

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

OCTOBER 10, 2018

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The Regular Public Hearing convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:45 a.m., Frederick Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARLTON HART, Vice-Chairperson (NCPC)
LESYLLEE M. WHITE, Board Member

ZONING COMMISSION MEMBER PRESENT:

PETER SHAPIRO, District Resident Appointee

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

CRYSTAL MYERS

The transcript constitutes the minutes from the Public Hearing held on October 10, 2018.

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9:47 a.m.

MR. MOY: All right, into the hearing session, Mr. Chairman.

The first case is case application number 19795 of Modern 4953 LLC. This application is a request for a variance from the lot width requirements of subtitle D section 302.1.

This would construct two new principal dwelling units R-2 zone at premises 11-13 53rd Street SE (square 5286, lot 81).

CHAIRPERSON HILL: Good morning, if you could please introduce yourselves for the record.

MR. AGBIM: My name is Ike Agbim. I'm the D.C. licensed architect agent for the owner.

MR. CLAGGION: Good morning. Jamaal Claggion, managing member with Modern 4953 LLC and developer.

CHAIRPERSON HILL: Great. Which one of you is going to be presenting to us?

MR. AGBIM: We'll present but he has some remarks to make.

CHAIRPERSON HILL: Okay, sure. So Mr. Agbim we've read through the record and what you're trying to do. I suppose if you want to you can go ahead and explain again what you're trying to do, why you're here before us.

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1 Also, how you believe you're meeting the standards
2 for us to approve the variance that you're asking for.

3 I know that you know that the Office of Planning's
4 report is in denial of your application and we don't have
5 anything from the ANC at this point so if you could kind of
6 address those issues as you go through your presentation.

7 I'm going to throw 15 minutes up on the clock just
8 so I know where we are and you can begin whenever you like.

9 MR. AGBIM: Thank you, sir. Primarily this is a
10 case for a variance that will allow a developer to subdivide
11 this parcel into two lots that will allow the construction
12 of two single family dwellings consistent with what's in the
13 block and in the neighborhood.

14 We worked through the design after the initial
15 application with the Office of Planning and did make some
16 modifications and revisions to the data and the measurement
17 of the lot width.

18 In summary we are asking for a variance on one of
19 the lots, a 2 feet variance pretty much that prevents us from
20 meeting the matter of right requirement for doing this
21 subdivision to build two houses in this zone.

22 So I'm going to go through the test real quick and
23 then I'll let the developer speak to some of the difficulties
24 that I will present.

25 This project would not be feasible if the

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1 developer were to build a single structure on the record lot
2 number 81.

3 This 6,415 square foot lot is almost double the
4 average lot size of residential buildings in this block and
5 square. Building on this single lot would result in a
6 product overpriced for the area.

7 Since sales comps will not support such value the
8 project will be infeasible as lender partners will not be
9 willing to over-invest in the development of a property in
10 this ward 7 area.

11 The proposed development requires subdivision of
12 the large lot and the products that will come out of this
13 will be very compatible in price point, sales price point to
14 what obtains generally in the area and on this specific
15 block.

16 If the strict application of the zoning
17 regulations is applied requiring 30 or 25 foot lot widths it
18 will imply the development of a single structure on this lot
19 and will result in peculiar and exceptional practical
20 difficulties to the owner of the property because he will be
21 unable to get financing for a project that's not feasible and
22 even if cured over-building a large parcel will lead to an
23 infeasible situation of having a property that does not have
24 any price support for the area in which it is located.

25 We got a real estate broker to write a letter

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1 based on her analysis and that letter is attached as one of
2 the exhibits to show that there are no comps in this area for
3 this. This developer has made lots of effort to get
4 financing for the project otherwise but cannot.

5 That is why he's hired a consultant and gone
6 through the process of coming to this board to get a variance
7 for this case.

8 Now, the Office of Planning report recommends --
9 during the discussion they recommended going through the IZ
10 process. And I did discuss that with the developer.

11 He has a very, very slim margin on this project.
12 And even the lenders knowing that there will be such a
13 stipulation as comes to the IZ process will be further
14 discouraged from supporting or partnering with him to develop
15 these properties.

16 VICE CHAIRPERSON HART: So, Mr. Agbim, you stated
17 that there was only -- and I'm a little confused. You said
18 you were only asking for 2 feet. What do you mean by that?

19 MR. AGBIM: Well, effectively the lot width
20 criteria give us 23 feet.

21 VICE CHAIRPERSON HART: What lot width are you
22 trying to meet and what is the lot width that you are
23 proposing?

24 MR. AGBIM: The lot width that we're proposing is
25 23.3 feet on one of the properties.

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1 (Simultaneous speaking)

2 VICE CHAIRPERSON HART: Complies with what?

3 MR. AGBIM: With the 25 foot minimum requirement.

4 VICE CHAIRPERSON HART: I thought it was 30 feet
5 for the minimum width requirement.

6 MR. AGBIM: Well, the 30 feet is the general
7 requirement for the area for this zoning classification. For
8 this zone. But exemptions are provided by the Office of
9 Zoning Administrator for 25 foot lots.

10 So in other words if we were to file an
11 application at DCRA they would approve a 25 foot lot.

12 VICE CHAIRPERSON HART: Why would they approve it
13 at 25 feet? What I'm trying to get to is the only piece that
14 I see that would allow that is if you did the inclusionary
15 zoning. IZ units.

16 So 25 is fine if you do the IZ units. If you do
17 not do the inclusionary zoning units then you are not going
18 to get the 25 feet. You'd have to do 30 feet. So you're
19 looking for either 6 and a half feet for one lot and 5 feet
20 for the other. So I'm not sure how you get 2 feet.

21 MR. AGBIM: Yes, you're correct. I'm sorry, I got
22 it all mixed up. So it's 6.7 feet for one property and 5
23 feet for the other property.

24 VICE CHAIRPERSON HART: Okay. And so you're
25 saying that your client has gone to lenders and the lenders

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1 have told them no.

2 MR. AGBIM: Yes.

3 VICE CHAIRPERSON HART: You're saying that they've
4 gone to lenders and there's some documentation that we can
5 get that says the lenders have said we can't do a single unit
6 or use as a single lot.

7 MR. AGBIM: Not that they can't use it as single
8 lot. Of course you can build a small chicken coop on a
9 single lot.

10 But the reality is that to build something
11 compatible with the area on a single lot still pushes it
12 beyond what makes sense for him as a developer from a cost
13 perspective.

14 VICE CHAIRPERSON HART: The hard part that I'm
15 getting to here and I'm sorry I'm being a little hard on you,
16 but the issue that I see in the case is that you have a lot
17 that your client purchased, correct?

18 MR. AGBIM: Yes.

19 VICE CHAIRPERSON HART: Was there a building on
20 it?

21 MR. AGBIM: Not to my knowledge.

22 VICE CHAIRPERSON HART: So there was an
23 undeveloped lot that your client purchased and is now before
24 us saying that they have to reduce the size of the lots, they
25 have to split the lot to be able to develop it.

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1 So the developer owner has purchased a lot knowing
2 that there is an issue with the lot to begin with.

3 MR. AGBIM: Not to my knowledge.

4 VICE CHAIRPERSON HART: Well to me if you're
5 trying to develop something then you have a plan for that
6 develop before you purchase it because otherwise you're kind
7 of just speculating and you really should have an idea of
8 what is possible under the zoning regs so that then you'd
9 know what you're able to do and whether or not it's worth it.

10 While I understand that there may be a difficulty
11 with it buying property is something that people choose to
12 do and development of that property is up to the person that
13 purchased it if they choose to develop it.

14 It is not our requirement to provide a variance
15 because that person finds out that they can't develop it the
16 way that they wanted to develop it. The zoning regs were
17 written to provide everyone with an equal footing to
18 understand what is actually developable for this property.

19 You're actually going outside those lines because
20 you're asking for a variance and asking us to allow your
21 client and you to do that and it is a very high bar for
22 zoning in zoning to be able to allow that. There have to be
23 extraordinary circumstances that would then make us say okay
24 to be able to not follow the zoning regulations that have
25 been written for this site and all the other sites.

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1 I'll just look at the square itself. In the
2 square, not the block but in the square there are lots that
3 are equal size to the lot that you have that have a single
4 house on them.

5 And so while I understand that the block has some
6 duplexes that are there, some semi-detached homes that are
7 there, the square has actually large lots. I just am trying
8 to understand what the rationale is for us to be able to say
9 yes to this or no to this and where you are with
10 understanding. Right now I just don't have a clear sense of
11 that beyond you're saying that we might or might not be able
12 to get funding, the banks to say yes to this. And we have
13 no information beyond a realtor saying it may or may not be
14 that difficult to do.

15 And so to come to us you actually have to have the
16 information that says this is what the banks have told us.
17 We have letters that say we're not going to finance a single
18 family home here. And that's what the Office of Planning is
19 saying. Not a chicken coop. I'm saying -- as you said
20 earlier. I'm saying a building, a residence.

21 There are people that live in this neighborhood
22 and I don't think that they would want to have their houses
23 called that. So I think you may want to choose your words
24 carefully.

25 MR. AGBIM: Again, I'm sorry about that. I was

1 trying to refer to a smaller property on a big lot just
2 comparison wise.

3 But one of the things I wanted to address for
4 clarification is that on face value the lot is over 6,000
5 square feet. It is. It gives you the impression on face
6 value that you can build two houses on it.

7 But when you look at the geometry of the lot
8 because of the way it's shaped, it's really wide in the rear
9 and very narrow in the front it makes it difficult. That is
10 why that difficulty of meeting the 30 feet front yard lot
11 width comes up because of the way the lot -- the shape of the
12 lot in that particular area.

13 CHAIRPERSON HILL: Mr. Shapiro, you had a
14 question?

15 MEMBER SHAPIRO: I do, Mr. Chair. Building off
16 of Vice Chair Hart's questions as well. What can you build
17 by right?

18 MR. AGBIM: A single family detached dwelling.

19 MEMBER SHAPIRO: So you actually have the
20 possibility to build something by right.

21 MR. AGBIM: Yes. All other factors equal, yes.

22 MEMBER SHAPIRO: Okay, thank you. That's all I
23 have, Mr. Chair.

24 CHAIRPERSON HILL: Ms. White.

25 MEMBER WHITE: I just want to drill down just a

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1 little bit more. So does the fact that this is a larger lot
2 justify relief for variance to subdivide into two lots. And
3 also talk about what the practical difficulty. Is this
4 unduly burdensome to the applicant to not have this variance
5 relief, and if so can you tell me specifically what that
6 would be.

7 MR. AGBIM: Yes. Thank you. The developer bought
8 this property with the intent of developing it. He didn't
9 have any intention of keeping it vacant.

10 Now, in the process of doing that he has
11 approached several lenders to get approval or support,
12 financing for a single family dwelling and that's how this
13 issue evolved.

14 They are not able to provide him with that support
15 to build a single family dwelling for the reasons that we
16 expressed earlier. That is the reason why he's gone through
17 this process of coming to the board to get a variance to
18 build in a way that is more economically feasible for him and
19 to make sure that he can get financing support to do the
20 project.

21 MEMBER WHITE: Is there something in the record
22 that says that? A statement from the lender.

23 MR. AGBIM: No. We don't have any -- we actually
24 got something from the broker but not from the lenders. We
25 can get those letters from the lenders who have been

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1 approached by the developer.

2 CHAIRPERSON HILL: Okay, Mr. Agbim. So we've read
3 through the record and everything. So I guess Mr. Claggion,
4 you can see where everybody is to a certain extent.

5 Again, the variance standard is a pretty high bar.
6 It is a high test for us in terms of the regulations. That
7 means that we have to change something. Like you can't do
8 something with it.

9 And even though I definitely understand what you
10 would like to do really what it comes down to is can you use
11 the property the way it is now.

12 If you paid too much for the property that's
13 unfortunately not something that we can help you out with.
14 It's really like you need to support this variance test that
15 you can't use the property, like it can't be used the way the
16 zoning code wanted it to be used.

17 That's where you're coming into problems with the
18 Office of Planning. They're saying well, you can actually,
19 you can build a smaller house.

20 And so Mr. Agbim is here and again appreciate the
21 items in the record that show kind of like the real estate
22 market and things such as that. But really a bank would give
23 you money to build a smaller building there.

24 Depending upon if you paid too much for it then
25 I don't know if they would do it or not. That's again not

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1 something that the board can fix.

2 So we just have, and I'm sure Mr. Agbim did go
3 over the three-pronged test and how you have to meet that
4 variance test. And then you went through the Office of
5 Planning.

6 And so Mr. Agbim, I'm just going to kind of work
7 us through here in that I'm going to get to the Office of
8 Planning next and then also you didn't mention anything about
9 the ANC.

10 So we don't have anything from the ANC in terms
11 of what their thoughts were on this. And so I guess Mr.
12 Claggion, I apologize.

13 MR. CLAGGION: Claggion.

14 CHAIRPERSON HILL: Claggion. So Mr. Claggion, I
15 just want to give you an opportunity to speak now as to what
16 happened with the ANC and I guess if you have anything to add
17 in terms of what Mr. Agbim had to say before I turn it over
18 to the Office of Planning.

19 MR. CLAGGION: Okay. Well, thank you for giving
20 me the opportunity to speak.

21 As far as the ANC is concerned we did follow
22 procedure in terms of notifying them. We sent certified
23 letters on two occasions prior to the hearing today.

24 We sent one out. We didn't receive a response so
25 we sent a second one just to make sure that they were aware

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1 of what we were trying to develop there.

2 And just to reiterate what Ike has already
3 presented to you guys, you know, a lot of preliminary work
4 was done prior to purchasing the lot. We're here today to
5 explore an alternative.

6 So I understand the process of variances and so
7 forth and I understand the complexity of getting it approved
8 but we wanted to give it a shot to see if there is an
9 alternative that we could have there in terms of instead of
10 just building a single family home.

11 In terms of the banks, we could go to a bank but
12 they're looking at profit. You have to have a certain debt
13 coverage ratio. If you don't have that then the bank is not
14 going to do it.

15 So that's where the subdivision came into. We
16 have the space, the 3,000 square feet requirement for a semi-
17 detached. Let's explore possibly getting the variance
18 because we don't have the width because of how the lot is
19 shaped.

20 So from an economic standpoint it made more sense
21 to explore this route because if I'm able to do two as
22 opposed to one that would be more plausible for a bank to get
23 involved versus not. And would also generate a little bit
24 more income or profit for myself in doing the project.

25 CHAIRPERSON HILL: Sure. And by the way, don't

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1 get me wrong. I think the developer is going to take a big
2 risk, making money, there's no problem with making money and
3 we hope that that's how things get changed in the city.

4 Doing your due diligence ahead of time in terms
5 of what you can and can't do. This is a big bet. If you
6 thought that this was what you had to do in order to make
7 this work then you can see what you're up against right now.

8 Does anybody have any questions for Mr. Claggion?

9 VICE CHAIRPERSON HART: Yes. You said that you
10 sent two certified letters to the ANC and that they never
11 responded to you.

12 MR. CLAGGION: Yes.

13 VICE CHAIRPERSON HART: And so you didn't try to
14 reach out to any of the single member district member. Did
15 you send any emails out to folks? Was it a person that you
16 were sending the ANC letter to?

17 MR. CLAGGION: I sent it to the -- we went on the
18 website, found out who the ANC contact is and that's who we
19 sent it to on two separate occasions along with the plans.

20 VICE CHAIRPERSON HART: Have you contacted the
21 neighbors?

22 MR. CLAGGION: I've spoken to them when I've been
23 in the area but I haven't knocked on doors or anything.

24 CHAIRPERSON HILL: Mr. Shapiro, you have a
25 question?

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1 MR. CLAGGION: I'm sorry.

2 CHAIRPERSON HILL: That's all right. I'm just
3 trying to work through people.

4 MEMBER SHAPIRO: Just briefly. I want to say that
5 actually your comments were quite refreshing in a way. You
6 basically got it, you rolled the dice, you're going to see
7 what happens and I think you're about to find out what
8 happens. But it's fine for you to roll the dice. It's a
9 public process. So thank you. That's all I have.

10 CHAIRPERSON HILL: Okay. The transparency guy
11 over there.

12 It seems like there was somebody from the ANC
13 here. We'll get to -- I'm sorry, I thought there was
14 somebody from the ANC. Okay, we got you. We'll be coming
15 to the public right after the Office of Planning.

16 Can I hear from the Office of Planning, please?

17 MS. MYERS: Good morning, Crystal Myers from the
18 Office of Planning. The Office of Planning is recommending
19 denial of this case and had suggested to the applicant that
20 going through the IZ option would be another way, perhaps a
21 better way to try to achieve this project.

22 It would require a variance still but it would
23 require a variance for a very small amount so it would be
24 more supportable. But this is not the case in front of us.

25 The case in front of us does not meet the zoning

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1 requirements. The variance test as we all know is a high bar
2 and we were not able to -- from the applicant's arguments we
3 were not able to find an exceptional situation resulting in
4 a practical difficulty for this property as discussed earlier
5 for the reasons that we've been discussing here.

6 And also noted that the area is a combination of
7 single family detached houses as well as semi-detached houses
8 in that area so the property can support by matter of right
9 a single family detached house and as noted earlier with a --
10 for a limited amount of variance relief the IZ program, a
11 semi-detached house development with two lots would also be
12 achievable if it were approved for the small amount of
13 variance relief.

14 So the Office of Planning is recommending denial
15 at this time.

16 CHAIRPERSON HILL: Okay. Does anybody have any
17 questions for the Office of Planning? Okay. Does the
18 applicant have any questions for the Office of Planning?

19 MR. AGBIM: No.

20 CHAIRPERSON HILL: All right. Is there anyone
21 here wishing to speak in support? In support. Is there
22 anyone here wishing to speak in opposition? Please come
23 forward.

24 Good morning. If you could please introduce
25 yourselves. Push the button so the light comes on.

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1 MS. ARMSTRONG: Hi, I'm Donna Armstrong and I live
2 two doors down from the potential building. I'm in one of
3 the chicken coops two doors down.

4 CHAIRPERSON HILL: Okay. All right, Ms.
5 Armstrong. Ma'am, could you give me your name?

6 MS. BROWN PARKER: My name is Janice Brown Parker.
7 I'm at 21 which is about four houses down from that vacant
8 lot.

9 CHAIRPERSON HILL: Okay. Ms. Armstrong, so each
10 of you will get three minutes to testify as members of the
11 public. Ms. Brown Parker, if you could just turn off your
12 microphone and you, sir, as well. There's feedback if
13 there's microphone on at a time. And you can start whenever
14 you like. There's clocks at the top there so you can kind
15 of look at the time.

16 MS. ARMSTRONG: Okay, hi. I live two doors down
17 from the potential building. What the gentlemen are not
18 explaining, there's an alley there. So the shape of the
19 particular land is not conducive to two houses.

20 And especially if one resident on the other side
21 decides to put up a fence, a security fence, that blocks the
22 entire alley.

23 Let me explain what we use the alley for. Kids
24 use the alley. It's a paved alley, it's clean. The kids use
25 the alley to walk to school. And because we're all on one

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1 way streets we all drive through the alley. We need that
2 alley.

3 Not only that, the design has this particular two
4 houses as four stories. That is hideous and it's not -- this
5 is not the type of lot or the neighborhood. One single
6 family home, yes, with a basement and three stories we
7 probably could work with that. But two tall buildings on
8 that small narrow lot is not safe.

9 Secondly, also I do not believe that -- I'm not
10 sure if all of ward 7 was informed about this. Let me tell
11 you for an example.

12 We received a few letters on our side of the
13 street. However, the even street did not receive any
14 letters. So we were basically spreading the word. I
15 received a letter but no one on the opposite side.

16 They're also affected. So I don't know if those
17 are the people that they kind of spoke to in the barber shop
18 or something like that.

19 Again, these four story homes right there.
20 Definitely one house could fit there like I was about to say
21 and someone said it for me on the panel it's possible. We
22 see them.

23 But that's an alley. It's small. One fence
24 there. It blocks everything. It's going to block East
25 Capitol Street and it's unsafe. You would not be able to

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1 see. To cram two houses, one maybe.

2 I also, I don't believe that a bank is not going
3 to let a developer put one house there. Maybe they need to
4 get back to their project managers and revisit the schematics
5 and do this all over. We do not approve of that type of
6 design there.

7 We're not saying we don't want any house there.
8 We want a nice family there but those two tall Eiffel Tower
9 houses, no. They're going to be crammed and it looks like
10 it's a fire hazard.

11 I looked at the schematics. I didn't know how
12 many exit doors there were. But my neighbor who's right next
13 to us, she's 80 years old and she was unable to get here
14 because of her age, she's going to be affected because she's
15 going to be blocked. She won't be able to see anything and
16 they're going to basically redesign her property.

17 It's just not safe for the kids. That alley is
18 very narrow. We use that alley. And unfortunately the
19 developer is not in the neighborhood to see or to actually
20 speak. They're sending their representatives and no one is
21 really talking to us about it.

22 We do not approve of it at all. I see my time is
23 up.

24 CHAIRPERSON HILL: You're all right. Okay, thank
25 you, Ms. Armstrong. Ms. Brown Parker.

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1 MS. BROWN PARKER: Good morning again. Again, I
2 am a neighbor who lives about four houses down from the
3 vacant lot. I have a minor child in my home and I wanted to
4 know the sign that was posted. I did receive a letter.
5 However, I did go to different neighbors and asked them had
6 they received a letter, if they got more information of what
7 was proposed to be built there.

8 I am disappointed that you did not receive
9 something from the ANC. I myself did reach out to the ANC.
10 I sent emails and they were not -- I did not receive a
11 response.

12 And so this is an election year. I do plan to
13 take that up with that commissioner for our particular area.
14 I am a resident of ward 7. I grew up in ward 7 and so my
15 expectations are clearly -- I just really feel really bad
16 about it and that's something as a community that we need to
17 take care of.

18 However, I do feel uncomfortable. There are minor
19 children. We are an old neighborhood. We have a lot of
20 senior residents in our neighborhood. There is some
21 development going on as our senior residents have passed away
22 and their families have taken homes or sold them.

23 But again as -- I'm sorry, what office she's from,
24 Ms. Myers, but we do have semi-detached single family homes.
25 We have single homes. There are a variety of homes in our

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1 neighborhood.

2 I didn't know what the proposal was, the small
3 print. There's a big orange sign but the part that explains
4 what's supposed to come there is so small you can't read it.

5 And so that's why I reached out. I wanted to know
6 exactly what did they plan to build there prior to me coming
7 to the hearing so that I can make an informed decision.

8 No one knocked on my door. He said he spoke to
9 some neighbors so I don't know what neighbors he spoke to but
10 no one knocked on my door. And all the neighbors were not
11 informed.

12 I have an issue with that. I think that you need
13 to consider the people who have been in the community. I
14 purchased that home through the Teacher Next Door program.
15 I've been there 17 years and I'm concerned.

16 I've worked in that community as a teacher and I'm
17 very concerned that someone wants to come in from the
18 outside, build something, this large structure based on what
19 my neighbor is saying without talking to the neighbors about
20 it.

21 Secondly, that developer, if we look at how long
22 he's actually purchased that property, how long his sign has
23 been there, I don't know how much in terms of research or
24 going out to how many banks that he talked to in less than
25 a year to see about building there.

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1 There are homes that are being sold and renovated
2 in our community daily. So I just want to be concerned about
3 building such a large structure. And there are minor
4 children. There are schools less than two blocks away,
5 concern to exactly what do they plan to put in such a large
6 structure.

7 CHAIRPERSON HILL: Okay, great. Well, thank you
8 guys for coming down and speaking to us. Ms. Brown Parker,
9 as far as the ANC goes they do know -- the fact that the
10 applicant -- we get a lot of applications every week. And
11 so the applicant is supposed to reach out to the ANC. If we
12 don't get something from the ANC we kind of figure out why
13 and work down a little bit into it. I'm sorry that your
14 commissioner didn't get back to you in terms of that.

15 Does anybody have any questions for the witnesses?
16 Okay. Well, thank you very much.

17 MS. BROWN PARKER: Thank you.

18 CHAIRPERSON HILL: There's somebody raising their
19 hand. So I asked for people that were speaking in support.
20 Is there anybody here that's wishing to speak in support?
21 And I asked if there was anybody wishing to speak in
22 opposition. So there's only the support and opposition.

23 So you can come forward if you like. Did you get
24 sworn in? Okay. Let's swear you in.

25 If anybody's here that wants to speak that hasn't

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1 been sworn in if you could please get sworn in here by Mr.
2 Moy that would be great. If you even think you might do it
3 just go ahead and stand up. It won't hurt. Okay, right over
4 there to the left.

5 (Whereupon, the witnesses were sworn.)

6 CHAIRPERSON HILL: All right, sir, you can come
7 on forward if you like. You have to speak into the
8 microphone and everything has to be on the record. So if you
9 could please give us your name and address.

10 MR. SCOTT: Good morning to the board. My name
11 is Brandon Scott. I live on 24 53rd Street in the community.
12 I'm roughly about 45 meters from the subject property.

13 CHAIRPERSON HILL: All right. So Mr. Scott,
14 you're here for -- I said support or opposition.

15 MR. SCOTT: Opposition of the property.

16 CHAIRPERSON HILL: Oh, you are here in opposition.

17 MR. SCOTT: Yes, sir.

18 CHAIRPERSON HILL: So you weren't sure before?

19 MR. SCOTT: Well, I was a little bit -- I think
20 I exist in the exact same vein as the young ladies who are
21 my neighbors behind me in that I didn't have sufficient
22 information to make a determination.

23 CHAIRPERSON HILL: Got it.

24 MR. SCOTT: So I took today in order to come into
25 this board hearing purely to assess the situation and then

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1 otherwise make a determination on how I felt about the
2 situation.

3 CHAIRPERSON HILL: Okay. Just so everybody knows
4 also it's all in the public record in terms of -- and it's
5 not easy. Well, I shouldn't say that. It's easy if you know
6 what to do.

7 And if you go over to the Office of Zoning before
8 you leave they can tell you how to access all the documents
9 and you can see everything that's on the case file here and
10 see everything that we see.

11 So, Mr. Scott I'm going to put three minutes up
12 there on the clock for you as well and you can begin whenever
13 you like.

14 MR. SCOTT: Thank you. So, my initial concern
15 that -- I will first of all give a little bit of background
16 about myself as it relates to my perspective here in this
17 zoning.

18 I am a real estate professional and a real estate
19 investor. And I actually live in that community. My partner
20 and I moved to that community just about a year ago. So we
21 live in the area and we plan and intend on staying.

22 I can confirm that at least living on the even
23 side of the property we have not received any notice. I
24 routinely work at home and work from home so I have not
25 received any material notice as to the plans of this

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1 property.

2 In fact, I've actually reached out myself
3 concerning actually about purchasing the subject property
4 myself.

5 As it relates to comps there are no comparables
6 in that community that would support such a structure, a four
7 level entity. So I would estimate that they are correct in
8 their broker's assessment that the structure in fact would
9 not secure any financing because there's no entity in that
10 neighboring community that would support comps for that type
11 of development.

12 Routinely all of the properties are mixed use that
13 they are semi-detached and they are single family and that
14 there's a significant number of renovations that are
15 occurring in the property that are demanding at least we're
16 seeing in that community anywhere year over year from 3 to
17 in some cases at a high end 5 percent increases in value in
18 those properties.

19 There's a property that's right off of Division
20 Street that is currently listed for sale by owner for
21 \$455,000 that is semi-detached. There's also a property on
22 the other end of that same square block that's listed for
23 sale just right under \$500,000. So there is room and there
24 is apparent growth in that neighborhood and in that community
25 that would support a single family unit.

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1 I do note and respect the fact that the board has
2 made it aware that it is not your responsibility to recoup
3 investors who have not done their due diligence or their
4 research so I commend you for that effort and for standing
5 with both the zoning policies and with the neighbors in that
6 community.

7 And I also note that that area is as outlined by
8 my neighbors is not conducive to any level of construction
9 especially given to the layout of the area. It would be an
10 extreme burden to the neighbors who live there who are of a
11 senior age and it provides no avenue of continuity for any
12 of the residents who currently live there.

13 Considering the lack of notification and the lack
14 of information as a result of this and the difficulties as
15 it relates to actually searching and finding this information
16 online there is not sufficient information to substantiate
17 any project of this scale or this caliber.

18 Also, there's less substantial financial reason
19 or course to substantiate this level of burden on the
20 neighborhood or the community.

21 So I thank you again from the neighborhood for
22 denying the project.

23 CHAIRPERSON HILL: Okay. Thank you, Mr. Scott.
24 Does anybody have any questions for Mr. Scott?

25 MEMBER SHAPIRO: First of all, we have not denied

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1 the project yet because this is a public hearing process but
2 I hear what you're saying. You may be reading between the
3 lines.

4 So, but I heard this from your other neighbors as
5 well. I just want to make sure I'm hearing this from you as
6 well. You are not opposed to developing this lot. You're
7 opposed to this scale of development on this lot.

8 MR. SCOTT: The scale of the development and I
9 also think there's a level of due diligence as it relates to
10 the community. So those are the two aspects that I think.

11 MEMBER SHAPIRO: I just wanted to make sure I was
12 hearing you correctly.

13 MR. SCOTT: Correct.

14 MEMBER SHAPIRO: Thank you very much. Thank you,
15 Mr. Chair.

16 CHAIRPERSON HILL: All right, thank you, Mr.
17 Scott. Mr. Agbim, you have something you'd like to add?

18 MR. AGBIM: Yes, sir, thank you very much. I want
19 to first start by apologizing for the comment chicken coop.
20 I didn't mean anything negative. I was just trying to find
21 a way to --

22 VICE CHAIRPERSON HART: I appreciate that.

23 MR. AGBIM: -- describe what a small building
24 would look on a 6,000 square foot lot. So please my
25 apologies. I don't mean anything negative.

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1 Now, the structure. I notice that there's a lot
2 of misunderstanding about the project. I hear four level
3 structure. I hear impact to alley.

4 I want to say that this is not a four level
5 building, four level and basement building. Perhaps we need
6 to -- we have sent letters out to the single member district
7 and to the ANC twice and didn't get any feedback.

8 Perhaps we could have walked up to the neighbors
9 and discussed this project with them and talked about what
10 it really is. We could actually also stake on the property,
11 on the land where the buildings or the footprint of the
12 buildings so that it would be clear to any neighbor passing
13 through to know exactly what size it is.

14 It's not going to be the building that blocks the
15 whole street or blocks views. It's set back relative on the
16 same level front setback with the rest of the buildings on
17 the block.

18 So perhaps these are things that we have not done
19 that we can actually do. It has a roof deck but it's not a
20 four level building, four level structure and basement.

21 So these are the things that I wanted to highlight
22 just from feedback from the neighbors. We would have loved
23 an opportunity to present this to the ANC, to present this
24 to them and to make sure that they're carried along.

25 The developer doesn't mind redesigning the

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1 building if there are concerns about the roof deck and the
2 height of the roof. Those things can be worked out to make
3 it blend in and make it less difficult for the neighbors to
4 like.

5 CHAIRPERSON HILL: Okay. Thanks, Mr. Agbim. So,
6 I don't know what's going to happen. I shouldn't say I don't
7 know what's going to happen.

8 In terms of your outreach. Like if you guys come
9 back here and see what happens the next time depending upon
10 what it is you do. I don't know what the vote's going to be
11 at this point but I have a general idea.

12 It sounds as though the Office of Zoning across
13 the hall can again clarify you have to mail out letters to
14 people within 200 feet. I don't know how that happened that
15 the even numbers didn't have it. It doesn't matter. It
16 doesn't matter.

17 And then coming before us without any feedback
18 from the ANC, it doesn't really help us in terms of what the
19 community is trying to do.

20 In terms of the community, I don't know what's
21 going to happen with this project moving forward if this were
22 denied again today. The Office of Planning, what they're
23 speaking of is a possibility that this lot could be split if
24 they opted into the IZ program so that one of the lots were
25 at a lower percentage of AMI.

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1 And again, just making it easier, accessible to
2 some people with a lower income. And so that's how that
3 program is put together.

4 Whether or not that came again before us they
5 would have to put a placard again. The placard would be
6 there. You'd then be able to see the number on that placard
7 so that you could research everything that's going on and
8 then you could -- you'd just be informed, better informed on
9 the process.

10 So Mr. Claggion or Mr. Agbim, we've gone through
11 -- actually, is there anybody here from the ANC? I don't
12 think so, correct. All right.

13 So, Mr. Agbim, do you have anything else you'd
14 like to add or Mr. Claggion at the end of your presentation
15 here?

16 MR. CLAGGION: No. I just wanted to definitely
17 let the community know that we did reach out and we offered
18 to present this at the ANC meeting. We went on the calendar,
19 we did our research to find out when the next meeting was
20 going to take place so that we could come and present what
21 we were trying to do there.

22 And on two separate occasions we didn't get a
23 response back. Now, could have knocked on doors and so
24 forth. I assume we could have done that. I spoke to folk
25 when I was at the property doing some other things and just

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1 mentioned it to them.

2 But I just want the community to know that we
3 didn't bypass. We get a 200 yard radius list from -- I
4 forget which office it is, but the D.C. government provides
5 us with the 200 yard radius of all the addresses that are
6 within that list. That's the official list and it's stamped
7 and that's the one that we mail out to.

8 So I just wanted to let the community know that
9 we did do that and we definitely -- I wanted to present this
10 at the ANC meeting but unfortunately we didn't receive a
11 response back. That's all I wanted to mention. Thank you.

12 CHAIRPERSON HILL: Sure. Ms. White.

13 MEMBER WHITE: It's clear that you've got a lot
14 of people in the community that are not on board with this.
15 Obviously we look at this from a regulatory perspective to
16 see whether or not you met the variance test and I'm having
17 trouble coming to the conclusion that you did.

18 I don't know how it's going to move forward after
19 I speak but one question I had was whether or not there was
20 any interest in dedicating one of those housing units towards
21 inclusionary zoning which would make it affordable to working
22 families, whether or not that's ever been addressed, ever
23 been thought of by you as a way to communicate with the ANC
24 and the community to see whether or not that could provide
25 some additional -- some support for what you're trying to do.

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1 In addition to the fact that you still have to
2 deal with the layout of the property in terms of the look and
3 feel and how it's impacting the neighbors and the public and
4 the alleys and what have you as the neighbors testified to
5 earlier.

6 I'm just curious about your opinion on the IZ part
7 of it.

8 MR. CLAGGION: I thought about it. I'm made aware
9 of it. But there's some -- with regard to the program
10 there's some deeper analysis that I need to do to say yes or
11 no. But I'm going to keep an open mind and that's not
12 something I want to completely say no to. I just need to see
13 in wards 7 and 8 the home sales prices and appraisal prices
14 are generally lower than the rest of the city. So I only
15 have two units. So I need to make certain that if I go that
16 route that it would be worth doing it.

17 CHAIRPERSON HILL: Okay. All right.

18 VICE CHAIRPERSON HART: Do you have anything from
19 a lender? Do you have emails or do you have something that
20 is -- right now what we have is that you are saying that that
21 is the case but we don't know what that means exactly beyond
22 you saying that it's not feasible. Do you have something
23 from several lenders that have said that they would not
24 finance this?

25 MR. CLAGGION: I can't give you several lenders

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1 but the lenders that fund my normal projects, the folks that
2 I talk to on a daily basis for my development deals, it's
3 clear. Once you look at a profit margin I know what that
4 profit margin is so they don't have to be too extensive in
5 their response to whether or not they're going to fund
6 something to me. I can discuss it with them and go over the
7 details but it's clear.

8 I know what the coverage margin should be as a
9 developer. But I can certainly have them draft something and
10 put something in writing to you just reiterating that. But
11 it's clear. You either can or you can't. Our purpose today
12 was to try to -- to come before you and to ask if the
13 variance could be permitted. And if not we completely
14 understand.

15 It was my goal to come here. I was not going to
16 buy the lot and not come before you today and just say oh,
17 they're not going to do it even if you don't. As a developer
18 I have to make a concerted effort to at least try. And if
19 there's an opportunity to have the project I want to know
20 what that opportunity is.

21 If we need to go back to the community we'll do
22 that. But I'm not going to just say from the beginning well,
23 it's not going to work and not try. So that's why we're
24 here.

25 MR. AGBIM: And also I'd like to suggest to the

1 board to -- instead of voting on this today to allow us more
2 time to meet with the community, the ANC, present the
3 project, make sure they all understand what is being
4 proposed, understand their concerns and hopefully even also
5 look more into the inclusionary zoning thing and just see
6 what we can do to make this better for everybody if it's
7 possible.

8 CHAIRPERSON HILL: Sure. I don't know what the
9 board thinks. As far as you guys meeting the variance test
10 for this I don't think you're going to meet the variance test
11 for this at least from my opinion right now.

12 So even if the community was all on board it's not
13 that the community decides as to whether or not the variance
14 test has been met. That's what we're charged to do.

15 Mr. Claggion, you seem pretty forthright with us.
16 We're not trying to jerk you around either. Or the community
17 members. And so if you did come back here again with
18 something else and the community, something will be developed
19 here. And there's the matter of right issue which you can
20 just do whatever you can do by right.

21 And then if you think that there's some way that
22 you can get back here with an IZ unit and kind of figure that
23 out then the community would have an opportunity to look at
24 that but that would be a whole new application again as well.

25

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1 You'd have to go back to the community. You'd
2 have to tell them we are going to do two units. One is going
3 to be an IZ unit. We're going to try to do this, that and
4 the other and see if you can get them on board.

5 You have several members here that seem obviously
6 interested. At least you could talk to them and at least
7 have then more of a dialogue that the next time it's not just
8 a surprise because nobody wants to -- you don't seem like the
9 person who would want to just necessarily surprise people
10 because it doesn't help out, particularly if this is your
11 business.

12 All right. I'm going to move on. Does anybody
13 have anything else they'd like from the witnesses? Okay.
14 All right. Then I'm going to close the hearing.

15 Is the board ready to deliberate? Okay. I can
16 start. I don't think it's a surprise as to where I am in
17 terms of that the analysis that the Office of Planning has
18 provided I think is showing to me that the variance test has
19 not been met. The lot can be developed, they can do
20 something with it and I don't think that I'd be in support
21 of the variance test -- I'm sorry, be in support of the
22 variance.

23 Would anyone have anything else they'd like to
24 add?

25 VICE CHAIRPERSON HART: Yes. I think that you

1 could kind of get from the questioning. Again, I wasn't
2 trying to be that hard. I was trying to understand where the
3 applicant was coming from.

4 I also don't believe that the applicant has met
5 the variance test. I also believe that there is an ability
6 to build a single family unit on this property and I would
7 be voting to deny the application.

8 MEMBER WHITE: I would concur with your comments.
9 I just don't think that the applicant met the area variance
10 test.

11 The standard of looking at this particular
12 application I was looking specifically at whether or not this
13 existing situation was unduly burdensome restriction that was
14 tied to the part of the variance test that had to do with the
15 practical difficulty.

16 I wasn't convinced that the market data supported
17 their argument, at least not what's in the record supported
18 their argument that they needed to have development on two
19 separate lots. So that's one of the reasons why I'm not
20 supporting this.

21 And I was very concerned about the lack of
22 community support as well as the inability to have anything
23 from the ANC for such a large project. So I will not be in
24 support of this application.

25 CHAIRPERSON HILL: Okay. All right, I'm going to

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1 go ahead and make a motion. I'm going to make a motion to
2 deny application number 19795 as captioned and read by the
3 secretary and ask for a second.

4 MEMBER WHITE: Second.

5 CHAIRPERSON HILL: Motion made and seconded. All
6 those in favor say aye.

7 (Chorus of ayes)

8 CHAIRPERSON HILL: All those opposed? Motion
9 passes, Mr. Moy.

10 MR. MOY: The staff would record the vote as 4-0-
11 1. This on the motion of Chairman Hill to deny the
12 application for the relief being requested. Seconding the
13 motion Ms. White. Also in support Mr. Peter Shapiro and Vice
14 Chair Hart. One other board member not present today. The
15 motion carries.

16 CHAIRPERSON HILL: Okay, thank you, Mr. Moy.
17 Thank you, gentlemen. Good luck to you. We're going to take
18 a quick break.

19 (Whereupon, the above-entitled matter went off the
20 record at 10:39 a.m. and resumed at 10:48 a.m.)

21 CHAIRPERSON HILL: All right, Mr. Moy, whenever
22 you'd like.

23 MR. MOY: Thank you, Mr. Chairman. The board is
24 back in session and it's about 10:47, 10:48.

25 The next case application if we can have parties

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1 to the table to number 19820 of Cambridge Holdings LLC.

2 Captioned and advertised for special exception
3 under the residential conversion requirements of subtitle U
4 section 320.2.

5 This would convert an existing principal dwelling
6 unit to a three-unit apartment house. This is in the RF-1
7 zone at 1128 Buchanan Street NW (square 2918, lot 113).

8 CHAIRPERSON HILL: I see an ANC commissioner here
9 also. Go ahead and step on forward if you like. Once you
10 all get settled in if you could just introduce yourselves
11 from -- let's go left to the right since the commissioner is
12 still getting set up there.

13 MR. RAMESHNI: I'm Frank Rameshni from Cambridge
14 Holdings.

15 CHAIRPERSON HILL: Can you spell the last name?

16 MR. RAMESHNI: R-A-M-E-S-H-N-I.

17 CHAIRPERSON HILL: And say it again?

18 MR. RAMESHNI: R-A-M --

19 CHAIRPERSON HILL: No, no, how do you pronounce
20 it?

21 MR. RAMESHNI: Oh, Rameshni.

22 CHAIRPERSON HILL: Rameshni. Okay, great. Thank
23 you.

24 MS. AKINSAN: I'm Olivia Akinsan. I am the
25 designer for the project.

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1 MR. AGBIM: Ike Agbim, architect of record.

2 CHAIRPERSON HILL: Mr. Agbim, you're here for both
3 of our cases today.

4 MR. AGBIM: Thank you, sir.

5 MR. CAMPBELL: And Ulysses Campbell, ANC 4C.

6 CHAIRPERSON HILL: All right. Commissioner
7 Campbell, so as you know the ANC is a party to all of the
8 cases and so who is going to be presenting on your side here?
9 Could you say your name again for me?

10 MS. AKINSAN: Olivia Akinsan.

11 CHAIRPERSON HILL: Akinsan. Akinsan. All right,
12 Ms. Akinsan, so I guess you kind of know where you are also
13 meaning that as in the last case if you could just go ahead
14 and walk us through how you're meeting -- even walk us
15 through the project and then how you're meeting the standard
16 of relief in order for us to grant the relief.

17 And I'm sure you know what that is. Then on top
18 of that you can speak to -- I don't know where the Office of
19 Planning is now but I guess we can see what's happening with
20 that because earlier they weren't able to make a
21 recommendation. I don't know if they're still able to make
22 a recommendation.

23 I don't know if -- we'll just see what happens.
24 Like if you have to change your plans and then OP has a
25 different thought now.

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1 As you are aware and as the commissioner I'm sure
2 will point out you've got a 5-1-2 denial vote there at the
3 ANC so you could bring up some of that in terms of your
4 outreach.

5 But what I would do is go ahead and just start
6 with what you're trying to do and again how you're meeting
7 the criteria for us to grant the special exception.

8 I'm going to put 15 minutes on the clock just so
9 I know where I am. And before you start just to let you know
10 how this works. So Commissioner Campbell will also have the
11 same amount of time to present. He'll also have an
12 opportunity to cross examine.

13 So what that will mean is you'll go ahead and give
14 your presentation. Commissioner Campbell will be asked
15 whether he has any cross questions of you and then
16 Commissioner Campbell will have an opportunity to present as
17 well. You will also have an opportunity to cross. Then you
18 will come back and do rebuttal meaning have any responses
19 you'd like to add there at the end and then we'll do a
20 conclusion.

21 And in between that we're going to take testimony
22 from the Office of Planning and then anyone here in the
23 audience as well. So after that long spiel, Ms. Akinsan, you
24 can begin whenever you like.

25 MS. AKINSAN: Good morning, again. My name is

1 Olivia Akinsan, the designer for the project located at 1128
2 Buchanan Street.

3 The special exception we are requesting is for
4 three units. The property is currently a single family
5 dwelling --

6 MEMBER SHAPIRO: Excuse me, Ms. Akinsan, could you
7 pull the mike a little closer.

8 MS. AKINSAN: Sorry. The special exception we are
9 requesting is for three units. The property is currently a
10 single family dwelling located in the RF-1 zone.

11 Two units are permitted by right in this zone.
12 We are, however, requesting a third. Our project involves
13 a rear and third story addition with a rear deck and rooftop
14 deck.

15 If you look at the screen and see our plans we're
16 showing the subject property with the rear addition and rear
17 deck as well as parking.

18 In our site plan the subject shows in comparison
19 to the other neighboring properties again showing the rear
20 deck and the rear addition with ample parking. We're in fact
21 providing more parking than is required.

22 Here is our vicinity map showing neighboring
23 photographs of properties surrounding the subject property.

24 Here are our existing plans for context. We've
25 got the existing cellar, existing first floor, existing

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1 second floor and existing third floor.

2 For our proposed plans we show our intent. On the
3 cellar floor we are showing our first unit which includes a
4 kitchen, bedroom, bathroom and living area.

5 On the first floor we show the second unit which
6 includes kitchen, bedroom, bathroom, with a stair leading to
7 the second floor.

8 If you look at the second floor it's divided into
9 two. The rear part of the second floor is part of the second
10 unit below and includes an extra additional bedroom and
11 bathroom. The front half of the second floor is for the
12 kitchen of the third floor. So the first half includes the
13 kitchen and stairs leading up to the third floor.

14 The third floor has two bedrooms again and two
15 bathrooms.

16 Here we are showing our rooftop deck. Here is our
17 elevation which basically shows a neighboring structure
18 outline in comparison to our proposed project.

19 Here is the east side elevation and the west side
20 elevation. These proposed elevations show the front and
21 rear.

22 In order to preserve existing architectural
23 elements as well as the overall aesthetic of the neighborhood
24 the third vertical addition has been set back.

25 Here is our section. And lastly we're showing

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1 more pictures of the neighborhood.

2 CHAIRPERSON HILL: Ms. Akinsan, can you go back
3 one slide?

4 MS. AKINSAN: Sure.

5 CHAIRPERSON HILL: So where's the spiral stair on
6 that?

7 MS. AKINSAN: We cut the section not showing the
8 spiral.

9 CHAIRPERSON HILL: Okay.

10 MS. AKINSAN: Yes. But they are there.

11 MEMBER SHAPIRO: Can you very quickly just show
12 me again the three units?

13 MS. AKINSAN: Sure.

14 MEMBER SHAPIRO: No, no, on that slide.

15 MS. AKINSAN: Oh, all right.

16 CHAIRPERSON HILL: I think you can touch that
17 screen there to your left. Is it on there? Yes.

18 MS. AKINSAN: So this would be the first apartment
19 right here in the cellar. And then this would be the first
20 floor and that's the second unit. And then as you go
21 upstairs you'd have your first half of your third unit here
22 and this would encompass part of the second unit here. And
23 then this third unit then goes all the way up to this floor.

24 MEMBER SHAPIRO: Okay. Thank you. Thank you, Mr.
25 Chair.

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1 MS. AKINSAN: You're very welcome.

2 CHAIRPERSON HILL: All right, please Ms. Akinsan,
3 go ahead.

4 MS. AKINSAN: I think you wanted me to respond to
5 Office of Planning some?

6 CHAIRPERSON HILL: Yes. The Office of Planning
7 currently wasn't able to make a recommendation and so I'm not
8 clear as to why they weren't able to -- actually, I'll just
9 turn to the Office of Planning right now. Can you tell us
10 where you are, Office of Planning?

11 MS. MYERS: Crystal Myers for the Office of
12 Planning. I'm sitting in for Elisa Vitale who did the review
13 for us.

14 We are still unable to make a recommendation. We
15 listed out that the main reason why is because we were
16 requesting the east and west elevations in order to be able
17 to more clearly see what's going on in relationship to these
18 adjacent neighbors.

19 And at the time we filed our report that wasn't
20 there. But after our report was filed it was submitted.
21 However, we have not had sufficient time to review it so we
22 are still unable to make a recommendation.

23 CHAIRPERSON HILL: Okay, thanks.

24 (Simultaneous speaking)

25 MS. MYERS: There was another point. We also

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1 asked for revised plans demonstrating how the stairwell
2 access to the cellar relates to the stairwell access to the
3 first floor.

4 MS. AKINSAN: All those revisions were made and
5 in fact there's an email in correspondence to Ms. Elisa.

6 MS. MYERS: Elisa Vitale.

7 MS. AKINSAN: Ms. Vitale and I. And she in her
8 email correspondence says that the revisions are now
9 sufficient.

10 CHAIRPERSON HILL: Right, but when did you get to
11 them?

12 MS. AKINSAN: Gosh. Like the 5th of October or
13 so.

14 CHAIRPERSON HILL: Okay. So regardless I don't
15 have a report from the Office of Planning. We don't have a
16 report from the Office of Planning.

17 MS. AKINSAN: Fair enough.

18 CHAIRPERSON HILL: So this is going to be a little
19 bit disjointed. So I'm going to let you continue to move
20 forward in your presentation. Whenever you're done let me
21 know.

22 MS. AKINSAN: I have concluded.

23 CHAIRPERSON HILL: Okay, great. Does the board
24 have any questions for Ms. Akinsan?

25 VICE CHAIRPERSON HART: Yes. Over here. Ms.

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1 Akinsan, thank you very much. Could you describe how you
2 might be affecting the neighbors, the shadows might be
3 affecting the neighbors?

4 MS. AKINSAN: Well, the rear of the addition is
5 south facing so to our knowledge we are not affecting the
6 neighbors as much because we're only coming out 10 feet in
7 the rear and the additional 10 feet would just be the deck
8 itself which has guard rails which would let light in. So
9 we are only going back 10 feet.

10 VICE CHAIRPERSON HART: And did you have any
11 discussion about possibly putting up screens or anything on
12 either side to improve or increase the amount of privacy for
13 the next door neighbors?

14 MS. AKINSAN: We have not discussed that but we
15 are completely open to doing such.

16 VICE CHAIRPERSON HART: And there is no roof deck
17 on this. This is just --

18 MS. AKINSAN: There is a roof deck. There is a
19 rooftop deck. It's best probably seen from the side
20 elevation. East and west you can see the stair leading up
21 to the roof, 11 of 14. And also 9 of 14 shows the floor
22 plan.

23 VICE CHAIRPERSON HART: And so the deck itself is
24 -- so in this case the front of the building is to the left.
25 The image that you're showing.

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1 MS. AKINSAN: Yes.

2 VICE CHAIRPERSON HART: And so the roof deck is
3 kind of the back half of the building.

4 MS. AKINSAN: Correct.

5 VICE CHAIRPERSON HART: And then what happens in
6 the front of the building?

7 MS. AKINSAN: Nothing is really happening in the
8 front.

9 VICE CHAIRPERSON HART: Well, there's something
10 happening there.

11 MS. AKINSAN: There's a cellar stair. The stair
12 going down to the cellar, is that what you're referring to?

13 VICE CHAIRPERSON HART: No, no, I mean in the
14 front -- the roof deck kind of stops but there's kind of this
15 white space and I don't know what's in that white space. Is
16 that just roof? This area that's right here. Look on the
17 image there. What's that area there?

18 MS. AKINSAN: Yes, that's just the roof. There's
19 nothing going on top of that.

20 VICE CHAIRPERSON HART: Okay. So the front, this
21 area, what's in between the existing mansard and the proposed
22 addition?

23 MS. AKINSAN: Just roofing. We're just setting
24 back from the existing mansard.

25 VICE CHAIRPERSON HART: Do you have anything that

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1 shows that?

2 MS. AKINSAN: Yes. Page 8 of 14. So if you see
3 here that's the existing mansard right here and this is the
4 roof and this is where the building begins.

5 VICE CHAIRPERSON HART: Okay, thank you.

6 CHAIRPERSON HILL: Ms. Akinsan, can you go back
7 a few slides to where you show the side elevation? It's a
8 question for the Office of Planning actually. Again, the 10
9 feet that they're going back, so they're going back 10 feet
10 and then the deck doesn't count towards the 10 feet rule?

11 MS. MYERS: No, it does not. The addition counts
12 toward the 10 feet rule. But we do look at the impact of the
13 addition plus the deck on the surrounding neighborhood and
14 the adjacent neighbors.

15 CHAIRPERSON HILL: Okay. Because I'm just -- I
16 can't remember the regulation clearly enough, I apologize,
17 how far back can a deck go then? The deck can go back as far
18 back as they want to?

19 MS. MYERS: I wouldn't be able to answer that.

20 CHAIRPERSON HILL: All right. We've had a lot of
21 cases recently with the 10 foot rule in terms of that so I
22 just was curious.

23 MS. AKINSAN: I can answer that, actually. You
24 can occupy pretty much 60 percent of the lot.

25 CHAIRPERSON HILL: Right, that's okay. That's

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1 opening up a whole 'nother conversation. Sure.

2 MEMBER SHAPIRO: Thank you, Mr. Chair. This is
3 a question for the Office of Planning. It's not completely
4 clear to me. I know that Ms. Vitale was not able to respond.
5 You all have had this for about a week. Just help me
6 understand because we just don't have enough information to
7 work with from the Office of Planning and I'm not quite sure
8 what to do about that.

9 MS. MYERS: The Office of Planning -- we submitted
10 our report during the normal timeline but the applicant's
11 additional submittal came after the fact.

12 I couldn't speak exactly what occurred but I know
13 just probably work program, vacations, et cetera made it a
14 little bit difficult to respond last week. But it was after
15 our typical timeline for submitting our report.

16 I can't speak on any communications that we've had
17 with the applicant since that time but we have not been able
18 to update our report to submit anything new just because we
19 haven't been able to finalize and review the additional
20 information that was submitted. So I would not be able to
21 change our recommendation because at this point we haven't
22 been able to do a full review of the additional information
23 that's been submitted.

24 And I also just want to point out we did make some
25 recommendations on what we would suggest to see for this

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1 project. We had said that we would like to remove -- or the
2 applicant should consider removing the proposed roof deck and
3 access stairs, and also consider a setback from the side
4 walls of the rear decks.

5 But as I mentioned earlier we wanted to see all
6 of the information, the updated information in order to make
7 a final assessment and we were not able to do that in the
8 timeline that we needed in order to complete our review.

9 So at this point we are still unable to make a
10 recommendation.

11 MEMBER SHAPIRO: Okay, thank you. Thank you for
12 that. Thank you, Mr. Chair.

13 MEMBER WHITE: Just a quick question. I'm trying
14 to understand how this property, proposed development will
15 impact the adjoining neighbors. So I wonder if you could
16 show me maybe some renderings or one or two renderings that
17 show me the impact -- how it looks for the adjoining
18 neighbors. So that would be 1130 and 1126 Buchanan Road.
19 I want to see how that project impacts those adjoining
20 properties from the front as well as the rear if possible.
21 If not we'll maybe just hopefully get some testimony on that
22 but I wanted to see if you had a rendering that reflects
23 that.

24 MS. AKINSAN: From our standpoint the east and
25 west elevations best clearly describe how visually it would

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1 impact each neighbor. Because if you see the whited part
2 would be the neighbor and in the background is our
3 development.

4 I'll go to the first page. This rendering of the
5 front basically shows a comparison between both adjacent
6 neighbors.

7 MEMBER WHITE: And in the back?

8 MS. AKINSAN: The back we're just showing the
9 elevation itself. Those are the front and rear elevation but
10 we're not showing them in comparison to the neighbors, the
11 existing neighbors.

12 MEMBER WHITE: Okay. That's okay. Thanks.

13 MS. AKINSAN: You're welcome.

14 CHAIRPERSON HILL: Okay. Commissioner Campbell,
15 do you have any questions and cross for the applicant?

16 MR. CAMPBELL: I did have a couple of questions.

17 CHAIRPERSON HILL: Okay.

18 MR. CAMPBELL: Ms. Akinsan, was there a light or
19 shadow study that was performed on this property? To show
20 the impact on the adjacent properties.

21 MS. AKINSAN: We have not performed one to date
22 but we are perfectly willing to do so.

23 MR. CAMPBELL: Okay. I know that one of the
24 primary objections that the neighbors have is that this is
25 a request for a third unit where of course by right the

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1 developer can do up to two.

2 I'm curious just about the necessity for a third
3 unit here as opposed to doing two where you wouldn't need to
4 come before the BZA.

5 MS. AKINSAN: Well, to be honest by providing
6 three units we are able to provide more affordable housing
7 as opposed to just two because they are -- the square footage
8 for each of the units would be so large with two units. So
9 three is more affordable.

10 MR. CAMPBELL: Okay. Were these going to be
11 affordable housing units?

12 MS. AKINSAN: No, not in that sense but yes. It
13 would be more affordable as opposed to buying a brand new
14 single house --

15 CHAIRPERSON HILL: That's okay. I just didn't
16 want to start a discussion. Commissioner Campbell, you have
17 another question?

18 MR. CAMPBELL: I had a question with regard to
19 slide 9 of 14. That was the one that showed the roof area.
20 I'll wait till it gets up there.

21 Is that the original roof or is that some addition
22 that's being constructed?

23 MS. AKINSAN: That's some addition in the rear.
24 If you see the 10 foot is the 10 foot proposed addition that
25 comes up from the foundation and the additional 10 foot is

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1 the 10 foot deck that comes up from the foundation.

2 MR. CAMPBELL: Okay. So what we're looking at is
3 essentially 10 feet higher than the current roof? I'm trying
4 to understand. What I'm trying to get at is what is going
5 to be the new elevation of the property versus the original.

6 MS. AKINSAN: Let me go back to the -- so we are
7 looking at 35 feet in total for the entire height of the
8 building.

9 MR. CAMPBELL: Okay. Do you know what the current
10 height of the building is?

11 MS. AKINSAN: It's 23 feet right now.

12 MR. CAMPBELL: Okay. So we're looking at an
13 increase of about 13 feet.

14 MS. AKINSAN: Correct.

15 MR. CAMPBELL: Okay. All right. But we don't
16 really know what the impact -- because that was another
17 concern that the neighbors had, the impact of light even
18 though there's no existing solar energy system.

19 And I appreciate your willingness to perform a
20 light and shadow study.

21 MS. AKINSAN: Absolutely.

22 MR. CAMPBELL: Okay. Those are all the questions
23 I have.

24 CHAIRPERSON HILL: Okay, great, Commissioner,
25 thank you. So, Commissioner, you're going to go ahead and

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1 have 15 minutes as well to present if you would like. Take
2 as much time as you want of that 15 minutes.

3 And Mr. Moy, if you -- turn to the clock there,
4 Mr. Commissioner, on either side. And you can begin whenever
5 you like.

6 MR. CAMPBELL: Okay, thank you. I will certainly
7 not take 15 minutes. I'm aware this is the last case and I'm
8 sure you all have other things that you would like to do.

9 The ANC letter is already part of the record. I'm
10 assuming that everybody has had the opportunity to review it.

11 The only things that I would just add to this
12 because I've consulted with my constituents on this and I
13 think something that's noteworthy here is the fact that this
14 is the -- well, this would be the first such development on
15 this block.

16 And the adjacent neighbors, they bought in to a
17 residential block. It was all single family units. The fact
18 that -- don't get me wrong. I'm not against development.
19 I ideally am for responsible development. I don't know that
20 I would characterize this as irresponsible.

21 But something that dramatically changes the fabric
22 of the neighborhood like this. It's kind of a toehold in a
23 way. Once you get one of these things I would imagine that
24 it would be a lot easier for future developments.

25 I also think it's noteworthy the fact that it's

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1 a third unit.

2 In any case the ANC fully supports the opposition
3 of the neighbors in this case with regard to the potential
4 impact on the light and the air of the property and their
5 privacy.

6 Also, the neighbors had additional concerns that
7 the ANC didn't necessarily take up but they were all part of
8 their letters of objection that are part of the record also.

9 So that would be what I have to add to what the
10 ANC has already submitted.

11 CHAIRPERSON HILL: Okay. Well, Commissioner
12 thanks for coming down. I know that it takes time from your
13 day to be down here. And it makes it easier for us to ask
14 questions as to how the ANC kind of processed this
15 application.

16 We don't have a recommendation from the Office of
17 Planning yet. We know that they had some concerns about what
18 seemed to be kind of privacy in terms of the back. But we'll
19 get their probably report, or supplemental report I would
20 imagine and then we would probably ask the ANC to their
21 response to that supplemental report which is probably what's
22 going to end up happening here at the end I would think. But
23 we'll see how the rest of this goes with the board.

24 Does the board have any questions of the
25 commissioner?

1 VICE CHAIRPERSON HART: I do have a question, Mr.
2 Campbell. Commissioner Campbell, thank you very much for
3 coming down.

4 The kind of big question that I guess I grapple
5 with myself is they're not asking for height relief. There
6 is a height limit for the neighborhood.

7 Do you think that the ANC would be for the
8 expansion on the back and not the height, or have the height
9 but not the expansion on the back. Kind of either/or.

10 Because currently this applicant is looking for
11 both making it taller as well as moving back and I just
12 didn't know if you had a sense of that from the other
13 commissioners or the neighborhood.

14 MR. CAMPBELL: Well, to answer your question as
15 best I can because I'm sort of -- I feel it's my obligation
16 here to represent the neighbors in the community.

17 I'd want to consult with them. I appreciate that
18 the developer is interested in producing a light and shadow
19 study. I would think that would be something that we would
20 ask for to be able to more properly evaluate the potential
21 impact of both the increased height and the back.

22 I think absent that we're sort of guessing and I'd
23 prefer to deal in something that's quantifiable. I've been
24 to the property but I haven't been there at all times of the
25 day and seen exactly the impact at various times of the year

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1 of what's being proposed as far as the impact on light which
2 can obviously affect people in a lot of different ways as per
3 the neighbor's letters of objection. So I don't have enough
4 information.

5 VICE CHAIRPERSON HART: That's completely fine.
6 I just wanted to see if there was -- if you had heard of
7 people being more for one aspect of it or another. And I
8 just was curious as to where that was.

9 The hard part -- not the hard part. The part that
10 makes that that we have to kind of take into consideration
11 is that they're asking for -- it's not the height aspect of
12 it that is a relief that the applicant is requesting.

13 And so while I understand that there may be --
14 this is the first of a development, a redevelopment of a
15 property, that part of it is hard to -- the height that
16 they're asking for is a matter of right height. And so the
17 part that we're really looking at is what they're asking for
18 in terms of the number of units that are before us. I
19 appreciate your response. Thank you.

20 CHAIRPERSON HILL: Anyone else? Okay, I have a
21 quick one for the Office of Planning again. Ms. Myers, so
22 as far as -- I'm just trying to remember again in terms of
23 the matter of right. So they can go up to 35 feet matter of
24 right as well as the 10 feet back? It's just the conversion
25 for the third unit that we're here for.

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1 MS. MYERS: Yes, they can, but the 10 foot back
2 is also one of the criteria under the conversion rules. So
3 when you look over special exception relief subtitle U 320.3
4 one of the requirements that we have to note is whether or
5 not they are 10 feet or more. So that's just part of the
6 review as well. But yes, that is a matter of right to do 10
7 feet.

8 CHAIRPERSON HILL: Right. I'm saying they're not
9 going back farther than 10 feet.

10 MS. MYERS: No, they are not.

11 CHAIRPERSON HILL: And they're not going higher
12 than 35 feet. So if they wanted to do a two unit, go up 35
13 feet and go back 10 feet they could do that matter of right.

14 MS. MYERS: Yes.

15 CHAIRPERSON HILL: Okay. That's just what I
16 wanted to understand. Okay. Sure.

17 MEMBER SHAPIRO: Thank you, Mr. Chair. Now I'm
18 confused. So exactly what relief are they asking for?

19 MS. MYERS: They're asking for relief to convert
20 to pretty much a multifamily now, so three units.

21 MEMBER SHAPIRO: But that's the only issue. So
22 it's actually not the setback, it's not the height, it's the
23 use.

24 MS. MYERS: Correct. But part of their review
25 criteria is to look at the impact to the adjacent neighbors

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1 and to the surrounding area. So light and air is still --

2 MEMBER SHAPIRO: All triggered by three units.
3 So in other words they could do this exact same size
4 redevelopment with two units matter of right.

5 MS. MYERS: Correct.

6 MEMBER SHAPIRO: Okay. Thank you. Thank you, Mr.
7 Chair.

8 CHAIRPERSON HILL: Okay, great. And just for the
9 audience again it's all under U 320.2 in terms of what we're
10 looking at in terms of the standard for which to grant or
11 deny. And for the applicant again also we're looking at all
12 of this now again as we've all just gone through this over
13 and over again in that if you did this two units then you'd
14 be doing it matter of right but since you're not all these
15 other criteria come into play which then does bring the
16 community into it actually which is a good thing.

17 Does anybody have any further questions for the
18 commissioner? All right, Mr. Commissioner. Thanks. I guess
19 you can -- no, you can stay here. We're going to see how
20 this goes.

21 Okay. Thanks. The vice chair is helping me out.
22 Do you have any questions for the commissioner? Does the
23 applicant have any questions for the commissioner?

24 Okay. So is there anybody here wishing to speak
25 in support? In support. Is there anybody here wishing to

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1 speak in opposition?

2 Okay, Mr. Commissioner, if you wouldn't mind
3 stepping back and then let's see how many -- if you could
4 raise your hands please. Five. Okay. Then actually why
5 doesn't Mr. Agbim, if you could also step back. Actually,
6 how about everybody step back from the table and we'll just
7 let the people in opposition come forward and take a chair.

8 All right. Good morning, everybody. Welcome down
9 to the Board of Zoning Adjustment. This is a little
10 neighborhood party here.

11 All right. If you could just introduce yourselves
12 please from my right to left. You need to push the button
13 there.

14 MR. CLARK: Anthony Clark, 1142 Buchanan Street
15 NW, Washington, D.C. Former D.C. police officer. In the
16 neighborhood for 20 years.

17 CHAIRPERSON HILL: All right. Officer Clark.

18 MR. CLARK: Anthony Clark, former D.C. police
19 officer.

20 CHAIRPERSON HILL: All right. Thank you, Mr.
21 Clark. Ma'am.

22 MS. PRATHER: Cynthia Prather, co-owner of 1130
23 Buchanan Street NW.

24 CHAIRPERSON HILL: Officer Clark, if you could
25 just turn off your microphone there. I'm sorry, could you

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1 say your name again please?

2 MS. PRATHER: Cynthia Prather, P-R-A-T-H-E-R.

3 CHAIRPERSON HILL: And Ms. Prather and for
4 everybody if you could just turn on the mike and then turn
5 off the mike. Otherwise we get feedback. Sir if you would
6 like to go next.

7 MR. PRATHER: Samuel Prather, 1130 Buchanan Street
8 NW.

9 CHAIRPERSON HILL: Do you guys know each other?

10 MR. PRATHER: A little bit.

11 CHAIRPERSON HILL: All right, next, please.

12 MS. GRIGSBY: Good morning. Donna Grigsby, 1142
13 Buchanan Street, the wife of former Officer Clark.

14 CHAIRPERSON HILL: Okay.

15 MR. MATLOCK: I'm Lester Matlock. I'm the
16 neighbor at 1126 Buchanan Street NW.

17 MS. THOMPSON: Madeline Thompson, 1110 Buchanan
18 Street NW.

19 CHAIRPERSON HILL: Okay, great. So, Officer Clark
20 we're going to start with you. There's three minutes on the
21 clock. Everyone is going to get the same three minutes and
22 you can begin whenever you like.

23 MR. CLARK: Yes, thank you for inviting us down
24 to have some input on this project. As I said in my initial
25 opening I've been in the block for 20 years.

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1 I'm at the end unit of the rowhouse which is the
2 historic rowhouse built in 1919. We are concerned about the
3 image of a popup that not only would be the first one on the
4 block but also would be indicative of the other ones that are
5 coming up on the Georgia Avenue side between Allison and
6 Buchanan Street NW.

7 In addition to that we've had a popup on Iowa
8 Avenue but we haven't had a big snowstorm. The last time we
9 had a snowstorm the alley was blocked for a week, the power
10 went out for a week and the only house on that block that had
11 power was mine because the power comes from the pole at the
12 end of our alley and goes around the back of my house and
13 hits each house going toward Georgia Avenue.

14 So I'm also concerned about the fact that power
15 may be an issue. The alley access may be an issue. And
16 those are things that are most important to me in addition
17 to the fact that right now we're on the block that typically
18 parking is an issue even though everybody has residential
19 parking.

20 Those are the things that I wanted to bring up
21 today. Thank you.

22 CHAIRPERSON HILL: Thank you. Miss. You need to
23 press the button there. Thank you.

24 MS. PRATHER: Okay. Again my name is Cynthia
25 Prather. We've submitted opposition letters in writing.

1 We've attended ANC meetings.

2 I'd like to thank the ANC for considering our plea
3 and supporting us. Still I understand that this board makes
4 the final decision so I'd like to take this chance to speak.

5 And I'd like to take these minutes to talk
6 specifically about the number of units that's being proposed.
7 As you know it's zoned RF-1 which is no more than two units.

8 And at first glance you might say well what's the
9 problem with the three. The front facade is the same. They
10 are putting parking in the back. But upon closer
11 consideration I think there's some compelling reasons not to
12 do this.

13 Buchanan Street is not zoned for it. That's the
14 first thing. The designations are clearly outlined. It's
15 been that way for generations. It's for families and
16 children, people know each other. It hasn't been a secret.
17 It's zoned RF-1.

18 The property, the design that they're proposing
19 is not for families. There's a one bedroom unit at the
20 bottom and then I have to say I was a little confused about
21 this presentation. I thought there was a second unit then
22 a third unit.

23 But regardless it's not for families. You don't
24 have a master bedroom and two children's bedrooms. I don't
25 understand the configuration but I don't think it's for

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1 families.

2 It looks like I hate to say the possibilities of
3 a short-term rental thing. And this is for families. There
4 are places in D.C. for short-term rentals. Mendelson has
5 already submitted a bill now to try to rein this in a little
6 bit from outside investors. But it's for families. This is
7 zoned RF-1.

8 And then it's pricing people out. So there are
9 articles after articles about people but there was one about
10 nightmare on Buchanan Street only a few blocks away from us
11 where they converted one unit, 1400 block of Buchanan into --
12 one unit, they were asking 549 for a two-bedroom which the
13 article said was roughly \$50,000 higher than the median
14 listing price in the whole 20011 zip code. It's taking
15 prices up to a point where families can't afford. Who can
16 pay. That's for a two-bedroom and we're looking for families
17 for three.

18 And then back to the thing. It's setting a
19 precedent. This is RF-1 and if we agree, if we allow a
20 developer to come in and get this exemption does that open
21 up our block to other developers who want to do the same
22 thing. So why have these designations if we're not going to
23 follow them. That's a big question.

24 I went to the comprehensive plan. I'm running out
25 of time. And they talk about the tension, the excitement.

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1 The plan has a lot of interesting information. The
2 excitement, the tension that's going to happen when we're
3 trying to create this inclusive city.

4 But part of it it says reach all of our residents
5 and conserve the things we value most about our communities.
6 And then they say there's going to be tension but it makes
7 it more important to have sound land use policies, I'm
8 quoting from them, and development review procedures that
9 mitigate the effects of competing and conflicting views.

10 And that's what I see here. We have conflicting
11 views.

12 Finally there's the plan about increasing the
13 population and the need for that, but then it says -- can I
14 take a couple of more minutes?

15 CHAIRPERSON HILL: That's fine. Go ahead, Ms.
16 Prather.

17 MS. PRATHER: The biggest unknown is household
18 size. And if the District continues to lose families and
19 attract only small one- and two-person households it may well
20 add the number of people that it needs but the household size
21 will only be maintained at its current level if the District
22 retains its families, keeps young professionals in the city
23 as they form families and provides a healthy environment for
24 new families.

25 I'm not making this up -- in its established

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1 single and rowhouse neighborhoods. So looking at all that
2 it seems to me you want to support keeping this as two units
3 and so that families can live there and not exempting for a
4 third unit.

5 I know it's happening and they're knocking on our
6 door but it's RF-1 so I'm just arguing that we follow the
7 rules when we have this conflict and this tension. Keep it
8 RF-1. Keep it for families. Thank you.

9 CHAIRPERSON HILL: Thank you, Ms. Prather. Mr.
10 Prather?

11 MR. PRATHER: Well, my biggest thing here is
12 understanding why you want to have three units when you could
13 easily get away with two that would stay within the law.

14 Now, I think about special exemption. What does
15 that really mean. They are really trying to do this for some
16 special reason. What is that special reason? Is it just to
17 make money? Is it to provide a place for one more spot for
18 a person to live?

19 When I look at the plan when it was described for
20 the third unit the lady described it as when they got up to
21 the second floor this and half of this. I said wait a
22 minute, what are you talking about.

23 I think that the third -- they can do this thing
24 with two units, make just as much money, but that's just my
25 understanding of it. Maybe it's for taxes. Maybe it's for

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1 some other purpose. But I can't see putting more people in
2 a place in that house than it's designed for.

3 Actually, the RF-1 is on 1100 block of Buchanan
4 Street. On the very back of that same street it's a
5 different zoning regulation.

6 And I see two popups on that side. One of them
7 is done very nicely. One of them looks like a Titanic. It's
8 huge. I don't want to see that on this side of the street
9 if it's not necessary. I'm done.

10 CHAIRPERSON HILL: All right, thank you, Mr.
11 Prather. Ms. Grigsby.

12 MS. GRIGSBY: Thank you. It's a pleasure to
13 present my feelings about the development on 1128 Buchanan
14 Street.

15 First I'd like to kind of give you a picture of
16 the block although you all saw the schematics and the
17 drawings.

18 Buchanan Street is a one-way street going east.
19 We have 13 single family large, nice, comfortable single
20 family homes across the street and approximately 20
21 rowhouses.

22 The block is used by many neighbors, young kids.
23 Because it's one-way we're sitting out there most of the
24 time. The kids go to the various elementary schools that
25 have recently been redone I'm sure for families to create the

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1 opportunity where there's a real sense of community, there's
2 a sense of neighborhoods that we really enjoy.

3 We actually have events at each other's homes and
4 we really want to have that sense of family and togetherness
5 which is actually there now. Many people come down our
6 block. We all speak to each other.

7 And I want to make sure that with the demographics
8 changing we have older people who now have grandchildren on
9 the block. They ride their bikes. And just to have the one
10 unit to create I'm not even sure if it's one bedroom, I can't
11 even figure it out, but it just seems like the units for
12 three single family most likely one person utilizing the
13 house really creates a very magnificent change for our
14 community and how we communicate and work with each other in
15 the neighborhood.

16 Tony had mentioned the electricity. Well, we
17 actually use our outlets to actually help people. So we're
18 all about being together and helping. And when you bring
19 that infusion of single persons into the neighborhood that
20 we're not even sure if this is going to be a rental or a for
21 sale property it just changes the dynamics.

22 We have actually had as also mentioned a popup on
23 Iowa. I happen to be at the end of the block and that
24 actually -- that popup actually affects me now because of the
25 shadowing.

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1 So I just want to just share with the group that
2 we really want to have our community stay as a single family
3 joint community. We have experienced popups on Iowa, Georgia
4 and on Allison which is what you were talking about that have
5 really changed and impacted a very different chemistry in the
6 other streets.

7 So please consider just this one unique block that
8 is one-way that has very limited number of houses to remain
9 a single family environment to allow people to come into our
10 neighborhood and enjoy the new schools that have been
11 renovated versus single people with no children. Thank you.

12 CHAIRPERSON HILL: Thank you. Mr. Matlock.

13 MR. MATLOCK: Matlock. M-A-T-L-O-C-K.

14 CHAIRPERSON HILL: Matlock. Thank you.

15 MR. MATLOCK: Thank you. So I'm the neighbor next
16 to this new development. I'm 1126.

17 I was kind of looking around and there's several
18 of us that are here and have been on this block for over 50
19 years. So my being next door to this block, you've heard
20 what my neighbors and all have had to say.

21 So we give them that they have the right for the
22 height as you've said and the setback. I find it very
23 interesting that the picture up there shows the front looking
24 very neat. I wish you could see what it would look like in
25 the back.

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1 These houses are 22 feet wide. The lots are very
2 small. So when you say 10 feet in the back it probably feels
3 like it's 50 feet even though you have the right to go back
4 60. The lots are very small. The houses are only 22 feet
5 as I've mentioned.

6 So, when we're talking about three units the F-1
7 zoning it was very clear, it says that the statute is to
8 reduce house crowding by permitting no more than two units
9 on these small 22 foot wide houses that sit on very small
10 lots.

11 So that's our issue. Why three units. For me I
12 can find nothing other than enriching the pockets of
13 developers to do this. The whole entire neighborhood there
14 are probably five that I can think of that have two units
15 where someone lives in the basement. It has worked for
16 years. And we find that the community works best this way.

17 This new monstrosity that's coming up does not fit
18 the neighborhood and it is not what this community wants.
19 So that's my spiel as I speak to exactly their rights and our
20 rights as well.

21 CHAIRPERSON HILL: Thank you, Mr. Matlock. Ms.
22 Thompson. Just lean that microphone in just a little bit
23 too. There you go. And Mr. Matlock if you could turn off
24 your microphone also.

25 MS. THOMPSON: Hello, everyone. I'm probably the

1 furthest from this planned addition. I'm right there at
2 1110. And currently we don't have that kind of development
3 in our block.

4 My family has lived there for more than 60 years.
5 I shouldn't say. But anyway 60 years. And there are a
6 myriad of apartments available on larger streets like Georgia
7 Avenue and 13th Street.

8 We live on a family oriented beautifully tree-
9 lined street. I would hate to see that ambience taken away
10 by the addition of having those apartments there.

11 And particularly because most people who are
12 coming into the city now are transients. They come in and
13 they stay three or four years and then they are gone. And
14 then another set comes in and then another set.

15 So that would upset what has been a traditional
16 family oriented place.

17 I'm not opposed to the LLC making money by buying
18 that property. What I am opposed to and what my family is
19 opposed to is that you want to put this popup in our
20 neighborhood. Thank you.

21 CHAIRPERSON HILL: Okay, great. Thank you, Ms.
22 Thompson. Does the board have any questions for any of the
23 witnesses?

24 MEMBER WHITE: Yes, just for Ms. Prather. Just
25 tell me specifically -- your testimony was very great.

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1 Everybody's testimony was very helpful.

2 But I'm looking at the special exception standard
3 and I just wanted -- since you're an adjoining neighbor to
4 the property I wanted to just have your specific feedback
5 regarding the substantial adverse impact that this proposed
6 project would have on your use or enjoyment, light and air,
7 privacy, character.

8 You don't have to go through a long spiel but just
9 hit a couple of quick bullet points for me. If it applies.

10 MS. PRATHER: Yes, I think it does apply. I
11 personally and I share this more than my husband or my
12 daughter but I personally think it would be in a shadow that
13 instead now this back porch, the sun porch and it's two
14 levels would be in a shadow.

15 This three story thing would be out in the yard
16 blocking light. I haven't done a light study and so I
17 appreciate the offer to do a light study. But that's just
18 my personal opinion.

19 I reference studies in my first written testimony
20 about the importance of light and sunshine.

21 MEMBER WHITE: The second question was for Mr.
22 Lester.

23 MR. MATLOCK: Matlock.

24 MEMBER WHITE: Matlock like the attorney, right?

25 MR. MATLOCK: That's right.

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1 MEMBER WHITE: Yes. So, Mr. Matlock, could you
2 just kind of give me some quick insight on that same
3 question?

4 MR. MATLOCK: Sure. So for me where I am I'm
5 coming out of my back door short deck steps. Next to me will
6 be whatever it is that they build so when I walk out my door
7 I can no longer see anything. My steps are there, patio is
8 down to the left, the yard -- I wish I had the measurements
9 but if you could have really seen what it looks like from the
10 back you would see that even if my coming down my steps going
11 over to the left to my patio area there will never be any
12 light there ever again.

13 CHAIRPERSON HILL: Mr. Prather, you had something
14 you wanted to add?

15 MR. PRATHER: Yes, I did. On the lighting I was
16 afraid to mention lighting because by right they have their
17 right to build this thing.

18 CHAIRPERSON HILL: In the regulations. In the
19 standards that they're going through now we consider light
20 and air because they're here for the third unit.

21 MR. PRATHER: Okay. On my house at 1130 Buchanan
22 Street I have four skylights. We've already spent money on
23 new windows in the back from left to right and upstairs,
24 downstairs.

25 Lester's done improvements to his house and

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1 enclosed the back porch and made it a family room. And all
2 of that light will be affected. Some where Lester will get
3 a little bit of light in the morning I won't have it in the
4 evening. Excuse me, I won't have it in the morning. He'll
5 have it in the morning, I won't have it.

6 And then in the evening just the opposite. Maybe
7 I'll get some and he won't have any. That's it.

8 CHAIRPERSON HILL: Okay. Anyone else have
9 anything for the witnesses? Okay. And so for whatever it's
10 worth and then you all can -- maybe the other board members
11 can mention it your neighborhood sounds very nice. It really
12 does. I've lived here for 20 years in a whole bunch of
13 different places and I live in a condo.

14 And so when I hear about all these -- like I want
15 to run down a yard and run down a sidewalk and riding a Big
16 Wheel and the whole thing sounds just wonderful.

17 And we have this stuff that comes up before us a
18 lot in terms of what changes take place. And I don't
19 necessarily think this is happening one way or the other, I'm
20 just kind of since you all are here. And I don't think we're
21 going to make a decision today because we're going to have
22 to hear from the supplemental Office of Planning's report.
23 The ANC is going to have an opportunity to speak to that.

24 But just saying that what we have are kind of the
25 criteria within U 320.2 X 901 and that's what we look at.

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1 And you can look at that, U 320.2 and X 901. And
2 you really can argue it all either way. A lot of the things
3 that are in here get argued by both sides. And what it
4 usually comes down to for us is what is considered undue
5 impact. If you lose a little light in the morning for half
6 an hour is that considered undue impact.

7 I'm just kind of telling you a little bit more
8 about what I've learned from being here for a few years. And
9 I'm going to ask the Office of Planning to talk about -- we
10 hear about families. Then there's also the argument about
11 those people that want to come into the neighborhood and live
12 there.

13 And it's not about developers. And I'll again let
14 my board members comment if they want to about any of this
15 stuff. Developers, as I said I've been here for 20 years so
16 things have changed and things have changed for the better
17 in a lot of cases because people have wanted to come back
18 into the city and live here.

19 I'm not saying either way how things are going I'm
20 just kind of letting you know some of the things that we
21 think of. And in terms of this particular project as far as
22 you've seen some of the popups and the pop-backs and how the
23 Zoning Commission, they changed the regulations so that they
24 can't do what they were able to do before which was go all
25 the way back and take up the entire yard or go up as high as

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1 they were able to do.

2 Now you can only go back 10 feet and you can go
3 up as high as -- so the envelope of this building can be done
4 by right. And so what we're kind of here for is the third
5 unit.

6 And the other relief -- I'm sorry, and the other
7 standards that are in those two places in the regulations
8 that I pointed out.

9 So I just wanted to mention that. Does the board
10 have anything else they'd like to add?

11 MEMBER SHAPIRO: No, sir. You captured it well,
12 thank you.

13 CHAIRPERSON HILL: All right. So thank you all
14 for coming down. Really do. Thank you.

15 We're going to bring the applicant back up as well
16 as the commissioner. Okay, so Ms. Akinsan. What I think is
17 going to probably happen is that we're going to ask for a
18 supplemental report from the Office of Planning in terms of
19 what they think about your new, revised -- the updated
20 information they've given you. I think I have some questions
21 for the Office of Planning and the board might have some
22 more. So that would be a supplemental report.

23 I think we'd be asking for a shadow study done
24 from you in terms of how that would affect the neighboring
25 properties. And I will let the board ask if there's anything

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1 additional they want of the applicant.

2 But before we get to the very end of all that do
3 you have any rebuttal for any of the testimony or questions
4 or anything that had been put forward?

5 MS. AKINSAN: Well, I do, just a little bit, and
6 my client does as well.

7 I would like to just ask today what the definition
8 is of a family right now. There are lots of families
9 starting out that start off rather small as opposed to
10 implying that all families are rather large.

11 Of course we're willing to submit the study. And
12 I would just like to also add that we are including more
13 parking than necessary and we have adhered to all other
14 zoning regulations.

15 CHAIRPERSON HILL: Okay. I appreciate that. As
16 far as the family definition people have been trying to
17 figure that out for a really long time. And if I were able
18 to tell you right now what I thought a family was and we
19 would all be in agreement I would be pretty shocked.

20 Sir, you have something else you'd like to add?

21 MR. RAMESHNI: First of all, I respect everything
22 you all said.

23 CHAIRPERSON HILL: I'm sorry, you have to lean
24 into the microphone. And it's just better if you talk
25 directly to us to be quite honest but thank you.

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1 MR. RAMESHNI: I understand that there are pros
2 and cons to both sides. I understand that.

3 Just to address a few of the points that were
4 mentioned. These won't be properties that we're developing
5 for rental. I just wanted to let you know that these will
6 be for sale.

7 With regards to the profit element it's actually
8 not about that. They're more desirable. The square footages
9 that would work out on two units would just be so large that
10 the desirability and the cost if you were to put the same
11 cost into two units it wouldn't be as desirable. So it's
12 actually desirability.

13 With regards to families, yes, it is a
14 predominantly family area. Comparing the prices for example
15 at \$500,000 two units apartment these are new units so these
16 would be newly finished high spec high end. Comparing that
17 to the rowhouses typically like what we've bought you can't
18 really compare the finish and what is being delivered. So
19 that's slightly not a correct comparison I would say.

20 So that's something to bear in mind as to why the
21 costs of smaller units, new units are much higher is because
22 of the finish and the fact that they're brand new.

23 It is predominantly a family area and single
24 family homes but I don't think that young professional
25 couples should necessarily be excluded. I'd say that the

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1 price points would probably not work for a single person so
2 it would probably be young professional couples that would
3 be the target market. And I don't see why they should
4 necessarily be excluded from an area.

5 I understand that historically they've probably
6 all grown up together and there's some sentimental feelings
7 of neighbors knowing each other for many years but at some
8 point cities do evolve. Like I said I don't think there
9 should be a fear of young crazy kids turning up at the price
10 that these would be going at. It would probably be young
11 professionals.

12 So just to address a few of the points that were
13 raised.

14 CHAIRPERSON HILL: Okay. All right, great. I'm
15 more scared of young professionals than I am of young crazy
16 kids. So does anybody have any comments or questions for the
17 witness before I let the commissioner do a conclusion?

18 VICE CHAIRPERSON HART: Yes, actually I do have
19 a couple of questions.

20 One, looking at this image that you have here
21 what's the front of the building? What's the material? Is
22 it brick? Or is it not?

23 MS. AKINSAN: It's brick. For the front facade?

24 VICE CHAIRPERSON HART: Yes.

25 MS. AKINSAN: Yes.

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1 VICE CHAIRPERSON HART: It doesn't show that way
2 so I was just -- it looks very different from the ones that
3 are next door to it.

4 MS. AKINSAN: It's brick. I guess we're trying
5 to make it stand out from the other neighboring buildings.
6 It will be brick.

7 VICE CHAIRPERSON HART: And two, any concerns on
8 privacy like screens on either side of the deck on the back?

9 MS. AKINSAN: Again we're willing to provide those
10 but we have not proposed them.

11 VICE CHAIRPERSON HART: Okay. And I can't think
12 of my other one. I'm just forgetting it.

13 CHAIRPERSON HILL: Okay. Anyone else? Sure, go
14 ahead, Commissioner.

15 MEMBER SHAPIRO: Thank you, Mr. Chair. So this
16 is a question for Mr. Rameshni. Since you brought it up how
17 we factor this in is a different issue but I'm actually
18 confused about the economics of what you're talking about,
19 two units versus three.

20 I mean, there's more -- these are for sale units.
21 Clearly there's -- well, not clearly. I assume there's more
22 potential revenue from the sale for three units.

23 But even that isn't completely clear to me. And
24 certainly the expenses associated with developing three units
25 are much higher, substantially higher than developing two

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1 units.

2 So I'm not understanding the economic argument
3 that you're making at all, especially when you can build two
4 units within this envelope by right. So what's the great
5 advantage to you to push this past where the community seems
6 to want to be?

7 MR. RAMESHNI: With regards to cost of developing
8 three units you've got more --

9 MEMBER SHAPIRO: You've got three kitchens, you've
10 got additional bathrooms, you've got additional staircases,
11 additional walls.

12 MR. RAMESHNI: Correct. Which is why I wanted to
13 address that this is not -- the net result isn't going to be
14 more profit.

15 We've had units like this in the past and we've
16 tried to sell them, larger units, and they are pretty hard
17 to sell. So it's more about desirability which on the face
18 of it to someone that's not involved in this business
19 probably doesn't appreciate that.

20 But you want to have a product that is desirable.
21 It's not just about eventually selling it. You want to be
22 able to sell a product that is in demand.

23 So the profit difference, it's insignificant.
24 It's hard to say right now but I would say it's marginal.
25 So it's not about that.

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1 MEMBER SHAPIRO: So then it's hard for me to
2 imagine that these units can't be sold at the larger size
3 it's just a question of if it were a larger building you'd
4 be talking about the absorption rate.

5 But for these two units I still don't get it.

6 MR. RAMESHNI: Yes, okay. Well, the square
7 footage of these ones will be larger than anything else --

8 MEMBER SHAPIRO: What would the square footage be
9 if they were two units?

10 MR. RAMESHNI: Over 2,000 square -- quite a bit
11 more than 2,000 square feet which is quite hard to sell.

12 MEMBER SHAPIRO: It's hard to sell to young
13 millennials perhaps. But there's a different market.

14 MR. RAMESHNI: I can vouch from my own experience
15 we've struggled to sell properties. At around 1,500 square
16 feet, that's where it works. Once it gets to around 2,000
17 square feet you just have to keep dropping the price.

18 And in fact sometimes it becomes to the point
19 where you just have to give it away. So it can get to that
20 point. I'm not saying it definitely will. You never know
21 depending on the market.

22 But you know, when the market is moving you don't
23 know where you're going to be two years down the line. So
24 safety, risk factor, all these things come into play when
25 you're running your own business.

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1 Sometimes you decide to make a little bit less
2 profit but play it a little bit safer. So it's not just
3 about money. It's also making sure that you don't end up
4 with a product that you're stuck with and not able to find
5 someone to purchase.

6 MEMBER SHAPIRO: Thank you for that clarity. I
7 appreciate it. Thank you, Mr. Chair.

8 CHAIRPERSON HILL: Okay. Anyone else? Okay.
9 Commissioner, I'm going to give you a little bit of time for
10 a conclusion if you have anything that you'd like to add in
11 conclusion.

12 MR. CAMPBELL: Thank you, Mr. Chair. The one
13 thing that I would just throw in because I spent 20 years in
14 residential and commercial development and management and
15 particularly as I've gone around the city I've looked at a
16 lot of different residential conversions of traditionally one
17 unit, one dwelling unit buildings.

18 It sounds like you might want to consider just
19 developing two smaller units and not doing this pop-back and
20 popup. You could probably get two reasonably sized units
21 within the existing limits of the building. So that's just
22 sort of food for thought.

23 I don't really have anything to add to what has
24 been said and I appreciate the clarifications that have been
25 made in terms of what the BZA is able to look at and what

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1 this is going to be decided on.

2 I just appreciate the thoughtfulness that is going
3 into this. So thank you very much.

4 CHAIRPERSON HILL: Well, thank you. Thank you all
5 for coming. You guys are invited every week. Last week
6 wasn't as fun.

7 Let's see. Okay. Do you have anything you'd like
8 to conclude with Ms. Akinsan?

9 MS. AKINSAN: I believe we're done.

10 CHAIRPERSON HILL: Okay. So again what I'd like
11 to see if we could is get a supplemental report from the
12 Office of Planning in terms of what -- Ms. Myers can you
13 clarify again what it was that they wanted -- what you guys
14 wanted to see that you finally got now?

15 MS. MYERS: Sure. What we wanted was an east and
16 west elevation showing proposed building materials and the
17 outline of adjoining buildings and revised plans
18 demonstrating how stairwell access to the cellar relates to
19 the stairwell access to the first floor.

20 CHAIRPERSON HILL: Okay. And you did get those.

21 MS. MYERS: I believe so. We got it but it was
22 after our report had been submitted.

23 CHAIRPERSON HILL: Okay. And then if in doing
24 your report you can just speak to this family discussion
25 that's been going on just a little bit. I don't know how

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1 exactly. Just kind of touch a little bit how family relates
2 to this -- because I don't see anywhere in the standard of
3 relief how the family thing. But just if you can mention
4 some comment on it.

5 MS. MYERS: What you said earlier was correct.
6 There's different definitions or interpretations of family.
7 But in the zoning regulations there is a definition for
8 single family detached, multifamily, et cetera. And the
9 zoning regulations do give us some guidance with that.

10 But as for family itself that's something --

11 CHAIRPERSON HILL: Can you put that in your report
12 then in the supplemental?

13 MS. MYERS: I'm sorry, the definition of family?

14 CHAIRPERSON HILL: No, no, the definition of the
15 single family home.

16 MS. MYERS: I'm sure we can add that into the
17 report.

18 CHAIRPERSON HILL: Okay, thank you. All right.
19 And then let's see. Oh and the shadow study, if you could
20 give the shadow study.

21 And then it would be great if the ANC would then
22 have an opportunity to comment on both the shadow study as
23 well as the supplemental report from the Office of Planning.

24 I don't know whether you would want them to
25 present again, Mr. Commissioner. Or I guess you could just

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1 comment on the report.

2 MR. CAMPBELL: I don't think another presentation
3 is necessary unless of course Ms. Akinsan wants to come back
4 before us. I don't think we were too rough the last time.

5 But no, if we were to receive whatever revisions.

6 CHAIRPERSON HILL: Okay. So, Mr. Moy, I'm going
7 to turn to you for a timeline in a second. I am still, Ms.
8 Myers, kind of -- your supplemental. Again for me it's just
9 kind of -- not just for me. The decks and the stairwells in
10 terms of the privacy and light and air on the adjoining
11 neighbors, that's kind of where I'm most interested in. And
12 I don't know about the other board members or if there's any
13 specifics you might want to ask from the Office of Planning.

14 From the front design we've seen -- this seems
15 like things that we've seen before in terms of the front of
16 the building and the setback and the rear.

17 What I am unclear on again is just kind of the
18 deck. You're only going back 10 feet but then you're going
19 back farther with the deck. To the 60 percent lot occupancy
20 thing you can't -- nobody is going to approve a deck all the
21 way out to 60 percent lot occupancy.

22 So you do then have these stairwells. And then
23 we have what is within our purview is again the light and air
24 to adjoining neighbors. And so that's where we're going to
25 be looking at.

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1 And so as you work through with the Office of
2 Planning if there's something else that they think might be
3 helpful to the light and air of adjoining neighbors then that
4 might be something that you might want to speak to the Office
5 of Planning about.

6 So that being the case does the board have any
7 other things they would like to ask either from the Office
8 of Planning or the applicant?

9 MEMBER WHITE: One comment I had, maybe it's a
10 question. One of the things that I was sort of locked on in
11 the original report was the fact that OP agreed with the
12 adverse impact arguments, impact to light and air, character
13 of the frontage and the alleyway.

14 With the testimony that we got this morning I'm
15 wondering whether or not any of those -- if you'll modify any
16 of those conclusions or whether or not even with the
17 additional information the issue of the adverse impacts to
18 the neighborhood still exist with respect to light, air,
19 privacy.

20 MS. MYERS: We'll definitely take it all into
21 consideration. And to just point out one of the main reasons
22 why we did ask for the additional information, the elevations
23 from those two sides, is to get a better understanding of the
24 impact for light and air and privacy. That was the key I
25 believe section that we were unable to make a complete

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1 conclusion on and we were asking for the additional
2 information about.

3 So obviously hearing what has been said today will
4 go into the analysis as well.

5 MEMBER WHITE: Thank you.

6 VICE CHAIRPERSON HART: Just one clarification
7 too, Ms. Myers. With regard to the roof deck, the OP report
8 says OP has suggested to the applicant that the roof desk be
9 eliminated as well as the spiral stair that provides access
10 from the third floor rear deck to the roof deck to lessen the
11 potential visual and privacy issues.

12 So are you still -- is that still a
13 recommendation?

14 MS. MYERS: I believe what we were looking at is
15 we were noting that it does seem like there could be some
16 possible privacy impacts and impacts when it comes to light
17 and air. We weren't fully sure but we wanted to see the
18 additional information. But we had advised the applicant
19 that at this point with the limited information that we had
20 perhaps one way to cut or reduce the impacts would be to
21 remove the third story deck, et cetera.

22 But if we wanted to continue down the path as it
23 is shown now we would need additional information. So it was
24 just a suggestion for perhaps one way to reduce some of the
25 impacts.

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1 But Office of Planning has noted that it was
2 unable to make a conclusion because additional information
3 is needed in order to review the whole thing and perhaps
4 after reviewing the whole thing we'll have a different
5 suggestion or two.

6 VICE CHAIRPERSON HART: Okay, thank you.

7 CHAIRPERSON HILL: Okay. So, Mr. Rameshni, you're
8 hearing what is being said here obviously. So I would work
9 with the Office of Planning and see. Because again our
10 concerns are what are listed in the regulations. And some
11 of those are light and air and privacy impacts.

12 And so if you can work with the Office of Planning
13 and see what they think of that and then obviously if you
14 could get the ANC on board that's great. But those impacts
15 if the roof deck, if removing the spiral staircase, whatever
16 might alleviate some of those issues that we look at that's
17 what I would again hope that the architect will be working
18 with the Office of Planning toward. Mr. Commissioner.

19 MEMBER SHAPIRO: Thank you, Mr. Chair. The only
20 thing I would add to that is that along with my colleagues
21 when we're talking about adverse impact, adverse effect we're
22 also talking about character, scale, pattern of houses along
23 the street or alley.

24 And so when I hear that I think of the impact of
25 the number of units. I think that's in play when it comes

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1 to adverse effect.

2 CHAIRPERSON HILL: Mr. Moy, when can we put all
3 this stuff back again. And Mr. Shapiro, when are you here
4 next?

5 MEMBER SHAPIRO: The 31st of October.

6 CHAIRPERSON HILL: The 31st. Halloween. Okay.

7 MEMBER SHAPIRO: I'll be in uniform on that day.

8 CHAIRPERSON HILL: Right, that's great. Let's
9 see. Can we get it all back here by then, Mr. Moy?

10 MR. MOY: Yes. If you help me help you I have two
11 questions. One is how quickly the applicant can submit the
12 additional information and my second question is for the ANC
13 how much time they would need to be able to respond to the
14 appellant's additional information.

15 CHAIRPERSON HILL: Hold on. Mr. Shapiro is wrong.

16 MEMBER SHAPIRO: I think I'm wrong, Mr. Moy. I
17 think I'm back November 7.

18 CHAIRPERSON HILL: That would be better anyway to
19 do all this. And so Mr. Moy, I'm just going to help you rely
20 on dates.

21 Again, I don't know, Mr. Rameshni, to what
22 Commissioner Shapiro might have mentioned also you might want
23 to provide some kind of analysis or justification in terms
24 of two units versus three units if you're continuing down
25 that road.

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1 Because I just want to get us to a point where we
2 can make a decision. Then you can find out one way or
3 another what's going on.

4 So, Mr. Moy from November 7.

5 MR. MOY: Okay. Let me throw out two dates and
6 see if we can get a reply. So if we're working backwards
7 which sounds like to me November 7 for decision-making then
8 if we could have responses from the ANC and Office of
9 Planning if they care to by --

10 CHAIRPERSON HILL: Mr. Moy, I was just -- I think
11 we're going to do a continued hearing maybe. But do a
12 limited continued hearing.

13 So what that means is again for everyone in the
14 audience we're just going to be -- we're not going to be
15 taking any public testimony because we've done that. But
16 we're going to be looking at just the particular items that
17 we're asking for.

18 And the ANC as always is a party so they'll be
19 able to come, comment if you want to, or also submit anything
20 to the record for us.

21 But we will be here just to talk about the items
22 that we're talking about now to supplement the record.

23 MR. MOY: Okay. So with that again limited scope
24 continued hearing on November 7. Responses from the ANC and
25 the Office of Planning if they care to by Wednesday October

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1 31. And then if the applicant can submit the additional
2 information the board's requesting by October 19 which is a
3 Friday. Or do you need more time?

4 MS. AKINSAN: For the study absolutely. Yes.

5 MR. MOY: Okay. Well, then how about October 24?
6 That's a Wednesday.

7 MS. AKINSAN: Okay, we'll take that. Yes.

8 MR. MOY: Okay, so the applicant would submit by
9 October 24. Responses from ANC and the Office of Planning
10 October 31. Limited scope hearing November 7.

11 CHAIRPERSON HILL: Wait a minute. Because I want
12 the ANC to have an opportunity to respond to the Office of
13 Planning.

14 No, no, no, just meaning if the ANC submits the
15 response at the same time as the Office of Planning submits
16 theirs.

17 MR. MOY: Is it possible the applicant could work
18 with the Office of Planning? Well, I tell you what. Can the
19 Office of Planning file their report by let's say Monday the
20 29th?

21 MS. MYERS: Yes, we can do that. October 29?

22 MR. MOY: Yes. That's a Monday.

23 MS. MYERS: Yes.

24 CHAIRPERSON HILL: You're speaking for Ms. Vitale.

25 MS. MYERS: Yes, but I'm comfortable with October

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1 29.

2 CHAIRPERSON HILL: I think she can get it done
3 earlier than that. Okay. Can you repeat it all, Mr. Moy?
4 I'm sorry.

5 MR. CAMPBELL: Excuse me. Mr. Moy, my only
6 concern with all of this is we have our public meetings, in
7 fact there's a meeting tonight. Our next meeting isn't until
8 November 14.

9 Now, I can kick my colleagues in the rear and try
10 and get them to address this absent a public meeting but a
11 lot of the time they want to be able to do this at a duly
12 registered announced meeting. We'll meet in executive
13 session. If we don't have an alternative.

14 Because I certainly don't want to delay the
15 process.

16 CHAIRPERSON HILL: Commissioner Campbell, I
17 appreciate that. We're not going to ask them to present in
18 front of you guys again. So just -- they're going to work
19 with the Office of Planning. The Office of Planning is going
20 to get a report in two weeks. And then the ANC will have an
21 opportunity to comment on that report.

22 I don't think you need an open -- you're not going
23 to get a presentation from them again so it would just be the
24 ANC and your committee commenting upon the Office of
25 Planning's report.

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1 MR. CAMPBELL: Very well.

2 CHAIRPERSON HILL: And then you'll have an
3 opportunity to be here also for the hearing. So back to the
4 dates, Mr. Moy.

5 MR. MOY: Okay, so with that then applicant files
6 October 24, ANC responds if any by October 31, October 29
7 Office of Planning responds which is a Monday, limited scope
8 hearing November 7.

9 MR. CAMPBELL: Would we need to get a copy of the
10 OP report straight from the Office of Planning or would that
11 come from this office?

12 MR. MOY: The Office of Planning would file the
13 report directly into the case.

14 MR. CAMPBELL: Okay, so I can just go to IZIS and
15 get that. All right.

16 MR. MOY: If there's an issue connect with me or
17 with Crystal Myers. We'll help out.

18 MR. CAMPBELL: Okay.

19 CHAIRPERSON HILL: Okay, great. All right, so
20 then we'll see everybody on November 7. Have a nice day.

21 Mr. Moy, is there anything else before the board?

22 MR. MOY: There's nothing from the staff, sir.

23 CHAIRPERSON HILL: Okay. We stand adjourned.

24 (Whereupon, the above-entitled matter went off the
25 record at 12:10 p.m.)

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In the matter of: Public Hearing

Before: DCBZA

Date: 10-10-18

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