

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

+ + + + +

WEDNESDAY

FEBRUARY 5TH, 2020

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The Regular Public Meeting 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 L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA JOHN, Board Member
CARLTON HART, Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

PAUL GOLDSTEIN, ESQ.
DANIEL BASSETT, ESQ.

The transcript constitutes the minutes from the Public Meeting held on February 5th, 2020.

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

(9:45 a.m.)

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3 MR. HILL: All right. Good morning, everybody.
4 The hearing will please come to order. We're located in the
5 Jerrily R. Crest Memorial Hearing Room at 441 4th Street, NW.
6 This is the February 5, 2020 public hearing of the Board of
7 Zoning Adjustment, District of Columbia.

8 My name is Fred Hill, Chairperson. Joining me
9 today is Carlton Hart, Vice Chair, Lorna John, Board Member,
10 and representing the Zoning Commission is Peter May.

11 Copies of today's hearing agenda are available to
12 you and located in the wall bin near the door. Please be
13 advised that this hearing is being recorded by a court
14 report. It is also webcast live. Accordingly, we must ask
15 you to refrain from any disruptive noises or actions in the
16 hearing room.

17 When presenting information to the Board, please
18 turn on and speak into the microphone, first stating your
19 name and home address. When you're finished speaking, please
20 turn your microphone off so that your microphone is no longer
21 picking up sound or background noise.

22 All persons planning to testify in favor and
23 opposition must have raised their hand and been sworn in by
24 the Secretary. Also, each witness must fill out two witness
25 cards. These cards are located on the table near the door

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1 and on the witness table.

2 Upon coming forward to speak to the Board, please
3 give both cards to the reporter sitting to the table at my
4 right. If you wish to file written testimony or additional
5 supporting documents today, please submit 1 original and 12
6 copies to the Secretary for distribution.

7 If you do not have the requisite number of copies,
8 you may reproduce copies on an office printer in the offices
9 that are located across the hall. Please remember to collate
10 your set of copies.

11 The order of procedures for special exceptions,
12 variances, and appeals are also listed as you come into the
13 door. The record shall be closed at the conclusion of each
14 case, except for any material specifically requested by the
15 Board. The Board and the staff will specify at the end of
16 the hearing exactly what is expected, and the date when the
17 persons must submit the evidence to the Office of Zoning.

18 After the record is closed, no other information
19 shall be accepted by the Board. The Board's agenda includes
20 cases set for decision. After the Board adjourns, the Office
21 of Zoning, in consultation with myself, will determine
22 whether a full or summary order may be issued.

23 A full order is required when the decision it
24 contains is adverse to a party, including an affected ANC.
25 A full order may also be needed if the Board's decision

1 differs from the Office of Planning's recommendation.

2 Although the Board favors the use of summary
3 orders whenever possible, an Applicant may not request the
4 Board to execute such an order. The District of Columbia
5 Administrative Procedures Act require that the public hearing
6 on each case be held in the open before the public pursuant
7 to Section 405B and 406 of that Act.

8 The Board may, consistent with its rules and
9 procedures, and the Act, enter into a closed meeting on a
10 case for purposes of seeking legal counsel on a case,
11 pursuant to D.C. Official Code Section 2-575B4, and/or
12 deliberating on a case pursuant to D.C. Official Code Section
13 2-575B13, but only after providing the necessary public
14 notice and in the case of an emergency closed meeting after
15 taking a roll call vote.

16 The decision of the Board in cases must be based
17 exclusively on the public record to avoid any appearance to
18 the contrary. The Board requests that persons present not
19 engage Members of the Board in conversation. Please turn off
20 all beepers and cellphones at this time so as not to disrupt
21 the proceeding.

22 Preliminary matters of those which relate to
23 whether a case will or should be heard today, such as
24 requests for a postponement, continuance, or withdrawal, or
25 other proper and adequate notice for the hearing has been

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1 given. If you're not prepared to go forward with the case
2 today, or if you believe the Board should not proceed, now
3 is the time to raise such a matter.

4 Mr. Secretary, do we have any preliminary matters?

5 MR. MOY: Good morning, Mr. Chairman, Members of
6 the Boar, I do very briefly, Mr. Chairman. For the record,
7 related to today's docket, there are two case applications
8 that have been postponed. The first is Application Number
9 20190 of Joshua Ingber, I-N-G-B-E-R, postponed, rescheduled
10 to March 4, 2020, and Case Application Number 20157, Eugene
11 Whong, that's, W-H-O-N-G, postponed and rescheduled to April
12 8, 2020.

13 Other than that, there are some other preliminary
14 matters, but staff would suggest the Board address those when
15 I call the case.

16 MR. HILL: Okay. Great. Thank you, Mr. Moy. All
17 right. Good morning, everybody. If you plan on testifying,
18 either in favor or opposition, if you wouldn't mind standing
19 and taking the oath administered by the Secretary to my left.

20 MR. MOY: Good morning.

21 (Witnesses sworn)

22 MR. MOY: All right. Ladies and gentlemen, you
23 may consider yourselves under oath.

24 MR. HILL: Okay. Great. Thank you, Mr. Moy.
25 Everybody, we're just going to follow the agenda the way it

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1 is, so just, if you're following along with the agenda,
2 that's what we're going to do, and hopefully we're going to
3 get through this day relatively quickly, well, meaning for
4 us, hopefully around 2 o'clock, we might be done, that's my
5 guess, and we'll probably take a lunch break.

6 So with that, Mr. Moy, please call our first
7 meeting case.

8 MR. MOY: Thank you, Mr. Chairman, so with that
9 introduction, the first -- the one and only decision-making
10 case in the Board's meeting session is Application Number
11 18830-A of Bright Beginnings, Inc. This is a request for a
12 modification of consequence to the conditions of BZA Order
13 Number 18830, which would permit an increase in the number
14 of children to 115, or rather, 115 children, and the number
15 of staff to 43 persons at an existing child development
16 center, RF1 zone.

17 This is at 3418 4th Street, SE, Square 5969, Lot
18 249.

19 MR. HILL: Great. Thank you, Mr. Moy. Is the
20 Board ready to deliberate? Okay. I can begin. This is,
21 again, Application Number 18830-A, and they're here for a
22 modification of consequence under Subtitle Y703. After
23 reviewing the record and the report that was provided by the
24 Office of Planning, as well as DDOT, I didn't really have a
25 whole lot of concerns about the increase. I thought it was

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1 kind of a nominal increase from the 100 to the 115, in terms
2 of the children.

3 And then from staff from 38 to 43. The DDOT did
4 want three additional bike racks, or they recommended three
5 additional bike racks, in terms of a condition. I would also
6 be in favor of that. And I don't really have a lot to add
7 to this particular case.

8 Is there anything anyone would like to mention?

9 MR. HART: Only that it looks like that ANC-8C did
10 submit a report and they voted in favor or to support the
11 application. It's in Exhibit Number 9, but I would agree
12 with you, Mr. Chairman, I'd be in support of the application
13 as well.

14 MR. MAY: I'm fine with it. I think the Applicant
15 agreed to the condition from DDOT, so I think we're all set.

16 MR. HILL: Okay. All right. And then also in
17 terms of our discussion, I think that all of the conditions
18 from the previous order would also continue to remain in
19 effect, so I'll go ahead and make a motion to approve
20 Application Number 18830-A, as captioned and read by the
21 Secretary, including all of the previous conditions from
22 Order 18830, including the new condition from DDOT for the
23 three bicycle racks, and ask for a second.

24 MR. HART: Second.

25 MR. HILL: The motion made and seconded. All

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1 those in favor, say aye.

2 (Chorus of ayes)

3 MR. HILL: All those opposed. The motion passes.

4 Mr. Moy.

5 MR. MOY: The staff would record the vote as 4-0-
6 1, and this is on the motion of Chairman Hill to approve the
7 application for the request for modification of consequence,
8 along with the conditions as cited by the Chairman's motion.

9 Second to the motion, Vice Chair Hart. Also in
10 support, Ms. John and Zoning Commissioner Peter May. No
11 other members present.

12 MR. HILL: Okay. Great. Thank you, Mr. Moy. So,
13 Mr. Moy, it appears as the Applicant isn't here yet, or at
14 least we don't see him, for 20117, and so we'll just go ahead
15 and move it to later. Let's just see how that goes. So if
16 you want to call our next case.

17 (Whereupon, the meeting in the above-entitled
18 matter was concluded at 9:54 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC BZA

Date: 02-05-20

Place: Washington, DC

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



Court Reporter

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