

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING & HEARING

+ + + + +

WEDNESDAY

FEBRUARY 1, 2023

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The Regular Public Meeting & Hearing of the District of Columbia Board of Zoning Adjustment convened via teleconference pursuant to notice at 9:30 a.m. EDT, Frederick Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK HILL, Chairperson  
LORNA JOHN, Vice Chairperson  
CARL H. BLAKE, Commissioner  
CHRISHAUN SMITH, Commissioner  
JOSEPH IMAMURA, Zoning Commissioner

BOARD OF ZONING ADJUSTMENT STAFF PRESENT:

CLIFFORD MOY, Secretary  
PAUL YOUNG, Data Specialist

BOARD OF ZONING ADJUSTMENT LEGAL COUNSEL:

MARY NAGELHOUT, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on February 1, 2023.

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

Case No. 20158B

Application of SE Washington Development Associates II, LP . 7

Case No. 20858

Application of Nelson 202, LLC ..... 14

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

(9:30 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen and the Board of Zoning Adjustment. Today's date is 02/01/2023. This public hearing will please come to order. My name is Fred Hill, I'm the Chairperson of the District of Columbia Board of Zoning Adjustment. Joining me today is Vice Chairperson Lorna John, Board Members Carl Blake and Chrishaun Smith, and Zoning Commissioner Dr. Imamura.

Today's meeting and hearing agenda are available on the office of Zoning's website. Please be advised that this meeting is being recorded by a court reporter and also live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning website after today's hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing. And also please be advised that we do not take any public testimony in our decision meeting session.

If you're experiencing difficulty accessing Webex or with your call-in, then please call our OZ hotline number at 202-727-5471, it's also listed on the screen.

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

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

5 In today's hearing session, everyone who is listening  
6 in Webex or by telephone will be muted during the hearing, and  
7 only persons who have signed up to participate or testify will  
8 be unmuted at the appropriate time. Please state your name and  
9 home address before providing oral testimony or your  
10 presentation. Oral presentations should be limited to a summary  
11 of your most important points. If you're finished speaking,  
12 please mute your audio so that your microphone is no longer  
13 picking up sound and background noise. Once again, the hotline  
14 number is 202-727-5471. All persons planning to testify in either  
15 favor or in opposition should have signed up in advance. They'll  
16 be called by name to testify. If this is an appeal, only parties  
17 are allowed to testify. By signing up to testify, all  
18 participants completed the oath or affirmation as required by  
19 Subtitle Y 408.7. Requests to enter evidence at the time of an  
20 online virtual hearing, such as written testimony or additional  
21 supporting documents, other than live video, which may not be  
22 presented as part of the testimony, may be allowed pursuant to  
23 Subtitle Y 102.13, provided that, A, the persons making the  
24 request to enter an exhibit explain how the proposed exhibit is  
25 relevant, the good cause that justifies allowing the exhibit into

1 the record, including the explanation of why the requester did  
2 not file the exhibit prior to the hearing, pursuant to Y 206,  
3 and how the proposed exhibit would not unreasonably prejudice any  
4 parties.

5 The order of procedures for special exceptions and  
6 variances are listed in Y 409.

7 At the conclusion of each case, an individual who was  
8 unable to testify because of technical issues may file a request  
9 for leave to file a written version of the planned testimony to  
10 the record within 24 hours following conclusion of public  
11 testimony in the hearing. If additional written testimony is  
12 accepted, then parties will be allowed a reasonable time to  
13 respond, as determined by the Board. The Board will then make  
14 its decision at its next meeting session, but no earlier than 48  
15 hours after the hearing.

16 Moreover, the Board may request additional specific  
17 information to complete the record. The Board and staff will  
18 specify at the end of the hearing exactly what is expected and  
19 the date when a person must submit the evidence to the Office of  
20 Zoning. No other information shall be accepted by the Board.

21 Once again, after the Board adjourns the hearing, the  
22 Office of Zoning in consultation with myself will determine  
23 whether a full or summary order may be issued. A full order's  
24 required, again, when the decision it contains is adverse to a  
25 party, including an affected ANC. A full order may be needed if

1 the Board's decision differs from the Office of Planning's  
2 recommendation.

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

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

14 MR. MOY: Good morning, Mr. Chairman and members of the  
15 Board. I do. Very quickly with regard to today's docket, we  
16 have three cases that were granted continuances to a future  
17 hearing date. They are as follows: Application No. 20703 Mast,  
18 M-A-S-T, Holding I, LLC, has been rescheduled to March 15th,  
19 2023; Application No. 20014B of Addisleigh Park Washington  
20 Properties, LLC rescheduled to May 17th, 2023; and finally,  
21 Application No. 20542 Hossein Barekatin & Fardin Foroujan, I  
22 know I've murdered those names, but that application has been  
23 rescheduled to May 24th, 2023. So that's -- that's all from me,  
24 Mr. Chairman.

25 CHAIRPERSON HILL: Okay. Thanks, Mr. Moy. You may

1 call our first meeting case, Mr. Moy.

2 MR. MOY: Before the Board is Application No. 20158B  
3 of SE Washington Development Associates II, LP. This is the  
4 Applicant's request pursuant to Subtitle Y, Section 705.1 for a  
5 two-year time extension of the validity of BZA Order No. 20158.  
6 The property is located in zone RA-1 at 3311 through 3329 14th  
7 Place, S.E., Square 5917, Lots 41 and 42. And I think that's  
8 all for me -- from me. Thank you, Mr. Chairman.

9 CHAIRPERSON HILL: Okay. Great. Thank you, everyone.  
10 Good morning, everybody. Let's see, as far as the time extension,  
11 I did review the record and the explanation of why the Applicant  
12 has requested for the time extension. In this particular case,  
13 I don't have any issues with it. Again, I think what is going  
14 to be the case is we're going to see more and more -- or not more  
15 and more -- we will see some that has to deal with the pandemic  
16 and request for time extension due to pandemic issues, one of  
17 which again was the DHCD financing for them. And then there was  
18 some questions about a potential sale. But it looks as though  
19 the DHCD financing that was delayed might be coming through. And  
20 so I didn't see anything from the ANC, I know they had been  
21 notified as per the regulations and then the report from the  
22 Office of Planning that was in support of the time extension.  
23 Since they're not asking for anything different other than the  
24 time extension, again I didn't have a lot of concerns about it.  
25 The - what has been the practice of the Board lately has been,

1 again, that after the order was actually effective, so ten days  
2 after the order was issued, would be when the time extension  
3 would come from and then end to, which would be then 12/26/2024.  
4 Again, I was in favor of the time extension. I'm going to go  
5 around the table here.

6 Mr. Smith, do you have any comment on.

7 COMMISSIONER SMITH: Mr. Chairman, I may be frozen.

8 CHAIRPERSON HILL: Okay. That sounds good, I'll come  
9 back to you, Mr. Smith.

10 Mr. Blake?

11 COMMISSIONER BLAKE: Yeah. I have an echo, I'm going  
12 to have to come back to me as well.

13 CHAIRPERSON HILL: Okay. I'm glad that everybody --

14 COMMISSIONER SMITH: I'm un-froze.

15 CHAIRPERSON HILL: Okay. Mr. Smith, you're back with  
16 us?

17 COMMISSIONER SMITH: Technology's not cooperating  
18 today. I don't have anything to add. I, by and large, agree  
19 with your statements on this particular case, Chairman Hill.  
20 I've read the record. I'm fairly comfortable with the arguments  
21 presented by the Office of Planning and the Applicant for the  
22 reasons for the time extension. So I will support.

23 CHAIRPERSON HILL: All right. Great.

24 Dr. Imamura?

25 ZC COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I

1 align myself with your comments and Board Member Smith. I think  
2 this is pretty straightforward. The pandemic has caused some  
3 extenuating circumstances. I'm prepared to vote in support.

4 CHAIRPERSON HILL: Okay.

5 Vice Chair John?

6 VICE CHAIR JOHN: Thank you, Mr. Chairman. I agree  
7 with everything that you've said regarding the need for the time  
8 extension and the impact of COVID and the inability to obtain  
9 suitable financing. I would just take a little different approach  
10 with respect to the date that the order should be extended to,  
11 and I think it should be December 16th instead of December 26th.  
12 And I think the regulations are a little unclear, but the order  
13 did become final on December 16th, and there's that ten-day window  
14 of when that would allow the order to become valid. But typically  
15 there are other provisions that speak to the -- when an order  
16 becomes final in the regulations. So there's only one place  
17 where I think I've seen effective date used. And an appeal, for  
18 example, can be filed one year after the final order, and the  
19 order's final when it's entered into the record. And then there's  
20 another section where a final order is used, and that is in the  
21 case of where there's a limitation on the term. For example, if  
22 the Board limits the term of -- the use term for a period of  
23 time, then that would run from the time of the final order. And  
24 then there's another provision which I cannot find, I saw it, but  
25 don't have the exact quotes where the regulations use the term

1 final and effective. So I think even if there might have been  
2 instances where we did extend from the effective date, I think  
3 that on balance, the way the term final order is used, I'm really  
4 persuaded by the fact that the appeal is one year after the  
5 issuance of the order. So I would be in favor of extending the  
6 term, but to December 16th, 2024, which is when -- which is one  
7 year after the first order became final. And I recognize that  
8 the second order first extension was extended to December 26th.

9 CHAIRPERSON HILL: Okay. I'm fine with the 12/16/2024  
10 date, as you discussed, Vice Chair John, unless anyone has any  
11 other issues with that, you can speak up.

12 Mr. Blake, was your computer not working?

13 COMMISSIONER BLAKE: Thanks. It's (indiscernible).  
14 I'm in favor and I agree with the comments made by my colleagues.

15 CHAIRPERSON HILL: Okay. I see you listed as twice on,  
16 Mr. Blake. I don't know if that -- if you wanted --

17 COMMISSIONER BLAKE: I can't figure out how to  
18 (indiscernible).

19 CHAIRPERSON HILL: You want to jump out and jump back  
20 in?

21 COMMISSIONER BLAKE: I could do that.

22 CHAIRPERSON HILL: Okay. Just give me -- let's vote  
23 and then in between the next one, you can jump out and jump back  
24 in.

25 MR. MOY: Mr. Chairman? Mr. Chairman?

1 CHAIRPERSON HILL: Yes, go ahead, Mr. Moy.

2 MR. MOY: I'm sorry to interrupt. I was just alerted  
3 by the staff, in normal times I would have run over to your chair.  
4 But at 9:23 this morning, we got a filing from the single member  
5 district, and I believe it's -- it's in support. I haven't read  
6 it, but if you want to address whether you want to allow it into  
7 the record, then I can have that done now.

8 CHAIRPERSON HILL: Yeah. If you could please go ahead  
9 and pop that into the record please, Mr. Moy.

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

11 CHAIRPERSON HILL: And I guess we'll just wait a minute  
12 now for that to load up since we have a little bit of time today.

13 (Pause.)

14 MR. MOY: Okay. I believe the letter's in, but is  
15 unsigned.

16 CHAIRPERSON HILL: Yep, I got it, it's an email. It's  
17 an email.

18 MR. MOY: Yeah.

19 CHAIRPERSON HILL: And it's from 8C06. Okay. I mean,  
20 it seems to be "allowing for the hearing for the extension today."  
21 I mean, it's possible that an approval statement. Regardless,  
22 it's not something that we'd be able to give great weight to  
23 because it's an email. However, it is comforting to know that  
24 the ANC has been notified. They aren't asking for us to not move  
25 forward, so I don't have an issue. Again, continuing to be based

1 on our determinations what is in the record moving forward. So  
2 unless anyone else has any opposition to that, I'll go ahead and  
3 move forward to make a motion and I'll pause to see if anybody  
4 has any opposition to what I'm about to do.

5 All right. I'm going to go ahead and make a motion to  
6 approve the time extension for 20158B as in boy as captioned and  
7 read by the secretary and ask for a second, Ms. John.

8 VICE CHAIR JOHN: Second.

9 CHAIRPERSON HILL: The motion been made and second, Mr.  
10 Moy, if you'd take a roll call?

11 MR. MOY: Before I ask for a roll call, Mr. Chairman,  
12 could -- for my own edification could you -- did you state in  
13 your motion the -- approving the time extension to what year was  
14 that?

15 CHAIRPERSON HILL: Yeah, it was 12/16/2024.

16 MR. MOY: All right. Thank you, sir. When I call your  
17 name if you'll please respond.

18 Mr. Smith?

19 MS. NAGELHOUT: Mr. Chair?

20 CHAIRPERSON HILL: Yes?

21 MS. NAGELHOUT: Did you mean a two-year time extension  
22 to December 16th, 2025?

23 CHAIRPERSON HILL: Oh, I don't know -- yeah, I'm sorry.

24 MS. NAGELHOUT: Or 2024, I'm sorry, it's -- I'm sorry,  
25 it's 2024. You were right.

1 CHAIRPERSON HILL: Okay. I thought I got my dates  
2 wrong. Okay.

3 MS. NAGELHOUT: No, you got them right, I'm sorry.

4 CHAIRPERSON HILL: No problem. Okay. So the time  
5 extension again for the record is to 12/16/2024. The motion's  
6 been seconded. And Mr. Moy, if you'd take a roll call?

7 MR. MOY: All right. Thank you, sir. When I -- again,  
8 when I call your name, if you'll please respond to the motion  
9 made by Chairman Hill to grant the request to extend for an  
10 additional two years, which in this case would be December 16th,  
11 2024. The motion to extend was second by Vice Chair John.

12 Mr. Smith?

13 COMMISSIONER SMITH: Yes.

14 MR. MOY: Mr. Blake?

15 COMMISSIONER BLAKE: Yes.

16 MR. MOY: Zoning Commissioner Dr. Imamura?

17 ZC COMMISSIONER IMAMURA: Yes.

18 MR. MOY: Vice Chair John?

19 VICE CHAIR JOHN: Yes.

20 MR. MOY: Chairman Hill?

21 CHAIRPERSON HILL: Yes.

22 MR. MOY: Staff would record the vote as five to zero  
23 to zero. And this is on the motion made by Chairman Hill to  
24 grant. The motion to grant was second by Vice Chair John also,  
25 who is also in support of the motion, as well as from Zoning

1 Commissioner Dr. Imamura, Mr. Smith, Mr. Blake, Vice Chair John,  
2 and Chairman Hill. The motion carries, sir, five to zero to  
3 zero.

4 CHAIRPERSON HILL: All right. Thanks, Mr. Moy. You  
5 can call our only hearing case when you have a chance.

6 MR. MOY: All right. Sorry for that, sir. Boy, you  
7 would think I wouldn't have as many papers shuffling around since  
8 we only have a few cases. Okay. Anyways, before the Board is  
9 Application No. 20858 of Nelson 202, LLC. This is a self-  
10 certified application for special exceptions pursuant to Subtitle  
11 X, Section 901.2 under Subtitle U, Section 421 to allow a new  
12 residential development, and under Subtitle C, Section 703.2 from  
13 the minimum vehicle parking requirements of Subtitle C, Section  
14 701. Property located in the RA-1 zone at 3013 Nelson Place,  
15 S.E., Square 5508, Lot 73. And just checking one other thing.  
16 There is the Applicant's request to waive the 21-day filing  
17 deadline. I believe it's in regards to update or revise plans.  
18 And that's all I have, sir, thank you.

19 CHAIRPERSON HILL: Okay. Thank you. If the Board's  
20 all right, I would like -- fine with this, I'd like to go ahead  
21 and allow the updated plans into the record. I guess I would be  
22 curious when we get to the Office of Planning if these are the  
23 plans that they had reviewed. Please speak up if you have any  
24 issues with this.

25 All right. Mr. Moy, I see the plans, I think, in the

1 record. And so we are going to officially allow them into the  
2 record.

3 And then, Mr. Blake, can you hear me, and if so, can  
4 you introduce yourself for the record?

5 MR. BLAKE: Yes, I can hear you. Good morning. My  
6 name's Michael Blake from B Studio Architecture. And we have a  
7 presentation here, I can show it to you about the project. Before  
8 I get started, I did want to add we had another filing to allow  
9 for -- we neglected to upload the email notification where we've  
10 tried to reach out to the ANC. That email was from December 1st  
11 and it was just brought to our attention, I think on Monday, that  
12 it was -- that it had not been uploaded. So we uploaded that  
13 Monday night and filed the Form 150 to request that that be  
14 allowed.

15 CHAIRPERSON HILL: Okay. I see the form and I again  
16 don't have any issues allowing that into the record unless my  
17 colleagues do. And if so, please speak up now. Okay.

18 Mr. Blake, are you not using your camera, Mr. Blake?

19 MR. BLAKE: Oh, I can, here.

20 CHAIRPERSON HILL: Okay. Great. Thank you. Did you  
21 have a presentation in the record or are you just trying to --  
22 do you know what you'd like us to pull up?

23 MR. BLAKE: It's just the -- it's the same drawings,  
24 the latest drawings that were uploaded that have been in the  
25 record.

1 CHAIRPERSON HILL: Okay. So 26B. All right. I guess,  
2 Mr. Blake, I'm going to go ahead and put 15 minutes on the clock  
3 so I know where we are. I don't see the clock today, but that's  
4 okay. I'll put it over here on my phone. Oh, there we go, great.  
5 And you can please if you could explain to us how you believe  
6 your client is meeting the criteria for us to grant the relief  
7 requested? And you can begin whenever you like that.

8 MR. BLAKE: I'm going to go ahead and share screen  
9 here.

10 CHAIRPERSON HILL: You can't share a screen, Mr. Blake.  
11 You're going to have to ask Mr. Young if you could pull up, I  
12 guess, the exhibit, which I believe I said was 26B.

13 MR. BLAKE: Can that be brought up? I'm checking the  
14 exhibit, I just want to make sure that it's --

15 CHAIRPERSON HILL: That's all right. I think Mr. Young  
16 was bringing it up.

17 MR. BLAKE: Okay.

18 CHAIRPERSON HILL: There it is, Mr. Blake.

19 MR. BLAKE: Yes, and that's correct, that has the latest  
20 version with the GAR concept in. Okay. So this project proposes  
21 to add four additional units to an existing four-unit apartment  
22 building. We're in an RA-1 zone, so this -- the addition of  
23 these units requires the special exception for new residential  
24 development. You know, it's not -- it's not a new -- as I said,  
25 it's an existing apartment building, but my client would just

1 like to add four additional units. If we can go to the next  
2 slide?

3 So here's a breakdown of our zoning analysis and the  
4 request for relief. Again, we're requesting relief for the  
5 minimum parking requirements. And we are requesting relief for  
6 the residential development. In terms of the parking, the  
7 property does not have an alley, it's a corner lot. Actually if  
8 we can go to the next slide I can speak to the site plan.

9 Yeah, so it's a corner lot, there's no alley access,  
10 but there is ample access to on-street parking on Nelson Place.  
11 And there is also access to bus public transportation  
12 (indiscernible). Next slide please?

13 So as this diagram shows, there's several multi-family  
14 residential homes around here. These orange blocks here are  
15 similar to the existing conditions, four-unit apartment  
16 buildings. And then we also have some single-family or two-  
17 family homes in the area. Next slide please?

18 So here are some pictures of the existing conditions.  
19 This first picture is taken from the corner looking -- so we're  
20 looking down Nelson, and that's the subject property right there  
21 in the foreground. The second picture is from the side yard,  
22 that large side yard that we saw on the zoning map. The third  
23 picture is from Anacostia, the street behind the property. So  
24 that's the current rear yard (indiscernible) porch. And then  
25 this is a picture again of the facade from the front looking

1 towards that large -- so you see that large side yard in the  
2 distance. Next slide please?

3 Okay. So we do have a building restriction line and  
4 we are -- the existing stairs are beyond that restriction line,  
5 but we're not anything beyond that. And so this is just a  
6 breakdown for the lot occupancy and we are not requesting any  
7 relief for that. Next slide please?

8 So this is the proposed. And as you can see, we're  
9 staying within the existing building footprint, modifying that  
10 rear yard addition and also underpinning and going up a level to  
11 add the four additional units. Next slide please?

12 These are just diagrams for the FAR requirements, and  
13 we are in compliance with that. Next slide please?

14 Okay. So the inside, the layout will be changed. The  
15 center stair remains similar, but we will be modifying it to a  
16 switchback stair. Most of the interior partitions are coming out  
17 and we are proposing to remove the roof and add a story on top  
18 of it, and demolishing that kind of dilapidated rear yard  
19 addition. Next slide please?

20 This is the cellar layout, so the cellar floor plan.  
21 Because of the building restriction line -- and this was the  
22 modification that we made to the drawings from Office of Planning  
23 input. We originally had a platform lift to provide an accessible  
24 entrance at the front of the property along the main stairs, but  
25 because of the building restriction line, we decided to move that

1 around to the rear of the property. So there is a pathway that  
2 connects along the side in that side yard and brings you to the  
3 platform or stairs in the rear yard. So the cellar does not have  
4 access from the front. It's all accessed from the back. Here  
5 is access into, you know, one on cellar, this door here, and unit  
6 two here, so just two units. Next slide please?

7           Here, this is the principal level, level one, the  
8 switchback stairs that we've added to get up to the upper levels.  
9 We're still keeping two units per floor similar to the existing  
10 conditions and just reconfiguring and properly enclosing that  
11 rear yard addition to add more livable space. So here we see  
12 the entry to the cellar that I was just describing. So you would  
13 come around the side, there's area ways for the emergency escape  
14 windows at the cellar level, stairs down, or you can come through  
15 here to the platform lift. We do have a trash area in the back  
16 and a large area way to get to the cellar entrances. Next slide  
17 please?

18           Okay. So the second floor is very similar to the first  
19 floor, and the third floor as well for that matter. The third  
20 floor, as you can see in the façade perspective, we are proposing  
21 these kind of dormers in the roof. And that's just -- that's  
22 for esthetics, but also to meet the gross floor area requirements,  
23 we couldn't have the full floor plate. We are proposing solar  
24 panels on the roof as a part of our green area ratio strategy.  
25 Next slide please?

1           Okay. So here we see those dormer windows on the new  
2 third floor. So the exterior wall there will be -- will appear  
3 as a part of the roof, as a mansard roof with these dormers. So  
4 that's just in an attempt to bring down the scale of the building  
5 and help it to blend in with the rest of the neighboring  
6 properties, which are the two-story buildings. So here we see  
7 the solar panel array on the side yard elevation, and the rear  
8 yard elevation that will have that -- rebuild that addition.  
9 Next slide please?

10           Here's a section to the building. So we will be doing  
11 underpinning to pick up some additional livable floor area. And  
12 then we just see the center stair providing access to all the  
13 rest of the units. Next slide please?

14           Okay. So here's a rendered bird's eye view of the  
15 project. And as I said, our goal in using this and a mansard  
16 roof and the dormers is to help to scale down to the building as  
17 opposed to just building a, you know, straight wall up another  
18 story. Our intent is to complement the adjoining structure.  
19 Next slide please?

20           So here we'll get into the solar studies and I think  
21 we can flip through these kind of in sequence. And as you can  
22 see, there's really no impact from the third story addition where  
23 we do have morning sun coming from the east. It's throwing  
24 slightly -- it's throwing more shade on the adjoining property,  
25 but it's on the roof, so it's not really changing any of the

1 current conditions. Next slide please?

2 And so we're seeing existing on the left, proposed on  
3 the right. And the previous slide was winter; this is the spring.  
4 Next slide please?

5 Summer solstice. The next slide please?

6 And here's the fall, so you can see -- where we do --  
7 where the third story is adding shade, it's just on the roof of  
8 the neighboring property. Next slide please?

9 Okay. So here's our landscaping plan. Here we see the  
10 solar panels on the roof, the existing stairs with planting beds  
11 on either side at the entry and the walkway along the side yard  
12 with area ways and planting beds adjacent to them, and this  
13 walkway is providing access to the to the rear yard cellar access  
14 and trash area. Next slide please?

15 The grading plan, other than, you know, outside of the  
16 building we're not proposing to modify grading other than what's  
17 needed to make the paver walkway nice and level. So the inside  
18 we'll be doing the underpinning, but outside its minimal work to  
19 the earth. Next slide please?

20 And here is our basic green area ratio concept. We do  
21 have the large grass side yard that is largely remaining  
22 untouched. And as I mentioned, we're using solar panels on the  
23 roof and then just the landscaped areas around the walkway and  
24 the entryway to get us to our minimum GAR score of 0.4. Next  
25 slide please?

1           That might be the last one. I think that's it.

2           CHAIRPERSON HILL: Okay. Mr. Blake, can you speak to  
3 your outreach with the ANC and also that adjacent neighbor?

4           MR. BLAKE: So we reached out to the ANC on December  
5 1st when we first got the date for this hearing and we reached  
6 out via email and we were not -- we weren't able to get a response.  
7 We reached out to them again when we submitted the form for --  
8 Form 150 for the updated drawings within 21 days of the hearing,  
9 and reached out to them again earlier this week when the upload  
10 for the -- untimely upload of the email correspondence, the  
11 attempt to contact them was added to the record. So we haven't  
12 gotten -- we haven't been able to get a response to any of the  
13 emails to the ANC. And the neighboring property was just -- was  
14 notified through the Office of Zoning with the -- along with the  
15 rest of the neighbors within a 200-foot radius of the building.

16           CHAIRPERSON HILL: So you didn't specifically reach out  
17 to that next-door neighbor?

18           MR. BLAKE: No.

19           CHAIRPERSON HILL: Do you know -- I mean, just curious  
20 -- why?

21           MR. BLAKE: Well, we just figured they were being  
22 notified by the mailings from the Office of Zoning and then also  
23 the, you know, the notification posted on the front door.

24           CHAIRPERSON HILL: Okay. And just so I'm clear, the  
25 envelopes -- the only thing -- the change in the building is just

1 you're going up, correct?

2 MR. BLAKE: Correct. Well, in terms of the -- we're  
3 also modifying that rear yard addition that's currently not  
4 really conditioned space. We'll be reconstructing that.

5 CHAIRPERSON HILL: Okay. All right.

6 Does anyone else have questions for the Applicant?

7 Dr. Imamura?

8 ZC COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Not  
9 any questions specifically. Just a couple of comments for Mr.  
10 Blake. I'm a little underwhelmed by your landscape plan. I  
11 think it needs more information and detail in terms of your plant  
12 -- the native plant, I think it's kind of a generic sort of  
13 (indiscernible) brush description. I'm curious also about your  
14 paving in the rear yard, is that just concrete, is it pervious  
15 paving, can you talk a little more about that?

16 MR. BLAKE: Sure. So we are -- the walkway along the  
17 side would be concrete pavers. We are not -- we're not using  
18 permeable pavers for the green area ratio. It's not required to  
19 reach our score. Along the back where there's the trash pad,  
20 the trash can, that would be concrete. And I will say that we  
21 -- since we do need to comply with the green area ratio, we'll  
22 need a certified landscape expert who will be -- would be brought  
23 in after this process to develop the -- further develop the green  
24 area ratio strategy and the landscaping plan.

25 ZC COMMISSIONER IMAMURA: I'm pleased to hear that.

1 You absolutely need somebody for that. I would also encourage  
2 you to maybe -- and maybe you already have through, you know,  
3 various iterations, just the arrangement of your trash cans. I  
4 counted nine, but in the area way and the cellar, you know, those  
5 odors will definitely carry over, so if there's anything you can  
6 do to rework that configuration, I would encourage you to do so.  
7 And then certainly I would still reach out to the adjacent  
8 neighbor, that's important. All right. That's all I have, Mr.  
9 Chairman.

10 CHAIRPERSON HILL: Thanks, Dr. Imamura.

11 Anyone else?

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

13 MS. THOMAS: Good morning, Mr. Chair and members of the  
14 Board, Karen Thomas with the Office of Planning. And we are  
15 recommending approval of this application, which would add four  
16 additional units to the existing apartment building on Nelson  
17 Place. And also we would support new on-site parking as requested  
18 to the special exception. The Applicant has -- the project would  
19 meet all the building height, bulk, and setback requirements for  
20 this zone and therefore we believe that the request is in harmony  
21 with the intent of the regulations in that. We see that the  
22 property is constrained as it is located between two streets and  
23 that DDOT wouldn't support a curb cut anywhere on this lot. So  
24 we will also support the request for special exception relief  
25 from the parking requirements. And to answer your question,

1 whether we looked at the revised plans, we did. We had asked  
2 the Applicant to include the GAR, which was missing from the  
3 original submission. And public space, wanted the initial  
4 showing of the lift that they had to the front moved from public  
5 space because it was within public space. So we did, and our  
6 report references Exhibit 26B as the revised plans. So with  
7 that, I'd be happy to take any questions.

8 CHAIRPERSON HILL: Ms. Thomas, you said something about  
9 new on-site parking. I didn't understand that.

10 MS. THOMAS: No, I said -- oh, I'm sorry, if -- I said  
11 we would not support any on-site parking.

12 CHAIRPERSON HILL: Okay. Great.

13 All right. Does the Board have any questions of the  
14 Office of Planning?

15 All right. Mr. Young, is there anyone here wishing to  
16 speak?

17 MR. YOUNG: We do not.

18 CHAIRPERSON HILL: Okay. Mr. Blake --

19 ZC COMMISSIONER IMAMURA: Mr. Chairman, I'm sorry to  
20 interrupt, I do have one more question for Mr. Blake about the  
21 lift.

22 CHAIRPERSON HILL: Sure.

23 ZC COMMISSIONER IMAMURA: My apologies.

24 How do I get -- how does one get back to the lift? Can  
25 you walk us through that, Mr. Blake?

1           MR. BLAKE: Yes. I'm not -- do you have the -- are  
2 you able to see the plans or should we bring them back up? So  
3 if we look at A19, the landscaping plan, you can see there's the  
4 walkway from the sidewalk on Nelson. That'll be the site arrival  
5 point. And so we have this walkway that takes you back along  
6 the side yard, past the stairs that go down to the cellar and  
7 around the side where -- to the back where the platform lift will  
8 connect to the area way at the cellar level.

9           ZC COMMISSIONER IMAMURA: That was my assumption, Mr.  
10 Blake. However, it looks like it gets pinched at the corner  
11 where the stairs turn down to go to the cellar. Do you know what  
12 that width is between the corner and the fence line? Does that  
13 meet ADA requirements?

14          MR. BLAKE: Yeah, I saw that on the floor plan too, it  
15 does look like the fence that we've put in, that little tight,  
16 but we do need to have -- we'll keep a three-foot minimum there.  
17 We do have, as you can see, the stairs, we do have space on the  
18 stairs so we could take a tread -- I'm looking now at A10, the  
19 proposed first floor plan. And we can take a tread out of the  
20 first -- the run going down parallel to the building and add it  
21 at the bottom, we have plenty of room for that stair. So it does  
22 look like we have we have a little bit of a pinch point there,  
23 but I'm sure we can resolve that.

24          ZC COMMISSIONER IMAMURA: I think you can too. So I'm  
25 glad that you'll take a closer look at that. All right. That's

1 all I have, Mr. Chairman. Thank you.

2 CHAIRPERSON HILL: Okay. Thank you.

3 Anyone else?

4 Mr. Blake, anything at the end? No?

5 MR. BLAKE: I thought it was another Mr. Blake.

6 CHAIRPERSON HILL: Oh, sorry. No, yeah, you, Mr. Blake.

7 MR. BLAKE: No, nothing more to add.

8 CHAIRPERSON HILL: Okay.

9 All right. I'm going to close the hearing and the  
10 record. If you could please excuse everyone, Mr. Young.

11 Okay. I didn't have any concerns about this really.  
12 I mean, I appreciate Mr. Blake speaking to the lift. I find it  
13 a little disappointing that the lift has to be in the back in  
14 that way. But I don't see how they would necessarily work around  
15 that. I'm glad that the ANC at least has been, it seems I think,  
16 reached out to in a way that I feel comfortable with. And it is  
17 a -- you know, it looks like it'd be a much better building than  
18 it is now. And so I can see why they wouldn't necessarily have  
19 any issues with it. I would also agree with the analysis that  
20 the Office of Planning has provided as well as DDOT. And I would  
21 agree with the Applicant in how they are meeting criteria for us  
22 to grant this relief requested, the special exception. And I'll  
23 be voting in favor.

24 Mr. Smith, do you have anything?

25 COMMISSIONER SMITH: Chairman Hill, I as well am fairly

1 comfortable with what was presented today. And I, by and large,  
2 agree with every statement that you've made. I do agree that  
3 the Applicant's met the burden of proof for us to grant the  
4 special exceptions per the criteria in U 421 for new residential  
5 developments, and also in Subtitle X 901 for the (indiscernible)  
6 special exception criteria. I do believe that the proposed  
7 application is in harmony with the general purpose and intent of  
8 the zoning regulations. And based on the design I do not believe  
9 that it will have an adverse impact on the adjacent properties.  
10 They are keeping some form of that faux mansard -- they're keeping  
11 that faux mansard roof look. So I believe it would mostly  
12 compliment what already exists within the area with the adjacent  
13 apartment building as well as the other semi-detached apartment  
14 buildings along that street. And I don't recommend any special  
15 conditions be imposed on this particular application. So with  
16 that, I give OP's staff support great weight, also acknowledge  
17 the outreach that was given to the -- or provided to the ANC, it  
18 seemed to be fairly comfortable with what's proposed and I will  
19 support the application.

20 CHAIRPERSON HILL: Okay. Great. Thank you.

21 Mr. Blake?

22 COMMISSIONER BLAKE: Yeah, I would agree with the  
23 statements made by Board Member Smith and you, Mr. Chair. I  
24 frankly am underwhelmed with the community outreach for the  
25 neighbors and for the AMC or the SMD, for that matter. I'm just

1 underwhelmed with that. But I do believe we've met the minimum  
2 standard for notification. And so I do think also, as I said, I  
3 think the standards have been met for the criteria, for the  
4 specific criteria, for parking relief with there being no alley  
5 access. I also think that the U 421 criteria has also been met  
6 and that was substantiated by the report in the -- provided by  
7 the Office of Planning as well. So I will be voting in favor of  
8 the application.

9 CHAIRPERSON HILL: Thank you.

10 Dr. Imamura?

11 ZC COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm  
12 in agreement with everything that's been said by my colleagues  
13 and by you, Mr. Chairman, and the comment made by Mr. Blake that  
14 I too am underwhelmed by the outreach and let this serve as a  
15 teachable moment for the Applicant that in the future, or for the  
16 architect, better outreach needs to happen next time, so. But I  
17 am prepared to vote in favor.

18 CHAIRPERSON HILL: Thank you.

19 Vice Chair John?

20 VICE CHAIR JOHN: Thank you, Mr. Chairman. I don't  
21 have very much to add. I thought that this was fairly  
22 straightforward because the Applicant meets all of the  
23 development standards. It's -- I also like the use of the mansard  
24 roof and I agree with the comments so far with respect to that.  
25 So I'm going to give great weight to OP's analysis and

1 recommendations. And I also I'm a little disappointed we did not  
2 hear from the ANC and that the Applicant did not make a more  
3 concerted effort to reach out to the neighbor. So with that, I  
4 will support the application.

5 CHAIRPERSON HILL: Okay. Thanks.

6 Yeah, I mean, I'm disappointed that there wasn't -- and  
7 I don't know, you know, what will happen the next time this team  
8 comes before us. But I guess, you know, to let them know that,  
9 you know, reaching out to at least the adjacent neighbor really  
10 trying to see how you've done that seems like what we would like  
11 to see rather than just the general notice criteria that, you  
12 know, is part of the regulations. And that's how we believe  
13 people have seen this. I mean, the next-door neighbor is probably  
14 I think in another apartment building, whether or not that owner  
15 sees the placard, you know, I mean, hopefully maybe the tenants  
16 would have said something, I don't know. But I don't really feel  
17 strongly enough to hold it up. And I don't hear anything from  
18 my fellow Board members saying that you would like to hold it  
19 up. But we will again make note of this for this team the next  
20 time they come forward and be sure that we have something -- we  
21 did get something, at least in terms of their outreach efforts  
22 that I'm just going to quickly look at again. Yeah, I mean, you  
23 know, the email to that to the ANC, I mean, so. So anyway, okay.  
24 Hearing -- unless somebody wants to hold it up, I'm going to make  
25 a motion.

1           Okay.   Going to make a motion to approve Application  
2 No. 20858 as captioned and read by the secretary and ask for a  
3 second, Ms. John?

4           VICE CHAIR JOHN:   Second.

5           CHAIRPERSON HILL:   The motion's been made and seconded,  
6 Mr. Moy, if you'd take a roll call?

7           MR. MOY:   Thank you, sir.   When I call your name, if  
8 you'll please respond to the motion made by Chairman Hill to  
9 approve the application for the relief that's being requested.  
10 The motion to approve was second by Vice Chairman John.

11          Mr. Smith?

12          COMMISSIONER SMITH:   Yes.

13          MR. MOY:   Mr. Blake?

14          COMMISSIONER BLAKE:   Yes.

15          MR. MOY:   Zoning Commissioner Dr. Imamura?

16          ZC COMMISSIONER IMAMURA:   Yes.

17          MR. MOY:   Vice Chair John?

18          VICE CHAIR JOHN:   Yes.

19          MR. MOY:   Chairman Hill?

20          CHAIPERSON HILL:   Yes.

21          MR. MOY:   Then staff would record the vote as five to  
22 zero to zero.   And this is on the motion made by Chairman Hill  
23 to approve.   The motion to approve was second by Vice Chair John,  
24 who is also in support of the motion, as well as from Zoning  
25 Commissioner Dr. Imamura, Mr. Smith, Mr. Blake, Vice Chair John,

1 and Chairman Hill. The motion carries on a vote of five to zero  
2 to zero.

3 CHAIRPERSON HILL: Okay. Great. Thank you.

4 All right. Well, I mean, this is possibly a record  
5 that's even before our first break. So I, again, don't like it  
6 because it means we're not doing a lot of work. But at also at  
7 the same time, we've got our whole day now.

8 So Mr. Moy, is there anything else before the Board?

9 MR. MOY: Not today, sir.

10 CHAIRPERSON HILL: Okay. All right.

11 Does anybody have anything they would like to say  
12 before we adjourn?

13 Okay. All right. Y'all have a good day, we're  
14 adjourned.

15 (Whereupon, the above-entitled hearing was adjourned.)  
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## C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: BZA

Date: 02-01-2023

Place: Teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

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DONNA JENKINS