

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JUNE 28, 2023

+ + + + +

The Public Hearing of the District of Columbia Board of Zoning Adjustment convened via teleconference, pursuant to notice at 9:30 a.m., EDT, Lorna John, Vice Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- LORNA JOHN, Vice Chairperson
- CHRISHAUN SMITH, Member
- ANTHONY HOOD, Zoning Commissioner
- ROBERT MILLER, Zoning Commissioner
- JOSEPH S. IMAMURA, Zoning Commissioner

OFFICE OF ZONING ADJUSTMENT STAFF PRESENT:

- CLIFFORD MOY, Secretary
- PAUL YOUNG, Data Specialist

OFFICE OF ZONING ADJUSTMENT LEGAL COUNSEL:

- RYAN NICHOLAS, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on June 28, 2023.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. 20914
4019 9th Street NE, LLC - rescheduled. 8

Case No. 20913
Dereje Mesfin - rescheduled. 8

Case No. 20906
KIPU, LLC. 8

Case No. 20897
3905 Kansas, LLC. 17

Case No. 20523-A
AMSQ, LP. 24

Case No. 20850A
Lot 3 Labs, LLC 27

Case No. 20892
D.C.-120 Taussigelne, LLC 34

Case No. 20903
PRP Capital Properties, LLC 45

Case No. 20908
636 Edgewood, LLC 52

Case No. 20909
Erick and Jessica Alves de Sa 76

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Case No. 20917
801 17th Holdings, LLC 100

Case No. 20785
Andy and Debbie Wilson LLC. 109

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

(9:30 a.m.)

1
2
3 VICE CHAIR JOHN: Good morning, ladies and gentlemen.
4 The Board of Zoning Adjustment June 28 public hearing will please
5 come to order. My name is Lorna John, Vice Chairperson of the
6 District of Columbia Board of Zoning Adjustment. Joining me
7 today is Board Member Chrishaun Smith and Zoning Commissioners
8 Anthony Hood, Rob Miller and Dr. Imamura.

9 Today's meeting and hearing agendas are available on
10 the Office of Zoning's website. Please be advised that this
11 proceeding is being recorded by a court reporter and is also
12 webcast live via WebEx and YouTube Live. The video of the webcast
13 will be available on the Office of Zoning's website after today's
14 hearing. Accordingly, everyone who is listening on WebEx or by
15 telephone will be muted during the hearing. Also, please be
16 advised that we do not take any public testimony at our decision-
17 making sessions.

18 If you experience difficulty accessing WebEx or with
19 your telephone call, then please call our OZ hotline number 202-
20 727-5471 to receive WebEx log-in or call-in instructions. At the
21 conclusion of the decision meeting I shall, in consultation with
22 the Office of Zoning, determine whether a full or summary order
23 may be issued. A full order is required when the decision it
24 contains is adverse to a party including an affected ANC. The
25 full order may also be needed if the Board's decision differs

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1 from the Office of Planning's recommendation. Although the Board
2 favors the use of summary orders whenever possible, an applicant
3 may not request the Board (indiscernible), everyone who is
4 listening on Webex or by telephone would be muted during the
5 hearing, and only persons who have signed up to participate or
6 testify will be unmuted at the appropriate time. Please state
7 your name and home address before providing oral testimony for
8 your presentation. Oral presentations should be limited to a
9 summary of your most important points. When you have finished
10 speaking please mute your audio so that your microphone is no
11 longer picking up sound or background noise.

12 (Indiscernible) you're experiencing difficulty
13 accessing Webex or with your telephone call-in or if you have
14 forgotten to sign up 24 hours prior to this hearing, then please
15 call our OZ hotline number at 202-727-5471 to sign up to testify
16 and to receive Webex log-in or call-in instructions. All persons
17 planning to testify either in favor or in opposition should have
18 signed up in advance. They will be called by name to testify.
19 If this is an appeal only parties are allowed to testify. By
20 signing up to testify, all parties completed the oath or
21 affirmation as required by Subtitle Y § 408.7.

22 Requests to enter evidence at the time of an on-line
23 virtual hearing such as written testimony or additional
24 supporting documents (indiscernible) may not be presented as part
25 of the testimony. You may be allowed pursuant to Subtitle Y 303

1 103.13 provided that the person making the request to enter an
2 exhibit explains how the proposed exhibit is relevant, the good
3 cause that justifies allowing the exhibit into the record
4 including an explanation of why the requestor filed the exhibit
5 prior to the hearing pursuant to Subtitle Y 206 and how the
6 proposed exhibit would not (indiscernible).

7 Order procedure for special exceptions and variances
8 pursuant to Subtitle Y 409 will be as follows; preliminary and
9 procedural matters, statement of the applicant and the
10 applicant's witnesses, report and recommendation from the D.C.
11 Office of Planning, reports and recommendations from other public
12 agencies, recommendations from the affected Advisory Neighborhood
13 Commission ANC and the ANC's witnesses, if any, for the area in
14 which the property is located, if in support of the application,
15 individuals and organization representatives in support of the
16 application, parties in opposition to the application,
17 individuals and organization representatives in opposition to the
18 application, individuals and organizations representatives who
19 are undeclared with respect to the application, rebuttal and
20 closing statements by (indiscernible).

21 Pursuant to (indiscernible) §§ 408.2 and 408.3 the
22 following time constraints shall be maintained. The applicant,
23 appellant and all parties except an affected ANC in support
24 including witnesses exclusive of cross-examination maximum of 60
25 minutes collectively (indiscernible), the appellant versus the

1 parties except an affected ANC in opposition including witnesses
2 collectively have an amount of time equal to that of the applicant
3 and parties in support but in no case more than 60 minutes
4 collectively. Individuals maximum of three minutes,
5 (indiscernible) maximum of five minutes.

6 These time restraints do not include cross-examination
7 and/or questions from the Board. Cross-examination of witnesses
8 by the applicant or parties, including the ANC's permitted, the
9 ANC within which the property is located is automatically a party
10 in a special exception or variance case. Nothing prohibits the
11 Board from placing reason for restrictions on cross-examination
12 including time limits and limitations in the scope of cross-
13 examination pursuant to Subtitle Y § 408.5.

14 At the conclusion of each case, an individual who was
15 unable to testify because of technical issues may file a request
16 for leave to file a written version of the planned testimony to
17 the record within 24 hours following the conclusion of public
18 testimony in the hearing. If additional written testimony is
19 accepted, then parties will be allowed a reasonable time to
20 respond as determined by the Board. The Board will then make
21 its decision and its next meeting session, but no earlier than
22 48 hours after the hearings. Moreover, the Board may request
23 additional specific information to complete the record. The
24 Board and the staff will specify at the end of the hearing exactly
25 what is expected and the date when persons must submit their

1 evidence to the Office of Zoning. No other information should
2 be accepted by the Board.

3 Once again, after the Board adjourns the hearing, the
4 Office of Zoning in consultation with me, will determine whether
5 a full or summary order may issue, The full order is required
6 when the decision it contains is adverse to a party including an
7 affected ANC. The full order may also be needed if the Board's
8 decision differs from the Office of Planning's recommendation.
9 Although the Board favors the use of summary orders whenever
10 possible, an applicant may not request the Board to issue such
11 an order.

12 Finally, the District of Columbia Administrative
13 Procedures Act requires that the public hearing in each case can
14 be held in the open. I'm sorry. The District of Columbia
15 Administrative Procedure Act requires that a public hearing on
16 each case be held in the open before the public. However,
17 pursuant to §§ 405(b) and 406 of that Act the Board may consistent
18 with its rules of procedure in the Act enter into a closed meeting
19 on a case for purposes of seeking legal counsel on a case pursuant
20 to D.C. Official Code § 2575(b)(4) and/or deliberating on the
21 case pursuant to D.C. Official Code § 2575(b)(13), but only as
22 to providing the necessary public notice and in the case of an
23 emergency closed meeting after taking a roll call.

24 Mr. Secretary, do you have any preliminary matters?

25 MR. MOY: Good morning, Madam Vice Chair, Members of

1 the Board. I do as a matter of fact. Very quickly regarding or
2 it refers to today's docket. We have two applications that have
3 been rescheduled, postponed and rescheduled. The first is
4 application No. 20914, 4019 9th Street NE, LLC has been
5 rescheduled to September 27, 2023 and application No. 20913
6 Dereje Mesfin has been postponed and rescheduled to October 25th,
7 2023.

8 Other than that, Madam Vice Chair, we do have other
9 preliminary matters and for efficiency, I'll bring those to your
10 attention when I call a case. Thank you.

11 VICE CHAIR JOHN: Thank you, Mr. Moy. Please give me
12 a couple of minutes. I'm having a few issues this morning with
13 my laptop. Thank you.

14 (Pause.)

15 VICE CHAIR JOHN: Okay. Mr. Moy. When you're ready.

16 MR. MOY: Thank you. So in today's hearing, Madam Vice
17 Chair, today's meeting session consists of four applications for
18 the Board's action.

19 The first is Case Application No. 20906. KIPU, LLC.
20 This application was advertised as a self-certified application
21 pursuant to Subtitle X § 901.2 for special exceptions as follows.
22 Subtitle U § 320.2 to allow the conversion of an existing
23 residential building into an apartment house, three units
24 proposed. Subtitle E § 5201 for a court requirement, Subtitle E
25 § 203.1 side yard requirement. Subtitle E § 207.3, Subtitle E §

1 205.5 to allow rear wall to extend farther than ten feet.
2 Subtitle E § 206.4 and 5207 for the rooftop architectural feature
3 requirements, Subtitle E § 206.1. This property is located in
4 the RF-1 zone of 1251 Morse Street, NE, Square 4069, Lot 57. As
5 the Board will recall you last heard this at your public hearing
6 on June 14th, and at that time the Board set this for decision.
7 For supplemental information from the Applicant and responses
8 from the ANC.

9 The preliminary matter I have for you in this case,
10 Madam Vice Chair, is that yesterday June the 27th ANC 5D submitted
11 a letter about 5 p.m. from Commissioner Anna Roblin and apparently
12 they were asking, apparently in the letter they're stating that
13 their ANC meeting is set for July the 10th. So they're asking
14 for postponement. But I can share that letter with you if you'll
15 allow that into record.

16 VICE CHAIR JOHN: Thank you, Mr. Moy I would like to
17 see the letter but please go ahead and submit it to the record,
18 and I'm looking at the record and I believe the Board closed the
19 hearing and the record except for information on the safety issue.
20 Do I have the right case, 20906? I don't believe we asked for
21 responses from the ANC.

22 MR. MOY: Okay. I can stand corrected.

23 VICE CHAIR JOHN: I'm checking.

24 MR. MOY: Okay. Just for your reference also, Madam
25 Vice Chair, in the case record there is a letter from the ANC 5D

1 on their Exhibit 25 where they are opposed to the application
2 --

3 VICE CHAIR JOHN: Yes.

4 MR. MOY: -- which I suspect is the reason why you
5 asked for more information, but one of the reasons.

6 VICE CHAIR JOHN: Actually, no. But anyway, let's see
7 the letter.

8 MR. MOY: It should be on the record now.

9 VICE CHAIR JOHN: Okay. Let me try -- let me try to
10 refresh. Okay. I have it. So while I'm reviewing the letter
11 do my Board Members, have any comments on this request?

12 ZONING COMMISSIONER HOOD: Yes. Good morning, Vice
13 Chair. I'm looking at the letter from the Commissioner. I
14 understand some of the issues and I do see where she was trying
15 to reach out to the person who was actually not there when she
16 reached out to them, so there's some nuances and these are front
17 line ANC Commissioners who represent the community.

18 So I'm in favor of granting what they asked for so they
19 can clarify their questions and I'm actually surprised that we
20 didn't ask for a response, especially since they were in
21 opposition, to some of the stuff that we asked for. Typically,
22 I know, we ask for a response to get approval from the ANC and I
23 think this is what this Commissioner is trying to do and they do
24 vote on July the 10th.

25 So I'm always open to try to bridge the gap, so that's

1 my response on this. Thank you.

2 VICE CHAIR JOHN: My only issue looking at the letter,
3 let me hear from Board Member Smith because I don't believe that
4 some of the issues are germane to our decision. So considering
5 it would just be a courtesy. I believe the ANC is also saying
6 that they would continue to oppose the project despite the
7 Applicant addressing the side court concerns.

8 I have no doubt that a full vote by the ANC 5D would
9 continue to oppose this project and the issue was already
10 discussed during the hearing, which is changing the character of
11 the neighborhood and they would like to have an ADU in the rear
12 yard and I believe, let's see. I'm not sure what is to be gained
13 by a continuance.

14 So Mr. Smith, did you have any comments?

15 MR. SMITH: I agree with you. I don't see what can be
16 gained by continuing this particular case. They're on the record
17 with their previous letter being opposed to this project because
18 of character concerns and the bulk of what I've seen in this
19 letter is more dealing with building codes about at risk windows
20 and whether those, if those windows did go away from a building
21 code standpoint with those wings that are considered bedrooms,
22 would they still legally be considered bedrooms which is still,
23 again, that's not a zoning matter before this Board and never
24 will be. That is a strictly building code question.

25 So I think the ANC, even with these letters on the

1 record, they're not in support of this application and we did
2 close the record for this case last time we heard it. We
3 essentially just asked for additional information from the
4 Applicant for fire safety concerns.

5 So, I don't think that this letter changes things in
6 my position on this particular case, given this additional
7 information that we would received from the Applicant. So I
8 wouldn't be in favor of continuing. I would prefer to just make
9 a decision today.

10 VICE CHAIR JOHN: Chairman Hood.

11 ZONING COMMISSIONER HOOD: Well, I sure hope you have
12 a proxy from Chairman Hill, because if not, you have another
13 problem, and that's me. I'm always hesitant to just bulldoze
14 forward. While I hear what the issues were I'll always acquiesce,
15 especially for top frontline Commissioners and for me, the side
16 court, as you recall, in this issue wasn't an issue for me, and
17 I think they should have an opportunity to respond. So unless
18 you've got a proxy, you might want to reconsider that.

19 VICE CHAIR JOHN: So of course, Commissioner Hood, I
20 always hear what you say. I just note that the fire code issue
21 was not germane to the zoning decision, and I think we all wanted
22 to hear more just, well I at least was informed by the Applicant's
23 information for future cases. But I don't believe there's a
24 zoning issue and I believe the, anyway.

25 I don't know. I know there's a proxy. I don't know

1 | what it says, but Commissioner Hood, I'm going to change my mind
2 | and if you are very concerned about hearing from the ANC again,
3 | which I do not believe will change their opinion because they're
4 | seeking remedies that are beyond the scope of the hearing. I
5 | mean, they would like the Applicant to come up with an entirely
6 | different design with an ADU in the rear.

7 | So anyway. Mr. Smith, are you still where you were?

8 | MR. SMITH: Yes, I'm still where I am. I agree with
9 | your assessment of this. The information that we required wasn't
10 | necessarily within the scope of zoning. We did wish to hear that
11 | the additional level of information but just for clarification
12 | purposes, well, again, it wasn't within the scope of zoning, and
13 | I think we can act on this even without asking for additional
14 | information.

15 | ZONING COMMISSIONER HOOD: So let me just say my opinion
16 | on the scope. I come to this Board with a different scope and I
17 | bring that with me even I know sometimes it's out of tune, and
18 | sometimes it's protecting the safety and health of the residents
19 | of District of Columbia. That's the oath that I take and while
20 | it doesn't -- necessarily is in black and white, my concern is
21 | that they raised a concern, which is a safety issue and yes, we
22 | did get a response, but I don't think it's, I'm not satisfied
23 | with their response. But even beyond that, even beyond that, I
24 | think sometime when we have somebody tagging us or flagging us
25 | about a safety issue, then that gives me pause and I've always

1 | been that way, I just didn't start, but my whole entire time on
2 | this on the Zoning Commission and the BZA.

3 | So with that, you all have the vote so you proceed and
4 | I'll just vote, you know, I will be voting -- actually though I
5 | will oppose it because of the way we're moving. So other than
6 | that, I'm good. If you have the votes, carry on. You guys do
7 | this every week. I don't. Much respect for you, though. Much
8 | respect.

9 | VICE CHAIR JOHN: Commissioner Hood, I'm going to
10 | change my mind and even though there's a proxy, because hope
11 | springs eternal I'm going to grant a request for continuance. I
12 | don't know if Mr. Smith still objects. I don't know when this
13 | case will be heard, because I understand the schedule is very
14 | tight, Mr. Moy, and hopefully this will result in some sort of
15 | support by the ANC. But as it is, the Chairman has said they do
16 | not intend to support the application on this unless the Applicant
17 | changes its design. I am not -- I'm no longer concerned or
18 | seeking additional information on fire code violations which are
19 | beyond the scope of the Board, and I'm satisfied on what was
20 | stated in the Applicant's submissions.

21 | So Mr. Moy, when can we hear this again?

22 | ZONINGN COMMISSIONER HOOD: Madam Vice Chair, before
23 | Mr. Moy, if you all feel comfortable == I just don't feel
24 | comfortable, but if you all feel comfortable to move forward I
25 | have no problem with that. For me, even if we come back in the

1 same place in a week then I know we've exhausted all resources.
2 That's what I've always meant. But if you all got the votes,
3 you feel confident, I don't want to hold up your BZA process. I
4 just don't feel comfortable.

5 VICE CHAIR JOHN: I hear you, Commissioner. So, Mr.
6 Moy, when can we hear this again?

7 MR. MOY: All right. In their letter, the ANC 5D
8 letter, they stated that I believe that the next ANC meeting is
9 July 10th so I'm assuming this is on their agenda for July 10th.
10 If so then the three hearings for the Board in July are July 12,
11 July 19 and July 26. So you have your pick of any of those three.

12 MR. SMITH: Just as a reference, future reference, I
13 will not be in the July 19th hearing. So that would create a
14 little bit of a wrinkle, so I guess either the 12th or the 26th.

15 VICE CHAIR JOHN: And, Mr. Moy, when was the ANC
16 meeting?

17 MR. MOY: July, July 10th.

18 VICE CHAIR JOHN: So they should be able to get us a
19 response by the 12th?

20 MR. MOY: In my opinion. But you know, my opinion
21 could be wrong.

22 VICE CHAIR JOHN: Well, let's go ahead and schedule
23 this for the 12th.

24 MR. MOY: Very good.

25 VICE CHAIR JOHN: Okay. Thank you.

1 MR. MOY: Thank you.

2 ZONING COMMISSIONER HOOD: Sorry about that. You all
3 have a great day.

4 VICE CHAIR JOHN: You too, Chairman Hood, and we'll see
5 you soon. Mr. Moy, you may call the next case when you're ready.

6 MR. MOY: Madam Vice Chair, I was just alerted that
7 apparently the ANC called the Staff and actually corrected the
8 date that was in their letter, that actually their next ANC
9 meeting wouldn't be into the second Monday in August, which would
10 be, yes, August. Of course, we don't meet in August. That means
11 we're looking at a Board meeting in September; right?

12 VICE CHAIR JOHN: Yes.

13 MR. MOY: So the dates in September now after the August
14 recess when the Board returns, the first hearing in September
15 will be September the 13th and that's great because the good
16 Zoning Commission Chair is participating with the Board on
17 September 13th.

18 VICE CHAIR JOHN: I am not sure if I'll be here
19 September 13th, but I suppose I can submit a proxy. So do you
20 want to set it for September 13th?

21 MR. MOY: It's your call, Madam Vice Chair.

22 VICE CHAIR JOHN: Okay. Let's do September 13th. So
23 the record is closed except for a response from the ANC.

24 MR. MOY: Okay. Great, great. September 13th it is
25 in the Board's meeting session to receive ANC letter.

1 VICE CHAIR JOHN: Okay. Thank you.

2 MR. MOY: Okay.

3 VICE CHAIR JOHN: All right. Let's move on to the next
4 case.

5 MR. MOY: Move on. The second case in the Board's
6 meeting session is 20897 3905 Kansas, LLC. This is advertised as
7 amended self-certified application pursuant to Subtitle X § 901.2
8 for the following special exceptions. Subtotal U § 320.2 for
9 conversion of a residential building to an apartment house, three
10 units, Subtitle C § 703.2 from the minimum vehicle parking
11 requirements, Subtitle C § 701, Subtitle E § 206.4 and Subtitle
12 E § 5207, from rooftop in upper floor requirement, Subtitle E §
13 206.1 and Subtitle E § 5201 for the side yard requirements of
14 Subtitle E § 207.3. Property is in the RF-1 zone at 3905 Kansas
15 Avenue, NW, Square 2906, Lot 830. The Board last heard this
16 application was May 24th and I believe the Board requested
17 supplemental information and that's all I have for you. Oh, wait
18 a second. Let me double check. Yes. Okay. Okay. That's all
19 I have. The record's clear. Thank you.

20 VICE CHAIR JOHN: Thank you. I don't believe we
21 requested any information on this, Mr. Moy.

22 MR. MOY: Yes. I think you may be correct too because
23 I don't have that notation in my notes. Thank you.

24 VICE CHAIR JOHN: Thank you. So as Mr. Moy mentioned,
25 this is a request for modification. But in reviewing the

1 application, it seems to me that this should be more properly
2 styled as a modification of consequence and so I will review it
3 in that light. In any event, neither the modification of
4 consequence or the request for minor modification would require
5 a hearing so I believe we're ready to deliberate. Are we all
6 ready to discuss this? Hearing no response. I'll go ahead and
7 add a --

8 ZONING COMMISSIONER MILLER: Madam Chair?

9 VICE CHAIR JOHN: Yes.

10 ZONING COMMISSIONER MILLER: You're on 20897, 3905
11 Kansas Avenue or are you on a different case?

12 VICE CHAIR JOHN: Oh, I'm on a different case. I am
13 so sorry --

14 ZONING COMMISSIONER MILLER: Yes. I got confused --

15 VICE CHAIR JOHN: (Indiscernible).

16 ZONING COMMISSIONER MILLER: -- by the modification
17 talk.

18 VICE CHAIR JOHN: (Indiscernible). So we're at --

19 MR. MOY: Yes, that's correct. That's correct, Mr.
20 Miller.

21 VICE CHAIR JOHN: Okay. So please ignore everything I
22 said, Mr. Moy. I seem to be missing that case.

23 MR. MOY: No, that's fine. I'm sorry, too. I always
24 defer to you.

25 VICE CHAIR JOHN: So we should be doing 20897. Please

1 give me a minute here. Mr. Miller, would you like to go ahead
2 and start since you have the information in front of you?

3 ZONING COMMISSIONER MILLER: Sure. You were talking
4 to me, Madam Chair?

5 VICE CHAIR JOHN: Yes, Commissioner Miller, yes.

6 ZONING COMMISSIONER MILLER: Okay. Thank you. Yes.
7 In this case in which we had a hearing, we received a number of
8 documents since then, including something I had requested which
9 was the illustrative renderings of what the proposed apartment
10 building would look like, which I appreciate the Applicant
11 providing that information. We've also got the ANC 4C letter,
12 which is in support of the special exception -- of special
13 exceptions and then they indicate that they have an agreement
14 with the Applicant and the adjacent neighbor on the solar panel
15 issue, and they expect coordination on other issues as well.

16 Anyway, I believe the application is ready for our
17 deliberation, and I think the Applicant has demonstrated that
18 they met the standards for relief that are being requested in
19 this case. We have the Office of Planning support, and ANC 4C
20 support, as they indicated. That's it for now, Madam Chair.

21 VICE CHAIR JOHN: Yes. I'm looking at the record now
22 and I see where the renderings were submitted and they give a
23 clearer picture of what the front facade would look like with the
24 extension of the cornice and the addition of the dormers. So I
25 believe the application meets the criteria for relief. I don't

1 believe that there are any light and air or privacy issues in
2 particular. There is enough separation between the building and
3 the apartment building across the street. I believe the distance
4 was 15 feet.

5 I think there are also, as I recall from the record,
6 there are similar additions in the neighborhood, the direct
7 vicinity, and so in terms of impacts on the character of the
8 neighborhood, I don't believe that there would be any and I
9 believe the shadow studies show that there would be no adverse
10 impact on the neighbors in terms of shadowing.

11 So I'll go ahead and stop there and ask you, Mr. Smith,
12 if you have any comments.

13 MR. SMITH: I agree with everyone's comments as stated.
14 I do believe that the evidence met the burden of proof so as to
15 be able to grant the various special exceptions that they request.
16 I do agree with your assessment on how the design of the building
17 is presented by the Applicant with these renderings. Previously
18 we weren't able to see that this, the height of this building
19 (indiscernible) with currently exists along that block. Yes,
20 it's taller than some of these other adjacent -- the original
21 structures, but there are a number of structures especially on
22 Kansas and further down the block closer to the street are
23 separate that are largely in character within the height, within
24 the same scale of the proposed building. So I do not believe it
25 will have a major effect on the character of the neighborhood or

1 | at least that block of Kansas.

2 | I do agree with your assessment that there would not
3 | be an undue impact related to shadowing on the property. Yes,
4 | it would create some shadows for the solar panel at 3907 that
5 | was communicated by the owner of 3907 at the hearing when we
6 | first heard this case in May and the Applicant and that property
7 | owner come to an agreement, that is also within the record in
8 | that the Applicant will help replace that that solar panel and
9 | raise it at 3907 to have a substantial impact on the solar panels
10 | for that property.

11 | I will also say that the Applicant also is requesting
12 | a reduction in their minimum parking standards from two parking
13 | spaces down to zero. There was some dialogue on that at the
14 | hearing as well. This particular case I am supportive that
15 | because this particular property isn't -- while it's in close
16 | proximity to a metro station and there are a number of bus lines
17 | that run along Kansas Avenue that I think would alleviate some
18 | of some of those traffic impacts.

19 | So I do believe in the totality in looking at the
20 | package that was presented within the record as well as the staff
21 | report that was presented by the Office of Planning, I do believe
22 | they met the standards for all the special exceptions and will
23 | support the application.

24 | VICE CHAIR JOHN: Thank you, Mr. Smith, especially for
25 | mentioning the parking relief and with respect to the solar

1 agreement, I believe the neighbor had some additional concerns,
2 but the Board would not be enforcing the solar agreement. I
3 think for our purposes it's good that the agreement is in the
4 record and I believe the ANC had some concerns about the developer
5 continuing to work with the neighbors in terms of the construction
6 phase. Again, that would not be -- that would not be something
7 that the Board would enforce.

8 So unless anyone one has anything else to add, oh, DDOT
9 does not object. I'm trying to remember if this was the case
10 where the Applicant proffered us the TDM plan. Let me take a
11 look at the record again, which was really not required. It
12 might not be this case. Give me a second.

13 MR. SMITH: They did submit, they did proffer to you.

14 VICE CHAIR JOHN: Okay.

15 MR. SMITH: They would issue Bikeshare, you know --

16 VICE CHAIR JOHN: And I believe --

17 MR. SMITH: -- and a preloaded \$10 SmarTrip card.

18 VICE CHAIR JOHN: Okay. Again, the Board would not
19 enforce that agreement. So with that, I will make a motion to
20 approve application 20897 as captioned and read by the Secretary
21 and ask for a second please, Mr. Smith.

22 MR. SMITH: Second.

23 VICE CHAIR JOHN: Thank you. Mr. Moy, would you take
24 the roll call?

25 MR. MOY: Thank you, Madam Vice Chair. Before I take

1 the roll call, I have to announce that we do have an absentee
2 ballot from Chairman Hill, and his vote on his ballot reads as
3 approve with such or any conditions as the Board may impose. So
4 that's an affirmative to the motion to approve. So with that
5 Staff would record the vote as four to zero to one and this is
6 on the motion made by Vice Chair John to approve the application
7 with the relief requested and the motion to approve was second
8 by Mr. Smith who also voted to approve the application as well
9 as approval from Zoning Commissioner Rob Miller. So, again, Rob
10 Miller to approve --

11 VICE CHAIR JOHN: Okay.

12 MR. MOY: -- Chairman Hill to approve, Vice Chair John
13 to approve and let's see, Mr. Smith, to approve so I think that's
14 four. So the motion carries four to zero to one.

15 ZONING COMMISSIONER MILLER: I will confirm that I am
16 voting in favor since I didn't actually vote.

17 MR. MOY: Oh, I'm sorry I jumped the gun.

18 ZONING COMMISSIONER MILLER: It's okay. It was pretty
19 obvious that that's how I was going to vote and I just in an
20 abundance of caution I don't know if you want to actually call
21 for the vote again. Why don't we do that.

22 VICE CHAIR JOHN: Yes.

23 MR. MOY: Yes, let's do that. Let me do that. Let's
24 make that clean. Okay. When I call your name, will you please
25 respond to the motion made by Vice Chair John to approve.

1 Zoning Commissioner Rob Miller?

2 ZONING COMMISSIONER MILLER: Yes.

3 MR. MOY: Mr. Smith?

4 MR. SMITH: Yes.

5 MR. MOY: Vice Chair John?

6 VICE CHAIR JOHN: Yes.

7 MR. MOY: Yes.

8 MR. MOY: We have an absentee ballot from Chairman Hill
9 who voted to approve. So with that, the motion carries on a vote
10 of four to zero to one. I think I'm getting back in sync after
11 drinking my first cup of coffee. Thank you, Mr. Miller.

12 VICE CHAIR JOHN: Thank you. Thank you, Mr. Miller.
13 See you next time.

14 ZONING COMMISSIONER MILLER: See you. Thank you very
15 much. Enjoy the rest of your day.

16 VICE CHAIR JOHN: And Mr. Moy, so you feel better there
17 are other people who are not in sync as well for many reasons.
18 Please call your next case when you're ready.

19 MR. MOY: Okay. The last two cases in the Board's
20 meeting session are modifications of consequence. The first is
21 Application No. 20523-A of AMSQ, LP and, again, this is a request
22 shown to Subtitle Y, § 703 for a modification of consequence to
23 plans that were approved in case No. 20521 that was issued on
24 October 22nd, 2021. The property is located in the D3 zone at
25 300 New Jersey Avenue, NW, Square 631, Lots 801 and 809 and I

1 believe that's all I have for you. Let me check one other thing
2 to be sure, and that's it. That's all I have, Madam Vice Chair.

3 VICE CHAIR JOHN: Thanks, Mr. Moy. I believe I started
4 to deliberate on this case before. So I'll reiterate what I
5 said, which is I believe that this case is properly styled as a
6 modification of consequence because the Applicant is revising the
7 plans for the penthouse, which was previously approved, and that
8 the Applicant is not seeking any additional relief and so as
9 noted, the application would reduce the penthouse by 215 feet,
10 reduce the footprint of the rear of the deck, the renovated deck,
11 add two new rooftop elements with two feet of height with under
12 two feet of height, correct the setback dimensions of the existing
13 mechanical penthouse structure and remove a horizontal mullion,
14 and I believe those are not major design changes and I would be
15 in agreement with the application and those changes are shown in
16 the revised plans filed with the application.

17 I'm going to give great weight to OP's analysis and
18 note that the ANC is in support of the application. There were
19 no other parties to the original application, so I will be voting
20 in support. Mr. Smith, did you have any comments?

21 MR. SMITH: I don't have anything to add. I completely
22 agree with your assessment of this particular case and will
23 support the application.

24 VICE CHAIR JOHN: Thank you. Dr. Imamura, welcome.

25 ZONING COMMISSIONER IMAMURA: Thank you, Madam Vice

1 Chair. I'm also in agreement that these are not major,
2 significant design modifications that should be approved as a
3 modification of consequence. Prepared to vote in support.

4 VICE CHAIR JOHN: Okay. Thank you. So then I'll make
5 a motion to approve application 20523-A as captioned and read by
6 the Secretary and ask for a second. Mr. Smith?

7 MR. SMITH: Second.

8 VICE CHAIR JOHN: Mr. Moy, will you take the roll call,
9 please?

10 MR. MOY: When I call your name, if you will please
11 respond to the motion made by Vice Chair John to approve the
12 application for the request for a modification of consequence.
13 Motion was second by Mr. Smith.

14 Zoning Commissioner Dr. Imamura?

15 ZONING COMMISSIONER IMAMURA: Yes.

16 MR. MOY: Mr. Smith?

17 MR. SMITH: Yes.

18 MR. MOY: Vice Chair John?

19 VICE CHAIR JOHN: Yes.

20 MR. MOY: And we have two members not participating.
21 Staff would record vote as three to zero to two, and this is on
22 the motion made by Vice Chair John to approve. The motion to
23 approve was second by Mr. Smith, who also voted to approve as
24 well as approval from Dr. Imamura and of course, Mr. Smith and
25 Vice Chair John. Motion carries, ma'am, on a vote of three to

1 zero to two.

2 VICE CHAIR JOHN: Thank you. So we're going to take
3 this last meeting case and then we'll take a short break after
4 that. Okay. So I assume we're all ready to deliberate, so I'll
5 go ahead and start.

6 MR. MOY: Madam Vice Chair, can I call the kids first?

7 VICE CHAIR JOHN: Oh, thank you. I too need coffee.
8 Please go ahead.

9 MR. MOY: And that break will be good. I can get my
10 second cup. Anyways, okay. So the last of the cases for decision
11 in the Board's meeting session is Application No. 20850A of Lot
12 3 Labs, LLC. Again, this is a request pursuant to Subtitle Y §
13 703 for a minor modification of two conditions of approval in
14 Application No. 20850, an order that was issued April 4th, 2023.
15 Property is located in the MU-10 zone at 2112 Georgia Avenue, NW,
16 Square 2877, Lots 62, 811, 934, 945, 968, 970, 977, 979, 1023
17 and 1033 and that's all I have for you, Madam Vice Chair.

18 VICE CHAIR JOHN: Thank you. So I assume we're ready
19 to deliberate. So I'll go ahead and start.

20 This case was recently decided and there was a lot of
21 discussion about how best to approve the use requested, which was
22 for an experimental research and testing lab on the site, which
23 consisted of more than one building, as I recall and so the
24 Applicant is seeking to modify conditions that the Board imposed.
25 It is not clear that the Board did impose the condition that says

1 that the project shall be constructed in accordance with the
2 plans submitted as Exhibits 23A1 to 23A4 in the record, as
3 required by Subtitle Y 604.9 and 604.10, but simply restated was
4 required by law. In other words, when the Board approves the
5 project, the plans submitted in the record are the plans that the
6 Applicant must construct, must use to construct the project.

7 So the next condition was that no more than 75 percent
8 of office square footage shall be permitted for research and
9 laboratory use and the third condition was the Applicant shall
10 have design flexibility to allow for further refinements of the
11 building's design, limited to exterior details and exterior
12 materials.

13 So I think that I'm not opposed to modifying the
14 conditions because I think that the request that the Applicant
15 has proposed would further clarify what is expected. So I think
16 that's the condition, No. 1. I would retain what's already in
17 the records just because it clarifies the requirement to build
18 according to the plans in the record. But I would restate it a
19 bit differently.

20 So the Applicant has proposed that the project shall
21 be constructed in substantial accordance with the plans submitted
22 as Exhibits 3A through 23A4 in the record as required by Subtitle
23 Y § 604.9 and 604.10 and I would word it a little differently.
24 I would delete the word substantial and instead say that the
25 Applicant, the project will be constructed in accordance with the

1 plans, except that the Applicant may make adjustments to the
2 configuration of the office building so long as the buildings
3 comply with the development standards, with the underlying MU-10
4 zone or under the ZA's flexibility authority as stated in A304.10
5 and I don't know if the lawyers are listening, but it's simply
6 restating what is allowed.

7 In other words, the Applicant could seek a two percent
8 variation from the Zoning Administrator. So I think by stating,
9 including that statement it's clear that we're not foreclosing
10 the Applicant's ability to seek flexibility from the
11 Administrator and so I would make that proposal.

12 With respect to the second condition, I have no
13 objection to the request as stated, which is the research and the
14 laboratory use shall be limited to no more than 75 percent of
15 the aggregate square footage of all of the office buildings
16 constructed on the subject property. As originally stated by the
17 Board this condition could have given the impression that the 75
18 percent was limited to one building or whatever was on the site
19 and would not need the flexibility to construct other buildings
20 and so what the Applicant is saying, the Applicant is really
21 requesting a use permission and it's not focused particularly on
22 how the building should be built.

23 So because we're not approving the design, whatever is
24 submitted to the Zoning Administrator must meet the development
25 standards. So since the Board is only approving the use, I think

1 | it's appropriate for us to allow the flexibility to use the amount
2 | of square footage, 75 percent of the aggregate square footage of
3 | all of the buildings. So I can pause there and see what other
4 | Board Members think.

5 | MR. SMITH: Just for clarification, Ms. John, you're
6 | recommending to keep the second (phonetic) edition?

7 | VICE CHAIR JOHN: Yes.

8 | MR. SMITH: Okay.

9 | VICE CHAIR JOHN: No. As re-stated --

10 | MR. SMITH: As restated.

11 | VICE CHAIR JOHN: -- as proposed, the first one, it was
12 | previously no more than 75 percent of office square footage. So
13 | the Applicant submitted a plan showing that, I don't recall what
14 | exhibit it was, showing that the Applicant might remove a portion
15 | of one building and so instead of trying to, you know, clarify
16 | that proposal and to limit it to removal of that particular
17 | portion of the building, I think what the Applicant is seeking
18 | is the flexibility to build according to its needs and to use a
19 | certain portion of that space for research and development
20 | because the office use is allowed, it's the research and
21 | development use that needs the special exception.

22 | MR. SMITH: Okay. So they're changing it to 75 percent
23 | of the building space and removing any question about the office?
24 | Okay.

25 | VICE CHAIR JOHN: Right. All of the office buildings.

1 So let's, if the Applicant reduced the space -- that building or
2 builds another building it would still be 75 percent of the
3 aggregate.

4 MR. SMITH: Okay. That makes sense to me. I can
5 support both of those approaches.

6 VICE CHAIR JOHN: Okay. Dr. Imamura?

7 ZONING COMMISSIONER IMAMURA: Thank you, Madam Vice
8 Chair. I had to read condition No. 2 a couple of times. I
9 think I confused myself, but certainly read it as proposed I'm
10 supportive of that and I'm also supportive, Madam Vice Chair, of
11 our proposal, your proposed modification to condition No. 1, the
12 space program will be driven by the market and what they're able
13 to bring into the space.

14 So I had issues. I felt uncomfortable about the use
15 of the word substantial, the word choice there was I think was a
16 little ambiguous. So I certainly agree with your exception
17 statements. So I'm supportive of what's been proposed for
18 condition No. 1 and to modify condition No. 2 as proposed.

19 VICE CHAIR JOHN: Okay. Thank you, Dr. Imamura. So,
20 Mr. Moy, did you get the language as I read it, or do I need to
21 read it again?

22 MR. MOY: Okay. So --

23 VICE CHAIR JOHN: For condition No. 1.

24 MR. MOY: Yes. I'm glad you returned back to that
25 because I was going to ask you to restate condition No. 1 as well

1 as condition No. 2 for the record.

2 VICE CHAIR JOHN: Okay.

3 MR. MOY: Yes.

4 VICE CHAIR JOHN: So --

5 MR. MOY: You can do that when you make your motion.

6 VICE CHAIR JOHN: Okay. How about if I try to do it
7 now? Okay.

8 MR. MOY: Absolutely. I can do that, too.

9 VICE CHAIR JOHN: Okay. So this is what I'm proposing.
10 So we would delete the word "substantial" and after Subtitle Y
11 604.9 and 604.10 insert "except that" and then at the end of the
12 sentence where it says the MU-410 zone add "or under the ZA's
13 sea is flexibility in accordance with A304.10" and I'll read it
14 when I make the motion.

15 So I would make a motion to approve application 20850A
16 as captioned and read by the Secretary and ask for a second. Mr.
17 Smith? Mr. Smith? Mr. Moy, oh, I'm sorry. I need to restate
18 that. So I will approve application 20850A as captioned and read
19 by the Secretary with condition No. 2 as proposed by the
20 Applicant, which reads as follows.

21 The research and laboratory use shall be limited to no
22 more than 75 percent of the aggregate square footage of all the
23 office buildings constructed on the subject property and as to
24 condition No. 2, which would be restated as follows.

25 The project shall be constructed in accordance with the

1 plan submitted as Exhibit 23A. I believe that's A1 through 23A4
2 in the record as required by Subtitle Y, §§ 604.9 and 604.10,
3 except that the Applicant may make adjustments to the
4 configuration of the office buildings so long as the buildings
5 comply with the development standards of the underlying MU-10 ten
6 zone or under the Zoning Administrator's flexibility in
7 accordance with A 304.10 and ask for a second. Mr. Smith.

8 MR. SMITH: Second.

9 VICE CHAIR JOHN: Mr. Moy, will you please take the
10 roll call?

11 MR. MOY: Yes, thank you. When I call your name, please
12 respond to the motion made by Vice Chair John to approve the
13 application for modification of consequence along with the two
14 conditions, language of the two conditions as just stated in her
15 motion. The motion was second by Mr. Smith.

16 Zoning commissioner Dr. Imamura?

17 ZONING COMMISSIONER IMAMURA: Yes.

18 MR. MOY: Mr. Smith?

19 MR. SMITH: Yes.

20 MR. MOY: Vice Chair John.

21 VICE CHAIR JOHN: Yes.

22 MR. MOY: And we did not have two members participating.
23 Staff would record the vote as three to zero to two and this is
24 on the motion made by Vice Chair John to approve the request for
25 modification of consequence, along with the two conditions as

1 | stated in the motion. The motion was second by Mr. Smith, who
2 | also voted to approve the application as well as approval from
3 | Dr. Imamura, Zoning Commissioner Dr. Imamura. So again, Zoning
4 | Commissioner Dr. Imamura, Mr. Smith, and Vice Chair John for
5 | approval. Motion carries, ma'am, three to zero to two.

6 | VICE CHAIR JOHN: Thank you, Mr. Moy. So let's take a
7 | ten minute break and we should be back by 10:50. Is that enough
8 | time? Thank you.

9 | (Whereupon, there was a brief recess.)

10 | VICE CHAIR JOHN: Okay, Mr. Moy.

11 | MR. MOY: All right. After a quick break the Board is
12 | back in its public hearing session and the time is now at or
13 | about 10:55 a.m., and the Board is now in its public hearing
14 | session and the first case is Application No. 20892 of DC-
15 | 120Taussigplne, LLC. This is an application pursuant to Subtitle
16 | X § 901.2 for special exception under Subtitle U § 421 to allow
17 | a new residential development, a conversion of a principal
18 | dwelling unit to two-unit flat. The property is located in the
19 | RA-1 zone at 120 Taussig Place, NE, Square 3665, Lot 77 and the
20 | only other thing I'll add, Madam Vice Chair, is that the Board
21 | last heard this case on May 17th and then was rescheduled to June
22 | 28th. Thank you.

23 | VICE CHAIR JOHN: Thank you, Mr. Moy. Did we, I don't
24 | believe we had a hearing in this case, Mr. Moy. Okay. All right.
25 | So Ms. Akinsan.

1 MS. AKINSAN: Yes. Good morning.

2 VICE CHAIR JOHN: Good morning. Could you introduce
3 yourself for the record, please?

4 MS. AKINSAN: Sure. My name is Olivia Akinsan. I work
5 for D+O Inc., otherwise known as Designs by Olivia and I am the
6 agent and designer for this project.

7 VICE CHAIR JOHN: Okay. Thank you. And I see that
8 the Commissioner is here.

9 ANC COMMISSIONER BOSTON: Yes. Good morning, guys.

10 VICE CHAIR JOHN: Good morning. Is that Mr. Boston?

11 ANC COMMISSIONER BOSTON: Yes, ma'am.

12 VICE CHAIR JOHN: Okay. Please introduce yourself for
13 the record.

14 ANC COMMISSIONER BOSTON: Good morning, everyone. I
15 am Commissioner Tyeron Boston from 5A 05.

16 VICE CHAIR JOHN: Okay. Thank you. And Ms. Akinsan,
17 will you -- can you tell us about your project? I will ask Mr.
18 Young to put 15 minutes on the record, and you can start when
19 you're ready.

20 MS. AKINSAN: Sure. The owner of the development is
21 on DC 120 Taussig Place, LLC and the owner of the LLC is Mr.
22 Dennis Abraham. 120 Taussig Place is located in a RA-1 zone,
23 and the RA-1 zone requires an additional, sorry, we are requiring
24 an additional unit, therefore making it into two units.

25 The property is currently an existing semi-detached

1 single family dwelling located in Brookland, which is in
2 Northeast DC. Our proposal is to add a two story rear addition
3 to the building with a cellar level as well, and as mentioned to
4 convert the property from one unit to two, otherwise known as a
5 flat.

6 No relief is needed for the actual addition. The only
7 relief is needed for the conversion to two units. In general,
8 we're staying consistent with the zone by only occupying 40
9 percent of the lot occupancy and we are also going to be providing
10 two rear parking spaces.

11 VICE CHAIR JOHN: Thank you. Does the Board have any
12 questions? I'm going to go to the Office of Planning. I'm sorry.
13 Mr. Commissioner, do you have any questions?

14 ZONING COMMISSIONER IMAMURA: Thank you, Madam Vice
15 Chair. I do not, not yet.

16 VICE CHAIR JOHN: All right. Thanks. I'll go to the
17 Office of Planning.

18 MR. MORDFIN: Hi, good morning. I'm Stephen Mordfin
19 with the Office of Planning and the Office of Planning is in
20 support of this application and stands on the record. I am
21 available for any questions. Thank you.

22 VICE CHAIR JOHN: Thank you. Commissioner, you may go
23 ahead and make your statement now if you like.

24 ANC COMMISSIONER BOSTON: Okay. I am in support of the
25 plans. Olivia, they have presented at our SMD meeting. We also

1 had an information meeting last night with all the residents that
2 are in the area. I have heard the concerns along with Olivia
3 and the owner of the residence and I feel confident in Olivia
4 and the owner to address any of the concerns that my residents
5 have or that if any of them do arise.

6 VICE CHAIR JOHN: Thank you. Does the Applicant have
7 any questions for Commissioner Boston or the Office of Planning?

8 MS. AKINSAN: I do not.

9 VICE CHAIR JOHN: Thank you. Does the Board have any
10 questions for Commissioner Boston? Mr. Young, is there anyone
11 who has signed up to testify?

12 MR. SMITH: Ms. John, I have one question.

13 VICE CHAIR JOHN: I'm sorry. Go ahead.

14 MR. SMITH: Maybe I'm missing something in the record.
15 Mr. Boston, did the Commission take a formal vote to support for,
16 I think the only thing I see in the record is the email response
17 from you. Was there a formal vote taken?

18 ANC COMMISSIONER BOSTON: Not with the whole
19 Commissioner Board. There is none (phonetic). We are meeting
20 this evening for our general meeting but we will take our formal
21 (phonetic) vote on it.

22 MR. SMITH: Okay. All right. Thank you.

23 ANC COMMISSIONER BOSTON: I'm going to recommend to the
24 rest of the Commissioners that they approve.

25 VICE CHAIR JOHN: Okay. So let me talk to the Board

1 Members. There is no request for a continuance for the ANC to
2 vote. However, this case is really very straightforward and as
3 the Commissioners are aware, the Board doesn't feel -- has stated
4 that the conversion to a flat in an RA-1 zone is a matter-of-
5 right. So we've been hearing these cases until there's a change
6 or the technical corrections to the regulations to facilitate
7 applicants being able to complete their projects in a timely
8 manner and so I don't believe that in this case it's necessary
9 to continue to hear from the ANC, even though the ANC has not
10 requested a continuance. So I'd like to hear from Dr. Imamura
11 and Board Member Smith.

12 ZONING COMMISSIONER IMAMURA: Thank you, Madam Vice
13 Chair. I agree that because the flat is a matter-of-right in
14 the RA-1 zone, I think this is pretty straightforward. I would
15 prefer to have a more complete record with a letter in support
16 by (indiscernible). I think the fact that this is sort of a
17 matter-of-right I'm prepared to vote in support.

18 MR. SMITH: And I agree with Dr. Imamura's comments as
19 well as yours, Chair John. This is a fairly straightforward
20 application. It seems that the ANC doesn't (indiscernible) as
21 Commissioner Boston stated. They are opposed to the application
22 so I would prefer to just proceed with the application, the review
23 and approval of the application.

24 VICE CHAIR JOHN: Okay. So Commissioner Boston, I'm
25 going to recommend that the Board go ahead and vote on this

1 matter. Ordinarily we would probably continue to hear from the
2 ANC but you're representing that you do not believe the ANC is
3 in opposition. It just means that we cannot give great weight
4 to your statement because we don't have a formal vote. In any
5 event, just listening to the Board Members, there are enough
6 votes to approve the application and as I said, we don't believe
7 an application is even necessary, so if you have a response?

8 ANC COMMISSIOENR BOSTON: I'm sorry. I couldn't hear
9 the last thing you said.

10 VICE CHAIR JOHN: So did you have a comment?

11 ANC COMMISSIONER BOSTON: No, ma'am, I do not. I think
12 we should approve to move along with this.

13 VICE CHAIR JOHN: Okay. Mr. Young, you did say there
14 was no one signed up to testify?

15 MR. YOUNG: We have one witness signed up.

16 VICE CHAIR JOHN: Okay. Let's go ahead and let the
17 witness in.

18 MR. YOUNG: It is Barbara Childs.

19 VICE CHAIR JOHN: Good morning, Ms. Childs, can you
20 hear me?

21 MS. CHILDS: Yes. And good morning to all. My name
22 is Barbara Childs and I reside at 118 Taussig Place which is the
23 house attached to 120, and I do want to thank Commissioner Boston,
24 Olivia and Dennis because they have reached out to the people on
25 the block. But my concerns I guess would be like anyone else's

1 concern whose house is adjacent to the 120.

2 I, you know, I am mindful that there will be
3 construction work. I have requested that the work be done from
4 Monday to Friday. This is a stable block. Many senior citizens,
5 which I am one and, you know, we just feel that all that
6 construction and the noise will hinder and be a disturbance to
7 us. So I did speak to Olivia and I did speak to Dennis, the
8 owner of the property, and I'm still not clear whether or not
9 their constructing will go on to Saturday because I heard people
10 are given a permit to construct from Monday through Saturday, and
11 you know, I just wanted to be assured that that would not happen
12 on a Saturday. Give us one day of rest.

13 And we have also informed them about some of our parking
14 considerations, even though they're going to have two parking
15 spaces in the back. You know, we just don't know how many people
16 will assume the occupancy of the two two-bedroom apartment. So
17 that is a major concern and the removal of all of the construction
18 material, you know, when is that done? Is it going to be done
19 on a daily basis and if anything happens to my property, you
20 know, what is their responsibility to me or to my house in terms
21 of repairing?

22 So that's about it. And you know, I see where the
23 Commission is going to be affirmative on this action, but I just
24 want it to be known for the record that I do have some concerns.

25 VICE CHAIR JOHN: Thank you. So were you able to come

1 to any agreement, written agreement with the Applicant concerning
2 how they will conduct construction?

3 MS. CHILDS: Okay. Oh, I'm sorry. Go ahead.

4 VICE CHAIR JOHN: Go ahead.

5 MS. CHILDS: No, nothing in writing but that would
6 surely be appreciated.

7 VICE CHAIR JOHN: Okay.

8 MS. CHILDS: Since Olivia is on the line and I'm pretty
9 sure Dennis is on the line or within hearing distance. That
10 would certainly be something I would love to have.

11 VICE CHAIR JOHN: Okay. So Ms. Akinsan and Commissioner
12 Boston, can I ask you all to get together after this hearing and
13 to work out some sort of a construction agreement that addresses
14 the witness's questions? Ms. (indiscernible) questions, I'm
15 sorry.

16 ANC COMMISSIONER BOSTON: Ms. Childs.

17 VICE CHAIR JOHN: Ms. Childs' questions.

18 ANC COMMISSIONER BOSTON: Yes. Yes, ma'am.

19 VICE CHAIR JOHN: Commissioner Boston, you first.

20 ANC COMMISSIONER BOSTON: Yes, ma'am. Yes, we can do
21 that. (Indiscernible), Olivia?

22 MS. AKINSAN: Yes, absolutely. We have -- Mrs. Childs
23 has brought up these concerns. We are very aware of them. We've
24 addressed them verbally, but we have no problem writing down a
25 written agreement so that everybody's on the same page.

1 VICE CHAIR JOHN: Okay. Excellent.

2 MS. CHILDS: Thank you.

3 VICE CHAIR JOHN: Well, thank you, Ms. Childs.

4 MS. CHILDS: Well, thank you.

5 VICE CHAIR JOHN: Okay. Does the Board have any
6 questions before I excuse Ms. Childs?

7 (No response.)

8 VICE CHAIR JOHN: No? Okay. I'll go ahead and excuse
9 everyone, all of the witnesses. Thank you, Commissioner. Thank
10 you, Ms. Akinsan.

11 MS. AKINSAN: Thank you.

12 ANC COMMISSIONER BOSTON: Thank you, guys.

13 VICE CHAIR JOHN: Thank you. So the record is closed
14 and I'll ask the Board if they're ready to deliberate?

15 So as I said before, I don't believe that this case
16 should be heard under U 421, nevertheless, I believe it meets the
17 criteria for approval under section U 421 and so I will be voting
18 in support of the application and give great weight to the Office
19 of Planning's report which shows how it meets the criteria for
20 review under that section, and ask my colleagues if they would
21 like to comment.

22 Mr. Smith?

23 MR. SMITH: I have nothing to add. I agree that, and
24 we've discussed it at length, I do agree with that this
25 potentially could move to being by-right and I do recognize that

1 the Office of Planning is working on a text amendment to make
2 these by-right because of the conflicting nature of the Code.
3 But I agree nevertheless, I do believe that this is a fairly
4 straightforward application and meets the standard for approval
5 under Subtitle U 421.

6 The application would be for expansion to the rear of
7 the property and I do believe that if that expansion does meet
8 the standards as specified in Subtitle X 901 the proposed addition
9 I believe would be in harmony with the general purpose and intent
10 of the zoning regulations and would not tend to adversely affect
11 the adjacent properties. I do understand the concerns of the
12 neighbor, but many of those concerns relate to construction
13 management, which is managed not by this Board, but more by the
14 Office of Zoning and the Department of Buildings as specified as
15 the condition of the building permit.

16 So I would recommend to the neighbor to continue to
17 interface with the Applicant and also reach out to the Department
18 of Buildings to get additional information, clarification on
19 their construction management process as conditioned by a
20 building permit and if they have any concerns, don't hesitate to
21 reach out to the Department of Buildings.

22 So with that, I would support the application, giving
23 OP's staff report great weight.

24 VICE CHAIR JOHN: Thank you. Dr. Imamura?

25 ZONING COMMISSIONER IMAMURA: Thank you, Madam Vice

1 Chair. Thank you Board Member Smith also for the clarification
2 that this is not a matter-of-right in the RA-1 zone under U 401,
3 but is a matter-of-right U 301 in the RF zone and it's already
4 stated that things are moving in that direction and what's already
5 been stated regarding U 421.

6 So with that, Madam Vice Chair, I'm in agreement with
7 both you and Board Member Smith and am prepared to vote in
8 support.

9 VICE CHAIR JOHN: Thank you. So with that, I will ask
10 for -- I will make a motion to approve applications 20892 as
11 captioned and read by the Secretary with a footnote that states,

12 "The Board noted, while the relief requested has been
13 determined to be required by the Zoning Administrator, they
14 questioned that interpretation and believe additional clarity is
15 needed in future text amendments of the zoning regulations for
16 new residential developments under Subtitle U 421. Nevertheless,
17 they believe the Applicant should be granted the relief in this
18 specific application."

19 And ask for a second. Mr. Smith?

20 MR. SMITH: Second.

21 VICE CHAIR JOHN: Mr. Moy, would you please take the
22 roll call?

23 MR. MOY: If you will please respond to the motion made
24 by Vice Chair John to approve the application for the relief
25 requested. The motion to approve was second by Mr. Smith.

1 Zoning Commissioner Dr. Imamura?

2 ZONING COMMISSION IMAMURA: Yes.

3 MR. MOY: Mr. Smith.

4 MR. SMITH: Yes.

5 MR. MOY: Vice Chair John?

6 VICE CHAIR JOHN: Yes.

7 MR. MOY: And I have no other Board Members today.

8 staff would record the vote as three to zero to two, and this is
9 on the motion made by Vice Chair John to approve. The motion to
10 approve was second by Mr. Smith, who has also voted to approve
11 the application as well as approval, voting to approve from Dr.
12 Imamura. So voting to approve is Zoning Commissioner Dr. Imamura,
13 Mr. Smith and Vice Chair John. Motion carries on the vote of
14 three to zero to two.

15 VICE CHAIR JOHN: Thank you. And please call your next
16 case when you're ready, Mr. Moy.

17 MR. MOY: The next case before the Board is our case
18 No. 20903 of PRP Capital Properties, LLC. This is advertised as
19 an application pursuant to Subtitle X § 901.2 for special
20 exception under Subtitle D § 5201.1 from the side yard
21 requirements, Subtitle D § 206.3. The property is located in the
22 R2 zone at 322 56th Street, NE, Square 5250, Lot 91. The property
23 is located in the R2 zone at the address I just gave, so I think
24 that's all I have for you except just to note that for the record,
25 Madam Vice Chair, that both the affidavits for posting and

1 maintenance were submitted on June the 26th which was two days
2 ago and as you're aware, the affidavit posting is a bit tardy
3 since it's typically due 15 days prior to the hearing as well as
4 the affidavit for maintenance due, you know, within five to six
5 days. So that's all I have for you, Madam Vice Chair.

6 VICE CHAIR JOHN: Thank you. Good morning, Mr.
7 Carballo. Please introduce yourself for the record.

8 MR. CARBALLO: My name is Adam Carballo, Carballo
9 Architecture representing the owners of this property. I also
10 have with me from my team, Mr. Nehemiah Curtis, who's also present
11 as a panelist as well.

12 VICE CHAIR JOHN: Thank you. Good morning, Mr. Curtis.
13 Please introduce yourself.

14 MR. CURTIS: Good morning. Nehemiah Curtis, member of
15 Carballo Architecture.

16 VICE CHAIR JOHN: Thank you. Mr. Carballo, can you
17 tell us why you're here and how your application meets the
18 criteria for approval, and I'll ask Mr. Young to put 15 minutes
19 on the board.

20 MR. CARBALLO: Certainly. We're here presenting 322
21 56th Street and this property is an existing undersized lot at
22 20 feet wide. It is located in a R2 zoning district.

23 We are proposing a new construction single family home
24 for our clients for their primary residence. This property, as
25 per R2, would require an eight foot side yard setback. The lot,

1 as I mentioned, is existing undersized at 20 feet wide. This
2 would result in a 12 foot wide home which is not necessarily
3 desirable, does not leave a lot of usable space on the interior
4 once you add a staircase and thickness of exterior wall.

5 We are here to request relief of that side yard setback
6 and in lieu of the required eight foot side yard setback, we're
7 requesting a three foot side yard setback. We are still in
8 compliance with minimum setbacks lot coverage, rear yard setback,
9 front yard setback. Our only request is the side yard setback
10 to allow for a 17 foot wide home in lieu of a 12 foot wide home.

11 We have also presented to the ANC. We have a letter
12 of support from the ANC. We've also received a letter of support
13 from the Office of Planning and finally, we also have received
14 support from the Northeast Boundary Civic Association, who we've
15 also presented to as part of our due diligence and the, you know,
16 public engagement portion of our outreach leading up to this BZA
17 presentation.

18 VICE CHAIR JOHN: Okay. Thank you. Does the Board
19 have any questions? I'll go to the office then. Mr. Mordfin.

20 MR. MORDFIN: Good morning Madam Chair, or Vice Chair
21 and Members of the Board. Stephen Mordfin with the Office of
22 Planning.

23 The Office of Planning finds this application to be in
24 conformance with the criteria necessary for the granting of the
25 variance, or rather the special exception as requested, and

1 | therefore recommends approval and I'm available for any
2 | questions. Thank you.

3 | VICE CHAIR JOHN: Thank you, Mr. Mordfin. Did you have
4 | any comments on the separation between this project and the
5 | neighbor to the, I forget which side it is?

6 | MR. MORDFIN: To the south?

7 | VICE CHAIR JOHN: Yes.

8 | MR. MORDFIN: Yes. So in this case, we find the three
9 | feet to be adequate. We've often recommended three feet. The
10 | Applicant also has a driveway on the other side so there's more
11 | distance then between this future building and the existing
12 | building and we also find that the three feet should be adequate
13 | for the Applicant to be able to maintain their side yard and the
14 | side of their house. It won't be too narrow for them to cut the
15 | grass and to do whatever might be necessary for the exterior of
16 | the structure.

17 | So therefore we find three feet is adequate in cases
18 | where there are lots that are narrow and don't conform to the
19 | current standards and the zoning regulations.

20 | VICE CHAIR JOHN: Thank you, Mr. Mordfin. Does the
21 | Board have any questions for either the Applicant or Mr. Mordfin?
22 | Does the Applicant have any questions for the Office of Planning?

23 | MR. CARBALLO: No, ma'am.

24 | VICE CHAIR JOHN: Mr. Young, has anyone signed up to
25 | testify?

1 MR. YOUNG: No, we don't have anyone.

2 VICE CHAIR JOHN: Mr. Carballo, do you have any closing
3 comments?

4 MR. CARBALLO: I guess in closing we'll rest on the
5 record and the letters of support and engagement we've already
6 presented.

7 VICE CHAIR JOHN: Okay. Thank you very much. I'm
8 going to close the record and excuse you from the hearing today.
9 Thank you for your testimony.

10 Is the Board ready to deliberate? So this case is
11 fairly straightforward. I'm going to give great weight to the
12 Office of Planning's report. We don't have any response from the
13 ANC as of the last time I checked, and I agree with the Office
14 of Planning that because of the driveway to the south there should
15 be no adverse impact on light and air with respect to the
16 neighbor, to that neighbor and so I'm in support of the
17 application.

18 Does anyone want to add any comments? Mr. Smith?

19 MR. SMITH: I don't have anything to add. I agree with
20 your assessment of this particular case. It seems to me that
21 given the narrowness of this irregular lot that the requested
22 relief is appropriate and the size (phonetic) chosen is
23 appropriate given that there is a driveway at the property to the
24 south that adds some additional space. Granted the, you know,
25 nature of the properties they do change. It could be a situation

1 | that the property to the south is expanded but I do believe that
2 | what was submitted, I do believe meets the nature of the relief
3 | requested and would support the application.

4 | VICE CHAIR JOHN: Thank you. Dr. Imamura?

5 | ZONING COMMISSIONER IMAMURA: Thank you, Madam Vice
6 | Chair. I'm in agreement with your assessment as well as Board
7 | Member Smith. Certainly, I don't think light and air or privacy
8 | of use and enjoyment are neither affected or compromised. Even
9 | the preferred proposed nonconforming side yard should not
10 | adversely affect the character of scale and pattern with the
11 | houses along the street and I agree with Board Member Smith that
12 | while what may happen in future to the property to the south and
13 | their expansion is of some moderate concern, I think that this
14 | is a pretty reasonable and straightforward and I am prepared to
15 | support.

16 | VICE CHAIR JOHN: Okay. Thank you. So I'll go ahead
17 | then and make a motion to approve application No. 20903 as
18 | captioned and read by the Secretary and ask for a second. Mr.
19 | Smith?

20 | MR. SMITH: Second.

21 | VICE CHAIR JOHN: Mr. Moy, will you please take the
22 | roll call?

23 | MR. MOY: Madam Vice Chair, I do before I take the roll
24 | call want to correct a statement I made earlier regarding the
25 | affidavits. The affidavit posted in the record should be filed

1 not less than five days prior to the hearing, and the affidavit
2 for the maintenance should be filed between two and six days. I
3 just want to make that clear for the transcript. So other than
4 that, when I call your name --

5 VICE CHAIR JOHN: Mr. Moy, I should also waive the late
6 filing as well.

7 MR. MOY: Yes, thank you.

8 VICE CHAIR JOHN: And assume that the Applicant did
9 make such a request.

10 MR. MOY: Yes. Thank you. Thank you very much.

11 VICE CHAIR JOHN: Thank you. And so I will close the
12 record. Do I need to redo the motion?

13 MR. MOY: No, I think we're fine.

14 VICE CHAIR JOHN: Okay. Thank you.

15 MR. MOY: So when I call your name if you will please
16 respond to the motion made by Vice Chair John to approve the
17 application for the relief requested. The motion to approve was
18 seconded by Mr. Smith.

19 Zoning Commissioner Dr. Imamura?

20 ZONING COMMISSIONER IMAMURA: Yes.

21 MR. MOY: Mr. Smith?

22 MR. SMITH: Yes.

23 MR. MOY: Vice Chair John?

24 VICE CHAIR JOHN: Yes.

25 MR. MOY: We have no other members. The staff would

1 record the vote as three to zero to two and this is on the motion
2 made by Vice Chair John to approve. The motion to approve was
3 second by Mr. Smith, who also voted to approve as well as approval
4 from Zoning Commissioner Dr. Imamura. The motion carries on a
5 vote of three to zero to two.

6 VICE CHAIR JOHN: Thank you, Mr. Moy. Please call your
7 next case when you're ready.

8 MR. MOY: The next case before the Board is Application
9 No. 20908 of 636 Edgewood, LLC. This application was advertised
10 as a self-certified application pursuant to Subtitle X § 901.2
11 for special exception under Subtitle A § 703 from minimum vehicle
12 parking requirements, Subtitle C § 701.5 pursuant to Subtitle X
13 § 1002 for area variances from the front setback requirements,
14 Subtitle E § 305.1 and the rear yard requirements of Subtitle E
15 § 306.1. Subject property is located in the RF-1 zone at 638
16 Edgewood Street, NE, Square 3637, Lot 102, and that's all I have.
17 Thank you.

18 VICE CHAIR JOHN: Thank you, Mr. Moy. Good morning,
19 Mr. Wilson.

20 MS. WILSON: Good morning.

21 VICE CHAIR JOHN: Please introduce yourself for the
22 record, and you may begin your presentation. You'll have 15
23 minutes to give your presentation.

24 MS. WILSON: Great. Thank you so much. My name is
25 Alexandra Wilson from Sullivan & Barros on behalf of the Applicant

1 in this case. I'm also here with Mazen Abdelhamid, our project
2 architect, and Mr. Temi Dada who is representing the property
3 owner. Thank you, Mr. Young.

4 If you'll please go to the next slide. Thank you. The
5 property is located in the RF-1 zone and is currently vacant.
6 The Applicant is proposing to construct a new semi-detached
7 building with three stories to be used as a flat, which is a
8 matter-of-right use in the zone. As we will discuss in more
9 detail, a substantial portion of the lot over 98 percent cannot
10 be built on without relief. Accordingly, we are seeking relief
11 from the front and rear setback requirements of the RF-1 zone,
12 and we are also seeking special exception relief for one parking
13 space.

14 In terms of agency and community outreach, the Office
15 of Planning is recommending approval. DDOT has no objection.
16 ANC 5S supports the application and the owner has done quite a
17 bit of neighbor outreach, as evidenced by 11 support letters in
18 the record.

19 Next slide, please. For some context, property is
20 highlighted here. It is a triangular lot in a square of generally
21 rectangular lots. There are only six other houses on this block,
22 three pairs of existing semi-detached buildings, all with a
23 relatively large front set back and the footprints shown here
24 include the porch footprints but the actual setback for the
25 respective front walls is quite further, about 18 feet from the

1 front lot line and I just wanted to note this because you can
2 see around the square those other buildings do not have quite the
3 setback, so the other six houses on this block are further setback
4 relative to the other properties in this square.

5 And for the regulations, we must use those six
6 buildings to establish the required setback for the new building,
7 and the other buildings to the west which don't have much of a
8 front setback are on a different street. I believe they're on
9 Everett (phonetic) Street since they don't front on Edgewood and
10 so we cannot use those.

11 Next slide, please. This is another photo of the
12 property. The adjacent property has an existing side yard, so
13 there will be separation there and this also shows the topography
14 and slope of the lot.

15 Next slide, please. Thank you. Across from the subject
16 property is an apartment complex, and in our investigation, we
17 confirmed that they do not rent parking spaces to non-residents.

18 Next slide, please. In terms of the relief for the
19 parking space, it meets the general criteria for approval as the
20 parking requirement is for one space. So at most there will be
21 a need for one more on-street parking space than there would be
22 without the relief, which should not adversely impact the use of
23 neighboring properties. The majority of the properties in the
24 square have direct alley access to the respective rear yards and
25 the ability to provide onsite parking that's not already

1 available.

2 For the DDOT report, DDOT supports the requested
3 relief, given the site's proximity to transit and the walkability
4 of the neighborhood and it also noted that the impacts on the
5 transportation network are expected to be minimal.

6 Next slide, please. With respect to the specific reg
7 (phonetic) requirements we only need to meet one in this case to
8 be included what we could safely meet. For C 703.2(a) the
9 configuration of the lot severely limits the available parking
10 locations so that the only feasible place would be at the front
11 or side of the property. That's not possible due to first the
12 topography, but also that it isn't permitted by right to have a
13 parking space in the front yard and we did investigate whether
14 there were parking spaces available within 600 feet. There are
15 a couple of larger apartment buildings and they confirmed they
16 do not rent out spaces to non-residents.

17 Further, the property is well-served by mass transit,
18 including the Rhode Island metro and the Route G8 bus line which
19 is a priority metrobus route. In terms of nearby amenities the
20 property has a walk score of 85. It's considered very walkable
21 and most areas can be accomplished on foot and it also has a bike
22 score of 85, meaning biking is convenient for most trips and
23 finally, the increase in two residential units and potential
24 associated need for on-street parking should not create any
25 traffic congestion. The parking requirement is one space, so at

1 most there will be a need for one more on-street parking space
2 than there would be without the relief, which again should not
3 impact traffic nor parking.

4 Next slide, please. This slide just shows what's
5 nearby in terms of amenities and the walk score and bike score
6 that I mentioned.

7 Next slide, please. So in terms of the variance, we
8 are seeking relief from the front and rear setback requirements
9 of this zone. The property is uniquely affected by a confluence
10 of factors that drive the need for this relief. Obviously, the
11 shape of the lot is unique and the primary driving force. It's
12 also vacant and unimproved, which is unique for the square and
13 surrounding area. As I discussed, the setback is determined by
14 the houses on the block and in this case there are a limited
15 number of houses established in a setback compared to the rest
16 of the square, and those houses are set back much further than
17 the other homes in the square. So these factors uniquely impact
18 the subject property.

19 Next slide, please. In terms of practical
20 difficulties. So this shows the house to the west so you can
21 get a sense of the front setback (indiscernible). So the front
22 setback is based on the distance from the front lot line to the
23 front wall of the neighboring homes, of those six houses on
24 Edgewood, not the front porch, and so that's what that distance
25 is being measured there, and as you can see, the front walls of

1 the houses on this block are set back 18 feet from the front lot
2 line. That alone would prevent a significant portion of the lot
3 from being buildable and creates practical difficulties.

4 But then we also have the rear yard setback
5 requirement, and the rear setback is established along a plane
6 starting at a distance 20 feet from the rear line along the rear
7 lot line, and so as demonstrated on this diagram because of how
8 the lot is shaped the front setback would be 18 feet and then
9 the 20 foot rear setback, the only area that the Applicant could
10 legally build on without relief is highlighted in yellow, and
11 it's measured only 32 square feet in land area at about 1.7
12 percent of the lot.

13 So in this case, absolutely nothing is possible without
14 relief. There's not an alternative plan that we could have
15 explored. I know that's sometimes presented in these types of
16 variance cases, but in this case, it's just not possible to do
17 anything without relief which is a clear practical difficulty
18 and, again, the relief is directly tied to this confluence of
19 factors affecting the single property. The shape of the lot
20 relative to the other lots in the square is unique and there are
21 existing significant setbacks that established the front setback
22 for this property or no other property in the square would face
23 this issue. Most of these, the subject property is the only
24 unimproved one, but also because the other buildings in this
25 square have much smaller setbacks that are comparable to what we

1 are proposing.

2 Next slide, please. And this diagram is to provide
3 support for the final prong of the variance and that we are still
4 providing a front setback. The actual building footprint itself
5 is in blue here. So we are meeting the intent of the regulations
6 with respect to the open space on the lot. We are still meeting
7 the lot occupancy requirements, the side yard requirements and
8 our proposed front setback is still about the same distance as
9 the porch is on the adjacent properties and any covered
10 projections generally line up. It's been carefully designed not
11 to impede the existing sightlines from the street, and the
12 difference between the setbacks won't be noticeable or
13 perceivable and the architect can talk more about this. But we
14 did work with OP's design division to make sure the design of
15 the building matched the existing buildings on this block as
16 well.

17 Next slide, please. So again, the Applicant is
18 requesting relief based on the unique configuration of the lot
19 and conditions impacting just this property. It's unimproved.
20 It's the only lot shaped like this in the area creating a direct
21 impact on the buildable area. The proposal is to construct a
22 flat, which will still meets the otherwise applicable regulations
23 of the RF-1 zone, including lot occupancy, height and side yard
24 requirements, and also meeting the purpose and intent of the
25 zoning regulations in the yard requirements which promote open

1 space. The required open space of 40 percent is still met.

2 The Applicant is still providing a front setback that
3 nearly (phonetic) aligns with the porches, just not quite the
4 front walls of the buildings on this block, which are
5 significantly setback even compared to the other houses in the
6 square. Accordingly, the proposed relief can be granted without
7 substantial detriment to the public good and without impairing
8 the intent, purpose and integrity of the zone plan.

9 Next slide, please. Thank you. With that, I'm going
10 to turn it over to Mazen to walk through the site plan and
11 elevation, and then we do have additional floor plans and
12 elevations located at the end of the presentation if there are
13 specific questions.

14 VICE CHAIR JOHN: Thank you.

15 MR. ABDELHAMID: Morning, everyone. This is Mazen
16 Abdelhamid from MZ Designs. I am the architect for this project.

17 So I am going to walk you through the design, different
18 design for this building. So as you see on the screen, we propose
19 two multi-story units on three floors of upgrade with one cellar
20 level. As you see here, those two units will have two entrances,
21 one from the right and one from the left with respect to the bus
22 shelter that's existing and we have the first stair from the back
23 that's leading to the roof, and the front two, there is two bay
24 windows or areaways that provide the light and air to the unit
25 in the cellar level.

1 Next slide, please. So here is an elevation for the
2 existing row house on the left and our new proposed design on
3 the right. We try to provide the dynamic architectural design
4 of (indiscernible) and also try to match or like have some, like
5 carry some language from the existing building on the left. So
6 we carry the brick facade with adding some siding and the porch
7 that's almost similar to the current porch.

8 So here we're showing to that the levels of the floors
9 is almost matching the current building or just like adding one
10 floor higher than the existing current house on the left. This
11 elevation also shows that (indiscernible) on some of the metal
12 (phonetic) and on the right there's an entrance to the first unit
13 and on the left, the entrance for the second unit and on the top
14 right corner we're showing the samples (phonetic) for the
15 material we'd be using on this building.

16 Just a quick brief on the architecture design and I'm
17 willing to answer any questions if needed. Thank you so much.

18 VICE CHAIR JOHN: Thank you.

19 MS. WILSON: Thank you. And that concludes our
20 presentation, and we're happy to take any questions.

21 VICE CHAIR JOHN: Thank you. Does the Board have any
22 questions?

23 MR. SMITH: I do.

24 VICE CHAIR JOHN: Go ahead, Mr. Smith.

25 MR. SMITH: Ms. Wilson, thank you for walking through

1 your justification for the variance. But one thing I need
2 additional clarification on is there is purpose and intent of
3 rear yards and I recognize that the size of this block does make
4 it difficult to construct anything on this property given the
5 shape. But what I haven't heard is a justification for us to
6 completely vary the rear yard.

7 Yes, you know, I understand again that there is -- that
8 you require a new rear yard requirement but why should we vary
9 it to zero? Could you state the intent or could you provide some
10 additional commentary or reasoning why the Applicant can't
11 provide any type of rear yard?

12 MS. WILSON: So typically in cases like this we haven't
13 been required to justify the degree of relief, but I'm happy to
14 talk more about it if we can possibly pull up the presentation.
15 I mean, quite frankly any lesser degree of relief I would imagine
16 would begin to impact the program and create additional
17 difficulties in the floor plan layout.

18 Mazen, is that accurate?

19 MR. ABDELHAMID: Correct, yes. Adding each foot of
20 setback will significantly reduce the size of the unit.

21 MR. SMITH: What's the square footage of the, again,
22 would that be usable square footage with, you know, a three foot
23 setback or two foot setback? Was there any type of construction

24 --

25 MR. ABDELHAMID: Like --

1 MS. WILSON: I guess we don't understand the line of
2 questioning just as it relates to the degree of relief. We're
3 typically not required to prove degree of relief because it's all
4 variance relief.

5 MR. SMITH: Okay.

6 MS. WILSON: It's not like reducing that needed relief
7 would bump it to a special exception or anything and I think
8 that's typically where we get into that.

9 MR. SMITH: Okay. All right. That's the only question
10 I had.

11 VICE C HAIR JOHN: I think I would like to have an
12 answer to that question though. Why is it that you have to build
13 to the lot line and you can't provide any rear yard? I think
14 the architect might be able to answer that.

15 MR. ABDELHAMID: You want me to answer this,
16 Alexandria?

17 MS. WILSON: Yes. If you could get into that.

18 MR. ABDELHAMID: Sure. So right now the total floor
19 plan is about 500 square foot. So, and the edge on the back of
20 the building is about like 42 linear foot. So adding each foot
21 of setback will reduce the size of the units for about 80 square
22 foot. So like, if we have two foot this will be like 160 square
23 foot using of the unit and this will create hardship for the
24 entrance on the right side for unit No. 2. Any --

25 MR. SMITH: (Indiscernible).

1 MR. ABDELHAMID: -- sure, go ahead.

2 MR. SMITH: Can we pull up a diagram of the floor plan

3 --

4 MR. ABDELHAMID: Sure.

5 MR. SMITH: -- so we can better understand what you're
6 speaking about?

7 MR. ABDELHAMID: Sure.

8 MR. SMITH: How your programming of the building, you
9 know, you need lesser relief than taking it all the way to the
10 lot line would create an undue, would create a hardship that
11 would meet the various criteria?

12 MS. WILSON: I just want to clarify that it's practical
13 difficulties, not hardship, when you're discussing that.

14 MR. SMITH: Please explain how not going to the lot
15 line creates a practical difficulty to construct your full
16 program because I'm still struggling.

17 MR. ABDELHAMID: Understood. So can we go to the next
18 slide, please? There's a floor plan. Yes, one more. Yes, maybe
19 one more. Yes, maybe he can (indiscernible) this here. Yes,
20 this is it.

21 So, as we see here, like the blue color, this is the
22 footprint of the unit. So here we have on the right, there is
23 an entrance for the unit upstairs which is unit No. 2 and on the
24 left there is the entrance for the unit No. 1. So like the edge
25 of the building from the rear is 40, it's almost 42 foot, linear

1 foot. So pushing this line in will basically create like really
2 difficult to have entrance for unit No. 2 because there is no
3 room for this lobby anymore and also this will reduce the size
4 of the living area next to the stairs, and also this makes up
5 use about 80 square foot for each one foot of setback. That's
6 why we propose to go to the lot line to start to have enough room
7 for the unit No. 1 on the first floor and also have an entrance
8 for unit No. 2 to go upstairs.

9 MR. SMITH: Okay. Can you move to the second slide and
10 speak to that one (indiscernible) upper floor?

11 MR. ABDELHAMID: So here the second floor is, like
12 this will be the first level of the second unit, which is on the
13 second floor. The lobby or the entrance for this unit is on the
14 first floor and going to the second floor for the living and
15 kitchen area as in we're going to the second floor, so it's the
16 third floor for the bedroom for this unit.

17 So pushing this rear wall end to provide a setback
18 would create a big issue for having the entrance for this unit
19 and also reducing the size of it, which is now about like 500
20 square foot per floor. So there is no room to reduce the square
21 footage more than this.

22 MR. SMITH: Okay. Can we move to the cellar?

23 MR. ABDELHAMID: Sure. Can we go back (indiscernible).

24 MR. SMITH: And could you also --

25 MR. ABDELHAMID: (Indiscernible).

1 MR. SMITH: Right. Because that's what I'm saying. My
2 question is based on the lower floor plan, the cellar level.

3 MR. ABDELHAMID: Yes. We need to go to the cellar.

4 MR. SMITH: (Indiscernible) A3?

5 MR. ABDELHAMID: Yes. Here. This is the third floor.
6 This is the bedrooms floor and here is the cellar. This is the
7 bedrooms for unit No. 1 which is the entrance from the left side.

8 MR. SMITH: Okay. It looks like --

9 MR. ABDELHAMID: Providing two windows (phonetic) on
10 Edgewood and another one on the rear alley and this would be the
11 third (phonetic) stair above this one leading to the rooftop.

12 MR. SMITH: Okay. And you have a lot of mechanical and
13 utility spaces that would abut that rear lot line. Was that also
14 part of your --

15 MR. ABDELHAMID: Okay.

16 MR. SMITH: Was that also part of your --

17 MR. ABDELHAMID: Yes, mechanical equipment will go on
18 the roof.

19 MR. SMITH: The utility spaces, do you have, you know,
20 some type of items like washer and dryer, HVAC, some of those
21 right up against that lot line? Was that also justification for
22 the reason why you decided to build up to that lot line to
23 maximize the amount of, you know, putting some of those
24 mechanical, you know, those (indiscernible) spaces into that to
25 maximize the usable footprint of the building?

1 MR. ABDELHAMID: I'm sorry. I don't get your question
2 clearly. Sorry. Can you repeat it?

3 MR. SMITH: Never mind. Yes, never mind.

4 MR. ABDELHAMID: Are you talking about, like the
5 mechanical equipment? I'm sorry. Are you talking about the
6 mechanical equipment?

7 MR. SMITH: You have HVAC, you have storage, you have
8 washer and dryer units, you have the stair area.

9 MR. ABDELHAMID: Yes.

10 MR. SMITH: What's in that space?

11 MR. ABDELHAMID: Oh, sure. So this (indiscernible) is
12 for interior, like the indoor (indiscernible) unit. This needs
13 to be inside there, it can't be outside and then there's private
14 storage and there is a washer and dryer, and water heater. So
15 we took all these utility rooms or the closets next to the stair.
16 This is the only space available for this, so even if we didn't
17 have any setback, we didn't really open like any windows or any
18 openings on the alley. We tried to make all the whole house open
19 to the main street, which is Edgewood.

20 MR. SMITH: Okay. All right. Thank you. That's all
21 the questions I have.

22 VICE CHAIR JOHN: Okay. Thank you. Dr. Imamura, do
23 you have any questions?

24 ZONING COMMISSIONER IMAMURA: Thank you, Madam Vice
25 Chair. I don't have any questions. Just a couple of comments.

1 I certainly understand Board Member Smith's questions about
2 building to the lot line and I think what might have been helpful
3 as well for Mr. Abdelhamid is just if you had just described.
4 I'm certain that you probably went through an iteration or design
5 vignette of some kind that sketched out what that setback would
6 have been, had it been two or three feet, whatever it might have
7 been that would have impacted the program (phonetic) because what
8 you've ultimately arrived at is what I think is actually a really
9 nice design solution given the constraints that you have and I
10 think what I see in Board Member Smith's question about pulling
11 it back from the lot line, that would probably impact the front
12 facade on Edgewood in order for the lobby would have to be bumped
13 out a bit in order for that to make the turn up the set of stairs
14 there and so that would have changed the, I think, sort of a
15 front facade there, an elevation and I think that the architect
16 here has done generally a pretty nice job in meeting the character
17 of the neighborhood.

18 So I think just in the future it's helpful, Ms. Wilson,
19 for any architects that come before us just to say, or at least
20 explain, sort of their design thought process that they've gone
21 through, what works, what didn't work, and this is where we've
22 arrived.

23 Just also want to comment on your slide deck, slide No.
24 10 I think it was. It might have been on your slide with the
25 parameters of the 32 square feet with all the setbacks is pretty

1 | effective as well as your use of walk score and bike score. So,
2 | I'm certainly big fan of that so appreciate you approaching that.

3 | So otherwise I don't have any questions. I think that
4 | given all the constraints and parameters, I think this is a pretty
5 | commendable design solution. So, thank you, Madam Vice Chair,
6 | for the air time.

7 | VICE CHAIR JOHN: Thank you, Dr. Imamura. So I'll go
8 | to the Office of Planning.

9 | MR. JESICK: Madam Vice Chair and Members of the Board.
10 | My name is Matt Jesick, and I'll be presenting OP's testimony in
11 | this case.

12 | The Office of Planning reviewed the relevant criteria
13 | for the parking relief as well as the front and rear variances
14 | and we felt that the application met the appropriate criteria to
15 | enable us to recommend approval of the relief. I'm happy to get
16 | into more detail or any questions if the Board has any. Thank
17 | you.

18 | VICE CHAIR JOHN: Thank you, Mr. Jesick. Can you talk
19 | about the request for the variance relief and how it meets the
20 | criteria? In particular, can you talk about the confluence of
21 | factors? I mean, I don't particularly believe that an undeveloped
22 | lot can challenge (phonetic) the confluence of factors. So how
23 | do you see that?

24 | MR. JESICK: Sure. Well, it's an interesting lot. It
25 | actually meets the lot area requirement, but it has this very

1 unusual shape, this kind of elongated triangle. A lot of that
2 area is not usable. It's a very narrow lot from front to back.
3 So that odd shape combined with the requirements for front and
4 rear setbacks mean very little of the lot is actually buildable.

5 So when you look at the floor plans, you know, the
6 maximum depth of the building is very short compared to what we
7 normally see for row houses or flats. It's only about 26 feet
8 deep and then that's because the design, excuse me, is attempting
9 to match as best as possible the front setback to maintain the
10 openness of the street and so we really appreciated that design
11 aspect.

12 Yes, they are going to the rear lot line. I think when
13 we look at the purposes of rear yard, one of the purposes is to
14 maintain access to light and air for the subject property as well
15 as adjacent properties and we felt that in this case the light
16 and air would not be detrimentally impacted on adjacent
17 properties. Part of that has to do with the angle of the alley
18 relative to the adjacent properties and also the deeper rear
19 yards to the north of this site. In fact, the property to the
20 immediate west appears to have a zero rear yard as well.

21 Also, while it is unusual to have a dwelling at the
22 rear lot line, it's not unusual to have an accessory structure
23 at the rear lot line. So in an urban environment such as this,
24 we would expect in many cases to have something at that rear lot
25 line, just not (indiscernible) but it's not unusual in that sense.

1 Also, if there were to be a one or two foot rear
2 setback, that could potentially create maintenance issues given
3 the small distance between the building face and the alley. So
4 we felt that this design solution was appropriate.

5 VICE CHAIR JOHN: Thank you, Ms. Jesick. Does the
6 Board have any questions for the Office of Planning?

7 MR. SMITH: No, I don't (indiscernible) Dr. Imamura.

8 VICE CHAIR JOHN: I'm sorry, Mr. Smith. I couldn't
9 hear you.

10 MR. SMITH: No, no, I was -- actually it seems like the
11 good doctor had a question, so.

12 ZONING COMMISSIONER IMAMURA: Thank you, Board Member
13 Smith. I had not a question, but just want to compliment Mr.
14 Jesick for his excellent explanation and nailed it for the
15 Applicant. So that was a textbook explanation, Mr. Jesick.

16 MR. JESICK: Thank you.

17 MR. SMITH: Can I piggyback on that as well? Thank
18 you, Mr. Jesick. You really nailed it for the Applicant and I
19 think addressed some of my -- while I don't think I was
20 articulating my questions correctly or accurately, but I think
21 you addressed some of my lines of questioning with that, so thank
22 you.

23 VICE CHAIR JOHN: Thank you. And, Mr. Jesick, there's
24 a reason I asked you to expound on it, because I had questions
25 myself, and I was particular -- I should have asked the question

1 myself about the depth of the building but you filled in the
2 holes for me by emphasizing that it's a shallow building. Even
3 with building to the lot line, it's only 26 feet deep and as
4 compared to other buildings, it is shallow. So that's very
5 helpful to me.

6 Does the Applicant have any questions for the Office
7 of Planning?

8 MS. WILSON: No, but thank you so much Mr. Jesick.

9 VICE CHAIR JOHN: Thank you. Mr. Moy, I'm sorry, Mr.
10 Young. Has anyone signed up to testify?

11 MR. YOUNG: No, we do not.

12 VICE CHAIR JOHN: Is the Commissioner here?

13 MR. YOUNG: We do not have a commissioner signed up.

14 VICE CHAIR JOHN: Okay. So Ms. Wilson, do you have
15 closing comments?

16 MS. WILSON: I do. First, thank you all for your
17 questions. I think it gave us additional opportunity to justify
18 the relief we are requesting and explain why we did go to the
19 lot line. We also appreciate Mr. Jesick's explanation as to why
20 the Office of Planning supported the case. In this case we do
21 have a vacant, unbuildable property that is uniquely impacted by
22 the setback requirements due to the shape of the lot and in this
23 case, nothing can be built without the relief.

24 We appreciate your review of the case and thank you so
25 much for your time today.

1 VICE CHAIR JOHN: Thank you. So I'm going to go ahead
2 then and close the record and the hearing and thank everyone for
3 their testimony. Okay. Are we ready to deliberate? Would anyone
4 else like to start? And hearing none, I don't see any hands. So
5 I'll go ahead and then please feel free to add your comments.

6 My primary concern when looking at a case like this is
7 whether or not the Applicant meets the criteria for variance and
8 we spent a lot of time discussing that today and I especially
9 appreciate the comments of the Office of Planning.

10 So for me, there is an exceptional condition because
11 of the unique shape of the lot. As the Office of Planning noted
12 even with building to the lot line and only 26 feet deep and
13 presents challenges for building a usable project. I also feel
14 that the exceptional condition is that there is very little usable
15 space without any relief. So I accept the Applicant's
16 representation in that way.

17 In terms of the front setback relief, I think what the
18 Applicant is requesting is reasonable. There will be some
19 setback, 7.25 inches, but I believe the Applicant showed -- I
20 believe it was slide nine or ten -- how meeting that setback
21 requirement would decrease the usable space for building and so
22 I thought that that was reasonable.

23 And so with respect to the special exception for the
24 vehicle parking space, there is no curb cuts and so I believe
25 that the Applicant showed where they met several conditions and

1 | they only needed to make one. I'm trying to find my notes. But
2 | I thought that the parking relief was fairly straightforward as
3 | well and so I am in support of the application. I'm just trying
4 | to go back over my notes in terms of the parking space.

5 | The Applicant also demonstrated that there are several
6 | alternative modes of transportation and that they would meet the
7 | requirement under § 703.2(b) which is that there are alternative
8 | modes of travel and well served by several bus lines and a metro
9 | station. So based on that information, I would support the
10 | Applicant's request for relief for one parking space.

11 | And so, do you have any comments? Mr. Smith?

12 | MR. SMITH: I agree with your assessment on this
13 | particular case and I thank the Office of Planning for providing
14 | more context for the justification for the setback, the rear
15 | yard, the requested area being for the rear yard setback.

16 | I, you know, share with you the same eye (phonetic) for
17 | these type of applications that are requesting variance relief
18 | whether the area or use areas ensure that they meet the standards
19 | specified Subtitle X, in this case Subtitle X 1000.1 and given
20 | the testimony that was provided by the Applicant given that, and
21 | the testimony provided by the Office of Planning, I do agree that
22 | the Applicants met the burden of proof for us to grant the
23 | variances for the rear yard setback requirements.

24 | Also, I do believe that the requested variance from the
25 | front yard setback is reasonable in nature and the requested

1 setback of 7.25 would still by law be in keeping with the, I
2 believe, the character of the neighborhood because there is some
3 oscillation within the front facade of the building and I do
4 believe that the scale and size of this building is in keeping
5 with what is seen along the block as well, as well as what's seen
6 across the street. So I am in support of that variance request.

7 Also, just to also expand on your justification for the
8 reason why they meet the special exception criteria for reduction
9 in parking spaces. There is a plethora of mass transit or
10 multimodal transit options in this corridor. There is a bus stop
11 right in front of the building and also to access the Brentwood
12 metro station one only needs to walk down the Metropolitan Branch
13 Trail to reach that metro station. It's in relative walking
14 distance, reasonable walking distance from this property. So
15 just as additional justification for how it meets the 703.2(b)
16 for the reason why we can grant this special exception.

17 So with that I support both the variance request and
18 the special session request and will support the application.

19 VICE CHAIR JOHN: Thank you, Mr. Smith. Dr. Imamura?

20 VICE CHAIR JOHN: Thank you, Madam Vice Chair. I agree
21 with your summary and comments as well as Board Member Smith. I
22 also would like to compliment the Vice Chair on a textbook
23 deliberation going through each item one by one. I agree. I
24 think that there are significant site constraints for this
25 project and that the Applicant has met the burden of proof for

1 the special exception and the variance.

2 I would also just add that I appreciate and give great
3 weight to OP's report as well as Mr. Jesick's response to our
4 questions and I appreciate the Applicant's polite acknowledgment
5 in her closing toward Mr. Jesick's explanation that helped
6 clarify a lot of the issues that we had or that we asked about
7 and I would just encourage future applicants to include, at least
8 in their presentation, an explanation of their design thinking,
9 you know, what works and what didn't work so that way we could
10 suss some of these issues out a little bit quicker and more
11 efficiently.

12 So Board Member Smith's question about carrying the
13 building all the way to the lot line which if we'd seen a quick
14 concept of what, you know, that would have looked like had they
15 pulled it back, I think it's pretty easy to anticipate that the
16 Board would ask a question like that, and it's pretty simple
17 enough for the architect to sketch something up pretty quickly
18 and provide that into the record with the presentation.

19 So that said, Madam Vice Chair, I'm prepared to vote
20 in support.

21 VICE CHAIR JOHN: Great. Thank you. So with that,
22 I'll make a motion to approve application to 20908 as captioned
23 and read by the Secretary and ask for a second. Mr. Smith?

24 MR. SMITH: Second.

25 VICE CHAIR JOHN: Mr. Moy, would you please take the

1 roll call?

2 MR. MOY: Yes. Thank you. When I call your name if
3 you'll please respond to the motion made by Vice Chair John to
4 approve the application for the relief requested. The motion to
5 approve was second by Mr. Smith.

6 Zoning Commissioner Dr. Imamura?

7 ZONING COMMISSIONER IMAMURA: Yes.

8 MR. MOY: Mr. Smith?

9 MR. SMITH: Yes.

10 MR. MOY: Vice Chair John?

11 VICE CHAIR JOHN: Yes.

12 MR. MOY: There are no other Board Members. Staff
13 would records the vote as three to zero to two and this is on
14 the motion made by Vice Chair John to approve. The motion to
15 approve was second by Mr. Smith, who also voted to approve as
16 well as approval from Zoning Commissioner Dr. Imamura. Staff
17 would record as three to zero to two and the motion carries.

18 VICE CHAIR JOHN: Thank you, Mr. Moy. So it's 12:10
19 and I wanted to see if the Board wanted to break for lunch now
20 or take one more case, which is an accessory structure case 20909.
21 You want to do just one more before lunch?

22 MR. SMITH: Yes. Let's take it.

23 VICE CHAIR JOHN: Okay. All right. Mr. Moy, please
24 go ahead and call the next case when you're ready.

25 MR. MOY: All right. The next case is Application No.

1 20909 of Erick and Jessica Alves de Sa and this is as advertised
2 for a self-certified application pursuant to Subtitle X § 901.2
3 special exception under Subtitle E § 5201 from the lot occupancy
4 requirements of Subtitle E § 304.1. Property is located in the
5 RF-1 zone 534 Taylor Street, NW, Square 3231, Lot 85. Thank you.

6 VICE CHAIR JOHN: Thank you, Mr. Moy. Ms. Freeman, can
7 you hear me?

8 (Pause.)

9 VICE CHAIR JOHN: Ms. Freeman, I see you're on. Can
10 you hear me? Okay.

11 MS. FREEMAN: Good morning or good afternoon.

12 VICE CHAIR JOHN: Pardon?

13 MS. FREEMAN: I said good afternoon.

14 VICE CHAIR JOHN: Good afternoon. Are you choosing not
15 to use your video?

16 MS. FREEMAN: I'm sorry. I thought I wasn't able to
17 turn it on. Let's see. I apologize. Okay.

18 VICE CHAIR JOHN: Okay. There you are. So please
19 introduce yourself for the record and then you can begin, begin
20 your presentation and Mr. Young will put 15 minutes on the clock
21 for you.

22 MS. FREEMAN: Can I have the final exhibit brought up
23 on the screen, please? It doesn't have a number. It was just
24 the last thing that was up. I think it would be 21.

25 I'll go ahead and introduce myself. My name is Lucia

1 Freeman. I'm from Aggregate Architecture. I'm working with the
2 homeowners and representing them today, Erick and Jessica Alves
3 de Sa. I believe Erick is on as well.

4 We are requesting relief to Subtitle E 304.1, the lot
5 occupancy requirements, and requesting a special exception to go
6 up to the 70 percent from 60 percent. This is a existing two
7 story townhouse which was recently converted to a two flat. It
8 has an existing 180 square foot garage that can't be used for a
9 modern vehicle and so we are proposing to replace that with a
10 new two car accessory structure and that brings our lot occupancy
11 up to just under the 70 percent, 69.8 percent and I don't think
12 there's any, I think that pretty much sums everything up. It's
13 pretty straightforward on this one.

14 I don't know if anyone has any questions or if Erick
15 has anything he'd like to add.

16 VICE CHAIR JOHN: Mr. Alves, please introduce yourself
17 for the record.

18 MR. ALVES DE SA: Hi. Good morning Members of the
19 Board. I'm (indiscernible) Jessica at this property, and I just
20 want to say thank you for your consideration of the application
21 and I'm happy to be here to answer any sort of questions or
22 provide any context as it's reviewed.

23 VICE CHAIR JOHN: Okay. And you live at the property?

24 MR. ALVES DE SA: That's right.

25 VICE CHAIR JOHN: Okay. Mr. Smith, do you have any

1 | questions?

2 | MR. SMITH: No.

3 | VICE CHAIR JOHN: Dr. Imamura, do you have any
4 | questions?

5 | ZONING COMMISSIONER IMAMURA: Madam Vice Chair, just
6 | one question. It may not be necessarily germane to the special
7 | exception that's being requested but, Ms. Freeman, just looking
8 | at the plans, I noted the materiality of it, but can you just
9 | explain a little bit what your intent is?

10 | MS. FREEMAN: For the materiality?

11 | ZONING COMMISSIONER IMAMURA: Uh-huh.

12 | MS. FREEMAN: So we are proposing a hardie panel and
13 | plank siding. We recently added an addition to the main
14 | structure, and so the hope is to coordinate with the design there.
15 | So it's all frame and cement board siding.

16 | ZONING COMMISSIONER IMAMURA: Thank you, Ms. Freeman..
17 | That's what I was looking for.

18 | MS. FREEMAN: You're welcome.

19 | VICE CHAIR JOHN: So I have a question, Ms. Freeman.
20 | What is the length of the remaining rear yard after the addition?

21 | MS. FREEMAN: It's almost 32 square feet. I think it's
22 | 31.9. It's a pretty long lot there, 142 feet long.

23 | VICE CHAIR JOHN: All right. And the size of the base
24 | structure is 19 by almost 24?

25 | MS. FREEMAN: Correct. So we're just under the 450

1 square foot maximum for an accessory structure.

2 VICE CHAIR JOHN: Okay. Thank you very much. I'll go
3 to the Office of Planning. Ms. Maxine Brown-Roberts, would you
4 introduce yourself for the record, please?

5 MS. BROWN-ROBERTS: Yes. Good afternoon, Madam
6 Chairman and Members of the Board. I am Maxine Brown-Roberts
7 from the Office of Planning on BZA case 20909 to allow an
8 accessory garage at the rear of the existing row dwelling at 534
9 Taylor Street, Northwest that allows a 70 percent lot occupancy.

10 As we outlined in our report, the proposal meets the
11 requirements of Subtitle E 5201 and Subtitle X 901.2. The
12 proposed garage would generally meet the RF-1 development
13 standards and the use would be consistent with those proposed for
14 the purposes and intent of the zoning regulation and zoning map.
15 The proposed garage addition would not affect the light and air
16 or privacy or use of the neighboring properties, and therefore
17 we recommend approval of this special exception. Thank you,
18 Madam Chairman, and I'm available for questions.

19 VICE CHAIR JOHN: Does the Board have any questions for
20 the Office of Planning? Does the Applicant have any questions
21 for the Office of Planning?

22 Mr. Young, is there anyone signed up to testify?

23 MR. YOUNG: No, we do not.

24 VICE CHAIR JOHN: Ms. Freeman, do you have any closing
25 comments?

1 MS. FREEMAN: No. I appreciate everyone's time this
2 morning and I think, again, this is pretty straightforward. We
3 had a special exception earlier for the addition to the property
4 last year, you reviewed and approved and one of the requests we
5 had from neighbors was to make sure that we took care of parking
6 and that's what we're doing. So I appreciate all of your time
7 this morning and that's it.

8 VICE CHAIR JOHN: Thank you.

9 MS. FREEMAN: Thank you.

10 VICE CHAIR JOHN: So I want to thank you and Mr. Alves
11 for your testimony and excuse you now. Thank you, Ms. Maxine
12 Roberts and I'm going to close the hearing and the record.

13 Is this Board ready to deliberate? Yes? Okay. So I
14 think I'm going to agree with the Applicant that this case is
15 straightforward and what was significant for me is that there
16 would still be a very long rear yard, even after the addition of
17 the accessory structure, which is replacing an existing garage
18 and the accessory structure meets the 450 square foot
19 requirement, it's only 16 feet high and should not create any
20 adverse impact on the neighbors, adjacent neighbors, because it's
21 already -- it's replacing a garage that's already there.

22 So I will be, oh, I wanted to -- sorry. So I will be
23 in support of the application and give great weight to the Office
24 of Planning's report. I don't believe we had anything from the
25 DDOT and the ANC is in support and has no issues or concerns.

1 So does anyone have any comments?

2 MR. SMITH: I agree with your assessment of the case
3 and will support the application.

4 VICE CHAIR JOHN: Thank you, Board Member Smith. Dr.
5 Imamura?

6 ZONING COMMISSIONER IMAMURA: Thank you very much,
7 Madam Vice Chair. Same goes for me. I agree with your summary,
8 especially with the rear yard and hope the Applicant enjoys their
9 new garage once built.

10 VICE CHAIR JOHN: Thank you. So with that, I will make
11 a motion to approve application 20909 as captioned and read by
12 the secretary and ask for a second. Mr. Smith?

13 MR. SMITH: Second.

14 VICE CHAIR JOHN: Mr. Moy, will you please take the
15 roll call.

16 MR. MOY: Thank you, Madam Vice Chair. When I call
17 your name, if you will please respond to a motion made by Vice-
18 Chair John to approve the application for the relief requested.
19 The motion to approve was second by Mr. Smith.

20 Zoning Commissioner Dr. Imamura?

21 ZONING COMMISSIONER IMAMURA: Yes.

22 MR. MOY: Mr. Smith?

23 MR. SMITH: Yes.

24 MR. MOY: Vice Chair John?

25 VICE CHAIR JOHN: Yes.

1 MR. MOY: We have no other Board Members. Staff would
2 record the vote as three to zero to two and this is on the motion
3 made by Vice Chair John to approve. The motion to approve was
4 second by Mr. Smith, who also voted to approve as well as approval
5 from Zoning Commissioner Dr. Imamura. So again, the motion
6 carries on a vote of three to zero to two.

7 VICE CHAIR JOHN: Thank you, Mr. Moy. So we're going
8 to break for lunch now, and I'm going to suggest that we return
9 by 1:10. Is that enough time?

10 MR. SMITH: Uh-huh.

11 ZONING COMMISSIONER IMAMURA: (Indiscernible.)

12 VICE CHAIR JOHN: That leaves about four cases, I think,
13 for the afternoon. Mr. Moy, am I correct?

14 MR. MOY: That's correct. I think three?

15 VICE CHAIR JOHN: Three?

16 MR. SMITH: Looks like three.

17 MR. MOY: Yes.

18 VICE CHAIR JOHN: Oh, wow. Okay. So maybe 1:15.

19 MR. SMITH: (Indiscernible).

20 VICE CHAIR JOHN: So an extra five minutes. So we will
21 reconvene at 1:15 here. Thank you.

22 MR. SMITH: All right.

23 ZONING COMMISSIONER IMAMURA: Thank you, Madam Vice
24 Chair, for your generosity.

25 (Whereupon, there was a lunch recess.)

1 MR. MOY: Shall we begin?

2 VICE CHAIR JOHN: Yes, please.

3 MR. MOY: All right. The Board has returned to its
4 public hearing session and the time is at or about 1:18. This
5 is after a quick brief lunch recess. Okay.

6 So the next case before the Board is Application No.
7 20916 of Society for Science & the Public. Advertised as a self-
8 certified application pursuant to Subtitle X § 901.2 for special
9 exception under Subtitle C § 703.2 from the vehicle parking
10 requirements Subtitle C § 701 to permit a reduction in the number
11 of required parking spaces. Property is located in the D5 zone
12 at 800 8th Street, NW, Square 404, Lot 31 and I believe there
13 may be a request for expert status and if there is for this
14 project, and he is not listed in the expert witness handbook and
15 I believe his CV is under Exhibit No. 10. Thank you.

16 VICE CHAIR JOHN: Thank you, Mr. Moy. Good afternoon,
17 Mr. DeBear. Would you introduce yourself for the record, please?

18 MR. DEBEAR: It's good to see you all. My name is Eric
19 DeBear, Land Use counsel from Cozen O'Connor.

20 VICE CHAIR JOHN: Thank you. And who do you have with
21 you today?

22 MR. DEBEAR: I'll allow them to introduce themselves.
23 Cate, you want to introduce yourself?

24 MS. GOLDBERG: Hi. My name is Caitlin Goldberg. I'm
25 with the Society for Science & the Public. I'm director and

1 chief of planning and operations here at the Society. It's nice
2 to see everyone. Thank you for the time.

3 VICE CHAIR JOHN: Thank you.

4 MR. DEBEAR: And then we have the architect as well,
5 Jason Cornelius.

6 MR. CORNELIUS: Good afternoon. Jason Cornelius, with
7 ZGF Architects. We've been working with the organization over
8 the past several years. So here to assist with anything that
9 may come up.

10 VICE CHAIR JOHN: Thank you, Mr. Cornelius. And so
11 with respect to the preliminary matter, which is the application
12 for Mr. Cornelius as an expert in architecture who is not in the
13 witness book.

14 So I had the opportunity to review your résumé, Mr.
15 Cornelius, and I believe you are qualified to be admitted as an
16 expert in architecture and unless my Board Members object, I will
17 go ahead and admit you. Dr. Imamura?

18 ZONING COMMISSIONER IMAMURA: Thank you, Madam Vice
19 Chair. I do not object to Mr. Cornelius being an expert witness.
20 But for the record, if he could identify, I didn't see anywhere
21 on his resume where it explains what state he's registered in.

22 MR. CORNELIUS: I am registered in the Washington, D.C.

23 ZONING COMMISSIONER IMAMURA: All right. Thank you.
24 Appreciate that.

25 VICE CHAIR JOHN: Thank you. Board Member Smith?

1 MR. SMITH: (Indiscernible).

2 VICE CHAIR JOHN: Okay.

3 ZONING COMMISSIONER IMAMURA: Oh, and sorry, Madam Vice
4 Chair, just one more comment for Mr. Cornelius. I did notice
5 he's from Texas A&M. Well, I'm a Red Raider (indiscernible)
6 admit you as an expert.

7 MR. CORNELIUS: I appreciate it. You know, no hard
8 feelings taken.

9 VICE CHAIR JOHN: Okay. So, Mr. DeBear, would you go
10 ahead and begin your presentation and I'll ask Mr. Young to put
11 15 minutes on the board.

12 MR. DEBEAR: If Mr. Young can bring up our PowerPoint,
13 that would be wonderful. Thank you.

14 If you would go to the next slide. The subject property
15 of this application is located 800 8th Street, Northwest in
16 Chinatown. It's in the D5 zone and as you'll see in a moment,
17 it's within a block of the Chinatown metro station.

18 Next slide, please. The property's improved with an
19 existing eight story office building. Again, it's at the corner
20 of 8th and H Street, NW in Chinatown. You'll see it in the Google
21 map image to the bottom left it is within a block of the Gallery
22 Place Chinatown metro and within the vicinity of a number of bus
23 stops and I did want to note, and we'll get into the background
24 of this later on when we talk about the relief, but the existing
25 building has two levels of underground parking, both of which

1 have ten total spaces, 12 spaces on site and eight in public
2 space and we'll get into that momentarily.

3 Next slide, please. And now I'll turn it over to Ms.
4 Goldberg to talk a little about the Applicant.

5 MS. GOLDBERG: Thanks, Eric. I represent Society for
6 Science. We are an over 100-year-old non-profit 501(c)(3)
7 organization, currently in three separate properties here in
8 DuPont Circle. We've been in D.C. for the entirety of our
9 existence. Our organization has doubled in size in the last
10 seven years, which needs us in a position of needing more space
11 and we've identified this building on 800 8th Street as a great
12 future home for our organization, which will give us more space
13 and be able to make it so we can bring our organization together
14 in one location.

15 Our mission is two-prong. Half of our organization is
16 dedicated to the media group, that's Cornerstone Publication and
17 Science News magazine. The other prong are science competitions
18 that we put on for middle and high school students. These are
19 the world's most renowned and country's most renowned science
20 competitions.

21 So we are looking to not only house our staff on a
22 daily basis in this property, but we're also looking to use this
23 facility to be able to facilitate meetings and events and for our
24 science fair competitions as well as teacher programs that we do.
25 This space would include a STEM innovation hub that would include

1 | makerspace and other spaces that we're looking to engage not only
2 | the students who compete in our programs, but local school
3 | students and teachers as well, through programing that need help
4 | to advance our mission and make the world a more scientifically
5 | literate place. Thanks, Eric.

6 | MR. DEBEAR: Yes. Next slide please, Mr. Young. So
7 | would you like to talk a little just about the background of the
8 | project and what's being proposed here?

9 | MS. GOLDBERG: Sure. Thanks. So yes. Like I said,
10 | we're looking to move our entire staff over to the 8th Street
11 | property. The P1 level is where we would be focused on creating
12 | the STEM innovation hub, which as I mentioned, would have breakout
13 | spaces and makerspaces and meeting space generally that we could
14 | be using to host our conferences. We anticipate completely
15 | renovating this building and completely modernizing it. It's
16 | about 22 years old, so a lot of the systems are in need of repair,
17 | at least if not now in the immediate future. So we're looking
18 | to make this a state-of-the art space. However, this would also
19 | mean taking the P1 level that currently has parking and converting
20 | it into meeting and event space.

21 | MR. DEBEAR: Thank you. Next slide please.

22 | And just to give the Board a summary of community
23 | outreach, we have the support of ANC 2C which is in the record
24 | at Exhibit 17. The Office of Planning is recommending approval
25 | and the Department of Transportation has no objection and as

1 we'll get to a little later on, we've agreed to the terms of a
2 transportation demand management plan.

3 Next slide, please. So as Cate mentioned, the entirety
4 of the work that is the crux of this application is the P1 level.
5 What you're looking at right now is the existing P1 level, which
6 as Cate mentioned, currently is ten parking spaces, six of which
7 are on private property and four of which on the upper part of
8 the screen are actually in rented public vault space.

9 Next slide, please. And Society for Science as part
10 of their move to this location, would be looking to convert that
11 P1 level into usable office/meeting space that would further the
12 organization's purpose and operations. This is, I would note, a
13 preliminary floor plan. They are still working on the entirety
14 of the fit out and so we certainly wanted to show the Board and
15 give you all an illustration but these plans could change in the
16 future. Either way, it would be converted from parking to usable
17 office space.

18 Next slide, please. And getting to the request as part
19 of this application, the Applicant is seeking special exception
20 relief from the vehicular parking requirements. The current
21 parking requirement was approved under a prior BZA case and as I
22 mentioned, that would be 20 total spaces, ten on two levels, 12
23 of which are actually on site six per level and eight are in
24 adjacent public vault space. So that would be four per level.
25 Despite the fact that the D5 zone does not currently require

1 parking under the zoning regulations and specifically Subtitle C
2 701.10, you're not allowed to reduce the amount of parking that
3 was required when the use was established, and since this was
4 originally established as an office use and Society for Science
5 would be continuing that office use, we have to request parking
6 relief even though, again, there's no current parking
7 requirement.

8 Next slide, please. We believe the application is
9 harmonious with the purpose and intent of the regulations. As
10 I've mentioned, there's no parking requirement in the D5 zone and
11 that's why we see any new build not may not provide parking there.
12 We are maintaining a total of ten spaces at the property on the
13 P2 level, which will be accessed from a car elevator on the
14 northern side of the property.

15 Next slide, please. In terms of adverse impacts. This
16 is an excellent central downtown location, very good access to
17 the Gallery Place metro. Metro station is also not far. There
18 are a number of bus stops, including priority corridor bus stops.
19 There are several Capital Bikeshare stations, including one
20 across the street and of course, it is a walker's paradise being
21 in downtown Chinatown. And finally, we believe that the TDM plan
22 that we have agreed to with DDOT would limit any impacts to
23 neighboring properties.

24 Next slide, please. In terms of the special conditions
25 for some of the same reasons that I haven't elaborated on the

1 | slide but I just spoke about, we believe we meet at least two of
2 | those special conditions under 703.2 that the use is particularly
3 | well served by mass transit and that the land use or
4 | transportation characteristics of the neighborhood minimize the
5 | need for required parking spaces. Many of the employees or
6 | visitors of Society for the Science, once they occupy the space,
7 | would be able to access the space by public transportation,
8 | biking, walking, et cetera.

9 | Next slide, please. In moving through the additional
10 | requirements for parking relief the reduction is proportionate
11 | to the parking demand that we've demonstrated. Again, there's
12 | no current parking requirement, which would mean that there's an
13 | existing policy that encourages alternative forms of
14 | transportation downtown in the D zones. There's -- the request
15 | is limited to the number of spaces that the Applicant cannot
16 | reasonably provide on site. As stated, we are looking to convert
17 | the P1 level so that leaves only the existing P2 level to provide
18 | parking and we are not seeking any alternative forms of relief
19 | related to size, layout, access, et cetera.

20 | Next slide please. This brings me to the TDM plan. We
21 | have corresponded with the Department of Transportation. We had
22 | originally proposed certain conditions. I believe it was the
23 | first three you see here as part of the pre-hearing statement.
24 | Following the pre-hearing statement, we were able to come to an
25 | agreement with DDOT on the remaining two terms, which you see on

1 the fourth and fifth bullets here, namely that Society for the
2 Science would be providing two short-term bicycle racks, as well
3 as contributing \$8,000 to the installation of an expansion plate
4 for a nearby Capital Bikeshare station and on the bicycle parking
5 on site I would just note that because the existing building does
6 not have any bicycle parking, they are grandfathered in into not
7 being required under the zoning regulations, but they are going
8 above and beyond that to provide the short-term parking as agreed
9 to with DDOT.

10 Next slide, please. And finally, I alluded to this
11 earlier on, and if there are any questions, certainly Mr.
12 Cornelius could answer. What we've seen with a lot of permit
13 applications recently is that the Department of Buildings is
14 requesting the Applicant to fill out a modification form for
15 zoning purposes, no matter what type of relief they've sought and
16 so we wanted to be clear that we believe the plans themselves,
17 while always important, are not indicative of the relief, which
18 is simply that Society for the Science is looking to remove the
19 ten parking spaces on that P1 level. So we would just ask for
20 an additional condition of the Board to allow us to vary interior
21 components on that P1 level as reflected in the plan that you
22 saw. This would not allow for any change to exterior
23 configuration, but overall what Society for Science is planning
24 for the building is by-right beyond this request, and with that
25 I will end my presentation and open it up to any questions you

1 might have, whether for myself, Cate or Jason.

2 VICE CHAIR JOHN: So does the Board have any questions?
3 Does the Applicant have any questions?

4 MR. DEBEAR: No. Thank you.

5 MS. GOLDBERG: No. Thank you.

6 VICE CHAIR JOHN: I'll go to the Office of Planning.

7 MR. KIRSCHENBAUM: Good afternoon, Vice Chair John and
8 Members of the Board. I'm Jonathan Kirschenbaum with the Office
9 of Planning and we recommend approval of the special exception
10 release and we rest on our staff report. Please let me know if
11 you have any questions. Thank you.

12 VICE CHAIR JOHN: Does the Board have any questions for
13 the Office of Planning? Does the Applicant have any questions
14 for the Office of Planning?

15 MR. DEBEAR: No.

16 MS. GOLDBERG: No. Thank you.

17 VICE CHAIR JOHN: Mr. Young, is there anyone signed up
18 to testify?

19 MR. YOUNG: We do not.

20 VICE CHAIR JOHN: Okay. I have a question which is
21 really basic. What's the public vault, Mr. DeBear?

22 MR. DEBEAR: Public vault is public space that is on
23 below grade. So if you're, you know, if you're above grade,
24 obviously you're looking at something like a sidewalk cafe. But
25 if you're below grade, they call it a vault. So they are

1 technically renting that public vault space from the D.C.
2 government through the Department of Transportation and there's
3 a covenant that's recorded in the land records. So they're
4 allowed to continue to use those spaces but technically since
5 it's City property, they could be reclaimed at some point in the
6 future.

7 VICE CHAIR JOHN: I see.

8 MR. DEBEAR: Just like a building projection or
9 something.

10 VICE CHAIR JOHN: Okay. Thank you. So in effect,
11 you're asking for a reduction to six spaces?

12 MR. DEBEAR: Correct.

13 VICE CHAIR JOHN: Okay. And so can we take a look at
14 the TDM plan again that's in your slide?

15 MR. DEBEAR: Yes.

16 VICE CHAIR JOHN: I believe it was the second to the
17 last slide. Mr. Young, could you bring that up again? I think
18 it's page 13 of the slide and I thought there was some redundancy
19 --

20 MR. DEBEAR: Oh, one more there. Go back one. It's
21 14, Mr. Young.

22 VICE CHAIR JOHN: Yes. Could you enlarge that a bit?
23 If possible? So I thought there was some redundancy between the
24 first and the second paragraph, which needs to be sort of removed,
25 which is a technicality that the lawyers can fix. But both

1 paragraphs start with the Applicant shall identify transportation
2 coordinators for the planning, construction and operations phases
3 of development. So that sentence could be deleted in the second
4 paragraph. I think the second sentence is fine. I don't see
5 any redundancy there and then the next paragraph would say there
6 shall be a transportation coordinator for each tenant.

7 Okay. So we would delete the first sentence in the
8 second paragraph and I think that would do I, assuming that we
9 approve the application, and so were the bike spots identified
10 on the plans? I can't recall.

11 MR. DEBEAR: We've only provided the P1 level plan,
12 Vice Chair. So they're not identified, but when Society for
13 Science goes to permit for their renovation, they will have them
14 in the permit plan set because it's a condition.

15 VICE CHAIR JOHN: Okay. Sure. I think I have one more
16 question. Give me a minute. Okay. I don't have another
17 question. So if there are no other questions from the Board, do
18 I have that right? Okay, Mr. DeBear, would you like to summarize
19 or make a closing statement, as you wish?

20 MR. DEBEAR: We appreciate the Board's time this
21 afternoon. We believe we've met the standard for special
22 exceptional relief to reduce the amount of vehicular parking for
23 hopefully the Society of Science's new office and again, we
24 appreciate the Board's time. Thank you very much.

25 VICE CHAIR JOHN: Okay. Thank you for your

1 presentation. Thank you all for being here and I'm going to
2 excuse you at this time and close the record and the hearing.

3 MR. DEBEAR: Thank you.

4 VICE CHAIR JOHN: Thank you.

5 MS. GOLDBERG: Thank you.

6 VICE CHAIR JOHN: Thank you. So I'll begin with a few
7 comments. I thought that the Applicant did demonstrate why there
8 was a need for a reduction to six spaces with the additional four
9 spaces in the vault and I will give great weight to OP's analysis,
10 and I thought the Applicant did a good job of stepping through
11 why the parking requirement could be granted.

12 I thought that, you know, in the past it was not clear
13 that in an application like this where the parking requirement
14 was created under the ZR 58, whether the Applicant would need to
15 request a variance. However, the Board has recently clarified
16 that an applicant could request relief from the ZR 58 parking
17 requirements as a special exception under C 703 and so I thought
18 that in light of the fact that the current regulations would not
19 require parking if this were a new building to be constructed
20 under ZR 16, then I would accept the Applicant's rationale for
21 the resumption in this case.

22 With respect to DDOT's condition. I believe that --
23 I'm trying to find the correct language -- I believe DDOT said
24 that the condition of approval should run for the life of the
25 project. So the parking relief, because it's a special exception,

1 | it would run with the land as long as the zoning relief was being
2 | granted and so to the extent that that phrase appears in DDOT's
3 | comment, which I can't find at the moment, but I'm sure the
4 | lawyers can correct it in the order.

5 | So based on those comments, does anyone on the Board
6 | have any additional comments? Mr. Smith?

7 | MR. SMITH: No comments. But regarding that additional
8 | condition, what is everybody's stance on including that
9 | additional condition proposed by Cozen O'Connor?

10 | VICE CHAIR JOHN: Oh, thank you for mentioning that
11 | one. Well, I'm not sure if that is necessary because the
12 | Applicant stated in the presentation, that those plans are
13 | preliminary. So there are no plans submitted for P1 because
14 | they're not firm plans. So I'm not sure why we would need to
15 | grant a condition that says they can vary the plans and that's
16 | sort of what I'm thinking. I don't know what anyone else thinks.

17 | MR. SMITH: I agree with your assessment on that. I
18 | think it's very preliminary and by the Applicant's own admission
19 | it seems, and maybe I misheard it, but it seems that this is more
20 | so to grant them flexibility because of the administrative burden
21 | on the part of -- that they may incur with the Department of
22 | Buildings and because this is a preliminary I even don't think
23 | it's necessarily germane to the request, the -- they requested
24 | to reduce their parking requirements. You know what they're
25 | doing on their floor (phonetic) is not necessarily germane to

1 | what's being requested. The build out of that space as a, the
2 | rentable floor is not necessarily germane to what's being
3 | requested right now, that is a reduction in parking. So I'm not
4 | inclined to grant that condition.

5 | VICE CHAIR JOHN: Okay. Dr. Imamura?

6 | VICE CHAIR JOHN: Thank you, Madam Vice Chair. I align
7 | myself with both of your conclusions.

8 | VICE CHAIR JOHN: Okay. So, okay. So I agree with
9 | Dr. Imamura and Board Member Smith that I don't believe that that
10 | solution is necessary because no plans have been submitted to the
11 | record and the Applicant is free to put those six spaces wherever
12 | it likes.

13 | So I am not inclined to include that condition and then
14 | if I could return to the question of DDOT, apparently in the DDOT
15 | report DDOT requested that the Applicant implement DDOT's TDM
16 | plan for the life of the project and so the Board does not accept
17 | that condition for the life of the project because it runs with
18 | the land as long as the parking relief exists and so if there
19 | are no other thoughts then I will make a motion and try to clarify
20 | the conditions. Okay.

21 | So I will make a motion to approve application 20916
22 | as captioned and read by the Secretary and include the TDM plan,
23 | the language regarding the TDM plan as edited by the Board, which
24 | appears on slide 14 of the Applicant's presentation. By deleting
25 | the first sentence, the Applicant shall identify, where is it?

1 Give me one second. Okay. Mr. Moy. I read it during the
2 presentation. Anyway, to delete the redundant phrase, "The
3 Applicant shall identify transportation coordinators for the
4 planning, construction and operations of phases of development."
5 So that language appears twice.

6 Let me make this motion again. Okay. So I will make
7 a motion to approve application No. 20916 as captioned and read
8 by the Secretary to include the condition that the Applicant work
9 with -- continue to work with DDOT on a TDM plan and to delete
10 the phrase, "The Applicant shall identify transportation
11 coordinators for the planning, construction and operation phases
12 of development." The redundant phrase.

13 And the second condition was, that was it, I believe.
14 There were three. There are three conditions. The first one,
15 which is the transportation coordinators, that they will develop
16 and distribute and market transportation alternatives, and the
17 Applicant will contribute a maximum of \$8,000. I believe those
18 were the three conditions, and ask for a second, Mr. Smith.

19 MR. SMITH: Second.

20 VICE CHAIR JOHN: Okay. Mr. Moy, can you please take
21 the roll call.

22 MR. MOY: When I call your name, if you'll please
23 respond to a motion made by Vice Chair John to approve the
24 application for the relief requested along with modifying the
25 language of the three conditions as she has cited in her motion.

1 This motion was second by Mr. Smith.

2 Zoning Commissioner Dr. Imamura?

3 ZONNIG COMMISSIONER IMAMURA: Yes.

4 MR. MOY: Mr. Smith?

5 MR. SMITH: Yes.

6 MR. MOY: Vice Chair John?

7 VICE CHAIR JOHN: Yes.

8 MR. MOY: Staff would record the vote as three to zero
9 to two and this is on the motion made by Vice Chair John to
10 approve. The motion to approve was second by Mr. Smith, who also
11 voted to approve as well as approval from Zoning Commissioner Dr.
12 Imamura and of course, again, Mr. Smith and Vice Chair John. We
13 have no other Board Members. Motion carries on a vote of three
14 to zero to two.

15 VICE CHAIR JOHN: Thank you, Mr. Moy. So can you call
16 the next case, please.

17 MR. MOY: The next case is Application No. 20917 of 801
18 17th Holdings, LLC. This is advertised as a self-certified
19 application pursuant to Subtitle X § 901.2 for a special exception
20 under Subtitle C § 1501.1(e). This would allow penthouse
21 habitable space on a building within the area bounded by I Street,
22 NW and Constitution Avenue, NW between 13th and 19th Street, NW.
23 The property is located in the D6 zone at 801 17th Street, NW,
24 Square 165, Lot 26 and that's all I have, Madam Vice Chair.

25 VICE CHAIR JOHN: Thank you, Mr. Moy. So the agents

1 for the Applicant are Mr. Templin and Ms. Prince.

2 MS. PRINCE: Good afternoon, Vice Chair John.

3 VICE CHAIR JOHN: Good afternoon.

4 MS. PRINCE: I'm ready to begin.

5 VICE CHAIR JOHN: Okay. This is Ms. Prince. I'm having
6 difficulty reading what's on my screen. Please go ahead and
7 introduce yourself again and (indiscernible).

8 MS. PRINE: Sure. Allison Prince with Goulston Storrs
9 and good afternoon Vice Chair John, Board Members Smith and
10 Commissioner Imamura. I'm here today with a very, very
11 straightforward case. Maybe I can save you some time.

12 The case involves a habitable penthouse for an existing
13 office building at the corner of 17th and H, the northeastern
14 corner, and as you know, these penthouse cases come to you when
15 they're in the White House security area, as this is, and this
16 very small 509 foot penthouse addition to an existing mechanical
17 penthouse will trigger an affordable housing payment of \$71,000.
18 But the reason we're here is because of the White House security.

19 So the very first thing we did was call the Secret
20 Service and meet them up on the roof and make sure they had no
21 concerns about the application and they, in fact, had no concerns
22 about the application and I'll just note so that you all know
23 that the Secret Service is extremely responsive on these cases.
24 I've handled a bunch of them at this point, and I'm just really
25 in awe of how quickly they respond and really survey the situation

1 and they're a pleasure to deal with.

2 You can see in Exhibit 18 that the Secret Service has
3 no concerns about the habitable penthouse here. The Office of
4 Planning supports the request. The ANC supports the request.
5 There is no opposition.

6 I have Jason Acors here from Stream Realty on behalf
7 of the owner and he can talk about the plan. We also have a set
8 of plans, if you'd like to see them, we can pull them up now.
9 They might be self-explanatory enough that you don't need us to
10 walk through them, so you can just let us know that.

11 But if you have no questions of me, we clearly satisfy
12 the burden of proof, which is the general special exception burden
13 in these penthouse cases. There are no adverse impacts, at
14 harmony with the regulations. I'm sure you're very familiar with
15 the state of the office market now and anything we can do to
16 enhance the marketability of office buildings by activating the
17 roof is something that we really like to do and seeing a lot of
18 these days.

19 But if you have no questions for me, we can go ahead
20 with Jason.

21 VICE CHAIR JOHN: Thanks. I would like to go ahead
22 with the architect because I did see plans in the record so it
23 would be helpful for him to tell us what those red lines mean.
24 Can you introduce yourself for the record please, Mr. Acors?

25 MR. ACORS: Oh, well, I'm not the architect, but we do

1 have the architect here with us.

2 VICE CHAIR JOHN: Okay.

3 MS. PRINCE: Andrea Lynch from OTJ is here as well. So
4 if you want to pull up the plans, we can walk through them, if
5 that would be helpful.

6 VICE CHAIR JOHN: Yes. Thank you, Ms. Lynch. Please
7 introduce yourself for the record and you may begin.

8 MS. LYNCH: Sure. So my name is Andrea Lynch. I'm
9 with OTJ Architects. I'm a senior project designer working on
10 this project.

11 So if we can flip ahead to the plan. I believe that
12 was a question.

13 VICE CHAIR JOHN: Yes, I believe there's an addition
14 of 509 square feet. If you could just point to that and explain
15 what you're doing.

16 MS. LYNCH: Mm hmm. Sure. Okay. So we're looking at
17 the existing plan. If we flip to the next slide, I think that
18 yes, that area in orange outlines the expansion stage that we
19 would like to add so that would be in-door expansion space there.
20 As you can see it occupies a similar footprint as what is now a
21 terrace and I believe on the next slide. Sorry, the one after
22 this. Yes.

23 So these lines are setbacks. The one that's in red,
24 it's indicating our required minimum set back and the other
25 setbacks in green all exceed that minimum, which is why we show

1 | them in different colors.

2 | VICE CHAIR JOHN: Okay. Thank you. So we'll go to
3 | the Office of Planning. Oh, does the Board have any questions
4 | for the Applicant? I'll go to the Office of Planning.

5 | MR. LAWSON: Good afternoon, Madam Chair and Members
6 | of the Board. Joel Lawson here for the Office of Planning.
7 | Office of Planning is in support of this application. I'm happy
8 | to stand on the record also to save you a bit of time, but we're
9 | available here for any question.

10 | I would also note that our report includes comments
11 | from the Department of Transportation. They have no objection
12 | to this proposal either. Thank you.

13 | VICE CHAIR JOHN: Thank you. I do have a comment, Ms.
14 | Prince, on the Secret Service and I read their letter and it says
15 | they have no concerns at this time. So it seems to me they're
16 | hedging their bets. However, I, speaking for myself, I will read
17 | that in the way you presented it, that they have no concerns. I
18 | mean, you know, the Board is looking at what's in effect now and
19 | so to the extent that there is some concerns later after that
20 | additional inspection, I guess that raises zoning issues and I
21 | guess the Applicant would have to come back to the Board.

22 | But as far as I'm concerned, as I interpret that letter,
23 | it means that the Secret Service has no concerns with the
24 | application at this time.

25 | MS. PRINCE: That's correct, Vice Chair John. I think

1 since we did meet with Captain Hillenbrand on the roof I do know
2 what he meant by that. I believe he meant that once the penthouse
3 is fully installed, he wants ready access to the roof to
4 constantly surveil the situation and that's what happens in these
5 cases with both the architect at the Capital's office on the
6 Capital security area projects and the White House areas, we give
7 rooftop access these agencies as they demand because security
8 interest can change over time and we coordinate heavily with them
9 in all instances.

10 VICE CHAIR JOHN: Okay. Thank you. So Mr. Young, is
11 there anyone signed up to testify?

12 MR. YOUNG: No, we do not.

13 VICE CHAIR JOHN: Thank you. Ms. Prince, do you have
14 any closing comments?

15 MS. PRINCE: Just that we appreciate your time today.
16 I know you're on a lean staff today with just the three of you
17 and we really appreciate your time and hope you're able to approve
18 the application.

19 VICE CHAIR JOHN: Thank you. So thank you for your
20 presentation. We're going to excuse all the witnesses at this
21 time and close the record of the hearing. Thank you.

22 MR. ACORS: Thank you.

23 VICE CHAIR JOHN: So I'll go ahead and start off. One
24 thing I noted was that the letter from the ANC was signed by
25 Becky Strauss and says that the ANC voted in a public meeting

1 with a quorum present to support the project with no issues and
2 concerns stated.

3 Now, I don't know if she was authorized to sign as the
4 chairperson of the ANC, and I've lost my screen, so I'm not sure
5 Board Member Smith or Dr. Imamura or Mr. Moy can take a quick
6 look at that letter. But in any event, the Board can consider
7 that statement even if it was improperly signed, but we could not
8 give it great weight.

9 So as the Applicant stated, the important issue in this
10 case is that this is a very small addition of habitable space,
11 and the Secret Service has no objections and so -- I'm sorry, is
12 someone speaking? Okay. So the Secret Service has no objection
13 to the addition of habitable space and so I will go ahead and
14 also give great weight to the Office of Planning and the Office
15 of Planning supports the application as stated in their report,
16 and I will be voting in support of the application.

17 I note that the agency is in support, but I'm not quite
18 sure if this was signed by the Chairperson or the Vice
19 Chairperson. Does anyone want to add comments?

20 MR. SMITH: Oh, I'll add a comment, a little, well,
21 actually, I don't think I have anything to add. I think it's a
22 fairly straightforward application for the inhabitable penthouse
23 space and understand what was raised by the Applicant that, you
24 know, the office space, the way office space is going now and
25 the leasing of office space going now, you have to make it much

1 more marketable and have additional amenities to that space or
2 to, you know, lease up some of these buildings, especially
3 downtown and I understand that the reasoning for this change in
4 penthouse (phonetic) space, I do believe they met the burden of
5 proof for us to grant the special exception.

6 We did receive a letter from the Secret Service stating
7 that they are comfortable with what is proposed and typically
8 they put in all of these letters that they want to have access
9 to the space after the construction is completed for continual
10 checks, security checks, and to ensure that it's designed in a
11 manner that does not reduce security to, in this case, the White
12 House and it seems to me that they have met that new criterion
13 that the Zoning Commission approved -- was it two years ago now,
14 a year and a half or so ago? So I'm comfortable with the special
15 exception.

16 I did open the letter from Ms. Becky Strauss. It does
17 state that the ANC, the entire ANC did vote to support the special
18 exception. I am still unsure of whether she is the president or
19 vice president -- oh, sure Mr. Moy.

20 MR. MOY: I didn't mean to interrupt you. I was just
21 going to add that on the ACTC website it shows that Michael
22 Shankle is the current chair. Okay?

23 MR. SMITH: Okay.

24 VICE CHAIR JOHN: So is she the vice chair, Mr. Moy?

25 MR. MOY: All right. Let me double check. I think it

1 does not list who the vice chair is but let me take a closer look
2 because I have it on the website now. The vice, well, you're
3 right. Rebecca Strauss is the current vice chair.

4 VICE CHAIR JOHN: Okay.

5 MR. SMITH: Okay.

6 VICE CHAIR JOHN: Thank you.

7 MR. MOY: No, thank you.

8 MR. SMITH: Okay. So it seems that the ANC is in
9 support. There's no major security concerns. I give great weight
10 to OP's staff report and support the application.

11 VICE CHAIR JOHN: Thank you, Mr. Smith. Dr. Imamura?

12 ZONING COMMISSIONER IMAMURA: Madam Vice chair, I think
13 that Board Member Smith hit all the highlights in terms of the
14 D6 zone that a inhabitable penthouse is permitted, although this
15 is in the White House zone. They do meet the burden of proof,
16 have support from the ANC and OP. Straightforward, I think this
17 is a slam dunk.

18 VICE CHAIR JOHN: Thank you. So with that, I'll make
19 a motion to approve application No. 20917 as captioned and read
20 by the Secretary and ask for a second. Mr. Smith?

21 MR. SMITH: Second.

22 VICE CHAIR JOHN: Thank you.

23 MR. MOY: when I call your name, if you will please
24 respond to the motion made by Vice Chair John to approve.

25 Zoning Commissioner Dr. Imamura?

1 ZONING COMMISSIONER IMAMURA: Yes.

2 MR. MOY: Mr. Smith?

3 MR. SMITH: Yes.

4 MR. MOY: Vice Chair John?

5 VICE CHAIR JOHN: Yes.

6 MR. MOY: With two members not participating Staff
7 would record the vote as three to zero to two and this is on the
8 motion made by Vice Chair John to approve the application for the
9 relief requested. The motion to approve was second by Mr. Smith,
10 who also voted to approve the application and also approval from
11 Zoning Commissioner Dr. Imamura and again, Mr. Smith and Vice
12 Chair John. Motion carries three to zero to two.

13 VICE CHAIR JOHN: Thank you. And so if I could ask
14 for your indulgence for a minute, can we take a five minute break?
15 We just have one case left. Thank you.

16 (Whereupon, there was a brief recess.)

17 MR. MOY: So this is application No. 20785 of Andy and
18 Debbie Wilson LLC. This is as advertised as amended, the self-
19 certified application pursuant to Subtitle X § 901.2 of the
20 special exceptions. Subtitle D § 302.5 and 5206 to allow for
21 minimum lot with and lot area permitted and a voluntary IZ
22 development and Subtitle D § 5201.1 from the lot occupancy
23 requirements for a semi-detached dwelling Subtitle D § 304.2.
24 The property is located in the R-3 zone at 1531 U street, SE,
25 Square 5776, Lot 812 and for your reference, Madam Vice Chair,

1 in the record there's no ANC 8A report. However, I did note that
2 in the Applicant's revised statement on their Exhibit 33, dated
3 June 20th, that they have met with the ANC, but I don't know if
4 it was a meeting or hearing. So that's all I have Madam Vice
5 Chair.

6 VICE CHAIR JOHN: Thank you, Mr. Moy. So let's see.
7 Mr. Dales, can you introduce yourself for the record, please?

8 MR. DALES: Yes. Thank you, Vice Chair John. Good
9 afternoon and good afternoon to the other Members of the Board.
10 I'm Phil Dales of Dales Associates here on behalf of the
11 Applicant. We also have the architect, Adam Carballo, here today
12 and a representative of the Applicant LLC, Mr. Peter Chinloy.

13 VICE CHAIR JOHN: Okay. Would you like them to
14 introduce themselves now or do you want to wait until they
15 testify?

16 MR. DALES: We can do introductions as they provide
17 testimony, if that's all right with you, Vice Chair John.

18 VICE CHAIR JOHN: That's fine. Okay. Please go ahead.
19 You have 15 minutes.

20 MR. DALES: Thank you very much. This is a relatively
21 simple application to create two new lots with special exception
22 relief from the lot width and area minimums pursuant to the
23 voluntary inclusionary zoning provisions and for a special
24 exception relief to the max lot occupancy for a semi-detached
25 home.

1 I want to start by addressing the comments regarding
2 the ANC. We did, just for the Board's knowledge, meet with the
3 ANC for 8A. The Executive Committee on January 25th of '23, then
4 the full membership on March 7th of 2023 and we were notified
5 quickly after that on the 10th that the ANC was in favor of the
6 project and the chair gave us a request to provide a draft letter
7 recommending approval to this Board and we did that, and then on
8 05/09 we received an email from the chair asking to whom that
9 letter of recommendation should be sent and so we responded that
10 day to the chair to let them know where to send the letter we
11 had drafted on their behalf, and we followed up many times since
12 then to ask for a confirmation letter indicating their support
13 had been sent. But we never heard back from our voicemails and
14 we didn't see the letter in the record. So we're unsure, you
15 know, where the wires may have crossed on that.

16 But I wanted to address that issue right off the bat
17 and then if I can present my, share my screen here.

18 VICE CHAIR JOHN: So, Mr. Dales, you won't be able to
19 share your screen, but Mr. Young can pull up your presentation.

20 MR. DALES: Oh, great. Thank you.

21 VICE CHAIR JOHN: What would you like him to pull up?

22 MR. DALES: That's it.

23 VICE CHAIR JOHN: Okay.

24 MR. DALES: Thank you.

25 VICE CHAIR JOHN: Thank you.

1 MR. DALES: This first slide just includes some basic
2 information about the application. But if we go to the next
3 slide, I just want to orient the Board as to where this property
4 is.

5 If we could go one more slide there. Thank you. This
6 is an aerial just showing the intersection here where the property
7 is. That first lot off of that corner in the photo northeast of
8 that intersection and if we go to the next slide we'll zoom in a
9 little bit more.

10 There we go. So this is on U street, 1531 U is the
11 existing blue colored semi-detached house there and then the rest
12 of the Applicant property is immediately to the right, it's the
13 vacant space between the two structures. So the existing
14 structure will remain where the 1531 U arrow is with a small
15 addition to the rear and then to the right of that building from
16 U street is where the two inclusionary zoning townhomes are
17 proposed.

18 So for those townhomes, the lot width that we're
19 proposing will be approximately 17 feet in both cases, 17.12 for
20 A and B, and then for lot C, the newly created lot for lot C,
21 which is where the existing structure is, the lot width will be
22 21.75. So the minimum lot with special exception is 16 feet for
23 inclusionary zoning and also we are asking for relief to allow
24 for lot areas of 1,606 for lot A, 1,603 for lot B and then for
25 lot C, 1,830 square feet.

1 And finally, the coverage for the resulting lot C where
2 the existing structure is will be 51.8 percent, and that is in
3 excess of the 40 percent allowed unless a special exception is
4 obtained, which would allow the lot coverage to go up to 70
5 percent. So we're going to be well below that 70 percent limit
6 with special exception.

7 So for most of this presentation, we're going to ask
8 to stand on the application materials that were presented just
9 to respect the Board's time. But I do want to ask just a few
10 questions of, first Mr. Chinloy as the representative of the
11 Applicant, and then Mr. Carballo is the architect and maybe that
12 will help to inform any questions the Board may want to ask us
13 after we're done presenting.

14 So Mr. Chinloy, could you introduce yourself for the
15 Board?

16 MR. CHINLOY: Yes. I'm Peter Chinloy. I'm a member
17 of Andy and Debbie Wilson, LLC, and we are the owners of the
18 property.

19 MR. DALES: Thank you, Mr. Chinloy. Can you briefly
20 give the Board a history of your experience relevant to the
21 application we're presenting tonight?

22 MR. CHINLOY: We have worked in the D.C. area for over
23 20 years working on properties just like this and how it came to
24 our attention is because our attorney lived next door at 1533 U
25 Street, SE so I had been to this property on many occasions. So

1 | in fact, he was the one that told us that this property might be
2 | available.

3 | MR. DALES: Thank you, Mr. Chinloy. Just to clarify
4 | for the Board, that's a different attorney, not myself.

5 | MR. CHINLOY: That's correct. He was Mr. Paul Hunt who
6 | is someone you may be well aware of.

7 | MR. DALES: And, Mr. Chinloy, could you tell the Board
8 | a little bit more about the history of this property and that
9 | existing structure?

10 | MR. CHINLOY: 1531 U Street, SE was built in the 1880s.
11 | It is a duplex and it had a separate structure on the property
12 | as a garage and the zoning is R-3 and so we were proposing to
13 | put two additional townhouse units in a separate attached duplex
14 | on the two additional lots.

15 | MR. DALES: Thank you. And could you tell us a little
16 | bit more about what you envision for that renovation and what the
17 | uses will be?

18 | MR. CHINLOY: They will be single family occupied and
19 | our intent is to make them as affordable as possible.

20 | MR. DALES: Okay. What about the sizes for these
21 | units?

22 | MR. CHINLOY: The basic footprint is about, we tend to
23 | specialize in 600 to 800 square feet on the ground level. On
24 | the 600 square feet, we would have or we have a living room,
25 | dining room, kitchen and then upstairs either two bedrooms, which

1 are en-suite are three bedrooms and two baths.

2 MR. DALES: Thank you. And you did say this is in
3 keeping with the existing community structures and uses?

4 MR. CHINLOY: Yes.

5 MR. DALES: Okay. And it's always your intent to create
6 improved housing on what you find on any of the properties you
7 buy and renovate the District; is that right?

8 MR. CHINLOY: That is correct. We've done this several
9 times in the District and we want to leave behind a much better
10 property than what we acquired.

11 MR. DALES: Okay. Now, and just quickly, in your
12 opinion regarding the criteria for the special exceptions, you
13 believe that this will be in harmony with the general purpose,
14 the intent of the zoning regulations and maps as you understand
15 them?

16 MR. CHINLOY: Yes.

17 MR. DALES: Okay. And it won't tend to adversely affect
18 the use of the neighborhood in accordance with the zoning
19 regulation and maps; correct?

20 MR. CHINLOY: It will not.

21 MR. DALES: Okay. And you'll meet any of the conditions
22 that are specified in the zoning regulations or imposed by this
23 Board; correct?

24 MR. CHINLOY: Yes.

25 MR. DALES: All right. Is there anything else you'd

1 | like to add, Mr. Chinloy, before we go on to Mr. Carballo?

2 | MR. CHINLOY: We want to contribute to the neighborhood
3 | and as mentioned, this is in a way, because we've known the
4 | neighbor for a while, and he was our attorney.

5 | MR. DALES: Okay. Thank you very much, Mr. Chinloy.
6 | Mr. Carballo, could you introduce yourself one more time and
7 | you've done a couple of the matters on this public hearing
8 | already.

9 | MR. CARBALLO: My name is Adam Carballo of Carballo
10 | Architecture, and I'm architect of record for this project.

11 | MR. DALES: All right. And you've reviewed the plans
12 | for this project with the City codes zoning ordinance, building
13 | code, fire code; is that correct?

14 | MR. CARBALLO: That's correct.

15 | MR. DALES: And can you briefly describe the proposed
16 | subdivision architectural plans, and keep in mind that we've got
17 | this presentation that has your floor plans and elevations in it
18 | so that we can scroll through and I think you just have to ask
19 | for the slides to be flipped for you.

20 | MR. CARBALLO: Yes. If that could be shared on my
21 | behalf, that would be great.

22 | Go to the next slide, well, I guess. Well, yes. So
23 | as you can see, this is the highlighted lot on this exhibit zoning
24 | map is the subject property.

25 | Next slide, please. Next slide.

1 MR. DALES: Just for the Board, these are existing
2 conditions obviously at ground level and I would proffer just to
3 interject that we were told by members of the ANC that some of
4 this block in this area has at times operated as an active open
5 air drug market and so they were cautioning about our efforts to
6 redevelop just for the safety of working on the project, but also
7 encouraging in the sense that they thought it would be a great
8 improvement to remove that opportunity for that kind of activity
9 from this site.

10 MR. CARBALLO: And it kind of, as you can see, that the
11 large undeveloped space in between these two homes is the subject
12 property that we're referring to. The sort of blue green colored
13 structure to the left, that's the existing building at 1531.
14 that is again sort of part of the subdivision in order to create
15 these lots.

16 Next slide, please.

17 MR. DALES: This is a couple more existing conditions
18 for this.

19 MR. CARBALLO: Next slide, please. Next slide. Okay.
20 So as you can see here we've, you know, heard of that subdivision.
21 We've made a great effort to create homes that are on the same
22 size, scale and character as the adjoining properties. You'll
23 also note that this this specific block of U Street is highlighted
24 by a series of both semi-detached homes as well as row dwellings
25 and in that spirit, we have attempted to match that rhythm of

1 the street and created two row dwellings, you know, full lot with
2 structures that match that same character of the adjoining
3 properties.

4 In addition, you know, a lot of new construction
5 structures are, you know, they maximize vertically, they go 30
6 feet, three stories and maximum height. We've actually provided
7 some restraint with this development and we're actually
8 presenting two two story homes that matches the character of the
9 surrounding properties. We're also presenting front covered
10 porches that are in line with the all the other properties on
11 the block, but also have that same sort of defining character and
12 feature on the front of the property.

13 Next slide, please. Now, see, as you can see here, you
14 have a series of, you know, on the left hand side you see 1533,
15 1531, as well as our two new construction homes. We're really
16 making great, great strides to document and sort of create
17 buildings that look like they were always here and really fill
18 in the sort of, you know, missing tooth of the block that this
19 vacant land currently represents.

20 Next slide, please. Next slide. And you know, with
21 those floorplans we're, you know, creating, you know, both
22 footprints were approximately 48 feet by 17 foot, one and a half
23 or about 824 square feet per floor. So these are, you know,
24 1,650 square feet occupied on two floors with, you know, three
25 bedrooms and two and a half bathrooms or three bathrooms, rather.

1 So they are, you know, the design of these houses also will
2 encourage, you know, family, you know, families to actually live
3 here. So they are set up to meet the goals that the Mayor and
4 City Council to encourage families to be in the District.

5 Next slide. So that's -- actually I think that's it
6 for my portion. Phil, do you have any other questions?

7 MR. DALES: I just wanted to ask. Would you just
8 described the HRPV meeting that you had and what they found with
9 regard to the design of the original structure, fitting in with
10 the neighborhood fabric and the changes that you've made, the
11 revisions you've made since that meeting to address their
12 concerns?

13 MR. CARBALLO: Yes. I mean, you know, I guess, you
14 know, as I've testified to, we have made great effort to keep
15 the scale, character, structure and size of these buildings to
16 match those of surrounding properties and a sort of defining
17 feature of having that front covered porch that all of these
18 homes have on this block, that was something that we worked hard
19 to incorporate into this design. But with the HPRV, they did
20 find that we are meeting that expectation and matching the
21 character of the surrounding properties with this new
22 development.

23 MR. DALES: Thank you. I believe there are just, the
24 only real comments of substance were that the front porches should
25 be added and the windows should be adjusted slightly and both

1 | those revisions were made; correct?

2 | MR. CARBALLO: That's correct, yes.

3 | MR. DALES: Okay. Thank you. Okay. Those are all my
4 | questions for Mr. Carballo.

5 | If we could just go to the next slide, please. This
6 | is just a good, I think, the clearest view of what's being
7 | proposed and it reorients the site so that you're looking at it
8 | from U Street with U Street being south, which is actually the
9 | north and so the existing structure is now shown on the left and
10 | the two new townhouse structures are on the right and you can
11 | see the size of the lots and the width of the lot's shown pretty
12 | clearly here.

13 | So just next slide for some summary, and I think this
14 | was a good slide to leave up as I just conclude by saying I think
15 | what we're asking for your is admittedly a relatively small
16 | inclusionary zoning project and I think you get a lot of voluntary
17 | inclusionary zoning projects of this size. But I think it's
18 | really very appropriate to the community that it's being proposed
19 | in and we did receive supportive comments from ANC although the
20 | letter hasn't been submitted and we would ask that the Board just
21 | approve the special exception requests to allow for this modest
22 | proposal and these modest structures and some homeownership at
23 | affordable rates in this community. Thanks very much.

24 | ZONING COMMISSIONER IMAMURA: Vice Chair John, you're
25 | muted.

1 VICE CHAIR JOHN: I'll go to the Office of Planning.
2 Thank you.

3 MR. LAWSON: Good afternoon once again. Joel Lawson
4 for the Office of Planning.

5 Very quickly, Office of Planning has actually issued
6 two reports on this application. The first one is at Exhibit 20
7 and it relates to the request for relief to opt in to the
8 inclusionary zoning program. That's to facilitate subdivision.
9 The application was subsequently amended to include lot occupancy
10 relief.

11 The OP report is at Exhibit 34 providing analysis and
12 recommending approval for lot occupancy relief as well and that
13 lot occupancy relief is just for one of the three lots. It's
14 for the lot with the existing building on. In fact what the
15 Applicant calls lot C. So the other two lots (indiscernible).

16 In this case DDOT provided a separate report at Exhibit
17 21 and that report would indicate no objection to the proposal,
18 and with that I'll stand on the record and be available for
19 questions. Thank you.

20 VICE CHAIR JOHN: So Mr. Lawson, can you just talk
21 briefly about any potential adverse impacts on the neighbors in
22 terms of the criteria?

23 MR. LAWSON;: Sure. Well, OP feels that any new impacts
24 would be not significant. They would not be an undue impact.
25 The buildings of the proposals that the Applicant is proposing

1 are similar in size and scale to the existing buildings. They're
2 well under the permitted height and even the lot occupancy is
3 basically required -- lot occupancy relief, I'm sorry -- it's
4 basically required because obviously because of the subdivision,
5 the line is getting smaller than it is now.

6 The Applicant is not proposing significant additions
7 to that existing building, but rather fixing it up and replacing
8 some of the rear additions. So OP doesn't see where there would
9 be a significant impact on neighbors, certainly not impact on
10 neighborhood character and that's why we support this
11 application.

12 VICE CHAIR JOHN: Thank you. Does the Board have any
13 comments to the Office of Planning? Does the Applicant have any
14 questions for the Office of Planning?

15 MR. DALES: No. Thank you, Vice Chair John.

16 VICE CHAIR JOHN: Thank you. Mr. Young, is anyone
17 signed up to testify?

18 MR. YOUNG: No, we do not.

19 VICE CHAIR JOHN: And the ANC is not here?

20 MR. DALES: Correct.

21 VICE CHAIR JOHN: Okay. So does the Applicant wish
22 to make a closing statement?

23 MR. DALES: No, Vice Chair John. I think I covered
24 what I want to say in closing in my comments previously. Thank
25 you.

1 VICE CHAIR JOHN: Okay. So I'll excuse you at this
2 time and thank all of the witnesses for their testimony.

3 MR. DALES: Thank you, members of the Board. Appreciate
4 it.

5 VICE CHAIR JOHN: You have a good evening. So I'm
6 going to close the record and the hearing and ask if we're ready
7 to deliberate.

8 Okay. I'll go ahead and get started. When I first
9 looked at this case, it seemed a little confusing. But you know,
10 with a closer look it appears to be fairly straightforward because
11 the first two lots are the IZ lots A and B, and they meet all of
12 the requirements except for an IZ unit and with respect to the
13 development standards, there is no need for any relief. They all
14 meet the rear yard, side yard, front setback, pervious surface
15 parking and, yes. So all they need is the IZ relief.

16 Now, with respect to lot C, lot C similarly meets the
17 development standards except for the lot occupancy relief which
18 the Applicant, as assisted by the Office of Planning, explained
19 why it met the criteria for relief in terms of any adverse impact
20 on the neighbors and loss of privacy and that is not indicated
21 here.

22 So I'm in support of the application. I'm going to
23 give great weight to the Office of Planning's recommendation and
24 analysis. There's no report from the ANC and I accept the
25 Applicant's testimony, however, we're not able to give that

1 testimony great weight, and I believe DDOT has no objection for
2 the application. I'm just confirming that. I believe DDOT
3 Recommended that the Applicant pursue public space construction
4 permits for the elements of the project that are within District-
5 owned right of way which the Applicant would have to do anyway
6 so it would not be a condition of this order.

7 And so with that, I will support the application. Does
8 any Board member wish to add anything?

9 MR. SMITH: No. I don't wish to add anything. I
10 (indiscernible) with what you have expounded on and will support
11 the application as well.

12 VICE CHAIR JOHN: Okay. Dr. Imamura?

13 ZONING COMMISSIONER IMAMURA: Thank you, Madam Vice
14 Chair. Nothing more to add. I think the proposed lot occupancy
15 for lot C is marginal compared to what is permitted at 70 percent
16 (indiscernible).

17 VICE CHAIR JOHN: Okay.

18 ZONING COMMISSIONER IMAMURA: The other two lots I
19 think are pretty straightforward.

20 VICE CHAIR JOHN: Okay. Thank you. And with that, I
21 will make a motion to approve application 20785 as captioned and
22 read by the Secretary and ask for a second. Mr. Smith?

23 MR. SMITH: Second.

24 VICE CHAIR JOHN: Mr. Moy, would you please take the
25 roll call?

1 MR. MOY: Thank you, Madam Vice Chair. When I call
2 your name, if you will please respond to the motion made by Vice
3 Chair John to approve the application for the relief requested.
4 The motion to approve was second by Mr. Smith.

5 Zoning Commissioner Dr. Imamura?

6 ZONING COMMISSIONER IMAMURA: Yes.

7 MR. MOY: Mr. Smith?

8 MR. SMITH: Yes.

9 MR. MOY: Vice Chair John?

10 VICE CHAIR JOHN: Yes.

11 MR. MOY: We have no other Board Members. Staff with
12 record the vote as three to zero to two and this is on the motion
13 made by Vice Chair John to approve the application. The motion
14 to approve was second by Mr. Smith, who also voted to approve
15 the application, as well as approval from Zoning Commissioner Dr.
16 Imamura and of course, Mr. Smith, Vice Chair John. Motion
17 carries, ma'am, on a vote of three to zero to two.

18 VICE CHAIR JOHN: Thank you, Mr. Moy. Is there anything
19 else before the Board, Mr. Moy?

20 MR. MOY: No, ma'am, not today.

21 VICE CHAIR JOHN: Okay. So I will see you all next
22 week. Oh, no. We'll be back on the 12th.

23 MR. MOY: Yes. 4th of July is next week.

24 VICE CHAIR JOHN: That's right. That's right. So have
25 a great 4th of July, everyone. Thank you for your help today

1 and enjoy the fireworks.

2 MR. SMITH: All right.

3 ZONING COMMISSIONER IMAMURA: That's it. Thank you.

4 MR. SMITH: Thank you.

5 VICE CHAIR JOHN: Bye.

6 (Whereupon, the above-entitled hearing was adjourned.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: BZA

Date: 06-28-2023

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and accurate
record of the proceedings.

GEOFF HUNT