

23 And then you might be doing a change, right? I'm
24 just trying to let you know how this timeline might work out
25 for the discussion with you and your client. Okay. I'm

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1 going to go around the horn.

2 I'm going to start with the Commissioner just
3 because, and then I'm going to go around the horn and see if
4 anybody has any more advice for Mr. Teran. Otherwise, I'm
5 going to close the hearing. Commissioner, do you have
6 anything you'd like to add at the end?

7 MS. MOORE: Yes, please contact me. And I think
8 the other thing I would add -- would really be two things is
9 to have the Board take a look at ZC 19-30 and not just the
10 outcome of the case but the rationale that the Board gave
11 regarding why we chose to make the decisions that we've made.
12 I think that voting yes in this instance really kind of
13 undermines the vote on that case which was a really huge case
14 for the community.

15 It was a large scale map amendment that had an
16 impact around the city, first map RF-4 zone in the history
17 of the city as it's a newer zone. And the whole purpose of
18 going that route was so that, yes, there will be a transition
19 period here. But that transition period was intended to be
20 more gradual than I think what supporting this case would set
21 a precedent for in this very new zone, the RF-4 zone.

22 And so I think that should be considered that we
23 don't want to put communities in a situation where
24 neighborhoods are very reasonable about raising concerns but
25 also providing leeway for development. And then we basically

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1 in a way punish those communities for being reasonable and
2 not coming up with draconian standards for future
3 development, by then immediately undermining those standards
4 the first opportunity that presents itself. So I do think
5 that's something to consider just in terms of the Board
6 respecting its own precedents and its own decision making,
7 especially when there was so much more that went into that
8 case than has gone into -- and rightfully so, this individual
9 case, and not to allow this individual case to undermine that
10 for the community as a whole.

11 And I think the other question that was raised
12 here that I can answer is why the decision was made not to
13 make further changes to the height because there were some
14 height changes enacted just because of how the various zones
15 actually work in reality, RF versus RA. And that's because
16 we were aware of the building restriction lines. We were
17 aware of the other limiting factors, the height ratios, and
18 the other considerations that take place in zoning.

19 And it's not that you kind of take a cafeteria
20 approach to selecting which rule you want to follow on a
21 given property and which not. It's that all the regulations
22 work together in tandem and with the building codes. And so
23 with that awareness, we did make that decision.

24 And I think that's evidenced by that if you take
25 a look back at ZC 19-30, you'll see that there's a property

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1 at the corner of 19th and H which was excluded from the
2 change to the RF-4 zone for exactly that reason, that
3 thinking was a part of the decision at the time. And so this
4 really does put us in a position where this is the first BZA
5 case in that new zone. And we're immediately undermining the
6 changes that we made just a few years back.

7 So I do think that is something worth considering
8 because all of these cases are quite specific. And they're
9 specific to the zone. And with us being the first RF-4 zone,
10 I do think that there needs to be some consideration of
11 maintaining the integrity of that zone.

12 BZA CHAIR HILL: Okay. Thank you, Commissioner.
13 That was well said. Are you an attorney?

14 MS. MOORE: No.

15 BZA CHAIR HILL: Okay. All right. Let's see.
16 Oh, if our attorneys can please write up that case that the
17 Commissioner is speaking of to let us know so we can look at
18 it or give us a little bit of analysis on that case. And
19 let's see.

20 Okay. So now I'm going to go around the table.
21 So the plan is at this point we're going to wait for the
22 Zoning Administrator, see what he says on that whole first
23 floor thing. I think he's probably going to say it the way
24 that the applicant is saying it. Okay.

25 And then it's going to come down I think to what

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1 we think about even what the Commissioner says. And like,
2 right away, people are going farther past what was allowed
3 by right which is the 10 feet, whether or not it's something
4 that we've done or not. And to the Commissioner I'm kind of
5 speaking now, for me, it's that additional 7 feet of
6 shadowing, right?

7 But to your point, right away, people are going
8 farther than they were originally allowed to go, right? So
9 I'm talking myself in a circle which is for Mr. Teran just
10 to do what you want with it, right? And so now, Mr. Smith --
11 and then we're going to come back on the 4th and have an open
12 hearing again -- supplemental hearing to see where we are
13 with everything, where we might have the exact same design
14 before us. And then we'll see what happens or whatever. Mr.
15 Smith, do you need anything more to the plan?

16 MEMBER SMITH: More than what I've already stated.
17 Just as Commission Board stated, I would say reconsider the
18 design a little bit to bring it more into character and scale
19 of the neighborhood. I guess you'll think about that after
20 get the definitive answer from the Zoning Commissioner.

21 BZA CHAIR HILL: I love it. Mr. Teran, I hope
22 you're watching this and go back and watch it. So you've got
23 enough. All right. So then Mr. Blake, where are you? Do
24 you need anything?

25 MEMBER BLAKE: I need nothing else other than the

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1 Zoning Administrator's input.

2 BZA CHAIR HILL: Okay. So you got whatever you
3 got there with that, Mr. Teran. Mr. Hood, where are you?
4 Do you need anything else?

5 ZC CHAIR HOOD: Yes, as I've asked Commissioner
6 Moore to just give me a paragraph on 19-30. I'm actually
7 going to review 19-30 myself because that's what the Zoning
8 Commission put in place. And I think we need to stand to it
9 even though as you've already mentioned to Mr. Teran, I would
10 still implore you to go back and work with the neighborhood
11 who took the initiative to send something forward. So that's
12 where I am. I haven't even got to the setback yet because
13 I can't get past 19-30. So thank you, Mr. Chairman.

14 BZA CHAIR HILL: Okay. So Mr. Teran, you can do
15 what you want to do. I think if they have a lot of times on
16 their hands, your applicant -- your client, you might be back
17 here on the 4th with the exact same design and you'll be sent
18 back to the drawing board with whatever is going on or not.
19 I don't know. Okay?

20 So I'm going to close the hearing -- yeah. No,
21 I'm going to close the hearing. I'm going to leave the --
22 oh, sorry. Ms. John, did I miss you? I'm sorry, Ms. John.
23 I'm sorry.

24 VICE CHAIRPERSON JOHN: That's okay. That's all
25 right. So the only thing I wanted to say about 19-30, the

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1 text amendment, it didn't -- I mean, it didn't reduce the
2 height that's allowed. The height is still whatever it is,
3 40. Let me just take a look, 40 feet max, three stories.

4 So that's reasonable. That's what's in the
5 regulation. And the 10 foot limitation is still there. So
6 I don't understand the discussion of what happened with the
7 change in zoning because the height -- the thing that's the
8 issue for this case is the height and the 10 foot rule.
9 There's no change in that, at least for me in this case.

10 And so I would really want to hear from the ZA on
11 where that 10 foot is measured from. I believe it is from
12 the wall. I think I agree with the Office of Planning's
13 analysis. We've had this come up a few times, but I could
14 be wrong.

15 So other than that, I don't -- I do need one more
16 thing, the size of the apartment. So if these are three and
17 four bedroom units plus den, those are fairly large. Could
18 smaller units support the client's objective so that we're
19 not looking at a 25 foot wall? So this is some of my
20 questions. Thank you.

21 BZA CHAIR HILL: So you might get kicked back to
22 the drawing board on that one, Mr. Teran, as well.

23 VICE CHAIRPERSON JOHN: I didn't say -- I'm just
24 saying I had questions.

25 MR. TERAN: I appreciate all these questions and

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1 feedback. It's very helpful.

2 BZA CHAIR HILL: I'm saying for me he might also
3 be sent back to the drawing board. I'm saying that the 4th,
4 I don't know what's -- if we get nothing from Mr. Teran is
5 what I'm saying, Mr. Teran might be sent back to the drawing
6 board on the 4th. So he can do with what this information
7 he has.

8 All right. Anybody else? If so, raise your hand.
9 Okay. I'm going to close the hearing on the record except
10 for leaving the record open for anything that Mr. Teran might
11 want to submit. And then I guess the ANC would have an
12 opportunity as always to comment on that submission. And
13 then Mr. Moy, you could let them know if something gets puts
14 into the record, correct? One second, Commissioner.

15 MR. MOY: Yes, sir. I'm following the
16 conversation and discussions, although I'm nitpicking.
17 Actually, this is an open hearing. So this actually a
18 limited scope hearing based on the additional supplemental
19 information the Board is requesting from the applicant, if
20 anything at all, from OP and their coordination, with the ZA
21 and additional information on the rationale or explanation
22 of ZC 19-30 from Commissioner Moore and from our OZ
23 attorneys. Yes, no?

24 BZA CHAIR HILL: Yeah, yeah. That's all correct.
25 Commissioner, you had your hand up?

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1 MS. MOORE: -- answered my question. I just
2 wanted to make sure that you all wanted a report from me in
3 writing regarding the ZC 19-30 conversation.

4 ZC CHAIR HOOD: Yes, if nobody else wants it,
5 Commissioner, I want it.

6 MS. MOORE: Okay. Understood.

7 BZA CHAIR HILL: Okay. All right. Commissioner,
8 thank you so much for your time. You've been extremely
9 helpful and thank you for waiting around this long.

10 MS. MOORE: Sure. Not a problem.

11 BZA CHAIR HILL: Okay. I'm letting everybody go.
12 Bye-bye. All right. So we have one more case. Let's take
13 a break. Is that cool -- I mean, good? And then let's just
14 take a quick break, like, five, ten minutes? Ten minutes?
15 Ten minutes? Ten minutes. Ten minutes. Ten minutes.

16 (Whereupon, the above-entitled matter went off the
17 record at 3:36 p.m. and resumed at 3:47 p.m.)

18 BZA CHAIR HILL: Okay, Mr. Moy, you can call our
19 next case when you can -- I think I saw Mr. Blake. Yep,
20 okay, go ahead, Mr. Moy.

21 MR. MOY: All right. The Board has returned to
22 its public hearing session after a quick break, and the time
23 is at or about 3:48 p.m..

24 The next and last case application before the
25 Board is Application Number 20665 of Howard Road Community

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1 Partners, LLC, this application is as amended and self-
2 certified for request for special exceptions and area
3 variances.

4 As to the area variances, relief is being asked
5 from the subdivision regulations of Subtitle C section 302.1,
6 pursuant to Subtitle C section 305.1, and Subtitle X section
7 901.2, and from the Matter of Right uses of Subtitle U
8 section 401, pursuant to Subtitle U section 421, and Subtitle
9 X section 901.2.

10 The area variances are from the maximum floor area
11 ratio requirements, Subtitle F section 302.3, pursuant to
12 Subtitle X section 1002. And from the lot occupancy
13 requirements of Subtitle F section 304.1, pursuant to
14 Subtitle X section 1002. This would construct 20 new, three-
15 story, row dwellings in the RA-1 zone.

16 Property is located at Howard Road -- let me see,
17 yes, Howard Road Southeast, Square 5860, Lots 839, 897, 906,
18 908, 948, 952, Lot number 1034 and 1035.

19 Two quick preliminary matters, Mr. Chairman,
20 there's an authorization statement for the revised project
21 from DMPED, so that's late, and so that's teed up for you to
22 review or allow into the record.

23 And finally the Applicant is asking for expert
24 witness status for their architect, and I believe it's under
25 Exhibit 11.

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1 BZA CHAIR HILL: Okay. Mr. Freeman, can you hear
2 me, and if so, could you introduce yourself for the record?

3 MR. FREEMAN: Good afternoon, yes, my name's Kyrus
4 Freeman, I'm a partner at the law firm of Holland and Knight,
5 here on behalf of the Applicant in this case.

6 BZA CHAIR HILL: Okay. Unless the Board has any
7 issues I want to see whatever it is from DMPED, so Mr. Moy,
8 if you could drop that into the record, and then, I guess,
9 Mr. Freeman, your architect is not in our book yet, is that
10 correct?

11 MR. FREEMAN: Fernando, have you testified at the
12 Board of Zoning Adjustment before?

13 MR. BONILLA: I'm not sure. I've done the Zoning
14 Hearing Examiner, by the way. I'm not sure that I've done
15 anything at the BZA.

16 (Simultaneous speaking.)

17 BZA CHAIR HILL: Okay, which -- I'm just looking,
18 it's number 11, Mr. Moy, that his resume is in?

19 MR. MOY: Yes, sir. Exhibit 11, it's there.

20 BZA CHAIR HILL: Okay, I see it.

21 ZC CHAIR HOOD: Examiner or the Zoning
22 Commissioner?

23 MR. FREEMAN: The Zoning Commissioner.

24 BZA CHAIR HILL: He said, Zoning Examiner.

25 ZC CHAIR HOOD: Oh, I was trying to figure out who

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1 the -- okay. That's a better name for it, Zoning Examiner,
2 I like that.

3 BZA CHAIR HILL: So you spoke, sir, Mr. Bonilla,
4 before the Zoning Commission?

5 MR. BONILLA: Yes, I did.

6 BZA CHAIR HILL: So I'm looking at your resume and
7 since I'm not an architect, you're not going to get grilled
8 by me, I don't have an issue with your being an expert in
9 architecture.

10 Does anybody on the Board have an issue with
11 Bonilla being accepted as an expert in architecture and if
12 so raise your hand? Seeing no one raising their hand, Mr.
13 Moy, if you would please add Mr. Bonilla to our book.

14 Mr. Freeman, I'm pulling up your slide deck here.

15 MR. FREEMAN: Sure.

16 BZA CHAIR HILL: If you want to go ahead and
17 explain to us, there are a lot of things that you're kind of
18 going through here with us, but if you could go ahead and
19 explain to us, why you believe your client is meeting all of
20 the standards for us to grant all of these different reliefs
21 requested, and I'm going to put 15 minutes on the clock just
22 so I know where we are, and you can begin whenever you like.

23 MR. FREEMAN: Just for a quick introduction as
24 well, Shane Dettman is our proffered expert in zoning and
25 land use, he's already in your book, if you will, but just

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1 wanted to make sure that the record identified him as an
2 expert as well.

3 Our PowerPoint, maybe, Mr. Young, if you could
4 pull up Exhibit 37 that would be great. And just a quick
5 introduction of our team, I'm on, Fernando's our architect,
6 Shane's our planner, our clients Chris Miller and Tessa
7 Edison are also on the line and available to answer any
8 questions about the project.

9 As you may know, this site is being developed
10 pursuant to an RFP issued by DMPED, so we're excited to be
11 here. It's not a whole lot of relief, it's four areas of
12 relief, it's two special exceptions. One is a standard for
13 a multiple dwelling in the RA-1 zone.

14 The second special exception is for a theoretical
15 lot subdivision which is somewhat a normal special exception,
16 I know the Board has seen a number of times before. And then
17 there are two variances, one from lot occupancy, and one from
18 FAR.

19 So I will summarize, but if we could go to, next
20 page. So here's our (audio interference) it's zoned RA-1,
21 it's approximately 27,000 square feet, it's vacant. Next
22 slide, please.

23 This is an existing image of our sites. Next
24 slide, please. Some existing photos of the surrounding area.
25 Next slide, please. Another image that shows the irregular

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1 shape of our property, the slope and topography.

2 Two important things is that this site is impacted
3 by a WMATA right of way/subsurface easement which minimizes
4 our ability to do any below-grade construction, so everything
5 here is slab-on-grade. We're also impacted by a Washington
6 Gas easement, then again there is some DMPED RFT goals that
7 this project is designed to meet. Next page, please.

8 So, Mr. Chairman, I'll say two chairmans, Hill and
9 Hood, again it's special exception to have a multiple
10 dwelling, which is a normal special exception. I think a
11 month or two ago you approved the same thing for another
12 project.

13 We have 20 units, they're all three-bedroom units,
14 three and a half bath, with integral garage parking.
15 Importantly, three of the units are at 50 percent MFI, three
16 are at 80 percent MFI, and the remaining 14 are at
17 essentially 120 percent MFI, which is generally referred to
18 as workforce housing.

19 FAR, our overall FAR is 1.38, calculated across
20 the entire site, and that's primarily driven by a number of
21 factors, again, things that would normally be in the cellar
22 area are at grade, and there are other design impacts that
23 we can go through in a second.

24 And our lot occupancy, again, measured across the
25 entire site is at 50 percent, whereas 40 percent is

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1 permitted. We comply with height, rear yard, side yard.
2 Next slide, please.

3 This is just a site plan, showing the layout.
4 Next slide, please. A rendering from Howard Road. Next
5 slide, please. A render -- well an elevation of front and
6 back of the units. Next slide, please.

7 So these are the floor plans and I think, why
8 don't I have our architect, Fernando, just run quickly
9 through the floor plans. It's only two floor plan sheets.

10 MR. BONILLA: Yeah, absolutely. Again, this is
11 Fernando Bonilla and I'm the principle and owner of Soto
12 Architecture here in Washington D.C.. As you can see we
13 have, we're proposing these row home dwelling located in
14 three floors, they are about 16 feet by 38-foot-10 in
15 footprint, 1,863 square feet in GFA area, and that does not
16 include the area of the decks or the base.

17 The row homes are well-designed with an
18 interesting layout, as you can see we have on the left side
19 our grand floor with a bedroom, or could be used as an
20 office, the garage has access from the back, each town home
21 has its own individual parking space, covered and protected.
22 There's also a bathroom on that level.

23 As you go to the second floor it's an open floor
24 layout with a half-bathroom, open kitchen, dining room and
25 living room, and a deck towards the back. And then on the

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1 third floor we have two bedrooms, two bathrooms, then that's
2 where the laundry closet will be located. We can go to the
3 next slide.

4 MR. FREEMAN: So the next slide is, Mr. Dettman,
5 I wonder if you could run -- I shouldn't say run through, if
6 you could walk us through the next couple slides to address
7 the different standards for relief?

8 MR. DETTMAN: Sure, and good afternoon, Mr.
9 Chairman, members of the Board. Just listed here on this
10 slide are the four areas of relief being requested, two
11 special exceptions, as Mr. Freeman already summarized.

12 Both special exceptions, generally standard in
13 terms of special exception for new residential development
14 in a RA-1 zone, because we're proposing a residential
15 development that's not comprised entirely of detached and
16 semi-detached dwellings.

17 And then also in order to provide the two proposed
18 buildings on a single record lot we need to do theoretical
19 lot subdivision. And then two area variances, one from the
20 FAR, and the other from lot occupancy requirements of the RA-
21 1 zone. Next slide, please.

22 This is showing a diagram that's in the record,
23 showing the configuration of the theoretical lots that are
24 proposed, again we have a total of 20 dwelling units but for
25 purposes of zoning those 20 dwelling units are configured in

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1 two sticks of, kind of arranged in a town home arrangement,
2 but for purposes of the zoning those are considered to be a
3 single building. So two buildings, each on their own
4 individual theoretical lot. Next slide.

5 So the special exceptions, both of them are
6 subject to the general special exception criteria under X,
7 chapter 9, being in harmony with the general purpose and
8 intent of the zoning regulations, and then will not tend to
9 affect adversely the use of neighboring properties in
10 accordance with the zoning regulations.

11 In terms of harmony with the general purpose and
12 intent of the regs, the RA-1 zone is described as being a
13 moderate density residential zone, we're proposing a low-
14 rise, multiple dwelling unit development which is entirely
15 consistent with what is contemplated in the RA-1 zone.

16 We're contemplating new housing in close proximity
17 to transit which is consistent with the expressed purpose and
18 intent of the zoning regulations, and as Mr. Freeman
19 described, the 20 dwelling units will be comprised of
20 affordable housing at the 50 and 80 percent MFI levels, and
21 workforce housing at 120 percent MFI.

22 In terms of impacts on neighboring properties,
23 it's surrounded on three sides by rights of way and open
24 space, there's only an existing apartment home approximately
25 25 feet to the northeast of the proposed development. And

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1 the proposed scale, height, density of the proposed
2 development is consistent with the surrounding development
3 pattern. Next slide.

4 In terms of specific criteria that are applicable
5 to the requested special exception, as set forth on this
6 slide, the proposal measured according to the two theoretical
7 lots, both buildings meet the applicable side and rear yard
8 requirements of the RA-1 zone. The private drive that
9 connects to Shannon Place meets and actually exceeds the
10 required 24 foot width requirement.

11 And then the heights of both buildings, as
12 measured from Shannon Place, are measured in accordance with
13 the regs and they're consistent with the maximum height
14 that's permitted in the RA-1 zone. Next Slide.

15 This is just finishing out the special exception
16 standards, they're adequately, or thoroughly addressed in our
17 pleadings as well as the OP Report, relating to public
18 safety, the environment, public education, I won't go through
19 these in any amount of detail, they're here for your
20 consideration, and again, it's in our pleadings. Next slide.

21 Again, for recreation, parking and loading, we're
22 meeting the parking requirement, there's no loading required,
23 and as DDOT's report sets forth, there's a nominal increase
24 in vehicle trips that are contemplated, nothing that's going
25 to overwhelm the surrounding transportation network.

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1 And as I've mentioned in terms of urban design,
2 the height and scale of the development is compatible with
3 the surrounding context, and the project will result in a
4 number of improvements to the pedestrian realm along both,
5 Howard Road and Shannon Place. Next slide.

6 This is just the last slide on the special
7 exception standards noting considerations for site planning,
8 it's an efficient use of the buildable area on the land given
9 the constraints that are on the property. Again, meets all
10 side and rear yard requirements, and then for traffic it
11 satisfies the minimum parking requirement, modest number of
12 trips as I've already mentioned, and there's no objection
13 from DDOT. Next slide.

14 And next slide. So just very quickly, at the
15 variance, we're talking about two area variances and so in
16 order to grant the two area variances, the Board must find
17 that there's an exceptional condition that's specific to the
18 property that gives rise to practical difficulties if the
19 regulations were strictly applied, and that the relief can
20 be granted without substantial detriment to the public good,
21 nor substantially impairing the intent, purpose, and
22 integrity of the zone plan. Next slide.

23 So we'll just go through those three prongs for
24 the lot occupancy and the FAR variances that are being
25 requested, as stated in our pleadings the subject properties

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1 are irregularly shaped, it has a sloping topography up on the
2 north side of the site that actually makes a decent amount
3 of the site unbuildable with respect to being able to place
4 buildings there, in terms of the topography.

5 There's also WMATA right of way and a subsurface
6 easement that goes through the property, there's a 10 foot
7 Washington Gas easement along the north side which limits our
8 ability to place buildings on the site closer to Shannon
9 Place, down in that southeastern corner.

10 And as Mr. Freeman mentioned, there's also
11 requirements that are set forth in the DMPED RFP in terms of
12 maximization density and maximizing affordable housing on
13 this site that have to be met. I think collectively those
14 result in an extraordinary exception situation specific to
15 the property. Next slide.

16 And those conditions do give rise to practical
17 difficulties if the lot occupancy and FAR requirements were
18 strictly applied, as Mr. Freeman mentioned there's an
19 inability to utilize any cellar space because of the
20 subsurface constraints of the site.

21 So that whole first floor of the parking, and that
22 bedroom number three and the full bath there, especially with
23 respect to the parking and the utility areas, stuff that
24 would normally be able to go underground and not count
25 towards FAR has to be lifted out of the ground, adding an

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1 entire third story to each building.

2 And so, if you do the math, actually having to
3 have that third story on each of the 20 dwelling units adds
4 about .4 FAR to the project, we're about .3 FAR over the
5 allowable .08 that's permitted in the RA-1. So if not for
6 the subsurface constraints on the site we'd be able to come
7 within compliance with the RA-1 FAR requirement.

8 There's also the inability to provide surface
9 parking due to the steep slopes on the northwestern portion
10 of the site, as well as the Washington Gas easement that
11 prevents any kind of construction there. If we could provide
12 surface parking we could actually drop the buildings down to
13 a two-story and again come into compliance with the FAR
14 requirements.

15 In terms of lot occupancy, the only way to comply
16 with the lot occupancy requirement would be to shrink the
17 footprint of each of the 20 dwelling units, and that's what
18 this diagram is showing here. First, we'd have to eliminate
19 all of the outdoor decks, so completely eliminating any kind
20 of private outdoor space and we know that there's a premium
21 put on outdoor space currently.

22 We'd also have to shrink the footprint, either
23 shrink the depth of each of the dwelling units, that's shown
24 in the yellow area on this diagram. And so if you get rid
25 of the yellow area on each of the dwelling units you can the

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1 impact that has, not only on the living space on the second
2 and third floor, but in order to retain that parking within
3 the footprint of the thing, you're going to lose that third
4 bedroom on the first floor.

5 You also shrink, instead of shrinking the depth
6 you could shrink the width of the each of the dwelling units,
7 but if you do that, that's shown in that blue-hatched area
8 along the right-hand side of each of the footprints here.

9 You can see that if you were to shrink it by that
10 much it's really taking it down to, you know, a 12 foot width
11 which is not feasible for any kind of residential layout
12 given the width that's required for the stair, and then the
13 hallway requirements, you're really just kind of whittling
14 it down to something.

15 So if that happens then you have to actually
16 reduce the number of dwelling units that's proposed on the
17 site which is now coming into conflict with the DMPED RFP
18 requirements. Next slide.

19 So finally, because of the unique situation on the
20 site that gives rise to the practical difficulty we turn to
21 the question of whether or not the two areas of relief can
22 be granted, or two areas of variance can be granted without
23 substantial detriment to the public good.

24 We think the proposal is responsive to the DMPED
25 RFP requirements and encourages maximization of permitted

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1 density and the maximum amount of affordable housing on the
2 site. Without this relief we'd be either, having to shrink
3 the footprints and make unreasonable residential floor
4 plates, but more likely have to shrink the number of units
5 that are proposed on this site.

6 The project will also activate a vacant,
7 underutilized site with a mixed income community of 20 larger
8 size dwelling units that's in close proximity to transit.
9 Next slide.

10 Lastly, I believe that the two variances can be
11 granted without substantial detriment, or impairment to the
12 zone plan. The intent of the RA-1 zone is to promote stable
13 residential areas while (audio interference) a variety of
14 types of residential, urban residential neighborhoods and
15 that's exactly what this proposal is proposing.

16 There's adequate light and air provided to the two
17 buildings that are proposed and then around the site, so no
18 anticipated impacts to light and air on the adjacent
19 residential apartment buildings to the northeast.

20 We're not proposing any kind of undue
21 concentration of population or overcrowding of the site, and
22 again consistent with the stated purposes of the zoning
23 regulations, to provide distribution of population and use
24 of land that will tend to create conditions that are
25 favorable to transportation, protection of property,

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1 recreational education opportunities, this is a development
2 that fits really comfortably within the surrounding context
3 on the site, given the constraints that exist.

4 And so I believe that the three prongs on the
5 variance test have been met for the two areas of relief that
6 are being requested. With that, Kyrus, I'll hand it off to
7 you.

8 MR. FREEMAN: Thank you. If I could just add one
9 more point, our Exhibit Number 26 includes a little more
10 detail on the variance analysis, I'll just make two quick
11 points, as detailed in that analysis, the BZA and the Court
12 of Appeals have recognized that the layout and feasibility
13 of a unit is proper for the Board to consider as part of the
14 variance analysis and that, kind of the program of a site,
15 or a use, or a building, are appropriate considerations for
16 the Board as well.

17 Mr. Dettman and our architect just walked through
18 the layout of the units in the program there, I just want to
19 reiterate, I don't know if we said this, all of these units
20 are actually home ownership units, they're not rental, and
21 they're all, I think I said, all have a income limitation.

22 All of the units have the same -- and this is a
23 DMPED expectation -- have the same interior layout and
24 features, right, so all of them are three-bedroom units, all
25 have in-unit washer and dryers, all have integral garages,

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1 so you can't have some things in some units and not in others
2 because the goal is for them to be consistent.

3 There's a question, well why not just reduce the
4 number of units, you could always do that and avoid the need
5 for relief, a reduction in the number of units not only, kind
6 of is contradictory to the district goals of maximizing
7 housing, but a reduction in units would proportionately
8 reduce the amount of affordable housing as well. Because the
9 affordable housing is proportionate to the total number of
10 units delivered.

11 So that hopefully summarizes our PowerPoint, our
12 supplemental submission, and our pre-hearing submission.
13 Last thing I'd point out, which I'm sure you have seen, we're
14 happy to have the support of, the record includes at least
15 eight individual and organizational letters of support.
16 Those are Exhibit 28, 29, 30, 34, 35, 36, 38, and 39.

17 I see the ANC Commissioner is on, we're happy to
18 have the ANC's support which is Exhibit 27, and as you'll
19 likely see in here, we have DDOT support at Exhibit 25, DPW
20 support at Exhibit 31, and the Office of Planning's support
21 at Exhibit 33. So we believe the application in the record
22 clearly demonstrates that we meet all of the applicable
23 standards for approval. So that concludes our presentation,
24 we're happy to answer any questions.

25 BZA CHAIR HILL: Okay, I'm going to move to

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1 Commissioner White at some point but first, does the Board
2 have any questions for the Applicant?

3 VICE CHAIRPERSON JOHN: Not at this time.

4 BZA CHAIR HILL: Okay, thanks, Vice Chair John.
5 Commissioner White, can you hear me?

6 MS. WHITE: How are you all this afternoon?

7 BZA CHAIR HILL: Good, thank you, could you
8 introduce yourself for the record?

9 MS. WHITE: Yes, I'm Commissioner Jamila White,
10 I'm the ANC Commissioner for 8A05, and the Chair of ANC-8A.

11 BZA CHAIR HILL: All right, well there's a lot of
12 chairmans here today -- chairpersons. Chairperson White, can
13 you give us your testimony, please?

14 MS. WHITE: Yes, my testimony's going to be really
15 quick. Sorry, guys, I have to teach very soon so I can only
16 be on for a few more minutes. But we are really happy to
17 support this development coming to our community, we've been
18 working with the developer for several years now, several
19 different ANCs from when they first responded to the RFP to
20 bring this development to our community.

21 We are very happy that more home ownership
22 opportunities are coming for working class families, but also
23 that this developer included four units for families earning
24 up to 52 percent AMI, which the vast majority of our
25 community falls within, as average AMI for Ward 8 is below

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1 \$40,000. So we were very happy that the developer met that
2 request to include units in this new development that the
3 community here could be able to purchase.

4 Our only -- our major concern with this
5 development was to ensure that, two things, one, there be
6 some type of parking on site for the homeowners, just looking
7 at that area and that street, there's very limited parking.

8 That area that they're going to be developing on
9 is currently cul-de-sac where -- well more than just a cul-
10 de-sac but a big part of it is a cul-de-sac where, at any
11 given time cars are all jammed up, parked up, picking up
12 their kids from school or just parking because there's very,
13 very limited street parking on Shannon Place, and of course
14 no parking on Howard because of the main thoroughbred 4:13:56
15 street.

16 But many of the residents in that community don't
17 have driveways so they rely on street parking, and so for
18 this development we understand that the developer is looking
19 to put a car park or garage for each unit and that's
20 something that we really hope can stick to be able make sure
21 that the residents over there and then the new residents
22 that'd be coming will have places to park that have more
23 tension than is already there

24 And then our other major concern was with the
25 removal of that cul-de-sac in a earlier development plans

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1 DDOT was asking for Shannon Place to be connected to Howard
2 Road, but with the ANC's support and the community's support
3 we were able to have a conversation with the developer and
4 DDOT explaining why that is not a optimal solution to open
5 up Shannon Place to Howard Road, citing several reasons with
6 transportation and safety being the biggest one.

7 So we are very happy to see that the plan has been
8 updated to keep that street blocked off, it's a one-way
9 street pretty much, so that it doesn't lead straight on to
10 Howard.

11 And we're hoping that the development is approved
12 and they get the reliefs that they are looking for, you know,
13 contingent that the two agreements they made with the
14 community stays.

15 BZA CHAIR HILL: Thanks, Commissioner.
16 Commissioner, are you telling me that DDOT listened to you?

17 MS. WHITE: I think they did, from what I
18 understand from Tessa and the development, they listened to
19 the community.

20 We had a conversation, I think about 30 folks
21 joined the town hall that DDOT participated with us in over
22 this development when they were requiring that the cul-de-sac
23 is opened for this development to come to fruition, which
24 would be disastrous for the community.

25 BZA CHAIR HILL: Okay. All right. Okay, does

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1 anybody have any questions for the Commissioner, Chairperson?

2 No? Okay, I'm going to turn to the Office of
3 Planning, please?

4 MS. FOTHERGILL: Good afternoon, Chairman Hill,
5 members of the Board, I'm Anne Fothergill for the Office of
6 Planning, for BZA Case 20665.

7 And as you saw in the record the Office of
8 Planning initially didn't file a report as we waited while
9 the plans were changing in response to community concerns,
10 the DMPED RFP, and DDOT's concerns. And so our report was
11 filed a little late but it does recommend approval based on
12 the revised final application, which is in Exhibit 26 of the
13 record.

14 The application changed and some relief was
15 removed based on the change to two theoretical lots, so there
16 is less relief needed now than in the original application.

17 And it is, as was mention, two special exceptions
18 for a new residential development in the RA-1 zone and
19 theoretical lot subdivision, and we found that it met the
20 criteria for both of those special exceptions.

21 And then in order to do the development variance
22 relief as needed and for lot occupancy, and FAR, and we also
23 found that the Applicant made a case for those variances, and
24 we have recommended approval of all four areas of relief.
25 And I will rest on the record and I'm happy to take any

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1 questions.

2 BZA CHAIR HILL: Okay, thank you. Does the Board
3 have any questions for the Office of Planning?

4 Does the Applicant have any questions for the
5 Office of Planning?

6 I assume that's a no, Mr. Freeman. Sorry I didn't
7 -- you're shaking your head no, that's okay. Mr. Young, is
8 there anyone here wishing to speak?

9 MR. YOUNG: We do not.

10 BZA CHAIR HILL: Mr. Freeman, is there anything
11 you'd like to add at the end?

12 MR. FREEMAN: Thank you for your time. We look
13 forward to your hopeful approval of our application.

14 BZA CHAIR HILL: Okay, great. Thank you, Mr.
15 Freeman. All right, I'm going to close the hearing and the
16 record and let everyone go, thank you all, have a nice day.
17 Thank you, bye-bye, Commissioner.

18 Okay, I would agree with the Applicant and their,
19 that they're meeting the burden of proof in order for us to
20 grant the relief requested. There was a lot of different
21 hoops that I think they had to jump through, but I do believe
22 that they've met all of the standards for which I feel
23 comfortable approving, or granting approval of this
24 application.

25 I mean, the thing that I think makes the land

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1 really unique, again, is the WMATA, the Washington Gas, the
2 DMPED requirements, all are things that kind of go towards
3 making a project that I'm sure they jumped through, again,
4 a lot of community hoops in order to get to a place which,
5 I mean, you know, three units at 50 percent MFI, three at 80
6 percent, and 14 at 120, I mean obviously it's a program that
7 is something that is well needed in the city and helps with
8 what the Mayor's goals are.

9 But I do believe, again, that this application is
10 meeting the criteria for us to grant the relief requested,
11 I would also rely on the analysis that the Office of Planning
12 has provided in their report, as well as the support of the
13 ANC and DDOT. Give me one second.

14 So there was a lot of issues that DDOT had brought
15 up and I believe that the Applicant has addressed those, they
16 are issues that I think overall are not necessarily within
17 the purview of the Board but I would ask the legal division,
18 when they're writing the report and order, if this actually
19 does move forward, to reference the items that DDOT had
20 spoken to, that the Applicant is going to adhere to.

21 With that, I'm going to go around the table, Mr.
22 Smith, do you have anything to add?

23 MEMBER SMITH: I don't have anything to add, I
24 agree with your (audio interference) on this particular case
25 and I would support the application (audio interference)

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1 Applicant for implementing some additional affordable units
2 within this building (audio interference) increase affordable
3 housing (audio interference) so I would support the
4 Applicant.

5 BZA CHAIR HILL: Okay. Mr. Blake?

6 MEMBER BLAKE: I too would be in support of the
7 application, the Applicant has met the burden of proof to be
8 granted relief and I would be in support.

9 BZA CHAIR HILL: Chairman Hood?

10 ZC CHAIR HOOD: I would also agree, I really
11 appreciate the way this whole Howard Road project has come
12 into play. This is just another small piece of it, I really
13 appreciate the unit mix of the, as you mentioned, the three
14 units of 50 percent, three units of 80 percent, and the 14
15 units of 120 percent.

16 I think we've heard from the residents don't
17 always just push us to zero to 30, which I have personally
18 been doing but I'm hearing now from other residents that we
19 want a mixture and I see here this is taking that course.

20 Also I appreciate the government DPW, I've never
21 seen, and I want to thank Deputy Director Carter for
22 submitted something in the report along with the other
23 agencies. That's all I have, Mr. Chairman.

24 BZA CHAIR HILL: Thank you, Chairman Hood. Vice
25 Chair John?

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1 VICE CHAIRPERSON JOHN: Have anything to add and
2 I believe you addressed how to address DDOT's comments,
3 particularly the one that says, prior to the issuance of a
4 Certificate of Occupancy Applicant will fund and install
5 pedestrian improvements to facilitate safe crossing from
6 future Shannon Place Plaza, across Howard Street to the
7 Anacostia Metro Rail Station, subject to DDOT approval.

8 So I am not -- I don't believe that condition
9 should be included and that's something that Applicant can
10 work with DDOT on, because it's not a zoning requirement.

11 BZA CHAIR HILL: Okay, thank you, Vice Chair John.
12 All right, I'm going to go ahead and make a motion then to
13 approve Application Number 20665 as captioned and read by the
14 secretary, and ask for a second. Ms. John?

15 VICE CHAIRPERSON JOHN: Second.

16 BZA CHAIR HILL: The motion has been made and
17 seconded, Mr. Moy, can you take the roll call?

18 MR. MOY: Thank you, Mr. Chairman. When I call
19 your name, if you would please respond with a yes, no, or
20 abstain to the motion made by Chairman Hill to approve the
21 application for the relief that's requested.

22 The motion to approve was second by Vice Chair
23 John, Zoning Commission Chair Anthony Hood?

24 ZC CHAIR HOOD: Yes.

25 MR. MOY: Mr. Smith?

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1 Mr. Blake?

2 MEMBER BLAKE: Yes.

3 MR. MOY: Vice Chair John?

4 VICE CHAIRPERSON JOHN: Yes.

5 MR. MOY: Chairman Hill?

6 Staff would record the vote as five-to-zero-to-
7 zero, and this is on the motion made by Chairman Hill to
8 approve, the motion to approve second by Vice Chair John.
9 Also in support of the motion to approve, Zoning Commission
10 Chair Anthony Hood, Mr. Smith, Mr. Blake, and of course Vice
11 Chair John and Chairman Hill. Motion carries on a vote of
12 Five-to-zero-to-zero.

13 BZA CHAIR HILL: Okay. Everybody, thank you so
14 much for all of your help today and I look forward to seeing
15 everyone again next week. And does anybody have anything
16 they'd like to add, otherwise we'll adjourn?

17 Okay. All right, then we're adjourned, Mr. Moy.
18 Thank you all, bye-bye.

19 (Whereupon, the above-entitled matter went off the
20 record at 4:24 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

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