

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

SEPTEMBER 23, 2020

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 10:00 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA JOHN, Vice Chair
CHRISHAUN SMITH, Board Member

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chair

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
BRANDICE ELLIOT
STEPHEN MORDFIN
MAXINE BROWN-ROBERTS
STEPHEN COCHRAN
ELISA VITALE

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

TED VAN HOUTEN
AARON ZIMMERMAN

The transcript constitutes the minutes from
the Regular Public Hearing held on September 23, 2020.

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

10:02 a.m.

1
2
3 BZA CHAIR HILL: The hearing will please come to
4 order. Good morning, ladies and gentlemen. We're convened
5 and broadcasting this public hearing by videoconference.
6 This is the September 23, 2020 public hearing of the Board
7 of Zoning Adjustment of the District of Columbia. My name
8 is Fred Hill, chairperson.

9 Joining me today is Lorna John, vice chair,
10 Chrishaun Smith, Board member, and representing the Zoning
11 Commission is the chair, Anthony Hood. Today's hearing
12 agenda is available to you on the Office of Zoning website.
13 Please be advised that this proceeding is being recorded by
14 a court reporter and is also webcast live via Webex and
15 YouTube Live.

16 Webcast video will be available on the Office of
17 Zoning website after today's hearing. Accordingly, everyone
18 who is listening on Webex or by telephone will be muted
19 during the hearing. Only persons who have signed up to
20 participate or testify will be unmuted at the appropriate
21 time.

22 Please state your name and home address before
23 providing oral testimony or your presentation. Oral
24 presentations to be limited to a summary of your most
25 important points. When you're finished speaking, please mute

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1 your audio, so that your microphone is no longer picking up
2 sound or background noise. If you're experiencing difficulty
3 accessing Webex or with your telephone call-in, if you have
4 forgotten to sign up 24 hours prior to this hearing, then
5 please call our OZ hotline number. I'm going to repeat it
6 twice.

7 The number is 202-727-5471, once again,
8 202-727-5471 to sign up to testify and to receive Webex logon
9 or call-in instructions. All persons planning to testify
10 either in favor or in opposition should have signed up in
11 advance. They will be called by name to testify. By signing
12 up to testify, all participants completed the oath or
13 affirmation as required by Subtitle Y, Section 408.7.

14 Requests to enter evidence at the time of online
15 virtual hearing, such as written testimony or additional
16 supporting documents, other than live video, which may not
17 be presented as part of a testimony, may be allowed, pursuant
18 to Section Subtitle Y, 103.13, provided that the persons
19 making the request to enter an exhibit explain: a) how the
20 proposed exhibit is relevant; b) the good cause that
21 justifies allowing the exhibit into the record, including an
22 explanation of why the requester did not file the exhibit
23 prior to the hearing, pursuant to Subtitle Y-206; and c) how
24 the proposed exhibit would not reasonably prejudice any
25 parties. The order of procedures for special exceptions and

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1 variances are listed in Subtitle Y, Section 409. Also,
2 appeals are listed in Subtitle Y-507. At the conclusion of
3 each case, an individual who was unable to testify because
4 of technical issues may request a file for leave to file a
5 written version of the planned testimony to the record within
6 24 hours following the conclusion of public testimony in the
7 hearing.

8 In addition, written testimony is accepted, then
9 parties will be allowed a reasonable time to respond, as
10 determined by the Board. The Board will then make its
11 decision at the next meeting, but no earlier than 48 hours
12 after the hearing. Moreover, the Board may request
13 additional specific information to complete the record.

14 The Board and the staff will specify, the end of
15 the hearing, exactly what is expected and the date when
16 persons must submit the evidence to the Office of Zoning.
17 No other information shall be accepted by the Board. The
18 Board's agenda may include previous cases set for decision.

19 After the Board adjourns, the Office of Zoning,
20 in consultation with myself, will determine whether a full
21 or summary order may be issued. A full order is required
22 when the decision to continue is adverse to a party,
23 including an affected ANC. A full order may also be needed
24 if the Board's decision differs from the Office of Planning's
25 recommendation. Although the Board favors the use of summary

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1 orders whenever possible, an applicant may not request the
2 Board to issue such an order. The District of Columbia
3 Administrative Procedures Act requires that the public
4 hearing on each case be held in the open, before the public,
5 pursuant to Section 405(b) and 406 of the Act.

6 The Board may, consistent with its rules and
7 procedures and the Act, enter into a closed meeting on a case
8 for purposes of seeking legal counsel on a case, pursuant to
9 D.C. Official Code Section 2-575(b)(4) and/or deliberate on
10 a case, pursuant to D.C. Official Code Section 2-575(b)(13),
11 but only after providing the necessary public notice, and in
12 the case of emergency closed meeting, after taking a roll
13 call vote.

14 Preliminary matters are those that relate to
15 whether a case will or should be heard today, such as
16 requests for a postponement, continuance or withdrawal, or
17 whether proper and adequate notice of the hearing has been
18 given. If you're not prepared to go forward with the case
19 today or if the Board should not proceed, now is a good time
20 to raise this matter. Mr. Secretary, do we have any
21 preliminary matters?

22 MR. MOY: Thank you, Mr. Chairman. I do have an
23 announcement for the Board related to today's docket.
24 Application No. 20318 of Bernard Berry, the Applicant filed
25 a letter to withdraw his application. That is under Exhibit

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1 43 in the case record. That is off today's docket, Mr.
2 Chairman. Other preliminary matters, I think it's more
3 efficient when I call those when we call the -- when I call
4 the application.

5 BZA CHAIR HILL: Okay, great. Let's all take a
6 break, and then come back, let's say, at 10:25, okay? Thank
7 you.

8 (Whereupon, the above-entitled matter went off the
9 record at 10:07 a.m. and resumed at 10:29 a.m.)

10 BZA CHAIR HILL: Mr. Moy, you want to go ahead and
11 read us in?

12 APPLICATION NO. 20276 OF QUADRUM DC, LLC

13 MR. MOY: All right, thanks, Mr. Chairman. For
14 the record, the Board is back in session. After a quick
15 break, the time is at or about 10:30 a.m. The first hearing
16 case for the day is Application No. 20276 of Quadrum DC, LLC.

17 This has been amended for special exceptions under
18 Subtitle C, Section 909.2(b), from the loading requirements
19 of Subtitle C, Section 901.1, and under the penthouse use
20 requirements, Subtitle C, Section 1500.3(c), which would
21 construct an hotel with a cocktail lounge and restaurant in
22 the penthouse, or at the penthouse, in the D-4-R zone, at
23 premises 333 G Street, Northwest, Square 529, Lot 50.

24 Mr. Chairman, as you know, with our new rules and
25 procedures that no filings are submitted 24 hours prior to

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1 the hearing, the Applicant did attempt to submit a PowerPoint
2 that they intend to use for their presentation.

3 BZA CHAIR HILL: Okay, great. Mr. Cohen, I'm just
4 going to go around the table here first and have everybody
5 introduce themselves for the record. Mr. Cohen, could I
6 begin with you?

7 MR. COHEN: Yes, sir, Mr. Chair, thank you and
8 good morning, and good morning to the rest of the members of
9 the Board. For the record, my name is Christopher Cohen with
10 Holland & Knight, serving as land use counsel, along with Mr.
11 Chip Glasgow.

12 The other members of the team with me this morning
13 are Amir Setayesh and Robert Hendrickson of Quadrum, Mr. Gene
14 Wiseman of Architecture Incorporated, the project's
15 architect, and Mr. Erwin Andres of Gorove Slade, the
16 Applicant's transportation consultant. I understand that Mr.
17 Moy raised the PowerPoint.

18 I'm happy to address -- I'd like to make a motion
19 to submit that, so we can proceed with our presentation with
20 that PowerPoint. I'm happy to address the criteria under
21 Subtitle Y, Section 103.3(13)(g), if necessary.

22 BZA CHAIR HILL: Okay. I see a Mr. Hendrickson.
23 Who is that? Is that someone with you?

24 MR. COHEN: Yes, Mr. Chair. Mr. Hendrickson is
25 on the Quadrum team. He will be speaking to the project

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1 during our presentation.

2 BZA CHAIR HILL: Okay. Rather than everyone just
3 -- maybe if we do get to people, they can introduce
4 themselves. You have already done so, but we'll go ahead
5 and, as we get to them, they can introduce themselves again.
6 Mr. Glasgow, can you hear me?

7 MR. GLASGOW: Yes, I can hear you, Mr. Chairman.

8 BZA CHAIR HILL: Okay, would you mind introducing
9 yourself for the record?

10 MR. GLASGOW: Yes, for the record, my name's
11 Norman M. Glasgow, Jr., the law firm of Holland & Knight,
12 appearing with Chris Cohen on behalf of the Applicant. Chris
13 was going to be taking the lead in the presentation. Thank
14 you.

15 BZA CHAIR HILL: Okay, great, thank you. Mr.
16 Cohen, I guess a couple of things. One, in terms of the
17 PowerPoint presentation -- and Mr. Moy, this is something
18 that maybe we want to talk about with OAG at a later time.
19 In any case, in terms of the PowerPoint presentation and your
20 motion to allow that into the record, I would like to have
21 that in the record.

22 I would go ahead and allow that into the record,
23 unless one of my fellow Board members raise their hand. I'm
24 looking at you. I don't see anyone raising their hand, so
25 I'm going to go ahead and allow that into the record. I

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1 guess something, Mr. Rice, to talk about, and/or Mr. Moy, in
2 terms of PowerPoint presentations, I've always been a little
3 bit unclear as to how those PowerPoint presentations are
4 allowed into the record, and also now in this virtual world,
5 how that would be something -- I guess we can keep doing it
6 in this manner. Because the PowerPoints always seemed to
7 come in -- when we were live, they would be there that day,
8 and then presenting the PowerPoint.

9 I'm a little -- it's not anything anyone has to
10 address right now. I'm just saying that later, maybe we can
11 talk about it because it seems as though -- again, maybe this
12 is the process, but maybe there's another way, in terms of
13 PowerPoint presentations. That's all I need to say about
14 that.

15 Mr. Cohen, before you begin, I guess, if you could
16 kind of focus a little bit on, as you go through your
17 presentation again, how the number of berths is not really
18 a detriment to the public good. That's something that I'd
19 like to hear a little bit more about. Then the Board members
20 can also go ahead and ask their questions as we kind of go
21 through this.

22 I'm going to put 15 minutes on the clock just for
23 now, just to see where you are. You seem like you have a
24 pretty big team with you, so maybe it'll take a little bit
25 longer than that. Nonetheless, you can go ahead and begin

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1 whenever you like. I assume you'd like Mr. Young to bring
2 up your PowerPoint?

3 MR. COHEN: Yes, thank you, Mr. Chair, for
4 allowing that in, and that would be great. Whenever Mr.
5 Young can pull that up, we'll get going. Again, for the
6 record, my name is Chris Cohen. Mr. Chair, we'll certainly
7 speak to the proposed loading berths and how that will not
8 be a detriment to the public good.

9 To begin, on behalf of the Quadrum team, we're
10 excited to present before the Board today our application for
11 two forms of special exception relief. If we could hit the
12 next slide, please. We just introduced the members of the
13 team, the big team, that is, so we'll go the next one. Yes,
14 thank you.

15 The first special exception request that we're
16 making is pursuant to Subtitle C, Section 1500.3(c), in order
17 to allow the proposed cocktail lounge and restaurant use in
18 the penthouse level of the new hotel development. Mr.
19 Hendrickson and Mr. Weissman will be speaking more to the
20 design and how that will program with the hotel project.

21 The second special exception request that we are
22 seeking today is for loading relief. That is under --
23 pursuant to Subtitle C, Section 909.2(b), which is very
24 specific to this case, as the Applicant is seeking loading
25 relief to accommodate or to prevent certain difficulties or

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1 to go around certain difficulties related to maintaining the
2 integrity and appearance of the Harrison Apartments, which
3 is an historic resource on the property. Next slide, please.
4 Thank you. Just to provide a quick summary of where we are
5 in this case, the Applicant is very pleased to have the ANC's
6 support, as reflected in the resolution that they submitted.
7 That resolution is Exhibit 36.

8 The Office of Planning, we're grateful, has
9 recommended approval, as reflected in their report dated
10 September 11th. That's Exhibit 43. Importantly, I thought
11 it would be good to flag that DDOT has taken a close look at
12 the loading relief that's being requested in the Applicant's
13 proposed loading management plan and transportation demand
14 management plan.

15 We're thankful that DDOT also expressed no
16 objection specifically -- loading relief with this
17 application. Before we just continue the project, I just
18 wanted to bring up one final point in my brief overview.
19 Last week, we were also advised by OAG that Applicant needed
20 to refine its scope for -- refine the scope, excuse me, for
21 the accompanying request for minor design flexibility.

22 That is specifically to accommodate or allow for
23 minor tweaks that might be needed in response to feedback we
24 continue to receive from the Commission of Fine Arts and/or
25 the Historic Preservation Board. It's a very limited

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1 request, and we hope that the Board will grant that, as well.
2 There's a letter that we submitted into the record last
3 Friday, which is Exhibit 46, that details the purpose of that
4 minor design flexibility request. In the interest of
5 securing that the fact that letter will be in the record,
6 I'll just make the motion once more, which was in the letter,
7 for the Board to waive the filing deadlines under Subtitle
8 Y, Section 300.15. Once again, I just respectfully make that
9 motion. That letter is in the record. I will turn it over
10 to Mr. Hendrickson, who will discuss the project.

11 BZA CHAIR HILL: Mr. Cohen, which exhibit, again,
12 is that?

13 MR. COHEN: Mr. Chair, that's Exhibit 46. There's
14 a revised certificate of service that the Applicant needed
15 to file, which is Exhibit 47. There was an email that was
16 not completely accurate on Exhibit 46. That's all.

17 BZA CHAIR HILL: Okay. I'm looking at that now.
18 I don't have any issues allowing that into the record.
19 Unless someone from the Board voices up an opinion, I'll go
20 ahead and allow that into the record, as well. I don't see
21 anyone saying anything, so, all right, Mr. Cohen, you can
22 proceed.

23 MR. COHEN: Thank you so much. I'll turn it over
24 now to Mr. Hendrickson, with Quadrum, who will provide an
25 overview of the hotel project.

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1 MR. HENDRICKSON: As we're on the clock, I'll let
2 Gene just jump right in, so that we don't waste anybody's
3 time. Gene, you can take it from there.

4 MR. WEISSMAN: Good morning. Thank you for having
5 me. My name is Gene Weissman. I'm at Architecture
6 Incorporated. I'm the architect for the project. The
7 project really consists of a 12-story hotel project. On the
8 right side of this rendering, you can see the historic
9 Harrison Apartment Building, which is going to be
10 incorporated into the hotel, but from a guest room standpoint
11 and a common area standpoint.

12 Next slide, please. The project sits fronting G
13 Street and 3rd and 4th Street. There's a 20-foot public
14 alley to the north. Next slide, please. Here, you can see
15 some current photographs of the Harrison Apartment Building.
16 Just a brief history. It is the oldest purpose-built
17 apartment building still standing in the District of
18 Columbia.

19 It was built in 1888 and 1889, five stories. You
20 can see the ornate brick work. The building is in disrepair
21 currently. Next slide, please. Some additional shots. The
22 back of the building on the lower left, front of the building
23 on the upper left, some of the alley shots, as well. Next
24 slide, please. A few interior shots, as well. You can see,
25 on the top center picture, there's some unique arches. I'll

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1 talk about them shortly, here. There's also some cast-iron
2 columns. It is a very unique structure. Next slide, please.
3 This was a quick display we put together for HPRB and CFA.
4 What it shows is the pink area -- the Harrison Building is
5 bounded by that orangey line. The pink area is the north
6 section of that building. This is actually purpose-built.
7 It was used by the Census Bureau as an early filing office
8 building.

9 We're actually retaining all four walls in that
10 octagonal light well, as well. The southern portion of the
11 building that's in white, that portion of the building is
12 wood construction, and we'll be replacing that, but the north
13 pink section, we're really saving all four walls, as well as
14 the brick barrel halls that I showed you earlier, which is
15 a very unique structural system on all five floors of the
16 building. Next slide, please.

17 This is an image of our proposed seller plan. You
18 can see, on the upper left, is the Fraternal Order of Police
19 basement. This is a two-story with a partial basement, the
20 existing building not on our lot. Then you can see the L
21 shape of our basement with that historic outline in dark
22 gray. Slide, please. This is ground level.

23 Here's our project. Harrison Building is
24 cross-hatched on the right side. You can see the Fraternal
25 Order of Police building in the upper left, G Street to the

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1 south, 4th to the west, and 3rd to the east. On the north
2 side is a 20-foot public alley that spans from 4th to 3rd
3 Street. That's where we're using our service entrance. You
4 can see it comes in right between the Fraternal Order of
5 Police building and that historic northern section. Remember
6 that northern section is built of the barrel vault, the brick
7 barrel vault.

8 That was deemed as a critical part of the historic
9 property. The width between the Fraternal Order of Police
10 and our building is rather tight. In addition, just south
11 of that north section of the historic building, you'll see
12 a stair and a corridor running north/south out to the public
13 alley.

14 That's actually an egress stair from the hotel
15 tower, itself. We need a means of egress in the northern
16 section of this building, but if we were to put it within the
17 historic structure, it would actually cause us to have to
18 remove all floors and several of these arches, all the way
19 up to the height of the building.

20 We've pulled that stair out of the historic
21 structure, and we have an egress corridor out to the public
22 alley. Because of that, the width of the loading areas --
23 as you can see, we've got the two shown here -- that we're
24 proposing, we're very constricted between that. In addition,
25 the floor levels of the historic property are different than

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1 the alley entrance level, which is on grade. The first floor
2 of the historic building is actually several feet up from
3 that. Our issue is really we can't expand it. We can't get
4 that stair into the building because we'd destroy the arches
5 and actually change the appearance of the building, as well
6 as the floor elevation issue. Because then, we would need
7 a corridor out to that alley, and we'd have steps, and we'd
8 impact the northern façade of that historic structure.

9 We're actually reworking that north alley façade
10 to get back to the historic window façade system that's
11 there, that's since been brick infilled and changed, so we're
12 actually going back to the original. Really, it becomes --
13 we're a little nervous about the integrity of the building.

14 We don't want to take that stair down a level and
15 deal with underpinning because we're afraid of the structure.
16 We want to keep that stair totally out of it, so that we
17 don't alter the appearance and can restore more of the
18 property. Next slide, please. This is just an image of the
19 second floor.

20 You can see the two-story area that's open to
21 below over our loading area so we can get the zoning required
22 heights for those spaces. Next slide, please. I'll now
23 address the penthouse restaurant, if there's no questions up
24 to this point. This is the rooftop. It's a 12-floor hotel
25 with a penthouse. This is a plan of the penthouse. The

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1 orange space is essentially occupiable space. The purple
2 space is mechanical, and the blue is circulation, just to
3 orient you. Our elevator bank, which is that large bank of
4 blue to the right, opens out to the lounge, which faces
5 south, plan south. Then ringing the east, south, west, and
6 north ends are public deck space.

7 Above that blue stair on the north, you'll see a
8 small pool. There's planters, and there's seating around
9 that pool. Essentially, the condition space faces southward,
10 which is furthest from the residential apartments to the
11 north of our site and the north of the alley. Next slide,
12 please. Here's a detailed plan.

13 The green are planters. You can see we're
14 actually filling this space quite a bit, so there's no real
15 outdoor gathering space beyond several small tables, small
16 seating arrangements. Then the pool is flanked by chaise
17 lounges with umbrellas. The outdoor space is not a great
18 big, wide-open outdoor space.

19 Everything is really internal to the space, but
20 operable storefront on the south façade. Next slide, please.
21 Here's a rendered image of what that pool deck will look
22 like. As you can see, it's not designed for any kind of
23 gathering, other than small groups enjoying a cocktail or
24 sitting by the pool, very minimal, in terms of what we're
25 considering. There's really no outdoor dining, other than

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1 these small cocktail tables by fire pits and things of that
2 nature. Next slide, please. These are a few images giving
3 a character of the rooftop, of the restaurant, just showing
4 that the balcony is a pretty constrained area. Next slide,
5 please. Another couple views just illustrating that balcony,
6 really just to enjoy the views from the site. Now, Erwin
7 Andres, from Gorove Slade, will talk a little bit to the
8 transportation management plan.

9 MR. ANDRES: Good morning, Chairman Hill, members
10 of the Board. For the record, Erwin Andres with Gorove Slade
11 Associates. With respect to our work supporting the relief
12 associated with the loading, we looked at a few things. The
13 first is the ability for the proposed loading facilities to
14 accommodate the necessary truck turns.

15 We've included that in our submission. In
16 addition to that, we also looked at the demand associated
17 with a building of this type. The requirement is -- consists
18 of three loading facilities as part of our proposed plan.
19 Given the constraints of the site, we're providing one
20 loading berth and one service space.

21 Given that the size of the building is such that
22 there aren't any conference facilities -- typically, when we
23 look at loading demand associated with hotels, it's the
24 conference facilities that typically generate the largest
25 components related to demand, especially for conference

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1 facilities that hold large events. In this instance, because
2 of the historic resource and because of the type of hotel it
3 is, there aren't going to be large facilities that would be
4 driving the demand associated with it. Given that portion
5 of the demand and given the fact that we've developed a
6 loading management plan that DDOT finds to be adequate to
7 serve the hotel, we believe we've addressed the issues
8 related to the loading -- next slide.

9 The elements of the loading management plan are
10 consistent with the loading management plans that we've
11 worked on for many of the other hotels in the District. This
12 is included in our submittals. I'm available for any
13 questions. Thank you.

14 BZA CHAIR HILL: Does the Board have any questions
15 -- actually, Mr. Andres, let's go ahead and just go through
16 your whole presentation. Then I'll come back around to the
17 Board.

18 MR. COHEN: Okay, thank you, Mr. Chair. If we
19 could just turn to the next slide, I see we're up against our
20 15-minute mark, so I'll --

21 (Simultaneous speaking.)

22 BZA CHAIR HILL: Mr. Cohen, it's all right, just
23 try to keep moving on.

24 MR. COHEN: That's fine; thank you. One more
25 slide, please. Just wanted to raise the general review

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1 criteria, once again, of 901.2, under Subtitle Y. The
2 Applicant believes that both special exception requests
3 satisfy this general criteria, specifically with respect to
4 the penthouse. The D-4-R zone encourages the types of uses,
5 the restaurant use and the cocktail lounge use. I will
6 specifically speak to the loading relief because, Mr. Chair,
7 you had raised that at the onset of this hearing.

8 We believe that there won't be any detriment to
9 the public good for two reasons, I would say. One is that
10 the proposed loading is adequate to serve this particular
11 hotel project. I would say two; it's a less amount of
12 loading berths, so presumably there would be less congestion
13 within that alley and within that general area. Again, I
14 think that the public benefits from having this historic
15 resource on the property.

16 When you take that in conjunction with the loading
17 that's necessary to -- or sufficient, I should say, to serve
18 the hotel, I think all those things -- that confluence of
19 factors means that there wouldn't be a detriment to the
20 public good. You save an historic landmark, and you have a
21 quantity or a medium of loading that would be adequate to
22 serve the property and the project. Next slide, please.

23 BZA CHAIR HILL: Mr. Cohen, maybe Mr. Andres can
24 speak to how do you know specifically that it's going to be
25 enough loading to serve the project? Can you just reiterate

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1 that?

2 MR. ANDRES: Sure. As I stated, the loading
3 requirement is based on the size of the hotel. When you look
4 at hotel uses throughout the District -- that actually would
5 -- hotels, in general, the number of rooms don't necessarily
6 drive the need for loading because the items such as linens
7 and things like that are being delivered regardless of the
8 number of rooms.

9 What typically drives a lot of the loading
10 requirements that are associated with the size of the hotel
11 is our conference facilities because of the major loading
12 demands associated with conference facilities is what
13 triggers, from my perspective, the demand for additional
14 loading demands.

15 In this instance, given that there aren't any
16 significant conference facilities and the fact that the rooms
17 are geared to be -- for visitors who aren't there for events
18 being held at that facility, the need for the additional
19 loading berth isn't required and doesn't generate demand for
20 that additional --

21 BZA CHAIR HILL: Mr. Andres, when you say that,
22 you're saying there's not a large conference space. I kind
23 of saw the penthouse relief, because that's what you guys are
24 talking about, and the space that's up there, but in terms
25 of the event space that's inside the hotel, itself, it's not

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1 a large event space.

2 MR. ANDRES: That's correct.

3 BZA CHAIR HILL: Okay. Please continue.

4 ZC CHAIR HOOD: This is Chairman --

5 MR. ANDRES: Chairman Hood.

6 ZC CHAIR HOOD: I didn't know whether to talk or
7 raise my hand. I don't know what to do no more.

8 BZA CHAIR HILL: It's fine, Chairman Hood. I
9 can't see everybody right now because of the slides.

10 ZC CHAIR HOOD: I got you. I'll just speak up.
11 Mr. Andres, let me just ask. I hear what you're saying about
12 the one loading berth. What are the adverse impacts? I know
13 there's some. I'm not saying that you all can't mitigate it,
14 but what are the impacts? Just put on the record what the
15 impacts of having one loading berth are.

16 MR. ANDRES: It's one loading berth and one
17 surface space is what's being proposed in lieu of the three
18 loading berths.

19 ZC CHAIR HOOD: Would you say, in your
20 professional opinion, there are some adverse impacts, but
21 you're able to mitigate them? Tell me what --

22 MR. ANDRES: Yes.

23 ZC CHAIR HOOD: -- they could -- you gave the
24 Chairman an example of the linen being delivered. Give me
25 an adverse impact. I know that's not your job, but give me

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1 an adverse impact of having one loading berth and one surface
2 area. Give me the adverse part of it.

3 MR. ANDRES: Absolutely, Chairman Hood. If, for
4 example, there was no loading management plan and there
5 wasn't the opportunity to manage the activities associated
6 with this facility, then what could potentially happen is
7 you'll have additional -- you'll have trucks coming at the
8 same time. You'll have trucks standing in the alley.

9 As I stated, because of the implementation of the
10 loading management plan, there's the opportunity to schedule
11 those. There's the opportunity to manage and coordinate
12 those deliveries, such that there aren't any impacts on
13 public space.

14 ZC CHAIR HOOD: So it's your testimony --
15 (Simultaneous speaking.)

16 ZC CHAIR HOOD: -- your belief that due to the
17 management plan, those adverse impacts will be mitigated due
18 to the planning. Planning would be a major piece.

19 MR. ANDRES: To both of them. It's due to the
20 type of hotel and due to the active planning and management
21 of that space.

22 ZC CHAIR HOOD: Okay, thank you. Thank you, Mr.
23 Chairman. Thank you, Mr. Andres.

24 BZA CHAIR HILL: Mr. Cohen.

25 MR. COHEN: Thank you, Mr. Chair. Just to quickly

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1 follow up Mr. Andres' testimony just now, the Applicant's
2 loading management plan, you can find that on Page 10 of the
3 Applicant's transportation report if anybody wanted to take
4 a look at it. That's Exhibit 37 in the record. I have
5 nothing further, Mr. Chair.

6 That's the Applicant's presentation. We're happy
7 to answer any additional questions, and we thank you very
8 much and respectfully request that the two special exceptions
9 sought with this application are approved today. Thank you
10 very much again.

11 BZA CHAIR HILL: Okay, great. Thank you, Mr.
12 Cohen. I can see everybody now. Does anyone have any
13 further questions for the Applicant? Ms. John, I see your
14 hand. Would you please go? You're on mute, Ms. John.

15 VICE CHAIRPERSON JOHN: I still don't know or have
16 a clear idea what the anticipated number of trucks would be
17 for a typical hotel of this size, how many trucks you think
18 will come through every day.

19 MR. COHEN: Thank you, Vice Chair. I'm going to
20 bring in Mr. Andres for the response to this question.

21 MR. ANDRES: Good morning, Commissioner John.
22 With respect to the loading demands associated with hotels
23 -- and the operator might be able to assist me with this
24 question, but based on our experience, typically, there's
25 trash pickups a couple times a week. There's linen

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1 deliveries anywhere between one and two times a week. The
2 FedEx and UPS and courier-type vehicles, they're not just
3 delivering to, essentially, our building. Typically, the way
4 it works is they'll deliver to all of the different buildings
5 on the block, so that necessarily doesn't mean it's an
6 additional delivery trip.

7 Then food and beverage. With respect to food and
8 beverage, there are anywhere between three to five deliveries
9 a week in our perspective. In totality, in the course of a
10 day, we don't foresee more than anywhere between four and six
11 deliveries during the day.

12 It doesn't mean those deliveries happen at the
13 same time. With the active loading management plan, we've
14 identified deliveries of some of the vendors that come
15 regularly. In that instance, we can mitigate the impacts
16 associated with the relief that we're seeking.

17 VICE CHAIRPERSON JOHN: Okay, thank you. That's
18 helpful.

19 BZA CHAIR HILL: Mr. Smith.

20 MEMBER SMITH: This is more so a question for the
21 architect. It was a question that was raised about -- there
22 was some discussion about the barrel vaults in the
23 northeastern side of the building and protecting the
24 integrity of those barrel vaults. Was that a main point of
25 contention with the CFA when this project was presented to

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1 that particular body was to protect those barrel vaults? Are
2 they exterior to the building?

3 MR. WEISSMAN: Good morning. Thank you for your
4 question. Those barrel vaults are not exterior to the
5 building. That's actually the floor structure for the
6 building for every floor going up. We pulled that stair out
7 of -- there have been several development plans for this
8 project over the past ten years.

9 We pulled the stair out of that, which allowed us
10 to maintain that entire, call it a square, of that north
11 section of the building in its full integrity, so we didn't
12 have to chop a hole 20 foot by 10 foot wide, five stories up,
13 plus an egress pathway. Yes, it was -- both HPRB and CFA
14 were pleased that was being retained because that is a very,
15 very unique historical system.

16 MEMBER SMITH: When the project was presented to
17 CFA, what was their major concerns or questions about -- not
18 questions, but about -- what was their preservation concerns
19 about the exterior building? What were they pleased to see
20 you protect?

21 MR. WEISSMAN: They were very happy to see that
22 we maintained almost the complete perimeter of the building
23 intact. There's only one small area in the rear of the
24 building that we're removing, but the entire façade, all the
25 way around, including that north side and that northwest

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1 side, which faces our loading dock, they're very pleased to
2 see that maintained. That was a big part of it. HPRB was
3 more concerned on this interior northern section, the
4 historic core, the cast iron columns, as well as that
5 hexagonal light well on the party wall between the two
6 structures, really two structures combined. That floor
7 system ties into all of that part.

8 MEMBER SMITH: Okay, thank you.

9 MR. WEISSMAN: Certainly.

10 BZA CHAIR HILL: Mr. Andres, did you present to
11 the ANC about the loading management plan and the fact that
12 there was just one berth?

13 MR. ANDRES: Yes, we did. I specifically
14 presented as part of the ANC meeting.

15 BZA CHAIR HILL: They understood the loading
16 management plan and how that was going to solve some of the
17 issues.

18 MR. ANDRES: Yes. They're aware of difficulties
19 of urban loading. They made that very clear. They felt that
20 the historic structure was something that was important to
21 be preserved.

22 BZA CHAIR HILL: Okay. Does anyone else, before
23 I turn to the Office of Planning?

24 All right, going to turn to the Office of
25 Planning, please.

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1 MS. BROWN-ROBERTS: Good morning, Mr. Chairman and
2 members of the BZA, Maxine Brown Roberts for BZA Case 20276.
3 The Office of Planning recommends approval of the requested
4 special exception to allow cocktail lounge and restaurant use
5 in the penthouse of the hotel and reduction in the loading
6 requirements.

7 For both, granting the special exception would be
8 in harmony with the intent of the zoning regulation map and
9 would not adversely affect the neighboring properties, as
10 expounded on in our report. Thank you, Mr. Chairman, and I'm
11 available for questions.

12 BZA CHAIR HILL: Does the Board have any questions
13 for the Office of Planning?

14 Ms. Brown-Roberts, you might want to mute your
15 microphone.

16 MS. BROWN-ROBERTS: Okay.

17 BZA CHAIR HILL: Does the Applicant have any
18 questions for the Office of Planning?

19 MR. COHEN: No, Mr. Chair.

20 BZA CHAIR HILL: All right. Let's see. Mr.
21 Young, is there anyone here signed up for testimony?

22 MR. YOUNG: I have no one signed up.

23 BZA CHAIR HILL: Okay. Mr. Cohen, do you have
24 anything you'd like to add at the end?

25 MR. COHEN: Nothing further, thank you. Thank you

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1 all. Happy to answer any more questions. Thanks again.

2 BZA CHAIR HILL: I got you, Ms. John. Go ahead,
3 Ms. John. You're on mute, Ms. John.

4 VICE CHAIRPERSON JOHN: Okay. Did we address the
5 issue of design flexibility, or am I confusing my case?

6 BZA CHAIR HILL: No, we haven't necessarily talked
7 about it. I think that the Applicant did point out at the
8 beginning some of the issues that they had as to what they're
9 requesting. Mr. Cohen, can you speak a little bit more to
10 the design flexibility, and then also, I suppose,
11 specifically -- for me, it would be more along the lines of,
12 again, whether or not that flexibility was going to change
13 any of the zoning relief that's being requested.

14 We, as a Board -- and maybe Vice Chair John is
15 speaking to this -- this has been an issue that we haven't
16 had a clear direction on. In this particular case, maybe
17 what you can speak a little bit more to, Mr. Cohen, as to
18 what you're requesting.

19 MR. COHEN: No, I'm happy to. Thank you for
20 raising that, Vice Chair. Again, the Applicant filed a
21 letter to the Board. That's Exhibit 46 in the record, for
22 purposes of oral testimony. This minor design flexibility
23 request is not intended to expand the loading relief or
24 change the relief being sought after today or create any new
25 areas of relief. The idea is that it's a very minor scope,

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1 really, to allow for minor design tweaks that might be needed
2 in the future before the Applicant can pull permits. That
3 would involve changes to minor tweaks to the façade or minor
4 interior programmatic changes.

5 It's a very narrow scope. I'm going to pass the
6 baton to Mr. Weissman if he wants to chime in a little bit
7 more because it's a design issue, but that's really what
8 we're trying to do with this flexibility request.

9 MR. WEISSMAN: Correct. As this site is
10 considered a critical site to the Commission of Fine Arts --
11 it actually sits catty corner to their offices and fronts
12 Judiciary Square -- they've taken a very keen interest in
13 what this building looks like and how it contributes to the
14 neighborhood.

15 We expect -- we do have concept approval from the
16 Commission of Fine Arts. We will be working with them to
17 finesse the facade, just tweaks in the brickwork, the
18 detailing, the fenestration, things of that nature, nothing
19 that involves the (audio interference).

20 VICE CHAIRPERSON JOHN: My question, then, Mr.
21 Weissman, is why wouldn't those changes be something that the
22 zoning administrator could approve if they're so minor?

23 MR. WEISSMAN: We want to make sure that what
24 we're showing today, you understand that perhaps the
25 fenestration of the ground floor changes slightly or some of

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1 the window patterning changes based on comments from CFA,
2 that we don't have to come back to the zoning administrator
3 for a review of that based on other agencies' comments that
4 we've followed.

5 VICE CHAIRPERSON JOHN: So your objection really
6 is to having to go back to the zoning administrator to decide
7 if that's within the 2 percent latitude that the zoning
8 administrator has.

9 MR. WEISSMAN: Yes, I guess on the technical side,
10 I'll have to refer to Mr. Cohen. I don't know the
11 percentage. I just know that when CFA requests design
12 briefs, we work with them to come up with the final design
13 that's within their realm.

14 MR. COHEN: Vice Chair, I'll follow up with that.
15 Mr. Weissman's correct. I'd like to reflect that this is
16 something that's not necessarily uncommon with the Board.
17 There's precedent for allowing for such minor design
18 flexibility as a condition.

19 When the Board -- if, in the event the Board
20 grants approval and identifies the plans that have been
21 submitted with the application, then there has been, in the
22 past, certain cases that will state something along the lines
23 of subject to the plans, allows for minor flexibility to
24 respond to changes from or needed by HPRB and CFA. Again,
25 it's a very -- it allows the Applicant -- I hate to use this

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1 word. It allows the Applicant to pivot ever so slightly,
2 again, just to make those minor tweaks so that this project
3 is compatible with the historic resource.

4 VICE CHAIRPERSON JOHN: Thank you, Mr. Cohen.

5 ZC CHAIR HOOD: Mr. Chairman.

6 BZA CHAIR HILL: Chairman Hood.

7 ZC CHAIR HOOD: I don't necessarily have an issue.
8 Typically, I don't have an issue with the flexibility
9 requests, but since I know CFA is looking at it, and I know
10 it will go through due diligence, of course, as long as it's
11 not changing any of the flexibility which we're dealing with
12 in our purview -- had it not been CFA involved, I would have
13 had a total problem with CFA -- I mean with this flexibility,
14 but as Mr. Cohen's already mentioned, typically, I've seen
15 this done in the past, not that we're punting to the CFA --
16 we have to do our due diligence -- but I know the flexibility
17 will be taken care of correctly. I don't necessarily --
18 normally, I would have a serious concern, but I don't have
19 that concern here, in this case.

20 BZA CHAIR HILL: Okay. I guess this is a little
21 bit a sidebar. Then, also, Vice Chair John can also comment
22 if she likes. We are approving the plans as they are, unless
23 there is the condition for minor flexibility. In the past,
24 we have denied minor flexibility. I guess in this particular
25 case, as Chairman Hood is pointing out, it is going to go

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1 through CFA, not, again, we're punting to CFA, but that if
2 we're comfortable -- and Vice Chair John, you're obviously
3 able to vote on everything, whether you're comfortable in
4 this case allowing flexibility.

5 I know that I've not been in other cases, and
6 we've denied it in other cases. It doesn't seem as though
7 there is a hard set criteria that we're using, necessarily,
8 but as Chairman Hood is pointing out, it's the CFA issue.
9 Vice Chair, do you have anything else to add, at that point?

10 VICE CHAIRPERSON JOHN: Are you asking me, Mr.
11 Chairman?

12 BZA CHAIR HILL: Yes, I'm just asking if you've
13 got anything else to add.

14 VICE CHAIRPERSON JOHN: No. I think that I am
15 generally not in favor of these requests, as my colleagues
16 know, because (audio interference) already provide a process
17 for changes to designs that the Board has approved. I'm
18 aware, also, that we have allowed these changes.

19 I just don't want to see a slew of them coming to
20 the Board because it's fairly subjective. Anyway, in this
21 particular case, there has been a showing made that there
22 should be no zoning relief required, even if these changes
23 are made or if the CFA recommends changes. I can leave it
24 at that for now.

25 BZA CHAIR HILL: Okay.

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1 (Simultaneous speaking.)

2 ZC CHAIR HOOD: Mr. Chairman.

3 BZA CHAIR HILL: Sorry, Chairman Hood.

4 ZC CHAIR HOOD: Yes, Mr. Chair, let me add I agree
5 with Vice Chair John 100 percent. I've even taken it to the
6 step that I think that for the most part, when the BZA is
7 doing this, they need to do kind of like the Zoning
8 Commission, materials exactly and let that be the stamp of
9 approval, and that's what you go by.

10 I agree with Vice Chair John, but I think in this
11 case, it's a little different. The rules aren't where I
12 would like to see them when it comes to plans and how we
13 specifically have applicants go by the plans, so we're not
14 there yet. But I agree with the Vice Chair. I'm not
15 typically inclined to flexibility, but again, as I stated,
16 CFA gives me a little comfort level, and I'll leave it at
17 that. Thank you.

18 BZA CHAIR HILL: Okay. I'd like to ask Mr. Rice
19 -- not now, but at another meeting that we may have, I'd like
20 a little bit more clarification on the 2 percent flexibility
21 because it's always a little unclear to me, in terms of what
22 the zoning administrator has. I didn't know whether it was
23 necessarily design. I thought it was relief. I guess maybe
24 you can just provide some clarity on that at another time.

25 MR. RICE: Okay.

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1 BZA CHAIR HILL: All right. Mr. Cohen, was there
2 any -- there was nothing you had to add at the end, correct?

3 MR. COHEN: No, Mr. Chair.

4 BZA CHAIR HILL: All right, then I'm going to go
5 ahead and close the hearing. I guess -- are you guys ready
6 to deliberate? I'm ready to deliberate, so I don't know --
7 I can start, and then we can see where we go. Because now
8 we're trying to move through this virtual world in a
9 different manner, so I'm going to go ahead and start the
10 deliberation.

11 I thought that the Applicant has made its case as
12 to how it's meeting the standards for us to grant this
13 application. I feel more comfortable now after hearing about
14 the loading berth and the transportation demand management
15 plan and how this has also been taken through the ANC. The
16 ANC has had an opportunity to speak to that loading berth
17 issue.

18 I didn't have any issues with the penthouse
19 relief, so I would be in favor of this application. I'd also
20 be in favor of the flexibility. I know it's kind of a weird
21 discussion point for us, Ms. John, that we've been kind of
22 speaking to. We voted against it several times, and we voted
23 for it several times. In this particular case, I would be
24 in favor of the design flexibility, as long as it doesn't
25 change any of the relief being requested and/or increase the

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1 amount of relief that is necessary. That's kind of where I
2 stand. I'm, again, going to go around, starting with the
3 Zoning Commission and ending with Ms. John. Chairman Hood.

4 ZC CHAIR HOOD: Mr. Chairman, I think this request
5 could be mitigated. I think with the loading berth, as
6 discussed with Mr. Andres, also with the flexibility which
7 is at issue with CFA. I think the record really is
8 sufficient, and I think it speaks for itself, so I'm in
9 support of this application. I don't need to go in and
10 reiterate everything that's in the file. I think it speaks
11 for itself. That's where I am, Mr. Chairman.

12 BZA CHAIR HILL: Mr. Smith.

13 MEMBER SMITH: Mr. Chairman, just as you stated,
14 I was comfortable with the special exception for the
15 penthouse, especially the nature and how the Applicant has
16 designed it to mitigate any impacts to residential properties
17 to the north by orienting it to the south. I didn't have any
18 concerns about that special exception.

19 In regards to the issue of the loading berth, I
20 think that the Applicant has provided a great case to support
21 the reduction in the required number of loading berths. It
22 was a great -- a nice bit of information that Applicant
23 provided explaining the demand placed on these loading berths
24 in relation to if the hotel had a conference facility. I am
25 comfortable with the request to reduce the number of loading

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1 berths. Also, because of the loading management plan, I
2 believe -- I read it thoroughly. I believe it's sufficient.
3 I am also comfortable with the design flexibility because of
4 the involvement of CFA. They're very thorough. I believe
5 that the Applicant made a strong case. I would be in
6 support.

7 BZA CHAIR HILL: Vice Chair John.

8 VICE CHAIRPERSON JOHN: Also in support of the
9 application, and I echo everything that's been said so far,
10 particularly the fact that Mr. Andres did a good job
11 explaining why the reduction in the number of loading berths
12 would not create an undue -- sorry, adverse impacts and that
13 any impacts could be mitigated by the loading management
14 plan.

15 I was thankful for his response regarding the
16 number of anticipated deliveries per day, especially since
17 there are no conference facilities. I think in this case --
18 and I will defer to my colleagues on the issue of the design
19 flexibility -- I'm fine with this case. I note, also, that
20 the Office of Planning is in support. I will give great
21 weight to the Office of Planning's analysis and
22 recommendations, as well as the recommendation of the ANC.
23 As I said, I'm in support of the application.

24 BZA CHAIR HILL: Okay, great. Thank you, Vice
25 Chair. Mr. Cohen, if this does move forward, do you know

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1 when they're anticipating doing this? Also, do they have a
2 brand?

3 MR. COHEN: As soon as they can. The brand is
4 Arlo Hotels, but I think that's more of a question for Mr.
5 Hendrickson, if he's still on the line.

6 BZA CHAIR HILL: He seems to think that it was
7 going to pass, so he jumped off.

8 MR. HENDRICKSON: No, I'm here, Rob Hendrickson
9 from Quadrum.

10 BZA CHAIR HILL: Oh, there you go.

11 MR. HENDRICKSON: I'll hang out with you guys as
12 long as I need to.

13 BZA CHAIR HILL: What do you know, sir?

14 MR. HENDRICKSON: The plan is hopefully to
15 commence construction sometime towards the end of next year,
16 and then it will be an Arlo branded hotel, which is owned and
17 operated by Quadrum. We have a very vested interest in
18 everything going well, and we will coordinate everything with
19 that in-house property.

20 BZA CHAIR HILL: Okay. I live nearby. That's a
21 very interesting area that could use some development. All
22 right, I'm --

23 ZC CHAIR HOOD: Mr. Chairman, before you make a
24 motion, I get confused sometimes between what we do on the
25 Zoning Commission and BZA. We have to go back and forth, so

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1 you understand that. What I'm going to ask is that OAG
2 specifically make sure we incorporate -- in Mr. Andres'
3 report, there was a page which talks about the duties and how
4 the dockmaster was going to work.

5 I think that page is very important. I'm not sure
6 what page number it is, but I like the way that was laid out,
7 Mr. Andres. I don't know what our Counsel -- how they can
8 make sure that's incorporated into our order. I would ask
9 Mr. Rice to make sure that we -- that specifically details
10 exactly what we're talking about when we're talking about the
11 loading berth and how that's going to work. I think that's
12 very critical. I'll leave it at that, Mr. Chairman. That's
13 my request.

14 MR. RICE: Understood. Okay, sir.

15 BZA CHAIR HILL: Okay, great. Then I'll go ahead
16 and make a motion to approve Application No. 20276, as
17 captioned and read by the secretary, including DDOT's
18 conditions concerning the loading management plan, as well
19 as the TDM plan, and then also some minor flexibility, as
20 long as it does not change the zoning relief being requested
21 and ask for a second, Ms. John.

22 VICE CHAIRPERSON JOHN: Second.

23 BZA CHAIR HILL: The motion has been made and
24 seconded. Mr. Moy, if you could please go ahead and take a
25 roll call vote.

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1 MR. MOY: Yes, thank you, Mr. Chairman. When I
2 call your names, if you would please respond with a yes, no,
3 or abstain to the motion made by the Chairman to approve the
4 application for the relief requested, as well as the
5 conditions that are cited by the Chairman in his motion,
6 which focus toward the design flexibility as well as (audio
7 interference) the order the loading dock concerns that's in
8 the record. Zoning Commission Chair Anthony Hood.

9 ZC CHAIR HOOD: Yes to approve.

10 MR. MOY: Mr. Smith.

11 MEMBER SMITH: Yes to approve.

12 MR. MOY: Vice Chair John.

13 VICE CHAIRPERSON JOHN: Yes to approve.

14 MR. MOY: Chairman Hill.

15 BZA CHAIR HILL: Yes to approve.

16 MR. MOY: Staff will record the vote as 4-0-1.

17 This is on the motion to approve the motion of Chairman Hill,
18 seconded by Vice Chair John, also in support Mr. Smith and
19 Zoning Commission Chair Anthony Hood. We have a Board seat
20 vacant, but the motion carries 4-0-1.

21 BZA CHAIR HILL: Okay, great, thank you. Mr.
22 Cohen, can you hear me?

23 MR. COHEN: Yes.

24 BZA CHAIR HILL: What do you think about not
25 having live hearings?

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1 MR. COHEN: Personally, I'm an in-person person,
2 so this is a little odd, but we'll make due for right now.
3 Can't wait to go back, though. I'll say that.

4 BZA CHAIR HILL: Okay.

5 ZC CHAIR HOOD: Mr. Cohen, that's the wrong answer
6 for right now.

7 BZA CHAIR HILL: All right.

8 MR. COHEN: Thank you, all. Very much
9 appreciated. Have a good day.

10 BZA CHAIR HILL: You, too. All right, Mr. Young,
11 do you want to go ahead and excuse everyone from this one and
12 let in -- Mr. Moy, I don't have the agenda in front of me.
13 Are we at 20269?

14 Okay. All right, great. Mr. Young, if you could
15 let in 20269, please. Mr. Young, just let me know when
16 that's everybody.

17 MR. YOUNG: That is everyone. I have the ANC
18 commissioner on the phone.

19 BZA CHAIR HILL: Commissioner, can you hear me?

20 MR. AMIN: Yes, I can hear you, Chairman Hill.

21 BZA CHAIR HILL: Thank you. Mr. Moy, if you can
22 go ahead and call us in.

23 APPLICATION NO. 20269 OF HAROLD TRAN

24 MR. MOY: Yes, thank you, Mr. Chairman. The case
25 before the Board is Application No. 20269 of Harold Tran,

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1 T-R-A-N. This is a request for a special exception under
2 Subtitle D, Section 5201, from the lot (audio interference)
3 304.1. This would add a one-story rear deck addition to an
4 existing detached principal dwelling unit.

5 This is an R-2 zone at premises 3000 10th Street,
6 Northeast, Square 3837, Lot 16. The preliminary matter here,
7 Mr. Chairman, is that there is a motion from the Applicant
8 to waive the filing deadline for them to submit an affidavit
9 reposting, which is under Exhibit 35. The only thing I want
10 to remind the Board, that the ANC had originally asked to
11 postpone the application, but later reversed themselves and
12 wanted to proceed with the hearing.

13 BZA CHAIR HILL: Okay. Mr. Tran, I'm going to
14 start with you. Could you please introduce yourself for the
15 record?

16 MR. TRAN: Hi. Yes, I'm Harold Tran. I'm the
17 owner of the home at 3000 10th Street, Northeast.

18 BZA CHAIR HILL: Okay. Who's here with you, Mr.
19 Tran?

20 MR. TRAN: I have Hernan Tejada, who is part of
21 the team that is -- Ace Deck and Fence that is helping me out
22 with the permitting and the building process for this deck.

23 BZA CHAIR HILL: Okay. Commissioner, can you go
24 ahead and introduce yourself for the record?

25 MR. AMIN: I'm Commissioner Ra Amin, ANC 5B,

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1 Single-Member District 5B04, where the residence is located.

2 BZA CHAIR HILL: Okay. Commissioner, I was a
3 little confused. Are you here representing the ANC, or are
4 you here just representing yourself?

5 MR. AMIN: You know what? Chairman Hill, if I
6 can, I'm kind of wearing two hats today because I am here
7 representing the ANC, but also, I am what you would be
8 considered one of the most impacted because I am 200 feet
9 within the case that we're hearing today. If that's
10 possible, I can wear two hats. If not, I will choose the hat
11 of the ANC.

12 BZA CHAIR HILL: I understand, Commissioner.
13 Commissioner, I think that I'm not clear whether -- I know
14 OAG can just chime in. I didn't see anything from you or
15 your ANC authorizing you representing the ANC. Ms. Cain, is
16 that incorrect?

17 MS. CAIN: No, that's correct. At least from my
18 memory of the record, I don't think we have anything from the
19 ANC authorizing him as their designated representative, so
20 he's able to testify in his personal capacity, but not as a
21 designated representative of the ANC.

22 BZA CHAIR HILL: Commissioner, do you understand
23 that?

24 MR. AMIN: I do, but what about -- Chairman Hill,
25 what about me representing Single-Member District 5B04 as the

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1 individual commissioner of this single-member district? I
2 understand if I'm not the full representative of ANC 5B
3 because it hasn't been stated. I am the commissioner of the
4 single member district.

5 BZA CHAIR HILL: I understand, Ms. Cain?

6 MS. CAIN: I think that would essentially be the
7 same as testifying in his personal capacity, so he can
8 testify as to his understanding of any potential impacts, his
9 view of the project, any other constituents of his SMD, but
10 cannot testify as to the position of the full ANC.

11 BZA CHAIR HILL: Commissioner, we're going to give
12 you plenty of time to go ahead and state whatever issues you
13 have. Also, we know that you guys had originally asked for
14 a postponement, but you seem to be in a position right now
15 where you're able to testify. We'll go ahead and have you
16 testify as yourself and, I guess, also representing your SMD.

17 That's what I'm a little bit unclear. Let's just
18 go ahead and take your testimony. Then OAG can kind of
19 specify later, for the Board -- Ms. Cain, if you would -- how
20 this might happen in the future. Because I'm still not clear
21 as to whether we need something official in the record that
22 someone is representing their SMD. But still, Mr.
23 Commissioner, we're going to be listening to everything you
24 have to say. With that, I'm going to go ahead and turn back
25 over to Mr. Tran. Mr. Tran, you have filed something late

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1 in terms of your affidavit of posting. Can you explain your
2 posting and whether you meet the requirements?

3 MR. TRAN: Yes, I believe I do. This request is
4 to build a 16' x 17' screened-in deck at the rear of our --

5 BZA CHAIR HILL: Mr. Tran, I'm sorry; I'm just
6 talking about the posting right now. You did post the
7 property, correct?

8 MR. TRAN: Oh, correct, yes. I posted it and
9 provided photographic evidence. It was posted on August
10 31st, and it has been up since then.

11 BZA CHAIR HILL: Okay. I don't have any problem
12 allowing the affidavit into the record unless the Board has
13 some issues. If so, please raise your hand. I don't see
14 anyone raising their hand. All right, Mr. Tran, I'm going
15 to put 15 minutes on the clock there, as you can kind of see.
16 You can begin your presentation whenever you like.

17 MR. TRAN: Okay. Yes, thank you. Hello, everyone
18 and Chairman Hill and the Board. Again, this request is to
19 build a 16 foot by 17 foot screened-in deck at the rear of
20 our single-family dwelling. We have submitted burden of
21 proof document, which I believe supports our assertion that
22 the structure will not adversely affect our neighbors or the
23 neighborhood. Like I mentioned before, we have posted the
24 permit notice since late August and have received seven
25 letters of support from our neighbors within the 200-foot

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1 area from our house, including the two neighbors that will
2 be closest to the deck project, so to the rear, to the west,
3 and also to the north of the house.

4 Those letters have been provided as part of the
5 submission. Like I mentioned, I appreciate Commissioner Amin
6 being here. We're neighbors with him. He lives within this
7 200-foot area. We've been engaged with the ANC in this
8 permitting process over the past nine months. I appreciate
9 that he has voiced his community vote of support for this
10 request. I've got Mr. Tejada here, as well, to answer any
11 kind of specific questions that you may have, but I really
12 just hope that you will approve this request for the rear
13 deck.

14 BZA CHAIR HILL: All right. Does anyone have any
15 questions for the Applicant?

16 All right. I don't see anyone raising their hand.
17 Can I turn to the Office of Planning?

18 MR. YOUNG: Yes, I had Matt Jessick from Office
19 of Planning, but I don't see him on here, so I'm going to
20 bring Mr. Lawson up. Maybe he can tell me --

21 BZA CHAIR HILL: Mr. Lawson, I can't hear you, if
22 you're trying to speak. Mr. Lawson, still can't hear you.
23 Oh, at least your microphone's on. Still can't hear you.

24 MR. LAWSON: I'm sorry, Mr. Chair. I was just
25 away from my desk for a moment. Office of Planning would

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1 basically stand on the record in support of this application.
2 As noted in our report, we're recommending approval. We
3 would be available to answer any questions. Thank you.

4 BZA CHAIR HILL: Okay. Mr. Lawson, it's great to
5 see you. This is the first time I think we've seen you.

6 MR. LAWSON: You, too.

7 BZA CHAIR HILL: We're both in our attic, I can
8 see.

9 MR. LAWSON: Well, yes.

10 BZA CHAIR HILL: All right. Does the Board have
11 any questions for the Office of Planning?

12 I don't see anyone raising their hand. Mr. Smith.

13 MEMBER SMITH: Just for the record, for the Office
14 of Planning, this is considered a semi-detached structure.
15 The required side yard for a semi-detached structure would
16 be eight feet. Am I correct?

17 MR. LAWSON: Typically, the required side yard is
18 eight feet on one side for a semi-detached structure, yes.

19 MEMBER SMITH: Right. The existing structure is
20 six feet, so would the proposed addition maintain that
21 six-foot -- I understand it's non-complying, but it would
22 maintain that six-foot setback.

23 MR. LAWSON: Yes. The regulations allow for an
24 extension of an existing side yard to a certain extent if
25 it's non-conforming, if the current side yard is

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1 non-conforming to the regulations.

2 (Simultaneous speaking.)

3 MEMBER SMITH: Could you expand on that certain
4 extent that you're referencing?

5 MR. LAWSON: I was afraid you were going to ask
6 me that because I wasn't --

7 MEMBER SMITH: Sorry to put you on the spot.

8 MR. LAWSON: -- prepared to be speaking, I think
9 that the regulation is five feet, as long as a side yard of
10 five feet is provided, you can extend that back.

11 MEMBER SMITH: Okay. Thank you.

12 MR. LAWSON: Okay, thank you.

13 BZA CHAIR HILL: All right. Anyone else? Mr.
14 Tran, do you have any final comments or questions for the
15 Office of Planning?

16 MR. TRAN: No, thank you for your time.

17 BZA CHAIR HILL: All right. Mr. Young -- is there
18 anyone here wishing to testify either in favor or in
19 opposition? Oh, I'm sorry; I'm going to go to the
20 Commissioner in a second. I apologize, Mr. Commissioner,
21 since I can't see you. Is there anyone, however, here from
22 the public, Mr. Young?

23 MR. YOUNG: No, just the Commissioner.

24 BZA CHAIR HILL: Okay. Mr. Commissioner, please
25 go ahead and give your testimony.

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1 MR. AMIN: Yes, thank you. I just want to thank
2 the Board this morning for hearing me out. I know this has
3 been quite an unusual case, definitely for the ANC, the
4 single member district. I think that Case 20269 has just
5 become a victim of the extraordinary times that we find
6 ourselves in.

7 Harold Tran has done everything required by the
8 ANC to have this case go in front of the ANC. It just so
9 happened the dates did not line up for this particular case
10 to be heard before the hearing date. That was the reason for
11 the initial request for the postponement because we've -- ANC
12 5B has been on summer hiatus for July and August when this
13 came in front of me as the single member district
14 commissioner.

15 We don't reconvene until tonight, 7:00 p.m. As
16 you can tell, as you all know, the hearing date is 9:00 a.m.
17 So the ANC had not had a chance to review this particular
18 request, this case. That was my -- after conferring with
19 zoning, that was my initial reason for asking for the
20 postponement. But after further discussions, I just really
21 saw no reason to hold this up because as Harold Tran stated,
22 this has been going on for nine months. He's presented in
23 front of the single member district. He's received his
24 letters of support from the community.

25 He's posted his placard. So if anyone was

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1 interested in opposing, at this point, I think we would know
2 because I am within 200 feet of the project, as well.
3 Everyone around here within 200 feet know that I'm the
4 commissioner, so they would have more than ample time to
5 knock on my door or catch me out and state any opposition
6 that they may have.

7 If the Board is prepared to move forward, I will,
8 tonight, meet -- at tonight's meeting, I will ask for an
9 amendment to the agenda and give Mr. Tran the opportunity to
10 -- and his agent -- to present -- yielding some of my time
11 to present in front of the Board, in case the Commission has
12 -- ANC Commission has any questions.

13 After discussing this particular case with the
14 chair of the board, Ursula Higgins, and a couple of other
15 members, but not the entire ANC, I do feel that there's no
16 particular reason why this should not receive the support of
17 the ANC. At this point, I do feel that there would be a
18 quorum to move this forward. But, as stated, it has not had
19 the opportunity to go in front of the ANC. With that being
20 said, in good faith, I just could not allow the ANC to, one,
21 return from summer break to hear this case when so many other
22 things was going on. So if we can move forward with the
23 hearing date and with the instructions of the Board, I think
24 that we can retroactively approve this, unless there's some
25 circumstances that come up that we don't know about at this

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1 time.

2 BZA CHAIR HILL: Okay. Mr. Commissioner, what's
3 happening now is we're having a hearing. We've having a full
4 hearing, and we might even take a vote today. I think it
5 would be -- it's efficient of you to go ahead and, as you've
6 done, pull the postponement request, and then have us have
7 an opportunity to give -- hear the hearing.

8 Tonight, if you have a chance to go ahead and hear
9 Mr. Tran, that's great. Then I guess we, the Board, if we
10 were to take a vote here today, there still is 48 hours that
11 takes place before any of our votes become firm. So you'd
12 have an opportunity to kind of go ahead and submit something
13 if there was something, then -- you could always resubmit
14 something that requests us to re-open the case.

15 That's something that the Board could then take
16 into consideration. I would imagine that if there was strong
17 opposition from your ANC and you made a request to re-open
18 it so that we could hear from the ANC, we would probably go
19 ahead and do that. I can't speak exactly to that, but I'm
20 saying that is an avenue for you to pursue. That being the
21 case, does anyone on the Board have any questions for the
22 Commissioner? Chairman Hood.

23 ZC CHAIR HOOD: Yes, Mr. Chairman. Commissioner
24 Amin, Mr. Tran has mentioned that he has been working with
25 ANC 5B, Chairperson Higgins and yourself, I guess, for nine

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1 months. Why haven't we taken a vote before we got to the
2 July and August recess? I'm just curious what happened those
3 other months? Were there concerns, or what was going on?

4 MR. AMIN: Chair Hood, that's a really good
5 question. I don't think that's one that the ANC has an
6 answer for. I think what I can say to that is we never
7 received anything to vote on. When Mr. Tran and his agent
8 started the project, Mr. Tran approached the ANC and informed
9 the ANC and the community that the project was going to
10 happen with the information that they had at the time, the
11 information that you guys have before you.

12 I allowed Mr. Tran to present that information at
13 a single member district meeting in December. Actually, it
14 was December 11, 2019. It was a unanimous vote from the
15 community. It was 24 community members attending at that
16 time that had no problem. Several members were within 200
17 feet of Mr. Tran. At that meeting, they also said hey, we're
18 willing to offer you those letters of support that you will
19 need. I think -- that's where he got some of those letters
20 of support. In retrospect, I have no idea. It was just held
21 up. Then by the time it should have been ready, we had gone
22 into a public health emergency.

23 ZC CHAIR HOOD: Understandable. I really
24 appreciate, Commissioner Amin -- let me just say I appreciate
25 all the work that you all do over in 5B. Mr. Chairman, along

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1 with your way of moving forward, I think the merits of this
2 case -- what we received and reports move with our action,
3 but I also want to caution us.

4 If we go that route with the 48 hours, I also
5 would like to see if we -- maybe if we were to vote -- I'm
6 just throwing this out here -- if we were to vote on this
7 next week, it would allow Commissioner Amin and them to be
8 able to get into the record great weight from the ANC, which
9 I think is very attributable, especially in different wards.
10 I would appreciate it, like we do in other words, that ANC
11 5B also be given great weight. Now, Commissioner Amin has
12 mentioned that he doesn't see any -- he doesn't forecast any
13 problems or anything.

14 We could go ahead and go that route, Mr. Chairman,
15 today, but I don't know if it's easier to do it that way or
16 to wait a week and get a letter, so the ANC can give great
17 -- because it's not that hard. It doesn't seem like it's any
18 opposition. I would agree with Commissioner Amin. If
19 somebody had a problem in this ANC, everybody -- he would
20 have known it. Mr. Tran would have known it. I think now,
21 for me, it's about the quickest way, hopefully, to give ANC
22 5B great weight. It looks like they're going to be able to
23 vote on this tonight, I hope.

24 Or we go your route, Mr. Chairman, and then they
25 wouldn't have great weight. That's the way I see it, or we

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1 can re-open the record. There are a number of options, but
2 I don't think it needs to be that convoluted. Those are my
3 comments. Thank you.

4 BZA CHAIR HILL: Wait. Ms. Cain, before you speak
5 up, just give me a second. That's fine, Chairman Hood. I
6 think we can go ahead and -- we can see what happens at the
7 end of this and go ahead and put the decision to next week,
8 let the ANC meet tonight, let Mr. Tran present tonight, and
9 then see if we get anything from the ANC in order to take a
10 vote. The thing that was unclear to me, in terms of some
11 aspect of the timing of things.

12 MR. AMIN: Yes.

13 BZA CHAIR HILL: Commissioner, I'm actually just
14 speaking more in terms of our own internal timing, like when
15 one submits something and how long we have to keep the record
16 open for anyone who wants to submit anything after that. Ms.
17 Cain at OAG, you were about to say something.

18 MS. CAIN: I was just going to follow up on
19 Chairman Hood's comments. I think that's, from our
20 standpoint, in terms of what the regs require and allow,
21 holding a final vote until next week and giving the ANC that
22 opportunity to submit something in that time period is the
23 better way to proceed, just based on the language of the
24 regs, so that would be OAG's recommendation, at this point.

25 BZA CHAIR HILL: Okay. Commissioner, I guess you

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1 can go ahead and have an opportunity for Mr. Tran to speak
2 tonight, and then if you could get something into the record
3 for us, perhaps by, I don't know, next Monday, would that be
4 fair?

5 MR. AMIN: I will present it in front of the ANC
6 tonight just that way. Also, the timing was -- I was
7 agreeing that timing was an overall issue. Timing was an
8 issue for the ANC, as well. This is why the request for the
9 postponement because we won't meet again until the end of
10 October. We meet the fourth Wednesday of the month.

11 I was worried -- I was concerned that if there
12 were questions, then that would push this back another month
13 before it could go in front of a full body community vote.
14 That means the earliest date that we would be able to -- if
15 we could be scheduled with the Zoning Board would be November
16 11th.

17 BZA CHAIR HILL: Okay. All right. Mr. Moy, in
18 terms of the record, if the ANC submits by Monday, there's
19 still enough time for anyone to -- not anyone -- the parties
20 to submit anything, if they want to after seeing what the ANC
21 submits, before our Wednesday vote, correct?

22 MR. MOY: That's up to the Board. The Board has
23 done this in the past, where they've closed the record to
24 allow time for an ANC to file their resolution. Sometimes
25 you may ask for a response time; sometimes you haven't. It

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1 depends on the circumstances.

2 BZA CHAIR HILL: Okay. Now I'm just getting a
3 long list of stuff to follow up with. Ms. Cain, again, I'm
4 curious. I want to be clear as to how the Board proceeds in
5 leaving the record open for people to respond. I know that
6 this is -- this is the ANC, so, therefore, we treat them
7 differently oftentimes. I don't need to know right now. I'm
8 just saying in general, I was curious as to what the
9 regulations say in terms of leaving the record open for
10 parties to comment on anything that might come from the ANC.
11 It looks like you're going to say something.

12 MS. CAIN: Per the regulations, the Board has the
13 authority to set -- the only thing it says is a reasonable
14 time for the parties to respond. In this case, there are
15 only two parties. It's the ANC and the Applicant. You can
16 set a time period for when the Applicant can respond, if they
17 choose to do so, but it's not like you're trying to juggle
18 multiple parties, at this point.

19 BZA CHAIR HILL: Okay. Mr. Tran, we're going to
20 -- if the ANC Commissioner, if you can try to get us
21 something in the record by Monday, and then, Mr. Tran, if you
22 have any comments to that -- and if it's approved, I would
23 not think you have any comments for it -- then we can go
24 ahead and put this on for decision next Wednesday. Now, Mr.
25 Tran, do you have any questions for the Commissioner?

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1 MR. TRAN: I don't. Thank you so much.

2 BZA CHAIR HILL: Okay. Commissioner, thank you
3 for your participation.

4 MR. AMIN: Thank you.

5 BZA CHAIR HILL: I hope you have a nice meeting
6 this evening.

7 MR. AMIN: Thank you.

8 BZA CHAIR HILL: Let's see. Then if that's the
9 case, I'll go ahead and close the record, except for
10 something from the ANC on Monday of next week. I think
11 that's it, right? You guys don't have anything else. Mr.
12 Tran, do you have anything to add at the end?

13 MR. TRAN: No, I don't. Thank you again,
14 everyone.

15 BZA CHAIR HILL: All right, we'll close the
16 hearing. We'll have the ANC, hopefully something from them
17 on Monday, and then Chairman Hood, I guess you can even call
18 in and participate or absentee.

19 ZC CHAIR HOOD: Not a problem. I'll join you.

20 BZA CHAIR HILL: Okay. You're not going anywhere.
21 Is that correct?

22 ZC CHAIR HOOD: I will be right here. I will join
23 you. Whenever you all tell me to come on, I'll come on.

24 BZA CHAIR HILL: I was trying to figure out how
25 we're going to plan out our day. I think that we are going

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1 to take a lunch at some point. If I could just ask for you
2 all's indulgence, just give me five minutes. I have to --
3 give me five minutes to take care of something. We'll come
4 back, and then I think we'll go ahead and see how far we get
5 -- Mr. Moy has something to say -- and then I think we'll see
6 how far we get on those three cases that are somewhat tied
7 to one another. Then we take a lunch, and then come back for
8 our final two cases. At least, that's my plan. Mr. Moy, did
9 you have a comment?

10 MR. MOY: Yes, only for clarity for the transcript
11 Mr. Chairman. So on this application you just heard, 20269,
12 the record's closed. The Board set this for decision next
13 Wednesday, which is September 30th, and the ANC to make their
14 filing by Monday, September 28th. That's all.

15 BZA CHAIR HILL: Yes. Then if the parties have
16 any comment on what the ANC supplies to us on Monday, they
17 can submit that into the record by -- I don't know; whatever
18 your -- within 24 hours. Okay? All right. I'm just going
19 to take a quick five minutes. I'll be right back.

20 (Whereupon, the above-entitled matter went off the
21 record at 11:45 a.m. and resumed at 11:59 a.m.)

22 BZA CHAIR HILL: Ms. Wilson, I'm going to go ahead
23 and -- oh, sorry. Mr. Moy, can you first read us in?

24 APPLICATION NO. 20270 OF 753 COLUMBIA ROAD NW, LLC

25 MR. MOY: Thank you, Mr. Chairman. After a quick

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1 break, the Board is back in session. The time is now 11:59.
2 Before the Board is Application No. 20270 of 753 Columbia
3 Road Northwest, LLC.

4 This is a request for special exception under the
5 RF use requirements, Subtitle U, Section 320.2, including
6 waivers of the rear addition requirement, Subtitle U, Section
7 320.2(e), and the rooftop architectural element requirement,
8 Subtitle U, Section 320.2(h), which would construct a
9 third-story addition in a three-story rear addition and
10 convert the principal dwelling unit into a three-unit
11 apartment house, RF-1 zone.

12 This is at premises 753 Columbia Road, Northwest,
13 Square 2890, Lot 117. The only other preliminary matter
14 here, Mr. Chairman, is that the Applicant -- what did he do
15 -- oh, filed a motion to waive the filing deadline in order
16 to submit their affidavit of posting.

17 BZA CHAIR HILL: Okay, great. Ms. Wilson, can I
18 start with you? Could you please enter yourself for the
19 record?

20 MS. WILSON: Sure, my name is Alex Wilson, from
21 Sullivan and Barros. I'm here on behalf of the Applicant.

22 BZA CHAIR HILL: If you could just actually go
23 ahead and introduce your team, so I know who's here with you,
24 and then we'll see who we get to.

25 MS. WILSON: Okay. I'm here with Sunil Saxena,

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1 who's a representative of the owner, and Ramy Ali, who is the
2 project architect, and I believe Marty Sullivan is here, as
3 well, but I'll be presenting.

4 BZA CHAIR HILL: Okay, great. Mr. Sullivan, are
5 you there?

6 MR. SULLIVAN: I am.

7 BZA CHAIR HILL: Okay, do you want to introduce
8 yourself for the record just because?

9 MR. SULLIVAN: Yes, Martin Sullivan, with Sullivan
10 and Barros. Thank you.

11 BZA CHAIR HILL: Okay, great. Then Commissioner,
12 I see you. Would you please introduce yourself for the
13 record? You're on mute, Commissioner.

14 MR. WRAY: Sorry about that. Good morning. This
15 is Michael Wray. I'm with ANC 1A.

16 BZA CHAIR HILL: Okay. I just lost your camera,
17 Commissioner. I don't know if you meant that intentionally
18 or not, but just to let you know. Ms. Wilson, we'll see
19 where we get. There's three cases that are all connected
20 with you guys right now. I know we're going to try and take
21 lunch. Let's see what happens. What I think I'd like to do
22 -- and if the Board has any difference of opinion you can let
23 me know -- if you go ahead and kind of -- I guess you can
24 speak to the overall project and how the three applications
25 are similar.

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1 Then we are going to call them individually
2 because they do have slight variations, in terms of one's
3 next to the vacant lot, one's in between the two lots, and
4 one's next to another property. The first one I guess we
5 have is the one that's next to the vacant lot.

6 With that being the case, I'll go ahead and --
7 actually, Mr. Young, if you can put 20 minutes on the clock,
8 I'll let you begin whenever you like. In terms of the
9 waiving of the filing deadline, you guys have posted, is that
10 correct?

11 MS. WILSON: Correct. It was properly posted.
12 I think there was a tech issue on Friday when she tried to
13 submit it, so she had to submit the actual affidavit of
14 posting on Monday, instead of Friday, when it would have been
15 timely.

16 BZA CHAIR HILL: I don't have any issue with
17 waiving posting deadline unless the Board raises their hand.
18 Then we're going to go ahead and move forward. Ms. Wilson,
19 you can begin whenever you like.

20 MS. WILSON: Great, thank you. Could you pull up
21 our presentation, please? While these are three separate
22 easy applications, we thought it would be more efficient to
23 present them together. There are some nuances and
24 differences, and we will talk about those, but just for time
25 reasons, we thought it would be easy to present them

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1 together. If you could please go to the next slide.

2 BZA CHAIR HILL: Yes, I guess, Ms. Wilson, we're
3 going to end up calling these separately, so what, probably,
4 I'll do is I'll refer back to the original -- to this
5 presentation for things that were similar. Then feel free
6 to point out the differences now, if you'd like, but you
7 might end up repeating them as we work through each case.

8 MS. WILSON: Okay, thank you. Each property is
9 currently improved with a two-story, single-family row
10 dwelling. The Applicant is proposing to construct a
11 third-story addition and a rear three-story addition on each
12 building and convert each building to three units. The
13 additions vary in size.

14 The 753 and 755 additions will extend those
15 existing buildings by 42 and a half feet, and the addition
16 on 757 Columbia will extend the existing building by 30 feet.
17 In order to complete the project, each property requires
18 special exception relief pursuant to U-320.2 for conversion
19 to three units. We are also requesting waivers from the
20 ten-foot rule and from the architectural elements rule to
21 replace the porch roofs and to extend more than ten feet
22 beyond the neighboring properties. With that, I will turn
23 it over to the architect, Ramy Ali, who can walk you through
24 the plans and the project.

25 MR. ALI: Good afternoon, Chairman Hill and

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1 members of the Board. My name is Ramy Ali. I'm with RAM
2 Design, presenting for the applicant the architectural parts
3 of the project. As Alex just mentioned, just to give a small
4 brief on the existing conditions, 753 through 757, currently
5 they're single-family row dwellings of around 800 square feet
6 footprint, for a total of around 2,100 square feet.

7 Most of these units on both lots, they average
8 anywhere from 1,600-1,800 square feet up to 2,100-square-foot
9 single-family dwellings. We are converting three units.
10 They're all sitting on really deep lots, almost 150 feet
11 deep, backing up to a public alley. Of course, they average
12 up to 2,700 square feet per lot.

13 That was one of the main requirements for us to
14 seek that special exception. This application was previously
15 reviewed by the Board and approved in the past, but because
16 the order expired prior to the permit process, that's why
17 we're back resubmitting the project for the Board to review
18 again. We want to take advantage of the situation and try
19 to advance the project or the project design a little bit
20 more. I can just simply point out the most significant
21 changes that we have done to the project since that prior
22 approval. The main elements that we have changed to the
23 project, we actually set back the front of the building
24 almost 18 feet to be flush with the remaining dwelling units
25 on the block.

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1 We have set back the third floor an additional
2 eight feet to retain the roof lines across the block. Of
3 course, we thought it was important to retain the existing
4 front porch to carry that repeating element across the whole
5 neighborhood. These are mainly the three main changes that
6 happened on the project design, which pretty much
7 significantly changed the whole look of the project.

8 Giving the front setbacks of almost 18 feet and
9 the front porch, this has reduced the interior square footage
10 of these units, but our main goal is to keep the use of these
11 units for family oriented tenants and to be within that range
12 of around 1,600 square feet to 2,000 square foot units to be
13 aligned with the remaining size on that block.

14 However, we have pushed those buildings back, and
15 that's why we stayed aligned within that previously proposed
16 additions. As Alex just mentioned earlier, those rear
17 additions, they do set back beyond neighboring walls by
18 almost up to 40 feet from where they exist right now. The
19 other factor of why we had to retain that volume is simply
20 because we wanted to retain the units that had anywhere from
21 three to four bedrooms. Some of the front architecture --

22 MS. WILSON: Mr. Ali, I just wanted to remind you
23 that you're going to have to request next slide. I wasn't
24 sure if you wanted them to stay on this slide or move forward
25 --

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1 (Simultaneous speaking.)

2 MR. ALI: I wanted to -- I'm only listing the
3 changes that we have made, and then I can start linking to
4 the slides as I go forward. I think, actually, it's best to
5 keep on Slide No. 9. This way, it would be -- we can see the
6 front of the building as I represent the architecture. This
7 slide here represents how we set back the front flush with
8 the neighbors, maintain the front porches, and we set back
9 the third floor to retain a continuous roof line across. We
10 have presented the slant shingle roof on top of the second
11 floor just as a transition between the continuous second
12 floor line and the third-floor setback addition.

13 The front, we're just proposing new brick and
14 double hung windows to be aligned with the remaining of the
15 block. Slanted roof, as I mentioned. The front yard will
16 basically receive some little bit of landscaping. We are
17 retaining the existing front steps and the front stone walls
18 that run across the sidewalk. That was put into the
19 application, but there's a huge tree in front of Unit 755
20 that was recently removed from the front. That was a big
21 element that we were struggling with on the previous
22 application.

23 On this application, pretty much, it was taken out
24 after a lot of work between the arborist, Alex, and the
25 client. I think it was recently removed, I think a week ago.

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1 Is that correct, Alex? The tree was removed just recently,
2 right?

3 MS. WILSON: It was about a week ago.

4 MR. ALI: Yes. Also, the last thing on the front,
5 before we move to other slides, is all the utility meters are
6 all set away from any public view. They are set underneath
7 the front porch, into the area way that leads to the cellar
8 level. This presents basically anything that we are doing
9 on the front.

10 If we go to Slide 10 and 11, we will see more
11 renderings about what we are proposing in the back. Given,
12 basically, today's market, with higher demand on modern
13 living, more light, daylight, full glass windows, we
14 approached the rear design in a different manner by providing
15 the cedar panels, floor-to-ceiling windows, more modern
16 material. We propose to open all the rear yards on all four
17 adjoining properties and create this common amenity or public
18 space -- not public space, a common area for all the tenants
19 on these four lots. We have proposed green walls. We
20 proposed grass full paved parking pads so that we provide
21 more of that greenery in the back and create that element
22 that you see on Slide No. 10.

23 At first, we thought we were to submit an easement
24 for the parking, but given the new addition to our project
25 with the 757 Columbia, it allowed us to provide parking that

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1 would be clearly set on each lot, without having to propose
2 an easement. As far as landscaping, I don't know how,
3 legally, it would be presented, but it would be used as a
4 common area for all tenants on all four lots, to include 751
5 Columbia, which is currently the vacant lot. The last item
6 that I have to point out in the back is the trash.

7 I don't think it made it on this slide, but we're
8 proposing trash enclosures and given the project is a
9 multi-family project, it falls under the commercial use and
10 public -- private companies will be taking care of the trash
11 pickup.

12 If we keep going down towards the shade and shadow
13 study, I think it was Slide No. 24, if I'm not mistaken, the
14 shade and shadow study -- given the projects, they are facing
15 south -- as all parties facing south, the only impact that
16 was resulted is the early morning in the month of June. All
17 other duration have no impact given the additions. I think
18 it's further down. I'm sorry; it's 35 up to 38, yes. As you
19 see, the only impact that you see on the shade and shadow
20 study is the month of June, and it's 9:00 a.m. You can
21 scroll down to the month of June. That's the only area where
22 we -- yes, that's it, at 9:00 a.m.

23 The other duration of the year, they have no
24 impact upon the completion of the project. Basically, this
25 is a quick summary from what the development has thus far is

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1 architecture and massing. If there's any questions regarding
2 the architecture, I'll be more than happy to answer. Alex,
3 I think this, I can just pass it on to you to explain the --
4 from that slide on.

5 MS. WILSON: Sure. I'm actually going to go back
6 to Slide 25. That starts the general special exception
7 requirements. Thank you. The application, each application,
8 meets the general special exception requirements as the use
9 of three units is contemplated by the zoning regulations as
10 a primitive special exception and none of the projects will
11 adversely affect the use of neighboring properties. Next
12 slide, please.

13 Regarding the specific requirements of U-320.2,
14 the buildings will each measure 35 feet in height. As there
15 are only three units per building, the IZ requirements do not
16 apply. Next slide, please. There are existing residential
17 structures on each property, and each property will have
18 2,700 square feet after the proposed subdivision is complete.
19 Next slide, please. We're requesting waivers from the
20 ten-foot rule for each property. The waivers are being
21 requested under the existing conditions on the site and under
22 the presumption that the other requested additions have not
23 already been approved, as that's what is existing now. Under
24 the existing conditions, the 753 addition extends 42 feet and
25 6 inches past 755.

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1 If 755 Columbia is approved, the rear walls of 753
2 and 755 would be in line, so no waiver would be necessary for
3 753, since there's just a vacant lot next to it on the other
4 side. Under the existing conditions, the 755 addition
5 extends 42 feet and 6 inches past 753 and 52 feet and 6
6 inches past 757 Columbia.

7 Similarly, if 753 is approved, the rear walls will
8 be in line, but the addition will still extend 22 and a half
9 feet past 757, even if that addition is approved. For 757,
10 the addition extends 20 feet past 755 Columbia and 759.

11 If 755 is approved, it will extend further than
12 the 757 addition, but either way, 757 will still extend 20
13 feet past the rear wall of 759, so a waiver would be
14 necessary for that, as well. I did want to provide some
15 context as to why I felt comfortable requesting the waiver
16 for the larger additions. It has to do with the character
17 and location of these lots. They're half a block from
18 Georgia Avenue and about three or four blocks from Columbia
19 Heights Metro Station. They're at the end of a residential
20 block adjacent to a public park and down half a block from
21 the public park is Georgia Avenue and the MU-4 zone. These
22 are not lots in the middle of a deeply residential area.

23 They are on the border of where the area
24 transitions from residential to commercial or mixed use.
25 Ramy touched on this. The size of the lots are extremely

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1 long. They're about 150 feet long. Even with the additions,
2 the Applicant is providing significant rear yard space and
3 a total of seven parking spaces.

4 The larger additions are appropriate on this site
5 because of that length. Then the Applicant is able to
6 provide large family size units with three bedrooms and two
7 and a half baths. Then the next few slides show each
8 individual addition, as if the other ones were not approved
9 or requested. If you could go to Slide 31.

10 This one's probably the most important because 759
11 Columbia is not part of the project. It shows the difference
12 between the proposed 757 addition and the building on 759
13 Columbia. The additions are tiered, so that 757 only extends
14 20 feet past 759. Next slide, please. The additions will
15 not block any chimneys, fence, or solar panels. Next slide,
16 please. We are also requesting a waiver from U-320.2(h).
17 Originally, we did not think we needed it, but then we talked
18 to OP and realized DCRA might not find the porch replacement
19 to be in kind. It was just best to have a waiver so we can
20 replace the porch roofs as detail in the plans. Ramy already
21 discussed some of the architectural details, so I won't get
22 into those. Next slide, please.

23 Regarding light, air, and privacy, the previously
24 approved additions, which are approximately the same length
25 and height as the requested additions, were approved and

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1 reviewed under Section 320.2(i) in the previous BZA cases.
2 The conditions on the adjacent properties have not changed
3 since the previous applications were given relief.

4 The north/south orientation of the properties
5 results in a more favorable shadow distribution, even with
6 the larger additions. We provided shadow studies showing the
7 properties as if they were all approved. There were also
8 individual shadow studies where we thought this would be the
9 end result, so it would be better to show them together in
10 this presentation.

11 What the overall shadow study demonstrates is that
12 there is a little bit of impact on 759 to the west, but it's
13 really only at the rear of the lot, and only in the mornings.
14 If you go through the shadow studies, all the additional
15 shade is gone by noon. That impact does not rise to a level
16 of undue. Ramy already went through the shadow studies, but
17 I just wanted to add that point. If you could go to Slide
18 40, please. Thank you. Regarding privacy, the Applicant has
19 designed each building to mitigate privacy concerns, and
20 there are no windows on the east or west facades of the
21 additions.

22 Regarding the character of the block, each
23 property is still providing a significant rear yard setback,
24 and the Applicant is maintaining the overall character of the
25 houses by restoring the porches and retaining the cornice

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1 details. The third story is also set back eight feet from
2 the front façade, and there are row dwellings at a variety
3 of depths along the shared alley. It's along Sherman Avenue
4 to the west and Irving Street to the north. As I pointed out
5 earlier, these row dwellings are half a block from Georgia
6 Avenue and are adjacent to the park, which borders the MU-4
7 zone. Next slide, please. The Applicant has submitted all
8 required plans and materials and is not aware of any special
9 treatment that may be required.

10 Next slide, please. As noted before, we are
11 requesting two waivers for each application. The waivers are
12 not in conflict with U-320.2(i). Next slide, please. I did
13 want to touch on community outreach. The project has been
14 in front of the community since May, and the applicant has
15 been responsive to community concerns and available for all
16 meetings. We also mailed letters to a number of the
17 surrounding neighbors, which included a direct number and
18 email for the applicant and my information, as well. We have
19 not heard any neighbor objections. The adjacent owner at 759
20 Columbia is aware of the project.

21 The Applicant has been in touch with her because
22 there's going to be some underpinning work, so she's been
23 notified of that, as required by DCRA. Their construction
24 manager walked her through the proposal, so she signed off
25 on the DCRA neighbor notification. While we have not been

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1 able to get a signed letter in support, it's a situation
2 where she's fully aware of the project and has not had any
3 objections. Next slide, please. The Office of Planning is
4 recommending approval for all three applications. DDOT has
5 no objection to any of the applications, and ANC 1A
6 unanimously supported all three applications. That concludes
7 our presentation, but we are happy to answer any questions.

8 BZA CHAIR HILL: Okay, Paul, can you drop the --
9 thanks. I guess, Alex, I'm trying to figure out how to do
10 this a little bit. I guess we're still going to be calling
11 each one of these separately. You can think about it. I
12 don't know how to -- we're asking everything at the same
13 time. Maybe we'll go back and ask it again. The only reason
14 why I care is that I also said lunch is going to happen.
15 Before you can chew on that, Commissioner, do you have any
16 testimony to give?

17 MR. WRAY: I'm mostly here just to ensure if you
18 had any questions, as was already said, ANC 1A is in support.
19 The plans that you saw are the same plans that we saw. I
20 think the only two caveats I would put to that, based on the
21 testimony that I heard, was that the trash collection,
22 actually, they could qualify, since each of these are
23 individual lots.

24 As you're thinking through them individually, they
25 would qualify for pickup from the city, not necessarily from

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1 a commercial carrier. Although they abut a park, as the
2 Zoning Commissioner can attest, there is an available PUD to
3 build other homes adjacent to this property line, as well.
4 But that would be it.

5 BZA CHAIR HILL: Okay. Before I turn to the Board
6 to ask their questions, on this particular one, Ms. Wilson
7 -- I'm just trying to understand. This one's the one that's
8 next to the vacant lot. I didn't see, in the architectural
9 plans, that that lot had been developed yet. What's the
10 plans for the vacant lot?

11 MS. WILSON: That one is going to be developed as
12 a matter of right. I'm not sure they worked out all the
13 details for that. It hasn't been developed yet.

14 BZA CHAIR HILL: When you say matter of right,
15 again, it's owned by this property owner, correct?

16 MS. WILSON: Correct, the same developer group.

17 BZA CHAIR HILL: I saw, when Mr. Ali had it there,
18 it seemed like the park kind of went around into that vacant
19 lot again, so I got a little confused with what was happening
20 on that vacant lot. Then now, I'm just curious. In terms
21 of when you say matter of right, it will match the rear
22 additions of these additions if it were to be approved.

23 MR. ALI: I can answer that.

24 BZA CHAIR HILL: Sure. Who's that that just
25 spoke?

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1 MR. ALI: That's me, Ramy Ali.

2 BZA CHAIR HILL: Okay, go ahead, Mr. Ali.

3 MR. ALI: Actually, the 751 Columbia, the vacant
4 lot is -- we already obtained the building permit for this
5 particular parcel. As far as the architecture, it does match
6 all the elements that we have seen on the renderings.

7 Actually, the renderings that we have presented
8 in this package does include 751 Columbia from the front and
9 the back. As far as the site plans, 751 was not plugged into
10 that site plan because it's not part of the application. If
11 you're only referring to the architecture, yes, the same
12 architecture continues from the front and the back to match.

13 BZA CHAIR HILL: Right. Your rear wall of that
14 vacant lot property is going to now match the 753 wall,
15 correct?

16 MR. ALI: No, it's actually -- the 751 only goes
17 back -- it's only 60 feet deep because we have to retain the
18 60 percent lot occupancy. That lot on 751 is not as deep as
19 the remaining lots. The building doesn't go as deep as 753
20 and 755. The total depth of Lot 751 is 100 feet, compared
21 to 150 feet, which is 753.

22 BZA CHAIR HILL: Okay. The reason why I'm asking,
23 again -- so again, you're saying, Ms. Wilson, you're just
24 going to go back matter of right on that building, correct?
25 The reason why -- I'm just thinking about the shadowing of

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1 that lot to that building. Anyway, I'm good with those
2 answers. Does the Board have any questions on this
3 application or, I guess, all of them? I don't know how we're
4 going to do this, yet. Chairman Hood.

5 ZC CHAIR HOOD: Yes, Mr. Chairman, I would ask Ms.
6 Wilson if she -- there was a slide that was put up while she
7 was explaining about 753 and 754. I'm not sure what slide
8 it was -- I mean 755 or 757, she was saying how it would go
9 back, how this would block the sun over here for 747.

10 If we can put -- if she can look at that
11 PowerPoint presentation -- I'm hearing some feedback. I'm
12 not sure if I'm doing it. If she can put up a slide -- I
13 think it was Slide 32, or maybe 30 -- and go back through
14 that again, so I can visualize every step that she's saying,
15 that would be easier for me. I know that others might not
16 have to do it that way, but I need to do it that way. You
17 follow what I'm saying, Ms. Wilson?

18 MS. WILSON: Absolutely, when I was talking about
19 the ten-foot rule and how each individual addition would
20 relate to the existing conditions on the lots.

21 ZC CHAIR HOOD: Exactly. I think if I looked at
22 --

23 MS. WILSON: Absolutely.

24 ZC CHAIR HOOD: -- was able to visualize it. The
25 reason the ten-foot rule always pops up because I really

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1 don't necessarily care for, when we come down and ask for
2 waivers and variances against that, but I'm having to learn
3 how to deal with it, especially since we put that in place
4 for a reason. Help me walk through -- if you could help me
5 walk through that, maybe once of these days I'll get on to
6 it and catch on.

7 MS. WILSON: Absolutely. Paul, could you please
8 put back Slide 29?

9 ZC CHAIR HOOD: Right, that's it.

10 MS. WILSON: This is the 753 addition. Right now,
11 it is 42 feet and 6 inches past 755. If 755 were not part
12 of this, we would be -- we are, I guess, technically,
13 requesting a waiver for 42 feet and 6 inches. However, 755
14 Columbia would be in line with the rear wall of the proposed
15 addition on 753 if it were also approved. Then 757 Columbia
16 would be 22 and a half feet shorter than the proposed
17 addition on 755 Columbia. So 753 and 755 are proposed to be
18 in line with each other at the end of the addition there.

19 Then if you go to Slide -- I guess not the next
20 slide, but the next, Slide 31. Could you go to the next
21 slide, please? This is the 755 addition. It's going to be
22 in line with 753. Then the next slide, Slide 31, shows the
23 757 addition.

24 ZC CHAIR HOOD: I think Mr. Young -- Ms. Wilson,
25 let me just say I think Mr. Young was having a slight

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1 problem. Okay, thanks.

2 MS. WILSON: Oh, okay, there we go. This is the
3 shortest of the three. Seven five three and seven five five
4 go 22 and a half feet past this line.

5 BZA CHAIR HILL: Mr. Young, if you can go to Slide
6 32 -- I'm sorry, 31.

7 ZC CHAIR HOOD: Thirty-one.

8 MS. WILSON: This is 31 here.

9 ZC CHAIR HOOD: We're looking at 32, or Page 32.

10 MS. WILSON: It must be slow on my end, then.

11 ZC CHAIR HOOD: It's already at 31. It's slow on
12 our end.

13 MS. WILSON: Oh, okay.

14 BZA CHAIR HILL: No, but you're not -- is 31 --
15 Ms. Wilson, I can't -- there we go.

16 ZC CHAIR HOOD: There it is.

17 MS. WILSON: Okay, sorry. I guess we're not
18 seeing the same thing, unfortunately. This is probably the
19 most important one because 759 is not part of this
20 application, so 759 and 761 are going to be that length. The
21 rear addition of 757 is 20 feet past those. Technically,
22 it's only ten more feet than would be permitted as a matter
23 of right. That's the one abutting the properties that are
24 owned by the same developer.

25 ZC CHAIR HOOD: Let me ask this, Ms. Wilson.

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1 Basically, out of all three of the properties, is it safe to
2 say that we're only -- I'm hearing an echo. Is it safe to
3 say that we're only asking for ten feet on 757? Is that
4 correct?

5 MS. WILSON: That is correct, but -- yes, from
6 both sides. We're asking for ten feet on 757.

7 ZC CHAIR HOOD: The square footage of each unit,
8 on each property, will give us the 900 square feet.

9 MS. WILSON: Correct, yes. We have 2,700 square
10 feet per lot.

11 ZC CHAIR HOOD: All right, thank you, Mr.
12 Chairman. Thank you, Ms. Wilson.

13 MS. WILSON: Thank you.

14 MEMBER SMITH: Mr. Chairman.

15 VICE CHAIRPERSON JOHN: You're muted, Mr. Hill.

16 ZC CHAIR HOOD: You're on mute, Mr. Chairman. I
17 think you got a delay.

18 BZA CHAIR HILL: Thank you. No, I was on mute.
19 I said I'll go with you, Mr. Smith, first, then allow Ms.
20 John.

21 MEMBER SMITH: Okay, I have a question about --
22 looking at Page 9 of the architecturals, the elevations for
23 -- this particular set is for 753 Columbia. I have a
24 question about the roof line here where you're putting the
25 clay shingles. Is that a new parapet that you're

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1 constructing?

2 MS. WILSON: Could you answer that, please?

3 MR. ALI: Sorry, can you hear me?

4 MEMBER SMITH: I can hear you.

5 MR. ALI: The answer is yes, we are altering the
6 parapet to include that slanted.

7 MEMBER SMITH: Right I guess for the rooftop decl
8 you're proposing to put there. A second question offshoot
9 of that, are you replacing the cornice, the existing cornice
10 of the property, and constructing this parapet on top of it?

11 MR. ALI: There is paragraphs of the existing
12 conditions where I recall that all these parapets were flat
13 parapets. Let me just see which slide that best presents any
14 cornices. I don't recall there was a cornice on top of the
15 building, but there was a cornice on top of this one porch
16 that we intend to replace.

17 MEMBER SMITH: All right. Okay, that's the only
18 question that I had. Thank you.

19 MR. ALI: You're welcome.

20 BZA CHAIR HILL: Ms. John.

21 VICE CHAIRPERSON JOHN: I wanted to go back to the
22 neighbor at 759. Did you say that neighbor had no objection
23 to the project and was fully aware of how much -- how far the
24 house at 757 would extend behind 759?

25 MS. WILSON: Yes. I'm going to let Sunil Saxena,

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1 a representative of the owner, possibly answer that question,
2 as he and his construction manager have been in touch with
3 that neighbor.

4 MR. SAXENA: Yes, can you guys hear me?

5 BZA CHAIR HILL: Yes.

6 MR. SAXENA: She's aware of the project. We've
7 actually met with her personally. She's the property owner.
8 I believe her daughter lives there with her, as well. She's
9 aware of the project. She's actually signed the neighbor
10 notification letters because we've already done some
11 underpinning work over there. Yes, she's aware of the
12 project and exactly what we're doing over there.

13 VICE CHAIRPERSON JOHN: You said she did not sign
14 the neighbor notification letter?

15 MR. SAXENA: She did. We have the letter signed
16 from her, yes.

17 VICE CHAIRPERSON JOHN: All right, thank you.

18 BZA CHAIR HILL: Mr. Sunil, did she give -- did
19 you get an impression as to why she didn't care about the
20 extra ten feet?

21 MR. SAXENA: No. She just wants us to protect her
22 property. That's, of course, her No. 1 concern, which we
23 told her we would. We've constructed some fencing between
24 her property and our property just temporarily during
25 construction. We met with her and her daughter. She doesn't

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1 speak as much English, but her daughter was there, as well.

2 Yes, as far as I know, she --

3 (Simultaneous speaking.)

4 BZA CHAIR HILL: That's okay. She understood the
5 green wall that was going up there and everything?

6 MR. SAXENA: Yes. I believe so, yes. My
7 construction manager was there, as well. We were all
8 communicating with her.

9 BZA CHAIR HILL: Okay. Anyone else have any
10 questions?

11 VICE CHAIRPERSON JOHN: Do you have any sort of
12 agreement with her as to how you will protect her property?
13 This is a pretty big project going up right next to her.

14 MR. SAXENA: Yes. We don't have a signed
15 agreement, but we told her X, Y, and Z, certain things we're
16 going to be doing. It's really very similar to -- let's say
17 we were just doing 757. That's really the interface that
18 would affect her.

19 Even though there's more construction going on on
20 the other side, the main potential issue is between 757 and
21 her. We've already talked about putting up fencing and
22 protecting her property. She has our direct contact info if
23 there's any issues arise.

24 VICE CHAIRPERSON JOHN: Okay, thank you.

25 BZA CHAIR HILL: Anyone else? Commissioner, did

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1 you have some testimony? Oh, sorry, Mr. Smith.

2 MEMBER SMITH: I do. Returning back to the issue
3 of the cornice, sorry to belabor the point. If I'm looking
4 at the elevation, again, on Page 9, it looks like the roof
5 -- almost like a firewall, in essence, is being extended on
6 the edges of the home. Am I correct in that assumption?
7 There may be some removal of the cornice to extend the
8 firewalls along the property lines along the party walls.

9 MR. ALI: Are you referring to the original set
10 or the slide?

11 MEMBER SMITH: I don't know what slide it's on.
12 I'm referring to Page 85, the front elevation, 753 Columbia
13 Road, if you can pull that up. Are you controlling the
14 PowerPoint?

15 (Simultaneous speaking.)

16 MR. ALI: Yes, 85 is the front elevation. I'm
17 just trying to see which part you're referencing.

18 (Simultaneous speaking.)

19 MEMBER SMITH: We can go -- we can take a look at
20 this particular elevation. Between the clay shingles that
21 you have on the property, you're extending the wall up. I'm
22 assuming it's either some type of architectural element or
23 extending the party wall up between the shared property
24 lines.

25 MR. ALI: Yes, this --

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1 (Simultaneous speaking.)

2 MEMBER SMITH: Are you removing --

3 MR. ALI: -- between the roof shingles is
4 basically the party wall that is pretty much covered --
5 finished on the front.

6 MEMBER SMITH: Right.

7 MR. ALI: It is acting as a firewall below roof
8 line, correct.

9 MEMBER SMITH: Okay, are you removing any of the
10 original cornice in that location?

11 MR. ALI: Again, if you see the forecast of the
12 existing conditions, there is no cornice on top of the
13 existing buildings.

14 MEMBER SMITH: Okay.

15 MR. ALI: The cornice that exists is actually on
16 the porch.

17 MEMBER SMITH: Okay. I just wanted to verify
18 because if you are, then that would trigger another relief
19 needed, but thank you.

20 MR. ALI: You're welcome.

21 BZA CHAIR HILL: All right, I'm going to turn to
22 the ANC Commissioner. Commissioner, I know I added at the
23 beginning if you had any testimony. Do you have any
24 questions for the Applicant?

25 MR. WRAY: I don't have anything else, thank you.

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1 BZA CHAIR HILL: Okay.

2 ZC CHAIR HOOD: Mr. Chairman.

3 BZA CHAIR HILL: Of course, Mr. Hood.

4 ZC CHAIR HOOD: I do have a question for
5 Commissioner Wray. I'm very familiar with -- and I preface
6 all of this -- I'm familiar with Chairman Boese, you and Ms.
7 Wade and others in that commission. I'm just curious.

8 Your overwhelming support -- I read where you had
9 some concerns early on. On your overwhelming support of the
10 three units, was there any question or conversation about
11 maybe the character of your neighborhood? Did that
12 discussion ever come up? I'm just curious of how that
13 conversation went, if that conversation came up.

14 MR. WRAY: Sure. We are asked often when are we
15 going to support three units on a block and when are we not
16 going to support three units on a block. In this particular
17 case, we were supportive because they're able to meet most
18 of the other areas of -- most of the other requirements of
19 the zone. They have all the parking.

20 They weren't going back more than ten feet, too
21 much more from the other abutting property lines. Overall,
22 we've been primarily supportive of these three-unit
23 conversions when they're able to meet the majority of the
24 other areas of that requirement. I don't feel -- speaking
25 for the commission, we don't feel it's changing the character

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1 so much.

2 ZC CHAIR HOOD: Okay. So you all have an
3 unwritten establishment of, I guess, a rationale or a ratio
4 of things met, things not met, and then you make a
5 determination that way. Okay. Maybe I'll adopt that, too.
6 Thank you. Thank you, Mr. Chairman.

7 BZA CHAIR HILL: Before I turn to the Office of
8 Planning, Ms. Cain, did you figure out how I can do this as
9 -- what can I do?

10 MS. CAIN: I think probably the easiest way to do
11 this is to take the testimony from the Office of Planning,
12 have them explain their decisions on all three cases, finish
13 going through the case sort of as you've been doing as a
14 whole, but then deliberating on each case individually, so
15 taking out 20270 first, going through the deliberations on
16 that, voting, and then moving on to the next two after that.
17 I think that's probably the easiest way to do it, at this
18 point.

19 BZA CHAIR HILL: But then Mr. Moy has to call them
20 altogether. He's only called the first one. You think about
21 that for a second. Can I turn to the Office of Planning?

22 MS. FOTHERGILL: Good afternoon, Commission.

23 BZA CHAIR HILL: Yes.

24 MS. FOTHERGILL: I'm Anne Fothergill, for the
25 record, for the Office of Planning. Good afternoon, Chairman

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1 Hill, and members of the Board. I am reviewing for Case
2 20270 at 753 Columbia Road, Northwest, and my colleagues from
3 OP will present their findings for the other two cases. For
4 this case, we recommended approval of the conversion and the
5 two requested waivers. I will rest on the record and happy
6 to take any questions.

7 BZA CHAIR HILL: Okay. I'm just trying to figure
8 out how to do this. Now Ms. Fothergill, two different
9 colleagues have the other two cases.

10 MS. FOTHERGILL: That's correct, Brandice Elliott
11 and Jonathan Kirschenbaum are available. They can be pulled
12 up at any point.

13 BZA CHAIR HILL: But are they here -- if we call
14 these separately, are they going to be speaking to those?

15 MS. FOTHERGILL: Yes.

16 BZA CHAIR HILL: Okay. Ms. Cain.

17 MS. CAIN: With that being the case, then, I think
18 I would move forward with dealing with 20270, and then move
19 on to the next one. You can take the testimony from OP in
20 that case, do your deliberations, ask any additional
21 questions that you might have on that specific case, vote,
22 and then move on to the last one.

23 BZA CHAIR HILL: Okay. The other question I have
24 for OP, I guess, was that vacant lot, it's going to be
25 developed by a by-right project, which I guess that I can't

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1 visualize even how far back that -- what the 60 percent is
2 going to do. OP doesn't have any concerns about the
3 shadowing on that vacant lot property once it's developed.

4 MS. FOTHERGILL: Correct. The plans provided were
5 for the three projects, and then a vacant lot, so we reviewed
6 it as such. The proposal, our understanding is that it would
7 be matter-of-right project, meet lot occupancy, meet height,
8 meet rear yard, and the impacts from 753, which will have a
9 larger than required rear yard and will meet the height
10 requirement and meet lot occupancy should not have an undue
11 impact on a future development on that site.

12 BZA CHAIR HILL: Okay. Does the Board have any
13 questions for the Office of Planning?

14 I don't see anybody raising their hand. Does
15 nobody have a question for the Office of Planning?

16 Okay. Commissioner, do you have any questions for
17 the Office of Planning?

18 MR. WRAY: No, thank you.

19 BZA CHAIR HILL: Ms. Wilson, do you have any
20 questions for the Office of Planning?

21 MS. WILSON: No, thank you.

22 BZA CHAIR HILL: Okay. Mr. Young, is there
23 anybody here wishing to testify?

24 MR. YOUNG: Yes, we do. I have Janice Szymanski
25 and her husband. I'm not sure if they're together or not,

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1 but she's up on the screen.

2 BZA CHAIR HILL: Ms. Szymanski, can you see or
3 hear me? If so, can you unmute your microphone?

4 MS. SZYMANSKI: Good afternoon. Yes, I can see
5 you. Hello. Sorry.

6 BZA CHAIR HILL: It's all right. If you could,
7 Ms. Szymanski, go ahead and introduce yourself and give your
8 address for the record. You can introduce the baby, also.
9 It's totally fine by us.

10 MS. SZYMANSKI: Sure. My name is Janice
11 Szymanski. This is Wendy. We are -- I'm the homeowner and
12 resident of 756 Columbia Road, so across the street from the
13 Applicant's property.

14 BZA CHAIR HILL: Okay. You, as a member of the
15 public, will get three minutes to testify. The clock's there
16 on the screen, and you can begin whenever you like.

17 MS. SZYMANSKI: Sure. Thank you so much. I just
18 want to make a couple of remarks. Overall, I am supportive
19 of the project. I wanted to have you consider a couple of
20 conditions. One, the first -- my primary concern was the
21 trash. In hearing this presentation, I think that's actually
22 been relieved.

23 My concern was having 12 units of trash out front
24 because currently, public picks up trash in the front and not
25 the alley on the north block of Columbia Road. If we can

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1 have confirmation that all trash would be picked up
2 privately, in the back, that would ease a lot of my concerns
3 going up in so many units.

4 Then secondly is the neighborhood sidewalk and
5 tree. I noticed in the rendering, you still had the
6 ginormous tree that was currently part of this property, but
7 I saw, already, it's already been taken down. I understand
8 why, but my only comment would be if that could be, as a
9 result, replaced with street trees covering -- a good canopy
10 cover along the front, along the sidewalk, to kind of offset
11 that big, ginormous tree we lost. That thing had over a
12 two-foot diameter to it. The one thing that makes this
13 particular block of Columbia Road unique is it doesn't have
14 any street trees; whereas, blocks eastbound and westbound do.

15 That was a very important piece of vegetation to
16 have. Again, I completely understand why it was taken down.
17 It's right up against the houses. We would just like to see,
18 maybe, some clarity in the landscape plans with a little
19 vegetation along the street, if those could be shade canopy
20 trees or whatnot. I would like them to consider that as part
21 of it. Other than that, I just wanted to come on here and
22 show my support for the project.

23 BZA CHAIR HILL: Okay, thank you, Ms. Szymanski.
24 Does the Board have any questions for Ms. Szymanski or the
25 baby?

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1 No? Okay. Commissioner, do you have any
2 questions?

3 MR. WRAY: No, thank you.

4 BZA CHAIR HILL: Ms. Wilson, do you have any
5 questions?

6 MS. WILSON: No.

7 BZA CHAIR HILL: I'm going to ask some questions,
8 then, Ms. Wilson. In terms of the trash, I don't even know,
9 actually -- Ms. Cain, I guess -- I guess we can do anything
10 -- I shouldn't say anything. We can do things to mitigate
11 adverse impacts. You could use, as a condition, that the
12 trash is privately being picked up in the back.

13 My question first, also, Ms. Cain, is that
14 something that we can do? Before you answer that, Ms.
15 Wilson, that is as you have planned -- in your testimony,
16 that is what you all are planning to do, right? I would
17 think it would be a huge pain to go ahead and change that
18 anyway, correct?

19 MS. WILSON: I'll defer to the owner and
20 architect, but yes, that was his testimony. That's my
21 understanding, as well.

22 BZA CHAIR HILL: Mr. Sunil or Mr. Ali, either one
23 of you want to want to chime in?

24 MR. SAXENA: Ramy, do you want to answer?

25 MR. ALI: Yes. We were under the impression

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1 anything over two units does fall under the private trash
2 pickup, but it's good to know that it might qualify for that.
3 Regardless, we have condensed all the trash in one location
4 for all four buildings, and we'd like to stick to that
5 approach. On other projects similar to this one, that was
6 incorporated into the sales documents that they will have to
7 have private trash pickup --

8 (Simultaneous speaking.)

9 BZA CHAIR HILL: You're not going to change that.
10 It doesn't even seem like it fits within the program.

11 MS. WILSON: No, that's what I'm saying. We're
12 confirming that we want to keep the proposal of --

13 (Simultaneous speaking.)

14 BZA CHAIR HILL: Can you speak to the landscaping
15 in the front? What's supposedly going to happen there?

16 MR. ALI: For the front, we're basically only
17 proposing the green lawn, as we have shown on the site plans,
18 but there was not any trees proposed.

19 MS. WILSON: I want to jump in and answer the
20 question about street trees. That would be a question for
21 DDOT. We can talk to them, but I don't know if we're going
22 to be able to commit to anything without talking to DDOT
23 about street trees.

24 BZA CHAIR HILL: Right, that would be DDOT that
25 would have that jurisdiction. You would be speaking to them

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1 about possibly implementing some street trees? What was your
2 thought?

3 MS. WILSON: Yes, we can talk to them about
4 implementing some street trees if that's something that the
5 community would be interested in.

6 BZA CHAIR HILL: Mr. Commissioner, is that
7 something that the community might be interested in?

8 MR. WRAY: Of course, we would be interested in
9 that, although I'm looking at the current layout. There are
10 probably would not likely be trees that could be put onto the
11 sidewalk level. I don't know what the public space of the
12 front yards of this project entails.

13 If what the Applicant is saying is that they want
14 to add trees to the front yards, which may or may not be
15 public space, that would be a possibility, but adding trees
16 to the street level, I think, would be very -- that's a much
17 bigger project than I think any of us are talking about.

18 BZA CHAIR HILL: I think --

19 ZC CHAIR HOOD: Mr. Chairman

20 (Simultaneous speaking.)

21 ZC CHAIR HOOD: I may have gotten lost. I'm kind
22 of in line with what the Commissioner is saying, Commissioner
23 Wray. I don't see street trees -- maybe I'm missing the
24 point. I don't know if the tree, where it used to be, is in
25 the right of way. I don't think it is. Help me understand,

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1 when we're talking about street trees, what are we talking
2 about? Where are we putting trees at in the street? Where
3 is it going?

4 BZA CHAIR HILL: I was just curious. I was just
5 asking follow-up questions from the person who provided
6 testimony. At this point, I'm just kind of settling in on
7 -- I'm not interested in the design -- in trying to talk
8 through with the Applicant about their changing their design.
9 I was just curious if there was a way to talk with DDOT,
10 which it seems as though the Applicant and the Commissioner
11 are possibly going to see if there could be anything done
12 with landscaping. It sounds as though they're saying there's
13 not much of a possibility because there's not much space.
14 However, it seems if they are willing to discuss whatever
15 they can do.

16 (Simultaneous speaking.)

17 ZC CHAIR HOOD: What I don't want to do is put
18 anybody on promised land. What I'm looking -- unless I'm on
19 the wrong case, all I see is a sidewalk. If somebody could
20 start putting trees down and we're going to dig up the
21 sidewalk -- maybe I'm just offline, but I doubt it.

22 I really don't think -- maybe we need to go back
23 to the young lady who mentioned it and find out what she
24 meant by street trees. I thought she was talking about the
25 tree in the front yard. That's kind of where I was.

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1 MS. SZYMANSKI: Yes.

2 BZA CHAIR HILL: I think you're correct, Chairman
3 Hood, in that there's a sidewalk there. I wasn't clear as
4 to what is there. The tree has now been removed, so I guess
5 it's just not possible. I like your term promised land.

6 ZC CHAIR HOOD: Promised land.

7 BZA CHAIR HILL: Right. From what I understand
8 now, the discussion, it is what it is. That's the way it's
9 going to be. The trash, however, there is some clarity now
10 that that is actually going to be privately picked up in the
11 back because that's just the way the program is going to
12 work. I think that would at least solve some discussion.

13 MS. SZYMANSKI: Yes. Commissioner, can I clarify
14 my comment, please? This is Janice.

15 BZA CHAIR HILL: Sure, go ahead.

16 MS. SZYMANSKI: Yes, the tree in question that got
17 cut down was on private property. I guess my request was
18 could trees be put on private property as part of the design
19 to offset the canopy that we received from having that large
20 tree. Since it was so big, it provided shade on the sidewalk
21 and whatnot. We do not have street trees on our block.

22 I'm not proposing we put them in. I agree with
23 the Commissioner; I don't think there's room. But if there's
24 something we could do and maximize the front yard of the
25 private property and, in kind, kind of replace that feeling

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1 that we used to have on this part of the block, that would
2 be appreciated. Does that make sense?

3 BZA CHAIR HILL: Yes, it makes sense. I don't
4 know what the property owner has in plan, so I'm going to put
5 you back on mute there again. Mr. Ali or Mr. Sunil or Ms.
6 Wilson you seem like you were about to say something you
7 don't have any plans right now for any trees in front,
8 correct?

9 MR. ALI: We don't have any plans for any trees
10 at this point, given the landscape plan that we have
11 provided. However, I would like to clarify one item. If you
12 look at the site plan, which is Slide No. 13 -- any of 13,
13 14, or 15 -- you would see we have limited left space for
14 landscaping in the front. There's still a good amount of
15 front yard before we get to the sidewalk which is the public
16 space. I go back to Alex's point that we can still work with
17 DDOT or request that they look for having trees placed in
18 public space, not on the sidewalk, but in that space between
19 our property line and the sidewalk.

20 BZA CHAIR HILL: But your plan, Mr. Ali, right
21 now, is no trees in the front. The landscaping plan is the
22 landscaping plan currently, correct?

23 MR. ALI: Correct. We're not proposing any trees
24 at this point.

25 BZA CHAIR HILL: Okay. Would you -- is there any

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1 way to do -- I'm just curious. I'm not asking you to do it.
2 Is there any way to do trees up there?

3 MR. ALI: If DDOT allows, yes.

4 BZA CHAIR HILL: No, I'm not talking about that.
5 I'm talking about on the private property. That's not
6 fitting within the landscape program currently, and it's not
7 something that you guys are considering doing. I'm just
8 being clear.

9 MR. ALI: Yes, our current site plan, we have
10 limited space in the front to provide any trees. We can't
11 -- we don't have space for trees in the front. It pretty
12 much consumes with the walkways leading up to the front porch
13 and the walkway leading down to the area way.

14 BZA CHAIR HILL: Okay. If there was a way to do
15 it with DDOT, you guys would be open to the discussion.

16 MR. ALI: Yes.

17 BZA CHAIR HILL: Okay. Does anybody have any
18 other questions?

19 Okay. Ms. Szymanski -- and I'm sorry if I'm not
20 pronouncing that correctly -- thank you very much for your
21 testimony. Mr. Young, if you could excuse the witness,
22 thank you. Do we have anything else that we want to do for
23 this case?

24 Because what I'm going to propose is taking a
25 lunch. I thought I was going to be able to do it all, but

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1 I don't think I can do it. I say we go ahead and figure out
2 what we're going to do with this, and then we'll call the
3 other ones and figure out how we're going to process those.
4 Ms. Wilson, is there anything else you'd like to add at the
5 end of here?

6 MS. WILSON: No thank you.

7 BZA CHAIR HILL: Commissioner, is there anything
8 else you'd like to add at the end here?

9 MR. WRAY: No, I'm good, thank you.

10 BZA CHAIR HILL: Commissioner, we get a lot of
11 activity from your ANC at times. I hope, overall, we are
12 thought of as a fair organization. I'm not interested in a
13 response. I'm just trying to share. I hope that we're
14 thought of as a fair organization. If not, that's what we're
15 trying to do. Just wanted to share that with you. That's
16 all.

17 MR. WRAY: We do think of you as being very fair.
18 You didn't ask me this question, but I really do like these
19 virtual meetings, by the way.

20 BZA CHAIR HILL: Okay, that's good.

21 ZC CHAIR HOOD: That was the right answer.

22 MR. WRAY: It makes this much easier for the ANCs
23 to attend. I'll at least say that.

24 BZA CHAIR HILL: I don't particularly disagree,
25 but it is -- I must say it's actually difficult for me,

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1 personally. Not everybody's in the same place, so it's very
2 difficult to understand what's going on, but noted. For the
3 record, also, I've been trying to figure out a way to combine
4 it in some fashion if and when we're ever back to normal.
5 I'm going to go ahead and close the hearing. Is the Board
6 ready to deliberate on this case?

7 I see everybody's fine. I can go ahead and start.
8 I actually -- I'm comfortable with the project. I think that
9 they're meeting the criteria. I do believe that they're
10 meeting the criteria for us to grant the relief requested.
11 I actually also don't have an issue with the waiver from the
12 architectural element. I was most, in this particular case,
13 concerned with the vacant lot. I had some curiosity about
14 the vacant lot.

15 I am very thankful that the Commissioner has been
16 here to provide testimony and input from the community, as
17 well as had an opportunity even to hear from a community
18 witness.

19 I'm glad to hear that what the property owner is
20 planning on doing is, again, having the private trash pickup
21 from the rear, which I think is what they have to do anyway
22 -- not have to do, meaning it doesn't work for their program,
23 the they're selling or going to be developing this property
24 for it to now come up front. I'm comfortable with the
25 application, and I'm going to be voting to support. Chairman

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1 Hood, may I ask your input?

2 ZC CHAIR HOOD: I just want to make sure, Mr.
3 Chairman. We're talking about 753, correct?

4 Okay. I would agree with your assessment. I
5 think the Office of Planning's report, DDOT report all are
6 favorable, along with the ANC. I think this has been very
7 well vetted. The neighbor across the street, I do want to
8 mention -- I understand that DDOT has said that the tree
9 preservation is no longer good, but I'm glad to hear the
10 Applicant's commitment to addressing the neighbor's concern
11 about the trees. I would really enthusiastically ask that
12 they push to try to satisfy that because at the end of the
13 day, that neighbor across the street is going to have to
14 endure whatever development goes on.

15 I think it meets all the tests. This particular
16 property, 753, meets the tests for us for our approval.
17 Those are my comments. I'll be voting to support. Thank
18 you, Mr. Chairman.

19 BZA CHAIR HILL: Mr. Smith.

20 MEMBER SMITH: I believe that the OP report is
21 very thorough. I believe that Applicant has sufficiently met
22 the test for this particular property for us to be able to
23 grant the relief. I would note that the design of the
24 proposed building is in character with the surrounding
25 neighborhood, so I do appreciate the developer putting the

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1 designs of the building, at least the front facades, into
2 context with the surrounding neighborhood.

3 I will also ask that the Applicant continue to
4 work with the property owner across the street to address
5 some concerns about the removal of their tree with DDOT to
6 see what we can do or potentially planting some form of trees
7 on the private property in the front yards of these proposed
8 structures. With that, I would support this request.

9 BZA CHAIR HILL: Thank you. Vice Chair John.
10 You're on mute, Vice Chair.

11 VICE CHAIRPERSON JOHN: I support the request and
12 echo the comments of my colleagues so far. I typically don't
13 like these very long extensions into the rear yard, but this
14 (audio interference). It's a very long lot, and the
15 remaining rear yard is 42 feet, even after the addition. I
16 am in support of this application. I'm fine with the request
17 to talk with DDOT to see if any suitable trees can be
18 planted. Yes, I support the application.

19 BZA CHAIR HILL: Okay, great. I'm going to make
20 a motion to approve Application No. 20270, as captioned and
21 read by the secretary, including the architectural element
22 waiver, and ask for a second, Ms. John.

23 VICE CHAIRPERSON JOHN: Second.

24 BZA CHAIR HILL: The motion having been made and
25 seconded, Mr. Moy, if you could please take a roll call.

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1 MR. MOY: Thank you, Mr. Chairman. When I call
2 your names, if you would please respond with a yes, no, or
3 abstain to the motion made by Chairman Hill to approve the
4 application for the relief requested, as he stated in his
5 motion, including waiver of the architectural, yeah.
6 Seconding the motion is Vice Chair -- and it was seconded by
7 Vice Chair John. Zoning Commission Chair Anthony Hood.

8 ZC CHAIR HOOD: Yes, I support the motion.

9 MR. MOY: Mr. Smith.

10 MEMBER SMITH: Yes to approve.

11 MR. MOY: Vice Chair John.

12 VICE CHAIRPERSON JOHN: Yes.

13 MR. MOY: Chairman Hill.

14 BZA CHAIR HILL: Yes to approve.

15 MR. MOY: Staff would record the vote as 4-0-1.
16 This is on the motion of Chairman Hill to approve the
17 application, seconded by Vice Chair John, also in support Mr.
18 Smith and Zoning Commission Chair Anthony Hood. We have a
19 Board seat vacant, but the motion carries 4-0-1.

20 BZA CHAIR HILL: Okay, great. Thank you. Mr.
21 Commissioner, are you going to be staying with us?

22 MR. WRAY: I am definitely going to pop out for
23 lunch. Actually, I'm probably not going to be able to stay,
24 sorry.

25 BZA CHAIR HILL: All right. It was a pleasure

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1 seeing you, and we do have your report.

2 MR. WRAY: Thank you.

3 BZA CHAIR HILL: Thank you. All right, everyone,
4 we're going to take lunch. Let's try to shoot for -- I have
5 to go get lunch, so let's try to shoot for 1:50, okay? Just
6 try around that. Okay, thank you all very much.

7 (Whereupon, the above-entitled matter went off the
8 record at 1:06 p.m. and resumed at 2:02 p.m.)

9 MR. MOY: Thank you, Mr. Chairman. The Board is
10 back in session. The time is at or about 2:00 p.m. The next
11 case before the Board is Application No. 20271 of 755
12 Columbia Road NW, LLC.

13 This is a request for a special exception under
14 the RF use requirements, Subtitle U, Section 320.2, including
15 waivers of the rear addition requirement of Subtitle U,
16 Section 320.2(e) and the rooftop architectural element
17 requirement of Subtitle U, Section 320.2(h).

18 This would construct a third-story addition and
19 a three-story rear addition and convert the principal
20 dwelling unit into a three-unit apartment house, RF-1 zone,
21 at premises 755 Columbia Road, Northwest, Square 2890, Lot
22 116. Again, there is a motion to waive the filing deadline,
23 so the Applicant can file their affidavit of posting, which
24 is under Exhibit 34.

25 BZA CHAIR HILL: Okay, great, thank you. Ms.

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1 Wilson, could you introduce yourself for the record, please?

2 MS. WILSON: My name is Alex Wilson, from Sullivan
3 and Barros. I'm here on behalf of the Applicant.

4 BZA CHAIR HILL: Okay. Could you introduce your
5 team, Ms. Wilson?

6 MS. WILSON: I'm here with Ramy Ali, the project
7 architect, and Sunil Saxena, a representative for the owner
8 of the property, although I don't see him.

9 BZA CHAIR HILL: Just so the Board knows, I have
10 a hard stop at 3:30, so I'm going to try to be efficient.
11 Let's see. Ms. Wilson, you've gone ahead and given us some
12 arguments for, actually it was Application No. 20271. Oh,
13 no, I'm sorry, 20270 was the one that you had already spoken
14 about.

15 In terms of the waiver, I believe you had
16 mentioned, in terms of the posting, that you tried to get it
17 on Friday, but there was a technical issue. I don't have any
18 issues with the waiver regarding the posting, unless the
19 Board has any. If so, please raise your hand. I do not see
20 anything, so we're going to go ahead and allow that waiver,
21 as well as the posting into the record.

22 If you could just -- I would like to say that for
23 the record, if there are people that want to find out a
24 little bit -- these are connecting projects. If they want
25 to go back and review 20270, I'm going to be having a little

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1 bit more of a higher-level ask from the attorneys, in terms
2 of their description of the case.

3 Ms. Wilson, if you could, again, kind of at a
4 higher level, go over some of the key points, including the
5 waiver that you're requesting for the rooftop architectural
6 element, and please begin.

7 MS. WILSON: Sure. This project is similar to the
8 one presented earlier. I would reference, for the record and
9 for the public, that testimony and presentation in 20270.
10 For this particular project, it's in between 753 and 757.
11 We are requesting two waivers, one from the ten-foot rule and
12 one from the provision pivoting architectural elements
13 original to the building from being altered.

14 Regarding the ten-foot rule, under the existing
15 conditions, the proposed addition extends 42 feet and 6
16 inches past 753 Columbia and 52 feet and 6 inches past 757
17 Columbia. As we referenced earlier, the projects are ideally
18 being developed together.

19 If the project at 753 Columbia is approved, which
20 it just was, the rear walls will be in line, so this
21 technically will not extend past the approved addition at
22 753. If 757 is approved, the proposed addition will only
23 extend 22 and a half feet past that addition, which is only
24 12 and a half feet more than would be permitted by right.

25 Regarding the architectural elements request, we

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1 are requesting a waiver in order to replace the porch roofs.
2 That's the extent. I would just incorporate the presentation
3 we made in the previous case. I think we were fairly
4 detailed, but we're happy to answer any questions.

5 BZA CHAIR HILL: Okay, thanks, Ms. Wilson. I know
6 there was a lot of discussions and questions from -- again,
7 referencing back to 20270. Does the Board have any
8 additional questions concerning this case?

9 All right. I'm going to turn to the Office of
10 Planning.

11 MS. ELLIOTT: Good afternoon, Mr. Chairman,
12 members of the Board. I'm Brandice Elliott, representing the
13 Office of Planning for BZA Case 20271, at 755 Columbia Road.
14 Then just to describe where that is in relationship to the
15 other two BZA cases, this one is in the middle. One of the
16 cases has already been heard is to the east, and then the
17 case that follows this will be to the west.

18 The Office of Planning is recommending approval
19 of the special exception relief that's been requested for the
20 conversion of the residential building. We are also
21 recommending approval of the waivers that have been requested
22 for the rear yard addition, and then also the rooftop
23 architectural element for the front porch. I'll leave it at
24 that, but I'm happy to answer any questions.

25 BZA CHAIR HILL: Does the Board have any questions

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1 for the Office of Planning?

2 No? Does the Applicant have any questions for the
3 Office of Planning?

4 MS. WILSON: No.

5 BZA CHAIR HILL: Mr. Young, is there anyone here
6 wishing to testify?

7 MR. YOUNG: We do not.

8 BZA CHAIR HILL: Okay. If that's the case, then
9 Ms. Wilson, do you have anything to add at the end?

10 MS. WILSON: No.

11 BZA CHAIR HILL: Okay. Then I'm going to close
12 the hearing. I guess the Board is ready to deliberate, as
13 we deliberated on the last one. I can go ahead and begin.
14 I thought that this one was the easier of the three, in that
15 this is in the middle, in between the two property owner's
16 properties.

17 I think that they are meeting the requirements for
18 us to grant the relief requested. I think they're matching,
19 again, the wall on one side of the property, and on the other
20 side of the property, they're not going back as far. I
21 should say that property's not going to go back as far if it
22 is approved. I don't know if it's approved yet or not.

23 I'm comfortable moving forward with this
24 application, as well as the architectural elements that we
25 have kind of talked about, as well. I would again, also,

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1 refer the public back to any additional testimony that I or
2 some of my Board members might have given on Application No.
3 20270, which just happened. Turning that over, I will turn
4 over to Chairman Hood for your comments.

5 ZC CHAIR HOOD: Mr. Chairman, I would just agree.
6 I think the record is complete, and I would also incorporate
7 my -- since all these are pretty similar, incorporate my same
8 comments from the previous case, 20271 -- I mean 20270 to
9 20271. I will be approving this case as the necessary
10 approvals.

11 BZA CHAIR HILL: Mr. Smith.

12 MEMBER SMITH: I second Mr. Chairman and Chairman
13 Hood's comments regarding this particular property. Like you
14 stated, Mr. Chairman, this is the easier of the two. It is
15 not the end unit; it's the middle unit. The proposed design,
16 I believe, is in keeping with the character of the
17 surrounding neighborhood.

18 There was consideration given by the property
19 owner to the adjacent property to the left and setting that
20 particular property in. I have no concerns, and I would
21 reiterate my same points from the previous case that we just
22 approved for this case. Again, I second my colleagues. I
23 would support this one.

24 BZA CHAIR HILL: Ms. John. You're on mute, Ms.
25 John.

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1 VICE CHAIRPERSON JOHN: Hi. I incorporate
2 everything that I said in the previous case with respect to
3 753 Columbia Road, Northwest. That's Application No. 20270.
4 I believe that OP's analysis in this case is also quite
5 thorough, and I support the application.

6 BZA CHAIR HILL: Okay, thank you. I'll also
7 mention, for the record, that the ANC is in support, as well
8 as DDOT, as well as the Office of Planning. With that, I'll
9 go ahead and make a motion to approve Application No. 20271
10 as captioned and read by the secretary and ask for a second,
11 Ms. John.

12 VICE CHAIRPERSON JOHN: Second.

13 BZA CHAIR HILL: Motion made and seconded. Mr.
14 Moy, if you could please take a roll call vote.

15 MR. MOY: -- abstain to the motion made by
16 Chairman Hill to approve the application for the relief
17 requested. The motion was seconded by Vice Chair John.
18 Zoning Commission Chair Anthony Hood.

19 ZC CHAIR HOOD: Yes, I approve the motion.

20 MR. MOY: Mr. Smith.

21 MEMBER SMITH: Yes to approve.

22 MR. MOY: Vice Chair John.

23 VICE CHAIRPERSON JOHN: Yes to approve.

24 MR. MOY: Chairman Hill.

25 BZA CHAIR HILL: Yes to approve.

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1 MR. MOY: Staff record the vote as 4-0-1. This
2 is on the motion of Chairman Hill to approve, seconded by
3 Vice Chair John, also in support Mr. Smith and Zoning
4 Commission Chair Anthony Hood. We have no other -- we have
5 a vacant seat. Motion passes on a vote of 4-0-1.

6 BZA CHAIR HILL: Okay, great, thank you, Mr. Moy.
7 All right, thank you all very much. Mr. Moy, you can call
8 the last one for this group when you get an opportunity.

9 APPLICATION NO. 20272 OF 757 COLUMBIA ROAD NW, LLC

10 MR. MOY: Thank you. That will be Application No.
11 20272 of 757 Columbia Road NW, LLC. This is a request for
12 special exception under the RF use requirements, Subtitle U,
13 Section 320.2, including waivers of the rear addition
14 requirements, Subtitle U, Section 320.2(e), and the rooftop
15 architectural element requirements, Subtitle U, Section
16 320.2(h), to construct a third-story addition and a
17 three-story rear addition and convert the principal dwelling
18 unit into a three-unit apartment house, RF-1 zone, at
19 premises 757 Columbia Road, Northwest, Square 2890, Lot 101.

20 Again, also, the Applicant filed a motion to waive
21 the filing deadline for them to be able to submit the
22 affidavit of posting, which is under Exhibit 31.

23 BZA CHAIR HILL: Okay, great. Ms. Wilson, could
24 you please introduce yourself and your team for the record?

25 MS. WILSON: Yes, thank you. My name is Alexandra

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1 Wilson from Sullivan and Barros, on behalf of the Applicant.
2 I am here with Sunil Saxena, a representative of the owner,
3 and Ramy Ali, the project architect.

4 BZA CHAIR HILL: Okay, great, thank you. Let's
5 see. For the record, again, we went into -- we had a fairly
6 big presentation on Application 20270, and these are all
7 related. I would direct the public to 20270 if there is
8 further interest in these applications.

9 Ms. Wilson, as with the last application, which
10 was 20271, if you could speak at a pretty high level about
11 what you're trying to accomplish and how you're meeting the
12 regulations, and then in terms of the waiver, you had
13 mentioned in the previous two cases that, again, the posting
14 requirements have been met; it's just that there was some
15 technical issues on Friday, in terms of getting it on time,
16 so I'll go ahead and allow that affidavit of posting to be
17 admitted into the record, unless any of my Board members have
18 an issue with that.

19 I do not see you raising your hands, so I'm going
20 to assume not. Ms. Wilson, you can begin whenever you like
21 to speak to the project, as well as to the architectural
22 rooftop element. Thank you.

23 MS. WILSON: Thank you. We are also requesting
24 relief from U-320.2 for conversion to three units and two
25 waivers. I would like to incorporate the previous testimony

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1 and presentation from Case No. 20270 into this record. I can
2 speak to the specific waivers. Regarding the ten-foot rule,
3 755 Columbia was just approved, so now the 757 addition
4 extends 20 feet past 759, which is only ten more feet than
5 is permitted as a matter of right. The other waiver is from
6 the architectural element. We're prohibited from modifying
7 or removing any architectural elements originating to the
8 building. We're proposing to replace the porch roof and
9 thought it would be best to request a waiver from that
10 provision, in order to replace the roof. That's the extent
11 of the differences between the original presentation and the
12 specific property. It's the one next to 759, closest to the
13 middle of the block, the third one in. Thank you.

14 BZA CHAIR HILL: Does anybody have any questions
15 for the Applicant?

16 Just a quick one because I'm just kind of curious.
17 How come you guys didn't go all the way back and try to get
18 more?

19 MS. WILSON: It's my understanding to respect the
20 adjacent neighbor next door because now, how they are,
21 they're all tiered, so technically, 755 only goes 22 and a
22 half feet past this addition at 757, and 757 only goes 20
23 feet past 759. We thought it would be best to have a little
24 bit of a tier and a barrier, so it's not just three -- that
25 was part of the consideration. I'm sure there are design

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1 considerations, as well.

2 BZA CHAIR HILL: Mr. Ali.

3 MR. ALI: Yes, we just wanted to be -- we didn't
4 want to go beyond the 20 foot or the 10 foot or 12 foot,
5 beyond the by right permitted projection, so that's why we
6 have it that way. If went to flush 757 with the remaining,
7 then we felt that the special exception for a 30-foot
8 addition would be harder to achieve. That's why --

9 (Simultaneous speaking.)

10 BZA CHAIR HILL: That's what I was just trying to
11 understand. You guys went ten feet back, which you're
12 allowed to do by right. There was some consideration as to
13 how you got to that number based upon previous experiences
14 with the Board.

15 MR. ALI: Yes. We felt more comfortable going
16 after 10 foot or 15 foot max beyond what's permitted. We
17 haven't seen applications that have exceeded that limit. We
18 wanted to --

19 (Simultaneous speaking.)

20 BZA CHAIR HILL: Okay. I was just curious.
21 Anyone else now that I've opened up questions?

22 No? Okay. I'm going to turn to the Office of
23 Planning.

24 MR. KIRSCHENBAUM: Good afternoon, Chair Hill and
25 members of the Board of Zoning Adjustment, Jonathan

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1 Kirschenbaum with the Office of Planning for BZA Case 20272.
2 We recommend approval of the special exception relief from
3 the two related waivers and rest on the record. Please let
4 me know if you have any questions.

5 BZA CHAIR HILL: Does the Board have any questions
6 for the Office of Planning?

7 Does the Applicant have any questions for the
8 Office of Planning?

9 MS. WILSON: No, thank you.

10 BZA CHAIR HILL: Ms. Wilson, do you want to add
11 anything at the end?

12 MS. WILSON: No, thank you.

13 BZA CHAIR HILL: Okay, I'm going to go ahead and
14 close the record. Is the Board ready to deliberate? I can
15 go ahead and begin. Again, I'd like to incorporate my
16 comments from deliberations from 20270, as well as 20271.
17 I do believe that they, the Applicant, has met the criteria
18 for me to feel comfortable granting this application.

19 I also am comfortable with granting the waiver for
20 the rooftop architectural element. I agree with the analysis
21 provided by the Office of Planning, as well as that of the
22 support of the ANC and DDOT. I'm going to go around the
23 table, please, and start with you, Chairman Hood.

24 ZC CHAIR HOOD: Come back to me. Oh, I'm sorry.
25 I appreciate the Applicant. I would incorporate the other

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1 two cases in this one, as well. I think the record is
2 complete. But I appreciate Mr. Ali, when he mentioned how
3 they look at really pushing the envelope, especially when he
4 asked for (audio interference). As you know, I'm not
5 favorable of going beyond that, but I have to be considerate.
6 Also, I have to compromise, as well. I appreciate the way
7 that -- I understand now how applicants are looking at that,
8 so I appreciate his honesty, and I will be voting in support
9 of this.

10 BZA CHAIR HILL: Okay. Chairman Hood, I heard
11 everything you said. Just to let you know, you're kind of
12 choppy, your video, just for, kind of a few things there.

13 ZC CHAIR HOOD: I'm going to log off and log back
14 on (audio interference).

15 BZA CHAIR HILL: Mr. Smith.

16 MEMBER SMITH: Yes, Mr. Chairman, I would like to
17 thank the Applicant for being conservative with the size of
18 the proposed addition that they're proposing on this
19 particular property and taking into consideration the
20 neighboring property to the west, so that the proposed
21 addition or their proposed construction, in its totality,
22 does not overwhelm that row house to the west. I would like
23 to incorporate my other comments from the previous two
24 applications that we approved for 755 and 753 Columbia Road,
25 and I would support these requests.

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1 BZA CHAIR HILL: Thank you. Vice Chair John. Ms.
2 John, you're -- oh.

3 VICE CHAIRPERSON JOHN: I'm in support of this
4 application, also, for the reasons I stated in reference to
5 the other two applications. I agree with Mr. Smith that
6 ordinarily, I do not like these very long additions, but I
7 appreciate that the Applicant in this case reduced it to --
8 by ten feet, just ten feet more than the by-right. I thought
9 that was a good thing to do. Frankly, had it been 42 feet
10 long, I might have been less inclined to support the
11 application, so that makes it easier for me, and so, I can
12 support this application.

13 BZA CHAIR HILL: Okay, thank you, Ms. John. I'm
14 going to wait a minute here. I think Chairman Hood is trying
15 to get back in. I see him there. I think; we'll see.

16 ZC CHAIR HOOD: My computer must be getting tired.
17 Thank you. I'm back, Mr. Chairman, for the moment.

18 BZA CHAIR HILL: All right. I'm going to go ahead
19 and make a motion to approve Application No. 20272, as
20 captioned and read by the secretary, and ask for a second,
21 Ms. John.

22 VICE CHAIRPERSON JOHN: Second.

23 BZA CHAIR HILL: Motion made and seconded. Mr.
24 Moy, if you could please take a roll call vote.

25 MR. MOY: Yes, thank you, Mr. Chairman. When I

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1 call your name, if you will please respond with a yes, no,
2 or abstain to the motion made by Chairman Hill to approve the
3 application, seconded by Ms. John. Zoning Commission Chair
4 Anthony Hood.

5 ZC CHAIR HOOD: Yes to approve the motion.

6 MR. MOY: Mr. Smith.

7 MEMBER SMITH: Yes to approve the motion.

8 MR. MOY: Vice Chair John.

9 VICE CHAIRPERSON JOHN: Yes to approve.

10 MR. MOY: Chairman Hill.

11 BZA CHAIR HILL: Yes to approve.

12 MR. MOY: Staff would record the vote as 4-0-1.

13 This is on the motion of Chairman Hill to approve the
14 application for the relief requested, seconded by Vice Chair
15 John, also in support, Mr. Smith and Zoning Commission Chair
16 Anthony Hood. We have a Board seat vacant. Motion passes
17 4-0-1.

18 BZA CHAIR HILL: Okay, great, thank you, Mr. Moy.
19 Thank you all very much.

20 MS. WILSON: Thank you so much.

21 BZA CHAIR HILL: Mr. Young, if you could let in
22 the people for our next case. Ms. John, I don't mean to put
23 you on the spot on this one. I didn't realize what's going
24 to -- we'll see what happens. I do have to take something
25 at 3:30, but I think we should be able to make it. If I miss

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1 the very end, then perhaps you can take over for me, and then
2 I can, depending on what the Board wants to do, review the
3 record and chime in next week.

4 VICE CHAIRPERSON JOHN: Sure, Mr. Chairman.

5 BZA CHAIR HILL: Thank you very much. Mr. Moy,
6 if you could please read in our next case.

7 APPLICATION NO. 20274 OF MQMF 1313 L STREET LLC

8 MR. MOY: Yes, thank you, Mr. Chairman. (Audio
9 interference.) Okay, better. This would be Application No.
10 20274 of MQMF 1313 L Street LLC, as amended, for special
11 exception under Subtitle I, Section 205.5, from the rear yard
12 requirements, Subtitle I, Section 205, to redevelop an
13 existing office building and convert it into a ten-story
14 residential building, D-4-R zone, at premises 1313 L Street,
15 Northwest, Square 247, Lot 94.

16 BZA CHAIR HILL: All right. Who is the attorney,
17 or who's going to lead us, if you want to raise your hand?
18 Okay, Mr. Ferris. Mr. Ferris, if you could please introduce
19 yourself for the record.

20 MR. FERRIS: Yes, Lawrence Ferris from the law
21 firm of Goulston & Storrs here for the Applicant.

22 BZA CHAIR HILL: Okay. Mr. Ferris, could you
23 introduce your team, just for efficiency's sake?

24 MR. FERRIS: Yes. With me today is my colleague,
25 Allison Prince, as well as Duncan Slidell from Lincoln

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1 Property Group, as well as Jeff Lockwood from Hickok Cole,
2 the designer.

3 BZA CHAIR HILL: Okay. Mr. Ferris, I don't know
4 if you heard or not. I'm trying to be a little bit efficient
5 about this, but we'll see how that goes. If you could go
6 ahead and walk us through your presentation. In particular,
7 if you could specify a little bit about how the requested
8 special exception, which is a reduction in rear yard
9 requirements, is in harmony with the zoning regulations and
10 maps.

11 You seem to kind of just talk about how the
12 overall project satisfies the criteria, if you could specify
13 a little bit about the rear yard requirements while you're
14 going through it. I'm going to put 15 minutes on the clock,
15 and you can begin whenever you like.

16 MR. FERRIS: Certainly. Again, we're here today
17 for the property located at 1313 L Street, Northwest. The
18 site is located downtown, one block north of Franklin Square
19 and one block south of Massachusetts Avenue. The property
20 is zoned D-4-R, which encourages residential development.

21 The project is going to convert the property from
22 the existing commercial office use to a residential building
23 with 222 units. The project will be utilizing some of the
24 foundation structural components of the existing building,
25 which will minimize disruptions to the neighbors.

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1 The project will be extending the building
2 footprint slightly to bring the front façade to the property
3 line along L Street. As you noted, our application requests
4 special exception approval pursuant to Subtitle I, Section
5 205.1 for the project's rear yard. The regulations require
6 a rear yard of approximately 22 feet 8 and a half inches
7 here, based on the building height. The existing building
8 provides a rear yard of 18 feet 6 inches, which is measured
9 to the center line of the rear alley, which is 30 feet wide.
10 The project is going to move the rear building wall three and
11 a half feet back to provide a rear yard of 15 feet.

12 As our architect, Jeff Lockwood, will discuss in
13 a moment, this slight adjustment -- even after that slight
14 adjustment, the project will still be over 75 feet from the
15 residential units to the north, so there won't be any impacts
16 to the neighbors. In addition, there won't be any changes
17 or impacts to the loading service or parking access for the
18 property.

19 We would note that the Applicant is no longer
20 seeking relief for the minimum court width for the small
21 façade recess proposal on the front corner of the building.
22 We submitted a letter formally withdrawing that request,
23 which is Exhibit 38 of the record, along with revised
24 self-certification at 38B of the record.

25 We consulted with OAG and the zoning administrator

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1 about this. The ZA confirmed that the façade recess would
2 be considered a court and niche under the regulations, so
3 would not be subject to minimum width requirements. We
4 request a waiver pursuant to Section Y-101.9 from the filing
5 requirements of Section Y-300.15, in order to admit our
6 withdrawal letter and the attachments into the record past
7 the filing deadline. Again, with me today, my colleague,
8 Allison Prince, Duncan Slidell of Lincoln Property, who will
9 give you a short background on the project, and then our
10 architect, Mr. Lockwood of Hickok Cole, who will walk through
11 the project design.

12 Mr. Lockwood has presented to the Board previously
13 and been designated as an expert, so he should be in the
14 Board's book. Before we dive into the presentation, I would
15 note that we have reports in support from the Office of
16 Planning, at Exhibit 36, and from DDOT, Exhibit 16. We have
17 also presented the project to ANC 2F back in May, and they
18 voted to support the project, as well, and the requested
19 relief.

20 Their report is at Exhibit 18 of the record. The
21 Applicant has also discussed the project with the surrounding
22 property owners, and no one has raised any objections. I
23 would note there's a letter in support from NYU, the adjacent
24 property owner to the east, which is at Exhibit 17 of the
25 case record. With that, I would go ahead and pass it over

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1 to Mr. Slidell from Lincoln Property Group.

2 BZA CHAIR HILL: Mr. Ferris, I'm sorry. There was
3 a request to untimely filing. I missed that. Maybe I
4 misheard you.

5 MR. FERRIS: Yes, we're requesting a waiver from
6 timely filing for our withdrawal letter that is withdrawing
7 our court relief.

8 BZA CHAIR HILL: Okay. I don't have any issue
9 with that. If the Board does, please raise your hands.
10 Okay, we'll go ahead and allow that into the record. All
11 right, Ms. Prince.

12 MR. FERRIS: I think we're going to pass it over
13 to Duncan Slidell, at this point.

14 BZA CHAIR HILL: Okay, I'm sorry. I didn't --
15 sure.

16 MR. FERRIS: No worries.

17 MR. SLIDELL: Sure everybody can hear me?

18 PARTICIPANT: Total echo. I'm going to try and
19 do it this way; hang on. Is this better? No.

20 BZA CHAIR HILL: That's better.

21 MR. SLIDELL: Okay, I just took my phone off.
22 That's good. I thank you for your time today. I'll be
23 brief. Good afternoon. I'm Duncan Slidell from Lincoln
24 Property Company. There's two more colleagues on the phone,
25 just want to make sure you see their names.

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1 Mark Kirchmeyer is my partner, Tom Martinson, who
2 runs development for us, and John Conrad, who's the head of
3 construction. We can answer any questions at the end if you
4 have them. To be really brief, just a little background
5 here. We purchased the building in February of 2020, right
6 before the pandemic. We purchased it from a non-profit
7 called NAEYC. Our intent is to hold on to the building a
8 little bit longer and repurpose it for residential (audio
9 interference) as identified in this application. It will be
10 about 222 units, average square foot about 585 square feet.

11 We were faced with a choice of either tearing the
12 entire building down and rebuilding it, which would have
13 gained us another level of residential, or keeping it intact
14 and trying to use and preserve some of the existing
15 structure. We chose the latter scenario, mainly for
16 efficiency. The garage was intact.

17 It was in really good shape, so we're able to
18 structurally support everything above it. The plan, just so
19 everyone's clear, is to tear it down to the second building
20 level, and then build residential directly above that. As
21 Lawrence Ferris mentioned, it's going to be a little bit
22 easier, from a construction standpoint, for neighbors.

23 I think it's going to be a more green option, as
24 well. We're very pleased that we're able to figure out how
25 to do that with an existing building. Just briefly mention

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1 that -- to reiterate, we spoke to our neighbors at NYU. They
2 have supported our project the whole way. We got with the
3 ANC and we have their support, as well, spoken to Drawbridge
4 from the CoStar Group Building next door. We reached out to
5 all of our other neighbors. That's all we have right now.
6 I'm happy to answer any questions at the end, but I want to
7 be efficient with everyone's time. Thank you, before I turn
8 it over to Jeff Lockwood of Hickok Cole.

9 MR. LOCKWOOD: Hi, everyone. This is Jeff
10 Lockwood. I'm with Hickok Cole Architects. Mr. Young, if
11 I could have the presentation pulled up. I'm going to just
12 quickly run through the presentation here. This is the
13 package that we submitted previously. On the cover here is
14 a rendering of this.

15 The next page, A2, is a vicinity map. The site,
16 as we sort of mentioned before, is on L Street, at 1313 L
17 Street. It is mid-block, between 14th and 13th Streets. The
18 NYU D.C. Building is directly to our east. Then the CoStar
19 Building is across a 15 foot alley directly to our west, and
20 Massachusetts Ave is running well to our north there.

21 Next slide, please. Again, the project is 222
22 dwelling units. It's all residential over parking. Really,
23 the purpose that we're here today is to talk about the
24 special exception and basically a reduction of the rear yard
25 that we're providing. The current building, as it's built

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1 today, is the north, or this could be screen left. The face
2 of the building is three foot six inches off of the property
3 line. In our new construction, we're proposing to build the
4 building all the way to the property line face. Using the
5 building measuring point at the rear yard, the required
6 amount of rear yard, based on the height, would be 22 feet
7 8 and a half inches. We're moving, again, the building to
8 the property line, so we'd be providing 15 feet, which would
9 be measured from the face of the building to the center line
10 of the alley.

11 Basically, we're asking, then, for a variance of
12 seven feet eight and a half inches different than what's
13 provided. If I can have the next slide, please. This is
14 just sort of a quick look around. The site is largely
15 surrounded with existing alleys. Again, there's an existing
16 15-foot alley to our west, between us and the CoStar
17 Building.

18 There's a 30-foot alley that is to our north, and
19 also to our east, behind the services, the corner building,
20 and the NYU campus building next to us. You can also see
21 here that our building -- our proposed building is a minimum
22 of 75 feet away from the 1312 Massachusetts residential
23 building, which is directly to our north, and as much as 100
24 feet away because that façade is at an angle to us.

25 On the right, you can just see a few images of the

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1 various alleys as they exist currently. We wanted to point
2 out, as well, that the move of the building face to the
3 property line does not change or really impede on any of the
4 functioning of the current alley as it functions today. Our
5 loading and parking garage entry are staying basically where
6 they are today, so the garage entry is off of the western
7 alley, at the rear, and our loading would be off of the north
8 alley. If I can get the next slide, please. Just a quick
9 few images of the NAEYC Building as it stands today.

10 Next slide, please. This is a view of our
11 neighbors, so the NYU D.C. Building to our east, and then you
12 can see the CoStar Building to our west in the right two
13 images. Next slide, please. Again, as Duncan mentioned, one
14 of the unique features of our project is that we're
15 converting an existing office building to residential, and
16 we're keeping a portion of the existing building.

17 Those areas are shown in blue on these diagrams.
18 Again, the two parking levels and the first two floors of the
19 structure we're going to largely keep. We're going to cut
20 out the court that's in the middle that serves those units
21 for light and air.

22 Then we're sort of fleshing out, repurposing
23 around -- basically from the second level up, we're going to
24 build on top of that, up to the 110-foot building height.
25 Next slide, please. Again, this is just a quick overlay of

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1 the existing footprint of the building, in blue with our new
2 proposed construction. Next slide please. One more time,
3 just sort of a closer view of this section. Again, we're
4 keeping up to the second floor, then pouring a new transfer
5 slab and build it on top of that all the way up. Next slide,
6 please. These would be -- I'll just quickly run through the
7 floor plans. Again, there's basically two and a half floors
8 of parking that we're keeping.

9 There's 651 zoning parking spaces, and also eleven
10 spaces that exist in an existing vaulted condition that
11 extends for about eleven feet underneath the L Street
12 sidewalk on page right. Next slide, please. This is sort
13 of the mid-level parking level. Next slide, please. The top
14 level. Next slide.

15 Then this is what we're calling our garden level.
16 Basically, the existing building has a partially recessed or
17 partially submerged level that's below grade. You can see,
18 on the left, the property -- we're keeping and retaining the
19 existing garage entry and ramp to get you down to the parking
20 levels.

21 We've carved out a court that's in the middle of
22 the building, that faces the western alley. That will be an
23 amenity court for the units, also to provide light and air.
24 On this level, there's some amenity space that's adjacent to
25 the court. Next slide, please. This is the first level.

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1 We have the lobby that will be at grade. You step up a half
2 level to this level. You can see the loading berth and
3 service berth in the upper left corner. We have a
4 handicapped van space that's accessed, also, off the alley
5 in the upper left-hand corner there, and again, a view down
6 onto the court. Next slide, please. This is a typical floor
7 plan. There are 22 residential units per floor. It gives
8 us, combined with the units on the lower floors, 222 units.
9 Next slide, please.

10 This is the top level, the penthouse level. We
11 are proposing a highly amenitized building. You have amenity
12 area, a club room type, fitness and things like that in the
13 interior, with bathrooms serving that. Then there's a very
14 large area of amenity terrace that will include a grill area,
15 outdoor fitness, an interactive fountain element and other
16 lounge and seating areas. Next slide, please.

17 MR. FERRIS: I'm just going to jump in real quick.
18 I think at this point, maybe it makes more sense to open up
19 to the Board for questions, just to make sure we're making
20 the most efficient use of the Board's time.

21 MR. LOCKWOOD: Yes, that makes sense.

22 (Simultaneous speaking.)

23 MR. FERRIS: -- most of what is probably the most
24 relevant to the relief.

25 BZA CHAIR HILL: Thank you, Mr. Ferris. Does the

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1 Board have any questions for Mr. Lockwood? Ms. John, I'm
2 sorry, you're on mute.

3 VICE CHAIRPERSON JOHN: Okay. I wanted to go back
4 to the slide, I believe it was A8, to try to figure out which
5 building is the -- Lot 100. I think it's the building at the
6 corner. No, that wasn't it.

7 MR. LOCKWOOD: Maybe -- the community plan was on
8 A2.

9 (Simultaneous speaking.)

10 MR. LOCKWOOD: A4.

11 VICE CHAIRPERSON JOHN: That's a good one. Is the
12 New York University Building the one immediately to the left,
13 the small building, or is that the larger one to the left of
14 the screen?

15 MR. LOCKWOOD: The NYU building is directly to the
16 right of the red dotted square, which is our site. It's the
17 smaller, directly to the right or east.

18 VICE CHAIRPERSON JOHN: Okay.

19 MR. LOCKWOOD: Then there's an alley, and then the
20 large glass CoStar building is across the alley to the west.

21 VICE CHAIRPERSON JOHN: Okay, thank you for that
22 clarification.

23 MR. LOCKWOOD: Welcome.

24 ZC CHAIR HOOD: Mr. Chairman, I have a question.

25 BZA CHAIR HILL: Sure, go ahead.

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1 ZC CHAIR HOOD: In respect to Vice Chair Miller,
2 I'm noticing the Office of Planning report, it talked about
3 balconies. Can you explain where we are with that, or is
4 that off the table? What are we doing about these units
5 having balconies? Or, do you think it's possible?

6 MR. FERRIS: Jeff, why don't you -- we did take
7 a look at that, Chairman Hood. Mr. Lockwood, if you want to
8 walk through some of that information and the issues that we
9 have dealing with that.

10 MR. LOCKWOOD: Sure, yes. We definitely studied
11 balconies on this project. We found that really, the only
12 location that we could even consider balconies would be on
13 the L Street elevation. We didn't feel like having any kind
14 of balcony that would be in the courtyard, in the middle --
15 it would basically already obscure the light and air for
16 what's already at code level court.

17 Then we couldn't have any on any of the sides
18 facing the alleys. We did look at balconies, essentially,
19 on the L Street elevation. We did have some concerns about
20 mainly -- the units that are comprise the L Street elevation
21 are all studio units. We were concerned about placing
22 balconies in front of those units.

23 We felt like it wasn't an appropriate -- it was
24 going to block some of the light. There's already only so
25 much glass that we can give those small units. We were also

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1 really concerned about the second level's connectivity on
2 what is largely a commercial street of L Street. We really
3 felt like having a direct exterior space that looks out onto
4 L Street was not a very comfortable experience. We also were
5 thinking that there's quite a bit of substantial shared
6 amenity that's provided elsewhere in the building. We have
7 the court at the garden level, which is around 2,400 square
8 feet, plus the adjacent shared amenity area on that level.

9 The roof has about 5,000 square feet of interior
10 amenity space, and then another 8,000 or 9,000 square feet
11 of planted area, terrace area. We were really feeling that
12 the number of balconies and what they would get us is not --
13 it just didn't really feel comfortable on this particular
14 job, so we elected not to include them in the project.

15 ZC CHAIR HOOD: Okay. Thank you, Mr. Chairman.

16 BZA CHAIR HILL: All right. Does anyone else have
17 any questions at this moment?

18 Okay. I'm going to turn to the Office of
19 Planning.

20 MR. COCHRAN: Thank you, Mr. Chair, it's Steve
21 Cochran representing the Office of Planning for this case.
22 OP is recommending approval of that remaining special
23 exception request for the rear yard. We would note that with
24 respect to a question you asked earlier on the congruence
25 with the -- the harmony with the general purpose and intent

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1 of the regs in the map, to me, the point of a rear yard is
2 multiple. It's there to help provide for some light and air
3 for -- mostly for the buildings nearby. Same would be true
4 for privacy. In some instances, it provides for loading or
5 for a little bit of parking or for trash removal. Then, of
6 course, it's related to lot occupancy. This meets the lot
7 occupancy regulations, and everything else has been provided
8 for.

9 They already have the loading, parking, the trash
10 hauling within the existing building. Most of it's
11 underground. As you've seen from the distances to the other
12 buildings, there won't be any interference with any of their
13 light, air, or privacy. That's why we thought it was
14 consistent with the zoning regulations of the map.

15 We're disappointed that they chose not to do
16 balconies, but the balcony request really isn't related to
17 the rear yard request, so even if we wanted to be really
18 tough, we wouldn't be able to make it a condition of the
19 approval, so we're fine with their response. We do note that
20 they have an amenity space and recreation space on the roof.

21 BZA CHAIR HILL: Okay, thank you, Mr. Cochran.
22 Does the Board have any questions for the Office of Planning?

23 No? Does the Applicant have any questions for the
24 Office of Planning?

25 MR. COCHRAN: No questions, thank you.

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1 BZA CHAIR HILL: Mr. Young, is there anyone here
2 wishing to speak or testify in favor or opposition?

3 MR. YOUNG: We did have one person who was calling
4 in, but it looks like they have now dropped off.

5 BZA CHAIR HILL: Okay. Does the Board have any
6 final questions of the Applicant?

7 Okay. Mr. Ferris, anything at the end?

8 MR. FERRIS: No, thank you.

9 BZA CHAIR HILL: Okay, I'm going to close the
10 hearing. Is the Board ready to deliberate?

11 Okay. I'm going to go ahead and begin. I was
12 comfortable with the presentation that was given by the
13 Applicant in how they're meeting the standard for us to grant
14 the relief requested. I think it's an interesting project.
15 I think that it's something that they're trying to, again,
16 make use of as much of the building as they can.

17 It makes it a little bit more green, I suppose,
18 in that regard, than tearing the whole thing down. I was
19 comfortable with the rear yard relief that's being requested.
20 I will be voting in favor of the application. Chairman Hood,
21 may I have you go next?

22 ZC CHAIR HOOD: Mr. Chairman, I would just agree
23 with your assessment. I think the record is complete for the
24 relief requested.

25 BZA CHAIR HILL: All right. Mr. Smith.

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1 MEMBER SMITH: Thank you, Mr. Chairman. I agree
2 with my other colleagues. I think the only concern that I
3 had was how the property met the general special exception
4 parameters for was the property or the proposal in harmony
5 with the general purpose and intent of the zoning
6 regulations.

7 I believe, with clarity from Mr. Cochran that just
8 came on, I believe he provided that level of clarity in
9 explaining the reason or deconstructing the reasons why we
10 require rear yards.

11 I believe that the alley provides some measure of
12 the ability for the property owner to access the rear of the
13 building or -- because it's an existing building, loading
14 considerations are already factored in, considering that's
15 already designed. I'm comfortable with what was presented,
16 and I'm ready to support.

17 BZA CHAIR HILL: Ms. John.

18 MR. YOUNG: Mr. Chairman, if I could just
19 interrupt, I have the public witness who just was able to log
20 back in, if you wanted to hear his testimony.

21 BZA CHAIR HILL: Sure, hold on now. I'm going to
22 re-open the record. Again, since these are technical issues
23 that happen, and since we also keep the record open for 48
24 hours after this, this is not something that we haven't
25 thought of. Could you please introduce yourself?

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1 MR. COLAMECO: All right, can you hear me?

2 BZA CHAIR HILL: Yes.

3 MR. COLAMECO: Okay. My name is John Colameco,
4 and I own a business that fronts the alley, fronts your
5 western alley that you're speaking of.

6 BZA CHAIR HILL: Okay. Mr. Colameco, are you --
7 you're an owner of the property?

8 MR. COLAMECO: I'm an owner of the property and
9 the business, also, inside.

10 BZA CHAIR HILL: Okay, great. You'll have three
11 minutes, as a member of the public, to give your testimony.
12 You can begin whenever you like.

13 MR. COLAMECO: Thank you. I've been at this
14 location, 1335 Green Court, for almost 20 years. I'm really
15 welcoming residential. It's basically a bar/lounge. I'm
16 welcoming residential in the neighborhood.

17 But I do have concerns in the construction stage
18 as to -- especially now, with the outside only requirements
19 that the city has imposed upon us. I know it's only good for
20 another few months, but when I initially called in, I
21 understood that the developer's bumping out certain areas.
22 Is that at ground level, or is that above ground level? I'm
23 concerned about the alley and trucks coming in, debris going
24 out, hours of the day, and what the requirements are for the
25 Applicant to keep the area as clean as possible.

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1 BZA CHAIR HILL: Mr. Slidell, do you know the
2 property that he's speaking about?

3 MR. SLIDELL: I believe it's the Green Lantern
4 behind the building, John -- Mr. Colameco.

5 MR. COLAMECO: Right, it's the Green Lantern
6 behind the CoStar Building. That's correct.

7 MR. SLIDELL: Yes, that's good. I'm glad you
8 joined us. I think I gave my card to one of your colleagues
9 the other day to see if you had any questions, so I
10 appreciate you joining us.

11 MR. COLAMECO: Right. I'm sorry, are you one of
12 --

13 BZA CHAIR HILL: We just lost him, actually. We
14 just lost -- he's one of the owners, I believe.

15 MR. SLIDELL: Pardon me?

16 BZA CHAIR HILL: We just lost you for a moment.
17 To answer the question, it's not bumping out into the alley,
18 but there are concerns about, I guess, construction and the
19 use of the business. I guess perhaps you two can get in
20 touch with one another to discuss any kind of potential
21 issues during construction. Is that fair, Mr. Slidell?

22 MR. SLIDELL: Yes, that would be great. I'd be
23 happy to. John, I hope you have my card, and if you don't,
24 I can get it to you --

25 (Simultaneous speaking.)

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1 MR. COLAMECO: Yes, I'm not in the Washington
2 area. I'll give somebody my email, but if I can question
3 some things -- because the only thing I was thinking of is
4 the demo -- there's going to be a demo period. First of all,
5 when is this project expected to be underway? Projected?

6 BZA CHAIR HILL: Mr. -- I'm sorry, how did you say
7 your last name again?

8 MR. COLAMECO: Like Coca-Cola, Colameco.

9 BZA CHAIR HILL: Okay, Mr. Colameco, basically,
10 right now, what's going on is this is the public testimony
11 portion of the hearing. You're basically giving testimony
12 to the Board about whether you're in favor, whether you're
13 in opposition, and/or, I suppose, issues and concerns, which
14 you're now starting to bring up.

15 I guess I'd ask you to go ahead and, perhaps, make
16 your testimony. Then we can see what we might be able to do
17 about it after that. I was trying to kind of just see if you
18 were trying to get in touch with the property owner to try
19 to understand, but do you want to continue to tell us about
20 your concerns?

21 MR. COLAMECO: Yes, that's all I have. They're
22 pretty general concerns. It's how much debris? When is the
23 projected start date? Because we have an outdoor café in the
24 alley now with construction trucks going in. I assume
25 there'll be pretty large dumpsters going in and out, etc.

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1 BZA CHAIR HILL: I got you. Okay.

2 MR. COLAMECO: I don't have concerns after the
3 construction period. It's during the construction period,
4 as it affects our business.

5 BZA CHAIR HILL: Okay. Construction, that type
6 of conversation tends to be outside of our purview, the
7 Board's purview. However, I think that Mr. Slidell, I'm
8 sure, is going -- it seems as though he's trying to get in
9 touch with you.

10 Rather than information get shared in this public
11 way, I think that if you maybe could reach out to the Office
12 of Zoning and they can put you in touch with Mr. Slidell.
13 He seems to indicate that he's given someone in your
14 establishment a card. Have you received his information,
15 sir?

16 MR. COLAMECO: I have not.

17 BZA CHAIR HILL: Okay. Why don't you reach out
18 to the Office of Zoning? Do you know the Office of Zoning's
19 phone number?

20 MR. COLAMECO: No, I just called Mr. Reid
21 (phonetic), I think it was.

22 BZA CHAIR HILL: Okay. If you can call him -- Mr.
23 Moy, is that a good way? You can just nod. If you can call
24 Mr. Reid, he'll give you the information for Mr. Slidell, and
25 you two can get in touch with each other.

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1 MR. COLAMECO: Okay.

2 BZA CHAIR HILL: All right?

3 MR. COLAMECO: What's the name of the company I'm
4 calling?

5 MR. SLIDELL: Lincoln Property Company.

6 MR. COLAMECO: Understood, thank you.

7 BZA CHAIR HILL: But, sir, you're going to reach
8 out to Mr. Reid first, and he's going to try to get you in
9 contact directly with Mr. Slidell.

10 MR. COLAMECO: Understood.

11 BZA CHAIR HILL: All right, great. Thank you.

12 MR. COLAMECO: Thank you.

13 BZA CHAIR HILL: Okay, so I'm back to closing the
14 hearing. I have already given my deliberation. I believe,
15 Chairman Hood, you had done the same. Mr. Smith, I can't
16 recall whether we had finished with you or not.

17 MEMBER SMITH: Yes, I went before the gentleman
18 from the Green Lantern.

19 BZA CHAIR HILL: Okay. Ms. John.

20 VICE CHAIRPERSON JOHN: I have nothing more to add
21 to what everyone else has said. I can support this
22 application. Looking at it, the rear yard relief, in my
23 view, is not substantial. It is, in effect, three feet six
24 inches more, yes, than what is existing. I looked at it that
25 way. Where are we now, and how much more are they asking

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1 for? I appreciate Mr. Cochran's clarification of the purpose
2 of a rear yard. Based on the record, I can support this
3 application.

4 BZA CHAIR HILL: Okay, great, thank you. All
5 right, then I'm going to go ahead and make a motion to
6 approve Application No. 20274, as captioned and read by the
7 secretary, and ask for a second, Ms. John.

8 VICE CHAIRPERSON JOHN: Second.

9 BZA CHAIR HILL: The motion has been made and
10 seconded. Mr. Moy, if you could please take a roll call
11 vote.

12 MR. MOY: Thank you, Mr. Chairman. When I call
13 your name, if you would please respond with a yes, no, or
14 abstain on the motion made by Chairman Hill to approve the
15 application for the relief requested and seconded by Vice
16 Chair John. Zoning Commission Chair Anthony Hood.

17 ZC CHAIR HOOD: Yes to approve the motion.

18 MR. MOY: Mr. Smith.

19 MEMBER SMITH: Yes to approve.

20 MR. MOY: Vice Chair John.

21 VICE CHAIRPERSON JOHN: Yes.

22 MR. MOY: Chairman Hill.

23 BZA CHAIR HILL: Yes to approve.

24 MR. MOY: Staff would record the vote as 4-0-1.

25 This is on the motion of Chairman Hill to approve the

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1 application, seconded by Vice Chair John, also in support Mr.
2 Smith and Zoning Commission Chair Anthony Hood. We have a
3 Board seat vacant, but the motion carries 4-0-1.

4 BZA CHAIR HILL: Okay. Mr. Slidell.

5 MR. SLIDELL: Yes.

6 BZA CHAIR HILL: Are you from D.C.?

7 MR. SLIDELL: I'm from Annapolis.

8 BZA CHAIR HILL: Have you worked in D.C. a long
9 time?

10 MR. SLIDELL: Yes.

11 BZA CHAIR HILL: I'm not far from the building.
12 I had no idea that Green Lantern thing was there. That's
13 been there for 20 years. That's amazing.

14 MR. SLIDELL: That is --

15 (Simultaneous speaking.)

16 BZA CHAIR HILL: Whatever you can do, obviously,
17 that's pretty interesting. I mean like, no idea. So,
18 whatever you can do. Do your best.

19 MR. SLIDELL: Will do. Thank you. Thank you all
20 for your time today. I appreciate it.

21

22 BZA CHAIR HILL: All right, thank you very much.
23 See you guys later.

24 PARTICIPANT: Thank you.

25 BZA CHAIR HILL: All right, let's see. We've got

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1 our last one. Ms. John, you might get stuck with it. I'm
2 sorry. Because it's a half hour.

3 VICE CHAIRPERSON JOHN: That's fine, Mr. Chairman.
4 We'll --

5 (Simultaneous speaking.)

6 BZA CHAIR HILL: I'll get you pretty far.

7 VICE CHAIRPERSON JOHN: Okay, thank you.

8 BZA CHAIR HILL: All right, Mr. Moy, you can --
9 Paul, you can let them in, Mr. Young, and then -- yes, and
10 then, Mr. Moy, if you want to call the last case.

11 APPLICATION NO. 20263 OF GILBERT GARCIA

12 MR. MOY: Thank you, Mr. Chairman. The next and
13 final case on today's docket is Application No. 20263 of
14 Gilbert Garcia. This application is amended for a special
15 exception under Subtitle D, Section 5201, from the rear yard
16 requirements, Subtitle D, Section 306.2, and pursuant to 11
17 DCMR, Subtitle X, Chapter 10, for a variance from the lot
18 occupancy requirements of Subtitle D, Section 304.1, to
19 construct a two-story rear addition to an existing attached
20 principal dwelling unit, R-3 zone, at premises 206 Channing
21 Street, Northeast, Square 3553, Lot 40.

22 Again, with this application, the Applicant made
23 a motion to waive the filing deadline so that they could
24 submit their affidavit of posting, which is now under Exhibit
25 40.

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1 BZA CHAIR HILL: Okay, great. Is it Ms. Snouffer?

2 I'm sorry if I'm --

3 MS. SNOUFFER: Snouffer.

4 BZA CHAIR HILL: How do you say it?

5 MS. SNOUFFER: Snouffer.

6 BZA CHAIR HILL: Snouffer.

7 MS. SNOUFFER: Yes.

8 BZA CHAIR HILL: I assume you're going to be
9 presenting to us?

10 MS. SNOUFFER: Yes, I'm the architect on the
11 project.

12 BZA CHAIR HILL: Okay. In terms of the filing
13 deadline, was it posted properly?

14 MS. SNOUFFER: It was posted September 5th, and
15 it's been maintained. Just with a family illness, I wasn't
16 able to get the notary done in time.

17 BZA CHAIR HILL: Got it. Okay. I'm comfortable
18 waiving the deadline, unless the Board has an issue. Please
19 raise your hand if you do. I don't see anyone raising their
20 hand, so we'll go ahead and waive that and allow you into the
21 record. I'm going to let you go ahead and present. You're
22 not the property owner, then, correct? You're just the
23 architect.

24 MS. SNOUFFER: Yes, I'm the architect for the
25 property owner. I'm representing him today. Again, my name

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1 is Sarah Snouffer representing the owner at 206 Channing
2 Street, Northeast. We are applying for a special exception
3 to the rear yard requirement, as well as a variance from lot
4 occupancy requirement. We're asking to do a rear addition
5 that will align with the neighboring property's rear addition
6 in scale and size. In the '80s or '90s, there was a fire at
7 this property.

8 The back rear addition was destroyed, and the
9 homeowners, at the time, put up a two-story deck that was
10 non-compliant, both in zoning and structural requirements.
11 That took up the whole rear yard. We are proposing that --
12 we already removed it because it was so unsafe, but we're
13 proposing to come back in with the addition that meets the
14 original size that matches all of the other properties that
15 are along that alley.

16 Currently, this property's the only one on the
17 alley that does not have an addition. We're just asking to
18 be allowed to have that rear addition. I know that you're
19 running out of time, so I'll try to keep it brief.

20 BZA CHAIR HILL: No, no, no, Ms. -- you said
21 Snouffer?

22 MS. SNOUFFER: Snouffer.

23 BZA CHAIR HILL: Snouffer. Ms. Snouffer, please,
24 I think this might run longer than you think, so I'm just --
25 do you know how you need to argue the variance?

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1 MS. SNOUFFER: Currently, we are at 60 percent lot
2 occupancy, and we're asking for 74 percent lot occupancy.
3 That is why we are asking for a variance.

4 BZA CHAIR HILL: No, no, I understand, but do you
5 know how you need to make the argument that you're going to
6 meet the three prongs of the test in order for us to grant
7 the variance?

8 MS. SNOUFFER: I think so. It's part of the
9 burden of proof, correct, that we are not -- it wouldn't be
10 a factor to neighbors.

11 BZA CHAIR HILL: Okay, that's right. Ms.
12 Snouffer, I'm going to -- okay, I'm going to turn to the
13 Office of Planning. We'll come back to you, Ms. Snouffer.
14 Mr. Mordfin, can you tell us about the Office of Planning's
15 opinion?

16 MR. MORDFIN: Good afternoon. I'm Stephen Mordfin
17 with the Office of Planning. We do support this application,
18 the three areas of relief that are required for this. The
19 Applicant did revise the application requesting permission
20 to -- for the non-conforming structure, for modifying a
21 non-conforming structure, and also applying for a special
22 exception instead of a variance for the rear yard.

23 However, a variance for lot occupancy -- did I get
24 that wrong -- special exception for rear yard and the
25 variance for lot occupancy because it is about 70 percent.

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1 Therefore, they can't -- they're not entitled to do that by
2 special exception. But, we did find that this application
3 is in accordance with the three prongs. The exceptional
4 situation, we find that this is an unusual alley, where all
5 of the houses were built pretty much up to the rear lot line,
6 and they're all the same. Then over time, they were all
7 enclosed. This one is different because, as the Applicant
8 stated, there was a fire at some point in time.

9 The owner of the property at that time, instead
10 of rebuilding it just like all the other houses along the
11 alley, put in some decks, which have now -- because they were
12 structurally unsound, the Applicant has removed them and,
13 instead, wants to make this one like all of the others.

14 OP then finds that there is no detriment to the
15 public good because this will make the alley -- you kind of
16 get a street wall or an alley wall that is basically the same
17 for the entire block because all of the houses there have the
18 same enclosed rear porch, what were originally rear porches,
19 so we don't find that this would be a detriment to the public
20 good.

21 It will make this house consistent with the
22 others. We also don't find that there'd be a substantial
23 harm to the zoning regulations. It's proposed at 74 percent,
24 with the maximum being 60. It will be less than the 100
25 percent that was there prior to this with the deck that has

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1 since been removed by the Applicant, which we find is an
2 improvement over what was there before. For those reasons,
3 the Office of Planning supports the variance application
4 portion of this application.

5 BZA CHAIR HILL: Again, Mr. Mordfin, it's a small
6 property. It's a small lot. I see everything that the
7 Office of Planning is speaking to, in terms of how it should
8 match -- not match -- how it makes sense to go ahead and do
9 that. But again, can you just argue that first prong a
10 little bit for me?

11 MR. MORDFIN: Okay, the first prong, the
12 exceptional situation. In this case, we have a house that's
13 there now that's different from all the others. It's smaller
14 than all the others. Granted, the Applicant doesn't have to
15 build on to the house, but we find that it does result in an
16 unusual rear yard along this alley.

17 Is it a practical difficulty? It makes it
18 difficult for the Applicant to use that last piece of the
19 rear yard, which is walled in by the houses on either side,
20 creating kind of like an indentation as you move down along
21 the alley. Those are part of the reasons why we thought that
22 this is kind of an exceptional situation.

23 You don't have a rear yard that's typical of other
24 rear yards, where everything is more open. Nobody else
25 really has a rear yard, for the most part. They just have

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1 these enclosed -- I guess they were sleeping porches. You
2 just have those enclosed porches. So this does create an
3 unusual situation with that rear yard. Is it really a rear
4 yard? Yes, it is, but it's kind of stuck into an area that
5 just makes it less usable, I think, than a typical rear yard
6 would be that would be more open on the sides. So, that's
7 what we saw as the exceptional situation. We thought that
8 it resulted in a practical difficulty because of the way you
9 would end up using that.

10 BZA CHAIR HILL: You're saying, again, they can't
11 use their property, and that's the exceptional -- that's the
12 practical difficulty. I kind of am getting now where you're
13 getting the exceptional situation. I understand, now, your
14 argument. Does anyone have any questions for the Office of
15 Planning?

16 VICE CHAIRPERSON JOHN: Mr. Mordfin, there is --
17 in the photograph section, Exhibit 5, Slide 5. I think
18 that's the representation, to the right, of how the project
19 -- how the site looks. Maybe Ms. Snouffer can chime in.
20 Basically, what you're saying is that without the deck and
21 the addition going all the way to the property line, the
22 Applicant would not have the use of that space. Am I
23 understanding correctly?

24 (Audio interference.)

25 VICE CHAIRPERSON JOHN: Some of the pictures do

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1 show all of the houses at the rear being built to the
2 property line. This photograph seems to suggest that if this
3 didn't also build to the property line, there would be dead
4 space. Is that what the Applicant is arguing, or is that why
5 you think it's an exceptional condition?

6 MR. MORDFIN: I'm sorry; are you asking the
7 Applicant, or are you asking me?

8 VICE CHAIRPERSON JOHN: You could answer, since
9 you thought this would be an exceptional condition.

10 MR. MORDFIN: I think it creates an unusual space
11 there. I think it can be used for something, but I think it
12 creates an unusual space, which makes it not as pleasant to
13 use that space back there as it might otherwise be, if none
14 of those houses had those enclosed porches on the back.

15 VICE CHAIRPERSON JOHN: Okay, thank you.

16 BZA CHAIR HILL: Chairman Hood.

17 ZC CHAIR HOOD: I actually think Mr. Mordfin has
18 made the case. I am a supporter of this. I don't really
19 have a whole lot more to add. I know there was some
20 circumstances and situations that put them in this -- put
21 this Applicant in this situation. This is also where I think
22 sometimes we try to apply all the regulations.

23 We need to do exactly what I think the Office of
24 Planning -- typically, I don't always agree with everything
25 that's being said, but in this case (audio interference) with

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1 everything else that's going on, I think that the Applicant
2 and the Office of Planning has presented a case with -- I
3 believe that this is (audio interference) can be approved.
4 Those are my comments.

5 BZA CHAIR HILL: Okay. Mr. Smith.

6 MEMBER SMITH: I have a question for the Office
7 of Planning. Forgive me, because there was some interference
8 through my mic. If the Applicant removes the rear deck,
9 there will be a 60 percent occupancy, which is the maximum
10 allowed by right. Are there criteria for a special exception?

11 MR. MORDFIN: For what I can see, you can do a
12 special exception, but only if it's 70 percent, and they're
13 requesting 74, so, therefore, they have to go for a variance.

14 MEMBER SMITH: Okay.

15 (Simultaneous speaking.)

16 MR. MORDFIN: -- by special exception.

17 MEMBER SMITH: Okay, thank you for the
18 clarification.

19 BZA CHAIR HILL: Okay. Let's see. Mr. Young, is
20 there anybody here wishing to speak in support or opposition?

21 MR. YOUNG: No, we don't have anyone.

22 BZA CHAIR HILL: Okay. Ms. Snouffer, do you have
23 -- Snouffer, I'm sorry, do you have anything else you'd like
24 to add at the end?

25 MS. SNOUFFER: Just that I reached out to the ANC

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1 and just never heard back. That's why we don't have either
2 support or opposition from them.

3 BZA CHAIR HILL: Okay.

4 MEMBER SMITH: Mr. Chairman.

5 BZA CHAIR HILL: Yes.

6 MEMBER SMITH: I have a question for Ms. Snouffer.

7 BZA CHAIR HILL: Sure.

8 MEMBER SMITH: Considering that a variance is a
9 higher hurdle, was there some consideration made by the
10 Applicant on reducing the size of the proposed addition to
11 meet the 70 percent that would be allowed, maximum allowed
12 for a special exception, so reducing by 4 percent?

13 MS. SNOUFFER: Yes, we did consider that. To get
14 down to 70 percent, we would have to push the back wall in
15 about a foot and four inches. But, what we are asking for
16 currently aligns with both neighbors to the east and the
17 west. So, that is why we decided to go for the 70 percent,
18 instead of pushing back in, so that then, it maintained that
19 wall down the alley that was consistent, so that we were
20 aligned with the back wall of our adjacent neighbors.

21 MEMBER SMITH: Okay, thank you.

22 BZA CHAIR HILL: Does anyone else have any more
23 questions? Okay. I'm going to close the hearing. Is the
24 Board ready to deliberate?

25 VICE CHAIRPERSON JOHN: Yes.

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1 BZA CHAIR HILL: Okay. I heard Chairman Hood
2 already, where he kind of was. Mr. Smith, where are you?

3 MEMBER SMITH: I understand the concern, and I
4 understand where -- I understand the deliberation where there
5 was a fire in the past and the property owner decided not to
6 build back up to the property line with the current nature
7 of -- the entire square is where all the properties are
8 pretty much right up to the rear property line.

9 Where I struggle with this particular case is the
10 four prongs. I think it meets the second and third and
11 fourth prong, but I'm struggling with the first prong, other
12 extraordinary or exceptional situation or condition of a
13 specific piece of property. I believe OP, they're largely
14 basing their argument on the character of the particular
15 neighborhood.

16 I don't think that is the main consideration at
17 hand here. I believe that based on the principles of a
18 variance, that the property owner has to show an exceptional
19 practical difficulty or exceptional or undue hardship for the
20 expansion. I don't believe it has met that test. They can
21 do a reasonable expansion with a special exception. Yes,
22 they would have to set it in a foot, but that is an option
23 to them. Currently, as presented, I wouldn't support the
24 variance.

25 BZA CHAIR HILL: Okay. Chairman Hood, you are

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1 still where you are, correct?

2 ZC CHAIR HOOD: I believe there's some case law
3 that'll back up my comments on this. It's been a while.
4 I'll leave that to Ms. Cain and others, but I believe there
5 is some case law that will support exactly what Mr. Mordfin
6 is saying.

7 I hear what Board Member Smith is saying, but I
8 believe if my memory does not fail me -- and it does at times
9 -- there is some case law out there that gives exactly
10 something consistent to this. Anyway, yes, I'm still where
11 I am.

12 BZA CHAIR HILL: Okay. Chairman Hood is where
13 Chairman Hood is. I'm going to vote with the Office of
14 Planning. I'm going to agree with him. That's where I
15 currently am. Mr. Smith, I agree with everything that you
16 said, and I don't disagree with your analysis, but I'm going
17 to currently vote with Office of Planning. Ms. John.

18 VICE CHAIRPERSON JOHN: I know nobody expects me
19 to say this, but I am going to support the application based
20 on the testimony of Mr. Mordfin because I -- and Ms.
21 Snouffer's clarification of what it would take to meet the
22 70 percent.

23 Just looking at the row of houses in the alley,
24 I can see where building one foot in would really be very odd
25 and a waste of space. I can see Ms. Cain looking straight

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1 ahead. I think, in this case, I can accept and give great
2 weight to OP's analysis and allow the extension on the basis
3 that this is an exceptional condition, a waste of space, and
4 it would not be in line with the character of the houses on
5 the alley, so the rest of the analysis and OP's report, I am
6 fine with that.

7 BZA CHAIR HILL: Okay, so --

8 (Simultaneous speaking.)

9 VICE CHAIRPERSON JOHN: -- the application.

10 BZA CHAIR HILL: Okay. So, Mr. Smith, just to let
11 you know, just kind of the reason why we're all kind of
12 smiling a little bit here, Ms. Snouffer, this is usually one
13 that you lose, just to let you know. This is a very odd
14 situation. I'm going to go ahead and make a motion to
15 approve Application No. 20263, as captioned and read by the
16 secretary, and ask for a second, Ms. John.

17 VICE CHAIRPERSON JOHN: Second.

18 BZA CHAIR HILL: Motion and made seconded. All
19 those -- motion made and seconded. Mr. Moy, if you could
20 please take a roll call vote. Mr. Moy, you're on mute.

21 MR. MOY: -- I can make sure. This is my first one
22 for the day. It's a record. So, when I call your names, if
23 you would please respond with a yes, no, or abstain to the
24 motion made by Chairman Hill to approve the application,
25 seconded by Vice Chair John. Zoning Commission Chair Anthony

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1 Hood.

2 ZC CHAIR HOOD: Yes to approve the motion.

3 MR. MOY: Mr. Smith.

4 MEMBER SMITH: No.

5 MR. MOY: Vice Chair John.

6 VICE CHAIRPERSON JOHN: Yes.

7 MR. MOY: Chairman Hill.

8 BZA CHAIR HILL: Yes to approve.

9 MR. MOY: Staff would record vote as 3-1-1. This
10 is on the motion of Chairman Hill to approve the application
11 for the relief requested, seconded by Vice Chair John, also
12 support is Zoning Commission Chair Anthony Hood and Vice
13 Chair John. Opposed to the motion is Mr. Smith. Again, the
14 vote count is 3-1-1. We have a Board seat vacant. Motion
15 carries.

16 BZA CHAIR HILL: Okay, great. Thank you, Mr. Moy.
17 Thank you all very much.

18 MS. SNOUFFER: Thank you.

19 BZA CHAIR HILL: Mr. Moy, is there anything else
20 for the Board today?

21 MR. MOY: Nothing from the staff, Mr. Chairman.

22 BZA CHAIR HILL: Okay, great. Thank you all very
23 much and see you next week.

24 (Whereupon, the above-entitled matter went off the
25 record at 3:22 p.m.)

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In the matter of: Public Hearing

Before: DCBZA

Date: 09-23-20

Place: teleconference

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



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