

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JULY 26, 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

OFFICE OF ZONING ADJUSTMENT STAFF PRESENT:

TRACEY ROSE, Staff  
PAUL YOUNG, Data Specialist

OFFICE OF ZONING ADJUSTMENT LEGAL COUNSEL:

MARY NAGELHOUT, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on July 26, 2023.

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

2 (9:30 a.m.)

3 VICE CHAIR JOHN: Good morning, ladies and gentlemen.  
4 The Board of Zoning Adjustments July 26, 2023 public hearing will  
5 please come to order.

6 My name is Lorna John, Vice Chairperson of the District  
7 of Columbia Board of Zoning Adjustment. Joining me today is  
8 Board Member Chrishaun Smith and Zoning Commission Chair Anthony  
9 Hook. Today's meeting and hearing agendas are available on the  
10 Office of Zoning's website. Please be advised that this  
11 proceeding is being recorded by a court reporter and is also  
12 webcast 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 session. If you experience difficulty accessing WebEx or  
18 with your telephone call-in, then please call our OZ hotline  
19 number at 202-727-5471 to receive WebEx login or call-in  
20 instructions.

21 At the conclusion of the decision meeting, I shall, in  
22 consultation with the Office of Zoning, determine whether a full  
23 or summary order may issue. The full order is required when the  
24 decision it contains is adverse to a party including an affected  
25 ANC. A full order may also be needed if the Board's decision

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1 differs from the Office of Planning's recommendation. Although  
2 the Board favors the use of summary orders whenever possible, an  
3 applicant may not request the Board to issue such an order.

4 In today's hearing, anyone who is listening on Webex  
5 or by telephone will be muted during the hearing and only persons  
6 who have signed up to participate or testify will be unmuted at  
7 the appropriate time. Please state your name and home address  
8 before providing oral testimony on your presentation. Oral  
9 presentations should be limited to a summary of your most  
10 important points. When you are finished speaking, please mute  
11 your audio so that your microphone is no longer picking up sound  
12 or background noise.

13 Once again, if you experience difficulty accessing  
14 Webex or with your telephone call-in, or you have forgotten to  
15 sign up 24 hours prior to this hearing, then please call our OZ  
16 hotline number at 202-727-5471 to sign up to testify and to  
17 receive Webex login or call-in instructions.

18 All persons planning to testify either in favor or in  
19 opposition should have signed up in advance. They will be called  
20 by name to testify. If this is an appeal only parties are allowed  
21 to testify. By signing up to testify all participants must  
22 complete the Oath or Affirmation as required by Subtitle Y 408.7.  
23 Requests to enter evidence at the time of an online virtual  
24 hearing such as written testimony or additional supporting  
25 documents other than live video which may not be presented as

1 part of the testimony may be allowed pursuant to Subtitle Y §  
2 103.13 providing that the person making the request to enter an  
3 exhibit explains how the proposed exhibit is relevant, the good  
4 cause that justifies allowing an exhibit into the record  
5 including an explanation of why the requestor did not file the  
6 exhibit prior to the hearing pursuant to Subtitle Y § 206 and  
7 all the proposed exhibits would not unreasonably prejudice any  
8 party.

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

24           Pursuant to Subtitle Y §§ 408.2 and 408.3 the following  
25 time constraints shall be maintained. The applicant, appellant

1 and all parties except for an affected ANC in support, including  
2 witnesses exclusive of cross-examination, a maximum of 60 minutes  
3 collectively. The appellee, persons and parties except an  
4 affected ANC in opposition including witnesses collectively have  
5 an amount of time equal to that of the applicant and parties in  
6 support but in no case more than 60 minutes collectively.  
7 Individuals, maximum of three minutes, organization  
8 representatives, maximum of five minutes. These time constraints  
9 do not include cross-examination and/or questions from the Board,  
10 cross-examination of witnesses by the applicant or parties  
11 including the ANC is permitted. The ANC within which the property  
12 is located is automatically a party in a special exception or  
13 variance case. Nothing prohibits the Board from placing  
14 reasonable restrictions on cross-examination including time  
15 limits and limitations and scope of cross-examination pursuant  
16 to Subtitle Y § 408.5.

17 At the conclusion of each case, an individual who was  
18 unable to testify because of technical issues may file a request  
19 for leave to file a written version of the planned testimony to  
20 the record within 24 hours following the conclusion of public  
21 testimony in the hearing. This additional written testimony is  
22 accepted and parties will be allowed a reasonable time to respond  
23 as determined by the Board. The Board will then make its decision  
24 at its next meeting session but no earlier than 48 hours after  
25 the hearing. Moreover, the Board may request additional specific

1 information to complete the record. The Board and the staff will  
2 specify at the end of the hearing exactly what is expected and  
3 the date when persons must submit the evidence to the Office of  
4 Zoning. No other information shall be accepted by the Board.

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

14           Finally, the District of Columbia Administrative  
15 Procedures Act requires that the public hearing on each case be  
16 held in the open before the public. However, pursuant to §§  
17 405(b) and 406 of that Act, the Board may, consistent with its  
18 rules of procedures and the Act, enter into a closed meeting on  
19 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 a case  
21 pursuant to D.C. Official Code 2575(b)(13) but only after  
22 providing the necessary public notice and in the case of an  
23 emergency closed meeting, after taking a roll call.

24           Madam Secretary, do you have any preliminary matters  
25 and if so, let's proceed with the agenda?

1 MS. ROSE: Good morning. Yes, we have a couple. Please  
2 note that for the meeting agenda Application No. 20935 of Jeremy  
3 Emmert will not be decided today. It has been removed from the  
4 expedited review consent calendar and scheduled for a public  
5 meeting, public hearing, I'm sorry, on October 4th, 2023, and for  
6 the hearing agenda Application No. 20837 of Howard University was  
7 postponed to November 29th, 2023, and will not be heard today.  
8 If it is all right with the Board, we can address other  
9 preliminary matters when we call the cases.

10 VICE CHAIR JOHN: Thank you, Ms. Rose. So let's then  
11 proceed with the first case on the public meeting agenda.

12 MS. ROSE: Yes. The first matter on the public meeting  
13 agenda is a request for advanced party status in opposition. Is  
14 that where we are?

15 VICE CHAIR JOHN: Yes.

16 MS. ROSE: Advanced party status in opposition from  
17 Glover Plaza Condominium Association in Application No. 20937 of  
18 40th St. Heights, LLC. The application is for a special exception  
19 from the screening requirements for surface parking of Subtitle  
20 C § 714.2 pursuant to Subtitle C § 714.3, and Subtitle X § 901.2  
21 in a special exception from the matter-of-right uses of Subtitle  
22 U § 401 pursuant to Subtitle U § 421 and Subtitle X § 901.2 to  
23 construct a third story with roof deck and a three story rear  
24 addition with cellar and an additional two dwelling units to an  
25 existing semi-detached two story with cellar, four unit apartment



1 house in the RA-1 zone at 2236 40th Street, N.W., Square 1317,  
2 Lot 14.

3 VICE CHAIR JOHN: Okay. Thank you. Mr. Young, is the  
4 requesting party here? I believe that would be Ms. Wilson, Susan  
5 Wilson?

6 MR. YOUNG: Yes. Would you like me to bring her in?

7 VICE CHAIR JOHN: Yes. Please let her in. I believe  
8 there's also, okay. Just Ms. Wilson. Good morning, Ms. Wilson.

9 MS. WILSON: Good morning. Can you hear me?

10 VICE CHAIR JOHN: Yes, I can hear you.

11 MS. WILSON: Oh, good.

12 VICE CHAIR JOHN: So the Board will not take any  
13 testimony today and we, as you know, the regulations require you  
14 to be present so you can just listen in to the deliberations.

15 MS. WILSON: Okay. Thank you.

16 VICE CHAIR JOHN: You're welcome. So I'll go ahead and  
17 start the discussion. So I reviewed the application and the  
18 record and in particular the addendum which is attached to the  
19 application in Exhibit 17A and the requestors together own all  
20 of the apartments, I believe there are four, of the condominium  
21 and an authorized representative at this hearing as shown in the  
22 record. I believe Ms. Wilson is one of the owners and the  
23 condominium itself is located, is an adjacent property to the  
24 Applicant's property and as indicated there is potential adverse  
25 impacts, including light and air and privacy and other concerns

1 which are not before the Board, are outside the scope of the  
2 Board.

3           Generally, as the next door neighbor, there's a  
4 presumption that the requestors have demonstrated or would be  
5 able to demonstrate that their interest would be more uniquely,  
6 uniquely effective in character or kind than others in the general  
7 public and that they meet the criteria of Subtitle Y § 404.13  
8 and so if no one objects, I will go ahead and grant the Motion  
9 for Advanced Party Status.

10           Chairman Hood.

11           ZONING COMMISSIONER HOOD: I would agree with your  
12 analysis and I think this application warrants us giving them  
13 party status. Thank you, Madam Chair.

14           VICE CHAIR JOHN: Thank you, Chairman Hood.

15           Board Member Smith.

16           MR. SMITH: I don't have any objection to your approach.  
17 I do agree with your assessment and Mr. Hood's assessment on the  
18 reasons to grant this Applicant party status, given their  
19 adjacency to the property in question. So I support.

20           VICE CHAIR JOHN: Thank you. So the motion is granted.  
21 Ms. Rose, I don't believe we need a roll call.

22           MS. ROSE: I don't think so. It's up to the Board.

23           MS. WILSON: Thank you.

24           VICE CHAIR JOHN: Thank you, Ms. Wilson. And when  
25 you're ready, Mr. Rose, please call the next case.

1 MS. ROSE: The next case on the meeting agenda is an  
2 expedited review case on the consent calendar. It is application  
3 No. 20942 of Christopher Rodriguez. This is a self-certified  
4 application for a special exception from the side yard  
5 requirements of Subtitle D § 206.7. Pursuant to the Subtitle D  
6 § 5201 and Subtitle X § 901.2 to construct a second story rear  
7 addition over the one story portion of an existing detached two  
8 story with cellar principal Dwelling unit in the R-1-B zone at  
9 premises 4726 Sedgwick Street, N.W., Square 1526, Lot 47.

10 VICE CHAIR HILL: Thank you, Ms. Rose. So I'll go  
11 ahead and start the discussion.

12 I did not have a lot of questions about this  
13 application. There is an existing 1.9 foot side yard which the  
14 Applicant would maintain and this side yard is adjacent to a 16  
15 foot alley, which I believe should provide adequate light and air  
16 to the neighbor who is across the alley. The other side yard is  
17 quite large and it would, in my view, there would be no adverse  
18 impact. The neighbor across the alley that's closest to that 1.9  
19 foot side yard is in support of the application and there is no  
20 request for relief from any other development standards.

21 OP's analysis was thorough and I give great weight to  
22 OP's analysis and recommendation and I also note that the ANC  
23 supports the application with no issues or concerns.

24 Board Member Smith, did you have anything to add?

25 MR. SMITH: No. I by and large agree with your

1 assessment of this particular case and will also support your  
2 approach.

3 VICE CHAIR JOHN: Thank you. Commissioner Hood.

4 ZONING COMMISSIONER HOOD: I agree with both of you.  
5 I'm looking to voting and supporting this application. Thank  
6 you.

7 VICE CHAIR JOHN: Thank you.

8 So then I'll make a motion to approve application No.  
9 20942 as captioned and read by the secretary and ask for a second.  
10 Board Member Smith?

11 MR. SMITH: Second.

12 VICE CHAIR JOHN: Ms. Rose, would you take the roll  
13 call, please?

14 MS. ROSE: Certainly. When I call your name please  
15 respond with your vote on the motion.

16 Vice Chair John?

17 VICE CHAIR JOHN: Yes.

18 MS. ROSE: Board Member Smith?

19 MR. SMITH: Yes.

20 MS. ROSE: Commissioner Hood?

21 ZONING COMMISSIONER HOOD: Yes.

22 MS. ROSE: And staff would record the vote as three to  
23 zero to two to approve the application. This is on a motion made  
24 by Vice Chair John, seconded by Board Member Smith, with  
25 Commissioner Hood in support of the motion. Chairman Hill No

1 pressure, not voting. One Board seat vacant.

2 VICE CHAIR JOHN: Thank you, Ms. Rose. And when you're  
3 ready please call the next case which I believe is 20875A.

4 MS. ROSE: Yes. Application No. 20875A of American  
5 Association of Colleges and Universities. This is a request  
6 pursuant to Subtitle Y § 703 for a modification of consequence  
7 to plans approved in Board of Zoning Adjustment Application No.  
8 20875. The order was issue don March 7th, 2023. The proposal  
9 was to construct a rear addition to an existing attached four  
10 story with basement residential building devoted to non-profit  
11 use and permit a deck and ramp at the rear for handicap access  
12 ability. The property is located in the RA-8 zone at premises  
13 1816 though 1818 R Street, N.W., Square 134, Lots 149 and 150.

14 Okay. Thank you. So I'll start. This is a request  
15 for a modification of consequence to change plans previously  
16 approved by the Board and because this is a request under Subtitle  
17 Y § 604.9 and 604.10, a modification of consequence is appropriate  
18 and that basically means that if the Applicant changes the plans  
19 that were approved by the Board, then the Applicant needs to  
20 return to the Board for approval.

21 In this case, the Applicant proposes to add a rear deck  
22 and ramp for handicapped access. Existing parking will be  
23 maintained and none of these changes would require zoning relief.  
24 The Office of Planning plan is in support of the application and  
25 as of last night there was no request from the ANC. I'm generally

1 in support of the application and would like to hear from my  
2 fellow Board Members starting with Board Member Smith.

3 MR. SMITH: Yes, Vice Chair John, I am by and large in  
4 support of the requested modification of consequence. It seems  
5 that modification of consequence was necessitated by changes  
6 requested by the Historic Preservation Office staff to align with  
7 historic preservation policy. As was previously, when we first  
8 heard this case, I would be in support of the proposed rear  
9 addition and modification which would permit the deck and ramp  
10 at a rear for handicap accessibility, and so I think it needs to  
11 be a fairly straightforward request for modification of  
12 consequence and will support the application.

13 VICE CHAIR JOHN: Thank you, Board Member Smith.  
14 Chairman Hood.

15 ZONING COMMISSIONER HOOD: I would agree, Madam Chair,  
16 with you and Board Member Smith. I always look at these cases  
17 and wonder why we just don't do the reasonable combinations but  
18 I'm sure there's some lawyering of why we don't do it so I'll  
19 leave that alone, but I'll be voting in favor of this application.

20 VICE CHAIR JOHN: Thank you. So I'll make a motion  
21 to approve application 20875A as captioned and read by the  
22 Secretary and ask for a second. Mr. Smith?

23 MR. SMITH: Second.

24 VICE CHAIR JOHN: Commissioner Hood?

25 ZONING COMMISSIONER HOOD: Yes.

1 VICE CHAIR JOHN: Thank you. Ms. Rose, would you please  
2 take the roll call?

3 MS. ROSE: When I call your name please respond with  
4 your vote on the motion.

5 Vice Chair John?

6 VICE CHAIR JOHN: Yes.

7 MS. ROSE: Commissioner Hood?

8 ZONING COMMISSIONER HOOD: Yes.

9 MS. ROSE: Board Member Smith?

10 MR. SMITH: Yes.

11 MS. ROSE: The staff will record the vote as three to  
12 zero to two to approve the modification. This is on a motion  
13 made by Vice Chair John, seconded by Board Member Smith with  
14 Commissioner Hood in support of the motion. Chairman Hill not  
15 present, not voting, and one Board seat vacant.

16 VICE CHAIR JOHN: Thank you, Ms. Rose. And when you're  
17 ready, please call the next case.

18 MS. ROSE: The next case is application No. 20872A of  
19 the New Macedonia Baptist Church. This is a request pursuant to  
20 Subtitle Y § 703 for a modification of consequence from plans  
21 approved in BZA application No. 20872, order issued May 19, 2023  
22 to construct a new detached four story with cellar penthouse and  
23 roof deck, 35 unit mixed use building in the MU-4 zone. This is  
24 located at premises 2026 Jackson Street, N.E., Square 4220, Lot  
25 802 and we have four letters in support that came in yesterday

1 and Monday, three from neighbors and one joint letter from SMD  
2 Commissioners for ANC 5B06 and 5C07. These letters are Exhibits  
3 13 through 16 in the record.

4 VICE CHAIR JOHN: Thank you, Ms. Rose. I saw those  
5 letters last night. I believe the last one was from the two ANC  
6 Commissioners.

7 MS. ROSE: Yes.

8 VICE CHAIR JOHN: Okay. Thank you. So I'll go ahead  
9 and start the discussion.

10 As noted, this is a request for modification of  
11 consequence to expand the number of units in an apartment building  
12 to four units within the MU-4 zone. The Applicant is not  
13 proposing to increase the building footprint and no other relief  
14 is required. The updated plans also showed two additional long  
15 term parking spaces. I almost set down bicycle ramps but these  
16 are additional two parking spaces because of the addition of the  
17 four new apartments. Let me make sure that's correct. It might  
18 just be bicycle parking spaces.

19 So again, because this is a request to change the plans  
20 which were approved by the Board in a previous application, this  
21 is an appropriate request for a modification of consequence.  
22 Under Subtitle Y §§ 604.9 and 604.10.

23 I agree with OP's analysis and recommendations. As I  
24 said this was fairly straightforward. There's several letters  
25 of support from neighbors which I appreciate and there's also a



1 joint letter in support from the Single Member District  
2 Commissioners ANC 5B/6 and ANC 5C/7. They generally support the  
3 application but have raised issues regarding the reduced parking  
4 and I believe they would prefer to see more parking. However,  
5 this application, as I'm sure they know, is not entitled to great  
6 weight because it was not approved by the full ANC, but I  
7 appreciate them taking the time to write such a lengthy letter  
8 in support of the application and so I'm generally in support of  
9 granting the request.

10 Board Member Smith.

11 MR. SMITH: By and large, Chair John, I by and large  
12 agree with your statements in this particular case. But they are  
13 allowed to increase the number of units per the modification of  
14 consequence regulations under Subtitle Y 703.

15 I do agree with you. I do note that the ANC had  
16 submitted a letter and most of it is regarding parking. It has  
17 been the case in this neighborhood for many of the projects that  
18 we've seen, but I'll note that this particular project with these  
19 additional units would not require additional vehicle parking  
20 spaces but they would be required to increase the number of bike  
21 parking spaces. So that concern is a little bit mitigated and  
22 there are a number of bus lines and other multi-modal  
23 transportation opportunities along Rhode Island Avenue for people  
24 to be able to access the Rhode Island Avenue Brentwood metro  
25 station that's further to the west.

1           So I do believe that the Applicant has met the burden  
2 of proof for us to grant the modification of consequence and will  
3 support the application.

4           VICE CHAIR JOHN: Thank you, Board Member Smith, and I  
5 believe there is no need for parking relief because they meet the  
6 parking requirement. It's just the bicycle parking.

7           MR. SMITH: Correct.

8           VICE CHAIR JOHN: They wouldn't (indiscernible). I  
9 might not have been clear. Thank you for clarifying though.

10          Commissioner Hood.

11          ZONING COMMISSIONER HOOD: Thank you, Madam Chair. I  
12 agree with both you and Board Member Smith. Also a comment. I  
13 really appreciate the ANC Commissioners because when this project  
14 started off and the many facets, it started off under ANC 5C and  
15 due to redistricting they went to the ANC 5B, I think that was  
16 known previously and (indiscernible) collaboration. I understand  
17 the issue about parking. Parking in this area, even on the Zoning  
18 Commission when we did the amendments, text amendments, it's  
19 always been a parking issue so I would, again, encourage the  
20 Applicant to continue to work with ANC Commissions in the  
21 community so we can try to resolve it (indiscernible) figure out  
22 ways to make it work for everyone.

23          So with that I think as far as Subtitle, just a second,  
24 Subtitle Y 703 and as you all have already stated, I would be in  
25 favor of this application. Thank you, Madam Chair.

1 VICE CHAIR JOHN: Thank you, Commissioner Hood. So  
2 I'll make a motion to approve application 20872A as captioned and  
3 read by the Secretary and ask for a second. Mr. Smith.

4 MR. SMITH: Second.

5 VICE CHAIR JOHN: Commissioner Hood.

6 ZONING COMMISSIONER HOOD: So, Madam Chair, I'm  
7 curious. Do you want me to second it too? Are we voting?

8 VICE CHAIR JOHN: No.

9 ZONING COMMISSIONER HOOD: I'm not sure what's going  
10 on because you did that last time.

11 VICE CHAIR JOHN: No, I thought I said Board Member  
12 Smith? Would you like to second it?

13 ZONING COMMISSIONER HOOD: No, but you called on me so  
14 I don't know what I'm supposed to do.

15 VICE CHAIR JOHN: Oh, no, I'm sorry.

16 BOARD MEMBER SMITH: I already seconded.

17 VICE CHAIR JOHN: Oh, okay. It's time --

18 ZONING COMMISSIONER HOOD: But if you want to hear me  
19 talk I can do that.

20 VICE CHAIR JOHN: Thank you, thank you. We'll take a  
21 break soon so I can have some coffee and thank you for catching  
22 that, Commissioner Hood. It means that somebody is awake.

23 Okay. So seconded by Board Member Smith. Ms. Rose,  
24 would you please take the roll call?

25 MS. ROSE: Yes. When I call your name, please respond

1 with your vote on the motion.

2 Commissioner Hood?

3 ZONING COMMISSIONER HOOD: Yes.

4 MS. ROSE: Board Member Smith?

5 MR. SMITH: Yes.

6 MS. ROSE: Vice Chair John?

7 VICE CHAIR JOHN: Yes.

8 MS. ROSE: And staff would record the vote as three to  
9 zero to two to approve the modification. This is on a motion  
10 made by Vice Chair John, seconded by Board Member Smith with  
11 Commissioner Hood in support of the motion. Chairman Hill not  
12 present not voting, one Board seat vacant.

13 VICE CHAIR JOHN: Thank you. Okay. Please call the  
14 next case. So let me clarify. Ms. Rose, is that the end of the  
15 meeting --

16 MS. ROSE: Yes.

17 VICE CHAIR JOHN: -- calendar? Okay. Let's take a  
18 quick break so some people can have a cup of coffee and we'll  
19 resume at 10:15. Is that okay?

20 MS. ROSE: Thank you.

21 VICE CHAIR JOHN: Thank you.

22 (Whereupon, there was a brief recess.)

23 MS. ROSE: The first case on the hearing agenda is  
24 application No. 20853 of 1212 Oates Street, LLC. This is a self-  
25 certified application for a special exception from the rooftop

1 and upper floor requirements of Subtitle E § 206.1, pursuant to  
2 Subtitle E § 206.4, Subtitle E § 5207 and Subtitle X § 901.2 to  
3 construct a third story addition and convert to a flat an existing  
4 attached two story with cellar, principal dwelling unit in the  
5 RF-1 zone at premises 1212 Oates Street, N.E., Square 4060, Lot  
6 79.

7 As a preliminary matter, on Thursday, July 20th, the  
8 Applicant's representative filed a motion to postpone the hearing  
9 until September 6th, 2023. We are now within the seven day  
10 response period and this matter is before you for consideration.

11 VICE CHAIR JOHN: Thank you, Ms. Rose. Is the Applicant  
12 here?

13 MR. OLIVER: Yes, Madam Vice Chair. John Oliver with  
14 Holland & knight here on behalf of 1212 Oates Street, LLC.

15 VICE CHAIR JOHN: Okay. Good morning. Please go ahead  
16 and tell us why you need this continuance.

17 MR. OLIVER: Of course. So as stated here we requested  
18 a motion to postpone. The motion was timely filed and properly  
19 served on the parties and is in the case record at Exhibit 50.  
20 The reason for the motion is that we've been unable to meet with  
21 the ZA to discuss some outstanding zoning issues as he's been out  
22 recovering from a medical procedure.

23 So with that, we ask that the Board grant the motion  
24 and continue the hearing until the next available hearing date.

25 VICE CHAIR JOHN: Thank you. I don't believe, was

1 | there something from Mr. Holmes in the record?

2 |           MR. HOLMES: Yes. Good morning, ma'am. This is Martin  
3 | Holmes. I am party to the case in opposition of the application.  
4 | I do not have any concern with continuing the case. My only  
5 | request is that on behalf of myself and my expert witness,  
6 | Guillermo Rueda, it not be continued to September 20th, otherwise  
7 | we are fine with continuing the matter.

8 |           VICE CHAIR JOHN: Okay. So let's address the  
9 | continuance first. I have no objection to continuing the case.  
10 | Do any other Board Member -- do any of my fellow Board Members  
11 | have any concern?

12 |           ZONING COMMISSIONER HOOD: No objection.

13 |           MR. SMITH: No.

14 |           VICE CHAIR JOHN: Okay. So we'll go ahead and continue  
15 | the case to sometime in September, and what was the date you were  
16 | requesting, Mr. Holmes?

17 |           MR. HOLMES: Yes, ma'am. We are hoping that it not be  
18 | September 20th, otherwise we are fine with any other date in  
19 | September.

20 |           VICE CHAIR JOHN: Okay. Ms. Rose, do you have a  
21 | suggestion?

22 |           MS. ROSE: I spoke with the Secretary and he recommended  
23 | November 1st, November 29th or December 6th and I can go over  
24 | the number of cases. The reason is the caseload, the heavy  
25 | caseload.

1 VICE CHAIR JOHN: That's fine. That's fine, Ms. Rose.  
2 So those are the dates. November 1st, what was the other one?  
3 MR. ROSE: November 29th --  
4 VICE CHAIR JOHN: Uh-huh.  
5 MS. ROSE: -- and December 6th.  
6 VICE CHAIR JOHN: And December 6th. Okay. Is there  
7 any date that doesn't work for you, Mr. Oliver or Mr. Holmes?  
8 MR. OLIVER: No, ma'am. Those three dates are fine  
9 with us.  
10 VICE CHAIR JOHN: Mr. Holmes?  
11 MR. HOLMES: Given how far out that is in the calendar,  
12 I can't imagine any problems and if there is something, we can  
13 probably adjust. So I think all three of those dates would also  
14 be fine.  
15 VICE CHAIR JOHN: Okay. So Ms. Rose, how does November  
16 1st look?  
17 MS. ROSE: November 1st there are eight cases, eight  
18 hearing cases and one meeting case, which is expedited review.  
19 On the 29th there are seven hearing cases and December 6th, we  
20 have none currently scheduled.  
21 VICE CHAIR JOHN: Okay. So December 6th sounds like a  
22 good date. That should give the parties enough time to meet with  
23 the zoning administrator and making any changes if necessary.  
24 MS. ROSE: So noted.  
25 VICE CHAIR JOHN: Thank you. Okay. So Mr. Holmes, I

1 think it's appropriate to address the matter of the expert witness  
2 at the time that the case is called and right now the only matter  
3 before the Board is the request for a continuance.

4 MR. HOLMES: That's fine, ma'am. I do believe in my  
5 original application for party status I had listened and noted  
6 that I would be using an expert witness, but if we need to address  
7 it and handle it on December 6th, if that's the more appropriate  
8 procedural way, I have no problem with that.

9 VICE CHAIR JOHN: So Mr. Rueda is already in the witness  
10 book here. He appears before us fairly often so if that's your  
11 only witness, I don't see an issue. Does any Board Member have  
12 any comments? No. Okay. So I'll go ahead then and approve the  
13 request for a continuance and so we'll see you on December, what  
14 date did we say?

15 MS. ROSE: 6th.

16 VICE CHAIR JOHN: 6th.

17 MS. ROSE: Yes.

18 VICE CHAIR JOHN: Okay.

19 MS. ROSE: Thank you.

20 VICE CHAIR JOHN: Thank you very much. Have a great  
21 day.

22 MR. HOLMES: Thank you.

23 VICE CHAIR JOHN: I'm sorry, was someone speaking?  
24 Okay. When you're ready, Ms. Rose, please call your next case.

25 MS. ROSE: Next is application No. 20571-A of Verizon



1 Wireless. This is a request pursuant to Subtitle Y § 704 for a  
2 modification of significance to change a condition adopted in BZA  
3 order No. 20571 to extend for an additional 12 months the term  
4 of approval of a special exception allowing a monopole use. This  
5 is to construct a temporary monopole in the RA-1 zone at premises  
6 700 Yuma street, S.E., Square 6124, Lot 47. The Applicant's  
7 PowerPoint was filed late and needs a waiver.

8 VICE CHAIR JOHN: Okay. Please go ahead and include  
9 it in the record, Ms. Rose.

10 MS. ROSE: Thank you. That's all I have.

11 VICE CHAIR JOHN: Okay. Thank you very much. Good  
12 morning, Ms. Hottel-Cox.

13 MS. HOTTEL-COX: Good morning.

14 VICE CHAIR JOHN: So before we start your presentation,  
15 does the Board need any time to review that presentation? No?  
16 Okay. Okay. Please go ahead and introduce yourself and tell us  
17 about the application.

18 MS. HOTTEL-COX: Thank you. Good morning again. My  
19 name is Meghan Hottel-Cox with Goulston & Storrs and I, along  
20 with my colleague Derick Wallace, are representing Verizon  
21 Wireless and its agent Network Building & Consulting, the  
22 Applicant in this case.

23 We are here today asking for a modification of  
24 significance to extend the approval for a temporary monopole at  
25 700 Yuma Street, S.E., for one year. The Board originally

1 approved BZA case 20571 in December, 2021 to install a temporary  
2 cell tower at 700 Yuma Street because the previous permanent  
3 antenna site was being torn down. That temporary tower has been  
4 providing coverage to the community since that time.

5           The Applicant has been working diligently since that  
6 initial approval to establish a permanent location and has  
7 identified the new KIPP school that will be located at the same  
8 property as the best location. However, while the Applicant has  
9 begun negotiations with KIPP schools to install the antennas on  
10 the rooftop, the negotiations have taken longer than originally  
11 anticipated and so to avoid a gap in coverage and allow for  
12 additional time to finalize the permanent location, we are here  
13 today asking for a modification to the two year condition for the  
14 temporary monopole to allow for one additional year. This will  
15 allow the Applicant to finalize that permanent location and  
16 maintain coverage for the community.

17           As demonstrated in our initial and supplemental filings  
18 the application meets all of the requirements of Subtitle Y §  
19 704.6 for a modification of significance, including continuing  
20 to meet the special exception requirements of Subtitle X § 900.2  
21 and Subtitle C § 1313.2 for the approval of a monopole antennae.

22           Because the modification of significance allows the  
23 Board to extend or alter a condition after that initial approval,  
24 we believe the modification is appropriate because of the need  
25 for the temporary antenna to continue to provide service for the

1 community.

2 VICE CHAIR JOHN: So Ms. Hottel-Cox, I apologize for  
3 mispronouncing your name earlier, but so this is down as a  
4 modification of significance, but in reviewing the record, the  
5 Board has to view it as a new application because the term has  
6 expired. So there's nothing to renew and so it has to be a new  
7 application.

8 So since the application is properly noticed the Board  
9 thinks that, and this is a self-certified application, the Board  
10 is of the view that you can address the burden of proof for a  
11 new application and just have to restyle your presentation and  
12 not refer to this as a modification of significance. The term  
13 has already expired if I'm reading the record correctly.

14 MS. HOTTEL-COX: Yes. Although we filed the  
15 application before the term had expired, it was just the available  
16 hearing wasn't until after the term had expired and so our thought  
17 was that because it was filed before the two year time  
18 limitations, that it would be in line with the way that the Board  
19 has typically addressed extensions that provided the application  
20 as filed since we don't have control over the hearing dates but  
21 that is sufficient.

22 That said, if the Board would prefer for us to address  
23 the full set of standards and how we continue to meet those in  
24 the same way that we did in December of 2021, we're happy to do  
25 so. I just wanted to explain our reasoning for the styling as a

1 modification of significance. We had actually initially filed  
2 it as a modification of consequence, thinking that because it was  
3 simply a modification of a condition of the order, those can  
4 sometimes be accepted as modifications of consequence. However,  
5 we were advised by Office of Zoning Staff that the Chair typically  
6 prefers to see those cases as modifications of significance and  
7 so in order to expedite the process, we refiled it as that  
8 modification of significance.

9 VICE CHAIR JOHN: Okay. That's fine. And I believe  
10 the Office of Planning reviewed it as a new application and went  
11 through all of the criteria. So if you'd like to continue, that's  
12 fine.

13 MS. HOTTEL-COX: Sure, I'm happy to do so.

14 VICE CHAIR JOHN: Okay.

15 MS. HOTTEL-COX: So as I noted, we believe that the  
16 continuance of the monopole continues to meet the special  
17 exception requirements of the Subtitle C § 1313.2 for approval  
18 of a monopole antenna. That section walks through the reasons  
19 that a monopole antenna might be allowed by the Board as a special  
20 exception and specifically, we continue to provide all of the  
21 necessary service through this antenna. We have community  
22 support for the antenna and the visual Location of the monopole  
23 is best narrowed in the location that it is currently being  
24 provided and is currently meeting the various requirements of  
25 Subtitle C § 1313 for a monopole, and we have detailed that in

1 our filings as well as the Office of Planning report goes through  
2 significant detail on how we continue to meet all of those  
3 criteria.

4 So because the regulations here are underscoring the  
5 importance of maintaining service in the community, we are  
6 requesting this time extension or the additional year of  
7 allowance for a monopole, and we believe it meets the general  
8 special exception standards because it is in harmony with the  
9 purpose and intent of the regulations by maintaining that service  
10 in a location the Board had previously approved.

11 Before turning to our presentation, I am happy to  
12 report that we are here today with a report in support from the  
13 Office of Planning, which includes a note of no objection from  
14 DDOT and additionally ANC 8E voted at its May regular monthly  
15 meeting to support the application and submitted a resolution in  
16 support in the record at Exhibit 18.

17 So with that, we have one witness today, Shea Beltran  
18 with NB+C, and he'll provide greater detail on the need for the  
19 monopole to stay in its location, and Mr. Young, if you could  
20 pull up the PowerPoint that we submitted that would be great.

21 MR. BELTRAN: Okay. Can everyone hear me?

22 VICE CHAIR JOHN: Yes. Good morning, Mr. Beltran.

23 MR. BELTRAN: Hi. Good morning.

24 VICE CHAIR JOHN: If you could give your name and  
25 address for the record, please.

1 MR. BELTRAN: My name is Shea Beltran at 6075 Marshalee  
2 Drive, and once again as Ms. Hottel-Cox already explained,  
3 Verizon previously had antennas installed on the rooftop of the  
4 Ferebee-Hope Rec Center which was scheduled to be torn down. We  
5 received approval for a temporary monopole under BZA case 20571.

6 IF you could just go to the next slide, please.

7 And the next slide after that. This is an example of  
8 our site plan we used in our original filing. The existing  
9 monopole is down in that bottom left corner. As Ms. Hottel-Cox  
10 explained, we have been in negotiations with the KIPP schools to  
11 install the new antennas on the rooftop of their school building  
12 on the subject property.

13 If we can go to the next slide, please, is an aerial  
14 view. Our existing temporary tower in the bottom left there, and  
15 the proposed rooftop is on the right side. The proposed antennas,  
16 or rather the relocated antennas will be installed behind RF  
17 friendly stealth screen walls which would shield the antennas  
18 from view from the ground level. We are in leasing negotiations  
19 with the schools. Our hope is to be completed with leasing,  
20 zoning and permitting by the Spring of 2024 so that would allow  
21 us enough time to install the antennas before the one year  
22 extension would then expire.

23 She has also mentioned that we have support from ANC  
24 8E. I have met with them a handful of times at their monthly  
25 meetings in February, May and June to discuss this process and

1 they have provided their support to us, and that's all I have  
2 for you guys today.

3 Thank you for the time to allow me to provide testimony.

4 MS. HOTTEL-COX: And we're happy to answer any  
5 questions that the Board might have.

6 VICE CHAIR JOHN: Thank you. Does any Board Member  
7 have any questions?

8 ZONING COMMISSIONER HOOD: One question I have for Mr.  
9 Beltran and Ms. Hottel-Cox is, are we asking for enough time this  
10 time? I know we're treating this as a new case but are we asking  
11 for -- you're asking for one, I think it's one year and I think  
12 the term it was June, 2024. Are we asking for enough time?

13 MR. BELTRAN: Yes. We do believe that this is enough  
14 time. Obviously these are not quick processes but we have been  
15 in discussions already with the school and are hoping to have the  
16 leasing finished up by the Spring which would leave us plenty of  
17 time to complete the permitting process and deploy construction.

18 ZONING COMMISSIONER HOOD: I don't know if I was on  
19 this case previously but I think I asked that question once  
20 before. Anyway, I'll leave it at that, so thank you. Thank you,  
21 Madam Chair.

22 VICE CHAIR JOHN: Board Member Smithi?

23 MR. SMITH: Madam Chair, along those lines could you  
24 break down how you arrived at just, you know, one year? Was that  
25 accounting -- would that account for, you know, unanticipated

1 construction delays and whatnot? I just want to make sure that,  
2 you know, that's a fully thought out timeline and you're not  
3 going to come back for another bite of that apple. So yes, can  
4 you break that down a little bit more?

5 MR. BELTRAN: Yes. Initially we had thought that a six  
6 month extension would be sufficient. But as the months went on  
7 from Spring until now, or rather when we submitted the  
8 application, it was in negotiations with -- were taking a little  
9 longer than expected so we wanted to request for a full year  
10 instead of, you know, six months and then coming back to ask for  
11 another six months after that. So that is our goal, to have this  
12 completed by next June so we do feel like that is enough time.

13 MR. SMITH: All right. Well, we'll see. All right.  
14 Thank you.

15 VICE CHAIR JOHN: Thank you, Board Member Smith. So I  
16 just wanted to make a comment that because the Board is treating  
17 this as a new application than the one year period would begin  
18 on the date that the order becomes final or date the order is  
19 issued, I believe. A term of approval starts from the date an  
20 order becomes final, which is why it's 604.8. So that would be  
21 the start of the new term.

22 Is the Office of Planning here. Ms. Thomas?

23 MS. THOMAS: Good morning, Madam Chair, Members of the  
24 Board. Karen Thomas of the Office of Planning.

25 VICE CHAIR JOHN: Good Morning.



1 MS. THOMAS: Is there a question?

2 VICE CHAIR JOHN: No. Can you go ahead and give your  
3 report, please?

4 MS. THOMAS: All right. Yes, Madam Chair. The Office  
5 of Planning is recommending approval of this application as a  
6 modification of significance, as OZ had requested. We have  
7 discussed this back and forth with OZ's staff, and they did decide  
8 that it was a modification of significance and not a new  
9 application per se. So analysis is hinged on the fact that the  
10 Applicant's installation continues to meet the criteria of § 1313  
11 of Subtitle C and we found no new relief has been requested and  
12 that the continued operation of the temporary monopole would be  
13 in harmony with the general purpose and intent of the regulations  
14 because it's based on continued satisfaction of the criteria and  
15 the conditions and the provision of continuous service to meet  
16 the neighborhood's demands for service until we have a new  
17 facility at the campus, and since co-location on another facility  
18 is desired by the community, the proposed solution of continuing  
19 this installation would satisfy the intent of the regulations  
20 with the least impact on the neighborhood until we have a new  
21 rooftop installation.

22 So with that, we did not think that there would be an  
23 adverse effect on the use of the neighboring property and we  
24 continue to support this temporary installation for a period of  
25 one year. Thank you.

1           VICE CHAIR JOHN: Thank you, Ms. Thomas. Does the  
2 Board have any questions for Ms. Thomas? Does the Applicant have  
3 any questions for Ms. Thomas?

4           MS. HOTTEL-COX: No, thank you.

5           VICE CHAIR JOHN: Thank you. Mr. Young, is there anyone  
6 signed up to testify?

7           MR. YOUNG: We do not.

8           VICE CHAIR JOHN: Thank you. Ms. Hottel-Cox, do you  
9 have any closing comments?

10          MS. HOTTEL-COX: No. Thank you for the Board's time  
11 today. We really appreciate it.

12          VICE CHAIR JOHN: Thank you. So I'll go ahead and  
13 start the discussion. As I said earlier, I thought that the  
14 Office of Planning's report was very detailed in analyzing the  
15 criteria under Subtitle C § 1313 and usually in these cases, I  
16 am particularly concerned about the impact on the community, and  
17 I am persuaded that the antenna has been there for some time and  
18 that if there had been any adverse impact, there would have been  
19 some expression of concern by the community and so I think it  
20 makes sense to continue to locate the temporary monopole in the  
21 same location, and I would be in support -- I am in support of  
22 the application.

23          Board Member Smith, do you have any comments?

24          MR. SMITH: I have no comments. I hope that we can be  
25 constructive within the time frame of a year essentially, and

1 hopefully they don't want to come back in and make some additional  
2 requests to extend the time frame. But other than that, I do  
3 believe that the Applicant met the burden of proof for us to  
4 grant the special exception and I give OP's staff report great  
5 weight in support of that.

6 VICE CHAIR JOHN: Thank you. Commissioner Hood.

7 ZONING COMMISSIONER HOOD: Madam Chair, I would agree  
8 with you both you and Board Member Smith and you, Madam Chair.  
9 I just hope, I don't know if we can add time but as Board Member  
10 Smith mentioned, I just think it would save all of us some time  
11 if we extend more time. I know the Applicant is asking what  
12 they're asking for, so I'll leave it at that. So I'll be voting  
13 in support of this application.

14 Thank you, Madam Chair.

15 VICE CHAIR JOHN: Thank you, Commissioner Hood, and I  
16 would also add that the ANC is in support of the application. So  
17 with that, I'll make a motion to approve application No. 20571-  
18 A as captioned and read the Secretary and ask for two second.  
19 Boar Member Smith?

20 MR. SMITH: Second.

21 VICE CHAIR JOJHN: Ms. Rose, will you please take the  
22 roll call?

23 MS. ROSE: When I call your name please respond with  
24 your vote on the motion.

25 Vice Chair John?

1 VICE CHAIR JOHN: Yes.

2 MS. ROSE: Board Member Smith?

3 MR. SMITH: Yes.

4 MS. ROSE: Commissioner Hood?

5 ZONING COMMISSIONER HOOD: Yes.

6 MS. ROSE: The Staff would record the vote as three to  
7 zero to two to approve the application. This is on a motion made  
8 by Vice Chair John, seconded by Board Member Smith with  
9 Commissioner Hood in support of the motion. Chairman Hill not  
10 present not voting, and one Board seat vacant.

11 VICE CHAIR JOHN: Thank you, Ms. Rose. Please call the  
12 next case when you are ready and just for anyone who is listening,  
13 the Board will take a break after this next case which I believe  
14 is 20938; is that correct?

15 MS. ROSE: Yes.

16 VICE CHAIR JOHN: Okay.

17 MS. ROSE: Application No. of The Kings and Queens  
18 Child Care Center. This is a special exception from the matter-  
19 of-right use of Subtitle U § 201 pursuant to Subtitle U §  
20 251.1(b)(3), Subtitle U § 251.6 and Subtitle X § 901.2 to expand  
21 an existing child development home to 12 children and five staff  
22 in an attached two story with cellar principal dwelling unit in  
23 the R-3 zone at premises 4831 9th Street, N.W., Square 3010, Lot  
24 84.

25 As a preliminary matter we just received a letter this

1 morning from the SMD Commissioner for ANC 4D04 in support of the  
2 application and we can enter that into the record if it pleases  
3 the Board.

4 VICE CHAIR JOHN: Yes. Please go ahead and enter that  
5 into the record, Ms. Rose.

6 MS. ROSE: Thank you. That is all I have.

7 VICE CHAIR JOHN: Good morning, Ms. Davis. Can you  
8 hear me?

9 (Pause.)

10 VICE CHAIR JOHN: Ms. Davis, can you hear me?

11 (Pause.)

12 VICE CHAIR JOHN: I see that the Commissioner has signed  
13 in. Can you introduce yourself for the record while we try to  
14 get Ms. Davis online?

15 ANC COMMISSIONER COURNIOTES: My name is Commissioner  
16 Corniotes of Single Member District 4D04.

17 VICE CHAIR JOHN: Okay. Thank you. Could you spell  
18 your last name for me?

19 ANC COMMISSIONER COURNIOTES: Yes. It's C-O-U-R-N-I-  
20 O-T-E-S. My parents didn't like me very much I guess. They gave  
21 me a complicated name as a child.

22 VICE CHAIR JOHN: Well, I thought that was your last  
23 name.

24 ANC COMMISSIONER COURNIOTES: That is my last name.

25 VICE CHAIR JOHN: Okay. Courniotes.

1 ANC COMMISSIONER COURNIOTES: Courniotes.

2 VICE CHAIR JOHN: Thank you.

3 ANC COMMISSIONER COURNIOTES: Yes.

4 VICE CHAIR JOHN: Okay. So we'll get to you in a  
5 second. Let me see if Ms. Davis is able to hear us. Ms. Davis,  
6 can you hear me? Mr. Young, can you tell if she's muted?

7 MR. YOUNG: Yes. She's going to stop and unmute  
8 herself.

9 VICE CHAIR JOHN: Ms. Davis?

10 (Pause.)

11 VICE CHAIR JOHN: Can you hear me, Ms. Davis? Ms.  
12 Rose, is it possible for staff to try to reach out to her? We  
13 can take a two minute break while you do that.

14 MS. ROSE: Yes, we can do that.

15 VICE CHAIR JOHN: Okay. All right. Let's take a five  
16 minute break.

17 (Whereupon, there was a brief recess.)

18 MS. ROSE: After a brief break we are returning to  
19 application 20938 of The Kings and Queens Child Care Center at  
20 10:55.

21 VICE CHAIR JOHN: Thank you. So Ms. Davis, can you  
22 hear me now?

23 MS. DAVIS: Yes, I can hear you now.

24 VICE CHAIR JOHN: Okay. Please introduce yourself for  
25 the record including your home address.

1 MS. DAVIS: Hi. I'm Cynthia Davis and my address is  
2 4831 9th Street, N.W.

3 VICE CHAIR JOHN: Okay. Can you tell us a little about  
4 your application and let me say at the outset that the Board has  
5 to view this as a new application because the previous order  
6 expired. So if you can, can you go over what you're trying to  
7 achieve and how your application meets the criteria for relief.

8 MS. DAVIS: What I was doing was I thought I was  
9 renewing my old BZA case because I never got a chance to actually  
10 use the BZA case, the first one. It was like, hold on for a  
11 second, hold on for a second -- sorry, the baby's on a swing --  
12 I never got a chance to use my BZA case because OSSE was in  
13 transition, the Office of State Superintendent of Education, and  
14 DCRA, they would keep denying my HOPs even though I got the BZA  
15 case some time ago for 12 children, I was never ever allowed to  
16 be able to even get the expansion, I mean to get the license for  
17 it because they just kept denying it.

18 What I'm doing now is trying to finally be able to  
19 expand my child development home to 12 children, and it was a  
20 hard process for me to go through, to even get here because they  
21 raised the rates during the pandemic. There was a lot of things  
22 that just went on with me not being able to technically expand  
23 my child development home even though I was approved to do so.

24 So now basically what I'm asking for is if this can be,  
25 if I can get the TP expansion indefinitely until I dissolve the

1 business because this is a very expensive process for family  
2 childcare teachers like myself. We don't make a lot like  
3 teachers, like D.C. public school teachers in child development  
4 centers. What I'm just basically doing is just as a matter-of-  
5 right, if I can, finally be able to expand and also help the City  
6 with the overage of child care slots. You know, parents call  
7 every day and we can't meet the need for them because of the fact  
8 of children, of not being able to have available slots for  
9 parents.

10 VICE CHAIR JOHN: Okay. I didn't have a lot of  
11 questions. So you have two parking spaces at the rear of your  
12 property?

13 MS. DAVIS: Yes, from the first BZA case. Yes, I do.

14 VICE CHAIR JOHN: Right. And so when there are cars  
15 parked there, is there still a play area for the children?

16 MS. DAVIS: Yes, it is.

17 VICE CHAIR JOHN: Okay. And my other question to you  
18 is have you spoken to your neighbors, the immediate neighbors?

19 MS. DAVIS: Yes. Both of my neighbors both signed my  
20 petition.

21 VICE CHAIR JOHN: Okay.

22 MS. DAVIS: On the left and the right side of me and  
23 all the ones down the road that I had access to.

24 VICE CHAIR JOHN: Okay. And what about the -- I see  
25 the Commissioner here so I can speak to her directly. Okay.



1 I'll go to the Office of Planning then. Ms. Maxine Brown=Roberts.  
2 Can you make your report, please?

3 MS. BROWN-ROBERTS: Good morning Madam Cahir and  
4 members of the Commission. For the record, this is Maxine Brown-  
5 Robert from the Office of Planning on BZA case 20938 for an  
6 expanded child development home.

7 As outlined by the Applicant in the report, the  
8 Applicant had a prior order which allowed nine children, but has  
9 expired, and she wants to expand to accommodate 12 children. The  
10 Applicant states that the provisions for at least 35 square feet  
11 of space for individual will be provided as approved by the fire  
12 safety and evacuation plan that's in the record. As a home  
13 occupation the use would be secondary to the residence and there  
14 would be no internal or external changes are necessary to  
15 accommodate 12 children.

16 There is a small outdoor play area, but the Applicant  
17 has also stated that the children would be taken to nearby local  
18 parks and recreation facilities. Noise from the children should  
19 not be undue as the property is fenced and their outdoor hours  
20 are limited to two hours. Two parking spaces, as the Applicant  
21 said is provided on site. No modification for the requirements  
22 have been requested.

23 The Office of Planning finds that the request is  
24 consistent with the general purpose of the chapter to allow an  
25 extended child development home within a residential unit. The

1 | proposal also meets the general special exception requirements  
2 | in that the R District allows support of nonresidential uses that  
3 | would meet all the outlined requirements for the extended child  
4 | development home and therefore meets the intent of the zoning  
5 | regulations. In addition, with the recommended condition, there  
6 | should not be any adverse effect on the use and enjoyment of  
7 | neighboring properties.

8 |           The Office of Planning therefore recommends approval  
9 | with the outlined conditions. Thank you, Madam Chairman, and I'm  
10 | available for questions.

11 |           VICE CHAIR JOHN: Thank you. Does the Board have any  
12 | questions for either the Applicant or the Office of Planning?

13 |           ZONING COMMISSIONER HOOD: I do have a quick question.  
14 | I heard Ms. Davis mention about, and I'm not clear. Was there a  
15 | time five years they had to come back or something of that nature,  
16 | because I heard her mention she wanted indefinite? Or did I get  
17 | that mixed up? Wouldn't be the first time.

18 |           MS. BROWN-ROBERTS: Yes, Mr. Chairman. Yes, Mr. Hood.  
19 | There was a time limit on her on the former application or former  
20 | order and that has expired.

21 |           ZONING COMMISSIONER HOOD: Okay. So what's the time,  
22 | five years? I didn't see it. I may have missed it. But whatever  
23 | the time was, and you all support it, not putting a time limit?

24 |           MS. BROWN-ROBERTS: Yes, I do. Yes, I do.

25 |           ZONING COMMISSIONER HOOD: All right. Thank you. Thank

1 you, Madam Chair. Thank you, Ms. Brown-Roberts.

2 VICE CHAIR JOHN: Thank you. Are there any questions  
3 for the Applicant? Okay. So, one more question, Ms. Davis. Are  
4 you planning to continue to live in the home?

5 MS. DAVIS: Yes, as I have done so for over 26 years.

6 VICE CHAIR JOHN: Okay. And so I'll go to the  
7 Commissioner now. Ms. Courniotes, can you hear me?

8 MS. COURNIOTES: Yes, I can.

9 VICE CHAIR JOHN: Okay. Please introduce yourself for  
10 the record.

11 MS. COURNIOTES: Commissioner Courniotes of Single  
12 Member District 4D04. Ms. Davis is a constituent of mine since  
13 the redistricting took place last year. She was previously in  
14 Single Member District 4D06.

15 VICE CHAIR JOHN: Okay. Thank you. So you may be able  
16 to, you may ask questions of either the Applicant or the Office  
17 of Planning, and you may give your statement at this time.

18 ANC COMMISSINER COURNIOTES: Thank you. Ms. Davis, I  
19 think you clearly spoke about what your request is. Currently,  
20 as you provided to our Commission, how many children are currently  
21 under your care?

22 MS. DAVIS: Enrolled I have about seven, but on my  
23 license I have nine even though my HOP still has 12.

24 ANC COMMISSIONER COURNIOTES: Okay. Great. And as you  
25 stated, all of your neighbors are in support of this request;

1 correct?

2 MS. DAVIS: Yes.

3 ANC COMMISSIONER COURNIOTES: Okay. Those are my only  
4 questions. I don't have any questions for the Office of Planning.

5 In regards to Ms. Cynthia Davis's request as a, I guess  
6 it's not a renewal, but it's a request for a special exception  
7 to increase the number of children that can be under her care to  
8 12, the ANC 4D Commission is in full support of Ms. Davis's  
9 request and will formally vote and approve an updated resolution  
10 from the one that was provided in 2018. But in the interim, I've  
11 been given the authority to provide a letter of support from our  
12 Commission for this request, and I'm happy to answer any questions  
13 that the Board may have today.

14 VICE CHAIR JOHN: Thank you. Does the Board have any  
15 questions for the Commissioner? Does the Applicant Have any  
16 questions for the Commissioner?

17 MS. DAVIS: I have one other question. I wanted to  
18 address the five staff that was on my application that this would  
19 never be separately. The fifth staff would be technically a  
20 staff person, it'll just be a replacement in case someone didn't  
21 show up. We are desperately needing additional staff, and I just  
22 wanted that person to stay as a request because they had mentioned  
23 before that they would take the fifth person away, but the fifth  
24 person is desperately needed in case someone is out. We have to  
25 most definitely have to maintain licensing and ratios. We -- the

1 education field is always seeking for new staff, we are under-  
2 staffed, and if we find the extra person or a floater, it's really  
3 like a godsend to an education program and I didn't want to lose  
4 that additional slot because of that purpose.

5 VICE CHAIR JOHN: Okay. Thank you, Ms. Davis.

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

7 MR. YOUNG: We do not.

8 VICE CHAIR JOHN: Ms. Davis, do you have any closing  
9 comments?

10 MS. DAVIS: No, not at this time.

11 VICE CHAIR JOHN: Okay. Thank you. So I'm going to  
12 go ahead and excuse you now, Ms. Davis, and close the record and  
13 the hearing.

14 So does anyone want to start? Okay. So I'll go ahead  
15 and I will make a few comments. So this application for an  
16 expanded child development home for ten to 12 children is based  
17 on a zoning administrator, which is in the record, and as Ms.  
18 Davis testified she currently operates a child development home  
19 for nine children but has seven children actually in the program  
20 at the present time and she's operated this child development  
21 center for a long time and previously it received BZA approval  
22 to expand the center for up to 12 children and was able to  
23 demonstrate that she met the criteria at that time, however, the  
24 expanded child development home was never implemented because of  
25 issues regarding certification and OSSE, as well as other issues.

1           So the Board looks at this as a new application and in  
2 terms of the zoning questions presented, I believe that the Office  
3 of Planning did an excellent job in showing how the application  
4 meets the criteria for approval and I appreciate ANC Commissioner  
5 Courniotes presence here today to explain how the ANC supports  
6 the application although the ANC was not able to issue a full  
7 report before today's hearing and because Ms. Davis had  
8 previously received approval and an order was in effect which  
9 expired, I don't believe it has been in the Board's interest or  
10 her interest to continue this case for a full vote by the ANC,  
11 given the dire need for child development centers and child care  
12 in the District.

13           I'm satisfied, I appreciate the testimony of the ANC  
14 Commission and regret that we're not able to give it great weight,  
15 but nevertheless we will take it into consideration, at least I  
16 will take it into consideration. There's several letters in  
17 support from previous and current parents and a petition from  
18 neighbors and of note, the two adjacent neighbors are in support  
19 and that's usually a big hurdle. But in this case the neighbors  
20 at 4833 and 4829 9th Street are in support. So I'm satisfied  
21 that there should not be any adverse impact because of the  
22 operation of this center.

23           The other issue is that if the Board approves the  
24 application, the Office of Planning recommends approval subject  
25 to several conditions. The enrollment shall not exceed 12

1 children age 15 years or less. The center shall have a maximum  
2 of five staff. Drop-off hours are primarily between 6:30 a.m.  
3 and nine a.m. Pick-up hours shall be primarily from four p.m.  
4 to six p.m. Two parking spaces should be reserved on site for  
5 use by the staff and trash collection shall be scheduled for at  
6 least once a week.

7 So based on the record, I'm in support of the  
8 application and I'd like to hear from my fellow Board Members,  
9 starting with Board Member Smith.

10 MR. SMITH: By and large I agree with your assessment  
11 of this particular case to grant a special exception in order for  
12 the Applicant to have a maximum of 12 children, 12 individuals  
13 and expand the child development home. I am in support of the  
14 conditions that were recommended by the Office of Planning, those  
15 six conditions that you had read, not to exceed 12 children,  
16 maximum of five staff, the general drop-off and pick-up hours,  
17 the two parking spaces that shall be reserved and that there  
18 should be trash collection once a week.

19 I will note that I'll be in support of this application  
20 as well as the Office of Planning and I give great weight to the  
21 Office of Planning's staff report and will support the  
22 application.

23 VICE CHAIR JOHN: Thank you, Board Member Smith.  
24 Commissioner Hood.

25 ZONING COMMISSIONER HOOD: Yes, Madam Chair. I agree

1 with both you and Board Member Smith.

2           This again is allowed under Subtitle U § 251.1(b)(3)  
3 which talks about a home occupation uses. This shows that this  
4 Applicant has done good previously and I'm sure will continue  
5 because of, and I too will, while the ANC cannot be given great  
6 weight by statute, it's just the Commissioner coming to support  
7 it, I take that under very good consideration and also the record  
8 is very clear on the merits of this case. In cases like this  
9 typically you see some objections. I don't see any objections,  
10 so kudos to the Applicant on how she's been performing and  
11 continuing to perform and as you stated Madam Chair, this is a  
12 critical need for our City.

13           So I'll be voting in favor of this application.

14           VICE CHAIR JOHN: Thank you, Commissioner Hood.

15           So with that I'll make a motion to approve application  
16 No. 20938 as captioned and read by the Secretary with the  
17 conditions recommended by the Office of Planning at Exhibit 28,  
18 and those are the six conditions that I read earlier and ask for  
19 a second.

20           Board Member Smith?

21           MR. SMITH: Second.

22           VICE CHAIR JOHN: Ms. Rose, will you please take a roll  
23 call.

24           MS. ROSE: Sure. When I call your name please respond  
25 with your vote on the motion with the conditions as stated.



1 Vice Chair John?

2 VICE CHAIR JOHN: Yes.

3 MS. ROSE: Board Member Smith?

4 MR. SMITH: Yes.

5 MS. ROSE: Commissioner Hood?

6 ZONING COMMISSIONER HOOD: Yes.

7 MS. ROSE: And staff would record the vote as three to  
8 zero to two to approve the application with conditions. This is  
9 on a motion made by Vice Chair John, seconded by Board Member  
10 Smith with Commissioner Hood in support of the motion. Chairman  
11 Hill not present, not voting. One Board seat vacant.

12 VICE CHAIR JOHN: Thank you, Ms. Rose. So let me  
13 address the Board.

14 We have two applications left. Would you like to take  
15 a 30 minute break now for snacks/lunch and then finish up the  
16 last two cases afterwards? Or do you want to power through with  
17 a short break now?

18 MR. SMITH: Power through with a short break now.

19 VICE CHAIR JOHN: Okay. So 15 minutes?

20 ZONING COMMISSIONER HOOD: Sounds good.

21 VICE CHAIR JOHN: Okay. So we will reconvene at 11:30.

22 ZONING COMMISSIONER HOOD: Okay. Thank you.

23 MS. ROSE: Thank you.

24 (Whereupon, there was a brief recess.)

25 MS. ROSE: After a brief break we are returning for the

1 hearing session at about 11:37 a.m.

2 VICE CHAIR JOHN: Thank you. I believe our next case  
3 is 20771.

4 MS. ROSE: Yes. Application No. 20771 of District  
5 Properties.com, Inc. This is an amended self-certified  
6 application for special exception from the side yard requirements  
7 of Subtitle D § 206.2 pursuant to Subtitle D § 5201 and Subtitle  
8 X § 901.2 to construct a new detached, two story principal  
9 dwelling unit in the R-1-B zone at premises 4451 Douglas Street,  
10 N.E., Square 5115, Lot 34.

11 As a preliminary matter, the Applicant has filed  
12 revised documents at Exhibits 58 through 60 and 62 and there is  
13 a motion to waive the late filings.

14 VICE CHAIR JOHN: Okay. Thank you. And the late  
15 filing, please remind me what that was? I'm looking at my notes.

16 MS. ROSE: So 58 is updated architectural plans and  
17 elevations, 59 revised burden of proof, 60 is the revised zoning  
18 sub-certification and then 62 is a shadow study.

19 VICE CHAIR JOHN: Okay. Thank you very much.. Mr.  
20 Seck, can you hear me? Mr. Seck, can you hear me? You're muted,  
21 Mr. Seck.

22 (Pause.)

23 VICE CHAIR JOHN: Ms. Rose, can you have staff reach  
24 out to Mr. Seck?

25 MS. ROSE: Certainly.

1 (Pause.)

2 MS. ROSE: I've made a request. I see he's on but just  
3 muted.

4 VICE CHAIR JOHN: Can you hear me, Mr. Seck?

5 ZONING COMMISSIONER HOOD: He's unmuted now.

6 VICE CHAIR JOHN: Can you hear me, Mr. Seck? Let's  
7 move on to the next case and give Mr. Seck an opportunity to sign  
8 on. I don't like to do this, but --

9 MS. ROSE: He's having trouble unmuting himself.

10 VICE CHAIR JOHN: Right. So let's just move on to  
11 20898. He's muted again. So can you call the next case, Ms.  
12 Rose, and then we'll get back to this case later.

13 MS. ROSE: Sure.

14 VICE CHAIR JOHN: Thank you.

15 MS. ROSE: This is application No. 20898 of United  
16 General Contractors, Inc. This is an amended self-certified  
17 application for a special exception from the matter-of-right uses  
18 of Subtitle U § 401 pursuant to Subtitle U § 421.1 and Subtitle  
19 X § 901.2 and a special exception from the minimum vehicle parking  
20 requirement of Subtitle C § 701.5 pursuant to Subtitle C § 703.2  
21 and Subtitle X § 901.2 to raise an existing structure and  
22 construct a new detached three story with cellar and roof deck  
23 36 unit apartment house in the RA-1 zone at premises 4915 Quarles  
24 Street, N.E., Square 5172, Lot 810.

25 This case was postponed from the hearing on June 14th.

1 The merits have not been heard and as a preliminary matter, the  
2 Applicant needs a waiver for the filing of an updated surveyor's  
3 plat at Exhibit 34 and an updated architectural plan at Exhibit  
4 35. We also received a filing this morning from the ANC 7C.  
5 There is a report in support and a construction management  
6 agreement between the Deanwood Citizens Association and the  
7 Applicant and these filings are at Exhibits 36 and 36A.

8 VICE CHAIR JOHN: Okay. Thank you, Ms. Rose. Mr.  
9 Bello, can you introduce yourself for the record, please? Can  
10 you hear me, Mr. Bello?

11 (Pause.)

12 ZONING COMMISSIONER HOOD: People are having a problem  
13 unmuting. I know that happens from time to time in our hearings.  
14 Something, they can't unmute themselves. Something that we do,  
15 they can't unmute.

16 VICE CHAIR JOHN: I'm not sure, Mr. Hood, but I guess  
17 we can wait for a few more minutes.

18 ZONING COMMISSIONER HOOD: Right. Because the common  
19 denominator both of them not being able to unmute might be on  
20 us. There you go.

21 VICE CHAIR JOHN: Okay. Give me a moment here.

22 MR. BELLO: All right. Madam Chair, sorry. There was  
23 a technical difficulty unmuting.

24 VICE CHAIR JOHN: Okay.

25 MR. BELLO: (Indiscernible).

1 VICE CHAIR JOHN: Please give me a minute, Mr. Bello.  
2 Now I'm having technical problems.

3 Okay. Go ahead, please. Introduce yourself again and  
4 tell us why you're here and why the Board should waive the  
5 regulations with respect to the late submitted items which I  
6 believe are in 36A and 36. I haven't had a chance to review them  
7 but there have been a number of filings in this case and a number  
8 of changes in the relief that you're requesting, so if we can  
9 spend some time on that.

10 So please go ahead. Mr. Young, please put 15 minutes  
11 on the clock and you can get started.

12 MR. BELLO: Thank you, BZA Commission Board Members.  
13 My name is Toye Bello and I'm the authorized agent for the  
14 Applicants in this BZA application.

15 The request to accept late filings -- can you still  
16 hear me?

17 VICE CHAIR JOHN: Yes. We can hear you. Go ahead,  
18 please.

19 MR. BELLO: Okay. I was getting a text that I was  
20 being removed from the hearing. Anyway, the reason that we  
21 request late filings is because it took us that long to resolve  
22 all outstanding issues with the Deanwood Citizens Association and  
23 the ANC in order to be able to get the ANC report.

24 The change in the relief sought is because DDOT denied  
25 the application, the existing curb cut. So the required parking

1 | that the Applicant intended to comply with was no longer feasible,  
2 | so we had to add that relief to the original relief that we  
3 | requested. So these documents apply -- respond to those delays  
4 | because they got resolved at a very late stage of the application.

5 | VICE CHAIR JOHN: Okay. Thank you. Now I have a  
6 | question. What is meant by no CCP? The option B on the --

7 | MR. BELLO: No. That'll be no curb cut, no parking.

8 | VICE CHAIR JOHN: Okay. All right. Okay. Please  
9 | continue.

10 | MR. BELLO: Okay. I also just sent not too long ago  
11 | in the PowerPoint presentation for this application if Mr. Young  
12 | can bring it up.

13 | VICE CHAIR JOHN: Okay. Mr. Young, can you pull that  
14 | up?

15 | Next, please. So the Applicant requests two areas of  
16 | relief, special exception to establish the use of an apartment  
17 | house in the RA-1 zone district, and then the special exception  
18 | to request a waiver of all required parking pursuant to the  
19 | recited provision. I think it's probably in order to have the  
20 | architect go first to walk through the project drawings.

21 | VICE CHAIR JOHN: Sure.

22 | MR. BELLO: And then if we turn back. Those drawings  
23 | I think are at the last pages of the presentation and then I can  
24 | come back and complete the application process.

25 | VICE CHAIR JOHN: Okay. Thank you. Mr. Ali, please

1 introduce yourself for the record.

2 MR. ALI: Yes. Ramy Ali with RAM Design, the project  
3 architect.

4 VICE CHAIR JOHN: Okay. Thank you. Please give me a  
5 couple of minutes.

6 (Pause.)

7 VICE CHAIR JOHN: Okay. Thank you. My apologies.  
8 Please go ahead.

9 MR. ALI: Yes. So as Mr. Bello indicated, the property  
10 is located in the RA-1 zone and the lot area is around 16,884  
11 square feet. That's a pretty big lot for a single family that  
12 existed. The lot is around 75 foot wide and a good 230 foot deep  
13 and the property in general slopes up from Quarles Street that  
14 is down from the north and it slopes up to six feet towards the  
15 unimproved alley at the south side of the property.

16 On the east and the west we have two existing apartment  
17 buildings on both sides of the existing lot, very light vegetation  
18 on the site and the site was recently fenced and secured  
19 throughout from the unimproved alley all the way towards the  
20 front of the property. The property currently has an existing  
21 single family dwelling. It's a two story with a basement and  
22 with dormers on both sides of the second floor, allowing for a  
23 partial third floor.

24 The property, we are proposing to partially demo the  
25 existing structure and not a full raze by retaining at a minimum

1 of 30 percent of the existing structure that would be utilized  
2 and incorporated within the proposed building.

3           So the proposal is basically a 36 unit apartment  
4 building and sits between 14 apartments that would vary between  
5 studios and one bedrooms, the smaller size units, and the  
6 remaining 22 units will be one, a den and a bedroom and two  
7 bedrooms. Part of that unit count, we have six handicap  
8 accessible units and we have three IZ units on the property  
9 distributed evenly among the other floors while the accessible  
10 units are all located on the main level given the lack of elevator  
11 within the building.

12           The property will also retain the existing front yard  
13 at around 12 foot eight inches and we propose two equal side  
14 yards 12 foot six inches each side of the building along with  
15 approximately 100 feet deep rear yard.

16           Given what Mr. Bello had indicated that the comments  
17 that we got from DDOT would require us to close the existing curb  
18 cut, we have revised the site plan recently to eliminate all the  
19 parking that was proposed originally and this is the subject why  
20 we have added that second relief.

21           So the proposed structure is a three story with a  
22 cellar. It has two sets of stairs connected with a corridor  
23 along with two entrances, a front lobby and a back lobby. We  
24 have a front desk leasing office, a small gym along with cargo  
25 storage and long term bike storage, around 12 long term bike



1 storage located at the basement level. We also have a trash  
2 enclosure that would be managed by a trash pick-up company and  
3 that's something I think that was listed and discussed into the  
4 construction management agreement or part of that comes in a  
5 different agreement. The project also features a green roof that  
6 helped us comply with the GR requirements of the project and  
7 along with securing and fencing all the rear yard from the back  
8 towards the front. I think that basically describes the function  
9 of the project. As far as the exterior architecture the project  
10 does have the brick element that appears along many of the  
11 apartment buildings in the neighborhood along with hardie board  
12 panels.

13 Can I control the slides, the PowerPoint in there so  
14 --

15 VICE CHAIR JOHN: No. You can ask Mr. Young to advance  
16 the slide. Tell him how many slides you need to advance.

17 MR. ALI: I mean, I just gave a quick brief on  
18 everything. If we can go to the next slide so this way I can  
19 relate some of the conversations that I had to the slides.

20 This slide affects the existing structure and to the  
21 left where you see the lot line is the portion that we are  
22 retaining from the existing structure. The right hand side images  
23 is basically locating the surrounding apartment buildings around  
24 the subject parcel.

25 Next slide, please. This slide basically summarizes

1 the unit matrix and also a summary of how many IZ units, a total  
2 of three and six accessible units and the division between the  
3 smaller apartments, ranging studios of one bedrooms around 14  
4 and 22 total between one and a den and two bedrooms.

5 Next slide, please. This is the third floor plan where  
6 you see along the center of the floor plan you see all the bike  
7 storage off the corridor. The bigger units are basically located  
8 on the corner of, each corner of the building, a total of four  
9 and then the remaining intermediate lots are the studios and the  
10 one bedrooms.

11 Next slide, please. First floor plan. Here we can see  
12 the front lobby and the back lobby, two entrances of the building,  
13 and some of the amenities where we have the gym at the back lobby,  
14 front desk leasing office and the accessible units are basically  
15 on this floor. We used to have a handicap lift on the previous  
16 design but we eliminated on the current design simply because we  
17 have moved the accessible route from the front of the building  
18 through a ramp that we are proposing open to public space.

19 We are also showing a two bike rack for short term  
20 bicycle storage in the front at the public space area and we're  
21 also highlighting that we are enclosing the existing curb cut on  
22 the lower left corner where you see that gray portion of the site  
23 plan.

24 Next slide, please. A typical floor, basically this  
25 is typical for second and third floor, just interior partitions

1 of the floor plans. I won't go into the details but just an idea  
2 of the unit matrix and how we are distributing phonetic) the  
3 bigger units and the smaller units.

4 Next slide, please. The roof plan where we're  
5 presenting the green roof in order to comply with the GR  
6 requirements and we previously have proposed the roof condensers  
7 on the top of the building given that we were occupying most of  
8 the backyard with the parking but now that we have eliminated the  
9 parking we will be relocating those condensers back to the side.  
10 So this particular roof plan would largely get developed further  
11 and basically that's all we need to get picked up on the roof.

12 Next slide, please. Front façade just highlighting the  
13 finishes that will be used on the exterior of the building.  
14 Basically floor to ceiling windows so that we can capture as much  
15 daylight towards the interior of the spaces and the finishes  
16 would be summarized by using the brick and the hardie board  
17 panels.

18 Next slide, please. Site elevations, same exterior  
19 finishes and also it presents the slope that we have, around six  
20 feet in difference between the front and the back. The six foot  
21 difference is basically from the front of the property line to  
22 the rear of the property line but within the extents of the  
23 building we have a variation of four feet between the front yard  
24 and the back yard.

25 Next slide. There are more slides on the design package

1 | where we have renderings and a few area images but I think most  
2 | of the information is covered within the plans and the elevations,  
3 | and if you have any questions I'll be glad to answer.

4 |           VICE CHAIR JOHN: So I have a question. So you said,  
5 | Mr. Ali, that there will be a ramp in public space. Can you talk  
6 | more about that?

7 |           MR. ALI: Yes. Given the deep front yard that we have  
8 | we have around 40 feet in total between the sidewalk to the  
9 | existing structure and the first floor is only around 80 inches  
10 | of the sidewalk. So simply by -- it's actually going to be like  
11 | the LEED walk with a one to 12 slope. So there won't be any  
12 | elevated ramp or anything, it's just we are sloping the LEED walk  
13 | from the side walk all the way to the front of the building  
14 | following the existing grade which will act as our accessible  
15 | route.

16 |           VICE CHAIR JOHN: Okay.

17 |           MR. ALI: We're taking (indiscernible) as the property  
18 | that exists today.

19 |           VICE CHAIR JOHN: Okay. So there is no raised ramp,  
20 | just the natural slope of the land?

21 |           MR. ALI: Correct.

22 |           VICE CHAIR JOHN: okay.

23 |           MR. ALI: The spacious front yard helped us accomplish  
24 | that without any ramps.

25 |           VICE CHAIR JOHN: Okay. And why is that in public

1 space?

2 MR. ALI: Why it's in public space?

3 VICE CHAIR JOHN: Yes. You said it's in public space  
4 and then you're saying it's in the front yard. I didn't  
5 understand.

6 MR. ALI: Well, we have a total of 12 foot eight inches  
7 in the front yard and the remaining is public space.

8 VICE CHAIR JOHN: Okay.

9 MR. ALI: And since we are proposing a LEED walk through  
10 public space to get to our front yard, we are extending that LEED  
11 walk with that particular gentle slope that is acting as a ramp  
12 but it's basically just a one to 12 slope that starts from the  
13 sidewalk.

14 VICE CHAIR JOHN: Okay. And you said there was bicycle  
15 parking in the cellar?

16 MR. ALI: Correct.

17 VICE CHAIR JOHN: Okay. And then --

18 MR. ALI: (indiscernible) of 12.

19 VICE CHAIR JOHN: Pardon?

20 MR. ALI: A total of 12 bike racks, 12 bicycle spaces  
21 we have.

22 VICE CHAIR JOHN: Right. And how many short term how  
23 many long term?

24 MR. ALI: Two.

25 VICE CHAIR JOHN: okay.

1           MR. ALI: Just one per three for the long term and one  
2 for 20 for the short term.

3           VICE CHAIR JOHN: So you have two short term and 12  
4 long term?

5           MR. ALI: Correct.

6           VICE CHAIR JOHN: Okay. Thank you. Does any other  
7 Board Member have questions for the Applicant? All right. I'll  
8 go to the office of Planning then. Mr. Mordfin.

9           MR. MORDSFIN: Good morning or good afternoon. I'm  
10 Stephen Mordfin with the Office of Planning and since the Office  
11 of Planning submitted its report back on June 2nd, the Applicant  
12 has revised the application to address the conditions that the  
13 Office of Planning had listed on page one, the three conditions,  
14 concerning the on-site parking, they applied for the special  
15 exception for which they meet the criteria. They don't have  
16 access to an open public alley and they are within close proximity  
17 to transit. So they meet those criteria.

18           They do, as the Applicant indicated, they do provide  
19 the two short term parking spaces, sorry, two short term bicycle  
20 parking spaces to the front of the building and the 12 within  
21 the building, the long term ones, and so therefore we find that  
22 this application is now in conformance with the criteria for the  
23 granting of the special exception to permit the construction of  
24 an apartment building on this site in the RA-1 zone.

25           So we recommend approval of this application without

1 any of the conditions that were initially listed in the report.

2 VICE CHAIR JOHN: Okay. Does anyone have questions for  
3 the Office of Planning? Anyone from the Board? Does the  
4 Applicant have any questions for the Office of Planning?

5 MR. BELLO: No, Madam Chair.

6 MR. ALI: No, thank you.

7 VICE CHAIR JOHN: Okay. Is there anyone signed up to  
8 testify, Mr. Young?

9 MR. YOUNG: No, we do not.

10 VICE CHAIR JOHN: Okay. So I had, with respect to the  
11 TDM plan. Mr. Toye, you said that you were in agreement with  
12 DDOT's recommendations?

13 MR. BELLO: Yes, Madam Chair. We've come to an  
14 agreement with DDOT to comply with all the TDM plans as itemized.

15 VICE CHAIR JOHN: Okay. And so the only comment I will  
16 make with respect to that is that there's a statement that the  
17 Applicant will implement the TDM plan for the life of the project  
18 and the Board would not approve that language because the special  
19 exception runs with the land and it's not limited to a specific  
20 project. So the Board cannot incorporate that particular  
21 language.

22 The other thing is that there was a condition that the  
23 Applicant would fund the installation of four dock expansion  
24 plates at a nearby Capitol bikeshare station. That's not  
25 something that the Board would order in the order and with respect

1 to the bicycle storage and parking, these were stated in  
2 conditions five and six and the Applicant has already satisfied  
3 that condition.

4 So, and I believe there is, well I think that's it.  
5 Now, is the Commissioner here? Oh, Mr. Smith, I'm sorry. Go  
6 ahead, please. You're muted, Mr. Smith.

7 MR. SMITH: Now (indiscernible).

8 VICE CHAIR JOHN: Now we can hear you.

9 MR. SMITH: Okay. My question is probably more so  
10 directed to the Commissioner because I do see that there's a  
11 letter in the record that they are in support of this but when  
12 the plans -- it looks when the plans were presented they did show  
13 parking. So I just want to make sure that we're on the same page  
14 and that the ANC really understands that there's a request to  
15 waive all the parking, am I correct, seeing that there is, you  
16 don't have alley access so it would just be a TDM.

17 Mr. Bello or whoever went to the ANC, are they fully  
18 aware of that that you're fully waiving all of the parking? The  
19 required (indiscernible)?

20 MR. BELLO: Yes, Mr. Smith. I believe that the ANC's  
21 resolution speaks to that, maybe not with that specificity but  
22 they do approve the two reliefs requested.

23 MR. SMITH: Okay. All right. Thank you, and that  
24 leads to Ms. John's question. Ms. Rose, is the Commissioner here  
25 for the ANC? Is Mr. Holmes here?



1 MS. ROSE: I don't believe he's on to testify. I can  
2 check with staff just to be sure.

3 MR. SMITH: Okay.

4 MS. ROSE: Mr. Young maybe would know.

5 MR. SMITH: Mr. Young. Sorry.

6 MR. YOUNG: Yes. What was the name again?

7 MS. ROSE: Antawan Holmes.

8 MR. YOUNG: He is not on.

9 MR. SMITH: Okay.

10 MR. MORDFIN: Okay. Thank you.

11 ZONING COMMISSIONER HOOD: Madam Chair.

12 VICE CHAIR JOHN: Yes, Commissioner Hood. Please  
13 follow up.

14 ZONING COMMISSIONER HOOD: I want to follow up with  
15 Board Member Smith's line of questioning. I too, I'm going to  
16 go to Mr. Bello, even though I know you can't speak for Mr.  
17 Holmes, but was Mr. Holmes aware of the parking situation when  
18 he wrote this letter of support?

19 MR. BELLO: Mr. Hood, and I think the resolution report  
20 alludes to that.

21 ZONING COMMISSIONER HOOD: Okay. If you can tell me  
22 where? I missed indiscernible).

23 MR. SMITH: Mr. Bello, it doesn't allude to that. It  
24 just simply restates what you're requesting and I just want to  
25 make sure that the Deanwood Citizens Association and ANC 7C,

1 given that you presented to them, yes, you were seeking relief  
2 but in the plans that you presented to them there was parking  
3 spaces. But, in essence, you're not going to build them, so I  
4 just want to make sure that they were clear and clearly  
5 understanding that you will not have any on-site parking because  
6 this has been a concern that's been raised by the ANC with many  
7 other projects that we have seen in this neighborhood.

8 MR. BELLO: Yes. In fact if you recall, Mr. Smith, the  
9 dates for the first continuance of the hearing case was essential  
10 to add on this relief, so both the Deanwood Citizens Association  
11 and the ANC are aware, and they agreed to that postponement for  
12 that very reason.

13 MR. SMITH: Okay. All right. I think that answered  
14 my question. Chairman Hood, I don't know if that answers your  
15 question.

16 ZONING COMMISSIONER HOOD: Yes. I agree. I just wanted  
17 Mr. Bello to put it on the record so when it comes back Mr. Bello  
18 had testified and mentioned to us that everybody was all aware  
19 of exactly what's taking place. That's all I wanted to put on  
20 the record. So thank you, and I think it's a great question,  
21 Board Member Smith. Thank you.

22 VICE CHAIR JOHN: Thank you. So while you all were  
23 discussing the issue, I looked at the ANC report, and the ANC  
24 report does note that the request is for a special exception for  
25 relief under U 421 and X 901.2 and they put parking under Subtitle

1 C 703.2 and X 901.2. So I think that answers your question and  
2 the ANC voted in support seven to zero to zero.

3 ZONING COMMISSIONER HOOD: Madam Chair, I think it's a  
4 little different. I'm looking at it too and I saw that. I think  
5 --

6 VICE CHAIR JOHN: Uh-huh.

7 ZONING COMMISSIONER HOOD: -- the issue how it was  
8 presented previously to what we have now, we're just making sure  
9 that it was consistent with what exactly Mr. Bello presented here  
10 today in front of us. Other than that, I think that was pretty  
11 much it.

12 MR. SMITH: Yes. Exactly.

13 VICE CHAIR JOHN: Okay. So I don't fully understand.

14 ZONING COMMISSIONER HOOD: Board Member Smith, if you  
15 want to explain. I get it but since you started it with your  
16 questions --

17 MR. SMITH: Sure.

18 ZONING COMMISSIONER HOOD: -- I'll take a back seat.

19 VICE CHAIR JOHN: I thought the issue was whether the  
20 ANC knew that there would be no parking?

21 MR. SMITH: Correct. So we just wanted to make sure  
22 that it was fully presented to the ANC that it would be no parking  
23 because the way it's advertised it just says, and what's also in  
24 the letter, it just says special exception from the minimum  
25 vehicle parking requirements within the letter that came from the

1 ANC. So that could be a waiver, we just wanted to make sure that  
2 they fully understand that that waiving is waiving it down to a  
3 goose egg of, you know, parking.

4 So I think Mr. Bello explained that they fully  
5 understand that and, you know, my concern about that was because  
6 they went back to the ANC based on the site plans within the  
7 record. It did show parking, so I just wanted to make sure that  
8 the ANC is aware that it doesn't look like they updated those  
9 plans to show no parking and I just wanted to make sure the ANC  
10 is aware of what was going on here but it sounds like Mr. Bello  
11 (indiscernible) make sure what they explained, there would be no  
12 parking. It was just to have that on the record.

13 VICE CHAIR JOHN: Okay. So, Mr. Bello, did you show  
14 the ANC the plans with no parking?

15 MR. BELLO: Absolutely, Madam Chair.

16 VICE CHAIR JOHN: And this was before they voted, this  
17 last time?

18 MR. BELLO: Well, they had voted June 8th but in  
19 abeyance of resolution of the construction management agreement  
20 with the DCA including the request for postponement to allow to  
21 add on the relief from the required parking, we have now come to  
22 a resolution with DDOT, which we couldn't, so these copies were  
23 served on the ANC and as you can tell, the ANC just simply did  
24 their report last night.

25 MS. ROSE: The ANC is on now, Madam Chair.

1 VICE CHAIR JOHN: Oh, very well. Thank you. Do you  
2 have a name for me?

3 MS. ROSE: It should be Antawan Holmes.

4 MR. HOLMES: Antawan Holmes, Chairman of ANC 7C. Can  
5 you hear me?

6 VICE CHAIR JOHN: Yes. I can hear you, Mr. Holmes.

7 ANC COMMISSIONER HOLMES: Thank you.

8 VICE CHAIR JOHN: Can you introduce yourself for the  
9 record again?

10 ANC COMMISSIONER HOLMES: Yes. Antawan Holmes, Chair,  
11 ANC 7C and this project is in my Single Member District Commission  
12 7C 07.

13 VICE CHAIR JOHN: Okay. Please go ahead and give your  
14 statement.

15 ANC COMMISSIONER HOLMES: Well, I said the statement  
16 that the ANC voted 7 0 in contingent with the approval from the  
17 Deanwood Citizens Association. I was informed that both parties  
18 met. I saw the construction management agreement. I know the  
19 case was postponed for another month because there was an issue  
20 with the diagrams or there was some matter that was at issue and  
21 Mr. Bello was not able to come and present to us at the meeting,  
22 but someone else from his team was able to show us the diagrams  
23 of the, I believe I'm hearing you all talk about there was an  
24 issue about parking. I don't have an update for that. Is that  
25 something you all were talking about as well?

1           VICE CHAIR JOHN: Yes. The issue was the ANC aware  
2 that the Applicant was seeking relief from all parking because  
3 of the inability to get a curb cut and that the final plans do  
4 not include any parking?

5           ANC COMMISSIONER HOLMES: Oh, okay. No, we did not get  
6 an update for the parking. We always tell people that we are  
7 concerned about parking on that block because there's another  
8 multi-use building on that site with no parking. We did not see  
9 that as part of what was listed on the website. That wasn't  
10 listed in the ICIS (phonetic) was it because if not, no, we did  
11 not have that update.

12           VICE CHAIR JOHN: So the only question I have for you,  
13 Mr. Holmes, is that the ANC letter does list the relief, special  
14 exception relief for parking.

15           ANC COMMISSIONER HOLMES: Okay. Unfortunately, I'm  
16 driving right now so what I'll tell you is that whatever was  
17 based on the site is what we decided upon.

18           VICE CHAIR JOHN: Okay.

19           ANC COMMISSIOENR HOLMES: Yes.

20           VICE CHAIR JOHN: So the current plans do not show any  
21 parking because DDOT would not approve a curb cut and, go ahead.

22           ANC COMMISSIONER HOLMES: Okay. Well, that's an issue  
23 because there's an alleyway here that -- there's an alleyway  
24 there that we have been, that was done years ago that DDOT hasn't,  
25 it hasn't been worked on. We had informed the Mayor's office as

1 well as DDOT and actually worked with DDOT for that site to see  
2 what they want to do with it.

3 I think the other issue goes on with that back side is  
4 that it's something that's being possible done from a DOEE  
5 environmental issue because there is a creek back there as well.  
6 There was also a homeless encampment back there right on that  
7 fence line of that project which the City was able to work on.  
8 So there's a lot of issues going on in that back area but I think  
9 it's because it's still in flux on what with DOEE and DDOT are  
10 trying to do with that Nash Creek area.

11 VICE CHAIR JOHN: Right. But you understand that as  
12 of this time there is no approval for a curb cut and there's no  
13 access from the alley because of the conditions you just  
14 described?

15 ANC COMMISSIONER HOLMES: Okay.

16 VICE CHAIR JOHN: Please go ahead, Chairman Hood.

17 ZONING COMMISSIONER HOOD: My issue is their letter  
18 states a waiver from parking. Board Member Smith brought up the  
19 issue, as Mr. Bello mentioned, that there's no parking. A waiver  
20 and no parking are two different things the way this Board Member  
21 sees it.

22 So I think that the issue now is that we asked Mr.  
23 Bello was the ANC and the Association aware that there was going  
24 to be no parking. Mr. Bello said yes. I'm hearing from Mr.  
25 Holmes, oh, no, they didn't know it. I think at this point where

1 I am, because I will tell you where I am right now with this  
2 uncertainty and not being sure, I think that we need further  
3 clarification with the ANC.

4 If I had to vote today, I would not vote at all. I  
5 would vote against it because I'm uncertain that the community  
6 knows exactly what's going on and I think this project has a lot  
7 of merit to it, but I'm sure there needs to be a resolved, an  
8 explanation to the community, ANC and Commissioner Holmes who  
9 works very well with his Commission, Citizens Association, they  
10 work well together. I've seen, just not this case, but all cases  
11 and I think they need to make sure they understand it.

12 So I think that's a good catch, Board Member Smith, and  
13 I'll leave it at that. Thank you, Madam Chair.

14 VICE CHAIR JOHN: So as I read this, the report that  
15 was approved seven to zero zero, the only issue is that it's  
16 contingent on the Applicant presenting their development plans  
17 and seeking approval of the Deanwood Citizens Association.

18 Mr. Bello, did you show the Deanwood Citizens  
19 Association the plan with no parking on it?

20 MR. BELLO: Yes, ma'am. I believe the DCA is aware of  
21 this issue. In fact, if you look at most of our submissions  
22 because of the situation of the unimproved alley, and the  
23 existence of a creek which is subject to a DOEE overview, that  
24 we would continue to work with DDOT to see if the possibility  
25 comes to light that they can still provide parking and in fact



1 | if you look at DDOT's report DDOT actually is not withstanding  
2 | that the Applicant may provide parking in the future, that they  
3 | would still require that we maintain the TDM plan and just for  
4 | clarification, the curb cut does exist. So what DDOT is  
5 | recommending is closure of that existing curb cut.

6 | VICE CHAIR JOHN: Yes. I did see that and the plans  
7 | do show that the curb cut is closed. Okay.

8 | So are there any other questions or concerns?

9 | ZONING COMMISSIONER HOOD: So, Madam Chair, maybe I did  
10 | not hear the frequency correctly. I heard Mr. Bello say one  
11 | thing and I heard Commissioner Holmes say something completely  
12 | different. Am I missing it and if I am, I stand to be corrected?

13 | MR. SMITH: And I'm sitting here saying the same. So,  
14 | Mr. Holmes, I understand that you're driving. Can you provide  
15 | some additional clarification on if the ANC fully saw that the  
16 | parking will be waived and if they're in support?

17 | ANC COMMISSIONER HOLMES: Thank you, Commissioner  
18 | Smith. I am actually on the line. I'm double following you  
19 | right now, pulling over to the side talking to the DCA and they  
20 | are informing me that Mr. Bello had informed them there was going  
21 | to be some parking at the site and so as I'm telling them now  
22 | that they are saying that we're hearing it real time that there  
23 | is not going to be any parking, this goes against all what was  
24 | had at that previous conversation.

25 | MR. SMITH: Okay. So thank you, Mr. Holmes. So in

1 light of that I'll second the same concerns raised by Mr. Hood.  
2 I'm not prepared to, you know, vote on this particular case today.  
3 I want the ANC to meet with the Applicant again so that they  
4 fully understand and everybody's on the same page on where -- on  
5 which parking would be provided at this site. So I think some  
6 additional dialog needs to be had between the Applicant and the  
7 ANC and maybe DCA, and I'm not prepared to vote on this today  
8 (indiscernible).

9 VICE CHAIR JOHN: Okay. So I'm just going to make one  
10 comment. I'm prepared to continue the case because two Board  
11 Members I can see who are to decide today would not be a yes  
12 vote. But I would just like to say I don't know where this  
13 Applicant is going to put the parking on-site. If there is no  
14 alley, there's an unimproved alley and other conditions at the  
15 site and DDOT has said to close the parking, to close the curb  
16 cut.

17 So I could see a condition requiring the Applicant to  
18 continue to meet with DDOT to provide parking from the rear and  
19 somebody would be responsible for improving the alley so that  
20 cars can go through the alley. It is an unimproved alley. It's  
21 not as if there's an alley that the Applicant could use to put  
22 parking on the site and there is no curb cut. So I'm not going  
23 to get on my soap box.

24 Before I adjourn, I want to ask Ms. Rose -- go ahead.

25 ZONING COMMISSIONER HOOD: I still think the point for

1 me is being missed. The point is the conversation has not been  
2 had with the community about no parking. Mr. Bello represents  
3 that it has, and it has not. Being a Commissioner in this City,  
4 we want to make sure -- I know I have to make sure, I want to  
5 make sure and I'm sure all of us do that we've done our due  
6 diligence and the correct information is being given to the  
7 community because we also live here too, we mingle and we're out  
8 here and when people come to us and we haven't done our due  
9 diligence, then that makes us look like we haven't done our job.

10 So I just think that that conversation, Mr. Holmes,  
11 regardless of what the record says I just need Mr. Bello to have  
12 that conversation with, and I think Board Member Smith as well,  
13 have the conversation. Tell the people there's no parking and  
14 then we will deal with the merits of the case. We get the  
15 constraints, I get that, and we will deal with that then but  
16 before we move forward we have to do our due diligence. That's  
17 all I'm saying. It's not --

18 VICE CHAIR JOHN: I get it. I get it, Chairman Hood.  
19 I didn't get it before so thank you for bearing with me and  
20 hitting me over the head.

21 ZONING COMMISSIONER HOOD: I would never do that.

22 VICE CHAIR JOHN: My head is aching. I'm just saying,  
23 Chairman Hood, my head is aching. So, Mr. Bello, this is on you.  
24 Apparently you did not clearly explain the conditions of the site  
25 before the ANC voted and you did not take the revised plans back

1 to them to show them why you would have difficulty providing  
2 parking on the site and Chairman Hood and Board Member Smith's  
3 contention is that that is an absolute requirement for the  
4 Applicant to communicate with the community and to explain  
5 everything that's happening to them, to the site.

6 So I'm prepared to go ahead and recommend that we  
7 continue this case for the Applicant to meet with the ANC to  
8 explain clearly the issues with the providing the parking from  
9 the rear to the alley that's not improved and that there's no  
10 curb cut, and maybe between now and when the case comes back DOEE  
11 may have a change of heart. I don't know.

12 So, Ms. Rose, what does the calendar look like in  
13 September?

14 MS. ROSE: To get the best date I need to know if the  
15 ANC will be meeting on this again and when that would possibly  
16 be so that we will set our date after.

17 VICE CHAIR JOHN: Okay. Mr. Holmes, are you there?

18 ANC COMMISSIONER HOLMES: Yes, ma'am.

19 VICE CHAIR JOHN: Okay. Mr. Holmes, when can your ANC  
20 meet?

21 ANC COMMISSIONER HOLMES: Well we end -- Summer recess  
22 ends in August so we will be meeting again in September, the  
23 second week I believe as I don't have a calendar in front of me.  
24 It's the 14th maybe? Whatever that second Thursday is going to  
25 be, if we get the -- they have revised plans what we can do is

1 we can have an executive meeting at the end of August and have  
2 them on the agenda to take another vote in September.

3 VICE CHAIR JOHN: Okay. So, Ms. Rose -- thank you,  
4 thank you Commissioner. So, Ms. Rose, the end of September early  
5 August?

6 MS. ROSE: You mean early October?

7 VICE CHAIR JOHN: Early October, early October.

8 MS. ROSE: So the second Thursday is the 14th. We will  
9 have a hearing on the 20th. We have eight cases and an appeal  
10 on the 20th. The 27th we have eight cases.

11 VICE CHAIR JOHN: Okay. Let's do the 27th --

12 MS. ROSE: Okay.

13 VICE CHAIR JOHN: -- of September, and Mr. Bello, we  
14 have a very full calendar for the rest of the year, so hopefully  
15 --

16 MR. BELLO: Noted.

17 VICE CHAIR JOHN: Okay. All right.

18 MR. BELLO: Thank you.

19 MS. ROSE: Did you want filings --

20 VICE CHAIR JOHN: Pardon?

21 MS. ROSE: Did you want filings and deadlines for the  
22 filings?

23 VICE CHAIR JOHN: I don't think -- we just need  
24 something from the ANC, a revised letter from the ANC and I guess  
25 the ANC does have some leeway in submitting I guess seven days

1 before the 27th. How does that look?

2 MS. ROSE: We can leave the record open and they can  
3 submit.

4 VICE CHAIR JOHN: Okay. All right. So I'm going to  
5 excuse everyone. Thank you all for your testimony. Thank you  
6 Commissioner for calling in and clarifying, you know, all of the  
7 issues that were discussed.

8 ANC COMMISSIONER HOLMES: Thank you.

9 VICE CHAIR JOHN: And see you all back in September.

10 ZONING COMMISSIONER HOOD: Madam Chair, I would never  
11 hit you over the head. I would never, ever do anything like  
12 that.

13 VICE CHAIR JOHN: Must have been a phantom because I'm  
14 still having a splitting headache, Commissioner.

15 ZONING COMMISSIOENR HOOD: And Board Member Smith and  
16 I would have had one if we would have went forward when there  
17 was no parking.

18 MR. SMITH: Yes.

19 VICE CHAIR JOHN: I have no words.

20 MR. SMITH: This is (indiscernible) --

21 VICE CHAIR JOHN: What did you say, Board Member Smith?

22 MR. SMITH: I said it's probably to their benefit that  
23 we continue and just leave it at that.

24 VICE CHAIR JOHN: Well, no. I think it's a good  
25 solution.

1 MR. SMITH: Yes.

2 VICE CHAIR JOHN: Okay, Ms. Rose, when you're ready if  
3 you could call the next case.

4 MS. ROSE: All right. So the next case is 20771.  
5 Hopefully we have Mr. Seck back. This is District Properties.com,  
6 Inc., Yes. Application No. 20771 of District Properties.com,  
7 Inc. This is an amended self-certified application for special  
8 exception from the side yard requirements of Subtitle D § 206.2  
9 pursuant to Subtitle D § 5201 and Subtitle X § 901.2 to construct  
10 a new detached, two story principal dwelling unit in the R-1-B  
11 zone at premises 4451 Douglas Street, N.E., Square 5115, Lot 34  
12 and we do have the motions to waive the late filings by the  
13 Applicant before you as well.

14 VICE CHAIR JOHN: Okay. Thank you. Mr. Seck, can you  
15 hear us now? Mr. Seck, are you on the phone?

16 MS. ROSE: See him.

17 MR. SECK: Afternoon, can you hear me?

18 VICE CHAIR JOHN: Yes, I can hear you, Mr. Seck.  
19 Please go ahead --

20 MR. SECK: Okay.

21 VICE CHAIR JOHN: Yes, please go ahead and introduce  
22 yourself for the record and I assume you're not using your camera?

23 MR. SECK: I do have my camera and my, I'm seeing you  
24 all but for some reason I'm having technical difficulties  
25 unmuting myself and also making my camera open from the computer.

1 That's why I had to call on my phone. But I can see you all,  
2 and I wish it wasn't the case and I do apologize for this delay.

3 VICE CHAIR JOHN: Okay. So, Mr. Seck, may I make a  
4 recommendation that during the Summer you hire a technical expert  
5 to help at these hearings? Just kidding.

6 MR. SECK: Actually, I see Mr. Hood laughing because  
7 (indiscernible) every time I have some, little technical  
8 difficulties. But this is Apple that I have unfortunately, I'm  
9 working from home today and I'll definitely get a regular computer  
10 laptop and that will not give me this headache because to unmute,  
11 it asked me to press spacebar and hold it. At one point you all  
12 heard me but then you disappeared and I apologize. I'll  
13 definitely correct this next time.

14 VICE CHAIR JOHN: So thank you, and respectfully, I  
15 don't think it's your laptop. I'm using an Apple product as  
16 well. But anyway, let's get started. Okay. I think it might  
17 be the operator.

18 But anyway, let's get started, Mr. Seck. If you could  
19 just tell us why you're here and what relief you're requesting  
20 and how your application meets the criteria, and I'll put 15  
21 minutes on the clock for you, ask Mr. Young to do that.

22 MR. SECK: Yes. So my name is Omar Seck, representing  
23 District Properties and Rupsha, LLC.

24 So this project is at 4451 Douglas Street, N.E. This  
25 project is seeking, we are seeking relief for a special exception



1 due to lot width. Our lot size is not a conforming (phonetic)  
2 lot in this neighborhood of R-1-B and it has a width of 25 feet  
3 that's significantly deep with a length of 239 feet. No access  
4 to the rear but we are proposing to obtain relief from the Board  
5 for a side yard variance with a minimum requirement by zoning of  
6 eight feet to three feet. The house would be constructed in line  
7 with the neighboring houses and in the package we present both  
8 the left side and the right side house look very similar to what  
9 we're looking to construct. It's a two story house with a crawl  
10 space with a full porch and a A-frame roof. Even the window  
11 counts are matching.

12 We've done the light and air study recommended by OP  
13 in this case and made adjustments on one of the windows on the  
14 side of the house due to privacy to the neighbor and that has  
15 granted us support. This would not have any adverse effect in  
16 the neighborhood. It is an established Kenilworth community and  
17 we have also obtained support from Commissioner Sirraaj Hasan who  
18 is also the SMD for this project.

19 We seek relief and I've mentioned that the previous  
20 relief were two. One was parking and this particular one side  
21 yard. We introduced the revision of this application (phonetic)  
22 because last week, if you recall Madam Chair, we had a similar  
23 case on the same street and Chairman Hill and also OP recommended  
24 that we remove the parking variance request from that project,  
25 so we did it and that's what created the 21 day notification

1 waiver and I will rest the case there and thank you all for the  
2 opportunity and for moving the case because of my difficulties.

3 VICE CHAIR JOHN: Thank you, Mr. Seck. I had a question  
4 about the solar panels issue and there's a sun study in the  
5 record, if I have the right case.

6 MR. SECK: Yes. We did the sun study, light and air.

7 VICE CHAIR JOHN: Can you talk about that? Do you need  
8 Mr. Young to pull something up? Mr. Young, if you could put that  
9 slide up. Let's see. Exhibit 56, Mr. Young.

10 (Pause.)

11 VICE CHAIR JOHN: Okay, Mr. Seck. Can you talk about  
12 the sun study and do you know what you'd like Mr. Young to pull  
13 up? What particular slide?

14 MR. SECK: Yes. I'm not an expert here, to be frank,  
15 on the sun study. I do know that we hired an expert do the work  
16 and presented it to the Office of Planning. The comments made  
17 was one of the windows on the side to be modified in size but  
18 the actual effect on solar panel nearby was not a case, an issue.  
19 That's as far as I can elaborate not to get into technical  
20 explanation, but I'm not (indiscernible).

21 VICE CHAIR JOHN: So which property had the solar panel?

22 MR. SECK: Let me see. One second.

23 VICE CHAIR JOHN: Okay, Mr. Seck. We can go to the  
24 Office of Planning and then get back to you on that one. Does  
25 the Board have any questions for Mr. Seck?

1           ZONING COMMISSIONER HOOD: Madam Chair, I think you're  
2 going -- I'll wait for us to get to the Office of Planning. I  
3 do have some questions from Ms. Henderson about her letter to Mr.  
4 Seck but I'll wait until we go through that.

5           VICE CHAIR JOHN: Okay.

6           ZONING COMMISSIONER HOOD: Okay.

7           VICE CHAIR JOHN: Okay. Good afternoon again, Mr.  
8 Mordfin. Would you like --

9           MR. MORDFIN: Good afternoon.

10          VICE CHAIR JOHN: Yes. Would you like to present your  
11 report and if you could help us with the sun study, the shadow  
12 study which is at Exhibit 62, that would be fine.

13          MR. MORDFIN: Okay. Good afternoon, Madam Chair and  
14 Members of the Board. I'm Stephen Mordfin with the Office of  
15 Planning and the Office of Planning is in support of this  
16 application.

17          The Applicant has requested relief from the side yard  
18 which would reduce it from eight feet to three feet on both sides  
19 of the property. He was also discussing relief from lot size  
20 and lot area, however this is an existing record lot. It was  
21 legally created so therefore it is a record lot. He does not  
22 need relief in order to make use of this lot.

23          As for the sun study that you were speaking of, our  
24 review of it indicates that, you know, although there will be  
25 some shadowing on the adjacent property, it should not adversely

1 affect ostensibly the solar panels that are on the roof of that  
2 property. So therefore, we do not find that the structure of  
3 this house on this property as proposed would adversely affect  
4 the solar panels of that neighboring property.

5 The application also talks about parking. However, as  
6 a one family house, he does not need to apply for a special  
7 exception in order to reduce the parking from the one space that's  
8 typically required for a one family detached residence to zero.  
9 He does not have access to an alley also, or at least not an  
10 improved alley so he does not need the relief for that or for  
11 the lot size and lot area and obviously the structure that he's  
12 proposing to adversely affect the solar panels on the roof next  
13 door.

14 So therefore the Office of Planning is in support of  
15 this application.

16 VICE CHAIR JOHN: Thank you, Mr. Mordfin. So the solar  
17 panels are on, I just had it.

18 MR. SECK: Madam Chair, if I may.

19 VICE CHAIR JOHN: I'll just finish with the Office of  
20 Planning for now.

21 MR. SECK: Oh, just the location. It's 4449.

22 VICE CHAIR JOHN: Yes.

23 MR. SECK: To the right.

24 VICE CHAIR JOHN: Right.

25 MR. SECK: Yes.

1 VICE CHAIR JOHN: So, Mr. Mordfin, you don't think that  
2 there's any adverse impact on those solar panels?

3 MR. MORDFIN: That is correct.

4 VICE CHAIR JOHN: And it's the one, if I'm looking at  
5 the property of the house to the right, because it seemed to me  
6 most of the shadowing was, if I'm looking at the front of the  
7 house would be to the left?

8 MR. MORDFIN: I'm sorry. Were you asking that to me  
9 or to the --

10 VICE CHAIR JOHN: (Indiscernible) I forgot, I forgot.  
11 If you could please go back over which house has the solar panels  
12 and where the shadow would fall?

13 MR. MORDFIN: Were you asking the Applicant or were you  
14 asking me if that was (indiscernible)?

15 VICE CHAIR JOHN: No, I was asking you, Mr. Mordfin.

16 MR. MORDFIN: Oh, okay. Thank you. So the property  
17 with the solar panels, as you look at the solar study is to the  
18 right and that is the direction that the shadows fall because  
19 that's going towards the east and when the sun is in the west.

20 However, from our review of that sun study or shadow  
21 study, although it's going to shadow the yard there and the side  
22 yard of the adjacent property, we don't see that it's going to  
23 adversely impact the roof which is the shadowing will not extend  
24 up to the roof as it does to the side yard, so therefore we don't  
25 see that this is going to adversely affect the solar panels.

1           VICE CHAIR JOHN: Thank you. And did you say in your  
2 report that if the Applicant were to eliminate, were to build to  
3 the allowed height the shadowing would be greater? I believe I  
4 read that someplace.

5           MR. MORDFIN: Oh, in the OP report?

6           VICE CHAIR JOHN: Yes.

7           MR. MORDFIN: I mean, it's true. As you increase the  
8 height you're going to increase the shadowing. So the taller the  
9 building, the more shadowing that will come to the east of the  
10 property as the sun sets in the west.

11           VICE CHAIR JOHN: Thank you. Okay. Does any Board  
12 Member have a question? I believe you had a question,  
13 Commissioner Hood?

14           ZONING COMMISSIONER HOOD: Yes. I had a question, I'm  
15 still trying to figure it out. First of all let me say this,  
16 Mr. Mordfin, and I hope you'll tune in tomorrow even with  
17 congratulations. I will say that looking at this, so did the  
18 Office of Planning and I'm not sure if it's germane in this case,  
19 did the Office of Planning work with the Zoning Commission on  
20 solar panel statute regulations? I know we had a conversation  
21 but did we do anything with that? I don't remember, recall.

22           MR. MORDFIN: I'm going to have to check on that. I  
23 don't recall if we adopted new solar panel regulations in the  
24 zoning regs.

25           ZONING COMMISSIONER HOOD: I know we talked about it.

1 | But anyway, and I'm trying to stay and get my orientation right,  
2 | Madam Chair, so bear with me. Isn't there a tree near there, as  
3 | well, because I see it on the shadow studies?

4 |           MR. MORDFINI: The tree. Yes, the shadow study does  
5 | show a tree between those properties, an existing tree.

6 |           ZONING COMMISSIONER HOOD: Okay. And in your analysis  
7 | it won't, and as our Chair has already talked about it, it won't  
8 | cause any more than a matter-of-right project would do as well.  
9 | Is that what you're saying?

10 |           MR. MORDFIN: That's what we're saying, that we don't  
11 | see that it's going to extensively have any impact on that  
12 | adjoining property. Everything you build is going to have a  
13 | shadow but because of the height, so that's why the shadows may  
14 | be in the side yard but not as much when you get up to the roof  
15 | of that adjoining property.

16 |           ZONING COMMISSIONER HOOD: Okay.

17 |           MR. MORDFIN: That's what's indicated on what they  
18 | submitted.

19 |           ZONING COMMISSIONER HOOD: Okay. All right. Thank  
20 | you, Mr. Mordfin. Thank you, Madam Chair.

21 |           VICE CHAIR JOHN: Mr. Smith, did you have a question?

22 |           MR. SMITH: Yes. I'm thinking you've answered it, Mr.  
23 | Mordfin. I think it would have been great to see what would be  
24 | the effect if it was a by-right height of the house, because you  
25 | did you speak to that in your report, that if it was built up to

1 40 feet it may be more impactful.

2 Other than that, this is a technical question, how does  
3 the Office of Planning validate these shadow studies to show that  
4 they are accurate?

5 MR. MORDFIN: It is the Applicant's responsibility to  
6 submit truthful applications. We do not do our own shadow  
7 studies. We do not have the capacity to do that, so as with  
8 anything else that they submit in their application, it's on them  
9 to submit truthful applications.

10 MR. SMITH: Okay. So my question is, you know, because  
11 on some of these the shadowing stops right at the count. So are  
12 these panels elevated on the roof or are they flipped (phonetic)?

13 MR. MORDFIN: Well, they're typically angled, not flat.

14 MR. SMITH: Okay. It was just a very interesting  
15 observation that I noticed but there is some, it does show some  
16 shadowing in the Fall as a result of the construction of this  
17 property. S, again, I think mine was more of a technical  
18 question, so thank you.

19 VICE CHAIR JOHN: Okay. Thank you. Mr. Seck, did you  
20 have a question for the Office of Planning?

21 MR. SECK: Madam Chair. Thank you.

22 VICE CHAIR JOHN: I'm sorry. I didn't hear you.

23 MR. SECK: No questions, Madam Chair.

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



1 MR. YOUNG: We do not.

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

4 MR. SECK: No. Again, thank you for allowing the  
5 presentation and also again and again my apologies for the  
6 technical difficulties and I'll remedy to that on the next one.  
7 Thank you.

8 VICE CHAIR JOHN: Okay. Thank you.

9 So I'm going to close the record and, oh, I'm sorry.

10 ZONING COMMISSIONER HOOD: I had a quick question for  
11 Mr. Seck before he leaves. Two things. First thing, Mr. Seck,  
12 did you have a conversation with Ms. Henderson?

13 MR. SECK: With, Commissioner Hood, you said miss who?

14 ZONING COMMISSIONER HOOD: Ms. Henderson who lives next  
15 door.

16 MR. SECK: Not Ms. Henderson, no. For this particular  
17 unit 4455?

18 ZONING COMMISSIONER HOOD: I'm not sure what the  
19 address --

20 VICE CHAIR JOHN: 4449 I believe.

21 ZONING COMMISSIONER HOOD: Fifty one, isn't it?

22 MR. SECK: No, not with her, no. But she was notified.  
23 I didn't get a call or anything.

24 ZONING COMMISSIOENR HOOD: Right. I know she was  
25 notified because she wrote us a letter.

1 MR. SECK: Oh.

2 ZONING COMMISSIOENR HOOD: Are you familiar with that?  
3 Wait. Hold on. Let me back up. Do I have the right case, Madam  
4 Chair?

5 VICE CHAIR JOHN: Yes. It's Ms. Henderson is at 4449  
6 Douglas Street and she's the adjacent property and her letter is  
7 at Exhibit 37 and she's concerned about the sunlight on her solar  
8 panels, among other things.

9 ZONING COMMISSIONER HOOD: Right.

10 MR. SECK: (Indiscernible).

11 ZONING COMMISSIONER HOOD: Can you responds to that,  
12 Mr. Seck, or anything, are you aware of that?

13 MR. SECK: Yes. I wasn't aware of the letter but as  
14 far as the sun study and the height of the building, this building  
15 basically goes to a maximum to the peak of the roof of 27 feet.  
16 It's two stories, an A-frame with no intention to go different  
17 from this and the difference in height with the adjacent house  
18 is not a significant difference that would even cause any  
19 reflection of shadows on panels, as the study shows. They are  
20 almost from a distance, if you look at the first page, I mean  
21 plan 000 where the three houses are shown they are mostly similar  
22 in height and I don't think there would be any difference on her  
23 solar.

24 ZONING COMMISSIONER HOOD: Okay. I could ask more  
25 questions about her profit (phonetic) or releasing her profit

1 | because solar sometimes is sold back and they remove  
2 | (indiscernible) credits, she's invested money. So I think that  
3 | was the whole conversation and I know I'm digressing and going  
4 | off probably and talking about other things, but it's always good  
5 | to have that communication.

6 |           So, Mr. Seck, the only other thing I would say I don't  
7 | know where my other Board Members will be going with this. I'll  
8 | wait to follow their lead and see where I go. The only thing  
9 | else I would say is if you need help with your computer, get a  
10 | young person and I'll leave it at that.

11 |           Thank you, Madam Chair.

12 |           VICE CHAIR JOHN: Thank you. Board Member Smith? Board  
13 | Member Smith?

14 |           MR. SMITH: I don't think I have -- so what is the  
15 | pitch roof height in comparison to the neighboring property?

16 |           MR. SECK: It's pitch roof height from the grade is 27  
17 | feet maximum.

18 |           MR. SMITH: The grade to the pitch or the grade to the  
19 | mid point of the roof?

20 |           MR. SECK: No. From grade to the pitch of the roof.

21 |           MR. SMITH: To the ridge?

22 |           MR. SECK: (Indiscernible).

23 |           MR. SMITH: To the ridge.

24 |           MR. SECK: Oh, to the ridge yes. The ridge cap, yes.

25 |           MR. SMITH: Okay. What's the difference in height

1 between that and the property at 4445?

2 MR. SECK: I don't have the exact measurements but I  
3 was referring to one of the pages I don't know exhibit number,  
4 it is page, planning page 000 as a cover sheet. When you look  
5 at how they lined up, the difference to the right side  
6 particularly 4449, I'd be very doubtful if it is even more than  
7 five feet.

8 MR. SMITH: Okay.

9 MR. SECK: Considering --

10 MR. SMITH: And who completed your sun study because I  
11 don't see it stamped? I don't see any seal or stamp.

12 MR. SECK: I believe it's the architect. They do these  
13 things with the renderings, the consultant.

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

15 MR. SECK: Thank you, Mr. Smith.

16 VICE CHAIR JOHN: Okay. Mr. Seck, I'm just going to  
17 say one other thing. Oh, please tell us what happened with the  
18 ANC. There's no report.

19 MR. SECK: Yes. There is a report. I have it here  
20 dated June 29th from Single Member Commissioner and also  
21 Chairperson Siraaj Hasan. It's in the record.

22 But he issued this report, this letter of support for  
23 both projects -- as I was mentioning earlier last week we  
24 presented 4419 and this case for today -- he issued one letter  
25 for both and we have it as a reference BZA case No. 20770 which

1 was approved last week and 20771, that's today's case.

2 VICE CHAIR JOHN: And so that was not from the full  
3 ANC. Please remind us why there was no report from the full ANC.

4 MR. SECK: Right. As Commissioner Hasan mentioned on  
5 the letter of support, we had made multiple attempts to reach out  
6 to the Commission and be added in the agenda and Mr. Hasan -- I  
7 can read the -- he said,

8 "The developer of the referenced properties, LNDC,  
9 Inc., has made multiple attempts to be considered in our BZA ANC  
10 agenda in order to present before us. Given this project is  
11 taking place within my Single Member District of 7D01, I, the  
12 7D01 Advisory Neighborhood Commissioner, reached out to LNDC and  
13 held a virtual meeting during which both cases were presented.

14 I was able to ask a series of in-depth questions  
15 around both the builders "intent" for the property, as well as  
16 gain additional insight on the requested modifications being  
17 proposed for the variances."

18 In this case it's one now.

19 "At the juncture, I am in support of the variance  
20 request and have no objections. I believe it will have a positive  
21 impact on the continued improvement of the greater Kenilworth  
22 community."

23 And that's what he signed.

24 VICE CHAIR JOHN: Okay. All right. Thank you, Mr.  
25 Seck.

1 MR. SECK: Thank you, Madam Chair.

2 VICE CHAIR JOHN: So I believe Mr. Young said there was  
3 no one signed up to testify, so do you have any closing comments,  
4 Mr. Seck?

5 MR. SECK: No. Just hopefully this case will be  
6 approved and we thank you for the time to present, that you've  
7 allowed us to present.

8 VICE CHAIR JOHN: Thank you. So I'll ask Mr. Young to  
9 excuse you.

10 MR. SECK: Thank you.

11 VICE CHAIR JOHN: So, Mr. Mordfin, would you mind  
12 turning on your camera? So, Mr. Mordfin, before we go into  
13 deliberations I wanted to say that it is my understanding that  
14 you're retiring and you're leaving the BZA and Office of Planning,  
15 and it is with deep regret that I make this announcement because  
16 I have learned so much from you. I've always admired your depth  
17 of understanding of the zoning regulations and you're basically  
18 unflappable, with a vast knowledge of the history and I understand  
19 you're going on -- you're moving to a wonderful place with lots  
20 of family, including a grandchild and so I want to commend you  
21 on your many years of exemplary to the Office of Planning. This  
22 is not a very easy job to do, especially when Board Members ask you  
23 to respond to hypotheticals which you never fail to sidestep  
24 with, and you're very polite about it too.

25 So the other thing is I would like to, aside from

1 congratulating you, I would like to wish you a very enjoyable  
2 retirement with your family and best of luck wherever this new  
3 phase takes you because it's a new phase, it's part of the journey  
4 as I've come to know, and the only advice I'll give you is the  
5 one I give everybody who I talk to who is retiring is that please  
6 get some rest before you, you know, do anything else. Should  
7 you decide to come out of retirement, getting some rest is always  
8 good and so with that, I will pause here to see if any of my  
9 fellow Board Members would like to say anything.

10 Commissioner Hood, I will defer to your rank.

11 ZONING COMMISSIONER HOOD: I'm actually going to say  
12 it like this. Mr. Mordfin, tune in tomorrow. (Indiscernible)  
13 want you to come back so tune in tomorrow for my comments and  
14 I'll yield to Board Member Smith for now, but please tune in  
15 tomorrow.

16 VICE CHAIR JOHN: And Board Member Smith?

17 MR. SMITH: Mr. Mordfin, it has been a pleasure working  
18 with you. I know that I could probably be a pain to a certain  
19 degree I guess, and, you know, that comes from being a planner.  
20 So I've been on both sides of this dais so I do recognize the  
21 type of work that you put in and also the pressure that you're  
22 under with some of the questions that we may ask. So kudos to  
23 you, and I know you're ready to get out of that hot seat, you're  
24 ready to, you know, jump out of the fire and essentially I echo  
25 Ms. John. Happy retirement. Enjoy however long you're resting,

1 | hopefully for, you know, the summer or through the end of the  
2 | year but congratulations and great work. Great work working with  
3 | you here at DCOP.

4 |           VICE CHAIR JOHN: Thank you, Board Member Smith. Great,  
5 | great, great -- I didn't mean to say great work, but it really  
6 | has been a pleasure working with you, Mr. Mordfin, and so God  
7 | speed, all the best.

8 |           MR. MORDFIN: Thank you very much and I've enjoyed  
9 | working with all of you. It's -- I really have, I've really  
10 | learned a lot from working with everybody and thank you.

11 |           VICE CHAIR JOHN: Thank you so much for your service.  
12 | Be well.

13 |           MR. MORDFIN: You too.

14 |           VICE CHAIR JOHN: Take care. Bye.

15 |           So with that I'll close the record and the hearing and  
16 | discuss this case, and I don't suppose anyone would like to start.  
17 | Hearing none.

18 |           ZONING COMMISSIONER HOOD: Madam Chair (indiscernible).

19 |           VICE CHAIR JOHN: Oh, thank you. Did I see your hand  
20 | up, Board Member Smith?

21 |           ZONING COMMISSIONER HOOD: Oh, you maybe  
22 | (indiscernible).

23 |           MR. SMITH: (Indiscernible).

24 |           VICE CHAIR JOHN: Commissioner Hood, I didn't hear you.

25 |           MR. SMITH: Chairman Hood, go forward. Go forward.



1           ZONING COMMISSIONER HOOD: You were doing such a great  
2 job, Chair John, so I would just yield to you. You've been doing  
3 an excellent job, really seriously.

4           VICE C HAIR JOHN: Thank you, Commissioner Hood. Coming  
5 from you, that's a compliment. Just takes a little, yes. Go  
6 ahead, Chairman Smith, you can see it's the last day. Everybody's  
7 (indiscernible). Go ahead.

8           MR. SMITH: Don't give me that title.

9           VICE CHAIR JOHN: Go ahead, Board Member Smith.

10          MR. SMITH: Sure. I'll speak to, and I think, you  
11 know, some of the concerns that were raised related to shadowing.  
12 So I will state that the Applicant's requested a special exception  
13 for relief from the side yard setback requirements of Subtitle D  
14 206.2 to reduce the required side yard from eight feet to three  
15 feet.

16           In analyzing this request, it is important that the  
17 Board is sure that the request meets the standards 5201.4 and the  
18 subsequent setback beginning with questions of light and air  
19 availability. The Applicant has submitted a sun study that shows  
20 shadowing throughout the year and it appears to show minimum  
21 additional shadowing that what would occur if the building were  
22 to be built at the maximum permitted height of 40 feet as opposed  
23 at 27 feet.

24           I do agree with the Office of Planning that given their  
25 knowledge that the amount of shadowing would not be undue, or

1 | would not burden the adjacent property with less light, I do  
2 | believe probably there's some operational concerns about the  
3 | solar panels as it is anyway because I do believe there's a large  
4 | tree that blocks a fair amount of the light from accessing those  
5 | solar panels and I'll leave it at that because that tree may not,  
6 | or that'll be a question that comes up with building permits.

7 |           In analyzing 5201.4(c) which deals with neighborhood  
8 | character, the design of the home is largely in keeping with the  
9 | character that currently exists along the street, that matches  
10 | the design of the adjacent dwellings to the east and the west of  
11 | the Applicant's property.

12 |           I will also note that the proposed setbacks, the side  
13 | yard setbacks, would be in keeping with the character that also  
14 | fits within the narrow 25 foot lots along Douglas Street that  
15 | also have narrow side yards.

16 |           So given this analysis, I do believe that the Applicant  
17 | has met the burden of proof for us to grant the special exception  
18 | and also would note that I believe that the Applicant has met  
19 | the burden of proof in analyzing the standard special exception  
20 | criteria, and I will support the application giving OP's staff  
21 | report great weight.

22 |           I will also note, just put it out there that it would  
23 | be great for us to analyze or for the Office of Planning to  
24 | provide additional analysis on how they verify a lot of these sun  
25 | studies to ensure that they are accurate, honestly, and assure

1 that they are stamped so that if they aren't accurate the  
2 Department of Buildings can have additional conversations, and  
3 the Office of Zoning can have additional conversations with the  
4 Applicant that prepared those studies to keep them honest and to  
5 keep their feet to the fire. So, you know, I will welcome also  
6 an analysis of that and how can you verify those plans,  
7 particularly that a future Board will treat (phonetic).

8 But that's a side note. I am in support of the  
9 application.

10 VICE CHAIR JOHN: Thank you, Board Member Smith.

11 Commissioner Hood.

12 ZONING COMMISSIONER HOOD: Thank you, Madam Cahir. I'm  
13 not going to belabor and be redundant, but I would agree with  
14 everything that Board Member Smith mentioned as well as the  
15 verification process which I think is great.

16 The only thing that concerned me in this was the impact  
17 it was going to have on Ms. Henderson's property and I think I  
18 would also about what the Office of Planning has said in their  
19 analysis and hopefully the shadow study and the analysis of the  
20 Office of Planning are correct because we want to have as less  
21 impact on her profit or whatever she, happy with her solar panels.

22 So with that, I don't have anything to add. I think  
23 the way this is formulated for me I would vote in support of this  
24 application with the Office of Planning's support and also  
25 everything that's been presented.

1           So thank you, Madam Chair.

2           VICE CHAIR JOHN: Thank you, Commissioner Hood. And  
3 so I'm also in support of the application and I have nothing to  
4 add except that I was also concerned about the shadowing and the  
5 potential impact on Ms. Henderson, but I also agree that it's a  
6 two story building and it's, you know, doesn't really -- the  
7 height is not what it could be as a matter-of-right and so I will  
8 just go ahead and support the application, and with that I will  
9 make a motion to approve application 20771 as captioned and read  
10 by the Secretary, and ask for a second. Board Member Smith?

11           MR. SMITH: Second.

12           VICE CHAIR JOHN: Ms. Rose, would you please take the  
13 roll call.

14           MS. ROSE: Please respond with your vote on the motion.  
15 Vice Chair John?

16           VICE CHAIR JOHN: Yes.

17           MS. ROSE: Board Member Smith?

18           MR. SMITH: Yes.

19           MS. ROSE: Commissioner Hood?

20           ZONING COMMISSIONER HOOD: Yes.

21           MS. ROSE: Staff would record the vote as three to zero  
22 to two to approve the application with a motion made by Vice  
23 Chair John, seconded by Board Member Smith with Commissioner Hood  
24 in support of the motion. Chairman Hill not present, not voting,  
25 and one Board seat vacant.

1                   VICE CHAIR JOHN: Thank you. Do we have anything else  
2 on the agenda, Ms. Rose?

3                   MS. ROSE: Staff does not. Just to enjoy your summer  
4 break and see you in September.

5                   VICE CHAIR JOHN: Thank you. And I'd just like to say  
6 to everyone I wish you have a great summer. Stay out of the  
7 heat, get some fun in the sun at the beach if that's what you  
8 like to do and I would like to thank the Office of Zoning Legal  
9 Division, the Office of Planning and OZ Staff, and again Ms. Rose  
10 for filling in today. I think it's been a great year, and will  
11 state that we're adjourning at 1:04 p.m., on the last day of our  
12 calendar.

13                   So, again, have a great summer and I look to seeing  
14 everybody in September.

15                   (Whereupon, at 1:04 p.m., the above-entitled hearing  
16 was adjourned.)

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This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: BZA

Date: 07-26-2023

Place: Teleconference

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

\_\_\_\_\_

JULIE SOUZA