

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

MARCH 15, 2023

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

LORNA JOHN, Vice Chairperson
CARL H. BLAKE, Commissioner
CHRISHAUN SMITH, Commissioner
ANTHONY HOOD, Zoning Commission Chairperson

BOARD OF ZONING ADJUSTMENT STAFF PRESENT:

TRACEY ROSE, Senior Zoning Specialist (acting 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 March 15, 2023.

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(9:30 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen, and Board of Zoning Adjustment. Today is March 15th, 2023. This public hearing will please come to order. My name is Fred Hill. I'm chairperson of District of Columbia Board of Zoning Adjustment. Joining me today are Vice Chair Lorna John, Board Members Carl Blake, Chrishaun Smith, and Chairman Zoning Commissioner Anthony Hood. Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter, it is also webcast live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing. Also, please be advised that we do not take any public testimony at our decision meeting session. If you're experiencing difficulty accessing Webex or with your telephone call-in, then please call our OZ hotline number at 202-727-5471 to receive Webex log-in or call-in instructions. That number is also listed on your 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,

1 including an affected ANC. A full order may also be needed if
2 the Board's decision differs from the Office of Planning's
3 recommendation. Although the Board favors the use of summary
4 orders whenever possible, an applicant may not request the Board
5 to issue such an order.

6 In today's hearing session, everyone who is listening
7 on Webex or by telephone will be muted during the hearing, and
8 only persons who have signed up to participate or testify will
9 be unmuted at the appropriate time. Please state your name and
10 home address before providing oral testimony on your
11 presentation. Oral presentations should be limited to a summary
12 of your most important points. When you are finished speaking,
13 please mute your audio so that your microphone is no longer
14 picking up sound or background noise. Once again, if you're
15 experiencing any difficulty, please call the OZ hotline number
16 at 202-727-5471. All persons planning to testify either in favor
17 or in opposition should have signed up in advance. They will be
18 called by name to testify. If this is an appeal, only parties
19 are allowed to testify.

20 By signing up to testify, all participants completed
21 the oath or affirmation as required by Subtitle Y 408.7. Requests
22 to enter evidence at the time of an online virtual hearing, such
23 as written testimony or additional supporting documents other
24 than live video which may not be presented as part of the
25 testimony, may be allowed pursuant to Subtitle Y 103.13, provided

1 that the person making the -- somebody might want to mute
2 themselves, I think they're kind of unmuted -- the person making
3 the request to enter an exhibit explains, A, how the proposed
4 exhibit is relevant, B, the good cause that justifies allowing
5 the exhibit into the record, including an explanation of why the
6 requester did not file the exhibit prior to the hearing pursuant
7 to Subtitle Y, 206, and how the proposed exhibit would not
8 unreasonably prejudice any parties.

9 The order of procedure for special exceptions and
10 variances are pursuant to subtitle Y, Section 409 -- at the
11 conclusion of each case, an individual who was unable to testify
12 because of technical issues may file a request for leave to file
13 a written version of the planned testimony to the record within
14 24 hours following the conclusion of public testimony in the
15 hearing. If additional written testimony is accepted, then
16 parties will be allowed a reasonable time to respond as determined
17 by the Board. The Board will then make its decision at its next
18 meeting session, but no earlier than 48 hours after the hearing.
19 Moreover, the Board may request additional specific information
20 to complete the record. The Board and the staff will specify at
21 the end of the hearing exactly what is expected and the date when
22 persons must submit the evidence to the Office of Zoning. No
23 other information shall be accepted by the Board.

24 Finally, the District of Columbia Administrative
25 Procedures Act requires that a public hearing on each case be

1 held in the open before the public. However, pursuant to Section
2 405(b) and 406 of that Act, the Board may, consistent with its
3 rules of procedure and the Act, enter into a closed meeting on a
4 case for purposes of seeking legal counsel on a case pursuant to
5 D.C. Official Code Section 2-575(b)(4) and/or deliberating on a
6 case pursuant to D.C. Official Code Section 2-575(b)(13), but
7 only after providing the necessary public notice, and in the case
8 of an emergency closed meeting, after taking a roll call vote.

9 Ms. Rose, do we have any preliminary matters?

10 MS. ROSE: Good morning, Mr. Chairman, members of the
11 Board. Overall, we don't have any. I think that it would be
12 best to call the -- to inform you of the preliminary matters when
13 we call the case.

14 CHAIRPERSON HILL: Okay. That sounds like a plan to
15 me. Good morning, everybody. Nice to see everyone. Thanks for
16 everyone for covering for me the last couple of weeks while I
17 was handling some family issues. And I look forward -- I look
18 -- it's nice to see everybody. Let's see, Ms. Rose, if you could
19 call our first public meeting please?

20 MS. ROSE: Yes. The only case on the meeting agenda
21 is Application No. 20611A of MQMF 1125 15th Street, LLC. This
22 is a modification of consequence from BZA order No. 20611,
23 effective February 17th, 2022, pursuant to Subtitle Y, Section
24 703 to convert an existing semi-detached office building to a
25 mixed use building in the D-6 zone at 1125 15th Street, N.W.,

1 Square 214, Lot 105. And I was informed by staff today that the
2 ANC met on Tuesday night and would like to submit a report for
3 the record in case the Board would like to leave the record open
4 for that.

5 CHAIRPERSON HILL: Do you have the report yet, Ms.
6 Rose?

7 MS. ROSE: No, we don't. I know.

8 CHAIRPERSON HILL: Does the A- -- did the ANC tell you
9 what happened?

10 MS. ROSE: No. I can ask staff if they know.

11 CHAIRPERSON HILL: Okay. All right. I'll tell you,
12 this is what I'm going to do then, you guys. I'm going to go
13 ahead and we'll put this at the end of the day, okay, and then
14 see -- well, let's put this back at the end of the day, see if
15 staff can reach out to the ANC, at least find out what happened.
16 Okay?

17 MS. ROSE: Yes, sir.

18 CHAIRPERSON HILL: So that he can tell us, right? And
19 then we will keep the record open, but we want to know what
20 happened. Okay? Or I want to know what happened. So that being
21 the case, let's put this decision back at the end of the day,
22 have staff please reach out and find somebody who was at the
23 meeting. And if the Applicant is listening, which you should be,
24 then find out what happened at the ANC meeting and let us know.
25 Okay?

1 All right. Go ahead, Ms. Rose, and call our first
2 hearing case then please.

3 MS. ROSE: This is Application 20880 of 1000 through
4 1016 H Street, N.E., LLC, and 5522 Rhode Island Avenue -- Rhode
5 Island, LLC. This is for a special exception from the minimum
6 vehicle parking requirements of Subtitle C, Section 701.5
7 pursuant to Subtitle C, Section 703 and Subtitle X, Section 901.2,
8 a special exception from the access requirements of Subtitle C,
9 Section 904.5 pursuant to Subtitle C, Section 909 and Subtitle
10 X, Section 901.2, and a special exception from the development
11 standards of Subtitle H, Section 901 pursuant to Subtitle H,
12 Section 910.1, Subtitle H, Section 1202, and Subtitle X, Section
13 901.2 to construct a new detached five-story with cellar and
14 penthouse 80-unit apartment building in the NC-16 zone. That
15 premises 1000 through 1016 H Street, N.E., Square 958, Lot 17,
16 18, 19, 20, 21, 22, 55, 808, and 809. As a preliminary matter,
17 ANC 6A has filed a motion for postponement. The Applicant has
18 filed a consent to the postponement request. Also the Applicant's
19 counsel filed a motion to accept late filings to address
20 discussions with DDOT and the documents are on the record.

21 CHAIRPERSON HILL: Okay. Thank you.

22 Ms. Molendhauer, if you could hear me, could you
23 introduce yourself for the record please?

24 MS. MOLDENHAUER: Good morning, my name is Meridith
25 Moldenhauer from the law firm of Cozen O'Connor. I'm here on

1 behalf of the applicant.

2 CHAIRPERSON HILL: Okay. Great. Ms. Moldenhauer, both
3 you and the ANC seem to want a postponement.

4 Mr. Young or Ms. Rose, is there anybody from the ANC
5 here?

6 MR. YOUNG: They are not.

7 CHAIRPERSON HILL: Okay.

8 Ms. Moldenhauer, why do you need the postponement and
9 when do you think you want to get back to us?

10 MS. MOLDENHAUER: So at the last ANC meeting, the ANC
11 has been discussing -- originally, we had proposed the project
12 with no ground floor retail. The ANC had asked for more retail
13 to activate the street. We added a corner store location which
14 was included in the most recent pre-hearing statement filing.
15 They still believe that that was not sufficient enough to activate
16 the street. We are continuing to engage with the ANC. There
17 were discussions regarding art, live, work use, but we don't
18 believe that that would comply with the art, live, work
19 definition. And so we are proposing potentially more than what
20 we originally had in regards to retail use. We are asking the
21 ANC to go before their subcommittee tonight and are reaching out
22 to neighbors as well to address meeting with the neighbors and
23 having a conversation with them. And so we believe we would be
24 able to get on the full ANC's meeting at the next ANC meeting,
25 this would be our third presentation to the subcommittees and the

1 ANC, and would ask potentially for a May 3rd BZA hearing date.

2 CHAIRPERSON HILL: Ms. Rose, what does our docket look
3 like on May 3rd?

4 MS. ROSE: May 3rd, we have seven cases and we could
5 add one more.

6 CHAIRPERSON HILL: We can always add one more, right?
7 What does the 10th look like, May 10th

8 MS. ROSE: Let's see. We have eight cases. One is a
9 foreign missions case.

10 CHAIRPERSON HILL: Okay. All right. Well, let's go
11 ahead -- I mean, we'll try to work with the Applicant here because
12 we want to do what we can do to help things move along here in
13 the city one way or the other. And so let's go ahead and put it
14 on the 3rd.

15 Ms. Moldenhauer, and maybe some of my Board members
16 might have more questions for you, I do not, but I just wanted
17 to mention that there's some discussion about it's C 904.2 that
18 you need to be here before us concerning and not C 904.5. And
19 it's a discussion about I guess the waiving the minimum lot --
20 I'm sorry, waiving the minimum width requirements for the alley.
21 And that's what I think was some of the discussion we were having.
22 Ms. Moldenhauer, are you aware of this and/or do you want to
23 reach out to the Office of Planning to clarify?

24 MS. MOLDENHAUER: So we met with the Office of Planning
25 prior to even filing the application and met with DDOT prior to

1 filing the application and we discussed this and we are asking -
2 - we believe we're asking for the proper relief. We are saying
3 that we are providing zero loading, zero compliant loading, which
4 is why we're asking for relief under that special exception
5 condition. Even though we are providing -- we are saying we can
6 provide loading on site, it is noncompliant loading, and so our
7 application is showing zero loading, zero compliant loading, and
8 therefore we believe we're asking for the proper relief under the
9 special exception requirement, and not having to ask for the
10 alley width relief because that's not a special exception. And
11 so that's the distinction. I can answer any questions, if that
12 makes sense, to the Board members or if they need further
13 explanation.

14 CHAIRPERSON HILL: Okay. I'm going to ask my fellow
15 Board members if they have any questions. However, before I do
16 that, Ms. Moldenhauer, I would suggest you reach back out then
17 to the Office of Zoning and make sure that, you know, if there's
18 any discussions that need to take place, you have had them before
19 you get back to us on May 3rd, because this seems to be a little
20 bit unclear and that will affect how this moves forward with you.

21 Do my Board members have any questions of the
22 Applicant, please -- and if so, please raise your hand. Okay.
23 All right. Ms. Moldenhauer, then I would turn to you to go ahead
24 and reach out to the Office of Zoning and clarify. Okay?

25 MS. MOLDENHAUER: We will do that. Thank you very

1 much. And I thank you for your time today.

2 CHAIRPERSON HILL: All right. Ms. Rose, please put
3 this on the May 3rd calendar and let the ANC know.

4 MS. ROSE: So noted.

5 CHAIRPERSON HILL: Okay. Great.

6 Okay. Mr. Young, you can close that case or I'm closing
7 this portion of the hearing. Give me one second please. I know
8 I'm the only one, but I miss walking around that little dais if
9 you had to get up and like walk around and get something, you
10 know? Not that some of you people would know what I'm talking
11 about because you've never seen the room. Okay. Let's see.

12 Go ahead, Ms. Rose, and call our next one please when
13 you get an opportunity.

14 MS. ROSE: The next application is No. 20879 of PB
15 Universal South, LLC, and PB Universal North, LLC. This is for
16 a special exception from the penthouse setback requirements of
17 Subtitle C, Section 1504 pursuant to Subtitle C, Section 1506.1
18 and Subtitle X, Section 901.2, a special exception from the court
19 requirements of Subtitle G, Section 202 pursuant to Subtitle G,
20 Section 409.1, Subtitle G, Section 1201, and Subtitle X, Section
21 901.2, and a special exception from the side yard requirements
22 of Subtitle G, Section 406 pursuant to Subtitle G, Section 409.1,
23 Subtitle G, Section 1201, and Subtitle X, Section 901.2, to
24 construct upper floor additions with penthouse and roof decks and
25 to convert a residential use, an existing detached -- convert to

1 a residential use an existing detached nine-story with below
2 grade parking penthouses and roof decks mixed use building in the
3 MU-9B zone at premises 1825/1875 Connecticut Avenue, N.W., Square
4 2535, Lot 42. There are additional filings in this case, a letter
5 in support from OAG, the Applicant's PowerPoint, and ANC 2D report
6 in support.

7 CHAIRPERSON HILL: Okay. Unless the Board has any
8 issues, I'd like to please allow everything into the record if
9 staff would please do that, if you're saying there was a filing
10 deadline. I don't see anything not being in the record that you
11 just mentioned. So I think we're okay.

12 MS. ROSE: Yes.

13 CHAIRPERSON HILL: Let's see.

14 Okay. Mr. Williams, if you could hear me, if you could
15 please introduce yourself for the record?

16 MR. WILLIAMS: Yes, good morning, Chairman Hill and
17 members of the BZA. My name is Zach Williams, I'm a land use
18 attorney with the law firm of Venable, representing the
19 Applicant, Post Brothers, on this project.

20 CHAIRPERSON HILL: Okay. Great. Mr. Williams, it
21 looks like there -- and I don't know -- well, there seems to be
22 one, two, three, four people that are not in our witness book.
23 And I'm trying to see what's the best way to do this. There's
24 -- so Mr. Williams, I'm talking to you real quick. There's Sheila
25 Nale, Stephen Eich, I'm sorry, Gary Handel, and Amar Sen. Are

1 those -- those are all people that perhaps might testify today,
2 correct?

3 MR. WILLIAMS: That's correct.

4 CHAIRPERSON HILL: Okay. And do you think they're all
5 going to testify for you today?

6 MR. WILLIAMS: I know Gary Handel will for sure, and
7 the others will be subject to Q&A.

8 CHAIRPERSON HILL: Okay. Let me do this, Mr. Handel,
9 can you hear me? I see G. Handel, he might be muted. Mr.
10 Williams, do you know where Mr. Handel's resume is in the
11 exhibits?

12 MR. WILLIAMS: Yes, I can pull that.

13 MR. HANDEL: Can you hear me now?

14 CHAIRPERSON HILL: Yes.

15 MR. HANDEL: Okay.

16 MR. WILLIAMS: Exhibit 14.

17 CHAIRPERSON HILL: Exhibit 14. All right. Mr. Handel,
18 could you please tell us a little bit about your background and
19 why you think -- well, I guess on why you think you're an expert
20 in architecture.

21 MR. HANDEL: Sure. My name is Gary Handel, I'm the
22 founding partner and managing principal of Handel Architects.
23 We're a 200-person firm with offices around the world and the
24 architect for this project. We've done projects such as the 911
25 Memorial, over 150 large scale mixed use residentially based

1 projects around the world, including around 12 in the District
2 and its environs.

3 CHAIRPERSON HILL: Okay. Great.

4 And let's see, at least, okay, I mean, Mr. Anders has
5 been with us a lot. So well, let me do this, we'll go ahead --
6 unless -- I see your CV in front of us here. I don't have any
7 issues with Mr. Handel being an expert in architecture. And so
8 -- wait a minute, oh yeah, there we go -- and so I'm comfortable
9 putting him into our book -- witness book there. And then, Mr.
10 Williams, since you've got a bunch of people here, let's see if
11 we end up talking to the other people on your team, and then we
12 can go through that process and you can remind me that I haven't
13 done so if we get to questions with those members of the team.
14 And the next time they're here with us, we can try to do this
15 again if they're with us for another case.

16 MR. HANDEL: And is there anything that I need to do
17 to be promoted for video -- oh, there we go.

18 CHAIRPERSON HILL: Yeah, I think --

19 MR. HANDEL: I guess I might have thought to turn my
20 camcera on.

21 CHAIRPERSON HILL: You should be able to turn your
22 camera on.

23 MR. HANDEL: There it is, thank you. Thank you so
24 much.

25 CHAIRPERSON HILL: Oh, great, there you go.

1 Okay. Mr. Williams, I'm going to go ahead and let you
2 walk us through your application for your client and why you
3 believe you're meeting the criteria for us to grant the relief
4 requested. There seems to be some things that OP have talked
5 about, some things that the ANC has talked about. So maybe when
6 you get to those parts of your presentation, you can highlight
7 those for the Board and you can begin whenever you like.

8 MR. WILLIAMS: Right. Thank you.

9 First, I'd like to introduce our team in the order of
10 the presentation. Sarina Rose will be speaking on behalf of Post
11 Brothers, the Applicant, and will provide a quick introduction
12 to the project. Gary Handel will be speaking on behalf of Handel
13 Architects, the project architect. And then I'll conclude with
14 the presentation of the zoning relief and the justification for
15 the relief. In addition, we have Erwin Andres, our traffic
16 engineer with Gorove Slade, we have Stephen Eich, our landscape
17 architect with Hollander. And we also have Sheila Nale and Matt
18 Salmon with Bohler Engineering if there are questions at the end
19 of the presentation.

20 With that, I'll turn it over to Sarina Rose to introduce
21 the project.

22 MS. SARINA ROSE: Thank you, Zach. Good morning,
23 everyone. It's great to be here. My name is Sarina Rose. I am
24 senior vice president of development for Post Brothers. Post
25 Brothers was founded by Mike and Matt Pestronk to focus primarily

1 on multifamily development at the company inception. We've grown
2 to become a nationally recognized leader in development,
3 innovation, and sustainability. Since the company's founding in
4 2006, we've developed more than 25 properties, 6,000 apartments,
5 along with complementary retail space. We believe we have
6 completed more multifamily adaptive reuse conversions of this
7 type than any other developer in the nation outside of New York
8 City. It is my pleasure to introduce for you our thoughts on
9 the project, which we hope will leave you with a long-lasting
10 impression that not only is this team well-equipped and
11 determined to deliver a world class solution for the site, but
12 it is also motivated to set the highest bar for this type of
13 office to residential conversion project. As you know, the site
14 is located at 1825 and 75 Connecticut Avenue. It's bounded by
15 Connecticut, Florida as well as -- to the south, and T Street to
16 the north. So it itself is three-sided. It is nestled between
17 three ANCs. We land entirely in Adams Morgan, but we also kiss
18 both DuPont Circle at Florida Avenue and Kalorama Heights at
19 Connecticut Ave. From our perspective, we couldn't be happier
20 with this location. We have the approval and recommendation to
21 the BZA from all three ANCs with some comments. Our design
22 solution started with the careful selection and -- of Handel
23 Architects who were handpicked for their skill and world renowned
24 reputation for adaptive reuse projects of this type and their
25 projects that have this timeless, contextually appropriate, and

1 beautiful solutions. We will be rebranding the project the
2 Geneva, a name which provides for us inspiration that has and
3 will continue to ground our efforts to adopt -- to adapt this
4 '60s office building for residential use.

5 The conversion itself will entail a facade replacement.
6 The structure will remain intact, but the facade will be
7 effectively replaced with a new one with features and proportions
8 inspired from the richness found in the most admired residential
9 architecture in European and American cities. We are not going
10 to historify the building, but we will be taking cues from the
11 past to help us detail the facade in a way that is distinctly
12 residential, very important component of the project. The
13 building will become a place that people desire to live in and
14 will have an elegance to it that is reflective of the most
15 noteworthy examples of high-quality design and one that is worthy
16 of this site and the District. We look forward to your feedback,
17 insight, recommendations for improving upon our vision. Thank
18 you very much for your time. With that, I turn it back to Zachary
19 Williams, our counsel.

20 MR. WILLIAMS: Thank you, Sarina.

21 Mr. Young, can we pull up the presentation?

22 sir. And Mr. York, we pull up the presentation.

23 CHAIRPERSON HILL: Mr. Williams, do you know which one
24 you're pulling up?

25 MR. WILLIAMS: There should only be one. As filed, the

1 presentation was split into multiple files to get it in, but I
2 sent Mr. Young the full presentation as well.

3 CHAIRPERSON HILL: Okay. I mean, the one that -- 33A1
4 had, it looks like, the most in the slide deck, but --

5 MR. WILLIAMS: That's it there.

6 CHAIRPERSON HILL: Okay. All right. We'll just follow
7 along then.

8 MR. WILLIAMS: Okay. I'm going to turn it over to Gary
9 Handel now to walk through the architectural plans and
10 elevations.

11 MR. HANDEL: Great. Mr. Chair and members of the Board,
12 it's a pleasure to be here. Next slide please?

13 As Sarina mentioned,, you know, the site is incredibly
14 well located in Adams Morgan, bordering on the three ANCs. You
15 can see the triangular site that is indicated here on this slide.
16 And go next please? Next?

17 And as mentioned, I'm Gary Handel, managing principal
18 of Handel, the architects for the project. We're a firm of over
19 200 architects, planners, and designers, and our projects consist
20 of some of the most sustainable residential, commercial, and
21 institutional projects in the world. We've done more than 150
22 large scale multifamily projects, including around a dozen in the
23 District and its environs. We love to work on projects that we
24 think will have a positive impact on the communities in which
25 they're located and with owners that we believe share our values.

1 This is such a project. Our goal for this project is to take
2 advantage of the opportunity to transform this well-located but
3 outdated commercial building into a contributing asset to this
4 residential neighborhood. It's a site that calls for a thoughtful
5 and considered response in creating a building with a distinct
6 residential feel, as Sarina mentioned. We envision recreating
7 the building as something timeless, classic, and elegant, a place
8 that you'd want to call home. Next? Thanks.

9 And so here you can see the photographs of the existing
10 building and the site plan on the bottom right, its triangular
11 footprint bordered by Florida, Connecticut, and T Street.
12 There's a significant grade change to be accommodated on the site
13 with a vertical grade change of over 30 feet from the intersection
14 of Florida and Connecticut to T Street. Currently, there are two
15 office buildings on the site, Universal South, designed by Roy
16 Werner in 1956, and Universal North designed by Edwin Way in
17 1962. While not inappropriate for their time, the relentless and
18 overpowering facades of these buildings are not up to current
19 standards, nor do we believe they make a positive contribution
20 to the residential neighborhood of -- residential nature of the
21 neighborhood. As Sarina mentioned, we'll be recladding the
22 building, replacing it with something more refined in its
23 modulation, proportion, and materiality in order to make it more
24 suitable for its intended residential use and more appropriate
25 for this residential neighborhood. The transformation of these

1 1950s and 1960s office blocks represents a significant
2 opportunity to create a much more urbanistically responsive
3 building, but its conversion also poses certain challenges.
4 We'll be demolishing the theater appendage along Florida Avenue
5 in order to make room for the new entry garden, creating a sense
6 of arrival and a sense of home. Next please?

7 Here is a view from the corner of T and Florida, looking
8 towards the south. You can see the two wings of the building as
9 they would look after being renovated, framing the new entry
10 garden. As we trust you can see and as Sarina mentioned, we took
11 inspiration from the modern but classically inspired residential
12 architecture that can be found throughout Washington, D.C. and
13 European cities such as Paris and London. We also attempted to
14 capture the pre-war elegance that can be found in New York's
15 Upper West Side along Central Park and also along Park Avenue.
16 You can also get a glimpse of the architectural strategies that
17 we've used to introduce an appropriate residential scale to the
18 building. We've employed the use of bay windows, juliet
19 balconies, inset terraces, and areas of punched windows
20 contrasted with areas of floor to ceiling glass to syncopate and
21 modulate the facades and to introduce an elegant proportionality
22 to those facades. We're using a cast stone façade to evoke the
23 characteristics of the classic and elegant residential designs
24 of the best buildings in those previously mentioned cities. On
25 the northern wing, we've replaced the existing penthouse with one

1 new floor, plus a penthouse structure containing the building's
2 mechanical systems as well as a number of apartment units. All
3 of the mechanical systems will be fully screened with facades in
4 keeping with the building's elegance. On the southern wing,
5 we've replaced the existing penthouse with two new floors, plus
6 a penthouse structure containing more fully screened mechanicals,
7 as well as some of the building's amenity spaces. This includes
8 a large outdoor terrace for the use of all residents of the
9 building. All of this is within the (indiscernible) 100-foot
10 building height limit, plus the 20-foot allowance for penthouse
11 structures. Next please?

12 Looking from the south, you can see that we've designed
13 large solariums on the new upper four corners to bring light into
14 those units that are especially deep in plan. These solariums
15 also provide a strong visual anchor for the building's corners
16 and a strong contrast with the cast stone facades. We've
17 introduced setbacks along multiple upper floors as a strategy to
18 have the building meet the sky in a more graceful manner while
19 creating a sense of residential scale and articulation, while
20 also bringing light deep into those homes. The building has
21 great views. We'd like to bring those views to as many units as
22 possible using various architectural elements and design
23 strategies that we've mentioned. We've been able to create a
24 building that we think is sympathetic and responsive to the
25 beautiful residential neighborhood that it's a part of. Next?

1 This view is from the southwest, looking at Connecticut
2 -- at the Connecticut Avenue facade and the court between the two
3 wings of the building visible in the distance. You can see here
4 how the penthouse setback on the south wing is quite significant
5 in attempt to reduce the building's bulk where the building is
6 at its highest off of the adjacent grade, and also to afford all
7 residents access to an amenity deck that can enjoy the views out
8 over the District. And next?

9 This view is from the northwest looking at the corner
10 of T and Connecticut with a court between the two buildings
11 looking -- visible on the right. You can see all of the other
12 elements that we've spoken about earlier, as well as a series of
13 townhouses along T Street at the bottom, which will be articulated
14 with a masonry expression to create a sense of individuality to
15 these set of unique homes. And next?

16 And in this section you can see where we're adding the
17 new floors permitted by the inclusionary zoning bonus height on
18 all, indicated above the red dashed line. Note that we plan to
19 demolish the existing poorly constructed penthouse structure
20 which was designed to house the existing outdated mechanical
21 systems. These will be removed and replaced with dramatically
22 more energy efficient and residentially appropriate systems. You
23 can also see how the two wings of the building are connected on
24 the lower floors via the lobby and service spaces, as well as
25 through elevated corridor on the upper floors. You'll notice how

1 the grade change is significant enough to create a multi-story
2 differential, which I'll go into more detail on the next slide
3 and show how it affects the residential entrances and the grades.
4 And you can also see here on the right, the large elevated
5 courtyard, which we've added to help tackle the overly deep floor
6 plates in the south wing of the building and to provide ample
7 amounts of natural lighting into the amenity spaces, along with
8 the setbacks that we're using on the main facades. The courtyard
9 is located on the top of the existing parking that occupies the
10 center of that southern wing building. Regarding the parking,
11 I'll note, you know, that our proposed design has 419 parking
12 spaces, which is down from 663 in the existing building. And go
13 next? Go back one please?

14 Yeah, so at the end of the renovation, the building
15 will have a number of entrances for the residents in an effort
16 to address the size of the building. The most grand of these
17 will be off of the entry garden, what we're calling the second-
18 floor level. There'll be additional entries along -- off the
19 third level off of Connecticut Avenue, as well as two more
20 convenience entrances street along T Street and on the third and
21 fourth level. You can see in the yellow we've placed active
22 retail uses along the street front, along where our lobby entrance
23 is and occasional points of egress are located. You can also
24 see the entry garden, which will be designed by the rope
25 (phonetic) class landscape architecture firm of Hollander Design,

1 and how we're bringing cars, (indiscernible) vehicles, trash
2 vehicles, and residents into the site. There'll be two garage
3 entrances, one off of the entry garden, and one of T. Boarding
4 will occur off of Florida and T Street. There'll be a pedestrian
5 path up through the arcade that connects Florida to the main
6 lobby. And then next?

7 And then just a series of retail views. And this will
8 be the retail storefront of the corner of Connecticut and T. And
9 you can see the introduction of the more pedestrian scale coursing
10 and articulation. And next?

11 And similarly, an example along the ground floor. This
12 is the entrance arcade directly off of that entry garden that
13 will lead to the main lobby. And next?

14 And in another example of the detailing along, in this
15 case, Florida Street, showing the retail frontages there. And
16 next?

17 And with that, I'll turn it over to Zach Williams, with
18 Venable, to explain the (indiscernible) relief that we're asking
19 for. Thank you so much.

20 MR. WILLIAMS: Thank you, Gary. Mr. Young, if we'd go
21 to the next slide please? Thank you.

22 The three types of zoning relief needed for this
23 project are for penthouse setbacks, courts, and side yards. Each
24 of those items can be granted with a special exception pursuant
25 to the zoning regulations subsections that are listed here on

1 this slide. The conversion to residential is allowed as a matter
2 of right in this zone which is MU-9B. And the height and density
3 proposed is all permitted with the IZ bonus permitted in the MU-
4 9B zoning district. Next slide please?

5 As the members of the BZA are well aware, the special
6 exception standards, the general relief must be in harmony with
7 the general purpose and intent of the zoning regulations and must
8 not adversely affect neighboring property. Next slide?

9 With respect to the penthouse setbacks, which we'll
10 talk about first, there's a couple of additional items that we're
11 required to meet for the relief requested. First, we must
12 demonstrate that reasonable effort has been made for the housing,
13 for mechanical equipment, stairway, and elevator penthouses to
14 be in compliance with the setbacks that are required. And next
15 slide?

16 We're required to demonstrate at least one of the
17 following: that the strict application of the requirements
18 result in construction is not unduly restrictive, prohibitively
19 costly, or unreasonable; that relief requested will result in
20 better design of the penthouse and rooftop structure; the relief
21 requested would be visually less intrusive than otherwise
22 required; and that other operating difficulties that may be
23 related to reasonable efficiencies on lower floors and other
24 conditions relating to the building area. As we'll show, we
25 believe we meet all of these requirements and that the relief is

1 justified as such? Next slide?

2 Generally for the penthouse setbacks, the basis for
3 relief is, first of all, the current penthouses, as I'll show in
4 the next slide, are out of conformance as built, they're out of
5 conformance on required setbacks and on height. As sort of a
6 high-level conversion of an office building, in this case it was
7 two office buildings originally built separately and then
8 connected to a residential building, it presents certain
9 challenges from a structural standpoint, from a layout
10 standpoint, mechanical standpoint that require the relief that
11 we're seeking here. And we'll get into the details on that. The
12 Applicant has also been touched upon, has certain sustainability
13 goals here that impact the penthouses. The Applicant is seeking
14 to build this project without any fossil fuel use. So it would
15 be no steam boilers and no other gas burning furnaces and no
16 fossil fuels whatsoever, and that leads to certain challenges as
17 well on the rooftop. The required setbacks, given the existing
18 building layout, would significantly restrict the usable
19 penthouse area. And finally, the penthouse setback relief that's
20 sought is proposed to be mainly inward facing to the site and no
21 relief is sought at the most prominent corner, as Gary mentioned,
22 at Florida and Connecticut Ave, that intersection there at the
23 highest point in the building. Next slide?

24 This slide shows the penthouses as currently built on
25 the existing building. As you can see, the penthouse on the

1 northern wing, it has no setback along that interior court that
2 separates the two original buildings and there are other areas
3 as well that do not meet the one-to-one setback ratio. The
4 penthouse is built to 21 feet in certain areas, which exceeds the
5 20-foot maximum allowed in the Mu-9B zone as well. Next slide?

6 This slide shows the penthouses as proposed. A couple
7 of things I want to highlight here. First of all, the setback
8 on the Connecticut Ave and Florida Ave intersection, the highest
9 point on the project, the most prominent visible corner, is going
10 to be exceptionally large, almost 112 feet. The purpose for that
11 is to provide that amenity deck, as mentioned by Gary, but also
12 to shift the impacts of the penthouses to the interior of the
13 site, the less visible areas of the site. And this is something
14 that all three ANCs, 1C, 2B, and 2D, commented on and supported.
15 This was something that all three noted in the meetings that we
16 had. Next slide please?

17 This slide shows in the hatched yellow exactly what
18 relief we're seeking with respect to the setbacks. The setback
19 that would otherwise be required is shown where the hatched yellow
20 is. And as you can see, the greatest relief that we're seeking
21 is all facing interior to that interior court between the two
22 buildings. So the least visible portion of the site is where
23 the greatest relief is sought. And we did that on purpose, again
24 to minimize impacts on the view shed and on the surrounding
25 community. There's additional minor relief sought on the

1 northern building wing that's essentially related to those
2 terraces at the upper level that Gary spoke to. On a general
3 point with a conversion project, we have very limited flexibility
4 from a design standpoint and what can be done. Our flexibility
5 is really limited to the new floors and the new penthouse. And
6 so here, in order to make this building residential in character,
7 rather than the 1960s office building, we were attempting to
8 bring light and air into those upper units. And that's the
9 purpose of the terraces, along with the other reasons that Mr.
10 Handel mentioned. On the southern wall of the northern wing,
11 there's penthouse relief sought there as well. As you can see,
12 that's a very narrow building as -- we're dealing with multiple
13 building edges here for these penthouses. And as it is, we're
14 proposing a penthouse with less than the 0.4 FAR that's permitted.
15 We're actually at 0.34 even with this relief. Reducing that
16 further would make it such that it would be very difficult to
17 provide residential units above in the penthouse in the northern
18 wing. It also presents challenges for the mechanical systems.
19 Because these are two buildings as originally built, even though
20 connected now, we need mechanical on both buildings, and that
21 presents challenges as well. Next slide please?

22 This slide is meant to show really in detail where
23 we're asking for the greatest relief. This is something that OP
24 specifically asked us for to justify that relief we were seeking.
25 I will note that on that interior wall of the southern wing, we

1 initially proposed zero setback relief there. And we went back
2 to -- after we spoke with OP and received their feedback, we went
3 back and looked to see what we could do, if we could provide some
4 sort of relief there to prevent a, you know, some difference in
5 the relief. And we were able to do that. We were able to move
6 it back three feet. The reason that we can't do it any more than
7 that has a lot to do with the way that this building was built.
8 The building was built originally with ceiling -- floor to floor
9 heights of less than ten feet. So any time that you're making
10 changes that affect the lower levels, that's significant. For
11 example here, any additional setback would require us to put a
12 beam in that would lower the ceiling height in that upper level
13 to under eight feet, which is really not acceptable for
14 residential units in a building of this type. Where the penthouse
15 is built now, we're able to take advantage of the existing
16 building structure to really minimize that impact. But that's a
17 serious challenge to a conversion of this type. Further, because
18 we're not going to have any steam burning boilers in the building,
19 which can go in the building, all of the mechanical heat pump
20 units, which will be provided here, have to be on the roof. And
21 so that presents additional weight that we have to account for
22 and a structural system that is, again, from the 1950s and 1960s,
23 and making any additional changes would impact ductwork and
24 efficient heating and cooling in the lower units, as shown here
25 on the slide and in our burden of proof submitted to the record.

1 Next slide please?

2 This slide just shows the layout, the interior layout,
3 of these penthouses. As noted, the penthouse on the northern
4 wing will provide residential units on the first level and
5 mechanical units and screening on the second level, as well as
6 green room. And then on the southern wing, you'll have amenity
7 space provided as well as additional mechanical on the second
8 level and screening as required. Next slide please?

9 Turning to the courts, the -- we need relief for the
10 courts as well as part of this project. There is one large
11 existing court, as I mentioned, between the original two building
12 wings. That court's in conformance now, but when we build the
13 additional levels, that will be slightly out of conformance. And
14 so that's one of the main areas of relief that's sought. There
15 are other courts also that are being provided at the highest
16 level of the building. Again, those terraces that you have very
17 limited flexibility with this project from a design standpoint,
18 and that's really the only area of the building where we can try
19 to make this look residential rather than the commercial office
20 building that it was originally built as. Those terraces also
21 would bring in light and air at the top of the building for those
22 units and should have minimal impact on neighbors given that the
23 courts are at the very highest level of the building and not even
24 visible from a lot of areas around the project. Next slide?

25 I'm going to walk quickly through the courts. Now, the

1 -- this slide shows that existing court between the original two
2 building wings. As shown, that court is in conformance, but when
3 we add the additional levels, it does not meet the provided width
4 by about a foot and a half. So it's minor, but it is relief that
5 we need to get approved in order to build the project. Next
6 slide? Great. Thank you.

7 This is just to be comprehensive. We're adding a court
8 in the interior of the southern wing as a light (indiscernible).
9 This court does not need zoning relief, but we just want to be
10 fully transparent that this is another court that will be added
11 to the project. Next slide?

12 This slide represents those courts at the upper levels,
13 very small terraces. Each of those is not meeting the required
14 court regulations. Typically, it's a few feet or square footage,
15 but it is relief that we need for each of those items, as shown
16 here on the chart, the exact amount of relief that we need is
17 provided in red, as well on those diagrams and in our burden of
18 proof. Next slide?

19 This is just one more of those conditions at the upper
20 terraces that's slightly different because it's on a different
21 angle, different building face, but it's the same -- essentially
22 the same relief for those upper floor terraces, which are
23 considered courts under the zoning regulations. Next slide?

24 Finally, side yards. The existing footprint of the
25 building will remain except for removal of the theater building

1 on Florida Ave, which we'll show in a minute here. Technically,
2 this building is built out of conformance on side yards, and so
3 attempting to build conforming side yards only at the highest
4 levels of the building would be counterproductive and it would
5 create a visually awkward façade. And given the existing
6 footprint will not change, we believe that this relief really
7 shouldn't impact the neighboring view -- the view shed of
8 neighboring properties and neighbors, as I'll show here on the
9 next couple slides. Next slide please?

10 Here's the building as the project -- I'm sorry, the
11 buildings as currently built. Everything in the footprint of
12 these buildings is going to stay the same except for that area
13 that's shaded in red. That's a theater building that some of
14 you all may recall, a movie theater that was then a spinning
15 operation, biking. That's going to be removed to make way for
16 the entry garden that Gary mentioned. The rest of the footprint
17 is going to stay exactly the same. We're not going to move the
18 footprint of the buildings. Next slide?

19 This slide just shows the required side setbacks here
20 because this is a through-lot, Florida Ave would be our front and
21 the two sides would be Connecticut and T Street. This would be
22 the required side yards for the building as currently built.
23 Obviously it doesn't conform, as shown, the building is well
24 outside of the required side yards. Next slide please?

25 And this would be the required side yards with our

1 proposed building, increases slightly with the greater height.
2 The requirement in the zone is two inches of width for every foot
3 of building height. Again, because we're not changing the
4 footprint of the buildings, this is relief that we would need
5 from the BZA to move forward. Next slide?

6 Finally, our community outreach. I mentioned, I
7 touched upon that we are bordering three ANC's here. We're within
8 ANC 1C, but we touch ANC 2B and 2D. And so we presented to all
9 three of those ANC's. And in some cases multiple presentations
10 to zoning committees as well as the full ANC's. All three ANC's
11 voted to support the project as proposed, and the letters are in
12 the record reflecting those votes. What -- some of the feedback
13 we heard is that the community is very excited about the
14 revitalization of this block. The community was very excited
15 about the design, the architecture of the project. And the
16 community also noted that the zoning relief seems to have been
17 proposed in such a way to minimize impacts on the neighborhood
18 and in particular with the setbacks for the penthouses, you know,
19 we heard from all three ANC's, as I mentioned, multiple times,
20 that they appreciated that we were pulling that penthouse back
21 from that most visible corner and that that was part of the reason
22 we needed the relief, and that was something that all three ANC's
23 touched upon and appreciated in their support. Next slide?

24 That concludes the Applicant's presentation. We're
25 available for questions, if there are any. Our whole team is

1 here to answer whatever questions the Board may have. Thank you.

2 CHAIRPERSON HILL: Okay. Thanks, Mr. Williams. I
3 think that the Board may have questions, but before we get to
4 the questions, if that's okay with the Board, I'd just like to
5 hear from the Office of Planning first, and then we can take any
6 questions that we might have from the Board.

7 Can I hear from the Office of Planning please?

8 MR. KIRSCHENBAUM: Yes. Good morning, Chair Hill, and
9 members of the Board of Zoning Adjustment, I am Jonathan
10 Kirschenbaum in the Office of Planning. And we recommend approval
11 of the special exception relief for side yards, courts, and
12 penthouse setback relief. And we rest on our staff report.
13 Please let me know if you have any questions. Thank you.

14 CHAIRPERSON HILL: Okay. Thanks, Mr. Kirschenbaum.
15 I'm only laughing because the staff report was -- you know,
16 there's a lot of things going on and so there was a lot of things
17 that you wrote about, and I thought it was very concise and easy
18 to read through, thankfully. So I thank you for that.

19 MR. KIRSCHENBAUM: Thank you.

20 CHAIRPERSON HILL: Let's see, does the Board have
21 questions of the Applicant or the Office of Planning?

22 Ms. John?

23 VICE CHAIR JOHN: Yes. I had a question about the
24 location of access to the parking. Will it still continue to be
25 from T Street, I believe?

1 MR. WILLIAMS: Yes. Sarina, do you want to address
2 that?

3 MS. SARINA ROSE: Sure. It would be nice to have a
4 visual, but there will be -- we will maintain access to parking
5 off of T. It will be modified so that it is more narrow. We
6 won't have, you know, 300 cars coming in at exactly the same time
7 in the morning and leaving in the evening as an office building
8 might. So we felt comfortable doing that. And also there is
9 parking access off of the entry garden and that circle that is
10 on the plans, so the south portion of the building.

11 VICE CHAIR JOHN: Okay. Thank you.

12 CHAIRPERSON HILL: I think I saw -- was Mr. Blake's
13 hand up?

14 COMMISSIONER BLAKE: Yes. Just one quick question with
15 regard to the inclusionary zoning of apartments, just a matter
16 of giving a little sense of the amount, the mix, location,
17 something like that, to the extent you have a sense of that, I'd
18 appreciate that.

19 MS. SARINA ROSE: I'll take that one too, Zach. So we
20 will have at least 40 IZ units. The distribution will be among
21 all of the unit types and in accordance with the Code.

22 COMMISSIONER BLAKE: And will this be a rental or a
23 condominium building?

24 MS. SARINA ROSE: Great question. It's apartments only
25 for rent.

1 COMMISSIONER BLAKE: Okay. So essentially around the
2 60 percent AMI type and --

3 MR. WILLIAMS: That's correct.

4 COMMISSIONER BLAKE: Okay. Thank you.

5 CHAIRPERSON HILL: Okay. Anyone else?

6 Mr. Young, is there anyone here wishing to speak?

7 MR. YOUNG: We do not.

8 CHAIRPERSON HILL: Mr. Williams, I'm just curious, if
9 this were to go through, how long would this take?

10 MR. WILLIAMS: To build? I will defer to Sarina on
11 that one.

12 MS. SARINA ROSE: It's a several year build project,
13 especially to take off the façade and replace it. You know, it's
14 a full scale, I would say roughly three years to fully build it
15 out. Hopefully less.

16 CHAIRPERSON HILL: Okay. And I'm just curious, did
17 the, you know, the incentives that the mayor's put forward about
18 conversions, did that have something to do with the project?

19 MS. SARINA ROSE: Well, we're providing the IZ units,
20 and -- yeah, as far as abatement or that kind of -- are you asking
21 that -- no, we're -- you know, we're all in with the IZ as the
22 project is proposed.

23 CHAIRPERSON HILL: I was going to -- yeah, I mean, it's
24 just a huge -- I mean --

25 MS. SARINA ROSE: It would be fantastic to get that,

1 but that's --

2 CHAIRPERSON HILL: We all know that building. I mean,
3 it's just a -- you know, we don't -- I don't see -- I haven't
4 seen something this big in terms of a conversion yet. And so -
5 -

6 MS. SARINA ROSE: Yeah.

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

8 VICE CHAIR JOHN: I have another question, Mr.
9 Chairman.

10 CHAIRPERSON HILL: Sure. Go ahead, Ms. John.

11 VICE CHAIR JOHN: It's --

12 MS. SARINA: Just to -- sorry, I'm sorry, just to be
13 clear.

14 VICE CHAIR JOHN: No, go ahead.

15 MS. SARINA ROSE: We are doing it without those
16 incentives, so I just wanted to make --

17 CHAIRPERSON HILL: I appreciate that.

18 MS. SARINA ROSE: We are going to do it without the
19 incentives, just to be clear.

20 CHAIRPERSON HILL: I get that, Ms. Rose. Thank you for
21 clarifying though.

22 VICE CHAIR JOHN: So regarding the IZ units, did you
23 give consideration to adding more units above the 40 that's
24 proposed? This is for the Applicant.

25 MS. SARINA ROSE: Could you ask -- could you reask that

1 question please?

2 VICE CHAIR JOHN: Did you consider more IZ units than
3 the 40 that you're currently proposing?

4 MS. SARINA ROSE: We will provide at least 40. And,
5 you know, so -- that number will likely increase a little bit.
6 But we're doing as much as we can to financially make the project
7 work. If the question is that if there was other incentives,
8 could we do more? We would revisit that for sure.

9 VICE CHAIR JOHN: Okay. So the answer is at least 40?

10 MS. SARINA ROSE: Correct.

11 VICE CHAIR JOHN: And in terms of units that are
12 affordable, but not necessarily IZ, do you consider that as well,
13 considering the size of the project?

14 MS. SARINA ROSE: We want to provide units that rent
15 and that are desirable for, you know, many different types of
16 people looking for those type of apartments. And so we're going
17 to price to make them rent. It's -- we're really excited about
18 launching the type of units that we have, really hoped to define
19 -- redefine the product that's available for the modern family.
20 And I think that people will find that these are really desirable
21 units.

22 VICE CHAIR JOHN: Okay. Thank you.

23 CHAIRPERSON HILL: Mr. Williams, in terms like some of
24 the ANCs -- and I'm trying to remember exactly which one, was
25 talking about like watering trees and like, you know, certain

1 kinds of retail they were interested in. Can you speak a little
2 bit about what that meeting, the feedback you got? I'm just
3 curious though.

4 MR. WILLIAMS: Yes, I believe that was 2D, which was
5 the most recent letter that came into the record, and that's the
6 Kalorama ANC. And there was interest in providing, you know,
7 community-serving retail and I'll let Sarina speak to that. As
8 far as the street trees go, that's something the Applicant has
9 already indicated it will make sure that it does, it takes those
10 trees. I'll refer you to Sarina for any other info.

11 MS. SARINA ROSE: Yeah, the trees'll knock off because,
12 you know, we're going to provide more mature trees than a lot of
13 projects do. We would like the project to look really beautiful
14 from day one. And I think that is the context in which that came
15 up. We'll make sure that they survive. We're really good at
16 that. The second was regarding the retail and the selection of
17 the retail. We've had a lot of feedback about that, and you
18 know, our goal is to provide a complimentary retail as an amenity
19 not only to our residents, but one that is to the community
20 itself. And each ANC had opinions about that. We've taken that
21 under advisement. And I think that they're going to be very
22 happy with that product. We will hold out for the retail that
23 suits the needs of the neighborhood and our residents as an
24 extension of our amenities.

25 CHAIRPERSON HILL: Thank you.

1 Mr. Williams, what about the feedback you got from
2 DDOT?

3 MR. WILLIAMS: With that, I think it's -- I'd like to
4 bring in Erwin Anders with Gorove Slade to speak to some of those
5 comments.

6 CHAIRPERSON HILL: Thank you.

7 Mr. Anders?

8 MR. ANDERS: Yes. Good morning, Chairman. For the
9 record, Erwin Anders of Gorove Slade Associates. So we've
10 coordinated with DDOT. DDOT has expressed in their review letter
11 that they don't have any objection to the BZA relief being sought,
12 but we are coordinating with them, related to the access that's
13 been identified, some of the access elements do not meet DDOT
14 standards, but we have a unique condition. You know, typically
15 the DDOT standards are for projects that are ground up, but there
16 has been flexibility that DDOT has granted for buildings that are
17 either historic or in this case a conversion. So in that respect
18 we're working with them to address their concerns. We're going
19 to have to go to the DDOT public space committee in order to get
20 our access approved. And our access is critical. You know, this
21 is -- the number of units, 600 units, and over, I believe, in a
22 range of 60,000 square feet of retail, that's a significant
23 project which requires significant access that we're retrofitting
24 on a block that takes up the entire block. You know, this --
25 when you mentioned, Chairman Hill, that you haven't seen this,

1 it's because this is the largest office to residential conversion
2 in the city. So this is a critical aspect of all of this. Yes,
3 Chairman Hood?

4 ZC CHAIRPERSON HOOD: Thank you, Mr. Anders, I was
5 waiting to be acknowledged by the Chairman. I appreciate that.

6 CHAIRPERSON HILL: I was reading the record chairman,
7 so I'm glad somebody else can help out there. Go ahead, Chairman
8 Hood.

9 ZC CHAIRPERSON HOOD: All right. Thank you, Mr. Anders.
10 I do have a question for Ms. Rose. I was just sitting here
11 thinking, I'm curious, first of all, let me applaud this
12 Applicant. You got three ANCs' approval. I wonder -- I was
13 thinking was that a record. But let me just ask this, Ms. Rose,
14 the type of services, not holding you to, what was some of the
15 uses that they wanted to see as far as the retail? I'm just
16 curious.

17 MS. SARINA ROSE: Some interest in a grocer. We would
18 love to have that. You know, a pharmacy was one that they thought
19 would be really desirable. You know, because of the nature of
20 the project, we are able to, you know, keep tenants that are
21 there during the construction. But if the pharmacy wanted to
22 come back, that would be great for us too. So anyway, that's
23 what -- those are the things that were the highlights and
24 mentioned. Also, you know, they mentioned price point. You
25 know, we -- again, we want something that appeals to all around

1 the area so that it is a success. And we would love restaurant
2 at the corner, a really nice restaurant. So we have a varied
3 amount of retail opportunities here. There's a lot of square
4 footage and it's going to be really great to populate that.

5 MR. YOUNG: Thank you, Ms. Rose. Thank you, Mr. Anders.
6 And thank you, Mr. Chairman.

7 CHAIRPERSON HILL: Thank you.

8 VICE CHAIR JOHN: Mr. Chair?

9 CHAIRPERSON HILL: Yeah, go ahead, Vice Chair John.

10 VICE CHAIR JOHN: So I had a question again for the
11 Applicant about the ANC 2B report. And I don't know if I missed
12 this answer during the hearing, but they were concerned about
13 continuing to refine the penthouse setback and Florida Avenue
14 entrance. What was that about?

15 MR. WILLIAMS: Yes. So we did speak with the chair of
16 the ANC, and I'm not sure if she's here today. She said she was
17 going to try to make it. And I'm not sure if she's in attendance.
18 That what our understanding is what that was meant to reflect is
19 if we made changes or any revisions that we would discuss those
20 with the ANC as well. That was the purpose of that.

21 VICE CHAIR JOHN: Okay. So the Board should review
22 what's in the record now?

23 MR. WILLIAMS: Correct.

24 VICE CHAIR JOHN: Thank you.

25 CHAIRPERSON HILL: Okay. Anyone else? All right.

1 Mr. Williams, do you happen to know -- I'm just curious,
2 do you happen -- there was that little weird Safeway grocery
3 store around the corner from that building, is that still there
4 or you don't know?

5 MR. WILLIAMS: That's a different building. I think
6 it's not a Safeway anymore. It's like a little --

7 CHAIRPERSON HILL: No, I know it's a different
8 building.

9 MR. WILLIAMS: -- takeout shop.

10 CHAIRPERSON HILL: That's the closest little grocery
11 store I could think of. I knew it was an odd grocery store.
12 Okay.

13 All right. Anybody else? Okay. I'm going to go ahead
14 and close the hearing and the record. Thank you all very much
15 for your time.

16 MS. SARINA ROSE: Thank you.

17 MR. HANDEL: Thank you. Have a good day.

18 CHAIRPERSON HILL: Okay. All right. As far as the
19 project, I mean, it's a very interesting project. I mean, it's
20 a giant building. And I think we all probably know that building.
21 And so turning that from office into residential I think is a
22 very big project, I think and I wish them the best if this does
23 move forward and I guess it's penciling out and it makes sense.
24 The -- in terms of the relief, I think that is all justified. I
25 mean, I think that the Office of Planning's report was very

1 helpful, as I mentioned before, being able to read through all
2 of the different relief being requested, why and where it is. I
3 thought that the Applicant did a very good job, thanking them as
4 well, of showing us where the relief was and why it was being
5 requested. I mean, it makes me -- it completely made sense of
6 all the relief that they were asking for and why again they're
7 requesting it, being that it's very difficult to turn an office
8 building and converting it into residential. So I thought that
9 the -- particularly even the courts that they were asking about,
10 a lot of the -- were interior courts, so the greatest relief that
11 they're asking for was the interior courts where it would just
12 really be things that would be more reflective of the building
13 itself, like people looking onto those courts. And then I also
14 thought that the explanation as to why they couldn't change some
15 of those courts, in particular, you know, if they pulled it back
16 more, they would have to change from ten-foot ceilings to eight-
17 foot ceilings or something like that -- I can't -- introducing a
18 new beam. And again, I would -- I appreciate that that's a very
19 difficult thing that they asked for. Overall, I think that the
20 requests are relatively minor, given that they're just numerous.
21 And I would agree with the analysis that the Office of Planning's
22 report, as I've referred to, I will be relying on. And it is
23 nice to see that they have gone through, as Chairman Hood
24 mentioned, three ANCs and were able to get their input and sign
25 off. I also think that after speaking with Mr. Anders about the

1 explanation about what they have to still do with DDOT makes me
2 feel comfortable with DDOT's analysis and I will be voting in
3 favor of this project.

4 Let's see. Mr. Smith, you have anything to add?

5 COMMISSIONER SMITH: I really don't have anything to
6 add. I by and large agree with everything that you stated
7 regarding this particular project. You know, I think a fair
8 amount of what they're requesting, not only is it fairly minor,
9 I do believe that, you know, a lot of what they request is a
10 direct result of, you know, attempting to convert an office
11 building into a residential space. And I think we'll see a lot
12 more of these types of conversions that need this type of release
13 -- or this type of relief. I'm fairly, you know, comfortable
14 with what was presented by the Office of Planning within their
15 staff report. And I give their staff report great weight. You
16 know, kudos to the Applicant for also again, you know, just what
17 you stated, reaching out for those four ANCs to get their feedback
18 and their analysis on this particular case. Other than that, all
19 the ANCs are in support, the Office of Planning is in support,
20 DDOT has no objection to this particular proposal, and I will
21 support the special exceptions as well.

22 CHAIRPERSON HILL: Thank you.

23 Mr. Blake?

24 COMMISSIONER BLAKE: Thank you, Mr. Chair. I believe
25 the Applicant has met the burden of proof to be granted the

1 requested relief pursuant to the general standards and the
2 relevant specific criteria. As Mr. Handel pointed out, this is
3 a well-located, but dated building. And it's the only one on
4 the square and in a wonderful neighborhood and surrounded by a
5 lot of large neighboring properties with significant height.
6 Conversion of these older buildings to residential uses presents
7 a challenge in its existing structural and mechanical issues,
8 limited design flexibility, and it's not as if it were a brand
9 new purpose built building. So I think they've done a great job
10 in trying to pull all that together and make it work. As far as
11 the relief is concerned, as you have pointed out, the Applicant
12 is not proposing to create any new side yards, but just
13 essentially work with the existing footprint. The courts, while
14 they won't meet the full development standards of the zone, are
15 developed to -- or designed to -- proposed to not create an issue
16 and provide adequate light to the residents. The penthouse relief
17 is necessary and it does actually result in a visual -- less
18 visually intrusive design. And I too give -- credit the Office
19 of Planning's analysis. I believe the Applicant has adequately
20 demonstrated a reasonable effort as was made to comply with the
21 required setbacks and give great weight to the Office of
22 Planning's recommendation for approval. Note that DDOT has no
23 objection to requested relief, and they will continue to work
24 with the Applicant on the public space issues and so forth. I
25 also acknowledge the letter of support from the equitable land

1 use section of OAG. And I give great weight to the report from
2 the ANCs, 1C, 2B, and 2D. I'll be voting in favor of the
3 application.

4 CHAIRPERSON HILL: Thank you, Mr. Blake. And thank you
5 for referencing the OAG's input.

6 Chairman Hood?

7 ZC CHAIRPERSON HOOD: Mr. Chairman, I would agree with
8 everything I've heard. I think that the relief requested is very
9 de minimis. And I think we're going to see, as one of my
10 colleagues has already mentioned, we're going to see a lot of
11 this, especially during the COVID era, and people trying to revive
12 and come forward with trying to do these conversions. So I don't
13 have anything to add. I think the record is complete and I will
14 be voting in support of this application.

15 CHAIRPERSON HILL: Thank you.

16 Vice Chair John.

17 VICE CHAIR JOHN: Thank you, Mr. Chairman. I agree
18 with all of the comments so far. I really appreciate the
19 Applicant's very thoughtful approach to this conversion. And I
20 also appreciate the effort of the three ANCs to work with the
21 Applicant so that the design is something that the community
22 would accept. And I especially appreciate the addition of at
23 least 440 IZ units and possible -- well, no commitment, but a
24 variety of apartments that will appeal to different types of
25 renters because I understand this will be rental apartments. So

1 I am in support of the application. Thank you.

2 CHAIRPERSON HILL: Thank you, Vice Chair John.

3 Okay. Thank you all very much. I'm going to go ahead
4 and make a motion to approve Application No. 20879 as captioned
5 and read by the secretary and ask for a second, Ms. John?

6 VICE CHAIR JOHN: Second.

7 CHAIRPERSON HILL: The motion been made and seconded,
8 Ms. Rose, would you take a roll call please?

9 MS. ROSE: Yes. When I call your name, please respond
10 with your vote on the motion.

11 Chairman Hill?

12 CHAIRPERSON HILL: Yes.

13 MS. ROSE: Vice Chair John?

14 VICE CHAIR JOHN: Yes.

15 MS. ROSE: Board Member Smith.

16 COMMISSIONER SMITH: Yes.

17 MS. ROSE: Board Member Blake?

18 COMMISSIONER BLAKE: Yes.

19 MS. ROSE: Commissioner Hood?

20 ZC CHAIRPERSON HOOD: Yes.

21 MS. ROSE: Then staff would record the vote as five to
22 zero to zero to approve the application. This is on a motion by
23 Mr. Hill, seconded by Ms. John, with Mr. Smith, Mr. Blake and
24 Mr. Hood in support of the motion to approve.

25 CHAIRPERSON HILL: Thank you. Let's see. Everybody,

1 let's just go and take a quick 15-minute break, if we could. And
2 then I want to come back, if we could, and do that meeting case.
3 I did get some information for the record about what happened at
4 the ANC meeting just so we have some kind of feedback. And I'll
5 make a note of that when we officially come back on that case.
6 But if we can take a little break, that'd be great. Okay. Thank
7 you. Bye-bye.

8 (Whereupon, there was a brief recess.)

9 CHAIRPERSON HILL: Okay. Ms. Rose, can you hear me?

10 MS. ROSE: Yes.

11 CHAIRPERSON HILL: Can you go ahead and call back our
12 meeting case please?

13 MS. ROSE: Yes. After a brief break, we're returning
14 to our session at 11:03. Would you like me to reread the caption
15 for the whole case?

16 CHAIRPERSON HILL: No, that's okay. It's 20611A.

17 MS. ROSE: Yes.

18 CHAIRPERSON HILL: And I believe you read the caption
19 at the beginning. So unless the Board has any issues, I want to
20 allow something into the record that we got from the Applicant
21 concerning their outreach to the ANC. Does anyone have any issues
22 with my allowing it into the record? No, hearing, none, so if
23 you could put that into the record, I believe it is in the record
24 now. And you can take a look at that, if my fellow Board members
25 would like to do so.

1 As far as the case itself goes, I've reviewed the
2 Applicant's filings and also the report from the Office of
3 Planning. I think that although it is a lot of different types
4 of relief that's being requested, I think that it's all somewhat
5 de minimis. And I think that, again, oddly enough that we're
6 talking about this conversions again from existing office to
7 residential, they are working with the envelope that they have
8 and are trying to work within, again, that envelope to deliver a
9 product that would be -- would sell. And I think that given the,
10 again, the arguments that the Applicant has put forward for these
11 requests, as well as the Office of Planning's analysis, and I
12 went back to the original case where they were speaking about the
13 rear yard relief and that the ANC was also in favor of that, this
14 is even before we got this recent testimony from the Applicant
15 concerning the ANC now, although we can't give the ANC great
16 weight because we don't have something from their ANC to be able
17 to give them great weight, I would think that we would leave the
18 record open for that report for the record again, for the record.
19 But what I've seen thus far allows me to vote in favor of this
20 application.

21 Mr. Smith?

22 COMMISSIONER SMITH: I have nothing to add, Chairman
23 Hill. I think you have, you know, distinctly summarized the
24 issues in this particular case, and I will also support the
25 application.

1 CHAIRPERSON HILL: Thank you.

2 Mr. Blake?

3 COMMISSIONER BLAKE: Yeah, I'll be voting in favor of
4 the proposed modification of consequence. The Applicant has met
5 all the procedural requirements of Y 703. There's no change in
6 the proposed -- no change proposed to the rear yard from which
7 was previously approved, and the proposed modification won't
8 change the material facts upon which the case -- the Board based
9 its original approval of the project. I do give great weight to
10 the Office of Planning's recommendation for approval, and note
11 that DDOT has no objection. And I too note that NAC 2C was duly
12 notified, although we don't have a report to give great weight
13 to, I do feel comfortable as well accepting that. I do not
14 necessarily think we need to have the information in order to
15 approve this however.

16 CHAIRPERSON HILL: Thank you.

17 Chairman Hood?

18 ZC CHAIRPERSON HOOD: Chairman, I don't have anything
19 to add. I'll be voting in favor of this application.

20 CHAIRPERSON HILL: Thank you.

21 Vice Chair John?

22 VICE CHAIR JOHN: I'm voting in favor of the application
23 as well. I don't have anything to add.

24 CHAIRPERSON HILL: Thank you.

25 All right. I'm going to go ahead and make a motion to

1 approve Application No. 20611A as in apple, as captioned and read
2 by the secretary and leave the record open for the letter only
3 for the letter from the ANC, and ask for a second, Ms. John.

4 VICE CHAIR JOHN: Second.

5 CHAIRPERSON HILL: The motion been made and seconded,
6 Ms. Rose, if you'd take a roll call please?

7 MS. ROSE: When I call your name, please respond with
8 your vote.

9 Chairman Hill?

10 CHAIRPERSON HILL: Yes.

11 MS. ROSE: Vice Chair John?

12 VICE CHAIR JOHN: Yes.

13 MS. ROSE: Board Member Smith?

14 COMMISSIONER SMITH: Yes.

15 MS. ROSE: Board Member Blake?

16 COMMISSIONER BLAKE: Yes.

17 MS. ROSE: Commissioner Hood.

18 ZC CHAIRPERSON HOOD: Yes.

19 MS. ROSE: Staff will record the vote as five to zero
20 to zero to approve the modification of consequence. This is on
21 a motion by Mr. Hill, seconded by Ms. John, with Mr. Smith, Mr.
22 Blake, and Mr. Hood in support of the motion.

23 CHAIRPERSON HILL: Thank you, Ms. Rose. Ms. Rose, you
24 may call our next hearing case.

25 MS. ROSE: Next for the hearing is Application No.

1 20879 of PB Universal South, LLC and PB Universal North, LLC.
2 This is for a special exception from the penthouse setback
3 requirements of Subtitle C, Section 1504 pursuant to Subtitle C,
4 Section 1506.1 and Subtitle X, Section 901.2, a special exception
5 from the court requirements of Subtitle G, Section 202 pursuant
6 to --

7 CHAIRPERSON HILL: Ms. Rose, can I interrupt you one
8 second? What was the case number?

9 MS. ROSE: 20879. Oh, we've already done that one.

10 VICE CHAIR JOHN: That's the case we just heard, Ms.

11 --

12 CHAIRPERSON HILL: Oh, okay. No, that's great. I got
13 a little confused.

14 MS. ROSE: My apologies. This is the --

15 CHAIRPERSON HILL: That's all right. I think we're at
16 20866.

17 MS. ROSE: 20866, yes.

18 CHAIRPERSON HILL: Okay, great.

19 MS. ROSE: 2866, Shihyan Lee and Julie Gutin for a
20 special exception from the lot occupancy requirements of Subtitle
21 E, Section 304.1 pursuant to Subtitle E, Section 5201 and Subtitle
22 X, Section 901.2, a special exception from the building area
23 requirements of Subtitle E, Section 5003.1 pursuant to Subtitle
24 E, Section 5201 and Subtitle X, Section 901.2, and a special
25 exception from the matter of right uses of Subtitle U, Section

1 301 pursuant to Subtitle U, Section 301.1€ and Subtitle X, Section
2 901.2 to construct a detached two-story accessory garage with
3 dwelling unit and convert to a flat an existing attached two-
4 story principal dwelling unit in the RF-1 zone at premises 637 A
5 Street, S.E., Square 870, Lot 117. As a preliminary matter,
6 staff would note that the Board has received a letter from counsel
7 for the party in opposition for conditional withdrawal of the
8 party status from Enise Han.

9 CHAIRPERSON HILL: Okay. Give me one moment please.

10 Ms. Fowler, if you could hear me, if you could introduce
11 yourself for the record please?

12 MS. FOWLER: Good morning, everybody. I'm Jennifer
13 Fowler with Fowler Architects, and I'm representing the
14 homeowners.

15 CHAIRPERSON HILL: Okay. Great. Thank you. Ms.
16 Fowler, if you can go ahead and walk us through -- oh, wait a
17 minute. I guess -- okay. We don't have any official party status
18 here unless I'm wrong, Ms. Rose. Right. Okay. Ms. Fowler, if
19 you could walk us through your application and why you believe
20 your client is meeting the criteria for us to grant the relief
21 requested, and you can begin whenever you like.

22 MS. FOWLER: Okay. Great. Thank you so much.

23 So this is a proposal for a two-story carriage house
24 at 637 A Street, S.E. The current -- there's an existing one-
25 story garage, and the current occupancy is 57 percent. And the

1 proposal is to remove the one-story garage and replace it with a
2 two-story garage at 67 percent coverage. We're asking for relief
3 for the occupancy, also the -- which is the 304.1, 5003.1 which
4 is for the accessory building occupancy, and U 301.1. It is
5 going to be a rental unit on the second floor. So we presented
6 the plans to the neighborhood groups. We have ANC support, we
7 have HPRB approval, NCHRS, and Office of Planning. And those all
8 were based on our initial filings. So we had the initial plans,
9 which are Exhibit 6, which has a two-story, you know, full build
10 both floors at 36 feet. We also had submitted a sun study in
11 32A exhibit that showed that there was very minimal impact between
12 the proposed and the matter of right option. And so that was
13 approved by neighborhood groups. But we did have our party status
14 applicant, Ms. Han next door, who still had concerns. So we
15 requested a postponement, as you know, and worked with Ms. Han
16 and her counsel, Ms. Firster, to come to an agreement on some
17 changes, the most substantial change is that we set back the
18 second floor of the garage five feet on the yard side. So the
19 second floor build is 31 feet, the first floor remains at 36
20 feet. But with that we're reducing -- it's a 90 square foot
21 reduction in the area of that second floor, which brings the
22 second floor to 63.3 percent. So we're definitely getting a
23 little closer to the kind of the matter of right size on that
24 level.

25 CHAIRPERSON HILL: Give me a second, Ms. Fowler,

1 because I just realized, right, I remember now Ms. Han.

2 Ms. Firster, can you hear me, and if so, could you
3 introduce yourself for the record?

4 MS. FIRSTER: Andrea Firster, I'm Ms. Han's legal
5 counsel.

6 CHAIRPERSON HILL: Great. Ms. Firster, you weren't
7 here for the first part, right, like she hired you afterwards?

8 MS. FIRSTER: Correct.

9 CHAIRPERSON HILL: Okay. Great. All right. Okay.
10 Thanks. I just wanted to make sure. Thanks. Nice to see you,
11 Ms. Firster.

12 MS. FIRSTER: And I do -- I just want to clarify that
13 Ms. Han has withdrawn her request for party -- for status as a
14 party in opposition. We've reached an agreement, as Ms. Fowler
15 has said, with the Applicants. And that has resulted in changes
16 to the building plans that Ms. Fowler has filed recently. And
17 I'm simply here because Ms. Han asked me to be present.

18 CHAIRPERSON HILL: No, that's kind --

19 MS. FIRSTER: I don't intend to do any cross-
20 examination. We're no longer have a status as a party in
21 opposition, we've withdrawn that.

22 CHAIRPERSON HILL: Okay. My only questions that I
23 would have had for you was that it seemed to be conditional upon
24 whether the Board made conditions on some of the orders. It's
25 not -- so -- and it would have gotten a little bit -- we would

1 have had a lot of discussion about that. But your client is now
2 withdrawing their -- not that this matters, I'm just clarifying
3 -- you're client is withdrawing their party status based upon the
4 plans that are in the current record now, correct?

5 MS. FIRSTER: The most recent plans, that is correct.

6 CHAIRPERSON HILL: Okay. All right. Okay. And that's
7 all that we needed to discuss, correct?

8 MS. FIRSTER: Correct.

9 CHAIRPERSON HILL: Okay.

10 All right. Miss Fowler, if you want to continue with
11 your presentation as to why you believe the Board should grant
12 this request.

13 MS. FOWLER: Okay. Yeah, so the revised plans were
14 submitted one week ago. Exhibit 46 shows the new plans that show
15 the setback on the second floor. We also have agreed to frosting
16 windows on the second floor so a frosted film will be applied to
17 the windows facing the yard. And they also requested that the
18 windows be only halfway operable, which basically means a double
19 hung window. So they're not full open casements, but you can
20 only open the bottom portion. So and that's kind of what we had
21 drawn initially, but we added the frosted window on there.

22 And then we also agreed to move the compressor. There
23 is a compressor on the roof that we've moved to the yard and
24 we've placed it on the opposite side closest to 639. And then
25 we've come to an agreement on a construction agreement and both

1 parties have signed it. So really, you know, dealing with work
2 hours and trying to coordinate construction with when Ms. Han is
3 out of town, you know, noise issues, kind of all those types of
4 things. And so that all got resolved and we've got kind of
5 agreement with the neighbor. And so the revised plans show these
6 changes and there's a supplemental filing explaining the changes.

7 We also revised the sun study, which again shows
8 there's very minimal impact, particularly with when you reduce
9 the five feet, there were some shadows kind of falling more into
10 the rear yard of 635, which have been reduced substantially,
11 partially because the first floor there's a pretty high privacy
12 kind of landscape wall between the two properties. So the first
13 floor of the garage is not that much higher than the existing
14 landscape wall. So it's not really increasing the shadows that
15 much. The second floor was kind of more the source of the
16 shadows. The other part of it is that we limited our garage to
17 20 feet tall rather than going -- kind of maximizing with the
18 22-foot height. So that was another component when we looked at
19 the sun impact matter of right versus what we had proposed.
20 Matter of right would have been a more shallow garage, but 22
21 feet would definitely have cast some longer shadows into the
22 yard. So I feel that between the, you know, the reduction --
23 the height of -- limiting the 20 feet, the reduction of the second
24 floor, we've kind of adequately addressed Ms. Han's concerns and
25 we also have support from 639 A Street. We have a letter in the

1 record from them of support. And they've also -- we just last
2 fall had approval from your Board and the HPRB for a two-story
3 carriage house at 639 as well. So they are going to be kind of
4 very similar structures on both properties.

5 And then other than that I just want to mention that
6 this alley, if you're not familiar with it, is -- has a number
7 of garages and particularly two-story structures. It's a named
8 alley, Brown's Court, and there are a number of actual residences
9 on it, so alley dwellings that are two stories. In fact, there's
10 21 alley dwellings on that alley, which I think is kind of unique
11 for the city. And it's a 30-foot wide alley. So as far as the
12 use as an apartment, it is definitely in keeping with that alley.
13 It's kind of a very lively alley and it has a lot of inhabitants
14 on it already. So I think that's -- the use relief is something
15 that is in keeping and complies with the zoning regulations.

16 Again, we have CHRS support. HPRB has supported it
17 -- has approved it in its original form. ANC, we have unanimous
18 support. And so with that, I'll leave it to questions. Thank
19 you.

20 CHAIRPERSON HILL: Okay. I mean, I'm reading through
21 the Office of Planning's report and also your argument for the
22 -- how you're meeting the criteria for the regulations. I mean,
23 I appreciate that all the work you've done with the outreach.

24 Does the Board have any questions of the Applicant?
25 Okay.

1 Can I turn to the Office of Planning please?

2 MS. MYERS: Hello. Crystal Myers for the Office of
3 Planning. The Office of Planning is recommending approval of
4 this case. I will note that in our report, we point out that we
5 don't believe that the relief from U 301 is necessary in this
6 case. However, because it is requested, it's a self-certified
7 and is requested, we did review it for U 301 relief, and we are
8 supportive of that relief as well if it's going to be maintained.
9 But we don't think the relief was necessary. And other than
10 that, you know, the Office of Planning is in support and can
11 stand on the record of the staff report, but of course we're here
12 for questions. Bye. That's it.

13 CHAIRPERSON HILL: Thank you.

14 Does the Board have any questions of the Office of
15 Planning?

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

17 MR. YOUNG: We do not.

18 CHAIRPERSON HILL: Okay. Ms. Firster, just so I'm
19 clear on the record, you don't have anything to add one way or
20 the other at this point; is that correct?

21 MS. FIRSTER: That's correct.

22 CHAIRPERSON HILL: Okay. Thank you.

23 All right. Ms. Fowler, you have anything you'd like
24 to add at the end?

25 MS. FOWLER: No, I don't. Thank you very much for your

1 time.

2 CHAIRPERSON HILL: Ms. Fowler, on another note, I don't
3 know if you're going to be able to help me, there was like a --
4 you were here for I think it was you for a project a while ago,
5 and there was some weird like courtyard inside -- it's in the
6 Capitol Hill area, and I've been trying to find it again and I
7 can't remember. I walked all around -- it's a weird little
8 courtyard that's like inside like an alley system. You don't
9 remember the courtyard? No? All right.

10 MS. FOWLER: I'll think about it.

11 CHAIRPERSON HILL: All right. That's okay. I keep
12 trying to find it.

13 All right. If that's it for everybody, I'm going to
14 go ahead and close the hearing and the record. Please excuse
15 everyone.

16 Okay. I remember, you know, we went through a pretty
17 extensive period with this on terms of party status for Ms. Han.
18 And although it is not required of us, I am glad that they were
19 able to come to an agreement concerning her, Ms. Han, the
20 immediate neighbors next door, concerns. As far as the
21 regulations go I believe that the Applicant has made their case
22 as to why they're meeting the criteria for me to be comfortable
23 to grant the relief requested. I would also point to the Office
24 of Planning's report and their analysis, as well as the analysis
25 of the ANC, or at least their support of such a project. I don't

1 have anything particularly else to add.

2 Mr. Smith, do you?

3 COMMISSIONER SMITH: No, I don't have anything in
4 particular. And I would just, you know, state again, what you
5 stated, kudos to the Applicant for working with the party in
6 opposition in this month's span to get this project to a place
7 that they were comfortable because there was a lot of back and
8 forth discussion, not only among the party in opposition, but
9 other individuals that showed up requesting party status at that
10 particular time because they were in opposition to this project.
11 So kudos to the Applicant's team for, you know, working with
12 their neighbors. So you know, other than that, I give great
13 weight to OP's staff report. I do believe that they have
14 sufficiently demonstrated that they meet the burden of proof for
15 us to grant the special exceptions. And I will support the
16 application.

17 CHAIRPERSON HILL: Thank you.

18 Mr. Blake?

19 COMMISSIONER BLAKE: Yes, I agree with the analysis you
20 provided, you and Board Member Smith, that the Applicant has met
21 the burden of proof for the requested relief. With regard to U
22 301.1(e) though, this is not a matter of right development based
23 on the relief requested, and out of an abundance of caution I
24 would be inclined to support that special exception relief as
25 well and also note that the Office of Planning is also in support

1 of that if we deem it necessary. So I think we should probably
2 discuss that.

3 CHAIRPERSON HILL: Okay. To reflect what Mr. Blake
4 just came forward on, I also am comfortable with approving the
5 301.1(e) to permit a dwelling unit in an accessory building
6 located within a required setback within five years of the
7 approval of the building permit, again as an abundance of caution,
8 as Mr. Blake mentioned.

9 Chairman Hood?

10 ZC CHAIRPERSON HOOD: Mr. Chairman, I think that the
11 record in this case -- and let me back up, I really appreciate
12 the work that has been done between the Applicant and the party
13 that was in opposition. As far as the relief requested I would
14 also agree with Board Member Blake that we can also encompass and
15 include Subtitle U, 301.1(e) as you've already stated, and I'm
16 in support of this application. Nothing further to add, thank
17 you.

18 CHAIRPERSON HILL: Thank you.

19 Vice Chair John? You're on mute, Vice Chair John.

20 VICE CHAIR JOHN: So I was saying I don't have anything
21 to add. I thought the application was really quite
22 straightforward and even as presented originally. But I
23 appreciate the Applicant's effort and the party in opposition to
24 come to an agreement on the reductions that the Applicant noted.
25 And I also think that the relief under 301.1(e) is appropriate.

1 And so I will go ahead and support the application. Thank you.

2 CHAIRPERSON HILL: Thank you, Vice Chair John.

3 All right. I'm going to make a motion to approve
4 Application No. 20866 as captioned and read by the secretary.
5 And I know the secretary did read this, but specifically speak
6 to Subtitle U 301.1(e) as mentioned to permit a dwelling unit in
7 an accessory building located within a required setback within
8 five years of the approval of the building permit, as well as
9 all the other relief being requested and ask for a second, Ms.
10 John.

11 VICE CHAIR JOHN: Second.

12 CHAIRPERSON HILL: The motion's been made and seconded,
13 Ms. Rose, will you take a roll call please?

14 MS. ROSE: Yes. When I call your name, please respond.
15 Chairman Hill?

16 CHAIRPERSON HILL: Yes.

17 MS. ROSE: Vice Chair John?

18 VICE CHAIR JOHN: Yes.

19 MS. ROSE: Board Member Smith?

20 COMMISSIONER SMITH: Yes.

21 MS. ROSE: Board Member Blake?

22 COMMISSIONER BLAKE: Yes.

23 MS. ROSE: Zoning Commissioner Hood?

24 ZC CHAIRPERSON HOOD: Yes.

25 MS. ROSE: Then staff would record the vote as five to

1 zero to zero to approve the application. This is on a motion by
2 Chairman Hill, seconded by Vice Chair John, with Mr. Hill -- I'm
3 sorry, Mr. Smith, Mr. Blake, and Mr. Hood in support of the
4 motion.

5 CHAIRPERSON HILL: All right. Thank you, Ms. Rose.
6 You can call our next case when you have a moment.

7 MS. ROSE: The next case is Application No. 20703 of
8 Mast Holding I, LLC for special exception from the screen
9 requirements or surface parking of Subtitle C, Section 714.1
10 pursuant to Subtitle C, Section 7014.3 and Subtitle X, Section
11 901.2, special exception from the matter of right uses of Subtitle
12 U, Section 201 pursuant to Subtitle U, Section 421 and Subtitle
13 X, Section 901.2, to construct a three-story rear addition to
14 three separate residential buildings, expanding the total units
15 from 20 to 44 units in the RA-1 zone at 4912, 4916, and 4920 Nash
16 Street, N.E., Square 5172, Lot 60, 61, and 62. We have a couple
17 of additional filings in the record. We have an ANC report from
18 ANC 7C and a construction management agreement from the Deanwood
19 Citizens Association.

20 CHAIRPERSON HILL: Okay. Ms. Rose, are you saying that
21 those were late?

22 MS. ROSE: They -- well, the ANC report we taken -- the
23 ANC commissioner also submitted the construction management
24 agreement, and it came in late last night.

25 CHAIRPERSON HILL: Got it, got it, okay. Okay. So for

1 the record, unless the Board has any issues, I'd like to see both
2 of those in case there was any concern about the timing. Hearing
3 nothing from my Board members, I'll go ahead and let that in the
4 record.

5 Mr. Sullivan, if you could hear me, could you introduce
6 yourself for the record please?

7 MR. SULLIVAN: Thank you, Mr. Chairman and members of
8 the Board, Marty Sullivan with Sullivan & Barros on behalf of the
9 Applicant.

10 CHAIRPERSON HILL: Okay. Mr. Sullivan, you want to go
11 ahead and walk us through your client's application and why you
12 believe they're meeting the criteria for us to grant the relief
13 requested? I got 15 minutes on the clock there, so I know where
14 we are, and you can begin whenever you like.

15 MR. SULLIVAN: Thank you. If Mr. Young could load the
16 presentation please? And with us to is Mr. Scott Mastin, the
17 principal of the Applicant, if you have any questions for him.
18 And Rob McClennan is the architect, and I expected to see him on
19 here, I'm not sure if he's waiting to be placed on the panel or
20 not.

21 CHAIRPERSON HILL: Can you say his name again, Mr.
22 Sullivan?

23 MR. SULLIVAN: Sure. Rob McClennan.

24 CHAIRPERSON HILL: Mr. Young, if you see Mr. McClennan,
25 if you could allow him in please?

1 Mr. Sullivan, what is he speaking to?

2 MR. SULLIVAN: He's the project architect.

3 CHAIRPERSON HILL: Okay.

4 MR. SULLIVAN: And maybe it's not necessary that he be
5 on, but --

6 CHAIRPERSON HILL: No, that's fine.

7 MR. SULLIVAN: -- it's possible that questions would
8 come up for him.

9 CHAIRPERSON HILL: Sure.

10 MR. SULLIVAN: Until we figure that out, I'm happy to
11 go through the --

12 MR. MCCLENNAN: Marty, I'm here if needed.

13 MR. SULLIVAN: Oh, wonderful. Thanks, Rob.

14 CHAIRPERSON HILL: Okay. Mr. McClennan, since you just
15 spoke, do you mind introducing yourself for the record?

16 MR. MCCLENNAN: Rob McClennan with ZDS Architecture and
17 Interiors. I am the architect for the project.

18 CHAIRPERSON HILL: Great. Thank you.

19 All right. Mr. Sullivan, go ahead.

20 MR. SULLIVAN: Thank you.

21 So this is for 4912, 16, and 4920 Nash Street, N.E.
22 Next slide please?

23 It's currently three existing multi-family buildings.
24 One is four units, one is eight units, and the third one is eight
25 units, so it's four, eight, and eight. The proposal is to

1 construct three-story rear additions to each building, which
2 would result in eight additional units in each building,
3 resulting in a 16-unit building on two of the lots and a 12-unit
4 building on the other lot. The original application had a third
5 story addition to the front buildings as well, and that was
6 removed, which is -- will be less impact to the existing tenants
7 and a better presentation from the front to leave those the same.
8 Also I'll note at the initial application, contemplated or
9 intended to finish the paper alley in the back and provide more
10 parking. And it was discovered that the area back there is
11 environmentally sensitive. There's a Nash Run tributary, dry
12 tributary, running through there and there were significant
13 concerns expressed by the community members about that. And so
14 that plan was dropped and so we're just providing the four parking
15 spaces that we have that you'll see on the site plan. And so
16 the paper alley back there is remaining green and untouched.
17 There's also a heritage tree near the back of the center property
18 as well, which prevents providing additional pavement or parking
19 lot back there. So the Applicant's requesting special exception
20 approval in order to construct these additions and also asking
21 for relief from the parking screening requirements. Next slide
22 please?

23 We do have support from the Office of Planning and
24 DDOT. ANC 7C has voted unanimously in support. I'll note also,
25 although I don't think they've filed, but I noticed now there is

1 a construction management agreement in the record. We do have
2 the support of the with Deanwood Citizens Association as well.
3 Next slide please?

4 Here's a photo, front photo, of the three buildings.
5 And then for the next slide, I will turn it over to Rob to go
6 through the plans. Next slide please?

7 Rob?

8 CHAIRPERSON HILL: You're perhaps on mute, sir.

9 MR. MCCLENNAN: Sorry about that.

10 CHAIRPERSON HILL: Introduce yourself for the record
11 again. I don't remember if I asked, I'm sorry.

12 MR. MCCLENNAN: You did, but that's fine. Rob McClennan
13 with ZDS Architecture Interiors. We are the architect for the
14 project.

15 CHAIRPERSON HILL: Great, thank you.

16 MR. MCCLENNAN: Next slide please?

17 This just shows the zoning map showing that we are in
18 the RF-1 (sic) zone. Next slide?

19 Region map showing locations specifically of the
20 Deanwood Metro station within a quarter mile radius. Next slide?

21 This is our civil plan, showing the three lots and the
22 development. You can see it's a little bit light, but the three
23 existing buildings are plan left and the additions are plan right.
24 And then you can see in the rear of -- the back of the -- of all
25 three lots have sort of an angle. So the areas of the three lots

1 do vary a little bit. We are meeting the lot occupancy for the
2 smallest lot obviously. And then up in the plan right-hand
3 corner, you see we are proposing four parking spaces, one being
4 accessible and then a accessible walkway leading from those
5 parking spaces to the front doors of the addition to the
6 buildings, as well as the front door to the existing buildings.
7 We also are providing new trash areas that would then be accessed
8 off of the existing alley that is plan north. Next slide please?

9 This just shows the -- this is actually the lower level,
10 the cellar level, of the new building. And you can see the
11 existing building does also have an existing cellar level, which
12 we will be using for bikes for the long-term bike storage. We
13 are providing five bike parking spaces in each of the building
14 -- each of the buildings. And this plan is consistent with all
15 three of the lots. So we are -- this what we're showing
16 specifically is lot 4920, but it would be consistent with the
17 other two lots as well. You can see that -- why don't we go to
18 the next slide?

19 -- the floor plans are very similar as you move up the
20 building. This would be the entry level. So you come in, there
21 is a single exit for this building. And then we are proposing
22 in the new buildings that we would have a hyphen that would be
23 connecting the new addition with the existing building that would
24 contain laundry facilities for the whole building. And then
25 within the new building, two three-bedroom units per floor. So

1 we would have -- that's where we get the total of eight units,
2 two units per floor, three levels above grade and one cellar
3 level unit. Next slide?

4 Second floor identical to the first floor. Third --
5 next slide please?

6 And then the third floor, again just very similar to
7 the other ones. Next slide?

8 Site elevation -- or front elevation. This is showing
9 the front of the existing building with the proposed addition
10 shown rising above it in the rear. Next slide?

11 This is basically an elevation and section where we're
12 cutting through the hyphen and looking at our facade of our
13 building. Next façade -- next slide, excuse me.

14 And this is the front elevation showing the existing
15 building and its entry door, the hyphen, the one-story hyphen,
16 and then the three-story addition we're proposing in the rear
17 with the central stair element. So we are proposing that this
18 would be -- create -- the facades would be a hardy board or hardy
19 plank siding with hardy trim. We would have a brick water table
20 rising up to about four feet above grade. And then the stair
21 itself would have glazing for all three levels. Next slide?

22 Rear elevation. Next slide?

23 And then the reverse elevation from the front showing
24 the back of the proposed addition and the existing building.
25 Next slide?

1 And just a section showing how the building is fit into
2 the landscape. Next slide?

3 Again, a longitudinal section showing the existing two-
4 story building with cellar cut through the hyphen and then our
5 three-story plus cellar addition plan right. Next slide?

6 Marty, I'll turn it back to you, unless there's
7 questions.

8 MR. SULLIVAN: Thank you, Rob.

9 The proposal will be in harmony with the general
10 purpose and intent of the zoning regulations and maps and will
11 not tend to affect adversely the use of neighboring property.
12 The RA-1 zone here provides for areas predominantly developed
13 with low to moderate density development, including multi-family
14 residential buildings. This proposal is for a moderate density
15 multi-family residential building. The area itself is made up
16 of a mix of apartment buildings, flats, and single-family
17 residences. The project's providing four parking spaces on Lot
18 62 meeting the requirement of one space per lot. And the
19 buildings otherwise conform to all RA-1 development standards.
20 We're within a quarter mile of the Metro rail station, there's
21 bus lines and commercial uses and multiple schools and a public
22 recreation center conducive to multi-family use. And also I'll
23 note the maximum -- we're somewhat underneath the maximum
24 permitted lot occupancy and FAR numbers on this. It is an
25 inclusionary zoning project because we're providing ten or more

1 new units. But the FAR numbers are 0.91, 0.83, and 0.87 for the
2 buildings. And lot occupancy's 38 percent, 34 percent, 36
3 percent. The height as well is just 31 and a half feet. Next
4 slide please?

5 Section 421.2, the Board shall refer the application
6 to relevant agencies. According to D.C. Public Schools online
7 enrollment boundary system information, the following public
8 schools are considered in boundary schools for the building:
9 Houston Elementary, Kelly Miller Middle, and Woodson High and all
10 D.C. public students eligible for grades K to 12 have a guaranteed
11 right to enroll in their respective in-boundary schools. I don't
12 believe we've heard from any agency specifically on this request.
13 Regarding the public streets, recreation, and other services, the
14 property is located near Eastern Avenue, a minor arterial,
15 Deanwood Metro rail station approximately 1,200 feet away. And
16 as noted before, providing four parking spaces, including one
17 handicapped space. Next slide please?

18 We would refer to the Office of Planning's report
19 regarding Section 421.3. Next slide please?

20 And regarding the parking relief, this is the screen
21 relief that the Board has seen on several occasions. If we didn't
22 get this relief, we would have to provide some sort of fence in
23 the middle of the parking area on the north side where the four
24 spaces are. Getting this relief allows us to provide more space
25 for the handicapped space and for those parking spaces as well.

1 And this alley is a dead-end alley, and so it's -- not having
2 that screen there really doesn't impact anybody. Next slide
3 please?

4 And this is more discussion on the screening relief.
5 There's no unusual topographic conditions in the area. The
6 proposed parking area's flat. The rear yards of the property and
7 adjacent property's generally even or slightly elevated from the
8 public alley. Next slide please?

9 I think that's it. So if the Board has any questions
10 for myself or Mr. McClellan or Mastin, the property owner. Thank
11 you.

12 CHAIRPERSON HILL: Okay. Thank you.

13 Does the Board have any questions of the Applicant?

14 Mr. Blake?

15 COMMISSIONER BLAKE: A couple quick questions. I not-
16 -- I want to just first understand how the garbage was actually
17 going to be removed from the location. I see them behind in No.
18 7, the dumpsters behind each house. I want to make sure I
19 understood how that would be actually physically accessed. The
20 second question I had was I want to know how many IZ units there
21 would be in total. And the third question I had was with regard
22 to the parking. I believe that with joint ownership of all the
23 properties, you can do that. But would you propose having an
24 easement at some point in the event these are separated or is
25 this -- for now it's fine obviously, but would that be the case

1 for the future?

2 MR. SULLIVAN: So I'll answer a couple of those
3 questions and then turn it over to Mr. Mastin for discussion on
4 the trash. Regarding the IZ, I don't believe he's penciled that
5 out yet, but adding 24 units, so the expectation is likely two
6 or three, probably three inclusionary zoning units. And
7 regarding the parking, so the requirement is that if it's --
8 there needs to be an agreement between property owners if the
9 properties are owned separately. So as long as these properties
10 are owned by the same owner, no agreement is required. But I'm
11 sure Mr. Mastin would, if he was intending to transfer them
12 separately or even together, because they're separate properties.
13 he would -- it would be in his interest to do that and to provide
14 that -- a covenant of some kind that notes that one space is
15 allocated to each of those two other buildings.

16 MR. MASTIN: Yeah, I'll step in here. Mr. Blake -- you
17 got it, you're right. It's -- you know, like Marty was saying,
18 we don't need it right now 'cause we own all three. And if they
19 ever had to get separated, we would do some sort of easement or
20 something like that. But just to, you know, a little background
21 on me and in the neighborhood, I bought that first building in
22 2010. So I've been around for almost 13 years there and I've
23 upgraded the units and now we're doing these additions, and these
24 are, you know, this is my thing, right? This is my property.
25 And I don't plan on -- anyway, it's not planned to go ahead and

1 separate them at any point. This is -- we're just going to do
2 this and then continue to hold them is the plan. Obviously, life
3 can dictate changes, but that's not what's on the table here.
4 The last question you had was trash. It's a great point. It's
5 one of my problems with the current building. We have the trash
6 roughly in the same -- like at the back of the buildings in the
7 middle, right, where they're -- as the building currently sits,
8 and they're all individual trash cans like you would see at a
9 residential house. And what ends up happening is the tenant
10 would go out there and there's, you know, I think either four or
11 six, depending on where you are, and they'll look at the first
12 one and if it's full, maybe they'll look at the second one and
13 if it's full, then they'll just drop it, and then they move back
14 into their unit, right? So I'm not saying that -- for them, I
15 mean, I get it, right, if it's raining, it's snowing, that's a
16 hassle. This way, they're like the big commercial four-yard
17 rollers. We have enough space there where we can roll them back
18 in. You know, the alleyway there, you can get a dump truck in
19 to roll that whole thing out, roll it down to get picked up and
20 serviced, and then roll it right back in. So there's only one
21 place to go, you don't have to keep moving down. I think that's
22 going to alleviate some of the issues there. And then we also
23 did the math to make sure that the amount of volume for trash
24 that we're giving per unit is actually increased by going to this
25 different system. So I think it'll be a different syst- -- I

1 think it'll be a better system for everyone and it should be more
2 space. And hopefully that alleviates any sort of trash issues
3 'cause that's one of the things we're trying to clean up by doing
4 this project.

5 COMMISSIONER BLAKE: Thank you.

6 CHAIRPERSON HILL: Okay. Anyone else?

7 Can I turn the Office of Planning please?

8 MR. COCHRAN: Thank you, Mr. Chair, and members of the
9 Board. I'm Steve Cochran, I'm representing OP on this case,
10 20703. We're recommending that you approve the special exception
11 for a new residential development in the RA-1 zone under the
12 provisions of U 421 and X 901, and also the special exception
13 from the parking screening requirements of C 714, again per C
14 714.3 and X 901. The only comments, other than what we have in
15 our report, that I might have had have already been addressed by
16 the Applicant in response to Mr. Blake's questions. All those
17 -- they answered the questions that we had about common facilities
18 and services that would be located on one property when in fact
19 three properties are part of the application. But that's been
20 addressed by the Applicant in the last couple of minutes. So
21 that concludes my testimony. But of course, I'd be happy to
22 answer any questions.

23 CHAIRPERSON HILL: Thank you, Mr. Cochran.

24 Does the Board have any questions of the Office of
25 Planning?

1 Mr. Young, is there anybody here wishing to speak?

2 MR. YOUNG: We do not.

3 CHAIRPERSON HILL: Okay.

4 Mr. Sullivan, there was a letter from Casey Trees, I
5 think. Was it Casey Trees? Can you speak to that?

6 MR. SULLIVAN: Yeah. That letter was based on the
7 previous version of the application. I mean, this has been kind
8 of a long slog. We had -- we've changed architects midstream
9 and the application's been out there for a while. But originally
10 it was showing us finishing the paper alley and removing a lot
11 of green area. And as I read their letter, it was focused almost
12 entirely on that and mentioned the heritage tree. So I think I
13 haven't heard from them since, but I think the revisions have
14 addressed their concerns substantially.

15 CHAIRPERSON HILL: What is happening with the heritage
16 tree?

17 MR. SULLIVAN: So there's a heritage tree at the rear
18 of the center of the three properties. And so that just needs
19 to be managed with urban forestry. But as of now, the building
20 as proposed is not in the area that the area of disturbance that
21 is required for that tree.

22 CHAIRPERSON HILL: Okay.

23 MR. SULLIVAN: But it did prevent us from, of course,
24 from finishing the alley or paving anything else further back
25 there.

1 CHAIRPERSON HILL: Okay.

2 MR. SULLIVAN: Which turned out to be something the
3 community actually were very interested in. They were more
4 interested in the greenery than the parking as well and I was
5 hoping we would see Commissioner Holmes on here, but looks like
6 not. So that was an interesting thing about this application,
7 adding so many units, but they were very concerned about the
8 environmental and they appreciated the fact that we weren't
9 disturbing much back there.

10 CHAIRPERSON HILL: Okay. All right.

11 Okay. Anyone else?

12 All right. Mr. Sullivan, you have anything to add at
13 the end?

14 MR. SULLIVAN: No, thank you.

15 CHAIRPERSON HILL: Okay. I'm going to go ahead and
16 close the hearing and the record.

17 Mr. Young, if you'd please excuse everyone?

18 Would someone else like to start the deliberation, as
19 I've been talking for hours?

20 VICE CHAIR JOHN: I will start. So I thought in terms
21 of the application itself and the relief that the Applicant is
22 requesting it's fairly straightforward. I agree with OP's
23 analysis about how the application meets the requirement. The
24 most potentially significant issue was the screening
25 requirements, which I thought the Applicant explained very well

1 in terms of the fact that there's a dead end at that location
2 and that the issue we face all the time, as the Applicant
3 explained, is to having to put in a fence or something which
4 reduces the amount of space that's available for parking and
5 other uses. So I thought that that's a fairly reasonable
6 explanation. And appreciate the Applicant's effort in modifying
7 the design to, you know, make -- to scale the building so that
8 the additions are in the back. So beyond that, I don't have very
9 much more to add. I'm going to give great weight to the ANC's
10 report. It seemed a little confusing, but I interpret it to say
11 that the ANC supports the application with no conditions based
12 on the changes that the Applicant has made. And so I'm in support
13 of the application.

14 CHAIRPERSON HILL: Thank you, Vice Chair John.
15 Mr. Smith?

16 COMMISSIONER SMITH: I don't have too much to add beyond
17 what Vice Chair John stated. You know, I think that she has,
18 you know, very strongly summarized the case to support this
19 application. It's fairly surpri- -- I'm pleasantly surprised
20 given, you know, some of the questions that have been raised in
21 this neighborhood, in Deanwood. Most of them have regarded
22 parking. I was pleasantly surprised that the concerns regarding
23 removal of the green space behind the newly constructed buildings
24 took precedent over parking because the Applicant will be meeting
25 their minimum parking requirement. I would, you know, in the

1 spirit of protecting those trees, I would -- and I didn't see in
2 the plans a landscaping or a fair amount of landscaping in the
3 front yard or in front of the new buildings and along the front
4 property, along Nash, I would highly recommend that the Applicant
5 does consider adding some additional shrubbery and trees since
6 they will be removing a fair amount of them, adding some
7 additional trees. And that's just as a recommendation as a
8 planner, honestly. Beyond that, I do believe that the Office of
9 Planning has essentially summed up the arguments for the reasons
10 why they have met the burden of proof for us to grant the special
11 exception for all three of these properties, and I will support
12 the application.

13 CHAIRPERSON HILL: Thank you.

14 Chairman Hood?

15 ZC CHAIRPERSON HOOD: I too, Mr. Chairman, will be
16 supporting the application. I appreciate the changes that have
17 been made and also the responses to the Office of Planning's
18 concerns or questions, the further clarification they had
19 previously, and also the work with the ANC. So I'll be voting
20 in support of this application. I think it meets and warrants
21 -- according to the record I think it meets and warrants the
22 approval requested. Thank you.

23 CHAIRPERSON HILL: Thank you.

24 Mr. Blake, did I get you?

25 COMMISSIONER BLAKE: No, you haven't, but that's fine.

1 I'm in favor of the application, and I'll be voting in favor. I
2 have nothing I want to add.

3 CHAIRPERSON HILL: Okay. Thank you.

4 I appreciate the help that my colleagues have done and
5 put forward with the analysis of this. I will agree with all of
6 your comments, as well as again of the Office of Planning's
7 recommendation and that of the ANC.

8 I'm going to make a motion to approve Application No.
9 20703 as captioned and read by the secretary and ask for a second,
10 Ms. John.

11 VICE CHAIR JOHN: Second.

12 CHAIRPERSON HILL: Motion's been made and seconded, if
13 you'd take a roll call, Ms. Rose?

14 MS. ROSE: Yes, when I call your name, please respond.
15 Chairman Hill?

16 CHAIRPERSON HILL: Here.

17 MS. ROSE: Vice Chair --

18 CHAIRPERSON HILL: Yes. Yes.

19 MS. ROSE: Vice Chair John?

20 VICE CHAIR JOHN: Yes.

21 MS. ROSE: Board Member Blake?

22 COMMISSIONER BLAKE: Yes.

23 MS. ROSE: Board Member Smith?

24 COMMISSIONER SMITH: Sorry, I was on mute. Yes.

25 MS. ROSE: Yes, thank you.

1 Commissioner Hood?

2 ZC CHAIRPERSON HOOD: Yes.

3 MS. ROSE: Staff will record the vote as five to zero
4 to zero to approve the application. This is on a motion by
5 Chairman Hill, seconded by Vice Chair John with Mr. Blake, Mr.
6 Smith, and Mr. Hood in support of the motion to approve.

7 CHAIRPERSON HILL: Okay. What's our last case, Ms.
8 Rose?

9 MS. ROSE: It's 20867, Stephanie Ajello.

10 CHAIRPERSON HILL: Okay. Great. I got -- I'm a little
11 confused by my paperwork. Thank you. If you'd please call our
12 last case?

13 MS. ROSE: Yes. This is Application No. 20867 of
14 Stephanie Ajello as amended for an area variance from the lot
15 occupancy requirements of Subtitle D, Section 1204.1 pursuant to
16 Subtitle X, Section 1002, an area variance from the rear yard
17 requirements of Subtitle D, Section 1206.2 pursuant to Subtitle
18 X, Section 1002, and a use variance from the nonconforming use
19 requirements of Subtitle C, Section 204.1 pursuant to Subtitle
20 X, Section 1002 to construct a third-story addition with roof
21 deck to an existing semi-detached two-story flat in the R-20 zone
22 at 1934 35th Place, N.W., Square 1296E, Lot 312. In this case
23 --

24 CHAIRPERSON HILL: Okay. Ms. Wilson, if you -- sorry,
25 go ahead, Ms. Rose.

1 MS. ROSE: In this case, the Applicant is requesting a
2 waiver of the filing deadline to accept the Applicant's counsel's
3 email to the zoning administrator, a 2017 zoning administrator's
4 determination letter, and the Applicant's PowerPoint. And those
5 items are in the record.

6 CHAIRPERSON HILL: Okay. Great.

7 Unless the Board has any issues, I would like to see
8 what the Applicant has put forward. So I'd like to allow them
9 into the record. Okay. Hearing none, Ms. Wilson, can you hear
10 me, and if so, could introduce yourself for the record?

11 MS. WILSON: Yes. Alex Wilson from Sullivan & Barros
12 on behalf of the Application. Can you all hear me?

13 CHAIRPERSON HILL: Yeah, it's a little low, but I can
14 hear you.

15 MS. WILSON: Okay. I'm sorry. I'll try to talk a
16 little louder.

17 CHAIRPERSON HILL: Okay. Ms. Wilson, if you want to
18 go ahead and walk us through your client's application and why
19 you believe they're meeting the standards for us to grant the
20 relief requested, I'll put 15 minutes on the clock there so I
21 know where we are, and you can begin whenever you like.

22 MS. WILSON: Great. Thank you so much. And I'll just
23 note that what we filed late doesn't necessarily apply anymore
24 because we did receive a determination from the zoning
25 administrator and he agrees we still need the relief. We entered

1 that information into the record in case he decided the other
2 way. And so we just wanted that as backup. But he's, you know,
3 noted we still need this relief, and so our presentation stands
4 as it was before and the relief is the same. So there aren't
5 any changes. If Mr. Young could please pull up the presentation?

6 And I am here today with Ms. Ajello, who is the property
7 owner in this case. Great, thank you so much. If you could
8 please go to the next slide?

9 The building is an existing legally nonconforming flat.
10 It was constructed in 1935 and was a purpose built flat. The
11 earliest C of Os from 1958 noting it was previously a flat, so
12 the use has likely existed for 88 years, at least for 65 years.
13 And the lot and the units are quite small. The lot itself is
14 865 square feet, which is a substandard lot in the R-20 zone.
15 The R-20 zone requires I think 2,000 square feet for a row
16 building. It is the smallest one on this block and it's the only
17 flat on this side of the block. There are other flats across
18 the street, but they have double the land area. The units
19 themselves are quite small. There's one unit per floor and the
20 bottom unit is 560 square feet. We are proposing to expand the
21 upper unit, which is 540 square feet. The property is a corner
22 lot and the two houses to the south, as well as other houses
23 along this block, have already constructed third-story additions
24 on top of their existing building footprints. And the Applicant
25 is proposing to do the same, just a third-story addition. And

1 the proposed third-story addition has a lot occupancy of 61.5
2 percent. So but for this other relief, the third-story addition
3 could be done via minor deviation except for of course we're an
4 existing legally nonconforming flat. So the third-story addition
5 is only to increase the upstairs living space. The Applicant is
6 not proposing to expand the lower unit, but will do some
7 (indiscernible) upgrades as part of the project if this gets
8 approved. That's primarily because there is no room to extend
9 the first floor. The only additional available space within the
10 development standards for this zone is a third-story addition.
11 The lot is small, so the footprint is already maxed out. And
12 the Applicant also needs lot occupancy and rear yard area variance
13 relief in order to replace an existing required rear egress stair
14 from the second floor to the rear yard. And that replacement
15 cannot be done in kind because the existing egress stair is not
16 up to code. So the new stair slightly increases the lot occupancy
17 and slightly decreases the rear yard just to meet the new code
18 requirements. Again, even though only one of the two units is
19 being expanded, use variance relief is needed for this third-
20 story addition as well as the stair and deck replacement, because
21 this is considered an expansion of a legally nonconforming flat.
22 And so we're seeking use variance relief pursuant to C 204.1.
23 Next slide please?

24 OP is recommending approval. The ANC is supporting.
25 DDOT has no objection. And the Applicant has support from both

1 the adjacent neighbor to the south and then the neighbor to the
2 west across the alley. Next slide please?

3 So this is showing the proposed third-story addition
4 and also the current contrast between the existing building and
5 the only directly abutting houses to the south. This is a prior
6 property, so it really stands out. The window patterns are
7 different, the roofline, the overall appearance and curb appeal
8 are in stark contrast to those houses, and the proposal will
9 effectively mimic the additions and design and pattern of the
10 properties next door, which were originally constructed with the
11 subject property. Next slide please?

12 The building footprint itself is already over lot
13 occupancy. The current total lot occupancy with the existing
14 stair is 69.8 percent. The replacement stair is required to
15 bring the rear egress into code compliance since right now the
16 stairs are too narrow to meet code, and we can't do an in-kind
17 replacement because of that reason as well. And so the Applicant
18 chose a spiral stair. It should occupy less rear yard space than
19 a like a straight staircase replacement in kind because for a
20 straight stair to be up to code, it would take up almost the
21 entire length of the rear yard. So this is the least impactful
22 replacement in terms of rear yard -- in minimizing the rear yard.
23 And so the replacement increases the lot occupancy very slightly
24 by 0.2 percent which is less than two feet, and it decreases the
25 nonconforming rear yard from 11 feet to 7.7 feet. Next slide

1 please?

2 So in terms of the variance test, and the unique
3 exceptional conditions of the site, the first C of O for a flat
4 was issued in 1958, noting that the previous use is also a flat.
5 The building was constructed in 1935, so the use has existed now
6 for almost 90 years. This is the only flat on this side of block,
7 and while there are other flats across the street, those are much
8 larger and they have double the living space. Those lots are
9 about 1,700 square feet. They appear to already be over 60
10 percent lot occupancy, but even at a 60 percent lot occupancy
11 with their two floors, there's over 2,000 square foot per building
12 and the subject building has about half of that. And so the
13 subject property is the smallest lot in the square and the area,
14 it's 865 square feet. The next largest lot is 911 square feet.
15 Most of the properties are about 920 on this side of the block.
16 The units are exceptionally small. The (indiscernible) is only
17 540 square feet, and the layout is awkward with a tiny kitchen
18 and bathroom. There's almost no storage space. The layout issues
19 notwithstanding, the building needs basic upgrades and repairs
20 to simply function as is. Due to the building's age, it requires
21 renovations to be brought up to modern standards, and if not
22 already, possibly building code standards. For example, HVAC and
23 ductwork, it currently has window units, there's no HVAC. It
24 requires a new water heater, electrical repairs, roof repairs,
25 and facade repairs. The Applicant is only seeking relief to

1 expand one unit. And so this is a critical distinction between
2 even all other cases for relief under C 204.1, where in both
3 cases they were seeking to expand all of the units or to even
4 add units. The Applicant in this case is just seeking to expand
5 one of the units. Next slide please?

6 Regarding the difficulties of the existing layout and
7 space, the upstairs unit is on the second floor and the existing
8 layout is shown on the left-hand side, and the proposed layout
9 for the second floor is shown on the right-hand side. The third-
10 story addition is not on here. It is in the record, but the
11 third-story addition proposed on top contains three bedrooms and
12 two baths. But this is just to show the difficulties of the
13 existing layout.

14 COMMISSIONER SMITH: Ms. Wilson?

15 MS. WILSON: Yes?

16 COMMISSIONER SMITH: Can I interrupt you? Sorry. This
17 layout, is this a conceptual layout without the expansion?

18 MS. WILSON: No, so the unit -- great question -- the
19 unit on -- or sorry, the photo on the left, the layout on the
20 left, is the existing layout. And so I guess yeah, without the
21 expansion this is what we're stuck with. There's not really a
22 lot of wiggle room, and I was going to talk about that. On the
23 right-hand side is what she's proposing for the second floor if
24 this relief were granted, meaning a third story would be put on
25 top of that, and the third story would have the bedrooms and

1 stuff.

2 COMMISSIONER SMITH: Okay.

3 MS. WILSON: Yep. Yes. And this just shows the
4 existing unit and the most effective way to use this space with
5 the addition. And I guess also the -- this is the least invasive
6 way to rearrange the space, which requires the addition as well.
7 So this -- so the unit itself faces both size and layout issues.
8 It's a one-bedroom unit, but it's only 540 square feet. And it
9 was built in 1935. The rooms are more segmented, whereas the
10 more modern units we see prioritize maybe a larger kitchen or a
11 living space, sometimes a home office given that people are
12 working from home, storage space. The kitchen is about 60 square
13 feet, and with the cabinets there's barely enough room to
14 efficiently use the space. Only one person can comfortably fit
15 for food prep. There's almost no counter space. And so in terms
16 of adjusting the existing layout if no relief were granted, it
17 would be simpler if the kitchen were adjacent to the living room,
18 she could probably just open that up, but the bathroom is right
19 in the middle of the unit, and so it's not possible to do any
20 adjustments without taking out that bathroom. And so that adds
21 significant cost and it would require moving pipes. It could
22 impact the lower unit. It has the bathroom in the same location.
23 And the bathroom is incredibly tiny right now. And so what the
24 addition does is allows for Ms. Ajella to take out the bathtub
25 in that bathroom and create a half bath. So even if there was

1 some way to reconfigure the existing unit and open up the layout,
2 these problems with the bathroom don't go away, unless she just
3 completely relocated the bathroom, which adds significant costs.
4 And so what she has proposed right now is new construction on
5 top of this existing second floor. But the main component, such
6 as the bathroom, the living space are being kept in the same
7 location and it's really just opening up the wall between the
8 bathroom and the kitchen. And so it minimizes the impact on the
9 second-floor layout and allows for just new construction on top.
10 And so I also want to emphasize, you know, it's not just the size
11 itself which makes this unique. It is unique. It's a combination
12 of the size and layout as this was built in 1935, and the layout
13 has not changed. It's simply not a competitive unit. Next slide
14 please?

15 And so to show the existing conditions of the house,
16 there's barely any counter space in the kitchen. She has her
17 water heater and plumbing system located in the kitchen with
18 screening, and so it's blocking light from a second window in the
19 kitchen. The only location for a microwave is on top of the
20 fridge. There is no dishwasher. Maybe this layout was great in
21 1935, but clearly this space is too small for current living
22 standards. The photo on the right is taken from the furthest
23 rear point of the unit and you can see the front windows. So
24 that just gives you an idea of how small the space is. Next
25 slide please?

1 This shows photos of the bedroom and bathroom. The
2 storage space in the bedroom is occupied by a washer and dryer,
3 and there's extremely limited closet space. The bathroom is
4 extremely small, only 33 square feet. And Ms. Ajello informed
5 me that she even has to purchase smaller toilets than the standard
6 size toilet or else the door won't open. So that's just another
7 quirk of the apartment given its age. Next slide please?

8 And so without the relief, there are really only two
9 options for any owner of this building. The first option is to
10 not do anything. This does not relieve her from the fact that
11 this building still needs repairs. It's not up to modern living
12 standards. And not only will these repairs cost money, they end
13 up being relatively invasive in terms of the amount of work in
14 such a small space. New HVAC, ductwork, electrical updates, and
15 roof repairs are disruptive generally and it would make the most
16 sense to try and get these repairs done in the same timeframe
17 for efficiency and less impact on any tenants. And these things,
18 HVAC, working plumbing and electrical are items that tenants now
19 expect to be in apartments. You know, many tenants prioritize
20 central air, and the building façade has not been updated in some
21 time and needs repairs. It generally lacks the curb appeal
22 compared to the adjacent two buildings. It stands out even more
23 because it's a corner building, so it's more obvious that it's
24 not in line with the adjacent properties. And so all of these
25 repairs are necessary to make the units more marketable and

1 modernize the unit and building. But without the additional
2 space, the unit itself will never really be up to modern standards
3 due to its size and layout. The Applicant again has contemplated
4 adjusting the layout, but due to the bathroom location, it's not
5 an option, it adds too much expense compared to the value which
6 is still having only a 540 square foot apartment. And so really
7 this leaves her with the option to make an investment into all
8 of these new systems without additional living space and with the
9 same layout, and while these things are necessary, it's an
10 investment without much of a return as her units are becoming
11 less marketable by the year. And I'm going to have Ms. Ajello
12 speak to that after my presentation a little bit, just what her
13 experience has been like since she has been occupying the upstairs
14 unit since she purchased the property. And so any of these
15 upgrades without additional space or a change to the layout would
16 eventually lead to the inability to either rent these units out
17 or more likely rent them at such a rate that would cover the
18 basic cost and maintenance of the units, resulting in an undue
19 hardship. And then in terms of the rear stair replacement, as
20 that does require variance relief as well, without the relief the
21 stair would continue to deteriorate since it cannot be replaced
22 in kind, and it violates code. Next slide please?

23 So the other option is to remove the second unit in
24 order to do the addition by right. The rear stair would still
25 need rear yard and occupancy relief, so it's not entirely by

1 right scenario, but it would remove the use variance relief if
2 we removed the second unit. So this option would result in an
3 undue hardship because it would result in a loss of a residential
4 unit. Right now, she has two units that she can rent or sell
5 and removing a unit to do an addition would result in a loss of
6 a rental unit or asset. And it's not like she would be getting
7 a huge increase in the actual building space for that loss because
8 the proposed third story is only 530 square feet. That's what
9 the by right development standards allow for. And this is
10 distinguishable I think from a recent BZA case for a flat, a
11 nonconforming flat, that applicant was proposing to expand both
12 units. It was BZA Case No. 20815. They were proposing to expand
13 the lower unit as well as the upper unit, and so they were getting
14 some added benefit of choosing to go -- I think they went the
15 accessory dwelling unit route. They removed the second unit.
16 And so even though they were losing that asset, they were able
17 to increase the living space in the overall building by 800 square
18 feet because they had a much larger lot. And they asked for a
19 10-foot row (phonetic) relief too. They had a lot that was nearly
20 four times the size of the subject property. And now I think
21 they can add a third story if they want to have another 700 or
22 800 square feet by right or by special exception. So the
23 development potential for that property as a single-family home
24 in terms of area is a lot greater than the previous configuration.
25 The subject property does not have those same conditions, so the

1 loss of a separate second unit in that case was worth it to them
2 obviously, and they were just tacking on an extra bedroom to each
3 unit so the construction's relatively straightforward. But in
4 this case, because the Applicant is really limited in terms of
5 what the addition is by right and already maxed out towards the
6 rear, it doesn't have that same benefit. At most, there's another
7 two or three feet that could be added to the rear of the building
8 footprint in this case before we would hit that 70 percent lot
9 occupancy, and clearly a three-foot addition on the rear doesn't
10 make sense, so even if the second unit were to be removed and
11 the Applicant attempted to do a by right addition, the by right
12 addition is just very limited compared to the addition the
13 applicants were able to achieve in the other case. And so also
14 in that case, I think there are some personal circumstances that
15 made the ADU route more favorable for him rather than attempting
16 the use variance relief. And the circumstances are just distinct
17 here compared to that other case. Next slide please?

18 So yeah, the owner in the other case, from what I
19 understand, also opted to do the ADU route because it would
20 resolve his issue and the goal was that he would want to live in
21 the home forever and rent out that space, so that made perfect
22 sense. But objectively speaking, in terms of value, an ADU is
23 simply not the same as having two separate units with a C of O
24 because an ADU does require that an owner live in the building.
25 And so that's a burden to most owners. Again, worked for him in

1 that case. But requiring that someone always live in the building
2 to be able to rent out a unit can objectively be seen as a
3 hardship to most owners. It would mean you lose the ability to
4 rent out two units at the same time, and therefore it does result
5 in the loss of a rental unit or an asset, if say, you know, she
6 were to condo the building and sell the two units separately, she
7 could do that now, but you can't sell an ADU separately. And so
8 this second by right option would require that she get rid of an
9 asset to construct an addition. It's an undue hardship due to
10 the size of the lot and improvements on the lot, as the maximum
11 potential outcome is an additional 500 square feet, there's no
12 other development potential beyond that. And so losing a separate
13 asset which has 560 square feet of the lower unit, something that
14 you'd be able to sell at any time is not worth the addition.
15 It's simply too risky. And it's not just the cost of the
16 addition, it's a lot of work and disruptive work to improve this
17 building with or without the addition. So if she removes the
18 second unit to add 500 square feet, it's a risk because typically
19 the idea is to recoup your investment in order to potentially pay
20 for the cost of some improvements. And so without the relief,
21 the Applicant would lose the ability to rent out each unit
22 individually. And renting out each unit individually or being
23 able to sell the units independently provides security in terms
24 of being able to continue to maintain the cost of the building
25 and potential to recoup the cost of the addition and the necessary

1 repairs and upgrades to both units. Next slide please?

2 Some other context just in terms of the variance test.
3 Ms. Ajello purchased the property in 2016 prior to the 2016
4 regulations coming into effect. And before the 2016 regs this
5 expansion may have been permitted by right in terms of the use,
6 as there was a determination by the Board that a flat in an R
7 zone was a legally conforming use. The 2016 regulations certainly
8 clarified that this is now considered a legally existing
9 nonconforming use which cannot be enlarged without relief. Since
10 then, seven cases have been brought before the Board seeking
11 relief from this section. It's obviously not a very common
12 request. Of those cases, five involved expansions of apartment
13 buildings of four or more units. One was related to a lodging
14 use and the other one was the recent case for a flat. The flat
15 case appeared to be the only one that gave the Board pause; all
16 the other cases were granted and approved. And as discussed
17 here, that is a completely distinguishable case. So it's accurate
18 to say that a case like this, the expansion of only one unit in
19 an existing flat, is unique and has not been brought in front of
20 the Board under the 2016 regulations. But similar rationale from
21 the other C 204.1 cases can apply here. Next slide please?

22 For example, in Case No. 19327 and 19709 the Board
23 noted the relief is understandable to preserve and extend the
24 life of the building and it doesn't seem like there are any
25 adverse effects associated with it, even though there is an

1 additional footprint. Also, without the granting of this
2 variance, the applicant would not be able to reasonably bring the
3 existing building up to modern living standards. Next slide
4 please?

5 The fact pattern for Case No. 19690 is even more
6 similar. The building was also legally constructed in 1935 in
7 the same configuration. OP emphasized that its analysis and
8 recommendation of approval was supported by the fact that the use
9 was not changing nor increasing in density and that the purpose
10 was to modernize the building, which would also go to the public
11 good. The Board agreed, finding that it was necessary to
12 modernize and expand the building and how modernization without
13 expansion did not make sense given the size of the units and
14 hardship to the applicant. The subject case is similar, although
15 the unit in this case is even smaller and the enlargement is to
16 a much lesser degree, only one unit is being increased in size.
17 The building similarly needs basic upgrades and modernizations
18 to preserve the life of the building, but cannot fully achieve
19 the goal without additional living space as a 540 square foot
20 apartment in this configuration is not up to modern living
21 standards. Next slide please?

22 In conclusion, the proposal is to improve the property
23 to make it appear like the adjacent properties next door. It
24 will be an overall improvement to the street and prevents further
25 dilapidation. It preserves housing stock in an increasingly

1 unaffordable city and area which goes to the public good. In
2 terms of the zone plan, the property is unique as it is an
3 existing two-unit building and has been configured that way for
4 almost 90 years. The case itself is unique even compared to
5 other C 204.1 cases. And a similar situation is highly unlikely
6 to occur, preserving the zone plan and preventing a precedent.
7 Further, this is a row house zone. It's the R-20 zone and its
8 designation on the future land use map is moderate density
9 residential uses. It is not a low density designation and flats
10 are in line with the moderate density residential use
11 designation. So unlike the other flat case, which was in an R-
12 2 zone and designated as low density, this is designated as
13 moderate density residential and is consistent with the zone
14 plan. And it's also only a block and a half away from the MU
15 zone and Wisconsin Avenue, so it's not situated in the middle of
16 residential zoned blocks and blocks of residential buildings on
17 either side. And further, the expansion is only for one unit,
18 not both. So the proposal fits with the intent of the regulations
19 in that we are not expanding both units, only one.

20 And so that concludes my presentation. I am going to
21 turn it over to Ms. Ajello to introduce herself and talk a bit
22 more about her experience with the building.

23 MS. AJELLO: Good afternoon. I am Stephanie Ajello.
24 I'm the owner of the subject property. I did begin occupying it
25 in 2010 as a tenant and then in 2016 the landlord put it up for

1 sale and I did purchase it. Upon purchasing it, as Alex stressed
2 earlier, the building did have a valid certificate of occupancy
3 for the two units and that was part of the value that, you know,
4 I was purchasing, the fact that I could rent it out, rent both
5 units out to cover the cost of maintaining and owning the building
6 or I could remain in one and rent the other out.

7 As discussed earlier, losing that second unit to do
8 this addition is not quite an option because I'll never be able
9 to rent out both units at a time. So I have consistently occupied
10 the property since 2010, so it's about 13 years now, and, you
11 know, whether I stay here or eventually rent it out, the space
12 is small. As Alex mentioned, it's just over 500 square feet,
13 you can see one end to the other. There's intrusive walls,
14 limited closet space and storage, the kitchen is barely usable,
15 and it just needs general repairs. The addition will provide,
16 you know, at least a family-sized unit available for rent or sale
17 in the future. And they're not currently family-sized units. It
18 would be really difficult to have two people occupy a unit of
19 this size. The, you know, the kitchen and counter space,
20 nonexistent. You know, the bathrooms, the doors don't open or
21 close with a standard size toilet, so you've got a toilet that,
22 you know, children would sit on at school. I can speak to these
23 issues because I've lived here, you know, for 13 years. And so
24 I've seen the deterioration and had the lack of modernization
25 over time comparable to, you know, all of the -- or comparative

1 to all the other, you know, neighborhood homes and apartments
2 where they're, you know, they're truly modernizing and shifting
3 with the trends. And this one has really remained stagnant. You
4 know, renting over time has become more difficult to find tenants
5 as I've had turnover every couple years. You know, it's just
6 not competitive in the neighborhood. And the size is really
7 small. People can't find their furniture to fit from going from,
8 you know, their prior place to this one. And again, I mean, just
9 it's an eyesore, it's a general eyesore. And so over time, I've
10 had to lower the monthly rent cost downstairs because just, you
11 know, it's the lack of curb appeal. And you know, it needs some
12 paint and touchups and, again new hot water heaters and, you
13 know, just general aesthetic upgrades that I would do, you know,
14 with this renovation. So thank you, Alex. I'll turn it back
15 over to you or the Board.

16 MS. WILSON: Great, thank you so much. I think we are
17 happy to take any questions at this time.

18 CHAIRPERSON HILL: Okay. If it's okay with the Board
19 -- I mean, that was a long presentation, which I think was
20 thorough, but let me just hear from the Office of Planning and
21 then we can get to our questions.

22 Could I hear from the office of Planning please?

23 MR. COCHRAN: Thanks, Mr. Chair and members of the
24 Board. Steve Cochran again for Case 20867. OP would be happy
25 to stand on the record if you prefer, or we could give a very

1 brief summary of the most salient points, or we could let you
2 take a break for lunch. So --

3 CHAIRPERSON HILL: Mr. Cochran, this is our last one,
4 Mr. Cochran. I'd like the brief summary of the salient points,
5 if you don't mind.

6 MR. COCHRAN: Okay. As you know from our report, we're
7 supportive of the use variance per C 704.1 to expand the
8 nonconforming flat use. The principal exceptional condition is
9 it's had a C of O for a flat for anywhere between 64 and 88 years,
10 and the Applicant bought it with the understanding and the logical
11 assumption that it would get -- it could be dealt with as the
12 other buildings nearby have been dealt with, the two buildings
13 to the south have been expanded and look exactly like what the
14 Applicant is proposing to do. The difference is, of course, they
15 are single-family houses. The undue hardship, as the Applicant
16 has said, if she made second unit into an ADU, she would either
17 have to -- well, basically she'd have to stay in the house or if
18 she wanted to move out, she'd have to sell it. If she wanted to
19 renovate the house, but couldn't expand it -- well, even if she
20 turned it into a single-family house, she'd be losing the income
21 from an independent unit, thereby decreasing the house's
22 valuation and her ability to secure financing to renovate the
23 house the way that it obviously needs to be renovated. With
24 respect to the public good and the zone plan, clearly it would
25 improve the appearance of the building, bring it much more into

1 line with the other ones in the neighborhood. And because there'd
2 be no change in use, there'd be no impact on traffic, trash,
3 noise, all those other things that neighborhoods are
4 understandably concerned about. When it comes to the lot
5 occupancy area variances, OP also supports this and the rear yard
6 area variance. All of this would be due -- these variances would
7 be required simply to bring the secondary egress up to code. The
8 exceptional condition is, again, the history of the certificates
9 of occupancy. The practical difficulty is the staircase needs
10 replacing to be brought up to code. There'd be only 0.02 percent
11 increase in the lot occupancy and about a three and a third foot
12 decrease in the rear yard, both of which would enable it to be
13 brought up to code. And with respect to the zone plan and the
14 conformance with the zoning regulations in the neighborhood, it's
15 the same as before, it would still appear to be a single-family
16 house, it would look considerably better than it does now, and
17 it really wouldn't contrast with any of the adjacent properties.
18 As you know from the record, both of the adjoining neighbors
19 support this and the Burleith ANC voted unanimously to support
20 it, which is in itself somewhat unusual. So that concludes our
21 testimony, and I'm happy to answer any questions.

22 CHAIRPERSON HILL: Okay. Thanks, Mr. Cochran.

23 Does the Board have any questions of the Office of
24 Planning and/or the Applicant? And I see Mr. Blake's hand up
25 first.

1 Mr. Blake?

2 COMMISSIONER BLAKE: Mr. Cochran, help me understand,
3 if this were an ADU, this could be all accomplished through
4 special exception, the change in the structure, the additional
5 size, the configuration that was described in the plans, would
6 be accomplished through special exceptions, correct?

7 MR. COCHRAN: As long as the expansion was such that
8 the ADU would stay below the maximum square footage requirements,
9 yes.

10 COMMISSIONER BLAKE: And adding these numbers together,
11 it would be roughly 34.89 perc- 8 percent. And I think the
12 number's 35 percent; is that right? Is it 35 or 30 percent, what
13 is the number?

14 MR. COCHRAN: I believe it's 35 percent. Are you saying
15 for the ADU?

16 COMMISSIONER BLAKE: Yeah. So adding the numbers up,
17 it seems like it falls right in that number, I was adding the
18 550, 530, and the 5- --

19 MR. COCHRAN: As I recall, it would be close.

20 COMMISSIONER BLAKE: Yeah, it would be. Okay. So the
21 primary issue then is to accomplish this, if it were an ADU, it
22 would pretty much fall perhaps right in the range for a special
23 exception, and that would cover the lot occupancy and rear yard
24 requirements as well, correct.

25 MR. COCHRAN: It would still have to go through the

1 Department of Buildings and get a C of O as a single-family
2 residence that does happen to have an ADU. And that would need
3 to happen presumably before any building permit could be issued.

4 COMMISSIONER BLAKE: Okay. But it still would be
5 special exceptions that would get that all done, correct.

6 MR. COCHRAN: I believe that's correct, yes.

7 COMMISSIONER BLAKE: Okay. All right. Thank you.

8 CHAIRPERSON HILL: Anyone else?

9 Okay. Mr. Young, is anyone here wishing to speak?

10 MR. YOUNG: We do not.

11 CHAIRPERSON HILL: Okay.

12 I surprisingly got one question on that one.

13 COMMISSIONER BLAKE: I have another question for Mr.
14 Cochran.

15 CHAIRPERSON HILL: Okay. Go ahead, Mr. Blake.

16 COMMISSIONER BLAKE: Mr. Cochran, in doing this, have
17 you seen any other cases where we -- it seems like a pretty
18 straightforward thing. And we think that in the size of the
19 District and the configuration, we'd see others coming forward
20 trying to expand half of the (audio glitch) expansions, but we
21 haven't. Have you been -- or maybe it's (indiscernible) our
22 record, have you seen any other cases that we may have missed?

23 MR. COCHRAN: I can't say that I've excavated the
24 record. I would note that it's unusual for this kind of building
25 not to be able to expand by a special exception. And which

1 because in an R-19 and R-20 zone in Burleith and Upper Georgetown
2 you can't do it by special exception, whereas almost anywhere
3 else, you -- of the -- other than a simple R zone, you could.
4 But you can't use the zoning regulations as part of the
5 exceptional condition either.

6 COMMISSIONER BLAKE: Okay. But the nonconforming --
7 and the question is, the nonconformity in this particular issue
8 is the fact that it is a flat, that is the nonconforming. All
9 right? So and if we expand the living space on the second floor
10 from one bedroom to three bedroom, wouldn't that be increasing
11 the intensity of use?

12 MR. COCHRAN: It wouldn't be -- it would be increasing
13 the FAR.

14 COMMISSIONER BLAKE: Well, I can --

15 MR. COCHRAN: I don't think you would necessarily be
16 increasing the intensity of use. That assumes that you would
17 have the owner get two roommates or have children that would
18 occupy the bedrooms. Just because there are additional bedrooms,
19 it doesn't mean that there are going to be additional people.

20 COMMISSIONER BLAKE: Oh, okay. So if I had three
21 bedrooms, I might still only have one person, whereas if I have
22 one bedroom, we'd have one person. Okay. All right. I see what
23 you're saying. Thank you.

24 CHAIRPERSON HILL: All right. Anyone else?

25 Okay. All right. Ms. Wilson, anything at the end?

1 MS. WILSON: I feel like I covered it all in my very
2 thorough presentation. Thank you for your time. And yes, thank
3 you.

4 CHAIRPERSON HILL: Okay. Thanks, Ms. Wilson.

5 All right. Mr. Young, going to go ahead and close the
6 hearing and the record. Ms. Ajello, have a nice day. Or at
7 least I hope you have a nice day, I don't know what's going to
8 happen.

9 Okay. That was a lot more stuff than I thought,
10 although there is three variances going on with this. I thought
11 that -- it is very unique, and I am going to agree with the
12 arguments that the Applicant and the Office of Planning has put
13 forward as to why they're meeting the criteria for the variances,
14 and also that this is something that could have been done by
15 special exception if it were not for the, I guess, neighborhood
16 again that we come into every now and again with this area. The
17 use variance, I mean, I would agree with the exceptional condition
18 being that, you know, they have -- this has been a flat for 65
19 to 88 years, as was mentioned, that I don't think that there's
20 an issue with the public good. I think that that exceptional
21 condition does lead to a practical difficulty that I can get
22 behind. Also, then the area variances in terms of how the
23 increase in the FAR and the decrease in the rear yard I think is
24 nominal, although I would also agree that the reason why it has
25 to be done is because of the second egress to bring the building

1 up to code. So although they are asking for, I think, substantial
2 relief that sometimes we are unable to get behind, I think that
3 in this particular case, turning that into a single-family in a
4 way that can be done by a matter of right, I think, is adding to
5 the exceptional condition and the costs associated with that and
6 the practical difficulty with doing it as a single-family. I
7 think my colleagues might have more to say than I, and I am going
8 to turn to them now and see if Mr. Smith has anything he'd like
9 to add.

10 COMMISSIONER SMITH: Sure, I'll go next. Regarding the
11 area variances, I do believe they've met the burden of proof for
12 the area variances, but I'll start with the use variance first,
13 because I think that'd probably take more precedent on whether
14 the area variances go forward. As far as with the -- and I'm
15 looking at it from the prongs. And you know, I would say, you
16 know, to Ms. Wilson, it was a very thorough presentation that you
17 provided and laid out some, you know, some arguments on the
18 reasons why you believe that it would meet that use variance
19 test. And again, the use variance is the highest, you know,
20 highest -- they should be scrutinized at the highest level, and
21 I'll go through the three prongs. So the first prong an applicant
22 for a use variance must prove that there are exceptional
23 attributes of a specific piece of property such as essentially
24 narrowness, shallowness, or shape. I do believe that they've met
25 the burden of proof for that particular prong, given the size of

1 the property and the given the size of the building. Moving to
2 the second prong and third prong, as the second prong -- as a
3 result of this exceptional attribute or condition, the strict
4 application of a zoning regulation would result in exceptional
5 and undue hardship upon the owner of the property. My concern
6 with -- I do not believe they've met the second prong. I will
7 say that. The entire argument that was heard is more of an
8 economic argument and that should not be the primary basis for a
9 use variance. The Applicant does have other options within the
10 zoning ordinance in order for them to keep some form of two units
11 here. And that option is to either, one, live there, and it
12 sounds like the Applicant has previously lived there, and had the
13 ability to expand, or as Mr. Blake stated, they have the option
14 to, you know, go the ADU route and present an opportunity for us
15 to review the special exception. Those are outlets within the
16 zoning ordinance that do not rise to the level of a variance that
17 the Applicant can pursue. The argument that I heard was entirely
18 economic. The applicant wanted to have the ability to potentially
19 in the future sell it as a two-flat unit and also not have that
20 restriction to where they couldn't do a market rate unit, it
21 would just be an ADU unit, or keeping it as is, losing potential
22 profit. So I'm not completely sold that they've met the second
23 prong.

24 In regards to the third prong, the relief would not
25 result in a substantial detriment to the public good and would

1 not substantially impair the intent, purpose, and integrity of
2 the zone plan. And I'm going to focus on the second part of that
3 prong. Substantially impair the intent, purpose, and integrity
4 of the zone plan. The expansion of a nonconformity in and of
5 itself is contrary to the intent, purpose, and integrity of the
6 zone plan. The purpose -- the intent of nonconformity is for
7 nonconformities to go away. This property -- this -- there are
8 a couple flats across the street, but on this side of the
9 property, it is primarily single-family homes, rowhomes. And the
10 intent for this in this particular zone is for these particular
11 types of nonconformities to go away. The Applicant has other
12 options within the zoning ordinance as it stands now that they
13 can pursue. And as of right now, based on the presentation
14 presented to me that I don't believe that the Applicant has met
15 the burden of proof regarding the second prong and the third
16 prong, and I don't support the variance, the use variance.

17 CHAIRPERSON HILL: Okay.

18 COMMISSIONER SMITH: And in not supporting the use
19 variance, the area variances can't go forward.

20 CHAIRPERSON HILL: Okay. So just to ask you more, Mr.
21 Smith, sorry, so as far as like the purchasing of the home and
22 it being a flat for whatever, how many years it was, you don't
23 think that ties into some of the argument?

24 COMMISSIONER SMITH: No. They could continue to
25 operate it as a flat. The size of the units, you know, a portion

1 of -- some of this discussion was based off the size of the units,
2 500 and some odd square feet. Not being livable, modern units.
3 Livability and modernity is not based on the size of the unit,
4 it is more so based on -- whether something classifies as a
5 dwelling unit is based on the building code. So to me, that's
6 not necessarily a, you know, a strong argument that the units are
7 small, so therefore I have a hardship. The units are legal
8 dwelling units, and I don't find their arguments really
9 convincing. There may be some additional -- and we did not see
10 floor plans that show how they potentially could have or they
11 attempted to rejigger the floor plan potentially to make it more
12 of an open floor plan to increase the amount of usable square
13 footage within the building. That wasn't presented to us today.
14 But in and of itself, I do not believe the size of those units
15 -- because this was built, you know, 80 some odd years ago, it's
16 grounds for a use variance.

17 CHAIRPERSON HILL: Okay. All right. Okay. So there
18 we go with Mr. Smith. Who would like to go next? Mr. Blake is
19 usually in the chain of command.

20 COMMISSIONER BLAKE: I'll go next. And this is a
21 challenging case for me because I understand the rationale behind
22 it, but I certainly can appreciate the regulations and what they
23 represent. And as I said in my questions as you heard, I do
24 believe there is a way that we can accomplish this without going
25 the route of a variance, which is a very -- the use variance in

1 particular is a relatively high standard. And in this case, I
2 do not believe that variance level was met, particularly because
3 if we had seen a history where you were unable to rent these
4 apartments because of their size, that would have shown -- and a
5 history of not being able to rent these apartments would have
6 shown me that it is an unrentable situation. That's not what I
7 saw. I see a part where she said I may have lowered my rent a
8 little bit to coax people in. But the condition of those
9 apartments would suggest on a relative basis they may not carry
10 the same weight as a modern unit. So the -- you know, it -- I
11 don't think those are unrentable units. So therefore, I don't
12 believe that there's an undue hardship being borne. I do think
13 it would be they could be renovated and that could be accomplished
14 without, you know, making the addition. I think that the -- what
15 I found was that the -- I added the numbers together and it looked
16 pretty close to me that the ADU structure worked perfectly and
17 is very consistent with the zoning intent and purpose of the
18 zoning regulations. So you'd have a larger place, you'd have a
19 revenue stream, and you would fit in with the regulatory
20 requirements. So for that reason, I'm -- I again do not believe
21 that the standard has been met for the use variance and I would
22 not be voting in favor of the application. You're on mute.

23 CHAIRPERSON HILL: I said, okay, Chairman Hood. And
24 then I heard you're on mute. And I was like -- I was waiting
25 for Chairman Hood to unmute himself.

1 Chairman Hood, would you like to go next?

2 ZC CHAIRPERSON HOOD: So I -- this is where the Zoning
3 Commission comes in. My dealings of how I deal with stuff on
4 the Zoning Commission. And I know you all are to the strict
5 application, and we wrote the rules, and I agree with you, I
6 agree with everything I heard. But I think the Applicant has
7 made the case both for the area variance and the use variance.
8 Let's talk about the use variance. To me, the pictures were
9 worth a thousand words. I may just be a picture guy. And I saw
10 the washer and dryer looked like it was right next to the bed,
11 so it seems to me that they have made the case. Now, I will
12 yield to the Board members, especially Board Member Blake, of how
13 to get this done. For me, I would just like to see this get
14 done. The long-time use of the property is noted in Office of
15 Planning report. The owner's reasonable understanding of the C
16 of O and the flats, I get all that. And the three prongs, I get
17 all the substantial detriment to the public good. I don't know
18 if I'd go necessarily along with some of the arguments I've heard
19 and then when we get to the area variance -- I just believe this
20 is -- I believe they met the case without going through a whole
21 lot of explanation. Then again, I'm not here every week. But I
22 think that this could be accommodated. I think it's sufficient
23 and especially in OP's report, and I think the presentation by
24 Ms. Wilson, I believe that this is relevant for me, at least from
25 my standpoint, of voting in favor. And I don't believe -- I

1 believe they made the case, and I'll just leave it at that. But
2 if the Board goes a certain way, this Board does something a
3 little differently as to how they look at the use variance, and
4 you don't think you've met that, I would be more inclined to
5 entertain what Board Member Blake mentioned, because I'm trying
6 to just get there. I think from what I saw, especially in the
7 pictures, I think this Applicant has some undue issues. And in
8 today's time, what I saw was not suitable. None of us live in
9 anything like that. And I think we should figure out a w- -- I
10 would like to see within the regulations that we figure out a
11 way to get this done. That's where I am. Thank you, Mr. Chairman.

12 CHAIRPERSON HILL: Thank you, Chairman Hood. Thank you
13 for your comments.

14 Also, I just would reiterate right in that area,
15 particularly the size of those units as rentable units, I think
16 is a difficult task to achieve. And again, I would recom- --
17 and again would point to the Office of Planning's report and the
18 ANC. But some people -- I don't know, we'll see what happens.

19 Vice Chair John?

20 MS. ROSE: So it's a difficult case, and I'm so happy
21 that the commission of the Zoning Commission is here so that he
22 can take back this situation to the Commission because I have to
23 align myself with the remarks of Board Member Smith and Board
24 Member Blake. This is a difficult area that we will probably
25 continue to expand. I agree that the nonconforming structure and

1 use requirement, as Board Member Smith said, they're intended to
2 get -- have these nonconforming uses go away. And because the
3 Applicant mentioned a case that that we heard I think last week
4 or the week before, a similar situation, that case was worse
5 because that house had two entrances and presented as a flat.
6 Same situation, a small structure. And so these cases present a
7 problem for me. But I agree that there is a viable use that can
8 be made and that's allowable under the regulations, which is the
9 ADU option or the Applicant could convert to a single-family home
10 with no rental unit. Those are two options that are allowed
11 under the regulations. They could do the same thing. So the
12 economic argument would be present for anyone. And I think the
13 standard is undue hardship, not practical difficulty, which is
14 the standard for an area variance. So I am not happy that I have
15 reached this result, but to be consistent in how I've looked at
16 other cases, I can't support the use variance in this case. So
17 that would be my take on this and I would not support the
18 application, even though I would like to.

19 CHAIRPERSON HILL: Okay.

20 So Mr. Blake had mentioned that there was some possib-
21 -- 'cause I'm just curious -- that like if there was some layouts
22 perhaps you might take a look at, and I don't know whether that
23 would necessarily change your opinion or not about if they were,
24 you know, some diagrams as to how it could or couldn't work for
25 you as a -- in its current configuration; is that correct or no?

1 COMMISSIONER BLAKE: Actually, Mr. Smith had that
2 comment, I did not.

3 COMMISSIONER SMITH: I had that comment. But that
4 doesn't change my position because that still is not getting to
5 the third prong, and that's more of a discussion of the second
6 prong. So that wouldn't change my opinion on it meeting the
7 third prong because an expansion of a nonconformity is prior --
8 is contrary to the intent, purpose of the zone plan to see those
9 nonconformities go away. So that wouldn't change my opinion.

10 CHAIRPERSON HILL: Okay. So there's nothing anybody
11 wants to see?

12 COMMISSIONER SMITH: So I will say this, you know,
13 there are other options that have been presented, and those
14 options if they require a special exception the Applicant can
15 return back to this Board under a different application, of not
16 a variance, that may -- or something that may trigger a special
17 exception. So I would just put that out there before this vote.

18 CHAIRPERSON HILL: Okay. All right. Mr. Smith.

19 I needed -- I was looking for some feedback and I
20 appreciate some feedback that I was looking for. What I would
21 like to do then is I would like to -- take a look at where I got
22 here -- I would like to keep the record open. I would like to
23 table this for next week. We'll have a deliberate -- we don't
24 have to deliberate again or whatever, we can repeat our
25 deliberations. Chairman Hood, are you able to come back next

1 week just for a decision meeting?

2 ZC CHAIRPERSON HOOD: I am. But Mr. Chairman, let me
3 also ask, Board Member John, I don't like to use the word sua
4 sponte, because I know that the Board is in a difficult situation.
5 And I always get a smile out of Ms. John when I mention that.
6 But I do -- I heard what Ms. John said and I would agree that I
7 would like to -- for the Zoning Commission to look at these type
8 of situations. I do have this case written down as well -- this
9 has nothing to do with today, and I would like to eventually at
10 some point if somebody can tell me what the case number was which
11 you all heard last week, and we can examine and look at -- it
12 may not change a thing, but I do always like to look at and see
13 if there are things that we need to necessarily reevaluate. So
14 anyway, those are my comments. I wanted to put that on the
15 record. And I'll be I'll be able to make it next week, Mr.
16 Chairman.

17 CHAIRPERSON HILL: Okay. Thank you.

18 And for the Applicant, I mean, you know, again, the
19 problem that the Board is struggling with is that the use variance
20 is the highest bar that we are put forward with. And that's what
21 I think is we're bumping up against. If the Applicant wants to
22 submit something into the record before our decision, I'll let
23 that be open to the Applicant. If we get something by even, you
24 know, the 20th, next Monday, they can put something in the record
25 to supplement the record for some of what Mr. Smith had mentioned

1 in terms of how they may or may not be able to do something under
2 special exception, because then I don't have to kick this all the
3 way back to the beginning, but I might have to anyway. So I'm
4 just -- I just want us to sit on it for a week and think about
5 it and see if we hear anything from the Applicant. Does anyone
6 have any issues with that, and if so, speak up? Okay.

7 Ms. Rose, did you hear what I said?

8 MS. ROSE: Yes.

9 CHAIRPERSON HILL: Okay. So we'll leave the record
10 open until Monday the 20th for the Applicant if they wanted to
11 submit anything to the record, and then we'll come back here for
12 a decision on the 22nd and I think the Applicant knows where
13 everything is currently.

14 So with that, Ms. Rose, do we have anything else before
15 the Board?

16 MS. ROSE: Nothing from staff.

17 CHAIRPERSON HILL: Okay, everybody, and I hope you all
18 have a good day.

19 MS. ROSE: Thank you.

20 CHAIRPERSON HILL: Bye-bye, nice to see y'all.

21 (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: 03-15-2023

Place: Teleconference

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

DONNA JENKINS