

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

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WEDNESDAY

JUNE 29, 2022

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 10:15 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:

JOSEPH S. IMAMURA, Architect of the Capitol Designee

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS  
BRANDICE ELLIOTT  
JONATHAN KIRSCHENBAUM  
STEPHEN MORDFIN  
CRYSTAL MYERS

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

The transcript constitutes the minutes from  
the Regular Public Hearing held on June 29, 2022.

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

2 (10:15 a.m.)

3 CHAIRPERSON HILL: All right. Okay, Mr. Moy, you  
4 can call our next one.

5 MR. MOY: All right, this is the first application  
6 in the Board's public hearing session, which is application  
7 number 20524 of Gregory Potts. This was --

8 CHAIRPERSON HILL: No, Mr. Moy, I'm sorry. It was  
9 that Mamma Lucia's, I thought.

10 MR. MOY: Okay, all right. Sorry about that.

11 CHAIRPERSON HILL: That's all right. If they're  
12 ready. I just want to, I just want to kind of do that.

13 MR. MOY: Okay, we'll find out shortly.

14 CHAIRPERSON HILL: Yes, that's true.

15 MR. MOY: Okay, let me, all right, here we go.  
16 This is application number 20410 of Mamma Lucia of Chevy  
17 Chase. And this is a self certified application as amended  
18 for a special exception pursuant to Subtitle U, Section  
19 511.1(e) and Subtitle X, Section 901.2 to allow a fast food  
20 establishment.

21 Property located in the MU3A zone at 5504  
22 Connecticut Avenue Northwest Square 1859 Lot A8. And the  
23 preliminary matter here, Mr. Chairman, as the Board is aware,  
24 the applicant filed another postponement and yes, that's it.

25 CHAIRPERSON HILL: Okay, thanks. Could the

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1 applicant speak up? I'm not sure who's speaking on behalf  
2 of the applicant.

3 MR. SCHULWOLF: Yes, good, good morning, Chairman  
4 Hill and the Board. This is Andrew Schulwolf on behalf of  
5 the applicant, Mamma Lucia. Also on the line, or on the  
6 video, should be Pete Gouskos, who's the representative of  
7 Mamma Lucia. I don't know if you can see me.

8 CHAIRPERSON HILL: Yes, that's okay. I can't see  
9 but that's all right. Is it Mr. Schulwolf?

10 MR. SCHULWOLF: Schulwolf, yes.

11 CHAIRPERSON HILL: Schulwolf. All right,  
12 Mr. Schulwolf, I mean, you guys, I, this has been around a  
13 really long time.

14 MR. SCHULWOLF: No question.

15 CHAIRPERSON HILL: I know that, I know that I've  
16 read the record and I don't need to, you don't need to, you  
17 don't to, you know, it's in there as to why you guys are  
18 trying to extend this in hopes that you can somehow clean it  
19 up. And so, you know, I'm going to go ahead and, well, why  
20 don't you tell us why you want the postponement.

21 MR. SCHULWOLF: Yes, I recognize it's been hanging  
22 around for a while and we've requested postponements. The  
23 issue is this. There really is one final hang up which has  
24 really has to be resolved.

25 But it's unfortunately out of Mamma Lucia's hands

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1 and that is the requirement that the refuge dumpster be  
2 enclosed by a three-sided brick structure and a gate. The  
3 problem is that Mamma Lucia's does not have its own dedicated  
4 trash dumpster.

5 So in order to, it shares a trash area with  
6 several other tenants in the strip center along Connecticut  
7 Avenue, including the Parthenon restaurant and a Starbucks.  
8 So it's not quite as simple as Mamma Lucia's being able to  
9 just enclose this refuse dumpster that they use.

10 Because they have, they don't own it and it's  
11 operated by and owned by the landlord, or maybe it's leased  
12 by, the dumpster's maybe leased by the landlord. So Mamma  
13 Lucia has had to have the landlord agree to enclose this  
14 area.

15 We can't, it's not big enough to enclose the  
16 dumpster, there are multiple dumpsters. We have come up with  
17 a plan, which I have submitted to Ms. Elliot, who I see is  
18 here, that the landlord has approved to enclose the entire  
19 area of the alleyway.

20 And Mamma Lucia's unfortunately is going to be  
21 responsible for paying half of the cost even though it  
22 benefits every other tenant in the center. We have finally,  
23 on June 16, we got plans from the landlord for the  
24 construction of this fence.

25 The landlord is unwilling to undertake the

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1 construction until such time as he gives approval in that the  
2 construction of the fence would satisfy the exception  
3 requirement for the fast food of the enclosure.

4 They don't want to incur the cost nor does Mamma  
5 Lucia's without knowing that that can, the construction of  
6 that enclosure would be, would suffice to satisfy the one of  
7 the conditions of the exception, the fast food exception.

8 Also, Mr. Gosselin, Pete Gosselin, who was ANC  
9 representative, we have a meeting scheduled next week, or I  
10 believe in two weeks Mr. Gosselin and the landlord because  
11 his concerns that will be also addressed with the  
12 construction of this enclosure because the neighbors have had  
13 issues with the trash area.

14 I think that's separate apart from Mamma Lucia but  
15 I'd just throw that in to let the Board know that we have in  
16 contact Mr. Gosselin with the ANC and that we are meeting in  
17 two weeks to get his approval of this construction because  
18 that would hopefully alleviate the concerns of the  
19 neighborhood regarding the trash.

20 I recognize this has been continued a few times.  
21 One has been administratively continued but everything else  
22 has been satisfied if the Board allows one last opportunity  
23 to get this construction done. And once it's done, it should  
24 should not take that long, 30 to 45 days. That would be it.

25 CHAIRPERSON HILL: Okay, Mr. Schulwolf. Give me

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1 one second. Ms. Elliot, can you hear me?

2 MS. ELLIOTT: Good morning, Mr. Chair and members  
3 of the Board.

4 CHAIRPERSON HILL: All right, could you just  
5 introduce yourself for the record, Ms. Elliot?

6 MS. ELLIOTT: Of course.

7 CHAIRPERSON HILL: Sorry.

8 MS. ELLIOTT: Sorry, I had to move a little faster  
9 than I thought I needed to.

10 CHAIRPERSON HILL: No, no, no.

11 MS. ELLIOTT: I'm Brandice Elliot representing the  
12 office planning.

13 CHAIRPERSON HILL: Okay, so Ms. Elliot, you've  
14 heard everything Mr. Schulwolf had to say and that kind of  
15 goes along with what you think we are at right now?

16 MS. ELLIOTT: Yes, as far as our review is  
17 concerned, we really just need to see the site plans. We  
18 don't need proof that it's constructed but we need to know  
19 that there is an intent to enclose the trash, trash  
20 dumpsters. But yes, everything else is --

21 CHAIRPERSON HILL: Okay.

22 MS. ELLIOTT: -- as I understand it.

23 CHAIRPERSON HILL: Okay. Mr. Schulwolf, and you  
24 know that we need to get something from the ANC at some  
25 point, right?

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1 MS. ELLIOTT: Yes.

2 CHAIRPERSON HILL: Okay. So what normally happens  
3 now is that, you know, this has been around a long time,  
4 right? And so had we either dismissed it, then you would  
5 completely start at the beginning where you have to, again,  
6 reapply, do everything again, right?

7 And so since we're just really, you know, we're  
8 extremely jammed up and so in terms of our schedules, and  
9 unfortunately, and I know Mr. Schulwolf, I understand what  
10 you're trying to do. But every time we put you guys on the  
11 agenda, it takes a spot from somebody else. And so somebody  
12 else gets pushed back.

13 And then, it just, and so that's why, that's  
14 another reason why these continuances or postponements are  
15 such a problem for us as a Board and everyone else. So  
16 Mr. Moy, when do you think we might be able to come back here  
17 for this? And then I'm going to let my fellow Board members  
18 ask any questions if they have any.

19 MR. MOY: Yes, thank you, Mr. Chairman. As has  
20 been now our rule of thumb, I, my answer would, in the course  
21 of that, would be a date of November the 9th, yes, so --

22 CHAIRPERSON HILL: Okay.

23 MR. MOY: -- any previous dates, of course, is  
24 still at the, at the will of the Board.

25 CHAIRPERSON HILL: Okay. Mr. Schulwolf, do you

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1 hear that?

2 MR. SCHULWOLF: November 9?

3 CHAIRPERSON HILL: Yes.

4 MR. SCHULWOLF: Yes, thank you.

5 CHAIRPERSON HILL: Okay. All right, good luck,  
6 Mr. Schulwolf. I hate to say this, but you're probably not  
7 going to get another extension or a continuance or a postpone

8 --

9 MR. SCHULWOLF: No, no, no. We, I would probably  
10 not even request one at this point.

11 CHAIRPERSON HILL: No, no, I'm just letting you  
12 know. And I know your client's there also, so your client  
13 now knows that, you know, that this has got to get resolved.  
14 Okay, but Mr. Schulwolf, thank you so much. We'll see you  
15 on November 9 unless my Board members have any questions.  
16 Nobody's raising their hand. Okay, I'm going to go ahead and  
17 close the hearing and --

18 MR. SCHULWOLF: Thank you.

19 CHAIRPERSON HILL: -- the record. Sure,  
20 Mr. Schulwolf. You take care and have a nice week.

21 MR. SCHULWOLF: You do the same. Thank you.

22 CHAIRPERSON HILL: Thank you, thank you. Okay,  
23 postpone. Okay, it's up to you guys. The next one's going  
24 to be a bit of a discussion. I can do it, or we can take a  
25 break. What do you want to do? You all are fine it looks

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1 like. Okay, then let's just keep going.

2 MR. MOY: Okay, So with that running to the  
3 witness table or parties application number 20524 of Gregory  
4 Potts. Once again, this is a application for special  
5 exceptions from the rooftop and upper floor alteration  
6 restrictions.

7 Subtitle E, Section 206.1(a) pursuant to Subtitle  
8 E, Section 206.4, Subtitle E, Section 5207 and Subtitle X,  
9 Section 901.2. Property is located in the RF-1 zone at 521  
10 Florida Avenue Northeast Square 828 Lot 48.

11 This was last heard by the Board on June the 15th  
12 where the Board set this for a limited scope hearing, which  
13 is for today June 29. And participating is, well not the  
14 chairman. It's the, it's Vice Chair John, Mr. Blake, Mr.  
15 Smith, and Zoning Commissioner Anthony Hood is not present.

16 CHAIRPERSON HILL: Okay, Mr. Moy I thought I was  
17 on this. I thought, I mean, I read in if not, but like I  
18 thought that I was actually on this.

19 MR. MOY: Okay, well very good. I'm pretty sure  
20 it was, thank you.

21 CHAIRPERSON HILL: I mean, I remember, but I mean  
22 I've read the whole record. I thought, I mean like, they all  
23 kind of blend together sometimes. I'm pretty sure I was  
24 here.

25 MR. MOY: Okay, great and I --

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1 CHAIRPERSON HILL: To tell me but thanks, Mr. Moy.

2 MR. MOY: When I'm standing there I feel great.

3 CHAIRPERSON HILL: Well, I hope you are. Maybe,  
4 I don't know. I'm going to find out here in a second. Mr.  
5 Bello, could you introduce yourself for the record, please?

6 MR. BELLO: Chair and Board members, Toye Bello  
7 representing the applicant.

8 CHAIRPERSON HILL: Okay. Mr. Bello, welcome back.

9 MR. BELLO: Thank you.

10 CHAIRPERSON HILL: All right, Mr. Bello, can you  
11 tell us what happened since the last time you were here?

12 MR. BELLO: Okay, so at the last hearing, the  
13 Board instructed that we submit a redesign of the facade of  
14 the building, which the applicant has done and submitted to  
15 the records.

16 CHAIRPERSON HILL: Right, that's Exhibit 69.

17 MR. BELLO: That's correct, sir.

18 CHAIRPERSON HILL: Okay, do you, are you here with  
19 anybody or is it just you, Mr. Bello?

20 MR. BELLO: Unfortunately, the architect Mr. Teass  
21 is out ill while I think the owner of the project is on the  
22 call and I think he might be the only one, the other person  
23 here with me.

24 CHAIRPERSON HILL: Okay because I want somebody  
25 to tell us what happened again, or clarify how the facade has

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1 changed. Would that be you Mr. Bello or the applicant?

2 MR. BELLO: Well, it would ordinarily have been  
3 the architect but the submission was filed with a cover  
4 letter and it essentially describes what changes have been  
5 made. One would, is the resizing of one of the windows to  
6 be consistent with what was originally approved.

7 The other is to, was to redefine the facade  
8 uniformly in terms of the color of the bricks. I think those  
9 were the two instructions that we got from the last hearing  
10 for the Board members.

11 CHAIRPERSON HILL: Right. And Mr. Bello, can you  
12 remind me again what is there now?

13 MR. BELLO: What is there now is exactly what was  
14 shown except the revisions to the last submitted drawings.  
15 But in terms of the facade, there has not been any alteration  
16 to the facade in terms of the location of the front porch.

17 But I would remind the Board that this facade is  
18 consistent with the approved drawings for new construction.  
19 And I can go into a little bit more detail if it helps to  
20 reflect --

21 CHAIRPERSON HILL: That's okay. I'm just trying  
22 to remember and understand what actually is there now. Has  
23 this been, like, demolished to a certain extent?

24 MR. BELLO: No, the facade has not been  
25 demolished. The building still exists exactly the way the

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1 applicant submitted the drawings, except those alterations  
2 and changes that were recommended or suggested by the Board  
3 members at the last hearing.

4 MEMBER SMITH: Mr. Bello, can you walk through,  
5 I would welcome that. Can you walk through what you just  
6 stated? How is this similar to the original plans if you  
7 were, if the building was demolished and built new?

8 MR. BELLO: Okay, so the Board members will recall  
9 that the applicants testimony, at least the contractor's  
10 testimony was that 90 percent or so of this building had been  
11 demolished except for a portion of the facade and the  
12 existing porch that were retained and incorporated into the  
13 approved set of drawings.

14 The basis of that is because there's essentially  
15 no difference between what was left on the facade and what  
16 was approved as new construction. I will also remind the  
17 Board that eventually the applicant did receive a raze  
18 permit.

19 So the issue before the Board is essentially  
20 whether the applicant will retain the facade, which is  
21 consistent with what was approved, or whether the applicant  
22 will be forced to use the raze permit that they now have to  
23 demolish that front facade in order to rebuild it in the  
24 exact same condition.

25 MEMBER SMITH: Yes, I get that. I'm asking, I

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1 appreciate the history. You were saying that the proposal  
2 that we see now largely corresponds to the proposal that was  
3 submitted to DCRA when it was an administrative permit when  
4 they originally were seeking to demolish the building. Can  
5 you explain how it's the same?

6 MR. BELLO: Okay, so the, so if we take a look at  
7 the plans that were approved as new construction, which would  
8 have require the complete demolition of the building. With  
9 the exception of the third floor addition, if you will, the  
10 facade that you see at this point is exactly consistent and  
11 a match with the new construction.

12 The issuance of the raze permit was issued after  
13 the building permit was issued, and I think it cleared one  
14 year after. So the applicant does have, at this point, a  
15 raze problem.

16 So essentially, the issue before the Board is,  
17 would the applicant be forced if they were denied this  
18 application, to use that raze permit to demolish the facade  
19 that exists as it is now.

20 And that is consistent with the approved drawings  
21 for new construction in order to reconstruct that same facade  
22 in the same location in the same way as it's presented at  
23 this point.

24 MEMBER SMITH: Okay, I'll leave it alone. My  
25 simple question is, is the facade that you're presenting now

1 is exactly the same as the facade that was as part of the  
2 original building?

3 MR. BELLO: Yes, sir.

4 MEMBER SMITH: Okay, all right. Thank you.

5 MEMBER BLAKE: A question for Mr. Bello as well.  
6 Is, what exactly again, if you were to take the existing  
7 facade we have today, what steps would be required to take  
8 it from that to the proposed, from what we have today to the  
9 proposed facade you have in the Exhibit 69?

10 MR. BELLO: An alteration of one of the undersides  
11 windows and the painting of the brick in one color.

12 MEMBER SMITH: I'd like to change that on the  
13 ground floor where this double window is now, I'm assuming  
14 they are separating those double windows, and what I mean is  
15 about a hole for window so that the entire facade matches  
16 from the ground floor to the third floor on that part?

17 MR. BELLO: And that's what's been submitted.

18 MEMBER SMITH: Okay, so but that, to Mr. Blake's  
19 point.

20 MR. BELLO: Yes.

21 MEMBER SMITH: Have you added another change?

22 MR. BELLO: No --

23 MEMBER SMITH: The architect but I just want it  
24 quite clear.

25 MR. BELLO: All right, so the clarification is

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1 this. One, during the course of the hearing, there was  
2 testimony that one of the windows was not sized according to  
3 how the new building permit was approved. And what we've  
4 presented now is a proposal to alter that window to make it  
5 exactly the same size as was approved on the new construction  
6 drawings.

7 MEMBER SMITH: I recognized that on the third  
8 floor because that was not found, yes. That was in relation  
9 to the bathroom, the third floor. But are there any changes  
10 to windows on the ground floor?

11 MR. BELLO: There are no changes to the windows  
12 on the ground floor.

13 CHAIRPERSON HILL: Yes, no they're, well, I mean,  
14 that's fine. There are changes to, well you're saying the  
15 below grade. There's changes to the ones on the first story.

16 MEMBER SMITH: Or on the first floor. Or the  
17 first floor underneath the porch, is there a change to the  
18 window?

19 MR. BELLO: In comparison to the approved  
20 drawings? No, there are no changes to the window. The --

21 MEMBER SMITH: In comparison to what's there now.

22 MR. BELLO: I'm sorry, sir?

23 MEMBER SMITH: In comparison to what is there now.

24 MR. BELLO: Yes, and presence was there. Now  
25 there are no changes to those windows.

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1 MEMBER SMITH: I disagree with you.

2 CHAIRPERSON HILL: Mr. Bello, I'm looking at the,  
3 I'm looking at your exhibit and then I'm looking at what's  
4 there now, because now I figured out what's there now and I  
5 got confused. Like --

6 I was just trying to understand whether that  
7 mansard was gone, and it is gone, and I remember this now  
8 again, about how, you know, there was if you guys had razed  
9 it, you could have built it.

10 But the fact that you didn't raze it is why you're  
11 before us because you need the special exception. And so if  
12 you look on that first story and you compare the two plans,  
13 now those windows are different. And so you don't know the  
14 answer or you're just confused by the question?

15 MR. BELLO: I'm probably confused by the question  
16 because my recollection is that the only window of question  
17 that needed realignment or resizing was the window on the  
18 third floor addition. That was --

19 CHAIRPERSON HILL: Yes, Mr. Bello, do you have  
20 access to the files? Or your, or actually, I, let's just  
21 talk to the owner. The owner is here now. Is the owner  
22 right there? Is the owner there? It's Exhibit 69,  
23 Mr. Bello. Yes, now I can. Can you introduce yourself for  
24 the record, please?

25 MR. POTTS: Hi, I'm the owner, Mr. Gregory Potts.

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1 I believe my architect, not my architect, my contractor is  
2 online via the phone. Are you available, Dr. Bowman?

3 CHAIRPERSON HILL: Mr. Potts, you should probably  
4 be able to answer this question. You know that first story  
5 when you walk up and there's the door right there on the  
6 right hand side?

7 MR. POTTS: Yes. Yes, I'm, yes.

8 CHAIRPERSON HILL: Those two windows in your new  
9 exhibit on 69, that first floor, those windows have been  
10 changed so that now everything matches symmetrically with the  
11 front facade of that building from the basement or the  
12 cellar, whatever you call that thing, all of the way up to  
13 the top, all of the windows are in alignment. Do you  
14 understand that?

15 MR. POTTS: I understand what you are saying but  
16 I also recall per the last meeting as Mr. Bello had stated,  
17 nothing, we, the new drawing that was submitted by the  
18 architect, Mr. Teass, I believe I was under the impression  
19 that the only modification was that was previously stated  
20 that that upper deck, there was a bathroom window installed  
21 as opposed to a full sized window, if you will.

22 CHAIRPERSON HILL: Got you.

23 MR. POTTS: And this addition --

24 CHAIRPERSON HILL: Mr. Potts --

25 MR. POTTS: -- and that was the only distinction

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1 that I recall with the facade was that window, and then the  
2 inconsistency, if you will, with respect to the bottom break,  
3 and the upper level brick. Those were the two points that  
4 I recall that were of issue as razed for the last meeting we  
5 had with you all.

6 CHAIRPERSON HILL: Right, do you have access to  
7 the files? No?

8 MR. POTTS: No.

9 CHAIRPERSON HILL: Okay. Well, if you look on,  
10 anyway, Mr. Bello, do you?

11 MR. BELLO: No, sir but I think maybe I have an  
12 idea of what you're alluding to. The treatment of the  
13 windows under this first floor indeed changed to make all of  
14 the treatment of the windows consistent. I don't know if  
15 that answers the --

16 CHAIRPERSON HILL: No, it's okay. I'll let my  
17 fellow Board members keep, or there's only two of us  
18 actually. I guess we'll have to see how this goes whether  
19 I need Ms. John or not.

20 I noticed some of my fellow Board members were  
21 very concerned about this project and how it's a little bit  
22 disjointed how we got to this place, and there's a lot of,  
23 and ANC's pretty upset about it, right?

24 And so, you know, the mansard roof has now gone,  
25 you guys should have razed the thing and then built it the

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1 way you were supposed to build it instead. And Mr. Bello,  
2 it's not your fault, you're just here, you know, or whoever's  
3 fault it is, I don't know.

4                   But nonetheless, somebody's got it so it's in  
5 front of us, as opposed to just getting done if they razed  
6 it, right? So I know that this was of concern to some of my  
7 fellow Board members.

8                   So what I'm trying to just point out is that we  
9 would only be interested in approving this if it is, and I  
10 don't even know if we're going to get to this point. But if  
11 it is as plans show in Exhibit 69, and so nobody can tell me  
12 that is what my question is.

13                  MR. BELLO: No, it is, it is going to be  
14 constructed, and will be very, exact same facade you're  
15 looking at in that exhibit.

16                  CHAIRPERSON HILL: Okay, because that means it's  
17 changed.

18                  MR. BELLO: Well, the --

19                  CHAIRPERSON HILL: Excuse me. Mr. Blake?

20                  MR. BELLO: Yes, sir.

21                  MEMBER BLAKE: You're confusing me. I'm trying  
22 to listen to this and understand it but I'm looking at two  
23 very, a whole bunch of different pictures here that show  
24 different things and your description of what I'm looking at  
25 is different from what I'm seeing.

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1           It concerns me that if you can't look at the same  
2 picture and come up with a different result, it concerns me  
3 because if I said draw this and do this, you're going to say,  
4 that's not what I said. So it's concerning. I want you to  
5 try to address the question that we had earlier as to what  
6 specifically has changed --

7           MR. POTTS: Excuse me, can I interrupt for one  
8 second? My contract --

9           MEMBER BLAKE: No, let me finish for one second,  
10 Mr. Potts.

11           MR. POTTS: I'm sorry.

12           MEMBER BLAKE: If you look at the Exhibit 54 and  
13 you look at the exhibit in 69 and compare those two and say,  
14 what's the difference between the two? That was a very  
15 specific question you asked. A second question I would ask  
16 you this is to compare the exhibit in the original Exhibit  
17 50, the original drawings with the proposed.

18           Now, I understand your architect's not here  
19 because there are several specific adjustments that have been  
20 made which you're not acknowledging, which does go back to  
21 a comment actually made by the ANC about lipstick on a pig.

22           I mean, you, I think that the changes that have  
23 been made are more expensive than that. However, no one  
24 seems to be acknowledging that. Therefore, I think there's  
25 a miscommunication in terms of what could actually ultimately

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1 result, even if we did approve this project.

2 So if you can try to address that, Mr. Potts, or  
3 Mr. Potts, it'd be great. I would love to get a better  
4 understanding of this because I'm very uncomfortable at this  
5 moment in time.

6 MR. POTTS: Well --

7 MEMBER BLAKE: I think the opportunity at the, and  
8 you're referencing the hearing. We had a closed meeting in  
9 which we opened the case where we specifically looked, and  
10 we're very clear about the opportunity to make this right.

11 And when I look at the, you know, the commentary  
12 that we received from the ANC which is very upset about this  
13 matter because of the visual intrusion issue, we extended the  
14 opportunity to kind of seek out a way to make this right.

15 It looks to me like several, it's been a while and  
16 what I see before me is not together. And I would love  
17 somehow to try to understand this a little bit better. But  
18 at this point, I mean, I'm looking at it I'm very confused.

19 MR. POTTS: Yes, and again, I wish my architect  
20 was available, but he is not and so my contractor is online.  
21 He said if you can unmute him, he may be able to attempt to  
22 answer, address some of your concerns. Mr., Dr. Walter  
23 Bowman.

24 CHAIRPERSON HILL: Sure. Mr. Young, do you see  
25 him? Can you get him in?

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1                   MR. YOUNG: Yes, I'm not sure that he's signed up  
2 to take the oath, though so --

3                   CHAIRPERSON HILL: We'll have, we'll have Mr. Moy  
4 give him the oath.

5                   MR. BOWMAN: Thank you for unmuting me. Good  
6 morning, everyone.

7                   CHAIRPERSON HILL: Good morning. Mr. Moy, can  
8 you, give me one second, Dr. Bowman.

9                   MR. BOWMAN: Okay.

10                  CHAIRPERSON HILL: Mr. Moy, can you hear me?  
11 Could you give the oath please to Dr. Bowman? Dr. Bowman,  
12 could you please take the oath for Mr. Moy?

13                  MR. BOWMAN: Yes. My name is Walter Bowman.

14                  CHAIRPERSON HILL: Okay, just listen to the oath,  
15 Mr. Bowman and say yes, although --

16                  MR. BOWMAN: Excuse me?

17                  CHAIRPERSON HILL: Listen to the oath. This is  
18 the oath, it basically says you're not going to lie. So just  
19 listen to Mr. Moy and then respond, okay?

20                  MR. MOY: Okay, Dr. Bowman?

21                  MR. BOWMAN: I'm here. Yes, sir.

22                  MR. MOY: All right. Do you solemnly swear or  
23 affirm a test that the testimony you are about to present in  
24 this proceeding is the truth, the whole truth, and nothing  
25 but the truth, God?

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1                   MR. BOWMAN: Yes, sir I do.

2                   MR. MOY: Thank you, sir.

3                   CHAIRPERSON HILL: All right. Go ahead, Mr.  
4 Blake. Mr. Bowman, did you hear all those questions?

5                   MR. BOWMAN: I did.

6                   CHAIRPERSON HILL: Okay, do you have an answer?

7                   MR. BOWMAN: Yes, so I don't have the drawings in  
8 front of me but what I can say is that are to make this  
9 right, the proposal was to remove the porch and remove the  
10 lower brake, and the building would constitute being  
11 completely razed.

12                  And we proposed that to BCRA because they said  
13 this matter needed to go before BZA and BZA would have to  
14 approve it after having several conversations with  
15 Matt LeGrant. And this is how we ended up with where we are.  
16 So the architect then, in another effort to make sure that  
17 the ANC would be comfortable letting us move forward.

18                  He redesigned the front master area so there'll  
19 be more consistent and more uniform in his purview with the  
20 buildings that were there. And that's what was submitted on  
21 the last round of submittals, as far as the elevation of the  
22 front of the building is concerned.

23                  CHAIRPERSON HILL: Okay, now I'm a little  
24 confused. You're saying that they removed the porch, or  
25 they're going to remove the porch?

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1                   MR. BOWMAN: No, the porch is the exact same porch  
2 that if we had to tear it down and build it back up. We  
3 allowed that to stay in place, but it wasn't removed.  
4 Therefore, it didn't constitute a raze technically because  
5 it's still the same porch there.

6                   CHAIRPERSON HILL: I got, I got that whole part.  
7 And now --

8                   MR. BOWMAN: Right.

9                   CHAIRPERSON HILL: -- Mr. Bowman, we'll see how  
10 this goes now because I'm even looking more closely at the  
11 drawing. So we might have to see where this ends up but even  
12 that porch now, it looks as though the brick column has been  
13 removed and so it doesn't look the same as what is there now  
14 versus what is in Exhibit 49.

15                  MR. BOWMAN: Now is Exhibit 49 the last rendering  
16 that the architect drew post starting this BZA process, or  
17 are you looking at the original elements?

18                  CHAIRPERSON HILL: I'm looking at the new one and  
19 I'm sorry, I've got it, I quoted the wrong exhibit.

20                  MR. BOWMAN: Okay, so the new one, we haven't done  
21 anything with the new one.

22                  CHAIRPERSON HILL: Right, but that's how you plan  
23 on building it.

24                  MR. BOWMAN: If the BZA find that to be a  
25 compromise. So no, that wasn't how we would plan on building

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1 it. How we planned on building it is as it's built now and  
2 per the approved drawings. I understand. But right, this  
3 is something that if the BZA were comfortable with, this is  
4 the way that it would be built?

5 MR. BOWMAN: I guess also too if ANC is okay with  
6 that as well, or the other option was to be in full  
7 compliance with what we were permitted for, raze those last  
8 two components, and the building would have 100 percent raze,  
9 and it can remain as is being 90 percent completed.

10 CHAIRPERSON HILL: Yes, I mean, I don't know how  
11 that raze thing works. I mean, if you get to the point where  
12 you can raze it, and you're not before us, then that's,  
13 that's another solution, I guess, or another way that you can  
14 go about doing this.

15 I mean, you're here, again, because it hasn't been  
16 razed. So the, and again, what you seem to be telling me is  
17 you're not going to get, I don't think you're going to get  
18 the ANC on board on this, right?

19 Like, they're quite disappointed to use a mild  
20 word as to what it is now. And but you're going to build it  
21 as is put in Exhibit 60, if the BCA thought that this was  
22 what satisfied the criteria and us feeling more comfortable,  
23 you would be building it as per Exhibit 69. Is that correct?

24 MR. BOWMAN: That's my understanding.

25 (Telephonic interference)

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1 CHAIRPERSON HILL: Sorry Dr. Bowman, you're  
2 breaking up. You're breaking up, Dr. Bowman. Try again  
3 with --

4 MR. BOWMAN: Can you hear me? Can you hear me  
5 now, sir? Can you hear me now?

6 CHAIRPERSON HILL: Yes.

7 (Telephonic interference)

8 CHAIRPERSON HILL: No, you're breaking up,  
9 Mr. Bowman. I mean, Dr. Bowman, you're breaking up. I can't  
10 hear you.

11 MR. BOWMAN: Is this better, sir? Is this better?

12 CHAIRPERSON HILL: Yes, now it's better.

13 MR. BOWMAN: Is this is better? Yes. So what I  
14 said commissioner, thank you for that, was that we wanted to  
15 be in full compliance with what was permitted by simply  
16 removing the brick front and the porch, which would then  
17 constitute 100 percent raze being in 100 percent compliance  
18 with what we were approved to build. That's what we were  
19 seeking the special exception for.

20 CHAIRPERSON HILL: Now, if you raze, and  
21 Mr. Bello, does your client understand?

22 MR. BELLO: Mr. Chair, I want to refer the Board  
23 to a BZA memo that we received, it's Exhibit 67. And the  
24 instruction on that exhibit is very concise and very  
25 specific.

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1                   And the request from the applicant was revised  
2 design of the front facade first story windows to be more  
3 cohesive with the rest of the building. What we submitted  
4 in the Exhibit 69 does exactly that. There's no change in  
5 columns. There's no change in --

6                   CHAIRPERSON HILL: Well, Mr. Bello, Mr. Bello, I'm  
7 sorry. You guys have got to look at Exhibit 69. It is much  
8 different than what is there now. We're just trying to  
9 figure out what you guys are trying to build or propose to  
10 build.

11                  And Exhibit 69 is completely different from the  
12 pictures that are there. And when I say completely, I'm  
13 talking about that first floor, right? I understand that  
14 it's all going to be painted, we're just trying to figure out  
15 what you guys were proposing to build.

16                  MR. BELLO: And we're trying our best to explain  
17 that to Mr. Chair. Noting these columns --

18                  MEMBER SMITH: Continue with the architect, so  
19 that we can have a more thorough discussion with the  
20 architect and the state.

21                  MR. BOWMAN: Yes, I think that's a great idea  
22 because I, again, if I may, what happened was this last  
23 rendering that everyone's looking at that is different than  
24 what's there.

25                  Because what's there was what the approved plans

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1 told us to bill or gave us the right to build but in attempts  
2 to having options outside of doing the complete raze, because  
3 the ANC was just mad about the mash it all together, which  
4 would have easily cost an excess 70 plus thousand dollars to  
5 rip the front out, remove the bathroom, redo all of that, rip  
6 the ceiling out from the second floor.

7                   An alternative option that the BZA, actually the  
8 architect could do was to go back with a design that could  
9 be more uniform with what the ANC was expressing because he  
10 had his graphic illustrations up there with what the original  
11 entire road looked like 50 years ago.

12                   So the architect went back, did this drawing and  
13 hopes that in the event that we couldn't see that it made the  
14 most practical sense just to remove those last two elements  
15 to constitute a full raze.

16                   And be 100 percent compliance with what we're  
17 given, the right to build with stamped drawings. Then this  
18 alternative drawing that everyone is looking at now that is  
19 not what is currently there.

20                   Because what's currently there is over 90 percent  
21 completion. Like literally, we're at the finishing point  
22 when we got to stop work order because the ANC said that the  
23 mansard was removed and then we got into the technicality  
24 that --

25                   (Telephonic interference)

1                   MR. BOWMAN: -- to get the BZA to say, okay, you  
2 can go back, DCRA let them raze the building completely like  
3 they've been approved to do, like they have a permit to do.  
4 They're fully compliant and this, this --

5                   (Telephonic interference)

6                   MR. BOWMAN: -- rendering that the architect did  
7 to post the first BZA meeting in the hopes that the ANC  
8 commission would say, okay, well, this minimizes the damage  
9 of having to rip the entire top floor out where the mansard  
10 was.

11                  Re-alter the entire floor plan with relocating the  
12 bathroom and the utility closet and ripping the entire floor  
13 joints out from below to re-work all of this MEP, would this  
14 suffice by simply making these windows look more uniform  
15 while what the ANC had presented to this BCA committee.

16                  And that's how we get something that's not  
17 resembling what's there now. What's resembling what's there  
18 now is over 90 percent complete with the approved plans that  
19 we were given.

20                  MEMBER SMITH: Dr. Bowman, thank you. I think all  
21 of my Board members recognize that you have intended to, in  
22 understanding what we requested at the public hearing, that  
23 this drawing is, you know, an attempt to address our concern.

24                  I'm hearing that from you, I'm hearing that from  
25 Mr. Bello. Nobody here is contesting that point, okay? We

1 are, you know, we were being there to enforce with this.  
2 What we are asking as a Board is of course you or the  
3 architect or somebody to go into detail on what exactly has  
4 changed.

5 Mr. Bello it's that you are simply stating, one,  
6 you know, thing that has changed. We recognize the color has  
7 changed. You're making it a uniform facade. But recognize  
8 the comment that I personally had that was there was about  
9 that the smaller window in the bathroom.

10 What we're saying is that first floor facade seems  
11 to have changed. But nobody seems to be able to communicate  
12 to us, is this what they're actually building. Are you  
13 changing the facade for what's there now?

14 What's there now is two windows that are touching,  
15 they're together, which is largely in uniform with what's  
16 along that block now. Are you changing the, that, are you  
17 changing that arrangement?

18 But nobody's saying Mr. Bello, you and the owner  
19 doesn't, isn't directly communicating that to us. So can  
20 somebody explain to us fully what changes are occurring? If  
21 not, we need to continue this to when we have the architect.

22 MR. BELLO: Well, I think that we probably need  
23 to continue it. But I do know that there are actually no  
24 changes to the window, other than the window treatments so  
25 that all of the window treatments are consistent. There's

1 no change in size of window as --

2 MEMBER SMITH: Mr. Bello, I'm going to stop you  
3 right here because we are going, again, we're beating a dead  
4 horse. That's not what I'm seeing in Exhibit 69. It's not  
5 what I'm seeing in comparison to what is actually there on  
6 Exhibit 54. That's what Mr. Blake has said 15 minutes ago.  
7 So if, we need to continue this.

8 MR. POTTS: So are we, are we say that, you know,  
9 we need to look into Exhibit 69 and compare that to  
10 Exhibit 54?

11 MEMBER SMITH: Yes.

12 MR. POTTS: Okay.

13 MR. BOWMAN: Yes, so I think what he's seeing, and  
14 I'm not seeing this but I do recall it because I had  
15 discussions with the architect and I'm not speaking for the  
16 architect but the last exhibit, which is Exhibit 69 is  
17 different from Exhibit 54.

18 Exhibit 69 has relocated the windows, the size of  
19 the windows so that, again, it has a different appearance on  
20 the front elevation and facade to be more uniform with the  
21 whole row house alignment from one block to the next without  
22 having to cause any internal major construction, but just  
23 rearranging the windows in a different way that may be  
24 appealing to the Board and appealing to the ANC.

25 MEMBER SMITH: Mr. Blake, did you have anything

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1 to say?

2 MEMBER BLAKE: Yes, and Mr. Bello, I appreciate  
3 as Mr. Smith said, your effort to do this. I think that  
4 there are numerous changes that on this diagram presented by  
5 the architect, there are, there are actually several changes  
6 that have taken place.

7 And I would argue it's beyond lipstick from a pig  
8 in what I see in these drawings. The description that I've  
9 heard from Mr. Bello, yourself and Mr. Potts doesn't quite  
10 reconcile with those, the pictures that I see, the diagrams,  
11 drawings that I see.

12 And I think, therefore, the realization of the  
13 cost behind it may not be quite clear to you even as the  
14 applicant. You mentioned it would be roughly \$70,000 to make  
15 the adjustment to a mansard roof.

16 And I'm looking at the things that this architect  
17 as proposed here, and they're fairly substantial, and I would  
18 not be surprised that that price tag associated with what he  
19 described would be pretty high.

20 But what you describe with painting the building  
21 and changing one window based on the precise language of the  
22 BZA notice isn't a lot. And so I have some questions and  
23 concerns.

24 And I think it would be more appropriate if the  
25 architects were able to articulate what's here and see where

1 you guys fall with that. But that would be my comment about  
2 this and I don't really have any more questions.

3 MR. POTTS: Understand.

4 CHAIRPERSON HILL: Okay. All right, Mr. Moy, can  
5 you hear me?

6 MR. MOY: Yes.

7 CHAIRPERSON HILL: Okay, I'm not, I don't want to,  
8 I would rather figure out what's going to happen with this,  
9 particularly since it's 90 percent complete. Like, I just  
10 want this applicant to know where they stand, and I also want  
11 the ANC to know where they stand.

12 I want everybody know what's going on. So let's  
13 try to get this back to us as soon as we can, which I know  
14 is an impossibility. But when can we get this back to us do  
15 you think?

16 MR. MOY: Okay, this is ANC 6C, I believe. Given  
17 the discussion the Board is holding now, would this final --

18 CHAIRPERSON HILL: I've got you Mr. Blake.

19 MR. MOY: -- with this final definitive sets of  
20 drawings and plans, which are, which is where I think we're  
21 going to plus they're out providing a definitive narrative.  
22 Would this require going back to the ANC?

23 CHAIRPERSON HILL: I don't know. I don't think  
24 so. I mean, I have I have one comment that I am curious  
25 about with the ANC. But I think we could leave the record

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1 open for that and I'm sure you can reach out to the ANC with  
2 the question that I'm about to propose but --

3 MR. MOY: Okay.

4 CHAIRPERSON HILL: -- I guess, so before you do  
5 it, Mr. Blake had his hand up.

6 MEMBER BLAKE: Yes, I do think that the, in  
7 response to the applicant's comment again, we, in our meeting  
8 session, when we reopened this case, we went through a lot  
9 of very specific dialogue in the transcript about what we  
10 wanted accomplished.

11 And I don't think it was fully reflected in that,  
12 the brief note that you quoted. I think it's important that  
13 if you're on the line today and we do decide to continue  
14 this, I do think it's important that we can be more  
15 articulate about what we want.

16 As they are now on the line as to what's required  
17 and what's, what would be appreciated, or expected to some  
18 extent, and now that they're on the line, I mean, I would I  
19 would actually have more to say about that in greater detail.  
20 So that's, that's all my comment was.

21 MR. POTTS: Well, I appreciate that because that's  
22 what my next question was going to be because, apparently,  
23 there's some sort of miscommunication going on, per the memo  
24 that Mr. Bello referenced.

25 That was my understand what we were supposed to

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1 present here. And I think the point of it is, is that what  
2 we submitted in Exhibit 69, is more than with the memo was  
3 referring to. Is that's what is causing this confusion,  
4 gentleman?

5 CHAIRPERSON HILL: Perhaps, I think that's part  
6 of it.

7 MR. POTTS: Okay, let's --

8 MR. BOWMAN: So to the distinguished Members of  
9 the Board just simply asked a question that, you know, has  
10 always been my premise. Would, like, are we not afforded the  
11 opportunity to just correct what we have been fully approved  
12 to do and finish the building?

13 Because it's always been my understanding that's  
14 what the special exception would grant that will give DCRA  
15 the go ahead to lift the stop work order for us to finish  
16 this project in less than a month.

17 CHAIRPERSON HILL: Is that Mr. Potts speaking or  
18 Mister, Dr. Bowman?

19 MR. BOWMAN: This is Dr. Bowman.

20 CHAIRPERSON HILL: Was that Mr. Bowman or Mr.  
21 Potts?

22 MR. POTTS: That was Dr. Bowman.

23 CHAIRPERSON HILL: So, yes, Dr. Bowman, I don't  
24 know, I'd have to go back and look at the previous transcript  
25 and the previous testimony again. The reason why you guys

1 are here is because you all didn't raze the building.

2                   And since you didn't raze the building, you have  
3 to come before us to qualify for the special exception, which  
4 now brings you into a whole different set of categories,  
5 right?

6                   And so that's what the problem is. And so what  
7 even the office of planning is reporting is if you kind of  
8 read that, they don't know whether they would have been in  
9 approval of the removal of the mansard roof, right?

10                  So I mean, I know you're in kind of a weird  
11 situation but we're also in a weird situation. We're  
12 supposed to be looking at the regulations the way we're  
13 supposed to be looking at the regulations.

14                  And to be quite honest, if you guys weren't before  
15 us here and you were doing this on your own manner of right,  
16 it would be fine by me. You know, I'm not trying to, I'm not  
17 trying to get anymore work.

18                  MR. BOWMAN: And that's my point, Mr. Chair. If,  
19 being that we're here because we did not raze the building,  
20 just give us the opportunity to raze the building and we can  
21 build as our matter of right and because DCRA has approved  
22 this, and we look at all of the code.

23                  Office of Zoning does support this because I  
24 remember the guy was on the phone, and he had no rebuttal to  
25 what was going on. That was the whole point to give us the

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1 relief to go back and correct that which we didn't do. And  
2 that's raze building.

3 CHAIRPERSON HILL: is that Dr. Bowman speaking  
4 again?

5 CHAIRPERSON HILL: Yes, sir, Mr. Chair.

6 CHAIRPERSON HILL: Sure, no problem. Mr. Bellos,  
7 if you can get this thing so they doesn't have to come back  
8 to us and they raze the building, that's fine by me.

9 MR. BOWMAN: Well, DCRA is not going to lift the  
10 stop work order until you all tell them that you are giving  
11 us a special exception to go back and raze the building.

12 CHAIRPERSON HILL: No, that's incorrect. And  
13 Mr. Bello is your attorney, and he can explain it to you as  
14 to why it's incorrect.

15 MR. BELLO: Again, Mr. Chair, I'm not an attorney  
16 but Mr. Bowman, Dr. Bowman I think may be a little confused  
17 about this.

18 CHAIRPERSON HILL: Anyway, let's get, let's get  
19 back. I'm sorry, you guys. I know you all are trying to do  
20 this, and I know that it's been difficult for you guys. And  
21 I know you guys are near the finish line but all of that, all  
22 of that, Mr. Bello, I thought you were an attorney.

23 I'm sorry that you're not, or I'm happy that you  
24 aren't. I don't know. But if you want to go ahead and speak  
25 to your client, we're trying to figure out what it is we're

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1 looking at.

2                   And right, Exhibit 69 is different than Exhibit  
3 54. So Mr. Moy, when can we get back here again? And I do  
4 have a question. But you all will get, Mr. Moy, why don't  
5 you take a look where we're going to get back here. I'll be  
6 right back in one second. Somebody's at my door.

7                   MR. POTTS: This is Mr. Potts. I do have another,  
8 I was trying to make sure to avoid a similar situation. I  
9 was trying to make sure I understood what the ask is, so I  
10 got part of the answer. Part of the answer is 69 and 54 are  
11 not the same.

12                  And per Mr. Bello's, member what he referenced to,  
13 we were only referring to the facade and the window, and I  
14 was told that's part of the issue. What is the other part  
15 of the issue that we need to resolve when we present this,  
16 when we have this next meeting?

17                  CHAIRPERSON HILL: I've got you, Mr. Potts. I'll  
18 get you those answers. Mr. Moy, take a look at this schedule  
19 real quick.

20                  MR. MOY: Yes, I have, Mr. Chairman. Okay, I'll  
21 wait for you to return.

22                  MEMBER SMITH: So let me, let me provide some  
23 clarification. What we're asking for, the only thing we're  
24 really asking for again, is a full and clear explanation of  
25 the, of the changes between what currently exists now and

1 regardless of what you approve that, what currently exists  
2 now to what you're changing as shown in Exhibit 69.

3 MR. POTTS: Okay, I've got.

4 MEMBER SMITH: What you haven't stated and every  
5 party, every member of your party has stated. They have  
6 explained that they're changing the color and changing the  
7 window on the third floor where the bathroom is. What we are  
8 saying is that the changes that we see on Exhibit 69 go  
9 beyond that.

10 MR. POTTS: Got you, yes.

11 MEMBER SMITH: And what we, what we're concerned  
12 about is that all of the full scope of changes that we see  
13 in the architectural plans on Exhibit 69 are not fully  
14 explained. And the reason why we want it fully explained to  
15 us is because of the concerns of the ANC and also because of,  
16 you know, just the history of this project.

17 MR. POTTS: Fair. Okay, that's fair.

18 MEMBER SMITH: That's what we're asking for you.  
19 Now, now, here's the other issue. Mr. Bowman has stated, has  
20 brought up razing. We are not here to raze the building.

21 MR. POTTS: I understand. I understand. I do  
22 understand that, sir.

23 MEMBER SMITH: So if you want to raze the  
24 building, and that's what Chairman Hill was alluding to, if  
25 you want to raze the building, you wouldn't be coming before

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1 us, you would just make the --

2 MR. POTTS: I understand. I understand that as  
3 well.

4 MEMBER SMITH: Okay. So, in this intervening  
5 week, I guess it's a discussion amongst you and your team  
6 whether you want to exercise the raze permit and tear off the  
7 facade.

8 And you don't come back to us if you wouldn't have  
9 to have an interaction with the ANC because it would be  
10 administrated by the right process. Because you kept the  
11 front facade, you are kicked into a different regulatory  
12 framework.

13 When you keep a facade, that means you've got to  
14 keep the mansard roof. When that was torn off, that's when  
15 you are here before us for an after the fact special  
16 exception because you told me the mansard roof off. That's  
17 the --

18 MR. POTTS: And that other point that Bowman was  
19 trying to refer to with respect to the raze, and I think you  
20 guys have answered that question, but we, as Mr. Bello said,  
21 he's not an attorney.

22 But we do understand because we have the  
23 arrangement, we do have the right to do whatever we want and  
24 we don't necessarily have to be up here but because we kept  
25 the original facade, that's why we are here.

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1                   But we were told, and Obama was alluding to here.  
2 But we would note, and Bowman was alluding to this, that ANC  
3 had to approve us removing the old brick and carrying out the  
4 porch to quote, complete the remaining portion of the raze.  
5 And I think I heard you guys say that is not true.

6                   MR. BOWMAN: Yes, and that's the point of clarity  
7 I want to make. We have dealt with the ANC commissioner and  
8 Matt LeGrant who were going back and forth and we proposed  
9 that, please lift the stop work order because the ANC made  
10 the complaint at over 90 percent completion that the mansard  
11 is gone.

12                  And then, we got into the technicality that the  
13 ANC pushed on Matt LeGrant that the building technically  
14 wasn't razed because we, the second floor facade is brand  
15 new.

16                  The third floor, which was a pop-up addition is  
17 brand new. The only thing that would technically not  
18 constitute the raze is we kept the brick on the front porch  
19 because it was attached to the front porch and the front  
20 porch.

21                  DCRA came out to verify that the building was 100  
22 percent razed. They came out and cut holes in the drywall,  
23 looked at the framing on the front. The back was completely  
24 razed because it was an extension.

25                  So the building is over 90 percent brand new, with

1 the exception of the brick facing, not even, the two by  
2 fours, the flashing, the OSB board behind the brick, all  
3 brand new, one hundred percent razed.

4 The only thing that's not razed on the building  
5 that would constitute technically 100 percent razed is the  
6 first floor brick facing that's attached to the porch that  
7 was the same exact brick and porch in the new drawings as if  
8 everything was completely razed.

9 So we would love to go back tomorrow and remove  
10 that but DCRA has told us that we couldn't, we will have to  
11 go before BZA so that BZA could tell DCRA that we could raze  
12 it.

13 MEMBER SMITH: Dr. Bowman, I recognize that and  
14 I think we're, it's an issue of technicality and terminology.

15 MR. BOWMAN: Yes, sir.

16 MEMBER SMITH: I will, I will, I don't want to  
17 debate that here. That's why you all pay Mr. Bello the big  
18 bucks that he can explain to you the reason more so why  
19 you're here, so I'll allow him to have the discussion into  
20 being.

21 MR. BOWMAN: Well, I just have one last question  
22 for the Chair and that's it for me. Are you saying that we  
23 could just go tomorrow and exercise our permits that we've  
24 been authorized to do and fully raze the building?

25 (Simultaneous speaking)

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1                   CHAIRPERSON HILL: This one's a little bit beyond  
2 me and this is where Mr. Bello can explain I don't know,  
3 right? Meaning, if you he has a stop work order, I don't  
4 know what that means now, right? If you, if Mr. Bello would  
5 probably be able to explain if you're able to tear, if you're  
6 able to tear down the part that didn't constitute a raze.

7                   And do this as matter of right, I guess maybe if  
8 that's something you can do, Mr. Bello can explain. However,  
9 if, because you're in this situation, you're before us and  
10 there's nothing you can do about it, then you're back before  
11 us.

12                  MR. BOWMAN: I've got you.

13                  CHAIRPERSON HILL: But that's, but that's  
14 something that Mr. Bello can explain. I do understand,  
15 however, that there is a frustration and I totally get it and  
16 I totally get you're 90 percent done.

17                  But just to be clear also for you guys, it's not  
18 like this is something we want to do, right? Like we're not  
19 here every Wednesday because, again, we're here because you  
20 guys have done something that it puts you before us, right?  
21 And so just to be clear on that, right?

22                  So I'll let Mr. Bello explain the rest of it, and  
23 I'm going to, I know I'm going to clarify exactly what it is  
24 we need from you guys before we get you back here. And  
25 Mr. Potts, I think you do understand because you were

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1 probably, excuse me, you were probably listening before.

2 We're so jammed up as a Board, that we wouldn't  
3 even be able to get you back here until November 2. But  
4 that's not what I'm going to try to do now. I'm really going  
5 to try --

6 MR. POTTS: Thank you.

7 CHAIRPERSON HILL: -- to get you back here, right?  
8 So Mr. Moy, when can we get them back here?

9 MR. MOY: So I would suggest either our last  
10 hearing before the August recess, which would be July the  
11 27th, or the first hearing when we return from recess, which  
12 would be September the 14th.

13 CHAIRPERSON HILL: How many cases do you have on  
14 the 27th, please?

15 MR. MOY: All right, nine cases and one decision  
16 case.

17 CHAIRPERSON HILL: And how many do you have on,  
18 when did you say? September what?

19 MR. MOY: September 14, when we the, first hearing  
20 where we return from the August recess. On September 14, we  
21 have seven, we have seven new cases and one expedited review  
22 case.

23 CHAIRPERSON HILL: Okay. Mr. Bello, I guess what  
24 I'm a little, and I'm going to look at my fellow Board  
25 members. And you guys, Mr. Bowman, and Mr. Potts, just give

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1 me a second while I'm trying to figure this out.

2                   What I'm unclear on again, is I understand that  
3 there is a different drawing that's before us in Exhibit 69  
4 that makes it much different than maybe what the Board had  
5 initially asked for.

6                   I don't know, this is where I'd have to go back  
7 and take a look at the record, right? What is uncertain to  
8 me is, I guess, you know, what does the Board think is  
9 meeting the regulations versus the drawing in Exhibit 69  
10 versus what the Board originally asked for?

11                  And I'm missing one of my Board members who will  
12 be joining us the next time. And I don't know what Vice  
13 Chair John had in mind either that was going to satisfy some  
14 of her concerns.

15                  Meaning, I think we're going to have to have a  
16 discussion with the architect and still we might not get  
17 where we get meaning, what I see in 69, on that first floor  
18 when you guys have a chance to look at the exhibit, there's  
19 a door. And then, there's two separate windows.

20                  And those two separate windows line up with all  
21 of the windows on all of the floors. However, that then  
22 seems to me that you've removed that brick porch, right, in  
23 the drawing.

24                  I'm not clear as to what the ANC would prefer to  
25 see, right? Not that, I'm just curious as their thoughts in

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1 that does this look more compatible with the character and  
2 scale of the neighborhood the way it is with just that third  
3 window replaced on the, on the third floor? Or --

4                   And this is where the Board is going to, and I'm  
5 looking at my Board members. I don't know what to do on this  
6 one either. I think you guys are following me, I can't tell  
7 that.

8                   Or is it that the Board thinks that it's more  
9 within character and scale of neighborhood if those two  
10 windows are separate and that porch is not removed, but it  
11 looks like the brick was removed from whatever.

12                  So I'm going to turn to my Board members first.  
13 Do you understand what I'm saying and does that make sense?

14                  MEMBER SMITH: I do. I do believe that in keeping  
15 with the street level character, it would be better to keep  
16 the two windows together because that is what's uniform on  
17 the block.

18                  It mirrors kind of all of the other windows on the  
19 upper floors, that's fine. Again, I'm not an architect but  
20 that to me seems to be more uniform with the block and that  
21 was raised by, I think Dr. Bowman when he talked about the  
22 facing of the other windows being uniform, more uniformed on  
23 the block.

24                  Keeping it the way it is where they're double  
25 windowed, like, they're touching is more uniform with what

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1 we see on the bottom and then line up the rest of the windows  
2 same size on the upper floors will personally but that wasn't  
3 really the nature of, you know, I'm not strong one that.  
4 What I really wanted was for just an explanation, a strong  
5 explanation of the change. So I guess the architect would  
6 do that.

7 CHAIRPERSON HILL: All right. So Mr., sorry,  
8 Mr. Blake, do you any, do you have some?

9 MEMBER BLAKE: I would say that in looking at  
10 this, I mean, I think the attempt was to reconcile and make  
11 the best of a bad situation where the mansard roof has been  
12 removed.

13 And so, this is now different project, and it was  
14 to make it a more attractive project to minimize the visual  
15 intrusion. In fact, the, and that was to make the best of  
16 the existing situation.

17 Design wise, if you're going to try to do  
18 something that is visually intrusive and consistent with this  
19 row of houses, you know, there is no not here to the mansard  
20 roof.

21 There's no desire to replicate that at a higher  
22 level. There are a lot of design issues that could take  
23 place that would actually help this better fit with the, with  
24 the neighborhood. I think going back to this original  
25 design, it's not going to be totally consistent with that but

1 it will lessen the degree of visual intrusion from what we  
2 have currently that I see in the current picture of the  
3 property.

4 So I guess what I'm saying is to the extent that  
5 you wanted to actually design something that was in line,  
6 that attracted, that addressed the real issues here, which  
7 was really the mansard roof removal, that would be very  
8 attractive as well.

9 I think that would actually solve that problem.  
10 And you need to compare that to the other costs of the raze.  
11 You need to order the, what you could have designed here  
12 because I believe, if you look at these pictures carefully,  
13 you have different sized windows throughout. The --

14 And it's a lot of work what you described in this  
15 in the Exhibit 69, which is very costly if you were to do  
16 exactly what's on that exhibit. And so I fear that if we  
17 don't, if you pay attention to what you've written on that  
18 exhibit and compare it to your other alternatives, you may  
19 find that, you know, you may decide a different course of  
20 action.

21 But what I see in this exhibit here with changed  
22 window sizes, different locations, and et cetera, it could  
23 be very costly. So that's all I'd say. Another, if you did  
24 attempt to do some mansard roof, that would be good, too.  
25 But I don't think that that's necessarily going to make a

1 difference to the ANC at this point as well.

2 MR. BOWMAN: Just give some further understanding  
3 for everyone on the phone, adding the mansard requires a  
4 three foot setback, which means that entire front third floor  
5 would have to be completely demolished.

6 The floor would have to be ripped out because you  
7 have to rework all of the mechanical electrical plumbing.  
8 You have to relocate the bathroom and to where the current  
9 utility closet is which would have to relocate the utility  
10 closet to another location, and you lose a bedroom.

11 That's what that 70 plus thousand comes from. But  
12 what the architect has proposed in the last exhibit is all  
13 facial work. In that facial where we're just pretty much  
14 cutting through brick and modifying brick and drywall that  
15 will technically be a lower cost than the 70 plus thousand  
16 dollars to re-add the mansard.

17 And I just wanted to give that point of clarity  
18 and what, and it was my understanding that this elevation may  
19 not fly, but it would be a start in hopes to make sure that  
20 the ANC knew that we were working with them with everything  
21 within our power with having this project on hold for over  
22 two years of being completed and going back and forth for  
23 DCRA.

24 And still being baffled and dumbfounded that we  
25 passed every inspection with no issues. DCRA came out there

1 with no issues and we had an issue at the homestretch of this  
2 project when ANC made this formal complaint, and we've been  
3 dealing with this over two years now.

4 CHAIRPERSON HILL: Okay. All right, you all,  
5 let's try to do this, I guess on the 27th. You know, Mr. Moy  
6 it's going to be nine cases, is that what you said?

7 MR. MOY: Yes, nine cases and one case for a  
8 decision, which is the TG Management case.

9 CHAIRPERSON HILL: Okay, so Mr. Bowman and  
10 Mr. Potts, I wish I could see you. I understand that you're  
11 frustrated. I'm frustrated. I wish you weren't here. I  
12 know you wish you weren't here. We're really doing our best  
13 like crazy now.

14 I'm letting you know, I'm putting you on top of  
15 a case, we've got eight cases plus an extra on the 27th.  
16 You're going to be the ninth case for us. That means that  
17 we're at least going to have a 12-hour day, right? So we are  
18 bending backwards for you right now, okay? I'm letting you  
19 know, right. So --

20 MR. BOWMAN: I appreciate that Mr. Chair, but we  
21 feel like crying to tell you the truth because --

22 CHAIRPERSON HILL: No, Mr. Bowman, I totally get,  
23 Dr. Bowman I totally get it. I'm just letting you know.  
24 There's nothing I can do about that but what I'm trying to  
25 point out to you, I want to go on summer recess, right?

1                   MR. POTTS: We appreciate that, sir. We really  
2 do. I'd want to, mister, I'm sorry. I'm sorry, go right  
3 ahead.

4                   CHAIRPERSON HILL: It's okay, Mr. Potts.

5                   MR. POTTS: Go right ahead.

6                   CHAIRPERSON HILL: I'm just trying to understand  
7 what I think the problem is right now and where we are  
8 because I want to also get this thing done somehow on the  
9 27th. Either your architect gave too many options or not.  
10 I don't know, right?

11                  I am curious Mr. Bello, and I don't know how to  
12 do this because I just want to know, and I don't know how you  
13 find out from the ANC. I would like to know the ANC's  
14 thoughts on that first floor, okay?

15                  So, Mr. Bello, I know you can't, I guess you can't  
16 see the exhibits in front of me, I don't know. But that  
17 first floor changes the first floor of the building in  
18 Exhibit 69, okay?

19                  I'd like to know from you, Mr. Bello, what do you  
20 think the ANC prefers, or what the ANC's opinion is, I  
21 suppose, on that first floor, okay? And we're all talking,  
22 the reason why this is all about what the regulations is  
23 character and scale of the neighborhood.

24                  That's what this is all about, right? And so I'd  
25 like to know, and I don't know when Mr. Moy the ANC meets

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1 again in July, and whether or not you can get on their agenda  
2 or not, or whether this could just be a question that could  
3 get sent to the SMD or I know Commissioner Eckenwiler has  
4 sent the letter.

5           Maybe you can reach out to Commissioner  
6 Eckenwiler, Mr. Bello and get something back, if anything,  
7 as to that first floor, whether the windows are separated or  
8 the porch remains the same. Mr. Bello, do you at least  
9 understand my question?

10           MR. BELLO: I understand, Mr. Chair, and I think  
11 it's the prudent way to go forward to have the architect  
12 itemize specifically what has changed in those drawings. I  
13 will be glad to reach out to Commissioner Eckenwiler for his  
14 opinion.

15           CHAIRPERSON HILL: Okay, great, wonderful.  
16 Because now, unfortunately, I'm confused as to where the  
17 Board is as to whether or not the Board, which is whether the  
18 Board thinks that the character and scale of the neighborhood  
19 is best served by the three separate windows on the first  
20 floor.

21           So that's where I'm a little confused, okay? So  
22 I think we're going to talk about a bunch of different  
23 options on the point where I two, or two different options  
24 on the 27th. Leaving it, leaving that first floor the way  
25 it is, or leaving the first floor the way it is described in

1 Exhibit 69. Okay, Mr. Bello?

2 MR. BELLO: Noted, sir.

3 CHAIRPERSON HILL: Mr. Potts, do you have any  
4 questions?

5 MR. POTTS: I believe you answered it. I just  
6 wanted to get clarity to your point, and I think you just  
7 answered the question, because all I want to know is to find  
8 out because I don't know how we got here but I want to find  
9 out exactly what the questions are so that we can be prepared  
10 to address those that better next time. I think you made it  
11 clear what those questions are.

12 CHAIRPERSON HILL: Sure, and just to repeat, and  
13 I want my Board members to clarify because I really want to  
14 get this done on the 27th as quickly as possible because  
15 we've got a huge day on the 27th is I've seen exhibits, and  
16 I'm repeating myself, I apologize.

17 I see in Exhibit 69 on the first floor, there's  
18 three windows, three separate windows, the door and two  
19 windows and they all line up. So I don't, so that's one  
20 option I think that the Board is looking at, right?

21 Then the other option is what I thought the Board  
22 was talking about the first time, which was that that first  
23 score remains the same and then that bathroom window turns  
24 out to be a window that lines up with all of the other  
25 windows. And I'm looking at my Board members, and those are

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1 the two options that you guys were looking at?

2 MEMBER SMITH: Yes.

3 CHAIRPERSON HILL: Mr. Smith, Mr. Blake?

4 MEMBER SMITH: Yes.

5 CHAIRPERSON HILL: Okay.

6 MEMBER SMITH: I do.

7 CHAIRPERSON HILL: Mr. Blake?

8 MEMBER BLAKE: Yes, I do think that's proper. I  
9 think there's some other issues here as well in terms of the  
10 things above the windows on the second floor, that there's  
11 some design changes there, the sizing of the windows, things  
12 of that nature, and there are, those things as well.

13 CHAIRPERSON HILL: So those are the things that  
14 you can ask and clarify with the architect on the 27th,  
15 correct, Mr. Blake?

16 MEMBER BLAKE: Yes, but I want to make sure the  
17 applicant realizes that those are things that we're, yes,  
18 aware of and looking at.

19 CHAIRPERSON HILL: Mr. Gregg, Mr. Potts, do you  
20 understand?

21 MR. POTTS: Yes, I just want to make sure I'm  
22 clear what Mr. Blake is saying. So what I'm getting from  
23 that, at first, we were talking about the upper level. Now  
24 we're talking about both the upper and the lower levels.  
25 With respect to the lower level is with respect to the double

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1 windows, with respect to the upper level with respect to the  
2 sizing of the windows, am I correct?

3 MEMBER BLAKE: Those are part of it as well. And  
4 from our perspective, and I'm not speaking for all of the  
5 Board but myself. You have on the first level, Chairman  
6 Hill, you can go to the ground level.

7 There's a great difference between the ground  
8 level as described in your original documents and the current  
9 existing and the proposed. If you go to the second, the  
10 first floor level, the window spacing is different between  
11 the existing and the proposed which is comparable to the  
12 original.

13 If you go to the third floor where you have the  
14 porch area, which is is different than the original, there's  
15 some differences with the lightings there. There's also some  
16 differences in terms of the decorations above the window.

17 Some would argue that that decoration that exists  
18 currently is similar and analogous to the existing  
19 properties. Some would say that the new one is more  
20 consistent with new windows.

21 So there's some differences, very significant  
22 differences there. Some might argue that the existing is  
23 more consistent with that environment than with the adjacent  
24 homes because it has that same style of design. That's not  
25 carried over to the third level.

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1           The third level goes back to the more modern design,  
2 which has a different flow to it. So if there, and then of  
3 course, the difference in color throughout, which is  
4 accomplished by the change in paint. But so these are the  
5 things that, I mean, I see on each floor, I see something  
6 that is different from design existing --

7           MR. POTTS: I've got you.

8           MEMBER BLAKE: -- new design. So if you look  
9 through that very carefully and come up with something neat.  
10 I know that the ANC wants something that is reflective of the  
11 art for scale and pattern of the houses along the street.

12           MR. POTTS: Mr. Blake, I do understand. And so  
13 I'm just, ANC is not my friend. They don't, they don't give  
14 a fig about anything, but to whatever. But I'm just  
15 generalizing on purpose and what I heard you talk about was  
16 with respect to the size and consistency of the windows on  
17 each level, first, second, and third.

18           They are not consistent in terms of size, not  
19 consistent in terms of treatments and whatnot. So you want  
20 to see consistency with respect to that front facade on each  
21 level of those windows. Is that, can I make that  
22 generalization and say that? Because that's what I just want  
23 to make sure I walk away with.

24           MEMBER BLAKE: Well, that is what's presented in  
25 the third alternative --

1 MR. POTTS: Okay, it's inconsistent.

2 MEMBER BLAKE: -- one way or the other, the thing  
3 should be consistent and --

4 MR. POTTS: Yes, sir. That's what I, that's what  
5 I wanted to make sure I understood you were saying. Right  
6 now, they are not. And I thank you for that explanation.

7 CHAIRPERSON HILL: Okay. All right, so just so  
8 we're clear where do you, what do you want to see --

9 MR. POTTS: Do I have to go back to the ANC, sir?  
10 Can we not --

11 CHAIRPERSON HILL: I know Mr. Potts, give me a  
12 second here.

13 MR. POTTS: All right.

14 CHAIRPERSON HILL: I'm trying to figure out what  
15 my Board wants to say. I mean, I wouldn't mind, anyway, I  
16 wouldn't mind a letter here. I don't think you really need  
17 to go back to the ANC.

18 If you can get any response from the ANC as to  
19 what we're talking about, Mr. Bello can send an email to the  
20 ANC because what I was curious of, and this is where maybe  
21 it's gotten confusing from the drawings.

22 And once you, Mr. Potts and Mr. Bowman, take a  
23 look at Exhibit 69 and refer it back to what's there, now  
24 you'll understand why the Board's confused. Because in  
25 Exhibit 69, the drawings are very different than what is

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1 there now. So we're unclear as to what you're proposing.  
2 What I'm asking my fellow Board members is do you need  
3 anything else from the ANC?

4 I would like to know whether or not they like the,  
5 whether they think the character and scale of the  
6 neighborhood is better with the first floor remaining the way  
7 it is, or the way it's proposed in Exhibit 69. So that's one  
8 question I'm interested in hearing from the ANC. Mr. Smith,  
9 what do you want to see on the 27th?

10 MEMBER SMITH: I want them to really explain the  
11 differences in the designs, and if they want to submit  
12 another design that shows them keeping the existing  
13 arrangement on the first floor, you know, the porches, I'd  
14 welcome that.

15 I don't need anything from the ANC. If they want  
16 to reach out to the ANC, that's fine. I think the answer is  
17 very much on record that they are opposing the project.  
18 Short of tearing out or redesigning the entire, re-doing  
19 what's on the first floor.

20 But really, and I welcome what the ANC has to say.  
21 I don't think it'll be a change from what we, what we've  
22 heard the last couple of months. So that's all I'm going to  
23 say.

24 CHAIRPERSON HILL: Okay, Mr. Blake?

25 MEMBER SMITH: And if the architect would show up

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1 and the discussion of the facade.

2 CHAIRPERSON HILL: Mr. Blake, what would you like  
3 to see?

4 MEMBER BLAKE: I agree with Mr. Smith's comments  
5 on things he'd like. I would just add that I, it's not, as  
6 I said, I would not necessarily just look at the first floor  
7 window, but also the designs and anything that could be  
8 adjusted that was in character with the neighboring  
9 properties would be helpful.

10 I mean, when you look at the design, we have, to  
11 some extent, a mix of extremes, modern and traditional. And,  
12 you know, there could be some way that you might, the  
13 architect would look at it as the third alternative.

14 Right now you're looking at just explaining to us  
15 where we, how we get from A to B. But as to the extent that  
16 you were to pursue something along the lines of what Member  
17 Smith suggested, I would suggest you pay it, we acknowledge  
18 the character and pattern of houses along the street in doing  
19 that, if there were an alternative presentation.

20 CHAIRPERSON HILL: So, to review, Mr. Potts,  
21 Mr. Gregory, I think we've lost mister, no, Mr. Potts,  
22 mister, Doctor, I forgot his last name, sorry. We lost  
23 Dr. Bowman, I think. There is what is there in Exhibit 69.  
24 That's what I think is one thing that the Board wants to talk  
25 about, right?

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1           Then they'd like to see something from the  
2 architect that is Option B, which is confusing to me as to  
3 whether that was originally willing to have art, which  
4 originally is what the Board was asking for.

5           But what seems to be the case is number two is the  
6 porch the way it is now, as well as maybe some embellishments  
7 the way they are now that make the character more in line  
8 with the block. Okay, Mr. Bello?

9           MR. BELLO: Got it. So, Mr. Blake, I think I'm  
10 hearing that you'd like to see a little bit more  
11 architectural treatment of the facade?

12           MEMBER BLAKE: I'd like to see something that is,  
13 that allows this building to fit in with the pattern and  
14 scale, the pattern and design along the street. You have  
15 that option, that's one objective.

16           I mean, the that's one approach you could use.  
17 It could be that. It doesn't have to be that and as I said,  
18 the first thing is to go to just reconcile what we have in  
19 Exhibit 69.

20           To the extent that you were to look at the other  
21 treatments, which do not exist in 69, but are consistent that  
22 as long as the porch down below, those are elements that  
23 could be altered to make that fit in better.

24           Except, for example, again, there are no  
25 treatments above the third floor windows. I mean, all of

1 these things, there should be some consistency that brings  
2 this thing together a little better than this.

3                   And that's what I was saying, if there's a third,  
4 if you present an alternative, I would ask that you do the  
5 best you could to actually bring all of the elements  
6 together.

7                   You know, and I mean, you know, I'll just say this  
8 to be done with it. There are instances where we create  
9 mansard roofs on third floors that somehow work. I mean,  
10 there could be some way to re-institute that that doesn't  
11 necessarily destroy the entire design that you've done today.

12                  It could be some reasonable embellishment that  
13 actually makes that work, I don't think every, if I look back  
14 at all of the cases that we've gone through, we've had  
15 situations where we've moved mansard roofs from the second  
16 to the third floor.

17                  And still been able to meet the, and so we've  
18 actually just moved it but we've paid homage to the spirit  
19 of the block. In this case, it's done, we're done. And  
20 we've got other cases that come up and the implications of  
21 this, again, set the tone for any future development.

22                  So it's, I don't think, and the ANC certainly  
23 doesn't take it lightly and I personally don't because I do  
24 understand how it impacts future development in this block.  
25 So that's why I don't think people are taking that, you know,

1 they're taking it extremely seriously. But that's all, my  
2 last comment.

3 MR. BELLO: Understood. Thank you, sir.

4 CHAIRPERSON HILL: Okay. All right, Mr. Moy, we  
5 will do this on the 27th. How do we get, what record and all  
6 of that stuff you need to keep it open for and everything?

7 MR. MOY: Mr. Chairman, my basis is, is the  
8 assumption that the ANC succeed meets the second Tuesday of  
9 each month. So if that's assumption is true, then they  
10 should be meeting the second week in July.

11 To that, with that in mind that I would suggest  
12 then that the applicant would be preparing these plans as the  
13 Board has discussed before that ANC meeting that second week  
14 of July, but I think after that meeting, the applicant should  
15 file their, I'm going to call it their final plans to the  
16 Board in the case record by July the 13th.

17 July 13, which I believe is a Wednesday, and then  
18 have a response for any of the parties and OP if any at all  
19 by July 20. And then we're back with a hearing with the  
20 Board on July 27th.

21 CHAIRPERSON HILL: Mr. Bello, do you understand?

22 MR. BELLO: Yes, sir. Thank you.

23 CHAIRPERSON HILL: Okay. And Mr. Bello, again,  
24 I don't know if you're going to get a chance to go back to  
25 the ANC. They might not be interested or not. But at least

1 you'll let me know, please, that the ANC was not interested.  
2 And or I simply want to know from the ANC whether they have  
3 an opinion on the first floor remaining the way it is, or it  
4 being changed to the way it is in Exhibit 69.

5 MR. BELLO: Understood, sir.

6 CHAIRPERSON HILL: Okay. All right, anybody else?  
7 Okay. Mr. Potts, can you hear me?

8 MR. POTTS: Yes, sir. I hear you.

9 CHAIRPERSON HILL: Good luck, Mr. Potts.  
10 Mr. Potts, we're not here to be problematic. It's too bad  
11 you're here before us but you are.

12 MR. POTTS: No, I appreciate Mr. Blake and being  
13 just downright specific to what his point was because it was,  
14 I figured it was something and he just made it clear. And  
15 so I appreciate that.

16 And thank you so much, Mr. Smith. And thank you  
17 so much, sir, as well. I do want this resolved and just  
18 wanted to present what we, what you asked for and to be able  
19 to move forward.

20 CHAIRPERSON HILL: Okay, great. All right, I'm  
21 going to go ahead and close the hearing and the record.  
22 We'll see you guys on the 27th. And then, why don't we take  
23 a break? I'd actually, I have a stop today, I can't remember  
24 when, but I think we'll be okay.

25 Otherwise Mr. Blake's going to run the show. And

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1 let's see, okay everybody's smiling. I wonder if you can  
2 hear me or not. All right, all right Dr. Imamura, you're  
3 going to get a continued break. Let's come back in, let's  
4 try to come back in 10 minutes. Yes, yes. Bye, bye, mister,  
5 Dr. Imamura.

6 (Whereupon, the above-entitled matter went off the  
7 record at 11:39 a.m. and resumed at 11:53 a.m.)

8 CHAIRPERSON HILL: All right, I think Dr. Imamura  
9 is not on the next case with us. And so Dr. Imamura, we will  
10 excuse you, and then we will see you after this. And then  
11 Mr. Moy, if you could go ahead and call our next case,  
12 please.

13 MR. MOY: Thank you, Mr. Chairman. The Board has  
14 returned to its public hearing session after a very brief  
15 recess and the time is now at or about 11:54 in the morning.  
16 So this would be case application number 20741, Joshua Stein  
17 and Nicole Avila, A-V-I-L-A.

18 This is a self-certified application for a special  
19 exception pursuant to Subtitle D, Section 5201 and Subtitle  
20 X. Section 901.2 from the regular requirements Subtitle D,  
21 Section 306.2. Property located in the R-2 zone at 1022  
22 Taussig, T-A-U-S-S-I-G, Place Northeast Square 3890 Lot 105.  
23 And that's all I have. Thank you, Mr. Chairman.

24 CHAIRPERSON HILL: All right, thank you, Mr. Moy.  
25 Could the applicant, who is, is it Mr. Ezzat, or Ms. Ezzat?

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1                   MR. EZZAT: Applicant in handling the filings on  
2 the client's behalf, or the homeowner's behalf and they are  
3 both joining in on the call as well, Joshua and Nicole.

4                   CHAIRPERSON HILL: Okay, got it. Mr. Ezzat, so  
5 I don't have a lot of questions for you, actually. And we  
6 have a pretty big day ahead of us. So I'm going to somewhat  
7 be brief with this.

8                   If you could please go ahead and give us a little  
9 bit of summary as to the project and why you believe you're  
10 meeting the standard for us to grant the relief requested?  
11 And you can begin whenever you'd like.

12                  MR. EZZAT: Perfect. I don't know how this works  
13 relative to you seeing the exhibits. Do you guys have the  
14 same exhibits up on your screens?

15                  CHAIRPERSON HILL: We do. You can, we can, we can  
16 pull up whatever you ask us to pull up.

17                  MR. EZZAT: Fantastic. So this is a single family  
18 dwelling semi detached with a, certainly the footprint itself  
19 and in an R-2 zone already as its current configuration does  
20 not comply with the rear setback requirements. So any  
21 alterations effectively to the rear of the property would  
22 require us to present to you guys here today, which is what  
23 we're doing.

24                  The intent of the project is to simply demolish  
25 an existing rearward deck, which you can see based on context

1 imagery and existing photos on SE 2.2, which is the exhibit  
2 that we sent for the drawing exhibits, and I can share or you  
3 can share, whatever you prefer.

4 CHAIRPERSON HILL: It's okay Mr. Ezzat. We'll  
5 just look at it if you just point it out.

6 MR. EZZAT: Yes, that's perfect. So if you look  
7 at SE 2.2, you can see their existing home to the left there  
8 with the trash can and the kind of faded fence. That  
9 existing deck as it stands we are proposing to demolish and  
10 propose a new screened in deck.

11 And so something that I would kind of bring to  
12 your attention is all of the respective context and their  
13 current setbacks are also non compliance relative to the 20  
14 foot rear setback that an R-2 --

15 CHAIRPERSON HILL: Mr. Ezzat, I'm sorry actually.  
16 Which exhibit do you want me to pull up? And Mr. Young, can  
17 you hear me? I'm sorry, I'm just now trying to find it.

18 MR. EZZAT: Sure, so their, from the way that we  
19 uploaded it, I believe this file was called Stein special  
20 exception Exhibits V2-C and within that PDF it has a series  
21 of eight and a half by 11 imagery and --

22 CHAIRPERSON HILL: Give me a second. Which  
23 exhibit do you think you're in?

24 MR. EZZAT: My file that we called it, it would  
25 be drawing exhibit. So the PDF itself is named Stein special

1 exhibits or special exception Exhibits V2. I don't know what  
2 it's named on the portal.

3 CHAIRPERSON HILL: All right, I'm looking. I got  
4 confused. Is it, is it the architectural plans and  
5 elevations?

6 MR. EZZAT: This is a, let me.

7 CHAIRPERSON HILL: I don't see anything that says  
8 semi --

9 MR. EZZAT: That might be it. Yes, correct. That  
10 would be it, correct.

11 CHAIRPERSON HILL: Okay. Mr. Young, if you could  
12 pull up Exhibit 6. And then Mr. Ezzat, is it Mr. Ezzat,  
13 Ezzat?

14 MR. EZZAT: Ezzat, Ezzat. It's all acceptable.

15 CHAIRPERSON HILL: Ezzat, Ezzat, Ezzat. And if  
16 you just got, kind of tell us through, you can walk us  
17 through those slides.

18 MR. EZZAT: Absolutely. Will we all be able to  
19 see those screens?

20 CHAIRPERSON HILL: Yes, yes, yes.

21 MR. EZZAT: Okay, perfect.

22 CHAIRPERSON HILL: I'll let Mr. Young pull them  
23 up.

24 MR. EZZAT: Fantastic. So that's page 1, simply  
25 pointing to the original plot which demonstrates the 57.5

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1 depth of the lot itself in the current GIS data, so you can  
2 kind of understand how the property sits currently and its  
3 current principal structure, excluding the deck.

4 I would prefer to go to the next slide. This  
5 demonstrates our intent in our condition that we're dealing  
6 with. The dark gray hatched area is the principal structure  
7 living quarters, so to speak. And the existing deck to be  
8 removed is shown on the upper plan and our proposed screened  
9 in deck, non-conditioned in any capacity for, but that is  
10 proposed.

11 So regardless of what we do in the rear of this  
12 property, it violates the rear setback as it stands now and  
13 it's possible that the zoning changed over time relative to  
14 when this plot and building was built previously.

15 So it is a burden site relative to their  
16 improvements and ability to do a deck. So that's the nature  
17 of our request. We are under from a lot area coverage,  
18 anything like that impervious surface.

19 So it's purely the ability to build this screened  
20 in deck, which has no intention to be transferred to any kind  
21 of a livable condition from an addition or anything like  
22 that.

23 CHAIRPERSON HILL: All right. Mr. Ezzat,  
24 Mr. Young, could you go to Slide 15, please? One back, yes,  
25 right. So that's the proposed deck?

1                   MR. EZZAT: Correct. So that's viewing, I would  
2 believe, more like easterly. You can see on the key plan  
3 below and you can kind of compare against the existing  
4 condition on the fly just before this so you can kind of get  
5 the existing condition relative to the kind of rendition or  
6 rendering I've proposed.

7                   CHAIRPERSON HILL: Okay. All right, Mr. Ezzat.  
8 does the Board have any questions of Mr. Ezzat? Okay, Mr.  
9 Young you can drop that slide deck. Can I turn to the Office  
10 of Planning?

11                  MS. BROWN-ROBERTS: Good, good afternoon, Mr.  
12 Chairman, and members of the BZA. I am Maxine Brown-Roberts  
13 sitting in for Steve Cochran on BCA 20741 for a special  
14 exception relief to allow the extension of a rear deck and  
15 construction of a screened porch that does not meet the rear  
16 yard requirements pursuant to Subtitle D5201 and Subtitle  
17 X901.

18                  We are 20 feet minimum is required 10 feet is  
19 existing and 14.8 feet is proposed. As outlined in our  
20 report, the applicant, the proposal meets the requirements  
21 outlined in 5201 for the rear yard and will not impact the  
22 light and air or the privacy of the adjacent properties.

23                  It is also consistent with additions along the  
24 alley. The applicant also meets the requirements of 901, so  
25 that X901, as the additional spaces for a single family zone

1 in the R-2 zone for the proposed addition is, would not  
2 unduly affect the enjoyment or use of privacy or character.  
3 And therefore, the Office of Planning recommends approval of  
4 the proposal. Thank you, Mr. Chairman, and I'm available for  
5 questions.

6 CHAIRPERSON HILL: Thank you. Mr. Ezzat, can you  
7 hear me?

8 MR. EZZAT: I can.

9 CHAIRPERSON HILL: How did it go when you  
10 presented it at the ANC?

11 MR. EZZAT: Nicole who is the homeowner presented  
12 on the team's behalf so I'll kind of let her chime in on that  
13 since she was present.

14 MS. AVILA: There really weren't any questions  
15 during the ANC meeting.

16 CHAIRPERSON HILL: Okay. Could you introduce  
17 yourself for the record, please?

18 MS. AVILA: Sure. Nicole Avila, the homeowner.

19 CHAIRPERSON HILL: Okay, great. All right, does  
20 the Board have any questions for the Office of Planning or  
21 the applicant? Okay, Mr. Young, is there anyone here wishing  
22 to speak? Mr. Ezzat, do you add anything at the end?

23 MR. EZZAT: That's it.

24 CHAIRPERSON HILL: Okay. All right, I'm going to  
25 close the hearing and the record. Please excuse everyone,

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1 Mr. Young. Mr. Smith, I'm going to start, I could start with  
2 Mr. Blake also. Can somebody else talk? Mr. Smith, would  
3 you like to lead us in our deliberation?

4 MEMBER SMITH: I don't know. As you kind of  
5 alluded to at the beginning of this discussion, I do feel  
6 like it's a fairly straightforward application. I do believe  
7 that the applicant has met the burden of proof for us to be  
8 able to grant a special exception from Subtitle B 5201 and  
9 Subtitle X 901.2, and from the rating requirements of  
10 Subtitle B 306.2.

11 The applicant would be able to construct the rear  
12 porch and the deck addition to the existing dwelling. I do  
13 agree with the analysis of the Office of Planning and how  
14 they meet the special exceptions.

15 I do believe the proposed addition would not have  
16 a, it's largely in harmony with the general purpose of the  
17 zoning regulations. I do not believe that the proposed  
18 addition would have a measurable or a negative impact on the  
19 adjacent properties, light and air.

20 And I do not believe that they should have  
21 imposing special conditions on this particular application.  
22 Again, the ANC is in support of it with no issues or  
23 concerns, as presented and is stated by the documents, as a  
24 matter of fact, and DDOT had no objection to the application.  
25 So with that, it would be a great way to open the Board and

1 would recommend for the special exception.

2 CHAIRPERSON HILL: Thank you. Mr. Blake?

3 MEMBER BLAKE: Yes, I would agree with the  
4 analysis of Board Members Smith. I am prepared to support  
5 the application as well and I do think it meets all of the  
6 criteria for approval, and also would note the personal  
7 support of the adjacent neighbors as well in this, so I would  
8 be prepared to support.

9 CHAIRPERSON HILL: Thank you. I don't have  
10 anything to add. I will go ahead and make a motion to  
11 approve application number 20741 as captioned and read by the  
12 secretary and ask for a second, Mr. Blake.

13 MEMBER BLAKE: Second.

14 CHAIRPERSON HILL: Motion is made and seconded.  
15 Mr. Moy, can you take a roll call?

16 MR. MOY: When I call your name, if you'll please  
17 respond with a yes, no or abstain to the motion made by  
18 Chairman Hill to approve the application for the relief  
19 requested. A motion to approve was seconded by Mr. Blake.

20 Mr. Smith?

21 MEMBER SMITH: Yes.

22 MR. MOY: Mr. Blake?

23 MEMBER BLAKE: Yes.

24 MR. MOY: Chairman Hill?

25 CHAIRPERSON HILL: Yes.

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1 MEMBER BLAKE: And we have two other members not  
2 participating on this application. Staff would record the  
3 vote as three to zero to two. And this is on the motion made  
4 by Chairman Hill to approve. The motion to approve was  
5 seconded by Mr. Blake. Also in support of the motion is Mr.  
6 Smith and Chairman Hill. Once again, the motion carries on  
7 a vote of three to zero to two.

8 CHAIRPERSON HILL: Thank you, Mr. Moy. Okay,  
9 great. Mr. Moy, you can call our next one when you get a  
10 chance.

11 MR. MOY: All right, this is case application  
12 number 20745 of Kevin Giesecke, G-I-E-S-E-C-K-E. This is a  
13 self certified application for special exceptions pursuant  
14 to Subtitle X Section 901.2, under Subtitle E Section 5201  
15 from the lot occupancy requirements, Subtitle E Section  
16 304.1, read yard requirements, Subtitle E Section 306.1 and  
17 Subtitle E Section 206.4 which is from the rooftop and upper  
18 floor requirements of Subtitle E Section 206.1. The property  
19 is located in the RF-1 zone at 2623 Sherman Avenue Northwest  
20 Square 284 Lot 72.

21 CHAIRPERSON HILL: Okay. Mr. Blake, can you hear  
22 me?

23 MR. BLAKE: Yes.

24 CHAIRPERSON HILL: Can you introduce yourself for  
25 the record, please?

1 MR. BLAKE: I'm Michael Blake. I'm the architect.

2 CHAIRPERSON HILL: Sorry. Mister, my Board Member  
3 Blake was responding, and I didn't even recognize it.

4 MR. BLAKE: I've been jumping all morning every  
5 time I heard.

6 CHAIRPERSON HILL: That's okay. Mr. Michael  
7 Blake, could you introduce yourself for the record, please?

8 MR. BLAKE: Yes. I'm Michael Blake, and I'm the  
9 architect for the project representing the homeowner.

10 CHAIRPERSON HILL: Great. Mr. Michael Blake,  
11 could you turn on your camera or are you choosing not to use  
12 it? If so, that's fine. I just want to know.

13 MR. BLAKE: I can turn it on.

14 CHAIRPERSON HILL: Great, perfect. If you would  
15 go ahead and walk us through your client's application as to  
16 why I believe they're meeting the criteria for us to grant  
17 the relief requested. I see you have a slide deck. I assume  
18 that's what you would like us to pull up, correct?

19 MR. BLAKE: Yes, please.

20 CHAIRPERSON HILL: It's Exhibit 33, Mr. Young.  
21 I'm going to put 15 minutes on the clock so I know where we  
22 are and you can begin whenever you'd like.

23 MR. BLAKE: Okay.

24 CHAIRPERSON HILL: Just my quick question,  
25 Mr. Blake. Again, what happened at the ANC a little bit?

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1 Because I don't see anything from the AMC. And is this, and  
2 I'm just curious, is this the same owner and developer as the  
3 next door project? So you can address those issues as you're  
4 going through the application.

5 MR. BLAKE: Sure. Yes, so this is not the same  
6 owner or developer as the adjacent project. And we did reach  
7 out to the ANC several times, and we didn't get any response  
8 back.

9 So we, we didn't present to them. We made the  
10 offer to via email, and we just never heard anything back.  
11 So we don't have any input from the ANC at this point. I'm  
12 not sure if anybody has joined in today from there but that's  
13 the status with the ANC.

14 Okay, so thanks for pulling up the drawings here.  
15 Yes, the project is proposing to convert a single family home  
16 to a two dwelling unit flat. It's a property that's located  
17 in the middle of a block of row houses.

18 And it's directly adjacent to a similar project,  
19 as you can see on this rendering, it was a row house that was  
20 converted to two dwelling unit flat, and I think that was  
21 back in 2017, if I'm not mistaken.

22 And as you can see, so the area that's kind of our  
23 subject property is the one to the, to the plain east here,  
24 to the right. And then we're showing the adjacent property  
25 that has a kind of white mask over it.

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1                   And that's the one that I think was built in 2017,  
2 and removed the covered porch that's typical to the rest of  
3 the block. So our project is proposing to do the same and  
4 to kind of make a pattern out of that with these two similar  
5 sister buildings in the middle of the block.

6                   And as I said, convert this from a single family  
7 home to the two dwelling unit flat, which is not part of the  
8 relief request, but that's the end goal. If you go to the  
9 next slide, this is just the requested relief that was  
10 already read out.

11                  So one minute. If you can go to the next slide,  
12 please. So here's the site plan, with some existing  
13 conditions and photographs. So you can see the top  
14 photograph number one in the top left hand corner is the  
15 existing conditions where the red row house next to the three  
16 story two dwelling unit flat.

17                  And this is across the street from, this is on  
18 Sherman Avenue. It's 100 foot wide Sherman Avenue and across  
19 the street from the development of houses that you see on  
20 number two, that is a very different style than the row on  
21 our side of the street.

22                  And then the third photograph here at the bottom  
23 is just showing the rear yard conditions. So our lot is 17.5  
24 feet wide, so it's a pretty narrow lot. And that's feeding  
25 into the request for the 70 percent lot occupancy.

1                   And with that 70 percent, you know, we want to be  
2 able to take as, take advantage of as much of the lot  
3 occupancy for enclosed space as opposed to the covered porch.  
4 Next slide, please.

5                   CHAIRPERSON HILL: Mr. Michael Blake, can you hang  
6 on one second?

7                   MR. BLAKE: Sure.

8                   CHAIRPERSON HILL: So Mr. Moy, there's a letter  
9 that you got. Is that correct?

10                  MR. MOY: Yes, sir. This is in from a Ms. Phyllis  
11 Livingston that was trying to be filed in our 24-hour block.

12                  CHAIRPERSON HILL: Okay.

13                  MR. MOY: So if the Board can, yes.

14                  CHAIRPERSON HILL: Yes, yes. I believe it's a  
15 letter in opposition.

16                  MR. MOY: That's correct.

17                  CHAIRPERSON HILL: And if you could go ahead and  
18 drop it into the record, Mr. Moy, and the Board can take a  
19 look at it while we're going through this hearing, okay?

20                  MR. MOY: All right. Thank you, sir.

21                  CHAIRPERSON HILL: Please continue, Mr. Michael  
22 Blake.

23                  MR. BLAKE: Okay, thank you. So here's just an  
24 axonometric view showing the third story and then we move  
25 more to the covered porch relative to the, to the adjacent

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1 row houses. Next slide, please.

2               Okay, so here's just a breakdown of the lot  
3 occupancy and the rear yard setback relief that we're  
4 requesting is really just to add this, this balcony off of  
5 the setback for the upper unit just to provide a little bit  
6 of outdoor space.

7               So we're requesting for a five foot balcony, just  
8 enough to be able to step out on, put a grill on, you know,  
9 and get some, get some fresh air. And that's the, that's the  
10 entire reason we need the rear yard setback relief. Next  
11 slide, please. Okay, so these are the floor plans. Can you  
12 see my cursor or, no probably not.

13               CHAIRPERSON HILL: No.

14               MR. BLAKE: Okay. Just to walk you through this  
15 real quick, at the proposed Level 01, that's will be the  
16 entry from the Sherman Avenue sidewalk up the exterior stairs  
17 into a shared vestibule space.

18               Unit One, the lower unit, will be a two-story unit  
19 outlining the cellar and the first floor. And then if you  
20 go straight up the stairs to here, you'll get to the upper  
21 unit, which will occupy the second floor and the proposed  
22 third floor. That'll be new construction.

23               And as you can see here, the property line is,  
24 where so we're proposing a bay window as a part of the facade  
25 redesign here. And that's permissible with the 100 foot

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1 Sherman Avenue width. Okay, next slide please.

2                   Okay, just some exterior elevations. The one on  
3 the right is the Sherman Avenue facade and we're making a  
4 very, I think, clear attempt here to kind of mimic what's  
5 going on the adjacent property.

6                   And the intent here is, you know, matching the  
7 height, matching the windows style fenestration and to really  
8 make a pattern out of that building that currently right now  
9 just kind of sticks up out of the row houses.

10                  So we think that this design can actually help  
11 with the proportion of the street front. This will read as  
12 two as, it will really read as one taller building. And I  
13 think will, will help to, to make the existing apartment  
14 building there seem a little bit more in place.

15                  Next slide, please. And here's some solar  
16 studies. This is the, this is, yes, this is the proposed,  
17 so this is the front. You know, just with the orientation  
18 of the building, most of the impacts really will be to the,  
19 to the apartment building to the next of it to the, to the  
20 north side would have the most impact.

21                  But really, since it's already been popped out  
22 towards the front property line, bumped out towards the front  
23 property line, the impact will be minimal, as I think the  
24 diagrams show here.

25                  And then, the last slide here is just at the rear

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1 and it's a kind of a similar story. We think there's minimal  
2 impact from the proposed balcony. Okay, and that's all I  
3 have and I look forward to your questions.

4 CHAIRPERSON HILL: All right, thank you, sir.

5 Does the Board have any questions for the applicant  
6 background mirror?

7 COMMISSIONER IMAMURA: Mr. Chairman and  
8 Mr. Michael Blake, thank you for your presentation. Just a  
9 real simple question about the arched lintel. In the  
10 decision, I think he did a nice job of adhering the adjacent  
11 property. It was just curious that's the slight fenestration  
12 sort of deviation there, which I wanted to ask you where that  
13 came from.

14 MR. BLAKE: It came from wanting to just have a  
15 slightly different detail so that it's, you know, it's not  
16 really, you know, the question was asked, is this the same  
17 developer?

18 And it, you know, could very easily, I understand  
19 the question because it's made to look very similar to  
20 massing. The intent was just to have a slightly different  
21 detail to show some different, differentiation.

22 COMMISSIONER IMAMURA: I appreciate the answer and  
23 I think that's a compliment for somebody to ask, you know,  
24 if it's the same developer. It just demonstrates the nice  
25 level of detail and attention to detail in just the overall

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1 design.

2 So I certainly appreciate sort of that slight  
3 deviation. I would just encourage maybe you and your client  
4 to, you know, reevaluate that. But otherwise, I think you  
5 did a good job so no further questions, Mr. Chairman. I  
6 yield back.

7 CHAIRPERSON HILL: Thanks, Dr. Imamura. Anyone  
8 else? All right, I'm going to turn to the Office of  
9 Planning.

10 MS. MYERS: Crystal Myers with the Office of  
11 Planning. We are recommending approval of this case and can  
12 stay on the record of the staff report.

13 CHAIRPERSON HILL: Okay, thank you. Anyone have  
14 any questions for the Office of Planning? Mr. Young, is  
15 there anyone here wishing to testify?

16 MR. YOUNG: Yes, you have one person,  
17 Ms. Livingston.

18 CHAIRPERSON HILL: Okay. Could you please let her  
19 into the, Ms. Livingston can you hear me? Could you please  
20 give us your name for the record, please?

21 MS. LIVINGSTON: Good afternoon, everybody. My  
22 name is Phyllis Livingston. I live at 780 Fairmont Street  
23 Northwest and my concern that it's always has been is that  
24 I live at the alley where those private trucks will be  
25 entering and exiting.

1                   And when that happens, a lot of times they damage  
2 the side of my house. I'm on the outside taking videos and  
3 pictures when those trucks come through and I have to be  
4 careful because with the private trucks, a lot of the  
5 gentleman try to intimidate me to want to get physical.

6                   Only when they don't do that is when I have like  
7 one of my brothers or one of my two sons here because they  
8 don't want me to videotape or take pictures of the damage  
9 that they have done.

10                  So that's my concern of why the trucks, the  
11 private trucks, can't come through the Georgia Avenue Street  
12 and leave from that street because my counsel person who I've  
13 been working with, who've been wonderful, has put in two  
14 yellow signs that says narrow alley, 10-inch wide.

15                  And it's right there at the beginning of the  
16 alley, but those trucks still try to squeeze through that  
17 alley. And I've had private trucks that did damage. Those  
18 were the few that didn't give me any problems and we talked  
19 about it and the issue was resolved. So that's the issue I'm  
20 having is the private trucks coming through this very small  
21 alley because a dump truck even tried to come through here.

22                  CHAIRPERSON HILL: I understand. Ms. Livingston,  
23 are you talking about cars that have to do with construction  
24 or just cars in general going through that alley?

25                  MS. LIVINGSTON: Well, I have the, you know, you

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1 have the public trucks which is the trash and recycle, then  
2 you have private trucks that come through because they're  
3 doing construction all up my street, but they have to come  
4 through the alley.

5                   Like, with this house, they're going to have to  
6 come through the alley to do the back, which they've done  
7 before to clean up the house and everything. It was trucks  
8 coming through the alley. They weren't as big as pickup  
9 trucks, but they was large enough where I had to stand out  
10 there.

11                   CHAIRPERSON HILL: Okay.

12                   MS. LIVINGSTON: To make sure they don't damage  
13 my home.

14                   CHAIRPERSON HILL: Okay, are you immediately the  
15 next door neighbor?

16                   MS. LIVINGSTON: I am on the Fairmont Street side.  
17 So I see the back of the house.

18                   CHAIRPERSON HILL: Okay, I see. Okay, and are  
19 you, and I'm just trying to be clear. Are you talking about  
20 trucks that are coming for this project or trucks that have  
21 been coming for other projects?

22                   MS. LIVINGSTON: This project and other projects?

23                   CHAIRPERSON HILL: Okay, well the other projects  
24 I can't do anything about.

25                   MS. LIVINGSTON: Well, I understand. I was just

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1 giving you a history of what I've been going through.

2 CHAIRPERSON HILL: I got you, I understand. The,  
3 okay, Mr. Michael Blake, are you, are you helping with the  
4 construction?

5 MR. BLAKE: We have some limited construction  
6 administration work that we're doing with the client. But  
7 I'm not, you know, I can't speak for the general contractor  
8 or the means and methods that, you know, how they're getting  
9 to the site.

10 I mean, I can say that we will, I've, and for a  
11 little context here, this is, this has been, this project has  
12 been divided into two phases. So work that was being done  
13 in the single family home before, that might be the, that's  
14 probably the work that's being referred to.

15 It's not work that's associated with the design  
16 of this application. I mean, there's, I suspect that we need  
17 a traffic control plan for this from DDOT for our DCRA  
18 building permit, which, you know, will require an analysis.  
19 We'll have a civil engineer working on this to see how the,  
20 you know, any work trucks could get to the site.

21 CHAIRPERSON HILL: Yes, and Mr. Blake, are you  
22 going to be working through this project until its  
23 conclusion?

24 MR. BLAKE: Yes. I, yes.

25 CHAIRPERSON HILL: Okay. Would you be willing to

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1 give Ms. Livingston some contact information for you if  
2 there's something that she has a question about?

3 MR. BLAKE: Yes.

4 MS. LIVINGSTON: I do have, I do have one  
5 question. When is this work supposed to start? And how long  
6 will it take?

7 CHAIRPERSON HILL: Got you. Ms. Livingston, I  
8 don't have any answers to that. I mean, I don't know how  
9 this whole thing will happen. I guess we'll go ahead and get  
10 an email for you for Mr. Blake, Mr. Blake.

11 MS. LIVINGSTON: Does he know that information?  
12 Mr. Blake, do you know the information, when it will start  
13 and when it will end?

14 MR. BLAKE: I can give you my best estimate.  
15 We're hoping that we will, let's see what it says. We'll  
16 probably try to submit for the building permit within two  
17 months, and then I expect the permit will take probably  
18 another three months to work through all of that. So that's

19 --

20 CHAIRPERSON HILL: Okay, let me interrupt you,  
21 Mr. Blake. Ms. Livingston, I appreciate it. I'm going to,  
22 I'm going to let you touch, as a member of the public again,  
23 you're allowed this opportunity, which is wonderful that  
24 we're able to connect people.

25 And so let me go ahead and let Mr. Moy, who is our

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1 secretary, he'll reach out to you and give you Mr. Blake's  
2 contact information so that you'll be able to ask more  
3 questions, okay?

4 MS. LIVINGSTON: Thank you so much. I appreciate  
5 the Board listening to me and my concerns.

6 CHAIRPERSON HILL: Thank you, Ms. Livingston. And  
7 I'm sorry that whatever is going on with you, I'm sure Mr.  
8 Blake does not want any kind of intimidation, or any kind of  
9 nonsense like that taking place. So be sure to let Mr. Blake  
10 know, all right Ms. Livingston?

11 MS. LIVINGSTON: I will, thank you so much.

12 CHAIRPERSON HILL: Thank you. All right Mr. Moy,  
13 you can make that happen. Right, Mr. Moy? Okay. All right,  
14 does anybody have any more questions for Mr. Blake? All  
15 right, I'm going to close the hearing. Mr. Blake, do you  
16 have anything else you'd like to add?

17 MR. BLAKE: No, thank you.

18 CHAIRPERSON HILL: Okay. And Mr. Blake, right,  
19 you're going to try to do your best for the neighbors during  
20 construction and everything. In particular, Ms. Livingston  
21 who was apparently having an issue with somebody. And it may  
22 not be your, it may not be your guys, but just make sure it's  
23 not your guys, okay?

24 MR. BLAKE: Yes, it's not my guys. I'm involved  
25 in any kind of construction management but I think also, I'm

1 happy to put Ms. Livingston in contact with the property  
2 owner as well, who will definitely want to hear about, you  
3 know, any of this going on.

4 CHAIRPERSON HILL: Yes, if anybody's intimidating  
5 anybody, we don't want to see that happen. So --

6 MR. BLAKE: Absolutely.

7 CHAIRPERSON HILL: -- okay. All right, I'm going  
8 to go ahead and close the hearing and the record. Please  
9 excuse everyone, Mr. Young. Okay, you guys can tell me what  
10 you think.

11 Like, I just thought it was a weird building.  
12 Like I was just kind of shocked that like, like, I've seen  
13 the block slowly happen. I haven't seen them start to just  
14 mirror themselves.

15 And so this was a little bit new for me. But I  
16 will agree with the fact that the design, I think, is well  
17 thought out. It's interesting what Dr. Imamura said, which  
18 like, make it even look even more like it's the next door  
19 property, which I thought was an interesting comment. But  
20 I'm not an architect.

21 And then, but as far as the criteria, I'm going  
22 to agree with the analysis that the Office of Planning has  
23 provided as well as that of the applicant. I think that the  
24 ANC, I guess, they just were like, you know, there's one  
25 right next door that looks just like this.

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1           I guess they didn't see a need to go through this  
2 process. So I would, but I do believe the testimony that the  
3 applicant had reached out to the ANC. I'm satisfied that  
4 they're meeting the criteria for us to grant the relief  
5 requested, and I'm going to be voting in favor. Mr. Smith,  
6 do you have anything to add?

7           MEMBER SMITH: Nothing to add. I agree with your  
8 analysis and Mr. Imamura, Dr. Imamura, I'm sorry. It seems  
9 to me it would be better to have a second one that looks  
10 similar to the property because that one turned out to stick  
11 out like a sore thumb. So having a second one would I think  
12 make the block look a lot better. So I agree with you and  
13 OP's analysis and I support the applicant.

14           CHAIRPERSON HILL: Great. Dr. Imamura?

15           COMMISSIONER IMAMURA: Thank you, Mr. Chairman.  
16 I agree with you and Board Member Smith. Because this is  
17 identical, it looks like a complete project and so in this  
18 case, right, that seems as an improvement rather than just  
19 having one, one apartment there on the block, so.

20           But I would just, I have small heartburn over the  
21 arched lintel, and so my preference would be that that would  
22 be matched with the other property but outside of that,  
23 though, they meet the standards for a special exceptions, so  
24 I'm prepared to vote in favor.

25           CHAIRPERSON HILL: Okay. Mr. Blake?

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1 MEMBER BLAKE: The applicant has met the criteria  
2 for relief as well. And I do think that the two buildings  
3 designed the way they are would better on the streetscape  
4 than the current situation.

5 And it does improve the visual character of the  
6 street, which is clearly an issue that we have been dealing  
7 with. I think that it is a good project and it warrants  
8 approval, and I would be in support of the application.

9 CHAIRPERSON HILL: Okay, great. I'm going to make  
10 a motion and I'm going to make a motion for some design  
11 flexibility if the owners decide to change the lintels. And  
12 so I'm going to do that.

13 I'm going to go ahead and make a motion to approve  
14 application number 20745 as captioned and read by the  
15 secretary, including some design flexibility to allow for the  
16 lintels to be changed to match the existing building if the  
17 applicant would accept that suggestion, and ask for a second,  
18 Mr. Blake.

19 MEMBER BLAKE: Second.

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

22 MR. MOY: Yes, thank you, Mr. Chairman. When I  
23 call your name, if you'll please respond with a yes, no or  
24 abstain to the motion made by Chairman Hill to approve the  
25 application for the relief requested along with the condition

1 for design flexibility. The motion was seconded by Mr.  
2 Blake. All right, Zoning Commissioner, Dr. Joe Imamura?

3 COMMISSIONER IMAMURA: Yes, and thank you,  
4 Mr. Chairman for including the design flexibility.

5 MR. MOY: Mr. Smith?

6 MEMBER SMITH: Yes.

7 COMMISSIONER IMAMURA: Mr. Blake? Chairman Hill?

8 CHAIRPERSON HILL: Yes.

9 MR. MOY: We have a Board member not present and  
10 not participating. Staff would record the vote as four to  
11 zero to one. And this is on the motion made by Chairman Hill  
12 to approve with the added design flexibility language.

13 The motion to approve was seconded by Mr. Blake.  
14 Also in support is to approve is Mr. Smith, Zoning  
15 Commissioner Dr. Imamura, Mr. Blake, Chairman Hill. The  
16 motion carries on a vote of four to zero to one.

17 CHAIRPERSON HILL: Okay, thanks, Mr. Moy. Okay,  
18 I don't know about you guys. I suggest we try to just power  
19 through and so we're going to keep going along here. I mean,  
20 I've had a chocolate Danish, so I'm good. All right,  
21 Mr. Moy, you can call our next one.

22 MR. MOY: All right. So this case is application  
23 number 20747 of Michael P. Stavrianos, S-T-A-Y, S-T-A-V, I  
24 think. Wait a minute, S-T-A-V-R-I-A-N-O-N and Zova, Z-O-V-A,  
25 Gleizer, G-L-E-I-Z-E-R. And this is a self-certified

1 application for a special exception, pursuant to Subtitle D  
2 of Section 5201 and Subtitle X Section 901.2.

3 This is for, this is from the lot occupancy  
4 requirement, Subtitle D Section 404.1 and the rear yard  
5 requirement, Subtitle D Section 406.1, property located in  
6 the R-6 zone at 3212 Garfield Street Northwest Square 2120  
7 Lot 15.

8 CHAIRPERSON HILL: All right great. Mr. Sullivan,  
9 could you introduce yourself for the record, please?

10 MR. SULLIVAN: Yes, thank you. Mr. Chair and  
11 members of the Board, Marty Sullivan with Sullivan & Barrows  
12 on behalf of the applicant.

13 CHAIRPERSON HILL: Great, thank you.  
14 Mr. Sullivan, I see your slide deck. I'm going to ask you  
15 if you would just to kind of go through again the project and  
16 how you believe your client is meeting the criteria for us  
17 to grant the relief requested.

18 But if you could just kind of high level go over  
19 the drawings and focus primarily on the regulations. I mean,  
20 I think it's a very interesting project. We've all taken a  
21 look at the case but there's some things you're trying to get  
22 through, and you've got 29 slides.

23 So I'm going to go ahead and give you 15 minutes,  
24 as you know, and Mr. Young, if you could pull up the  
25 applicants PowerPoint, which I believe is in number 27. And

1 then Mr. Sullivan, you can begin whenever you'd like.

2 MR. SULLIVAN: Thank you, Mr. Chair. And I did  
3 notice that this morning as I was looking over the case again  
4 that we've got too many slides. I decided to keep it as it  
5 is but I have a list of the number of slides, the minimum  
6 that we need to get through, I think, to show this.

7 So if we could go to the next slide, please and  
8 I'll give a quick description. This is R-6, it's just a one  
9 story addition, and asking for rear yard relief. And to go  
10 from 21 feet eight inches to 11 feet 11 inches and lot  
11 occupancy relief to go from 30 to 31.8.

12 Next slide, please. We have OP support, ANC 3  
13 support. Next slide, please. I will show you, we have  
14 letters of support from those two neighbors. If we can go  
15 to Slide 8, please.

16 CHAIRPERSON HILL: Mr. Sullivan, I'm going --

17 MR. SULLIVAN: Yes?

18 CHAIRPERSON HILL: -- to have to just check, what  
19 happened to the neighbor that you don't have anything from?

20 MR. SULLIVAN: I can't remember what that was.  
21 They may have been out of town, or they talked to them and  
22 they, but they just didn't write the letter. But they're  
23 not objecting, we know that.

24 CHAIRPERSON HILL: Okay. All right, thank you.

25 MR. SULLIVAN: So slide 8 is a site plan. You can

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1 see it in the back there is where that is, Slide 9. Some  
2 photos, you see the area in the back on the bottom right  
3 slide.

4 It's to the right where those, where that stairs  
5 and landing are is where it's going. If we could go to Slide  
6 22, please. And also, the architect is here with us if you  
7 have any questions for the architect.

8 Slide 22 is a rear elevation. It's just the  
9 windowed edition there. Slide 23, the next slide, is a side  
10 elevation. And next, Slide 24 is an existing rendering and  
11 25 will show you what we're proposing.

12 So then if we go to the next slide, please. Or  
13 next slide. The project, the proposal meets the general  
14 requirements. It's in harmony with the purpose and intent  
15 of the zoning regs.

16 Two minor areas of relief, just asking for 31.8  
17 percent lot occupancy and the rear yard from 21 to 11 feet,  
18 it's just one story. And it's not particularly close to any  
19 neighboring structure. Next slide, please.

20 And for those reasons as well, it meets the  
21 specific requirements, the light and air. Of course it  
22 doesn't affect anybody in privacy. It's no different than  
23 a patio outside in the back as far as privacy goes.

24 And it can't be seen. There's no rear alley and  
25 it can't be seen from the front. So it meets the third

1 requirement as well. And I believe that's it. If the Board  
2 has any questions for myself or for Mr. Lyon, the architect.  
3 Thank you.

4 CHAIRPERSON HILL: Thank you, Mr. Sullivan. I  
5 have one question because I was just curious. What drove the  
6 program? So you were 31 point, like 1.8 percent over a lot  
7 occupancy?

8 MR. SULLIVAN: Yes. Chris, do you want to?

9 MR. LYON: Yes. Good afternoon, everyone. Chris  
10 Lyon, the architect here. Essentially, what drove the  
11 program was the client's desire for a sunroom to get some  
12 more light into the space. And really, that, there's a  
13 really great area in the back of the house where they enjoy  
14 having breakfast and coffee.

15 So they're very interested in expanding that space  
16 and basically, the size of the room is sized around the  
17 standard table. So and basically by the nature of any sort  
18 of addition would increase us over the 30 percent threshold  
19 and the rear setback.

20 CHAIRPERSON HILL: Okay. All right, thanks. Does  
21 anyone have a question? Yes, Mr. Blake?

22 MEMBER BLAKE: I have a question, sir. The back  
23 of the building abuts a empty lot as I understand it, is that  
24 right?

25 MR. LYON: Correct.

1 MEMBER BLAKE: Okay, how big is that? Is that a  
2 very large expansive thing or is it pretty big isn't it?

3 MR. LYON: It is, yes. The, so the lot behind us  
4 is not a, it's not a conventional block. So we're actually,  
5 if you see, I think it's the fourth slide, the, that is a  
6 vacant lot.

7 There are future plans for some sort of residents  
8 in the future but regardless there are, it does not face  
9 directly the back of the property. It's, we're essentially  
10 overlooking their backyard and then down the hill.

11 MEMBER BLAKE: Okay, thank you.

12 CHAIRPERSON HILL: Anyone else?

13 COMMISSIONER IMAMURA: Sure. Yes, just a general  
14 comment Mr. Lyons. It's a nice addition. Mr. Sullivan, I  
15 appreciate the slide deck to illustrate the four existing  
16 conditions.

17 MR. LYON: Thank you.

18 CHAIRPERSON HILL: Thank you, Dr. Imamura. Anyone  
19 else? All right, can I turn to the Office of Planning,  
20 please?

21 MR. MORDFIN: Hi, good afternoon. I'm Steven  
22 Mordfin with the Office of Planning, and I'll be presenting  
23 this case in place of Karen Thomas. And the Office of  
24 Planning is in support of this application and recommends  
25 approval and stands on the record and I'm available for any

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1 questions. Thank you.

2 CHAIRPERSON HILL: Great, thank you. Does anyone  
3 have any questions for the Office of Planning? All right.  
4 Mr. Young, is anyone here wishing to speak? All right,  
5 Mr. Sullivan, do you have anything you'd like to add at the  
6 end?

7 MR. SULLIVAN: No, thank you.

8 CHAIRPERSON HILL: Okay. Then I close the hearing  
9 and the record. Please excuse everyone, Mr. Young. Okay,  
10 I thought this was pretty straightforward. I didn't have any  
11 issues with it.

12 I would agree with the analysis the Office of  
13 Planning has provided. Also, I'm happy to see that the  
14 neighbors have all been notified. It would have been nice,  
15 and I don't think I asked about the ANC.

16 Yes, sorry. Here we go. It came in later. Okay,  
17 so the ANC is in favor. That's nice to see. Okay, and I  
18 didn't have any questions or concerns. I'm going to be  
19 voting in favor. Mr. Smith, do anything you'd like to add?

20 MEMBER SMITH: According to your analysis I'm  
21 going to support the applicant.

22 CHAIRPERSON HILL: Thank you. Dr. Imamura?

23 COMMISSIONER IMAMURA: Nothing to add,  
24 Mr. Chairman.

25 CHAIRPERSON HILL: Mr. Blake?

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1 MEMBER BLAKE: Applicant meets the conditions to  
2 be granted relief. I think the ample lot size results that  
3 there'll be no adverse impact on the neighboring properties.  
4 And it also should not preclude the development of the  
5 budding site. So I think I'm fully in favor of this and I'd  
6 be voting in favor.

7 CHAIRPERSON HILL: Thank you. I'm going to make  
8 a motion to approve application number 20747 as captioned and  
9 read by the secretary and ask for a second, Mr. Blake.

10 MEMBER BLAKE: Second.

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

13 MR. MOY: When I call your name, if you'll please  
14 respond with a yes, no or abstain to the motion made by  
15 Chairman Hill to approve the application for the relief  
16 that's been requested. The motion to approve was seconded  
17 by Mr. Blake.

18 Zoning Commissioner Dr. Imamura?

19 COMMISSIONER IMAMURA: Yes.

20 MR. MOY: Mr. Smith?

21 MEMBER SMITH: Yes.

22 MR. MOY: Mr. Blake? Chairman Hill?

23 CHAIRPERSON HILL: Yes.

24 MR. MOY: We have a Board member not present.  
25 Staff will record the vote as four to zero to one and this

1 is on the motion made by Chairman Hill to approve. The  
2 motion to approve was seconded by Mr. Blake. Also in support  
3 the motion to approve, Dr. Imamura, Mr. Smith, and of course  
4 Mr. Blake and Chairman Hill. The motion carries on a vote  
5 of four to zero to one.

6 CHAIRPERSON HILL: Thank you, Mr. Moy. Mr. Moy,  
7 you can call our last one when you get a chance.

8 MR. MOY: This would be --

9 CHAIRPERSON HILL: Okay.

10 MR. MOY: -- just checking. This would be case  
11 application number 20734, 1009 Bryant NE D.C., LLC. This is  
12 a self certified amended application for a special exception  
13 under Subtitle U of Section 421 pursuant to Subtitle X  
14 Section 901.2 for a new residential development.

15 Let's see, let's see, let's see. Okay. The  
16 property is located in the RA-1 zone at 1009 Bryant Street  
17 Northeast Square 3869 Lot 29. And that's it for me, Mr.  
18 Chairman.

19 CHAIRPERSON HILL: Great. Thank you, Mr. Moy.  
20 Let's see, who's with us today. Mr. Sullivan, are you there?

21 MR. SULLIVAN: Yes, Mr. Chair, I'm here. Marty  
22 Sullivan with Sullivan & Barrows on behalf of the applicant.

23 CHAIRPERSON HILL: Okay, great. Mr. Sullivan, I  
24 am going to let you go ahead and walk us through your  
25 client's application and again, why you believe they're

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1 meeting the criteria for us to grant the relief requested.  
2 I'm not going to put a whole lot of time restraints on you,  
3 just kind of let you go ahead and walk us through this. And  
4 I'll let you begin whenever you'd like.

5 MR. SULLIVAN: Thank you, Mr. Chair. If I could  
6 have the PowerPoint, please, Mr. Young. So this is an RA-1  
7 U 421 application. Next slide, please. The property is in  
8 RA-1.

9 This property is located, and Mr. Crain will go  
10 into more detail on the location that's located adjacent to  
11 other properties which have been converted to multifamily on  
12 Bryant Street between this property and Rhode Island Avenue.

13 Next slide, please. And I'll turn it over to, we  
14 do have the support of the Office of Planning. DDOT has no  
15 objection. Regarding the ANC, they have voted to not submit  
16 a letter of support.

17 And I don't know if they'll be here or not to  
18 explain that in more detail. And I'll turn it over to Mr.  
19 Crain to take you through the project. Next slide please.  
20 Thank you.

21 MR. CRAIN: My name is Adam Crain with 2Plys  
22 Architecture for the record. Some of the photos we're  
23 looking at here are some precedents of previous projects in  
24 the block surrounding 1007, 1005 Bryant Street directly  
25 adjacent to 1009, which is the subject property. Next slide

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1 please.

2                   There should be some renderings of some previously  
3 approved projects along the same block for the same relief  
4 in the RA-1 zone. Next slide, please. And these just are  
5 3D views of the proposed project at 1009 Bryant. Again, 10  
6 units as Marty mentioned, in some previous projects on Rhode  
7 Island, which I think is on the other side of this block.

8                   In working with the ANC, we were kind of guided  
9 by their request to give it a more of a single family  
10 appearance rather than a modern blocky building as I  
11 mentioned.

12                  So we have some porch roofs here, some gables with  
13 I guess the squares or blocked mass pushed towards the back,  
14 a little out of view from the streets. So that's how this  
15 forum came about.

16                  And on previous projects, this was positively  
17 received by the ANC. Next slide, please. Some other  
18 renderings from the street in the rear view showing stack  
19 index for units. Next slide.

20                  Site plan overview. Four parking spaces at the  
21 rear. We have the main side entry showing that hatched  
22 entrance on the planned south. A bay window proposed in  
23 public space. You can see some terraces on the side as well.  
24 Next slide.

25                  Unit overviews. 10 units, a small penthouse

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1 access base on the top for an ancillary space. Mix of  
2 bedroom counts, some twos, mostly threes. A bike room down  
3 at the cellar level. Next slide.

4 Just some elevations kind of touching on what I  
5 previously mentioned about providing a porch roof and gables  
6 for a single family appearance in the street. The side  
7 elevation, you'll see the main entry point to keep traffic  
8 out of that of that front and a bit of a protected space for  
9 the entry on the side with ADA ramp. Next slide.

10 There's some rear view and the other side view  
11 elevation showing some of the cellar level egresses. Next  
12 slide. Just a second drawing, three levels over cellar with  
13 a small penthouse for rooftop access.

14 Right after this, if you want to continue with a  
15 sewer zoning analysis, we are providing an IZU unit which is  
16 unit five, which will be at the front of the first floor.  
17 You can see that label there with the bay window. And I'll  
18 turn it back over to Marty with the next slide.

19 MR. SULLIVAN: Thank you. The property is used  
20 harmony with the general purpose and intent of the zoning  
21 regulations and zoning maps and will not tend to affect  
22 adversely the use of neighboring property.

23 This, or the RA-1 zone provides for areas  
24 predominated developed with low to moderate density  
25 development, including multifamily residential buildings.

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1 As the Board knows, we have done quite a few projects around  
2 this neighborhood, this block and on Rhode Island around the  
3 corner as well.

4                   And as Adam mentioned, the design is meant to give  
5 a nod to the current single family community around there as  
6 well in design, which is somewhat different than the other  
7 projects.

8                   Most of the other projects have been approved  
9 around here, and there were some positive comments about that  
10 at the ANC meeting, I would add. Providing two full side  
11 yards, where only one is required and also providing four  
12 parking spaces, which is three more than the requirement as  
13 well. Next slide, please.

14                   The specific requirements relate to schools and  
15 public streets, recreation, and referral to the Office of  
16 Planning. And I would defer to the Office of Planning report  
17 on all of these items because they go into great detail on  
18 these particular items.

19                   Next slide, please. And next slide, please. And  
20 I believe that's it for our presentation. So if the Board  
21 has any questions for me or for Mr. Crain, thank you.

22                   CHAIRPERSON HILL: Yes, Mr. Sullivan, I mean,  
23 Mr. Young, the ANC commissioner is not here, are they?

24                   ANC COMMISSIONER OLIVER: Yes, I'm here.

25                   CHAIRPERSON HILL: Could you introduce yourself

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1 for the record, please?

2 ANC COMMISSIONER OLIVER: Hello. Can you, can you  
3 hear me and see me?

4 CHAIRPERSON HILL: I can hear you. I can't see  
5 you.

6 ANC COMMISSIONER OLIVER: Can you, wait a minute.

7 CHAIRPERSON HILL: I can hear you really well.  
8 There you go.

9 ANC COMMISSIONER OLIVER: Can you see me now?

10 CHAIRPERSON HILL: Yes. Hi, Commissioner.

11 ANC COMMISSIONER OLIVER: Hello, how are you?

12 CHAIRPERSON HILL: Good.

13 ANC COMMISSIONER OLIVER: I'm Darlene Oliver. I'm  
14 the ANC commissioner in 5C05. Good afternoon, Good morning.  
15 What time is it? Good afternoon.

16 CHAIRPERSON HILL: Good afternoon. Good  
17 afternoon, Commissioner Oliver. Welcome back.

18 ANC COMMISSIONER OLIVER: Thank you. Okay. All  
19 right, before I get to you, Commissioner Oliver, does the  
20 Board have any questions for the applicant? Sure, go ahead  
21 first Dr. Imamura.

22 COMMISSIONER IMAMURA: Mr. Sullivan, I noticed  
23 that three bike stations. Is one of them a bike charging  
24 station to bring --

25 MR. CRAIN: I'm sorry, was the question? You cut

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1 out a little bit.

2                   COMMISSIONER IMAMURA: Sorry. From the bikes,  
3 bike Storage, do you have at least one eBike charging  
4 station?

5                   MR. CRAIN: We don't. That's probably the  
6 simplest. I actually have an eBike myself. It's pretty  
7 simple, no special, we could provide an outlet there. We  
8 show a bike room, but I don't think they require that an  
9 eBike is included but we are happy to provide the outlet for  
10 charging.

11                  COMMISSIONER IMAMURA: That'd be great. That's  
12 all I have, Mr. Chairman.

13                  MR. CRAIN: That's a good idea.

14                  CHAIRPERSON HILL: Mr. Blake?

15                  MEMBER BLAKE: A little bit more elaboration on  
16 the IZ unit. What's the, again, the I know it's on the first  
17 floor of unit five. Could you give me the square footage of  
18 that unit and the dimensions of the two bedroom? I just, I  
19 don't call.

20                  MR. CRAIN: Sure, give me one second. I'm just  
21 going to do a quick overlay for that unit. Yes, on the Unit  
22 five, second floor.

23                  MR. SULLIVAN: Is it 1836, Adam? I'm looking on  
24 Slide 13.

25                  MR. CRAIN: No, I don't think so. Sorry, I'm just

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1 overlaying. I think I'm coming up with 796. That's for Unit  
2 Five.

3 MEMBER BLAKE: And what is it at for the  
4 configuration?

5 MR. CRAIN: We've got three bedrooms there. But  
6 I think what I'm looking at might not be scaled, so I'm  
7 trying to pull up a separate plan.

8 MEMBER BLAKE: Okay, well, I don't want to delay  
9 it or we, I guess if you could come back to me with that when  
10 you have a chance, I appreciate. I'm just trying to get a  
11 sense the density relative that that's added by the IZ unit  
12 and other units beyond that side, thank you.

13 MR. CRAIN: We have, that one has got a three  
14 bedroom, one bath. So it's, I'd say as far as the bedroom's  
15 nice. It's one of the ones that has the most, so it's  
16 comparable but I'll chime in with the size here in a second.

17 MEMBER BLAKE: Thank you.

18 MR. CRAIN: Okay.

19 CHAIRPERSON HILL: Okay. All right, anyone else  
20 for the applicant while the architect does the square footage  
21 before I turn to the ANC commissioners? Commissioner  
22 Montague, can you hear me?

23 ANC COMMISSIONER OLIVER: Commissioner Montague  
24 is not here.

25 CHAIRPERSON HILL: I see him.

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1 MEMBER BLAKE: Yes, he is.

2 ANC COMMISSIONER OLIVER: Hi, how are you? Thank  
3 you.

4 CHAIRPERSON HILL: If you could introduce yourself  
5 for the record, Commissioner?

6 ANC COMMISSIONER MONTAGUE: Yes, Jeremiah Matthew,  
7 Jr. Commissioner for ANC 5-C.

8 CHAIRPERSON HILL: Okay. Can we, and Commissioner  
9 Montague and Commissioner Oliver, are you both in the same  
10 ANC? I guess I forget sometimes. Sorry.

11 ANC COMMISSIONER MONTAGUE: Different single  
12 member districts, same ANC.

13 CHAIRPERSON HILL: Okay, who would like to  
14 present?

15 ANC COMMISSIONER MONTAGUE: Commissioner Oliver  
16 can speak, and I will supplement? I have some --

17 CHAIRPERSON HILL: Okay.

18 ANC COMMISSIONER MONTAGUE: -- I have some  
19 questions for the Office of Planning and DDOT.

20 CHAIRPERSON HILL: Okay, we won't have DDOT  
21 Commissioner Montague but we will have the Office of  
22 Planning.

23 ANC COMMISSIONER MONTAGUE: All right, thank you.

24 CHAIRPERSON HILL: Commissioner Oliver, would you  
25 like to give us your testimony, please?

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1                   ANC COMMISSIONER OLIVER: Yes, sir. I have two  
2 letters that I wanted to, also wanted to read from two  
3 residents who live right on that street. I'll read that, let  
4 me repeat those letters first. And hold on one second.  
5 Okay.

6                   Okay, my name is Raymond Chandler, and I am one  
7 of the, one of the block captains for 10th and Bryant Street  
8 and I am emailing this letter of opposition to be placed in  
9 the records.

10                  I have sent numerous emails to Mr. Frank Nicol,  
11 the representative of 1009 Bryant Street project, in trying  
12 to set up a community meeting with Commissioner Oliver and  
13 impacted residents.

14                  Finally, he responded and agreed to meet with us  
15 on Zoom on the, on June 2nd. During this meeting, he  
16 allowed, we allowed his team to present their project and  
17 afterwards we voiced our concerns, they were just stated  
18 below.

19                  And we were told in no way was he willing to move  
20 his BZA hearing or flush out our concerns after just one  
21 meeting. We were asking to have more time just to find a  
22 middle ground. We asked him to reduce the number of units  
23 from ten to eight.

24                  The health concern about the -- during the  
25 construction we asked that he be put a cotton or a cloth

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1 shield around the project because one of the residents has  
2 a major problem with asthma.

3 Starting times during the constructions were not  
4 clear. Room abatement before, during and after construction  
5 was not clear. Parking concerns, he doesn't have enough  
6 parking spaces.

7 Staging, making sure that everything is kept on  
8 property not blocking the alley or parking spaces. If you  
9 look to the rear of the building, the rear of the building  
10 is right up against the alley.

11 So I had, we just could not understand how or  
12 where they're going to stage, be staging. The other lady is  
13 the other, sorry. The other letter is from Miranda Cohen,  
14 hold on one second.

15 Hold on, I'm trying to pull it up. Okay, I am  
16 emailing regarding the upcoming BZA hearing for case number  
17 20734 regarding 1009 Bryant Street. I live right next door  
18 to this address at 1007 which faces 1009.

19 My husband and I are unable to attend the meeting  
20 due to work commitments. I attended the, this is the meeting  
21 that she did attend. I attended a neighborhood meeting  
22 tonight with the developer, Frank Nicol as well as the ANC  
23 commissioner and many of my neighbors.

24 I have a variety concerns. Mr. Nicol did not  
25 sufficiently address cutting down a large tree at the back

1 of the existing home house, which currently shields the  
2 neighborhood from the Home Depot.

3 Increase in rats in construction, the need for  
4 sufficient rat abatement during the construction process.  
5 Our building that would be one floor higher, four-stories,  
6 than the fourth story in including a roof deck than the one  
7 I currently live in which is three stories which will  
8 significantly reduce our privacy.

9 There's also concerns about the roof deck. All  
10 of the residents will have access to the roof deck so that,  
11 you know, will they be partying on it all night? Reduction  
12 and street parking which we currently use, given the proposed  
13 building will contain tenant use, but only four parking  
14 spaces.

15 A building with eight units and only three stories  
16 would be more appropriate. In addition to the above  
17 concerns, I was troubled by the attitude of Mr. Nichol. He  
18 was aloof, uncaring and in the face of concerns for many of  
19 my neighbors who are longtime residents in a way that is  
20 deeply disrespectful in my opinion.

21 He was unwilling to compromise or even to  
22 acknowledge the perspective of longtime residents. He flat  
23 out refused to consider delaying the BZA hearing until  
24 August, a concession that would have allowed current  
25 residents to meet with him again and work toward concrete

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1 solutions.

2 We do not support Mr. Nichol's, Mr. Nichol's  
3 concerns here with his project. That was from Ms. Miranda  
4 Cohen. Now, the ANC did not give their support for this  
5 project because of all of the problems that, or issues that  
6 the residents are having with this project, mainly staging.

7 We ask that all of the staging be done only on the  
8 premises and that with the shape of this building and the  
9 length of this building, that almost seems impossible. Thank  
10 you.

11 CHAIRPERSON HILL: Okay. Thanks, Commissioner.  
12 Commissioner Montague, can you hear me?

13 ANC COMMISSIONER MONTAGUE: Yes, sir.

14 CHAIRPERSON HILL: Did you take the oath or did  
15 you click off the box for the oath do you know?

16 ANC COMMISSIONER MONTAGUE: I did it at the last  
17 reading when we extended to this meeting for this day. So  
18 we could --

19 CHAIRPERSON HILL: Today?

20 ANC COMMISSIONER MONTAGUE: -- do it again.

21 CHAIRPERSON HILL: I don't know. Mr. Moy, can you  
22 tell me?

23 MR. MOY: We've done for each chair. Each  
24 Commissioner.

25 CHAIRPERSON HILL: Okay, go ahead. Mr. Moy, if

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1 you can administer the oath to Commissioner Montague, please.

2 MR. MOY: Commissioner, do you solemnly swear or  
3 affirm that the testimony you are about to present in this  
4 proceeding is the truth, is the truth, the whole truth and  
5 nothing but the truth?

6 ANC COMMISSIONER MONTAGUE: I do.

7 MR. MOY: Thank you, sir.

8 ANC COMMISSIONER MONTAGUE: Thank you.

9 MR. MOY: All right, commissioner, would you like  
10 to give us your testimony?

11 ANC COMMISSIONER MONTAGUE: Yes, mine is  
12 relatively short. It has to do one with the ANC. The ANC,  
13 the full commission when it met, it heard the presentation  
14 by Mr. Sullivan.

15 The Commissioners decided that they didn't want  
16 to offer our letter of support for the project, given the  
17 issues as mentioned by Commissioner Oliver. But also, two  
18 Commissioners did offer support as a result of the revision  
19 in the plans to make the building look a little bit more like  
20 it belonged there.

21 And so, that was, that was appreciated by these  
22 two Commissioners. But I, you know, one of the things that  
23 I wanted to mention and, you know, I try to be up these  
24 zoning and Board zoning adjustment things is that there was,  
25 and earlier today, since I've sat through all of the cases

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1 today, the issue was raised again about character, scale and  
2 pattern.

3 Now, this particular area is being decimated by  
4 developers or investors coming in and tearing down the single  
5 family units and building multifamily units, okay? I'm  
6 trying to, most of you all who have dealt with me before know  
7 how I refer to them but I won't do that today.

8 But the concerns are, and one of the things that  
9 was resolved, at least during the presentation before the  
10 full commission was that access to the roof deck is limited  
11 to the single unit at the top of the building.

12 All of the residents in that building do not, or  
13 not to have access to the penthouse. And in addition, the  
14 number of parking spaces, as mentioned by Commissioner Oliver  
15 and those who objected to the letter of support was that the  
16 applicant is providing more spaces than is required, which  
17 I appreciate because we too often fall back on the narrow  
18 limits of, and boundaries of the regulations.

19 And so, developers and investors will come and  
20 say, I'm only required to provide one IZ. I'm only required  
21 to provide one parking space. I'm only required by three  
22 bicycle spaces.

23 So in that regard, that was an improvement that  
24 I think they're offering four parking spaces. The other  
25 thing was even though DDOT is not here, I think DDOT said

1 they waived their requirement for the front fencing. That  
2 was as being not necessary.

3                   But even though the advocate didn't specifically  
4 ask for debt relief, that is a relief that DDOT would have  
5 to consider. The other thing was, although we haven't heard  
6 the report from the Office of Planning, in their report, they  
7 made a reference to the schools nearby.

8                   And they incorrectly referenced Dunbar High  
9 School. And Dunbar High School is much farther away than  
10 McKinley Tech. So that is, that draws into question on how  
11 deeply, not to disparage the Office of Planning and their  
12 work.

13                   I'm concerned about the depth in which they look  
14 into the impacts of this project on the character, its scale,  
15 and the pattern, even as the pattern is adjusted, introducing  
16 this into that small area.

17                   CHAIRPERSON HILL: Okay. Thanks, Commissioner.

18                   ANC COMMISSIONER MONTAGUE: You're welcome.

19                   CHAIRPERSON HILL: All right. Does anybody have  
20 any questions for the commissioners, plural? And if so,  
21 raise your hands. Mr. Blake, did you raise your hand?

22                   MEMBER BLAKE: To be clear, the ANC is, has not  
23 written a letter of support. Should I, is that a, but it's  
24 not an opposition either or is it just you're, what do you,  
25 what are you saying?

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1                   ANC COMMISSIONER MONTAGUE: Commissioner Oliver,  
2 would you like to answer that question?

3                   ANC COMMISSIONER OLIVER: Okay. I'm sorry, I  
4 thought you were going to answer it. The, there were, at the  
5 vote, there were what, 3, 4?

6                   ANC COMMISSIONER MONTAGUE: Three.

7                   ANC COMMISSIONER OLIVER: Three who were in  
8 opposition, and two that were not. So that's how it, that's  
9 how the vote went.

10                  CHAIRPERSON HILL: But you didn't, you did, to  
11 clarify, you did submit, you took a vote and you're in  
12 opposition and you said, you didn't submit a, I have to look.  
13 I got confused by what was said earlier. Did you submit a  
14 letter in opposition or you just didn't take a stance?

15                  ANC COMMISSIONER MONTAGUE: No, we've filed a 129.

16                  MEMBER BLAKE: I'm just trying to clarify. You  
17 have not issued a letter in support so but I'm also asking,  
18 are you therefore saying you're submitting, you are in  
19 opposition or you're just not submitting a letter in support?

20                  ANC COMMISSIONER MONTAGUE: Okay. Now,  
21 Commissioner Oliver, can I answer that question?

22                  ANC COMMISSIONER OLIVER: You can go right ahead.

23                  ANC COMMISSIONER MONTAGUE: Okay. So during the  
24 vote, that was the hair splitter. The vote was not to offer  
25 a letter of support. The question was raised through you,

1 are you objecting to the project? That question was never  
2 answered. So as a stretch, the intent, I believe, was that  
3 not offering a letter of support was not, was an objection  
4 to the project.

5 MEMBER BLAKE: All right. Okay, thank you. And  
6 given that are, what specific issues would change that, or  
7 going to add additional support. And the vote was four, two  
8 with one absent not voting.

9 What would be the issue that would change that of  
10 the opinion? What is the major issue that moves the needle  
11 from not supporting to supporting? Is it the, is there any  
12 one thing or two things or everything? What's the, what  
13 changes the ANC's opinion?

14 ANC COMMISSIONER MONTAGUE: Commissioner Oliver?

15 ANC COMMISSIONER OLIVER: Thank you. The  
16 residents have asked that the building come down from ten  
17 units to eight units, so it blends in with the neighborhood.  
18 That's one.

19 The other issue -- hold on one second, is the  
20 penthouse. Because all of the residents will have access to  
21 the penthouse. So what does that entail? You know, that  
22 means all night partying if everybody can go up there. And  
23 the general impact on the community is going to be, you know,  
24 that community is hit hard by developers.

25 I think there are only, I think six or seven

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1 houses have already been demolished and turned into single  
2 family apartments or condos right now. So there is a big  
3 concern on that block. And it's a one way street so it's  
4 very narrow. So staging is a major issue.

5 MEMBER BLAKE: Have you guys worked with the  
6 applicant on a construction management agreement? Have you  
7 attempted to?

8 ANC COMMISSIONER OLIVER: No.

9 MEMBER BLAKE: Okay. All right, and okay, I just  
10 want to clarify that, Mr. Montague, you were talking about  
11 it's being used by the only one person or one unit resident,  
12 or is this being used by everyone? And would -

13 ANC COMMISSIONER MONTAGUE: The, in the  
14 presentation, what was said to us because the question was  
15 raised is that the only unit at the top, a single unit would  
16 have had access to that deck. No other residents in that  
17 building would have that access.

18 MEMBER BLAKE: So that issue has been addressed  
19 satisfactory already?

20 ANC COMMISSIONER MONTAGUE: In my mind it was.

21 MEMBER BLAKE: Okay, thank you. All right, thank  
22 you. That's all I have for now.

23 CHAIRPERSON HILL: Sure, Mr. Smith?

24 MEMBER SMITH: It's about this question about  
25 reducing the rooms to eight. What was the reason again for

1 that request? You're saying that it matched the  
2 neighborhood, but the ones in the neighborhood was  
3 predominant single family. So what, where's the eight coming  
4 from?

5 ANC COMMISSIONER OLIVER: The other units that are  
6 across the street and around that development are generally  
7 eight units.

8 MEMBER SMITH: Okay.

9 ANC COMMISSIONER OLIVER: So that's, that's what  
10 they wanted to make it consistent with the, what's already  
11 going on in the neighborhood.

12 MEMBER SMITH: Okay. That it is to address what  
13 type of an event?

14 ANC COMMISSIONER OLIVER: Okay, I'm sorry, I did  
15 not hear you. I didn't understand what you asked.

16 MEMBER SMITH: Reducing it from ten to eight is  
17 to address what impact? So I understand that the adjacent  
18 properties are eight, but they can in theory hold more than  
19 that. What impact is the unit attempting to address by  
20 reducing the number of units?

21 ANC COMMISSIONER OLIVER: Well, as Ms. Cohen said  
22 in her letter, that having a ten unit next door to her  
23 reduces her privacy and on, so that is her major issue. It's  
24 a privacy issue and having the roof also was a privacy issue.

25 MEMBER SMITH: But the privacy issues have been

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1 addressed. They have the upper floors and mansard. If the  
2 roof access is only able to be assessed by the rooftop men,  
3 so was her concern that the neighbor by that change in --

4 ANC COMMISSIONER OLIVER: Faded out.

5 MEMBER SMITH: I'm sorry?

6 ANC COMMISSIONER OLIVER: I'm sorry, I lost you.  
7 You faded out.

8 MEMBER SMITH: Okay, so you were referencing a  
9 letter from the neighbor and she was, she stated that she was  
10 more comfortable with eight because of privacy concerns. And  
11 some of those privacy concerns based on what you said was  
12 that the residents of the potential ten units would access  
13 the rooftop.

14 ANC COMMISSIONER OLIVER: Yes.

15 MEMBER SMITH: Has that concern been allayed now  
16 being that the applicant has stated that the only people that  
17 can access rooftop is the upper unit?

18 ANC COMMISSIONER OLIVER: Okay, that's been, I  
19 guess that's been addressed.

20 MEMBER SMITH: Okay. Thank you. That was the  
21 only question.

22 ANC COMMISSIONER MONTAGUE: Mr. Smith. Hopefully,  
23 I'm not speaking out of turn.

24 MEMBER SMITH: Sure. Sure, go ahead.

25 ANC COMMISSIONER MONTAGUE: I think the larger

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1 concern is that given the mayoral policy of trying to  
2 introduce so much new housing, build a housing stock in the  
3 city, I think some people have just taken that as license to  
4 go in and cram in as much as they can in whatever space is  
5 available.

6 I don't know if that's something that we learn as  
7 little boys and girls, you know, we've just got to, if it's  
8 an open space, we have to build, build, build. But because  
9 this particular community or this area of our ANC is being  
10 severely subjected to these multiple projects going on at the  
11 same time, this is just one.

12 And the loss of that single family residential  
13 field versus multifamily residential flat, residential  
14 apartment, whatever, an RA. I think that that's what  
15 concerns many of the community members who are immediately  
16 affected.

17 MEMBER SMITH: Well, a lot of the members of this  
18 community have lived there for 30 or 40 years. And right  
19 now, I believe there are two projects going on at the same  
20 time, that greatly affect their living situation. The  
21 parking situation, dust, dirt, rats. So is a major concern  
22 in that, and it's just one street, one one-way street.

23 MEMBER SMITH: Okay, okay. Thank you, that was  
24 helpful.

25 CHAIRPERSON HILL: Thank you, Mr. Smith. Anyone

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1 else? Mr. Sullivan, have you got any questions for the  
2 commissioners? All right, I'm going to turn the Office of  
3 Planning.

4 MS. MYERS: Crystal Myers with the Office of  
5 Planning. We are in support of this application. I know that  
6 there's a question about the schools, and our references to  
7 schools in this report. The Office of Planning reviews the  
8 schools according to the in boundary schools for the area.

9 And according to our records, the high school for  
10 this area of the in boundary school is Dunbar High School  
11 So that is why we refer to it in the report. So with that,  
12 we can stay on the record for the staff report and, of  
13 course, we're here for questions.

14 CHAIRPERSON HILL: Thank you. Does my Board have  
15 any questions for the Office of Planning? Mr. Sullivan, do  
16 you have any questions for the Office of Planning?  
17 Commissioner Oliver, do you have any questions for the Office  
18 of Planning?

19 ANC COMMISSIONER OLIVER: No, I don't. Thank you.

20 CHAIRPERSON HILL: Commissioner Montague, do you  
21 have any questions for the Office of Planning?

22 ANC COMMISSIONER MONTAGUE: Just one. And I know  
23 that we all want to get this over and done with because it's  
24 been a long day. Ms. Meyers, when you, I know there's a  
25 tendency for agencies to look at things in the constraints

1 of the regulations that's before them.

2 You know, I take this box, I put it on this land,  
3 what is the farm? What is what, you know, what are the  
4 setbacks? Does it meet all of that other car? But, again,  
5 going back to, I don't, I don't think of your report gives  
6 proper consideration to character scales and pattern.

7 I could be wrong, okay? I'm just simply saying  
8 from my point from what I read, that is a, particularly  
9 you're going to find this more and more and more as you move  
10 outside of the core of the city, and you move into the old  
11 County.

12 So I'm just, I'm pleading with you. And I don't  
13 do this very often, okay? Please, in your future reports and  
14 your analysis, go, even if you have to run up to the edge of  
15 the regulation, consider the things that I say, the character  
16 with the scale and the pattern of the neighborhood as if you  
17 were uptown, okay?

18 Or because we actually talked about a pre, in a  
19 previous project, the new park, the new building looked in  
20 reflected the building beside it. So it made the building  
21 look complete -

22 CHAIRPERSON HILL: Commissioner?

23 ANC COMMISSIONER MONTAGUE: Sorry, sorry.

24 CHAIRPERSON HILL: I was just trying to figure  
25 out, is there a question in there or you're just trying to

1 ask the Office of Planning something?

2 ANC COMMISSIONER MONTAGUE: I think I'm just  
3 asking.

4 CHAIRPERSON HILL: You're asking them to consider  
5 more the character and scale?

6 ANC COMMISSIONER MONTAGUE: Or thoroughness.

7 CHAIRPERSON HILL: Okay. All right, I mean, I  
8 don't know if it's a question if it's like the answer to  
9 that, Ms. Myers or not?

10 MS. MYERS: Well, I do want to respond. You know,  
11 I hear the Commissioner. I just want to point out that in  
12 our report, we note that our design division provided some  
13 recommendations to the applicant that were incorporated into  
14 the project in order to be a little bit, to consider the  
15 neighborhood character.

16 And I thought you had noted that you appreciated  
17 some of the design changes. But one of them was that we were  
18 concerned about the front porch area. And I know that we  
19 were concerned about adding columns to make it look more of  
20 a front porch area.

21 And we also had recommended balconies. And  
22 another thing I'll just point out too is that the building  
23 is permitted to build according to the zoning record, what's  
24 permitted in the zoning.

25 So in this case, there's no, there's no relief

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1 from the standards, their height, the FAR, etc. All is  
2 within what is allowed in this zone. But we did, we did  
3 provide some recommendations for design considerations  
4 because we were looking at the character of the neighborhood.  
5 And I'll leave it at that.

6 MEMBER SMITH: Can I?

7 CHAIRPERSON HILL: Mr. Smith? Go ahead,  
8 Mr. Smith.

9 MEMBER SMITH: Just to, you know, respond to the  
10 way you're going with that. You know, I think, you know, some  
11 of the questions that was raised by the ANC seems to be a  
12 major concern within the neighborhood development about  
13 density.

14 Could you speak to what the zoning regulations had  
15 in the RA-1, is it RA-1? Yes, the RA-1 zone as far as the  
16 number of units that would be permitted when they try to  
17 zone.

18 MS. MYERS: Well, the number of units not  
19 necessarily constrains it. It's more the FAR and what you  
20 can do within that. So in this case, it's 0.9 FAR Max, but  
21 it can go up to 1.08 when you do IZ units. And in this case,  
22 they are providing an inclusionary zoning unit. So that  
23 allows them to go beyond the 0.9 FAR. But they are within  
24 what is allowed for an IZ unit for an FAR in this zone.

25 MEMBER SMITH: Thank you for that.

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1 CHAIRPERSON HILL: Okay, anywhere else for the  
2 Office of Planning? All right, Mr. Young, is there anyone  
3 here wishing to speak? Okay. Mr. Sullivan, so you guys, and  
4 so again, I was so confused. So the upper roof deck, it's  
5 only accessed by the one unit?

6 MR. SULLIVAN: I'll defer to Mr. Crain on that.  
7 I think so.

8 CHAIRPERSON HILL: Sure. Mr. Crain?

9 MR. CRAIN: Yes, it's a private, it's a private  
10 unit roof deck only. Also, just I would note, if it were to  
11 be a community roof deck accessed by all of the units, COVID  
12 requires to have a second stair. So it couldn't be used by  
13 code as is anyway, so it's only for that upper unit.

14 CHAIRPERSON HILL: Okay. And then, okay. All  
15 right, does anyone have anything else for anybody?

16 MEMBER BLAKE: Can I get some information on the  
17 square footage for me?

18 MR. CRAIN: 805.

19 MEMBER BLAKE: Thank you.

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

22 MR. SULLIVAN: Yes, we understand the concerns of  
23 the ANC. I know a lot of them relate to high level issues  
24 of zoning and what's permitted there under the RA-1 zone.  
25 I'll point out that the density is lower than any other zone.

1           You could actually build a single family home in  
2 the R1-A zone bigger than this because it would be effective  
3 FAR of 1.2. So it is a pretty low density zone. It's only  
4 40 percent lot occupancy.

5           And now, the applicant will continue to work with  
6 the neighborhood, of course, on construction related  
7 concerns. DCRA provides for road and control, pretty strict  
8 road and control plans when you're doing construction. So  
9 all of that will be handled.

10          A lot of it, this came from our struggle in  
11 getting to have a meeting because we didn't get a response  
12 to many requests to have an SMD meeting and that led to the  
13 request to postponed to September, which was a three month  
14 delay and we just, the applicant just couldn't agree to that  
15 and that was very damaging. So that's why we tried to  
16 continue forward.

17          Regarding ten to eight, that would take away the  
18 IZ unit and it really wouldn't change much about the density,  
19 it would just change the configuration within. So that's  
20 all, that's all I have. Regarding character scale and  
21 pattern, it's not a specific requirement list but I  
22 understand it is the design and I think a lot of times with  
23 these projects, it is hard to do something more than just a  
24 box.

25          And that's why I think Mr. Crain has innovated

1 this design and I think it's, it does give a little something  
2 extra to these RA-1 projects, which are usually, you know,  
3 pretty consistently designed I'd say. All right, that's all  
4 I have. Thank you.

5 CHAIRPERSON HILL: Okay. And then again,  
6 Mr. Sullivan, as you just mentioned, I mean, you guys will  
7 continue to work with, the applicant will continue to work  
8 with the ANC and the neighbors concerning their issues on  
9 construction, times management, et cetera, correct?

10 MR. SULLIVAN: Yes, of course. Yes.

11 CHAIRPERSON HILL: Okay. All right. Okay, I'm  
12 going to go ahead and close the hearing and the record.  
13 Commissioners, thank you so much for your time, and we'll see  
14 you next time.

15 ANC COMMISSIONER OLIVER: Okay, thank you.

16 CHAIRPERSON HILL: Thanks, Commissioner Oliver.

17 ANC COMMISSIONER MONTAGUE: Thank you.

18 CHAIRPERSON HILL: Thanks, Mr. Montague.

19 ANC COMMISSIONER MONTAGUE: Thank you.

20 ANC COMMISSIONER OLIVER: See you at the next one.

21 CHAIRPERSON HILL: See you at the next one. Okay,  
22 I'm not particularly torn. I'm just kind of disappointed  
23 that the ANC is not on Board. I guess like, you know, I  
24 think the applicant has, I mean, like, let's take away the  
25 standards for a second.

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1           Like, you know, I think that they've worked with  
2 the, in terms of the scale and pattern, I mean, again,  
3 they've created something that, again, is better than or more  
4 than just a little box that they would actually try to put  
5 there.

6           I mean, the front I think does kind of work well  
7 with the neighborhood. I mean, I understand the concerns  
8 that the ANC has about more normal things that everyone would  
9 have concerns about in terms of like road and control, and  
10 construction management issues, which really kind of usually  
11 fall in the purview of DCRA.

12           And then also during permitting, and I think they  
13 do, meaning DCRA, a good job of making sure that road control  
14 is taken care of, storm, storm management is also taken care  
15 of as well as, you know, there are set times for construction  
16 issues.

17           I'm comforted by, I do believe that this, at least  
18 this, you know, attorney and this actually architect does  
19 come before us often. And so I'm sure they would not want  
20 their reputation to be tarnished in terms of how they're  
21 working with the community.

22           So I'm sure they will work with the community as  
23 best they can in terms of the construction management issues.  
24 In terms of going from 10 to eight units. I mean, I don't  
25 think that necessarily changes the density issue.

1           I mean, I think that, you know, they are able to  
2 do this type of density and I don't think that that's  
3 something that is necessarily changes any of the concerns of  
4 the neighborhood.

5           In terms of the overall standards with which we  
6 have to, you know, review this, I would agree, again, with  
7 the analysis that the Office of Planning has provided for how  
8 they're meeting the criteria for us to grant the relief  
9 requested.

10          And, yes, and I would leave some design  
11 flexibility open, again, for the eBike plug that the, that  
12 our colleague has mentioned. And that's something, actually,  
13 that is interesting in the future and moving forward it is  
14 interesting it's just a plug.

15          It's not like, you know, like for the cars. But  
16 so other than that, I don't really have a lot of comments on  
17 the application other than it is disappointing that the ANC  
18 was not fully on Board.

19          But I hope that the ANC does feel as though the  
20 applicant is working with them as the Office of Planning to  
21 try to get to some thing that they might be more comfortable  
22 with. With that, I'll turn it over to my colleagues.  
23 Mr. Smith?

24          MEMBER SMITH: I have the same concern that you  
25 have, Chairman Hill. It is disappointing that the ANC isn't

1 on Board, but I know and understand their concerns and it's  
2 concerning as we've heard from other ANC throughout the  
3 district that feel their neighborhood is being changed due  
4 to development pressures.

5                   And in this particular case, the development  
6 pressure being so close to the Rhode Island metro station,  
7 in essence. But nonetheless, the applicant by and large  
8 meets the development standards that, and the development  
9 standards are guardrails.

10                  We can't, we have to evaluate them based on if  
11 they meet these minimum standards. As far as some of the  
12 standard that was razed by the Civic Association, health  
13 concerns started when they built the construction learning  
14 abatement.

15                  Staging of materials, that is taken care of by  
16 DCRA as far as the construction management agreement, and  
17 that is fairly a standard requirement for the applicants to  
18 meet as part of the building permit requirements.

19                  And if they aren't meeting that requirement, I  
20 believe that there are avenues that the ANC can reach out to  
21 DCRA to ensure that the applicant is meeting those standards,  
22 or meeting, yes, meeting those standards to address their  
23 concerns during construction.

24                  Regarding their parking concerns, the, and this  
25 is a common thing that comes up when development needs the

1 minimum parking standards. We are the Zoning Commission, we  
2 can't vary that.

3 If they meet the regulation, they meet the  
4 regulation. To force them to go above that, that is a  
5 miserable for us and so it meets the minimum zoning  
6 requirement.

7 The zoning regulations state that this is the  
8 minimum number needed to satisfy the apartment requirements  
9 that they needed. As far as reducing the number of units  
10 from 10 to eight, I also don't think that really addresses  
11 the density issues.

12 Because it seems the neighborhood is more  
13 concerned that there's a loss of single family homes because  
14 they were, it forces that neighborhood to transitioning to  
15 multifamily housing.

16 So this particular property would go from one to  
17 ten, but it is, it still doesn't really address density and,  
18 again, within the zone, you can build a single family house  
19 that is more dense than this, honestly, so, or larger, more  
20 bulky mass than what the applicant is proposing here. And  
21 it seems to me that the applicant has been attempting to  
22 address some of neighbor's concerns about character.

23 Because the front facade of this building has a  
24 fastening-esque single family character to it that is fairly  
25 similar in this area of the single, of the district. So it

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1 seems to me that they're attempting to that the bulk and mass  
2 is lower than what would be allowed if somebody wanted to  
3 come in and build a massive single family house.

4 So I do believe that the applicant, by and large,  
5 has met the standard as far as to rent both of these special  
6 sessions and, again, to reiterate, it is unfortunate that the  
7 ANC isn't on board.

8 But it seems to me that the applicant is trying  
9 to address some of their concerns about character in the  
10 design. So, with that I give OP's stance great weight and  
11 I will support the applicant.

12 CHAIRPERSON HILL: Thank you. Dr. Imamura?

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.  
14 I think Board Member Smith hit the nail right on the head.  
15 In his comments and analysis, I think this is pretty  
16 straightforward.

17 They didn't meet the standards for the special  
18 exception and relief. I am sympathetic, however, to the ANC  
19 and appreciate their effort to monitor scale and pattern,  
20 character scale and pattern but, you know, it does match,  
21 essentially, the other two multifamily unit developments that  
22 are adjacent to the property.

23 And I think the issue here is because they weren't  
24 so specific with some of their concerns, at least in my point  
25 of view, it tells me that they may not have fully understood

1 sort of the project itself.

2 I think there is a slight difference in that the  
3 other, the adjacent property is a two story development and  
4 house with a three story with penthouse. But, again, design  
5 wise, I think it certainly fits in with the neighborhood.  
6 They did a nice and reasonable job accommodating concern  
7 those so I'm prepared to vote in favor.

8 CHAIRPERSON HILL: Thank you. Mr. Blake?

9 MEMBER BLAKE: I'm voting in favor of the  
10 application. I do think the applicant has met the burden of  
11 proof for the desire to request relief. I would say, though,  
12 that the communication, and I understand the urgency of time  
13 in today's environment.

14 But I do think it's important that they have good  
15 communication with the neighbors and with the ANC. So while  
16 it is good to get this, continue this project moving forward  
17 as it's an attractive project.

18 It's important to make sure that we have good  
19 communication, as Dr. Imamura just pointed out. Lack of  
20 knowledge about the project is what creates a lot of the  
21 uncertainties.

22 For example, we were unclear about how the rooftop  
23 deck was going to be used. That was a major concern, which  
24 could have been clarified with good communication. And I  
25 think, obviously, with a construction management agreement

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1 in place which could have been negotiated, that would have  
2 cleared up several of these other issues quite readily.

3 So I think it's important that they have good  
4 communication. I would encourage Mr. Crain and to continue  
5 to do that. I know he, in other classes, he does it quite  
6 well and I would look, hope that that would be the case in  
7 here as well. I am, again, in favor of the application.

8 CHAIRPERSON HILL: Okay, great. Thank you. All  
9 right, thank you all. I'm going to make a motion to approve  
10 application number 20734 as captioned and read by the  
11 Secretary including flexibility for an outlet for the eBike  
12 charging in the biking area as designed and asked for a  
13 second. Mr. Blake?

14 MEMBER BLAKE: Second.

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

17 MR. MOY: Thank you, Mr. Chairman. When I call  
18 your name, if you would please respond with a yes, no or  
19 abstain to the motion made by Chairman Hill to approve the  
20 application for the relief, for the amended relief that's  
21 being requested. The motion to approve was seconded by  
22 Mr. Blake. The motion also includes design flexibility for  
23 the outlet that would be located in the parking area.

24 Zoning Commissioner Dr. Imamura?

25 COMMISSIONER IMAMURA: Yes. And again, thank you,

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1 Mr. Chairman for the design flexibility.

2 MR. MOY: Mr. Smith? Mr. Blake?

3 MEMBER BLAKE: Yes.

4 MR. MOY: Chairman Hill?

5 CHAIRPERSON HILL: Yes.

6 MR. MOY: Staff would record the vote as four to  
7 zero to one. And this is on the motion made by Chairman Hill  
8 to approve. The motion to approve was seconded by Mr. Blake.  
9 Also in the approval, also in approval, our Zoning  
10 Commissioner Dr. Imamura, Mr. Smith, Mr. Blake, Chairman  
11 Hill, and no other Board members present. Motion carries,  
12 sir, on the vote of four to zero to one.

13 CHAIRPERSON HILL: Okay, great. Thanks, Mr. Moy.  
14 Mr. Moy, do we have anything else before the Board today?

15 MR. MOY: There's nothing from the staff, sir.

16 CHAIRPERSON HILL: Okay. Is there anything any  
17 you guys want to say? Okay. All right, then we stand  
18 adjourned. Okay, bye bye. See you all next week. Or at  
19 least we will see you next week.

20 COMMISSIONER IMAMURA: Have a safe -

21 MR. MOY: And happy July 4th, everyone.

22 CHAIRPERSON HILL: Yes, it's July 4th. Okay,  
23 thank you. Bye, bye.

24 (Whereupon, the above-entitled matter went off the  
25 record at 1:36 p.m.)

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In the matter of: Public Hearing

Before: DC BZAA

Date: 06-29-22

Place: teleconference

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

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