

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

MAY 18, 2022

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 10:34 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARL BLAKE, Board Member
CHRISHAUN SMITH, Board Member (NCPC)

ZONING COMMISSION MEMBERS PRESENT:

ROB MILLER, Vice Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
SARAH BAJAJ, Attorney Advisor
RYAN NICHOLAS, Attorney Advisor
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS
ANNE FOTHERGILL
JONATHAN KIRSCHENBAUM
STEPHEN MORDFIN
ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

The transcript constitutes the minutes from the
Regular Public Hearing held on May 18, 2022.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1716 14TH ST., N.W. STE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

CONTENTS

Application No. 20716 of 15th Street Alley, LLC	5
Application No. 20645 of Equity Trust Company, Custodian fbo Richard Leavy IRA	35
Application No. 20720 of 1312 18th Street Associates, LLC	236
Application No. 20659 of Betty Matthews and Joseph Matthews	248
Application No. 20594 of Nezahat and Paul Harrison	255
Application No. 20714 of Community Housing for the Hearing Impaired	228
Application No. 20538 of TG Management, LLC	47

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1716 14TH ST., N.W. STE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

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

10:34 a.m.

MR. MOY: The Board is in its public hearing session, and the first case is application number 20716, 15th Street Alley, LLC. This is a self-certified application for area variance pursuant to subtitle X, section 1002 from the new alley record lot requirements, subtitle C, section 306.1(a). Property is located in the RF-1 zone at -- let's see the square is 4564, lot 95. And as you've referenced, Mr. Chairman, there are -- as preliminary matters, there are multiple requests for party status in opposition, and I can go through the names if you wish.

(Simultaneous speaking.)

CHAIRPERSON HILL: Yeah, that's be helpful, Mr. Moy. Give me one second while I try to find something that I got from Mr. Nicolas. Ms. Bajaj, can you hear me? Are you the one that sent us that note about the party status people?

Ms. BAJAJ: I don't think I sent a note about the party.

CHAIRPERSON HILL: Oh, no, never mind. I know what I'm thinking of. Okay. I'm getting my cases mixed up. Okay, Mr. Moy, can you read off the names for the party status people please?

MR. MOY: Yes, sir. There were eight names. The first is Ashley Mild, M-I-L-D. Then there's Mary Johnson,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 David Dickson.

2 CHAIRPERSON HILL: Hold on, I'm sorry. Mary
3 Johnson, David --

4 MR. MOY: David Dickson.

5 CHAIRPERSON HILL: Right.

6 MR. MOY: Martha Byers, B-Y-E-RS. James Harris,
7 Kathy Anderson, Ronnie Gray, and Todd Spears.

8 CHAIRPERSON HILL: Sorry, Kathy Henderson?

9 MR. MOY: Yes, Kathy Anderson.

10 CHAIRPERSON HILL: Oh, Anderson. And then what
11 was the next name?

12 MR. MOY: Ronnie, R-O-N-N-I-E, Gray.

13 CHAIRPERSON HILL: Yep.

14 MR. MOY: And finally Todd Spears.

15 CHAIRPERSON HILL: Okay. I thought this was the
16 one that there was a map somewhere that I saw.

17 MR. MOY: Yeah, the staff sent that to you
18 yesterday.

19 CHAIRPERSON HILL: Yeah, that's right. What was
20 the name? Who sent it?

21 MR. MOY: That was from me, sir.

22 CHAIRPERSON HILL: Oh, that's why I can't find it.

23 That's all right. Okay. Great. Okay. Okay, that's
24 helpful. Okay. Ms. Wilson, could you introduce yourself for
25 the record, please?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MS. WILSON: Hi. Alex Wilson from Sullivan &
2 Barros on behalf of the applicant in this case.

3 CHAIRPERSON HILL: Okay. Great. Let me just go --
4 I'm trying to work through this party status. Is Ms. Mild
5 here? Ms. Mild? Okay. Is it Ms. Johnson, Mary Johnson?
6 Is she here? Okay. Is David Dickson here? David Dickson?

7 MR. YOUNG: They're all here. They're the call-in
8 users. I'm not sure if they just unmute themselves.

9 CHAIRPERSON HILL: Oh, okay. Can you all unmute
10 yourselves? Oh, let's try -- is Ms. Mild around? Ms. Mild.
11 Yes. Can you hear me? Is it Mild, M-I-L-D? No. Okay.

12 MS. JOHNSON: I'm --

13 CHAIRPERSON HILL: Is Johnson around? Johnson?
14 David Dickson.

15 MS. JOHNSON: Mary Johnson.

16 MR. DICKSON: David Dickson is here.

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

19 MR. DICKSON: I am David Dickson. I'm here in 4564
20 Square. We are at lot, I believe it is --

21 CHAIRPERSON HILL: Listen, I got you. Is it
22 Byers, Mr. Byers or Ms. Byers?

23 MS. BYERS: Martha Byers, I'm here.

24 CHAIRPERSON HILL: Okay. Could you introduce
25 yourself for the record please?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. BYERS: I am Martha Byers, B-Y-E-R-S, and I
2 live at 1505 D Street, Northeast.

3 CHAIRPERSON HILL: Is it Mr. Harris, are you here?

4 MR. HARRIS: Yes, sir, I am.

5 CHAIRPERSON HILL: Could you introduce yourself?

6 MS. JOHNSON: Did you get Mary Johnson?

7 CHAIRPERSON HILL: No, Mary Johnson.

8 MS. JOHNSON: I was on the line.

9 CHAIRPERSON HILL: Oh, Ms. Johnson, can you hear
10 me?

11 MS. JOHNSON: I can hear you. Can you hear me?

12 CHAIRPERSON HILL: I can. Could you introduce
13 yourself for the record please?

14 MS. JOHNSON: My name is Mary C. Johnson. My
15 address is 1525 D Street, Northeast, lot 107.

16 CHAIRPERSON HILL: Okay. Okay. Was Ms. Mild
17 around, or anybody, Mild?

18 MS. JOHNSON: She might have been. She's a
19 teacher, so she might not have been able to get online --

20 CHAIRPERSON HILL: Got it.

21 MS. JOHNSON: -- like she wanted.

22 CHAIRPERSON HILL: Okay. Mr. Harris, could you
23 introduce yourself for the record?

24 MR. HARRIS: Yes. I'm James Gilbert Harris at 330
25 16th Street Northeast.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Okay. Is Ms. Kathy Anderson
2 with us?

3 MS. ANDERSON: Yes, I'm here.

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

6 MS. ANDERSON: My name's Kathy Anderson. I have
7 a property at 326 16th Street, Northeast.

8 CHAIRPERSON HILL: Okay. Mr. Gray, Ronnie Gray?
9 Mr. Ronnie Gray? Mr. Todd Spears? Can you hear me? Todd
10 Spears? Okay. I see a Miss -- I see a Hubig, Hubig? Is there
11 a Hubig -- Mr. Hubig?

12 MR. HUBIG: I'm here.

13 CHAIRPERSON HILL: Who are you -- who are you with?

14 MR. HUBIG: I'm with 15th Street Alley.

15 CHAIRPERSON HILL: You're with 15th Street -- oh,
16 I'm sorry, you're the applicant. Yes.

17 MR. HUBIG: Yes, sir. I'm the applicant along
18 with Evan next to me right here.

19 CHAIRPERSON HILL: Got you, got you, got you.
20 Okay. All right. I don't know, was --

21 MS. MILD: This is Ashley Mild, I couldn't figure
22 out how to unmute. I apologize.

23 CHAIRPERSON HILL: Oh. Okay, Ms. Mild, could you
24 introduce yourself for the record?

25 MS. MILD: Yes. I'm Ashley Mild from 1527 D

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Street, Northeast.

2 CHAIRPERSON HILL: Okay. So just to let you guys
3 know, I was trying to figure out how to handle this in a way
4 that would be efficient and also productive for the parties
5 in opposition. And I guess I can also ask my board members.

6 I mean we have to go through and determine what we believe
7 in terms of the parties in opposition here. Give me one
8 second. Okay. All right. So do you -- does anybody -- well,
9 all right. Let me -- and I don't know who to ask. I mean,
10 Ms. Johnson, can you hear me?

11 MS. JOHNSON: Yes, I can.

12 CHAIRPERSON HILL: So I'm looking at your
13 application and you said that you serve as a representative.
14 I mean do you know all the other parties, or do you know who
15 might be a good spokesperson for you?

16 MS. JOHNSON: Well, we all put some input into the
17 questions and answers that were on the sheet. Ms. Mild might
18 be able to address the wall, you know, the housing going up.

19 I address about the trash pickup, and then fire extinguishers,
20 you know, the fireman, and the length of the -- width of the
21 alley that, you know, all of us, we all have to park basically
22 in the back of our homes.

23 CHAIRPERSON HILL: No, I got you, Ms. Dickson.
24 I'm just trying to figure out who -- so do you all know each
25 other is what I'm trying to say?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MS. JOHNSON: Yes, we do.

2 CHAIRPERSON HILL: Okay, okay.

3 MS. JOHNSON: Yes, we do.

4 CHAIRPERSON HILL: And so I think what's going to
5 probably end up -- so just so you all know how this works,
6 the applicant goes ahead and makes a -- if you all were to
7 be awarded party status, the applicant makes their
8 presentation, and then you give -- you have an opportunity
9 to make your presentation. And I think that the issues all
10 seem to be similar enough that you all could be, you know,
11 a group. And, either way, I'm probably going to have to handle
12 it as a group of people in opposition. And so I'm trying to
13 figure out if you guys who might be a good spokesperson to
14 at least be kind of the point for your group. Do you, Ms.
15 Johnson, know?

16 MS. JOHNSON: Well, I was going to speak, but
17 others -- the zoning officer said that each one of us could
18 speak --

19 CHAIRPERSON HILL: Yep. Each one of you can
20 speak.

21 MS. JOHNSON: -- on different --

22 CHAIRPERSON HILL: Would you -- Ms. Johnson, would
23 you be able to be the lead person?

24 MS. JOHNSON: I would take the lead because I'm
25 the one that basically did most of the writing, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 putting it together.

2 CHAIRPERSON HILL: Okay. Okay, great. Could
3 everybody mute their line except for Ms. Johnson at this point?

4 So, Ms. Johnson, what I wanted to do, and the reason why I'm
5 bringing you guys up here forward, is that I just want to deal
6 with the preliminary issue which was the party status issue,
7 and then give you and your group and opportunity to talk amongst
8 themselves during the day. And then we'd come back at the
9 end of the day to hear the case.

10 And so what, again, this means is that the applicant
11 would come forward, give their presentation. Then you would
12 have an opportunity -- your group would have an opportunity
13 to give your presentation and then ask questions of the
14 applicant. But you would be kind of the voice, if you will,
15 for kind of asking the questions and things like that.

16 And I know that it's a little bit, you know, we
17 will be flexible with it because, you know, we're in a Zoom
18 environment. We're not live at the table. So I can't see
19 everybody. It would be helpful actually if you all could put
20 like -- find a computer by the time we get together and have
21 the camera so you could raise your hand and I could at least
22 see you raising your hand. But you, Ms. Johnson, then could
23 kind of at least start off. Would that be okay with you?

24 MS. JOHNSON: Yes, I could start it off.

25 CHAIRPERSON HILL: Okay. Okay. All right. So

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 then maybe what I would do, and I'm going to look to my fellow
2 board members, I mean I've looked at the application in terms
3 of the party status, and I think that everyone maybe with the
4 exception of Mr. Byers, and I guess an argument can be made
5 even for him, I think all of the --

6 MS. JOHNSON: Her.

7 CHAIRPERSON HILL: Her, okay. Thank you.

8 MS. JOHNSON: It's her.

9 CHAIRPERSON HILL: Thank you, Ms. Johnson. Ms.
10 Byers -- that all of them really are in line with the, you
11 know, this property in term -- I'm sorry, this application.
12 So I would be in favor of granting them all party status.
13 And so I don't know what you all think, meaning my fellow
14 board members, and I'm going to start with Mr. Smith, if that's
15 all right.

16 MEMBER SMITH: My question, and maybe you asked
17 and I missed it because we were going on mute. But it's kind
18 of going in and out. Mr. Ronnie Gray is there online, what
19 is your address on C Street? I'm assuming you're on that
20 square, you're backing up to the alley lot but you're using
21 your phone.

22 MR. DICKSON: Mr. Gray is lot 61.

23 MEMBER SMITH: What's his address?

24 MR. DICKSON: I believe it's 324 -- that's C
25 Street. He's in the middle house on D Street.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: When you say he, aren't you
2 mister --

3 MS. JOHNSON: You mean on C.

4 CHAIRPERSON HILL: Aren't you Mr. Gray?

5 MR. DICKSON: No, I'm Dickson.

6 CHAIRPERSON HILL: Oh, so Mister --

7 MR. DICKSON: I'm the block captain.

8 CHAIRPERSON HILL: Then Mr. Gray is not here.
9 Yeah.

10 MS. JOHNSON: He was on the line.

11 CHAIRPERSON HILL: Mr. Young, do you see a Mr.
12 Gary? And per the regulations, everyone has to be here if
13 they want to get party status. So Mr. Gray would not be getting
14 party status. Mr. Smith, does that answer your question?

15 MEMBER SMITH: That answers my question that he's
16 not on the line. I'm comfortable with granting everyone on
17 the phone call party status. I believe Ms. Byers does have
18 party status because she does -- she can be -- she can be just
19 as uniquely affected even though her property doesn't directly
20 abut that alley lot because she would be impacted from a safety
21 standpoint if we were to grant this variance because that alley
22 that she backs up to is less than 24 feet wide, so I'm
23 comfortable with granting everyone that's on this call party
24 status.

25 CHAIRPERSON HILL: Okay. Mr. Smith, I mean Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Blake.

2 MEMBER BLAKE: Yeah, I agree with that.

3 CHAIRPERSON HILL: Okay. Commissioner Miller.

4 ZC VICE CHAIR MILLER: If what you're saying is
5 that they together will be one party, each of which -- each
6 of whom who is a member of this party would have an opportunity
7 to speak and testify. But you were asking Ms. Johnson if she
8 would take the lead which primarily involves
9 cross-examination, the questions that a party in opposition
10 is able to ask of the applicant and of any other person who
11 testifies here today.

12 So Ms. Johnson would take the lead, but given the
13 environment we're in, you said you'd have leeway on allowing
14 others to ask questions as well. But, yes, I support all of
15 them being one party, not eight different parties is my
16 understanding of what you said.

17 CHAIRPERSON HILL: Yeah, I -- and this,
18 Commissioner Miller, thanks. I don't know, this is the --
19 this is the first time I've had this many people. And so I
20 don't know, Ms. Nagelhout, if -- I mean I'm happy for them
21 to be a group, or if they are getting individual party status
22 and they're being -- at least presenting as a group. I just
23 don't know how you all could parse that out. Meaning would
24 they all get listed as party status people? Does it matter?
25 Do you have an opinion, Ms. Nagelhout?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MS. NAGELHOUT: Individual requests, and I think
2 you should deliberate on each one individually to find whether
3 those people meet the request for party status or not. And
4 if you grant all of them time, that's a separate question from
5 how to run the hearing. You can ask the parties in opposition
6 to terminate the presentation.

7 CHAIRPERSON HILL: Ms. Nagelhout, I'm sorry to
8 interrupt you. I got you. So I think we're all on the same
9 page. So what's happening --

10 MS. JOHNSON: A question.

11 CHAIRPERSON HILL: Who?

12 MS. JOHNSON: I have a question.

13 CHAIRPERSON HILL: Who is asking a question?

14 MS. JOHNSON: This is Mary Johnson.

15 CHAIRPERSON HILL: Oh, Ms. Johnson.

16 MS. JOHNSON: Mary Johnson.

17 CHAIRPERSON HILL: Sure, go ahead.

18 MS. JOHNSON: This is Ms. Johnson. My question
19 is that, okay, you want us to listen to what the -- who we
20 are opposite, you know, going opposition in against to listen
21 to their status, and then you want us to come back on later
22 on today to state the reasoning why we are going against the
23 building of this -- for this project. My question is that
24 if today doesn't fulfill the timeframe of what needs to be
25 done, will this hearing be extended to another date that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 would be able to come, as you saying, as a group and discuss
2 the questions that the, you know, that who we are going against
3 to build?

4 CHAIRPERSON HILL: I understand.

5 MS. JOHNSON: That would not give us enough time
6 and -- to give you a reasonable answer of why we are opposing
7 it.

8 CHAIRPERSON HILL: Right. So, Ms. Johnson,
9 per -- the way we're supposed -- per the regulations, when
10 people apply for party status, they're supposed to be ready
11 to present against or, you know, make whatever arguments they
12 are supposed to make, right, for the applicant. What I'm
13 proposing, and this is why I'm doing this now in this way,
14 is that I wanted to get the party status out of the way, and
15 then you all can talk throughout the day amongst yourselves
16 if, you know, how you'd like to go about making your arguments.
17 I mean we have what's in the record for each individual person.

18 And what the counsel, our attorneys are saying is
19 that we need to determine if each one of you meet the
20 regulations for party status. So what I think's going to
21 happen is we're going to give each one of you, we're going
22 to -- I believe that each one of you are going to meet the
23 requirements for party status. So each one of you will get
24 party status.

25 In terms of running the hearing, what I was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 proposing again was that you, Ms. Johnson, would just take
2 the lead and everyone will have an opportunity to speak if
3 you want to ask questions of them or, you know, if one person
4 speaks about something and one person speaks about something
5 else. But you all will have the same amount of time as the
6 applicant does to make their argument. Do you understand?

7 MS. JOHNSON: So right now we are on the docket
8 for the hearing, but then what time would -- you're saying
9 that we would have to come back.

10 CHAIRPERSON HILL: Right. What I'm saying is that
11 I was doing this so that you all have an opportunity to organize
12 yourselves or talk amongst yourselves. You guys would come
13 back at the end of the day. When we were done with whatever,
14 you know, whatever time that is, it might be like 3:00 o'clock,
15 you guys would come back at 3:00 o'clock or so. And I guess
16 Mr. Moy or his staff can call each one of you and tell you
17 when it seems like you're going to come up on the docket.
18 You understand?

19 MS. JOHNSON: Yeah.

20 CHAIRPERSON HILL: Okay. So, all right. So I'm
21 going to look at my fellow board members here, I mean, again,
22 I'm looking at each --

23 MS. JOHNSON: But suppose that we do not -- we do
24 not get on the docket as of today, what happens then after
25 that?

1 CHAIRPERSON HILL: Well, Ms. Johnson, I'm trying
2 to make sure you guys get on the docket today because I want
3 to get through this docket. And so the only reason this
4 wouldn't happen today is if it's like 8:00 o'clock at night
5 or 7:00 o'clock at night that you guys get back on, and that
6 the Board's just basically doesn't have the brain power to
7 do it. So otherwise you guys are going to get back on. Okay?

8 MR. DICKSON: The timeframe -- this is Dickson.

9 CHAIRPERSON HILL: Yeah.

10 MR. DICKSON: I'm -- this is the block captain that
11 live at 4564, 95, we are having a problem here because if you're
12 going to run this till late this afternoon, it's because some
13 people are going to have to jump off the line and do other
14 things. And so you asking us to do this like Mrs. Johnson
15 said --

16 CHAIRPERSON HILL: I got you. Mr. Dickson, I'm
17 just trying -- there's plenty of people that are here today
18 that all want to have their hearing heard. I'm trying to do
19 what I think is the most fair and is let you guys know where
20 you stand in terms of party status. Right? You haven't been
21 given party status yet.

22 So what I'm doing is I'm giving you the opportunity
23 to organize yourselves, and you all were scheduled for the
24 end of the day, like you're already on the agenda for the end
25 of the day, so you were going to -- I'm sorry. I'm moving

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 you to the end of the day so that you have an opportunity to
2 talk amongst yourselves, do you understand? And somebody from
3 the staff will be able to call you guys. Mr. Moy, they can
4 get -- all get a phone call like, you know, when we're working
5 on the second to last case, correct?

6 MR. MOY: That's correct, sir. We reach out to
7 every single one of them.

8 CHAIRPERSON HILL: Okay. So we'll reach out to
9 all of you to let you know that you're about to come out, okay?

10 MR. DICKSON: What time, you know?

11 CHAIRPERSON HILL: I don't know. I mean I'm
12 taking a guess at 3:00 o'clock, but it could be 4:00 o'clock.

13 I just -- I mean that's the best I can do.

14 MR. DICKSON: So you say between 3:00 and 4:00
15 o'clock?

16 CHAIRPERSON HILL: I'm taking a guess. I have no
17 idea.

18 MS. JOHNSON: But I don't, you know, you're not
19 giving us the same opportunity as you're giving the people,
20 you know, the person that is trying to build because we have
21 already submitted our information of what we want to say about
22 the property and how it is an inconvenience to us within this
23 party status request. And so even though we are coming as
24 party status, has someone read the party status request looking
25 at our, you know, things that we have, that would be against

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 them building?

2 CHAIRPERSON HILL: Yeah, I understand.

3 MS. JOHNSON: You know, so --

4 CHAIRPERSON HILL: But Miss --

5 MS. JOHNSON: So --

6 CHAIRPERSON HILL: Ms. Johnson, we can do this now
7 if you want to. If you guys don't think you need the time
8 to get organized, I have to do another case that we've already
9 agreed to do first which was someone who was on another day.
10 And so I can go ahead and do that one, and then you guys can
11 come on right after that if you don't think you need that much
12 time.

13 MS. JOHNSON: Well, what time would that be?

14 CHAIRPERSON HILL: I don't know. I mean -- the
15 best I can do is --

16 MS. JOHNSON: Ladies and gentlemen --

17 CHAIRPERSON HILL: It'll be like --

18 MS. JOHNSON: -- because we all are on here now.

19 CHAIRPERSON HILL: I understand.

20 MS. JOHNSON: All of us that you have called out
21 the names are on the line right at this moment.

22 CHAIRPERSON HILL: Okay.

23 MS. JOHNSON: Now I don't know what you want to
24 ask us or what they have to say, but just like we all have
25 on the line now, and then we have to get off and get together,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 and then come back on, you know, that's the reason that we
2 are on the line this morning to try to make sure that we all
3 be on the same page.

4 CHAIRPERSON HILL: Got you. Okay, Ms. Johnson.
5 Well, this is what I'm going to then propose.

6 MS. ANDERSON: Please --

7 CHAIRPERSON HILL: Okay? I'll go ahead and we're
8 going to --

9 MS. ANDERSON: Please--

10 (Simultaneous speaking.)

11 CHAIRPERSON HILL: -- bring you on --

12 MS. ANDERSON: Hello?

13 CHAIRPERSON HILL: -- we're going to bring --
14 hello, who's trying to speak?

15 MS. ANDERSON: This is Kathy Anderson.

16 CHAIRPERSON HILL: Okay.

17 MS. ANDERSON: And so just for -- I can't, you know,
18 I don't know why my video's not showing up because I'm on a
19 computer and I see all of you, right? So it would be fine
20 with me to postpone it. I understand, however, if everybody
21 else wants to do it now. I mean I'm available either way.

22 MS. JOHNSON: Could postpone it and set another
23 date.

24 MS. ANDERSON: Well --

25 CHAIRPERSON HILL: We're not talking about

1 postponing.

2 MS. ANDERSON: That's --

3 CHAIRPERSON HILL: Just to let you guys -- hold
4 on, you guys got to listen to me one second. You have to
5 understand that I'm trying to be fair and efficient, right?
6 So you have to understand. You all are applying for party
7 status. We're trying to determine right now whether or not
8 you get party status. If you get party status, then you are
9 supposed to be ready right now to give your argument as to
10 why you're opposed to this application because you've seen
11 everything that's in the record.

12 So what I was doing was I was saying, okay, we're
13 going to let you all talk amongst yourselves and come back
14 at the end of the day so that you might know what each other's
15 arguments are, right? I can do this any way you all want me
16 to do, I'm trying to make it -- and I know you got -- everybody
17 has their own opinion because there's many people on here.

18 And I can't see any of you because none of you got video so
19 I don't know whether you have your hands up or anything. So
20 you'll have to -- and Ms. Johnson is the person that at least
21 in her letter says she was a representative so that's why I
22 started with her.

23 So, Ms. Johnson, can you hear me? Okay. So these
24 are your two options, Ms. Johnson. You either can come back
25 at the end of the day, right, and you can call everybody and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 figure out it all out. Or you can come back after we have
2 case number 20538, which by the way is going to take some time.

3 So it's 11:00 o'clock now, we're going to take a 15 minute
4 break. You guys might be back with us at 1:00 o'clock, 1:30,
5 I have no -- I'm not really sure.

6 MS. JOHNSON: So you will be calling each one of
7 us individually --

8 CHAIRPERSON HILL: You all --

9 MS. JOHNSON: -- to get back on the line?

10 CHAIRPERSON HILL: You all will be called
11 individually to get back on the line, yes.

12 MS. JOHNSON: How do you feel about that, everyone?

13 MS. ANDERSON: Okay. So it's Kathy Anderson, I
14 could go at 3:00 o'clock this afternoon. I can also go at
15 1:00. I personally think it would be better to go then.

16 CHAIRPERSON HILL: All right, so Ms. Anderson is
17 available at any time.

18 MS. JOHNSON: I'm available at any time.

19 MS. ANDERSON: I would prefer at -

20 (Simultaneous speaking.)

21 CHAIRPERSON HILL: Okay. Mr. Dickson?

22 MR. DICKSON: Any time is very broad.

23 CHAIRPERSON HILL: I got you.

24 MS. ANDERSON: 1:00 o'clock is fine with me.

25 MR. DICKSON: Yeah. You said between 3:00 and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 4:00, if that was -- if I had some kind of idea of the time,
2 that --

3 CHAIRPERSON HILL: No, I understand, Mr. Dickson.
4 And I apologize, I'm just trying to do my best.

5 MR. DICKSON: Oh, yeah, I understand.

6 CHAIRPERSON HILL: The first thing -- you either
7 get it -- you either get it earlier, or you get it later.
8 So do you have a vote?

9 MR. DICKSON: Yes. I guess I could go along with
10 any time because I need to be in on the --

11 CHAIRPERSON HILL: Okay. Mr. Byers?

12 MS. BYERS: I can be available anytime.

13 CHAIRPERSON HILL: Okay. Ms. Harris, or Mr.
14 Harris?

15 MR. HARRIS: I'm available.

16 CHAIRPERSON HILL: Okay. So it sounds like, Ms.
17 Johnson, Mr. Anderson or Ms. Anderson? Okay. So Ms. Johnson,
18 everybody's available at any time. Do you want to go -- so
19 do you want to go at the end of the day when you've had more
20 time to talk to each other?

21 MS. JOHNSON: That's up to them. They said
22 anytime, so you said 1:00 o'clock or 1:00, you know, --

23 CHAIRPERSON HILL: I said either -- all right, I'm
24 going to put you at the end of the day, okay, since it's any
25 time --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. JOHNSON: Which is what time?

2 CHAIRPERSON HILL: I don't -- like I said, I don't
3 know. It could be -- it could be whatever the end of the day
4 is. I just don't know. But you'll get a phone call -- or
5 you can go -- I love this -- or you can go right after the
6 next case that we have that's very lengthy.

7 MS. JOHNSON: Well, ours could be lengthy, too.

8 CHAIRPERSON HILL: Oh, yours is going to be
9 lengthy. I'm not -- I'm going to put you at the end of the
10 day. So you're going to at the end of the day. So somebody's
11 going to call you at the end of the day. Like I'm going back
12 to my board members now. So you don't have to -- I mean I've
13 read each individual party status person and I'm fine with
14 each individual party status person getting party status who's
15 on the call. Okay? That's my motion. Would somebody second
16 it? Mr. Blake? Okay. Mr. Moy, would you take a roll call?

17 MR. MOY: For clarity, Mr. Chairman, when you say
18 all of the requests for party status, does that also include
19 Ronnie Gray and Todd Spears?

20 CHAIRPERSON HILL: No. Mr. Gray and Mr. Spears
21 are not on the line so they will not get party status. Everyone
22 that's on the line as I understand is Ms. Mild, Ms. Johnson,
23 Mr. Dickson, Ms. Byers, Mr. Harris, and Ms. Anderson. Those
24 are all the people that are getting party status.

25 MR. DICKSON: Well, what about the people who are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 not getting party status? Do they have any say so in this
2 at all?

3 CHAIRPERSON HILL: Is that Mr. Dickson?

4 MR. DICKSON: Yes.

5 CHAIRPERSON HILL: Mr. Dickson, those people are
6 not with us. Per the regulations, they have to be here when
7 we do this process. They will still be able to testify,
8 however, as members of the public if they are around during
9 the hearing. So they could still testify. Okay?

10 MR. DICKSON: They can testify. Can they
11 petition?

12 CHAIRPERSON HILL: They can't. They're not going
13 to be -- they're not here right now to achieve party status
14 so they will not get party status. What that means is, you
15 know, they'll be able to participate in the hearing beyond
16 just getting the opportunity to testify. But they will get
17 the opportunity to testify as a member of the public. So if
18 they -- if you want to find them and they want to come back
19 at the end of the day when you all come back, they can testify
20 as members of the public.

21 So, you guys, I got to kind of move on here because
22 I got to get back to all this so that we can finally get to
23 you guys because I don't want to miss, you know, I want to
24 get to you guys. So I don't even know if I need a motion,
25 Mr. Moy. I mean you understand what I'm determining, correct?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MR. MOY: Oh, absolutely, sir.

2 CHAIRPERSON HILL: Okay. All right. So, Ms.
3 Johnson, why don't you go ahead and talk amongst yourselves.
4 And what again you're going to do is you're going to be having
5 the same amount of time that the applicant will have to give
6 their presentation so you can give all of your arguments about
7 why you oppose the project, and you all can have the same amount
8 of time to do so. And if you can -- if you guys can find a
9 computer with a camera, if you can't, that's fine, but it's
10 much either if I can see you so I can see you raise your hand.
11 Okay? Oh, sure.

12 MS. ANDERSON: Can you see my camera?

13 CHAIRPERSON HILL: Yeah.

14 MS. ANDERSON: That's me then, that's Kathy
15 Anderson. I'm Kathy Anderson.

16 CHAIRPERSON HILL: Ms. Anderson, you're breaking
17 up, but go ahead.

18 MS. ANDERSON: I'm sorry. I said can you see me
19 because I have a video on. I can see myself and all of you.

20 CHAIRPERSON HILL: Yep, I can see you, but your
21 audio's breaking up a little bit.

22 MS. ANDERSON: Okay. I don't -- I'll try to fix
23 that, but I'm not sure how, but I will try to fix it.

24 CHAIRPERSON HILL: Okay. What's your question?

25 MS. ANDERSON: No. Just that when you said

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 there's --

2 CHAIRPERSON HILL: Oh.

3 MS. ANDERSON: -- no video, I'm a video. Right?

4 CHAIRPERSON HILL: I got it. Okay. Yeah. So
5 whoever can try to get video, would be great, okay? All right.
6 Mr. Blake?

7 MEMBER BLAKE: Speak to Ms. Johnson and the other
8 parties in opposition. There were several filings that were
9 put into the record yesterday that you should make sure that
10 you've reviewed those prior to the meeting because they address
11 some of the issues that you have. So it would be helpful to
12 make sure that you've seen it in case you had not already.

13 CHAIRPERSON HILL: Right. Like what Mr. Blake is
14 also referring to is if you look at the applicant's PowerPoint
15 presentation is actually in the record, and that's in Exhibit
16 52. So that might be helpful for you all to review while you're
17 going through this process. But, okay. So, Ms. Wilson, can
18 you hear me? Exhibit --

19 MS. JOHNSON: Excuse me, 52?

20 CHAIRPERSON HILL: Exhibit 52.

21 MS. JOHNSON: What is that?

22 CHAIRPERSON HILL: That is the exhibit in the
23 record that has the applicant's PowerPoint presentation. So
24 you basically will be able to see what the applicant is going
25 to be presenting. Okay? All right. Ms. Wilson, can you hear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 me?

2 MS. WILSON: Yes, I can.

3 CHAIRPERSON HILL: Okay. Do you hear everything
4 that I'm saying?

5 MS. WILSON: Yes.

6 CHAIRPERSON HILL: Okay. Are you --

7 MS. JOHNSON: So how do we get a --

8 CHAIRPERSON HILL: Ms. Johnson, give me one
9 second, Ms. Johnson.

10 MS. JOHNSON: How do we get a -- how do we see what
11 --

12 CHAIRPERSON HILL: Ms. Johnson, give me one
13 second, Ms. Johnson. Give me one second, Ms. Johnson. Ms.
14 Wilson, do you have any comments on anything I just said?

15 MS. WILSON: No. We look forward to presenting
16 at the end of the day.

17 CHAIRPERSON HILL: Okay. Ms. Johnson, what was
18 your question?

19 MS. JOHNSON: How can we see what they present?
20 Are they going to read it to -- are you going to read it to
21 us, or --

22 CHAIRPERSON HILL: Yes.

23 MS. JOHNSON: -- will we have to have that in
24 writing?

25 CHAIRPERSON HILL: No. They're going to give a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 presentation -- they give a -- we're the Board, they're going
2 to present to us. Okay?

3 MS. JOHNSON: So are they going to present it now
4 or later?

5 CHAIRPERSON HILL: No. They're going to present
6 it at the end of the day. This case is being heard at the
7 end of the day. Okay? Mr. Blake?

8 MS. JOHNSON: Okay.

9 CHAIRPERSON HILL: Mr. Blake?

10 MEMBER BLAKE: I have a question. For example,
11 in Exhibit 50 is a draft construction memo, have you reviewed
12 that document? I'm talking to the opposition parties. Have
13 you reviewed that document? Have you reviewed the fire --

14 MS. JOHNSON: You mean the blueprints?

15 MEMBER BLAKE: No. They have a construction memo
16 that talks about how they're going to handle the construction
17 process.

18 MS. JOHNSON: No.

19 MEMBER BLAKE: Okay. You --

20 MS. JOHNSON: No, they have not given --

21 MR. DICKSON: No.

22 MS. JOHNSON: -- that to us.

23 MEMBER BLAKE: Okay. Okay.

24 MS. JOHNSON: No.

25 MEMBER BLAKE: It's in the record and you -- I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 suggesting that review that --

2 MS. JOHNSON: But we don't get the record, how can
3 we review it?

4 CHAIRPERSON HILL: No, the record is in -- so does
5 anybody know how to look at the record?

6 MS. JOHNSON: No.

7 CHAIRPERSON HILL: So you all haven't looked at
8 the record?

9 MS. JOHNSON: No. No.

10 CHAIRPERSON HILL: Okay, well, then --

11 MS. JOHNSON: No, we don't know how to look at the
12 record.

13 CHAIRPERSON HILL: Okay. So if you go to the D.C.
14 BZA website, okay? I'm going to do it. And this has -- okay.
15 So the D.C. BZA website, if you go to services, and then if
16 you go to interactive zoning system. And then you click review
17 case record, and you punch in the number of the record which
18 is 20716, you'll get the entire record. And at the very end
19 of the record, you'll see Exhibit 50 and Exhibit 52 which speaks
20 to all -- which speaks to some of the things that you all might
21 be talking about. Okay?

22 MS. JOHNSON: So you said we go into the --

23 CHAIRPERSON HILL: D.C. -- oh, hey, Mr. Moy, is
24 there somebody that Ms. Johnson can call?

25 MR. MOY: I'd suggest -- I can have Mr. Reed call

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Ms. Johnson and give her step by step instructions how to get
2 into the official record.

3 CHAIRPERSON HILL: Okay, great. Okay, Ms.
4 Johnson, somebody's --

5 MR. DICKSON: But what about --

6 CHAIRPERSON HILL: -- going to call you, okay?

7 MR. DICKSON: But what about the rest of us that's
8 on the -- that's involved?

9 CHAIRPERSON HILL: Ms. Johnson is supposed to
10 organize, Mr. Dickson so she'll call you.

11 MS. JOHNSON: Yeah, but I don't have the computer
12 like Ms. Anderson.

13 CHAIRPERSON HILL: Okay, Ms. Anderson, do you want
14 to --

15 MS. JOHNSON: So the information needs to be sent
16 to Ms. Anderson so that she could --

17 CHAIRPERSON HILL: Ms. Anderson, do you want --
18 Ms. Anderson, do you want to be the point person? Okay. Ms.
19 Johnson, I --

20 MS. ANDERSON: I can do that.

21 CHAIRPERSON HILL: Okay. Ms. Anderson, I'm going
22 to let -- who's going to call, Mr. Moy, I'm sorry?

23 MR. MOY: Mr. Reed.

24 CHAIRPERSON HILL: Oh, yeah, Mr. Reed. So
25 someone's going to call you, Ms. Anderson and --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. ANDERSON: Okay.

2 CHAIRPERSON HILL: -- tell you how to get into the
3 record, okay?

4 MS. ANDERSON: Okay. Thank you.

5 CHAIRPERSON HILL: All right. Thank you. All
6 right. Everybody, we'll see you at the end of the day, and
7 somebody will call you before the hearing. Ms. Wilson, do
8 you have a question or a comment?

9 MS. WILSON: Waiving.

10 CHAIRPERSON HILL: Okay. Mr. Hubig, you seem to
11 have a question or a comment. No, you don't.

12 MR. HUBIG: He's saying good bye.

13 CHAIRPERSON HILL: Okay, great. Thank you. All
14 right. We'll see you all at the end of the day. Thank you.

15 PARTICIPANT: Thank you, guys. Appreciate it.

16 CHAIRPERSON HILL: Bye-bye.

17 PARTICIPANT: See you.

18 MS. JOHNSON: Thank you.

19 CHAIRPERSON HILL: Okay. So that was that. Mr.
20 Moy, you're saying that -- so, again, and what I'm trying to
21 do is help people with -- I want to go on the record. I'm
22 trying to help people with the schedule and the agenda, and
23 I bend over backwards to try to do it. Doing that again is
24 that there is case 20358, which I had had at the end of the
25 day -- which I had had at the end of the day, but it was reminded

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 to me that they were on a previous day and we had asked --
2 we had said we were going to hear them at the beginning of
3 the day. So now, unfortunately, some of them think they're
4 at the end of the day, so Mr. Moy's trying to straighten that
5 all out. So Mr. Moy, you haven't straightened all that out
6 yet, correct?

7 MR. MOY: Parties that we have not been able to
8 reach at this point. I was going to suggest that once that's
9 done, and they're all together, then I'll remind you of that,
10 sir. When they're all in the panel, then we can get to them.

11 CHAIRPERSON HILL: Got it.

12 MR. MOY: But I think you should move forward.

13 CHAIRPERSON HILL: Got it. So what we're going
14 to do is we're going to take a break. We're going to take
15 a 10 minute break. We're going to come back, and then we're
16 going to go through the agenda like we normally are until
17 everyone's ready from the 20538 case. Okay? If anybody has
18 any questions, please raise your hand. If not, we'll see you
19 in 10 minutes. Okay, great. Thank you.

20 (Whereupon, the above-entitled matter went off the
21 record at 11:11 a.m. and resumed at 11:27 a.m.)

22 CHAIRPERSON HILL: Okay, great. Mr. Moy, can you
23 call us back in and call our next case 20645 please? You're
24 on mute, Mr. Moy.

25 MR. MOY: Oh, man. Okay. The Board has returned

1 to its public hearing session after a quick break, and the
2 time is at or about 11:28.

3 CHAIRPERSON HILL: Okay. So jealous. Oh, my
4 God. Really? Wow. Okay. All right, Mr. Smith, are you
5 there? I think Commissioner Miller should just put the
6 background on -- the chair background. All right. Okay.
7 Mr. Smith, are you there? Actually, it's nice, Commissioner
8 Miller, it actually is fun to look at, I got to say. Thank
9 you.

10 I thought I saw Mr. Smith, but maybe I didn't.
11 Yeah, I got no Mr. Smith. All right, we need to wait a minute.
12 Oh, Mr. Smith said his computer froze so he's rebooting I
13 guess. Well, Mr. Smith, can you hear us? Can you talk? If
14 you can hear us, maybe you want to just call in, call the hotline
15 number. And if you can at least see things, then you'll have
16 audio. Mr. Miller and Mr. Blake, you can hear me, right?

17 ZC VICE CHAIR MILLER: Yes.

18 CHAIRPERSON HILL: Okay. I'm just trying to get
19 Mr. Smith back on. Mr. Moy, can you hear me?

20 MR. MOY: Yes, sir, I'm here.

21 CHAIRPERSON HILL: Why don't you go ahead and call
22 our next case. Let's bring everybody in and we'll wait for
23 Mr. Smith because we have a quorum.

24 MR. MOY: Yes, we do. Okay. All right. With
25 those instructions then, I'm calling to the table case

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 application number 20645 of Equity Trust Company, custodian
2 FBO Richard Leavy, L-E-A-V-Y, IRA. This is a self-certified
3 application for special exceptions pursuant to subtitle D,
4 section 5201 and subtitle X, section 901.2 from the side yard
5 requirements of subtitle D, section 206.3 and lot occupancy
6 requirements subtitle D, section 304.1. Property is in the
7 R-2 zone at 212 57th Street, Northeast square 5248 lot 23.

8 Other than that, Mr. Chairman, there is a
9 photograph of a sign posted that was submitted by Selena
10 Dandridge in our 24 hour block for you to decide. And that
11 would be all that I have for you.

12 CHAIRPERSON HILL: Okay. Yeah. Mr. Moy, go
13 ahead and let the staff drop in whatever that photo is. I'd
14 like to see it. Mr. Sullivan, if you can hear me, if you can
15 introduce yourself for the record.

16 MR. SULLIVAN: The Chair, members of the board,
17 Marty Sullivan with Sullivan & Barros on behalf of the
18 applicant.

19 CHAIRPERSON HILL: Great. Thank you. Is
20 Chairman Holmes there, ANC Commissioner? All right, Mr.
21 Sullivan, if you want to go ahead and walk us through your
22 client's applicant as to why you believe you are meeting the
23 criteria for us to grant the relief requested. If you could
24 just summarize it because our day is really tight and we'll
25 see what kind of questions the Board has.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 I'm looking through your PowerPoint and it's
2 helpful, thank you. I don't think we need to look through
3 the architectural drawings if you want to concentrate on the
4 regulations. But, Mr. Young, if you could pull up their
5 PowerPoint please when you get a chance. Great, thank you.
6 Go ahead, Mr. Sullivan.

7 MR. SULLIVAN: Okay, thank you, Mr. Chair. Next
8 slide please. So the request is for side yard relief of four
9 feet in the R-2 zone semi-detached requires one eight foot
10 side yard. We're asking to have a four foot side yard on the
11 north side. And also asking for a 3.2 percent additional lot
12 occupancy from 40 percent to 43.2 percent. Next slide please.

13 We have the support of the Office of Planning, ANC
14 7C. Also the Northeast Boundary Civic Association had a
15 meeting and had a unanimous vote. We've entered into a CMA
16 with them. DDOT has no objection. And we have three letters
17 of support including the adjacent to the north on the side
18 where the relief is requested. Next slide please. A photo
19 of the lot. Next slide please. Next slide.

20 I just -- I wanted to show you the site plan just
21 to see this. We'll be adjacent to the lot line on the south,
22 and we'll have a four foot side yard on the north. And there's
23 an approximately 15 foot side yard to the building to the north.

24 If we could just go down to elevations, I think I want to
25 show you that real quick. Next slide. Next slide. Next

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 slide. Next slide.

2 A look at a side elevation is helpful. So there's
3 a front setback on the front to better fit in with the
4 neighborhood. That's one of the reasons why he's asking for
5 additional lot occupancy as well. Next slide please. Next
6 slide. I'll get right to the special exception criteria.
7 Next slide. Next slide. Next slide.

8 So because primarily, and this is mentioned
9 prominently in the OP report as well, because of the
10 significant separation between the two buildings, this
11 building and the building to the north, there will be no undue
12 impact on light and air, or privacy from the requested relief
13 from either of the areas of requested relief. Next slide
14 please. Next slide. And that's what I go through here.
15 Obviously, we meet the general requirements. It's a
16 semi-detached single family building. Next slide please.
17 I talked about light and air. Next slide please.

18 And regarding character, scale, and pattern, we
19 have the third-story setback which helps with that criteria
20 as well. Next slide please. And that's it's. And the
21 architect wasn't here with us today, but I think the owner
22 was supposed to be or trying to be, Rick Leavy, if he's there
23 if you have any questions for him. Thank you.

24 CHAIRPERSON HILL: Okay. Do we have somebody from
25 the ANC?

1 MR. HOLMES: Holmes, how you all doing?

2 CHAIRPERSON HILL: Hey, Mr. Holmes, how you doing?

3 MR. HOLMES: I am well.

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

6 MR. HOLMES: Yes. Antawan Holmes, chair of the
7 ANC 7C.

8 CHAIRPERSON HILL: Welcome, Commissioner. How
9 you doing? It's nice to see a friendly face.

10 MR. HOLMES: Same here.

11 CHAIRPERSON HILL: All right. Do you have
12 anything to add, Commissioner?

13 MR. HOLMES: No. The applicant did their due
14 diligence, met with the ANC. Also the Northeast Boundary
15 Civic Association, and I gave a presentation. The community
16 supported the applicant's, I believe there's two special
17 exceptions on this case. And they did -- since they did all
18 those things, ANC 7C is in support of this project and we
19 submitted a letter.

20 CHAIRPERSON HILL: Okay, great. Thanks. Chairman
21 Holmes. I did see your letter. Okay, I'm going to do
22 questions at the end. Could the Office of Planning introduce
23 themselves for the record please?

24 MR. KIRSCHENBAUM: Members of the Board of Zoning
25 Adjustment, I'm Jonathan Kirschenbaum with the Office of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 Planning. We recommend approval of the two special exception
2 requests, and we rest on the record of our staff report.
3 Please let me know if you have any questions. Thank you.

4 CHAIRPERSON HILL: Thank you. Okay. Does the
5 Board have any questions for either the applicant, the ANC,
6 or the Office of Planning, and if so, raise your hand? Okay.
7 Mr. Young, is there anyone here wishing to speak?

8 MR. YOUNG: We do have one witness signed up.

9 CHAIRPERSON HILL: Okay. Could you bring that
10 witness in please? Hello, can you hear me?

11 MS. DANDRIDGE: Yes. My name is Selena Dandridge,
12 and I reside at 240 57th Street, Northeast, and I have a couple
13 concerns. The first concern is the --

14 (Simultaneous speaking.)

15 CHAIRPERSON HILL: Okay, Ms. Dandridge, can I --
16 Ms. Dandridge, can I just tell you one thing?

17 MS. DANDRIDGE: Yes.

18 CHAIRPERSON HILL: So as a member of the public,
19 you'll have three minutes to give your testimony.

20 MS. DANDRIDGE: Understand.

21 CHAIRPERSON HILL: And I think you can see the --
22 you can see the clock right there. And you can go ahead and
23 start.

24 MS. DANDRIDGE: I understand. My first concern
25 is on the poster board for the hearing, it's the wrong address.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 It's 212 57 Place, Northeast which is a block over. And on
2 the letter that was mailed that I never received, it stated
3 also 212 57 Place instead of 57 Street. And there's also
4 parking concerns that I have. So how can something be approved
5 if we have the address is not correct?

6 CHAIRPERSON HILL: Okay. Is that your testimony,
7 Ms. Dandridge?

8 MS. DANDRIDGE: Yes. Yes.

9 CHAIRPERSON HILL: Okay. You don't have any other
10 concerns except for the parking then?

11 MS. DANDRIDGE: Well my neighbors was complaining
12 -- I talked to them this morning, they said they didn't know
13 it was going to be here. They thought the property was going
14 to be on 57 Place as stated in the letter that was mailed from
15 the government.

16 CHAIRPERSON HILL: Okay. All right. And so --
17 but the parking is your concern?

18 MS. DANDRIDGE: My parking, how adjacent --
19 because I don't understand you all terminology, how adjacent
20 is the building going to be to the next person I guess on the
21 south to 210 1/2 57th Street.

22 CHAIRPERSON HILL: Where do you live in
23 relationship to the property, ma'am?

24 MS. DANDRIDGE: I live at -- I live five houses
25 down on the right hand side. I live at 240.

1 CHAIRPERSON HILL: Okay, got it.

2 MS. DANDRIDGE: Live at 240.

3 CHAIRPERSON HILL: Okay. Does the Board have any
4 questions for the witness? Okay. All right. Miss -- how
5 do you say your name, Daniels -- I'm sorry.

6 MS. DANDRIDGE: Dandridge.

7 CHAIRPERSON HILL: Dandridge.

8 MS. DANDRIDGE: Yes.

9 CHAIRPERSON HILL: Okay. Ms. Dandridge. Thank
10 you for your testimony.

11 MS. DANDRIDGE: Okay, thank you.

12 CHAIRPERSON HILL: Bye-bye. Mr. Moy?

13 MR. MOY: Yes, sir.

14 CHAIRPERSON HILL: Can the staff just check that
15 the address is correct?

16 MR. MOY: Yeah, I learned of it only yesterday from
17 the staff and I believe my understanding is that that was the
18 -- that was the address that was on the application that was
19 submitted to OZ. But once we learned about the correct
20 address, we went forward and made all the changes.

21 CHAIRPERSON HILL: Okay. So the public has been
22 notified? Yeah?

23 MR. MOY: Not to the extent that we resent the
24 notice with the address --

25 (Simultaneous speaking.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: But the posting is posted
2 properly or was posted properly?

3 MR. MOY: I would ask -- I would defer that to the
4 applicant on the posting side.

5 CHAIRPERSON HILL: Mr. Sullivan?

6 MR. SULLIVAN: We made a mistake in the original
7 filing with Place, which is a block over. And we corrected
8 that in the record to make it 57th Street. But the posting
9 is in the -- on the right lot, yes.

10 CHAIRPERSON HILL: Right.

11 MR. SULLIVAN: And we've had at least three
12 community meetings, and my client has walked around knocking
13 on doors within, you know, four or five houses around there.
14 Hence, the support letter from the north. So I would -- yes,
15 I would hope that the Board would find that we have overcome
16 the error and had notice in fact because of the several meetings
17 that we've had.

18 CHAIRPERSON HILL: Right. And you did present to
19 the ANC.

20 MR. SULLIVAN: Yes.

21 CHAIRPERSON HILL: Okay. Does anybody have any
22 questions for the applicant, or the commissioner, or anyone,
23 and if so, raise your hand? Okay. Mr. Sullivan, you have
24 anything at the end?

25 MR. SULLIVAN: No. Thank you.

1 CHAIRPERSON HILL: Okay. I'm going to go ahead
2 and close the hearing and the record. Okay. I actually
3 didn't have any issues with this application. I mean they're
4 not asking for parking relief anyways as far as the person
5 who came to testify in opposition. And I do believe that in
6 terms of them meeting the requirements, I don't think there's
7 any adverse impact. There's no windows on the side of the
8 building even though it's actually facing another building.
9 And then also that third story set back is I believe helpful.

10 And so I also would agree with the analysis of the
11 Office of Planning and the support of the ANC and their (audio
12 interference). And then also that of DDOT with no objection
13 and vote in favor of this application. I don't -- Mr. Smith,
14 I'm just going to leave you out of this one because I don't
15 know, but I -- because I have a quorum anyway. Mr. Blake,
16 do you have anything you'd like to add?

17 MEMBER BLAKE: I'll be voting in favor of the
18 application. I do think it meets the requirements of D5201
19 and -- for lot occupancy and the Radar required relief. And
20 I would also acknowledge the Northeast Boundary Civic
21 Association's support, and the adjacent neighbor to the north
22 as well.

23 CHAIRPERSON HILL: Thank you. Commissioner
24 Miller?

25 ZC VICE CHAIR MILLER: Mr. Chairman, I concur with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 you and Board Member Blake. And I thank 7C Chair Holmes for
2 all his work and appearance here today. Thank you.

3 CHAIRPERSON HILL: Yeah. Thank you. I also do
4 thank Commissioner Holmes -- Chairman Holmes for showing up.
5 It's always nice to see him. I'm going to go ahead and make
6 a motion to approve application number 20645 as captured and
7 read by the secretary, and ask for a second Mr. Blake?

8 MEMBER BLAKE: Second.

9 CHAIRPERSON HILL: The motion been made, and
10 seconded. Mr. Moy, could take a roll call?

11 MR. MOY: Yes. When I call your name, if you would
12 please respond with a yes, no, or abstain to the motion made
13 by Chairman Hill to approve the application for the relief
14 that's requested. The motion was seconded by Mr. Blake.
15 Zoning Commissioner Rob Miller?

16 ZC VICE CHAIR MILLER: Yes.

17 MR. MOY: Mr. Blake?

18 MEMBER BLAKE: Yes.

19 MR. MOY: Chairman Hill?

20 CHAIRPERSON HILL: Yes.

21 MR. MOY: We have two board members not
22 participated. Staff would record the vote as three, to zero
23 to two, and this is on the motion by Chairman Hill to approve.
24 The motion to approve was second by Mr. Blake. Also in
25 support of the motion, Zoning Commissioner Rob Miller, and,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 of course, Mr. Blake and Chairman Hill. Two members not
2 participating. The motion carries on a vote of three to zero
3 to two.

4 CHAIRPERSON HILL: Great. Thank you. Mr. Smith,
5 can you hear us now? You're still on mute.

6 MEMBER SMITH: I can hear you. Yeah. It was my
7 camera that's the issue.

8 CHAIRPERSON HILL: Okay, great. Perfect. Thank
9 you. For the record, Board Member Chrishaun Smith has
10 rejoined us. Mr. Moy, are we moving on to another case, or
11 do we have that last case that we were looking for with
12 everybody yet?

13 MR. MOY: Okay. Just seconds ago, my staff tells
14 me that all the parties to case number 20538 of TG Management
15 are now in the room.

16 CHAIRPERSON HILL: Okay. So you can go ahead and
17 call it if you want to.

18 MR. MOY: Okay. This would be application number
19 20538 of TG Management, LLC. This is a special exception.
20 This is a request for relief, a special exception under
21 subtitle U, section 203.1(e) pursuant to subtitle X, section
22 901.2 to allow a community-based institutional facility.

23 The property is in the R-2 zone district at 1614
24 Olive Street, Northeast, square 5167, lot 9. And there are
25 parties in opposition, and I believe they are the homeowners

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 represented by David Brown, their legal counsel, Deanwood
2 Citizens Associations, ANC 7C. And the applicant I believe
3 is represented by a Cynthia Giordano. And I believe that's
4 all I have to say. Just checking my filings for a second,
5 Mr. Chairman, and, let's see. And that's it. Thank you, sir.

6 CHAIRPERSON HILL: Okay, great. So I'm going to
7 need Mr. Moy or legal's help as I kind of go through this.
8 When I thought that again was we have the applicant Ms.
9 Giordano. We have then a group which was Jennifer and Eric
10 Stecklow, Laurence and Marla Blue, Talitha Beverly, and
11 they're all represented by Mr. David Brown. Then you have
12 the Deanwood Citizens Associations which is represented by
13 Mr. Jimell Sanders. And then we have Commissioner Antawan
14 Holmes. And those I thought were the parties. And then you
15 also have the ANC representative for 7D.

16 And I don't think I have --

17 MS. DOUGLAS: Yeah, this is Commissioner Douglas,
18 I'm here. Can I make a statement?

19 (Simultaneous speaking.)

20 CHAIRPERSON HILL: Oh, hi, Commissioner Douglas.

21 MS. DOUGLAS: Hi.

22 CHAIRPERSON HILL: And then no -- so there wasn't
23 a representative -- I know we've had Commissioner Douglas
24 before, but I'm just trying to think whether or not there's
25 anything that she -- Commissioner Douglas, are you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 representing your ANC? Commissioner Douglas, can you hear
2 me?

3 MS. DOUGLAS: I'm sorry, I had you on speaker.
4 Yes, I'm representing my single member district, and they gave
5 me permission to speak for my -- on that area.

6 CHAIRPERSON HILL: So you're -- first, Ms.
7 Douglas, could you introduce yourself for the record?

8 MS. DOUGLAS: Oh, I'm Dorothy Douglas, ANC 7D03.
9 And hello, everybody, and beautiful bright day today.

10 CHAIRPERSON HILL: I know, Commissioner. I wish
11 I was outside. Let's see.

12 (Simultaneous speaking.)

13 CHAIRPERSON HILL: You have -- Commissioner,
14 you're just here representing your -- you'll forgive me, I'm
15 just trying to get a handle on who everybody is. You're just
16 representing your SMD, or you're here representing your entire
17 ANC?

18 MS. DOUGLAS: I'm representing my SMD.

19 CHAIRPERSON HILL: Okay. So, Ms. Nagelhout, if
20 you can tell me how that works in terms of whether that's then
21 someone who comes in during the public testimony part, which
22 I think is accurate. And, Ms. Nagelhout, you can let me know
23 as I kind of go -- I'll come back around to you as I kind of
24 go through introducing everybody. Let me find -- where is
25 the applicant? Is -- Ms. Giordano, are you on the line? Oh,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 got you. Could you introduce yourself for the record please?

2 MS GIORDANO: Yes. My name is Cynthia Giordano.
3 I'm with Saul Ewing law firm representing the applicant today.

4 CHAIRPERSON HILL: Okay. Ms. Giordano, are --
5 it's okay, are you just not using your camera? I just want
6 to know.

7 MS GIORDANO: Yeah. It's -- I'm sorry, with all
8 the jumping around, I'm not really camera ready to tell you
9 the truth.

10 CHAIRPERSON HILL: Okay. That's fine. That's
11 fine. I just wanted to know. Okay. Let's see. All right.
12 So that's one. Mr. Brown, if you can hear me, if you could
13 introduce yourself for the record.

14 MR. BROWN: Good morning, Mr. Chairman. It's
15 still morning.

16 CHAIRPERSON HILL: It is.

17 MR. BROWN: David Brown of Knopf and Brown for the
18 three parties that you identified, the Stecklows, Talitha
19 Beverly, and the Blues.

20 CHAIRPERSON HILL: Okay, great. Thank you, Mr.
21 Brown. Welcome. Is it Mr. Sanders, can you hear me?

22 MS. SANDERS: Chairman and the rest of the Board,
23 it's Ms. Jimell Sanders on behalf of the Deanwood Citizens
24 Associations.

25 CHAIRPERSON HILL: Okay, thanks Ms. Sanders.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Welcome. Commissioner Holmes, can you hear me?

2 MR. HOLMES: Yes, I'm back.

3 CHAIRPERSON HILL: Okay, Commissioner. Could you
4 introduce yourself for the record please?

5 MR. HOLMES: Yes. Antawan Holmes, ANC chair of
6 7C.

7 CHAIRPERSON HILL: Okay, great. Okay. So, Ms.
8 Nagelhout, can you hear me? So in terms of the SMD, how are
9 they to be -- how do they work into the situation?

10 MS. NAGELHOUT: Correct. She would be treated as
11 a person. If she's not the duly authorized representative
12 of the effected ANC, she can testify as a person.

13 CHAIRPERSON HILL: Got it. Commissioner Douglas,
14 can you hear me?

15 MS. DOUGLAS: Yes.

16 CHAIRPERSON HILL: Okay. So we're going to bring
17 you back then during the public testimony portion, okay?

18 MS. DOUGLAS: All right.

19 CHAIRPERSON HILL: Okay. Mr. Young, if you could
20 please excuse Commissioner Douglas. Let's see. Okay. Ms.
21 Giordano, can you hear me?

22 MS GIORDANO: I can.

23 CHAIRPERSON HILL: Okay. So just so everybody
24 knows, I mean there's three parties of you guys, so we're going
25 to go ahead and let Ms. Giordano -- I know that Mr. Brown knows

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 how this works, and then as far as Ms. Sanders and Commissioner
2 -- well, Commissioner Holmes knows I know for sure. Ms.
3 Sanders, I don't know if you've been with us before or not,
4 but.

5 So I'm going to go ahead and let the applicant give
6 their presentation. I'm going to try to limit you guys to
7 around the same time that the applicant has to give their
8 presentation, but I'm going to let you all give your own
9 presentations. So just -- I'm just trying to move this through
10 the day so that everybody gets treated fairly. Ms. Giordano,
11 can you hear me?

12 MS GIORDANO: I can.

13 MR. THORNTON: Commission --

14 CHAIRPERSON HILL: Oh, sure, who just spoke?

15 MR. THORNTON: Oh, this is Charles Thornton, I'm
16 with the applicant. And --

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

19 MR. THORNTON: Yes. Charles Thornton, and I'm
20 here on behalf of the applicant. And my question --

21 CHAIRPERSON HILL: Okay. What's your question,
22 Mr. Thornton?

23 MR. THORNTON: My question is the premises is 7D03,
24 and I just want to make sure that that's clear, and that is
25 Dorothy Douglas, single member district.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Okay. And you're bringing
2 that up why, Mr. Thornton?

3 MR. THORNTON: Because, again, you know, she's not
4 -- I just want to make sure that it's clear that it is in 7D03.

5 CHAIRPERSON HILL: Okay. All right. All right,
6 thanks, Mr. Thornton. Okay. So, Ms. Giordano, who is here
7 with you? I guess Mr. Thornton is one, and who else is here
8 with you?

9 MS GIORDANO: We have three witnesses, Ashley
10 McSwain, Alicia Thornton, and Maya -- oh, I'm losing it here.

11 MS. KEARNEY: Kearney. Maya Kearney.

12 MS GIORDANO: Yes, Maya Kearney. And I wanted to
13 ask the Board to qualify Alicia McSwain first as --

14 MS. KEARNEY: Ashley --

15 MS GIORDANO: -- in social work.

16 MR. BROWN: Mr. Chairman?

17 CHAIRPERSON HILL: Sure, Mr. Brown.

18 MR. BROWN: Before we get started with her
19 presentation, I just have a couple of preliminary matters that
20 I feel should be addressed before we go into testimony.

21 CHAIRPERSON HILL: Sure Mr. Brown.

22 MR. BROWN: The applicant --

23 CHAIRPERSON HILL: Could everybody -- hold on, Mr.
24 Brown. Could everybody mute their line unless they're
25 speaking? Thank you. Go ahead, Mr. Brown, what's your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 question.

2 MR. BROWN: Yes. The application as read by Mr.
3 Moy is the application of TG Management, and I think, in fact,
4 this case was filed with TG Management as the applicant. And
5 Ms. Giordano in Exhibit 145 is listed as authorized
6 representative of TG Management.

7 All that's fine and straight forward except that
8 we have a memorandum Exhibit 74 from the Office of Planning
9 saying that TG Management is not the applicant. The applicant
10 is Community Family Life -- Community Family Life Services
11 or words to that effect. I think I've got that right.

12 So I'd like to get clear just who the applicant
13 is. I know that the property owner is an individual that may
14 be controls TG Management, but we need to understand who is
15 going to be implementing this special exception and
16 responsible for its proper operation. Is it Mr. Thornton?
17 Is it TG Management? Or is it --

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

19 MR. BROWN: -- that facility.

20 CHAIRPERSON HILL: That's a fair question. We'll
21 go ahead and probably figure that out during the presentation.
22 What's your next question?

23 MR. BROWN: I had also mentioned that the
24 representations about how this facility was going to be
25 operated that are contained in the Office of Planning exhibits

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 or were -- those exhibits were prepared before there was any
2 information in the record about how this facility was going
3 to be operated even before it was clear who was going to be
4 doing it.

5 So I would ask the Board -- well, I'm not asking
6 that the Board strike those reports from OP, but I'm asking
7 the Board not to rely on statements in that report as to how
8 this facility is going to be operated, but rely exclusively
9 on the evidence from the applicant.

10 CHAIRPERSON HILL: Okay. I think, Mr. Brown, the
11 Board will be able to decide and determine what it needs to
12 look at. But we'll make a note of what your comments were.

13 Okay?

14 MR. BROWN: That's all I had.

15 CHAIRPERSON HILL: Okay. Thanks, Mr. Brown. All
16 right. Okay, Ms. Giordano, can you hear me?

17 MS GIORDANO: Yes.

18 CHAIRPERSON HILL: Okay. Do you have anything you
19 want us to pull up in order to make your presentation?

20 MS GIORDANO: Yes. If you could pull up my
21 supplemental statement, there's an outline of the
22 presentation, it might be easier for the Board to follow it.

23 It is Exhibit -- it's hard to read -- 146. Wow. That's a
24 lot of exhibits.

25 CHAIRPERSON HILL: Okay, got it. Okay. I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 going to start a clock on you, Ms. Giordano, just so I know
2 where you are, and you can begin whenever you like.

3 MS GIORDANO: Okay. I first wanted to ask the
4 Board to qualify Ashley McSwain as an expert in social work,
5 and you have her resume as part of the submission that I asked
6 you to put up on the screen.

7 CHAIRPERSON HILL: Okay. Give me a second, I
8 haven't started your clock yet.

9 MS GIORDANO: It's Exhibit A.

10 CHAIRPERSON HILL: No, I got it. I mean does the
11 Board have -- I'm just looking at my fellow board members in
12 terms of the expert status in social work of Ms. McSwain.
13 Okay. Mr. Blake, do you have any concerns about expert status
14 for Ms. McSwain? Okay. Mr. Smith, do you have any -- do you
15 have any comments?

16 MEMBER SMITH: I do not.

17 CHAIRPERSON HILL: Mr. Miller? Mr. Brown?

18 MR. BROWN: That's a very general category that
19 covers a lot. If that generalized category is acceptable to
20 the Board, it's acceptable to me. I'll use the same category
21 for our witness.

22 CHAIRPERSON HILL: Okay. So you need expert
23 status for your witness?

24 MR. BROWN: Yeah, one witness?

25 CHAIRPERSON HILL: Do you have a resume for your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 witness, Mr. Brown?

2 MR. BROWN: Yes, I do.

3 CHAIRPERSON HILL: Is it in the record?

4 MR. BROWN: Yes, it is.

5 CHAIRPERSON HILL: Okay. All right. So when
6 it's your turn, then we can go ahead and review that record.
7 I'm sorry, that resume as well.

8 MR. BROWN: Thank you.

9 CHAIRPERSON HILL: Let's see. Ms. Sanders, do you
10 have any issues?

11 MS. SANDERS: No, none at this time.

12 CHAIRPERSON HILL: Okay. Commissioner Holmes?
13 Okay. Thank you. All right. We're going to go ahead and
14 allow expert status for Ms. McSwain in social work. All right,
15 Ms. Giordano, are you ready to begin?

16 MS. GIORDANO: Yes.

17 CHAIRPERSON HILL: Okay, go ahead.

18 MS. GIORDANO: So our first witnesses are Ashley
19 McSwain and Alicia Horton. They will be basically testifying
20 as a panel, and I'll ask them to proceed in whatever order
21 they like.

22 MS. MCSWAIN: -- again. So I'm Ashley McSwain,
23 I am the executive director for Community Family Life Services
24 which has been serving D.C.'s most vulnerable populations for
25 the last 50 years. Currently CFLS manages a women's reentry

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 continuum of services, so that means that, you know, we meet
2 with the women while they're still in custody, develop release
3 plans while they're still at the Department of Corrections,
4 or the Bureau of Prisons, or the halfway house. While they're
5 there, we develop a plan of action.

6 And then when they're released, they are then
7 brought into our programming. And our programming includes
8 case management, supportive services, employment, parenting
9 support. We provide clothing, food, other emergency needs
10 through our drop-in center. We have a continuum of housing
11 programs that start from emergency housing for 90 days up to
12 three years of housing. We offer women's wellness, HIV
13 services, medical case management. We have a legal department
14 where we meet with women to determine and remove legal
15 barriers. We have a speaker's bureau that allows us to
16 understand and hear the voice and respond to the needs of women.

17 And for this particular project, it is offering
18 six months of housing for women who are releasing home
19 following a period of incarceration. And during that time,
20 they are allowed to stay in this program for up to six months.

21 and we have a full comprehensive team of social workers to
22 address her needs including, you know, developing her next
23 plan of action after the six months is up. When a woman is
24 released, is leaving after six months, she then will move into
25 either her own housing, one of our other programs. We have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 funding to pay for those things.

2 These women -- and we're targeting women because,
3 you know, of the criminal justice population, 10 percent of
4 the women -- 10 percent of the population are women and there
5 are very few programs that are dedicated to address the
6 specific needs that women face. And some of those specific
7 needs include domestic violence. They have history of trauma.
8 They have parenting needs. And so they're on a lot of
9 programs that provide support for their specific needs. And
10 so when they're released, then they don't have anywhere to
11 go.

12 They need housing. One of the biggest needs that
13 we have found with this particular population is housing.
14 I've done focus groups with more than 100 women, and 75 percent
15 of those women have expressed a need for housing. So there's
16 very few options. We maintain a waiting list for these women,
17 and CFLS has extensive experience working with this
18 population. We address their -- any kind of addiction needs.

19 And I'd also like to speak to this notion that the
20 environment, the community isn't safe for them. These women
21 reside in these communities. This is where they lived prior
22 to their incarceration, and this is where they are trying to
23 return to. And it makes sense that when a woman is returning
24 to her community, that she is provided wraparound support which
25 is what this program will offer.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 The other thing I'd like to add, because there was
2 a question of what happens if they don't follow the program.

3 Well, if they don't follow the program, then they're asked
4 to leave. And even when they're asked to leave, we work with
5 them to find, you know, somewhere else that's safe. And so
6 this program offers safety. We have a full staff of people
7 that are on the property that will ensure that she's working
8 a goal plan. She's being held accountable to that goal plan.

9 And we have extensive experience working with women
10 who are coming home following a period of incarceration. And
11 so I'll also, you know, ask my partner at Thrive D.C., because
12 it's a partnership between CFLS and Thrive D.C., to ensure
13 that we are addressing all of the needs of the women that we
14 are targeting. So --

15 MS. HORTON: Yeah, thank you, Ashley. Alicia
16 Horton, executive director at Thrive D.C. Thank you, Board,
17 for hearing us today. Yeah. Thrive D.C. is a 43-year old
18 institution here operating in Columbia Heights is our primary
19 service center. And we joined this partnership with Ashley
20 and CFLS to help augment the services that are already on board
21 for the women who are living in this particular home.

22 One of the services that we are working to provide,
23 in addition to all of the array of services, is additional
24 substance abuse and recovery support and mental health
25 support. So we have a counselor is working with women who

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 are working to achieve and maintain recovery on a weekly basis.
2 They're meeting with one of our counselors.

3 And we also offer an array of other services
4 including workforce development, employment training,
5 victim's assistance support particularly for individuals who
6 are survivors of domestic violence, additional reentry
7 services and supports, health and wellness support. So I
8 think the combination of our organizations really offers an
9 incredible safety net for these women.

10 One of the other pieces that we're bringing to the
11 table is what we're calling the Community Building Project.

12 And this is really that we developed in response to this
13 endeavor where we are trying to build bridges between
14 community, the organizations, and the clients that we serve
15 because we really want to be a part of solution and community
16 building.

17 We want to make sure that the community understands
18 that we're now a member of this community and want to address
19 the issues that they've brought to bear around safety and
20 livability in the community. So we have gotten funding to
21 proceed with this project, and we're going to be entering into
22 the community with open arms and with an engagement plan so
23 that we are really a part of the solution and a part of this
24 community.

25 MS GIORDANO: Thank you, Ms. Horton. We also have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 our final witness is a graduate student or a Ph.D. candidate,
2 excuse me, at American University who has studied extensively
3 the reentry issues for incarcerated women. And I'm going to
4 ask her now to present her testimony.

5 MS. KEARNEY: So, good afternoon members of the
6 BZA. My name is Maya Kearney and I'm an urban anthropologist
7 who conducts research on prisoner reentry and housing in
8 Washington, D.C. I am currently a Ph.D. candidate at American
9 University, and president of Urban Progress Strategies, LLC.

10 My research since 2014 on the needs and challenges
11 of reentry in D.C. has consistently pointed to housing as the
12 most immediate and critical need that returning citizens have
13 upon release from correctional facilities. This is
14 especially dire, as according to the D.C. Fiscal Policy
15 Institute, quote, "Nearly three out of five D.C. individuals
16 experience homelessness, 57 percent have been incarcerated
17 according to a 2019 assessment, and 55 percent reported that
18 incarceration has caused their homelessness. This means that
19 almost one-third of individuals who experience homeless in
20 D.C. connect that to their incarceration." End quote.

21 Community Family Life Services and Thrive D.C.'s
22 proposal on this reentry housing program can fill a significant
23 gap in housing access and programming for an increasingly
24 at-risk population in Ward 7. Women returning from
25 incarceration have a higher risk of re-arrest and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 re-incarceration when not given the proper social supports
2 to disrupt cycles of homelessness, domestic violence,
3 substance abuse among other forms of violence that can lead
4 to illegal behavior.

5 In our society, there are racial and gender-based
6 stigmas that have painted formerly incarcerated women as
7 threats to the public safety of their communities. The
8 perpetuation of these myths has derailed efforts such as the
9 Kimi Gray House that is being proposed today that can improve
10 the quality of life in communities like Deanwood. CFLS staff
11 are trained to use a gender-responsive and trauma-informed
12 approach which emphasizes programming that responds to the
13 unique needs of women, increases self-esteem, improves
14 life-management skills, addresses health and co-occurring
15 disorders, reinforces family reunification, and provides a
16 seamless bridge to community support.

17 There is no known correlation between
18 community-based institutional facilities and higher rates of
19 crime. Numerous qualitative and quantitative studies have
20 shown that formerly incarcerated people are less likely to
21 return to crime and/or be re-incarcerated when provided
22 quality social services and a supportive environment upon
23 release.

24 More specifically, the National Resource
25 Center on Violence against Women suggests that advocacy and
services on sight for women in all parts of the criminal justice

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 system are urgently needed. According to the
2 trans-theoretical model of change, clients need ongoing
3 support from family members and other motivational sources
4 such as case managers to achieve long-term behavior change.

5 This shows that no matter the community context
6 with a supportive environment and more management, clients
7 can learn how to maintain their gains. The Kimi Gray House
8 would ensure that every client has the resources to become
9 a productive member of their community and society.

10 In addition, given the concerns of the community,
11 Thrive and CFLS have secured funding to hire a community
12 relations consultant. As a proven best practice, this will
13 allow the organizations to develop a community building model
14 called Building Bridges. This is a community and
15 client-oriented process that will keep all stakeholders
16 accountable.

17 This will be done through community participation
18 that will enhance partnerships through neighborhood-level
19 programming to ensure transparency and communicating goals
20 and developing action steps to meet them. These efforts can
21 be replicated and applied to other neighborhoods who are also
22 facing housing shortages for returning citizens which is a
23 public health crisis in our city.

24 Housing clients and community members will be equal
25 collaborators in support of organizational culture that will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 ensure positive outcomes and the overall wellbeing of those
2 most marginalized from their communities. Overall, this
3 initiative prioritizes community capacity building through
4 a preventative approach to public safety that can benefit
5 clients, their families, and the larger community by
6 disrupting generational poverty and criminal justice
7 involvement.

8 The fact of the matter is that these women live
9 in D.C., Deanwood, and surrounding communities before
10 incarceration and they will be returning upon release. Rather
11 than being homeless on the streets and prone to returning to
12 crime to survive, we need to give them the housing and
13 programming they need to come back and rebuild their lives
14 with a sense of dignity. The Kimi Gray House and its
15 programming can act as a cushion for a smoother transition
16 with a guaranteed community of support with well-experienced
17 practitioners that will let -- that would not let them fail.

18 Thank you for your time.

19 MS GIORDANO: Thank you, Ms. Kearney, members of
20 the Board, that completes our presentation and we're available
21 for questions.

22 CHAIRPERSON HILL: Okay, Ms. Giordano. I mean I'm
23 looking at your PowerPoint -- or not PowerPoint, the exhibit
24 that you spoke to that we didn't pull up, which is fine.
25 There's a bunch of photographs at the end. What are those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 photographs about?

2 MS GIORDANO: Those photographs are the --
3 generally the interior of the subject property. Just wanted
4 to demonstrate, you know, the new condition of this property.

5 CHAIRPERSON HILL: But where is that one?

6 MS GIORDANO: Should be at the end. Let me see.

7 CHAIRPERSON HILL: No, where are those photos
8 taken from? That's not the property now, correct?

9 MS GIORDANO: Yes, it is. And I can ask maybe Mr.
10 Thornton, I think he took the photos, if he would, to comment.

11 CHAIRPERSON HILL: Mr. Thornton.

12 MR. THORNTON: Yes, sir, Mr. Chairman. Those are
13 the actual -- the interior photographs of the existing property
14 as it stands right now.

15 CHAIRPERSON HILL: Okay. Okay. That's what I
16 was curious off. And then -- okay, great. All right. I'm
17 going to turn to my board members, then I'll turn to everybody
18 who's in opposition. Mr. Brown, there's also something from
19 the Office of Planning, and I'm looking -- I lost the exhibit
20 number that clarifies the whole TG Management thing, and if
21 I find the exhibit number again, I know the Office of Planning
22 will be able to tell us.

23 MR. BROWN: 22 I believe.

24 CHAIRPERSON HILL: Thanks.

25 MS GIORDANO: If I could, too, also just comment

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 on that. As the Board is aware, applications generally --
2 they have to be submitted in the name of the property owner.

3 And it's not unusual for a tenant to basically prosecute the
4 application because they are actually going to be residing
5 and operating the property.

6 CHAIRPERSON HILL: Okay, I got you. I was just
7 trying to point out that one exhibit from the Office of
8 Planning. I don't even see it in 72 though, Mr. Brown. I
9 think it's a different one. I pulled up and now I've lost
10 it. All right. But, anyway, the Office of Planning could
11 help us. Does the Board have any questions for the applicant?

12 Sure, I'll go with -- I seen Mr. Smith raise his hand. It
13 looks like everybody else -- all right, Mr. Smith.

14 MEMBER SMITH: Okay. Thank you, Ms. Giordano, and
15 Ms. McSwain, and Ms. Kearney, and I'm missing somebody, Ms.
16 Horton, on providing the list of services that would occur
17 at this site. My question is what workers, and this could
18 go to anyone, what employees or workers would be located at
19 the site, and how long would they be physically at this site?

20 MS. MCSWAIN: -- case manager, who works at the
21 site to develop the case plans for the clients. We have
22 resident monitors who are at the site in the evenings. We
23 have cameras and we have, you know, and everybody that is
24 involved in the project has the cameras on their phone. So,
25 yeah, we have fulltime staff there.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MEMBER SMITH: Okay. Can you expand on what the
2 duties of a resident monitor are, how long would they be at
3 that site? Is it 24 hours that a resident monitor would be
4 at the site?

5 MS. MCSWAIN: So the resident monitor is at the
6 site on a shift. So we have someone who does -- I believe
7 first shift is 7 to 11. And then we have another monitor that
8 does the 11 to 7. So we have two different people who are
9 covering those shifts, and their goal is to just ensure that,
10 you know, there isn't any issues during the evening hours when
11 the case manager isn't present. The case manager is working
12 with the women to develop a plan of action. So, you know,
13 identify what her needs are, identify ways to remove barriers
14 to her getting permanent housing.

15 MEMBER SMITH: Okay. My next question is about --
16 you had stated that there would be -- someone stated -- talked
17 about job training or job wrap -- like wraparound services
18 for gainful employment. How would the residents of the site
19 -- is it their responsibility to procure transportation
20 wherever the job is, or would transportation be provided?

21 MS. MCSWAIN: No, we have funding for
22 transportation. We have relationships with potential
23 employers, you know, so we provide all of the things that women
24 need. When they come home, they don't have almost anything.
25 So if they need money to get to appointments, we have resources

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 for that. If we need Uber, we have money for Uber. If we
2 have, you know, all of the resources that they need in order
3 to get where they need to go in order to secure employment.

4 MEMBER SMITH: Okay. And that's all the questions
5 I had for now, Mr. Chairman.

6 CHAIRPERSON HILL: Sure. Mr. Blake?

7 MEMBER BLAKE: Sure. A couple questions. Just
8 first to follow up on Mr. Smith's question, what's the training
9 for the people who are on duty in the evening hours when the
10 case managers aren't there?

11 MS. MCSWAIN: So the staff that we have receive
12 extensive training on being trauma-informed, on gender
13 responsiveness. We happen to be fortunate that the staff that
14 we have have experience. So the staff 7 to 11 worked at one
15 of our other facilities and has years of experience working
16 as a monitor. But everyone is trained when they start the
17 position on, you know, working with women who have been to
18 prison.

19 MEMBER BLAKE: And how many facilities do you have
20 in operation currently doing this reentry program in the
21 District or elsewhere?

22 MS. MCSWAIN: We have four other facilities.

23 MEMBER BLAKE: Okay. And they do exactly the same
24 activity that takes place here?

25 MS. MCSWAIN: Yes. We do -- well, it's just that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the timing, like one facility, they can stay 90 days. This
2 particular facility they can stay six months. We have another
3 facility where women can stay for three years. We have another
4 one where they can stay for four years. We have a scattered
5 site where they can stay for a year. So it really depends
6 on where they are in their reentry journey which determines
7 with unit, which housing program we put them in.

8 MEMBER BLAKE: Okay. And so is this configuration
9 of this property, did you -- it sounds like you guys came into
10 this more recently. It was kind of designed and you kind of
11 came out -- I don't think you came from the beginning. Is
12 this property designed the way it is appropriately designed
13 for your other facilities are similarly designed, or is it
14 a unique design? Or does it have to be rehabilitated in some
15 way to facilitate this. I'd just be curious to how it fits
16 relative to what your model is.

17 MS. MCSWAIN: No. It's similar in design. You
18 know, the women have their own, you know, their own bed. You
19 know, they work with a case manager. You know, they are given
20 all of the supports they need. So it's a very similar design
21 to all of our other programs.

22 MEMBER BLAKE: And how long have you been involved
23 with this particular property?

24 MS. MCSWAIN: Just a little over a year.

25 MEMBER BLAKE: Okay. Did you -- okay, was it -- I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 see the current configuration at this point, what is it being
2 used for? Is anyone aware of what that is being used for
3 currently? It looks fairly office-like at this point.

4 MS. MCSWAIN: You're asking the Olive Street
5 address, what is it currently being used for?

6 MEMBER BLAKE: Yeah, I'm looking at the -- the
7 pictures that we just saw of the location looks like it's up
8 and running at some -- doing something. What is it currently
9 doing?

10 MS. MCSWAIN: Yeah. So, currently, we have four
11 women who reside there who are getting case management. We
12 were, you know, told that, by right, we could have up to six
13 women. So we have four women there right now. One has secured
14 housing, you know? I mean it's working. You know, the women
15 are getting the supports that they need and they are going
16 to be moving on to more permanent housing solutions.

17 MEMBER BLAKE: okay. To the point we made, of the
18 women that -- now that I know you have the experience there
19 as being operated that way. How do the occupants or consumers
20 today get to their workplaces, and what's the
21 check-in/check-out process that they have?

22 MS. MCSWAIN: So there's a sign-in sheet when they
23 come in the building, when they come into the house, so they'll
24 sign in. They have to sign out when they leave. They're given
25 tokens or they're given Ubers to their destinations if they're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 going to work, or if they're going to an interview, or if
2 they're going to Department of Public Health or Welfare. So
3 we provide them with the finances and the resources to get
4 where they need to go. But they sign in and out.

5 MS. HORTON: Also, if I could just jump in. Some
6 of the women that are, for instance, involved in our employment
7 training, we also provide additional supports like SmartTrip
8 cards. So those kinds of issues are well thought out and taken
9 care of.

10 MEMBER BLAKE: In terms of meals and stuff like
11 that, how is that done on site? Is it do you go out and just
12 eat when you can? Or do they have individual cooking
13 facilities? Is there a chef on duty? How does that -- how
14 do they -- how is that provided?

15 MS. MCSWAIN: So the women -- each woman has a shelf
16 in the -- each woman is provided with a gift card to purchase
17 the food items and we buy food items for the house. Each woman
18 has a cabinet that's locked with their name on it where they
19 can put their individual food needs. They have a shelf in
20 the refrigerator for their own individual food needs. And
21 then, collectively, they prepare meals. So we provide --
22 there's a freezer there so we buy food we give them and they
23 can prepare the meals as needed.

24 CHAIRPERSON HILL: Is there --

25 MEMBER BLAKE: Do we know --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. MCSWAIN: Yeah.

2 MEMBER BLAKE: You said that the curfew I think
3 is 10:00 o'clock, but is there -- generally speaking, it sounds
4 like with a transitional work setting, people will be -- all
5 be there assembled for dinner at about 6:00 o'clock, or is
6 that how it would work? Or how does it work?

7 MS. MCSWAIN: Well, the women aren't having dinner
8 all at the same time every single night because of their work
9 schedules. I mean it fluctuates. But, you know, they have
10 access to the kitchen. I mean there's someone on site all
11 the time so they can prepare their meals as needed which is
12 why we, you know, to have women in a space together, which
13 is why we have their own shelves in the fridge and their own
14 cabinet so that, you know, they can eat when they need to and
15 what they need to.

16 MEMBER BLAKE: And another question is it
17 dormitory style or individual rooms per person separate bath
18 and things of that sort?

19 MS. MCSWAIN: So there are two women generally to
20 each room, two to three women. And then those three women
21 have their own bathroom, and then they have their own closet.
22 You know, we have like a partition that sort of separates
23 the beds to give the women some modicum of privacy when they're
24 sharing -- when they're sharing the room. So three maximum
25 per room. Some of the rooms, depending on the size, have two.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 But each of the rooms -- excuse me -- has their own bathroom.

2 MEMBER BLAKE: And the last question for me. In
3 terms of the facility, are there recreation facilities there,
4 outdoor space and things of that sort?

5 MS. MCSWAIN: So there is a section in the building
6 where we have house meetings and trainings. So there is a
7 -- some technological, like a TV where we can send in videos
8 and trainings for the women. Excuse me.

9 CHAIRPERSON HILL: You need a glass of water? You
10 want to get a glass of water?

11 (Simultaneous speaking.)

12 MS. HORTON: Yeah, she's -- yeah, so I can jump
13 in here while she collects herself.

14 MS. MCSWAIN: Thank you. Is --

15 MS. HORTON: There is -- yeah, so there is communal
16 space for various kinds of activities from groups to training
17 sessions to, you know, anytime they want to just kind of hang
18 out. So the -- and one of the reasons why this facility is
19 so appropriate is because it does afford us the opportunity
20 to have that kind of space. So we are -- we feel very lucky
21 to be able to utilize this particular property in this way.

22 MS. MCSWAIN: And I'd like to say also that, you
23 know, when you have a lot of women living in the same space,
24 you want to make sure that, you know, there's enough room for
25 them to be independent and, you know, also have their needs

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 met. So the beautiful thing about this space is it's big
2 enough. It's spacious enough, you know, so that the women
3 can have some space alone to read and to study. And there's
4 also a place where they can get ongoing trainings. You know,
5 we engage the women to learn from them what trainings they
6 want in addition to the trainings we recommend.

7 MEMBER BLAKE: Issues that come up as well is
8 childcare. A lot of these women probably have children that
9 may or may not be with them at the time. How does that work
10 for the children?

11 MS. MCSWAIN: So CFLS has a parenting program, so
12 a lot of times when a woman is released from custody, she may
13 not have custody of her children and she has to meet certain
14 objectives in order to gain custody. So the parenting program
15 works with the woman, it offers a 12-week parenting curriculum
16 to really help her, you know, build skills around working with,
17 and managing, and living with her children who she's been
18 absent from.

19 But the women there, you know, sometimes they have
20 visitation with their children which is on a different -- at
21 a different location. But the women that are living there
22 won't have their children with them, but we will be working
23 with them and sometimes their case manager to identify a
24 pathway to getting custody.

25 MEMBER BLAKE: And last question -- two questions

1 I have. One is who regulates the business itself, and how is
2 it -- where does the compensation for the stay come from?

3 MS. MCSWAIN: So when you say regulates the
4 business, so there are several tiers of oversight. So, you
5 know, I am the executive director. We have a director of
6 housing and wellness who oversees the staffing of the case
7 managers. This program is funded through The Justice Grants
8 Administration and the Department of Behavioral Health. It's
9 a partnership that we established about a year ago because
10 of this ongoing need of women returning home who need housing.

11 So it's fully funded, and we just received funding
12 for all of the collateral -- additional collateral needs like
13 childcare and if they want to do professional development
14 training. So we recently secured even additional funding on
15 top of the funding that, you know, funds the rents and the
16 staffing.

17 MEMBER BLAKE: Does the --

18 MS. HORTON: And, you know, the city has also
19 prioritized reentry housing as, you know, an effort that they
20 are really investing in. So we've been able to take advantage
21 of the city's priorities and, you know, transfer these
22 investments to our client community.

23 MEMBER BLAKE: Does the client actually pay a
24 portion of the rental expense while they're there?

25 MS. MCSWAIN: They don't. I mean this is a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 six-month program. When women are releasing from prison or
2 jail, they really don't have any resources in order to pay
3 a rent which is why this is so important so that they can get
4 to a place where they can build their own stability so that
5 they can pay rent. But, no, the women do not have to pay rent
6 the time they're in the program.

7 MEMBER BLAKE: Thank you very much.

8 CHAIRPERSON HILL: Commissioner Miller, did -- I
9 saw Commissioner Miller I thought at one point.

10 ZC VICE CHAIR MILLER: Can you hear me?

11 CHAIRPERSON HILL: Yes.

12 ZC VICE CHAIR MILLER: Okay. Thank you, Mr.
13 Chairman. And thank you, Ms. Giordano, Ms. McSwain, Ms.
14 Horton, Ms. Kearney for your presentation of the application.
15 My colleagues have asked some of the questions that I was
16 going to ask, so I'll try to keep it brief and I'm sure we'll
17 all have more questions after we hear from the ANC
18 representatives and from the parties in opposition, and from
19 other members of the public.

20 But just to clarify, Ms. Giordano, TG Management,
21 LLC is the owner and they've authorized Community Family Life
22 Services to be the applicant? Have I stated that correctly?

23 And they're the -- Community Family Life Services is going
24 to be the organization that is implementing the special
25 exception were to be granted?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS GIORDANO: Generally correct. TG Management
2 is the owner of the property and they have leased this property
3 to Community Life Services. Is that correct, Ms. McSwain?

4 MS. MCSWAIN: That is correct.

5 MS GIORDANO: Okay.

6 MS. MCSWAIN: That is correct.

7 MS GIORDANO: And as a tenant, they will be
8 occupying the property and running the program.

9 ZC VICE CHAIR MILLER: Okay. And who is TG
10 Management, or who are some of the principles if you can
11 identify them? Or do we have that in the record already?

12 MS GIORDANO: Yeah, I'm not certain. I, you know,
13 I came into this a little bit late and they did not have
14 representation previously. So, Mr. Thornton, maybe you could
15 enlighten us on that issue.

16 MR. THORNTON: Yes, sir. The principle of TG
17 Management is Kasahan Tefera, and it is in the record.

18 ZC VICE CHAIR MILLER: Can you just repeat that?
19 I just missed it on my audio.

20 MR. THORNTON: Yes. The principle at TG
21 Management is Kasahan Tefera.

22 ZC VICE CHAIR MILLER: Can you spell that please?

23 MR. THORNTON: I don't have it right in front of
24 me.

25 ZC VICE CHAIR MILLER: Well, maybe that can --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MS GIORDANO: It is in the record.

2 MR. THORNTON: But it is in the record.

3 MS GIORDANO: It's in the record.

4 ZC VICE CHAIR MILLER: It's in the record, I'll
5 look for it. Thanks.

6 MS GIORDANO: He had to sign the authorization.

7 CHAIRPERSON HILL: Just so it's easier for
8 Commissioner Miller.

9 MS GIORDANO: I will have to --

10 CHAIRPERSON HILL: Do you know, Ms. Giordano?

11 MS GIORDANO: -- get back.

12 CHAIRPERSON HILL: Okay. And then also just as
13 a side note, the Office of Planning was looking for the parking
14 in your plans and I didn't see it.

15 MS GIORDANO: Okay. Ms. McSwain, can you --

16 MS. MCSWAIN: Well, there's parking in the back
17 of the building.

18 CHAIRPERSON HILL: Is it on the plans anywhere?

19 MS. MCSWAIN: It should be.

20 CHAIRPERSON HILL: You can look for that while we
21 get through this day, okay?

22 MS. MCSWAIN: Okay.

23 CHAIRPERSON HILL: Okay. All right, let's see.
24 I'm going to wait for my --

25 ZC VICE CHAIR MILLER: I had a few --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Oh, sorry. Commissioner
2 Miller.

3 ZC VICE CHAIR MILLER: No, I had a couple more
4 questions, Mr. Chairman. I'll try to be brief.

5 CHAIRPERSON HILL: No, take your time.

6 ZC VICE CHAIR MILLER: So there are currently --
7 was the home built for this purpose? When was this home --
8 this structure built? Can anybody answer that? I'm just
9 wondering --

10 MS GIORDANO: I think Mr. Thornton can best answer
11 that.

12 ZC VICE CHAIR MILLER: And how many bedrooms does
13 it have, and --

14 MR. THORNTON: Yeah. So it has seven bedrooms,
15 seven baths. Construction started in 2020 and it wrapped up
16 in -- the permits wrapped up in '21. And it was built as a,
17 you know, as a single family home with seven bedrooms, again,
18 seven baths, and there are four parking spaces in the back
19 of the property. And, again, it, and I don't have all the
20 information in front of me, but the, you know, it was in '21,
21 you know, that was construction.

22 MS GIORDANO: So this project, the building itself
23 was not purpose built for this. I think you brokered this
24 lease basically, and so the Community Life Services came to
25 it after -- or at some point during the construction of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 building, correct?

2 MR. THORNTON: Correct.

3 MS. MCSWAIN: Yes. And since we were able to come
4 in during the construction, it was completely figured to
5 accommodate this kind of initiative.

6 ZC VICE CHAIR MILLER: Okay. And there are -- Ms.
7 McSwain, I think you said that there are currently four women
8 -- that you were notified that there -- that up to six could
9 be there as a matter of right. But you have -- there are
10 currently four women living there, or there had been -- who
11 had been --

12 MS. MCSWAIN: Yeah, there are currently four women
13 living there.

14 ZC VICE CHAIR MILLER: And how long has that been
15 going on?

16 MS. MCSWAIN: I believe since February.

17 ZC VICE CHAIR MILLER: Okay. So just three
18 months.

19 MS. MCSWAIN: Yes.

20 ZC VICE CHAIR MILLER: And it's just four women.
21 And then is there a resident monitor for these four women,
22 or they don't -- they don't have that --

23 MS. MCSWAIN: No, they have that. They have that.

24 ZC VICE CHAIR MILLER: And have there been any
25 problems with -- in the three months that people have been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 there in terms of interaction with the community that you're
2 aware of?

3 MS. MCSWAIN: No.

4 ZC VICE CHAIR MILLER: Okay.

5 MS GIORDANO: Ms. McSwain, could you also just --
6 have there been any complaints from any of the neighbors?

7 MS. MCSWAIN: We haven't --

8 ZC VICE CHAIR MILLER: Thank you, Ms. Giordano,
9 that really was my question.

10 MS. MCSWAIN: We haven't received any complaints
11 since our intake.

12 ZC VICE CHAIR MILLER: Okay. Well, I'm sure if
13 somebody is complaining about it, they might be here today
14 and we'll hear about it.

15 MS. MCSWAIN: Right. Right. But we haven't
16 received any complaints.

17 ZC VICE CHAIR MILLER: Okay. Okay. Thank you.

18 MS GIORDANO: And if I could just also, so I think
19 that the Community Life Services was informed by Zoning that
20 six unrelated people can occupy a house. That's in the zoning
21 regulations. And these women, you know, this case had been
22 postponed. It was not really their intention initially to
23 start to receive any of the women until they had this hearing.

24 But because the postponement and the women, you know, it was
25 just there was a desperate need, these women were going to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 be released and they had nowhere to go, so they did bring in
2 four women.

3 ZC VICE CHAIR MILLER: Okay. Thank you for that
4 information, Ms. Giordano. To, I guess, Ms. McSwain for
5 Family Life Services and to Ms. Horton for Thrive D.C., can
6 you just each repeat -- I think, Ms. McSwain, you said you
7 operate currently four facilities in the District, and how
8 many women is that serving currently?

9 MS. MCSWAIN: That is serving -- I just want to --
10 I did have that number in front of me -- 57 women.

11 ZC VICE CHAIR MILLER: And Thrive D.C., Miss --

12 MS. HORTON: -- with CFLS on two housing projects.
13 One housing six women, one is this project which is housing
14 four. And we also have a transitional program for men which
15 houses six men as well.

16 ZC VICE CHAIR MILLER: Ms. Horton, do you operate
17 housing facilities, or do you operate services out of -- I
18 guess I saw something in the record I thought that the services
19 for these women at this location were going to be provided
20 at a Columbia Heights location that you --

21 MS. HORTON: That's correct. We have --

22 ZC VICE CHAIR MILLER: -- you own or you have --
23 or you're a tenant at?

24 MS. HORTON: We are -- so two things. We do have
25 another transitional program for men. So we do do housing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And we also have -- as our primary service center in Columbia
2 Heights, so folks can come here for additional programming
3 and support training and that kind of thing.

4 ZC VICE CHAIR MILLER: And the --
5 (Simultaneous speaking.)

6 MS. MCSWAIN: But the services that they offer to
7 the women at this location, they go to the women.

8 MS. HORTON: That's right.

9 MS. MCSWAIN: So they don't have to go to Thrive.

10 MS. HORTON: That's right.

11 MS. MCSWAIN: The staff at Thrive comes to the
12 house at Olive Street.

13 MS. HORTON: And we offer virtual sessions, phone
14 sessions. So we are -- yeah, we're very flexible in that way.

15 MS. MCSWAIN: Yes.

16 ZC VICE CHAIR MILLER: So that was part of the --
17 or one of my next questions was going to be how do they get
18 to Columbia Heights. So they -- so it's their choice or with
19 the resident -- with your resident monitor, you make -- they
20 make a decision as to whether or not they -- or is just a daily
21 decision whether they are going to receive services in the
22 home or they're going to go transport themselves somehow to
23 Columbia Heights? Is it on a daily basis that they have to
24 avail themselves of these services? I'm just trying to
25 understand the schedule and the structure, and where the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 services are actually being provided on a daily basis.

2 MS. MCSWAIN: So most of the services are provided
3 on site on a daily basis. It's not regular that the women
4 would have to travel to Thrive. You know, the mental health
5 and the addictions therapist has been coming to the site, and
6 they're coming weekly. And some women, sometimes they more
7 frequent. And so most of the visits are in person. But every
8 single woman has a laptop computer and when needed, they have
9 virtual appointments.

10 MS GIORDANO: Ms. McSwain, is there sort of a
11 schedule, can you explain how all that is organized? Is there
12 a schedule on a weekly basis? Or how does that work?

13 MS. MCSWAIN: So every single week the women meet
14 with their case -- their primary case manager. It is in that
15 meeting that they determine what they need to do for the week.
16 And then the following week, there is a review of the
17 activities for the previous week. And then there are
18 additional plans made moving forward. So every single week
19 there's a building on the progress with the goal of her getting
20 into more permanent housing.

21 MS HORTON: And the addiction and recovery
22 supports are determined at the very beginning of a woman's
23 stay. So those things are scheduled regularly, and we also
24 take into consideration what other activities they have. So
25 if they have a job, we schedule around that job. So we want

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 to make sure that those services are available and work within
2 their scheduling. But we lay out that schedule for the six
3 months.

4 MS. MCSWAIN: And we are using evidence-based
5 assessment tools to determine need. So the SPDAT, which is
6 a, you know, it's a tool to determine housing needs. We use
7 Nurturing Family Curriculum to help with parenting support.
8 We, you know, we are looking in -- we use Seeking Safety which
9 is a strategy to really, you know, ensure that people have
10 the tools to manage their sobriety. So we're not sort of
11 winging this. There is, you know, data that supports our
12 approach and that tells us what the risks are and what the
13 needs are, and we design interventions based on those outcomes.

14 ZC VICE CHAIR MILLER: And you stated that this
15 general neighborhood, broadly speaking, is where the women
16 who are going to be living here lived prior to their
17 incarceration or have had some connection to the folks who
18 already live in the community?

19 MS. MCSWAIN: The predominant wards that the
20 clients that we serve are living in Ward 7 and 8. And so these
21 women that we're serving right now lived in Ward 7 prior to
22 their incarceration, and now that they're returning home,
23 they're trying to find somewhere they can live and communities
24 that they're familiar with.

25 And oftentimes they can't go back to where they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 live because it was the source of the problem. You know, these
2 women have been victims of domestic violence. You know, they
3 have trauma, childhood trauma. So they can't go back to where
4 they were living when they were incarcerated because that was
5 where the problems began.

6 MS GIORDANO: But they're also, Council Member,
7 they're also D.C. residents. All of them are D.C. residents.
8 So they are returning home to D.C. to rebuild their lives.

9 ZC VICE CHAIR MILLER: Okay, thank you. Thank you
10 for that. I don't mean to -- maybe I shouldn't even ask the
11 question.

12 CHAIRPERSON HILL: Commissioner Miller.

13 ZC VICE CHAIR MILLER: I'll think about it. Thank
14 you.

15 CHAIRPERSON HILL: Yeah. And I'll --

16 (Simultaneous speaking.)

17 ZC VICE CHAIR MILLER: And I'll -- so I will yield
18 -- I will yield to you, Mr. Chairman, at this point. Thank
19 you.

20 CHAIRPERSON HILL: Thanks. Mr. Blake?

21 MEMBER BLAKE: Is there a certificate of occupancy
22 in place, or a business license in place currently? And, if
23 so, what is that registered as?

24 MR. THORNTON: So there is a business license
25 application that has been put in place for the six, and they're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 coming out on the 23rd to do the final inspection for the rental
2 license for the property. But it is in place, it has been
3 applied for through the DCRA.

4 MEMBER BLAKE: Okay, thank you.

5 CHAIRPERSON HILL: Mr. Smith, I forget, did you
6 get an opportunity? Okay.

7 MEMBER SMITH: I was first.

8 CHAIRPERSON HILL: Thanks. The only question I
9 have, and I guess, Ms. Giordano, maybe you can tell me who
10 is directed this question to. I mean your client did present
11 to the ANC and a lot of what seems to be of concern is how
12 this is necessarily going to be run. And then there's a bunch
13 of -- I don't necessarily mean to speak to transparency and
14 whether or not, you know, what the due diligence kind of was.

15 Basically it seems to me, and I'm going to get an
16 opportunity to speak to the ANC people and the witnesses, is
17 that they don't feel comfortable that this is going to be run
18 in a way that's not going to disturb the neighborhood. At
19 least that's the impression I get. Did you -- do you know
20 who I can ask as to, you know, who presented at the ANC and
21 how they tried to convince the community that this is something
22 that would work well in their community, Ms. Giordano?

23 MS GIORDANO: I'm not really sure who presented
24 to the ANC. I'll just ask them to jump in. But my --

25 CHAIRPERSON HILL: Okay. Ms. McSwain, do you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 know?

2 MS GIORDANO: Yeah, my impression is that it's not
3 just a matter of how it's going to be run, but they just don't
4 want this type of facility at this location. But --

5 CHAIRPERSON HILL: Yeah, that's okay. I mean --
6 and I appreciate that, and we can -- I didn't really necessarily
7 get the impression from the testimony that anyone was opposed
8 to anything like this. They're just concerned with the way
9 it is possibly going to be run. But, Ms. McSwain, do you know
10 who presented at the ANC?

11 MS. MCSWAIN: So I presented at the ANC. The women
12 that we serve, some of the women presented at the ANC. Ms.
13 Horton presented, Charles presented. And so we've, you know,
14 described to the ANC, you know, what the program was going
15 to do, how we were going to run it.

16 I mean CFLS is -- I mean we -- this is what we do.
17 We have a full -- I have a full staff of people that are
18 knowledgeable about how to run transitional housing programs
19 for women who are releasing to the community. And so I'm not
20 really sure what the residents are looking to understand that
21 would describe how this is run. We meet the women --

22 CHAIRPERSON HILL: Okay.

23 MS. MCSWAIN: -- yeah, while they're still in
24 custody. We do a full assessment. You know, based on that
25 assessment, we determine what their goals are going to be.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 And those goals are monitored with consistency by trained
2 CFLS staff and our partners at Thrive.

3 CHAIRPERSON HILL: Got you. Okay. All right.
4 Okay. Oh, sorry, Commissioner Miller?

5 ZC VICE CHAIR MILLER: Yes. Just briefly, Mr.
6 Chairman, a couple more questions. Ms. Giordano, the -- or
7 anyone, the Office of Planning has recommended approval with
8 three conditions, we'll hear from the Office of Planning
9 hopefully shortly or at some point. Could you just comment,
10 one the chairman already mentioned that two required parking
11 spaces be shown on the plans at the rear of the building.
12 I think you said that there are four spaces --

13 MS GIORDANO: That's correct.

14 ZC VICE CHAIR MILLER: -- provided. So I think
15 we just -- we may need clarification whether that's on the
16 plans and we need to have those, whatever number of parking
17 spaces there are going to be or on the plans that are in this
18 record. And, second, a second condition was that the facility
19 shall house no more than 12 residents, and one fulltime program
20 manager, and a house manager. Do you have any problem with
21 that condition, Ms. Giordano?

22 MS GIORDANO: Ms. Ashley?

23 MS. MCSWAIN: No, we don't have any problems with
24 that.

25 ZC VICE CHAIR MILLER: Or Ms. McSwain?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. MCSWAIN: No.

2 ZC VICE CHAIR MILLER: Okay. And the other
3 condition then, we'll ask OPERATE. I'm not sure --

4 MS GIORDANO: There was an issue with regard to
5 the fence.

6 ZC VICE CHAIR MILLER: Right. The removal of the
7 wooden fence.

8 MS GIORDANO: We do have some question about that.
9 We're happy to comply if the Office of Planning and the
10 community thinks that that is a good idea. But I think there's
11 some concern that a fence may be more palatable to the
12 neighbors. So we wanted to wait and hear what they had to
13 say about that.

14 ZC VICE CHAIR MILLER: Okay. I think that's a good
15 approach. We'll wait to hear what they have to say about that,
16 and what the Office of Planning has to say about it because
17 I'm not sure exactly -- I don't know what the -- it may be
18 in their statement, I just missed it, the rationale, but they
19 seem to think that that would be --

20 MS. MCSWAIN: Yeah, I think it was aesthetics.
21 So, you know, we're more than, you know, willing to do whatever
22 the community is requiring --

23 ZC VICE CHAIR MILLER: Okay.

24 MS. MCSWAIN: -- in terms of aesthetics.

25 ZC VICE CHAIR MILLER: Thank you, I appreciate that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 response. Thank you, Mr. Chairman. Thank you for indulging
2 those additional questions which I may have further follow-up
3 after we hear from everybody. Thanks.

4 CHAIRPERSON HILL: Sure. Okay. So as the party
5 status people know, Mr. Brown, Ms. Sanders, and Mr. Holmes,
6 you'll get a chance to give your presentation and also ask
7 some questions. I guess, Mr. Brown, do you have any questions?

8 MR. BROWN: For each of the witnesses.

9 CHAIRPERSON HILL: Okay.

10 MR. BROWN: Won't take too long. I'll start with
11 Ms. Kearney. I believe you testified about the importance
12 of a supportive environment for a facility, you know, a return
13 from incarceration facility such as this. Is that right?
14 Would you regard the phraseology supportive environment as
15 limited to the four walls of the facility, or even the four
16 corners of the lot, and doesn't it also include the immediate
17 community around it as being part of the supportive environment
18 for the success of one of these facilities?

19 MS. KEARNEY: -- supportive environment, I'm
20 saying not just the people that work for the program, the staff,
21 and the service workers, but also the community in general
22 broadly. And, you know, the people that are in opposition
23 to it don't represent the entire community. So we have to
24 keep that in mind as well. So, yeah.

25 MR. BROWN: Ms. Horton, you talked about a safety

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 net. What is it that the -- what is that the safety net
2 provides safety from in your mind?

3 MS. HORTON: From I think the obstacles that so
4 many returning citizens face. You know, if we are able to
5 help a woman find employment, to reconnect with her family,
6 to find appropriate and safe housing. These are the kinds
7 of safety elements that really lend success to her transition
8 back into community.

9 MR. BROWN: Would you agree that a safety net
10 should also include best efforts to protect the women from
11 adverse influences in the community that might be the types
12 of behavior that would lead them back into some sort of
13 recidivism?

14 MS. HORTON: Mr. Brown, what I would assert is that
15 in an urban environment, these women need to learn how to
16 protect themselves, and they need to be equipped with the
17 skills to bypass temptations, to address issues that may come
18 up, and be able to afford themselves the strengths and the
19 tools to do what they need to do. There is no pristine
20 environment in the city unfortunately. So what we want to
21 make sure is that these women have the internal supports and
22 wherewithal to do what they need to do and take care of
23 themselves and be successful.

24 MR. BROWN: And getting to that point where those
25 internal controls takeover is easier if the surrounding

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 community is already a generally supportive environment. Is
2 that not so?

3 MS. HORTON: I disagree. I think that these women
4 are in environments that they're familiar with, they are in
5 environments where they have external supports through family
6 and friends. And I think those, if rallied, are stronger than
7 some of the other issues that are around them.

8 MS GIORDANO: -- object to. It seems like these
9 are kind of leading questions that I don't feel are
10 appropriate. I --

11 MR. BROWN: This is cross examination, Ms.
12 Giordano.

13 MS GIORDANO: I know that. But, you know, you have
14 to --

15 (Simultaneous speaking.)

16 CHAIRPERSON HILL: Hold on a second. I
17 understand. We don't -- we're just --

18 MS GIORDANO: You have to -- you have to cross exam
19 on what they testified to.

20 CHAIRPERSON HILL: We're just -- I'm just kind of
21 following along, Ms. Giordano. Go ahead, Mr. Brown.

22 MR. BROWN: Ms. Horton, you talked about the
23 development of a community engagement plan for the future,
24 correct? Has any of the details of that engagement plan
25 materialized so far? Is there anything about it in the record?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MS. HORTON: We have just recently received
2 funding for it, and we are just in the initial phases of putting
3 the plan together and putting down some outcomes and engaging
4 our consultant.

5 CHAIRPERSON HILL: Mr. Brown, just so I know, how
6 many questions do you have?

7 MS GIORDANO: And, also, you might want to follow
8 up with attempts to arbitrate, Ms. McSwain.

9 CHAIRPERSON HILL: What?

10 MS. MCSWAIN: Yeah. We did reach out to try to
11 have some community arbitration, but the residents -- nobody
12 responded. So we were -- I mean we've been trying to engage
13 the community to address their concerns. We used -- was it
14 Negotiation Works I believe.

15 MS GIORDANO: That's right.

16 MS. MCSWAIN: And they -- Negotiation Works
17 reached out to the residents just to see if we could come to
18 the table to have a conversation. And, you know, they didn't
19 respond, or maybe they didn't receive it, or they -- but, we,
20 you know, they weren't able to move forward with that. But
21 our intent was to have a conversation with the residents who
22 were in opposition to really try identify ways that we can
23 work collectively and collaboratively.

24 CHAIRPERSON HILL: Mr. Brown, I'm sorry, I got
25 interrupted. How many questions do you have?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. BROWN: Four for Ms. McSwain.

2 CHAIRPERSON HILL: Okay, Mr. Brown, go ahead.

3 MR. BROWN: You said something about one of the --
4 one of the features of this program was to get these women
5 back to where they live prior to their incarceration. Your
6 phrase as I recall was "coming home." Is there any -- is there
7 any program or restriction or geographic orientation towards
8 making sure that the women who come to this facility are former
9 residents of Ward 7?

10 MS. MCSWAIN: They are returning citizens from
11 prison. It just happens that the predominate location in
12 which they were originated from are in Ward 7 and 8.

13 MR. BROWN: But there's not going to be any
14 particular effort or orientation to limit this facility to
15 former Ward 7 residents as I understand it, is that right?

16 MS. MCSWAIN: That's correct. They are D.C.
17 residents and they are returning to D.C.

18 MR. BROWN: And they have apparently a maximum stay
19 of six months at this facility. Is that right?

20 MS. MCSWAIN: That's correct.

21 MR. BROWN: And then after that, if they -- they
22 will probably still be in need of some support, maybe even
23 housing, and I believe you have additional facilities in the
24 District of Columbia. Are any of them nearby this particular
25 location?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. MCSWAIN: Yeah. There's a facility in Nannie
2 Helen Boroughs. We have a facility in Fort Totten. We have
3 on at 305 E Street. And then we have scattered site programs.

4 MR. BROWN: Last question, Ms. McSwain. You said
5 that you were told, you didn't say by whom you were told, but
6 you said you were told that you could have up to six women
7 living there by right as unrelated persons even before you
8 got the special exception. Do I have that right?

9 MS. MCSWAIN: That's correct.

10 MR. BROWN: And that's what -- and that's the
11 essence of the letter that you sent out that's Exhibit 141
12 in the record, right?

13 MS. MCSWAIN: I believe that's correct.

14 MR. BROWN: Who told you that this was -- that this
15 was a lawful way to proceed?

16 MS. MCSWAIN: I believe that the Office of Planning
17 shared that, by right, we could have six women living in the
18 facility who are unrelated.

19 CHAIRPERSON HILL: Mr. Brown, I know they can have
20 six people that are unrelated living there. Is that your last
21 question, Mr. Brown?

22 MR. BROWN: Yes.

23 CHAIRPERSON HILL: Okay. All right. The next
24 person is Ms. Sanders. Do you have any questions? Okay.
25 Chairman Holmes, do you have any questions?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MR. HOLMES: There we go. Thank you. All right.
2 No, I think just the one question just to Mr. Thornton. He
3 was -- I didn't get exactly full clarity on the question that
4 Commissioner Blake asked about that certificate. Is he saying
5 that it is available -- it has already been processed or it's
6 in the process of being processed?

7 MR. THORNTON: It's in the process.

8 MS GIORDANO: If I can just interject. I think
9 he was talking about the business license. A certificate of
10 occupancy will be required with this use if it's approved by
11 the BZA in the future.

12 CHAIRPERSON HILL: I thought what he asked,
13 Miss -- I thought what Mr. Blake asked, and I also wanted to
14 know, Mr. Thornton, so I'm going to clarify. What certificate
15 of occupancy do you currently have?

16 MS GIORDANO: There is none at this time.

17 CHAIRPERSON HILL: Okay. So you're just--

18 MS GIORDANO: It's just that six unrelated people
19 living there does not require a certificate of occupancy.

20 CHAIRPERSON HILL: Got it. Right. It's just the
21 six unrelated people that are living there?

22 MS GIORDANO: Yes. It's a single family --

23 CHAIRPERSON HILL: Yes. I got it.

24 MS GIORDANO: -- house that's exempt from that.

25 CHAIRPERSON HILL: So, Commissioner Holmes, it's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 just six people living together.

2 MR. HOLMES: I could not -- I could not -- I didn't
3 get that clarification --

4 MS GIORDANO: Well, it's actually four.

5 MR. HOLMES: -- the first time it was answered.

6 MS GIORDANO: It's four.

7 MR. HOLMES: It's four right now.

8 CHAIRPERSON HILL: It's four right now, but you're
9 allowed to have six.

10 MS GIORDANO: Yes.

11 MR. HOLMES: Six, yes.

12 MS GIORDANO: And also I think that just to be
13 transparent, the applicant -- well, the Community Life
14 Services sent out a notice to the residents in the immediate
15 area that that was occurring so that they would not wonder
16 what was going on at the site.

17 CHAIRPERSON HILL: Okay.

18 MR. HOLMES: Okay.

19 (Simultaneous speaking.)

20 CHAIRPERSON HILL: When did that (audio
21 interference), Ms. Giordano? And you can figure it.

22 MS GIORDANO: Ms. --

23 (Simultaneous speaking.)

24 MS. MCSWAIN: That was before the last hearing.

25 CHAIRPERSON HILL: We didn't have a hearing yet.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 When was that hearing?

2 MS. MCSWAIN: Oh, it was scheduled, that was in --

3 CHAIRPERSON HILL: Do you remember?

4 MS. MCSWAIN: I believe it was in March.

5 CHAIRPERSON HILL: Okay. All right. Chairman
6 Holmes, you had more questions, I'm sorry.

7 MR. HOLMES: The second one into that, so then it's
8 the business license that has not been completed at this point,
9 which is also required for being able to use -- for it to be
10 leased and rented?

11 MS. MCSWAIN: So CFLS has a business license. I'm
12 not sure if I'm understanding the question.

13 CHAIRPERSON HILL: I guess the question was to Mr.
14 Thornton.

15 MS. MCSWAIN: Okay.

16 CHAIRPERSON HILL: And I don't know, Mr. Thornton,
17 the answer to that. I mean, you know, the -- how are you
18 operating with those six people. I don't think -- and what
19 Ms. Giordano is saying is that you just have a house with six
20 people living together.

21 MS. GIORDANO: It's four people. Four people.

22 CHAIRPERSON HILL: I understand, Ms. Giordano.
23 What I'm saying is they're -- you're allowed up to six. I
24 apologize.

25 MS. GIORDANO: Yes. Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: So I guess the question, and
2 I don't know the answer to be quite honest, is there something,
3 Mr. Thornton, that you need to have the six people there?

4 MR. THORNTON: Well, it's not -- no, it's nothing
5 that I need. What is required is a rental license, and that's
6 what we're referring to. And while the people is there, you
7 can apply for the rental license, which has been done. The
8 rental license has been applied for. And they're coming out
9 -- well, actually it's a virtual inspection scheduled for the
10 23rd for the rental license.

11 CHAIRPERSON HILL: Got it. But what -- and, Mr.
12 Thornton, we're just asking questions. You currently don't
13 have the rental license.

14 MR. THORNTON: Well, it's in the -- no, the rental
15 license is in the process of -- is in the process, it's in
16 the queue.

17 CHAIRPERSON HILL: It's in the process.

18 MR. THORNTON: The rental license has been applied
19 for.

20 CHAIRPERSON HILL: Right. Okay. Okay. All
21 right, Commissioner Holmes?

22 MR. HOLMES: That addresses it. I'm just going
23 to take that as a no until it's a yes. So thank you.

24 CHAIRPERSON HILL: Okay. So then actually I am
25 curious, Mr. Thornton. You can think about this. So I don't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 know what -- and I don't know who to ask either whether it's
2 the Office of Planning or what have you, like you're operating
3 in some capacity then now, and you don't have a license is
4 what you seem to be telling me. I don't know. Is that what
5 you're telling me?

6 MR. THORNTON: Well, what -- no, what I'm telling
7 you is that rental accommodations, all right, you have to apply
8 for the license. The house can be occupied while applying
9 for the license.

10 CHAIRPERSON HILL: Oh, okay. If that's the case,
11 then there you go. And I can ask the Office of Planning if
12 they know that or not. Ms. Sanders.

13 MS. SANDERS: Question in terms of just to get
14 clarity for myself. Now have they received any fines in terms
15 of having occupants in the house but not necessarily already
16 having a business license for the rental as it --

17 CHAIRPERSON HILL: Right. So I guess what --
18 (Simultaneous speaking.)

19 MS. SANDERS: -- as a business

20 CHAIRPERSON HILL: I guess what Mr. Thornton was
21 saying is that if you're applying for the license or if you're
22 applying for, you know, the rental, you're okay. Is that what
23 you're saying, Mr. Thornton? And/or you haven't received any
24 fines, correct, Mr. Thornton?

25 MR. THORNTON: That's correct.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Okay. I'm going to get clarity
2 from the Office of Planning at some point. Okay. Yep, sure,
3 go ahead, Chairman.

4 MR. HOLMES: Question. I remember someone making
5 a comment at the end talking about there has been no complaints
6 at this time. Is there anything posted to allow people to
7 know who they could call to should there have been a complaint
8 since February till now? Is there any place publically posted
9 that allows the Deanwood residents to call if something had
10 occurred through those last several months?

11 MS. MCSWAIN: No, I don't believe there has been.
12 I was assuming that this process was the space where they
13 would make complaints because they, you know --

14 CHAIRPERSON HILL: Okay. All right.

15 (Simultaneous speaking.)

16 MS. MCSWAIN: -- They

17 CHAIRPERSON HILL: Okay. So there's not a place,
18 Commissioner.

19 MR. HOLMES: So -- okay. So it's not possible --

20 MS. HORTON: If --

21 MR. HOLMES: -- at this time to complain?

22 MS. HORTON: No, it's not -- I don't think that's
23 true. We have met with the front -- with the community on
24 several occasions and left our information. You know, we're
25 Googleable. So I think if folks had complaints, I feel like

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 confident that they know how to reach us. Yeah.

2 (Simultaneous speaking.)

3 MS. MCSWAIN: And they did when they found out that
4 we were trying to do this. They reached -- they knew how to
5 reach out.

6 MS. HORTON: They reached out. Yeah.

7 MR. HOLMES: Not how it works, but, okay.

8 MS. MCSWAIN: Okay.

9 MR. HOLMES: Thank you. That's the information
10 I needed to know.

11 CHAIRPERSON HILL: The Commissioner was just
12 looking if there was a public place I guess that you could
13 see --

14 MR. HOLMES: Yes.

15 CHAIRPERSON HILL: -- if there were any
16 complaints, and the answer is no.

17 MR. HOLMES: No.

18 CHAIRPERSON HILL: Okay.

19 MR. HOLMES: All right, thank you.

20 CHAIRPERSON HILL: Mr. Thornton?

21 MR. THORNTON: Yeah. No, I would just say, I mean,
22 operating, you know, as they're operating right now would be
23 just like any other residence on the block. Is there something
24 posted for residences -- for other people to complain if a
25 residence -- if something is going on at a residence that people

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 are uncomfortable with, you know, call the police, find out
2 who live there and do what you have to do. I mean they
3 operating as a residence.

4 CHAIRPERSON HILL: Anyway, Mr. Thornton, the
5 Commissioner was just asking if there was a place and there's
6 not, right.

7 MS. MCSWAIN: Right. Right.

8 CHAIRPERSON HILL: So, okay. Let's see. All
9 right. I'm going to turn to the Office of Planning. Oh, the
10 ANC's not here, right? I got nobody from the ANC. Is that
11 correct, Mr. Young?

12 MR. THORNTON: Ms. Douglas was here.

13 CHAIRPERSON HILL: No, she's the SMD, Mr.
14 Thornton. She's not representing the ANC. Okay. All right.
15 Ms. Brown-Roberts.

16 MS. BROWN-ROBERTS: Mr. Chairman and members of
17 the Board, Maxine Brown-Roberts for the Office of Planning
18 on BZA case 20538, the request for special exception for
19 community-based institution facility for more than 15 woman
20 at -- for no more than 15 women at 1614 Olive Street Northwest,
21 and that's in the R-2 zone.

22 I will -- let me address two things, two set of
23 questions that I heard. Number one is regarding the TG
24 Management. In our report at Exhibit 52, we implied that TG
25 Management will be implementing the program. After speaking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 with the applicant further, we realized that that was
2 incorrect, and so at Exhibit 74, we submitted a supplemental
3 report that clarified that it was our understanding that TG
4 Management submitted the applicant on behalf of CFLS.

5 Then, secondly, there was a question regarding the
6 business license. That's a DCRA function, and the Office of
7 Planning is not knowledgeable about what the process is. So,
8 unfortunately, I can't address that issue. But what I will
9 say is that the applicant also stated that the Office of
10 Planning told them that they are able to operate with four
11 persons because that's a residence and that's correct.

12 So getting into the standards, subtitle B, section
13 200.2(g) defines a community-based institution or facility,
14 and what I wanted to highlight is that -- the uses that are
15 allowed. So the community-based institution facility is a
16 use providing court-ordered monitored care to individuals who
17 have a common need for treatment, rehab assistance, or
18 supervision in their daily lives, but that has been assigned
19 to a facility. Or it also goes under persons who are on
20 probation.

21 And examples of this are adult rehab home, youth
22 rehab homes, detention or correction facilities that do not
23 fall within the listed government use such as, you know, a
24 prison. There are also exceptions to this, and I want to note
25 that this category does not include residential or medical

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 uses that are previously defined as community or residence
2 facilities.

3 So the proposal meets the -- this category as women
4 coming to the facility who were formerly incarcerated. They
5 have been released and are in need of integration assistance.

6 And some of them would be referred from the Court Services
7 and Offender, or otherwise known as CSOSA.

8 So in the R-2 zone under subtitle U 203.1(e) allows
9 the community-based residence -- community-based
10 institutional facility subject to conditions. For the first
11 one is that there should be no more than 15 persons. In this
12 case, the application is for 12 persons. We are not aware
13 of any other facilities that -- under any CBIF facilities.

14 It was also brought to our attention that there
15 was a -- there was another house which I think is called Oxford
16 House that is being run by a non-profit organization, that
17 they house four to five persons, and that operate other
18 facilities in the District. However, as I said, that facility
19 seems to house four to five persons, so they are -- they're
20 looked at as a home and not as a CBIF.

21 In subtitle D 301.2, designated uses are in the
22 R-2 zone as being within the use group, and that is something
23 that -- they say that you cannot have a facility within a 1,000
24 feet or more of the lot. And, again, we are not aware of any
25 other CBIF use which is within 1,000 feet of the property.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 Regarding the general special exception
2 requirements of subtitle X 901, the R-2 zone is -- allows CBIF
3 as a special exception if they meet the requirements as stated.

4 As I just spoke about before, those conditions would be met.

5 The CBIF was deemed to be compatible with other residential
6 uses in the R-2 zone as the facility would house 12 women who
7 have served their time in a correctional facility. There is
8 -- the applicant has a history of other facilities, and they
9 -- these women will not be driving as the applicant presented.

10 And there is enough space for parking, any additional parking
11 to be provided on site.

12 The applicant also spoke about the supervision
13 of the women which is for 24 hours. And based on that, we
14 think that it should not have a -- should not tend to affect
15 adversely the use of the neighboring property. We had also
16 thought that there were some conditions, and, again, these
17 were to mitigate -- to help to mitigate against any adverse
18 effects. Well, the condition was that there would be no more
19 than 12 persons there and also a fulltime program manager and
20 a house manager. And that the parking spaces should be
21 provided on the plans.

22 I have not seen any of the plans that has shown
23 those parking spaces. So, you know, that is something, you
24 know, if the applicant would let us know where they are, then
25 we could take that condition off. But, otherwise, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 they could do a supplemental and have showed those parking
2 spaces on the site.

3 Regarding the six foot high fence that were shown
4 in the pictures, we thought that just because the aesthetic
5 of the area, it's a residential street and none of the other
6 houses along Olive Street have that sort of fencing along their
7 -- along the front of the house. And so in order to help to
8 make the house a little bit more in tune with the existing
9 façade along Olive Street, that was one of the things we thought
10 that could have come down.

11 I had, you know, told the applicant about this.
12 They had agreed. I don't know if there is an issue with
13 security or not, but, you know, if there is something that
14 the applicant could demonstrate as to why it's not feasible
15 to take that down, then, you know, we'd be willing to listen
16 to that and to make a note that that's necessary. So with
17 that, I am available for questions. Thank you, Mr. Chairman.

18 CHAIRPERSON HILL: Okay, thank you. Does the
19 Board have -- and by the way, I went out of order. I didn't
20 realize it, I was just -- I kind of got mixed up. I still
21 have -- everyone will have their opportunity to present as,
22 you know, the people in opposition will have their opportunity
23 to present and they will -- everybody will be able to ask
24 questions of them as well. But since the Office of Planning
25 now talking, let's go ahead and ask questions of the Office

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 of Planning. Does the Board have questions of the Office of
2 Planning? Let me do mine real quick because I do.

3 So, Ms. Brown-Roberts, like these special
4 exceptions, they seem pretty kind of black and white a lot
5 of the times, like, you know, whether you're in 500 feet of
6 something, whether you're in 1,000 feet of something, right?

7 And then we get kicked to the general standards which
8 basically is, you know, does the Board think that, you know,
9 A, B, and C, you know, harmony, adversely affect.

10 So we then, the Board -- or I should say the Office
11 of Planning, like the Office of Planning then had to be
12 comfortable that this was going to be run in a way that was
13 not going to adversely affect the neighborhood. Am I getting
14 the thought process correct is my question?

15 MS. BROWN-ROBERTS: You are correct. Some of the
16 questions, and, you know, you may not have seen this in our
17 report, but some of -- those are some of the questions that
18 we had to ask the applicant, you know, what are their hours
19 of operation. We asked about, you know, about the
20 supervision. We asked about the comings and goings of the
21 residents who are going to be there. Where was the training
22 is -- where was training going to be taking place, you know,
23 is it onsite? Is it somewhere they're going, or how are they
24 going to reach that? So those are all the questions we asked
25 the applicant.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 I mean, you know, as Mr. Brown said, he didn't see
2 it in our report, but, you know, in doing our assessment, we
3 talked to the applicant and those were the responses that we
4 got, and we were comfortable in saying, yes, you know, we think
5 that with this information and with, you know, with the
6 programming that they're running that it won't spill over into
7 the community and have a bad adverse effect on the community.

8 CHAIRPERSON HILL: Okay. And, Ms. Giordano, just
9 so I'm clear, you know, that the recommendation is for 12
10 participants in the program, not 15, correct?

11 MS GIORDANO: That's correct.

12 CHAIRPERSON HILL: And your client's comfortable
13 with that?

14 MS GIORDANO: Yes.

15 CHAIRPERSON HILL: Okay. I see Miss McSwain
16 (Simultaneous speaking.)

17 MS. BROWN-ROBERTS: Mr. Chairman, I just wanted
18 to say the 15 is because what the requirement in the regulations
19 says. It says like 15 or more or something like that, so that's
20 why there's a number 15.

21 CHAIRPERSON HILL: Yeah. I know I'm saying, Ms.
22 Brown-Roberts, like how did you -- well, the other question
23 is how did you get to 12?

24 MS. BROWN-ROBERTS: The applicant asked for 12.

25 CHAIRPERSON HILL: Oh, the applicant asked for 12.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS GIORDANO: And it's 12 and staff, right? It's
2 12 residents --

3 CHAIRPERSON HILL: Right.

4 MS GIORDANO: -- residents in the problem, and then
5 staff. There will be a staff person.

6 CHAIRPERSON HILL: Right. There's the manager
7 and then there's someone else, right?

8 MS. MCSWAIN: Yeah. So you have the case manager,
9 you have the resident monitors, and then you have the, you
10 know, the drug and alcohol counselor who comes in, you know,
11 the parenting case manager who comes in if they need to.

12 MS GIORDANO: Right.

13 MS. MCSWAIN: So there is --

14 MS GIORDANO: But who's living there?

15 CHAIRPERSON HILL: Who's the 24/7 person?

16 (Simultaneous speaking.)

17 MS. MCSWAIN: The resident monitor.

18 CHAIRPERSON HILL: There's someone there 24/7.

19 MS. MCSWAIN: There's someone there 24/7, yes.

20 CHAIRPERSON HILL: All right. And is it one
21 person, or are they shifts?

22 MS. MCSWAIN: They're shifts.

23 CHAIRPERSON HILL: Okay. So there's a day shift
24 and a night shift?

25 MS. MCSWAIN: Yes, that's correct.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Okay. There's only two
2 shifts?

3 MS. MCSWAIN: There is someone there -- there's
4 someone there from 9 to 6, then there's someone there -- we're
5 having programming generally in the evenings from 6 to 8.
6 But there's another shift from a 7/11, and there's someone
7 there from 11 to 7. So all of the hours are covered.

8 CHAIRPERSON HILL: Got it. I mean there are three
9 eight hour shifts?

10 MS. MCSWAIN: Yes.

11 CHAIRPERSON HILL: Okay. Okay. Let's see.
12 Okay. Do my fellow board members have questions? Yeah, let's
13 go with Mr. Smith.

14 MEMBER SMITH: I have a follow-up question to what
15 you just asked Ms. McSwain. With the three hour shifts for
16 the monitors, are the monitors, are they responsible for
17 keeping track of the coming and going of the residents of the
18 facility? Is there a check-in and check-out mechanism --

19 MS. MCSWAIN: Yes.

20 MEMBER SMITH: -- as far as -- that will be used?

21 MS. MCSWAIN: Oh, yeah, yeah. That's right.
22 Everyone that comes in and out has to sign in and out. The
23 resident monitors sign in and out, so they're there to ensure
24 that there aren't any conflicts.

25 MEMBER SMITH: So just for clarification, I mean

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 sign-in and sign-out of the residence. So the monitors would
2 ensure that the residents are signing in and signing back in
3 -- signing out?

4 MS. MCSWAIN: That's correct. Yes.

5 MEMBER SMITH: Okay.

6 MS. MCSWAIN: Yes.

7 MEMBER SMITH: Okay. I think --

8 (Simultaneous speaking.)

9 MS. MCSWAIN: -- monitors are informed by the case
10 managers where the clients are and where they have to be, you
11 know? So if you have a client that's working a shift, the
12 resident monitor knows where they are. So, you know, they
13 don't --

14 (Simultaneous speaking.)

15 MEMBER SMITH: -- could presumably occur or
16 residents would not be at the facility when the case monitor
17 is operating on the site. You're saying that there's a time
18 -- there's a case manager -- there's times when the case manager
19 isn't on site?

20 MS. MCSWAIN: That's correct.

21 MEMBER SMITH: So it will be the responsibility
22 of the monitor, the after-hours monitor to make sure that
23 they're signing in and out?

24 MS. MCSWAIN: That's correct.

25 MEMBER SMITH: Okay. Because I'm assuming

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 presumably some of the residents may have odd working hours
2 if you say so.

3 MS. MCSWAIN: Right.

4 MEMBER SMITH: They may be working at night.
5 Okay.

6 MS. MCSWAIN: That's right.

7 MEMBER SMITH: Thank you. That was the only
8 question I had.

9 MS. MCSWAIN: Mr. Blake?

10 MEMBER BLAKE: Follow up to that question. What's
11 the visitor's policy with regard to the residents? What's
12 the visitor's policy?

13 MS. MCSWAIN: So the residents aren't, you know,
14 they can have visitors before up until 7:00 o'clock. But they
15 don't have a lot of visitors because they're working their
16 plans. So, you know, these women who have been incarcerated,
17 they may need to see their children and so we won't deny that.

18 But for the most part, there aren't visitors because they
19 are working their plan throughout the day. And then after
20 7:00, they can't have visitors at all.

21 MEMBER BLAKE: Okay, thank you. Ms.
22 Brown-Roberts, I have a question to you with regard to how
23 many of these facilities exist in the District of Columbia
24 at this time?

25 MS. BROWN-ROBERTS: I'd have to check that. I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 don't know. I don't know off the top of my head. I'd have
2 to do some research on that.

3 MEMBER BLAKE: Okay, thank you.

4 MS. MCSWAIN: Can I also just follow up and say
5 that some of the protocols are in response to COVID which is
6 why there is limits to visitation. So I just wanted to make
7 sure that you are aware that COVID, you know, is being factored
8 in when we make decisions about who's coming in and out of
9 the facility.

10 CHAIRPERSON HILL: Ms. Brown-Roberts, I'd be
11 interested in actually also the number in the Ward, and also
12 kind of like, you know, in the adjacent area, just kind of
13 like what is in the immediate area if you do -- if you are
14 going to look up some numbers.

15 MS. BROWN-ROBERTS: Okay, Mr. Chairman.

16 CHAIRPERSON HILL: Okay. Let's see, where were
17 we? Okay. Oh, sorry, Commissioner Miller?

18 ZC VICE CHAIR MILLER: I had a similar question
19 that you and others have asked of Ms. Brown-Roberts. First
20 of all, thank you, Ms. Brown-Roberts, for your report and work
21 on this application. Can you just clarify, before I get to
22 the similar question, could you just clarify?

23 This is an R-2 zone and one of the conditions of
24 the CBIF facility provision in the zoning regulations 200.2(g)
25 which you cite -- reference is that in the R-2 zone, there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 is to be no lot containing a CBIF or community-based
2 institutional facility within 500 feet of any portion of the
3 lot. Is it 500 feet or -- then, in all other R zones I think
4 it's 1,000 feet. But this is the R-2 and the provision that
5 I'm seeing in your report says it's 500 feet. Can you just
6 clarify it? Is it -- that there shouldn't be a CBIF within
7 500 or within 1,000 feet?

8 MS. BROWN-ROBERTS: There are two -- there are two
9 qualifications. The first one -- just to go back here. So
10 the first one is that -- is there should be none within 500
11 feet of the lot. Okay? And then the second qualification
12 is in condition number 3. It says, "In all other RU -- in
13 all other R use group A, B, and C, there shall not be another
14 -- no other lot containing a CBIF within the square or 1,000
15 feet." The R-2 zone for this is within use group B. And then
16 I went on to say that we're not aware of any other within that
17 1,000 feet. So there are two qualifications.

18 ZC VICE CHAIR MILLER: Okay. So it's really the
19 1,000 feet that would apply. And you said you're not aware
20 of any CBIF within 1,000 feet. You were made aware of a home
21 for, I guess, for recovering substance abusers or something
22 that -- but that only had four or five persons in it so it
23 didn't qualify as a CBIF.

24 Do you have -- does the Office of Planning have
25 an up-to-date mapping? It's kind of what Chairman Hill, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 Mr. Blake, and maybe Mr. Smith also asked for. Do we have
2 updated map which shows in the general area, or in the ward,
3 or in the city where the -- where CBIFs are located? Is there
4 an up-to-date map of --

5 MS. BROWN-ROBERTS: No. We don't have that now.
6 There is also --

7 ZC VICE CHAIR MILLER: Is it difficult to provide
8 a --

9 MS. BROWN-ROBERTS: -- Sure.

10 ZC VICE CHAIR MILLER: -- map that would show at
11 least in this area or the ward?

12 MS. BROWN-ROBERTS: We have to be careful because
13 there are some -- there are some with privacy issues and
14 security issues. So, you know, we have to be very careful
15 about providing a map to the whole, you know, to the whole
16 city to be looking at. So usually we will look to see if what
17 is within, you know, to meet the requirement of the standards
18 that are outlined in the regulations, we will look at the map
19 and see. But, you know --

20 ZC VICE CHAIR MILLER: So how do you determine that
21 it is --

22 MS. BROWN-ROBERTS: I will see how we can handle
23 that, Mr. Miller.

24 ZC VICE CHAIR MILLER: I'm sorry, say that again.

25 MS. BROWN-ROBERTS: No, I will see how we can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 handle that to try and get you the information you need.

2 ZC VICE CHAIR MILLER: Okay. I think -- yeah, I'm
3 not looking for the location, the exact location or address.

4 I just want to know how many --

5 MS. BROWN-ROBERTS: Correct.

6 ZC VICE CHAIR MILLER: -- are in 1,000 feet.

7 MS. BROWN-ROBERTS: Yes.

8 ZC VICE CHAIR MILLER: How you made that
9 determination, did you --

10 MS. BROWN-ROBERTS: Right.

11 ZC VICE CHAIR MILLER: And do you have -- do you
12 have access to that information even if it's private, or do
13 you just have to go out and figure this out? Or is -- or I
14 don't know if the Office of Reentry -- Office of Returning
15 Citizens has that information. But did you -- I guess I'll
16 look forward to you providing more information.

17 MS. BROWN-ROBERTS: I will get you some
18 information.

19 ZC VICE CHAIR MILLER: Okay. And thank you.

20 MS. BROWN-ROBERTS: You're welcome.

21 MEMBER SMITH: Okay. I'm going to follow up with
22 Mr. Miller. And I'm not going to take it from the neighborhood
23 -- take it from the neighborhood perspective. You said that
24 the Office of Planning is not aware of any of these types of
25 facilities within a 500 feet or 1,000 foot radius. How did

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 you make that determination?

2 MS. BROWN-ROBERTS: Well, we have a map that we
3 use, and so we take a look at that to see what's there. It
4 is not 100 percent accurate. You know, I cannot say that it
5 is a 100 percent accurate.

6 MEMBER SMITH: That's a problem because if it's
7 not 100 percent accurate, we could be approving something
8 illegal.

9 MS. BROWN-ROBERTS: Pardon me?

10 MEMBER SMITH: You're saying it's not 100 percent
11 accurate to describe whether these facilities --

12 MS. BROWN-ROBERTS: Well --

13 MEMBER SMITH: -- are within 500 feet or 1,000
14 feet?

15 MS. BROWN-ROBERTS: Well, the information is not
16 put together by us.

17 MEMBER SMITH: Okay.

18 MS. BROWN-ROBERTS: So I can only basically vouch
19 for what we see on the map.

20 MEMBER SMITH: Who is it put together by?

21 MS. BROWN-ROBERTS: I'm not sure. I would have
22 to see exactly that. I'm not sure.

23 MEMBER SMITH: That's a problem. Okay. Thank
24 you.

25 CHAIRPERSON HILL: -- the Board? Okay, Ms.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Giordano, do you have any questions for the Office of Planning?

2 MS GIORDANO: I do not.

3 CHAIRPERSON HILL: Okay. Mr. Brown, do you have
4 any questions of the Office of Planning?

5 MR. BROWN: A couple questions on zoning points.

6 Ms. Brown-Roberts, I believe your testimony was this project
7 had to go through special exception because they asked for
8 occupancy by 12 returning inmates plus a couple -- possibly
9 a couple of people, staff people. My question is if they had
10 come to you with a plan to just house four women plus one or
11 two staff people, would they still need a special exception?

12 And are you saying that the -- the special exception talks
13 about a community-based facility for up to 15 persons. Are
14 you saying that what that really means is between seven and
15 15 persons?

16 MS. BROWN-ROBERTS: Yes.

17 MR. BROWN: And what is your authority for that
18 interpretation?

19 MS. BROWN-ROBERTS: Well, you know, we looked at
20 it, I mean it was a self-certified application. And so based
21 on that, you know, we analyze it as such. I think that we
22 -- the regulation talks about, you know, any facility or any
23 home having six persons are permitted as a matter of right.

24 And so that is usually the basis on which we go, it's anything
25 over six unless it's specifically says less.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MR. BROWN: But six persons residing in a house
2 as a matter of right is not the same thing as having four people
3 plus two staff who are monitoring the recovery of inmates
4 returning from prison, is it, in terms of community impact?

5 MS. BROWN-ROBERTS: Is it what?

6 MR. BROWN: In terms of potential community --

7 CHAIRPERSON HILL: I guess, Miss -- and I got you.
8 I'm kind of curious, I'm going to ask Ms. Brown-Roberts what
9 I think you're asking. You're allowed by -- and Mr. Brown
10 and Ms. Roberts what I think and I'm kind of curious too.
11 So six people are there, even if they operate a community-based
12 institutional facility with six people there, right, that's
13 okay because it's six, you know, it falls under the category
14 of six unrelated people, correct?

15 MS. BROWN-ROBERTS: Mm-hmm.

16 CHAIRPERSON HILL: Okay. So that's what your
17 answer is I guess, Mr. Brown. It's a weird answer, but it's
18 the answer.

19 MS. MCSWAIN: They're not inmates. They're
20 not -- they have --

21 (Simultaneous speaking.)

22 MS. MCSWAIN: -- their time. They are -- that's
23 --

24 (Simultaneous speaking.)

25 CHAIRPERSON HILL: No, no, no, no. We weren't --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 it's okay, Ms. McSwain.

2 MS. MCSWAIN: I know, I know.

3 CHAIRPERSON HILL: He didn't say inmates. He was
4 -- I guess the question was is it a community-based institution
5 facility if there's four people there.

6 MS. MCSWAIN: Correct.

7 CHAIRPERSON HILL: And the answer seems to be no.

8 MS. BROWN-ROBERTS: No.

9 CHAIRPERSON HILL: So, Mr. Brown, what's your next
10 question?

11 MR. BROWN: My next question concerns the nature
12 of the building. This is a building on an R-2 lot with one
13 side yard, right?

14 MS. BROWN-ROBERTS: I think so. I'm not 100
15 percent sure. I'm looking at the plans now. I haven't looked
16 at the house itself for some time.

17 CHAIRPERSON HILL: What's your question, Mr.
18 Brown?

19 MS. BROWN-ROBERTS: I mean --

20 MR. BROWN: Well, I'm just laying the factual
21 predicate for the question. It's my understanding that in
22 order to have only one side yard in the R-2 zone, it has to
23 be a semi-detached building, and I don't see where this
24 building is attached to anything. So how is it -- how are
25 they allowed to have just one side yard?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON HILL: So you're arguing, Mr. Brown --
2 (Simultaneous speaking.)

3 CHAIRPERSON HILL: You're arguing the building
4 itself, Mr. Brown?

5 MR. BROWN: Yes.

6 CHAIRPERSON HILL: I don't think that that's
7 before us. I mean the building's there.

8 MR. BROWN: Well, if the building is illegal, it
9 can't be used properly as a community-based institutional --

10 CHAIRPERSON HILL: I think that's a different --
11 that's a completely different thing, Mr. Brown.

12 MR. BROWN: -- facility.

13 CHAIRPERSON HILL: I mean, Ms. Brown-Roberts,
14 you're just saying the building went through zoning, right?

15 MS. BROWN-ROBERTS: Yes. I think they got a
16 permit to build. It was not something that we looked at.
17 We were looking at the use that was before us. We weren't
18 looking at the details of the, you know, the construction.

19 CHAIRPERSON HILL: Right. Mr. Brown.

20 MR. BROWN: I'm done.

21 CHAIRPERSON HILL: Okay. Ms. Sanders, do you have
22 any questions for the Office of Planning? Chairman Holmes,
23 you got any questions for the Office of Planning?

24 MR. HOLMES: Yes. Yes, I do.

25 CHAIRPERSON HILL: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. HOLMES: All right. So I just finished
2 looking at the Office of Planning exhibit, and at the end,
3 it was for -- it was actually waiting to hear back from 7C
4 and not 7D. And I wanted to find out, especially since this
5 case was extended, did the Office of Planning at any time reach
6 out to 7D and the affected Deanwood community upon hearing
7 that 7D had opposition to this case?

8 MS. BROWN-ROBERTS: No, we did not. That is the
9 applicant's responsibility. We did our analysis, submitted
10 it, and that's -- yeah, it's not part of our review to, you
11 know, to go to the community, to go the ANC.

12 MR. HOLMES: Okay. And even if there was -- no
13 one informed you it was incorrect that you was waiting for
14 7C to give you a document. We was waiting -- should have been
15 waiting for 7D because you're saying the applicant should have
16 told you it should have been 7D instead of 7C when the document
17 was completed and submitted?

18 MS. BROWN-ROBERTS: I think -- and I'm sorry, that
19 may have just been an error. Even if it was 7C, we would not
20 have commented on your -- on what they had to say. It's just
21 in our report, it's just a note to say whether, you know, there
22 is something in the report from the ANC.

23 MR. HOLMES: Okay. So does the Office of Planning
24 -- I know the Office of Planning has outreach personnel. Does
25 the Office of Planning for any cases such as this actually

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 use their outreach people to -- for any of these matters?

2 MS. BROWN-ROBERTS: Not in this case.

3 MR. HOLMES: Okay. But in other cases, they do?

4 MS. BROWN-ROBERTS: It depends on, you know, if
5 it's a PUD or something like that, that's, you know, those
6 are other issues. We do not, you know, go out to the community
7 on BZA cases unless -- basically unless we are asked to comment
8 on the process or something like that. We wouldn't comment
9 on our report to the zoning -- to the BZA.

10 MR. HOLMES: Okay. And that information is
11 available in the Office of Planning 101 courses that are
12 available for ANCs and citizens?

13 MS. BROWN-ROBERTS: What information?

14 MR. HOLMES: That you can, the community and ANCs
15 can ask for the Office of Planning to attend meetings based
16 on BZA cases?

17 MS. BROWN-ROBERTS: Yeah. There's -- yes,
18 there's nothing written to say that we can't be invited. No,
19 there's nothing there that says.

20 MR. HOLMES: But I'm saying is there something
21 written saying that you can be invited for those cases?

22 MS. BROWN-ROBERTS: I don't know, but I think it's
23 our general -- it's our general posture that if we are invited
24 to come to speak to the ANC, that we do that. However, it
25 wouldn't be to give you a recommendation because our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 recommendation is to the BZA, not to the ANC.

2 MR. HOLMES: But you do take the input from the
3 -- you do or you do not take the input from the ANC since it
4 is listed at the bottom of the report?

5 MS. BROWN-ROBERTS: We review that, but we do not
6 give the -- we do not give the BZA a recommendation based on
7 -- or based on the ANC's report.

8 MR. HOLMES: Okay. I just wanted to -- the
9 community wanted to understand the process. My second
10 question, I did hear a comment about COVID protocols, and we
11 are still in COVID. And so based off of the applicant
12 requesting the Office of Planning to have 12 returning citizens
13 to -- at this site, the Office of -- so is there any COVID
14 protocol, because based on my math, that would be two women
15 in a room, plus one rotating staff in that seventh room all
16 throughout the time period.

17 And so with COVID protocols -- this is actually
18 kind of Department of Health question, but Office of Planning's
19 here, that is being approved from a COVID's perspective of
20 having more than one person in a room while we are still going
21 through the COVID process. And I asked this because Hope
22 Village was closed down in Ward 8 because of COVID, so I want
23 to make sure we're very consistent about COVID and returning
24 citizen homes.

25 MS. BROWN-ROBERTS: That is certainly not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 something that the BZA is reviewing. So I mean I wouldn't
2 have any comment on that.

3 MS. MCSWAIN: But we have --

4 CHAIRPERSON HILL: Hey, Miss -- it's okay, Ms.
5 McSwain.

6 MS. MCSWAIN: Okay.

7 CHAIRPERSON HILL: So, all right, you guys, I got
8 to let you know something I just realized. So it's 1:45 and
9 I got a huge case after, you know, I don't know if you saw
10 that before, there's a huge one going on at some point in time
11 and I promised we were going to get to it today and my Board
12 hasn't had lunch yet. So I'm going to try to get through this
13 so we can.

14 Let's see. What I have learned from this exchange
15 is that -- and I would be interested in hearing the Office
16 of Planning at another time, and I know that we want to see
17 what is around this proposed CBIF. But also it seems
18 interesting that, right, like if it's underneath six people,
19 anything can operate there, you know, because it's six
20 unrelated people. And so that seems to be the case, and so
21 I'm going to -- I just have a question about it, and that's
22 even with Commissioner Miller more -- it's more interesting
23 on that side.

24 And then the others that I know realize that the
25 Office of Planning actually, you know, the Zoning Commission,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 they're a bigger boy than we are. So you guys actually go
2 out to them. We just get -- we get like little reports, you
3 know? So, okay. Mr. Brown, do you have -- would you like
4 to give your presentation please?

5 MR. BROWN: Ready to go. Yes.

6 CHAIRPERSON HILL: Okay.

7 MR. BROWN: I'd like to call Gina Bullet.

8 CHAIRPERSON HILL: Ms. Bullet, can you hear us?

9 MS. BULLET: Yes, I'm here.

10 CHAIRPERSON HILL: I don't remember introducing
11 you at the beginning. Could you introduce yourself for the
12 record please?

13 MS. BULLET: Yes. My name is Gina Bullet. I've
14 lived along the Eastern Avenue corridor in Ward 7 for the last
15 decade. And also my professional experience has been largely
16 around working with vulnerable and justice involved
17 populations in the city. And I've spent the last several years
18 active in our neighborhood civic associations and ANC
19 processes and other community building efforts.

20 CHAIRPERSON HILL: Hold on. Give me one second,
21 Ms. Bullet. The -- right. So, Mr. Brown, you have your
22 witnesses listed somewhere just so I can see?

23 MR. BROWN: Yes. After Ms. Bullet comes Ms.
24 Beverly, Talitha Beverly, then Jennifer Stecklow, and Marla
25 Blue.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Okay. And Ms. Bullet, is the
2 one who you wanted to be considered an expert in something?

3 MR. BROWN: Yes. She has her -- her resume is part
4 of our pre-hearing statement, Exhibit 110.

5 CHAIRPERSON HILL: Exhibit 110.

6 MR. BROWN: Ms. Bullet, would you describe your
7 education and experience briefly please?

8 MS. BULLET: Yes. So I have a masters in social
9 work. I've spent most of my professional career working with
10 vulnerable justice abuse -- justice involved populations in
11 the districts. And then also as part of my experience in the
12 last several years, I've been heavily involved in our
13 neighborhood's ANCs and other community building efforts.

14 CHAIRPERSON HILL: Okay. Let me interrupt you,
15 Ms. Bullet. I'm sorry, I'm looking at the resume.

16 MS. BULLET: Yes.

17 CHAIRPERSON HILL: So, Mr. Brown, right, you're
18 asking for expert status in social work, correct, Mr. Brown?

19 MR. BROWN: Yes.

20 CHAIRPERSON HILL: And so unless the Board has any
21 issues, I think the resume is the same as the resume that we
22 gave before, so I have no problem with expert status in social
23 work unless my board members have an issue, and if so, please
24 raise your hand. Okay. Mr. Brown, so we'll go ahead and let
25 expert status in for Ms. Bullet, and you can please continue.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. BROWN: All right. Ms. Bullet, you have
2 reviewed the record in this case?

3 MS. BULLET: Yes.

4 MR. BROWN: And are you familiar with those
5 location?

6 MS. BULLET: Yes.

7 MR. BROWN: So you have some concerns about
8 locating this facility in this particular place. Would you
9 please describe your concerns to the board?

10 MS. BULLET: Yes. So the Eastern Avenue corridor
11 is home to a well-known prostitution stroll in the District,
12 and also is a drug track. So there's significant drug use,
13 drug dealing happening in the neighborhood right along the
14 corridor. In addition, the location ignores the best practice
15 and evidence-based practice, which are practices that are
16 proven to work. What those say about location of facilities
17 of returning citizens returning home, those dealing with the
18 common struggles experienced by women returning from
19 incarceration, specifically around like trauma, substance
20 abuse, mental health, human trafficking.

21 MR. BROWN: All right. Do you have -- have you
22 got some slides that you wanted to show the Board? Have you
23 got those uploaded?

24 MS. BULLET: Yes.

25 CHAIRPERSON HILL: What exhibit are you looking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 for, Ms. Bullet?

2 MR. BROWN: I believe it's Exhibit --

3 CHAIRPERSON HILL: Is it 152?

4 MR. BROWN: That's right, 152.

5 CHAIRPERSON HILL: I think you're at 152, Mr.
6 Young. I got 152 pulled up. I think that's the one that Ms.
7 Bullet -- and then, Mr. Brown, what you got -- you got then
8 slide decks for your other witnesses, is that right?

9 MR. BROWN: Each one of my -- each one of my
10 witnesses has a very brief PowerPoint presentation, yes.

11 CHAIRPERSON HILL: Okay. There's one part of one
12 of your witness's PowerPoints that I don't know if it's
13 appropriate, and I might even ask the lawyers to look at it.
14 There's like pictures of like a private citizen, and so I'm
15 going to ask Ms. Nagelhout to take a look at it. But go ahead
16 for Ms. Bullet's testimony -- Bullet, I'm sorry -- in 152.
17 Go ahead, Ms. Bullet.

18 MS. BULLET: Yes. So can we move to slide 2? I
19 think I covered slide 1. Okay. So in reference to utilizing
20 best and evidence-based practices, which are practices proven
21 to work, in this case, to go against best practice would
22 increase the risk that women would not complete the program
23 -- proposed program successfully, and that unsuccessful
24 program completion would increase the burden.

25 CHAIRPERSON HILL: Can everybody mute their line

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 if they're not speaking please? Thank you.

2 MS. BULLET: Am I good to continue?

3 CHAIRPERSON HILL: Yeah, go ahead, Ms. Bullet.

4 MS. BULLET: Okay.

5 CHAIRPERSON HILL: Thanks. Sorry.

6 MS. BULLET: No problem. And it would increase
7 the burden upon the already under-resourced community along
8 Eastern Avenue especially if any of the women have dialed into
9 the harmful dynamics in the surrounding community.

10 So that brings us to the slide here and you're
11 looking at the map here, you'll see in the circle where the
12 Olive Street community is, where the proposed home is. And
13 you see the blue dots are police service calls for lewd and
14 indecent exposure. The orange dots are for drug use. You'll
15 see along the corridor the proximity to hot spots here in our
16 community along the drug and prostitution strip.

17 CHAIRPERSON HILL: Okay.

18 MS. BULLET: Okay? Some just very basic
19 best -- key best practices and evidence-based practices --

20 CHAIRPERSON HILL: Can I move you to your next
21 slide, Ms. Bullet?

22 MS. BULLET: Yes, that's fine.

23 CHAIRPERSON HILL: Go ahead. Because it seems
24 like you're kind of -- I'm just trying to get you through your
25 presentation. Go ahead.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MS. BULLET: Yes. So just key considerations for
2 working with justice involve women. Utilizing a gender
3 -responsive approach is key. So knowing how and implementing
4 programming, because women's needs are different, especially
5 in terms of mental health, victimization experiences.
6 Programs have to consider the impact of trauma, substance
7 abuse, and human trafficking experiences upon women's recovery
8 and return to the community. And that community, especially
9 for women, community safety is paramount to recovery and
10 preventing recidivism.

11 SAMHSA, which is a major grant maker and produces
12 a lot of reports on data on evidence-based and best practices
13 regarding substance abuse and mental health, they say it's
14 critical to minimize the risk of re-traumatization,
15 replicating prior trauma dynamics, and that you're doing
16 placements based on giving an individual their best chance
17 for lasting recovery, and having an environment that will
18 ensure resident safety. So the surrounding neighborhood is
19 ensuring resident safety. Given that we know --

20 (Simultaneous speaking.)

21 CHAIRPERSON HILL: Got it. Ms. Bullet. Ms.
22 Bullet?

23 MS. BULLET: Yes.

24 CHAIRPERSON HILL: I have to interrupt you just
25 a little bit because I'm trying to go through your slide deck,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 and so I'm going to -- if you just want to -- if you want to
2 kind of move through your slide deck, you got 13 slides --

3 MS. BULLET: Okay.

4 CHAIRPERSON HILL: And I understand what your
5 point is. You don't think this is the right place for this
6 CBIF, and you're telling us why. And I'm going through your
7 slides and you have, you know, different points that you're
8 making. And so I'm already -- the types of communities that
9 people return to become -- Mr. Young, if you can switch down
10 to slide 6, and I guess then you have a lot of data, Ms. Bullet.
11 Is that correct?

12 MS. BULLET: Correct.

13 CHAIRPERSON HILL: Okay. You want to whip us
14 through your slides then?

15 MS. BULLET: Sure. Okay. So when we're talking
16 about the types of communities that returning citizens are
17 generally concentrated in, and how they negatively impede
18 progress and successful return to the community, one of the
19 big keys is is the economic considerations of our community.

20 So you've already reviewed the safety concerns
21 regarding police service calls, drug use, human trafficking
22 in the community, and now we can look at economics. So if
23 you can switch to the next page. So you see that our entire
24 community at the proposed site is a low-income community.
25 The Harvard report talks about concentrations of poverty

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 negatively impacting returning citizens and them remaining
2 home and successfully staying home.

3 And now if we go to the available data on group
4 home concentrations, go to the next slide. So now I pulled
5 this, this is the only map that data that I could find from
6 the Office of Planning regarding service housing, so group
7 homes, and that includes CBIFs.

8 CHAIRPERSON HILL: Okay.

9 MS. BULLET: That includes CBIFs, rehabilitation
10 homes, mental health facilities, community residence
11 facilities, halfway homes. And what you see even in 2006,
12 we have a concentration of homes within our low-income
13 community already.

14 In addition, what you also see is that there are
15 communities, particularly higher income ones, that have little
16 to no group homes or service housing even though higher-income
17 communities, communities with better economic status are
18 better for returning citizens as it increases the chances of
19 their being successful in staying home. Also this reality
20 of where you place facilities and the communities --

21 CHAIRPERSON HILL: Okay. So, Ms. Bullet, I
22 understand, I'm just trying to -- is what I'm trying to do.
23 I want to keep --

24 MS. BULLET: You need me to move quicker?

25 CHAIRPERSON HILL: Yeah, I kind of want to get you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 -- I mean I understand what you're saying, and I guess I got
2 three more witnesses after you, then I have three more
3 presentations. And so I want Mr. Brown I guess to kind of
4 keep you on point as to what you're -- what he would like you
5 to specifically speak to because there's a lot of -- I mean
6 I could flip through your slide deck and I can see the data.

7 MS. BULLET: Okay. So one thing I would like to
8 point out and for you to reference, you can reference the D.C.
9 Municipal regulations. Also the 2006 comp plan from the
10 Office of Planning. There are several key things that the
11 municipal regulations and that comp plan talk about regarding
12 making sure that the character and fundamental qualities of
13 the group and service homes match that of the community. Also,
14 regarding that -- to be careful to not have a concentration
15 of homes in one community. That it needs to be spread out.
16 And that is not what we have going on in our community. So
17 you can go to the next slide.

18 CHAIRPERSON HILL: Mr. Brown, can you hear me?
19 I have your group at 20 minutes. I'm just letting you know.
20 And your first witness is already at 10 minutes.

21 MR. BROWN: All right. Well, I'll have her wrap
22 up in another minute or so if I could please.

23 CHAIRPERSON HILL: Okay, Mr. Brown.

24 MS. BULLET: So on your own time, go ahead and look
25 at the economic data for our ward and how that is troubling

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 in producing a productive and helpful environment for reentry.
2 And then also in terms of safety and the realities going on
3 on this block of Olive Street, you're talking about a facility
4 on a block that would -- on this side of the block that would
5 over double the current occupancy.

6 When you look at the pictures regarding the
7 neighboring homes and this home, this home is substantially
8 larger, and then you are housing a significant amount of people
9 in comparison to the homes that are already on the block.
10 It's immediate -- the home to the left is -- or I'm sorry,
11 the home to the right is vacant. The home to the left has
12 three people in it. The next home on the block has one.

13 So the proposal of putting 12 women and a resident
14 monitor in that home in that location in addition to the size
15 of the home, it is not providing a secluded and private
16 environment and protective environment. It is putting a home
17 that is going to be widely and easily identifiable in the
18 community, and that is not good for a vulnerable population.

19 CHAIRPERSON HILL: Mr. Brown?

20 MR. BROWN: I'm sorry. I didn't hear that last
21 part. Are you done, Ms. Bullet?

22 MS. BULLET: Yes.

23 MR. BROWN: All Right. Thank you very much. My
24 next witness is Talitha Beverly.

25 MS. BEVERLY: Yes, I'm here.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Hi, Ms. Beverly. Could you
2 introduce yourself for the record?

3 MS. BEVERLY: Yes. My name is Talitha Beverly.
4 I live at 1614 Olive -- excuse me, 1614 Eastern Avenue.

5 CHAIRPERSON HILL: Okay, Ms. Beverly.

6 MS. BEVERLY: I do have slides.

7 CHAIRPERSON HILL: Yeah, I know, that -- which
8 exhibit -- I'm pulling it up.

9 MS. BEVERLY: Okay.

10 CHAIRPERSON HILL: And just so the other people
11 know, like I've gone through the exhibits and I understand.
12 I wish there was a different way that it -- to explain it.

13 I mean -- and I do appreciate that it's very disturbing what
14 you are showing in terms of photographs that's going on around
15 your home. But I don't think we can show the photographs,
16 particularly of the -- I don't know, the, you have a naked
17 man in a couple of the slides.

18 MS. BEVERLY: That is not -- that is not --

19 CHAIRPERSON HILL: No, no, I -- no, I know that's
20 not you, Ms. Beverly. I'm kind of speaking to the next
21 witnesses. But go ahead, you're 153. Go ahead, Ms. Beverly.

22 MS. BEVERLY: Okay. I'm a homeowner, I'm a
23 business owner, and a single parent to an eight year old boy.

24 I moved to Deanwood from Bethesda April 2019 into my single
25 family home, and the picture is there. Most of you might be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 aware of Eastern Avenue, it's a very busy corridor. The
2 picture to the right, I'm trying to show you how busy that
3 street is. If you could go to the next slide please.

4 Per the D.C. zoning map, I live on parcel 35 and
5 my home is less than 10 steps from the TG Management facility
6 through the back alley. As you can see from the zoning map,
7 the alley separates the R-2 zone from the PDR-1 zone which
8 is the businesses facing Kenilworth Avenue.

9 This is significant because I bought my home under
10 the premise that I would have neighbors in an R-2 zone, that
11 would be single families with six or less occupancy for
12 privacy, less traffic, less disturbances, less saturation in
13 a residential neighborhood, and that's not what TG Management
14 has been displaying even with the current living conditions.

15 Next slide please.

16 My property egress is through the alley into my
17 backyard parking pad. My residence is grossly affected by
18 everything that takes place in this alley. So there's vehicle
19 parking and transport within the alley, which is an ongoing
20 problem and it's very dangerous. And I've been blocked in
21 and out of my property several times even so that I've been
22 late, significantly late picking up my son from school because
23 I couldn't exit my back alley. These pictures show an example
24 of this.

25 Since the facility has opened, and I guess that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 was in February that they described in the last presentations,
2 I've witnessed parked cars in the alley during the evening
3 from persons visiting the TG Management facility. And I've
4 also witnessed various persons loitering in the alley and have
5 idling parked cars in the middle of the alley directly outside
6 the TG Management facility back gate. I believe this is a
7 precursor to the increased traffic and safety concerns and
8 may not be able to enter and exit my property which will cause
9 a major hardship for me and my neighbors.

10 In addition to these traffic concerns, the alley
11 has had multiple crimes. Most recent is an example that my
12 neighbor, Jacinia Chavez, she was pulling into her property
13 to park and witnessed a shirtless man that was masturbating
14 in public. The man looked her straight in the eyes and
15 continued this lewd act in a very high traffic area. You can
16 find her statement on Exhibit 123. I'm greatly concerned that
17 this is not an ideal location for a transitional facility.
18 Next slide please.

19 The special exception request is for an increased
20 occupancy load up to 15 residents. This picture shows my
21 backyard, which is an active living area of my home. This
22 is the left-hand picture. My son practices his sports, he
23 plays with his friends, and there I also entertain and workout.

24 You can see how the facility towers over the remaining
25 residential homes which causes a lack of privacy.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 The facility has a back porch, if you would
2 reference this picture to the right, in which we have witnessed
3 congregating up to five and six people on this porch. There
4 is excessive noise, and including load, foul language that
5 happens on the porch that echoes through into the back alley.

6 And this was reported to me by my son. This wasn't something
7 that I saw originally. And I have witnessed this myself.
8 I believe this facility is out of harmony with the neighborhood
9 dwellings and there is an adverse impact to our residential
10 use and enjoyment. Next slide please.

11 This is my last slide. I would be remiss if I
12 didn't mention the violation of due process by the applicant.

13 Due process I believe is rooted in respect. This community
14 has been and continues to be grossly disrespected by the
15 applicant through this process. The facility was fully built
16 and given a name prior to the neighbors even knowing the nature
17 and purpose of the facility. The neighbors were misled by
18 the facility owner, the applicant, and the 7DC commissioner.

19 There were three meetings at the local veteran's
20 hall which is right on the block of Quarles and Kenilworth,
21 and within one block of all us impacted neighbors. These three
22 meetings were held, but we were not privy to or even provided
23 an invitation to these meetings. Because of this, our ANC
24 voted to oppose this special exception for the facility. They
25 voted five nays and one aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 In Chairman Hasan's words, I quote, "It takes a
2 village for a project like this to be successful. It doesn't
3 appear that there was transparency" -- excuse me,
4 "transparency nor truth taught amongst the community. And
5 truth doesn't get easier over time. To hide the real intent
6 for this home caused the village not to be involved." End
7 of quote.

8 As you can image, this lack of disclosure had a
9 massive impact on neighbors. And where transparency is
10 missing -- transparency is missing, so, too, is trust. I don't
11 trust the applicant. This entire process has created a
12 feeling of uneasiness and anxiety, and this is my home. This
13 is where I raise my child. This is where I live.

14 This entire process has been noted of untrustworthy
15 behaviors that have been demonstrated over the past year.
16 I don't know what else the applicant has withheld. Just in
17 this meeting we've heard of them not being approved or have
18 not had a business license. And they have known they were
19 going to open up this facility over years ago, and it's just
20 we're learning new information all the time, and I personally
21 think that this will directly impact me, my community, and
22 my family's safety.

23 I implore each and every one of you to deny this
24 special exception relief based on the lack of harmony and the
25 adverse impact to the neighborhood dwellings. Thank you so

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 much for your time.

2 CHAIRPERSON HILL: Thank you, Ms. Beverly. Mr.
3 Brown.

4 MR. BROWN: Yes.

5 CHAIRPERSON HILL: You're over your time. I don't
6 know if you want to --

7 MR. BROWN: I don't --

8 CHAIRPERSON HILL: -- interview your final two
9 witnesses.

10 MR. BROWN: I think five minutes each is more than
11 enough time.

12 CHAIRPERSON HILL: Do you want to interview them?

13 MR. BROWN: I beg your pardon?

14 CHAIRPERSON HILL: You would like to -- I need to
15 keep -- I need you to keep track of your witnesses so that
16 you keep them on time is what I'm trying to get at. Do you
17 want to interview them or do you just want them to let them
18 talk for five minutes each?

19 MR. BROWN: That would be my preference.
20 Considering all the time --

21 CHAIRPERSON HILL: Okay.

22 MR. BROWN: -- that was spent this morning and
23 earlier this afternoon trying to understand the program that
24 was not explicitly spelled out by the applicant -- by the
25 applicants.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Mr. Brown, I got to tell you,
2 we're really fair. I'm really fair with everything. You're
3 getting your opportunity to talk.

4 MR. BROWN: Okay.

5 CHAIRPERSON HILL: You're getting your
6 opportunity to speak. I'm trying to do my best within
7 everything that I have to deal with --

8 MR. BROWN: Okay.

9 CHAIRPERSON HILL: -- for the rest of this day.

10 MR. BROWN: I have -- I've done what I --

11 CHAIRPERSON HILL: And so --

12 MR. BROWN: I've done what I could to keep it
13 limited.

14 CHAIRPERSON HILL: Got it. Okay. So who's your
15 next witness?

16 MR. BROWN: It's Jennifer Stecklow.

17 CHAIRPERSON HILL: Okay, Ms. Stecklow, can you
18 hear me?

19 MS. STECKLOW: Can you see me?

20 CHAIRPERSON HILL: Yeah. Ms. Stecklow, you're
21 going to go ahead and have five minutes.

22 MS. STECKLOW: Okay. I don't -- I won't need it.
23 I will try to be brief because you have -- if everyone has
24 reviewed our written testimony and our presentations, then
25 I can just highlight a couple points that I want to make.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: I appreciate. You're the one
2 right next door to the building, correct?

3 MS. STECKLOW: Correct. Yes.

4 CHAIRPERSON HILL: Okay. Go ahead, Ms. Stecklow.

5 MS. STECKLOW: Okay, great. Can we have the
6 presentation shown up? I'm sorry, I have dual screens, so
7 I --

8 CHAIRPERSON HILL: That's all right.

9 MR. BROWN: 154.

10 CHAIRPERSON HILL: Thank you, Mr. Brown.

11 MS. STECKLOW: Thank you.

12 CHAIRPERSON HILL: Go ahead, Ms. Stecklow.

13 MS. STECKLOW: All right, perfect. Well, first
14 of all, thank you so much, Chairman Hill and honorable Zoning
15 Board members. I'm Jennifer Stecklow and I live at 1612 Olive
16 Street, Northeast along with my husband and our eight year
17 old son, Isaac. And Eric was supposed to be here, but he's
18 picking up my son.

19 So I just want to begin by stating we support
20 placing returning citizens into community-based institutional
21 facilities without question. Vulnerable, traumatized women
22 returning home deserve a safe space that will help them rebuild
23 their lives. Next slide.

24 We can just briefly talk about this. This is just
25 a quick introduction to our community. Primarily single

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 family homes. Most homeowners have lived here for up to 10
2 years, some up to 40. While there are some new residents like
3 myself who have been here for two years now. Next slide.

4 We have three primary concerns. The first is just
5 the success of returning citizens, and I will not repeat what
6 Ms. Bullet said, but I will just emphasize that we share her
7 concerns with the facility being located near a
8 well-documented drug, sex, and human trafficking area along
9 Eastern Avenue. I have personally witnessed a man receiving
10 oral sex in a car along Eastern Avenue while walking my then
11 seven year to the metro. I have picked up and disposed of
12 used condoms. I have collected bullet casings and given them
13 to MPD as well.

14 And we understand that all neighborhoods in D.C.
15 must navigate public safety issues to varying degrees.
16 However, it's insufficient to suggest that since crime exists
17 everywhere in at least some fashion that the CBIF cannot use
18 public safety concerns to consider where it should reside.

19 All CBIF locations are not equally good or equally bad. But
20 the standards should not be that there's an affordable building
21 and, therefore, it's the best option. Next slide.

22 Again, I will just kind of highlight some of these
23 points. I did put together in Exhibit 124 that highlights
24 the D.C. crime maps, specifically looking at all the districts,
25 ANC and MPD districts that have seen a rise in crime over the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 last two years. In fact, Ward 7 has the most reported, and
2 I'll highlight that point, reported because we sometimes see
3 things that we don't actually report. But violent crimes in
4 the entire District with 1,916. And just for comparisons,
5 Ward 2 only had 677 and Ward 3 just 166. Next slide.

6 So our privacy concerns, this is a big issue for
7 us because as its' been noted, this building was built before
8 we knew it would become anything but a CBIF. We were told
9 repeatedly by the owner, and I'm talking two years, that he
10 was building a home for himself, his wife, and three kids.
11 And in July 2021, we all received notices that what this
12 proposal came to be.

13 At that time, no one had proactively reached out
14 to us beyond the letter that we received. And it wasn't until
15 we as a community starting to come together and working with
16 presenting of the ANC meetings and actually asking for a
17 special meeting, did anyone ever engage anyone in the
18 community.

19 The challenge that we have is, of course, that it's
20 already been built and is much bigger than any other buildings
21 that are in this community. And it towers over our home. And
22 I'm not kidding when I say that. You can see from the
23 photographs. This is not angled. This is exactly what it
24 looks like. I will also note that all the windows except for
25 the ones in the front are directly pointed to our home or our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 private back yard. Next slide.

2 So anyone who will have -- so, "The windows towards
3 the rear," I'll just read this statement because it's -- I
4 wrote it. "The windows towards the rear and the raised deck
5 have an unobstructed view of our entire backyard even though
6 we have a six foot wooden fence. Anyone can easily peer into
7 our back yard when we prefer to gather with family and friends
8 in private.

9 It was one thing to have privacy concerns when we
10 were told for almost two years that one family would be living
11 next door while it was under construction. It's an entirely
12 different and more serious concern when the story suddenly
13 changes and the building is now being proposed as a CBIF."

14 And what we're concerned about is that we would have a rotating
15 list of individuals, I guess up to 12 not including staff and
16 visitors who will have a full view of our private backyard.

17 Next slide.

18 I will just like to say that the lack of clarity
19 continues today as demonstrated by the incomplete application
20 and the vague details submitted to this board. My husband
21 and I along with 37 other homeowners in the community, ANC
22 7C, ANC 7D, and two citizen association are standing together
23 in opposition to this project. And one final note is that
24 out of those 37 homeowners, 16 are within 200 feet of this
25 property, and 10 have written letters of opposition. So thank

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 you for your consideration and allowing us to be heard.

2 CHAIRPERSON HILL: Thanks, Ms. Stecklow. All
3 right. Who's your last one, Mr. Brown? And, Miss --

4 (Simultaneous speaking.)

5 MR. BROWN: Marla Blue.

6 CHAIRPERSON HILL: Sorry. Thanks. And Ms.
7 Giordano, just to let you know, and I guess your applicant
8 also, Ms. McSwain or whomever, like, you know, we're going
9 to -- I'm going to want to know about how the alley is going
10 to get treated. How, you know, people congregating on the
11 deck is going to get treated. I mean this is all going to
12 come down to whether or not the Board thinks that this is
13 something that the community's going to be able to live with.
14 And so just to let you know, all these things that are getting
15 brought up. Which one again, Mr. Brown?

16 MR. BROWN: Marla Blue.

17 CHAIRPERSON HILL: Okay. Ms. Blue, I think you're
18 the one that --

19 MS. BLUE: Yeah, I'm not going to show my slides.

20 But I do want to show -- if he could -- before he shows it
21 to everyone, if he could just skip over the naked gentleman
22 that's strung out on drugs tearing up other people's cars.

23 So I guess that would be -- you could just skip over that
24 and go to the third slide -- the next slide after the naked
25 gentleman -- person on drugs. First of all, I'd like to say

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 good afternoon, thank you all for your time. We are
2 Laurence --

3 CHAIRPERSON HILL: Good afternoon, Ms. Blue.

4 MS. BLUE: We are Marla and Laurence Blue. We
5 reside across the street. We're not against the women seeking
6 rehabilitation. We've all said that. We want them to have
7 a successful life back into mainstream society. We believe
8 everyone deserves a second life. We want them to get jobs,
9 reunite with their families, establish get homes. However,
10 the location on Olive Street is not suitable at this time.
11 Placing them here will only be putting them in an atmosphere
12 filled with lewd activities, gun violence, et cetera.

13 Deanwood immediate area on Olive Street lacks all
14 the necessary resources. For example, there are no jobs.
15 We don't even have a grocery store, hospital, or pharmacy.
16 When you look at other transitional homes in the D.C. area
17 in comparison to this location, to name a few new endeavors,
18 D.C. Coalition for the Homeless, Hope for a Home, et cetera,
19 all are located in higher-income areas with lots of
20 opportunities in the surrounding areas. And they have what
21 appears to be a solid community base.

22 Furthermore, we can't speak about the night life
23 at the other locations, but living on Olive Street is a little
24 different. We've witnessed, and I don't know if you're
25 showing my slide, this slide here where there is the police

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 activity that came because the first gentleman, which we
2 couldn't share the photo with you, was strung out on drugs
3 and stripped himself of all his clothes except for her green
4 socks. And he came directly into our backyard, and this is
5 a side view of the police investigating this issue.

6 The next photo over is a young lady strung out on
7 drugs. I was coming home from the metro walking and she was
8 in the middle of the street. I was thought she was going to
9 get killed and was trying to commit suicide. But she was
10 clearly strung out on something. Next slide.

11 This just happened two months ago where the
12 officers came -- and this is in front of my house directly
13 across where the proposed CBIF facility will be housed if you
14 all approve their application. This is a police stakeout
15 where our -- Olive Street, Quarles Street were all blocked
16 off right in front of our house, the squat team was there and
17 you can see this for yourself. Even in my backyard. My
18 husband and I were on the floor with our dogs, scared to death.

19 Next slide. So all of these are just clear pictures of
20 situations that we have encountered just recently. Next
21 slide.

22 MR. BLUE: No, that one. Talk about the girl.

23 MS. BLUE: This woman is -- you can just see here
24 that this woman is strung out on something. We called the
25 police to get medical attention for her because we thought

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 that she was actually getting ready to die from a drug overdose.

2 Next slide. Okay. I guess that's it.

3 I also want to say real quickly that -- I don't
4 have a picture of it because I wanted to save this, you know,
5 not invade their person's privacy, but out of the four women
6 that are staying there, there is a young lady who has
7 continuously parked with her friends in front of our house
8 where the cameras are so that she cannot be seen at 1614, where
9 they sat in front of our house one day for three hours smoking
10 marijuana. Then I guess after a certain time, I don't know
11 if she had to be let -- was able to be let into the house,
12 she went into the house.

13 But while they were there, the car -- the driver
14 dropped dumped trash on the ground. My husband accidentally --
15 if he could -- because we have a trash can, a communal trash
16 can for everyone to dump their trash in if, he could pick up
17 the trash. A few minutes later, we catch him, I guess he had
18 to use the bathroom because he was sitting in the car for three
19 hours, urinated in our neighbor's yard across the street.

20 On many occasions, we have seen men parked across
21 the street in front of this facility just sitting there, it's
22 off and on. In conclusion, again, we're not against women
23 seeking rehabilitation. However, we do not think that this
24 -- approval of this application should be approved.

25 MR. BLUE: And if I may interject. On May 3rd,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the same females was sitting on the porch of 1614 smoking
2 marijuana. Then they got into an argument. And they were
3 outside dancing, playing loud music and things of that nature.

4 So I mean this is what we can expect if they approve 1614
5 Olive Street.

6 MS. BLUE: Thank you.

7 CHAIRPERSON HILL: Okay. Thank you, all. And
8 really, thank you, all, for your testimony. I really
9 appreciate it. Okay. I'm going to ask if the Board
10 members -- I still got to get through -- not get through.
11 I still have to hear from Ms. Sanders and then Commissioner
12 Holmes. And then I don't know whether we're going to be able
13 to get everything through before we have to have lunch, but
14 I'm trying. I don't know if you all can bear with me.

15 So maybe -- all right. Do you all want to ask any
16 questions right now or you want me to go through all the
17 testimony and then you can ask your questions? I don't know
18 who just answered.

19 MS GIORDANO: Cynthia Giordano.

20 CHAIRPERSON HILL: Oh, sorry, I was talking
21 about -- I was talking to my board members. But --

22 MS GIORDANO: Oh, I'm sorry.

23 CHAIRPERSON HILL: That's all right, Ms. Giordano.
24 Okay.

25 (Simultaneous speaking.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 ZC VICE CHAIR MILLER: I have one question, but
2 I can wait until another time.

3 CHAIRPERSON HILL: No, go ahead then, Mr. Miller.

4 ZC VICE CHAIR MILLER: Okay. Thank you, Mr. Brown
5 and neighbors, I'll just say that, the Stecklows, the Blues,
6 and I think I -- anyway. Thank you, all, for your testimony.

7 I guess two questions, two quick questions. One
8 is on the part of your testimony that says that this
9 neighborhood due to public safety concerns -- public safety
10 issues happening in the neighborhood including references to
11 illegal drug trafficking, or drug dealing, or drug use, or
12 whatever, and illegal prostitution activities, the part of
13 your testimony that says this is not a suitable neighborhood
14 to locate a community-based institutional facility for
15 returning women in this case.

16 I guess I just want to ask anyone of the party
17 opponents, is it suitable for you to live in? Why is it
18 suitable for you to live in if it's not -- if it's not suitable
19 for returning citizens to live in if you can just be brief
20 and succinct as to why -- or what makes it suitable -- let
21 me put it this way. What makes it suitable for you to live
22 in?

23 MR. BROWN: I think I would ask -- I would ask
24 Talitha and Jennifer who are raising children and have a made
25 conscious decision to live there to answer that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 ZC VICE CHAIR MILLER: Yes.

2 MS. BEVERLY: Yes. So --

3 ZC VICE CHAIR MILLER: Yeah, because I appreciate
4 hearing that and -- but if you could keep it brief just since
5 we're running late.

6 MS. BEVERLY: Sure. So I moved there mainly just
7 to make sure that, one, I always wanted to live in D.C. From
8 an affordable standpoint, I have a four bedroom, four bath
9 home. The neighborhood and the neighbors, especially in the
10 past two years, we have really joined, and I -- our kids play
11 with each other. We go to each other's birthday parties.
12 We have block parties. So the community is rich.

13 And the safety aspect, the length of time I've lived
14 there, I have not had anything happen to me or my family.
15 There is a perimeter. I believe it is a blessed perimeter
16 that keeps us all safe. But there are people who pass through.

17 And the last thing I want to say is most wards that
18 are not 7 and 8, they have transitioned just the way Ward 7
19 and Ward 8 are. And I believe in the next year or so, or maybe
20 -- hopefully sooner, that we'll see the transitions that the
21 rest of the wards have made. And that's my statement.

22 MS. STECKLOW: My husband and I chose this location
23 specifically because our son went to Kenilworth and Deanwood
24 summer programming. We originally are from Ward 6. And when
25 we were introduced just to this neighborhood, if you walk down

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Olive Street, it's beautiful. There is houses, and when you
2 walk down the street, even if they don't know you, they're
3 going to say hello. Our neighbors are very friendly and open,
4 and generous, and it's just a -- kind of a small community
5 that my husband and I were looking for to raise our child.

6 And so given -- we understood the safety concerns.

7 We understood the -- what the challenges are facing here in
8 Ward 7 which is why we've become active members in the Deanwood
9 Citizens Association. In fact, I am the chair of the public
10 health and safety Committee and that's something that I took
11 on because I believe in helping together, working as a
12 community to rise everyone. To make everyone feel safe. So
13 that's just my statement about why we choose to live here.

14 ZC VICE CHAIR MILLER: Okay, thank you for that.

15 One last question. Are there any conditions that -- or are
16 there any measures that could be taken to mitigate the privacy
17 concerns that you've outlined? I guess that Ms. Stecklow
18 talked about -- and any other -- or any other who talked about
19 the privacy, is there any measures that could be implemented
20 at this point short of denial of the application entirely,
21 which I understand your position to be. But is there any
22 measures that could be taken to address your -- that would
23 mitigate your privacy concerns? Anyone? Ms. Stecklow or
24 anyone?

25 MS. STECKLOW: Well, for us I would say not having

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 a raised deck could be one of those options. But, again,
2 that's a concession that is only going to be made for myself
3 and my family. It's not going to work or speak to the 37 other
4 homeowners who have objections, who have written opposition
5 statements about that.

6 So regards to the, you know, we can't go back in
7 time when the plans were made in 2019 for a three story with
8 a cellar, building that had seven bedrooms and seven baths.

9 So the community has not been a part of it even from the very
10 beginning unless -- the homeowner decided that he wanted a
11 seven bedroom, seven bath home that he was going to build for
12 his family. Of course, we didn't know any of this at the time.

13 We just took it at the word of the -- of the owner --

14 ZC VICE CHAIR MILLER: Okay.

15 MS. STECKLOW: -- and the builder.

16 ZC VICE CHAIR MILLER: Thank you.

17 MS. STECKLOW: So --

18 ZC VICE CHAIR MILLER: Thank you.

19 MS. STECKLOW: -- won't go back in time change
20 that, but I wish we could.

21 ZC VICE CHAIR MILLER: Okay. Thank you. Thank
22 you. Thank you, Mr. Chairman.

23 CHAIRPERSON HILL: Let me see. Anybody got any
24 questions? All right. I'm going to go -- well, I'm going
25 to do this now. Ms. Giordano, do you have any questions?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS GIORDANO: I do not.

2 CHAIRPERSON HILL: Okay. Ms. Sanders, do you have
3 any questions? Commissioner Holmes, you have any questions?

4 MR. HOLMES: Not at this time.

5 CHAIRPERSON HILL: Okay. All right. So, Ms.
6 Sanders, you want to give us your presentation? Oh, and by
7 the way, Ms. Giordano, can you hear me?

8 MS GIORDANO: Yes.

9 CHAIRPERSON HILL: I know you came on late to this,
10 but there's a lot of stuff that I think still needs to be done
11 with this. And so, you know, I'm just letting you know that
12 you might as well take notes, and, you know, your client's
13 going to have to do a lot of things I think -- at least to
14 get my vote like as to where they are with this, what's going
15 to happen with this to make me feel comfortable at this. I
16 don't know where the other board members are, and maybe they're
17 not with me, so we'll see where that goes later. But I'm just
18 saying you might as well take some notes.

19 MS GIORDANO: I hear you, and I hope that, you know,
20 we can do some --

21 CHAIRPERSON HILL: That's okay. I got you.

22 MS GIORDANO: Right.

23 CHAIRPERSON HILL: So, Ms. Sanders, do you want
24 to give your presentation, or what would you like to testify?

25 MS. SANDERS: I can give a brief statement. I know

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 that we are -- we're very much focused on the time, so I'll
2 be as brief as I can.

3 CHAIRPERSON HILL: Thank you. Go ahead.

4 MS. SANDERS: Good afternoon again, everyone. My
5 name is Jimell Sanders and I'm the president of the Deanwood
6 Citizens Association. The DCA is an all-volunteer,
7 neighborhood organization founded in 1912. Deanwood
8 historically is a working-class neighborhood. The majority
9 of our residents would be categorized as low-income.

10 We are a community that is knowledgeable of
11 supportive housing. Many of our residents' history include
12 incarceration, unstable housing as well as the best outcomes
13 from structured, supportive housing and resources. We want
14 the women to live in a location that aids in their recovery.
15 We oppose this variance request due to its site selection.
16 Placing this program on Olive Street, Northeast works
17 directly against this effort.

18 The house sits one half block from Eastern Avenue,
19 Northeast which currently serves as the primary human
20 trafficking and drug trafficking stroll in Deanwood. Human
21 traffickers and johns drive along Eastern Avenue all hours
22 of the day looking to prey on others. The DCA does not want
23 these residents re-traumatized. The program managers for
24 this proposed project have a responsibility and obligation
25 to ensure that their clients are housed well away from areas

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 of predation.

2 We would welcome the opportunity to work with CFLS
3 on finding other sites that provide better protection away
4 from areas of high human and drug trafficking. You know, we're
5 not against these type of facilities. We have them dispersed
6 all throughout the neighborhood. What we are against is
7 placing these women in close proximity to activities that is
8 going to work directly against their recovery and
9 stabilization. So, again, thank you for hearing me this
10 afternoon.

11 CHAIRPERSON HILL: Great. Thank you. And I saw
12 the chairman of the ANC at some point, but I'll get to you
13 as well. Commissioner Holmes or Chairman Holmes, can you hear
14 me?

15 MR. HOLMES: Right here.

16 CHAIRPERSON HILL: You want to give us your
17 testimony please, sir?

18 MR. HOLMES: My testimony is the exact same as the
19 letter of opposition that was submitted for our exhibit, so
20 for the sake of time, unless you want me to read that for you,
21 I will go ahead and thank you.

22 CHAIRPERSON HILL: No, that's cool. I think we're
23 going to have -- this is going to kicked back for a while anyway,
24 so I think -- at least I know for me it's going to. Mr. Blake,
25 you had a question?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MEMBER BLAKE: Is anything you've heard in today's
2 testimony that changes your mind or helps you to better
3 understand what's going on?

4 MR. HOLMES: Was that towards me, Commissioner
5 Blake? I'm sorry.

6 MEMBER BLAKE: It was, yes, yes.

7 MR. HOLMES: I have not heard of anything that's
8 changed in the discussion of how this was brought before ANC
9 7C about this location. No.

10 MEMBER BLAKE: But has it changed your -- have you
11 heard anything today that caused you to be more comfortable
12 with the safety issues, operational issues, et cetera?
13 Anything like that?

14 MR. HOLMES: No. And, unfortunately, a part of
15 that conversation, it really does come down between the
16 community, the providers. Some of it does have to come through
17 MPD. A lot of these issues that have been happening, I have
18 been saying these at a lot of the other hearings that we've
19 been going to, and I know it is outside of the purview of the
20 BZA on that, but those matters, especially when we're talking
21 about communities that were trying to go through of healing
22 and recovery, we need to be honest about what these -- what's
23 going on at these locations and we're not trying to have this
24 issue be exacerbated. So, no, at this time, no.

25 MEMBER BLAKE: Okay, thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. HOLMES: Thank you for asking.

2 CHAIRPERSON HILL: Okay. Mr. Miller?

3 ZC VICE CHAIR MILLER: Yeah, a quick -- a question
4 for Chair -- 7C Chair Holmes or for Ms. Sanders from Deanwood.
5 Was there a -- are you willing to -- haven't even asked the
6 applicant at this point, but are you willing to engage with
7 some kind of mediator in attempt to resolve trust -- resolve
8 concerns recognizing that the lack of transparency, as you
9 cited, and the lack of community outreach has already created
10 this distrust?

11 But at this point, do you see any value in having
12 a mediator who could meet with some representative of the
13 opposition, particularly ANC and Deanwood citizens and the
14 applicant, and try to see if there are any concerns which can
15 be mitigated short of denial? Or is it so unresolvable that
16 it's not -- you don't see a value in that at this point? Or
17 there's so much trust that's already been lost that you're
18 not willing -- you don't want to start out -- you don't want
19 to have to be the one to -- do you see any value in having
20 a mediator?

21 MS. SANDERS: My concerns with, in terms of being
22 able to have a mediator where I really felt that this mediator
23 was neutral, I mean, again --

24 ZC VICE CHAIR MILLER: Mediator would be what?

25 MS. SANDERS: In terms of the mediator who was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 actually coming from a neutral position because, again, the
2 problem is that there was never a conversation about whether
3 this proposed site was truly an appropriate site. And if we
4 can't even move the conversation and start from that point,
5 then I'm not really sure how much value there would be, in
6 particular for the residents who live along Olive Street who
7 would really have to be -- and when we -- you know, when
8 everyone's talked about safety net.

9 But what I haven't heard in terms of the discussion,
10 in terms of part of that safety net, would be the immediate
11 residents. You know, everyone -- you know, the conversation,
12 of course, is about the programming, but in terms of assisting
13 with these women, it would also require the buy-in and support
14 of the immediate neighbors.

15 And so in terms of a mediation that really truly
16 considers also their points of view, I'm not sure how much
17 value it would, you know, bring to the overall discussion.

18 I mean if we could actually I mean truly start from the
19 position is this, you know, and I think we've been clear, this
20 is -- this particular location, 1614 Olive Street, Northeast,
21 is not appropriate considering the activity along Olive
22 Street. Can we start from a point of let's actually look at
23 some potential sites and go from there as far as places that
24 would be more appropriate that would be further away from
25 high-predation sites?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 But I'm not sure in terms of how much, you know,
2 if we really could work to a point. Again, in particular,
3 the way this whole process has unfolded and continues to
4 unfold, I mean we're still -- I mean we're all still learning
5 new information that should have already been well
6 communicated throughout the community.

7 ZC VICE CHAIR MILLER: Okay.

8 MS. SANDERS: And it hasn't happened.

9 ZC VICE CHAIR MILLER: Thank you.

10 MS. SANDERS: And so now putting the onus, you
11 know, again, on the residents to kind of fix the process, you
12 know, in terms of what really should have happened, you know,
13 in terms of the applicant, you know, it hasn't. So I'm not,
14 you know, to your question --

15 CHAIRPERSON HILL: Okay. Miss --

16 MS. SANDERS: -- Mr. Miller, I'm not sure if,
17 again, if much value would --

18 (Simultaneous speaking.)

19 CHAIRPERSON HILL: Your vote's a no. So you got
20 a no right now. But that's okay.

21 MS. SANDERS: Yes.

22 CHAIRPERSON HILL: That's okay. We'll see how it
23 goes. We'll see how it goes. Mr. Miller --

24 ZC VICE CHAIR MILLER: Was that a yes or no from
25 the ANC and from Mr. Brown just quickly? Just a yes or no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Commissioner Holmes?

2 MR. HOLMES: Again, no.

3 CHAIRPERSON HILL: Mr. Brown, you don't know.

4 Okay, I --

5 MR. BROWN: My client's declined mediation before

6 --

7 CHAIRPERSON HILL: Thank you.

8 MR. BROWN: -- before.

9 (Simultaneous speaking.)

10 CHAIRPERSON HILL: Okay. All right, great.

11 Commissioner Hasan, can you hear me?

12 MR. HASAN: Yeah. Haven't been able to unmute,

13 but I am now. Can you all hear me clearly?

14 CHAIRPERSON HILL: Yes, sir, Chairman.

15 MR. HASAN: Okay.

16 CHAIRPERSON HILL: Chairman, can you go ahead and

17 introduce yourself for the record please?

18 MR. HASAN: Yes. Absolutely. My name is Siraaaj

19 Hasan. I am the chair of the Advisory Neighborhood Commission

20 7D.

21 CHAIRPERSON HILL: Great. Chairman Hasan,

22 welcome. If you could -- I know we have your report and

23 everything, and, again, I don't think you've been with us

24 before. I know that Chairman Holmes has. But if you have

25 an opportunity to give your presentation, or I should say

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1716 14th STREET, N.W., SUITE 200

WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 testimony presentation about this application, and we do have,
2 you know, at least the vote and the record that you submit
3 -- I'm sorry, the vote that the ANC has submitted in which
4 you submitted into the record. Would you please like to go
5 ahead and give your testimony?

6 MR. HASAN: Sure. And I'll be brief just in the
7 interest of time. I've heard you mention that a few times.
8 As we've provided the ANC 7D on September 25th at a
9 duly-noticed and special meeting with a quorum of six out of
10 seven commissioners present, five voted against this
11 application with one yay. So we submitted our letter in
12 opposition, and I believe one of my neighbors there quoted --
13 one of the quotes that I shared, and it, you know, these kinds
14 of matters are very complicated because, you know, you know,
15 it does tug at the heart strings that we all have to want to
16 be part of a solution for returning citizens, especially women.

17 And sort of -- I'll be brief, you know, the
18 challenge for me with this applicant was just the way that
19 it was initially presented and proposed to the community.
20 You know, you know, it's not an easy thing, I think that the
21 organization, you know, are doing just a yeoman's effort to
22 even take on a matter like this and work with citizens,
23 returning citizens throughout the city. And, you know, I
24 think that you have to be upfront and completely honest and
25 transparent with the community so that you get that early buy

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 in, and perhaps some of that solutioning can take place early
2 on.

3 Mr. Miller asked the question, you know, bringing
4 in a facilitator or a mediator now, would that resolve, or
5 alleviate, or mitigate some of the concerns, and, you know,
6 my answer to that would be no because perhaps this, again,
7 it's been stated a few times, this particular location would
8 probably not make it on the list when the village and the
9 community is working with the organization to try to identify
10 a site that could be more suitable for a healthy programming
11 for returning citizens. And so right off the bat, the site
12 alone, you know, has quite a few cons against it, you know,
13 cons versus pros, right?

14 And so, in addition to that, you know, if for
15 whatever reason this site was determined to be the site, well,
16 then, you know, let's start to talk about the facility in and
17 of itself. I know that there are several neighbors that live
18 on either side of the building and across the street. You
19 know, this building towers over all the other homes. Well,
20 for starters, you know, I wouldn't have approved that, you
21 know, this should have only perhaps have been a two-story home,
22 let alone three stories I believe is what it is.

23 And so, you know, there's -- at this juncture,
24 there's a lot of decisions that were made that had you involved
25 the community or been in on it on the front end, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 maybe you could have alleviated some of the concerns that were
2 there from a programming standpoint, a site location, you know,
3 the number of residents that would live there, you know,
4 additional mitigation plans to be put in place for loitering
5 and things like that.

6 Well, you know, we're running, we're operating,
7 you know, and now we're going to the community to say, hey,
8 you know, can we help us think about how to do this better.

9 And I think once you lose the trust, that's really hard to
10 gain back.

11 Again, I commend the organization for all that you
12 guys are doing, but, you know, as I stated back in September
13 or October, you know, it's really unfortunate that you all
14 approached this program that way because you did yourself a
15 disserve by not bringing in the village and including the
16 community. And I know, that's not a -- that's not an easy
17 thing, right? You know, you're going to get a lot of noes
18 up front just going with the mere perception of what this could
19 be. And so that's where that early engagement is critical.

20 You know, having some one on one conversations with
21 neighbors. And then bringing in and having a larger community
22 meetings, and talk about the importance of the program and
23 how you're going to address some of the issues. And you're
24 doing this in conjunction with the community, you know, not
25 trying to, you know, pull it in on the Trojan horse, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 in the middle of the night with hopefully no one noticing,
2 and, you know, a year or two later, here we are and we've got
3 this facility and these people here which could potentially
4 even create even more problems and challenges.

5 So I, you know, you know, incarcerated women, you
6 know, returning home, a huge priority. I value what -- I value
7 the mission, you know, I value the organization. I value the
8 effort. But I do not -- I do not agree with introducing
9 something like this to the community and the way that it was
10 done with little to no transparency. And, quite honestly,
11 flat out lying to the neighbors.

12 I mean I, you know, when the neighbors asked what
13 was the plan here, and to say that it was something that was
14 completely untrue is -- I mean that's, you know, I don't know
15 how you recover from that. You know, it'd be one thing if,
16 you know, hey, we're building a facility, you know, for seniors
17 and then, you know, you change and now it's going to be for
18 women. Well, then, you know, at least I had some knowledge
19 that this wasn't going to be a home with a -- with a family
20 in it, right? You know, to go from, hey, I'm building a home
21 for my family to, you know, now this is a CBIF, I think that's
22 just bridge too far to try to make up that ground just because
23 of, you know, the untruths that were told in the beginning
24 and the lack of transparency.

25 CHAIRPERSON HILL: All right. Thank you,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Chairman.

2 MS. MCSWAIN: Can I make a comment because the
3 owner --

4 CHAIRPERSON HILL: Okay, you'll -- Ms. McSwain,
5 you'll --

6 MS. MCSWAIN: Okay.

7 CHAIRPERSON HILL: -- you'll get a -- you'll get
8 a chance to ask questions if you like, but there's no comments.
9 But you'll get a chance to ask questions. And I guess you're
10 supposed to do it through your attorney.

11 MS. MCSWAIN: Okay, got it.

12 CHAIRPERSON HILL: Let's see. Oh, okay. I'm
13 going to get through all the testimony, then we can ask
14 questions. Mr. Young, is there anyone here wishing to
15 testify?

16 MR. YOUNG: Commissioner Douglas.

17 CHAIRPERSON HILL: Oh, yeah. Okay. Can you
18 bring in Commissioner Douglas? Commissioner, can you hear
19 me? Commissioner? Commissioner Douglas? Mr. Young, is it
20 muted?

21 MR. YOUNG: She is muted.

22 CHAIRPERSON HILL: Okay. Can you unmute her or
23 no?

24 MR. YOUNG: I can send her a request to unmute --
25 (Simultaneous speaking.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Commissioner Douglas, can you
2 hear me? If you can, raise your hand. Oh.

3 MEMBER SMITH: She just called --
4 (Simultaneous speaking.)

5 MS. DOUGLAS: I can hear you.

6 CHAIRPERSON HILL: Okay, great. Can you hear me?

7 MS. DOUGLAS: Can you hear me?

8 CHAIRPERSON HILL: I can hear you. Yes.

9 MS. DOUGLAS: Okay.

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

12 MS. DOUGLAS: Yes. I'm Commissioner Douglas,
13 Dorothy Douglas, ANC 7D03 commission and I just want to say
14 hello to everybody with a blessed and a wonderful day. Good
15 to see everybody, Mr. Hill.

16 CHAIRPERSON HILL: Thanks.

17 MS. DOUGLAS: I'm glad to see you. So --

18 CHAIRPERSON HILL: Commissioner --

19 MS. DOUGLAS: -- yes, I'm here. Yes, Dorothy
20 Douglas.

21 CHAIRPERSON HILL: Commissioner, you'll have
22 three minutes to give your testimony and you can begin whenever
23 you like. You're on mute again, Ms. Douglas. Commissioner,
24 you're on mute again.

25 MS. DOUGLAS: With no disrespect, sir.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Commissioner, can you hear me
2 now?

3 MS. DOUGLAS: Yes, sir, I can hear you.

4 CHAIRPERSON HILL: You were -- I couldn't hear what
5 you just said. You were on mute.

6 MS. DOUGLAS: No, I'm unmute. Can you hear me?

7 CHAIRPERSON HILL: I can hear you now.

8 MS. DOUGLAS: Okay. I was saying I would
9 appreciate you give me five minutes like you give other five
10 minutes because I am an elected official, and it is referenced
11 to my ANC single member district. And I wanted to say in
12 reference to that, I heard mister -- our chairman regards for
13 notification because notification was given out according to
14 our -- according to your guidelines once I learned of the
15 information to communicate.

16 And also I wanted to say, too, that the Deanwood
17 Citizens Associations are non-profit, is a private
18 organization, and that they should be considered as a public
19 witness. I'm an elected official and I should be acknowledged
20 for that because I give great weight and that would oversee
21 them.

22 Number one, ask the question, did they haven the
23 Deanwood Citizen Association, I gave them a letter to speak?

24 And the same for at this hearing, the same ask for Mr. Holmes,
25 did the Deanwood -- did his association -- did the ANC 7C give

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 him permission to speak because they have to go through the
2 body, and that -- I didn't hear that, and I know that I seen
3 it in the paper.

4 CHAIRPERSON HILL: Commissioner.

5 MS. DOUGLAS: Yes. I got you.

6 CHAIRPERSON HILL: So we went through the -- and
7 I'm sorry, I'm just following my own rules also. I don't make
8 up the rules. They went through the process of party status
9 that you know when we did it the first time. So go ahead and
10 give your testimony.

11 MS. DOUGLAS: Well, my testimony is that I am in
12 support of these returning citizens to have a home, and I don't
13 think we need to say that where we want somebody else to live
14 because those days was back there then we couldn't have an
15 opportunity. But the law say they have a right to live where
16 they is.

17 And I know they have some disagreement with the
18 owner in the beginning according to what they shared with me,
19 but I didn't hear that from the owners so I can't speak on
20 that and on what the owner shared with them. I was speaking
21 on the process that they have a -- they have a right and an
22 opportunity to be in this facility. And they have a right
23 to be in any community and to accept them as well, because
24 we all return citizen. I am in total support of that.

25 And I know there was a lack of communication and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 a lack of some information that misguided, but I didn't mislead
2 anybody. I followed all the procedure, I've always done that
3 since '92 and I have not changed. And as soon as I received
4 the information, I got it to the community and informed them
5 and had a meeting. And also shared it with my chairman as
6 well. So everybody knew, but not at the time they wanted,
7 might have wanted to, but they knew when I knew.

8 So I'm just saying a lot -- and that's a lot of
9 things that happened, not only with the ANC, but with the mayor.

10 Sometimes things come late, don't have no control over. And,
11 sir, we don't even have a computer, or in our officer, or
12 anything function, and those could be another thing too, that
13 could cause delay because we don't have all the things that
14 are functioning to service the community that would be very
15 helpful. And I just wanted to say that.

16 I am in support of and they have a right to be there,
17 and I think they have -- that we should support those residents.

18 And that just, you know, their -- prostitution starts from
19 Sheriff Road up into Eastern Avenue. Prostitution been over
20 there as I can remember since 1978 and even earlier than that.

21 So you start at Holmes' ANC single member district,
22 prostitution started down there.

23 My question, what have he done? He has not come
24 before this ANC or the single member district, and even spoke
25 or even say that they wanted to be involved and engaged. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 they have not since they -- since I can recall being the ANC
2 or -- and also the president of Deanwood Citizen Association.

3 And I know what the process is and they did not follow their
4 chain of command or their guide.

5 So I just want to say I am in support and I think
6 the citizens should -- we could really -- the mayor already
7 approved 300 beds right there down there off of Minnesota
8 Avenue, so that -- making homes available for those coming
9 home, too, some men and women. So these are people that have
10 -- that lived there, even for a lot of the folks lived and
11 their family lived there.

12 And I know we all have to live together and come
13 together. So this is what I believe in and I trust in. We
14 cannot treat one different than the other. We have to work
15 together to find solutions how to work this out. Just to say
16 to change something around and move this around and whatnot,
17 that's unacceptable. It's really unacceptable. When nobody
18 moved -- when nobody move you from out your house and tell
19 you you can't move next door or can't buy a house here, or
20 rent there or buy a car there.

21 So I think that's unfair, and untruthful, and
22 unacceptable to the residents not only people with
23 disabilities and also with returning citizens and everybody
24 that's living across all eight Wards. Thank you very much.

25 CHAIRPERSON HILL: Thanks, Commissioner. It's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 nice to see you. Thank you for your testimony.

2 MS. DOUGLAS: Thank you, too.

3 CHAIRPERSON HILL: Does the Board have any
4 questions for the witness? Okay. Mr. Brown, you got any
5 questions for the witness?

6 MR. BROWN: No questions.

7 CHAIRPERSON HILL: Mr. Hasan, you got any
8 questions?

9 MR. HASAN: No questions, thank you.

10 CHAIRPERSON HILL: Mr. Holmes?

11 MR. HOLMES: No questions.

12 CHAIRPERSON HILL: Okay. All right. Oh, did I
13 get everybody? Oh, Ms. Sanders? Okay, thank you. All
14 right, Commissioner Douglas, thank you very much for your
15 testimony.

16 MS. DOUGLAS: Thank you so much.

17 CHAIRPERSON HILL: Take care now.

18 MS. DOUGLAS: Okay.

19 CHAIRPERSON HILL: All right, Mr. Young, if you
20 could excuse Commissioner Douglas please. All right. So --
21 okay. I'm looking at my board members now. So, Ms. Giordano,
22 it's your application, so I'll let you have the last word.
23 But I think that -- I don't know, I'm kind of interested in,
24 I guess, giving it a shot and seeing if, you know, we -- I'd
25 even -- I'm looking at my fellow board members, like I'd even

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 be interested in maybe a continued hearing. You know, I don't
2 know. That might be a little bit too much.

3 I'd like that -- I know Ms. Giordano has been before
4 us before, and so I know that she can maybe see if she can
5 reach out to the parties and see if there's anything that can
6 or can't be done.

7 Ms. Giordano, my concerns thus far that I've heard,
8 oddly enough, they kind of are kind of going to even to just
9 kind of the adverse impact of the building itself, which is
10 kind of interesting. Like I mean that building was obviously
11 built by right, and, you know, there seems to be a tremendous
12 amount of transparency that has not been -- it just hasn't
13 been handled well. And so, you know, it hasn't been handled
14 well at all.

15 And so, you know, if you think that there is a chance
16 to go ahead and reach out to some of the, you know, you know
17 who all the parties are and try to see if like, you know, the
18 -- any kind of adverse impact with the deck, with the windows,
19 with the hours of operation. Anything that might happen to
20 make the community -- because really what, again, what we're
21 charged, which is looking through the regulations.

22 And the first part of the regulations, as I stated
23 with the Office of Planning, are really basic. It's like are
24 things within 500 feet or are things within 1,000 feet. Then
25 after that, you get to the general standards which, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 will not tend to adversely affect the use of neighboring
2 property in accordance with the zoning regulations and the
3 zoning map. And that's where it gets a little bit -- where
4 it gets thrown into the Board's jurisdiction like us to
5 determine what we think of that general standards criteria.

6 So I'm going to go around my board members and see
7 if they have any thoughts about what I'm about to say. And
8 then I'll end with Ms. Giordano giving some kind of a conclusion
9 here on where we are. So on the table for my fellow board
10 members is do you want to hear anything? Are you ready to
11 vote now? You know, do you want to have a continued hearing?

12 Do you just want to do a decision making and see what we get?

13 I guess we could say a decision making and see what
14 we get -- see what we get and then determine whether or not
15 we have a continued hearing based off of that. I don't know.

16 I'm going to start with Commissioner Miller on this one
17 because he's the zoning commissioner and has done a lot of
18 this stuff.

19 ZC VICE CHAIR MILLER: Well, I don't know if that's
20 -- well, thank you, Mr. Chairman. I would like to -- I think
21 it would be -- I mean you can do whatever you want as chair
22 in terms of what you think might be the best path forward
23 because I respect your ability to have that done in that past
24 and today.

25 But I think I -- I think it'd be helpful if we just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 heard any rebuttal testimony from the applicant at this time
2 rebutting anything that they want to rebut. And then we can
3 maybe see where we go from there. And before we get to a
4 closing, I think we -- I would like to hear rebuttal testimony.
5 Not lengthy, but brief rebuttal testimony.

6 CHAIRPERSON HILL: Okay. So that's one. And I
7 guess we'll get to -- we'll get to do that. Mr. Thornton,
8 you'll get a chance. Mr. Blake?

9 MEMBER BLAKE: Yeah, I think the rebuttal
10 testimony would be helpful. At this point, it seems like we
11 have almost insurmountable adverse impacts. So I think that
12 a -- that we -- a decision made today is pretty clear
13 directionally where I think we end up. We got a lot of things,
14 the adverse impacts are very difficult to deal with.

15 I would love to see the opportunity to have a
16 dialogue between the applicant and the opposition parties to
17 see if there's something that can be addressed. So rebuttal
18 will be part of that, but also I would not mind having them
19 take some time to see if they could work something out.

20 CHAIRPERSON HILL: All right. Ms. Giordano, you
21 can get your thoughts together, it sounds like you're going
22 to have rebuttal. And I apologize, that's what you're
23 supposed to have. I just got -- this has gone on long so I
24 got a little lost. Mr. Smith, you have comments?

25 MEMBER SMITH: It would be great to hear rebuttal.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 But what I'm hearing is, you know, in the form adverse impacts
2 is how has the applicant, in meeting with the -- both these
3 ANCs, attempted to mitigate some of their concerns as it
4 relates to nuisance crime -- or privacy, nuisance crime in
5 the neighborhood. I haven't heard that.

6 What I've heard was the services that they -- that
7 the applicant would provide to the residents of the halfway
8 house, but how would you in these services or as a way to
9 mitigate some of the concerns of the neighborhood, how are
10 you implementing some security programs or programs that would
11 try to address this nuisance crime that they believe may occur
12 into your application.

13 So it would be great to hear more from them. And
14 I'll highly recommend that the ANCs and the residents out
15 there, it would be great to -- for you all to get together
16 to try to discuss some of these concerns and figure out if
17 there is, you know, some way that they can mitigate some of
18 those concerns.

19 The property owner that owns the building, I'm not
20 saying it could operate as a CBIF, but I mean as we heard from
21 the Office of Planning, it could be a group home honestly.

22 So it may not completely go away. So it would be great to
23 hear, you know, for you all to have more discussions amongst
24 yourselves about any programs that may arise whether we approve
25 this or deny it. So I'll leave it at that. I welcome

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 rebuttal.

2 CHAIRPERSON HILL: All right. Ms. Giordano, do
3 you have any rebuttal?

4 MS GIORDANO: I believe Ms. McSwain and maybe Ms.
5 Horton said that they wanted to address some of these comments.

6 CHAIRPERSON HILL: Okay. Ms. McSwain, you want
7 to go ahead.

8 MS GIORDANO: And I would encourage Ms. McSwain
9 to also distinguish between, you know, her organization and
10 the owner, and where some of this disconnect occurred. I feel
11 like they're being tarred and feathered with acts that are
12 not theirs.

13 MS. MCSWAIN: Yeah, I would agree. We don't have
14 any relationship to the owner prior to last year. So when
15 the residents were informed by the owner about what his
16 intentions were, we were not involved in that conversation.
17 So if he changed his mind or if he even lied to them upfront,
18 that has no relationship to our program. You know, we weren't
19 a part of the conversation. We only came in last year when
20 we were approached about this facility being available.

21 And so once we identified this facility, you know,
22 we put together a plan to address the needs of these women
23 that are coming home following a period of incarceration.
24 And since we've moved women in, you know, we've, you know,
25 they're clear that the residents don't want them there. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 so we've instituted programming to keep them active, to keep
2 them busy, to keep them from hanging outside. I mean these
3 are the things that we've done. But they have a right to go
4 outside. They can sit outside and communicate. I mean it's
5 not against the law for them to do so.

6 But the program is making all kinds of concessions
7 to accommodate the concerns of the residents. At the end of
8 the day, these women don't have anywhere to live. And this
9 is an opportunity for them to not only have somewhere to live,
10 but have a full wraparound supports so that they don't engage
11 in the kinds of behaviors that are described by the residents.

12 It appears as though it doesn't matter what we do.

13 The residents have said to us, we think it's a good idea,
14 we just don't want it here. So mitigating this almost feels
15 insurmountable given that it's not about the program, it's
16 about we just don't want it -- we just don't want it here.

17 We have included every level of care that has been
18 requested. They have case management. They have jobs. They
19 have services once they leave because some of the questions,
20 well, where are they going to go once they leave. We've got
21 programs in place for them to go somewhere. We've got security
22 cameras. We've got 24-hour staffing. There is nothing that
23 the community has mentioned that we have not addressed through
24 the programming. And so I'm not exactly sure what more can
25 be done in order to overcome the residents' feelings that this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 was not transparent.

2 Soon as we were made aware of the resident
3 opposition, we had community meetings. This has been going
4 on for almost a year. We tried to reach out to do some
5 negotiation, the residents did not respond. We've hired a
6 community organizer to address some of the things that aren't
7 our responsibility. We don't have any obligation or
8 responsibility to the crime that existed before we got there.

9 But we hear the residents. We recognize their
10 concerns, and so we have put into place supports that might
11 mitigate some of their concerns. It just appears as though
12 it doesn't matter what we say, they are not interested in us
13 being there. Alicia.

14 MS. HORTON: We wholeheartedly -- and just to speak
15 to the transparency. Once we became involved and identified
16 this as an appropriate site that would suit the needs of this
17 client community -- matter of fact, we -- there was an article
18 that I think several of the residents responded to because
19 we were not trying to be, you know, secretive about this.

20 There was an article where we mentioned that this
21 program was happening, that this site had been identified.

22 And that is when Ms. Stecklow reached out, and we had already
23 been in contact with Dorothy Douglas. And we had set up some
24 meetings with them. We continued to have meetings. We
25 brought in an entire cadre of clients to share their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 experiences in our other programs and the successes that they
2 realized as a result of these programs. It was a very
3 emotional meeting. I think -- I was hoping that people were
4 engaged by what they heard.

5 So, yeah, I agree with Ashley. I'm not sure that
6 I feel confident that there is any real solution that we can
7 present, or offer, or engage in that will -- to make this
8 community feel safer. We want to help, we want to be a part
9 of the community, we want to mitigate the concerns. Nobody
10 should have to live where -- in the conditions that they have
11 described to Mr. Miller's point. But we want to be able to
12 help address that and we have funding and are willing to bring
13 in folks to help do that. So I don't know what more we can
14 do.

15 CHAIRPERSON HILL: Okay. Mr. Thornton, you had
16 something to say?

17 MR. THORNTON: Chairman, I wanted to just kind of
18 jump in. You know, a lot of the transparency that's been
19 talked about, and even Chairman Hasan, he mentioned that on
20 the meeting that we had with him -- with the full ANC, and
21 it kind of stems down to I guess timing. You know, and I was
22 the person that brought this project to Community Family Life
23 Services, and it was based on the work that I know that they
24 do, okay?

25 And when I became aware of the facility was December

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 2020. By then, there had already been conversations that I
2 was unaware between the owner, the Stecklows, and other people
3 within that community. When I became aware of that, I reached
4 out to the Blues, all the proponents, personally -- went down
5 personally to try to, you know, to try to talk with them, and
6 I guess by then it was like you said, they pretty much began
7 to accuse me as well of being part of the whole situation.

8 You know, the thing that I'd like to add, everyone
9 is saying that they care about returning citizens, and they
10 returning citizens. That's the problem, right? The crime
11 that we -- the crime that's there is there, right? For me,
12 you know, this is really the discrimination that formally
13 incarcerated have been, you know, getting from the various
14 communities in Washington for quite some time now. All right?

15 I mean there are actually elected officials that
16 come together, all right, I'm talking about ANCs, elected
17 officials, they come together and overreach sometimes when
18 they are aware that there is a possibility for a place for
19 a person coming home from incarceration. This is all about
20 the women and where they are coming from.

21 I mean some of the adverse, you know, issues that
22 you've talked about in terms of the infrastructure, they can
23 be dealt with. But this is more about where these women are
24 coming from and who they are. These are mothers, daughters,
25 sisters, nieces who -- that's what these safety net programs

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 are for, people who don't have a place to live. The crime
2 has already been there. They're not bringing this crime.
3 You know, not in with this.

4 You know, all these same -- some of the same ANCs
5 was involved with the 300 bed facility that Ms. Douglas brought
6 up, which is a halfway house for men. All right? And every
7 one of them said we support smaller opportunities to provide
8 housing, safety nets for men and women coming home. This is
9 the opportunity. This is a smaller house. Let's mediate
10 this. Let's see -- if you really supported that. It does
11 not seem like it's supported, it's discrimination.

12 And my thing is who gets to say who can live next
13 door to me. I was -- I mean we can -- this type of
14 discrimination against people coming home from prison is no
15 different if I made the decision that I didn't want you living
16 on my street because you was gay, or I didn't want to live
17 next door to you for whatever reason. So now -- we ought to
18 knew, you know, this discrimination has got to end somewhere.

19 So, again, I wish there would be a way because the
20 programs are strong, the services are strong. You know,
21 everything is there that needs to be there. All right? The
22 adverse conditions of the infrastructure, and they can be dealt
23 with. But to just say we don't want you here, all right, and
24 my interpretation of it and you really need to get real with
25 it, is because these are women coming from prison, period.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 It's because they're coming from prison, period. That's what
2 this all is about. And that's it for me, thanks.

3 CHAIRPERSON HILL: Okay. Hold on a second.

4 MS. STECKLOW: But you're benefitting from it
5 because you're getting paid.

6 CHAIRPERSON HILL: Hold on. Hold on. Hold on.
7 Hello, hello, hello, hello. It's not a free for all, sorry.

8 MR. THORNTON: Don't heckle --

9 (Simultaneous speaking.)

10 CHAIRPERSON HILL: Also, Mr. Thornton, you also
11 are done. So, Ms. Giordano, is that it for you guys?

12 MS GIORDANO: Just a few quick comments in closing.

13 CHAIRPERSON HILL: For rebuttal. On rebuttal.

14 MS GIORDANO: All right. So --

15 CHAIRPERSON HILL: I don't know. I got to --
16 before you get to rebuttal, I'm trying to remember if --

17 (Simultaneous speaking.)

18 CHAIRPERSON HILL: I'm trying to remember whether
19 there's questions on rebuttal. And so, Ms. Nagelhout, are
20 you there?

21 MS. NAGELHOUT: I am.

22 CHAIRPERSON HILL: Yeah. Are you -- do they have
23 a -- I forget if there's questions on rebuttal?

24 MS. NAGELHOUT: Yes. The Board should offer an
25 opportunity for cross-examination the materials presented

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 just during the rebuttal.

2 CHAIRPERSON HILL: Okay. So, Mr. Brown, do you
3 have any questions or cross on rebuttal?

4 MR. BROWN: Just for Mr. Thornton.

5 CHAIRPERSON HILL: Okay.

6 ZC VICE CHAIR MILLER: Mr. Chairman. Did --

7 CHAIRPERSON HILL: Yeah, sure, Mr. Miller.

8 ZC VICE CHAIR MILLER: Mr. Chairman, I just want
9 to make sure that Ms. Giordano was through her rebuttal
10 testimony.

11 CHAIRPERSON HILL: Oh, I thank you, Commissioner.
12 I thought she said she was going to try to make a conclusion.

13 ZC VICE CHAIR MILLER: Oh, okay. That's --

14 CHAIRPERSON HILL: That's all right.

15 ZC VICE CHAIR MILLER: Okay, yeah. Then all
16 right.

17 CHAIRPERSON HILL: Right. So you're done with the
18 rebuttal, is that correct?

19 MS GIORDANO: Yes.

20 CHAIRPERSON HILL: Okay. Okay. Mr. Brown?

21 MR. BROWN: Yes. Mr. Thornton.

22 CHAIRPERSON HILL: Oh, wait, hold on, Ms. Kearney,
23 you had your hand up again. Now what is it that you wanted
24 because you -- you had given your testimony?

25 MS. KEARNEY: I wanted to speak to some of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 things that Ms. Bullet brought up about, you know, the best
2 practices and all those things related to, you know, crime
3 in the area and bringing people returning from prison back
4 to those areas. And there's also been research that says that
5 even though, you know, people coming from these communities
6 have, you know, they have a history of that and come back to
7 these same communities.

8 These are where their social support systems are.
9 This is where their social ties are. This is where they're
10 familiar. So to displace to them another low-income,
11 high-crime area, it's just displacing their problem to -- they
12 can't even live in D.C. anymore where the benefits and social
13 programs are that they need.

14 And having these spaces in, you know, high-income
15 areas facilities doesn't really make a difficult either
16 because they can't afford to live in those areas because there
17 is people that don't want them in their communities. So it
18 continues a cycle of displacing these people that need services
19 outside of the community. And that's why you have these issues
20 with people returning home being sent to Delaware, being sent
21 to Baltimore, being sent to all these places and they can't
22 receive the benefits of living in D.C. And that's why we have
23 these issues of things being sent to the periphery, you know,
24 in southeast in Ward 7 and Ward 8.

25 And I'm looking at this structurally. So if you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 look at it structurally understanding the patterns of where
2 people are returning from in D.C., and that's Ward 7 and Ward
3 8, and they're not even able to live in the higher-income areas
4 because of development and higher cost of living, pushing or
5 continue to pushing them outside the city is just going to
6 make the problem even worse and they're going to be higher
7 rates of homelessness, higher rates of crime recidivism.

8 So I just want to highlight that. And also
9 highlight the fact that the community hasn't even given
10 Community Family Life Services or Thrive a chance. Give them
11 a chance --

12 CHAIRPERSON HILL: Okay. Okay.

13 MS. KEARNEY: -- before completely just dismiss
14 everything. So that's what I wanted to say.

15 CHAIRPERSON HILL: Okay. All right. I think you
16 all know where we are and where we're going, so, Mr. Brown,
17 can we do this fast?

18 MR. BROWN: Yes.

19 CHAIRPERSON HILL: Go ahead, Mr. Brown.

20 MR. BROWN: Yes. Mr. Thornton, did you hear
21 testimony --

22 CHAIRPERSON HILL: This is question on rebuttal.
23 Go ahead, Mr. Brown.

24 MR. BROWN: Mr. Thornton, did you hear the
25 testimony from my clients regarding statements you made to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 them that you were building this structure as a home for your
2 family?

3 CHAIRPERSON HILL: Now, Mr. Brown, this is where
4 I get confused. He had rebuttal and he didn't have any
5 rebuttal for what -- he didn't have any rebuttal on what you
6 just asked about. And so, Ms. Nagelhout, I'm going to try
7 to understand this because I want to understand this. It's
8 only questions on what Mr. Thornton just said during rebuttal,
9 correct? Right.

10 So, Mr. Brown, if Mr. Thornton didn't just say it,
11 that means you can't ask questions about it. So if you
12 remember what he just said, if you got any questions about
13 what he just said, you can ask any questions about what he
14 just said.

15 MR. BROWN: So his testimony was that -- never
16 mind. I'm not going to -- I'm not going to belabor the point.

17 CHAIRPERSON HILL: Okay.

18 MR. BROWN: I'm done.

19 CHAIRPERSON HILL: Okay. All right.

20 MR. THORNTON: Mr. Chairman, I just want to be
21 clear --

22 CHAIRPERSON HILL: Mr. Thornton, it's okay, Mr.
23 Thornton, I don't -- we're just -- I'm trying to get through
24 this day. So --

25 MR. THORNTON: He was asking about me building the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 house. I did not build the house. I just want to be clear
2 on that.

3 CHAIRPERSON HILL: Okay. Got you. Thank you,
4 right. Mr. Thornton, again, your role in this is -- now I'm
5 asking a question and I'm allowed to. Your role in this is
6 what again?

7 MR. THORNTON: So -- or actually I don't role have
8 in it. I was the person that brought this to Community Family
9 Life Services as being a possible location for their services.

10 CHAIRPERSON HILL: Right. You don't own the
11 building.

12 MR. THORNTON: No, sir.

13 CHAIRPERSON HILL: Okay, got you. All right.
14 Let's see. So I got -- okay, I did that. Ms. Sanders, do
15 you have any questions on rebuttal? Chairman Holmes?

16 MR. HOLMES: No.

17 CHAIRPERSON HILL: Okay. Chair -- and I'm looking
18 for you, is it Hasan, and I'm sorry if I mispronouncing it.

19 MR. HASAN: Hasan is correct. I guess just one
20 clarifying question to Mr. Thornton because we've already met.

21 We've already, you know, you all attended our ANC meeting
22 back in the fall. And from what I recall as I'm going back
23 and I'm looking over the letter that we wrote, there was a
24 lot of discussion between Mr. Thornton and the neighbors.

25 And that's -- so I am -- I'm a little confused here

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 now today because I recall there being quite a few folks that
2 have said that Mr. Thornton himself talked to the neighbors,
3 and we even discussed that at the time about, you know, the
4 information about what that facility was going to be. And
5 that really was a large part of the basis for our decision
6 did involve Mr. Thornton. And so we're talking about this
7 builder and the owner, and things like that, those things --

8 CHAIRPERSON HILL: Chairman Hasan -- Chairman
9 Hasan, I'm sorry, I'm just trying to -- and you know you got
10 to do this stuff also in your ANC meeting. So what's your
11 question for Mr. Thornton in terms of -- in terms of what he
12 just said in rebuttal?

13 MR. HASAN: Yep. So the question is Mr. Thornton
14 stated that he was not the one that made the comments, any
15 misleading comments to the residents. And that's what I
16 heard, and that wasn't what we discovered --

17 CHAIRPERSON HILL: So is there a question in there?

18 MR. HASAN: The question is --

19 MR. THORNTON: I took it as a question.

20 CHAIRPERSON HILL: Okay. What's the question
21 because I don't know the question?

22 MR. THORNTON: I'm on -- what I'm hearing you ask
23 me --

24 MR. HASAN: Well, if I could ask the -- yeah, the
25 question was -- I'll ask specifically did Mr. Thornton have,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 in his engagements with the community and the neighbors that
2 live there, did he share with them the plans for that facility,
3 plans being what the plans were going to be for that particular
4 location?

5 MR. THORNTON: And the answer is absolutely, that
6 was my purpose with meeting with those residents. That was
7 the purpose for continuously trying to reach out to the next
8 door neighbor. You know, Mr. Blue, we met. He came into the
9 facility. You know, we talked and I explained to him Community
10 Family Life Services, why they were one of the best groups
11 to support women, and why, you know, they should give them
12 a chance.

13 So every inch of the way, you know, from personally
14 meeting with the Blues, coming down there -- one of the meetings
15 they had they threw me out of, all right, and told me that
16 they didn't want to hear from me. You know, and all of that,
17 you know, again, was so that, you know, all I was trying to
18 do was let them know who Community Family Life Services was,
19 what their service was, and myself as an expert.

20 You know, I am a reentry. I came home through the
21 same process. You know, and I was trying to allow them to
22 see that I believe in this and that it works. So I mean that's,
23 you know, a lot of what they said is misleading. It was
24 misleading to you all when you all made your decision, but
25 gave you the impression that there was no transparency, none

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 of these things happened, and it was not true.

2 CHAIRPERSON HILL: Okay. Mr. Thornton, thanks so
3 much. All right, any more questions, Mr. Chairman?

4 MR. HASAN: You know, we had these conversations
5 back in September and October when it was a smaller group.
6 And, you know, this, you know, a couple -- many months have
7 passed and this doesn't seem to be -- it seems to be just a
8 different -- getting different feedback now. So that -- we
9 talked about this already.

10 CHAIRPERSON HILL: Okay. Okay.

11 (Simultaneous speaking.)

12 MR. HASAN: So --

13 CHAIRPERSON HILL: All right. Ms. Giordano, do
14 you have any closing comments before we ask about what we want?
15 Ms. Giordano, are you on mute?

16 MS GIORDANO: Saying that, you know, I've been
17 involved in a lot of tough cases. I knew this was a tough
18 case, and I'm doing this pro bono because I too believe in
19 these kind of programs and the need for them. And we
20 understand that anybody would feel concern about this kind
21 of facility on their block, and it really is the intention
22 of Community Family Life Services and Thrive to ameliorate
23 those concerns. They want for their residents and for the
24 community at large for this to work out.

25 And I think I just want to echo what others have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 said, you know, give them a chance. And in a number of other
2 cases that I've worked on where there was a lot of community
3 opposition, one solution was to do a limited time type
4 approval, come back in three years and let us know how it's
5 going, and you'll have to renew it. If it's not going well,
6 you know, we could deny it at that point.

7 Additionally, I think conditions around some of
8 the types of issues that have come up can be drafted, and I'd
9 be happy to do that. But it seems that that's really the only
10 way to go here because the other side just really isn't willing
11 to, I mean by their own admission, to consider, you know, this
12 location. I think maybe with the help from the Chair, they
13 could get there if they understood that, you know, it's a
14 possibility that the Board might approve this with appropriate
15 conditions and a limited timeframe.

16 CHAIRPERSON HILL: Okay. All right, Ms.
17 Giordano, so this is -- I mean when this whole thing started,
18 I was thinking about a limited timeframe, right, the three
19 to five years if we did do something like that. There's a
20 lot going on in this case. This has taken now, gosh, four
21 hours I think which is quite long for something that's not
22 in appeal. And there's a lot of information that the Board
23 has been given. And I think that I am going to ask for my
24 fellow board members for their help in terms of what we should
25 maybe do.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 I definitely would like to see your client, Ms.
2 Giordano, go and reach out to the ANC, reach out to the other
3 parties that are on this call, and see if there is anything
4 with either -- right, as you mentioned, conditions. There's
5 been a lot of discussion about -- I mean even from our
6 standpoint, when we've approved facilities such as this,
7 there's been a lot of like, you know, this is exactly how they
8 kind of work and function.

9 Ms. Horton, can you hear me? There was something
10 you had mentioned, you got money for something to do, a study
11 of some kind?

12 MS. HORTON: No, no. A community building project
13 where we want to bring in a consultant, a community organizing
14 consultant to help us engage the community, address some of
15 the issues that they have brought to bear, and to build some
16 bridges.

17 CHAIRPERSON HILL: When does that happen, or who
18 is that?

19 MS. HORTON: We are in discussions with a
20 consultant right now. We just got this funding a few weeks
21 ago.

22 CHAIRPERSON HILL: Got it.

23 MS. HORTON: So we're just -- we're building it
24 out.

25 CHAIRPERSON HILL: Got it. So, Ms. Giordano, that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 could be another tool in your toolbox I guess when you discuss
2 things with the ANC. I know that, again, I'll give my
3 standpoint, then I'm going to go around the table. I'm going
4 to start with you, Commissioner Miller, again, because you're
5 -- you hear bigger projects sometimes than we do even though
6 this is something.

7 You know, as Mr. Thornton did mention, you know,
8 this is a smaller facility which is what we've also heard the
9 communities on large would like to see. And so I do think
10 that, as I mentioned before, this just hadn't been approached
11 properly. That's not to say that people are going to sign
12 on to it or not. I don't know.

13 But I would agree that everyone who is here, at
14 least I think truthfully, would like to see something like
15 this succeed. It's just a matter of whether or not you can
16 make the community comfortable with what your plan is I think.

17 And whether or not it came in late in the game, or, you know,
18 it's where you are now.

19 And to what Board Member Smith mentioned, you know,
20 something's going to be -- like something's going to be here
21 with six people. So like you'll at least have six people
22 there, and the same six -- the exact same issues that you're
23 going to have with 12, you're going to have with six. So you
24 might as well go ahead and try to negotiate some things that'll
25 happen so that you can get whatever you can get with the 12

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 as opposed to the six. I don't know. I mean I'm just kind
2 of throwing that out as a reality.

3 And so I would like to see -- I guess just kind
4 of leave it open and I'll kind of look to my board members,
5 leave it open and either set a date or, you know, it's going
6 to be kind of far out. Like set a date for people to kind
7 of talk and get something into the record, and then maybe we'll
8 have a continued hearing which I don't know whether it would
9 be necessarily fruitful because we don't want to just go around
10 and around the table again, right?

11 But we could see what we get, and then if we wanted
12 a continued hearing, we could have a continued hearing.
13 That's kind of where I'm leaning in terms of get writings from
14 the -- responses from all the parties after they've had a chance
15 to talk. Commissioner Miller, do you have thoughts?

16 ZC VICE CHAIR MILLER: Yeah, Mr. Chairman, thank
17 you. I think that's an approach that is worth trying even
18 at this late day and even though what's happened in the past
19 has happened in the past, and the trust has broken down. But
20 the applicant -- I just want to point out, on that point of
21 making an effort to -- an effort with a community organizing
22 consultant or some kind of mediator facilitator would be a
23 useful exercise to at least attempt to begin to have and see
24 if it's worth pursuing.

25 We do have a lot of contentious -- or we have a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 fair number of contentious cases at the Zoning Commission.

2 I know the mediation facilitation route has worked following
3 a public hearing at which there was a lot of opposition, you
4 know, and a few -- and a couple college and university campus
5 plan cases. And not to be promoting any one mediator
6 facilitator, which Don Edwards Justice and Sustainability
7 group just happened to be the facilitator mediator who
8 successfully -- not in every case, but in many cases -- has
9 brought the parties together.

10 So I think it's -- I would -- oh, so I wanted to
11 just say that the ANC 7D letter, I want to -- in their last --
12 in opposing the application five to one, but they did say it's
13 unfortunate and they were recalled, they -- the sentence that
14 says it's unfortunate, and they're talking about the
15 miscommunication and the lack of transparency.

16 "It's unfortunate, but we believe as we believe
17 programs like this are much needed, but in order to be
18 successful, the applicant should reconsider their approach
19 and aim to be a true and forthcoming community partner." So
20 that's the ANC's position that the applicant should reconsider
21 their approach and aim to be a true and forthcoming community
22 partner. And I think the applicant has offered to, at this
23 late day, to bring in somebody who maybe the ANC could agree
24 with as a neutral mediator facilitator, and try to be the
25 community partner that the ANC 7D was referring to.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 And I think regardless of whether that works or
2 not I think, Ms. Giordano should go ahead and draft up
3 conditions which could possibly mitigate and get some reaction
4 from the ANCs whether or not we have that facilitated community
5 organized process or not.

6 And we also had requested in terms of information
7 or next steps, we had asked for additional information from
8 the Office of Planning on the location of other CBIFs in the
9 area, and maybe other facilities that used to be classified
10 as residential -- community residence facilities whether
11 they're medical facilities, or health facilities, or group
12 homes just so we can get a sense of the concern about over
13 concentration even though the only over-concentration
14 criteria that we had is the CBIF, actual definition of CBIF
15 within 1,000 feet.

16 So that's kind of a rambling answer to your
17 question, but, yes, I think it would be worthwhile, not to
18 put it out a long time because this case has been around a
19 long time. I think it needs -- tries to -- need to try to
20 get to resolution one way or the other. But I don't -- I am
21 not comfortable with voting on it today. I would like to see
22 the information we requested and this effort. One, this
23 effort made for a facilitated discussion with the community
24 where people go in with an open mind, perhaps try to go in
25 with an open mind despite the what's happened in the past to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 try to see if what can be mitigated as my fellow colleagues
2 have said. Thanks.

3 CHAIRPERSON HILL: Thank you. Mr. Smith.

4 MEMBER SMITH: Yeah. That everyone has said, I
5 would like to just leave it open. Not too, you know, not too
6 long. But I do want to see this discussion happen amongst
7 the community and the applicant. And, you know, as I stated,
8 and as you heard from the Office of Planning, it could very
9 well be something here that has no more than six. So just
10 because we may deny this doesn't mean that, you know, the owner
11 decides to sell it as a single family house. That may not
12 happen.

13 I will say that as the community has stated, there
14 is great value to this particular program, the community stated
15 it, they support these types of wraparound services, but they
16 have some concern that it shouldn't be here. I understand
17 their concern, but the flip of this is that -- and I believe
18 that Ms. McSwain stated this, and this could be based off of
19 her own knowledge of operating these types of facilities
20 throughout the city, many of the residents that she see in
21 her facilities come from Ward 7 and 8.

22 So putting them, you know, and I understand the
23 concern of, you know, not -- maybe not having them here and
24 putting them somewhere else with -- putting these types of
25 facilities somewhere else in the city. What justice does that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 serve to put residents who are from Ward 7 and 8 all the way
2 up on the other side of Rock Creek Park away from their
3 residence -- I mean away from their family members, away from
4 their support, their support systems? So I understand the
5 other side of this coin. So I think there may be -- I welcome
6 some type of dialogue between the residents and the applicant
7 on this particular case.

8 To the applicant's point, I think it would be better
9 served if there is more discussion on the types of conditions.

10 I think Ms. Giordano is correct. We need to have -- there
11 needs -- the community needs to see conditions, and I don't
12 mean, and, you know, there was some discussion about how you're
13 going to programmatically address some of the concerns.

14 I don't think it needs to be in the program. It
15 needs to be some of that -- some of those programmatic steps
16 that you stated such as the sign-in, sign-out program, needs
17 to be upfront in a series of conditions, especially if I think
18 the way that we're going to go with this if it is approved,
19 is that there will be some type of sunset. So there will give
20 the ANC's measures to point to for them to be able to measure
21 success.

22 So is the -- maybe some condition about
23 sign-in/sign-out. There may be a condition, and, you know,
24 I'm just throwing this out here, maybe quiet hours. Maybe
25 there is a time that there's a reduced level of activity between

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 hours X -- I'll say 10:00, I'll throw it out there to 7:00
2 o'clock in the morning. Quiet hours or something like that.

3 I will also welcome some type of condition where there is
4 some kind of neighborhood liaison between the applicant. And
5 I want additional clarification on who the applicant is, Mr.
6 Thornton, I'm still not clear on what your role is in this
7 now.

8 But on the part of the applicant, but we will be
9 conditioning this to the applicant. They will be required
10 to have a neighborhood liaison with both of the ANC's to address
11 any concerns that they may -- that may arise within this
12 five-year timeframe. And also probably within that condition
13 is the house rules that you are programmatically saying exist
14 need to be available at all times for the ANC for them to be
15 aware of what those house rules are. And, you know, and also
16 it probably is beneficial to you so that they are aware of
17 the program requirements and you have additional eyes on the
18 street so that this particular program can be very successful.

19 So I would welcome that. I welcome the drafting of
20 conditions.

21 And also Mr. Miller's statement, we need some
22 additional information from the Office of Planning. I'm not
23 content that they don't definitively know whether there are
24 other facilities of this nature within the neighborhood or
25 within the 1,000 feet or 500 feet. That did not -- as a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 planner, I'm shocked to hear the planner -- another planner
2 say they don't know. And this is their particular case. It
3 may not be within the Office of Planning, but to me is the
4 responsibility of them to bring that information to us. So
5 I welcome that additional information from the Office of
6 Planning, and we can push this out to give that additional
7 dialogue -- time for dialogue. So I'm done talking.

8 MS. MCSWAIN: Am I allowed to ask a question?

9 CHAIRPERSON HILL: Who is that?

10 MEMBER SMITH: Sure.

11 MS. MCSWAIN: Okay.

12 CHAIRPERSON HILL: Who just spoke?

13 MEMBER SMITH: Ms. McSwain.

14 CHAIRPERSON HILL: Oh. Ms. McSwain, give me a
15 second first, okay? Go ahead, and if you want to -- and in
16 your -- in answering your question, the question is, no, you're
17 not allowed to answer a question.

18 MS. MCSWAIN: Okay.

19 CHAIRPERSON HILL: And I will let you ask the
20 question. We'll just figure this out. Okay? Mr. Blake, go
21 ahead.

22 MEMBER BLAKE: Well, after that comment from Board
23 Member Smith, there's not a lot else to be said. He hit the
24 nail on the head with that. I mean this is a good cause, this
25 is a credible operator, but there is bad blood.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 I don't think this is a binary decision. In this
2 case, it's an issue of scale and it -- they can exist with
3 six, and there can be a lot of other ones just like it with
4 six. It could be worse. It could be a group home with a bunch
5 of very loud, you know, parties. There are issues of concern
6 no matter what.

7 For me I see issues with loitering, the alley
8 activity. I didn't feel comfortable with those two things.

9 That's something that -- there needs to be some issues to
10 try to address that. One of the issues about being in your
11 own community is a lot of people come away. I can go by and
12 visit with them right now. Well, this may not be the ideal
13 place for you to come within a range of this place at all.

14 And sitting in the car and getting high is not exactly my
15 idea of a good way to visit. It is a bad habit being continued.

16 As far as the location itself is concerned, you're
17 right, it's tough to be in a tough area like that, but, you
18 know, it sounds like trying to program a person's mind, which
19 is what this -- they do.

20 MS GIORDANO: Oh, again. Okay. Don't --

21 CHAIRPERSON HILL: No, that's all right. Ms.
22 Giordano, you need to mute. Sorry.

23 MEMBER BLAKE: If you can program a person's mind
24 to work effectively in the community in which they're in is
25 actually a good strategy. I mean you're going to have to fight

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 these demons at some point, you might as well be in the
2 environment so you can do that. So I'm -- and this is not
3 an area of expertise for me so I'm not going to address it
4 like that. But I do think there is some credible --
5 something's credible in here.

6 But, anyway, even if it's not this location, some
7 thought does need to be given to what conditions would be
8 acceptable because this service is needed, these are our folks.

9 We are the village and that's what it takes. It takes a
10 village to make this work. So we have to think about how as
11 a village we can make this work because we do need to have
12 it. So I agree with all the statements about taking some time,
13 let's figure it out. They're going to continue to exist the
14 way they are. We have time.

15 CHAIRPERSON HILL: Okay. Ms. Giordano, I'm going
16 to give -- just so -- I know you're taking notes. You know,
17 again, I had mentioned that alley. I was curious about the
18 alley. There is, you know, there was some comments about
19 loitering. There's now been the thing about quiet hours.
20 I don't know. Just some kind of a discussion I guess with
21 the conditions and a sunset period. I actually don't know
22 where the Board is on this, you know? So it is worthwhile
23 to have a discussion, and I'm going to -- and I'm going to
24 ask the chairman a question in a second. But, Ms. McSwain,
25 you had a question.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. MCSWAIN: I just had a quick question which
2 is if we're asked to engage the residents and they are not
3 willing to engage us in good faith, what is it that we are
4 then asked to do?

5 CHAIRPERSON HILL: Okay. So that's a good
6 question. So, Ms. McSwain, basically you guys have to
7 convince the Board, right? We're the ones that have to be
8 convinced. If you say that these are all the conditions that
9 we think mitigate all of the issues that just got whatever
10 and then there's something that there's a sunset period that
11 we are comfortable with, and the Board is comfortable with
12 the regulations being filled and comfortable with this, we
13 can vote. I mean that's who has to eventually end with it.

14 And what -- again, I appreciate Mr. Smith bringing
15 this to my attention again and continue is that six can be
16 there anyway. So, again, the difference between six and 12,
17 it's not really a lot, right? So there is six --

18 MEMBER SMITH: Six --

19 CHAIRPERSON HILL: Right. Six with no
20 conditions.

21 MEMBER SMITH: Six with no conditions
22 neighborhood.

23 CHAIRPERSON HILL: Right. So there is incentive
24 to work together to try to get some conditions because then
25 you got conditions with 12 as opposed to no conditions with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 six. So, Chairman, Hanson, are you there? Hasan, Hasan,
2 sorry.

3 MR. HASAN: Hello, Mr. Chairman, I'm here. I'm
4 juggling a work call, but --

5 CHAIRPERSON HILL: Okay. When do you guys meet
6 next? When do you guys meet next? When are you -- when you're
7 meeting?

8 MR. HASAN: Let me look at the calendar real quick.

9 CHAIRPERSON HILL: Yep. The Chairman's juggling
10 a work call. Oh, like somebody's got a job. Right, there's
11 people working.

12 MR. HASAN: Yeah. I believe our next meeting is
13 the 14th.

14 CHAIRPERSON HILL: The 14th of June.

15 MR. HASAN: Yeah.

16 CHAIRPERSON HILL: So you meet the second Tuesday
17 of the month then I'm going to guess. So then your next meeting
18 would be July 12th. You got the 14th and you got the 12th.

19 So, okay, let's see, you got the 14th, you -- I think it's
20 going to take longer than the 14th. So I don't know, Ms.
21 Giordano, can you hear me?

22 MS GIORDANO: Yes.

23 CHAIRPERSON HILL: I mean you can help me figure
24 this out also. Like I mean the 14th is only one week, two
25 weeks -- I guess it's four weeks away and you'd have to see

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 whether you could get on the calendar or not with the -- but
2 maybe you can get something going -- you think you can get
3 something going by the 14th of June?

4 MS GIORDANO: Yeah. I mean I think there is
5 obviously an urgent need here and I'm certainly willing to
6 do the conditions within that timeframe, and if the ANC is
7 willing to entertain us, I think we can make some progress.

8 CHAIRPERSON HILL: Okay. Well, I'll just do this.
9 I mean, Chairman Hasan, are you at least willing to talk with
10 the applicant?

11 MR. HASAN: Absolutely. You know, I think it --
12 and for starters, it'd be good to get a little more clarity
13 on who's who in the zoo. So I absolutely look forward to
14 talking with the applicant again.

15 CHAIRPERSON HILL: Okay. So, Ms. Giordano, since
16 you're doing this pro bono, we're going to use all your pro
17 bono hours in one shot. And you're going to go -- you're going
18 to contact Chairman Hasan, and you're going to go ahead and
19 see how this goes, okay?

20 MS GIORDANO: Okay.

21 CHAIRPERSON HILL: And then you're going to --
22 let's say that you get something to us by the 10th of June.
23 Okay?

24 MS GIORDANO: Okay. Okay.

25 CHAIRPERSON HILL: Because that means you're going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to present -- hopefully the Chairman will let you present on
2 the 14th of June, okay, meaning you get us something to look
3 at. Whatever you're going to present to the ANC, you present
4 to them on the 14th, and we'll get to take a look at it on
5 the 10th of June.

6 MS GIORDANO: Okay.

7 CHAIRPERSON HILL: Okay?

8 MS GIORDANO: All right.

9 CHAIRPERSON HILL: And then, Mr. Moy, I know we
10 are kind of following along here, then if they meet -- if the
11 ANC meets on the 14th, Chairman Hasan, if you can get us
12 something -- I mean I don't know if you can get them on the
13 14th or not. If you can't, I'm not saying -- you can figure
14 this out yourself, but maybe you can give us something -- if
15 they do speak on the 14th, by the 17th of June, is that fair,
16 sir?

17 MR. HASAN: Yeah, Mr. Chairman, I think that's
18 fair.

19 CHAIRPERSON HILL: Okay.

20 MR. HASAN: I think we'll be able to make that work.

21 CHAIRPERSON HILL: Okay. Then, Mr. Moy, if we get
22 something from the ANC on the 17th of June, we can have a
23 decision on the 22nd of June. Mr. Moy, are you there? Which
24 is two days before my birthday.

25 MR. MOY: June 22nd, it's possible. So responses

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to the applicant's filing from the ANC due by June 17th. Would
2 you also want to consider a supplemental filing from the --
3 do you need that from the Office of Planning?

4 CHAIRPERSON HILL: Yeah, yeah. We need -- Office
5 of Planning, if we can get something to you, if you can also
6 -- is the 10th also fine, or any earlier I don't know, Ms.
7 Brown-Roberts, I didn't even remember who was in it's been
8 so long ago.

9 MS. BROWN-ROBERTS: Yes, Mr. chairman.

10 CHAIRPERSON HILL: When do you think you can get
11 us the information? Is the 10th okay? June 10th?

12 MS. BROWN-ROBERTS: Yes, Mr. Chairman.

13 CHAIRPERSON HILL: Or is that helpful to the
14 applicant at all? I mean can you get it to us by June 3rd?

15 MS. BROWN-ROBERTS: I should be able to do that,
16 yes.

17 CHAIRPERSON HILL: Okay. So if the Office of
18 Planning can give us their supplemental report by June 3rd,
19 which includes if there are any other CBIFs, and I don't know,
20 Mister -- whatever Mr. Miller just clarified. Commissioner
21 Miller, can you clarify what you wanted?

22 ZC VICE CHAIR MILLER: Well, the CBIF, definitely
23 we want that. I also -- because there are other facilities
24 such as group homes, and healthcare facilities, and substance
25 abuse recovery homes, because --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MS. BROWN-ROBERTS: Mister --

2 (Simultaneous speaking.)

3 ZC VICE CHAIR MILLER: -- whatever the Office of
4 Planning has access to that they can provide us as to what's
5 located in the area, even though there are -- they are permitted
6 with -- sometimes with special exceptions if it doesn't meet
7 the certain size or whatever criteria, I think it'd be helpful
8 to -- they are permitted a special exception in the R-2 zone.

9 But so they're there, and so I just want to know what's --
10 what is there other than the single family homes in the R-2
11 zone.

12 MS. BROWN-ROBERTS: Mr. Miller?

13 ZC VICE CHAIR MILLER: Ms. Brown-Roberts?

14 MS. BROWN-ROBERTS: Yes. I just wanted to let you
15 know that for, you know, facilities under six persons, we would
16 not have that information because they're listed as
17 households.

18 ZC VICE CHAIR MILLER: Okay. Whatever you have
19 that --

20 MS. BROWN-ROBERTS: Okay.

21 ZC VICE CHAIR MILLER: -- is the most up to date.

22 MS. BROWN-ROBERTS: Just wanted to clarify --
23 yeah, I just wanted to clarify that.

24 ZC VICE CHAIR MILLER: Okay. And understanding
25 the privacy concerns that you articulated earlier. Just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 whatever you have, that's more -- a little bit more information
2 as to what's located in the area through whatever sources,
3 and you can let us know what the sources are, it would be helpful
4 to have.

5 MS. BROWN-ROBERTS: Okay, no problem.

6 CHAIRPERSON HILL: Okay. And, yeah, I mean we
7 just need numbers. We don't even need a map or locations or
8 anything. So --

9 MS. BROWN-ROBERTS: Okay.

10 CHAIRPERSON HILL: -- the third, we'll get that
11 from the Office of Planning by the 3rd. We'll get whatever,
12 Ms. Giordano, you're actually able to organize by the 10th,
13 and that's after talking to people. At least you put your
14 best foot forward for the Board to look at something on the
15 10th. Okay, Ms. Giordano?

16 And then you guys vote, Commissioner Hasan if they
17 can speak. If they can speak on the 14th, Chairman Hasan,
18 if you can get them on there, then at least we can hear what
19 you guys think about what they're proposing by the 17th. And
20 it may be a no. Like I'm not saying it's, you know, we're
21 just trying to do something, right? And, again, chairman
22 Hasan, you do understand that they can do six on their own
23 right now, right?

24 So then we'll get whatever you give us on the 17th.
25 And then we'll vote on the 22nd, and/or if the Board thinks

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 we need to do a supplemental hearing or a continued hearing,
2 we can reopen it. But we'll leave it, Mr. Moy, for a vote
3 on the 22nd for now.

4 MR. MOY: Mr. Chairman, if I can amend your
5 timeline a little bit for clarification. So responses, June
6 17th from the ANC. Would that also include the responses from
7 all the parties?

8 CHAIRPERSON HILL: Yeah. Yes, please.

9 MR. MOY: Okay. That's all I have.

10 MS. BEVERLY: May I ask a question please? This
11 is Talitha Beverly?

12 CHAIRPERSON HILL: Oh, sure, go ahead, Ms.
13 Beverly.

14 MS. BEVERLY: So I just want to express the concern
15 with the homeowners that have hired an attorney. We do not
16 have a pro bono attorney. I wish that were the case. We
17 don't. We paid Mr. Brown, and he's a great attorney, we're
18 happy to have him. The reason that we have Mr. Brown is because
19 there was no bridge or no one was taking us seriously when
20 we wanted to express what was going on. So the extension and
21 the continuation actually costs us our time and our well-earned
22 money. Even now I can't work because I'm here.

23 So I just want -- and please take that in
24 consideration because I feel like the last three hearings have
25 cost us time and money, and specifically myself, the Blues,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 and Ms. Stecklow -- and the Stecklows. Excuse me. So I just
2 think that for equity and fairness, not unless one of the
3 negotiation tactics is for their grant money to pay for our
4 attorney, which I think is a great concession, that that could
5 be part of the solution.

6 I would like to have all of this resolved and so
7 that we can move forward. So please take that in consideration
8 because this has been going on for a year and we've been paying
9 really good money for a year. So please --

10 CHAIRPERSON HILL: No, I got that. I appreciate
11 that, Mr. Beverly -- Ms. Beverly. I'm sorry. Like this is
12 the only process that I have and like we're not, you know,
13 we can't vote on it right now. So this is the best way that
14 I got to where -- but I appreciate it. So that means that --

15 (Simultaneous speaking.)

16 MS. BEVERLY: So I'd like to ask formally if the
17 concession is that some of the grant money pays for our attorney
18 so that every --

19 CHAIRPERSON HILL: I don't -- I mean --

20 (Simultaneous speaking.)

21 MS. BEVERLY: -- one comes together.

22 CHAIRPERSON HILL: You can talk to -- you can talk
23 to Ms. Giordano. I don't know whether they'll get to that
24 point. Or you can ask Mr. Brown to do some pro bono work,
25 you know? And so maybe that would be an easier thing, Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Brown, than trying to squeeze money out of somebody else's
2 grant. But so --

3 MS. MCSWAIN: Somebody else that opposes us.

4 CHAIRPERSON HILL: I'll try to go ahead and, you
5 know, Ms. Beverly, you look like you're have a funny face there.
6 What I'm saying is --

7 MS. BEVERLY: Yeah, I'm just curious why that
8 answer came where it did. I know that this has been a prolonged
9 process. I'd like to make sure that we, from an equitable
10 standpoint, we paid really good money, we earn our money and
11 this is coming from a non-profit that's getting grant money
12 from our tax money to make sure that this can happen. So I'm
13 just -- I just want to -- I just want some equitable -- equity.
14 That's all.

15 CHAIRPERSON HILL: No, Ms. Beverly, I didn't mean
16 to be flippant. I was saying that I don't think that -- I
17 can't speak to that was what I'm trying to say, right? And
18 I don't know -- I can't -- that's something that's way out
19 of my world, right? Like I don't have any responsibility for
20 somebody's grant money is what I was trying to get at. Like
21 I don't even know what grant money exists. That's what I --
22 that's how far out of this discussion I am, right? I didn't
23 even know there was grant money. So I was making a comment
24 to Mr. Brown, who I see often, is that, you know, for some
25 pro bono work.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 But regardless, you all can decide I guess what
2 you want to do with Mr. Brown meaning Ms. Giordano can just
3 go ahead and present whatever she's going to present, and then
4 the ANC, Mr. Hasan -- and by the way, we're all volunteers
5 over here, right? So, Mr. Hasan -- I mean Chairman Hasan can
6 also work with you guys to see if you can get anywhere with
7 this, right? And at the end of the day, hopefully you can.
8 And if not, you might still have a no, right?

9 And so what -- and now Ms. Beverly, I am looking
10 at you which is to say there are six people that are going
11 to be there anyway. That's what we're trying to provide an
12 opportunity for a discussion, right?

13 MS. BEVERLY: Yeah. I'm aware that there's six
14 people. We just want to make sure we have the proper
15 representation because we haven't been able to come together
16 for, like I said, there's lack of transparency. And I don't
17 want to start all of that over again, but we needed
18 representation for those reasons.

19 CHAIRPERSON HILL: Okay. Then, Ms. Beverly, what
20 would you like me to do?

21 MS. BEVERLY: I'd like -- I personally would love
22 for there to be a decision, and if not, I'd like some equitable
23 way that we can get there so that, you know, thousands, and
24 thousands, and thousands of dollars later --

25 CHAIRPERSON HILL: No, no, I'm all --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. BEVERLY: -- we're not making --

2 CHAIRPERSON HILL: I'm all ears for your
3 suggestion. There's not going to be a vote today, you already
4 know that. So then what would you like me to do? And I'm
5 not -- I'm just asking for a suggestion I guess.

6 MS. BEVERLY: I have -- this is my first time doing
7 this, so I'm relying on the due process. I don't have a
8 suggestion. I would like it to not be costly and it to be
9 equitable for everyone involved. That's what I'd like.

10 CHAIRPERSON HILL: Got it.

11 MS. BEVERLY: I don't know what that looks like.
12 I really don't.

13 CHAIRPERSON HILL: I think the best thing you'll
14 get then at this point, unless again, there's some other way
15 that you can do it with your attorney, is that Ms. Giordano
16 is going to work with you through Mr. Brown, or if you guys
17 don't work with Mr. Brown, then I guess she'll work with you
18 individually, right, to --

19 MS. BEVERLY: She does not have our best interests.
20 She's not --

21 CHAIRPERSON HILL: No, no.

22 (Simultaneous speaking.)

23 CHAIRPERSON HILL: Ms. Giordano -- Ms. Giordano,
24 I'm just saying she's going to try to come up with some things.
25 If you all are just like a hard no, then you can still vote

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 no. I'm not saying that you have -- you get to decide, right?

2 And then the Board determines whether or not the regulations
3 are being met. So that's all I'm trying to say.

4 So, Ms. Giordano would then come to you guys and
5 come up with, you know, some discussion points that you guys
6 can either agree with or not, and then the Chairman, who is
7 your ANC chairman who's still on the line here, he can also
8 work with you guys to see what you guys respond to us by on
9 June 10th.

10 And then on June 10th, we'll be able to make a
11 decision. I'm sorry, June 10th we're going to get stuff from
12 whatever happens from this discussion, then on the -- then
13 the ANC is going to meet on the 14th of June, and then we're
14 going to get whatever comes back from the ANC on the 17th as
15 far -- and also any final words from anyone at all.

16 But I'm just trying to say this is the best I think
17 I can do at that time. But I do understand that you don't
18 want it to go past the 22nd, and so we can go ahead and vote
19 on the 22nd. I'll do my best that it's a vote on the 22nd.

20 Okay?

21 MS. BEVERLY: Okay. Thank you.

22 CHAIRPERSON HILL: Okay.

23 MS. BEVERLY: A vote on the 22nd of June?

24 CHAIRPERSON HILL: Pardon. Yeah, yeah.

25 MS. BEVERLY: You said vote on the 22nd, is that --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL:

2 MS. BEVERLY: That's what you're saying that's the
3 best you think you can do?

4 CHAIRPERSON HILL: I'm hopeful. Yeah. I mean if
5 I could move up this timeline any more, I would. And in terms
6 of equity, I just want to say like I'm -- we're trying to be
7 as fair as we can with everybody. There is, you know, this
8 is what we have, right?

9 MS. BEVERLY: Right. I just -- I'm commenting
10 more on how long this has taken, not just this meeting, but
11 just getting to a hearing, and now it's an extension of that.
12 So what was my comment. I'm not trying to say that this Board
13 is not doing a great job. I do. And I appreciate what you
14 do. I'm just making sure that I speak up because I feel like
15 this is the only chance I have.

16 CHAIRPERSON HILL: No, I got you. I'm sorry. It
17 costs money. I apologize it costs money. And I apologize
18 it's costing your money. So let's see. Okay. So, Mr. Moy,
19 you got the dates, right? Chair Hasan, you look like you're
20 trying to say something.

21 MR. HASAN: Yeah. Just one question for clarity.
22 So on the 22nd, you all will be making a vote for what exactly?
23 What are we voting on?

24 CHAIRPERSON HILL: Right. So dependent upon --
25 I don't know what's going to happen fully because I just don't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 know, right? But supposedly on the 10th, we're going to see
2 whatever you all come up with, right, by talking with Ms.
3 Giordano, right? And everybody knows that we're the ones that
4 have to be convinced, right, the Board, right, as to whether
5 or not we think you're meeting the standard and the criteria
6 of the regulations, right?

7 So on the 10th, we'll see whatever you all come
8 up with together. And I'm looking to you -- I'm looking to
9 you, Mr. Chairman. We'll see whatever you come up on the 10th.

10 And it might be nothing. I mean if you guys decide that you
11 don't want to talk to anybody, then Ms. Giordano will come
12 up with something that she thinks maybe the Board will agree
13 is something that they can agree to that fits in with the
14 regulations, right? That what I'm saying Ms. Giordano is
15 going to do. One way or the other, she's going to give us
16 something on the 10th, right? And so hopefully you all talk
17 about it, and then we get something on the 10th.

18 Then on the 14th, I guess if you guys allow, they'll
19 speak at your ANC again. You all will take a vote, whatever
20 that is. And then we'll find out what that vote is and your
21 comments by the 17th as well as any final statements anybody
22 has about anything on the 17th. And then we, the Board, will
23 determine if we have enough information to make a vote on the
24 22nd. And what Ms. Beverly is just saying is that this is
25 taking time so they'd rather have a vote one way or the other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 on the 22nd.

2 MR. HASAN: Right. Copy all. I was at -- thank
3 you. Just asking specifically. And that vote will be a yay
4 or nay for approving this application and the variance? I'm
5 sorry, what --

6 CHAIRPERSON HILL: It's not a variance. It's a
7 special exception.

8 MR. HASAN: Special exception to the occupancy?
9 What are --

10 CHAIRPERSON HILL: It's for the -- it's a special
11 exception to allow a community-based institutional facility.

12 MR. HASAN: Or --

13 CHAIRPERSON HILL: And they --

14 MR. HASAN: Right, right, right. So -- but you
15 had mentioned earlier that they are already approved for six
16 persons to reside. No?

17 CHAIRPERSON HILL: Right. So six people are
18 allowed to live in a place that don't know each other by right.
19 Like you can't stop people from living together, right? So
20 six people can live together. And so they're just allowed
21 to do that no matter what it is, right? So that's what I'm
22 saying, six people can live together and they can do whatever
23 they want. Okay?

24 MR. HASAN: Okay. Yeah. Okay, thank you. I
25 thought that this application was also about rezoning. I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 thought this was an R -- I'm sorry, we do a ton of these.
2 I just --

3 CHAIRPERSON HILL: That's okay. Yeah, yeah,
4 that's okay. So you can go ahead and look at the Office of
5 Planning's report and that might provide some clarity. Okay,
6 I got to let us eat because it's 4:00 o'clock. So does anybody
7 have anything else for my fellow board members? Mr. Brown,
8 you look like you're trying to say something.

9 MR. BROWN: I have in the back of my head that a
10 lot of the discussion here is premised on the notion that it's
11 pretty much a free for all as long as there is six or fewer
12 people in the structure. I understand that's your point of
13 view. I understand that that is OP's point of view. I am
14 skeptical, and I'm going to research that question a lot more
15 closely than it seems to have been, and if I disagree with
16 that, I'm going to respectively provide you my analysis as
17 part of this process.

18 CHAIRPERSON HILL: That's fine. I guess, Mr.
19 Brown, you might be wanting to do an appeal about even like
20 something the zoning administrator did. I don't know. But
21 you can submit whatever you want, you know, I guess you can
22 --

23 (Simultaneous speaking.)

24 MR. BROWN: There has been no determination by the
25 zoning administrator about that issue --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON HILL: No. What I'm saying -- Mr.
2 Brown, is --

3 MR. BROWN: -- in this case.

4 CHAIRPERSON HILL: Mr. Brown, what I'm saying is
5 I know for a fact six unrelated people can live in a house,
6 okay? That's what I'm telling you. I know what you're trying
7 to say which I think is understandable, but six unrelated
8 people -- because I've done this long enough to know for a
9 fact, six unrelated people can live in a house together. But
10 you can research whatever you want.

11 MR. BROWN: All right. I understand I have a high
12 hill to climb to convince you otherwise, but I may try to do
13 so.

14 CHAIRPERSON HILL: You can go ahead. I mean we've
15 had this argument many, many times.

16 MR. BROWN: All right.

17 MS. GIORDANO: And if I could just chime in on that.
18 I mean if you're going to say that because they are recently
19 released, incarcerated women, that they are different than
20 other people, I think you're going to have a Fair Housing issue
21 as well.

22 CHAIRPERSON HILL: Right. So you guys, I don't
23 want to -- I don't want to -- like I said, we're not going
24 to do this right now. Okay, but I appreciate it. Do I
25 appreciate it? So -- okay. So anyway. So on the 10th --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 on the 10th, we're going to get whatever we're going to get,
2 okay, from Ms. Giordano. And anybody who wants to submit
3 something I guess on the 10th, we'll leave the record open
4 for comments. Okay?

5 And then on the 14th, again, we're going to get
6 an ANC meeting. On the 17th we're going to get the ANC's
7 response. And then anybody else's response on anything, and
8 then the record will be closed. And then we're going to vote
9 on the 22nd. Is that clear, Mr. Moy?

10 MR. MOY: Yes. Yes. The only addendum to that
11 is that you allowed the Office of Planning's supplemental to
12 be filed by June the 3rd.

13 CHAIRPERSON HILL: Yes, thank you. Okay. Well,
14 I hope -- well, anyway, thank you, all, very much. I know
15 it's been a very long bunch of hours, and it's the process.
16 So, okay, I'm going to close the record. And the hearing
17 except for everything we talked about, and excuse everyone.
18 Thank you.

19 MS GIORDANO: Thank you.

20 MR. BROWN: Thank you.

21 CHAIRPERSON HILL: Okay. Yeah. Oh, yeah.
22 Anyway. Okay, how long do we want for -- is it lunch, is it
23 dinner? I don't know what it is. Like we have one, two, three
24 cases that I think might go okay. And then we have the one
25 that has all the witnesses. Okay? It's going to be long.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 Is everybody okay with that, because I really want to finish?
2 Okay. How long do we want to go for dinner? Half an hour?
3 Right. Six hours, I know. Half an hour?

4 MEMBER SMITH: Yeah, it's late in the day, let's
5 aim for that.

6 CHAIRPERSON HILL: Yeah. Okay, let's try to get
7 back here in half an hour. The sooner we get back here, the
8 sooner we get back here. Okay? Thank you. Bye-bye.

9 (Whereupon, the above-entitled matter went off the
10 record at 4:03 p.m. and resumed at 4:35 p.m.)

11 CHAIRPERSON HILL: Okay, Mr. Moy, go ahead and call
12 us back in and call our case again please, the next one.

13 MR. MOY: Get the correct one. I believe it would
14 be -- looking through my list because we pulled some things
15 out of order.

16 (Simultaneous speaking.)

17 CHAIRPERSON HILL: I think it's 20714, right? No?

18 MR. MOY: It's either that one or 20594. I thought
19 it was 209 -- I thought it was 20594.

20 CHAIRPERSON HILL: No. I thought it was 20714.

21 MR. MOY: Okay.

22 CHAIRPERSON HILL: Whatever your agenda says.
23 What did your agenda say?

24 MR. MOY: It was 594.

25 CHAIRPERSON HILL: Okay, then follow your agenda.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 I don't know what happened.

2 MR. MOY: Well, my agenda is your agenda, sir.

3 CHAIRPERSON HILL: Oh, no, no, no. That's not --
4 no, no, no, that's wrong. Oh, wait. Oh, no, that's right.
5 That's right.

6 MR. MOY: Can you say that again?

7 CHAIRPERSON HILL: Oh, never mind, never mind.
8 Go to 20714 because that's what I got out.

9 MR. MOY: Okay, all right. Okay, Community
10 Housing. All right, just a sec. Okay. The Board has
11 returned to its public hearing session after its lunch recess.
12 Lunch recess, late lunch recess. And the time is at or about
13 4:37 p.m. The next case before the Board is application number
14 20714 of Community Housing for the Hearing Impaired. And this
15 is a request for zoning relief as amended self-certified
16 pursuant to subtitle X, section 901.2 for a special exception
17 under subtitle U, section 203.1(j) to allow a healthcare
18 facility not meeting matter of right requirements, 15
19 residents proposed. The property is in the R1-B zone at 1203
20 ½ Otis Street, Northeast, square 3927, lot 15. And the only
21 thing I have to add, Mr. Chairman, is the applicant's revised
22 PowerPoint was submit in that 24 hour block, so that's before
23 you.

24 CHAIRPERSON HILL: Is that one that's in the record
25 in Exhibit 54?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. MOY: Could be. No, I think he -- the
2 applicant revised it so --

3 CHAIRPERSON HILL: Okay.

4 MR. MOY: -- there's a subsequent --

5 CHAIRPERSON HILL: Okay.

6 MR. MOY: -- one. Yeah.

7 CHAIRPERSON HILL: Ms. Wilson, if you can hear me,
8 could you introduce yourself for the record, please?

9 MS. WILSON: Hi. Alex Wilson from Sullivan &
10 Barros on behalf of the applicant in this case.

11 CHAIRPERSON HILL: Is your revised PowerPoint the
12 54 or no?

13 MS. WILSON: It's the last --

14 (Simultaneous speaking.)

15 MS. WILSON: -- the last exhibit. Yes. Well, it
16 wouldn't have -- I don't know if it would have shown up. It's
17 not -- it was a very minor change. We can use whatever
18 PowerPoint. It's not -- it's really not a big deal. But if
19 it was submitted within the 24 hour window, I don't know that
20 it would populate it. Let me look.

21 CHAIRPERSON HILL: Sometimes it does. Mr. Young,
22 do you know which one you have?

23 MR. YOUNG: This record, I can double check what
24 exhibit number it was.

25 CHAIRPERSON HILL: I have one at 54. I just want

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to know if that's the same one.

2 MS. WILSON: No. So that one was submitted on
3 Monday.

4 CHAIRPERSON HILL: Okay.

5 MS. WILSON: And that's not the same one. But,
6 honestly, we just added a photo in so if Mr. Young wants to
7 pull --

8 CHAIRPERSON HILL: Okay.

9 MS. WILSON: -- that one up, that's okay.

10 CHAIRPERSON HILL: Mr. Young if you can -- if you
11 can pull up, Mr. Young, 54. And then, Mr. Moy, the staff,
12 we don't need to include then that latest PowerPoint into the
13 record. Ms. Wilson, I've reviewed all this and I think the
14 Board has as well, if you can just hit some highlights in terms
15 of their requested relief and why you believe your client's
16 meeting the criteria. And if we have any questions, we'll
17 ask you. Okay?

18 MS. WILSON: Great. Thank you so much. Mr.
19 Young, could you please go to the next page? Thank you. We
20 are seeking special exception relief for a new healthcare
21 facility in the R1-B zone at 1203 ½ Otis Street. The existing
22 house on site has been used for a home run by Deaf Reach since
23 the 1980s, but the capacity is limited to six rooms so the
24 relief was never required because it's been considered a
25 household so it never had to go through this process even though

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 that's what the current use is.

2 The request is to increase the facility to 15 rooms,
3 and that will be in a new building. This rendering shows the
4 new building on the left at 1203 ½ Otis Street which is zoned
5 R1-B. The development will also include 1203 Otis on the --
6 that's the building on the right. That will also be a new
7 building. But it's zoned MU-4, so that building does not
8 require any relief.

9 Both buildings meet all development standards for
10 their respective zones, and the special exception relief,
11 again, is only for the use at 1203 ½ Otis Street. The Office
12 of Planning is recommending approval. ANC 5B is supporting.

13 And we have over 30 letters in support. And DDOT has no
14 objection. Next slide please.

15 CHAIRPERSON HILL: Can we just go to number four,
16 Ms. Wilson?

17 MS. WILSON: Sure. Absolutely. We can skip to
18 slide 4. Thank you. In terms of general special exception
19 requirements, the proposed use is still a residential use.

20 The building entry will be set back. And due to the nature
21 of the existing use and increase of only nine rooms, the
22 applicant does not anticipate any increased noise. Next slide
23 please.

24 In terms of the specific requirements, it meets
25 all the specific requirements, there are none -- there are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 not any other healthcare facilities within 1,000 square feet.

2 There is adequate parking that's appropriately located, and
3 it will be underground and not visible. It's for the needs
4 of the occupants, and employees, and visitors. The proposed
5 facility will meet all local code and licensing requirements.

6 And it's already been operated as a healthcare facility for
7 six people, and the increase of only nine residents should
8 not have an impact on neighborhood traffic, noise, operations.

9 And with that --

10 (Simultaneous speaking.)

11 CHAIRPERSON HILL: Ms. Wilson. Yes --

12 (Simultaneous speaking.)

13 CHAIRPERSON HILL: I'm going to go ahead drop it.

14 Mr. Young, if you can drop that slide deck. I'm going to
15 turn to the Office of Planning first and then see if the Board
16 has any questions.

17 MS. BROWN-ROBERTS: Good afternoon, Mr. Chairman
18 and members of the commission. Maxine Brown-Roberts
19 representing the Office of Planning on BZA case 20714. The
20 proposed healthcare facility meets the standards of subtitle
21 U 203.1(j) for the healthcare facilities for 15 persons. The
22 proposed would not be -- would be operating in conjunction
23 with a facility next door at 1203 Otis Street. And we are
24 not aware of any other facility within 1,000 feet of the subject
25 property. The parking for the subject property will be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 provided in a shared facility next door.

2 As outlined in our report, the proposal would meet
3 all the conditions, and also the conditions of the special
4 -- of the general special exception in that the healthcare
5 facilities deemed appropriate for the R1-B zone, and also it
6 meets the requirement of subtitle U 201, and, therefore, would
7 be in harmony with the intended purposes of the zoning
8 regulation.

9 In addition, it would not tend to affect adversely
10 the use of neighboring properties. That the building and all
11 the development meets all the development standards and would
12 therefore not affect light, air, privacy, or use of the
13 adjacent properties. We, therefore, recommend approval of
14 the requested special exception for the health facility.
15 Thank you, Mr. Chairman, and I'm available for questions.

16 CHAIRPERSON HILL: Okay. Does the Board have any
17 questions for the Office of Planning or the applicant? Mr.
18 Young, is there anyone here wishing to testify?

19 MR. YOUNG: We do not.

20 CHAIRPERSON HILL: Ms. Wilson, is there anything
21 you'd like to add at the end?

22 MS. WILSON: -- time.

23 CHAIRPERSON HILL: Okay. I'm going to close the
24 hearing and the record. Hold on one second, hold on one
25 second. Is it -- wait -- I just lost somebody, but that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 okay. Is it Michele May?

2 MS. MAY: That's me.

3 CHAIRPERSON HILL: Who are you, Ms. May?

4 MR. MOY: I'm the executive director of the agency.

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

7 MS. MAY: Yes. Michele May.

8 CHAIRPERSON HILL: It's a lovely project, Ms. May.

9 MS. MAY: Thank you, we appreciate that.

10 CHAIRPERSON HILL: You guys are doing wonderful
11 work.

12 MS. MAY: We appreciate you all.

13 CHAIRPERSON HILL: Oh, that's so kind of you. All
14 right. Bye-bye. Oh, my God, it's so late in the day, I almost
15 got a little teary just now, so I'm getting tired. So I didn't
16 have any issues with the application. I thought that it was
17 pretty straight forward. I thought it was, again, interesting
18 that they're already doing it with six people if you'll notice,
19 and so that, you know, six people I guess is the magic number.
20 That is very interesting.

21 So I would agree with the analysis that the Office
22 of Planning has provided as well as that of the ANC and the
23 numerous witnesses in support. But in addition to that, I
24 do believe they're meeting the criteria of the special
25 exception that they are asking for. And I will be voting in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 favor. Mr. Smith, would you like to add anything?

2 MEMBER SMITH: I don't have anything to add. I
3 thank you for pointing that out. It is a Fair Housing Issue,
4 that's standard law, under six, you're allowed to do it in
5 D.C. Maryland is six, Virginia is eight. So very common.
6 So with that, I support it.

7 CHAIRPERSON HILL: That is so interesting. All
8 right. Mr. Blake, I'm sorry -- yeah. Oh, I don't know.
9 Commissioner Miller?

10 ZC VICE CHAIR MILLER: Thank you.

11 CHAIRPERSON HILL: Mr. Blake?

12 MEMBER BLAKE: I support the application.

13 CHAIRPERSON HILL: Sorry, I got lost in my order.
14 I'm going to make a motion to approve application number 20714
15 as captioned and read by the secretary, and ask for a second.
16 Mr. Blake?

17 MEMBER BLAKE: Second.

18 CHAIRPERSON HILL: The motion made and seconded,
19 Mr. Moy, if you take a roll call?

20 MR. MOY: When I call your name, if you would please
21 respond with a yes, no, or abstain to the motion made by
22 Chairman Hill to approve the application for the relief
23 requested. The motion was seconded by Mr. Blake. Zoning
24 Commissioner Rob Miller?

25 ZC VICE CHAIR MILLER: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. MOY: Mr. Smith? Mr. Blake?

2 MEMBER BLAKE: Yes.

3 MR. MOY: Chairman Hill?

4 CHAIRPERSON HILL: Yes.

5 MR. MOY: And we have a board member not present.

6 Staff would record the vote as four to zero to one, and this
7 is on the motion made by Chairman Hill to approve. The motion
8 to approve was seconded by Mr. Blake. Also in support of the
9 motion to approve Zoning Commissioner Rob Miller. Mr. Smith,
10 Mr. Blake, and Chairman Hill. Motion carried, sir, on a vote
11 of four to zero to one.

12 CHAIRPERSON HILL: Okay, great. Thanks, Mr. Moy.

13 Mr. Moy, I've lost track of the order so whatever you call
14 next is the one I'm going to do next.

15 MR. MOY: Okay. Well, you're giving me all this
16 power. Okay. Well, let's see. Okay. Well, in that case,
17 then let's -- okay, let's go to the 18th Street case. Let's
18 do that. All right. So this would be case application number
19 20720 of 1312 18th Street Associates, LLC. This is a
20 self-certified application for a special exceptions pursuant
21 to subtitle G, section 609.1 subtitle G, section 1200, and
22 subtitle X, section 901.2. This is from the rear yard
23 requirements, subtitle G, section 605.3, and the side yard
24 requirements as subtitle G, section 606.2. The property is
25 in the MU-21 zone at 1312 18th Street, Northwest, square 137,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 lot 43.

2 And if I can just check just for a second, sir.

3 And, once again, in our 24 hour block there was a filing from
4 the applicant who did not meet the 21 day filing deadline.

5 I'm not sure exactly what document that is, but I suspect
6 it must be some sort of revision.

7 CHAIRPERSON HILL: Okay. I'll let the applicant
8 let us know what it is. But whatever it is, Mr. Moy, go ahead
9 and drop it into the record. And if the staff could do that,
10 then we can take a look at it. Ms. Downey, if you can hear
11 me, could you introduce yourself for the record?

12 MS. DOWNEY: My name is Megan Downey, I'm the
13 architect.

14 CHAIRPERSON HILL: Okay.

15 MS. DOWNEY: And I believe the owners Alex should
16 also be there. He's joining by phone so his name might not
17 show up.

18 CHAIRPERSON HILL: Mr. Young, do you have -- his
19 last name Alex, Ms. Downey?

20 MS. DOWNEY: Golding.

21 CHAIRPERSON HILL: Golding. Do you have Mr.
22 Golding there?

23 MR. YOUNG: I don't see him calling in with the
24 number I have, but if it's a different number, if you know
25 the first three digits.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. DOWNEY: He said name is A.

2 MR. YOUNG: Oh, okay. Yeah, I see him.

3 MS. DOWNEY: Okay. So he's just joined.

4 CHAIRPERSON HILL: Okay. Mr. Golding, can you
5 hear me?

6 MR. GOLDING: Sorry about that.

7 CHAIRPERSON HILL: That's all right.

8 MR. GOLDING: I just joined with my phone.

9 CHAIRPERSON HILL: That's all right.

10 MR. GOLDING: Thank you.

11 CHAIRPERSON HILL: Can you introduce yourself for
12 the record?

13 MR. GOLDING: Yes. My name is Alejandro Golding.
14 I'm the managing member of 1312 18th Street Associates, LLC.
15 And we're the one who has the application in front of you
16 right now.

17 CHAIRPERSON HILL: Okay.

18 MS. DOWNEY: I think Ben, one of the other owners
19 just joined. Ben Safran, is he on there?

20 CHAIRPERSON HILL: Mr. Young?

21 MR. SAFRAN: Hey, there. I think I'm able to
22 unmute now. Can you hear me?

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

25 MR. SAFRAN: Yes. Hi, there. Ben Safran, also

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 part of the ownership team and applicants for the project at
2 1312 18th Street.

3 CHAIRPERSON HILL: Okay. Ms. Downey, have you
4 presented before us before?

5 MS. DOWNEY: I have.

6 CHAIRPERSON HILL: Okay. So if you want to go
7 ahead -- and again speak, I'm just trying to cut to the chase
8 a little bit on this because we have a long day still ahead
9 of us. And so if you could speak to the regulations, I mean
10 that's really what we want to do. I don't need to go through
11 --

12 MS. DOWNEY: Okay.

13 CHAIRPERSON HILL: -- all your architectural plans
14 unless it speaks to what, you know, you were trying to convince
15 us of that you're meeting the regulations, and some of it
16 obviously --

17 MS. DOWNEY: Yes.

18 CHAIRPERSON HILL: -- is.

19 MS. DOWNEY: So just --

20 CHAIRPERSON HILL: -- part of the architectural
21 plans. Which exhibit would you like us to pull up?

22 MS. DOWNEY: I guess if you bring up the first floor
23 plan.

24 CHAIRPERSON HILL: Do you know which number it is?

25 MS. DOWNEY: Let me see. If you bring up -- well,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 if we first bring up like page 8 which is the site plan actually.
2 Yeah. So this page and the next page will be what's really
3 helpful. And actually, if you go to the next page, it's
4 probably easier to start there. Sorry.

5 Okay. So essentially, this is the existing
6 structure here as you can see, and what's driving this is that
7 this is a five story historical building which the owners are
8 trying to convert from office to an inn. And it's been vacant
9 for the entire pandemic.

10 But because of the nature of this central, historic
11 stair that lies in the center of the building, you know, we've
12 had this -- it's been this delicate balance between trying
13 to make this project work from a code and life safety
14 perspective and also while trying to not completely demolish
15 the building's and following historic recommendations and what
16 they'll allow.

17 And so what's happening is because it's five
18 stories, and we need to have a second means of egress, and
19 we need to have a certain separation distance, we've worked
20 extensively with HPO and the code office to kind of -- and
21 we've come up with the only solution which was to place the
22 stair in the back. I will say there's an existing two story
23 stair right now. So we're essentially raising up that
24 structure from two stories up to the length of the building.
25 And that's kind of the meat of the issue of the case. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 in doing so, we are asking for rear yard relief and side yard.

2 And just kind of moving along to like, you know,
3 why we feel that this, you know, you should be able to grant
4 the special exception. You know, it's in harmony with the
5 zoning maps, lodging's a use that's allowed in this zone.
6 It will not -- we do not believe it will adversely affect the
7 neighbors.

8 So the direct -- the building is directly behind
9 us in some of the pictures you've seen in the exhibits. It's
10 currently a night club and so just that area back there is
11 currently used as storage. So this kind of existing yard isn't
12 really used much for anything and there's not many views into
13 it except from our own building. And so because this is really
14 a safety issue, we feel like this will actually improve as
15 opposed to any adverse conditions.

16 And then the special conditions, you know, that
17 you're allowed to -- that you have to meet, we're not proposing
18 any apartment or office for this structure. The only site
19 lines -- we're not proposing any windows in this structure
20 so the only site lines that are already existing in our
21 building. And then parking, per the regulations, we do not
22 believe that we need to provide any parking or bicycle parking.
23 And that's just kind of the quick snapshot.

24 So we have -- I will say, so I mentioned HPRV
25 supported us. ANC voted to not oppose the project, and that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 was only because there was a question if we were asking for
2 the right relief. They agreed that they thought this was the
3 only solution forward in order to develop this project. And
4 OP supports us. And then we have one neighbor of support.

5 I know that the owners have extensively talked with some of
6 the surrounding neighbors and actually, Ben and Alex, if you
7 kind of want to just quickly discuss your support efforts.

8 MR. SAFRAN: I'd be happy to. I'll just say, you
9 know, especially the neighbors along 18th Street, the retail
10 shops, residents, talked to -- we got a chance to talk with
11 them. Again, we secured the one letter. I think it probably
12 belies the support and positive feedback we got on the project.

13 Across the street is the Palladium Condominium.

14 We held a presentation, open presentation for all
15 of those community members attended by, yeah, about a half
16 dozen folks and shared the presentation with them, and
17 generally supportive. So, you know, again, we have the
18 registered letter of support like we intended really doing
19 outreach and received positive feedback.

20 CHAIRPERSON HILL: Okay, thank you. What's the
21 nightclub that's there now?

22 MS. DOWNEY: I believe it's called Phantom and it's
23 directly behind our building.

24 CHAIRPERSON HILL: Oh, it's not in your building?

25 MS. DOWNEY: No. The building has been vacant.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Okay. Right. Okay. I was
2 confused. Okay. I mean I'm not that young, but still. Okay.
3 All right. You want to drop that slide deck, Mr. Young?
4 Okay. I mean -- all right. Does anybody have any questions
5 for the applicant? All right, I'm -- go to the Office of
6 Planning.

7 MR. KIRSCHENBAUM: Chair Hill, members of the
8 Board of Zoning Adjustment, I'm Jonathan Kirschenbaum with
9 the Office of Planning. We recommend approval of the two
10 special exceptions. And we rest on our staff report. Please
11 let me know if you have any further questions. Thank you.

12 CHAIRPERSON HILL: Okay, great. Does anybody
13 have any questions for the Office of Planning? Does the
14 applicant have any questions for the Office of Planning? Mr.
15 Young, is there anyone here wishing to speak?

16 MR. YOUNG: We do not.

17 CHAIRPERSON HILL: Okay. The only question I
18 have, Ms. Downey, and I mean I know that like DDOT was, you
19 know, hoping for some bike storage and some bike parking, and
20 you guys have decided not to do that. And so, you know, I
21 don't know -- I guess the Board, I haven't heard any questions
22 from them. I mean normally we try -- and there are different
23 members of the Board sometimes that advocates pretty heavily
24 for bike parking. Why is it that you guys didn't want to
25 provide the bike parking?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MS. DOWNEY: Well, so I -- Ben, did you want to
2 speak to that?

3 MR. SAFRAN: Yeah, I'm happy to take it quickly.
4 I'd say, first off, we're very happy to work with DDOT to
5 understand the level, you know, what type of parking they want.
6 Our read of the report was they looked at us as residential
7 rather than an inn. So we're not sure they sort of the reviewed
8 the project with the same impact.

9 MS. DOWNEY: Yeah. I will say that I actually
10 spoke to the reviewer herself. She said she -- when she looked
11 at the plans, she thought it was a residential project and
12 not a lodging. So the parking that they quoted is incorrect
13 in the report, and that she couldn't fix it because it was
14 within the --

15 MR. SAFRAN: Yeah.

16 MS. DOWNEY: -- the timeline.

17 CHAIRPERSON HILL: The bike parking. The bike
18 parking you mean?

19 MS. DOWNEY: The bike parking.

20 CHAIRPERSON HILL: Okay. All right. Okay.
21 That's all I need to know. That's fine. So, okay. All
22 right. I'm going to close -- well, okay. So the one thing,
23 just to let you know, we're not -- you're not asking for any
24 relief from bicycle parking, so that's something we won't be,
25 you know, it's a self-certified application. You know, if

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 you run into issues, and it doesn't sound like you're going
2 to because you already talked to DDOT, but just letting you
3 know the bike parking is not something we're going to be talking
4 about.

5 Okay. So unless a Board member has an issue, I'm
6 going to go ahead and close the hearing and the record. Mr.
7 Young, if you could excuse everybody. Mr. Smith, would you
8 like to start the deliberations?

9 MEMBER SMITH: Sure, I'll start. I was -- I didn't
10 have any issues with this particular case. So I mean the
11 request before us is for a special exception from the rear
12 yard requirements and the side yard requirements for them to
13 construct a rear addition. I believe that the particular
14 application meets the special exception criteria.

15 This is in a fairly dense area, we're going up
16 towards DuPont. As the application stated, they back up to
17 a nightclub Phantom, which to me would be more impactful than
18 this proposed addition that they're proposing to build off
19 the rear of their building. They've had conversations with
20 the Palladium apartments across 18th Street so they're very
21 well aware and they're comfortable with this proposal.

22 Now, granted, what they're proposing I think it
23 will be -- it wouldn't have a substantial impact on the
24 surrounding community, so I do believe it meets all of the
25 special exception criteria for us to grant the special

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 exception. I give OP's analysis great weight, and I will note
2 that the ANC does not oppose this request. So, with that,
3 I will that.

4 CHAIRPERSON HILL: Thank you. Commissioner
5 Miller?

6 ZC VICE CHAIR MILLER: Me?

7 CHAIRPERSON HILL: Yes.

8 ZC VICE CHAIR MILLER: Okay. I was having some
9 connectivity issues I thought. Yes, I concur with Board
10 Member Smith and I'm ready to approve the application. And
11 especially, with the Office of Planning's support and ANC 2B,
12 it's not on (audio interference) in their -- non-opposition
13 -- does not oppose.

14 CHAIRPERSON HILL: Okay, thanks, Commissioner
15 Miller. You are breaking up now. I don't know how that's
16 going to affect the later cases, but just to let you know.

17 I don't know if you want to sign off and sign on. Mr. Blake?

18 MEMBER BLAKE: Yes. Thank you, Mr. Chairman.
19 I'll be voting in favor of the required relief. I believe
20 the applicants met the criteria for relief, and I would echo
21 the comments made by the others on the Board.

22 CHAIRPERSON HILL: Okay. I'm going to -- I agree
23 with everyone. Thank you so much for your deliberations.
24 I'm going to make a motion to approve application number 20720
25 as captioned and read by the secretary, and ask for a second.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Mr. Blake?

2 MEMBER BLAKE: Second.

3 CHAIRPERSON HILL: Motion been made and seconded,
4 Mr. Moy, could you take a roll call?

5 MR. MOY: -- roll call vote, Mr. Chairman, I want
6 to be certain that Mr. Miller is still with us.

7 CHAIRPERSON HILL: That's a good question.
8 Commissioner Miller, are you there? Well, all right. I lost
9 Commissioner Miller. Let's go ahead and take a vote because
10 I have a quorum, Mr. Moy, and we'll see if we get Commissioner
11 Miller back. So I've made a motion, it's been seconded, Mr.
12 Moy. Could you take a roll call please?

13 MR. MOY: Yes. When I call your name, if you would
14 please respond with a yes, no, abstain to the motion made by
15 Chairman Hill to approve the application for the relief
16 requested. The motion to approve was seconded by Mr. Blake.
17 Zoning Commissioner Rob Miller?

18 (Simultaneous speaking.)

19 CHAIRPERSON HILL: Yeah, we're --

20 (Simultaneous speaking.)

21 MR. MOY: Mr. Smith?

22 MEMBER SMITH: Yes.

23 MR. MOY: Mr. Blake?

24 MEMBER BLAKE: Yes.

25 MR. MOY: Chairman Hill?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Yes.

2 MR. MOY: Staff would record the vote as three to
3 zero to two. This is on the motion made by Chairman Hill to
4 approve the application. The motion to approve was seconded
5 by Mr. Blake. Also in support of the motion to approve is
6 Mr. Smith, Mr. Blake, Chairman Hill. One member not present,
7 the other member not voting. The motion carries on the vote
8 of three to zero to two.

9 CHAIRPERSON HILL: Okay, thank you, Mr. Moy. And,
10 Mr. Moy, if you want to let staff know, if they haven't already,
11 to try to reach out to everybody on application 20716 and make
12 sure they're ready to go.

13 MR. MOY: Yes, sir.

14 CHAIRPERSON HILL: All right, let's see if -- let's
15 give Mister -- well, yeah. Well, go ahead and -- I mean go
16 ahead and call our next one, Mr. Moy, let's see when Mr. Miller
17 is -- I mean we're definitely going to wait for him for the
18 last case. But let's see what happens.

19 MR. MOY: Okay. Very good. So the next case
20 before the Board is application number 20659 of Betty Matthews
21 and Joseph Matthews. This is an application for a special
22 exception from the rear addition requirements, subtitle D,
23 section 306.3 which is pursuant to subtitle D, section 306.4,
24 subtitle D, section 5201, and subtitle X, section 901.2.
25 Property is in the R-3 zone at 604 Gallatin Street, Northwest,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 square 3212, lot 139. And just one second, sir. And that's
2 all I have.

3 CHAIRPERSON HILL: Okay. Hold on one second.
4 Who is the applicant? Do I have the applicant? Mr. Young,
5 do you have the applicant?

6 MR. YOUNG: By phone, it's Joseph Matthews.

7 CHAIRPERSON HILL: Matthews?

8 MR. YOUNG: Yep.

9 CHAIRPERSON HILL: Okay. Mr. Matthews --
10 (Simultaneous speaking.)

11 MR. YOUNG: Unmute themselves.

12 CHAIRPERSON HILL: -- can you hear me? Mr.
13 Matthews, you might be muted. I don't know how to -- I don't
14 know how to tell you to unmute yourself, Mr. Matthews.

15 MR. MATTHEWS: Hello? Can you hear me?

16 CHAIRPERSON HILL: Yes. Can you hear me, Mr.
17 Matthews?

18 MR. MATTHEWS: Oh, yeah. Yes, I can hear you now.
19 Sorry about that.

20 CHAIRPERSON HILL: That's all right. Can you
21 introduce yourself for the record?

22 MR. MATTHEWS: Yes. How you doing? Good
23 afternoon, everyone. Thank you, all for attending, giving
24 me time to speak. My name is Joseph Matthews. A little bit
25 about me, I currently reside in Virginia. I'm here

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 representing Betty Matthews, aka, the home owner. And today
2 I will be explaining what we are proposing.

3 CHAIRPERSON HILL: Okay, Mr. Matthews. Give me
4 one second, Mr. Matthews. Mr. Young, if you can try to make
5 Commissioner Miller a panelist again. Commissioner Miller,
6 can you hear us?

7 ZC VICE CHAIR MILLER: Mr. Chairman, and thank you,
8 Paul.

9 CHAIRPERSON HILL: Great. So for the record,
10 Commissioner Rob Miller has rejoined us.

11 MR. MATTHEWS: Okay.

12 CHAIRPERSON HILL: Mr. Matthews, so I guess you
13 can go ahead and explain to us why you think you're meeting
14 the criteria for us to grant the relief that's being requested.
15 I'm still a little confused as to whether the Office of
16 Planning has submitted a report for us. Do you -- let me first
17 turn to the Office of Planning, Mr. Matthews.

18 MR. MATTHEWS: Okay.

19 CHAIRPERSON HILL: Mr. Fothergill, could you
20 introduce yourself for the record please?

21 MS. FOTHERGILL: Good afternoon, Chairman Hill and
22 members of the Board. Oh, I'm sorry. I'm Anne Fothergill
23 for the Office of Planning, and the Office of Planning did
24 file a supplemental report into the record. I'm not in the
25 case record at this moment, and I can't see the exhibit number.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 Let me go in and try and pull that up. It was filed I believe
2 on May 12th or 13th.

3 MR. YOUNG: Thirty-five.

4 CHAIRPERSON HILL: Oh, great. Thank you.

5 MS. FOTHERGILL: And so I can go through it if you
6 want.

7 CHAIRPERSON HILL: Oh, no, no, that's great. I
8 just didn't -- I got confused. I didn't know whether we had
9 one or not. Okay, Mr. Matthews, can you go ahead and tell
10 us about your project please, sir?

11 MR. MATTHEWS: Sure. Okay. A little bit about
12 the project. We're currently using the residence as a single
13 family dwelling, and we will be -- what we want to do is we
14 want to expand the rear of the building to accommodate
15 additional possible senior accommodational living, and having
16 that extra space to the rear of the dwelling will give us an
17 opportunity to install things such as handrails, slip
18 resistant floors to avoid slips, trips, and falls, possible
19 bench seating, extra bathrooms.

20 And then this should just give us an opportunity
21 to widen certain walkways, like I said, to accommodate possible
22 senior living, and just to make accessibility to things a lot
23 more readily available as we need them.

24 CHAIRPERSON HILL: Okay. I got you. I got you,
25 Mr. Matthews.

1 MR. MATTHEWS: Yeah.

2 CHAIRPERSON HILL: Thank you.

3 MR. MATTHEWS: Okay.

4 CHAIRPERSON HILL: Ms. Fothergill, can you tell
5 us about your report please?

6 MS. FOTHERGILL: I'd be happy to. So, again, I'm
7 Anne Fothergill for the Office of Planning for BZA case 20659.
8 This application is a zoning administrator-referred
9 application that requires rear yard relief from the -- what
10 we call the 10 foot rule. They are going 18 feet, 4 inches
11 beyond their adjacent neighbors. And so the Office of
12 Planning has reviewed the application through the special
13 exception criteria of subtitle D, section 5201 as well as the
14 general special exception criteria, and after reviewing that
15 criteria and the record after it was supplemented, we are
16 recommending approval of the application. And I'm happy to
17 take any questions.

18 CHAIRPERSON HILL: Thank you. Mr. Matthews, I'm
19 looking at everything that you put in the record. Did you
20 talk to your adjacent -- the adjacent neighbors, and if so,
21 what did they say?

22 MR. MATTHEWS: Yes. We reached out to both
23 adjacent neighbors, and they've filled out an application of
24 approval. They were okay with it. Neither adjacent
25 residents had anything such as solar panels that would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 obstructed from the design of the extension. In addition to
2 that, we also ordered a shadow study just to make sure that
3 we weren't infringing on any additional neighbors beyond the
4 point of any adjacent -- immediate adjacent neighbors. And
5 with that, we included that in the record also.

6 CHAIRPERSON HILL: Great. Thank you, Mr.
7 Matthews. I see all of the shadow studies. Thank you, those
8 are very helpful. Does the Board have any questions for either
9 the applicant or the Office of Planning? Mr. Young, is there
10 anyone here wishing to speak? Okay. All right, Mr. Matthews,
11 thank you so much for your application. I'm going to close
12 the record and the hearing.

13 MR. MATTHEWS: Oh, thank you, everyone, for the
14 opportunity to speak. I appreciate it.

15 CHAIRPERSON HILL: Thank you, Mr. Matthews. You
16 have a nice evening.

17 MR. MATTHEWS: Okay, thank you.

18 CHAIRPERSON HILL: Okay. I'm always a little bit
19 -- whenever we're going to past the 10 foot rule, I meant that's
20 something we even started the day off with now that I think
21 about it. And so -- but however, with this particular
22 application and given the ability to look at the solar studies,
23 I don't have any issues with it. I also would agree with the
24 analysis that the Office of Planning has provided as well that
25 of the ANC and DDOT. And I will be voting in favor of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 application. Mr. Smith, would you like to add anything?

2 MEMBER SMITH: I agree with your analysis and will
3 vote to support.

4 CHAIRPERSON HILL: Commissioner Miller?

5 ZC VICE CHAIR MILLER: I concur with both of you.

6 CHAIRPERSON HILL: Mr. Blake?

7 MEMBER BLAKE: I'll be voting in favor of the
8 requested relief.

9 CHAIRPERSON HILL: I 'm going to make a motion to
10 approve application number 20659 as captioned and read by the
11 secretary, and ask for a second, Mr. Blake?

12 MEMBER BLAKE: Second.

13 CHAIRPERSON HILL: The motion been made and
14 seconded, Mr. Moy, if you could take a roll call.

15 MR. MOY: I call your name, if you would please
16 respond with a yes, no, or abstain to the motion made by
17 Chairman Hill to approve the application for the relief that's
18 requested. The motion to approve was seconded by Mr. Blake.

19 Zoning Commissioner Rob Miller?

20 ZC VICE CHAIR MILLER: Yes.

21 MR. MOY: Mr. Smith? Mr. Blake?

22 MEMBER BLAKE: Yes.

23 MR. MOY: Chairman Hill?

24 CHAIRPERSON HILL: Yes.

25 MR. MOY: Staff would record the vote as four to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 zero to one, and this is on the motion made by Chairman Hill
2 to approve. The motion to approve was seconded by Mr. Blake.

3 Also in support of the motion to approve, Zoning Commissioner
4 Rob Miller, Mr. Smith, Mr. Blake, Chairman Hill, and we have
5 a Board member not participating. The motion carries on a
6 vote of four to zero to one.

7 CHAIRPERSON HILL: All right. Thank you, Mr. Moy.
8 You may call the next one when you have an opportunity.

9 MR. MOY: The next case is application number 20594
10 of Nezahat, N-E-Z-A-H-A-T, and Paul Harrison. This is an
11 application as amended, self-certified application for a
12 special exception pursuant to subtitle X, section 901.2 and
13 under subtitle C, section 305.1, and for a theoretical
14 subdivision. And as amended for an area variance from the
15 minimum lot dimensions, subtitle D, section 502.1 pursuant
16 to subtitle X, section 1002. Property located in the R-8 zone
17 at 3007 Albemarle Street, Northwest, square 2041, lot 818.

18 There are parties in opposition, Mr. Chairman, and
19 I suppose the only thing I want to add is that there are letters
20 in opposition that was within the 24 hour block that's before
21 the Board. And there is a request from the applicant for a
22 postponement, and the parties are in the panel as well to
23 address that motion for postponement.

24 CHAIRPERSON HILL: Okay, thanks. If you want to
25 go ahead, Mr. Moy, and allow the letters of opposition into

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the record please. Ms. Hottel-Cox, could you introduce
2 yourself for the record if you can hear me?

3 MS. HOTTEL-COX: -- Cox with Goulston & Storrs
4 representing the applicant.

5 CHAIRPERSON HILL: Thank you. Mr. Brown, could
6 you introduce yourself for the record please?

7 MR. BROWN: Yes. David Brown of Knopf & Brown for
8 Mr. John. F. Barringer (phonetic).

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

11 MS. FERSTER: Andrea Ferster, I'm representing Dr.
12 Mary Lee who is a party in opposition.

13 CHAIRPERSON HILL: And, Ms. Giordano, could you
14 introduce yourself for the record please? Ms. Giordano?
15 Okay, we'll see if Ms. Giordano comes up. I must have not
16 been here for the party status one because I don't remember
17 going through the party status stuff with you guys because
18 I'd remember you all. So, let's see, is -- Ms. Hottel-Cox,
19 you're asking for a postponement?

20 MS. HOTTEL-COX: Yes. We submitted a request for
21 a postponement on Friday, May 13th, which is in the record
22 at Exhibit 110. All of the other parties to this case
23 including the three parties in opposition and the ANC all
24 consented to the postponement. We're hoping to continue to
25 work with the parties in opposition on this project, so we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 would ask the Board to consider postponing the hearing so that
2 we can all continue to work together.

3 CHAIRPERSON HILL: When are you trying to get it
4 done?

5 MS. HOTTEL-COX: We were hoping to look, I would
6 say, towards the end of June or early July to allow ample time
7 for us to continue to discuss with the other parties, but to
8 continue to move the project forward.

9 CHAIRPERSON HILL: Okay. Mr. Moy, what does our
10 schedule look like in the beginning of July? Are we off the
11 6th, Mr. Moy?

12 MR. MOY: Of July?

13 CHAIRPERSON HILL: Yeah.

14 MR. MOY: Yes, you are. Well, I take that back.
15 I stand corrected. There is a scheduled hearing on July 6th.

16 CHAIRPERSON HILL: What happened?

17 MR. MOY: What happened?

18 CHAIRPERSON HILL: All right, never mind. We'll
19 talk about it later.

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

21 CHAIRPERSON HILL: So the 6th is -- how many cases
22 do we have on the 6th?

23 MR. MOY: Nine applications and one expedited
24 case.

25 CHAIRPERSON HILL: What about the 13th?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. MOY: Nine new cases.

2 CHAIRPERSON HILL: Well, okay. What about the
3 20th?

4 MR. MOY: July 20, we have eight cases, eight new
5 cases.

6 CHAIRPERSON HILL: Okay. Ms. Hottel-Cox, how
7 much time -- is the 20th okay with your applicant? I don't
8 know where you are.

9 MS. HOTTEL-COX: Yes, the 20th works for us.

10 CHAIRPERSON HILL: Okay. Let's go ahead and do
11 the 20th then if that's all right with everybody. And if --
12 does anybody need to say anything, then raise your hand? No?
13 Okay. All right. Then I hope you guys work well together.
14 I know that it's so interesting, you guys all know each other.
15 So good luck. And we'll see you on July 20th. And sorry
16 that you guys had to wait around so long for this. I didn't
17 realize you guys were a postponement. Okay. Does anybody
18 have anything to add? If so, raise your hand. Okay. All
19 right. Then we'll see you guys on July 20th. Thank you, all.

20 Mr. Moy?

21 MR. MOY: Yes, sir.

22 CHAIRPERSON HILL: July 6th is a holiday, man.
23 July 4th is a holiday.

24 MR. MOY: I understand that, but --

25 CHAIRPERSON HILL: How did that happen?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. MOY: Well, we met on that about six months
2 ago.

3 CHAIRPERSON HILL: We, meaning you and I we?

4 MR. MOY: Yes, sir, absolutely.

5 CHAIRPERSON HILL: Okay.

6 MR. MOY: I don't do anything without your
7 approval, sir.

8 CHAIRPERSON HILL: Okay. I don't -- well, I
9 apologize, you all, I don't know what happened with that.
10 That was not me. I think --

11 MR. MOY: Well, I must of -- I must of caught you
12 at the end of the day or early evening.

13 CHAIRPERSON HILL: No, I just think you didn't
14 understand. You said July 6th and I was like, okay. So, all
15 right. Well, that's not fair. But, okay. Anyways, there's
16 too many cases. All right. So we do want a break before the
17 last one, or do we just want to go in and then take a break
18 whenever need to take a break? Go in and take a break whenever
19 we need to take a break. Okay. Mr. Moy, you can call our
20 next case.

21 MR. MOY: Okay. So this would be case application
22 number 20716 of 15th Street Alley, LLC. Once again, this is
23 self-certified application for area variance pursuant to
24 subtitle X, section 1002 from the new alley record lot
25 requirements of subtitle C, section 306.1(a). Property is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 located in the RF-1 zone at square 4564, lot 95. And the Board
2 previously in the morning addressed all the requests for party
3 status and rescheduled to the end of this docket, and this
4 is where we are now, sir.

5 CHAIRPERSON HILL: Okay. Thanks. Ms. Wilson, if
6 you can hear me, could you introduce yourself for the record?

7 MS. WILSON: -- Wilson from Sullivan & Barros on
8 behalf of the applicant in this case.

9 CHAIRPERSON HILL: Okay, great. Okay. Let me
10 see, give me one second. Ms. Anderson, can you hear me?

11 MS. ANDERSON: Yes, I can.

12 CHAIRPERSON HILL: Can you introduce yourself for
13 the record please?

14 MS. ANDERSON: Sure. My name's Kathy Anderson.
15 I live at 326 16th, Northeast.

16 CHAIRPERSON HILL: Thanks. Ms. Anderson, I
17 remember that you were the one who was at least going to be
18 able to pull up the record and take a look. Were you able
19 to pull up the record --

20 MS. ANDERSON: Yes.

21 CHAIRPERSON HILL: -- and take a look?

22 MS. ANDERSON: Yes, we all did.

23 CHAIRPERSON HILL: Oh, great. And --

24 MS. ANDERSON: Yeah.

25 CHAIRPERSON HILL: And are you all still here, or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 are you just the only one?

2 MS. ANDERSON: No. But some of us -- I mean, you
3 know, it was a very long wait and some of us dropped out, not
4 because they wanted to, just because they couldn't stay. And
5 so I do believe that Mr. Dickson and Ms. Johnson are here,
6 and if you'll wait just one second, I don't know why I can't
7 -- it says I'm trying to start the video and it won't. Am
8 I intentionally -- I know --

9 CHAIRPERSON HILL: It's okay.

10 MS. ANDERSON: It's nothing from your --

11 CHAIRPERSON HILL: It's okay, Ms. Anderson, you
12 can try the video if you like. I remember this morning when
13 you tried the video, it kind of slowed up your internet.

14 MS. ANDERSON: Oh, okay.

15 CHAIRPERSON HILL: But you can try the video. But
16 I mean I'm okay for now.

17 MS. ANDERSON: Okay.

18 CHAIRPERSON HILL: But then -- right, you're
19 saying Mr. Dickson and who else?

20 MS. ANDERSON: Ms. Johnson should be there.

21 CHAIRPERSON HILL: Okay.

22 MS. ANDERSON: And they said that they were going
23 to join.

24 CHAIRPERSON HILL: Okay. Let me see. Mr. Young,
25 can you find Ms. Johnson and Mr. Dickson?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. ANDERSON: I think I can get the camera back,
2 would you rather have it back?

3 CHAIRPERSON HILL: Sure.

4 MS. ANDERSON: Or not?

5 CHAIRPERSON HILL: Yeah, if you want to.

6 MS. ANDERSON: Okay.

7 CHAIRPERSON HILL: It's up to you.

8 MS. ANDERSON: Okay.

9 CHAIRPERSON HILL: It's helpful that I can see if
10 somebody raises their hand.

11 MS. ANDERSON: I think --

12 CHAIRPERSON HILL: Yes.

13 MS. ANDERSON: Yeah, that's Ms. Johnson.

14 CHAIRPERSON HILL: Hi, Ms. Johnson, can you hear
15 me?

16 MS. JOHNSON: Yes. I'm looking for this document
17 that has all these views of these different accusations that
18 were said by the --

19 CHAIRPERSON HILL: Applicant?

20 MS. JOHNSON: -- contractors.

21 CHAIRPERSON HILL: Okay. You --

22 MS. JOHNSON: I pulled it up this morning, but I
23 can't seem to pull it up now. But I do have the particular
24 exhibit numbers that I want to address.

25 CHAIRPERSON HILL: Okay. Okay. Can you see --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 do you see a computer, Ms. -- I mean, are you able to see the
2 --

3 MS. JOHNSON: Yes, I'm looking at my -- I'm looking
4 at my tablet.

5 CHAIRPERSON HILL: Okay.

6 MS. JOHNSON: I was able to pull it up -- wait a
7 minute. Let me see. Hold on a second.

8 CHAIRPERSON HILL: No, no, no, I'm just saying,
9 Ms. Johnson, can you see us right now?

10 MS. JOHNSON: No, I cannot.

11 CHAIRPERSON HILL: Okay. All right. Okay. So
12 you can't see the presentation.

13 MS. JOHNSON: No, I cannot see the presentation.

14 CHAIRPERSON HILL: Okay. Okay. Ms. Anderson,
15 you can see us right now. Right?

16 MS. ANDERSON: I can see you. So better watch out
17 what you're saying. I'm looking. Don't mouth anything.

18 CHAIRPERSON HILL: What? Don't what?

19 MS. ANDERSON: Don't mouth anything.

20 CHAIRPERSON HILL: Don't mouth anything. No, I
21 know. Well, I mean, if you've been watching all day, I'm sure
22 you've seen how this goes. Let's see. Mr. Dickson, can you
23 hear me?

24 MS. ANDERSON: Mr. Dickson's -- important for him
25 to be here. I know he's trying to be here.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. YOUNG: He's working on getting on right now.

2 CHAIRPERSON HILL: Okay.

3 MS. ANDERSON: Thank you.

4 CHAIRPERSON HILL: Ms. Anderson, so you all -- did
5 you all -- did you all, just do I'm kind of clear -- what
6 happened during the day?

7 MS. ANDERSON: So we looked at all of the documents
8 that had been provided, and we, you know, I think, found
9 instances that we wanted to address, and then --

10 CHAIRPERSON HILL: Okay. That's okay.

11 MS. ANDERSON: Can I just give you a really quick
12 background from --

13 CHAIRPERSON HILL: Yeah. I'm just going to
14 interrupt you, Ms. Anderson, because I just want you to do
15 that during your portion of the hearing.

16 MS. ANDERSON: Okay. I'm sorry.

17 CHAIRPERSON HILL: I just wanted to make sure you
18 guys had a chance to kind of talk together.

19 MS. ANDERSON: Yes, we did.

20 MS. JOHNSON: We did.

21 CHAIRPERSON HILL: Okay. Okay, great. All
22 right. Then in that case, I'm going to go ahead and turn to
23 Ms. Wilson. Ms. Wilson, it's your application, or it's your
24 client's application, as you know. And if you want to go ahead
25 and -- as you know, we now have a significant amount of people

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 in opposition, and who are parties. Ms. Johnson, I don't know
2 if you know how to mute your phone. Maybe if you could --

3 MS. JOHNSON: I did unmute -- I just unmuted it.

4 CHAIRPERSON HILL: Oh. Can you mute it until we
5 get to you guys?

6 MS. JOHNSON: Yes.

7 CHAIRPERSON HILL: Okay. But you can still hear
8 us. Right?

9 MS. JOHNSON: Yes.

10 CHAIRPERSON HILL: Okay. All right. Then, yeah,
11 then you can listen to the presentation that Ms. Wilson is
12 about to give. Ms. Wilson, you can go ahead and pull up your
13 PowerPoint. And if you could, you know, walk us through your
14 presentation in a manner in which hopefully the other parties
15 can understand, that would be helpful.

16 MS. WILSON: Great. Thank you. And just to be
17 clear, so we have three, maybe four parties left, out of the
18 eight. Or are they all one party? I just want to be clear
19 for --

20 CHAIRPERSON HILL: No, I don't know. The
21 only -- right. Well, if they were granted party status this
22 morning, they would still, as far as I understand, have party
23 status. The only one that is withdrawn -- I see now there's,
24 party status withdrawing. Ashley Mild has withdrawn her party
25 status from the record. So that officially withdraws her.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 But she wasn't on the phone, anyway, this morning. So
2 everybody that was there this morning -- so I can tell you,
3 if you want.

4 MS. WILSON: Okay. Okay. That's fine. I just
5 wanted to understand the process, just in case we have to
6 respond to anybody. Okay. So can you --

7 CHAIRPERSON HILL: Sure. Well, just so I'm clear,
8 just so you know, so that I'm clear, it would be Ms. Johnson,
9 Mr. Dickson, Ms. Beyers, Mr. Harris, Ms. Anderson. That's
10 what I think. And I'm looking to the staff. I'm getting a
11 thumbs-up from Mr. Moy.

12 MS. WILSON: Okay. Yeah, Mr. Moy. Thanks.

13 CHAIRPERSON HILL: Okay. Just so you all know who
14 you need to talk to, whenever you need to talk to anybody.

15 MS. WILSON: Great.

16 CHAIRPERSON HILL: All right, Ms. Wilson.

17 MS. WILSON: So yes, Mr. Young, could you please
18 pull up the presentation? And I do -- the owners are trying
19 to log in now, I think. But they can log in during the
20 presentation. That's fine. And Mr. Young, could you pull
21 that up when you get a minute? Thank you. Could you go to
22 the next slide, please? Thank you so much.

23 So today, I'm here with Michael Cross, the project
24 architect, and Fritz Hubig and Evan Muchai, who are the owners
25 of this property. We are seeking variance relief from the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 24-foot alley width requirement. The property is the only
2 alley lot in this entire square. It is unimproved. It has
3 nearly 11,000 square feet of land area.

4 As one of the support letters mentioned, before
5 the owners purchased it, it was a nuisance property, given
6 its size and location. It had been abandoned. It was not
7 maintained. The property has been a record lot since at least
8 1927, and according to public records, has always been vacant.

9 And that's because the by-right residential option is only
10 one single-family dwelling on this nearly-11,000-square-foot
11 site in the middle of an alley.

12 We are here today because instead of one massive
13 single-family dwelling, the applicant is proposing to
14 subdivide the property into six lots. Sorry. Someone's
15 calling on my iPad. The applicant is proposing to subdivide
16 the property into six lots, each improved with a single-family
17 rowhome building. This is the RF-1 zone, which is a rowhome
18 district, and row dwellings fit the character of this block
19 and area, the majority of which are row dwellings.

20 So in order to do this by right, we need to meet
21 three main requirements. The land area requirement, which
22 we meet. The lot width requirement, which we meet. And the
23 alley width requirement. And we are shy of that, as we have
24 only 18 feet for the widest portion.

25 We've presented twice at the ANC Zoning Committee

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 meeting. We attended the ANC. And since I drafted this
2 presentation, we have received additional letters in support.

3 So now we are up to 15 letters in support. And we do have
4 unanimous ANC support, and DDOT has no objection. I'll talk
5 more about OP's report in my presentation. Next slide,
6 please. Thank you.

7 In terms of neighbor outreach, there are
8 approximately 85 people with 200 feet of this property, and
9 55 homes around this alley, in the street-facing lots. So
10 eight of those neighbors have submitted identical party-stats
11 requests, although one just withdrew. The applicant has been
12 responsive to those issues raised, and in general to the
13 neighbors.

14 He's held informal neighbor meetings, in addition
15 to all of the ANC meetings. And the support for the project
16 is reflected in the 15 class letters of support and testimonies
17 submitted. We've also submitted a draft CMA to address those
18 issues.

19 For example, there were concerns that we were
20 shrinking the alley. And I think this concern had to do with
21 people possibly utilizing the applicant's property to maneuver
22 cars, which of course is an entirely separate issue. But
23 regardless, we increased the setbacks, to make people feel
24 more comfortable with that.

25 The trash trucks will still have the same exact

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 amount of space to enter the alleys as they do now. These
2 will be single-family homes, so they will have the same amount
3 of trash as the other single-family homes in this square.

4 We've offered to work with the neighbors to come
5 up with a solution for construction traffic and possible
6 parking on the lot, in the event that there are issues with
7 parking during construction. We do have a large area to stage
8 construction, so it shouldn't be an issue, but we've offered.

9 We've also reduced the buildings to create additional green
10 space. In terms of the concerns over fire safety, we submitted
11 a fire code review to the ANC and to the record.

12 I'll add that while the matter-of-right option is
13 not financially feasible, as I'll get into, the regulations
14 would allow something like a 20,000-square-foot single-family
15 home at 80 percent lot occupancy, just based on the size of
16 the lot. So the massing of the proposed homes is actually
17 less, I think, than what is permitted by right. The relief
18 is about subdividing into multiple lots to provide six
19 single-family homes, not the massing itself.

20 And the types of issues raised seem to be related
21 to construction in general. So I think the CMA that we
22 provided should address those concerns, and of course, we're
23 willing to continue to work with the neighbors to refine that.

24 And again, we do have 15 or 16 letters in support. And there's
25 some relatively strong testimony submitted, as many other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 neighbors do want the development, and are concerned that,
2 if it's not approved, crime issues will return, because it
3 will be vacant again. Next slide, please?

4 So I did go over this, but I just want to emphasize
5 that the proposal meets all other development standards. Our
6 building is set back sufficiently from the alley. The lots
7 meet the subdivision requirements, in terms of lot width and
8 lot area. It's just that C 306.1(b) requires access of 24
9 feet -- a 24-foot-wide alley all the way to the street, and
10 we don't have that.

11 So this lot can never be subdivided by right. Even
12 subdividing it into two or three lots would require this exact
13 same relief. The only matter-of-right option for residential
14 use is a single-family home. Everything else requires an area
15 variance.

16 This is not a use variance. The use itself is
17 required -- I mean, sorry, is permitted. So we're not required
18 to prove impossibility, although we're pretty close to doing
19 that. And again, the use itself, single-family homes, are
20 permitted on these alley lots. So the issue is related to
21 the existing alley width, which we cannot change. Next slide,
22 please.

23 In terms of the first prong of the area variance
24 test, the property is exceptional, due to a confluence of
25 factors. First, it is the only alley lot on this square and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 block. It is huge. 10,750 square feet. It is the largest
2 lot in this square by about 3,000 square feet. It is much
3 bigger than other alley lots in this area. It does not have
4 24-foot-wide alleys, and can't increase alley width.

5 It is vacant, and has not already been developed,
6 so it requires utility extensions, which are quite expensive.

7 It is already a record lot that has not been developed, based
8 on available public records. It has existed in its current
9 configuration since at least 1927, almost 100 years, with no
10 development.

11 Had someone created tax lots on here, prior to 2016,
12 it would require special exception relief to subdivide.
13 Accordingly, the property is unique, relative to other
14 properties in this square, and other alley lots in this area.

15 The OP report states that the subject property is
16 larger than other lots within the square. It is not unusual
17 for alley lots to be larger than the surrounding
18 street-fronting record lots. First, that is not the only
19 argument we've put forth, but as demonstrated on the next
20 slides, that's not true at all in this area. There are a few
21 other groups of alley lots, and they are smaller, or about
22 the same size as the surrounding street-fronting record lots.

23 And again, OP did not address our other arguments,
24 such as the unique costs of bringing utilities to the alley
25 property, compared with the street-facing lots or the unique

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 alley width, compared to the other alley lots. Next slide,
2 please?

3 As I mentioned, there are about three groups of
4 alley lots in this area. There are some across North Carolina,
5 which is to the south, and they're about the same size and
6 configuration as the lots in this photo. In general, there
7 are relatively few alley lots in the area. It's not an area
8 where every square has several alley lots, like you might see
9 in Georgetown or near Logan Circle.

10 And the alley lots in this area are relatively
11 small. They're either smaller than the other street-facing
12 lots, or about the same size. None are larger, and certainly
13 not 3,000 square feet larger, than the street-facing lots in
14 their respective squares. Next slide, please?

15 This photo shows the other group of alley lots.
16 So these alley lots have a 40-foot-wide alley. They are
17 smaller than most of the properties in this square. The
18 property in the middle was actually subdivided recently, by
19 right, because it has a 40-foot alley. And it used to be about
20 the same size, maybe a little smaller than the subject
21 property, but again, they were able to subdivide, whereas we
22 can't.

23 And so in this area it is unique to have such a
24 large undeveloped alley lot that is the only alley lot in the
25 square, and the practical difficulties and additional costs

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 of development, described on the next slide, are directly
2 related to the size and nature of this alley lot, relative
3 to the others, as well as the other street lots. And in
4 general, relative to all lots in the area. Next slide, please?

5 In terms of the practical difficulty prong, the
6 OP report simply says, the property could be developed,
7 consistent with the zoning, with one single-family dwelling,
8 but the applicant argues the cost associated with this would
9 be excessive. In terms of that report, it's a statement of
10 fact, and there's no discussion of any specific argument beyond
11 that sentence.

12 And we did provide quite detailed cost breakdowns
13 in our prehearing statement, because in this case, the
14 applicant has to bring utilities to this property to do any
15 development here. It requires a relatively substantial
16 amount of grading, because of how the lot is situated. And
17 so the utility extensions are really driving the increased
18 cost, although the grading costs are significant.

19 And so that is unique to the property, relative
20 to all other properties in this square that already have
21 utilities. There don't need to be any utility extensions for
22 any of those properties. They're also all already developed.

23 So these costs total approximately \$600,000. A
24 normal house in D.C. costs about \$700,000 to develop. So these
25 utilities and grading costs would increase the total

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 development cost from about \$700,000 or \$800,000, which is
2 a normal cost, to about \$1.4 million. And that doesn't even
3 factor in the purchase price of the property. So the increase
4 in development cost is directly related to these utility and
5 grading issues.

6 And while other alleys in the area may face the
7 same issues, they've already been subdivided, or were
8 permitted to be subdivided, into smaller lots, to offset the
9 cost, which is exactly what we're trying to do. And the
10 request is directly related to the unique challenges with this
11 lot. Next slide, please?

12 So continuing on with practical difficulties, as
13 I mentioned, the cost to develop, without even factoring in
14 a purchase price is \$1.4 million. According to the Office
15 of Tax and Revenue, the land is valued at about \$73,000. So
16 a reasonable round development cost estimate, which factors
17 in the OTR price, is about \$1.5 million, to just break even
18 on a single-family home.

19 And the highest sales price for a home in this
20 square is \$1.3 million, and that house is not on an alley,
21 and was sold after an interior remodel. And so the cost to
22 do an interior remodel was likely much less, as the house had
23 existing utilities, and no major grading was needed.

24 According to Zillow, the average Zestimate for the
25 houses on this square is about \$913,000, which is about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 \$600,000 less than our \$1.5 million break-even point. And
2 so that difference between average and the required price tag
3 for the matter-of-right options is that \$600,000, which is
4 around the exact cost of the additional utilities and grading
5 unique to this site.

6 And so these are the exceptional practical
7 difficulties, because no other alley lots or street-facing
8 lots face these challenges, as the alley lots either already
9 have utilities, or have subdivided in order to offset the costs
10 of bringing utilities to alley developments.

11 Further, there is no market for a
12 20,000-square-foot alley dwelling, and it would be extremely
13 difficult and likely impossible to sell. It's too big of a
14 risk, given that there are no comps in the area. It would
15 make it hard to appraise for \$1.5 million. It's likely to
16 sit on the market for some time, driving up holding costs.

17 The alternative is to create a smaller
18 single-family home on this lot, but that would leave a
19 significant amount of land vacant, creating potential nuisance
20 and safety issues again. And it would still require the
21 applicant to sell the property for a much higher price than
22 the surrounding properties, because the utility costs are
23 still there. The only decrease in costs from a smaller home
24 would be slightly lower construction costs. But that doesn't
25 decrease the utility costs.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 And finally, one clear indication that development
2 isn't feasible without some sort of subdivision to offset those
3 costs is the fact that this lot has been undeveloped for 100
4 years. No one has found it feasible to develop anything on
5 this lot, and that's because the economics don't make sense
6 for a single-family home or for any other use. Next slide,
7 please?

8 So alternatively, wanting to exhaust all options,
9 we contemplated whether we could widen the alley. And that
10 would require taking some land from our property. But we would
11 also have to take land from other properties next to the alley,
12 because the properties that face C Street would have to be
13 widened, too. The 24-foot-wide alley has to extend to the
14 street.

15 So in order to widen the alley on the west side,
16 the applicant would lose six feet of depth on its west side,
17 would have to purchase the property located at the entrance
18 to the alley on that west side, 1522 C Street, which is an
19 existing residential single-family row dwelling, and then take
20 six feet from that already-narrow property.

21 And on the east side the applicant would lose four
22 feet of depth, and still, again, need to purchase the property
23 located at the entrance, which is an existing two-unit
24 building, and take eight feet from that already-narrow
25 property. This option would eliminate two existing homes and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 dramatically increase the cost of development.

2 And the main issue, of course, is that you're taking
3 land from the subject property and also taking existing
4 dwelling units, to create new residential buildings, and it
5 just doesn't make sense to remove buildings from the housing
6 supply to do that. It hurts the integrity of the project,
7 clearly, and is extremely difficult and impossible to achieve.

8 Next slide, please?

9 So with respect to the last prong, the proposal
10 will turn a vacant, previously-nuisance property into
11 additional family-size housing. I've gone into detail about
12 how we've adjusted the plans and responded to neighbor
13 concerns, as well as -- as well as the level of neighbor
14 support.

15 F/EMS and DPW have found no safety concerns with
16 alleys measuring 15 feet in width in other BZA cases. Some
17 of those were submitted into the record in our prehearing
18 statement. In this case, we did email DPW and F/EMS to provide
19 comments. Have not heard anything back. We also provided
20 a fire code review by fire safety engineers to the record.

21 It outlines how this building will meet all fire safety codes.

22 In terms of the integrity of the regulations, any
23 existing alley lot created before 1958 with at least 450 square
24 feet can convert to a record lot without meeting the 24-foot
25 rule. And so those created before 2016 would need just a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 special exception in order to get a record lot. So the 24-foot
2 rule is not a consistent factor for creating a new record lot.

3 The proposed lots are as big as other RF-1 non-alley
4 lots. It is the only unimproved alley lot of this size in
5 the surrounding area. It is truly unique and exceptional.

6 Granting the relief will allow the applicant to utilize the
7 unique dimensions of the site to make the proposed buildings
8 more compatible with the surrounding area than one large,
9 single matter-of-right building.

10 And so rather than a Mega-mansion, which is allowed
11 by right, we are proposing six row dwellings in this alley,
12 to be more compatible with the RF-1 zone, which is a rowhome
13 district. The proposed uses and building footprints are also
14 permitted by right, as would the subdivision be, but for the
15 width of the alley. Next slide, please?

16 So in conclusion, there are increased development
17 costs unique to this specific piece of property, due to its
18 location, size, and width of the surrounding alleys, which
19 prohibit the development of a single-family dwelling. If the
20 zoning regulations were strictly enforced, the
21 matter-of-right option, a single-family home, would not be
22 feasible, due to the increased development costs, as those
23 costs drive up the break-even sales price of a single-family
24 home to \$1.5 million.

25 The average price of the homes in this square is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 about \$900,000, a \$600,000 difference, which makes sense,
2 because that is the cost of the utility extensions and grading
3 unique to this site. It is directly tied to that.
4 Configuring a single-family home on this lot would not only
5 be financially impractical for this owner or any future owner,
6 the outcome would be either a ridiculously large
7 20,000-square-foot home, or a smaller building on a massive
8 lot, the future owner of which would be required to maintain
9 an 11,000-square-foot lot in the middle of an alley.

10 Widening the alley is not an option either, as
11 discussed. And while there are those in opposition, there
12 is a consensus from a number of neighbors on this block that
13 the development will be an overall improvement for the crime
14 and drug activity that occurred before the owners purchased
15 this property.

16 In terms of great weight, the ANC provided a
17 detailed report on how we're meeting the zoning criteria,
18 noting that it was too large to develop. A recent neighbor
19 letter echoed that sentiment, whereas the OP report is
20 relatively silent on any of these arguments, and provided only
21 three sentences on this part of the variance test.

22 Finally, the Court of Appeals is clear that
23 economic use of a property and increased expense and
24 inconvenience to the applicant can be considered when
25 determining whether the second rung of the variance test is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 met. In this case, the matter-of-right option, a
2 single-family home, would clearly be inviable and impractical,
3 resulting in increased expense and inconvenience to the
4 applicant.

5 And the area variance test is not a test of
6 impossibility, but it is a test of practical difficulty, and
7 we clearly meet that threshold, as there are clear practical
8 difficulties related to this specific lot. And with that,
9 I will turn it over to the project architect to briefly walk
10 through the plans.

11 MR. CROSS: Next slide, please?

12 CHAIRPERSON HILL: Could you introduce yourself
13 for the record, please, sir?

14 MR. CROSS: Sure. Michael Cross, project
15 architect for the applicant.

16 CHAIRPERSON HILL: Thank you.

17 MR. CROSS: As described, this property is
18 currently vacant, as shown here. It --

19 CHAIRPERSON HILL: Mr. Cross, you're breaking up.
20 Or you've broken up. If you have a problem, Mr. Cross, I
21 guess you can call in, if you can hear me. I think somebody's
22 not muted. If they want to mute? I think it's somebody who's
23 calling in on the phone.

24 MR. CROSS: Better now?

25 CHAIRPERSON HILL: Yeah, we can hear you, Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Cross. Well, I thought we could hear you, Mr. Cross.

2 MR. CROSS: Is this any better?

3 CHAIRPERSON HILL: Yeah, we can hear you. And now
4 -- are you talking? No?

5 MR. CROSS: Can you hear me now?

6 CHAIRPERSON HILL: Yes.

7 MR. CROSS: Okay. I apologize. I don't know why
8 that happened again. The property is currently a vacant lot.
9 It's ringed by alleyways, in the middle of a block, bounded
10 by the 300 block of 15th Street on the west, the 300 block
11 of 16th Street on the east, with D Street to the north, and
12 C to the south. Next slide, please?

13 The existing property is over 10,000 square feet.
14 We're proposing to divide it into six equal lots, all
15 approximately 1,800 square feet, which is conforming with the
16 intent of the lot sizes for this zone, and similar to other
17 lot sizes in the area. We're proposing six single-family
18 homes, one on each lot. Next slide?

19 Each of these homes is proposed to be approximately
20 2,400 square feet of livable area. They're featuring five
21 bedrooms, five and a half baths. Next slide, please. The
22 homes will only be two stories tall. And they'll all be over
23 a partial cellar. All properties will feature a private roof
24 deck. Next slide, please. Each property will have access
25 to at least one off-street parking space, with five of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 six properties having access to two off-street parking spaces.

2 Next slide?

3 CHAIRPERSON HILL: How are you providing the
4 off-street parking spaces?

5 MR. CROSS: Yeah, on this slide, you can see, at
6 the top, that there's a large change in topography from the
7 front to the rear, that is, from the 15th Street alley to the
8 16th Street alley, which allows us to have access to the cellar
9 level, that partial cellar that we're proposing, along the
10 16th Street alley side. That lower side.

11 CHAIRPERSON HILL: I see. I see. I see. Sorry,
12 I missed those. Okay.

13 MR. CROSS: Next slide, please? As mentioned, the
14 client has spent a good bit of time interacting with the
15 neighbors. We've attended several meetings, including a
16 community member -- a community meeting with the 4564 Block
17 Club.

18 We have collected numerous letters of support, and
19 we have revised our proposal, based on those interactions,
20 and with the written opposition that we have received, to
21 include more green space on the lots, which reduced the
22 footprints of the buildings, to add courtyards. And the
23 courtyards not only reduce the mass, but also provide outdoor
24 space for kids to play, dogs to run, so they don't overcrowd
25 the alleyways that surround the properties.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 The reduced length of the building is -- we reduced
2 the length of the building adjacent to the alley cross -- the
3 cross-alleys at the ends, which provides better sightlines
4 for the traffic in the alleys, and reduces the amount of light
5 -- or increases the amount of light and air to the properties
6 on those ends of the development.

7 And while the garage level in the cellar provides
8 the opportunity for secure construction staging during later
9 stages of construction, the new courtyards provide increased
10 room for onsite construction staging throughout the project.

11 And with that, I'll turn it back over to Alex, if she has
12 anything further to add.

13 MS. WILSON: I have nothing else to add. And we're
14 happy to take questions.

15 CHAIRPERSON HILL: All right. Thanks. Mr.
16 Young, if you could drop the slide deck? Okay. Oh, I see
17 somebody new. Is it Mr. Hubring? Hubing?

18 MR. HUBIG: It's Hubig.

19 CHAIRPERSON HILL: Hubig.

20 MR. HUBIG: Yes, sir.

21 CHAIRPERSON HILL: Could you introduce yourselves
22 for the record, please?

23 MR. HUBIG: Sure. I'm Fritz Hubig. And this is
24 Evan Muchai.

25 MR. MUCHAI: I'm Evan Muchai with developers and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the applicants for the project.

2 CHAIRPERSON HILL: How did you guys find the
3 property?

4 MR. MUCHAI: We were looking for the owners, and
5 we ended up connecting with them after -- I believe the city
6 was also trying to get in touch with the owners. We ended
7 up connecting with them. I don't recall exactly how. But
8 it took about two, two and a half years of talking to them
9 to get everything resolved and get to this stage.

10 CHAIRPERSON HILL: Are they still in the city?

11 MR. MUCHAI: No, they don't live in D.C. anymore.

12 CHAIRPERSON HILL: Okay. Yeah, sometime people
13 are, like, abroad somewhere. You know? Okay. Does the
14 Board have any questions of Ms. Wilson?

15 MR. MUCHAI: I've been doing this a very long time.

16 CHAIRPERSON HILL: Does the Board have any
17 questions of Ms. Wilson? Sure. Mr. Smith?

18 MEMBER SMITH: Ms. Wilson, really quickly on your
19 explanation of the -- I think it was the exceptional -- it
20 was the practical difficulty. You stated, to construct a
21 single-family house, it would cost \$953,000. Could you
22 elaborate on how you got to that number?

23 MS. WILSON: Sure. So I might need to have the
24 owners jump in, because they provided that. But the
25 construction cost, in general, not including water and sewer

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 and all of the utility and grading extensions, are listed as
2 \$363,000.

3 But then when you add in the sewer extension, Pepco
4 utility extension, Washington Gas utility extension, and
5 grading, that is all unique to this site, because those things
6 don't already exist, where on a typical street-facing lot,
7 you already have utilities right there. So those additional
8 items total -- I think it's \$590,000. I rounded it to \$600,000
9 for purposes of my presentation. But that's how we got to
10 that number. Yes.

11 MEMBER SMITH: And I think, unless I missed
12 something, that the other figure that you used for the costs
13 associated with the -- if you were to develop the rows, it
14 didn't have the cost estimates for sewer taps and whatnot.

15 MS. WILSON: Oh, so that's -- we didn't provide
16 any for developing the rows. We were just trying to -- so
17 the second portion just takes the number from the first portion
18 and adds it in. If maybe Mr. Young can pull up Slide 8 of
19 this --

20 MEMBER SMITH: Yeah, that would be helpful.

21 MS. WILSON: -- just to walk through this?

22 MEMBER SMITH: I was just asking --

23 MS. WILSON: Right. We didn't provide those six
24 rows, because the variance option could be anything. I mean,
25 it's two rows, three rows, four rows, five rows, six rows.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 We're not really comparing what we're proposing versus what
2 could be done by right. We were just showing what could be
3 done by right's not feasible in general.

4 MEMBER SMITH: Right.

5 MS. WILSON: So if you see that total construction
6 costs before a contingency and other development costs is that
7 953 figure, which has dropped down into the second thing there?
8 And then the rest of that was added for a total of 1.4, and
9 then I looked up on OTR the costs -- or the, I guess it was,
10 the -- what OTR thinks the property is worth. And it was about
11 \$100,000. So that's where the 1.5 estimate came from in
12 general, just to give an idea of how difficult it would be
13 to sell this.

14 MEMBER SMITH: Okay. Okay. That's the only
15 question that I had. Thank you.

16 CHAIRPERSON HILL: Okay. Anyone else? Okay.
17 Let's see. Oh, sure, Commissioner Miller? Sorry, I didn't
18 see you.

19 ZC VICE CHAIR MILLER: And thank you, Ms. Wilson,
20 for the applicant's presentation of its case, and for your
21 engagement with the community, which was able -- you were able,
22 with that engagement, to garner support from the ANC, unanimous
23 support, and from the zoning committee of Capitol Hill
24 Restoration Society, but obviously not from the parties who
25 are here, who are registered in opposition to this case.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 Ms. Wilson, I appreciate also that you provided
2 the -- well, let me ask about the single-family mega-mansion
3 matter-of-right alternative. So that would be -- you said
4 that was a 20,000-square-foot -- that could be a
5 20,000-square-foot matter-of-right single-family home? And
6 that would be a matter-of-right, you're saying?

7 MS. WILSON: I'll have Michael probably give the
8 exact dimensions, but yes, we could do 80 percent lot occupancy
9 on here, and two stories, so I think it would be about 20,000,
10 maybe a little less. Yes.

11 ZC VICE CHAIR MILLER: That's okay. That wasn't
12 the real -- the part of the -- the part that I wanted to --
13 and that would -- and that would be allowed as matter-of-right,
14 on the existing width of the alley? Less than 24 feet.

15 MS. WILSON: Correct. Correct. Because it's
16 already a record lot.

17 ZC VICE CHAIR MILLER: It's already a record lot.
18 And you've provided -- what was this building -- it's vacant
19 now. What was the -- when was it last occupied, and what was
20 it used as? That may have been in the record. I just -- out
21 of curiosity. Yeah, I think somebody made a statement that
22 if we -- that nothing might happen, and it might be returned
23 to being somewhat of a nuisance. I think somebody made a
24 reference to it being somewhat of a problem in the square.

25 But I just want to know, what was the use

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 previously? Was it a -- was the problematic use that it was
2 vacant? I guess a big vacant property? Or was the
3 problematic use when it was occupied and -- do you know what
4 it was occupied with and when?

5 MS. WILSON: I might turn it over to the owners.
6 I did see in the record that one of the neighbors said it
7 was vacant. And so that's why it was a nuisance.

8 MR. MUCHAI: This is Evan Muchai, one of the --
9 part of the team that's applying for the variance. So when
10 we were looking to purchase the property, we looked back to
11 try and find out if it had been used for something else. And
12 as far back as we could go -- and we did this through our
13 environmental surveyor, to see if there had been any use that
14 was there previously. As far back as we looked, it had not
15 been built on. So the nuisance part is just because it's a
16 vacant lot that's sitting there with nothing on it.

17 ZC VICE CHAIR MILLER: Okay. Thank you. And Ms.
18 Wilson, I appreciate the fire engineer's statement about the
19 safety of the alley into the record. But of course, it would
20 be much more -- well, not much more, but I think it would be
21 -- well, I think it would be much more helpful if we had a
22 non-objection letter from Fire and EMS, which -- I assume you
23 tried to get that.

24 Can we get that into the record, and possibly
25 additional types of non-objection letters from all the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 agencies where people are saying that there needs -- there
2 isn't adequate infrastructure or location, such as D.C. Water
3 and Sewer, DPW for the trash, and maybe -- or is it -- or is
4 it -- yeah, DPW for the trash? And I don't know if there are
5 any other agencies. MPD. But certainly, our own fire
6 department would be -- and that's what we -- well, just answer
7 that, and then I'll --

8 MS. WILSON: Sure. Sure. So normally in the
9 special exception cases, it's a requirement that, I think,
10 OP also reach out to them. In this particular case, that
11 wasn't a requirement. So I don't know if we have that backing.

12 Maybe OP can also help to push a little bit in this case.

13 But I would love to get that in the record. You know, we
14 would appreciate additional time to put that in. I think that
15 would be very helpful, especially towards the third prong.

16 ZC VICE CHAIR MILLER: Yeah, I think that would
17 be very helpful. And I would -- at least, this Board member
18 would be asking for that, if that helps, and OP, and you, and
19 anybody else who wants to see that into the record. I think
20 the Board want to have that into the record. I see my fellow
21 commissioners nodding. So, well, I guess I'll comment later,
22 and not get into -- because I want to hear from the party in
23 opposition, and I do have an open mind.

24 But the fact that less than two years ago, the
25 Zoning Commission reduced the required width of alleys from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 24 feet to 15 feet for record lots that had been converted
2 from tax lots, I think -- and we have a sign-off. If we did
3 a -- and that would have to be done by special exception, and
4 as you just referenced, we required that you get Fire and EMS
5 sign-off. And maybe others. I can't remember. Maybe D.C.
6 Water and DPW, as well.

7 But I went back and listened to that
8 less-than-two-year-old case yesterday, which took up a lot
9 of my day. It was clear, at the end of the hearing, or during
10 the hearing and at proposed action, a clear majority of the
11 commission, Office of Planning, and others, I think, realized
12 that this was a -- that was an incremental step, that it didn't
13 really make sense for some record lots, just because they had
14 been converted from tax lots, to be able to have a safe
15 15-foot-wide alley, when a new record lot could not have one.

16 And at the time, what was said by everybody -- maybe
17 including myself -- we didn't want to stop that case, which
18 was -- and we advertised to say that all record lots were going
19 to be -- and so it was viewed as an incremental case. And
20 OP promised that in the fall, they would come back with a new
21 case. I don't know what happened to that new case. I know
22 we've put a lot on -- this Board, and the Zoning Commissioners,
23 and the communities around the city have put a lot on Office
24 of Planning, on terms of their workload of doing things, but
25 I don't think we ever saw the new case.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 And I think that it -- so you still have the 24-foot
2 rule for the new record lots. It's still a variance, instead
3 of a special exception, with getting the Fire and -- sign-offs
4 and other sign-offs. So that's where we are, and I can discuss
5 later whether I think you've made the case for an area variance,
6 since that's where we have to be.

7 But I just wanted to generally kind of -- the Zoning
8 Commission, Office of Planning, realized that it was just an
9 incremental case, that we needed to look at the whole issue.

10 That case was designed to deal with 23 BZA cases that had
11 been heard fairly recently before that period of time, where
12 applicants had come forward on tax lots that had been converted
13 to record lots, and they were less than 24 feet in the alley.

14 And in 18 of the 23 cases, the BZA approved it,
15 because OP was supportive, the ANC was supportive. In most
16 cases, I think there wasn't any opposition at all, unlike this
17 case, which has had opposition. But so we had an immediate
18 problem that we were trying to deal with, and we were supposed
19 to deal with a more comprehensive issue later. We haven't
20 dealt with it, apparently. I don't know what fell through
21 the cracks there, and I apologize for not keeping up on that.

22 But anyway, I just wanted to make that comment,
23 Mr. Chairman, about how alleys, lots, similar to this one,
24 are allowed to be developed on, with a 15-foot width, if they
25 have the Fire and other agency sign-offs. So a determination

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 was already made in a previous case that it could be done
2 safely. So anyway, that's just all I wanted to say at this
3 point. I know we have a lot of people here, and I apologize
4 for taking so long to make that point.

5 CHAIRPERSON HILL: That's all right, Commissioner
6 Miller. I think that was helpful. Okay. Who else has a
7 question for Ms. Wilson? Okay. Ms. Anderson, can you hear
8 me? Oh. Hold on one second. Oh, Ms. Johnson. Okay. Can
9 you hear me, Ms. Johnson?

10 MS. JOHNSON: Yes, I can.

11 CHAIRPERSON HILL: Do you have a question for the
12 applicant?

13 MS. JOHNSON: I have a question for the applicant,
14 because the applicant does not live in the area, and he's
15 talking about the on-the-street parking. There is no
16 on-the-street parking on D Street, 16th Street, or 15th Street.
17 Now, he's speaking of --

18 CHAIRPERSON HILL: Okay, Ms. Johnson? Give me one
19 second. You're going to have an opportunity to give your
20 testimony. I'm just asking if you have a question from what
21 they said.

22 MS. JOHNSON: How did they come up with to say that
23 there was on-street parking? How did they come up with that,
24 when they know it's no on-street parking, and everyone --

25 CHAIRPERSON HILL: No -- Ms. Johnson? Ms.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Johnson?

2 MS. JOHNSON: Okay.

3 CHAIRPERSON HILL: No, that's all right. I think
4 they said off-street parking.

5 MS. JOHNSON: There's no off-street parking.

6 CHAIRPERSON HILL: They're making garages.

7 MS. JOHNSON: But they're not thinking of the
8 people that already live here. We don't have on-street
9 parking. We park in our backyards. That's where we park at.
10 So how could they say there is going to be available parking?

11 All of us -- I live on D Street, on the uneven side. And
12 everyone on this uneven side, whether this alley housing
13 affects them or not, they all park in the back of their homes.

14 CHAIRPERSON HILL: Okay. Right. Ms. Johnson?
15 Ms. Johnson?

16 MS. JOHNSON: On the 16th Street side, it's the
17 same thing. There's parking on one side of the street, but
18 it's not parking on both sides of the street. So where is
19 there available on-street parking? That's number one. And
20 how could they say --

21 CHAIRPERSON HILL: Ms. Johnson? So, Ms. Johnson?
22 Ms. Johnson, let me speak. I'm trying to get your question
23 answered. Your question is -- your question is, they said
24 that there was off-street parking. Is that your question?

25 MS. JOHNSON: That's what they said.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Okay. So I think -- and Ms.
2 Wilson, I'll let you clarify. I thought you guys said that
3 you were providing off-street parking in terms of, you're
4 providing garages. Correct?

5 MS. JOHNSON: Only for the new homes. That
6 doesn't include -- that's not including the existing home that
7 are in the block.

8 CHAIRPERSON HILL: Yes. They're not providing
9 parking for the existing homes.

10 MS. JOHNSON: I understand that. So where do they
11 think the existing homes parked at?

12 CHAIRPERSON HILL: Where did the existing homes
13 -- where do the existing homes park now?

14 MS. JOHNSON: In their yards. And when you -- in
15 their yards. And if you put up housing, how are they going
16 to back out sufficiently from their yards? Because I live
17 between an alley and someone's home, and I have to diagonal
18 my car into my yard, in order for me to park in my yard.

19 So if you put a house -- if you put housing there,
20 with a wall on the D Street side, which -- I live on the D
21 Street side, and I live between the alley and the 15th Street
22 alley, and Mr. Dickson's home. I have to kind of diagonal
23 my car to get into my parking space in my yard. That doesn't
24 leave me any space. That doesn't leave me any variance of
25 anything.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Ms. Johnson, you're still going
2 to have your alley.

3 MS. JOHNSON: That alley is going to be reduced
4 down. You said it's only going to be 15 feet, 16 to 18 feet.
5 Right now, it's not that wide.

6 CHAIRPERSON HILL: No, they're not taking anything
7 away from the alley, Ms. Johnson.

8 MS. JOHNSON: But they said in the -- what I heard
9 is that they may have to take some people's property in order
10 to provide for the alleys.

11 CHAIRPERSON HILL: No. They're making --

12 MS. JOHNSON: But they said something about taking
13 homes, their land.

14 CHAIRPERSON HILL: I understand, Ms. Johnson.

15 MS. JOHNSON: Because, I mean, we already exist
16 here. We already exist. We're not coming up to be built.
17 We're already here. We can't be moved. Our houses can't
18 be moved out and then just make room so they can build. They
19 want to build --

20 MEMBER SMITH: Ms. Johnson? Ms. Johnson?

21 CHAIRPERSON HILL: Okay, Ms. Johnson? Ms.
22 Johnson? Go ahead, Mr. Smith.

23 MEMBER SMITH: Ms. Johnson, they're not taking any
24 alley. What you heard was, in order for them to meet the Office
25 of Zoning's requirements for alley width, in theory, they would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 have to purchase other properties. But they're not proposing
2 that. The alley will not change.

3 MS. JOHNSON: How do they know that there's not
4 going to be -- I'm looking at Item Number -- what is it? Excuse
5 me for a second. Because Item Number 49, which is for the
6 Office of Planning and recommendation, it says, the Office
7 of Planning and OP recommends denial of the following area
8 variance relief. And it mentions Subtitle C 306.1(a), new
9 alley records lots. Precedent to --

10 CHAIRPERSON HILL: Ms. Johnson? Ms. Johnson?
11 Ms. Johnson? Ms. Johnson, you will have --

12 MS. JOHNSON: Yes, I'm listening.

13 CHAIRPERSON HILL: Please, you will have an
14 opportunity to give your testimony. This is only for
15 questions right now. It doesn't seem like you have any
16 questions for --

17 MS. JOHNSON: Well, my question is, how come they
18 denied this, and now you want to say it's approved?

19 CHAIRPERSON HILL: Okay, we haven't approved
20 anything yet, Ms. Johnson.

21 MEMBER SMITH: The Office of Planning, for all of
22 our cases, they review them, and they write a staff report,
23 and make a recommendation on their part of -- should we approve
24 it or deny it?

25 But to answer your original -- we haven't approved

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 anything. We're just hearing the case. OP will come in, you
2 know, relatively shortly, and discuss the reason why they
3 recommend we should deny the case. But to the question about
4 the alley width, that pavement width that you see out there
5 now is not changing. It is owned -- that pavement is owned
6 by the District of Columbia. It is not going to change.

7 MS. JOHNSON: Okay. I'm listening.

8 MEMBER SMITH: Okay.

9 CHAIRPERSON HILL: Okay. All right, Ms.
10 Anderson, do you have any questions of Ms. Wilson?

11 MS. ANDERSON: Can you hear me?

12 CHAIRPERSON HILL: Yes.

13 MS. ANDERSON: Okay. I just wondered -- I just
14 wanted to clarify, have her clarify, please -- and thank you
15 for your presentation, thank you for letting me come and talk.
16 Could you just clarify one more time that -- you had mentioned
17 \$73,000, and I thought I heard you say -- but I wasn't sure
18 if that was the cost of the property?

19 MS. WILSON: I just used that figure from Office
20 of Tax and Revenue's estimated value of the property as sort
21 of a neutral, you know, cost, instead of the actual cost, just
22 because that was a fair, reasonable cost, rather than something
23 subjective, because, you know, this area variance and the
24 difficulties would apply to any future owner, regardless of
25 purchase benefit. I used that number.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. ANDERSON: And how much was the actual cost?

2 MS. WILSON: I'm not sure if we have that figure.

3 And it's not relevant in our argument. It's not something
4 I testified to.

5 MS. ANDERSON: Okay. Well, and later, just later,
6 there is a reason I asked. And when I get to give my testimony,
7 perhaps it will become more relevant. But thank you.

8 CHAIRPERSON HILL: Okay. Okay, thanks, Ms.
9 Anderson. Ms. Young, I was confused if any of the other
10 party-status members were on the call.

11 MS. JOHNSON: David.

12 CHAIRPERSON HILL: Oh, Mr. Dickson, are you there?

13 MS. BEYERS: I've been listening.

14 CHAIRPERSON HILL: Oh, great. Ms. Beyers, can you
15 introduce yourself for the record again?

16 MS. BEYERS: I'm Martha Beyers. I live at 1505
17 D Street Northeast.

18 CHAIRPERSON HILL: Okay. Do you have any
19 questions for the applicant about their presentation?

20 MS. BEYERS: No. I learned a lot that I didn't
21 know previously, with some of our questions, so I appreciate
22 it.

23 CHAIRPERSON HILL: Okay. All right. Then let me
24 do this. Let me go ahead and let -- oh, Mr. Dickson, are you
25 there? Mr. Dickson? Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MR. YOUNG: He is on. He's on the 313 number.

2 MR. DICKSON: Hello?

3 CHAIRPERSON HILL: Mr. Dickson, can you hear me?

4 MR. DICKSON: I can hear you. Can you hear me?

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

7 MR. DICKSON: Okay. I'm David Dickson. I'm at
8 336 16th Street. That's Northeast Washington. And I've been
9 here for a number of years. One thing that --

10 CHAIRPERSON HILL: Mr. Dickson, just give me --
11 Mr. Dickson, just give me one second. You guys will be able
12 to give your testimony. We're just doing questions right now
13 about the applicant's testimony. Did you have any questions
14 about the applicant's testimony?

15 MR. DICKSON: I heard some things in the testimony
16 that I didn't -- that they should've known. And the -- it
17 was farmland in 1937. And this property was developed in 1937.
18 R.L. Merritt (phonetic) was the developer at the time.

19 MS. JOHNSON: It's not that. I mean --

20 CHAIRPERSON HILL: Mr. Dickson, hold on one
21 second. There's a little crosstalk. Ms. Johnson, could you
22 mute your phone, please? Mr. Dickson, we're going to take
23 testimony in a minute from you guys. It doesn't sound -- do
24 you have any questions about the testimony that the applicant
25 gave?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. DICKSON: Well, what I understand is
2 that they --

3 MS. JOHNSON: No, I do not have any.

4 CHAIRPERSON HILL: Okay, Ms. Johnson, just mute
5 your line, please. And Mr. Dickson, let me start to take you
6 guys' testimony. And then let's see where we get. Ms.
7 Anderson, can you hear me now?

8 MS. ANDERSON: Yes.

9 CHAIRPERSON HILL: Okay. I'm going to start with
10 you, and then I'm going to go to Ms. Johnson, and then I'm
11 going to go to Mr. Dickson, and then I'm going to go to Ms.
12 Beyers. So Ms. Anderson, if you can go ahead and give your
13 testimony?

14 MS. ANDERSON: Okay. Okay. Sure. Sure. Okay.
15 Again, thank you for listening. It's been a long day for
16 everyone. Obviously, it's long for you. It's long for us,
17 too. Right?

18 I just wanted to let you know, Mr. Dickson can do
19 a better job about giving the history of this property. But
20 I wanted to let you know that calling it a nuisance property
21 kind of ruffles my feathers a little bit, because we do have
22 a history with that. Under Mr. Dickson's direction and help,
23 we took care of that side of that hill that needs cutting all
24 the time, and cleaning all the time, and we did that as
25 citizens. Right? We took care of that, as citizens.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 And then at one point, there were attempts from
2 one of the neighbors to purchase it. And those attempts were
3 thwarted. And then at one point, we were even approached by
4 the city. We all went down to the -- I believe it was the
5 Wilson Building, had a meeting with -- I wish I had kept the
6 records -- somebody at the Wilson Building who said, you know,
7 this is an unusual piece of property, and we had started a
8 -- there's a couple of places where we think that we can let
9 the neighbors form kind of a collective, and as long as you
10 don't make a profit of it, you can manage it yourself. You
11 can turn it into green space, you can turn it into a couple
12 of extra parking spaces. We were excited.

13 And then the next thing you know, when I was
14 acquiring, hey, this is a great -- and all the neighbors were
15 excited. Right? And then all of a sudden, it just
16 disappeared, and then I inquired about it, you know, I hit
17 a wall. And I talked to somebody today who said, oh, yeah,
18 they did that up near Crispus Attucks Park. And they said,
19 oh, it's beautiful up there. They did this, they did that,
20 they did the other thing. And it's beautiful.

21 So in terms of saying, oh, it's just a vacant lot,
22 and there can't be anything except this project built on it,
23 that is a little bit presumptuous. Right? Because there had
24 been other plans, and the city said no. Right? So that is
25 a little piece of history that -- obviously, you can maybe

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 understand why some of us are a little ruffled, I guess, to
2 say the least. Right?

3 And as far as the crime, there is a tree up there,
4 which I will get to later, but there's a big tree that neighbors
5 used to sit under, and yeah, I mean, you know, they play music,
6 they have a little bit of fun. And some people in the
7 neighborhood called those, the people sitting under that tree,
8 as a nuisance. So I just wanted to let you know where some
9 of the nuisance property was coming from. Right? So that's
10 one thing. Right?

11 And then in terms of -- just as far as DDOT goes,
12 approving it, DDOT did say it would increase parking
13 difficulty. It didn't say it would be major parking
14 difficulty, but it would increase parking difficulty. And
15 for me, any parking difficulty is an increase in parking
16 difficulty, whether it's, you know major or minor. It's hard
17 to find a place to park. And so that's an issue.

18 One of the issues that is near and dear to my heart,
19 and that I can speak to, while other people here can speak
20 to other things, is that -- is it green space? You say you
21 have provided green space. Well, the little bit there that
22 you have proposed -- I talked to somebody, a forester, today,
23 and somebody in the Ward -- a Ward forester.

24 They took a look at your proposal and said, you
25 know, that is not -- first of all, to plant a tree, you would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 have to -- it needs more space. It needs more light. It needs
2 better root system -- to be able to have -- and you have to
3 water it constantly for three years before it can take care
4 of itself.

5 People coming into some of these places are not
6 going to do, like, what I would do with a tree. Right?
7 They're going to let it die. Maybe plant some little flowers.
8 Okay, so, I mean, maybe or maybe not, that's green space.

9 A huge thing is, I do believe there -- and I hope
10 it doesn't get cut down because of this tonight. I do believe
11 that tree in that area is a heritage tree. And the reason
12 I believe that is because the definition of a heritage tree
13 is, at four and a half feet high, the circumference has to
14 be 100 inches.

15 I went out, and because there's a fence around it
16 now, I didn't climb the fence to go measure it, but I went
17 out and looked at a similar tree and measured it. It was 120
18 inches in circumference. So and then if it's lower than that,
19 but still 40 inches, you need a special permit to do anything
20 to it. So I just wanted to talk about that. That needs to
21 be considered.

22 Also, when I was talking to the person about the
23 tree, he was saying, people don't realize how much that tree
24 is going to stop runoff, is going to keep houses cooler in
25 the summer and warmer in the winter. And I know that because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 I had a tree in the front and a tree in the back, and the tree
2 in the back died, and I cut it down, and I'm so much hotter
3 without having that tree there.

4 Another thing is that, while it's two stories, I
5 believe it's, like, 94, 92, 94 feet high, your buildings?
6 So right now, there's not a high building there. So right
7 now, I get a lot of light in my personal space. Having just
8 15 feet or 20 feet from my house a tall building that's, like,
9 I don't know, 92 feet high, right? A two-story building is
10 -- how high is it?

11 MS. WILSON: 20 feet. That's the maximum
12 permitted height for an alley dwelling, so it's 20.

13 MS. ANDERSON: Okay. Okay. Thank you. Okay.
14 Excuse me, I was wrong, then. I was reading your -- I was
15 reading some of your sketches wrong. So I apologize for that.
16 But you said it was two stories high. Right? Is that
17 correct?

18 MS. WILSON: Correct. That's also the story
19 limit. So 10 feet for each story.

20 MS. ANDERSON: Okay. So even two stories, built
21 on a hill above my house, is going to limit the amount of sun
22 that I get. And that may not be a big reason, but it's just
23 a personal objection.

24 Let's see what else. It's going to be noisier.
25 It's going to have more congestion. We already have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 high-density housing in the neighborhood. There is one
2 building. It's not a home. It's for people to come and --
3 there's not even individual apartments in it. It's already
4 high-density. And this is what I consider a high-density
5 area.

6 So there's more noise, there's going to be more
7 traffic, there's more congestion, there's more disturbance.

8 I think that that's all. I mean, I know that there are a
9 few other things that other people have to say, so I'll just
10 stop right there.

11 CHAIRPERSON HILL: Okay. Thank you, Ms.
12 Anderson.

13 MS. ANDERSON: You're welcome.

14 CHAIRPERSON HILL: And just -- we'll see what
15 happens next. Ms. Johnson, can you hear me? Ms. Anderson,
16 if you could mute your line?

17 MS. ANDERSON: Oh, I am so sorry. Thank you. My
18 apologies.

19 CHAIRPERSON HILL: That's all right. That's all
20 right. Ms. Johnson?

21 MS. JOHNSON: Yes, I can hear you. Can you --

22 CHAIRPERSON HILL: Okay. Ms. Johnson, if you -- I
23 can hear you. You want to go ahead and give your testimony?

24 MS. JOHNSON: Okay. Well, my testimony is
25 basically like Ms. Anderson's. And also, I'm going along with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 -- like, here you have a two-story dwelling that has been open
2 for so many years, and now that you have this, you don't have
3 the adequate lighting or just spacing around, because they
4 just finished a condominium that was a church, and it has some
5 parking, but it does not have adequate parking for the whole
6 building.

7 They're redoing a home that was sold, and making
8 it into four stories, where that person parked in the back.

9 They're not going to have any parking at all, as far as them
10 purchasing those condos, which means that they will have to
11 park on the street, and there's no parking on the street
12 available now. And so you're looking at parking problems.

13 And then, you know, people fighting for spaces. You know,
14 the alleys.

15 And like you said, the fire department and
16 everything, have they approved? Is it adequate? Is it enough
17 space for them to come in and be able to -- in case there was
18 a fire? And they would be able to come in and maneuver through
19 the alleys?

20 Right now, they don't have any problems, because
21 that space is available. But if you're talking about putting
22 up six dwellings, five of them with parking, the other one
23 without parking, what do you think that would cause? That
24 would be a problem.

25 And I think that we have legitimate -- we have been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 living here. We have been, like Ms. Anderson said, we have
2 been cleaning off that portion of land. We have been mowing
3 it down, making arrangements with the city to come and pick
4 up the trash that we cut down, the grass and the limbs and
5 things that grow up there.

6 And then you've got to speak of the rodents. Once
7 you start digging -- there has never been any piping placed
8 on that land at all. That means that they would be just, like,
9 going into the country, putting in piping, gas piping or
10 whatever, lighting, setting up lights, so that they can have
11 lights in the home and everything. All that would have to
12 be rebuilt, would have to be built, when we already have our
13 lighting and pipes in our homes, and sewage and everything,
14 and the drainage.

15 The drainage -- we just got a letter today from
16 the city, saying that they're going to start working on the
17 parking lot. They worked on a portion of the parking lot,
18 back during the fall, and they ran and they fixed the part
19 from 15th Street to 16th Street.

20 They had to do a little special area right in front
21 of Mr. Dickson's home and my home, and the home down there,
22 that area down there by the church, where they turned into
23 condos, because you had to consider people -- that they have
24 to back out of their yards to come get in and out.

25 And just -- like, they would have not been able

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to do that, because it was -- we have potholes and everything
2 in the alley. And then we had been asking to have it repaired
3 for at least, I know for myself, seven years. And they did
4 not decide to do anything until last year. Now, did they think
5 of the citizens that pay taxes in the District of Columbia?

6 And we are tax-paying customers. We may not own
7 the land, but we do own the property that's on the land. And
8 just, like, we have to pay taxes on it. So we have not been
9 considered at all. It's a matter of just wanting to build,
10 and everything. So that is my issue. Thank you.

11 CHAIRPERSON HILL: Okay. Thanks, Ms. Johnson.
12 I meant to ask Ms. Anderson this, and I'll ask you first.
13 Ms. Johnson, did you get to go to the ANC meeting?

14 MS. JOHNSON: No, I did not. I don't know anything
15 about the ANC meetings. We were not informed of it. They
16 only informed those that submitted letters, that I see that
17 are listed on this -- it has letters from different homeowners
18 in the area. But we were not informed of anything.

19 CHAIRPERSON HILL: Okay. Okay. Okay. You
20 didn't go. Ms. Anderson, did you go to the ANC meeting?

21 MS. ANDERSON: No. And I am kicking myself that
22 I didn't realize it was happening.

23 CHAIRPERSON HILL: Okay. All right. Okay.
24 Let's see. Mr. Dickson, can you hear me? Mr. Dickson? Mr.
25 Dickson, can you hear me? Mr. Dickson, you might be on mute.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 I don't know how -- Mr. Young, do you know how to unmute?
2 Do they have to push a button? Oh, there we go.

3 MR. DICKSON: Hello?

4 CHAIRPERSON HILL: Yeah, we can hear you now, sir.
5 Can you go ahead --

6 MR. DICKSON: Okay.

7 CHAIRPERSON HILL: Could you go ahead and give us
8 your testimony, please?

9 MR. DICKSON: My name is David Dickson. I live
10 at 336 16th Street. That's Northeast Washington. I've been
11 here since the late '50s. I've been the block captain here
12 for many years. We've maintained the lot. There was big
13 trees on it. We felled the big trees, and we had them --
14 Department of Public Works to take them away. That's been
15 over the last 50 years. There's a lot -- we do have a lot
16 of questions.

17 Ms. Anderson alluded to purchasing the property.
18 I was the one who put the bid in to purchase the property,
19 twice. I went through all of the steps that DCW required me
20 to go to, as the taxpayer. And we had everything gone through,
21 like payoffs and so forth, and so I paid all the lawyer fees
22 and everything. And the time period passed, and I went down
23 to pay it off. I used their attorneys, and so forth, and they
24 told me that -- when I got down there, they said, hey, we can't
25 sell it to you for that price.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 So we went after them for bait-and-switch. So then
2 they said, well, we'll have to get back to you. So what they
3 did, when I got down there, is tell me it was \$103,000. I
4 was standing -- they had let go to a -- So, okay. So some
5 people want to pay -- I think his name's -- or -- from Tax
6 and Revenue. And so they put some people on the case, and
7 so the people they put on the case ended up in a secular assault
8 case, and they were fired. So that just kind of left my case
9 hanging.

10 So a few years ago, I got a call that said that
11 -- are you still interested? We're going to have a meeting
12 on the property, and are you still interested? So we went
13 to the meeting. And they came up and said, yeah -- I said,
14 yeah, still interested. And they said, well, how much? They
15 tell us, \$250,000. I said, yeah, I'll take it. After that,
16 they didn't -- we couldn't get in touch with them. They didn't
17 ever call us back.

18 And so now we have the situation now, where somebody
19 else -- when we knew it belonged to R.L. Merritt. And R.L.
20 Merritt paid tax on it the last time in 1837. We've been
21 through that with this -- the property was a farm. It was
22 subdivided in 1935. So it's all D.C. history. It's in the
23 records. And Mr. Merritt -- they developed it prior to that,
24 so they could subdivide it, and the property was a farm prior
25 to it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 And the vacant lot, in '95, was the orchard. So
2 it was not just abandoned property. It was an orchard. The
3 property was a farm, and if you go back in the records -- it's
4 in the records. And when they did the microfiche -- I did
5 the records, 20, 30 years ago, it was all there. But when
6 you start looking at what has happened over time, it was like
7 they didn't want the people of the neighborhood to own the
8 property. And so we've gotten to the point where we just said,
9 well, okay, leave it, let's see what happens.

10 So what happened here is that 12 years ago, the
11 mayor gave all these rights to the developers, to find these
12 properties. And that's what they did. They found the
13 properties. And then they went through the District to
14 acquire these properties. So that's how we got here today.

15 They told me that they found heirs for the property,
16 and the property really didn't belong to the District, and
17 they found the heirs to the property, and the developers put
18 up some money to pay the taxes, and went to the heirs, and
19 that's how they got the property. That's how --

20 CHAIRPERSON HILL: Okay. Okay, Mr. Dickson?

21 MR. DICKSON: Those are the things that I have.
22 But now, on the property itself. Now, we have the --

23 CHAIRPERSON HILL: Mr. Dickson, I've got to let
24 you go. I just want to -- Mr. Dickson? I'm going to give
25 you another three minutes to tell us again -- to finish your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 testimony, if that's okay.

2 MR. DICKSON: Okay. Right now, we are in a
3 situation now where -- I told this and so forth the other day.

4 When they were out here the other day, it was raining. And
5 with the new alley, we get numerous amounts of water. When
6 we get a heavy rain, it comes from C Street and both alleys.

7 It'll come from 15th Street in the alley. And it runs past
8 my property. And when you get a heavy rain, it runs right
9 across 16th Street. Runs across 16th Street, down towards
10 17th Street, and about halfway down the block, it runs into
11 a fellow's basement. That's the one problem.

12 And right here beside my house, at the corner, on
13 the other side of me, they had the same problem. Because what
14 they did, they went up and they put a blacktop coating on top
15 of concrete, to install the firehose. And the steel was higher
16 than the water coming down the alley, so the water would hit
17 the concrete and go to the left and go into people's houses.

18 Over time, things have had -- we don't want that
19 to happen again. We're trying to stop this stuff before it
20 happens. On the lot itself, Ms. Anderson, she alluded to it.

21 There is going to be a lot of shading, and snow and that type
22 thing, when it falls, it's going to be shaded, so you're not
23 going to -- it's not going to melt, it's going to lay there.

24 Rain, the runoff, where's the runoff going to go?
25 Where is the electrical? What's the name of the street?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 What is it on? Is the street one-way? Is there any parking
2 on the street it's going to be on? You know, just -- it's
3 a whole lack of -- Ms. Anderson alluded to parking. Ms. --
4 alluded to parking. Mary Johnson, sorry, alluded to parking.
5 And so if you put a street in, is it going to be one-way?

6 CHAIRPERSON HILL: Okay, Mr. Dickson.

7 MR. DICKSON: Because it's not going to be wide
8 enough to do two cars.

9 CHAIRPERSON HILL: Okay, Mr. Dickson.

10 MR. DICKSON: It is going to -- yeah.

11 CHAIRPERSON HILL: If you could just wrap up, Mr.
12 Dickson?

13 MR. DICKSON: Yeah. So is the -- I guess the
14 question here is, in our situation, how are we going to get
15 in -- how are cars going to fit into that street? Right now,
16 it's going to have to be -- it'll have to come up 16th Street,
17 go up through the alley, because you've got to make a right
18 turn. So C Street is one way, going west. So you've got to
19 come up there to get into that street.

20 And then where are you going to empty out of the
21 -- where are the streets going to empty out? Because it
22 empties out in two alleys, one alley behind B Street, where
23 Ms. Johnson is located. So you're going to go -- you're going
24 to put the street in a dead end? They're going to dead-end
25 the street? You know, we -- planning, we don't -- people need

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 better planning here.

2 CHAIRPERSON HILL: Okay. Okay.

3 MR. DICKSON: Okay. Thank you.

4 CHAIRPERSON HILL: All right. Thank you, Mr.
5 Dickson.

6 MR. DICKSON: Yes.

7 CHAIRPERSON HILL: Is Ms. Beyers with us? Ms.
8 Beyers, can you hear me?

9 MS. BEYERS: Yes, I'm there.

10 CHAIRPERSON HILL: Could you introduce yourself
11 for the record again, Ms. Beyers?

12 MS. BEYERS: I'm Martha Beyers, and I live -- I've
13 been on the street since '88, and I'm at 1505 D Street
14 Northeast.

15 CHAIRPERSON HILL: Okay, thanks, Ms. Beyers. Ms.
16 Beyers, if you want to go ahead and give us your testimony?

17 MS. BEYERS: Well, I'll just repeat what Kathy
18 said. So I won't need to say anything else.

19 CHAIRPERSON HILL: Okay. All right, Ms. Beyers.
20 Okay. Does the applicant have any questions for any of the
21 witnesses?

22 MS. WILSON: No, thank you.

23 CHAIRPERSON HILL: Okay. Does the Board Members
24 have any questions for any of the witnesses? Mr. Blake?

25 MEMBER BLAKE: Yeah, two quick questions. Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Dickson, did you attend the ANC meeting?

2 MR. DICKSON: Hello? Hello?

3 MEMBER BLAKE: Yes.

4 MR. DICKSON: Hello?

5 MEMBER BLAKE: Yes, Mr. Dickson, are you there?

6 MR. DICKSON: Hello? Yes. Yes.

7 MEMBER BLAKE: Did you attend --

8 MR. DICKSON: I was not privy to that information.

9 I did not know about the meeting.

10 MEMBER BLAKE: Okay. Ms. Beyers, did you attend
11 the ANC meeting?

12 MS. BEYERS: No, I was not aware of it.

13 MEMBER BLAKE: Okay. Thank you. There's one
14 other question for all of you. Do people tend to use that
15 space for parking?

16 MR. DICKSON: Yes, on occasion, because if we have
17 any kind of affairs, if anybody's coming to town, it has been
18 -- Even when they built the building over on 15th Street,
19 that 32-unit building, they used that lot for parking their
20 construction equipment. It's been -- I don't know how they
21 would do without having that lot. And that's what you asked.

22 So if we -- yes, sure, people in the neighborhood
23 park there, because there's always been a problem with space
24 available. Because we've had the problem a few times, it was
25 on 16th Street -- the streets are all one-way around here.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 And so you only can park on one side. And so we use that
2 as an escape for some of the parking problems we had here in
3 the area.

4 MEMBER BLAKE: Okay. I understand. Thank you.
5 Thank you.

6 MR. DICKSON: Yes.

7 CHAIRPERSON HILL: Okay. All right. Let me go
8 ahead and turn to the Office of Planning. If everyone can
9 mute their sound if they're not talking? Mr. Mordfin, I'm
10 sorry, you're on mute.

11 MR. MORDFIN: Still on mute?

12 CHAIRPERSON HILL: Nope, we got you.

13 MS: Okay. Okay, sorry. Okay, I'm Stephen
14 Mordfin with the Office of Planning. The Office of Planning
15 -- the report does recommend denial of this application.
16 However, it also recommends that the applicant contact the
17 different agencies, such as Fire and Emergency Services, and
18 Public Works and D.C. Water, regarding this case.

19 Despite what the applicant said, I did contact all
20 those agencies. Usually, the other ones, too. I was not able
21 to get any of those agencies to submit anything to the record
22 indicating how they -- what their opinion was, one way or the
23 other.

24 Because part of the intent and purpose of these
25 regulations is for safety, and to get comments from those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 agencies would -- you know, saying that yes, it is okay, or
2 no, it's not okay, or whatever -- would help the applicant
3 to make their case for no substantial impairment to the intent,
4 purpose and integrity of the zoning regulations, because the
5 arrows -- I'm sorry, the alleys are narrow. So that is the
6 purpose of that.

7 And so that is one reason why, you know, we do not
8 find that this meets the three criteria. You know, although
9 it is a large lot, and it could be developed, we don't have
10 anything indicating that it would also be safe to develop it
11 as a smaller lot. Those regulations are in there for a reason,
12 to ensure the safety of any future development.

13 So substantial detriment to the public good -- it,
14 too, leads back to the safety. You know, what do these
15 agencies think? When we wrote the regulations that were
16 updated, that was done in concert with these other agencies
17 -- how much alley width they thought they would need in order
18 to provide their services.

19 It's a record lot now, so, you know, recommending
20 denial of any use of it at all, that leads to other problems.

21 But if you want to subdivide it, then you have to make sure
22 that you can bring it up to current standards, or standards
23 that will work for those agencies that ensure the safety of
24 those buildings.

25 And so therefore, you know, impairment to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 intent, purpose and integrity of the zoning regulations --
2 yes, it does, unless we have evidence that this is not going
3 to happen. And we don't. I tried. I wasn't able to get
4 anything. I don't know if OZ submitted anything to those
5 agencies. They often do.

6 But we don't have anything, and I didn't receive
7 anything from the applicant regarding that, except yesterday,
8 they did upload something from some fire engineers from, I
9 think, Maryland, indicating how this could be made to work.

10 So for those reasons, the Office of Planning recommended
11 denial of this application. Thank you, and I'm available for
12 questions.

13 CHAIRPERSON HILL: Okay. Thank you, Mr. Mordfin.
14 Does the Board have any questions of Mr. Mordfin -- I mean,
15 the Office of Planning? Mr. Blake?

16 MEMBER BLAKE: Yeah. Mr. Mordfin, when I went
17 through your report, you had some issues with the first prong
18 of the test, as well as the third prong. Can you just walk
19 through the first prong, in light of the presentation that
20 was made earlier by the applicant, in terms of the first and
21 second prongs of the test?

22 MR. MORDFIN: Okay. Well, what is extraordinary
23 or exceptional or whatever -- the exceptional practical
24 difficulties, I do agree, it is a large lot. It is the largest
25 lot in the square, with the rest of the square primarily being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 developed as rowhouses and some other -- there's also a church
2 that I think was originally retail. So yes, it's the largest
3 lot.

4 But by allowing it to be developed, without taking
5 into consideration the other agencies that also have to provide
6 services to this lot, you know, is it an exceptional situation?

7 You know, what do you put ahead of what? Do you put safety
8 behind the ability to develop this lot? And so that's where
9 it runs into a problem.

10 So, you know, to develop it consistent with the
11 zoning, that's important, sometimes, when it comes to safety.

12 Yes, there are greater costs with doing it for one house,
13 but that's not really the way to look at it. The way to look
14 at it is, can we do this safely? And that's what those other
15 regulations are in there for -- or rather, the other arguments
16 are in there for, with the other agencies.

17 MEMBER BLAKE: When you looked at -- when you heard
18 -- when you read the report from the fire consulting, did that
19 impact your opinion of the third prong?

20 MR. MORDFIN: Yeah, that does impact it. However,
21 what would be more useful, also, would be from F/EMS, who --
22 which is the agency that would have provided services to these
23 lots, should an emergency occur, and so it would be better
24 to hear it from them, knowing that they could say, yes, if
25 something were to happen, we could -- whatever it is, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 provide emergency medical services, or provide fire services,
2 if, Heaven forbid, there's a fire. You know.

3 And so while this is useful, this fire assessment
4 of the property from the -- it doesn't tell us whether or not
5 F/EMS says they're comfortable doing what needs to be done,
6 should it have to be done.

7 MEMBER BLAKE: Okay. One last question. I want
8 to go back to the extraordinary, exceptional situation. The
9 applicant described it as a confluence of factors. Do you
10 agree that it would be more of a confluence of factors, versus
11 the single variable?

12 MR. MORDFIN: I think it is a confluence of
13 factors, rather than a single variable, because there are a
14 lot of things going on there with those -- you know, it is
15 vacant, it is large, there are narrow alleys, or narrow as
16 defined by the zoning regulations. So, you know, all those
17 things together create something unique in this lot, in this
18 square, where it is the largest one. But then we also get
19 to the second and third prongs, which they have to get past.
20 You can't just meet one. You have to meet all three.

21 MEMBER BLAKE: Okay. Thank you.

22 CHAIRPERSON HILL: Anyone else for the Office of
23 Planning? Commissioner Miller?

24 ZC VICE CHAIR MILLER: Thank you, Mr. Chairman.
25 And thank you, Mr. Mordfin, for your report. So I just want

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 to reiterate what I previously said, in terms of the Office
2 of Planning assisting -- reiterating its request to D.C. Fire
3 and EMS, as well as the other agencies, D.C. Water, DPW, to
4 get their comments on this application, and whether they have
5 any objection or not.

6 Mr. Mordfin, are you familiar with Zoning
7 Commission Case 19-13, which reduced the alley width size for
8 lots that were -- tax lots that were converted to record lots?

9 You reduced the width size from 24 feet to 15 feet, by special
10 exception application to this Board, and with comments from
11 Fire and other agencies. You may not be familiar with it.

12 MR. MORDFIN: I would have to look that one up.
13 I'm not familiar with that. I would have to --

14 ZC VICE CHAIR MILLER: That's okay.

15 MR. MORDFIN: -- research that and look that up.

16 ZC VICE CHAIR MILLER: Well, I would encourage you
17 to look it up, because there was extensive dialogue at the
18 public hearing, by commissioners, at least four out of the
19 five, if not all five at one point, commissioners, by Office
20 of Planning, by the ANC witnesses who happened to be before
21 us in that case, which I think were actually in Ward 6, although
22 I don't know if it -- I actually don't recall, and I just watched
23 this yesterday -- whether it was 6A or whether it was -- which
24 is the ANC's -- or whether it was another ANC. I think it
25 was another ANC, 6B and 6C.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 But everybody seemed to agree that if you're going
2 to allow -- if the width size could be found to be safely
3 adequate for fire and other services in the alley, for
4 converted lots, there was little rationale for a 24-foot
5 requirement for all record lots, with no relief under special
6 exception, with no simple relief under special exception
7 policy.

8 The special exception allows the public to weigh
9 in, the community to weigh in, as they're weighing in on this
10 case, although it's a variance, so they're getting to weigh
11 in on the variance. But it would allow you to -- well, us
12 to see whether the ANC supports it, which it does in this case.

13 Not all the neighbors -- many neighbors are opposed, and are
14 parties in opposition, in fact.

15 And I appreciate their testimony today. I
16 appreciate that they have been maintaining the property, and
17 that they -- in certain terms of trash pickup and cutting down
18 grass and tree -- whatever debris is there.

19 But I would encourage you to -- the Office of
20 Planning to go back and look at that case, because I think
21 it was the Office of Planning representative who said -- he
22 said this was an incremental case. And they would look at
23 this further, and probably bring something forward in the fall.

24 That's the fall of 2020. So we're left with that it is a
25 variance still.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And we have an anomaly. A similar lot on an alley
2 of this size is permitted to have housing developed, and one
3 is not, except through meeting the very high bar of a variance
4 test, in a city where comprehensive plan -- that your office
5 drafted -- are encouraging the removal and reduction of
6 barriers to the development of housing, where you would get,
7 here, 30 bedrooms versus five bedrooms, I guess. Twelve
8 units, you can have two units per property on a -- per lot
9 on a -- in the RF-1 zone, so it'd be 12 units versus, I guess,
10 two. It's in a -- it's in a desirable neighborhood.

11 I just don't understand the Office of Planning's
12 position in this case. So I would encourage you to go back
13 and look at this issue comprehensively for future cases going
14 forward, but in this particular -- and report to the Zoning
15 Commission or us, now that BZA's aware of the issue, whether
16 it's something that might be looked at, and whether a case
17 might be filed.

18 And we would have a -- the only reason why we didn't
19 do a public -- change it right then and there, at the proposed
20 action, is that it would've required -- in a case that had
21 already been around for a while, it would've required a
22 re-advertisement of the public hearing, and delayed a case
23 that was going to resolve the caseload before this very Board,
24 by taking it from a variance to a special exception, and
25 allowing a 15 feet, if they had the Fire and other agencies

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 sign off.

2 So I would encourage you to help get our F/EMS and
3 other agencies to weigh in on whether they can safely do the
4 jobs they have to do. Trash pickup, very important. Fire
5 safety, very important. Nobody wants to compromise public
6 safety.

7 It's very rare, I think -- I guess you can comment
8 on any of this at the end of my monologue. And I apologize
9 for going on so long, Mr. Chairman, at this very late hour.

10 But I -- and now I've lost my own train of thought. I guess
11 I'll -- I guess, because I've lost my train of thought, I'll
12 end it there. Mr. Mordfin, do you have any comment on any
13 of what I -- of what I've said?

14 MR. MORDFIN: No, but thank you for your comments,
15 and --

16 ZC VICE CHAIR MILLER: Okay. Well, we'll look
17 forward to maybe further dialogue from -- or further comments
18 from Office of Planning going forward. We'll see where the
19 Board is at the -- as we hear more testimony, and questions
20 and cross-examination. Thank you.

21 CHAIRPERSON HILL: Thank you, Commissioner
22 Miller. All right. Ms. Wilson, do you have any questions
23 for the Office of Planning?

24 MS. WILSON: No, thank you. I'll save everything
25 for closing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON HILL: Okay. Ms. Anderson, can you
2 hear me?

3 MS. ANDERSON: Yes, I can.

4 CHAIRPERSON HILL: Do you have any questions for
5 the Office of Planning?

6 MS. ANDERSON: No.

7 CHAIRPERSON HILL: You're welcome. Ms. Johnson,
8 can you hear me?

9 MS. JOHNSON: I don't have any other questions.

10 CHAIRPERSON HILL: Thank you, Ms. Johnson. Mr.
11 Dickson, can you hear me?

12 MR. DICKSON: Yes. I can hear you.

13 CHAIRPERSON HILL: Do you have any questions --
14 do you have any questions for the Office of Planning?

15 MR. DICKSON: Not at this time. I need to follow
16 up later, and -- just not at this time.

17 CHAIRPERSON HILL: Thank you, Mr. Dickson. Ms.
18 Beyers, can you hear me? Do you have any questions for the
19 Office of Planning?

20 MS. BEYERS: No questions. Thank you so much.

21 CHAIRPERSON HILL: Thank you Ms. Beyers. Mr.
22 Young, is there anyone here wishing to speak?

23 MR. YOUNG: Yes, we do.

24 CHAIRPERSON HILL: Who do we have?

25 MR. YOUNG: We have Nancy Yacoub, and Alexander

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Brown, and then there was also Ashley Mild, who was a party,
2 but withdrew. I don't know if she wants to testify or not.

3 CHAIRPERSON HILL: If she's there, I can ask her.
4 Okay.

5 MS. MILD: I'm here, but I don't need to testify.

6 CHAIRPERSON HILL: Okay. Thank you, Ms. Mild.
7 Ms. Yacoub, can you hear me?

8 MS. YACOUB: Yes.

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

11 MS. YACOUB: My name is Nancy Yacoub. I am a
12 property owner at 315 15th Street Northeast.

13 CHAIRPERSON HILL: Okay. Ms. Yacoub, as a member
14 of the public, you have three minutes to give your testimony,
15 and you can begin whenever you like.

16 MS. YACOUB: Okay. I've been listening very
17 quietly to some of these comments that I've heard here tonight,
18 that have been really upsetting. The lot was beyond question
19 a nuisance lot. If anybody says it wasn't, they weren't living
20 -- property in the last few years. I personally had to call
21 911 and 311 hundreds of times. There were people on 16th
22 Street that also --

23 CHAIRPERSON HILL: Ms. -- can you hear me? You're
24 kind of going in and out. Maybe speak a little bit clearer
25 into the mic?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. YACoub: Okay. Can you hear me better now?

2 CHAIRPERSON HILL: There you go. Yeah, you're
3 much better. Go ahead and start again, please. No, now
4 you're on mute. You've pushed a button.

5 MS. YACoub: Okay. Can you hear me?

6 CHAIRPERSON HILL: Yeah, you're good.

7 MS. YACoub: Okay. I've been saying that I've
8 been listening to the other people's testimony that are
9 opponents to this property describe the property as not being
10 a nuisance lot. If anybody has that kind of perception of
11 that lot, they haven't been living near the lot. It was
12 absolutely a nuisance lot.

13 I personally called 911 and 311 hundreds of times
14 in the last three, four, five years. People on 16th Street,
15 that are also proponents of this property, also called 911,
16 311. We developed a close-knit community between the people
17 that live near the lot, in order to just protect ourselves,
18 because there was no recourse through police, through any of
19 the government agencies.

20 I spent countless hours trying to get a fence put
21 on that lot. Nothing. The city would never help us in
22 securing that lot. I've heard the Office of Planning talk
23 about safety problems with this. Nobody knows what safety
24 problems we endured with this lot. There was broken glass,
25 drugs being sold from people coming from all over. It was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 a huge lot of property that was taken advantage of by people
2 coming from everywhere.

3 It started off years ago, when I moved in, 17 years
4 ago, as people who were just sitting around and drinking beer
5 under the tree. That is not how this property was being used
6 in the later years. So it was an absolute nuisance. We
7 personally saw people overdose on drugs. One of the people
8 that lives on 16th Street had to call an ambulance to get
9 somebody there and shoot them back up to life -- whatever.

10 I mean, there was so many outrageous things that we witness
11 every day in our backyard.

12 I've had my -- I've had firecrackers thrown at me
13 from people that were dealing drugs on the lot. I've had my
14 garbage cans stolen. I've had my fence wood be, you know,
15 taken apart. I've had every kind -- I've had plenty of
16 sleepless nights where there was loud music played around the
17 clock. Even the police were afraid to go on that property,
18 because it was considered private property, yet it was
19 completely abandoned, and it was a complete nuisance lot.
20 And nobody could give us any recourse.

21 The people that have lived around that lot do not
22 ever want to see it go back to what it was before. To say
23 that it was maintained is a blatant lie. I have photographs
24 -- I could show anybody who wants to see them -- of garbage
25 that was dumped on there. We had terrible problems with this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 lot.

2 CHAIRPERSON HILL: Ms. Yacoub? Ms. Yacoub?

3 MS. YACOUB: Yes.

4 CHAIRPERSON HILL: I'm just letting you know,
5 you're running out of time.

6 MS. YACOUB: Okay. My point is, we do not want
7 to ever see it go backwards, to revert to the position that
8 it was before. We wholeheartedly appreciate the current
9 owners taking accountability for this property and setting
10 up a fence and being accessible to all the people that have
11 questions about how this is going to be developed. We
12 wholeheartedly support the development. That's my testimony.

13 Please allow my written testimony -- was dated May
14 16th -- to be entered into the record. I also sent a letter
15 that was not accepted within the timeframe of 24 hours before
16 the start of the hearing. And now I'm asking for my letter
17 to be accepted, as well, as part of the record.

18 CHAIRPERSON HILL: Okay. I think it's probably
19 part of the record, if it went in at the right time. But if
20 not, we'll go ahead and let the staff know to go ahead and
21 get it into the record. All right. Ms. Brown, are you there?
22 Or Mr. Brown? Mr. Brown? Ms. Brown? Mr. Brown? Mr.
23 Young, do you see Mr. Brown or Ms. Brown?

24 MR. YOUNG: I was told Mr. Brown was with Mr. Hubig.
25 I don't know if that's incorrect or not.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: Mr. Hubig? No, Mr. Hubig is
2 -- Mr. Hubig, is Mr. Brown with you?

3 MR. HUBIG: Yes, he's here.

4 MR. MUCHAI: He's on his way. But we can --

5 CHAIRPERSON HILL: Who is he? Who is he?

6 MR. HUBIG: He's a neighbor.

7 MR. MUCHAI: He's a neighbor. He'd come to join
8 us over here for the call. But he stepped out.

9 CHAIRPERSON HILL: Okay. He's --

10 MR. MUCHAI: He's one of the owners along 15th
11 Street.

12 CHAIRPERSON HILL: Okay. He was going to speak
13 in support?

14 MR. MUCHAI: Correct.

15 MR. HUBIG: He's coming. Give him a minute.
16 We'll get him down here.

17 CHAIRPERSON HILL: All right. Okay. We'll see
18 what happens.

19 MR. HUBIG: Thank you.

20 MR. YOUNG: There was one more in opposition.
21 Laura Hansen.

22 CHAIRPERSON HILL: Okay. Ms. Hansen, can you hear
23 me?

24 MS. HANSEN: Yes. Can you hear me?

25 CHAIRPERSON HILL: Yes. Could you introduce

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 yourself for the record?

2 MS. HANSEN: My name is Laura Hansen, and I live
3 at 311 15th Street Northeast.

4 CHAIRPERSON HILL: Okay. Ms. Hansen, you'll also
5 have, as a member of the public, three minutes to give your
6 testimony. And you can begin whenever you like.

7 MS. HANSEN: Thank you so much. I just wanted to
8 note for the record that Ms. Yacoub does not represent all
9 of the neighbors that she is talking about. My experience
10 with the neighbors who live there, and sat beneath that tree,
11 was not the same as hers. I'd like to say thank you to the
12 Board for hearing us out. I appreciate your service.

13 I wanted to start by talking about the green space,
14 to echo what Ms. Anderson said. But most of the residents
15 around this piece of property that we're talking about chose
16 -- or do not have garages that have tops to them. They do
17 not have ceilings. They are just garage doors that allow them
18 access to the back of their properties, where they park cars,
19 because we have been told by the city that the city does not
20 allow any more covered spaces to be utilized by the buildings.

21 So you have an entire community of people who said,
22 okay, that's a really good rule. Nobody wants to cover more
23 spaces. We need to have green spaces and unopened land. And
24 for the city to come in and put a giant building there, where
25 we have not been able to build covered garages, I think, is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 really something that's a contradiction.

2 I myself, in the back yard, have a 100-year-old
3 tree that, if I had taken out, I certainly would have more
4 room, but I like that tree, and I left that 100-year-old tree
5 because it is part of the historic nature of the property.

6 Additionally, it provides some privacy. And if there's a
7 building back there, and they have rooftop decks, those rooftop
8 decks will now be able to look into the other properties that
9 are around them. So I think that's something to be considered.

10 In short, I don't see any upside to the residents
11 who already live there. I've lived here for 11 years. I am
12 a short-term resident, next to the people who are testifying
13 who have been here 20 or 30 years. And I think it's important
14 to respect what they're thinking about this space. And I think
15 that point of view only really came through from the
16 representative of the planning committee, who's looking at
17 this as a neighborhood. We are a neighborhood.

18 And no, that back area was not a beautiful park.
19 It could be a beautiful park. We have an opportunity to do
20 something here, and strangely, through this process, this
21 community might have an opportunity to come together in a way
22 to develop this together, to be a better space, and to add
23 value to our properties, which I think is at the root of all
24 this.

25 I think we're all concerned that this is going to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 lower the property value of our houses. You know, that's the
2 largest investment that most of us have. We really want to
3 make sure that our properties and the property value and our
4 quality of life is protected. So those are my problems with
5 that.

6 I was also not aware of the ANC meetings. I'm a
7 federal government worker. I don't consider myself to be
8 unaware of these things. I was not aware that any of these
9 things were happening. When I asked Charles Allen, one of
10 our representatives, in January, what was happening back there
11 when the fencing went up, he did not tell me. He did not say
12 that he was aware of anything happening.

13 And March was the first time, when I got the letter
14 about this hearing, that I heard that this was happening.
15 So, you know, I asked about this in January of Charles Allen,
16 and I received no information about it at that point.

17 I think it's really interesting that Ms. Anderson
18 was told by the city that, as long as you don't make a profit
19 in this green space idea that the community was coming together
20 to do -- as long as you didn't make a profit, it's fine, whereas
21 we're talking about a developer. And, you know, developers
22 exist, and they are businesses. They make money. Right?
23 So, you know, why are we not safeguarding the communities that
24 have residents who have been here 20, 30, 40 years, instead
25 of -- you know, I feel for the people who own this property,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 and the groundswell of opposition here.

2 But it goes to show you, you know, we were all so
3 close to our homes during the pandemic. You know, most of
4 us work during the day. We will have to deal with
5 construction, months and months and months. And we're going
6 to be in this situation that is not going to make our property
7 values any better, and it's certainly going to degrade our
8 quality of life while it happens.

9 CHAIRPERSON HILL: Ms. Hansen, you're also running
10 out of time, just to let you know.

11 MS. HANSEN: Well, I would like to say -- I think
12 that is it. I did not have the same experience with the crime
13 and the people. I think it is telling that the city did not
14 want to let its neighborhood sort of have its own --

15 CHAIRPERSON HILL: Okay, Ms. Hansen. Thank you.
16 Thank you for your testimony. Mr. Young, did you find --
17 was it Mr. or Ms. Brown? Mr. Young?

18 MR. YOUNG: They were supposed to be with Mr.
19 Hubig.

20 CHAIRPERSON HILL: Oh, yeah. Mr. Hubig?

21 MR. HUBIG: Yeah, he's trying to dial in right now,
22 guys. Sorry. He had to go home to take care of his kid, so
23 he's going to dial in right now. Give him a minute.

24 CHAIRPERSON HILL: All right, Mr. Hubig. You know
25 that this is your case. Right? And so you're holding me up

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 for this guy. Right?

2 MR. HUBIG: I'm sorry. I apologize. Yes, I think
3 we'll have to go on.

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

5 MS. WILSON: Perhaps he can submit his testimony,
6 if the record is left open for any other --

7 CHAIRPERSON HILL: Okay, hold on a second. So Mr.
8 Blake had his hand up. Or -- no? Okay.

9 MEMBER BLAKE: Yes, I do. Yes, I do. I have a
10 question for the applicant, when the opportunity presents
11 itself.

12 CHAIRPERSON HILL: Okay. Great. All right.
13 Mr. Young, if you could please excuse all the witnesses? Thank
14 you very much for your testimony. All right, Mr. Blake. What
15 was your question?

16 MEMBER BLAKE: Two quick questions. The first
17 one, with regard to the heritage potential tree. Is there
18 something over there that needs to be addressed? And have
19 you looked at that, just as an aside? And the last thing I
20 was to know was, that stormwater management, is there an issue
21 that you are addressing there? Just, like, your --

22 MR. CROSS: I'd like to speak to both of those.
23 It's my understanding that we have -- we have assessed that
24 tree, and that it is not heritage. And to the stormwater
25 management, that is actually something we haven't covered

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 today. Due to the fact that this project is going to exceed
2 5,000 square feet of disturbance, this project actually would
3 be required to submit a stormwater management plan, and conform
4 to the D.C. stormwater management guidelines, in addition to
5 the permeable surface requirements required by the same.

6 MEMBER BLAKE: All right. Thank you.

7 CHAIRPERSON HILL: Okay. Anyone else for the
8 applicant? Okay.

9 MEMBER SMITH: Just to piggyback off of that, would
10 that require you to make any improvements to the alley?

11 MR. CROSS: No. My understanding is that all
12 stormwater management components for the site have to be
13 located onsite. And so other than the utility trenching that
14 we spoke of for just general utility, I don't think that our
15 compliance with stormwater management would in any way affect
16 the alley.

17 MEMBER SMITH: Okay. And as it relates to this
18 tree -- and I get, I mean, you're -- I think you've gotten
19 a couple questions from us right now about a hypothetical
20 development. And again, we're not here to discuss,
21 necessarily, this hypothetical development, because who knows
22 what's going to happen? Why you're here before us is a
23 variance to build more than one dwelling unit. Who knows what
24 that will be beyond that?

25 But in this hypothetical development that you have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 presented -- and there was some questions about this tree
2 that's there, and whether it meets heritage requirements.
3 And you've just stated, it doesn't. In any development that
4 you would do, would you be required to meet some kind of --
5 would you be required to plant some trees or there would be
6 some kind of tree canopy requirement, where you would have
7 to put back trees?

8 MR. CROSS: No. I don't believe that we have any
9 specific tree-planting requirement. This is RF-1, so there's
10 no green area ratio requirement, which often is a system in
11 which trees get put in. Again, it doesn't explicitly require
12 trees. It just requires certain green elements.

13 But I would say that the stormwater management
14 system is similar to the green area ratio, in that it does
15 require some of that type of stuff. But again, I can't say
16 that it is likely going to result in any planting of trees,
17 specifically.

18 MEMBER SMITH: Okay. Okay, thank you. That's
19 all the questions that I had.

20 CHAIRPERSON HILL: Okay. Ms. Wilson, I've got a
21 -- the construction management agreement that you guys have,
22 was that a draft? Or is that something that you worked on
23 with the ANC?

24 MS. WILSON: That's something that we put together
25 to possibly talk to in the -- with the parties in opposition.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Sorry. I'm a little tired from talking. So we're happy to
2 continue to work with them on the CMA. But I know it's not
3 something that's typically required to make complete by the
4 hearing date, but we're happy to --

5 CHAIRPERSON HILL: All right. Right, that's in
6 Exhibit 50, and we can also refer to it in the order. I guess,
7 I mean, it seems pretty --

8 MS. WILSON: Yeah.

9 CHAIRPERSON HILL: It seems pretty reasonable to
10 me. And so just for people that are listening, also, if you
11 would, to Exhibit 50, it kind of outlines what the applicant
12 is proposing, in order to be basically a good neighbor, and
13 how to move forward with this work, if this were actually
14 approved. So that's one question.

15 The other, in terms of, again, how cars would move
16 through that alley, I guess they would kind of come in from
17 all different directions to get to the garage? Or have you
18 guys thought about that, the garages?

19 MS. WILSON: I mean, I guess it would just work
20 in the same way that the other houses park, behind their homes.
21 Right?

22 CHAIRPERSON HILL: Right, whatever's closest to
23 that -- whatever entrance is closest to their home, they will
24 probably use, is what you're saying. Okay. All right.
25 Let's see. Okay. So I guess the only question I had -- and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 then I'll let you give any rebuttal that you may have, Ms.
2 Wilson, and also conclusion.

3 But do you -- wait. Oh, yeah. So F/EMS, D.C.
4 Water, et cetera, you guys don't have anything from them?
5 And I forget where we left this in this testimony, in this
6 hearing, as to whether we were going to try to get something
7 from them.

8 MEMBER SMITH: Yes.

9 MS. WILSON: Yes. That was my understanding.
10 And so I already have someone from my office on it. Again,
11 we've emailed DPW, F/EMS, and MPD. And Mr. Mordfin, I think,
12 has even reached out. So if we could have some additional
13 help from OP, just really pressing on them, that would be great.

14 CHAIRPERSON HILL: Okay. All right. Ms. Wilson
15 -- does anybody have any other final questions before Ms.
16 Wilson gives her conclusion?

17 MS. ANDERSON: Is it too -- this is Kathy Anderson.
18 I realize that you dismissed everybody, but I have been
19 listening. I just -- is it out of order for me to ask one
20 more question?

21 CHAIRPERSON HILL: No, you can -- I mean, it is,
22 but you can go ahead, Ms. Anderson. What's your question?

23 MS. ANDERSON: Okay, thanks. And again, this is
24 -- and it might be silly. You guys would probably think it
25 is. But I don't. So in terms of, I was told that the tree

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 was not a heritage tree -- so I would ask then what the
2 circumference of the tree is, because if you really measured
3 the tree, you would know.

4 And, you know, that's something that -- you don't
5 measure trees very often, so if you measured the tree, you
6 would know what the circumference is, because it would be
7 unusual. Right? So I just wondered what the circumference
8 of that tree is. Because I can't get to it now, because it's
9 surrounded by fencing.

10 CHAIRPERSON HILL: Okay. So Ms. Anderson, I
11 guess, is asking what kind of proof you have, Mr. Cross, that
12 it's not a heritage tree.

13 MR. CROSS: Yeah. I guess I can speak to a survey
14 that I have in front of me, from a registered land surveyor,
15 that states that the diameter of that tree is 24 inches, which
16 would put its circumference around 75 inches.

17 MS. ANDERSON: Okay.

18 CHAIRPERSON HILL: Is that in the record
19 somewhere, Mr. Cross?

20 MR. CROSS: I'm not sure if it is. But we could
21 certainly upload it.

22 CHAIRPERSON HILL: Okay. All right. We'll
23 upload that into the record, Ms. Anderson.

24 MS. ANDERSON: Okay. And just to note, there is
25 a penalty for cutting that -- there's a penalty where you have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to have certain permits to cut that tree down.

2 CHAIRPERSON HILL: Sure, no, no, we're all aware
3 of the heritage tree issue.

4 MS. ANDERSON: Okay. Thanks. Thank you.

5 CHAIRPERSON HILL: Sure, of course. Let's see.
6 Okay. Ms. Wilson, unless you have -- okay, Mr. Smith?

7 MEMBER SMITH: I know. I know it's a long day.
8 But I just want to ask this question, because this was raised
9 by the residents. If this were to be developed -- and you
10 kind of raised it, too, when you talked about the access from
11 the alley. Has the developer looked at the turning radiuses
12 out of the garages, to ensure that there's enough turning
13 radius for them to be able to access the garages from the alley,
14 and vice versa?

15 MR. CROSS: Yeah, I can speak to that again. The
16 garages are actually located on the widest portion of the
17 alley. The legal alley on that side is 20 feet wide. And
18 to accommodate the neighbors', you know, concerns, we have
19 actually set our building back another four or five feet from
20 the alley, which gives you effectively a 24-foot effective
21 alley width that is desired, and obviously, the 20-foot alley
22 by itself is a great bit wider than most alleys in the District.

23 MEMBER SMITH: Okay. Thank you for that. And I'm
24 sure that the residents are glad to hear that. So thank you.
25 Chairman Hill, I am done.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: No, that's all right. I was
2 wondering, also -- so I guess what I've kind of got here from
3 this list is, again, Ms. Wilson, like, letters from F/EMS or
4 any other D.C. agencies, you're going to try to pursue, in
5 terms of the alley width and the safety issues.

6 The turning radius diagram -- if you have some kind
7 of a diagram you guys can show us with the turning radius for
8 the garages now? The heritage tree proof that, you know, Mr.
9 Cross is just kind of mentioning. If you want to point that
10 out? And those are the ones that I had. Did I miss anything,
11 in terms of my fellow Board members? If you can raise your
12 hand? Okay. All right. Everybody's shaking their head.

13 Ms. Wilson, so this is what I'm going to ask you.
14 If you do a conclusion, then you can do a conclusion. If
15 you do a rebuttal, then everyone's going to ask questions on
16 rebuttal. I would prefer you just do a conclusion, unless
17 you really think you need to give rebuttal. So I will go ahead
18 and ask for your conclusion. And then -- yeah. There you
19 go.

20 MS. WILSON: Thank you. Yes, I'll give a
21 conclusion, just about the variance argument. I think the
22 Board has asked enough questions that my rebuttal won't be
23 necessary for the testimony we heard from the parties in
24 opposition.

25 So in conclusion, you know, I spent 30 minutes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 walking through our argument. The record is very full. I
2 would say, on balance, our presentation and evidence is quite
3 strong, and meets the test for a variance, with an exceptional
4 condition that creates a practical difficulty.

5 It was mentioned that perhaps this will become a
6 special exception in the future. Despite that, I think we
7 have met the burden for a variance. In terms of safety, of
8 course you're going to push on those agencies for additional
9 comments, and that goes to the third prong of the test. But
10 again, the matter-of-right structure could be just as big,
11 and have just as many people, although if we had 15 bedrooms,
12 they would all have to be related, of course. So I'm not sure
13 the safety issues necessarily make sense.

14 But again, we will work with those agencies. And
15 I think that could possibly overcome OP's issues with our third
16 prong. And we'll of course continue to work with the neighbors
17 with that CMA agreement, and get the rest of the items in the
18 record, as requested.

19 CHAIRPERSON HILL: Okay. If you could do me a
20 favor, also? When you submit this item, if you could list
21 how you plan on -- if you could, like, have a community person
22 that, you know, neighbors could reach out to if they have any
23 concerns about the construction management or anything that
24 might happen if this were to move forward? Let's see. Okay.
25 Mr. Blake?

1 MEMBER BLAKE: Is it possible that the Office of
2 Planning could review that information and give us a
3 supplemental?

4 CHAIRPERSON HILL: Sure. If the Office of
5 Planning would like to give a supplemental after reviewing
6 the information, they're welcome to, unless -- I guess you're
7 asking for a supplemental. It seems like you're asking for
8 a supplemental. Is that correct, Mr. Blake?

9 MEMBER BLAKE: Well, if the information they
10 receive would impact their negative opinion of it, yes, I would
11 want to see that.

12 CHAIRPERSON HILL: Okay. Mr. Mordfin, can you
13 hear me? Mr. Mordfin?

14 MR. MORDFIN: Yes. Yes, I can hear you.

15 CHAIRPERSON HILL: Okay. If you want to submit
16 a supplemental report after seeing the new information, please
17 do so. Okay?

18 MR. MORDFIN: Yes.

19 CHAIRPERSON HILL: Okay. All right. I'm going
20 to turn to Mr. Moy --

21 ZC VICE CHAIR MILLER: If Mr. Mordfin is still
22 there, I just wanted to reiterate my request, which I thought
23 the Board agreed with, for them to assist in trying to get
24 those agencies to comment, one way or the other. F/EMS in
25 particular, but DPW, whoever else.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And I know our Office of Zoning staff sent out the
2 notice of this hearing, as well, to those agencies, and, I
3 think, did not receive any -- but I would ask them to -- our
4 own Office of Zoning staff, as well as the Office of Planning
5 staff, as well as the applicant's team, to try to get that
6 information, which is important.

7 CHAIRPERSON HILL: Okay.

8 MR. MORDFIN: Yes, I will.

9 CHAIRPERSON HILL: Thank you, Commissioner
10 Miller. All right. So given we don't know when you're going
11 to get back or hear back from F/EMS and the departments, I
12 don't know what date to bring you back here. Ms. Wilson, do
13 you have any guess?

14 MS. WILSON: I just don't know. I don't know.
15 I mean, it's just hard to get in touch with them. In other
16 hearings, we've tried, and we're not -- we don't always get --

17 CHAIRPERSON HILL: Okay. Okay, let me do this.
18 Mr. Hubig? So what kind of time constraints are you under
19 right now, in terms of your project?

20 MR. MUCHAI: This is Evan. I think we obviously
21 want to keep moving along as expeditiously as possible. We
22 appreciate that there are responses that we need. So we can
23 come back in three weeks, four weeks.

24 CHAIRPERSON HILL: Okay. Okay, that's all right.
25 Okay. I just wanted to check as to whether or not -- where

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 you were. I'm going to actually be -- there's a bunch of things
2 that are -- well, me personally, I'm going to be not here on
3 the 8th. And so then there's Memorial Day. So let's try --
4 Mr. Moy, can you hear me?

5 MR. MOY: Yes, sir, I'm here.

6 CHAIRPERSON HILL: Let's work backwards from the
7 15th, if we can do a decision on the 15th with this.

8 MR. MOY: Okay. Perfect. So I would suggest for
9 you to -- you and the Board of review. All right. The Board
10 conduct its decision on June the 15th, and then we have
11 responses to the applicant's filing, including any
12 supplemental report from the Office of Planning, by June the
13 8th. All right? And the applicant make their filing, let's
14 say, May 27th. Or we could make that Monday, May 30th, but
15 that's a holiday. So let's make it May 31st.

16 CHAIRPERSON HILL: Yeah, I mean, it's all about
17 F/EMS.

18 MR. MOY: I know. I understand. I was going to
19 suggest, also, Mr. Chairman, our office can weigh in on these
20 -- on our sister agencies, as well. We have done that in the
21 past.

22 CHAIRPERSON HILL: Okay. So, I'm sorry, what
23 dates did you say, Mr. Moy? And then we have to have enough
24 time so that, if the parties in opposition wanted to respond
25 to anything, they could.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

(202) 234-4433

www.nealrgross.com

1 MR. MOY: Right. Right. So, okay, so let me know
2 what you think about this. The applicant make their filing
3 by May the 31st, which is a -- which is a Tuesday. Responses
4 from all the parties, as well as the Office of Planning, if
5 any, by June the 8th. That gives them a week and a day, I
6 suppose. And then we're back to the Board for a decision on
7 June the 15th.

8 CHAIRPERSON HILL: Okay. All right. So if -- and
9 I can't see everyone, but I assume that you all can hear me,
10 in terms of the parties in opposition. So what's happening
11 is, we've asked for -- the Board has asked for a bunch of
12 information to try to figure out what we think. And we're
13 going to get that information by the 31st of May.

14 And then you, the opposition parties, will have
15 until the 8th of June to give us anything in response to their
16 filing on the 31st of May. And then we will come back for
17 a decision on the 15th of June, just to let you all know.
18 And then what I would additionally say is that, while your
19 --

20 MS. JOHNSON: Mr. --

21 CHAIRPERSON HILL: Hello?

22 MS. JOHNSON: Mr. Chairman, that only gives us,
23 like, a matter of maybe -- they have till the 31st. You know,
24 like, how would we know what decisions would be made on what
25 we're trying to conclude? And how would we -- who would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 provide that information to us?

2 CHAIRPERSON HILL: Right. So you guys are now
3 parties. Was that Ms. Johnson?

4 MS. JOHNSON: Yes.

5 CHAIRPERSON HILL: Ms. Johnson, you guys are now
6 parties. So they have to submit information directly to you.
7 Okay? So you'll get it either by -- and I don't even know
8 how -- I guess mail, email, however, you know, you've been
9 getting information from us. They will give the information
10 directly to you on the 31st of May. Okay?

11 And then you'll have until the 8th, which is a week
12 and a day, to respond to the BZA on anything that you see.

13 And what they're going to be providing to us, as we mentioned,
14 are the parking diagram, whether fire, medical, safety issues
15 -- MPD, D.C. Water, in terms of the alley, if there's any issues
16 with the alley. And then we also asked for proof of the
17 heritage tree. So that's the --

18 MS. JOHNSON: Yes.

19 CHAIRPERSON HILL: So that's the information that
20 we're going to get from them on the 31st of May. And then
21 you guys will have until the 8th of June to tell us what you
22 think of what you see from them on the 31st of May. Do you
23 understand?

24 MS. JOHNSON: So we would submit it directly, like
25 we did before? Or would we have to complete a form?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 CHAIRPERSON HILL: No, you'd submit it to Mr. Reed.
2 I guess -- I don't know, and I apologize. I've never
3 submitted anything. So however you guys submitted stuff
4 before. I guess, Mr. Moy, it goes to Mr. Reed. Right?

5 MS. JOHNSON: We sent it to Mr. Reed. We sent it
6 to the ANC, and we sent it also to the developers. We sent
7 our four emails apiece.

8 CHAIRPERSON HILL: Okay. Mr. Moy, that's what
9 they'd do again. Right?

10 MR. MOY: Are we talking about their response
11 filing?

12 CHAIRPERSON HILL: Yes, on the 8th.

13 MR. MOY: Okay. They should file it directly into
14 the case record. If they don't want to do that, they can file
15 it into BZA's submissions at DC.gov.

16 CHAIRPERSON HILL: And if you have any questions,
17 Ms. Johnson, go ahead and call the Office of Zoning and talk
18 to Mr. Reed, and he can help you do it.

19 MS. JOHNSON: Okay.

20 CHAIRPERSON HILL: Okay?

21 MS. JOHNSON: Thank you.

22 CHAIRPERSON HILL: All right. You're welcome.
23 Okay. And now that -- does any of the -- does any of the parties
24 in opposition have any questions to anything I just said?
25 Okay. All right. Let's see, then. Okay. That's it. All

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 right. Okay. I'm looking at my fellow Board members. I
2 haven't missed anything. Right? Okay.

3 All right. Well, then I'm going to go ahead and
4 close the hearing and the record, except for what we said,
5 and then we'll come back here on a decision on the 15th of
6 June. Okay? All right. Thank you, everyone, very much.
7 Sorry it's been such a long day, but there you go.

8 MEMBER BLAKE: Thank you.

9 MR. MUCHAI: Thank you, guys. You all have a good
10 night. Thank you.

11 CHAIRPERSON HILL: Thank you. Bye-bye.

12 (Whereupon, the above-entitled matter went off the
13 record at 7:35 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Public Hearing

Before: DC BZA

Date: 05-18-22

Place: teleconference

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



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com