

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

FEBRUARY 24, 2021

+ + + + +

The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:30 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:

ROBERT MILLER, Commissioner  
MICHAEL TURNBULL, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, Esquire

HUNT REPORTING COMPANY  
Court Reporting and Litigation Support  
Serving Maryland, Washington, and Virginia  
410-766-HUNT (4868)  
1-800-950-DEPO (3376)

The transcript constitutes the minutes from the Regular Public Meeting held on February 24, 2021.

HUNT REPORTING COMPANY  
Court Reporting and Litigation Support  
Serving Maryland, Washington, and Virginia  
410-766-HUNT (4868)  
1-800-950-DEPO (3376)

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. 20353 - Application of 1307 Longfellow Street NW,  
 LLC . . . . . 5

Case No. 20385 - Application of Matthew and Jacqueline  
 Robertson and Bernadette Eichelberger . . . . . 13

Case No. 20382 - Application of Haider Haimus and Jessica  
 Bachay, Request for Party Status . . . . . 19

HUNT REPORTING COMPANY  
 Court Reporting and Litigation Support  
 Serving Maryland, Washington, and Virginia  
 410-766-HUNT (4868)  
 1-800-950-DEPO (3376)

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

(9:38 a.m.)

CHAIRPERSON HILL: The meeting will please come to order.

Good morning, ladies and gentlemen. We are convened and broadcasting this decision meeting by video conference. This is the February 24th, 2021, public meeting session of the Board of Zoning Adjustment of the District of Columbia.

My name is Fred Hill, Chairperson. Joining me today is Lorna John, Vice Chair; Chrishaun Smith, Board member; and representing the Zoning Commission are Michael Turnbull and Rob Miller.

Today's meeting agenda is available to you on the Office of Zoning website. Please be advised this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's meeting session.

Accordingly, everyone who is participating or listening on Webex by telephone will be muted during the meeting. We do not take any public testimony at our decision meeting.

If you're experiencing difficulty accessing Webex or with your telephone call-in, then please call our OZ hotline number at 202-727-5471. Once again, 202-727-5471 to receive Webex login in call-in instructions.

At the conclusion of this meeting session, I will in

HUNT REPORTING COMPANY  
Court Reporting and Litigation Support  
Serving Maryland, Washington, and Virginia  
410-766-HUNT (4868)  
1-800-950-DEPO (3376)

1 consultation with the Office of Zoning, determine whether a full  
2 or summary order may be issued. A full order is required when the  
3 decision it contains is averse to a party, including an affected  
4 ANC. A full order may also be needed if the Board's decision  
5 differs from the Office of Planning's recommendation. Although  
6 the Board favors the use of summary orders whenever possible, an  
7 applicant may not request the Board to issue such an order.

8 Preliminary matters are those which relate to whether a  
9 case should or will be heard today, such as requests for  
10 postponement, continuance, or withdrawal, or whether proper and  
11 adequate notice of the meeting has been given.

12 Mr. Secretary, do we have any preliminary matters today?

13 MR. MOY: Good morning, Mr. Chairman and members of the  
14 Board. For the Board's meeting session, there are, but as is  
15 usual, it's more efficient that I notice those preliminary matters  
16 when I call the particular case.

17 CHAIRPERSON HILL: Okay. Thank you, Mr. Moy. All  
18 right.

19 Again, good morning everybody.

20 Mr. Moy, you can call our first decision case.

21 MR. MOY: All right. That would be Application No.  
22 20353 of 1307 Longfellow Street, Northwest, LLC. And I'm going to  
23 read the caption for the transcript, Mr. Chairman. And this  
24 application was in for special exception under the use provisions  
25 of Subtitle U, Section 421.1 to raze, R-A-Z-E, the existing

1 principal dwelling and construct a 12-unit apartment building in  
2 RA-1 Zone at premises 1307 Longfellow Street, Northwest, Square  
3 2798, Lot 816.

4 As the Board will recall, this was originally approved  
5 on January 13th. And the Board reopened the record to consider an  
6 email letter from a Ms. Martin. And so before the Board, this  
7 scheduled meeting would consider new filings, rescind your prior  
8 vote, and re-vote.

9 CHAIRPERSON HILL: Okay. Great. Thank you.

10 I guess Mr. Smith was having issues. I want to go ahead  
11 and wait for him to get back on.

12 Commissioner Miller, can you hear us okay?

13 COMMISSIONER MILLER: Yes, I can. Thank you.

14 CHAIRPERSON HILL: Okay. Great. Thank you.

15 (Pause.)

16 CHAIRPERSON HILL: All right. It says Mr. Smith is  
17 still having issues. I don't know if he can hear us now.

18 MR. SMITH: I can hear you.

19 CHAIRPERSON HILL: Okay. Great. So Mr. Smith, this is  
20 the case that -- it's 20353. Mr. Moy just read it in for us.  
21 It's the one where there was a person who didn't have the ability  
22 to -- or there was an issue with the filing from a Ms. Martin.  
23 And what I would propose is that we go ahead and rescind our vote,  
24 open the record to allow Ms. Martin's testimony in. I know that  
25 we've basically done this, meaning we've looked at Ms. Martin's

1 testimony, and then also allow in the filings for the response to  
2 the applicant that had also -- the response to filings that Ms.  
3 Martin had put in.

4 So I guess, Mr. Moy, I'll go ahead and make a motion to  
5 rescind our vote for Case No. 20353.

6 And ask for a second, Ms. John?

7 VICE CHAIR JOHN: Second. Mr. Chairman, I believe we  
8 rescinded the vote the last time, but I don't know if it hurts to  
9 do it again just for clarity.

10 CHAIRPERSON HILL: Oh, okay. Great. I wasn't clear  
11 whether we had done that or not.

12 So if we've rescinded the vote already, then I don't  
13 have to rescind it again. So then we're going to go ahead and  
14 allow all the items into the record that I just spoke about unless  
15 anyone has an issue. And, if so, please raise your hand.

16 All right. So we'll go ahead and give it our consensus.  
17 We'll let that into the record. And then I guess we can go ahead  
18 and deliberate.

19 I -- we did deliberate upon this and hear this case, and  
20 we did vote in support. There was a condition concerning, I  
21 guess, shrubbery along the west property line. And, also, then in  
22 terms of the filing that Ms. Martin put in, you know, I looked at  
23 the filing that she put in there as well as the filing from the  
24 attorney from the party, and I really wasn't -- it didn't do  
25 anything to change my opinion on the status of the case. I mean,

1 from what we had done and from the hearing, I believe that the  
2 applicant had argued why they're meeting the standard for us to  
3 grant the application. Also, the analysis that was provided by  
4 the Office of Planning, I thought was concise and in support of  
5 the application. And so there's nothing new. And I guess I would  
6 again agree with what was submitted by the applicant's attorney in  
7 terms of how the filing was not -- it's things that we had  
8 actually already talked about during the hearing, and I think had  
9 come to conclusion that the standard was still being met. So that  
10 is my thoughts on the case, and I'm going to still continue to  
11 vote to approve.

12 Commissioner Miller, could I ask your opinion?

13 COMMISSIONER MILLER: Sure, Mr. Chairman. Thank you.  
14 Yeah. Ms. Sullivan -- I mean, Ms. Martin did submit some  
15 comments, and the applicant has responded, I think appropriately,  
16 to each of those comments.

17 As I indicated previously, when we previously  
18 deliberated, this is a -- even though it's changing a single-  
19 family structure, I believe, to a apartment building, the zone  
20 that we're in, RA-1, is an apartment zone. It does require a  
21 special exception approval by the BZA with some very general  
22 guidelines and criteria. I think that the applicant has met those  
23 criteria. It's within the -- the development is within all the  
24 development parameters of that zone. It's four three-bedroom  
25 units and eight two-bedroom units which is family sized housing

1 | which the city needs. And there's an inclusionary unit that's  
2 | triggered as well.

3 |           And with the screening and other conditions that the  
4 | applicant has agreed to, I think most of the conditions of the ANC  
5 | 4C have been met. Although they were in opposition, they didn't  
6 | quite get there. I think there was an extra -- there's one  
7 | condition they had on the extra contribution for affordable  
8 | housing which the applicant did not do, was not required to do  
9 | beyond the one unit that it's already providing under the  
10 | regulations.

11 |           So, anyway, with all of that, I am supportive of moving  
12 | this application forward, Mr. Chairman.

13 |           CHAIRPERSON HILL: Thank you, Commissioner Miller.

14 |           Mr. Smith?

15 |           MR. SMITH: I echo your same comments, Mr. Chair and Mr.  
16 | Miller. In looking at the new filings in the record from Ms.  
17 | Martin, it doesn't change -- to me, it doesn't change the merits  
18 | of the case. I do believe that the applicant has provided  
19 | sufficient information to be able to support the request before us  
20 | for the conversion of this property. And with that, I will  
21 | continue to support this special exception.

22 |           CHAIRPERSON HILL: Vice Chair John?

23 |           VICE CHAIR JOHN: I agree with everything that's been  
24 | said, Mr. Chairman. I reviewed Ms. Martin's submission. And in  
25 | addition to that, I looked at the applicant's response, and the

1 applicant addressed specifically the issues that Ms. Martin raised  
2 concerning the location of the property on 1301 (sic) Longfellow  
3 as opposed to a main street, the number of units, the parking, and  
4 the height, and the location of the balconies. And I don't  
5 believe the applicant's submission would change how I initially  
6 reviewed this application earlier because I believe the applicant  
7 has shown how the project meets the requirements for relief. So I  
8 will continue to submit to support this application.

9 CHAIRPERSON HILL: Okay. Great.

10 Commissioner Miller?

11 COMMISSIONER MILLER: Thank you, Mr. Chairman. I meant  
12 to mention also the context of the neighborhood. Even though that  
13 isn't necessarily a criterion, specific criteria for our review of  
14 this special exception, the fact is that across the alley there  
15 are two apartment buildings similar or bigger sized than what's  
16 being proposed. So I think that's important, too, and that may be  
17 -- the context of the neighborhood may be a criterion that the  
18 Zoning Commission will be looking at to add in this whole RA-1  
19 review area as we go forward. But -- so it's not required right  
20 now. But, anyway, I just wanted to mention that if there is --  
21 there are similar apartment buildings in the immediate  
22 neighborhood.

23 CHAIRPERSON HILL: Okay. Great. Thank you,  
24 Commissioner.

25 All right. So I guess we'll -- I'm going to go ahead

1 and make a motion then to approve Application No. 20353 with the  
2 condition that there is going to be shrubbery provided along the  
3 west property line to screen 1309 Longfellow Street, Northwest.  
4 And I'll let OAG go ahead and help draft that condition.

5 And ask for a second, Ms. John?

6 VICE CHAIR JOHN: Second.

7 CHAIRPERSON HILL: The motion has been made and  
8 seconded.

9 Mr. Moy, if you could please take a roll call vote?

10 MR. MOY: Yes. Thank you, Mr. Chairman. So when I call  
11 your name, if you would please respond with a yes, or no, or  
12 abstain to the motion made by Chairman Hill to approve the  
13 application with the condition as cited in his motion.

14 Zoning Commissioner Rob Miller?

15 COMMISSIONER MILLER: Yes.

16 MR. MOY: Mr. Smith?

17 MR. SMITH: Yes.

18 MR. MOY: Vice Chair John?

19 VICE CHAIR JOHN: Yes.

20 MR. MOY: Chairman Hill?

21 CHAIRPERSON HILL: Yes.

22 MR. MOY: And we have a Board seat vacant. Staff would  
23 record the vote as 4 to 0 to 1. And this is on the motion of  
24 Chairman Hill to approve with one condition, seconded by Vice  
25 Chair John. Also in support of the motion for approval is Zoning

1 Commissioner Rob Miller, Mr. Smith, Board seat vacant, and of  
2 course the Vice Chair and the Chairman. So, again, the motion  
3 passes on vote of 4 to 0 to 1.

4 CHAIRPERSON HILL: Okay. Thank you.

5 Commissioner Miller, is that the last one for you today?

6 COMMISSIONER MILLER: That's it.

7 CHAIRPERSON HILL: Okay. Well, you have a good day,  
8 Commissioner.

9 COMMISSIONER MILLER: You, too. I'll enjoy watching you  
10 occasionally.

11 CHAIRPERSON HILL: Thank you. All right. Bye-bye.

12 Mr. Moy, you can call our next case if you -- oh, wait.  
13 Hold on. Let's see if we can get Commissioner Turnbull on.  
14 Okay. There's Commissioner Turnbull.

15 Commissioner Turnbull, can you hear us?

16 COMMISSIONER TURNBULL: Yes, I can.

17 CHAIRPERSON HILL: Okay. Great. Well, good morning and  
18 welcome.

19 COMMISSIONER TURNBULL: Welcome. Welcome to me.

20 CHAIRPERSON HILL: Welcome to you.

21 Mr. Moy, you can go ahead and call our next case.

22 COMMISSIONER TURNBULL? Are you on the hearing agenda?

23 CHAIRPERSON HILL: Yeah. I'm sorry, Mr. Turnbull.  
24 We've called in to the meeting. I don't know --

25 Actually, I'm sorry. I don't know if you're on this

1 next one, Mr. Moy?

2 MR. MOY: The next one is Mr. Shapiro, which I have an  
3 absence vote on. But Mr. Turnbull will come in on the next one  
4 for the party status application.

5 CHAIRPERSON HILL: Okay. Great.

6 So Commissioner, you're not on this one then.

7 And Mr. Moy, if you want to go ahead and call us in on  
8 the next case?

9 MR. MOY: Yes, thank you. So this would be Case  
10 Application No. 20385 of Matthew and Jacqueline Robertson and  
11 Bernadette Eichelberger. I'm sorry about that. I'm hoping I  
12 pronounced that correctly. But this is a request for special  
13 exceptions under the accessory apartment requirements of Subtitle  
14 U, Section 253.4 and under Subtitle D, Section 5201 for the rear-  
15 yard requirements of Subtitle D, Section 1206.2 which would  
16 construct a basement accessory apartment and a rear deck to an  
17 existing attached principal dwelling unit in the R-20 Zone at  
18 premises 1934 37th Street, Northwest, Square 1309, Lot 44. And if  
19 the Board will recall, this was last heard at its hearing on  
20 February the 10th.

21 CHAIRPERSON HILL: Okay. Great. Thank you.

22 All right. I'm pulling up some things here. So if it's  
23 okay, I'm going to walk around you guys to kind of hear what your  
24 thoughts are, or go around the table, that is. I can set this up  
25 a little bit. I mean, as you recall, this is the one where there

1 was a variety of parties in opposition and then parties also in  
2 support of the application.

3 Mr. Smith, can I start with you?

4 MR. SMITH: Regarding advanced party request?

5 CHAIRPERSON HILL: No, no. This is -- we're having a  
6 decision now --

7 MR. SMITH: Okay.

8 CHAIRPERSON HILL: We're making a decision on this  
9 20385. I can come back to you if you want to pull up --

10 MR. SMITH: Yes, please. Yeah, come back to me.

11 CHAIRPERSON HILL: Ms. John, do you have thoughts?

12 VICE CHAIR JOHN: Yes, I have a few thoughts. So this  
13 is a full record. And we had parties in support and then  
14 opposition, and we also had neighbors who testified. And so the  
15 applicant is proposing to construct a basement accessory apartment  
16 as well as a (audio interference). The existing 12-foot deck  
17 would remain unchanged. I'm sorry. The 12-foot deck would be  
18 reduced to 6 feet, and the nonconforming deck (audio interference)  
19 which is 14 feet would remain the same.

20 The 6-foot addition meets the development standards.  
21 And I agree with the Office of Planning (audio interference) of  
22 how the applicant meets the criteria for special exception relief.  
23 As the Office of Planning noted, the 6-foot addition is done  
24 right, and it is the nonconforming deck that extends into the rear  
25 yard. Because the deck is reduced from what it was before and

1 open to the sky, the light and air should not be affected. And in  
2 terms of privacy concerns, (audio interference) would be the same  
3 after the deck is reduced.

4 And so looking at the application and the (audio  
5 interference), I should also say that the accessory apartment in  
6 the basement also meets the criteria, and it's fairly  
7 straightforward in terms of criteria for approving basement  
8 apartments.

9 So based on all of the above, I would support this  
10 application.

11 CHAIRPERSON HILL: Okay.

12 Mr. Smith?

13 MR. SMITH: So in listening to the testimony, I just  
14 want to reiterate that the question before us isn't about the  
15 addition. The addition is by-right. The question before us is  
16 the issue of the deck and the accessory dwelling unit. I do not  
17 believe -- I'll stand on the testimony of the OP report which I  
18 think did a great job of noting that the proposed deck would not  
19 have a detrimental effect on the light and air and privacy of  
20 adjacent property owners.

21 So -- and, also, I do believe that the accessory  
22 dwelling unit does meet the criteria to grant that special  
23 exception. While I understand the concerns of the adjacent  
24 property owners regarding how it would impact their property, I do  
25 believe that the property owner has sufficiently addressed the

1 concerns of those neighboring property owners. And some of those  
2 concerns, as it relates to the construction of the deck and the  
3 addition, will also be addressed at the time of the building  
4 permit through DCRA's regulatory process.

5 So with that, I will support the request before us for  
6 this particular property.

7 CHAIRPERSON HILL: Okay. Thank you.

8 I would agree with everything that you guys said in  
9 terms of, again, what was matter of right and what we're actually  
10 here to talk about. What we had also asked from the applicant the  
11 last time was really kind of how they were going to provide  
12 outreach information to their neighbors about the project. And so  
13 there is a memo in the record about -- I think it's Exhibit 67D  
14 that has -- 67D that has a construction -- oh, no, I'm sorry not  
15 construction note, has the -- give me one second here. It has the  
16 -- how they're planning on communicating with the neighbors. I  
17 know that there was some back and forth in the record about how  
18 that communication was to take place. However, I think the memo  
19 does outline how they do plan to communicate with the neighbors.

20 Also, we had asked for a certified plat was going to get  
21 provided, and so we did get that. That is in the record.

22 I guess there is a preliminary matter that -- I'm just  
23 kind of looking here. Okay. So we have to waive the 21-day rule  
24 as a preliminary matter from the affidavit of maintenance and then  
25 also the plat that we had asked for. So, you know, we were the

1 ones that were asking for these things, so we did get them.

2           So if it's all right with the Board, I'll go ahead and  
3 waive that 21-day rule so that we can have the information in the  
4 record. If anybody has any issues with that, you can please raise  
5 your hand. I don't see you raising your hands. Okay.

6           So to continue back on. So the plat is in the record  
7 now. I guess there is -- as you said, there was some discussion  
8 about the laundry room, I think, in the basement. And those are  
9 things that will get clarified during the permitting process. And  
10 if it's something that is not supposed to be there anyway, like --  
11 I wasn't completely clear if there was a vent that was on a  
12 property line or what the case may be, but those are things that  
13 would get resolved during the permitting process. Whether or not  
14 that means that -- if there's anything on the property line that's  
15 not supposed to be on the property line, then that has to get --  
16 you know, they'll have to do something to resolve that issue.

17           So I have nothing else to add other than that  
18 clarification that there is something in the record now concerning  
19 how the communication will take place. I do hope that the  
20 applicant will honor the communication plan and really try to keep  
21 everyone abreast of what is going on. I think they will.

22           It does seem like there has been some, I guess,  
23 miscommunication. But everybody has to try to do what they can do  
24 because what we are here for, as you all have clarified again, is  
25 the deck and the accessory dwelling unit. And I think everything

1 else is a matter of right. And so I don't have an issue with, you  
2 know -- the deck already is the size that the deck is, and so  
3 they're not expanding that deck, they're actually making it  
4 smaller. So I don't have an issue with how they're meeting the  
5 criteria. And I'll also rest on the Office of Planning's  
6 analysis.

7 So I'll go ahead and make a motion to approve  
8 Application --

9 Sure, Ms. John?

10 VICE CHAIR JOHN: Might I also add that the ANC 2E is in  
11 support of the application?

12 CHAIRPERSON HILL: Yes. Thank you. Thank you.

13 And so I'll go ahead and make a motion to approve  
14 Application No. 20385 as captioned and read by the Secretary.

15 And ask for a second, Ms. John?

16 VICE CHAIR JOHN: Second.

17 CHAIRPERSON HILL: The motion has been made and  
18 seconded.

19 Mr. Moy, could you please take a roll call vote?

20 MR. MOY: Yes. Thank you, Mr. Chairman. So when I call  
21 your name, if you would please respond with a yes, no, or abstain  
22 to the motion made by Chairman Hill to approve the application for  
23 the relief requested. The motion was seconded by Vice Chair John.

24 Mr. Smith?

25 MR. SMITH: Yes.

1 MR. MOY: Vice Chair John?

2 VICE CHAIR JOHN: Yes.

3 MR. MOY: Chairman Hill?

4 CHAIRPERSON HILL: Yes.

5 MR. MOY: And Mr. Chairman, we have an absentee ballot  
6 from Zoning Commissioner Peter Shapiro who participated on the  
7 application. And his absentee ballot vote is to approve the  
8 application. So that would give a final vote of 4 to 0 to 1 to  
9 approve on the motion made by the Chairman, seconded by Vice Chair  
10 John. Also in support of the motion, Mr. Smith and, of course,  
11 Zoning Commissioner Peter Shapiro. So the motion passes on the  
12 vote of 4 to 0 to 1.

13 CHAIRPERSON HILL: Okay. Great. Thank you.

14 All right. So Mr. Turnbull is back with us.

15 Commissioner -- or, hello, Commissioner.

16 COMMISSIONER TURNBULL: Hello.

17 CHAIRPERSON HILL: And I guess, Mr. Moy, we have a party  
18 status request, right? And there are one, two, three, four, five  
19 party status requests. But I'm going to go ahead and let you  
20 first call us in, and then we can start this discussion.

21 MR. MOY: Okay. We -- yes. Yes. Okay. So for the  
22 record, this is Application No. 20382 of Haider, H-A-I-D-E-R,  
23 Haimus and Jessica Bachay, B-A-C-H-A-Y. And this is an  
24 application that is a request for a special exception from the lot  
25 occupancy requirements of Subtitle E, Section 304.1, The alley

1 centerline setback requirements of Subtitle E, Section 5004.1.  
2 And -- yes. And this is at address 308 -- 308 11th Street,  
3 Northeast, Square 963, Lot 68. And this would construct a third  
4 story addition and roof deck to an existing two-story flat and a  
5 second story addition to an accessory detached garage in the RF-1  
6 Zone. And this is presently scheduled for its first hearing on  
7 April the 14th.

8 And as you said, Mr. Chairman, there are one, two,  
9 three, four, five individuals who have requested advanced party  
10 status.

11 CHAIRPERSON HILL: Okay.

12 Give me one moment here. I'm just looking up one --  
13 (Pause.)

14 CHAIRPERSON HILL: Okay. All right. I guess a couple  
15 of questions. One, since I've got OAG here, we normally don't  
16 take testimony during the meeting portion, but I know that we have  
17 in the past talked to people that were asking for advanced party  
18 status if they were there at the hearing. So we -- I'm not saying  
19 we're going to do this, I'm saying but we could do it, correct,  
20 ask people to come in?

21 MS. CAIN: That's correct.

22 CHAIRPERSON HILL: Okay. All right.

23 So before I ask anybody if they come in, we might want  
24 to do this, because it seems to me upon reading through the  
25 record, there's a variety of things. I mean, some of the party

1 status requests actually went into a little bit more detail as to  
2 what their objections were and why they believe they meet the  
3 criteria for us to grant party status. And most of the parties  
4 seem to be speaking to light and air and privacy, so -- from the  
5 third story addition. And rather than have, as we've done in the  
6 past, you know, a variety of party status people, we've asked them  
7 to join together as a group if there are similar concerns, which  
8 it seems to me that there are.

9           The one question that I'll ask for the Board to think  
10 about -- and I've opened it up in Exhibit 31 which is the party  
11 status request of Vanessa Cieslak and Garland Kevin Holloway. And  
12 theirs, again, doesn't seem to specify exactly why they think  
13 they're meeting the criteria. And as I look at the attorney for  
14 the applicant had submitted something that, you know, they were in  
15 objection to that particular one because they're five doors away.  
16 I mean, five doors away is not necessarily something that is of a  
17 great distance where we would object to anyone having party  
18 status, but I just wanted to kind of point that out.

19           And so my thought to the Board, and then I'll ask you  
20 all what you think, is if there are people here from this group of  
21 people that are requesting party status, to allow them to come in  
22 to discuss some of their issues and see how we might be able to  
23 have them join forces. And so for -- to have a more efficient  
24 hearing and then also have a little bit of a discussion about the  
25 one person who is five doors away.

1 Does that sound like a good idea? And you guys can just  
2 all nod your head if that's fine with you. Okay.

3 Mr. Young, are you there?

4 MR. YOUNG: Yeah, I'm here.

5 CHAIRPERSON HILL: So do you have -- do you see the list  
6 of people that have asked for party status?

7 MR. YOUNG: I do.

8 CHAIRPERSON HILL: Do you see any of them?

9 MR. YOUNG: Yeah, I do.

10 CHAIRPERSON HILL: Okay. Can you let however many of  
11 them are here?

12 MR. YOUNG: Yeah.

13 CHAIRPERSON HILL: Thanks.

14 (Pause.)

15 CHAIRPERSON HILL: Okay. I'm just waiting. I'm just  
16 waiting for the last few to kind of click in here.

17 Or Mr. Howell, can you (audio interference)?

18 Can you all do me a favor and mute your microphones  
19 until I call upon you? Thank you.

20 Mr. Howell, can you hear me?

21 MR. HOWELL: Yes, I can hear you. Can you hear us?

22 CHAIRPERSON HILL: Yeah. Mr. Howell, you can hear me,  
23 correct? And --

24 MR. HOWELL: Yes.

25 CHAIRPERSON HILL: -- is it -- and you can mute your

1 microphone if you wouldn't mind, Mr. Howell.

2 Is it Ms. Cieslak or Celak?

3 MS. CIESLAK: Yes, I'm here. Thank you.

4 CHAIRPERSON HILL: Okay. Great. You could also --  
5 let's see. Well, since you're unmuted, Ms. Cieslak, could you  
6 please introduce yourself for the record?

7 MS. CIESLAK: Thank you, Mr. Chairman and Commissioners.  
8 My name is Vanessa Cieslak, and I live at 318 11th Street,  
9 Northeast.

10 CHAIRPERSON HILL: Okay. Great.

11 I'm going to go around and have everybody introduce  
12 themselves, and then we'll kind of get through this. Let's see.

13 Mr. Howell, could you introduce yourself for the record?

14 MR. HOWELL: Yes. My name is Darrin Howell and sitting  
15 next to me is my wife Mary Joy Ballantyne. We both reside at 306  
16 11th Street which is adjacent just south of the property. We've  
17 lived here for about 21 years.

18 CHAIRPERSON HILL: Okay. I got you. Thank you.

19 Ms. Wilson, I see you? Mr. -- Ms. Wilson or Ms.  
20 Srinivasa?

21 MR. WILSON: Good morning. Thank you. We are Winfield  
22 Wilson and Veena Srinivasa.

23 CHAIRPERSON HILL: Okay. Great. And where do you live,  
24 please?

25 MR. WILSON: We're at 310. We are just immediately

1 north.

2 CHAIRPERSON HILL: Got it. Okay.

3 And then let's see. Mr. Spivak or -- could you guys  
4 introduce yourselves?

5 MS. KERR: Yes. Hello, Commissioner. Good morning. My  
6 name is Randi Spivak, and this is Andy Kerr, my partner, sitting  
7 next to me. We live at 313 10th Street, Northeast, for about 15  
8 years. So we are directly behind the house and the garage across  
9 the alley --

10 CHAIRPERSON HILL: Okay.

11 MS. KERR: -- from 308.

12 CHAIRPERSON HILL: Okay.

13 Let's see. And then Mr. Sheeran, are you there? And  
14 Harrison? I can't hear you.

15 MS. HARRISON: Yes, we are here. Can you hear us now?

16 CHAIRPERSON HILL: Yeah. Could you introduce yourself?

17 MS. HARRISON: Yes. Good morning, Commissioner and the  
18 Board. My name is Theresa Harrison. This is my husband Thomas  
19 Sheeran. We live behind the property. We live at 311 10th  
20 Street, Northeast, and we are directly behind the property.

21 CHAIRPERSON HILL: Okay. Ms. Harrison, since your mic's  
22 unmuted, do you know the other party members?

23 MS. HARRISON: Yes, we do. We do not know the  
24 applicant. We have not heard from the applicant. But, yes, we do  
25 know the other party members.

1 CHAIRPERSON HILL: Okay.

2 And I think I saw Mr. Sullivan for a second there. Is  
3 he -- oh, there he is.

4 Mr. Sullivan, could you introduce yourself for the  
5 record?

6 MR. SULLIVAN: Thank you, Mr. Chair and members of the  
7 Board. Marty Sullivan on behalf of the applicant.

8 CHAIRPERSON HILL: Okay. Great. All right.

9 I guess -- so I don't know if you all heard me, but what  
10 I'm trying to figure out is what you all's issues and concerns  
11 are. I mean, the -- I'm sure you've read the record or looked  
12 into the record in terms of the applicant's objection to one of  
13 the parties in terms of them being five doors down. I mean, in  
14 terms of the standard as to how we apply party status, you have to  
15 show how you're uniquely going to be affected rather than the  
16 general public. And in general, you know, adjacent neighbors  
17 usually are affected, or at least we tend, not always, to apply  
18 party status for adjacent neighbors, and even also rear neighbors  
19 that are kind of in direct sightline of it.

20 I'm going to let everyone have an opportunity to talk,  
21 including Ms. Cieslak and Mr. Holloway. But if you could -- let's  
22 see. I'm going to go ahead and start -- no, I'm going to go back  
23 up --

24 Ms. Harrison, can you hear me?

25 MS. HARRISON: Yes, we can.

1 CHAIRPERSON HILL: So what is it that your issues and  
2 concerns are?

3 MS. HARRISON: Our issues and concern as living right  
4 behind the property is multifold in the fact that there is a third  
5 story going on top of the house, a third or fourth story going on  
6 top of the house, which will completely disrupt the seven adjacent  
7 houses. Because the garage is right behind us, there is a  
8 proposed second story going on top of the garage, excuse me, which  
9 will completely disrupt privacy of the backyard and the uniformity  
10 of the backyard. We have a 50-foot plus magnolia tree in our  
11 backyard, and addition to that garage will impede the growth of  
12 the magnolia tree. In addition to that, we have solar panels on  
13 our house which the addition to the main house on 11th Street will  
14 affect our solar panels.

15 So there are a number of reasons that we have opposition  
16 to this development, the proposed development that is --

17 CHAIRPERSON HILL: Okay.

18 MS. HARRISON: -- under consideration.

19 CHAIRPERSON HILL: Okay.

20 So just to let you guys know, we're not going to get  
21 into testimony necessarily, but I'm just kind of --

22 Thank you very much. I understand that part of it.

23 MS. HARRISON: Thank you.

24 Ms. Spivak and Mr. Kerr, could you tell me what your  
25 issues and concerns are?

1 MS. SPIVAK: Sure. Yes. We live --

2 CHAIRPERSON HILL: Ms. Harrison, could you mute your  
3 microphone?

4 MS. SPIVAK: I did unmute. Can you hear me now?

5 CHAIRPERSON HILL: Oh, no.

6 Ms. Harrison, if you can mute your mic. Thank you.

7 Go ahead, Ms. Spivak.

8 MS. SPIVAK: Great. Thanks. So similar concerns. We  
9 live just next door to Theresa and Tom. And so the garage unit --  
10 basically, it's going to block our light and also privacy.  
11 Rowhouses, as you know, lights are premium, and our light comes in  
12 from the back of our house, and that's east. And that's exactly  
13 where this two-story structure will be built. So that's our main  
14 concern is light and then, of course, resulting noise from having  
15 a two-story roof deck and parties and whatever else.

16 And then just a general concern about, you know, the  
17 look and scale of the alleyway which is where we come and go. I  
18 won't get into testimony, but I'll just stop there. It's light  
19 and air --

20 CHAIRPERSON HILL: Okay.

21 MS. SPIVAK: -- and also just to change the whole  
22 character of the neighborhood and the alleyway.

23 CHAIRPERSON HILL: Okay. Okay.

24 Mr. Wilson? Can you guys hear me?

25 MR. WILSON: Thank you. Yes. Can you hear us?

1           CHAIRPERSON HILL:    Yes.    Could you tell us your  
2 concerns?

3           MR. WILSON:    So we share the privacy, airflow, openness,  
4 noise levels, and available light.  We also share party walls on  
5 both the historic row of garages and the house itself.  We share a  
6 dogleg with (audio interference) property.

7           I will also note that our property is one of the few  
8 that is not bumped out in the back from the original footprint of  
9 the homes.  And so to have further development encroaching on the  
10 space that we now use as a yard and to the rear of the property  
11 would be an undue burden on our property.

12           CHAIRPERSON HILL:    Okay.  Okay.

13           Mr. Howell and Ms. Ballantyne?

14           MS. BALLANTYNE:    Thank you.  So we echo everything that  
15 our neighbors have said as well.  We are the opposite side.  So  
16 we're the south directly adjacent neighbor.  We share the entire  
17 length of the party wall.  There is no dogleg at all.  And our  
18 backyards are extremely small.  And so the proposal is to come in  
19 another three feet in towards the backyard and then add this very  
20 tall second story and then that other addition.

21           So in addition to all of the things you've already  
22 heard, which will also impact our property significantly, there is  
23 also the issue that how they propose to build will not allow us to  
24 use any part of the cheek walls on the roof of the garage or the  
25 main property.  Their proposal is to take the entire cheek walls

1 | along the length of the house and the length of the garage. We  
2 | would have no -- we would not be able to do anything there if we  
3 | want to do a (audio interference) or solar panels, et cetera.

4 |           CHAIRPERSON HILL: Okay. Okay.

5 |           And then, let's see.

6 |           MS. BALLANTYNE: I also -- I'm sorry. I also wanted to  
7 | make one more point. So these are -- there are seven rowhomes who  
8 | were all built at the same time with the same designer in 1911,  
9 | and all of those have the same roofline. They're all (audio  
10 | interference). We're all in the Historic District. The garages  
11 | are the same. The garages are very small. So they all look the  
12 | same. No one has developed.

13 |           I think we've -- we've all lived there for many, many  
14 | years. I think Win and Veena have lived there for eight years,  
15 | and they're the newest members to the neighborhood, other than the  
16 | neighbors that are developing the property. And so what they  
17 | proposed is actually not in harmony with what's there right now.  
18 | It would be completely out of character to what's in that  
19 | neighborhood. There's also -- we have some concerns about the  
20 | consistency with the zoning regulations as well.

21 |           CHAIRPERSON HILL: Okay. Okay. Thank you.

22 |           And then Ms. Cieslak, can you hear me?

23 |           MS. CIESLAK: Okay. Can you hear me?

24 |           CHAIRPERSON HILL: Yes.

25 |           MS. CIESLAK: Thank you.

1 CHAIRPERSON HILL: Can you tell us your concerns and why  
2 you think you should receive party status?

3 MS. CIESLAK: Yes. Thank you. Even though we are five  
4 doors down from the property that's being developed, that is  
5 basically only 64 feet. And as Mary Joy Ballantyne mentioned, the  
6 consistency of the housing is all the same, and it would be  
7 unprecedented in the neighborhood to have these additions put on.

8 I'm also concerned about airflow in the back along the  
9 alley. We have two large Kwanzan cherry trees that are over 45  
10 years old, and they rely heavily on a good airflow to keep them  
11 from diseases and bugs infestations. I'm concerned about that.

12 I also have a concern about the garage addition and heat  
13 retention in the neighborhood and what that does for air to get  
14 the airflow and also --

15 CHAIRPERSON HILL: Ms. Cieslak, can I -- can I interrupt  
16 you one second?

17 MS. CIESLAK: Sure.

18 CHAIRPERSON HILL: Have you seen the plans?

19 MS. CIESLAK: Yes, I have seen the plans.

20 CHAIRPERSON HILL: And how will they affect your  
21 property? Like is it somehow -- is there shadowing that you're  
22 worried about, or is there -- how is that property which is five  
23 doors down affecting yours?

24 MS. CIESLAK: Well, I'm mainly -- I do have concerns  
25 about the airflow in the alley area and the impact that that can

1 have on the trees that are in the alley that people have in their  
2 backyards.

3 CHAIRPERSON HILL: Okay.

4 MS. CIESLAK: That's a big concern. I mean, we talked  
5 -- one of the neighbors talked about their magnolia tree, which is  
6 a very large tree, and then we have our two large Kwanzans.

7 CHAIRPERSON HILL: Okay. Okay.

8 MS. CIESLAK: And just a general aesthetic, what it will  
9 do in the neighborhood. You know, our street is almost -- is a  
10 cosmo of different architectural types of Capitol Hill from a  
11 Civil War House -- era house, to Queen Anne style to our Federal  
12 porch style. And to have this addition and roof deck would  
13 definitely change the character of a very representational  
14 neighborhood architecturally.

15 CHAIRPERSON HILL: Okay. Thank you, Ms. Cieslak. Yeah.  
16 We're just trying to figure out party status right now, meaning  
17 we're --

18 MS. CIESLAK: Sure, I understand.

19 CHAIRPERSON HILL: -- not in a hearing. But I  
20 appreciate the testimony that you're giving.

21 Mr. Sullivan, did you have something you wanted to say  
22 on behalf of the Applicant?

23 MR. SULLIVAN: Just that I stand on the record with what  
24 we've stated. I don't think the Board has traditionally granted  
25 party status five doors away when it just relates to a structure

1 and such a minor -- relatively minor addition not increasing the  
2 footprint. There's no change in use. It's a flat, and it'll  
3 remain a flat. It's typically use changes that have -- that the  
4 Board has seen as extending beyond, you know, the properties that  
5 are directly affected. But I defer to the Board. I don't think  
6 it makes much difference at this point --

7 CHAIRPERSON HILL: Okay. All right. Thank --

8 MR. SULLIVAN: -- how many parties we have.

9 CHAIRPERSON HILL: Okay. Thank you, Mr. Sullivan.

10 All right. I am looking to my fellow Board members now.  
11 So what I was going to propose -- well, there's a couple of things  
12 I guess I can propose. You know, I was either thinking that we --  
13 it seems to me that a lot of the issues are the same, right? The  
14 light and air, privacy, character. And, therefore, I think that  
15 we could ask the parties to combine into one party, and then they  
16 would go ahead and --

17 I'm just talking to my Board members right now. So just  
18 bear with me, people that are on the -- in the hearing area.

19 So combine them into one party, and then they could --  
20 there's enough time that they can meet and figure out who would  
21 represent them and make sure everyone has an opportunity to move  
22 forward, meaning, you know, at the hearing. And so that's one  
23 thought.

24 I still actually am not clear -- I mean, they could have  
25 Ms. Cieslak testify either with them but not be technically a

1 party, or Ms. Cieslak could give her own testimony during the  
2 hearing which might even afford her more time actually because  
3 she'll have three minutes to testify as a member of the public.  
4 I'm a little cautious because in the past with party status, like,  
5 unless I think they've met the criteria -- I don't necessarily  
6 think that Ms. Cieslak meets the criteria, but I know that my  
7 fellow Board members would have different opinions on that and  
8 have had different opinions on that in the past.

9           So let's tackle that one first, right? I would be  
10 opposed to Ms. Cieslak getting party status but having, obviously,  
11 the ability to either be a witness with the party, that someone's  
12 going to be a party status, or also she could testify in her  
13 capacity as someone in opposition during the hearing. And before  
14 I even split off on that one -- or we could even do -- well, let  
15 me see what you think of that first.

16           So I'm going to ask what you think of that, Commissioner  
17 Turnbull, first.

18           COMMISSIONER TURNBULL: Thank you, Mr. Chair. Just so  
19 the party status people understand, what you're trying to do is  
20 that if the applicant has an hour to present his case, then the  
21 opponents have an hour to present a response to their case. Am I  
22 not correct, Mr. Chair?

23           CHAIRPERSON HILL: What happens, Mr. Turnbull, is  
24 whatever time the applicant takes, the party status people have  
25 the same amount of time. So if the applicant --

1 COMMISSIONER TURNBULL: Right.

2 CHAIRPERSON HILL: -- takes, right, like half an hour or  
3 45 minutes, whatever, then yeah.

4 COMMISSIONER TURNBULL: So I think what the Chair is  
5 trying to do is that the party status people that have -- if he  
6 does, let's say, 40 minutes to present his case, that means each  
7 of you have a quarter of that time. There's four of you. You  
8 would get ten minutes each. But if you present -- if you do a  
9 unified testimony at 40 minutes, you might be able to make a  
10 better case if you all got together and highlighted the very --  
11 the important aspects of why you think -- what the problem is.

12 I think that's what you're getting at, Mr. Chair.

13 CHAIRPERSON HILL: Yeah. No, thank you, Commissioner  
14 Turnbull. I'll outline it all --

15 COMMISSIONER TURNBULL: Yeah.

16 CHAIRPERSON HILL: -- as we kind of go through it. But  
17 what do you think of Ms. Cieslak and her party status?

18 COMMISSIONER TURNBULL: I'm -- while we're talking about  
19 it, I went to look at the drawings. I don't see anything, any  
20 changes at the front of the residence that the applicant is doing.  
21 Is that right, Mr. Sullivan?

22 MR. SULLIVAN: Yes, I believe that's correct. Yes.  
23 It's just the third-story addition setback from the front.

24 COMMISSIONER TURNBULL: So the unified view of the  
25 street, from the front, is going to remain the same as I

1 understand it. The problem is all at the back of the house, the  
2 rear of the house. So you're right. I think Ms. Cieslak has a  
3 higher bar to reach being five doors away given the fact -- I  
4 understand about her concern about the air and everything else,  
5 but it is five doors away. So I think it's hard to make the case  
6 for it that she's really truly impacted in that sense. So I would  
7 -- she might -- it might work out better if she presented on her  
8 own.

9 CHAIRPERSON HILL: Okay. All right. So you're in  
10 denial.

11 Mr. Smith?

12 MR. SMITH: I agree with Mr. Turnbull. I think it's a  
13 higher hurdle for Ms. Cieslak to -- for me to support the party  
14 status for her in that she's six doors down. The only addition is  
15 on the third floor of the addition -- I mean the rear of the  
16 existing property and the second-floor addition on the garage  
17 which, again, is a couple doors down.

18 I understand her concern as it relates to air and impact  
19 on privacy and the impacts to her trees in the rear of her  
20 property. But I think she can be served best by standing alone  
21 and having that discussion at the hearing but not on the level of  
22 party status.

23 CHAIRPERSON HILL: Okay.

24 Ms. John?

25 VICE CHAIR JOHN: I would also deny party status to Ms.

1 Cieslak because her representation does not show how she's  
2 uniquely affected. And her concerns with respect to airflow in  
3 the alley can be better -- well, can be adequately represented by  
4 the other four neighbors who have more direct impacts. And so I  
5 would also suggest that she might want to testify on her own.

6 CHAIRPERSON HILL: Okay. All right. Okay. Thank you.

7 Ms. Cieslak, can you hear me?

8 MS. CIESLAK: Yes, I can.

9 CHAIRPERSON HILL: Okay. So we're going to deny your  
10 party status request. However, we're going to -- you know, please  
11 continue to watch, and then you'll see how you can participate as  
12 we kind of continue this discussion. Okay?

13 MS. CIESLAK: That's fine. I agree. Thank you so much.  
14 I appreciate you taking the time to hear my testimony.

15 CHAIRPERSON HILL: Thank you. You'll have an  
16 opportunity also to testify during the hearing itself.

17 MS. CIESLAK: Right. Thank you.

18 CHAIRPERSON HILL: Thank you.

19 Mr. Young, if you could please excuse Ms. Cieslak?  
20 Okay.

21 So I'm going to make a motion to deny the party request  
22 of Ms. Vanessa Cieslak and Mr. Garland Kevin Holloway.

23 And can I do that by consensus, Ms. Cain?

24 MS. CAIN: I would recommend taking a vote on it.

25 CHAIRPERSON HILL: Great.

1           So I love video. Video is just going to slow me down  
2 even more. All right. So I've made a motion. I'm making a  
3 motion.

4           Ms. John, could you second, please?

5           VICE CHAIR JOHN: Second.

6           CHAIRPERSON HILL: All right.

7           Mr. Moy, if you could take the roll call, please?

8           MR. MOY: Yes. Thank you, Mr. Chairman. So when I call  
9 your name, if you would please respond with a yes, or no, or  
10 abstain to the motion made by Chairman Hill to deny the request  
11 for advanced -- for party status to Cieslak. And the motion was  
12 seconded by Ms. John. Okay.

13           So Zoning Commissioner Michael Turnbull?

14           COMMISSIONER TURNBULL: Yes, to deny.

15           MR. MOY: Mr. Smith?

16           MR. SMITH: Yes, to deny.

17           MR. MOY: Vice Chair John?

18           VICE CHAIR JOHN: Yes, to deny.

19           MR. MOY: Chairman Hill?

20           CHAIRPERSON HILL: Yes, to deny.

21           MR. MOY: And we have a Board seat vacant. Staff would  
22 record the vote as 4 to 0 to 1. This is the motion made by  
23 Chairman Hill to deny the request for party status to Ms. Cieslak.  
24 The motion was seconded by Vice Chair John. Also in support of  
25 the motion is Mr. Smith and Zoning Commissioner Michael Turnbull.

1 The motion carries, sir.

2 CHAIRPERSON HILL: Okay. Great. Thank you, Mr. Moy.

3 All right. So just to let you guys all know, normally  
4 we're all together -- well, normally. Whenever normal was, we  
5 would be sitting together, and we could all nod our heads. So now  
6 in the video world, we have to do this. And we haven't even  
7 gotten to our real day. Like this is just all stuff -- we'll be  
8 here a long time. All right. Okay.

9 So I'm going to turn to Ms. Harrison because I see you.  
10 Ms. Harrison so do you guys know each other? I said that before.  
11 At least you kind of know each other?

12 MS. HARRISON: Yes, we do. We're --

13 CHAIRPERSON HILL: Okay.

14 MS. HARRISON: Yeah. We all know each other.

15 CHAIRPERSON HILL: Okay. So what I would suggest is  
16 that you all get together and kind of come up with, you know, your  
17 arguments. And what will end up happening is, you know, you guys  
18 can -- there's enough time that you guys can get together before  
19 the hearing.

20 And I don't see the Office of Planning's report yet.  
21 That's correct, right, Ms. Cain? Okay.

22 So the Office of Planning is the one who's going to  
23 analyze the case, really, for kind of the development criteria.  
24 They're not going -- and, actually, they are going to look even at  
25 the standards with which we're supposed to look, right? So

1 they're a good place to kind of start to understand what we, the  
2 Board, are going to be focusing in on during the hearing. And  
3 there will also be issues about light and air, privacy, as well  
4 as, you know, the character of the neighborhood. But the light,  
5 air, and privacy issues are usually the more substantial issues.  
6 I shouldn't say always, but that's something that we tend to focus  
7 in on more. So the Office of Planning's report will be helpful  
8 once that arrives.

9           And then what happens is -- and I know everybody's  
10 listening now. The applicant will have an opportunity to present  
11 their case as to why they believe they're meeting the standard for  
12 which we need to grant the requested relief. And then you,  
13 whoever you all choose to be your spokesperson, would then be  
14 like, you know, asking questions of the applicant as to their  
15 testimony, right? And then you would have an opportunity, whoever  
16 you, again, choose to be your spokesperson, to present your case  
17 as to why you think they're not meeting the standard to grant the  
18 application.

19           The applicant -- the attorney would then -- I'm sorry.  
20 The applicant would then have an opportunity to question you. We  
21 will then go and hear from the Office of Planning. The Office of  
22 Planning will give their testimony. I don't know what the Office  
23 of Planning's testimony is at this point, right? It could be in  
24 favor. It could be in denial. But they will outline what they  
25 believe is the relevant issues. You and the applicant will have

1 an opportunity to ask questions of the Office of Planning, and  
2 then we will also take public testimony.

3           So that's when Ms. Cieslak might be able to give her  
4 public testimony. Or if you all think that she is a good witness  
5 or you might want to use her as a witness, you could go ahead and  
6 include her in your case as a witness, right? And, also, you all  
7 can also be witnesses during the case.

8           So I'm not -- since we are in this video world, when we  
9 were face to face, there would be one spokesperson, and not too  
10 many people would speak during the hearing unless they were there  
11 as witnesses. So you might have, you know, Ms. Howell -- or Mr.  
12 Howell might be a witness for something. You know, some of your  
13 other people might be more a witness for certain things, and you  
14 can go ahead and have them testify at that point as witnesses for  
15 whatever you want them to be a witness for, right?

16           And then the opportunity will be for public testimony,  
17 again, whether Ms. Cieslak is at that point or not. And then the  
18 attorney will have -- I'm sorry -- the applicant would have an  
19 opportunity to rebut any of the things that were brought forward.  
20 There will be a conclusion. And then during all of this, the  
21 Board will ask questions.

22           So -- and I'll let anybody ask any questions that they  
23 might have by raising their hand in one second.

24           But Ms. Harrison, do you understand?

25           MS. HARRISON: I do. Yes, I do. And we will comply

1 with that. We will come together as a group and comply with that.  
2 We (audio interference) on that. Thank you.

3 CHAIRPERSON HILL: Okay.

4 Does anybody have any questions? If so, raise their  
5 hand.

6 (No response.)

7 CHAIRPERSON HILL: Okay. All right. Great. Well,  
8 thank you so much then. All right.

9 Then I'm going to go ahead to make a motion to approve  
10 the party status of Darrin Howell and Mary Joy Ballantyne,  
11 Winfield Wilson and Veena Srinivasa, Randi Spivak and Andy Kerr,  
12 and Thomas Sheeran and Theresa Harrison.

13 And ask for a second, Ms. John?

14 VICE CHAIR JOHN: Second.

15 CHAIRPERSON HILL: The motion has been made and  
16 seconded.

17 Mr. Moy, if you could please take a roll call?

18 MR. MOY: Yes, sir. Board members, when I call your  
19 names, if you would please respond with a yes or no to the motion  
20 made by Chairman Hill to approve party status to the four -- I was  
21 going to say individuals -- the four couples, I'll say, granted  
22 party status. This is a motion made by Chairman Hill and seconded  
23 by Vice Chair John.

24 Zoning Commissioner Michael Turnbull?

25 COMMISSIONER TURNBULL: Yes, to approve.

1 MR. MOY: Mr. Smith?

2 MR. SMITH: Yes, to approve.

3 MR. MOY: Vice Chair John?

4 VICE CHAIR JOHN: Yes, to approve.

5 MR. MOY: Chairman Hill?

6 CHAIRPERSON HILL: Yes, to approve.

7 MR. MOY: We have a Board seat vacant. Staff would  
8 record the vote as 4 to 0 to 1. And, again, this is on the motion  
9 made by Chairman Hill to approve the four -- I'm going to say  
10 couples for party status, and the motion was seconded by Vice  
11 Chair John. Also in support of the motion, Mr. Smith and Zoning  
12 Commissioner Michael Turnbull. The motion carries, sir.

13 CHAIRPERSON HILL: Okay. Great. Thank you. Let's see.  
14 So when do we hear this, Mr. Moy, again?

15 MR. MOY: April the 14th is the first scheduled hearing  
16 on this application. I would also suggest, Mr. Chairman, that you  
17 remind the newly appointed party status that they are also  
18 obligated to serve all the parties if they file anything into the  
19 record.

20 CHAIRPERSON HILL: Okay. And who are all the parties  
21 again?

22 MR. MOY: They are Thomas Sheeran and Theresa Harrison  
23 --

24 CHAIRPERSON HILL: No, no. I'm sorry. What I meant is  
25 that -- so they have to serve the applicant, right?

1 MR. MOY: The applicant and --

2 CHAIRPERSON HILL: (Audio interference) -- the applicant  
3 and the ANC?

4 MR. MOY: Yes, sir.

5 CHAIRPERSON HILL: Okay. All right.

6 So you guys got to remember whatever you submit, make  
7 sure you get it to the applicant and the ANC.

8 And then, Mr. Moy, were there dates actually? Because I  
9 know that the -- when will we kind of get the Office of Planning's  
10 report?

11 MR. MOY: Typically -- correct me if I'm wrong, Ms.  
12 Cain. Typically, it's -- I think it's two weeks before the  
13 hearing.

14 MS. CAIN: It's normally about ten days before the --

15 MR. MOY: Ten days? Well, close. I prefer two weeks.

16 CHAIRPERSON HILL: All right.

17 So that's when the Office of Planning's report should be  
18 in the record, you guys.

19 And then do they get that? And I always forget -- they  
20 don't get that directly sent to them, do they, Ms. Cain? No.  
21 They have to look. Okay. So they have to look.

22 And then if you want to submit a PowerPoint, you have to  
23 get it in 24 hours in advance, okay. Unless you don't, and then  
24 you have to ask for a waiver from the 24-hour thing.

25 I'm just trying to think about filings, Mr. Moy. Is

1 | there something to tell the parties as to when we hope to see  
2 | anything from them? Or I guess it's not -- I can't remember when  
3 | the filings work.

4 |           MS. CAIN: Mr. Chair, I can speak to that.

5 |           CHAIRPERSON HILL: Okay.

6 |           MS. CAIN: So what we would recommend and what the Board  
7 | has done on previous cases is allow two weeks for the party  
8 | opponents to submit written submissions to the record. So that  
9 | would have them due on March 10th. And then provide an additional  
10 | two weeks for the applicant to respond to those filings. So that  
11 | will be March 24th. And then allow a week for the ANC and the  
12 | Office of Planning, if they so choose, to submit any response to  
13 | either the applicant's filings or the opponent's filings. So that  
14 | would be March 31st, which is scheduled for April 14th, which  
15 | would allow two additional weeks for the Board (audio  
16 | interference) review.

17 |           CHAIRPERSON HILL: Okay.

18 |           So the dates you guys --

19 |           Can you repeat those dates again, please, Ms. Cain?

20 |           MS. CAIN: Sure. So it would be March 10th for filing  
21 | to the party opponents, March 24th for responses from the  
22 | applicants to those (audio interference), and then March 31st for  
23 | any optional filings from the ANC and OP.

24 |           CHAIRPERSON HILL: Okay.

25 |           So I don't know if by the 10th you guys will have seen

1 | the Office of Planning's report, but we will need to still have  
2 | your filings by then. And if you want to change your filing based  
3 | on the Office of Planning's report, you can do so, and then we  
4 | have to get enough time for everyone to respond to things. But it  
5 | should point out what it is your issues are. Okay?

6 | Ms. Cain, does --

7 | MS. HARRISON: (Audio interference).

8 | CHAIRPERSON HILL: -- that sound --

9 | Sure. One second, Ms. Harrison.

10 | Ms. Cain, is that clear? Okay.

11 | Ms. Harrison?

12 | MS. HARRISON: Thank you. For us to be able to submit  
13 | our written (audio interference), is there a form that we follow?  
14 | Or can we just draft it and professionalize it and send it to you?

15 | CHAIRPERSON HILL: Ms. Cain?

16 | MS. CAIN: No, there really isn't any sort of standard  
17 | form that needs to be followed.

18 | MS. HARRISON: Okay. Thank you.

19 | CHAIRPERSON HILL: Okay?

20 | And we're pretty flexible in that we want to hear from  
21 | everybody. I mean, whether you guys have an argument or not, I  
22 | don't know because we haven't gotten to the application yet. But  
23 | we know that you're not land-use attorneys. So --

24 | MS. HARRISON: Yes.

25 | CHAIRPERSON HILL: -- we're well aware, right. And so

1 -- okay.

2 So is that it then? All right. Okay.

3 Ms. Cain, do we need anything else? You're good?

4 Okay. All right.

5 So then I'll excuse all of you. Thank you.

6 MS. HARRISON: Thank you very much.

7 CHAIRPERSON HILL: Okay. I think -- that took longer  
8 than I thought. So I say we go ahead -- and I'm going to read  
9 into the hearing, and then let's take a quick break. Does that  
10 sound fair?

11 Okay. All right. All right. So I'm going to read into  
12 the hearing, and then we'll take a break.

13 (Whereupon, the above-entitled matter went off the  
14 record at 10:45 a.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCBZA

Date: 02-24-21

Place: Teleconference

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

---

CHRIS HOFER

HUNT REPORTING COMPANY  
Court Reporting and Litigation Support  
Serving Maryland, Washington, and Virginia  
410-766-HUNT (4868)  
1-800-950-DEPO (3376)