

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

MARCH 13, 2007

+ + + + +

The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:30 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS Chairperson
CURTIS ETHERLY, JR. Board Member
JOHN A. MANN, II Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

CAROL MITTEN Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY	Secretary
BEVERLY BAILEY	Sr. Zoning Specialist
JOHN NYARKU	Zoning Specialist
ESTHER BUSHMAN	General Counsel

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D.C. OFFICE OF THE ATTORNEY GENERAL:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEVE COCHRAN

TRAVIS PARKER

KAREN THOMAS

JOHN MOORE

This transcript constitutes the minutes from the public hearing held on March 13, 2007.

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C-O-N-T-E-N-T-S

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

2 9:40 A.M.

3 CHAIRMAN GRIFFIS: Good morning,
4 ladies and gentlemen. Let me call to order
5 our 13th of March 2007 public hearing of the
6 Board of Zoning Adjustment in the District of
7 Columbia. My name is Geoff Griffis,
8 Chairperson.

9 Joining me today is Mr. Mann,
10 representing the National Capital Planning
11 Commission; and representing the Zoning
12 Commission is Ms. Mitten.

13 Copies of today's hearing agenda
14 are available for you. They are located at
15 the table where you entered into the hearing
16 room. You can pick it up and see where you
17 are in the chronology of this morning's cases.

18 There are a couple of very
19 important things that I'm going to go through
20 in my opening. First of all, I'd ask that
21 everyone here present turn off your cell
22 phones and other noise-making devices as it

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1 will disrupt one, your presentation; and two,
2 the transmission of our hearings. Our
3 hearings are always before the public and in
4 the open and they are being recorded in two
5 fashions. One, the court reporter, sitting on
6 the floor to my right, is creating the
7 official transcript. We are also being
8 broadcast live in the Office of Zoning's
9 website.

10 I would ask that you fill out
11 witness cards, two witness cards, please.
12 Those witness cards should go to the court
13 reporter prior to coming forward to provide
14 your testimony.

15 When you are ready to address the
16 Board, please make yourselves comfortable.
17 You will need to just state your name and
18 address once into the mic and then you can
19 proceed. I'll walk you through all that, if
20 there are questions.

21 The order of procedures for special
22 exceptions and variances is as follows:

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1 first, we hear from the Applicant and the
2 presentation of their case. Secondly, we will
3 hear from any government agencies reporting on
4 the application. Third, we will call the ANC,
5 the Advisory Neighborhood Commission, within
6 which the property is located. Fourth, we
7 will hear from persons or parties in support
8 of the application. Fifth will be persons or
9 parties in opposition to an application. And
10 sixth, finally, we will have closing remarks
11 by the Applicant.

12 Cross examination is permitted by
13 the parties in the case. We will establish
14 parties if there are requests for parties.
15 The Applicant obviously is the main
16 participant and party in the case. And the
17 ANC within which the property is located is
18 automatically a party in the case.

19 The record will be closed at the
20 conclusion of our hearing today, unless we
21 make specific statements to the contrary which
22 means we could, in fact, continue a case. Or,

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1 we could keep the record open for additional
2 information to be put into the record.

3 We will be very specific at the
4 closing of your time for your case
5 presentation so that you will be in full
6 understanding of whether the record is open or
7 not and if it is left open, what is to be
8 submitted into the record and when it is to be
9 submitted into the Office of Zoning.

10 The Sunshine Act does require us to
11 hold our hearings in the open and before the
12 public. We do enter in Executive Sessions
13 during and after hearings on cases at times.
14 This is in accordance with our rules,
15 regulations and, procedures. It is also in
16 accordance with The Sunshine Act.

17 Let us do this. Those persons
18 present that are going to provide testimony to
19 the Board today, if you would please stand and
20 give your attention to Ms. Bailey who is on my
21 very far left. I'm going to have her swear
22 you in at this time.

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1 MS. BAILEY: Will you please raise
2 your right hand?

3 (The witnesses were sworn.)

4 MS. BAILEY: Thank you.

5 CHAIRPERSON GRIFFIS: Excellent.
6 Thank you all very much. You may have a seat
7 and make yourselves comfortable. With that,
8 let me say a very good morning to Ms. Bailey,
9 who is with the Office of Zoning; Ms. Bushman
10 also with the Office of Zoning who is on the
11 dais; Ms. Glazer, with the Office of Attorney
12 General is with us; and Mr. Moy, with the
13 Office of Zoning is with us. A very good
14 morning to all of you.

15 At this point now, you've been
16 sworn in. We can move on to preliminary
17 matters. Preliminary matters are those which
18 relate to whether a case will or should be
19 heard today. So any case, in fact, on our
20 schedule this morning it may well be
21 appropriate for us to hear preliminary
22 matters. Preliminary matters are those which

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1 relate to whether proper and adequate notice
2 has been provided, or whether you're prepared
3 to move forward with a case. If you have
4 withdrawals or you have concerns, this would
5 be the time at which we would hear preliminary
6 matters.

7 I'm going to ask Ms. Bailey first
8 if she has any preliminary matters for the
9 Board's attention.

10 MS. BAILEY: Mr. Chairman, Members
11 of the Board, to everyone, good morning. No,
12 sir. Staff does not have any preliminary
13 matters.

14 CHAIRPERSON GRIFFIS: Very well,
15 then let me hear from anyone else who is here
16 present today if there's any preliminary
17 matters for the Board's attention. Your
18 microphone is on, so I have to ask you if you
19 have any preliminary matters? No. There it
20 is, the microphone goes off.

21 Not seeing any other indication of
22 anyone else coming forward to have a

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1 preliminary matter for the Board's attention,
2 why don't we move ahead and call the first
3 case of the morning.

4 MS. BAILEY: Thank you, sir.

5 CHAIRPERSON GRIFFIS: Thank you.

6 MS. BAILEY: Application No. 17574
7 of Nineteenth Street Baptist Church, pursuant
8 to 11 DCMR 3104.1, for a special exception to
9 establish an accessory parking lot under
10 section 214. The property is zoned R-1-B.
11 It's located in the rear of 4606 16th Street,
12 N.W. The property is also known as Square
13 2652, Lot 22.

14 Excellent, thank you very much. A
15 very good morning. Why don't I have everyone
16 just introduce themselves for the record so we
17 know who's here, name and address and then
18 your role in this case.

19 MR. WALKER: My name is Henderson
20 Walker, the architect and agent for the
21 church.

22 CHAIRPERSON GRIFFIS: Excellent.

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1 REV. HARKINS: I'm Reverend Derrick
2 Harkins and I'm the pastor of the Nineteenth
3 Street Baptist Church.

4 CHAIRPERSON GRIFFIS: Good morning.

5 MR. MONTAGUE: I'm Thomas W.
6 Montague. I'm the Chairman of the Trustee
7 Board for the Nineteenth Street Baptist
8 Church.

9 CHAIRPERSON GRIFFIS: Welcome.

10 MR. BLAND: I am ANC Commissioner
11 of 4C. My Single Member District is 4C03 and
12 I am also a homeowner in the affected area.

13 CHAIRPERSON GRIFFIS: Excellent.
14 And your name is?

15 MR. BLAND: Ronald Bland.

16 CHAIRPERSON GRIFFIS: Indeed, a
17 very good morning to you.

18 DR. SHEPPERD: My name is Scott
19 Shepperd. I'm a physician. I work at the
20 Hospital Center. I also live on Buchanan
21 Street, 1613 Buchanan Street so I am just an
22 affected neighbor.

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1 CHAIRPERSON GRIFFIS: Okay. So
2 here is a person to provide testimony,
3 correct? Excellent. Very well.

4 I'll turn it over to you.

5 MR. WALKER: The Nineteenth Street
6 Baptist Street was constructed in 1940 and the
7 construction provided 28 parking spaces
8 bordering the side and rear alleys. At that
9 time, the number of parking spaces was
10 considered to be adequate since most
11 parishioners walked to church. Conditions
12 have changed, whereby most members drive to
13 church from distant parts of the Metro area.
14 Thus, finding parking spaces is very difficult
15 and the members are forced to park in the
16 alley, sometimes blocking driveways or on
17 public streets in front of neighboring homes.

18 We, like many other churches, are
19 trying to find solutions to this problem. To
20 that end, a parcel of land immediately behind
21 the church, no longer used as a garden for
22 several years was available for purchase. We

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1 purchased a parcel for parking use and thus
2 our applying here for a special exception to
3 construct the same under subsection 214.1 and
4 section 3104 special exceptions, whereby the
5 Board is authorized to grant special
6 exceptions as provided in this title.

7 Where in the judgment of the Board,
8 the special exception will be in harmony with
9 the general intent of the zoning regulations
10 and zoning maps and will not tend to affect
11 adversely the use of neighboring properties in
12 accordance with the zoning regulations and
13 zoning maps, subject in each case to the
14 special conditions specified in this title.

15 Now we have reviewed all of the
16 conditions under the noted sections and are
17 prepared to comply to the extent practical.
18 We have also reviewed a memorandum from the
19 Office of Planning and respond now to their
20 recommendations.

21 We have noted that the parking plan
22 presented shows 19 percent of the parcel is

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1 for landscaping which is in excess of 5
2 percent required. We have also listed the
3 names of planting materials including two
4 trees, as recommended. We will consider using
5 pervious parking paving if the cost is
6 compatible with asphalt paving costs. Since
7 our hard surface will be 4,649 square feet
8 which is less than 5,000 square feet, thus
9 storm water management run off is not
10 required.

11 We will request additional lighting
12 from PEPCO for the two poles at the perimeter
13 of the lot as well as adding a trash
14 receptacle to be maintained by the church.

15 Community members have recommended
16 that a fence be required around the parking to
17 protect the property from anticipated illegal
18 activities generated by this parking lot.
19 This is also supported by the Office of
20 Planning.

21 We can accommodate all of the
22 conditions set forth in those regulations and

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1 recommendations from the Office of Planning,
2 except the recommendation that a security
3 fence be provided around the parking lot. A
4 fence would reduce the number of parking
5 spaces down to half the amount shown, since a
6 driveway would have to be provided through the
7 lot and because of the unusual configuration
8 of the lot, even those spaces would be hard to
9 negotiate.

10 We do not believe that the fence is
11 needed. I personally visited 17 churches on
12 16th Street from Arkansas Avenue down to the
13 District line where some areas are
14 particularly secluded by buildings off the
15 alley. Only one was secured by a fence and
16 only because of the seclusion were more
17 subject to illegal activity more than our lot.

18 The Mayor's home is two blocks away from our
19 church. We don't see the influx of illegal
20 activity starting here so close by where the
21 parking lot is surrounded by houses where any
22 illegal activity could readily seen by many

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1 people from many windows.

2 Finally, our church is 153 years
3 old, one of the oldest churches in our city.
4 Our sanctuary seats 1,000 persons and we don't
5 anticipate moving. People will come to the
6 church for many activities and they will park
7 somewhere. We don't believe this parking lot
8 development will solve all of our parking
9 problems, but it does reflect an effort on the
10 part of the church to ease the parking
11 problem. The church was here long before most
12 of the neighbors came. We will be willing to
13 work with the community. However, the
14 community must be reasonable in the position
15 it is taking.

16 We invited all community members
17 within the 200-foot radius to a meeting on
18 March 5th. Only two residences were
19 represented. We had hoped that the neighbors
20 would assist in the security by reporting to
21 or calling the church office when observing
22 any illegal activities taking place on the

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1 parking lot. We are still willing to meet and
2 try to reach an accord with them. We trust
3 that this body will understand and appreciate
4 our efforts to alleviate to some extent our
5 parking issues and grant this special
6 exception so that we can proceed to construct
7 the parking lot.

8 CHAIRPERSON GRIFFIS: Excellent.
9 Thank you very much. Anything else you would
10 like to present?

11 Why don't we take questions from
12 the Board? Is there any questions?

13 MS. MITTEN: I just have one
14 question. You mentioned that prior to the
15 purchase of the lot by the church, this was a
16 garden area?

17 MR. WALKER: Yes.

18 MS. MITTEN: There was a fence
19 around it when it was a garden?

20 MR. WALKER: Yes.

21 CHAIRPERSON GRIFFIS: And noting in
22 the rest of the record, I'm sure we'll hear

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1 more, but the protection of this in off hours
2 or when the church isn't parking on it, I'm
3 not clear on what you are recommending on how
4 to treat that outside of what you said today
5 is you're going to request PEPCO maybe put new
6 lights in the alley, but is there any way you
7 are going to what, monitor it or close it off?

8 MR. WALKER: We will monitor it and
9 hope the neighbors will help us monitor it.
10 But we can't close it off. If we put a fence
11 around it, we can't use it as a parking lot.

12 CHAIRPERSON GRIFFIS: Okay.

13 MR. WALKER: If you take a look at
14 the configuration of the lot, it just doesn't
15 lend to fencing.

16 CHAIRPERSON GRIFFIS: Right. I
17 think we're pretty clear on that. And we have
18 looked at it extensively. It's clear that
19 you're going to access each of the parking
20 spaces directly off the alley.

21 MR. WALKER: Yes.

22 CHAIRPERSON GRIFFIS: So putting a

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1 whole fence around it, doesn't lend it to have
2 a gate that would drive in and you have to --

3 MR. WALKER: And we have a large
4 alley also, 20-foot alley around the whole
5 thing.

6 CHAIRPERSON GRIFFIS: Sure, sure.
7 However, we'll get to the Office of Planning's
8 Report. I was pretty impressed with the
9 alternative or types of securing the parking
10 spaces that they gave visually in their
11 report. Have you looked at any of those in
12 terms of a bollard system that might be able
13 to be closed off or any other kind of posts
14 that are put up --

15 MR. WALKER: We looked at that
16 system and that would be very expensive and it
17 would be very difficult to accommodate, to
18 take down and put back up. That would not be
19 practical. Putting bollards every eight feet
20 with chains. Of course, that would not really
21 be protective of the area itself. I think the
22 neighbors, they would like a four-foot high

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1 fence.

2 CHAIRPERSON GRIFFIS: Sure, but
3 there may be mid steps that could be
4 accommodated. I mean when I looked at this
5 and from past applications that we've seen and
6 the concerns of community in terms of
7 unmonitored or unprotected space, it may well
8 facilitate if you don't allow cars that aren't
9 associated with a church late night to be able
10 to pull in there and then people could be in
11 the cars doing whatever it was and maybe
12 nothing wrong, but one might suspect there's
13 something wrong. So the other piece I was a
14 little -- I don't understand why you wouldn't
15 propose to put your own lighting on the lot.

16 MR. WALKER: We can do that also.

17 CHAIRPERSON GRIFFIS: Okay, but
18 that's not what you put forward.

19 MR. WALKER: We thought we would
20 have PEPCO, we have some poles right next to
21 the lot itself. We could also put one on our
22 building, a spotlight on our building, shining

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1 on it.

2 CHAIRPERSON GRIFFIS: That to me,
3 in my understanding of the alley is much too
4 far away. I mean I was -- you have like a
5 landscape in the center of this area. I was
6 wondering why you hadn't looked at the
7 opportunity of putting two or three lamp posts
8 there with a fixture that might just be a
9 straight down light on the parking lot area,
10 so it wouldn't shine across on the rest of the
11 residential, but would illuminate that.

12 MR. WALKER: The church building is
13 just 25 feet away, so we could still have
14 spotlights shining on the light from our
15 church's third floor.

16 CHAIRPERSON GRIFFIS: Kind of a
17 different type of lighting though. If you
18 have a spotlight shining off into the alley
19 from the church, then having lamp posts there
20 that are illuminating on the spot.

21 MR. WALKER: We would attempt to do
22 whatever is necessary to provide the proper

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1 lighting.

2 CHAIRPERSON GRIFFIS: Sure. Okay.

3 I don't have any other clarification
4 questions.

5 Mr. Mann?

6 MR. MANN: I apologize if I missed
7 it, missed this. But did you discuss when
8 this parking lot would be used or when it
9 would be most heavily used or times when it
10 wouldn't be used?

11 MR. WALKER: It's a church.
12 Obviously, we'd be using it on Sundays and
13 probably Saturdays and some special occasion.

14 MR. MANN: And so what -- would
15 there be any use of the parking lot say during
16 the week or during the week days?

17 MR. WALKER: No, will not be. We
18 already have about 28 parking spaces around
19 the church itself, existing.

20 MR. MANN: Okay, thank you. One of
21 the things that just strikes me as odd and I'm
22 not certain if you can answer this or if

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1 perhaps the ANC should be addressing this is
2 has there been any request from the neighbors
3 or the community to use the parking lot when
4 you're not using it? Did that even come up?

5 MR. WALKER: There has not been a
6 request.

7 MR. MANN: Okay. I don't support
8 it's really my place to suggest it, but does
9 it seem like a viable option? Rather than
10 somehow closing the parking lot off or
11 chaining the parking lot or blocking access to
12 each of the spaces.

13 MR. WALKER: I'm sure we would be
14 happy to accommodate the neighbors if they so
15 wish to use the parking lot.

16 MR. MANN: Okay, thank you.

17 CHAIRPERSON GRIFFIS: Good, any
18 other questions?

19 Do you have any cross examination
20 of the information that you've just heard? Do
21 you have any questions of the witness?

22 MR. BLAND: One question I would

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1 have is what is the church's position on
2 monitoring this lot, particularly most church
3 functions are over by 10 p.m. at night.

4 CHAIRPERSON GRIFFIS: Sure. So
5 when the church isn't functioning --

6 MR. BLAND: By 7 in the morning
7 someone is at the church doing something.

8 CHAIRPERSON GRIFFIS: Sure.

9 MR. BLAND: In that interim period,
10 there's nothing. And what would be the basis
11 or what would be their method of monitoring if
12 they don't have a night watchman or whatever
13 else they may have.

14 CHAIRPERSON GRIFFIS: Exactly.

15 MR. WALKER: We would have no
16 monitoring of the church during those hours.
17 We would hope that maybe the neighbors could
18 monitor by visually seeing activities that are
19 taking place on the lot. There would be no
20 one walking around during that period of time
21 to watch and see it.

22 CHAIRPERSON GRIFFIS: Right. So

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1 the community would need to if they saw
2 something happen --

3 MR. WALKER: We would hope that the
4 community would work with us to accommodate
5 those conditions.

6 CHAIRPERSON GRIFFIS: How do you
7 envision them working with you?

8 MR. WALKER: Or by seeing something
9 taking place.

10 CHAIRPERSON GRIFFIS: What do they
11 do when they see it?

12 MR. WALKER: Calling the church and
13 reporting it to the church.

14 CHAIRPERSON GRIFFIS: Okay. Who
15 gets that late night call?

16 REV. HARKINS: We do actually have
17 our security contractees, a set up system
18 where our officers are called and there's
19 immediate response if either there's an alarm
20 or a call with regard to any suspicious
21 activity so that's in place presently and
22 actually gets used on occasions when it's

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1 necessary.

2 CHAIRPERSON GRIFFIS: Well, that
3 seems to be a viable program. I mean there's
4 something in place, obviously for after hours
5 then. But are you anticipating that if this
6 was to go through and the community sees a car
7 that they don't suspect is from any of the
8 neighbors or the church and they pull into
9 this parking lot, is that something that would
10 call the security on?

11 REV. HARKINS: I think we would be
12 more than happy, as we always are, trying to
13 make sure our relations with the neighbors
14 there are good and fruitful, to make sure that
15 they're comfortable with knowing, as Mr. Bland
16 indicated, the normal operational hours of the
17 church for the most part. And if there were
18 to be a car, again, like you say pulling up
19 into the lot at 12 midnight, it would merit,
20 even if in the long run we would find out that
21 it was for some reason it was justifiably
22 there. But still it would merit somebody

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1 inquiring about it. So we'd be very
2 comfortable with establishing that, and as I
3 said also, we have our security reporting
4 system in place presently as it is.

5 MS. MITTEN: I do have another
6 question.

7 CHAIRPERSON GRIFFIS: Yes.

8 MS. MITTEN: We have some
9 photographs that show the lot as it is now and
10 it's covered with cinders or something like
11 that. How long has it been in this condition?
12 How long has it looked like this?

13 MR. WALKER: Several months.

14 MS. MITTEN: And so people could
15 think it was for parking right now. Have you
16 had any problems with any security issues?

17 MR. WALKER: We're not aware of
18 that.

19 MS. MITTEN: Okay. So people right
20 now, if they were going to park on your lot
21 when it was dark, they could park there now?

22 MR. WALKER: Yes. In fact, we have

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1 more parking spaces on our lot that are more
2 secluded than that that these people could
3 use.

4 MS. MITTEN: Okay.

5 MR. WALKER: If they wanted to.

6 MS. MITTEN: Thank you.

7 MR. MANN: In your existing parking
8 lot, is that -- are there barriers to access
9 on that parking lot?

10 MR. WALKER: No, no. No barriers.
11 No fencing.

12 MR. MANN: And are there any
13 problems or issues with people using that
14 parking lot?

15 MR. WALKER: We have not been aware
16 of any.

17 MR. MANN: Thanks.

18 UNIDENTIFIED PARTICIPANT: Can I
19 ask a question?

20 CHAIRPERSON GRIFFIS: No.
21 Unfortunately. You're here as a person.
22 We're going to hear your testimony, I mean --

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1 you can cover it in your testimony.

2 If there's nothing further then, no
3 other cross on that, let's move ahead to the
4 government reports and the Office of Planning.

5 MS. THOMAS: Good morning, Mr.
6 Chairman and Members of the Board. Karen
7 Thomas with the Office of Planning.

8 At this point, based on the
9 Applicant's testimony, we would like to stand
10 on the record that we commend the Applicant
11 for trying to address some of the concerns
12 with respect to the landscaping of the lot.
13 However, we do want to respect the community's
14 concerns for the security of the lot as well
15 and we do believe that some of those bollards
16 could be located on the lot to provide
17 security at night with chains.

18 Certainly not every eight feet as
19 the Applicant suggested, but at some points,
20 some type of bollard mechanism could be used
21 with a chain to go around the lot to provide
22 security on the lot, as well as lighting on

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1 the lot could be installed.

2 I do believe that as suggested by
3 the Applicant, they were going to provide
4 lighting off of the building, it would be a
5 little bit too far and it might shine into
6 neighbor's houses at night. So I think some
7 form of lighting on the lot in a downward
8 fashion should support the lighting.

9 That's all I have.

10 CHAIRPERSON GRIFFIS: Good. Thank
11 you very much. Any questions from the Board
12 of the Office of Planning?

13 MR. MANN: Regarding the current
14 parking on the lot that the parking spaces
15 that the church already has, are you aware of
16 any problems with those parking spaces
17 existing or with the use by anybody other than
18 the church?

19 MS. THOMAS: No. I've not heard
20 anything outside of Mr. Bland's, Commissioner
21 Bland's concerns. I did talk to him. He did
22 express concern that there were activities at

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1 night on the lot.

2 MR. MANN: Was there any -- did you
3 hear any information that would cause you to
4 think that there had previously been any
5 activities that were causing any problems when
6 it was used as a garden or other activities in
7 the alley?

8 MS. THOMAS: No, I have no
9 information.

10 MR. MANN: Okay, thanks.

11 CHAIRPERSON GRIFFIS: Very well.
12 Do you any questions of the Office of
13 Planning, any cross examination?

14 MR. BLAND: No.

15 CHAIRPERSON GRIFFIS: ANC?

16 MR. BLAND: Yes, thank you. ANC, I
17 called a meeting on January 21st --

18 CHAIRPERSON GRIFFIS: I'm sorry.
19 Do you have any cross questions of Office of
20 Planning. Any questions of them?

21 MR. BLAND: No.

22 CHAIRPERSON GRIFFIS: Okay, great.

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1 Hold that thought. We're going to get right
2 to you, but there's a couple of things I want
3 to go through because the Office of Planning
4 is standing on the record, however, there's a
5 lot of substance in their analysis and I want
6 to have it addressed.

7 First of all, they've indicated
8 that they were not aware of this was going to
9 be kept free of debris and refuse. Is there
10 an idea of how that's also going to be
11 programmed and managed day to day?

12 MR. WALKER: Yes. We indicated we
13 would have a trash can there and it would be
14 cleared by the personnel of the church every
15 day.

16 CHAIRPERSON GRIFFIS: Okay, so
17 everyone someone walks through and picks up
18 whatever needs to be done.

19 MR. WALKER: Yes.

20 CHAIRPERSON GRIFFIS: Okay, the
21 other question I have going back to the plan
22 that actually put in other today which is

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1 similar in the record. The area that looks as
2 though it's landscaped with shrubs, is that in
3 some sort of defined area, meaning is there
4 going to be a curb?

5 MR. WALKER: Curb around it, yes.

6 CHAIRPERSON GRIFFIS: Okay, so
7 there's a curb around all those.

8 MR. WALKER: Yes.

9 CHAIRPERSON GRIFFIS: One, two,
10 three, four, five, six areas.

11 MR. WALKER: There's a curb around
12 all of those areas.

13 CHAIRPERSON GRIFFIS: Okay. I
14 don't have anything else then, unless others
15 have any other questions.

16 Very well. Now we can go to the
17 ANC.

18 MR. BLAND: Yes. The issue of this
19 parking lot goes back to April of last year
20 and several of my constituents asked me to if
21 it was proper that that lot possibly become a
22 parking lot. At that time, I did contact Ward

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1 4 service coordinator, also the Office of
2 Zoning and concluded from those inquiries that
3 yes, that accessory parking could be used on
4 that lot, but there was a requirement for a
5 zoning exception.

6 I notified the church in writing
7 that this is what I had found and that the
8 decision about the parking lot apparently had
9 not been made by the church, but if this would
10 help them, that this is what you need to do.
11

12 Now this was May of 2006. We
13 didn't hear anything from the church with
14 respect to what they were going to do except
15 to thank me for the letter. And in July of
16 2006, they cleared the lot, tore the fence
17 down and they proceeded to put in what is
18 currently an open space with no grass,
19 nothing, and they are currently using that as
20 a parking facility and have been since July,
21 the third week of July 2006.

22 There has never been, except for

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1 March 6th meeting with the church any
2 consultation with the neighborhood, any
3 determination as what our views were how this
4 might impact the neighborhood. We met in
5 January as a neighborhood group, my
6 constituents, and quite frankly I did not have
7 an opinion whether we support or not support.

8 I asked what are your views on this? And it
9 was the consensus that the neighbors would
10 oppose this primarily because this safety
11 issue, security issue of this lot is
12 paramount.

13 Now we do know that even when it
14 was a garden, and fenced, that those alleys
15 are dark at night and particularly when the
16 tree canopy comes out. Now you lose about 50
17 percent of your visible lighting that we seek
18 now because there's no tree cover. When that
19 tree cover comes out, it gets very dark.

20 We do know that we've had
21 clandestine activities in the area in those
22 alleys. For example, drug use, drug deals,

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1 prostitution, dumping. These happen in the
2 early hours of the morning when nobody is
3 around.

4 The church apparently saw fit to
5 fence off a part of their lot and secure their
6 vehicles because of the vandalism and that
7 exists -- that didn't exist until last year,
8 but that fence on the northwest side of the
9 building is there and is locked.

10 One thing about the garden space,
11 there was a five-foot fence. The gate was
12 locked at all times, so we did not have a
13 problem with vandalism or any kind of
14 clandestine activity when it was a garden. We
15 did have problems around the garden area, but
16 not in the garden.

17 MPD, as a neighborhood in
18 Crestwood, we have repeatedly asked MPD,
19 Metropolitan Police, to patrol the alleys
20 because we do have activity back there. The
21 best example I know of that kind of activity
22 is the Church of the Nazarene which is the two

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1 blocks from the Nineteenth Street Baptist
2 Church at 4400 block of 16th Street. They
3 have a very similar condition, an accessory
4 parking lot behind their church where you have
5 drugs, you have prostitution.

6 We have bootleg car repair. We
7 have dumping and this is an on-going thing
8 that we are working with that church now to
9 hopefully get them to secure that accessory
10 parking lot because this is where the activity
11 takes place.

12 We did not hear from the church
13 from the standpoint of what their plans were.

14 The plans went into effect and that was it.
15 When we spoke to the issue of safety and
16 security, we know and I've lived in our
17 property for the last 37 years. We know that
18 there will be nefarious activity in the alleys
19 and any open lot becomes fair game. It is not
20 because -- as soon as they find out that
21 they've got an open space, they will be using
22 it.

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1 We did take exception to the fact
2 that the church knew or should have known that
3 they had some requirements with respect to
4 zoning and they completely ignored it and that
5 was vocally voiced at the January 21st
6 meeting, that this was not only a disrespect
7 for the D.C. Code, but also the neighbors.

8 Now we're not living in a section
9 of the city that is run down. This is an
10 expensive part of our city. The zoning laws
11 are there for a reason and that's why our
12 neighborhood looks like it does. Now start
13 making exceptions, start degrading that and we
14 now have a different situation on our hands.
15 And I'll quite frankly say from a personal
16 standpoint this is my investment. I cannot
17 afford to see that investment deteriorated
18 because of a parking lot.

19 Now I can assure you that we
20 understand the church's need for auxiliary
21 parking. That's not the question. The
22 question is what's going to be the best, not

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1 only for the church, but for the neighborhood
2 and we need to have some consensus here that I
3 cannot envision an open lot on a continuing
4 basis without some kind of security around
5 that lot. It just isn't practical and we do
6 know that crime being what it is, people will
7 look and seek out.

8 And in fact, when they cleaned up
9 the Georgia Avenue, northern Georgia Avenue,
10 they pushed the crime right to our
11 neighborhood. We saw a significant increase
12 in activity. So we know it's there. It look
13 like a very passive neighborhood, but it's not
14 quite as passive as one might think.

15 So our issues are -- the core issue
16 is the lot as it currently exists is not
17 acceptable. Something has to be done about
18 that.

19 Now I can't accept the church's
20 claim that it costs too much money. They want
21 the parking lot, they should have to pay
22 whatever it costs to have that parking lot in

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1 an acceptable condition. So I can't buy that.

2 The Planning Office has made some
3 reasonable recommendations and I would hope
4 that the church would ascribe to that and I
5 recognize costs, but we're not going any place
6 and neither is the church, so this is a long-
7 term investment. They ought to be able to
8 deal with that.

9 Again, the neighbors were -- I
10 won't say they were incensed. I will say they
11 were rather indignant that an institution
12 would seek to have its way without any
13 consultation or without any input from what
14 this neighborhood -- and this neighborhood has
15 been here, so it's not like it just arrived.
16 The neighborhood has been here as long as the
17 church has been here. In fact, I lived in my
18 house before Nineteenth Street Baptist Church
19 took over that building. It was a synagogue.

20 Now we've always have a parking
21 problem, but this is just not going to be an
22 acceptable condition. And I note that the

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1 Office of Planning has made recommendations.
2 The ANC did not support the parking proposal
3 as it currently exists. So that's our
4 position and we would hope that the Board
5 would look favorably on our arguments.

6 CHAIRPERSON GRIFFIS: Excellent.
7 Thank you very much and very well presented, I
8 must say. Certainly, the fact of looking for
9 what's best for the community and also for the
10 church, I think is a clear position of you,
11 personally, but also of the ANC and holding
12 out some of those elements of security which
13 are of greatest concern go directly to that.
14 If security was able to be accomplished or
15 some sort of monitoring and a level of
16 security of that, obviously it benefits the
17 church and the community together. Thank you
18 very much.

19 Are there questions from the Board
20 of the ANC?

21 MS. MITTEN: I just have one or
22 two. The criminal activity that you mention

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1 that has gone on in the alley in the past, the
2 drug use, drug deals, prostitution and so on,
3 is that occurring in cars?

4 MR. BLAND: Yes, basically in cars.

5 MS. MITTEN: Okay. And you said
6 that when there was a fence around the garden,
7 that the activity, this criminal activity did
8 not occur in the garden, it occurred in the
9 alley?

10 MR. BLAND: On the perimeters.

11 MS. MITTEN: Okay. Thank you.

12 CHAIRPERSON GRIFFIS: Anything
13 else? Follow up?

14 Questions of the ANC? Cross
15 examination.

16 MR. WALKER: One comment. We have
17 20 parking spaces that are more secluded than
18 this one and we have not found any illegal
19 activities occurring there. This parking lot
20 is completely in an open space. It's observed
21 from many angles. So we certainly don't see
22 the same happening here.

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1 CHAIRPERSON GRIFFIS: Excellent.
2 Let's frame that in a question and a good
3 hard-hitting examination of the ANC and ask
4 them, are you aware that the other 28 parking
5 spaces that are unmonitored and why is it that
6 those are not a major problem and that this,
7 if it was left open, is a security problem?

8 MR. BLAND: They are, in fact, a
9 problem.

10 CHAIRPERSON GRIFFIS: They are.

11 MR. BLAND: The perimeter parking
12 around the perimeter of the building, on the
13 March 6th meeting with the church, I advised
14 them that not only did I see a car pull up at
15 the back door of the church, and a man gets
16 out and puts his clothes on and a woman gets
17 out and puts her clothes on. Now that tells
18 me that was not a Sunday School picnic going
19 on at that time.

20 Now I can tell you and only because
21 I've lived there for so long, that the
22 perimeter of the church, there are cars that

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1 pull in. In fact, I had to say it, but we had
2 some of our MPD people pulling back there
3 sleeping. When you go and bang on the car
4 door and wake them up. So it's not as benign
5 as it might --

6 CHAIRPERSON GRIFFIS: Understood.
7 Very well. Other questions?

8 MR. WALKER: No questions.

9 CHAIRPERSON GRIFFIS: Okay, good.
10 Thank you very much. Let's move ahead. I
11 don't have any other government reports.
12 We've heard from the ANC. Let's move ahead to
13 persons in support of the application or in
14 opposition to the application. I know you're
15 here. Is there anyone else here attendant to
16 the application 17574 that would like to
17 provide testimony for the Board today? Any
18 other persons can come forward at this time.
19 Not seeing any, we'll turn to you.

20 DR. SHEPPERD: I'll keep it short.
21 The back of my house is right across from the
22 parking lot, so I just want you to imagine

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1 what it would be like if you had a large
2 basketball --

3 MR. MOY: Excuse me, Mr. Chairman,
4 could he identify himself for the record,
5 please?

6 DR. SHEPPERD: My name is Scott
7 Shepperd. I'm a physician at the Hospital
8 Center. I live at 1613 Buchanan Street about
9 100 feet from the church, 20 feet from the
10 parking lot which formerly was a farm used by
11 Reverend Moore and so I just wanted to give
12 you what my experience is. I think I can
13 communicate what the issue is.

14 So if you had a garden behind your
15 house and it was bulldozed and then turned
16 into a car lot with 31 cars in it, you can
17 imagine that you would be a little vexed.
18 They usually use the lot Saturdays, Sundays,
19 but also on a Tuesday or a Wednesday at night.

20 When I put my four-year-old to bed, typically
21 you're going to hear about 20 car doors
22 slamming shut as people leave and when they

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1 turn their cars in the alley, the headlights
2 flash through your house and that's not
3 pleasant.

4 The cars are not going at a slow
5 speed through the alley. When they leave,
6 they leave. And if you happen to be in that
7 alley at that time, you better be careful. So
8 I just told my kids don't go out in the alley
9 on the weekends because my 13 year old almost
10 got hit once and that was enough. So that's
11 one issue.

12 The other issue is the way this was
13 done. We understand that there was a zoning
14 restriction on that property and that the
15 church was aware of it. They gave us two-
16 days' notice that they were going to tear that
17 down. So there was no month-long
18 consultation. There was no notice at all.
19 You get a notice in your mailbox on Wednesday
20 and on Friday they have the bulldozer working.
21 When I called to discuss it, they told me
22 they were only going to use part of that lot.

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1 It turns out they bulldozed the whole thing
2 flat and they have been using that lot ever
3 since.

4 Now that means that they're using
5 it against zoning restrictions since July and
6 they have not been in compliance with the
7 zoning requirements for the last eight, nine
8 months. We had an understanding that there
9 would be a meeting to discuss the neighborhood
10 concerns and that was in December and January
11 and it never did happen. So over the last
12 eight or nine months there has not been one
13 meeting with the church until a week ago, when
14 we got notice, five days' notice that they
15 would have a meeting.

16 One week before the Zoning hearing
17 meeting is when they finally sent out notice
18 to have a meeting with the neighborhood and
19 only one week's notice. For example, I had to
20 work, so it was just not possible to go to
21 that meeting, but certainly I would. But I
22 think that when you have a meeting nine months

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1 after the fact to discuss the neighborhood's
2 position, one week before the Zoning hearing,
3 that's really lip service.

4 The fact is the church has really
5 dismissed the neighborhood's concerns. I
6 don't think they're very sensitive because of
7 their own pressures for parking. But they
8 have been parking for more than a decade.
9 They have managed without that lot for more
10 than a decade. And I understand they have
11 pressures, but they have dumped the pressures
12 on the neighborhood. And the lot, as it
13 stands is just is indigestible. It's very,
14 very unpleasant and certainly to think that a
15 church would conduct themselves in this way,
16 ignoring the neighborhood, ignoring Zoning
17 requirements is a great disappointment.

18 And I think that it was shocking to
19 me that you can endorse that. You would
20 expect they would do it above board and
21 beforehand. Don't tear down the lot. Seek
22 the exception. Get the exception. And then

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1 everything you do is above board. But when
2 you do it the way they did it and then try to
3 do it on the backhand and get Zoning coverage
4 after the fact, I just think that really
5 smacks the neighborhood in the face. I guess
6 it's not illegal and I guess it's a great
7 strategy, but it certainly doesn't speak well
8 for how they've handled this. I know it's a
9 great strategy, but it's a big disappointment.

10 CHAIRPERSON GRIFFIS: Good. Thank
11 you very much. I agree with you that the
12 relief, if it was required, obviously should
13 have been done prior to making any changes to
14 that lot.

15 You brought up another issue in
16 terms of vehicle ingress and egress and the
17 safety of that which is a critical point. Let
18 me ask you though, as you've viewed this, are
19 there ways you think that that could be
20 accommodated, not the ingress and egress, but
21 rather now going to how the parking lot
22 actually would be built out? Is there ways

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1 that that could be safe and accommodating from
2 your point of view? Could there be lighting
3 in the center of it say that would just down
4 light on the lot. Bollards or chains that
5 would close it off at night when it's not
6 being used? Would that seem to address some
7 of your issues?

8 DR. SHEPPERD: Well, I think that
9 it's practical for the church. It's very
10 impractical for the neighborhood. If you put
11 lights out there, that means that you have a
12 lot of lights streaming into the back of
13 everybody's houses. So I don't know --

14 CHAIRPERSON GRIFFIS: What if they
15 did them, for instance, like on eight-foot
16 posts and they were just down lights, so it
17 would not be directly -- they're not
18 spotlights that are shining across, but it
19 would have an illumination at the center of
20 that lot and actually an illumination at the
21 center of the alley, but not be a direct light
22 into your home.

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1 DR. SHEPPERD: I guess the best I
2 could hope for is that they pare down that
3 parking lot and restore part of the garden.
4 That's the kind of compromise that I would
5 have looked for.

6 I haven't seen any compromise. I
7 haven't really seen, except for a week ago,
8 there was no discussion. So there hasn't been
9 an opportunity to discuss what kind or type of
10 compromises there could be. But I feel that
11 right now they park about 32 cars, 31 cars on
12 that lot and then they still fill up alleys.

13 Now I've never complained about
14 them parking in the alley before because it's
15 not a big deal, but you tear down a huge space
16 in the alley and then you park those cars
17 there, then you're talking about -- it's a
18 regular street, and they have regular traffic
19 and the speed of the traffic is regular.
20 That's just no good. It wasn't designed for
21 that.

22 CHAIRPERSON GRIFFIS: Right.

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1 DR. SHEPPERD: My feeling is that
2 they really have to cut the volume of cars in
3 that alley. I just can't see 25 extra cars
4 plus another 15 parked in the alley anyway and
5 have it to be as safe as you would like.
6 Forget about how to secure it. It's a traffic
7 issue. It's a security issue. It's certainly
8 an aesthetic issue.

9 I would have told them in advance,
10 if you want to do that it's not very
11 practical. It works for you, but it doesn't
12 work for anybody else. So my suggestion is
13 you cut that lot so that it only has 16 or 14
14 cars or maybe the city can swap alley for the
15 triangular part where you can barely park in
16 anyway. I guess that's pie in the sky, but --

17 CHAIRPERSON GRIFFIS: Beyond our --
18 but an excellent thought and idea. That's
19 great. Thank you very much. Very
20 information.

21 Questions? Cross. Do you have any
22 cross examination questions of the witness?

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1 MR. WALKER: The only thing is I
2 would say is this. If you try to reduce the
3 number of parking spaces, it would be very
4 difficult. It you put a fence around it, it
5 doesn't work as a parking lot. And of course,
6 we have tried to keep them from parking in the
7 alley because the policemen will give us
8 tickets if we park in the alley, so we have no
9 choice, but to try to find another place to
10 park. And we've done that.

11 DR. SHEPPERD: The police have
12 turned a blind eye to the parking in the
13 alley. I've never seen them once give a
14 ticket. Maybe they have, but I've been there
15 ten years. I have not seen them in the alley
16 at all.

17 CHAIRPERSON GRIFFIS: In terms of
18 framing his in a question of cross
19 examination, are you aware of the impact that
20 might come if you reduce the parking or you
21 try and fence it off it wouldn't be -- you
22 wouldn't be able to utilize it as efficiently

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1 and effectively as a parking lot?

2 DR. SHEPPERD: See, they've gotten
3 themselves in this situation. And now we have
4 to help them get out of this situation. But I
5 would say don't get in that situation. But I
6 would have made some certain recommendations
7 in advance, but after the fact, it's very
8 difficult. It's true. It's unusual space.
9 It's very difficult to really squeeze in all
10 the cars that you want, but the best part of
11 the space is at the base of the triangle where
12 you can still fit about 14 cars and then the
13 rest of the triangle you can turn back into a
14 garden. That would be my suggestion.

15 CHAIRPERSON GRIFFIS: Okay,
16 excellent.

17 DR. SHEPPERD: I don't know if
18 there are other spaces, triangular lots like
19 this in other parts of the city, but I'd be
20 curious to know what the experience has been
21 with those lots in terms of what other
22 solutions have already been found for similar

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1 situations. That, I just don't know.

2 CHAIRPERSON GRIFFIS: That's
3 interesting. Let me ask Office of Planning if
4 they're aware of any. I don't know. Did you
5 run across any mid-alley lots that were
6 utilizing for parking that were of great
7 success?

8 MS. THOMAS: I don't know about a
9 great success, but I do know -- I think that
10 there was one case that came before the BZA on
11 --

12 CHAIRPERSON GRIFFIS: Off 11th
13 Street.

14 MS. THOMAS: Yes. Georgia.

15 CHAIRPERSON GRIFFIS: Georgia.

16 MS. THOMAS: Off of Georgia.

17 CHAIRPERSON GRIFFIS: Which also
18 had a garden aspect to it, a small little play
19 area.

20 MS. THOMAS: But that was a larger
21 lot and it was rectangular.

22 CHAIRPERSON GRIFFIS: Right. And

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1 they created bollards, if I'm not mistaken,
2 correct?

3 MS. THOMAS: Yes, they did.

4 CHAIRPERSON GRIFFIS: We'd have to
5 pull it, but that's an excellent question in
6 terms of are there other examples. I don't
7 think there are extensive amounts, but that's
8 a good thought to put to the Board frankly.

9 MR. BLAND: May I speak to that?

10 CHAIRPERSON GRIFFIS: Sure.

11 MR. BLAND: Originally, and this
12 goes back last year, it was my understanding
13 that the church had planned to put about 14
14 parking spaces on that property. I was really
15 shocked when I saw the drawing and it had 23
16 slots because again, I can't say that was the
17 facts. All I can say is that was my
18 understanding that there would be about 14 --

19 CHAIRPERSON GRIFFIS: Well, let's
20 not speculate. They're right here. Was there
21 a plan to look at 14?

22 MR. WALKER: Never. Scuttlebutt.

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1 CHAIRPERSON GRIFFIS: Glad we could
2 clear something up today. Okay, anything
3 else? Any other questions? Clarifications?

4 Other persons to provide testimony?
5 Let's take some closing remarks then.

6 MR. WALKER: I would only say this.
7 It would be very difficult for us to do
8 anything else but what we've shown to be
9 planned in order to accommodate some of our
10 needs. And I can understand the community's
11 concern and maybe hope just to build and work
12 with the community and help monitor this lot
13 as we've shown it to be.

14 REV. HARKINS: In addition, I would
15 just also indicate that throughout this some
16 30 plus years of our presence in the
17 neighborhood, we've always had and maintained
18 good working relationships with our
19 surrounding neighbors. A number of our
20 members live in property adjacent to the
21 church. As a matter of fact, two of the
22 families who are adjacent to the parking lot

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1 are members, very active members of our church
2 an we certainly want to make sure that it's
3 always clearly understood that we want to do
4 everything we can to work in full cooperation
5 with the neighborhood and so I would only take
6 exception to the idea that there was anything
7 less than open-handed in our attempts to try
8 to resolve a problem.

9 We also through the course of last
10 year and the year prior extensively informed
11 our congregation as to the impropriety of
12 parking in the alley ways, pursuant to what we
13 were told by the MPD and we let our membership
14 know that that was not an available option for
15 them. And in light of doing that, we
16 obviously needed to look at other options that
17 might be viable.

18 CHAIRPERSON GRIFFIS: Excellent.
19 Thank you very much. I think that's a good
20 note to resonate in terms of your availing
21 yourselves in this situation and others
22 obviously to work and be a good participant in

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1 the community, as you are obviously a major
2 member of the community, but there are others.

3 I want to make just one note at the
4 end of this hearing that we didn't get into
5 but we've addressed all the issues and the
6 Office of Planning did put in their report the
7 Department of Transportation's comments. I
8 understand there may be a report or not, but
9 the comments are there and those are the
10 elements that we have addressed today.

11 This is what I would propose. I
12 think this is not -- let me say, this is not a
13 new or complicated issue for the Board.
14 However, I don't find resolution in this
15 application today and rather than trying to do
16 that in the hearing room, I'd like to get a
17 little bit more time and I'd like a couple of
18 things addressed for the Board to be submitted
19 and perhaps it lends an opportunity for
20 another meeting for us to sit down and get
21 some feedback. But I think a plan to show how
22 you would like the site itself.

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1 I mean dealing with PEPCO and all
2 of that I think is excellent, however, putting
3 a Cobra in the alley is not necessarily the
4 proper lighting as I see coming from the
5 comments of the community. So perhaps maybe
6 three posts in the triangle section of that
7 that would be down lit, that would illuminate
8 that out.

9 I'd also like to have some sort of
10 address of whether you could put some bollards
11 on and I was just looking at just the scale of
12 what's happening here and I think OP was
13 absolutely correct. It wouldn't necessarily
14 need to be eight feet. It's not the bollards
15 that would be keeping cars from coming in and
16 out, but the bollards would hold some sort of
17 enclosure, whether it be an aircraft cable or
18 a chain that could be put up and enclosed.
19 That would stop a vehicle from pulling in
20 there, but it also would keep it open enough
21 and it wouldn't be a wall that someone could
22 hide behind or feel protected. It would still

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1 be open which I think will serve well in terms
2 of the security in the surrounding area.

3 So a bollard at every 30 feet might
4 be sufficient or 20 feet, depending on what it
5 is. And I don't think we're looking to
6 heavily burden the program of this, but I
7 think it might be appropriate to do. The
8 curbs are an excellent element and aspect that
9 sets the landscaping apart and allows it not
10 to be run over by cars if this was to move
11 ahead.

12 The last piece that I have is the
13 surface. We had a quick kind of indication
14 and comment that it may be too expensive.
15 Let's figure out what we're looking at. The
16 regulations have changed to allow pervious
17 surfaces on this. So I appreciated the
18 comments that you were meeting the strict
19 requirements of DDOT for impervious surfaces,
20 but we've become more intelligent of what
21 surfaces can be. So it would be great to hear
22 what options you were looking at or what

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1 options you've actually done away with, pretty
2 quick stuff.

3 What else? Oh, I think it wouldn't
4 be bad in that inclusion, just a narrative
5 form, a sentence or two, just articulate how
6 you manage this, how you manage the property
7 today and how you anticipate incorporating
8 your new acquire. I mean you own that
9 property no matter what happens with it. How
10 are you managing the safety of that during
11 obviously operation hours and outside
12 operation hours? That may mean -- well, there
13 it is.

14 What else? I don't have anything
15 else on my list, unless Board Members have any
16 other comments.

17 Yes?

18 MS. MITTEN: I just wanted to
19 reinforce the importance of responding to the
20 chair's request which is in a special
21 exception there's a presumption of
22 compatibility of the use, so saying, for

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1 instance as maybe the neighbors would want,
2 you can't use it for that under any
3 circumstances is not a tenable position under
4 the Zoning regulations, but it's finding the
5 right circumstances and resolving the security
6 issue is legitimate and needs to be done. So
7 when the chair asks you for that, you really
8 need to give us a meaningful response.

9 Thank you.

10 CHAIRPERSON GRIFFIS: Excellent.
11 Thank you. I don't have anything else then
12 unless the ANC has any other comments on that
13 or any other elements?

14 MR. BLAND: I was going to ask was
15 I suppose to have a closing statement?

16 CHAIRPERSON GRIFFIS: I'm sorry?

17 MR. BLAND: Was I supposed to have
18 a closing statement?

19 CHAIRPERSON GRIFFIS: Oh, yes.

20 MR. BLAND: I didn't know.

21 CHAIRPERSON GRIFFIS: You're all in
22 one. I'm sorry if I didn't make that

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1 absolutely clear.

2 MR. BLAND: I think first of all
3 this whole issue of the lot and what it's
4 intended use and what it will be used for it
5 has to be something that's compatible with not
6 only the church and their needs, but the needs
7 of the community and I just couldn't accept
8 anything less than that.

9 Also, I feel very strongly that
10 while we would be willing and certainly able
11 to help the church in policing its property,
12 it is not within our purview as citizens to
13 watch their property in the off hours.

14 CHAIRPERSON GRIFFIS: Right.

15 MR. BLAND: So as a solution, I'm
16 not going to be up at 3 o'clock in the morning
17 seeing who's in the parking lot.

18 CHAIRPERSON GRIFFIS: Sure.

19 MR. BLAND: Okay? But I think that
20 the regulations permit accessory parking on
21 that lot and so we've never said it can't be.
22 We have said under certain conditions and

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1 under the proper conditions, this is a
2 workable solution, but we've got to work at
3 it. And I believe the church is in good faith
4 when they say that they will now begin to
5 interact with the community.

6 CHAIRPERSON GRIFFIS: Excellent.
7 And I think those are great words to end by
8 and I appreciate you pointing that out. I
9 think that's exactly what Ms. Mitten was
10 indicating. I don't need to say it again.

11 Okay, so we will leave it at that
12 for the addition of information and I would
13 just specific in terms of the lighting
14 fixtures. I think what we've seen in the past
15 and it's probably the most appropriate thing
16 to do is two forms: one, show us where it
17 would be, if that's what you're proposing,
18 where it actually is on the site plan; and
19 then two, just add a spec sheet, a cut sheet
20 of what you're proposing, simple enough. And
21 then you don't have to do a lot of writing
22 which I like to avoid at all costs.

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1 Okay, anything else? Anything
2 else? Very well, we're going to set a date
3 then for the submission of this. How long do
4 you need to put this together? Just turn your
5 mic on when you're ready. Today, 5 o'clock?

6 (Laughter.)

7 MR. WALKER: A week to 10 days.

8 CHAIRPERSON GRIFFIS: Week to 10
9 years?

10 MR. WALKER: Yes.

11 CHAIRPERSON GRIFFIS: We'll give
12 you two weeks. So two weeks from this
13 Wednesday at 3 o'clock, it will come into the
14 Office of Zoning. Ms. Bailey is going to flip
15 through and get you the actual calendar date
16 and then from that we will set a decision on
17 this.

18 What we're going to allow for is
19 when you put this in in two weeks, we're going
20 to allow the record to be left open, depending
21 on what that date is for a response from the
22 ANC. Of course, you're going to be served

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1 this information as it comes into the record.
2 It's also being served you. So make sure
3 before you leave, touch base as to how you
4 want to get it. They may know that, but I
5 want to make sure we don't --

6 MR. WALKER: Will we need to come
7 back to a hearing here?

8 CHAIRPERSON GRIFFIS: No. You
9 won't leave without having clarification.
10 I'll get to that in two seconds.

11 Yes?

12 MS. BAILEY: Mr. Chairman, two
13 weeks from today is the 27th of March. Would
14 you be leaving the record open for a response
15 from the ANC?

16 CHAIRPERSON GRIFFIS: Yes.

17 MS. BAILEY: And is that one week?
18 Because the next Board's decision making is
19 April 3rd, so if that is the case, we won't be
20 able to make that April 3rd date.

21 (Pause.)

22 CHAIRPERSON GRIFFIS: Excellent.

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1 So let us set this for -- we're not going to
2 make -- the first Tuesday of every month of
3 course is our decision making. That's our
4 public meetings. We won't have time for this
5 to be on that calendar. And so one option is
6 that we move this to May, but it doesn't seem
7 to facilitate anyone's schedule if we lose a
8 month, so I'd like to set this for a special
9 public meeting. That means we will change our
10 entire schedule and just put this on it for
11 decision making. That will be on the 10th of
12 April and we would call that as a special
13 public meeting.

14 At the special public meeting, of
15 course, the record is closed at that point.
16 There is no other opportunity for anyone to
17 address the Board. The record is full and at
18 that point in the public -- in the open, the
19 Board will deliberate on the record and make a
20 decision.

21 So you're welcome to be here on the
22 10th. There's no requirement to be here on

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1 the 10th. You can watch us at home on your
2 computer or wait for the transcript to be
3 published. Any questions on that then?

4 MR. BLAND: The time on April 10th?

5 CHAIRPERSON GRIFFIS: 9:30. Any
6 problems with that, Mr. Moore and Ms. Bailey?

7 MS. BAILEY: I just want to repeat
8 those dates, Mr. Chairman, if that's okay?

9 CHAIRPERSON GRIFFIS: If you would,
10 that would be great.

11 MS. BAILEY: Okay, the Applicant's
12 submission is due on March 27th by the close
13 of business. Agency's response will be due on
14 April 3rd and the Board will consider a
15 decision at a special public meeting on April
16 10th at 9:30.

17 MR. WALKER: Would you repeat the
18 response?

19 MS. BAILEY: The response, April
20 3rd.

21 CHAIRPERSON GRIFFIS: And you know
22 your response obviously comes into the record

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1 and is served on the Applicant.

2 Excellent. Any other questions
3 then? Clarifications? Everyone clear?
4 Excellent.

5 Thank you all very much. We
6 appreciate it. You will see us on the 10th.
7 If there's nothing further, let's move ahead.
8 We're going to take a two-minute
9 break.

10 (Off the record.)

11 CHAIRPERSON GRIFFIS: Very well,
12 let's call the next case.

13 MS. BAILEY: Application No. 17575
14 of 4620 Iowa Avenue Cooperative Association,
15 Inc., pursuant to 11 DCR 3103.2, for a
16 variance from the minimum lot area
17 requirements under subsection 401.3, and a
18 variance from the off-street parking
19 requirements under subsection 2101.1, to add a
20 residential apartment unit to the first floor
21 of an existing apartment building. The
22 property is zoned R-4 and it's located at 4620

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1 Iowa Avenue, N.W., Square 2814, Lot 800.

2 CHAIRPERSON GRIFFIS: A very good
3 morning to you, Mr. Walker. Go ahead.

4 MR. WALKER: Good morning. My name
5 is Henderson Walker. I'm the agent for the
6 Applicant here and I have with me the
7 president of the Iowa Avenue Corporation and
8 he'll be speaking also.

9 Now we are applying for a variance
10 from the minimum lot area under Section 401.3
11 and parking requirements on the second,
12 2101.1, to permit the conversion of a large
13 unused space on the first floor of the
14 apartment building into an apartment, thus
15 making use of the space and providing
16 additional living unit.

17 Now what I don't understand and I
18 guess you probably have a copy of the same
19 thing I have. This is from Richard Nero, from
20 the Deputy Director of Operations of the Board
21 of Zoning Adjustment.

22 Do you have a copy of that letter?

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1 CHAIRPERSON GRIFFIS: I don't know
2 which letter. He sends out a lot.

3 What's the substance of the letter?

4 MR. WALKER: Copy of the letter
5 cites, the summation of the letter itself is -
6 - OZ has concluded, Office of Zoning
7 Adjustment has concluded adding one more
8 apartment unit to the existing seven-unit 1958
9 apartment building increases the intensity by
10 14.2 percent which is less than 25 percent,
11 therefore a variance is not required.

12 CHAIRPERSON GRIFFIS: Okay, let's
13 get clarification of what you're reading
14 because I don't have that.

15 MR. WALKER: No one has it.

16 CHAIRPERSON GRIFFIS: Who is it
17 addressed to? What's the date?

18 MR. WALKER: The date of the letter
19 is October 30th.

20 CHAIRPERSON GRIFFIS: And it's
21 from?

22 MR. WALKER: Richard Nero.

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1 CHAIRPERSON GRIFFIS: Sure.

2 MR. WALKER: I can read the letter
3 for you. I'd rather see it or know what it
4 is.

5 Mr. Parker, do you have this
6 letter?

7 MR. PARKER: Not with me, but I
8 have seen it.

9 It was addressed to the Applicant,
10 Mr. Nero submitted a letter stating that OZ
11 was of the opinion that neither of these
12 relief was necessary.

13 CHAIRPERSON GRIFFIS: Okay. Well,
14 then let's put it in the record.

15 If you wouldn't mind providing it
16 to Ms. Bailey. Do you have copies of it?

17 MR. WALKER: I have just one copy.

18 CHAIRPERSON GRIFFIS: Ms. Bailey is
19 going to be so accommodating. She's going to
20 make copies and while she does that, we'll go
21 to a couple of other things.

22 (Pause.)

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1 Good, I'll make a couple of
2 additional aspects, Mr. Walker, that you've
3 provided the Board that you've indicated that
4 this was a building that was purchased
5 somewhat recently by the tenants which is why
6 the president of the tenant association is
7 with us.

8 MR. WALKER: Yes.

9 CHAIRPERSON GRIFFIS: I'm pretty
10 swift with some coffee in me. And that they
11 have not utilized this parking for as long as
12 they can remember.

13 MR. WALKER: Many years.

14 CHAIRPERSON GRIFFIS: It certainly
15 has been used and by gosh, why not put another
16 unit in it and that's what's being proposed?

17 MR. WALKER: Yes.

18 CHAIRPERSON GRIFFIS: Are the
19 drawings finished for this already?

20 MR. WALKER: Yes, the drawings are
21 finished.

22 CHAIRPERSON GRIFFIS: They are.

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1 MR. WALKER: They were finished,
2 but it was rejected and sent to Zoning.

3 CHAIRPERSON GRIFFIS: Sure. We
4 don't have those drawings in the record
5 though, is that correct?

6 MR. WALKER: No, you don't have
7 those.

8 CHAIRPERSON GRIFFIS: Okay, for
9 clarification. This has a Certificate of
10 Occupancy which is also in the record, Exhibit
11 8, which is dated in the 2004 year, and this
12 is an apartment building. Is that correct?

13 MR. WALKER: That's correct.

14 CHAIRPERSON GRIFFIS: Okay. And
15 you've also indicated the fact that this being
16 on a triangle portion of a triangle lot or
17 square rather, that you have an incredible
18 amount of perimeter parking on the street,
19 public parking. Is that right?

20 MR. WALKER: Yes.

21 CHAIRPERSON GRIFFIS: And there
22 isn't any indication in the record or there

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1 hasn't been any indication from your public
2 process, and this being a public process that
3 there is a huge concern or issue for parking?

4 Am I correct in my understanding?

5 MR. WALKER: I don't think, based
6 on his memo, there's no need for that.

7 CHAIRPERSON GRIFFIS: No need for
8 what?

9 MR. WALKER: For an additional
10 parking space on the site itself.

11 CHAIRPERSON GRIFFIS: Sure, but
12 what about the public street parking?

13 MR. WALKER: It's on a triangular
14 to our property.

15 CHAIRPERSON GRIFFIS: A lot of
16 perimeter.

17 MR. WALKER: A lot of perimeter.

18 CHAIRPERSON GRIFFIS: Sure, sure,
19 sure. Is there an issue of parking demand in
20 the area?

21 MR. WALKER: There is none.

22 CHAIRPERSON GRIFFIS: I see. That

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1 still wasn't long enough to get copies done,
2 but we'll continue on.

3 MR. WALKER: I will say this, it is
4 a very unusual piece of property in that the
5 actual area of our building 3,581 square feet.
6 We have public space in that area of 6,000
7 square feet which is very unusual.

8 CHAIRPERSON GRIFFIS: Why is that
9 important to us?

10 MR. WALKER: Because it's on the
11 same site.

12 CHAIRPERSON GRIFFIS: Are you going
13 to park it?

14 MR. WALKER: No, no. Normally, if
15 you're talking about having 9,000 square unit
16 per unit.

17 CHAIRPERSON GRIFFIS: Or 900.

18 MR. WALKER: Nine hundred square
19 feet per unit, this gives you far more than
20 that, that sort of thing.

21 CHAIRPERSON GRIFFIS: I see.

22 MR. WALKER: But we don't know why

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1 it occurred --

2 CHAIRPERSON GRIFFIS: You don't
3 know why you're required to find relief from
4 401.3, is that correct?

5 MR. WALKER: Yes.

6 CHAIRPERSON GRIFFIS: I don't
7 either. I tend to agree with you. Actually
8 401.3 as you read it and the Board actually
9 has a past order that clarified this. The
10 fact is that under the minimum lot dimensions
11 of what you brought up in 401.3 it says for
12 conversions to apartment houses, 900 square
13 feet apartment or bachelor apartment. Is this
14 a conversion to an apartment house?

15 MR. WALKER: It's an existing
16 apartment building. It's not a conversion.

17 CHAIRPERSON GRIFFIS: There it is.
18 All right, any other questions,
19 clarifications at this time while we wait for
20 this other element?

21 MS. MITTEN: I have a couple of
22 questions. We have some photographs at

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1 Exhibit 5 and one is marked front and one is
2 marked rear. The front is on which street?
3 And the rear is on which street?

4 MR. WALKER: The front is on --

5 MS. MITTEN: Could you just say
6 that in the microphone?

7 MR. WALKER: The front is on Iowa
8 Avenue.

9 MS. MITTEN: Okay, and the rear is
10 on Arkansas. And then so there's curb cuts
11 that would lead to what would have been the
12 parking space?

13 MR. WALKER: Yes.

14 MS. MITTEN: One of the things that
15 I think would be important if this were
16 granted is that those curb cuts be eliminated?

17 MR. WALKER: Yes.

18 MS. MITTEN: Is that something
19 you've spoken to DDOT about or you intend to
20 do?

21 MR. WALKER: Yes.

22 MS. MITTEN: And then you're

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1 showing on your little plan that's marked --
2 it's actually drawn on to the survey plat that
3 there will be a dumpster in public space,
4 along Arkansas?

5 MR. WALKER: yes.

6 MS. MITTEN: And do you have
7 permission from the Public Space Committee to
8 do that? Do you have a permit to do that yet?

9 MR. WALKER: We don't have one. We
10 will get that.

11 MS. MITTEN: I didn't know that was
12 a common practice to allow a dumpster to be
13 allowed to be parked in public space like
14 that.

15 MR. WALKER: It's in the yard. It
16 just so happens that our building line is on -
17 - the building is on the building line. So
18 when you step out of the door, you're in
19 public space.

20 MS. MITTEN: Right, I understand
21 that, but you're talking about -- just let me
22 finish -- you're talking about converting

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1 space that's storage type space into the
2 living unit, which then you would say well, we
3 don't have a place to put a dumpster. We have
4 to put it in the public space as opposed to
5 accommodating that within the building.

6 MR. WALKER: Right now we have a
7 dumpster outside in order for them to put
8 their trash in.

9 MS. MITTEN: Because of what, I'm
10 sorry?

11 MR. WALKER: Right now, we have a
12 dumpster outside to put the trash in. Once
13 you step outside of the building, you're in
14 public space, so anywhere you put your
15 dumpster or put your trash, you're in public
16 space.

17 MS. MITTEN: I understand that and
18 I'm just wondering is that legal?

19 MR. WALKER: There's no where else
20 to put it.

21 MS. MITTEN: See, there's this
22 vacant space in your building. That's the

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1 circle that I'm working on. Some people do
2 actually accommodate that in their people.

3 MR. WALKER: Okay, keep the trash
4 in the building?

5 MS. MITTEN: Yes. I'd be curious
6 to know if you could get permission to put the
7 dumpster or whatever in public space in light
8 of the fact that it's at least as it's
9 currently configured possible to accommodate
10 that in the building.

11 CHAIRPERSON GRIFFIS: I think that
12 is actually a clarification we will require
13 and for your own benefit because it would be a
14 worse case scenario if it was approved and the
15 owners went and renovated this and then found
16 that they had to put a dumpster in their
17 building or had to remove it from the public
18 space. So let's make sure that we get
19 clarification on how that's going to be
20 accommodated.

21 MR. WALKER: We can certainly do
22 that.

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1 CHAIRPERSON GRIFFIS: Yes, sure.
2 Any other questions, clarifications at this
3 point?

4 MR. WALKER: Did you get a chance
5 to read the memo?

6 CHAIRPERSON GRIFFIS: Yes. I'm
7 going to address the memo. First of all, Mr.
8 Nero works here in the Office of Zoning
9 obviously.

10 MR. WALKER: I know.

11 CHAIRPERSON GRIFFIS: We know him.
12 You know him.

13 MR. WALKER: Yes.

14 CHAIRPERSON GRIFFIS: I have never
15 in my few years doing this as a volunteer had
16 an interpretation from the Office of Zoning.
17 Interpretations don't come from the Office of
18 Zoning. They come from the Zoning
19 Administrator is one. The Office of Planning
20 gives their interpretations and analysis. In
21 thinking about it while they were going to
22 make copies, I think it's best that we don't

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1 take it into the record.

2 I don't have any difficulty in you
3 addressing what Mr. Nero put in that and
4 you've made your statement that you don't
5 think relief is required under 401.3 and I
6 think we just leave it at that in terms of
7 your statement and we can -- the Board is very
8 well versed in all of these elements. So I
9 don't think we need to hard copy of that in
10 the record, but can say that you have had
11 discussions with Mr. Nero and from those
12 discussions your interpretation is that it
13 required relief from 401.3 is not needed.

14 If you want to talk further on the
15 parking, you're welcome to do that. I don't
16 tend to -- actually, I don't agree with that
17 it is not needed.

18 I think you said in your reading of
19 it very quickly that there was an intensity of
20 use issue that wouldn't invoke the parking
21 requirement. I would absolutely agree with
22 that, but I don't view this as looking at

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1 providing parking for an intensity or a
2 requirement of use increase, but rather the
3 removal. You're asking for a variance to
4 remove the existing parking and I think that's
5 pretty clear and straight forward that I think
6 that's the way we should proceed.

7 So unless there's others that feel
8 differently I am not taking into the record
9 that memo and take that as a consensus since
10 there's no other opinion stated.

11 Very well, let's move on then. Is
12 there anything else you'd like to bring to the
13 Board's attention?

14 MR. WALKER: No.

15 CHAIRPERSON GRIFFIS: Excellent.
16 Let's move ahead to the Office of Planning.
17 Mr. Parker is here and has his analysis.
18 Let's turn it over to you.

19 MR. PARKER: Good morning, Mr.
20 Chairman, Members of the Board. I'm Travis
21 Parker with the Office of Planning. We
22 struggled a bit with this case. OP takes very

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1 seriously the R-4 District and the protections
2 afforded by the 900 square foot limit, but we
3 did some uniqueness to this property and more
4 specifically the situation that this property
5 has. This is not a typical rowhouse R-4
6 building. It's a stand-alone building. It
7 was built as an apartment building. It was
8 built with space that has not been use
9 productively for many, many years in the
10 memory of the residents, as far as I'm aware.

11 There are mitigating factors in
12 terms of the parking. We'll actually be
13 adding more spaces to the street than we're
14 removing from the building in terms of taking,
15 removing existing curb cuts.

16 So Office of Planning found that
17 there was a uniqueness to this property that
18 actually tied to the relief being requested
19 and therefore we determined that adding a unit
20 in this building without adding on gross floor
21 area, without putting on an addition to the
22 building would not harm the integrity of the

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1 R-4 District and we recommended approval of
2 both variances.

3 CHAIRPERSON GRIFFIS: Excellent.
4 I'm assuming, obviously, in your analysis and
5 invoking the 401.3 that you believe this to be
6 a conversion to an apartment?

7 MR. PARKER: No. We consider --
8 well, not at all. Apartment buildings -- we
9 took a look at the original order that created
10 the conversion to apartments and that
11 addresses this issue. And basically, it said
12 the intent was that the 900 square foot per
13 unit is a maximum for existing and conversion
14 of. It doesn't make it into the text, but
15 that was clearly the intent of it. It didn't
16 make apartment uses a permitted use and
17 they're clearly not listed as a permitted use.
18 And so expanding a nonpermitted use is not
19 something that's allowable in our opinion.

20 CHAIRPERSON GRIFFIS: Okay, so I
21 think that makes it very clear that it's not
22 actually the reading of the regulations, but

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1 going to the legislative history and finding
2 the intent of what that regulations was for.

3 Okay. I'm not going to belabor the
4 point. We've had huge deliberation. I think
5 you were part of some of those, if not all.
6 We're here for the relief that's being
7 requested and I think we can move ahead with
8 that, unless the Board wants to take up the
9 nature of relief that should be or is
10 appropriate before us.

11 Very well, not noting that we do, I
12 will move on. Any other questions,
13 clarifications or rather questions from the
14 Board or the Office of Planning?

15 MR. MANN: Yes.

16 CHAIRPERSON GRIFFIS: Yes, Mr.
17 Mann.

18 MR. MANN: How is the current
19 parking situation in the vicinity of the
20 building?

21 MR. PARKER: The times that I have
22 seen it's open and my discussions with the

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1 Applicant more clearly indicate that there's
2 ample parking in the neighborhood.

3 MR. MANN: Thank you.

4 CHAIRPERSON GRIFFIS: Great. Do
5 you have any cross examination questions of
6 the Office of Planning, any questions?

7 MR. WALKER: I have none.

8 CHAIRPERSON GRIFFIS: Okay,
9 excellent. Let's move ahead then. We do not
10 have an ANC report as far as I understand from
11 4-C.

12 Did you meet with the ANC?

13 MR. WALKER: Yes, we did. Yes, we
14 did.

15 CHAIRPERSON GRIFFIS: Okay. Do you
16 know what the outcome was? Did they take a
17 vote when you were there?

18 MR. WALKER: I have a letter.

19 CHAIRPERSON GRIFFIS: You do. What
20 does it say?

21 MR. WALKER: It's a very brief
22 letter.

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1 CHAIRPERSON GRIFFIS: Is it in
2 support?

3 MR. WALKER: Yes.

4 CHAIRPERSON GRIFFIS: Okay.

5 MR. WALKER: It's not in support,
6 but it's not in opposition.

7 CHAIRPERSON GRIFFIS: It's not in
8 opposition?

9 MR. WALKER: Well, it says this,
10 "Dear Mr. Griffis: The purpose of this
11 correspondence is to verify that Mr. Paul
12 Scott and Ms. Beverly Brooks appeared before
13 the 4-C Advisory Neighborhood Commission in
14 October and November and presented to the
15 Commission the development plan for the
16 property at 4620 Iowa Avenue, Case No. 17575.

17 At the November meeting, Mr. Scott and Ms.
18 Brooks informed the Commission that they had
19 been notified that the development would not
20 require a BZA exception. Accordingly, ANC-4
21 took no action to support or not support the
22 4620 Iowa Avenue project."

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1 CHAIRPERSON GRIFFIS: I didn't get
2 that last sentence.

3 MR. WALKER: "Accordingly, ANC-4C
4 took no action to support or not support" --

5 CHAIRPERSON GRIFFIS: Because no
6 BZA action was required?

7 MR. WALKER: Yes. Because of the
8 letter that we submitted to them.

9 CHAIRPERSON GRIFFIS: I see.

10 MR. WALKER: We submitted a letter
11 to them and we received which indicated no
12 action was required. So therefore they took
13 no action to it.

14 CHAIRPERSON GRIFFIS: That I'm
15 clear on.

16 Okay, then why don't we take that
17 in, Ms. Bailey, if you wouldn't mind? Thank
18 you very much.

19 Okay. Let me ask if there are any
20 persons present in opposition or in support of
21 this Application 17575 that would like to
22 present testimony today for the Board? Any

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1 person can come forward at this time. Not
2 seeing any persons coming forward to present
3 testimony either in support or in opposition,
4 let's move ahead to any closings that you
5 might have.

6 MR. WALKER: I have none.

7 CHAIRPERSON GRIFFIS: Do you know
8 of anyone else that does?

9 Okay, very well. I think we have a
10 couple of details that we probably need before
11 we go to any sort of deliberation on this.
12 Frankly, I think this is a very strong
13 application, but I think there's a couple of
14 points that have been brought up.

15 Clearly, the utilization of space
16 that hasn't been utilized before is not
17 something that we want to stay in the way of,
18 however, the test for a variance is very clear
19 and I think Office of Planning's analysis is
20 an excellent one in terms of establishing the
21 uniqueness, the practical difficulty and fully
22 complying with the regulations and whether it

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1 would impair the intent and integrity of the
2 Zone Planner Map or the public good.

3 I think the test has been
4 substantially made and however, I think we do
5 need clarifications on two things. One, as
6 Ms. Mitten had brought up, just the placement
7 of the trash and how that's going to be
8 accommodated before we move ahead on this
9 venture.

10 Also, I didn't see in the record,
11 you've indicated today that you're going to
12 remove the curb cuts. But is that in process
13 or?

14 MR. WALKER: We can't do anything
15 until we get some decision from this Board,
16 but we do plan in removing curb cuts.

17 CHAIRPERSON GRIFFIS: Okay. What
18 do we have in your short narrative that's
19 coming in on the trash also just indicate that
20 as a proposed direction that you're going to
21 take.

22 Oh, and I think that probably just

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1 to -- this submission should include a plan of
2 that area or of the unit itself. I think what
3 was submitted was a little bit difficult to
4 understand how it was actually currently or
5 proposed to be used, just for clarification.
6 You said that you have the plans already done.
7 Is that right?

8 MR. WALKER: Yes.

9 CHAIRPERSON GRIFFIS: Okay.

10 MR. WALKER: I think that the plan
11 that you have, there is exactly what's being
12 planned for that unit. The space is a typical
13 space that the unit above it will be alike.
14 It just follows through to the first floor.

15 CHAIRPERSON GRIFFIS: All right, so
16 what you're saying what you drew on the site
17 plan and attached to the site plan is the
18 plan?

19 MR. WALKER: Yes.

20 CHAIRPERSON GRIFFIS: All right,
21 well then, we'll have to deal with it. Okay,
22 anything else? Anything else we need?

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1 (Pause.)

2 Okay, how quickly can you get that
3 in?

4 MR. WALKER: The two items that you
5 mentioned, yes. The same time, 10 days, 2
6 weeks, yesterday?

7 CHAIRPERSON GRIFFIS: Okay, today
8 is the 13th, correct? I think we can do that.
9 Let's -- we're going to have it in by the
10 28th of March, 3 o'clock in the Office of
11 Zoning. We're going to set this for a
12 meeting, for decision making on the 3rd of
13 April.

14 MR. WALKER: Would you spell out
15 the two items that you need again?

16 CHAIRPERSON GRIFFIS: Sure. We're
17 going to have a brief narrative or some sort
18 of description of how you're dealing with the
19 trash, the receptacle that's out there, the
20 dumpster, whether it's permission or permit or
21 whatever it is for off-site or whether on-site
22 accommodation, however it's going to be dealt

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1 with. And then also the intention of removing
2 the curb cuts that are there, if approved.

3 MR. WALKER: Very good.

4 MS. MITTEN: Can I just clarify?
5 If you intend to put your trash receptacle in
6 public space, you need to include an
7 indication that you have permission to do
8 that.

9 MR. WALKER: Yes.

10 MS. MITTEN: Okay.

11 MR. WALKER: Yes, I'll do that.

12 CHAIRPERSON GRIFFIS: Okay. Good
13 enough. Anything else? Clear on the dates?

14 MR. WALKER: Yes, I'm clear.

15 CHAIRPERSON GRIFFIS: Okay, this is
16 the last thing, there's a dumpster that's
17 there. It's sitting in the driveway,
18 essentially the old driveway which is
19 accommodated by a curb cut. Does your truck
20 come and pull into that driveway or do they
21 roll the dumpster out?

22 MR. SCOTT: Actually, it's

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1 currently not a dumpster. We have two trash
2 cans.

3 CHAIRPERSON GRIFFIS: Okay, so they
4 just pop it off the curb or whatever it is.
5 Great. Okay. Well, just be aware of all
6 those complications and everything. Sometimes
7 we think too much about all this stuff, but
8 that's what you're hired to actually think
9 about.

10 Okay, anything else then? Clear on
11 the dates of submissions?

12 MR. WALKER: Yes, I am.

13 MS. BAILEY: The decision is April
14 3rd. Did we give them a date for submission
15 or did I miss that?

16 CHAIRPERSON GRIFFIS: I was
17 thinking the Wednesday before, the 28th.

18 MR. WALKER: Twenty-eighth of
19 March.

20 CHAIRPERSON GRIFFIS: Three o'clock
21 if that facilitates the schedule or do we need
22 it a week before? Or that Monday, actually

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1 the 26th?

2 MR. SCOTT: That would be better if
3 the Applicant could accommodate that.

4 CHAIRPERSON GRIFFIS: The 26th, 3
5 o'clock. That's a Monday.

6 MR. WALKER: Yes.

7 (Pause.)

8 CHAIRPERSON GRIFFIS: Okay, good.
9 any other questions, clarifications?

10 MR. WALKER: No other questions.

11 CHAIRPERSON GRIFFIS: Great. Thank
12 you very much.

13 MR. WALKER: Thank you very much.

14 CHAIRPERSON GRIFFIS: Appreciate
15 you being down here this morning. Good luck.
16 We'll get this all done, get it in here, get
17 the specifics and we'll move ahead with that.

18 Great. Thank you very much. Let's
19 move ahead and call the next case for the
20 morning.

21 MS. BAILEY: Application No. 17577
22 of City Vista L Street, LLC, pursuant to 11

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1 DCMR 3104.1 for a special exception to
2 establish accessory parking spaces serving a
3 mixed use residential/retail building under
4 Section 2116, in the DD/C-2-C District at
5 premises 440 L Street, N.W., Square 515, Lot
6 158.

7 CHAIRPERSON GRIFFIS: Does everyone
8 have their cards in?

9 We'll get those in. Good. Before
10 we call this case, or rather before we move
11 into this case I have one element of
12 disclosure to make and that is I am working on
13 another project with one of the development
14 entities in this specific application. I
15 don't have outside of the record knowledge of
16 this other than that which was presented to
17 the Board and that which is in the public
18 realm, but I want to present that to not only
19 my Board Members, but also to the general
20 public and the Applicant and ask if anyone has
21 any concerns with me continuing on this case.
22 I do think that I can hear this impartially

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1 and fairly, but will easily not hear it if
2 there are any concerns.

3 Let me start with my Board Members,
4 if they have any questions of me?

5 (Pause.)

6 MR. MANN: No questions or
7 objections, Mr. Chairman.

8 CHAIRPERSON GRIFFIS: Thank you
9 very much.

10 Does the Applicant have any
11 difficulty with me continuing on this case?

12 MS. RODDY: No, sir.

13 CHAIRPERSON GRIFFIS: Anyone else?
14 Could someone run down the lobby and see if
15 anyone has a comment?

16 (Laughter.)

17 Okay, I won't belabor any more of
18 the time then. Let's move ahead. I'd have
19 you introduce yourself for the record and we
20 can move right into this.

21 MS. RODDY: Good morning. My name
22 is Christine Roddy. And I'm with the law firm

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1 of Pillsbury Winthrop and with me today is
2 Mark Rivers who is a representative of the
3 Applicant, City Vista L Street, LLC.

4 And our application today is very
5 straightforward. We're here for a special
6 exception relief from the parking requirements
7 of 2116 in the Zoning regulations and that
8 requires that all parking be provided on the
9 site of the building which the parking tends
10 to serve. And the City Vista project which is
11 located in the C-2 zone of the downtown
12 development district has three very distinct
13 components. And one of the residential
14 buildings will be completed prior to the
15 completion of the parking garage which is
16 located underneath the other buildings. And
17 for that reason we're here today to request
18 relief to temporarily locate parking north of
19 L Street in a paved part that already exists.
20 I'm sorry, paved lot.

21 And we believe we meet the special
22 exception standards and I would also like to

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1 note that we met with the Planning and Zoning
2 Committee of the ANC-6C as well as the full
3 ANC and we received their support and we also
4 have an Office of Planning report that is also
5 in support of this application. So with that,
6 I will introduce our only witness today. It's
7 Mark Rivers and he can walk through the
8 application.

9 CHAIRPERSON GRIFFIS: Excellent. I
10 think we can really summarize unless Board
11 Members have direct questions, I think we
12 could be pretty succinct and move into this.
13 It's kind of an interesting piece when you
14 look at the parking requirements and we look
15 at a temporary accessory parking. I don't
16 think it was really in the nomenclature of
17 what we're used to in terms of temporary -- we
18 look at temporary as a condition that's for a
19 certain amount of time because we don't want
20 it to be permanent. But this is clearly
21 within the definition of temporary because if
22 I'm not mistaken, this is literally to

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1 accommodate this phased construction and so
2 the off-site or accessory parking lot which is
3 across the street, which is shown, would then
4 be done away with in terms of the use or
5 connection to this project and would be
6 provided back on site.

7 MS. RODDY: That's correct.

8 CHAIRPERSON GRIFFIS: Okay. Any
9 other questions right of the bat on this one?
10 Very well, let's move ahead. If there's
11 comments or directions you want us to
12 specifically look at.

13 MR. RIVERS: My name is Mark
14 Rivers. I am the senior development manager
15 for L 5 K LLC who is the developer for this
16 project.

17 City Vista is a mixed use project
18 including about 125,000 feet of retail space
19 and nearly 800 residential units including a
20 full-service Safeway and a fitness center, a
21 hardware store. There will be other
22 restaurants and shops. This project is key to

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1 the re-emergence of the Mount Vernon Triangle
2 area.

3 City Vista is part of Square 515.
4 It's located between 4th and 5th Streets and K
5 and L Streets, N.W.

6 The project consists of three
7 buildings. There is one apartment building
8 and two condominium buildings. The L building
9 is the smaller building to the right and it is
10 constructed on grade. The parking for that
11 building is below the other -- the large
12 square portion of the project and it is
13 accessed off the alley.

14 The L building is nearly complete.
15 We intend to begin delivering condominium
16 units next month. The structure is still
17 being poured for the rest of the project, so
18 in order to accommodate parking in that
19 building it would be an unsafe condition for
20 us at this point.

21 What we're asking for is that we
22 temporarily provide parking for L Street

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1 residents across the street on the Stuart
2 property. We intend to do that through a
3 valet parking arrangement, 24 hours a day, as
4 a convenience or less inconvenience, if you
5 will, to our residents. The lapse in time we
6 expect will be two to three months. We've
7 asked for relief up to six months just in case
8 we have additional delays in construction.

9 I believe that's all I have.

10 CHAIRPERSON GRIFFIS: Excellent.
11 Thank you very much. A quick question on
12 timing. The Office of Planning is
13 recommending nine months. You said it may be
14 two to three and you're asking for six. Is it
15 really that tight? I mean six, nine, is there
16 an opinion on that?

17 MR. RIVERS: I think we asked for -
18 - I don't recall if we asked for six or nine.
19 Did we specifically ask?

20 MS. RODDY: We appreciated the nine
21 months for the flexibility and the
22 construction time period.

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1 CHAIRPERSON GRIFFIS: Right.

2 MS. RODDY: I think that six months

3 --

4 CHAIRPERSON GRIFFIS: Seems in the
5 realm of the same time frame. Okay. Just
6 clarification on that.

7 Excellent. And just for -- I want
8 to go some of the discrepancies -- I just need
9 clarification. The Office of Planning has
10 stated in their report that you're negotiating
11 with Stuart Company. Can you bring some
12 clarification of what you actually have before
13 you, a lease or where are you with that
14 property?

15 MR. RIVERS: We have a gentleman's
16 agreement with Stuart that he would provide
17 parking to us on as needed basis at the same
18 rates he charges at his lot on 5th Street
19 which is immediately across the street to the
20 west.

21 CHAIRPERSON GRIFFIS: Okay.

22 MR. RIVERS: We use that lot now

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1 for sales purposes.

2 CHAIRPERSON GRIFFIS: I see, but
3 he's prepared to -- or that property is
4 prepared to provide dedicated parking to this
5 project?

6 MR. RIVERS: We would have
7 exclusive use of this lot.

8 CHAIRPERSON GRIFFIS: Gotcha.
9 Okay. All right.

10 MS. RODDY: And we understand that
11 that may be a condition of approval for this
12 project to have a lease with the Stuart
13 Companies.

14 CHAIRPERSON GRIFFIS: To what what?

15 MS. RODDY: A lease.

16 CHAIRPERSON GRIFFIS: Sure, sure.
17 Okay. Anything else?

18 MS. RODDY: Actually, if you don't
19 mind, I would like to ask Mr. Rivers if he
20 believes that we meet the special exception
21 standards?

22 MR. RIVERS: Yes, I do.

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1 MS. RODDY: And I wanted to -- is
2 there any location on the property itself
3 where you could provide the parking this time?

4 MR. RIVERS: No.

5 MS. RODDY: Could you tell me
6 exactly the location where the parking will be
7 provided?

8 MR. RIVERS: Yes. The parking
9 would be accommodated here across L Street to
10 the north. This is the building in question
11 and this is where we would provide the
12 parking.

13 CHAIRPERSON GRIFFIS: Just for
14 clarification, that's the location map that
15 you're referring to and that is submitted in
16 your -- is it submitted in the record?

17 MS. RODDY: We have not submitted
18 that. If that is helpful, I do have a
19 Sanborne in here that outlines the property
20 where the parking will be provided.

21 CHAIRPERSON GRIFFIS: There was one
22 -- pardon me. There's one piece -- there it

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1 is, as usual. The Office of Planning's image
2 which is an excellent one to show the location
3 of, we'll need a copy of that location map, of
4 course, in the record, a smaller version, but
5 I would point the Board's attention and is
6 that -- do you have that?

7 MS. RODDY: I do. And I wanted to
8 amend the information I provided to the Office
9 of Planning in preparing that to also include
10 Lots 800 and 828, so it moves a little further
11 to the east as well.

12 CHAIRPERSON GRIFFIS: So to the
13 right of that sheet?

14 MS. RODDY: Yes.

15 CHAIRPERSON GRIFFIS: And it goes
16 all the way to 4th Street?

17 MS. RODDY: Yes, it does.

18 CHAIRPERSON GRIFFIS: Okay. It's
19 almost twice the size of what's in the blue?

20 MS. RODDY: I can submit this map
21 because it doesn't extend as far north.

22 CHAIRPERSON GRIFFIS: Okay, is that

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1 the Sanborne that's in the record?

2 MS. RODDY: No, this is not in the
3 record.

4 CHAIRPERSON GRIFFIS: Oh, I've got
5 you. You're going to put it in? Very well.

6 How many -- are the numbers similar
7 of what's required and what's accommodated on
8 the site?

9 MS. RODDY: Thirty-seven spaces
10 would be required under the zoning regulations
11 and we'll be able to accommodate more than
12 that on the site.

13 CHAIRPERSON GRIFFIS: Okay.
14 Anything else? Questions?

15 MS. MITTEN: Just as Ms. Roddy
16 mentioned, I think we need evidence, whether
17 it's a lease or just evidence of an agreement
18 that they have some control over that lot.

19 CHAIRPERSON GRIFFIS: Okay. Let's
20 move ahead then to the Office of Planning.
21 Mr. Cochran, a very good morning to you.

22 MR. COCHRAN: Thank you, sir. The

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1 Office of Planning as has already been noted,
2 recommends approval of this. If the Applicant
3 wants to have it approved for six months,
4 we're happy to go down to that, but Ms. Roddy
5 and I wrestled on that and we settled at nine,
6 but six is fine.

7 The map has already been corrected.

8 I think the Office of Planning had
9 recommended a lease be submitted. We would be
10 happy with something in writing from the
11 Stuart Companies. The Stuart Companies have
12 been doing business here for decades. I've
13 talked to Mr. Stuart about this use of the
14 lot. Certainly any agreement that he gives
15 you is going to be honored. But just
16 something in writing.

17 CHAIRPERSON GRIFFIS: Thank you.

18 Questions?

19 Cross?

20 MS. RODDY: No.

21 CHAIRPERSON GRIFFIS: All right.

22 If there is nothing further, let's move ahead.

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1 We do have indications that DDOT
2 had no objections to this and ANC-6C is not
3 present. I believe we have Exhibit 27 which
4 is the ANC's recommendation of approval that
5 may not have been timely filed, is that your
6 understanding?

7 MS. RODDY: It's my understanding,
8 but we would accept that.

9 CHAIRPERSON GRIFFIS: You would.
10 (Laughter.)

11 CHAIRPERSON GRIFFIS: We're pretty
12 strict around here.

13 Any difficulty in waiving our
14 rules, regulations and accepting the ANC's
15 report into the record?

16 Very well, not noting any
17 objections we can take ANC-6C's -- that's
18 actually what was provided to us this morning,
19 was it not? Which I had for some time. Is
20 that correct?

21 Okay. Very well. Which indicated
22 that they had a duly-noticed rescheduled

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1 monthly meeting on the 20th of February 2007.

2 A quorum of eight Commissioners present of 6-
3 C to review the following application which
4 is, of course, yours. After hearing the
5 presentations, the Applicant made comments to
6 the ANC. The ANC voted 7 to 1 to support the
7 application and that is, of course, BZA Case
8 No. 17577.

9 Okay, I don't have anything else
10 then. Then I turn to the Government and
11 Agency reports. Let's call for any persons
12 present to provide testimony for Application
13 17577 in support or in opposition? We're
14 going to have to take them one at a time,
15 panels of five. Not noting any persons
16 present to provide additional testimony we can
17 move ahead for any closing remarks that we
18 might have from the Applicant.

19 MS. RODDY: We believe we meet the
20 special exception standard and in light of the
21 support that this application has, we would
22 ask for a bench decision as well as a summary

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1 order.

2 CHAIRPERSON GRIFFIS: Excellent,
3 it's a good point except for the fact of what
4 do we do about the agreement? Do you have
5 anything today that we could put into the file
6 that would attach?

7 MS. RODDY: With us today, no. We
8 don't have an agreement.

9 CHAIRPERSON GRIFFIS: Okay, are
10 there other thoughts then? I mean I think --
11 I absolutely agree. I think the record is
12 full. It seems to be an expeditious use of
13 our time to deliberate on this today. Do
14 others have any comments or suggestions on how
15 we would proceed?

16 MS. MITTEN: Well, I guess one way
17 is if narrowed the requirement to a lease
18 itself, rather than just an open-ended
19 evidence broadly. We could say that it
20 wouldn't take effect until a lease was entered
21 into the record that showed they had control
22 of the site for the nine-month period.

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1 CHAIRPERSON GRIFFIS: Excellent,
2 and that's in fact what we've done previously
3 is condition the fact that there would be a
4 lease agreement that would be ratified before
5 otherwise it would obviously not be in
6 compliance with the regulations if that was a
7 condition.

8 I think that's an excellent way to
9 proceed and frankly, I think we should do so
10 and I would move approval of Application 17577
11 of the City Vista L Street, LLC and that is
12 attendant to the special exception which would
13 establish this temporary, not the words
14 actually used, but would establish accessory
15 parking spaces serving this mixed use
16 residential retail building. It's under
17 Section 2116 and it is for the premises for
18 440 L Street, N.W.

19 So I would ask for a second.

20 MS. MITTEN: Second.

21 CHAIRPERSON GRIFFIS: Thank you
22 very much, Ms. Mitten. I think attendant to

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1 that would be the single condition that we
2 would have a -- that there would be a lease or
3 agreement in place for the site and we can
4 acknowledge what site that is, however it is
5 set when we write this to provide the off-site
6 parking.

7 Also, the second piece that we
8 would put in, I would ask for deliberation on,
9 but I would propose a condition of nine months
10 and add that as the second condition. Is
11 there any discussion on that?

12 MS. MITTEN: I would just, in light
13 -- maybe I'm only adding this because we had
14 the earlier kind of lengthy discussion about
15 parking is that -- and that the site that's
16 been designated for the temporary parking be
17 in compliance with all zoning regulations
18 related to parking lots.

19 CHAIRPERSON GRIFFIS: Right.

20 MS. MITTEN: Which hopefully would
21 go without saying, but --

22 CHAIRPERSON GRIFFIS: Yes, it's an

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1 interesting concern to bring up.

2 MS. MITTEN: I say it because it --
3 I don't think it would be something the Board
4 would want to do granting relief to somebody
5 to use -- in reliance on a site that if they
6 weren't in compliance then we would be
7 suggesting, yes, go do that illegal thing
8 across the street.

9 CHAIRPERSON GRIFFIS: Right. Are
10 we aware that it's not in compliance?

11 MS. MITTEN: I don't know that
12 there's any evidence one way or the other, but
13 --

14 CHAIRPERSON GRIFFIS: Right.

15 MS. MITTEN: I just think we
16 should.

17 CHAIRPERSON GRIFFIS: I don't
18 disagree with you. I was just seeing if there
19 was additional information in here.

20 Yes, I think it does go with --
21 you're indicating that it goes without saying
22 that it needs to be in compliance with the

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1 regulations or are you saying that we
2 condition this order?

3 MS. MITTEN: Well, I guess in this
4 particular case, given that we don't have
5 evidence that it is in compliance I think it
6 would behoove the Board to just make that --
7 to articulate that so it's understood that we
8 anticipate that the lot to which we are -- on
9 which we are allowing this parking to be
10 temporarily accommodated, that we consciously
11 acknowledge the need to have that lot be in
12 compliance.

13 CHAIRPERSON GRIFFIS: Properly
14 surfaced and striped?

15 MS. MITTEN: I'm sorry?

16 CHAIRPERSON GRIFFIS: Yes, properly
17 surfaced and striped?

18 MS. MITTEN: Yes.

19 MR. MANN: I have a question
20 perhaps. I don't understand necessarily the
21 requirements, but isn't that -- aren't those
22 requirements for one way of establishing a new

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1 parking? If somebody were to going to build
2 parking, then they'd have to do certain things
3 regarding compliance with the zoning
4 regulations, but what if they're using
5 something that's already an existing parking
6 lot?

7 MS. MITTEN: Well, then that
8 parking lot should be -- should comply with
9 our regulations. That's what I'm saying. It
10 should go without saying.

11 CHAIRPERSON GRIFFIS: I think
12 that's a good note to put into the
13 deliberation. I think it's absolutely true.
14 I mean you can't use something that isn't in
15 compliance. So I think it's appropriate
16 enough just to have that as a statement of
17 deliberation.

18 Okay. Very well, then. We do have
19 the motion. It has two conditions to it. Are
20 there any other further comments,
21 deliberations on it?

22 Anything else? Very well, I'd ask

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1 for all in favor of the motion signify by
2 saying aye?

3 (Chorus of ayes.)

4 Any opposed?

5 (No response.)

6 Abstaining?

7 (No response.)

8 Ms. Bailey, if you wouldn't mind
9 recording the vote?

10 MS. BAILEY: Mr. Chairman, the vote
11 is recorded as 4-0-1 to approve the
12 application. Mr. Griffis made the motion.
13 Ms. Mitten seconded. Mr. Mann, Mr. Etherly
14 support the motion and Ms. Miller is not
15 present at this time.

16 CHAIRPERSON GRIFFIS: Excellent. I
17 don't see any reason why we wouldn't be able
18 to waive our rules, regulations and issue a
19 summary order on this unless others have any
20 objections or the Applicant has any objections
21 to that.

22 Very well. Let's do it. Thank you

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1 very much. Thank you all very much.
2 Appreciate it. Is there anything else for the
3 Board this morning, Ms. Bailey?

4 MS. BAILEY: No, Mr. Chairman.

5 CHAIRPERSON GRIFFIS: Very well,
6 have a pleasant day. If there's nothing
7 further for the Board, let's adjourn.

8 (Whereupon, at 11:33 a.m., the public hearing
9 was recessed, to reconvene at 1:10 p.m.)
10

11 A F T E R N O O N S E S S I O N

12 1:10 P.M.

13 CHAIRPERSON GRIFFIS: Good
14 afternoon, ladies and gentlemen. Let me call
15 to order the 13th of March 2007 afternoon
16 public hearing of the Board of Zoning
17 Adjustments of the District of Columbia.

18 My name is Geoff Griffis,
19 Chairperson. Joining me today is Mr. Etherly
20 and Mr. Mann, who is representing the National
21 Capital Planning Commission. Ms. Mitten is
22 with us this afternoon representing the Zoning

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1 Commission.

2 Copies of today's hearing agenda
3 are available for you. They are located at
4 the table where you entered into the hearing
5 room. You can pick one up and see where you
6 are in the chronology.

7 Let me ask if everyone here present
8 would please turn off their cell phones at
9 this time so we don't have a disruption of our
10 transmission.

11 And there are two very important
12 areas and means of transmission. First, the
13 Court Reporter, sitting on the floor to my
14 right is creating an official transcript.
15 Attendant to that I would also ask that people
16 fill out two witness cards. Witness cards are
17 available right here on the tables in front of
18 us. You can fill those two cards out and give
19 them to the reporter prior to coming forward.

20 That's obviously so we can spell your name
21 for the record.

22 We are also being broadcast live in

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1 the Office of Zoning's website. So attendant
2 to all of that, to be able to be on the
3 record, we will need you to always be on a
4 microphone. And when coming forward and
5 you're ready to address the Board, please just
6 state your name and address. You only need to
7 do this once and then we can proceed into the
8 important information you'll provide the
9 Board.

10 The procedures for special
11 exceptions and variances will be as follows:
12 first, we hear from the Applicant and the
13 presentation of their case and their
14 witnesses. Secondly, we will hear from all
15 government agencies attendant to the
16 application. Third, we will hear from the
17 ANC.

18 Fourth, we will hear from persons or parties
19 in support of the application. Fifth will be
20 persons or parties in opposition to an
21 application.

22 After all of that, we will return

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1 back to the Applicant for any closing remarks
2 that they might have. Cross examination
3 throughout this hearing is able to be
4 conducted by the Applicant and any parties
5 established in the case. The ANC within which
6 the property is located is automatically a
7 party in the case and therefore will be able
8 to conduct cross examination.

9 We will close the record at the
10 conclusion of our hearings today unless the
11 Board sees reason to keep it open. If we keep
12 a record open beyond today's proceedings, we
13 will be absolutely specific and you will have
14 a firm understanding of what and why the
15 record is open, meaning if there's additional
16 information to be provided, you will know what
17 that is and when it is to get into the Office
18 of Zoning. After that information is
19 received, the record would then be finally
20 closed. No other information would be
21 accepted into the record.

22 The Sunshine Act does requires that

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1 this Board conduct its hearings in the open
2 and before the public. We do at times and on
3 occasion enter into Executive Sessions both
4 during and after a hearing on cases. This is
5 in accordance with our rules, regulations and,
6 procedures. It is also in accordance with The
7 Sunshine Act.

8 A decision of this Board in
9 contested cases of which variances and special
10 exceptions are, our decisions must be based
11 exclusively on the record that we're creating
12 here before us today, so we ask that you make
13 sure all the pertinent and jurisdictional
14 information be put into the record, either
15 orally, through testimony today or in written
16 fashion. We will make every effort to
17 conclude our hearings today by 6 o'clock. I
18 don't anticipate having any difficulty doing
19 that.

20 At this point let me say a very
21 good afternoon to Ms. Bailey on my far left;
22 Ms. Bushman with the Office of Zoning also, as

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1 with Ms. Bailey with the Office of Zoning; Mr.
2 Moy with the Office of Zoning will be joining
3 us shortly and Ms. Glazer with the Office of
4 Attorney General is with us. I'm going to ask
5 Ms. Bailey if she's aware of any preliminary
6 matters for the Board's attention in this
7 afternoon's case?

8 MS. BAILEY: Mr. Chairman, Members
9 of the Board, good afternoon.

10 CHAIRPERSON GRIFFIS: Good
11 afternoon.

12 MS. BAILEY: There is, Mr.
13 Chairman, and it has to do with Application
14 No. 17533. This is an appeal of Advisory
15 Neighborhood Commission 6A. There is a
16 request, the third, for the continuance of
17 this hearing on this case, sir.

18 CHAIRPERSON GRIFFIS: Let us do
19 this. Those persons present that are going to
20 provide testimony to the Board today, if you
21 would please stand and give your attention to
22 Ms. Bailey who is on my very far left. I'm

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1 going to have her swear you in at this time.

2 MS. BAILEY: Will you please raise
3 your right hand?

4 (The witnesses were sworn.)

5 CHAIRPERSON GRIFFIS: 17533?

6 MS. BAILEY: 17533.

7 CHAIRPERSON GRIFFIS: Mr. Green,
8 are you here for that case?

9 MR. GREEN: Yes, I am. Good
10 morning or I should say good afternoon.

11 CHAIRPERSON GRIFFIS: Indeed.

12 MR. GREEN: Mr. Chairman and
13 Members of the Board, my name is Matthew J.
14 Green, Jr. I'm an Assistant Attorney General
15 stationed at the Department of Consumer and
16 Regulatory Affairs.

17 CHAIRPERSON GRIFFIS: Are you aware
18 of a continuance or are you aware of other
19 actions on this?

20 MR. GREEN: It's my understanding
21 that a continuance has been sought on this,
22 Mr. Chairman.

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1 CHAIRPERSON GRIFFIS: Okay. I'll
2 tell you what we're going to do. We're going
3 to wait for Mr. Moy to rejoin us who may have
4 additional information on this and then we'll
5 call it up as it may come in and make an
6 announcement on that. I would anticipate,
7 we're getting some further information into
8 the record now that may actually change that
9 for this afternoon, so why don't we hold off
10 on deciding any preliminary matters at this
11 point and move ahead to the first case which
12 looks to be fairly straight forward, but as I
13 also say, if we get further information we can
14 just interrupt the proceedings and take care
15 of that.

16 MR. GREEN: Thank you, Mr.
17 Chairman.

18 CHAIRPERSON GRIFFIS: Certainly.
19 Thank you.

20 Anything else, Ms. Bailey?

21 MS. BAILEY: No, Mr. Chairman.

22 CHAIRPERSON GRIFFIS: Very well.

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1 Is there anyone else present that has a
2 preliminary matter for the Board's attention
3 before we call the next case?

4 Preliminary matters, of course, are
5 those which relate to whether a case will or
6 should be heard this afternoon. A request for
7 a postponement as we just heard, or
8 withdrawals, whether proper and adequate
9 notice has been provided.

10 If you are concerned that a case is
11 on our schedule today that should not go
12 forward, now would be the time to raise that
13 with the Board. If there's no indication of
14 further preliminary matters, I'm going to have
15 all those that are going to present
16 information to the Board to please stand and
17 give your attention to Ms. Bailey. She's
18 going to swear you in.

19 MS. BAILEY: Would you raise your
20 right hand?

21 (The witnesses were sworn.)

22 MS. BAILEY: Thank you.

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1 CHAIRPERSON GRIFFIS: Excellent,
2 thank you all very much. I think we're ready
3 to proceed. Ms. Bailey, when you're ready.

4 MS. BAILEY: Mr. Chairman, the next
5 case is Application No. 17578 of Hartford
6 Street, LLC, pursuant to 11 DCMR 3104.1 for a
7 special exception to construct a new
8 residential development consisting of 16 row
9 dwellings under Section 353 and 410. The
10 property is zoned R-5-A and it's located at
11 2700 Hartford Street, S.E., Square 5727, Lots
12 149 through 154.

13 The application was originally
14 advertised for 18 units, Mr. Chairman, but I
15 understand that the number of units have been
16 reduced to 16 and additionally, relief was
17 advertised under Section 353 and relief is now
18 being sought in addition to 353 under 2117.8D
19 and 2117.9.

20 CHAIRPERSON GRIFFIS: Excellent.
21 Ready?

22 Will you please have a seat?

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1 There's a button on the base of that mic. You
2 can turn it on and if you wouldn't mind please
3 state your name and address for the record.

4 MR. MITCHELL: My name is Melvin
5 Mitchell and my address is 413 Van Buren
6 Street, N.W., Washington, D.C.

7 CHAIRPERSON GRIFFIS: Excellent.
8 And you are the architect and agent today,
9 correct?

10 MR. MITCHELL: Yes, sir.

11 CHAIRPERSON GRIFFIS: Excellent.
12 Is Ms. Bailey correct -- well, she has stated
13 that there is additional relief that was being
14 sought under 2117. Is that your
15 understanding?

16 MR. MITCHELL: Yes, sir. That's
17 correct.

18 CHAIRPERSON GRIFFIS: And you've
19 addressed it actually pretty specifically in
20 your filings.

21 MR. MITCHELL: Yes.

22 CHAIRPERSON GRIFFIS: I'll turn it

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1 over to you for case presentation.

2 MR. MITCHELL: We are proposing --
3 if I may, can I -- would I be able to stand
4 away from the mic or will that be difficult?

5 CHAIRPERSON GRIFFIS: No, we can
6 accommodate. There might be the handheld is
7 here or you could sit over closer to the
8 Board's, whatever you need.

9 MR. MITCHELL: I just want to put
10 the project -- I just want to, even though the
11 project is only 16 houses, 16 units on an
12 approximately 35,000 square foot lot, I want
13 to place it into proper context for the record
14 and for your information.

15 CHAIRPERSON GRIFFIS: Sure.

16 MR. MITCHELL: It's the
17 continuation of a 120 plus unit development at
18 the Knox Hill site, an old public housing
19 project that was acquired by the Department of
20 Housing some 25 years ago and raised. My firm
21 was engaged through a competition by the
22 Department and working in conjunction with

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1 several nonprofits to build 120 plus houses on
2 the site.

3 All of those houses are all fee
4 simple houses and they're all complete. This
5 was all done as a matter of right because all
6 of these lots were 3,000 square feet and this
7 is a layout showing the particular
8 development.

9 CHAIRPERSON GRIFFIS: Do we have
10 that board in the record?

11 MR. MITCHELL: I'd like to think
12 that you do. It may be a smaller iteration.
13 It may be a smaller color map.

14 CHAIRPERSON GRIFFIS: I appreciate
15 it. I'll need that exact sheet in the record
16 when you're done.

17 Go ahead.

18 MR. MITCHELL: So the context
19 basically is this site, this approximately
20 35,000 square foot site that is the last
21 undeveloped -- well, not the last, but one of
22 the last several undeveloped pieces on the

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1 site.

2 There is one other undeveloped
3 piece on the site that was deeded over to the
4 Department of Recreation and the Department of
5 Housing and the Department of Recreation are
6 supposed to be working jointly to build a
7 community, a recreation center there.

8 That does not involve me or my firm
9 in any way. But just for the record, that's
10 one of the issues there.

11 So with that in mind, essentially
12 after several iterations, beginning with an
13 initial Board filing, which we propose to do
14 18 units on the site and configured and sited
15 in such a way that after extensive
16 consultation with the Office of Planning, was
17 found to not be the most appropriate way to
18 go. And so we went back and we redesigned the
19 project to accommodate the main issue which
20 was that all of the units consistent with the
21 rest of the project and those down the street
22 from the project that all of the units must

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1 front because they're all fee simple units and
2 that all of them must front on Hartford Street
3 with direct access, both for the home owner as
4 well as the automobile, because the units
5 themselves are three level garage townhouses
6 and these are the plans, the typical plans.
7 And again, the units are similar to the units
8 that were built in the overall development.

9 That's basically the high spots.
10 These are just some graphics showing what we
11 believe this will look like upon completion.
12 This is just a shot of the retaining walls
13 because there will be -- the site is a very
14 difficult and sloping site and there will be
15 some retaining walls and so we just wanted to
16 give you an indication of what they would look
17 like.

18 Those are similar to some that we
19 used elsewhere on the site in the larger
20 development. This larger development was
21 completed in 2002 and we have been working
22 with the Department, that is the actual still

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1 legal owner of the land until it transferred
2 to us to come up with resolution of how we
3 would utilize, how we would redevelop this
4 very difficult sloping site and this is the
5 last piece of this project.

6 CHAIRPERSON GRIFFIS: Excellent. A
7 couple of quick questions. This is a pre-
8 engineered product, isn't it?

9 MR. MITCHELL: All the homes built
10 thus far in this overall 120-some plus unit
11 development, plus these 16 are all, were all
12 done modular, were modular units that were
13 brought in the site.

14 Essentially, the top two floors, in
15 some cases, was all three floors, but in many
16 cases it was just the top two floors set on a
17 base, but they all were modular units.

18 Over the course of that eight to
19 ten year buildout, we used four different
20 modular companies and we now have settled on
21 one that we're going for.

22 CHAIRPERSON GRIFFIS: That's fine.

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1 MR. MITCHELL: After the modulars
2 are brought in, of course, then we have to
3 field finish them, all of the preparation and
4 work.

5 CHAIRPERSON GRIFFIS: I'm not
6 concerned with that. It's just a
7 clarification. The 1.0 also clarification on
8 your site plan, you showed lots which are not
9 under review or requests or anything, however,
10 some of the portions of some of the structures
11 go beyond the lot lines. It's not your
12 anticipation that that's going to be the case,
13 right?

14 MR. MITCHELL: No, sir.

15 CHAIRPERSON GRIFFIS: So they'll
16 just be clarified as further permitting, one
17 of the stairs extends over and --

18 MR. MITCHELL: No, that would be a
19 graphic for it.

20 CHAIRPERSON GRIFFIS: That's fine.
21 Then the last piece, for my clarification,
22 what of 2117.8 or 2117.9 do you not meet and

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1 that's the driveway, providing access to the
2 required parking?

3 MR. MITCHELL: Specifically, that
4 regulations asks that the space between --
5 well, I'll hold this up. The space between
6 the driveways to the units be 28 feet.

7 CHAIRPERSON GRIFFIS: Okay.

8 MR. MITCHELL: Now the only way
9 that you could accomplish that would be that
10 this is 16 units. You'd have to reduce that
11 to about 10 units.

12 CHAIRPERSON GRIFFIS: Sure. Right.
13 Okay. And I think OP addresses that pretty
14 clearly.

15 MR. MITCHELL: Yes.

16 CHAIRPERSON GRIFFIS: Let me just
17 ask you just quickly, are the grades on the
18 driveways meeting the requirements of --

19 MR. MITCHELL: Twelve percent or
20 less.

21 CHAIRPERSON GRIFFIS: It is 12
22 percent or less?

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1 MR. MITCHELL: Right.

2 CHAIRPERSON GRIFFIS: Excellent.
3 Okay. I don't have anything else. Do others
4 have questions right now?

5 Very well. What else? Anything
6 else you need to show us?

7 MR. MITCHELL: That's essentially
8 what we're proposing to do at this site.

9 CHAIRPERSON GRIFFIS: Great. Let's
10 move ahead. We'll go right to the Office of
11 Planning.

12 MR. MOORE: Good afternoon, Mr.
13 Chair and Members of the Board. I'm John
14 Moore of the Office of Planning. We are in
15 support of the project after some negotiation
16 with the developer. We want to thank him for
17 negotiating with us to get the unit count down
18 to where the project would work.

19 CHAIRPERSON GRIFFIS: Excellent,
20 thank you very much. A very comprehensive
21 analysis. I do appreciate it.

22 One of the important aspects or the

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1 aspect of this special exception for 353
2 really is more of a referral special
3 exception. The Board, in our regulations,
4 obviously in the R-5-A has said if these go
5 ahead, which is supported by the regulations,
6 we have to make sure that the Department of
7 Ed. and DDOT and everybody is okay. Well,
8 Office of Planning takes on the responsibility
9 of making sure that all those referrals are
10 done and I just point out in your report of
11 those referrals have been completed. Is that
12 correct?

13 MR. MOORE: That is correct. Did
14 you receive a separate one from DDOT?

15 CHAIRPERSON GRIFFIS: I do not
16 know.

17 MR. MOORE: I didn't bring my copy,
18 but I have a copy.

19 CHAIRPERSON GRIFFIS: I don't have
20 it in my report.

21 MR. MOORE: I'll make sure we get
22 one to you.

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1 CHAIRPERSON GRIFFIS: If we can get
2 that in.

3 And we also noted that Department
4 of Education also didn't send in a report.
5 However, you did an analysis of the typical
6 families' children census tract and the
7 capacity of schools in the area.

8 MR. MOORE: We're pretty confident
9 it can be accommodated.

10 CHAIRPERSON GRIFFIS: Excellent.
11 Anything else then?

12 Questions from the Board? Does the
13 Applicant have any questions of the Office of
14 Planning?

15 MR. MITCHELL: No, sir.

16 CHAIRPERSON GRIFFIS: Okay. Let's
17 move ahead. Is the ANC present, ANC-8B?
18 Anyone here representing the ANC?

19 Were you able to meet with the ANC?

20 MR. MITCHELL: I met with ANC
21 Commissioners on three different occasions,
22 the most recent being yesterday.

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1 CHAIRPERSON GRIFFIS: Okay.

2 MR. MITCHELL: The occasion prior
3 to that I met with the ANC at -- they
4 indicated to me was a full ANC Board meeting
5 and in which I made a formal presentation of
6 the project. There was indication to me that
7 they actually voted and voted in support of
8 the project conditioned upon certain things
9 relative to us working closely with some of
10 the community concerns as well as some of the
11 residents' concerns in the prior project that
12 we had completed.

13 They indicated to me that a letter
14 to that effect would be forthcoming and that
15 indication was made to me again as recently as
16 yesterday. In fact, it indicated that someone
17 would be here from the ANC, so I don't know
18 why they would not be, based on what they
19 said.

20 CHAIRPERSON GRIFFIS: Okay. As of
21 this morning, frankly, as of 12 o'clock, we
22 didn't receive anything, but that's okay. We

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1 can proceed with that.

2 I think it's appreciated one, with
3 the Office of Planning's testimony and in
4 their report, but today the issues and
5 elements that needed to be addressed, I think
6 that's what you've just said, that the ANC was
7 receptive to the changes that were made from
8 the prior development plan. Is that correct?

9 MR. MITCHELL: Well, that wasn't
10 really an issue. By the time we got to the
11 ANC, we had this presentation and so --

12 CHAIRPERSON GRIFFIS: I see. What
13 were some of their issues then?

14 MR. MITCHELL: Their issues, I
15 think, and I suspect that there's some people
16 here to testify, their issues had more to do
17 with the fact that -- well, the cost,
18 affordability and also the possibility of
19 employment on the project for people in the
20 area. And the third and largest and
21 potentially most contentious issue has to do
22 with several people that live in the prior

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1 project that we had worked on that have some
2 unmet grievances as it relates to unaddressed
3 callback issues. So all of those things came
4 about.

5 CHAIRPERSON GRIFFIS: Construction
6 issues, you mean?

7 MR. MITCHELL: What you call punch
8 list items.

9 CHAIRPERSON GRIFFIS: Right.
10 They're punch list items that weren't
11 finished.

12 MR. MITCHELL: Didn't do the field
13 work --

14 CHAIRPERSON GRIFFIS: When were
15 they done?

16 MR. MITCHELL: First broke ground
17 in 1993 and last unit was done in 2001 or
18 2002.

19 CHAIRPERSON GRIFFIS: So it's been
20 some time.

21 MR. MITCHELL: Yes.

22 CHAIRPERSON GRIFFIS: Very well. I

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1 don't have anything else then unless there's
2 other questions.

3 Well, some of the aspects we do
4 look at in a special exception, let me just
5 have you state on the record, it looks like
6 substantial front yards or front areas. But
7 frankly, how do we say it, monumental stairs
8 going up to these --

9 MR. MITCHELL: If I could address
10 that.

11 CHAIRPERSON GRIFFIS: Yes.

12 MR. MITCHELL: The reality is that
13 there is a 15-foot setback from the property.

14 From the curb to the property itself and all
15 of that was improvement work done by the
16 Department of Housing.

17 CHAIRPERSON GRIFFIS: Is that a
18 building line, building restriction line?

19 MR. MITCHELL: Yes.

20 CHAIRPERSON GRIFFIS: Okay, good.

21 MR. MITCHELL: There's a 15-foot
22 building restriction line from the property

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1 line which is at the back of the sidewalk
2 which is about 12 feet from the curb and then
3 in addition to that, we have to allow an
4 approximately five foot PEPCO easement because
5 all of the services are run underground. So
6 that makes for a well in excess of 20-foot.
7 And the sketches showing the stairs, I think
8 that's a distortion of how steep they are. We
9 have in mind -- in other words, that distance
10 is longer than what is showing there.

11 CHAIRPERSON GRIFFIS: So the run is
12 more substantial.

13 MR. MITCHELL: Right, right, right.
14 We've committed and the engineered site plan
15 that is on another board, confirms that the
16 grade will not exceed 12 percent.

17 CHAIRPERSON GRIFFIS: My question
18 goes to the front area. Is there any
19 opportunity for any sort of green space or
20 landscaping? Is there any anticipated?

21 MR. MITCHELL: Yes, there would be.

22 CHAIRPERSON GRIFFIS: Okay. Where

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1 would that be?

2 MR. MITCHELL: Again, essentially -
3 - these are the units and this is the area or
4 the distance and so there would be
5 opportunities for some -- now, admittedly not
6 substantial, but some green spaces along the
7 sidewalks and separating the units themselves.
8 And then there are several places at the
9 project which represent breaks between the
10 units, the phasing, six and -- four and six --
11 that also represent another substantial
12 opportunity.

13 CHAIRPERSON GRIFFIS: So you're
14 saying, you're laying out an opportunity on
15 both sides flanking each of the walkways is
16 really what it comes down to?

17 MR. MITCHELL: That's correct.

18 CHAIRPERSON GRIFFIS: It's
19 interesting. It's not showing on the drawings
20 that I have so that's good to know. I think
21 that's a great opportunity, actually, to make
22 some, as you said, some boundaries, some

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1 definition between the property and also that
2 between the walking stairs going up to the
3 units and the driveways.

4 Okay. I don't have anything else.
5 Does anyone else have anything?

6 Very well, let's move ahead then
7 and are persons present to provide testimony,
8 now would be the time, if you would like to
9 come forward if you're ready?

10 MS. GARRIS: Hi. My name is Anna
11 Garris and I reside -- I'm a resident at 2716
12 James M. McGee, Jr. Street and I'm here today
13 because I learned about this hearing just a
14 few hours ago. But I learned that Mr.
15 Mitchell was coming back in the neighborhood
16 to do other developments to complete what he
17 has started in the Knox Hill townhouse
18 development.

19 And what happened with that was he
20 kind of left and we didn't know he was leaving
21 and since then we had problems that to this
22 day never -- we couldn't get in contact with

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1 him or at the time he stated, so it came -- I
2 wasn't there to hear, but I was told that he
3 said he had no money. But he left out of
4 there, was the properties in a lot of problem.

5 I was recently had to pay a big piece of
6 money because I learned my roof had not been
7 nailed to the property and that caused me all
8 kinds of problems because birds were getting
9 into my roof. And the guy that went up
10 brought out four chicks the size of my fist.
11 I was going to have some real problems.

12 My sister is also my next door
13 neighbor. She would have been here today, but
14 she has something else to do. She witnessed
15 the fact that those little chicks and she saw
16 the birds, the large birds going up in the
17 roof and the house won't even be nine years
18 old until July this year. So the fact of him
19 coming back in to do other houses and we
20 didn't get a list together and we found out at
21 the last minute, a lot of the residents, that
22 this hearing was going to be today. It's just

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1 sort of unfortunate that he would be allowed
2 to come back in after the last time there with
3 the many problems left unresolved.

4 CHAIRPERSON GRIFFIS: Okay.
5 Excellent. Thank you very much, Ms. Garris.
6 You said you haven't put together a list yet.
7 Are you going to put together a list of
8 things --

9 MS. GARRIS: We at some point had a
10 list to present to Eleanor Holmes Norton.
11 Right now, a very few of us -- well, not a
12 few, but came out like was a minimum amount.
13 But everybody had concerns of another of their
14 properties.

15 CHAIRPERSON GRIFFIS: Sure, sure.
16 I think it's important to put down.

17 MS. GARRIS: We were trying to get
18 together our association and Jean, she at the
19 time had the list and so she has some two
20 points that she wants to share right now and
21 they're very important points.

22 CHAIRPERSON GRIFFIS: We'll get to

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1 her in a minute. We're not finished with you,
2 however.

3 MS. GARRIS: Okay.

4 CHAIRPERSON GRIFFIS: I think
5 you're bringing up some real concerns.

6 MS. GARRIS: Yes, bad concerns.

7 CHAIRPERSON GRIFFIS: But I want
8 you to be absolutely clear.

9 MS. GARRIS: I'm sorry.

10 CHAIRPERSON GRIFFIS: No, no, no.
11 We wouldn't have any authority to remedy your
12 problems on another property. However, I
13 think coming down here today, this is a public
14 hearing, and airing that is an important
15 piece. But what we want to do is be able to
16 facilitate -- we want to help you figure out
17 where you need to go to deal with these. If
18 it's the same developer and he's here, then
19 you've got him also here today.

20 MS. GARRIS: Yes.

21 CHAIRPERSON GRIFFIS: But you may
22 also want to check with DCRA.

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1 MS. GARRIS: What's that again?

2 CHAIRPERSON GRIFFIS: DCRA and
3 after all, their attorney is sitting right
4 here, too, so it's very advantageous that
5 you're here.

6 But that's the agency that reviews
7 construction.

8 MS. GARRIS: Yes.

9 CHAIRPERSON GRIFFIS: And the
10 proper construction. What I don't want you to
11 do is when you walk out of here thinking hey,
12 we're going to come together and solve your
13 problem. Because we can't. We're here
14 specifically to talk about this project --

15 MS. GARRIS: The project going on
16 and I was aware of this, sir, but I just
17 wanted you beforehand to know that the last
18 one he did and perhaps I don't know well if it
19 would be this DCRA, but somebody, the whole
20 problem with the project is they threw up the
21 houses and they didn't do a good job and in
22 D.C., see I have problems with D.C. too

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1 because they have inspectors that come in and
2 sign off on stuff.

3 CHAIRPERSON GRIFFIS: Right.

4 MS. GARRIS: And the inspector I
5 had didn't do a good job.

6 CHAIRPERSON GRIFFIS: Right.

7 MS. GARRIS: When you start
8 talking about -- because the problem, some of
9 them that's the roof thing, he didn't go on
10 the roof so he was not aware of that. But if
11 he's going to enter into a new project with
12 homes, this time perhaps somebody can be on
13 watch so it would in here on the properties
14 that are terribly damaged and come forward
15 with something good. Because just to look at
16 the projects that he already done, the houses
17 look beautiful, the outside.

18 CHAIRPERSON GRIFFIS: And this is
19 very valuable information, don't get me wrong.

20 I was just recalling as I was looking at
21 this. There is even more control on this. If
22 I'm not mistaken the architect had indicated

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1 that this was and Ms. Mitten just told me
2 again, that DHCD provided this property. It
3 was an award through a city agency. So
4 there's no reason why all the agencies aren't
5 working together for the best situation and I
6 would speculate, but I imagine the developer
7 doesn't want to leave a place with problems.

8 MS. GARRIS: So the DCRA, however,
9 before leaving today, I will speak to Mr.
10 Mitchell.

11 CHAIRPERSON GRIFFIS: Absolutely,
12 and we're going to have him back up here also
13 for a couple of quick questions and we'll make
14 sure that you know where and who to call
15 before you leave.

16 MS. GARRIS: Okay, thank you very
17 much.

18 CHAIRPERSON GRIFFIS: No, thank you
19 very much, Ms. Garris.

20 Do any of the other Board Members
21 have questions right now?

22 Does the Applicant have any cross

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1 examination of Ms. Garris, any questions?

2 Why don't we move to you then, if
3 you wouldn't mind -- make yourself
4 comfortable. You don't need to move. We'll
5 just move that microphone down.

6 MS. CALDWELL: Good afternoon, my
7 name is Jean Caldwell and I'm at 2718 Knox
8 Terrace, S.E. I understand what you're saying
9 as far you cannot help us with the problems
10 that we're having. But my concern is the new
11 homes that are going up back there. The
12 things he promised us when we moved in at the
13 ANC meeting, things that he's promising the
14 new developer -- or the people that's coming
15 in, I would like to ask you, is it possible
16 that the neighbors who would have been here
17 today, can they do a write-in on their
18 disagreements about having these houses come
19 into the neighborhood?

20 And also, with the materials, the
21 labor that he's using, with Knox Hill, it
22 wasn't very good material because some of the

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1 neighbors, including myself, had to put up new
2 decks. We're having -- I've got something
3 running in my house, my wall has been going on
4 for years. And it's just a continuous thing,
5 day by day with the house. As far as the
6 landscaping, to do any type of gardening or
7 whatever, we had to practically do the yard
8 all over again, pulling up dirt, big rocks and
9 stuff. And these are things that we're going
10 through that I don't want other neighbors to
11 come in and have to go through the same
12 problem. It's not fair.

13 So my concern is things that he
14 promised us and he's still promising the new
15 neighbors, the home owners, the money that
16 they're asking, it's just that we need or he
17 needs some type of guidelines, somebody that's
18 watching. The people that are coming in to
19 work are not the people that worked in the
20 neighborhood on the Knox Hill project. So my
21 biggest concern is is there going to be
22 someone there day by day or what have you? I

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1 don't know how it runs or how you observe
2 people when they come into the neighborhood,
3 putting up projects.

4 But the thing is the material,
5 people who are going to be there, the
6 inspectors, what have you, they need to be
7 above doing what they're supposed to be doing
8 and not being left out in the cold like Knox
9 Hill was. We were actually left out in the
10 cold with things that we have to come back and
11 do.

12 It's true, our houses to me, still
13 new and I understand that houses settle, but
14 money we have put into our new homes, we
15 shouldn't have to do that.

16 CHAIRPERSON GRIFFIS: Right.

17 MS. CALDWELL: We should have had
18 to do that. I mean it's just unspeakable of
19 things that have gone on in Knox Hill. And
20 we've sent letters to Landen McCall about
21 different things that we've had. So it's just
22 that the folk that are coming in are going to

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1 buy homes. I do not want them to go through
2 the hell, because that's what it has been with
3 us at Knox Hill.

4 CHAIRPERSON GRIFFIS: Excellent.
5 Thank you. Let me ask you a couple of
6 specifics though. You indicated whether the
7 record can be kept open to have letters come
8 in from the neighbors' concerns with these
9 houses. Do you know what are those elements
10 of concerns or is it -- have their homes and
11 your home were constructed and they're
12 concerned that that might be the same
13 situation?

14 MS. CALDWELL: Yes. To my
15 understanding it was supposed to be a meeting
16 yesterday?

17 CHAIRPERSON GRIFFIS: Yes.

18 MS. CALDWELL: So some of the
19 neighbors, had taken off yesterday to be here.
20 But I found out when I got to work this
21 morning that the meeting was today.

22 CHAIRPERSON GRIFFIS: In talking to

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1 your neighbors or in your thoughts or looking
2 at -- in addition to those concerns do you
3 have other concerns that are specific to the
4 impacts of what these houses might be on yours
5 or is there any negative impact?

6 MS. CALDWELL: The negative is that
7 taking him at his word, what he's going to do.

8 CHAIRPERSON GRIFFIS: Right, right,
9 understood.

10 Okay, good. The labor, I take it
11 when you say the labor is an issue is because
12 -- is the quality of what was built. Is that
13 correct?

14 MS. CALDWELL: Yes.

15 CHAIRPERSON GRIFFIS: And the
16 materials, what were some of your materials?

17 MS. CALDWELL: It's just that with
18 my deck in particular, I'm going to have to
19 have that rebuilt because I understand it's
20 rotting from the inside up and a neighbor
21 across the street, hers is leaning or doing
22 something that she's going to have to hers

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1 replaced. And it's another neighbor, she's
2 having problems with her deck.

3 MS. GARRIS: On the decks, every
4 deck that was place, put up by his group and
5 as he spoke earlier, it was four different
6 companies involved. All the decks need
7 replacement, seriously. I couldn't afford
8 one, but at the time my sister got one and she
9 can't even allow guests to go out on a deck.
10 They're just that dangerous.

11 The decks and the retainer wall
12 that was never put up. They're backed by
13 trees, but there's a drop and something
14 serious can really happen with that. It's no
15 security on the back of the houses lining up
16 on that side of the street.

17 CHAIRPERSON GRIFFIS: Okay.
18 Excellent.

19 So I understand the materials, the
20 exterior materials, the decking and such, is
21 there any other materials --

22 MS. GARRIS: Well, the deck and

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1 retaining wall are the two really serious
2 things, but then on the promise of a house you
3 have to go a one on one. Not every house is
4 the same, except for that deck.

5 CHAIRPERSON GRIFFIS: Sure.

6 MS. GARRIS: Everybody said from
7 what I can remember, both my sister's and then
8 passing homes, those decks are not safe.

9 CHAIRPERSON GRIFFIS: Okay.
10 Excellent. Thank you very much. Questions?

11 Cross?

12 Yes, Mr. Etherly?

13 MR. ETHERLY: Thank you very much,
14 Mr. Chairman. Thank you both. Just a couple
15 of quick questions.

16 Thank you both very much for your
17 time, Ms. Garris and Ms. Caldwell.

18 I wanted to ask you, Ms. Caldwell,
19 a question very quickly. You had mentioned a
20 little bit about some experience with water,
21 if I heard you correctly in terms the rear of
22 your property. Did I hear that correctly?

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1 MS. CALDWELL: Yes.

2 MR. ETHERLY: Okay, with respect to
3 the immediate community, where the proposed
4 project is slated to be situation, do you have
5 any concerns as it relates to traffic or any
6 concerns as it relates to water issues?

7 You probably don't have this
8 picture in your possession. This is the
9 Office of Planning's report here. It's an
10 overhead picture of the immediate area. Now
11 your residences may not be included in this
12 picture, but I just wanted to get a sense.
13 There's a little bit of what appears to be a
14 traffic circle right here. And that appears to
15 be in the area where you reside, correct?

16 MS. CALDWELL: Right.

17 MR. ETHERLY: Okay. And then
18 there's a wooded area, a group of trees here.
19 As you move from this traffic circle back
20 down towards the site where the properties are
21 proposed, is that a hill that's heading
22 downward?

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1 MS. CALDWELL: Yes.

2 MR. ETHERLY: Are you aware or have
3 you been aware of any flooding or any type of
4 water-related issues that persons at the rear
5 with their houses facing towards these trees
6 have experienced?

7 MS. CALDWELL: Yes.

8 MR. ETHERLY: Yes, ma'am. Could
9 you perhaps speak a little bit to that?

10 MS. CALDWELL: You're talking on
11 the Hartford side, behind?

12 MR. ETHERLY: Yes, ma'am.

13 MS. CALDWELL: The neighbors back
14 there have had floodings because I understand
15 the retaining walls that were supposed to have
16 gone up back there, they've had floodings back
17 there.

18 MR. ETHERLY: Okay. Okay. Ms.
19 Garris, was there anything you wanted to add
20 on that?

21 MS. GARRIS: I'm on James M. McGee
22 and I really wasn't aware of the floods. I

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1 had not heard of the floods.

2 MR. ETHERLY: Okay, no problem. I
3 just wanted to inquire. That concludes my
4 questions. Thank you both very much for your
5 time. Thank you, Mr. Chair.

6 CHAIRPERSON GRIFFIS: Thank you
7 very much. Anything else, any other
8 questions?

9 Very well, thank you both, very
10 much.

11 Let's move ahead then. We'll have
12 you back up as we wind this up.

13 Before we go to you, let me go back
14 to Office of Planning for two seconds just for
15 a quick clarification. I know we had talked
16 about 2117.8D, I believe it was, in terms of
17 needing relief which is the dimensional
18 requirements of 28 feet.

19 Did you look at 2117.9B, just to be
20 incredibly boring in our text, but it seems to
21 me that that exempts from 2117.8D. It says
22 "in a case of a row dwelling located on a lot

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1 where there are as many as three row dwellings
2 located on that lot or continuous lots facing
3 the same street" which we have "where access
4 to the required parking space is only
5 available directly from a street and no
6 alternative access is available through
7 existing or proposed hours of private
8 driveways" -- we have that, right -- "and
9 where the driveway dimension requirements
10 stipulated in 2117.8D cannot be met" -- here's
11 the kicker -- "the required parking spaces
12 need not be provided."

13 MR. MOORE: We did explore that
14 with DDOT and it was their conclusion that we
15 should still use 2117.8D.

16 CHAIRPERSON GRIFFIS: But you
17 wouldn't think that reading that that there's
18 relief needed from 2117.9 section at all?

19 MR. MOORE: We yielded in this case
20 to the transportation agency.

21 CHAIRPERSON GRIFFIS: Okay. I
22 think I understand that.

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1 MS. MITTEN: I think the fine point
2 is that if it's -- if they're exempt from the
3 required parking, but if they're providing it,
4 they're still under 2117.8D.

5 CHAIRPERSON GRIFFIS: D.

6 MS. MITTEN: So if you're going to
7 do it, then you have to -- yes.

8 CHAIRPERSON GRIFFIS: Okay, good.
9 It seems confusing all back and around, but I
10 think that is actually the clearer way to look
11 at that.

12 Very well. I don't have any other
13 technical questions. Let's get right to a
14 couple of follow-up questions on this.

15 We were correct in terms of -- yes?

16 (Pause.)

17 Question, it was clear that DHCD
18 owned the property --

19 MR. MITCHELL: Yes, sir.

20 CHAIRPERSON GRIFFIS: -- through
21 whatever sort of process is not for
22 development?

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1 MR. MITCHELL: That's correct.

2 CHAIRPERSON GRIFFIS: Is there any
3 sort of oversight or review from DHCD in terms
4 of the design, the construction or the sale?

5 MR. MITCHELL: Yes, there's
6 complete -- they have a normal process that
7 they go through.

8 CHAIRPERSON GRIFFIS: What is that,
9 do you know?

10 MR. MITCHELL: Well, in case of the
11 -- now, are we talking about this project
12 we're going to build or are we talking about
13 the home owners at the development adjacent
14 that we built a few years back?

15 CHAIRPERSON GRIFFIS: Well, if you
16 address them both, that's fine. I'm
17 specifically concerned with this one, in light
18 of some of the comments we've had. What kind
19 of assurance is the developer giving the
20 community and therefore the Board and our
21 special exception review, that this will be
22 constructed as proposed, constructed per code

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1 and requirements and will be a high quality
2 development?

3 MR. MITCHELL: Well, it is
4 certainly my intentions. I've been a resident
5 of the District for over 40 years. I've been
6 practicing architecture here for more than 30
7 of those years and I'm on the hook, I'm liable
8 as it relates to a number of the complaints
9 that were voiced about the other project. I
10 take all of those very, very, very seriously.

11 Going into the Knox Hill project,
12 that was my first foray into development and
13 of all of the things I've done in this city,
14 as I ride through the development, it's one --
15 on the one hand I take a great deal of pride
16 in terms of what it meant and it's there, the
17 value that was created there from what the
18 units were sold because they were all
19 essentially sold under a low and moderate
20 income housing project. But at the same time
21 I do worry a great deal about ultimately how
22 the project will stand over the course of time

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1 and history. It's always been my vision that
2 this would not be the only project when we did
3 the first project in that community, that
4 there were opportunities for quite a few
5 hundred similar units and so --

6 CHAIRPERSON GRIFFIS: I don't think
7 anyone is questioning your intentions or what
8 you want -- we all know the reality of quality
9 control.

10 MR. MITCHELL: Right.

11 CHAIRPERSON GRIFFIS: And I think
12 that's the issues that have come up today. So
13 all I'm asking is is -- what is the element of
14 quality control outside of that of normal
15 permit submission and inspectors coming out,
16 is there anything more happening in light of
17 one, the last project and two, the fact that
18 the city is involved in this in many different
19 realms. Does the DHCD have, for instance, a
20 drawing inspector that's out looking at the
21 take down of phases on this?

22 MR. MITCHELL: You have DHCD as

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1 well -- if -- this is the person whose name
2 was mentioned, Mr. McCall and I would like for
3 him to testify. But in addition to DHCD's
4 role, you've got the lender's role. So
5 everybody who has any kind of fiduciary role
6 here has inspections and those all go in
7 accordance with standards and regulations.

8 I do just want to say again I have
9 personally nothing in the way of any kind of
10 rebuttal or anything to say other than hoping
11 that I'm going to have the opportunity to work
12 closely with the Knox community and speaking
13 to and resolving their issues.

14 CHAIRPERSON GRIFFIS: Okay.

15 MR. MITCHELL: Meanwhile, I'd like
16 to give Mr. McCall and opportunity.

17 CHAIRPERSON GRIFFIS: There's a mic
18 right in front of you if you want. Pull that
19 up. Just touch the base and you can just
20 state your name and address for the record.

21 Ms. Bailey will swear you in.

22 (The witness was sworn.)

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1 MR. McCALL: I wanted to speak
2 specifically to your question about DHCD and
3 their -- whether or not they would have
4 inspectors.

5 CHAIRPERSON GRIFFIS: Great.

6 MR. McCALL: In the previous
7 development, we actually borrowed some money
8 from the city which was a part of the
9 development process. As a result of the
10 dispensation of that money, as the units were
11 built, we had DHCD inspectors. We have
12 private inspectors from our private lenders
13 and we also had the regular city inspectors.
14 Now we don't anticipate in this particular
15 phase borrowing any city money, so I don't
16 think that the current process has DHCD
17 inspectors involved because we're not
18 borrowing any money from the city.

19 However, they have, in fact, seen
20 the plans and specifications for the project,
21 have reviewed the plans and specifications for
22 the project. The specific type of

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1 construction that we use was relatively new
2 using the modular construction. I would say
3 that we probably have built more modular units
4 in the city than any other developer at this
5 particular point and that when we did it, at
6 the time that we did it, the whole process of
7 getting permits and getting the units approved
8 and everything was a pretty unique process to
9 the city. Since that time, there have been a
10 lot of modular units built and the city has
11 strengthened much of its inspections and its
12 requirements as it relates to those units.

13 We will be going through that
14 particular process once we successfully,
15 hopefully go through this process and go
16 through the permits. They will be reviewing
17 the plans and specifications and we'll be
18 doing those things as we did before.

19 CHAIRPERSON GRIFFIS: Okay, and
20 that's good for in terms of the review of the
21 development . What's your means for quality
22 control construction?

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1 MR. McCALL: Well, outside of our
2 own activities, we all monitor the
3 construction ourselves. Mr. Mitchell is an
4 architect. I've had a lot of experience with
5 construction management and having worked both
6 for the city and privately and for nonprofits
7 in the area, so both of us are going to be
8 extremely diligent about the quality of
9 construction because we're interested in not
10 just in this development, but we suspect that
11 we'll be back before the Board again, at least
12 if we're blessed with life and liberty at this
13 particular point to develop some more units of
14 this type in the city. So we're very
15 concerned about our reputation and about
16 making sure that we have quality units.

17 CHAIRPERSON GRIFFIS: Are you
18 building this yourself or are you hiring a GC?

19 MR. McCALL: I beg your pardon?

20 CHAIRPERSON GRIFFIS: Are you
21 building this yourself, yourself performing
22 this, or are you hiring a general contractor?

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1 MR. McCALL: We will more than
2 likely have a general contractor.

3 CHAIRPERSON GRIFFIS: Are you going
4 to use the same general contractor you used in
5 the other project?

6 MR. McCALL: No, I don't believe
7 so.

8 MR. MITCHELL: They wouldn't be
9 around.

10 CHAIRPERSON GRIFFIS: Will that be
11 a difference of the quality of construction
12 between this and the last one?

13 MR. McCALL: I would say that, plus
14 our own experience since that time in terms of
15 what we have learned and understood about this
16 process and about what the complaints and
17 things that have come back from the community.
18 We're going to make adjustments in our
19 quality control to make sure that we don't
20 have those issues.

21 CHAIRPERSON GRIFFIS: Are you going
22 to do the construction management on this?

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1 MR. McCALL: I'll be a project
2 manager, the project manager.

3 CHAIRPERSON GRIFFIS: Okay. And
4 you anticipate being on site quite a bit?

5 MR. McCALL: Yes, that's the nature
6 of the business, yes.

7 CHAIRPERSON GRIFFIS: Were you on
8 the last one?

9 MR. McCALL: I'm not going to be
10 the site manager, but I will be involved in
11 the site management process.

12 CHAIRPERSON GRIFFIS: Okay.

13 MR. McCALL: In the full
14 development process, actually.

15 CHAIRPERSON GRIFFIS: All right. I
16 don't have anything else. Questions?

17 Okay, anything else?

18 MR. MITCHELL: No, sir. I think
19 that pretty much covers what we wanted to say.

20 CHAIRPERSON GRIFFIS: Excellent.
21 Do we have all these boards in the record?

22 MR. MITCHELL: You have what we

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1 submitted, the package we submitted. I
2 brought these boards basically just for today
3 to just make sure --

4 CHAIRPERSON GRIFFIS: I understand.
5 However, whatever is presented here has to go
6 in the record.

7 MR. MITCHELL: I can leave them or
8 provide copies.

9 CHAIRPERSON GRIFFIS: I think we
10 could probably -- Ms. Bailey, that's up to
11 you. You have to do the folding.

12 MS. BAILEY: It looks as though
13 they're pasted to the board.

14 MR. MITCHELL: We could provide
15 copies.

16 CHAIRPERSON GRIFFIS: Okay, let's
17 do that. We're going to get copies of
18 everything that's here and make sure we have
19 it in the record.

20 (Pause.)

21 Very well, what we'll do is we'll
22 have this -- those submitted into the record.

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1 What I want to do is just keep the record
2 open for the letters that were indicated that
3 might be coming in. I'm going to give you a
4 due date for those because then we're going to
5 have to close the record and then we're going
6 to set this for decision.

7 I think we made it very clear that
8 these are important issues. However, they may
9 not be under our authority to deal with, but I
10 think we can take it in. I'll leave the
11 record open also for the Applicant, if you
12 would like, to submit additional information
13 that just goes down addressing the quality
14 control measures of construction. That may
15 help you frankly focus on this one in terms of
16 what can also be provided for the community.
17 And we'll leave it at that.

18 I would like to have all of that in
19 -- where's my schedule? We'll do it the
20 Monday before the third which will be the 26th
21 of March which gives you ample time. We'll
22 set this for decision on the April 3rd.

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1 That's our schedule. First Tuesday of every
2 month is when we have decisions on cases that
3 have been heard, so that's the soonest that
4 could come up before us. It gives you ample
5 amount of time to get that into the record and
6 obviously, we'll keep it open for the letters
7 that will come in. The Board will review all
8 of those and then call this for a decision.

9 Are there any other questions on
10 that? Clarifications?

11 MR. MITCHELL: On the decision date
12 of the 3rd, are we in the position to at that
13 moment or shortly thereafter, to go down and
14 pull building permits?

15 CHAIRPERSON GRIFFIS: That's an
16 interesting question. Depending on the
17 outcome.

18 MR. MITCHELL: Yes, of course.

19 (Laughter.)

20 Obviously, if the decision is to
21 deny it, that's the end of that and we take
22 our licks.

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1 CHAIRPERSON GRIFFIS: Directly
2 answering the question, our decision will be
3 formalized at the issuance of the written
4 order. So if a decision is on the 3rd, that
5 written order may not be issued for a little
6 bit beyond that, depending on how complicated
7 the order actually is.

8 MR. MITCHELL: Right.

9 CHAIRPERSON GRIFFIS: So frankly,
10 after the 3rd, depending on that outcome, it's
11 best just to take -- just to coordinate with
12 the Office of Zoning on what schedule is, but
13 I think, well, there it is. I don't need to
14 say any more on that.

15 MR. MITCHELL: Well, obviously, all
16 of this impacts scheduling and --

17 CHAIRPERSON GRIFFIS: No question
18 about it.

19 MR. MITCHELL: Everybody is
20 breathing down our necks about getting
21 started.

22 CHAIRPERSON GRIFFIS: Right. The

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1 other element is that obviously in the permit
2 review there is one aspect that is zoning and
3 there's a lot of other aspects of permit
4 review.

5 MR. MITCHELL: Oh no, we know.

6 CHAIRPERSON GRIFFIS: Conceivably
7 after the 3rd you'll have an indication of
8 what's happening and maybe that can help in
9 terms of the schedule submitting for permit,
10 if you understand what i mean.

11 MR. MITCHELL: It was our idea to
12 actually have a lot of that material in place
13 now and between then and that if there is a
14 favorable decision, then the review process
15 itself, you know, would go fairly quickly
16 after that.

17 CHAIRPERSON GRIFFIS: That sounds
18 like a logical procedure.

19 Excellent. The last thing, of
20 course, on the third, there's no further time
21 to address the Board. The record closes the
22 26th of March. On the 3rd, the Board would

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1 call this for deliberation. There's no
2 requirement to be here. You're welcome to be
3 here to see and hear us deliberate on the case
4 or you can, in fact, watch on the website and
5 you'll see the deliberation. And of course,
6 the decision will be made here from the bench
7 and then we will proceed accordingly.

8 Very well. Is there anything else
9 I can answer procedurally, schedule, what your
10 responsibilities and roles are?

11 Very well. Thank you very much.
12 We appreciate it, a very concise and I think
13 clear application. I would hope you take the
14 opportunity to talk to some of the folks who
15 are here now, but there's nothing for us to
16 continue on, so thank you very much.

17 MR. MITCHELL: Thank you for the
18 opportunity.

19 CHAIRPERSON GRIFFIS: Thank you.
20 That being said, let's go to the first case
21 that we had on the schedule which we had
22 preliminary matters.

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1 Mr. Green, if you wouldn't mind
2 coming up. I think at this point you've been
3 delivered this also and I have a small package
4 that was put together for the Board from the
5 Office of Zoning staff which is a compilation
6 of everything that seems to have been
7 submitted to date. And it looks like the
8 cover is from the ANC-6A which is withdrawing
9 their appeal. And I'll read in pertinent part
10 that withdrawing the appeal the building
11 permit for 1405, the appeal 17533, and it says
12 "I do so based on our understanding that the
13 permit is invalid, null and void." And
14 there's an attached letter. It's signed by
15 Mr. Alberti. And the letter is from Mr. Crews
16 who is the Zoning Administrator indicating the
17 alleged building permit has been declared
18 invalid, null and void and was not issued by
19 this Department.

20 MR. GREEN: That is correct, Mr.
21 Chairman. That information was also conveyed,
22 that is the fact that the permit was a nullity

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1 was conveyed to Mr. Turiq Husan. I believe
2 you have a copy of that letter. If you do
3 not, I can provide it.

4 CHAIRPERSON GRIFFIS: Yes. Mr.
5 Crews' letter to -- that's the building owner.

6 MR. GREEN: That's correct. The
7 building owner, that's correct.

8 CHAIRPERSON GRIFFIS: Very well,
9 then it doesn't seem like there's any action
10 from the Board required and it doesn't seem
11 like there's anything left for us to do today
12 unless you've got other issues you want to
13 appeal for?

14 MR. GREEN: I absolutely do not,
15 sir. And I thank you very much for your time
16 and attention.

17 CHAIRPERSON GRIFFIS: Excellent.
18 Thank you very much. We appreciate you being
19 here and let's move ahead.

20 Is there anything else for the
21 Board this afternoon, Ms. Bailey, Mr. Moy?

22 MR. MOY: Yes, sir. With the

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1 Board's indulgence, the staff would like to
2 make some concluding remarks for the day.

3 CHAIRPERSON GRIFFIS: Sure.

4 MR. MOY: Staff is mindful of the
5 fact that the chair of the Board of Zoning
6 Adjustment has been appointed by the Mayor to
7 serve on the Zoning Commission and he is
8 currently undergoing a confirmation process at
9 the City Council. Regardless of that outcome,
10 and in the likely event that this may be the
11 chairman's last Board hearing with us today,
12 staff on behalf of the Director of the Office
13 of Zoning would like to extend its heartfelt,
14 deeply heartfelt appreciation to Mr. Griffis
15 for his significant zoning contributions to
16 the City of Washington, D.C., to the
17 community, while serving on the Board for the
18 past six years.

19 On a more personal note, I have to
20 add that you will be sorely missed and if by
21 some strange quirk of fate you do have another
22 hearing with the Board, I get a chance to do

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1 this all over again, but perhaps with a little
2 bit more elegance.

3 CHAIRPERSON GRIFFIS: Thank you
4 very much, Mr. Moy. I appreciate it. It was
5 very elegant indeed. It's been a wonderful
6 six years.

7 I think I can only say and the best
8 thing to say is let's adjourn and enjoy this
9 gorgeous afternoon and thank you very much.
10 It's been actually an honor to be a part of
11 all of this and hopefully there will be other
12 times, maybe off the record, to celebrate
13 that.

14 Thank you all very much. If
15 there's nothing further, then let us do enjoy
16 the afternoon.

17 (Whereupon, at 2:12 p.m., the
18 hearing was concluded.)
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