

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JUNE 16, 2021

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via videoconference, 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  
CARL BLAKE, Board Member  
CHRISHAUN SMITH, Board Member

ZONING COMMISSION MEMBER PRESENT:

PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

BRANDICE ELLIOTT  
KAREN THOMAS  
ANNE FOTHERGILL

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STEPHEN MORDFIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JOHN K. RICE, Esquire  
ALEXANDRA CAIN, Esquire

The transcript constitutes the minutes from the  
Regular Public Hearing held on June 16, 2021

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

(10:00 a.m.)

CHAIRPERSON HILL: Mr. Moy when you get an opportunity you can go ahead and call our first hearing case.

MR. MOY: All right.

CHAIRPERSON HILL: Wait a minute. Yeah, hold on. This is -- right. Okay. Yeah, go ahead and call it, please, Mr. Moy.

MR. MOY: All right. Thank you, Mr. Chairman. The Board is now in its hearing session. The first case before the Board is application number 20382 of Haider, H-A-I-D-E-R, Haimus, H-A-I-M-U-S, and Jessica Bachay, B-A-C-H-A-Y. This application is amended for special exception from the lot opportunity requirements of Subtitle E, Section 304.1. This would construct a third story addition and roof deck to an existing two-story principal dwelling unit and a second story addition to an accessory detached garage in the RF-1 Zone.

This was least heard before the Board on April 14, 2021, and scheduled for today's hearing as a continued hearing and decision. In the record, Mr. Chairman, there is a preliminary matter. The party opponents have filed a motion to postpone and a motion to strike. And I'll leave it at that.

CHAIRPERSON HILL: Okay. Give me a moment. All right, let's see. Mr. Haimus, are you there? No, that's all right.

1 Hold on. Mr. Sullivan, could you introduce yourself for the  
2 record?

3 MR. SULLIVAN: Yes. Thank you, Mr. Chairman and  
4 members of the Board. My name is Marty Sullivan, with Sullivan  
5 and Berros, on behalf of the Applicant.

6 CHAIRPERSON HILL: Okay. And who is with you here  
7 today?

8 MR. SULLIVAN: We have the architect, Jennifer Fowler  
9 and the property owner, Haider Haimus.

10 CHAIRPERSON HILL: Haider Haimus. Okay, great. And  
11 then the parties, can everybody turn on their camera. Okay,  
12 great. Thanks. Okay. Is it Ms. Howell? Could you introduce  
13 yourself for the record, please?

14 MS. VALENTINE: Sure. My name is Mary Joy Valentine, and  
15 I am the neighbor that's directly south of the property at 306  
16 11th Street, Northeast. This is my husband Derrick Howell.

17 CHAIRPERSON HILL: Okay, great. Ms. Harrison, can you  
18 hear me? Could you introduce yourself for the record?

19 MS. HARRISON: yes. Good morning. My name is Teresa  
20 Harrison. And my husband Tom who is not able to join us this  
21 morning, but is with me in another room. And we're the party  
22 directly behind the property.

23 CHAIRPERSON HILL: No problem. And Ms. Srinivasa?

1 MS. SRINIVASA: Hi. My name is Veena Srinivasa. I live  
2 at 310 11th Street, which is the property that's directly north  
3 of the Applicant. And my husband will be joining shortly.

4 CHAIRPERSON HILL: Okay. Can you all -- you guys put in  
5 a PowerPoint just the other night with 47 slides; is that right?  
6 And whoever did it, could they raise their hand. Okay, great.  
7 Now, I apologize because it says Howell on the thing. What was  
8 your name again?

9 MS. VALENTINE: You can call me Mary -- it's Mary Joy  
10 Valentine, but you can call me Howell. It's fine.

11 CHAIRPERSON HILL: All right. Ms. Valentine. I'll try  
12 to do it. Hold on.

13 MS. VALENTINE: Don't worry about it. Just call me Ms.  
14 Howell, Mrs. Howell.

15 CHAIRPERSON HILL: That's all right. Well, either way,  
16 if I forget you might be Ms. Howell. Okay. So you did -- well,  
17 so now there was two things I guess. One, Mr. Sullivan, you guys  
18 don't have anything late, correct?

19 MR. SULLIVAN: No. I don't believe we do.

20 CHAIRPERSON HILL: Okay. Okay. And Ms. Valentine, you  
21 guys just submitted the PowerPoint the other night, correct, last  
22 night?

1 MS. VALENTINE: We submitted -- no. We submitted a  
2 PowerPoint yesterday within the time frame. We submitted --

3 CHAIRPERSON HILL: Okay.

4 MS. VALENTINE: Yeah.

5 CHAIRPERSON HILL: Is that right, Mr. Moy?

6 (No response.)

7 CHAIRPERSON HILL: Well, regardless, regardless, unless  
8 the Board has any issues, I want to make sure that the slide deck  
9 for Ms. Valentine is in there, right.

10 MR. MOY: Right. So in the absence of that, if you  
11 could make a ruling on that.

12 CHAIRPERSON HILL: Right. I'm just letting you know  
13 that whether or not it made it -- Ms. Cain, do you know?

14 MS. CAIN: My understanding was you had two filings came  
15 in from the Applicant. It was an updated PowerPoint that came in  
16 a little bit late yesterday. So that is not in the record. I  
17 believe the OZ technical staff have it. And then there was also a  
18 motion for the parties in opposition to request an untimely  
19 filing, which is also not in the record.

20 CHAIRPERSON HILL: Okay. All right, well, let's work  
21 through this a little bit here.

22 Mr. Sullivan, regardless of whether you guys are late or  
23 not, I want the -- go ahead, Mr. Sullivan.

1 MR. SULLIVAN: I'm sorry. Yeah, I forgot about that.  
2 We added two pages. For some reason our two pages of the special  
3 exception argument was not in the original PowerPoint. So we  
4 added that. So that was, that one was late.

5 CHAIRPERSON HILL: Okay. So that is not in your -- you  
6 have an older PowerPoint, Mr. Sullivan?

7 MR. SULLIVAN: We filed the updated one but it was  
8 within the 24 hours.

9 CHAIRPERSON HILL: Okay. So there's a PowerPoint -- is  
10 it in the record now?

11 MR. SULLIVAN: I don't think it would be because it  
12 wouldn't have been accepted yet. We'll need to ask for the Board  
13 to accept that into the record.

14 CHAIRPERSON HILL: Okay. So if staff can hear me,  
15 please allow the Applicant's PowerPoint into the record.

16 And then now, was it Ms. Valentine, you guys had a  
17 motion to strike something?

18 MS. VALENTINE: Yes. So on the ninth of June we got  
19 some, what we would consider to be a brand new filing, brand new  
20 submission with measurements on the lot that we've never seen  
21 before, and measurements that we've been asking for since March.  
22 And so that all came in on June 9th. And we were traveling, so we  
23 weren't able to review that until the next couple of days. And so

1 we filed a motion to postpone and a motion to strike. We haven't  
2 really had time to really fully digest what came in on the 9th.  
3 Again, it's a brand new set.

4 CHAIRPERSON HILL: Okay, I got you. I got you. Okay.  
5 So --

6 MS. VALENTINE: So what happened, our PowerPoint was  
7 accepted. It's in that docket. But we submitted right after that  
8 a little attachment to the motion to postpone/strike that we filed  
9 on the 12th. And that got -- we filed at 9:42, and that didn't  
10 get accepted.

11 CHAIRPERSON HILL: Okay. Okay. Well, I mean, I looked  
12 at the motion to postpone and also what you all had cited. And I  
13 went back and looked at the record, and then also spoke with the  
14 Office of the Attorney General. And it seems as though everything  
15 that we had asked of the Applicant was submitted in a timely  
16 fashion. However, if you all want -- this is kind of up to you a  
17 little bit. Like, we have a very full day today. And so, you  
18 know, this is something that like we might even go past dinner  
19 time. And so if you all want to -- and I'm looking at my fellow  
20 Board members also. Like, I mean, I don't mind giving another  
21 week to this application if in fact, you know, that's something  
22 that the parties in opposition still want to do. And so I'm

1 looking at my fellow Board members, unless you all have any issues  
2 with that, if you wanted to raise your hand.

3 (No response.)

4 CHAIRPERSON HILL: So Ms. Valentine, you're speaking on  
5 behalf of the opposition party, correct?

6 MS. VALENTINE: Correct. Yes.

7 CHAIRPERSON HILL: Okay. And so you'll be presenting  
8 for the opposition party next week, if we do postpone this a week,  
9 next week, correct?

10 MS. VALENTINE: Correct.

11 CHAIRPERSON HILL: Does that work for your team?

12 MS. VALENTINE: We don't -- I don't know. Can I just  
13 ask a clarifying question?

14 CHAIRPERSON HILL: Sure.

15 MS. VALENTINE: So on May -- sorry. Our hearing was on  
16 April 14th. And before that we had raised this issue about lot  
17 occupancy. And this a one-page attachment that we submitted  
18 yesterday a little bit late. So this goes through the filings and  
19 how over time the same measurements were provided. They were all  
20 inaccurate by a significant amount. And so on the 9th they  
21 finally adjusted this measurement. And we haven't actually ever  
22 engaged our own experts to sort of run a sun study, and also a  
23 heat reflective study, and some other studies because we knew,

1 | because we lived right next to adjacent property, and all of our  
2 | measurements are almost the same when it comes to the rear yard,  
3 | the garage and the house. And so we knew that they were over lot  
4 | occupancy this whole time, and we haven't invested in any studies  
5 | because we knew we would have to revise them, and that would be an  
6 | additional expense.

7 |           So you mentioned that those -- the information that you  
8 | received on the 9th was not new, but for us it's brand new and we  
9 | haven't had time to assess it. And when we reached out to our  
10 | experts, they had no time on the schedule to sort of walk us  
11 | through those things and get additional information.

12 |           CHAIRPERSON HILL: Yeah. I mean, -- and what's your  
13 | question? I don't understand.

14 |           MS. VALENTINE: My question is, how come what they  
15 | submitted on the 9 isn't new? It has a whole new set, these  
16 | drawings that shows that the yard was actually never able to be 21  
17 | --

18 |           CHAIRPERSON HILL: Okay. Give me a second, Ms.  
19 | Valentine. Ms. Cain, you can think about this for a little while  
20 | because we walked through this before, together.

21 |           Mr. Sullivan, do you have a response? Because I'm not  
22 | really clear as to what the question is.

1 MR. SULLIVAN: I think the changes are very minor in  
2 nature. The project substantially has not changed. The actual --  
3 nothing has changed. Some of the measurements and the -- we can  
4 talk to the architect if you want to know more. The changes in  
5 relation to some of the relative aspects with the neighboring  
6 accessory buildings, the changes are minor, and it's a reduction  
7 in size. So it wouldn't substantially affect -- it hasn't  
8 substantially affected the shadow study.

9 One of the changes is that we agreed with the comment  
10 from the opponents to expand the time of the evaluation of the  
11 shadow study, which we did do at 5:00. And so that's one of the  
12 changes. But other than that, these are minor changes. I think a  
13 one week postponement is a reasonable compromise.

14 CHAIRPERSON HILL: Okay. So regardless, I mean, I'm not  
15 going to postpone it more than a week. So it doesn't matter about  
16 that. So Mr. Sullivan, you just heard me for the week then.  
17 You're not giving me any push back on that. And then, so Ms.  
18 Valentine, so we'll -- we're going to go ahead and give you guys  
19 another week. Okay. And if you have any questions I guess you  
20 could ask the secretary, Mr. Moy that is, right, and perhaps he  
21 can help direct any other questions.

22 Ms. Cain, I've been accurate in everything I've stated  
23 so far, correct?

1 MS. CAIN: Correct.

2 CHAIRPERSON HILL: Okay. All right. Then, Ms.  
3 Valentine, do you have any questions for me?

4 MS. VALENTINE: I just don't want to beat a dead horse,  
5 but the measurements that we were provided in September, April,  
6 and the 21st, they all show that they were actually at a, you  
7 know, over the 70 percent lot occupancy. And so, you know, I  
8 don't think that it's going from an area variance lot occupancy to  
9 not at -- you know, it's minimal or insignificant. I just wanted  
10 to state that for the record.

11 CHAIRPERSON HILL: I got you. So Ms. Valentine, you'll  
12 have an opportunity next week to present your case. And I don't  
13 know if you wanted to change those. I mean, I haven't had a  
14 chance to look at the slide deck, and I'm not being silly, 47  
15 slides is a lot of slides.

16 MS. VALENTINE: Most of those are photographs. They're  
17 not --

18 CHAIRPERSON HILL: Oh, okay. All right. I didn't get a  
19 chance to go through the deck yet. All right. So okay, we'll see  
20 you guys next week. Okay.

21 Mr. Moy, what's -- before you all go. Mr. Moy, what's  
22 our calendar like next week? Do we have an appeal next week?

23 MR. MOY: Not next week.

1 CHAIRPERSON HILL: Okay. But we have -- we already  
2 have, we have eight cases. We might lose one, we don't know,  
3 right?

4 MR. MOY: That's correct.

5 CHAIRPERSON HILL: And there's no -- there's nothing  
6 pressing at the front of the line next week that you know of?

7 MR. MOY: Not that I know of at the moment, sir.

8 CHAIRPERSON HILL: Okay. Ms. Valentine, Mr. Sullivan,  
9 we'll do this first next week. Okay?

10 MS. VALENTINE: Okay.

11 CHAIRPERSON HILL: So that you guys know when it is.  
12 All right.

13 MS. VALENTINE: Okay.

14 CHAIRPERSON HILL: Okay. Thank you all. Good luck.

15 MS. VALENTINE: Thank you.

16 CHAIRPERSON HILL: Bye-bye.

17 MS. VALENTINE: Bye.

18 CHAIRPERSON HILL: Mr. Moy, when you can, you can call  
19 our next one.

20 MR. SHAPIRO: I think he's on mute, Mr. Chairman.

21 CHAIRPERSON HILL: Mr. Moy, you're on mute.

22 MR. MOY: Okay. Here we go. Application number 20461  
23 of Alvaro Vasquez and Meredith Hutchinson. This is captioned and

1 advertised for special exception from the lot occupancy  
2 requirements, Subtitle F, Section 304.1. The project would  
3 construct a rear, one-story addition with a roof deck to an  
4 existing, three-story, attached principal dwelling unit, RA-2  
5 Zone. Property located at 1525 K Street, Southeast, Square 10 --  
6 or 1079, Lot 39. And that's good, sir.

7 CHAIRPERSON HILL: All right. Great. Thank you. Let's  
8 see, Ms. Hutchinson, can you hear me?

9 MS. HUTCHINSON: Yes, I can hear you.

10 CHAIRPERSON HILL: Can you introduce yourself for the  
11 record, please.

12 MS. HUTCHINSON: Sure. I'm Meredith Hutchinson. I'm  
13 the owner at 1525 K Street, Southeast.

14 CHAIRPERSON HILL: Okay. And who is here with you  
15 today?

16 MS. HUTCHINSON: My architect, Mike Fowler.

17 CHAIRPERSON HILL: Mr. Fowler, could you introduce  
18 yourself for the record?

19 MR. FOWLER: Hi. Mike Fowler from Fowler Architects.

20 CHAIRPERSON HILL: Mr. Fowler, welcome. Is this the  
21 first time over Zoom?

22 MR. FOWLER: No. I don't believe so.

23 CHAIRPERSON HILL: Really? With the BZA?

1 MR. FOWLER: I think you -- I don't think you were there  
2 the last time I was --

3 CHAIRPERSON HILL: Oh, okay. Very good. Well, welcome.  
4 All right. Let's see, so Ms. Hutchinson, if you could kind of  
5 walk us through your application and why you believe that you meet  
6 the criteria for us to grant the relief requested. And then I  
7 have 15 minutes on the clock over there to the right. And you can  
8 begin whenever you'd like.

9 MS. HUTCHINSON: Okay. So the --

10 MR. FOWLER: Sorry. If you would like me to present the  
11 project, I --

12 CHAIRPERSON HILL: All right, Mr. Fowler. That would be  
13 helpful. You have a little bit more experience perhaps.

14 MR. FOWLER: Okay. All right. All right. This is a  
15 single-family residence in the RA-2 Zone. It's going to stay  
16 single family. We're proposing a one-story, rear addition that  
17 brings the lot occupancy up to 70 percent. And that's the one  
18 area of the regulations that we're looking for a special  
19 exception.

20 The addition is only one-story with a partial balcony at  
21 the second floor. There is an existing balcony off of the second  
22 floor bedroom that we're going to slightly expand. The property  
23 has a nice view over the Anacostia River. But that's only at the

1 second level, and that's only a partial balcony on top of that  
2 addition. The rest of the first floor addition is going to be a  
3 sunroom. So kind of expand their living space more into the rear  
4 yard.

5 We are keeping the privacy fences on either side. And  
6 they're solid railings on either side of the balcony. So we feel  
7 that the privacy of the neighbors is not going to be affected too  
8 much, as well as the light and air. It's only a one-story  
9 addition.

10 This zone is -- allows 50-foot height unlimited stories.  
11 So there are a couple of apartment buildings. A couple of single  
12 family residences were converted to apartment buildings a couple  
13 of houses down. So relative to those, this a very minor addition  
14 because it is only one story. And for those reasons we feel that  
15 it meets the criteria for a special exception.

16 MR. SHAPIRO: You're on mute, Mr. Chairman.

17 CHAIRPERSON HILL: I love it. This one screen thing is  
18 going to be difficult for me today. The -- Mr. Fowler, I guess  
19 like one, two, three, four units down, five units down, six units  
20 down it looks like they have been popped back and built up. And  
21 you were talking about the 50 feet. And then it even looks like,  
22 it looks like a lot of development has happened in that, in the  
23 back of those properties; is that correct?

1 MR. FOWLER: Sorry. Yes, that is correct. That's one  
2 of the aspects of this case, we're keeping the single-family use.

3 CHAIRPERSON HILL: Got it.

4 MR. FOWLER: Yeah.

5 CHAIRPERSON HILL: Okay. Does the Board have any  
6 questions for the applicant?

7 (No response.)

8 CHAIRPERSON HILL: No. All right. I'm going to turn to  
9 the Office of Planning. Can you all hear me? Okay. Mr. Lawson,  
10 are you there?

11 MR. SHAPIRO: I believe he is on mute as well, Mr.  
12 Chairman.

13 CHAIRPERSON HILL: Mr. Lawson, are you on mute? This is  
14 the weirdest thing. This Zoom thing is the weirdest thing. I  
15 mean, I know people don't like being in the hearing room,  
16 probably, because it's easier to do this, but this is the weirdest  
17 thing. Mr. Lawson, can you hear me? Oh, there's Ms. Elliott, or  
18 maybe.

19 MS. ELLIOTT: Yes, I'm here.

20 CHAIRPERSON HILL: Ms. Elliott, can you hear me?

21 MS. ELLIOTT: I can. Sorry, Mr. Chairman. It's going  
22 back and forth a little bit. So I'm Brandice Elliott representing  
23 the Office of Planning for BZA Case 20461. I'm filling in for

1 Matt Jessick. That was part of the confusion. So the Office of  
2 Planning is recommending approval of the special exception request  
3 to allow up to 70 percent lot occupancy for the proposal. I'll go  
4 ahead and stand on the record, but I'm happy to answer any  
5 questions you have.

6 CHAIRPERSON HILL: Okay, great. Does anybody have any  
7 questions for the Office of Planning, and if so please raise your  
8 hand?

9 (No response.)

10 CHAIRPERSON HILL: Does the Applicant have any questions  
11 for the Office of Planning, and if so please raise your hand?

12 (No response.)

13 CHAIRPERSON HILL: Mr. Young, is there anyone here  
14 wishing to speak?

15 MR. YOUNG: We do not.

16 CHAIRPERSON HILL: Okay. Let's see, all right. Then,  
17 Mr. Fowler, is there anything you'd like to add at the end?

18 MR. FOWLER: No, I don't think so.

19 CHAIRPERSON HILL: Okay, great. All right. If anybody  
20 doesn't have anything else, I'm going to have -- close the record  
21 and the hearing. And excuse everyone from the hearing room, Mr.  
22 Young.

1 I'm going to let someone else begin, if that's okay.  
2 Commissioner Shapiro, may I start with you?

3 MR. SHAPIRO: Sure, Mr. Chairman. I think this is  
4 fairly straight forward. I know there are some letters of  
5 opposition from neighbors around that character of the community.  
6 I think they -- first of all, I think they meet the requirements  
7 for the special exception, and, you know, the neighbors concerns  
8 about construction, that's not really the issue of what's before  
9 us. I don't think that they visually intrude on the character,  
10 scale and pattern of housing on the street front, as we saw from  
11 the photos. So I don't have any concerns about this, and I --  
12 well, I, depending on what I hear from my fellow Board members, I  
13 plan on supporting this. That's all I have, Mr. Chairman.

14 CHAIRPERSON HILL: Thank you, Commissioner Shapiro.

15 Mr. Smith?

16 MR. SMITH: Just as Mr. Shapiro stated, I feel like  
17 this is a straight forward application based on the scale of the  
18 request, a one-story addition with a roof deck. So I stand on the  
19 staff report and give great weight to the staff report. I do  
20 recognize that there are neighbors in opposition to the project,  
21 but I do not believe that this particular project is out of  
22 character with what is currently existing in the neighborhood. So  
23 with that, I would be in support of the project.

1 CHAIRPERSON HILL: Thank you. Vice Chair John?

2 VICE CHAIR JOHN: Thank you. I am also in support of  
3 the application. It's very straight forward, and I agree with the  
4 comments so far. And especially in terms of the character and  
5 scale of the buildings in the neighborhood, and the fact that the  
6 height alone in that area is 50 feet. And the building is now at  
7 33.3 feet, and this is a one-story addition to replace and  
8 slightly enlarge a deck that's already existing. So I would be in  
9 favor of supporting the application.

10 CHAIRPERSON HILL: Thank you, Vice Chair John.

11 Mr. Blake?

12 MR. BLAKE: Yeah, I agree with the statements that  
13 have been made by my colleagues on the Board. I would also add  
14 that the impact on privacy to this relatively eclectic alley scape  
15 will actually be minimized by the fencing that will be maintained.  
16 So I'd be in favor of supporting this.

17 CHAIRPERSON HILL: Thank you, Mr. Blake. I have nothing  
18 to add. I would say that the letter came out that it was  
19 (indiscernible) you know, in terms of the neighborhood character.  
20 I thought that the building was actually smaller in scale than  
21 some of the other projects. And there I think that there won't be  
22 any increased traffic. I mean, this is not -- it seemed like some  
23 of the issues were not really relevant.

1 I'm going to make a motion to approve application number  
2 20461 as captioned and read by the secretary, and ask for a  
3 second, Ms. John?

4 VICE CHAIR JOHN: Second.

5 CHAIRPERSON HILL: The motion has been made and  
6 seconded. Mr. Moy, could you take a roll call, please?

7 MR. MOY: When I call your name if you would please  
8 respond with a yes, no or abstain to the motion made by Chairman  
9 Hill to approve the application for the relieve requested. This  
10 motion was seconded by Vice Chair John.

11 Zoning Commission Peter Shapiro?

12 MR. SHAPIRO: Yes.

13 MR. MOY: Mr. Smith?

14 MR. SMITH: Yes.

15 MR. MOY: Mr. Blake?

16 MR. BLAKE: Yes.

17 MR. MOY: Vice Chair John?

18 VICE CHAIR JOHN: Yes.

19 MR. MOY: Chairman Hill?

20 CHAIRPERSON HILL: Yes.

21 MR. MOY: So staff would record the vote as 5 to 0 to 0.

22 And this is on the motion made by Chairman Hill to approve the  
23 application. The motion seconded by Vice Chair John. Also in

1 support of the motion to approve is Mr. Blake, Mr. Smith and  
2 Zoning Commissioner Peter Shapiro. Again, the motion carries on  
3 the vote of 5 to 0 to 0.

4 CHAIRPERSON HILL: Okay. If the Board is all right  
5 there's two cases I'd like to try to get through before taking a  
6 break. And so let's just see if that works out. Okay.

7 The next one is -- so what I'm trying to do is 20456 and  
8 then 20462 and then take a break before we come back for 20458.  
9 So that's what I'm trying to do.

10 Mr. Moy, if you can call our next case.

11 MR. MOY: Next case before the Board is application  
12 number 20456 of 1002 Rhode Island, LLC. This application is  
13 captioned and advertised and amended for special exceptions under  
14 the new residential development requirement, Subtitle U, Section  
15 421.1, and to exceed maximum FAR, floor area ratio requirements  
16 for voluntary development pursuant to Subtitle F, Sections 5206.1  
17 and 302.3. This would raze, R-A-Z-E, the existing detached, two-  
18 story principal dwelling unit and to construct a new three-story,  
19 detached, eight-unit residential building with cellar and  
20 penthouse in the RA-1 Zone. Property located at 1002 Rhode Island  
21 Avenue, Northeast, Square 3871, Lot 62. And I believe that's it  
22 for me, Mr. Chairman

23 CHAIRPERSON HILL: All right. Thank you, Mr. Moy.

1 Mr. Sullivan are you there?

2 MR. SULLIVAN: I am. Yes. Marty Sullivan, with  
3 Sullivan --

4 CHAIRPERSON HILL: Could you introduce yourself.

5 MR. SULLIVAN: I'm sorry. Marty Sullivan with Sullivan  
6 and Barros, on behalf of the Applicant.

7 CHAIRPERSON HILL: All right. Great, Mr. Sullivan. And  
8 who is here with you today?

9 MR. SULLIVAN: We have the architect, Matt Lee.

10 MR. LEE: Hi, I'm Matt Lee.

11 CHAIRPERSON HILL: All right. You want to introduce  
12 yourself for the record, sir?

13 MR. LEE: Sure. My name is Matt Lee, of Lee Designs,  
14 Architect.

15 CHAIRPERSON HILL: Okay, great. All right. Mr.  
16 Sullivan, if you want to go ahead and just walk us through. Mr.  
17 Lee, if you wouldn't mind muting your microphone when you're not  
18 on. And I guess, Mr. Sullivan, if you could walk us through the  
19 application, and why you believe that your client is meeting the  
20 criteria for us to grant the relief requested. And I have 15  
21 minutes on the clock there. And you can begin whenever you'd  
22 like.

1 MR. SULLIVAN: Thank you, Mr. Chairman, members of the  
2 Board. I believe we should have a PowerPoint up if Mr. Young can  
3 load that, please.

4 Thank you. So if we could go to the next slide, please.  
5 So a quick overview before I turn it over to the architect. This  
6 is RA-1 Zone. So there's two areas of relief. There's the area  
7 of relief for the RA-1 project itself, under U421, and then we are  
8 also providing voluntary IZ, which in this zone requires special  
9 exception approval as well. Because we're under the 10 units that  
10 would turn us into voluntary IZ, it's eight units, but are  
11 providing one IZ unit.

12 It's currently a single-family dwelling. And we're  
13 proposing to raze that building and construct a new eight-unit  
14 apartment building. I believe there are four parking spaces  
15 proposed.

16 Now, last week the ANC 5B held a special meeting. I can  
17 tell you that they voted unanimously to support approval of the  
18 application. I'm not sure how clear that is made from -- because  
19 I've read the ANC resolution. I don't know how clear that is.  
20 But it was a vote in support. The Office of Planning is  
21 recommending approval, as is DDOT and we do have one letter of  
22 support from one of the adjacent neighbors. Next slide, please.

23 So I'll turn it over to Mr. Lee.

1           MR. LEE: Thank you, Marty. Like you said, we are  
2 proposing eight units at 1002 Rhode Island Ave. If you could go  
3 to the next slide, please.

4           Here in the center is the subject property. You can see  
5 the adjacent on each side. It's a mid-block lot. Next slide,  
6 please.

7           This is the back of the property. Next slide, please.

8           Next slide, please. Next slide. Got some good context  
9 to it. Behind this is another residential project, similar scale  
10 at 1005 Bryant, I believe. Next slide, please.

11           Next slide, please.

12           MR. SULLIVAN: And if you hold on this slide for a  
13 second, Matt. I'd just like to point out this. The two homes on  
14 the right were also subject of a recent RA-1 approval from last  
15 summer. So that will be a 16-unit apartment building there. This  
16 is across Rhode Island Avenue, on Bryant Street. And if I could,  
17 for one second, go back to slide, I think it was slide three,  
18 please.

19           And just show a little bit of the context. There's a  
20 lot of multi-family around here. We're very close to the Rhode  
21 Island Metro. That's Home Depot's parking lot to the left here,  
22 and the Bryant Street would be sort of around the middle of this  
23 photo, on the edge of Bryant Street, where Bryant meets Rhode

1 Island, just to give you some more context of where this location  
2 is Thanks. Sorry, Matt. You can go back to slide nine, please.

3 MR. LEE: That's fine. These are the two multi-family  
4 that Marty just spoke about. Next slide, please.

5 These are some of the approved images of those  
6 properties. Next slide, please.

7 More context of multi-family in the area. Next slide,  
8 please.

9 Larger scale development surrounding area. Next slide,  
10 please.

11 All right. Great, here's our site plan. On the bottom  
12 is the Rhode Island Ave side. Here you can see the green roof,  
13 the small penthouse, nonpublic penthouse, or is it public  
14 penthouse. There's just a stairwell that extends to the roof. It  
15 has a small roof deck. You can see the rear parking here, four  
16 spaces along with the trash, and a small lawn for the residents.  
17 Next slide, please.

18 This is a typical floor plan. It's two units per floor,  
19 two bedrooms per unit. This is showing the basement floor, the  
20 areaways in the front and rear, and then to the side as well.  
21 Next slide, please.

22 This is the entrance level or the first floor plan.  
23 Again, two bedroom units, two units per floor. Next slide.

1           If we can skip to the third floor, please. And one  
2 more.

3           CHAIRPERSON HILL: Mr. Lee, if you could point out which  
4 one -- if you could point out which one is the IZ unit as you're  
5 going through this.

6           MR. LEE: Sure. IZ would probably -- go to the second  
7 floor plan, please, Mr. Moy. We would either have the first  
8 floor, rear unit be the IZ unit or the second floor, rear unit.  
9 And the rear being the top of the page.

10          CHAIRPERSON HILL: Okay. Thank you.

11          MR. LEE: If we go to the penthouse, probably slide 18.  
12 Roof plan. Perfect. The stairwell continues up to the roof and  
13 provides a small roof access and deck, and then green area as  
14 required by code. Next slide, please.

15          This is the front and rear elevation of the project.  
16 The right image is the Rhode Island Ave facing elevation, showing  
17 a balcony and the box bay, and the rear shows the balconies for  
18 the units as well on the left. Next slide, please.

19          This is the face that is facing the adjacent unit. We  
20 are against the property line on this face, so there is no windows  
21 on this side. But we have tried to break up the facade with  
22 materials and things so it's not just a blank wall. Next slide,  
23 please.

1           This is our side yard, facing the entrance of the  
2 building with the areaways. On the bottom you can see the  
3 railings. And then the handicap lift, as well as the entrance  
4 stair here. Next slide, please.

5           This should be the elevations. The top left are the  
6 renderings. The top left is our rear rendering. And the top -- or  
7 the bottom, right is our front facing Rhode Island. Next slide,  
8 please.

9           This is an aerial perspective. We're trying to keep  
10 with high quality materials. We're still deciding on exact  
11 materials, but it would be a mix of fiber cement or Hardie board,  
12 as it's commonly called, panel system. You can see the roof deck  
13 and green roof here. And then kind of how the property sits on  
14 the site with the circulation around the side and to the rear.

15           I believe that's it for the architectural drawings,  
16 Marty.

17           MR. SULLIVAN: Thank you, Mr. Lee. So the project  
18 meets the general requirements of Subtitle 901.2. Granting relief  
19 will be in harmony with the general purpose and intent of the RA-1  
20 Zone, regulations and maps. The relief requested is simply the  
21 U421, and there's no additional areas of relief. So all these  
22 areas of relief are provided for in the zoning regulations. And  
23 granting relief will not tend to affect adversely the use of

1 neighboring property in accordance with the zoning regulations and  
2 maps. We're providing a substantial amount of parking, over and  
3 above the requirement. The project is compatible with the context  
4 of the surrounding area. It's very close to the Rhode Island  
5 Avenue Metro. And we do have one adjacent neighbor in support.  
6 And we do have the support of the Advisory Neighborhood Commission  
7 5B. Next slide, please.

8 I -- for some reason there's a slide missing here, and  
9 it should be U421.2. But the 421.2 requirements is that the Board  
10 refers the application to relevant agencies for comment and  
11 recommendation as to the adequacy of existing and planned area  
12 schools and public streets, recreation, and other services. So on  
13 those points, as noted in the Office of Planning report, the  
14 deputy mayor for education has not responded, but the Office of  
15 Planning noted various statistics for schools in the area and  
16 found that this, that there wouldn't be an impact on accommodating  
17 any additional number of students for this eight-unit building.  
18 And also, I received comments from DDOT on certain aspects of  
19 public streets, recreation and other services. Did not receive  
20 any comment from Parks and Recreation. However, OP noted that the  
21 property is close to the Edgewood Rec Center, the Brentwood Rec  
22 Center, and (indiscernible) Brooklyn, and is close to other small  
23 parks and green spaces and the Metropolitan Branch Trail. So on

1 | this slide, and the Board refers the application to the Office of  
2 | Planning for comment and recommendation, and the Office of  
3 | Planning has of course made its comment and recommendation as  
4 | noted here and in their report. Next slide, please.

5 |           So that's it for our presentation. If the Board has any  
6 | questions, thank you.

7 |           CHAIRPERSON HILL: Thank you, Mr. Sullivan. Does the  
8 | Board have any questions for the Applicant?

9 |           VICE CHAIR JOHN: Just one question, Mr. Sullivan.  
10 | DDOT had a comment about a lead walk and stairs in this district  
11 | right of way that which needs to be shifted. Could you comment on  
12 | that?

13 |           MR. SULLIVAN: I could. I'll take a look. I didn't --  
14 | I wasn't familiar with that comment. I didn't see that. But I'll  
15 | probably refer to Mr. Lee. If I could have a second to have him  
16 | look at that.

17 |           VICE CHAIR JOHN: Sure. Thank you.

18 |           MR. LEE: I also am not familiar with that comment. The  
19 | stairs on the front that are existing are intended to remain. And  
20 | we are connecting our circulation to those stairs. We'll need to  
21 | review that comment to be able to properly address it.

22 |           VICE CHAIR JOHN: Okay. Thank you.

1           MR. SULLIVAN: I don't think it relates directly to --  
2 I mean, they're still in support. I think they're just mentioning  
3 something that will come up in the public space process. And so  
4 we will have to comply with that. It says of note, the lead walk  
5 and stairs should be shifted to the west to provide the shortest  
6 and most direct walk to the building entrance. And it will also  
7 reduce the amount of new paving in public space. Mr. Lee, I  
8 assume that's not a problem, right?

9           MR. LEE: That's preferred to have that adjusted anyway.  
10 That's correct.

11           MR. SULLIVAN: Okay. And I'm sorry I didn't note that  
12 prior to the hearing.

13           CHAIRPERSON HILL: Commissioner Shapiro, you had your  
14 hand up?

15           MR. SHAPIRO: No, Mr. Chair. I was going to ask the  
16 same question.

17           CHAIRPERSON HILL: Okay. Anyone else?

18           (No response.)

19           CHAIRPERSON HILL: All right. I turn to the Office of  
20 Planning, please.

21           MS. THOMAS: Yes. Good morning, Mr. Chairman, members  
22 of the Board. Karen Thomas with the Office of Planning. The  
23 Office of Planning has recommended approval of this application

1 based on the satisfaction of the requirements of Section 421. We  
2 see that the site plan layout and its provision of light and air  
3 and the arrangement of building on the lot have been satisfactory.  
4 This development is anticipated along a corridor, a well-traveled  
5 corridor such as this. And it is in context with the development  
6 that's ongoing on the Rhode Island Avenue corridor.

7 We are especially pleased with applicant being open to  
8 IZ to create an additional affordable unit to the affordable unit  
9 housing stock in the District. And I would say that in summing up  
10 that this application has met the standards for special exception  
11 relief. Thank you.

12 CHAIRPERSON HILL: Thank you, Ms. Thomas. Thank you for  
13 your report. Does anybody have any questions for the Office of  
14 Planning, and if so please raise your hand?

15 (No response.)

16 CHAIRPERSON HILL: Does the Applicant have any questions  
17 for the Office of Planning?

18 MR. SULLIVAN: No, thank you.

19 CHAIRPERSON HILL: Mr. Young, is there anyone here  
20 wishing to testify?

21 MR. YOUNG: We do not.

22 CHAIRPERSON HILL: All right. Mr. Sullivan, do you have  
23 anything to add at the end?

1 MR. SULLIVAN: No, thank you.

2 CHAIRPERSON HILL: Okay. I'm going to go ahead and close  
3 the hearing and the record. Mr. Young, if you could excuse  
4 everyone, please.

5 Okay. I would agree with the testimony of the Applicant  
6 and the arguments they're making as to how they're granting, I'm  
7 sorry, meeting the standards that we're looking at for the relief  
8 being requested. I would also agree with the analysis that the  
9 Office of Planning has provided on that said relief, as well as  
10 just that the ANC didn't necessarily go into the standards  
11 necessarily, but they were also in agreement with the application.  
12 DDOT had that one comment that Vice Chair John had asked about.  
13 And then also, I didn't have any concerns about shadowing. So I'm  
14 go to go ahead and vote to approve.

15 Mr. Shapiro, Commissioner Shapiro, do you have anything  
16 you'd like to add?

17 MR. SHAPIRO: Nothing further, Mr. Chairman. I concur.

18 CHAIRPERSON HILL: Mr. Smith?

19 MR. SMITH: Nothing further. I also concur.

20 CHAIRPERSON HILL: Vice Chair John?

21 VICE CHAIR JOHN: Nothing further.

22 CHAIRPERSON HILL: Mr. Blake?

23 MR. BLAKE: I would be in support as well.

1 CHAIRPERSON HILL: Thank you. I'm going to go ahead and  
2 make a motion to approve application number 20456 as captioned and  
3 read by the secretary and ask for second, Ms. John.

4 VICE CHAIR JOHN: Second.

5 CHAIRPERSON HILL: The motion has been made and  
6 seconded. Mr. Moy, could you please take a roll call vote?

7 MR. MOY: When I call each of your names if you would  
8 please respond with a yes, no or abstain to the motion made by  
9 Chairman Hill to approve the application for the relief requested.  
10 This motion was seconded by Vice Chair John.

11 Peter Shapiro, Zoning Commission Peter Shapiro?

12 MR. SHAPIRO: I vote yes.

13 MR. MOY: Mr. Smith?

14 MR. SMITH: Yes.

15 MR. MOY: Mr. Blake?

16 MR. BLAKE: Yes.

17 MR. MOY: Vice Chair John?

18 VICE CHAIR JOHN: Yes.

19 MR. MOY: Chairman Hill?

20 CHAIRPERSON HILL: Yes to approve.

21 MR. MOY: Staff would record the vote as 5 to 0 to 0,  
22 and this is on the motion made by Chairman Hill to approve,  
23 seconded by Vice Chair John. Also in support of the motion to

1 approve is Zoning Commission Peter Shapiro, Mr. Smith and Mr.  
2 Blake. The motion carries on a vote of 5 to 0 to 0.

3 CHAIRPERSON HILL: Thank you, Mr. Moy. When you get an  
4 opportunity you can call our next case.

5 MR. MOY: This would be case application number 20462 of  
6 Heather Williams and David Riches. This is captioned and  
7 advertised and amended for special exception from the lot  
8 occupancy requirements, Subtitle D, Section 304.1; nonconforming  
9 side yard requirements, Subtitle D, Section 206.7. This would  
10 construct a rear addition to an existing, two-story with cellar,  
11 semi-detached principal dwelling unit in the R-2 Zone. The  
12 property is located at 732 Tewkesbury, T-E-W-K-E-S-B-U-R-Y, Place,  
13 Northwest, Square 367, Lot 13.

14 CHAIRPERSON HILL: All right, great. Is it Mr. Heisey?  
15 Can you hear me?

16 MR. HEISEY: I can, sir. Good morning.

17 CHAIRPERSON HILL: Good morning. Could you please  
18 introduce yourself for the record?

19 MR. HEISEY: I'm Joel Heisey. I am the agent for the  
20 owner. She should also be in the meeting, Heather Williams. If  
21 you would like to have her join as well.

22 CHAIRPERSON HILL: Mr. Young, do you see a Heather  
23 Williams anywhere?

1 MR. YOUNG: I do not.

2 CHAIRPERSON HILL: Okay, Mr. Heisey.

3 MR. HEISEY: She was trying to get in. Let me see, she  
4 just texted.

5 CHAIRPERSON HILL: That's all right, Mr. Heisey. Let's  
6 see if we need her or not. Okay.

7 MR. HEISEY: Yeah.

8 CHAIRPERSON HILL: So you're going to be presenting for  
9 us. If you could kind of walk us through how you believe your  
10 client is meeting the standards for us to grant the relief  
11 requested. There's 15 minutes on the clock there, and you can  
12 begin whenever you'd like.

13 MR. HEISEY: Thank you. I appreciate you taking us  
14 before your break. I'll try to keep this short. I know you have  
15 a long meeting. If I could ask for the presentation that I sent  
16 in. I'll just go through some photos, the plat and the plans just  
17 to familiarize yourself with the project.

18 CHAIRPERSON HILL: Okay, that would be great. Mr. Young,  
19 do you have that?

20 MR. YOUNG: I didn't get it emailed to me, but I can  
21 pull it up from the case file if you know the exhibit number.

1 MR. HEISEY: I'm sorry. I thought I did copy you too.

2 CHAIRPERSON HILL: That's all right, Mr. Heisey. Do you  
3 know the case number or the exhibit number?

4 MR. HEISEY: Yeah, give me a section.

5 MR. SHAPIRO: It's exhibit 46.

6 CHAIRPERSON HILL: Forty-six is what Commissioner  
7 Shapiro just said, Mr. Young.

8 MR. HEISEY: Yes, 46. While we're waiting here I won't  
9 take up too much time. I'll just start. The first photos are  
10 going to be just of the house. And this is consistent with the  
11 character of the neighborhood. There have been several additions  
12 --

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

15 MR. SHAPIRO: I thought he was going to run through the  
16 PowerPoint. I'm sorry.

17 MR. HEISEY: Yeah, I am.

18 CHAIRPERSON HILL: He was starting just to talk, but I  
19 can -- if you can look onto 46 possibly yourselves. I don't know,  
20 Mr. Young, if you're just having kind of an issue. It's not a  
21 problem. We can wait another 30 seconds. It's not a big deal.  
22 Mr. Heisey, it's okay, we're not in that -- it's a long day but,  
23 like, it would be easier to look at a PowerPoint together.

1 MR. HEISEY: Sure. Sure.

2 CHAIRPERSON HILL: I'll tell you what, Mr. Heisey, let's  
3 go back to what you tried to do. Go ahead and just kind of walk  
4 us through the presentation. We can flip through it on our own.

5 MR. HEISEY: Yeah. Either that or I have the exhibits  
6 that comprise the -- and you can look at it yourself.

7 The first couple of photos are just of the house from  
8 the front and the rear. And then ---

9 CHAIRPERSON HILL: Oh, here we go. It looks like Mr.  
10 Young has them. Sorry.

11 MR. HEISEY: Great. There we go. So the top left and  
12 right are the front of the property and rear of the property, and  
13 then the bottom two photos are looking down the alley. And you  
14 can see there's a few garages. The bottom left photo, that is --  
15 you'll see on the very left side, that photo, that is the existing  
16 stoop and porch that is there now. The metal stairway is actually  
17 rusted away and it's not safe to walk up those stairs, actually.  
18 If you could go to the next slide, please.

19 This is just in that block along the alley there are  
20 other decks that have been constructed. And next slide.

21 And just to show the character of the neighborhood, this  
22 is a fairly common thing. The upper one is not so relevant. The  
23 lower photos, again, showing enclosed sunroom, which this would be

1 very similar to what we're proposing. It's a screened in porch.  
2 The next slide, please.

3 And that's just, again, looking down the 700 block of  
4 Tewkesbury, that there are other decks very similar to what we're  
5 proposing. And the lower one is the other side of the street, on  
6 the rear alley. Next slide, please.

7 This is the plat showing the existing duplex house on  
8 lot. It's a substandard lot, so it's very small. It's only 1374  
9 square feet I believe. And we're putting in a sunroom or a  
10 screened in porch in the rear, we're requesting the side yard  
11 setback so that we can retain the existing line of the house on  
12 the side. There is an alley directly adjacent to it. So it's not  
13 interfering with anybody or crowding adjoining property. And then  
14 the lot coverage, because it is such a small house, even with the  
15 minimal deck, we need an exemption to go to 50 percent lot  
16 coverage. The existing house is actually at 42 percent the last  
17 it was built, back in the 30's. The next slide, please.

18 And this is, the current stoop is above the garage.  
19 We're going to keep the first level of the enclosed porch above  
20 that so that they can still have access to the garage, and the  
21 driveway will be usable. And then the stairs will come down along  
22 side of the driveway. And there's minimum yard requirements, rear  
23 yard requirements on that, and there's room for trash storage

1 | where it is as well, at the back of the lot. The next slide,  
2 | please.

3 |           And this is on the left side, you'll see the actual  
4 | screened in porch at the level of the first floor. It's a sloping  
5 | lot, so you're about seven or eight feet above where the front lot  
6 | is. And I believe that's the last slide. Oh, sorry. There's one  
7 | more.

8 |           And this is just an elevation showing what the screened  
9 | in porch, that it is elevated above. So you still have retain  
10 | access to the garage below. Okay, and I think that's all.

11 |           CHAIRPERSON HILL: Okay, great. Does the Board have  
12 | any questions for the Applicant, and if so raise your hand?

13 |           (No response.)

14 |           CHAIRPERSON HILL: All right. I'm going to turn to the  
15 | Office of Planning.

16 |           MS. FOTHERGILL: Good morning, Chairman Hill and members  
17 | of the Board. I'm Anne Fothergill, for the Office of Planning for  
18 | BZA case 20462. And the Office of Planning finds that the  
19 | application meets the special exception criteria of Subtitle D  
20 | 5201 and Subtitle X, Chapter 9, and we recommend approval of the  
21 | two special exceptions for lot occupancy and side yard. And I  
22 | will rest on the record. And I'm happy to take any questions.

1 CHAIRPERSON HILL: Okay. Thank you. Does the Board  
2 have any questions of the Office of Planning, and if so please  
3 raise your hand?

4 (No response.)

5 CHAIRPERSON HILL: Does the Applicant have any questions  
6 for the Office of Planning?

7 MR. HEISEY: No. Thank you, sir.

8 CHAIRPERSON HILL: Mr. Young, is there anyone here  
9 wishing to speak?

10 MR. YOUNG: We do not.

11 CHAIRPERSON HILL: All right. Mr. Heisey, anything  
12 you'd like to add at the end?

13 MR. HEISEY: I'd just like to note for the record that  
14 the ANC supported this and there are nine letters of support from  
15 the neighbors, adjoining neighbors and across the street.

16 CHAIRPERSON HILL: All right. Thank you, Mr. Heisey.

17 All right. I'm going to go ahead and close the hearing  
18 and the recrd. Mr. Young, if you could please excuse everyone  
19 from the hearing room.

20 All right. Would someone else like to talk first?  
21 Commissioner Shapiro?

22 MR. SHAPIRO: Thank you, Mr. Chairman. Yeah, I don't  
23 have any concerns with this case. I think they've met the

1 requirements for the special exception relief. It's pretty  
2 straight forward. OP is in support, the ANC is in support, so  
3 I'll be supporting this as well, Mr. Chair.

4 CHAIRPERSON HILL: Thank you, Commissioner.

5 Mr. Smith?

6 MR. SMITH: I agree with Mr. Shapiro. I think this  
7 particular project is fairly straight forward. Based on what they  
8 presented and what we see within the staff report, I do believe  
9 that it has met the burden of proof for us to be able to grant the  
10 special exception. So I'll support.

11 CHAIRPERSON HILL: Thank you. Vice Chair John?

12 VICE CHAIR JOHN: Thank you. This is fairly straight  
13 forward, Mr. Chairman, and I'm in support of the application. I  
14 agree with all of the comments so far.

15 CHAIRPERSON HILL: Thank you. Mr. Blake?

16 MR. BLAKE: I may be having some technical  
17 difficulties. But, yes, I do believe that they have met the  
18 burden of proof, and that the -- I support the Office of Planning  
19 recommendation and feel comfortable supporting this request for  
20 relief.

21 CHAIRPERSON HILL: Okay, great. Mr. Blake, we heard you  
22 very well and we can see you. So I don't know if you're having an

1 issue. At this break if you want to log back off and log back in  
2 and then whatever. But mine seems to be working fine today.

3 So I'm going to go ahead and make a motion to approve  
4 application 20462 as captioned and read by the secretary and ask  
5 for a second, Ms. John?

6 VICE CHAIR JOHN: Second.

7 CHAIRPERSON HILL: The motion has been made and  
8 seconded. Mr. Moy, can you please take a roll call vote?

9 MR. MOY: When I call your name if you would please  
10 respond with a yes, no or abstain to a motion made by Chairman  
11 Hill to approve the application for the relief requested. The  
12 motion was seconded by Vice Chair John.

13 Zoning Commissioner Peter Shapiro?

14 MR. SHAPIRO: I vote yes.

15 MR. MOY: Mr. Smith?

16 MR. SMITH: Yes.

17 MR. MOY: Mr. Blake?

18 MR. BLAKE: Yes.

19 MR. MOY: Vice Chair John?

20 VICE CHAIR JOHN: Yes.

21 MR. MOY: Chairman Hill?

22 CHAIRPERSON HILL: Yes to approve.

1           MR. MOY: Staff would record the vote as 5 to 0 to 0.  
2 And this is on the motion of Chairman Hill to approve. The motion  
3 was seconded by Vice Chair John. Also in support of the motion to  
4 approve is Zoning Commissioner Peter Shapiro, Mr. Smith and Mr.  
5 Blake. The motion carries on the vote of 5 to 0 to 0.

6           CHAIRPERSON HILL: Okay. All right. Thank you, everybody.  
7 So it's now 10:57. I think that the next case is going to take a  
8 while. So why don't we go ahead and come back at 11:15. And then  
9 depending upon how long that next case goes, we may or may not  
10 take lunch after that case. That would at least be my thoughts.  
11 So I'll see you guys at 11:15. Thank you.

12                         (Whereupon, the above mentioned hearing was  
13 recessed until 11:22 a.m.)

14           CHAIRPERSON HILL: Okay. Well, it looks like, Mr. Moy,  
15 everybody is here. You want to go ahead and call our next case?

16           MR. MOY: Thank you, Mr. Chairman. The Board is back in  
17 its hearing session, and the time is at or about 11:22 a.m.

18           The next case is application number 20458 of the  
19 Washington International School. And this application is  
20 captioned and advertised for special exception under the special  
21 exception use of Subtitle U, Section 30 -- rather, Subtitle U,  
22 Section 203.1(m). This would construct a new detached academic  
23 building in the R-1A zone. The property is located at 3100

1 Macomb, -A-C-O-M-B, Street, Northwest, Square 2084, Lots 841 and  
2 845.

3 A preliminary matter for the Board is there is a request  
4 for party status in opposition under, I believe, exhibit 33. And  
5 there's a concern about the timeliness of the filing. Other than  
6 that, Mr. Chairman, to help you facilitate this application we  
7 have over 20-some persons signed up to testify. And I believe  
8 part of that number includes the applicant's entourage, so to  
9 speak. That's it, Mr. Chairman.

10 CHAIRPERSON HILL: okay, great. All right. Let's see,  
11 Ms. Brown, are you there?

12 MR. SHAPIRO: Mr. Chair --

13 MS. BROWN: Yes, sir, I'm here.

14 CHAIRPERSON HILL: Sure. Go ahead. One second. Mr.  
15 Shapiro?

16 MR. SHAPIRO: Just as a preliminary matter. For the  
17 erring on the side of transparency, I'm an alumnus of the  
18 Washington International School. So my connection ended about 40  
19 years ago, but I just wanted to make sure, for the record, that  
20 that was announced. I don't -- I don't -- I do not by any stretch  
21 fell like I need to recuse myself, but unless there are any  
22 concerns from my colleagues, I just want to put that on the  
23 record.

1 CHAIRPERSON HILL: Okay. All right. Thank you, Mr.  
2 Shapiro. I don't think anybody has any issues with that. That  
3 was a very long time ago, Mr. Shapiro. Does anybody have any  
4 issues, and if so raise your hand?

5 (No response.)

6 CHAIRPERSON HILL: Okay. All right, Ms. Brown, could  
7 you go ahead and introduce yourself for the record, please?

8 MS. BROWN: Yes, sir. My name is Carolyn Brown. I am  
9 with Brown Law Firm. And I am here representing the Washington  
10 International School.

11 CHAIRPERSON HILL: Okay. And who are you here with,  
12 Ms. Brown?

13 MS. BROWN: I have a slides presented, but we have Ms.  
14 Suzanna Jemsby, who is the head of school. We also have Mr.  
15 Patrick Burkhart from Shalom Baranas Associates. Mr. Matt Sickle  
16 from Michael Vergason Landscape Architects. And we would ask that  
17 he be admitted as an expert witness. And finally, we have Mr.  
18 Erwin Andres from Gorove Slade Associates.

19 CHAIRPERSON HILL: Okay. Mr. Andres, can you introduce  
20 yourself for the record, lease?

21 MR. ANDRES: Yes. Good morning, Chairman Hill, members  
22 of the Board. Erwin Andres with Gorove Slade Associates.

1 CHAIRPERSON HILL: Great. Ms. Jemsby, could you  
2 introduce yourself for the record, please?

3 MS. JEMSBY: Yes. Good morning Chairman Hill and Board  
4 members. Suzanna Jemsby, the head of school at Washington  
5 International School.

6 CHAIRPERSON HILL: Okay, great. Let's see, Mr. Cycle,  
7 are you there, or Sickle. I hear somebody trying to say  
8 something. No? Mr. Burkhart, are you there?

9 MR. BURKHART: Yes. Good morning, Chairman Hill.

10 CHAIRPERSON HILL: Could you introduce yourself for the  
11 record, please?

12 MR. BURKHART: Yes. My name is Patrick Burkhart. I'm  
13 an architect with the firm of Shalom Baranas Associates.

14 CHAIRPERSON HILL: All right. Mr. Burkhart, I see two -  
15 - I also see a Baranas, another Shalom Baranas. I don't know if  
16 that's a someone else.

17 MR. BURKHART: Yes, that's my boss. That's Shalom  
18 Baranas.

19 CHAIRPERSON HILL: Okay, great. Is he on the phone or  
20 you don't know?

21 MR. BURKHART: I think he's joined on the meeting. So  
22 he should be available if he unmutes himself.

23 CHAIRPERSON HILL: Mr. Baranas, are you there? Could

1 | you introduce yourself for the record, sir.

2 |           MR. BARANAS:     Shalom Baranas with Shalom Baranas  
3 | Associates.

4 |           CHAIRPERSON HILL:   Okay, great. Thank you, Mr. Baranas.  
5 | Mr. Temple, can you hear me?

6 |           MR. TEMPLE:    Yes, I can, Mr. Chair.

7 |           CHAIRPERSON HILL:   Could you introduce yourself for the  
8 | record, please?

9 |           MR. TEMPLE:    Yes. My name is Dale Temple. I'm the  
10 | director of facilities and operations for Washington International  
11 | School.

12 |           CHAIRPERSON HILL:   Okay, great. Thank you.

13 |           All right. Let's see, so Ms. Brown, I didn't see Mr.  
14 | Cycle, Sickle?

15 |           MS. BROWN:    Sickle.

16 |           MR. SICKLE:    Hello. Hello. I'm here. Are you able to  
17 | hear me now?

18 |           CHAIRPERSON HILL:   Yes.

19 |           MR. SICKLE:    Okay. This is Matt Sickle, landscape  
20 | architect with Michael Vergason Landscape Architects.

21 |           CHAIRPERSON HILL:   Okay, great. All right. So let's go  
22 | ahead and put everybody on mute for now, if you don't mind.

1           Mr. Moy, who was it again, or Ms. Cain, who was it again  
2 that was asking for party status?

3           MS. CAIN:    I believe that was Ms. Bonnie LePard.

4           CHAIRPERSON HILL:  Bonnie LePard?  Mr. Young, could you  
5 please allow Ms. LePard in?

6           Ms. LePard, can you hear me?

7           MS. LEPARD:  Yes.  Hello.

8           CHAIRPERSON HILL:  Hi.  Hello.  Good morning.  Could you  
9 please -- could you turn your camera on so I can see you.

10          MS. LEPARD:  Certainly.  Hold on.  I'm sorry.  Can you  
11 give --

12          CHAIRPERSON HILL:  That's all right.

13          MS. LEPARD:  Can you give me one minute, please?

14          CHAIRPERSON HILL:  Yeah, yeah.  Why don't you first  
15 introduce yourself for the record.

16          MS. LEPARD:  Okay.  I apologize.  I'm sorry.  My name  
17 is Bonnie LePard, and I live at 3101 Macomb Street.  And I have  
18 applied to be a party in this case.                   CHAIRPERSON   HILL:

19 So, --

20          MS. LEPARD:  Yes, what else?

21          CHAIRPERSON HILL:  You were going to say something else?

22          MS. LEPARD:  No.  Go ahead, please.  I'm sorry.

1 CHAIRPERSON HILL: Okay. Let's see, so Ms. LePard, I  
2 don't know of are were aware, but your party status request is  
3 late. Did you know that?

4 MS. LEPARD: I'm sorry. I filed it on June 9th, which  
5 is two weeks before the hear ing.

6 CHAIRPERSON HILL: Right. It's two weeks before the  
7 original hearing. So this hearing is actually a postponed  
8 hearing. And so in order for you have filed it on time you would  
9 have had to file it before the original hearing. And so I don't  
10 know what -- and I did read your party status request as well as  
11 the fact that your, you know, basically across the street from  
12 the driveway.

13 MS. LEPARD: Yes.

14 CHAIRPERSON HILL: To the school. And so what I would  
15 propose for my fellow Board -- but, Ms. LePard, see if you can  
16 turn your camera on.

17 MS. LEPARD: Okay.

18 CHAIRPERSON HILL: Oh, there we go. Great.

19 MS. LEPARD: I'm sorry.

20 CHAIRPERSON HILL: No, that's great. It's just hard to  
21 understand what people are doing until the camera is on. So what  
22 I would -- given that it is a late request, however, since you are  
23 across the street from it, and we have a lot of people testifying

1 | today, there's over 21 people that are up to testify. What I  
2 | would propose to my fellow Board members is, due to the  
3 | untimeliness of the request, I would be in denial of the party  
4 | status request. However, I would want Ms. LePard to have a little  
5 | bit more opportunity to speak. So what I would do is maybe have a  
6 | little bit of a hybrid in that Ms. LePard would have time to  
7 | present more than necessarily the three minutes that other people  
8 | will have to testify. And then we can just see how we go from  
9 | that point.

10 |           And so I'm going to turn to my -- and Ms. LePard thank  
11 | you for nodding in agreement. Because it's going to be long  
12 | hearing. But if my fellow Board members are in disagreement with  
13 | what I just said you can raise your hand and we can discuss that.  
14 | So if you're in disagreement, please raise your hand.

15 |           (No response.)

16 |           CHAIRPERSON HILL: All right. So Ms. LePard, what I'm  
17 | going to do is, they are going to go ahead -- you can see  
18 | everything, correct?

19 |           MS. LEPARD: Yes.

20 |           CHAIRPERSON HILL: Okay. So I'm going to excuse you  
21 | from the hearing room. However, you're still able to see,  
22 | correct?

23 |           MS. LEPARD: Correct.

1 CHAIRPERSON HILL: And hear. Okay, great. And then  
2 we're going to go ahead and go through the presentations, going to  
3 go ahead and go through questions and such. And then we'll come  
4 back to you. And then you'll have a little bit more time to  
5 present, and we can perhaps ask some questions of you, and you can  
6 ask some questions perhaps of the applicant, if you have any  
7 questions. But it's going to be a limited discussion. And then  
8 we're going to go through all the testimony of the public.

9 MS. LEPARD: Great. That sounds great. Thank you very  
10 much.

11 CHAIRPERSON HILL: All right, Ms. LePard.

12 MS. BROWN: Mr. Chairman, may I be heard?

13 CHAIRPERSON HILL: Sure.

14 MS. BROWN: If Ms. LePard is not granted party status I  
15 don't believe she should be allowed to ask questions of the  
16 Applicant. And I don't mind if she has extended time to present  
17 her case, if its five, eight minutes, or something like that, I  
18 think that would be appropriate. But to have her essentially have  
19 the benefits of party status without having met the requirements  
20 of party status, not only was it untimely, but it also failed to  
21 fill out a Form 140, it failed to have all sorts of the other  
22 requirements of the party status. And, you know, Ms. LePard is a

1 member of the DC Bar, so she knows how to read regulations and  
2 what the --

3 CHAIRPERSON HILL: All right, Ms. Brown. I got you. I  
4 got you. Okay, I got you. So nonetheless, so my intent was to  
5 somehow help facilitate this. Right. So I'm going to turn -- Ms.  
6 Cain has turned her camera on. Right. And so I'm not saying that  
7 they're going, Ms. LePard is going to have an opportunity to  
8 question all the witnesses, or do -- I meant to say that we were  
9 going to have a little bit of a more robust discussion with Ms.  
10 LePard. And Ms. Cain, is there something I'm not allowed to do  
11 with that comment?

12 MS. CAIN: So you would not be -- Ms. LePard would not  
13 be afforded the right to cross-examination. So she would not be  
14 able to cross examine the Applicant. But you are permitted to  
15 allow her extra time to present her testimony to the Board.

16 CHAIRPERSON HILL: Okay. So -- okay, all right. So  
17 there you go.

18 All right. So Mr. Shapiro?

19 MR. SHAPIRO: Yeah. Practically speaking, Mr. Chair.  
20 If Ms. LePard, in the course of her testimony has questions, we as  
21 Board members may hear those questions and then we can do what we  
22 want with those and direct them elsewhere if we so choose.

1 CHAIRPERSON HILL: Yeah. Commissioner Shapiro, thanks  
2 for the support, buddy. I appreciate it. Okay. And so, you  
3 know, but nonetheless, yeah, we will figure it out. Right. And  
4 so I really appreciate it, which is exactly correct. Ms. Brown is  
5 doing her job, Ms. Cain is doing her job, and my colleagues are  
6 supporting me, which is wonderful. I appreciate that.

7 So Ms. LePard, we're going to see how it goes when you  
8 come back. Okay. All right. Thank you, Mr. Young. If you could  
9 excuse Ms. LePard.

10 And I don't -- and I don't think I don't even have to  
11 make a motion. But I am going to deny the party status of Ms.  
12 LePard based on what I had said of the untimely nature of the  
13 application. So Ms. Cain, am I good with that?

14 MS. CAIN: Yes, you're good with that.

15 CHAIRPERSON HILL: Okay. All right. Okay, Ms. Brown,  
16 so if you want to go ahead and present your presentation as to why  
17 you believe you're meeting the standard for us to grant the relief  
18 requested. I don't know how much time you may need. I'm going to  
19 put 15 minutes on there just so I know. There's 21 witnesses.  
20 Right. So everybody gets three minutes. Then whenever Ms. LePard  
21 is going to end up getting. So we're already at, you know, an  
22 hour plus. Right. So just letting you know. And you can begin

1 whenever you'd like. Is there a slide deck or anything you need  
2 Mr. Young to bring up?

3 MS. BROWN: Yes, sir. There's a slide deck and then  
4 there is the one other preliminary matter of getting Mr. Sickle,  
5 the landscape architect, qualified as an expert. And his resume  
6 is exhibit 31B of the record.

7 CHAIRPERSON HILL: Got it. I've looked at his resume.  
8 Unless the Board has any issues, I mean, this is in landscape  
9 architecture, correct, Ms. Brown?

10 MS. BROWN: Yes, that's correct.

11 CHAIRPERSON HILL: Okay. I don't have any issue with  
12 Mr. Sickle being admitted as an expert. And if the Board has any  
13 objections to that please raise your hand.

14 (No response.)

15 CHAIRPERSON HILL: All right. I don't see anybody  
16 raising their hand. So Ms. Brown, we're going to go ahead and  
17 include him as an expert in landscape architecture. And you can  
18 begin whenever you'd like.

19 MS. BROWN: Thank you. I'll wait for the slide deck.  
20 It looks like it's starting now. If we could go to the next  
21 slide, please.

22 CHAIRPERSON HILL: Ms. Brown, is this in the exhibits  
23 somewhere?

1 MS. BROWN: Yes, it is, sir. It is in -- there are a  
2 lot of letters here. Um, --

3 MR. SHAPIRO: Ninety-six, Mr. Chair.

4 MS. BROWN: Thank you.

5 CHAIRPERSON HILL: Which one? I'm sorry, Commissioner  
6 Shapiro?

7 MR. SHAPIRO: Ninety-six.

8 CHAIRPERSON HILL: Thank you.

9 MS. BROWN: If we could go to the next slide, please.  
10 Good morning members of the Board. For the record, again, my name  
11 is Carolyn Brown with the Brown Law Firm, here on behalf of the  
12 Washington International School.

13 We're here, as you know, for a special exception for a  
14 new academic building in the R-1-A District for the school located  
15 at 3100 Macomb Street, Northwest. We will have four witnesses  
16 today, Suzanna Jemsby, the head of school. And note the  
17 pronunciation. It's not hard "J," it's a "Y" sound. So Ms.  
18 Jemsby. Patrick Burkhart, who has introduced himself, Matt  
19 Sickle, and Mr. Erwin Adres. Next slide.

20 As you know, we have our burden of proof to meet. And  
21 based on preliminary statements that we submitted to the record,  
22 our pre-hearing submission, and the report of the Office of  
23 Planning, we believe we fully comply with the burden. This new

1 school building is located so that it will not become  
2 objectionable to adjoining neighbors or nearby properties because  
3 of noise, traffic, number of students or other objectionable  
4 conditions.

5           The school has successfully operated here at this site  
6 since 1978. The proposed building will serve the existing school  
7 population. There is no proposed increase in student enrollment  
8 or the number of faculty and staff. The school is over 350 away  
9 from the nearest residential properties at the interior of its  
10 campus, and the Board has previously found in several decisions  
11 that this substantial setback protects nearby properties.

12           The facilities are needed to meet national teaching standards  
13 for science classrooms and laboratories. And Ms. Jemsby will be  
14 speaking about that in a moment. And any noise will be contained  
15 within the walls of the new building. Next slide, please.

16           CHAIRPERSON HILL: Ms. Brown?

17           MS. BROWN: Yes.

18           CHAIRPERSON HILL: Just to let you know, I mean, I want  
19 to hear a lot, everything that you have to say. So don't worry  
20 about the time. Okay.

21           MS. BROWN: Okay. And I'm happy to skip through these  
22 because these --

23           CHAIRPERSON HILL: No. No, I want to go through

1 everything. Mr. Young, you can just turn off the clock if you  
2 don't mind.

3 MS. BROWN: And I think, sir, that we probably could be  
4 finished in about 20 minutes.

5 CHAIRPERSON HILL: That's fine, Ms. Brown.

6 MS. BROWN: Okay. The second standard that we must  
7 meet is that there is ample parking, but not less than required by  
8 this title. Meaning the zoning regulations to accommodate the  
9 students, teachers and visitors likely to come by automobile by  
10 the site. And the standard for school, obviously, is based on  
11 student enrollment, the number of faculty and staff, and the  
12 largest facility in the school. None of that is changing. So  
13 there is no increased requirement for parking on this campus.  
14 Back in BZA order 17312 and 17560 the BZA set the standard of 84  
15 required parking spaces. Unfortunately, when you go to look at  
16 the BZA orders you won't find that in the order. You find it in  
17 the transcripts or in the records. Unfortunately, the records are  
18 not available online, but the transcripts are. So that is where  
19 that number 84 comes from. So in case you're looking for the  
20 source. And again, there is no change in the number of faculty,  
21 staff, student enrollment, the size of the large assembly space.  
22 So note, we are not going to reduce or change the parking. In

1 fact, you'll hear from Mr. Andres noting that we are increasing  
2 our zoning requirement up to 91 spaces. Next slide.

3 After hearing all the evidence the Board may impose  
4 additional parking requirements for the site. And I think when  
5 you hear the testimony from our witnesses, and those of the Office  
6 of Planning, and the DDOT report you'll find that there is no need  
7 for additional parking requirements. And in fact, the demand has  
8 been reduced for parking because several staff positions have been  
9 reassigned as remote positions. So there is an actual reduction  
10 in the number of faculty staff coming to the campus.

11 Finally, the development standards for a private school  
12 shall be those in the zoning which the school is located. Here  
13 the development parameters of the proposed building fully meet all  
14 the R-1-A requirements. Next slide.

15 With that, I'm going to turn the presentation over to  
16 Ms. Suzanna Jemsby, the head of school.

17 MS. JEMSBY: Thank you, Carolyn. Good morning,  
18 everyone, and thank you for your time this morning. This has been  
19 a long journey getting to be in front of you today. The journey  
20 started at the school in 2014 with a request to get a new science  
21 center building approved.

22 I became head of school in 2018, and I took over the  
23 efforts to seek approval for a new science building at that time.

1 The need for a new science building was extremely apparent to me  
2 as well as of course to my predecessor. The currently labs were  
3 built in 1994, and they are inadequate for a number of reasons.  
4 From a space standpoint, the National Science Teacher Association  
5 found that there should be 45 square feet per student in a pure  
6 lab environment or 60 square feet if it's a lab/classroom  
7 environment. At wit, we have less than 30 square foot per  
8 student. So we're either off by 50 percent or 100 percent,  
9 depending on the comparison there.

10           And about a third of the space in each of these labs is  
11 a teacher podium. So it was built at a time when the  
12 instructional model was quite teacher centered. The teaching of  
13 science has changed dramatically since. And there is now greater  
14 flexibility needed, such as moveable furniture, and students need  
15 to be able to do data logging which, unfortunately, is not  
16 possible in these kinds of spaces because sprawl is emulating so  
17 poorly in places that you can't get the tables to be truly  
18 horizontal, for example.

19           We also have too few labs. We have extremely high  
20 occupancy on this campus of over 90 percent, which means that 90  
21 percent of the classrooms and labs are being used at any given  
22 point, which means there's no ability to set up experiments in  
23 advance or students to leave ongoing experiments. You know, so

1 they have to pack up every single class. The labs themselves,  
2 therefore, end up being generic in nature and not differentiated  
3 specifically for physics, chemistry or biology, which is something  
4 that we desperately need.

5           There are safety concerns. And right now with the,  
6 with the square footage, of course, access to gas is precarious.  
7 As students don't have anywhere to store their personal effects.  
8 And they don't even have access to water in all of the spaces  
9 needed. We wish to meet the highest standards for storage of  
10 chemicals and in an ideal world, also we would have refrigerators  
11 and freezers for temperature dependent experiments. None of that  
12 exists today.

13           So when I got into my role I completely reexamined the  
14 approach with a new architectural team and SBA, Shalom Baranas  
15 Associates, and they have extensive experience in historic  
16 preservation and successful development projects in DC.

17           We abandoned the original location, which was the -- the  
18 original design was in a different part of the campus, and we have  
19 now moved it to a new location, which is not visible to the Macomb  
20 Street neighbors, which is in stark contrast to the previous  
21 design. We have been in extensive discussions and coordination  
22 with the Tregaron Conservancy, which is the amazing nonprofit that  
23 abuts our land, and also with the historic preservation office.

1 And I want to just emphasize, this that you're seeing today is the  
2 same project that the HPRB approved in concept on December 3,  
3 2020, with some slight adjustments to a response to the HPRB  
4 comments on that date. Patrick Burkhart, from SBA, will highlight  
5 those slight adjustments.

6 As Carolyn has already mentioned, Ms. Brown has already  
7 mentioned the -- we clearly are not asking for a change or an  
8 increase in enrollment. That is clearly stated in our strategic  
9 plan on the website. And so our parking requirements remains  
10 unchanged as approved by the BZA previously. You'll be hearing  
11 from (indiscernible) as well.

12 Our current cap is 110 persons, faculty and staff, and  
13 450 students. And that will not change. In fact, as you heard,  
14 we're going to be designating eight staff positions as permanent  
15 remote work positions. That's for the function of the pandemic  
16 and, therefore, it actually reduces the parking demand on campus.

17 I am thrilled that we have the support of the Tregaron  
18 Conservancy, the ANC C3, and many of our surrounding neighbors as  
19 we present to you this morning. Thank you so much for the  
20 opportunity.

21 CHAIRPERSON HILL: Thank you, Ms. Jemsby.

22 MS. BROWN: Our next witness is Mr. Patrick Burkhart.

1 MR. BURKHART: Yes. Good morning Chairman Hill and  
2 members of the Board. My name is Patrick Burkhardt, architect with  
3 Shalom Baranas Associates. I will make a brief presentation on  
4 the architectural design of the project, which will be followed by  
5 a brief description of the landscape design, followed with our  
6 transportation planning discussion.

7 The slide that you see here just confirms what Carolyn  
8 mentioned a few minutes ago, that the project is within the  
9 conformance of the R-1-A development standards for the  
10 construction of a new facility at a private school in this  
11 district. So what this -- I'm going to go into the overall  
12 presentation. I'll try to keep it fairly brief. There's a lot of  
13 material, but we can always go back to it if necessary. So let's  
14 go to the next slide, please.

15 So the site is located on Macomb Street, which you see  
16 at the top of this drawing. Connecticut Avenue, towards the far  
17 right, as the precinct we're looking at, and 34th Street to the  
18 left is the western boundary. You can see a fairly large area of  
19 open lawn, meadows and trees which really comprise two historic  
20 estates. The Washington International School is on one of them,  
21 what you see at the center of the drawing here. To the left is  
22 another property called the Twin Oak Estate, which is in

1 ownership of a foreign country. So it's really quite an  
2 interesting kind of historic setting.

3 Our site is indicated with the red stitched line. It's  
4 approximately 10 acres. Within that is a secondary stitched  
5 line, which is comprising an area of about six acres, which is the  
6 development area for the Washington International School. In an  
7 agreement with Tregaron Conservancy, there is an easement area  
8 which requires the approval of both the WIS and the Tregaron  
9 conservancy for any modifications within that zone. Let's go to  
10 the next slide, please.

11 So here's an existing site plan, just to give you an  
12 idea of what we were looking at. The entrance to the site is in  
13 the upper left at Macomb Street. And you can see that there's a  
14 meandering one-way roadway that takes you up to the summit of the  
15 property, which is near the center of the drawing. And at that  
16 point we see the original private residence. This is literally a  
17 beautiful mansion, historic in nature. And it included several  
18 outbuildings at the time it was constructed, which are to the left  
19 of the mansion in this particular drawing. The entire ensemble of  
20 site understand historic structures comprises the DC landmark that  
21 we are working with here. Additions have been made to the  
22 property with the ownership of the Washington International  
23 School, which you can see in this drawing. Most of those towards

1 the far left here, labeled number five and number six. There's  
2 also a large soccer field that was installed roughly 20, 25 years  
3 ago that you see. It's labeled number 13. And adjacent to that  
4 is a full basketball court.

5           Probably the most interesting thing is that when you  
6 look at this development, well, you'll see shortly, number 11 is a  
7 structure that was built by the second ownership on the property.

8       This was -- it's called the Dacha. And it actually obliterated  
9 one of the original historic landscape features of this site. And  
10 this kind of gave us a clue on how to treat this project. As  
11 Suzanna mentioned, there was an earlier concept to place this  
12 science plus building in that parking lot that you see in the  
13 upper left. And, of course, this would be visible from Macomb  
14 Street. Our concept was to focus on the center of the site. And  
15 if you can't build up, build down. So we're really proposing a  
16 design that buries itself into the hillside. And also, recreates  
17 that four-square garden, in a new life, as a quad, for the  
18 project. So with this I'm going to take you through a couple of  
19 photographs of existing condition. Do you want to go to the next  
20 slide, please.

21           So they'll be three pages of slides. They really are  
22 broken up into three categories. This is the approach side to the  
23 project, what you see in the key diagram in the lower left.

1 | Number one is the entry on Macomb Street that we were alluding to  
2 | earlier. And you pass through this gate. And you can see up in  
3 | the hillside is the gymnasium property. And that, again, can be  
4 | seen in the upper, center photograph. This is a view of the  
5 | entrance garden of the Tregaron Conservancy. They both share  
6 | access points to the site here on Macomb Street. As we ascend the  
7 | hill you see, in number three, a retaining wall, behind which is  
8 | that parking lot. And as we move up to the top of the property  
9 | you can see, in number four, a view of the parking zone to the  
10 | west of the property. And in the image on the lower right you can  
11 | see access from the center circular drive of the property towards  
12 | those buildings towards the west, including new construction as  
13 | well as those historic buildings on the site. Let's go to the  
14 | next image.

15 |           So once we've ascended the property these are photos at  
16 | the summit. You can see in the upper, left, this is the original  
17 | residence built in 1012. It is a really beautiful example of high  
18 | style Georgian revival architecture. The image to the right of  
19 | that, in the center of the top row of photographs is this Dacha.  
20 | This was built by the second owner of the property, which was  
21 | Marjorie Merriweather Post and her husband Joseph Davies, former  
22 | ambassador to Soviet Union. When he retired in 1941 he decided to  
23 | build this little man retreat. And he did so by destroying the

1 original four-square garden, which you can see remnants of in the  
2 top photograph on the right.

3 I would like to point out that between the datcha, which  
4 is just to the west of the mansion, there is a parking area that  
5 you see in that center photograph on the top. It currently  
6 provides space for about 12 cars. And this is an area that we  
7 will be reconfiguring for the proposed new building. If we  
8 continue with the photographs, on the bottom you see a photograph  
9 of the soccer field from the far western edge of the property,  
10 looking back at the Datcha. And you can see a really large stone  
11 retaining wall, giving the idea of sort of the topography of what  
12 we're dealing with here. And the image on the right is another  
13 view of what's called Academic Way. This is the connection  
14 between the circular drive in front of the mansion and the  
15 buildings towards the west. Let's go to the next image, please.

16 And so these are photographs of kind of that athletic  
17 field, just to give you kind of the sense of where we are with the  
18 construction on summit of the property. The view in the upper  
19 left is of the soccer field. You can see one of the more recent  
20 constructions from 2007 is really kind of a backstop to that  
21 large, open lawn. And we see in the photograph in the center that  
22 stone retaining wall that I mentioned. Now, these are going to  
23 give us some opportunities for the new development. One of which

1 is this exploration of a geothermal heat mechanical system, which  
2 can be -- the wells for which can be placed under that soccer  
3 field. The stone wall that you see in the top, center photograph,  
4 we're considering replacing that stone wall with a wall that would  
5 allow for windows with a view onto the soccer field. The image on  
6 the upper right is the mansion. And it's looking towards the  
7 west. The trees that you see in the backdrop really screen the  
8 athletic facility from view from the mansion. And then additional  
9 photographs on the bottom. The one towards the lower right,  
10 again, shows the remnants of that four-square garden feature.  
11 Let's go to the next.

12           So here we have the proposed site plan. And as Carolyn  
13 was mentioning, the fact that we are developing the new facility  
14 in the center of the campus really shields us from neighboring  
15 residential area. And the proposed development zone is bounded by  
16 the red stitched lines that you can see here. The darker red tone  
17 is actually the above grade portion of the project, which is  
18 consisting of two two-story pavilions that really flank, recreate  
19 a four square garden, which you see is number two. This will  
20 really create an academic quad at the center of the campus, giving  
21 the campus a little bit clearer organization, something that it  
22 really currently does not have.

23           In addition to that, we are doing this development area

1 by proposing to relocate the Dacha from where it was with the  
2 four-square garden to the area in the forest, just to the east of  
3 the mansion, which is number six on this diagram. Let's -- well,  
4 actually, before I do that I just want to point out. We do have  
5 several parking locations, just for clarification. You can see  
6 the existing surface parking lot, which we call the north parking  
7 lot on the upper, left portion, with a space for approximately 42  
8 vehicles. More conversation about that later. You can also see  
9 there's additional parking along the roadway. Once you leave the  
10 circle and heading back down towards Klingle, which is all a one-  
11 way circulation path, there are additional parallel parking spaces  
12 that are conforming, places along the edge of that one-way roadway  
13 design. Let's go to the next slide, please.

14           So I'm going to take you through the floor plans very  
15 briefly here. This is the ground floor or basically what we view  
16 plateau at the top of the summit here. The building, you can see  
17 with the color tones, basically it's framing two sides of the  
18 four-square garden. The entry to the new building, what you see  
19 really at just the center of this image, is on an axial alignment  
20 with the center portico, following the original historic landscape  
21 design relationships.

22           As Suzanne mentioned, we are working with a program that  
23 is basically a science facility. But it's more than that, it's a

1 science plus building. We are creating nine new contemporary  
2 laboratory teaching spaces within the project. And because of the  
3 nature of these facilities natural light, which is important, is  
4 less critical in other types of activities that would typically be  
5 placed above ground. So rather than going above ground, because  
6 of the pressures of historic preservation, the idea was to go  
7 below ground. And you'll see shortly that 70 percent of the  
8 building program is at -- is below grade level within the project.  
9 So what we see here are relatively small elements that are  
10 relatively small elements at the first and second floor. Let's go  
11 to the next slide, please.

12           So here at the second level, again, three yellow that  
13 you see here, framing the four-square garden. Let's go to the  
14 Next slide, please

15           This should show the -- okay. So here, at the second  
16 level, again, three spaces are developed that are toned with the  
17 yellow that you see here, framing, again, the four-square garden.  
18 Let's go to the next.

19           So this is the first level below the four-square garden  
20 level. This is adjacent to the soccer field. It's slightly  
21 depressed from the level of the field. And this is where we've  
22 placed the dining facility, which is another component of the  
23 building, another aspect on the site that is currently really

1 | terribly under served. So the idea here is to create a dining  
2 | hall approximately 2750 square feet, that would be served by a  
3 | kitchen that would include food preparation, food serving, and  
4 | ample storage for both incoming product and also for trash  
5 | removal. You can see in the plan, in the upper left, there is a  
6 | service elevator that takes you from the four-square garden and  
7 | Academic Way level down to the kitchen level that you see here and  
8 | to space below. There are two laboratory spaces on the southern  
9 | end of the project, which you see toned in yellow, and they look  
10 | onto a new half baseball court with the project. Let's go to the  
11 | next image.

12 |           So this is the lowest below grade level. This is the  
13 | fourth level, which is B2. And again, you can see that where we  
14 | have the opportunity we've created spaces for laboratory, both the  
15 | sciences as well as design technology, spaces indicated with the  
16 | yellow tone here. These receive natural light from two open light  
17 | wells, where it says open to above. We're creating zones where  
18 | light can filter down to this lowest level so that there is a  
19 | connection to nature, to daylight, but it is within a below grade  
20 | area. The back of the house mechanical area is fairly large  
21 | because all of the equipment for the heating and cooling system at  
22 | the geothermal field is coming into the building. And all of our  
23 | air handling equipment, emergency generator, and all -- a lot of

1 | stuff that typically would be put on a roof penthouse, we've  
2 | placed below grade to -- in deference to the historic nature of  
3 | the property that we're working with. And let's go to the next  
4 | slide.

5 |           Just briefly, a couple of diagrammatic sections through  
6 | the property. The key in the lower left gives you a rough idea.  
7 | If you can look at that plan you see where the soccer field is.  
8 | You see that the first section that we'll be looking at at the top  
9 | is cut through the mansion, which is on the left side, and towards  
10 | the right at the center you see the proposed new construction.  
11 | Where we have two stories above grade, at a height of 26 feet, and  
12 | full development below grade, with the two below-grade levels.  
13 | You can also see the relationship of the dining facility, in the  
14 | aqua, to the soccer field which it looks onto. The image at the  
15 | bottom is cut longitudinally through the site, really kind of  
16 | north to south. So you can see on the left side of that drawing  
17 | the four square garden, the two stories above grade, and as you  
18 | see, the building that we're proposing actually steps down towards  
19 | the south, following the topography of the site. Let's go to the  
20 | next image.

21 |           And kind of the fun stuff in terms of how the building  
22 | is shaped. Here you see an aerial view from the northeast,  
23 | looking to the southwest, with the proposed two two-story

1 pavilions that comprise the above grade design. One of which is  
2 perpendicular to the mansion, the other is perpendicular to the  
3 soccer field, kind of rectifying the two orientation geometries of  
4 the site. The materials that we are working with are a reddish  
5 brown slate, and metal panels, and copper tones to create a facade  
6 and color palate harmonious with the Georgian revival red brick.  
7 Let's go to the next shot.

8           And here is another aerial view form the northwest,  
9 looking to the southeast, showing the four-square garden and it's  
10 recreated slightly altered form from the original. And, again, it  
11 creates a quad at the center of the campus which doesn't exist  
12 right now. We envision this as a gathering space for students  
13 here at the very center of the campus, for opportunitues to learn  
14 about nature and also the opportunity to overlook the soccer  
15 field. You can also see in this image along the soccer field  
16 where we've placed windows in that new stone wall that was  
17 previously the stone retaining wall. Let's go to the next shot.

18           This is actually the more interesting sectional diagram  
19 through the project, similar to the section I spoke of earlier.  
20 It gives you more of a three-dimensional connection between the  
21 above and the below grade. Where if you move again from left to  
22 right you can see at the left, number nine, the four-square  
23 garden, the two stories. And then we sort of cascade down towards

1 the south, following the slope of the landscape beyond. Let's go  
2 to the next image.

3           So quickly, to wrap up just a couple of elevational  
4 images. The top view is that of the entrance facade of the  
5 mansion, which you see on the left. You can see the proposed,  
6 new, above-grade portion of the project to the right. We're  
7 actually just slightly below the height of the kitchen wing on the  
8 mansion and the approximate height of the cornice. And at the  
9 image at the bottom is from the soccer field looking at the west  
10 elevation. The red stitched line indicates the outline of the  
11 Dacha that will be moved. So, again, you can see we're relatively  
12 in conformance with the height of the mansion.

13           At this point I think we -- let's go to the next slide,  
14 please. I'd like to turn over the discussion to Matt Sickle,  
15 landscape architect.

16           MS. SICKLE: Hello. I'm Matt Sickle, landscape architect  
17 with Michael Vergason Landscape Architects. And I apologize, I  
18 don't seem to have the ability to turn on a camera with the Webex  
19 that I'm using.

20           CHAIRPERSON HILL: That's all right. Mr. Sickle, can I  
21 interrupt you for one second.

22           MR. SICKLE: Sure.

1 CHAIRPERSON HILL: Ms. Brown, I'm kind of moved through  
2 your slide deck. And is there like -- I mean, all of this relates  
3 to the way we're looking at the regulations, and I appreciate all  
4 of that. But is there a part of the deck when you're going to  
5 speak to the regulations themselves?

6 MS. BROWN: We did that in our opening slides, the  
7 first three that we had. So we did cover that. And we --

8 CHAIRPERSON HILL: You're not going back afterwards.  
9 I'm just clarifying. Okay.

10 MS. BROWN: And we're happy to address it in closing or  
11 rebuttal.

12 CHAIRPERSON HILL: Okay. All right. If you can just  
13 think about that when you touch back on the regulations.

14 All right. Mr. Sickle, if you can go ahead.

15 MS. SICKLE: Okay. Yes. This is Matt Sickle. And I'll  
16 just share a quick description of the conceptual landscape plans  
17 for the project as approved by the HPRB. Planned landscape  
18 improvements to the campus associated with this project actually  
19 extend from the Macomb Street entrance in the north to the west  
20 groves just south of the mansion and basketball court. Next  
21 slide, please.

22 Proposed improvements near the mansion include plantings  
23 and accessible paths at the relocated Dacha. And south of the

1 mansion we plan to expand the historic west groves plantings onto  
2 the south terrace of the new building and to screen the proposed  
3 basketball court on the south of the building with an extension of  
4 tree planting. At the new building the landscape will include  
5 preserved trees, new ground pepper plantings and many new green  
6 roof surfaces, including the reimagined version of the historic  
7 four square garden. Next slide, please.

8           Immediately to the north of the new science building  
9 campus landscape improvements will include an expansion of the  
10 historic brick paving along pedestrian and service drive, known as  
11 Academic Way. Further improvements there will include new  
12 plantings, short term bicycle parking, the relocation of  
13 facilities from the west end of the mansion to a location between  
14 middle school and carriage house. Next slide, please.

15           And moving north to the Macomb Street entrance.  
16 Improvements will include an entry garden, which has been  
17 coordinated so far with the Tregaron Conservancy. They include  
18 improvements to pedestrian paths that leads to, lead to  
19 conservancy trails, stone stairs to provide campus access, bicycle  
20 parking, and a new woodland garden and volunteer marshaling area.  
21 And then next slide, please.

22           Beginning at the Macomb Street entry garden and  
23 extending south toward the new science building, the campus entry

1 drive will be improved with a restored gutter, resurface drive, a  
2 new pedestrian path entirely within the existing width of the  
3 paved area. Along the slopes on the south side of the drive the  
4 school plans to program of invasive species removal. And then  
5 finally, next slide.

6 The plant pallet for the north garden will be focused on  
7 species native to our region with close relationships to those  
8 found in the site's historic plans. And that concludes the  
9 landscape presentation. I'll hand over to Erwin.

10 MR. ANDRES: Good afternoon Chairman Hill and members of  
11 the Board. For the record, again, Erwin Andres of Gorove Slade  
12 Associates. I just have two slides.

13 This is just a summary of the existing parking  
14 condition on campus. There are 85 vehicular spaces with two bus  
15 spaces, for a total of 87 spaces. Next slide.

16 As part of the project, as had been mentioned before,  
17 the south lot goes away with the addition of the new building.  
18 However, we do pick up additional spaces as part of the easement  
19 associated with the Tregaron Conservancy, where we pick up  
20 additional spaces as well as additional spaces on the north lot.  
21 As a result, the spaces that we end up with are 91 vehicular  
22 spaces and maintaining the two additional bus spaces. In addition  
23 to that we've also added five bike parking spaces throughout the

1 campus. And all of this information has been identified and laid  
2 out in our April 2 transportation statement.

3 So with that, I am available for questions.

4 MS. BROWN: Mr. Chairman, that concludes our direct  
5 presentation. I'm happy to summarize how, with this evidence  
6 that's in the record and our testimony today, how we meet the  
7 standard if that would be helpful. Or if you prefer me to do that  
8 in closing, I can do it as well.

9 CHAIRPERSON HILL: Yeah, Ms. Brown, if you could do it  
10 in closing. I mean, I -- I -- we have the regulations in front of  
11 us. And so -- and it's just helpful. And I appreciate that you  
12 set it up at the beginning. And then once you get into the long  
13 presentations sometimes it's easy to have a summary.

14 All right. So does the Board have any questions for the  
15 Applicant?

16 Commissioner Shapiro?

17 MR. SHAPIRO: Thank you, Mr. Chairman. The question for  
18 Mr. Andres. If you could pull back up the slide on the, from the  
19 traffic. And if you could just describe the traffic flow, the  
20 traffic pattern as well.

21 MR. ANDRES: Yes. So as the vehicles enter off of  
22 Macomb Street, it's a one way loop up the drive. And just to give  
23 you a sense of scale, the distance from the main entrance to

1 essentially the first opening near the north lot, that's  
2 approximately 500 feet. You'd be hard pressed to find any school  
3 within the District that has 500 feet of stacking before you get  
4 to an area where they can park. So with respect to that amount of  
5 stacking, that obviously helps facilitate the pick up and drop off  
6 operations.

7 MR. SHAPIRO: But it's one way, right?

8 MR. ANDRES: Yes, it is one way. And as you proceed to  
9 the parking facility you can circulate in and around the parking  
10 facilities or you can continue onward and drop off. There is drop  
11 off areas around that circle, for both the lower and middle  
12 school. And then you can proceed outward, if you're exiting, if  
13 you're not faculty or staff, and you're proceeding out of the  
14 campus, you head north -- you continue ahead southbound, down the  
15 access road, where it exits out onto Klingle Road. So that is the  
16 basic circulation pattern for the campus.

17 MR. SHAPIRO: Thank you. Thank you, Mr. Chairman.

18 CHAIRPERSON HILL: Okay. Anyone else?

19 (No response.)

20 CHAIRPERSON HILL: Okay. I have a quick question, Ms.  
21 Brown. Again, just to clarify. There is no additional staff or  
22 students in this project, correct?

1 MS. BROWN: That's correct. The faculty staff members  
2 would remain at 110, notwithstanding the fact that we are having  
3 eight positions that will be remote, working remotely now. So  
4 that actually reduces the demand, but we're leaving it at 110.

5 CHAIRPERSON HILL: Okay. Great. All right. I'm going  
6 to turn to the Office of Planning.

7 MR. MORDFIN: Good afternoon. I'm Stephen Mordfin with  
8 the Office of Planning. And the Office of Planning is in support  
9 of this application, find that it is in conformance with the  
10 criteria necessary for a special exception for private schools.  
11 The first being that to be located so it's not objectionable to  
12 adjoining properties because of noise, traffic, students or  
13 otherwise. There are no changes to the number of students, no  
14 changes to the number of faculty and staff. If on campus, in the  
15 center of the campus, with the nearest residences approximately  
16 350 away, which does minimize the impact on the surrounding  
17 properties. And there are also no changes proposed to the traffic  
18 patterns.

19 Second is that ample parking be provided. First going  
20 to the previous BZA order. The applicant does have the required  
21 number of parking spaces plus the adjustments that are being made  
22 to the site plan. And the changes will increase the amount of  
23 Parking available. So, therefore, OP does find that ample

1 parking will be provided for the teachers, and visitors, and  
2 students.

3           And lastly, the third criteria necessary for this is  
4 that the Board may require additional parking to be required.  
5 However, because in the past cases a total of 84 parking spaces  
6 were found to be adequate, and the number of faculty, and staff,  
7 and students is not increasing, and also the applicant is moving  
8 eight of their faculty positions to permanently work remotely,  
9 OP does not find that additional parking would be required.  
10 Therefore, OP recommends approval of this application. And I'm  
11 open for questions. Thank you.

12           CHAIRPERSON HILL: Okay, great. Does the Board have any  
13 questions for the Office of Planning?

14           (No response.)

15           CHAIRPERSON HILL: Does the Applicant have any questions  
16 for the Office of Planning?

17           MS. BROWN: No, sir.

18           CHAIRPERSON HILL: Mr. Young, can you hear me?

19           MR. YOUNG: Yes, I can.

20           CHAIRPERSON HILL: I want you to let in Ms. LePard, and  
21 then also have, if you can, organize it so that those in testimony  
22 -- let's try to do everybody in opposition first, and then we'll  
23 go ahead and do everyone in support, if that's possible. And then

1 | you can kind of like think about that while Ms. LePard is  
2 | speaking. Could you please allow Ms. LePard into the room.

3 |           MR. YOUNG:    Yes.  You also have the ANC Commissioner  
4 | that I brought in as well.

5 |           CHAIRPERSON HILL:    Oh, okay.  Where is the ANC  
6 | Commissioner?

7 |           MR. YOUNG:    That's Ms. MacWood.

8 |           CHAIRPERSON HILL:    Oh, Ms. MacWood, can you hear me?

9 |           MS. MACWOOD:   Yes, I can hear you.

10 |           CHAIRPERSON HILL:    Could you introduce yourself for the  
11 | record, please?

12 |           MS. MACWOOD:   Yes.  I am Nancy MacWood.  I represent the  
13 | SMD where this is located, and I'm representing ANC 3C today.  
14 | Chairman Hill, you and the members of the Board have the ANC  
15 | resolution that was approved at a public notice meeting on April  
16 | 19, 2021.

17 |           To summarize, we found that the standard for a special  
18 | exception for a private school, namely that it not be located to  
19 | become objectionable to adjoining or nearby properties was met.  
20 | The zoning parking requirement is not met, but the ANC noted that  
21 | there is no intention to increase student population or faculty  
22 | and staff, and that some staff who drove, drive to the campus or  
23 | previously drove to the campus would be working remotely on a

1 permanent basis. Thus, the ANC has no objection to continuing the  
2 current parking requirement.

3           Lastly, the ANC noted that construction of a very large  
4 building on the residential property, located on a dense  
5 residential street will be difficult. We stated that we were  
6 negotiating a construction management agreement, which is now  
7 finalized but needs to be signed.

8           That concludes my remarks. Thank you for the  
9 opportunity to testify. We'd be happy to answer any questions.

10           CHAIRPERSON HILL:       Okay, great. Thank you,  
11 Commissioner. And welcome. I didn't recognize you until I saw  
12 your normal background there and your face. The name didn't give  
13 -- Ms. Brown, I'm looking at these. I thought you guys provided  
14 more parking, right?

15           MS. BROWN:     So, yes. The distinction is this. When  
16 you look at the regulations under Subtitle C for the parking  
17 requirements, it sets forth the number of spaces required for  
18 faculty, staff, and largest assembly space. That is the same  
19 standard that's been in place under ZR-58 and ZR-16. When the BZA  
20 reviewed this standard in the 2007 and the previous BZA case there  
21 was an increase in the number of student and faculty, which would  
22 have, in theory, increased the number of spaces required. So  
23 instead of using the standard in what is now Subtitle C for

1 parking requirement, the BZA made a separate and independent  
2 determination, taking that into full account, that that  
3 requirement was too high, and that only 84 spaces were required  
4 based on the testimony and evidence presented in those case  
5 records. So that now is the official required number of parking  
6 spaces for the WIS campus.

7 CHAIRPERSON HILL: Yeah, 84 or 85 is what they have?

8 MS. BROWN: They -- it was determined that the required  
9 number of spaces would be 84, and that 85 was sufficient. That  
10 was, I think, in the BZA case --

11 CHAIRPERSON HILL: Ms. Brown, you're providing 91  
12 though, right?

13 MS. BROWN: Correct. So -- but -- yes, that's correct.

14 CHAIRPERSON HILL: Okay. All right. Okay, does anybody  
15 have any questions for the Commissioner?

16 (No response.)

17 CHAIRPERSON HILL: Okay. Commissioner, why don't you  
18 stay with us, please. I didn't know you were there.

19 Ms. LePard, can you hear me? Or Mr. Young, could you  
20 let in Ms. LePard, please.

21 Ms. LePard, can you hear me?

22 MS. LEPARD: Can you hear me.

23 CHAIRPERSON HILL: Yes. Can you hear me?

1 MS. LEPARD: Yes. Now let's see if I can get the video.  
2 There we go.

3 CHAIRPERSON HILL: Okay, great. Ms. LePard, I'm just  
4 going to put five minutes on the clock, just so I know where we  
5 are. But really, as I was kind of going through your testimony or  
6 what I saw you, some of your concerns, just if you can kind of  
7 like realize that we're not really here for any kind of  
8 construction impacts. Meaning, like we don't handle construction,  
9 but it's more like, you know, the -- I'm sure you've taken a look  
10 at the regulations concerning the new building and how that zoning  
11 might impact. So you can go ahead and give your testimony  
12 whenever you'd like.

13 MS. LEPARD: Thank you so much. And thank you very  
14 much for the opportunity to be heard today regarding the  
15 Washington International School's application for special  
16 exception. As I mentioned, I live directly across the street,  
17 within 100 feet, and if I turned my camera around you would look  
18 at the entrance to the Macomb Street entrance of 3100. I've been  
19 here for nearly 30 years. And during that time I was president of  
20 the Friends of Tregaron for over 10 years, the founder and the  
21 executive director of the Tregaron Conservancy. I found it in  
22 2006. I took a sabbatical in 2015. I've had decades of  
23 interactions with the Washington International School. I think

1 I'm on my fifth head of school. And over those years, most all of  
2 those years, I've been in support of the school's projects, many  
3 projects. And I've testified in front of HPR numerous times in  
4 support and BZA. So this has been very different and it's been --  
5 we have a number of reasons to be here, I do, and others, but to  
6 mostly speak about the school's history of noncompliance with BZA  
7 orders and the and HPRB, and also the serious adverse impacts that  
8 this project will have on nearby properties.

9           If you have my written statement in front of you, then  
10 you know that the BZA order of 2007, February 27, 2007, for  
11 application 17560, identifies that the school should have  
12 alternative transportation modes, something they have not done; a  
13 campus transportation coordinator, they do not have that; ride  
14 sharing, they should encourage ride sharings and alternative  
15 transportation, they don't do that; drop off and -- pick up and --  
16 drop off and pick up has to be at the top of the hill, on the  
17 campus' property, and it is often right in front of my house, on  
18 Macomb Street. And then also the one-way treatment of the  
19 property, of the driveway is egregiously not enforced.

20           And I wanted to just -- I should have, you know, put  
21 together, probably put together a PowerPoint presentation or  
22 something as well. But I could show you numerous photos of trucks  
23 coming out of the entrance. This is one of many. This happens on

1 a daily basis. And this is really dangerous for the people that  
2 are entering.

3 CHAIRPERSON HILL: Ms. LePard, I'm sorry. I'm not really  
4 sure -- IU'm not sure how that kind of testimony --

5 MS. LEPARD: Okay. All right.

6 CHAIRPERSON HILL: That's okay. That's okay. I'm just  
7 -- I can't -- I can't -- we can't do stuff like that over Zoom.

8 MS. LEPARD: Okay. Fine. Thank you. But the problem  
9 is that the students that currently go there, with their cell  
10 phones now, they line up along Macomb Street and wait for parents  
11 to pick them up after school or after sports practices. Parents  
12 line up their cars and block my driveway after school or after  
13 sports practices waiting for their children. So we have a lot of  
14 ongoing traffic issues.

15 You'll hear from others, but Macomb Street is currently,  
16 you know, at -- well, with the COVID not as much, and they had a  
17 staggered school year, but they normally, when they're in full  
18 force, morning hours and after school hours the, Macomb Street is  
19 a parking lot. And no one who lives here can get out of their  
20 driveways, if they have a driveway. So traffic is difficult.

21 And also while this school is stating that they will not  
22 have increased enrollment or faculty at this time, and I believe  
23 they'll probably be back to you in a few years, this already is

1 currently a problem. And with this new, lovely, huge building,  
2 and I won't go into the preservation issues about it because we  
3 have -- that is not your -- I understand. But we have -- they're  
4 going to have increased uses because they've got a gallery, a  
5 terrace, a multi-purpose room, a student hub, they've got this  
6 enormous commercial kitchen. They have right now a kitchen of a  
7 few hundred square feet. They're now going to 6500 square feet  
8 plus 6500 back at the house. That's 13,000 square feet. A 3300  
9 square foot dining room. They're going to be making lunches for,  
10 you know, the students on their campus plus, you know, an equal  
11 number of students, 500, 450 students on their lower school campus  
12 and faculty down there. And we don't feel in this residential  
13 neighborhood that's a historic property, that is really, has been,  
14 as you call it, neighborhood with a historic landmark.

15           The school is growing and growing and its activities are  
16 growing in such a way that we don't feel this residential  
17 neighborhood can take the impact, the noise, the traffic. And I'm  
18 going to say that you -- the school said that they have these  
19 letters in support from people, from neighbors. And their letters  
20 in support are by and large all from parents or grandparents.  
21 There are a couple from Macomb Street, but the two -- that are not  
22 parents -- but they live near Connecticut Avenue, Bob Ward and  
23 Robin Houseman, nowhere near the entrance. The people that do

1 live near the entrance that wrote you a letter, I think there's a  
2 conflict of interest there because they are WIS, parents as well,  
3 Scott Pearson And Deanna Farrell, and she was long served on the  
4 Board of Trustees at WIS. So I would hop you would take that into  
5 consideration.

6 And also, the regulation is that they should not be  
7 objectionable to adjoining and nearby properties. So when you  
8 hear from the people in support, recognize that they are not  
9 adjoining and nearby properties. They are dropping their students  
10 off. They're actually part of the traffic and noise issues.

11 And I think there is a question, and I think  
12 Commissioner MacWood should talk to you more about the  
13 insufficient parking. And I think other people will speak about  
14 that, that there are the WIS students and visitors and faculty  
15 regularly park on Macomb Street. There isn't enough parking. And  
16 for them to put in 14 bicycle spots at the Macomb Street  
17 entrance, that's actually in violation of the 2006 agreement that  
18 the school signed, that I negotiated and wrote, that was signed by  
19 the private owners, the school and the community Friends of  
20 Tregaron and Tregaron Conservancy, that there should never be any  
21 structure at the Macomb Street entrance.

22 And this is why the school has also been in violation of  
23 the HPRB that on October 1 the HPRB said there can -- of 2020 --

1 the HPRB stated there can be no guard house, that they needed to  
2 come back with guard house plans. They did not approve the guard  
3 house at the Macomb Street entrance. October 2, right the day  
4 after, the HPRB said no guard house at Macomb Street entrance,  
5 the Washington International School moved one in. Then on  
6 December 3 --

7 CHAIRPERSON HILL: Ms. LePard, I just wanted to let you  
8 know just to kind of wrap it up just a little bit. And then -- I  
9 mean, the guard house, you're kind of going off topic with. Okay.

10 MS. LEPARD: All right. I guess I was just trying to  
11 show the kind of flagrant disregard for the HPRB's rulings twice  
12 about the guard house, and disregard for the 2007 BZA. So we  
13 don't have a lot of faith of the next ruling. And I would like to  
14 say that there are many, many other independent schools in  
15 Cleveland Park that have special exception, and they follow the  
16 BZA's requirements for these special exceptions. So we don't have  
17 a lot of faith in that.

18 If you do issue an order for the school in support of  
19 this application, I would like to see that this -- we would like  
20 to see the management agreement. No one in the neighborhood has  
21 seen it, and we're very concerned about trucks queuing at four  
22 o'clock in the morning, 5:30 in the morning. So the CMAs should  
23 be a requirement.

1           Oh, and this very important. No outside usage of the  
2 new building. The school has a usage agreement about its prior  
3 building that Ms. Brown has said is still in effect, and I hope  
4 that is true, and that they're complying about it. Although, they  
5 don't submit letters about their compliance. But I also want to  
6 know what they're going to do at this new building. And outside  
7 usage could be a huge impact in after hours, weekends, traffic,  
8 rentals. It's going to be a, you know, you saw the photos, I mean  
9 the drawings, the renderings. It's going to have these glass  
10 walls, glass looking up the cathedral. It's going to be lovely,  
11 and it's going to be wanted for outside and extra usage than the  
12 school currently has. So --

13           CHAIRPERSON HILL: Okay.

14           MS. LEPARD: -- there are these objectionable adverse  
15 impacts, objectionable conditions to nearby neighbors. And thank  
16 you very much for your time today.

17           CHAIRPERSON HILL: Okay. Thank you, Ms. LePard. Does -  
18 - well, I'll ask a couple of questions. Did you go to the ANC  
19 meeting, Ms. LePard?

20           MS. LEPARD: Yes. Many of us did.

21           CHAIRPERSON HILL: And then also the HPRB?

22           MS. LEPARD: Of course. The ANC in the past has been  
23 in support of all the historic preservation protections. It's the

1 membership has changed in the last election. And the chair and  
2 the neighbors, the people are more, um, less inclined towards  
3 historic preservation and more towards development.

4 CHAIRPERSON HILL: I got you. I was just curious as to  
5 whether or not you all had an opportunity to voice your concerns?

6 MS. LEPARD: We have. Although, the school has not  
7 been working with us during this, during these -- in the past,  
8 headmistress and head -- headmasters and mistresses, we've had a  
9 good open relationship with the neighborhood. Not so much now.

10 CHAIRPERSON HILL: Okay, gotcha. All right. Does  
11 anybody have any questions from the Board for Ms. LePard?

12 (No response.)

13 CHAIRPERSON HILL: No? Okay. Ms. Brown, do you have  
14 any questions?

15 MS. BROWN: No, sir.

16 CHAIRPERSON HILL: Okay. All right. Ms. LePard, thank  
17 you so much for your testimony. We're going to go ahead and  
18 excuse you from the room. And if we need to bring you back in, we  
19 will. Okay?

20 MS. LEPARD: Thank you very much. I appreciate it.

21 CHAIRPERSON HILL: Thank you. Mr. Young, do you want to  
22 try to -- how many do you have in opposition, how many do you have  
23 in support, if you can do that or tell me.

1 MR. YOUNG: I have five in opposition, but I believe  
2 two are with each other.

3 CHAIRPERSON HILL: Okay. All right. Well, then bring  
4 all of the opposition people forward if you can.

5 MR. YOUNG: Okay.

6 CHAIRPERSON HILL: And if you can tell me their names as  
7 you bring them in. If everybody could just give me a second so I  
8 can kind of get a head count. I see a Ms. Holen I guess.

9 MS. HOLEN: Yes.

10 CHAIRPERSON HILL: And then a Ms. MacWood. Who else do I  
11 got? A Ms. Franco; is that right?

12 MS. FRANCO: Yes.

13 CHAIRPERSON HILL: Okay. There's a Mr. Clark. Am I  
14 missing anybody, Mr. Young? I have Holen, MacWood, Franco, Clark.

15 MR. YOUNG: Yeah, that's all I have.

16 CHAIRPERSON HILL: Okay, great.

17 MS. HOLEN: no, you're missing a few people. You're  
18 missing a few people who signed up. Excuse me. Rebecca Fitch is  
19 here with me and Sheldon Holen is here with me.

20 CHAIRPERSON HILL: Okay. Meaning, you all are on the  
21 same line?

22 MS. HOLEN: We are on the same line.

23 CHAIRPERSON HILL: Okay.

1 VOICE: We signed up independently to testify.

2 CHAIRPERSON HILL: I got you. You'll each have your  
3 time then. You can just rotate then through the hearing, if  
4 that's okay.

5 Let me go ahead, and I'm going to start with Mr. Clark  
6 because I can see him. But if everybody can turn on their  
7 cameras, it would be more helpful to me.

8 MR. CLARK: Washington International School

9 CHAIRPERSON HILL: Mr. Clark, could you introduce  
10 yourself for the record, please?

11 MR. CLARK: Sure. my name is Charles Clark. I am the  
12 husband of Patricia Franco, who is also on the line and will be  
13 speaking separately. We are over 20-year residents on Macomb  
14 Street. We live just adjacent to the entrance to the historic  
15 Tregaron Estate, which is now the home of WIS, International  
16 School.

17 CHAIRPERSON HILL: Mr. Clark, give me one second.

18 MR. CLARK: This International School --

19 CHAIRPERSON HILL: Mr. Clark, give me one second. So if  
20 everyone can mute their microphone unless they're actually  
21 speaking. And, Mr. Clark, as a member of the public you'll have  
22 three minutes to speak. And the clock is there. Can you see the  
23 clock?

1 MR. CLARK: I can.

2 CHAIRPERSON HILL: Okay, great. So you can begin  
3 whenever you'd like.

4 MR. CLARK: Great. And I will be -- I will attempt to  
5 be brief. You've heard a number of these issues. Many -- there  
6 are people on this call who were there right at the very beginning  
7 when Tregaron Estate was a wreck. And it's really due to the  
8 efforts of these people that we're even having the opportunity to  
9 talk about a very special aspect of our city.

10 WIS, arrived on the backs of those people to occupy a  
11 space and to adopt the role of stewards and the responsibility of  
12 stewards of that space. And they continue to owe that obligation  
13 to that space. We obviously have objected to the development  
14 plans of WIS along the way and have been successful in moving them  
15 into a certain direction. We think it's very regrettable that WIS  
16 continues to characterize this as a science project when in fact  
17 so much of this construction project is really devoted to their  
18 catering and dining and the gathering spaces.

19 But now that we are before the BZA, WIS is not only a  
20 steward to the space, they're a steward to the neighborhood that  
21 they have chosen to call home. WIS could have located its school  
22 anyplace. They chose to be in a historic neighborhood, and on a  
23 street which cannot accommodate and will not be able to

1 accommodate the vast amount of construction that WIS has planned.  
2 Macomb Street is a very narrow street. You can see it any day  
3 that you walk down it. And we are really talking about a massive  
4 construction project which will have a detrimental impact on the  
5 neighbors, both from a pollution, from a noise, and most  
6 importantly, on the great community based on traffic. One only  
7 has to go down Macomb Street during drop off and pick up to  
8 understand that it is a very limited space. And, frankly,  
9 whatever the BZA does, and we do not believe that this will, given  
10 the population that it serves, deserves a special exemption, but  
11 in any case, if BZA is to permit this construction project to go  
12 forward, it must have an enforcement mechanism that obligates, and  
13 requires, and enforces, and the fact that WIS must live up to its  
14 obligations.

15 WIS has not shown any degree of commitment to the  
16 obligations it's made in the past, including the ruling of the  
17 HPRB as it relates to the guard house. And, frankly, the BZA  
18 should not countenance this behavior. Thank you very much.  
19 Please, whatever you do, have a program that minimizes the impact  
20 on the neighborhood and the community at large.

21 CHAIRPERSON HILL: Okay, Mr. Clark. Thank you for your  
22 testimony.

23 Let's see, can I see, is it Ms. Franco?

1 MS. FRANCO: Yes. Yes, can you hear me?

2 CHAIRPERSON HILL: Yes. Could you introduce yourself  
3 for the record, please?

4 MS. FRANCO: Sure. My name is Patricia Franco. I live  
5 300 feet away from the school and the estate. And I'm married to  
6 Charles Clark.

7 CHAIRPERSON HILL: Okay. Ms. Franco, you can begin  
8 whenever you'd like.

9 MS. FRANCO: Hi. Thank you for the opportunity to  
10 testify against the WIS special exception application. I object to  
11 the application because it would have an undue adverse impact on  
12 the neighborhood and on the environment with really little if any  
13 benefit to the city and its inhabitants, especially underserved  
14 populations. Rather -- I made a filing. And rather than  
15 regurgitate those arguments that I submitted in written testimony,  
16 I just want to maybe use an analogy to visualize the problem that  
17 would be created by granting the WIS special exception  
18 application.

19 Using the analogy that the Tregaron Estate on which WIS  
20 sits, is a rowboat that we need to keep afloat, and it's weight  
21 balanced. We, at one point, felt like we could keep rowing  
22 better, and the area would be a better place for all to live if we  
23 lightened the burden of maintaining the wonderful estate and have

1 | some help run the boat. And so WIS picks up residence in the  
2 | Tregaron Estate and, you know, we're happy to have help. We had  
3 | confidence that it would be a good steward of the landmark estate.  
4 | And after time we allowed WIS, under a new head of school, to  
5 | build several buildings, such as the gym and the AAA building  
6 | because they weren't too near the historic mansion and other  
7 | private schools had amenities. And this would be the end of WIS,  
8 | adding weight to the boat. Despite the concessions WIS next  
9 | claimed it's becoming too tough, and it claimed it needed a very  
10 | large parking garage, and a building on the crest of the hill,  
11 | visible like a battleship to all that drive down Macomb Street.  
12 | That was rejected, and then WIS comes back again, proposing to  
13 | build a large gatehouse near the entrance and a massive building  
14 | with a -- and this is key -- a high percentage of square footage  
15 | dedicated to non-academic needs near the mansion, thinking that  
16 | that will pass muster more easily.

17 |           When the proposed gatehouse was rejected, WIS puts one  
18 | there anyway. When we asked what the end use for all the non-  
19 | academic square footage will be, WIS said programmatic needs. We  
20 | don't see WIS at this point. Hey, you're here to help us row.  
21 | That was the deal, to help us. Instead we think about giving WIS  
22 | what it wants in the name of development, and progress because  
23 | we're tired. We ignore the noncompliance with prior rulings and

1 order, and we forget to make sure to restrict the use of the large  
2 amounts of square footage. Pretty soon our rowboat, which is  
3 Tregaron, will have too many things in it. And we will have our  
4 rowboat that's sinking again. At that point WIS will have the  
5 upper hand. It will have many buildings desecrating the landmark  
6 estate. And most dangerously, it will have the knowledge that we  
7 are unwilling to stop it from adding weight to our boat, which is  
8 Tregaron.

9           So what I am asking of the BZA is to please do not sink  
10 our Tregaron boat. Please reject the application. At a minimum  
11 BZA should use its power under its statutory requirements to make  
12 requirements of design, and lighting, and building materials, or  
13 any other requirements to minimus impact on the neighborhood. And  
14 that's really my -- the way I think about this now. And along  
15 with my written testimony, those are my comments.

16           CHAIRPERSON HILL: Thank you, Ms. Franco. Thank you for  
17 your testimony. Is it Ms. MacWood or MacWood? Oh, yeah. Ms.  
18 MacWood?

19           MS. MACWOOD: Chairman Hill, I already testified. I'm  
20 the ANC Commissioner.

21           CHAIRPERSON HILL: Ah, oh, I'm sorry. They're confusing  
22 me. Okay. Is it Ms. Holen?

23           MS. HOLEN: Yes, thank you.

1 CHAIRPERSON HILL: Ms. Holen --

2 MS. HOLEN: Thank you. I'm here.

3 CHAIRPERSON HILL: Ms. Holen, who are you -- who did you  
4 say you were with, is with you?

5 MS. HOLEN: I'm a neighbor. I'm a concerned neighbor.

6 CHAIRPERSON HILL: No. I'm sorry, you said there was  
7 two other people --

8 MS. HOLEN: Oh, with me here is my husband, Sheldon  
9 Holen.

10 CHAIRPERSON HILL: Okay.

11 MS. HOLEN: And my friend and neighbor, Rebecca Fitch.  
12 The three of us are on one connection. But we will separately  
13 testify.

14 CHAIRPERSON HILL: Okay, great. All right, Ms. Holen,  
15 could you first introduce yourself for the record? MS.

16 HOLEN: Yes. Thank you. My name is Arlene Holen, H-O-L-E-N.  
17 We've lived at 2928 Macomb Street for over 50 years. And we were  
18 one of the first people of the neighborhood interested in saving  
19 Tregaron. And we've spent quite a lot of time and resources on  
20 this over the years. And we were certainly disappointed with this  
21 proposal, new proposal by the school.

22 We believe that WIS has clearly not met it's burden of  
23 proof to show that it would not have an adverse impact on the

1 neighborhood. The school calls it's proposal an academic  
2 building, when roughly 20 to 30 percent of it would not be  
3 academic at all, but would contain a new enlarged kitchen, as has  
4 been explained, that would provide meals for students not only on  
5 the campus but on another campus. Indeed, it sounds like it would  
6 be somewhat of a catering company because the school could  
7 certainly, would be, would like to host new -- would like to host  
8 conferences and events that could obviously help pay for this  
9 enormously expensive construction.

10 WIS is in blatant violation of the existing BZA order  
11 dated February 27, 2007. I won't go into that in detail. Ms.  
12 LePard mentioned it. It called for a detailed traffic management  
13 plan, which has certainly not happened. So the school is in  
14 brazen defiance of the BZA order. It's actually shocking that  
15 they would appear before you today in such disregard of your  
16 previous orders, and promising what they might be promising for  
17 the future.

18 Indeed, with regard to enrollment and staffing, they  
19 don't propose to increase enrollment now, but down the road I  
20 would think it would be likely.

21 WIS -- this is a point I think previous opponents have  
22 not mentioned. WIS is out of line with other schools that have  
23 been respectful of the neighbors. They've -- other schools have

1 engaged with the neighbors on their plans, including Sidwell,  
2 Moray and Georgetown Day, which have limited parking, which have  
3 engaged in incentive programs to staff and students to take public  
4 transportation. And WIS has done none of that. I think the lack  
5 of the school's concern for neighbors and the public welfare is  
6 really something that the BZA should take into account.

7           The guest -- the guard house was mentioned. I know  
8 that's not directly within your purview, but it's again indicative  
9 of WIS's disregard for requirements that have been placed on it.

10           I think I would also like to mention, maybe it sounds  
11 petty, but Ms. Brown was opposed to Ms. LePard getting party  
12 status because she had not applied in time. But WIS was actually  
13 in violation of many notice requirements along the way with regard  
14 to HPRB hearings and this one. I have never personally -- well, I  
15 can see Tregaron from my back deck and I sometimes hear Tregaron  
16 even though my hearing is bad. I hear the kids up there. I hear a  
17 lot going on there. And I have never received personal notice of  
18 any of the school's plans. So that summarizes my views.

19           Shall I pass it on to the next one of us here?

20           CHAIRPERSON HILL: Yes, please. If you could, Ms.  
21 Holen. Thank you for your testimony.

22           Mr. Holen, if you could introduce for the record.

1 MR. HOLEN: My name is Sheldon Holen. I live at 2928  
2 Macomb Street. I was part of the first Friends of Tregaron in  
3 1979. And I have supervised some of the failed transactions that  
4 occurred during the sale. I'm here today to speak for the street,  
5 Macomb Street, which is a connecting street between Massachusetts  
6 Avenue, and Connecticut Avenue, and Wisconsin Avenue in between.

7 There is barely room now for emergency vehicles with  
8 parking on both sides of the street. Regular cars have to stop and  
9 leave others to pass by. And the traffic congestion, forget the  
10 parking, is almost insurmountable. And there will be a hold up of  
11 fire trucks and ambulances sometime in the future, and that point  
12 will be made in blood. Thank you.

13 CHAIRPERSON HILL: Thank you, Mr. Holen.

14 Could you please introduce yourself for the record?

15 MS. FITCH: Yes. My name is Rebecca Fitch, and I live at  
16 2932 Macomb Street, on the same side as Tregaron, and overlook the  
17 Tregaron. I ask that my written submission be included in the  
18 record.

19 I have many concerns, but I would say that one of my  
20 greatest concerns is the size of the kitchen, which is a kitchen  
21 to prepare 1,000 plus meals per day. That's a very large kitchen.  
22 And there's also the storage space. And the plan at the school  
23 is to prepare that many meals per day and have half of those

1 trucked over to their campus in Georgetown. This also places a  
2 great deal of pressure on, you know, for future planning and  
3 public events. The difference between a 500-meal kitchen and a  
4 1,000-meal kitchen in terms of what kinds of activities can be  
5 operated is significant. And it is really not appropriate to have  
6 that size of a kitchen. And you know, the larger the size of an  
7 activity is, the more people who will come, the more people who  
8 will park. It generates much more income, but this is really not  
9 consistent with the property.

10 My neighbors have also indicated that parking is always  
11 a problem. I'd like to point out that other schools, I mean,  
12 Sidwell has recently been before you. And they have committed to  
13 reducing the number of trips to the school, trips, by 30 percent.

14 So it's not just a question of how many teachers are parking, how  
15 much staff is parking, but there is a significant amount of  
16 traffic from the students. And the other schools have really  
17 taken very -- Moray heavily incentivizes their staff not to take -  
18 - to take public transportation instead of parking in the  
19 neighborhood. Terry Acton (phonetic) wrote about all that the GBS  
20 has done. And there has not been that kind of an emphasis. And I  
21 feel like these large commercial activities which will be added on  
22 will really make things very difficult for people in the  
23 neighborhood.

1           And my other neighbors have spoken about, there's been a  
2 very in your face attitude by WIS, but very different from the  
3 past, including, you know, several of us have spoken about the  
4 fact that when a guardhouse that was opposed by the neighbors,  
5 that was opposed by the ANC, that was opposed by the HPRB, and  
6 this historic society. When that was rejected by the HPRB they  
7 just put up a mobile one. And, you know, we all objected  
8 because, you know, a guardhouse is an indication that some people  
9 are welcome and other people are not. And this is -- Tregaron is  
10 a public property. And it was important to us that that message  
11 not be conveyed. That people feel like they could entre. So the  
12 WIS did not include that portion of the HPRB's position in its  
13 submission to you. But I ask that you include that requirement in  
14 any action that you take. Thank you.

15           CHAIRPERSON HILL: Okay. Thanks, Ms. Fitch. Is it Ms.  
16 Fitch? Finch?

17           MS. FITCH: Fitch, F-I-T-C-H.

18           CHAIRPERSON HILL: Fitch. Ms. Fitch, I didn't -- I was  
19 looking through your testimony in the record. Has it been  
20 included in the record or you don't know?

21           MS. FITCH: Well, it arrived a little bit late. And I  
22 was told that what I had to do -- it arrived at 10:00 instead of  
23 9:30. And I was told that I had to request that it be --

1 CHAIRPERSON HILL: Got it. Okay.

2 MS. FITCH: -- added. But that happened yesterday.

3 CHAIRPERSON HILL: I got it. I appreciate that. If I  
4 could ask staff to go ahead and include that into the record,  
5 unless the Board has any issues with it. And if the Board does,  
6 please raise your hand.

7 (No response.)

8 CHAIRPERSON HILL: Okay. So if staff could include that  
9 into the record, that would be helpful.

10 Let's see. All right, Mr. Young, did I go through  
11 everyone?

12 MR. YOUNG: From opposition, yes.

13 CHAIRPERSON HILL: Okay. All right. Does the Board  
14 have any questions for anybody?

15 (No response.)

16 CHAIRPERSON HILL: You all just stick around and we'll  
17 see what happens. Okay. And I'm going to excuse -- I'm going to  
18 excuse the (audio interference) on the hearing. Okay.

19 I do have some questions for Ms. Brown and also I guess,  
20 let's see, who is it -- Ms. Jemsby, can you hear me?

21 MS. JEMSBY: Yes, sir.

22 CHAIRPERSON HILL: You didn't know, Ms. Jemsby, that  
23 this was going to be part of your job description, did you?

1 MS. JEMSBY: No, I didn't. Other duties as assigned.

2 CHAIRPERSON HILL: Yes, other duties as assigned. So,  
3 Ms. Brown, I am going to be curious about like the previous BZA  
4 conditions. I don't know what those were. And so I'm going to  
5 kind of take a look at those and how those tend to be treated at  
6 this point. So just kind of an FYI. And then after that --

7 Mr. Young, how many people do we have in support?

8 MR. YOUNG: I believe we have five.

9 CHAIRPERSON HILL: Okay. What do you guys want to do,  
10 do you want to do support first and then take a break, or do you  
11 want to take a break? Do support first and then take a break?  
12 Okay. All right. Let's go ahead. Some people are nodding yes.  
13 So I go with whoever nods yes first, and it was Mr. Blake.

14 So, all right. Mr. Young, can you please allow everyone  
15 in? Okay. So let's see, can you give me the names, Mr. Young.  
16 Maybe I can -- I see a Hileman, Martin, Pearson, Burnett, is it  
17 Lynner, Lynner. Okay, Hileman, Martin, Pearson, Burnett, Lynner.  
18 Am I missing somebody, Mr. Young? Oh, I see. I'm sorry. I'm  
19 going to butcher the name P-A-R-S-E-G-H-I-A-N. Okay, one, two,  
20 three, four, five, six people; is that right, Mr. Young?

21 MR. YOUNG: That's correct.

22 CHAIRPERSON HILL: Okay, great. All right. If everyone  
23 can turn on their cameras for me, but leave themselves on mute.

1 That would be helpful. Let's see, people are jumping around. I  
2 see a -- did the ANC Commissioner leave? Mr. Young, she's still  
3 around, right?

4 MR. YOUNG: Yes, she's still around.

5 MS. MACWOOD: I did not leave.

6 CHAIRPERSON HILL: Okay. Maybe bring -- is she in  
7 there?

8 MS. MACWOOD: I'm here.

9 CHAIRPERSON HILL: Or just bring her back -- okay, I  
10 just don't see your screen. Oh, there. I see Ms. MacWood. Okay.  
11 I just want to get your comments also at the end here.

12 MS. MACWOOD: Okay.

13 CHAIRPERSON HILL: Let's see, is it Ms. Burnett?

14 MS. BURNETT: Hi.

15 CHAIRPERSON HILL: Could you introduce yourself for the  
16 record, please?

17 MS. BURNETT: Sure. Hi. I'm Melissa Burnett. I'm a DC  
18 resident at 2316 Tracy Place, Northwest and a parent of a WIS  
19 fourth grader.

20 CHAIRPERSON HILL: Okay. Ms. Burnett, if you could go  
21 ahead you'll have three minutes to give your testimony. And you  
22 can begin whenever you'd like.

1 MS. BURNETT: Great. Thank you very much. I  
2 appreciate the opportunity to speak today. So as I stated, I'm a  
3 parent of a WIS fourth grader. I'm also a member of the school's  
4 Board of Trustees and on the Facilities and Planning Committee.  
5 And as a parent and design professional I've been involved with  
6 this process for the past several years and speak to you today in  
7 support of the new academic building at the 3100 Macomb Street  
8 campus.

9 I am hopeful that the Board of Zoning will approve this  
10 application and allow the school to fulfill its potential in  
11 educating our students to meet the global challenges of our time.  
12 And we are in the, hopefully, final throws of a global pandemic.  
13 And international cooperation and coordination of scientific  
14 knowledge is critical at this time.

15 As a parent of a child with a keen interest in science,  
16 art and math, I see the acute need at the WIS Tregaron Campus for  
17 a building to support the type of STEM curriculum and cross  
18 curricular collaborative spaces to meet today's academic  
19 standards. Recently I was on a tour of the lab spaces and saw the  
20 current science classrooms in use. And they are at their breaking  
21 point. They're completely at their limit. I mean, there were  
22 children sitting in the hallway watching scientific demonstrations  
23 from the door frame because there wasn't enough space for them to

1 be part of that classroom. This new building is definitely needed  
2 to meet the needs of today's students and the future students,  
3 which are capped, as we all know are capped. And, you know, we  
4 just can see that we're bursting at the seams in this most current  
5 restrictive spaces.

6 Also, as a parent, I can attest to how seriously the  
7 parent community takes these traffic restrictions and these  
8 traffic conditions. Having participated in the school's Planning  
9 Committee, I've taken the gravity of parking traffic and vehicular  
10 circulation restriction from the very beginning. And the  
11 vehicular impact has been closely studied by the school and a  
12 significant part of the design process and the site process for  
13 the new building. The community of both campuses are, know that  
14 that circulation pattern is a bedrock for the location of each  
15 school. And those communications go out regularly to the parent  
16 community about the expectations of how they will pick up their  
17 children, drop off their children every morning and afternoon.  
18 And Tregaron, with this long, one-way driveway is rather straight  
19 forward. You go in on Macomb and you come out the other side.  
20 Given that the new building, its site is largely adjacent to the  
21 existing circulation path, it's just not really going to change.  
22 There's no place for it to change. And so in that regard, I think  
23 that standard is being met.

1           So I'm hopeful that the Board will approve the  
2 application and allow the school to fulfill its potential in  
3 educating our students and meet these global challenges. Thank  
4 you.

5           CHAIRPERSON HILL: Thank you, Ms. Burnett. Let's see,  
6 is it Ms. Lynner?

7           MS. LYNNER: Yes. Good morning or good afternoon. I'm  
8 Susan Lynner, actually.

9           CHAIRPERSON HILL: Oh, Lynner. Ms. Lynner, if you could  
10 please go ahead and give us home address and then your three  
11 minutes of testimony.

12           MS. LYNNER: Certainly. My name is Susan Lynner. My  
13 home address is 3027 Newark Street, Northwest, in Washington, DC.  
14 But I am here in my capacity as the chair of the Tregaron  
15 Conservancy Board of Directors.

16           The Tregaron Conservancy is the non-profit owner and  
17 steward of the property that directly abuts the school, which the  
18 science building will be constructed on. The conservancy, as I'm  
19 sure you all know, is open for public enjoyment, free of charge,  
20 and it's actively used by members of the community on a daily  
21 basis. And that usage has certainly increased with the pandemic  
22 and the need for people to have safe outdoor spaces.

23           The conservancy supports the school's science building

1 project because the project would not create any adverse impacts  
2 or objectionable conditions that are not fully addressed by  
3 agreements that the conservancy and school have negotiated and are  
4 now finalizing. The school, its architect and landscape architect  
5 have approached the conservancy throughout. We have consulted  
6 throughout the process with respect to any impacts on the  
7 conservancy's property. The plans have gone through various  
8 iterations over several months. And the conservancy review the  
9 concept plans for potential preservation or environmental impacts  
10 as well as various enhancements to the conservancy and school  
11 landscape included in the plans which Matt Sickle alluded to. The  
12 conservancy also evaluated the plan usage of the easement area on  
13 the south side of the campus where previous allowances have been  
14 made for the current basketball court and soccer field.

15           The conservancy and school **negotiated** a series of  
16 agreements that we believe fully protect the conservancy's  
17 interest. An amended agreement allows for the building of  
18 classroom space and a half court on top of the already disturbed  
19 basketball space. And a good deal of that, of course, will be  
20 below grade, as was indicated by Patrick.

21           The conservancy has also negotiated a new agreement with  
22 the school to ensure that any adverse impacts are offset by  
23 preservation benefits to the conservancy, including financial

1 support for the conservancy's annual maintenance costs and  
2 landscape capital projects over the next 20 years. The building  
3 will be screened for conservancy view by berms and landscaping.  
4 The project also includes significant landscape improvements that  
5 benefit the conservancy. The restoration of the Macomb side  
6 driveway gutter is something we're looking forward to with  
7 enormous interest. It will reach the stormwater flow to the  
8 conservancy. And the pedestrian side entrance at the Macomb side  
9 is also going to be greatly improved for our visitors.

10           Because the conservancy is the school's contiguous  
11 neighbor, and knowing to cross-easements that the organization has  
12 with each other, the conservancy negotiated a separate  
13 construction agreement with the school, focusing on the school's  
14 unique, on the conservancy's unique interest. The conservancy's  
15 agreement with the school covers a range of issues, including any  
16 mitigation to the property that could rise from erosion, tree  
17 protection, on measures aimed at avoiding and addressing any  
18 damage overall to the property, and proper maintenance and use of  
19 the driveway and the causeway, the bridge, which will include  
20 limiting the tonnage of any vehicles that could go over the  
21 bridge. And I should have mentioned that the causeway bridge is an  
22 iconic element of the Tregaron Legacy and the Estate.

1           In addition, the project does not present any  
2 objectionable conditions regarding the number of students and  
3 staff.

4           CHAIRPERSON HILL: Ms. Lynner, you're reaching your  
5 limit, just to let you know.

6           MS. LYNNER: Thank you. I won't repeat the assurances  
7 that the school has given us with respect to the limits on the  
8 staff and students. So in conclusion, we support the project  
9 based on the agreements that we've reached with the school.

10          CHAIRPERSON HILL: Okay. Thank you. Thank you for  
11 your testimony.

12          Mr. Pearson, can you hear me?

13          MR. PEARSON: Yes, I can.

14          CHAIRPERSON HILL: Okay, great. Could you please go  
15 ahead and introduce yourself with your name and home address. And  
16 you'll have your three minutes of testimony.

17          MR. PEARSON: Yes. My name is Scott Pearson, and my  
18 home address is 3038 Macomb Street, Northwest. Hello?

19          CHAIRPERSON HILL: Yeah. No, I'm sorry. Please go  
20 ahead.

21          MR. PEARSON: Okay. Sorry. Chairman Hill and members  
22 of the Board, my name is Scott Pearson, and I bring three  
23 perspectives to my testimony today in support of WIS's new

1 academic building. The first is proximity to the school. Our  
2 residence is the closest residence to WIS on the southern side of  
3 Macomb Street. We are just 25 feet from the WIS driveway and 100  
4 feet from the Macomb Street entrance. Second is our relationship  
5 to the school. Both of our children graduated from WIS, and I saw  
6 first hand the extraordinary education that the school provides  
7 its students. And finally, I am a former Executive Director of  
8 the DC Public Charter School Board where I oversaw more than 120  
9 public charter schools in the District. There I witnessed the  
10 tremendous positive impact that WIS has had on educators  
11 throughout the region.

12 I'd like to make three brief points. First, the  
13 description of traffic problems described by project opponents is  
14 completely at odds with our experience. In our direct experience  
15 over the past nine years WIS has been an exemplary neighbor, and  
16 has managed traffic issues extremely well. There is a ten-minute  
17 period each day with heavy morning drop-off traffic, which is run  
18 smoothly by the police officers stationed at the school entrance,  
19 and by at least three staff members at the drop-off point. The  
20 afternoon traffic is far less. To repeat, in nine years living  
21 right next to the school we have experienced only a well-  
22 functioning pick-up and drop-off, and have had no adverse

1 | experiences. And we expect this to continue since enrollment will  
2 | stay flat.

3 |           Second the visual impact of the project at Tregaron is  
4 | minimal and vastly outweighed by the promised improvements to the  
5 | landscape. These include removing invasives from the hillside  
6 | facing Macomb Street, something that will greatly benefit us and  
7 | our neighbors.

8 |           And finally, WIS is an extraordinary institution that  
9 | merits this variance. WIS's summer institute for teachers  
10 | provides area teachers with professional development in some of  
11 | the most innovative approaches in education, including those from  
12 | Harvard's Project Zero. The project is now extended to year-round  
13 | with teachers gathering monthly to learn from each other and from  
14 | feature speakers. What makes this so unique and special is that  
15 | it brings together educators from all four sides of the K-12  
16 | system, public, private, parochial and public charter. I believe  
17 | it is the largest of its kind in the area. Indeed, educators from  
18 | nearly a quarter of all DC charters have participated and have  
19 | told me directly how it has improved their practice. Contrary to  
20 | the recommendation of Ms. LePard, this kind of outside use of the  
21 | school's facilities should be encouraged.

22 |           Finally, Ms. LePard mentioned my wife's former service  
23 | on the WIS Board. And I'd like to say that I speak and think for

1 myself. I opposed the previous version of the building plan,  
2 despite my wife's then serving on the Board. The plan in front of  
3 you is completely different, and I support it.

4 Thank you for the opportunity to testify today, and  
5 please include my written testimony in your record.

6 CHAIRPERSON HILL: Okay, thank you. Mr. Pearson, is your  
7 testimony not in the record?

8 MR. PEARSON: I emailed it today. And so I believe the  
9 staff now has it and needs to include it.

10 CHAIRPERSON HILL: Okay. Unless the Board has any  
11 issues, if we can go ahead and please include Mr. Pearson's  
12 testimony into the record. If anybody has a problem raise their  
13 hand.

14 (No response.)

15 CHAIRPERSON HILL: No one is raising their hand. All  
16 right. If staff can please include that testimony into the  
17 record.

18 Let's see, is Mr. Martin there?

19 MR. MARTIN: Yes. Chairman Hill, this is Lawrence  
20 Martin.

21 CHAIRPERSON HILL: Hi, Mr. Martin. If you could go  
22 ahead and introduce yourself for the record, and then give your  
23 three minutes of testimony.

1 MR. MARTIN: Thank you. My name is Larry Martin,  
2 Lawrence Martin. I reside at 3407 34th Place, in Washington, DC,  
3 ANC3C09, which is the ANC which this project is proposed.

4 So I've had our daughter enrolled at WIS since preschool  
5 in Georgetown. And she presently attends the Tregaron Campus in  
6 the 11th grade. I do want to just echo Ms. Burnett and note that  
7 WIS, has actively reached out to parents ever since I've been  
8 enrolled, my daughter has been enrolled at WIS, about compliance  
9 with the drop-off rules and the prohibition for pick-up and drop-  
10 off on Macomb Street. It's very clear. And when it has been a  
11 problem there have been weekly messages admonishing parents not to  
12 drop kids off on Macomb Street, but to go through the parking lot.  
13 So I do want to certify that WIS is concerned about this issue,  
14 and they actively do work to prevent any kind of inconvenience for  
15 the folks living on Macomb Street, with respect to the pick up and  
16 drop off.

17 I think you heard that WIS is a valuable asset to our  
18 community, both as an educational resource, and you've heard it's  
19 a valuable partner to the Tregaron Land Conservancy. Schools need  
20 updating to remain current and relevant. And this new building is  
21 very sorely needed, as my daughter would attest. She set her  
22 collegiate sights on life sciences and moans over the small, old  
23 labs that are currently shared among multiple grade levels.

1           The new building is necessary for the school to provide  
2 needed lab space for these high academic standards and to expand  
3 the science and technology curriculum to meet modern requirements.

4     I think it's in Cleveland Park's interest and the District's, and  
5 given WIS's commitment to international goals, and preparation,  
6 and education, and participation it's also in the world's interest  
7 that this school improve its science program to keep Washington  
8 International a healthy and vibrant school and a good partner in  
9 maintaining the Tregaron natural resource.

10           So I do urge the Board members to approve this  
11 application. And thanks for this opportunity to speak today.

12           CHAIRPERSON HILL: Thank you, Mr. Martin.

13           Mr. Hileman, can you hear me?

14           MR. HILEMAN: Yes, I can.

15           CHAIRPERSON HILL: Can you please introduce yourself for  
16 the record and give your testimony?

17           MR. HILEMAN: Yes. My name is James Hileman. I am a  
18 resident of Washington, DC and live at 2119 (indiscernible) Place,  
19 in Northwest.

20           Thank you, Chairman Hill and members of the Board for  
21 the opportunity to speak with you today. I am here to express my  
22 strong support for the proposed science facility at the Washington  
23 International School.

1           In addition to being a WIS parent of a first grader and  
2 a fourth grader, I am also the chief scientific and technical  
3 advisor for environment and energy for the Federal Aviation  
4 Administration. I receive government funded 50-million-dollar  
5 research and development program that is supporting the education  
6 of over 200 university students, at some of the top universities  
7 in the world. I also negotiate with other governments through a  
8 specialized United Nations organization to find agreements on  
9 climate change and other environmental issues that have multi-  
10 billion dollar impacts on the aviation industry. I have a strong  
11 background in science, technology, policy and international  
12 negotiations. I know that in order for us to solve the  
13 complicated problems we have today, and those facing humanity in  
14 the future, we must educate our students about other cultures, to  
15 instill in them an understanding of how to work with people who  
16 are from other places, and to provide them with a solid scientific  
17 education. This is true for any number of challenges facing us  
18 today. Not only the climate crises that I'm working on, but also  
19 other challenges like the COVID-19 pandemic, future pandemics,  
20 cyber security, nuclear weapons, among many others.

21           The facility that is being proposed by the WIS  
22 administration would compliment the education currently provided  
23 by WIS, technical rigor to develop truly well-rounded students.

1 As noted by many others, the facility would better serve our  
2 existing student population, not lure in more students. However,  
3 this would still be a service to all of us by providing students  
4 who know how to work with other cultures in their native tongues  
5 and who have the technical wherewithal to truly understand the  
6 challenges we are facing and think creatively about solutions in a  
7 collaborative manner. These students could truly change the  
8 world. I do hope you will take my input into consideration in  
9 your decision making. And I would obviously be happy to answer  
10 any questions you may have. Thank you.

11 CHAIRPERSON HILL: Thank you. Thank you for your  
12 testimony.

13 Let's see, is it Mr. Ruhl?

14 MS. RUHL: Yes, good afternoon. My name is Parker Ruhl.  
15 And I've -- should I continue to --

16 CHAIRPERSON HILL: Yes, please. Please, go ahead.

17 MS. RUHL: So I live at 3312 Roland Place, Northwest, in  
18 the historic Cleveland Park district. And I'm here to express my  
19 strong support for the WIS science focus building. I am a  
20 Washington, DC, area native, a long-time resident of the Cleveland  
21 Park historic district, and a parent of two children attending the  
22 WIS, primary school.

1           As a long-time resident of the Cleveland Park community,  
2 I've enjoyed walking through the Tregaron Conservancy grounds and  
3 taking advantage of the Klingle Road Trails connection Rock Creek  
4 Park. And I have chosen to continue residing in the historic  
5 district, as I feel that the effort to preserve the area is  
6 important. I'm a pulmonologist and researcher. As a physician  
7 scientist I engage with young trainees seeking access to high  
8 quality laboratory science experiences after college and during  
9 doctoral training. The joy in discovery of the science rely on  
10 basic requirements for laboratory rooms, teaching space and  
11 equipment. My trainees are forging for graduate degrees in  
12 science and medicine almost always had a spark of interest in  
13 science during the middle and high school years. I want the  
14 children of the WIS community to have the same opportunity for  
15 inspiration. The importance of both an excellent science  
16 education and a focus on cross-cultural understanding has been  
17 underscored during this difficult pandemic.

18           The Historic Preservation Board has designated this and  
19 project as compatible. And the ANC Commission has approved the  
20 proposal. And so I would just like to have in the record that as  
21 a long-standing resident of the DC area, a long-standing resident  
22 of the historic district, a parent of WIS, and a physician  
23 scientist that I believe that this is an important and appropriate

1 contribution to the WIS campus. And I urge you to approve this  
2 application.

3 CHAIRPERSON HILL: Thank you, Ms. Ruhl.

4 Did I miss anyone? I thought I had another name here at  
5 one point.

6 (No response.)

7 CHAIRPERSON HILL: No? Okay. Does the Board have any  
8 questions of the witnesses?

9 (No response.)

10 CHAIRPERSON HILL: No? Okay. I do have a couple. Ms.  
11 Lynner, can you hear me?

12 MS. LYNNER: Yeah.

13 CHAIRPERSON HILL: Did you -- who did you say you were  
14 with again?

15 MS. LYNNER: I am the chair of the Board of the Tregaron  
16 Conservancy, which is the property that abuts the WIS Campus.

17 CHAIRPERSON HILL: Okay. My question was, so there was  
18 all this commentary or comments about how, you know, the school  
19 hasn't been that great a steward of the Conservancy. And you  
20 would be in disagreement with that; is that correct?

21 MS. LYNNER: I would.

22 CHAIRPERSON HILL: Okay.

23 Let's see, then I think it was Mr. Pearson.

1 MR. PEARSON: Yes.

2 CHAIRPERSON HILL: In terms of the traffic and how they  
3 -- I don't know, somebody used the word admonish. I don't know if  
4 it was you or not. But how is it that there is a little bit of a  
5 stick to like, you know, make parents do what they're supposed to  
6 do for dropping off their children?

7 MR. PEARSON: I would need to ask others to respond to  
8 that. We live so close that we -- our children walk to school.  
9 But my only experience is that --

10 CHAIRPERSON HILL: I'm sorry, your own experience is  
11 that it functions properly is what you're saying?

12 MR. PEARSON: Yes. Correct.

13 CHAIRPERSON HILL: Is there someone here -- and I don't  
14 see anybody's cameras on -- that can speak to how -- okay. Go  
15 ahead, Ms. Burnett.

16 MS. BURNETT: Hi. So I'm a parent of a primary school  
17 student, but I heard someone else allude to the upper school  
18 campus having the same situation which we have, which is that  
19 there are DC police officers that facilitate the process. And  
20 again, those emails are sent repeatedly. And every time an email  
21 goes out there's an instant change in behavior. If behaviors are  
22 split among the parent community, it's remedied the next day.

23 CHAIRPERSON HILL: Okay. Okay, great. All right.

1 Does anybody have any questions now?

2 (No response.)

3 CHAIRPERSON HILL: And if not, I'm going to release the  
4 witnesses. If you guys want to stick around, you may. But thank  
5 you all very much for your testimony. It was very helpful. I  
6 will excuse you all, please. Let's see. Okay, is the  
7 Commissioner here, or did we lose the Commissioner? Mr. Young, I  
8 don't see --

9 MS. MACWOOD: I am here.

10 CHAIRPERSON HILL: Okay. I lost your photo. Oh, there  
11 you are. I just lost your little Hollywood square box,  
12 Commissioner. So -- okay. So Ms. MacWood, I mean I guess you've  
13 heard a lot in this testimony through the ANC process, right. And  
14 so, I mean, can you -- my big question, and this is what I'm going  
15 to ask the applicant is really just kind of how the traffic  
16 functions and how people go and, you know, drop everybody off. I  
17 mean, what has been your kind of experience through the ANC?

18 MS. MACWOOD: Macomb Street, which is the only access  
19 point to the campus, is a very crowded street. It is a narrow,  
20 dense residential street that happens to be a collector street.  
21 So we get -- there also is a public elementary school that is on  
22 the corner, at Macomb and 34th Street. So about a half a block  
23 from the campus. So in the early morning there is an enormous

1 amount of traffic. And it is actually something that I am working  
2 with DDOT and the John Eaton Elementary School on trying to get a  
3 better handle on. Because it's, it's dangerous, quite frankly.

4           The school, at least my experience is that the school  
5 has a security person who manages the traffic onto the campus in  
6 the early morning. I'm less familiar with what they do in the  
7 evening. You know, we have six independent schools in our ANC.  
8 So we've been dealing with independent schools for a very long  
9 time. No two do it the same, but there are some patterns that a  
10 lot of them have that are somewhat similar. But I think in terms  
11 of the impact to the neighborhood, it is very difficult in the  
12 morning because you've got work commuters that complicate things.  
13 In the afternoon it is complicated by the fact of that everyone  
14 doesn't leave the campus at one time. Unlike in the morning, when  
15 everyone is arriving at the same time. So the impact on the  
16 neighborhood is spread over a greater period of time.

17           There are students who park on the street. That is  
18 something we've talked to the school about on an ongoing basis.  
19 Because we would like them not to do that. We would like them to  
20 park either on campus or not be allowed to bring cars to the  
21 campus. But that is not something that the ANC addressed with  
22 this resolution.

1 CHAIRPERSON HILL: Okay. All right. I was just trying  
2 to understand a little bit. I mean, like it's funny. I mean,  
3 that's the great thing about serving on a Board in the city you  
4 live in. I know Macomb Street. I know, you know, everybody goes  
5 from Wisconsin to Connecticut and vice versa, and it's narrow, and  
6 the school is there. And I know, you know, the big piece of grass  
7 that's there. And, I mean, the campus, and the library is down on  
8 the other end, and then you've got the Conservancy. I mean, I  
9 know what the school is. But in general you think they have been  
10 doing what they had said they were going to do, meaning WIS?

11 MS. MACWOOD: You know, I can't -- I can't really  
12 certify that because I know some of the commitments that we all  
13 made in 2005, the usage agreement, that included the sort of  
14 agreement, commitments about parking, and also the management on  
15 campus. I -- I -- I don't get notices of what's being sent out to  
16 the student body and to the parents.

17 CHAIRPERSON HILL: Got it.

18 MS. MACWOOD: So I really can't comment on that.

19 CHAIRPERSON HILL: Okay. Are you the SMD Commissioner?

20 MS. MACWOOD: I am.

21 CHAIRPERSON HILL: Okay. All right. Does the Board  
22 have anymore questions for anybody?

23 Ms. John?

1           VICE CHAIR JOHN:    Thank you.  So Ms. MacWood, can you  
2 share some light on some of the best practices that any of the  
3 independent schools which you're familiar with have implemented in  
4 terms of pick up and drop off?  Actually, maybe if you could focus  
5 on drop off, because that seems to be the critical time.  If  
6 you're able to.

7           MS. MACWOOD:    Yeah.  No, I'd be happy to, Ms. John.  I  
8 think the most successful drop off involves cars pulling out to an  
9 onsite location on the campus.  Depending on the age of the child,  
10 if they're young children there needs to be a person there, a  
11 staff person who can open the door, let the children out, so that  
12 the parent or the guardian can keep moving.  You know, open, let  
13 the child leave.  There's less need for assistance in doing that,  
14 certainly at a high school like the Tregaron WIS Campus.  But that  
15 I find, keeping the cars moving is the most successful approach  
16 for drop off.

17          VICE CHAIR JOHN:    So I suppose I should make full  
18 disclosure that I'm a grandparent that does the pick up and drop  
19 off at the school in that neighborhood.  And there is no time -- I  
20 mean, you have to keep moving.  There are several, I don't know if  
21 they're police officers, but there are several guards and, you  
22 know, lots of people lining the driveway to direct you where to  
23 go, when placard on your window to identify you as authorized to

1 pick up the child. So I don't know how many of these procedures  
2 are implemented at WIS, but I can tell you they're very effective.  
3 And as to parking on the street, the police or security guards  
4 keep you moving and direct the traffic. I believe at that  
5 particular place there is a three-way intersections, which is,  
6 could really be quite dangerous. So the traffic moves. And I  
7 was just wondering if you have experienced something similar?

8 MS. MACWOOD: Yes. I agree. That's the best  
9 approach.

10 VICE CHAIR JOHN: Thank you.

11 CHAIRPERSON HILL: Thank you, Vice Chair John. Anyone  
12 else have any questions for anybody?

13 (No response.)

14 CHAIRPERSON HILL: I'm going to have something at the  
15 end, but -- okay. All right. Okay. I don't think, Ms. Brown,  
16 you need to go over the regulations again. Like, you know, unless  
17 you want to, you can highlight them, what have you. I mean, I  
18 think that I'm going to just need a little bit of time -- I just  
19 want a little bit more information. Right. I mean, I think that,  
20 you know, we've heard a lot of testimony today. And I don't know  
21 about my fellow Board members, but I think it's good to just kind  
22 of like let that seep in just a little bit. And then we can come  
23 back next week to deliberate.

1           What I would like to know I guess, Ms. Brown, is what  
2 exactly does your client do now. Like, I got a little bit  
3 confused. Like I thought -- it made it sound like you go in off  
4 MacArthur and you go out another place. I thought you come -- do  
5 you come in and out of MacArthur?

6           MS. BROWN: No, sir. The traffic is one way. All cars  
7 enter from Macomb Street.

8           CHAIRPERSON HILL: From Macomb Street.

9           MS. BROWN: Yeah, that's right. And you go up the hill,  
10 around the drive. There are signs that says that say one way --

11          CHAIRPERSON HILL: Where do you exit?

12          MS. BROWN: And then you exit onto Klinge Road. So  
13 it's a complete drive-through to the next street.

14          CHAIRPERSON HILL: Okay. And I find this a little  
15 interesting. There's nobody here from that exit complaining. It  
16 didn't sound like it to me, you know.

17          MS. BROWN: No, sir. And just for your information,  
18 that one-way direction was something that the BZA required several  
19 orders ago.

20          CHAIRPERSON HILL: Yeah, we're a very smart group. We  
21 figured that out probably. The -- so anyway, if you could you let  
22 us know, I'd just like to know what it is that you guys do, right.  
23 Like please let us know what -- you know, I'm going to go back.

1 | If you could go back and look at the previous BZA conditions, Ms.  
2 | Brown, and let us know how those conditions are being fulfilled.  
3 | Right. And then if you can let us know what the -- all I'm kind  
4 | of concerned about is the traffic. Like, I'm just curious as to,  
5 | you know, as to -- and is it head mistress? Head --

6 | MS. JEMSBY: I go by head of school.

7 | CHAIRPERSON HILL: Head of school. Head of school.

8 | MS. JEMSBY: I'd be happy to just say a couple of  
9 | things here. As Carolyn said, they come in off Macomb Street,  
10 | travel right through. No one from the Klingle side has  
11 | complained. And I have to just say, no one from the Macomb Street  
12 | side has ever brought a complaint to me about drop off, except for  
13 | one neighbor who said that she was unable to back out of her  
14 | driveway. And so we sent out an advisement after that notice.  
15 | But I've never heard from Ms. LePard, for example. She has never  
16 | once written to me. And she has my email address. She's never  
17 | once written to say that she has issues with our drop off. So  
18 | this is the first we're hearing about it. And we do have two  
19 | security people, and we have a policeman in a typical school year.  
20 | We have not had so much during COVID, but in a typical school year  
21 | plenty of people who are supporting the drop-off process. From  
22 | our angle it goes smoothly, and we have this luxury of a very long  
23 | driveway where the cars can queue up. So unlike -- I've been in

1 eight different schools. This is really quite unique to be able  
2 to have that opportunity to pull so many cars off the road into  
3 the drop off.

4 And we do have a campus coordinator, and that is our  
5 director of facilities, Dale Temple. He's also here. Do you want  
6 to hear from him briefly?

7 CHAIRPERSON HILL: That's okay. I mean, Headmaster  
8 Jemsby, I mean, I appreciate what you're saying. I know -- like I  
9 said, I know the -- I don't know the campus itself, but I know  
10 where you're -- and it is a very long driveway. I mean, you know,  
11 and I know that like regardless of what anybody does, I mean,  
12 there's a lot of, you know, whether it's not -- whether it's, you  
13 know, this campus, which is unique in that it has that driveway,  
14 or even just like, you know, I mean all of those schools. Like  
15 your campus that's over by Georgetown, that's all -- well, it has  
16 a lot of people around it in the morning. Right. But you can't  
17 really get around that. Right. And Mr. Andres, I don't -- I'm  
18 just -- I'm just -- it's something I just want to look at. Right.  
19 It's not -- I don't need a lot -- I don't need a long explanation.  
20 Ms. Brown, just tell me whatever you think it is that you might  
21 tell us that the school does, right, and let me know that the  
22 school is doing whatever the previous conditions were, right. And  
23 then that's all I need. And, Ms. Brown, can you hear me?

1 MS. BROWN: I can hear you. And we are prepared to do  
2 that. I have a copy of the last order and how we are complying  
3 with everything that it sets out. We're prepared to do that today,  
4 when you come back from break or if you want us, you know, I  
5 wasn't clear on what you were implying, if we can do this today.

6 CHAIRPERSON HILL: No. I mean, let's -- I mean, unless  
7 you guys have to get something done today, like I think that, you  
8 know, we can wait a week. And you can just go ahead and give me  
9 what you want. We can take a look and we can decide this next  
10 Wednesday.

11 Mr. Shapiro, you had a question? Ms. John, you have a  
12 question too. Get Mr. Shapiro first.

13 MR. SHAPIRO: Yeah. In addition to that, Ms. Brown, if  
14 you could address this issue around -- this is related to U  
15 203.1, around noise and traffic. And so this question about the  
16 use of the facility, the commercial kitchen and the additional  
17 potential traffic, truck traffic and supporting the lower school,  
18 if you could address those issues as well. How much traffic, how  
19 much additional impact, so we can gauge that.

20 MS. BROWN: Okay. And again, we have all that  
21 information that we can address now in rebuttal. But if you  
22 prefer us to submit it in writing, we're happy to do that as well.

1 CHAIRPERSON HILL: You can address it in rebuttal, Ms.  
2 Brown, if you like. And I have no problem with that. I still  
3 kind of think we're going to need it writing or we're going to do  
4 this for a decision on Wednesday.

5 Headmaster Jemsby, you mentioned something? You put  
6 your hand up?

7 MS. JEMSBY: I was -- it has been up. Sorry. I can  
8 remove it. It was to just comment on the fact that I have not  
9 heard from neighbors that drop off has been an issue. You know,  
10 in any school, of course, the drop off period is intense. But in  
11 my mind, we're doing as best we can.

12 CHAIRPERSON HILL: Got it. Okay.

13 MS. JEMSBY: And there's no commercial kitchen here.  
14 It's a school kitchen. We're going to be catering for the same  
15 number of students in the future that we are doing today. So it's  
16 not a commercial kitchen. I think that's an erroneous title.

17 CHAIRPERSON HILL: Okay. Ms. Brown, go ahead and give  
18 your rebuttal, conclusion, and then we're going to wrap up.

19 MS. BROWN: Okay. Well, I had questions of Ms. Jemsby  
20 to address these points that I think will take about 10, 15  
21 minutes. So if you bear with me, I'll try to keep it short.

22 CHAIRPERSON HILL: Okay.

1 MS. BROWN: Okay. So Ms. Jemsby you did hear a lot of  
2 testimony today, and there's letters in the record stating that  
3 WIS is in noncompliance with the existing traffic management plan.  
4 And I'm wondering if you could address those assertions?

5 MS. JEMSBY: Yes, of course. I don't agree with  
6 assertions. I think we have a robust traffic management plan  
7 that's highly effective, and fully compliant with the conditions  
8 of the BZA order. First of all, we have a DC police officer at  
9 Macomb Street to help direct traffic and ensure pedestrians can  
10 cross safely. Secondly, we have a WIS private security guard at  
11 the entrance to help direct traffic. There are two further  
12 security guards located at the top of the hill to direct traffic.  
13 And they each serve as backup to one another to address situations  
14 that may arise. Third, we have the advantage of that long,  
15 internal driveway. You've seen it in the plans. You've heard me  
16 mention it today. And it allows cars to queue in the campus. If  
17 you go to Tregaron you'll see that the signs directing drop off  
18 and pick up to the left inside of the drive, so traffic can  
19 continue up the hill to the mansion, or to exit Klingle Road.  
20 Fourth, there is signage along the driveway indicating it's a one-  
21 way direction. And fifth, I suspect there are some parents who  
22 are allowing their students, their children to exit the cars when  
23 they're stopped in traffic on Macomb Street, but the overwhelming

1 majority of parents drive onto campus for drop off and to pick up  
2 the children.

3           As you know, traffic is always bad in late August and  
4 early September when everyone returns from vacation. They needed  
5 their time to adjust and remember exactly what they're supposed to  
6 do. We send out regular communications during that period. And  
7 so we do see some temporary back ups on Macomb Street during that  
8 time. And after the initial transition period it becomes  
9 manageable again, and our picks ups and drop offs are very  
10 efficient.

11           MS. BROWN: And you heard testimony, and you saw in  
12 letters to the record that -- could you address the commercial  
13 kitchen issue that was raised in a little more detail.

14           MS. JEMSBY: Well, I just said it's not a commercial  
15 kitchen. It's a larger, more functional cafeteria that can  
16 provide meals for both of our campuses at WIS, the Tregaron Campus  
17 and the primary school campus. And that's no different from how  
18 we currently operate. The current kitchen does to that. But we  
19 believe that -- so we prepare onsite and deliver to Georgetown  
20 currently, and plan to do the same going forward. So the quantity  
21 of prepared meals won't change. So there's no basis to the  
22 speculation that there's more trips. In fact, we do believe that  
23 because of the new, of the, sorry, the bigger storage facilities

1 in the new building that we do not believe they'll be any increase  
2 in the number of deliveries. In fact, there could even be a  
3 reduction in the number of deliveries given the amount of storage  
4 in the new building. That likewise goes the same for trash.

5 MS. BROWN: Thank you. And then as Mr. Shapiro asked  
6 about, the noise generated from this new building, do you think  
7 that there are any impacts, will you have more events, or anything  
8 that would create more noise than what is going on now?

9 MS. JEMSBY: No, I don't believe so. We have -- I've  
10 addressed this several times at ANC hearings and so on in the  
11 past couple of years. But I'm happy to clear it up with this  
12 group. We won't be hosting any additional events or allowing  
13 others to use the WIS facilities beyond our current limit of 53  
14 events per year. That is set forth in condition 12 of BZA order  
15 number 17560. And we don't request any change to this condition.  
16 That condition means that the school will limit it's athletic  
17 events to those consistent with a typical PVAC, Potomac Valley  
18 Athletic Conference, or to comparable high school, including the  
19 usual and customary play-off games. And it shall limit non-  
20 athletic events during the evening hours to 53 per year. So we  
21 have no intention of going beyond that maximum. And we report  
22 those numbers to the Conservancy every year. So they are fully  
23 aware that we are in compliance.

1 MS. BROWN: You heard the question from the Board  
2 member about whether or not there's a stick to enforce the  
3 parking. What is that stick, is that the email that you send out  
4 to parents? And what is the compliance?

5 MS. JEMSBY: Yes. We send out multiple emails, and we  
6 often go through and make sure that the students are parking where  
7 we believe they should be parking. And also sent to the ANC that  
8 we, if we were to be approved with this building we would actually  
9 look at phasing out any ability for students to park on campus  
10 going forward.

MS. BROWN: Thank you. I think those  
11 are my questions. Did you have anything else that you wanted to  
12 add before I turn to Erwin?

13 MS. JEMSBY: No.

14 MS. BROWN: And then I thought I would helpful to hear  
15 from our transportation consultant who, as you know, has been  
16 qualified as an expert before the Board many times.

17 Mr. Erwin, could you comment on the increased traffic  
18 from the new building. The same question I asked of Ms. Jemsky.  
19 Since it's not serving the greater population and the non-athletic  
20 events are limited to the 53, do you anticipate any increased  
21 traffic on this property?

22 MR. ANDRES: No, we do not. And based on our  
23 coordination with DDOT, they concur with those findings as well.

1 MS. BROWN: And they did not require a full report, did  
2 they?

3 MR. ANDRES: No, they did not. Based on the DDOT CTR  
4 requirements, any development that generates more than 25 peak  
5 hour, peak direction trips are required to do a more robust  
6 traffic study. Given that the enrollments and the caps remain the  
7 same, there was no need for that study.

8 MS. BROWN: Okay. And what about any increased  
9 deliveries or trash pick ups that might be generated by this  
10 building, do you agree that that's possible?

11 MR. ANDRES: Well, relative to trash, as is been  
12 identified, there is trash service today. So the trash service  
13 would essentially serve the new building. With respect to  
14 deliveries, I think Ms. Jemsby has identified that because of the  
15 fact that there are large storage containers that is part of the  
16 new building, that, you know, just like your own personal  
17 shopping. If you have less closet space, you know, you'll go to  
18 the grocery store more often. But in this case, since we have  
19 more storage, then the need for more deliveries can potentially be  
20 reduced.

21 MS. BROWN: With respect to Macomb Street parking, and  
22 recognizing that DDOT didn't require you to conduct a full traffic

1 study, did you make any observations about the parking conditions  
2 on Macomb Street?

3 MR. ANDRES: Yes. Well, with respect to on-street  
4 parking, the area in and around the school is heavily signed with  
5 respect to RPPs. For the most part the general area is, has RPP  
6 restrictions, except for two locations. There's a segment on  
7 Kingle Road that doesn't have any restrictions. And then there's  
8 a segment on Macomb -- excuse me. There's a segment on 33rd Place  
9 that doesn't have RPP parking. But for the most part the whole  
10 neighborhood has RPP parking. In addition to that, there are many  
11 residents up and down Macomb Street that have their own driveway,  
12 and have off-street access. I think what's important to note is  
13 that The Eaton School, which is currently undergoing  
14 modernization, has approximately 475 students and 70 faculty and  
15 staff, and they have zero parking spaces. So, you know, with  
16 respect to on-street --

17 Hello. Hello. Chairman Hill, can you hear me?

18 MS. BROWN: I can hear you.

19 MR. SHAPIRO: I can hear you.

20 MR. ANDRES: Okay. Is Chairman Hill the one with the -

21 -

22 MR. SHAPIRO: Yeah. But I think you can keep going.

1           MR. ANDRES:    Okay.  So relative to demand for on-street  
2 parking, as I mentioned, the Eaton School has 475 students and up  
3 to 70 faculty and staff, and they have zero parking spaces.  We  
4 have a situation where we're providing 91.  So relative to  
5 competition for on-street parking, I believe that given Macomb's  
6 location, relative to both the Eaton School and WIS, there's a  
7 good chance that there's some parking associated with the Eaton  
8 School that might be characterized as parking for WIS.  And we  
9 don't believe that's true given the amount of parking that WIS  
10 does have.

11           MS. BROWN:    Thank you.  And one last question.  On the  
12 south side of Macomb Street, to the west of WIS,  along the Twin  
13 Elks Estate, that is -- there are no residential properties on  
14 that side of the street until you get to Eaton School; is that  
15 correct?

16           MR. ANDRES:    That is correct.

17           MS. BROWN:    And so that's restrict RPP property all  
18 along that block, yet no residential properties there to use it.  
19 Let me put it this way.  There are no driveways to limit the  
20 amount of parking along that side of Macomb?

21           MR. ANDRES:    That's correct.

1 MS. BROWN: And have you -- do you have any experience  
2 about how open that is or does that tie into your answer about  
3 Eaton School likely using those spaces?

4 MR. ANDRES: That's tied into sort of my  
5 characterization of the impacts of the Eaton School. Although, we  
6 have looked at and have done observations in the sort of three-  
7 block area in and around both the Eaton school and WIS. Though  
8 there are some sort of mid day availability of parking spaces that  
9 Have been impacted by the Eaton School construction. But, you  
10 know, could be available post-COVID.

11 MS. BROWN: Thank you. Those are my questions for our  
12 witnesses on rebuttal. I do have a couple of other issues that I  
13 wanted to just refute because I don't want to leave them hanging  
14 on the record that WIS is somehow in violation of either an HPRB  
15 decision.

16 With respect to the guard booth at the entrance, we've  
17 been accused, or the school has been accused of putting that there  
18 illegally. I know it's irrelevant to your decision, but we have  
19 checked with Matt LaBrant, the zoning administrator that the  
20 mobile guard booth that was there, on a trailer, with wheels, is  
21 not a permanent structure, is not subject to zoning. And in fact,  
22 the temporary guard booth was wheeled up to the top of the campus,  
23 or relocated elsewhere. So it is no longer there, because it is

1 no longer needed because school is not in session. So I wanted to  
2 clear that up.

3 I would note that there are several letters in the  
4 record that claim that people can't park on the street. Of all  
5 the letters in opposition raising that point, each one of those  
6 houses, and I looked this up, has their own driveway and their own  
7 parking. And as the Board knows, and as the Office of the  
8 Attorney General can tell you, you can't raise complaints on  
9 behalf of others. They have to be your own personal grievance.  
10 You can't make those complaints on behalf of somebody else. So I  
11 wanted to make that point as well.

12 There are also issues regarding environmental impacts  
13 that were raised by a couple of the letters in opposition. These  
14 residents may not be familiar with the District's stringent  
15 stormwater management and soil erosion control regulations. But  
16 in order to get a permit you have to go through stringent  
17 requirements. So to the extent that that is perceived as an  
18 objectionable condition, it will be addressed certainly through  
19 the permitting process for, again, the strict requirements of the  
20 District regulations.

21 Secondly, we have an agreement with the Tregaron  
22 Conservancy that's being finalized that addresses those very  
23 specific concerns. Because as an adjacent land owner of the

1 landscape setting, that's one of their primary concerns, soil  
2 erosion, hydrology issues. And we are committed to addressing  
3 those issues. Finally, two issues that are not germane  
4 to the Board, but I just want to make sure that I raise this  
5 point. Number one, construction management issues that BZA has  
6 routinely said that they do not have jurisdiction over such  
7 temporary conditions. And then, secondly, decreased property  
8 values. That is also something that the Board has not taken into  
9 account when they are generalized in the same nature as we see in  
10 the opposition letters.

11 And with that, I think we'll conclude our rebuttal. And  
12 I'm happy to submit anything to the record for the Board that  
13 might be helpful in their deliberations. Thank you.

14 CHAIRPERSON HILL: Got it. Thanks, Ms. Brown. Ms.  
15 Brown, I think we might be able to work through this today. I've  
16 heard a lot of stuff now in rebuttal that I had some questions  
17 about.

18 Does anybody have any questions of anybody else here?  
19 And if so, please raise your hand.

20 Ms. John, Vice Chair John?

21 VICE CHAIR JOHN: Thank you, Mr. Chairman. I don't  
22 know if I missed this, but I wanted to ask Ms. Brown how many  
23 meals per day does the school anticipate preparing?

1 MS. BROWN: I would ask Ms. Jemsby to see if she can  
2 answer that or Mr. Temple. But it's whatever they're doing is  
3 going to be exactly the same as they're doing now. So there's  
4 going to be no increase in the number of meals prepared. But I  
5 don't know if they have an answer for that or not.

6 VICE CHAIR JOHN: Thank you.

7 MS. BROWN: Ms. Jemsby?

8 MS. JEMSBY: What you said was perfect.

9 VICE CHAIR JOHN: But we don't know how many meals per  
10 day.

11 MS. JEMSBY: Oh, sorry. I don't have the exact numbers  
12 on hand right now. We're just looking the numbers up. But it's  
13 not every student that participates in the lunch program here at  
14 school. So it's certainly -- I'm going to guess it's somewhere  
15 around 600 is my guess. But we're just going to find that number  
16 for you.

17 VICE CHAIR JOHN: Okay. Thank you. And I wanted to  
18 hear from Mr. Temple, if he could just talk about his role as  
19 transportaion coordinator. Is he still on the call? Hello?

20 MR. TEMPLE: Pardon me. Can you hear me?

21 VICE CHAIR JOHN: Yes, I can. Thank you. Can you talk  
22 about your role as transportation --

23 MR. TEMPLE: Can everyone hear me?

1 VICE CHAIR JOHN: Yes, we can hear you.

2 MR. TEMPLE: Oh, Okay. Great. Thank you. Yes. Pardon  
3 me. I was actually the one looking up the food service number at  
4 the time. Yes, I can definitely attest to the fact that I am the  
5 transportation coordinator. I am reminded of that constantly.  
6 And some might refer to me as one of the sticks that is here. I  
7 get numerous, especially at the start of the school year, numerous  
8 times people want to ask me to address certain things,  
9 clarifications. It's all in our -- all what the families and  
10 students are supposed to do are in our community handbook, which  
11 is given out to all families at the start of the year. It's also  
12 posted online. We send those out also through communication  
13 emails just before the start of the year. I will go around.  
14 There are cases, especially at the start of the year, where we  
15 have seen a few people drop off from Macomb. But that is quickly  
16 corrected because I go down there personally and talk to those  
17 people and also inform the police officers during the morning drop  
18 off that what is allowed and make sure that they are familiar with  
19 our procedures as well.

20 Let me see, what else can I tell you. The -- we  
21 instruct our onsite private security to always keep the cars  
22 moving. We email and educate students and parents that when they  
23 come up the hill the thing they should do before they leave home

1 is make sure they have everything ready to exit the vehicle in a  
2 timely manner, and that they continue through to the exit. We do  
3 have the advantage of the long queue leading up to the drop-off  
4 zone that is on our property, which minimizes most of the backup  
5 that could occur on Macomb. Again, it's usually the first two  
6 weeks of school, when people are sorting out what their after-  
7 school activities are, their carpooling situation, you know, when  
8 they're leaving from work, going to work, things like that. Did I  
9 answer your question, Ms. John?

10 VICE CHAIR JOHN: Yes. Thank you. Just one follow up.  
11 Now, in terms of that long driveway, are you able to coordinate  
12 two lines? For example, if there is a traffic back up, can -- is  
13 someone to direct parents to a different location. In other  
14 words, you can bypass the traffic that's stuck. If you're, for  
15 example, going to walk in do you have to wait till the traffic  
16 clears or can you be directed around that?

17 MR. TEMPLE: So there's a point at the top of the hill  
18 where that is possible. Because it -- that's where it breaks in,  
19 the road widens, the drive widens and it breaks off into two  
20 lanes. So we have we usually send the middle school drop off  
21 stays on the right, and we have the upper school sort of on the  
22 left. If there is any delay there we can also funnel -- the  
23 security guards are trained to funnel and divert traffic around

1 | there. But on the lower part of the drive, it's still single  
2 | vehicle. And that's not an area where we would want to have  
3 | anyone attempt to go around there. Because we don't allow drop  
4 | off on that drive as it is because it is a steep drive, and we  
5 | deem that as being unsafe.

6 | VICE CHAIR JOHN: Okay. Thank you very much.

7 | MR. TEMPLE: You're welcome.

8 | CHAIRPERSON HILL: Okay. Anybody else got anything  
9 | else?

10 | (No response.)

11 | CHAIRPERSON HILL: Okay. Ms. Brown, I was just in  
12 | correspondence with OAG. So really if we can just go ahead and  
13 | just -- I mean, if everybody can mute their microphone, or maybe  
14 | it's muted still. Thanks.

15 | MR. SHAPIRO: Mr. Temple, if you could mute.

16 | CHAIRPERSON HILL: So if you can, Ms. Brown, go ahead  
17 | and, again, just provide kind of a little bit more clarity as to  
18 | how you guys -- even if there's like just basic instructions that  
19 | you guys give parents as to the drop off and pick up instructions,  
20 | that would be one. Right. The other is, again, compliance with  
21 | the BZA conditions and how you guys are doing that. Because those  
22 | conditions would still remain in effect. So those are the only  
23 | two things I need.

1 Does anybody else need anything else? And if so, please  
2 raise your hand.

3 (No response.)

4 CHAIRPERSON HILL: Okay. And then we can do a decision  
5 on Wednesday, Wednesday. Yeah, next Wednesday. I guess, Mr. Moy,  
6 when would we need that from Ms. Brown?

7 MR. MOY: Mr. Chairman, you're scheduling this for a  
8 decision next Wednesday. We can ask for the information from Ms.  
9 Brown as early as Friday or maybe as late as Monday.

10 CHAIRPERSON HILL: Ms. Brown?

11 MS. BROWN: I'd be happy to get it to you by the end of  
12 today.

13 CHAIRPERSON HILL: Okay, great. So Friday is better  
14 anyway because some of us work on the weekends for these cases. I  
15 know that I do. And so that's helpful.

16 Head person Jemsby, can you hear me?

17 MS. JEMSBY: Yes, I can.

18 CHAIRPERSON HILL: Is it Head person? Head person.

19 MS. JEMSBY: Head of school is my preferred --

20 CHAIRPERSON HILL: Oh, head of school.

21 MS. JEMSBY: Yes.

22 CHAIRPERSON HILL: I'm sorry. Head of school. I'm a  
23 public school graduate. So I don't know. Head of school. All

1 right. There you go. All right. I'm learning something new.  
2 All right. Nobody else has anything else?

3 (No response.)

4 CHAIRPERSON HILL: Okay. All right. So Mr. Moy, I'm  
5 going to close the record and the hearing. Commissioner, do you  
6 have anything else you'd like to add at the end?

7 MS. MACWOOD: Actually, I would, if you don't mind.

8 CHAIRPERSON HILL: Sure.

9 MS. MACWOOD: Just in response to what Mr. Andres was  
10 saying about parking. It is a huge issue in the neighborhood.  
11 The fact that John Eaton Elementary School does not have onsite  
12 parking for faculty and staff is a big issue. I think to the  
13 extent that -- and it is something that we are dealing with as  
14 part of the modernization. In fact, we've been trying to solve it  
15 for about five years. I think one improvement that might be  
16 helpful, and I know the ANC in the past has suggested this, we  
17 didn't in this current resolution, it would be enormously helpful  
18 if the WIS students who drive to the school and park in the  
19 neighborhood, if they would be identifiable. If they would have a  
20 placard for example, identifying. Some of the schools students at  
21 GBS did this, Moray did this, NCS, St. Albans do it, so that it is  
22 -- it's easy for people to identify whether they are parking in

1 the neighborhood or they're not parking in the neighborhood. So  
2 they're not unfairly criticized. But we have a more accurate  
3 understanding of who's parking in the neighborhood and what  
4 causes our, the parking issues.

5 CHAIRPERSON HILL: Okay. So Commissioner MacWood,  
6 you're kind of -- you're going into a conditional area here now in  
7 terms of like what the Board would be kind of interested in. I  
8 guess we, the Board, can think about that and discuss it next  
9 time. I mean, me, personally right now, like I mean I think it  
10 kind of brings in a bunch of different things into play in that  
11 I'm not DDOT. Right. And so like if they're allowed to park  
12 there, they're allowed to park there. Whether or not they're a  
13 student or not. I mean, they're a member of the public. But  
14 anyway, I'll let my Board members chew on that, okay, as we kind  
15 of like move forward. If one of you all can remind me next time.

16 Okay. So, Ms. Brown, do you got everything?

17 MS. BROWN: Yeah. I just want to make a brief comment  
18 on that. And I know that there's always a tension between  
19 students who live in Ward 3, have the RTP, and whether or not  
20 they're allowed to park on the street or just because of their  
21 affiliation with the school then they are excluded from those  
22 general rights. So -- and, in fact, the Board discussed it during  
23 the previous two BZA hearings and recognized that, you know, if

1 | someone has the government entitlement to park on a street, so an  
2 | RPT, the Board shouldn't be taking that away from them. So I just  
3 | wanted to make that point.

4 |           CHAIRPERSON HILL: Sure. I don't think we're going to  
5 | do that.

6 |           All right. Mr. Moy, -- I mean, I don't think we could  
7 | do that, to be quite honest. If so, you know, at least as far as  
8 | I know, we're not that powerful.

9 |           Mr. Moy, you were going to say something?

10 |           MR. MOY: Yes, I would. After hearing from Ms. MacWood,  
11 | Mr. Chairman, would you have any interest in having the ANC  
12 | respond to the filing from the Applicant? And if you did, then  
13 | maybe it might be a good idea asking to file today. And then if  
14 | you want a response from ANC, they could file by Friday. That's  
15 | my idea.

16 |           CHAIRPERSON HILL: Okay. Commissioner, MacWood, I'm  
17 | going to -- and the funny thing also, Commissioner, I mean, you  
18 | know all this. Like, it's difficult -- you as an SMD are unable  
19 | to speak for the entire Commission. So that's where also kind of,  
20 | it kind of throws in that whole caveat about the, you know, the  
21 | scarlet letter on the cars, you know. And so, but I think that --  
22 | do you want to have time to respond? And it's fine. Like, if  
23 | they got back, if they got everything they were going to say by

1 the end of the day, do you think the ANC could give us something  
2 by next Tuesday?

3 (No response.)

4 CHAIRPERSON HILL: Commissioner, you're muted.

5 MS. MACWOOD: The ANC has public meeting on Monday, the  
6 21st. Obviously, this isn't on our agenda. But, you know, the  
7 resolution from the ANC that is before you now, we supported the  
8 application and we didn't include any conditions. So I can't  
9 really expand on that, on behalf of the ANC, unless the ANC takes  
10 a new position.

11 CHAIRPERSON HILL: No. What I meant, Commissioner, was  
12 that normally you don't have to -- what we do is we leave the  
13 record open if the ANC wants to make any comment. It's not that  
14 they have to -- we don't have to wait for the whole cycle. So  
15 I'm saying that they, the applicant is going to submit something  
16 today; is that correct, Ms. Brown?

17 MS. BROWN: (Nods head affirmatively.)

18 CHAIRPERSON HILL: Okay. Then we will leave the record  
19 open until Tuesday the following week. If the ANC wants to  
20 comment to anything that the applicant submits to the record  
21 today.

22 MS. MACWOOD: All right.

23 CHAIRPERSON HILL: Okay. All right. Ms. Brown?

1 MS. BROWN: Yes. One final question. If the Board in  
2 its deliberations decides to approve the application, we would  
3 very much like the opportunity to submit a draft order.

4 CHAIRPERSON HILL: Okay. Ms. Cain, do you hear that?

5 MS. CAIN: Yes, that would be fine.

6 CHAIRPERSON HILL: Okay. So then when would that --  
7 well, let's -- okay. So you all remind me. This is Ms. Brown is  
8 going, that if it goes her way she might submit a draft order. If  
9 you can just remind me during the deliberations next week as to  
10 that draft order time line or whatever. Right. And if it doesn't  
11 go their way, then I guess they won't be submitting a draft order.  
12 Okay. So, all right. Okay.

13 Ms. Brown, you got anything else?

14 MS. BROWN: No, sir. That's it. Thank you very much  
15 for your time.

16 CHAIRPERSON HILL: Okay. Well, thank you all very much.  
17 I'm going to go ahead and close the hearing and the record except  
18 for the items that we asked for and allowing the ANC the time to  
19 respond to. And I'm going to excuse everyone from the hearing  
20 room. For the rest of my Board members I don't know. We've still  
21 got like one, two, three. Oh, we only have three. We only have  
22 three? One, two three. Okay. I'm letting you know, it's really  
23 nice outside and I'm in here. Okay. So this sucks. Okay. So

1 all right. I'm going to go each lunch. You all want to each  
2 lunch? What do you say, like is 2:20 okay, 20 minutes? Want to  
3 just see what happens? Two thirty, is that what Ms. John is  
4 saying? So 2:30. Let's try to be back at 2:30. Okay. Bye-bye.

5 (Whereupon, the above-entitled hearing was recessed  
6 until 2:39 p.m.)

7 CHAIRPERSON HILL: Mr. Moy, do you want to call our next  
8 case.

9 MR. MOY: Yes, sir. Okay. So the Board is back in  
10 session after a quick lunch recess. And I'm recording the time at  
11 or about 2:39 p.m.

12 The next case application before the Board for hearing  
13 is case application number 20442 of Paul DeYoung. And this is  
14 captioned and advertised for area variance from lot occupancy  
15 restrictions Subtitle E, Section 304.1; rear yard requirements,  
16 Subtitle E, Section 306.1; parking access requirements, Subtitle  
17 C, Section 711.7. This would construct a rear deck to an  
18 existing, attached, two-story flat in the RF-1 Zone. The property  
19 is located at 78 R Street, Northwest, Square 3101, Lot 72.

20 CHAIRPERSON HILL: Okay, great. Mr. Bello, are you  
21 there?

1 MR. BELLO: Good afternoon Mr. Chairman and Board  
2 members. I am Toye Bello, 1917 Benning Road, representing the  
3 Applicant.

4 CHAIRPERSON HILL: All right, Mr. Bello. Who is here  
5 with you today?

6 MR. BELLO: I believe the owner should be on the like,  
7 Mr. Paul DeYoung.

8 CHAIRPERSON HILL: Okay. Mr. DeYoung, can you hear me?

9 MR. DEYOUNG: I can. And I am starting video now.  
10 Hello.

11 CHAIRPERSON HILL: Great. Hello. Could you introduce  
12 yourself for the record?

13 MR. DEYOUNG: Yes. Hello. My name is Paul DeYoung. I  
14 am one of the owners of 78 R Street, Northwest, along with my wife  
15 Emma.

16 CHAIRPERSON HILL: Okay. Is there someone Karla Lewis  
17 here? Who is Karla Lewis?

18 MR. DEYOUNG: She is the ANC member rep.

19 CHAIRPERSON HILL: Okay, great.

20 MS. LEWIS: I am here. I am here. I am here.

21 CHAIRPERSON HILL: Hi Commissioner.

22 MS. LEWIS: Hold on. I don't have my camera on. Sorry.

23 CHAIRPERSON HILL: No problem.

1 MS. LEWIS: Can you see me?

2 CHAIRPERSON HILL: No, but we can hear you. There we  
3 go. There we go.

4 MS. LEWIS: Okay.

5 CHAIRPERSON HILL: Do you want to introduce yourself for  
6 the record, Commissioner?

7 MS. LEWIS: Yes. My name is Karla Lewis. I'm the  
8 Advisory Neighborhood Commissioner for ANC 5E06. And this case is  
9 in my single member district.

10 CHAIRPERSON HILL: Okay, great. Thank you. All right,  
11 Mr. Bello, there seems -- and I don't know how much about this  
12 you're aware of, but, you know, I know that you know that the  
13 Office of Planning is currently in denial of your application.  
14 And also, there seems to be some discussion or was some discussion  
15 as to whether or now you could do this under special exception,  
16 which seems to be also a point of discussion that we might end up  
17 having with the Office of Planning in a moment. Mr. Bello, are  
18 you aware of this, these discussions or no?

19 MR. BELLO: Yes, I am, Mr. Chairman.

20 CHAIRPERSON HILL: And what are you aware of in your --  
21 what do you know?

22 MR. BELLO: Okay. So originally I filed the application  
23 as variances in all three categories. But then the Office of

1 Planning consulted with the zoning administrator. And the zoning  
2 administrator's position was that both of the center line and the  
3 setback, the way they are set back they should be special  
4 exceptions. But then about eight days ago the OAG advised that  
5 the center line and the request for the variance and only the rear  
6 yard would be special exception. So we've revised all our  
7 documents and our application in line with the recommendation of  
8 the OAG.

9 CHAIRPERSON HILL: Okay. I thought that -- Mr. rice,  
10 can you hear me?

11 (No response.)

12 CHAIRPERSON HILL: Mr. Rice, can you hear me?

13 MR. RICE: Yes, sir. I can hear you.

14 CHAIRPERSON HILL: Okay. Commissioner, if you can mute  
15 your microphone. Commissioner, if you could just mute your  
16 microphone. Thank you.

17 So I thought that -- was it the lot occupancy relief  
18 that you thought that maybe they could not do under special  
19 exception, Mr. Rice?

20 MR. RICE: It's the parking access requirement,  
21 Subtitle C. And that's because E 5201.1 only allows for relief  
22 from Subtitle C. And so they're in a different section.

1 CHAIRPERSON HILL: Mr. Bello, are you aware of this,  
2 this discussion?

3 MR. BELLO: Well, the current application that we have,  
4 or the revision is in line with what the OAG has recommended,  
5 which is the special exception only for rear yard, with the center  
6 line setback is as variance. And also, and the lot occupancy.

7 CHAIRPERSON HILL: Okay. Before you respond, OAG,  
8 because the caption is the way the caption was, right. So there  
9 wasn't a new caption that was given to me. So you're now revising  
10 your caption; is that correct, Mr. Bello?

11 MR. BELLO: Yes. To be in line with the OAG  
12 recommendation. So there will be two variances, one from lot  
13 occupancy, the other from the center back, center line alley  
14 setback. And only one special exception, that would be for the  
15 rear yard.

16 CHAIRPERSON HILL: Say that again, Mr. Bello?

17 MR. BELLO: Okay. So lot occupancy, which is E 304.1,  
18 and the center line alley setback, which is C 701.7 would be  
19 variances. And then the rear yard setback would be the lone  
20 special exception. That's under E 306.1

21 CHAIRPERSON HILL: Okay. Now, first of all, I mean, Mr.  
22 Bello, it's a little bit too confusing for me now at this last  
23 minute to kind of figure out now what we're going to do. So --

1 but I'm going to jump around a little bit and see if I can manage.  
2 Mr. Rice, does that seem like what we had thought about when we  
3 talked?

4 MR. RICE: I think there's a little bit of confusion as  
5 to Subtitle C 711.7. Mr. Bello is referring to it as a alley  
6 center line setback requirement, but the actual title of that  
7 section is parking access requirement. So if you actually look at  
8 the caption, he is continuing to seek that as an area variance, if  
9 you change his rear yard to a special exception, which is what we  
10 have discussed (audio interference).

11 CHAIRPERSON HILL: Okay. I don't know. All right. So  
12 I'm jumping around here. I'm going to let Mr. Bello argue  
13 whatever he wants to argue as long as the caption is correct. If  
14 the caption is not correct, Mr. Bello, then I don't want to go  
15 through this. So I'm going to turn to the Office of Planning for  
16 a minute.

17 Ms. Thomas, can you hear me?

18 MS. THOMAS: Yes. Can you hear me?

19 CHAIRPERSON HILL: Yeah. Can you introduce yourself for  
20 the record, please?

21 MS. THOMAS: Yes. Good afternoon, Mr. Chairman and  
22 members of the Board. Karen Thomas with the Office of Planning.  
23 And I'm sitting in for Ms. Brown-Roberts, who is project manager

1 on this case. But I will be happy to take questions to the best  
2 of my ability. I see that you have a question regarding the  
3 variance.

4 CHAIRPERSON HILL: I'm jut not really sure -- do you know  
5 what's going on, Ms. Thomas? I'm not really sure what's before us  
6 right now.

7 MS. THOMAS: Yes. I have a clear idea. The Applicant  
8 -- first of all, the Applicant applied for a variance on all three  
9 lot occupancy, the center line and the special rear yard. And OP  
10 consulted with the zoning administrator, and it was determined  
11 that center line was supposed to be with the rear yard and deemed  
12 as special exception. So our analysis is based on a variance from  
13 the lot occupancy it being 91 percent. And we put into the  
14 special exception category the rear yard and the center line.  
15 Subsequent to that, we were informed by OAG that center line is  
16 supposed to be -- because it's under Subtitle C, it can be valued  
17 as a special exception under 5201, but it should be a variance.  
18 OP is bringing a (indiscernible) to the Zoning Commission to  
19 qualify, to provide for a special exception from the access  
20 requirement in C 711.

21 So the way we looked at it, the way our evaluation  
22 analysis was looked at with that, the Applicant needed special  
23 exception relief from the center line because it was a structure.

1 We were looking at the deck as a structure. We did not view it  
2 as access -- we didn't see a difference between access to the  
3 parking under the deck. Our issue was with the structure. So the  
4 structure needed to be set back from the alley center line. You  
5 know, similar to the rear yard. So that was our position. So we  
6 understand Applicant -- we understand that the Applicant changed  
7 it, this basement to reflect what OAG suggested.

8 CHAIRPERSON HILL: So are we here with the right  
9 caption? No?

10 MS. THOMAS: I don't know.

11 CHAIRPERSON HILL: No. The answer is no. Mr. Shapiro  
12 is shaking his head with me. Okay. So -- and then, Mr. Moy, go  
13 ahead.

14 MR. MOY: Yes. We were discussing, staff has made  
15 actually literally, moments ago, amended that in our ISIS caption.  
16 So it's there. In other words, it's two variances and the one  
17 special exception. So that's in the record now, sir. If you want  
18 to move forward in this direction, it's there.

19 CHAIRPERSON HILL: I don't even know whether we can move  
20 forward or not. This is -- you know, this is always just so -- I  
21 don't know what to do with this. Okay. Right. And I don't like  
22 how this ends up happening this way. Right. And so I don't know  
23 where I'm going. Right. So I'm now going to go back to Mr. Rice.

1 He popped back up again. And so, you know, is -- because I'm  
2 looking at E 5201.1. And it says, you know, this subtitle.  
3 Right. So can you -- do you, Mr. Rice, think we're here with the  
4 correct caption and can we move forward?

5 MR. RICE: At this point, given the fact that staff  
6 updated the caption, Mr. Bello has, you know, filed an amended  
7 self-certification, and I believe his previous burden of proof  
8 speaks to the special exception, yes.

9 CHAIRPERSON HILL: Okay. Mr. Moy, where is the self --  
10 is it in the record now?

11 MR. MOY: Yes, sir.

12 MR. RICE: So, Mr. Chair, if I can offer some clarity.  
13 Mr. Bello's most recent self-certification is available at exhibit  
14 48. And he will need a waiver for the Board to consider it  
15 because it was filed within the 21-day filing deadline or period.  
16 He also filed some additional documents, I believe exhibits 44  
17 through 47, which are related to cases that you will also need a  
18 waiver for the Board to consider.

19 MR. SHAPIRO: So Chair?

20 CHAIRPERSON HILL: Yes.

21 MR. SHAPIRO: So, Mr. Rice, so the updated self-cert,  
22 that's accurate?

23 MR. RICE: To the best of my knowledge, yes, sir.

1 MR. SHAPIRO: I mean, it's a self-cert, right? But I  
2 mean, but it's asking for the relief that is -- that we should be  
3 considering today, based upon the description?

4 MR. RICE: Yes, sir.

5 MR. SHAPIRO: Okay. Thank you. Thank you, Mr. Chair.

6 CHAIRPERSON HILL: Okay. Hold on a second. I'm working  
7 off one screen. Ms. Thomas, have you see the new self-cert?

8 MS. THOMAS: I saw it last night

9 CHAIRPERSON HILL: And so are you prepared to give a  
10 report on the new self-cert?

11 MS. THOMAS: No.

12 CHAIRPERSON HILL: The answer is no?

13 MS. THOMAS: Yes. No.

14 CHAIRPERSON HILL: Okay. Then there you go. All right.  
15 So, Mr. Bello, we're going to have to wait for a new report from  
16 the Office of Planning. And so I'm going to see, Mr. Moy, when  
17 that might be able to come back before us.

18 MR. MOY: Let me ask OP, when they can prepare the  
19 supplemental report.

20 MS. THOMAS: I was told that the supplemental report  
21 could be prepared for the -- for July, in July.

22 MR. MOY: Okay.

1 MS. THOMAS: I mean, we can speak for the variance for  
2 the lot occupancy and the special exception.

3 CHAIRPERSON HILL: I don't want to get this off. I'd  
4 rather have the report, take a look at it. It's already jumbled  
5 that it's difficult for me to get my head around it. Right. So  
6 I'd rather you take a look at the revised self-cert, you give us  
7 your feedback to that. I already have what the ANC has given  
8 their report. I guess, Mr. Bello, you don't think you have to go  
9 back to the ANC, correct?

10 MR. BELLO: That's correct. There's no material change  
11 in what the ANC considered for their resolution.

12 CHAIRPERSON HILL: Okay. So when you --

13 MS. LEWIS: If I may make a statement? May I make a  
14 statement?

15 CHAIRPERSON HILL: Yes. One moment, Commissioner.

16 MS. LEWIS: Okay.

17 CHAIRPERSON HILL: Mr. Bello, when you come back, right,  
18 please let us know what it is that the ANC approved, right, and  
19 show us how that hasn't changed. Okay.

20 MR. BELLO: Will do, sir.

21 CHAIRPERSON HILL: Okay. Commissioner, you had  
22 something to add?

1 MS. LEWIS: Yes. I realize that the Form 129, that was  
2 submitted for signatures and without the recorded vote. So I  
3 would like at this time, and since it looks like we're coming  
4 back, to be able to submit the corrected form with the actual vote  
5 on it.

6 CHAIRPERSON HILL: Okay. That sounds perfect,  
7 Commissioner.

8 MS. LEWIS: Thank you.

9 CHAIRPERSON HILL: Okay. Mr. Moy, you were trying to  
10 figure out the -- when we might be able to get back here?

11 MR. MOY: Yes. Yes. If I may, Mr. Chairman, could you  
12 ask the ANC chair when they are meeting in July?

13 MR. LEWIS: We are not meeting in July. In fact, we are  
14 off the month of July and August. Our next meeting is not until  
15 September, the third Tuesday in September.

16 MR. MOY: So does that mean that your resolution or  
17 report won't be available until September?

18 MS. LEWIS: No. I have the report already. It was  
19 already signed and corrected. I just need to submit it to you  
20 again.

21 MR. MOY: Okay. That's helpful to know.

22 CHAIRPERSON HILL: Yeah. Mr. Moy, they're going to  
23 submit -- Commissioner, I understood what you're saying. Please

1 go ahead and just submit that into the record. And then, Mr.  
2 Bello, you're going to let us know why. You have to prove to us  
3 that what the ANC originally approved is the same thing that  
4 we're going to talk about when we get back together. Okay. Mr.  
5 Bello?

6 MR. BELLO: Yes, sir.

7 CHAIRPERSON HILL: Okay. Ms. Thomas, when can you get  
8 back a report for us?

9 MS. THOMAS: Probably by the second week in July.

10 CHAIRPERSON HILL: The second week in July? What's that,  
11 Mr. Moy? Is there a date, Ms. Thomas?

12 MS. THOMAS: I don't have a date. Maxine had informed  
13 me -- hold on one second.

14 CHAIRPERSON HILL: All right. Let's just say -- I mean,  
15 July 16th is the end of the second week in July. So there's two  
16 more hearings. And Mr. Bello, we are so jammed up, so jammed up,  
17 right. So how many cases do I have, Mr. Moy, on the 21st of July?

18 MR. MOY: Well, we have five cases, one expedited case,  
19 and one appeal. That's for the 21st of July.

20 CHAIRPERSON HILL: And what about the 28th?

21 MS. THOMAS: The 14 of July can work for us.

22 CHAIRPERSON HILL: And how many cases do we have on the  
23 14th, Mr. Moy?

1           MR. MOY: Well, then we have 11. So that would make it  
2 12. Because that -- I think of the possibilities that's better.  
3 Because on July 28th you have two appeals that's on the same  
4 subject property.

5           CHAIRPERSON HILL: Okay. Twenty-eight, 21, 14. Okay.  
6 Fourteen. Okay. So let's work backwards from the 14th. Do you  
7 need any -- I'm just asking you, Mr. Moy. I'm sorry. What do you  
8 need from anybody so we can get back here by the 14th?

9           MR. MOY: Oh, I see. I see, I see, I see. Let's see,  
10 OP supplemental report, let's say 14th. If OP can make their  
11 filing hopefully by -- this is going to be tight. If I have the  
12 OP supplement report by Friday, July 9th; is that possible, Ms.  
13 Thomas?

14           MS. THOMAS: Yes. That's fine.

15           MR. MOY: And Friday, July 9, I know that's tight.  
16 ANC's corrected report, which apparently could be very quick.  
17 Let's say today is the 16th, if we can have that by, let's say  
18 Wednesday, June 23rd.

19           CHAIRPERSON HILL: Commissioner Lewis, is that okay with  
20 you?

21           MS. LEWIS: Yes. Not a problem.

22           MR. MOY: And for the Applicant to confirm the  
23 information that's being filed, let's say Applicant can make their

1 filing, gosh, I'm going to say that the Applicant is going to be  
2 coordinating with OP. So if the Applicant can make their filing  
3 by Friday, July the 2nd. Mr. Bello?

4 MR. BELLO: Yes, that's fine, sir.

5 CHAIRPERSON HILL: Okay.

6 MR. MOY: There you go, Mr. Chairman.

7 CHAIRPERSON HILL: Okay, great. Okay. All right. All  
8 right, Mr. Bello, we'll see you back then. Okay?

9 MR. BELLO: Thank you, Mr. Chairman.

10 CHAIRPERSON HILL: All right. I'm going to close the  
11 hearing except for all the information we requested. And we'll  
12 come back here on July 14th. Thank you, Mr. Bello. Thank you,  
13 everyone.

14 Can you all give me one minute? Give me a minute.  
15 Okay. Hold on.

16 (Whereupon, there was a short pause.)

17 CHAIRPERSON HILL: Okay. Can you hear me? Okay. Mr.  
18 Moy, you can go ahead and call our next one.

19 MR. MOY: All right. This is case application number  
20 20339 of Lee Street Development, LLC. This application has been  
21 captioned with language for relief for special exception under the  
22 voluntary inclusionary development requirements of Subtitle D,  
23 Section 302.3. This would construct three principal dwellings

1 with three accessory apartments in the R-2 Zone. The property is  
2 located at 4404 Lee Street, Northeast, Square 5127, Lots 868 and  
3 869.

4 The preliminary matter is waiver of the 21-day rule  
5 because the Applicant filed outside of that window with revised  
6 plats, plans, and a revised hearing statement. And participating  
7 is chairman, vice chairman, Mr. Smith and Mr. Shapiro. And I'm  
8 assuming correctly that Mr. Blake is participating as well.

9 CHAIRPERSON HILL: Yes.

10 MR. MOY: That's it, Mr. Chairman.

11 CHAIRPERSON HILL: Okay, great. Thank you.

12 Okay. Mr. Bello, can you hear me?

13 MR. BELLO: Yes, sir, Mr. Chairman, I can.

14 CHAIRPERSON HILL: Could you introduce yourself for the  
15 record, please, sir?

16 MR. BELLO: Okay. Toye Bello, 1917 Benning Road,  
17 Northeast, representing the Applicant.

18 CHAIRPERSON HILL: Okay, great. Mr. Bello, if you can  
19 go ahead and walk us through your application and how you believe  
20 you're meeting the criteria for us to grant the relief requested.  
21 The only thing that I'm kind of interested in as you're kind of  
22 going through this is access to emergency vehicles, and how this  
23 property would have access to emergency vehicles. So that's the

1 only one item as you're going through your presentation. I've got  
2 15 minutes on the clock just so I know where we are. And you can  
3 begin whenever you'd like.

4 MR. BELLO: Thank you, Mr. Chairman. So the application  
5 is simply a special exception to allow the subdivision of two  
6 existing tax lots into three lots. And each of those -- and the  
7 project is volunteering to participate in the inclusionary zoning  
8 program which reduces the minimum lot size for lots in that zone  
9 to 25 feet in width and 2500 square feet, which all the three lots  
10 would comply with. Two of the lots would face Lee Street,  
11 Northeast, which is an improved street, while the third would face  
12 Minnesota Avenue, which is still a dedicated street or unimproved.  
13 So all streets have street frontages, and all the proposed  
14 structures would meet the minimum of the development standards  
15 applicable in that zoning district.

16 Each of the structures would include an accessory  
17 apartment building or apartment unit, which is a permitted use in  
18 the zoning district that the property is located in, and would  
19 comply with all the conditions for having an accessory apartment  
20 in that zone. So pretty much the only relief that we have here is  
21 the required special exception in order to participate in the  
22 voluntary inclusionary development. But we meet all the  
23 requirements for the minimum lot size.

1           The applicant has spoken to DHCD and would identify the  
2 rear lot as the inclusionary lot. And we also understand that the  
3 accessory apartment would also be subject to the IZ satisfied  
4 requirement, you know, what it can be rented for by the owner of  
5 that building.

6           With respect to emergency access, Minnesota Avenue is  
7 not improved on that rear lot. But we'll be talking to DDOT about  
8 expanding a five-foot alley. There is a five-foot alley. And  
9 they'll be some improvements that ask the Applicant to work with  
10 DDOT in order to leave emergency access to that lot at the rear.

11           I think the architect is online if you can walk us  
12 through the site plan.

13           CHAIRPERSON HILL: Mr. Young, -- what's the architect's  
14 name, Mr. Bello?

15           MR. BELLO: Alex Salla.

16           MR. SALLA: Hello. I'm on the line.

17           CHAIRPERSON HILL: Okay. Could you introduce yourself  
18 for the record, please, sir?

19           MR. SALLA: Alex Salla, 8837 Western Hemlock Way,  
20 Lorton, Virginia 22079.

21           CHAIRPERSON HILL: Okay. Mr. Bello, what did you want  
22 your architect to speak to?

23           (No response.)

1 CHAIRPERSON HILL: Mr. Bello, you're on mute. I'm  
2 sorry.

3 MR. BELLO: I wanted him to speak to the layout on the  
4 site and basically just reference the exhibit that shows the plat  
5 that shows how the three lots are laid out.

6 CHAIRPERSON HILL: Which exhibit, Mr. Bello, are you  
7 looking at?

8 MR. SHAPIRO: Is it 69, Mr. Bello?

9 MR. BELLO: Sounds like it, Mr. Shapiro. Yes.

10 MR. SALLA: Okay. This is Alex Salla again. So the  
11 two, there are two tax lots that were divided into three lots.  
12 Two of the lots that face Lee Street are 25 feet wide and 120-feet  
13 deep, yielding 2500 square feet each. The buildings are set back  
14 about 35 feet from the property line. They are 17 feet wide with  
15 eight feet side yard. The rear lot on Minnesota, the -- it's a  
16 smaller lot, about 1250 square feet. And not that deep, maybe 35  
17 feet or so deep. So the building is smaller, but we have  
18 maintained the rear setback 20 and the side yard setback of eight  
19 feet.

20 MR. BELLO: That's exhibit 78, Mr. Chairman.

21 CHAIRPERSON HILL: Thank you, Mr. Bello.

22 MR. SALLA: Yes. That concludes my presentation. I'm  
23 happy to take any questions.

1 CHAIRPERSON HILL: All right, Mr. Bello, is that it?

2 MR. BELLO: Yes. Other than the Office of Planning  
3 recommends approval of the project. Perhaps only one neighbor in  
4 opposition. We have support from the Advisory Neighborhood  
5 Commission. Thank you.

6 CHAIRPERSON HILL: Okay. Just again, as a preliminary  
7 matter, again, is it 81 that needs to be admitted into the  
8 record, Mr. Bello; is that correct? Or what was it, Mr. Moy,  
9 that was a preliminary matter?

10 MR. RICE: Mr. Chair, I think the exhibit 81 is the  
11 applicant's supplemental hearing statement regarding C 303.1 and  
12 306.1.

13 CHAIRPERSON HILL: Okay. Okay, yeah. I got it. All  
14 right. Unless the board has an issue, I'm looking at everyone  
15 now, and if so raise your hand, we'll go ahead and allow that into  
16 the record.

17 (No response.)

18 CHAIRPERSON HILL: Okay. Then I'm going to look at it  
19 right now. Can I turn to the Office of Planning?

20 MR. SHAPIRO: Mr. Chair --

21 CHAIRPERSON HILL: Sure. Oh, I'm sorry. I'm sorry.  
22 Does anybody --

1 MR. SHAPIRO: I'm happy to have it in the record. I  
2 just, I missed what -- is this something that is going to be given  
3 to us right now or is it something that's going to be added in?

4 CHAIRPERSON HILL: It's in there now it looks like.

5 MR. SHAPIRO: What exhibit is it?

6 CHAIRPERSON HILL: Eighty-one.

7 MR. SHAPIRO: Okay. Okay. Thank you, Mr. Chair.

8 CHAIRPERSON HILL: Sure. And if anybody has any  
9 questions, I can't see anybody. So please speak up.

10 MR. SMITH: I have a question and the Vice Chair has a  
11 question.

12 VICE CHAIR JOHN: Go ahead, Mr. Smith.

13 MR. SMITH: Okay. I have two questions. The first  
14 question is kind of like we're putting the cart before the horse.  
15 What is the -- have you worked out the access issues with DDOT?  
16 And let's say that hasn't been worked out, how are you proposing  
17 to provide access to the housing unit in the rear?

18 MR. BELLO: Well, to best gain access would be through  
19 an easement from Lee Street. I take it you're talking about the  
20 (indiscernible) access. That is not possible at this point from  
21 Minnesota Avenue because that portion of Minnesota Avenue is  
22 unimproved.

1           MR. SMITH:     All right.  Have you worked -- have you  
2 made an arrangement with DDOT where you, as the Applicant or the  
3 represent -- Applicant for DDOT would fund the completion of that  
4 paver street.

5           MR. BELLO:     I'm sorry, I didn't get your question, sir.

6           MR. SMITH:     Have you -- has your client worked with  
7 DDOT a way to improve that paver street to Minnesota Avenue?

8           MR. BELLO:     We've had discussions with DDOT about what  
9 may be possible, but they're not conclusive yet.  Obviously,  
10 improving the entirety of the unpaved portion of Minnesota Avenue  
11 to the standards of DDOT that will give this property vehicular  
12 access would be cost prohibitive for the Applicant.

13          MR. SMITH:     Okay.  That is concerning to me that that  
14 hasn't been worked out prior to this application coming before  
15 this Board.

16          The second question that I had is the IZ regulation kind  
17 of speak to the IZ units in relation to the market rate units.  
18 What -- how did you come or your client came to the decision to  
19 put the IZ unit in the rear in this particular lot as opposed to  
20 along the frontage along Lee Street?

21          MR. BELLO:     Our discussions with DHCD did not focus on  
22 specifically which of the units will be set aside.  But that's a  
23 decision that the applicant made.  Obviously, in the course of

1 going through the DHCD process for IZ recordation there's a  
2 provision that insists that one of the lots along Lee Street be  
3 the IZ unit. I don't think that the applicant would have an  
4 objection to that.

5 MR. SMITH: Thanks, Toye. That's all the questions  
6 that I have for right now.

7 CHAIRPERSON HILL: Okay. I think Vice Chair John, did  
8 you get your question asked?

9 VICE CHAIR JOHN: I think Mr. Smith sort of asked them.  
10 But I was concerned about that IZ unit being stuck in the back  
11 myself. And what's the size of that rear unit on the back, the  
12 third lot?

13 MR. SALLA: The IZ unit is about, I think 35 by 25 or  
14 so. It's 1250 square feet.

15 VICE CHAIR JOHN: Is it comparable to the other two  
16 lots, "A" and "B" that fronts on --

17 MR. SALLA: The front lot buildings are a little bit  
18 bigger, I think about a thousand square feet. VICE CHAIR

19 JOHN: Yeah. I mean, the way we have been applying the IZ  
20 requirement at the Board is that they, the IZ unit has to be  
21 comparable to the other lots. And this is a lot of relief here.  
22 So I don't know if I can be supportive of that IZ lot being

1 smaller in the rear. But I would defer to hear from my other  
2 Board members.

3 And I sort of agree with Board member Smith that until  
4 we know if that Minnesota Avenue will be upgraded to become a  
5 public street, then there is no frontage. And so the lot would  
6 still be substandard. So I don't even know if we could go ahead  
7 and, you know, take final action on this application until we  
8 have that issue resolved. I'm not so concerned about the access  
9 for fire and so on because if it's frontage on Minnesota Avenue,  
10 that takes care of the issue with the small, the narrow alley.  
11 So that's kind of some of the questions I would like to have  
12 answered.

13 MR. SMITH: To follow up to the Vice Chair's question,  
14 just to elaborate. I will also -- I completely agree with her.  
15 To her question, has there been any correspondence with MDMS about  
16 whether the current arrangement would be in compliance? And I  
17 also have a question about, even if the lot frontages that the --  
18 the paper street, Minnesota Avenue is approved, would the width be  
19 in compliance with minimum lot along a public street? I can't  
20 tell by the diagrams that you submitted.

21 MR. BELLO: Okay. So to Board member John's issue.  
22 The lot does meet the required standards for frontage on a street  
23 with respect to whether a lot, a highway or a street is approved

1 or not. And that's what exhibit 81 speaks to. Because OAG had  
2 raised the issue, you know, whether we were creating a lot that  
3 didn't have street frontage. But that issue is briefed by that  
4 exhibit. But the zoning regulations do not stipulate that the  
5 street be improved in order for it to qualify as street frontage  
6 for zoning purposes.

7           With respect to emergency vehicle access, this property  
8 is a single-family, semi-detached structure. And it is  
9 (indiscernible) So it isn't a multiple unit building that one  
10 could say raises concern about the access of emergency vehicles to  
11 get to. The property is not landlocked. It would have the  
12 pedestrian easement through the front lots on Lee Street.

13           And to the question about width of that lot, the width  
14 of that lot is about 26 feet, which is one foot in excess of what  
15 a voluntary inclusionary development is required to provide.

16           VICE CHAIR JOHN: So Mr. Bello, I saw your exhibit 81,  
17 but I believe the Board interprets the regulation. I would have  
18 to look at this section again to make sure that an unimproved  
19 street constitutes a street, a public street for highway -- for  
20 zoning purposes. So that's not something I would be prepared to  
21 discuss now. And I don't -- I wouldn't want to put OAG on the spot  
22 to respond to that question without having the opportunity to do

1 additional research. But I'd like to hear from, you know, other  
2 Board members and the Office of Planning as well.

3 MR. SHAPIRO: Mr. Chair?

4 CHAIRPERSON HILL: Sure.

5 MR. SHAPIRO: Following up on Vice Chair John and Mr.  
6 Smith too. Same question, same concerns exactly. And let me add  
7 one more, if I'm understanding this correctly, Mr. Bello. But  
8 it's hard for me to figure out exactly what you're presenting  
9 around this. There's an issue of how much street frontage there  
10 is, that you're saying is along the paper street, Minnesota  
11 Avenue. A big portion of that is actually, I think an extension  
12 of an alleyway and not even street frontage, and there's a minimum  
13 amount of street frontage that's required on the lot. Are you  
14 saying that you meet that as well? And if so, can you demonstrate  
15 that, what -- how much of this lot that isn't alley are you  
16 considering street frontage? On the paper street, back to my  
17 colleagues questions, is a big question for me whether, you know,  
18 -- are you saying even if we approve this, you can't build it  
19 until the street is really there? So that -- you know, it's a lot  
20 of confusion.

21 MR. BELLO: No problem, sir. And if you -- when you  
22 take the time to look at the, you know, the exhibit that I  
23 presented in 81, the surveyor clarifies that mater. And you will

1 see that there is a five-foot alley that runs perpendicular to  
2 that rear lot. So the entirety of the front of that lot actually  
3 fronts on the paver street Minnesota Avenue. And I think the  
4 subdivision plans and the survey is provided does clarify that  
5 matter and also shows clearly what the width of that lot is. I  
6 believe it's over 25 feet.

7 MR. SHAPIRO: Okay. So this is the end of your  
8 exhibit. And I'm looking at the public alley. And then I'm  
9 looking at 26.69 feet of street frontage on that lot.

10 MR. BELLO: That's correct. That would be the width of  
11 the lot.

12 MR. SHAPIRO: Okay. Okay. All right. Thank you.

13 MR. BELLO: And to your other question, you know,  
14 Minnesota Avenue doesn't have to be improved before we construct  
15 on that lot.

16 MR. SHAPIRO: Explain that to me. How does that work?  
17 So if it's not a real -- if it's not a street, how do they get to  
18 their house?

19 MR. BELLO: Well, I mean, again, access to the --  
20 pedestrian access to the rear lot will be through an easement on  
21 the side lot from the lot on Lee Street.

22 MR. SHAPIRO: Well, what about vehicular access?

23 MR. BELLO: What?

1 MR. SHAPIRO: What about vehicular access, not  
2 pedestrian. How do you get a car to that house?

3 MR. BELLO: Well, that house is not -- this project is  
4 exempt from any parking requirement. So we wouldn't really be  
5 providing any parking on any of the three lots.

6 MR. SHAPIRO: So you're saying -- so you're saying that  
7 the only way you're getting to this house, until Minnesota Avenue  
8 is extended, the only way you're getting to this house is you're  
9 walking across the other two lots?

10 MR. BELLO: At least one side of -- one side of the  
11 lot. There will be a pedestrian easement to the rear lot.

12 MR. SHAPIRO: Okay. So it's -- I got you. I got you.  
13 Okay.

14 MR. BELLO: And if you look at the definition for a  
15 street in the zoning regulations, Subtitle B, it simply says that  
16 the street would be, the streets are recorded in the surveyor's  
17 office. I provided a communication both from the --

18 MR. SHAPIRO: Can I jump in here real quick? I was  
19 reading that. Originally I was reading that as the vehicular  
20 access would come off of Lee Street, along the side of the house.  
21 I guess this is the assumption that when there is a Minnesota  
22 Avenue, then that driveway and the parking pad is off of Minnesota  
23 Avenue. So that's just like building for the future?

1 MS. FOTHERGILL: I was under the impression that they  
2 were doing that as part of their application, that they were going  
3 to improve that section. And in fact, the DDOT email refers to  
4 the method of how they would do that from the public space  
5 permitting process.

6 MR. SHAPIRO: But, again, it's a pavement of Minnesota  
7 Avenue. So it's -- the development, if this were approved, they  
8 would develop as part of the plan. But it's a road to nowhere.  
9 It's a driveway to nowhere.

10 MS. FOTHERGILL: I'm confused by what was submitted.

11 MR. SHAPIRO: Okay. All right. It's helpful because I  
12 feel better that I'm not alone in my confusion. Thank you, Mr.  
13 Chairman. That's all I have.

14 CHAIRPERSON HILL: Who else?

15 (No response.)

16 CHAIRPERSON HILL: Okay. Is there anybody here wishing  
17 to testify, Mr. Young?

18 MR. YOUNG: We do not.

19 CHAIRPERSON HILL: Okay. All right. So we're going to  
20 need a supplemental report from the Office of Planning.

21 Ms. John?

22 VICE CHAIR JOHN: I just wanted Mr. Bello to go back to  
23 exhibit 81. Because I looked at this last night, and I don't

1 know what it was trying to tell me. And this is the map at the  
2 end of the submission. I couldn't find Minnesota Avenue or the  
3 extension. So maybe the architect can step me through this. I  
4 couldn't match up the surveyor's diagram with the map of the  
5 square.

6 MR. BELLO: The -- the -- the -- we relied on the  
7 surveyor's, you know, plat which indicated that that's a road on  
8 Minnesota Avenue about the property. So that's what we're relying  
9 on.

10 VICE CHAIR JOHN: This is Square 5125, and I'm looking  
11 over at 6125 and I really don't know what it -- 5125, and I don't  
12 know what it's doing. Tell me, what lot number is it?

13 MR. BELLO: And you talking about the GIS map?

14 VICE CHAIR JOHN: I don't know what it's called.

15 MR. BELLO: As part of the exhibit -- the very last  
16 exhibit is the, a plat from the surveyor. And just before that is  
17 a GIS plat.

18 VICE CHAIR JOHN: Okay. So what is that map supposed  
19 to tell me?

20 MR. BELLO: Well, that's the GIS map from the city  
21 showing that Minnesota Avenue is still a dedicated street.

22 VICE CHAIR JOHN: And where is that? Where is that on  
23 this map? I can't find Minnesota Avenue.

1 MR. BELLO: Okay. So --

2 CHAIRPERSON HILL: Ms. John, which exhibit are you in,  
3 just so I know?

4 VICE CHAIR JOHN: I'm in exhibit 81. And --

5 MR. BELLO: Okay. So if you, if you see, if you see  
6 where the square number is 5157?

7 VICE CHAIR JOHN: Yes. But this -- but the surveyor's  
8 diagram says plat for building permit of Square 5125.

9 MR. BELLO: And 5125 is right next to 5127. But the  
10 true lots that fronts the green lots, 869 and 868. The two lots  
11 that are color coded green.

12 MR. SHAPIRO: Mine the square is noted.

13 MR. BELLO: Well, this is the way the -- this is the GIS  
14 map (audio interference) These are if you put in (audio  
15 interference)

16 VICE CHAIR JOHN: So bottom line is that this doesn't  
17 help me, and I would really need a greater explanation. Maybe the  
18 Office of Planning can help me to clear this fog. But I looked at  
19 it last night and I couldn't make anything of it. So that's sort  
20 of where I am.

21 MR. SHAPIRO: If I may add, in addition to getting more  
22 clarification from the Office of Planning, I feel like I would  
23 want more clarification from DDOT as well.

1 CHAIRPERSON HILL: In what regard, Mr. Shapiro?

2 MR. SHAPIRO: This whole issue with the, of the  
3 Minnesota Avenue and maybe even if a -- I mean, it's a little bit  
4 in what Mr. Bello wrote in the email, but this is all through his  
5 email. And it would be helpful to hear from DDOT on this issue.

6 CHAIRPERSON HILL: All right. And, I mean, I -- you  
7 know, I am still back to this. And maybe I didn't articulate  
8 well. And I apologize. The emergency access vehicles, I'm trying  
9 to figure out, you know, how you get to that back lot. You know,  
10 like how does -- how does -- if that -- so I'd like something from  
11 FEMS, I guess, Mr. Bello, that says that that back lot is fine.  
12 We can put out a fire and save somebody if they're in that back  
13 lot.

14 MR. SHAPIRO: Agreed.

15 CHAIRPERSON HILL: So where do you get that; do you have  
16 to go to FEMS? Mr. Bello, --

17 MR. SHAPIRO: Or is that a DDOT issue? Can DDOT answer  
18 that?

19 MR. BELLO: Well, I'm not sure that DDOT can answer  
20 that. DDOT can only speak to the fact that the paver street,  
21 Minnesota Avenue is still a dedicated street, which they have in  
22 the email communication that I attached to exhibit 81. But, yes,  
23 we could, we could ask the Fire Marshal or the FDMS, you know,

1 | how or if it's even required or necessary that they have emergency  
2 | vehicle access to a single-family, semi-detached. But, yes, one  
3 | could approach them. But my explanation is that those are  
4 | customarily required when you're building in an alley or when you  
5 | have multiple-unit building on narrow alleys. But we'd like to  
6 | reach out to see whether we can get some feedback on that.

7 |           CHAIRPERSON HILL: Ms. John?

8 |           VICE CHAIR JOHN: So Mr. Bello, what you have here is a  
9 | single-family dwelling on, for all practical purpose, a dirt road,  
10 | right? When you say unimproved street, if I went there now what  
11 | would I see?

12 |           MR. BELLO: There wouldn't be a paved street. Yes. If  
13 | you wish, you can call it a dirt road. But there wouldn't be a  
14 | paved street.

15 |           VICE CHAIR JOHN: Would it be grass? What's there now?  
16 | Is it a grassy area? Is it like a track? What does it look like?

17 |           MR. BELLO: It's more like a grassy area. I think what  
18 | we'll do is probably supplement the record with photographs of  
19 | what that area looks like.

20 |           VICE CHAIR JOHN: So basically the diagram does not  
21 | show a public street. So there's no frontage that, for example, a  
22 | fire truck could park outside of the residence and run the hose  
23 | to put out a fire. So that couldn't happen. And so all that's

1 being shown now is a five-foot alley, five or eight feet. I don't  
2 remember. So that's what, I think, the Commissioner is getting at  
3 and Mr. Smith is getting at. And I'm just trying to get  
4 clarification on. So I think maybe if we had something from DDOT  
5 that clears up this whole area. What needs to be done to that  
6 unpaved area to make it accessible as a frontage? Because I think  
7 that's the intent of the regulation. I don't think the regulation  
8 is intended to say you could stick a property on a, next to a  
9 piece of grass and it meets the frontage requirements. So  
10 something has to be done before it can meet that requirement.  
11 That's just my common sense interpretation without the benefit of  
12 more insight from OAG. So I don't see where we can go anywhere  
13 with this today until we know, you know, more about this public  
14 street issue. And I would like to see what the others have asked  
15 for, something more from DDOT, something more from OP, and  
16 something from FEMS that helps us navigate this.

17 CHAIRPERSON HILL: Okay. All right. So, Mr. Bello, so  
18 I guess -- I'm just trying to go around now as to what we want to  
19 see again. We definitely want to see a supplemental from the  
20 Office of Planning. Right. We definitely want to see something  
21 from FEMS that says that that back residence can be, you know,  
22 reached. You know, that's, Mr. Bello, what I'm curious of. And I  
23 thought Mr. Smith also was in acknowledgment that that --

1 something from FEMS that says they're fine and they can save the  
2 people in that back lot. Right. And so -- and then I think Ms.  
3 John or Mr. -- Commissioner Shapiro, can you clarify what you want  
4 from DDOT?

5 MR. SHAPIRO: So as I read and reread -- I'm sorry, Mr.  
6 Bello. Is it all right. As I read and reread the, Mr. Bello,  
7 your exhibit 81, it's not clear to me whether what DDOT is  
8 essentially saying is they're okay with you building a house on  
9 Minnesota Avenue. I hear them saying that Minnesota Avenue is a  
10 paper street. I do. That's clear in the communication from them.  
11 And they even say that it would be better to get full parking  
12 relief rather than go through the headache -- I think that's the  
13 word that the person you were speaking to was using -- rather than  
14 the headache of figuring out how to have this project be on  
15 Minnesota Avenue be considered Minnesota Avenue. So there's a way  
16 in which, as I'm reading that exhibit, it kind of works against  
17 your argument. Because they're saying they'd rather not have you  
18 consider this property be fronting on Minnesota Avenue. So that's  
19 part of what I want some clarity around.

20 And then Mr. Chairman, there's one other issue in  
21 addition to that, which is this issue of what you brought, Mr.  
22 Bello, what you brought before the ANC. Their letter is explicit  
23 in saying that they support a mixed-income home ownership project

1 on this site. And what I believe what you're bringing before us  
2 is that this is going to be a rental unit; is that right?

3 MR. BELLO: To a separate -- I'll speak to your earlier  
4 issue. There's a separate DDOT report that supports this project  
5 where they have no objection to it. But we're glad to drill down  
6 on exactly what their position is. I'm also --

7 MR. SHAPIRO: Can I stop you there one second, Mr.  
8 Bello.

9 MR. BELLO: Yes, sir.

10 MR. SHAPIRO: The reason why is because things have  
11 changed a lot. And so it would be very helpful for me, and I  
12 think my colleagues, to know that what DDOT is looking at and what  
13 they are -- have no objection to is exactly what we see before us.  
14 That's part of the reason why. That's what would be helpful.

15 MR. BELLO: No problem. We're glad to do that.

16 MR. SHAPIRO: Thank you. And then the second issue  
17 around the ANC, does -- is the A -- does -- has the ANC approved  
18 exactly what we're looking at, including the program, including  
19 knowing that these are rental?

20 MR. BELLO: Well, I -- I don't know that the owner is  
21 here. I will definitely confirm whether they're rental or for  
22 sale. But I think they are for sale. The architect can speak to  
23 that. He's been with this application from the very beginning.

1 But there's nothing that's changed with respect to location of the  
2 building, the number of dwelling units, the number of dwellings on  
3 each. In fact, the only thing that's changed is that they're no  
4 longer two-unit buildings, which was the original application. So  
5 now they're back to single-family dwellings with accessory  
6 building apartments. But we'll clarify all those issues.

7 MR. SHAPIRO: All right. I appreciate that. Because, I  
8 mean, that's a not insignificant change. You're basic reads  
9 differently. And I think the ANC, you know, for me to see ANC  
10 support, I want to make sure that that's what they're supporting.  
11 When I hear from DDOT and OP I want to make sure that that's what  
12 they're reviewing and supporting or have no objection to. Thank  
13 you. Thank you, Mr. Chairman.

14 MR. BELLO: Thank you.

15 CHAIRPERSON HILL: Okay. So, again, thank you, Mr.  
16 Shapiro, Commissioner, for mentioning. The ANC report, Mr. Bello,  
17 seem to indicate that they were in favor of it as long as it  
18 wasn't rentals. And it seems as though there was something in the  
19 record stating that they were rentals. So if you could, you know,  
20 clarify that. And whether or not you have to go back before the  
21 ANC, if you are in fact going to make them rentals, then I would  
22 think we need something else from the ANC saying that they're okay

1 with that. So it sounds like there's going to be a lot of stuff  
2 going on here.

3 So I don't know when Mr. Moy -- I mean, I don't even  
4 know what to say. Mr. Moy, were you able to follow all this and -  
5 - I mean, we're not coming back to this until after the break. So  
6 I don't know when we need stuff, or what we need. Mr. Bello, do  
7 you think -- when do you think you'll be able to get all this  
8 stuff, do you have any idea?

9 MR. BELLO: The FEMS one will be the problem. I'm not  
10 sure when we can get something.

11 CHAIRPERSON HILL: Okay. So do you want to coordinate  
12 with Mr. Moy and try and see when we can get you back?

13 MR. BELLO: Yes, sir. I would like to do that.

14 CHAIRPERSON HILL: Okay. Mr. Shapiro just let me know  
15 that he is back September 15, Mr. Moy. So, I mean, the only bump  
16 in the road I see with that, Mr. Bello, is again the whole rental  
17 thing and the ANC, as to whether or not -- because they're off in  
18 August as well. And so we can try and see where that goes. I  
19 mean, we can try, Mr. Moy, for September 15. Unless it's -- I  
20 mean, are we super jammed already on September 15?

21 MR. MOY: No. It's only seven cases. That's nothing.

22 CHAIRPERSON HILL: Yeah, that's nothing. Right. Super  
23 jammed is, that's a private school term, super jammed.

1 MR. MOY: Oh, okay. Okay.

2 CHAIRPERSON HILL: I'm making my own personal joke. All  
3 right. Okay. So we'll just see what happens. So mr.  
4 Bello, why don't you get back in touch with Mr. Moy, see when you  
5 can get back before us, and see when that all coordinates with the  
6 Office of Planning supplemental report. If it can happen  
7 September 15th, great. If not, we'll just ask for when Mr.  
8 Shapiro is available again. And, I mean, Mr. Shapiro has been  
9 very flexible in that he's come forward if he can. Okay. So  
10 we'll continue to September 15th for now. And Mr. Moy, you'll let  
11 us know. Okay.

12 MR. MOY: (Thumbs up.)

13 CHAIRPERSON HILL: Okay, great. All right, Mr. Bello,  
14 thank you so much.

15 MR. BELLO: Thank you.

16 CHAIRPERSON HILL: Thank you, Ms. Fothergill.

17 All right. Okay, we have one more. You want to just  
18 try and power through? Okay. All right, let's go ahead and do  
19 that.

20 So I'm going -- before you call the case, Mr. Moy, I'm  
21 going to -- Commissioner Shapiro, can everybody hear me? So I'm  
22 in a beach house. I have nephews that in the other room. Outside  
23 the room my two friends were yelling -- oh, never mind. This

1 isn't going to work well. Never mind. Forget it. I'm in public.  
2 Okay. Go ahead.

3 Okay, Mr. Moy, go ahead and call our next case. But you  
4 all remind me of that story one day. I'll tell you the story.

5 MR. MOY: Are we ready?

6 CHAIRPERSON HILL: Yeah.

7 MR. MOY: Okay. Here we go. So before the Board is  
8 case application number 20433 of Prime Realty, LLC. This  
9 application was captioned and advertised for special exception on  
10 lot occupancy -- I take that back. Strike that. From the lot  
11 dimension requirement , Subtitle E, Section 201.4, rear yard --  
12 rather read addition requirement; Subtitle E, Section 205.4;  
13 height restriction, Subtitle E, Section 303.1. And this would  
14 subdivide the lot into two record. It would subdivide the lot  
15 into two record lots and construct two three-story with cellar,  
16 attached, two-unit flats in the RF-1 Zone. The property is  
17 located at 3556 13th Street, Northwest, Square 2834, Lot 172.

18 CHAIRPERSON HILL: Okay, great. Mr. Sullivan, can you  
19 hear me?

20 MR. SULLIVAN: Yes, I can.

21 CHAIRPERSON HILL: Could you introduce yourself for the  
22 record, please?

1 MR. SULLIVAN: Yes. Mr. Chairman, members of the  
2 Board, good afternoon. Marty Sullivan with Sullivan and Berros,  
3 on behalf of the Applicant.

4 CHAIRPERSON HILL: Thank you. Who is here with you, Mr.  
5 Sullivan?

6 MR. SULLIVAN: The architect, Mr. Greg Kearley, and the  
7 property owner, Mr. Ritesh Mehta (phonetic).

8 CHAIRPERSON HILL: Okay. Thank you. I see Mr. Mehta.  
9 I don't see Mr. -- oh, I do see Mr. Kearley. Okay, great.  
10 Commissioner Wray, can you hear me?

11 MR. WRAY: Yes, I can.

12 CHAIRPERSON HILL: Do you want to introduce yourself for  
13 the record, please?

14 MR. WRAY: Good afternoon, everyone. Michael Wray for  
15 ANC 1A.

16 CHAIRPERSON HILL: Commissioner Wray, this is the last  
17 of the day. You waited a whole day for us?

18 MR. WRAY: I knew you were going to be a while, so I've  
19 been poking in and out.

20 CHAIRPERSON HILL: That's good. All right. Okay, Mr.  
21 Sullivan, if you want to go ahead and walk us through your  
22 application. Let us know how you will meet the criteria for us to

1 grant the relief requested. And there's 15 minutes on the clock.  
2 You can begin whenever you'd like.

3 MR. SULLIVAN: Thank you, Mr. Chairman. We submitted  
4 some revised plans yesterday. They may have been within the 24-  
5 hours. I think our PowerPoint actually was filed in time, and that  
6 reflects the new plan. So the first thing I want to do is go  
7 over that change.

8 What was changed was in respect to DDOT's comments. And  
9 this is just actually my mistake for not catching it sooner when I  
10 saw the DDOT report or before that. The patios at the front of  
11 the building were completely dug out. So it was full patios. And  
12 that's a problem for DDOT because it's in the BRL area, but it's  
13 also a problem zoning wise because that changed our BHMP. So  
14 everything was measured as if it was from grade. So all the  
15 measurements -- nothing changes about the project other than  
16 instead of a patio all the way out to the end of the property,  
17 it's just now five feet out from the building, so that it is a  
18 valid exception to grade. And we don't have a BHMP problem  
19 anymore. And it didn't change anything with the rendering. I  
20 mean, other -- if you see the rendering, the area I'm talking  
21 about behind the wall anyway. And it doesn't change anything  
22 about the plans as they relate to the relief. And I don't think  
23 it should change anybody's opinion about the project. And

1 actually, I spoke to Mr. Wray about it yesterday. And I think he  
2 may tell you the same thing on that point. But I think those  
3 revised plans may have been submitted yesterday morning. And so I  
4 made the request --

5 CHAIRPERSON HILL: Okay. Do you think that's in your  
6 current PowerPoint?

7 MR. SULLIVAN: It is in the current PowerPoint.

8 CHAIRPERSON HILL: Okay. When you go through the  
9 PowerPoint why don't you jut point that out to us. And then did  
10 you submit it, the revised plans?

11 MR. SULLIVAN: We did submit the revised plans. And  
12 the reason why the plans are less than 24 hours and the PowerPoint  
13 was not less than 24 hours, or one was timely and one wasn't is  
14 because we were still waiting on the plat. And I didn't want to  
15 file the plans and plat separately. But the plat itself was not  
16 in the PowerPoint.

17 CHAIRPERSON HILL: Okay, okay, okay. Unless the Board  
18 has any issues, would the staff please go ahead and allow that  
19 into the record. Nobody is raising their hand if they have any  
20 issues.

21 Okay, Mr. Moy?

22 MR. MOY: (Thumbs up.)

23 CHAIRPERSON HILL: Oh, thumbs up. Okay, great.

1 All right. Okay, Mr. Sullivan, you can go ahead and  
2 begin whenever you'd like.

3 MR. SULLIVAN: Okay. If we could load the PowerPoint  
4 presentation then, please. So if we could go to page two, please.  
5 So there on the right you see the existing building, and then  
6 there's open space next to it. So we have a 32-foot wide lot.  
7 The plan is to raze the existing building and subdivide the lot  
8 into two 16-foot wide record lots, then creating two flats. One  
9 of the four resulting units will be an inclusionary zoning unit.  
10 And so there's three areas of relief. One is for the lot width,  
11 which is permitted by special exception if we provide an  
12 inclusionary zoning unit. The second area of relief is for a  
13 special exception for height, to go to 38 feet, three inches to  
14 be more in line with the neighboring buildings. That height  
15 actually will still be a little bit lower than the two adjacent  
16 buildings. And the last area of relief is 10-foot rule relief for  
17 the building to the south. The north building will not extend  
18 more than 10 feet past the neighbors building on the north. On  
19 the south it will extend 18 feet, 10 inches beyond the rear wall  
20 of the adjoining building to the south.

21 We do have a letter in support On the south it will  
22 extend 18 10" We do have a letter in support from the adjacent  
23 neighbor to the north. We also, Mr. Mehta is of the understanding

1 that he's in agreement with the property owner to the south, but  
2 we don't have a letter from them.

3 And then I'll turn it over to Mr. Kearley to take you  
4 through the plans. And go to the next slide, please. Thank you.

5 MR. KEARLEY: Hi. This is Greg Kearley. I'm the  
6 architect for the project. I'm trying to start my video, but it's  
7 not really letting me. So that's --

8 CHAIRPERSON HILL: That's all right, Mr. Kearley. Go  
9 ahead, Mr. Kearley. That's all right.

10 MR. KEARLEY: Okay. You can see the property here,  
11 which is 3556 13th Street. And we will be creating two record  
12 lots, 3554 to the south and 3556 to the north. We can go to the  
13 next slide.

14 Again, this just sees it from the street view. Same  
15 comment. Next slide.

16 This is the rear of the building. And this will become,  
17 I guess somewhat important when we show you the sun studies.  
18 Because the difference between the matter of right and the  
19 proposed plan with that extension of 10 feet in the rear, there's  
20 really no significant difference in shadows being cast on the  
21 property. And you'll see that in the sun study. Next slide.

22 Again, just a different view. We can move onto the next  
23 one.

1           This is site plan for this. So we can move to the next  
2 one.

3           These are the site plan for what would be on the south  
4 here, at 3554, and the north, 3556. What you can note on this is  
5 that we're creating three parking spaces with ample of room for  
6 trash and services. And this was part of the discussion we had  
7 with the neighbors and led to part of the agreement that we are  
8 providing ample parking. And they were concerned we weren't going  
9 to have enough room for trash. So we created a very generous area  
10 for trash to be picked up and taken out. This right here, if you  
11 look at this, these are the changes that we did for the patios  
12 down at cellar level. So this used to be all open and carved out  
13 at the cellar level. Now the only thing that's carved out at the  
14 cellar level -- this is all at grade level right here. These are  
15 planters, and this is a walkway. Then you go down. And the patio  
16 at the cellar level only extends five feet from the base of the  
17 building, which is in compliance with what Office of Planning was  
18 communicating with Marty.

19           MR. SHAPIRO: Mr. Chair, if he's pointing to something,  
20 I can't tell what he's pointing at.

21           MR. KEARLEY: You don't see my cursor?

22           CHAIRPERSON HILL: No.

1 MR. KEARLEY: Okay. So let's go to the -- you  
2 understood what I had on parking. That's pretty apparent. But  
3 when you're going to the right at the street, where it says  
4 property line 32 feet, 13th Street, Northwest, where it says lot  
5 "A" and lot "B" on the right side of the screen --

6 CHAIRPERSON HILL: Yes. Oh, now we can see your cursor.

7 MR. KEARLEY: Okay. You can see it now?

8 CHAIRPERSON HILL: Yes.

9 MR. KEARLEY: The patios used to extend from the base of  
10 the building all the way to the sidewalk. Now they only extend  
11 five feet from the face of the building. So it -- Marty described  
12 the reasoning why. And the conversation was Office of Planning.  
13 But now we're compliant with the guidelines from Office of  
14 Planning and Zoning for the areaways coming out only five feet  
15 from the base of the (audio interference.) Okay. So next slide.

16 So when you're looking at lot "A" at the bottom of the  
17 page, that is the IZ unit. It's a two-bedroom, one bath unit.  
18 And then the lot "A," which will now be 3554, will have a two-  
19 bedroom in the cellar level, and then a first, second and third  
20 floor will be one large unit, about 2600 square feet. And then  
21 lot "B," which will be 3556, has a first floor cellar unit and a  
22 second floor/third floor unit. Next slide.

23 Hello?

1 CHAIRPERSON HILL: Yes, I can hear you.

2 MR. KEARLEY: Oh, next slide.

3 CHAIRPERSON HILL: I think, didn't it go to the next  
4 slide?

5 MR. KEARLEY: No.

6 CHAIRPERSON HILL: Okay.

7 MR. KEARLEY: Okay. So we'll take you through the floor  
8 plan, second floor. We can go to the third floor. You have the  
9 drawings. I don't know if we need to go into the details about  
10 the units themselves. I'd be glad to, but just in terms of for  
11 time sake.

12 CHAIRPERSON HILL: I don't think you need to go into  
13 that. Why don't you go ahead, Mr. Kearley, and just go through  
14 your presentation. If we have to come back and ask questions we  
15 will.

16 MR. KEARLEY: Okay. So let's keep going on the slides.  
17 That's the roof plans with the roof deck. You can keep going.

18 These are the elevations. Why don't we go to the last  
19 slide, which on the design.

20 Right here. So this is the proposed development, what  
21 you see there on the left, the front view. And then the rear view  
22 which is on the right.

1 CHAIRPERSON HILL: Mr. Kearley, do you know which one is  
2 the IZ unit?

3 MR. KEARLEY: It is the cellar of the left side, or the  
4 south side of the -- when you're dividing this in half, you have  
5 the south and the north. North is to the right, south is to the  
6 left as you're looking at your screen. And the IZ unit is in the  
7 cellar of the south property.

8 CHAIRPERSON HILL: Okay. Got it.

9 MR. KEARLEY: So that's 900 plus square feet, two  
10 bedroom, one bath.

11 CHAIRPERSON HILL: Okay. Go ahead, please.

12 MR. KEARLEY: Well, that's really it in terms of  
13 architecture. And we did work with the neighbors, and we did work  
14 with ANC, and took a lot of their recommendations into account and  
15 made modifications. So this is where we are at. I think we have  
16 unanimous approval from the ANC. And we do have a letter from the  
17 neighbor to the north and an agreement with the neighbor to the  
18 south on the project.

19 CHAIRPERSON HILL: Okay. All right, Mr. Sullivan, is  
20 that it? Because I think we might have some questions.

21 MR. SULLIVAN: I'll just go through. If I can go to  
22 the next slide. I want to go through the criteria real quick.

1           So the general criteria which applies to all three areas  
2 of relief. And for the lot width relief it's the only relief.  
3 There's no specific relief for that. But granting relief will be  
4 in harmony with the general purpose and intent of this zone. All  
5 these areas of relief are specifically enumerated in the zoning  
6 regs. And the use is consistent with the RF zone. And it will  
7 not tend to affect it virtually the use of neighboring property.  
8 The adjacent structures are taller. The shadow studies show  
9 virtually no impact from the 10-foot rule. And next slide,  
10 please.

11           And so for the specific requirements, they apply to both  
12 the 10-foot rule and the height, its light and air. And the  
13 shadow studies show, of course, no impact to the property to the  
14 south because of the position of the sun. And as to the north, we  
15 don't need relief from that building, but our north building  
16 essentially blocks the shade from the south building, which is,  
17 which needs the 10-foot rule relief. No windows on the side of  
18 that building. That goes eight feet past the 10-foot rule on  
19 that. And then the proposed addition accessory structure,  
20 together with the original building does not substantially  
21 visually intrude up character, scale and pattern of houses along  
22 the street or alley. You saw from the photos of the rear,  
23 there's a lot of decks and rear additions back there, and it's in

1 character with that. And with the front -- and we've gone  
2 through some design changes in our interactions with, as a result  
3 of our interactions with the ANC. They had some specific design  
4 comments that we were able to incorporate. Next slide, please.

5 So these are the shadow studies. You'll see on the  
6 third column, that's really the only -- the red that you see  
7 there is the only area where there was additional impact resulting  
8 from the relief. And I can answer any questions about the other  
9 shadow studies. And I think that's it for the presentation. So  
10 I'm happy to answer the Board's questions.

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

12 Ms. John?

13 VICE CHAIR JOHN: Thank you. Mr. Sullivan, I was  
14 wondering why the IZ unit is in the cellar, and why it's not one  
15 of the first or second floor apartments. Because I don't think --  
16 I'm trying to remember if we've ever approved -- I know we don't  
17 have ultimate approval, but the zoning relief is quite significant  
18 here. And I'm not sure why we have it in the cellar.

19 MR. SULLIVAN: So, yeah, on that point. So this is the  
20 third time that we have asked for this particular relief. And  
21 each time it has been in this same location, and has been in the  
22 cellar. In this particular case we're dealing with an existing  
23 building. The owner could have opted for a three-unit conversion

1 and just done three market units, but opted for what he thought  
2 would be a better project, which would include the inclusionary  
3 zoning.

4           Regarding the minimum size. It meets the minimum size  
5 in -- for -- I mean, it would be different if it was a 10-unit  
6 project. In a 10-unit project our IZ requirement would be one  
7 unit. But in this case an entire unit out of just four is  
8 required to be inclusionary zoning. The minimum requirement for  
9 that is 1000-square-foot-unit and two bedrooms. So it's a fairly  
10 large unit, despite the fact that it is downstairs. But in the  
11 answer to why it's there, in all three of those cases that I  
12 worked on the IZ unit wouldn't have happened and a different  
13 project would have happened if the IZ unit had to be a two-story  
14 unit or it had to be in a different location. It's just a  
15 question of the economic feasibility of working with those  
16 requirements. But it meets the minimum requirements, the unit  
17 does, for inclusionary zoning.

18           VICE CHAIR JOHN: Thank you for that, Mr. Sullivan.  
19 I'm not entirely convinced because, you know, the Applicant could  
20 have done three units if he wanted to. So --

21           MR. SULLIVAN: So I don't know how the affect the  
22 special exception criteria because the criteria doesn't call out

1 for the IZ unit to be in certain locations. It just requires it  
2 to be a valid inclusionary zoning unit.

3 VICE CHAIR JOHN: Comparable I believe.

4 MR. SULLIVAN: No, that's not in the language.

5 VICE CHAIR JOHN: Well, thank you.

6 CHAIRPERSON HILL: All right, Mr. Sullivan.

7 Okay. Let's see, Mr. Shapiro?

8 MR. SHAPIRO: Thank you, Mr. Chairman. I had a similar  
9 question. Mr. Sullivan, if I could -- I just want to make sure I  
10 understand. So there are four units, two of the units are two-  
11 story units or three of the units are two-level units, or three of  
12 the units are two-level units?

13 MR. KEARLEY: Do you want me to answer this, Marty or  
14 you want to?

15 MR. SULLIVAN: Sure. Go ahead, Greg. Yeah.

16 MR. KEARLEY: So the IZ unit is one story. The unit  
17 above is three stories. That's on the south building. You have a  
18 one-story and a three-story. On the north building you have two  
19 two-story units. Cellar and first floor, second and third floor.

20 MR. SHAPIRO: Okay. Okay, thank you. Thank you for  
21 that. The other question, Mr. Sullivan, is in terms of privacy,  
22 you didn't address anything related to the rooftop decks. Can

1 | you comment on that, the rooftop decks on both of these and how  
2 | they don't impact privacy for neighboring properties.

3 |           MR. SULLIVAN:        Sure.    Greg, if we could get the  
4 | PowerPoint back, please, and go to the plan that shows the rooftop  
5 | decks.  The two areas of relief where privacy is a consideration  
6 | is the height.  So in one case the height is going to be three  
7 | feet higher than 35 feet, but still lower than the neighboring  
8 | buildings.  So I don't think that changes the privacy aspect  
9 | between 35 feet and 38 feet.  And the other issue is the 10-foot  
10 | rule.  And, you know, if we could get the PowerPoint back up.

11 |           MR. SHAPIRO:  Yeah, Mr. Sullivan, let me jump in for a  
12 | second.  Because I'm not disagreeing with you on those points, but  
13 | I'm asking a different question.  Which is that, are you saying  
14 | that the existence of these rooftop, the proposal for the rooftop  
15 | decks is not even, you don't even need to explain that in relation  
16 | to how that might impede, you know,     the privacy of the  
17 | neighboring residents?

18 |           MR. SULLIVAN:  Yeah.  I mean, only to the extent that  
19 | the granting relief changes it.  So if -- I would say if the  
20 | building was 35 feet high, and we were only going 10 feet beyond  
21 | the neighbor to the south, then the roof deck would be matter of  
22 | right.  So what's the difference between that and a building  
23 | that's three feet higher and eight feet longer,  is what I wanted

1 to get at. What would be the impact on privacy of those aspects  
2 of the project? Because every -- next door they could put a roof  
3 deck in next door. And any other matter of right project can do a  
4 roof deck.

5 MR. KEARLEY: and also note that we have shared the  
6 drawings with both of the neighbors and have the neighbor on the  
7 north has a signed agreement that they approve. Right. And then  
8 there's a verbal commitment from the neighbor to the south. We  
9 just don't have the letter from that. So they've seen this with  
10 the plan. So both of them have a full understanding that there  
11 are proposed roof decks.

12 MR. SULLIVAN: And there's a large roof deck on the  
13 building to the south as well, if we could see slide six. And  
14 you'll see, there are several high balconies and roof decks on  
15 buildings further down to the right.

16 MR. SHAPIRO: So for me all this is a way of saying it.  
17 I think it's just helpful to acknowledge it so that it's, so that  
18 it doesn't go unaddressed.

19 MR. SULLIVAN: Okay.

20 MR. SHAPIRO: Even as you're doing now, as you're  
21 talking about it.

22 And so the last question I have, Mr. Chairman, and this  
23 is a much broader issue, is related to the IZ units, is that, you

1 know, the criteria for the voluntary IZ developments, you know,  
2 are implying that the development is considered on a lot by lot  
3 basis. So you are looking at two lots and only providing one IZ  
4 unit on one lot. It's clear to me that you're, it's because  
5 you're looking at this in totality, you know, the four units.  
6 But you're creating two lots. And that's not -- that doesn't  
7 stick with the letter of the law. How do you -- what's your  
8 thought about that? How do you feel like you, that this -- that  
9 you apply -- you meet the criteria if you're only providing one IZ  
10 unit on one lot?

11 MR. SULLIVAN: The requirement applies to the  
12 development, just like it would for any other inclusionary zoning  
13 project, which would relate just, for instance, a mandatory  
14 inclusionary zoning project would apply on separate lots as well.  
15 So if you had five lots with five flats, then your IZ requirement  
16 would apply to the entire 10 units, and you would likely have one  
17 large unit as your inclusionary zoning unit to meet your 10  
18 percent requirement. In this case the relief is available for the  
19 subdivision. Because you're subdividing a single lot. And the  
20 relief applies to the subdivision of that lot. So if we  
21 subdivided four lots, and had four, we would have the same  
22 requirement. It would be at least the minimum required, at least  
23 the 10 percent, but at least one unit as well. So if we did four,

1 for instance, it's very possible that we would have a requirement  
2 of two IZ units or a very large IZ unit. But no, but the IZ  
3 definitely applies. And this is -- the Board has approved these  
4 at least two other times now in this exact same model. But it  
5 applies to development. That's the bonus for the RF zone. Your  
6 bonus is that you get to have a narrower lot.

7 MR. SHAPIRO: Okay. I appreciate the clarification.  
8 That's all I have, Mr. Chair.

9 CHAIRPERSON HILL: Okay. Mr. Sullivan, -- okay. Does  
10 anybody have -- does anyone else have any questions for Mr.  
11 Sullivan? And I think, Ms. Fothergill, that question that  
12 Commissioner Shapiro just mentioned is also going to go to you.  
13 Does anybody have any questions for Mr. Sullivan?

14 (No response.)

15 CHAIRPERSON HILL: Commissioner Wray, do you have  
16 anything you'd like to add?

17 MR. WRAY: Good afternoon again. I would only add that  
18 we did support the three areas of relief requested. We did ask  
19 the same question about the position of the IZ unit at the ANC,  
20 and I will say Mr. Sullivan's answer has remained consistent. And  
21 we're not in a position to argue whether or not he's correct. So  
22 I'm glad you're all bringing it up here.

1           We did review, or at least I've seen the plan change for  
2 the patios. And those patios were not, was not any of the issues  
3 that were raised during our discussion. So the changes that are  
4 being proposed because of the DDOT building line restriction  
5 concern to me at least doesn't seem like it would have applied to  
6 anything that the community brought up in the first place. So I  
7 think we're good.

8           CHAIRPERSON HILL:       Okay, great.       Thank you,  
9 Commissioner.

10           Does the Board have any questions for the Commissioner?

11           (No response.)

12           CHAIRPERSON HILL: All right. I'm going to go ahead and  
13 turn to the Office of Planning.

14           MS. FOTHERGILL: Good afternoon, Chairman Hill and  
15 members of the Board. I'm Anne Fothergill, Office of Planning for  
16 case 20433. The Applicant has requested three special exceptions.  
17 And the Office of Planning has recommended approval of all three.  
18 They meet the specific criteria for the request as well as the  
19 Subtitle X, Chapter 9. They are requesting the rear addition  
20 extension of 18 feet, height to 38 feet. And (audio interference)  
21 mention (audio interference) IZ and we found it meets the criteria  
22 and we recommend approval. In terms of the question about the IZ  
23 unit, we would agree with Mr. Sullivan's answer that it's

1 specifically for the entire project that (audio interference) and  
2 not for the two new lots for the (audio interference).

3 CHAIRPERSON HILL: Okay. Does anybody have any  
4 additional -- or does anyone have any questions for the Office of  
5 Planning?

6 Ms. John?

7 VICE CHAIR JOHN: So I'm going to ask the Office of  
8 Planning the same question that I asked Mr. Sullivan. So we have  
9 two two-story units, one three-story, and one one-story, which is  
10 the IZ unit, which is in the basement. I'm sorry, in the cellar.  
11 So in your view, is that an appropriate location for the IZ unit,  
12 given the scope of relief being requested?

13 MS. FOTHERGILL: It meets the regulations or the  
14 criteria (audio interference) in the regulation for the entirety.

15

16 VICE CHAIR JOHN: So as long as it meets the 10  
17 percent, Office of Planning is okay with it?

18 MS. FOTHERGILL: The (audio interference) is that they  
19 have to meet criteria in order to get the special exception, and  
20 it meets the criteria.

21 VICE CHAIR JOHN: Okay, thank you.

22 CHAIRPERSON HILL: Okay. Does anybody else have anything  
23 else for the Office of Planning?

1 (No response.)

2 CHAIRPERSON HILL: No? Mr. Young, is there anyone here  
3 wishing to speak?

4 MR. YOUNG: We do not.

5 CHAIRPERSON HILL: Okay. Mr. Moy, is there anything -- I  
6 mean, Mr. Sullivan, is there anything else you'd like to add at  
7 the end?

8 MR. SULLIVAN: No. Thank you.

9 CHAIRPERSON HILL: Okay. All right. Commissioner, we'll  
10 see you next time. Mr. Sullivan, I'm sure we'll see you next  
11 time. And everybody have a good day. I'm closing the hearing and  
12 the record. Let everybody leave.

13 Okay. I'm exhausted. Who wants to go? Mr. Shapiro?

14 MR. SHAPIRO: Thank you, Mr. Chair. Yeah, long day. In  
15 short, I'm supportive of this. You know, I had some concerns.  
16 I'm irked by the location of the IZ unit and, you know, the  
17 response that it's better than no IZ unit. You know, I kind of  
18 get it. I'm still irked by the location of the IZ unit. But I do  
19 not believe, despite how I feel, I don't believe it's in the regs,  
20 the location of the IZ unit for something like this. So, you  
21 know, they can do what they do. I'm not sure that's enough for me  
22 to oppose the project, even if I would prefer they did something  
23 different.

1           And this issue -- Mr. Sullivan clarified this issue  
2 around do they really need a second IZ unit because they're  
3 working with two lots now. I'm satisfied with that answer.

4           And yeah, so I don't have any concerns about this  
5 project at this point. And I'm going to be supporting it unless I  
6 hear something persuasively otherwise from my colleagues.

7           CHAIRPERSON HILL: Okay. Mr. Smith?

8           MR. SMITH: I agree with Mr. Shapiro. Like him and  
9 probably some other members of the Board, was concerned about the  
10 location of the IZ unit. But hearing the Applicant speak on it, I  
11 think I'm fairly comfortable with the answer that he provided.  
12 Just as Mr. Shapiro stated. Other than that, I do believe that  
13 the application meets all the criteria for us to be able to grant  
14 the special exception. And I will note that ANC is in support of  
15 the special exception. So with that, I agree with Mr. Shapiro, I  
16 will be able to support the application.

17           CHAIRPERSON HILL: Okay. Ms. John?

18           VICE CHAIR JOHN: So sadly, I can support the  
19 application because it meets the bare minimum of the requirement.  
20 But I'm really very disappointed in the location of this IZ unit.  
21 And I will have to check the regulations. I -- my recollection is  
22 that we've always not -- not necessarily approved, because  
23 ultimately we don't approve the IZ unit, but we, you know, have

1 always looked at where these IZ units are located, so they're not  
2 the worst unit in the development. And in this case, putting the  
3 IZ unit in the basement, like a (indiscernible) in my view, is  
4 not the best use of the IZ provision. But it's not something I  
5 can do anything about, except to express my opinion and hope that  
6 developers will be more sensitive to this issue in the future and  
7 maybe, you know, there can be something done about the  
8 regulations. But it shouldn't be the worst unit in the building.  
9 That's -- I don't believe that that's what the intent is. But  
10 maybe it is. So I will just say that one thing and then be quiet.

11 CHAIRPERSON HILL: Okay. Mr. Blake?

12 MR. BLAKE: Well, there's not much more to add to  
13 that. I do think it's good to have an inclusionary zone, a unit  
14 in this area. And I would agree with some of the sentiments made  
15 about the quality of that. But it is a nice two-bedroom unit in a  
16 nice area. And -- but -- although, I think the criteria is met  
17 for the special exception, and I will be prepared to support.

18 CHAIRPERSON HILL: Okay. I'll continue to give my  
19 opinion on it. So I think that -- I mean, it's weird. Like we've  
20 approved units before that have been in the basement, the cellar.  
21 Right. And this one, Ms. John, you used the word "comparable."  
22 Right. And I don't know what language there is that maybe Mr.  
23 Shapiro could take back to the Zoning Commission, if they start to

1 talk about it. And I just -- you know, the argument that I also  
2 don't have any problem with is that is it only -- I mean, you  
3 know, the IZ unit is getting the least amount of money for it,  
4 right. And so that's -- and you're gaining some benefits from  
5 density or whatever the case may be. And so there's a trade off.

6 But I've never seen like, you know, a calculation that goes into  
7 and explains, you know, case in point why the IZ unit has to be  
8 the one that goes into the cellar. I guess what I thought was  
9 interesting as they were going through the discussion was that the  
10 IZ unit is one story, although it's a good, big, two-story unit,  
11 I'm sorry, a two-bedroom unit. It's not like it was like a one  
12 story, two story, one story, two story, one, you know, it's like  
13 it was the IZ unit and let's make it three story, and then it was  
14 a two story and a two story. Right. So I don't know -- but  
15 again, if the -- I mean, we're going under the assumption that the  
16 economics would have worked out in a different fashion, right.  
17 You like, we really don't know for sure unless you have some kind  
18 of calculation. Right. So -- but we see this.

19 Commissioner Shapiro?

20 MR. SHAPIRO: Just a little bit of an addition on this  
21 too. I had a bit of a sidebar with OAG on this issue. And so,  
22 you know, there are regs and we have dealt, the Zoning Commission  
23 has dealt with this very issue related to multi-family dwellings,

1 larger multi-family dwellings. So there is a little bit of a gray  
2 area. And you can extrapolate that to a case like this, but it's  
3 not explicit. And so maybe it is something that we could look at  
4 with a little bit more intention to get some -- because, I mean,  
5 I'm completely with you, Vice Chair John. You know, it sends the  
6 wrong message pretty clearly. And regardless of whether it's the  
7 only way that makes business sense. And if it is the only way  
8 that it makes business sense, then to your point, Mr. Chair, then  
9 they should be explicit about that. So, you know, maybe there is  
10 something we could do in the gray area. That's all I wanted to  
11 add.

12 CHAIRPERSON HILL: Well, even, I mean, in that case that  
13 we just heard before, the IZ unit, we weren't sure that emergency  
14 access could get provided. You know, and it was like really how  
15 far down the road can this like, you know, thing go. Right. So  
16 anyway, okay, does anybody have anything else they wanted to say?

17 (No response.)

18 CHAIRPERSON HILL: Okay. I'm going to make a motion to  
19 approve application number 20433 as captioned and read by the  
20 secretary and still ask Ms. John for a second.

21 VICE CHAIR JOHN: I was hoping you would ask somebody  
22 else. I would have struggle to say I support. What am I supposed  
23 to say?

1 CHAIRPERSON HILL: You just have to say yes.

2 VICE CHAIR JOHN: Approve. Yes.

3 CHAIRPERSON HILL: Okay. All right, Mr. Moy, the  
4 motion has been made and seconded --

5 VICE CHAIR JOHN: (Audio interference) my throat.

6 CHAIRPERSON HILL: Go ahead. You've got to take the  
7 good with the bad, Ms. John.

8 MR. MOY: All right. So when I call your name if you  
9 would each reply with a yes, no or abstain to the motion that was  
10 made by Chairman Hill to approve the application of 20433. The  
11 motion was seconded by Vice Chair John to -- for a roll call vote.

12 So Zoning Commissioner Peter Shapiro?

13 MR. SHAPIRO: Yes.

14 MR. MOY: Mr. Smith?

15 MR. SMITH: Yes.

16 MR. MOY: Mr. Blake?

17 MR. BLAKE: Yes.

18 MR. MOY: Vice Chair John?

19 VICE CHAIR JOHN: Yes.

20 MR. MOY: Chairman Hill?

21 CHAIRPERSON HILL: Yes.

22 MR. MOY: Staff would record the vote as 5 to 0 to 0.

23 And this is on the motion made by Chairman Hill to approve,

1 seconded by Vice Chair John. Also in support of the motion to  
2 approve is Zoning Commissioner Peter Shapiro, Mr. Smith and Mr.  
3 Blake. The motion carries on a vote of 5 to 0 to 0.

4 CHAIRPERSON HILL: Okay, great. Thank you, Mr. Moy.  
5 Mr. Moy, is there anything else before the Board today?

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

7 CHAIRPERSON HILL: All right. Everyone, it's been a  
8 pleasure. You all have a good day.

9 (Whereupon, the above-entitled matter went off the  
10 record at 4:29 p.m.)

11

C E R T I F I C A T E

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4 This is to certify that the foregoing transcript

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7 In the matter of: Public Hearing

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10 Before: DCBZA

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13 Date: 06-16-21

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16 Place: Teleconference

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