

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

DECEMBER 6, 2023

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice, at 9:30 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA L. JOHN, Vice-Chairperson
CHRISHAUN S. SMITH, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

JOSEPH S. IMAMURA, PhD, AOC Designee
TAMMY STIDHAM, NPS Designee

OFFICE OF ZONING STAFF PRESENT:

MARK HAMALA, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

SHEPARD BEAMON
MAXINE BROWN-ROBERTS
JONATHAN KIRSCHENBAUM
KAREN THOMAS

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OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
CARISSA DEMARE, ESQ.
RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from
the Regular Public Hearing held on December 6, 2023.

CONTENTS

<u>AGENDA ITEM:</u>	<u>PAGE</u>
Application No. 20853 of 1212 Oates Street, LLC . . .	4
Application No. 20997 of Derrick Richardson and 408 Newcomb, LLC	11
Application No. 20982 of JL, 3622 S Street NW, LLC . .	24
Application No. 20993 of 1953 19th Place, LLC	32
Application No. 21002 of Christopher Asta and Jodi Kostelnik	46
Application No. 21001 of 921 6th Street, LLC	47
Application No. 20970 of The Washington Ballet	63

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

2 9:54 a.m.

3 MR. HAMALA: So, first on our public hearing
4 agenda is Application Number 20853 of 1212 Oates Street, LLC,
5 and this is a self-certified application pursuant to Subtitle
6 X 901.2 for a special exception under Subtitle E 204.1, from
7 the rooftop architectural element provisions, Subtitle E
8 204.4, and this is to construct a third-story addition and
9 convert to a flat and existing two-story and cellar principle
10 dwelling unit in the RF1 Zone located at 1212 Oates Street
11 NE, Square 4060, Lot 79. And the preliminary matter before
12 the Board today is a motion for postponement from the
13 applicant.

14 Okay. Are the parties here, Mr. Young? 20853.
15 And Dr. Imamura, when are you with us in January?

16 COMMISSIONER IMAMURA: We haven't determined that
17 yet.

18 CHAIRPERSON HILL: Okay.

19 MR. YOUNG: I only see the party status applicant.

20 MR. HOLMES: This is Martin Holmes. Sorry, I just
21 dropped connection on the Metro, but I am on the phone.

22 CHAIRPERSON HILL: And who are you, Mr. Holmes?

23 MR. HOLMES: Sir, sorry. I am rented party status
24 as a party in opposition to the application on 20853.

25 CHAIRPERSON HILL: Okay. You don't have anybody

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1 here for 20853, Mr. Young, other than the party status?

2 MR. YOUNG: Correct. I think staff is reaching
3 out to them now.

4 CHAIRPERSON HILL: Okay. Mr. Holmes, do you know
5 -- so I think there was a -- Mr. Rueda is going to -- was
6 going to work with you; is that correct?

7 MR. HOLMES: Yes. He is my architect so he works
8 with me on the project.

9 CHAIRPERSON HILL: So you're aware of the request
10 for postponement, then?

11 MR. HOLMES: I am and I have no issue or problem
12 continuing the case.

13 CHAIRPERSON HILL: Okay.

14 MR. HAMALA: My understanding is that Mr. Oliver
15 from Holland & Knight is in Webex, but he's not able to turn
16 on his camera or speak.

17 CHAIRPERSON HILL: Okay. Now I see Mr. Oliver.
18 Mr. Oliver, can you hear me? Could you introduce yourself
19 for the record, please?

20 MR. OLIVER: Yes, of course. This is John Oliver
21 from the law firm of Holland & Knight. Also joining with me
22 is Leila Batties.

23 CHAIRPERSON HILL: Okay. So you guys are
24 requesting -- and this is Westinghouse at I'm just trying to
25 -- look, you guys are requesting a postponement, correct?

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1 MR. OLIVER: Yes, that's correct.

2 CHAIRPERSON HILL: And when is it that you think
3 that you might be ready, and why do you want the
4 postponement?

5 MR. OLIVER: We can be prepared by the end of next
6 month. We are requesting the postponement to meet with the
7 party in opposition just to talk about concerns that he might
8 have.

9 CHAIRPERSON HILL: Okay. Mr. Hamala, can you
10 pronounce your last name for me?

11 MR. HAMALA: Hamala.

12 CHAIRPERSON HILL: Hamala. I don't know why --
13 so Mr. Hamala -- and I'm probably going to get it wrong now
14 for a while because I was saying it so wrong for so long --
15 Mr. Hamala, do you have our docket, and do you know what late
16 January looks like for us? And do you have any idea when Dr.
17 Imamura might be with us?

18 MR. HAMALA: Let's see, for late January, January
19 31st, we have seven hearing applications and one expedited
20 review on the schedule. January 24th, we have an appeal and
21 seven other total applications, and one ER, one expedited
22 review.

23 CHAIRPERSON HILL: There are seven application and
24 an appeal on the same day?

25 MR. HAMALA: There are.

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1 CHAIRPERSON HILL: Okay. That's peculiar.

2 MR. HAMALA: March 20th has one application.

3 CHAIRPERSON HILL: Yes. That's March. What about
4 the first hearing in February.

5 MR. HAMALA: February, let's see here. Well,
6 there's three meetings in February. On February 14th, we
7 have 11 cases that day. That would probably be the most
8 attractive --

9 CHAIRPERSON HILL: All right. So then January
10 21st -- I'm sorry, the January 31st actually sounded like you
11 only had seven on there, which is still a lot. Mr. Oliver,
12 Ms. Batties, are you guys going to be ready by the 31st?

13 MR. OLIVER: Yes, we are.

14 CHAIRPERSON HILL: Okay. Mr. Holmes, can you hear
15 me?

16 MR. HOLMES: Yes, I can, sir.

17 CHAIRPERSON HILL: Okay. Would the 31st work for
18 you?

19 MR. HOLMES: I believe so. I -- I would certainly
20 want to continue working with my architect, Guillermo, and
21 I'm happy to communicate and collaborate with the party to
22 try to figure things out as best we can.

23 CHAIRPERSON HILL: Okay. Great. So Mr. Holmes,
24 I appreciate that we've had this moment to talk together
25 actually, because I've asked for, you know, one of our

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1 architects, who is Dr. Imamura, to be on this case because
2 there was a variety of information that you and Mr. Rueda had
3 put forward. And we've worked with Mr. Rueda several times,
4 and so I know he is knowledgeable and versed on how the Board
5 operates. But I just want to point out something that you
6 could possibly point out to Mr. Rueda, that is that, you
7 know, they're here for the relief from the rooftop
8 architectural elements. Okay. Give me one second. Mr.
9 Young, there's an interpreter in here that just popped in
10 that I don't think is for this case, and so maybe --

11 INTERPRETER: I'm here for the next case.

12 CHAIRPERSON HILL: No problem. I just wanted to
13 make sure the record understands that there is not an
14 interpreter here for this case.

15 So Mr. Holmes, I'm trying to get again is there's
16 a lot of information and we did read through the record, and
17 as I was reading through the record, I was getting more and
18 more concerned that I would like an architect on our panel.
19 And so that's why he's here. But the one thing that I just
20 wanted to point out, you know, the building height measuring
21 point and other issues that are things that have been
22 discussed with your -- things that have been put within the
23 record not necessarily will apply to the relief that's being
24 requested, which is relief from the rooftop architectural
25 element provisions of Subtitle E 2014.1; okay? So just

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1 wanted to focus you on that for the next time we're together,
2 all right, Mr. Holmes?

3 MR. HOLMES: Certainly. I am happy to convey that
4 message to my architect. I am, at the same time, a little
5 bit curious how these other concerns eventually get resolved,
6 because we've brought them up so many times to DOB, and
7 Zoning, and OP, and others, and it's just kind of always fell
8 on deaf ears.

9 CHAIRPERSON HILL: Unfortunately, I don't -- I
10 know that what the Zoning Office -- or the Office of Zoning,
11 any help that they might be able to help you with, they would
12 be happy to do so, meaning our staff. And perhaps you can
13 ask them some questions. I mean what we have before the
14 Board is we're not here to adjudicate other issues. You
15 know, we're here for what's being requested of us before us;
16 right? So that's just something that you should mention to
17 Mr. Rueda and then also perhaps the Office of Zoning, our
18 staff, can answer any further questions that you might have.

19 MR. HOLMES: Great. Is there anyone in specific
20 you would recommend I reach out to within the Office of
21 Zoning, sir?

22 CHAIRPERSON HILL: Sure. Mr. Hamala, do you --
23 like I forget who Mr. Moy -- who within our office, at least,
24 is the person is the public facing person?

25 MR. HAMALA: Mr. Holmes.

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1 CHAIRPERSON HILL: Oh, okay. Great. All right.

2 MR. HOLMES: Thank you very much.

3 CHAIRPERSON HILL: Oh, does he have his
4 information then, Mr. Hamala?

5 MR. HAMALA: I do.

6 CHAIRPERSON HILL: Ok, great. All right. Okay.
7 Mr. Holmes, then we will see you on the 31st of January; all
8 right?

9 MR. HOLMES: Great. Thank you very much.

10 CHAIRPERSON HILL: Okay. Have a nice holiday.
11 Okay, everyone, we'll see you all on the 31st of January.
12 Thank you.

13 MR. OLIVER: Thank you, Mr. Chair.

14 CHAIRPERSON HILL: Bye-bye. Closing this portion
15 of the hearing on the record -- wait I'm sorry -- closing
16 this portion of the hearing, all right, which is just a
17 postponement, so we're going to go to 1/31. Okay.

18 All right. So Dr. Imamura, I guess that's it for
19 you?

20 COMMISSIONER IMAMURA: Mr. Chairman, thank you
21 very much.

22 CHAIRPERSON HILL: Great. Thank you. We'll see
23 you on the 31st then also, Dr. Imamura.

24 COMMISSIONER IMAMURA: Yes, you will.

25 CHAIRPERSON HILL: And I thank you Dr. Imamura.

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1 COMMISSIONER IMAMURA: Until then, the City is in
2 your hands.

3 CHAIRPERSON HILL: Yes. Okay. Thank you.

4 COMMISSIONER IMAMURA: Happy holidays, everybody.

5 CHAIRPERSON HILL: Happy holidays. Bye-bye.

6 Okay. Mr. Hamala, I think we can go ahead and I think we'll
7 still be all right. Go ahead, let's do our public meeting
8 work, and then I think we'll be all right for that
9 interpreter case in terms of their window of availability.

10 MR. HAMALA: Okay. Let's see, I wanted to clarify
11 one thing from earlier, Application 20996, 106 13th Street,
12 LLC has postponed that appeal until January 31, 2024. Amid
13 unclear starts, I wanted to clarify that case has been
14 postponed.

15 (Whereupon, the above-entitled matter went off the
16 record at 10:06 a.m. and resumed at 10:20 a.m.)

17 MR. HAMALA: So our next application and into our
18 public hearing session is 20997, Derrick Richardson, and 408
19 Newcomb, LLC. And this is an application pursuant to
20 Subtitle X 901.2, for a special exceptions; first, under
21 Subtitle C 714.3 from the screening requirements for surface
22 parking of Subtitle C 714.2. Under Subtitle D 207.5, to
23 allow re-wall of a semi-attached building to extend further
24 than 10 feet beyond the farthest rear wall of any adjoining
25 principal residential building on adjacent property; and

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1 would also have two variances pursuant Subtitle X 1003, and
2 that's a use variance from Subtitle U 201 to allow an
3 apartment house of full units; and there is also a variance
4 from Subtitle C Section 2014.1 to allow an expansion of an
5 existing non-conforming use.

6 And the preliminary matter before the Board today
7 is the applicant filed a request for a postponement in order
8 to provide the Office of Planning more information on how
9 they're meeting a hardship.

10 CHAIRPERSON HILL: Okay. If the applicant is with
11 us, can they introduce themselves for the record, please?
12 Mr. Cross, can you hear me?

13 MR. HAMALA: I believe the architect on record is
14 Matt McDonald for 20997 unless -- Matthew McDonald of
15 MCDStudio.

16 CHAIRPERSON HILL: Okay. Give me a second here
17 then. I'm a little -- I'm looking for the applicant. Mr.
18 Young, do you not have Mr. McDonald there with you?

19 MR. YOUNG: He's with me on Webex.

20 CHAIRPERSON HILL: Okay. Mr. Hamala, staff is
21 reaching out to him?

22 MR. HAMALA: We are.

23 CHAIRPERSON HILL: Okay. May I ask, who is the
24 interpreter here for?

25 MR. HAMALA: The interpreter is here for a public

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1 witness, Carrie Ann Young, I believe.

2 CHAIRPERSON HILL: Okay. Mr. Hamala, do you
3 remember how long the interpreter was here with us?

4 MR. HAMALA: I believe the interpret is here until
5 noon.

6 CHAIRPERSON HILL: Okay. Then let me think. We
7 normally take a break around 10:30, so I need Mr. McDonald
8 or somebody from the applicant to understand what is the need
9 and when we could do a postponement. And then I also
10 understand the interpreter is here for a public witness. You
11 guys don't have any luck yet with the applicant, correct?

12 MR. HAMALA: Not yet. Let's see.

13 INTERPRETER 2: I believe he's here but she
14 doesn't have access to turn on her camera, so we can't see
15 her to interpret.

16 CHAIRPERSON HILL: Right. You're speaking about
17 the person who needs the interpretation?

18 INTERPRETER 2: Yes. That is correct. She can't
19 turn on her camera, so we can't see her, so we can't
20 interpret for her.

21 CHAIRPERSON HILL: I appreciate that. You're
22 interpreting what she's allowed to see now because she is a
23 member of the public and, therefore, will testify during the
24 public hearing portion of the case. However, it appears as
25 though this case might be postponed. Therefore, we would

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1 need to postpone it at a time and also arrange for the
2 interpreters to come for the witness. But thank you for your
3 clarification.

4 Okay. I'll tell you what, we sometimes take a
5 break here, and so let's go ahead and take 10 minutes, okay,
6 and we'll come back at like 10:40 or so and see, Mr. Hamala,
7 if you have somebody from this case; okay? Okay. All right.
8 We'll see you guys in a little bit.

9 (Whereupon, the above-entitled matter went off the
10 record at 10:27 a.m. and resumed at 10:55 a.m.)

11 CHAIRPERSON HILL: All right. Mr. Hamala, if you
12 want to go ahead and call the case we were waiting on?

13 MR. HAMALA: Yes.

14 CHAIRPERSON HILL: Can you get us caught up on the
15 case.

16 MR. HAMALA: After a quick recess, the Board is
17 back in session at 10:53 a.m., and we're going to hear
18 Application Number 20997 of Derrick Richardson and 408
19 Newcomb, LLC.

20 CHAIRPERSON HILL: Okay. If the applicant can
21 hear me, if they could introduce themselves for the record,
22 please? You're on mute, I believe.

23 MR. McDONALD: All right. Sorry about that. My
24 name is matt McDonald. I'm the architect for Mr. Richardson
25 and also acting as his agent for the permitting BZA process.

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1 CHAIRPERSON HILL: Okay. All right. Mr.
2 McDonald, it appears as though you're asking for a
3 postponement, and I can see in the record why you're asking
4 for the postponement. I would like to mention that previous
5 cases are not necessarily a precedent for what happens with
6 the Board. Everything is based upon the record on the
7 individual case. However, you are trying to reach some
8 clarification with, it appears, what the relief is that
9 you're requesting and working that out with the Office of
10 Planning; is that correct?

11 MR. McDONALD: Correct. We received their memo
12 on November 22nd, and I met with them virtually to kind of
13 just discuss their commentary, and we'd like to know -- learn
14 some additional information based on that to hopefully gain
15 their support, their full support for the relief we need.
16 So we just didn't have quite enough time between November
17 22nd and today ***10:56:59.

18 CHAIRPERSON HILL: Okay. Can the Office of
19 Planning please introduce themselves for the record?

20 MR. JESICK: Good morning Mr. Chair and Members of
21 the Board, my name is Matt Jesick.

22 CHAIRPERSON HILL: Okay. Mr. Jesick, are you able
23 to help the applicant understand -- it looks like you and the
24 applicant are going to be able to get on the same page at
25 some point, is that correct?

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1 MR. JESICK: Well, we've met with the applicant
2 since we issued our report. The burden is really on the
3 applicant to provide the variance argument, and then we can
4 provide an analysis of any other information that's submitted
5 to the record.

6 CHAIRPERSON HILL: Okay. All right. Mr.
7 McDonald, when do you think you might have things organized
8 so that you can make the argument that you need to make. If
9 the Office of Planning does not think you are either making
10 the argument or in need of making the argument -- I mean it
11 just has to have something before us that the Board is able
12 to work through, like there's some relief that it appears
13 that the Office of Planning necessarily think you need, and
14 then also a use variance and an area variance, or I think
15 it's a use variance that you're looking for, you know, it's
16 a pretty high bar to make an argument for, and so just making
17 sure that everything is in the record for the Board to be
18 able to analyze what you're requesting. You're aware that
19 you need to clean up some things, correct, Mr. McDonald?

20 MR. McDONALD: Correct.

21 CHAIRPERSON HILL: Okay. So that's one thing.

22 MR. McDONALD: And that Mr. Jesick productive
23 conversation last week, we -- to kind of clarify what
24 arguments we need to refine to get -- to get, you know and
25 then they have a better understanding of our -- the relief

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1 needed and why we need it.

2 CHAIRPERSON HILL: Okay. Mr. McDonald, I'm having
3 a little difficulty hearing you.

4 MR. McDONALD: Is this any -- I moved the
5 microphone closer. Is that any better?

6 CHAIRPERSON HILL: It is better. All right. Now
7 I Sergeant Edgerton someone else has come into the witness
8 room. Is it Ms. Joyce?

9 MS. DOYLE: I'm Commissioner Joy Doyle of 8CO2.

10 CHAIRPERSON HILL: Oh, hi, Commissioner Doyle.

11 MS. DOYLE: Hi.

12 CHAIRPERSON HILL: All right. So we're going to
13 end up postponing this, Commissioner, and also, I don't think
14 we have a report yet from your ANC; is that correct?

15 MS. DOYLE: No. But I would like just to express
16 some of my upfront concerns as all of the respective parties
17 continue to work through whatever procedures that you have.
18 I -- we have not brought this before the ANC to decide on
19 this, because the information that we received was not
20 comprehensive enough, and we have not heard from Mr.
21 Richardson directly to just kind of expound upon his interest
22 in 8C-02, what he plans to do with this, really understanding
23 the history or actually lives here in 8C-02. So I would just
24 like an opportunity to be able to tell that story and at
25 least from my constituents' perspective where we're standing.

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1 MR. McDONALD: I believe there was a meeting with
2 the ANC in September of 2022.

3 MS. DOYLE: Not -- for this property on Newcomb
4 Street?

5 MR. McDONALD: Yes, ma'am.

6 MS. DOYLE: Okay. So I was not -- I did not --
7 I must not have been able -- and I've been to every ANC
8 meeting but two, so I don't remember or recall meeting Mr.
9 Richardson.

10 MR. McDONALD: No. I think it was his -- it was
11 someone from my firm and, I guess, a Valery Sunderland, who
12 was working as his contractor who attended that meeting.

13 MS. DOYLE: Okay. So I will go back and ask our
14 chairperson for that to see the results of that. If that
15 were the case, it being disclosed that this wasn't 8C-02 was
16 not present at that time, because I would have absolutely
17 responded. I would just like to ask for a few minutes to
18 again share a little bit about who is living here in 8C-02
19 and who is making up this single member district, and if
20 that's possible.

21 CHAIRPERSON HILL: Yes. Commissioner Doyle, I
22 guess what I request in order for this to be as efficient for
23 all of us -- Mr. McDonald, I think you're going to have to
24 go back to the ANC --

25 MS. DOYLE: Absolutely.

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1 CHAIRPERSON HILL: -- and I think you're going to
2 have to go ahead and -- you know, we will want something from
3 the ANC --

4 MR. McDONALD: I --

5 CHAIRPERSON HILL: -- at least, Mr. McDonald, I
6 can't -- what?

7 MR. McDONALD: That's a fair request. I think
8 we're more than willing to do that.

9 CHAIRPERSON HILL: Let me finish my statement but
10 thank you. If you could go ahead and work with the Office
11 of Planning and understand what it is you're asking for and
12 then approach the ANC; also, the ANC has to understand that
13 there are requests that we're being asked to decide upon with
14 the regulations and the terms of like relief that's being
15 requested and, Commissioner, you know, we look at just the
16 zoning requirements for what is the relief that is being
17 requested before us. And hopefully, that will be clearer the
18 next time they come and present before you. And I think that
19 this is going to take a little bit of time, or it should take
20 a little bit of time. And so Mr. McDonald, I am going to
21 push you back to, I think -- Mr. Hamala, if you could look
22 at our docket, I think February or March even, it looks as
23 though -- you said, I think, that the first -- I think we're
24 full in February. Oh, no. We're full in January and I think
25 you had even told me about the February dates, correct?

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1 MR. HAMALA: February is also pretty full. We
2 have appeals on two of those three hearing dates, and then
3 we have 11 cases on the hearing date that doesn't have an
4 appeal, so would maybe March 6th or March 20th be appealing?

5 CHAIRPERSON HILL: What is March 6th looking like?

6 MR. HAMALA: Right now there are six cases on it.

7 CHAIRPERSON HILL: Okay. Mr. McDonald, do you
8 think you'll be able to clarify everything with the Office
9 of Planning, your applicant, get before the ANC and get back
10 to us by March 6th?

11 MR. McDONALD: Yes.

12 CHAIRPERSON HILL: Okay.

13 MS. DOYLE: I'm sorry, Fred.

14 CHAIRPERSON HILL: That's all right, Commissioner.

15 MS. DOYLE: I had just --

16 CHAIRPERSON HILL: It's Hill. Arrow on it says
17 "Me" on it. I didn't realize.

18 MS. DOYLE: Mr. McDonald, I would just like to
19 strongly advise you -- actually, I would like to hear
20 directly from Mr. Richardson, to contact me directly. I will
21 also work with you to put us -- to have you at the -- you
22 said March, correct, Mr. Hill, for that date?

23 CHAIRPERSON HILL: Yes.

24 MS. DOYLE: Okay. So that would be the second
25 Wednesday in February for the ANC meeting, and we would like

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1 to go forward. I understand -- let me just say that I do not
2 understand and I am not privy to how this operates and what
3 you actually look at in the law when it comes to zoning. But
4 quickly, I would just like to tell you that the community
5 members, the constituents directly in 8C-02 are a group of
6 minority professionals. We are investors in this community.
7 We are mostly homeowners in this community. We would
8 probably classify as Black gentrifiers in this community, and
9 we are really invested in keeping this area a residential
10 area. We are not looking for greater density. So I would
11 just like to say that for the record, that we are only
12 \$10,000 less than the median household income across the City
13 within Ward 8. So I strongly advise you to speak with me
14 directly. I will get you on the ANC but please do a little
15 history about who lives here so that you can be prepared for
16 the questions that we would have for you as far as the
17 interest of this property and the things you're requesting.

18 CHAIRPERSON HILL: Okay. Mr. McDonald, if you
19 want to go ahead and work with the Commissioner. And
20 Commissioner, I guess what we look at is what the -- and the
21 Office of Planning's report right now might be a helpful
22 place for you to start, at least as far as like if you want
23 to take a look at this case, you know, the different issues
24 that are before us in terms of the zoning requirements and
25 what they are able to do or what they plan to be trying to

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1 do is listed out in the Office of planning's report at this
2 point. So that's a helpful place for you to start. Do you
3 know how to access those files?

4 MS. DOYLE: So we have used the Office of Planning
5 Congress Heights Mall Area Plan, and many of our research
6 studies looking at -- taking their data to show how this 8C02
7 area -- 8C01 is a low to moderate residential area. It has
8 already been cited as that in that report. So what we would
9 like to do is to continue that, particularly in 8C02. And
10 we're not looking to expand that but keep it rich with homes,
11 single-family homes and low residential area. So I am happy
12 to work with the Office of Planning, but we have used their
13 resources for our research.

14 CHAIRPERSON HILL: I understand. I appreciate
15 that. If you look at Exhibit 24 within the record, it has
16 the current Office of Planning's report, and that would be
17 a helpful place for you to take a look at. Okay. All right.
18 Then we'll come back and Mr. McDonald, it seems like you do
19 have some work to do with the community. And I think that --
20 I mean you might even -- hopefully, you're ready for us by
21 March 6th, because if you have the -- if you're on the agenda
22 for the ANC in February, then you have a couple of months to
23 get everything kind of organized. Do you have any questions,
24 Mr. McDonald?

25 MR. McDONALD: No. Well I - - I will reach out

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1 to you. Does ANC -- is the ANC email address the best way
2 to contact you, I'll follow-up with you after the call.

3 MS. DOYLE: Yes. I have your email. I'll respond
4 to your email, sir. Thank you.

5 CHAIRPERSON HILL: Okay. Great. Perfect. And
6 for the interpreter to let the witness who needed the
7 interpreter know, during the community hearing portion, we
8 would take testimony from members of the community and I
9 believe that that is who is waiting to speak, and so we will
10 be back here again on March 6th. So Mr. Hamala, if you could
11 also arrange for the interpreter to be available for that
12 hearing, that would be helpful.

13 MR. McDONALD: I think I had one more quick
14 question just on process. So our -- the relief requested was
15 based on a memorandum from DOB, so how -- should I work with
16 OP to kind of resolve any discrepancies from what DOB said
17 we needed versus what OP has decided we needed?

18 CHAIRPERSON HILL: Yes. And you can decide
19 whatever you want to do. It's your application.

20 MR. McDONALD: I understand. If DOB's telling us
21 we need a certain amount relief but OP's telling us we don't,
22 that's kind of -- that's something I'd like to, you know,
23 make sure everybody's on the same page.

24 CHAIRPERSON HILL: I understand. Well, hopefully,
25 the Office of Planning can help and we'll work from that

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1 point; okay?

2 MR. McDONALD: All right. Thank you.

3 CHAIRPERSON HILL: All right. Great. All right.
4 We'll see you guys on March 6th. Okay. All right. We close
5 the hearing.

6 MS. DOYLE: Thank you.

7 CHAIRPERSON HILL: Thank you. Okay. All right.
8 I believe that there is -- I'm going to try to do this first.
9 There's someone who wanted to get pushed back later in the
10 agenda; is that correct, Mr. Hamala?

11 MR. HAMALA: Yes. And that is Application --

12 CHAIRPERSON HILL: 20993?

13 MR. HAMALA: 21002. Let's see, just lost it here.

14 CHAIRPERSON HILL: That's right, 21002. Mr.
15 Young, is there anyone from the public signed up for 210032?

16 MR. YOUNG: (No audible response.)

17 CHAIRPERSON HILL: Okay. Then we're going to go
18 ahead and put that at the end of the day. So we'll put that
19 last, okay, Mr. Hamala?

20 MR. HAMALA: Okay.

21 CHAIRPERSON HILL: All right. We're going to move
22 that to the end of the day. You may call the next one which
23 I think is 20982.

24 MR. HAMALA: Yes.

25 CHAIRPERSON HILL: Okay. Great.

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1 MR. HAMALA: Let's see, so the next is Application
2 Number 20982 of JL 3622 S Street NW, LLC, and this is a self-
3 certified application pursuant to Subtitle X 901.2 for a
4 special exception under Subtitle D Section 207.5 to allow a
5 rear wall of a row building to extend further than 10 feet
6 beyond the farthest wall of any adjoining principal
7 residential building on adjacent property. And this would
8 be for a new third story with roof deck and third-story rear
9 addition in the F-3/GT Zone located at 3622 S Street NW,
10 Square 1306, Lot 40.

11 CHAIRPERSON HILL: Okay. Great. If the applicant
12 can hear me, if they could introduce themselves for the
13 record, please?

14 MR. CROSS: Yes. Good morning. My name is
15 Michael Cross. I'm the architect for the project located at
16 -- oh, wrong project -- 3622 S Street NW. I'm joined here
17 today by Mr. Dunlap, who is the project designer and will be
18 presenting this case.

19 CHAIRPERSON HILL: Okay, Mr. Cross. If you want
20 to go ahead and walk us through your client's application,
21 Westinghouse y you believe they're meeting the criteria for
22 us to grant the relief requested? I'm going to put 15
23 minutes on the clock so I know where we are, and you can
24 begin whenever you like.

25 MR. DUNLAP: I belief -- may I have Mr. Young pull

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1 up the drawings set forth? I'm going to be walking through
2 the case, Mr. Hill.

3 CHAIRPERSON HILL: Okay. Could you introduce
4 yourself for the record, please?

5 MR. DUNLAP: Yes. Ryan Dunlap, project designer
6 for 3622 S Street NW, and we should have a -- there we go.
7 It's -- let me know when they're full screen. Awesome. So
8 I'll go ahead and walk you through and thank you for your
9 time today, Board, Mr. Hill. We're here to discuss the
10 project at property 3622 S Street NW. We're seeking relief
11 from Title 11 Subtitle 207.5 proposing a rear distance
12 greater than 10 feet past adjoining neighbor. Can you flip
13 to page two for me, please, Mr. Young?

14 The property is located on the south side of S
15 Street NW between 36th Street and 37th Street NW. You can
16 flip to the next page for me, Mr. Young? The site plan,
17 you'll see in this image here, the property is -- sorry --
18 the proposed rear addition extends roughly 20 feet past the
19 furthest wall of the neighbor to the west and then roughly
20 2 foot 10-1/2 inches from the furthest wall of the neighbor
21 to the east who actually has an addition as well. You can
22 flip to the next page for me, Mr. Young. Thank you so much.

23 These shadow studies show the anticipated effect
24 of the rear addition. The shadow studies to the left
25 represent the matter of right solution with a 10-foot

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1 addition added to the rear. The shadow studies on the right
2 represent the proposed 20-foot rear addition and
3 apportionments in red show the excess of shadow that's cast
4 from the matter of addition to the relief sought addition.
5 The property is oriented north -- south to north. Therefore,
6 the majority of the shadows cast on the neighboring property
7 are limited to morning and evening and limited in size. You
8 can go to the next page.

9 This first page is a matter of right winter
10 solstice on this page. Summer solstice was on a previous
11 page, and we have summer and fall equinox.

12 You can flip back to the cover sheet for me if you
13 can? So our client has reached out to both the neighbors at
14 3620 and 3624 and has had verbal support from the neighbors
15 at 3620. We do have the client available to speak to that
16 if necessary. Furthermore, we do have a letter of support
17 from the ANC and from the Office of Planning for these plans
18 to be presented here today.

19 CHAIRPERSON HILL: Mr. Dunlap, where are you on
20 3620?

21 MR. DUNLAP: 3620 is, I believe, to the left; 3624
22 is to the right. Our building is in the middle.

23 CHAIRPERSON HILL: The one that hasn't had the
24 expansion yet, what have you heard from that neighbor?

25 MR. DUNLAP: So we've had some attempts to reach

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1 out to that neighbor. The owner has noted that there's a
2 pile up of mail. May assume that there is -- there may be
3 a vacancy. Haven't confirmed that yet but we've had -- the
4 client has reached out multiple times to the neighbor to the
5 right here that you see in the image.

6 CHAIRPERSON HILL: Okay. Thank you. Please
7 continue.

8 MR. DUNLAP: With that, I think I'm open to -- can
9 open the floor with any questions, comments, concerns anyone
10 may have. Thank you for your time.

11 CHAIRPERSON HILL: All right. Well, I was moving
12 through the rest of your slide deck or at least your plans.
13 All right. Let me turn to the Office of Planning first.

14 MS. BROWN-ROBERTS: Good morning, Mr. Chair and
15 Member of the BZA, this is Maxine Brown-Roberts, BZA Case
16 20982, which is a request for special exception relief to
17 allow the construction of a third-story and a rear addition
18 to a two-story with basement dwelling at 3622 S Street. And
19 the building is in the R3/G2 Zone. The relief would result
20 in the building extending 20 feet beyond the rear wall of the
21 house to the west.

22 As outlined in our report, the applicant has met
23 the requirements of Subtitle D 5201 and Subtitle X 901.2.
24 The proposal would be in harmony with the general purpose and
25 intent of the zoning regulations and zoning map as the

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1 addition would expand an existing road dwelling, which is
2 permitted in the R3/GT Zone and will be consistent with the
3 pattern of development along S Street and the wider
4 neighborhood. Proposal would not adversely affect the use
5 of neighboring properties as their light and air would only
6 be minimally impacted over a matter of right project.
7 Privacy will be maintained as there would be no direct views
8 into the neighborhood private areas.

9 The Office of Planning, therefore, recommends
10 approval of the requested special exception. Thank you, Mr.
11 Chairman.

12 CHAIRPERSON HILL: There you, Ms. Brown-Roberts.
13 Just again, the height of the 35-feet was the matter of
14 right, correct?

15 MS. BROWN-ROBERTS: Yes.

16 CHAIRPERSON HILL: Okay. All right. Does the
17 Board have any questions of the applicant or the Office of
18 Planning? Okay. Mr. Young, is there anyone here wishing to
19 speak?

20 MR. YOUNG: (No audible response.)

21 CHAIRPERSON HILL: Mr. Young, can you hear me?

22 MR. YOUNG: There's no one here.

23 CHAIRPERSON HILL: Okay. Great. All right. I'm
24 going to go ahead and close the -- let's see, I'm sorry. Mr.
25 Dunlap, do you have anything you'd like to add at the end?

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1 MR. DUNLAP: No. Just thank you for your time.
2 I think we're finished. Thank you.

3 CHAIRPERSON HILL: Okay. Thank you.

4 MR. DUNLAP: Like I don't know if you had anything
5 that you wanted to add, Michael --

6 CHAIRPERSON HILL: Okay.

7 MR. DAVIS: -- otherwise we are done, Chairman.

8 CHAIRPERSON HILL: All right. I'm going to close
9 the hearing on the record. Okay. I would agree with the
10 application -- or the applicant's -- I'm sorry -- argument
11 as to how they're meeting the criteria for the relief. I
12 appreciate the sun studies and the way that the sun studies
13 were presented showing matter of right versus the requested
14 relief shadowing. I would also believe those shadowings are
15 undue in nature. I would also agree with the analysis the
16 Office of Planning has put forward as well as the support of
17 the ANC. These properties and this type of relief sometimes
18 brings a lot of commentary and comments, and it is, I think,
19 relatively straightforward in what they're asking and that
20 I think I'm comfortable with the extension beyond the 10 feet
21 of the rear wall. So I'll be voting in support. Mr. Smith,
22 do you have anything you'd like to add?

23 MEMBER SMITH: No, Chairman Hill. I would agree
24 with your assessment for this particular case. I do believe
25 they've met the criteria for us to grant the special

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1 exception, and then I'll give OP staff great weight and will
2 support the application.

3 CHAIRPERSON HILL: All right. Great. Thank you.
4 Commissioner Stidham?

5 COMMISSIONER STIDHAM: I AGREE WITH you AS WELL
6 AND I'M PREPARED TO SUPPORT THIS CASE AS WELL.

7 CHAIRPERSON HILL: THANK YOU. Vice Chair John?

8 VICE CHAIR JOHN: Thank you. I agree with OP's
9 analysis as well and the comments of my Board Members, and
10 I also appreciate the shadow studies that show the difference
11 between the matter of right and what's proposed, and I am in
12 support of the application.

13 CHAIRPERSON HILL: Thank you. I'm going to make
14 a motion to approve application Number 20982 as captioned and
15 read by the secretary and ask for a second. Ms. John?

16 VICE CHAIR JOHN: Second.

17 CHAIRPERSON HILL: Motion was made and seconded.
18 Mr. Hamala, if you could please take the roll call?

19 MR. HAMALA: Please respond to the motion to
20 approve the application by Chairman Hill and seconded by
21 Board Member John. Board Member Smith?

22 MEMBER SMITH: Yes.

23 MR. HAMALA: Board Member John -- or Vice Chair
24 John?

25 VICE CHAIR JOHN: Yes.

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1 MR. HAMALA: Chairman Hill?

2 CHAIRPERSON HILL: Yes.

3 MR. HAMALA: Zoning Commissioner Stidham?

4 COMMISSIONER STIDHAM: Yes.

5 MR. HAMALA: Staff will record the vote as 4 to
6 0 to 1 to approve the application on the motion made by
7 Chairman Hill and seconded by Ms. John.

8 CHAIRPERSON HILL: Okay. Great. Thank you, Mr.
9 Hamala. You may call our next case when you have an
10 opportunity.

11 MR. HAMALA: Yes. And I got word from some of the
12 applicants of the impact cases that want to move around, that
13 is no longer necessary. So if I could still proceed in order
14 for 20993, I think they would appreciate that, if that's all
15 right.

16 CHAIRPERSON HILL: Sure. Which one was that
17 again, please?

18 MR. HAMALA: This is --

19 CHAIRPERSON HILL: Which one are you going to call
20 next?

21 MR. HAMALA: 20993.

22 CHAIRPERSON HILL: Okay. That's fine.

23 MR. HAMALA: All right. So next is 20993, of 1953
24 19th Place, LLC. And this is a self-certified application
25 pursuant to Subtitle X 901.2, for a special exception under

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1 Subtitle U 421 to allow a new residential development. And
2 this would be for the creation of two additional dwelling
3 units in an existing apartment house. And this would be in
4 the RA1 Zone, specifically located at 1953 19th Place SE,
5 Square 5764, Lot 815.

6 CHAIRPERSON HILL: Thank you. If the applicant
7 can hear me, if they could please introduce themselves for
8 the record?

9 MR. CROSS: My name is Michael Cross. I'm the
10 architect for the project located at 1953 19th Place SE, and
11 I'm joined here by the project architect, Matthew Lee, who
12 may or may not be in the room currently.

13 CHAIRPERSON HILL: I see Mr. Lee now. Mr. Cross,
14 who's going to be presenting?

15 MR. CROSS: I think I'll be presenting this, or
16 I guess Mr. Lee can walk us through the project, and I'll
17 handle preliminary matters if there are any.

18 CHAIRPERSON HILL: Okay. Mr. Lee, could you
19 introduce yourself for the record, and then go ahead and
20 begin whenever you'd like?

21 MR. LEE: Yes. I'm Matthew Lee. I work at R
22 Michael Cross Design Group. I'm the project designer for the
23 property and BZ application 20993. If we could have the
24 slides up, I can walk through them. Perfect. Thank you very
25 much.

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1 So this property at 1953 19th Place SE, it is the
2 existing 17-unit structure multi-family, and we are proposing
3 to add two new units to the cellar that is currently
4 crawlspace and a storage area. Can we have the Next slide,
5 please.

6 It's existing photos of the exterior at the top
7 showing where in addition to the two units, we are providing
8 some window wells to provide light and egress into those two
9 new units. And the bottom two photos show the current
10 conditions of the spaces that we propose expand those two new
11 units into. Next slide, please.

12 This is the site plan identifying the window
13 wells, the parking, the trash enclosure. Next slide, please.
14 As you can see, with the exception -- or this is the existing
15 conditions, an excavated space and storage. The area on the
16 right, there are exiting units and utilities that are not a
17 part of this scope. Next slide, please.

18 This is the proposed design which shows two new
19 family-size units, three bedroom, one bath that range between
20 800 and 2,850 square feet. See the new areaways, window
21 wells providing access and light and egress. These -- this
22 building is currently under the DHCBS's housing voucher system
23 and will continue to be so including the two new units. No
24 other changes are being proposed as part of this BZ
25 application, and we appreciate your time and happy to answer

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1 any questions.

2 CHAIRPERSON HILL: Okay. Before I get to my
3 fellow Board Members with questions, could I hear from the
4 Office of Planning?

5 VICE CHAIR JOHN: While we're waiting for the
6 Office of Planning, can I ask a quick question about the --
7 whether there are marked areas for screened trash containers
8 on the plan, Mr. Lee?

9 MR. LEE: Yes. Back at that site plan, there is
10 an enclosure for trash on the large parking pad in the rear.

11 VICE CHAIR JOHN: Mr. Young, can we show that
12 slide again?

13 CHAIRPERSON HILL: I think, Mr. Young -- Mr.
14 Young, I think it's slide 3 of that exhibit that you just had
15 up, if you could pull that up again?

16 VICE CHAIR JOHN: Mr. Lee, can you point to where
17 that is?

18 MR. LEE: Yes. So I'm not sure if I can virtually
19 do it, but just a description, if we look at that large
20 rectangular parking pad in the, you know, top left corner,
21 you can see -- yes, there it is -- you can see in the bottom
22 right of that parking pad is a trash enclosure.

23 VICE CHAIR JOHN: Okay. And this meets the
24 condition that the Office of Planning was suggesting?

25 MR. LEE: Yes, we believe so. Through kind of

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1 losing track of some back and forth emails with the Office
2 of Planning, we made this revision a little late but
3 hopefully, this is acceptable. We tried to meet exactly what
4 they requested.

5 VICE CHAIR JOHN: Okay. And the parking striping?

6 MR. LEE: Yes. We're showing parking striping to
7 the left of the building as requested.

8 VICE CHAIR JOHN: Okay. Thank you. I think I see
9 it now.

10 CHAIRPERSON HILL: Okay. Can the Office of
11 Planning hear me?

12 MS. THOMAS: Yes, Mr. Chair. Good morning. Karen
13 Thomas with the Office of Planning. We are in support of the
14 addition of these two units to this existing apartment
15 building. Our only major concern was the cleanup of the
16 property including, you know, us explain the striping and the
17 landscaping, and we would like to see it in better shape than
18 when they start the construction. So if that's going to be
19 included in the plans, we expect that to be in the order, and
20 we rest on the record of our report. Thanks.

21 CHAIRPERSON HILL: Thank you. Does the Board have
22 any questions of the Office of Planning or the applicant?
23 Mr. Young, is there anyone here wishing to speak?

24 MR. YOUNG: We do not.

25 CHAIRPERSON HILL: Okay. Mr. Lee, is there

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1 anything you'd like to add at the end?

2 MR. LEE: (No audible response.)

3 CHAIRPERSON HILL: Okay. I am going to close the
4 hearing and the record. Did I lose Mr. Smith?

5 MEMBER SMITH: I'm here. I'm just having an issue
6 with my camera right now.

7 CHAIRPERSON HILL: Okay. All right. So I didn't
8 particularly have any issues with this. I mean they're
9 adding to the existing apartment house. There's not anything
10 that's being changed within the envelope of the house as far
11 as I understand. And I see that the plans now reflect the
12 condition that the Office of Planning was concerned about,
13 and the plans are not reflecting that in Exhibit 20. And so
14 I am comfortable with the argument that has been made by the
15 applicant, and I will be voting in favor of this application.
16 Mr. Smith, is there anything you'd like to add?

17 MEMBER SMITH: I don't have anything to add. I
18 agree with your assessment of this case and also the
19 applicant's description on the reasons why they meet the
20 requirements for us to grant the request before us. And I
21 give OP's staff report great weight as they also support the
22 application, and we will support approving this.

23 CHAIRPERSON HILL: Thank you. Vice Chair John?

24 VICE CHAIR JOHN: Thank you, Mr. Chairman. I'm
25 in support of the application, and I have no further

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1 comments. I agree with everything that's been said so far,
2 and I support the Office of Planning's analysis and
3 recommendations.

4 CHAIRPERSON HILL: Thank you. And I went after
5 my little order. Commissioner Stidham?

6 COMMISSIONER STIDHAM: No further comments or
7 questions. I agree with OP's analysis, and with the addition
8 of the additional site plan, I'm prepared to support as well.

9 CHAIRPERSON HILL: Great. Thank you. All right.
10 All right, then I'm going to make a motion to approve
11 application Number 20993 as captioned and read by the
12 secretary including that the site plan be admitted into the
13 record and built as such in Exhibit 20 -- yes, Exhibit 20 --
14 as noted in Exhibit 20 concerning the striping and the trash
15 containers as recommended by the Office of Planning and ask
16 for a second. Ms. John?

17 VICE CHAIR JOHN: Second.

18 CHAIRPERSON HILL: Motion was made and seconded.
19 Mr. Hamala, if you could please take a roll call?

20 MR. HAMALA: When I call your name, please respond
21 to Chairman Hill's motion to approve the application. Board
22 Member Smith?

23 MEMBER SMITH: Yes.

24 MR. HAMALA: Vice Chair John?

25 VICE CHAIR JOHN: Yes.

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1 MR. HAMALA: Zoning Commissioner Stidham?

2 COMMISSIONER STIDHAM: Yes.

3 MR. HAMALA: Chairman Hill?

4 CHAIRPERSON HILL: Yes.

5 MR. HAMALA: The motion passes 4 to 0 to 1 to
6 approve the application on the motion made by Chairman Hill
7 and seconded by Vice Chair John.

8 CHAIRPERSON HILL: Thank you, Mr. Hamala. You may
9 call our next one when you get an opportunity.

10 MR. HAMALA: Our next application is Number 20112,
11 Christopher Asta and Jodi Kotelnik, and this is a self-
12 certified application pursuant to Subtitle X 901.2 for a
13 special exception first under Subtitle C 711.11 from the
14 access requirements of Subtitle C Section 711.7, and a
15 special exception under Subtitle E 5201 from the lot
16 occupancy requirements of Subtitle E 210.11, and from the
17 accessory building area requirements of Subtitle E 5003.1.
18 And let's see, this is for a two-story accessory structure
19 in the rear yard in the RF1 Zone at 518 Taylor Street NW,
20 Square 3231, Lot 93.

21 CHAIRPERSON HILL: Okay. Wait a minute, this is
22 21003?

23 MR. HAMALA: It is.

24 CHAIRPERSON HILL: Okay. All right. If the
25 applicant can hear me, if they can introduce themselves for

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1 the record?

2 MR. SULLIVAN: Marty Sullivan on behalf of the
3 applicant.

4 CHAIRPERSON HILL: Okay, Mr. Sullivan. If you can
5 walk us through your client's application, why you believe
6 they're meeting the criteria for us to grant the relief
7 requested? I'm going to put 15 minutes on the clock so I
8 know where we are, and you begin whenever you like.

9 MR. SULLIVAN: Thank you. If Mr. Young could
10 please load the presentation? So the property is 518 Taylor
11 Street NW.

12 Next slide, please. The property is in the RF1
13 Zone. It's improved with a single-family row dwelling. The
14 applicant has constructed a new two-story garage at the rear
15 of the property. This accessory building was approved
16 incorrectly at first. There were two steps to the current
17 noncompliance essentially. Step one was DOB approved a
18 footprint that was larger than it should have been and
19 construction continued with a permit. And then that
20 construction, due to contractor error, was built even larger
21 than what was incorrectly approved.

22 So at any rate, here we are asking for relief for
23 what is currently just about finished there. And the relief
24 is for the accessory structure footprint. The maximum
25 footprint is 450 feet. The proposed is 637 square feet. So

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1 accordingly, the applicant's requesting special exception
2 approval to pursuant to E 5201 from the limitations on the
3 accessory building footprints in the RF1 Zone. The total lot
4 occupancy for the property will be 64 percent, so relief is
5 required for that as well and for the height requirement of
6 the garage door opening. Next slide, please.

7 ANC 4C has voted unanimously in support of the
8 application, and the Office of Planning is recommending
9 approval. DDOT has no objection, and there's a letter of
10 support from one of the adjacent neighbors. Next slide,
11 please.

12 So here's the aerial of the property. Next slide,
13 please. This is the in progress not currently finished
14 accessory building that we're asking approval for as viewed
15 from the principal building. Next slide, please. And there
16 is the accessory building as viewed from the alley. Next
17 slide, please. Next slide, please. These are floor plans
18 for the accessory building. Next slide, please. Here is
19 elevations of the building; to the rear, elevation on the
20 left, and the interior elevation on the right. Next slide,
21 please. And a side elevation. Next slide, please.

22 The requirement is in harmony with the purpose and
23 intent of the regulations and zoning maps. The property is
24 in the RF1 Zone. It's a two-family dwelling property -- I'm
25 sorry -- single-family row dwelling, and we're within the 70

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1 percent special exception limit at 64 percent. And all this
2 relief is required by special exception. Next slide, please.

3 The proposed accessory building is at the rear of
4 the property. It's limited to two stories and the height is
5 20 feet, just two feet shorter than maximum. The applicant
6 is requesting relief for the footprint, and the height and
7 number of stories is permitted as a matter of right, and the
8 additional 4 percent lot occupancy will not unduly affect
9 light and air available to the neighboring properties.
10 There's no east- or west- facing windows and so the privacy
11 use in adjoining and neighboring properties shall not be
12 unduly compromised, and there's no roof deck as well on the
13 accessory building.

14 And the proposed addition together with the
15 original building as viewed from the street and alley, not
16 a public way, shall not substantially visually intrude upon
17 character, scale, and pattern of houses along the street.
18 It's not -- it fits -- within the alley, there's other
19 accessory buildings along the alley. Next slide, please.

20 Regarding the height, so those -- that special
21 exception and criteria they want to apply to both lot
22 occupancy and to the footprint of the accessory building.
23 The specific criteria for the height of the garage roof are
24 not entirely clear, so we just address it as the general
25 requirement. The door opening height is going to be about

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1 seven feet, and the average car height of a rather large car
2 is still safely under that. As I've said in the past, I'm
3 not sure what the purpose of this requirement is. I don't
4 think any residential building has a 10-foot high garage
5 opening, but when we come to BZA for other relief, we ask for
6 this relief. Next slide, please. I think that's it. Yes,
7 that's it.

8 CHAIRPERSON HILL: Okay. Before I turn to my
9 Board Members, can I turn to the Office of Planning?

10 MR. KIRSCHENBAUM: Chair Hill, Members of the
11 Board of Zoning Adjustment, I am Jonathan Kirschenbaum with
12 the Office of Planning working on the approval to legalize
13 this accessory building and recommend the Board approves this
14 lot occupancy building area and parking access requirements.
15 Please let me know if you have any questions. Thank you.

16 CHAIRPERSON HILL: Thank you. Does the Board have
17 any questions of the Office of Planning or the applicant?
18 Mr. Young, is there anyone here wishing to speak?

19 MR. YOUNG: We do not.

20 CHAIRPERSON HILL: Okay. Mr. Sullivan, I am a
21 little curious about your ANC letter. It says the ANC, they,
22 the applicant entered into a voluntary neighborhood
23 agreement, which is attached.

24 I didn't see anything necessarily attached. Do
25 you know what that refers to?

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1 MR. SULLIVAN: There was an agreement that we
2 worked with on the ANC. And they didn't actually mention it
3 in the meeting itself, the letter.

4 We came to an agreement before the ANC meeting.
5 The letter wasn't mentioned in the meeting. I don't know why
6 he didn't attach it, but there is such an agreement.

7 CHAIRPERSON HILL: I mean, obviously it has, it's
8 just what the applicant worked out with the ANC, I just am
9 curious. It's not something that would be within the Board's
10 purview, but I am sometimes curious as to what the ANC is
11 doing with these applications.

12 Do you know what the agreement was about?

13 MR. SULLIVAN: Yes, it was all things that I don't
14 think were directly related to the relief, but were
15 reasonably related to other concerns as a result of this
16 accessory building.

17 CHAIRPERSON HILL: Were those like communication
18 and you know, access, or you don't recall?

19 MR. SULLIVAN: I'm going to look and see if I can
20 find the agreement. Noise was one of the, just, and I'm not
21 sure what that was.

22 One of the neighbors that didn't live that close
23 by brought up some issues and, about noise. And so, that was
24 one of the things in there.

25 Let me see. I'm not sure if I have, I may not

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1 have the agreement. It may have been worked on directly
2 between Mr. Askins --

3 (Simultaneous speaking.)

4 CHAIRPERSON HILL: Okay, that's fine.

5 MR. SULLIVAN: -- and the ANC.

6 CHAIRPERSON HILL: That's fine. I was just
7 curious.

8 All right, Mr. Sullivan, do you have anything you
9 would like to add at the end?

10 MR. SULLIVAN: No, thank you.

11 CHAIRPERSON HILL: Okay, all right, I'm going to
12 close the hearing and record. Thank you.

13 Okay, although this is odd in that this is already
14 there and we then do have an opportunity to I guess, look at
15 it while it's there and then also the ANC had an opportunity
16 to look at it while it's there, I would still however, agree
17 with the fact that the applicant is meeting the criteria for
18 us to grant this particular relief.

19 I was not necessarily concerned with the height
20 of the garage. However, I understand if that's, I think that
21 they are able to get cars in and out of there, and that the
22 height of the garage is not an issue for me.

23 So, I will be voting in favor of this application.

24 Mr. Smith, do you have anything you would like to
25 add?

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1 MEMBER SMITH: (Audio interference) as stated, and
2 will support the application.

3 CHAIRPERSON HILL: Thank you.

4 Commissioner Stidham?

5 COMMISSIONER STIDHAM: Coming off mute. I don't
6 have anything to add, either. I'm willing to support.

7 Thank you.

8 CHAIRPERSON HILL: Thank you.

9 Vice Chair John?

10 VICE CHAIR JOHN: So, I agree this is fairly
11 straightforward although the accessory structure was already
12 built. But as you said, Mr. Chairman, the neighbors had an
13 opportunity to experience whether there would be any adverse
14 impacts and apparently, there is no opposition.

15 And, I agree with the Office of Planning's report
16 that the application meets the criteria for approval. And
17 I'll give great weight to the ANC's report except for the
18 comment about the attachment, which is not included in the
19 record, and as you said, is not germane to the Board's
20 decision. So, I'm in support.

21 CHAIRPERSON HILL: Thank you.

22 All right, I'm going to make a motion to approve
23 Application Number 21002 as captioned and read by the
24 secretary, and ask for a second.

25 Ms. John?

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1 VICE CHAIR JOHN: Second.

2 CHAIRPERSON HILL: Motion made and seconded. Mr.
3 Hamala, if you could take a roll call.

4 MR. HAMALA: When I call your name, please respond
5 to Chairman Hill's motion to approve this application.

6 Board Member Smith?

7 MEMBER SMITH: Yes.

8 MR. HAMALA: Vice Chair John?

9 VICE CHAIR JOHN: Yes.

10 MR. HAMALA: Zoning Commissioner Stidham?

11 COMMISSIONER STIDHAM: Yes.

12 MR. HAMALA: And, Chairman Hill?

13 CHAIRPERSON HILL: Yes.

14 MR. HAMALA: Staff would record the vote as 4:0:1
15 to approve the application on the motion made by Chairman
16 Hill, and seconded by Vice Chair John.

17 CHAIRPERSON HILL: Thank you.

18 All right, Mr. Hamala, you can call our next case
19 when you have an opportunity.

20 MR. HAMALA: Our next application is Number 21001
21 of 921 6th Street, LLC. And this is a self-certified
22 application pursuant to Subtitle X, Section 901.2, for a
23 special exception under Subtitle C, 909.2 from the loading
24 requirements of Subtitle C, 901.1.

25 And a special exception under Subtitle C, Section

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1 1501(e), to allow an eating and drinking establishment
2 located within habitable penthouse space.

3 And alternatively, the applicant has also
4 requested a variance pursuant to Subtitle X, 1002 from the
5 loading requirements of Subtitle T -- Subtitle C, 901.1.

6 And, this is for a new 13-story building with a
7 lodging use and restaurant and habitable penthouse space in
8 the D4R zone at 917 6th Street NW, Square 484, Lot 30.

9 And there are also just a quick preliminary matter
10 before the Board. The applicant has proffered two expert
11 witnesses, one who is already in the witness book, Erwin
12 Andres, as an expert in transportation planning.

13 And, a second who is not in the witness book,
14 Peter Fillat, apologies if pronounced your name incorrectly,
15 as an expert in architecture.

16 CHAIRPERSON HILL: Okay, great.

17 All right, as far as the preliminary matter, Mr.
18 Andres has been before us many times and so I don't have him
19 being, I don't have any issues with him being an expert in
20 transportation planning.

21 Mr. Fillat, and I do know if I'm not pronouncing
22 that correct, I don't have any issues with you being admitted
23 as an expert in architecture as you are an architect.

24 So, if the applicant could hear me, if they can
25 introduce themselves for the record, please.

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1 MR. JOHNSON: My name is Justin Johnson, I'm the
2 owner/representative for the applicant.

3 CHAIRPERSON HILL: Okay, Mr. Johnson, are you
4 going to be presenting for us?

5 MR. JOHNSON: I'm going to start the presentation,
6 then pass it to our team.

7 CHAIRPERSON HILL: Okay.

8 Ms. Bloomfield, are you going to be speaking?

9 MS. BLOOMFIELD: Yes, sir.

10 CHAIRPERSON HILL: Could you introduce yourself
11 for the record, please?

12 MS. BLOOMFIELD: Yes, Jessica Bloomfield with the
13 law firm of Holland & Knight.

14 CHAIRPERSON HILL: Okay.

15 So, Ms. Bloomfield, this has happened a few times
16 with us and I just want to clarify something, that I
17 understand that you know, it's a self-certified application
18 and I understand what you have before us.

19 And, your alternative, which is for the area
20 variance, that is something that you could argue as well.
21 However, the Board would then have to make a determination
22 on both requests.

23 And the, we wouldn't necessarily be able to make
24 a vote if there was a, oh, sorry, alternate relief. And we
25 wouldn't necessarily be able to even I guess approve it if

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1 it was necessarily moot.

2 We'll go ahead and have you present and see where
3 we get. And I'm going to go ahead and turn back over to Mr.
4 Johnson, and you can begin whenever you like, sir.

5 MR. JOHNSON: Thank you.

6 If Mr. Young would share the presentation, that
7 would be great.

8 (Pause.)

9 MR. JOHNSON: Thank you.

10 We are proposing a 117-key upper upscale hotel
11 inclusive of F and B at the ground floor and the penthouse.

12 Next slide, please.

13 The site is in the Mt. Vernon submarket, excuse
14 me, Mt. Vernon Triangle submarket. It is mid-block with the
15 Hampton Inn to the south, the Rebel Taco to the north. It
16 is at the 6th and K Street NW intersection.

17 The immediate neighborhood includes commercial
18 office, multi-family residential, and retail on the
19 surrounding blocks.

20 We could not be more excited about this location.
21 We are very pleased to have support from the community, and
22 the ANC.

23 Assuming all goes as planned today, we intend to
24 jump immediately into design and engineering, and submit for
25 building permit in short order.

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1 While the proposed use is by right, we are here
2 today to discuss two specific areas of zoning relief to this
3 point.

4 I'll pass the presentation along to Jessica, our
5 zoning attorney.

6 Thank you again for the time today.

7 CHAIRPERSON HILL: Thank you, Mr. Johnson.

8 MS. BLOOMFIELD: Thank you, Justin. You guys can
9 hear me okay?

10 CHAIRPERSON HILL: Yes.

11 MS. BLOOMFIELD: Okay.

12 Again for the record, Jessica Bloomfield with the
13 law firm of Holland & Knight. We are here presenting an
14 application to develop property on 6th Street just south of
15 K Street, with a 13-story lodging building.

16 The property is located as you can see on the map,
17 in the D4R zone, and is within the Mt. Vernon Triangle
18 subarea. The property is presently vacant, so we're very
19 excited to get rolling on this.

20 The property has frontage only on 6th Street, and
21 is otherwise surrounded on all sides by private property with
22 the one exception that there is approximately three feet of
23 frontage along a 10-foot public alley at the rear of the
24 site.

25 Next slide, please.

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1 The application requests two areas of relief. One
2 is a special exception to allow for the eating and drinking
3 establishment, and penthouse habitable space.

4 And one is for a special exception to not provide
5 the one required onsite loading berth, that would otherwise
6 be required.

7 And Commissioner, I'm sorry, Board Member Hill,
8 Chairman Hill, I'll respond to your question now, which is
9 we originally requested the variance out of an abundance of
10 caution.

11 At this point, we have received support from
12 Office of Planning and DDOT, that the special, that we meet
13 the special exception criteria.

14 So, we are more than happy to pull the request for
15 the variance, and so we'd be happy to not address that at all
16 and just ask for the Board to vote on the special exception
17 for the loading berth relief.

18 CHAIRPERSON HILL: Okay.

19 So, I don't mind, I understand Ms. Bloomfield,
20 what you're trying to do and we will go ahead and continue
21 to move forward with your application as you are presenting
22 it.

23 I will need you to submit a new self-certified
24 application that removes the requested area variance. And,
25 you can go ahead and continue with your presentation.

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1 Thank you.

2 MS. BLOOMFIELD: That's great, that's not a
3 problem. We can do that right after this presentation.

4 If you could please go to the next slide.

5 Briefly, we are very pleased to have support not
6 only from the surrounding community, but from the affected
7 ANC 6E, from Office of Planning, and from DDOT.

8 After meeting with the ANC and its commissioners
9 a couple of times, the application received unanimous support
10 at the ANC's public meeting in September.

11 We also met with OP and OP's report filed in the
12 case record, recommends approval of the application. And we
13 met with DDOT as well.

14 DDOT recommended approval with one condition, that
15 the applicant implement the loading demand management plan
16 that is in the case record at Exhibit 26A.

17 And as we will go through in our presentation, we
18 agreed to implement the loading management plan as agreed to
19 with DDOT. And include compliance with the loading
20 management plan as a condition in the final order.

21 With that, I'm going to turn it over to our
22 architect, Peter Fillat, to go through the floor plans and
23 elevations briefly.

24 MR. FILLAT: Good morning. Can everybody hear me?

25 CHAIRPERSON HILL: Yes.

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1 MR. FILLAT: Okay, great. Let's go to the next
2 slide.

3 CHAIRPERSON HILL: If you could introduce yourself
4 for the record, please, sir?

5 MR. FILLAT: Yes, my name is Peter Fillat, I'm an
6 architect in Washington, D.C. The name of my company is
7 Fillat + Architecture.

8 CHAIRPERSON HILL: Thank you.

9 MR. FILLAT: Okay, so what we're looking at here
10 is the site plan. What's outlined in red is the lot, and
11 really the building occupies the square portion of that lot.

12 So we'll go, and to the north of the site is some
13 lower scale buildings that are historic in nature. And to
14 the south side of the site at the bottom of the page, is an
15 adjacent 13-story building.

16 Let's go to the next slide.

17 Okay, the ground floor plan will have a lobby and
18 an entrance directly off of 6th Street. There will be some
19 small back house area, the fire control room, kitchen, et
20 cetera, all on the ground floor with a rear exit and service
21 entrance coming off and into that little three-foot walkway
22 connecting to the alley.

23 Next slide.

24 Typical floor plan. It's a very efficient
25 building. It has guest rooms facing east and west with a

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1 core sort of located in the center of the building.

2 Next slide.

3 The rooftop will have rooftop venue that faces and
4 opens out onto, to roof terrace. To the west is our, a
5 folding door kind of design, and then a wall, and/or Renlita
6 showing opening to the left or west side of the site.

7 To the east side of the site is a green roof and
8 will be the location of the kitchen and the bathrooms. So
9 there will be no access to the site along the east side of
10 the rooftop.

11 Next slide.

12 So we have a really beautiful little tower that
13 we're building here. The exterior material is glass and sort
14 of a stainless finish metal panel, ribbed finish. It will
15 glow beautifully in the evening.

16 Next slide.

17 Same. This is the west -- or the east elevation
18 so it's very similar facade facing to the east and the west.

19 Next slide.

20 And then to the north will be fewer glazing
21 panels. These are really on the, where the staircase exists.
22 The side of the guestrooms won't have windows.

23 Next slide.

24 And, I think that's it for me.

25 MS. BLOOMFIELD: Thank you, Peter. I'm going to

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1 just for the record, quickly run through the zoning relief
2 that we're requesting.

3 As I mentioned, the first is to allow for an
4 eating and drinking establishment in the penthouse; and, the
5 second is to not provide loading onsite.

6 Regarding the penthouse, the proposed eating and
7 drinking establishment will be in harmony with the general
8 purpose and intent of the zoning regulations, and zoning map.

9 This use is fully consistent with the goals of the
10 D4R zone and the Mt. Vernon Triangle subarea. These promote
11 the development of a high-density mixed-use neighborhood and
12 in fact, identify eating and drinking establishments as a
13 preferred use.

14 The use will also not adversely affect neighboring
15 properties. The penthouse has been designed to minimize all
16 potential impacts, and is fully consistent with other eating
17 and drinking establishment uses in the immediately
18 surrounding area.

19 This use will enliven the streetscape and provide
20 a unique dining establishment for hotel guests, and the
21 public in general.

22 Next slide, please.

23 Regarding the loading relief, relief may be
24 granted as a special exception if the proposed use will not
25 generate a, sorry, will generate a lower loading demand than

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1 the minimum required as a result of a loading demand
2 management plan approved by DDOT.

3 As I previously said, we have worked closely with
4 DDOT on the loading management plan, and we have established
5 a mutually agreed upon loading management plan, which will
6 result in generating a lower demand than otherwise required,
7 which is consistent with the standard.

8 As requested by DDOT, all loading and trash
9 activities will occur from the public alley at the rear of
10 the site.

11 And if you go to the next slide, please, this is
12 just a summary of the loading management plan that's included
13 at Exhibit 26A.

14 It provides for the designation of a loading dock
15 manager, who will coordinate and schedule deliveries. They
16 will monitor all truck maneuvers to maximize safety,
17 coordinate with vendors, coordinate with delivery drivers,
18 to ensure efficient use and safe use of the public alley.

19 Next slide, please.

20 The loading relief meets the special exception
21 criteria. It is in harmony with the general purpose and
22 intent of the D4R zone and the subarea, to establish uses
23 that contribute to the vitality of the neighborhood, activate
24 the streetscape, and result in a pedestrian-oriented
25 environment.

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1 Our loading management plan will ensure that the
2 relief will not adversely affect the use of neighboring
3 properties by safeguarding against adverse impacts to
4 surrounding traffic patterns, and providing for safe
5 pedestrian and bicycle movements in the surrounding streets.

6 Accordingly, we believe the request to not provide
7 an onsite loading berth fully meets this special exception
8 criteria.

9 The next slide please, is how we meet the relief
10 under an area variance, which at this point in the
11 presentation, I was going to let the board members know we
12 didn't believe we had to prove because we believe we meet the
13 special exception standards.

14 So if you go to the next slide, I would close our
15 presentation and simply reiterate that the application is
16 fully supported by OP, DDOT, and the affected ANC and that
17 we would respectfully request the Board's approval today.

18 Thank you.

19 And we have our traffic consultant Erwin here as
20 you saw, in case you have questions for him as well.

21 CHAIRPERSON HILL: Thank you, Ms. Bloomfield.

22 Do you know when you might be able to submit a
23 revised self-certified application?

24 MS. BLOOMFIELD: We can do it today.

25 CHAIRPERSON HILL: Okay.

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1 MS. BLOOMFIELD: We can do it, I mean, if you want
2 to do it before the end of your hearing if that made voting
3 easier, we could probably do that.

4 CHAIRPERSON HILL: Ms. Bloomfield, if you can kind
5 of start to work on that as I get through this application
6 and submit it, we're going to, we have one more case after
7 this.

8 If I can get back to you by the end of the day,
9 that would be my preference.

10 MS. BLOOMFIELD: Yep.

11 CHAIRPERSON HILL: So, we will continue forward.

12 MS. BLOOMFIELD: Actually, it looks like our
13 wonderful associate prepared it while we were speaking and
14 I can submit it right now.

15 What's the best way to file it? Should we send
16 that to Mr. Young?

17 CHAIRPERSON HILL: Mr. Hamala, do you have a
18 answer?

19 MR. HAMALA: To BZAsubmissions@dc.gov. That will
20 be the fastest way.

21 MS. BLOOMFIELD: All right, we'll do that right
22 now. But we're happy to wait until after your next case if
23 you all want to review it.

24 CHAIRPERSON HILL: Sure. We'll see how that
25 happens and then Mr. Hamala, if you could just add that to

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1 the record so that the Board can take a look at that.

2 MR. HAMALA: We'll have it added.

3 CHAIRPERSON HILL: Thank you.

4 In the meantime, I'm going to turn to the Office
5 of Planning.

6 MR. BEAMON: Good afternoon actually. Shepard
7 Beamon with the Office of Planning.

8 OP finds that the request meets the review
9 criteria outlined in the zoning regulations. And recommends
10 that the Board grant approval for the requested relief from
11 the loading and penthouse regulations.

12 OP staff, sorry, we determined that the requested
13 area variance was not necessary, and we stand on the record
14 as shown in the report in Exhibit 30.

15 And we are available for any questions. Thank
16 you.

17 CHAIRPERSON HILL: Thank you.

18 Let's see. Does the Board have any questions for
19 the applicant and/or the Office of Planning?

20 (No audible response.)

21 CHAIRPERSON HILL: Ms. Bloomfield, how did it go
22 with the ANC? I mean, I know that Mr. Kenyattah Robinson
23 over there at the Bid, he's very efficient and does a lot of
24 work with everyone.

25 But how did it go with the ANC?

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1 MS. BLOOMFIELD: The ANC went wonderfully. We met
2 with the SMD once or twice. We met with the full ANC and
3 they voted unanimously. Really had no issues to speak of.

4 Justin, if you want to add any color to that, I
5 know you had the initial engagement with them. Their letter
6 is in the case record at Exhibit 22.

7 MR. JOHNSON: (Audio interference) this project
8 as we are.

9 CHAIRPERSON HILL: Okay, great.

10 I am curious about one thing. Those windows that
11 are on the, the windows that you are going to have, are those
12 at-risk windows?

13 MR. JOHNSON: They are.

14 CHAIRPERSON HILL: They are?

15 MR. JOHNSON: They are.

16 CHAIRPERSON HILL: Okay.

17 MR. JOHNSON: The retail has a historic component,
18 the facade. So the probability is very low, but it is
19 technically at-risk and we recognize that.

20 CHAIRPERSON HILL: Okay, thank you.

21 All right, let's see. Mr. Young, is there anyone
22 here wishing to speak?

23 MR. YOUNG: We do not.

24 CHAIRPERSON HILL: Okay.

25 Let me see if the staff. There's that revised

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1 self-cert. No.

2 Okay, again, let me do this, Ms. Bloomfield. I'm
3 going to wait until the staff has uploaded the revised self-
4 cert so the Board can take a look at that.

5 And we'll bring you back after our next case, if
6 the Board has any questions after having an opportunity to
7 look at that revised self-cert.

8 So at this moment, I'm going to close the hearing
9 and the record except for that revised self-cert that's going
10 to be added, and we'll come back and see you after our next
11 case.

12 MS. BLOOMFIELD: Thank you very much. It has been
13 emailed as requested, so we look forward to connecting with
14 you after your next case.

15 CHAIRPERSON HILL: Great, thank you.

16 All right, so my fellow Board Members, I'm just
17 going to take a quick five minutes, if I could, if that would
18 be all right with you guys.

19 The day has gotten a lot shorter than I had
20 thought because we have moved a variety of things, so I think
21 we're going to be able to do everything before lunch if
22 that's all right with you all. And then we'll get our day
23 back to us.

24 So let's just take a quick five, 10 minutes,
25 whenever y'all get back is whenever y'all get back but I'm

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1 just going to take a quick break.

2 Thank you.

3 (Whereupon, the above-entitled matter went off the
4 record at 12:06 p.m. and resumed at 12:20 p.m.)

5 CHAIRPERSON HILL: Okay, Mr. Hamala, are you
6 there? Hamala.

7 (No audible response.)

8 MEMBER SMITH: You'll get it at some point,
9 Chairman. It's all right.

10 CHAIRPERSON HILL: Ham, Hamala?

11 MEMBER SMITH: Yes.

12 CHAIRPERSON HILL: It's the Vice President that's
13 screwing me up, sorry.

14 (Laughter.)

15 CHAIRPERSON HILL: Okay.

16 Why, thank you, Mr. Smith, because I kind of, you
17 know, we're getting there.

18 All right, okay, Mr. Hamala, if you want to go
19 ahead and call the next case, please.

20 MR. HAMALA: Yes, our next case is Application
21 Number 20970, the Washington Ballet. And this is a self-
22 certified application pursuant to Subtitle X, 901.2 for a
23 special exception under Subtitle U, Section 203.1(m), to
24 expand existing private school use with modification of
25 previously adopted conditions.

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1 And, pursuant to Subtitle X, 1002, there are two
2 area variances from the four-area ratio requirements of, let
3 me see, Subtitle F, 201.1, and from the lot occupancy
4 requirements of Subtitle F, 210.1. This is to, at 3315
5 Wisconsin Avenue, NW, Square 1911, Lot 20, and in the RA1,
6 RA-1 zone.

7 CHAIRPERSON HILL: Okay, thank you.

8 Can the applicant hear me? If so, could they
9 introduce themselves for the record?

10 MR. TUMMONDS: Yes, absolutely. For the record,
11 my name is Paul Tummonds, joining counsel with Goulston &
12 Storrs. Also with me here this afternoon are Lee Templin
13 from Goulston & Storrs, as well as our witnesses.

14 We'll have three witnesses this afternoon. The
15 first is Karen Shepherd, interim managing director of the
16 Washington Ballet.

17 Our second witness will be Bettina Neudert-Brown,
18 architect with Smith Group. And then our final witness will
19 be Jim Watson, with Wells & Associates.

20 We have previously submitted the expert witnesses,
21 or I'm sorry, the resumes of both Ms. Neudert-Brown and Mr.
22 Watson, and we requested that they be admitted as experts in
23 the fields of architecture and transportation engineering.

24 CHAIRPERSON HILL: Okay. Let me just take a look
25 at them real quick here.

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1 (Pause.)

2 CHAIRPERSON HILL: Okay, unless the Board has any
3 issues, I don't have any issues with either Mr. Watson or Ms.
4 Neudert-Brown being added as experts in both transportation,
5 and architecture.

6 Ms. Milanovich is not with you today, is that
7 right, MR. Tummonds?

8 MR. TUMMONDS: No, Mr. Watson will be playing that
9 role.

10 CHAIRPERSON HILL: Okay, great. All right, Mr.
11 Tummonds, if you want to go ahead and walk us through your
12 client's application and why you believe they're meeting the
13 criteria for us to grant the relief requested, I'm going to
14 put 15 minutes on the clock so I know where we are.

15 And you can begin whenever you like.

16 MR. BEAMON: Fantastic. If Mr. Young could pull
17 up our presentation, and while he's doing that, so thank you.

18 As Mr. Hamala noted, we are requesting special
19 exception and variance relief. This special exception and
20 variance relief will allow the Washington Ballet to remain
21 in its home, a home that it has been in for over 75 years.

22 This application has received the support of the
23 Office of Planning, and DDOT. In both instances, they had
24 conditions that we are accepting. We agreed to those
25 conditions, and importantly, I would also say that we also

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1 have the full support of ANC 3A.

2 And there is no opposition to this application in
3 the record, nor have we heard any opposition to this case
4 throughout the process, a process that I might add where
5 we've presented three separate times to ANC 3A.

6 With that, I'd now ask Ms. Shepherd to present her
7 testimony.

8 MS. SHEPHERD: Good afternoon Chair Hill, and
9 members of the Board. My name is Karen Shepherd. I am the
10 interim managing director of the Washington Ballet. We are
11 delighted to present this project to you today.

12 The Ballet has operated at our 3515 Wisconsin
13 Avenue location for a remarkable 75+ years. During this
14 time, the school has provided dance instruction to thousands
15 of District youth and adults, as well as training for some
16 of the very best professional dancers in the world.

17 The Ballet is a 501(c)(3) not-for-profit
18 organization. Our mission is to provide high quality arts
19 education to the District. We provide over \$300,000 in
20 scholarships annually to D.C. school children and residents,
21 in order to make arts education more accessible. In fact,
22 today, I am at the Warner Theatre for our student matinee
23 welcoming 1,700 D.C. public school students.

24 The Ballet has put on decades of performances
25 including the Nutcracker, performed here at the Warner, and

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1 at the Town Hall Arts and Recreation Campus, the ARC, in
2 southeast D.C. in Ward 8.

3 During our tenure, our existing facilities have
4 become outdated. These facilities are currently housed in
5 one building that is composed of several wings, constructed
6 in 1915, 1958, 1964, and 1995.

7 As you might imagine, the 1915 portion is
8 particularly in need of updates.

9 Given the condition of our existing facilities,
10 approval of this project is essential for the school and our
11 company, to sustain our mission.

12 The proposed project will demolish the oldest
13 portion of the building and construct a new addition that
14 modernizes the space, and brings it up to code addressing
15 life, safety, and ADA issues. We are thrilled with the
16 designs that the team from Smith Group Architects have
17 created, and cannot wait to move forward with this project.

18 We are also proposing revisions to our site plan
19 that will improve access and circulation for pick up and drop
20 off operations for our students and their families.

21 Jim Watson of Wells & Associates will address
22 these revisions in detail, as well.

23 I would like to express my sincere thanks to the
24 ANC 3A for their engagement throughout this process, and
25 particularly with respect to the proposed site plan, which

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1 I truly believe is better as a result of their feedback.

2 We have also agreed to all of the conditions
3 outlined in their report, as Paul mentioned, and look forward
4 to continuing communication throughout the course of the
5 project and following.

6 We appreciate the Board's time today and I'm happy
7 to answer questions at the appropriate times. With that, I
8 will turn it over to Bettina to walk through the plans.

9 MS. NEUDERT-BROWN: Yes, hi, just making sure that
10 you can hear me okay?

11 CHAIRPERSON HILL: Yes, could you introduce
12 yourself for the record, please?

13 MS. NEUDERT-BROWN: Yes, will do. My name is
14 Bettina Neudert-Brown. I'm an architect at Smith Group, and
15 I am the design principle for the project, and really thank
16 you for allowing me to present this to you today.

17 With that, if you could go to the next slide. The
18 next one, please. As Karen pointed out, the building really
19 consists out of three different wings. But it's located at
20 Wisconsin Avenue and Porter Street, in the Cleveland Park
21 neighborhood.

22 This three-part structure really that you see, has
23 been added on and has grown over the decades. And really has
24 become a very not-cohesive building that does not represent
25 the important work that has been done on the inside.

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1 The latest addition was done in 1995 and really,
2 there haven't been renovations since.

3 Go to the next. So all of these multiple
4 alterations and additions have to, have led to a really
5 inherently inefficient building with misaligned floors,
6 disjointed circulation that is negatively impacting the
7 functioning of the space.

8 You can really see in these pictures how the
9 building looks like today. There is no ADA compliant access
10 to the majority of the facility. Shower and toilet rooms are
11 not ADA complaint.

12 Multiple egress paths and exit access concerns
13 exist, all of which the new project will be addressing. In
14 addition to that, also of course there will be upgrades to
15 the MEP systems, which the facility really being an energy
16 inefficient structure.

17 If you go next. Next, please. So for the new
18 addition renovation to really address some of the fundamental
19 issues everybody is facing, we'll have to make some space on
20 this slide.

21 But as Karen mentioned, we will demolish the
22 oldest and least efficient, really least appropriate part of
23 the building, which is the old residence highlighted in red
24 here in this diagram. But we are also demolishing a stair
25 tower in the southwest corner that because we are replacing

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1 it with a new elevator and stair core, we will not need
2 anymore.

3 Next. The following diagram is really going to
4 show how the new addition compares with what is currently
5 existent on site.

6 Here for the basement, the purple line shows the
7 current existing building, and the blue is really the new
8 construction that we are proposing. And as you can see, the
9 overall area is growing only very minimally.

10 Next. The same is really true for the first floor
11 where the new construction is almost entirely confined to
12 where the current existing building is located.

13 Next. And similarly, on the second floor also the
14 addition is comparable to what is there right now. And, we
15 are looking at a very modest increase of the gross square
16 footage and lot occupancy.

17 With that, next. I'm going to move into showing
18 you some of the exterior appearance. The building sits at
19 the edge of a residential area with mostly single residences.
20 And as such, the building overall massing is broken into
21 similarly sized volumes to really fit in with the neighbors.

22 The composition of the different volumes also
23 wants to be a little bit clear for as an expression of
24 really, the nature of the work that is being done on the
25 inside.

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1 Next. We've really want to give this building a
2 feel of a transparency and inviting people into the building.
3 The entrance is clearly visible. Large picture windows open
4 up the building to the neighborhood in contrast to really
5 what is currently happening there.

6 So, next. And here is really the view from
7 Wisconsin Avenue. On the left side is the new addition with
8 the entrance on the first floor, and the new grand studio on
9 the second floor.

10 The center part is the renovated building B
11 portion, and on the back is the new facade that is a result
12 of the stair tower that was demolished in this area. We feel
13 that this really overall, is a new cohesive building in
14 contrast to what it is right now.

15 Next. And this rendering really shows the view
16 from Porter Street with the grand studio and the upper floor
17 floating over the lower portion.

18 And then, next. And then finally here,
19 surrendering really of the grand studio on the second floor,
20 which is truly the heart of the newly improved facility.

21 With that, I want to hand it over to Jim to go
22 through the site items. Thank you.

23 MR. WATSON: Thank you, Bettina. If you could
24 scroll forward a couple of slides there?

25 So, I'm going to review very quickly some of the

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1 transportation considerations for the site. Starting off
2 here with the multi-level setting.

3 As has been mentioned, we're in the southeast
4 quadrant of the Porter Street/Wisconsin Avenue intersection.
5 The site is well-served by multiple bus lines. In fact, a
6 bus stop immediately in front of the site on Porter.

7 We're just under a mile's walk from both the
8 Tenleytown and Cleveland Park Metro stations. And there
9 within a quarter mile, just beyond a quarter mile, we also
10 have bike share and off-street parking at both City Ridge and
11 Cathedral Commons.

12 If you want to go to the next slide, please. Just
13 real quickly, the existing site access and circulation. The
14 existing site has three curb cuts. One from Wisconsin Avenue
15 that's at the bottom of this page, and two from Porter
16 Street.

17 One thing that I really want to point out here is
18 that the Porter Street access that's closest to Wisconsin,
19 is routinely overlapped by busses that stop there kind of
20 inhibiting exiting traffic from the site, as well as
21 providing some vice-versa conflicts with busses. And that's
22 a fairly utilized bus stop.

23 The current setup allows for about six vehicles
24 to queue onsite, mainly because we've got some parking that's
25 adjacent to the, to the queuing lane, so it does limit a

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1 little bit the ability to do a functional drop off/pick up
2 for the school.

3 If we can go to the next slide. As Bettina
4 mentioned, this is a fairly modest increase. I just wanted
5 to very quickly show you, we're looking at about a 1,900
6 square foot increase in size for student population that's
7 about 28 students, which goes up to about 10 students, or 10
8 vehicular trips, additional trips that we might see during
9 the p.m. peak hour.

10 The proposed site as has been mentioned before,
11 we feel like this is vast, is very much improving the
12 circulation for the site with inbound traffic coming from
13 Wisconsin, exiting off to Porter, which is similarly,
14 providing a similar traffic pattern as we have today with
15 drop off/pick up traffic entering from Wisconsin and exiting
16 Porter.

17 But by removing the curb cut that overlaps the bus
18 stop, we're eliminating you know, some of that overlap that's
19 been a little bit of an issue in the past.

20 This also allows for much more queuing capacity
21 onsite, preventing any, or limiting any additional spill back
22 that you might see onto Wisconsin for the drop off/pick up.

23 Next slide, please. For bicycle access, we're
24 providing five outdoor racks that should hold 10 bicycles
25 there adjacent to Wisconsin Avenue.

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1 Interior to the building, there's also going to
2 be a bike room that will hold three, three bicycles in a
3 locked bicycle storage room, as well as showers and lockers
4 that may be available to the employees that are biking.

5 The next slide, please. And I think the last
6 thing we'd like to touch on here is the transportation
7 management plan. We worked very closely with the ANC to
8 develop those transportation management plan, and we're
9 excited to be able to kind of collaborate with them on that.

10 Generally, the Ballet's going to designate a TDM
11 coordinator to provide transportation information onsite, on
12 their website.

13 The bicycle facilities that I mentioned, there is,
14 we're going to promote carpooling by the website, as well as
15 each semester outreach to students and families. And we also
16 have some incentives for, to incentivize alternative
17 commutes.

18 Similarly for staff, we're looking to do some
19 carpool matching for employees. Again, incentivizing
20 alternative commuting via payroll deduction for transit.
21 Free bicycle parking.

22 The meat of the operations management plan though,
23 that we really worked closely with the ANC, was staggering
24 the start and end times for classes, limiting and monitoring
25 the drop off/pick up activity onsite with Ballet staff.

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1 And for events, we're asking event attendees to
2 pre-register so that we can really get out those
3 transportation alternatives, too.

4 And ultimately, we intend to do a monitoring plan
5 that's going to conduct reviews in the spring and fall of the
6 drop off/pick up activity and queuing, to present that to the
7 ANC, and work with them to implement any necessary measures
8 to mitigate that.

9 With that, Paul, I think I'll turn it back to you.

10 MR. TUMMONDS: Wonderful, thank you.

11 I'll just briefly go over the means in which we've
12 satisfied the various relief. We described this in detail
13 in Exhibit 6 of the record, which was our statement.

14 And just a reminder, so we're seeking special
15 exception approval to continue the private school use. Just
16 a reminder that the standards are that the proposed private
17 school use will not be likely to, is not likely to become
18 objectionable to adjoining and nearby property because of
19 noise, traffic, number of students, or other objectionable
20 conditions.

21 I think as we've shown here today, the 75+ year
22 history of the school here, combined with the new traffic
23 management plan, we think really addressed those factors.

24 As we've noted, we are providing parking in a
25 manner that meets the zoning regulations. Both DDOT and OP

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1 found that number of parking spaces we are providing to be
2 sufficient.

3 With regards to the standard that granting the
4 relief is in harmony with the intent of the zoning
5 regulations, we think that the continued institutional use
6 here allowing the Ballet to continue, the good works that
7 it's done for all of the 75 years and the good relations that
8 it has had with the community, with the Cleveland Park
9 community, with the District in general, are important things
10 that should be, will continue to occur and should be
11 rewarded.

12 I note that ANC 3A adopted a resolution in
13 support.

14 With regards to the variance, I did want to
15 highlight one kind of I would say probably important factor
16 here is, because of the non-profit use of this building and
17 this site, there is a different standard that is applied to
18 the variance relief standard.

19 And most recently in the McDonald v. DC Board of
20 Zoning Adjustment case, maybe a little trip down memory lane
21 for Chairman Hill and Vice Chair John.

22 This was the case that was originally approved for
23 the Wisconsin Avenue Baptist Church site senior, Sunrise
24 Senior Living just up Wisconsin avenue in Tenleytown.

25 In that case, the Court of Appeals reiterated the

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1 public good flexibility standard. The idea that when a
2 public service has inadequate facilities and applies for a
3 variance, the Board can look at the needs of the organization
4 in determining whether or not those variance relief standards
5 have been met.

6 In this case, we believe that we have met, we
7 continue to meet those variance standards with regards to the
8 exceptional situational condition of the building.

9 The fact that the strict application of the zoning
10 regulations here with regards to FAR and lot occupancy. And
11 as we've noted, we are asking for really de minimis areas of
12 relief.

13 The RA-1 zone district allows a FAR of 0.9. We
14 are proposing 0.97. Allows a 40 percent lot occupancy. We
15 are proposing a lot occupancy of 44.6.

16 As we've discussed, the need for this variance
17 relief is really tied to the ability to bring this facility,
18 this structure up to current applicable building codes.
19 Fire, life safety, ADA. And by doing that, it also allows
20 the Ballet and the school to bring its existing uses up and
21 down Wisconsin Avenue into one home, in a home that I hope
22 people will find we believe very attractive.

23 We think it will be a real improvement, and a real
24 beacon to this part of Cleveland Park along Wisconsin Avenue.

25 So, with that, on behalf of the Ballet I want to

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1 give thank you for your time today. And we're here to answer
2 any questions that you may have.

3 (Pause.)

4 CHAIRPERSON HILL: Okay, thank you for that
5 presentation. I appreciate all the time you took to bring
6 that towards, before us.

7 Let's see. Before I turn to my Board, may I hear
8 from the Office of Planning?

9 MS. THOMAS: Yes, good afternoon Mr. Chair,
10 members of the Board.

11 The Office of Planning is recommending approval
12 of this application. We determined that the lot occupancy
13 and density restrictions would be unnecessarily burdensome
14 as the need for the non-profit to consolidate its facilities
15 in the absence of adequate ADA access.

16 And we determined that due to this it's age and
17 expansion over time, the property is burdened with a
18 significant limitation on the utility of its structure.

19 Thus, we have the requested lot occupancy and
20 density increases being directly related to the elevator
21 addition, and the need to provide access across the floors
22 for ADA access and contemporary code updates.

23 The applicant also adjusted its drop off/pick up
24 circulation on the site, which DDOT and the community agreed
25 would be a better solution than currently access. And,

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1 therefore, traffic and parking impacts should not become an
2 undue burden to the immediate community.

3 The proposed increase in density and lot occupancy
4 are thus, reasonable in allowing the school to renovate its
5 existing building to address contemporary code for
6 accessibility and functionality.

7 So, with that, and we do not anticipate adverse
8 impact to neighboring property due to the length of time the
9 school has operated at it's, at this location, and that the
10 current proposal to renovate should not disrupt the current
11 pattern of operations and harmony with the surrounding
12 neighborhoods.

13 Thank you.

14 CHAIRPERSON HILL: Thank you, Ms. Thomas.

15 Does the Board have any questions of the Office
16 of Planning and/or the applicant?

17 (No audible response.)

18 CHAIRPERSON HILL: Okay, Mr. Young, is there
19 anyone here wishing to speak?

20 MR. YOUNG: We do not.

21 CHAIRPERSON HILL: Okay.

22 Mr. Tummonds, is there anything you would like to
23 add at the end?

24 MR. TUMMONDS: No, I think the record is complete.
25 I think it is ready for your review and approval today, and

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1 with that, that will allow the -- approval today will be
2 beneficial to the Ballet in that they still have money to
3 raise for this.

4 Everything we can do to show potential donors that
5 this is ready to go, is beneficial to that. And then, we are
6 hopeful that we can get the new structure built as
7 expeditiously as possible.

8 CHAIRPERSON HILL: Okay.

9 So, Mr. Tummonds, some of the conditions I know
10 that we're going to be, and I just want to mention those
11 while the applicant is here with us.

12 Some of the wording we're going to probably tweak.
13 One of that is that the landscaping plan is not necessarily
14 subject to the approval of the Advisory Neighborhood
15 Commission, because that puts authority of the Board in the
16 hands of the ANC.

17 So, we would probably be striking that area. Then
18 the ornamental trees I guess, and shrubs, that are actually
19 there, they are just existing already so we're just going to
20 strike the new.

21 Then in terms of the TDM plan, we're just going
22 to strike, that has the name of the company that prepared it.

23 And, I don't think you'd have any issues with any
24 of those comments that I just made, correct, Mr. Tummonds?

25 MR. TUMMONDS: Correct, no issues.

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1 CHAIRPERSON HILL: Okay. All right, does the
2 Board have anything else?

3 (No audible response.)

4 CHAIRPERSON HILL: Okay, all right, then we will
5 let everyone go and thank you, Mr. Tummonds, going to close
6 this hearing and the record.

7 (Pause.)

8 CHAIRPERSON HILL: Okay, all right, I appreciate
9 the presentation. I think that if they are able to do this,
10 meaning they get the funding and everything you know, make
11 that building much more activated than the way it is now and
12 has been for the past, I didn't realize it was 75 years.

13 I was comfortable with the presentation in terms
14 of the traffic management, any issues that that might have
15 caused.

16 I would also agree with the applicant's argument
17 for how they're meeting the criteria for not only the relief,
18 but the variance, and how that variance is tied to also our
19 allowed flexibility due to the public good nature.

20 And that I think that the variances that are being
21 asked for so that they can bring the building up to current
22 codes, also is reasonable. And the argument how they're
23 meeting the criteria, I would agree with.

24 I would also agree that the argument, the analysis
25 that the Office of Planning has put forward is also very

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1 helpful. And, I would agree with.

2 And, then also the support of the ANC, is also
3 helpful for my level of comfort with this application.

4 So, I will be voting in favor.

5 Mr. Smith, do you have anything you would like to
6 add?

7 MEMBER SMITH: Not on this particular case. I
8 think you've summed up the issues of this particular case
9 fairly well, and I do believe they met the standard for us
10 to grant them these special exceptions for this private
11 school use for the greater good of the school and the broader
12 community.

13 I do support the changes to the proposed
14 conditions because as you stated, it is delegating the power
15 of the Board to an ANC, which of course we should be
16 avoiding.

17 So with that, I do support the application with
18 the changes and the conditions.

19 CHAIRPERSON HILL: Thank you.

20 Commissioner Stidham?

21 COMMISSIONER STIDHAM: I also agree with the
22 changes and conditions already mentioned, and insofar as
23 about the application to move forward.

24 CHAIRPERSON HILL: Thank you.

25 Vice Chair John?

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1 VICE CHAIR JOHN: I agree with the comments so
2 far, and I support the application and agree also with the
3 applicant's statement of how the application meets the
4 variance, variance standard with respect to the more relaxed
5 standard for public service project.

6 And, I support the application.

7 CHAIRPERSON HILL: Okay, great.

8 I'm going to make a motion to approve Application
9 Number 20970 as captioned and read by the secretary,
10 including conditions that there will be the landscaping plan,
11 that parking shall not be expanded under the drip line of the
12 large oak tree at the northwest corner of the property.

13 B, the oak tree shall be adequately protected
14 during construction including root pruning if necessary, and
15 the prohibition of parking or construction staging on any
16 currently permeable site under the tree's canopy.

17 And, that ornamental trees and shrubs will be
18 maintained along both of the school's frontages on Porter
19 Street and Wisconsin Avenue.

20 In addition to that, the TDM plan that is noted
21 in Exhibit 27C and I ask for a second, Ms. John?

22 VICE CHAIR JOHN: Second.

23 CHAIRPERSON HILL: The motion made and seconded,
24 Mr. Hamala, if you could take a roll call, please.

25 MR. HAMALA: Yes. When I call your name, please

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1 respond to the motion by Chair Hill to approve the condition,
2 to approve the application with the conditions as stated.

3 Let's see, Chairman Hill?

4 CHAIRPERSON HILL: Yes.

5 MR. HAMALA: Vice Chair John?

6 VICE CHAIR JOHN: Yes.

7 MR. HAMALA: Mr. Smith?

8 MEMBER SMITH: Yes.

9 MR. HAMALA: Zoning Commissioner Stidham?

10 COMMISSIONER STIDHAM: Yes.

11 MR. HAMALA: The motion to approve, staff will
12 record the motion to approve the application passes 4:0:1
13 with the conditions stated by Chairman Hill, by the motion
14 made by Chairman Hill and seconded by Vice Chair John.

15 CHAIRPERSON HILL: Okay, great.

16 All right, all right, thank you.

17 Mr. Hamala, you can call back that other case,
18 please.

19 MR. HAMALA: And, let's see. And we are now
20 calling back Application Number 21001 of 921 6th Street, LLC.

21 And, this will be for a self-certified application
22 pursuant to Subtitle X, 901.2, for a special exception under
23 Subtitle C, 909.2, from the loading requirements of Subtitle
24 C, 901.1 and under Subtitle C, 1501.1(e) to allow an eating
25 and drinking establishment located within penthouse habitable

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1 space.

2 CHAIRPERSON HILL: Okay, and now that I think
3 about it, I don't know whether the -- I wasn't necessarily
4 saying we were going to have a continued hearing, now that
5 I mention that.

6 However, is the applicant here?

7 MS. BLOOMFIELD: (Audio interference) your
8 questions.

9 CHAIRPERSON HILL: There you go, okay, great.

10 Ms. Bloomfield, could you reintroduce yourself for
11 the record, please?

12 MS. BLOOMFIELD: Jessica Bloomfield, with the law
13 firm of Holland & Knight.

14 CHAIRPERSON HILL: Okay. So Ms. Bloomfield, I see
15 your revised self-cert and I don't really have any questions
16 for you now that the application is, has removed the area
17 variance request.

18 Is that correct, Ms. Bloomfield?

19 MS. BLOOMFIELD: That's correct.

20 CHAIRPERSON HILL: Okay.

21 MS. BLOOMFIELD: Two special exceptions only;
22 otherwise, the self-certification form is exactly the same.

23 CHAIRPERSON HILL: Okay, does the, well actually,
24 I'm going to re-read this. So, pursuant to X, 901.2 for
25 special exceptions under C 909.2, where the loading

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1 requirements of C 901.1, one loading berth and one loading
2 platform required, none proposed.

3 Under (n)(2), under C 1501.1(e) to allow the
4 eating and drinking establishment located within penthouse
5 habitable space, correct, Ms. Bloomfield?

6 MS. BLOOMFIELD: I believe it's 1501.1(d) as in
7 dog. Let me just double-check it.

8 (Pause.)

9 MS. BLOOMFIELD: 1501.1(d). And that's what I
10 believe is in our self-certification form.

11 CHAIRPERSON HILL: It is what's on your self-cert
12 form. I'm reading off of something that was provided to me.

13 MS. BLOOMFIELD: Oh, well I can't speak to that.

14 CHAIRPERSON HILL: That's all right.

15 MS. BLOOMFIELD: Our application included
16 1501.1(d).

17 CHAIRPERSON HILL: Okay, give me a moment, please.
18 It is (d), okay. All right, that's fine. So, I will read
19 it as such with (d).

20 Does the Board have any final questions for the
21 applicant?

22 VICE CHAIR JOHN: I think we need clarification
23 from OZ legal. I don't know if it meets the requirement, the
24 area requirement, of (e).

25 CHAIRPERSON HILL: Well, no, I see (d) as in David

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1 in the Office of Planning's report.

2 VICE CHAIR JOHN: I'm looking at the regulation
3 now. It says any building within an area bound by I Street
4 NW to the north. Okay, this is on K Street, right?

5 CHAIRPERSON HILL: This is on --

6 MS. BLOOMFIELD: South of K Street on 6th Street.

7 VICE CHAIR JOHN: Okay, okay. So, it would be
8 (d).

9 MS. BLOOMFIELD: Yes, it is (d).

10 VICE CHAIR JOHN: Okay, thank you.

11 CHAIRPERSON HILL: Thank you, Ms. John. Yes, had
12 I not looked at the Office of Planning's report, I mean it's
13 not clear.

14 So, all right, okay, anyone else from my Board?

15 (No audible response.)

16 CHAIRPERSON HILL: All right, Ms. Bloomfield,
17 thank you, I'm going to close the hearing and the record.

18 (Pause.)

19 CHAIRPERSON HILL: Mr. Smith, would anyone like
20 to talk for the last case?

21 (No audible response.)

22 VICE CHAIR JOHN: Okay, so I listened to the
23 presentation and reviewed the record and I thought that the
24 application might, that met the criteria for relief from the
25 loading berth requirement, and for the eating and drinking

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1 establishment located within a penthouse habitable space
2 under 1501.1(d).

3 I agree with the analysis of the Office of
4 Planning, and I thought that the applicant did a good job in
5 showing how the application meets each, each criteria.

6 And, the ANC was also in support, and no
7 objections from, from DOT. And, I believe that DOT also had
8 a request for approval of a condition, and I'm trying to find
9 it. I believe that was the loading management plan, which
10 is in Exhibit 26A.

11 And so I would be fine with that condition, as
12 well. And so, I'm in support of the application.

13 CHAIRPERSON HILL: Okay, thank you, Ms. John.
14 Thanks for pointing that out also.

15 Mr. Smith?

16 MEMBER SMITH: I agree with Ms. John's statement
17 in this particular case. And I support the application, and
18 do believe that he's met burden of proof for us to grant
19 special exceptions and go forward for approval.

20 CHAIRPERSON HILL: Thank you.

21 Commissioner Stidham?

22 COMMISSIONER STIDHAM: I agree with what has
23 already been mentioned, and I will vote for approval.

24 CHAIRPERSON HILL: Great.

25 Okay, I appreciate the comments from my Board

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1 members and will concur. I'm going to make a motion to
2 approve Application Number 21001, which is pursuant to X
3 901.2 for special exceptions under Subtitle C, 909.2, from
4 the loading requirements of Subtitle C, 901.1, for one
5 loading berth and one loading platform required, none
6 proposed.

7 And two, under C 1501.1(d), to allow an eating and
8 drinking establishment located within penthouse habitable
9 space, for a new 13-story building lodging use with a
10 restaurant inhabitable penthouse space, in D4R zone in Square
11 484, Lot 30, with the condition that there is a loading
12 management plan that is in Exhibit 26A, and ask for a second.

13 Ms. John?

14 VICE CHAIR JOHN: Second.

15 CHAIRPERSON HILL: Motion made and seconded. Mr.
16 Hamala, if you could take a roll call, please.

17 MR. HAMALA: Pursuant to the motion by Chairman
18 Hill to approve the application with the condition.

19 Chairman Hill?

20 CHAIRPERSON HILL: Yes.

21 MR. HAMALA: Vice Chair John?

22 VICE CHAIR JOHN: Yes.

23 MR. HAMALA: Mr. Smith?

24 MEMBER SMITH: Yes.

25 MR. HAMALA: Zoning Commissioner Stidham?

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1 COMMISSIONER STIDHAM: Yes.

2 MR. HAMALA: Staff would record the vote as 4:0:1
3 to approve the application with the condition as stated. The
4 motion by Mr. Hill, seconded by Vice Chair John.

5 CHAIRPERSON HILL: Okay.

6 Mr. Hamala, before we leave, we have the 13th and
7 the 20th left for hearings, correct?

8 MR. HAMALA: We do.

9 CHAIRPERSON HILL: And, can you tell me how many
10 cases are on the 13th and on the 20th?

11 MR. HAMALA: Let's see. Let's see. On the 20th
12 we have seven cases and a, potentially a party, a request for
13 party status.

14 And let me see for December 13th. Let me find
15 that.

16 CHAIRPERSON HILL: I know we added those two, or
17 shifted those two from today.

18 MR. HAMALA: And, we will have 11 cases on
19 December 13th.

20 CHAIRPERSON HILL: And that includes the two that
21 were shifted today?

22 MR. HAMALA: It does.

23 CHAIRPERSON HILL: Okay, great.

24 So just to let my fellow Board members know, our
25 zoning board member who was with us before will be joining

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1 us again for the last two hearings of the year, and
2 continuing on. And, that I guess, is it.

3 Mr. Hamala, is there anything left for the Board
4 today?

5 MR. HAMALA: We just wanted, staff just wanted to
6 thank you for your contributions to our Christmas party the
7 other day.

8 CHAIRPERSON HILL: Oh, that's fine. That's good.
9 Well, you're very welcome and if it weren't for the staff as
10 the staff, most of them are listening, we would not do this.

11 It's not that we wouldn't be able to do this, we
12 would not do this.

13 (Laughter.)

14 CHAIRPERSON HILL: So, all right, and now I know
15 what I'm going to do for my wife's birthday. So, I'm going
16 to go get some tickets to the Nutcracker. And so, I'm a
17 little busy.

18 So, I hope you guys have a nice day. Anything
19 anybody wants to say before we sign off?

20 VICE CHAIR JOHN: No.

21 CHAIRPERSON HILL: Okay, y'all have a good day.

22 VICE CHAIR JOHN: Thank you.

23 CHAIRPERSON HILL: Bye-bye.

24 (Whereupon, the above-entitled matter went off the
25 record at 1:03 p.m.)

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C E R T I F I C A T E

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In the matter of: Public Hearing

Before: DC ZC

Date: 12-06-23

Place: teleconference

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



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