

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

MAY 4, 2022

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:30 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, Zoning Commission Chair

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN
KAREN THOMAS
STEPHEN COCHRAN
ANNE FOTHERGILL
MATT JESICK
JONATHAN KIRSCHENBAUM
CRYSTAL MYERS
ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SARAH BAJAJ, ESQ.
MARY NAGELHOUT, ESQ.
RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from
the Regular Public Hearing held on May 4, 2022.

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

2 9:45 a.m.

3 BZA CHAIR HILL: You can call our first hearing
4 session when you get a chance.

5 MR. MOY: This will be Case Application number
6 20374, Matthew and Alicia Amling. This is a sub-certified
7 application for special exceptions pursuant to Subtitle D,
8 Section 5201.3 and Subtitle X, Section 901.2, from the front
9 yard setback requirements of Subtitle D, Section 1205.2.

10 This would construct a front vestibule addition
11 to an existing two-story attached principal dwelling. The
12 property's located at 3617 T Street, N.W., Square 1296,
13 Lot 338.

14 The property is in the R-20 zone and -- let me
15 see -- the preliminary matter here, sir, as you are aware,
16 there is a request for a motion for postponement from the
17 Applicant, and it is under Exhibit number 57, dated April 29,
18 from the applicant.

19 BZA CHAIR HILL: Okay, great. Mr. Sullivan, can
20 you hear me? And if so, could you introduce yourself for the
21 record?

22 MR. SULLIVAN: Chair and members of the Board,
23 Marty Sullivan, with Sullivan & Barros, on behalf of the
24 applicant.

25 BZA CHAIR HILL: Okay, Mr. Sullivan. Why do you

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1 want a postponement?

2 MR. SULLIVAN: So, and I'll try to be as concise
3 as possible here. The history of this case is kind of long.
4 I was brought on after the Board had an initial hearing on
5 this.

6 And I don't think the Board actually had a
7 hearing. You just decided a specific issue that just -- you
8 decided that the relief should be an area variance rather
9 than a special exception, and then postponed it for the
10 applicant to have time to make that argument. And then, I
11 was brought on.

12 Shortly after I was brought on, the Office of
13 Planning, Mr. Kirschenbaum, emailed me and stated that the
14 Zoning Commission has proposed to clarify in the zoning
15 reorg, that front setbacks can request special exception
16 relief under 5201, and said it would take several more months
17 for that to actually happen.

18 And so, in order to keep costs down, among other
19 things, the path of least resistance at that point was to ask
20 for a further postponement, assuming at some point the Zoning
21 Commission would clarify that this was a special exception,
22 and it would be the easiest path to move forward in. So, we
23 wanted to wait until after that.

24 Subsequent to that original request, the Office
25 of Planning then reached out to me again and said, well

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1 actually, it's going to be next fall before that happens, and
2 I can't guarantee you what the outcome's going to be.

3 And then, yesterday, I had a conversation with
4 Mr. Lawson and Mr. Kirschenbaum where they stated, we don't
5 even think it's going to happen next fall, and we can't
6 guarantee which way it's going to go.

7 And so, what I'm here to ask for then is a
8 postponement until September and no further, because we need
9 to argue this one way or the other, whether it's a variance
10 or a special exception. And waiting on action by the Zoning
11 Commission to clarify doesn't seem to be in the cards.

12 And that's why I'm not prepared to argue that
13 today, because I thought we were going forward on the path
14 where hopefully we're just going to argue a special
15 exception.

16 So, whatever time is convenient for the Board, I
17 actually intend to still convince the Board that it's a
18 special exception, because this issue has been fully
19 considered by the Office of Planning, OAD and the Board, and
20 only one case -- there's only one precedent.

21 But I don't want to bog you down with that today.
22 I'll make that argument on paper and the Board can dismiss
23 it or consider it as they wish, but I'll be prepared to argue
24 variance as well.

25 BZA CHAIR HILL: Okay. Mr. Moy, you're not

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1 booking September yet, right?

2 MR. MOY: It is strange to say that, Mr. Chairman.
3 We actually have one other case that the Board had granted
4 a postponement, and the Board actually set it for
5 September 28th. So, this would be the second case.

6 BZA CHAIR HILL: Okay, let's go ahead and put him
7 on September 28th then.

8 MEMBER JOHN: Mr. Chairman, I have a question for
9 Mr. Sullivan. So, Mr. Sullivan, before you came onboard,
10 there was an earlier case involving this property. Right?
11 With a request for the same relief and the Board denied it,
12 right?

13 MR. SULLIVAN: No. So, what happened was, this
14 applicant has had two cases. The first case was a ten-foot
15 rule case. And the vestibule was on the plans at the
16 beginning. And when it was realized that that needed relief,
17 the vestibule was removed from the plans and that case went
18 forward and was approved.

19 And so, and for whatever reason -- and I think
20 this all happened in good faith, but it happened -- that
21 vestibule remained on the building permit application plans.
22 And that was approved by Zoning and the building permit was
23 issued and the vestibule was built.

24 And a year later when the Zoning Administrator
25 understood what happened, he came back and said, now you're

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1 going to need relief for the vestibule. And he said that's
2 going to be a special exception.

3 And then, a neighbor -- nobody close by, a
4 neighbor a couple of blocks away -- said, oh, a front setback
5 is not the same thing as a front yard. Therefore, it should
6 be a variance, and apparently convinced the Office of
7 Planning, who convinced the Zoning Administrator, and he
8 turned that around and said, I think it should be a variance.

9 And what the Board heard then was discussion on
10 that issue. And the Board then instructed the applicant,
11 okay, we're going to postpone. When you come back, argue
12 this as a variance. And so, that's the whole history with
13 the Board. So, now the Board didn't address this application
14 yet.

15 MEMBER JOHN: I don't remember many cases -- I
16 shouldn't say that -- but this one I remember, because of the
17 whole variance argument. And I'm just confused as to how it
18 went forward with the vestibule. But we can continue.

19 MR. SULLIVAN: Yeah, that was in permitting. I'm
20 not aware of how that happened. And then, we're trying to
21 rectify that now.

22 MEMBER JOHN: Mm-hmm. Okay. Thank you.

23 BZA CHAIR HILL: Okay, September 28th, Mr. Moy?

24 MR. MOY: Yes, sir.

25 BZA CHAIR HILL: Okay. All right, Mr. Sullivan,

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1 we'll see you on September 28th.

2 MR. SULLIVAN: Thank you.

3 BZA CHAIR HILL: Thank you. All right, Mr. Moy.
4 You can call or next one when you get a chance.

5 MR. MOY: Before I take a step forward,
6 Mr. Chairman, I neglected to mention on this Amling case that
7 there was a letter in opposition from a Michael McDuffy that
8 was submitted late. I suppose it's the 24-hour block.

9 So, I'm assuming that since the Board advanced
10 this to September, that you're allowing that into the record
11 since the record's still open. So, I'm just stating that for
12 the record.

13 BZA CHAIR HILL: Yes, please. Thank you.

14 MR. MOY: Okay. All right, so the next full
15 application before the Board is case number 20680, of DMV
16 Realty Investments LLC.

17 This is a self-certified application for special
18 exception from the rear addition requirements of Subtitle E,
19 Section 205.4, pursuant to Subtitle E, Section 205.5,
20 Subtitle E, Section 5201, and Subtitle X, Section --

21 (Background interference.)

22 BZA CHAIR HILL: That's okay, Mr. Moy. Just give
23 me a second. Can somebody mute their microphone, Mr. Teran.
24 And I don't know who it is. Mr. Moy, could you continue?

25 MR. MOY: Yeah, let me restate again the citation.

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1 Pursuant to Subtitle E, Section 205.5, Subtitle E,
2 Section 5201, and Subtitle X, Section 901.2, and -- let me
3 see -- yeah, let me leave that for that.

4 The property is in the RF-4 zone, and the
5 property's located at 801 20th Street, NE, Square 4495,
6 Lot 20. And that's it for me, Mr. Chairman.

7 BZA CHAIR HILL: Okay, great. Thanks. Mr. Teran,
8 can you hear me?

9 MR. TERAN: Yes, sir. Good morning.

10 BZA CHAIR HILL: Could you introduce yourself for
11 the record? And there's some background noise, just to let
12 you know. I don't know if there's people in your office
13 there or what.

14 MR. TERAN: Yeah, and I told them. Good morning.
15 My name is Eric Teran, the architect, who is an owner.

16 BZA CHAIR HILL: Okay, great. And, Mr. Teran, I
17 remember this one clearly. And is the Commissioner with us,
18 Mr. Young? No, correct?

19 MR. YOUNG: She is not. We had staff reach out
20 to her, but she did not respond.

21 BZA CHAIR HILL: Okay. Let's see. So, Mr. Teran,
22 can you tell us what happened since last time you were here?

23 MR. TERAN: Sure. The client and I, we reviewed
24 the document ZC-1930, and took your comments that you gave
25 us from the original meeting and we've made some design

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1 changes, just to conform a little bit more to that document,
2 that ANC-5 was adamant about for why they changed the zoning.

3 And so, I think some of the changes that we did
4 helps a little bit to conform to those requirements. And we
5 also reduced the building that the extension by, I think it
6 was 1.5 feet.

7 We removed some wing walls, and we changed the
8 materials and made it a little bit shorter. So, now we're
9 only asking for six-and-a-half feet, rather than seven-feet
10 and ten-inches. We updated the plans and we can walk through
11 those, if you'd like.

12 BZA CHAIR HILL: No, no, no, I got it. Yeah, do
13 you want to pull up -- so did you go back to the ANC with
14 these?

15 MR. TERAN: No. We only submitted them Sunday
16 night, I think it was.

17 BZA CHAIR HILL: To the ANC.

18 MR. TERAN: To the BZA.

19 BZA CHAIR HILL: Oh, to the BZA. Okay. And then,
20 yeah, can you pull up, Mr. Young, Exhibit 40? Is that the
21 one you want to walk through, Mr. Teran?

22 MR. TERAN: Yeah, the plans or the 3D images. We
23 can look at both of them.

24 BZA CHAIR HILL: Okay, I got the 3D image pulled
25 up.

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1 MR. TERAN: Okay, we can start with that.

2 BZA CHAIR HILL: So, if you could tell us about
3 the changes.

4 MR. TERAN: Sure. One of the big changes was in
5 the document that we read was, give the front of this facade,
6 that character feeling of the rest of the neighborhood, not
7 to make this some behemoth addition.

8 And so, what we did was, we changed one of the
9 units, Unit A, to have an entrance off of 20th Street, and
10 then Unit B and C also have an entrance off of H Street.

11 BZA CHAIR HILL: Can you, Mr. Young, go to the
12 next slide?

13 MR. TERAN: So, this is on 20th Street. So, there
14 you can see now the entrance and the canopy. So, it has the
15 language and aesthetics a little bit more with the character
16 of the neighborhood.

17 It also, I think, helps with the massing. It
18 breaks it up. And so, they're hard to tell, but we did
19 change the brick work at the top and around the windows.
20 Just adds a little bit more interest, which other houses have
21 that type of brick work as well. So, we believe that this
22 is helping with that character of the neighborhood. Next
23 slide, please?

24 So, here you can at the corner, both entrances
25 went off of H Street and one off of 20th Street. Next slide,

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1 please?

2 And this is almost similar as before, except if
3 you recall to the right of the entrance there's a wing wall.
4 It's all aesthetics that stick out that extra foot-and-a-
5 half. And so, that we removed. Next slide, please?

6 And so, this one maybe looked at the old image.
7 You'd see the difference with that rear wall. It used to be
8 brick with those wing walls. Now, that's been removed. Next
9 slide, please?

10 And here you can see -- so, you can see the rear
11 end of the building, which we're asking for a 6.2, I think
12 it was, extension. And the dashed line what was before was
13 7.84.

14 And then, the buy-right is what we allowed, the
15 ten-feet, and then going up to the 40-feet with a parapet.
16 So, you can see the difference. We're not going as high, but
17 we are asking for a little bit further.

18 We could look at the plans if you would like. It
19 shows basically what we just talked about with the new
20 entrance along 20th Street.

21 BZA CHAIR HILL: That's okay. I'll see what the
22 Board has to say. Go ahead, drop back for a second. And,
23 Mr. Teran, if you can just mute yourself.

24 MR. TERAN: Sure.

25 BZA CHAIR HILL: Let's see. I mean, I'm looking

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1 at that last slide, just so the Board knows. Okay, right.
2 So, you're now asking for what, one foot less? So, what's
3 the distance past the ten feet?

4 MR. TERAN: It's six-feet, six inches and a
5 quarter. 6.52 inches.

6 (Simultaneous speaking.)

7 BZA CHAIR HILL: It's 6.82. Is that not what you
8 now have?

9 MR. TERAN: So, no, it should have been 6.52. On
10 the statement, burden of proof, and the neighborhood letter
11 I wrote, 6.52. So, that was an error on the 3D images.

12 BZA CHAIR HILL: Okay. And so, that's what is in
13 the plans, the 6.52?

14 MR. TERAN: Correct.

15 BZA CHAIR HILL: Okay. Okay. All right, I'm
16 actually curious of talking with the Office of Planning, in
17 terms of -- and I'll let the Board ask their questions now,
18 whatever they want to see -- I was actually kind of, again,
19 continuing to talk to the Office of Planning about that ten-
20 foot extension and how it may or may not go from the second
21 floor.

22 And so, that's kind of the thing that I have. I
23 like the design a whole lot better. And so, your original
24 argument, you said why it adheres to what the ANC originally
25 thought when they changed the zoning. Can you explain that

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1 a little bit?

2 MR. TERAN: Sure. When we looked at the document,
3 the main items were lack of front setback, and that we meet,
4 because we're not asking for any variance for the front
5 setback.

6 And also asked to maintain the appearance of the
7 front of the properties, which we believe we've now done by
8 adding that front door to 20th Street. And we've, I think,
9 gone a bit further, that we have it on H Street as well, so
10 it wraps the corner.

11 We also asked to maintain the FAR to 1.8, and
12 we're at 1.47. And additionally, the all-occupancy now is
13 only 36.6 percent, and that's well below the 60 percent.

14 And two more. One was encouraging family-sized
15 affordable housing. This is four bedrooms, which is
16 definitely what DC is looking for, as far as affordable
17 housing goes, or family-sized affordable housing.

18 For example, Ward D, or Ward 5, only has
19 8.7 percent of homes have this many bedrooms, so it's
20 definitely something that they're looking for.

21 Another one was the limit of impact of new
22 construction. We're not building this side, we're building
23 out further, so it's not anything extra that we're asking
24 that, if we were doing by right. I mean, it's not the same
25 amount of construction.

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1 And, yeah, we also looked at the ZC-1930, and
2 there wasn't any mention of not extending beyond the ten-foot
3 rule, which is why I think it's a special exception. Rather,
4 there is a phrase that's a continuation of rear yards.

5 And so, we are still maintaining a little bit over
6 20 feet of rear yard setback, and we're only asking now for
7 the 6.52 feet. So, I think we have all those items we think
8 we are adhering to.

9 The nature of what they were looking for when they
10 decided to change the zone from RA-2 to an R-4 lot.

11 BZA CHAIR HILL: All right, Mr. Teran, one more
12 thing. I can't remember. What was the outreach that was
13 done to the immediate neighbors? And what was their position
14 again?

15 MR. TERAN: Sure. So, we reached out to -- we
16 only reached out to a few of them. We did obtain, I want to
17 say it was about ten or twelve signatures. The one we didn't
18 obtain was an adjacent neighbor that we're still working
19 with. Their opposition was more no-construction, the few
20 times I had spoken to her.

21 I know the owner's gone back between these last
22 two meetings, and we're still working with them.

23 BZA CHAIR HILL: When you say working with them,
24 they were more concerned about the construction, you're
25 saying, rather than the massing?

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1 MR. TERAN: Yeah. I mean, because by right we're
2 allowed to build another floor, so we were asking, we want
3 to do waterproofing, we want to make sure her house is safe
4 during construction. And she said she doesn't want any
5 construction. So, it was kind of hard from the get-go.

6 BZA CHAIR HILL: Got it.

7 MR. TERAN: But we want to make sure.

8 BZA CHAIR HILL: When you say you're working with
9 her, what is it that you're trying to -- just help with
10 construction management plans and such?

11 MR. TERAN: Yeah. And so the stand, I believe,
12 one way or another we will go through with this project, and
13 we want to make sure we're good neighbors. So, if she
14 doesn't allow us to go on her property, that's fine. But we
15 want to make sure that we give her advance notice when
16 anything's happening, just let her know what the process is.

17 BZA CHAIR HILL: Got it, got it. Okay. All
18 right, I was going to turn to the Office of Planning, but
19 does the Board have any questions of the applicant right now?
20 Sure, Vice-Chair John?

21 MEMBER JOHN: Have you proposed this cooperation
22 in writing with the neighbor? Have you given her something
23 in writing?

24 MR. TERAN: Well, we did give her the form that
25 the building department requires. And they don't have to

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1 sign it. It's something we just have to mail or give to her,
2 and we have done that. There's also, within that, there's
3 an affidavit of maintenance that we do have to sign, and I
4 believe that's the one we have to get notarized.

5 So, we have done all that. And we are still
6 working with her with that. So, it's definitely an ongoing
7 process.

8 MEMBER JOHN: Okay. But typically, there's a
9 construction agreement. So, were you planning to offer that
10 to her in writing?

11 MR. TERAN: I think it'd basically be whenever we
12 have anything that's concerned with her property, or that
13 could be an issue, we'd definitely be contacting her. And
14 we'd be happy to put that in writing so that she'd have that.

15 MEMBER JOHN: So, the Board can't mandate this,
16 but a lot of developers do offer a written construction
17 management then.

18 MR. TERAN: Okay. No, we can definitely do that.

19 MEMBER JOHN: Okay, thank you.

20 MR. TERAN: Thank you.

21 BZA CHAIR HILL: Yep, Chairman Hood?

22 ZC CHAIR HOOD: Thank you, Mr. Chairman.
23 Mr. Teran, I think one of the key points -- and Mr. Chairman,
24 I'll just let you know I'm still interesting in hearing what
25 Commissioner Sydelle Moore has to say. I know we reached out

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1 to her. But I think a key piece that's missing, Mr. Teran,
2 I think you're talking about the neighbor. If I'm not
3 mistaken, isn't she a senior citizen? Who else is working
4 with her on this?

5 MR. TERAN: Correct, she's a senior citizen.
6 She's lived there for a long time. I know Ms. Moore was
7 helping her at the beginning. She was actually our initial
8 contact. Since then, it's just basically been us -- myself
9 and the owner -- going and knocking on her door.

10 ZC CHAIR HOOD: Okay. So, from my standpoint --
11 I'm not sure where the Board is -- I really need to make sure
12 that someone is assisting our seniors, not just here, but all
13 over the city.

14 Sometimes our seniors don't have help, Mr. Teran.
15 Sometimes, being a senior, we all -- we just keep living.
16 She may not understand some of the things. So, we need, I
17 think, take a little more time -- I'm not sure where the
18 Board is -- a little more time and make sure that Ms. Moore,
19 the Commissioners, are working with her.

20 Because I know that there's some rights that the
21 developer has, but also seniors need to try to help them
22 understand. So, that's kind of where I am. I think that's
23 a key point that I've heard missing out of this whole
24 conversation. Ms. Hill is a senior. And I'll leave it
25 there. Thank you, Mr. Chairman.

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1 BZA CHAIR HILL: Thank you, Chairman Hood. Anyone
2 else before I turn to the Office of Planning? All right,
3 Mr. Kirschenbaum, can you hear me and could you introduce
4 yourself, please?

5 MR. KIRSCHENBAUM: Members of the Board of Zoning
6 Adjustment, I'm Jonathan Kirschenbaum with the Office of
7 Planning.

8 BZA CHAIR HILL: Okay. So, Mr. Kirschenbaum, I
9 know that the Board had questions about whether or not -- or,
10 not whether or not -- whether or not -- I guess, yeah -- the
11 Zoning Commission thought that the ten-foot rule went past
12 the second story. Right?

13 So, I kind of want to understand how the Office
14 of Planning kind of read the regulations and what they think,
15 and I can't remember whether we talked through this or not
16 yet.

17 But that bottom tour, whether or not it counts,
18 first of all, as something that you would -- these are kind
19 of questions or whatever, you can just comment afterwards --
20 whether you would count that as enclosed space that you would
21 then put the ten-foot rule past, and I guess it's enclosed
22 space because it counts towards lot occupancy, or what is
23 kind of the Office of Planning's thoughts.

24 And then, the Office of Planning's thoughts in
25 terms of the ten-foot rule from the second floor, or if there

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1 was a third floor. Third floor. Like, how does the Office
2 of Planning view that? Like, is that wedding cake thing, so
3 to speak, is that kind of what -- how did you get to yes?
4 And I'll leave it at that?

5 MR. KIRSCHENBAUM: So, the Board directed us to
6 speak to the Zoning Commissioner at the last hearing, the
7 supplemental report from the Office of Planning is on
8 Exhibit 40, which memorializes what the discussion was with
9 the Zoning Administrator.

10 The zoning regulations for the ten-foot rule do
11 not specify how the measurement is done, if it's done on the
12 furthest rear wall, or if it's done by story. So, we spoke
13 to the Zoning Administrator.

14 The Zoning Administrator stated that the furthest
15 rear wall and the ten-foot measurement is based on story,
16 which means that if, in this case, if the first story of the
17 adjacent property extends farther than the second story, you
18 will measure ten feet beyond the furthest rear wall of the
19 first story, and then we measure ten feet beyond the furthest
20 rear wall at the second story of the adjacent property.

21 So, when you look at the plan -- well, I guess the
22 plans aren't up -- that would mean that for the first story,
23 it would appear that, using that interpretation, the first
24 floor on the proposal would extend six feet more than
25 allowed, and then the second and third floors would extend

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1 14 more feet than allowed.

2 BZA CHAIR HILL: But the Zoning Administrator was
3 not clear. Correct? It's not the Board --

4 MR. KIRSCHENBAUM: He stated it's by four.

5 BZA CHAIR HILL: The Zoning Administrator.

6 MR. KIRSCHENBAUM: Correct. It's interpretive.
7 The zoning regulations themselves do not specify that. This
8 is his determination of the ten-foot rule.

9 BZA CHAIR HILL: So, they would need to change
10 their relief requested then?

11 MR. KIRSCHENBAUM: I don't think so.

12 BZA CHAIR HILL: But they need more relief then
13 on the second and third story.

14 MR. KIRSCHENBAUM: That's the question for the
15 legal division. The regulations are based on the furthest
16 rear wall. The regulations don't say you have to get a
17 special exception per floor. So, I don't know how,
18 technically, the relief would work, in terms of technically
19 requesting it.

20 We review the total amounts of the proposal. So,
21 the original proposal, the measurements were based on where
22 that one furthest rear wall is. We've reviewed the entire
23 mass of the proposal, in terms of the shadow studies.

24 So, in terms of our review, in terms of the shadow
25 studies that were provided, that doesn't change here. The

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1 only thing that changes is how you describe where the walls
2 are at the different stories. I hope that makes sense.

3 BZA CHAIR HILL: Yeah, yeah, kind of. So, and
4 I'll let my Board -- this is going to take longer than I
5 anticipated -- kind of comment through this. I don't
6 necessarily know if the Zoning Commission wanted the wedding
7 cake thing. I don't particularly think it's particularly
8 useful.

9 And so, I don't necessarily think that that's
10 something that makes any sense to me. So, I'll let my Board
11 ask any questions that they have of anybody. Does anybody
12 got any questions? Sure, Mr. Blake?

13 MEMBER BLAKE: Sure. Mr. Kirschenbaum, I want you
14 just to talk a little bit about point four in the Zoning
15 Administrator's rear wall discussion. I thought that to be
16 helpful in this. And the question is, did you then take a
17 look at the adjacent building to see if it complies with that
18 requirement?

19 MR. KIRSCHENBAUM: Sure. So, at the last hearing
20 there was a question about what is considered conditioned
21 space, as it relates to the rear wall measurement. The
22 Zoning Administrator says that you measure out from the rear
23 wall on the adjacent property, and that rear wall has to be
24 part of conditioned space on that building.

25 Conditioned space, in this regard, according to

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1 the Zoning Administrator, means it has to be fully enclosed
2 with windows and walls, and -- and this is an important
3 distinction -- that space with the walls and the windows
4 could be conditioned space with heating or air conditioning,
5 but it does not have to have air conditioning or heating in
6 it at the moment. Just having to be set up where you can
7 install an air conditioning system or a heating system.

8 So, what that means is that conditioned space is
9 not a screened porch and it's not space that may be covered
10 on three sides, but it's fully opened on another side. The
11 way I interpret it, I believe what the Zoning Administrator
12 means is it has to be space that has four walls that could
13 have windows on them.

14 And so, in the context of the property next door,
15 that would appear to be conditioned space because it has four
16 walls and windows.

17 MEMBER BLAKE: Thank you, sir. Thank you.

18 BZA CHAIR HILL: Okay, anyone else? Sure, Vice-
19 Chair John. You're on mute, Vice-Chair John.

20 MEMBER JOHN: I wanted to pull up an Exhibit in
21 the color photographs, which is, I believe, Exhibit 11. And
22 it's Slide 4 of 17, Mr. Young. I think it shows the existing
23 conditions. Mr. Young?

24 So, okay, while we're waiting on Mr. Young, do you
25 have that in front of you, Mr. Kirschenbaum?

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1 MR. KIRSCHENBAUM: I have Exhibit 13. Correct?

2 MEMBER JOHN: Well, it's the one showing the rear
3 of the subject property.

4 BZA CHAIR HILL: It's Exhibit 11, Slide 4,
5 Mr. Kirschenbaum.

6 MEMBER JOHN: Eleven. Okay.

7 MR. KIRSCHENBAUM: I'm sorry. Yes, I'm sorry.
8 The file name comes up as Exhibit 13. I'm on the same list.

9 MEMBER JOHN: Mr. Young has it up. Okay, so
10 measurement of the ten-foot rule would start at the rear of
11 the adjacent properties, first floor. Is that correct?

12 MR. KIRSCHENBAUM: So, for the first floor of the
13 proposal, based on the Zoning Administrator's interpretation,
14 you would measure based on the furthest rear wall at that
15 first floor.

16 MEMBER JOHN: Right.

17 MR. KIRSCHENBAUM: And then, for the second floor
18 of the proposal, you would measure out from where the
19 location of that rear wall is at the second floor. So, it
20 would be at that brick looking wall at the second floor.

21 And then, because there's not a third floor for
22 the proposal, for that third floor propose, you would measure
23 then down from where that brick wall is at the second floor.

24 MEMBER JOHN: Okay. And so, in this case the
25 16 feet would start at the back of that enclosure on the

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1 first floor. So, it would be ten feet beyond that, plus
2 another six feet.

3 MR. KIRSCHENBAUM: Right. So, in other words --
4 right. On the first floor, the proposal is approximately six
5 feet more than what is allowed.

6 MEMBER JOHN: Right. Okay. So, we're looking at,
7 I believe the drawings show this, would be almost 25 feet on
8 the second floor and on the third floor.

9 MR. KIRSCHENBAUM: In total.

10 MEMBER JOHN: In total, yes.

11 MR. KIRSCHENBAUM: But otherwise, it would be four
12 to two more feet than allowed.

13 MEMBER JOHN: Yeah. Okay, thank you.

14 MR. KIRSCHENBAUM: Thanks.

15 MEMBER SMITH: Thank you, Mr. Kirschenbaum. Is
16 the best picture we have of the adjacent neighbor's back
17 porch? Because, I mean, I see a little bit of the corner,
18 but I can't quite make out exactly its configuration. I'm
19 just curious, did you see a better picture of this than this
20 in the record?

21 MR. KIRSCHENBAUM: Not in the record. If you use
22 street view, it's a little easier to see what's going on.

23 MEMBER SMITH: Okay, thank you.

24 BZA CHAIR HILL: Okay, anybody else? Okay, let's
25 see what happens here. Mr. Young, do we have anyone wishing

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1 to testify? Okay. All right, so I guess are we ready to
2 deliberate? And I'm looking at my fellow Board members. I
3 think I am. And so, I don't know what you all want to do.
4 I think, I'm not sure. So, let me see. Mr. Smith, are you
5 ready?

6 MEMBER SMITH: Yeah, but I'm exploring. I don't
7 think I'm prepared to go first at this time.

8 BZA CHAIR HILL: That's fine. So, you're not
9 ready. Okay, whatever. You're kind of ready. And we can
10 give some time to think then, if that's also the case,
11 because I know that Chairman Hood was interested in getting
12 something from the ANC. Mr. Blake, are you ready? Vice-
13 Chair John, are you ready?

14 MEMBER JOHN: I can go either way. If Tim and
15 Blake want to see something from the ANC, then I would not
16 be opposed to that. And I'm also interested in whether or
17 not the applicant is able to work something out with the
18 neighbor, in terms of how the construction will progress.

19 And it's not something that we could order, but
20 if the applicant is going back to the ANC, it will makes
21 sense to at least let the Board know what the discussions
22 are. So, I can go either way.

23 BZA CHAIR HILL: Okay. Chairman Hood, are you
24 ready?

25 ZC CHAIR HOOD: Mr. Chairman, if you all proceed,

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1 I'll be voting against this for the simple reason I don't
2 have all the factors. And, unfortunately, the ANC did not --
3 the only people who I know who are helping the senior, he
4 calls all the time about seniors and zoning.

5 So, I just want to have a comfort level that
6 someone has assured us that there's an understanding. I'm
7 not specifically all tied to the regulations. Also, from the
8 Zoning Commission standpoint, we also have to consider
9 residents as well.

10 I mean, we all do, but I know you all have a
11 strict application of law. Okay, there's Ms. Moore. I just
12 need confidence from if somebody's been working with the
13 seniors. So, I see Ms. Moore is here. Mr. Chairman, I don't
14 know if you want to go back for an update --

15 BZA CHAIR HILL: Yeah, we'll see what happened.

16 ZC CHAIR HOOD: -- and then I may feel better.

17 BZA CHAIR HILL: Okay. Commissioner Moore, can
18 you --

19 COMMISSIONER MOORE: I was just in the attendee
20 section, so I wasn't able to unmute.

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

23 COMMISSIONER MOORE: Yes. I'm Commissioner
24 Sydelle Moore for 5D05 and I am the Chairperson for ANC5D.

25 BZA CHAIR HILL: Okay. Welcome back,

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1 Commissioner.

2 COMMISSIONER MOORE: Thank you.

3 BZA CHAIR HILL: Did you guys see the new design?
4 Or did you see the new design?

5 COMMISSIONER MOORE: No. Absolutely not.

6 BZA CHAIR HILL: All right. Okay, that's too bad.
7 All right, then when is your next ANC meeting?

8 COMMISSIONER MOORE: Next Tuesday.

9 BZA CHAIR HILL: Next Tuesday the 10th?

10 COMMISSIONER MOORE: Yes.

11 BZA CHAIR HILL: Is there any chance you can get
12 them on the agenda?

13 COMMISSIONER MOORE: Yes, we'd be happy to have
14 them on the agenda. And I'd be happy to see some designs
15 prior to that.

16 BZA CHAIR HILL: Okay. Mr. Teran, can you hear
17 me? So, what I seem to be hearing from the Board is they
18 would like further clarification upon your communication with
19 the neighbor. Right? In terms of like if you can provide
20 something into the record as to like what you're proposing,
21 in terms of how you're going to communicate with the neighbor
22 during construction, and how that neighbor will be advised
23 as to things that are going on, etc. Right?

24 And if you could get even -- what's it called --
25 support from that neighbor based upon anything you provide

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1 to them, that would be wonderful. But if you can give us
2 something, that would be something I think the Board is
3 looking for, right?

4 And then, I guess we'd like to have you present
5 to the ANC on the 10th. Would you be able to do that?

6 MR. TERAN: Yes, I'd be able to.

7 BZA CHAIR HILL: Okay. So, Commissioner, they
8 changed the design, it looks like, enough to where I at least
9 have more comfort with it.

10 But you guys, I know we had a discussion with you
11 all where in your -- that zoning kind of got changed because
12 you all thought you were doing a good thing. And now,
13 whether or not you're getting more than you had thought you
14 were going to get, I don't know.

15 So, meaning they're going six feet past the ten
16 feet, right? Or 6.58, to be exact, on the new design.
17 You'll have a chance to look at it. And then, they put a
18 front door on the front basically, and they changed some
19 other things that make it look smaller.

20 But they put a front door on the front of the
21 building for character of the neighborhood. And so, maybe
22 if we can get something -- if you guys do something on the
23 10th, do you think you could give us something by the 13th
24 that might give us your position?

25 COMMISSIONER MOORE: Oh yeah, definitely, that's

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1 doable. And I think, just to kind of characterize our
2 concern just a bit differently, I think we're just concerned
3 about setting a precedent in the first place. Right?

4 Because not one building under the new zoning has
5 actually been built to RF-4 specifications. Not one. Not
6 even one. So, now we're offering a special exception on the
7 first building that comes up under the new zoning. And we
8 don't even have one building in our neighborhood we can point
9 to to say this is what RF-4 looks like.

10 BZA CHAIR HILL: Yeah. No, Commissioner, you're
11 exactly correct. And I guess your ANC can deliberate on
12 this. I mean, they're proposing four-bedroom units, which
13 is something that the city needs and is something that your
14 community might even want, right?

15 And if you lose those six feet to go back to the
16 ten-foot rule, they might not get four-bedroom units. So,
17 that would be then a discussion that basically, the way that
18 I'm looking at it again, is the difference between -- and I'm
19 just me, there's other people on the Board -- but like the
20 difference of shadowing between the ten feet and the 16 feet
21 is kind of what I'm at. Right? They can do the ten feet
22 anyway.

23 But that's not to say that you all have to vote
24 yes or not. I'm just kind of giving you -- and all of my
25 fellow Board members, if they have anything that they want

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1 to say to the Commissioner before I close the hearing, but
2 yeah, so then before I leave you, and then I'll see what my
3 fellow Board members might have to say.

4 So, Mr. Teran, you're going to go ahead and
5 present on the 10th. The ANC will give us something on the
6 13th, and then hopefully we can come back for a decision on
7 the 18th -- okay? -- is what I'm shooting for.

8 And I think I covered everything that I think
9 people wanted, but I'm going to go around the table and see
10 if I missed anything. Mr. Smith, did I miss anything?

11 MEMBER SMITH: Not for me.

12 BZA CHAIR HILL: Mr. Blake?

13 MEMBER BLAKE: I don't think you missed anything.
14 Just the ANC, you're going to work with the neighbor next
15 door to try to get her better up to speed? Is that correct?

16 COMMISSIONER MOORE: And I can only her the
17 information that I have. And so, I didn't have any of the
18 new plans so far, so that's not information I was able to
19 convey to her.

20 But up until this point, I have kept her up to
21 date on what's been going on and the status of the various
22 hearings.

23 BZA CHAIR HILL: Chairman Hood?

24 ZC CHAIR HOOD: Yes, Mr. Chairman. Thank you,
25 Commissioner Moore. I really appreciate that. I'm not sure

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1 if Ms. Hill, the senior -- I think her name is Ms. Hill --
2 I'm not sure if she has family to help her, and to help her
3 understand. I know if she's a senior, as has been stated,
4 I just wanted to make sure that the conversations being had
5 with her, and that she understands what's going on, what the
6 possibilities are and what the possibilities aren't.

7 Also, I want to make sure that this action is in
8 compliance, as you mentioned, because this is going to be
9 precedent-setting for the area in which the initiative that
10 was led for by the community.

11 So, I think for me that's very key. I understand
12 the difference between ten and six. But I think what the
13 outcomes here are going to be very important as to the Zoning
14 Commission case number 19-30. I'm looking forward to hearing
15 more information back.

16 And also, Mr. Chairman, I notice we're setting up
17 a lot of cases. I'm going to be away for the last two weeks
18 in May. I will try my best to get on, but this type of case
19 I would like to be involved in, in the deliberation and the
20 discussion.

21 So, to me, this is more for me to just send in a
22 proxy. But I will do my best to join in. So, thank you,
23 Commissioner Moore, for all your work, and thank you,
24 Mr. Chairman.

25 BZA CHAIR HILL: Okay. Well then, we'll see --

1 I'm sorry. Mr. Teran, go ahead.

2 MR. TERAN: If either Commissioner Moore or you,
3 or somebody from the neighborhood, can help us with the
4 neighbor.

5 I know she doesn't think it's friendly if we're
6 coming knocking on her door if there's two or three of us.
7 And I definitely think she feels intimidated. And I don't
8 want her to feel like we're trying to pull a fast one over
9 her.

10 So, I know if you or somebody else could meet with
11 us at her house, so at least she has some comfort. That'd
12 be very helpful, I think.

13 COMMISSIONER MOORE: I mean, I don't know that
14 meeting with her at her house is the best course of action,
15 to be honest.

16 I think that sharing the materials in a written
17 format, she is a senior, she doesn't necessarily use
18 technology as much. But she gets the documents when you all
19 send the documents. It's just a matter of sort of making
20 sure that they actually get to her.

21 And I think the showing up at her door is not the
22 best route, because there is an intimidation factor there.
23 And so, that was my recommendation, and I think that
24 continues to be my recommendation, to send those files
25 properly and save some kind of receipt of having sent them

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1 to her.

2 Because her opinion remains that the majority of
3 the members of the community just build what's allowed, and
4 she's fine with that, and leave her out of it, kind of. But
5 she does have a brother who lives nearby, actually on the
6 same block -- they're both seniors -- and she has a special
7 needs daughter.

8 So, I think there is some concern on her part
9 about having people show up at her home for that reason. So,
10 if you could just respect that, I think that would be best.

11 MR. TERAN: Okay, we will send her the full
12 certified mail, and we'll send it to you at the same time,
13 make sure that you guys both get it.

14 COMMISSIONER MOORE: Okay, thank you.

15 BZA CHAIR HILL: It sounds like -- and
16 Commissioner's giving you a good idea, and I'm sorry,
17 Ms. John, I'll let you have the last word -- that I would go
18 ahead, again, Mr. Teran, and if you send something -- give
19 your best shot at whatever you send right away -- right? --
20 that would make the Board feel comfortable with the
21 communication and what you're proposing, to help with the
22 construction management agreement.

23 Like, again, how you offer a phone number that the
24 person can call if there's some issues or anything. Like,
25 do your best, because you're trying to make the Board feel

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1 comfortable also, right? Do your best to send something that
2 the Board will feel comfortable with that we're going to have
3 an opportunity to see, in case you don't hear back from this
4 person, if you're just going to be sending something
5 certified mail. Right?

6 And then, the Commissioner will also get an
7 opportunity to see that as well. Vice-Chair John?

8 MEMBER JOHN: So, again Mr. Teran, we can't
9 mandate this, but here are some things that it would be good
10 to have in your construction agreement.

11 Trash, how you handle trash during construction.
12 Pest control before construction, loud noise during
13 construction, as Chairman said, a telephone contact, and
14 blocking of the alleys. I don't know if you have that issue
15 there, but it's a perennial problem in the District, and the
16 loud noise.

17 I know there's going to be a lot of construction,
18 but having a party on the block with loud music is not the
19 best thing. So, just to give some advice there.

20 COMMISSIONER MOORE: And could I also make a
21 recommendation based on what Commissioner John just shared?
22 The other construction sites on the block, again, at
23 8:00 a.m. And so, that's also something to consider there
24 as well.

25 MEMBER JOHN: So, I think the city regulates

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1 the --

2 COMMISSIONER MOORE: Yeah, the city usually starts
3 at 7:00 a.m., but the developers have just kind of made an
4 honorable agreement with the neighbors to start at 8:00 a.m.
5 instead. That's been very much appreciated.

6 MEMBER JOHN: Okay. Thank you.

7 COMMISSIONER MOORE: Uh-huh. Thank you.

8 BZA CHAIR HILL: Okay. So, does anybody have
9 anything else before I let everybody go? Mr. Moy, can we
10 do --

11 ZC CHAIR HOOD: I just want to ask -- I want to
12 make sure, Commissioner Moore, you are going to weigh in on
13 what the proposal is. You're still going to weigh in,
14 correct?

15 COMMISSIONER MOORE: Oh yes, definitely. I just
16 haven't seen this new proposal.

17 ZC CHAIR HOOD: Okay, thank you. Thank you,
18 Mr. Chair.

19 BZA CHAIR HILL: Okay, sure. Yeah, and
20 Commissioner, I don't know what to say. I mean, again, I'm
21 curious as to what you guys are going to deliberate on.

22 And again, in the four-bedroom units you'll
23 lose -- not that you're saying you're fine with three-bedroom
24 units. If that's what ends up happening, I don't know,
25 right?

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1 But you're right, once they -- and it's on the
2 end. So, what this happens, it'll just go down the row.
3 Which is not necessarily a bad thing, I don't know.

4 All right, anybody got anything else? If so,
5 raise your hand. All right, Mr. Moy -- oh, sorry.
6 Commissioner?

7 COMMISSIONER MOORE: I just wanted to (a) make
8 sure that you did get the materials regarding ZC19-30 in the
9 case file. Okay. And then, we'll just follow up with the
10 standard ANC report after that, once we see the updated
11 documentation.

12 And I think most of the deliberation will be
13 around the setting of the precedent. Because, I mean, I
14 think we are just trying to manage that, sort of, kind of,
15 domino effect that is inevitable. But we just want to keep
16 it manageable in the interim.

17 MEMBER JOHN: So, Commissioner, let me just add
18 that if you look at the OP report at all of the development
19 standards, the only thing the applicant is asking for is the
20 additional six feet.

21 COMMISSIONER MOORE: Right. We understand that.

22 MEMBER JOHN: Okay. All right. Okay.

23 BZA CHAIR HILL: Okay. All right, anybody else?
24 Okay, so Mr. Moy, can you hear me? Let's put this on for
25 deliberation on the 18th. And so --

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1 MR. MOY: This is for decision?

2 BZA CHAIR HILL: Yeah. We'll put this on for
3 decision on the 18th, and if you want to work back with when
4 we'll get -- I mean, the Commissioner said that they can get
5 us a report by the 13th. And then, we should be able to take
6 a look at everything and make a decision by the 18th.

7 And if so, if we can try to work with Chairman
8 Hood as to when his availability might be like -- I mean, we
9 can deliberate at the end of the day, like whatever works out
10 for Chairman Hood if he can call in.

11 MR. MOY: Mr. Chairman, two questions. Apart from
12 those two dates, scheduled decision on May 18th, a filing
13 from the ANC by May 13th, do you wish the applicant to submit
14 the additional materials, which I supported the need for the
15 ANC meeting May 10th into the case record as well or not, and
16 then after the ANC files their letter on May 13th, are you
17 wishing for the applicant to respond to the ANC's filing?
18 Yes or no?

19 BZA CHAIR HILL: Do you think, Mr. Teran, you
20 could respond to the ANC's filing by Monday the 16th?

21 MR. TERAN: Yes, sir.

22 BZA CHAIR HILL: Okay. Mr. Moy, then the response
23 will be on Monday the 16th. Yeah, Mr. Teran, whatever you
24 want to drop into the record, in terms of like whatever
25 presentation you may be giving to the ANC, or whatever you

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1 think might be helpful for us, you're welcome to. I'll leave
2 the record open for that.

3 MR. MOY: Thank you.

4 BZA CHAIR HILL: So, we're leaving the record open
5 for -- we're closing the hearing and the record, except for
6 any information the applicant may wish to give concerning
7 their presentation to the ANC, any information the applicant
8 may want to give concerning the neighbor and how they're
9 going to be working with the neighbor, the adjacent neighbor,
10 and then we're leaving the record open for the ANC's report
11 on the 13th, and then responses from the applicant on the
12 17th. I'm sorry, response by the applicant by the 16th, and
13 then we'll have a decision on the 18th. Any questions from
14 anybody?

15 Okay, going to close the hearing, except for what
16 I said. Thank you. Bye everybody. Thanks, Commissioner.
17 Thanks, Mr. Teran.

18 Okay, Mr. Moy, you can call our next one.
19 Mr. Moy, whenever you'd like.

20 MR. MOY: Okay, I'm just checking my notes.

21 BZA CHAIR HILL: Yeah, take your time.

22 MR. MOY: Okay. All right. So, before the Board
23 is case application number 20612 of Demetra Weir, W-E-I-R.
24 This is a self-certified application pursuant to Subtitle X,
25 Section 901.2, for special exceptions under Subtitle E,

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1 Section 5201.

2 This would be from the lot occupancy requirements
3 of Subtitle E, Section 304.1, and from the rear addition
4 requirements of Subtitle E, Section 205.4, pursuant to
5 Subtitle E, Section 206.4.

6 This is for a third-story and rear addition to an
7 existing two-story attached principal dwelling on a unit for
8 conversion to a flat. This is in the RF-1 zone property
9 located at 647 16th Street, NE, Square 4540, Lot 293.

10 And there is, as a preliminary matter,
11 Mr. Chairman, and there is a filing from ANC6A, they're
12 photographs that were submitted late, so it's not in the
13 record. So, I'm waiting for the Board's decision on that,
14 and that's all I have.

15 BZA CHAIR HILL: Okay, great. Thanks, Mr. Moy.
16 So, the photographs aren't in the record? Or is that the one
17 that is an Exhibit 34?

18 MR. MOY: Well, if it's in the record -- if it's
19 not, then I'll put that, along with my reference, in the
20 record.

21 BZA CHAIR HILL: Whatever came from the ANC, I
22 would like to see in the record. And then, so I think that's
23 Exhibit 34, and maybe Exhibit 35.

24 So, that is something I would like to see. Okay,
25 so that's one.

1 All right, Ms. Weir, can you hear me? And if so,
2 can you introduce yourself for the record?

3 MS. WEIR: Demetra Weir. I can hear you.

4 BZA CHAIR HILL: Okay, great. And you're the
5 applicant. Correct, Ms. Weir?

6 MS. WEIR: Yes.

7 BZA CHAIR HILL: Is there anybody representing
8 you, Ms. Weir?

9 MS. WEIR: No.

10 BZA CHAIR HILL: Okay. Let see, Ms. Gilbert, are
11 you the Commissioner?

12 COMMISSIONER GILBERT: Yes, I am.

13 BZA CHAIR HILL: Hi, Commissioner Gilbert. How
14 are you?

15 COMMISSIONER GILBERT: Hi. My name is Sondra
16 Phillips Gilbert. I'm the ANC and 6A07 in the Rosedale
17 community.

18 BZA CHAIR HILL: Okay, great. Thanks,
19 Commissioner. And we see your report there. And so,
20 Commissioner, I don't know if you -- Commissioner, have you
21 been before us before?

22 COMMISSIONER GILBERT: I don't know. I know I
23 came before -- no, I don't recall. And maybe I did about a
24 fence.

25 BZA CHAIR HILL: I don't recognize you. But in

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1 any case, I just want to let you know how it's going to work.
2 The applicant will have an opportunity to present their case
3 and tell us why they believe they're meeting the criteria for
4 us to grant the relief requested.

5 And then, you'll have an opportunity to give your
6 comments, and then we'll also hear from the Office of
7 Planning, and we'll all just get a chance to talk to each
8 other. Okay?

9 COMMISSIONER GILBERT: Yes. And I really hope you
10 can post the pictures. I did have numerous pictures. But
11 I didn't want to overwhelm the Board with those.

12 BZA CHAIR HILL: I see the things that are on
13 there. And I'll get to you, Commissioner. But I see there's
14 three photos on the second page of your report.

15 COMMISSIONER GILBERT: And there is an additional
16 photo I did send in to Mr. Hamala.

17 BZA CHAIR HILL: Okay.

18 COMMISSIONER GILBERT: And then, I hope that we
19 will be able to post that one.

20 BZA CHAIR HILL: Okay.

21 COMMISSIONER GILBERT: So, it was about a year
22 ago.

23 BZA CHAIR HILL: Mm-hmm. Mr. Moy, if you can go
24 ahead, and whatever it is that the ANC has put forward, if
25 you can find and drop into the record and let us know when

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1 it's in there.

2 Okay, so, Ms. Weir, if you can go ahead and,
3 again, give us your presentation and tell us why you believe
4 you're meeting the standards to grant the relief requested,
5 and you can tell us a little bit about your project, and
6 we'll go ahead and work through this together. Okay?

7 MS. WEIR: Okay. I've actually come before you
8 before.

9 BZA CHAIR HILL: Okay.

10 MS. WEIR: And it was for a property next door
11 that I believe Ms. Gilbert has pictures of. And that was BZA
12 Case 20118. And it was approved.

13 And this case, I'm actually just trying to do the
14 same thing with the exception that that property was brand
15 new construction. And with this property, I just wanted to
16 extend back and build one floor up. And so the neighbor
17 doesn't have any concerns with the shade study I provided on
18 the correspondence with the neighbor about that with the
19 architect's information.

20 And the neighbor responded saying that they have
21 no concerns about that. And Ms. Gilbert actually contacted
22 me last year about the builder which I was actually
23 disappointed with the builder. It was my first time doing
24 a new construction project.

25 And there was an alley trash problem that is still

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1 persistent. I have sent pictures to the BZA -- I mean,
2 sorry, the ANC to let them know about it, offered my
3 assistance with doing a neighbor cleanup. I know there's
4 recently within a couple of months ago that an alley cleanup
5 was done.

6 I sent pictures of the neighbor that looks like
7 they're starting a new trash problem again. And I also let
8 them know that the trash contractor for the city is actually
9 contributing to the problem. And it seems that the ANC was
10 placing that problem onto me when there isn't any, like,
11 people who live in a house trash.

12 There's no -- it's a vacant property. But I do
13 agree that the builder could've responded faster with some
14 of their cleanup. And when Ms. Gilbert did address issues
15 about the builder, he cleaned things up that he had as far
16 as, like, some of his equipment being left there. It wasn't
17 trash from him. But he had, like, bricks and stuff like
18 that, and he took a little longer to remove it.

19 BZA CHAIR HILL: Okay. I guess we'll get to a
20 discussion about --

21 MS. WEIR: Okay.

22 BZA CHAIR HILL: -- what you're trying to talk
23 about. Like, I'm just kind of looking through, like, I guess
24 your architect wrote your burden of proof. Is that correct?

25 MS. WEIR: Yes.

1 BZA CHAIR HILL: Right. So you didn't write it?
2 The answer is no. You didn't write --
3 MS. WEIR: No.
4 BZA CHAIR HILL: -- the burden of proof.
5 MS. WEIR: Oh, I'm sorry. I didn't hear what you
6 said.
7 BZA CHAIR HILL: No problem.
8 MS. WEIR: No, the architect wrote it.
9 (Simultaneous speaking.)
10 BZA CHAIR HILL: Okay. And the --
11 MS. WEIR: The architect did, yeah.
12 BZA CHAIR HILL: And the architect drew up the
13 drawings.
14 MS. WEIR: Yes.
15 BZA CHAIR HILL: They show the 10 feet matter of
16 right line and the 26.3 you're trying to go past the
17 adjoining rear wall, correct?
18 MS. WEIR: Yes, and the architect, Mr. Teran, that
19 you just spoke with is the architect that completed those
20 drawings.
21 BZA CHAIR HILL: Oh, well, he didn't -- I don't
22 know. So he's the architect from the previous case?
23 MS. WEIR: Yes.
24 BZA CHAIR HILL: Okay. So he's not joining us for
25 this one?

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1 MS. WEIR: No.

2 BZA CHAIR HILL: Okay. That's weird. Okay.
3 Let's see. So you're matching the adjacent property?

4 MS. WEIR: I'm doing the same thing except for
5 it's an existing structure. So I'm just adding back and
6 building up to match what the new build has.

7 BZA CHAIR HILL: The new building -- the case
8 you're referring to, is that for Lot 292? No?

9 MS. WEIR: Yes.

10 BZA CHAIR HILL: Yeah, 292?

11 MS. WEIR: Yes, yes.

12 BZA CHAIR HILL: Has that been completed?

13 MS. WEIR: It's almost completed. The building
14 is there, but I do not have the certificate of occupancy yet.

15 BZA CHAIR HILL: Okay. And lot 144, the one on
16 the end, is that also just a new construction?

17 MS. WEIR: The one on the end was already built.
18 That's 621. Actually, I wanted to build similar to that on
19 on the end when I did the BZA case for 20118.

20 BZA CHAIR HILL: Okay, okay. All right. Let's
21 see.

22 MS. WEIR: And at the time, I owned both lots.
23 I mean, I had the lot that I'm asking to build now, and I had
24 severed the lot so I can -- so when I did BZA 20118, I wanted
25 to basically duplicate the one on the corner. And now I want

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1 to duplicate the one that I was approved for and the one on
2 the corner now.

3 BZA CHAIR HILL: Okay, okay. I got it.
4 Commissioner, let me do this. Let me go to the Office of
5 Planning first, and then we'll come back and hear from you.
6 Okay?

7 COMMISSIONER GILBERT: Thank you.

8 BZA CHAIR HILL: Thank you. Ms. Thomas, can you
9 hear me?

10 MS. THOMAS: Me?

11 BZA CHAIR HILL: Yeah, could you introduce
12 yourself for the record, please?

13 MS. THOMAS: Sure. Good morning, Mr. Chair. I'm
14 Karen Thomas for the Office of Planning sitting in for
15 Brandice Elliot this morning. This is her application.

16 The Office of Planning is recommending approval
17 of special exception relief to permit the subject addition,
18 including relief from the lot occupancy, the rear yard, and
19 removal of the rooftop element. With respect to the
20 addition, we anticipate the greatest impact would be expected
21 to occur to the property located to the north as the proposed
22 addition. Would extend about 28 feet beyond the rear wall
23 of that residence.

24 There are also other buildings to the south of
25 approximately the same length as the proposal and that may

1 also impact the property sitting north. The impact to the
2 light and air of the adjoining properties should not be undue
3 as none of the adjacent lots will likely experience
4 significant shadow for the entire day beyond the shadow that
5 currently exists. The applicant has indicated that the
6 neighbor to the north has no concerns regarding the impacts
7 of the addition.

8 And OP requested documentation of that. And it's
9 included in the record at Exhibit 32A. The eastern elevation
10 would have windows facing the rear yard and public alley.

11 But the conforming rear yard would be provided.
12 And that would ensure sufficient distance between the rear
13 wall and adjacent properties to the east. The property to
14 the south is currently being developed with a modern ascetic
15 which is compatible to the four-story building to the west
16 across 16th Street. We see that the proposed building would
17 incorporate brick on the front facade, siding along the rear
18 and sides, and is consistent with materials found on
19 buildings along the block.

20 The removal of the architectural elements should
21 not compromise the privacy and use of enjoyment of
22 neighboring properties. And the removal of the gable element
23 on the second floor would allow for the addition of a third
24 story to comply with the height requirements for the zone.
25 And the applicant has indicated that there would not be a

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1 roof deck.

2 In summary, we believe that the character of the
3 block is expressed in various architectural styles since
4 there's not a prevailing style. And the proposed removal of
5 the elements in favor of a modern facade should not visually
6 intrude upon the character and scale and patten of houses
7 along the 16th Street frontage. And with that, I'll stop
8 here and thank you.

9 BZA CHAIR HILL: All right. Thanks, Ms. Thomas.
10 Commissioner?

11 COMMISSIONER GILBERT: Yes, sir.

12 BZA CHAIR HILL: Would you like to go ahead and
13 give us your presentation?

14 COMMISSIONER GILBERT: Yes, so I'm new at this.
15 Can I read the letter from my commission?

16 BZA CHAIR HILL: Yeah, sure. Go ahead.

17 COMMISSIONER GILBERT: Okay. Thank you.

18 MR. GREENFIELD: Before you start, this is Brad
19 Greenfield. I'm also --

20 (Simultaneous speaking.)

21 BZA CHAIR HILL: Oh, I'm sorry. Could you
22 introduce yourself for the record, Commissioner?

23 MR. GREENFIELD: Well, not -- my name is Brad
24 Greenfield. I'm actually not a Commissioner. I do head the
25 Economic Development and Zoning Committee for ANC 6A which

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1 is the -- our subcommittee that directly looks at zoning
2 relief.

3 BZA CHAIR HILL: I'm sorry. What's your name
4 again?

5 COMMISSIONER GILBERT: He's the chair. He's the
6 chair of our --

7 (Simultaneous speaking.)

8 MR. GREENFIELD: Brad Greenfield.

9 BZA CHAIR HILL: Brad Greenfield?

10 MR. GREENFIELD: Yes.

11 BZA CHAIR HILL: Okay. And where do you live,
12 sir?

13 MR. GREENFIELD: I'm a 1330 Maryland Avenue,
14 Northeast.

15 BZA CHAIR HILL: Okay, okay. Is that near the
16 property?

17 MR. GREENFIELD: About five blocks away, four or
18 five blocks away.

19 BZA CHAIR HILL: Okay. All right. Okay.
20 Commissioner, go ahead and -- well, Commissioner -- yeah, go
21 ahead. You can do whatever you like, Commissioner, if you'd
22 like to read your letter.

23 COMMISSIONER GILBERT: Well, Brad Greenfield is
24 our zoning chairperson.

25 BZA CHAIR HILL: Okay.

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1 COMMISSIONER GILBERT: That's what he was
2 explaining. He's not in the community. He's our
3 representative.

4 BZA CHAIR HILL: I got you.

5 COMMISSIONER GILBERT: Okay. So I wanted to say
6 dear Mr. Moy, at a scheduled and properly noticed meeting on
7 January the 13th, 2022, our Commission voted 8 to 0 with 5
8 Commissioners required for a quorum to oppose the request for
9 the owners of 647 16th Street, Northeast. Specifically, the
10 applicant seeks special exemption zoning relief under
11 Subtitle -- I don't know if you want me to read the
12 subtitles?

13 BZA CHAIR HILL: No, no, no. It's okay.

14 (Simultaneous speaking.)

15 BZA CHAIR HILL: Yeah, go on. I'm sorry.

16 COMMISSIONER GILBERT: I can just sum it. Okay.
17 To construct the third story and rear addition and convert
18 to a flat in an existing attached two story with cellar
19 principal dwelling unit in an RF-1 zone. The applicant owns
20 an adjoining property at 647 16th Street, Northeast and is
21 shown in the attached photographs.

22 The owner has allowed the properties to become
23 trash filled eye sores. Both properties have inadequate
24 fencing, maintenance which visually intrudes upon the
25 character of the neighborhood as shown in the attached

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1 photographs. Compounding these issues, the applicant failed
2 to participate in the ANC review process twice.

3 Since this letter has gone out, it was January the
4 15th, there has been two meetings which she has failed --
5 which amounts to about four meetings altogether to attend
6 zoning subcommittee meetings to review the project and then
7 failing to attend. This resulted in questions and comments
8 about the project not being able to be addressed. Because
9 of the poor condition of the other property, the applicant's
10 failure to participate in the ANC process forced us to assume
11 the existing problems with these properties will continue.
12 ANC 6A asks that the Board of Zoning afford great weight to
13 the opposition of our community to the relief -- for the
14 request for relief and reject the applicant's request for
15 zoning relief. Thank you.

16 BZA CHAIR HILL: Okay. All right. I'm going to
17 cut to the chase here a little bit. Oh, sorry. Go ahead,
18 Mr. Smith.

19 MEMBER SMITH: Well, do you want to cut to the --
20 (Simultaneous speaking.)

21 BZA CHAIR HILL: We're going to cut to the chase
22 and see what it does for you. I don't know.

23 MEMBER SMITH: Okay.

24 BZA CHAIR HILL: So Ms. Weir, can you hear me?
25 So you haven't presented to the ANC yet at all?

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1 MS. WEIR: I contacted the ANC, and I submitted
2 to the BZA the correspondence between myself and the BZA --
3 I mean, ANC.

4 BZA CHAIR HILL: That's okay. Have you presented
5 to the ANC yet at all?

6 MS. WEIR: I have presented my plans and
7 information and made contact with them. I had a baby and was
8 not able to attend the first meeting. I asked them to attend
9 the next meeting and I was not able.

10 But I have made contact with them to schedule the
11 meeting. And I have the correspondence, and I submitted that
12 to the BZA. And you see all my communication where I tried
13 to get on schedule with them and to reschedule with them.

14 And I had a high risk pregnancy. I had surgery
15 to have my baby. My baby was sick. I communicated
16 effectively the whole time, so it wasn't like I dodged them
17 or did not try to --

18 BZA CHAIR HILL: I know. I know.

19 MS. WEIR: -- get in touch with them. And I even
20 went over to meetings, telling them, please submit all your
21 questions and everything.

22 BZA CHAIR HILL: Okay.

23 MS. WEIR: And the only -- oh, I'm sorry.

24 BZA CHAIR HILL: Ms. Weir, just give me a second.
25 So I got -- I mean, I think you need to present before the

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1 ANC. And so, Ms. Gilbert, when can you get Ms. Weir before
2 you to present and how does your process work?

3 COMMISSIONER GILBERT: Brad is on the line. He
4 is the chair, so he schedules the agenda and requests the
5 materials. We would appreciate her coming because we have
6 a lot of questions. I have worked -- okay.

7 BZA CHAIR HILL: No. I'm sorry, Commissioner.
8 I just got -- I'm actually on a timeline that I'm trying to
9 figure out I can do.

10 COMMISSIONER GILBERT: Okay, yeah.

11 BZA CHAIR HILL: And so --

12 COMMISSIONER GILBERT: We would really appreciate
13 seeing her because I can't continue.

14 BZA CHAIR HILL: When can you get her on your
15 agenda?

16 MR. GREENFIELD: Let me just speak to that. The
17 way our process works, my subcommittee meets the next month.
18 Our recommendations go before the full ANC. We could hear
19 her case at the subcommittee level this month and then have
20 that go before the full ANC next month, if we actually can
21 have her show up this time.

22 BZA CHAIR HILL: Okay. So you need to -- your
23 process is the subcommittee meeting first --

24 COMMISSIONER GILBERT: Yes.

25 BZA CHAIR HILL: -- and then --

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1 MR. GREENFIELD: Okay.

2 BZA CHAIR HILL: -- the full ANC. So then the
3 full ANC, it would meet on June something?

4 MR. GREENFIELD: Yes.

5 BZA CHAIR HILL: And I'm looking at my fellow
6 Board members because you call can tell me what you want to
7 do. This is apparently what I'm trying to figure out. So
8 then when is your -- and I'm going to stop try to help
9 schedule here. When is your -- so you have to work with the
10 applicant or the applicant has to figure out how to meet with
11 you, Mr. Bradfield. Is that correct?

12 MR. GREENFIELD: Greenfield, yes. We publish our
13 agenda about a week in advance. We do virtual meetings. So
14 she would just need to actually attend. We'll have
15 questions. Some of them may be technical. So I would
16 recommend that she bring her architect, but she doesn't have
17 to if she doesn't want to.

18 BZA CHAIR HILL: When do you do that, Mr.
19 Greenfield?

20 MR. GREENFIELD: It's the -- I'm trying to
21 remember the exact date -- third Wednesday of the month, 7:00
22 p.m.

23 BZA CHAIR HILL: That's the 18th.

24 MR. GREENFIELD: Yes, I believe so.

25 (Simultaneous speaking.)

1 BZA CHAIR HILL: And then Commissioner, when's
2 your ANC meetings?

3 COMMISSIONER GILBERT: It is on next -- it's the
4 second Thursday of each month except Thursday in --

5 BZA CHAIR HILL: Would it be June 8th -- I'm
6 sorry, June 9th?

7 COMMISSIONER GILBERT: Yes, June 9th.

8 BZA CHAIR HILL: And you think you can get them
9 on June 9th, the agenda?

10 COMMISSIONER GILBERT: Yes.

11 BZA CHAIR HILL: Okay. All right.

12 COMMISSIONER GILBERT: It will come with Mr.
13 Bradfield's recommendation.

14 BZA CHAIR HILL: No, I understand. The applicant
15 has to jump through the first subcommittee which is pretty
16 normal actually for the ANCs. And so -- okay. So I'm
17 looking at my fellow Board members.

18 I'd like to see something from the -- I mean, the
19 applicants always -- we need them to present before the ANC.
20 And so I'm looking -- I'm going to go around the table and
21 see if anybody has any issues with the way I'm processing
22 this, starting with you, Mr. Smith. No? Okay. I got a head
23 shake not. Mr. Blake?

24 MEMBER BLAKE: Yeah, the only question I too have
25 the issue with the shadow studies which were requested. I

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1 don't believe we typically accept letters from the adjacent
2 neighbors to excuse that. And it would be helpful to have
3 that information because I did not see also in the Office of
4 Planning's report a plausible support for that particular
5 element of light and air. So that would be helpful as well.
6 I believe the architect would fairly easily.

7 BZA CHAIR HILL: Okay. So you'd like a shadow
8 study? Okay. Commissioner -- I mean, Chairman Hood?

9 ZC CHAIR HOOD: Process, Mr. Chairman. I know you
10 may find that hard to a path forward. This is one time I 100
11 percent agree.

12 BZA CHAIR HILL: Yeah. All right. Vice Chair
13 John?

14 MEMBER JOHN: I agree with the proposal. And I
15 have a question for the applicant when you're done.

16 BZA CHAIR HILL: Okay. Go ahead with your
17 question, Vice Chair John.

18 MEMBER JOHN: So Ms. Weir, so about the trash.
19 What is the current condition of the property?

20 MS. WEIR: No trash at the property. It never
21 came from the property. The trash was from the other
22 neighbors who had trash, and the trash was blowing around.
23 But as of two months ago, there was a cleanup. I had
24 suggested the cleanup to the ANC.

25 (Simultaneous speaking.)

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1 MEMBER JOHN: Ms. Weir, just your property.

2 MS. WEIR: There's no --

3 MEMBER JOHN: There is no trash?

4 MS. WEIR: There's no trash at all. It's actually
5 a driveway now.

6 MEMBER JOHN: Okay.

7 MS. WEIR: And I have pictures of that as well.
8 There's no trash at all.

9 MEMBER JOHN: And the one you're developing now --
10 we're not going to go back and forth.

11 MS. WEIR: No trash, ma'am.

12 MEMBER JOHN: Right now what I'd like to see when
13 you come back is pictures of the current condition of the
14 property.

15 MS. WEIR: Okay.

16 MEMBER JOHN: Okay. Is there a fence around your
17 property?

18 MS. WEIR: No, because it's just a driveway.

19 MEMBER JOHN: Okay. That's it, Mr. Chairman.

20 BZA CHAIR HILL: Okay, thanks. Mr. Blake -- I
21 mean, Mr. Smith?

22 MEMBER SMITH: Ms. Gilbert, the representative of
23 the ANC, since this is going back to the ANC, you had stated
24 that the ANC has some concerns. And you did --

25 COMMISSIONER GILBERT: Yes.

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1 MEMBER SMITH: -- list some of them, like, the
2 trash and whatnot. Was there some concerns that the ANC had
3 about the design that I think I would like to hear now? And
4 also, I think it would be beneficial to Ms. Weir before she
5 gets to your ANC so she can be prepared to address some of
6 those concerns.

7 COMMISSIONER GILBERT: Well, as far as the design,
8 we have not had an opportunity to have her before us. And
9 so the issue -- I don't have the designs.

10 MEMBER SMITH: Okay.

11 COMMISSIONER GILBERT: So --

12 (Simultaneous speaking.)

13 MR. GREENFIELD: I would just say normally we
14 expose concerns and questions through this committee process.
15 So we haven't had the chance to have those questions raised.
16 So it's hard --

17 (Simultaneous speaking.)

18 BZA CHAIR HILL: Mr. Smith is speaking to
19 something. Mr. Smith, what are you speaking to?

20 MEMBER SMITH: My question was about the comment
21 when Ms. Gilbert stated there were a number of questions and
22 concerns that had been raised. So I was just asking her what
23 was the full list of questions and concerns that were raised.
24 It doesn't necessarily have to be design. But what I heard
25 was trash.

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1 COMMISSIONER GILBERT: Okay.

2 MEMBER SMITH: So I'm just trying to get the full
3 scope of the concern.

4 COMMISSIONER GILBERT: Okay. And I just -- I
5 don't want to belittle -- I don't want to keep this ongoing.
6 But it's so important because like I said, there were a host
7 of other pictures. Ms. Weir also is illegally dumping in a
8 lot that's close to her location. We have photos of that.
9 And DCRA had to come out in March of 2021 --

10 (Simultaneous speaking.)

11 BZA CHAIR HILL: Commissioner, I'm sorry. I can
12 see Ms. Weir shaking her head.

13 (Simultaneous speaking.)

14 BZA CHAIR HILL: I see Ms. Weir shaking her head.
15 And I'm, again, just trying to make this as expeditious as
16 possible for us because we're coming back. And so what I
17 think, go ahead and do this.

18 Ms. Weir, if you can present to the subcommittee
19 and then present to the ANC on June 9. And then if we can
20 get something back from the ANC, do you think we can get
21 something back from you guys -- gosh, even the next day,
22 Commissioner? Is that possible, on the 10th?

23 COMMISSIONER GILBERT: No, they vote on it on the
24 9th.

25 BZA CHAIR HILL: Right. And then --

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1 COMMISSIONER GILBERT: And then the chair will
2 send that out.

3 BZA CHAIR HILL: Can he possibly send that out the
4 next day?

5 COMMISSIONER GILBERT: The chair of our ANC
6 Commission, Ms. Gove --

7 BZA CHAIR HILL: Yeah.

8 COMMISSIONER GILBERT: -- she can send that out,
9 yes.

10 BZA CHAIR HILL: If she can send that. The reason
11 why I'm saying that is if you can send that out on the 10th
12 because we stop -- well, we're getting into our August recess
13 dates --

14 COMMISSIONER GILBERT: Okay.

15 BZA CHAIR HILL: -- and we're just slammed. And
16 so I'm trying to get this in as quickly as possible. And so
17 I guess Ms. Weir, if you want to take notes, we need a shadow
18 study. Okay? That's something that Mr. Blake had wanted.

19 So we need a shadow study. And Mr. Moy, I'll let
20 you turn to kind of give me some dates of when you need
21 things. But we need a shadow study. Then if we go to the
22 ANC -- if they present at the ANC meeting by the 9th, that
23 means -- and I'm just trying to help you, Ms. Weir.

24 That means you got to get to that subcommittee
25 meeting whenever that is, right? Because they won't hear you

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1 on the 9th until you've gone through the subcommittee. And
2 if we don't get anything from the ANC --

3 (Simultaneous speaking.)

4 MS. WEIR: I can schedule that now because this
5 will be my third rescheduling with the BZA.

6 BZA CHAIR HILL: Ms. Weir, I got you. I got you.
7 I don't know what to tell you. I got no ANC report, right?
8 You haven't presented in front of the ANC. So --

9 MS. WEIR: I tried. I rescheduled.

10 (Simultaneous speaking.)

11 MS. WEIR: I rescheduled the BZA so that I could.

12 BZA CHAIR HILL: It doesn't matter. You don't
13 have a report.

14 MS. WEIR: Okay.

15 BZA CHAIR HILL: So I'm just trying to get through
16 this day. And so --

17 (Simultaneous speaking.)

18 BZA CHAIR HILL: -- I see Mr. Blake raising his
19 hand. So give me a second. So go ahead, Ms. Weir, and
20 again, present to the subcommittee. Present to the ANC on
21 the 9th.

22 You'll have the report to us from the ANC
23 Commissioner on the 10th. That means that you will have a
24 week -- oh, no. Why don't you give us your -- any comments
25 you might have back from the ANC, Ms. Weir, by the 15th of

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1 June.

2 You're going to write that down. By the 15th of
3 June, okay? And then we'll come in for a decision on the
4 22nd of June if that works for Mr. Moy. And Mr. Moy, you
5 can think of all that while I talk to Mr. Blake. Mr. Blake,
6 you had a question?

7 MEMBER BLAKE: Did you present to the ANC on the
8 last project?

9 MS. WEIR: No, I have reached out to the ANC and
10 never heard from anyone, and I didn't know, no. And I did
11 the same thing. I reached out, and this time I got a
12 response from Brad. And I sent over --

13 (Simultaneous speaking.)

14 MR. GREENFIELD: Oh, she did appear before the --
15 for the earlier project, she did appear before the full ANC
16 and --

17 (Simultaneous speaking.)

18 MS. WEIR: Oh, I did? Oh, I didn't recall. Okay.

19 MR. GREENFIELD: Yes, you did.

20 MS. WEIR: Okay. Thank you.

21 MR. GREENFIELD: I mean, that was back in, I
22 believe, 2018. It was several years ago. Or maybe it was
23 '19.

24 MS. WEIR: Can I --

25 MEMBER BLAKE: Did anybody -- did you write a

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1 report in support of that? Or did you put in a report in at
2 all? Just out of curiosity.

3 MR. GREENFIELD: For that earlier project? I
4 believe we sent in a letter of support.

5 MS. WEIR: Can I ask you a question?

6 BZA CHAIR HILL: Who?

7 MS. WEIR: So the shadow study, Mr. Blake, you
8 said you want the shadow study. If the neighbor that it
9 would affect doesn't mind the shadow study and they saw all
10 the information in the email that I submitted to the BZA.
11 It's actually submitted, the whole correspondence.

12 And it has all the information from the architect
13 and Brandice from planning and zoning is on it. And the
14 husband and wife both agree that they're not worried about
15 it. They're perfectly okay about it. Why do you insist that
16 we continue with it?

17 MEMBER BLAKE: Well, I mean, from my perspective,
18 the -- okay. In looking at the communication between you and
19 the next door neighbor which you've submitted, you did
20 indicated to them that there weren't any sun shade issues
21 because we don't have any trees over our home. I'm not sure
22 that's exactly the intent of the study.

23 I think it's designed to say how it might impact
24 that property and other properties in terms of shading and
25 air flow and things of that nature -- lighting and air flow.

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1 So I think that the intent of the study goes beyond just that
2 one neighbor. And to the extent that neighbor were to sell
3 their house this is a fact that would impact that.

4 If other Board members could elaborate on that,
5 I would appreciate it. But I think the issue is I don't
6 think it's something that the other neighbor can just say
7 it's okay. And we do need to have proof for support for that
8 in one of our criteria which is the impact of light and air.

9 And in reviewing your submission and also that of
10 the Office of Planning, I did not see the support for that
11 for me. Now others may be perfectly fine. I just didn't see
12 that.

13 MS. WEIR: Okay. Thank you.

14 BZA CHAIR HILL: Okay. Thanks, Ms. Weir. All
15 right. So go ahead and submit a shadow study. Okay. Vice
16 Chair John?

17 MEMBER JOHN: Mr. Greenfield, to the extent that
18 you can review the applicant's information in the file, can
19 you evaluate what questions you all might have ahead of time
20 so that she can be prepared? I think it would be much more
21 efficient if she has an idea what questions you have so she
22 can decide if she needs to go through the expense of hiring
23 the architect to come to a hearing. There is expense
24 involved. So the extent that --

25 MR. GREENFIELD: Okay.

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1 MEMBER JOHN: -- you can help to move it along,
2 that would be great. Mindful of the --

3 MR. GREENFIELD: I'm -- sorry.

4 (Simultaneous speaking.)

5 MEMBER JOHN: Go ahead. Go ahead. Go ahead. Go
6 ahead.

7 MR. GREENFIELD: I am perfectly happy to solicit
8 from myself and the other committee members any questions
9 they might have in advance. However, that's not necessarily
10 would be exhaustive. So questions could come up as part of
11 our normal committee meeting that are technical.

12 And if she can answer those without the architect
13 present fine. But we're going to need answers. But I will
14 solicit any questions in advance.

15 MEMBER JOHN: Thank you. And the other thing is
16 the issue of trash is not before the Board. So I, myself,
17 would not be interested in hearing anymore discussion about
18 trash or who shot John or who should've scheduled the
19 meeting. The applicant is asking for rear yard relief, lot
20 occupancy relief, and removal of the gable roof and cornice
21 elements. And that's what I would like to hear testimony on.

22 BZA CHAIR HILL: Okay. So just -- and I'm sorry,
23 Vice Chair John. I agree with everything that you're saying
24 in terms of the criterial with which we're to evaluate this.
25 I would like to say, Ms. Weir, it sounds as though there are

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1 some good neighborly issues to quote a friend of mine that
2 is at hand.

3 And so I would like to see whatever your good
4 neighborly discussions are, right? It's not something that
5 the Board is going to do as a condition because that might
6 not necessarily be in the Board's purview. But I would like
7 to see what kind of correspondence you're having with the ANC
8 concerning their concerns about trash or construction
9 management or anything -- if you were listening to the case
10 before, there was discussions about construction management
11 with the neighbor next door.

12 And so whatever your plans are like who you can
13 call, what time you're going to work, what your whole
14 situation is with the trash. I would put your best foot
15 forward in dealing with the subcommittee and then the ANC to
16 possibly get an approval. Because also if you get an
17 approval, that means that you don't have to have a full
18 summary order which is a big difference in terms of time and
19 actually you getting to do your project faster or not, right?

20 Like, if you get a summary order, it's something
21 that would happen faster than if you got a full order. So
22 there is some incentive for you to also try to get the
23 support of the ANC. On the subcommittee side, Mr.
24 Greenfield, can you hear me again?

25 MR. GREENFIELD: Yes, sir.

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1 BZA CHAIR HILL: Yeah. I mean, again, Vice Chair
2 John is correct. In terms of our criteria, the Office of
3 Planning's report is also something that you can refer to.
4 And they have given their analysis as to why they're in
5 support.

6 That's not saying that we're necessarily going to
7 be in support. But I do think that the buildings, they seem
8 to be lining up down the block, right? So I don't know how
9 much light and air issues I'm going to have with the project.

10 So I'm just kind of letting you know where I'm
11 standing in terms of where we are. However, this is the
12 process. And therefore, the applicant should've met with the
13 ANC to make them feel comfortable about what's going forward
14 in some capacity.

15 And so we'll see what happens when you guys are
16 back before us. So Mr. Moy, can you hear me? What does the
17 15th of June look like? Oh, no, no, I'm sorry, the 22nd of
18 June, the 22nd of June.

19 MR. MOY: Oh, that's better. The 22nd in June,
20 you have five cases.

21 BZA CHAIR HILL: Okay, great, perfect. So let's
22 go ahead and put this on the 22nd of June as a continued
23 hearing. Okay, 6-22-22.

24 MR. MOY: And may I lay out the other timeline
25 requirement submissions?

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1 BZA CHAIR HILL: Yes, please.

2 MR. MOY: All right. From what I'm hearing from
3 the Board's deliberation then -- okay. So -- and this is
4 attending the ANC's committee meeting on May 18th as well as
5 the full ANC meeting on June 9. The applicant should submit
6 into the record their proposed shadow study including related
7 documentation such as the construction management program,
8 trash, et cetera, et cetera. And that should be submitted
9 in the case record by May 17 because unless you tell me
10 otherwise, I believe that the applicant would need to present
11 that information to the ANC's committee. So that should go
12 into the record by -- what did I say -- May 17th.

13 BZA CHAIR HILL: May 17th.

14 MR. MOY: And the ANC, if they can, to submit the
15 ANC's report into the case record by Friday, June 10th. I
16 know that's a day after their meeting. But they can do the
17 best they can with that.

18 That'd be June 10th. And then any responses from
19 the Office of Planning in terms of supplemental responses and
20 the applicant's response to the ANC's filing by June the
21 15th. And then we're back to the Board and a continued
22 hearing on June the 22nd.

23 COMMISSIONER GILBERT: Fantastic.

24 BZA CHAIR HILL: Okay. Ms. Weir, did you get all
25 those dates? You're on mute, Ms. Weir.

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1 MS. WEIR: No, I was trying to write them down.
2 I was going to ask if you're going to send them. Can you
3 please repeat them, Mr. Moy, because I didn't know about the
4 construction part. That threw me off. Can you please repeat
5 that, please?

6 MR. MOY: Applicant, in your preparation for your
7 meeting with ANC's committee meeting, I suspect you would
8 want to prepare your shadow studies along with the other
9 documentation that you'll need for that meeting which
10 includes the construction -- your construction management
11 program which includes your policy for handling trash, for
12 example, by May the 17th, if you include that to the case
13 record. And the ANC -- after the ANC's meeting on June 9th,
14 the ANC will, to the best of their ability, submit their full
15 report to the case record by June 10th, right? And then
16 Office of Planning and yourself as the applicant, you have
17 the opportunity to respond to these filings by June 15th.

18 And then you'll have a continued hearing -- open
19 hearing on June the 22nd. We also prepare in our office a
20 memorandum into the record. So that will repeat these
21 timeline dates. Okay?

22 MS. WEIR: Okay. So the trash handling, that's
23 the part that's throwing me off because the trash that
24 they're referring to is the alley trash that was blown in the
25 yard. So I need to prepared --

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1 (Simultaneous speaking.)

2 BZA CHAIR HILL: I got you. This is what I would
3 suggest, right?

4 MS. WEIR: Okay.

5 BZA CHAIR HILL: I would go ahead and again write
6 up whatever you think might be helpful for your case, right,
7 in working with the community. And by the way, we're going
8 to have this hearing again on the 22nd. And we'll see what
9 happens.

10 And so I would go ahead and write up whatever you
11 think you can write up by the 17th, right? Drop that into
12 the record in terms of, again, construction management,
13 trash, whatever, that you've heard thus far that the
14 community might be concerned about so that you have something
15 to talk with the subcommittee, right, at your subcommittee
16 meeting. Okay? Then that plan might change after your
17 subcommittee meeting, right? Who knows, right?

18 So the record will be left open. Okay? And then
19 even after the ANC meeting on the 9th, things might change
20 again, right? You might hear something different and you
21 might be changing that again, right? And that's why it's
22 open till the 15th for you to submit whatever your final
23 thoughts are, right? And then we'll be here on the 22nd to
24 view this again. Okay?

25 MS. WEIR: Okay.

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1 (Simultaneous speaking.)

2 COMMISSIONER GILBERT: Yes, I'd like to say, Ms.
3 Weir, I'm willing to work with you on that. Okay? Really
4 I reached out to you a year ago.

5 MS. WEIR: You've been so mean and nasty to me.

6 COMMISSIONER GILBERT: I was just telling you I
7 would be willing to work with you to address the concerns of
8 the community and what we're doing to help you. I don't want
9 you to be --

10 (Simultaneous speaking.)

11 COMMISSIONER GILBERT: I don't want you to be --

12 (Simultaneous speaking.)

13 COMMISSIONER GILBERT: -- frustrated --

14 (Simultaneous speaking.)

15 MEMBER JOHN: Mr. Chairman, Mr. Chairman, Mr.
16 Chairman.

17 BZA CHAIR HILL: Yeah, yeah, yeah.

18 MEMBER JOHN: I tried to address this before by
19 asking Ms. Weir to give us photographs of the condition of
20 her property at the present time which will show that she has
21 or has not cleaned up the trash. And Commissioner, we're
22 moving forward now. We're moving forward now. We're not
23 going back to last year. Okay?

24 COMMISSIONER GILBERT: No, we're moving forward.

25 MEMBER JOHN: We're moving forward. So Ms. Weir

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1 is going to make sure that her property is clear of trash.
2 And then she's going to give a proposal as to how she intends
3 to keep the property clear of trash during construction and
4 going forward. Okay? So are we all on the same page?

5 COMMISSIONER GILBERT: Yes, we are. And I just
6 was saying I would be willing to help her with that. That's
7 all.

8 MEMBER JOHN: Excellent, excellent. I love it
9 when a plan comes together. And as Chairman Hood says, we're
10 all good neighbors. So I think we're all good.

11 COMMISSIONER GILBERT: Thank you.

12 MEMBER JOHN: I think we're all good. Mr.
13 Chairman, were you --

14 (Simultaneous speaking.)

15 BZA CHAIR HILL: And I was just going to say, I
16 think you quoted the A Team. Like, that's from the A Team,
17 when a plan comes together.

18 MEMBER JOHN: I don't know what you're talking
19 about, Mr. Chairman. But whatever it is, I'm sure you know.

20 COMMISSIONER GILBERT: It's all good.

21 MEMBER JOHN: It's all good.

22 BZA CHAIR HILL: All right. Okay.

23 MS. WEIR: It's all good.

24 BZA CHAIR HILL: Thank you for that clarification,
25 Vice Chair John. And if I misinterpreted your earlier

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1 comments, I apologize.

2 MEMBER JOHN: Accepted, Mr. Chairman.

3 BZA CHAIR HILL: Thank you.

4 MS. WEIR: Thank you, everyone.

5 COMMISSIONER GILBERT: Thank you, everyone. I
6 appreciate it.

7 (Simultaneous speaking.)

8 BZA CHAIR HILL: You all talk to each other. And
9 so you got the dates. And we'll see you all on the 22nd
10 again. Okay?

11 MS. WEIR: Okay.

12 COMMISSIONER GILBERT: Thank you.

13 MEMBER JOHN: Bye.

14 MS. WEIR: Bye-bye.

15 COMMISSIONER GILBERT: Bye-bye.

16 BZA CHAIR HILL: Oh, Ms. Weir, Ms. Weir?

17 MS. WEIR: Yes, yes, yes.

18 BZA CHAIR HILL: Before I forget, I guess Vice
19 Chair John wants photographs also. Okay? Don't forget.

20 MS. WEIR: Yes. Thank you.

21 BZA CHAIR HILL: Okay?

22 MS. WEIR: Thank you.

23 BZA CHAIR HILL: Okay. All right.

24 (Simultaneous speaking.)

25 BZA CHAIR HILL: Hold on. Hold on. Mr. Smith has

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1 a question too.

2 (Simultaneous speaking.)

3 MS. WEIR: Yes, yes.

4 MEMBER SMITH: Just to reiterate because I don't
5 think I've heard it again. Chair -- I don't mean chairman.
6 Mr. Blake also asked for a sun study with the Office of
7 Planning.

8 MS. WEIR: So sunset -- so not shadow but sunset.

9 MEMBER JOHN: It's the same thing.

10 MS. WEIR: It's the same thing? Okay.

11 (Simultaneous speaking.)

12 MEMBER SMITH: But the Office of Planning
13 requested -- Mr. Blake raised it where he spoke and I also
14 would like to see this that the study be with you.

15 MS. WEIR: Okay. Is there a certain time I need
16 to get the study in, just before the 22nd?

17 BZA CHAIR HILL: I mean, if you can get it on the
18 17th, that would be great because then you'll have it ready
19 for your subcommittee meeting.

20 MS. WEIR: Okay, okay.

21 BZA CHAIR HILL: Okay? All right.

22 MS. WEIR: Thank you. Thanks, everyone.

23 (Simultaneous speaking.)

24 BZA CHAIR HILL: Okay. Thank you.

25 MS. WEIR: Okay. All right. Bye-bye.

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1 BZA CHAIR HILL: Bye-bye. Okay. Do we want to
2 take a break? Okay. All right. Let's take a ten-minute
3 break. Okay? That's ten minutes, Chairman Hood. Okay.
4 Bye-bye.

5 (Whereupon, the above-entitled matter went off the
6 record at 11:20 a.m. and resumed at 11:38 a.m.)

7 MR. MOY: The Board has returned to its public
8 hearing session after a quick break. And the time is at or
9 about 11:38 in the morning. If I may, Mr. Chairman, the next
10 case before the Board is Application No. 20690 of New
11 Cingular Wireless PCS, LLC, d/b/a AT&T Mobility and PO, yes,

12 So this is a self-certified application for a
13 special exception pursuant to Subtitle C, Section 1304.2 and
14 Subtitle X, Section 901.2 from the roof-mounted antenna
15 height requirements, Subtitle C, Section 1304.1(b). This is
16 a new telecommunication facility with 12 roof-mounted
17 antennas on an existing 12-story building. And the property
18 is in the -- or rather D-R-6 zone located at 616 E Street,
19 Northwest, Square 457, Lot 42. And that's it for me, Mr.
20 Chairman.

21 BZA CHAIR HILL: Great. Thank you, Mr. Moy.
22 Let's see. Mr. Sampson, can you introduce yourself for the
23 record, please?

24 MR. SAMPSON: Yes. Good morning, Mr. Chairman,
25 or close to this afternoon, and members of the Board. My

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1 name is Dough Sampson of the law firm Saul Ewing Arnstein &
2 Lehr. And I am the representative for AT&T in this
3 application.

4 BZA CHAIR HILL: Okay, Mr. Sampson. I see your
5 PowerPoint presentation. I'll let you go ahead and pull that
6 up and walk us through it. If you could be a little brief
7 in that we've had an opportunity to kind of look at
8 everything that is in the case record. So go as efficiently
9 as you can through the presentation as possible. Mr. Young,
10 if you could pull that up and you can begin whenever you
11 like.

12 MR. SAMPSON: Thank you, Mr. Chair. And also with
13 me today are Gaurav Behl from AT&T, Samantha Twinam who does
14 site acquisition for AT&T, and Camille Shabshab who's the
15 engineer on the project. I would proffer that if they were
16 to testify, it would be consistent with the material
17 submitted in the application.

18 However, they are available for questions if
19 anybody has them. So what this is, is a stealth rooftop
20 antenna at 615 E Street, Northwest. And the purpose of this
21 is actually to replace existing covers that will be lost when
22 a parking garage almost directly adjacent at 600 E Street is
23 demolished and the antennas will have to come off there.

24 So the purpose of this site is to replace existing
25 AT&T coverage. Next slide. So again, this is replacement

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1 for current AT&T antenna located at 600 E Street which is
2 scheduled for demolition in 2022. The special exception
3 wouldn't normally be required.

4 This would typically be allowed by a matter of
5 right. But because we are locating this on top of a
6 penthouse instead of directly on the rooftop, in talking with
7 D.C. staff, we decided to pursue a special exception here.
8 And the reason for that is that the rooftop is actually a
9 common outdoor space for the condominium owners who live in
10 the building.

11 And so the suggestion was made to go on top of the
12 penthouse so we wouldn't interfere with that common area but
13 would still be able to add the needed coverage. This one has
14 public safety with FirstNet, offers replacement services.
15 And we do have recommended approvals by the ANC and the
16 Office of Planning. Next slide.

17 Again, goals are reliable wireless services,
18 emergency/non-emergency services, and also adequate access
19 during the increased work from home and remote environment
20 that we're in. Next slide. I talked to you guys back in
21 December about FirstNet. Just very briefly a reminder of
22 what it is.

23 It's an exclusive contract between the federal
24 government and AT&T to create a dedicated network broadband
25 wireless access for all first responders. It came from the

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1 9/11 Commission to make sure the failures of the network for
2 first responders in responding to the September 11th attacks
3 would never occur again. Next slide. So here's a brief
4 overhead view of the site.

5 What you see marked with the red circle there is
6 the proposed replacement site, the rooftop facility. The
7 white cross across the alley there is the current existing
8 site on top of the parking garage. So you can see very close
9 proximity which is why this property was identified as a good
10 option to replace the existing coverage. Next slide.

11 There should be no local impact from this
12 facility. It's designed to blend into the existing building.
13 There will be no public access.

14 Again, that was the reason to put it up on top of
15 the penthouse just to make sure members of the public can't
16 get access to these structures. It'll be unmanned, primarily
17 managed remotely. And there's no impact on traffic or the
18 residents. Next slide.

19 Just very briefly here, I'll show you the current
20 coverage to the left which is marked in green. That's
21 considered full AT&T coverage, in building and in car. And
22 you can see when the facility is lost at 600 E Street how
23 much the green is lost and instead you have a degradation in
24 coverage of AT&T's network. Next slide.

25 So here you have the same loss in coverage on the

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1 left from the previous slide. And then when we build this
2 new rooftop facility, you can see it fills in that coverage
3 gap that's created by the lost facility. Next slide. I'll
4 skip over the site plan and just because for efficiency sake.

5 It's in the record. It'll be two separate
6 structures at the north and south ends of the building.
7 They'll be completely enclosed, the antennas. So they are
8 stealth. Next slide. Next slide.

9 Here are photo simulations of what this would look
10 like. So on the left, you see the rooftop, how it currently
11 exists with the common area for seating. You see the
12 penthouse there in the middle. And then on the right, you
13 see a simulation of what this facility will look like when
14 it's built.

15 Again, it's designed to match the existing brick
16 facade of the building. And it's a special structure that
17 allows radio frequency emission to -- or signals to pass
18 through the material while providing a stealth visual impact.
19 Next slide. Here it is, another view of it.

20 Again, you have the existing on the left and a
21 simulation of what the facility will look like on the right.
22 Next slide. We believe this complies with the zoning code
23 and regulations. The Office of Planning as recommended
24 approval.

25 Department of Transportation has no objection.

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1 We met with ANC 2C back in February. They had a unanimous
2 recommendation. As far as Section 1312, there is a
3 significant gap in coverage that will be created by
4 demolition of a nearby parking garage, and these antennas
5 will be screened to eliminate the visual impact and replace
6 the coverage that will be lost when the current facility is
7 lost.

8 As far as compliance with Subtitle X, Section 901,
9 the rooftop antenna is compatible with the District and in
10 harmony with the zoning regulations. And because it is
11 stealth and has no visual impact, there's no adverse impact
12 to neighboring properties, no odors, no lights, no glare, no
13 sound. This will be a silent and nonintrusive facility. And
14 with that, if the Board has any questions, we'd be happy to
15 answer any that you have.

16 BZA CHAIR HILL: Thank you, Mr. Sampson. Let me
17 turn to the Office of Planning first if I could. Ms. Thomas?

18 MS. THOMAS: Good afternoon again or morning, Mr.
19 Chair and members of the Board. Karen Thomas with the Office
20 of Planning. We will rest on the record of our report.

21 These antennas and installation meet the
22 requirements and particularly as it's been screened. And we
23 have no objection and support the installation. Thank you.

24 BZA CHAIR HILL: Okay. Thank you. Does the Board
25 have any questions for the Office of Planning or the

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

2 MR. YOUNG: We do not.

3 BZA CHAIR HILL: Okay. I would like to say for
4 the record that this is actually my ANC. And it doesn't --
5 that does not preclude me from voting on this. And I would
6 also like to compliment my chairman of my ANC which is
7 Michael Shankle who happens to be my SMD.

8 And he has gone through this process. And I'm
9 congratulating him for becoming chair. Okay. If anyone
10 doesn't have anything else, I'm going to go ahead and close
11 the hearing and the record.

12 Mr. Moy, if you could go ahead and please do that.
13 Excuse everyone, Mr. Young. Thank you. Okay. I didn't have
14 any issues with this. I mean, I know the building and, like,
15 you can't see it from the road.

16 And so, like, it's something again for this first
17 responder need. The ANC is in support. I would agree with
18 what the Office of Planning had provided, and DDOT has no
19 objection. So I'm going to be voting in favor. Mr. Smith,
20 do you have anything you'd like to add?

21 MEMBER SMITH: Just that I will also support this
22 application.

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

24 MEMBER BLAKE: Yes, I will be voting in favor of
25 the application. I believe the applicant has met the

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1 conditions required for granting relief and give great weight
2 to the Office of Planning's recommendation for approval. I
3 have no objection. I'll be voting in favor.

4 BZA CHAIR HILL: Thank you. Vice Chair John?
5 (Simultaneous speaking.)

6 BZA CHAIR HILL: I went out of line. Chairman
7 Hood.

8 ZC CHAIR HOOD: Okay. No, I don't have anything
9 to add. I will be voting in favor. I think the merits
10 warrant our approval. Thank you.

11 BZA CHAIR HILL: Thank you. Sorry. Vice Chair
12 John?

13 MEMBER JOHN: I'm in support, Mr. Chairman. It's
14 fairly straightforward, and I believe the applicant meets the
15 criteria for relief.

16 BZA CHAIR HILL: Thank you. I'm going to make a
17 motion to approve Application No. 20690 as captioned and read
18 by the Secretary and ask for a second. Ms. John?

19 MEMBER JOHN: Second.

20 BZA CHAIR HILL: The motion was made and seconded.
21 Mr. Moy, if you could take a roll call vote, please.

22 MR. MOY: When I call your name, if you would
23 please respond with a yes, no, or abstain to the motion made
24 by Chairman Hill to approve the application for the relief
25 requested. The motion to approve was second by Vice Chair

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1 John. Zoning Commissioner Anthony Hood?

2 ZC CHAIR HOOD: Yes.

3 MR. MOY: Mr. Smith?

4 MEMBER SMITH: Yes.

5 MR. MOY: Mr. Blake?

6 MEMBER BLAKE: Yes.

7 MR. MOY: Vice Chair John?

8 MEMBER JOHN: Yes.

9 MR. MOY: Chairman Hill?

10 BZA CHAIR HILL: Yes.

11 MR. MOY: Staff would record the vote as 5 to 0
12 to 0. And this is on the motion made by Chairman Hill to
13 approve. The motion to approve was second and supported by
14 Vice Chair John. Also in support of the motion to approve,
15 Zoning Commissioner Anthony Hood, Mr. Smith, Mr. Black, and
16 of course, Vice Chair John and Chairman Hill. The motion
17 carries on a vote of 5 to 0 to 0.

18 BZA CHAIR HILL: Thank you, Mr. Moy. All right.
19 Everybody can go ahead. Mr. Moy, call our next one.

20 (Pause.)

21 MR. MOY: All right. This would be Case
22 Application 20693, New Cingular Wireless PCS, LLC, d/b/a AT&T
23 Mobility and Cityswitch II-A, LLC. Mr. Chairman, this is a
24 self-certified application for the special exception pursuant
25 to Subtitle C, Section 1313.2 and Subtitle X, Section 901.2

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1 to allow a monopole. The project is in the PDR-1 zone
2 located at 225 33rd Street, Southeast, Square PAR, parcel,
3 02100012, Lot 12.

4 The preliminary matter is here, Mr. Chairman, as
5 you're aware. There is a request for party status from an
6 Aristotle Theresa. And let me think. That was an untimely
7 filing because of the time requirements for submission of a
8 party status.

9 And second, the party status request documents
10 were submitted late and is not in the record. But I believe
11 those documents have something to do with the certificate of
12 service. And that's it for me, Mr. Chairman.

13 BZA CHAIR HILL: Okay. I have had a -- well,
14 first of all, the party status request is untimely. So I
15 believe it would be unfair to the applicant to have a party
16 status person at this late date. In addition to that, I
17 actually did read the argument as to why this person thought
18 that they were more specially -- whatever, that they should
19 actually get party status.

20 And I didn't think that they had any more
21 particular interest than the ANC. And so I would be not --
22 but anyway, I would be in denial of the application because
23 it's untimely. And I'll go around the horn and see if
24 anybody has any questions. Mr. Smith?

25 (No audible response.)

1 BZA CHAIR HILL: Okay. Mr. Blake?

2 MEMBER BLAKE: No questions. I agree with you,
3 sir.

4 BZA CHAIR HILL: Chairman Hood?

5 ZC CHAIR HOOD: Vice Chair, I always think they're
6 uniquely affected may apply. So I'll just leave it at that,
7 hear what others have to say.

8 BZA CHAIR HILL: Great. Vice Chair John?

9 MEMBER JOHN: Thank you. I think it's untimely,
10 Mr. Chairman. So I would not accept it based on that
11 criteria.

12 BZA CHAIR HILL: Okay, great. Thank you. So I'm
13 going to go ahead and make a motion to deny the application
14 for party status and ask for a second. Ms. John?

15 MEMBER JOHN: Second.

16 BZA CHAIR HILL: Motion made and second. Mr. Moy,
17 if you can take a roll call.

18 MR. MOY: Name if you would please respond with
19 a yes, no, or abstain to the motion made by Chairman Hill to
20 deny the request for party status. And this motion to deny
21 was second by Vice Chair John. Zoning Commissioner Anthony
22 Hood?

23 MEMBER SMITH: I will agree with the motion in
24 this case, but we can hear from the applicant. So thank you.

25 MR. MOY: Mr. Smith?

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1 MEMBER SMITH: Yes.

2 MR. MOY: Mr. Blake?

3 MEMBER BLAKE: Yes.

4 MR. MOY: Vice Chair John?

5 MEMBER JOHN: Yes.

6 MR. MOY: Staff would record the vote as 5 to 0
7 to 0. And this is on the motion made by Chairman Hill to
8 deny the request for party status. The motion to deny was
9 second by Vice Chair John. Also in support of the motion to
10 deny, Zoning Commission Chair Anthony Hood, Mr. Smith, Mr.
11 Blake, and of course Vice Chair John and Chairman Hill. The
12 motion carries, sir.

13 BZA CHAIR HILL: Thank you. Mr. Sampson, could
14 you introduce yourself for the record, please?

15 MR. SAMPSON: Chairman, Doug Sampson from Saul
16 Ewing Arnstein & Lehr on behalf of the applicant. And again,
17 I have witnesses with me. But for expediency sake, I would
18 proffer that their testimony would reflect the application
19 material that has already been submitted to this Board.

20 BZA CHAIR HILL: Okay. Thank you, Mr. Sampson.
21 Mr. Sampson, if you could go ahead and give your
22 presentation. And as I mentioned before, if you can be as
23 efficient as possible. And you can begin whenever you like.

24 MR. SAMPSON: Sure. And if Mr. Young can bring
25 up the PowerPoint for this site, I will skip over anything

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1 that we just discussed for the previous site.

2 BZA CHAIR HILL: I think, Mr. Sampson, you can
3 just kind of highlight. Each case has to be dealt with
4 individually.

5 (Simultaneous speaking.)

6 BZA CHAIR HILL: So just thank you.

7 MR. SAMPSON: Yeah, so this is a proposal for a
8 new 199 foot monopole on a property owned by CSX Railroad in
9 Southeast. Next slide. The purpose of this site is to
10 replace coverage that is going to be lost when RFK Stadium
11 is taken down. So what you may not know is RFK Stadium is
12 one of the largest -- tallest structures in this area is full
13 of wireless antennas from pretty much all of the major
14 providers providing wireless service to this area of the
15 city.

16 In fact, one of the sites that we discussed with
17 you back in December was partially to help fill in the gap
18 that will be lost when -- of coverage that will be lost when
19 RFK Stadium is taken down. So this pole is designed to
20 accommodate CSX, AT&T, and three additional carriers. And
21 we actually already have letters of intent from Verizon and
22 Dish Network to co-locate on this facility as they will lose
23 their antennas that are also on RFK Stadium when the stadium
24 is taken down.

25 Again, this enhances public safety network with

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1 FirstNet. We'll fill coverage gaps with as little impact and
2 no adverse effects and complies with all federal, state, and
3 local laws. We do have recommended approval from the local
4 ANC, Office of Planning, and no objection from DDOT. Next
5 slide.

6 The goals are reliable services in and around
7 Southeast D.C. to maintain emergency and non-emergency
8 wireless and broadband services that will be lost when RFK
9 Stadium's antennas are decommissioned when the stadium is
10 torn down. This also provides co-location opportunities for
11 other affected carriers, including CSX Railroad which will
12 use this facility to help with maintenance and emergencies
13 along railroad tracks as well as AT&T, Verizon Wireless, and
14 Dish Network. There's also space for two additional
15 providers to co-locate. Next slide.

16 FirstNet again is dedicated network access for
17 bandwidth for first responders, an exclusive contract between
18 the federal government and AT&T evolved from the September
19 11th Commission to stop pervasive failures in the network in
20 the September 11th attacks. FirstNet is exclusively with
21 AT&T and is available wherever AT&T has sufficient service.
22 Next slide. So here's a look at the coverage maps.

23 And so what you see on the left is you see RFK
24 Stadium marked there as the big circle. And when RFK Stadium
25 is taken down, this is what the coverage map will look like.

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1 And so red here would be full coverage for AT&T to provide
2 network services to its customers and first responders.

3 And so you can see there's a fairly sizable gap
4 that will be created when RFK Stadium's antennas are
5 decommissioned. On the right, you see the proposed facility
6 down at the bottom there near the CSX tracks along the
7 highway. And that will significantly fill in the gap in
8 coverage that will be created when the RFK Stadium antennas
9 are decommissioned. Next slide.

10 Here's an overhead view of the parcel. And I
11 wanted to highlight this because of how unique this is.
12 Technically, the street address is 225 33rd Street. We're
13 actually about four-tenths of a mile from that street address
14 that just happens to be where the access road to the CSX rail
15 station or rail yard meets 33rd Street.

16 So we're actually a significant ways away from
17 that. And the reason this parcel was chosen is this is a
18 fairly heavy residential area with very few tall buildings.
19 And there was no co-location opportunities available to
20 locate on an existing tower, building, or other structure.

21 And so it was determined that a new facility, new
22 monopole tower would be created -- would be needed. And so
23 this facility or this property was identified as perfect
24 because it's near the residential area. But there's an
25 industrial use of the rail yard on this property.

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1 Additionally, you see 295 coming through there,
2 the Anacostia Freeway, that actually provides a buffer
3 between the facility and the nearby residential neighborhood.
4 And so this was seen as a way to add a new tower to provide
5 necessary wireless and broadband services to this area while
6 minimizing the impact on the surrounding residential areas.
7 Next slide. We believe there'll be minimal local impact here
8 and maximize the buffer from residential homes and maintains
9 and improves wireless and broadband services.

10 Again, this facility will be unmanned, primarily
11 managed remotely, three to four visits a year by a
12 technician. Should be no impact on local traffic. And there
13 are no adverse health effects associated with the facility.
14 Next slide.

15 This came up. The reason this is in here just
16 because it came up during the ANC meeting. I know some
17 neighbors were very concerned about that. Wireless signals
18 as you know are heavily regulated by the FCC and a number of
19 reputable agencies have found that there are no adverse
20 health effects by having these facilities near residential
21 areas. Next slide.

22 Here's a look at the compound plan. So what you
23 see here in the center is a circle which demarks where the
24 monopole would be. Down on the bottom right where you see
25 equipment already on the ground, that's where AT&T would

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1 locate its equipment associated with its antennas.

2 There's a smaller square right there for CSX's
3 equipment. And then there's space for additional -- three
4 additional wireless providers to co-locate their ground
5 equipment should they locate their antenna on this pole.
6 Next slide. Here's an elevation view of the 199 foot
7 monopole. It's a 195 foot pole with a 4 foot lightning rod.

8 You can see CSX would have the highest above
9 ground antenna section at 192 feet. AT&T will be below that.
10 And then there are three co-location opportunities below
11 that. And again, Verizon Wireless and Dish Network have
12 already submitted letters of intent that are part of our
13 application materials stating that they wish to be on this
14 facility when it's built. Next slide.

15 Here are some proposed photo simulations of what
16 this will look like when it's built. Here you see -- on the
17 left, you see the point of view. So this is looking up the
18 railroad track at the proposed site on the same property.

19 In the bottom left, you see what the view looks
20 like currently. And you can see there's already some kind
21 of wireless signal infrastructure associated with the railway
22 on this parcel. And then you can see the proposed facility
23 in the larger photo here, what it will look like when it's
24 actually built. Next slide.

25 Same thing here, point of view from across the

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1 tracks looking back at the facility. And again, you can see
2 the proposed view with the facility there in the center.
3 Next slide. This is looking along 295 when the proposed
4 facility is built. Next slide. Same thing. Next slide.

5 And this is to show that actually from the bridge
6 that goes across the Anacostia River that this facility will
7 not be visible because of the foliage and topography that's
8 already in the area. Next slide. So we believe this
9 complies with the D.C. zoning regulations. Office of
10 Planning has recommended approval.

11 Department of Transportation has no objection.
12 We met with ANC 7B back on April 21st, and they gave us a
13 unanimous recommendation which was filed on Monday this week,
14 memorializing that decision. As far as compliance with
15 Section 1313.5, this located in technically a residentially
16 zoned property, but it's an industrial use.

17 And so therefore, the use of a monopole here is
18 consistent with the code. It's designed for four other
19 wireless carriers including CSX, Verizon, and Dish Network.
20 From a visual standpoint, the monopole is located away from
21 residential properties to the maximum extent.

22 It would be visible from public space. But it's
23 located within an industrial area and it already houses the
24 CSX railroad property and where such use and structure would
25 be anticipated as found by D.C. staff. As far as Section

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1 1313.6, there is a significant gap in coverage that will be
2 created by the demolition of RFK Stadium when the wireless
3 antennas on that facility will be decommissioned.

4 There are no co-locations available that would
5 fill the existing coverage gap. So a new facility is
6 necessary. And the monopole at the minimal height to fill
7 the existing coverage gap will also allow in other wireless
8 providers that will be affected by the loss of RFK Stadium
9 to meet their coverage goals and co-locate on this facility.

10 There's no residential property within 200 feet.
11 And this facility meets all of the required setbacks in the
12 code. And with that, I'd be happy to answer any questions
13 that the Board may have.

14 BZA CHAIR HILL: All right. Thank you. Before
15 I turn to my Board members, can I turn to the Office of
16 Planning?

17 MS. THOMAS: Yes, good afternoon, Mr. Chair,
18 members of the Board. Karen Thomas with the Office of
19 Planning again. And if there was ever an ideal location in
20 the District, this would be it.

21 This location is an appropriate zone away from
22 residential uses. And more importantly, it would provide co-
23 location opportunities for other carriers which we readily
24 support reducing the need for other facilities within
25 neighborhoods. So with that, we are recommending approval

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1 of the installation of this monopole at this location. Thank
2 you.

3 BZA CHAIR HILL: Thank you. Does anybody have any
4 questions for the application or the Office of Planning? And
5 if so, raise your hand. Okay. Mr. Young, is there anyone
6 here wishing to speak?

7 MR. YOUNG: Two witnesses and I believe they're
8 together.

9 BZA CHAIR HILL: Okay.

10 MR. YOUNG: You also have the ANC Commissioner on
11 as well.

12 BZA CHAIR HILL: Oh, Commissioner Brown, can you
13 hear me?

14 COMMISSIONER BROWN: Yes, I can hear you. I'm
15 just here just in case someone has a question for the ANC.
16 But we did approve this.

17 BZA CHAIR HILL: Okay. Thanks, Commissioner.

18 COMMISSIONER BROWN: I'm just listening, so --

19 BZA CHAIR HILL: No, thanks. Thanks for taking
20 the time to join us. We appreciate it. Okay. Mr. Young,
21 could you bring in the witnesses and give me their names,
22 please?

23 MR. YOUNG: It is Mr. Theresa and I believe he is
24 with Monica Dayo.

25 BZA CHAIR HILL: Okay. Can either one of you hear

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1 me, Ms. Theresa or Mr. Theresa? Can anybody hear me? Mr.
2 Theresa, can you hear me? I think you're on mute maybe. Is
3 anybody on mute? Anyone on mute? Mr. Theresa, Ms. Dayo, is
4 it Dayo? Dayo, Theresa? Yes, can you hear me?

5 MR. THERESA: Yes, I can hear you.

6 BZA CHAIR HILL: Could you introduce yourself for
7 the record, please? Hello?

8 MR. THERESA: Hi, my name is Ari Theresa. And
9 yeah, I'm having problems right now with my connection. Let
10 me see if I could -- can you hear me?

11 BZA CHAIR HILL: Yeah. Can you hear us? Hello?

12 MR. THERESA: Yeah, I can hear you.

13 BZA CHAIR HILL: Can you hear us?

14 MR. THERESA: Yes.

15 BZA CHAIR HILL: Okay. Mr. Theresa, you'll have
16 three minutes to give your testimony. Mr. Theresa, are you
17 the one that comes before us every now and again? Oh, there
18 you go, great. How you doing?

19 MR. THERESA: I'm well. How are you?

20 BZA CHAIR HILL: Good. All right, Mr. Theresa.
21 You'll have three minutes to give your testimony, and you can
22 begin whenever you like.

23 MR. THERESA: Okay, yeah. So on the party status
24 thing, we noted that we didn't see the notice until April
25 28th. We actually went back through some pictures and noted

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1 that the notice was in the background April 22nd. But, like,
2 we still didn't see it.

3 And even with where the project is, it doesn't
4 seem like the notice is close by where the site is going to
5 be because just judging by the notice, it looked like it was
6 going to be on the west side of the path. But from the
7 presentation, it seems like it's going to be on the east side
8 of the path which I guess is a little bit better. But still
9 200 feet is pretty big.

10 And, like, I don't know if this is going to have
11 to go to the National Capital Planning Commission after this
12 or what. But giving notice to the ANC, I mean, I guess it's
13 located in 7B. But, like, people use that park from all over
14 the city. And I wouldn't have gone to a 7B meeting. And
15 where the notice was placed --

16 (Simultaneous speaking.)

17 BZA CHAIR HILL: Give me a second, Mr. Theresa.
18 I got you. And I understand what you're trying to talk about
19 now. I mean, the Board believes that it was untimely. Even
20 if it was untimely, I did read your testimony. And --

21 MR. THERESA: Okay.

22 BZA CHAIR HILL: -- I don't think you guys met
23 party status. So you would've been denied anyway. But
24 nonetheless, I mean, you've been here before. So I mean, I
25 think we're pretty --

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1 MR. THERESA: Right.

2 BZA CHAIR HILL: -- straightforward, I think. So
3 Mr. Theresa, go ahead and give your testimony.

4 MR. THERESA: Right. Well, you know, I mean, 200
5 foot tower in the middle of Anacostia -- well, I guess it's
6 not in the middle of Anacostia Park. It's on a rail yard.
7 I mean, it's just kind of -- it's big.

8 It's kind of obtrusive to the usage of the park.
9 But I see that it's in replacement of RFK Stadium. They say
10 that there are studies about health effects and all that
11 stuff.

12 I'm not a scientist, and I didn't bring any
13 experts with me. I didn't see anything about the impact on
14 wildlife or anything like that or if it will affect migratory
15 patterns because it is a big tower. And so my objections are
16 just what I placed on the record that I think it's obtrusive.

17 And I think it kind of destroys the whole vibe
18 that's over there. And you guys will weigh the benefits
19 versus the harms. And, like, I don't think I'm the only one
20 who feels this way -- who would feel this way if they were
21 to know about it.

22 I think a lot of people don't know about it just
23 from where the sign was placed. We have pictures of where
24 the sign was placed. The sign was placed very far from where
25 it's actually going to be. But with that said, my objections

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1 are the same. I just think it's obtrusive and I don't think
2 it's a great place for it.

3 BZA CHAIR HILL: Okay. Thanks, Mr. Theresa. Let
4 me get to the next witness first. Is it Ms. Dayo?

5 (Simultaneous speaking.)

6 MS. DAYO: Yes, Ms. Dayo.

7 BZA CHAIR HILL: Can you introduce yourself for
8 the record, please?

9 MS. DAYO: Yes, my name is Monica Dayo.

10 BZA CHAIR HILL: Okay.

11 MS. DAYO: I'm a witness with Ari Theresa's
12 testimony.

13 BZA CHAIR HILL: Okay, Ms. Dayo. You'll have
14 three minutes also to give your testimony, and you can begin
15 whenever you'd like.

16 MS. DAYO: Okay. Well, yeah, I was here because
17 I also did not see the sign. And I was very confused about
18 where the pole was going to go because where the sign was
19 placed, it was right by the river. And then from the
20 testimony I saw on the pictures, it appears to be by the rail
21 yard next to the other poles which is a relief that it's not
22 right on the river.

23 But it is still confusing why it has to be so
24 tall. And from the other testimony I heard, it looks like
25 there's a lot of effort made for the residential buildings

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1 that their cell tower things are going to be placed and that
2 they've be camouflaged in. So I don't know. I'm concerned
3 about the birds and the wildlife as well. And I guess that's
4 for people who are more expert than I am to decide.

5 MR. THERESA: Yeah, and there was nothing
6 submitted by the other side in terms of, like, wildlife or
7 anything like that.

8 (Simultaneous speaking.)

9 MR. THERESA: I didn't see anything there.

10 BZA CHAIR HILL: Mr. Theresa, I understand your
11 objection. You guys live in the area?

12 MR. THERESA: We live in 8A, and we walk down
13 there every day.

14 BZA CHAIR HILL: No, no. The reason why I'm
15 asking is that this is to replace coverage that would be lost
16 when RFK is gone. And so you need to have cell coverage.
17 If you guys -- what are we supposed to do? They need to have
18 cell coverage.

19 MR. THERESA: Can they design it better? Can it
20 be a better design?

21 BZA CHAIR HILL: I mean, those monopoles -- well,
22 anyway, I'll let you -- I have to refer back to what we've
23 done in the past and also -- well, anyway, Mr. Theresa, thank
24 you. So I mean, they can't -- I mean, I don't know how those
25 monopoles can get changed from where they are in terms of how

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1 they get -- they have to go up pretty far up in order to --
2 they're at least co-locating meaning there's more than one.
3 They don't have -- you know what I'm saying? Like, the more
4 the people that use the one monopole, the more people that --
5 so there's not multiple monopoles. So let me see if --

6 (Simultaneous speaking.)

7 MR. THERESA: I'm sorry. It also seems like a
8 coverage grab because the prior coverage was less than what
9 it's going to be now. Maybe they could shrink the pole some
10 if they just are contented with the prior coverage.

11 BZA CHAIR HILL: Right, okay. Does anybody have
12 any questions for the witnesses? And if so, raise your hand.
13 Sure, Chairman Hood.

14 ZC CHAIR HOOD: Yeah, Mr. Chairman. Thank you.
15 This is probably to Mr. Sampson as well. I hear Mr.
16 Theresa's concerns. I've read his concerns, and I understand
17 the deviation between ANC 5A and ANC which this one is in is
18 7. But one of the things -- and this is probably towards the
19 applicant, Mr. Chairman, if that's in order, to Mr. Sampson.

20 BZA CHAIR HILL: Sure, yeah.

21 ZC CHAIR HOOD: Did you all discuss with the
22 community? And I'm not on very many monopole cases. But do
23 you all discuss with the community the design? I know there
24 are tradeoffs.

25 Let me just put that out there first. I already

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1 know that if the cell coverage doesn't work, the community
2 gets mad because I get mad when my cell phone drops. So I
3 get that.

4 But what I'm just saying, I think Mr. Theresa, is
5 an ask. He's asking, the way I envision it, is there some
6 design things that go into it that make them more pleasing
7 to the site? I know the positioning of it. I know the view
8 of it.

9 They're going on a walk. And all those things I
10 try to take under consideration, even in the zoning code.
11 But were all those things discussed with the community, and
12 how did you go about talking? I know the ANC has supported
13 it, which ANC it's in has supported it. But kind of give me
14 -- help me come up to speed on monopoles.

15 MR. SAMPSON: Sure. So we did have discussions
16 with the ANC about this. The primary attempt to reduce the
17 visual impact here is the location. There are other
18 situations when we're out in rural areas where these can be
19 disguised as pine trees. They're called monopines.

20 And you put out in the middle of the woods or on
21 a mountainside and have that one topography. A 200 foot pine
22 tree along the Anacostia River and 295 probably wouldn't be
23 preferable to the general monopole. The monopoles have been
24 designed to be galvanized steel painted matte gray which has
25 been determined to be the least intrusive impact from a

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1 visual standpoint because it tends to blend into the horizon
2 and the skyline in the backdrop.

3 So I mean, as the chair pointed out, these have
4 to be at a certain height to provide coverage. If they don't
5 get to that height, they don't provide the coverage. And so
6 to the extent -- there's only so much you can do to blend
7 these in.

8 I mean, a rooftop facility like we discussed
9 previously is easy because that's just blended in the
10 building. There are no tall buildings around here. If there
11 was, co-location is much cheaper and much faster for us to
12 build than a whole new facility.

13 And really, this is a last resort when there's no
14 other alternative in the city to provide this coverage. And
15 so when that happens, we attempt to locate it in a location
16 that will create the least impact possible which is again why
17 we decided on this industrial use property right along the
18 freeway where a lot of this infrastructure is already visible
19 in the surrounding area. And so from a net addition of
20 visual impact, it won't be as intrusive as, say, putting it
21 right in the center of the park, say.

22 BZA CHAIR HILL: Chairman Hood, you're on mute.

23 ZC CHAIR HOOD: Yeah, I got it. All right. Okay.
24 Thank you. I just want to make sure the community is
25 informed and also I was just curious how the ascetic look of

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1 it is because at the end of the day, we're going to do it and
2 leave. But the community has to look at it. So thank you.

3 Thank you, Mr. Chairman.

4 BZA CHAIR HILL: Thank you, Chairman Hood. All
5 right, Mr. Theresa. Thank you so much for your testimony.

6 MR. THERESA: All right. Thank you.

7 BZA CHAIR HILL: Take care. We'll see you next
8 time.

9 MR. THERESA: All right. You too. Yes, sir.

10 BZA CHAIR HILL: All right. Anyone else have any
11 questions?

12 (No audible response.)

13 BZA CHAIR HILL: All right. I'm going to close
14 the hearing on the record. Mr. Young, if you could please
15 excuse everyone.

16 MR. SAMPSON: Thank you, members of the Board.

17 BZA CHAIR HILL: Thank you. Okay. All right.
18 I mean, it's an imperfect situation in that something has to
19 happen. And, like, I mean, cell coverage is important,
20 right? And cell coverage for first responders is very
21 important.

22 And it was at RFK. And now the Office of Planning
23 -- and I rarely even hear them kind of, like, saying it this
24 way. There cannot be a more ideal location for this
25 monopole. So I believe they're meeting the criteria within

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1 the regulations that we're supposed to look at concerning
2 these monopoles.

3 And so that as well as the fact that the ANC that
4 the monopole is in -- and I do understand other people have
5 to look at the monopole. But if the -- I'm sorry. If the
6 difference is no cell coverage versus the monopole, I think
7 I have to agree with the monopole. So I'm going to be voting
8 in favor. Mr. Smith, do you have any questions or comments?
9 Sorry.

10 MEMBER SMITH: As I read the analysis on this
11 particular case, I still agree with OP's analysis, you
12 brought up OP stated that this couldn't be a more ideal
13 location for this type of facility. There's very few sites
14 within the District that are secluded away for residential
15 properties in a manner similar to this. So I do believe that
16 this is a very appropriate site to construct the monopole,
17 and I would be in support of the application.

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

19 MEMBER BLAKE: Yeah, I'll be voting in favor of
20 the application. I've read and agree with the OP's thorough
21 analysis of how the conditions of 1313.25 through 1313.11
22 have been met. I certainly appreciate and you have noticed,
23 you and Mr. Smith, the Office of Planning's characterization
24 of this as an ideal location.

25 I also appreciate the explanation of monopole 101

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1 from the applicant. It was very helpful to understand how
2 the effort that's actually gone in to make this fit in with
3 the background. Obviously the location is in an appropriate
4 zone, away from residential uses.

5 It conforms with the setback requirements. And
6 it's critical to maintain the wireless coverage that'll be
7 put in. So I will be voting in favor.

8 BZA CHAIR HILL: Thank you. Chairman Hood?

9 ZC CHAIR HOOD: Thank you, Mr. Chairman. The
10 Zoning Commission, and I happen to be a part of it, when we
11 did the antenna regulations some years back. We had many,
12 many, many experts that -- that flew in from out of town, and
13 I just wanted to go down in a row, because we did have two
14 witnesses, who came in with some concerns.

15 One of the things that I think that is good in
16 this record is we -- is -- as well as in the other case, some
17 of the things that the Commission put in the Regulations,
18 under Subtitle C, or -- or some of the things that were also
19 carried out. That's why I just wanted to push Mr. Sampson
20 on -- on the design and some of those things.

21 While it may not be the best, I think the benefits
22 outweigh what the non-benefits are and the -- and the issues
23 that it may -- impacts it may give to neighbors, so it might
24 a visual issue, but I think, at some point, it will become
25 the norm.

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1 So, again, I think the coverage is the most
2 important, it's -- it's already been stated, so that's all
3 I have. Thank you, Mr. Chairman.

4 BZA CHAIR HILL: Thanks, Chairman Hood. Vice
5 Chair John?

6 MEMBER JOHN: Chairman, I also am in support of
7 the application. I thought the Applicant's presentation was
8 very helpful, especially, clarifying that this building a new
9 facility is a -- is a last resort and going through all of
10 the other options that were available.

11 I also appreciated OP's analysis with the chart
12 and the side-by-side comparison of how the Applicant
13 responded to each criteria in the Regulations, under Sections
14 13 13.5 through 13 13.11, and those general Special Exception
15 criteria.

16 So I -- I thought that the Applicant met all of
17 the criteria and so I'm in support, even though I appreciate
18 that there will always be some impact in having such a high
19 monopole where none existed before, but it's part of the
20 trade-off of better self-coverage -- cell coverage.

21 And, in this particular case, I believe there are
22 four other antennae a rays CSX FirstNet, Verizon and Dish,
23 so that's, you know, also a plus. So that's it, for me, Mr.
24 Chairman.

25 BZA CHAIR HILL: Thank you, Vice Chair John. All

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1 right, I'm going to make a motion to approve Application No.
2 20693, as captioned and read by the Secretary, and ask for
3 a second, Ms. John?

4 MEMBER JOHN: Second.

5 BZA CHAIR HILL: Motion made and seconded. Mr.
6 Moy, can you take a roll call?

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

13 ZC CHAIR HOOD: (No audible response.)

14 MR. MOY: Mr. Smith?

15 MEMBER SMITH: Yes.

16 MR. MOY: Mr. Blake?

17 MEMBER BLAKE: (No audible response.)

18 MR. MOY: Vice Chair John?

19 MEMBER JOHN: Yes.

20 MR. MOY: Chairman Hill?

21 BZA CHAIR HILL: (No audible response.)

22 MR. MOY: Staff would record the vote, as five to
23 zero to zero, and this is on the motion made by Chairman Hill
24 to approve the motion to approve was seconded by Vice Chair
25 John, who is also in support, as well as, Zoning Commission

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1 Chair Anthony Hood, Mr. Smith, Mr. Blake, of course, Vice
2 Chair John and Chairman Hill, the motion carries on a vote
3 from five to zero to zero.

4 BZA CHAIR HILL: Thank you, Mr. Moy. Okay, Mr.
5 Moy, you can call our next one.

6 MR. MOY: The next case before the Board is
7 Application No. 20697, of 4101 through 4103, Davis, LLC.
8 This is a self-certified application for Special Exception,
9 under Subtitle U, Section 421.1, pursuant to Subtitle X,
10 Section 901.2, which would allow a new residential
11 development, a six-unit apartment house.

12 The property is located, at 4103 Davis Place, NW
13 (Square 1708, Lot 21), and the property's located in the RA-1
14 Zone, and that's all I have, Mr. Chairman.

15 ZC CHAIR HOOD: Great, thank you. Mr. Ferris, if
16 you can hear me, could you introduce yourself for the record?

17 MR. FERRIS: Sure. Lawrence Ferris, with the law
18 firm of Goulston & Storrs, for the Applicant.

19 BZA CHAIR HILL: Okay. Mr. Ferris, if you want
20 to go ahead and walk us through your application, as to why
21 you believe your client is meeting the criteria for us to
22 grant their relief requested. I have put 15 minutes on the
23 clock and you can begin whenever you like.

24 MR. FERRIS: Thanks so much. And, Mr. Young, if
25 -- if you're able to pull up our presentation? Great.

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1 Thanks so much. Again, my name is Lawrence Ferris, of
2 Goulston & Storrs.

3 We're here today for the property located at 4103
4 Davis Place, NW, so it's located in Glover Park, about one
5 block west of Stoddard Elementary School. Now, this area of
6 Glover Park consists of a mix of multi-family residential
7 buildings, ranging from smaller, low, and mid-rise buildings,
8 like this one, up to high-rises.

9 And the property is currently improved, as you see
10 there, with a four-unit apartment building and the project
11 we're presenting today would renovate the existing building
12 and build out the existing below-grade cellar space, in order
13 to add two additional units, in addition to adding a small
14 penthouse, to allow access to roof terraces, for the second
15 floor units.

16 So that's the short summary of what we're doing
17 with this building. The property is zoned RA-1, and so our
18 application is requesting Special Exception approval,
19 pursuant to Subtitle U, Section 421, for new residential
20 development in the RA-1 Zone, which is the only relief we're
21 requesting.

22 With me today is Ash Rahimi, of SSR Development,
23 the Applicant, and also, Gozde Tanyeri, of ADT-in-Chief
24 Design, the project architect. Ms. Tanyeri will be walking
25 us through plans, momentarily, and we submitted her resume,

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1 as Exhibit 29, and would ask that the Board consider her for
2 expert designation in architecture.

3 BZA CHAIR HILL: Okay. So --

4 MR. FERRIS: She'd, also, already be in the
5 Board's book, I believe she's in there.

6 BZA CHAIR HILL: Let me see. If she's already in
7 the Board's book, then we don't have to worry about it. I
8 don't have an issue with -- how do you say her last name, Mr.
9 Ferris?

10 MR. FERRIS: Tanyeri.

11 BZA CHAIR HILL: Tanyeri being admitted, as an
12 expert in architecture. Does the Board have any issues, if
13 so please speak up, because I can't see everybody?

14 (No audible response.)

15 BZA CHAIR HILL: Hearing no objection. All right.
16 Mr. Ferris, you can go ahead and continue.

17 MR. FERRIS: Great. Thank you. As I said, Ms.
18 Tanyeri will be walking us through the plans, briefly, and
19 then Mr. Rahimi, of SSR Development, is also here and
20 available to answer any questions the Board may have.

21 So before we dive into our presentation, I would
22 just note that, we have reports and support from the Office
23 of Planning that's at Exhibit 34, and from DDOT that's at
24 Exhibit 33.

25 One item OP had asked about that was noted in the

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1 report that I wanted to flag, was the proposed location for
2 trash, and trash will be located at the rear of the site,
3 adjacent to public alley on the west, and that will be
4 screened by a four-foot wooden screened fence enclosure.

5 So we shared that information with OP, as was
6 noted in their report, and I've also updated the plans for
7 today's presentation to reflect that, which we'll cover
8 shortly, when we --

9 BZA CHAIR HILL: Mr. Ferris, where is that? Where
10 is that? Is -- isn't it in your slide deck?

11 (Simultaneous speaking.)

12 MR. FERRIS: It is. It is. And we'll get to it,
13 shortly, but if -- when you want to skip to it that's fine,
14 as well.

15 BZA CHAIR HILL: Yes, Mr. Ferris, I'm going to
16 kind of hurry you along here, and actually, I don't even
17 know, if we have any questions of the architect I can go
18 ahead and go back.

19 I mean, I've reviewed your record and -- and I
20 think it's -- it's pretty clear, as to what you're trying to
21 do and how you're trying to accomplish meeting the standards,
22 but I do want to see the trash, which slide is it in?

23 MR. FERRIS: Sure. If we can go to slide -- that
24 would be Slide 6, Mr. Young, please. So if you see in the
25 top, left-hand corner, you can see the trash enclosure.

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1 BZA CHAIR HILL: Got it.

2 MR. FERRIS: Yes.

3 BZA CHAIR HILL: Okay. There's just those two
4 cans for the whole building?

5 MR. FERRIS: Well, it's only six units.

6 BZA CHAIR HILL: Okay. Well, I know, from my --
7 anyway. Okay. All right. Let me do this, does the Board
8 have any questions, because I can't see everybody, can you
9 all make a -- a -- well, I can see Mr. Blake's hands. Mr.
10 Blake, you want to read your -- your --

11 MEMBER BLAKE: (No audible response.)

12 BZA CHAIR HILL: -- can you speak up, Mr. Blake?

13 MEMBER BLAKE: Sure, just one quick question, is
14 these going to -- are these going to be condos or rentals?
15 That -- that's all.

16 (Simultaneous speaking.)

17 MR. FERRIS: Mr. Rahimi, have you decided -- have
18 been able to figure out which -- which direction?

19 MR. RAHIMI: Currently, the intent is to have it,
20 as an apartment building, but if we have to pivot, then we
21 would convert it into a condo.

22 BZA CHAIR HILL: Anyone else?

23 (No audible response.)

24 BZA CHAIR HILL: Okay. I'm going to turn to the
25 Office of Planning.

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1 MR. COCHRAN: Thanks, Mr. Chair. Steve Cochran,
2 representing the Office of Planning on this case, and OP
3 stands on the record in recommending approval of a Special
4 Exception for the expansion of an existing residential
5 development in the RA-1 Zone, pursuant to Subtitle U 421.1
6 and Subtitle X 901.2, and of course, happy to answer any
7 questions.

8 BZA CHAIR HILL: Okay. Thank you. Does anybody
9 have any questions for the Office of Planning?

10 (No audible response.)

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

13 MR. YOUNG: (No audible response.)

14 BZA CHAIR HILL: Okay. Okay. Does anybody -- I
15 mean, Mr. Ferris, I'm just saying, like, I got -- I got
16 firsthand experience on rental properties and whatever and
17 two cans, it's not a lot of cans. So you know, you all might
18 want to rethink that, or figure out another way opening of
19 squeezing another can in there.

20 So -- okay. Let's see, and I see that -- I see
21 the owner nodding his head. But, again, the screening and,
22 if you did -- and, Mr. Ferris, if you did squeeze another
23 can, you keep it screened the way you're planning to,
24 correct?

25 MR. FERRIS: Correct.

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1 BZA CHAIR HILL: Okay. All right. I'm going to
2 go ahead, if anybody has any questions, raise your hand.

3 (No audible response.)

4 BZA CHAIR HILL: All right, we're going to close
5 the hearing in the record. Mr. Young, if you would please
6 excuse everyone. Does anybody else want to talk?

7 (No audible response.)

8 BZA CHAIR HILL: Okay, I'll keep talking. All
9 right, Mr. Blake?

10 MEMBER BLAKE: I'll begin this process. This is
11 a straightforward application in the sense that it's
12 requesting the U 421 relief. The -- because it -- there --
13 it -- it's creating this space below grade, there's no
14 increase in the non-conformities, nor is there any addition
15 to non-conformities.

16 I think that, when you look at the -- the Office
17 of Planning review, the site plan, the arrangements of
18 buildings and so forth, the provision of light and air, and
19 they determine, together, with the window wells, patios, and
20 with decks, as well as the existing window should provide
21 adequate light and air for the units, and there should be no
22 adverse impact on light and air on any of the nearby
23 buildings.

24 When you're looking at the parking and
25 recreations, right, there's no parking required. There's

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1 general availability of some spaces in the street, so that
2 was fine.

3 We've now gotten clarification on the trash
4 receptacle, although, there may should be more. I wasn't
5 clear about when the pickup was, and if it's multiple pickup
6 that might be lessened, but they should have that and, as
7 well as the recycling bins and so forth.

8 I think that there's nothing else going on in the
9 area, from a public plans and development standpoint to
10 disruptive this project, so I believe that there's -- with
11 no increasing conformities, the relief is sought by the
12 Regulations is allowed by the Regulations, relevant
13 conditions have been satisfied.

14 And, based on the design provided -- and the
15 analysis provided, by the Office of Planning, I believe the
16 addition of the below-grade property should not tend to
17 affect adversely these neighboring properties, so I give
18 great weight to the Office of Planning recommendation.

19 DDOT has no objections, ANC 3-B is -- recommends
20 approval and has no issues or concerns, and there are several
21 letters of support, a form letter, 11 letters of support, so
22 with that in mind, I will be voting in favor of the
23 application.

24 BZA CHAIR HILL: Thank you, Mr. Blake.

25 MEMBER BLAKE: (No audible response.)

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1 MEMBER JOHN: Mr. Blake just spoke.

2 BZA CHAIR HILL: Oh. Sorry. Mr. Smith?

3 MEMBER SMITH: I agree with the analysis provided
4 by our colleague, Mr. Blake. I do believe that the
5 Applicant's met the burden of proof for us to be able to
6 grant Special Exceptions from U 421, and X 901.2, the general
7 special -- Special Exception standards.

8 I believe, what's proposed by the Applicant will
9 not have a major detriment to the adjacent properties. The
10 Applicant is largely working within the existing footprint
11 there, I believe, in apartment rules with a basement and the
12 only addition would be a rooftop penthouse and rooftop deck,
13 which I believe that the Applicant has sufficiently designed
14 and met where it would not have a major impact on the light,
15 air, and privacy of adjacent properties.

16 So with that, I give great weight to OP's
17 analysis, also recognizing that the ANC is also in support
18 of this application, and DDOT had no objections, so I will
19 be in support of the Applicant.

20 BZA CHAIR HILL: Thank you. Chairman Hood?

21 ZC CHAIR HOOD: I -- I don't have anything to add.
22 I would agree with everything I've heard thus far.

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

24 MEMBER JOHN: So I -- I agree with everything
25 that's been said. I just would stress that, the application

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1 meets all of the development standards and there's no
2 increase in the footprint, or in the existing
3 non-conformities, and so I'm in support of the application.

4 BZA CHAIR HILL: Okay. Thank you. I have nothing
5 to add. Thank you for my colleagues' analysis. I'm going
6 to make a motion to approve Application No. 20697, as
7 captioned and read by the Secretary, and ask for a second,
8 Ms. John?

9 MEMBER JOHN: Second.

10 BZA CHAIR HILL: Motion being made and seconded,
11 Mr. Moy, if you take a roll call?

12 MR. MOY: If 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 the application for the relief
15 requested. This motion was approved by Vice Chair John.
16 Zoning Commission Chair Anthony Hood?

17 ZC CHAIR HOOD: Yes.

18 MR. MOY: Mr. Smith?

19 MEMBER SMITH: Yes.

20 MR. MOY: Mr. Blake?

21 MEMBER BLAKE: Yes.

22 MR. MOY: Vice Chair John?

23 MEMBER JOHN: (No audible response.)

24 MR. MOY: Chairman Hill?

25 BZA CHAIR HILL: Yes.

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1 MR. MOY: Staff would record the vote, as five to
2 zero to zero, and this is on the motion made by Chairman
3 Hill, to approve the motion to approve was seconded and in
4 support, by Vice Chair John.

5 Also in support of the motion to approve, Zoning
6 Commission Chair Anthony Hood, Mr. Smith, Mr. Blake, and of
7 course, Vice Chair John and Chairman Hill, the motion carries
8 on a vote of five to zero to zero.

9 BZA CHAIR HILL: Okay. Do you guys want to do one
10 more and then have lunch?

11 (No audible response.)

12 BZA CHAIR HILL: Okay. See, I've had donuts, so
13 I'm good. Okay. All right. Mr. Moy, you can call our next
14 one, when you get a chance.

15 MR. MOY: This case would be Application No.
16 20698, Rupsha 2011, LLC. This is a self-certified
17 application, pursuant to Subtitle X, Section 901.2, for
18 Special Exceptions, under Subtitle U, Section 421, and
19 pursuant to Subtitle C, Section 703.2, this is a new
20 three-story apartment house, 16 units, two IZ units, in a
21 detached building on an unimproved lot.

22 This is in the RA-1 Zone. Property located at
23 2917 Knox, K-N-O-X, Place, SE (Square 5741, Lot 105). The
24 only preliminary here, Mr. Chairman, is the Applicant filed
25 a late affidavit, affidavit of maintenance, and that's all

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1 from me.

2 BZA CHAIR HILL: Okay. Unless the Board has an
3 issue, I'd like to see the Affidavit of Maintenance. So if
4 you can just go ahead and drop that into the record, Mr. Moy.
5 Mr. Seck, if you could hear me, if you can introduce yourself
6 for the record, please?

7 MR. SECK: (No audible response.)

8 BZA CHAIR HILL: You're on mute, Mr. Seck.

9 MR. SECK: (No audible response.)

10 BZA CHAIR HILL: We still can't hear you.

11 MR. SECK: (No audible response.)

12 BZA CHAIR HILL: It's all right, take your time.

13 Mr. Young, we have him off of mute, correct?

14 MR. YOUNG: It looks like he's still on mute, so
15 he needs to unmute himself.

16 BZA CHAIR HILL: So Mr. Seck, if you move your
17 cursor over your screen, there will be a -- and click it,
18 there's a little button at the bottom that says mute. There
19 you go. No, maybe not.

20 (Off the record comments.)

21 BZA CHAIR HILL: No, try again. At the bottom,
22 there's something that says mute. And then, is there
23 something else, Mr. Young, audio/video in the top left,
24 right?

25 MR. YOUNG: (No audible response.)

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1 BZA CHAIR HILL: Mr. Seck, there's a thing -- if
2 not, Mr. Seck, you -- there's a button in the top-left that
3 says audio/video, click that and then see, whether or not
4 your speaker and microphone are hooked up.

5 MR. YOUNG: He can also try holding down the
6 spacebar.

7 BZA CHAIR HILL: Try holding down the spacebar,
8 Mr. Seck.

9 (Off the record comments.)

10 MR. YOUNG: It looks like you unmuted yourself,
11 but we still can't hear you, so you might need to go to the
12 audio/video tab, at the top, and go to the speaker and
13 microphone settings, and make sure that you have the right
14 microphone selected.

15 BZA CHAIR HILL: Or, Mr. Seck, go ahead and call
16 in. Call 202-727-5471.

17 (Pause.)

18 BZA CHAIR HILL: Well, let me work a little
19 backwards, while Mr. Seck is coming in. Mr. -- Ms. Vitale,
20 can you hear me?

21 MS. VITALE: (No audible response.)

22 BZA CHAIR HILL: Can you go ahead and give your
23 report, if you wouldn't mind?

24 MS. VITALE: Certainly. Good afternoon, Mr. Chair
25 and Members of the Board. Elisa Vitale, with the Office of

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1 Planning. This is for BZA Case 20698.

2 The Office of Planning is recommending approval
3 of the requested relief, which would include Special
4 Exception for a new multi-family residential development in
5 the RA-1 Zone, so that would be relief pursuant to U-421.

6 And then, the Applicant is also requesting Special
7 Exception relief from the minimum parking requirements, OP
8 is also recommending approval of that, there is not an
9 existing curb cut, or alley access at property, which would
10 -- which would limit the Applicant's ability to provide
11 parking, and the property is also in close proximity to
12 transit. There's a high-priority bus corridor network, I
13 believe, it's the X-2 line that would serve the property.

14 OP had identified a number of items in its report
15 that the Applicant was requested to file, at the time, I
16 checked the record this morning, when this -- the -- the BZA
17 started, earlier today.

18 I had not seen that additional information filed
19 into the record, so I -- I do think it would still be helpful
20 for the Applicant to address those requests for additional
21 information and, I believe, the DDOT report also kind of
22 reiterated a need for the Applicant to identify the -- the
23 long-term and short-term, by parking, on the plans, and that
24 was -- that was also an item highlighted in the OP Report.

25 I -- I -- I will stop there. Hopefully, once the

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1 Applicant's able to join the meeting, they can -- they can
2 speak to the request for additional information. But I can
3 certainly answer questions, if the Board has any, at this
4 time. Thank you.

5 BZA CHAIR HILL: Thanks, Ms. Vitale. So you
6 didn't get the landscaping plan, the grading plan, the floor
7 plan for the IZ units, or the short-term/long-term parking
8 in the plans?

9 MS. VITALE: No, we did not get that. As -- as
10 stated in our report, a grading plan and landscape plan were
11 provided. That is a requirement, under U-421, so that
12 information was in the record, we just found that additional
13 detail would have been helpful to be included on those plan
14 sheets.

15 BZA CHAIR HILL: And you spoke with the --

16 MS. VITALE: But --

17 BZA CHAIR HILL: -- app -- you had spoke with the
18 Applicant about that?

19 (Simultaneous speaking.)

20 MS. VITALE: I had Emailed the -- the agent, the
21 point of contact in the record, and had outlined and listed
22 the information requested and did not receive that, no.

23 BZA CHAIR HILL: Okay. Mr. Seck, I assume you can
24 hear me?

25 MR. SECK: Yes, Chairman Hill, and I --

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1 BZA CHAIR HILL: Oh wow.

2 MR. SECK: -- apologize, that --

3 BZA CHAIR HILL: No that's great.

4 MR. SECK: -- yes.

5 (Simultaneous speaking.)

6 BZA CHAIR HILL: Could you introduce yourself for
7 the record, please?

8 MR. SECK: Yes. My name is Oumar Seck, I
9 represent Rupsha 2011, for the project at 2917 Knox Place,
10 SE.

11 BZA CHAIR HILL: Okay. Mr. Seck, so what about
12 the items that the Office of Planning had requested more
13 specificity on, including the revised floor plans for the IZ
14 unit and where the long and short-term bicycle parking was
15 going to be?

16 MR. SECK: Okay. I picked up a few bits from the
17 Office of Planning, but the bicycle long-term parking has
18 been located into the floor plan in the BZA submission
19 package. It's -- it -- it -- it's on that basement cellar
20 unit, we have six parking, bicycle parking there, and the --

21 BZA CHAIR HILL: Is it -- is it --

22 MR. SECK: -- IZ --

23 BZA CHAIR HILL: -- in -- is it in the
24 architectural plans, Mr. Seck?

25 (Simultaneous speaking.)

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1 MR. SECK: Yes. Yes.

2 BZA CHAIR HILL: Okay. Keep saying --

3 MR. SECK: I --

4 BZA CHAIR HILL: -- keep talking, and the IZ unit?

5 (Simultaneous speaking.)

6 MR. SECK: IZ unit will also look -- identified,
7 as Unit 103 and 104, on the first floor, on the architectural
8 floor plan.

9 BZA CHAIR HILL: They're not in the basement?

10 MR. SECK: No, they're on the first floor.

11 BZA CHAIR HILL: Okay. All right, Mr. Seck, I'm
12 going to let you go ahead and tell us a little bit more about
13 your project, so go --

14 MR. SECK: Okay.

15 BZA CHAIR HILL: -- ahead and begin your
16 presentation.

17 (Simultaneous speaking.)

18 MR. SECK: Okay. I don't know if Mr. Young can
19 pull up the package, or that will -- will it be in a second
20 request, otherwise, I can walk you through. This is a
21 16-unit that we proosing to build, at 2917 Knox Place, SE.

22 It will be -- we -- we are requesting two reliefs,
23 one is the Special Exception, as the -- the zoning ruling
24 any building multi-family in the residential area will have
25 to go through this Special Exception, according to Subtitle

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1 X.

2 And, also, a relief for parking, which we are
3 required to provide for and we are requesting a zero parking,
4 due to site condition access, and also, DDOT ruling regarding
5 the parking requirements.

6 The development will be in compliance with the
7 area, mixing in with the apartment buildings, and the
8 finishing would be also in compliance with the different
9 finishes we have there, with bricks and Hardy siding.

10 The units will be a three-bedroom units on each
11 floor, three-bedroom, two-bath, four on each floor, totaling
12 six -- 16, so we have a cellar and three levels. The lot is
13 a very narrow lot, 38 feet wide, total, the building, itself,
14 is also a pretty shallow building, it's 20 feet wide, running
15 on 136 or 138 feet long.

16 The access for parking is the problem, based on
17 DDOT's requirements. On the right side, there's an existing
18 curb cut that belongs to the building of B.W. Bailey and we
19 cannot have an -- an adjacent driveway on that, based on the
20 required setbacks for DDOT.

21 We -- for the Special Exception, it is pretty
22 standard, as I mentioned, with multi-family development in
23 residential areas. But, for the parking exemption, we have
24 gone to the ANC and met with SMD Commissioner, Mr. Paul
25 Trantham, and he had asked me to go back.

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1 He loved the project, but wanted me to provide
2 five parking spaces in the neighboring properties, for a
3 minimum of two years, and he put me in touch with B.W.
4 Bailey, on the right side of our property, and that did not
5 work out well.

6 And, finally, we had a meeting this past Saturday,
7 at Youngs Memorial Church, behind us, from whom we bought
8 this lot and they're willing to provide five parking spaces
9 on their premises, at Youngs Memorial Church, off of Alabama
10 Avenue, and the Pastor issued an agreement, we're going to
11 be leasing those spaces.

12 And Mr. Paul Trantham worked very hard, even last
13 night, we were on the phone late, and this morning, and he
14 was out of hospital yesterday and provided a letter of
15 support, which he had to write himself, because the Chairman,
16 I think, Kevin Coleman, did not have a chance to send this
17 letter of support.

18 So I do have that letter from the SMD
19 Commissioner, Mr. Trantham, and I sent it, Email, this
20 morning, once I received it, to Mr. Paul Young. He can
21 display it, along with the agreement I had with the Pastor
22 of Young Memorial Church.

23 So with that said, he supported the project and
24 we're asking for the support of the Board. I will rest the
25 case there, and wait for questions. Thank you.

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1 (Indiscernible due to accent.)

2 BZA CHAIR HILL: Okay. Can you -- so you sent the
3 agreement to Mr. Young, also?

4 MR. SECK: Yes, this morning.

5 BZA CHAIR HILL: Okay. And, I don't know, Mr.
6 Moy, is Mr. Young able to put stuff into the record?

7 MR. MOY: (No audible response.)

8 MR. YOUNG: I'll answer that for him, no.

9 BZA CHAIR HILL: Okay. So you, Mr. Young, have
10 to send it to the Office, is that correct?

11 MR. YOUNG: Correct.

12 BZA CHAIR HILL: Okay. Mr. Moy, does Mr. Young
13 know who to send it to?

14 MR. MOY: I'm sorry, sir, can you repeat that
15 again?

16 BZA CHAIR HILL: Sure. Does --

17 MR. YOUNG: I do know it --

18 BZA CHAIR HILL: -- Mr. --

19 MR. YOUNG: I know who to send it to.

20 (Simultaneous speaking.)

21 BZA CHAIR HILL: Okay, go ahead and send it --

22 MR. SECK: Okay.

23 BZA CHAIR HILL: -- to us, Mr. Young. So Mr. Seck
24 has an agreement with parking with the church that they
25 bought the property from, and also, there's a letter from an

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1 SMD, that I'd like to see, if you can go ahead and allow that
2 into the record, Mr. Moy, when you get it. And I see people
3 having questions, so give me a second.

4 (Simultaneous speaking.)

5 MR. MOY: Chairman, we -- we do have it and that
6 -- that will be in the record, momentarily.

7 BZA CHAIR HILL: Okay. Great. Perfect. Mr.
8 Blake, you had a question?

9 MEMBER BLAKE: As parking agreement, do we need
10 to have parking relief?

11 BZA CHAIR HILL: That's for who, Ms. Nagelhout,
12 or Ms. Bajaj?

13 MEMBER BLAKE: Or the Office of Planning.

14 BZA CHAIR HILL: There are no -- Ms. Vitale, do
15 you know the answer? I thought the answer's still yes.

16 MS. VITALE: (No audible response.)

17 MS. NAGELHOUT: Mr. Chair, it's a different
18 section. I can provide that to you, in a minute, but it --
19 it's -- it's one thing to ask for a relief from the required
20 number of spaces, it's another thing to move your required
21 parking off-site.

22 BZA CHAIR HILL: And even so, like, Mr. Seck, how
23 long is the lease for?

24 MR. SECK: Required for two years.

25 BZA CHAIR HILL: For two years, right. So you'd

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1 still need relief after the two years?

2 MR. SECK: Yes.

3 BZA CHAIR HILL: Okay. So we need --

4 (Simultaneous speaking.)

5 MR. SECK: I'm sorry.

6 BZA CHAIR HILL: That's all right. Did anybody
7 have any more questions?

8 (No audible response.)

9 BZA CHAIR HILL: Okay. I'm still waiting for this
10 thing to populate and then I can -- Mr. Young, do we have
11 anybody wishing to testify?

12 MR. YOUNG: We do not.

13 BZA CHAIR HILL: Okay. Give me a second. Yes.

14 MEMBER JOHN: Ms. Vitale, do you still need the
15 information that you requested?

16 MS. VITALE: I -- I did take another look at the
17 initial plan submittal, I still do not see the short-term
18 bike spaces on the plans, I -- I was able to locate the IZ
19 units and I think the -- the long-term spaces may require
20 some clarification from the Applicant.

21 The proposed construction for this building is
22 essentially, you know, it's -- it's built in two halves with,
23 you know, two entry points and it looks like the short -- or
24 the long-term, rather, bike parking is only in that portion
25 of the building, closest to the street, at the front of the

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1 property.

2 So I think we would just need to understand, if
3 there are residents in the portion of the building at -- at
4 the back half of the property, if -- how those individuals
5 would access that -- that bike parking?

6 It -- it is located in the cellar. It -- it does
7 look a bit difficult for a -- a tenant to get a bike, you
8 know, in or out of that bike room, through the hallways, up
9 the stairs, and then out the door.

10 And it -- it does look like it's only in, you
11 know, one half Office of the building, so I think additional
12 -- additional clarification would be helpful on that, I would
13 -- I would certainly also defer to DDOT, since they had --
14 had specifically addressed the bike parking issue in -- in
15 their memo.

16 BZA CHAIR HILL: Okay. Mr. Seck, did you hear
17 everything the Office of Planning just said?

18 MR. SECK: Yes. Yes. And I was trying to pull
19 the plan. I did so at Rule 1 -- 102. Oh, I'm sorry, 112 in
20 the cellar, but we can add definitely short-term in the back,
21 without a problem, and reflect it on the site plan and send
22 it to you.

23 BZA CHAIR HILL: I'm waiting for Ms. Vitale to
24 respond. I mean, like, Mr. Seck, and I -- I mean, you guys
25 come before us all the time, Mr. Seck, and you're --

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1 MR. SECK: Yes.

2 BZA CHAIR HILL: -- and I -- I mean, I don't know
3 why I got to -- I mean, you know what's going to happen to
4 you, and so every single time I got to kick it back and forth
5 and all around in circles it goes. So I have to wait for the
6 plans, before anything happens, right? So we don't have the
7 plans now that are going to get approved. And so, Ms.
8 Vitale, so you need to know about the bike parking -- or --
9 I shouldn't say that, you have a question about the bike
10 parking, and you --

11 MS. VITALE: Well, I --

12 BZA CHAIR HILL: -- and --

13 MS. VITALE: -- I -- I was --

14 BZA CHAIR HILL: -- asked about the bike parking.
15 (Simultaneous speaking.)

16 MS. VITALE: I -- I -- it would be helpful to --
17 to see the Applicant's final proposal, with respect to the
18 location of the short-term and long-term bike parking, to
19 have that provided on the plans and -- and we would review
20 that and I -- I believe, DDOT would also want to take a look
21 at that.

22 BZA CHAIR HILL: So the landscaping plan and
23 everything, you're okay with?

24 MS. VITALE: I -- it -- as -- as we indicated, we
25 can -- we can recommend approval, additional detail would

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1 have been helpful to have been provided, as outlined in our
2 report.

3 BZA CHAIR HILL: Right. And, Ms. Vitale, now --
4 I mean, recommending approval and then wanting additional
5 detail. So would you like an -- I need the bike report --
6 I need to see where the long-term and short-term bike parking
7 is, because I need the plans, regardless. So now this is
8 going to get kicked down the road, again. Okay? So unless,
9 Mr. Seck, you have plans that you can show me, of the short
10 and short -- short and long-term bike parking, right away,
11 or even by the end of the day, this is going to get --

12 MR. SECK: Okay.

13 BZA CHAIR HILL: -- kicked down the road.

14 (Simultaneous speaking.)

15 MR. SECK: Okay. The -- the long-term I do have,
16 the short-term that it -- which is one parking space that was
17 required that one I don't have. But, I can have that done
18 right away and -- and -- and send it. That, I can do, for
19 sure. If Mr. Young can pull the plan, the long-term is in
20 Room 111 -- I mean, 112, in the cellar unit.

21 BZA CHAIR HILL: I mean, I'm looking at your plans
22 and it's also not that --

23 MR. SECK: Okay.

24 BZA CHAIR HILL: -- easy. Eleven-two in the
25 cellar unit?

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1 (Simultaneous speaking.)

2 MR. SECK: That's on Page -- if -- if you see the
3 architectural floor plan, you have this skinny, long
4 building, for --

5 BZA CHAIR HILL: Yes.

6 MR. SECK: -- the first one is the cellar -- yes.
7 Between the staircase, there.

8 (Simultaneous speaking.)

9 BZA CHAIR HILL: Oh. There, I got it. Okay. So
10 that's the long-term?

11 (Simultaneous speaking.)

12 MR. SECK: Yes.

13 BZA CHAIR HILL: And then, where's the short-term?

14 MR. SECK: That's the short-term that's missing
15 off the site plan, which -- because, we just got it showed
16 outside and that's what I need to add and send to you, right
17 away.

18 BZA CHAIR HILL: Yes and, Ms. Vitale, is that
19 going to work for you?

20 MS. VITALE: I would just encourage the Applicant
21 to look at -- at the bike parking regulations and ensure that
22 any short-term spaces meet the requirements of -- of Section
23 804, Subtitle C.

24 MR. SECK: Okay.

25 BZA CHAIR HILL: Okay. I'm going to -- all right.

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1 So, Mr. Seck, I'm going to -- I --

2 MR. SECK: Yes?

3 BZA CHAIR HILL: -- so -- so we're going to --
4 (Off the record comments.)

5 BZA CHAIR HILL: -- I want, I guess, Ms. Vitale,
6 so DDOT would take a look at this again?

7 MS. VITALE: I -- I only say that, because DDOT,
8 in its memo to the Board, indicated that the Applicant should
9 provide this information, so I would -- I would defer to
10 DDOT, since -- since they raised this as an issue in -- in
11 the memo provided to the Board, I would want them to have an
12 opportunity to -- to review any -- any revisions.

13 BZA CHAIR HILL: Ms. Nagelhout, or Ms. Bajaj, or
14 Ms. Vitale, like, do you know the short-term barking --
15 short-term biking regulations, as to where this would be, as
16 to whether or not I need to kick this down a couple of weeks,
17 or kick it back to DDOT, or is it something that can be kind
18 of addressed, oh, by the end of the day?

19 MS. VITALE: Well, I -- I would note, the
20 Applicant is not requesting relief from the bike park --
21 parking regulations. If the -- the bike parking does not
22 meet the regulations, at the time the Applicant applies for
23 building permit, you know, DCRA would -- would -- the
24 Zoning's text would review this against the requirements and
25 if they don't meet the required bike parking, they would have

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1 to come back to the Board to request additional relief from
2 the bike parking regulations. So -- so the other route to
3 go is to -- to note that this is self-certified, and then the
4 Applicant, it would -- the burden would be on the Applicant
5 to provide compliant bike parking on the plans for building
6 permit.

7 BZA CHAIR HILL: Okay, because I want to be at
8 least consistent with the -- with -- with the way the Board
9 has handled things. Mr. Seck, I want to see the short-term
10 bike parking on your plans, okay?

11 MR. SECK: Yes.

12 BZA CHAIR HILL: So let's go ahead and if -- and
13 -- it's up to my Board -- if my Board Members are okay with
14 this, I'm going to leave the record open and come back to
15 this case, at the end of the day, and take a look at where
16 the short-term bike parking is, and see if the Board is
17 comfortable with that, does the Board have any issues with
18 what I'm trying to do, and if so raise your hand?

19 (No audible response.)

20 BZA CHAIR HILL: Okay. All right, Mr. Seck, so
21 go ahead and find -- go -- if you need to call OP and they
22 can help you, I don't know, but go ahead and like --

23 MR. SECK: Okay.

24 BZA CHAIR HILL: -- you know, put the short-term
25 bike parking on there --

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1 MR. SECK: Okay.

2 BZA CHAIR HILL: -- okay?

3 (Simultaneous speaking.)

4 MR. SECK: Yes.

5 BZA CHAIR HILL: And then -- and then we'll bring
6 you back, at the end of the day --

7 MR. SECK: Yes.

8 BZA CHAIR HILL: -- okay? And then we'll --

9 MR. SECK: Okay.

10 BZA CHAIR HILL: -- we'll take a look at where
11 your short-term bike parking is. Vice Chair John?

12 (Simultaneous speaking.)

13 MEMBER JOHN: Just -- just for clarification, did
14 you also -- also say, Mr. Chairman, there would be two
15 long-term bike parking spaces, one in the front of the
16 building, one in the rear?

17 (Simultaneous speaking.)

18 BZA CHAIR HILL: I'm sorry --

19 MEMBER JOHN: Did that --

20 BZA CHAIR HILL: -- maybe -- I'm sorry, and that's
21 where, maybe, I'm not understanding than the Office of
22 Planning, insofar as, there is -- I do see the bike storage,
23 the -- the long-term bike storage, and that seems to be, kind
24 of, in the front of the building, rather than the back of the
25 building?

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1 (Simultaneous speaking.)

2 MS. VITALE: I -- there are two bike storage
3 rooms, I -- I -- I do see. There is one in the front half
4 and one in the back half, actually, it -- the -- the floor
5 plan is, you know, reversed essentially, so those -- the two
6 bike rooms are there.

7 The -- the plan are slightly difficult to read,
8 but they are -- they are both there, one in --

9 BZA CHAIR HILL: Okay.

10 MS. VITALE: -- the front half and one in the back
11 half, they're -- they're both located in the cellar.

12 (Simultaneous speaking.)

13 BZA CHAIR HILL: Okay. And so you are -- and even
14 though, if Commissioner May were here, he'd complain about
15 the stairs, so you're okay with where the long-term bike
16 parking is, Ms. Vitale?

17 MS. VITALE: Yes.

18 BZA CHAIR HILL: Okay. All right. So then, it's
19 just the short-term we're looking for, Vice Chair John.

20 MEMBER JOHN: Okay. Thank you.

21 BZA CHAIR HILL: Okay. Mr. Seck --

22 MR. SECK: And, Chairman --

23 BZA CHAIR HILL: Yes.

24 MR. SECK: -- if I may say -- it's just one
25 short-term bike, the parking that we're required to provide,

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1 if I'm not mistaken?

2 MEMBER JOHN: That's correct, Chair.

3 BZA CHAIR HILL: Okay. Okay.

4 MR. SECK: Yes. So would -- the question is, and
5 once I get it put in on the site plan, who do you want me to
6 Email it to, so it can get to you?

7 BZA CHAIR HILL: Mr. Moy, can you tell Mr. Seck
8 who he needs to send that to?

9 MR. MOY: Just upload it into the case record, if
10 that's --

11 MR. SECK: Okay.

12 MR. MOY: -- going to be too -- too difficult,
13 then send it to BZAsubmissions@dc.gov.

14 (Simultaneous speaking.)

15 MR. SECK: Okay. Perfect.

16 BZA CHAIR HILL: Okay. And, Mr. Seck, you --

17 MR. SECK: Yes?

18 BZA CHAIR HILL: -- had -- right. You are going
19 to submit the -- well, I don't know whether it's in there,
20 now I guess we have enough time. There was a -- a letter
21 from the SMD, --

22 MR. SECK: Yes.

23 BZA CHAIR HILL: -- right? And then there was
24 also the -- oh yes, I saw the letter. Yes. There's a letter
25 there -- my fellow Board Members, there's a letter there from

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1 the SMD, it's not the full ANC, did you present to the full
2 ANC, Mr. Seck?

3 (Simultaneous speaking.)

4 MR. SECK: Yes.

5 BZA CHAIR HILL: And so what happened?

6 MR. SECK: They were in support with -- to -- with
7 the Commissioner of the SMD, and it's the Chairman, Kevin
8 Coleman, was supposed to send the letter, the official
9 letter, but didn't get it.

10 So this morning the SMD, Commissioner took upon
11 himself and send this letter, but we -- we have the letter
12 -- the -- the support of the full Commission, last time.

13 BZA CHAIR HILL: Okay. And so right, Commissioner
14 Trantham, I know him now. I've gotten to know him better
15 now. So he again was park -- speaking about the parking,
16 he's in -- I see the letter in there from him.

17 (Simultaneous speaking.)

18 MR. SECK: Yes.

19 BZA CHAIR HILL: So -- and your testimony, again,
20 is the ANC was in favor?

21 MR. SECK: Yes. And Commissioner Trantham also
22 offered to be online, if you want me to add him on the call
23 and he can speak that's --

24 BZA CHAIR HILL: I think we're --

25 MR. SECK: -- what he said --

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1 BZA CHAIR HILL: -- okay. He -- I -- I appreciate
2 the Commissioner's time and I got him, right here, with the
3 letter.

4 (Simultaneous speaking.)

5 MR. SECK: Yes.

6 BZA CHAIR HILL: Okay. So -- all right, Mr. Seck,
7 go ahead, we'll leave the record open. We'll come back --

8 MR. SECK: Okay.

9 BZA CHAIR HILL: -- with you, at the end of the
10 day, okay?

11 (Simultaneous speaking.)

12 MR. SECK: Okay.

13 BZA CHAIR HILL: And, Mr. Seck, I know --

14 MR. SECK: Yes?

15 BZA CHAIR HILL: -- you guys try, but like,
16 really, like, when the Office of Planning is asking for
17 things, like, just if you can just get everything as tidy,
18 as possible, otherwise, it's going to get kicked down the
19 road.

20 (Simultaneous speaking.)

21 MR. SECK: You're right. You're right.

22 BZA CHAIR HILL: Okay? All right, thanks.

23 MR. SECK: Yes, you're right. I mean, this was
24 an oversight I found this morning, before we joined the
25 meeting, and I do apologize. I'll make sure things are

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1 tight.

2 And even this support from the Commission, it was
3 a lot of struggle. Commissioner Trantham did everything he
4 could to take me in the neighborhood to get this parking.
5 That's why the letter came late, also.

6 BZA CHAIR HILL: Okay. Okay. Great. All right.
7 We're going to come back at the end. Ms. --

8 MR. SECK: Yes.

9 BZA CHAIR HILL: -- oh -- Ms. Vitale, do we -- do
10 you have cases with us still, at the end of the day?

11 (Simultaneous speaking.)

12 MS. VITALE: This is my only case today.

13 BZA CHAIR HILL: Okay. Okay. I -- are you going
14 to be around? Is that okay, or what do you want to --

15 MS. VITALE: I can be available.

16 (Simultaneous speaking.)

17 BZA CHAIR HILL: Okay. All right, because it --
18 we could try to get you back sooner, I guess, but then, it's
19 easier to put them at the end of the day. Okay. Mr. Moy,
20 we're putting him at the end of day.

21 We're going to close the hearing, have a continued
22 hearing, at the end of the day, if anybody's listening and
23 wants to watch. I forget, Mr. Young, is there anyone in here
24 wishing to speak, can I ask that?

25 MR. YOUNG: No we do not.

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1 BZA CHAIR HILL: Okay. All right. Mr. Moy, we'll
2 come back at the end of the day. All right, I'm going to go
3 ahead and excuse everybody and thank you.

4 MR. SECK: Thank you.

5 BZA CHAIR HILL: And, Mr. Moy, I guess, if Mr.
6 Seck can just send you an Email, when that thing gets
7 uploaded, or somehow let me know that it's uploaded.

8 MR. MOY: Yes, I was going to suggest that, if he
9 can contact staff and he knows who they are, then I can let
10 you and the Board know when he's prepared -- when he's ready
11 to be heard.

12 BZA CHAIR HILL: Okay. Mr. Seck, I'm sure you're
13 still listening, so go ahead and contact people that you've
14 sent -- that you've put the -- uploaded the item into record,
15 so that we can take a look at it. All right. Okay, it is
16 1:08 p.m., how much time do you all want to do for lunch?

17 (No audible response.)

18 BZA CHAIR HILL: Does 1:30 p.m. sound too -- too
19 sever?

20 (No audible response.)

21 BZA CHAIR HILL: Okay, 1:40 p.m.?

22 MEMBER JOHN: Yes.

23 BZA CHAIR HILL: Okay, let's do 1:40 p.m. Okay,
24 see everybody back, at 1:40 p.m. Thank you.

25 (Whereupon, the foregoing matter went off the

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1 record at 1:09 p.m. and resumed at 1:56 p.m.)

2 BZA CHAIR HILL: Okay, great. All right, Mr. Moy,
3 can you hear me?

4 MR. MOY: Yes, sir, I'm here.

5 BZA CHAIR HILL: Okay, great. All right, so just
6 so you all know, we -- we've lost Mr. Smith for a little bit.
7 He had a -- a meeting, and we've lost Mr. Blake for the rest
8 of the day.

9 So it's just -- I -- I'm in a -- a -- I'm in awe
10 of the intelligent people that I get to now be with for the
11 rest of the day, or at least, in the next couple of cases,
12 and so --

13 ZC CHAIR HOOD: Anybody need me?

14 (Simultaneous speaking.)

15 BZA CHAIR HILL: Oh yes, we need you, Chairman
16 Hood.

17 (Laughter.)

18 BZA CHAIR HILL: We need you.

19 (Laughter.)

20 BZA CHAIR HILL: All right. So, Mr. Moy, you can
21 call our next case, when you get a chance.

22 MR. MOY: All right. The Board has returned to
23 its Public Hearing session, and the time -- after -- after
24 a -- a brief -- a lunch recess, and the time is at, or about,
25 1:57 p.m.

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1 So I believe, the next case before the Board is
2 Application No. 20699, of 3801 Macomb Street, LLC. This is
3 a self-certified application, pursuant to Subtitle X, Section
4 1002, for a use variance from Subtitle C, Section 201, to --
5 to allow the expansion of a non-conforming use. The
6 property's located in R-1B Zone, at 30 -- at 3 -- at 3801
7 Macomb Street, NW (Square 1817, Lot 822).

8 BZA CHAIR HILL: Okay. Thanks. Mr. Sullivan, can
9 you hear me, and if so can you introduce yourself for the
10 record?

11 MR. SULLIVAN: (No audible response.)

12 BZA CHAIR HILL: Can you --

13 MR. SULLIVAN: Yes, I have -- Mr. Chair and
14 Members of the Board, Marty Sullivan, with Sullivan and
15 Barros, on behalf of the Applicant.

16 (Simultaneous speaking.)

17 BZA CHAIR HILL: Great. Thank you, Mr. Sullivan.
18 Mr. Sullivan, you have requested a postponement, could you
19 explain, why?

20 MR. SULLIVAN: Yes. We have significant
21 opposition, as you've -- as you've seen, and -- and we don't
22 have the support of the Office of Planning, but they -- I
23 think they did leave a door open to possibly revising the
24 application.

25 And, we're also considering significant,

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1 substantial changes to this, which might lead to the
2 withdrawal of it, but at this point, we're not sure about
3 that. So --

4 BZA CHAIR HILL: Okay --

5 MR. SULLIVAN: -- for that reason --

6 BZA CHAIR HILL: -- okay --

7 MR. SULLIVAN: -- we'd like to --

8 BZA CHAIR HILL: -- okay that's good enough --

9 MR. SULLIVAN: -- request that --

10 BZA CHAIR HILL: -- for me.

11 (Simultaneous speaking.)

12 MR. SULLIVAN: Okay.

13 BZA CHAIR HILL: All right. If it's going to
14 change that much, I don't even want to bother with -- with
15 -- bothering even the -- the community, or anybody who's here
16 to talk, because it might be completely different. So what
17 days might -- what are you looking at, Mr. Sullivan, or your
18 client?

19 MR. SULLIVAN: It can be September, there's no --

20 BZA CHAIR HILL: Okay.

21 MR. SULLIVAN: -- no -- actually, September would
22 be better for us.

23 BZA CHAIR HILL: -- September 28th, I think,
24 correct?

25 (Simultaneous speaking.)

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1 MR. SULLIVAN: Yes.

2 BZA CHAIR HILL: Okay. Let's put this on
3 September 28th, Mr. Moy, is that okay with you?

4 MR. MOY: Yes, sir, absolutely.

5 BZA CHAIR HILL: Okay.

6 MR. SULLIVAN: Thank you.

7 BZA CHAIR HILL: Okay. So 9/28. Okay. Let me
8 think. And so, Mr. Sullivan, you'll have to post this again,
9 right?

10 MR. SULLIVAN: Yes.

11 BZA CHAIR HILL: Okay.

12 MR. SULLIVAN: Well, I'm not --

13 BZA CHAIR HILL: I --

14 MR. SULLIVAN: -- I'm not sure, if we -- I'm sure
15 we do. We either need to keep it up, or re-post, yes.

16 (Simultaneous speaking.)

17 BZA CHAIR HILL: Right, so you'll put the date on
18 the new posting, or whatever --

19 MR. SULLIVAN: Yes.

20 (Simultaneous speaking.)

21 BZA CHAIR HILL: I'm mentioning that, for
22 whoever's listening, like so you'll know, and then if it gets
23 withdrawn, you pull the -- the posting. Okay, so --

24 MR. SULLIVAN: Yes.

25 BZA CHAIR HILL: -- the community would -- the

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1 community would know if this had been withdrawn, or not.

2 Okay. All right. Okay. And we'll see you guys on 9/28.

3 (Simultaneous speaking.)

4 MR. SULLIVAN: Thank you.

5 BZA CHAIR HILL: Thank you. All right. All
6 right, Mr. Moy, you can call the next case.

7 (Pause.)

8 MR. MOY: This would be Case Application No.
9 20701, Jennisey, J-E-N-N-I-S-E-Y, Basart, B-A-S-A-R-T, and
10 Paul Beckman, this is a self-certified application for a
11 Special Exception, pursuant to Subtitle E, Section 5201,
12 Subtitle X, Section 901.2, from the Lot occupancy
13 requirements, Subtitle E, Section 304.1, this is for a roof
14 deck addition to an existing one story accessory structure
15 in the rear yard of an existing two-story attached principle
16 dwelling, this is in the RF-1 Zone, property at 912 G Street,
17 SE (Square 949, Lot 56).

18 BZA CHAIR HILL: Great. Thank you. Mr. Heisey,
19 if you could hear me, could you introduce yourself for the
20 record, please?

21 MR. HEISEY: If it pleases the Board, this is Joel
22 Heisey, I'm representing the owners of 912 G Street.
23 Unfortunately, the half-hour today that they are not
24 available is 2 o'clock to 2:30 p.m., and guess when this
25 hitting.

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1 I will keep this short. I haven't provided any
2 additional information and I think the record is fairly clear
3 and this is straightforward. When you're ready, I'll just
4 like to summarize the case, for the record.

5 BZA CHAIR HILL: Please go ahead, Mr. Heisey, and
6 walk us through and summarize.

7 MR. HEISEY: Sure. Like I said, it's -- pardon
8 me, absence of the owners, this is the one half-hour they
9 can't appear. This is an existing structure house with a
10 detached garage, against the alley.

11 The current lot coverage is 72 percent, so to do
12 any new -- any improvements requires a Special Exception.
13 So we're doing a -- proposing a roof deck on the garage and
14 that will be limited to 70 percent, which is, in practice,
15 means it will be two feet shorter than the existing garage.

16 HPRB has reviewed this and approved. Their
17 preference was for the appearance of a two-story structure,
18 keeping more into character of what the alley would be,
19 rather than a railing of a deck.

20 The adjoining owners also prefer the screening,
21 because it provides additional privacy from their second
22 floor bedrooms. The local ANC has voted to support this.
23 The -- both, neighbors have sent letters of support, which
24 are in the record.

25 OP is on the record for supporting this project

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1 and I was surprised that DDOT even responded and said they
2 have no objections to this. So I believe we meet the
3 criteria for the Special Exception, as stated in our recorded
4 document, and would request your approval for this
5 application. And I am told that Jennisey -- Ms. Basart is
6 actually attending the meeting, if you have any questions for
7 her.

8 BZA CHAIR HILL: Okay, Mr. Heisey, we'll see where
9 we get to. Does the Board have any questions for the
10 Applicant?

11 (No audible response.)

12 BZA CHAIR HILL: Okay. Mr. Heisey, the other
13 question I had, and I thought it was interesting, is that --
14 so those are kind of like slats that give the appearance that
15 it's a -- a building?

16 MR. HEISEY: Yes. We didn't want to use just the
17 typical, you know, cross-haired no screening lattice, and
18 there's' some other interior courtyards in the neighborhood
19 and the owners liked this look, so yes.

20 There -- I -- ideally, from a design point, I
21 would love to have starting at one with a
22 then-gradually-decreasing size, but of course, cost that's
23 not possible. So we're doing an alternating pattern of
24 probably three-inch, with some six-inch boards, and going up
25 to create some kind of a pattern.

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1 The colors that you might see on those drawings
2 are strictly representational, just to differentiate this --
3 the boards and the open spaces between them, and OP referred
4 this, rather than building an actual structure, this kind of
5 approximates it and we've left openings on the alley side
6 that -- where windows would be, if it were a structure.

7 BZA CHAIR HILL: Got it. Got it. Now, I -- and
8 -- and I appreciate that. Okay. I just thought it was
9 interesting. All right, I'm going to turn to the Office of
10 --

11 MR. HEISEY: Thank you.

12 BZA CHAIR HILL: -- Planning. Thank you, Mr.
13 Heisey, you did a good job.

14 (Simultaneous speaking.)

15 MS. FOTHERGILL: Good afternoon, Chairman Hill and
16 Members of the Board, I'm Anne Fothergill, for the Office of
17 Planning, for BZA Case 20701, and the Office of Planning
18 rests on the record in support of the application and I'm
19 happy to take any questions.

20 BZA CHAIR HILL: Okay, does the Board have any
21 questions for the Office of Planning?

22 (No audible response.)

23 BZA CHAIR HILL: Does the Applicant have any
24 questions for the Office of Planning?

25 MR. HEISEY: No, we've had discussions and we are

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1 in agreement on this.

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

4 MR. YOUNG: (No audible response.)

5 BZA CHAIR HILL: Okay. All right, Mr. Heisey, I'm
6 going to go ahead and let -- to excuse you. I'm going to
7 close the hearing and the record.

8 MR. HEISEY: Thank you, sir.

9 BZA CHAIR HILL: Thank you.

10 (Pause.)

11 BZA CHAIR HILL: There was a time when there was
12 only three of us. It was me, Carlton Hart, and then whoever
13 was the -- the Zoning Commissioner, and that went for a
14 little while, so I'm used to three.

15 Let's see. So I actually didn't have a lot of
16 questions about it. I thought the design was actually kind
17 of interesting. I do think that they're meeting the standard
18 for us to grant the relief requested.

19 I would also agree with the analysis that the
20 Office of Planning has provided, as well as that of the ANC
21 and DDOT, and I'm going to be voting in support. Chairman
22 Hood, do you have anything you'd like to add?

23 ZC CHAIR HOOD: Thank you, Mr. Chairman. I think
24 this application has a lot of support for it and, especially,
25 the creativity of what's being done, as well as the adjacent

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1 neighbor's also support.

2 And -- and it also has some case precedents that's
3 happened previously, which the Office of Planning has pointed
4 out in their application, so I will be voting to support this
5 application. Thank you.

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

7 MEMBER JOHN: Thank you, Mr. Chairman. I'm also
8 in support. I -- I think it's a novel design and a novel
9 solution. So -- and it meets the requirements for relief and
10 I agree with everything that's been said.

11 BZA CHAIR HILL: Thank you. All right, then I
12 make a motion to approve Application No. 20701, as captioned
13 and read by the Secretary, and ask for a second, Mr. John?

14 MEMBER JOHN: Second.

15 BZA CHAIR HILL: The motion being made and
16 seconded, Mr. Moy, if you could take a roll call?

17 MR. MOY: When I call your name, if you would
18 please respond with a yes, no, or abstain, to the motion made
19 by Chairman Hill to approve the application for the relief
20 requested. The motion to approve was seconded, by Vice Chair
21 John. Zoning Commission Chair Anthony Hood?

22 ZC CHAIR HOOD: Yes.

23 MR. MOY: Vice Chair John?

24 MEMBER JOHN: Yes.

25 MR. MOY: Chairman Hill?

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1 BZA CHAIR HILL: Yes.

2 MR. MOY: Staff will record the vote, as three to
3 zero to two, and this is on the motion made by Chairman Hill,
4 to approve the motion to approve was seconded by Vice Chair
5 John, also in support of the motion to approve, Zoning
6 Commission Chair Anthony Hood, Vice Chair John, Chairman
7 Hill, we have two Members not present, not participating, the
8 motion carries on the vote of three to zero to two.

9 BZA CHAIR HILL: Thank you, Mr. Moy. You can call
10 our next case, Mr. Moy.

11 MR. MOY: This would be Application No. 20702, of
12 -- of 1328 Bryant Street, Northeast, or NE, LLC. This is a
13 self-certified application for Special Exception, pursuant
14 to Subtitle U, Section 421, and Subtitle X, Section 901.2,
15 which would allow a new residential development, a six-unit
16 apartment house. The property is in the RA-1 Zone, at 1328
17 Bryant Street North -- Bryant Street, NE (Square 3953, Lot
18 17).

19 BZA CHAIR HILL: Thank you. Ms. Wilson, if you
20 can hear me, could you introduce yourself for the record?

21 MS. WILSON: I'm from Sullivan and Barros, on
22 behalf of the Applicant in this case.

23 BZA CHAIR HILL: Okay. Ms. Wilson, if you want
24 to, go ahead and walk us through your application. I might
25 skip over some of the things, but we'll see how it goes, in

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1 terms of the PowerPoint that you've given. If you could,
2 again, explain why you believe we're -- you're meeting the
3 standard, or your client is, for us to grant the relief
4 requested, and you can begin whenever you'd like.

5 MS. WILSON: Great. Thank you. And we'll keep
6 the presentation brief. We don't plan on going into the plan
7 details, we just have them there, in case you have questions.
8 Next slide, please, Mr. Young.

9 BZA CHAIR HILL: By the way, Ms. Wilson.

10 MS. WILSON: Yes?

11 BZA CHAIR HILL: I know you and Mr. Borro -- I'm
12 sorry, Mr. Sullivan do a lot of stuff with us, it is nice to
13 have more than less. Meaning, I don't want you guys to now
14 present less information than you normally have.

15 I just kind of want to point that out, because
16 like, the Board does like to see the plans, the Board does
17 like to see everything, so just wanted to mention that, it
18 is a nice amount of information that you all are providing
19 and we can just kind of work with it, on an individual
20 case-by-case basis moving forward. Thank you.

21 MS. WILSON: Great. That's really helpful and
22 that makes sense. And in this case, we aren't expanding the
23 building footprint in any way, but we do have the plan
24 available, so this is in the RA-1 Zone. We are asking for
25 a leave, pursuant to U-421.

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1 We are adding two units in the cellar of an
2 existing four-unit building, for a total of six units. So
3 it's an existing four-unit apartment building. As I
4 mentioned, the exterior envelope is not being altered, the
5 grade is not being changed.

6 The Office of Planning is recommending approval
7 and the ANC is supporting the application. They were very
8 accommodating and held a special SMD meeting and a special
9 full ANC meeting, with a quorum, in order to make a vote for
10 this application before. So we were very grateful to the ANC
11 and just wanted to say, thank you, on the record. And DDOT
12 has no objection to the application.

13 Next slide, please. This is just shining the
14 surrounding area. There are larger apartment buildings, at
15 the rear, and this is a row of apartment buildings on this
16 block and, again, we are not altering the existing building,
17 so it will continue to look like the other apartment
18 buildings on this --

19 BZA CHAIR HILL: Was this all built by the same
20 developer?

21 (Simultaneous speaking.)

22 MS. WILSON: I'm not sure.

23 BZA CHAIR HILL: And -- okay.

24 MS. WILSON: Next slide, please. The application
25 meets the general Special Exception criteria, as the area's

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1 made up of multi-family and institutional uses and the
2 Applicant is only adding two units to an existing four-unit
3 apartment building and is not altering the footprint of the
4 building.

5 Next slide, please. The -- next slide, please.
6 Thank you. The application also meets the specific
7 requirements, as the in boundary schools have capacity, there
8 are adequate streets, recreation, and services to accommodate
9 the residents that are expected from only two additional
10 units.

11 The Office of Planning is recommending approval
12 and the Applicant has submitted all of her required
13 materials. Next slide, please. And, again, we do have the
14 plans on the next slide, for reference, if there are any
15 specific questions, and the architect is present. But, it's
16 primarily the floor plans and the site plan.

17 BZA CHAIR HILL: Okay. Mr. Young, do you want to
18 drop that? I got the -- the slide deck up and I'm sure my
19 fellow Board Members do. Does the Board have any questions
20 of the Applicant, at this point?

21 ZC CHAIR HOOD: No questions, but I'm going to
22 take a privilege, like you did, earlier, when you mentioned
23 your ANC, and I heard Ms. Wilson talk about how my ANC, this
24 is my ANC, how they had a special meeting to accommodate this
25 Applicant, so I'm proud of my ANC, Chairperson Manning and

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1 the AN, -- and its four Commissioners, so I wanted to do
2 that, as well. So thank you, Mr. Chairman.

3 BZA CHAIR HILL: Good for you, Chairman Hood. All
4 right. Ms. Meyers, if you can hear me, if you can introduce
5 yourself for the record, please?

6 MS. MYERS: For the record, Crystal Meyers, with
7 the Office of Planning. I'll keep this brief. We are
8 recommending approval and can stand on the record of the
9 staff report, but of course, we're here for questions.

10 BZA CHAIR HILL: Thank you. Does the Board have
11 any questions for the Office of Planning?

12 (No audible response.)

13 BZA CHAIR HILL: Does the Applicant have any
14 questions for the Office of Planning?

15 (No audible response.)

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

18 MR. YOUNG: We do not.

19 BZA CHAIR HILL: Okay. All right. Ms. Wilson,
20 do you have anything to add, at the end?

21 MS. WILSON: No, but thank you, all.

22 BZA CHAIR HILL: Okay. Going to go ahead and
23 close the hearing and the record.

24 (Pause.)

25 BZA CHAIR HILL: I -- I actually thought this was

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1 actually really straightforward. I mean, they're not
2 changing the -- the envelope of the building, at all. And
3 so it's all interior.

4 I do think that they're meeting the criteria for
5 us to grant the relief requested. I would also agree with
6 the analysis that the Office of Planning had provided, as
7 well as, again, the support of Chairman Hood's ANC, and I
8 will be voting in favor. Chairman Hood, do you have anything
9 you'd like to add?

10 ZC CHAIR HOOD: The analysis, Mr. Chairman, and
11 also, I think the merits of the record require and authorize
12 us to go ahead and approve this case, I'll be voting to
13 support it. Thank you.

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

15 MEMBER JOHN: Thank you. I'm in support. I would
16 also add that, the Applicant is not increasing any existing
17 non-conformities, and so I am also in support.

18 BZA CHAIR HILL: Okay. Great. Thank you. And
19 I am going to make a motion to approve Application No. 20702,
20 as captioned and read by the Secretary, and ask for a second,
21 Ms. John?

22 MEMBER JOHN: Second.

23 BZA CHAIR HILL: The motion being made and
24 seconded, Mr. Moy, you can take a roll call.

25 MR. MOY: When I call your name, if you would

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1 please respond with a yes, no, or abstain, to the motion made
2 by Chairman Hill to approve the application for -- for the
3 relief requested, the motion to approve was seconded by Vice
4 Chair John. Zoning Commission Chair Anthony Hood?

5 ZC CHAIR HOOD: Yes.

6 MR. MOY: Vice Chair John?

7 MEMBER JOHN: Yes.

8 MR. MOY: Chairman Hill?

9 BZA CHAIR HILL: Yes.

10 MR. MOY: The staff would record the vote, as five
11 -- or, rather, three to zero to two, and this is on the
12 motion made by Chairman Hill to approve the motion to approve
13 was seconded by Vice Chair John, also in support of the
14 motion to approve, Zoning Commission Chair Anthony Hood, of
15 course, Vice Chair John and Chairman Hill. We have two Board
16 Members not present, not voting, and the motion carries on
17 the vote of three to zero to two.

18 BZA CHAIR HILL: Okay. Great. Thanks, Mr. Moy.
19 Mr. Moy, do you happen to know if you guys got in touch with
20 that other case that's coming back and whether or not they
21 submitted?

22 MR. MOY: Yes, I just asked the -- I just checked
23 with the staff and -- and told that he's going to be
24 submitting his revised filing in a few minutes. So --

25 BZA CHAIR HILL: All right.

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1 MR. MOY: -- he should be ready after we go
2 through the next case.

3 (Simultaneous speaking.)

4 BZA CHAIR HILL: Okay. Because, this is the only
5 one -- there's only one more left. All right. You can go
6 ahead and call the next one, Mr. Moy.

7 (Pause.)

8 MR. MOY: Case Application 20705, of Atlas
9 Doghouse. This is a self-certified application, pursuant to
10 Subtitle X, Section 901.2, this is for a Special Exception
11 under Subtitle U, Section 593.1(b).

12 This will permit an animal boarding use, not
13 meeting the matter of right requirements of Subtitle U,
14 Section 512.1(b). The property is in the MU-4 Zone, at 1350
15 E Street, SE (Square 1042, Lot 7006). Yes. So I -- and I
16 believe -- let me think. I believe -- ah. The Applicant has
17 seen further waiver the filing of less than 21 day's
18 requirement before the hearing, so -- so that's before the
19 Board.

20 BZA CHAIR HILL: Okay. What is it that -- Mr.
21 Cohen, can you hear me and if so, can you introduce yourself
22 for the record?

23 MR. COHEN: I can hear you and good afternoon to
24 the Board. Christopher Cohen, with Holland and Knight, on
25 behalf of the Applicant.

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1 BZA CHAIR HILL: Got it. What was it that you
2 submitted to the record late?

3 MR. COHEN: Sure. So we submitted our prehearings
4 -- our original prehearing submission, or prehearing
5 submission 21-day, or no later than 21 days before the
6 hearing.

7 The Office of Planning had a couple of outstanding
8 requests for information, to which we responded in that
9 supplemental filing, and I believe that is at Exhibit 30.
10 So it was very pointed. It was a very pointed and specific
11 response to OP.

12 BZA CHAIR HILL: Okay. All right. I'm fine with
13 allowing that into the record, unless my Board Members have
14 any issues, and if so, please raise your hand?

15 (No audible response.)

16 BZA CHAIR HILL: Seeing none, we'll go ahead and
17 put that into record. I see your presentation. If you can
18 go ahead and pull that up, Mr. Young. And, Mr. Cohen, you
19 can go ahead and walk us through, why you believe your
20 Applicant is meeting the criteria for us to grant the relief
21 requested, and you can begin whenever you like.

22 MR. COHEN: Sure. Thank you so much and thank
23 you, Paul, for pulling up the presentation. Again, my name
24 is Christopher Cohen, with Holland & Knight, on behalf of the
25 Applicant.

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1 With me today is Mr. Danny Kampf, also
2 representing the Applicant, and then my colleague, Ms. Leila
3 Batties, is also on the line, to answer any questions. We're
4 here today before the Board, respectfully seeking Special
5 Exception approval for an animal boarding use, at 1350 E
6 Street, SE.

7 If we can go to the next slide, we'll talk a
8 little bit more about the property. Thank you. So the
9 specific tenant location is there in the southwest corner,
10 and that's at the intersection of E Street and Kerry's Way.

11 This development is mixed-use development that has
12 approximately 325 units, clearly anchored by a -- by a
13 Safeway, zoned in the MU-4, as you can see there, on the
14 right.

15 If we can, go to the next slide, please. So
16 again, seeking Special Exception approval, pursuant to
17 Subtitle U, Section 5013.1(b), and of course, X, 901.2.
18 Pleased to share that we do have the support from the Office
19 of Planning.

20 They did have two conditions, or -- which were not
21 conditions to go into the order, per say, but they were
22 conditions seeking additional information. Let me just
23 elaborate on those for a second for -- for the record and for
24 the Board.

25 The first was, they asked the Applicant to

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1 designate the specific area devoted to waste storage and that
2 was included with our supplemental filing. The other, it was
3 -- it was fairly interesting, we had some back and forth
4 about the solid core door requirement.

5 I believe, it's in Subparagraph (b), subtitle U,
6 513.1, and that is essentially, because in this case, the
7 property fronts across from E Street, the Lockwood Apartment
8 building.

9 And one of the criteria is that the door is
10 composed of solid core. We -- we believe that that's due to
11 noise mitigation and our filing provides a bunch of
12 information in detail about the construction of the door.

13 And I will note that, along with the door, the
14 facade windows where the vacant tenant space is are also
15 designed to be a -- a soundproofing type, and I'm sure, or
16 I'm hopeful that the Office of Planning will also elaborate
17 on that discussion, when they're called upon.

18 Pleased to share DDOT had no objections and they
19 did flag the fact that there is a pickup/drop-off zone
20 directly in front, conveniently, for the -- for the use.
21 Although, I will note that, we do expect that most of the
22 activity to be generated will come from pedestrians walking
23 their dogs to and from the establishment.

24 And then, lastly, we had a very -- we had a -- we
25 had a smooth process with the ANC. Of course, we had the

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1 opportunity to present before the Committee, on April the
2 5th, and then the Committee recommended support to the full
3 ANC, at the meeting the next week.

4 Can we go to the next slide, please? So at this
5 point, I'm actually going to turn it over to Mr. Kampf. He's
6 going to talk a little bit more about the -- the operations
7 and the efforts that are being taken to mitigate adverse
8 impacts, not just for sound, but for mitigating adverse
9 owners and -- and that sort of thing. So, Mr. Kampf, you can
10 take it away, if you'd like.

11 BZA CHAIR HILL: Yes you can. Could you also
12 introduce yourself, for the record, please?

13 MR. KAMPF: Yes, sir. My name is Daniel Kampf,
14 I'm the owner of Atlas Doghouse. And so we provide a
15 walking, daycare, boarding, and training services for dogs
16 in the area.

17 We currently have a location on 8th Street, NE,
18 so about 20 minutes from this current spot. And so we
19 understand that a lot of the concerns, regarding the
20 community, are about smell, sound, and things like waste
21 removal.

22 So the steps we take is we use veterinary-grade
23 cleaning products that are specially-designed to break down
24 the enzymes in canine urine and fecal matter. We make sure
25 that we have a privately-contracted trash service that comes

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1 three times a week and removes waste constantly.

2 And, as far as the sound, we are soundproofing the
3 location. And, in addition to this -- so I'm a behaviorist,
4 by trade, and what separates Atlas from the other dog
5 daycares is that we take a behavioral approach.

6 So in other words, we actively correct dogs for
7 things like excessive barking. One of the things that makes
8 us so unique is you'll come right into our 8th Street
9 location and you really won't hear anything.

10 Our 8th Street location abuts to commercial
11 properties and a residential property. Never had a
12 complaint. You can never hear us on either side of these
13 facilities and that's because we are actively engaged with
14 the dogs, sort of, a Montessori approach, where we're --
15 we're constantly taking their attention, directing it in
16 certain ways, and we remove dogs that are sort of toxic for
17 the energy. So for -- an example of this would be constant
18 barking.

19 And, as far as the -- also, the -- the -- the
20 waste disposal goes, so we have walkers, as well, we
21 understand it's a -- it's a concern that people -- that our
22 walkers do not throw away their waste in private waste
23 disposal.

24 That's a fireable offense for us and we're a
25 reputation-based business, so we take that very seriously.

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1 Waste is always disposed, either, in a city trash or in our
2 own trash that we, again, privately service.

3 So again we're -- we're a behaviorally-focused
4 daycare and boarding facility and our proposed location here,
5 we'll -- we'll continue what we've been doing, but actually
6 improve upon it. So our current location actually doesn't
7 have that much in the way of soundproofing that's what's
8 going to make this unique.

9 So we're actually going to soundproof the entire
10 location and I think that speaks to the good job we do
11 behaviorally that we've had no issues with any of our
12 neighbors, either, residential or -- or commercial.

13 And, again, so we'll be offering a walking service
14 from here. We'll be offering -- actually, truthfully, our
15 walking service already does exist in this area, it's -- it's
16 throughout all of D.C.

17 But, we will offer this -- this daycare and -- and
18 boarding facility and we think that we can adequately address
19 any of the negative externalities that -- that might come
20 about throughout us.

21 Again, we're a reputation-based business and we
22 consider being good neighbors to be very important to us and
23 we think we'll be an asset to the community, as a whole.
24 There's an estimated 80 dogs in this building, itself, and
25 about 100 within a four-block radius of here, so we think

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1 we'll provide something that will be truly beneficial to the
2 community, itself.

3 MR. COHEN: Thanks, Mr. Kampf. I'm just going to
4 roll through the next couple of slides and -- and, honestly,
5 Mr. Kampf spoke to a lot of the contents on them. This is
6 here just demonstrating where the -- where the proposed use
7 is going and how we're trying to create some sort of
8 experience for -- for the pet owners, as they come, not --
9 not uncommon to a retail facade.

10 Next slide, please. This is the floorplan and I
11 just wanted to point out the trash room. It's actually
12 fairly small, here. But, there's a -- there's a little --
13 next to the dog wash station, towards the back, that's what
14 OP was asking for and that's there.

15 You can see, here, organized with four -- or five
16 pins -- excuse me. We're not going to go through much more
17 detail here, we'll go to the next slide, please. And this
18 is a lot to what Mr. Kampf spoke to just now, about
19 mitigating adverse impacts.

20 He -- again, the operations and the behavioral --
21 the -- the philosophy of behavioral therapy is -- is one
22 aspect to this, but I want to emphasize the point that the
23 space is designed, itself, to mitigate these adverse impacts.

24 Another thing of note is, the abutting residents,
25 above, are protected by a concrete slab. That -- that's of

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1 note, for the Board, and the other thing, again, is the
2 extensive waste management protocols that Atlas Doghouse
3 already implements, at his current location, and it's going
4 to carry over to this one.

5 Next slide, please. So again, here, for the
6 Board's consideration, or -- this is the general criteria,
7 under X-901.2, and again, the burden of proof, the Applicant
8 demonstrates its burden, so the Board must ordinarily grant
9 the application coming from a First Baptist Church case.

10 The next slide, please. And I'm not going to go
11 through all these in -- in full detail, just, again, this is
12 all the criteria, all the conditions that need to be
13 satisfied to -- to permit the animal boarding use.

14 Some things I wanted to note, here, Condition No.
15 2, about mitigating adverse sound, the concrete slab, the
16 Applicant is -- is going to install acoustic tiles, as
17 needed.

18 And, again, the behavioral therapy -- therapy
19 techniques, I believe, Mr. Kampf mentioned about barking
20 being considered toxic for the environment, so all these
21 measures being taken in conjunction will -- will prevents
22 these sounds from causing adverse impacts, and you can see
23 -- you can see here, from the right, on the column, on the
24 compliance with the criteria.

25 Next slide, please. Here are Conditions 5 through

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1 9. The waste management notes here. As far as owners, I'd
2 like to point out that each pin does have these dedicated
3 drains and they're going to be cleaned consistently.

4 And that is pretty much it. And then the -- the
5 contracted trash service that's going to come, at least, two
6 to four times a week, as Mr. Kampf mentioned. I'm going to
7 leave it here.

8 That -- and hopefully all of this information here
9 presented on these last two slides presents the application's
10 compliance with the specific criteria of the Special
11 Exception and I'll open it up for questions. Thank you so
12 much.

13 BZA CHAIR HILL: Okay, great. Does the Board have
14 any questions for the applicant?

15 (No response.)

16 BZA CHAIR HILL: All right, we're going to turn
17 to the Office of Planning.

18 Hello, Mr. Mordfin. Yes, we can kind of see you.

19 (No audible response.)

20 MR. MORDFIN: I know. I don't know why, because
21 I'm looking at the --

22 BZA CHAIR HILL: That's okay.

23 MR. MORDFIN: I'm looking at the screen. Okay,
24 well, it's coming out of this one.

25 Okay, the Office of Planning is in support of this

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1 application. So, there were two issues that we had. One had
2 to do with whether or not the doors were solid core, because
3 it has glass doors in the front.

4 And I did, as the Zoning Administrator that
5 question, who referred it to the building code staff, and
6 reported back to me that glass doors do constitute solid core
7 doors.

8 So, per the Zoning Commissioner, Zoning
9 Administrator's Office rather, this would then be in
10 conformance.

11 The second one we did ask for the location of
12 where the waste would be kept, just because it needs to be
13 kept in separate containers, so therefore, it needs to have
14 a place to be stored.

15 The applicant did provide that information and as
16 a result of that, we have no other issues with this
17 application, and we support it.

18 And I'm available for questions.

19 BZA CHAIR HILL: Okay. Does the Board have any
20 questions for the Office of Planning?

21 (No response.)

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

24 ZC CHAIR HOOD: I do have a question, Mr.
25 Chairman.

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1 BZA CHAIR HILL: Go ahead.

2 ZC CHAIR HOOD: And this does not pertain to this
3 case, but maybe Mr. Kampf can be able to help me.

4 There is a -- I don't think they call it a dog,
5 doggie park, but there's a big dog spectacular I'm going to
6 call it, in Montgomery County. Even to the point when I went
7 out there, I thought it was something for me to go to. But
8 it had a store for the dogs, they had -- I mean, it was
9 dynamite.

10 And I don't see that in the city. I know we don't
11 necessarily have the space, but are you familiar with that
12 facility out in Montgomery County? It's off of Old
13 Georgetown Road?

14 MR. KAMPF: Although I'm quite curious, do you
15 happen to know the name of it?

16 ZC CHAIR HOOD: I don't know, but it's like a town
17 center. You got to see this. Go out there and see it.

18 MR. KAMPF: Okay.

19 ZC CHAIR HOOD: Because when I found out it was
20 for dogs, I told my wife I said, I would love to go in there,
21 but when I looked and I saw everybody taking their dogs. But
22 it was spectacular. We don't have anything going on in this
23 city until we go there and look at that one.

24 So, I'll just leave it at that. Thank you.

25 Thank you, Mr. Chairman, and I implore you to go

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1 look at that.

2 MR. KAMPF: I certainly will.

3 BZA CHAIR HILL: For the record, and this won't
4 influence my decision.

5 (Laughter.)

6 MR. KAMPF: Very handsome.

7 (Laughter.)

8 BZA CHAIR HILL: And it's a shelter dog.

9 All right, okay, let's see. Did I ask Mr. Young,
10 did anybody have, no one's here to speak, right, Mr. Young?

11 (No audible response.)

12 BZA CHAIR HILL: Okay, all right.

13 Mr. Cohen, you have anything else you'd like to
14 add at the end?

15 MR. COHEN: No, nothing further. Thank you all
16 for your time. Very much appreciated.

17 BZA CHAIR HILL: Okay, great. Thank you.

18 All right, we're going to close the hearing and
19 the record. Mr. Young, if you'd please excuse everyone.

20 (Pause.)

21 BZA CHAIR HILL: Okay.

22 I didn't have any issues with the application.
23 I think that they are doing everything they can to mitigate
24 the sound, the smells, the noise, everything that is part of
25 the regulations.

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1 I mean, even the concrete floor that sometimes we
2 have had difficulty people adhering to, seems to be something
3 that they're able to do in this particular case.

4 I would also agree with the analysis that the
5 Office of Planning has put forward, as well as that of the
6 ANC; and, DDOT not having any objection.

7 And I am going to be voting in approval.

8 Chairman Hood, do you have anything you'd like to
9 add?

10 ZC CHAIR HOOD: Mr. Chairman, other than they
11 have, it looks like they have mitigated and addressed all the
12 adverse impacts, and all the concerns, and it looks like they
13 have overwhelming support.

14 Thank you.

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

16 MEMBER JOHN: I agree with all of the comments.
17 I thought the application was prepared very well, and I
18 believe they meet all of the criteria.

19 BZA CHAIR HILL: Okay, great. Thank you.

20 I'm going to make a motion to approve application
21 No. 20705, as captioned and read by the secretary, and ask
22 for a second. Ms. John?

23 MEMBER JOHN: Second.

24 BZA CHAIR HILL: Motion been made and seconded.

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

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1 MR. MOY: I call your name, if you would please
2 respond with a yes, no, or abstain, to the motion made by
3 Chairman Hill, to approve the application for the relief
4 requested.

5 This motion to approve was second by Vice Chair
6 John.

7 Zoning Commission Chair Anthony Hood?

8 ZC CHAIR HOOD: Yes.

9 MR. MOY: Vice Chair John?

10 MEMBER JOHN: Yes.

11 MR. MOY: Chairman Hill?

12 BZA CHAIR HILL: Yes.

13 MR. MOY: Staff would record the vote as 3:0:2.
14 And this is on the motion made by Chairman Hill to approve.
15 The motion to approve was second by Vice Chair John.

16 Also in support of the motion to approve is Zoning
17 Commission Chair Anthony Hood, and of course Vice Chair John,
18 and Chairman Hill.

19 We have two board members not present, not voting.
20 Motion carries on a vote of 3:0:2.

21 BZA CHAIR HILL: Okay, great, thank you Mr. Moy.

22 Mr. Moy, if you want to call back that case, and
23 if everybody wants to pull it up and see if they have a
24 chance to look into the record.

25 MR. MOY: Okay, so the Board is returning to Case

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1 Application No. 20698, of Rupsha 2011, LLC. And once again,
2 this is a self-certified application, pursuant to Subtitle
3 X, Section 901.2, for special exceptions under the, under
4 Subtitle U, Section 421, and pursuant to Subtitle C, Section
5 703.2.

6 RA-1 zone at 2917 Knox Place, Southeast, Square
7 5741, Lot 105.

8 BZA CHAIR HILL: All right, thank you.

9 Mr. Seck, can you hear us and if so, could you
10 introduce yourself for the record?

11 MR. SECK: Thanks for bringing me back. My name
12 is Oumar Seck, representing Rupsha 2011, LLC, for BZA Case
13 20698, at 2917 Knox Place, Southeast.

14 BZA CHAIR HILL: Okay, great.

15 Mr. Seck, can you point out in the exhibit, where
16 the bike parking is?

17 MR. SECK: Yes. What we did was we made it
18 reflect on page AS02, which is the actual site plan. The
19 proposed site plan zoning calculation.

20 BZA CHAIR HILL: Which page?

21 MR. SECK: A as in apple, S as in Sam, zero, two.

22 (Pause.)

23 MR. SECK: Proposed site plan.

24 BZA CHAIR HILL: Yes, no, I'm sorry, I'm pulling
25 it up. I'm just looking now.

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1 MR. SECK: Sure.

2 BZA CHAIR HILL: Where is the parking?

3 MR. SECK: It's in the back. When you see the
4 site plan, you have at the back of the building, you have the
5 trash can with two doors opening. And right beside it is a
6 pad with two minus signs on it, and it says two short-term
7 bicycle parking.

8 BZA CHAIR HILL: Got it, got it. Okay.

9 MR. SECK: So, we add an extra one. We added an
10 extra one instead of one.

11 BZA CHAIR HILL: Okay, okay, great. Wonderful,
12 I see that.

13 MR. SECK: Yes.

14 BZA CHAIR HILL: Let's see. Okay, Ms. Vitale, can
15 you hear me?

16 MS. VITALE: Yes, I can.

17 BZA CHAIR HILL: Have you had a chance to look at
18 this?

19 MS. VITALE: I just looked at it now, yes.

20 BZA CHAIR HILL: All right, and do you think the
21 Office of Planning is satisfied?

22 MS. VITALE: The applicant has shown the spaces
23 on the plans, and is not requesting relief from the bike
24 parking requirements.

25 And if they do not meet the bike parking

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1 requirements, then that would be determined at the time of
2 building permit.

3 BZA CHAIR HILL: Okay. And again, the Office of
4 Planning is in favor of this application?

5 MS. VITALE: Yes, the Office of Planning is
6 recommending approval of the application.

7 BZA CHAIR HILL: Okay. All right, does the Board
8 have any questions of the Office of Planning or Mr. Seck?

9 (No response.)

10 BZA CHAIR HILL: Okay, Mr. Young, there's nobody
11 here wishing to speak, correct?

12 (No response.)

13 BZA CHAIR HILL: All right, Mr. Seck, is there
14 anything you'd like to add at the end?

15 MR. SECK: I just wanted to thank you for giving
16 me the second chance to come back and present this. And also
17 my sincere if I would use the term recommendation, or
18 recognition of the chairman, I mean Commissioner Paul
19 Trantham.

20 He really represents his constituents and also,
21 is very fair with the builders. He has spent a lot of time
22 going around trying to find me those parking, and he was
23 hospitalized yesterday just recovering today, and managed to
24 send this. And that really touches me.

25 And I wanted to bring it to the Board, especially

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1 to Mr. Hood, who he had mentioned his name a few times, that
2 I want to say he's really doing his job as a commissioner.

3 Thank you.

4 BZA CHAIR HILL: Thank you.

5 Chairman Hood, you want to respond in any way?

6 ZC CHAIR HOOD: I do know Mr. Trantham. My name's
7 been mentioned the last two weeks quite a bit, but with some
8 bad, but I do want to commend Commissioner Trantham for all
9 the work.

10 I wish him a speedy recovery. I do know his work
11 out in Ward 8 and across the city. And Mr. Seck, continue
12 to work with not just Mr. Trantham, but all those you work
13 with.

14 And I will say this though.

15 MR. SECK: Yes.

16 ZC CHAIR HOOD: Mr. Seck, I hate to put, I'm not
17 putting a bad light on it, but I notice every time it's
18 always something missing in your cases.

19 So, try to tighten that up, too, so the Chairman
20 and the BZA, you don't come in front of the Zoning Commission
21 a lot. But try to tighten it up a little bit, and it'll be
22 easier on you.

23 So, that's just a recommendation to you. But keep
24 up the good work, and also send our regards to Commissioner
25 Trantham. Get well quickly.

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1 MR. SECK: Thank you. Thank you, well taken, and
2 there's a urgent meeting that's going to happen today in my
3 staff for this thing. And I agree with you and I appreciate
4 that. Thank you.

5 BZA CHAIR HILL: Okay, thank you. All right, and
6 yes, Mr. Seck, thank you and your staff's doing a good job.
7 Just try to like, you know, listen to the Office of Planning
8 and obviously the ANC, and anything that is, can be tightened
9 up would be appreciated by the Board.

10 And also Commissioner Trantham is great in terms
11 of he has been before us. Actually, with you Chairman Hood,
12 he happened to come, I think it was, it happened to be the
13 last time he was here live. And so --

14 (Simultaneous speaking.)

15 ZC CHAIR HOOD: Great commissioner.

16 BZA CHAIR HILL: -- but we wish a speedy recovery
17 as well.

18 All right, I'm going to close the hearing and the
19 record. Mr. Young, if you could please excuse everyone.

20 (Pause.)

21 BZA CHAIR HILL: Okay. I thought it was an
22 interesting case, actually, and also an interesting property.
23 I mean it was kind of, it's I guess, kind of them buying the
24 property from the church, I thought was interesting.

25 And then also being able to, as Commissioner

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1 Trantham was very interested in parking the last time he was
2 here, was able to help the applicant find parking from the
3 church, which is great.

4 And then even though they are still asking for the
5 parking relief, they at least have a little bit of parking
6 for the next couple years, from the church.

7 I would also agree that the, I would also agree
8 with the analysis that the Office of Planning has provided,
9 as to why they're meeting the criteria for us to grant the
10 relief requested.

11 I would also agree now with, now I guess DDOT
12 should be okay with they were with no objection, with some
13 of the items that they noted. And so we've addressed those,
14 or spoken to those.

15 And also then the again, Commissioner Trantham
16 submitting the SMD report, being in support, as well as then
17 the testimony of the applicant that the ANC was in support,
18 but we just didn't get a report so that we could give them
19 great weight.

20 So, I will be voting in favor.

21 Chairman Hood, do you have anything you'd like to
22 add?

23 ZC CHAIR HOOD: No, I would just agree with your
24 assessment, Mr. Chairman. They do meet Subtitle U, 421.
25 Also, pursuant to Subtitle C, 703.2, which is up under

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1 Subtitle 701C.

2 I think with the additional information requested
3 why we brought them back, I think that's very satisfactory.
4 As well as any adverse impacts to our knowledge, is according
5 to the record, has been mitigated.

6 So with that, I will be voting in support.

7 Thank you, Mr. Chairman.

8 BZA CHAIR HILL: Thank you, Chairman Hood.

9 Vice Chair John?

10 MEMBER JOHN: Thank you, Mr. Chairman. I have
11 nothing to add. I agree with both you and Chairman Hood.

12 BZA CHAIR HILL: All right, I'm going to go ahead
13 and motion to, I'm going to make a motion to approve
14 Application No. 20698, as captioned and read by the
15 secretary, and ask for a second. Ms. John?

16 MEMBER JOHN: Second.

17 BZA CHAIR HILL: The motion been made and
18 seconded. Mr. Moy if you'll take a roll call?

19 MR. MOY: I call your name, if you would please
20 respond with a yes, no, or abstain, to the motion made by
21 Chairman Hill, to approve the application for the relief
22 requested.

23 This motion to approve was second by Vice Chair
24 John.

25 Zoning Commission Chair Anthony Hood?

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1 ZC CHAIR HOOD: Yes.

2 MR. MOY: Vice Chair John?

3 MEMBER JOHN: Yes.

4 MR. MOY: Chairman Hill?

5 BZA CHAIR HILL: Yes.

6 MR. MOY: Staff would record the vote as 3:0:2.

7 And this is on the motion made by Chairman Hill to approve.

8 The motion to approve was second by Vice Chair John.

9 The motion to approve supported by Zoning
10 Commission Chair Anthony Hood, Vice Chair John, Chairman
11 Hill.

12 We have two board members not present, not voting.

13 The motion carries on a vote of 3:0:2.

14 BZA CHAIR HILL: Okay, great, thanks Mr. Moy.

15 All right, Mr. Moy, is there anything else before
16 the Board today?

17 MR. MOY: No, sir, nothing from the staff.

18 BZA CHAIR HILL: Okay. Chairman Hood?

19 ZC CHAIR HOOD: Yes, Mr. Chairman, I want to
20 commend you on how you get through all these cases, because
21 when I looked at the case, I figured I was going to be here
22 till about 8:00 or 9:00 o'clock tonight.

23 So, I just want to commend you and your
24 leadership. Chairmans don't always get accolades, or you
25 know, the job is not well thought of. It's a thankless job.

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1 But I want you to know you've done a excellent job
2 today, and you've done it for weeks. So, I wanted to commend
3 you and the Board on that.

4 So, note that one because I might not say that
5 again. Anyway, good job, Mr. Chairman.

6 BZA CHAIR HILL: Whew, look at that. All right,
7 that's a great way to send me off for the day.

8 Thank you, and I thank my Vice Chair also for all
9 of her help and support, without which I would not be able
10 to do this. And also my fellow Board members. So, thank
11 you.

12 Okay, Vice Chair John, you good?

13 MEMBER JOHN: Yes, I am impressed. It's 2:46.

14 BZA CHAIR HILL: Okay, well we got to even circle
15 back around to Mr. Seck, which I'm impressed with, I've got
16 to tell you.

17 MEMBER JOHN: Yes.

18 BZA CHAIR HILL: So, we've done our job today, so
19 everybody go get themselves, you know, a treat.

20 All right, thank you, we're adjourned. Bye-bye.

21 MEMBER JOHN: Thank you, bye. And bye, Mr. Moy.
22 Bye, everybody.

23 (Whereupon, the above-entitled matter went off the
24 record at 2:46 p.m.)

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 05-04-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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