

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

April 5, 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, Fred Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FRED HILL, Chairperson
LORNA JOHN, Vice Chairperson
CHRISHAUN SMITH, Commissioner
ANTHONY HOOD, Zoning Commission Chairperson

BOARD OF ZONING ADJUSTMENT STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Data Specialist

BOARD OF ZONING ADJUSTMENT LEGAL COUNSEL:

RYAN NICHOLAS, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on April 5, 2023.

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

(9:30 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen and the Board of Zoning Adjustment. Today is 04/05/2023. This 'public hearing will please come to order. My name is Fred Hill. I'm the Chairperson of the District of Columbia Board of Zoning Adjustment. Joining me today is Vi- -- well, joining me today at some point will be Vice Chair Lorna John and Board Member Chrishaun Smith and Chairman Anthony Hood from the Zoning Commission will be with us for today's meeting.

And hearing agendas are -- 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 and 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 are experiencing accessing Webex -- difficulty -- or your telephone call-in, the number is different today, then you can call 202-727-0364, once again 202-727-0364 if you're having any issues with your call-in.

At the conclusion of a decision meeting session, I shall, in consultation with the Office of Zoning, determine

1 whether a full or a summary order may be issued. A full order
2 is required when the decision it contains is adverse to a party,
3 including an affected ANC. A full order may also be needed if
4 the Board's decision differs from the Office of Planning's
5 recommendation. Although the Board favors the use of summary
6 orders whenever possible, an applicant may not request the Board
7 to issue such an order.

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

17 Once again, if you experience difficulty accessing
18 Webex or with your telephone call-in, or you've forgotten to sign
19 up 24 hours prior to this hearing, then please call our OZ hotline
20 number at 202 -- oh, I already said that, hold on -- 202-727-
21 0364.

22 All persons planning to testify either in favor or in
23 opposition should have signed up in advance. They'll be called
24 by name to testify. If this is an appeal, only parties are
25 allowed to testify. By signing up to testify, all participants

1 completed the oath or affirmation as required by Subtitle Y 408.7.

2 Requests to enter evidence at the record at the time
3 of an online virtual hearing, such as written testimony or
4 additional supporting documents other than live video, which may
5 not be presented as part of the testimony, may be allowed pursuant
6 to Subtitle Y 103.13, provided that the person making the request
7 to enter an exhibit explains, A how the proposed exhibit is
8 relevant, B, the good cause that justifies allowing the exhibit
9 into the record, including an explanation of why the requester
10 did not file the exhibit prior to the hearing pursuant to Subtitle
11 Y 206, and, C, how the proposed exhibit would not unreasonably
12 prejudice any parties.

13 The order of procedure for special exceptions and
14 variances are pursuant to Y 409 -- is in Y 409.

15 At the conclusion of each case, an individual who was
16 unable to testify because of technical issues may file a request
17 for leave to file a written version of the planned testimony to
18 the record within 24 hours following the conclusion of public
19 testimony in the hearing. If additional written testimony is
20 accepted, then parties will be allowed a reasonable time to
21 respond as determined by the Board. The Board will then make
22 its decision at its next meeting session, but no earlier than 48
23 hours after the hearing. Moreover, the Board may request
24 additional specific information to complete the record. The
25 Board and the staff will specify at the end of each hearing what

1 is expected and the dates when persons must submit the evidence
2 to the Office of Zoning. No other information shall be accepted
3 by the Board.

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

14 Mr. Secretary, do we have any preliminary matters?
15 You're on mute, Mr. Moy, if you are speaking. I'm sorry.

16 MR. MOY: Okay. Can you hear me?

17 CHAIRPERSON HILL: Yes.

18 MR. MOY: Oh, okay. Great. Well, that's too bad you
19 can hear me. Anyways, good morning, Mr. Chairman, members of the
20 Board. I do have a brief announcement with regards to today's
21 docket. Case Application No. 20852 of Warren J. Reed Bypass
22 Trustee has been withdrawn by the Applicant. Also Case
23 Application No. 17429A of St Patrick's Episcopal Church and Day
24 School has been postponed and continued to a day in October 2023.
25 I believe that date is October 4th, 2023, for your records.

1 Other than that, I do have one brief announcement on a
2 last-minute filing by the ANC to Case Application No. 20857.
3 This is of Tamara Sperling. It was filed late afternoon
4 yesterday, Tuesday, so that was within the 24-hour block.
5 Apparently, they're asking for a continuance. The Board can
6 address that when I call the case. That's all I have, Mr.
7 Chairman.

8 CHAIRPERSON HILL: Okay. Great. Thanks, Mr. Moy. So
9 I think the first case actually we are going to lose Vice Chair
10 John for, because she is recusing herself. And then so Vice
11 Chair John does hear me, the third case on the meeting docket I
12 am going to be unable to participate in, and we will put that at
13 the end of the day so that I can then leave. One final notice
14 is like I'm the only one here in this building and somebody is
15 supposed to ring the doorbell. So when that happens, I will be
16 going to get the door. So I apologize for that interruption when
17 it happens.

18 And then, Mr. Moy, if you could go ahead and call our
19 first meeting case. Thank you.

20 MR. MOY: Yes, sir, thank you. This would be Case
21 Application No. 20643 of the Maret School. And this is --

22 CHAIRPERSON HILL: Mr. Moy, before -- Mr. Moy, go ahead
23 and just -- this is the perfect time. Just give me a second. I
24 have to go. I'll be right back.

25 (Pause.)

1 CHAIRPERSON HILL: All right. Mr. Moy, I am back, and
2 everyone else I am back. I apologize. However, I would like to
3 say that we now have four more people here in downtown to eat
4 and do whatever they need to do, so, today. Let's see if I got
5 Chairman Hood back again. He might have gone to answer his own
6 doorbell.

7 ZC CHAIRPERSON HOOD: I'm sorry, Mr. Chairman. I went
8 to the door too.

9 CHAIRPERSON HILL: Yeah. No, that's great. All right.
10 We're all good.

11 All right. Mr. Moy, please call our first meeting
12 case. Thank you.

13 MR. MOY: Okay. Okay. I'm going to be brief and give
14 an abbreviated calling on this case. This is Case Application
15 No. 20643 of The Maret School. This is property that's located
16 at part of 5901 Utah Avenue, N.W., Square 2319, Lot 832, and this
17 property is in the R-1B zone. What is before the Board for action
18 is a filing by the party in opposition to a motion to reopen the
19 record and to stay the final decision and order. The, yeah, this
20 application was previously adjudicated by the Board. So I'll
21 leave that for now unless you need any more details from me, Mr.
22 Chairman.

23 CHAIRPERSON HILL: No, that's great. Thank you.

24 All right, my fellow Board members, I have had a chance
25 to read the motions and then had a chance, obviously, to think

1 about this. I think that in terms of the motion for stay, there's
2 nothing to stay yet, meaning that we have to first have an order.
3 And I do know that we're getting very close to issuing that order.
4 And then after that, there would be an opportunity for the parties
5 to take a look at it and see whether or not they agree with the
6 findings that the Board has made and then see if they want to,
7 again, what their thoughts might be in terms of after seeing the
8 order. So I think that the motion to stay is premature. So I
9 would be voting to deny that motion.

10 In terms of the motion to reopen the record, I think
11 that the letter that came from the Office of the Attorney General
12 concerning the memorandum of understanding for the ANCs, I think
13 that that is not something that necessarily the Board would be
14 taking into consideration at this time, meaning, you know, the
15 MOU and have that had weight during the hearing is not what I
16 think the Board made its findings of fact on concerning the
17 standards that we have to review in this particular case. I
18 think that the letter from -- that the party in opposition is
19 trying to get into the record is actually in the public record.
20 And so the reason why we would allow it into the record is if we
21 were going to take some kind of action on that letter. I don't
22 really think that the Board is going to be taking any action on
23 that letter, so I therefore do not see the need to have it in
24 the record because, again, it is in the public record and people
25 can take a look at that letter. And I know that the ANC has

1 already seen that and has in fact commented on it. And the
2 comments that they made were that they didn't see any further
3 actions that the Board needed to take after seeing that letter.
4 So my thoughts would be to deny both the motions for stay and
5 the motions to reopen the record.

6 I will go around the table to hear from my fellow Board
7 members and ask you, Mr. Smith, your thoughts please?

8 COMMISSIONER SMITH: Yes. Chairman Hill, I, by and
9 large, agree with everything that you stated. I completely agree
10 with your analysis on the request to stay. We're not in a
11 position -- that is premature. The order hasn't been released.

12 Regarding the motion to add the letter from the Office
13 of the Attorney General into the record, I agree with your
14 analysis on that. It is within the public record. You know, I
15 recognize that the -- they get an opinion about the MOU and that's
16 the reason for the request now, because there may be some legality
17 issues regarding that MOU. And I do agree with your analysis on
18 that as well, that the MOU by itself between the party -- the
19 Applicant and the ANC wasn't necessarily from, you know, my
20 opinion and thinking back to that case about a year ago was that
21 the -- did not affect my opinion or my vote on this particular
22 case. I voted based on the merits as presented, not necessarily
23 the conditions that were requested by the ANC. Matter of fact,
24 I think even then when I was discussing it, I felt that they
25 weren't something that this Board or even the District of Columbia

1 can reasonably enforce. So it wasn't something -- most of those
2 conditions weren't weighing on my decision at that particular
3 time. So you know, by and large, I agree with everything you
4 stated, and I'll be voting in support of everything you stated
5 in that particular position.

6 CHAIRPERSON HILL: Thank you, Mr. Smith.

7 Chairman Hood?

8 ZC CHAIRPERSON HOOD: Thank you, Mr. Chairman. Again,
9 I agree with everything. I'm not going to rehash everything,
10 especially with the comments about the stay. But I'm very
11 surprised with the OAG knowing that MOUs are not necessarily
12 germane to our process, and you know, that's agreements between
13 other parties. So without me going into a long story about OAG
14 and what's going on there, I would just go ahead and agree with
15 your assessment and will agree with denying both. Thank you, Mr.
16 Chairman.

17 CHAIRPERSON HILL: Thank you, Chairman Hood.

18 All right. I'm going to make a motion then to deny the
19 motion for stay and deny the motion to reopen the record as it
20 pertains to Application No. 20643 and ask for a second, Mr. Smith?

21 COMMISSIONER SMITH: Second.

22 CHAIRPERSON HILL: Motion been made and seconded.

23 Mr. Moy, if you could take a roll call?

24 MR. MOY: Yes, thank you, Mr. Chairman. When I call
25 your name, if you'll please respond to the motion made by Chairman

1 Hill to deny the two motions: the motion to reopen and the motion
2 for a stay. The motion was second by Mr. Smith.

3 Zoning Commission Chair Anthony Hood?

4 ZC CHAIRPERSON HOOD: Yes, to both motions -- to the
5 motion, yes.

6 MR. MOY: Mr. Smith?

7 COMMISSIONER SMITH: Yes.

8 MR. MOY: Chairman Hill?

9 CHAIRMAN HILL: Yes, to deny.

10 MR. MOY: All right. We have two Board members not
11 present, not participating, but staff would record the vote as
12 three to zero to two, and this is on the motion made by Chairman
13 Hill to deny the two motions. The motion to deny was second by
14 Mr. Smith, who is also in favor of the denial, as well as denial
15 of the two motions supported by Zoning Commission Chair Anthony
16 Hood, and of course Mr. Smith and Chairman Hill. The motion to
17 deny is -- carries on a vote of three to zero to two.

18 CHAIRPERSON HILL: Thanks, Mr. Moy. I think we're
19 going to get Vice Chair John back if she is around. There you
20 go. Thank you. And Mr. Moy, you can call our next hearing case.
21 Oh, I'm sorry, meeting case.

22 MR. MOY: Yes. This case would be Application No.
23 20867. I'm sorry. Application No. 20867 of Stephanie Ajello.
24 This is an amended self-certified application pursuant to
25 Subtitle X, Section 901.2 for special exceptions under Subtitle

1 U, Section 253.4, which would allow an accessory apartment in the
2 R-20 zone under Subtitle D, Section 5201 for relief from lot
3 occupancy requirements of Subtitle D, Section 1204.1 and rear
4 yard requirements of Subtitle D, Section 1206.2. Property
5 located in the R-20 zone at 1934 35th Place, N.W., Square 1296E,
6 Lot 312. The Board will recall you last heard this at your
7 hearing on March the 15th and the record was closed except for
8 additional or supplemental information from the Applicant. I
9 think that's all for me, Mr. Chairman.

10 CHAIRPERSON HILL: Okay. Thank you. Okay. So I know
11 that my fellow Board members are very aware of this case and how
12 it has developed. I think that, you know, I see what they've
13 done now, which is, you know, change from their request for you
14 know, variances, use variance, to special exceptions and change
15 the design of the project. I' guess I'm uncomfortable in a couple
16 of things, I just want to say this, like I don't -- what might
17 have been and what will possibly happen in the future is, at
18 least while I'm kind of around, is that, you know, I think the
19 cleaner way would have been to have debated what was before us
20 and then vote on that. Instead, and I am to blame on this one I
21 think, is that, you know, instead I asked for supplemental filings
22 if there were any and it has changed the project. And so that
23 is what I had assumed would actually happen, but I didn't realize
24 that, again, what that's going to do to our process. And what I
25 would suggest then is to actually have a hearing so that the

1 Applicant can argue the new request that they're asking for in
2 terms of the special exceptions. And then I would also ask for
3 the Office of Planning to give us a new report based on the new
4 design. And I'd like to see that. And then I guess if the
5 Applicant had wanted to go back to the ANC or ask whether the
6 ANC had any additional comments, given that what they're doing
7 is they're going from a more -- a higher bar in terms of the use
8 variance to a special exception, the ANC might not feel the need
9 to weigh in, but at least then the Applicant could let us know
10 that at their hearing that they actually did reach out to the
11 ANC and, you know, find out what the ANC had to say, if anything.

12 I know that in terms of our scheduling, the way this
13 would probably work out best is to come back for a hearing on
14 05/03. And so that would give, I think, the Applicant and the
15 Office of Planning enough time to do this process. And it in
16 fact does save the Applicant time because if they had to start
17 at the beginning with a new application, that would be a more
18 lengthy process. And so those are my thoughts.

19 If I could ask Mr. Smith his thoughts?

20 COMMISSIONER SMITH: Well, you know, I by and large
21 agree with what you stated. This is a substantial change in what
22 we saw previously as a variance, not only in the technical zoning
23 request, changes from a variance to a special exception, they're
24 also, I believe, redesigning the third floor in order to meet the
25 special exception requirements, so it's slightly larger. So I

1 would, you know, be in agreeance that we need to give this some
2 additional time for the Office of Planning to evaluate this change
3 in request and also the change in design to be able to evaluate
4 against the special exception criteria. I recommend that the
5 Applicant goes back to the ANC given that this is a change again
6 and from a variance to a special exception, and also a change in
7 design and the size of the building. So I would recommend
8 continuing this to allow that additional analysis given the
9 change and the request.

10 CHAIRPERSON HILL: Okay.

11 Chairman Hood?

12 ZC CHAIRPERSON HOOD: I don't have anything to add, Mr.
13 Chairman. I would agree with both the comments I've heard and
14 the path forward. Thank you.

15 CHAIRPERSON HILL: Thank you.

16 Vice Chair John?

17 VICE CHAIR JOHN: Thank you, Mr. Chairman. So I agree
18 with the comments so far. I think that even though this is a
19 reduction in the relief requested from a variance to a special
20 exception, but for me, because the Applicant has also changed the
21 design, then I think we need to have a hearing to have an
22 explanation of how the new design meets the criteria.

23 CHAIRPERSON HILL: Okay. Great. Thank you, Vice Chair
24 John.

25 All right. Mr. Moy, can you go ahead and put this on

1 for May 3rd?

2 MR. MOY: Yes, sir. Would the Board require a timeline
3 for submissions or filings from OP and ANC? If you do, I would
4 suggest Thursday, April 27th.

5 CHAIRPERSON HILL: Sure. That works, I think, for the
6 Board. Okay. All right. Thanks Mr. Moy. You'll let the
7 Applicant know?

8 MR. MOY: Oh, yes, I will.

9 CHAIRPERSON HILL: All right. Let's see. You can
10 call. So I'm going to postpone. You know, I'm recusing myself
11 from one of the cases, and you guys are going to come back to it
12 during -- at the end. And if you want to call our first hearing
13 case, Mr. Moy?

14 MR. MOY: This would be Case Application No. 18465A of
15 St Patrick's Episcopal Church and Day School. This is a self-
16 certified application pursuant to Subtitle X, Section 901.2 and
17 Subtitle Y, Section 704.1. This is for a modification of
18 significance of a special exception approving a private school
19 use in 18465. Property's located in the R-1B zone at 4751 and
20 4753 Whitehaven Parkway, N.W., Square 1374, Lots 838 and 839.
21 And I have to check one more thing if I may. No, that's all I
22 have. Thank you.

23 CHAIRPERSON HILL: Thank you. Ms. Hottel-Cox, if you
24 can hear us, could you introduce yourself for the record please?

25 MS. HOTTEL-COX: Yes. Meghan Hottel-Cox with Goulston

1 & Storrs, counsel for the Applicant.

2 CHAIRPERSON HILL: Hello, Ms. Hottel-Cox. Let's see.
3 Okay. So if you could walk us through your client's application
4 and why you believe they're meeting the criteria for us to grant
5 the relief requested. I guess, Ms. Hottel-Cox, if you could also
6 talk about some of the conditions that have been spoken about
7 from the ANC, OP, and DDOT, and that way also the Board will be
8 able to determine whether or not we think those conditions are
9 necessary per the regulations and also where you are with them.
10 I again, I'm going to put 15 minutes on the clock, and you can
11 begin whenever you like.

12 MS. HOTTEL-COX: Thank you. Good morning again. For
13 the record, my name is Meghan Hottel-Cox with Goulston & Storrs
14 representing St Patrick's Episcopal Day School in this case.

15 Mr. Young, can you please pull up the presentation that
16 we submitted? Thank you.

17 So we're here today requesting a modification of
18 significance to St Patrick's Whitehaven campus, which was
19 approved by the Board in Case 18465 in 2012. For the Board's
20 reference, we did initially file this application simultaneously
21 with a modification request for the school's Foxhall campus.
22 That hearing has been postponed while we continue working with
23 the community. But we are pleased to be here today before the
24 Board presenting this modification.

25 The original Whitehaven campus approved in 2012

1 included two campus segments, the southern and northern portions
2 divided by Whitehaven Parkway. The northern portion includes the
3 gymnasium and athletic field, and the school owns two single-
4 family home lots adjacent to the northern portion of the campus.
5 And you can see those outlined in blue on the screen.

6 Through this modification the school is seeking to
7 incorporate these two properties 4751 and 4753 Whitehaven Parkway
8 into the school campus so they can be utilized for school use as
9 administrative offices and a residence for the school's director
10 of facilities.

11 We are pleased to be here today with support from the
12 Office of Planning, DDOT, and ANC 3D. As part of its report,
13 DDOT had requested confirmation that the school has implemented
14 the transportation related conditions from the original BZA
15 approval, which we provided at Exhibit 35 in the record. In its
16 report, OP requested this modification be approved, subject to
17 the condition that the two houses be used as proposed in the
18 application, which we are happy to agree to as well.

19 Finally, last night at ANC 3D's April public meeting,
20 the ANC voted unanimously in support of the modification and
21 submitted its letter in support. With that we have one witness
22 today, Jalene Thomas, the head of school at St Patrick's. She
23 will speak to the school's history with these two properties, the
24 planned uses, and community outreach.

25 CHAIRPERSON HILL: Thanks Ms. Hottel-Cox. Just real

1 quick, you'r Exhibit 35, those are the conditions from the
2 previous order?

3 MS. HOTTEL-COX: Yes.

4 CHAIRPERSON HILL: Okay. Great, thank you. I'm sorry,
5 please proceed.

6 MS. THOMAS: Good morning. For the record, I am Jalene
7 Spain Thomas, head of school at St Patrick's Episcopal Day School.
8 Our school acquired both 4751 and 4753 Whitehaven Parkway, N.W.
9 in 1998. And until recently, the properties have not been
10 considered part of the school campus. Instead, the houses have
11 been leased for single-family residential use as a source of
12 income for the school.

13 Due to the pandemic, the school's needs for the
14 properties have changed and the school would like to incorporate
15 both houses into the approved campus. 4751 Whitehaven will be
16 used for administrative offices for the school, supporting up to
17 seven employees to provide additional office space for the staff.
18 4753 Whitehaven will serve as onsite housing for the school's
19 director of facilities.

20 The school began outreach with the community regarding
21 this modification and the case mentioned that was filed
22 simultaneously with this case in the summer of 2021. Since
23 filing, the school has presented at several community meetings
24 and has worked with the community regarding both cases and
25 postponed the hearings until we could reach agreement. While the

1 other case is still pending and we are continuing to work with
2 the community on that case, we appreciate the community's support
3 for this modification. Last night at its April public meeting
4 ANC 3D voted to support this modification application and
5 submitted its report into the record. We want to thank the ANC
6 for the time and support for this modification. Thank you.

7 MS. HOTTEL-COX: That concludes our presentation. But
8 we're happy, of course, to answer any questions from the Board.

9 CHAIRPERSON HILL: All right. Does the Board have any
10 questions of the Applicant?

11 All right. We are going to turn to the Office of
12 Planning.

13 MS. BROWN-ROBERTS: Mr. Chairman and members of the
14 BZA, this is Maxine Brown-Roberts for the Office of Planning on
15 BZA Case 18465A. OP believes that the Applicant -- that the
16 application was rightly filed as a modification of significance.
17 The proposal meets the requirements of Subtitle U 203.1(m) in
18 that the residence and admin officers should not generate any
19 excessive noise to negatively affect neighboring properties.
20 There's no additional traffic or parking which would be generated
21 as they are already included in the traffic and parking codes for
22 the school. The number of students and staff would not change,
23 and the proposal will continue to be consistent with the approved
24 school campus plan.

25 Regarding the general special exception, the

1 residential use is a matter-of-right in the R-1B zone, while the
2 administrative offices and housing are permitted as part of a
3 school campus and are deemed appropriate for the residential
4 district. Subtitle U 203.1(m) prescribes conditions under which
5 the school operates and along with the conditions of operation
6 in BZA 18465.

7 Therefore, the proposal would be in harmony with the
8 intent and purpose of the zoning regulations. As presented, the
9 application meets the requirement of Subtitle U 203.1(m) and
10 would therefore not adversely affect the use of neighboring
11 properties. OP therefore recommends approval of the requested
12 modification of significance with the conditions that were
13 outlined in our report.

14 Thank you, Mr. Chairman, and I'm available for
15 questions.

16 CHAIRPERSON HILL: Okay. Thank you. Does the Board
17 have questions of the Office of Planning?

18 Chairman Hood?

19 ZC CHAIRPERSON HOOD: I want to ask -- I'm not going
20 to say it's a dumb question, but I probably know the answer, but
21 Ms. Brown-Roberts, why is this not a modification of consequence,
22 is it because of the use or is it because of the expansion of
23 the campus plan?

24 MS. BROWN-ROBERTS: It's the expansion of the campus
25 plan because there were never -- those two properties were never

1 part of the of the original campus plan, so I think that's what
2 -- the uses are existing within the campus already, so it's the
3 expansion of the campus plan, yes.

4 ZC CHAIRPERSON HOOD: Okay, got it. Thank you.

5 Thank you, Mr. Chairman.

6 CHAIRPERSON HILL: Thank you.

7 I guess Ms. Brown-Roberts the only kind of one I have
8 in terms of your conditions, like it seems, and you know, we'll
9 see what the Board has to say, like using Square 1374 as residence
10 for the school's director of facilities only, isn't it that that
11 is already a by-right dwelling and so they can rent it out to
12 anybody, like why do you guys want to have it just for the
13 director of facilities?

14 MS. BROWN-ROBERTS: That's what they requested.

15 CHAIRPERSON HILL: Oh, right. So they're listing it
16 that way. Okay. Oh, they put it in as -- are they putting it
17 in as a condition? Okay. All right. Well, let's see.

18 Mr. Smith?

19 COMMISSIONER SMITH: I think you raised a valid, you
20 know, question and that to -- and I'd pose that question back to
21 Ms. Hottel-Cox or Ms. Hargraves, is there a -- do you foresee in
22 the future that that would be used for by a different employee
23 other than the director of the facility?

24 MS. HARGRAVES: I'll go ahead and answer the question.
25 We do not anticipate that it will be changed. That is a residence

1 that our director of facilities does occupy, and we don't foresee
2 any changes there.

3 COMMISSIONER SMITH: Okay. All right. Yeah. Thank
4 you. Thank you, that's all I need.

5 CHAIRPERSON HILL: Ms. Hargraves, I don't know if you
6 did, did you introduce yourself for the record?

7 MS: HARGRAVES: I'm sorry. I am Rochelle Hargraves,
8 chief financial and operating officer at St. Patrick's Episcopal
9 Day School.

10 CHAIRPERSON HILL: Okay.

11 MS. HARGRAVES: So I am joined at the hip with Jalene
12 Spain Thomas.

13 CHAIRPERSON HILL: That's good. Finance is always good
14 to be joined at the hip. All right. Let's see, anyone else have
15 any questions? Okay. I'm trying to understand it, Ms. Brown-
16 Roberts, so if we did -- if we thought --if the Board thought
17 that it was a little odd for it to just be for the school's
18 director of facilities, the Office of Planning would still be in
19 favor, correct?

20 MS. BROWN-ROBERTS: That's correct, Mr. Chairman, yes.

21 CHAIRPERSON HILL: Okay. All right.

22 Okay. Is there anyone here wishing to speak, Mr. Young?

23 MR: YOUNG: No, we do not.

24 CHAIRPERSON HILL: Okay. Does the Board have any final
25 questions of anybody? Okay. Well, you all have a good day and

1 I'm going to close the hearing and the record.

2 Okay. I didn't really have any issues with this. As
3 I said, I think that they're meeting the criteria for us to --
4 I do believe they're meeting the criteria for us to grant this
5 relief requested. I would rely on the Office of Planning's report
6 as well as the feedback that we've received from the ANC in
7 support.

8 In terms of the conditions, I think that the ones that
9 are in Exhibit 35, which were the conditions previously put forth,
10 is what I would suggest putting or adding into the order. And
11 as far as the other conditions for the office, I don't, you know,
12 I guess I'd turn to my Board members as to what you think and
13 why, I suppose, but what you think we need to put in as a condition
14 or I suppose "shall be converted internally for administrative
15 offices," I can understand that, meaning that that is what --
16 that their proposal is for 4751. However, I guess since the
17 matter-of-right is residences, if they wanted to have people
18 living in that, they can do that as well. I'm a little unclear
19 as to what even that condition is. So I will let my fellow Board
20 members give me their feedback.

21 May I start with you, Mr. Smith?

22 COMMISSIONER SMITH: I agree. I agree with you. And
23 I agree with the Office of Planning's analysis of this particular
24 case. And I guess the sticking point right now with me, you
25 know, the inclusion of -- the potential inclusion of these

1 conditions. I don't -- I'm comfortable with including the
2 conditions that are shown in Exhibit 35. I still -- I'm not -
3 - I don't see the need necessarily to include the other condition
4 as recommended by the Office of Planning, "it shall be converted
5 internally for administrative offices." That's really tying them
6 down more than I think it really needs to be. The application
7 is -- in the -- in the part of the application and it will be
8 read in the order that it will be used for as an administrative
9 office and as a dwelling for a school employee. It doesn't matter
10 to me which one is used for what. And that seems to be what the
11 Office of Planning's trying to tie down. But I'm still failing
12 to really truly grasp the adverse impact of tying it down by
13 address, given that it's already stated in the order. So I
14 wouldn't be in favor of including that condition. I think it's
15 probably something that's not needed and if anything changes in
16 the future with that arrangement, then they would have to come
17 back before us, given that level of restrictive condition.

18 CHAIRPERSON HILL: Okay.

19 Chairman Hood?

20 ZC CHAIRPERSON HOOD: I'm not going to be redundant, I
21 would agree with Board Member Smith.

22 CHAIRPERSON HILL: Thank you.

23 Vice Chair John?

24 VICE CHAIR JOHN: So I also agree with Board Member
25 Smith's discussion, and I think I understand that the

1 recommendation is that instead of limiting the residential use,
2 which is a matter-of-right, to a particular employee, the order
3 would just state that that address might be used for residential
4 purposes. Okay. Then I'm in agreement. I would also like to
5 add that the condition by DDOT is not something the Board would
6 approve. I don't know if you're ready to discuss that yet. DDOT
7 would like the Board to hold off approving the application until
8 the Applicant has completed the pedestrian and bicycle network
9 improvements referenced in conditions 14 through 17. I don't
10 know if the Applicant -- I can't recall if the Applicant addressed
11 that condition in its filings, but in any event, the Board, in
12 my view, should not include that condition.

13 CHAIRPERSON HILL: I'm going to go back to Exhibit 35.
14 I mean, this is what I guess is a little confusing, like all the
15 conditions they, the Applicant, has said that they've done. And
16 so they're already finished. So I don't know if DDOT is accurate
17 in their statement because in the testimony, the Applicant said
18 that they have adhered to all of the conditions already, that
19 DDOT are saying they'd wait to have done before we vote. So I'm
20 going to also agree with you, Vice Chair John, that DDOT's
21 comments are moot.

22 So I'm going to go ahead and make a motion to approve
23 Application No. 18465A, as in apple, as written by -- as captioned
24 and read by the secretary, including allowing the conditions that
25 we had previously imposed in Exhibit 35 and ask for a second,

1 Ms. John?

2 VICE CHAIR JOHN: Second.

3 CHAIRPERSON HILL: The motion been made and second, Mr.
4 Moy, if you could take a roll call?

5 MR. MOY: Thank you, Mr. Chairman. When I call your
6 name, if you'll please respond to the motion made by Chairman
7 Hill to approve the application for the relief requested, along
8 with the conditions as cited under Exhibit 35. This motion was
9 second by Vice Chair John.

10 Zoning Commission Chair Anthony Hood?

11 ZC CHAIRPERSON HOOD: Yes, to the motion.

12 MR. MOY: Mr. Smith?

13 COMMISSIONER SMITH: Yes.

14 MR. MOY: Vice Chair John?

15 VICE CHAIR JOHN: Yes.

16 MR. MOY: Chairman Hill?

17 CHAIRPERSON HILL: Yes.

18 MR. MOY: We have no other Board members, but staff
19 would record the vote as four to zero to one, and this is on the
20 motion made by Chairman Hill to approve the application for the
21 relief requested, along with the conditions that stated under
22 Exhibit 35. The motion to approve was second by Vice Chair John
23 in support of the motion, as well as support by Zoning
24 Commissioner Chair Anthony Hood, Mr. Smith, Vice Chair John, and
25 Chairman Hill. Motion carries four to zero to one.

1 CHAIRPERSON HILL: Okay. Thank you, Mr. Moy.

2 You all just let me know whenever you need a break.
3 I'm going to keep chugging along.

4 Mr. Moy, you can call our next one when you get a
5 chance.

6 MR. MOY: The next case is Application No. 20857 of
7 Tamara Sperling, that's S-P-E-R-L-I-N-G. This is an amended
8 self-certified application pursuant to Subtitle X, Section 901.2
9 for a special exception under Subtitle D, Section 5201 from the
10 side yard requirements of Subtitle D, Section 206.2 and the rear
11 yard requirements of Subtitle D, Section 306.1. Property's
12 located in the R-1B zone at 4607 Greene Place, N.W., Square 1358,
13 Lot 872. Other than that, Mr. Chairman, we do have a preliminary
14 matter that was filed by ANC 3D late afternoon yesterday, which
15 is in our 24-hour block. They are -- they filed a motion to
16 postpone. And let's see, what else can I add to that? I think
17 that's all I have for that. If it's not already in the record,
18 I'd like to allow that in the record for your read.

19 CHAIRPERSON HILL: Yeah. Mr. Moy and the Board members,
20 if you don't mind, I'd like the to read what the reasoning is
21 for the postponement, and hear from the Applicant also concerning
22 the postponement.

23 But first, Mr. Holden, if you can hear me, introduce
24 yourself for the record.

25 MR. HOLDEN: Good morning. My name is Carl Holden.

1 I'm the architect for the Applicant, and I'll apologize, I'm on
2 the U.S. Capitol job site right now. I will try to get to a
3 quiet place.

4 CHAIRPERSON HILL: Yeah, that's okay. I mean, we can
5 hear you really well, Mr. Holden. I don't know if you can use
6 your camera or not, just because it's a little helpful sometimes
7 for me to see the Applicant.

8 MR. HOLDEN: I just have to get to an unsecure area.

9 CHAIRPERSON HILL: Sure. However, if you're unable to,
10 we understand.

11 MR. MOY: Mr. Chairman?

12 CHAIRPERSON HILL: Yes?

13 MR. MOY: Just very quickly, I forgot to add that in
14 the motion that was filed by the ANC, that letter that you're
15 probably momentarily reading is unsigned, and plus it's unclear
16 as to whether or not whoever the representative is from the ANC
17 was authorized to speak for the ANC. So that's all I want to
18 leave with the Board.

19 CHAIRPERSON HILL: Okay. All right. I'm going to see
20 -- oh, we got a commissioner with us. Okay. Great.

21 Let's see. Mr. Holden, have you gotten to a place yet?
22 No.

23 Okay. Well, while we would wait for Mr. Holder,
24 Commissioner Nowalk, do you want to introduce yourself for the
25 record?

1 ANC COMMISSIONER NOWALK: Sure. Thank you, Mr.
2 Chairman. My name is Marilyn Nowalk. I'm the Single Member
3 District commissioner for ANC 3D06, of which this property is
4 resident. I am here today speaking on behalf of ANC 3D, and it
5 was my understanding that the chair had certified our motion via
6 an email statement because she is traveling this week and
7 therefore unable to provide a physical signature.

8 CHAIRPERSON HILL: Okay. Ms. Nowalk -- I mean
9 Commissioner, we can figure that out, I guess. I mean, your
10 testimony is that you are authorized and that this letter would
11 have been signed by the chair. Do you -- can you tell me how
12 much time you need and why you would like a postponement?

13 ANC COMMISSIONER NOWALK: Sure. So at the -- in the
14 year 2022 ANCs were redistricted and this property was under the
15 auspices of a commissioner. It was redistricted into a new single
16 member district and that all -- the application was submitted
17 after the election date in 2022. So truthfully, it fell through
18 the cracks of the prior commission. They did not take up the
19 matter last year, and the first that I learned of this matter
20 was last week when an officer of the BZA sent a reminder that we
21 should plan to testify on it. It was at that point that we
22 realized that the ANC had not taken it up.

23 We have been in communication with the homeowner and
24 have their agreement to support a continuance. She's waited a
25 long time for this hearing. We don't want to delay it any more

1 than necessary. So we proposed that it be rescheduled within 60
2 days. Our next meeting will be on May 4th, and we will take up
3 the vote at that time.

4 CHAIRPERSON HILL: Mr. Holden, are you aware of all
5 this?

6 MR. HOLDEN: Yes, I am.

7 CHAIRPERSON HILL: Okay. So your ANC meets on May 4th,
8 correct, Commissioner?

9 ANC COMMISSIONER NOWALK: Yes, that's correct.

10 CHAIRPERSON HILL: Mr. Moy, what does the 10th look
11 like for us? May 10th that is, I'm sorry.

12 MR. MOY: May 10th. May 10th. Your docket for May
13 10th, Mr. Chairman, you currently have nine cases, one of which
14 includes the kingdom of the Netherlands as a foreign mission's
15 case.

16 CHAIRPERSON HILL: Wow. Okay. What about the 17th?

17 MR. MOY: 17th, you have four applications and one
18 appeal.

19 CHAIRPERSON HILL: Okay. All right. Is the Board
20 comfortable, as I'm looking at Ms. John, for the 17th?

21 VICE CHAIR JOHN: That's fine, Mr. Chairman.

22 CHAIRPERSON HILL: All right. Let's go ahead and go
23 on the 17th, Commissioner and Mr. Holden. And Commissioner if
24 you could get us something, I guess, I mean, the -- you guys are
25 meeting on the 4th, you know, I guess if you can get it to us a

1 week prior, if you can get us to it by the 10th, that would be
2 helpful.

3 ANC COMMISSIONER NOWALK: Sure, no problem.

4 CHAIRPERSON HILL: Mr. Moy, is that good?

5 MR. MOY: It's fine with me if it's fine with the Board.

6 CHAIRPERSON HILL: Okay. Great. All right. Well,
7 then I will see you guys on 05/17. Mr. Holden, thank you. And
8 Commissioner, thank you for taking the time.

9 ANC COMMISSIONER NOWALK: Thank you, Mr. Chair, and
10 members of the Board.

11 MR. HOLDEN: Thank you.

12 CHAIRPERSON HILL: Let's close the hearing and the
13 record and we'll see everybody on 05/17. All right. We're just
14 humming along, that's great. Let's see now. Let's do one more
15 maybe before a break, if we take a break. Mr. Moy, you want to
16 call our next one?

17 MR. MOY: Yes, sir. The next case is Application No.
18 20860 of Q Realty Holdings, LLC. This is a self-certified
19 application pursuant to Subtitle X, Section 901.2 for special
20 exception under Subtitle U, Section 421 to allow a new residential
21 development, a 12-unit apartment house.

22 CHAIRPERSON HILL: Okay. Let's see. Mr. Mitchell, can
23 you hear me?

24 MR. YOUNG: So we do not see him on yet. We've had
25 staff reach out to him and haven't gotten a response. So I don't

1 know if you want to put it at the end of the day. I'm not sure.

2 CHAIRPERSON HILL: Yeah, let's put it -- just try to
3 -- just see, Mr. Young, if staff can keep trying to reach out -
4 -

5 MR. YOUNG: We'll do that.

6 CHAIRPERSON HILL: -- to Mr. Mitchell and we'll put
7 this now at the end of the day.

8 Mr. Moy, if you can call our next one?

9 MR. MOY: Oh, so the Applicant to this case is not
10 present?

11 CHAIRPERSON HILL: They're trying to find them.

12 MR. MOY: Okay. All right. All right. Okay. I see
13 what happened. Okay. All right.

14 So in that case, we are at Application No. 20861 of
15 Caradoc, C-A-R-A-D-O-C, Properties, LLC. This is an amended
16 self-certified application pursuant to Subtitle X, Section 901.2
17 for a special exception under Subtitle C, Section 703.2 from the
18 minimum vehicle parking requirements of Subtitle C, Section 701.
19 Property located in the MU-3A zone at 3315 12th Street, N.E.,
20 Square 3930, Lot 27. And I just want to check one more thing.
21 And I believe the Applicant may file a motion to waive their
22 filing deadline to include into the record, which I believe would
23 be Exhibit 27. And I think that's all I have for you, Mr.
24 Chairman.

25 CHAIRPERSON HILL: Okay. Thank you. Okay. I'd like

1 to see what -- they've made a motion to waive the filing deadline
2 to allow time for the Applicant to adjust the plans to align with
3 the comments from a similar hearing last week. I don't know
4 exactly what that means, but nonetheless, I'd like to see whatever
5 is current. So if the Board can, I'm sorry, so unless someone
6 raises any issues from my Board, if they could please make sure
7 everything's in the record that is supposed to be in the record.
8 Hearing no arguments from my fellow Board members.

9 Ms. Wilson, can you hear me, and if so, could you
10 introduce yourself for the record?

11 MS. WILSON: Hi. Yes, I can. Can you hear me?

12 CHAIRPERSON HILL: Yes.

13 MS. WILSON: Okay. I'm having some technical issues,
14 so I don't have my headphones in.

15 CHAIRPERSON HILL: We can hear you fine.

16 MS. WILSON: Thank you.

17 CHAIRPERSON HILL: If you could introduce yourself for
18 the record?

19 MS. WILSON: Sure. Hi. Alex Wilson from Sullivan &
20 Barros on behalf of the Applicant in this case.

21 CHAIRPERSON HILL: Okay. Great. Ms. Wilson, if you
22 could go ahead and walk us through your Applicant's presentation
23 or your Applicant's argument as to how you're meeting the criteria
24 for us to grant the relief requested? I'm going to put 15 minutes
25 on the clock so I know where we are, and you can begin whenever

1 you' like.

2 MS. WILSON: Great. Thank you so much. And Mr. Peovski
3 should be joining us here momentarily. We're letting him know
4 we're up now.

5 So Mr. Young, could you please pull up the presentation
6 and have a moment? Thank you. Could you go to the next slide
7 please? Thank you.

8 The property is located at 3315 12th Street, N.E. It
9 is zoned MU-3A which permits multifamily use by-right. The
10 proposal is to construct a new residential building with 12 units,
11 including an IZ unit. The building footprint itself is permitted
12 by-right, except the Applicant cannot provide one required
13 parking space. Accordingly, we are seeking BZA relief for that
14 one space.

15 In the last week we did submit some updated plans. The
16 changes include adjusting the penthouse and removing the need for
17 penthouse setback relief. We also added additional bike parking,
18 and so we are showing those eight spaces, four on each of the
19 lower levels. That is shown on the plans. We rearranged the
20 location of the air conditioning units based on comments from the
21 ANC, and then our latest filing included a trash enclosure
22 location. We were not previously showing the trash on the plans.
23 We had received comments about that during a similar hearing last
24 week so we wanted to update that preemptively. The trash well
25 being handled privately, and no bins will be on the street at

1 any point. Based on these changes --

2 CHAIRPERSON HILL: Is that in your presentation?

3 MS. WILSON: It is on the presentation.

4 CHAIRPERSON HILL: Okay. Great. Thanks.

5 MS. WILSON: Yep. So OP is recommending approval, DDOT
6 has no objection, and ANC 5B is supporting the application. We
7 have a signed construction management agreement. We've agreed
8 to restrict the RPP and then of course we've responded to the
9 comments we received in -- we had three meetings with them, so
10 we responded to those comments through those planned changes.
11 Next slide please?

12 This shows the existing conditions on site and the
13 proximity to existing nonresidential uses on the block. There
14 is a semi-detached home next to our -- next to the subject
15 property as well as a church building. So we sent notice
16 separately from the OZ notice to those next-door neighbors. The
17 new SMD also walked around the neighborhood and talked to the
18 adjacent neighbors. The neighbors to the left here in the single-
19 family home did not submit anything in support, but it was relayed
20 to us that they are okay with the project. We attended an SMD
21 meeting, a special meeting with the neighbors to discuss the
22 project, as well as a full ANC meeting. Next slide please?

23 This shows the proximity to public transportation,
24 including the Brookland Metro. It is only three-tenths of a mile
25 or about a six-minute walk. So it's in a great location with

1 respect to public transportation. There are also a number of bus
2 stops nearby and near the Brookland Metro on Michigan Avenue.
3 It's about six blocks to Rhode Island Avenue to the south, which
4 also has a number of bus stops along Rhode Island Avenue and the
5 Rhode Island Avenue Metro. And of course, there are a number of
6 restaurants and stores, including grocery stores and smaller
7 markets in the immediate area. Next slide please?

8 In terms of the general special exception requirements,
9 the use itself and proposed building bulk and density are
10 permitted as a matter-of-right in the MU-3A zone. The Applicant
11 is also maintaining a side yard adjacent to the only abutting
12 single-family home as a buffer. And again, that owner is aware
13 of the project and has no objection. As the property is located
14 close to amenities such as grocery stores, restaurants, shops,
15 and the Metro, it is anticipated that future residents are
16 unlikely to have cars. And it's -- and that is consistent too
17 with the size of the units, they're a mix of one-bedroom, one-
18 bedroom den, and some two-bedroom units. And so you would expect
19 these to attract single people, couples, or smaller families that
20 would not require a car for everyday life. We've also agreed to
21 restrict our RPP. So even in the event someone did have a car,
22 they would not take a space away from any current residents with
23 a permit. Next slide please?

24 In terms of zoning criteria for approval, we are only
25 required to prove one of these, but picked all that would apply.

1 The property lacks alley access. DDOT noted in its report that
2 it would not permit a curb cut because it would effectively take
3 away more street parking than we could provide. So it'd be a
4 net loss in parking overall, and there is no curb cut on the site
5 currently. The property is well-served by mass transit,
6 including the Brookland Metro. It is well-served by
7 transportation and is walking distance to amenities such as
8 grocery stores, restaurants, and shops. The reduction in the
9 required number of parking spaces, only one space, is for the
10 amount the Applicant is physically unable to provide. And
11 regarding demand for parking, the Applicant anticipates that
12 transportation characteristics, amenities in the neighborhood,
13 and the size of the units will likely attract residents without
14 cars. Next slide please?

15 If you can go to the next slide, I'll quickly highlight
16 some items in the plans. So these are some elevations and
17 renderings where you can see the relocation of the AC units.
18 There's a mix of AC units at both the rear, closer to the
19 building, and on the roof. And that was in response to concerns
20 about noise from AC units. And we heard a few comments at the
21 ANC meeting. We've also included green roof features. The
22 enclosed trash is shown at the rear. Next slide please? Thank
23 you.

24 So the bike parking is located on the lower levels, and
25 the IZ unit is located on both the first floor and mezzanine.

1 It's unit number nine. It's one of the larger units. Next slide
2 please?

3 It shows the mezzanine and upper floor plans. The
4 units are a mix of one-bedroom, one bedroom den, and two-bedroom
5 units. Next slide please?

6 And this just shows an overall site plan with the items
7 I've mentioned, the relocation of the AC units and the enclosed
8 trash at the rear.

9 CHAIRPERSON HILL: Ms. Wilson, so that trash, the
10 people will take it down that pathway to the front?

11 MS. WILSON: I'll have to confirm, but I would assume
12 that would be the most effective path, or they could take it
13 through the building, but I would assume that -- it'd be private
14 trash and that would be a faster way to do it. But I'll have to
15 ask my client.

16 COMMISSIONER SMITH: Ms. Wilson, the roofs -- the
17 rooftop, that's not -- that's not a deck of any form? It's not
18 accessible to anyone but the penthouse unit?

19 MS. WILSON: Correct.

20 COMMISSIONER SMITH: Okay. All right. Thank you.

21 ZC CHAIRPERSON HOOD: Mr. Chairman, also let me ask Ms.
22 Wilson, on this street, I'm sure you all have cruised up and down
23 the street, this is basically continuing to jumpstart the type
24 of development that's actually happening right now on 12th
25 Street, is that a correct assessment?

1 MS: WILSON: That is correct. There are similar new
2 buildings such as this along this street and area.

3 ZC CHAIRPERSON HOOD: And also, Mr. Chairman if I may,
4 this is in ANC 5B, and I see this commissioner from 5C weighed
5 in and said he was five miles away. We don't usually see -- at
6 least I don't see a lot of that, can you kindly help me understand
7 that or -- just lending his support as a citizen is -- I guess
8 that's what he's doing.

9 MS WILSON: That's my understanding. I know him from
10 other projects. I was not aware he submitted anything until I
11 saw it in the record yesterday, so we didn't present to ANC 5C.
12 So it seems like he's just lending his general support.

13 ZC CHAIRPERSON HOOD: Okay. The reason I'm asking
14 'cause I'm in ANC 5C and I know we're not that close. Okay.
15 Thank you. Thank you, Ms. Wilson.

16 Thank you, Mr. Chairman.

17 CHAIRPERSON HILL: Thank you. Ms. Wilson, is that it
18 or you'd like to continue?

19 MS. WILSON: That's it for my presentation. Happy to
20 answer any other questions.

21 CHAIRPERSON HILL: Okay.

22 Mr. Young, if you could drop that?

23 All right. Does the Board have any questions of the
24 Applicant? All right.

25 Going to turn to the Office of Planning please.

1 MS. THOMAS: Yes. Good morning, Mr. Chair, members of
2 the Board. Karen Thomas with the Office of Planning. For
3 Application No. 20861 the Office of Planning is recommending
4 approval, and we'd stand on the record of our report. The
5 property does not have access to an alley and DDOT is unlikely
6 to grant any curb cut. And apart from that it would not meet
7 the requirements for driveway access or any of those
8 requirements. So we are in support of this relief. Thank you.

9 CHAIRPERSON HILL: Oh, great. Thanks, Ms. Thomas.

10 Does the Board have any questions of the Office of
11 Planning?

12 Mr. Young, is there anyone wishing to speak?

13 MR. YOUNG: Yes, we have one witness signed up.

14 CHAIRPERSON HILL: Okay. If you can, please bring that
15 person forward.

16 Is that Mr. Wood?

17 MR. WOOD: It is. Can you guys hear me?

18 CHAIRPERSON HILL: Yeah. Could you introduce -- could
19 you introduce yourself for the record please?

20 CHAIRPERSON HILL: Yes, sir. Good morning, Mr.
21 Chairman. Good morning, members of the Board. My name is Chris
22 Wood, and I'm representing my family, we live within 200 feet of
23 this proposed project at the address of 1217 Lawrence Street,
24 N.E., Washington, D.C.

25 CHAIRPERSON HILL: Okay. Great, Mr. Wood. Mr. Wood,

1 as a member of the public, you'll have three minutes to give your
2 testimony and you can begin whenever you like.

3 MR. WOOD: Very well. Thank you, Mr. Chairman. So as
4 I said, I and my family, we're in opposition of this proposal.
5 Just for the record, as you know, we are demolishing a single-
6 family residence and putting in its place an apartment that has
7 12 people in there. I know they're doing that up and down 12th
8 Street. I know they're doing that up and down Brookland. But
9 in this case, they're taking a house and flipping it with
10 something that just, in our opinion, is inappropriate for that
11 location. There are a lot of green spaces in Brookland over the
12 last number of years that they've taken to build apartment
13 buildings. I think we can all agree that smart growth,
14 particularly for the city of Washington, D.C. at this time, is a
15 very appropriate measure to pursue. But the way we're doing it
16 now, because there's no more green space or very little left in
17 Brookland, we're just taking houses and putting something up
18 there. My question is why not just build a single-family house?
19 Why not just build a house that has for three families? We're
20 cramming twelve people into a location and everything that comes
21 with that as we talked about is parking, and my question is will
22 RPP be in existence for this location for the existence of this
23 building or can the owner of this property at some point in the
24 future try to reverse that so that these residents will have
25 parking because parking will be a huge issue, as we know,

1 throughout the city, and particularly in this location.

2 I question that assumption that these 12 residents
3 won't have cars. It's just a normal fact these days that people
4 have cars. I think all of us, or the majority of people, go to
5 the grocery store to get groceries. So I don't see people lugging
6 their groceries here and there on the Metro, et cetera. It's
7 just a fact of life, I think, for most of us.

8 So trying to mitigate noise, I think the problem with
9 this is I think we're not approaching this as far as smart growth.
10 I think we're just growing. So we're going to put up air-
11 conditioning units without doing any type of noise testing. We
12 don't have a sun and shadow testing. We're going to put it up
13 and then maybe see how it how it looks. And then we have the
14 parking issue, noise, et cetera. I just think we're putting
15 stuff up without doing it the smart way. The fact that they're
16 having a penthouse on 12th Street, N.E. is -- that's shocking to
17 me that we would -- penthouses aren't in locations such as that.
18 That's just -- it just seems illogical for me that that would be
19 the case.

20 So us that live behind this building we're going to see
21 -- we saw a house before, now we're going to see a building that
22 goes up almost four stories. So I just think it's a -- it will
23 decrease property values, it certainly will for our family and
24 the ones around us. And then all the issues. Why are we creating
25 problems so that the rest of the ANC meetings for a number of

1 years we're going to continue to talk about parking? We're
2 creating problems that the ANC is going to have to deal with for
3 years to come.

4 Additionally, for the neighbors that have lived there
5 a long time, this is a neighborhood that residents like my family
6 and others went through the bad times. This was a very difficult
7 neighborhood, like a lot of places in D.C. with the crack
8 epidemic, et cetera. When my parents first moved in there, they
9 tried to move the freeway through there. Like a lot of cities
10 throughout the United States, they put it through a middle class
11 African-American community. We were able to block that. Point
12 being that residents who have lived there for decades have now
13 made this neighborhood. We could have fled, we could have left,
14 but we didn't. We kept this a very safe neighborhood. And now
15 outsiders are coming in to put up a building. Why twelve
16 apartments? To make more money. They could easily make it three.

17 CHAIRPERSON HILL: Mr. Wood, I just want to let you
18 know you ran out of time.

19 MR. WOOD: Very well. I think I've expressed my
20 frustrations and some of my points. Pending any questions, Mr.
21 Chairman, or members of the Board, I'm standing by to answer
22 those questions. And I thank you all.

23 CHAIRPERSON HILL: Sure. Did you get a chance to go
24 to your ANC meeting, Mr. Wood?

25 MR. WOOD: I did, yes, sir. Yes, Mr. Chairman. I

1 expressed these concerns as well as some of my other neighbors
2 and my parents that are not online today, sir.

3 CHAIRPERSON HILL: Okay.

4 All right. Does anybody have any questions for Mr.
5 Wood? Go ahead, Chairman Hood.

6 ZC CHAIRPERSON HOOD: Mr. Chairman, I want to thank you
7 for asking about the ANC.

8 And Mr. Wood, I will tell you that, growing up in this
9 neighborhood as well, I know about the freeway, I get all that.
10 My parents were involved too, and I understand. What I've had
11 to grapple with in my years of being on the Commission is that
12 this city's changing. I don't always agree with a lot of stuff,
13 and actually everything you said is things that I've had to come
14 to reconcile with. But let me just say this. Let me just ask
15 you this, at your ANC meeting, did you express that, and if you
16 did, what was the response? Because your ANC not only has
17 supported it as a community, but then someone in my ANC supported
18 it as well. So I'm just curious, what was the dialog, not to
19 get too much into it, but what was the dialog, what was the
20 reception back about this issue?

21 MR. WOOD: Yes, sir. Very good question. So the dialog
22 was expressed -- or my concerns, our families' concerns, a couple
23 of other neighbors that live within the 200. I think all
24 neighbors that live within 200 are against this, with the
25 exception of the lady that lives next door to this building.

1 Well again, we don't have your written statement for sure.
2 Somebody kind of knocked on her door and kind of casually asked
3 her, but either here nor there. The answer to your question
4 though is the ANC really didn't have a dialog at that point. And
5 my thought process is I think the city is just moving. They want
6 growth. And I think that's the mindset of everyone. And these
7 are people who haven't lived here, like myself and you, sir, and
8 they don't understand all the nuances of it, I think. So there
9 wasn't a lot of sort of question on that. Our statements were
10 taken and then just kind of sort of moved on. I mean, not in a
11 negative way and not certainly in a disrespectful way, but
12 comments were made and that was sort of it. And as you know,
13 Providence Hospital is closed. We all want growth. Right? But
14 what are we addressing questions such as all the stuff that the
15 city is always talking about, fire, police, what's the fire
16 department's, you know, concern about this, what's the 911, are
17 our calls going to take longer and people can point, et cetera,
18 et cetera.

19 But to answer your question, that was how it went in
20 the ANC meeting. The developers, boy, these guys were great
21 people. I give my props to them. They have really been
22 accommodating to us. They have been very engaged in this process
23 and my hat's off to them. They have made concessions for some
24 of the stuff as you spoke about before, which a lot of times, as
25 you know, we didn't have that before when we're growing up with

1 the freeway. And you know, it's just like hey, this is how it
2 is. So I think it's a great project. And some of the neighbors
3 think it's a great project, but just the wrong location for it
4 is our concern for that.

5 And so the slippery slope part of it, as you see, you
6 drive through Brookland. So she showed that wonderful picture,
7 you know, that she pulled down. But that whole block is going
8 to be like that very soon. I'm going to come back to this very
9 meeting here probably six months or a year from now, because
10 someone's going to want to build an identical building to that,
11 right? And then it's going to start going up the blocks, you
12 know. As you know, between the 12th and 10th Street on Newton
13 Street, and these apartments aren't just regular apartments,
14 they're big block boxes of apartment that, not this one per se,
15 but they go all the way to the curb and then the property values
16 of the person next door or behind obviously is, you know, ' going
17 to decrease. Anyway, that's a long answer to a short question.
18 And I'll leave it at that.

19 ZC CHAIRPERSON HOOD: Okay. Well, thank you for your
20 comments and I too shared your concern, but I've had to kind of
21 learn to readjust my thoughts as well. So I'll just leave it at
22 that. And I'm not sure how this is going to end up, but thank
23 you, Mr. Wood. I appreciate your comments. Thank you.

24 MR. WOOD: Likewise, likewise, Mr. Hood, I appreciate
25 that from one person from northeast to another. Thank you, sir.

1 CHIARPERSON HILL: Thank you, Mr. Wood.

2 Does anybody have any more questions for the witness?

3 All right. Anything from the Applicant? No, Ms.
4 Wilson?

5 MS. WILSON: No. Thank you.

6 CHAIRPERSON HILL: Okay.

7 All right. Mr. Wood, thank you for your testimony.

8 MR. WOOD: Great. Thank you, Mr. Chairman. Thank you,
9 Board members, for all you guys do for our city.

10 CHAIRPERSON HILL: That's kind of you.

11 All right. Mr. Young, if you can go ahead and let
12 Mr. Wood go. I guess with regards to some of Mr. Wood's comments,
13 I mean, the Applicant, you know, this is a MU-3A -- zoned MU-3A,
14 and so the intended use is to permit low-density mixed-use
15 developments such as this and what they, the Applicant, is here
16 before us is the one parking space and whether or not we think
17 that that one parking space is acceptable and if they're meeting
18 the criteria for us to grant that relief. They have withdrew
19 any requests for a penthouse relief, or a setback relief, and
20 they have moved the AC units upstairs, even though it's not
21 upstairs, it's the roof, even though we hadn't requested that.

22 But I was kind of clarifying some of the comments that
23 had been made, or I shouldn't say clarifying, just mentioning
24 some things that are before us, which is the parking, whether or
25 not other things are before us isn't the case. So you know, this

1 development is just requesting for parking.

2 So does anybody have any other comments or questions
3 for the Applicant?

4 Ms. Wilson, do you have anything you would like to add
5 to the end?

6 MS. WILSON: I was going to, you know, reiterate largely
7 those same comments you just made. I'll add that we are very
8 close to a Metro, cannot physically provide parking, and as
9 evidenced by the ANC support, we have responded to neighbor
10 concerns and have been engaged with the community as part of this
11 process. Thank you for your time today.

12 CHAIRPERSON HILL: Okay. Thanks Ms. Wilson.

13 Let's see. Anyone else?

14 All right. Go ahead and close the hearing and the
15 record.

16 Does anyone want to begin because I've been talking a
17 long time.

18 VICE CHAIR JOHN: Okay. I'll go ahead and start, Mr.
19 Chairman. I did not have a lot of questions or concerns about
20 this application and the building itself after the amendment, is
21 really a request for relief from parking. And I believe that
22 the Applicant has shown very clearly how the application meets
23 the requirement for the relief. Most important one for me is
24 that DDOT will not allow a curb cut, and I believe that the
25 Applicant noted that even so the lot is narrow, and a driveway

1 and a garage would not impact -- would impact the building
2 envelope. And I thought that was persuasive. There's also no
3 parking within 600 feet of the lot, and so it would not be
4 possible to secure parking from nearby properties.

5 I thought that the witness who called in made some good
6 points about development. But those comments really are more
7 policy issues and do not affect how the application -- or the
8 Board evaluates how the Applicant needs to meet the criteria for
9 a special exception. So while I appreciate the comments and
10 understand the concerns, I still believe the application meets
11 the criteria for relief. As to DDOT, I believe the Applicant
12 moved -- is providing the required parking. And then there was
13 also a question about the RPP limitation. And that's not
14 something within the BZA's purview. Even if the Applicant has
15 agreed to it, the BZA would not order it. And so I'm going to
16 give great weight to the Office of Planning's analysis and support
17 the application. Thank you, Mr. Chairman.

18 CHAIRPERSON HILL: Thank you, Vice Chair John.

19 Mr. Smith?

20 COMMISSIONER SMITH: I think Vice Chair John said it
21 all perfectly. The request before us is for a parking reduction
22 and a parking reduction of one parking space. What is important
23 to me, as Ms. John stated, is that in analyzing whether to grant
24 a parking reduction, we have different criteria that can, you
25 know, help provide with an analysis of us on whether they meet a

1 threshold of being able to provide that parking. This park --
2 this property is -- does not fall in an alley as many properties
3 over here in Brookland don't. So it makes it difficult to
4 construct parking without DDOT approving a curb cut from a primary
5 or secondary street. And they have noted that they will not
6 approve a curb cut, commonly hasn't. So that kicks this into -
7 - and even if they did that, even if they were to approve a curb
8 cut, the size of the property makes it difficult to provide on-
9 site parking and also construct a residential dwelling. I believe
10 that even this particular property doesn't have a driveway. So
11 there isn't even parking for the single-family house that exists
12 there now.

13 I do believe that given the standards that we have to
14 evaluate this particular type of request, the Applicant has met
15 the burden of proof for us to be able to grant it, given the
16 property's proximity to the Brookland Metro station as well as
17 other bus lines that run along 12th Street. And this is about,
18 you know, less than a ten-minute walk to the Brookland Metro
19 station. And so I believe they've met the burden of proof. I
20 agree with everything that Ms. John stated regarding the person
21 that spoke in opposition to this development. And you know, a
22 lot of those questions are related to substantive questions about
23 development and density within the neighborhood. And as stated
24 by Chair Hill, in this particular zone, this particular zone,
25 contemplates lower mid-density smaller apartments. And I would

1 say that there's nothing that states that these can't be, not
2 necessarily rentals, they can be condos, so they could be owner
3 occupied. There is no measurable difference in use whether it's
4 rentals or occupied in the eyes of the zoning ordinance itself,
5 so. And there are a number of new condo developments that have
6 been developed along 12th Street. So as Mr. Hood stated, this
7 is in line by and large with the development that is a lower
8 density apartment or multi-use buildings that is occurring within
9 the neighborhood and that is contemplated by the zoning
10 ordinance. So with that, I will support the application and give
11 OP's staff report great weight.

12 CHAIRPERSON HILL: Thank you.

13 Chairman Hood?

14 ZC CHAIRPERSON HOOD: Thank you, Mr. Chairman. And
15 this is where sometimes coming to the BZA gets me. You know, I
16 want to bring the Zoning Commission piece to it, and I know you
17 all don't look at RPP and we do all of that. So I want to -- I
18 appreciate Ms. John on always helping me stay focused on what I
19 should be looking at when I'm here. So I'm going to stay focused
20 on the parking relief. I think the Applicant has made the case.
21 I think that you're right, DDOT would not definitely allow a curb
22 cut. But I understand what Mr. Wood is saying. It's more of a
23 policy and a bigger question. I actually agree with most of what
24 Mr. Wood said, but one of the things I had to learn to do, Mr.
25 Wood and others, is to adapt because, you know, as much as I'm

1 used to downtown Brookland, is what we used to call it when I
2 was five years old, it was the downtown place for shopping, things
3 change. And as my colleagues already mentioned, this case in
4 front of us was about a parking space. And I think this Applicant
5 meets Subtitle C of the parking requirement 701, 703.2 and with
6 that, by our duty, I think that they meet that for that relief
7 requested and I will be voting in favor of it. But the other
8 issues I do agree with Mr. Wood, and I'll leave it at that. Thank
9 you, Mr. Chairman.

10 CHAIRPERSON HILL: Thank you.

11 I have nothing to add. I will agree with the comments
12 made by my fellow Board members, and I appreciate your thoughts.

13 I'm going to make a motion to approve Application No.
14 20861 as captioned and read by the secretary and ask for a second,
15 Ms. John?

16 VICE CHAIR JOHN: Second.

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

19 MR. MOY: When I call your name, if you'll please
20 respond to the motion made by Chairman Hill to approve the
21 application for the relief requested. The motion was second by
22 Vice Chair John.

23 Zoning Commission Chair Anthony Hood?

24 ZC CHAIRPERSON HOOD: Yes.

25 MR. MOY: Mr. Smith?

1 COMMISSIONER SMITH: Yes.

2 MR. MOY: Vice chair John?

3 VICE CHAIR JOHN: Yes.

4 MR. MOY: Chairman Hill?

5 CHAIRPERSON HILL: Yes.

6 MR. MOY: We have no other Board members -- no other
7 Board members. We have -- let me restate that. Staff would
8 record the vote as four to zero to one. The one is no other
9 Board member. This goes to the motion made by Chairman Hill to
10 approve the application for the relief requested. The motion was
11 second by Vice Chair John, who is in support of the motion to
12 approve, as well as support of the motion from Zoning Commission
13 Chair Anthony Hood, Mr. Smith, Vice Chair John, Chairman Hill.
14 Motion carries, sir, four to zero to one.

15 CHAIRPERSON HILL: Okay. Right. Thank you. If the
16 Board is all right, let's go ahead and take a break, a 15-minute
17 break, come back at 11:15. Thank you.

18 (Whereupon, there was a brief recess.)

19 CHAIRPERSON HILL: All right. Mr. Moy, if you want to
20 call our next case please?

21 MR. MOY: All right. The Board, after a quick recess,
22 is back in its public hearing session and the time is at or about
23 11:20 a.m.

24 The next case before the Board is Application No. 20863
25 of BUAP 1735 K, LLC. This is a self-certified application

1 pursuant to Subtitle X, Section 901.2 for a special exception
2 under Subtitle C, Section 1506.1 from the penthouse setback
3 requirements of Subtitle C, Section 1504.1. Property located in
4 the D-6 zone at 1735 K Street, N.W., Square 163, Lot 849. And -
5 - I want to check one other thing -- and that's all I have. Oh,
6 other than that, as preliminary matters, the Applicant is
7 proffering expert witnesses, and the three expert witnesses are
8 not currently in our approved witness handbook. That's it, Mr.
9 Chairman.

10 CHAIRPERSON HILL: Okay, thanks.

11 Mr. Avitabile, if you could hear me, if you could
12 introduce yourself for the record?

13 MR. AVITABILE: Certainly.

14 CHAIRPERSON HILL: I lost you, Mr. Avitabile.

15 MR. AVITABILE: Sorry, it's David Avitabile (audio
16 blank). David Avitabile -- it's not working, right? Now can
17 you hear me now clearly?

18 CHAIRPERSON HILL: Yep, now it seems better.

19 MR. AVITABILE: Okay. Good. Thank you very much.
20 Sorry about that.

21 CHAIRPERSON HILL: It's all right.

22 MR. AVITABILE: So David Avitabile of Goulston &
23 Storrs, land use counsel to the Applicant. With me today is Lee
24 Templin, also from Goulston. And Lee is going to handle the
25 matter today. So I'll turn it over to her. I think she's just

1 going to come over and use my laptop because that'll be the
2 easiest way to do it.

3 CHAIRPERSON HILL: Okay. Yeah. I don't see her.

4 MS. TEMPLIN: They pulled me in.

5 MR. AVITABILE: They may have knocked her out.

6 CHAIRPERSON HILL: Okay. Maybe, Mr. Young, you could
7 -- her last name is spelled what, Mr. Avitabile?

8 MR. AVITABILE: Templin.

9 CHAIRPERSON HILL: T-E-M-P-L-I-N?

10 MR. AVITABILE: There we go.

11 CHAIRPERSON HILL: Okay, I see her.

12 MR. AVITABILE: Thank you. And turn off all of my
13 audio.

14 CHAIRPERSON HILL: Okay. Ms. Templin, if you could
15 introduce yourself for the record?

16 MS. TEMPLIN: Sorry about that. Lee Templin with
17 Goulston & Storrs on behalf of the Applicant.

18 CHAIRPERSON HILL: Okay. I'm just going to -- since
19 we have a little bit of time today. Ms. -- there's a Medina,
20 Medina, correct? And then a Mr. Edwards and a Mr. Zeid. I see
21 Mr. Edwards. I see Ms. Medina. I do not see Mr. Zeid.

22 MS. TEMPLIN: He will not be joining.

23 CHAIRPERSON HILL: Okay. So just the two. And Ms.
24 Medina and Mr. Edwards, you're both, I assume, architects and ask
25 to be included as experts in architecture? I guess -- let's see,

1 'I'm going to look here, I'm just going to do this so that if
2 you happen to work with us again -- okay. I see that Mr. Zeid
3 or I don't know if I am pronouncing it right. Oh, no, sorry,
4 oh, Mr. Zeid's not with us. Mr. Edwards. Let me find Mr.
5 Edwards.

6 MS. TEMPLIN: And we should also have -- we have Bradley
7 Lockhart, I see, and Daniel Brousseau will also be representing
8 on behalf of the Applicant.

9 CHAIRPERSON HILL: Okay. Lockhart and Brousseau. I
10 see Lockhart. Oh, I see Brousseau. Okay. Let's see, I'm going
11 to -- I'm just looking, Ms. Templin, as to where the resumes are
12 for your two expert witnesses.

13 MS. TEMPLIN: Yes. It should be at Exhibit 23B of the
14 record.

15 CHAIRPERSON HILL: Oh, great thanks.

16 MR. EDWARDS: I should be in your system. I know I've
17 testified in the past.

18 CHAIRPERSON HILL: Mr. Edwards, I don't know. But
19 we're going to fix that right now, if it is one way or the other.
20 Okay. I don't have any issues, let me turn to all my Board
21 members, with either Ms. Medina or Mr. Edwards being included
22 into our books as experts in architecture, as both being
23 architects and showing their CVs as relevant work that would
24 support their participation in this effort. So unless my Board
25 members have having issues, Mr. Moy, if you could please add

1 these two people to our book?

2 And then, Ms. Templin, as you go through, if you're -
3 - the people giving testimony wish to introduce themselves as
4 they are going through, that would be helpful for everyone. Ms.
5 Templin, I will put 15 minutes on the clock, so I know where we
6 are, and if you could please walk us through why or how you
7 believe your client is meeting the criteria for us to grant the
8 relief requested? And you can begin whenever you like.

9 MS. TEMPLIN: Great. Thank you very much. Good morning
10 again. I'm Lee Templin with Goulston & Storrs and I'm here with
11 my colleague, Dave Avitabile, today on behalf of the Applicant
12 BUAP 1735 K, LLC. Our team is joined by Bradley Lockhart and
13 Daniel Brousseau (phonetic) as representatives of the Applicant,
14 and Lizza Medina and John Edwards of Bonstra Haresign Architects.

15 Mr. Young, if you could pull up the presentation
16 please? Thank you. And if you could go to the second slide?
17 Thanks.

18 We are here today for the property located at 1735 K
19 Street, N.W. The property sits about mid-block on K Street
20 between Connecticut Avenue to the east and 18th Street to the
21 west. The Farragut North Metro Station is about 450 feet to the
22 east of the property. We are proposing to convert the existing
23 12-story office building located on the property into a mixed-
24 use program that will operate as hybrid hotel and residential
25 with ground-floor retail, all matter-of-right uses in the D-6

1 zone. This is similar to the concept behind Coda on Half in the
2 Navy Yard. The next slide please?

3 In order to accommodate these two new uses, the
4 penthouse mechanical equipment needs to be expanded. Therefore,
5 we are requesting special exception relief from the penthouse
6 setback requirements on the east and rear elevations of the
7 building for the mechanical penthouse. The existing roof plan
8 is shown on the bottom of the slide here and the proposed expanded
9 penthouse is shown above. Next slide please?

10 As you can see, the expanded penthouse will encroach
11 by about a foot and a half on the eastern side and about five
12 feet at the rear. Next slide?

13 The orange triangle shown on these building sections
14 is the portion of the penthouse that will encroach into the
15 setback on both sides. And here you can see the rear. And if
16 you could go to the next slide please?

17 And here is the side. And then next slide?

18 In order to convert the existing building from office
19 use to residential and hotel, the mechanical equipment on the
20 roof needs to be expanded. With this expansion and the narrow
21 width of the building, the setback requirements will not meet
22 -- will not be met on the eastern and rear elevations of the
23 building. We believe we meet the standards for approval of this
24 special exception pursuant to Subtitle C, Section 1506.1. First,
25 the relief requested satisfies the general special exception

1 standards in that the relief is minor and pertains only to the
2 alley facing sides of the project, resulting in a less visually
3 intrusive design that does not adversely affect neighboring
4 properties. Approval of the relief requested will allow for
5 conversion of the office building to vibrant residential hotel
6 and retail uses contributing to the revitalization of K Street.
7 Second, reasonable effort was made to comply with the setback
8 requirements, but given the mechanical upgrades necessary for the
9 conversion, the expanded equipment plus the clearance necessary
10 from the walls, it results in a penthouse that is too large for
11 the narrow lot and required setbacks. Finally, the strict
12 application of the regulations would be unduly restrictive and
13 unreasonable, given the narrow width of the lot and the equipment
14 necessary to accommodate the demand of the residential and
15 lodging uses. We are pleased to have the support of the Office
16 of Planning, DDOT, and ANC 2C. The Golden Triangle bid also
17 submitted a letter of support at Exhibit 22 of the record. That
18 concludes our presentation. And we have Bradley Lockhart and
19 Daniel Brousseau on behalf of the owner and Lizza Medina and John
20 Edwards with Bonstra Haresign Architects on hand to answer any
21 questions. Thanks so much.

22 CHAIRPERSON HILL: Okay. Thank you.

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

25 I'm going to turn to the Office of Planning.

1 MR. COCHRAN: Thanks, Mr. Chair and members of the
2 Board. I'm Steve Cochran representing the Office of Planning in
3 this case. OP's happy to stand on the record noting that there
4 would still be setbacks at the rear and the east side, that they
5 would be generally 0.4 to one on the back and 0.8 to one on the
6 east side, so none of the penthouse would appear to be a
7 continuation of an existing wall, and it wouldn't lead to the
8 impression that there's an additional story. I'm happy to answer
9 any questions.

10 CHAIRPERSON HILL: Thank you. Does anybody have any
11 questions of the Office of Planning? Okay.

12 Mr. Young, is anyone here wishing to speak?

13 MR. YOUNG: We do not.

14 CHAIRPERSON HILL: All right.

15 Ms. Templin, is there anything you'd like to add at the
16 end?

17 MS. TEMPLIN: No. Just that we're very excited about
18 this project and the hybrid apartment hotel use that will help
19 revitalize K Street. And we really appreciate the Board for its
20 attention in this matter.

21 CHAIRPERSON HILL: Thank you. All right. Good luck,
22 if this happens, that is, and I wish you guys a good day. I'm
23 going to close the hearing and the record.

24 MS. TEMPLIN: Thank you very much.

25 CHAIRPERSON HILL: You're quite welcome.

1 Okay. As one whose office building is downtown,
2 anything that revitalizes downtown is great, I think. It's going
3 to be an uphill walk for a little while. In terms of the relief,
4 I think it's quite minor and I don't have any issues with the
5 relief requested. I think that the Applicant has put forward a
6 good argument as to why there is not an issue and why they're
7 meeting the regulations. I'm glad, even though for this minor
8 amount of relief, they have gone and sought out the ANC, which
9 is good to hear and see. And then also the support of the Golden
10 Triangle is also helpful, as again the Golden Triangle
11 (indiscernible). So I'm going to be voting in favor of this and
12 will rely also on the expertise and opinion of the Office of
13 Planning, as well as the input from ANC 2C.

14 And I am going to ask Mr. Smith if he has anything he'd
15 like to add.

16 COMMISSIONER SMITH: No. I don't have anything to add.
17 I agree with your analysis to the testament of the Office of
18 Planning. The Applicant -- this is a fairly straight forward
19 application. I do believe that the relief meets the standards
20 for us to grant a special exception and will support the
21 application.

22 CHAIRPERSON HILL: Thank you.

23 Chairman Hood?

24 ZC CHAIRPERSON HOOD: I too will be voting in support
25 of it. I think this application warrants our approval. Thank

1 you.

2 CHAIRPERSON HILL: Thank you.

3 Vice Chair John?

4 VICE CHAIR JOHN: Thank you, Mr. Chairman. I'm also
5 in support of the application for relief from the requirement to
6 have a one-to-one setback, and that it's necessary to accommodate
7 additional mechanical equipment in the conversion to residential
8 and hotel use. And so I'm in support, as I said, of the
9 application.

10 CHAIRPERSON HILL: Thank you.

11 All right. I'm going to go ahead and make a motion to
12 approve Application No. 20863 as captioned and read by the
13 secretary and ask for a second, Ms. John?

14 VICE CHAIR JOHN: Second.

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

17 MR. MOY: Yes. Thank you, Mr. Chairman. When I call
18 your name, if you'll please respond to the motion made by Chairman
19 Hill to approve the application for the relief requested. The
20 motion to approve was second by Vice Chair John.

21 Zoning Commission Chair Anthony Hood?

22 ZC CHAIRPERSON HOOD: Yes.

23 MR. MOY: Mr. Smith?

24 COMMISSIONER SMITH: Yeah.

25 MR. MOY: Vice Chair John?

1 VICE CHAIR JOHN: Yes.

2 MR. MOY: Chairman Hill?

3 CHAIRPERSON HILL: Yes.

4 MR. MOY: And we have no other Board members today.
5 Staff would record the vote as four to zero to one. And this is
6 on the motion made by Chairman Hill to approve. The motion to
7 approve was second by Vice Chair John, who is also in support of
8 the motion, as well as support from Zoning Commission Chair
9 Anthony Hood, Mr. Smith, Vice Chair John, and Chairman Hill.
10 Motion carries, sir, four to zero to one.

11 CHAIRPERSON HILL: Thank you, Mr. Moy. You may call
12 our next case please.

13 MR. MOY: All right. This should be Case Application
14 No. 20860 of Q Realty Holdings, LLC. This is a self-certified
15 application pursuant to Subtitle X, Section 901.2. This is for
16 a special exception under Subtitle U, Section 421, which would
17 allow a new residential development, a 12-unit apartment house,
18 created by adding one unit to an existing 11-unit apartment house.
19 All in zoning district RA-1 at 747 Alabama Avenue, S.E., Square
20 5956, Lot 815. And let me check one other thing. And there is
21 an affidavit of posting that was submitted in the 24-hour block.
22 And that's all I have for you, Mr. Chairman.

23 CHAIRPERSON HILL: Okay. Unless the Board has an issue,
24 I would like to see the affidavit of posting. So if the staff
25 could please add that to the record?

1 Mr. Mitchell, can you hear me?

2 MR. MITCHELL: Yes, sir, Chairman.

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

5 MR. MITCHELL: Yes. Good afternoon, Chairman, and
6 members of the Board. My name is Mortimer Glenn Mitchell. I'm
7 an architect and I represent the owner, Q Realty Holding, LLC.

8 CHAIRPERSON HILL: Okay. Mr. Mitchell, are you
9 choosing not to use your camera? Just so I know.

10 MR. MITCHELL: No, I'm not. Why am I not in camera?
11 Okay, there we go. Good.

12 CHAIRPERSON HILL: There we go. All right. Mr.
13 Mitchell, welcome.

14 MR. MITCHELL: Thank you.

15 CHAIRPERSON HILL: All right. Mr. Mitchell, I'm going
16 to give you a -- if you could just walk us through your
17 application as to why you believe you are meeting the criteria
18 for us to grant the relief requested. I'm going to put 15 minutes
19 on the clock so I know where we are, and you can begin whenever
20 you like.

21 MR. MITCHELL: Yes. If it's okay with you and the
22 Board, I'm going to read from my burden of proof. It's fairly
23 short and to the point and I think it's going to explain what
24 we're trying to do here.

25 CHAIRPERSON HILL: Sure.

1 MR. MITCHELL: So this application addresses Section U
2 42.1 and X 901.2 pursuant to special exception application for
3 relief at one apartment to approve and permitted 11-unit multi-
4 family dwelling. The revitalization of this two-story and cellar
5 property was approved and permitted for an 11-unit multiple
6 dwelling residence with all 11 units being one-bedroom
7 apartments. Included in this application is exterior work for
8 four onsite parking spaces with one designated ADA space, a
9 handicap wheelchair lift, property fencing, green space
10 enhancements, et cetera. DC (indiscernible) Application No.
11 B202425, being the subject of this special exception is currently
12 in process. Work under this application does not include any
13 exterior work. All work is confined to the cellar interior. The
14 application is intended to add one one-bedroom apartment to the
15 building, increasing the total number of units from 11 to 12
16 units. Please note that four of the other units, including the
17 proposed new apartment, would be Class A ADA accessible
18 apartments.

19 This development, including the proposed addition of a
20 one-bedroom apartment, is pre-deemed compatible and therefore
21 will be in harmony with the zoning regulations and the zoning
22 map. Aside from being compatible with the zoning regulation and
23 zoning map, defines special exception application as it pertains
24 to compliance concerns with U 402.2(a) and (b) requiring
25 avoidance of potential adverse impacts that can be brought about

1 by this development would be easily complied with. In
2 consideration of the District of Columbia Housing Authority, DCHA
3 standards, HUD occupancy standards, and Fair Housing Act, you can
4 safely assume that the demographic of the tenants that are most
5 likely to occupy these one-bedroom apartments are young singles
6 and couples, and in few instances, a small number of units may
7 include a young child. The small size of these apartments,
8 averaging about 620 square feet, is incompatible with occupancy
9 by larger family units of more than two adults and one child. It
10 is therefore reasonable to conclude that the tenant demographic
11 of this development is unlikely to change over time and
12 consequently would have a long-term negligible impact on planned
13 area schools, public streets, recreation, neighborhood
14 properties, and other services resulting from adding one ADA
15 accessible apartment to the property. So that -- if there are
16 any questions, I would be happy to address those.

17 CHAIRPERSON HILL: All right. Mr. Mitchell, thank you.

18 Before I get to questions, my fellow Board members, if
19 I might turn to the Office of Planning first?

20 MR. JESICK: Thank you, Mr. Chairman, and members of
21 the Board. My name is Matt Jesick, and I will be presenting OP's
22 testimony in this case. The Office of Planning reviewed the
23 application against the criteria of Subtitle U, Section 421 and
24 found that the application successfully meets the criteria and
25 therefore we are recommending approval of the application. I'd

1 be happy to take any questions. Thank you.

2 CHAIRPERSON HILL: Okay. Does the Board have any
3 questions for the Office of Planning or the Applicant?

4 All right. Mr. Young, is there anyone here wishing to
5 speak?

6 MR. YOUNG: We do not.

7 CHAIRPERSON HILL: Okay.

8 All right. Mr. Mitchell, is there anything you'd like
9 to add at the end?

10 MR. MITCHELL: No, sir.

11 CHAIRPERSON HILL: Okay. All right. I'm going to go
12 ahead and close the hearing and the record. Could you please
13 excuse everyone, Mr. Young?

14 Okay. I didn't have any issues with this application.
15 I thought that I would rely on the analysis of the Office of
16 Planning for their speaking to the regulations and also the
17 standards, and I'm going to be voting in favor.

18 Mr. Smith, do you have anything to add?

19 COMMISSIONER SMITH: I don't have anything to add. I
20 agree with the Office of Planning's analysis of this particular
21 case. It meets all the standard for us to grant based on Subtitle
22 U 421, which are based on school capacity and it's proven in
23 staff report that the property meets -- or the proposed addition
24 would be located in elementary, middle, and high zones where
25 there's additional space to accommodate the few additional

1 children that would probably be generated if that so happened.
2 And also it meets the standards under X 901 as it would not
3 adversely affect adjacent properties because this particular
4 proposal would add an additional unit within the existing
5 footprint of the building and the cellar. So I do believe they've
6 met all the standards for us to grant the special exception and
7 will support.

8 CHAIRPERSON HILL: Okay. Thank you.

9 Chairman Hood?

10 ZC CHAIRPERSON HOOD: I would concur, Mr. Chairman. I
11 think they've met all the requirements under the Subtitle U
12 satisfactory as -- giving also the Office of Planning great weight
13 and also the Applicant's verbal testimony, architect, great
14 weight as well, with his presentation I think was very well done.
15 I will be voting in support of this application. I have nothing
16 else to add. Thank you, Mr. Chairman.

17 CHAIRPERSON HILL: Thank you.

18 Vice Chair John?

19 VICE CHAIR JOHN: Thank you, Mr. Chairman. I have
20 nothing else to add. I agree with all of the comments so far,
21 and I will be in support of the application.

22 CHAIRPERSON HILL: Thank you. I'm going to make a
23 motion to approve Application No. 20860 as captioned and read by
24 the secretary and ask for a second, Ms. John?

25 VICE CHAIR JOHN: Second.

1 CHAIRPERSON HILL: The motion has been made and
2 seconded, Mr. Moy, if you'd take a roll call please?

3 MR. MOY: Thank you, sir. When I call your name, if
4 you'll please respond to the motion made by Chairman Hill to
5 approve the application. The motion was second by Vice Chair
6 John.

7 Zoning Commission Chair Anthony Hood?

8 ZC CHAIRPERSON HOOD: Yes.

9 MR. MOY: Mr. Smith?

10 COMMISSIONER SMITH: Yes.

11 MR. MOY: Vice Chair John?

12 VICE CHAIR JOHN: Yes.

13 MR. MOY: Chairman Hill?

14 CHAIRPERSON HILL: Yes.

15 MR. MOY: We have no other Board members. Staff would
16 record the vote as four to zero to one. And this is on the motion
17 made by Chairman Hill to approve. The motion to approve was
18 second by Vice Chair John, who is also in support of the motion,
19 as well as support for the motion from Zoning Commission Chair
20 Anthony Hood, Mr. Smith, Vice Chair John, and Chairman Hill.
21 Motion carries, sir, four to zero to one.

22 CHAIRPERSON HILL: Okay. Thank you, everybody. I will
23 not be joining you on your last part of the business. And so I
24 will excuse myself and I will see you guys next week. Thank you.

25 VICE CHAIR JOHN: Thank you, Mr. Chairman.

1 CHAIRPERSON HILL: Bye-bye.

2 VICE CHAIR JOHN: Mr. Moy, please go ahead and call
3 your next case. But give me a moment. I need to take care of
4 some technical issues. Just two minutes.

5 (Pause.)

6 VICE CHAIR JOHN: Okay. Mr. Moy, when you're ready.

7 MR. MOY: Thank you, Madam Vice Chair. The next and
8 last case for Board action is Case Application No. 18878E of Alba
9 12th Street, LLC. This is the Applicant's request pursuant to
10 Subtitle Y, Section 705.1 for a two-year time extension of the
11 validity of BZA Order No. 18878. Property is located in the D-
12 4R zone, where it was originally approved under DD/C-2C zone.
13 The address is 1017 12th Street, N.W., Square 316, Lot 36. And
14 I think that's all I'm going to say. Thank you, Madam Vice Chair.

15 VICE CHAIR JOHN: Thank you. Is the Applicant's
16 representative here?

17 MR. MOY: Madam Vice Chair, this is a meeting session.

18 VICE CHAIR JOHN: Oh, thank you.

19 MR. MOY: It's a time extension. Yeah.

20 VICE CHAIR JOHN: Thank you, I forgot.

21 MR. MOY: No worries.

22 VICE CHAIR JOHN: This is one we moved to the end of
23 the day. So thank you for that correction. So are we ready to
24 deliberate?

25 I'll go ahead and start. So this, as Mr. Moy noted,

1 this application is for a two-year time extension, and the
2 Applicant has stated that the Applicant needs additional time to
3 secure financing due to COVID and the conditions in the real
4 estate market at the time -- at this time. And I believe that
5 the Applicant has made a good case to grant the requested
6 postponement in this case. And so I will be in support of the
7 application for a two-year term extension. Does anyone have any
8 other comments?

9 COMMISSIONER SMITH: I don't have any other comments.
10 I agree with your assessment of this particular case and the
11 merits to grant the time extension. I will note that with this
12 time extension, this will push it to ten years beyond the original
13 date that was granted for the original special exceptions for
14 this particular development. So I would just note that. But I
15 do agree that they have met the burden of proof for us to grant
16 the term extension and will support.

17 VICE CHAIR JOHN: Thank you.

18 Chairman Hood?

19 ZC CHAIRPERSON HOOD: I too, Madam Chair, would agree
20 with your analysis and also Board Member Smith, especially with
21 market situations. We're seeing a lot of this, so I have no
22 problems in extending the time, especially with the current
23 situation. So thank you.

24 VICE CHAIR JOHN: Thank you.

25 And the only thing I would add is that there was an

1 appeal in this case which took some time to resolve. And so
2 based on the comments of the -- my fellow Board members, I will
3 then make a motion to approve Application No. 18878E as captioned
4 and read by the secretary and ask for a second, Mr. Smith?

5 COMMISSIONER SMITH: Second.

6 VICE CHAIR JOHN: Mr. Moy, would you please take a roll
7 call?

8 MR. MOY: Madam Vice Chair, before I take the roll
9 call, is the date for that two-year extension, just for my own
10 edification, would that be to February 21st, 2025?

11 VICE CHAIR JOHN: That -- it would be correct, Mr.
12 Chairman -- Mr. Moy.

13 MR. MOY: That's fine. Yeah, don't (indiscernible)
14 with me please.

15 Okay. So when I call your name, if you'll please
16 respond to the motion made by Vice Chair John to approve the
17 request for the two-year time extension to February 21st, 2025.
18 The motion to approve -- or grant the time extension was second
19 by Mr. Smith.

20 Zoning Commission Chair Anthony Hood?

21 ZC CHAIRPERSON HOOD: Yes.

22 MR. MOY: Mr. Smith?

23 COMMISSIONER SMITH: Yes.

24 MR. MOY: Vice Chair John?

25 VICE CHAIR JOHN: Yes.

1 MR. MOY: We have two members not present. Staff would
2 record the vote as three to zero to two. And this is on the
3 motion made by Vice Chair John to grant the two-year time
4 extension. The motion was second by Mr. Smith, who is in support
5 of the motion to approve, as well as approval from Zoning
6 Commission Chair Anthony Hood, Mr. Smith, and of course Vice
7 Chair John. The motion carries, ma'am, on the vote of three to
8 zero to two.

9 VICE CHAIR JOHN: Thank you, Mr. Moy. So if there's
10 nothing else, Mr. Moy?

11 MR. MOY: There's nothing from the staff.

12 VICE CHAIR JOHN: Okay. This concludes our hearing for
13 today. I'll see you all next week. Thank you for your help.

14 ZC CHAIRPERSON HOOD: Thank you. Take care.

15 VICE CHAIR JOHN: Thank you.

16 COMMISSIONER SMITH: Thank you.

17 (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: 04-05-2023

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