

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

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WEDNESDAY

MAY 12, 2021

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The Public Meeting of the District of Columbia Board of Zoning Adjustment convened via videoconference at 10:59 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

- FREDERICK L. Hill, Chairperson
- LORNA L. JOHN, Vice-Chair
- CHRISHAUN S. SMITH, Board Member
- CARL BLAKE, Board Member

ZONING COMMISSIONER MEMBER PRESET:

- PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD W. MOY, Secretary
- PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- ALEXANDRA CAIN, ESQ.

The transcript constitutes the minutes from the Public Meeting held on May 12, 2021.

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

Case No. 18830, Bright Beginnings, Inc.
 Modification of Consequence 4

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

(10:59 a.m.)

CHAIRPERSON HILL: Let's see. Can you all hear me?
Okay. Thank you.

Mr. Moy -- oh, no. So I'm going to read in, Mr. Moy,
to the meeting here. Okay. The meeting will please come to
order.

Good morning, ladies and gentlemen. We're convened and
broadcasting this decision meeting by videoconference. This is
May 12th, 2021, the public meeting session of the Board of Zoning
Adjustment District of Columbia. My name is Fred Hill,
chairperson. Joining me today is Lorna John, Vice Chair; Board
members Carl Blake and Chrishaun Smith, and representing the
Zoning Commission is Peter May.

Today's meeting agenda is available to you on the
Office of Zoning's 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 listening by Webex or by
telephone will be muted during the meeting. We do not take any
public testimony at our decision meetings. If you're
experiencing difficulty accessing Webex or with a phone call,
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1 At the conclusion of this meeting session, I shall in
2 consultation with the Office of Zoning determine whether a full
3 summary order will be issued. A full order is required when the
4 decision it contains is adverse to a party, including an affected
5 ANC. A full order may also be needed if the Board's decision
6 differs from the Office of Planning's recommendation. Although,
7 the Board favors the use of summary orders whenever possible, the
8 applicant may not request the Board to issue such an order.

9 Preliminary matters are those which relate to whether
10 a case will or should be heard today such as postponement,
11 continuance or withdrawal.

12 Mr. Secretary, do we have any preliminary matters

13 MR. MOY: In this main session, there is one to the one
14 case, sir.

15 CHAIRPERSON HILL: All right. Then how about Mr. Moy
16 you go ahead and read in on that one case and then you can tell
17 us about the preliminary matters?

18 MR. MOY: Yes, sir. So for the record, this is the
19 applicant's file made for a request for a modification of a
20 consequence and this is what was captioned and advertised to the
21 conditions of BZA Order No. 18830 to permit an increase in the
22 number of children to 150 and the number of staff to 60 at an
23 existing child development center in the RF-1 Zone. And let's
24 see, this is a property located at 3418 4th Street, Southeast,
25 Square 5969, Lot 249. And again, Mr. Chairman, this was the

1 applicant's request for a modification of consequence.

2 CHAIRPERSON HILL: Okay. All right. I guess the Board
3 has taken a look at this. What's before us right now is a
4 modification of consequence for Application 1830-B of Bright
5 Beginnings. The modification of consequence is a proposed change
6 to conditions cited by the BZA in its final order or a redesign
7 or relocation of architectural elements and open spaces from the
8 design approved by the BZA under Y 703.4.

9 Although, modifications of a consequence may be placed
10 on the consent counter, we basically have before us either grant
11 or deny a modification of consequence, and if we don't think it's
12 a modification of consequence or therefore, possibly a
13 modification of significance or if there are things that we
14 believe are not properly addressed by the application then we
15 might want to set, or we would set a time frame for a different
16 request for relief.

17 Upon reviewing the record, I actually think that
18 because of what they are asking for in terms of the increase, I
19 think that this is actually a modification of significance. And
20 therefore, since in my opinion it's a modification of
21 significance and I have might others let me know whether they
22 agree or not, then we would have to set new timelines for this
23 as a modification of significance so that the public can be
24 notified. However, it's not something that I believe comes up
25 to the need for, you know, a variance or any some -- any issues

1 -- any relief requested along those lines. So therefore, I do
2 think that a modification of significance would be a way to move
3 forward with this application and that's my opinion.

4 So I'm going to ask my fellow Board members what they
5 think and I'm going to go around the table, if I could, with you
6 Mr. -- Commissioner May?

7 COMMISSIONER MAY: Mr. Chairman, I'm fine with that
8 conclusion. I think it would be -- I agree that it's the sort
9 of relief that could be granted by the BZA relatively easy, but
10 we would have to ensure that there's been appropriate public --
11 option for public to comment.

12 CHAIRPERSON HILL: Thank you, Commissioner May.
13 Mr. Smith?

14 BOARD MEMBER SMITH: I agree with Mr. May. I think
15 it's appropriate just as long as we give the public the ability
16 to comment on this project, given the fact that for the scale,
17 the scale of the increase in the number of students being
18 requested for this particular application. So I'm fine with
19 entering it in this particular manner and giving the public
20 additional time to be able to comment on this particular project.

21 CHAIRPERSON HILL: Thank you, Mr. Smith.
22 Vice Chair John?

23 VICE CHAIR JOHN: I'm fine with what you're proposing
24 Mr. Chairman.

25 CHAIRPERSON HILL: Thank you.

1 Mr. Blake?

2 BOARD MEMBER BLAKE: I'll go along with that as well.

3 CHAIRPERSON HILL: Thank you.

4 All right. Then Mr. Moy, can you hear me?

5 MR. MOY: Yes, sir.

6 CHAIRPERSON HILL: If you could reach out to the
7 applicant and then set a timeline with them as to how we're going
8 to move forward?

9 MR. MOY: Yes, sir.

10 The only question I have with the Board is since the
11 ANC has already been noticed with this originally filed
12 modification of consequence, in this case normally, we would
13 allow 40-days' notice. But the Board is at their own discretion
14 of how long you would want to allow the amount of days' notice.
15 I would suggest sticking with the 40 days.

16 CHAIRPERSON HILL: Okay. Whatever you suggest, Mr.
17 Moy. I mean we don't need to hear from the ANC again because
18 that's not going to change. But I guess, again, just to make
19 sure we're adhering with the regulations. Please go ahead and
20 move forward, as you suggest and set a schedule with the
21 applicant.

22 MR. MOY: Thank you, sir.

23 CHAIRPERSON HILL: And Mr. Moy, we'll try -- I mean we
24 know -- let's get this back before us as soon as we can. Okay?

25 MR. MOY: Yes, sir.

1 CHAIRPERSON HILL: Okay. Thank you, Mr. Moy.

2 One second, please.

3 Commissioner May, were you around for the modification
4 of consequence and modification of significance? Did you guys
5 come up with that idea?

6 COMMISSIONER MAY: Yes. Yes.

7 CHAIRPERSON HILL: Okay. Couldn't you have come up
8 with a different word, you know, modification of consequence and
9 significance? They sound so much the same. I'm always -- why
10 is significance more than consequence?

11 MR. MAY: I, you know, I cannot say that I remember
12 exactly where those words came from. I remember there was some
13 discussion of it, but we were trying to come up with a way or
14 the Board to be able to modify previous orders without having to
15 have a hearing every time. And the idea was just to be able to
16 do it with feedback from the ANC and any other parties. So if
17 you have suggestions on changing consequence to something else,
18 I, you know --

19 CHAIRPERSON HILL: I'm taking time having fun because
20 they sound so much the same to me. I'm just -- I'm always like
21 I never, you know -- either word could be -- okay. Got you.

22 MR. MAY: I understand.

23 (Whereupon, the above-entitled matter went off the
24 record at 11:09 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCBZA

Date: 05-12-21

Place: Teleconference

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