

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JUNE 30, 2021

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via videoconference, pursuant to notice at 9:40 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

ZONING COMMISSION MEMBERS PRESENT:

PETER SHAPIRO, Commissioner
PETER MAY, Commissioner
MICHAEL TURNBULL, Commissioner
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD W. MOY, Secretary

OFFICE OF PLANNING STAFF PRESENT:

CRYSTAL MYERS

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

MATTHEW JESICK
ELISA VITALE
MAXINE BROWN-ROBERTS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACK RICE, ESQ.
ALEXANDRA CAIN, ESQ.

ALSO PRESENT:

KEARA MEHLERT, Host

The transcript constitutes the minutes from the
Regular Public Hearing held on June 30, 2021.

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

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

Case No. 20435 - Application of 2015 Jackson Street 2019, LLC -
(postponed to September 29, 2021). 8

Case No. 20483 - Application of 1219 Simms Place, N.E., LLC -
(rescheduled to July 14, 2021). 8

Case No. 20348 - Application of 51 Friendship Development
Partners, LLC - (rescheduled to July 28, 2021). 8

Case No. 20354 - Application of Cambridge Holdings, LLC -
(rescheduled to July 28, 2021). 8

Case No. 20474, Christopher and Jennifer Leonardo 8

Case No. 19616A - Application of Thomas Jefferson Real Estate,
LLC. 11

Case No. 20280 - Application of VBS Community Builders, LLC 60

Case No. 20440 - Application of GREEN 2336, LLC 85

Case No. 20469 - Application of Daniel Hogenkamp -
(continued meeting on August 4th). 146

Case No. 20470 - Application of 3218 Walbridge Place, LLC . 173

Case No. 20486 - Application of Tracey and David Cronlund . 181

Case No. 20473 - Application of Michael W. Smith. 188

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

2 (9:40 a.m.)

3 CHAIRPERSON HILL: All right. Good morning ladies
4 and gentlemen to the Board Zoning Adjustment. Today's date is
5 6/30/2021. The public hearing will please come to order.

6 My name is Fred Hill. I'm the Chairperson of the
7 District of Columbia for the Board of Zoning Adjustments. Joining
8 me today is Lorna John, Vice Chair, Board Members Carl Blake and
9 Chrishaun Smith, and the Zoning Commission members today will be
10 Rob Miller, Michael Turnbull and Peter May.

11 Today's meeting and hearing agenda are available to you
12 at the Office of Zoning's website. Please be advised that this
13 proceeding is being recorded by a court reporter and it's also
14 webcast live via Webex and YouTube Live. The video of the webcast
15 will be available on the Office of Zoning's website after today's
16 hearing.

17 Accordingly, everyone who is listening on Webex or by
18 telephone will be muted during the hearing. Also, please be
19 advised that we do not take any public testimony at our decision
20 meaning session. If you're experiencing difficulty accessing
21 Webex or with your call-in -- telephone call-in, please then call
22 our OZ hotline number at 202-727-5471 to receive Webex login or
23 call-in instructions.

24 At the conclusion of a decision meeting session, I
25 shall, in consultation with the Office of Zoning, determine

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

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

8 In today's hearing session everyone who is listening
9 on Webex or by telephone will be muted during the hearing and
10 only persons who have signed up to participate or testify will
11 be unmuted at the appropriate time. Please state your name and
12 home address before providing oral testimony or your
13 presentation.

14 Oral presentations should be limited to a summary of
15 your most important points. When you're finished speaking,
16 please mute your audio so that your microphone is no longer
17 picking up sound or background noise. Once again, if you're
18 experiencing difficulty accessing Webex or with your telephone
19 call-in, or if you've forgotten to sign up 24 hours prior to this
20 hearing, then please call our OZ hotline number at 202-727-5471
21 to sign up to testify and to receive Webex login or call-in
22 instructions. All persons planning to testify either in favor
23 or in opposition should have signed up in advance. They'll be
24 called by name to testify. If this is an appeal, only parties
25 are allowed to testify. By signing up to testify, all

1 participants will complete the oath or affirmation, as required
2 by Subtitle Y 408.7.

3 Requests to enter evidence at the time of an online
4 virtual hearing, such as written testimony or additional
5 supporting documents other than live video, which may not be
6 presented as part of the testimony, may be allowed pursuant to
7 Subtitle Y 103.13, provided that the persons making the request
8 to enter an exhibit explain how the proposed exhibit is relevant,
9 the good cause that justifies allowing the exhibit into the record
10 including an explanation of why the requester did not file the
11 exhibit prior to the hearing pursuant to Y 206, and how the
12 proposed exhibit would not unreasonably prejudice any parties.

13 The order of procedures for special exceptions and
14 variances are pursuant to Y 409. If this is an appeal, the
15 procedures for appeal applications are pursuant to Y 507.

16 At the conclusion of each case, an individual who is
17 unable to testify because of technical issues may file a request
18 for leave to file a written version of the planned testimony to
19 the record within 24 hours following the conclusion of public
20 testimony in the hearing.

21 If additional written testimony is accepted, the
22 parties will be allowed a reasonable time to respond as determined
23 by the Board. The Board will then make its decision at the
24 meeting session, but no earlier than 48 hours after the hearing.

25 Moreover, the Board may request specific information

1 to complete the record. The Board and staff will specify at the
2 end of the hearing exactly what is expected and the date when
3 persons must submit the evidence to the Office of Zoning. No
4 other information shall be accepted by the Board.

5 Once again, after the Board adjourns the hearing, the
6 Office of Zoning, in consultation with myself, will determine
7 whether a full or summary order may be issued. A full order is
8 required when the decision it contains is adverse to a party
9 including an affected ANC. A full order maybe also needed if
10 the Board's decision differs from the Office of Planning's
11 recommendation. Although, the Board favors the use of summary
12 orders whenever possible, an applicant may not request the Board
13 to issue such an order.

14 Finally, the District of Columbia Procedures Act
15 requires that the public hearing on each case be held in the open
16 before the public. However, pursuant to Section 405 and 406 of
17 the Act, the Board may, consistent with its rules and procedures
18 and the Act, enter into A closed meeting on a case for purposes
19 of seeking legal counsel on a case pursuant to D.C. Official Code
20 Section 2-575(b) (4) and/or deliberating on a case pursuant to
21 D.C. Official Code Section 2-575(b) (13), but only after providing
22 the necessary public notice and in the case of an emergency closed
23 meeting after taking a roll call vote.

24 All right. Mr. Secretary, do we have preliminary
25 matters?

1 MR. MOY: Good morning, Mr. Chairman, members of the
2 Board.

3 I do. Number one, as has been customary, I would prefer
4 to call preliminary matters on a specific case application when
5 that case is called, Mr. Chairman.

6 Finally, I do have an announcement for the record for
7 the transcript of cases that were originally on today's docket.

8 Number one. Case Application No. 20435 of 2015 Jackson
9 Street 2019, LLC was -- has been postponed, rescheduled to
10 September the 29th of 2021.

11 Number two. Case Application No. 20483. This is the
12 Application of 1219 Simms Place, NE, LLC has been
13 administratively rescheduled to July 14th, 2021.

14 And finally, we have two applications that have been
15 rescheduled to July 28th. And those two applications are 20348,
16 the application of 51 Friendship Development Partners, LLC and
17 application No. 20354 of Cambridge Holdings, LLC.

18 And that's it for me, Mr. Chairman.

19 CHAIRPERSON HILL: Okay. Great. Thank you, Mr. Moy.
20 You can go ahead and call our first case when you get a chance.

21 MR. MOY: Okay. This, I presume, is the expedited
22 review case, which would be Application No. 20474 of Christopher
23 and Jennifer Leonardo. captioned and advertised for a special
24 exception from the rear yard requirements, Subtitle D, Section
25 306.1. This would construct a two-story addition to an existing

1 detached principal dwelling unit in the R-1A Zone. Property
2 located at 4900 Rodman Street, Northwest, Square 1475, Lot 44.
3 And for the record, the applicants did file their affidavit of
4 maintenance under Exhibit 43.

5 CHAIRPERSON HILL: Okay. Great. All right. So I've
6 gone ahead and -- or we've all reviewed the record, but I reviewed
7 the record, and I didn't particularly have a whole lot of issues
8 with this. I thought -- if you really kind of looked at the
9 design, I thought the program was really interesting. But I
10 thought that it also being a corner a lot in terms of the special
11 exception for the rear yard requirements, I thought that I didn't
12 have an issue with it.

13 In addition to that, the Office of Planning, I would
14 agree with their analysis as well as the approval of the ANC and
15 DDOT and then they have also letters in support from the
16 neighbors, so I'm going to be voting to approve.

17 Commissioner May, are you on this one? Do you have
18 anything you'd like to add?

19 COMMISSIONER MAY: No. I think it's very
20 straightforward and it's very helpful that the applicant has the
21 support of the abutting neighbors.

22 CHAIRPERSON HILL: Okay. Great.

23 Mr. Smith.

24 BOARD MEMBER SMITH: I don't have anything to add. I
25 support your opinion as Mr. May, states, so I'll supporting it

1 as well.

2 CHAIRPERSON HILL: Great.

3 Vice Chair John.

4 VICE CHAIR JOHN: Thank you, Mr. Chairman.

5 I don't have anything to add. I also thought that this
6 was a very straightforward application and would be in a position
7 to support it.

8 CHAIRPERSON HILL: Wonderful.

9 Mr. Blake.

10 BOARD MEMBER BLAKE: I have nothing to add. I think
11 it's perfectly good and in position to support it.

12 CHAIRPERSON HILL: Okay. I'm going to make a motion
13 then to approve Application No. 20474 as captioned and read by
14 the Secretary and ask for a second Ms. John.

15 VICE CHAIR JOHN: Second.

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

18 Mr. Moy, if you could take a roll call.

19 MR. MOY: Thank you, Mr. Chairman.

20 When I call each of your names, if you would please
21 respond with a yes, no, or abstain to the motion made by Chairman
22 Hill to approve the application for the relief requested. The
23 motion was seconded by Vice Chair John.

24 Zoning Commissioner Peter May.

25 COMMISSIONER MAY: Yes.

1 MR. MOY: Mr. Smith.

2 BOARD MEMBER SMITH: Yes.

3 MR. MOY: Mr. Blake.

4 BOARD MEMBER BLAKE: Yes.

5 MR. MOY: Vice Chair John.

6 VICE CHAIR JOHN: Yes.

7 MR. MOY: Chairman Hill.

8 CHAIRPERSON HILL: Yes.

9 MR. MOY: Staff would record the vote as 5-0-0 and this
10 is on the motion of Chairman Hill to approve; motion seconded by
11 Vice Chair John to approve. Also, in support of the motion to
12 approve is Zoning Commissioner Peter May, Mr. Smith, and Mr.
13 Blake. Staff would record the vote as 5-0-0. The motion carries,
14 sir.

15 CHAIRPERSON HILL: Thank you, Mr. Moy.

16 When you get a chance, Mr. Moy, you can call our next
17 case, which I think is going to have Commissioner Miller, so Mr.
18 May, we'll see you later.

19 MR. MOY: The next case application before the Board
20 in its hearing session now is Case Application No. 19616A of
21 Thomas Jefferson Real Estate, LLC, captioned and advertised as a
22 modification of significance from BZA Order No. 19616, now
23 requesting special exception relief from the loading requirements
24 and the long-term bicycle parking requirements, to change the
25 principal use from an apartment use to an apartment and lodging

1 use, and construct a new, four-story with garage, cellar and
2 penthouse, attached, 49-unit residential building in the NC-6
3 Zone. Property located at 818 Potomac Avenue, Southeast, Square
4 930, Lot 23.

5 Finally, Mr. Chairman, the affidavit of maintenance was
6 filed on Monday, June 28 under Exhibit 33. Other than that, I
7 believe ANC 6B made their filing under Exhibit 34, but I believe
8 it was dated June 29, which would have been yesterday, Tuesday.
9 And I believe also that the ANC Commissioner has signed up to
10 testify as well.

11 So that's it, Mr. Chairman.

12 CHAIRPERSON HILL: Okay. Great. Thank you.

13 So Mr. Moy, the only thing that -- there was a waiver
14 from the notary; is that right, is that the only one? Because
15 otherwise, the ANC doesn't need a waiver, right, because -- I
16 mean they just came in yesterday, right, for the report?

17 MR. MOY: Yeah, yeah.

18 CHAIRPERSON HILL: Okay.

19 MR. MOY: So I think where you are addressing is under
20 Exhibit 28, I believe.

21 CHAIRPERSON HILL: Okay.

22 Mr. Kadlecek, can you hear me?

23 MR. KADLECEK: Yes. Good morning.

24 CHAIRPERSON HILL: Good morning. Could you introduce
25 yourself for the record, please?

1 MR. KADLECEK: Sure. Cary Kadlecek from the law firm
2 of Goulston & Storrs, land use counsel for the applicant. And I
3 have two people from the applicant team with me. Don Malnati,
4 who's the representative of the owner and Katie Wagner from
5 Gorove/Slade Transportation Consultant.

6 CHAIRPERSON HILL: Okay. Great. Thank you.

7 Let's see. Ms. Wagner, can you introduce yourself for
8 the record? You're on mute, Ms. Wagner.

9 MS. WAGNER: Katie Wagner with Gorove/Slade, 1140
10 Connecticut Avenue, Suite 600, Washington D.C.

11 CHAIRPERSON HILL: Great.

12 Mr. Malnati, can you hear me?

13 MR. MALNATI: I can.

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

16 MR. MALNATI: Yes. I don't see my video for some
17 reason, I'm not sure if something's wrong, but my name is Don
18 Malnati. I live at 3700 Connecticut Avenue, Northwest,
19 Washington D.C., and I'm a managing member at Thomas Jefferson
20 Real Estate, LLC.

21 CHAIRPERSON HILL: Okay.

22 Yeah, Mr. Malnati if you can get your camera working,
23 that's great, but if not, that's also all right.

24 Is it Commissioner Oldenburg; is that correct?

25 COMMISSIONER. OLDENBURG: Yes. Hi. This is

1 Commissioner Oldenburg -- Kirsten Oldenburg. I live at 423 12th
2 Street, Southeast.

3 CHAIRPERSON HILL: Okay. Commissioner, are you the SMD
4 as well?

5 COMMISSIONER OLDENBURG: Yes, I am the SMD.

6 CHAIRPERSON HILL: Okay. And you're here representing
7 the ANC, correct.

8 COMMISSIONER OLDENBURG: I am here as the number two
9 representative. The principal representative is Commissioner
10 Holman, who is also on this call.

11 CHAIRPERSON HILL: Oh. Great. Okay.

12 COMMISSIONER OLDENBURG: He is the Chair for our
13 Planning and Zoning Committee.

14 CHAIRPERSON HILL: Okay.

15 Commissioner Holman, can you hear me?

16 COMMISSIONER HOLMAN: I can. Yes.

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

19 COMMISSIONER HOLAMN: Yeah. Hi, Commissioner Corey
20 Holman for 6B06 and Chair of ANC 6B's Planning and Zoning
21 Committee. And I'm going to try to stay on video, but I may not
22 be able to.

23 CHAIRPERSON HILL: That's all right. That's all right.
24 Okay. Great.

25 Okay. Mr. Kadlecek, I guess -- first of all, in terms

1 of the notary. I know that the issues, I guess has been --
2 because of the pandemic, you're having a hard time with that
3 notary, correct?

4 MR. KADLECEK: Yeah, that's right. The notaries really
5 still aren't very available.

6 CHAIRPERSON HILL: Okay. All right. So I don't have
7 a problem, unless the Board does, waiving that requirement. And
8 so if anybody has a problem, raise your hand. I don't see anyone.
9 Okay. Great.

10 All right. So Mr. Kadlecek, you can go ahead and give
11 us your presentation. I'm going to put 15 minutes on the clock.
12 Is there a clock, Ms. Mehlert, or no?

13 MS. MEHLERT: No, we don't have one today. I'm sorry.

14 CHAIRPERSON HILL: That's all right.

15 And Ms. Mehlert, I apologize. How do you pronounce
16 your last name again?

17 MS. MEHLERT: Mehlert, sir.

18 CHAIRPERSON HILL: Mehlert. Okay. So I'm totally
19 getting that wrong. All right.

20 Okay. Mr. Kadlecek, so, I guess I'll kind of keep you
21 informed as to how much time kind of where we are, but --

22 MR. KADLECEK: Sure.

23 CHAIRPERSON HILL: -- if you can kind of walk us through
24 your presentation and why you believe, again, your client is
25 meeting the requirement for us to grant the relief requested. I

1 | guess, there are the Commissioners on the hearing and there was
2 | -- you've read the report I know. And then kind of like the
3 | different conditions or kind of like what they're speaking about
4 | or what kind of -- you can kind of talk through that, and they'll
5 | have an opportunity to also talk to you about it and we'll see
6 | where we get with that, but you can begin whenever you like.

7 | MR. KADLECEK: Sure.

8 | And also, just -- we don't have a visual presentation,
9 | but I think it would be helpful to pull up Exhibit 7, which is
10 | the site plan.

11 | CHAIRPERSON HILL: Okay.

12 | Keara. I'm just going to call you Keara because I've
13 | already forgotten. I apologize.

14 | Keara, can you pull up No. 7?

15 | MS. MEHLERT: Sure. Give me one second.

16 | MR. KADLECEK: All right. Great. Perfect.

17 | Again, thank you, Chairman Hill, and Members of Board.
18 | Again, I'm Cary Kadlecek, land use counsel for the applicant in
19 | this case.

20 | This application, as you heard, is a modification of
21 | significance to change the principal use of the building subject
22 | to a previous BZA approval. In particular, we are seeking to
23 | change the principal use from residential to lodging and be
24 | associated to special exception relief, one from the loading
25 | requirements for lodging use and one from the shower and locker

1 requirements associated with long-term bike parking -- that's
2 also associated with the lodging use.

3 As you can see in the record, we're pleased to have the
4 support of the Office of Planning, DDOT and the ANC with
5 conditions, which I will address, as well as support letters from
6 20 neighboring businesses.

7 First, I'm going to address the change of use relief
8 that we're asking for and then Ms. Wagner will address the loading
9 and shower relief. So just as a bit of brief background. In
10 2017, the Board approved relief for the lot occupancy ground
11 floor designated use and penthouse setback requirements to allow
12 the construction of a new apartment building with 49 market rate
13 units. That order was then issued and effective in early 2018.
14 The building has been under construction since July 2019 and it's
15 very near to completion.

16 But the reason that we're here today is because the
17 market rate, rental market, for what was originally planned in
18 this building has declined in this sub-market pretty
19 significantly since the BZA approval more than three years ago.
20 So the owner sought a new way to fill the building and to activate
21 it in this area of the neighborhood, in particular more quickly.
22 And so what is now being proposed is to operate the building as
23 a lodging use to rent out the units as furnished short term. So
24 basically, allowing the ability to rent it out, rent out the
25 units as lodging units from as little as one night to more. It

1 | is master lease -- it will be master lease, I should say, to an
2 | organ -- a company called Sonder, which operates these types of
3 | short-term rentals as lodging.

4 | One thing to note about the use that we are requesting
5 | to change to, is lodging use is permitted as a matter of right
6 | in this zone, but because of the particularity of Subtitle A,
7 | Section 304.10(d), because we are changing the principal use from
8 | that identified at the time of the BZA application, it does
9 | require BZA approval. But again, it's not a special exception,
10 | it's not a variant, it is a permitted use. It's just that we're
11 | changing from what was originally identified in the BZA
12 | application. Nothing about the building will change from what
13 | was approved. The building structure, layout, massing, everything
14 | is exactly the same as approved, so really the only difference
15 | is the use.

16 | There will not be any onsite staff and there will not
17 | be any accessory uses such as a restaurant or anything that might
18 | normally accompany a lodging use, so it is just the units
19 | themselves. And the only staff that will be coming to the
20 | building are the periodic cleaning crew and periodic maintenance
21 | crew.

22 | And one last thing I want to point out is this zone was
23 | exempt from IZIS and was exempt from IZ, or actually that just
24 | changed, but at the time -- so there's no loss of affordable
25 | housing in this case. It was all market rate units that are now

1 being proposed for lodging use.

2 The change for lodging use necessitates relief from the
3 loading and shower requirements. For residential use, those were
4 not required, but for loading use, they are required, so that's
5 why we're seeking that relief as well.

6 And then I'll touch briefly on the ANC conditions, and
7 I'll of course let the Commissioners explain more themselves.
8 When we reached out to the ANC to discuss what we're proposing
9 here today, they had some concern about changing the use because
10 at the time, of course, that we had the original BZA approval as
11 was residential use, they had some concern to make sure that
12 there was no adverse impacts from the lodging use as opposed to
13 the residential use, which we thought was a reasonable concern.

14 So the compromise that we worked out was that there
15 would be this -- what we'll sort of call "look back" period, that
16 gives the ANC the opportunity to look back and make sure in four-
17 and-a-half to five years from now that there are no adverse
18 impacts on the neighborhood from this use, but our position was
19 well because this uses otherwise matter of right use, and if
20 there are no problems with the operation of this building, we
21 shouldn't automatically have to go to the BZA, which the ANC
22 thought that was a reasonable position as well. And so the
23 condition that you'll see in the ANC's report is what we agreed
24 to basically allow the ANC to pass a resolution if they believe
25 that there are problems with the operation of this building in

1 five years from now, then we would be required to come back to
2 the BZA. But if not, if the ANC doesn't pass such a resolution
3 because the operations of this building are not problematic for
4 the neighborhood, which, of course, we expect it would not be,
5 then there would be no term limit on the use.

6 So with that, I'm going to let Ms. Wagner speak to the
7 special exception relief and then we will be available for
8 questions.

9 MS. WAGNER: Yes. So we worked with DDOT to address
10 both the loading relief and the shower and locker relief. We
11 have created a loading management plan to address the loading
12 relief, specifically trash operations. As discussed before,
13 there is very little loading activity anticipated onsite as there
14 are no onsite employees. And then any cleaning crews or
15 maintenance crews will be bringing their own equipment. And so,
16 there is no anticipated need for loading activities associated
17 with those users as well as they will be coming with their
18 equipment so they will not be biking to and from the site, so
19 the need for showers and lockers will not be needed.

20 In addition, the loading relief was requested as an
21 additional curb cut to accommodate loading would violate DDOT
22 policy and the fact that it would be providing the second curb
23 cut as well as there is limited site frontages to accommodate the
24 60-feet from the nearest adjacent intersection.

25 And then as I spoke, we have worked with DDOT to create

1 a TDM plan to address the relief for both the showers and lockers
2 as well as the loading management plan for the loading relief.

3 MR. KADLECEK: That concludes our presentation, so
4 we're happy to answer any questions from the Board.

5 CHAIRPERSON HILL: Okay. Thanks, Mr. Kadlecek.

6 Keara, could you drop the slide? Thanks.

7 All right. Mr. Kadlecek again, what's the name of the
8 company that does this?

9 MR. KADLECEK: They're called Sonder. They operate a
10 couple of buildings in the District, including the one next door
11 to this, that the applicant also owns. So they actually have
12 some good empirical operational data about how these types of
13 projects operate and they're pretty quiet. I think most people
14 probably wouldn't even know that that this is (indiscernible).

15 CHAIRPERSON HILL: Like is this Mr. Malnati that
16 represents that company, or no?

17 MR. KADLECEK: No. Mr. Malnati is the owner of the end
18 developer. We don't have somebody from actually Sonder here.

19 CHAIRPERSON HILL: That's fine. I'm just curious. I'm
20 just going to ask a quick question, Mr. Kadlecek. So what --
21 how do they -- how do people get in and out of there?

22 MR. KADLECEK: It's all virtual. So the doors all have
23 codes that are particular and all of their -- I've actually stayed
24 at one, so I can speak a little bit to it, and then Mr. Malnati
25 can speak to the building next door who also operates this one.

1 | It's all virtual. So when you check in, you're given a code to
2 | unlock the door. All customer service is either through phone
3 | or text. So there's just -- it's all a virtual sort of touch
4 | list type of check in and customer service type process.

5 | CHAIRPERSON HILL: Got it. Wow. Incredible.

6 | Okay. Does anybody have -- I mean I'm interested in
7 | hearing from the ANC, but does anybody have any questions for Mr.
8 | Kadlecek?

9 | Commissioner Miller.

10 | COMMISSIONER MILLER: I'm also -- thank you, Mr.
11 | Chairman.

12 | I'm interested in hearing from the ANC as well. But
13 | Mr. Kadlecek and others, thank you for your presentation.

14 | My question is, I thought I saw on the written statement
15 | of the applicant, but I didn't hear it in your presentation today
16 | that you also are -- are you still requesting flexibility to
17 | convert back to lodging if the market conditions warrant that in
18 | the owners of -- or the applicant's viewpoint?

19 | MR. KADLECEK: Yes. And thank you for reminding me of
20 | that.

21 | They do want the ability to go back to residential use
22 | in the event that the market conditions are allowing that. They
23 | would have a -- I know they would have a minimum five-year lease
24 | with Sonder, which is sort of how we came up with this five-year
25 | look back period with the ANC. But yes, we do want that

1 flexibility, so that if six years from now, they decide they want
2 to go back to residential, we don't have to come back to the
3 Board again. But that was, of course, the approval back in 2017.

4 COMMISSIONER MILLER: So I can see how you would want
5 that flexibility and I think the community might want the
6 flexibility because I think they preferred the residential over
7 the lodging, but both are permitted uses in this zone. But you
8 may not want the flexibility after I say the next thing I'm going
9 to say.

10 So you did make a statement that inclusionary zoning
11 did not apply at the time of the original 2018 -- '17, '18 order.
12 The Zoning Commission has taken action to remove that exemption
13 for the Barracks Row, Historic District area, which this is in,
14 I think, and two other historic districts in the city. That
15 hasn't taken effect yet, I don't believe. But it's going to take
16 effect probably this year, although they're vesting their rules
17 about when it takes effect, delayed rules, I think.

18 But I would -- I think we need a -- if you want that
19 flexibility, I think we need a condition that -- an express
20 condition approving the flexibility that note that the applicant
21 at that -- if you exercise that flexibility, you're converting --
22 -- well, there should be an express condition of approval that
23 notes the applicant has applied to convert the entire residential
24 use, a permitted use to a non-residential lodging use, a permitted
25 use. But if you exercise the flexibility to convert back to

1 residential, that the applicant has to comply with whatever
2 inclusionary zoning is in existence at the time of that conversion
3 back to residential if it's exercised. I don't know if you had
4 any comment on that or are you -- and are you okay with that?
5 This is 49 residential units or was or would be -- was and it
6 would be if you exercise that flexibility in the future. And in
7 the future, inclusionary zoning would apply to residential
8 projects in this area. So do you have any comment?

9 MR. KADLECEK: Yeah. Well, I guess my only thought is
10 and I don't know, we haven't gone through the exercise of thinking
11 about how that inclusionary zoning change may apply here. But I
12 guess if it's the case that the regulations are written in such
13 a way that it would apply in that case, I don't know that there's
14 anything that we could do to get out of it. But if the project
15 is still grandfathered under having a prior BZA and HPRB approval,
16 I would think that would still carry through to exempt it. But
17 I again, I don't -- I haven't looked at the specifics of that.
18 So I guess what I'm saying is if the regulations apply, then they
19 apply and that's, you know, that's the way it goes. But I'm not
20 -- I guess I'm not following whether you're asking for explicitly
21 to apply regardless, or you're just saying we have to comply with
22 whatever the regulations are at the time?

23 CHAIRPERSON HILL: You're on mute, Commissioner Miller.

24 MR. KADLECEK: You're on mute.

25 COMMISSIONER MILLER: Thank you. I am saying both Mr.

1 Kadlecek, that yes, you do have to -- would have to comply with
2 the regulations, the inclusionary zoning regulations at the time
3 of any conversion back to residential and I think we need to be
4 explicit that they would apply. This is the BZA that interprets
5 the Zoning Regulations.

6 I know the Zoning Commission in cases of modifications
7 of significance that have come back to us for Zoning Commission
8 PUDs, for example, that were adopted prior to inclusionary zoning
9 applying for whatever reason in that particular PUD, that we've
10 taken the position that at that time of modification of
11 significance, which is what we're here today for, that includes
12 the inclusionary zoning applied, it didn't -- there's no
13 grandfathering, it continues onward.

14 When a modification of significance is being asked for,
15 the regulations at the time apply. So I would like it to be an
16 explicit condition of approval. We can -- I can hear more from
17 my other colleagues or maybe we can hear from OAG at some point,
18 but that's just my comment on that or my question on that.

19 I have questions about this look back condition, but
20 I'll wait to hear from the ANC and ask it if other colleagues
21 don't ask questions about the look back condition. I see why
22 that would be useful thing and I just don't know if we can do
23 it. So I'd be interested to know -- it's like a springing
24 condition that may get sprung or may not get sprung. I just --
25 I'm not familiar with that happening in other cases. Are you

1 familiar with it happening in other cases?

2 MR. KADLECEK: Not this, exactly. We did speak to OAG
3 in the past couple weeks about this to kind of make sure that it
4 was something that could, in theory, be included in the order
5 because the ANC was concerned that if we agreed to some sort of
6 condition that it could be included in the BZA order. And so we
7 did try to vet that ahead of time to make sure that it could be.

8 But to answer your question more directly, Commissioner
9 Miller. So I've worked on a case where it wasn't exactly like
10 this, but it was a similar concept where we didn't have to go
11 back to the BZA as long as certain conditions were met. It was
12 for a charter school where we got some relief for a charter
13 school. And basically, the way that condition was set up was as
14 long as the applicant complied with certain conditions when they
15 went to apply for a C of O, then they didn't have to go back to
16 the BZA, but if they didn't comply, then they did.

17 So it was a similar idea where it wasn't automatic that
18 there was a term limit. It was dependent on satisfying certain
19 conditions. So I think this is similar insofar as if the ANC
20 passes a resolution, we have to go back to the BZA. If they
21 don't pass the resolution, we don't have to go back to the BZA.
22 So that's -- at its base how it's supposed to operate.

23 MR. MALNATI: Could I ask a question?

24 COMMISSIONER MILLER: Thank you. Thank you. Thank
25 you, Mr. Chairman.

1 CHAIRPERSON HILL: Okay. Thanks, Mr. Miller.

2 Mr. Malnati, yes, sure. Go ahead.

3 MR. MALNATI: Okay. So one of the questions I would
4 have is it -- so if we -- if the BZA grants this, our request,
5 and the building use is changed to lodging then -- and the ANC
6 then says after four-and-a-half years, there's some problems or
7 something, and they want us to convert it back to residential,
8 we be sort of -- we would, at that point, be forced to go back
9 to residential; is that what that condition would be?

10 CHAIRPERSON HILL: I thought the condition, Mr.
11 Malnati, and this, we can -- this is going to be a long hearing.
12 We can talk with Mr. Kadlecek. I thought it was that you guys
13 had to come back and argue the point with us that this -- you
14 would have to -- you would be arguing the same case that you're
15 arguing now.

16 MR. MALNATI: Yes.

17 CHAIRPERSON HILL: Is that you're not -- you're still
18 within the regulation and meeting the standards for us to grant
19 this relief, it's just that the ANC might be opposed, or they
20 would have some new conditions that they would put forward because
21 they think that there are some adverse impacts that are going on.
22 It doesn't mean -- and Mr. Kadlecek is nodding -- it doesn't mean
23 that you would be forced to go back to residential. Correct,
24 Mr. Kadlecek?

25 MR. KADLECEK: That's right. That's our understanding,

1 is that we would be back at the BZA to make the case to continue
2 the lodging use if the ANC in four-and-a-half years passes a
3 resolution opposing the lodging use. A lot of BZA --

4 CHAIRPERSON HILL: Right. And Mr. Kadlecek you already
5 -- and I'm going to stop.

6 And Mr. Malnati, I'm just saying you guys -- this
7 company already runs something in this ANC, correct?

8 MR. MALNATI: Yes, that's right.

9 CHAIRPERSON HILL: Okay. All right. Let me move on a
10 little bit first here.

11 So does anybody have any more questions for Mr.
12 Kadlecek?

13 And we're going to talk about Mr. Miller's question,
14 and I think it's a valid question and we can talk that through
15 with OAG.

16 Does anybody else have any questions for Mr. Kadlecek
17 before I turn to the Commissioners?

18 MR. MALNATI: I have one more question I'd like to ask?
19 Is that okay.

20 CHAIRPERSON HILL: Okay, Mr. Malnati. Go ahead.

21 MR. MALNATI: Okay. So my question is so, we are at
22 the BZA now to change the use of the building to lodging. So if
23 in the future we wanted to change it to residential, is that a
24 BZA process as well or -- I mean like if we purchased a hotel,
25 for example, and there was a C of O there for a hotel and we just

1 | wanted to rent it out as apartments, is that automatic or do we
2 | have to actually change that use, and if so, what's the process
3 | for that?

4 | CHAIRPERSON HILL: Mr. Kadlecek, you want to answer
5 | your client's question?

6 | MR. KADLECEK: Well, I think that was the whole genesis
7 | of asking for the flexibility because -- so I think it -- this
8 | all gets complicated by this provision in the zoning regulations
9 | that says when you're changing the principal use of a building
10 | that was approved by the BZA, you have to ask the BZA to do that.
11 | So that was the genesis of us asking for the flexibility to say,
12 | okay, in seven years if the building wants to go back to
13 | residential that we can just do it and not have to go back to
14 | the BZA again to go back to residential.

15 | CHAIRPERSON HILL: Okay. So I'm going to ask -- we're
16 | going to talk this all through with OAG because there might be a
17 | hiccup to this, which is whether or not we're going to try to
18 | figure out whether we're going to make you have to comply with
19 | IZ, one way or the other, right? So that's another thing, Mr.
20 | Malnati. And you can call Mr. Kadlecek on the cell phone right
21 | now, if you want to -- get a little -- no, I'm being serious.

22 | MR. MALNATI: All right. All right.

23 | CHAIRPERSON HILL: Just like get a little bit more
24 | clarity on the whole IZ thing, right.

25 | Mr. -- Commissioner Holman, are you there?

1 Commissioner, can you hear me?

2 COMMISSIONER HOLMAN: I can. Yes.

3 CHAIRPERSON HILL: Okay. Great. I'm sorry. I just
4 lost you.

5 So were you able to follow everything? Could you hear
6 everything that Mr. Kadlecek said about the conditions that you
7 guys were talking about?

8 COMMISSIONER HOLAMN: Yes, I was.

9 CHAIRPERSON HILL: Is that accurate representation?

10 COMMISSIONER HOLMAN: That is an accurate
11 representation, yes. And that's our understanding too about --
12 whether you have to come back to the BZA. Yes, it is an accurate
13 representation.

14 CHAIRPERSON HILL: Okay. Because I'm going to have to
15 talk through with our counsel as to how that works, but I just
16 wanted to understand.

17 Commissioner Oldenburg, do you have anything else you'd
18 like to add or Commissioner Holman?

19 COMMISSIONER HOLMAN: I would like to add a couple
20 things before Commissioner Oldenburg if he'd -- if she would --
21 if she'd indulge me.

22 I think I just wanted to highlight the condition number
23 one on our letter was ensuring that there was no ancillary use
24 that would generate loading. I think the applicant agreed to it.
25 I just wanted to sort of highlight that sort of as a condition

1 for the loading relief.

2 Related to the use, one of the things we keep talking
3 about is lodging is a by right use and I don't mean to sound like
4 you, Mr. Chair, but it wouldn't be here if it weren't a by -- if
5 it were a by right use, right? Our first review of the
6 application was predicated on it being a residential project. I
7 think had it been a lodging use the sort of discussion about the
8 sort of I forget -- the designated uses on the ground floor would
9 have been different, had it been a hotel and not a residential
10 building. I think our discussion on the lot occupancy could have
11 been different.

12 So I just want to like stress that our ANC is not
13 looking at this as one by right use versus the other. It is a
14 project that was reviewed under one use that is changing. We
15 would hate that the precedent would come in where a residential
16 building can be approved and then convert it to a hotel because
17 our ANC would be more lenient on a residential use, if you will.
18 So that's sort of where we are on the use issue. We understand
19 the sort of regulations in a by right project, but this isn't a
20 by right project, so that's why we're here.

21 And I just wanted to again reiterate that we do support
22 the four-and-a-half year and five-year look back sort of review.
23 So Commissioner Oldenburg is (indiscernible) that. I can hear
24 it; otherwise, we can do done.

25 CHAIRPERSON HILL: Commissioner Oldenburg, do you have

1 anything you'd like to add?

2 COMMISSIONER OLDENBURG: No, I don't really. I think
3 everything we need to say is in our letter. It's very
4 comprehensive, so I didn't want to read it to you. I just
5 appreciate the BZA hearing this case.

6 And I just would like to make one remark from my
7 perspective as the SMD Commissioner. I'm fine turning this into
8 a lodging building is going to be detrimental to the neighborhood.
9 But there is no way -- at this point, it seems to be
10 (indiscernible). So thank you very much for your attention for
11 this.

12 CHAIRPERSON HILL: Okay. Thanks, Commissioner.

13 Were you a no vote, Commissioner?

14 COMMISSIONER OLDENBURG: No. I did vote in favor of
15 it given the conditions that the applicant has the need to place
16 on the -- so that we would have an opportunity to come back.
17 It's very difficult to argue impacts on the neighborhood in
18 advance of those impacts occurring. So I just felt that we had
19 to go forward with this deal that would allow us to be -- or the
20 existing ANC to try to rectify things later on, so thank you.

21 CHAIRPERSON HILL: Got it.

22 Commissioner Holman, were you on the original case?

23 COMMISSIONER HOLMAN: I was not, no. But I know --
24 Commissioner Oldenburg was, if she could add color to that
25 discussion.

1 CHAIRPERSON HILL: No. I was just curious.

2 So Commissioner Oldenburg, you were on the original
3 case, correct?

4 COMMISSIONER OLDENBURG: Yes. I was Commissioner on
5 the original case, and we were absolutely delighted that the
6 developers were coming into the neighborhood and building an
7 apartment building. I thought it would be --

8 CHAIRPERSON HILL: Got it.

9 COMMISSIONER OLDENBURG: -- good for the neighborhood,
10 so yes. We have --

11 CHAIRPERSON HILL: Okay. You guys did get a no vote
12 though?

13 COMMISSIONER OLDENBURG: Yes. We have Commissioners
14 who were concerned about the lack of apartment space for
15 residents. I can't remember why the no vote. We also had
16 somebody who abstained who was very concerned about affordable
17 dwellings. Yeah.

18 CHAIRPERSON HILL: Okay.

19 COMMISSIONER HOLMAN: Chairperson Hill, I could just
20 add. The no vote was because in a world in which we all agree
21 there's a housing crisis, removing 49-units off the market was
22 too much for her, so she voted no. So that was a no vote.

23 CHAIRPERSON HILL: Got it. No, I appreciate it. I'm
24 just curious. I was somewhat curious. Okay.

25 Does the Board have any questions for the

1 Commissioners? Okay.

2 I'm going to turn to the Office of Planning.

3 MS. MYERS: Good morning. Crystal Myers for the Office
4 of Planning. The Office of Planning recommends approval and
5 stands on the record of the staff report.

6 CHAIRPERSON HILL: Okay. Let's see. All right.

7 Keara, is there anybody here wishing to testify?

8 MS. MEHLERT: We don't have anyone.

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

10 Jack, Mr. Rice, can you hear me?

11 MR. RICE: Yes, sir.

12 CHAIRPERSON HILL: So in terms of writing the order, I
13 mean I see like the one condition in terms of this accessory use
14 under lodging that would generate a demand for loading, such use
15 would include counter space. You understand that condition and
16 think that that's something that you could write in there, right,
17 if we wanted to include it, correct?

18 MR. RICE: I believe the latter option that the ANC
19 proposed with regard to the five years really being term-limited
20 to five years would be easier, but we could try to figure out a
21 way to put the one in related to the accessory use that is
22 associated with the permitted use. But I think it needs to be
23 noted that those accessory uses are permitted in the zone as a
24 matter of right under the regs.

25 CHAIRPERSON HILL: Right. Anyway, so you could figure

1 something out is what you're saying, if we wanted to include
2 something like that. Okay.

3 Then in terms of the look back, I don't really know how
4 to -- because the whole point is that if the ANC doesn't have an
5 issue, right, then they don't have to come back here, right. And
6 so is there -- I mean I know what a term limit is. That's --
7 them, they, the applicant has to go through this process again,
8 right? And I guess we, the Board, can figure out whether or
9 not we think just to go ahead and do a term limit. And they have
10 to go -- they have to pay for the lawyer, they have to go through
11 this whole process. So is there a way that you can write a
12 condition for a look back?

13 MR. RICE: Yes, sir.

14 CHAIRPERSON HILL: Okay. All right.

15 Okay. Then finally, I guess, is to Mr. Miller's point,
16 is there a way -- and I don't even know whether Mr. Kadlecsek --
17 we haven't had this discussion yet, so I don't know where we are
18 with this. But is there a way that -- what Mr. Kadlecsek seems
19 to be arguing is that they're changing the use to residential.
20 But if they're -- if the IZ component is then part of the
21 regulations, how they wouldn't necessarily try to grandfather
22 themselves into that. Do you understand what Mr. Commissioner
23 Miller was saying and how that might be written in?

24 MR. RICE: Yes, sir. I think Commissioner Miller is
25 basically asking that a condition be applied that states that the

1 IZ requirements would apply to any flexibility that is exercised
2 to the extent that the IZ requirements are in effect at that
3 time, the flexibility is exercised, and noting that the applicant
4 today is shifting from an entirely residential use to a lodging
5 use.

6 CHAIRPERSON HILL: Okay. All right.

7 Does anybody have from the Board -- and Mr. Kadlecek,
8 I can let you ask questions also -- but does anybody from the
9 Board have any questions for either the Office of Planning or
10 OAG?

11 VICE CHAIR JOHN: Mr. Chairman, I hate to do this on
12 the record, but what is it -- Mr. Rice, what is the rule on which
13 law or which version of the regulation applies for modification
14 of significance? Is it the regulations in effect at the time
15 the modification request is made for the modification of
16 significance, or the regulations in effect at the time the
17 original order was issued? I hate to put you on the spot. But
18 my interpretation is that -- well, I'll let you answer.

19 MR. RICE: Okay. Give me one second. I'll pull up
20 the regs to make sure I speak correctly.

21 VICE CHAIR JOHN: So in this case, we're looking at the
22 modification of significance in terms of converting to lodging.
23 So let's say that the rules change and the IZ requirement is
24 implemented in five years, which regulation is in effect for the
25 applicants? I would think it's the regulation in effect at the

1 | time the application for the modification of significance is
2 | made.

3 | CHAIRPERSON HILL: Hey, guys. Let's do this --

4 | MR. RICE: (Indiscernible.)

5 | CHAIRPERSON HILL: Let's go -- I'm going to interrupt
6 | Mr. Rice. Let's just do a quick closed meeting and talk about
7 | this real quick if that's all right.

8 | Mr. Moy, are you there?

9 | MR. MOY: Yes, I'm here.

10 | CHAIRPERSON HILL: Can you send me the closed meeting
11 | stuff again?

12 | MR. MOY: Okay. I'll have staff do that as soon as
13 | she can.

14 | CHAIRPERSON HILL: Oh. Then I can -- I might be able
15 | to figure it out. I should just have this stuff ready.

16 | MR. MOY: Do you have (indiscernible), do I need to
17 | resend it to you?

18 | CHAIRPERSON HILL: You can send it. I'm just trying
19 | to find it. I mean --

20 | MR. MOY: Just a second, Mr. Chairman. I took --

21 | CHAIRPERSON HILL: Yes.

22 | MR. MOY: Just for a second.

23 | (Pause.)

24 | CHAIRPERSON HILL: Did you send, Mr. Moy? I can't find
25 | it.

1 Okay. I'm Fred Hill, Chairperson of Board of Zoning
2 Adjustment District of Columbia -- no, never mind. That's the
3 one when we're in the closed meeting.

4 Sorry, Mr. Moy you have to send it to me.

5 MR. MOY: Sorry, I was muted. I have -- I just need
6 to get back to my inbox --

7 CHAIRPERSON HILL: Okay.

8 MR. MOY: -- on my system, that's my -- that's what I'm
9 -- that's what I'm challenged with at the moment.

10 CHAIRPERSON HILL: No, that's fine. I should --

11 MR. MOY: And I need the time anyway because I need
12 Keara to set up the link for you.

13 CHAIRPERSON HILL: Oh. Okay.

14 VICE CHAIR JOHN: Mr. Chairman, would you -- could we
15 take a five-minute break?

16 CHAIRPERSON HOOD: We can just -- what?

17 VICE CHAIR JOHN: We can just wait. Okay.

18 CHAIRPERSON HILL: Yeah, let's just wait, I'm sorry,
19 because Ms. John, by the time -- he'll just --

20 VICE CHAIR JOHN: Okay.

21 CHAIRPERSON HILL: Yeah, but I appreciate the thought.
22 I mean, I just have to read this, because I have to read it. We
23 all -- nobody's going to denying it. So I just don't have the -
24 - I printed it off a bunch of times and I just can't -- this
25 virtual world. It's still not done.

1 Mr. Moy, just let me know when you do send it because
2 I'm looking at my files for an old one.

3 MR. MOY: Well, I'll let you know. I completely lost
4 my link --

5 CHAIRPERSON HILL: Wait.

6 MR. MOY: -- in my inbox. So I'm re-establishing my
7 contact.

8 CHAIRPERSON HILL: Okay. Great.

9 Mr. Rice, can you hear me?

10 MR. MOY: Okay. I just sent it to you, Mr. Chairman.

11 CHAIRPERSON HILL: Okay. Never mind. Forget it. Oh,
12 my gosh. Okay.

13 MR. MOY: Did you receive it yet?

14 CHAIRPERSON HILL: I don't know. Hold on. Okay. I
15 got it.

16 MR. MOY: Okay. Cool.

17 CHAIRPERSON HILL: Okay. It's totally printing itself
18 now. Now just ending.

19 Okay. As Chairperson of the Board of Zoning
20 Adjustment, the District of Columbia, in accordance with Section
21 407 of the District Columbia Administrative Procedures Act, I
22 move that the Board of Zoning Adjustment hold a closed emergency
23 meeting on 6/30/2021 for the purposes of seeking legal counsel
24 on a case but not deliberate on a case of 19616A as in apple.

25 Is there a second, Ms. John?

1 VICE CHAIR JOHN: Second.

2 CHAIRPERSON HILL: Mr. Moy, the motion has been made
3 and seconded. Could you please take a roll call?

4 MR. MOY: Thank you, Mr. Chairman.

5 When I call each of your names, if you would please
6 respond with a yes, no, or abstain to the motion made by Chairman
7 Hill to convene an emergency closed meeting with OAG.

8 Zoning Commissioner Rob Miller.

9 COMMISSIONER MILLER: Yes.

10 MR. MOY: Mr. Smith.

11 BOARD MEMBER SMITH: Yes.

12 MR. MOY: Mr. Blake.

13 BOARD MEMBER BLAKE: Yes.

14 MR. MOY: Vice Chair John.

15 VICE CHAIR JOHN: Yes.

16 MR. MOY: Chairman Hill.

17 CHAIRPERSON HILL: Yes.

18 MR. MOY: The staff would record vote as 5-0-0. The
19 motion carries for an emergency closed meeting, Mr. Chairman.

20 CHAIRPERSON HILL: Okay, guys. Keara sent the link,
21 so we'll go ahead, and I'll see it in the little session. Thank
22 you.

23 Mr. Kadlecek, we'll be back in a minute.

24 MR. KADLECEK: Okay.

25 (Whereupon, there was a brief recess.)

1 CHAIRPERSON HILL: Are we all back? Am I missing
2 anybody? Everybody's coming in. Okay. I got that and that. I
3 got Mr. Kadlecek. Okay. I got everybody.

4 All right. Mr. Moy, will you call us back in.

5 MR. MOY: Thank you, Mr. Chairman.

6 After a brief emergency closed meeting with the Office
7 of the Attorney General, the Board is back in session in its
8 public hearing session and the time is now at or about 10:59 a.m.

9 CHAIRPERSON HILL: Okay.

10 All right. Mr. Kadlecek, do you have anything else
11 you'd like to add before I close the hearing?

12 MR. KADLECEK: No, I just wanted to clarify. I was
13 able to talk to my client while you are all having a closed
14 meeting. And we are agreeable to a condition of IZ applicability
15 upon returning to residential as Mr. Miller had proposed to it,
16 so I know that's one of the issues you discussed, but I just
17 wanted to make sure that issue was closed out.

18 And with that, I just want to thank the ANC for all
19 their hard work. We spent a lot of time working with them to
20 come up with these conditions and I know we really appreciate all
21 their hard work on that as well as the advice that we were able
22 to get from Mr. Rice and coming up with that.

23 With that, we have nothing else to add. Thank you.

24 CHAIRPERSON HILL: Okay. Thanks.

25 Does the Board have anything else they'd like to ask,

1 questions before I close the hearing?

2 VICE CHAIR JOHN: I think I wanted to hear from the ANC
3 again to see and clarify their position whether or not they're
4 fully opposed to granting the special exception for the loading
5 and the -- and the showers and so on.

6 CHAIRPERSON HILL: Commissioner Oldenburg, are you
7 there?

8 COMMISSIONER OLDENBURG: Yes, I'm here.

9 CHAIRPERSON HILL: Did you hear the question from Vice
10 Chair John?

11 COMMISSIONER OLDENBURG: No, I'm sorry. The volume was
12 too low. I couldn't hear what she was saying.

13 CHAIRPERSON HILL: Sure.

14 Ms. John, could you repeat yourself? You're on mute,
15 Ms. John.

16 VICE CHAIR JOHN: Can you clarify what the ANC's
17 opposition is to the special exception? Is it that the ANC does
18 not believe that they meet the criteria for granting the special
19 exception?

20 COMMISSIONER OLDENBURG: I believe you're speaking
21 about the lack of a loading (indiscernible) to -- lack of a
22 loading dock and the lack of bicycle and storage and showers.

23 VICE CHAIR JOHN: Yes.

24 COMMISSIONER OLDENBURG: And on the bicycle -- lack of
25 bicycle showers. We had -- we really didn't discuss that. I

1 don't think there was any concern about that. The concern was
2 mainly on the loading -- not having the loading dock. We had
3 questions with the applicant about exactly what kind of services
4 would require trucking in supplies and things. It's not clear
5 to -- it was not clear to me. I'm not going to speak for the
6 whole Commission. It was not clear to me that we really
7 understand this lodging facility and what they will or will not
8 be (indiscernible) in and out. Like, laundry services will have
9 to be provided, so that will -- so that was a question about the
10 loading dock. So that's why we were asking about the condition
11 about no accessory services that would be -- specifically require
12 a loading dock. I hope that's helpful.

13 VICE CHAIR JOHN: Yes. So as a follow up question,
14 with the condition that there are no accessory services help to
15 mitigate that risk?

16 COMMISSIONER OLDENBURG: Yes. We thought that would
17 be -- yes, that would be sufficient.

18 VICE CHAIR JOHN: And did the -- could you clarify the
19 ANC's position on the flexibility or request for flexibility to
20 convert that? Are you -- would the ANC still be opposed if no
21 flexibility was granted by the Board? I don't know where my
22 colleagues are, but I just like to have clarification.

23 COMMISSIONER OLDENBURG: We just -- I don't think we
24 got into that one in great depth, but I've been listening here
25 today. And I must say I'm extremely pleased about this condition

1 | that the Commissioners have been talking about in order to -- if
2 | it reverts to a residential apartment building that IZ would
3 | apply. Because this ANC is very concerned about providing housing
4 | for our residents and also especially affordable housing for our
5 | residents. So that is a condition that, if we would have known
6 | about in advance, we certainly would have been very supportive.

7 | VICE CHAIR JOHN: Okay. So just to clarify, so if
8 | there were a condition of no accessory uses and that the applicant
9 | would comply with any IZ requirements that are in effect at the
10 | time, would that be enough for the ANC to withdraw its opposition
11 | and is that something you're able to speak to now? Would you
12 | need a resolution to --

13 | COMMISSIONER OLDENBURG: I would think that -- our
14 | resolution basically is in support with conditions. And we very
15 | clearly say that if those conditions aren't granted, that we
16 | would not be in support. So that is all I can speak for the ANC
17 | as to what is on our document (indiscernible).

18 | VICE CHAIR JOHN: And if Mr. Chairman would permit me
19 | one more question. And the look back provision was one of those
20 | conditions. So if there is no look back provision, the ANC would
21 | still be in opposition -- would now be in opposition?

22 | COMMISSIONER OLDENBURG: Well, the condition that then
23 | we would be -- we would be in opposition if the Board did not
24 | grant a five year -- just a straight standard five-year term on
25 | the order.

1 VICE CHAIR JOHN: Okay. That clarifies it. Thank you
2 so much.

3 COMMISSIONER OLDENBURG: You're welcome.

4 CHAIRPERSON HILL: Okay. Thanks, Commissioner.

5 All right. Anybody else before we close?

6 Okay.

7 All right. Mr. Kadlecsek, thank you so much for your
8 presentation. And I'm going to close the hearing and the record
9 and excuse everyone from the hearing room.

10 MR. KADLECEK: Sorry, can I just add one thing? I just
11 wanted to be clear that -- on the record -- that our understanding
12 is that the ANC is in support of our application provided that
13 these conditions are satisfied. They were not in opposition as
14 long as those conditions were satisfied. So I just want that to
15 be clear, that we're starting off a place of them supporting it
16 with conditions not opposing.

17 CHAIRPERSON HILL: Got it. Okay.

18 All right. Thanks, Mr. Kadlecsek.

19 All right. Thank you. And the record is now closed,
20 the hearing is closed. Everybody can leave.

21 Okay. I'll start with -- if it's okay, and then I'll
22 let my fellow Board members kind of go around the table.

23 I'm fine with how they have met the requirements for
24 the special exception from loading and the shower and clothing
25 lockers. I mean hearing the -- oh, and I didn't even -- I forgot

1 | about the transportation demand management plan and loading
2 | management plan that DDOT had requested for the applicant and
3 | said that they were going to adhere to those. And so that was
4 | one thing that makes me feel fine with the loading requirements.
5 | As far as the shower and the clothing lockers, I mean I think
6 | that the fact that nobody is on site, I'm also comfortable with
7 | that.

8 | And as the transportation -- I'm sorry. The
9 | transportation person talked about from Gorove/Slade, I feel
10 | comfortable with the relief that's being requested as well as
11 | that from the Office of Planning's -- I'm sorry, the Office of
12 | Planning's report as well as the ANC. However, then that brings
13 | us into all of these different conditions.

14 | So I'll go ahead and start, and then I'll go around the
15 | table that we normally do, which is Commissioner Miller, Mr.
16 | Smith, Vice Chair John, Mr. Blake.

17 | I know we had a little bit of a discussion in our
18 | emergency meeting. We didn't decide anything. We talked about
19 | a bunch of stuff. I'm kind of on the table with a few of these
20 | things, meaning that I want the IZ to be enforced, right. And
21 | so we can talk about this more, but I'll stop, I mean after I've
22 | said my piece. So I want the IZ to be enforced. Now, if that
23 | means that they have to come back and that means that the --
24 | whatever the regulations are at the time, which will include the
25 | IZ, when they convert back to residential, they would be -- IZ

1 | would be enforced. But I'm also fine with the way they have --
2 | we can write the condition wherein they would be -- if they flip
3 | back to residential, even though they're going for a matter right
4 | use to a matter of right use, they can go back to the matter
5 | right use but then they would have to adhere to whatever IZ
6 | regulations are in place at the time. I'm even fine, I guess
7 | with the ANC conditions because I guess there's a way that we
8 | can do this, and the ANC will feel comfortable at least getting
9 | an opportunity to look at how this relief that's requested as to
10 | whether or not it's affecting them. So that's kind of my
11 | thoughts, and I'll go with Commissioner Miller next.

12 | COMMISSIONER MILLER: Mr. Chairman, I'll defer to my
13 | fellow Board members and if you come back to me, if you don't
14 | mind.

15 | CHAIRPERSON HILL: Okay. Well, let's start off. Let
16 | me start a different way.

17 | Mr. Smith, what are your thoughts?

18 | BOARD MEMBER SMITH: I agree with you, Chairman Hill.
19 | I'm kind on the fence, to be completely honest with you. I do
20 | want the applicant to comply with the IZ conditions phase -- that
21 | would be on the books at the time of the conversion. So I'm
22 | going to be fine with the condition just as you stated and we
23 | can put it in the order, or if they were to come back at a
24 | particular time, they will be required to be in compliance with
25 | that IZ condition -- for the IZ requirement.

1 Now, if we want to make that airtight, then I guess
2 (indiscernible) a condition right now if we were to grant this
3 special exception would be more beneficial and more beneficial
4 to the ANC because it locks the applicant into that particular
5 position, so I think I'm fine with that particular condition.

6 I do believe that the application does meet the special
7 exception requirements and granting the special exception for the
8 long-term bicycle parking requirements, the showers and clothing
9 lockers would make it easier to convert back ever -- if this
10 project, if it's ever converted back in the future to residential.
11 When it comes down to the ANC's conditions, I'm still on the
12 table with that and I would love to hear from my other colleagues
13 about their positions (indiscernible).

14 CHAIRPERSON HILL: Okay. Let me go to Mr. Blake next.

15 BOARD MEMBER BLAKE: Sure.

16 First of all, I'm in complete support of the special
17 exception request for both the loading and for the shower
18 (indiscernible).

19 As it relates to the issues on IZ, I think that over
20 time, the prevailing laws should apply whatever that might be
21 with regard to IZ when they come back for the conversion request,
22 if they do, through a modification of significance.

23 As it relates to the flexibility for the -- let's see,
24 the flexibility that they're requesting for to review the issue.
25 That agreement, I'm not sure needs to be in our order itself

1 | because it's an agreement between the ANC and the applicant, and
2 | I'm not sure that that needs to be actually in our order to do
3 | that, so that's my only thought there. I would be comfortable
4 | not supporting that, for that reason, I don't think it needs to
5 | be there. And if I'm incorrect, please correct me, I want to
6 | make sure I'm clear on that. But I do think I'd be comfortable
7 | with the prevailing laws applying, which I think would apply
8 | under the modification. And again, I'm very comfortable with the
9 | special exceptions themselves.

10 | CHAIRPERSON HILL: Okay.

11 | Just for prior clarification, I believe, Mr. Blake, and
12 | this is what is on the table that we're talking about. If we
13 | put a condition in there that said that they could revert back
14 | to residential, they wouldn't have to come to us. The condition
15 | is that -- there's two things on the table. If we granted the -
16 | - if we made this condition, it would say you can flip back to
17 | residential, which is a matter of right use and you don't have
18 | to come back to us, but you have to comply with the IZ. That's
19 | one thing that we're talking about.

20 | The other is that we don't put the condition in there
21 | at all and they have to come back to us because it's in the
22 | regulations, so to go from the matter of right use to the matter
23 | of right use. So those are the two things that I think we're
24 | still on the table with and we're still kind of hashing out. And
25 | as the other thing that you're saying as to the ANC, I guess we

1 | can ask Mr. Rice, but I guess what I'm confused by, or not really
2 | confused by, is that if we don't grant these conditions, it sounds
3 | as though the ANC is now therefore in opposition and flips it
4 | into a full order. So there's a bunch of stuff kind of on the
5 | table here.

6 | But Mr. Rice, you can opine on what Mr. Blake asked,
7 | which was that is it an agreement directly with the ANC and the
8 | applicant. And also, that if we don't get these conditions, then
9 | the ANC is now in opposition. So those are two things that maybe
10 | Mr. Rice you can think about.

11 | Okay. Ms. John, do you have thoughts?

12 | VICE CHAIR JOHN: So I think this is a very
13 | straightforward application for special exception relief. And I
14 | think the applicant did a good job of showing how the application
15 | meets the criteria. So the only complication here is the request
16 | for -- is the ANC's, in my view, opposition if the Board does
17 | not grant the two conditions.

18 | So I am not in favor of the look back provision because
19 | I think it deprives the Board of the jurisdiction to review
20 | whether or not at the time of future application, whatever time
21 | that is, the applicant would still be able to meet the special
22 | exception criteria for moving from one permitted use to another.
23 | It's not that it's a matter of right. If it's a matter of right,
24 | the application does not come to the Board. But the Board has
25 | the authority to look at that particular time at all of the

1 conditions to see whether or not the application -- the applicant
2 can meet the conditions for the special exception criteria. I
3 know it is more convenient to the applicant and the ANC to put
4 this provision in, but I believe the Board would be introducing
5 a new process that allows the ANC and the applicant to decide in
6 a particular case whether or not the permitted use is being met.

7 I think that the ANC is still able to do what happens,
8 in any other situation, to petition the Board to enforce the
9 order as any other opposing party would do. Although the ANC,
10 there is some issue whether this is -- ANC is in opposition. As
11 far as I can understand it, unless the Board grants these two
12 conditions, the ANC is opposed. So those are my thoughts. I
13 think the IZ requirement can be easily resolved by requiring that
14 the applicant would comply with whatever IZ regulations are in
15 effect at the time of any future application for modification of
16 significance, and so those would be my thoughts.

17 I would support granting the application for special
18 exception, because that's what's before us with two conditions,
19 that there should be no accessory uses as the ANC has requested.
20 And that the applicant -- well, we don't need the IZ condition
21 at that point, so just the one condition. I hope I didn't confuse
22 you.

23 CHAIRPERSON HILL: No, I understand. And I knew -- we
24 might not all agree on this and that's fine, like we're all --
25 we've all been working together a long time. We're all colleagues

1 | and we just might not agree on this. But as far as the condition
2 | -- I think we're all agreeing that this is meeting the standards,
3 | we're just trying to figure out what we think of the conditions.

4 | All right. Commissioner Miller.

5 | COMMISSIONER MILLER: Thank you, Mr. Chairman.

6 | I think this is kind of a straightforward case too,
7 | because the applicant has agreed to the conditions that the ANC
8 | put in their resolution. And that will -- and that was -- that
9 | included the prohibition of accessory uses associated with
10 | lodging, and the applicant has agreed to that. And it included
11 | the -- either a look back provision where the ANC gets to weigh
12 | in and if they oppose, then it comes -- it has to come back to
13 | the Board, or -- and I think we had advice that, even though I
14 | haven't seen that type of condition, and I share Ms. John's
15 | concern about transferring our jurisdiction to an ANC, that's an
16 | advisory. So I would -- so I think on the ANC's concerns which
17 | the applicant has agreed to, I think I would be more comfortable
18 | with the either the -- with the conditions being written into the
19 | order, including the prohibition on accessory uses associated
20 | with lodging that would generate loading demand, and either a
21 | term limit of five years, because the ANC was very clear that
22 | they either want that term limit of five years, so they can see
23 | how this lodging is impacting the neighborhood or they want this
24 | look back, so that's where I am on those conditions.

25 | I would prefer to have -- I think it'd be probably

1 cleaner to have the four -- the five-year term limit on the
2 prohibition on accessory uses and tie that to the loading, that's
3 where they're concerned about in terms of the lodging, so that
4 could be written into the order. I guess I would prefer that,
5 either the term limit or the look back if we -- if that is doable,
6 but I think I prefer the term limit because I think it's cleaner.

7 And on the flexibility that they're requesting for --
8 to convert from lodging use sometime in the future to all
9 residential as originally applied for in the 2017 case, I'm in
10 favor of giving -- having in the order and we heard this through
11 the testimony of the ANC, and I think it was my colleagues, I
12 think we're -- I'm in favor of giving them the flexibility to
13 convert back to all residential and comply -- as part of that
14 flexibility, comply with the IZ regulations that are in effect
15 at the time of that conversion. That would facilitate housing,
16 which is what was originally proposed here. It would facilitate
17 affordable housing because IZ will certainly be in effect at the
18 time of this future conversion if it were to happen back to
19 residential, so I'm in favor of that being written into the order.
20 And that's where I am, Mr. Chairman. I don't know if that -- I
21 hope that's clear where I am. I don't know how -- (indiscernible)
22 what everybody else said, but that's where I am.

23 CHAIRPERSON HILL: Okay. No, that's great. We do a
24 lot of these cases all the time and I tell people that we do --
25 it's like, we're usually here for the gray area, right. So now

1 we're currently in the gray, right.

2 COMMISSIONER MILLER: Mr. Chairman, one other thing I
3 didn't say. The applicant is in agreement, they came back after
4 our closed meeting, and said they're in agreement with adding a
5 condition to the flexibility that if they converted back to
6 residential to comply with IZ, so the applicant is in agreement
7 with all of these conditions. And I think we could move forward,
8 if we somehow meet those -- write those conditions into the order.

9 CHAIRPERSON HILL: I got you. So let's see where we
10 get. I have two questions for Mr. Rice, and then I'm just going
11 to make a motion and see what parts fails and what part succeeds
12 and whatever, and everybody can ask whatever they want before I
13 make a motion. And then you all can make -- by the way, you all
14 can make motions also, right.

15 And so, Mr. Rice, can you hear me?

16 MR. RICE: Yes, sir.

17 CHAIRPERSON HILL: Just to be clear. I'm a little --
18 I mean I'm agreeing with Ms. John in a lot of ways, but I don't
19 know if I'm going to vote her way today. That you can do some
20 kind of look back thing. Like this is -- it seems a little weird.
21 But you think you are going to be able to write something that
22 would make this five-year term limit thing, they have to go back
23 to the ANC. And I agree with Ms. John, by the way, like this
24 feels like we're giving some of our responsibility to the ANC and
25 so I kind of don't know about that myself.

1 But Mr. Rice, you're saying you can write that in,
2 correct?

3 MR. RICE: Yes, sir.

4 CHAIRPERSON HILL: Okay. And then you can write
5 something in there that says that if they do go back to the matter
6 of right use, they would have to comply with whatever IZ
7 regulations were in effect when they flip back to that use,
8 correct?

9 MR. RICE: Yes, sir.

10 CHAIRPERSON HILL: Okay. All right.

11 Well, I'm going to then make a motion. If you all got
12 any questions before I make a motion, let's see what happens?

13 Okay. So I agree with Ms. John with what she's saying
14 in a lot of ways; however, everybody is in agreement with these
15 -- and I understand why they're having the conditions there.
16 Like, the conditions actually the ANC did mention they had
17 concerns about the loading requirements. And then also that the
18 ANC if this were here before them with the hotel -- whatever this
19 is, this is not hotel use, but this is short term lodging kind
20 of use, they might not have been as in favor as they were when
21 they were there when it was residential. However, I am kind of
22 a little uncomfortable with this look back thing and that the ANC
23 is kind of taking -- we're giving off some of our response --
24 just because kind of like giving up some of our responsibility
25 to the ANC, so it seems a little messy.

1 So even though I don't really want to do it, this is
2 kind of going to be my motion and let's see what happens. Okay.
3 I'm going to make a motion to approve Application No. 19616A,
4 with the conditions of DDOT's loading management plan and
5 transportation demand management plan, including the condition
6 from the ANC that the order shall prohibit all accessory use
7 allowed under lodging use that would generate demand for loading.
8 Such would include conference space, restaurant use and the like,
9 something that increases the demand for loading, and a five-year
10 term limit. They have to come back to us in five years to get
11 this thing re-approved. And the condition that if they go back
12 to residential use, at the time that they go back to residential
13 use, they don't have to come back before us to do that, but they
14 do have to comply with whatever the IZ regulations are in effect
15 at the time. And I'm going to ask for a second. Does anybody
16 want to raise their hand and second it?

17 VICE CHAIR JOHN: Second.

18 CHAIRPERSON HILL: Ms. John, second me. Well, then
19 there you go. The motion has been made and seconded.

20 And Mr. Moy, you want to go ahead and take a roll call?

21 MR. MOY: Thank you, Mr. Chairman.

22 When I call your names, if you would each respond with
23 a yes, no, or abstain to the motion made by Chairman Hill to
24 approve the application for the modification of significance that
25 includes the two requested special exceptions, and the other --

1 as well as the other conditions as cited by the Chairman, which
2 I will not recite unless you want me to. The motion was seconded
3 by Vice Chair John.

4 Mr. Smith.

5 BOARD MEMBER SMITH: Yes.

6 MR. MOY: Mr. Blake.

7 BOARD MEMBER BLAKE: Yes.

8 MR. MOY: Zoning Commissioner Rob Miller.

9 COMMISSIONER MILLER: Yes.

10 MR. MOY: Chairman Hill.

11 CHAIRPERSON HILL: Yes.

12 MR. MOY: Vice Chair John.

13 VICE CHAIR JOHN: Yes.

14 MR. MOY: Staff would record the vote as 5-0-0, and
15 this is on the motion made by Chairman Hill. The motion had been
16 seconded by Vice Chair John. Also, in support of the motion to
17 approve along with the conditions is Zoning Commissioner Rob
18 Miller, Mr. Smith, Mr. Blake, Vice Chair John, and Chairman Hill.
19 The motion carries on a vote of 5-0-0.

20 CHAIRPERSON HILL: Okay. Thanks.

21 Mr. Rice, can you hear me?

22 MR. RICE: Yes, sir.

23 CHAIRPERSON HILL: I just want to be clear that in the
24 testimony from the ANC, they are still in support as long as
25 there was a time limit. So in other words, they're still in

1 support.

2 MR. RICE: Yes, sir. Yes, sir.

3 CHAIRPERSON HILL: Okay. So this is still a summary
4 order. Okay.

5 MR. RICE: That's correct. And that matches their
6 report.

7 CHAIRPERSON HILL: Okay. Great.

8 Okay. Do you all want to take a break?

9 VICE CHAIR JOHN: Yes.

10 CHAIRPERSON HILL: Okay. Let's do like 15 minutes and
11 we'll come back.

12 All right. Bye, Mr. Miller.

13 COMMISSIONER MILLER: Bye. Have a good day.

14 CHAIRPERSON HILL: Thank you. You, too.

15 COMMISSIONER MILLER: Thank you.

16 CHAIRPERSON HILL: Okay. Is everybody else there? I
17 see Ms. John. Mr. Blake, Mr. Smith. Oh. Okay.

18 MR. MOY: We need Commissioner Turnbull, Mr. Chairman.

19 CHAIRPERSON HILL: Oh. Mr. Turnbull.

20 So Ms. John, can you hear me?

21 VICE CHAIR JOHN: Yes, Mr. Chairman.

22 CHAIRPERSON HILL: So I had a whole plan as to how 2:30
23 was going to work out. That's still my plan.

24 VICE CHAIR JOHN: Let's not discuss it, Mr. Chairman.

25 CHAIRPERSON HILL: I'm just saying.

1 VICE CHAIR JOHN: This is too painful.

2 CHAIRPERSON HILL: I tried. I tried to do what I can
3 do. Okay.

4 MR. SMITH: There's not a chance.

5 CHAIRPERSON HILL: No, no. I'm saying at 2:30, I'm out
6 and Ms. John is in. Just to let you know how this is going.

7 VICE CHAIR JOHN: What can I say Mr. Chairman.

8 CHAIRPERSON HILL: Okay. Let's see where we get.

9 Commissioner Turnbull, how are you?

10 COMMISSIONER TURNBULL: Just peachy keen.

11 CHAIRPERSON HILL: Great. All right.

12 COMMISSIONER TURNBULL: I enjoyed watching you guys
13 this morning. It was very enlightening.

14 CHAIRPERSON HILL: Great. Good. Well, I'm glad we can
15 teach the Zoning Commission anything we can.

16 COMMISSIONER TURNBULL: I am an easy learner.

17 (Whereupon, the above-entitled matter went off the
18 record and then resumed.)

19 CHAIRPERSON HILL: All right.

20 Mr. Moy can you call us back and then call our first
21 case please or whatever case are.

22 I can't hear you Mr. Moy. You're on mute, sorry.

23 MR. MOY: Oh man. Well, I have to repeat myself.

24 Okay. After a quick recess, the Board is back in its
25 public hearing session, and the time is at or about 11:53 a.m.

1 The next Case Application before the Board is No. 20280
2 of VBS Community Builders, LLC, as amended, for special
3 exceptions under the residential conversion requirements of
4 Subtitle U, Section 320.2, and from the rear addition
5 requirements of Subtitle E, Section 205.4 to convert an existing
6 residential building into a four-unit apartment house in the RF-
7 1 Zone. The property is located at 622 I Street, Northeast Square
8 857, Lots 32 and 113.

9 As the Board will recall, this was last heard at the
10 Board hearing session on October 28, 2020. There have been
11 multiple postponements and rescheduling, and the most recent was
12 rescheduling because of the COVID-19, and that brings us to today,
13 June the 30th.

14 CHAIRPERSON HILL: Great.

15 Yeah, Mr. Blake.

16 BOARD MEMBER BLAKE: Yes. I will not be participating
17 in this case.

18 CHAIRPERSON HILL: Okay. All right, Mr. Blake.

19 Okay. Ms. Moldenhauer, are you there?

20 MS. MOLDENHAUER: Good morning. It's a morning. Good
21 morning, Board members. My name is Meredith Moldenhauer from
22 Cozen O'Connor on behalf of the applicant.

23 CHAIRPERSON HILL: Okay. And who is with you here today,
24 Ms. Moldenhauer?

25 MS. MOLDENHAUER: Yes. Whitney Smith is here with me

1 | today on behalf of Menkiti Group and the applicant, as well as
2 | Bryan Wells, as well as Mr. Burke, and as well as -- I don't see
3 | her in the hearing room yet, but Emily Rottman on behalf of the
4 | project architect and also, please be elevated to a witness
5 | speaker. I see her now.

6 | CHAIRPERSON HILL: Okay. Great.

7 | Well, I'll tell you what, I'll just -- why don't --
8 | whenever we get to where we get to, we can introduce them at that
9 | time. Okay.

10 | Let's see. I just saw -- there we go.

11 | Commissioner Eckenwiler, can you hear me?

12 | COMMISSIONER ECKENWILER: I can, Mr. Chairman.

13 | CHAIRPERSON HILL: Do you want to introduce yourself
14 | for the record, please?

15 | COMMISSIONER ECKENWILER: Mr. Chairman. I do have a
16 | couple of preliminary matters before we get into the preliminary
17 | hearing.

18 | CHAIRPERSON HILL: Commissioner, I'm sorry, you
19 | completely broke up. Maybe go ahead and turn your video off and
20 | try again. I didn't hear anything you said, so maybe turn off
21 | your video.

22 | Can you hear us?

23 | COMMISSIONER ECKENWILER: Okay. Let's try this. Is
24 | this better?

25 | CHAIRPERSON HILL: Yeah. Can you introduce yourself

1 for the record, please?

2 COMMISSIONER ECKENWILER: Sure. Apologies, Mr.
3 Chairman.

4 Mark Eckenwiler, Vice Chair ANC 6C on behalf of the
5 ANC. And I did want to note for the Board's information, I do
6 have a couple of preliminary matters before we get into the
7 testimony.

8 CHAIRPERSON HILL: Okay. I think -- well, I know one
9 of your preliminary matters I think, but do you want to go ahead
10 and tell us what you think your preliminary matters are?

11 COMMISSIONER ECKENWILER: Sure.

12 I just wanted to flag. There are two abutting property
13 owners who I think are also in the Webex. But one of them, Ms.
14 Hagen has another obligation that she's not able to move from
15 12:30 to 1. And so I would just note for the Board, I'm sure
16 she would appreciate the Board's accommodation for that by
17 allowing her to testify out of order, either before or after.

18 CHAIRPERSON HILL: What was her name Commissioner? You
19 said Hagen?

20 COMMISSIONER ECKENWILER: Danielle Hagen, H-A-G-E-N.

21 CHAIRPERSON HILL: Okay. Okay. And then was there
22 another person?

23 COMMISSIONER ECKENWILER: Yes. There's Ms. Robinson,
24 who testified last October 28th. She's from the 620 I Street
25 household. And both of them -- it's my understanding, or at

1 | least one of them, possibly both, wishes to be granted party
2 | status.

3 | CHAIRPERSON HILL: I don't have any party status
4 | applications before me but let me work through all of this. Okay.
5 | But I heard what you were saying about Ms. Hagen, right?

6 | COMMISSIONER ECKENWILER: Yes.

7 | CHAIRPERSON HILL: Okay.

8 | And then the other preliminary matter was the waiver?

9 | COMMISSIONER ECKENWILER: Yeah. And in fact, it's even
10 | more expansive than I had initially thought because we have the
11 | filing itself that I noticed just this morning that the
12 | PowerPoint, which was filed two days ago, has materials in it
13 | that were, to my knowledge, nowhere else in the record.

14 | CHAIRPERSON HILL: Okay. Okay.

15 | COMMISSIONER ECKENWILER: That covers it, Mr. Chairman.
16 | Thank you.

17 | CHAIRPERSON HILL: Okay. No problem.

18 | All right. Let's see.

19 | Ms. Cain, are you there? Ms. Cain, can you hear me?

20 | MS. CAIN: Yes, sir.

21 | CHAIRPERSON HILL: I didn't see anybody requesting
22 | party status, right.

23 | MS. CAIN: I don't believe there's any request in the
24 | record. I'm double checking now.

25 | CHAIRPERSON HILL: And I don't know why I'm having a

1 | hard time. I don't know why this is not pulling up for me.

2 | COMMISSIONER ECKENWILER: Mr. Chairman, if I may. I
3 | don't believe there have been any filings. But I understand that
4 | there may be a desire to make an oral motion before the Board.

5 | CHAIRPERSON HILL: Okay. Well, I know that there's a
6 | time limit on that one also, Commissioner. But let me first
7 | figure out.

8 | Ms. Cain, can you figure out the time limit on the
9 | party status request? I don't know if Ms. --

10 | MS. CAIN: Party status --

11 | CHAIRPERSON HILL: Okay. I'm going to just interrupt
12 | you.

13 | Is any -- is everybody able to pull up the record? Is
14 | it just me?

15 | MS. MEHLERT: I don't know why.

16 | CHAIRPERSON HILL: You all can get pull it up. I know
17 | I'm having a hard time. I'm going to try to reboot.

18 | Go ahead, Ms. Cain.

19 | MS. CAIN: So typically, for party status, that would
20 | be required to be filed two weeks before the initial hearing
21 | date, which in this case was back in October. So this would --
22 | to come in now as an oral motion would be very untimely. So the
23 | person requesting party status would need to request a waiver for
24 | that timeline and would need to demonstrate very good, good cause
25 | as to why it was not filed timely. And then also demonstrate no

1 prejudice to the other party, so in this case, the applicant and
2 the ANC.

3 CHAIRPERSON HILL: Yep. Got it. Okay.

4 All right. So I'm asking my fellow Board members. Are
5 you all able to pull up the record? Is everybody able to pull
6 up the record?

7 VICE CHAIR JOHN: Yes. I'm able to pull up the record.

8 CHAIRPERSON HILL: And you're going through IZIS?

9 VICE CHAIR JOHN: Yeah.

10 CHAIRPERSON HILL: All right.

11 COMMISSIONER TURNBULL: I can pull it up, but I got to
12 jump over to a new screen.

13 CHAIRPERSON HILL: 20280, right?

14 COMMISSIONER TURNBULL: Right.

15 CHAIRPERSON HILL: Okay. There it goes. Perfect. All
16 right. Great.

17 Okay. All right. Ms. Moldenhauer, you had asked for
18 a waiver for something, right?

19 MS. MOLDENHAUER: No. I mean our PowerPoint was filed
20 24 hours in advance of the hearing. And we have -- our property
21 has been posted. All of the documentation was in in advance. We
22 had -- there's no additional request on our side.

23 CHAIRPERSON HILL: Ms. Cain, there was -- I'm checking
24 -- trying to see what it was. There was a waiver of some kind,
25 right?

1 MS. CAIN: There was not a waiver requested by the
2 applicant in the ANC's report. They raised this issue that the
3 revised architectural plans that were submitted, I believe on
4 June 21st, did not meet that 21-day filing deadline. And so that
5 was the issue of the waiver that the applicant would need to
6 request a waiver from that filing provision.

7 CHAIRPERSON HILL: Right. And it was nine days rather
8 than the 21, right?

9 Ms. Moldenhauer are you requesting a waiver from that?

10 MS. MOLDENHAUER: Thank you, Chairman Hill. Yes, we
11 would be requesting a waiver for that request.

12 CHAIRPERSON HILL: Okay. And I know that the ANC is
13 in objection to that. I mean for me, at this point, I'll let my
14 Board members -- no, I mean the ANC is here. I think that like
15 everybody who knows about this is here. I think, I mean I want
16 to hear the case, and so I'm in favor of granting the waiver.
17 Does my fellow Board Members have anything they'd like to add?

18 Commissioner Turnbull.

19 COMMISSIONER TURNBULL: I'm not in favor of granting
20 it, Mr. Chair. I think the ANC raises a good point. I think
21 they're the major party in opposition here. And I think that
22 they should have had a presentation from the applicant with the
23 new drawings in a timely manner, which was, I think they're the
24 -- as it says in the ANC's letter that they have a hearing on -
25 - it was on June 9th. These things came in after that. So

1 they're not getting the full knowledge of a presentation with all
2 the present facts. So I'm in favor of postponing this until next
3 month, so that the applicant can go before the ANC presented.

4 I don't think we have any kind of revised letter from
5 CHRS. I don't know if they ever sent them anything. So I feel
6 like it's going to be a waste of time. The ANC has not had it.
7 It's due process to be presented by the applicant with all the
8 new drawings before the full ANC. I'm only one voice.

9 CHAIRPERSON HILL: Okay. That's all right.

10 Mr. Smith, your thoughts?

11 BOARD MEMBER SMITH: I actually agree with Mr.
12 Turnbull. I think we need to give the ANC some additional time
13 to weigh in, especially being that there was opposition last
14 time. So I would be in favor of waiting on this actually. But
15 to your question, no, I wouldn't allow it (indiscernible).

16 CHAIRPERSON HILL: Ms. John?

17 VICE CHAIR JOHN: So I'm leaning towards a postponement
18 as well simply because the drawings, to me, were an extensive
19 revision, changing a number of different aspects of the drawings.
20 So I think the ANC should have time to go over those revised
21 drawings and be able to make a more informed recommendation. And
22 I realize that the applicant has not had an opportunity to weigh
23 in on this particular issue. And I don't know if you were
24 planning to give the applicant and the ANC the opportunity to
25 address this before we decide.

1 CHAIRPERSON HILL: (Indiscernible). I will. Thank
2 you, Ms. John.

3 Ms. Moldenhauer, do you have any responses before we
4 decide what we're going to do?

5 MS. MOLDENHAUER: So my response would be that we have
6 been in communication with the ANC. The ANC's position has been
7 the same since the beginning of the application, that they are
8 not supportive of the rear addition, no matter how many units are
9 proposed, and the proposal stays the same. We have done some
10 reductions, but I don't believe it's going to change the position
11 of the ANC. And I think that's been clear, and Mr. Eckenwiler
12 can opine on that, but we have clearly understood their position
13 would not change unless obviously there were substantial
14 reductions. We've made a lot of changes here and we have the
15 Office of Planning's support. But we are ready to move forward
16 today unless the Board determines otherwise.

17 CHAIRPERSON HILL: Well, let's -- what you submitted
18 that was submitted late, what was the submission -- what's the
19 changes? You lost one unit; is that correct?

20 MS. MOLDENHAUER: We removed the variance request. We
21 set back the front facade three feet as requested by the Board
22 members and by the ANC. And then we reduced the third floor of
23 the rear addition and we pulled back some of the side factors.
24 So we -- there's small reductions. But the general project is
25 very similar other than reducing and removing the variance relief

1 and only now having two special exception requests.

2 CHAIRPERSON HILL: Right. We made it a smaller project,
3 right?

4 MS. MOLDENHAUER: Yeah.

5 CHAIRPERSON HILL: And so I mean, I'm fine. Like,
6 whatever this kind of shakes out, I'm going to also, Commissioner
7 Eckenwiler, give you a chance to respond. And then also, I'm
8 going to address Ms. Hagen's request, or who -- Ms. Hagen and
9 Robinson about their party status. But Commissioner Eckenwiler,
10 like, I mean, the votes are here to postpone it, if you guys want
11 to postpone it. I'm just trying to understand if there's any
12 benefit to -- everyone is here -- is there any benefit to them
13 going back before the ANC, it's going to be the same place, or
14 can you help me explain?

15 COMMISSIONER ECKENWILER: Well, let's -- Mr. Chairman,
16 I think it's important to start with the fact that it was clear
17 over eight months ago, the initial hearing occurred on October
18 28th. And it was made loud and clear, not just by the ANC, but
19 by all the Board members, that what needed to be brought forward
20 in this application was lots of additional details including
21 shadow studies. That was not even filed on June 21st. That came
22 in -- that's in fairly small, not very readable format, at the
23 very end of the applicant's PowerPoint, which was filed two days
24 ago.

25 I wasn't even aware that was there. I wasn't

1 anticipating that the PowerPoint would incorporate new materials.
2 I have not had a chance to review that in detail. And it seems
3 to me that the applicant had more than ample opportunity. We've
4 certainly been in regular communication with Ms. Moldenhauer
5 about this. I asked her to come in May. She pointed out that
6 the hearing had been postponed until today and so we settled on
7 them coming in in June. And yet they still did not present us
8 these filed revisions.

9 So it seems to me, just in terms of absolute fairness
10 to us, certainly with respect to the shadow studies, but also the
11 neighbors who are here today, unless both of those neighbors are
12 zealous to go forward right now, I would ask the Board to
13 postpone, and I do want to respect the time of these neighbors.
14 I know that they have other things to do, so let me just leave
15 it there. I do think it would be worth the Board hearing from
16 them, at least on that procedural point of whether or not to
17 postpone this to a later date.

18 CHAIRPERSON HILL: I got it. I understand.

19 Okay. Ms. Moldenhauer, I'll give you one second. Go
20 ahead.

21 MS. MOLDENHAUER: I was just going to say, Mr.
22 Eckenwiler, we did present the shadow studies to the ANC. They
23 were the shadow studies for the larger project not the more
24 reduced project. But we did show the ANC shadow studies of the
25 overall project when we presented it to the ANC.

1 CHAIRPERSON HILL: Okay. Were those in the record
2 anywhere?

3 MS. MOLDENHAUER: They were not in the record, but we
4 went through them and talk through them with the ANC.

5 CHAIRPERSON HILL: Okay.

6 Ms. Hagen can you hear me?

7 Ms. Mehlert, is Ms. Hagen there.

8 MS. MEHLERT: She is, but I am not able to make her a
9 panelist right now.

10 CHAIRPERSON HILL: Okay. How about Ms. Robinson?

11 MS. MEHLERT: She's here. I can make her a panelist.

12 CHAIRPERSON HILL: Okay.

13 Ms. Robinson, can you hear me?

14 MS. ROBINSON: Yes, I can hear you. Good morning --
15 well, good afternoon.

16 CHAIRPERSON HILL: Good afternoon. Is it afternoon?
17 Good afternoon.

18 Could you please introduce yourself for the record,
19 please?

20 MS. ROBINSON: I'm Denika Robinson. I was present at
21 the last meeting. 628 I Street, Northeast.

22 CHAIRPERSON HILL: Okay.

23 MS. MOLDENHAUER: Mr. Hill, can I just put a point of
24 objection. Just for clarification, and you can ask Ms. Robinson.
25 Ms. Robinson is the daughter of the owner but not the owner. I

1 don't know if she has representation letters from Agnes Robinson,
2 the actual owner, just from a formal procedural request.

3 CHAIRPERSON HOOD: Okay.

4 MS. ROBISON: Yes. I've had representation from her
5 since the first meeting and all of the meetings that when you
6 all have come to her home to try to speak with her, so they're
7 very aware that I speak for her.

8 CHAIRPERSON HILL: Okay. Ms. Robinson, we might end
9 up postponing this. So if there's something in the record that
10 actually makes you her agent, that might be helpful for the next
11 time.

12 MS. ROBINSON: Okay. I can get that.

13 CHAIRPERSON HILL: Okay. You just have to -- you can
14 talk to the secretary. He can help you to submit something in
15 the record.

16 MS. ROBINSON: Okay.

17 CHAIRPERSON HILL: Ms. Hagen, can you hear me?

18 MS. HAGEN: I can hear you. Can you hear me?

19 CHAIRPERSON HILL: Oh. Great. Yeah.

20 Can you introduce yourself for the record, please?

21 MS. HAGEN: Yes. My name is Danielle Hagen. I am the
22 owner of 624 I Street, Northeast.

23 CHAIRPERSON HILL: Okay. And Ms. Hagen, were you the
24 person who was asking for party status?

25 MS. HAGEN: I had talked about it. I didn't -- I

1 probably put it in accordingly, so I'm happy to submit based on
2 the requirements that you had mentioned earlier.

3 CHAIRPERSON HILL: Got it. I mean unless the Board -
4 - unless you can -- I guess you can have an opportunity to --
5 you're really late, unfortunately.

6 MS. HAGEN: I understand.

7 CHAIRPERSON HILL: It's really late. And so I don't
8 really feel comfortable granting you party status, it being like
9 October when we first heard this one. But I know that adjoining
10 neighbors, we listen more to because they're affected by it. And
11 so unless my fellow Board members, you all can raise your hand,
12 I'd be really -- it'd be so at the time that I would not feel
13 comfortable doing it.

14 Does anybody have a thought or wants to raise their
15 hand?

16 Ms. John.

17 VICE CHAIR JOHN: Mr. Chairman, I was just wondering
18 if we should rule on this based on a written request assuming we
19 decide to continue this hearing. In other words, I'm not sure
20 if we should decide just based on an order.

21 CHAIRPERSON HILL: Okay. Okay.

22 Ms. Hagen, can you hear me?

23 MS. HAGEN: Yes, I can. If you want to go ahead and
24 put something into the record requesting -- formally requesting
25 party status and we can address that the next time we're here.

1 MS. HAGEN: Okay. Thank you very much.

2 CHAIRPERSON HOOD: Okay.

3 And Ms. Hagen, you understand -- Ms. Hagen and Ms.
4 Robinson, you both understand that we're talking about postponing
5 this and you're comfortable with that postponement?

6 MS. ROBINSON: Yes.

7 CHAIRPERSON HILL: Okay.

8 MS. HAGEN: I am as well.

9 CHAIRPERSON HILL: Okay. All right.

10 Mr. Moy, can you hear me?

11 MR. MOY: Yes, sir, loud and clear.

12 CHAIRPERSON HILL: Okay. So it looks as though the
13 Board wants to postpone this and give the applicant an opportunity
14 to either go back before the ANC or not. When could we get this
15 back before us?

16 MR. MOY: I have one question before I get to that, Mr.
17 Chairman.

18 According to the calendar, and Mr. Eckenwiler can
19 confirm, it appears that the ANC meets the second Wednesday of
20 the month. I just don't know whether or not they plan to have a
21 scheduled hearing on July 14th or not and whether or not this
22 could be on their agenda.

23 COMMISSIONER ECKENWILER: I can speak to that, Mr.
24 Chairman.

25 Yes. Our Zoning committee meeting is July 7th and then

1 the follow-on full ANC meeting is on the 14th, and we can
2 certainly accommodate this.

3 CHAIRPERSON HILL: Okay. All right.

4 My problem, Mr. Moy, is I don't know when we can get
5 this back before us before the recess. And so I don't know what,
6 I mean -- so let's just say that we have this on -- and I'm
7 pulling up a calendar.

8 Commissioner Eckenwiler, you said you guys meet on the
9 14th of July?

10 COMMISSIONER ECKENWILER: That's correct. That's Field
11 Day, Mr. Chairman.

12 CHAIRPERSON HILL: So let's see. Okay.

13 What's our calendar look like, Mr. Moy, for the 21st
14 through the 28th?

15 MR. MOY: On September 22nd, the Board has nine cases
16 and one decision case. And on September 29th, the Board has,
17 what appears would be eight cases. That's September 29th.

18 CHAIRPERSON HILL: No, no, I'm sorry. I was talking
19 about July 21st and July 28th.

20 MR. MOY: Oh. Okay.

21 CHAIRPERSON HILL: By the way, Ms. Moldenhauer, I still
22 think you're in trouble. I think you're way in trouble. Like,
23 I think (indiscernible) like in trouble.

24 MR. MOY: The prospect doesn't look good for the Board
25 speaking for myself, sir, because on July 27th, you have six

1 applications and one appeal case. And on July 28th, you have
2 five hearing cases and two appeals but, of course, those two
3 appeals also on the same subject site.

4 CHAIRPERSON HILL: Okay. Give me a second. All right.

5 MR. MOY: And that's why I was looking at September,
6 but the Board can do a lot.

7 CHAIRPERSON HILL: No, no, no, no. Okay. And we are
8 having that one special hearing on the 4th, right?

9 MR. MOY: Yes, you have one application on August the
10 4th as well as addressing the remand. So that's a possibility,
11 too.

12 CHAIRPERSON HILL: Right. So I'm looking to my Board
13 members of which there's two, like do you all want to just --
14 because it's just going to be a bigger case later. And so if we
15 go ahead, we got to come here now for August 4th -- I was trying
16 to get August 4th off. And so if you all want to do this August
17 4th, we can do this August 4th, or we can kick it to the end of
18 September. And I'm going to ask Vice Chair John -- well, I'm
19 going to start with Mr. Smith first.

20 Mr. Smith, what is your thoughts?

21 BOARD MEMBER SMITH: August, about a particular date.
22 August 4th, I think (indiscernible).

23 CHAIRPERSON HILL: Okay. Ms. John.

24 VICE CHAIR JOHN: That's fine, Mr. Chairman.

25 CHAIRPERSON HILL: Okay. So because I just -- I mean

1 | it's going to be a long case anyway. So if we add it to whenever
2 | we add this thing, it's going to be hours anyway. So might as
3 | well go ahead and do it August 4th, because we don't have the
4 | day off now anyway. Okay.

5 | So then, Mr. Moy, if you could work us back from August
6 | 4th as to when you need stuff.

7 | MR. MOY: Okay. (Indiscernible) off the top of my
8 | head, Mr. Chairman.

9 | So if we're rescheduling to August the 4th, then the
10 | applicant has already made their filing of the record. So at
11 | this point, we're waiting for the ANC to respond to those revised
12 | drawings of plans, et cetera. So if the ANC will be meeting on
13 | July 14th, then if the ANC could possibly submit into the record
14 | the results or resolution from their hearing at the ANC by, let's
15 | say, Monday, July the 19th. That's possible. Then let me set
16 | that on the table for a moment. And then if you want the applicant
17 | to respond to the ANC, let's say, by the following Monday, let's
18 | say, it would be July 26th, then the Board can entertain matters
19 | on August the 4th. How's that sound?

20 | CHAIRPERSON HILL: That works for me. Is everybody -
21 | - okay, Commissioner Eckenwiler gave me the thumbs up.

22 | MS. Moldenhauer, do you understand? You're on mute,
23 | Ms. Moldenhauer.

24 | MS. MOLDENHAUER: You think after over a year I'd
25 | learned to unmute. I'm sorry.

1 Mr. Moy mentioned, I'm sorry, a date after the July
2 19th. I was just confused by that. I didn't hear it.

3 MR. MOY: Okay. The ANC -- all right. Let me start
4 again. So the ANC --

5 MS. MOLDENHAUER: I'm sorry.

6 MR. MOY: The ANC -- no, that's fine. The ANC will
7 submit their letter or resolution, the result from their meeting
8 on July 14th by Monday, July 19th. Then the applicant would have
9 the opportunity to respond to the ANC by the following Monday,
10 July the 26th. And then the Board can entertain the filings on
11 the record on its special hearing on August the 4th.

12 Am I missing anything, Mr. Chairman?

13 CHAIRPERSON HILL: No.

14 Ms. Moldenhauer you got those dates?

15 MS. MOLDENHAUER: Yes, I do.

16 CHAIRPERSON HILL: Okay. All right.

17 Commissioner, yeah, it looks like you're trying to say
18 something.

19 COMMISSIONER ECKENWILER: Yeah. I was just going to
20 ask if you wanted to give consideration to when you might want
21 to hear from OP if they intend to file anything supplemental, or
22 maybe they don't.

23 CHAIRPERSON HILL: Sure.

24 So Mr. Moy if the Office of Planning wants to file
25 anything based upon anything they hear from the ANC, then let's

1 give them until July 28th.

2 MR. MOY: I'm sorry, July what?

3 CHAIRPERSON HILL: 28. 28.

4 MR. MOY: Okay. All right. (Indiscernible).

5 CHAIRPERSON HILL: Okay. All right.

6 Does the Board have anything else?

7 Mr. Turnbull.

8 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

9 The only thing I would point out still is that I think
10 the applicant needs to at least submit something to CHRS. I
11 think that there are still as -- and as Mr. Eckenwiler --
12 Commissioner Eckenwiler states in his letter, there is still a
13 conspicuous lack of support from the abutting neighbors, so
14 that's still an issue that there's no support from the abutting
15 neighbors, so I just wanted to point that out to the applicant.

16 CHAIRPERSON HOOD: Okay. Ms. Ecken -- I mean Ms.
17 Moldenhauer, if you want to see if you can get something from
18 CHRS and if not, you don't have it. But I mean I want to hear
19 this thing on the 4th, like this is all I can do, right. And so
20 see if you can get something with CHRS. Apparently, Commissioner
21 Turnbull, has mentioned it a few times. And if you can do
22 anything with the neighbors in opposition, I guess that'd be
23 wonderful, obviously.

24 Vice Chair John.

25 VICE CHAIR JOHN: Would we also need a separate shadow

1 study for the revised drawings?

2 CHAIRPERSON HILL: If you'd like to see that.

3 MS. MOLDENHAUER: Board Member John, those are in the
4 record in the PowerPoint, but we can file them in a clearer
5 version, that way people can zoom in a little bit better. We'll
6 do that.

7 VICE CHAIR JOHN: Thank you. I had trouble reading it
8 last night.

9 MS. MOLDENHAUER: We apologize. We'll get that in the
10 record.

11 VICE CHAIR JOHN: Thank you.

12 CHAIRPERSON HILL: Okay. Thank you, Ms. Moldenhauer.

13 And Ms. -- the person whose party -- requesting party
14 status again, I'm sorry. I put my notes down.

15 MS. HAGEN: Danielle Hagen.

16 CHAIRPERSON HILL: Ms. Hagen, don't forget to put
17 something in the record pretty quickly about your requesting
18 party status. Okay?

19 MS. HAGEN: Yes. Thank you so much.

20 CHAIRPERSON HILL: In fact, I'll give you until July
21 19th as well just because the applicant wants to respond to that,
22 then they can hear by the 26th.

23 Mr. Turnbull.

24 COMMISSIONER TURNBULL: I just want to point out that
25 was brought up earlier that there was a question about Ms.

1 Robinson and Ms. Robinson said she could definitely put something
2 in the record stating that she is indeed the representative of
3 her mother. So I think there was some issues about -- brought
4 up by the applicant, so that was it.

5 CHAIRPERSON HILL: Thank you, Commissioner Turnbull.

6 Ms. Robinson, did you hear that again?

7 MS. ROBINSON: Yes, I did. Thank you. And I will.

8 CHAIRPERSON HILL: That would be great. Okay. Great.
9 Thank you.

10 Ms. Moldenhauer.

11 MS. MOLDENHAUER: I would just -- you've noted that the
12 individuals requesting party status are extremely late. I would
13 obviously ask if you could, if they -- if you are giving them a
14 deadline which the deadline is already way beyond the legal
15 requirements that they are allowed to file, that it be sooner.
16 Obviously, if we have to go to the ANC on the 14th. Having
17 anything from neighbors would be -- typically is put in the record
18 before that. So if you're going to give them a deadline, I just
19 --

20 CHAIRPERSON HILL: That's fine. Ms. -- you guys, if
21 you can hear me. I mean it's not -- I mean I'm already opposed
22 to this. We just have to put something in the record. The verbal
23 application, I mean I just think it's super late. If you want
24 to go ahead and put something in there as to why you believe you
25 should be given party status and the justification for the

1 | lateness, then go ahead and put something in by -- can you do it
2 | in a week, on the 7th?

3 | MS. HAGEN: Absolutely.

4 | CHAIRPERSON HILL: Okay. So we can just --

5 | MS. ROBINSON: This is Ms. Robinson. I can do something
6 | again as well. But I did send in something back in October of
7 | the opposition and my status with Ms. -- with my mom. But since
8 | you need me to do it again, I'll do it again, but I did submit
9 | something last October.

10 | CHAIRPERSON HILL: They clarified that you're your
11 | mother's agent?

12 | MS. ROBINSON: Yes, because it was an opposition letter
13 | that they made me send it but -- they didn't make me, but an
14 | opposition letter that I've wrote in and submitted it, but I'll
15 | send something in again as well, so that's fine.

16 | CHAIRPERSON HILL: Okay. Ms. Robinson -- by the way,
17 | I'm okay that you're representing your mother. So go ahead and
18 | like -- put something in the record there. Okay.

19 | MS. ROBINSON: Okay. Thank you.

20 | CHAIRPERSON HILL: All right. Let's see.

21 | All right. Mr. Moy, you had your hand up.

22 | By the way, this is like fricking Squares. Everybody's
23 | got their hands up.

24 | Mr. Moy, go ahead.

25 | MR. MOY: I just want to put -- probably just want to

1 go over two or three other deadlines because we're adding more
2 to the timeline. One was the applicant would submit updated
3 shadow studies. If they can do that for the record, I think it
4 might be helpful for the ANC for their Zoning Committee to review
5 (indiscernible) --

6 CHAIRPERSON HILL: Ms. Moldenhauer said that they can
7 do that today.

8 MR. MOY: Okay. All right. Okay. Okay. That takes
9 care of that one. The other one is Mr. -- I'm sorry, Commissioner
10 Turnbull mentioned a response letter from CHRS and perhaps
11 working through the applicant, if that can be in the record maybe
12 at the same time as ANC's filing, which would be July the 19th,
13 that would be helpful, unless the Board wanted something sooner.
14 What is my third thing? The third thing.

15 CHAIRPERSON HILL: Office of Planning.

16 MR. MOY: Allowing the request for party status to make
17 for filing. Did you set it up the -- did you set a deadline for
18 her?

19 CHAIRPERSON HILL: July 7th, July 7th.

20 MR. MOY: Okay. I'm done.

21 CHAIRPERSON HILL: Okay. Okay. Is everybody good?

22 Okay. All right. Okay. Then we'll see you guys again
23 on August 4th, August 4th. And by the way, I'm being like
24 pointing out to the applicant and I'm not saying Ms. Moldenhauer,
25 I'm just saying the applicant, we're being really accommodating

1 | for the August 4th thing. Like, that was supposed to be a day
2 | off. I was supposed to be on vacation. So, you're just lucky.
3 | Okay. See you on August 4th.

4 | MS. MOLDENHAUER: We appreciate that. Thank you.

5 | CHAIRPERSON HILL: Bye-bye.

6 | COMMISSIONER ECKENWILER: Thank you, Mr. Chairman.

7 | MS. MOLDENHAUER: Thank you. Bye-bye.

8 | CHAIRPERSON HILL: Okay. I'm looking for my Board
9 | members again. Okay. This is our choices. This is your -- if
10 | you choose to accept this mission.

11 | So Ms. John, can you hear me?

12 | VICE CHAIR JOHN: Yes, Mr. Chair.

13 | CHAIRPERSON HILL: Okay. So I don't know why it seems
14 | kind of gurgled or something. So the next case, I think has a
15 | lot of witnesses. Okay. So it will possibly take a long time,
16 | but I have to leave at 2:30. So I definitely know we're going
17 | to get through this next case. I'm just asking you all if you
18 | think we can get through it before lunch. I'm asking you if
19 | everybody wants to take your lunch now or you want to do it after
20 | lunch?

21 | BOARD MEMBER SMITH: I say we do it now.

22 | CHAIRPERSON HILL: Mr. Smith.

23 | BOARD MEMBER SMITH: I say take it now.

24 | CHAIRPERSON HILL: What, the case or lunch?

25 | BOARD MEMBER SMITH: Case. The case.

1 CHAIRPERSON HILL: Okay. All right. I'm done.

2 Ms. John, is that okay with you?

3 VICE CHAIR JOHN: Yes, it's fine with me.

4 CHAIRPERSON HILL: Okay.

5 Well, Commissioner May, have you been with us yet? No,
6 this is new.

7 COMMISSIONER MAY: Well, no, I started in the meeting
8 this morning.

9 CHAIRPERSON HILL: Yeah, right.

10 COMMISSIONER MAY: And I've had my lunch, so I don't
11 care, whatever you want to do?

12 CHAIRPERSON HILL: Well, that's lucky because I
13 remember having you in the hearing room and you needed to get
14 your food. That was a problem. Okay.

15 COMMISSIONER MAY: I'm not the only one.

16 CHAIRPERSON HILL: Yeah, but you're pretty good. All
17 right. Okay. All right. Okay.

18 All right. Let's go ahead and do it then. Okay.

19 Mr. Moy, you want to call our next case?

20 MR. MOY: Yes, sir.

21 So this would be Case Application No. 20440 of GREEN
22 2336, LLC, and this application was captioned and advertised for
23 a special exception under the new residential development
24 requirements of Subtitle U, Section 421.1., an area variance from
25 the FAR, the floor area ratio requirements of Subtitle F, Section

1 302.3. This would raze, R-A-Z-E -- the existing principal
2 dwelling unit and construct a new detached three-story with
3 cellar and penthouse, 16-unit residential building and combine
4 three record lots into one record lot at -- in the RA-1 Zone.

5 As to preliminary matters, sir, as you're aware,
6 there's a request -- this is from the applicant -- a request --
7 I would confirm that with Mr. Sullivan, request to waive the 15-
8 day posting deadline. This, I believe is under Exhibit 46 that's
9 dated June 25th, which means it was posted 13 days prior to
10 hearing instead of 15, and I think there's a waiver of the 21
11 days to file supplemental information. This is the 21-day Rule,
12 and it covers the applicant's cover letter updated plan, plat,
13 updated plans, revised self-cert et cetera.

14 And there are two letters filed in opposition yesterday
15 which is the 24-hour block. which would be Exhibits 59 and 60,
16 if it's allowed by the Board.

17 And finally, the applicant's PowerPoint, which was
18 filed yesterday, which is within the 24-hour block. That's it
19 for me, sir.

20 CHAIRPERSON HILL: Okay. All right. Well, unless the
21 Board has any issues, I want to see -- I want the full record,
22 so I want the letters in opposition. So the -- first of all,
23 does anybody have any problems with the letters of opposition
24 being added to the record? And if so, raise your hand. Okay.

25 If the staff could add that in there so we can see it,

1 or is it already in there, Mr. Moy, you don't know?

2 MR. MOY: Most of it. I have to double check. The
3 staff will know about the PowerPoint.

4 CHAIRPERSON HILL: Okay. The PowerPoint -- I see the
5 PowerPoint. And I also want the PowerPoint in the record because
6 it helps the Board. And so -- unless the Board has any issues,
7 I want to allow the PowerPoint into the record.

8 In terms of the filing deadline, it's two days and I
9 think this case has had a lot of discussion within the community.
10 And I know that we were here last week with a similar case that
11 had a lot of discussion in the community. So I don't -- I think
12 that the community has been well aware of this. And I don't
13 think that the two days posting deadline is an issue, unless
14 someone else has an issue, and if so, raise your hand. Okay.
15 Then we'll go ahead and waive the posting deadline. So I think
16 I've cleaned up everything right, Mr. Moy?

17 Okay. Mr. Sullivan, could you introduce yourself for
18 the record, please?

19 MR. SULLIVAN: Yes. Thank you, Mr. Chairman, and Board
20 members. Marty Sullivan with Sullivan & Barros on behalf of the
21 applicant.

22 CHAIRPERSON HILL: And who is with you here today, Mr.
23 Sullivan?

24 MR. SULLIVAN: So I have the property owner, Mr. Jamaal
25 Claggion and the architect Gozde Tanyeri.

1 CHAIRPERSON HILL: Okay. I don't see Mr. Claggion.
2 MR. SULLVIAN: Yeah, he should be on here. I'll check
3 him.
4 CHAIRPERSON HILL: Ms. Mehlert, if you could -- oh,
5 there --
6 MR. SULLIVAN: There he is.
7 CHAIRPERSON HILL: Okay. Great.
8 So we'll just introduce people as we need them, if
9 that's okay, Mr. Sullivan.
10 Commissioner Moore, can you hear me?
11 COMMISSIONER MOORE: Yes, sir. I can. Can you hear
12 me?
13 CHAIRPERSON HILL: I can. Thank you.
14 COMMISSIONER MOORE: You're welcome.
15 CHAIRPERSON HILL: Could you introduce yourself for the
16 record?
17 COMMISSIONER MOOER: No, sir. I didn't.
18 Good afternoon, Board members. My name is Commissioner
19 Laneice Moore, ANC 8A04.
20 CHAIRPERSON HILL: Commissioner, are you the same
21 Commissioner that joined us last week.
22 COMMISSIONER MOORE: Yes, sir. That would be me.
23 CHAIRPERSON HILL: Okay. Great. Perfect.
24 Well, welcome back.
25 COMMISSIONER MOORE: Well, thank you.

1 CHAIRPERSON HILL: All right.

2 Mr. Sullivan, you can go ahead and walk us through your
3 presentation, and please explain how you believe your client is
4 meeting the standard for us to grant the relief requested. And
5 I guess we'll just move through this case as best we can. I
6 realize you did pull -- did you pull -- you pulled the area
7 variance, correct, Mr. Sullivan?

8 MR. SULLIVAN: That's correct. We withdrew the request
9 for area variance relief and removed two units from that lower
10 level.

11 CHAIRPERSON HILL: And that's in your PowerPoint?

12 MR. SULLIVAN: It's in the PowerPoint. It should be
13 in the plans. But I realized maybe -- I think the PowerPoint
14 got in on time. It was the plans that were within 24 hours.

15 CHAIRPERSON HILL: Okay. So the plans that aren't in
16 the exhibit? Yeah. I'm sorry, the plans aren't in the record
17 yet.

18 MR. SULLIVAN: Correct. So the plans were filed 10
19 o'clock yesterday morning.

20 CHAIRPERSON HILL: In your PowerPoint, are there the
21 plans?

22 MR. SULLIVAN: The PowerPoint has -- reflects the new
23 plans, yes.

24 CHAIRPERSON HILL: Okay. So I'd like to see the plans
25 in the record, unless the Board has an issue, raise your hand.

1 So if the staff could also allow the plans into the
2 record. And Mr. Sullivan as you're speaking through the
3 presentation, if you kind of point out the things you guys pulled
4 off so that you're no longer needing variance relief and -- or
5 area variance relief.

6 And Mr. Moy, can you hear me?

7 MR. MOY: Yes, I hear you, sir.

8 CHAIRPERSON HILL: When you read the caption, I
9 apologize, I don't remember, did you -- you did not include area
10 variance, correct?

11 MR. MOY: Well, I did. We would now amend that caption
12 to remove the area variance. So what you have before you is the
13 special exception.

14 CHAIRPERSON HILL: Okay. Great. Perfect.

15 All right. Okay. Mr. Sullivan, you can begin whenever
16 you like.

17 MR. SULLIVAN: Thank you. If we could have the
18 PowerPoint presentation up, please.

19 CHAIRPERSON HILL: Mr. Sullivan?

20 MR. SULLIVAN: Yes.

21 CHAIRPERSON HILL: I'm just reading through the caption
22 here again. So how many -- is it still three stories with cellar
23 and penthouse but you lost three units?

24 MR. SULLIVIAN: We removed two units and there is --
25 basically, there is no cellar, no. So rather than digging down

1 on the right side of the building as you see this here, it'll -
2 - that right part of the building will be on dirt.

3 CHAIRPERSON HILL: So you got 14 units?

4 MR. SULLIVAN: Correct.

5 CHAIRPERSON HILL: Okay. Okay. Okay. Thank you very
6 much you can continue.

7 MR. SULLIVAN: Thank you.

8 Okay. So if we could go to the next slide, please.

9 For an overview, this is RA-1 Zone proposing to
10 construct 14 units, that's down from 16. The building itself
11 meets all the development standards, and the Office of Planning
12 and DDOT have recommended approval. The only relief required is
13 for U 421.1 for the new residential development in a RA-1 Zone.

14 One of the critical facts in this case is that there
15 are seven parking spaces proposed for these 14 units. The
16 requirement is actually three spaces, so we have more than double
17 the required number of parking spaces.

18 Next slide, please.

19 This aerial photo gives some context. You're looking
20 at a -- what is currently a house on the subject property that
21 will be razed. The surrounding area -- although there are about
22 10 or 11 single family homes on this side of the block, the rest
23 of the area is multifamily including, I believe it's a 96-unit
24 apartment building right across the street.

25 Next slide, please.

1 This is just the same from the other side from the
2 other angle. There's apartments here on Galen Street as well to
3 the bottom of this photo.

4 Next slide, please. Next slide, please.

5 So this maps out all the multifamily buildings in this
6 area and shows the context that this is -- other than the yellow
7 dots, this is a multifamily area.

8 Next slide please. Now, these are the site photos.
9 That's the existing house, you see the change in elevation there.
10 It's going down the hill.

11 Next slide please. This is a view from the street with
12 the Greenwood Manor apartments on the right and the subject
13 property on the left.

14 Next slide please. Some of the view of Greenwood
15 Apartments. Greenwood Apartments by the way, has parking spaces
16 of one-to-one of those 96-units in their parking lot.

17 Next slide please and next slide. And the rest of
18 these slides are just more context photos from the surrounding
19 two blocks.

20 Next slide please. If you could go to slide 15 and
21 I'll turn it over to the architect, Ms. Tanyeri, to go through
22 the plans. That was it.

23 CHAIRPERSON HILL: Ms. Tanyeri, can you hear us? Ms.
24 Tanyeri? You're on mute, I think Ms. Tanyeri.

25 MS. TANYERI: Can you hear me?

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

3 MS. TANYERI: -- 336 Green Street.

4 Can you hear me?

5 CHAIRPERSON HILL: Yes. Could you introduce yourself
6 for the record, please?

7 MS. TANYERI: I'm sorry. I introduced myself. My mute
8 wasn't working. Can you hear me now?

9 CHAIRPERSON HILL: Yes.

10 MS. TANYERI: Hello?

11 CHAIRPERSON HILL: Yes. Can you hear me, Ms. Tanyeri?

12 MS. TANYERI: Yes, I can --

13 CHAIRPERSON HILL: Mr. Sullivan, can you hear me?

14 MS. TANYERI: So this project --

15 MR. SULLIVAN: Yeah.

16 MS. TANYERI: I'm sorry about that, the connection.
17 Yes.

18 CHAIRPERSON HILL: Go ahead, Ms. Tanyeri with your
19 testimony.

20 MS. TANYERI: (Indiscernible) project may
21 (indiscernible).-

22 MR. SULLIVAN: Mr. Chairman --

23 MS. TANYERI: And there's the one that's essential
24 here. Can we go the next slide?

25 MR. SULLIVAN: Why don't I take you through the plans

1 and I'll have somebody work on her connection so she can answer
2 questions. So here's -- this is a -- next slide, please. Can
3 we go to 16, the site plan?

4 And next slide, please.

5 These are the floor plans. I wanted to show -- this
6 shows the parking spaces on the exterior. There's three parking
7 space up here.

8 CHAIRPERSON HILL: Okay. Mr. Sullivan.

9 MR. SULLIVAN: Yes.

10 CHAIRPERSON HILL: This is parking. And it's okay.
11 Again, this is the three-story with cellar?

12 MR. SULLIVAN: Well, there is no cellar. Well, there
13 is parking under roof.

14 CHAIRPERSON HILL: Okay. I just want to make sure I
15 got -- we're looking at the right stuff. So this is the one that
16 has the 14 units.

17 MR. SULLIVAN: Correct.

18 CHAIRPERSON HILL: Okay. All right. Please continue.

19 MR. SULLIVAN: Okay. So there's three parking spaces
20 in the exterior of the building and there's four under roof.

21 Next slide, please.

22 And here, you can see there's three standard spaces and
23 a handicap space under the building and then there will be --
24 under the cellar floor plan will just be a foundation under there
25 instead of a cellar space.

1 Next slide, please, for the first-floor plan.

2 These are the floor plans for the first -- you could
3 just go through these for these three stories. We do have a
4 penthouse on there. I know there's currently -- that's a
5 situation that's in flux with whether or not the penthouse is
6 going to be permitted. We didn't -- we decided to leave it on
7 because we weren't sure where that was going to go. I know the
8 Zoning Commission is considering a regulation that would clarify
9 that is permitted as habitable space. Currently, they have been
10 permitted in the past. I think currently, as of today, they're
11 technically not permitted as a matter of right in the RA-1.

12 If we could go to slide 24 for the beginning of the
13 elevations. This is the west elevation.

14 Next slide, please. The east elevation.

15 Next slide, please, for the north and the south
16 elevations. And then there's perspectives following from there.

17 Next slide, please. And if we could go back, I'm sorry,
18 go back to a slide. So the area on the right now under that
19 first floor will be dirt and foundation, it will not be spaces.
20 On the left, there you see the parking spaces under roof.

21 Next slide, please. And the next slide, please, and
22 I'll go over the special exception criteria. For the general
23 requirements, the granting of the special exception this case
24 will be in harmony with the general purpose and intent of the
25 RA-1 Zone, the Zoning Regulations and Zoning Maps. This

1 (indiscernible) development, it would be in harmony with the
2 purpose of the RA-1 zone. And as shown on the photos, there are
3 quite a number of multifamily buildings in the area including
4 directly across the street. The building does comply with all
5 development standards and has twice the required number of
6 parking spaces and so would not have an adverse effect on the
7 use of neighboring properties.

8 Next slide, please. For the specific criteria, the BZA
9 shall refer the application to relevant District of Columbia
10 agencies for comment and recommendation as to the adequacy of the
11 (indiscernible). I do not believe that we received any comments
12 from those agencies, but we have noted some of the neighborhood
13 schools and note that for the number of units, 14 would not be
14 expected to have a material impact on school availability.

15 And 421-B, public streets recreation and other services
16 to accommodate the residents can be expected to reside in the
17 project. DDOT and the Office of Planning reports have touched
18 on this topic. Also, again, we have plenty of parking and several
19 nearby public transportation options. We're just outside the
20 quarter mile major bus route exception to lower the parking
21 requirement.

22 And 421.3. Next slide, please. I'm sorry. Next slide,
23 please. And we refer to the Office of Planning for this, the
24 BZA refers the application to the Office of Planning for comment
25 and recommendation on these items. The Office of Planning has

1 | stated that the orientation of the building is parallel to the
2 | side lot lines and similar to most other houses on the street.
3 | And they mention some other key areas of this and is in support
4 | of the application.

5 | So next slide, please. I think that's it for our
6 | presentation. If we have any questions, and I'm working on making
7 | sure that the architect has a connection so that she can respond
8 | to questions. Thank you.

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

10 | Ms. Mehlert, if you can drop the presentation. Okay.

11 | Does the Board have any questions for the applicant
12 | and, if so, raise your hand?

13 | I lost Commissioner May. There we go. Commissioner
14 | May.

15 | COMMISSIONER MAY: Yeah. One of the concerns that was
16 | raised by the various letters that we received has to do with
17 | the impacts on parking. And there were several photographs that
18 | were submitted to the record that show a very crowded street with
19 | many cars parked on it. And the images that are in your
20 | presentation show almost no cars.

21 | MS. TANYERI: (Indiscernible.)

22 | COMMISSIONER MAY: Actually, that's not the answer to
23 | my question. The question I have is, can you explain why we have
24 | these two very different images of the amount of parking -- street
25 | parking is available on that street?

1 MR. SULLIVAN: I actually can't explain. The photos
2 that we took are Google Street View. So the ones that we're
3 presenting are Google Street View. So I'm just assuming that
4 that happened to be at a time when there weren't as many cars.
5 I did have the applicant go out and take some more photos on
6 Monday and tell you that the situation then was closer to the -
7 - further away from what we what is in Street View and closer to
8 being having quite a few cars on the street, although it wasn't
9 100 percent, there were some spaces. And that's why we think
10 this application stronger because of the high number of parking
11 spaces. The applicant focused on trying to get as many spaces
12 in there as they could.

13 COMMISSIONER MAY: And do you know when the Street View
14 images were taken?

15 MR. SULLIVAN: I do not. I will try to get that
16 information.

17 COMMISSIONER MAY: The only other question I have which
18 was relatively minor. There's bike parking in the covered area.
19 Is it -- it's actually in an enclosure? It didn't look like it
20 was within the building. It looked like it was there might --
21 there was like a dotted line around it or something. Maybe I
22 misunderstood the drawings but --

23 MS. TANYERI: The bike parking is under the building.

24 COMMISSIONER MAY: And is it enclosed? It's covered,
25 but is it enclosed?

1 MS. TANYERI: It's enclosed through (indiscernible).

2 COMMISSIONER MAY: I'm sorry. It's enclosed through
3 walls.

4 COMMISSIONER MAY: Can you tell me where that is in an
5 exhibit that I might have missed because I can't -- I didn't see
6 that.

7 MS. TANYERI: Around the biking (indiscernible), a
8 chain link fence which is going to be the enclosed area.

9 COMMISSIONER MAY: Okay. So it's in a chain link fence
10 enclosure under roof?

11 MS. TANYERI: It's protected.

12 COMMISSIONER MAY: I'm trying to understand how it's
13 protected.

14 MS. TANYERI: Yes.

15 COMMISSIONER MAY: At one point you said wall, and then
16 another point, or at least I heard wall, and then at one point I
17 heard chain link fence, so it's essentially like a cage?

18 MS. TANYERI: Right, right. So it (indiscernible). It
19 is going to be behind a locked area around it, so I think the
20 connect --

21 COMMISSIONER MAY: But there are no walls. There are
22 no walls.

23 MS. TANYERI: -- I got lost.

24 COMMISSIONER MAY: All right. So I mean again, I don't
25 know if this passes muster with DDOT or not, but it does not

1 strike me as being a particularly safe way to enclose the
2 bicycles. And I'm just curious as to why you didn't bother just
3 putting walls around.

4 CHAIRPERSON HILL: Mr. Sullivan, do you know that
5 answer by any chance?

6 MS. TANYERI: (Indiscernible) -- if the underside of
7 the building, no (indiscernible).

8 CHAIRPERSON HILL: I'm sorry, Mr. Tanyeri, we're only
9 getting you intermittently. Maybe you can get an answer to that
10 and get back to us, Mr. Sullivan, at some point later in the
11 hearing?

12 MS. TANYERI: -- my phone but --

13 MR. SULLIVAN: Yeah, I think --

14 CHAIRPERSON HILL: It's okay. It's all right.

15 Ms. Mehlert, can you hear me?

16 MS. MEHLERT: Yes

17 CHAIRPERSON HILL: Go ahead and just mute Ms. Tanyeri
18 for a minute.

19 MS. MEHLERT: Okay.

20 CHAIRPERSON HILL: Okay.

21 And then Mr. Sullivan, do you know those answers at
22 all? And if not, we'll get them later in the hearing.

23 MR. SULLIVAN: I don't, and I will get those. Yes.

24 CHAIRPERSON HILL: Okay. Great. And -- yeah, I don't
25 know if you can find -- I mean Ms. Tanyeri, obviously, is having

1 a hard time getting through, so we'll just see if there's another
2 way.

3 All right. Does anybody else have any questions? All
4 right. I'm going to turn to the Office of Planning.

5 MR. JESICK: Thank you, Mr. Chairman and members of the
6 Board. My name is Matt Jesick and I'll be presenting OP's
7 testimony for Case 20440.

8 As the Board knows, an applicant for a new apartment
9 building in the RA-1 zone must demonstrate that they meet the
10 criteria of Subtitle U, Section 421. The Office of Planning's
11 analysis shows that the application would meet those criteria,
12 and OP is therefore recommending approval of this special
13 exception.

14 The mass of the building is appropriate for the RA-1
15 zone as it would meet the requirements for height, yards and lot
16 occupancy. The project would have a design that is residential
17 in character through the use of lead walks, the front entrance
18 with a canopy, balconies and Juliet balconies as well as
19 landscaping in the front. OP generally supports the selected
20 building materials, although we have recommended in our report
21 that the applicant continued to study the brick color to see if
22 another color could be used that would be more compatible with
23 the rest of the street.

24 In terms of the architecture, the building is modern
25 but continues to read as residential. It would not be

1 | inappropriate on a street that has a variety of building forms
2 | and style.

3 | In our report, we have also recommended that the
4 | applicants include solar panels on the roof, and we ask that the
5 | applicant clarify the mechanical screening at the roof level
6 | needs to be louvered or if it could be a solid screen. The site
7 | is steeply sloped, and the site plan generally works with the
8 | grade, and the design takes advantage of the topography by tucking
9 | some parking under the building as we have seen in the plans.

10 | And as has been noted, the area under the building
11 | would also be used for bike parking as well as trash storage,
12 | and we appreciate that this design found an appropriate location
13 | for those items.

14 | Commissioner May, I'm looking at Exhibit 38A, I believe
15 | it's sheets six or eight, and there is the indication of a door
16 | going into the bike storage area. Though it seems to me that
17 | the intention is for some sort of enclosure, however, that
18 | enclosure has not been specified or detailed in any way.

19 | But again, OP supports the overall design of the
20 | project and recommends approval of the special exception. We
21 | appreciate that the applicant revised the design to remove the
22 | FAR variance. And with that, I'd be happy to take any questions.
23 | Thank you.

24 | CHAIRPERSON HILL: Okay. Thank you. Mr. Jesick.

25 | Does anybody have any questions for the Office of

1 Planning?

2 Mr. Smith.

3 BOARD MEMBER SMITH: Thanks, Mr. Chairman.

4 Mr. Jesick, you briefly touched on how the property is
5 in compliance, or the application is in compliance with U 421.3.
6 Could you elaborate on that a little bit more? I read in the
7 staff report, you did touch on a couple items, but my particular
8 question relates to the arrangement of the buildings and
9 structures. There aren't any major light or air impacts or grade.
10 Would you speak to your analysis on those three?

11 You're on mute, I'm sorry.

12 MR. JESICK: In terms of grade, we examined the grading
13 plan that was submitted, and the design appears to be working
14 with the grades. It would meet the lots on either side, more or
15 less, at grade, it appeared. They seem to be using a minimum
16 amount of retaining walls. You would likely have some at the
17 ADA ramp. And it looked like they were also using some at the
18 rear where they were accommodating a couple of outdoor parking
19 spaces.

20 In terms of light and air, OP doesn't believe that
21 there would be undue impact to those factors. The building is
22 meeting the height requirements, the building would be meeting
23 the yard requirements for the zone as well, as well as lot
24 occupancy. So we didn't anticipate that there would be again,
25 undue impacts to light or air to adjacent properties.

1 BOARD MEMBER SMITH: Okay. Did OP, in that analysis,
2 did they take into account the topography. Did you take a look
3 at that? Were there any concerns related to light getting to
4 the smaller scale buildings to the north and south, or east and
5 west. Sorry.

6 MR. JESICK: Yes. To the west to the other proposed
7 apartment building that the Board heard last week, to the east
8 are the single-family dwellings. Those are uphill of the proposed
9 building in this case. So as you go up the hill, you would
10 probably have less impact to light that would result from
11 construction of this building, just because you're getting higher
12 than this building, so the sun would continue to reach those
13 properties.

14 BOARD MEMBER SMITH: Okay. Thank you. So I have one
15 additional question that relates to OP's analysis of 901.2(b),
16 the property will not tend to expect adversity (indiscernible)
17 of neighboring properties, and, of course, with the Zoning
18 Regulations and Zoning map. So my question is in your staff
19 report you have stated that the surrounding properties have a
20 mixture of -- well in particular (audio interference), what's
21 before us in question today is not out of character with west -
22 - current building formula on the block. Was that based on the
23 style, as you stated, or was that also based on the building
24 scale because there is the larger apartment building to the south.
25 And also, there's a mixture of row homes and (audio interference)

1 around the block. Can you speak to you how you arrived at that
2 analysis?

3 MR. JESICK: Yes. We looked at it both in terms of
4 the style of the building as well as the size. The block exhibits
5 a variety of styles and my sort of untrained guess of variety of
6 time periods of construction. So having a modern building would
7 not be out of place on a building plot, excuse me, on a block,
8 where you do have a variety of styles present.

9 In terms of scale, there's a variety of scales on the
10 block. You do have row houses. You would have one detached
11 home. The remainder of the block, the surrounding area would be
12 mid right -- or excuse me, low to moderate density apartment
13 buildings, most similar to this scale or slightly larger. So we
14 felt that this building was in keeping with both the scale of
15 the buildings in the area as well as the character of buildings
16 in the area.

17 BOARD MEMBER SMITH: Okay. And my final -- my last
18 final question. Did you arrive at that analysis based on
19 measuring -- I mean considering the height of this building versus
20 all of the other heights and scale of buildings along the street?
21 Was there an analysis of the heights of the existing buildings
22 along the street versus this particular application or was
23 (indiscernible).

24 MR. JESICK: I don't have the heights of the buildings
25 in terms of feet. I believe most of them are in the range of

1 three-stories, the apartment buildings. So in that sense, they
2 would be similar in scale.

3 BOARD MEMBER SMITH: Thank you, Mr. Chairman.
4 (Indiscernible).

5 CHAIRPERSON HILL: Okay. Thank you, Board Member
6 Smith.

7 Does anyone have any further questions?

8 Okay. Commissioner Moore, can you hear me?

9 COMMISSIONER MOORE: Yes, sir. Clearly.

10 CHAIRPERSON HILL: Okay.

11 Mr. Rice, can you hear me?

12 MR. RICE: Yes, sir.

13 CHAIRPERSON HILL: So I was confused. We did have
14 something formal from the ANC. I know that Commissioner Moore
15 submitted something to the record, but I wasn't sure if it was -
16 - if we have the ability to give it great weight.

17 MR. RICE: One second, sir.

18 CHAIRPERSON HILL: Yeah, I'm asking Mr. Rice.
19 Commissioner. Give me one second.

20 MR. RICE: According to ANC's report, it is at Exhibit
21 43, sir. I believe it is, you are empowered to.

22 CHAIRPERSON HILL: Yeah. Give it great weight, right?

23 MR. RICE: Yes, sir.

24 CHAIRPERSON HILL: Okay. All right. Great.

25 Okay. Commissioner Moore, do you want to go ahead and

1 give your testimony?

2 COMMISSIONER MOORE: Yes, sir. Good afternoon Board
3 members. How you all doing?

4 CHAIRPERSON HILL: Good. Thank you.

5 COMMISSIONER MOORE: Good. Can I turn on my camera?

6 CHAIRPERSON HILL: You can if you want to, but you
7 don't have to.

8 COMMISSIONER MOORE: Hold on you all. Bear with me.
9 There we go.

10 CHAIRPERSON HILL: Okay. Great. Thank you.

11 COMMISSIONER MOORE: You're welcome. Is it starting?

12 Okay. Okay. Our first grave concern is with the
13 community is mainly the parking. The parking could cause a whole
14 lot of problems, Chairman Hill.

15 Also, the second concern is crime in the area. You
16 already know that it is an MPD hotspot as I mentioned last week,
17 but we also have three properties in the area that are nuisance
18 property. That's my building, 2315 Green Street. There's also
19 Galen Terrace on the same side where the property -- where the
20 projects will be built and also (indiscernible) house which is
21 around the corner. Hold on a minute. I'm sorry.

22 CHAIRPERSON HILL: Take your time.

23 COMMISSIONER MOORE: Yeah. I did have a couple of
24 questions for Mr. Sullivan. I knew that they were providing 16
25 bedrooms but now they are providing four. And I just want to

1 know how many three bedrooms that they are providing? Could I
2 get that answer real quick?

3 CHAIRPERSON HILL: Sure. Let me see if Mr. Sullivan
4 knows the answer.

5 Mr. Sullivan do you know, how many three-bedroom units
6 there are?

7 MR. SULLIVAN: I don't know. But I do want to update
8 that the architect has called in on the phone. And so if Ms.
9 Mehlert could let her in. And then also, Mr. Claggion couldn't
10 -- his microphone symbol wasn't up, so he wasn't able to speak
11 before when there were some questions. He's available now, so I
12 think they know the answer to that.

13 CHAIRPERSON HILL: Sure.

14 Ms. Mehlert, can you hear me?

15 MS. MEHLERT: Yes.

16 CHAIRPERSON HILL: Can you let the architect in by
17 phone if you see her name?

18 MS. MEHLERT: Yes. One second.

19 CHAIRPERSON HILL: Mr. Claggion, can you hear me?

20 MR. CLAGGION: Good morning -- good afternoon,
21 Commissioner -- Chairman Hill. Yes, I can hear you.

22 CHAIRPERSON HILL: Could you introduce yourself for the
23 record, please?

24 MR. CLAGGION: Yes. My name is Jamaal Claggion. I am
25 the owner of GREEN 2336, LLC, and also the developer for this

1 project.

2 CHAIRPERSON HILL: Great. Thank you, Mr. Claggion. I
3 love your tie. It looks very nice.

4 MR. CLAGGION: Thank you.

5 CHAIRPERSON HILL: Let's see. Was there -- I can't
6 remember. Who had a question -- did somebody have a question
7 for the property owner and if so, raise your hand?

8 Okay. Mr. Moy, what do you need?

9 MR. MOY: I don't have a question. But I just want to
10 let you know, Mr. Chairman, that the owner, Mr. Claggion, has not
11 been admitted the -- administered his oath.

12 CHAIRPERSON HILL: Got it.

13 Mr. Claggion, can you take the oath administered by the
14 Secretary real quick?

15 MR. CLAGGION: Yes, sir.

16 Whereupon,

17 JAMAAL CLAGGION,

18 a witness, first duly sworn, and was examined and testified as
19 follows:

20 MR. MOY: Thank you, sir.

21 CHAIRPERSON HILL: Okay. Let's see.

22 Commissioner Moore, you were --

23 COMMISSIONER MOORE: Yes, sir.

24 CHAIRPERSON HILL: -- giving your testimony?

25 COMMISSIONER MOORE: I'm sorry.

1 CHAIRPERSON HILL: You were giving your testimony. You
2 were telling me -- are you done, or you had some -- you had a
3 question -- I'm sorry. You had a question for Mr. Sullivan about
4 how many three-bedroom units? Is the architect here? And/or Mr.
5 Claggion, do you know the answer to that?

6 MR. CLAGGION: Yes. As a Mr. Sullivan indicated, we
7 move two -- three-bedroom units from the cellar. So I believe
8 we have twelve three-bedroom units and two two-bedroom units. I
9 believe and I will let Gozde, when she gets in, confirm that.
10 But I believe there's twelve three-bedroom units presently and
11 two two-bedroom units.

12 CHAIRPERSON HILL: Commissioner Moore, did you hear
13 that?

14 COMMISSIONER MOORE: Yes. Thank you, Mr. Claggion.

15 Okay. I submitted a photo for -- Ms. John to back up
16 (audio interference).

17 CHAIRPERSON HILL: Commissioner Moore, I'm sorry, can
18 you hear me?

19 COMMISSIONER MOORE: I see his --

20 CHAIRPERSON HILL: Commissioner. You're kind of
21 breaking up. Why don't you turn off your video. Turn off your
22 video.

23 COMMISSIONER MOORE: Yes. Can you hear me?

24 CHAIRPERSON HILL: Yeah. Turn --

25 COMMISSIONER MOORE: Can you hear me?

1 CHAIRPERSON HILL: Yeah, that might help.

2 COMMISSIONER MOORE: Okay. I'm sorry about that.

3 CHAIRPERSON HILL: You're all right.

4 COMMISSIONER MOORE: Okay.

5 CHAIRPERSON HILL: You were telling us about something

6 --

7 COMMISSIONER MOORE: The view, the view. Yeah, the
8 view. I had submitted a photo -- I'm sorry. I submitted a photo
9 to back up what Ms. John was saying last week about the view from
10 that top of the hill which is spectacular. That view that I
11 submitted you guys in the picture is a view of my bedroom window,
12 which is like 60-feet -- square feet wide and more than 60-feet
13 in depth. And that view right there is -- I wouldn't want anyone
14 to obstruct my view. I wouldn't want anyone to build anything
15 next to my property to obstruct my view as Ms. John indicated
16 last week, which is I can see the fireworks. We can see the
17 fireworks from the Hill. Mr. Claggion --

18 CHAIRPERSON HILL: Yes.

19 COMMISSIONER MOORE: Yeah. Mr. Claggion testified that
20 he is providing 12 three bedrooms. Now, I'm going to take seven
21 of those 12 bedroom -- three bedrooms and say, out of all those
22 -- the three bedrooms are occupied by adults. Some could be
23 married, maybe not. But what three times seven? That's 21.
24 That's 21 adults that could be driving. And the question still
25 remains, where are these individuals going to park?

1 CHAIRPERSON HILL: Okay.

2 COMMISSIONER MOORE: That's all I have for right now.
3 I can't find my other notes. That's all I have for right now,
4 you guys.

5 CHAIRPERSON HILL: All right. Commissioner. As we go
6 through this, if you think of something, just speak up and I'll
7 let you know. Okay.

8 COMMISSIONER MOORE: Thank you so much.

9 CHAIRPERSON HILL: Thank you, Commissioner.

10 COMMISSIONER MOORE: Yeah. I just thought of
11 something, I'm sorry. During the community meeting with Mr.
12 Claggion, up until now, the ANC was the only one who's seen his
13 revised plans, but he'd never showed the community the plans to
14 the property -- about the property. So they are unclear what
15 the property looks like, what's going to go, how many bedrooms,
16 you know. So yes, that's his failed attempt to not to communicate
17 with the community at all.

18 CHAIRPERSON HILL: Okay, Commissioner. I got it. I
19 mean he came to the ANC meeting, but we'll talk to him a little
20 bit. Okay.

21 COMMISSIONER MOORE: Thank you.

22 CHAIRPERSON HILL: All right.

23 Does anybody have any questions for the Commissioner?

24 Mr. May -- Commissioner May.

25 COMMISSIONER MAY: Yes. Commissioner Moore. You --

1 COMMISSIONER MOORE: Yes.

2 COMMISSIONER MAY: I don't know if you heard my
3 questions of the applicant with regard to the discrepancy between
4 the photos that they showed versus the photos that we've received
5 in the record, which show many, many vehicles parked on the
6 street.

7 COMMISSIONER MOORE: Yes.

8 COMMISSIONER MAY: But the applicant did admit that the
9 current situation is that there are a lot of cars parked on the
10 street. Going from like almost no cars to cars all over on the
11 street seems like a pretty remarkable swing. Do you know anything
12 about why there would suddenly be so many more cars now than
13 there were when the earlier picture was taken?

14 COMMISSIONER MOORE: Actually, it has to go to when
15 that earlier picture was taken. And I do agree with Mr. Sullivan
16 when he said that that was a Google -- a Street View --

17 COMMISSIONER MAY: Yes.

18 COMMISSIONER MOORE: Google --

19 COMMISSIONER MAY: Yeah.

20 COMMISSIONER MOORE: Yeah. Of the street. As of today
21 -- well, last week I submitted, I think it was like three or four
22 photos of all the cars parked on the street. Yes, it is crowded
23 like that. And some of Greenwood Manor -- is that Green -- yeah,
24 Greenwood Manor, up the hill, park on Green Street, parks on the
25 street, because their parking lot is so crowded.

1 COMMISSIONER MAY: It still seems like a remarkable
2 difference. Is there --

3 COMMISSIONER MOORE: Yeah, yeah.

4 COMMISSIONER MAY: Is the street parking controlled?
5 Is it -- do you have residential parking vehicles on that block?

6 COMMISSIONER MOORE: There is no residential parking
7 all but but in the parking lot. Galen Terrance and Greenwood
8 Manor, they're the only ones that have parking lots.

9 COMMISSIONER MAY: No, no, no. That's not what I'm
10 asking. Is this -- does the street parking, is that controlled?
11 Do you have resident park --

12 COMMISSIONER MOORE: No, sir.

13 COMMISSIONER MAY: -- restriction.

14 COMMISSIONER MOORE: No, sir. We don't have -- no.
15 No, no residential parking restrictions. You park at your own
16 will.

17 COMMISSIONER MAY: And are there like construction
18 projects that are happening in close proximity, because sometimes
19 what happens when there are construction projects is that all the
20 workers will come and find those blocks where there are no
21 restrictions and park there and take up all the parking during
22 the day.

23 COMMISSIONER MOORE: But not in this -- I'm sorry, not
24 in this immediate area but on Morris Road, Washington Gas is
25 doing something down there on Morris Road, which is less than a

1 mile from here.

2 COMMISSIONER MAY: Okay. Yeah. I mean it's that --
3 who knows how far folks travel for this, but it's a common --

4 COMMISSIONER MOORE: Yes.

5 COMMISSIONER MAY: -- phenomenon. Has the -- have the
6 neighbors in the block considered -- if it's already a parking
7 problem now, have you've considered petitioning to have the block
8 put under residential parking restrictions?

9 COMMISSIONER MOORE: It hasn't been brought to my
10 attention, Mr. May. I don't know about that.

11 COMMISSIONER MAY: Okay. But if it's -- again, if it's
12 a problem already, regardless of what happens to this project,
13 that is something the neighbors can do to limit the number of
14 vehicles that are parking on the street if a lot of them are not
15 from the area.

16 COMMISSIONER MOORE: Right.

17 COMMISSIONER MAY: Right.

18 COMMISSIONER MOORE: Right.

19 COMMISSIONER MAY: Yeah. Okay. All right. I think
20 that's it for my questions. Thank you.

21 COMMISSIONER MOORE: I hope I've been helpful. Thank
22 you.

23 COMMISSIONER MAY: Very much. Thank you.

24 CHAIRPERSON HILL: Yeah. And Commissioner Moore, I
25 don't really know a lot about this stuff, but right,

1 (indiscernible) petitioning for residential parking, that could
2 be helpful to what Commissioner May was mentioning.

3 COMMISSIONER MOORE: Okay. Thank you for the heads up.

4 CHAIRPERSON HILL: Yeah, that's -- it's helpful. Okay.
5 Anybody else for the Commissioner?

6 All right. Commissioner, if you could just mute your
7 lines for a little bit, please.

8 COMMISSIONER MOORE: Yes, sir. Thank you.

9 CHAIRPERSON HILL: Thank you. I'm going to turn to -
10 - oh, I already did the Office of Planning.

11 Ms. Mehlert are there people here wishing to speak?

12 MS. MEHLERT: Yes. There's four in opposition?

13 CHAIRPERSON HILL: Okay. Could you bring all four up,
14 please, and tell me their names, or I guess I can kind of figure
15 it out. Okay. Give me one second.

16 All right. Is it Ms. Anderson? Jessie Anderson?

17 MS. ANDERSON: Yes.

18 CHAIRPERSON HILL: Okay. Ms. Anderson, I -- you might
19 have testified last year -- last week, I can't remember, but
20 you'll have three minutes to give your testimony and you can
21 begin whenever you like.

22 MS. ANDERSON: Yes. My name is Jessie Anderson and I
23 live -- I'm a resident at 1420 -- I'm the resident of 2322 Green
24 Street. And I am opposed of the project that is being built on
25 my street due to the fact that it do causes or it will cause a

1 lot of congestion as far as parking. And also, it will be an
2 impact on the residents when this project began due to the
3 (indiscernible) of the project and due to the fact that Mr.
4 Claggion did not present his plan to us so that we can do view
5 it in a timely manner. And then he also began his project or
6 wanting to start his project with a lot of digging in the street
7 without being approved.

8 I also noticed that a lot of the information that he
9 had displayed on his PowerPoint, we did not get a chance to review
10 it to determine whether or not there can be such changes made
11 for us to view. But like I said, mainly, if this project begins,
12 there will be a lot of problems with the topical, the soil, the
13 viewing of the area, as well as communicating with all the
14 neighbors with his projects going on.

15 And part of his project is also in conjunction with the
16 project that we spoke with last week. It has a lot to do with
17 communication and a lot of working together. And both person,
18 or I should say both contractors, or both owners need to
19 communicate with us so that we all will be on the same page. But
20 unfortunately, the biggest problem that I've seen that this
21 project will bring is parking. And due to the fact that the
22 parking is in the middle of where I live at and further up the
23 hill, we will not be able to access and they will not be able to
24 access the street coming and going as far as leaving the area,
25 coming back in the area.

1 Not to mention any type of emergency vehicle or any
2 type of crisis that happened on the road or on this road, they
3 will not have access to quick service or any type of emergency.
4 I have witnessed the vehicles dealing with the emergency having
5 to back down the hill just to get off this hill due to the fact
6 that cars is parked on both sides of the streets and due to his
7 -- and due to the viewing of his PowerPoints, the streets -- what
8 he show is the street being clear of all cars. As of recently,
9 the street is filled with cars. Cars are park --

10 CHAIRPERSON HILL: Ms. Anderson?

11 MS. ANDERSON: Yes.

12 CHAIRPERSON HILL: You're over three minutes. I don't
13 mind. I just want to let you know so you can kind of like wrap
14 up.

15 MS. ANDERSON: Okay. Okay. Mainly about the parking
16 and also about the emergency vehicles coming into the area not
17 being able to get down the hill and not being able to service
18 the community is (indiscernible) part of the problem.

19 CHAIRPERSON HILL: Okay. Okay. Thank you, Ms. Anderson
20 for your testimony.

21 MS. ANDERSON: Thank you.

22 CHAIRPERSON HILL: Mr. Barrow, can you hear me?

23 MR. BARROW: Yeah. I just need to unmute my mic.

24 CHAIRPERSON HILL: Yeah. We hear you now, sir.

25 MR. BARROW: All right. So I'll make this pretty brief.

1 CHAIRPERSON HILL: Okay.

2 MR. BARROW: I want to -- first thing I'm going to talk
3 about is I'm the property adjacent to the proposed property.

4 CHAIRPERSON HILL: Could you introduce yourself, Mr.
5 Barrow, for the record?

6 MR. BARROW: Yeah. My name is Language Barrow. I
7 reside at 2340 Green Street. So I'm the property immediately
8 adjacent to the proposed property.

9 CHAIRPERSON HILL: Got it. Thank you.

10 MR. BARROW: And so right now, on -- there's a two-
11 story residential property there. Even though it's on the hill,
12 that two-story goes up to about my second floor. So the proposed
13 three-story is actually going to definitely be above my roof,
14 even though it's on the hill. So I do have some concerns around
15 light and air flow when that building takes -- when that building
16 is built to take place. I'd be interested to see if there's a
17 possibility to do some type of shadow study or light study or
18 something like that.

19 To get to the parking, currently as you heard before,
20 that's -- that left side of the street is actually -- is supposed
21 to be no parking on there because of fire hazards, but people
22 park there all the time. Some of it may be related to the
23 pandemic where we had some vacant cars parked on the hill for a
24 long period of time that shouldn't have been, so that could also
25 be why the pictures are so drastic. I've talked about that.

1 As far as the bikes, very few people ride bikes on this
2 hill because the grade is so steep. So even though they're going
3 to put a bike locker in there, it's very unlikely to be realistic
4 that someone's going to be riding a bike up that hill, and they're
5 about at the midway of the hill, unless that person is a
6 professionally trained athlete.

7 And let's see here. And so the last point I want to
8 make is just his point about the residential parking. Because
9 this is a cul-de-sac street and it's kind of what we were saying
10 the cut or in a bad -- kind of a bad environment, we don't get a
11 lot of people parking from outside of the community on the street.
12 We just don't see a lot of that because it's destination street.
13 So usually, you're only coming on the street if you have a reason
14 to be on the street. So the car parking that you see is pretty
15 endemic of the parking that's here. I'm new to the neighborhood.
16 I've been here three years. But the parking has always been an
17 issue here. And that's pretty much about it for my piece.

18 CHAIRPERSON HILL: Okay. Thank you, sir.

19 MR. BARROW: Sure.

20 CHAIRPERSON HILL: Let's see.

21 Ms. Tam, can you hear me?

22 MS. TAM: Yes, Chairman Hill.

23 CHAIRPERSON HILL: Could you please introduce yourself
24 for the record?

25 MS. TAM: Yes. My name is Julie Tam. I am the property

1 owner of 2316 Green Street, Southeast

2 CHAIRPERSON HILL: Okay. And you also have three
3 minutes to give your testimony. You can begin whenever you like.

4 MS. TAM: Okay. Great. Thank you, Commissioners for
5 this opportunity. I'm going to be speaking on behalf of myself
6 and also my neighbors. I've been given -- I've taken the
7 opportunity to speak to many of them, so I will begin.

8 So as you know, the BZA is required to give great weight
9 to the ANC and the affected community. And as you've seen through
10 the report, the ANC has unanimously opposed this project. And
11 all residential owners of single-family dwellings that reside
12 within 200 feet of this project also oppose this project. So
13 the developer has only received one letter of support from the
14 adjacent owner, who is a developer proposing a similar project.
15 And as already stated, the BZA heard that application a week
16 prior or two weeks prior.

17 And you just heard from the neighbor, Language Barrow,
18 on the other side of this project, and he adamantly opposes this
19 project. And just because this project can be built by all the
20 regulations, it doesn't necessarily mean that it should be built
21 if it negatively affects the community and is vehemently opposed
22 by the community. So I will give you five reasons why we oppose
23 this project.

24 So the first you have heard numerous people testifying
25 before me that it creates a significant parking constraint on an

1 | already confined cul-de-sac street. And the photos that we've
2 | submitted depict the current parking situation, which includes
3 | parking -- vehicles parked in no parking zone. And the result
4 | has led to impasse of large vehicles such as emergency vehicles,
5 | sanitation trucks and delivery trucks.

6 | The second reason that hasn't been stated is that this
7 | street, or at least Commissioner Moore has alluded to this, is
8 | that the Metropolitan Police Department have designated this
9 | street as a hot zone with high crime, violence and noise
10 | disturbances, right. The dense population of the street has made
11 | it exceptionally difficult for the Metropolitan Police Department
12 | to enforce law and order. Just as an example. The other week,
13 | there was a shooting on Green Street, Southeast at 2:00 p.m. in
14 | the afternoon, which led to multiple casualties. And as
15 | Commissioner Moore said, the Metropolitan Police Department has
16 | already classified multiple multi-family properties on Green
17 | Street, Southeast as nuisance properties. So more multi-family
18 | units will only exacerbate the issue on our street and decrease
19 | the safety for our current residents. And in addition, on this
20 | high crime street, the developer has not proposed any plans for
21 | 24-hour private security.

22 | And the third reason is that this development will
23 | significantly change the arrangement of the streets characterized
24 | by single-family dwellings. This observation was noted by -- in
25 | the Office of Planning report. So the neighbors have requested

1 that if anything be developed on any of these plots that if these
2 single-family dwellings to maintain the characteristic of our
3 street, which is dominated by single family dwellings.

4 The fourth reason for our opposition is that the
5 developer has tried to bypass our community. They have done --
6 they have given us insufficient notification to us and also our
7 council members. So many property owners within 200 feet were
8 not sent notices, filers or invitations to community meetings.
9 Even our council member, Trayon White, did not have records of
10 this project. And they claimed to have come to ANC meetings,
11 but they have also missed ANC meetings where they were expected
12 to be present and where the community was present. And so --
13 and at one of these community meetings, the developer told the
14 neighbors --

15 CHAIRPERSON HILL: Ms. Tam. Ms. Tam, I'm sorry, I know
16 you had five reasons. I just want to let you know you've gone
17 through four minutes.

18 MS. TAM: Okay. Great. I'll clear like very quickly.
19 Yeah. That the developer, he told us that he did not care about
20 the community, what the community thought of his project. And
21 lastly, the Office of Planning, they've never been on Green
22 Street, so they're not really familiar with our terrain and the
23 negative effects it would cause with the topographical changes
24 that are being proposed.

25 CHAIRPERSON HILL: Okay.

1 MS. TAM: So my comments are done.

2 CHAIRPERSON HILL: Thank you so much.

3 Mr. Steinhauer, can you hear me?

4 MR. STEINHAUER: Yes, sir.

5 CHAIRPERSON HILL: Could you go ahead and introduce
6 yourself, please, first for the record.

7 MR. STEINHAUER: Yes. My name is Jason Steinhauer, and
8 I reside at 2316 Green Street.

9 CHAIRPERSON HILL: Okay, Mr. Steinhauer, if you could
10 go ahead and give your testimony, please.

11 MR. STEINHAUER: Yeah. Sure.

12 In brief, there is absolutely no reason why this
13 building should be built. It is a monstrosity. It is going to
14 dwarf the other buildings in the neighborhood. Chairman Smith
15 was exactly right and asked the exact right questions, and
16 frankly, the response from the Office of Planning was quite
17 appalling.

18 If you look at slide No. 1 and also slide No. 29 of
19 the presentation that was given today by the developer, you can
20 see in the renderings that this building towers above the other
21 buildings around it, in addition at the top of a hill, so that
22 adds even more height to it. The sun rises over this hill and
23 stays there throughout the course of the day. So this building
24 will actually cast an entire shadow on the neighboring properties
25 such as Mr. Barrow, who's already testified, as well as other

1 | properties on Green Street.

2 | It will have a significant and undue impact on the
3 | light and shadows on the street. And I find it surprising that
4 | the Office of Planning did not actually do analysis to get the
5 | heights of the surrounding buildings and that no studies of that
6 | nature are included in the plans -- plans, by the way, that we
7 | only saw today. Originally, this project was supposed to be 16-
8 | units. It was supposed to include an IZ unit. All that has
9 | changed, and it changed on 6/29, a day before the hearing. None
10 | of us have seen the revised plans until right now.

11 | This project reminds me very much of an episode of The
12 | Simpsons, where Mr. Burns proposes a plan to block out the sun
13 | and then laps his way all the way to the bank. We are just as
14 | outraged as the residents of Springfield in that episode. This
15 | developer clearly does not care about Green Street. He said so
16 | in his testimony to us during the meeting, where he said he did
17 | not care about our opinions. He has circumvented the ANC. He
18 | has put up plans in the official record the day before the hearing
19 | so that we can't see them. And his basic plan here is to make
20 | money that's why he removed the IZ unit. And it's also why he
21 | wanted to have an FAR special exception, so that could gain more
22 | space for rentals and put more money in his coffers. This is
23 | not what we need in this community. We do not need more rentals
24 | and developers coming in here to make a quick buck. We need
25 | homeowners. We need single-family homes. People who will pay

1 taxes, who will invest in the community, who will make this
2 community safer, who will improve the crime on the street, who
3 will get involved in the community, and a way for people in this
4 low-income community to build generational wealth through
5 homeownership.

6 This is a primarily African American neighborhood. The
7 African American homeowners in this neighborhood overwhelmingly
8 reject this proposal. The ANC has voted 6-0-0 against the
9 proposal. The adjoining property owners who are African American
10 have voted against this proposal. The Board is required to give
11 all of those great weight, and so we hope that the Board will
12 reject this proposal or at least tell the developer to work
13 collaboratively with the community to build something that is
14 more in keeping with the neighborhood and that actually benefits
15 the community as opposed to taking advantage of it. Thank you.

16 CHAIRPERSON HILL: Thank you, Mr. Steinhauer.

17 Okay. Does the Board have any questions for any of the
18 witnesses?

19 Okay. All right, Ms. Mehlert, before you let them go.
20 So anyway, thank you all very much for your testimony. I know
21 that you guys testified at the last building hearing and so, you
22 know, it's great. Keep active in your community, stay active in
23 your community.

24 All right. Ms. Mehlert, if you could please excuse
25 everyone.

1 Okay. Let's see what was -- going to do it. All right.

2 Okay. So do -- okay.

3 So Mr. Sullivan, can you hear me?

4 MR. SULLIVAN: Yes.

5 CHAIRPERSON HILL: Right. So again, this is a little
6 different than the last thing we were here with last week, right.
7 I mean -- and so everybody's listening. You all are -- and I'm
8 clarifying. You all are providing seven parking spots, correct?

9 MR. SULLIVAN: Yes.

10 CHAIRPERSON HILL: Right. And the requirement is for
11 three, correct?

12 MR. SULLIVAN: Yes.

13 CHAIRPERSON HILL: Right. And DDOT signed off on this.
14 And then I thought there was an IZ unit.

15 MR. SULLIVAN: There is.

16 CHAIRPERSON HILL: Right.

17 MR. SULLIVAN: We are not removing it.

18 CHAIRPERSON HILL: Right. Is there one IZ unit?

19 MR. SULLIVAN: Yeah. It's currently -- yeah, it's one
20 IZ unit (indiscernible).

21 CHAIRPERSON HILL: As per regulations.

22 MR. SULLIVAN: Yes.

23 CHAIRPERSON HILL: Right. Okay. And then do you know
24 how like -- I guess I'll just talk to Mr. Claggion or Mr. -- is
25 it Claggion?

1 MR. CLAGGION: Claggion, Chairman Hill.

2 CHAIRPERSON HILL: Okay. Great. Thanks.

3 So Mr. Claggion, I mean you guys went to the ANC
4 meetings, correct?

5 MR. CLAGGION: Yes, yes.

6 CHAIRPERSON HILL: And so -- you're not incorrect?
7 Yes. So then -- I mean I would want to make sure -- I guess and
8 don't -- you don't have to try to respond to anything that's been
9 said other than I'm trying to figure out how you might be able
10 to -- like how -- what other ways did you try to engage the
11 community or what other ways do you think you might engage the
12 community or have done it differently? And maybe, Mr. Sullivan,
13 you can also speak to that. I don't know.

14 MR. CLAGGION: Okay. Chairman Hill. I'll start. I
15 truly think that they may be confusing my project with the other
16 project, because some of the things that were mentioned have
17 never come from me. So I'm going to assume that that's what they
18 are referring to. The process in terms of development involves
19 that you mail out your complete --

20 CHAIRPERSON HILL: Okay. Actually, Mr. Claggion I'm
21 going to interrupt you. That's all right. And I can see Mr.
22 Sullivan is about to say something. I just --

23 MR. SULLIVAN: Yeah, I almost --

24 CHAIRPERSON HILL: I just have a pretty full day. And
25 I'm just realizing that like -- have you done other developments

1 before, Mr. Claggion?

2 MR. CLAGGION: Yes, sir.

3 CHAIRPERSON HILL: Okay. Have you had a way that you
4 like -- there's like a phone number that the community can call
5 the project manager or whoever it is when the construction is
6 going on? Is that -- have you done that in the past?

7 MR. CLAGGION: Yes.

8 CHAIRPERSON HILL: Okay.

9 Mr. Sullivan, you were trying to ask something or
10 comment on something?

11 MR. SULLIVAN: Yeah. On March 16th, we sent out an
12 additional flyer which we do often when we're concerned about the
13 official notice. So we sent out a flyer on March 16th to
14 everybody within 200 feet with a lot of details including contact
15 information for myself and for Mr. Claggion. And with that, we
16 also scheduled a Zoom meeting for the immediate community, which
17 was held, which actually Commissioner Moore, I don't think was
18 there for that. But we had a Zoom meeting, we had an executive
19 ANC meeting, and then we had the full ANC meeting. So we've had
20 -- we've tried pretty hard for the reach out. I don't think it
21 was represented that way.

22 CHAIRPERSON HILL: Okay. All right. So that's one
23 thing. And then the last question I have, Mr. Sullivan. I don't
24 know how to even -- how this would have (indiscernible). I mean
25 the project that was here last week before us didn't have parking,

1 right. And there was a whole discussion about this driveway
2 being shared because there wasn't a curb cut. Was there any --
3 I mean I'm asking this client because he's part of the thing.
4 Was there any further discussion about that?

5 MR. CLAGGION: Is that for me, Commissioner -- Chairman
6 Hill?

7 CHAIRPERSON HILL: You can answer. Do you have any
8 thoughts on the property next door and sharing the driveway and
9 providing parking of some kind?

10 MR. CLAGGION: Yes, yes. You know, we were -- at this
11 point, we're just trying to figure out how we can help the
12 neighboring project, so yeah. So we've been in discussion, but
13 we haven't established exactly how it's going to happen, but I'm
14 willing to help them out as best as I can.

15 CHAIRPERSON HILL: And Mr. Sullivan, the project needs
16 three spots, right?

17 MR. SULLIVAN: I think it's two because that's fewer
18 units. That one's just 10 units. (Indiscernible).

19 CHAIRPERSON HILL: Okay. I can't remember. I don't
20 have any more questions.

21 MR. SULLIVAN: Yeah.

22 CHAIRPERSON HILL: Does the Board have any more further
23 questions of the applicant?

24 Ms. John.

25 VICE CHAIR JOHN: So Mr. Sullivan, I'll ask you the

1 question. Was your client intending to come up with a
2 construction agreement with the ANC given all of the concerns
3 about construction traffic during the construction process?

4 MR. SULLIVAN: Yes. Yeah. We can definitely do that.
5 It wasn't really discussed yet because we hadn't heard much about
6 construction concerns until this hearing. It's mostly been
7 focused on the parking, but yes, absolutely. That's always
8 helpful.

9 VICE CHAIR JOHN: And as a follow up question. So if
10 this application is approved, we would be approving seven parking
11 spaces, which we considered to be, I don't want to say sufficient,
12 but that would work for this particular project. So if the
13 applicant is thinking of providing two additional spaces, my
14 question is how would that be handled? Would you have DDOT? I'm
15 not sure how that would work and -- go ahead.

16 MR. SULLIVAN: I'm sorry. So I think the scenario that
17 is being considered as sharing a driveway to then put parking
18 spaces on the other property.

19 VICE CHAIR JOHN: Okay.

20 MR. SULLIVAN: Yeah. And then it's been -- we have had
21 discussions like that with DDOT and they've said they would not
22 want two curb cuts and that they're always in favor, or not
23 always, but they're generally in favor of situations where two
24 properties can share one cut.

25 VICE CHAIR JOHN: Okay. Thank you.

1 CHAIRPERSON HILL: Okay. Anyone else?

2 COMMISSIONER MAY: Yeah.

3 CHAIRPERSON HILL: Commissioner May.

4 COMMISSIONER MAY: Yes. So we heard the testimony from
5 the Office of Planning suggesting that there'll be some tweaks
6 to the design, change in color of the brick. I can't remember
7 the other ones, solar panels, although, I don't think that's
8 really relevant to the relief that's requested. But certainly,
9 the color the brick is -- I mean how -- what -- and the question
10 they had about the rooftop condensers and whether the enclosure
11 would have louvers and whatnot. Can you answer those questions?
12 Are you going to be willing to change the brick? And what's the
13 answer on the louvers?

14 MR. CLAGGION: Certainly. We are definitely willing
15 to -- I'm flexible on design. So I mean that's -- that we can
16 change and make sure it coincides with the community and how it
17 currently looks. So I have no problem with doing that as it
18 relates to the condensers. What is the question now? They're
19 looking --

20 COMMISSIONER MAY: There's a required enclosure, I
21 think. And the question is whether they are -- or there is an
22 enclosure that's been drawn. Is it -- does it have louvers in
23 it or not, something like that? If I understand correctly, maybe
24 Mr. Jesick wants to clarify.

25 MR. CLAGGION: And I would -- I'll confirm that with

1 my architect. But if that's required, I'm -- I don't want to
2 give an answer, but I'll confirm with my architect if that's the
3 case.

4 COMMISSIONER MAY: Mr. Jesick, you want to clarify
5 exactly what the issue is?

6 MR. JESICK: Yes. I believe presently on the plans,
7 the enclosure is shown as louvered. We were just wondering if
8 that was a code requirement or if it could be solid that may help
9 with blocking the sound from the (indiscernible).

10 COMMISSIONER MAY: Okay. And so Mr. Claggion, you're
11 willing to look at that question and do a solid enclosure, if
12 that's feasible?

13 MR. CLAGGION: Yes, sir.

14 COMMISSIONER MAY: Okay. Yeah. I don't think I have
15 any more questions.

16 CHAIRPERSON HILL: Ms. John.

17 VICE CHAIR JOHN: So this is for the applicant. I'm
18 not quite sure if I should ask Mr. Sullivan or Mr. Claggion, but
19 whoever wants to take it can. One of the witnesses mentioned
20 security lighting and I was wondering if you had given any
21 consideration to that.

22 MR. CLAGGION: Absolutely. The security and safety of
23 our residents that's going to live in the property is definitely
24 going to be a priority. So I mean the question is how many --
25 we won't know specifically until the property is up, the

1 (indiscernible) of how things look in real life. At that time,
2 we'll know whether we're putting three or four security cameras.
3 But we're definitely going to provide and implement security
4 measures to make certain that the property is safe for our
5 residents and also those that reside around the property.

6 VICE CHAIR JOHN: Thank you.

7 CHAIRPERSON HILL: Mr. Smith.

8 Anybody else? Okay. I'm not sure where --

9 BOARD MEMBER BLAKE: (Indiscernible.)

10 CHAIRPERSON HILL: Mr. Blake. Mr. Blake.

11 BOARD MEMBER BLAKE: Yes. For Mr. Claggion. Is this
12 going to be a condominium building or a rental building?

13 MR. CLAGGION: This will be a rental -- market rental
14 property.

15 MR. BLAKE: Thank you.

16 CHAIRPERSON HILL: Okay. I kind of don't know where
17 we are in that I don't know -- there's a bunch of stuff that
18 seems to be kicking around with the Board, and so I'm not sure
19 if we need to see something or not. Like, what I've heard is
20 security lighting, a construction management plan, and I mean -
21 - no one has really talked about a sun study again. Like, I
22 think there is -- I don't know if we need to or not to see a sun
23 study. I guess I wouldn't mind seeing a construction management
24 plan. Something that kind of -- to quote Chairman Hood, it helps
25 implement the "good neighbor policy," right. And then whatever

1 kind of security lighting issues are. I don't know if there's
2 anything anybody else or -- I'm sorry. And then if they actually
3 see whatever the Office of Planning is kind of talking about with
4 like the louvers and around those Office of Planning issues and
5 actually see that in the design. I don't know. I mean, for me
6 (audio interference). I'm asking if there's anything that the
7 Board thinks they need, or are we ready to deliberate?

8 And so I'll start with Mr. Smith because he raised his
9 hand.

10 BOARD MEMBER SMIITH: I spoke on the sun study last
11 week in my discussion about impacts related to the general special
12 exception criteria was in 901.3. It was in relation to
13 (indiscernible) impact, so it would be great to see that, if the
14 applicant can provide that.

15 CHAIRPERSON HILL: Okay.

16 Mr. Sullivan, do you understand? Okay. Mr. Sullivan
17 is nodding for the record. Okay. Then if we are going to wait
18 to see more stuff, then the sun study, security lighting plan,
19 Mr. Claggion, I guess just security. I mean we've heard so much
20 about security. And fortunately, and unfortunately,
21 unfortunately not even for you, we've done a whole other building,
22 a long testimony, long thing last week where parking was really
23 an issue, right? So we've heard a lot about security, so
24 something that you can provide that can make us as a Board feel
25 more comfortable about some of the things that the community has

1 brought up, which is like again, the construction management plan
2 that Mr. Sullivan will be able to help you provide, right, as to
3 how you're going to be a good neighbor. How is it that you're
4 going to reach out to the community while all this construction
5 is going on if it does get approved, right? Then again, security
6 lighting. How are you going to make this building a safe place?
7 And then a sun study.

8 Am I missing anything that anybody wants to see? Okay.
9 Mr. --

10 MS. ANDERSON: Excuse me, Mr. Chairman. This is Ms.
11 Anderson. And I'm just curious on how he going to have the solar
12 paneling, the parking and the air conditioner on top of the roof.

13 CHAIRPERSON HILL: The parking is not on top of the
14 roof, I don't think. And I think that the Office of Planning's
15 questions about -- I guess Mr. Sullivan, do you know what's on
16 that roof again?

17 MR. SULLIVAN: We're not going to do solar panels. So
18 I don't know. Jamaal, if you know specifically what's on it?

19 MR. CLAGGION: Yeah. At this point, it is just the
20 condensers (audio interference), central air.

21 CHAIRPERSON HILL: Right. And Mr. Sullivan, do you
22 remember over what the Office -- I can't remember what the Office
23 of Planning was at -- Mr. Jesick, can you hear me?

24 MR. JESICK: Yes, Mr. Chairman.

25 CHAIRPERSON HILL: What were some of the Office of

1 Planning's suggestions or questions? One was something solid
2 around the condensers, correct?

3 MR. JESICK: Well, we were just wondering if the
4 screening around the condensers could be a solid enclosure or if
5 by code, it had to be louvered.

6 CHAIRPERSON HILL: Okay. Mr. Claggion, you don't know
7 the answer. You're saying that it could be solid, or you don't
8 know.

9 MR. CLAGGION: I would have to confirm with DCRA on
10 that. If it could be solid and if that's a concern, we'll
11 definitely make it solid. But I'm not quite sure on as it relates
12 to the code, if it can be solid, but I will confirm with DCRA.

13 CHAIRPERSON HILL: Okay. I mean if you can confirm,
14 that's great. I don't know if you're going to be able to confirm
15 it in the time where we're trying to get back to you, we'll see.
16 But then, if not, if Mr. Sullivan can add something to the record
17 as to what you just said, which was that if you can make it solid.

18 Mr. Jesick, was there something else from the Office
19 of Planning or that was it -- or with the brick? What was it?
20 What did you have?

21 MR. JESICK: We had asked the applicant to look at a
22 color brick more compatible with the streetscape.

23 CHAIRPERSON HILL: Got it.

24 So Mr. Sullivan, can you put that in your app -- in the
25 next submittal as well. Okay? Okay.

1 MR. JESSCK: And Mr. May was also wondering about the
2 bike enclosure?

3 CHAIRPERSON HILL: Okay.

4 COMMISSIONER MAY: I mean, I don't think that's as big
5 a deal. I realize, looking at this, that if they actually did
6 enclose it, then they'd probably wind up triggering or going over
7 the FAR limit, right. So I'm going to be -- it would be best if
8 it were solid in some way, but I don't know how you would do
9 that.

10 MR. CLAGGION: Probably could use some type of fencing
11 where it's ventilated, but enclosed. I'm not sure if that would
12 affect that --

13 COMMISSIONER MAY: It's the visibility of the bicycles
14 inside of it that make it an attractive target. But you know,
15 if you have sufficient lighting and cameras, it may not be an
16 issue.

17 CHAIRPERSON HILL: Mr. Claggion. So again, if you
18 could communicate with the ANC, particularly, I guess,
19 Commissioner Moore.

20 Commissioner Moore you're the SMD, correct?

21 COMMISSIONER MOORE: Yes, sir. I am. But I would like
22 to say something else about Mr. Claggion.

23 CHAIRPERSON HILL: Okay. You going to say anything
24 about his character?

25 COMMISSIONER MOORE: Actually, I wanted to ask him a

1 question about 1204 Talbert Street. He has a building on Talbert
2 Street where the residents and the community was trying to reach
3 out to him about the trash and the rodents in the building and
4 he cut off all ties with the AG's office. And he was being
5 refused -- he's been refusing to respond to the community
6 concerns, emails. And I do have -- I can't -- if you would like
7 a copy, I mean a copy of that email, I can send it to you. And
8 as a community member, he's been trying to reach out -- Mr. Micah
9 (phonetic) has been trying to reach out to Mr. Claggion for five
10 -- for four-and-a-half years about his property on Talbert
11 Street. And I don't see --

12 CHAIRPERSON HILL: Okay. Commissioner. Commissioner.

13 COMMISSIONER MOORE: -- him acting in good faith with
14 the community.

15 CHAIRPERSON HILL: Commissioner.

16 COMMISSIONER MOORE: I don't see him interacting --
17 yes, sir. I'm sorry.

18 CHAIRPERSON HILL: That's all right, Commissioner.
19 That project is not before us and I can't get into details if he
20 should, she should. I mean like -- so Mr. Claggion you just
21 heard whatever you heard and so you're going to reach out to
22 Commissioner Moore. I'm asking you to reach out to Commissioner
23 Moore about this project. And so Commissioner Moore, they're
24 going to reach out to you about this project. Okay.

25 COMMISSIONER MOORE: Okay.

1 CHAIRPERSON HILL: Okay. So now let's see. So, Mr.
2 Sullivan, you got this whole list?

3 MR. SULLIVAN: Yes.

4 CHAIRPERSON HILL: Okay. Can you read it back to me?

5 MR. SULLIVAN: Revise the plans to include security
6 lighting, although Mr. Claggion mentioned that we meet -- well,
7 it would be representative security lighting, put it that way.
8 I think that's kind of a thing too might be included in a CMA as
9 to be discussed with the community so that it's not also
10 (indiscernible).

11 CHAIRPERSON HILL: Okay. Let me start again. That's
12 all right. That's all right. These are our concerns. I
13 understand you're doing a good job. So sun study, lighting
14 security, make us feel better, right. Construction management
15 plan. Okay. Some statement as to, you know, if there can be a
16 solid thing around the condensers, there will be, right? And
17 then --

18 MR. SULLIVAN: Brick color.

19 CHAIRPERSON HILL: -- oh, and then the brick, the color
20 brick is going to -- the color is going to match the surrounding
21 community. And I'd like to see that, like that I'd actually like
22 to see, right. Whatever it is that you're planning on doing.
23 Okay.

24 MR. SULLIVAN: Okay. I got it.

25 CHAIRPERSON HILL: I don't think I'm missing anything.

1 You got it, Mr. Sullivan?

2 MR. SULLIVAN: Yeah. That's what I have. Yes.

3 CHAIRPERSON HILL: Okay. Great. All right. So then
4 how long do you think that would take you, Mr. Sullivan?

5 MR. SULLIVAN: A week.

6 CHAIRPERSON HILL: A week?

7 MR. SULLIVAN: I'm waiting for the text from the
8 architect here. Yes, a week.

9 CHAIRPERSON HILL: Let me start again. Okay. One
10 week. So then we could come back for a decision, correct, Board
11 members? I mean you want to do August 4th and just finish it?
12 Okay. And just see what happens. Okay. So we'll go ahead and
13 come back August 4th on this for a decision. And if we come back
14 for a decision, Ms. -- Commissioner Moore, can you hear me?

15 COMMISSIONER MOORE: Sir, I can.

16 CHAIRPERSON HILL: When do you all meet in July? We
17 meet Tuesday coming, the 6th, sir.

18 CHAIRPERSON HILL: Okay. Mr. Claggion, can you go back
19 to the ANC on the 6th and see if you can get kind of an agreement
20 on this construction management agreement?

21 MR. CLAGGION: Absolutely.

22 CHAIRPERSON HILL: Commissioner Moore, do you think you
23 can get them on the agenda for July 6th?

24 COMMISSIONER MOORE: I'll try, but the agenda went out
25 yesterday. It went out yesterday.

1 CHAIRPERSON HILL: Okay. Well, see what you can do.

2 COMMISSIONER MOORE: Yes, sir.

3 CHAIRPERSON HILL: Because that's the only date that
4 they can get in front of you before they're kind of come back to
5 us on the 4th.

6 COMMISSIONER MOORE: Okay.

7 CHAIRPERSON HILL: Okay. So they're going to try to
8 get together with you and come up with a construction management
9 agreement. That means that the community will have how you all
10 are going to talk about if this does get passed and there's
11 construction what -- your concerns, that kind of stuff, right.
12 And that's something that we would want to try and see. Okay.

13 Commissioner Moore?

14 COMMISSIONER MOORE: Yes, sir. I'm still here. Yes,
15 sir.

16 CHAIRPERSON HILL: No, it's all right. You understand
17 what I'm saying?

18 COMMISSIONER MOORE: Yes, sir. Yes, sir.

19 CHAIRPERSON HILL: Okay. Great. All right. And so
20 then if you do that, then we can get anything we might want back
21 from the ANC, let's say, by the 14th. (Indiscernible), you've
22 got me here.

23 COMMISSIONER MOORE: July the 14th or July 14th.

24 CHAIRPERSON HILL: July the 14th.

25 COMMISSIONER MOORE: Okay.

1 CHAIRPERSON HILL: So that's a week after -- and
2 Commissioner Moore, you might not get him -- you might not get -
3 - he might not be able to get in front of you because your agenda
4 has already gone out. I don't know. But I'm just saying if you
5 do -- if they do get to present to you on the 6th, right --

6 COMMISSIONER MOORE: Yes.

7 CHAIRPERSON HILL: -- then maybe you can give us
8 something by the 14th. If you want to or not, it doesn't matter,
9 but I'm just giving a date. Okay.

10 COMMISSIONER MOORE: Okay.

11 CHAIRPERSON HILL: Then that means that the applicant
12 will have an opportunity to respond to whatever the Office -- I'm
13 sorry, the ANC put in by the 21st.

14 Mr. Sullivan is that fair? The 21st. Okay. And then
15 we'll be back here for a decision on the 4th.

16 COMMISSIONER MOORE: August the 4th, yes.

17 CHAIRPERSON HILL: Okay. Mr. Sullivan?

18 Okay. All right. All right. Commissioner Moore,
19 we're just -- I'll let you talk to Mr. Moy. Commissioner Moore,
20 it's just going to be a decision meeting. We're not going to be
21 taking any testimony. We're just going to figure out from the
22 record what we think.

23 COMMISSIONER MOORE: Copy that.

24 CHAIRPERSON HILL: Okay. Mr. Moy.

25 MR. MOY: Just a quick question for my clarity, Mr.

1 Chairman. The things that you've asked the applicant to file,
2 are those documents something that the ANC would want to take up
3 if they meet on July 6th?

4 CHAIRPERSON HILL: I mean it'd be great if you could
5 get them stuff by July 6th. I mean I don't even know if they're
6 going to get on the agenda yet. But if you all can get that
7 stuff to them so you can show them on July 6th, Mr. Sullivan,
8 that might help you out.

9 MR. SULLIVAN: We'll do our best.

10 CHAIRPERSON HILL: Okay. All right. Is that it?

11 Okay. Mr. Sullivan, I have a question for you. Do you
12 go to all these ANC meetings, or you send somebody?

13 MR. SULLIVAN: It's mixed.

14 CHAIRPERSON HILL: It depends.

15 MR. SULLIVAN: I go to a lot.

16 CHAIRPERSON HILL: Okay. Interesting.

17 MR. SULLIVAN: And Alex just got back from maternity
18 leave. So she goes -- she used to go a lot, but she was out for
19 a while so.

20 CHAIRPERSON HILL: Interesting. Okay. All right.

21 Does anybody else have anything else?

22 All right. Going to close the hearing and the record
23 except for all of this stuff that we asked for and we'll see you
24 for a decision on August 4th. Okay. Thank you.

25 I'm going to close the hearing and the record. Please

1 excuse everyone.

2 COMMISSIONER MOORE: Okay.

3 CHAIRPERSON HILL: Thank you, Commissioner.

4 COMMISSIONER MOORE: You're welcome. Thank you, guys.

5 CHAIRPERSON HILL: Good luck.

6 COMMISSIONER MOORE: Yes, sir. Thank you.

7 CHAIRPERSON HILL: Okay.

8 Okay. Well, this is now interesting. So that did take
9 the amount of time that I thought it was going to take and now
10 it's lunch, I guess, right? But I was going to have to leave at
11 2:30. So I don't see any point in coming back for me, so I guess
12 I'm going to go.

13 COMMISSIONER MAY: See you later.

14 CHAIRPERSON HILL: Okay.

15 So Ms. John, best of luck to you, and I will see you
16 all next week.

17 VICE CHAIR JOHN: Thank you, Mr. Chair.

18 CHAIRPERSON HILL: Okay. Thank you all very much.

19 When do you -- so Ms. John, when are you guys going to come back
20 for lunch?

21 VICE CHAIR JOHN: How about 2:30? Does that work for
22 everyone? 2:45?

23 COMMISSIONER MAY: 2:30 is fine.

24 VICE CHAIR JOHN: Okay.

25 CHAIRPERSON HILL: Okay. Bye. Good luck.

1 VICE CHAIR JOHN: Thank you. See you at 2:30.

2 (Whereupon, the Board recessed for lunch at 1:58 p.m.
3 and resumed at 2:30 p.m.)

4 MR. MOY: I think so. Yeah. You have a full house
5 minus one, of course.

6 VICE CHAIR JOHN: Okay. Thank you.

7 So the Board is reconvening after a quick break for
8 lunch. And I'm going to ask you, Mr. Moy, to read our first case
9 in after the lunch period. I believe that's 20469.

10 MR. MOY: Yes. Thank you. So before the Board is Case
11 Application No. 20469 of Daniel Hogenkamp. This application is
12 amended for area variance from the lot occupancy restrictions of
13 Subtitle E, Section 304.1; rear yard requirements of Subtitle E,
14 Section 306.1; lot area requirements of Subtitle E, Section
15 201.1. This would construct a three-story with a roof deck and
16 cellar, semi-detached flat on an unimproved substandard non-alley
17 lot in the RF-1 Zone. The property is located at 1502 3rd Street,
18 Northwest, Square 521, Lot 46. Well, I'm going to leave it at
19 that.

20 VICE CHAIR JOHN: Okay.

21 MR. MOY: Thank you.

22 VICE CHAIR JOHN: Thank you.

23 So Ms. Mehlert, can you let the applicants in please?

24 MS. MEHLERT: I believe they all should be in.

25 VICE CHAIR JOHN: Okay. Good morning -- good afternoon.

1 Let's see.

2 Mr. Sullivan, will you be presenting?

3 MR. SULLIVAN: Good afternoon, Madam Chair. Yes, we
4 will.

5 VICE CHAIR JOHN: Okay.

6 MR. SULLIVAN: And the architect, Mr. Aubrey Grant.

7 VICE CHAIR JOHN: Okay. So Mr. Grant.

8 MR. GRANT: Good afternoon, Madam Chair.

9 VICE CHAIR JOHN: Good afternoon. And can you introduce
10 yourselves for the record, please?

11 MR. GRANT: I am Aubrey Grant with Emotive
12 Architecture. We are the architects of the project.

13 VICE CHAIR JOHN: Okay. Thank you.

14 And the other witness, Mr. Sullivan is?

15 MR. SULLIVAN: The property owner, Mr. Hogenkamp, is
16 with us.

17 Daniel, if you could introduce yourself, please.

18 MR. HOGENKAMP: Hi. I'm Danny Hogenkamp.

19 VICE CHAIR JOHN: And can you tell us -- give us your
20 address and --

21 MR. HOGENKAMPO: Yeah. I currently live -- for the
22 last five years renting a unit at 1231 New Jersey Ave., No. 2,
23 which is two blocks north of the property where we're proposing
24 to build.

25 VICE CHAIR JOHN: Thank you.

1 Mr. Sullivan, can you go ahead and tell us about the
2 project and how you are meeting the requirements?

3 MR. SULLIVAN: Sure. Thank you.

4 If we could have the PowerPoint loaded, please. Thank
5 you.

6 And on the cover sheet here you see a perspective and
7 rendering, and Mr. Grant will go into the plans and describing
8 the project in more detail. I'll do a quick overview first.

9 Next slide, please. So the property is the shaded lot
10 there. It is currently a record lot, but it became a record lot
11 after 2016. As such, it doesn't actually meet the definition of
12 a substandard lot and that's why we had to add the lot area relief
13 request. Because if it was -- if it wasn't for that, we wouldn't
14 be able to build on it without getting that relief, but because
15 that record lot came about after 2016, we needed that relief as
16 well.

17 Proposing a three-story two-unit flat on this vacant
18 lot. You can see the shape of the lot. It's very narrow. It's
19 11-feet wide at the front of the property and it causes the bulk
20 of the habitable portion of this. And this isn't the building,
21 this is just the lot to -- you'll see a different rendering which
22 shows the footprint of the building on this lot.

23 The street facing portion as you saw in the last slide
24 would just be two-stories to be more compatible with the existing
25 character of this block. And this relief requested is directly

1 related to the shape of the lot. And because it's new
2 construction, it requires a variance rather than an addition. So
3 the lot occupancy request to go to 69 percent lot occupancy and
4 rear yard request for 5.75-feet of relief on the rear yard our
5 variance request. This is supported unanimously by ANC 5E,
6 supported by the Office of Planning and DDOT and we have seven
7 letters in support from the neighbors.

8 Next slide, please.

9 And I'll turn it over to Mr. Grant. Aubrey.

10 MR. GRANT: Sorry. I was muted. Thanks, Marty.
11 Thanks, everyone.

12 So to start with this slide, basically, what we want
13 to show is the subject property relative to the adjacent
14 buildings. As you can see, it's a very narrow site and there's
15 actually a breezeway or alley access to the left of our site,
16 which is part of the reason why it's impeding and forcing us to
17 be at 11 feet.

18 Next slide please. This is just a street view of the
19 subject property again. As you can see, to the left, we have 31
20 P Street, which is basically a one-story structure -- two-story
21 structure with a one-story garage to the rear. And to the right
22 of our subject property is 1504, which is a two-story structure
23 to the adjacent, to the north of the site. The bottom slide kind
24 of shows gives you a better sense of where that site is located.
25 And as you can tell, it seems to be pretty narrow.

1 Next slide, please. One of the things with this site,
2 it's been vacant for quite some time and people are consistently
3 using it as a dumping ground, which is common in vacant sites in
4 the District. And I think our project will help alleviate some
5 of that.

6 Next slide, please. This slide is basically just gives
7 you -- is a plat, gives you a sense of building footprint relative
8 to the building to the north and the building to the south. So
9 if you start on the left, sorry, on the right hand side, you see
10 the -- you see that a lot width is 11 feet and you see that
11 breezeway that separates or that alley, narrow alley that
12 separates our building from the building to the north. And as
13 you progress to the west side of the site, you see how the
14 building goes from the narrow size to the larger size where the
15 lot actually expands to 21 feet from 11 feet at the front.

16 And you can also see that on the north, the building
17 on the north, which is Lot 0819, you see where that building
18 stops and you see that we are projecting roughly 3 feet from that
19 building, so we are less than the 10-foot requirement.

20 Next slide, please. Next -- thank you.

21 Again, and all the site plan just giving you a cleaner
22 look at the building site. As you can tell, we actually are
23 introducing a courtyard in that narrow stretch to attempt to
24 bring some light into the building. What's unique about this
25 site because of the shape of the site, we have a lot of walls

1 that don't -- if we were to build to the property line, we would
2 not have a lot of windows to let light in. So this was a technique
3 that we used, we want to minimize the impact of the footprint on
4 the site and let some light in while trying to respect the other
5 building codes that we have to adhere to.

6 Next slide please. So this is going to be a two-family
7 flat, so this slide shows the cellar unit at the lower level.
8 And right away as you can tell when you enter on the right side,
9 you can see how pinched the floor plan is which basically creates
10 just a small area for a vestibule and maybe a closet and a washer
11 and dryer room. And as you progress through, we have a kitchen
12 and then we utilize the rest of the space to create some living
13 space that's functional and pleasing to live in.

14 Next slide, please. This is the first floor the main
15 level, so this is the main house. This is the portion of the
16 residence that Daniel is going to occupy. So again, you enter
17 on the left -- on the right side, we introduce a half bath, a
18 small closet. And then you immediately enter the stair to go up
19 to the lower levels. And then as you progress past the stair,
20 we have a small kitchen, living and dining area. What's unique
21 about this site is because of that 11-foot width, with the correct
22 codes, basically, the energy codes and other code requirements,
23 that 11-foot width basically translates to roughly 9-foot-6 of
24 habitable space after you build your walls and factoring
25 installation requirements and structure. So it kind of dictated

1 that the space that you see south of the stair is not really
2 habitable space. So we tried to find the best way to utilize
3 the space and make it as functional as possible.

4 Next slide, please. This is the second floor. So on
5 this floor, we have two small bedrooms and two small bathrooms
6 and a small den for working from home.

7 Next slide, please. The third floor is basically a
8 master suite. So on the third floor, we have a master bedroom
9 with a master bath. And this is the extent where you see the
10 bedroom and the bathroom is the extent of the third-floor volume.
11 What we did on the on the front of the building where it says
12 deck, is we did our best to respect the scale of 1502 as well as
13 15 -- as well as the property to the south, recognizing that even
14 though by right we could build three stories, we felt that if we
15 wanted to have something that's harmonious with the scale of the
16 neighborhood, we should restrict it to two stories on the front.
17 And so you exit from the master suite level, and you take a stair
18 up to a roof deck at the third floor.

19 Next slide, please. That's the corrected roof deck on
20 the fourth floor or on the roof. So this just shows the extent
21 of the roof deck with setbacks from the edge of the building on
22 the east, south and west sides of the building.

23 Next slide, please. And then these slides now give you
24 a sense of elevation. So the east elevation, that's the side
25 that faces 3rd Street. And as you can see, the building to the

1 right is just a little bit shorter than our building. But you
2 also get a sense on how much narrower our building is relative
3 to the building to the right. And then the mass into the back
4 would be the three-story structure. And then the west elevation
5 basically shows the rear of the building with windows and views
6 facing the rear yard.

7 Next slide, please. And then this is just a south view
8 showing the view from the south and it show -- it gives you a
9 sense of what we attempted to do with that little light -- little
10 niche or light well, so we're introducing windows on the first
11 floor just to make the space a little bit more inviting.

12 Next slide, please. This is the section up through the
13 building. And it's showing that the building height is less than
14 35-feet, I think it says we're like 34. -- 34-feet, 1-inch, so
15 we're within the height restrictions.

16 Next slide, please. And again, this is just a 3D --
17 some 3D views of the project just to give you a sense of how it
18 fits in with the adjacent buildings. I think that's it.

19 MR. SULLIVAN: And to highlight some of the unique
20 conditions and practical difficulty that Mr. Grant touched on in
21 his presentation. This is about -- basically about the shape of
22 the property and especially the narrow front of the property.
23 One thing it's worth pointing out is if that narrow portion was
24 in the back, it would probably be more functional. But the fact
25 that it's in front and it needs to be used as access to the

1 | habitable space in the back helps compromise the usability or the
2 | efficiency of that space. And yet that space is needed also
3 | because we need, for several reasons, one because we need to meet
4 | the front setback requirement and beyond the front property line
5 | and matching the adjacent front wall of the attached building to
6 | the left or to the right as you face it.

7 | It's also very small and it's also rather shallow, very
8 | shallow compared to other properties on the block. And this all
9 | leads to making it unnecessarily burdensome to build it at 60
10 | percent lot occupancy with a 20-foot rear yard because the space
11 | at the rear becomes so limited where it's 25-feet wide. And then
12 | also a large -- a higher percentage of the building then is
13 | related to that nine-and-a-half-foot passageway, area way,
14 | getting into the property.

15 | Next slide, please. There's no substantial detriment
16 | to the public good. Of course, this is widely supported. We
17 | have seven letters of support. We have unanimous support from
18 | the ANC. And regarding a substantial impairment to the intent,
19 | purpose and integrity of the zone plan, we believe there are
20 | several factors here, a confluence of factors, primarily
21 | involving the size and shape of the property.

22 | And these unique features protect the integrity of the
23 | application of the Zoning Regulations. We think this really is
24 | a unique case both for shape and for its solution. Also,
25 | regarding the public, the project is designed to be compatible

1 as viewed from the front street and so it's two stories at the
2 front, as well, for that reason. And we think that's also a
3 benefit to the public good.

4 And next slide, please. I think that might be it. So
5 we're available for questions. Thank you.

6 VICE CHAIR JOHN: Thank you, Mr. Sullivan.

7 Does the Board have any questions?

8 COMMISSIONER MAY: Yes.

9 VICE CHAIR JOHN: Okay. Go ahead, Commissioner May.

10 COMMISSIONER MAY: So first is I saw that there were
11 letters of support, and I didn't check all of the addresses. But
12 do you have support of immediately abutting neighbor at 1504?

13 MR. SULLIVAN: I'll have Mr. Hogenkamp talk about his
14 interaction with neighbors.

15 Daniel.

16 MR. HOGENKAMP: Yeah. So 1504, I reached out to on
17 like every means possible. I put a bunch of letters in their
18 door. They're just sort of -- I mean obviously -- I don't think
19 anyone is staying there. There's a bunch of weeds in the front
20 yard. And the letters I've put in their door just sort of slowly
21 disintegrating. I also tried to look up like who owns it and
22 reach out there but didn't get any email response back.

23 COMMISSIONER MAY: So I guess that means no, you don't
24 have a letter?

25 MR. HOGENKAMP: I don't have a letter, no.

1 COMMISSIONER MAY: All right. And then -- so I have a
2 couple questions for the architect. What is the siding material,
3 the very large panels that we are seeing on the sides of the main
4 mass of the house that's set back?

5 MR. GRANT: It is going to be a fiber cement material.
6 Both (indiscernible) panels, we're not going to do regular Hardie
7 siding. We're still exploring lot what that final finish color
8 is. But we are trying to give larger, cleaner, simpler lines on
9 the back of the building instead of a busy siding material.

10 COMMISSIONER MAY: Okay. Well, so what range of colors?
11 I mean it just -- we have black and white renderings and it's
12 white, right?

13 MR. GRANT: Right now, it's probably going to be in the
14 gray vein.

15 COMMISSIONER MAY: Yeah. I mean I would encourage
16 there be something darker to recede the part.

17 MR. GRANT: Well, the intent really was to play up on
18 the brick on the front. So we want to -- we were attempting to
19 respect the character of the rest of the street, so we really -
20 - we felt that if we did something darker, then it would make
21 the brick more prominent in the front.

22 COMMISSIONER MAY: So now I'm confused by what you
23 said. You -- I mean -- what color is the brick going to be?
24 Let's start with that.

25 MR. GRANT: The brick is going to be a red brick.

1 COMMISSIONER MAY: Okay. So the red brick and then
2 you'll have a -- the rest of the building at the back will be a
3 gray color, probably.

4 MR. GRANT: Yes, yes.

5 COMMISSIONER MAY: And so I'm trying to get a sense of
6 -- I'm trying to suggest that a darker color is going to recede
7 more and then that allows the brick to be more prominent. Is
8 that your intended approach?

9 MR. GRANT: That is exactly my intended approach.

10 COMMISSIONER MAY: Okay. Good. That's good to know.
11 Because again, these black and white renderings are rather
12 deceptive, and it looks rather jarring to have a big white tower
13 behind a tiny red brick building. And then there are no windows
14 on any of the property lines.

15 MR. GRANT: That is correct.

16 COMMISSIONER MAY: Okay. Now, is that just -- I mean
17 I know that if you put a window on the property line, it is an
18 at-risk window.

19 MR. GRANT: Yes.

20 COMMISSIONER MAY: But it seems to me that for some of
21 those rooms, in particular like the bathrooms, having just a high
22 window to get light into the room might be worthwhile and might
23 worth -- be worth taking the risk particularly since these are
24 windows that open up onto rear yards that are not likely to be -
25 - you're not likely to have an addition go right up to the face

1 of your building. Did you think about that?

2 MR. GRANT: We did. We're still open to suggestion.
3 There's obviously cost implications when you put windows on these
4 yards. As far as my knowledge or my understanding, they have to
5 be rated windows. Actually, I stand corrected. It depends on
6 the percentage of the opening, so we could do that, but we felt
7 that we would have gotten opposition and that's why we did not
8 do that. But we are open to it.

9 COMMISSIONER MAY: Okay. Well, yeah, I mean it's -- I
10 mean to some extent, it is a matter of how you do the windows,
11 right. Because if you put large windows that are looking out
12 into somebody else's yard, yeah, that's going to cause
13 opposition.

14 MR. GRANT: I think --

15 COMMISSIONER MAY: But you know a high window is --

16 MR. GRANT: I think we are limited to 15 percent opening
17 one and two. I would only do a high window. If you look at --
18 if the south elevation is an example of how -- except for the
19 first floor, all our windows that would face south were basically
20 at like six or seven-feet of high off the first floor.

21 COMMISSIONER MAY: Right. Right. I'm thinking about
22 the same sort of thing, not big, long lines of windows, but --

23 MR. GRANT: Yeah.

24 COMMISSIONER MAY: Right. I mean it's -- this is not
25 really essential to the relief that you're asking for, so I'll

1 hold back on any further comments. But otherwise, it's a very
2 interesting project and an interesting solution to it.

3 MR. GRANT: Thank you. And I appreciate your
4 suggestions by the way, especially -- you are spot on in terms
5 of what we thought about for the colors.

6 COMMISSIONER MAY: Good. Okay. Thank you.

7 VICE CHAIR JOHN: Does anyone else have any questions?

8 BOARD MEMBER SMITH: I just have one very minor
9 question. What is the total square footage of the old structure?
10 I couldn't find it in (audio interference).

11 MR. GRANT: You caught me on that one. Give me one
12 second. The total square footage or the total lot occupancy?

13 BOARD MEMBER SMITH: Total square footage of the
14 building itself.

15 MR. GRANT: You know, I have -- I don't think we
16 calculated that yet, but we are -- we're going to be -- including
17 the basement, we're roughly 2,500 square feet.

18 BOARD MEMBER SMITH: 2,500. Okay. Okay. That was the
19 only question I had. Thank you.

20 Ms. Mehlert, you can probably drop the presentation.

21 Thank you, Madam Chair. That's all.

22 VICE CHAIR JOHN: Thank you. Thank you, Board Member
23 Smith.

24 So is the ANC here? I don't think I see anyone.

25 Ms. Mehlert, is the ANC signed up to testify?

1 MS. MEHLERT: They're not.

2 VICE CHAIR JOHN: Okay. So I'm going to go to OP.

3 MR. JESICK: Thank you, Madam Chair, and members of the
4 Board. My name is Matt Jesick and I'll be presenting OP's
5 testimony in this case.

6 I can largely rest on the record. OP is in support of
7 the variances that have been requested, lot occupancy, rear yard
8 and lot area. On a somewhat technical note, we also feel that
9 lot width relief would be required. I know the applicant
10 disagrees with us on that point. But we are just trying to keep
11 them from getting caught down the road at the time of the permit
12 should DCRA determine that they need the lot width relief. But
13 we are recommending approval of that area of relief as well. I'd
14 be happy to take any questions. Thank you.

15 VICE CHAIR JOHN: Thank you.

16 Mr. Jesick, can you go over how the application meets
17 the criteria for relief for each of the variances.

18 MR. JESICK: Sure. Well, I think we start with the
19 exceptional condition of the property. As has been discussed,
20 it is very narrow at the front, more narrow than any of the other
21 row houses on the block. So it really renders that front part
22 of the property not really usable to a great extent for interior
23 rooms. The applicant has done a good job of utilizing that space
24 for hallways, I think they squeezed in a powder room and a closet,
25 that sort of thing. But when you're talking about your larger

1 rooms, like your living room, bedrooms, dining room and a full
2 kitchen for the upper units, those rooms get pushed towards the
3 back of the site.

4 When you combine that with also the short depth of the
5 site, that is shorter than any of the other row houses along that
6 block, you wind up with an exceptional condition that creates a
7 practical difficulty for the applicant creating usable spaces
8 while still meeting the lot occupancy and rear yard provisions
9 in the regulations.

10 Now, in terms of impacts to the public good, we don't
11 anticipate any undue impacts to the public good. The building
12 would extend just slightly past the row house to the north about
13 three feet, but there shouldn't be any excessive shadowing or
14 impacts to airflow to that property.

15 We also feel that in terms of intent of the regulations,
16 while the regulations generally do seek to govern the size and
17 bulk of the buildings in a given zone, they also intend to permit
18 the development of residential units on vacant lots. And in this
19 case, although the building would be over lot occupancy and would
20 not meet the rear yard requirement, in general, the bulk of the
21 building would be similar to the other row houses in the row. So
22 that's how we analyzed the case and found that it was meeting
23 the variance.

24 VICE CHAIR JOHN: Thank you, Mr. Jesick.

25 Before I open questions up to the rest of the Board, I

1 wanted to ask you to clarify why you think that the applicant
2 needs lot width relief and how you calculate lot width relief in
3 this instance.

4 MR. JESICK: Sure. There are two methods of calculating
5 a lot width in the regulations. One, which the applicant used
6 is in Subtitle C under the subdivision chapter. And it says you
7 take the width at a certain depth into the lot and that's how
8 they got 21-feet in width. However, we're not dealing with a
9 subdivision, the lot is already created. So we felt that the
10 more general method contained in Subtitle B under the definition
11 of lot width would be the governing method for lot width
12 measurements here. And in that instance, you take the average
13 lot width. So given the sort of pipe stem nature of this lot,
14 we used a weighted average method and arrived at a lot width with
15 16.8-feet, which is less than the 18-feet required. Again, we
16 feel that the applicant meets the variance test for that area of
17 relief, and we are recommending approval of it.

18 VICE CHAIR JOHN: Thank you, Mr. Jesick.

19 So does the Board have any questions for Mr. Jesick?
20 I can't see everyone, so just --

21 COMMISSIONER MAY: No.

22 VICE CHAIR JOHN: Okay. No.

23 So let me go to the applicant.

24 Mr. Sullivan, did you have any questions for Mr.
25 Jesick?

1 MR. SULLIVAN: No. Thank you.

2 VICE CHAIR JOHN: And Mr. Sullivan, do you have a follow
3 up comment on whether or not lot width -- a different calculation
4 of lot width is required. I know this is a self-certified
5 application, so the Board is fine if the applicant decides not
6 to request it out of an abundance of caution, but I just wanted
7 to hear your comments.

8 MR. SULLIVAN: I think I would like to request it out
9 of an abundance of caution and I -- because it's so closely
10 related to the lot area and the same variance argument and also
11 supported by the Office of Planning, I would hope that the Board
12 could incorporate that verbal amendment on that area. The reason
13 - so my understanding of this was that there is only one way to
14 measure lot width for any situation. And that the average width
15 measurement that's in the definition section was a leftover
16 remnant that the zoning administrator has essentially found to
17 be trumped by the -- or preempted by the definition that's in
18 the 304 -- C 304, the rules of measurement for lot width. But I
19 don't have anything in writing on that. That was just my
20 understanding, so I would prefer to play it safe, so to speak.

21 VICE CHAIR JOHN: Okay. Thank you, Mr. Sullivan.

22 MR. SULLIVAN: Thank you.

23 VICE CHAIR JOHN: So I believe I -- the Board has no
24 further questions.

25 So Ms. Mehlert, do we have anyone signed up to testify

1 that's actually waiting to testify?

2 MS. MEHLERT: I believe we actually have someone on the
3 phone. I'm going to unmute them shortly.

4 VICE CHAIR JOHN: Okay.

5 MR. FORD: Hello.

6 VICE CHAIR JOHN: Hello.

7 MR. FORD: Hello.

8 VICE CHAIR JOHN: Hello. Can you state your name and
9 address for the record, please?

10 MR. FORD: Yes. My name is Vincent Ford. And I'm with
11 Ford & Associates, LLC located in 2913, Cheverly Oaks Court,
12 Cheverly, Maryland. And I'm speaking on behalf of the owner of
13 the property at 305 P as in Paul Street, Northwest, Lance Gaines.
14 He's the owner of the multi-family building that is located there.

15 VICE CHAIR JOHN: And Mr. Ford, is there something in
16 the record from the owner that authorizes you to speak for him?

17 MR. FORD: No, not at this point.

18 VICE CHAIR JOHN: Okay.

19 MR. FORD: I think that staff has spoken to him earlier
20 but, as a matter of fact, he's not even in the city at this point.

21 VICE CHAIR JOHN: And the second question is, did you
22 submit something to the record?

23 MR. FORD: Yes. Well, I've submitted a letter with
24 some plans yesterday to the office.

25 VICE CHAIR JOHN: Okay. Well, generally, if you're not

1 authorized to speak on behalf of the homeowner and there's nothing
2 in the record, the Board can only take your testimony as a regular
3 witness.

4 MR. FORD: Yes.

5 VICE CHAIR JOHN: But in this case, you're not even
6 within the 200-foot limit, so I think I'm going to go to OAG for
7 some advice on this. My inclination is to not allow the
8 testimony, but I can be persuaded to do otherwise, and I'd also
9 like to hear from the Board members. Ms. Cain --

10 MR. FORD: Thank you.

11 MS. CAIN: I would agree, Madam Vice Chair, without
12 authorization from the individual that he's representing, he
13 really shouldn't be able to testify. I don't know if there's
14 anything that the Board wants to see in terms of filings from
15 the applicant in terms of amending a self-certification to
16 include the lot width relief. I think if you wanted to hold up
17 in the record to allow authorization to come in along with, I
18 believe there was a written filing that was submitted by Mr.
19 Ford, you could conceivably do that in order to have that
20 preserved in the record.

21 VICE CHAIR JOHN: Thank you, Ms. Cain.

22 Does the applicant have any comments on --

23 BOARD MEMBER SMITH: Madam Chair. Mr. Moy has a
24 question. Well, he has a comment.

25 VICE CHAIR JOHN: Go ahead, Board Member Mr. Smith.

1 MR. SMITH: I think Mr. Moy, he was waving and so he
2 was going to --

3 VICE CHAIR JOHN: Okay.

4 MR. MOY: Yeah. If I may speak, Madam Vice Chair.

5 It also segues to the question that Peter May asked.
6 We know on the record that in addition to Vincent Ford who had
7 signed up to speak, there was another person by the name of Lance
8 Gaines, who had also signed up to speak, but he had to leave. He
9 couldn't stay any longer than 2:30. So while this hearing on
10 this application was ongoing, I had staff do some research to
11 find out what his address is, and it appears he is listed on the
12 200-foot property list. And his address is 305 P Street, P as
13 in Papa. And I'm told that's abutting the property on the south
14 side, but I haven't had a chance to look at the drawings to see
15 whether that's true or not, so I wanted to share that with the
16 Board.

17 VICE CHAIR JOHN: Okay. Thank you, Mr. Moy.

18 So my inclination is to leave the record open to allow
19 Mr. Gaines, since he submitted something in the record, and give
20 time to either -- I'm sorry. Mr. Ford is the one on the line,
21 right?

22 MR. FORD: Yes.

23 VICE CHAIR JOHN: And Mr. -- okay. So Mr. Ford, Mr.
24 Gaines would have to put something in the record that authorizes
25 you to represent him.

1 MR. FORD: Okay.

2 VICE CHAIR JOHN: And because he has not done that, we
3 would allow him to submit something to the record and submit his
4 testimony in writing to the record.

5 MR. FORD: Sounds good.

6 VICE CHAIR JOHN: Does that work with the rest of the
7 Board?

8 COMMISSIONER MAY: I have a question about this.

9 Mr. Ford, you mentioned that something had been
10 submitted into the record yesterday.

11 MR. FORD: Well, I submitted -- not into the record.
12 I submitted a letter and three, I think three copies of the plan.
13 I submitted it to Mr. Robert Reid office yesterday.

14 COMMISSIONER MAY: Okay. I don't see that in the
15 record.

16 MR. FORD: (Indiscernible.)

17 COMMISSIONER MAY: I don't see that in the record at
18 this moment.

19 MR. FORD: Okay.

20 COMMISSIONER MAY: Does anybody on BZA staff know what
21 may have happened with that record?

22 MS. CAIN: Commissioner May, I believe it came in after
23 the 24-hour filing deadline, which is why it has not been entered.
24 Sort of the wrinkle that we're running into is typically when
25 that happens, the individual trying to submit it will provide

1 justification for the late filing to the Board. In this case,
2 because Mr. Ford has not been properly authorized by Mr. Gaines,
3 that's sort of the hiccup that we're running into on this one.

4 COMMISSIONER MAY: And there's nothing in that
5 submission, I assume that that makes clear that his -- that he
6 has authorization to represent the property owner.

7 VICE CHAIR JOHN: I can ask Ms. -- Thank you,
8 Commissioner. I can ask Mr. Ford.

9 Mr. Ford, is there anything in that letter that that
10 states that you're authorized to represent Mr. Gaines? It would
11 have to be --

12 MR. FORD: No. Only my opening statement that says
13 that I'm representing him, but no, I have nothing from him that
14 says that I'm authorized.

15 VICE CHAIR JOHN: So if there's no objection from the
16 rest of the Board, I would want to leave the record open to allow
17 Mr. Gaines either to submit his testimony himself or authorize
18 Mr. Ford to speak on his behalf and submit that testimony and
19 the drawings. And I guess we would also need Mr. Ford to --
20 because they -- because the drawings are late. In order to admit
21 that in the record, we would also need a request for a waiver to
22 allow that information to be entered into the record because it
23 didn't meet the filing requirement.

24 Do you understand what I've been saying so far, Mr.
25 Ford?

1 MR. FORD: Yes, I do.

2 VICE CHAIR JOHN: Okay.

3 MR. FORD: Now, what may be helpful is that the drawings
4 that I'm talking about are actually copies of the set of drawings
5 that have been submitted by the architect, so it only refers to
6 those drawings.

7 VICE CHAIR JOHN: Okay. Well, in that case, I don't
8 believe you'll need the waiver. But I think you will still need
9 to submit a statement or Mr. Gaines needs to submit a statement
10 that authorizes you to represent him.

11 MR. FORD: Sounds good. No problem with that.

12 VICE CHAIR JOHN: Okay. Thank you.

13 Ms. Mehlert, do we have any other witnesses waiting to
14 testify?

15 MS. MEHLERT: We do not.

16 VICE CHAIR JOHN: Okay.

17 So Mr. Sullivan, do you have any rebuttal, closing
18 statement?

19 MR. SULLIVAN: Just a note that the applicant has
20 reached out to Mr. Gaines in the past, and we did have at least
21 four community meetings; two SMD meetings and two full ANC
22 meetings and another local meeting. So there's been a lot of
23 discussion about this, and it's been going on for quite a while.
24 But other than that, we have nothing further to add. Thank you.

25 VICE CHAIR JOHN: Thank you, Mr. Sullivan.

1 So I'm going to go ahead --

2 COMMISSIONER MAY: Vice Chair --

3 VICE CHAIR JOHN: -- and I'll --

4 COMMISSIONER MAY: I'm sorry. I have some questions
5 with Mr. Sullivan.

6 VICE CHAIR JOHN: Go ahead. Sorry.

7 COMMISSIONER MAY: Sorry.

8 So Mr. Sullivan, you've done outreach to Mr. Gaines,
9 but did you just not connect with him? Do you know anything
10 about what his concerns would be?

11 MR. SULLIVAN: Can I have Mr. Hogenkamp answer?

12 MR. HOGENKAMP: Yeah. I reached out to Mr. Gaines. I
13 wrote like -- I brought like a letter and like a bottle of wine
14 over at one point and he is not -- he doesn't live there. I
15 think it was his brother I talked to. But eventually, I got
16 connected with him via phone. And he just like sort of like
17 laughed at me and told me I couldn't build a house on that lot.
18 And then I was like okay, and I haven't really spoken with him
19 since. Yeah. It was a little bit of a bizarre interaction, for
20 sure.

21 COMMISSIONER MAY: Okay. And then the second one, I
22 should have asked this question earlier. But there was another
23 submission in the record that was an alternate plan. And I
24 assumed that that was just done for sort of demonstration purposes
25 that to show what you -- what would happen if you tried to meet

1 the rear setback maybe. Is that what it was?

2 MR. SULLIVAN: Yes, it was. And alternate is probably
3 not the right word for that.

4 COMMISSIONER MAY: Yeah.

5 MR. SULLIVAN: Revise. Yes. Right.

6 COMMISSIONER MAY: Okay.

7 MR. SULLIVAN: Thank you.

8 COMMISSIONER MAY: Because I got confused. I thought
9 you were changing the design and I didn't think it was any better,
10 so.

11 VICE CHAIR JOHN: Thank you.

12 COMMISSIONER MAY: All right. That's it. Thank you.

13 VICE CHAIR JOHN: Okay.

14 Does anybody have any other questions from the Board?

15 So I'm going to go ahead and close the record. And are
16 we ready to deliberate? I guess not, I forgot. Thank you.

17 Thank you, Mr. May, Commissioner May. Yes, we will
18 have to continue this case. And I think it would be a continued
19 hearing since we are expecting additional information. So I
20 think I need to clarify now what we're expecting, and that would
21 be written testimony from Mr. Gaines, who is an adjacent neighbor.
22 And I believe, Mr. May, did you ask for something? No.

23 COMMISSIONER MAY: No.

24 VICE CHAIR JOHN: I know.

25 Mr. Sullivan, you're going to submit an amended

1 application requesting relief for lot width.

2 MR. SULLIVAN: That's correct. Yeah.

3 VICE CHAIR JOHN: Okay. Thank you.

4 So Mr. Moy, can you tell us where we should be for this
5 continued hearing?

6 MR. MOY: Okay. Of course, my first question, Madam
7 Chair, would be to ask when the applicant can supply the
8 supplemental information. And if he can do that within a week,
9 then I suspect that the Board could take this matter up in either
10 a hearing, continued hearing or decision meeting on either --
11 well, July 28th is -- we have -- well, both July 21st and July
12 28th we have hearings on both days. But to allow time for Mr.
13 Sullivan to file, then I could suggest possibly adding another
14 day to July 28th or we have that other -- you know where I'm
15 going right? The date on August the 4th, which looks like you're
16 going to be here at least half the day anyways.

17 VICE CHAIR JOHN: Right. So because of our schedule,
18 I -- if the other Board members agree, I would suggest that August
19 4th date. But now, I also want to suggest that we might do a
20 meeting instead of a continuous hearing because really, we're
21 just asking for that one witness to submit information and the
22 amended application from the applicant.

23 COMMISSIONER MAY: I would be open to just doing a
24 meeting --

25 VICE CHAIR JOHN: Okay.

1 COMMISSIONER MAY: -- based on that one piece of outside
2 testimony plus the applicant's modified application for relief.

3 VICE CHAIR JOHN: Okay. Anybody else?

4 All right. Hearing no one else, then Mr. Moy, let's
5 set this down for a meeting date on August 4th.

6 MR. MOY: Okay. And if I -- may I add also, if the
7 applicant can submit their supplemental information by Wednesday,
8 July the 7th, or since not the August, I can give you until July
9 14th assuming the Board is not going to open the record for any
10 responses.

11 MR. SULLIVAN: The 7th is plenty of time for us.

12 MR. MOY: Okay. Very good. Madam Chair.

13 VICE CHAIR JOHN: Thank you, Mr. Moy. And so thank
14 you, Mr. Sullivan, and thank you, everyone.

15 MR. SULLIVAN: Thank you.

16 VICE CHAIR JOHN: So Mr. Moy, you can go ahead and call
17 our next case.

18 Mr. Moy. Mr. Moy, you're muted.

19 MR. MOY: Oh. Man.

20 VICE CHAIR JOHN: Second time today.

21 MR. MOY: Oh. Man. That took a lot of air out of me.
22 Okay. Here we go again.

23 So before the Board is Case Application No. 20470 of
24 3218 Walbridge Place, LLC, captioned and advertised for a special
25 exception from lot occupancy restrictions of Subtitle E, Section

1 304.1; non-conforming structure restrictions Subtitle C, Section
2 202.2. This would construct a second-story deck to an existing
3 attached three-story principal dwelling unit RF-1 Zone. Property
4 located at 3218 Walbridge Place, Northwest and that's it.

5 VICE CHAIR JOHN: Thank you, Mr. Moy.

6 Ms. Mehlert, can you let the applicant in, please? And
7 I believe --

8 MS. MEHLERT: Mr. Kuhn should be in.

9 VICE CHAIR JOHN: Mr. Kuhn. Are you there Mr. Kuhn?
10 Hello.

11 MR. KUHN: Yes, I'm here. Can you hear me?

12 VICE CHAIR JOHN: Yes. Can you introduce yourself for
13 the record, please and give your name and address?

14 MR. KUHN: Yes. It's Jonathan -- sorry.

15 VICE CHAIR JOHN: Hello. Hello?

16 MR. KUHN: Yes, Ms. John.

17 VICE CHAIR JOHN: Yes, I'm hearing you now.

18 MR. KUHN: Yes. This is Jonathan Kuhn of Jonathan Kuhn
19 Architect, LLC. I'm the project and agent representing the owner
20 of the property for the project.

21 VICE CHAIR JOHN: Okay. Is there anyone else here with
22 you today? Do you have any other witness with you today?

23 MR. KUHN: I do not.

24 VICE CHAIR JOHN: Okay. So can you tell us about the
25 project and how you're meeting the criteria for relief?

1 MR. KUHN: Yes. So the existing house is a non-
2 conforming structure because we're over lot occupancy. We're
3 asking for special exception relief.

4 VICE CHAIR JOHN: So you're breaking up, Mr. Kuhn.

5 MR. KUHN: Okay. We're asking for relief, special
6 exception for 70 percent lot occupancy for a rear deck. The lot
7 is oddly shaped because of the rear alley, which cuts it off.
8 It's a block of row houses. Most everyone on the block has a
9 rear deck, so we're consistent with the other homes along the
10 block.

11 VICE CHAIR JOHN: Okay. Can you talk about whether or
12 not there would be any privacy impacts for light and air? Why
13 there would not be any impacts on light and air?

14 MR. KUHN: Sure. The proposed deck aligns with the
15 neighboring decks and actually does not project more than the
16 others. We've received support from the immediate neighbors plus
17 others on the block. So because of the size of the deck, we're
18 not impacting light views, use of the neighboring properties.

19 VICE CHAIR JOHN: Okay. Thank you very much.

20 Does the board have any questions for Mr. Kuhn?

21 COMMISSIONER MAY: No.

22 VICE CHAIR JOHN: So if there are no questions, I'm
23 going to go to the Office of Planning.

24 MS. MYERS: Good afternoon. Crystal Myers for the
25 Office of Planning. The Office of Planning is recommending

1 approval of this case and will stand on the record of the staff
2 report.

3 VICE CHAIR JOHN: Thank you, Ms. Myers.

4 So I'm going to ask you to please go through how you
5 think the applicant meets the requirement.

6 MS. MYERS: Sure. So it's special exception relief.
7 So when it comes to light and air, it's a deck, so we're not
8 really concerned about there being any hindrance on the light or
9 air to the adjacent neighbors. It wouldn't be an undue impact
10 on them. The proposal is for a deck. The (indiscernible) for
11 the house is five-foot, four-inches, it would be located off the
12 main level of the house. So again, the light and air should not
13 be unduly impacted. When it comes to privacy of use and
14 enjoyment, again, it should not be unduly compromising the
15 adjacent neighbors. The deck would actually be similar size as
16 the adjacent neighbors. And the stairs are actually going to be
17 in the same location as the original stairs to their landing
18 currently, so it shouldn't be too out of place. And when it
19 comes to how it looks on the alley, it shouldn't be -- again, it
20 looks very similar to the adjacent neighbor's decks from the
21 alley. And I'm aware that at least one adjacent neighbor has
22 written in support of this -- of the deck. So it should be very
23 little impact or little concern to those living in the immediate
24 area. So again, we're not -- we don't think there's an undue
25 impact and we think this is supportable, so we're recommending

1 approval.

2 VICE CHAIR JOHN: Thank you, Ms. Myers.

3 And you also in your report stated that the applicant
4 does not need relief from the non-conforming structure. So my
5 question is should we -- and that's not a question for you, that's
6 a question for the Board. So I'll turn to the Board and ask the
7 question, or maybe Ms. Cain can chime in whether at this point
8 it is necessary to have the applicant amend its self-
9 certification, and it's not necessary relief. And OP has approved
10 the application even with that criteria in C 202.2. So I think
11 perhaps the applicant should put in an amended self-cert, but I'd
12 love to hear from OAG.

13 MS. CAIN: I think that's the call of the Board. It
14 would probably be -- make the record cleaner just to have that
15 in there but I think it's a relatively minor issue. I think the
16 Office of Planning report was fairly clear as to why it's not
17 needed. So I think if the Board wanted to deal with this today,
18 you probably could just make it clear in your motion for approval
19 that that relief from C 202 is not required.

20 VICE CHAIR JOHN: Okay. Thank you.

21 Does the Board have any questions for the Office of
22 Planning?

23 COMMISSIONER MAY: No.

24 VICE CHAIR JOHN: Mr. Smith, Mr. Blake?

25 Ms. Mehlert, is there anyone signed up to testify?

1 MR. MEHLERT: There is not.

2 VICE CHAIR JOHN: Okay. Thank you very much.

3 So I guess now I'll turn to the Board. I'm going to
4 go ahead and close the record. And so do we need to -- do we
5 want to deliberate today or do we want to continue this for public
6 meeting? I'm ready to deliberate.

7 COMMISSIONER MAY: Me, too.

8 VICE CHAIR JOHN: Okay. Mr. Smith, Mr. Blake.

9 BOARD MEMBER SMITH: (Audio interference.)

10 VICE CHAIR JOHN: Okay. So I believe I close the
11 record, but I'm going to make sure I did. So I'm going to close
12 the record and then start deliberation.

13 And Mr. May, would you like to start us off?
14 Commissioner May.

15 COMMISSIONER MAY: Sure. There's not a whole lot to
16 say. I think this is a very straightforward matter. It's a sort
17 of special exception that I think is routinely granted by the
18 Board to go to 70 percent lot occupancy and it -- it's just a
19 deck. It's not going to cause any impacts on the surrounding
20 properties, so I would support the application.

21 VICE CHAIR JOHN: Thank you. Board Member Smith.

22 BOARD MEMBER SMITH: I agree with Commissioner May. I
23 feel like it's a pretty straightforward application. I do believe
24 that the applicant has met the requirements laid out under 304.1
25 as well as 5201.4, and 901.2 for us to be able to grant the

1 special exception (audio interference), and the additions to this
2 (audio interference), so I would be in support on the application.

3 VICE CHAIR JOHN: Board Member Blake.

4 BOARD MEMBER BLAKE: Yes. I would echo those comments.
5 And also note that the ANC support, DDOT having no objections,
6 and the letter of support from adjacent neighbors and also the
7 HPO staff level approval.

8 VICE CHAIR JOHN: Thank you, Mr. Blake.

9 So I agree with the comments so far. I thought that
10 this was a very straightforward application. I appreciate the
11 Office of Planning's additional testimony and stepping through
12 how the application meets the requirements for relief and I will
13 be able to support the application. So I'm going to make a motion
14 to approve Case No. 20470 of 3218 Walbridge Place, LLC as
15 captioned and read by the Secretary and ask for a second.

16 Board Member Smith.

17 BOARD MEMBER BLAKE: Second.

18 VICE CHAIR JOHN: And Mr. Moy, the motion has been made
19 and seconded. Will you please take a roll call?

20 MR. MOY: So I wanted to clarify that this -- apart
21 from what I read, when I call the case, this is amended, right,
22 for adding the lot width -- oh, I'm sorry? Strike what I said.

23 VICE CHAIR JOHN: Yes.

24 MR. MOY: Strike what I said. That was the past case.

25 VICE CHAIR JOHN: This was the issue of 202.

1 MR. MOY: (Indiscernible.)

2 VICE CHAIR JOHN: But as OAG recommended, we leave the
3 caption as it is and, in the order, specify that the Board did
4 not think that relief from C 202 was warranted.

5 MR. MOY: Okay. Very good.

6 VICE CHAIR JOHN: All right. Thank you.

7 So the motion has been made and seconded.

8 MR MOY: So with that, when I call your names, if you
9 would please respond with a yes, no, or abstain to the motion
10 made by Vice Chair John to approve. The motion was seconded by
11 whom?

12 VICE CHAIR JOHN: Board Member Smith.

13 MR. MOY: Board Member Smith.

14 VICE CHAIR JOHN: I believe.

15 BOARD MEMBER SMITH: Mr. Blake has seconded.

16 VICE CHAIR JOHN: Mr. Blake. Board Member Blake.

17 MR. MOY: All right. Sorry. Thank you, Mr. Blake.

18 Zoning Commissioner Peter May.

19 COMMISSIONER MAY: Yes.

20 MR. MOY: Mr. Smith.

21 BOARD MEMBER SMITH: Yes.

22 MR. MOY: Mr. Blake.

23 BOARD MEMBER BLAKE: Yes.

24 MR. MOY: Vice Chair john.

25 VICE CHAIR JOHN: Yes.

1 MR. MOY: Staff would record the vote as 4-0-1 and this
2 is on the motion made by Vice Chair John to approve. The motion
3 was seconded by Mr. Blake. Also, in support of the motion to
4 approve is Zoning Commissioner Peter May and Mr. Smith, and of
5 course, Mr. Blake and Vice Chair John. We have one Board Member
6 not participating. The motion carries on the vote of 4-0-1.

7 VICE CHAIR JOHN: Thank you, Mr. Moy.

8 So we have two cases left and I wanted to poll the
9 Board to see if anyone needed to take a quick five-minute break.
10 You can just say yes or no, raise your hand. I can see everyone.
11 No. Okay.

12 So Mr. Moy if you could call the next case, which I
13 believe is 20486.

14 MR. MOY: Thank you.

15 So the next case is Application No. 20486 of Tracey and
16 David Cronlund. This is relief for -- from special exception -
17 - for special exception from the lot occupancy requirements of
18 Subtitle E, section 304.1. This would construct a two-story rear
19 addition to an existing attached two-story with basement
20 principal dwelling unit in the RF-1 Zone. Property located at
21 647 A Street, Southeast, Square 0870, Lots 111.

22 COMMISSIONER MAY: Northeast, not Southeast.

23 MR. MOY: Northeast. I stand corrected. Thank you,
24 sir.

25 VICE CHAIR JOHN: Okay.

1 COMMISSIONER MAY: According to our agenda, but maybe
2 that's not right.

3 VICE CHAIR JOHN: Hold on. Let's --

4 MR. MOY: Let's see.

5 COMMISSIONER MAY: Ms. Fowler.

6 MS. FOWLER: This is Jennifer Fowler. I'm the architect
7 representing the homeowners. It's actually in Southeast.

8 COMMISSIONER MAY: It is Southeast, right.

9 MS. FOWLER: I think it was improperly noted on your
10 agenda.

11 COMMISSIONER MAY: Yeah. Our agenda is wrong.

12 MS. FOWLER: Yeah.

13 VICE CHAIR JOHN: Okay. So let's clarify it. Is it
14 southeast or -- my agenda says Southeast, and so it is in
15 Southeast?

16 MS. FOWLER: Yes.

17 VICE CHAIR JOHN: And did you read 647 A Street, S.E.,
18 Mr. Moy in the caption?

19 MR. MOY: Yes, yes, yes, yes.

20 VICE CHAIR JOHN: Okay. Thank you. Thank you.

21 COMMISSIONER MAY: He read it correctly. I corrected
22 him, incorrectly.

23 VICE CHAIR JOHN: Oh, it was you, Commissioner May.
24 All right.

25 COMMISSIONER MAY: Yeah.

1 MR. MOY: That's okay. Our names are close. M-O-Y or
2 M-A-Y, so it's --

3 COMMISSIONER MAY: Yeah, yeah.

4 VICE CHAIR JOHN: Thank you. I see Ms. Fowler is
5 already available and so Ms. Fowler, can you go ahead and
6 introduce yourself for the record, please?

7 MS. FOWLER: Yes. Good afternoon. I'm Jennifer Fowler.
8 I'm the architect representing the homeowners for this case.

9 VICE CHAIR JOHN: Okay. Can you go ahead and tell us
10 about the project and how you meet the criteria for relief?

11 MS. FOWLER: Yes. Thank you. So this is a small rear
12 two-story addition to a row house at 647 A Street, Southeast. We
13 are extending the lot occupancy from 50.3 percent to 69.9 percent
14 and that is our only relief that we're requesting for this
15 project. The height of the building is going to remain the same,
16 just over 22-feet tall. We're extending the existing roofline.
17 The addition is quite modest in size. The two adjacent properties
18 extend deeper than the existing house at 647. So 645 A Street
19 is a three -- has a three-story rear addition and currently
20 extends deeper. And so we're only extending five-feet, nine-
21 inches beyond the rear wall of 645.

22 And then 649, which is the house to the east, also has
23 a party wall that's kind of extending deeper than the existing
24 house and we're going seven-feet, four-inches beyond that house.
25 So essentially, we're filling -- the bulk of the addition that

1 we're proposing kind of fills in the gap between the two-party
2 walls on either side with this kind of slight extension beyond.
3 So again, it's a modest addition two-stories.

4 In terms of the light and air, I think there will be
5 somewhat impact to both of the adjacent properties, very minimal
6 impact. But those two neighbors have signed letters of support,
7 saying that they are comfortable with the proposal. And in terms
8 of the privacy, while we're introducing a second window on the
9 rear facade and French doors on the first floor, we are
10 eliminating about six windows that are in the dogleg currently.

11 So overall, I think there will be actually an increase
12 in privacy, with the only exception is kind of moving the windows
13 further back towards the rear looking at Browns Court at the
14 back. However, the sides of the addition will be solid with no
15 windows facing the two adjacent properties.

16 Again, we have letters of support from the two adjacent
17 neighbors, we also have ANC support. The CHRS as well has
18 supported it. So overall, it's been well received. And with
19 that, I will leave it open to questions. Thank you.

20 VICE CHAIR JOHN: Does the Board have any questions?
21 Thank you.

22 Ms. Mehlert, oh, gosh, sorry. Is there anyone signed
23 up to testify and is the ANC here?

24 MS. MEHLERT: We don't have anyone signed up, including
25 the ANC did not sign up either.

1 VICE CHAIR JOHN: Okay. Thank you. And I believe I
2 asked the Board if the Board had any questions, and the answer
3 was no. Hard to keep up.

4 So do you have any closing statement, Ms. Fowler? I
5 believe the answer is no, but I'm going to ask you.

6 MS. FOWLER: Thank you. Thanks for asking though.

7 VICE CHAIR JOHN: Okay. So I'm going to go ahead and
8 close the record and ask the Board, are you ready to deliberate?
9 Okay. I didn't hear anyone say no. So I'm going to excuse you,
10 Ms. Fowler, and we'll go ahead and deliberate.

11 So who would like to start? I can start. I think this
12 is really very straightforward. And it's a very modest -- oh,
13 the Office of Planning. I need to reopen the record.

14 So Ms. Vitale. Are you here, Ms. Vitale?

15 MS. VITALE: Yes, I am. Good afternoon. Madam Chair
16 and members of the Board.

17 VICE CHAIR JOHN: I almost forgot you, Ms. Vitale. I
18 didn't see you shouting to let us know we'd forgotten you. Let's
19 go ahead and give your report.

20 MS. VITALE: Certainly. And I will keep this brief.
21 This is a simple application. Again, Elisa Vitale with the Office
22 of Planning. This is for BZA Case 20486. The Office of Planning
23 is recommending approval of the requested special exception
24 relief. We're happy to rest on the record of our staff report,
25 but we are available to answer any questions. Thank you.

1 VICE CHAIR JOHN: Thank you.

2 So does the Board have any questions for the Office of
3 Planning?

4 COMMISSIONER MAY: No.

5 VICE CHAIR JOHN: Does the applicant have any questions
6 for the Office of Planning?

7 COMMISSIONER MAY: Well, the applicant was taken out
8 and muted.

9 VICE CHAIR JOHN: Right. I know.

10 Ms. Fowler, are you still there?

11 MS. FOWLER: Yes. No questions. Thank you.

12 VICE CHAIR JOHN: Okay. Thank you.

13 So I'll go ahead and excuse everyone and close the
14 record again. And then ask the Board if the Board is ready to
15 deliberate. I believe the answer was yes, and I believe I had
16 started. And what I had started to say was that I believe this
17 is a very straightforward application with a very modest
18 addition. And so I have no issues with the application. ANC
19 support, CHRS is also in support, DDOT has no objection, and the
20 Office of Planning supports the relief.

21 So does have anything to add? Does anyone from the
22 Board have anything to add?

23 COMMISSIONER MAY: No.

24 VICE CHAIR JOHN: Okay.

25 BOARD MEMBER SMITH: Nothing.

1 VICE CHAIR JOHN: Thank you. So I'll go ahead and make
2 a motion to approve BZA Case No. 20486 as read and captioned by
3 the secretary and ask for a second, Mr. Blake.

4 BOARD MEMBER BLAKE: Second.

5 VICE CHAIR JOHN: Thank you. Mr. Moy, will you please
6 call the roll?

7 MR. MOY: All right.

8 VICE CHAIR JOHN: One second, Mr. Moy. I need to say
9 the motion has been made and seconded. And Mr. Moy, would you
10 please call the roll?

11 MR. MOY: Thank you, Madam Chair.

12 When I call your names, if you would please respond
13 with a yes, no, or abstain to the motion made by Vice Chair John
14 to approve the application for the relief requested. The motion
15 was seconded by Mr. Blake.

16 Zoning Commissioner Peter May.

17 COMMISSIONER MAY: Yes.

18 MR. MOY: Mr. Smith?

19 BOARD MEMBER SMITH: Yes.

20 MR. MOY: Mr. Blake.

21 BOARD MEMBER BLAKE: Yes.

22 MR. MOY: Vice Chair John.

23 VICE CHAIR JOHN: Yes.

24 MR. MOY: Staff would record the vote as 4-0-1 and this
25 is on your motion, Vice Chair John, to approve the application.

1 The motion was seconded by Mr. Blake to approve. Also, in support
2 of the motion to approve is Zoning Commissioner Peter May, Mr.
3 Smith and, of course, Mr. Blake and Vice Chair John. We have
4 one Board member not participating. The motion carries on the
5 vote of 4-0-1.

6 VICE CHAIR JOHN: Thank you, Mr. Moy. And I'd like to
7 go ahead and take a five-minute break. I know we have one case
8 left, but I'll be prompt, five minutes. Thank you.

9 (Whereupon, the above-entitled matter went off the
10 record and then resumed.)

11 VICE CHAIR JOHN: The thing I see that Board Member
12 Blake is here and I expect that Commissioner May is monitoring
13 the Board.

14 Commissioner May, are you with us?

15 COMMISSIONER MAY: Yeah, sorry. I forgot to turn my
16 camera back on. I never left.

17 VICE CHAIR JOHN: Okay. Great. Thank you.

18 So Mr. May -- Mr. Moy, can we get started please?

19 MR. MOY: Okay. The next --

20 VICE CHAIR JOHN: Go ahead.

21 MR. MOY: -- case before the Board is Application No.
22 20473. This is Michael W. Smith. Captioned and advertised for
23 a special exception from the rear yard requirements of Subtitle
24 D, Section 306.1, which would raze an existing one-story rear
25 addition and construct a new one-story rear addition to an

1 existing detached two-story principal dwelling unit in the R-1-
2 B Zone. The property is located at 4628 Sedgwick Street
3 Northwest, Square 1515, Lot 810. That's all.

4 VICE CHAIR JOHN: Thank you. Thank you.

5 Ms. Worsley, are you on?

6 Ms. Mehlert, can you let the applicant in please.

7 MS. MEHLERT: Yes. I've unmuted Mr. Serrano and Ms.
8 Worsley. I can't make them (audio interference).

9 VICE CHAIR JOHN: Okay. Ms. Worsley, Mr. Serrano.

10 MR. SERRANO: Yeah, I'm here. Can you hear me?

11 MS. WORSLEY: I'm here as well.

12 VICE CHAIR JOHN: Okay. Thank you. So who is
13 presenting today?

14 MS. WORSLEY: I will do the introduction. Mr. Serrano
15 is the project designer, so he'll walk you through the very brief
16 project description.

17 VICE CHAIR JOHN: Can you introduce yourself for the
18 record and provide your address as well?

19 MS. WORSLEY: Certainly.

20 VICE CHAIR JOHN: And the same for you Mr. Serrano?

21 MS. WORSLEY: Sure. My name is Gayll Worsley, I'm the
22 architect. The address is 5509 Illinois Avenue, Northwest,
23 Washington, D.C. 20011.

24 VICE CHAIR JOHN: And Mr. Serrano.

25 MR. SERRANO: Yeah. Juan Carlos Serrano at 8440

1 Burchfield Drive, Montgomery Village, Maryland, 20886.

2 VICE CHAIR JOHN: Thank you.

3 So Ms. Worsley, can you tell us about the project and
4 how you're meeting the criteria for relief?

5 MS. WORSLEY: Yes. In brief, the project is an existing
6 small little -- we'll call it thumb for lack of a better
7 description on the side of an existing single-family detached
8 house. And we would like to rebuild it and expand it slightly
9 for a new bathroom and I'll let Mr. Serrano who worked directly
10 with the owner give you some more details about that.

11 MR. SERRANO: Okay. This is a family residence, R-B -
12 - R-1-B Zone is going to stay single family. What we're proposing
13 basically is one story on the rear of the house and that's what
14 why needed the special exception. The addition is going to be
15 one story and will be replacing an existing story that is there
16 that is existing kitchenette right now. The owner has only one
17 bathroom in the house. So we're creating another full bath in
18 that area. The proposed addition is now going to intrude in the
19 character and scale and pattern of the houses in the area since
20 it is not going to be noticeable basically from the street. You
21 see, the architectural drawings, you will see that the topography
22 of the terrain is pretty high, so it is at the very back of the
23 house, so it won't be noticeable from the 47 from the Sedgwick
24 Street basically. There will no loss of street parking and will
25 not adversely affect the use of the neighboring property also.

1 On the other hand, it has been approved by the ANC and there is
2 no opposition from the neighbors for this addition. For these
3 reasons we feel we meet the criteria for the special exception.
4 Basically, this concludes my presentation.

5 VICE CHAIR JOHN: So I have a question for the
6 applicant. How -- can you talk about how the project will impact
7 light and air and privacy to the neighbors?

8 MR. SERRANO: Well, there is already an existing
9 (indiscernible) in that area. So basically, we're going to
10 replace it basically for the same structure, and actually is
11 going to be less in the scale. So we're keeping the fencing that
12 is besides this structure, so we are not basically creating any
13 issue with the privacy with neighbors.

14 On the light basically, this structure is not going to
15 be higher than the existing one. So that's what the neighbors
16 accepted this structure and there were not in opposition for
17 this.

18 VICE CHAIR JOHN: Thank you.

19 Does the Board have any questions? No.

20 COMMISSIONER MAY: No.

21 VICE CHAIR JOHN: Thank you. So I'm going to go to
22 the Office of Planning.

23 MS. BROWN-ROBERTS: Good afternoon, Madam Chairman, and
24 members of the Commission. This is Maxine Brown-Roberts from the
25 Office of Planning on BZA Case 20473.

1 The proposal is to demolish a one-story portion of the
2 house and replace it with a slightly larger one-story addition.
3 To accommodate the addition, the applicant has requested a
4 special exception from the requirements of Subtitle D, 306 for
5 rear yard, where 25-feet is required, and one-foot is being
6 provided. This would be pursuant to Subtitle D, 5201 which
7 addresses addition to a building or accessory structure and the
8 general requirements of Subtitle X, Section 901.2. The property
9 is a non-alley in lot. The one-story addition would be separated
10 from the adjacent neighbor to the south an existing six-foot
11 height board fence. The one-story addition would not cast any
12 significant shadows on the house itself due to its north-south
13 orientation.

14 They have a conforming side yard to the east, which
15 would be maintained, and the addition would be slightly larger
16 than the existing addition and therefore, air circulation should
17 not be significantly affected over what currently exists. The
18 one-story addition would extend slightly beyond the existing six-
19 foot-high fence along the southern property line, which would
20 have limited views into the side elevation of the adjacent
21 property to the south.

22 There would be no windows or doors on that side of the
23 addition adjacent to the fence to allow direct views into the
24 adjacent property, therefore, the neighborhood privacy should not
25 be unduly compromised. The addition would not be visible from

1 Sedgwick Street, which by the front of the building, however, it
2 can be viewed from 47th Street. The existing one-story addition
3 is significantly set back from 47th Street and is at a higher
4 elevation than the street.

5 The replacement addition would also be one-story so
6 considerably less than the existing house, so the height
7 anticipated in that zone. It would also retain the setback and
8 the color of the addition would be as currently existing. As
9 such, it should not intrude on the scale, character and pattern
10 of houses along 47th Street and also Sedgwick Street.

11 The applicant provided photograph plans and elevations
12 and the Office of Planning does not recommend any special
13 treatment.

14 Regarding the general requirements of Subtitle X,
15 901.2, the intent of the yard regulations is to provide adequate
16 light and air between the properties and as demonstrated in the
17 response Section 5201, the reduction in the rear yard will
18 continue to meet the intent of the regulations and would not
19 affect the privacy and use of adjacent properties to an undue
20 extent. The Office of Planning therefore recommends approval of
21 the requested special exception. Thank you, Madam Chairman. And
22 I'm available for questions.

23 VICE CHAIR JOHN: Thank you, Ms. Brown-Roberts.

24 Does the Board have any questions? I don't see any
25 hands raised.

1 Does the applicant have any questions?
2 MS. WORSLEY: No.
3 MR. SERRANO: No.
4 VICE CHAIR JOHN: Okay. Thank you.
5 Ms. Mehlert, do we have anyone here from the ANC?
6 MS. MEHLERT: No.
7 VICE CHAIR JOHN: Okay. Thank you.
8 Do we have anyone signed up to testify?
9 MS. MEHLERT: No.
10 VICE CHAIR JOHN: Is the answer, no?
11 MS. MEHLERT: No, we don't.
12 VICE CHAIR JOHN: Thank you.
13 So does the Board have anything to add? No.
14 Does the applicant have anything to add?
15 MR. SERRANO: No.
16 MS. WORSLEY: No.
17 VICE CHAIR JOHN: Okay. So I'm going to go ahead and
18 close the record and ask the Board if we're ready to deliberate.
19 COMMISSIONER MAY: Yes.
20 VICE CHAIR JOHN: Yes. Okay.
21 COMMISSIONER MAY: Yes.
22 VICE CHAIR JOHN: So who would like to start?
23 COMMISSIONER MAY: I'll go ahead. I mean again, this
24 is a very straightforward matter. It's a special exception.
25 It's not going to cause any undue impacts on the neighboring

1 properties. It's a very small house and it's a modest addition,
2 so I don't see any issues with it whatsoever.

3 VICE CHAIR JOHN: Thank you.

4 May I go to you Board Member Smith?

5 BOARD MEMBER SMOTH: I agree with Commissioner May.
6 It's a fairly straightforward application. The requesting
7 addition is fairly modest, the setback from within the house and
8 (audio interference) second floor, fairly minor in scope based
9 on the size of the existing house. So I do believe it meets the
10 criteria for us to be able to grant special exception and I will
11 be in support of it.

12 VICE CHAIR JOHN: Thank you, Board Members Smith.

13 Board Member Blake.

14 BOARD MEMBER BLAKE: Yes. I, too, would agree with the
15 -- that assessment and be able to support that, giving substantial
16 weight to the very thorough analysis of the Office of Planning.
17 Thank you.

18 VICE CHAIR JOHN: Thank you. So I am also going to
19 support the application, because as you all have said, this is
20 fairly straightforward. And what we're looking at is a modest
21 addition that replaces an existing smaller addition at the back
22 of the house. And so I'm going to make a motion to approve BZA
23 Case No. 20473 as read -- as captioned and read by the Secretary
24 and ask for second, Mr. Blake.

25 MR. BLAKE: Second.

1 VICE CHAIR JOHN: Mr. Moy, the motion has been made and
2 seconded. Would you please take a roll call?

3 MR. MOY: Thank you. When I call each of your names,
4 if you would please respond with a yes, no, or abstain to the
5 motion made by Vice Chair John to approve the application for the
6 relief requested. The motion in support -- was seconded by Mr.
7 Blake.

8 Zoning Commissioner May.

9 COMMISSIONER MAY: Yes.

10 MR. MOY: Mr. Smith.

11 BOARD MEMBER SMITH: Yes.

12 MR. MOY: Mr. Blake.

13 BOARD MEMBER BLAKE: Yes.

14 MR. MOY: Vice Chair John.

15 VICE CHAIR JOHN: Yes.

16 MR. MOY: The staff would record the vote as 4-0-1 and
17 this is on the motion by Vice Chair John to approve. It was
18 seconded by Mr. Blake. Also, in support of the motion to approve
19 is Zoning Commissioner Peter May, Mr. Smith, and, of course, Mr.
20 Blake and Vice Chair John. We have one Board member not
21 participating. The motion carries on the vote of 4-0-1.

22 VICE CHAIR JOHN: Thank you, Mr. May -- Mr. Moy. Lots
23 of Ms. And I think this concludes our agenda for the day.

24 MR. MOY: Yes, it does. The only other thing I have
25 Vice Chair John is that on behalf of the staff, we wish you all,

1 including Zoning Commissioner Peter May, a very enjoyable and
2 safe holiday, 4th of July holiday.

3 VICE CHAIR JOHN: Wow. Thank you, Mr. Moy. I forgot
4 to do that. I'm so glad you did that for the rest of us. Happy
5 4th, everyone. Don't eat too much. Have a great time. And I
6 will see you here back next week with our Chairman at the helm.
7 Thanks, everybody. See you next time.

8 COMMISSIONER MAY: Thank you. Have a great day.

9 BOARD MEMBER SMITH: See you. Take care.

10 VICE CHAIR JOHN: Bye.

11 (Whereupon, the above-entitled matter went off the
12 record at 4:05 p.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCBZA

Date: 06-30-21

Place: Teleconference

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

CHRIS HOFER

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