

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

September 22, 2021

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:39 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

ANTHONY HOOD, Chairman

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

MATTHEW JESICK
ELISA VITALE
KAREN THOMAS
CRYSTAL MYERS

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JONATHAN KIRSCHENBAUM
MAXINE BROWN-ROBERTS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, Esquire
JACK RICE, Esquire

The transcript constitutes the minutes from the
Regular Public Hearing held on September 22, 2021

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(9:39 a.m.)

MR. CHAIRMAN: Good morning, ladies and gentlemen of the Board of Zoning Adjustment. Today's date is 9/22/2021. Public hearing will please come to order.

My name is Fred Hill. I'm the chairperson of the District of Columbia Board of Adjustments. Joining me today is Lorna John, Vice Chair; Board Members Carl Blake and Chrishaun Smith; and Zoning Commissioner Chairman Anthony Hood.

Today's meeting and hearings agenda are available to you on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter, and also webcast live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing. Also, please be advised that we do not take any public testimony in our decision meeting sessions. If you're experiencing -- accessing Webex or with your telephone call-in, then please call our OZ hotline number at 202-727-5471, to receive Webex login or call-in instructions.

At the conclusion of a decision meeting session, I shall, in consultation with the Office of Zoning, determine whether a full or summary order made be issued. A full order is required when the decision it contains is adverse to a party, including an affected ANC. A full order may also be needed if the

1 Board's decision differs from the Office of Planning's
2 recommendation. Although the Board favors the use of summary
3 orders whenever possible, an applicant may not request the Board
4 to issue such an order.

5 In today's hearing session, everyone who is listening on
6 Webex or by telephone will be muted during the hearing, and only
7 persons who have signed up to participate or to testify will be
8 unmuted at the appropriate time. Please state your name and home
9 address before providing oral testimony or your presentation.
10 Oral presentations should be limited to a summary of your most
11 important points. When you've finished speaking, please mute your
12 audio so that your microphone is no longer picking up sound or
13 background noise.

14 Once again, if you're experiencing difficulty accessing
15 Webex or with your telephone call-in, or if you've forgotten to
16 sign up 24 hours prior to this hearing, then please call the OZ
17 Hotline number, 202-727-5471, to sign up to testify, and to
18 receive Webex login or call-in instructions.

19 All persons planning to testify either in favor or in
20 opposition should've signed up in advance. They'll be called by
21 name to testify. If this is an appeal, only parties are allowed
22 to testify. By signing up to testify, all participants completed
23 the oath or affirmation that are required by Y 408.7.

24 To request to enter evidence at the time of an online
25 virtual hearings, such as written testimony and additional

1 supporting documents, other than live video, which may not be
2 presented as part of testimony, may be allowed, pursuant to
3 Subtitle Y 103.13, provided that the person making the request to
4 enter an exhibit explains how the proposed exhibit is relevant,
5 the good cause that justifies allowing the exhibit into the
6 record, including explanation of why the requester did not file
7 the exhibit prior to the hearing, pursuant to Y -- sorry -- 206,
8 and how the proposed exhibit would not unreasonably prejudice any
9 parties. The order of procedures for special exceptions and
10 variances are pursuant to Y 409. The order of appeals is pursuant
11 to Y 507.

12 At the conclusion of each case, an individual who is
13 unable to testify because of technical issues may file a request
14 for leave to file a written version of the planned testimony to
15 the record within 24 hours following the conclusion of public
16 testimony in the hearing. If additional written testimony is
17 accepted, then parties will be allowed a reasonable time to
18 respond, as determined by the Board.

19 The Board will then make its decision at its next
20 meeting session, but no earlier than 48 hours after the hearing.
21 Moreover, the Board may request additional specific information to
22 complete the record. The Board or the staff will specify the end
23 of exactly -- sorry -- at the end of the hearing, exactly what is
24 expected and the date when the person must submit the evidence the
25 Office of Zoning. No other information shall be accepted by the

1 Board.

2 Finally, the District of Columbia Administrative
3 Procedures Act requests -- requires that the public hearing on
4 each case be held in the open, before the public. However,
5 pursuant to Section 405(b) and 406 of the Act, the Board may,
6 consistent with its rules of procedures and the Act, enter in a
7 closed meeting on a case for purposes of seeking legal counsel on
8 a case, pursuant to D.C. Official Code Section 2-575(b)(4), and/or
9 deliberate a case, pursuant to D.C. Official Code Section
10 20575(b)(13), but only after filing necessary public notice, in
11 the case of an emergency closed meeting after taking a roll call
12 vote.

13 Mr. Secretary, do we have any preliminary matters?

14 MR. MOY: Good morning, Mr. Chairman, members of the
15 Board. We do have preliminary matters.

16 First of all, as has been customary with the Board,
17 following suggestions that the Board address those preliminary
18 matters when a case is called, for efficiency.

19 Other than that, Mr. Chairman, for the record, there are
20 two case applications that have been postponed and rescheduled.
21 Or, actually, one. Application Number 20509. This is the
22 application of 4602 Hillside, LLC. That has been withdrawn by the
23 applicant.

24 Application Number 20517 of the Government of the United
25 Arab Emirates has been rescheduled to September 29th, 2021, which

1 would be next week.

2 Other than that, Mr. Chairman, we are into our meeting
3 session.

4 CHAIRPERSON HILL: Okay, great. Thank you. Let me just
5 take a look here.

6 Okay. If you could call our first meeting case, Mr.
7 Moy?

8 MR. MOY: Yes, sir. This would be Case Application
9 Number 20400, of Green Street Apartments, LLC. This was last
10 heard by the Board at its public hearing on June the 23rd, 2021.
11 For the record, this application was amended for special exception
12 under the new residential development requirements, so Subtitle U,
13 Section 421.1. This would construct a new detached three-story
14 with cellar and penthouse, ten-unit apartment house, in the RA-1
15 zone. Property is located at 2326 through 2328 Green Street
16 Southeast.

17 As the Board is aware, there is a preliminary matter.
18 In the record, there was a filing from ANC 8A, which is a motion
19 to strike, which is under Exhibit 67. So that's before the Board.

20 CHAIRPERSON HILL: Okay, great. Thank you.

21 I think Mr. Blake had to log off. He's trying to log
22 back on. So let's give --

23 MR. MOY: Yeah. Yeah, as you'll recall, Mr. Chairman,
24 Mr. Blake is not participating on this case.

25 CHAIRPERSON HILL: Okay, so --

1 MR. MOY: So that's probably the reason why.

2 CHAIRPERSON HILL: Okay. Well, I think he had -- but
3 that's great. I think he had a computer issue. But that's great.

4 Okay. So if you've got -- as you all are all aware,
5 because it's on the record and read through the record, there's a
6 motion to strike some of the testimony from one of the ANC
7 commissioners, I think it was.

8 And what I thought was that we could go ahead and maybe
9 have the ANC commissioner with us -- and I think it might've been
10 the chair, I'm unclear -- and see just exactly what is the motion,
11 and what they're trying to strike, so that we at least know what
12 is in the record from the ANC and what we can give great weight
13 to, and/or, if it's just, then, comments from a member of the
14 public, which would be, then, just an ANC representative on their
15 own.

16 So I had thought about possibly pulling this from the
17 public meeting into the public hearing, which we had done, the day
18 of the event, which is -- sorry, the day of the hearing, which is
19 today.

20 But what I'd rather do, if it's okay with you guys --
21 oh, and also, the applicant has amended their relief to remove the
22 parking requirements, because they now have shared access with the
23 driveway. Right? Of the next-door property. And I actually
24 would even like to hear from the applicant on that, as to whether
25 or not that is in perpetuity or what is going on with that

1 | easement. Right?

2 | And so what I would suggest is, we go ahead and reopen
3 | this to hear from the ANC commissioner, who was interested in
4 | having a -- something stricken from the record, as well as the --
5 | if the other ANC commissioner is interested in speaking, they
6 | would at least know that this is up for discussion, and then they
7 | can also participate.

8 | And then outside of that -- and I don't even know if
9 | it's a limited-scope hearing or not, if, Mr. Rice, you can clarify
10 | this or not for me -- I just want to hear about the one issue with
11 | how they're pulling the -- how they're sharing the driveway, and
12 | how they're pulling the parking requirement and talking about that
13 | a little bit now, so that we at least understand that they're
14 | meeting the parking requirement. So that'll be my suggestion.

15 | I'm going to lead with the vice chair, if I could, as to
16 | your thoughts, Ms. John.

17 | VICE CHAIR JOHN: Thank you, Mr. Chairman. I'm also
18 | interested in hearing about those two issues, so I agree with your
19 | recommendation. What I'm not sure is whether we would physically
20 | move this case to the hearing calendar. Or we could hear from the
21 | parties on the motion.

22 | But I think we're doing more than just hearing on the
23 | motion, getting information on the motion, but also going into the
24 | substance, which is the parking. So --

25 | CHAIRPERSON HILL: Yes.

1 VICE CHAIR JOHN: -- I would think we need to discuss it
2 during the hearing calendar.

3 CHAIRPERSON HILL: Yes. So that's what I'm suggesting,
4 also, is moving it -- thank you for clarifying -- moving it to the
5 hearing calendar, next week. Does that sound reasonable, Ms.
6 John?

7 VICE CHAIR JOHN: Yes, that's fine.

8 CHAIRPERSON HILL: Okay. Mr. Smith?

9 BOARD MEMBER SMITH: I agree with Vice Chair John's
10 position on this. I think we need to hear a little bit more
11 information from the ANC and from the applicant, on how they're
12 meeting the parking requirements. So I am fully in support of
13 giving this an extra week.

14 CHAIRPERSON HILL: Okay.

15 Chairman Hood? Chairman Hood? Chairman Hood?

16 CHAIRMAN HOOD: I would agree with all my colleagues'
17 comments.

18 I really want to understand about the leave for the
19 parking. But even more so, I'm trying to understand who's on
20 first, who's on second, with the ANC letter. So hopefully the
21 commissioner, Chairperson Muhammad, could be here to kind of help
22 me walk through the different aspects of -- points of view of how
23 the ANC arrived to where they were.

24 And also, what should I really be looking at? What is
25 the ANC really giving us? Who signed this letter? Who signed

1 that letter? I don't want to get too far into talking about the
2 police department, but I want to find out, what is consensus of
3 the ANC, for the most part? So thank you, Mr. Chairman.

4 CHAIRPERSON HILL: Okay, great.

5 Mr. Rice, I saw you pop in there for a second. So
6 before -- I just want to ask this question, I guess, that -- Mr.
7 Rice, are you there?

8 MR. RICE: I'm here.

9 CHAIRPERSON HILL: Sorry. So it is -- so basically, I
10 mean, the way it seems to me is, it is a limited-scope hearing on
11 the parking issue and how they're revising their application to
12 remove the parking, and then I'd like to hear about, you know, is,
13 you know, is the easement in perpetuity? And then the ANC strike
14 -- motion to strike.

15 And what we want to know is -- we'll talk through that a
16 little bit, but then, also, just so the ANC knows, and either
17 they're watching, or if you could convey this to them -- what is
18 it that they're giving us? Right? Because as of now, if we
19 strike, if we agree to the motion to strike, there is nothing from
20 the ANC that we can give great weight to. Right?

21 Or maybe not. This is where I'm a little confused. I
22 think -- I couldn't remember if there was, like, one little issue
23 in the report that we can cut out, or is there other -- well, now
24 I'm asking you. Do you know if there's other things that we can
25 give great weight to? Or no?

1 MR. RICE: So I believe the -- at the last hearing, the
2 report that was currently in the record did not meet the
3 requirements for great weight, and so the Board asked for a
4 subsequent submission from the ANC that met the requirements for
5 great weight.

6 Since the last hearing, we've gotten two reports and a
7 letter from the ANC, as well as a motion to strike. And the
8 motion to strike is seeking to strike those reports that meet the
9 requirements of great weight. So basically, if the motion to
10 strike was granted, there would be nothing in the record for which
11 the Board could afford great weight.

12 CHAIRPERSON HILL: Okay.

13 MR. RICE: Does that make sense?

14 CHAIRPERSON HILL: Yeah. Yeah, so then you can let the
15 ANC know that -- either Mr. Moy -- Mr. Moy, if you could reach out
16 to the ANC and let them know that currently, if we strike the
17 motion, then there's nothing that we're giving great weight to
18 from the ANC. I mean, if we agreed to the motion to strike.

19 So if you can share that with the ANC, and then share
20 with the applicant, we're going to put this on the meeting -- I'm
21 sorry, the hearing calendar for next week, and those issues that
22 we're going to discuss. Okay?

23 MR. MOY: Yes, sir. The OZ staff can take care of that.

24 CHAIRPERSON HILL: Okay, great. All right. Well, then,
25 there you go. That'll close that discussion, and move this to

1 next week.

2 Oh, Chairman Hood, you're not going to necessarily be
3 with us for it? Or do you want to stay with us on it?

4 CHAIRMAN HOOD: I think since I've been a part of this
5 one, I believe I will stick around. I'll be able to chime in next
6 week. It's no problem.

7 CHAIRPERSON HILL: Okay, great. You're not going
8 anywhere. You're there at the house. It's still COVID.

9 CHAIRMAN HOOD: Right now, it's no problem. But if I
10 was having to move around, it'd be a problem. But for now, it's
11 no problem.

12 CHAIRPERSON HILL: All right, Mr. Moy. You can call our
13 next one.

14 MR. MOY: All right. Thank you, Mr. Chairman. So the
15 action before the Board now is to address motions for requests for
16 advance party status. And it's from the same individual for two
17 different case applications. I'll read both of them.

18 The first case application is Number 20512 of the Old
19 House LLC. And that's captioned as that this application is
20 seeking special exception relief from the minimum side yard
21 requirements, Subtitle D, Section 206.2, which would construct a
22 new two-story detached principal dwelling unit, with detached two-
23 story accessory garage in the R1-B zone. Property located at 4420
24 Douglas Street Northeast, Square 5116, Lot 126.

25 The other case application of similar title, with

1 different application number -- this is 20513 of the Old House
2 LLC. And again, similar special exception relief from the minimum
3 side yard requirements, Subtitle D, Section 206.2, which would
4 also construct a new two-story detached principal dwelling unit,
5 with detached two-story accessory garage, R1-B zone, at 4420
6 Douglas Street Northeast, Square 5116, Lot 127.

7 So the request for advance priority status is from a Ms.
8 Vu, V-U. And I believe she's going to be calling in from out of
9 the country.

10 CHAIRPERSON HILL: Okay, great. Before, Mr. Young, you
11 let in Ms. Vu, are we going to talk about these separately, Mr.
12 Moy? Or can we do it together? Or what's the recommendation?

13 MR. MOY: Well, I think you could do it separately.
14 That'd be clean for the record.

15 CHAIRPERSON HILL: Okay.

16 MR. MOY: Unless Mr. Rice feels we should do it
17 otherwise.

18 CHAIRPERSON HILL: So you then just called 20512.

19 MR. MOY: Yes, sir.

20 CHAIRPERSON HILL: Okay. So we're in 20512 right now.
21 Okay.

22 MR. MOY: Yes. Yes.

23 CHAIRPERSON HILL: Mr. Young, could you let in Ms. Vu?
24 Hello, Ms. Vu?

25 (No response.)

1 CHAIRPERSON HILL: Ms. Vu, maybe you're on mute? Or
2 maybe we -- hello?

3 MS. VU: I'm here.

4 CHAIRPERSON HILL: Hi, can you hear me? Yes, hello.
5 Can you hear me?

6 MS. VU: Yeah. Yes. I can hear you. Yes, I can hear
7 you.

8 CHAIRPERSON HILL: Great. Ms. Vue, could you introduce
9 yourself for the record, please?

10 MS. VU: Sure. My name is Nhu Vu. And I'm the owner of
11 the home at 4414 Douglas Street.

12 CHAIRPERSON HILL: Okay.

13 MS. VU: So basically, the home immediately neighboring
14 4420, where the proposed construction's going to happen.

15 CHAIRPERSON HILL: Got you. You're the adjacent
16 property. Correct, Ms. Vu?

17 MS. VU: Correct.

18 CHAIRPERSON HILL: Okay. And Mr. Moy, can you hear me?

19 MR. MOY: Yes, sir.

20 CHAIRPERSON HILL: When is this scheduled for, 20512?

21 MR. MOY: This is scheduled for -- just a second. I
22 want to confirm that on my notes. These two cases are scheduled,
23 to hear the merits, on --

24 MR. RITTING: I've got the answer here. My name's Jacob
25 Ritting. I'm the attorney on this case. They're currently

1 | scheduled for October 6th.

2 | MR. MOY: Yes. Thank you.

3 | CHAIRPERSON HILL: Okay, great. Okay, great. Thank
4 | you, Mr. Ritting.

5 | All right. Let's see. Okay. So I think that Ms. Vu
6 | meets the criteria of how she would be uniquely affected, for her
7 | to get party status. I'm reading her filing here, as we speak.
8 | And so I'm going to go ahead and make a motion to approve Ms. Vu's
9 | party status for case 20512, and ask for a second. Ms. John?

10 | VICE CHAIR JOHN: Second.

11 | CHAIRPERSON HILL: The motion made, it's seconded. Mr.
12 | Moy, if you could take a roll call, please?

13 | MR. MOY: Yes. Thank you, Mr. Chairman. When I call
14 | each of your names, if you would please respond with a "yes",
15 | "no", or "abstain" to the motion made by Chairman Hill to grant
16 | the request for party status?

17 | Zoning Commission Chair Anthony Hood?

18 | CHAIRMAN HOOD: Yes.

19 | MR. MOY: Mr. Smith?

20 | BOARD MEMBER SMITH: Yes.

21 | MR. MOY: Mr. Blake?

22 | BOARD MEMBER BLAKE: Yes.

23 | MR. MOY: Vice Chair John?

24 | VICE CHAIR JOHN: Yes.

25 | MR. MOY: Chairman Hill?

1 CHAIRPERSON HILL: Yes.

2 MR. MOY: Staff would record the vote as five to zero to
3 zero, and this is on the motion made by Chairman Hill to grant.
4 The motion to grant was seconded by Vice Chair John. Also in
5 support of the motion is Zoning Commissioning Chair Anthony Hood,
6 Mr. Smith, Mr. Blake, and of course, Vice Chair John and Chairman
7 Hill. So the motion carries on a vote of five to zero to zero.

8 CHAIRPERSON HILL: Okay, great. Thank you. All right.

9 So Mr. Moy, do you want to call the next case, now? How do you
10 want -- I mean, do you just -- I mean, so for the record, so that
11 you can cut this up, I guess, call the next one. However you want
12 to do it.

13 MR. MOY: Yes, I can do that very quickly, Mr. Chairman.

14 So the next case application, 20513, of the Old House
15 LLC. And again, this is a request for zoning relief from special
16 exception from the minimum side yard requirements, Subtitle D,
17 Section 206.2, to construct a new two-story detached principal
18 dwelling unit, with detached two-story accessory garage, R1-B
19 zone, and the property located at 4420 Douglas Street Northeast,
20 Square 5116, Lot 127. And again, this is for the Board to address
21 the motion for advance party status from Ms. Vu.

22 CHAIRPERSON HILL: Okay, great. Ms. Vu, could you
23 please introduce yourself for the record again?

24 MS. VU: My name's Nhu Vu, and I'm the owner of the home
25 at 4414 Douglas Street. And this property's right next to where

1 construction is being proposed.

2 CHAIRPERSON HILL: Okay. So Ms. Vu, again, you're the
3 adjacent property to the proposed development. Correct?

4 MS. VU: Yes.

5 CHAIRPERSON HILL: Okay. I neglected to ask in the
6 previous one if my Board members had any questions for Ms. Vu. Do
7 my fellow Board members have any questions for Ms. Vu, and if --
8 please -- so, raise your hand?

9 Okay. All right. I think that Ms. Vu meets the
10 standard criteria for us to grant party status to you to how she's
11 uniquely affected, being the adjacent property owner. So I'm
12 going to go ahead and make a motion to approve the party status of
13 Ms. Vu for 20513, and ask for a second. Ms. John?

14 VICE CHAIR JOHN: Second.

15 CHAIRPERSON HILL: Motion's been made and seconded. Mr.
16 Moy, if you could take a roll call, please?

17 MR. MOY: When I call each of your names, if you would
18 please respond with a "yes", "no", or "abstain" to the motion made
19 by Chairman Hill to grant the request for party status? The
20 motion was seconded by Vice Chair John.

21 Zoning Commission Chair Anthony Hood?

22 CHAIRMAN HOOD: Yes.

23 MR. MOY: Mr. Smith?

24 BOARD MEMBER SMITH: Yes.

25 MR. MOY: Mr. Blake?

1 BOARD MEMBER BLAKE: Yes.

2 MR. MOY: Vice Chair John?

3 VICE CHAIR JOHN: Yes.

4 MR. MOY: Chairman Hill?

5 CHAIRPERSON HILL: Yes.

6 MR. MOY: Staff would record the vote as five to zero to
7 zero. And this is on the motion made by Chairman Hill to grant.
8 The motion was seconded by Vice Chair John, to grant. Also in
9 support of the motion is Zoning Commission Chair Anthony Hood, Mr.
10 Smith, Mr. Blake, and of course, Vice Chair John and Chairman
11 Hill. The motion carries on a vote of five to zero to zero.

12 CHAIRPERSON HILL: Okay, great. Thank you.

13 Ms. Vu, so do you know the date that this is -- these
14 are being heard on October 6th. Correct?

15 MS. VU: I actually received a notification that the
16 applicant had changed the date to October 13th. So --

17 CHAIRPERSON HILL: No, no, I don't think -- hold on.

18 I think, Mr. Moy, are you talking about the date of a
19 request for postponement? And did we approve that postponement?

20 I'm trying to pull it up, and I'm -- Mr. Ritting, are
21 you there?

22 MR. MOY: Mr. Chairman? Yeah, this was a case that --
23 there was a request for a postponement, and Mr. Chair, you, had
24 granted postponement. I'm looking at my calendar now. You had
25 granted the postponement to October 13th. So that's where we

1 stand.

2 CHAIRPERSON HILL: Okay, Ms. Vu. So that's great.
3 You're right. Okay.

4 So Ms. Vu, what I would recommend that you do again is,
5 take a look at the applicant's submissions as to the argument
6 they're making for the standard, which we're supposed to look
7 through to grant or deny the application. And then I suggest you
8 look through the Office of Planning's report. I don't think we
9 have the Office of Planning's report yet. Correct, Mr. Ritting?

10 MR. RITTING: Not that I'm aware of.

11 CHAIRPERSON HILL: Okay. So Mr. Moy, does Ms. Vu get
12 something from anyone letting her know that the Office of
13 Planning's report is there?

14 (No response.)

15 CHAIRPERSON HILL: No, I'm just asking. You have to
16 check back. Correct?

17 MR. MOY: Yes. Well, the -- if there are other parties
18 to the case, anything that's filed into the record has to be
19 served on Ms. Vu, now that she's of party status.

20 CHAIRPERSON HILL: Okay.

21 MR. MOY: If there was anything else that Mr. Ritting
22 wants to add to that, then please, please do so.

23 MR. RITTING: Yes. Ms. Vu, hi, I'm the Board's lawyer.
24 What I suggest you do is you go on the Office of Zoning's
25 website. There's an area called -- it's an acronym -- IZIS, I-Z-

1 I-S, and all of the documents, including the Office of Planning
2 report, will be available there. And you can read it virtually at
3 the same time it's uploaded. So that's the best way to get that
4 information.

5 CHAIRPERSON HILL: And there will be --

6 MS. VU: Okay, and this --

7 CHAIRPERSON HILL: There will be -- Ms. Vu, I'll let you
8 answer the question. There will be something that gets sent, Mr.
9 Ritting, to Ms. Vu? No.

10 MR. RITTING: I don't -- I'm not aware of that.

11 CHAIRPERSON HILL: Yeah, that's what I was getting --

12 MR. RITTING: The Office of Planning report -- I don't
13 think that's correct. So I recommend that you look at the Office
14 of Zoning's website, the IZIS area, and you can read it -- you can
15 read it directly there, and that's the best way to find it.

16 MS. VU: Report is something that's made by, like, the
17 D.C. Zoning Board, regarding what's going to happen with the
18 property? Or --

19 CHAIRPERSON HILL: So just -- the Office of Planning's
20 report is their analysis of the case, from the Office of Planning.
21 Right? And they're not the determining -- they don't determine
22 anything. They just provide recommendations, as does all of the
23 people involved, all of the parties in the case, including, now,
24 yourself.

25 The reason why I'm pointing you out the Office of

1 Planning's report is, for those that aren't zoning attorneys,
2 which I assume you're not, it is a concise place to see the
3 regulations. It's a very concise place to see the regulations and
4 the argument.

5 And so -- and then I would also look at the ANC report,
6 and again, what you will have an opportunity to do is give your
7 opinion, or your, you know, your argument, as to how they are not
8 or are meeting the recommendations. I mean, you're in opposition,
9 I assume, at this point. So, you know, and that's one thing that
10 I would recommend.

11 And then the other is that I would, you know, hopefully
12 their attorney -- or you can reach out to their attorney and just
13 see if you guys can kind of talk this through a little bit to see
14 where you get. Okay?

15 MS. VU: Okay. Thank you very -- well, how soon will
16 that report get posted, generally? Is it just a few days before
17 the hearing? Or --

18 MR. RITTING: Usually, it's available two weeks before
19 the hearing date. Okay?

20 MS. VU: Okay. Great. Thank you very much.

21 CHAIRPERSON HILL: Okay? All right, Ms. Vu. We'll see
22 you on the 13th.

23 MS. VU: Thank you.

24 CHAIRPERSON HILL: Thank you.

25 MS. VU: Bye.

1 CHAIRPERSON HILL: Bye.

2 All right, Mr. Moy. Did we -- did I miss this? What
3 happened to 20454?

4 MR. MOY: That is --

5 VICE CHAIR JOHN: Mr. Chair --

6 CHAIRPERSON HILL: We --

7 VICE CHAIR JOHN: Go ahead.

8 CHAIRPERSON HILL: Yeah. Did we already postpone it,
9 Ms. John? Is that what you're trying to say?

10 VICE CHAIR JOHN: I believe so, but I'm not sure.

11 MR. MOY: That's coming up. That's in the hearing
12 session, Mr. Chair.

13 CHAIRPERSON HILL: Okay. All right. Well, we'll just
14 see how we go, then. All right, Mr. Moy. You can -- I think
15 that's the next one, then.

16 MR. MOY: Oh, after this one. You have another advance
17 -- you have an advance intervenor party status --

18 CHAIRPERSON HILL: Oh, okay.

19 MR. MOY: -- in the meeting session. We're not in the
20 hearing session yet.

21 CHAIRPERSON HILL: Okay.

22 MR. MOY: This is the last one.

23 CHAIRPERSON HILL: No, that's great. Then I think
24 there's a lot of stuff that happened.

25 MR. MOY: Yeah.

1 CHAIRPERSON HILL: All right. Go ahead.

2 MR. MOY: Okay. This would be Case Number 20487, appeal
3 of ANC 6B. And for the record, this appeal is appealing the
4 decisions made on September 30, 2020, and October 23, 2020, by the
5 zoning administrator, Department of Consumer Regulatory Affairs,
6 to issue building permits number B2007087 and B2100034, approving
7 the renovation of a six-unit apartment house in the RF-3 zone.
8 Property located, 207 3rd Street Southeast, Square 762, Lot 26.

9 Again, there's a request for advance intervenor status,
10 in opposition, from a Mr. Brian Wise.

11 CHAIRPERSON HILL: Okay. Give me a second, Mr. Young,
12 before you bring in Mr. Wise.

13 There was something, I think -- Mr. Ritting, are you on
14 this case?

15 MR. RITTING: No. Sorry.

16 CHAIRPERSON HILL: Okay.

17 MR. RITTING: It's my colleague, Ms. Nagelhaut.

18 CHAIRPERSON HILL: Oh, Ms. Nagelhaut.

19 MR. RITTING: Yeah.

20 CHAIRPERSON HILL: Okay. I think -- did Ms. Nagelhaut
21 send something? She did.

22 MR. MOY: Yes. Yes, she sent the Board an email, Mr.
23 Chairman.

24 CHAIRPERSON HILL: Got it. I'm looking.

25 MR. MOY: I can reforward it to you if you can't find

1 it.

2 CHAIRPERSON HILL: No, I got it. Give me just one
3 second.

4 MR. MOY: Okay. Great.

5 CHAIRPERSON HILL: Okay. You can let in the requester,
6 Mr. Wise.

7 Mr. Wise, can you hear me?

8 MR. WISE: Can you -- I can. Can you hear me?

9 CHAIRPERSON HILL: Yes, I can. Could you introduce
10 yourself for the the --

11 MR. WISE: Okay. For some reason -- sure. For some
12 reason, my video's not connecting. But Brian Wise. I live at 205
13 3rd Street Southeast.

14 CHAIRPERSON HILL: Okay. And Mr. Wise, for the record,
15 how is that in relation to the property?

16 MR. WISE: It's the abutting -- we have an abutting wall
17 for the entirety of our property. We share a wall with them.

18 CHAIRPERSON HILL: Okay. Okay. Let me look at this
19 case. All right. You want to go ahead and make your case, Mr.
20 Wise, as to why you think you should be granted intervenor status?

21 MR. WISE: Sure. And just for one correction, in the
22 agenda, it says that I am in opposition. I'm actually a proponent
23 of the appeal.

24 So the -- it was originally filed -- I had originally
25 called the Office of Zoning, and they had told me to file a

1 request for party status, because this was an appeal of a decision
2 that had not yet been heard by the Board.

3 It looks like that has been changed to an intervener
4 status, which is what I had originally thought that it qualified
5 as. But it is -- I am in -- I am a proponent of the appeal of the
6 permits. So just for the record, that's my position.

7 I'm uniquely affected because I share -- the entire
8 south wall of my property is a party wall with the subject
9 property, and any actions that happen with that property directly
10 affect my property. In fact, there's a stop-work order on that,
11 because of some damage that they had already created to our wall.

12 So I am very uniquely affected by the granting of these permits,
13 and the fact that they don't seem to conform to zoning code.

14 CHAIRPERSON HILL: Got you. Mr. Wise, have you reached
15 out to the ANC about this?

16 MR. WISE: I testified at the ANC hearing about it.

17 CHAIRPERSON HILL: Got it. Did you talk to them about
18 wanting to be an intervener?

19 MR. WISE: I did.

20 CHAIRPERSON HILL: And what did they say?

21 MR. WISE: They didn't have any position on it. And I
22 have spoken with Corey Holman, who was the -- I believe he's the
23 chairman of the planning and zoning committee for ANC 6B. And his
24 only response was that he thought it was more appropriate to be an
25 intervener, versus a party status.

1 CHAIRPERSON HILL: Got you. Got you. The reason why
2 I'm asking a little bit, Mr. Smith, is, we'll see what -- I'm
3 sorry. Mr. Wise.

4 MR. WISE: That's okay.

5 CHAIRPERSON HILL: You may want to, I guess -- anyway, I
6 think I would be in favor of you getting intervener status, and
7 I'll see what my Board members have to say. What I was trying to
8 mention is that if you kind of get with your ANC, you guys could
9 also kind of present at the same time, rather than have, like, two
10 separate presentations.

11 Because I think, unless they're significantly different
12 reasons, you might have a stronger, cleaner presentation if you do
13 it together. But you all can talk and figure that out amongst
14 yourselves.

15 Does the Board have any questions for Mr. Wise?

16 (No response.)

17 CHAIRPERSON HILL: Okay, seeing none, I'll go ahead and
18 make a motion to approve the intervener status of Mr. Wise in case
19 number 20487. I'm sorry -- for the appeal of 20487, and ask for a
20 second. Ms. John?

21 VICE CHAIR JOHN: Second.

22 CHAIRPERSON HILL: Motion has been made and seconded.
23 Mr. Moy, if you could get a roll call?

24 MR. MOY: When I call each of your names, if you would
25 please respond with a "yes", "no", or "abstain" to the motion made

1 by Chairman Hill to grant intervener status to Mr. Brian Wise?

2 The motion was seconded by Vice Chair John.

3 Zoning Commission Chair Anthony Hood?

4 CHAIRMAN HOOD: Yes.

5 MR. MOY: Mr. Smith?

6 BOARD MEMBER SMITH: Yes.

7 MR. MOY: Mr. Blake?

8 BOARD MEMBER BLAKE: Yes.

9 MR. MOY: Vice Chair John?

10 VICE CHAIR JOHN: Yes.

11 MR. MOY: Chairman Hill?

12 CHAIRPERSON HILL: Yes.

13 MR. MOY: Staff would record the vote as five to zero to
14 zero, and this is on the motion made by Chairman Hill to grant the
15 request for intervener status to Mr. Brian Wise. Motion was
16 seconded by Vice Chair John. Also in support of the motion to
17 grant is Zoning Commission Chair Anthony Hood, Mr. Smith, Mr.
18 Blake, and of course, Vice Chair John and Chairman Hill. Staff
19 would record the vote as five to zero to zero, on the motion made
20 by Chairman Hill to grant -- the motion carries, sir.

21 CHAIRPERSON HILL: Okay, great. Mr. Moy, when do we
22 hear the appeal? What's the date of the appeal?

23 MR. MOY: It is scheduled for October 20th.

24 CHAIRPERSON HILL: Okay. All right, Mr. Wise. Try to
25 get yourself kind of organized, and we'll see you October 20th.

1 MR. WISE: We'll make it as efficient as possible.
2 Thank you, Chairman.

3 CHAIRPERSON HILL: Thank you, sir.

4 All right, Mr. Moy. I guess that's that. Right?

5 MR. MOY: Yes, that's it for the meeting session.

6 CHAIRPERSON HILL: Okay. All right. Whenever y'all
7 want to do -- this is so weird, being in this little room, being
8 in my office and doing this. Okay. I'm never going to get over
9 it. All right.

10 Mr. Moy, you can call the next case.

11 MR. MOY: Okay. The first case in the Board's public
12 hearing session is Application Number 20454. This is of 4234
13 Benning LLC. This application is caption advertised as amended
14 for special exception relief, under the new residential
15 development requirements, Subtitle U, Section 421.1, and from the
16 minimum parking requirements, Subtitle C, Section 701.5.

17 This would raze an existing one-story detached principal
18 dwelling unit, and to construct a new three-story detached eight-
19 unit apartment building, with cellar and penthouse. This is in
20 the RA-1 zone. Again, the property is located at 4234 Benning
21 Road, Northeast, Square, excuse me, 5087, Lot 7.

22 The preliminary matter here, Mr. Chairman, as you are
23 well aware -- there is a request for postponement from ANC 7D, and
24 that's under Exhibit 45.

25 CHAIRPERSON HILL: Okay, great. All right. Let's see.

1 Mr. Bello, could you introduce yourself for the record,
2 please?

3 MR. BELLO: Yes, sir. Good morning, Mr. Chairman, and
4 the Board members. Olutoye Bello, 1917 Benning Road, representing
5 the applicant.

6 CHAIRPERSON HILL: Okay, great. Mr. Bello, so I guess
7 you still haven't provided justification for the requested parking
8 relief. Is that correct?

9 MR. BELLO: I don't believe so, because we've not
10 updated our hearing statement, because there are other issues that
11 arose, that requires that we take another look at the application.

12 CHAIRPERSON HILL: Okay. So you have to go back -- you
13 have to go back to the ANC. Correct?

14 MR. BELLO: Yes, we do.

15 CHAIRPERSON HILL: Okay. So when do you think -- okay.
16 And what --

17 MS. MORRIS: I am the commissioner for this --

18 CHAIRPERSON HILL: Hi, Commissioner.

19 MS. MORRIS: -- for this application.

20 CHAIRPERSON HILL: That's great. Commissioner, do you -
21 -

22 MS. MORRIS: I had --

23 CHAIRPERSON HILL: Commissioner, Commissioner, give me
24 one second.

25 MS. MORRIS: Yes. Okay.

1 CHAIRPERSON HILL: Could you please introduce yourself
2 for the record?

3 MS. MORRIS: I'm Commissioner Morris for 7206, where
4 this property lies.

5 CHAIRPERSON HILL: Okay. Go ahead, Commissioner. What
6 were -- first of all, welcome. And go ahead.

7 MS. MORRIS: Well, when we had this original meeting, I
8 couldn't go to that meeting, because I was sick for, like, a
9 month. Then our recess was from June through -- we just had our
10 first meeting in September, so we had -- June, July, and August
11 was our recess. And I wanted to also review it, now that we're
12 off recess.

13 We also -- where the notification was, the orange poster
14 wasn't placed on that property until the end of August. And
15 currently, for the date that would be today, it's currently not
16 updated with this current date, where, if somebody was publicly
17 wanting to testify, the public notification for it isn't placed on
18 that property. So I wanted to --

19 CHAIRPERSON HILL: So there's nothing on the property
20 now?

21 MS. MORRIS: There's the orange poster, but the date
22 that's listed on that orange poster is for June 23rd. But that
23 poster didn't go up until the end of August.

24 CHAIRPERSON HILL: Okay. All right. Thank you,
25 Commissioner.

1 Mr. Bello, so I'm just trying to get through this real
2 quick. So you -- I need a new affidavit of posting and
3 maintenance from you. Okay?

4 MR. BELLO: All right.

5 CHAIRPERSON HILL: That proves that you have it
6 correctly posted and maintained, number one.

7 Number two, when did this application get submitted? Do
8 you know around when?

9 MR. BELLO: Originally?

10 CHAIRPERSON HILL: Yeah.

11 MR. BELLO: I think maybe in -- early this year.

12 CHAIRPERSON HILL: Yeah, I mean, it's been a long time,
13 is what I'm trying to get at. I just want to confirm. So Mr.
14 Bello, I don't kind of want -- I mean, it's okay -- I mean, I
15 shouldn't say it's okay. I don't want to go back and forth and
16 back and forth on this too much. Like, how much time do you think
17 you need to get this cleaned up to where, actually, we're going to
18 be able to hear it?

19 MR. BELLO: As soon as the ANC is able to get us on
20 their meeting agenda, which -- I've sent the commissioner an email
21 for that purpose. We're pretty much ready to go. There,
22 obviously, is certain issues about parking, because DDOT basically
23 --

24 CHAIRPERSON HILL: All right. Mr. Bello, that's all
25 right. Let me interrupt you. So, like -- okay.

1 So Mr. Moy, can you hear me?

2 (No response.)

3 Mr. Moy?

4 MR. MOY: I hear you. I'm in.

5 CHAIRPERSON HILL: Perfect. So Mr. Moy, why don't,
6 after this case -- I don't want to quickly try to figure this out.
7 Let's go ahead and give, you know -- Commissioner Morris, can you
8 hear me?

9 MS. MORRIS: Yes.

10 CHAIRPERSON HILL: When do you have the meetings? When
11 do you normally have your meetings?

12 MS. MORRIS: Every second Tuesday. I am going to have
13 him scheduled for this October meeting. It's just that, even if
14 we had this meeting, the community wouldn't have even known about
15 this, because the poster hasn't been updated, as well as, they
16 wouldn't have even known about the June meeting, because they
17 recently put up a poster.

18 CHAIRPERSON HILL: Yeah, no, I mean, Mr. Bello, I think,
19 understands that that's the wrong way to do this.

20 MS. MORRIS: Yeah. But, as well as, we'll -- I'll post
21 them, have him come to the October.

22 CHAIRPERSON HILL: Okay. Okay. So Mr. Moy, you and I
23 can talk.

24 And Mr. Bello, I don't know when I'm going to get you
25 back here again. Like, we have a lot of stuff going on. We're

1 pretty jammed up. And I'm going to try to get you back as soon as
2 we can. But I don't know when that is. Right? So I have to talk
3 to Mr. Moy and figure it out. I'd go ahead and --

4 MR. MOY: Is Corey Holman on the list, too?

5 CHAIRPERSON HILL: Mr. Moy, you're on the phone. I can
6 hear you.

7 All right. So -- yeah. So we'll see what happens, Mr.
8 Bello. I would go ahead and make sure that you post that thing
9 correctly. I mean, that's just wrong, Mr. Bello. Like, having,
10 like, the June date, and not even posting it correctly, and all
11 that stuff. Like, that's --

12 MR. BELLO: Well, I don't want to get into the back-and-
13 forth, but there's more to that than --

14 CHAIRPERSON HILL: Okay. All right. Okay. So give me
15 -- then make sure that the community has known, and everybody --
16 everything's organized, and everything's good to go.

17 And then I guess what I'm trying to say is, Mr. Bello,
18 again, like, we really are jammed up. So this always takes a lot
19 of time for us, even postponements. So, you know, if you need to
20 get with Mr. Moy and figure out when you think your applicant's
21 going to be ready to go, then that might be, also, a good way to
22 do this. Right?

23 MR. BELLO: Well --

24 CHAIRPERSON HILL: We'll let Mr. Moy and you kind of
25 figure it out.

1 Commissioner Morris, if you can get him in front of you,
2 that'd be great. And thank you for taking the time to be here
3 today.

4 MS. MORRIS: Thank you.

5 CHAIRPERSON HILL: Okay?

6 MS. MORRIS: Thank you so much.

7 CHAIRPERSON HILL: Okay.

8 MR. BELLO: Thank you.

9 CHAIRPERSON HILL: Does the Board have any --

10 MS. MORRIS: Put that down, Logan.

11 CHAIRPERSON HILL: Commissioner? Does the --

12 MS. MORRIS: I'm currently --

13 CHAIRPERSON HILL: Sure, I got you. We're all currently
14 somewhere, doing something.

15 Mr. Moy -- I mean, sorry. Board members, does anybody
16 have any questions for anybody?

17 VICE CHAIR JOHN: No.

18 CHAIRPERSON HILL: If so, raise your hand. Okay,
19 everybody's saying no. Okay.

20 All right. Mr. Bello, we're going to let you go, and
21 we'll see when we get you next. Okay?

22 MR. BELLO: Thank you, sir.

23 CHAIRPERSON HILL: Okay. All right. Mr. Moy, you're
24 going to let us know. Okay?

25 MR. MOY: Yes, sir.

1 CHAIRPERSON HILL: Or, I'm sorry, we're going to get
2 together, you and I. And we'll --

3 MR. MOY: Yeah.

4 CHAIRPERSON HILL: -- for sure -- what we can do. So
5 I'm going to -- all right. So we've currently done very little.
6 All right.

7 MR. MOY: Well, Mr. Chairman, can I take a step back a
8 bit, in terms of our logistics?

9 CHAIRPERSON HILL: Sure.

10 MR. MOY: On the last action the Board took, on the
11 request for intervenor party status, I was not aware that in the
12 waiting room, there was also Mr. Hugh Grant from DCRA, as well as
13 the good Commissioner Corey Holman. So -- and I believe that's
14 why you may have seen me on my cell phone.

15 I believe that Mr. Green -- Hugh Green -- I made a
16 mistake, said Hugh Grant. But Hugh Green, he may want to speak.
17 So I don't know how you want to handle it. But I think -- I don't
18 think we can move forward logically until we hear from them.

19 CHAIRPERSON HILL: Okay. Then why don't you do this? I
20 think you have to reach out to Mr. Wise, then. Okay? And we can
21 try to do this at some point during the day. Right? And let Mr.
22 Wise know that -- and if Mr. Wise is listening right now, please
23 call the Office of Zoning.

24 And we'll reschedule it again to bring in Mr. Wise, then
25 the other parties. Because of technical issues, we missed DCRA

1 and the ANC's testimony. So try to do that during the day at some
2 point, Mr. Moy. We can come back to it.

3 MR. MOY: Thank you, sir. Thank you, sir.

4 CHAIRPERSON HILL: Okay. Okay. Are we about to start -
5 - so we're about to actually start a case. Right? No, no, no,
6 I'm just asking because I'm asking the Board if they want to take
7 a quick break. Or do you want to do a case and then take a quick
8 break?

9 CHAIRMAN HOOD: We can do a case.

10 CHAIRPERSON HILL: Okay. We'll do a case, take a quick
11 break. All right.

12 All right, Mr. Moy. You can call our next case.

13 MR. MOY: Thank you, Mr. Chairman. So this would be
14 Case Application Number 20425, of 616 Quebec Place, of West LLC.
15 This is an application for special exception relief under the
16 residential conversion use requirements of Subtitle U, Section
17 320.2.

18 This would convert an existing three-story semidetached
19 principal dwelling unit to a three-unit apartment house, in the
20 RF-1 zone. Property is located at 616 Quebec Place, Northwest,
21 Square 3034, Lot 182. And that's all I have from me. Thank you,
22 Mr. Chairman.

23 CHAIRPERSON HILL: Okay. Great. Mr. Cross, could you
24 introduce yourself for the record, please?

25 MR. CROSS: Certainly. Good morning. My name is

1 Michael Cross. I am the architect on this application. I'm
2 joined here today by Mr. Amir Ebadi, who is the project designer.

3 CHAIRPERSON HILL: Got it. Mr. Ebadi, could you turn on
4 your camera for a minute?

5 (No response.)

6 CHAIRPERSON HILL: All right. I'll let you try to
7 figure that out. Or not. Mr. Ebadi, can you hear me?

8 (No response.)

9 CHAIRPERSON HILL: All right. We'll see how that goes.
10 Mr. Boese, can you hear me? Or Commissioner Boese,
11 sorry.

12 MR. BOESE: Very much so. Thank you.

13 CHAIRPERSON HILL: Great. Could you introduce yourself
14 for the record, please?

15 MR. BOESE: Sure. Kent Boese, ANC commissioner for
16 1A08.

17 CHAIRPERSON HILL: All right. Commissioner, welcome
18 back from the summer.

19 MR. BOESE: You're right, it is no longer summer. Thank
20 you.

21 CHAIRPERSON HILL: Yeah. All right, Mr. Cross, can you
22 hear me?

23 MR. CROSS: Yes, sir.

24 CHAIRPERSON HILL: So a lot has happened, Mr. Cross,
25 since the last hearing. We were going to have a continued

1 hearing, based upon -- well, some things. But go ahead, tell me
2 what happened since the last hearing, please.

3 MR. CROSS: Yeah, since the last hearing, my client has
4 elected to remove the additional story originally proposed in the
5 application, in order to hopefully get the BZA's approval without
6 the opposition of the ANC and potentially the opposing party.

7 CHAIRPERSON HILL: Go ahead. I don't -- so tell me what
8 you did. You just -- I mean, I'm looking at your plans, and I
9 looked at them before.

10 MR. CROSS: Yeah, we removed the additional story. The
11 plans that are proposed here show the three-unit conversion within
12 the existing structure. Again, the relief we're seeking is just
13 for a three-unit conversion. We were not seeking any relief for
14 the mass that was being proposed.

15 However, it was the ANC's concern, and the Board's
16 concern, as well, that potentially the mass was nonconforming, and
17 we have addressed that by removing the element that was of
18 concern.

19 CHAIRPERSON HILL: Got it. Okay. Let's see.

20 Commissioner Boese, is there anything you'd like to add
21 to that?

22 MR. BOESE: The only thing to add is that after getting
23 the update -- or the updated survey with the building height
24 measuring point in the correct place, showing that it was a --
25 it's currently existing as a three-story structure, and the

1 removal of the addition that wasn't seeking zoning relief.

2 The commission is supportive of the plans set forward,
3 on the condition that the door that's existing on the upper level
4 to the porch remain, and that the balustrade on the upper porch,
5 which was original to the structure, be rebuilt. Not exactly, but
6 in kind. So, you know, our initial concerns with the building
7 height measuring point have been addressed.

8 CHAIRPERSON HILL: Okay. Mr. Boese -- or, I'm sorry,
9 Mr. Cross, can you hear me?

10 MR. CROSS: Yes, sir.

11 CHAIRPERSON HILL: Do you agree with the condition that
12 the ANC has put forward?

13 MR. CROSS: Yes, we are aware of those conditions. The
14 inset that is on file today reflects those, and we are committed
15 to satisfying those conditions.

16 CHAIRPERSON HILL: Okay. Mr. -- oh, Ms. Cain, can you
17 hear me?

18 (No response.)

19 CHAIRPERSON HILL: Ms. Cain?

20 MS. CAIN: I'm here.

21 CHAIRPERSON HILL: Could you introduce yourself for the
22 record, please? Oh, got you.

23 MS. CAIN: Sorry. Alexandra Cain, the Office of the
24 Attorney General.

25 CHAIRPERSON HILL: Thanks. Is that condition kind of

1 within our purview? I'm trying to figure out how to kind of,
2 like, tie it to something.

3 MS. CAIN: This is the condition from the ANC?

4 CHAIRPERSON HILL: Yeah, about the existing door
5 remaining and the baluster being rebuilt in kind. Or is that
6 something that's just really between the ANC and the applicant?

7 (No response.)

8 CHAIRPERSON HILL: I'll let you think about that for a
9 minute while --

10 MS. CAIN: Yeah, let me --

11 CHAIRPERSON HILL: -- while I go to my -- while I go to
12 my colleagues. Okay.

13 Do any of my colleagues have any questions for the
14 applicant?

15 VICE CHAIR JOHN: Yes. I wanted to ask a question of
16 Mr. Cross.

17 Can you explain the difference in the two building
18 height measuring points? So now, I believe the first floor is the
19 basement. So before, what was the issue?

20 MR. CROSS: So I guess, as you understand, the building
21 height measuring point was never part of the case. But the
22 concern was that the building height measuring point originally
23 provided was not conforming with current enforcement. That was
24 confirmed by the zoning administrator, following our hearing.

25 Effectively, it was -- the originally building height

1 measuring point was following a standard that was changed after
2 appeal last summer. And so the enforcement has changed slightly.
3 Therefore, our point was incorrectly shown on the plan.

4 VICE CHAIR JOHN: Thank you.

5 CHAIRPERSON HILL: Right, but Mr. Cross, just to
6 clarify, the reason why you changed the ceiling height also, is
7 because the BHMP was incorrectly done. Correct?

8 MR. CROSS: Yes. I will say that the -- we had
9 originally pursued a solution that would change the front facade
10 in a way that would give us a more favorable building height
11 measuring point, because that point is developed based on the
12 proposed building.

13 However, it was our client's decision to no longer
14 pursue that, because they felt like we were going to have
15 continued opposition, no matter what the result was. And so it's
16 my client's desire to --

17 CHAIRPERSON HILL: Okay, okay. Okay. Either way.

18 All right. Just seeing -- who else has questions from
19 the Board?

20 (No response.)

21 CHAIRPERSON HILL: No? Okay.

22 Ms. Cain, you have an answer for me?

23 MS. CAIN: Yes. So the condition proposed by the ANC
24 doesn't directly go to mitigating any of the relief that's being
25 sought, so it's really just a comment on the design of the

1 property. So I think that's something that is better agreed to
2 between the applicant and the ANC, and not necessarily something
3 that the Board would impose as a condition of approval.

4 CHAIRPERSON HILL: Okay. All right. Okay, okay.
5 Everybody's got a thing.

6 Chairman Hood?

7 CHAIRMAN HOOD: Okay, I'm not rushing to get to the
8 front.

9 Ms. Cain, I will say, I believe that we can -- while we
10 can make it a condition, I believe the order to mention it or
11 point to it, so to speak, has been mentioned with language
12 previously. So I think we can point to it, even though we can't
13 make it a condition.

14 MS. CAIN: That is correct, Chairman Hood. It could be
15 included in the order, noting that the applicant agreed to the
16 ANC's condition, so it would be memorialized that way, but it
17 would not be the Board itself imposing it as a condition.

18 CHAIRMAN HOOD: Sounds great. Thank you.

19 CHAIRPERSON HILL: Okay.

20 Commissioner Boese?

21 MR. BOESE: I just want to say, though, that if our
22 support is on condition of this being met, then it's the
23 difference between a Board order or a summary order, because our
24 approval and support is based on that condition being met.

25 CHAIRPERSON HILL: I mean, I really -- Commissioner

1 Boese, you know I'm with you. Like, I'm not trying to be -- you
2 also -- I'm trying to figure out how I'm supposed to follow the
3 regulations the way I'm supposed to follow them. I don't want to
4 try to kick this to a full order versus summary order.

5 And I'm willing to take a pause, also, as I kind of do a
6 couple of things. So I still want to go to the Office of
7 Planning. I'm not -- unfortunately, this is a situation where I'm
8 not actually in the hearing room, but I appreciate your thumbs up.

9 Like, I would try to work this out a little bit better if we were
10 live. This is a situation where it's better if we were life.

11 In the order -- anyway, we can talk about it. But in
12 the order, I can list it -- I can put it in the order. I can't
13 make it a condition, because I can't tie it to one of the
14 regulations.

15 But -- so the applicant has agreed to it. However, if
16 you think that you need to -- or the ANC -- and this is also now
17 what is confusing to me -- if the ANC is now opposed, if it's not
18 a condition, then it might be going to a full order anyway.
19 Right? And I don't know whether or not -- and this is if we get
20 through the deliberations.

21 And I don't even know -- where's the -- Mr. Moy, where
22 is the party status on opposition?

23 (No response.)

24 CHAIRPERSON HILL: Are they with us? Mr. Young, do you
25 know?

1 MR. YOUNG: Yeah, he's on.

2 CHAIRPERSON HILL: Okay. What's his name?

3 MR. YOUNG: Mr. Koutroulis.

4 CHAIRPERSON HILL: Oh. Mr. Koutroulis, can you hear me?

5 MR. KOUTROULIS: Yes, I can.

6 CHAIRPERSON HILL: Okay. Mr. Koutroulis, are you Greek?

7 MR. KOUTROULIS: I am.

8 CHAIRPERSON HILL: There you go. Yassou. Mr.
9 Koutroulis, are you still in opposition?

10 MR. KOUTROULIS: So we are in opposition -- me and Mr.
11 Hughes, that lives next door -- I'm at 3658 Park Place, and Mr.
12 Hughes is in 3656 -- we, if they met that condition that we're
13 talking about, and the height is the correct height, and it's not
14 as intrusive as we thought it would be, we are not in opposition.
15 But, you know, if they went with the initial plans, we would
16 still be in opposition.

17 CHAIRPERSON HILL: Got you. No, they've changed the
18 plan.

19 Well, two things, Mr. Cross. First of all, can you
20 confirm with Mr. Koutroulis that height has been reduced to the
21 height that you're -- you guys are both on the same page. Right?
22 With that.

23 And that also, could you confirm with me that the design
24 features that the ANC wants, as part of the conditions, are
25 actually the ones that are shown in the plans now. Correct?

1 MR. CROSS: Yes. Both of those conditions are correct.
2 We are no longer proposing an additional story. We also are --

3 CHAIRPERSON HILL: Tell me the -- tell me the height,
4 please, of the way it is now.

5 MR. CROSS: It's the existing height. I think we have
6 that listed as --

7 CHAIRPERSON HILL: Mr. Koutroulis --

8 MR. CROSS: -- 28 feet.

9 CHAIRPERSON HILL: Mr. Koutroulis, can you hear me?

10 MR. KOUTROULIS: Yes.

11 CHAIRPERSON HILL: It's the existing height. It's not -
12 - they're not going up any higher.

13 MR. KOUTROULIS: Okay. If that is the case, then we're
14 no longer in opposition.

15 CHAIRPERSON HILL: Okay. Mr. Cross, do you -- can you
16 please, again, confirm for the record that that's the case?

17 MR. CROSS: That is correct. The building height, as
18 measured from BHMP, will remain unchanged.

19 CHAIRPERSON HILL: Okay. And I'm looking at your
20 current plans, and now that also makes me, you know -- the plans
21 we approved -- the plans we are approving are the plans that you
22 have to build. So therefore, you know, you are meeting the ANC's
23 conditions, because that's the way the plans are now.

24 And Mr. Commissioner Boese, you've seen that. Correct?

25 MR. BOESE: Yeah, I'm pulling them up now. We're

1 supportive of what we're seeing in the record.

2 CHAIRPERSON HILL: Okay, great. So then everybody is
3 actually on the same page. Right? And I will go ahead and I'll
4 get to mute you, Vice Chair John. However, we will highlight in
5 the record the ANC's condition. Before I get to Ms. John, let me
6 finish with Ms. Cain, because she just popped up.

7 Ms. Cain?

8 MS. CAIN: I think what the Board has just outlined is
9 correct, and a good way to proceed.

10 CHAIRPERSON HILL: Okay. Thank you. I get a gold star
11 today.

12 Ms. John? Do you have a question?

13 VICE CHAIR JOHN: Oh, just on the plans that we have.
14 They're at Exhibit 54. And they show a height of 25 feet, 11 1/4
15 inches.

16 CHAIRPERSON HILL: Got it, which matches the existing
17 height. Correct?

18 VICE CHAIR JOHN: Yes.

19 CHAIRPERSON HILL: Mr. Cross?

20 MR. CROSS: Yes. It should match the existing height.
21 I would say it may actually be lower than the existing height, due
22 to how the roof is getting reconstructed.

23 CHAIRPERSON HILL: Got it. Okay. All right. So that
24 being the case, Mr. Koutroulis, you're satisfied, and you're
25 withdrawing your party status in opposition. Correct?

1 MR. KOUTROULIS: That's correct.

2 CHAIRPERSON HILL: Okay. Great. All right. Well,
3 Thank you, Mr. Koutroulis, for your participation.

4 MR. KOUTROULIS: Okay --

5 CHAIRPERSON HILL: Does anybody have any -- I'm going to
6 go to the Office of Planning. Mr. Jesick, can you hear me?

7 MR. JESICK: Yes, Mr. Chairman. Good morning.

8 CHAIRPERSON HILL: Good morning.

9 MR. JESICK: Matthew Jesick with the Office of Planning.

10 CHAIRPERSON HILL: Everybody's back in the office. I
11 love it. So can you give me your opinion, Mr. Jesick, real quick,
12 on the new design?

13 MR. JESICK: Yes. OP appreciates that the applicant
14 worked with the zoning administrator and the ANC, and we are
15 supportive of the new design and continue to recommend approval of
16 the conversion to three units.

17 CHAIRPERSON HILL: Okay. Thanks, Mr. Jesick. I'm sorry,
18 you look like something from a science fiction movie or something.
19 I don't -- like, this is a whole -- right. Okay.

20 So, all right, does anybody have any questions for the
21 Office of Planning? And if so, raise your hand.

22 (No response.)

23 CHAIRPERSON HILL: Okay. Nobody has a question for the
24 Office of Planning. All right. Does anybody have any questions
25 from anybody, from a Board or anybody? Does anybody have any

1 questions? Please raise your hand.

2 (No response.)

3 Okay. Mr. Cross, do you have anything you'd like to add
4 at the end?

5 MR. CROSS: Sir, I appreciate everybody's time,

6 CHAIRPERSON HILL: Okay. Great. All right. Well,
7 then, I will excuse everyone. Commissioner Boese, bye-bye. Mr.
8 Cross, bye-bye. And Mr. Koutroulis, bye-bye. All right.

9 So -- okay. Can somebody else talk? Because I'm tired
10 of talking. I'm going to start with -- if you wouldn't mind, Mr.
11 Smith, can I go with you? Because you're just there in my closest
12 corner, there, in terms of deliberations. Yes.

13 BOARD MEMBER SMITH: First off, I would like to, you
14 know, thank the applicant and the ANC for meeting again to come to
15 what seems to be a good resolution on the design of the building,
16 in relation to the size and the bulk, especially the building.

17 So based on what was submitted, I do believe that the
18 applicant has met the criteria for us to be able to grant the
19 special exception for the residential conversion of this building
20 from -- into a three-unit apartment house.

21 Let's see. Based on the special exceptions standards of
22 X 901.2, I do believe that the design meets the general purpose
23 and intent of the zoning regulations of the RF-1 zone. And also,
24 based on conversations that we heard from the ANC commissioner,
25 and the design -- that the proposal would not significantly or

1 adversely affect the neighborhood of -- the neighborhood where
2 this would be located.

3 Again, the ANC supports this application. That's within
4 the record. And I rest on OP's analysis of support for this
5 project. With that, I recommend approval.

6 CHAIRPERSON HILL: Okay. Thank you. Vice Chair John?

7 VICE CHAIR JOHN: I'm in support of the application, as
8 revised, based on the recalculation of the correct building height
9 measuring point and the removal of that third floor. And I think
10 the massing is therefore more consistent with the neighborhood and
11 the -- have less adverse impacts, in terms of light and air and
12 privacy. So I would also like to thank the applicant for working
13 with the ANC and the Office of Planning to come up with an
14 acceptable design.

15 I agree with you, Mr. Chairman, that even though the
16 design elements recommended by the ANC may or may not improve the
17 look of the building, they're not part of the relief that was
18 requested. And so I share your concern that the order should not
19 mandate those changes, but could refer to them, since the
20 applicant has agreed to implement those changes.

21 CHAIRPERSON HILL: Thank you.

22 VICE CHAIR JOHN: So I support the application as
23 amended.

24 CHAIRPERSON HILL: Thank you, Vice Chair John.

25 Chairman Hood?

1 CHAIRMAN HOOD: For the sake of not being redundant, I
2 would agree, I think, the merits of the case, especially as being
3 revised. I do want to thank the ANC 1A, and also the party in
4 opposition, for helping the applicant come to a better outcome.
5 That's all I have. Thank you.

6 CHAIRPERSON HILL: Thank you, Chairman Hood.

7 I will second everything that my colleagues have said.
8 I'll point out, on Ms. John's comment, both for the revised plans
9 and also how the new BHMP is being measured, have been helpful in
10 clarification.

11 The condition is actually there in the plans. Like,
12 we're now approving the plans, and they have to build what we're
13 approving. So those are actually in the plans. Whether or not
14 they are a condition or not, they're there. And so that is how
15 that is also -- what's it -- codified. I'm going to go with
16 codified. And then -- but I will think that it should be included
17 in the order.

18 Okay. I'm going to go ahead and make a motion, then, to
19 approve application number 200425 as captioned and read by the
20 secretary, and ask for a second. Ms. John?

21 VICE CHAIR JOHN: Second.

22 CHAIRPERSON HILL: The motion has been made and
23 seconded. Mr. Moy, if you could take a roll call?

24 MR. MOY: Yes, Mr. Chairman. Before I take the roll
25 call, can I ask one slight question of the Board --

1 CHAIRPERSON HILL: Sure.

2 MR. MOY: -- for my own edification? On the party
3 status opposition person, Mr. Koutroulis, did he state that he
4 changed his position from opposition to support, but maintain the
5 party status? Or did he, number two, withdraw his party status
6 altogether?

7 CHAIRPERSON HILL: Well, I thought he withdrew. I mean,
8 I -- oh, now Ms. Cain -- Ms. Cain, can you hear me?

9 MS. CAIN: Yes.

10 CHAIRPERSON HILL: So I don't know whether he -- if -- I
11 don't know whether he withdrew his party -- well, I mean, I do
12 think that he withdrew his party status. But I don't necessarily
13 know if he understood what he was saying. Like, if he turned --
14 if he pulls from withdraw to support, he is now in support, but
15 he's still party status, and therefore would still get
16 information, if something came up during this case. Correct?

17 MS. CAIN: Yes.

18 CHAIRPERSON HILL: And since now he's in support, we
19 could still do a summary order. Correct?

20 MS. CAIN: It would still be a summary order, because it
21 would not be contrary to his position.

22 CHAIRPERSON HILL: Okay. I think that what the -- I
23 think what Mr. Koutroulis wanted, because he originally was not
24 withdrawing his party status, he just wasn't in opposition
25 anymore, means that he wants to still be a party, but he is now in

1 support.

2 So Mr. Moy, I think that what he was stating was that he
3 still wants to be a party, but is now in support. That's what I
4 believe is the case, unless any of my fellow Board members heard
5 differently. Please raise your hand. Otherwise, Mr. Moy, that's
6 what I think we're going to go with.

7 MR. MOY: Okay. Done. Thank you, sir. I just wanted
8 that clear for the record. I just wanted that clear for the
9 record.

10 CHAIRPERSON HILL: Sure.

11 MR. MOY: Okay.

12 CHAIRPERSON HILL: Let's do the roll call.

13 MR. MOY: Okay, so when I call each of your names, if
14 you would please respond with a "yes", "no", or "abstain" to the
15 motion made by Chairman Hill to approve the application for the
16 relief requested. The motion was seconded by Vice Chair John.

17 Zoning Commission Chair Anthony Hood?

18 CHAIRMAN HOOD: Yes.

19 MR. MOY: Mr. Smith?

20 BOARD MEMBER SMITH: Yes.

21 MR. MOY: Mr. Blake?

22 BOARD MEMBER BLAKE: Yes.

23 MR. MOY: Vice Chair John?

24 VICE CHAIR JOHN: Yes.

25 MR. MOY: Chairman Hill?

1 CHAIRPERSON HILL: Yes.

2 MR. MOY: Staff would record the vote as five to zero to
3 zero, and this is on the motion made by Chairman Hill to approve
4 or grant the application for the relief requested. The motion was
5 seconded by Vice Chair John. Also in support of the motion to
6 approve is Zoning Commission Chair Anthony Hood, Mr. Smith, Mr.
7 Blake, and of course, Vice Chair John and Chairman Hill. Motion
8 carries on a vote of five to zero to zero.

9 CHAIRPERSON HILL: Okay, great. Do we all want to take
10 a ten-minute break?

11 (No response.)

12 CHAIRPERSON HILL: Okay. See you all in ten minutes.

13 (Whereupon, the above-entitled matter went off the
14 record and then resumed at 11:04 a.m.)

15 CHAIRPERSON HILL: Okay. Mr. Moy, you can call us back
16 in. And I guess now, we can go back to the other thing, clean
17 that up. Right? The intervenor status. They're all ready.

18 So just so the Board knows, we're going to go back to
19 the intervenor status thing first.

20 MR. MOY: Yes, sir. Thank you, Mr. Chairman. I
21 apologize for that. We had two other people in the waiting room.

22 So again, for the transcript, the Board is at --
23 returning to the Appeal Application Number 20487, appeal of the
24 Advisory Neighborhood Commission 6B. And this is the Board's
25 action on the request for advance intervenor status from Brian

1 Wise.

2 CHAIRPERSON HILL: Okay. Mr. Wise, can you hear me?

3 MR. WISE: I can.

4 CHAIRPERSON HILL: Could you introduce yourself for the
5 record, please?

6 MR. WISE: Sure. It's Brian Wise. I'm a resident of
7 D.C. at 205 3rd Street Southeast.

8 CHAIRPERSON HILL: Got it. Mr. Green, can you hear me?

9 MR. GREEN: Yes, Chairman.

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

12 MR. GREEN: Yes. Hi. Good morning, Chairman, members
13 of the Board. My name's Hugh Green, attorney with DCRA.

14 CHAIRPERSON HILL: Got it. Mr. Holman, can you hear me?

15 MR. HOLMAN: I can, yes.

16 CHAIRPERSON HILL: Are you a commissioner?

17 MR. HOLMAN: Yes, I'm representing ANC 6B, yeah. I'm
18 commissioner for 6B06.

19 CHAIRPERSON HILL: Got it. Commissioner Holman, could
20 you introduce yourself for the record, please?

21 MR. HOLMAN: Hi, yeah. Corey Holman, Commissioner 6B06
22 and authorized representative of ANC 6B in this matter.

23 CHAIRPERSON HILL: Got it. So what happened earlier,
24 for those that may be watching later, for the record, we had an
25 earlier hearing. Or not -- yeah. We had an earlier hearing on

1 | this case, which was 20487. And we didn't, for technical reasons,
2 | have the -- Commissioner Holman or Mr. Green on the phone.

3 | So I'm going to go ahead and make a motion that we
4 | rescind our vote from the previous hearing, and then hear what we
5 | have to hear now from the party who's requesting intervener
6 | status, and then again move forward. So I'm going to make a
7 | motion to rescind the vote that we prior -- that we took just a
8 | little bit earlier today, from 20487, and ask for a second. Ms.
9 | John?

10 | VICE CHAIR JOHN: Second.

11 | CHAIRPERSON HILL: The motion made and seconded. Mr.
12 | Moy, if you could take a roll call, please?

13 | MR. MOY: When I call your names, if you would please
14 | respond with a "yes", "no", or "abstain" to the motion made by
15 | Chairman Hill to rescind the Board's previous vote on this request
16 | for intervener status. The motion was seconded by Vice Chair
17 | John.

18 | Zoning Commission Chair Anthony Hood?

19 | CHAIRMAN HOOD: 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: Chairman Hill?

2 CHAIRPERSON HILL: Yes.

3 MR. MOY: Staff would record the vote as five to zero to
4 zero, and is on the motion made by Chairman Hill to rescind the
5 Board's vote. It was seconded by Vice Chair John. Also in the
6 support of the motion is Zoning Commission Chair Anthony Hood, Mr.
7 Smith, Mr. Blake, and of course, Vice Chair John and Chairman
8 Hill. Motion carries, sir.

9 CHAIRPERSON HILL: Thank you.

10 All right. So from the previous case, that I know Mr.
11 Green and Commissioner Holman were listening to, we understood
12 where the intervener, Mr. Wise, stood. So now, it appears that
13 there were some other things that Mr. Green and Commissioner
14 Holman wanted to say.

15 Mr. Green, is there something you would like to say?

16 MR. GREEN: Yes, Chairman. Very briefly, I understand
17 that Mr. Wise has a particularized interest in -- his property is
18 next to and shares a party wall with construction. DCRA
19 understands that, and I can certainly understand Mr. Wise's party.

20 I think from DCRA's perspective, the objection would lie
21 in, in this regard. One is that -- what wasn't clearly
22 articulated is, if there was any legal position Mr. Wise is going
23 to be taking in respect to his zoning challenge that ANC has
24 filed. I understand the Board had encouraged Mr. Wise to discuss
25 with ANC about the upcoming hearing.

1 But in terms of 202.13, we would object to any expansion
2 of state appeal, which has been demonstrated, but wanted to raise
3 that, as well as -- and it was touched on by you, Commissioner --
4 is just the efficiency of the hearing itself.

5 If Mr. Wise is certainly a party contested by -- it
6 appears to be his -- what's not clear -- and I'll end here -- is
7 that particularized difference of what the zoning challenge is.
8 It sounds like he's joining the ANC's appeal, and wanted to hear
9 more about that. And that's really the objection that DCRA has to
10 that (audio interference).

11 CHAIRPERSON HILL: Okay, I understand, Mr. Green. And I
12 can try to help clarify all this in a second to Mr. Wise.

13 Commissioner Holman, you had some comments you wanted to
14 add?

15 MR. HOLMAN: Not in particular. We, you know, we have
16 met with Mr. Wise. He brought this to our attention. We don't
17 really have any objection to him being an intervener. And yeah, I
18 don't really have anything else to say. But I am here if you have
19 questions.

20 CHAIRPERSON HILL: Okay, great. Thanks, Commissioner.
21 So Mr. Wise, what -- and this is where -- and this is
22 where -- this is where -- sorry.

23 Oh. Mr. Ritting, I don't know -- I'm just trying -- you
24 know, whether or not we need an attorney's perspective, but just -
25 - if you could listen? I know that you're not the attorney on

1 | this case.

2 | But Mr. Wise, you cannot expand the appeal. Right? The
3 | appeal is what the appeal is. You can't bring new issues into the
4 | appeal, because that would go against the regulations. Someone
5 | has submitted the appeal. You're an intervener to that appeal.
6 | You can't add new stuff to that appeal. Right? You can only, I
7 | guess -- buoy. Buoy. Whatever the word is that I'm looking for -
8 | - support that appeal. Right?

9 | So you have to -- and this is where, Mr. Ritting, I
10 | don't know if you know how this works, in that he is an
11 | intervener. What I thought was that he was going to have an
12 | opportunity to also present. Right? But I guess he would still
13 | have to present only on the issues that are up for the appeal.
14 | Like, he can't expand the appeal. Is that how it would work for
15 | Mr. Wise?

16 | MR. RITTING: I have to confess, I --

17 | CHAIRPERSON HILL: Got you.

18 | MR. RITTING: -- don't have an answer. I'm not prepared
19 | to answer that question. Sorry.

20 | CHAIRPERSON HILL: That's okay. So Mr. Wise, I'm going
21 | to get back to you. I'm going to have -- I'm going to have the
22 | attorney that is working on this case get back to you to clarify
23 | how you have to stay within the box that you're allowed to be in.
24 | Right? And that --

25 | MR. WISE: Can I ask --

1 CHAIRPERSON HILL: Sure. Sure.

2 MR. WISE: So my understanding of the appeal is just --
3 it's a revocation of the two permits. So nothing that I would
4 present would go outside of the revocation of those two permits,
5 so that, you know, it would be the -- yeah.

6 CHAIRPERSON HILL: They have to -- Mr. Wise, and this is
7 where, again, it would just be better if I let you talk -- and
8 then maybe Mr. Green has an opinion. Right? What I understood
9 is, it's not even so much -- I don't think it's that broad.
10 Right? You can only -- you can only bring up the issues that --
11 well, I shouldn't say that.

12 The ANC -- I haven't read through the appeal yet,
13 because it hasn't happened yet. Right? The ANC is bringing up an
14 argument specifically as to why DCRA, the zoning administrator,
15 made an error. Right? You can't bring up different reasons as to
16 why the zoning administrator made an error.

17 I believe that's correct. Is that correct, Mr. Green?

18 MR. GREEN: And again, Chairman, the question's that,
19 yes, did the zoning administer error in their specific zoning
20 provisions that are cited by Commissioner Holman's appeal? And
21 that's what -- again, DCRA's focused in on that. So I'll pause
22 there.

23 CHAIRPERSON HILL: In other words, Mr. Wise, like --
24 well, first of all, and this is where -- I don't want to get into
25 the -- it's a little bit too -- it could get nuanced, and I don't

1 want to get into that right now. And so I'm going to have the
2 attorney contact you. Okay?

3 Mr. Moy, is that possible?

4 MR. WISE: Mr. Chairman, may I ask one question?

5 CHAIRPERSON HILL: Sure.

6 MR. WISE: It's my understanding, and was told to me by
7 specialists at the Office of Zoning, that any objection to this
8 intervenor status had to be filed in writing and served before the
9 hearing. And that was never done. DCRA never notified me that
10 they had any concern about this intervenor status. So I'm trying
11 to understand how they are now bringing up an objection to it.

12 CHAIRPERSON HILL: I don't even know if --

13 MR. WISE: You know, having the hearing without it being
14 in writing.

15 CHAIRPERSON HILL: I don't even know -- and this is, you
16 know, Mr. Ritting, if you can or can't -- I'm just trying to kind
17 of work through this as best as possible, Mr. Wise. Mr. Wise,
18 they're a party. They're the one that, actually, you're now
19 arguing against. And all they're saying is, they don't know what
20 your argument is. Right? And so, I'm -- you --

21 MR. WISE: I understand.

22 CHAIRPERSON HILL: You have to submit an argument at
23 some point. And I'm just trying to clarify to you that you can't
24 bring anything new to the argument. You can't bring any new
25 things that the appeal hasn't started to argue. And that's where

1 I think it would be best if the attorney --

2 MR. WISE: Yeah. And my question is, when Mr. Green
3 spoke, he said that he was filing this objection to the intervener
4 status. And on the zoning website, it specifically states that
5 that has to be filed in writing and served to the parties and to
6 the intervener -- and to the requester. So I'm trying to
7 understand what standing Mr. Green now has to contest the
8 intervener status in any -- or to limit -- or to limit it.

9 CHAIRPERSON HILL: I got you. Mr. Ritting, I don't know
10 if you have an answer for that. I mean, Mr. Green is the party.
11 He's DCRA. So -- but do you have any answer to Mr. Wise's
12 question?

13 MR. RITTING: I have to confess, I haven't -- I wasn't
14 even really paying attention to the substance of the discussion,
15 because it wasn't my case.

16 CHAIRPERSON HILL: Got it.

17 MR. RITTING: I can't speak on that. I'm sorry.

18 CHAIRPERSON HILL: So Mr. Wise, I want to let you know,
19 I'm trying to just kind of figure this out, and I'm pointing out
20 that --

21 MR. WISE: I appreciate it.

22 CHAIRPERSON HILL: It's okay. And I'm pointing out that
23 I know for a fact, you can't bring up new things into the appeal.
24 Right? So I'm just trying to get to that -- I'm just letting you
25 know, that is a -- I won't even get to listen to it. Right?

1 MR. WISE: Okay.

2 CHAIRPERSON HILL: So I don't want you to spend time
3 doing it. So that's all I'm trying to figure out. You're going
4 to get your intervenor status, because I think we're already in
5 agreement of that. Right?

6 What Mr. Green is trying to say -- he's DCRA. He's who
7 you're saying made a mistake. He wants to know what you're saying
8 he did wrong. Right? Or what the zoning administrator did wrong.

9 And that's fair. He doesn't know yet. Right? So I don't know
10 whether he's objecting or not. It doesn't matter, because it
11 probably isn't going to happen. Right?

12 So I'm just trying to let you know for sure, you can't
13 bring up new stuff that's not already been brought up in the
14 appeal. Right?

15 So Mr. Moy, can I have our attorney reach out to Mr.
16 Wise to clarify some things?

17 (No response.)

18 CHAIRPERSON HILL: And I lost Mr. Moy.

19 VICE CHAIR JOHN: Mr. Chairman?

20 CHAIRPERSON HILL: Yeah?

21 VICE CHAIR JOHN: Mr. Chairman, if I could just read the
22 regulation that's applicable here?

23 CHAIRPERSON HILL: Sure.

24 VICE CHAIR JOHN: It says, in granting intervenor
25 status, the Board may specify whether the person would be

1 permitted to intervene in the appeal for general or limited
2 purposes. And I believe what you and DCRA are both saying is what
3 the regulation requires, that the intervener is not permitted to
4 bring up anything that's not already a part of the appeal.

5 Now, I didn't see anything in Mr. Wise's submission that
6 discussed the permits themselves, and any alleged error. Just
7 that, you know, that he supported the appeal. So I took that to
8 mean that he supported the basis on which the appeal was made.

9 So I think your suggestion is correct, that the Office
10 of the Attorney General should clarify further for Mr. Wise what
11 he's allowed to do as an intervener. But you're absolutely
12 correct. He cannot bring in issues related to his party wall or
13 any privacy issues, because those issues are not addressed in the
14 permitting process.

15 CHAIRPERSON HILL: Okay. Thank you, Vice Chair John.

16 Mr. Moy, is that possible, to have the attorney reach
17 out to Mr. Wise?

18 MR. MOY: Yes. I concur with the statement made by Vice
19 Chair John. And I can communicate this conversation to the
20 attorney of record.

21 CHAIRPERSON HILL: Okay, great. So Mr. Wise,
22 somebody'll reach out to you from the Office of the Attorney
23 General to help clarify some of the things we now spoke about.
24 All right?

25 MR. WISE: Sounds good. Thank you, Chairman.

1 CHAIRPERSON HILL: Okay. Got it. Mr. Green, you got
2 anything to add? If so, raise your hand. Okay, you're shaking
3 your head no.

4 MR. GREEN: No, no.

5 CHAIRPERSON HILL: Commissioner Holman, you've got
6 anything to add?

7 MR. HOLMAN: No, sir.

8 CHAIRPERSON HILL: Okay. All right. I'm going to close
9 the hearing and excuse everyone. Thank you. Oh, I just lost --
10 okay. All right. It's another question. He's going to have to
11 ask it later. All right.

12 I'm going to make a motion -- all right. I concur with
13 the earlier statement, that I think he meets the intervener
14 status. What ended up happening was just clarification as to what
15 we're actually going to talk about, or what he should know what he
16 can or can't talk about.

17 I mean, I would suppose that, like, you know, if he is
18 listening, which I think Mr. Wise still is -- and if you did have
19 a question, Mr. Wise, I had already closed the hearing, and so you
20 can go ahead and reach out to the Office of Zoning and/or ask, I
21 guess, the Office of the Attorney General when they speak to you.

22 But you may want to think about just joining the appeal of the
23 ANC, and providing support and testimony to them. But I'll let
24 that -- I'll let you do what you want to do with that.

25 So I'm going to make a motion to approve the intervener

1 status for Mr. Wise for case number -- for an appeal of 20487, and
2 ask for a second. Ms. John?

3 VICE CHAIR JOHN: Second.

4 CHAIRPERSON HILL: Motion's been made and seconded. And
5 Mr. Moy, if you could take a roll call, please?

6 MR. MOY: Yes. When I call each of your names, please
7 respond with a "yes", "no", or "abstain" to the motion made by
8 Chairman Hill to grant intervener status to Brian Wise.

9 Zoning Commission Chair Anthony Hood?

10 CHAIRMAN HOOD: Yes.

11 MR. MOY: Mr. Smith?

12 BOARD MEMBER SMITH: Yes.

13 MR. MOY: Mr. Blake?

14 BOARD MEMBER BLAKE: Yes.

15 MR. MOY: Vice Chair John?

16 VICE CHAIR JOHN: Yes.

17 MR. MOY: Chairman Hill?

18 CHAIRPERSON HILL: Yes.

19 MR. MOY: Staff would record the vote as five to zero to
20 zero, and this is on the motion made by Chairman Hill to grant,
21 seconded by Vice Chair John. Also in support of the motion is
22 Zoning Commission Chair Anthony Hood, Mr. Smith, Mr. Blake, and of
23 course, Vice Chair John and Chairman Hill. Motion carries, sir.

24 CHAIRPERSON HILL: Okay. Okay, thanks.

25 All right, everybody, I'm going to try to be a little

1 bit more efficient for some part of the day now, here. So just
2 kind of work with me. And/or if somebody -- I'd love to tap out,
3 you know, like WWF, you just tap out and somebody else can go.

4 So, all right. Mr. Moy, you can call our next one.

5 MR. MOY: Here we go. So this would be case number
6 20494 of Giordano Palloni, P-A-L-L-O-N-I. This is -- this
7 application's captioned as request for special exceptions, relief
8 from the lot occupancy requirements, Subtitle D, Section 304.1,
9 which is pursuant to Subtitle D, Section 5201 and Subtitle X,
10 Section 901.2; and for the rear addition requirements, Subtitle D,
11 Section 306.3, pursuant to Subtitle D, Section 306.4 and 5201, and
12 Subtitle X, Section 901.2.

13 This would construct a two-story with basement, rear
14 addition to an existing semi-detached two-story, with basement,
15 principal dwelling unit in the R2 zone. Property located at 3706
16 Jocelyn Street, that's J-O-C-E-L-Y-N Street Northwest, Square
17 1873, Lot 119. And I think that's all I have for now.

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

19 MR. BRIGHAM: Yes, Commissioner.

20 CHAIRPERSON HILL: Can you introduce yourself for the
21 record, please?

22 MR. BRIGHAM: Yes. My name's Henry Brigham. I am an
23 architectural designer for Landis Construction, and the approved
24 agent for Gio Palloni, the homeowner at 3706 Jocelyn Street
25 Northwest.

1 CHAIRPERSON HILL: Got it. I see Mr. Palloni is here.
2 I see a Mr. Speck. Is that person with you also?

3 MR. BRIGHAM: I do not know Mr. Speck. Mr. Palloni is
4 on the line, but hopes to not have to participate, as he's
5 working. But just in case anyone has questions for him, he
6 decided to sign up.

7 CHAIRPERSON HILL: Got you.

8 Mr. Young, do you know who Mr. Speck is?

9 MR. SPECK: Yes, I'm an ANC commissioner.

10 CHAIRPERSON HILL: Oh.

11 MR. SPECK: I'm chair of ANC 34G.

12 CHAIRPERSON HILL: Oh, great. Commissioner, sorry, I
13 didn't realize -- I didn't see you in the record there. Well,
14 welcome. Could you introduce yourself again, please,
15 Commissioner? Sorry.

16 MR. SPECK: Yeah. I'm Randy Speck, and I'm chair of ANC
17 34G.

18 CHAIRPERSON HILL: Okay, great. Thank you.

19 All right. Mr. Brigham, I didn't really have a lot of
20 questions about this, actually. I thought the case was relatively
21 straightforward. However, could you please walk us through what
22 you're trying to do, and a little bit of why you believe you're
23 meeting the regulation? Or, I'm sorry, the criteria for us to
24 grant the requested relief?

25 MR. BRIGHAM: Yes. To be quick about this, what we are

1 | trying to do is, we are trading basically a rear garage with a
2 | roof deck to add an addition to the rear of this house, to make
3 | the house more livable for a family. Although we are asking for
4 | relief from lot occupancy, we're actually reducing by one percent
5 | of what is existing there.

6 | We think we meet the criteria because, when we did the
7 | solar -- you know, the shadow study, we actually saw that there
8 | wasn't much of a difference, because of that rear roof deck garage
9 | that had put shadow onto our neighboring property.

10 | So we're going to -- we basically saw that that was
11 | basically a one-to-one ratio, and in addition, it also increased,
12 | actually, their privacy. In Exhibit 5, you'll see photos from the
13 | roof deck, and it's basically looking down into their yard all the
14 | time.

15 | We also think that we're adding character -- we are not
16 | in violation of the character of the neighborhood, and have
17 | provided drawings and edifications extremely early for all of
18 | this. We do have the -- I mean, the ANC can speak to it, but we
19 | have gotten a unanimous vote from them, as well as support from
20 | the neighboring community. That's it.

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

22 | Commissioner Speck, do you have anything you'd like to
23 | add?

24 | MR. SPECK: We're essentially in agreement with the
25 | applicant on this, and with OP's analysis, as well, that this will

1 enhance the light and privacy of the neighbor, rather than reduce
2 it. So we think it does satisfy the requirements for a special
3 exception. And we voted unanimously not to oppose it.

4 CHAIRPERSON HILL: Okay, great. Thank you.

5 Does any -- does the Board have any questions for either
6 the applicant or the ANC commissioner?

7 (No response.)

8 CHAIRPERSON HILL: Okay.

9 We're going to turn to the Office of Planning. Mr.
10 Jesick?

11 MR. JESICK: Thank you, Mr. Chairman and members of the
12 Board. My name is Matt Jesick, representing the Office of
13 Planning on this case. And the Office of Planning can rest on the
14 record in support of the application. And I'd be happy to take
15 any questions. Thank you.

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

18 Vice Chair John?

19 MR. JESICK: Mr. Jesick, can you talk about how the
20 application meets the general special exception criteria?

21 MR. JESICK: Certainly.

22 VICE CHAIR JOHN: It's 901.

23 MR. JESICK: Yes. The application is in conformance
24 with the intent of the zoning regulations. The R2 zone
25 anticipates, obviously, single-family dwellings, semi-detached

1 dwellings, and this application would continue the existing use,
2 with a dwelling on the site.

3 The proposed design would, as has been noted, increase
4 the privacy of adjacent properties, and would have relatively
5 modest impact, if any, on light and air to the adjacent property.

6 Because the proposal would remove the existing garage with the
7 rooftop deck, you would see some areas where there would actually
8 be an increase in sunlight on the adjacent property. So overall,
9 we felt that that met the criteria for the special exception.

10 VICE CHAIR JOHN: Thank you, Mr. Jesick.

11 CHAIRPERSON HILL: Okay. Does the applicant have any --
12 does anybody else have a question of Office of Planning?

13 (No response.)

14 CHAIRPERSON HILL: Does the applicant have any questions
15 of the Office of Planning?

16 (No response.)

17 CHAIRPERSON HILL: Commissioner Speck, do you have any
18 questions for the Office of Planning?

19 MR. SPECK: No, Thank you.

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

22 MR. YOUNG: I do not.

23 CHAIRPERSON HILL: Mr. Brigham, is there anything you'd
24 like to add in conclusion?

25 MR. BRIGHAM: We just want to thank the Board for their

1 time. Thanks.

2 CHAIRPERSON HILL: All right. Going to close the
3 hearing and the record. Mr. Young, if you can excuse everyone?

4 Okay. I would agree with the analysis of the Office of
5 Planning and the ANC and DDOT, as well as the applicant. I think
6 that they actually -- I will agree with them that it's actually
7 going to improve the light and air, in that they're taking that
8 garage away, and adding it now to the end. Even though they are
9 going four feet past the 10-foot rule, I'm actually still okay
10 with it. And so I'm going to be voting in favor.

11 Does anybody have anything else they'd like to add?

12 Mr. Smith?

13 (No response.)

14 CHAIRPERSON HILL: Vice Chair John?

15 VICE CHAIR JOHN: Nothing to add, Mr. Chairman. I
16 thought you summarized how the application meets the criteria for
17 relief very well, and I am in support of the application.

18 CHAIRPERSON HILL: Thank you, Ms. John.

19 Mr. Blake?

20 BOARD MEMBER BLAKE: I don't have anything to add.

21 CHAIRPERSON HILL: Chairman Hood?

22 CHAIRMAN HOOD: I'll just agree, Mr. Chairman. I think
23 the regulation 5201 is very well met, and I'm glad the Vice Chair
24 asked him to expound upon X 901.2, general special exception
25 standards. So I think the merits in this case warrant our

1 approval. So I'll be voting, as well, in favor.

2 CHAIRPERSON HILL: Okay, great. Thank you. Going to go
3 ahead and make a motion to approve Application Number 20494 as
4 captioned and read by the secretary, and ask for a second. Ms.
5 John?

6 VICE CHAIR JOHN: Second.

7 CHAIRPERSON HILL: Motion made and seconded. Mr. Moy,
8 could you take a roll call?

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

13 Zoning Commission Chair Anthony Hood?

14 CHAIRMAN HOOD: Yes.

15 MR. MOY: Mr. Smith?

16 BOARD MEMBER SMITH: Yes.

17 MR. MOY: Mr. Blake?

18 BOARD MEMBER BLAKE: Yes.

19 MR. MOY: Vice Chair John?

20 VICE CHAIR JOHN: Yes.

21 MR. MOY: Chairman Hill?

22 CHAIRPERSON HILL: Yes.

23 MR. MOY: Staff would record the vote as five to zero to
24 zero. And this is on the motion made by Chairman Hill to approve,
25 seconded by Vice Chair John. Also in support of the motion to

1 approve is Zoning Commission Chair Anthony Hood, Mr. Smith, Mr.
2 Blake, and of course, Vice Chair John and Chairman Hill. Motion
3 carries on the vote of five to zero to zero.

4 CHAIRPERSON HILL: All right, great. Thank you, Mr.
5 Moy. You can call our next, when you get a chance.

6 MR. MOY: All right. This would be case Application
7 Number 20497, of Louis Cipro, C-I-P-R-O. This is caption
8 advertised for special exception relief from the rear alley
9 centerline setback requirements, Subtitle F, Section 5003.1.

10 This would construct two new rear accessory sheds for an
11 attached three-story principal dwelling unit in the RA-2 zone.
12 The property is located at 1426 Q Street Northwest, Square 209,
13 Lot 95. And that's all I have, Mr. Chairman.

14 CHAIRPERSON HILL: Thank you, Mr. Moy.

15 Mr. Cipro, are you there?

16 (No response.)

17 CHAIRPERSON HILL: Mr. Heisey, I see you reaching out.
18 But Mr. Heisey, are you there?

19 MR. HEISEY: Yes, sir. You --

20 CHAIRPERSON HILL: Great. Welcome back, Mr. Heisey,
21 from summer break.

22 MR. HEISEY: Yes, welcome back, sirs. I like your new
23 background, where it looks like I'm sitting in the hearing room.

24 CHAIRPERSON HILL: Thank you. I boycotted it.

25 MR. HEISEY: We need to get one for our side, so we can

1 | hide that we're at the beach.

2 | CHAIRPERSON HILL: Oh, that's interesting. That's
3 | another interesting one. Mr. Heisey, could you introduce yourself
4 | for the record, please?

5 | MR. HEISEY: Sure. I'm Joel Heisey, designer, agent for
6 | Lou Cipro, for the case at 1426 Q Street Northwest.

7 | CHAIRPERSON HILL: Okay. Mr. Heisey, I've looked
8 | through the case, and I don't really have a whole lot of questions
9 | for you right now. But if you would kind of go over, in general,
10 | the case -- and I don't mean to disrupt whatever process you might
11 | have already put forward, because I'm looking here and seeing if
12 | there actually is a slide deck.

13 | MR. HEISEY: There is. Exhibit 5.

14 | CHAIRPERSON HILL: Okay. You can go ahead and pull that
15 | up, Mr. Young.

16 | And then, if you want to kind of run through the design
17 | and also how you're meeting the criteria for us to grant the
18 | application? And we'll see where we go with questions. I mean, I
19 | thought the door was really good-looking. But --

20 | MR. HEISEY: They're actually old pocket doors from
21 | inside.

22 | CHAIRPERSON HILL: Oh, wow. They're really cool.

23 | MR. HEISEY: He has been in this property since the 70s,
24 | renovated the house and made a very nice garden.

25 | If you're looking at the photos, the first couple are

1 just the general alley-scape. This is a narrow alley. It faces
2 up against the other side, or some high-rise buildings. There's a
3 20-foot wall along the entire length of the alley and the opposite
4 side. There's a few garages that extend to the property line on
5 his side of the street, and there's other people that have the
6 roll-up garage doors at the property line. His fence is set back
7 about three feet, currently.

8 CHAIRPERSON HILL: Mr. Young?

9 Hold on a second, Mr. Heisey.

10 Mr. Young, just go ahead and drop that. I apologize, I
11 know that I was talking about bringing it up, but Mr. Heisey seems
12 to be getting us through this pretty well.

13 So go ahead, Mr. Heisey.

14 MR. HEISEY: Yeah, so if you just go -- if you're
15 looking at the photos, you know, it shows that there's this gap
16 between his current fence and the existing edge, the alley. He
17 would like to get rid of that, because the neighbors use that for
18 their trash cans, because they're using their spaces for parking,
19 and he's using his lot as a garden, rather than for parking. So
20 they've put all their trash behind his place, and he ends up
21 cleaning it up, and get rats, et cetera, et cetera.

22 So those photos are just showing the conditions in the
23 alley, and then there's one that shows the trash cans that are not
24 his, back behind the fence. And if you go to the last two slides,
25 it shows -- there's one that I've kind of, in red, outlined, where

1 | these two sheds would be located on the site.

2 | And then the last couple of slides just show the garden
3 | that he has, over the years, built and maintained. So he likes to
4 | have this nice urban garden and just wants to build these sheds.
5 | Over the years, he's collected gardening tools and home
6 | improvement tools, and he'd just like to have a secure place to
7 | place those.

8 | CHAIRPERSON HILL: Okay.

9 | MR. HEISEY: If you --

10 | CHAIRPERSON HILL: Sorry.

11 | MR. HEISEY: If you want to look at the plans on Exhibit
12 | 10 --

13 | CHAIRPERSON HILL: Mr. Heisey, I'm going to interrupt
14 | you, because I'm like, kind of going through this all right now.

15 | Does the Board have any questions for Mr. Heisey?

16 | MR. HEISEY: I'm fine with that.

17 | CHAIRPERSON HILL: Okay. It's disappointing that his
18 | neighbors are so, like, whatever, with that trash. Okay. Let's
19 | see.

20 | Let me turn to the Office of Planning, please.

21 | MS. VITALE: Good morning, Mr. Chair, members of the
22 | Board. Elisa Vitale with the Office of Planning.

23 | The Office of Planning is recommending approval of the
24 | requested special exception relief, and will rest on the record of
25 | the staff report. I am available to answer any questions that you

1 might have. Thank you.

2 CHAIRPERSON HILL: Thank you. Does the Board have any
3 questions for the Office of Planning?

4 (No response.)

5 CHAIRPERSON HILL: Ms. Vitale, welcome back. I don't
6 know whether we've seen you before or not, but welcome back.

7 MS. VITALE: No, first day back after the break. Good
8 to see everyone.

9 CHAIRPERSON HILL: And then -- okay. No one's raising
10 their hand.

11 Mr. Young, is there anybody here wishes to speak?

12 MR. YOUNG: Do not.

13 CHAIRPERSON HILL: Okay. Mr. Heisey, you've got
14 anything to add at the end?

15 MR. HEISEY: Just for the record, to note that the ANC
16 was in full support of this, as well. The justification goes
17 through the specific steps of how we meet the criteria for the
18 special exception. And like I said, in the Office of Planning
19 just said they're also in support. So we request that you
20 consider the record and approve this application.

21 CHAIRPERSON HILL: Great. Thank you, Mr. Heisey. All
22 right. I'm going to close the hearing and the record, and excuse
23 everyone from the room.

24 So again, this was special exception from the rear alley
25 line setback requirements of F 5003.1, and it was the accessory

1 shed that they're trying to create here in the RA-2 zone. I
2 actually, as I had said before, didn't have any issues with it. I
3 thought that they met the criteria for us to grant the special
4 exception.

5 I would also agree with the analysis the ANC has
6 provided, as well as the ANC. John Fanning's the ANC chair there.
7 Commissioner Fanning has approved this also. So let's see. I
8 would agree with the ANC's analysis, and I'm going to be voting to
9 approve.

10 Let's see. Mr. Smith, would you mind going next, if you
11 had anything to add?

12 BOARD MEMBER SMITH: I don't have anything to add. I
13 think you have sufficiently summed up this case. I feel like this
14 project's fairly straightforward, and I rest on the record of OP's
15 analysis and the ANC's support of this particular project.

16 CHAIRPERSON HILL: Vice Chair John?

17 VICE CHAIR JOHN: I'm in support of the application.
18 It's fairly straightforward. I would also note that DPW submitted
19 a letter in the record, stating that there would be no adverse
20 impact on conducting its operations, and that DDOT, also, is in
21 support.

22 CHAIRPERSON HILL: Thank you. Thank you for clarifying
23 that.

24 Mr. Blake?

25 BOARD MEMBER BLAKE: Yes, I would agree to everything --

1 I would agree to everything that people have said to this point.

2 I would also note a letter in support from the adjacent neighbor.

3 CHAIRPERSON HILL: Thank you. Thank you, Mr. Blake.

4 Commissioner Hood? I mean, Chairman Hood?

5 CHAIRMAN HOOD: Yeah, I don't have anything to add.
6 Again, in this case, as well as the last one, the merits speaks
7 for itself. All the relevant agencies have opined on it, as well
8 as, as Board Member Blake just mentioned, support from the
9 neighbors, the ANC, Chairman Fanning, and others. So I will be
10 voting in support of this. It also meets our standards.

11 CHAIRPERSON HILL: Thank you. I'm going to make a
12 motion to approve application number 20497, as captioned and read
13 by the secretary, and ask for a second. Ms. John?

14 VICE CHAIR JOHN: Second.

15 CHAIRPERSON HILL: Thank you, Ms. John. The motion has
16 been made and been seconded. Mr. Moy, if you could take a roll
17 call?

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

22 Zoning Commission Chair Anthony Hood?

23 CHAIRMAN HOOD: Yes.

24 MR. MOY: Mr. Smith?

25 BOARD MEMBER SMITH: Yes.

1 MR. MOY: Mr. Blake?

2 BOARD MEMBER BLAKE: Yes.

3 MR. MOY: Vice Chair John?

4 VICE CHAIR JOHN: Yes.

5 MR. MOY: Chairman Hill?

6 CHAIRPERSON HILL: Yes.

7 MR. MOY: Staff would record the vote as five to zero to
8 zero. And this is on the motion made by Chairman Hill to approve.
9 Motion was seconded by Vice Chair John. Also in support of the
10 motion to approve, Zoning Chair Commission Anthony Hood, Mr.
11 Smith, Mr. Blake, and of course, Vice Chair John and Chairman
12 Hill. The motion carries on a vote of five to zero to zero.

13 CHAIRPERSON HILL: Great. Mr. Moy, you can call our
14 next one whenever you can.

15 MR. MOY: All right. This would be Case Application
16 Number 20499, of 1218 31st Street LLC. This application was
17 caption advertised for special exception relief from the minimum
18 rear yard requirements, Subtitle G, Section 405.2; and Subtitle D,
19 Section 1200; and Subtitle X, Section 901.2.

20 This would construct a two-story rear addition to an
21 existing semi-detached two-story commercial-use building, MU-4
22 zone, property located at 1218 31st Street Northwest, Square 1208,
23 Lot 47.

24 For the record, Mr. Chairman, there are two documents
25 currently not in the record, because of the 24-hour block. One is

1 the applicant's PowerPoint submission. The other is a letter in
2 opposition from the adjacent owner.

3 CHAIRPERSON HILL: Okay. Okay. Let's see. Well, I'm
4 interested in hearing and seeing what we have to see, unless
5 somebody has a problem with the Board. So I'd like to go ahead
6 and allow those into the record. I suppose, if you could, Mr.
7 Moy, ask the staff to drop that into the record, and we'll go
8 ahead and go through the PowerPoint presentation, and then take a
9 look -- and have an opportunity to take a look at the letter in
10 opposition.

11 Mr. Sullivan, could you introduce yourself for the
12 record, please?

13 MR. SULLIVAN: Sure. Thank you, Mr. Chair. Marty
14 Sullivan with Sullivan & Barros, on behalf of the applicant.

15 CHAIRPERSON HILL: Thank you. Mr. Sullivan, who's here
16 with you today?

17 MR. SULLIVAN: So I have the applicant -- representative
18 of the applicant, Ezra Glass, and the architect, Rich Markus.

19 CHAIRPERSON HILL: Okay, great. Thank you.

20 Mr. Sullivan, I guess -- Mr. Young, could you pull up
21 Mr. Sullivan's PowerPoint?

22 Mr. Sullivan, I'm just going to put 15 minutes on the
23 clock, just so I know where we are. And as you know, if you could
24 please kind of just walk us through the application and how you
25 believe your client is meeting the criteria for us to grant the

1 relief being requested. And you can begin whenever you like.

2 MR. SULLIVAN: Thank you, Mr. Chair, and members of the
3 Board.

4 This is for 1218 31st Street Northwest. It's a very
5 small property. It's near the intersection of Wisconsin and M in
6 Georgetown. It's a block north of M Street. And the request is
7 for rear yard relief, in order to do a rear two-story addition.
8 Next slide, please.

9 The property is currently occupied by a two-story
10 commercial building. It will continue to be completely
11 commercial. It's zoned MU-4, and it's in the Georgetown historic
12 district and the CFA jurisdiction. We're proposing a two-story
13 addition at the rear of the building, which will also be used for
14 any permitted commercial purposes. Currently a restaurant use is
15 proposed.

16 So non-residential uses have no limitations on the lot
17 occupancy, so there's no lot occupancy requirement, but there is a
18 15-foot rear yard requirement, and that's what we're asking for
19 relief for, under the specific criteria for that special exception
20 that applies in the MU-54 zone. Next slide, please.

21 We do have the support of ANC 2E, as well as the Office
22 of Planning and DDOT, and it has received concept approval from
23 OGB. Regarding the neighbor, we can have Mr. Glass talk about his
24 interaction with the neighbor after the architect goes through the
25 plans.

1 And I'll turn it over to Mr. Markus now. And next
2 slide, please. Thank you.

3 MR. MARKUS: Hi. Can you hear me?

4 MR. SULLIVAN: Yes.

5 CHAIRPERSON HILL: Yeah. Thank you. Just before I get
6 -- just before you continue, I can't remember, but the affidavit
7 of posting and maintenance, we did get on time, so I think that's
8 accurate. So I'm just kind of making that point.

9 And then, as far as the staff, I see the PowerPoint
10 presentation, but the letter in opposition, I haven't seen yet.
11 So just kind of mentioning that to the staff. Thank you.

12 Go ahead, Mr. Sullivan.

13 MR. MARKUS: I was going to --

14 MR. SULLIVAN: Go ahead, Rich.

15 MR. MARKUS: This is Rich Markus. I'm the architect for
16 the job.

17 CHAIRPERSON HILL: Yeah, please go ahead. Sorry.

18 MR. MARKUS: Okay. Thank you.

19 You can see on the site, you can see M Street, and the
20 site is very small. It's just M Street on 31st Street, on the
21 corner. Next slide, please.

22 That's the front building. It's currently a flower
23 shop, a florist. And just -- that's the alley next to it, where
24 the white van is coming out of, and you can just see, behind the
25 building is where we're putting the addition. Next slide, please.

1 This is a shot of the alley, and to the right, you see
2 in the foreground is the end of that front building, and then it
3 steps back. And that, where the car -- the two cars are parked,
4 is the rear yard.

5 It's a very small lot. The entire lot is 1,280 square
6 feet. That includes the front building. The front building
7 existing is a footprint about four -- sorry, 547 square feet. And
8 that leaves about 733 square feet left for the entire lot. Next
9 slide, please.

10 That's just a closer shot. See, the wall in the back of
11 the lot, that's directly behind the rear lot line. And just on
12 the other side of that is the entry to the garage. So that's a
13 driveway that goes to a garage to the adjacent buildings. There's
14 a large garage underneath that building. It's all part of that
15 same lot. So the adjacent lot next door actually wraps around the
16 back of this lot, and it touches this side where you see the stone
17 and brick building. Next slide, please.

18 That's -- you're looking from the back of the lot
19 forward. You can see the entry to the garage for the neighboring
20 building. Next slide, please.

21 That's the elevation for the rear yard relief. I was
22 not going to go through that. Next slide, please. Next slide,
23 please.

24 That's the existing site plan, where it's open, where
25 the addition's going to go. Next slide.

1 That's the addition that's filling in the entire lot.

2 Next slide.

3 That's the existing building in the front, and you can
4 see the open area in the back that we're proposing the addition.

5 Next slide.

6 This is the addition that we're proposing. So the front
7 building is a two-story building existing. We've been through the
8 Old Georgetown Board several times, so it's been approved by the
9 Old Georgetown Board and the ANC.

10 The idea is to just -- it's such a small lot, it's only
11 13-foot-4 wide. In order to make a viable building on this, we
12 wanted to take it all the way back to the -- through the rear yard
13 setback and to the back lot line. So that's what you see, is
14 basically open space, and there's some -- this is showing a
15 restaurant use inside. Next slide.

16 This probably describes it the most. So you can see the
17 front building is the two-story building to the right. And then
18 from there, all the way back, is the two-story addition, and it's
19 all -- there's a lot of -- it's mostly glass structure.

20 We started with a larger, taller building, a three-story
21 addition, and in conversation with the neighboring building, we
22 actually lowered it. And in also talking with the Old Georgetown
23 Board over several meetings, we lowered it to what you see now.
24 Next slide.

25 That's a section. You can see how small it is. Next

1 | slide. Just a couple -- 3-D imagery. But you can see the front
2 | building, the front brick building, which is existing, which we're
3 | leaving intact, and then the glass structure on the back is the
4 | new addition.

5 | And that's about it. I can answer any questions.

6 | MR. SULLIVAN: We could go back to Slide 9, please. I
7 | had misplaced the slide with the special exception criteria. I
8 | don't want to go through that. These are the specific
9 | requirements. There's very specific requirements in the MU zone
10 | for rear yard relief. It's that no apartment windows shall be
11 | located withing 40 feet directly in front of another building.

12 | And this is not proposed for residential use, so that
13 | doesn't apply. B doesn't apply, as well, because there are no
14 | office windows. And C just refers to situations where A and B
15 | might apply.

16 | Also, regarding -- I'm sorry I neglected to put in a
17 | slide on the general special exception criteria of X 901, but this
18 | is in harmony with the general-purpose intent in the zoning
19 | regulations and zoning maps, particularly because it's in the MU
20 | zone, and it's very close to, as I stated, M Street and Wisconsin.

21 | It's a very small property. The FAR is still under the
22 | maximum permitted FAR. And to the extent it affects -- it won't
23 | tend to affect adversely the use of neighboring property, because
24 | there are -- as noted, we lowered it by one floor, in discussions
25 | with the neighbor. And I can have Mr. Glass talk about his

1 | interactions with that neighbor. And any windows there are at-
2 | risk windows, on that property line.

3 | That lot adjacent to us is a 15,000-square-foot lot, and
4 | compared to our lot, which is 1,280 square feet. But the rear
5 | yard relief itself would just affect one window at the back, and
6 | that is -- that's an at-risk window, as well, and as the Board
7 | knows, the at-risk window doesn't come into consideration when
8 | talking about special exception rear yard relief.

9 | So for that, I'll turn it over to Mr. Glass. Ezra, if
10 | you could just talk a little bit about the -- your interactions
11 | with the immediate neighbor?

12 | MR. GLASS: Hello?

13 | CHAIRPERSON HILL: Yes, we can hear you.

14 | MR. GLASS: All right.

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

17 | MR. GLASS: Sure. My name is Ezra Glass. I am a
18 | managing member of the LLC that owns that property and is
19 | requesting the relief.

20 | So I'm relatively blindsided by that letter, actually.
21 | We've spoken to the neighbors multiple times. It's owned, I
22 | guess, in a trust, and we've spoken to most of the people in the
23 | trust, including Suzanne, who sent -- or Susan, who sent in this
24 | letter.

25 | Their main concern initially was always the height, and

1 that it was covering that other row of windows. So we dropped it
2 down a story, which, of course, eliminates a lot of square
3 footage, hence extending it to the rear yard setback. And then
4 after we agreed to do that, we heard nothing further from her,
5 including at the ANC meeting, or the OGB meeting. So there was no
6 further objections after we did that.

7 It seems, based on this letter, that her objection is
8 about possibly the noise of the mechanical equipment on the roof,
9 which, you know, we can do -- there's plenty of things we can do
10 to make sure that that's not an issue, including the type of
11 mechanical equipment we use, where we place it, sound barriers, et
12 cetera. So, you know, I don't think that that -- I'm sure that
13 that will not be an issue. They also -- there's already equipment
14 up there.

15 CHAIRPERSON HILL: Mr. Glass? Mr. Glass?

16 MR. GLASS: Sure.

17 CHAIRPERSON HILL: Do you know -- is Ms. Hunt, is she
18 the owner? I'm a little confused.

19 MR. GLASS: It's owned in a trust. It's her and her
20 siblings, who are the members of the trust.

21 CHAIRPERSON HILL: Okay, so she's a member of the trust.
22 Okay.

23 MR. GLASS: Yes.

24 CHAIRPERSON HILL: So they don't -- they're not -- they
25 own the building.

1 MR. GLASS: Yeah. Yeah, yeah, yeah.

2 CHAIRPERSON HILL: Got it. All right, I was confused.
3 Okay, please continue.

4 MR. GLASS: I mean, that's about it. I'm happy to
5 answer any other questions.

6 CHAIRPERSON HILL: Okay.

7 MR. GLASS: But like I said, it's somewhat of a
8 blindside to me that she didn't bring this up. We've had multiple
9 conversations with her, and she didn't bring it up till just now.

10 CHAIRPERSON HILL: Got you. Well, I mean, you lowered
11 it by a floor.

12 MR. GLASS: Yes, exactly.

13 CHAIRPERSON HILL: Mr. Glass, how long have you owned
14 the property?

15 MR. GLASS: I don't remember. I mean, do you want me to
16 look it up? It's several years now.

17 CHAIRPERSON HILL: No, I mean, you're part of an LLC.
18 You're part of an LLC.

19 MR. GLASS: Yeah. The LLC's just my wife and myself.

20 CHAIRPERSON HILL: Oh.

21 MR. GLASS: Yeah.

22 CHAIRPERSON HILL: Yeah. I was just curious when you
23 got it.

24 MR. GLASS: Yeah, we bought it -- I think it was two
25 years ago, maybe.

1 CHAIRPERSON HILL: Okay. Looks like a cute building.

2 MR. GLASS: It's great. We love the tenant. It's a --
3 he was a local favorite. So -- and the owner was getting older,
4 and, you know, needed to sell, so we said -- the tenant approached
5 us. We said we would buy it to keep him in place. But that was,
6 you know -- the cost of the building was slightly more than his
7 rent, so it's --

8 CHAIRPERSON HILL: Sure. Do you live nearby?

9 MR. GLASS: Yeah. We live, like, three blocks from
10 there.

11 CHAIRPERSON HILL: Yeah. Okay. All right. Let's see.
12 Mr. Sullivan, is that it?

13 MR. SULLIVAN: Yes, that's all. Thank you.

14 CHAIRPERSON HILL: Mr. Young, could you pull the
15 PowerPoint, please?

16 Does the Board have any questions for the applicant?
17 Chairman Hood?

18 CHAIRMAN HOOD: Yes, Mr. Chairman.

19 Mr. Glass, I may have missed it when you were talking.
20 Who is Susan Hunt?

21 MR. GLASS: Susan Hunt and her siblings are members of
22 the trust that own that property.

23 CHAIRMAN HOOD: Okay. And you were not aware -- well, I
24 guess she's -- I heard you say you were blindsided. So --

25 MR. GLASS: Yes.

1 CHAIRMAN HOOD: So you have not had a conversation with
2 her about -- I think, what I -- the way I read this, and you may
3 have responded --

4 MR. GLASS: Sure.

5 CHAIRMAN HOOD: -- says, suppose the mechanical could be
6 located directly outside windows of their property. Did you --
7 have you already responded to that? That seems to be her major
8 concern now.

9 MR. GLASS: So that, like I said, is a new concern. Her
10 concern before was that height of the building. And then we
11 agreed to lower it, and then she didn't -- and that was it. That
12 was the end of her objections. So this is kind of a new thing
13 that she just brought up.

14 You know, from that -- the location of the mechanical
15 equipment, we could just move over, and make sure that we
16 soundproof. Like, there's lots of things we could do to kind of
17 mitigate that issue, to make sure it doesn't negatively impact her
18 in any way.

19 CHAIRMAN HOOD: Okay. So you're open to continue to
20 work with Ms. Hunt on what she filed as all her objections?

21 MR. GLASS: Definitely.

22 CHAIRMAN HOOD: Okay. Thank you.

23 Thank you, Mr. Chairman.

24 MR. GLASS: Sure.

25 CHAIRPERSON HILL: Okay. Anyone else?

1 Ms. John?

2 VICE CHAIR JOHN: Yes, Mr. Chairman. I wanted to ask
3 about at-risk windows. And I'm looking at Exhibit 28B. And I'm
4 not sure why there aren't more at-risk windows than the one that
5 Mr. Sullivan mentioned.

6 So if you could just clarify that for me?

7 MR. SULLIVAN: Yes. I was just referring to the 15 feet
8 of relief that's being requested, at the rear. The rest of it
9 would be matter of right, anyway.

10 And the Board has actually -- and the court of appeals
11 has considered at-risk windows in the past, and determined that
12 the fact that a neighbor has an at-risk window should not affect
13 the consideration of a special exception requirement.

14 Effectively, they said you -- just by putting in an at-
15 risk window, which literally is at risk on your property line,
16 doesn't entitle you to a greater consideration in the special
17 exception case. In fact, it shouldn't affect the rights of the --
18 of a neighboring property owner to apply for relief that they
19 otherwise could get anyway. But what I was referring to was just
20 the 15 feet of relief that just includes the one window on that
21 second floor.

22 VICE CHAIR JOHN: And that's what I don't understand,
23 Mr. Sullivan. Not that what you're saying is incorrect, because
24 when I look at the -- and maybe I'm just misreading this. But
25 when I look at the slide, there are six windows. Six. So you're

1 saying that the first four or five windows are not counted?

2 MR. SULLIVAN: They're part of the matter of right.
3 They're in the area of the matter of right. The rear yard is to
4 be -- and I'm not sure which --

5 VICE CHAIR JOHN: I'm terrible at this. It's --

6 MR. SULLIVAN: I'm in 28B.

7 VICE CHAIR JOHN: A 402 what I'm looking at. A 402
8 shows the before and proposed. So --

9 MR. SULLIVAN: Okay. And Rich, maybe you -- Rich, if
10 you have the --

11 MR. MARKUS: Yeah, I can tell you. So I think you're
12 asking -- so the building that we're proposing is covering five
13 windows.

14 VICE CHAIR JOHN: Right.

15 MR. MARKUS: But so the first four would be the
16 building, if we did the 15-foot setback. What Marty was pointing
17 out is that what we're asking for relief from is only covering
18 that last window. But to -- I think, to answer your question,
19 yes, those five windows are covered.

20 VICE CHAIR JOHN: Okay. But you couldn't do a 15-foot
21 setback, because you simply don't have the room. Right?

22 MR. MARKUS: Correct.

23 VICE CHAIR JOHN: So you --

24 MR. MARKUS: That's tiny --

25 VICE CHAIR JOHN: -- on the property line.

1 MR. MARKUS: Correct.

2 VICE CHAIR JOHN: And I accept the fact that they're at-
3 risk windows. That's not my question. I was just trying to
4 figure out what was said. Okay. Thank you.

5 MR. MARKUS: Sure.

6 CHAIRPERSON HILL: Okay. Anyone else?

7 All right. I turn to the Office of Planning.

8 MS. THOMAS: Good afternoon, Mr. Chair, members of the
9 Board.

10 OP's in support of Application 20499, for the buildout
11 of the commercial building into the rear of the property at 1218
12 31st Street Northwest. The relief satisfies the criteria of
13 Subtitle G, Section 1201, as seen in our report. And it is noted
14 that the project did receive concept approval from CFA.

15 With respect to the special exception relief of Subtitle
16 -- under Subtitle X, Section 901, again, the proposed addition met
17 the criteria special exception relief, and the regulations permit
18 commercial uses in this zone, subject to the bulk and area
19 requirements. And this proposal does not require relief than
20 otherwise requested. So OP concluded that this is generally in
21 harmony with the intent of the regulations and zoning map.

22 On the question of whether the relief would appear to
23 adversely affect the use of neighboring property, we saw that the
24 surrounding adjacent uses should not be adversely impacted, since
25 those properties are also commercial-uses, with either front and

1 street or alley focus. There are no abutting residential-uses,
2 and service vehicles would still be able to access the alley for
3 the commercial properties. So therefore, we believe that grant of
4 the relief is not anticipated to have an adverse impact on the use
5 of neighboring property.

6 And with that, I'll end my report, and I'll be happy to
7 take any questions. Thank you.

8 CHAIRPERSON HILL: Thank you. Does anyone have any
9 questions for the Office of Planning?

10 (No response.)

11 CHAIRPERSON HILL: Mr. Sullivan, do you have any
12 questions for the Office of Planning?

13 MR. SULLIVAN: No. Thank you.

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

16 MR. YOUNG: We do not.

17 CHAIRPERSON HILL: All right. Does anybody have any
18 final questions? If so, raise your hand.

19 (No response.)

20 CHAIRPERSON HILL: Mr. Sullivan, you have anything you'd
21 like to add at the end?

22 MR. SULLIVAN: No, thank you.

23 CHAIRPERSON HILL: Okay. I'm going to close the record
24 in the hearing. Mr. Young, if you could excuse everyone, please?

25 Okay. As far as the minimum rear yard relief that they

1 need, and the requirements for us to grant the relief, I think
2 they meet the criteria. I mean, I'm looking through the
3 regulations, I'm looking through the Office of Planning's report,
4 and I do think that they meet all of the criteria that we can
5 grant the relief request. I mean, it's a very small property. I
6 don't see how they're going to meet the requirements, actually.
7 They're trying to fill that in and make some use of it.

8 And then, to the adjacent property -- it sounds as
9 though they did work with the property to drop it down a story,
10 where -- and those other at-risk windows, all of those would've
11 been blocked, had they gone up even one more row.

12 And all of those windows are in fact at-risk, and so
13 what they were saying, I guess, during the discussion, was that if
14 they could somehow build it or make it feasible without the
15 requested rear yard relief, they still would be blocking some of
16 those windows. It's the additional massing that they're
17 requesting relief from, that is obstructing that last window.

18 I do think that, as Chairman Hood has asked questions --
19 and also, thank you, Ms. John, for the questions that you asked
20 about the at-risk windows -- Chairman Hood had mentioned that they
21 were still going to continue to work with the neighbor, in terms
22 of -- there's ways that maybe they can do different types of air
23 conditioning or ventilation, so that it's not as disruptive. It
24 will be, you know -- there is going to be some noise, but they
25 could maybe make it so it's a little less disruptive.

1 However, I think that they are meeting the criteria for
2 us to grant the relief request, and I also note that the ANC, of
3 which -- I don't know why I think Rick Murphy's the chair -- has
4 now granted -- or believes that they also meet the criteria for
5 it, and I think that it's a good project, that I'm going to be
6 able to get behind. So I'm going to be voting in favor.

7 May I go around the horn? If anybody has anything to
8 add?

9 Mr. Smith?

10 BOARD MEMBER SMITH: I don't have anything to add. I
11 believe that you summed it up, and Ms. John and Chairman Hood
12 asked the right questions for us to be able to decipher any issues
13 that may have occurred with this particular property. So I do
14 believe that the evidence stands for us to be able to grant
15 special exception, and I will be in support of it.

16 CHAIRPERSON HILL: Great. Thank you.

17 Ms. John? Vice Chair John?

18 VICE CHAIR JOHN: I agree with your comments and the
19 comments of the Board Member Smith, and I don't have anything to
20 add. I am in support of the application.

21 CHAIRPERSON HILL: Mr. Smith? I mean, Mr. Blake?

22 BOARD MEMBER BLAKE: Yes. I, too, would be in support
23 of the application and -- given the fact that they will work
24 together and then try to work with the neighbors to further
25 resolve that issue.

1 CHAIRPERSON HILL: Great.

2 Let's see. Chairman Hood?

3 CHAIRMAN HOOD: Yeah, I would agree with what I've
4 heard. And any time I know that an applicant takes off a whole
5 floor to accommodate and work with the neighbor, I think really
6 speaks to knowingly gives me a comfort level to make sure -- I'm
7 sure that they're going to work together with those mechanical
8 units. So I have no hesitation in moving forward. Thank you, Mr.
9 Chairman.

10 CHAIRPERSON HILL: Thank you. All right. I'm going to
11 go ahead and make a motion to approve Application Number 20499, as
12 captioned and read by the secretary, and ask for a second. Ms.
13 John?

14 VICE CHAIR JOHN: Second.

15 CHAIRPERSON HILL: The motion made and seconded. Mr.
16 Moy, could you take a roll call, please?

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

22 Zoning Commission Chair Anthony Hood?

23 CHAIRMAN HOOD: Yes.

24 MR. MOY: Mr. Smith?

25 BOARD MEMBER SMITH: Yes.

1 MR. MOY: Mr. Blake?

2 BOARD MEMBER BLAKE: Yes.

3 MR. MOY: Vice Chair John?

4 VICE CHAIR JOHN: Yes.

5 MR. MOY: Chairman Hill?

6 CHAIRPERSON HILL: Yes.

7 MR. MOY: Staff would record the vote as five to zero to
8 zero. And this is on the motion made by Chairman Hill to approve.
9 Motion seconded by Vice Chair John to approve. Also in support
10 of the motion, Zoning Commission Chair Anthony Hood, Mr. Smith,
11 Mr. Blake, and of course, Vice Chair John and Chairman Hill. The
12 motion carries on the vote of five to zero to zero.

13 CHAIRPERSON HILL: All right. Great. Thank you, Mr.
14 Moy.

15 All right. I'm going to try -- I mean, I don't know
16 what you guys think. I mean, I know that there are a lot of
17 things we need to work through on the last two cases, I believe.
18 So I'm going to try to get through the next two before lunch, if
19 that seems feasible. And then we'll just see where we get. And
20 if anybody has any objections, let me know.

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

22 MR. MOY: This would be Case Application Number 20488,
23 of Petit Scholars. Caption advertised for special exception
24 relief from the minimum vehicle parking requirements, Subtitle C,
25 Section 701.5. This would construct a new daycare facility in an

1 existing three-story semidetached mixed-use building, MU-4 zone.
2 Property is located at 52 Quincy Place Northwest, Square 3100, Lot
3 4. And that's all I have, Mr. Chairman.

4 CHAIRPERSON HILL: Great. Thank you, Mr. Moy. Let's
5 see. Is it Ms. Ham-Campbell?

6 MS. HAM-CAMPBELL: Yes, I'm present. Lashada. Good
7 afternoon.

8 CHAIRPERSON HILL: Good afternoon. Could you please
9 introduce yourself for the record?

10 MS. HAM-CAMPBELL: Yes. LaShada Ham-Campbell. With --
11 oh, I'm sorry -- owner of Petit Scholars.

12 CHAIRPERSON HILL: Got you. There you go, Ms. Campbell.
13 Thank you. Who's here with you, Ms. Campbell?

14 MS. HAM-CAMPBELL: I believe the ANC is participating.
15 Commissioner Lewis?

16 CHAIRPERSON HILL: Got you. I see her name.

17 MS. HAM-CAMPBELL: But other than that, it's just
18 myself, as far as representing Petit Scholars.

19 CHAIRPERSON HILL: Got you. Got you.

20 Commissioner Lewis, can you hear me?

21 MS. LEWIS: Yes. I can hear you.

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

24 MS. LEWIS: Yes. My name is Karla Lewis. I represent
25 ANC 5E. I'm the commissioner of ANC 5E06, and this application

1 falls within my single-member district.

2 CHAIRPERSON HILL: Great. Okay. Ms. Ham-Campbell, if
3 you can go ahead and tell us about your case? And I'll put 15
4 minutes on the clock, and you can begin whenever you like.

5 MS. HAM-CAMPBELL: Yes. Good afternoon to the Board,
6 and thank you for your time. There is a PowerPoint presentation
7 that --

8 CHAIRPERSON HILL: Yeah.

9 MS. HAM-CAMPBELL: -- I uploaded. Is that able to be
10 provided?

11 CHAIRPERSON HILL: Yeah. Exhibit 48, Mr. Young. Thank
12 you.

13 MS. HAM-CAMPBELL: Okay. Okay, so as previously stated,
14 this is for the proposed Petit Scholars Bloomingdale, which will
15 be located at 52 Quincy Place Northwest. The address is on Quincy
16 Place, but the entrance is actually on Florida Avenue. And next
17 slide.

18 So currently, the Petit Scholars program has four
19 locations. They're all in Ward 5. And currently, they're only in
20 the Brookland and Woodbridge communities. So all of those four
21 existing locations are less than a mile from each other.
22 Traditionally, families choose locations based on the distance
23 from their home. Even with them all being less than a mile from
24 each other, that's still the case.

25 And a large percentage of our families historically

1 walked to the campus. I started the program in -- it's almost ten
2 years now -- in 2011, signed a lease. 2012, we opened. You can
3 do next slide. Sorry. I was just giving more background.

4 So again, as previously stated, the entrance faces
5 Florida. There's 2,400 square feet of ground space, commercial
6 space. It has the capacity for four classrooms, which equals 32
7 infants and toddlers, six weeks to four years.

8 The programmatic hours are 7:00 a.m. to 6:00 p.m., but
9 currently, all of the campuses are under limited hours because of
10 the pandemic, so we don't offer beforecare and aftercare,
11 temporarily. But so the hours, when we open, will be 8:00 to
12 5:00, unless something changes with regulations that allows the
13 mixing of groups from OSSE. And next slide. Sorry.

14 So the request is to construct the ground level
15 childcare center in the existing three-story mixed-use building,
16 and the request is for relief from special exception parking
17 requirements, Subtitle C, 701.5. And next slide.

18 And community support -- there was a community-led
19 signature collection. I also pounded the pavement and collected
20 signatures. So in total, there were, for myself, 25 signatures
21 collected from families, in person, primarily from the
22 Bloomingdale and Eckington communities; and three from the
23 electronic collection were from within a 200-foot radius.

24 But then I also did a separate collection. I don't
25 think I noted it here. But that was me walking and collecting

1 signatures, and -- that might be the next slide. I might be
2 overreaching. Yeah. Oh, so yes. From the residents of 52 Quincy
3 itself.

4 And the building where the childcare center will be
5 housed, at 52 Quincy Place, it has 20 units, and I received
6 signatures of support from 11 of the 20 tenants that occupy that
7 building. And in total, 20 of 21 signatures were received from
8 within the 200-foot radius of Quincy Place itself. And next
9 slide.

10 So where the parking space is required, I could not find
11 parking within the required 600-foot radius. But I did secure
12 parking, one parking space to start -- sorry, go -- yeah, there
13 you go. Sorry. One parking space to start, at 77 P Street
14 Northeast. It's a three-minute walk from 52 Quincy Place.

15 And the plan is to maintain the contract for the entire
16 duration of the lease, so as long as the parking space exists, we
17 will continue to lease with that agency to have the required
18 parking. But it's not within the required 600 feet. And next
19 slide.

20 And in regards to transportation, AKA dropping off and
21 picking up, I conducted a survey of the families who are currently
22 on the waitlist for the Petit Scholars Bloomingdale location. 39
23 families responded to the survey. 32 of the 39 families reside
24 within a mile of 52 Quincy Place. 29 of the 39 families plan to
25 walk. Seven of the 39 families plan to drive private vehicles.

1 Two of the 39 plan to bike. And one of the 39 plans a combination
2 of walking, driving, for dropping off and picking up. And next
3 slide.

4 So to support families who need to drive by private
5 vehicle, and it -- aside from whatever parking they can find
6 throughout the community, I have an agreement with the Exxon, but
7 I couldn't get anything in writing. But I'm paying -- currently
8 my contractors are paying \$150 a month to park at the two spaces
9 that you can observe there in that photo.

10 And I'm continuing that agreement with them, so families
11 can literally pull in to park in two spaces that will be allotted
12 there, and walk to the crosswalk. There's a crosswalk either at
13 Florida and 1st -- well, actually, before you get to 1st -- and
14 there's a crosswalk, kind of Florida and Q. They don't really
15 have true intersections. But there are crosswalks where families
16 can safely cross, to go to the other side of Florida, to enter the
17 childcare center. And next slide.

18 I think that's it. Okay. That actually covers my
19 formal presentation.

20 CHAIRPERSON HILL: Great. Thank you.

21 All right. Does anybody have any questions for the
22 applicant? And if so, raise your hand.

23 Commissioner -- I mean, Chairman Hood?

24 CHAIRMAN HOOD: Thank you, Mr. Chairman.

25 I, as I was reviewing this case the other night, and I

1 saw Petit Scholars -- that's been running across my mind lately.
2 And I will tell you that, in another capacity, I think I've heard
3 of Petit Scholars. Nothing dealing with zoning.

4 But let me ask you this, Ms. Campbell. I'm glad you
5 told me you have some -- because I was trying to figure out where
6 it was. But I'm glad you told me you had some other locations.
7 The one in Woodridge -- and I noticed one of the things that --
8 how does that work? I think you're right on Rhode Island Avenue?

9 MS. HAM-CAMPBELL: Yes. We had a BZA for that location,
10 as well, historically.

11 CHAIRMAN HOOD: Okay.

12 MS. HAM-CAMPBELL: But not in regards to -- well, yes.
13 Well, no, actually not in regards to parking. But that one, I
14 can't -- it's comparing apples to oranges because of the Zeke's
15 Coffee that exists a block over.

16 We're in a zone where families can park, so that, even
17 though Rhode Island Avenue traditionally has no parking during
18 rush hours, on our side of Rhode Island Avenue, families are
19 allowed to park. There's meter parking, and it's unrestricted, as
20 far -- in regards to not being able to park via rush hour.
21 Families can park.

22 CHAIRMAN HOOD: So let me ask my question. I think you
23 gave me an answer, but let me ask my question the way I want to
24 ask it, so I can understand. And that's why I went to that
25 location, because I know it's difficult here, sometimes.

1 So I wanted to know, how does that work? And I guess
2 you explained to some degree, if that changes some of your answer.

3 But how does that work? That seems to be working.

4 MS. HAM-CAMPBELL: Yes, it does.

5 CHAIRMAN HOOD: Okay. So --

6 MS. HAM-CAMPBELL: Families can park, and then, again,
7 families walk over. So there is a combination of private vehicle
8 and families who live within the radius that they walk.

9 CHAIRMAN HOOD: Okay, so --

10 MS. HAM-CAMPBELL: And we provided a bike rack for
11 families to lock their strollers outside. That was actually one
12 of the outcomes of the BZA for that location.

13 CHAIRMAN HOOD: Okay. Okay. And how long ago was that?
14 I know I was not on that case. How long ago was that?

15 MS. HAM-CAMPBELL: 2017.

16 CHAIRMAN HOOD: Okay. And that's working fine?

17 MS. HAM-CAMPBELL: Yes, sir.

18 CHAIRMAN HOOD: Okay. Thank you.

19 Thank you, Mr. Chairman.

20 CHAIRPERSON HILL: Thank you. Anyone else?

21 All right. Going to turn to the Office of -- oh, sorry.
22 Mr. Smith?

23 BOARD MEMBER SMITH: Yes. I have a quick question. I
24 appreciate Ms. Ham-Campbell and your creativity in reaching out
25 with the -- to the Exxon across the street to provide some level

1 of parking. I'll just note that that probably -- that's not
2 considered legal parking on the space itself, just as a caution
3 with that one.

4 So my question to you is, have you submitted your pickup
5 and dropoff plan to DDOT for review yet?

6 MS. HAM-CAMPBELL: Yes, DDOT has already provided
7 approval.

8 BOARD MEMBER SMITH: Okay. Perfect. Okay. I must have
9 missed that. But that was my only question. Thank you.

10 MS. HAM-CAMPBELL: Oh, you're welcome.

11 CHAIRPERSON HILL: Okay, thanks. Actually, right, there
12 was a pickup and dropoff plan. I was going to clarify with the
13 Office of Planning a little bit. But so that -- DDOT, you've
14 given something from -- you've given DDOT something about your
15 pickup and dropoff plan? Is that correct?

16 MS. HAM-CAMPBELL: Yes. We had a telephone conference
17 and the same -- in the same regard of the survey outcomes, I
18 provided them the information to let them know the methods that
19 families primarily plan to arrive at the center, and the same
20 thing with the use of the gas station for pulling in, just to drop
21 off and pick up, and then the actual formal parking space, sorry,
22 at 77 P Street.

23 CHAIRPERSON HILL: Okay. Great. Let's see.

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

25 MS. MYERS: Hello. Crystal Myers with the Office of

1 Planning.

2 The Office of Planning's recommending approval of this
3 case, and stands on the record of the staff report.

4 CHAIRPERSON HILL: Okay. Thanks, Ms. Myers. Welcome
5 back, if I haven't said so already.

6 MS. MYERS: Nice to see you all again.

7 CHAIRPERSON HILL: All right. So this is the first
8 time. There you go. Survived the summer.

9 All right. Does anybody have any questions for the
10 Office of Planning?

11 (No response.)

12 CHAIRPERSON HILL: Okay. Does the applicant have any
13 questions --

14 BOARD MEMBER BLAKE: I --

15 CHAIRPERSON HILL: We can get the Commissioner, by the
16 way.

17 Mr. Blake?

18 BOARD MEMBER BLAKE: Yeah, I did have a question for the
19 Office of Planning. Would you possibly walk through the specific
20 and general criteria relief for me?

21 MS. MYERS: The specific and the general one? Or just
22 the X 901.5 one?

23 BOARD MEMBER BLAKE: Well, please, just go through each
24 of -- yes.

25 MS. MYERS: Sure. So with the parking reduction

1 requirements for special exception, the first one being
2 identifying what is one of the reasons for it, in this case, they,
3 due to physical constraints on the property, they are not able to
4 provide a spot within 600 feet in this case, as has been discussed
5 here. There's no commercial space that has been identified within
6 600 feet of the property, so we thought that that was grounds for
7 claiming this reasoning.

8 Another one is, they are within a Metro area, well-
9 served by mass transit. You have two Metro stops that are within
10 a bit -- about .6 miles away. And also, they are within the North
11 Capitol Metrobus priority network area.

12 When it comes to the -- any reduction in the required
13 number of parking space, this shall be only for the amount that
14 the applicant is physically unable to provide. In this case, only
15 one space is required. And so, as they have discussed, they are
16 not able to provide that one space within 600 feet, so they have
17 met this criteria. They're physically unable to provide a parking
18 -- that parking space within the required area.

19 And when it comes to DDOT, and the transportation demand
20 management plan requirement, DDOT spoke with us on September 7th
21 and said that no transportation demand management was necessary
22 for this case. And the fact that they are within the North
23 Capitol Metrobus priority network is one of their primary
24 rationales for that, as well as there only being one parking space
25 required.

1 As for the general criteria, will it be in harmony with
2 the general purposes and intent of the regulations? It will.
3 They have identified a parking spot, a parking situation, that is
4 further than the 600 feet. It's 800 feet away. But not far.

5 And they also, when it comes to the area, it's well-
6 served by Metro public transit, so it shouldn't -- it meets the
7 general intent of the zoning regulations, because the access and
8 safety criteria for -- or intent for that section is being met by
9 the Metro capacity, or Metro being in the area, as well as a
10 parking space being identified -- multiple parking spaces being
11 identified in the 800 feet away.

12 And then the last one being that -- will it tend to --
13 will not tend to adversely impact the neighborhood? Again, it's
14 Metro-accessible area, as well as, other parking has been secured,
15 within, actually, a five-minute walk away from the site. So we
16 thought that that was satisfied.

17 BOARD MEMBER BLAKE: All right. Thank you very much.

18 CHAIRPERSON HILL: Okay. Anyone else for the Office of
19 Planning?

20 All right. Mr. Young, is -- oh, I'm sorry.
21 Commissioner Lewis, can you hear me?

22 MS. LEWIS: Yes.

23 CHAIRPERSON HILL: Is there anything you'd like to add,
24 Commissioner? And/or do you have any questions for the Office of
25 Planning?

1 MS. LEWIS: Yes, I do, actually. Well, not questions
2 for the Office of Planning, but I would like to add some comments
3 from the ANC.

4 We met to discuss this case on several occasions, and on
5 June the 16th, we provided approval. However, that approval --
6 when we gave the approval, we also agreed that they would work
7 closely with us and DDOT on a dropoff and pickup plan. So I'm
8 very surprised today to hear about -- the dropoff and pickup plan
9 has already been approved, when the neighbors and the ANC was not
10 included in that, because that was one of the main concerns of
11 some of the residents in the area.

12 I, myself, I take my cat over to an animal hospital over
13 in Brookland, where there's another location of Petit Scholars.
14 And whenever I'm over there, I always see a lot of congestion for
15 dropoff and pickup of the children in that area. So -- and I made
16 mention of that, to find out what they would be able to do in
17 order to alleviate it, because I saw it happening myself at the
18 Brookland location.

19 It was mentioned that a parking spot was secured at 77 P
20 Street Northeast, and that they would keep that contract for as
21 long as there is parking. Well, what happens, you know -- because
22 space is disappearing overnight, and people are developing on
23 empty lots and stuff -- when that goes away, what is the backup
24 plan?

25 Also, there was a mention for pickup and dropoff at an

1 Exxon, and that's not an Exxon gas station. They didn't show you
2 the picture of the entire gas station, but that is not an Exxon.
3 That's a Valerio (sic). So I'm wondering, do you have a contract
4 with Exxon? Or do you have a contract with the Valerio or
5 Valerian, whatever that gas station is? Because that certainly is
6 not an Exxon station.

7 MS. HAM-CAMPBELL: The Valero has changed ownership, and
8 it's now Exxon, so -- I don't have access to demonstrate that, but
9 I'm sure if anyone wants to log on to Google and look at it live -
10 - it used to be a Valero, but it's now an Exxon.

11 CHAIRPERSON HILL: Give me one second. Hang on. So
12 Commissioner, it seems like you've got a lot of questions for the
13 applicant.

14 MS. LEWIS: Yes.

15 CHAIRPERSON HILL: So Ms. Ham, if you can just kind of
16 write some of these down, and I'll give you a chance to kind of
17 respond to them? Okay?

18 MS. HAM-CAMPBELL: Well, one, the Exxon, it is an Exxon.
19 It isn't a Valero.

20 CHAIRPERSON HILL: Wait, wait, wait.

21 MS. HAM-CAMPBELL: Sorry.

22 CHAIRPERSON HILL: Ms. Campbell?

23 MS. HAM-CAMPBELL: Yes.

24 CHAIRPERSON HILL: Wait. Ms. Ham-Campbell? Just hang
25 on. Let the Commissioner finish, and then we'll come back to you.

1 Okay?

2 Go ahead, Commissioner.

3 MS. LEWIS: Okay. Thank you. So the residents were
4 really very concerned about the fact that this Quincy Place --
5 Quincy Place Northwest, is a very small, little, quaint block.
6 It's very tiny. It's a one-way street, and there's hardly any
7 parking. Well, there's no parking in D.C. But there's very --
8 there's really very little parking on that lot.

9 So residents were really concerned about the traffic
10 congestion, due to the pickup and dropoff. So I would like to
11 know what she's going to do to address concerns of the residents.

12 She worked with DDOT, but she didn't reach out to the residents,
13 and certainly not to ANC, to discuss this.

14 She talked about how many of the residents that plan on
15 attending there would walk. But you know, residents also say, you
16 know, when it snows, when it rains, and when it's inclement
17 weather, people aren't going to walk a mile in that type of
18 weather, to drop off their kids at the -- at Petit Scholars. So I
19 really would like to know how they're going to address the
20 concerns of the pickup and dropoff.

21 CHAIRPERSON HILL: Okay. All right. So give me a
22 couple of things. So Ms. Ham-Campbell, so there's some questions
23 that the Commissioner has.

24 And I guess, Commissioner, my first question to you is,
25 you guys did vote in favor. Right? So ask of now --

1 MS. LEWIS: We did. We did --

2 CHAIRPERSON HILL: No, no, no. I'm just clarifying. So
3 currently, you're in favor of this. Okay?

4 MS. LEWIS: Yes.

5 CHAIRPERSON HILL: That's what I have, and I'm giving
6 great weight to. Right?

7 MS. LEWIS: Yes. Yes.

8 CHAIRPERSON HILL: So now, in your report, it again
9 speaks to that there was concerns about the dropoff and pickup and
10 children, and that 5E will work with the applicant, DC agencies
11 and residents to address those concerns. Right?

12 So now, there is a recommendation from DDOT as to the --
13 you know, DDOT is at least comfortable with what the pickup and
14 dropoff plan was, but I guess what you're saying is, you didn't
15 know about it. Right? Okay?

16 MS. LEWIS: Yes. They did not work with us.

17 CHAIRPERSON HILL: Now, give me -- let me finish,
18 Commissioner. Give me a second. So there was a pickup and
19 dropoff plan that DDOT has approved of, and I'm just trying to
20 figure that out right now.

21 So one question to you, Ms. Ham-Campbell, again, is the
22 pickup and dropoff plan, and I guess if you can talk through that,
23 how you got to that, and then how DDOT got to that? And then --
24 that seems to be the main concern.

25 I mean, then, I guess, there's a question about, you

1 know, the -- I mean, the parking with Valero and all that, like,
2 that's not really something that we're able to necessarily take
3 into our purview, because it's, like, a private -- well, I guess
4 it's an arrangement that you're, like, pointing out.

5 But the other question about the parking that has been
6 provided, that if that were to go away, what were you going to do
7 about that? So those are kind of the two questions that are on
8 the table for you now, Ms. Ham-Campbell.

9 MS. LEWIS: And I would also like to state for the
10 record that even though only one parking space was required, at
11 our public meeting, she stated that if additional parking spaces
12 were needed for her staff, that she would contract additional
13 parking spaces.

14 CHAIRPERSON HILL: Okay. So Commissioner, I'm just
15 trying to get her to answer the questions that I just put forward
16 there. So let her --

17 MS. LEWIS: Okay, I just wanted to --

18 CHAIRPERSON HILL: I'm letting you know, Commissioner,
19 you all voted in favor. Right? So it sounds --

20 MS. LEWIS: Yes. I am in favor of this.

21 CHAIRPERSON HILL: Okay, so you're just now trying to
22 find some clarification on some things --

23 MS. LEWIS: Yes.

24 CHAIRPERSON HILL: -- and I'm trying to help you get
25 that clarification.

1 So Ms. Ham-Campbell, can you help provide some of the
2 clarification?

3 MS. HAM-CAMPBELL: Yes. So I took notes, as you
4 suggested. There's a constant comparison from Commissioner Lewis
5 to the Brookland location. At the Brookland location --

6 CHAIRPERSON HILL: Commissioner -- Ms. Ham-Campbell, I'm
7 not concerned about the Brookland location.

8 MS. HAM-CAMPBELL: Okay.

9 CHAIRPERSON HILL: We're here to talk about your
10 application right now, that's in front of us.

11 MS. HAM-CAMPBELL: So the Valero is now indeed an Exxon
12 station. I'm sorry. That is -- and so I have created that
13 agreement with them. That is the only thing I could create, given
14 the constraints of the space. I'm --

15 MS. LEWIS: I can't hear you.

16 MS. HAM-CAMPBELL: Can you still hear me?

17 CHAIRPERSON HILL: I can hear you. You have --

18 MS. HAM-CAMPBELL: Sorry. That was a childcare center.

19 MS. LEWIS: Okay. Thank you.

20 MS. HAM-CAMPBELL: I am coming back. Sorry about that.
21 I thought I muted that call. So that is -- with working with
22 DDOT -- so let's start there -- there is no place to create a
23 kiss-and-ride. There is no place to create a space where families
24 can drop off and staff can receive them, because of the nature of
25 Quincy's space, as Commissioner Lewis stated. So it's a one-way

1 street. There is no place to pull in. There is no --

2 CHAIRPERSON HILL: Ms. Ham-Campbell, I'm going to -- I
3 have a long day ahead of me, also.

4 MS. HAM-CAMPBELL: Okay.

5 CHAIRPERSON HILL: And so, like, I'm just trying to
6 figure out -- it sounds like you might want to explain -- I'm not
7 -- we're going to have a -- we're going to have a discussion on
8 this, the Board is. Right?

9 MS. HAM-CAMPBELL: Okay.

10 CHAIRPERSON HILL: So -- but it still sounds like you
11 might need to go back and have a discussion with the ANC to
12 clarify what you proposed to DDOT.

13 And, I mean, the Board's the one that gets to decide
14 whether or not we think you're meeting the criteria for us to
15 grant or not grant this. So we're going to have that discussion.
16 Right? But you might want to go back to the ANC and find out
17 what it is that you're proposing with the DDOT. Right?

18 I mean, the thing that I have with DDOT right now is a
19 recommendation of approval, but it doesn't necessarily have a
20 formal pickup and dropoff plan. Right? I just have -- I just
21 have that they don't -- that they're approving the application.
22 So you may want to go back to the ANC and explain what your pickup
23 and dropoff plan is, because you do have one. Correct?

24 MS. HAM-CAMPBELL: Yes, sir. I didn't know what you
25 wanted me to further explain. I'm so sorry.

1 CHAIRPERSON HILL: I understand. That's all right.

2 MS. HAM-CAMPBELL: So if you let me know what specific
3 things you want me to speak to, then I can speak to those.

4 CHAIRPERSON HILL: There was the one issue about the
5 parking that you're provided, and if it goes away, what's your
6 plan?

7 MS. HAM-CAMPBELL: Well, I mean, I don't know the future
8 of the parking lot, but it's connected to the Department of Health
9 building that's also at P Street. So I'm -- I don't know who owns
10 that land, but I was just stating, for as long as the term of my
11 lease, and as long as the parking lot exists, then I will --
12 because it's a month-to-month lease, so I don't have a guaranteed
13 contract of infinite parking. But I have a current space with --

14 CHAIRPERSON HILL: Okay. Okay. Okay. All right.
15 That's it. I'm going to interrupt a second here now.

16 Does the Board have any questions for the commissioner?

17 Does the Board have any questions for the commissioner?

18 CHAIRMAN HOOD: So yeah, and I know we've been going
19 back and forth, and I appreciate, Mr. Chairman, where you've tried
20 to facilitate. But some -- I got lost in some of -- when I
21 thought Ms. Campbell was talking, Ms. Lewis was talking, so I, you
22 know -- but anyway, Ms. Lewis, I -- Ms. Lewis, Bradley Thomas in -
23 - and I'm familiar with some members of your ANC -- so you all
24 never discussed the dropoff and pickup?

25 Or -- and I heard you say it was supposed to come back

1 to you, it's already been approved. I don't think anything has
2 been approved. I think what is -- it's being discussed. Because
3 approval -- the Board does not vote on any approvals yet, so I was
4 trying to figure out where the approval came in. And I'm sure,
5 knowing Bradley Thomas, myself, personally, that I'm sure that at
6 some point in time, you all discussed some of that. So can you
7 enlighten me or help me?

8 MS. LEWIS: I certainly can. And I'd like to give you a
9 little history, as far as this is concerned, as well.

10 CHAIRMAN HOOD: I read a lot of history. I don't need a
11 -- I don't -- let me say something. I don't need a lot of
12 history. I just want to know, did you all talk about it? Did it
13 come on the table?

14 MS. LEWIS: We did not talk about a pickup and dropoff
15 plan, period. None.

16 CHAIRMAN HOOD: Okay.

17 MS. LEWIS: No discussion.

18 CHAIRMAN HOOD: Thank you. That's all that -- that's
19 all I needed to know.

20 Thank you, Mr. Chairman.

21 CHAIRPERSON HILL: Okay. And Chairman Hood, I just
22 wanted to clarify this again, for the record, that Commissioner
23 Lewis has mentioned a couple of times. Their ANC did vote to
24 approve this application. And that is what --

25 CHAIRMAN HOOD: Mr. Chairman, I see that. I see the

1 letter from the chairman, who I know. So I -- and I know his
2 work. So I'm not a novice to this. I didn't just start doing
3 this.

4 So I'm just -- I agree with what you said, but I just
5 wanted to get -- opine on that, because here's my reality. Petit
6 Scholars will not be as successful if it doesn't do exactly what
7 Ms. Lewis and the others are trying to get them to do for dropoff
8 and pickup, because people are not going to put their young ones
9 in jeopardy.

10 So I'm sure that, if there's some outstanding issues, we
11 just probably need to have them memorialized, but if there's some
12 outstanding issues, I'm sure that the ANC, Ms. Campbell, and all
13 those folks, will work it out, because you won't have any clients.

14 That's just where I am. But she has plenty of them.
15 And I've heard about this, and I'm not sure about the Brookland
16 one, but my point to mentioning Woodridge was for a specific
17 reason, and I know it's working up there, from what I understand.

18 So I'll stay with that.

19 Thank you, Mr. Chairman.

20 CHAIRPERSON HILL: All right. Thank you, Chairman Hood.

21 All right. Does anybody have any more questions for
22 Commissioner Lewis?

23 (No response.)

24 CHAIRPERSON HILL: All right. Does anyone have any more
25 questions for Ms. Ham-Campbell?

1 (No response.)

2 CHAIRPERSON HILL: All right. Mr. Young, is there
3 anyone here wishing to present?

4 MR. YOUNG: We do not.

5 CHAIRPERSON HILL: Okay. So I guess I'm going to -- if
6 y'all don't mind -- I've got to make people turn on their cameras
7 more often. But Ms. Ham-Campbell and Commissioner Lewis, just
8 hang out for one second while I just ask a question of my Board
9 members.

10 So where I'm a little lost, fellow Board members, is
11 that -- again, I guess we can ask the applicant to go back, to
12 work with the ANC on clarifying their pickup and dropoff plan.
13 That's what I'm proposing we ask the applicant to do, because
14 currently, I don't -- and we haven't gotten to the merits of the
15 case. I'm just trying to work through this one issue, because
16 currently, I have an ANC resolution that is in support of this
17 application. And so that's what I have to give great weight to.

18 And so it doesn't sound like I'm supposed to change
19 that, but it just seems to be a little bit of a misunderstanding
20 or further clarification, as to Ms. Ham-Campbell's need to work
21 with the ANC. So if I can get that assurance from Ms. Ham-
22 Campbell, that's what I'm going to plan on doing.

23 And I'm looking only at my fellow Board members. If
24 y'all just nod in approval, or raise your hand if there's an issue
25 with that?

1 Okay. Okay, great. So Ms. Ham-Campbell, I'm going to
2 recommend you go back to the ANC and clarify and work with them on
3 your pickup and dropoff plan. Okay?

4 MS. HAM-CAMPBELL: Yes, sir. And I just want it noted
5 that only seven people plan to drive to the center. And I hear
6 her saying, what if there's inclement weather? And that could
7 change that rationale --

8 CHAIRPERSON HILL: Okay. Whatever. I'm just saying,
9 you're going to work with -- you're going to work with --

10 MS. HAM-CAMPBELL: It's seven people.

11 MS. HAM-CAMPBELL: You're going to work with the ANC to
12 figure out some kind of pickup and dropoff plan. Correct?

13 MS. HAM-CAMPBELL: Yes.

14 CHAIRPERSON HILL: Okay. Commissioner Lewis, do you
15 have anything to add? I'm guessing you're on the phone with
16 somebody else from your end.

17 MS. LEWIS: Yes, one of my fellow ANC commissioners.
18 Sorry.

19 CHAIRPERSON HILL: Okay. So -- that's all right. So
20 Commissioner Lewis, do you have anything else to add?

21 MS. LEWIS: I do not. I just want to say that we do
22 support this application. We wanted this business to come here.
23 I was the one who actually put it out there that we want a daycare
24 center in our community. So we do want this.

25 But we also want the residents to have a good quality of

1 life. We do not want there to be congestion. We do not want the
2 children to be in danger while crossing, you know, during pickup
3 and dropoff. So we want to make sure that there is a good pickup
4 and dropoff.

5 CHAIRPERSON HILL: Commissioner Lewis? Commissioner
6 Lewis? I've seen you before, and I guess I'm going to see you
7 again. Right?

8 MS. LEWIS: Yes.

9 CHAIRPERSON HILL: So this is probably the way it's
10 going to -- I'm just letting you know, you're sending a mixed
11 message. Right? It sounds like you want to shut it down. Right?
12 So --

13 MS. LEWIS: No. No, no.

14 CHAIRPERSON HILL: Exactly.

15 MS. LEWIS: No.

16 CHAIRPERSON HILL: Exactly. So I'm just trying to get
17 to the middle ground. Right? So they're going to come back and
18 talk to you. Okay? About the pickup and dropoff plan. Okay?

19 MS. LEWIS: Yes.

20 CHAIRPERSON HILL: Okay.

21 Commissioner Hood? Or Chairman Hood?

22 CHAIRMAN HOOD: Mr. Chairman, I hate to -- you know,
23 chairing these hearings myself, I don't want to add to anything,
24 but when I read the letter from Bradley Thomas, who I have a lot
25 of respect for, and including anybody who does ANC, Ms. Lewis and

1 all, what he says in the letter -- neighbors raised several
2 parking concerns, including the dropoff and pickup. This goes
3 back to your point, Mr. Chairman, of children. ANC 5E will work
4 with the applicant, DC agencies, and residents to address the
5 concerns.

6 And the next, very next, sentence, ANC 5E recommends the
7 request of special exception be granted to the applicant. It's
8 there. So, I mean, obviously -- and this is what we need to see
9 more -- even though, Ms. Lewis still has concerns, but the
10 chairman and others are saying, we're going to continue to work in
11 progress, even if the Board approves or disapproves -- well, if
12 the Board approves this, we're going to continue to work.

13 So I don't know what we're going to get out of this,
14 because I can tell you, I think it's going to come back the same
15 way. They're going to continue work. But I'll leave it alone,
16 since it seems like every -- Ms. Lewis and others are all on the
17 same page. But it says it right here in this letter.

18 So that's my two cents. Thank you, Mr. Chairman. And I
19 want you to know, Mr. Chairman, this is the first time I agree
20 with you 100 percent.

21 CHAIRPERSON HILL: Okay. All right. Okay, Ms. John,
22 Vice Chair John?

23 VICE CHAIR JOHN: Just quickly, you know, the DDOT
24 letter sort of spells out what should be, as I read it, in this
25 pickup and dropoff plan. And I guess Ms. Campbell can clarify

1 what would happen if, you know, the parking space went away. So I
2 just threw that out there.

3 MS. HAM-CAMPBELL: So if the parking space went away,
4 then I would secure parking elsewhere. All I can do is look for
5 and secure parking where public parking is available, so that
6 would be the answer -- which is how I found the existing parking,
7 is by looking for existing parking options, and securing that
8 parking.

9 VICE CHAIR JOHN: Thank you. That's a little clearer
10 than what you said before. What you were doing was making a
11 commitment to maintain a parking space for the term of the lease,
12 which is a much firmer commitment and addresses the ANC's
13 concerns. And I appreciate you getting back to DDOT. But
14 apparently, there was miscommunication between you and the ANC in
15 when that coordination was supposed to take place.

16 But I agree with Chairman Hood that the ANC
17 recommendation is fairly clear. We recommend that the special
18 exception be granted. And I read that to mean that even though we
19 are -- they make that recommendation, there will continue to be
20 coordination with the ANC. Sometimes the ANC says, we will
21 approve only if you do these things. So the ANC, in this case,
22 says, we approve, but you must continue to do this.

23 So I, you know, I think even if we were to approve the
24 application without sending it back to the ANC, we could make a
25 condition that the applicant continue to work with the ANC on the

1 dropoff and pickup -- dropoff and pickup plan. And I would say,
2 in -- consistent with what's reported in the DDOT report. Because
3 the DDOT report sets boundaries on what to be done.

4 MS. HAM-CAMPBELL: Yes. And I'm sorry. I apologize for
5 -- so what happened with DDOT is, literally, our conversation
6 occurred last week, last Wednesday. So it was a conversation of,
7 is this plan okay? And then their approval of it. So it's a
8 recent occurrence of me even having a dropoff-pickup plan.

9 A, it was finding out my contractor is currently using
10 those spaces, and how he's paying management for those spaces, and
11 then waiting to get in touch with someone to see if I can continue
12 to rent those spaces, so that there was a place to drop off and
13 pick up.

14 Because otherwise, there -- unfortunately, I've not
15 heard from Commissioner Lewis in regards to creating a plan and
16 cocreating a plan. So I was under the misunderstanding that I'm
17 creating the plan, and I'm just providing notification of what
18 that plan is, because there's been no coordination. I mean, about
19 a dropoff-pickup plan.

20 VICE CHAIR JOHN: Thank you.

21 MS. LEWIS: But at the last meeting, with the approved,
22 you promised that you would work with the neighbors and the ANC on
23 a dropoff and pickup. So I was expecting --

24 CHAIRPERSON HILL: Okay. I'm back. I'm back. I'm
25 back. Oh, God.

1 Ms. John?

2 VICE CHAIR JOHN: I know this is your meeting.

3 CHAIRPERSON HILL: It's not my meeting. It's not my
4 meeting. This is with -- it's not my meeting. It really is.
5 This is our meeting, and we're working together to try to figure
6 out whether or not we should --

7 VICE CHAIR JOHN: Actually, I got my questions answered,
8 and I really don't need to hear from the commissioner or Ms.
9 Campbell anymore.

10 CHAIRPERSON HILL: Okay. Okay.

11 VICE CHAIR JOHN: I think my answers were questions.
12 Were answered. My questions were answered. That's all I was
13 trying to say. Thank you.

14 CHAIRPERSON HILL: Okay. Okay, great. All right.
15 Okay. All right. Does anybody have anything else?

16 (No response.)

17 CHAIRPERSON HILL: Okay. All right. Ms. Ham-Campbell,
18 you have anything else you'd like to add at the end?

19 MS. HAM-CAMPBELL: No. Thank you all for your time, and
20 the opportunity. Thank you.

21 CHAIRPERSON HILL: Okay. Okay. Great. Thank you. All
22 right. Thank you for coming. Thanks, Commissioner. All right.
23 See you guys in -- I'm closing the hearing and the record. Now,
24 excusing people.

25 I'm definitely letting somebody else start. So who

1 | wants to start? I know I usually pick on Mr. Smith right away,
2 | but does anyone raise their hand?

3 | Ms. John? There you go.

4 | VICE CHAIR JOHN: Okay. So I'll start. I think that
5 | the application meets the criteria for approval, and I believe the
6 | Office of Planning did a good job in explaining how the
7 | application meets the criteria.

8 | So I am -- I'm concerned that they -- there was not a
9 | lot of coordination with the ANC, concerning the pickup and
10 | dropoff plan. But the ANC report unequivocally states that the
11 | ANC supports granting the special exception. Expression of the
12 | concern appeared to me to be a request for continuing
13 | coordination, as to what that plan would look like.

14 | I am satisfied that DDOT is not uncomfortable with the
15 | oral presentation made by the applicant. But I think it should be
16 | in writing, or the Board could make it a condition. If the Board
17 | were to approve the application, the Board could craft a condition
18 | that would meet the conditions that DDOT described. So I would
19 | support the application.

20 | CHAIRPERSON HILL: Okay.

21 | Mr. Smith?

22 | BOARD MEMBER SMITH: I largely agree with what Ms. John
23 | stated. I do believe that they have met the standards for a
24 | special exception, but to me, there are a lot of loose ends on the
25 | part of even this question about the pickup and dropoff plan, when

1 | it comes down to the ANC.

2 | And also, we don't have anything from writing from DDOT
3 | that explicitly states that they support this plan that they do
4 | spell out in the letter. It's not exactly clear to me that DDOT
5 | has completely endorsed it. It seems to me, in the writing, they
6 | state what the applicant would do, but it's -- to me, they don't
7 | see it as necessarily concrete.

8 | Do I think that DDOT believes that they can get to a
9 | point with the applicant that they can approve a PUDO? Yes,
10 | because they did put it -- they did write, in the last sentence,
11 | the last two sentences, that they would support some type of
12 | condition.

13 | But given some of the concerns that we heard from the
14 | ANC today, I'm not prepared to move forward with approving the
15 | special -- me, personally, prepared to move forward with approving
16 | the special exception today. I would support additional dialogue
17 | with the ANC, and to get something concrete from DDOT before
18 | approving.

19 | CHAIRPERSON HILL: Okay.

20 | Mr. Blake?

21 | BOARD MEMBER BLAKE: Yes. I believe that the criteria
22 | have been met for the special exception. I think there has been a
23 | lack of communication in this most recent phase, between the
24 | applicant and the ANC. But I don't see -- that's what I see.

25 | I think that, for example, the incremental information

1 we got from the survey gave a pretty good idea that the traffic
2 that comes to this particular site may well be from local traffic,
3 as it is with the other Petit Scholars locations. So there will
4 be a lot of foot traffic, so dropoff won't be that difficult.

5 But it could be. When inclement weather's there, it's
6 tough. They are serving infants and toddlers. I'm very sensitive
7 to that. Takes a lot longer to get infants and toddlers from the
8 car into the location. So there are some issues there. But this
9 is something that they have managed in their other locations, to
10 get done.

11 I do think they need to work with the ANC to come up
12 with a good plan. So we could make it a condition of the order
13 that they work out a plan approved by DDOT and in concert with the
14 ANC.

15 But this is a needed element for the community. I would
16 cite things such as, you know, the support of all the neighbors,
17 the written support of ANC, the Bloomingdale Civic Association has
18 stepped up to it and supported, it's got a waiting list. This is
19 a needed service for the community, and I would be hesitant to
20 delay its implementation because of a kink that does need to be
21 worked out. So I would be able to support this.

22 CHAIRPERSON HILL: Okay.

23 Chairman Hood?

24 CHAIRMAN HOOD: I have to agree with Board Member Blake.
25 I cannot do any justice to his statement. I have -- this must be

1 the newbies. I agree with him 100 percent. I'm agreeing with the
2 BZA today 100 percent.

3 And I'm glad he mentioned this is a well-needed resource
4 for the city, not just for the neighborhood, but for the city. I
5 think he's 100 percent dead on. The only thing I will add,
6 though, is that, again, like I said earlier, if these kind of
7 things don't work, nobody's coming. And I'll leave it at that.

8 CHAIRPERSON HILL: All right. So this is what I think.
9 I mean, I -- I mean, I was, like, I was going to -- I was going
10 to cheer the presentation. I thought the presentation was a
11 lovely presentation. I actually thought she did a great job for
12 someone who is -- it's not her job. You know? She's not a zoning
13 attorney.

14 And so -- and I thought, you know, she went through
15 quite a lot, and it seemed -- it's too bad that on the last
16 hurdle, here, there seems to be a little bit of a trip-up, in that
17 the applicant hasn't gone back to the ANC to formalize this PU --
18 you know, the pickup and dropoff plan.

19 I do think that, to begin with, I think think they're
20 meeting the criteria, and I'm going to agree with the Office of
21 Planning. Right? I think that they are meeting the criteria.

22 I don't want to hold this up. I apologize, Mr. Smith.
23 And we'll see if I got the votes or not. I don't want to hold
24 this up for working with DDOT.

25 I mean, DDOT's not the one that approves this stuff.

1 It's us. Right? DDOT could say no. And I still think that she's
2 met the criteria that I'm comfortable with, in terms of granting
3 this application. Right? I mean, if DDOT gets their side, then
4 DDOT can come over there, they can do it all. But I'm tired.

5 And so anyway, so I'm going to vote yes, and I'm going
6 to throw out a motion, and then we'll see what happens. And I'll
7 get to you, Mr. Smith.

8 And then I guess we could, if we want to, put in the
9 condition -- I mean, I think it seems like they're going to do it
10 anyway, but in a condition of the applicant will go back to the
11 ANC and work with them to put together a pickup and dropoff, PU --
12 PUDO. Pickup and dropoff plan.

13 Mr. Smith?

14 BOARD MEMBER SMITH: So I think I've -- you know, after
15 hearing the testimony of my fellow Board members that spoke,
16 again, I'll reiterate that I do believe that they met the criteria
17 for us to be able to grant the special exception.

18 And, you know, my concern was just out of caution of
19 pushback from the ANC representative. But we do have a letter in
20 hand from the ANC now, and it seems to me, based on the testimony,
21 that the applicant is attempting to do the right thing, and will
22 reach out to the ANC. And if we do condition the application to
23 provide that -- an approved PUDO, dropoff plan, to DDOT, that
24 seems to satisfy their concerns. So I will vote to approve.

25 CHAIRPERSON HILL: Okay. All right. I'm going to make

1 a motion. See what happens. I'm going to make a motion to
2 approve Application Number 20488, as captioned and read by the
3 secretary, including a condition which states that the applicant
4 will work with the ANC to come up with a pickup and dropoff plan,
5 and ask for a second. Ms. John?

6 VICE CHAIR JOHN: Second. And submit it to the record.

7 CHAIRPERSON HILL: And submit it to the record. I will
8 keep -- we will keep the record open for the completed pickup and
9 dropoff plan, once it is completed.

10 VICE CHAIR JOHN: Thank you.

11 CHAIRPERSON HILL: And Ms. John has seconded.

12 Ms. Moy, could you please take a roll call?

13 MR. MOY: When I call each of your names, if you would
14 please respond with a "yes", "no", or "abstain" to the motion made
15 by Chairman Hill to approve the application for the relief
16 requested, with the one condition, as he has cited in his motion?

17 The motion was seconded by Vice Chair John.

18 Zoning Commission Chair Anthony Hood?

19 CHAIRMAN HOOD: 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: Chairman Hill?

2 CHAIRPERSON HILL: Yes.

3 MR. MOY: Staff would record the vote as five to zero to
4 zero. And this is on the motion made by Chairman Hill to approve,
5 with the condition, as cited. The motion was seconded by Vice
6 Chair John. Motion was also in support by Zoning Commission Chair
7 Anthony Hood, Mr. Smith, Mr. Blake, and of course, Vice Chair John
8 and Chairman Hill. Motion carries, sir, on a vote of five to zero
9 to zero.

10 CHAIRPERSON HILL: Okay. All right. Okay. I don't
11 know. What do you guys want to do? I think even the next one may
12 take a little time. It's 1:00. I'm fine with whatever. This
13 next one might take -- could take 30 to 40 minutes. And then we
14 have two more that might take two hours. Y'all want to stop for
15 lunch? You guys want to keep going?

16 BOARD MEMBER SMITH: Stop for lunch.

17 CHAIRPERSON HILL: Stop for lunch? Okay. I saw you
18 nod, Mr. Smith. I didn't know whether it was a stop for lunch or
19 keep --

20 BOARD MEMBER SMITH: Excuse me. I'll turn on my mic for
21 clarification.

22 CHAIRPERSON HILL: Right. Exactly. All right. So
23 we'll go ahead and stop for lunch. See us all around, like --
24 1:50, let's shoot for? Let's see what happens. Okay? Thank you.
25 Thank you.

1 (Whereupon, the above-entitled matter went off the
2 record and then resumed at 1:58 p.m.)

3 CHAIRPERSON HILL: I think we've got to -- looks like
4 we've got everybody. So you can go ahead and call our next case.

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

6 The Board is back in its public hearing session after a
7 quick lunch recess. The time is at or about 1:59 p.m.

8 The next case application before the Board is Number
9 20508. This is of 9 New York Avenue, LLC. The application is
10 amended for special exceptions from the minimum loading berth
11 requirements of Subtitle C, Section 901.1, pursuant to Subtitle C,
12 Section 901.2(A); and Subtitle X, Section 901.2.

13 The project would raze the existing three-story building
14 and construct a 14-story, with penthouse, 116-unit apartment
15 building, in the D5 zone. The property is located at 7 New York
16 Avenue Northeast, Square 671, Lot 14.

17 May want to amend the caption, where I mentioned
18 penthouse, because the penthouse height restriction -- the
19 restrictions of Subtitle C, at Section 1500.9, was removed or
20 withdrawn by the applicant. But we can clarify that with the
21 applicant, Mr. Chairman.

22 Other than that, Mr. Chairman, the other preliminary
23 matter is that one of the persons who had signed up to speak in
24 opposition -- his name is Zachary Thomas -- he could not be
25 available at this point, so he submitted his written testimony

1 through BZA submissions, as well as a waiver to waive the time
2 requirement, because of the 24-hour block. So that's before you,
3 as well, Mr. Chairman.

4 CHAIRPERSON HILL: Okay, great. Thank you. All right.
5 Let me go through and see where we are.

6 Is it Ms. Roddy?

7 MS. RODDY: Yes.

8 CHAIRPERSON HILL: Are you with the applicant?

9 MS. RODDY: Yes.

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

12 MS. RODDY: Sure. Christine Roddy, land use attorney
13 with Goulston & Storrs, here on behalf of the applicant.

14 CHAIRPERSON HILL: Great. And I guess you have Mr.
15 Andres with you, and Mr. Lallement?

16 MS. RODDY: Exactly, yes.

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

19 (No response.)

20 CHAIRPERSON HILL: You're on mute, Mr. Andres.

21 MR. ANDRES: I apologize.

22 Good afternoon, Commissioner (sic) Hill. For the
23 record, my name's Erwin Andres, principal with Gorove Slade
24 Associates.

25 CHAIRPERSON HILL: Okay.

1 Mr. Lallement? Could you introduce yourself for the
2 record?

3 MR. LALLEMENT: Good afternoon, Board members. My name
4 is J. B. Lallement. I'm the designer, architect representing Eric
5 Colbert and Associates with this project.

6 CHAIRPERSON HILL: Great.

7 Commissioner Eckenwiler, could you introduce yourself
8 for the record?

9 MR. ECKENWILER: Can you hear me, Mr. Chairman?

10 CHAIRPERSON HILL: Yes.

11 MR. ECKENWILER: Okay. Great.

12 Yes. Thank you. Mark Eckenwiler, Vice Chair ANC 6C,
13 here on behalf of the ANC.

14 CHAIRPERSON HILL: Commissioner, it's been a long day,
15 so I don't even have a whole lot of time to joke around, but you
16 didn't dress up for us. Did you?

17 MR. ECKENWILER: Did you notice my background, Mr.
18 Chairman?

19 CHAIRPERSON HILL: Yeah. Oh, wow. Pretty impressive.
20 That's pretty good. It's the waiting room.

21 Mr. Eckenwiler, Commissioner, you didn't dress up for
22 us. Did you?

23 MR. ECKENWILER: You know, I thought I would just
24 hearken back to those golden days when we met in person and I had
25 hair.

1 CHAIRPERSON HILL: There you go. All right. Well,
2 that's -- we're at least starting off on a positive note. I like
3 it.

4 All right. Ms. Roddy, can you hear me?

5 MS. RODDY: I can. And I believe the property owner's
6 also here to -- Mr. Rishi Bhatnagar.

7 CHAIRPERSON HILL: Okay. I don't see him. Is he on the
8 line, Mr. Young?

9 MR. YOUNG: Yeah, he's calling in by phone.

10 CHAIRPERSON HILL: Okay. Could you allow him in,
11 please?

12 MR. YOUNG: Yeah, I can unmute him.

13 CHAIRPERSON HILL: Excuse me, sir. Can you hear me?

14 MR. BHATNAGAR: Yes. Yes, hi.

15 CHAIRPERSON HILL: Could you go ahead and introduce --

16 MR. BHATNAGAR: Hi, sir.

17 CHAIRPERSON HILL: Could you -- hello. Could you
18 introduce yourself for the record, please?

19 MR. BHATNAGAR: Sure. My name's Rishi Bhatnagar, and
20 I'm with the applicant in my New York Avenue LLC. And thank you,
21 Chairman and members of the Board, for taking the time to hear our
22 application today.

23 CHAIRPERSON HILL: Sure, you're welcome. I love how
24 people thank us, like we have a choice.

25 Okay. Let's see. Ms. Roddy, if you can go ahead and

1 tell us why you believe your client is meeting the criteria with
2 which we can grant the relief being requested? I believe you had
3 a Power Point. And I am going to get through a couple of issues
4 now, preliminary matters, but I know you have a PowerPoint that I
5 saw.

6 But before I pull that up, Mr. Young -- Ms. Roddy, I
7 guess you guys have revised your self-cert. Correct? To strike
8 the penthouse height restriction, really?

9 MS. RODDY: That is correct.

10 CHAIRPERSON HILL: Okay. So I am going to go ahead and
11 allow that into the record, that changed on -- the self-cert,
12 unless the Board has any issues with it, because I'd like to be
13 here for the right thing. And so that's Number 1. I don't see
14 anybody raising their hand.

15 Number 2 is that there was a witness that we were going
16 to have, but because the day went longer than he had thought, he
17 submitted something into the record, which is inside the 24 hours.

18 So I would like to go ahead and allow that into the record,
19 unless the Board has any objection. And if so, please raise your
20 hand.

21 Seeing none, okay, we've done that.

22 All right. Ms. Roddy -- Mr. Young, if you could pull up
23 Ms. Roddy's PowerPoint?

24 And then I guess, Ms. Roddy, I'll let -- I'll put 15
25 minutes on the clock, just so I know where we are, and you can

1 begin whenever you like.

2 MS. RODDY: Thank you. We had also proffered two expert
3 witnesses. We had our architect, Mr. J. B. Lallement, and Erwin,
4 who has been -- Erwin Andres, who has been accepted as an expert
5 in transportation consulting. Mr. Lallement, I don't believe, has
6 been accepted by the BZA, but I believe he has been accepted by
7 the Zoning Commission.

8 CHAIRPERSON HILL: Okay. Is that in the record
9 somewhere? I don't remember seeing it.

10 MS. RODDY: Their resumes, yes.

11 CHAIRPERSON HILL: Do you know which exhibit?

12 MS. RODDY: I believe it is 29.

13 CHAIRPERSON HILL: No that's Mr. Andres.

14 MR. ECKENWILER: I think it's in 30B, like Bravo.

15 CHAIRPERSON HILL: Thank you, Commissioner.

16 MS. RODDY: Thank you.

17 CHAIRPERSON HILL: Okay. Give me a second. Okay.
18 Okay.

19 Mr. Lallement, I don't have any issues with you being
20 accepted as an expert in architecture, unless my Board members
21 have any questions about that. And please speak up, because I
22 can't see everybody.

23 Okay. Hearing none, we'll go ahead and allow you into
24 this record.

25 Mr. Lallement, you have more hair in your picture, also.

1 We're all going back --

2 MR. LALLEMENT: Yes.

3 CHAIRPERSON HILL: Right. Okay. So -- all right.
4 Great.

5 And then, Mr. -- I'm sorry, I was just informed, I
6 guess, that Ms. Roddy, yours says 7 New York Avenue. It's
7 actually supposed to be 9 New York Avenue.

8 MS. RODDY: The owner is 9 New York Avenue. The address
9 is 7 New York Avenue.

10 CHAIRPERSON HILL: Oh, that's interesting. Okay. All
11 right. Okay. You can begin whenever you like.

12 MS. RODDY: All right. Well, I appreciate it. Thank
13 you. And as I said, Christine Roddy with Goulston & Storrs, and
14 we're happy to be here today. And I'm here with the project team
15 for 7 New York Avenue Northeast to present a request for special
16 exception relief from the loading requirements.

17 The project site is located in the D5 zone district, and
18 it will be redeveloped as a residential building, triggering a
19 loading requirement for one berth, one platform, and one service
20 and delivery space. There are significant challenges to providing
21 these required spaces within the building, leading to this request
22 for relief.

23 The applicant proposes to instead designate a space on N
24 Street for curbside loading and unloading, and in our presentation
25 today, we will provide an overview of the spatial challenges of

1 providing loading onsite, as well as the applicant's efforts to
2 mitigate potential impacts from on-street loading, mainly through
3 the adoption of a loading management plan, demonstrating the
4 application satisfaction with the special exception standard.

5 So we are happy to be here today with the support of
6 both OP and DDOT, neither of whom object to the requested relief.

7 The ANC, as you noted, in their submitted resolution,
8 unfortunately, does not support the request for relief. And when
9 we presented to the planning and zoning committee, they had
10 requested that we study alternative loading schemes, which we did,
11 and we'll walk through those alternatives today.

12 One was a pull-in from N and pull-out onto New York.
13 And the other was backing in from N and then pulling back out onto
14 N. And unfortunately, neither of those options are viable from
15 either an operations standpoint, but more importantly, from the
16 standpoint of complying with DDOT's policies and standards.

17 So we do have two witnesses today who will testify this
18 afternoon. We have our project architect and transportation
19 consultant, and as I mentioned, we also have the property owner,
20 should you have any questions for him, as well.

21 So with that, I will turn it to Mr. Lallement to walk
22 through the building.

23 MR. LALLEMENT: Good afternoon, Board members. My name
24 is J. B. Lallement. So if you can go to the next slide, please?

25 So our site is bounded by New York Avenue at the front,

1 north, N Street on the south, North Capitol to the west, and we
2 have the Hyatt hotel to the east. You can really see the unique
3 shape of the site. It's triangular-shaped. It's also a pretty
4 small site. It's a little bit over 5,500 square feet. The size
5 and shape of the site is really the origins of our challenges in
6 the design of this project. Can you go next, please?

7 So, quick overlook of the project. Since it's a wedge-
8 shaped building with bay projections applied on each side on New
9 York Avenue and M Street, we do believe that the rhythm and the
10 repetition and simplicity of the bay projection is what makes this
11 building elegant. You can go next, please.

12 So once again, this is the main entry on the N Street
13 South, we have the bay elements and the main entry, which is
14 located between the first two bays on the south side. Going next.

15 So going to the floor plan. Due to the unique shape of
16 the site, and by meeting the requirement, the setback of the
17 penthouse floorboard, you can see that most of the grey area, it's
18 mostly utilities and everything to make the building function. So
19 we have a bit more utility, mechanical room, at the gondola, due
20 to the fact that the penthouse is pretty small when you do the
21 one-to-one setback. So you can see, we have the main entry on the
22 south side, which -- we have the blue arrow. And in the red, we
23 have the service access to the east. Next, please?

24 Just another look at the building. You can see all the
25 bay projections are not only really important, in terms of facade

1 design, the appearance of the building, but those are very
2 important to the unique layout, and to the entire unit. Going
3 next, please?

4 Penthouse. We are not seeking a relief for the
5 penthouse anymore, as we were able to squeeze the steps select
6 into the footprint of the penthouse by massaging the elevator,
7 going to some specific manufacturers of elevators and being a bit
8 more creative there. But you can see we're also providing some
9 equipment there, and then the rooftop of this penthouse is full of
10 equipment. So going next.

11 So this is what we are proposing as a ground-floor,
12 going back to the ground-floor level, loading from the street.
13 And Erwin will talk a bit more about it. But we are providing a
14 service access to the side. So each side of the building, with
15 the staging area, and giving you -- give access to the trash or to
16 the elevator lobby.

17 I want to go through now a series of diagrams to explain
18 to you the challenges of accommodating the loading into the
19 building. If you can go next?

20 So this is one of the diagrams -- there's two -- meeting
21 the DDOT requirements, and providing the truck turning movements
22 inside the building. And you can see, in yellow, it's pretty much
23 the only location we can locate some of the vertical separations
24 for the building. And adding this truck maneuvering into the
25 property, really speccing for space and competing with space,

1 again, this vertical -- and we could not accommodate both. If you
2 go next, as well?

3 So you can see, if you provide an access through N
4 Street, we have the same issue. The truck cannot maneuver inside
5 the property to be able -- without interfering with the elevator
6 and the old vertical separations. So going next.

7 So we did a series of -- after reaching out to the ANC,
8 we did a series of diagrams where we put through the buildings.
9 So this one, entering through N Street and exiting through the New
10 York Avenue. Once again, you can see this triangle where,
11 actually, we are able to fit the elevator core into the footprint
12 of the building. But none of the stairs will fit, and will have
13 to be outside of the penthouse, creating a lot of challenges to
14 transfer back the stairs into the penthouse footprint.

15 You also have the impact for the building, as we need to
16 create this opening, this loading path, need to be at least 40
17 feet tall, which means two stories tall, giving some big
18 implication into the unit above.

19 You'll see, we'll have to have some impact on the bay
20 projection we're providing on the east side, on the north side,
21 and the south side, of the building. But also, once again, going
22 back to the previous diagram I showed you, having more separation
23 means that most of the ground floor will be mostly occupied for
24 utility, mechanical proper, and as we try to preserve a nice
25 street experience for -- at the street level.

1 We have pretty much the same issue on the next scheme,
2 which is actually a scheme where we pull in and pull back -- let's
3 see. If we can go to the next space? Next slide?

4 We still have an impact on the stairs, the stairs do not
5 fit into the footprint of the penthouse. They need to be kicked
6 out of the footprint, and once again, we need to double heights.
7 So this ups the restriction, and also creating a little bit more
8 function space and more mechanical equipment. Have to shift and
9 take over some of the amenity spaces.

10 It's a brief overview. I think I'm going to let Erwin
11 take over now to talk about the impact on the public space.

12 MR. ANDRES: Sure. Next slide? So J. B. had gone
13 through the site plan, and I just wanted to highlight, well, some
14 of the important elements, where the bike spaces are, where the
15 loading zone is.

16 Now, if we go through the plan alternatives again -- can
17 you scroll up two or three slides, please, Mr. Young? No, like,
18 in the other direction. Okay. Yeah. This is an important one.
19 So J. B. had identified what the impacts to the building are,
20 given some of these options. I think it's critical that I go
21 through what the impacts to the public space and the
22 transportation network are.

23 We have extensive experience working with DDOT, and as
24 far as this, this is not any different. This project isn't any
25 different, relative to our coordination with DDOT. So typically,

1 when we get cases like this, where we show a hardship relative to
2 providing onsite loading, we go to DDOT to essentially determine
3 what the viable alternatives are.

4 This was in response to our initial meeting with the
5 ANC. We had spoken -- the meeting with DDOT. The ANC had given
6 their comments at a preliminary meeting we were at. And then, so
7 we went back to DDOT, to see if they -- if there was any
8 flexibility, and based on our discussions with DDOT, a couple
9 things were more important.

10 First is that any curb cut on New York Avenue, which is
11 a major arterial, especially in this part of town, as you're
12 probably very familiar with the site, is pretty significant. It
13 was essentially almost a non-starter. Well, it was a non-starter.

14 They were vehemently opposed to any curb cut on New York
15 Avenue, especially for a condition that they thought would be
16 accommodated with curbside loading, especially in a situation
17 where -- I appeared before this Board on other cases where similar
18 conditions, relative to constraints onsite have led us to an on-
19 street loading alternative. So that was the first point that that
20 made very clear, that any curb cut on New York Avenue was not
21 acceptable to them.

22 The second point they made -- and actually, Mr. Young,
23 if you can go to the previous slide -- is that any condition where
24 there are back-in movements from the public street were also
25 something that they considered as not tenable for them, especially

1 given where the site was located, in context.

2 This site is very well approximate to the Metro rail
3 station. The Metro is approximately two blocks to the east. And
4 so in that respect, there's a certain amount of pedestrian traffic
5 in and around this block, as this block becomes more and more --
6 as more redevelopment occurs in this neighborhood. It was
7 important for DDOT to maintain clear pedestrian paths, consistent
8 with their policies.

9 So given those two elements -- no New York Avenue curb
10 cut, no back-in loading -- essentially only provided us one viable
11 alternative, which is an alternative, as I said before, that is
12 consistent with the way they treated other cases of this type, and
13 other cases where I've appeared before this Board.

14 So in that respect, we've identified a loading manager
15 plan that is consistent with the way DDOT helps manage situations
16 like this, where no back-in loading and no curb cuts and no pull-
17 through activity through the site was something that they thought
18 was appropriate.

19 You know, it's our understanding that the ANC has issued
20 a letter identifying what their concerns are. And their major
21 concerns were, you know, why wasn't the New York Avenue pull-
22 through explored? And it was. And unfortunately, I'm not sure if
23 anybody from DDOT was here, but we did ask DDOT to reach out to
24 the Office of Planning to provide their statements. And I believe
25 they've done that.

1 So the pull-through sort of option was something that
2 DDOT had expressed to us that they were not -- that they would not
3 accept. So in that case, you know, the concept of having a
4 curbside loading space, again, consistent with other curbside
5 loading spaces throughout the District is something that we
6 thought was appropriate.

7 As part of that, we have identified in our loading
8 management plan that the loading coordinator for the building
9 would be responsible for scheduling deliveries -- excuse me,
10 scheduling move-ins and move-outs for this type of facility.

11 And the reason why they would be scheduled, not because
12 they can necessarily police the curbside loading, which is what
13 the ANC had written in their letter, but it was more to minimize
14 the impact of that loading. They didn't want a situation where,
15 you know, more than one resident was moving in and moving out at
16 that loading space. So they were trying to control that
17 internally.

18 It is a public facility that is shared, that is
19 available to other users in the neighborhood, but to make it clear
20 that there -- that our next-door neighbor, the Hyatt, has their
21 own loading dock, so chances are they wouldn't necessarily need
22 that.

23 In addition to that, this loading area also provides a
24 benefit in that it provides curbside space, so that in times when
25 there isn't loading, primarily in the evenings, it is a space that

1 is available for pickup and dropoff for car share, for Ubers,
2 Lyfts, and things of that nature. It's also available for short-
3 term deliveries for -- that are consistent with an apartment
4 building of this type.

5 So we believe that this loading area has a benefit that
6 not only serves the loading function, but also has other functions
7 that it can serve, that would help mitigate this condition where
8 we do not have loading docks.

9 So with that, I'm available for questions, and if you
10 want to go through some of the details of the loading management
11 plan, I'm also available for questions.

12 CHAIRPERSON HILL: Okay. We might go through the whole
13 thing and then come back. I do have a quick one, just because I
14 don't want to forget it.

15 You just said, shared public facility. Again, that
16 pull-in, right, it's not the building's. Meaning, anybody could
17 pull in there. And so the loading management plan supposedly is
18 going to keep other people from using that during the move-in-
19 move-out times?

20 MR. ANDRES: No. So as the -- so what typically happens
21 is, if it were the loading dock for the building, the loading
22 manager would typically schedule these loadings -- these loading
23 facilities, so that you wouldn't have more than one resident
24 moving in or out at a time.

25 Now, obviously, we don't control, necessarily, the

1 public space, but we're still trying to manage that activity, so
2 more than one resident doesn't --

3 CHAIRPERSON HILL: Right. And I'm saying, Mr. Andres,
4 the public space, you're speaking to the pulling -- the loading
5 zone area.

6 MR. ANDRES: Yes.

7 CHAIRPERSON HILL: Okay. Got you. Okay.

8 MR. ANDRES: So even though, technically, even though we
9 don't have authority to enforce it, at a minimum, we're trying to
10 control and manage our population, who would be eligible for using
11 that.

12 CHAIRPERSON HILL: Got you. Okay.

13 I guess, if the Board doesn't mind -- and I'm sorry that
14 I jumped to the head of the line -- maybe we'll go -- because I
15 can't see everybody's face. Maybe we'll go ahead and let Ms.
16 Roddy continue, and then we'll come back. Or, I don't know, maybe
17 this is better now.

18 MS. RODDY: This is is all of our presentation, so feel
19 free to ask questions.

20 CHAIRPERSON HILL: Oh, okay.

21 MR. ANDRES: And we also have available photos at the
22 end of our presentation, so you can see what the existing
23 condition is.

24 CHAIRPERSON HILL: Right, right. Right, I'm just -- I
25 want to keep this up, Mr. Young. I'm just trying to see all my

1 fellow Board members, and for some reason, I can't scroll. No,
2 can't scroll. Well, maybe I can scroll. Yeah. Okay.

3 So does any -- because this thing might be helpful, if
4 y'all want to talk about it. Does anybody have questions for Mr.
5 Andres or the applicant?

6 Chairman Hood?

7 CHAIRMAN HOOD: Yeah, I have a couple of quick
8 questions. Mr. Andres, you know I like to run through this.
9 Let's put up the most difficult diagram. Not the back-in-back-
10 out. Let's go to another one. With the turning radius. Not the
11 in-and-out. I think it's another one. The third one.

12 MR. ANDRES: Yeah, there's probably one before that.

13 CHAIRMAN HOOD: Okay, let's go to -- let's go to that
14 one. And could you take your -- I guess you -- well, I don't
15 know. No, you probably -- you can't do that. Okay. Kind of
16 explain to me the movement.

17 MR. ANDRES: So in this movement -- they call it a
18 delivery vehicle, is heading east on New York Avenue. They just
19 passed North Capitol Street and they're heading east. They turn
20 right into the site.

21 And in order for them to turn themselves around, because
22 DDOT's policy, as I mentioned before, is, all loading should occur
23 with the vehicle -- with the truck heading in, making the
24 movements, and then heading out, so that there's no condition
25 where they're backing in or backing out, in order to access the

1 loading facility.

2 If you notice, because the width of the lot in the
3 fattest part of the building is approximately 70 feet, for a 30-
4 foot truck to make the maneuvers to essentially turn themselves
5 around, it becomes extremely difficult. They have to do many
6 maneuvers. It obviously takes up a significant amount of ground
7 floor, in order to do that.

8 And, you know, and that's -- it's almost a situation
9 where, if you're making deliveries, you probably wouldn't want to
10 pull in the loading dock, given the number of turns that they
11 would have to make in order to pull out. And so in that respect,
12 this is probably the most difficult turning maneuver that you
13 would need to make, where you pull head-in, and then turn yourself
14 around and pull in.

15 CHAIRMAN HOOD: Mr. Andres, let me see if I can describe
16 this. So we pull in, right, from New York Avenue, to the project.
17 You pull forward, pull back a little bit, then we pull up again,
18 then we pull back a little bit, then we pull up, we straighten up,
19 and then we pull all the way back in. Is that a fair assessment?

20 MR. ANDRES: Yes, it is.

21 CHAIRMAN HOOD: And then when you pull out, you just
22 pull out and you go to the right.

23 Now, Ms. Roddy, let me ask -- or the applicant, let me
24 ask a question. Is this a design issue that's making it like
25 this, why you can't meet the requirement? Or is the design issue

1 to a point, if you redesign it, is it still a cost to the project?

2 You know, is it economically feasible for the project?

3 Because I think the design could probably change and
4 probably can work. But anyway, I'll let you all answer the
5 question. I don't want to answer it for you.

6 MS. RODDY: So I think there's --

7 MR. LALLEMENT: Oh.

8 MS. RODDY: -- something -- there's a couple of items
9 here, and I will let the architect also speak, since he --

10 MR. LALLEMENT: Yeah, if I may.

11 MS. RODDY: -- is a little bit more experienced on that.

12 MR. LALLEMENT: You can hear me? Yeah? Okay.

13 So you can see in the triangle, the yellow triangle, the
14 middle of the site, it's pretty much the only location where we
15 can locate the elevators for the building. As you know,
16 elevators, they are -- they need overrun, which is where they run
17 into the penthouse level. So in-able to meet the one-to-one
18 setback.

19 So pretty much, this line is going to put off the
20 building 20 feet on each side. This is the area -- the only
21 location where I can locate my elevator and meet the one-to-one
22 setback for the penthouse. If I put my elevator outside of this
23 triangle, my elevator will not be in the footprint of the
24 penthouse, and it will not meet the zoning requirement.

25 MS. RODDY: And it's significant here because this

1 building is at its Height Act height, so that we cannot request
2 relief for the setback for the penthouse. So we initially were
3 asking for relief for the varied heights of the setback of the
4 penthouse, but not for the setback itself.

5 So I do want to clarify that, as well, because as you
6 can see, and as Mr. Andres has testified, the widest point of the
7 site is to the east. And that is the most obvious place and the
8 one place where we can, because of that fact, locate the core.

9 CHAIRMAN HOOD: Okay.

10 MS. RODDY: You know, just because -- a few other items
11 to your question, Commissioner Hood, that doing this would have a
12 first floor of loading maneuvers, so the pedestrian would either
13 be looking in at trucks doing loading maneuvers, or you would have
14 a wall along New York Avenue and along N, which wouldn't --
15 neither of those would be ideal from a pedestrian standpoint.

16 But then also, back to the earlier point of New York
17 Avenue and DDOT's nonsupport for having a curb cut from New York
18 Avenue, just makes this a non-starter, as well.

19 CHAIRMAN HOOD: Okay. All right. Thank you. I'll
20 continue to listen to the discussion.

21 Thank you, Mr. Chairman.

22 CHAIRPERSON HILL: Okay. Who's next? I don't know why
23 I can't scroll.

24 Mr. Blake?

25 BOARD MEMBER BLAKE: Yes. Just a quick point of

1 clarification. The use of a 30-foot truck. Would it matter
2 specifically if you changed the size of the truck, made it a
3 little smaller, to simplify this? Or is the truck size a
4 standardized measure?

5 MR. ANDRES: So the truck size is a standard
6 measurement. So an SU-30-foot truck is big enough for most of,
7 you know, most of your delivery or U-Haul trucks. So, you know,
8 in that case, that's why we thought that it was appropriate to use
9 a truck of this size.

10 But -- I guess that answered the question. If we use a
11 smaller truck, you would still be in a situation where you're
12 doing just as many movements, because of the fact you are
13 constrained. It's, you know, to turn yourself around in 70 feet,
14 in a space of this size, even for experienced drivers, would be
15 extremely difficult to minimize the number of movements. You
16 would still need to make as many movements as are shown.

17 BOARD MEMBER BLAKE: Okay.

18 CHAIRPERSON HILL: I can now see Mr. Smith and Ms. John.
19 Do you all want to -- okay.

20 Ms. John?

21 (No response.)

22 BOARD MEMBER SMITH: You're on mute, Ms. John.

23 VICE CHAIR JOHN: First time today.

24 Mr. Andres, is there anything in the record where DDOT
25 has said that DDOT will not approve a curb cut on New York Avenue?

1 MR. ANDRES: So I believe in their review letter -- I'm
2 not sure what the -- it's dated September 10th, 2021. They do
3 identify that, on Page 4, you know, they talk about that we would
4 need to go to the public space as part of the permitting process.

5 So you would still have to go to the public space in
6 order to do that, but given our experience working with DDOT,
7 given our discussions with the DDOT reviewers who provide the
8 input and public space, they made it very clear to us that it was
9 something that they would not -- that they would not support for
10 public space.

11 MS. RODDY: And I'll also add that in the Office of
12 Planning's report on Page 3, they indicate that they spoke with
13 DDOT, and it says that the District Department of Transportation
14 informed OP that a curb cut would not be supported, and would be
15 in violation of DDOT's Design and Engineering Manual requirements.

16 VICE CHAIR JOHN: Okay. Thank you. Because in my
17 experience, DDOT has said it will not approve a curb cut, when
18 there is no likelihood of getting approval. So I was wondering
19 why, in this case, DDOT had said nothing about whether or not it
20 would approve of the curb cut.

21 I looked at the letter, and that's why I asked if there
22 was something else that, you know, could demonstrate that DDOT was
23 not in favor of a curb cut. So thank you for your answer.

24 CHAIRPERSON HILL: Ms. John, I lost you again. Is there
25 anything more you have?

1 VICE CHAIR JOHN: No, no. I said thank you for your
2 answer.

3 CHAIRPERSON HILL: Okay.

4 VICE CHAIR JOHN: So I have nothing more.

5 CHAIRPERSON HILL: Mr. Smith?

6 BOARD MEMBER SMITH: I don't have any questions.

7 CHAIRPERSON HILL: Okay. My last question, and then I'm
8 going to see if the commissioner -- how the commissioner might
9 want to do this.

10 That thing that's in front of us, like, Mr. Andres,
11 like, how -- I see from the DDOT report -- is the truck supposed
12 to, like, parallel park in there? Like, they don't pull in.
13 Like, it looks like -- like, why wouldn't they just pull in?

14 MR. ANDRES: Well, they would. You know, if there's
15 nobody parked in front of the loading area, yeah, then they would
16 just slide in there.

17 CHAIRPERSON HILL: So --

18 MR. ANDRES: You know, there is probably flexibility to
19 make that loading area bigger than it needs to be. But we've
20 identified that it's roughly, I believe, 40 feet, to allow for a
21 30-foot truck to slide in there.

22 CHAIRPERSON HILL: To back in.

23 MR. ANDRES: Well, to back in or to pull in, depending
24 on what vehicle -- if there are any vehicles in front of them,
25 then, you know, as a driver, you would just pull in.

1 CHAIRPERSON HILL: Right. So what would happen to those
2 spots in front of them?

3 MR. ANDRES: So right now, what currently happens today
4 is that --

5 CHAIRPERSON HILL: If you go to Number 3, Mr. Young?
6 Could you go to Page Number 3?

7 MR. ANDRES: So there is no curb right now. So, you
8 know, you have the -- so there are -- we are envisioning putting -
9 - adding some parallel parking, which currently doesn't exist
10 today. If you go out there today, there's no curb, and there's
11 cars actually parked on the sidewalk. But in the future, we
12 intend on putting a curb, we intend to lay out some parking
13 spaces, and the number of spaces, I think, is flexible.

14 CHAIRPERSON HILL: And Mr. Andres, do you know -- Mr.
15 Andres, I'm sorry. Do you know which slide you can send Mr. Young
16 to?

17 MR. ANDRES: Well, actually, go to the next slide, Mr.
18 Young. Slide -- one more. So in that -- no, actually --

19 MS. RODDY: I think it's two more slides.

20 MR. ANDRES: Two more slides. I apologize.

21 MS. RODDY: Or one more. I'm sorry.

22 MR. ANDRES: Okay. So that shows three parking spaces,
23 and providing a zone there of, it looks like, you know, 30-plus
24 feet. In the event that DDOT wants more -- a bigger loading zone,
25 you know, we can lose one of those spaces and still have two

1 additional on-site on-street spaces, which don't currently exist
2 today. So we're, you know, we're providing some spaces, in the
3 event that DDOT doesn't think that that 30-foot space is
4 sufficient.

5 CHAIRPERSON HILL: Right. So -- and I -- and this --
6 I'm clear on this. Who controls that parking, the parallel
7 parking, in front of where your supposed loading zone is?

8 MR. ANDRES: That would be metered. That would be --
9 that would revert back to metered parking, consistent with --

10 CHAIRPERSON HILL: Got it. So who gets to decide how
11 big that loading zone is?

12 MR. ANDRES: DDOT, as part of the public space process.
13 We would have to go to DDOT for their approval of all the
14 improvements that we're making in the public space. That includes
15 the trees, the paving, and this would be part of that.

16 CHAIRPERSON HILL: Right. So you wouldn't be able to
17 have all of that as your loading zone.

18 MR. ANDRES: No. No, nor do we think it's -- we need
19 all of that. That's, you know, if you think about the loading
20 needs for this building, there's no retail in the building, so
21 it's strictly move-in-move-outs, your couriers, your, you know,
22 FedEx, UPS, and that type of activity. And, you know,
23 occasionally in the evenings, where you have food deliveries, Uber
24 Eats, a pizza guy, you know, things of that nature would likely
25 use that space.

1 CHAIRPERSON HILL: Yeah, I'm just trying to think it
2 through, because the ANC thinks differently about how much room
3 you guys need. So -- all right. Let's see.

4 Okay. Does anybody -- does any Board members have any
5 more questions? If so, speak up, because I can't see everybody.

6 BOARD MEMBER SMITH: I have one last one.

7 CHAIRPERSON HILL: Okay. Go ahead, Mr. Smith.

8 BOARD MEMBER SMITH: Okay. So returning back to that
9 question about the truck, did you choose a 30-foot truck based on,
10 you know, a transportation engineering measurement? Is it based
11 on ITE measurements for --

12 MR. ANDRES: So when you look at -- if you look at
13 design vehicles, there's specific vehicles that are considered
14 design vehicles. And one of them is this SU-30, which means that
15 the truck is 30 feet long, and it's consistent with sizes related
16 to box trucks. You see a box truck on the street, you know,
17 chances are, it's in the range of an SU-30, which is a 30-foot
18 truck. So in that case, it is a standard size vehicle.

19 Your other standard vehicles are your WB-50s, which are
20 your 55-foot tractor trailers, and your P vehicles, which is your
21 passenger vehicles. And so in that respect, yes, this is a
22 standard, typical design vehicle.

23 BOARD MEMBER SMITH: Okay. Thank you.

24 CHAIRPERSON HILL: Okay. Anyone else from the Board?

25 VICE CHAIR JOHN: Mr. Chairman, one last question.

1 CHAIRPERSON HILL: Yeah. Sure, of course.

2 VICE CHAIR JOHN: So would the -- would there be signs
3 designating that area as a loading zone? And would the loading be
4 limited to certain hours?

5 MR. ANDRES: So the loading -- so it would -- there can
6 be restrictions on hours. You know, I think, typically, when it
7 comes to residential buildings, your loading for your residential
8 building is associated with trash pickup, which, you know, only
9 takes a few seconds, for the most part.

10 You'll have a situation where you might have deliveries,
11 your UPS, your couriers, and then your move-ins, move-outs. So
12 that is sort of, I'd say, 99 percent of the deliveries.
13 Occasionally, you might have, you know, furniture deliveries. But
14 for the most part, they, you know, those are the types of
15 deliveries that will take place in that spot.

16 VICE CHAIR JOHN: So that doesn't really answer my
17 question. Will there be a sign that says, "Loading Zone",
18 "Loading Only", or something? There are signs like that all over
19 the city, where you're not permitted to park. Will there be a
20 sign where --

21 MR. ANDRES: Yeah, so there's a few ways -- there's a
22 few ways that DDOT manages loading zones. One way is having no
23 parking, so that you wouldn't be allowed to physically park your
24 car there. You can stand, and that's where, you know, your
25 loading activity, your residential loading activity, can take

1 place.

2 In addition to that, on 14th Street, for example, there
3 are commercial loading zones, where you would have to pay meters.

4 And during the day, it would be a loading zone, and in the
5 evenings, it would revert back to on-street parking. So that's
6 where the flexibility that DDOT has, as part of the public space
7 project, that we would coordinate with them on.

8 VICE CHAIR JOHN: And so one more question. Did you
9 have any discussion with DDOT about the former option, which is to
10 designate it for loading purposes only, within a certain time
11 during the day?

12 MR. ANDRES: So we did not. DDOT doesn't typically
13 reserve loading spaces for residential uses specifically. And
14 that's where they've, you know, as part of their freight
15 management, they've identified that, in areas where you have
16 residential buildings, the way that they typically manage curbside
17 loading areas like this is by providing two signs that say "No
18 Parking", and identifying No Parking zones, so that the
19 residential move-in and move-outs could take place there, your
20 short-term people standing can take place there, but they're not
21 allowed to have full-time parking. And that's how, typically,
22 DDOT has managed that space.

23 VICE CHAIR JOHN: Okay. Thank you. I'm still not
24 getting a clear answer, so I'll leave it at that. Thank you.

25 CHAIRPERSON HILL: Sorry. Okay.

1 Commissioner Eckenwiler, do you want to ask questions?
2 Or do you want to present and then ask questions?

3 MR. ECKENWILER: I have no questions of the applicant,
4 Mr. Chairman.

5 CHAIRPERSON HILL: Okay.

6 Then Mr. Young, you can drop that slide deck. Okay.
7 Okay, we've got -- okay.

8 Commissioner Eckenwiler, would you like to give us your
9 thoughts?

10 MR. ECKENWILER: Sure, Mr. Chairman. Thank you for the
11 opportunity to present. The ANC's letter is at Exhibit 38. We
12 are in opposition to this application. Let me just run through,
13 quickly -- since Exhibit 38 was filed yesterday, you may not have
14 had a chance to look through it in detail.

15 The question here, I think -- the way for the Board to
16 keep its eye on the ball is, we have a 14-story, 116-unit
17 apartment building planned, and the proposal is to have a curbside
18 loading zone that will in no way actually be under the control of
19 this property. And Mr. Andres has already acknowledged that. And
20 DDOT staff confirmed that to me personally when I spoke with them
21 over the summer after our ANC met and voted.

22 So one, that curbside space would be available for any
23 loading use for nearby properties. Now, that was -- you know,
24 there's an attempt to minimize that a little, saying, well,
25 there's a hotel next door, they have their own loading dock.

1 I want to emphasize that we need to look at the big
2 picture here. There is a 40,000-square-foot, if I'm recalling
3 correctly, a 40,000-square-foot lot at 2 Patterson. It runs all
4 the way from Patterson Street up to N Street. It is directly
5 south of this.

6 The District put out an RFP. That is going to be
7 redeveloped into a massive, massive multi-use building. It will
8 have literally hundreds of residential units. It's going to have
9 multiple retail outlets. I forget whether the proposal that was
10 picked has a hotel in it. I think so. The point is, there are
11 going to be lots of uses, lots of trips, lots of vehicles here.

12 So what you see today, this sort of barren spot -- as I
13 think Mr. Andres said, you know, there's no curb there, there's
14 just cars parked in the public space. If we create this curbside
15 zone, that is going to be available for anybody, one, to do a
16 legitimate loading use; and so that's going to be competing with
17 this building. I think Mr. Andres, you know, mentioned move-in,
18 move-out, trash and recycling.

19 One thing he didn't mention is, you're also obviously
20 going to have periodic visits by service or repair vehicles. You
21 know, the HVAC, the plumbing, you know, they need to fix the
22 floors. This is not going to be a small number of trips for this
23 building, and there will be competition, especially as this area
24 continues to develop.

25 So you cannot assume that this curbside space is simply

1 going to be magically available for the use of this building
2 whenever this supposed loading manager wants to use it. It's like
3 me saying, well, I'm going to schedule, you know, all the curbside
4 space on my block. I don't have control over that space. And
5 this property and its proposed loading manager would not have
6 control over it.

7 And that's even as to legal loading. And then we get
8 into the issue of illegal parking and loading zones. And all I
9 can say is, I would invite any member of the Board, come to my SMD
10 any time from 7:00 a.m. to 6:30 p.m. Monday through Saturday, and
11 I will show you loading zones that are almost continuously
12 occupied by private-passenger vehicles.

13 The enforcement simply is not there. And so it is an
14 unfortunate fiction that simply putting up a sign is going to
15 deter drivers. Anyone who really thinks that has not met D.C.-
16 area drivers. And I think that even though I myself have, you
17 know, worked closely, both with DDOT and with the administer of
18 the Parking Enforcement Management Administration, to try and get
19 those loading zones off of H Street to work better, they do not.
20 It is a chronic problem.

21 And again, you know, even if DPW comes out and tickets,
22 the car's still there. So you'd really have to have a regime of
23 muscular and ongoing towing in order for this loading zone to be
24 available. And that's simply not a promise anyone has made. I
25 don't think anyone can make that promise. It is not realistic.

1 So for all of those reasons, we -- you know, just
2 starting, that's the big Point 1 -- curbside loading here is not
3 going to work. And what will result will be these move-in-move-
4 out trucks, trash vehicles, whatever it is, are going to end up
5 double-parked on N Street, obstructing traffic.

6 And again, as this area continues to grow and develop,
7 that's going to become more and more of an issue, both in terms of
8 traffic throughput, but also in terms of traffic and pedestrian
9 safety. So that's Point 1 for why the Board should deny the
10 application in its present form.

11 Now, the applicant has presented some alternatives, and
12 it's true that when we met with them back in July, we had a fairly
13 extensive conversation about what some of the options were and
14 weren't. And just to clear the air, those drawings that were
15 head-in, head-out to the -- you know, it looked like a big
16 squiggle, you know, there were, like, you know, four- and five-
17 point turns within the building envelope -- we absolutely agree,
18 that makes no sense.

19 That just takes up too much room, you know, even putting
20 aside the issues with, you know, the elevator overrun and
21 penthouse setbacks and so on. Those really do impair the
22 financial feasibility of a project like this. And so we're not
23 proposing anything like that. So I don't think anybody thinks
24 that's a reasonable solution.

25 And let's be clear. This site -- there's no dispute

1 | this site has constraints. It is an odd shape. This triangular
2 | shape makes a lot of things more difficult, with respect to
3 | loading and other things, like the penthouse setbacks.

4 | But we still think that there's not sufficient thought
5 | given to a couple of the options. So just to walk through those -
6 | - those are the pull-through option we've already seen before.
7 | That's where the truck enters off of N Street and then pulls
8 | straight through, exists out on to New York Avenue.

9 | And I understand that, you know, DDOT has this general
10 | aversion to having that. But the truth is, something's got to
11 | give here. This is a constrained site, but you can't eat your
12 | cake and have it, too. And the applicant is trying to build a
13 | really big building -- it's going to have lots of demands -- and
14 | really not proposing a realistic solution for having loading.

15 | So you know, the one option would be, as I say, this
16 | pull-through -- if you look at the applicant's prehearing
17 | statement, the transportation -- Mr. Andres didn't actually, as
18 | far as I can tell, in his report, address that pull-through. So
19 | his report is 30C, like Charlie. And I don't believe that there's
20 | any analysis there of the in on N Steet, pull-forward, straight
21 | out, and turn right onto New York Avenue. That is in the
22 | architectural drawings in Exhibit 30A, but not in his expert
23 | report.

24 | And in addition, there are some points in Exhibit 30A,
25 | the architectural drawings, I'll come to in a moment, because they

1 are in common with some of the objections that were levied as to
2 the second alternative.

3 So that second alternative would be a single entrance
4 off of M Street, and that would be a back-in, pull-forward option.

5 And I want to be clear, this is not back-in, back-out. That is a
6 misnomer. I've seen that in the application. It's true that the
7 truck would have to move backwards, either going in or going out.

8 Most likely, going in, to facilitate offloading or unloading.

9 So if we look at the expert's diagram, one, it shows an
10 extended curb that doesn't exist now, and doesn't have to exist.
11 So that's an imaginary objection. It does show a de minimis
12 intrusion of the relocated elevator overrun into the required
13 penthouse setback.

14 When this application came to us in July, there was, at
15 that time, if I'm recalling correctly, still a request for
16 penthouse setback relief, and we signaled our receptivity to that
17 into mid -- you know, obviously, you know, the ANC voted against
18 this project overall because we had such an issue with loading.

19 I will say that something Mr. Roddy said in her
20 presentation earlier today about the Height Act gives me pause,
21 and it's not something I recall hearing before. If possible, we
22 could have some further conversations about that.

23 Although honestly, one solution to that is, make the
24 building shorter. If you've got a Height Act problem, you make
25 the building lower. And you know, maybe that's how you solve your

1 need for, you know, having to come back for -- getting relief for
2 the penthouse setback, to that actually being allowable, as
3 opposed to simply being barred, which is what I understood Ms.
4 Roddy to say about the current proposal. And I apologize if I'm,
5 you know, mischaracterizing her argument.

6 So back to this back-in, pull-forward option off of N
7 Street. If you look at the applicant's revised drawings, and
8 that's Exhibit 30A, Sheet A05, which you saw earlier in the
9 presentation, there's this whole blizzard of, you know, boxes
10 there, showing all the reasons why they can't do that.

11 I think if you unpack that, you will see that some of
12 those really are make-weight arguments. And again, these are in
13 common with the New York Avenue, you know, pull-straight-through
14 option. One is, you know, the loss of a bay projection. Also the
15 reduction in size of a second-floor unit. We're trying to get a
16 116-unit building. That's really -- that is a modest adjustment.

17 And I go back to what I said before about -- you can't
18 eat your cake and have it, too. If you want to build a building
19 of this scale, that's going to have these kinds of demands, then
20 you need to make some accommodation. And the view of the ANC is,
21 they're simply not making enough accommodation. And, you know,
22 raising these kinds of ticky-tacky objections that, well, we can't
23 have this bay projection here, to me, simply underscores that this
24 is not -- it's not a realistic compromise. Okay? Those are not
25 significant objections.

1 There was a point -- and I don't believe Ms. Roddy or
2 Mr. Andres spoke about this earlier. There's a point made in the
3 application, though, about DDOT's Public Realm Design Manual,
4 where if you have an uninterrupted series of driveways wider than
5 24 feet, you need -- well, you're not supposed to have an
6 interrupted driveway that wide. You're supposed to have a
7 pedestrian refuge in the middle.

8 But I would emphasize, and this is from direct
9 experience, and Chairman Hood may well recall this, in the Apollo
10 project, at 608th Street Northeast, there was an issue because the
11 developer wanted to put their garage entrance for vehicle parking,
12 including for retail -- they wanted to put it right at the edge of
13 the building, immediately adjacent to an alley.

14 And DDOT's initial report -- it's in the record. It's
15 at ZT12-18. DDOT said, no, we don't like it. No, that violates
16 our public space guidelines. The Zoning Commission approved a
17 couple alternatives, including that, so left it open.

18 And ultimately, what got built -- and there's a
19 photograph of this included on Page 4 of our submission, Exhibit
20 38 -- what got built was what the applicant wanted. DDOT actually
21 relaxed its guidelines. And they have the power to do that. The
22 Public Realm Design Manual is not graven in stone. There can be
23 relaxation. There can be waiver.

24 And so while, yes, that is a legitimate concern, again,
25 we've got a constrained site. How can we make this work? How can

1 we make something that is, you know -- I hate to say the least
2 bad, but in some way, it is kind of the least bad option.

3 We want to create a solution that meets the loading
4 needs, that's not going to harm the public interest, and it's
5 simply not -- it's not true to say, well, we simply can't do this
6 because, you know, DDOT has these, you know, very lofty standards.
7 Those standards to get waived. They do get relaxed in cases.

8 And we're just not seeing the sort of willingness to,
9 you know, think through, more carefully, what the need is here,
10 and the insufficiency. I mean, the basic inadequacy of this
11 proposed curbside loading zone.

12 So let me stop there. I apologize. I went on longer
13 than I meant to. But I'm happy to answer the questions.

14 CHAIRPERSON HILL: Okay, great. Thank you,
15 Commissioner.

16 Commissioner, you're talking about that -- the Whole
17 Foods entrance. Right? The garage?

18 MR. ECKENWILER: Yes. So it's on -- right. It's off of
19 6th Street.

20 CHAIRPERSON HILL: Okay.

21 MR. ECKENWILER: The building address is 600H, and so
22 this is on the east side of 6th Street, as you drive north on 6th.

23 CHAIRPERSON HILL: Are you saying that DDOT somehow
24 relaxed there.

25 MR. ECKENWILER: Correct. What got built, and what you

1 see in that photograph, is what the applicant requested. That's
2 what they wanted to do. DDOT opposed that initially, in that PUD
3 proceeding. But when it came time for permitting, the applicant
4 got its way. So you should not entertain the notion that the, I
5 think, very important goals in the Public Realm Design Manual are
6 inflexible. They are flexible.

7 CHAIRPERSON HILL: Okay. All right.

8 Before I get to any questions I have, does the Board
9 have any questions of the commissioner?

10 Chairman Hood?

11 CHAIRMAN HOOD: Thank you, Mr. Chairman. Thank you,
12 Commissioner Eckenwiler. I always follow the work that you do. I
13 seem to -- I don't remember this. I seem to remember the Giant on
14 H street.

15 But anyway, let me ask you -- it sounds to me -- and I'm
16 reviewing your submission from ANC -- it sounds to me like, well,
17 I'm trying to figure out -- I think the -- what you want, what you
18 would like to see, or the ANC would like to see, is a little more
19 discovery of trying to make this work.

20 And I, believe me, I get it about the street load. And
21 oh, I get it, because we have a lot of problems across the city
22 with that, and people blocking, and -- I get that. But I'm trying
23 to figure out what it is that you would actually like to see. I
24 think I can decipher it, but if you could just tell me, just point
25 blank, what the ANC would like to see happen here?

1 MR. ECKENWILER: In a nutshell, Mr. Chairman, if we were
2 convinced that none of the onsite parking options, where this
3 property would control its own loading bay -- if none of those
4 were really feasible, then I think we would take a long, hard look
5 at this curbside proposal.

6 And, you know, maybe, you know, you could craft some
7 sort of terms there, although that also would require a waiver of
8 DDOT's standards, because their standards are apparently -- if you
9 create a loading zone, it doesn't belong to one property. It only
10 -- you know, it's open to all comers.

11 So I think we'd be open to that, but we're nowhere close
12 to that point. We are absolutely not convinced that the onsite
13 options, especially the back-in, pull-out off of N Street, that
14 those are infeasible or an undue hardship or make this project
15 economically unviable.

16 CHAIRMAN HOOD: Thank you, Commissioner Eckenwiler.

17 Well, Mr. Chairman, I would associate myself with that.
18 Maybe we need to push a little harder, and a little more dialogue
19 with the ANC and the community and DDOT, and as well as the
20 applicants, and make sure we've exhausted everything possible,
21 everything feasible, to get to this point here, what's being
22 presented to us today. So that's my statement, and I'll wait to
23 hear from others. Thank you.

24 CHAIRPERSON HILL: Okay. Thank you, Chairman Hood.

25 Who else has a question of Commissioner Eckenwiler?

1 (No response.)

2 Okay. Ms. Roddy, do you have any questions of
3 Commissioner Eckenwiler?

4 MS. RODDY: No. Thank you.

5 CHAIRPERSON HILL: Okay. All right. I'll go back and
6 follow up with Chairman Hood, then. I guess we're just going to
7 have a long day.

8 Mr. Andres?

9 MR. ANDRES: Yes.

10 CHAIRPERSON HILL: Yeah, I kind of -- I'm kind of all --
11 well, I shouldn't say -- like, now, I -- now, I'm going to -- I'm
12 going to ask DDOT also.

13 I mean, I think, like, we all probably know this site.
14 Right? We've all gone through New York Avenue. We all know that
15 it's the Covenant House site. We all know that the Hyatt was next
16 door and they should've probably bought the Covenant House site,
17 and that would've been great. Right? And they they could've had
18 a bigger project.

19 So you are -- so DDOT doesn't allow for the loading zone
20 to be reserved for a particular building. Is that correct?

21 MR. ANDRES: That is correct. That is what we've --
22 yes.

23 CHAIRPERSON HILL: No, but they never have.

24 MR. ANDRES: Yes. That's correct.

25 CHAIRPERSON HILL: Okay. Okay. And then the -- and I

1 don't know where we're going to get with this. But that pull-in,
2 pull-out thing -- right? Off of N Street, as in Nancy. Right?
3 Like, what the commissioner is unclear on -- and this might be,
4 again, just further due diligence on your part, to make the ANC
5 understand how infeasible that option is. Right? You still have
6 to get a curb cut. Correct?

7 MR. ANDRES: Absolutely.

8 CHAIRPERSON HILL: And you think that DDOT wouldn't give
9 you the curb cut on N Street? You don't know.

10 MR. ANDRES: No, so it's not the curb cut on N Street.
11 In order to accommodate a pull-through option --

12 CHAIRPERSON HILL: No, no, forget the pull-through. I'm
13 not talking about coming in on N and coming out on New York
14 Avenue. Right? Like, I don't want to -- I don't want -- I don't
15 want anything on New York Avenue. It's a pain in the butt.
16 Right?

17 So -- but the -- right. So you think you can get the
18 curb cut on N Street.

19 MR. ANDRES: Well, the issue with the curb cut on N
20 Street isn't the curb cut itself. You know, Mr. Eckenwiler
21 mentions that, you know, that there is some flexibility in
22 locating the curb cut away -- because the Hyatt hotel next door
23 has a curb cut relatively close to the property line.

24 So there are two issues. The one is, yes, there's the
25 dimensional issue, where it's too close to the curb cut, the Hyatt

1 street. But more importantly, the bigger issue with a curb cut on
2 N Street is the backing in. DDOT is vehemently opposed to the
3 backing in of loading vehicles across public space --

4 CHAIRPERSON HILL: I've got you. I've got you. Mr.
5 Andres, what I was -- what I was trying to understand from the
6 testimony, this is where, like, the further clarification part --
7 I don't know.

8 I think it's a lovely project, by the way. And I don't
9 think that people are trying to -- it's a very nice design, Mr.
10 Architect.

11 The pulling in and wiggling around in the back. Right?
12 And then pulling out. What seems to be -- and I'm a little
13 confused about -- is that you would lose a bay, and you would lose
14 a little bit of the second floor somehow. Right? Like, meaning,
15 you would lose some stuff. Right? But it could kind of be done.
16 Is that correct? Or you don't know?

17 MR. ANDRES: Well, from an architectural standpoint, J.
18 B. can answer that question. From a traffic standpoint, the
19 concept of a loading vehicle pulling in headfirst and making those
20 multiple movements, you know, realistically, what'll happen is
21 that that vehicle would not make those movements. You know?
22 There are probably four or five movements that would need to take
23 place in order for a vehicle, of a loading vehicle size, to make
24 those movements in order to pull out.

25 So there's two things associated with that. The number

1 of movements, and the amount of space it takes up. And J. B. can
2 go into sort of the issues associated with the space that it'll
3 take up.

4 MR. LALLEMENT: Yes. To answer your question directly,
5 no, it's not possible. We cannot accommodate a design of any
6 sort, because we won't be able to locate the elevator core. It
7 will compete with the maneuvering space required for the truck.
8 So --

9 CHAIRPERSON HILL: I got it. I understand. And Mr.
10 Lallement -- Lallement?

11 MR. LALLEMENT: Correct. Lallement.

12 CHAIRPERSON HILL: Thank you. Mr. Lallement, I mean,
13 we're all just kind of talking this through. I mean, if you get a
14 no, then I'm also trying to figure out what happens to you.
15 Right? Something else would happen. Right?

16 I mean, you're saying you have to move the -- you'd have
17 to move the core. Right? Somehow, to make that thing move
18 around. That's where I got a little confused with the
19 commissioner, in terms of that -- something about the second
20 floor, maybe you lose. Right? You'd have to move the core to
21 kind of the tip of the thing, to accommodate that movement, is
22 what you're saying. Correct?

23 MR. LALLEMENT: Correct.

24 CHAIRPERSON HILL: Right.

25 And then Mr. Andres, you're saying that, right, DDOT's

1 not going to give you a New York Avenue curb cut?

2 MR. ANDRES: Absolutely.

3 CHAIRPERSON HILL: Right? So you can't even -- who
4 knows, Mr. Andres? Absolutely is a very -- that's a serious
5 thing. Right?

6 MR. ANDRES: You're absolutely right, but, you know,
7 given my experience --

8 CHAIRPERSON HILL: But nonetheless, I got you. I got
9 you. So -- because if you did get the curb cut -- and now that's
10 another question, I guess, for the architect, and I'll stop,
11 because I don't want to suck up all the time.

12 If you did get the curb cut on New York Avenue, could
13 you create a pull-through and not have to move the core?

14 MR. LALLEMENT: I can, yes.

15 CHAIRPERSON HILL: Okay. That's interesting. All right.

16 MS. RODDY: Can I just go back on the core comment,
17 though, with just the N Street curb cut that we were discussing
18 just before the New York pull-through?

19 CHAIRPERSON HILL: Sure.

20 MS. RODDY: Well, I just wanted to clarify -- it's not
21 as simple as simply moving the core, because then we would have to
22 find units that would work. So it's not just shifting the core to
23 the western portion of the site. And then it also creates setback
24 issues.

25 I just also wanted to point out that the ANC, by their

1 own testimony today, they agree that this isn't a workable or
2 feasible solution, because it would have an economic impact, that
3 -- the pull-in and maneuvering within the building itself. So I
4 think that the two options that the ANC is pushing for would be
5 the pull-through to New York and the back-in from N, rather than
6 the maneuvering within the building itself.

7 Commissioner Eckenwiler can correct me, but --

8 MR. ECKENWILER: Yes, in fact, I was just going through
9 your slides to say that -- this is Slide 9, which is labeled
10 Loading Option 1, and it's one of those four- or five-point turns,
11 head-in, you know, off of New York Ave., head-out. Absolutely.

12 And I want to reiterate, we don't think that that makes
13 any sense. I mean, that's just crazy. That --

14 CHAIRPERSON HILL: Okay --

15 MR. ECKENWILER: That's all kinds of inefficient.

16 CHAIRPERSON HILL: I got you, Commissioner.

17 MR. ECKENWILER: And just to be clear, Mr. Chairman,
18 just to hammer the point home, same thing for Slide Number 10,
19 what's depicted in the presentation bay as Loading Option 2, which
20 is the exact same thing, except coming in off of N Street.
21 Doesn't make any sense to have -- that's probably through, what,
22 60 percent of your ground floor, dedicated to dead space so a
23 truck can do a four- or five-point turn. Not urging that at all.

24 So when you talk about the truck wiggling around --

25 CHAIRPERSON HILL: Commissioner? Commissioner?

1 Mr. ECKENWILER: Yes?

2 CHAIRPERSON HILL: Commissioner? Sir? So then again,
3 right, the back in and the pull-through. And that's what you
4 meant by, you lose a -- that's what you meant by, you lose a
5 balcony and a little bit of the second floor.

6 MR. ECKENWILER: If you look at Slides 11 and --

7 CHAIRPERSON HILL: Ms. Roddy -- that's okay. Ms. Roddy
8 is nodding yes. I'm just trying to get to -- so right. So DDOT -
9 - the other thing is that DDOT won't allow a back-in off of N
10 Street.

11 Correct, Mr. Andres?

12 MR. ANDRES: Yes. They've mentioned that. I was
13 actually in a public space hearing --

14 CHAIRPERSON HILL: Got it. Okay, Mr. Andres.

15 I'm going to get to everybody else, because Commissioner
16 -- we might want to hear from DDOT, but give me a second.
17 Commissioner Eckenwiler has one more question or a comment.

18 MR. ECKENWILER: Oh, no, I just wanted to respond to
19 that and, you know, I understand, there are things that DDOT
20 really doesn't like. I'll just say again, something's got to give
21 for this site. And I think an attempt to rigidly apply all of
22 DDOT's rules is going to end up with a very, very bad non-
23 solution. And I'll just leave it at that.

24 CHAIRPERSON HILL: Okay. Can we all take just a five-
25 minute break? Okay. I just wanted to take a five-minute break.

1 Okay? Or a three-minute break. Whatever. I've got to take a
2 quick break. I'll be right back.

3 (Whereupon, the above-entitled matter went off the
4 record and then resumed at 3:15 p.m.)

5 CHAIRPERSON HILL: Mr. Blake, are you there?

6 BOARD MEMBER BLAKE: Yes, yes, I am.

7 CHAIRPERSON HILL: Oh, great. Okay. All right. Thank
8 you, guys.

9 All right, Mr. Moy. We're back. Okay. So that --
10 okay. We may want to hear from DDOT. I don't know. But anyway,
11 whatever. I know some of you guys want to hear from DDOT.

12 All right. Can we turn to the Office of Planning?

13 MR. KIRSCHENBAUM: Good afternoon -- excuse me. Good
14 afternoon, Chairman Hill and member of the Board of Zoning
15 Adjustment. I am Jonathan Kirschenbaum with the Office of
16 Planning.

17 The OP recommends approval of this special exception
18 relief for the loading berths. You know, our review here is a
19 strict zoning review. The criteria for this is that the property
20 -- so the special exception criteria, to satisfy it, the property
21 has to be accessible only from a public street, which means, you
22 know, it's not accessible from any alleys; and that it would
23 somehow violate, you know, regulations of DDOT, which, you know,
24 we've had -- DDOT has indicated to us that the site configuration
25 and the use of curb cuts on New York Avenue and the turning

1 maneuvers on N Street would not be supported.

2 So they, for zoning purposes, they qualify for special
3 exception, and we believe that the special exception, if granted,
4 will be in harmony with the general purpose and intent of the
5 zoning regulations, and that this will not adversely affect the
6 use of neighboring property, in accordance with the zoning
7 regulations.

8 Please let me know if you have any further questions.

9 CHAIRPERSON HILL: Okay. Does anybody have any
10 questions for the Office of Planning? They're basically saying
11 it's DDOT's fault. So -- okay.

12 Mr. Smith?

13 BOARD MEMBER SMITH: I think there's probably more of a
14 DDOT question.

15 So I have a question. If you've been along the block --
16 so there's a Hyatt located next door to this particular property.
17 Looks like it has roll-down doors. Is that a loading space
18 there? And if that's the case, is that back-in and back-out?

19 MR. KIRSCHENBAUM: You know, I'm not familiar with the
20 internal plans of the building.

21 BOARD MEMBER SMITH: Got you. Okay. It's more of a
22 DDOT question.

23 MR. KIRSCHENBAUM: Right.

24 CHAIRPERSON HILL: Okay. Anybody else for Office of
25 Planning?

1 Oh, Ms. John?

2 VICE CHAIR JOHN: Yes. Just one quick question for the
3 Office of Planning. Did DDOT send an email? Or was this a phone
4 conversation?

5 MR. KIRSCHENBAUM: This is all on, like, Teams messages.
6 But it was not, like, a formal email.

7 VICE CHAIR JOHN: Okay. All right. Thank you.

8 CHAIRPERSON HILL: Okay.

9 Oh, Chairman Hood?

10 CHAIRMAN HOOD: This is where it gets mixed up with the
11 Zoning Commissioner. Is DDOT coming, Mr. Chairman, wanting to
12 speak?

13 CHAIRPERSON HILL: So I've got -- so I texted Mr. Moy.
14 He's reaching out to DDOT.

15 CHAIRMAN HOOD: Okay. Yeah, I think they -- this is one
16 of those cases where they should be here. It's kind of where I
17 am. Thank you.

18 CHAIRPERSON HILL: We're not the Zoning Commission,
19 Chairman Hood. We don't get all the big boys.

20 CHAIRMAN HOOD: Well, even the BZA over the years, when
21 cases like this -- DDOT would show up on certain cases, so --

22 CHAIRPERSON HILL: Well, maybe since the chairman is
23 with us, maybe DDOT will show up.

24 All right. Anybody else for the Office of Planning?
25 No?

1 Oh, Commissioner Eckenwiler?

2 MR. ECKENWILER: I just have a couple questions for Mr.
3 Kirschenbaum.

4 Obviously, in preparing your report, you have these
5 conversations with DDOT about, you know, their concerns and
6 objections to, you know, some of the proposals. In preparing your
7 report, what consideration did you and OP give to the specific
8 terms of this proposed curbside loading zone and the fact that it
9 would not be under the exclusive control of the property owner?

10 MR. KIRSCHENBAUM: Again, we defer to DDOT, and our
11 report more or less states that.

12 CHAIRPERSON HILL: Okay.

13 MR. ECKENWILER: That's all I had, Mr. Chairman.

14 CHAIRPERSON HILL: Okay. Great.

15 Mr. Young, is there anyone here wishing to testify?

16 MR. YOUNG: We do not.

17 CHAIRPERSON HILL: Okay.

18 There was -- Mr. Rice, are you with us?

19 MR. RICE: Yes, sir.

20 CHAIRPERSON HILL: Did you tell us there was somebody
21 who wanted to submit a PowerPoint?

22 MR. RICE: I believe that's in the following case, sir.

23 CHAIRPERSON HILL: Oh, great. Okay. All right. Let me
24 do this. Ms. Roddy --

25 MR. RICE: Yes, actually, Mr. Chairman, I misspoke. We

1 did have a neighbor, a member of the public, that would like to
2 file a Power Point objection, but they've been unable to, due to
3 the 24-hour rule. And they may be seeking a waiver from you.

4 CHAIRPERSON HILL: Okay. Are they in the hearing room?
5 You don't know?

6 MR. RICE: I'm unaware.

7 CHAIRPERSON HILL: Do you know their name?

8 MR. ECKENWILER: Mr. Chairman?

9 CHAIRPERSON HILL: Yes.

10 MR. ECKENWILER: I thought there was a vote at the
11 beginning of this case to allow that in. Am I mis-recalling?

12 CHAIRPERSON HILL: It's a different exhibit,
13 Commissioner.

14 MR. ECKENWILER: Okay. Thank you.

15 MR. RICE: Mr. Chairman, in response to your question,
16 the member of the public's name was Melanie Marshall.

17 CHAIRPERSON HILL: Mr. Young, do you see a Melanie
18 Marshall anywhere?

19 MR. YOUNG: I do.

20 CHAIRPERSON HILL: Okay. Can you let her in? And I
21 don't know if she's done the swearing-in thing, but first we'll
22 see.

23 MR. MOY: Mr. Chairman?

24 CHAIRPERSON HILL: Yeah?

25 MR. MOY: If I may, that name rings a bell for me.

1 | Melanie Marshall? She tried to file today her PowerPoint
2 | presentation.

3 | CHAIRPERSON HILL: Yeah.

4 | MR. MOY: But of course, we've got that 24-hour block.
5 | So that's before the table.

6 | CHAIRPERSON HILL: Yeah. And I'm just trying to
7 | understand whether or not she has gone through the oath process,
8 | also.

9 | MR. MOY: I understand. I understand.

10 | CHAIRPERSON HILL: But I appreciate that.

11 | Ms. Marshall, can you hear me?

12 | MS. MARSHALL: Yes. I have gone through the oath
13 | process.

14 | CHAIRPERSON HILL: Oh, great. Can you introduce
15 | yourself for the record, then?

16 | MS. MARSHALL: My name is Melanie Marshall, and I live
17 | at 4103 New Hampshire Avenue Northwest, and I am in opposition of
18 | the zoning exception for the build at 4107 New Hampshire.

19 | CHAIRPERSON HILL: Got it. Okay. So as a member of the
20 | public, you'll get three minutes to testify. And I understand
21 | you're trying to submit a PowerPoint. Is that correct?

22 | MS. MARSHALL: I sure did, with no success.

23 | CHAIRPERSON HILL: Right. And you were you -- you were
24 | inside the 24 hours, so you're -- it won't accept it.

25 | VICE CHAIR JOHN: Chairman? Mr. Chairman?

1 CHAIRPERSON HILL: Yes?

2 VICE CHAIR JOHN: I believe the address the witness gave
3 was 4107 New Hampshire Avenue. Is that correct?

4 MS. MARSHALL: No, my address is 4103 New Hampshire
5 Avenue. 4107 is the applicant who has requested the zoning
6 exception to build a structure in that property's backyard.

7 MR. ECKENWILER: I think that's the next case, Mr.
8 Chairman.

9 CHAIRPERSON HILL: Yeah, that's why I'm a little
10 confused, too.

11 MS. MARSHALL: 20476?

12 MR. MOY: No, let me intervene, Mr. Chairman. That is
13 the next case. That's for the next case after this case.

14 CHAIRPERSON HILL: 20476?

15 MR. MOY: That's correct.

16 MS. MARSHALL: Yes, that's the case.

17 CHAIRPERSON HILL: Okay. Sorry, Ms. Marshall. We got
18 you on the wrong one.

19 MS. MARSHALL: All right. Thank you.

20 CHAIRPERSON HILL: Since you're here, Ms. Marshall --
21 oh, I can't do this outside of the case.

22 All right. Mr. --

23 VICE CHAIR JOHN: So Mr. Chairman, if I may?

24 CHAIRPERSON HILL: Okay. Yeah?

25 VICE CHAIR JOHN: There's a request from Zach Thomas,

1 and he has submitted written testimony.

2 CHAIRPERSON HILL: Yeah. We let that in.

3 VICE CHAIR JOHN: Yes. That's the only --

4 CHAIRPERSON HILL: Ms. Marshall, we'll see you at the
5 next case. Okay?

6 MS. MARSHALL: All right. Thank you so much.

7 CHAIRPERSON HILL: Thank you. Bye-bye.

8 Mr. Young, if you could excuse Ms. Marshall? Thank you.
9 Let's see.

10 Ms. Roddy -- so if you guys were able to get the back-in
11 thing from DDOT, that means that you wouldn't need the relief
12 anymore. Right?

13 MS. RODDY: The back-in, pull-out from N Street?

14 CHAIRPERSON HILL: Yeah. Yeah.

15 MS. RODDY: We would be able to accommodate the loading.
16 There would be impacts on the building. But we would be able to
17 accommodate loading. Based on our discussions with DDOT, we won't
18 get that --

19 CHAIRPERSON HILL: I got you. DDOT's saying no right
20 now. But what I'm saying is, if you did get that -- if they
21 allowed backing in off of N Street, right, you wouldn't need the
22 relief at all. You wouldn't be before us. Is that correct?

23 MS. RODDY: I would like to study the impact on the
24 building, because it still eliminates a portion of the second
25 floor.

1 CHAIRPERSON HILL: Say that again? Say that again? I
2 didn't hear you.

3 MS. RODDY: I would like to -- I would like to study the
4 impacts of it, if that's what we move forward with. We would be
5 able to do loading onsite, but we would have to evaluate whether
6 it would be effective or efficient, because it would still have
7 impacts on the building, including a partial removal of the second
8 floor.

9 CHAIRPERSON HILL: Got you.

10 Commissioner Eckenwiler, you have a comment?

11 MR. ECKENWILER: Yeah, I just wanted to ask a question
12 of Ms. Roddy.

13 And I may be mis-recalling here. But I thought the
14 requirement here was for a loading bay plus one service space. Is
15 that right? Okay, let me just speak to that, because I think it
16 actually helps you.

17 So Mr. Chairman, when this came before us in July,
18 before the zoning committee, we talked about that. And the ANC
19 didn't vote on this issue, but I can tell you that the consensus
20 within our zoning committee, and very much absolutely my own
21 personal view, is that if we can get the onsite loading bay, we
22 wouldn't -- you know, we would be happy to support relief for that
23 additional required service space.

24 So I don't think that that is a bone of contention. But
25 I just wanted to mention that, since you were suggesting that no

1 additional relief would be required.

2 CHAIRPERSON HILL: No, I got you. I got you. I'm a
3 little -- Ms. Roddy, you don't have to -- oh, God.

4 So this is what's happening. Okay? So I've asked
5 whether DDOT can comment. Right? We have two more cases and
6 they're long, probably. Right? This is getting -- this is
7 getting to a longer day than I thought.

8 If DDOT can come back, and if DDOT says -- we have to
9 ask some questions of DDOT as to -- my curiosity is, again, that N
10 Street is -- that N Street -- that N Street -- you know, why can't
11 they back up off of N Street into the building? Right? So that's
12 my question to them. Right? And that's the only question I guess
13 we kind of have.

14 I mean, do you all want to talk to DDOT? And if so,
15 raise your hand.

16 Okay. Everyone wants to talk to DDOT. Okay. So then
17 let's go ahead and see whether DDOT can -- or I'll throw this out
18 to you guys. Right? We can either have a continued hearing with
19 DDOT, or -- I don't know what you all's schedule is like, also.

20 Like, you know, Ms. Roddy or Mr. Commissioner
21 Eckenwiler. I don't know if we need you, Mr. Lallement. But
22 maybe Mr. Andres. You know, whether you all have time to stick
23 around for another couple hours. Or do you want to do this as a
24 continued hearing where I can definitely get DDOT?

25 And I'll just go around the room. Ms. Roddy?

1 MS. RODDY: I'm happy to do whatever everyone else does.
2 I can wait around or do a continued hearing.

3 CHAIRPERSON HILL: Okay. I love it. OAG just popped
4 up. First, I'm going to ask my questions.

5 Mr. Eckenwiler? Commissioner?

6 MR. ECKENWILER: Mr. Chairman, as long as I get Mr. Reid
7 to call me so I don't have to hang on for those other two cases.

8 CHAIRPERSON HILL: Okay. Mr. Andres --

9 MR. ECKENWILER: If you need me to come back this
10 evening, yes.

11 CHAIRPERSON HILL: Mr. Andres?

12 MR. ANDRES: Whatever you guys need. I can move stuff
13 around to make it happen.

14 CHAIRPERSON HILL: Okay. Mr. Rice, why are you popping
15 in?

16 MS. RODDY: Mr. Zimmerman's on now, I understand.

17 CHAIRPERSON HILL: Who's Mr. Zimmerman?

18 MS. RODDY: Aaron Zimmerman from DDOT.

19 CHAIRPERSON HILL: Oh, Jiminy Cricket. Okay. Great.
20 How did you know this? Ms. Roddy, how did you know?

21 MS. RODDY: I'm taking a guess. He said he was on.

22 CHAIRPERSON HILL: Mr. Rice? Mr. Rice?

23 CHAIRMAN HOOD: Yeah, he's on.

24 CHAIRPERSON HILL: Okay.

25 Mr. Zimmerman, can you hear me?

1 MR. ZIMMERMAN: Yes, I can. Good afternoon,
2 commissioners.

3 CHAIRPERSON HILL: Good afternoon. We're not
4 commissioners, Mr. Zimmerman. Only the Zoning Commission has
5 commissioners, which is who you're used to going to see. Right?

6 MR. ZIMMERMAN: Yeah.

7 CHAIRPERSON HILL: We're just regular people that have
8 normal jobs.

9 CHAIRMAN HOOD: I'm going to talk over the chairman.
10 Welcome, Mr. Zimmerman, to the BZA.

11 MR. ZIMMERMAN: Thank you, Commissioner Hood.

12 CHAIRPERSON HILL: Mr. Zimmerman, if you could just
13 please introduce yourself for the record?

14 MR. ZIMMERMAN: Yeah. For the record, my name is Aaron
15 Zimmerman, I'm the site development program manager at DDOT. So
16 we review -- our group reviews all the BZU cases every week, and
17 we review all the cases that go to the Zoning Commission, as well.

18 CHAIRPERSON HILL: Okay. Mr. Zimmerman, you all have
19 got to give me one minute. It's crazy raining here, and I think
20 something's open. One second.

21 MR. ZIMMERMAN: Okay.

22 CHAIRPERSON HILL: I apologize.

23 Mr. Zimmerman, can you hear me again?

24 MR. ZIMMERMAN: Yes, I can.

25 CHAIRPERSON HILL: So could you give some testimony on

1 this? Specifically, what I'm curious of is why they can't back up
2 from N Street into that loading berth.

3 And somebody's unmuted and they're talking, just to let
4 you know.

5 MR. ZIMMERMAN: Yeah. So when we reviewed this project,
6 we looked at all the different design concepts that the applicant
7 was proposing.

8 First, you know, the first one was, you know, pulling
9 through New York Avenue. We didn't want any curb cuts there. You
10 prefer not to have curb cuts on N Street, as well. They showed us
11 the concept of backing in from N Street. And it sort of presented
12 two different kind of options for us, that don't necessarily meet
13 DDOT's standards.

14 So, you know, we always look to have a new building
15 designed so it's head-in trucks, turn around, and then head back
16 out. That's not possible here, because of the very small shape
17 and size of the site. So we were presented with and left with the
18 last two options, either back-in loading or do curbside loading.
19 And -- neither of which meet normal DDOT standards.

20 And so our preference, given those two options, was to
21 do more of a curbside, not -- curbside loading, not have another
22 curb cut. Kind of in our hierarchy of things, you know, the --
23 having another curb cut, no matter what it leads to, is, you know,
24 less preferable than, you know, the other option, which is --
25 don't have a curb cut, but preserve the streetscape along there.

1 And so that's sort of the perspective we were looking at
2 this from, was having, like, a full and complete streetscape along
3 both New York Avenue and N Street. And instead, doing the type of
4 loading or trash pickup curbside on N Street, which is consistent
5 with some of the other properties to the east.

6 Like, we worked, you know, a few years ago on, like, I
7 think 35 New York Avenue, and some other ones down there that
8 have, you know, their own, like, little pick-up-drop-off zone
9 along there.

10 CHAIRPERSON HILL: So, but Mr. Zimmerman, you guys can't
11 make that zone loading just for the building that's being
12 proposed?

13 MR. ZIMMERMAN: Correct. It wouldn't be for just that
14 building. Typically, in these situations, we would -- and there's
15 a couple different options. PUDO zones or doing something like a
16 no-parking zone, which would just basically be two "No Parking"
17 signs pointed at each other.

18 And then a lot of different activities can happen in
19 there. Somebody can pull an Uber in there and then pull back out,
20 you can -- a trash truck can go in there, somebody who's moving in
21 and out of the building could use that.

22 CHAIRPERSON HILL: So that's okay. And I appreciate it.
23 I'm just trying to -- I'm going to let everybody go, and it's
24 going to take a while. Or it could. Hopefully, it's not, because
25 we've got a lot of -- anyway, the argument is that they aren't

1 going to get to use that zone just for their loading and unloading
2 of the truck. Right? Like, other people are going to do it.
3 Other people are going to show up.

4 And so that's why -- and this is the ANC that voted 6-0
5 against it. Right? And they're the ones who are saying that, you
6 know, if they back in, then it's theirs, and then they can get out
7 again. Right? Or if they can somehow make it so it's the loading
8 zone just for that building.

9 So those are the two options that I'm confused about.
10 And you're telling me that neither one of those -- well, I
11 shouldn't say that. Let me just -- let me just put that out, and
12 then I'll let everybody ask their questions.

13 So I'm going to go to the Board first. Does the Board
14 have any questions of Mr. Zimmerman?

15 And thank you very much, Mr. Zimmerman. I'm making a
16 joke, but thanks so much for getting on at the last minute.

17 Chairman Hood?

18 CHAIRMAN HOOD: Thank you, Mr. Chairman.

19 Mr. Zimmerman, good afternoon. I don't know if -- did
20 you hear the testimony? I guess -- have you been intimately
21 involved in this case? I believe you have, the way I hear your
22 testimony. Have you heard - did you head Commissioner Eckenwiler
23 basically needing some verified, like -- verify some of the things
24 that we've exhausted all we could do to make this work here on New
25 York Avenue? Did you hear his testimony?

1 MR. ZIMMERMAN: I did not hear it, no.

2 CHAIRMAN HOOD: Okay. It seems like he wanted to make
3 sure that we have exhausted all of the discovery and -- Mr.
4 Eckenwiler, I want you to chime in if I'm not characterizing you
5 correctly, what you said. I'm trying to -- as possible.

6 But I think that's important, that we -- because the
7 community are the ones who have to deal with every impact. And I
8 can tell you, that curbside, really, I mean, curbside loading,
9 it's -- we don't want to develop the same issues we have up in
10 Columbia Heights. All right?

11 I don't know if this Board remembers that. But we don't
12 want to start that down here, and then say, okay, well, we let
13 this one go, and then two years from now, the BZA will let another
14 one go, and then we have a master problem. So the award-winning
15 District Department of Transportation office, I'm sure we can come
16 up with an innovative way.

17 And I'm just sorry that you didn't hear Mr. Eckenwiler's
18 comments, because I think he's right. We could do a little more
19 discovery, and I'm sure that DDOT can come up with a way to make
20 this work. You all have done it in the past, and I have every bit
21 of confidence that you can do it again.

22 But I think, Mr. Chairman, that would call a little --
23 call for a little more discussion. It may take us another week.
24 Call for a little more discussion with the commissioner, Mr.
25 Zimmerman, and also the applicant. So I don't know if that's

1 necessarily a question, but I just think -- trying to get us
2 closer to where we are. That's why.

3 CHAIRPERSON HILL: Okay. Thank you, Chairman Hood.
4 That sounds like a lovely suggestion to me.

5 But let's see. Does the Board have further questions
6 for Mr. Zimmerman? And if so, please raise your hand.

7 Okay. Commissioner Eckenwiler?

8 MR. ECKENWILER: Yes, Thank you, Mr. Chairman.

9 Mr. Zimmerman, I think you and I spoke on the phone at
10 length, you and I and a colleague of yours at DDOT, back in July,
11 about this. And that's -- it's less of a question. At least,
12 that's my recollection, is that we talked about this. And I think
13 I probably conveyed the same concerns of the ANC at the time.

14 I do want to ask you, because it came up earlier. It
15 might've been Mr. Smith who asked the question. Are you familiar
16 with the property immediately to the east, the Hyatt place at 33
17 New York Avenue?

18 MR. ZIMMERMAN: Yes, I'm aware of that property.

19 MR. ECKENWILER: Okay. And you've, I think, taken note
20 of the loading dock that's at the western edge of their N Street
21 frontage, which creates the, you know, more than 24 feet of
22 continuous drive aisle issue. Correct?

23 MR. ZIMMERMAN: I'm pulling it up on my computer to
24 refresh my memory as to exactly what you're referring to.

25 MR. ECKENWILER: And this was in the applicant's

1 presentation. I think I can put it in a nutshell. The Public
2 Realm Design Manual says that you can't have, basically, a
3 driveway wider than 24 feet without a pedestrian refuge in the
4 middle.

5 MR. ZIMMERMAN: That's correct.

6 MR. ECKENWILER: I think that's -- okay. Right. That's
7 the Section, I think, 331. I just want to ask, are you aware --
8 and again, this came up earlier, someone asked the question -- I
9 am now looking at the plans that were submitted for that Hyatt,
10 because it came to the BZA and to ANC 6E for relief. Are you
11 aware that that loading dock is a back-in-pull-out loading dock?

12 MR. ZIMMERMAN: I am. I'm looking at it right now on my
13 computer screen. Yes.

14 MR. ECKENWILER: Okay. So DDOT has, in fact, allowed
15 precisely this arrangement, not just in general, but on this same
16 block.

17 MR. ZIMMERMAN: Correct.

18 MR. ECKENWILER: Okay. Nothing further, Mr. Chairman.

19 CHAIRPERSON HILL: Okay. Thanks. All right.

20 So we went to the member of the public. I think
21 Chairman Hood has made a suggestion that, if Mr. Zimmerman would
22 be willing and available to talk to the applicant again, and
23 Commissioner Eckenwiler -- maybe y'all can have a conference call
24 and just see if there is a way that this could possibly be
25 resolved in another manner. And then we can hear some feedback

1 from that and have a continued hearing on that.

2 Is that what my fellow Board members were kind of
3 leaning to?

4 I see one nodding yes. I see another nodding yes. I
5 see a third nodding yes. Okay.

6 So Mr. Zimmerman, is that something that you all can
7 arrange?

8 MR. ZIMMERMAN: Yeah, absolutely, if that's the request
9 of the BZA, we can certainly do that.

10 CHAIRPERSON HILL: Okay. Ms. Roddy, is that -- can you
11 get on a call with them?

12 MS. RODDY: Absolutely.

13 CHAIRPERSON HILL: Okay. Mr. Moy, what is our hearings
14 looking like over the next couple of weeks?

15 MR. MOY: All right. I'm looking at my October's.
16 October 6th is kind of heavy, but I'm thinking that the continued
17 hearing on this application shouldn't take very long. So that's
18 doable.

19 CHAIRPERSON HILL: How bad is -- sorry.

20 MR. MOY: I'm sorry.

21 CHAIRPERSON HILL: How bad is the 29th? How bad is next
22 week?

23 MR. MOY: Just a second, sir.

24 CHAIRPERSON HILL: Yeah.

25 MR. MOY: Next week, 29, we have -- let's see. I have a

1 Foreign Missions case, and then I have -- and then I have eight
2 cases. That's good. We can add this one to that, if the parties
3 are --

4 CHAIRPERSON HILL: All right.

5 Mr. Zimmerman, can you guys kind of get together sooner,
6 rather than later?

7 MR. ZIMMERMAN: Yes, absolutely.

8 CHAIRPERSON HILL: Okay. And how can I -- are you going
9 to reach out to these guys? Who reaches out to who? Mr. Moy, are
10 you arranging this? How does this work?

11 MR. MOY: I --

12 MS. RODDY: I can email everyone.

13 MR. MOY: You've already done it. You're doing it
14 through the application.

15 CHAIRPERSON HILL: Ms. Roddy, you can reach out to
16 everyone?

17 MS. RODDY: Yes

18 CHAIRPERSON HILL: Okay. Ms. Roddy, since you're the
19 one getting paid, might as well. Right?

20 Okay. All right. Ms. Roddy will reach out to
21 Commissioner Eckenwiler, Mr. Zimmerman. You all figure out
22 something so that we can hear back something by -- can you put
23 something into the record by, like, I don't know, the 28th? Okay?

24 MS. RODDY: Yes.

25 CHAIRPERSON HILL: So put something in the record by the

1 28th, and then we're going to come back for a limited-scope
2 hearing just on what DDOT had to say, I guess. All right? Okay?
3 Okay. All right. Great.

4 Mr. Zimmerman, if you can figure out a backwards thing
5 onto N Street, that looks good to me.

6 Okay. All right. Mr. Zimmerman, you've got anything
7 else for me?

8 MR. ZIMMERMAN: No, nothing else. Just thanks for, you
9 know, having me come testify and provide testimony on this
10 project.

11 The one additional point I'd like to make, though -- the
12 one difference with the Hyatt next door, the 35 N Street, is that
13 this property that we're dealing with here today is significantly
14 smaller than that project, and so, you know, this really all comes
15 down to, from our perspective, making the tradeoff between a curb
16 cut or curbside, and this -- curbside loading and retaining a full
17 streetscape.

18 And that's, you know, on this case that we're dealing
19 with today, that's a decision, you know, we made. That's why we
20 testified and wrote in -- submitted a report in support of that
21 type of concept. So those are just my final comments on this.

22 CHAIRPERSON HILL: Okay. No, that's fine. And as
23 Chairman Hood mentioned, Mr. Zimmerman, it's a discussion. And
24 so, see what happens. All right?

25 MR. ZIMMERMAN: Sounds good.

1 CHAIRPERSON HILL: Okay. Thank you. All right. Then
2 I'm going to close the hearing for this moment, and excuse
3 everyone, unless somebody raises their hand and has something to
4 say.

5 Okay. Great. See y'all next week.

6 MS. RODDY: Thank you.

7 MR. ZIMMERMAN: Thank you.

8 CHAIRPERSON HILL: Okay. Let's see. All right. That
9 is -- next week is 9/29. Okay. Continue there. The continued
10 hearing next week.

11 Okay. So we have now 20476, Mr. Moy? Does anybody need
12 a break?

13 Okay. We're good? Okay. All right. So then let's do
14 20476, then we might take a break.

15 MR. MOY: Okay. So on the table before the Board now is
16 Case Application Number 20476, of District Restoration Company
17 LLC. This application's caption advertised for special exception
18 from the minimum lot area requirements, Subtitle E, Section 201.4,
19 pursuant to Subtitle D, Section 5206; and Subtitle X, Section
20 901.2.

21 This was last heard by the Board on July the 14th, and -
22 - let's see. This project would subdivide the property into two
23 record lots, retain an existing single-family rowhouse, and
24 construct new detached three-story flat for two families, with
25 cellar, in the RF-1 zone, property located at 4107 New Hampshire

1 Avenue Northwest, Square 3228, Lot 5.

2 Participating was Michael Turnbull, but I don't know if
3 Zoning Commission Chair Anthony Hood has had a chance to review
4 the record or not. But this is still an open case, and --

5 CHAIRMAN HOOD: Mr. Chairman -- I'm sorry.

6 I'm sorry, Mr. Moy. I was --

7 MR. MOY: No, I'm sorry. Go ahead. No, finish up. Go
8 ahead, sir.

9 CHAIRMAN HOOD: Okay. Excuse me, Mr. Moy.

10 But Mr. Chairman, I have reviewed the record. I did
11 watch the video. I am up to speed on where my colleague left off.
12 He retired and left the case for one of the commissioners, and I
13 picked it up.

14 CHAIRPERSON HILL: Okay. Great. Thank you.

15 MR. MOY: Thank you, sir.

16 The only preliminary matter I have, Mr. Chairman, just
17 letting you know, is that woman, that person, Ms. Melanie
18 Marshall, she's on this case. All right? So she has a late
19 filing to submit her PowerPoint.

20 CHAIRPERSON HILL: Right. No, I got it. I mean -- I
21 don't think it was Marshall, but maybe it was. It started with an
22 M. And so she'll have an opportunity to present -- she'll have an
23 opportunity to speak, and I'm sure she's listening. She'll have
24 an opportunity to speak during the public testimony part. And
25 she'll have three minutes.

1 But let's go ahead, unless anybody has an issue, I'll go
2 ahead and allow her PowerPoint into the record. And then we can
3 take a look at that. So if the staff could -- does anybody have
4 an issue with it? And if so, raise your hand.

5 Okay. So go ahead and allow that PowerPoint into the
6 record, Mr. Moy, and if the staff can just drop it in there, then
7 we can take a look as we have time.

8 Mr. Cross, could you please introduce yourself for the
9 record?

10 MR. CROSS: Certainly. Robert Michael Cross, project
11 architect. I am joined here by Matthew Lee, who is also a project
12 architect on this project.

13 CHAIRPERSON HILL: Okay, great.

14 Mr. Lee, could you introduce yourself for the record,
15 please?

16 MR. LEE: Yes, sir. Matthew Lee here. I am project
17 architect for this project, and I work at R. Michael Cross Design
18 Group.

19 CHAIRPERSON HILL: Got it. Thank you.

20 Commissioner Botstein, could you introduce yourself for
21 the record, please?

22 MS. BOTSTEIN: Hello. I'm Clara Botstein. I'm the ANC
23 commissioner for 4C 08.

24 CHAIRPERSON HILL: Okay, Thank you, Commissioner
25 Botstein. I didn't know how to pronounce your name. Thank you.

1 Thank you. All right.

2 So Mr. Cross, can you tell us what has happened since
3 the last time you were here?

4 MR. CROSS: Certainly. I think it might be best to pull
5 up the drawings, as, since the last hearing, we've prepared the
6 additional materials that were requested by the Board, as well as
7 revised the IZ offering.

8 CHAIRPERSON HILL: Okay. What do you want Mr. Young to
9 pull up?

10 MR. CROSS: He's got it coming up now.

11 CHAIRPERSON HILL: Do you know which exhibit it is for
12 us?

13 MR. CROSS: Yeah, my apologies. I don't have that list
14 pulled up. Is it 55? No. Yeah, I believe that's going to be
15 Exhibit Number 55.

16 CHAIRPERSON HILL: I don't see that -- I don't see --
17 that's not what pops up when I look at 55.

18 What's the next slide, Mr. Young? No?

19 MR. CROSS: I believe --

20 CHAIRPERSON HILL: This is maybe the person that just --
21 yeah, I think it's 55 we want, Mr. Young. Mr. Young, are you
22 there?

23 (No response.)

24 CHAIRPERSON HILL: Oh, sorry. Great. Thank you, Mr.
25 Young.

1 MR. CROSS: My apologies. Muted.

2 We're here today as a follow-up from our original
3 hearing on 7/14, seeking a special exception from the lot area
4 requirement under E 201.4. It permits a 1,500-square-foot lot in
5 the RF-1 zone by voluntarily providing one IZ unit.

6 Per the feedback of the previous hearing, we had
7 provided some additional context information for the Board. But
8 it should be noted that the architectural plans, elevations, have
9 remained unchanged since that time.

10 As requested by the commissioners, we are -- sorry. Can
11 you skip to Page 3, I believe? Thank you. As requested by the
12 commissioners, we are also showing full renderings with the
13 proposed structure in the neighborhood context, superimposed with
14 a panoramic view, as well as a street collage showing all other
15 structures on the street.

16 Here, we have both of those on the same sheet. On the
17 larger view, we have more of a perspectival view there along
18 Taylor Street, with the entire street stretched out there at the
19 bottom for overall context.

20 If you're able to skip ahead to Page 17, Mr. Young, I'd
21 appreciate it. Again, we're skipping over a lot of the material
22 that was presented in the original hearing and remains unchanged.

23 One more slide, please. Thank you.

24 As you recall, we presented this diagram previously to
25 specifically speak to the context of the relief being sought.

1 This diagram shows that all lots highlighted in orange and red are
2 less than 1,800 square feet. And for context, the subject
3 property is in the center of the page, marked by the green house.

4 Those lots that are highlighted in red are less than or
5 equal to 1,500 square feet, which is the size of the lot proposed
6 in our project. Furthermore, the blue pins identify locations
7 where one or more properties look out onto a structure directly
8 behind them.

9 And finally, I would point you to the two magenta pins
10 labeled A and B, which identify lots that are virtually identical
11 to the situation proposed. That is, they are around 1,500 square
12 feet, they have a structure that is directly behind other
13 rowhouses. And the addresses of those two lots are 716 Shepherd
14 and 610 Upshur. And per the Board's request at the first hearing,
15 we've provided some additional information about those two
16 properties. Next slide, please.

17 This sheet compares all three sites. For your
18 reference, our proposed project is shown on the left. As you can
19 see, all three lots are similar in their lot area, their shape,
20 their location at the entrance of an alley, and their position
21 directly behind lots which face the adjoining cross-street. Next
22 slide, please.

23 While some of these photos were included in the previous
24 presentation, we would like to point out that new content, which
25 shows the proximity and the views of the neighboring lots to the

1 precedent properties. At both properties, the rear of the
2 adjacent lot abuts the properties, and has direct views onto the
3 building.

4 And unlike the precedent properties shown here, our
5 proposed structure will not have any windows on its western side,
6 that is, the side that faces the abutting properties, which would
7 maintain greater privacy for the rear yards, which it abuts. And
8 Mr. Young, we can go all the way back to the cover sheet, if you
9 want to hit the Home button to just take us back to Page 1.

10 Finally, at our last hearing, the SMD testified that it
11 may change the situation if the proposed IZ unit were more deeply
12 affordable. Our client has since changed the unit offering from a
13 for-sale unit, originally proposed at the 80 percent MFI level, to
14 a rental unit, now offered at the lower 60 percent MFI level.

15 In conclusion, we would greatly appreciate the Board's
16 approval of this application for the creation of a 1,500-square-
17 foot lot, as it is consistent with the existing lots in the area,
18 the future comprehensive plan, and would create a family-sized,
19 affordable housing unit in a desirable residential environment.
20 Appreciate your time, and welcome any questions you have.

21 CHAIRPERSON HILL: Okay. Thank you, Mr. Cross.

22 Let's see. I'm going to go -- okay. Who has some
23 questions? Who'd like to start?

24 Mr. Blake?

25 BOARD MEMBER BLAKE: A quick question, Mr. Cross. When

1 | you looked at the comparables you showed us, they weren't in the
2 | same square, which I think is the typical comparison. But I did
3 | understand your -- size-wise.

4 | But I noticed, in those two -- in those comparables,
5 | that they both were inside similar sized lots, but they were
6 | substantially smaller properties. Could you just address that for
7 | me? Because you were using the comparison to say the size.

8 | MR. CROSS: Certainly. So you're right, they are both
9 | in squares -- one is directly across New Hampshire, and the other
10 | is catty-corner, with one square, you know, offset by one row of
11 | squares.

12 | BOARD MEMBER BLAKE: Mr. Cross, can I ask you really
13 | quickly --

14 | MR. CROSS: Sure.

15 | BOARD MEMBER BLAKE: Can we pull that back up, just so
16 | we can have a visual as you discuss this? Mr. Young, if you can
17 | pull it?

18 | MR. CROSS: Yeah. And Mr. Young, I apologize, but it's
19 | going to be all the way back at Page 17 of that set. Perfect.

20 | So as just described, the subject property's at the
21 | green house there in the middle of the screen. The closest of the
22 | two present properties is just one square to the west, across New
23 | Hampshire Avenue, on Upshur Street. The other is two squares
24 | down, sort of on a diagonal there, running along New Hampshire
25 | Avenue. That property faces Shepherd Street.

1 BOARD MEMBER BLAKE: But if you turn to the next slide,
2 Mr. Young, if you turn to the next slide, you can see these are
3 the three comparables in comparison.

4 MR. CROSS: Correct.

5 BOARD MEMBER BLAKE: And what I saw there is that the
6 lot area on 718 Shepherd is 1,643; and on 610 Upshur, it's 1,532.
7 Yet the buildings' gross floor area is only 1,640, versus, what,
8 2,573. Is that -- I just want to make sure --

9 MR. CROSS: That's correct.

10 BOARD MEMBER BLAKE: -- the scale. It looks, in the
11 pictures, it probably looks similar, but when I look at the actual
12 numbers, it looks like they're significantly smaller buildings on
13 those smaller lots. Is that a good interpretation?

14 MR. CROSS: Well, yes. So to your initial point, the
15 lot sizes are -- do vary. I would say that 1610 -- sorry, 610
16 Upshur and our property are both roughly 1,500 square feet. The
17 property at 716 Shepherd is 1,643 square feet, which is larger
18 than what we're proposing.

19 However, it should be noted, it is still less than the
20 1,800 that is allowed in this zone. So it would still need the
21 same relief that we're seeking here today, as a substandard lot.

22 You make a -- you make a good observation, that we are
23 proposing a building that has a larger gross floor area. That is
24 because we're proposing a three-story structure, whereas these
25 other two-stories are two stories -- it looks like two stories

1 above grade.

2 BOARD MEMBER BLAKE: Okay. So in that context, they're
3 two-stories above grade, and they said their building height about
4 28 feet in both cases. And your building height is 35 feet. But
5 just for --

6 MR. CROSS: Correct.

7 BOARD MEMBER BLAKE: Okay. I wanted -- so it's a higher
8 building, with an additional story. But also, I noticed that it,
9 on your other renditions, it has a different height. You're at 30
10 feet. Can you explain the difference between that -- this one on
11 your slide?

12 MR. CROSS: Are you suggesting that in a previous
13 presentation we suggested it was 30? Or there's somewhere in this
14 set that it says it's 30?

15 (No response.)

16 MR CROSS: I guess, to maybe just speak to that, I don't
17 believe that we ever intended it to be substantially less than 35
18 feet. I do know that we have tried to reduce it slightly,
19 throughout this process, working with the ANC. But I don't think
20 we ever had it down as low as 30 feet.

21 And in both cases, the project that we're proposing is
22 conforming, matter of right, with number of stories and the
23 building height. None of that is being requested for relief.

24 BOARD MEMBER BLAKE: Right. In the context of that
25 streetscape, on Taylor, what are the heights of the other

1 buildings to the south of it?

2 MR. CROSS: I don't know if I can give you any absolute
3 numbers, but I think if we were to go back to Page 3, we can see
4 that the majority of the structures along this street are the
5 existing two-stories, plus that, you know, kind of attic, mansard
6 dormer, that none of these have been expanded to date to the three
7 stories that is allowed as matter of right for this zone.

8 BOARD MEMBER BLAKE: Okay. Thank you. I think that the
9 lot sizes of the first two buildings, I think, were on your
10 exhibit, which reflected them being also of similar size to the
11 lot of proposed subdivision. Right?

12 (No response.)

13 BOARD MEMBER BLAKE: The size of these two lots.
14 According to your diagram, they were roughly 1,500 and something
15 square feet, similar to the others. Correct?

16 MR. CROSS: Yes. Sorry. The two lots that we're
17 comparing them to -- 716 Upshur is --

18 BOARD MEMBER BLAKE: I'm sorry. I'm talking about the
19 ones on this street, these two -- the first two houses on this
20 street, closest to the property and the alley.

21 The lot size, according to your other diagram -- sorry
22 to take so much time, too, Mr. Chairman. I just want to clarify
23 this.

24 CHAIRPERSON HILL: Take your time. Take your time.

25 MR. CROSS: And I apologize for not understanding the

1 question originally.

2 So yes, if I was to refer back to our diagram on Page
3 17, that diagram suggests that the property directly across the
4 alley from our lot, which is on the screen in front of you here
5 now -- so the one that's directly across the alley, the triangular
6 wedge, is a property that is less than or equal to 1,500 square
7 feet. And the one adjacent to that is also still less than 1,800
8 square feet.

9 And you can see that along those properties that
10 approach Taylor Street, including the ones that actually face the
11 cross-streets on the end, the majority of those properties are
12 less than the 1,800 square feet that would be required for matter
13 of right subdivision.

14 BOARD MEMBER BLAKE: Okay. So the majority of
15 properties on this square, with the exception of New Hampshire,
16 are generally below the 1,800 square feet. Got it.

17 MR. CROSS: Right. At least the ones that approach
18 Taylor Street. It looks like the ones that approach New Hampshire
19 in this square, those properties do have some conforming lots.
20 But virtually all of those that approach 5th Street and the
21 majority of those that approach Taylor are substandard.

22 BOARD MEMBER BLAKE: Okay. Thank you.

23 MR. CROSS: Yeah.

24 CHAIRPERSON HILL: Okay. Who's next?

25 Mr. Smith, you've got any questions right now?

1 (No response.)

2 CHAIRPERSON HILL: I'll go to the Office of Planning --
3 oh, I'm sorry. Commissioner Botstein, do you have any -- well, do
4 you have any questions for the applicant? And/or would you like
5 to make comments first, and then ask questions?

6 MS. BOTSTEIN: Yeah, I've been in touch with the team,
7 so I don't have questions. I mean, I'll just say, I really
8 appreciate the design updates and the -- that were sent. And it
9 would be helpful in the drawing -- the rendering isn't actually of
10 where the proposed building would be on the site. So that is one
11 thing that I know the team doesn't have yet. But that could help
12 kind of see the visual.

13 I'll just say that I have spoken to the neighbors and
14 shared the updated designs, especially those who would be most
15 impacted. And their position hasn't changed. Their concerns
16 about the impact on their property is -- and the impact on the
17 character and scale of that area, especially the height, remain.

18 So I know two of them are on the line. I want to make
19 sure that they can share their views. And just to say that, you
20 know, I really do see my role as representing the voice and
21 interests of the neighbors and the neighborhood, and then weighing
22 those perspectives against the merits of the project. And while I
23 do appreciate the inclusion of an affordable unit, the
24 fundamentals really haven't changed, and the concerns remain. So
25 that's why the ANC didn't update its letter.

1 CHAIRPERSON HILL: Okay.

2 All right. Does anybody have any questions for the
3 commissioner?

4 BOARD MEMBER SMITH: Mr. Chair, can I go back to the --
5 to Mr. Cross?

6 CHAIRPERSON HILL: Of course.

7 BOARD MEMBER SMITH: I did have a question.

8 My question is regarding the sun studies. And then,
9 looking at some of the sun studies during the equinox and -- let's
10 see -- in the winter, during the winter solstice, there's still
11 some fairly, to me, decent enough shadow impacts on the adjacent
12 property owner. Could you elaborate on the changes that you've
13 made since the last time we've seen this case, that attempted to
14 mitigate that in any way, shape, or form?

15 MR. CROSS: We've made no changes to address any solar
16 impact. I didn't have notes from our original hearing that that
17 was an area that the Board was looking to improve. I think, as
18 you probably have seen, there are two sets of each solar study.
19 The ones that were discussed in depth are the ones that show the
20 proposed, and have the highlighted parts in red as being the,
21 like, additional impact.

22 BOARD MEMBER SMITH: Uh-huh.

23 MR. CROSS: But that was all part of that original
24 presentation.

25 BOARD MEMBER SMITH: Got you. I thought I heard that

1 | you had worked with ANC to lower the height of the building. And
2 | I thought maybe that was part of the consideration after the sun
3 | studies were released.

4 | MR. CROSS: Yeah, so we did work with the ANC to lower
5 | the building. There was originally a kind of prow at the corner
6 | of the alley that projected up, like, an additional four feet, to
7 | give it a little bit more of a presence as a corner property.
8 | That was reduced, and does -- did impact the solar studies. But I
9 | don't think that it has changed since our original presentation.
10 | I think that was already reduced to the point it is now.

11 | BOARD MEMBER SMITH: Got you. Okay. Thank you.

12 | No further questions, Mr. Chair.

13 | CHAIRPERSON HILL: Vice Chair John?

14 | VICE CHAIR JOHN: Thank you.

15 | Mr. Cross, can you go back to Exhibit 55? I think that
16 | would be the front elevation. I'm not quite sure what page it is.
17 | And the slide before that -- slide after that shows the rear
18 | elevation.

19 | And I'm not sure what's the right measurement for the
20 | height. The rear elevation shows 30 feet. Well, 30 feet to the
21 | building height measuring point. And then there's a 35-foot
22 | measurement right next to it. And on the front elevation, there's
23 | a 35-foot measurement. And then there's also a 30-foot
24 | measurement. So I'm not sure what I'm supposed to make of it.

25 | MR. CROSS: Yeah. I think that the difference is, the

1 architectural plans use a zero point, a datum, that starts at the
2 first floor, to establish all building heights for the building,
3 while the building height measurement point is measured from
4 grade. And so that -- the difference between those two dimensions
5 is because of the origin.

6 The one that is noted as a dimension string, and not an
7 absolute elevation, in terms of its, you know, its tag in the
8 drawings, is the one as labeled, which is to be considered the
9 building height, per zoning standards --

10 VICE CHAIR JOHN: Okay.

11 MR. CROSS: -- which is 35 feet.

12 VICE CHAIR JOHN: I don't know if anybody else
13 understands it, but my understanding is that the building height
14 measuring point is measured from the front of the building at
15 grade, and that would establish the height. And here, would that
16 be 35 feet, absent any other subtractions or exemptions? So here,
17 if I look at the front elevation, that would be 30 feet.

18 MR. CROSS: So you're --

19 VICE CHAIR JOHN: And let me say why I'm following up.
20 Because, in looking at your renderings, the height of the
21 building, relative to the other houses on the street, I can't see
22 any distinction between them in terms of height. Those are two-
23 story buildings, and this is a three-story building with cellar.
24 To me, in your renderings, this building should look higher than
25 the other two. So maybe you can clear up that fog for me.

1 MR. CROSS: Sure. So first off, the building height --
2 I'm looking at BZA 07, which is Page 8 in our set. Is that the
3 sheet you're looking at with the line drawing elevation?

4 VICE CHAIR JOHN: I'm looking at Exhibit 55, which is
5 your --

6 MR. CROSS: Yeah.

7 VICE CHAIR JOHN: -- presentation.

8 MR. CROSS: It's Exhibit 55, Page 8, labeled BZA 07?

9 VICE CHAIR JOHN: No. But go ahead. I don't see -- I
10 don't see BZA numbers there. Oh, okay. It's in the fine print.
11 I see it now. Thank you.

12 MR. CROSS: So on that sheet, the dimension that you're
13 reading is coming from the tag that says "T.O Roof", or Top of
14 Roof, "30 feet". That 30-foot dimension is taken off of the first
15 floor, which you can find, if you go down to the first-floor tag,
16 that says zero inches. If you go down one tag below that, it
17 says, grade, or BHMP, which is listed as -5 feet.

18 And so when the overall dimension is taken, they're on
19 the dimension string that runs vertically up the side of the
20 building. That 30 feet, plus the 5-foot elevation above grade,
21 brings us to 35 feet total.

22 VICE CHAIR JOHN: Okay. Thank you. That's what I
23 thought. So now we go to the renderings, and so what measurement
24 was used for the renderings? Was it 30 feet or the 35 feet?
25 Seems to me, 35 feet was used. There should be greater shadow.

1 And this would look taller, compared to the two-story with cellar
2 buildings on this street.

3 MR. CROSS: So it is modeled at scale. So I think that
4 the larger image may appear to be the same height or similar
5 heights, simply because of the perspective. You can see that that
6 -- to get all of this into a view, we chose a view that was
7 slightly distorted, to kind of get you a wider field of view. But
8 if you look at the bottom, you can see clearly that our building
9 is a full story taller than the adjacent properties.

10 VICE CHAIR JOHN: Okay. And shouldn't that change the
11 shadow impacts? I mean, I --

12 MR. CROSS: Are you --

13 VICE CHAIR JOHN: Go ahead.

14 MR. CROSS: Yeah. The renderings that are provided do
15 not show any shadows, here on Page 3 of that set, labeled BZA 02B.
16 The solar studies that were provided previously were already
17 showing a three-story building, as the project has always proposed
18 a three-story building. And these additional renderings were
19 simply provided to better illustrate what was originally being --

20 VICE CHAIR JOHN: Thank you. And the last question is,
21 what are you referring to as your matter of right option?

22 MR. CROSS: Yes, so the matter of right option that
23 we're showing is an accessory building, a two-story accessory
24 building, which could be built as matter of right on the existing
25 lot without subdivision.

1 VICE CHAIR JOHN: Excellent. And wouldn't the proposed
2 three-story building have significantly -- proposed three-story
3 building have significantly more shadow than the accessory
4 structure? And if so, why wouldn't it?

5 MR. CROSS: It would have more shadow. And the
6 additional shadow is shown in the solar studies in red. If you
7 see the solar studies, there's an area of the shadow that's being
8 proposed, which is in grey. That is the shadow that would be
9 created by a two-story accessory structure.

10 The red portion of those solar studies shows the net
11 increase above the shadow that would be proposed by a matter of
12 rights structure that, I guess -- it's showing the net increase of
13 our proposed structure. Okay? Got turned around.

14 VICE CHAIR JOHN: And Mr. Chairman, I apologize.

15 But so, when I try to compare the two, it was very
16 difficult for me to look at what is proposed on one side, and
17 what's existing or what -- you know, I had to scroll all over the
18 place to figure out what's being compared. And so maybe you could
19 show me what you just explained.

20 MR. CROSS: Well, unfortunately, I don't have the
21 ability to -- well, I guess we could potentially ask Mr. Young to
22 pull up the presentation. I think the best way to illustrate
23 this, to show that you don't need to flip back and forth between
24 the two, that the red portion should tell you -- should show you
25 everything you need to see, I guess, if you want to flip to Page

1 13, potentially?

2 And I appreciate your help, Mr. Young. If we could
3 toggle back and forth a couple times, to show the toggle between
4 Page 12 and Page 13, hopefully that will show that those areas
5 that are in grey here are the existing, and the areas in red are
6 the additional proposed shadow. And so we only need to look at
7 the red portions.

8 VICE CHAIR JOHN: Okay. Thank you.

9 Thank you for your indulgence, Mr. Chairman.

10 MR. CROSS: And thank you, Mr. Young.

11 CHAIRPERSON HILL: I said, thank you, Ms. John, for your
12 questions. It was very helpful.

13 Mr. Young, could you put that back up again? The one
14 that was -- it was Number 13.

15 Mr. Cross, I'm a little -- I mean, the matter of right
16 is the accessory dwelling unit. And is that the one in the bottom
17 left of Slide 13? No.

18 MR. CROSS: So --

19 CHAIRPERSON HILL: Right. Where's the matter of right
20 shadowing for the accessory dwelling unit?

21 MR. CROSS: So to see the matter of right, we would need
22 to go to, in this case, Page 12.

23 CHAIRPERSON HILL: Got it.

24 MR. CROSS: Page 12 shows an accessory building. And I
25 think you understand the difference, whether it's an accessory

1 dwelling unit or not. We're not here to speak about that. But it
2 is an accessory building and a two-story structure that could be
3 built.

4 This, on this sheet, you see that square box, located in
5 the lower corner of the subject lot and its subsequent shadow.
6 And if you move forward, to Page 13 -- yeah, Page 13, you should
7 see those same grey shadows existing, but now surrounded by a red
8 shadow, the red being an increased shadow from our actual proposed
9 structure, which has gotten wider on the lot and one story taller.

10 CHAIRPERSON HILL: Yeah. Okay. All right, I got it.
11 Okay. Thanks.

12 Thanks, Mr. Young. Okay.

13 Yeah, Chairman Hood?

14 CHAIRMAN HOOD: Yeah. I'm sure most of this is all
15 about the shadow. I do know that came up a lot at the previous
16 hearing.

17 But Mr. Cross, let me just ask -- and this is probably
18 really irrelevant. I should probably not even ask it, but I'm
19 going to. I think you said that the IZ unit is 60 percent MFI.
20 Did you say 60? I know this probably won't help the issues that
21 the community and ANC has, but why not a deeper affordability?
22 Why did we stop at 60?

23 MR. CROSS: Yeah, so, you're right. The original
24 application provided a for-sale unit at 80, which meets the
25 requirement to provide -- to seek such relief. The community

1 asked for deeper relief.

2 The standards for this type of project are 60 and 80, 80
3 percent sales, 60 percent rental, as outlined in Chapter 10 of the
4 Zoning Code. And so we reduced it down to the 60 percent.

5 I do know that the DHCD standards have some lower units.

6 I don't know exactly how those are applicable to this type of
7 project. But I can say with a good bit of confidence that it
8 would not be financially feasible for a developer to offer
9 anything -- well, anything much lower, if not already at 60
10 percent, in a project that's only developing two units, as there's
11 not enough units to offset the affordability.

12 CHAIRMAN HOOD: Okay. Mr. Cross, we can go back and
13 forth on that. I appreciate your being candid. But I know that
14 you probably could have a deeper affordability. But in this case,
15 and especially what the issues are, I don't think that would help.

16 And the reason why I say the deeper affordability is
17 because I think maybe it would help some of the -- soften some of
18 the impacts, and maybe people would be a little more agreeable.
19 But I don't even think in this particular case, a deeper
20 affordability would help.

21 But I do know that it's possible. And I do know that a
22 lot of developers, they go by the bare minimum of the regulations,
23 but sometimes -- always good to go even further than that. But
24 I'll leave that alone, because there are other issues. Thank you.
25 Thank you, Mr. Cross.

1 Thank you, Mr. Chairman.

2 MR. CROSS: We appreciate that. And we -- my client had
3 -- does feel like he has tried to drop this below the bare minimum
4 here, dropping from 80 to 60. And as you note, the SMD -- or the
5 ANC has not changed their position, even with that reduction.

6 CHAIRPERSON HILL: Thank you.

7 Oh, Mr. Blake?

8 BOARD MEMBER BLAKE: Yeah, just a clarification, Mr.
9 Cross. The upper unit will be a -- it'll be a condo-ish unit?
10 Are they both condos, but rentals? I'm just -- can you explain
11 how that works? They going to be rentals, now, upper and lower
12 units?

13 (No response.)

14 BOARD MEMBER BLAKE: Are they both going to be rental
15 units? How does that --

16 MR. CROSS: So I do know that the IZ is proposed as
17 rental, and as such, it's my understanding that both will be
18 rentals.

19 BOARD MEMBER BLAKE: Okay. Thank you.

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

21 Ms. Vitale, are you there?

22 MS. VITALE: Yes, Mr. Chair.

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

25 MS. VITALE: Certainly. Elisa Vitale with the Office of

1 Planning.

2 CHAIRPERSON HILL: Could you please, again, walk us
3 through why you guys are giving us the recommendation that this is
4 meeting the criteria and standard?

5 MS. VITALE: Certainly. This is an application for
6 special exception relief, and the applicant is requesting a
7 special exception in order to avail themselves of the reduced lot
8 dimension requirements, by opting into the inclusionary zoning
9 program. They are able to develop on a property that is -- that
10 has reduced lot dimensions with respect to lot width and lot area.

11 The applicant meets all other zoning requirements, and
12 is just taking advantage of the 1,500-square-foot reduced lot area
13 for Lot B, you know, which is the property that -- the newly-
14 subdivided one that we're focused on here today.

15 That special exception relief is available, and is to be
16 reviewed against the general special exception criteria in
17 Subtitle X, Chapter 9 of the zoning regulations. And that asks
18 that the special exception relief be evaluated in terms of whether
19 it would be in harmony with the general purpose and intent of the
20 zoning regulations and zoning map.

21 In this instance, and in our original report, you know,
22 as we noted in our analysis, this is an RF-1 zone. It provides
23 for areas predominantly developed with rowhouses on small lots,
24 within which no more than two dwelling units are permitted by
25 right.

1 The applicant's proposing a new infill flat, fronting on
2 Taylor Street. We believe that that would be consistent with the
3 purpose and intent of the RF-1 zone. As I noted, the proposal
4 meets all other development standards for the RF-1 zone, so it
5 conforms with respect to height, the required yards, and all other
6 development standards for RF.

7 The second criteria is that the proposal will not tend
8 to affect adversely the use of neighboring property, in accordance
9 with the zoning regulations and zoning maps. Again, we found that
10 the proposed construction of a new road building, fronting on
11 Taylor Street, you know, would not affect adversely the use of
12 neighboring properties.

13 The building, you know, again, meets the zoning
14 regulations. It would conform with the setback requirements. It
15 helps, you know, kind of complete the streetscape of facades along
16 Taylor Street. And we don't believe that this special exception
17 request, under the voluntary inclusionary development standards,
18 would unduly affect the use of neighboring properties.

19 Happy to answer any questions, but that's a quick
20 summary of the Office of Planning analysis.

21 CHAIRPERSON HILL: Okay, great. Thank you. All right.
22 So Ms. Vitale, the height is not an issue.

23 MS. VITALE: That's correct. The RF-1 zone permits
24 three stories and 35 feet as a matter of right. As the architect
25 stated previously, they are proposing a 35-foot, three-story

1 structure here.

2 CHAIRPERSON HILL: Got it. It's the additional square -
3 - no, I'm sorry. It's the IZ bonus that they're getting that
4 we're kind of working through. Correct?

5 MS. VITALE: It's not even an IZ bonus. It's that they
6 can have a smaller lot with the lot area. You can have reduced
7 lot dimensions, if you voluntarily opt into the IZ program. You
8 can go down to a 15-foot-wide lot and a 1,500-square-foot lot.

9 In this instance, this lot, you know, exceeds the 15-
10 foot width, so they're not even -- they don't even need, you know,
11 to take advantage of that reduced dimension. They merely need to
12 take advantage of the 1,500-square-foot lot area.

13 Normally, in the RF zone, you would -- RF-1 zone, you
14 would need 1,800 square feet for a new lot. If you voluntarily
15 opt into IZ, your lot area can be as small as 1,500 square feet,
16 and that's what the applicant's proposing here. That's why
17 they're before you with the special exception.

18 CHAIRPERSON HILL: So, now, I'm sorry. So then what can
19 they build by matter of right that's that height?

20 MS. VITALE: Any building in the RF-1 zone can go up to
21 35 feet and three stories, if it's the principal building. The
22 accessory building regulations in the RF-1 zone would limit any
23 accessory building to two stories and 22 feet.

24 CHAIRPERSON HILL: Right. And the IZ unit, that's in
25 perpetuity?

1 MS. VITALE: Yes, it would be.

2 CHAIRPERSON HILL: And so, Mr. Cross, you guys are just
3 renting it? At 60 percent?

4 MR. CROSS: That's correct. My client is proposing to
5 offer it as a rental, and subsequently reducing it to the 60
6 percent MFI rate.

7 CHAIRPERSON HILL: So if they ever decided to sell it,
8 then what would happen?

9 MR. CROSS: I'm not sure if that's possible, but that
10 would be -- I don't -- I couldn't speak to how the DHCD process
11 works on that.

12 CHAIRPERSON HILL: And I'll move on to other people
13 after questions.

14 But Mr. Rice, I'm curious what happens if -- so if we do
15 60 percent as a rental, it has to stay 60 percent as a rental in
16 perpetuity, and they have to come back before us to change it to
17 anything else. And Mr. Rice, can you hear me?

18 MR. RICE: I can hear you, sir. I'll need to do some
19 research and get back to you and respond to that question.

20 CHAIRPERSON HILL: Take a look, if you wouldn't mind.

21 All right. Who has questions for the Office of
22 Planning? And if so, raise your hand. Oh, wow, okay.

23 Commissioner, you've got any questions for the Office of
24 Planning? Okay.

25 Ms. John, do you have any questions for the Office of

1 Planning?

2 VICE CHAIR JOHN: Just one. Just one quick question.
3 In the context of that street, do you have any concerns about
4 putting three stories on that small lot, in terms of how that
5 massing fits in with the streetscape, which is what I think the
6 neighbors are concerned about?

7 MS. VITALE: No, I don't, because, as I stated, in the
8 RF-1 zone, you can go to 35 feet and three stories as a matter of
9 right. A property owner could go pull a building permit to put an
10 addition on their house, and go up to that 35 feet. So I don't
11 find that to be an issue.

12 And there certainly are a variety of building types. If
13 you look at the larger neighborhood and even within the square,
14 there are certainly three-story buildings. So I would not, you
15 know, find that it would be, you know, out of character with the
16 surrounding neighborhood to go up to the three stories.

17 VICE CHAIR JOHN: Thank you.

18 CHAIRPERSON HILL: Okay. All right. Let's see. I've
19 got to -- okay.

20 So Mr. Young, there is just one member of the public, or
21 two, or more?

22 MR. YOUNG: You have two.

23 CHAIRPERSON HILL: Okay. There was one who had the
24 slide deck. Right?

25 MR. YOUNG: Yes.

1 CHAIRPERSON HILL: Okay. Can we give -- can we go with
2 that person second?

3 MR. YOUNG: Yes.

4 CHAIRPERSON HILL: And if you can pull that up when the
5 time comes? Maybe tell me -- I know I can see one of the -- one
6 of the names will work when they get popped in.

7 Okay. So Ms. Dominiguez (sic)?

8 MS. DOMINGUEZ: Hi, yes. Ms. Dominguez.

9 CHAIRPERSON HILL: Oh, Dominguez. Ms. Dominguez, could
10 you introduce yourself for the record, please?

11 MS. DOMINGUEZ: Yes, absolutely. Thank you. My name is
12 Alicia Dominguez, and I'm a homeowner at 4101 New Hampshire
13 Avenue. So this is the corner lot of New Hampshire and Taylor.
14 My backyard is about 25 feet from where the applicant's condo
15 would be built.

16 CHAIRPERSON HILL: Are you the end one?

17 MS. DOMINGUEZ: Yes.

18 CHAIRPERSON HILL: Okay, great. Okay. Well, you'll
19 have three minutes to give your testimony, and please, begin
20 whenever you like.

21 MS. DOMINGUEZ: Great. Well, I had hoped to join the
22 prior meeting on July 14th, but my youngest son was actually born
23 that day, so I was in the hospital. I would not want it to
24 reflect on, you know, why I -- my passion and concern about this
25 case, that I wasn't there at the prior meeting, so I would like to

1 | be able to speak a little bit about this.

2 | But so I'm glad I'm here today, and I want to thank you
3 | for the opportunity to speak with you and share my and my
4 | neighbors' concerns about how the proposed development would
5 | adversely affect the use and enjoyment of our properties.

6 | This is unlike some of the other concerns you may hear
7 | about from concerned neighbors. This isn't about objecting to a
8 | popup or building out the back of a home. In fact, the applicant
9 | has already done both on this same property, and we didn't object.

10 | Rather, in this situation, after already significantly
11 | developing the primary home into a larger, multi-unit property,
12 | the applicant's now seeking a special exception to subdivide the
13 | lot and build a second multiunit condo with eight bedrooms and a
14 | den on our residential street of single-family homes.

15 | Not only would allowing subdivision provide a bad
16 | precedent for developers to carve up residential neighborhoods to
17 | maximize profits without consideration of the community impact and
18 | against the ANC's objection, but allowing the subdivision would be
19 | a wrong decision under the review standards and the zoning
20 | regulations.

21 | The applicant is seeking an exception that's not
22 | entitled to, as a matter of right. He has the burden of proof in
23 | this case. And the regulations in Subtitle X, Section 901.2,
24 | require the applicant to prove two things.

25 | First, they must show that allowing the proposed

1 subdivision and condo would be, quote, "in harmony with the
2 general purpose and intent of the zoning regulations." And
3 carving up a residential lot that is zoned in RF-1 for single-
4 family home, in order to build two separate multiunit condos is
5 not in harmony with the general purpose and intent of the RF-1
6 zone.

7 As the Office of Planning had noted, the purpose in the
8 regulations is listed as providing areas predominantly developed
9 with detached rowhouses on small lots. In the applicant's burden
10 of proof statement, they inaccurately stated that the proposed
11 development would be, quote, "similar or smaller in size than
12 other structures facing Taylor Street Northwest." They also claim
13 that the development would be compatible with surrounding homes.

14 However, if you look at the applicant's own photos, and
15 you can see, at the bottom of Page 3 in their latest submission,
16 they included a small panoramic photo of the full street, with the
17 front of the development next to surrounding homes. And I
18 understand the applicant submitted this image in response to
19 requests by Ms. John in the prior July hearing.

20 It's not surprising that the applicant has highlighted
21 photos that don't compare the development to the rest of the
22 block, because when you look at that development in relation to
23 other homes on the street, it demonstrates how the 3.5-story condo
24 building would be by far the tallest and largest building on the
25 street, and dwarf the surrounding two-story single-family homes.

1 The massive size and distinct architectural design of the proposed
2 development is not in harmony with the RF-1 zone.

3 Second, the applicant has the burden of showing that the
4 proposed subdivision and condo will not adversely affect -- or
5 affect adversely the use of neighboring property. In a joint
6 objection letter, signed by 35 neighboring property owners, myself
7 and my neighbors describe how the special exception would
8 adversely affect the use of our property. And we point to exactly
9 the types of uses that this Board considers in the zoning
10 regulations.

11 The negative impact that we would feel from the proposed
12 condo include the criteria that this Board should consider,
13 including the light and air available to neighboring properties,
14 the privacy of use and enjoyment, and whether development may,
15 quote, "visually intrude upon the character, scale, and pattern of
16 houses." Allowing the applicant to subdivide the lot and build a
17 3.5-story, multiunit, eight-bedroom condo, would adversely impact
18 all of these criteria, and are grounds for denying the applicant's
19 request.

20 I would like to quickly highlight three ways that the
21 condo would adversely impact the use of my property and other
22 neighboring properties. First, how the condo would block the
23 light available to neighboring properties. Second, the way the
24 condo would visually intrude on the character, scale and pattern.
25 And third, how the applicant would only provide one parking spot

1 for the multiunit, eight-bedroom condo, all of which would be
2 rentals.

3 With regards to the impact to the light on neighboring
4 properties, my husband and I purchased our home in 2012 because of
5 its unique position as a corner lot on a completely residential
6 street. We relied on the existing lot lines and the open space
7 behind our home.

8 When we were house hunting, we toured our home during
9 the morning, and we fell in love with the sunshine that flooded
10 the kitchen and primary bedroom. Each of those rooms have four
11 large windows that face east. And this multiunit condo would be
12 built directly east of our home, and block that sunlight. Instead
13 of morning sun, we'd be staring at a 3.5-story wall where we
14 previously had long sight lines down Taylor Street.

15 The applicant's provided reports that show where the
16 shadows fall. And these reports demonstrate how the development
17 would cast shadows on our property each morning, instead of the
18 morning light that made us want to buy our house. And Mr. Cross
19 admitted this, that the three-story building would have a greater
20 shadow impact than the matter-of-right building.

21 CHAIRPERSON HILL: Ms. Dominguez?

22 MS. DOMINGUEZ: Yes.

23 CHAIRPERSON HILL: I'm just letting you know, you're two
24 minutes over right now. But just go ahead and take your -- you
25 know, just kind of telling you where you are.

1 MS. DOMINGUEZ: Thank you. I'll go quickly. I want to
2 highlight also that the shadow reports, although they impact
3 shadow, they don't necessarily also demonstrate the impact it
4 would have to the natural light that we get in our home. Shadows
5 are one thing, but there's also just a block of when you have a
6 3.5-story wall directly behind your house. The light, as well as
7 the shadows, is an impact.

8 If I could just -- just two quick points. One is that
9 the matter of -- when we're talking about the matter-of-right and
10 the height, as the Office of Planning had said, a matter of right
11 structure here would be the accessory building, which could only
12 go up to 25 feet, whereas what the applicant is trying to say,
13 that they have a matter of right up to 35 -- but that's not true.

14 The matter of right, if you are -- the 35-foot height is
15 for the principal unit. They already have a principal unit that
16 has been popped up. This accessory unit, what they have as a
17 matter of right could only go up to the 25 feet. So I think it's
18 inaccurate and misleading to say that 35 feet is as a matter of
19 right.

20 The last thing that I just wanted to say is about the
21 other houses that they've talked about on Shepherd and Upshur
22 Street. As Mr. Blake noted earlier, those two precedent
23 properties are much smaller than the applicant's proposal. In
24 both of those other cases, the lot occupancy is less than 60
25 percent, both of those are only two stories, and the floor area

1 ratio is 1.0 or 1.1. But the applicant's proposal is a 60 percent
2 lot occupancy, 3.5 stories, and a floor area ratio of 1.7.

3 CHAIRPERSON HILL: Okay, Ms. Dominguez, you've got to
4 wrap it up.

5 MS. DOMINGUEZ: Okay. Well, thank you very much. I
6 just want to thank you all for your consideration. When we
7 purchased our home, we really do rely on this Board to honor the
8 zoning regulations, and protect the lot lines that were in place
9 when we purchased our home, and I can't underscore the negative
10 impact that would have, not only to our future or current use of
11 our property, but also future property values.

12 CHAIRPERSON HILL: Okay.

13 MS. DOMINGUEZ: Thank you.

14 CHAIRPERSON HILL: Thanks, Ms. Dominguez.

15 All right. Mr. Young, who's our next testifier? Oh,
16 hold on.

17 All right, Commissioner, wait a minute.

18 Ms. Dominguez, are you still there?

19 MS. DOMINGUEZ: Yes, I am.

20 CHAIRPERSON HILL: Commissioner, I've got another case
21 after this. All right. Commissioner, go ahead. You have some
22 questions for Ms. Dominguez?

23 MS. BOTSTEIN: No, no. Sorry, I was just saying, I --
24 there's a meeting I've postponed. I just have to hop off for,
25 like, ten minutes, and I'll be right back.

1 CHAIRPERSON HILL: Oh. Oh, God, I hope you're not
2 coming back. Hold on, Ms. -- I mean, Commissioner, hold on a
3 second.

4 Has anybody got any questions for the commissioner
5 before she hops off?

6 Chairman Hood?

7 CHAIRMAN HOOD: No, no, this is not for the
8 commissioner. But this is -- no. This can wait.

9 CHAIRPERSON HILL: Okay. All right. Commissioner, I
10 don't know where we're going to be in ten minutes, so let's see
11 what happens. But we appreciate you being here. Okay? Okay.
12 Thanks.

13 Ms. Dominguez, can you hear me?

14 MS. DOMINGUEZ: Yes, sir.

15 CHAIRPERSON HILL: Okay. I'm going to put you in the
16 background just for -- just stay there for a minute. Let's see if
17 we've got any more questions for you. Okay?

18 MS. DOMINGUEZ: Okay.

19 CHAIRPERSON HILL: Okay.

20 Ms. Marshall, can you hear me?

21 MS. MARSHALL: Yes, I can.

22 CHAIRPERSON HILL: Okay, Ms. Marshall. You really only
23 have three minutes. But we'll see how -- I mean, I'll give you a
24 minute or so more, but, like, you're only supposed -- people from
25 the community are supposed to get five minutes.

1 You've got a presentation that I'm going to bring up.
2 It was easier for us to scroll through it. I did scroll through
3 it already.

4 MS. MARSHALL: Yes.

5 CHAIRPERSON HILL: And so it might be easier for you to
6 talk through it than to take us slide-by-slide in three minutes.
7 But you're welcome to do whatever you want. Do you want me to
8 pull it up and you can just say, "next slide"? Or how would you
9 like to --

10 MS. MARSHALL: Yes.

11 CHAIRPERSON HILL: Okay.

12 MS. MARSHALL: I think that would be great. Thank you.

13 CHAIRPERSON HILL: Okay.

14 Mr. Young, can you pull it up?

15 And Ms. Marshall, could you introduce yourself for the
16 record, please, with your address?

17 MS. MARSHALL: My name is Melanie Marshall. I live at
18 4103 New Hampshire Avenue Northwest, Washington, D.C.

19 CHAIRPERSON HILL: Okay. Where are you in the
20 relationship to the property? You're next to Ms. Dominguez.
21 Right?

22 MS. MARSHALL: The both -- yes. I am Ms. Dominguez's
23 next-door neighbor.

24 CHAIRPERSON HILL: Okay, great.

25 MS. MARSHALL: The north side of my home is 4105, which

1 is owned by the applicant, and also 4107, which is owned by the
2 applicant.

3 CHAIRPERSON HILL: Got it. Okay. Great. Okay. Ms.
4 Marshall, you can -- you have three minutes, and you can begin
5 whenever you like.

6 MS. MARSHALL: Okay. I think we can scroll through the
7 presentation. I just want to ask you to pause at a couple of
8 pictures. Next?

9 This is the view I have of my backyard and west on
10 Taylor Street. Where you see the white endcap on the farthest low
11 garage is where he's going to build this building. And the
12 building will be higher than the red brick building with the two
13 white windows in the far distance.

14 So effectively, I don't think anybody could say that I
15 would not be adversely impacted by the height and breadth of this
16 building. The garage that is closest to me, the red brick wall,
17 he's also planning to build a 10-foot deck onto. So I will
18 effectively be boxed into my backyard with a great diminishing of
19 light and air. Next.

20 This is the side view of the two properties. The two
21 garages are owned by the applicant. The one closest to the silver
22 car is 4105. The other one is 4107, the garage on top of which he
23 plans to build. My house is the house with the two yellow
24 awnings. So you can see how the height of that building will
25 completely put me off. And then in addition, when he puts the 10-

1 foot patio on top of the first garage. Next.

2 This is his initial rendering of the building, and I
3 just wanted to show it because you just saw where my car was
4 parked, and my yard, and this is the initial shadow study. It's
5 still going to be there. And it's going to be massive, because
6 this rendering, he was saying, was going to be white siding.

7 He's doing red brick siding. We didn't ask him to do
8 that. He volunteered to do that. Our main thing is the height of
9 this building, the width and breadth and footprint of it on this
10 tiny lot. Next.

11 This is where he's going to be putting the building.
12 And I can see my neighbors' house, 517. I won't be able to see
13 that at all. Won't be able to see anything there. Next.

14 This is the back of the property, and in the middle is
15 the white house -- is the windows with white siding. That's 4105.
16 To the left of that is 4103, which is my home. That will be
17 completely blocked off, because his building, the way he has it
18 positioned, is going to be as high as the white-siding building on
19 the far right, or maybe even a little bit higher. Next.

20 This is the side view off of the alley of the lot. And
21 you can see, through the trees on the right, the Dominguez house.
22 That's 4101. You can barely see my yellow awning to the right of
23 that. And then straight ahead is the red brick garage. The SUV
24 parked there -- I don't know how he thinks that there will be room
25 for two cars, but he says that there'll be room for two cars.

1 Next.

2 This is the view that we have. These are the four
3 vintage Wardman-style homes. The architecture that we love, on
4 the street that we love. So locked down, his rendition of the
5 four-story -- three-and-a-half-story house, three-story with a
6 cellar, and all of that is blocked off. And all of our neighbors
7 enjoy being on their porches and having this wonderful light and -
8 -

9 CHAIRPERSON HILL: Ms. Marshall, just to let you know,
10 you're at four minutes now.

11 MS. MARSHALL: Okay. Thank you. Next.

12 So that's the front view, showing 517, and on the left
13 would be where he puts his house. Next.

14 And there it is. And because this is a panoramic view,
15 the elevations that Ms. Johns (sic) was talking about, they really
16 don't show here. Next.

17 Oh, I'm sorry. This slide is really messed up. The
18 slide that he had -- you can see the height here, where it really
19 is a full floor taller than our homes. Next.

20 I'm not going to read this. I think you all have had a
21 chance to read it. But we do object to this --

22 CHAIRPERSON HILL: Okay. Sorry, Ms. Marshall. I'm just
23 trying to get -- so I got your slide deck here. So you've got
24 this, and then this last one. Right?

25 MS. MARSHALL: Yes. There should be two more after

1 that. Did they not load?

2 CHAIRPERSON HILL: Okay. Okay. All right. Let me see
3 if they got -- if the Board has any questions for you.

4 MS. MARSHALL: Thank you.

5 CHAIRPERSON HILL: You're welcome.

6 Does the Board have any question for either witnesses?
7 And if so, please raise your hand.

8 Commissioner Hood, did you raise your hand?

9 CHAIRMAN HOOD: Mr. Chairman, yes. I don't necessarily
10 have a question, but I think Ms. Dominguez brought up something --
11 I thought I heard, and then when I was reviewing from Mr.
12 Commissioner Turnbull or someone -- and I didn't see it in the
13 record. I was seeing if somebody could direct me.

14 But I'd like to see a perspective, to scale. And I
15 don't know if the photos are cut off and chopped so you can't see
16 it. I can't get a full view. I'd like to see a perspective of
17 the surrounding area with what's proposed, as much to scale as
18 possible, so I can get a perspective how -- some viewpoints.

19 But I will say this to both of our witnesses. The
20 Supreme Court has said that you -- we don't buy views. so I've
21 heard a lot about the views, but unfortunately, the Supreme Court
22 rules, saying we don't buy views.

23 But I do want to see a perspective of that, Mr.
24 Chairman. I don't necessarily have a question, but I would like
25 to have that, if --

1 CHAIRPERSON HILL: Okay.

2 CHAIRMAN HOOD: If you can direct me to it, somebody
3 direct me to it, that would help, as well.

4 CHAIRPERSON HILL: Yeah. Okay, great. All right.
5 Anyone else have any questions?

6 Okay. All right. Ms. Dominguez and Ms. Marshall, thank
7 you all for your time, and we'll see what happens.

8 MS. DOMINGUEZ: Thank you very much.

9 CHAIRPERSON HILL: Bye-bye.

10 MS. MARSHALL: Thank you.

11 CHAIRPERSON HILL: Bye-bye.

12 Okay. All right. I'm trying to see where -- okay. I
13 don't know what anybody wants, anything, or what we're going to do
14 now.

15 So Mr. Cross, I guess -- I mean, my -- and this is where
16 I apologize if it's in the record, but clearly -- and I'm going to
17 kind of go back and figure this out myself, or maybe you can point
18 it to me. I'm trying to get a grip on this matter of right,
19 versus what you're trying to do. Right? And there's just so many
20 different things.

21 And they're like, I don't -- I don't have, like -- do
22 you have, like, a massing or, like Chairman Hood says -- what did
23 you say, Chairman Hood? A perspective? I forget what you say all
24 the time.

25 A perspective of, like, what is the matter of right that

1 | you're saying that you can do without being before us? And the
2 | reason why I'm getting confused, also, is that, you know, the 22-
3 | feet two-stories, versus the subdividing the lot. Right? If you
4 | don't subdivide the lot, then you can't go to three stories.
5 | Right? And you can't go to three stories unless we give you the
6 | 1,500 -- I'm sorry, unless we give you the IZ. Right?

7 | Or are you telling me you can do something, subdivide
8 | the lot and actually do it without the IZ? And that's where I'm -
9 | - is there anything in the record that you can point me to, Mr.
10 | Cross?

11 | MR. CROSS: I don't think there is, because as OP
12 | pointed out, the relief we're seeking is exclusively for a 1,500-
13 | square-foot lot. I should say, it is for a lot less than 1,800
14 | square feet.

15 | CHAIRPERSON HILL: Right.

16 | MR. CROSS: We're not seeking relief for the IZ.

17 | CHAIRPERSON HILL: No, no, no, but you're getting that -
18 | - you're getting that difference because of the IZ.

19 | MR. CROSS: Correct.

20 | CHAIRPERSON HILL: So what I'm saying is, you can't do
21 | it as a matter of right. You need the IZ bonus. Right? Okay?
22 | Or whatever you want to call it. The 1,500 versus the 1,800.

23 | MR. CROSS: That's right. We're providing the IZ to
24 | qualify.

25 | CHAIRPERSON HILL: I'll just kind of tell you where I am

1 right now. I know that the Board, by the way, is kind of
2 struggling with this, Mr. Cross. So I don't want to kick it
3 around a lot, because you had Mr. Turnbull before, and now you've
4 got Chairman Hood, and now you've got -- he's something else.

5 I'm a little bit off with the height. Okay? Right?
6 Like, I'm having a little bit of struggle with the shadowing. I
7 mean, I know that I think that, you know, that building probably
8 could go to the three stories, and it wouldn't look as weird if
9 everybody else had already popped up. Right? But everybody else
10 hasn't already popped up around it.

11 So it kind of looks, to me, a little bit too -- I mean,
12 I'm just kind of being quickly honest about it. Right? And so,
13 if there was something that you can show me, which is your matter
14 of right, and if you were able to show me that by matter of right,
15 you can go up to three stories, and ease the shadowing, then I
16 would have a better time accepting the project. Right?

17 The fact that you can't go up to three stories unless
18 you get the IZ density -- right? Then I'm a little confused. I
19 mean, that's the problem that I'm having with it. You know? So
20 your matter of right is that you're getting the IZ. Right? And
21 you're giving -- and you're giving the IZ, and therefore you're
22 going to get the 1,500 if we approve the project.

23 I'm kind of talking through a lot stuff, Mr. Cross, too.
24 This is the end of the day, and I've still got a woozy (sic)
25 after this. Right? So I don't know if y'all want to say what

1 y'all want to see. Mr. Hood seems to -- Chairman Hood seems to
2 think he wants to see a rendering of some kind -- what is it
3 called? A perspective. Perspective.

4 CHAIRMAN HOOD: I don't seem to think. I want to see
5 it.

6 CHAIRPERSON HILL: A perspective of what, Chairman Hood?

7 CHAIRMAN HOOD: I want to see a perspective, again, of
8 what's being proposed in relationship with what's already there
9 now. The community. What's already there now. I want to see it,
10 and I think Mr. Cross knows exactly what I'm talking about. See
11 it drop whatever -- whatever you're going to drop in, I want to
12 see that.

13 Now, I think you took it to another level, Mr. Chairman.
14 You said you want to see a matter of right versus what's proposed
15 in this -- that's the way I took it. But I just want to see that.
16 How it's in relationship with the surrounding neighborhood.

17 CHAIRPERSON HILL: Yeah, and I'm not necessarily a no on
18 this, by the way, I've got to say. Like, you know, if the -- you
19 know, the fact that -- the IZ's there because the Zoning
20 Commission, you know, allowed -- not allowed this. We're
21 encouraging IZ. Right? So you want IZ.

22 And we're kind of deliberating-ish, as we talk this
23 through, because this is a weird Zoom world. Right? So, you know
24 -- anyway, so my point is, I don't necessarily know if I'm out.
25 I, you know, I'm just trying to figure this out a little bit.

1 And Chairman Hood has asked for a perspective of
2 dropping -- I mean, Mr. Cross tried to kind of do it. Like, he
3 tried to show us with those pictures what it kind of looked like.

4 But you, Mr. Chairman Hood, are looking for a
5 perspective, which shows it in even more greater detail, to
6 understand. Correct?

7 CHAIRMAN HOOD: I need to -- I need to see the full
8 complement of the area around it, because those pictures that I
9 see, unless somebody can direct me to one, kind of cuts it off.
10 And it doesn't give us a full scope of what's there. And I'd like
11 to see that. And I think that's --

12 MR. CROSS: Can we pause to have Mr. Young pull up Page
13 3 of the set once again, just so I know what is missing? Because
14 that was one of the comments from the previous hearing, and we
15 thought that we were providing that --

16 CHAIRPERSON HILL: Is that in 55?

17 MR. CROSS: -- in the materials on Page 3. Exactly.
18 Exhibit 55, Page 3.

19 So here we've got two renderings. One on the top is a
20 perspective, showing our building in context of the adjacent --
21 immediately adjacent buildings. And across the bottom is a string
22 of photos taken head-on of the elevation of the entire block, from
23 cross-street to cross-street, that shows our building in elevation
24 in the same context.

25 And while we've been on the phone, Ms. John had brought

1 up her concern that the perspective may not be accurately showing
2 the height of the building. We have verified that the
3 perspectives in this do actually appear to be correct. It's just
4 the nature of this photo that it's farther away, and therefore it
5 is shorter in the photograph.

6 CHAIRMAN HOOD: Mr. Cross, I know, by trade, because I
7 do this for a living but I know, when you do something -- like,
8 what you're presenting here, it doesn't really show me a true
9 representation. It's almost -- and I know you're not -- it's
10 almost like you're trying to hide the full effect. I want to see
11 the full effect. That's where I am.

12 Don't give me none -- I'm old. I'm 57 years old. I
13 can't see that kind of size. Give me the full effect, and I want
14 to see that bottom picture with the surrounding area. I can't --
15 don't give me this stuff where I can't see it, and I've got to --
16 I want to see exactly what Ms. Dominguez -- I want to see it.

17 MR. CROSS: Can you give me a location on that street
18 where you would prefer to have us locate our camera for the next
19 rendering?

20 CHAIRMAN HOOD: I would like to see one to the east.
21 I'd like to see one -- the one that you have here, that's smaller.
22 Maybe it's my computer. Or I don't know. But the one you have
23 at the bottom of the rendering that's up now, I want to see that
24 larger, so I can really see it. I can't see that.

25 MR. CROSS: Yeah, the issue is, it's the entire block.

1 So we cannot give you that amount of information in one view --

2 CHAIRMAN HOOD: No, I didn't say one view.

3 MR. CROSS: -- at any other scale.

4 CHAIRMAN HOOD: You can give me three or four views.
5 But I want to see a larger representation of the surrounding area,
6 so we can get a true representation of how what you want to do
7 fits. And I think Ms. Dominguez is the one who triggered me, but
8 I know I heard previously about the perspectives. And I think you
9 -- I think you can do that, and I think you understand exactly
10 what I mean.

11 CHAIRPERSON HILL: Okay. Mr. Cross, just try to give
12 more -- just do a little bit more of the perspective. I mean, the
13 thing that I got confused, from your rendering, is, like, the
14 first one, that's above the long thing, it looks like that thing's
15 on a corner, and it's not. Right? Like, you're not on a corner.
16 You're just trying to show us, I guess, the side of the building?

17 MR. CROSS: We are on a corner. We're on the corner of
18 the alley. And that's why you're seeing those two. It's rendered
19 in space. It should be very true to how it would show up if you
20 took that picture of its physical, built form, if it existed
21 today.

22 CHAIRPERSON HILL: Got it. Okay. Sorry, I got a little
23 -- I misunderstood that.

24 CHAIRMAN HOOD: And let me just say -- do you believe,
25 Mr. Cross, do you believe you've already satisfied -- I can tell

1 | you that'll get me there, but if you believe you've satisfied that
2 | -- if I don't see nothing, I'll understand you think you've
3 | satisfied the requirement. But if not, you know, I will deal with
4 | it accordingly. So I'll leave it up to you.

5 | CHAIRPERSON HILL: Okay. All right. I'm sorry, Mr.
6 | Cross.

7 | I mean, I guess before -- and I apologize, also, Vice
8 | Chair John.

9 | I didn't think I was that confused. I mean, I'm not
10 | that confused. Like, I'm looking at your slide deck, and Taylor
11 | Street is a straight street. So the front of your -- and I'm just
12 | -- I don't mean to get -- kind of go back and forth on this.

13 | What I'm saying is, you're -- and you did a good job,
14 | Mr. Cross. I mean, like, I see what you're trying to build.
15 | Like, I mean, I'm not saying -- good. But like, your third slide.
16 | Right? It looks as if that rendering is on a corner. That's
17 | what I'm trying -- the way I'm looking at that building is as if
18 | it's on a corner. And it's not. It's actually on a straight
19 | street. Correct?

20 | MR. CROSS: It is. But if you go to Page 6, labeled BZA
21 | 05 --

22 | CHAIRPERSON HILL: Yeah.

23 | MR. CROSS: -- you'll see that it sits on the corner of
24 | an alley.

25 | CHAIRPERSON HILL: Of the alley.

1 MR. CROSS: So that's why you're seeing the front and
2 side, because you're looking, you know, through the gap of the
3 alleyway.

4 CHAIRPERSON HILL: Okay. But really, that rendering,
5 then, that you're showing us below -- I'm still back on Slide 3 --

6 MR. CROSS: Yes. 3, yeah.

7 CHAIRPERSON HILL: The rendering that you're showing
8 below, that's really how it looks, if I look straight on to it.
9 Correct?

10 MR. CROSS: That's correct. If you're looking straight
11 on, that should be how it looks.

12 CHAIRPERSON HILL: Okay. You understand where I'm a
13 little confused. Right?

14 MR. CROSS: I can understand how it's confusing. But I
15 --

16 CHAIRPERSON HILL: That's okay. I just want to
17 understand. I understand what I -- it's the rendering below,
18 that says "Rendering Taylor Streetscape", that's the one that's
19 straight on. Right?

20 MR. CROSS: That's correct. And --

21 CHAIRPERSON HILL: Yeah, okay. So I don't know --
22 sorry.

23 MR. CROSS: Yeah, sorry. And so that, just to kind of
24 understand how the -- that is taken with a series of straight-on
25 images that have been stitched together. There's no way to

1 capture that view from a single point of view in a camera. Right?

2 CHAIRPERSON HILL: No, I think what -- I think what
3 you've got is fine. And whether or not you give something more to
4 Chairman Hood -- that straight-on shot, maybe you make it bigger,
5 so that it's not just, you know, a sliver down at the bottom.
6 Right?

7 CHAIRMAN HOOD: This is not my first time asking for
8 this, Mr. Chairman, of Mr. Cross. I'm just -- what I'm asking for
9 can be done.

10 I'm not asking you to give me a full panoramic view.
11 You can break it up in three different -- I know how to put it
12 together. This is not the first time this has been asked for. So
13 it's not like this can't be done. No one is saying it can't be
14 done. I know that.

15 MR. CROSS: I understand. I apologize, sir. I think
16 that what we're struggling with here, as opposed to those previous
17 times, is the Zoom environment. If we were in person, I'd be
18 happy to zoom in, and we could move this thing around.

19 Unfortunately, if I break it into three sections or
20 more, you won't see the context that you're looking for, because
21 any section that doesn't have our building in it would not show
22 you the context of our building. You would just have a picture of
23 the block today. So I think it's just -- it's the technology
24 we're working with. If we could be there in the room, big screen,
25 zoom in, I think you'd have the information that you need to --

1 CHAIRMAN HOOD: Mr. Cross? Mr. Cross? I hear what
2 you're saying. We can say Zoom, Webex. We could -- I understand
3 what kind of environment you're in. Trust me, whatever you give
4 me, if you can try to get me to that point, to help me see it a
5 little clearer, I'm sure, I'm sure that I can figure the rest out.

6 And Mr. Chairman, I'm going to stop, because I see Board
7 Member Blake has been raising his hand for a while.

8 CHAIRPERSON HILL: Okay.

9 Mr. Blake?

10 BOARD MEMBER BLAKE: Yes. In the context of that, it
11 would be very helpful if you could provide the dimensions of some
12 of the lots on that square, and also the building heights, at
13 least a rough estimate of that, if you could do some type of
14 linear measurement. Those numbers would be helpful in getting
15 assessment of that, as well.

16 MR. CROSS: Can do.

17 CHAIRPERSON HILL: Okay. I don't know.

18 All right. Ms. John?

19 VICE CHAIR JOHN: Mr. Chairman, what I think that
20 Chairman Hood is asking for is actually computer modelling of the
21 street, that shows the dimensions done to scale. I believe that's
22 what, you know, he's looking at, not photographs. The problem
23 with photographs is that the angle can skew something, and the
24 distance. I'm not a photographer, but it's just my sense of it.

25 So in, I believe it's Slide 3, the building looked

1 shorter than the two-story building next to it. And that can't be
2 possible, because it is high. It is -- I mean, it's at 35 feet
3 above grade. So I don't see how that building could look shorter
4 or the same height as the two-story building to the right of it.
5 So that was my sense of it.

6 And I don't know the correct architectural term for it,
7 Mr. Cross. But there is such a thing, which we have received in
8 other cases that have a lot of neighborhood opposition. And it
9 helps us to get a good idea of how the buildings relate to each
10 other, in terms of their massing. For me, photographs don't
11 really do it, because they can be skewed, as, you know, we see
12 here.

13 So those are just my two thoughts, Mr. Chairman.

14 CHAIRPERSON HILL: Okay. I'll sum up in a second, Mr.
15 Cross, at the end.

16 Mr. Smith?

17 BOARD MEMBER SMITH: Yeah, to elaborate on what Mr.
18 Blake had stated, I don't if he said the block, but could we get
19 the heights of the houses along New Hampshire, and along Taylor,
20 in order for us to be able to make a better estimate of the
21 heights of the houses there?

22 Also, I know I'm beating a dead horse -- I wear
23 contacts, but I'm not blind. I can tell that this picture is a
24 panoramic. And at the parking sign, the road -- it looks like the
25 road bends. And if I look at a plat of the property in question,

1 the proposal that you had proposed is in line -- should be in line
2 with the rowhomes. So to the east. And in this image, it does
3 look like the -- your proposed development is turned, with it's
4 actually not.

5 So that's what everyone is making an inference about,
6 because turning it in this way tricks the eye to make it look like
7 this building is the same height as the rowhomes, when we know
8 it's not, based on the height of the development. So if you can
9 provide a different way of visually representing that, that I
10 think gets -- we get a more truthful aspect of the scale of this
11 building, that would be helpful.

12 CHAIRPERSON HILL: Chairman Hood?

13 CHAIRMAN HOOD: Mr. Chairman, you look like your head
14 could fall on me. I hope I never -- but Mr. Cross, let me help
15 you.

16 Form-based code. Vice Chair John helped me understand
17 exactly probably what I was looking for. Form-based code, I know
18 you're familiar with that term. You could probably do that in
19 this particular case.

20 You don't have to use a photograph, as the Vice Chair
21 said, but form-based code, it's a development practice that's done
22 all the time, and I think that would help us get -- at least, it
23 would help me get to where I need to be, and also, I think, Vice
24 Chair John.

25 CHAIRPERSON HILL: Mr. Cross, I'm sorry. I know, I'm --

1 I know how much we're putting you in here, and I know how much
2 we're -- the owner's going to be like, you know, I want some
3 animation thing. You know? Can turn it around 360. You know.
4 No.

5 So I'm actually where -- Mr. Cross, you can give
6 whatever you want to give, and I think I'm just going to do a
7 little bit more research myself on the case, and kind of see where
8 I get. Like, it might be okay. I mean, I know people are
9 listening and everything, and, like, you know, again, views are
10 not -- you don't get a view. Right? So that's not something that
11 we're, like, worried about.

12 And I do apologize to the people that are listening, but
13 unfortunately, that's not within in the regulations. You do get
14 shadowing. Right? You do get light and air. Right? But you
15 don't get a view. And so if, due to the regulations, you know,
16 light and air and everything, you know, is okay with us, then the
17 property is what it is.

18 But I guess, if you can give the heights of the other
19 homes on Taylor Street and on New Hampshire, right? That might
20 help. And if you can give something more that's, I guess, clearer
21 to look at, for the Board, from, like, the different sides of the
22 building in relationship to the street, that might be helpful.
23 Right?

24 And then, I guess, we can just have probably a
25 deliberation. Right? We don't need a continued hearing.

1 Correct? If anybody has an issue with that, raise your hand.

2 Okay. Yeah. Go ahead, Mr. Cross.

3 MR. CROSS: I might -- if we're not going to have a
4 continued hearing, I might have a question for Office of Planning,
5 just to make sure we clarify one or two items.

6 CHAIRPERSON HILL: Yeah.

7 Ms. Vitale?

8 MS. VITALE: Yes?

9 CHAIRPERSON HILL: Go on, Mr. Cross.

10 MR. CROSS: I guess there's been a lot of discussion
11 about light and air today. Under Chapter 9 of Subtitle X, is your
12 understanding that light and air, specifically, are part of the
13 criteria for this special exception?

14 MS. VITALE: No, light and air are not referenced in the
15 review criteria. I can go back to my report. Just one second.
16 The review is against the general special exception criteria.
17 Sorry. I don't have my --

18 CHAIRPERSON HILL: Mr. Cross? Mr. Cross?

19 Ms. VITALE: Yeah?

20 CHAIRPERSON HILL: It's cool. You can ask a couple more
21 questions. I've been around also. Not as long as Chairman Hood,
22 that's for damn sure. Right? But the general standards, they're
23 pretty broad. Okay? So, you know, I can find something else, if
24 you like. Okay? So -- but go ahead, Mr. Cross. What's your
25 other question to the Office of Planning?

1 MR. CROSS: The structures along Taylor Street and New
2 Hampshire Avenue are currently two stories. But could they add a
3 third story as matter of right at any time?

4 MS. VITALE: They could.

5 CHAIRPERSON HILL: That's a good question, Mr. Cross.

6 So this is the part that I get confused on, Mr. Rice.
7 And this is for later. And this was brought up in discussions,
8 though, that, you know, we are supposed to look at it as to what
9 is there now, not versus what could be. However, it could be
10 there later. Right?

11 And this is the part that maybe -- the Office of
12 Planning is now shaking her head. Like, the regulations could
13 change to where there's not a third story. Correct? I don't know
14 who I'm asking that. Ms. Vitale? Do you look at what could
15 possibly be there in the future when you're doing your analysis?

16 MS. VITALE: We look at the application and the relief
17 request that's before us against the zoning regulations that are
18 in effect at the time that we're reviewing the application.

19 Certainly, the zoning regulations have changed.
20 Chairman Hood can speak to this. We have modified development
21 standards over the years. But when we review a BZA application,
22 we're reviewing the application before us against the zoning
23 regulations that are in effect at that time.

24 CHAIRPERSON HILL: Oh, so -- I so miss being on the dais
25 again with the Office of Planning right to my right, there. Okay.

1 | Because the answer's sometimes "whatever". Okay.

2 | Ms. John?

3 | VICE CHAIR JOHN: So Mr. Chairman, now I'm a little
4 | confused.

5 | So Ms. Vitale, so is the new lot -- does it comply with
6 | the standards for a record lot?

7 | MS. VITALE: The applicant is proposing to subdivide the
8 | existing property, and the lot that would be created would not
9 | meet the minimum lot area required for a new lot in the RF-1 zone.

10 | VICE CHAIR JOHN: Okay, so --

11 | MS. VITALE: It would meet the minimum lot area for a
12 | voluntary inclusion area development.

13 | VICE CHAIR JOHN: Okay. So it is not a matter of right,
14 | because it doesn't -- I mean, that's how I understand it. So
15 | maybe I'm confused. The applicant has to come to the Board for
16 | permission to create a lot that's not a record lot, and the only
17 | way to get around it is to opt into IZ. Otherwise, the applicant
18 | would be limited to constructing an accessory structure, which
19 | would have a limit of 22 feet high. Did I get that wrong? I
20 | could have.

21 | MS. VITALE: The applicant is availing themselves of the
22 | voluntary inclusion area development standard, which permits a
23 | 1,500-square-foot lot, subject to special exception.

24 | VICE CHAIR JOHN: So it's still subject to a special
25 | exception?

1 MS. VITALE: Correct.

2 VICE CHAIR JOHN: If it's not a matter of right. And so
3 in looking at the standards for granting special exception relief,
4 the Board, I believe, has to still look at 901. I don't believe
5 901 went away. I think the Board still has to look at any adverse
6 impacts on the neighbors.

7 MS. VITALE: That's correct. And 901 is the criteria
8 that the Office of Planning has included in its report. The first
9 item in 901 is, will it be in harmony with the general purpose and
10 intent of the zoning regulations and zoning map? And B is, will
11 not tend to affect adversely the use of neighboring property, in
12 accordance with the zoning regulations and zoning map.

13 So those are the review criteria. There aren't other
14 special criteria associated with this special exception relief.
15 It is just A and B, in 901.2.

16 VICE CHAIR JOHN: Thank you, Ms. Vitale. It's late, but
17 I was confused by what Mr. Cross was saying, and I'm thinking, oh,
18 have I been looking at this the wrong way all afternoon? I know
19 we're all tired. But thank you so much for your patience, and I'm
20 clear now. Thanks.

21 CHAIRPERSON HILL: Okay. All right. I'm going to let
22 everybody kind of think for a second and see if they want anything
23 else from Mr. Cross.

24 Mr. Rice, can you hear me?

25 MR. RICE: Yes, sir.

1 CHAIRPERSON HILL: I'm going to call you and ask for a
2 little bit more clarification again about the whole matter of
3 right thing versus what they're going to be able to do, due to the
4 IZ unit. Right? And so just trying to -- and maybe each
5 individual person can kind of talk to you separately.

6 MR. RICE: Sounds good.

7 CHAIRPERSON HILL: Okay. Let's see.

8 Okay. Anybody else want anything from Mr. Cross?

9 All right, Mr. Cross. Sorry if you got beat up a little
10 bit today. You need anything? You've got any questions?

11 MR. CROSS: No, I appreciate everybody's time.

12 CHAIRPERSON HILL: Okay. All right.

13 Then Ms. -- yeah? Who said something?

14 BOARD MEMBER SMITH: When would this, in theory, come
15 back?

16 CHAIRPERSON HILL: Who just said that? Oh, yeah. Okay.

17 I don't know. We've got to see when we get something
18 from Mr. Cross. So let's just say Mr. Cross could get us
19 something.

20 How long is it going to take you, Mr. Cross?

21 MR. CROSS: I think we can get you something by the end
22 of next week.

23 CHAIRPERSON HILL: Okay. So that's -- so then we could
24 come back here the 6th of October, just to get it done. It's been
25 going on for a while. Is that why -- Mr. Smith, did you ask for a

1 reason? Or you were just curious?

2 BOARD MEMBER SMITH: I was just curious.

3 CHAIRPERSON HILL: Okay. So Mr. Cross, if you can get
4 something back to us by the 30th -- I'm sorry. Yeah.

5 And we might leave the record open for anything that the
6 ANC might want to respond to, concerning the -- Mr. Young, is the
7 commissioner back with us, by any chance?

8 (No response.)

9 CHAIRPERSON HILL: Oh. Commissioner, are you there?

10 MS. BOTSTEIN: Yes, hi.

11 CHAIRPERSON HILL: Okay. Well, welcome back.

12 MS. BOTSTEIN: Thanks.

13 CHAIRPERSON HILL: So were you listening for a while, by
14 any chance?

15 MS. BOTSTEIN: Yeah, since about 5:10, 5:00, yeah.

16 CHAIRPERSON HILL: Okay, great. I don't think you
17 missed a lot. But you can go back and watch if you want. I
18 wanted to bring you in, just real quick, because I read your
19 letter, and it was a lengthy letter, and I know it takes a long
20 time to write these. Okay? Like, you actually had to sit there
21 and write there.

22 And you said in there, again, like, you know, give great
23 weight, and the -- I just wanted to -- because, since you're here,
24 and I don't think I've seen you before a lot, like -- you know, I
25 wish I could make everybody happy, as do you, I know. Right? But

1 we unfortunately don't listen to you guys, either. Right? We
2 have to figure it all out. Right? Just because you guys say yes
3 or no doesn't mean we get to do that.

4 I just wanted to, for the record -- but I wanted to
5 acknowledge that this took time. Right? Okay? So it got written
6 and got read. Just wanted to put that on the record. Okay. All
7 right.

8 Okay, Mr. Cross, are you good? So you'll make -- you'll
9 send something to us by -- Mr. Moy -- the 30th? Is that okay?

10 MR. CROSS: Yes, sir. We can prepare our materials and
11 get them to you by the end of the day on the 30th.

12 CHAIRPERSON HILL: Got it. If the ANC has anything they
13 want to give us in response to that filing, we can get it by the
14 5th, Commissioner. Okay? And then we'll come back here for a
15 decision on the 6th. Oh. Yeah, that's right.

16 Okay? Mr. Moy, is that good? Okay.

17 MR. LEE: This is Matt Lee with R. Michael Cross. I
18 shot Gene Bulmash at DHCD a quick email regarding selling or
19 reselling IZ properties. He's a very quick responder, and he did
20 respond.

21 Because the IZ is wrapped up in a covenant, any resale -
22 - it would be maintained, it would have to be maintained, by the
23 new owner. So the IZ rental never goes away unless, somehow, you
24 can eliminate the covenant, which, based on his repose, I don't
25 know if you can without -- it doesn't say in what way.

1 CHAIRPERSON HILL: Okay. I appreciate that, Mr. Lee.
2 Thanks.

3 So Mr. Rice, that's another thing we can chat about
4 before we come back for a decision. Okay?

5 MR. RICE: Okay.

6 CHAIRPERSON HILL: All right. So we're a decision on
7 10/6. Okay. Okay. All right, everybody. You all, I hope you
8 get to go home, or leave your little room. Okay. Bye-bye. The
9 hearing is closed, except for the materials requested by the
10 Board.

11 MR. MOY: Chairman?

12 CHAIRPERSON HILL: Chairman Hood, you were about to say
13 something?

14 CHAIRMAN HOOD: I was just waving bye to everybody,
15 that's all.

16 CHAIRPERSON HILL: Oh, got you. We're going to take a
17 quick break.

18 Yes, Mr. Moy?

19 MR. MOY: Just, before a quick break, just for the
20 record -- so this is set for a decision-making on October 6th.
21 Responses, including the Office of Planning, due by October 5th,
22 and the applicant's going to make their filing by September 30th.
23 Okay?

24 CHAIRPERSON HILL: Yes.

25 MR. MOY: Okay. Thank you.

1 CHAIRPERSON HILL: Okay. Y'all, let's try to come back
2 real quick, so, like, five, ten minutes. And then, I mean, I
3 don't necessarily know what's going to happen in this next one,
4 even if the people are listening. So -- but come back, five, ten
5 minutes. Okay?

6 CHAIRMAN HOOD: Mr. Chairman, is it five minutes, or is
7 it ten minutes?

8 CHAIRPERSON HILL: I'd go with in between five and ten
9 minutes. I'm a little -- it's a little -- it's a little late in
10 the day. I can't specify. Okay?

11 CHAIRMAN HOOD: Five to ten. Okay.

12 CHAIRPERSON HILL: I don't know how long it takes for
13 everybody. All right? Okay.

14 (Whereupon, the above-entitled matter went off the
15 record and then resumed at 5:35 p.m.)

16 CHAIRPERSON HILL: Mr. Moy, you want to call our last
17 one?

18 MR. MOY: Yes, sir. Let's see. We're at 5:35. The
19 Board is back in its public hearing session, and the time is at or
20 about 5:35.

21 The next and last application before the Board is
22 Application Number 20538, of TG -- that's Tango Golf --
23 Management, LLC. This is caption advertised for special exception
24 from the matter of right uses, Subtitle U, Section 202, pursuant
25 to Subtitle U, Section 203.1(E); and Subtitle X, Section 901.2.

1 This would establish a community-based institutional facility in a
2 new three-story with cellar, detached, residential building in the
3 R-2 zone. Property is located at 1614 Olive Street Northeast,
4 Square 5167, Lot 9.

5 And as the Board's aware, there is a number of requests
6 for party status that's in the record. And -- let me think. I
7 believe that's it. The affidavits have been filed in the record.
8 The last one, which is the maintenance -- affidavit of
9 maintenance, is under Exhibit 96. So I think everything's ready
10 to go. Thank you, sir.

11 CHAIRPERSON HILL: Thank you. All right.

12 Mr. Thornton, can you hear me?

13 MR. THORNTON: Yes, sir.

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

16 MR. THORNTON: Charles Thornton. And I'm the authorized
17 agent for TG Management.

18 CHAIRPERSON HILL: Okay, great.

19 Commissioner Douglas, are you there? Maybe Commissioner
20 Douglas is going to be there?

21 MS. DOUGLAS: Commissioner Douglas. Can (audio
22 interference)? Commissioner Douglas. Can you hear me?

23 CHAIRPERSON HILL: Yeah, I can. Can you introduce
24 yourself for the record?

25 MS. DOUGLAS: Can you hear me?

1 CHAIRPERSON HILL: Yes. Can you introduce yourself for
2 the record?

3 MS. DOUGLAS: Oh. This is Commissioner Douglas, serving
4 D 03, ANC 7D 03.

5 CHAIRPERSON HILL: Okay. Thanks, Commissioner.

6 MS. DOUGLAS: Thank you.

7 CHAIRPERSON HILL: All right. Let's see. And then I
8 have the party-status people, I guess. Let me see if I get them
9 all right. I've got -- give me a minute. Sorry.

10 Is Mr. Blue there? Is Blue one of them? Lawrence and
11 Marlo Blue?

12 (No response.)

13 CHAIRPERSON HILL: Okay. Mr. Young, is there a --

14 MS. BLUE: We're here. Thank you. Both Marlo and
15 Lawrence Blue.

16 CHAIRPERSON HILL: Got you. Could you introduce
17 yourselves for the record, please?

18 MS. BLUE: Marlo Blue, 1609 Olive Street Northeast.

19 MR. BLUE: Lawrence Blue, 1609 Olive Street Northeast.

20 CHAIRPERSON HILL: Okay. Thank you.

21 Jennifer and Eric Stecklow (sic)? Okay. I see them.

22 MS. STECKLOW: Hi. This is Jennifer Stecklow at 1612
23 Olive Street Northeast.

24 MR. STECKLOW: And this is Eric Stecklow at 1612 Olive
25 Street Northeast.

1 CHAIRPERSON HILL: Okay.

2 And it's Talitha Beverly?

3 (No response.)

4 CHAIRPERSON HILL: Ms. Beverly, can you hear me?

5 MS. BEVERLY: Yes, sir. I just was able to get in.

6 CHAIRPERSON HILL: Okay. Great. Can you introduce
7 yourself for the record, please?

8 MS. BEVERLY: Yes. My name is Talitha Beverly. I
9 reside at 1614 Eastern Avenue Northeast.

10 CHAIRPERSON HILL: Okay.

11 Is there somebody here from ANC 7C? And if so, could
12 you speak up?

13 MR. HOLMES: Yes. This is Commissioner Holmes, chair of
14 ANC 7C.

15 CHAIRPERSON HILL: Commissioner Holmes. I love it.
16 Well, welcome, Commissioner.

17 MR. HOLMES: All right.

18 CHAIRPERSON HILL: All right.

19 And then, let's see, who's here representing the
20 Deanwood Citizens' Association?

21 (No response.)

22 CHAIRPERSON HILL: Is there somebody here from the
23 Deanwood Citizens' Association?

24 MR. HOLMES: Jimell Sanders from the Deanwood
25 Association is online. Not sure if you unmuted her yet.

1 CHAIRPERSON HILL: Commissioner, who? What was that
2 name again?

3 MS. SANDERS: Hello. This is Jimell Sanders, president
4 of the Deanwood Citizens' Association.

5 CHAIRPERSON HILL: Okay.

6 And then someone from the Northeast Boundary Civics
7 Association?

8 MS. DOUGLAS: Yes, sir. Michele Tingling-Clemmons, I
9 think that you have, but she sent a letter in support.

10 CHAIRPERSON HILL: In support or in -- support of the --

11 MS. DOUGLAS: Yes.

12 CHAIRPERSON HILL: -- party status?

13 MS. DOUGLAS: Yes.

14 CHAIRPERSON HILL: Okay. Great. Okay. But she's not
15 here.

16 MS. DOUGLAS: No, she's not here.

17 CHAIRPERSON HILL: Okay. All right. Okay.

18 MS. DOUGLAS: As well as -- I don't think Pastor Dr. --
19 Pastor Bennett, as well, he's not here either. But he sent a
20 letter of support. And I think that Mr. Charles Thornton will
21 speak on that.

22 CHAIRPERSON HILL: Okay. Give me a second.

23 Ms. Hornton (sic)? Who are you, Ms. Horton? Can you
24 speak?

25 MS. HORTON: Yes. Alicia Horton. I'm an executive

1 director of Thrive D.C., and we're one of the parties that will be
2 implementing programming at that site.

3 CHAIRPERSON HILL: That's right. So you're with Mr.
4 Thornton.

5 MS. HORTON: Right.

6 MR. THORNTON: Also, Chairman Hill, we have Ashley
7 McSwain, who's also presenting, you know, on behalf of the
8 programs, too.

9 CHAIRPERSON HILL: Got it. Okay. So there's -- Mr.
10 Thornton, there's a bunch of stuff going on here today, and I
11 don't know where we're going to get with this today, so I'm sorry
12 that you've had to wait this long to see where we get. But
13 there's a lot of people that have expressed interest in party
14 status.

15 And then also, I think -- Mr. Ritting, are you there?

16 MR. RITTING: Yes.

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

19 MR. RITTING: Hi, my name's Jacob Ritting. I'm the
20 attorney for the Board of Zoning Adjustment.

21 CHAIRPERSON HILL: So Mr. Ritting, there's also a request
22 for postponement so that the ANC can take a further look at this.
23 Is that correct?

24 MR. RITTING: Yes. That was requested by Ms. Stecklow -
25 -

1 CHAIRPERSON HILL: By Ms. Stecklow?

2 MR. RITTING: -- who is one of the --

3 CHAIRPERSON HILL: Yeah.

4 MR. RITTING: -- applicants for party status.

5 CHAIRPERSON HILL: Yeah. Okay. Ms. Stecklow.

6 MS. DOUGLAS: Mr. Chairman, here, I have something I
7 want to say. I know -- I wanted to get in the map of ANC 7D, and
8 also the home -- the charter for the ANC. So I wouldn't even get
9 that in time. It's just two little letters. The map of my
10 single-member district, which I'm representing. So I'm asking,
11 can I ask to submit those two documents?

12 CHAIRPERSON HILL: Got it. Okay.

13 MS. DOUGLAS: Thank you.

14 CHAIRPERSON HILL: All right, Commissioner. You said
15 it's a map and what else?

16 MS. DOUGLAS: Yes, the map for my single-member
17 district, because 7D -- 7C is a status in this, and doesn't have
18 standard, because it's not in 7, because they've -- the house --
19 the home -- the women's home housing for sale, is in 7C, and not
20 in 7D. So I wanted to show that they didn't have any standards in
21 this process.

22 CHAIRPERSON HILL: I got it. But it's just the one
23 exhibit, the map, Commissioner?

24 MS. DOUGLAS: Right. Yeah, that and also the polling
25 act showing -- stating it.

1 CHAIRPERSON HILL: Okay. All right.

2 MS. DOUGLAS: Thank you.

3 CHAIRPERSON HILL: Unless the Board has any issues,
4 we'll go ahead and allow that into the record. And I still think
5 we might not be doing this today. So we've got a minute here to
6 talk.

7 MS. DOUGLAS: Right. Right.

8 CHAIRPERSON HILL: The first issues -- and if everybody
9 could just mute themselves, unless we call upon you? So I'm
10 looking at my fellow Board members. I'm trying to find them all.
11 Have I got them all? Yeah. Okay.

12 So first, let's deal with the party status. And then
13 let's see what happens. Right? I saw everything in the record,
14 in terms of how everyone believes that they are uniquely qualified
15 to be given party status. I'm going to -- I'm going to give my
16 thoughts.

17 And by the way, I don't need to hear from anybody. I'm
18 talking to my Board members right now, and see if they need to
19 hear from anybody, like -- Lawrence and Marlo Blue, they are
20 directly next door, as is Jennifer and Eric Stackhouse (sic). I
21 think they're uniquely affected.

22 I'd be kind of interested in hearing how Talitha Beverly
23 -- what her interest is in the property. Commissioner Holmes and
24 ANC 7C, I believe that they are -- we can hear about them
25 individually, but I believe they are an affected ANC, and I would

1 think that they could be given automatic party status. Right?
2 You know, because they're a block away from the property. The
3 Deanwood --

4 MS. DOUGLAS: A block away -- Mr. Chairman, I want to be
5 -- all due respect, they're quite a bit, a ways from 7C. Quite a
6 bit, I'm sorry to say. They're not a block away. They're not a
7 block away. More than a block away.

8 CHAIRPERSON HILL: Okay, thanks, Commissioner. Thanks.

9 MS. DOUGLAS: I just wanted to -- that's why -- thank
10 you.

11 CHAIRPERSON HILL: No. Thanks, Commissioner. I'll hear
12 from Commissioner Holmes then, again.

13 MS. DOUGLAS: Thank you.

14 CHAIRPERSON HILL: I guess, let's -- all right, now that
15 Ms. Douglas has -- Commissioner Douglas has -- let's do this one
16 at a time.

17 MS. DOUGLAS: Thank you. I'm sorry.

18 CHAIRPERSON HILL: That's all right. No, you were
19 actually helpful. Thank you.

20 Lawrence and Marlo Blue, can you hear me?

21 MS. BLUE: Yes, sir, we can hear you. We're here.

22 CHAIRPERSON HILL: You all live directly next door.
23 Correct?

24 MS. BLUE: We live directly across the street.

25 CHAIRPERSON HILL: Across the street.

1 MS. BLUE: Directly across. We're less than 50 feet
2 from the house.

3 CHAIRPERSON HILL: Okay, but you're directly across the
4 street.

5 MS. BLUE: Yes.

6 CHAIRPERSON HILL: Okay. Does anybody have any
7 questions for Lawrence -- the Blues, and how they are uniquely
8 affected? And if so, raise your hand.

9 Okay. We've got no questions for you.

10 Jennifer and Eric Stackhouse, can you hear me?

11 MS. STECKLOW: Yes. Eric and Jennifer Stecklow are
12 here.

13 CHAIRPERSON HILL: You are directly next door. Correct?

14 MS. STECKLOW: Correct.

15 CHAIRPERSON HILL: Okay. Does anybody have any
16 questions for Jennifer and Eric Stecklow, how they are uniquely
17 affected? I'm looking at my fellow Board members. And please
18 raise your hand.

19 Okay. Then we've got Talitha Beverly. Ms. Beverly, can
20 you hear me?

21 MS. BEVERLY: Yes. I'm here.

22 CHAIRPERSON HILL: Where are you located, in
23 relationship to the property?

24 MS. BEVERLY: So if you look at Exhibit 7, I'm actually
25 -- I think it's Parcel Number 35. And the back alley dead-ends

1 into my property. And I'm ten steps away from the rear of the
2 project. And my primary egress is the back of my house. So we're
3 very -- like, I'm ten steps away from the property, in the back.

4 CHAIRPERSON HILL: Okay. Why is your primary egress the
5 back of the property?

6 MS. BEVERLY: Because Eastern Avenue is a very, very
7 busy street, and my parking tag is in the backyard, and that's
8 where I park my car, and that's where I leave.

9 CHAIRPERSON HILL: Okay, I got you. But that's how you
10 go in and out, is what you're saying.

11 MS. BEVERLY: That's correct.

12 CHAIRPERSON HILL: Okay. All right.

13 Does anybody have any questions for Ms. Beverly?

14 Okay.

15 MS. DOUGLAS: I had a question. Are you actually in 7C
16 or 7D? because I know Eastern Avenue covers both coordinates. 7C
17 covers, too, but 7C, like I said, 7C's about at least almost ten
18 blocks away. About five -- yeah, about six, seven blocks, longer
19 than that, away from the area.

20 MS. BEVERLY: You're my commissioner.

21 MS. DOUGLAS: I just wanted to know, like, are you
22 actually in 7C or 7D? I just -- can you clarify that, please?

23 MS. BEVERLY: Yes. I'm in your area. You're my
24 commissioner. Thank you.

25 MS. DOUGLAS: Okay, dear. Thank you. I appreciate it.

1 Thank you so much, Ms. Beverly.

2 CHAIRPERSON HILL: Okay. All right. So nobody's got
3 any questions for her. All right.

4 Commissioner Holmes, can you hear me?

5 MR. HOLMES: Absolutely.

6 CHAIRPERSON HILL: So why do you guys think that you're
7 uniquely affected?

8 MR. HOLMES: Yes, so the location of this site is on
9 Olive Street, which is one block away from Minnesota Avenue, which
10 myself and Commissioner Douglas share, as our single-member
11 district boundary. So therefore, with that close proximity to ANC
12 7C, that is why we ask for party status.

13 CHAIRPERSON HILL: Got it. You border that as --

14 MS. DOUGLAS: And I'll say again --

15 CHAIRPERSON HILL: Wait one --

16 MS. DOUGLAS: I'm on one side, and he's on the other
17 side. That's only when at the -- I get the charter school across
18 the street. But he is not across the street from all -- he's down
19 there by Deanwood subway station. That's where he's at. He's not
20 over here where I'm at. You're really over there by the Deanwood
21 Recreation Center. You can imagine, you leaving Olive Street --

22 MR. HOLMES: -- Street to Minnesota Avenue --

23 MS. DOUGLAS: No, I said Deanwood. I said Deanwood. I
24 said Deanwood subway station. That's why we have the map, and if
25 the map shows that you are not in the immediate area, as I am. So

1 that's not being truthful.

2 CHAIRPERSON HILL: So --

3 MR. HOLMES: We'll both submit the map for 7C and 7D.

4 MS. DOUGLAS: Well, you can. I've already submitted
5 mine, and I know where I'm at, and you're not helping my single-
6 member district, point blank.

7 CHAIRPERSON HILL: Commissioner, are you border -- so
8 hold on. Give me a second.

9 Commissioner Douglas, what's your SMD again?

10 MS. DOUGLAS: I'm 7D 03. I'm actually in Olive Street.
11 My maps show I'm in Olive. He is not. His map will not show
12 ours.

13 CHAIRPERSON HILL: I understand, Commissioner. You're
14 7D 03. Correct?

15 MS. DOUGLAS: Right.

16 CHAIRPERSON HILL: Okay.

17 MS. DOUGLAS: Yes, that's correct.

18 CHAIRPERSON HILL: Commissioner Holmes, does your ANC
19 border 7D 03?

20 MR. HOLMES: Yes, it does, at two locations. On 45th
21 and at Minnesota Avenue.

22 MS. DOUGLAS: Well, Minnesota Avenue is down by my way.
23 That's not -- he's on the other side. He's not -- we're talking
24 about -- we're talking about Olive Street --

25 CHAIRPERSON HILL: Commissioner? Commissioner?

1 Commissioner Douglas?

2 MS. DOUGLAS: -- the other side.

3 CHAIRPERSON HILL: Commissioner Douglas? Let me just
4 ask my questions, real quick. Okay?

5 MS. DOUGLAS: Yes, sir.

6 CHAIRPERSON HILL: Okay. Chairman Hood?

7 CHAIRMAN HOOD: I know the Board is a little different
8 in deciding party status than we do on the Zoning Commission, but
9 I think Commissioner Douglas, as well as -- forgot my man's name.

10 CHAIRPERSON HILL: Commissioner Holmes. Commissioner
11 Holmes.

12 MS. DOUGLAS: Commissioner Holmes.

13 CHAIRMAN HOOD: Forgive me, Commissioner Holmes. I've
14 got a lot --

15 MR. HOLMES: It's okay.

16 CHAIRMAN HOOD: I think, Mr. Chairman, if we can put
17 that in the parking lot, and let's deal with the rest, and come
18 back to that?

19 Because Ms. Douglas, I will say this, Ms. Douglas, that
20 the laws, the courts, have told the Commission and the Board that
21 if they're adjacent, if an ANC is adjacent, then they also can be
22 given party status. So I want to -- let's come back to that.

23 I think, Mr. Chairman, might be easier to go through the
24 other things. That's just my suggestion. Not trying to run your
25 hearing, Mr. Chairman.

1 MS. DOUGLAS: Well, I'm just -- I'm just only telling
2 you what the Board of Elections said, that he's not, because he
3 can't vote. They can't vote in my single-member district, and I
4 can't vote in his. So we can't be in the same.

5 CHAIRPERSON HILL: Commissioner Douglas --

6 MS. DOUGLAS: I understand. I just want to make that
7 clear.

8 CHAIRPERSON HILL: Commissioner Douglas, give me a
9 second.

10 MS. DOUGLAS: Okay, I'm simply saying that --

11 CHAIRPERSON HILL: It's been a long day. What he's
12 saying --

13 MS. DOUGLAS: I know it's a long day. But I just want
14 to get the facts straight, Mr. Hill -- Chairman Hill.

15 CHAIRPERSON HILL: No, no. What Chairman --

16 MS. DOUGLAS: I'll wait.

17 CHAIRPERSON HILL: -- Hood is saying -- what Chairman
18 Hood is saying is that Commissioner Holmes's ANC borders your ANC.
19 And not only that, his ANC borders your SMD. So that's what he's
20 saying.

21 MS. DOUGLAS: Well, that's not true, too. And I love
22 you, too, Mr. Hood. I'm sorry to say.

23 CHAIRMAN HOOD: You know I love you, Ms. Douglas --

24 MS. DOUGLAS: I know, but that's not true.

25 CHAIRMAN HOOD: -- but all I'm saying is, the courts

1 have given us clear direction. So Mr. Douglas --

2 MS. DOUGLAS: Yeah, okay, well --

3 CHAIRMAN HOOD: Mr. Holmes --

4 MS. DOUGLAS: -- with the Board. That's why I'm
5 submitting my map, and the map will show that.

6 CHAIRPERSON HILL: All right.

7 CHAIRMAN HOOD: Okay. Well, Mr. Chairman, let's come
8 back to that, so we can --

9 CHAIRPERSON HILL: Okay. We can come back to that. But
10 I mean, I think we can probably pull up something pretty easily,
11 just to see, you know -- okay -- whether or not they're bordering
12 or not.

13 Is there somebody new in here? Ms. --

14 VICE CHAIR JOHN: If I may -- if I may, Mr. Chairman, I
15 think the issue is who is an affected ANC. And so we need to look
16 to see what, perhaps, the regulations might say about that. So
17 you can proceed.

18 CHAIRPERSON HILL: Okay.

19 Ms. Sanders, I see you've now joined us. Can you hear
20 me and introduce yourself for the record?

21 MS. SANDERS: Yes. Good evening, everyone. My name is
22 Jimell Sanders. I'm the president of the Deanwood Citizens'
23 Association. And the property that we're discussing sits in the
24 Deanwood neighborhood.

25 CHAIRPERSON HILL: Okay. So the property that you're

1 talking about is within your citizens' organization. Is that what
2 you're saying?

3 MS. SANDERS: Correct. Correct, sir.

4 CHAIRPERSON HILL: Okay. Okay. All right.

5 MS. DOUGLAS: Which is 7C.

6 CHAIRPERSON HILL: Okay. All right. So -- all right.
7 Let's see. Okay.

8 You know, Commissioner Douglas, we've got you.

9 MS. DOUGLAS: Thank you.

10 CHAIRPERSON HILL: Yeah. No, thank you. All right.

11 So let's do this. Let's do this first. So I think that
12 Lawrence and Marlo Blue are uniquely affected. I would be fine
13 with giving them party status. And I'm looking to my fellow Board
14 members, if they have any concerns about that, or issues. And if
15 so, raise your hand.

16 Okay. Mr. Thornton, can you hear me?

17 MR. THORNTON: Yes, sir. I can hear you.

18 CHAIRPERSON HILL: You understand what we're doing.
19 Right? We're trying to go through on whether or not these people
20 should be afforded party status or not. Do you understand?

21 MR. THORNTON: Yes. What I don't understand is being
22 afforded party status -- and I'm not a zoning attorney, so I'm
23 not, you know, able to determine how it -- what does that mean?

24 CHAIRPERSON HILL: Sure.

25 MR. THORNTON: Party status?

1 CHAIRPERSON HILL: Sure.

2 So what that -- okay, Mr. Rice? I mean, not Mr. Rice.
3 Mr. Ritting? You can go ahead.

4 MR. RITTING: It means a number of things. But the main
5 thing for the hearing is that groups that are -- or individuals
6 that are afforded party status have the right to cross-examine
7 witnesses in the hearing.

8 MR. THORNTON: Okay.

9 MR. RITTING: So they get to ask questions.

10 MR. THORNTON: Cool. Great. Uh-huh.

11 CHAIRPERSON HILL: Okay. So Lawrence and Marlo Blue, I
12 think, are uniquely affected, due to their proximity to the
13 property. And I would be in favor of granting them party status.
14 And I'm going to ask for a second.

15 Ms. John?

16 VICE CHAIR JOHN: Second.

17 CHAIRPERSON HILL: All right. Mr. Moy, do you want to
18 do this, and go around the table?

19 (No response.)

20 CHAIRPERSON HILL: Yeah? Mr. Moy? Yeah? Okay.

21 Well, while you're getting ready, just to let you know,
22 Mr. Thornton, what I think's probably going to happen today -- and
23 I'm sorry you had to wait till the end of the day to hear this,
24 and we'll see what happens as we kind of get through this, but
25 this is my initial thought. You still -- have you not presented

1 in front of the ANC, Mr. Thornton? Or you have?

2 MR. THORNTON: Yes, we have.

3 CHAIRPERSON HILL: Okay. And they haven't submitted a
4 report yet. Is that correct?

5 MR. THORNTON: The full ANC has tabled their vote until
6 the 25th.

7 CHAIRPERSON HILL: Until the 25th.

8 MS. DOUGLAS: That's Saturday.

9 CHAIRPERSON HILL: Okay. So they're going to to vote on
10 Saturday.

11 MR. THORNTON: Yes.

12 MS. DOUGLAS: Yes.

13 CHAIRPERSON HILL: Okay. All right. So then, Mr.
14 Thornton, we're probably going to -- well, first of all, we're
15 going to get through party status. I'm going to see if I can
16 combine some people, to get to however many parties we can kind of
17 figure out, because six is way too many. Right? And then we're
18 going to come back and hear this after the ANC has voted. Okay,
19 Mr. Thornton? So we'll just see where we are. Okay?

20 So first, I've got -- so I've now made a motion. It's
21 been seconded. Mr. Moy, do you want to take a roll call?

22 MR. MOY: Yeah, I'm ready, sir. I'm sorry.

23 CHAIRPERSON HILL: It's all right.

24 MR. MOY: Okay. So when I call each of your names, and
25 this is to the Board members, if you would respond with a "yes",

1 or "no", or "abstain" to the motion to grant party status to
2 Lawrence and Marlo Blue?

3 Zoning Commission Chair Anthony Hood?

4 CHAIRMAN HOOD: Yes.

5 MR. MOY: Mr. Smith?

6 BOARD MEMBER SMITH: Yes.

7 MR. MOY: Mr. Blake?

8 BOARD MEMBER BLAKE: Yes.

9 MR. MOY: Vice Chair John?

10 VICE CHAIR JOHN: Yes.

11 MR. MOY: Chairman Hill?

12 CHAIRPERSON HILL: Yes.

13 MR. MOY: Staff would record the vote as five to zero to
14 zero. And this is on the motion to grant party status to Lawrence
15 and Marlo Blue. On the vote of five to zero to zero, the motion
16 carries.

17 CHAIRPERSON HILL: Okay. So the next one is Jennifer
18 and Eric Stecklow. They also reside next door to the proposed
19 property. So I would agree that they also uniquely qualify for
20 party status. And I would make a motion to give them party
21 status, as well, and ask for a second.

22 Ms. John?

23 VICE CHAIR JOHN: Second.

24 CHAIRPERSON HILL: Motion's been made and seconded. Mr.
25 Moy, if you'd take a roll call?

1 MR. MOY: When I call your names, if you would please
2 respond with a "yes", "no", or "abstain" to the motion made by
3 Chairman Hill, seconded by Vice Chair John, to give party status
4 to Jennifer and Eric Stecklow?

5 Zoning Commission Chair Anthony Hood?

6 CHAIRMAN HOOD: Yes.

7 MR. MOY: Mr. Smith?

8 BOARD MEMBER SMITH: Yes.

9 MR. MOY: Mr. Blake?

10 BOARD MEMBER BLAKE: Yes.

11 MR. MOY: Vice Chair John?

12 VICE CHAIR JOHN: Yes.

13 MR. MOY: Chairman Hill?

14 CHAIRPERSON HILL: Yes.

15 MR. MOY: Staff will record vote as -- would record the
16 vote as five to zero to zero. The motion carries to grant party
17 status to Jennifer and Eric Stecklow.

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

19 Okay. And the next one we have is Talitha Beverly. So,
20 I mean, I'm a little bit on the fence with this one. But since
21 we're kind of going through this, I mean, Ms. Beverly is, like --
22 I guess she's close enough.

23 MS. BEVERLY: I'm within 200 feet.

24 CHAIRPERSON HILL: Ms. Beverly? Ms. Beverly, I know
25 where you are.

1 MS. BEVERLY: Okay.

2 CHAIRPERSON HILL: And so --

3 MS. BEVERLY: I'm also represented by counsel. I don't
4 know if he's here. But you didn't call the counsel's name. His
5 name is Dave Brown.

6 CHAIRPERSON HILL: You're represented by counsel?

7 MS. BEVERLY: I am.

8 CHAIRPERSON HILL: Okay. Is Mr. Brown here? Is Mr.
9 Brown here, Mr. Young?

10 What's his name, Ms. Beverly? I'm sorry.

11 MS. BEVERLY: Dave --

12 CHAIRPERSON HILL: Yeah, Ms. Beverly?

13 MS. BEVERLY: Dave Brown. Dave Brown.

14 CHAIRPERSON HILL: Dave -- Mr. Brown, are you -- well,
15 actually -- Mr. Brown, are you there?

16 Well, regardless, actually, Ms. Beverly, it doesn't
17 matter, because I'm just saying I was on the fence, but I was
18 going to vote in favor, anyway.

19 So let me see what my fellow Board members -- do my
20 fellow Board members have anything to add about Ms. Beverly's
21 party status? Otherwise, I was going to allow her party status.
22 Anyone want to raise their hand? No.

23 CHAIRMAN HOOD: Mr. Chairman?

24 CHAIRPERSON HILL: Oh. Commissioner Hood?

25 CHAIRMAN HOOD: I would just ask if -- I don't know if

1 we're going to get to that point in some kind of way, but you
2 mentioned it earlier, if they can join together. And I don't know
3 if Ms. Beverly can do that, join with somebody. But she has
4 counsel, Mr. Brown. Do we know what -- I'm just curious if
5 there's some kind of way we can merge some of these parties in
6 opposition.

7 CHAIRPERSON HILL: No, I appreciate that, Chairman Hood.
8 We're going to try to figure that out. At least, that's what I'm
9 hopeful to get to.

10 And so however, do you all -- do you have an opinion
11 about Ms. Beverly attaining party status?

12 (No response.)

13 CHAIRPERSON HILL: Okay. Then I'm going to make a
14 motion to allow Ms. Talith Beverly party status, and ask for a
15 second.

16 Ms. John?

17 VICE CHAIR JOHN: Second.

18 CHAIRPERSON HILL: Okay. Mr. Moy, could you take a roll
19 call?

20 MR. MOY: Yes. When I call each of your names, if you
21 would please respond with a "yes", "no", or "abstain" to the
22 motion made by Chairman Hill to award party status to Ms. Talitha
23 Beverly?

24 Zoning Commission Chair Anthony Hood?

25 CHAIRMAN HOOD: 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 five to zero to
10 zero. This was on a motion of Chairman Hill to grant party status
11 to Ms. Talitha Beverly. The motion carries.

12 CHAIRPERSON HILL: Okay. All right. We'll come back to
13 the ANC party status, as suggested by Chairman Hood.

14 The next one is the Deanwood Citizens' Association.
15 Since the property is within the Deanwood Citizens' Association, I
16 would go ahead and be in favor of granting party status to the
17 Deanwood Citizens' Association. And does anyone have any thoughts
18 on that? And if so, raise your hand.

19 MS. DOUGLAS: Well, I mean, you talk to your parties,
20 but I would have a question to that. By law, according to
21 Gottlieb Simon, Mr. Holmes does not have a right to join party
22 closeness to Olive Street, to what we are, and the boundary speaks
23 for that. So then he can listen to what's going on, but he cannot
24 participate in this. And that's according to Gottlieb Simon, and
25 according to the law. So I'm just saying that.

1 And for him to say that -- he cannot come in my
2 boundaries, and anything -- this development, nothing, propose any
3 recommendation. And I stand to that.

4 CHAIRPERSON HILL: Okay.

5 MS. DOUGLAS: And I just want to say, Mr. Hood, I love
6 you dearly, but that's not factual.

7 CHAIRMAN HOOD: Sure. So Ms. Douglas -- Mr. Chairman,
8 can I help Ms. Douglas?

9 MS. DOUGLAS: My map shows, and his map, we're just only
10 across the street, and just because he's adjacent, that don't give
11 him the right. Because just because he -- he can't vote for me.
12 He can't do any development, anything. So that's why I think he's
13 out of place.

14 CHAIRMAN HOOD: So Ms. Douglas --

15 MS. DOUGLAS: I think he needs to at least search that -
16 -

17 CHAIRMAN HOOD: Ms. Douglas, since you and I -- since
18 you and I -- Ms. Douglas, since you --

19 MS. DOUGLAS: And I'm going to stand my rights.

20 CHAIRMAN HOOD: Ms. Douglas, since you and I are such
21 good friends and we love each other -- the Chairman, were going to
22 wait until the end of this, and we're going to get to that point.

23 MS. DOUGLAS: Hello?

24 CHAIRMAN HOOD: I understand what Mr. Simon may have
25 told you.

1 MS. DOUGLAS: Yeah, but it's facts. That's what I'm
2 saying.

3 CHAIRMAN HOOD: Well, yeah, right, but we have
4 regulations, too, Ms. Douglas. But listen, why don't you let him
5 finish --

6 MS. DOUGLAS: Well, those regulations do change. And
7 his regulations still say the same. He can't come in here.
8 That's why --

9 CHAIRMAN HOOD: Ms. Douglas? Ms. Douglas? Let the
10 chairman finish. Let the Chairman finish, and then we will come
11 back to the ANCs. Okay? So give us a moment.

12 MS. DOUGLAS: Yes. Thank you so much.

13 CHAIRMAN HOOD: Thank you.

14 All right, Mr. Chairman. Sorry about that.

15 CHAIRPERSON HILL: No. I was just trying to get through
16 -- I appreciate -- I mean, I -- Commissioner Douglas has been
17 before us before, and so I know Commissioner Douglas. I don't
18 know her personally, but I've been very -- I think I've been --
19 you know, anyway, I try to do my best. And she is --

20 MS. DOUGLAS: And I think you're doing your best, too,
21 but I want to be right about what I'm saying. So that's what I'm
22 going to make sure.

23 CHAIRPERSON HILL: I got you. Well, we'll see what we
24 get to, Ms. Douglas. Give me a sec. Commissioner, that is.

25 MS. DOUGLAS: Thank you.

1 CHAIRPERSON HILL: All right. So the -- you're welcome.
2 So the Deanwood Citizens' Association -- so if anybody --
3 - oh, gosh. Where are -- where is the Deanwood --

4 MS. SANDERS: Yes, sir.

5 CHAIRPERSON HILL: Okay. Great. Ms. Sanders. Okay.
6 So Ms. Sanders is, for the record, saying that they're -- this
7 property is within their association. So I would go ahead and
8 vote for giving them party status. And I'll ask for a second.

9 Ms. John?

10 VICE CHAIR JOHN: Second.

11 CHAIRPERSON HILL: Okay. So Mr. Moy, you can take a
12 roll call on that.

13 MR. MOY: When I call each of your names, if you would
14 please respond with a "yes", "no", or "abstain" to the motion made
15 by Chairman Hill to grant party status to the Deanwood Citizens'
16 Association? And this is under the name of Jimell Sanders. This
17 is the motion made by Chairman Hill, seconded by Vice Chair John.

18 Zoning Commission Chair Anthony Hood?

19 CHAIRMAN HOOD: 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: Chairman Hill?

2 CHAIRPERSON HILL: Yes.

3 MR. MOY: Staff would record the vote as tie to zero to
4 zero. This is on the motion of Chairman Hill to grant party
5 status to the Deanwood Citizens' Association, via Jimell Sanders.

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

7 Okay. The next one -- is there someone here, I forget,
8 from the Northeast Boundary Civics Association?

9 MS. DOUGLAS: We spoke on that earlier, Mr. Hill. I
10 told you that was Michele Tingling-Clemmons and Mr. Witt (ph).
11 They sent a letter of support.

12 CHAIRPERSON HILL: Okay. But they're not here.

13 MS. DOUGLAS: No, sir.

14 CHAIRPERSON HILL: Okay. All right. So --

15 MR. HOLMES: Sorry, that's incorrect. Northeast
16 Boundary Civic Association is Mary -- present is Mary Gaffney, and
17 I believe the vice president is Gina Bulett. She might be in the
18 --

19 MS. DOUGLAS: Well, I just want to say, she's not within
20 my boundaries, either, because she's way on the 67th Street.
21 That's why I brought up the quarters. she's too far away, and I
22 think that you -- matter of fact, the letter is in there from Ms.
23 Michele Tingling-Clemmons. And I might be having it wrong. But
24 she's in 7D, so she's in the boundaries. 7D and 7D 03.

25 CHAIRPERSON HILL: Both Commissioners, can y'all just

1 give me a second? I mean --

2 MS. DOUGLAS: Yeah.

3 CHAIRPERSON HILL: -- I'm just trying to get through the
4 party status thing. So --

5 MS. DOUGLAS: Yeah, I was saying --

6 CHAIRPERSON HILL: No, no, but I'm -- Commissioner
7 Douglas, if the person isn't here, per the regulations, they can't
8 have party status. I don't even think I was going to vote for
9 them, because they're 1.7 miles away.

10 But so is -- and if you all want to turn on your
11 cameras, by the way, so I can see y'all? It's not necessary, but
12 at least I can see whether or not you're trying to talk.

13 So there's nobody here from the Northeast Boundary
14 Civics Association? I'm asking -- I'm not asking anybody on the
15 thing, unless they hear me.

16 MR. THORNTON: Chairman Hill, I would say no one is here
17 from the Boundary --

18 MS. BULETT: Hi, I'm here. Can you hear me?

19 CHAIRPERSON HILL: Yes. And what's your name? Hello?

20 MR. THORNTON: Hello?

21 CHAIRPERSON HILL: If everybody can mute their line, so
22 that we can see to hear the lady who --

23 MS. BULETT: You hear me?

24 CHAIRPERSON HILL: Yes. Can you hear me? Hello?

25 MR. THORNTON: It's showing Gina Bulett.

1 MR. YOUNG: Yeah, that's Ms. Bulett talking. She's
2 calling in by phone.

3 MS. DOUGLAS: But she's about ten miles away, herself,
4 and she's not in the boundary of 7D, just like -- all that's 7C
5 area. Everybody speaking are for those locations, 7C. So if
6 Michelle's 100 miles -- she's about 100 and a half miles from the
7 area, as well. That's 7C.

8 CHAIRPERSON HILL: Commissioner Douglas, just, like,
9 give me a second.

10 MS. DOUGLAS: Yes.

11 CHAIRPERSON HILL: Okay? Can the lady hear me?

12 Okay. I've got to look -- Mr. Young?

13 Anyway, I already -- just to let everybody know, we read
14 through the records. So I've read through the record, and I don't
15 think the Northeast Boundary Civic Association, per their
16 application, is showing how they're uniquely affected. So I would
17 be opposed to them gaining party status. So I'm going to make a
18 motion to deny the Northeast Boundary Civic Association party
19 status, and ask for a second.

20 Ms. John?

21 VICE CHAIR JOHN: Second.

22 CHAIRPERSON HILL: Motion's been made and seconded. Mr.
23 Moy, could you take a roll call?

24 MR. MOY: Again, when I call -- when I call each of your
25 names, if you would please respond with a "yes", "no", or

1 "abstain" to the motion made by Chairman Hill to deny party status
2 to Northeast Boundary Civic Association? The motion was seconded
3 by Vice Chair John.

4 Zoning Commission Chair Anthony Hood?

5 CHAIRMAN HOOD: Yes.

6 MR. MOY: Yes, to deny?

7 CHAIRMAN HOOD: Yes, to deny. Yes, to the motion.

8 MR. MOY: Mr. Smith? Mr. Smith?

9 BOARD MEMBER SMITH: Yes.

10 MR. MOY: Mr. Smith?

11 BOARD MEMBER SMITH: Yes, to deny. Yes. That was the
12 motion, to deny.

13 MR. MOY: Mr. Blake?

14 BOARD MEMBER BLAKE: Yes.

15 MR. MOY: Vice Chair John?

16 VICE CHAIR JOHN: Yes.

17 MR. MOY: Chairman Hill?

18 CHAIRPERSON HILL: Yes.

19 MR. MOY: Staff would record the vote as five to zero to
20 zero. And this is on the motion to deny party status to Northeast
21 Boundary Civic Association.

22 CHAIRPERSON HILL: Okay. All right.

23 Now, Commissioner Holmes, can you hear me?

24 MR. HOLMES: Yes, I can.

25 CHAIRPERSON HILL: Okay. So Commissioner Douglas, let

1 me please just speak to Commissioner Holmes for a moment.

2 MS. DOUGLAS: Sure can.

3 CHAIRPERSON HILL: Commissioner Holmes, again, this
4 property is located at 1614 Olive Street. We are not claiming
5 that you're in ANC 7D. You're in ANC 7C. And it's your testimony
6 that ANC 7C borders ANC 7D. Correct?

7 MR. HOLMES: That is correct.

8 CHAIRPERSON HILL: Okay.

9 MS. DOUGLAS: The maps say you don't.

10 CHAIRPERSON HILL: Chairman Hood?

11 CHAIRMAN HOOD: Actually, Mr. Chairman, I did look at
12 it. They do but, but it's -- let me ask this to both Commissioner
13 Holmes -- and forgive me, Commissioner Holmes, I've got brain-lock
14 with your name -- and to Commissioner Douglas.

15 Where the subject location and application in front of
16 us today -- is it on the same -- do you all share -- is it on the
17 same street? Or is it -- I know it's in Ms. Douglas's single-
18 member district. But is it, like, on the same street of your
19 single-member district, Commissioner Holmes?

20 MR. HOLMES: No, it's the one street over. So it's --
21 on the map, you would see Minnesota Avenue, and then the next
22 street up would be Olive.

23 CHAIRMAN HOOD: Okay. So you're a street over. Okay.
24 All right. So Mr. Chairman, the way I read the regulations -- and
25 I will leave it to the Vice Chair to help me -- is that the --

1 they would not necessarily be affected. And I think they're
2 applying as they could. And I guess that would -- that's where we
3 are, I believe.

4 I just wanted to make sure I understood that, because
5 the regulations say, now, that if they're on the same street and
6 they share, even though it's in Ms. Douglas's, then they would be
7 automatic party.

8 The question now is, they're applying, which, I think --
9 am I correct, Mr. Holmes? You're applying for party status.

10 MR. HOLMES: That's correct.

11 CHAIRMAN HOOD: And I think that -- right. So, okay,
12 I've got you now.

13 CHAIRPERSON HILL: Mr. Holmes, are you --

14 MS. DOUGLAS: Are you going to -- are you going to ask
15 me a question, please? He does not share our street. And that's
16 my point. He does not share. And he --

17 CHAIRMAN HOOD: And I agree, Commissioner Douglas.
18 Yeah. He made that point to me.

19 MS. DOUGLAS: And he can't be a standing party. I can't
20 go over there into his single-member district -- right?

21 He, matter of fact, he's right across the street from
22 Sheriff Road, where they're building a new place for the women. I
23 can't go in that area. I'm right across the street from him. So
24 I can't do that. And he knows that. He's out of boundary. I
25 only speak on my map. It's not on his map. You can't even find

1 him nowhere on my map.

2 CHAIRPERSON HILL: Commissioner, his ANC is applying for
3 party status, just like everybody else in here is applying for --

4 MS. DOUGLAS: Yeah, well, I understand. He has no
5 standards. That's all.

6 CHAIRPERSON HILL: And we're trying to figure out
7 whether or not he is uniquely affected.

8 MS. DOUGLAS: He's not.

9 CHAIRPERSON HILL: Commissioner Holmes, are you guys --
10 are you 7C 07?

11 MR. HOLMES: Yes. I am the chair -- I am the single-
12 member district commissioner for 7C 07 --

13 CHAIRPERSON HILL: Right.

14 MR. HOLMES: -- which borders 7C 03.

15 CHAIRPERSON HILL: So 7C 07 borders 7D 03.

16 MR. HOLMES: 7D 03.

17 MS. DOUGLAS: No, it don't. It does not.

18 CHAIRPERSON HILL: 7C 07 borders 7D 03. Correct?

19 MS. DOUGLAS: No, it don't.

20 MR. HOLMES: That's correct.

21 CHAIRPERSON HILL: Yeah, 7D 03. And Commissioner,
22 you're the SMD for 7D 03?

23 MS. DOUGLAS: Yes, sir. My map right here shows, he is
24 nowhere near. Nowhere. That map shows it. You look at the map,
25 it'll show that he does not.

1 CHAIRPERSON HILL: I'm looking at the map, and so that's
2 why I'm confused. I see 7C 0C (sic) borders 7D 03, and it's one -
3 - and their border is one block away from Olive Street.

4 MS. DOUGLAS: No that's not -- the one that I submitted
5 to you all today, it does not show that. You've got -- what
6 borders me is 7D 06, 7D 05, and the closest, 7D 02, and -- yeah.
7 That's Mr. -- what's his name? Hasan. Hasan borders me, in 7D
8 02. He does not. That's the only one. And the closest to me is
9 --

10 CHAIRPERSON HILL: All right.

11 MS. DOUGLAS: That's the border. We can get the -- they
12 can get 7D 02. Not C.

13 CHAIRPERSON HILL: Obviously, there seems to be a
14 discrepancy, as well as, it sounds as though the Commissioner, and
15 the ANC is opposed to the party status of 7C -- I'm sorry. It
16 seems as through the -- I don't know whether the whole ANC is, or
17 just this commissioner, that is opposed to the party status of 7C.

18 MS. DOUGLAS: It does not merely affect my single-member
19 district.

20 CHAIRPERSON HILL: No. Right. So I don't know what the
21 Board wants -- so what we can do is, we can either -- I mean, I'm
22 in favor of granting 7C -- I'm sorry.

23 MS. DOUGLAS: He doesn't border any of 7D at all,
24 according to my map. I've got my map of 7D. So he can't be. And
25 according to -- and I understand --

1 CHAIRPERSON HILL: I'm confused, also, because the map
2 that I'm looking at, ANC 7C borders ANC 7D. So that alone, to me,
3 seems as though the ANC would have --

4 MS. DOUGLAS: Well, I don't know which map that you're
5 using. But I sent the map today, that -- you look at the map I'm
6 looking at, I asked -- I had Mr. Robert Reid post that. And you
7 just granted that. I did submit that.

8 CHAIRPERSON HILL: Does somebody want to pull that --
9 does somebody -- okay. Let's do this. Hold on.

10 VICE CHAIR JOHN: Mr. Chairman? If I could -- if I
11 could say something?

12 CHAIRPERSON HILL: Sure.

13 VICE CHAIR JOHN: So the regulations say that an
14 affected ANC -- let me just try to read it for you. An affected
15 ANC -- "The ANC for the area within which the property that is the
16 subject of a zoning Commission or Board of Zoning adjustment
17 application or appeal is located, except that if the subject
18 property is located on a street that serves as a boundary line
19 between two ANCs, then the term 'affected ANC' means both ANCs."

20 I think we have established that the property is not on
21 a boundary line. So ANC 7C would not be an affected ANC. But I
22 think we need to take it one step further, to decide if ANC 7C
23 could be a party, even if they're not an affected ANC. Affected
24 ANC gives them automatic party status.

25 MS. DOUGLAS: But 7D 03 is --

1 VICE CHAIR JOHN: So what you would -- Commissioner
2 Douglas?

3 MS. DOUGLAS: I'm sorry. Go on. I apologize.

4 VICE CHAIR JOHN: Commissioner Douglas?

5 MS. DOUGLAS: Yes, ma'am.

6 VICE CHAIR JOHN: Commissioner Douglas, could you please
7 not interrupt?

8 MS. DOUGLAS: I apologize, Ms. John.

9 VICE CHAIR JOHN: Okay. Thank you. I'm losing my train
10 of thought.

11 And I think that's something that OAG would need to
12 research, and that we would get back to the commissioners on this
13 particular issue, because affected ANCs get automatic status, with
14 nothing more.

15 So Commissioner Douglas is automatically a party. The
16 issue is whether Commissioner Holmes could also be a party, if
17 there's sufficient nexus. And I think that's what he's saying.
18 He's saying that he's so close to the property that he has a
19 particular interest, or his ANC also has a particular interest.

20 And so my recommendation would be to, you know, ask OAG
21 to look into this further, and get back to Commissioner Holmes.

22 CHAIRPERSON HILL: Okay.

23 Commissioner -- Chairman Hood?

24 CHAIRMAN HOOD: All right. Yes. And that's -- I want
25 to thank the Vice Chair, because that's exactly the way we do it

1 on the Zoning Commission.

2 But I know Commissioner Douglas won't like what I'm
3 getting ready to say, but the issue is, as the vice chair has just
4 mentioned, is that Commissioner Holmes and his SM -- I mean, his
5 ANC has the right to apply for party status, and we just need to
6 go through our normal process to see if they are uniquely
7 affected. That's the only issue.

8 And the vice chair is exactly right about the affected
9 piece, because that's exactly how we do it on the Commission, and
10 I'm sure that's exactly how it's done here.

11 CHAIRPERSON HILL: Okay. So if the staff -- can the
12 staff upload whatever the exhibit is that most recently came? The
13 map from Commissioner Douglas? Mr. Moy?

14 MR. MOY: Yeah, I've been looking into that, now, too.
15 So you have to -- I'm going to need a little bit more time, Mr.
16 Chairman.

17 CHAIRPERSON HILL: Okay. All right. Because the map
18 that I'm looking at -- okay. The map that I'm looking at, it
19 seems to me as though ANC 7C, in particular ANC 7C 07, is one
20 block away from Olive Street.

21 Commissioner Holmes, is that what you understand it to
22 be?

23 MR. HOLMES: That is correct.

24 CHAIRPERSON HILL: Okay.

25 And Commissioner Douglas, you have a different opinion

1 on the map. Is that correct?

2 MS. DOUGLAS: It's not on the map that he's one block
3 away. He's one block -- more than a block. He's about two blocks
4 away. It's not no one block. Two blocks away. So he doesn't --
5 he's not -- he don't have any immediate effect as to what's going
6 on. He does not have any standards. He can't.

7 CHAIRPERSON HILL: Commissioner? Commissioner?

8 MS. DOUGLAS: He cannot. And so -- and I read that
9 also, in the DCRA handbook, that said the same thing. Only the
10 affected person, where they're having construction or where
11 they're having the issue or having these proposal and whatnot, is
12 supposed to be the ones that's supposed to be acknowledged.

13 CHAIRPERSON HILL: Sure. Commissioner Douglas, I don't
14 think we're disagreeing in what you're saying. If their ANC
15 shared -- if both properties were on that same street, and that
16 was the border, then they would be an automatic ANC. So meaning -
17 - I'm sorry. They would automatically be affected and be
18 automatically given party status.

19 That's not what the case is here. They're applying,
20 just like all these other people are applying, for party status.
21 All the other people that we talked about, they also applied for
22 party status. They're not an ANC. So all this ANC 7C is doing
23 is, they're applying for party status under the same regulations
24 that we just went through with all the other people. Do you
25 understand?

1 MS. DOUGLAS: I hear what you're saying, but he does not
2 have anything to do -- he's not within the boundary, so how can he
3 apply for something -- that's like building -- we're building this
4 house, we're building a house where we're at. He cannot come in
5 and say, I want to give my thoughts and -- he can come and listen
6 to what's going on.

7 CHAIRPERSON HILL: Right.

8 MS. DOUGLAS: But it still stands that he cannot
9 participate and have his opinion. Because he's 7C. He's not 7D.

10 I can't go in and tell him how to do that. The standards said
11 it. And also, the home -- and the Board of Elections said.

12 CHAIRPERSON HILL: Okay.

13 MS. DOUGLAS: So he knows he's out of boundary. I can't
14 help how you put it. Y'all need to -- and DCRA said the same
15 thing. So he's not affected. He might be two blocks away. And
16 Mary Gaffney's on 67th Street. She's way down yonder.

17 CHAIRPERSON HILL: Commissioner Douglas, like, I mean,
18 if you -- you could apply. Right? If the roles were reversed,
19 right, and there was a property on Meade Street or 50th Street,
20 that's over in 7C 07, and they were trying to do the same thing,
21 you could come and also apply for party status for something
22 that's going on in their ANC.

23 We just have to -- it's just party status. It just
24 means that you get to be an affected party, per these regulations.

25 I'm not -- sorry, affected. You are uniquely, uniquely affected.

1 Not an affected ANC. He's not an affected ANC. We're just
2 trying to determine if they're uniquely affected, which is
3 different.

4 MS. DOUGLAS: Well, as far, from what I read, he's not
5 neither one, because my point -- I'm just being honest with you.

6 CHAIRPERSON HILL: Okay. I got you.

7 MS. DOUGLAS: And I think -- all I'm just saying --
8 because it stands as it is, so I think y'all need to do a little
9 bit more research. Not telling you how to do your job, but that's
10 a suggestion.

11 CHAIRPERSON HILL: Okay. Okay.

12 MS. DOUGLAS: I'm just saying.

13 CHAIRPERSON HILL: Okay. So I'm going to let the Board
14 deliberate, here. Okay? And you all can tell me what you think.
15 Right? Okay?

16 So where are my fellow Board members? I thought I saw
17 them on. Now I don't even know where I can see anymore.

18 But so I'm going to start -- Chairman Hood, I should
19 start with you. Okay? And so I'm going to start --

20 CHAIRMAN HOOD: I don't mind.

21 CHAIRPERSON HILL: All right. I'm going to start with
22 you. Okay? I think that 7C 07 borders 7D 03. And I think
23 they're one block away. And so I think that they are uniquely
24 affected. And I would be voting for giving them party status.
25 Can I give you -- can I get your opinion, please, Chairman Hood?

1 CHAIRMAN HOOD: So, what I would like to do, since we
2 had some concerns about this, what I was thinking is, hold this in
3 abeyance until we get ready to have the hearing. Let's do our
4 research and look at it, and make sure that we have the legal
5 standing. I think we do. Matter of fact, I'm sure we do.

6 But also, when I look at 7C's concern, crime, drugs, and
7 related concerns, is -- how is that more unique than anybody else?

8 And I'm not trying to deny, because I know ANCs work hard. But
9 they still will have an opportunity to testify, Commissioner
10 Holmes.

11 So I can go one of two ways. That's not helping the
12 case. But when I look at what the statute is before us, "uniquely
13 affected". They have crime, drug use. We all have some of those
14 things -- yes.

15 MS. DOUGLAS: Now, hold -- Mr. Hood --

16 CHAIRMAN HOOD: Right. So that's what I'm saying. So
17 if we go to -- if we really want to go there, and they have to
18 apply like everyone else, how is that any different than anyone
19 else? At least -- but Mr. Holmes probably can explain that.

20 But I go back to my other point. Maybe we should make
21 sure of everything, even though I think we still -- I think we're
22 on good legal footing. So but I still don't see the explanation,
23 the issue of concerns. It says, "crime, drug use, and related
24 concerns". So that's --

25 CHAIRPERSON HILL: Okay. Okay. We can hold this in

1 abeyance. I'd still have to figure out what we're going to do, to
2 get everybody organized. We can hold it in abeyance until next
3 week. Right? And we'll go ahead and do a little research. But I
4 want to hear from my other Board members before I keep going down
5 this road.

6 Vice Chair John, do you have an opinion?

7 VICE CHAIR JOHN: I agree with Commissioner Hood, that
8 we should do some more legal research. My initial take is that
9 they could apply for party status like any other member of the
10 public, and show some unique interest.

11 And Commissioner Hood is correct, in my view, in saying
12 that, if the issue is the impact on crime and so on, then how is
13 that different from what, you know, the interest of ANC 7 -- I get
14 them confused -- 7D? So it would be helpful to hear from
15 Commissioner Holmes as to why he thinks that 7D's interest would
16 be unique. Then we could decide, later on.

17 CHAIRPERSON HILL: Okay. I'll get back to Commissioner
18 Holmes, then, which is that -- Commissioner Holmes, get ready.
19 It's, why are you uniquely affected? Like, why is it that you
20 should be -- why should your ANC be given party status? Right?

21 So, okay. Next person that I'm going to of the Board is
22 Mr. Smith. Do you have a thought on this?

23 BOARD MEMBER SMITH: I'm in agreeance with Ms. John and
24 Mr. Hood. So when I was reading -- and, you know, Mr. Hood, thank
25 you for taking the words out of my mouth -- but I'm not seeing the

1 uniquely affected portion here, concretely.

2 I would say, you know, from a distance perspective, yes,
3 I mean, a block, by the way the crow flies, in a sense. But you
4 still have to go up to Easton Avenue and then under the WMATA CSX
5 railroad tracks. So there is a fairly decent degree of separation
6 between the actual site where it is and the boundary line along
7 Minnesota Avenue.

8 So, you know, to state what my two other commissioners
9 stated before me, you can apply for party status, just as anyone
10 else. But it would be great to hear more from you, more
11 concretely, the reason why 7C deserved party status.

12 CHAIRPERSON HILL: Okay. I'll get to the commissioner
13 in a second.

14 Mr. Blake?

15 BOARD MEMBER BLAKE: No, I don't have anything to add.

16 CHAIRPERSON HILL: Okay. Commissioner Holmes, do you
17 want to articulate how you're more -- how your ANC, particularly,
18 I guess, your SMD, is more uniquely affected?

19 MR. HOLMES: Absolutely. So when it came to discussing
20 this, prior to even this brought to us, the matter of the location
21 and its purpose, ANC 7C had reached out to the provider, Thrive
22 D.C., at the time, months before all of this became known, to try
23 to understand that they were placing other locations throughout
24 7C.

25 And we were like -- we had invited them, back in May of

1 | this year, to give that presentation to ourselves and our ANC
2 | communities, to better understand their mission and what they were
3 | trying to do.

4 | Well, concurrently, while this was all happening, then,
5 | of course, we're starting to hear from -- I'm starting to receive
6 | a lot of phone calls from a lot of Deanwood residents. And mind
7 | you, ANCs, as Mr. Hood said, you know, we do a lot of things, and
8 | we do field a lot of calls from areas that are not in our
9 | commission, as well. Been getting a lot of calls about what was
10 | happening, only to realize this was, again, the same provider we
11 | wanted to have more information about.

12 | Because what we do is, we like these providers to come,
13 | give a presentation, not just to the ANC, but to the locally
14 | affected civic and citizens' associations, so they can get
15 | feedback about, hey, if you're going to do this project here --

16 | CHAIRPERSON HILL: Commissioner?

17 | MR. HOLMES: -- let's talk about how -- yes?

18 | CHAIRPERSON HILL: I'm sorry to interrupt you. I mean,
19 | can you speak a little bit more to how you guys are uniquely
20 | affected by where the location is, particular to your SMD?

21 | MR. HOLMES: Absolutely. Well, again, just -- what I'm
22 | getting to is that, again, a lot of these -- a lot of similar
23 | locations are being -- a lot of similar locations are being built
24 | --

25 | MR. MOY: Okay. Let me recommend --

1 MR. HOLMES: -- in and around the 7C --

2 CHAIRPERSON HILL: Mr. Moy, you're not on mute, Mr. Moy.
3 Sorry, Commissioner Holmes.

4 MR. HOLMES: Okay.

5 MR. MOY: Please continue.

6 MR. HOLMES: All right. So as I was trying to say
7 before, we're having a lot of nonpermanent housing throughout Ward
8 7, and we're seeing it particularly concentrated within the
9 Deanwood community. And as such, that's why we'd like to give
10 providers an opportunity to come and tell us what their mission
11 is, how they're different, what sort of wraparound services go
12 along with that.

13 Because this is not the only one. We have another case
14 that we're going to be -- not for you all, but we have another
15 case of another nonpermanent housing that's being bought up into
16 the community, multibed units. So we want to make sure that this
17 isn't -- that those folks who are coming back, that are supposed -
18 - that are supposed to be provided services, we want to make sure
19 that they are -- that these things will actually happen.

20 But without any community outreach, any engagement so we
21 can discuss what's going on on some of those locations, we feel
22 like -- not just we feel, but we know that we want to make sure
23 that we're trying to minimize negative outcomes and positive
24 successes with these projects. That is why we're affected,
25 because it is going to cross-pollinate the entire Deanwood

1 community.

2 CHAIRPERSON HILL: Okay. Okay. All right.

3 So I will agree with Chairman Hood. We'll hold this one
4 in abeyance. We'll hold this one in abeyance until next week, in
5 terms of determining party status. OAG will go ahead and give us
6 a little bit more research, Mr. Ritting, on adjacent ANCs. There
7 is the regulation that says that if they are sharing the road,
8 that they are automatically an affected ANC. That's not what
9 we're talking about. We're talking about them coming in as a
10 party, through the regular criteria, which is how they are
11 uniquely affected.

12 So if you can do a little bit of research on that, then
13 we can kind of talk about it and have a decision on that next
14 Wednesday. Okay?

15 Mr. Brown, I see you. Can you see me?

16 MR. BROWN: Yes, I can.

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

19 MR. BROWN: Yes. David Brown from Knopf & Brown, and I
20 represent Talitha Beverly.

21 CHAIRPERSON HILL: Okay.

22 MR. BROWN: Let me also say that the Stecklows have
23 inquired about whether I might be able to represent them, as well.
24 Ms. Beverly has just informed me that she would consent to that.
25 Now, obviously, we haven't had time to work that out, but it

1 might mean that when this matter is heard, that there will be a
2 consolidation there, for purposes of cross-examination.

3 CHAIRPERSON HILL: Okay.

4 So let's see. So Mr. And Mrs. Blue, or I guess Mr. -- I
5 don't know. Lawrence and Marlo Blue, can you hear me?

6 MS. BLUE: Yes. We're here.

7 CHAIRPERSON HILL: Do you know either the Stecklows or
8 Ms. Beverly?

9 MS. BLUE: Yes, we do.

10 CHAIRPERSON HILL: Okay. Can you speak to them and see
11 whether or not you all might have similar issues? Because what
12 happens is, if the issues are similar, we don't repeat the issues.
13 Right? So it would be more -- it would be a stronger case, if
14 everybody's coming forward -- if you have the same issues, we're
15 not repetitive.

16 So what I would suggest is that you go ahead and speak
17 with the Stecklows and Ms. Beverly, and see whether you all want
18 to combine into one -- if you want to speak as one. Right? And
19 then you can let me know. Okay?

20 MS. BLUE: I can let you know right now. I'm going to
21 acquire my own attorney, and I'd like to speak separately from
22 them.

23 CHAIRPERSON HILL: Okay.

24 MS. BLUE: I've already spoken to an attorney, and he
25 will be at our next hearing.

1 CHAIRPERSON HILL: Okay. Well, just to let you know,
2 Ms. Blue, like, you have to show us how it's different from the
3 other people. Right? Because if you just keep repeating the same
4 stuff, it's not going to work. Right? So -- but that's fine. So
5 --

6 MS. BLUE: So repeat yourself one more time? Just so I
7 can make sure that we understand what you're asking of us.

8 CHAIRPERSON HILL: Sure. When you're in the hearing,
9 and we're actually hearing and taking testimony, it doesn't serve
10 the Board to repeat the same issues. Right? And the same
11 arguments. If you basically repeat the same issues and the same
12 argument, you won't be as effective. And you might get cut off.

13 But I'm just going to wait a second, because I'm trying
14 to figure this out. So the Deanwood Citizens' -- like, I haven't
15 seen what you-all's issues are yet. Right? I mean, you've kind
16 of -- you're just kind of giving us why you want to be party
17 status. Right? You have to submit something that is -- what
18 exactly do you have issues about? Right?

19 But still, that would be another party, if you had a
20 different attorney. So you want to have your own attorney speak
21 separately.

22 The Deanwood Citizens' Association is represented by --
23 Ms. Sanders?

24 MS. SANDERS: Yes.

25 CHAIRPERSON HILL: Okay. Do you know any of the other

1 parties?

2 MS. SANDERS: Yes.

3 CHAIRPERSON HILL: Who do you know, Ms. Sanders?

4 MS. SANDERS: The Stecklows.

5 CHAIRPERSON HILL: Okay. So do you want to look and see
6 if you want to speak with them?

7 MS. SANDERS: Yeah, I can do that. And I can talk to
8 all affected parties, so, you know, like you said we don't
9 duplicate the same issues, and look to see if, you know, we can
10 combine --

11 CHAIRPERSON HILL: Right.

12 MS. SANDERS: -- if our issues do overlap.

13 CHAIRPERSON HILL: Got it.

14 So, I mean, Ms. Blue, I'm not trying to tell you to do
15 it or not. I'm just telling you, why don't you go ahead and speak
16 to one another, and just see if you want to be more effective in
17 some way, and come forward as one?

18 MS. BLUE: Okay. Not a problem. Thank you so much.

19 CHAIRPERSON HILL: All right. So you all -- okay. Why
20 don't you do this? I have one more week now, because we're going
21 to do -- we're going to come back to determine whether the ANC is
22 going to be afforded party status. Right?

23 So if you all could talk amongst yourselves and see if
24 you can figure out whether you think your issues or concerns are
25 similar, and you can come forward as one united party, let me know

1 by next week. Okay?

2 MS. BLUE: Okay.

3 CHAIRPERSON HILL: Okay. So that's the Blues, Deanwood
4 Citizens' Association, the Stack -- or, sorry, the Stecklows, and
5 Ms. Beverly. All right. So then, okay. So that's that.

6 So if we -- and then there's a vote going to be taken on
7 this by the ANC, apparently, on Saturday. Correct, Commissioner
8 Douglas?

9 MS. DOUGLAS: Yes. Hopefully, that will -- hopefully,
10 that does make one, because they're asking for -- they're asking
11 just for more information. So that's what they are looking for,
12 and I think I can prove that the information has already been
13 provided.

14 CHAIRPERSON HILL: Okay. All right. So that's one
15 thing.

16 Mr. Thornton, I don't know whether I'm going to do this
17 now or not, but there was some question as to whether there was
18 another CBIF in the block, or within five -- is it 500 feet, Mr.
19 Ritting? Is that the regulation?

20 MR. RITTING: Yes.

21 CHAIRPERSON HILL: More than 500 feet. Mr. Thornton, do
22 you have an answer to that?

23 MR. THORNTON: Yes. And the answer is, absolutely not.
24 I spoke with Zoning. The specific location that was mentioned in
25 the -- for the record, was 1516 Olive Street. And that is not a

1 CBIF. And I actually would say that there's not a, to my
2 knowledge, another CBIF that is even within Ward 7.

3 But the location at 1516 Olive Street is actually what's
4 called an Oxford house, which has four occupants. And I gave the
5 Office of Zoning information on what an Oxford house is. It has
6 nothing to do with a CBIF. It does not have anything to do with,
7 you know, women, children and citizens.

8 CHAIRPERSON HILL: Okay. All right. All right, Mr.
9 Thornton. I just wanted somebody to speak to that for a second.
10 I see the Office of Planning raising their hand. Ms. Brown-
11 Roberts, could you please introduce yourself?

12 MS. BROWN-ROBERTS: Yeah. Good afternoon, Mr. Chairman
13 and members of the BZA. Maxine Brown-Roberts from the Office of
14 Planning.

15 In reference to that address, I spoke to the person who
16 is in charge today. And he told me that he's the operator of
17 Oxford House. They are a non-profit organization within the
18 District and around the country. He says they have facilities in
19 just about every state.

20 But what they do is, they provide housing for people who
21 are recovering addicts or alcoholics. And they rent a house, and
22 the persons who live there do pay their own rent, and they live as
23 a unit. And so that would not, from his description -- and
24 there's also a website about the non-profit organization -- and
25 from his description, it does not fit into a CBIF.

1 CHAIRPERSON HILL: Okay. All right. Thank you, Ms.
2 Brown-Roberts. All right. Let's see. Ms. Brown-Roberts, you
3 have a report already from the Office of Planning. Correct?

4 MS. BROWN-ROBERTS: Yes. Yes. A report, and there's
5 also a supplemental.

6 CHAIRPERSON HILL: Okay. Can you -- so this is what I
7 want to do. And Mr. Brown has been before us many times, in terms
8 of his, you know, him being an attorney for zoning. But I'm kind
9 of asking -- I want to ask the Office of Planning to highlight,
10 what are the issues that you, the Office of Planning, go through,
11 so that the party-status people will understand what we're going
12 to be looking at. Like, what are the issues that we will be
13 looking at?

14 MS. BROWN-ROBERTS: Okay.

15 CHAIRPERSON HILL: So Ms. Brown-Roberts, if you could
16 just highlight those issues in going over your report?

17 MS. BROWN-ROBERTS: Okay. So first of all, in Subtitle
18 B 200.2(G), it gives a definition of what a community-based
19 institutional facility is.

20 And it says, "A use providing court-ordered, monitored
21 care to individuals who have a common need for treatment,
22 rehabilitation assistance, or supervision in their daily living,
23 have been assigned to a facility, or are being detained by the
24 government, other than as a condition of probation."

25 And then it goes through, and it gives examples. You

1 know, of different uses. And then it goes along, and it gives a
2 list of exemptions.

3 And it says here that there were uses that were
4 previously defined as community residential facilities. So we
5 went back to the 58 regulations and looked at that to see if any
6 of these -- any of these facilities would fit into the category of
7 CBIF. And they didn't. So we feel that the facility is a
8 community-based institutional facility. Then we go to --

9 CHAIRPERSON HILL: Ms. Brown-Roberts?

10 MS. BROWN-ROBERTS: Yes.

11 CHAIRPERSON HILL: May I interrupt you one second? Your
12 original report is in Exhibit 52?

13 MS. BROWN-ROBERTS: I'm not sure of the exhibit number.

14 CHAIRPERSON HILL: Okay.

15 MR. BROWN: That's correct.

16 CHAIRPERSON HILL: Because I don't -- and then the
17 supplemental is in 74. Okay.

18 So I'm just -- Mr. Brown -- so just to let everybody
19 know -- so you guys want to look at Exhibit 52 and then also the
20 supplemental report from the Office of Planning, in terms of kind
21 of getting your head around a little bit more of the regulations
22 that we'll be looking at when we do actually hear this. Okay?

23 So Ms. Brown-Roberts, please continue.

24 MS. BROWN-ROBERTS: Yeah. So the property's located in
25 the R-2 zone. And at Subtitle U 203.1(E), it allows CBIF. And it

1 gives, I think, three conditions.

2 The first one is that it shall house no more than 15
3 persons, not including the resident supervisor or staff and their
4 families. This application is for 12 persons, and I think there
5 will be -- not including the supervisors, I think, will be, too.

6 And then, Number 2 is that in the R-2 zone, there shall
7 be no other lot containing a CBIF in the square or within 500 feet
8 of the property. We are not aware of any other CBIF that is
9 within the square or within 500 feet of this property. As I noted
10 before, the property that was identified is not a CBIF.

11 And then the third category, it talks about that in all
12 RU Use Groups A, B, and C, there shall be no other lot containing
13 a community-based institutional facility within the square or
14 within 1,000 feet of any portion of that lot. Again, the R-2 zone
15 is designated as being within Use Group B, and again, we're not
16 aware of any other lots containing any CBIF within the square
17 within 1,000 feet of the property.

18 Then there's the general special exception requirements
19 of Subtitle X, Chapter 900, and it says that -- is the proposed in
20 harmony with the general purpose and intent of the zoning
21 regulations and zoning map? The R-2 zone allows CBIF as a special
22 exception if the requirements of Subtitle U 203.1 are met, and I
23 mentioned those above. And I think that they've demonstrated that
24 those conditions can be met.

25 Then it asks, would the proposed -- would the proposal

1 appear to or tend to affect adversely the use of neighborhood --
2 neighboring property? Again, the CBIF is deemed to be a
3 compatible use in the residential zone. The facility would hold -
4 - would have 12 women. And then, regarding parking -- would be
5 onsite. Most of the women won't have any cars, so we don't
6 envision any traffic problems. DDOT has also submitted a report
7 addressing that.

8 We did include some conditions of approval -- that the
9 property would only house 12 residents, and that the 6-foot-height
10 wood fence that surrounds the property, especially in the front,
11 would be removed. Again, this is so that the facility would more
12 be in line with other residents along Olive Street. Again, the
13 parking would not be a problem.

14 I think the applicant would need to address, you know,
15 how the operations of the facility is going to be, you know, how
16 they're going to be coming and going. Again, what are the
17 wraparound services that will be provided? And I think those
18 issues will go into addressing the effect -- or not adversely
19 affecting the use of neighboring properties.

20 Thank you, Mr. Chairman.

21 CHAIRPERSON HILL: Okay, thank you, Ms. Brown-Roberts.

22 Okay. You guys, I just wanted you all to hear from the
23 Office of Planning, and have an opportunity to look at their
24 report.

25 So Mr. Thornton, I guess, you know, when you come before

1 us, you might want to, you know, tell us a little bit more --
2 like, we've had this type of case before us, and really kind of,
3 like, outlining how, you know -- what are your standard -- what
4 are your SOPs? Right? Your, you know -- how do you operate your
5 program? How do you make sure that everyone is safe?

6 How do your -- you know, as the Office of Planning
7 mentioned, like, the wraparound services. You know, just -- how
8 is it that your business operates? Right? And probably the same
9 thing that the ANC -- that you're going to present on Saturday and
10 -- trying to address they and the community's concerns. The
11 details, the minutia of how you're going to be able to provide
12 these services in a way that is both good for the people who need
13 them, as well as the community.

14 So those are things that I think you'll need to bring
15 before us. So you -- Mr. Thornton, I'm sorry?

16 MR. THORNTON: Yes, Chairman Hill. So, the two other
17 parties to this, you know, Thrive D.C. and Community Family Life
18 Services, they will be running the programs. They have all of
19 that information. We've also supplied some of it, for the record,
20 some of the MOUs that are in place. But they will be the ones
21 that will speak more clearly to the operations of the program.

22 CHAIRPERSON HILL: Okay. Got it. So Mr. Thornton,
23 again, like, we're -- you can see now, it's 7:00 in the evening.

24 MR. THORNTON: Mm-hm. Yes.

25 CHAIRPERSON HILL: So what I'm saying is, we have a lot

1 of cases that we go through. The easiest you can make it for us,
2 so we don't have to search around through many different exhibits
3 to figure out, you know, how this thing -- however you want to
4 present it. I'm just telling you. The easiest way you can
5 present it to us -- the more concisely you can present it to us,
6 the better it is, I think, for everybody, including the parties
7 that are going to be at this hearing when we do have it. Okay?
8 I'm just making a point. Right?

9 All right. So I'm going to go around the table and see
10 if anybody has any questions of me before we finally end. But
11 what I think is that, if they have the hearing on the 25th, the
12 part next week, on the 29th, we're going to decide the party
13 status for ANC 7C? 7C? ANC 7C.

14 So Mr. Moy, we are going to come back here for a meeting
15 session for the preliminary matter of party status for 7C on the
16 29th. Then what -- knowing that this is actually going to be a
17 very long hearing, what days do we have in October that look good,
18 Mr. Moy?

19 MR. MOY: In relative terms, Mr. Chairman?

20 CHAIRPERSON HILL: Yeah, in relative terms.

21 MR. MOY: I think the first thought in my mind would be
22 to hear the merits of the application on October 6th, if possible.

23 CHAIRPERSON HILL: Okay. Why? The 13th, 20th and 27th
24 are that bad?

25 MR. MOY: We could do -- pardon me. We could do the

1 13th.

2 CHAIRPERSON HILL: Sorry. How many cases are on the
3 6th, and how many cases are on the 13th?

4 MR. MOY: On the 6th, we have nine. On the 13th, we
5 have nine. So that'd be the same. I would forget about the 20th.
6 And on the 27th, we have nine. Yeah. So it's going to be up to
7 the Board. Same number of cases.

8 CHAIRPERSON HILL: Okay. Got it.

9 Mr. Thornton?

10 MR. THORNTON: Yes, sir.

11 CHAIRPERSON HILL: So I'm trying to figure out, like --
12 also, you've been waiting to find out what's going to happen.
13 Right? So financially, is there much difference for you between
14 the 6th and the 13th?

15 MR. THORNTON: No.

16 CHAIRPERSON HILL: Okay. Then I would go ahead and say
17 the 13th, because that way, then, the 29th, they can all figure
18 out what they're going to do, meaning whether or not -- whoever
19 the parties are going to end up doing, like -- you, the parties,
20 are going to have to submit something to us.

21 And Mr. Moy, I'll let you help me with this. We do need
22 something from the parties that -- you know, what are they opposed
23 to? Why? Right? They have to submit something. And I don't
24 know when -- maybe you can help me out -- so that we have
25 something, so that we can get something from OAG's analysis, so

1 that we can hear them on the 13th on the merits.

2 MR. MOY: Mr. Chairman?

3 CHAIRPERSON HILL: Yeah?

4 MR. MOY: I don't know if this is going to weigh in as
5 factored, but we will be minus one Board member on the 13th.

6 CHAIRPERSON HILL: Okay. That's a problem.

7 MR. THORNTON: 6th is fine with us, too.

8 CHAIRMAN HOOD: And I'll be back on the -- well, the
9 6th. But it looks like I'll be back every week.

10 CHAIRPERSON HILL: You're back on the 6th?

11 CHAIRMAN HOOD: Yeah. It looks like I'm going to be
12 back every week. But yeah, I'll be back the 6th.

13 CHAIRPERSON HILL: Okay. All right. Well, let's try to
14 do it -- I mean, if we did it on the 6th, that means that --
15 right. So we're going to miss a Board member. Okay. I don't
16 know.

17 CHAIRMAN HOOD: On the 6th or on the 13th, you're going
18 to miss a Board member?

19 CHAIRPERSON HILL: We're going to miss the Board member
20 on the 13th. So what --

21 CHAIRMAN HOOD: I withdraw what I said, Mr. Chairman.
22 Whenever you all do it, I'll make it.

23 CHAIRPERSON HILL: No, no, no. That's not what --
24 Chairman Hood, you'd have to come back on the 13th anyway. It's
25 just that we'd have one less Board member.

1 And I guess I'd rather have her -- so can you -- so if
2 we try to do it on the 6th, that means, Mr. Moy, when would you
3 have to have filings by the party-status people?

4 MR. MOY: If the Board is desiring to have a prehearing
5 statement from all the parties, then I would suggest -- let's see.

6 We're looking at October 6th. If the parties submit their
7 prehearing statements -- geez. I mean, today's already the 22nd.

8 This is --

9 CHAIRPERSON HILL: Okay.

10 MR. MOY: To have time to review, then we're looking at
11 Friday, October the 1st.

12 CHAIRPERSON HILL: Okay. All right. I'll tell you
13 what. Why don't you give me -- give them till Friday, October the
14 1st, then OAG, you all are going to have to let us know something
15 -- I don't know.

16 Just kind of figure it out and give us something, so we
17 can look at it by the 6th. Okay, Mr. Ritting? To the party-
18 status people. Right? Okay.

19 So you guys -- and then we might give a little bit more
20 time to the ANC, if we end up giving the ANC party status. It
21 depends if they can turn something around in two days or not. But
22 go ahead and let's have all the filings by the 1st. Okay?
23 Whatever you all decide to do, in terms of filings from the
24 parties, give it to us all by the 1st of October.

25 And just to let you all know, normally, what we do --

1 not normally, but oftentimes what we do, per the regulations, you
2 all get given party status today, and then you present your case
3 today. Like, normally, there's not necessarily time. So you're
4 already getting, now, a week and a couple days.

5 So y'all figure it out. Let us know what you decide
6 about joining together or not by the 29th. And then your filings
7 will be on the 1st. Okay?

8 MS. DOUGLAS: Mr. Chairman, I'd like to say something.
9 I want -- also, you're talking about -- you asked the 7C to give
10 some kind of -- how it affects them. I want to submit something,
11 how it doesn't affect them, too. I would have that opportunity to
12 show that it does not affect them, those documents, to submit.

13 CHAIRPERSON HILL: Okay, well, the record is open.

14 MS. DOUGLAS: Okay. Okay, thank you. Okay.

15 CHAIRPERSON HILL: If you want to -- but just to let you
16 -- just to let you know, Commissioner, like, we're going to -- if
17 you want to submit something, you should submit it before the
18 29th, because we're going to decide on the 29th.

19 MS. DOUGLAS: Okay. Okay. Thank you.

20 CHAIRPERSON HILL: Okay?

21 MS. DOUGLAS: Okay.

22 MR. BROWN: Mr. Chairman, may I have a brief word?

23 CHAIRPERSON HILL: Sure, Mr. Brown.

24 MR. BROWN: When I filed my application notifying you
25 that I was representing Ms. Beverly, I made no secret of the fact

1 that I found the application materials woefully deficient in
2 meeting the standards for filing a completely application. All of
3 the information that has been dumped into the record on Monday --
4 I've had no opportunity to evaluate that information and prepare
5 for a hearing today.

6 On top of that, even today, we still do not have one of
7 the fundamental requirements of the completed application -- a
8 statement of the witnesses of the applicant and a summary of their
9 testimony. I don't know how I can responsibly prepare cross-
10 examination if I don't even know who's going to testify, and have
11 no idea what they're going to say.

12 So I think as a precondition to our submission on
13 October 1st, the applicant should comply with the regulations and
14 complete the application by submitting a list of witnesses and a
15 summary, a meaningful summary, of their testimony.

16 CHAIRPERSON HILL: Okay. What I'm trying to figure out
17 -- Mr. Ritting, now, I'm going to turn to you -- is that, again, I
18 don't, you know -- I know that -- and Mr. Brown, I appreciate what
19 you're saying and what you're talking about. Like, again,
20 oftentimes -- this is going -- this is going to go on --
21 oftentimes, people get given party status, they argue now. Right?

22 So, you know, you can -- and I appreciate what you're saying.

23 But now I'm turning to Mr. Ritting, which is that -- Mr.
24 Ritting, if this is, you know -- I don't know if there's something
25 that -- this application is not compliant in some capacity, and I

1 did not get that impression. If, however, it is, can you let the
2 Board know? Okay?

3 MR. RITTING: Sure. And if I could make another
4 suggestion, I think Mr. Brown was suggesting that, with the
5 prehearing statements that the parties are filing, that the
6 applicant file the information that he, Mr. Brown, requested,
7 which seems like a very reasonable request.

8 CHAIRPERSON HILL: That's fine. So then, Mr. -- and I
9 don't know -- we're going to have to push this back, because
10 you're not going to -- you guys are going to be doing everything
11 in a week. Right? And so -- because I want to get this as tidy
12 as possible.

13 Mr. Brown, then, that means you're going to submit your
14 witnesses and what your witnesses are going to say. Correct?

15 MR. BROWN: Yes.

16 CHAIRPERSON HILL: Okay. And then Mr. Thornton has to
17 have an opportunity to look at that. Correct?

18 MR. BROWN: Yeah, but they should start the ball rolling
19 with their witnesses. And we don't know who they are.

20 CHAIRPERSON HILL: Okay. So -- right. So Mr. Brown --
21 yeah, anyway. Mr. Brown, I do a lot of these cases every day.
22 Right? And so a lot of times, I don't get their witness list, and
23 a lot of times, I don't get what everybody's going to say ahead of
24 time. And it's only when there's lot of controversy, like this,
25 that suddenly, you know, it changes. Right? So -- but I will

1 agree with you, and I'm just trying to be efficient, is what I'm
2 saying. So I'm trying to figure out how to best do this.

3 So Mr. Thornton, what we need from you again is the list
4 of your witnesses and what your witnesses are going to testify to.

5 MR. THORNTON: So Chairman Hill, when you say list of
6 witnesses -- so there's a online open forum for people to testify.

7 Those are not my witnesses. So when you refer to witnesses in
8 this case -- and again, I'm not an attorney, so I'm not trying to
9 speak as though I'm an attorney. You know, I'm just an applicant.

10 CHAIRPERSON HILL: I got you, Mr. Thornton.

11 MR. THORNTON: And then, so there are -- you know, my
12 testimony has been submitted for the record. The two, you know,
13 the two --

14 CHAIRPERSON HILL: Mr. Thornton, that's okay. I know
15 what I'm going to do.

16 So Mr. Ritting, can you hear me? Why don't you reach
17 out to Mr. Thornton, okay, and make sure we get something that is
18 compliant? Okay? Right?

19 And then I will make sure that that stuff, Mr. Thornton,
20 you understand what needs to be done, and if we can get that
21 submitted by you --

22 MR. THORNTON: So are you saying that we're not in
23 compliance with the application at this point?

24 CHAIRPERSON HILL: I'm going to let Mr. Ritting reach
25 out to you, and he can help specify some of the issues that Mr.

1 Brown, who has now been hired by one of the party-status people,
2 is bringing up. Okay?

3 MR. THORNTON: Mm-hm. That's fine.

4 CHAIRPERSON HILL: So I'm going to give that opportunity
5 -- so then if you do that, we'll have your filings, and
6 everything, let's say, by the 8th. Okay?

7 MR. THORNTON: So, wait --

8 CHAIRPERSON HILL: Right? Oh, no, wait, I'm sorry. I
9 apologize. I apologize. Let's do by the 1st. Okay? By the 1st.
10 Okay, Mr. Ritting? If you can reach out to Mr. Thornton. Right?
11 By the 1st. Let's get everything by -- let's get everything from
12 all of the party-status people by the 8th. Okay?

13 MS. DOUGLAS: Are you talking about the 8th of October?

14 CHAIRPERSON HILL: 8th of October.

15 MS. DOUGLAS: Okay. And then you've got the 1st of
16 October for Mr. Thornton.

17 CHAIRPERSON HILL: And then we're going to -- and then
18 we're going to have -- what was it, Mr. Moy? We're missing
19 somebody on the 13th. Right?

20 MS. DOUGLAS: Yes.

21 CHAIRPERSON HILL: No, no, no. I'm just --

22 MR. MOY: That's correct. So under the scenario you
23 just set up, Mr. Chairman, you can still keep that first timeline
24 of October 1st, October 8th, and then we can return to the Board
25 on October the 20th.

1 CHAIRPERSON HILL: Well, the 20th, you said, was an
2 awful day.

3 MS. DOUGLAS: Mm-hm.

4 MR. MOY: No. Well, wait a minute.

5 CHAIRPERSON HILL: Yeah, you said the 20th was no good.
6 The 13th was okay, but we're going to miss a Board member, which
7 I think the Board member's going to be fine with.

8 MR. MOY: Yeah, we have an appeal on the 20th. That --
9 yeah, no good. So it would -- we would have to return either
10 October the 13th or October the 27th.

11 CHAIRPERSON HILL: Let's do the 13th. Let's do the
12 13th. Okay? So if we come back on the 13th, Mr. Moy, can you
13 tell everybody what we need and by when? I mean, I kind of
14 started, I guess.

15 MR. MOY: Yeah. So if the rescheduled hearing on the
16 merits is scheduled for October 13th, then the applicant needs to
17 make his filing, after he has this meeting with OAG, to submit his
18 filing by October the 1st. Then all the parties can submit their
19 prehearing statements by October the 8th.

20 CHAIRPERSON HILL: Okay. Great. And then we'll be back
21 here on the 13th. Okay?

22 MS. DOUGLAS: Okay.

23 CHAIRPERSON HILL: All right. Does anybody have any
24 questions? Let me just go one at a time, please.

25 MS. DOUGLAS: Yes, sir.

1 CHAIRPERSON HILL: All right.

2 Well, Commissioner Douglas, you've got any questions?

3 MS. DOUGLAS: Yeah, I just -- I didn't want to get
4 confused, because I know I have another case on October the 20th,
5 and that's at Lee Street. So I just want to make sure that that
6 wasn't the same -- that I would end up having two cases. So we're
7 going to be heard on October the 13th, this case. Is that
8 correct?

9 CHAIRPERSON HILL: Yes.

10 MS. DOUGLAS: Okay. Thank you. And everything else has
11 to be submitted by October the 8th.

12 CHAIRPERSON HILL: Right. October the 1st, you're going
13 to hear anything more that the applicant has to say, after Mr.
14 Thornton talks with OAG.

15 Then everybody, all the -- but just to clarify again,
16 that didn't change my deadline of the 29th. You all got to let me
17 know by the 29th whether you're somehow going to combine as
18 parties or not. Okay? And if you're not, then you have to
19 provide me -- anyway, whatever. I need to know -- I just don't
20 want the things to be repeated. Like, I really need a list.

21 You know, all your -- I guess, actually, what needs to
22 happen is -- there you go, now that I think about it -- the party-
23 status people also have to let me know by the 1st what their
24 issues are. Okay? By the 1st, the party-status people have to
25 let me know what their issues and concerns are. Okay? Including

1 their witnesses, and what their witnesses are going to say. Okay?

2 Then by the 8th, everybody else can respond to everybody
3 else's stuff. Okay? And then we're going to be back here on the
4 13th.

5 MS. DOUGLAS: So that means that ANC's by the 8th. Is
6 that what you're saying?

7 CHAIRPERSON HILL: Yeah, the ANC by the 8th. That'd be
8 great.

9 MS. DOUGLAS: Okay. Okay. Okay, great.

10 CHAIRPERSON HILL: Okay?

11 MR. RITTING: Mr. Hill? I'm sorry to prolong this. But
12 I thought we had also discussed that we were going to determine
13 whether 7C is a party or not on September 29th.

14 CHAIRPERSON HILL: We are.

15 MR. RITTING: And you didn't specifically mention that
16 as you went through your list, but I wanted to make that clear, so
17 no one is confused.

18 CHAIRPERSON HILL: I got you. I got you. Once again,
19 we're going to decide ANC's party status next week on the 29th.
20 Everybody, all the parties, are going to let me know whether
21 they're going to combine by the 29th. And then on the 1st,
22 everybody's going to let me know what their issues and concerns
23 are. Right? And that includes Mr. Thornton and all the party-
24 status people.

25 Then everybody can respond to all those issues and

1 concerns by the 8th. And then we're going to have our hearing on
2 the merits on the 13th.

3 MS. DOUGLAS: So that means, including me, going back to
4 the September the 29th? Am I correct?

5 CHAIRPERSON HILL: No, you don't need to -- I mean,
6 Commissioner Douglas, if you want to submit something as to why
7 you don't think ANC 7C should get party status, you can go ahead
8 and do that. But we have enough information, I think, as to
9 whether or not we're going to do that or not, after we talk with
10 OAG and do a little bit more research.

11 MS. DOUGLAS: But I just -- and I think you recall that
12 you said the reason why it doesn't -- that I can present something
13 that does not affect them. So I think I should have that
14 opportunity. He's going to submit something saying why it is
15 going to affect him. But I need to say something why it isn't.

16 CHAIRPERSON HILL: We're not taking any testimony on the
17 29th. We're just going to have a meeting and decide.

18 MS. DOUGLAS: Yeah, but if you accept him -- let me say
19 this, Mr. Hill. If you accept him and he said his -- why he
20 thinks it affects him, and then now you're telling me that I can't
21 submit nothing to why it shouldn't affect him, to show what not to
22 -- so you give him the okay to go ahead, send and show why -- how
23 does it affect your single-member district, and I want to show you
24 how it does not affect my single-member district, for him. So I
25 think I should be --

1 CHAIRPERSON HILL: We're not taking anything -- we're
2 not taking anything more from them.

3 MS. DOUGLAS: Yeah, but you're giving him an opportunity
4 to submit something.

5 CHAIRPERSON HILL: Oh, to talk today. To talk today.

6 MS. DOUGLAS: Yes, to talk, saying -- to show -- because
7 you asked him, can you submit something that says, what does not
8 affect your -- or how does it affect your ANC? So you asked -- I
9 asked you, could I submit something, showing that it does not --
10 that it does, does not affect the -- vice versa what he's saying,
11 how it does not affect the ANC. That's all I'm saying. You're
12 asking -- yeah. That's all I'm asking.

13 CHAIRPERSON HILL: I understand, Commissioner. What I'm
14 trying to get to is, so, today, we asked -- so today, people came
15 before us to decide whether or not they were going to be party-
16 status people. Right?

17 MS. DOUGLAS: Right.

18 CHAIRPERSON HILL: They're the ones that are coming --
19 they're the ones that are coming with their opportunity to let us
20 know why they should be given party status. And then we determine
21 whether or not they should be given party status. So if you want
22 to -- so he just gave his testimony. That's all he did. He just
23 gave his testimony. So if you --

24 MS. DOUGLAS: Yeah, but he also said -- you also asked
25 him to show -- because I wrote it down. Y'all sure said, I need

1 | you to submit something showing, how does it affect this ANC 7D?
2 | so --

3 | CHAIRPERSON HILL: I didn't realize I asked for a
4 | submission.

5 | MS. DOUGLAS: Yeah, you did. So I just wanted to make
6 | sure -- that's why I came --

7 | CHAIRPERSON HILL: Commissioner?

8 | MS. DOUGLAS: -- behind and asked.

9 | CHAIRPERSON HILL: I got you.
10 | Chairman Hood?

11 | CHAIRMAN HOOD: I think, Mr. Chairman, we did ask
12 | Commissioner Holmes -- he explained to, I think, all -- as we
13 | already know, Commissioner Douglas wants something to say how he's
14 | not -- should not have party status. That's all she's asking. So
15 | she wants to submit that in writing to you.

16 | CHAIRPERSON HILL: No, I got that. She can definitely
17 | submit something in writing. I just -- I didn't realize that we
18 | had asked for something from Commissioner Holmes, and if we did,
19 | then Commissioner Douglas would want an opportunity to respond to
20 | what Commissioner Holmes submits.

21 | CHAIRMAN HOOD: But he did it verbally. Verbally. He
22 | did it verbally.

23 | CHAIRPERSON HILL: Right. We didn't ask for any
24 | submission. So Commissioner Douglas, can you hear me?

25 | MS. DOUGLAS: Yes.

1 CHAIRPERSON HILL: So if you want to submit something in
2 writing, as to why ANC 7C should not be given party status, that's
3 fine.

4 MS. DOUGLAS: Okay. Thank you.

5 CHAIRPERSON HILL: Okay. So, but just to be clear,
6 Commissioner, we're going to decide on the 29th.

7 MS. DOUGLAS: I hear what you're saying, but I just want
8 to make sure all the evidence that, you know, is clear, to show
9 why.

10 CHAIRPERSON HILL: Sure. That's fine. So when -- how
11 much time do you need to do that?

12 MS. DOUGLAS: Well, you said the 29th, so that's, like,
13 next week. So I can be working on that as soon as -- as of
14 tomorrow.

15 CHAIRPERSON HILL: Okay. Well, I just want to make sure
16 I know when we might get something, so that we have a chance to
17 look at it.

18 MS. DOUGLAS: Well, give me an opportunity. I keep --
19 you're just telling me now. The mark ain't here yet, Mr. Hill.

20 CHAIRPERSON HILL: Okay. You think -- what did you say?
21 So you think -- what did you say? So you think, like --

22 MS. DOUGLAS: The mark's not right here yet, Mr. Hill.
23 Give me an opportunity to get them together. So I --

24 CHAIRPERSON HILL: How's, like, the 27th? How's Monday?

25 MS. DOUGLAS: No, I'll take the 29th, because the 27th

1 is hitting it kind of tight. Give me the 29th, I will.

2 CHAIRPERSON HILL: I mean, the 29th, we're deciding. So
3 the 28th.

4 MS. DOUGLAS: Oh. The 28th. Yes. I see.

5 CHAIRPERSON HILL: Okay.

6 MS. DOUGLAS: Thank you. Thank you. So the 28th.

7 CHAIRPERSON HILL: We'll give you till the 28th. Okay?

8 MS. DOUGLAS: Okay. Thank you. Thank you so much.
9 Thank you, too, Mr. Hood.

10 CHAIRPERSON HILL: I got -- Commissioner Douglas, can
11 you do the 27th? Because if you give me something on the 28th at,
12 like, 5:00, it's not going to get read.

13 MS. DOUGLAS: 27th is on a Monday. Is that correct?

14 CHAIRPERSON HILL: Yeah. As long as you give me --
15 look. Look. Just beginning of the day on the 28th. Okay?

16 MS. DOUGLAS: Okay. Okay. I got you.

17 CHAIRPERSON HILL: Because we need to be able to read
18 something.

19 MS. DOUGLAS: Okay. Thank you. Thank you.

20 CHAIRPERSON HILL: If you give it to me at midnight on
21 the 28th, nothing's happening.

22 MS. DOUGLAS: Got you. I got you.

23 CHAIRPERSON HILL: Okay? Okay.

24 MS. DOUGLAS: Thank you. Thank you. Mm-hm. Thanks.

25 CHAIRPERSON HILL: So let's just say, in the morning of

1 the 28th, okay, we're going to get something from Commissioner
2 Douglas as to why ANC shouldn't be given party status, and we're
3 going to decide on the 29th.

4 Commissioner Holmes, are you there?

5 MR. HOLMES: Yes, I am.

6 CHAIRPERSON HILL: Do you understand?

7 MR. HOLMES: Yes, I do.

8 CHAIRPERSON HILL: Okay. So there you go. That's that.

9 And then, does every -- all right.

10 So Commissioner Douglas, you're good. Correct?

11 MS. DOUGLAS: Yes, I'm good now.

12 CHAIRPERSON HILL: All right.

13 Commissioner Holmes, you're good?

14 MR. HOLMES: Yes. Do I need to submit anything written
15 now? Or you just want -- the verbal is good enough?

16 CHAIRPERSON HILL: I think the verbal's fine with me.

17 MR. HOLMES: All right. Thank you.

18 CHAIRPERSON HILL: Okay? Unless -- if my fellow Board
19 members want to raise their hand?

20 No. Nobody's raising their hand. So Commissioner,
21 you're okay. You'll find out on the 29th what's going on, and
22 then if you do get party status -- well, hell. I don't know.
23 We'll have to figure it out. But then we'll need something from
24 you by the 1st.

25 MR. HOLMES: Okay.

1 CHAIRPERSON HILL: Okay? So -- all right. Okay. Let
2 me see. I'm going to go around the table.
3 Mr. and Mrs. Blue, can you hear me?
4 MS. BLUE: Yes, sir. We're here.
5 CHAIRPERSON HILL: Do you have any questions?
6 MS. BLUE: Not at the moment.
7 CHAIRPERSON HILL: Any questions?
8 MS. BLUE: No, not at the moment.
9 CHAIRPERSON HILL: Okay. Great.
10 Mr. And Mrs. Stecklow, can you hear me?
11 MS. STECKLOW: Yes, we can.
12 CHAIRPERSON HILL: Do you got any questions?
13 MS. STECKLOW: No, we do not. Thank you for your time.
14 CHAIRPERSON HILL: Ms. Beverly, can you hear me?
15 MS. BEVERLY: I can.
16 CHAIRPERSON HILL: You got any questions?
17 MS. BEVERLY: I'll defer to Mr. Brown.
18 CHAIRPERSON HILL: Okay.
19 Ms. Sanders, can you hear me?
20 MS. SANDERS: Yes.
21 CHAIRPERSON HILL: You have --
22 MS. SANDERS: No questions at this time.
23 CHAIRPERSON HILL: Okay, great. All right.
24 Well, then, I wish you all luck in getting organized.
25 And we'll hear it all on the 13th.

1 Oh, I'm sorry. Mr. Thornton, do you have any questions?

2 MR. THORNTON: Yes, sir. As it relates to the party-
3 status folks being able to question the applicant, does the
4 applicant also get to question them?

5 CHAIRPERSON HILL: Oh, yeah, it's a big party.
6 Everybody talks to everybody. It's a back-and-forth. It's a --
7 you know.

8 You'll get -- so just to be clear, and it's just late,
9 so I'm having a little fun -- you'll get your -- you'll present
10 your case, then all the party-status -- well, first you'll present
11 your case. Then the Board will ask you questions.

12 Then the party-status people will present their case,
13 whether it's each individual or whatever it turns out being. I'm
14 sorry. I'm sorry, then the party-status people will ask you
15 questions. All right? Then they will give their presentations.
16 The Board will ask them their questions, then you will ask
17 questions of them. Right?

18 And I forget where cross-examination comes in. There's
19 cross-examination at some point. Right? And I'm going to need
20 Mr. -- I'm going to need OAG again, because I just can't remember
21 -- it goes. Then we hear from the Office of Planning. Everybody
22 gets to hear the Office of Planning questions.

23 Then there's a chance for you to give a rebuttal, Mr.
24 Thornton. That's the good part. You get to say how everything
25 else is wrong, as to what they said. Right? And then they'll

1 question all the things you said, as to what was wrong in
2 rebuttal. You'll get a conclusion, and then we'll see what
3 happens.

4 MR. THORNTON: All right.

5 CHAIRPERSON HILL: Okay? And Mr. Ritting can actually go
6 over that with you when he talks to you.

7 Mr. Ritting, you look like you want to say something.

8 MR. RITTING: Yeah. Mr. Thornton?

9 MR. THORNTON: Yes.

10 MR. RITTING: Could you stay on this call after everyone
11 else leaves, so I can get some contact information for you?
12 Because I looked in the record, I only see a PO box. So --

13 MR. THORNTON: Yes, sir.

14 MR. RITTING: Okay.

15 CHAIRPERSON HILL: Yeah, that won't work. Because it's
16 live, Mr. Ritting.

17 So you, Mr. Thornton, why don't you reach out tomorrow
18 through the Office of Zoning, and this is now on you, and make
19 sure -- okay. Hold on.

20 Ms. Blue?

21 MS. BLUE: I'm sorry. I do have one question. We were
22 told by Mr. Thornton that he did not have any, you know, financial
23 interest in this property. Why is it that he has -- he's applying
24 for party status?

25 CHAIRPERSON HILL: Mr. Thornton is the applicant. Mr.

1 Thornton is the applicant. He's the one who's -- he's the one
2 who's applying.

3 MS. BLUE: Right. He told us that he didn't have any
4 interest.

5 CHAIRPERSON HILL: Right. So Ms. Blue, you'll have a
6 chance to ask all your questions and present everything at the
7 hearing. But he's the applicant.

8 MS. BLUE: Okay. Yeah, we were told something
9 otherwise. That's all I wanted to know.

10 CHAIRPERSON HILL: Okay. No problem.

11 MS. BLUE: Thank you.

12 CHAIRPERSON HILL: No problem.

13 So Mr. Thornton, you've got to reach out to the Office
14 of Zoning and make sure that Mr. Ritting has your contact
15 information. Okay?

16 MR. THORNTON: Yeah, I'm going to stay on the call.

17 CHAIRPERSON HILL: No, you can't, because this is on
18 YouTube Live. It's on --

19 MR. THORNTON: Well, quickly, can you give me a number I
20 can call you?

21 CHAIRPERSON HILL: No, because this is still on YouTube
22 Live. You can have the Office of Zoning's number.

23 MR. THORNTON: I got that.

24 CHAIRPERSON HILL: Okay. Mr. Moy, is that --

25 MR. THORNTON: What was the name again?

1 CHAIRPERSON HILL: His name is Jacob Ritting. That's
2 the attorney you're trying to get in touch with.

3 MR. THORNTON: R-E --

4 CHAIRPERSON HILL: R-I-T-T-I-N-G.

5 MR. RITTING: I just received an instant message from
6 the Office of Zoning that says that they'll send me your email
7 address, Mr. Thornton. I think that'll take care of it.

8 MR. THORNTON: Great. That'll suffice. Thank you.

9 CHAIRPERSON HILL: Okay, great.

10 MR. RITTING: Okay. Thank you. Thanks, everybody. I'm
11 sorry to slow this down.

12 CHAIRPERSON HILL: Okay. That's great.

13 All right. Everybody seems to know what's going on, so
14 I will excuse us from this portion of the hearing, and you all
15 have a nice evening.

16 MR. THORNTON: All right.

17 CHAIRPERSON HILL: Okay. Bye-bye. Good luck. Good
18 luck.

19 MR. HOLMES: Thank you.

20 MS. BLUE: Thanks.

21 CHAIRPERSON HILL: Bye-bye.

22 MS. BLUE: Bye.

23 MS. BEVERLY: Bye.

24 CHAIRPERSON HILL: Okay. So I guess that's it. Mr.
25 Moy, does the Board have -- does anybody got anything they need to

1 say about anything?

2 (No response.)

3 CHAIRPERSON HILL: No? Okay.

4 Mr. Moy, is there anything that's in front of the Board
5 tonight?

6 MR. MOY: I'm not offering anything else, Mr. Chairman.

7 CHAIRPERSON HILL: Okay. Well, it was a pleasure,
8 everyone. Y'all have a nice evening.

9 BOARD MEMBER SMITH: Bye.

10 CHAIRPERSON HILL: Bye.

11 VICE CHAIR JOHN: Thank you.

12 (Whereupon, the above-entitled matter went off the
13 record at 7:15 p.m.)

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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: 09-22-21

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
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Madison Wagaman

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