

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JUNE 14, 2023

+ + + + +

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA JOHN, Vice Chairperson
CHRISHAUN SMITH, Commissioner
ANTHONY J. HOOD, Zoning Commission Chairperson
PETER G. MAY, Zoning Commission Commissioner

BOARD OF ZONING ADJUSTMENT STAFF COUNSEL:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

The transcript constitutes the minutes from the Regular Public Hearing held on June 14, 2023

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

Application No. 20643

 Maret School. 7

Application No. 20912

 Jason Cheperdak. 18

Application No. 20898

 United General Contractors Inc.24

Application No. 20906

 KIPU, LLC. 29

Application No. 20807

 Ryan Smith.32

Application No. 20906 (Recalled)

 KIPU, LLC. 47

Application No. 20900

 PSG-5 Fisher SPV, LLC. 98

Application No. 20910

 Jermaine A. Johnson and Sheila Morgan Johnson. . . .131

Application No. 20911

 Jonathan Lloyd Jones.137

Application No. 20915

 Takoma Lot 5 LLC.146

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

(9:30 a.m.)

CHAIRMAN HILL: Morning ladies and gentlemen. The Board of Zoning Adjustment's public hearing will please come to order.

My name is Fred Hill, Chairperson of the District of Columbia, Board of Zoning Adjustment. Joining me today is Lorna John, Vice Chair; Board Members, Chrishaun Smith, and Zoning Commissioners, Chairman Anthony Hood and Peter May for one hearing meeting. Peter May, that is.

Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter. It's also webcast live via Webex and YouTube live. The video of the Webcast will be available on the Office of Zoning's website after today's hearing.

Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing. Also, please be advised that we do not take any public testimony at our decision meeting session.

If you're experiencing difficulty accessing Webex, or with your telephone call-in, then please call our OZ Hotline number at 202-727-5471 to receive Webex log-in or call-in instructions. It is also listed on our screen.

At the conclusion of a decision meeting session, I

1 shall in consultation with the Office of Zoning determine whether
2 a full summary order may be issued. A full order is required
3 when the decision it contains is adverse to a party, including
4 an infected ANC. A full order may also be needed if the Board's
5 decision differs from the Office of Planning's recommendation.

6 Although, the Board favors these full summary orders
7 whenever possible, an applicant may not request the Board to
8 issue such an order.

9 In today's hearing session, everyone who is listening
10 on Webex or by telephone will be muted during the hearing and
11 only persons who have participated and have signed up will be
12 unmuted at the appropriate time.

13 Please state your name and home address before
14 providing oral testimony or your presentation. Oral
15 presentations should be limited to a summary of your most
16 important points. When you are finished speaking, please mute
17 your audio so that your microphone is no longer picking up sound
18 or background noise.

19 Once again, all persons planning to testify either in
20 favor or in opposition should have signed up in advance. They'll
21 be called by name to testify. If it's an appeal, only parties
22 are allowed to testify.

23 By signing up to testify, all participants complete the
24 oath or affirmation as required by Subtitle Y-408. Requests to
25 enter evidence at the time of an online virtual hearing, such as,

1 written testimony or additional supporting documents, other than
2 live video, which may not be presented as part of the testimony,
3 may be allowed pursuant to Subtitle Y-103.13, provided that the
4 person who's made the request to enter an Exhibit explain (A) How
5 the proposed exhibit is relevant;(B) The good cause to justify
6 as allowing the exhibit into the record, including, an
7 explanation of why the requester did not file the particular
8 exhibit prior to the hearing, pursuant to Y-206, and how the
9 proposed exhibit would not unreasonably prejudice any parties.
10 The order of procedures for special exceptions and variances are
11 pursuant to Y-409.

12 At the conclusion of each case, an individual who is
13 unable to testify because of technical issues may file a request
14 for leave to file a written version of planned testimony into the
15 record within 24-hours following the conclusion of public
16 testimony in the hearing.

17 If additional written testimony is accepted, then
18 parties will be allowed a reasonable time to respond as determined
19 by the Board. The Board will then make its decision at its next
20 meeting session, but no earlier than 48 hours after the hearing.

21 Moreover, the Board may request additional specific
22 information to complete the record. The Board and staff will
23 specify at the end of the hearing exactly what is expected and
24 the date when persons must submit the evidence to the Office of
25 Zoning. No other information shall be accepted by the Board.

1 Finally, the District of Columbia, Administrative
2 Procedures Act requires that a public hearing on each case be
3 held in the open before the public.

4 However, pursuant to Section 405(b) and 406 of that
5 Act, the Board may, consistent with its rules of procedures and
6 the Act, enter into an enclosed meeting on a case for purposes
7 of seeking legal counsel on a case, pursuant to DC Official Code
8 Section 2-575(b)4 and/or deliberate on a case, pursuant to DC
9 Official Code Section 2-575(b)13, but only after providing the
10 certified public notice in the case of an emergency closed meeting
11 and taking a roll-call vote.

12 Mr. Secretary, do we have any preliminary matters?
13 You're on mute, Mr. Moy. Sorry. Nope, you're still on mute or
14 not hearing.

15 Okay. You're going to call in, I guess, is what you're
16 trying to say. Yeah, no problem.

17 MR. MOY: How's that?

18 CHAIRMAN HILL: Yup, we can hear you. Although, we
19 could hear you, now we can't hear you again.

20 MR. MOY: Okay. How's that?

21 CHAIRMAN HILL: Yup. Yup. Yup.

22 MR. MOY: Oh, man. I'm so sorry.

23 CHAIRMAN HILL: No problem.

24 MR. MOY: Geez man. I don't know. I don't know about
25 this computer stuff.

1 CHAIRMAN HILL: I'm ready. Everybody knows I'm the
2 only one ready to go back in person.

3 MR. MOY: I might be the next one.

4 CHAIRMAN HILL: Okay. I don't think so.

5 MR. MOY: All right. Okay. So, what did I say? Oh,
6 yes, I said, good morning, Mr. Chairman, Members of the Board.
7 The application before the Board in its meeting session is
8 Application No. 20643 of the Maret School, which is located at
9 -- I said, identified as part of 5901 Utah Avenue, N.W. (Square
10 2319, Lot 832.)

11 The Board addressed the applicant's motion to re-open
12 the record at its meeting session on May 24th, 2023, and continued
13 the meeting session to address the remaining motions for today,
14 June 14th.

15 Participating is Chairman Hill, Mr. Smith, and Zoning
16 Commission Chair, Anthony Hood.

17 Thank you, sir.

18 CHAIRMAN HILL: Okay, great. I think as I mentioned
19 before, for the record, Vice Chair John is not on this.

20 Let's see. One moment. Okay. All right.

21 So, if you guys are ready to discuss this. I mean
22 there was a lot of things that we needed to take a look at
23 concerning this. So we're at, you know, at 20643, and there were
24 some motions that were put forward and this is what I have to
25 think about some of those motions.

1 One was, I believe, a motion from the party in
2 opposition, which is the Friends of the Field, and two, I'm trying
3 to remember what the exact, you know, if Legal needs me to mention
4 exactly what the terminology is, but, basically, deny the motion.
5 You know, we had allowed -- there was a motion to re-open the
6 record to allow information in from the applicant, and then we
7 have a motion from the party in opposition. I'm sorry. There
8 was a motion to allow -- open the record to allow items into the
9 record. This is what I think we did back on the last time, maybe
10 on the 24th. May 24th that we were together.

11 So, we did re-open the record to allow information into
12 the record. The party in opposition, Friends of the Field, then
13 wanted us to vacate that motion, meaning vacate our decision to
14 allow the items into the record.

15 The reason why I, and I think the Board at the time,
16 was interested in having the record re-opened to allow items into
17 the record is because this has been a very litigious case and I,
18 at that time, was interested in seeing what it was that the
19 applicant had wanted us to see. So, therefore, we allowed it
20 into the record.

21 I don't think that that was a mistake on our part. I
22 think that having in this particular case, the information -- the
23 most information that we can have in order to understand what is
24 before us, is something that I was interested in at that time.

25 I'll continue to make the comment, which is that, you

1 know, I don't want -- I'm not interested in re-opening the record
2 or not re-opening the record for this to go on indefinitely for
3 more and more information to be brought into this record.

4 I think it's a very substantial record. I think it's
5 -- you know, we've got a lot of evidence in there, a lot of
6 feedback from the public, as well as the, you know, all the
7 agencies within the District of Columbia that we're supposed to
8 take a look at, as well as that, you know, the ANCs and the
9 applicants and the party in opposition.

10 In other words, I don't believe that this needs to
11 continue on, us hearing more information, but at that time, back
12 on the 24th, I thought it was a good idea to take a look at
13 whatever it was that the applicant wanted us to take a look at,
14 and I didn't think that the Board had any issues with that.

15 So, therefore, I would go ahead and deny what seems to
16 be a motion to vacate from the Friends of the Field. I don't
17 think that we made a mistake in opening the record in order to
18 see what the applicant wanted us to take a look at.

19 Do any of you all have any -- I'm going to handle all
20 of these little things individually. So that's the first item
21 up for clarification.

22 Do you have any comments on that Mr. Smith?

23 MR. SMITH: Well, I completely agree with your
24 assessment on this one. I think we open -- as you stated, we
25 opened this record just to get -- back on the 24th, to get

1 clarification from the applicant regarding the Friends -- the
2 Friend's submitting a response, or just the applicant submitting
3 a response to the Friends.

4 So I do believe that this is, you know, a full record
5 and it has been stated and we do know that this is being appealed
6 to the District Courts, so I believe it's a full record. We
7 don't need to add additional information at this particular time,
8 for this particular case, so I agree with you, and I would deny
9 the motion to vacate.

10 CHAIRMAN HILL: Thank you.

11 Chairman Hood.

12 CHAIRMAN HOOD: I would agree with both of my colleagues.
13 I think when we did this on the 24th, as we already know, this
14 is being dealt with in another venue, but one of the things we
15 always try to do is bring groups together, especially in this
16 case, and I think that's what we were trying to achieve when we
17 opened it up on the 24th, and I will stand by what we did and I
18 think what we did is actually what the Courts have told us in
19 years past. I think we've done our due diligence, so I would
20 agree with you, Mr. Chairman, and you, Board Member Smith.

21 CHAIRMAN HILL: Okay. Then I'm going to make a motion
22 to deny the motion, which I believe is to vacate our decision to
23 reopen the record, which we did back in May -- on May 24th, and
24 ask for a second. Chairman Hood.

25 CHAIRMAN HOOD: I'll get the second. Second.

1 CHAIRMAN HILL: Motion been made and seconded. If you
2 can take a rollcall, Mr. Moy.

3 MR. MOY: Yes, sir. When I call your name, if you will
4 please respond to the motion made by Chairman Hill to deny the
5 motion to vacate. To vacate the motion to deny was second by
6 Zoning Commissioner Chair, Anthony Hood.

7 Mr. Smith?

8 MR. SMITH: Yes, to deny.

9 MR. MOY: Zoning Commission Chair, Anthony Hood?

10 CHAIRMAN HOOD: Yes, to deny.

11 MR. MOY: Chairman Hill?

12 CHAIRMAN HILL: Yes, to deny it.

13 MR. MOY: And we have two members not participating.
14 The staff would record the vote as 3-0-2, and that's on the motion
15 made by Chairman Hill to deny. The motion to deny was seconded
16 by Zoning Commission Chair Anthony Hood, who is also in support
17 of the motion to deny, as well as a deny -- a denial from Mr.
18 Smith. Motion carried, sir, 3-0-1 -- 3-0-2.

19 CHAIRMAN HILL: Great. Thank you, Mr. Moy.

20 All right. The next was what the applicant had asked
21 us to reopen the record to take a look at, I think, which was
22 the reconsideration to adopt clarifications upon conditions that
23 they had basically worked out, I think, with the ANC, about this
24 application and what ended up happening was that the Board
25 deliberated. There was an order issued, and now that order is

1 at the Court of Appeals.

2 So, the Board has -- well, I guess, the Friends of the
3 Field in opposition said that the Board doesn't have -- we're not
4 -- the Board is unable to adopt new conditions or change anything
5 while the order is at the Court of Appeals. That actually isn't
6 true apparently. We can waive that Y-700.4 in order to change
7 the order, even if it is at the Court of Appeals.

8 However, in this particular case, I think that those
9 conditions are really -- and this is since we did reopen the
10 record to take a look at it. I think those conditions are really
11 things that are more clarifying conditions for the applicant and
12 the ANC. It isn't necessarily zoning-related issues. Some may
13 or some might have been and not all of them were zoning-related
14 issues that maybe the, you know, the Zoning administrator there
15 could have been in some kind of way to clarify whether they were
16 not abiding by those conditions.

17 However, at this point in time, I don't think -- I
18 think it would muddy the issue in order to bring in those
19 conditions. You know, at a later time, if the applicant wanted
20 to come forward and have the Board re-consider something, you
21 know, after we hear from the Court of Appeals, then that might
22 be a different time to take a look at the clarifying conditions.
23 But at this point, I think it just, again, would just confuse
24 the situation more, and so I would be not in favor of bringing
25 in or reconsidering the conditions, and I would just actually

1 dismiss this for procedural reasons, because the appeal has been
2 filed.

3 So it's more just a dismissal again for procedural
4 reasons, because an appeal has been filed.

5 Mr. Smith, I am not going to make a motion. I'm just
6 dismissing, because again for procedural reasons, unless, the
7 Attorneys think I need to make a motion, and if so, then speak
8 up, but otherwise, I'm just going to go ahead and dismiss it as
9 I'm able to do this.

10 However, Mr. Smith, do you have any thoughts on that
11 or clarifying questions?

12 MR. SMITH: No. I agree with your approach to dismiss
13 this for procedural reasons, given that this is under appeal in
14 the context of how we approved it a little over a year ago at
15 this point.

16 So I do believe it is premature right now to add
17 additional layers and conditions into the record at this
18 juncture, but I will note that all of these conditions that are
19 being proposed by the applicant, we considered previously for the
20 most part, and we had found that many of these conditions are
21 beyond the scope of our land use expertise as the Board of Zoning
22 Adjustment, as well as all of these conditions are beyond Zoning.
23 They're more the applicant and the neighborhood seeking the
24 District of Columbia's government to enforce the operation of the
25 applicant's field.

1 Most of these are, I would say, are unenforceable from
2 a governmental standpoint, especially getting into multiple
3 layers of when the field can be opened and whatnot, the height
4 of the risers, and only six risers are allowed. Those are not
5 enforceable conditions from a zoning perspective in any way,
6 shape, or form. So, even if they were to come back, I wouldn't
7 support them, if I'm on this Board.

8 So, I did, while the applicant was doing it, but I
9 don't agree with the conditions then and I don't agree with them
10 now, but now is not the time to attempt to have a discussion to
11 include them, so I do agree to dismiss it on procedural grounds.

12 CHAIRMAN HILL: Okay. Chairman Hood.

13 CHAIRMAN HOOD: I would agree. I'm not going to expound
14 on that, but I will say I hope that the applicant and the
15 neighbors don't lose sight. It's about those young people and
16 that's all I'm going to say on that.

17 Thank you, Mr. Chairman.

18 CHAIRMAN HILL: Thank you, Chairman Hood.

19 Okay. Well, actually, I guess, out of an abundance of
20 caution, and also, I think out of this is what I am supposed to
21 do, is I'm going to go ahead and make a motion.

22 So, I'm going to make a motion to dismiss for procedural
23 reasons the motion that was put forth for a reconsideration, and
24 ask for a second? Chairman Hood.

25 CHAIRMAN HOOD: Second. I'll second the motion.

1 CHAIRMAN HILL: Thank you. Mr. Moy, if you could take
2 a roll call.

3 MR. MOY: Yes, sir. When I call your name, if you will
4 please respond to the motion made by Chairman Hill to dismiss or
5 deny the motion for clarification of the conditions that was
6 submitted by the applicant. The motion was seconded by Zoning
7 Commission Chair Anthony Hood.

8 Mr. Smith?

9 MR. SMITH: Yes, to dismiss.

10 MR. MOY: Zoning Commission Chair, Anthony Hood?

11 CHAIRMAN HOOD: Yes, to dismiss to the motion.

12 MR. MOY: Chairman Hill?

13 CHAIRMAN HILL: Yes, to dismiss.

14 MR. MOY: We have no other Board members. Staff would
15 record the vote as 3-0-2, and this is on the motion made by
16 Chairman Hill to deny the motion. The motion was seconded by
17 Zoning Commission Chair Anthony Hood, who has also voted to deny,
18 as well as denial from Mr. Smith and Chairman Hill. Motion
19 carried, sir, 3-0-2.

20 CHAIRMAN HILL: Thank you.

21 Okay. And then the last is there's a motion for stay
22 that was put forth by the party in opposition, which is the
23 Friends of the Field.

24 And, again, then we have to go to Y what -- Y-701.3 to
25 look through those criteria to grant a stay and that all four of

1 the following criteria needed to be achieved.

2 And I'll just read it really quick. The parties seeking
3 the stay or in the case of a stay to be issued on the Board of
4 Zoning's motion, the parties herein there is likely to prevail
5 on the merit of the motion for reconsideration or -- sorry -- or
6 the appeal. Yeah.

7 So, again (A) is the party is likely to prevail on the
8 merits, which I really don't feel -- know whether I could say
9 one way or the other; (B) A reputable injury will result if the
10 stay is denied; (C) Opposing parties will not be harmed by a
11 stay; and (D) The public interests favors the granting of the
12 stay.

13 I don't feel comfortable with any of these, to be quite
14 honest, in terms of making a stay, so, you know, I would continue
15 to allow the Court of Appeals to work its process and see what
16 they have to say about our issue, our order.

17 So, you know, you have to have all four of those and
18 in order to grant the stay and, as I said, I'm not really
19 comfortable with arguing any of them in terms of what may or may
20 not happen to the applicant.

21 So, I'm not comfortable with them and I'm not going to
22 be voting in favor of motion for stay.

23 Mr. Smith, do you have any clarifying comments?

24 MR. SMITH: No. I agree with your assessment on this
25 one. I'd rather for the Court of Appeals to, you know, do their

1 work, and not really slow this train down on our part by granting
2 the motion to stay the same order, so I agree with your
3 assessment.

4 CHAIRMAN HILL: Chairman Hood?

5 CHAIRMAN HOOD: I, too, would agree, Mr. Chairman.
6 It's hard to call what's going to happen next, because I can tell
7 you sometimes it's hard to call what's going to happen here, so
8 I would agree with your assessment.

9 CHAIRMAN HILL: Okay. Thank you. And then I'll also
10 refer to the Exhibit 307 that the applicant had put forward in
11 terms of why they were believing that they have reasons that a
12 stay should not be granted, but again, to begin with, again, I'm
13 not comfortable in several of those and they're only one has to
14 be an issue for anyone not to grant the stay.

15 So, I'm going to go ahead and make a motion that we
16 deny the stay and ask for a second? Chairman Hood.

17 CHAIRMAN HOOD: I'll second the motion.

18 CHAIRMAN HILL: Thank you. Mr. Moy, if you could take
19 a roll call.

20 MR. MOY: Yes. When I call your name, if you would
21 please respond to the Chairman's motion to deny the motion for a
22 stay. The Motion was seconded by Zoning Commission Chair Anthony
23 Hood.

24 Mr. Smith?

25 MR. SMITH: Yes.

1 MR. MOY: Zoning Commission Chair Anthony Hood?

2 CHAIRMAN HOOD: Yes.

3 MR. MOY: Chairman Hill?

4 CHAIRMAN HILL: Yes, to deny.

5 MR. MOY: We have two members not participating. Staff
6 would record the vote as 3-0-2, and this is on the motion made
7 by Chairman Hill to deny the motion to stay. The motion to deny
8 the stay was seconded by Zoning Commission Chair Anthony Hood,
9 who has also voted to deny, as well as the denial from Mr. Smith,
10 and, of course, Chairman Hill. Motion carried, sir, on a vote
11 of 3-0-2.

12 CHAIRMAN HILL: Okay, great. Thank you.

13 All right. Mr. Moy, you can call -- I know we have
14 some procedural preliminary matters going on with, I believe, our
15 next case, and you can call it when you have an opportunity.

16 MR. MOY: Okay. Let's see. Okay.

17 The first case in the Board's hearing session is
18 Application No. 20912 of Jason Cheperdak. This is a self-
19 certified application pursuant to Subtitle X, Section 901.2 for
20 special exceptions as follows:

21 Subtitle D, Section 5201 from Lot occupancy
22 requirements, Subtitle D, Section 1204, Subtitle D, Section
23 1206.4, which would allow rear wall of a row building extending
24 further than 10-feet, and Subtitle U, Section 253.4 to permit an
25 accessory apartment.

1 The property is located in the R-20 zone at 3542 T
2 Street, N.W. (Square 1302, Lot 36).

3 The preliminary matters here, Mr. Chairman, is that the
4 applicant filed a motion to postpone, and we also have a request
5 for party status from a Catherine Beal under Exhibit 23, and
6 that's before the Board.

7 CHAIRMAN HILL: Okay, great. Thank you.

8 Let's see. Ms. Fowler, if you can hear me, if you can
9 introduce yourself for the record, please.

10 MS. FOWLER: Hi. Good morning, everybody. I'm Jennifer
11 Fowler. I'm representing the homeowner.

12 CHAIRMAN HILL: Great. Thank you.

13 Ms. Themak, can you hear me? And, if so, could you
14 introduce yourself for the record.

15 MS. THEMAK: Tracey Themak and I'm here for Catherine
16 Beal.

17 CHAIRMAN HILL: Okay, great.

18 So, let's see. Ms. Themak, I mean, Ms. Beal is the
19 adjacent neighbor, correct?

20 MS. THEMAK: Yes, at 3540.

21 CHAIRMAN HILL: Got it. And, Ms. Themak, I think you've
22 been before us before, correct?

23 MS. THEMAK: (Inaudible.)

24 CHAIRMAN HILL: Okay. And you're an attorney, correct?

25 MS. THEMAK: Yes.

1 CHAIRMAN HILL: Okay. All right. So, I appreciate the
2 slide deck that you guys have in the exhibit. I think that that
3 would be helpful when we hear the case.

4 MS. THEMAK: Absolutely. We only submitted that in case
5 you, in the off chance, this didn't get postponed. We're in
6 support of the postponement. We just wanted to have something
7 in the record if the case happened to go forward that we could
8 refer to, but it's not needed for today. We were just hoping to
9 get the request for party status considered.

10 CHAIRMAN HILL: Sure. Yup, no problem. So, unless the
11 Board has any issues, I do think that Ms. Beal meets the criteria
12 for us to grant party status. I do believe her being in the
13 adjacent property, she is uniquely affected.

14 So, unless, my Board Members have anything to add, and
15 if so, raise your hand, I'm just going to go ahead and allow
16 Ms. Beal to have party status. Okay, I'm going to go ahead and
17 allow Ms. Beal to have party status.

18 Ms. Themak, as you know, you know what that means, and
19 Ms. Fowler, when do you guys want to try to get back here?

20 MS. FOWLER: Great. Well, first I just wanted to update
21 that we did have a really good meeting with Ms. Beal yesterday,
22 so we have made progress towards kind of coming to an agreement.
23 So we, you know -- we feel like a little extra time will be very
24 helpful to kind of finalize edits and, you know, get the plans
25 updated and into the record.

1 ANC is also fine with postponing the case. We've been
2 in close contact with our SMD Commissioner. I think the next
3 ANC meeting that we can attend, that both my client and I can
4 attend, will be September 5th. As you know, they don't meet in
5 August, and so for us really any time, you know, after September
6 5th would give us plenty of time to kind of work through issues
7 and get the plans uploaded.

8 CHAIRMAN HILL: Okay. Let me look.

9 Mr. Moy, when is that due for us? When are we back
10 after our recess? You're on mute again, Mr. Moy.

11 MR. MOY: Okay. I can control my mute button now.

12 CHAIRMAN HILL: That's good.

13 MR. MOY: Okay. So after the August recess, the Board
14 returns on September the 13th.

15 CHAIRMAN HILL: And what is our schedule looking like
16 on the 13th of September?

17 MR. MOY: We have nine cases now, all open cases, so
18 this would be the tenth case.

19 CHAIRMAN HILL: What about the 20th?

20 MR. MOY: You have five cases, one expedited, and one
21 appeal.

22 CHAIRMAN HILL: Okay.

23 MR. MOY: Okay. I can read all of them.

24 CHAIRMAN HILL: That's okay.

25 MR. MOY: On the 27th, you have one expedited case and

1 | eight cases, and then we're into October.

2 | CHAIRMAN HILL: That's okay. Let me just think a second.

3 | Ms. Fowler, how's your client in terms of a timeline?

4 | MS. FOWLER: I know that, you know, like every client,
5 | they're anxious to move forward, but completely understand the
6 | process and want to make sure there's time so.

7 | CHAIRMAN HILL: Okay. Ms. Fowler -- I mean, Mr. Moy,
8 | can you tell me again how many we've got on the 13th?

9 | MR. MOY: You have nine cases.

10 | CHAIRMAN HILL: Yeah. And then the 20th, we have four
11 | and an appeal?

12 | MR. MOY: Yeah, you have five cases, one expedited and
13 | one appeal.

14 | CHAIRMAN HILL: Right. Okay. So, I'm looking at Ms.
15 | John. Ms. John, do you want to go for ten on the 13th?

16 | VICE CHAIR JOHN: Good morning. I would think we could
17 | put it with the appeal.

18 | CHAIRMAN HILL: All right. Okay. I mean, the appeal
19 | -- the only -- we put it -- okay, I'll -- the reason why I'm --

20 | VICE CHAIR JOHN: Yeah.

21 | CHAIRMAN HILL: -- is if this gets chewy, that's going
22 | to then, you know, be even a bigger day, but okay, let's throw
23 | it on with the appeal. So, on the 20th, then.

24 | MR. MOY: All right. Done.

25 | CHAIRMAN HILL: Okay. All right.

1 MS. FOWLER: Thank you.
2 Ms. Fowler, Ms. Themak, you guys have any questions?
3 MS. FOWLER: No. Thank you.
4 MS. THEMAK: No.
5 CHAIRMAN HILL: Okay. Thank you. We'll see you guys
6 on the 20th.
7 MS. THEMAK: Thank you so much.
8 MS. FOWLER: Thank you so much.
9 VICE CHAIR JOHN: Mr. Chairman, I believe Ms. Themak
10 had her hand up.
11 CHAIRMAN HILL: Oh.
12 MS. THEMAK: Oh, no. I was just holding a pen.
13 CHAIRMAN HILL: Oh, okay. Great.
14 MS. THEMAK: No, I have no questions. I appreciate
15 the time.
16 CHAIRMAN HILL: Oh, okay.
17 MS. THEMAK: Thank you, Ms. John.
18 CHAIRMAN HILL: Thank you. Bye-bye.
19 CHAIRMAN HOOD: I'm going to have to use that scenario
20 "chewy."
21 CHAIRMAN HILL: I know. I was just about to say --
22 CHAIRMAN HOOD: I kind of like that.
23 CHAIRMAN HILL: Yeah, chewy.
24 CHAIRMAN HOOD: I kind of like that.
25 CHAIRMAN HILL: Everything gets a little chewy.

1 CHAIRMAN HOOD: Yeah. I'm not going to give you credit
2 for it, but I'm going to use that.

3 CHAIRMAN HILL: It came out another -- it made sense.
4 It made sense, right? Yeah, if it gets a little chewy, I don't
5 know.

6 All right. Okay. We've got our next one, I think,
7 Mr. Moy.

8 MR. MOY: Yes. All right. So this would be a Case
9 Application 20898 of United General Contractors, Inc. This is a
10 self-certified application pursuant to Subtitle X, Section 901.2
11 for special exception, under Subtitle U, Section 421, which would
12 allow a new residential development. This, I believe, is a 36-
13 unit apartment house.

14 The property is located in the RA-1 zone at 4915 Quarles
15 Street, N.E. That's Q-u-a-r-l-e-s, (Square 5172, Lot 810), and
16 I believe -- just a second, Mr. Chairman. I believe what we have
17 the applicant request to postpone, which was submitted in the 24-
18 hour block, and that's all I have, sir.

19 CHAIRMAN HILL: Okay. I mean for the record, unless the
20 Board has any issues, I'd like to go ahead and allow the
21 postponement request into the record, because the applicant can
22 even ask for it right now, because of what they're about to do.

23 So, unless the Board has any issues, please let me know.
24 All right. Mr. Bello, can you hear me? And, if so, could you
25 introduce yourself for the record.

1 MR. BELLO: Yes, sir. And, good morning, Mr. Chairman
2 and Board Members. Toye Bello, representing the applicant.

3 CHAIRMAN HILL: Okay. Mr. Bello, why do you -- well, I
4 kind of know a little bit about why you need the postponement,
5 but why do you need the postponement and when do you want it
6 postponed until?

7 MR. BELLO: Two reasons, sir. We're tying up --
8 finalizing the construction management agreement with the
9 Deanwood Citizens Association and in all instances, the ANC
10 predicates their support of an application on having that in
11 place, so we need to finalize that.

12 And, secondly, it appears that DDOT would not support
13 the use of the existing driveway to access the required parking,
14 so applicant may be forced to ask for an additional relief from
15 the parking requirement. So we need some time to tie up those
16 two loose ends.

17 CHAIRMAN HILL: Okay. How long do you think that will
18 take you, Mr. Bello?

19 MR. BELLO: If we can get on the calendar next month, I
20 think that's enough time for us to resolve those two matters.

21 CHAIRMAN HILL: Okay. Next month is July.

22 Mr. Moy, what is our July looking like? I know we have
23 not a lot of dates there.

24 MR. MOY: Well, as you know, I believe the Board can do
25 anything, but the docket size for the month of July is -- it's

1 rather filled. You've heard some of my answer in the previous
2 case. I can go over that again.

3 CHAIRMAN HILL: I forget like how many -- Mr. Bello, you
4 can't come back by the 28th, can you?

5 MR. BELLO: Of July?

6 CHAIRMAN HILL: No, June.

7 MR. BELLO: It would depend on the schedule of the ANC.
8 I believe that we can still get on their calendar for the end of
9 this month.

10 CHAIRMAN HILL: So, they're meeting the week of the 20th
11 -- of the 19th? You don't know? They're meeting next week. You
12 don't know?

13 MR. BELLO: I think it's the 24th or the 26th. I'm not
14 sure about that.

15 CHAIRMAN HILL: Well, the 26th is a Monday, and then -
16 - all right. Never mind. Mr. Moy, the -- I mean, Mr. Bello,
17 I'm just trying to figure it out. You just heard about September,
18 and so --

19 MR. BELLO: Yes, sir.

20 CHAIRMAN HILL: -- you know, how many do we got on the
21 12th and 19th and the 26th, Mr. Moy? I mean, I know there's a
22 lot.

23 MR. MOY: The 12th, 19th, 26th. Are you referring to
24 September or July?

25 CHAIRMAN HILL: No. I'm sorry, July.

1 MR. MOY: Okay. In July on the 12th, you have one
2 appeal, five cases, three expedited. You just put this case --
3 you put the other case on --

4 CHAIRMAN HILL: In September.

5 MR. MOY: Okay, that's in September. Okay, so July
6 12th, you have one appeal, five cases, three expedited. On the
7 19th, you have --

8 CHAIRMAN HILL: Wait a minute. We have five cases and
9 three expedited.

10 MR. MOY: Yeah. Yeah.

11 CHAIRMAN HILL: Okay. Just making sure I understand.
12 It's not three expedited of the five? Okay.

13 MR. MOY: Correct.

14 CHAIRMAN HILL: Go on. Okay. So that's the 12th. The
15 19th?

16 MR. MOY: On the 19th, you have two-time extensions,
17 three cases, and one appeal.

18 CHAIRMAN HILL: Okay.

19 MR. MOY: And on the 26th, you have five cases, two
20 expedited, and one (indiscernible).

21 CHAIRMAN HILL: Okay. And then, Mr. Bello, how clean
22 do you think you're going to be able to get this? You don't
23 know?

24 MR. BELLO: I don't expect it to be chewy.

25 CHAIRMAN HILL: Oh, God. I'm sorry, I said it out loud.

1 All right. Thanks, Mr. Bello. Okay. All right. Let's put you
2 on the 26th, then. Okay?

3 MR. BELLO: Thank you, very much. Appreciate that.

4 CHAIRMAN HILL: All right. We'll put you on 7/26, and
5 I'll remember that, Mr. Bello. I hope it doesn't come back chewy,
6 okay.

7 MR. BELLO: I'll ensure it doesn't, sir. Thank you.

8 CHAIRMAN HILL: Okay. That'd be great. Okay. All
9 right, thanks.

10 MR. BELLO: Okay.

11 CHAIRMAN HILL: Okay. We'll see you guys on 7/26.

12 MR. BELLO: Thank you, sir.

13 CHAIRMAN HILL: Thank you.

14 Okay. We're just chugging along here, not doing
15 anything. Okay. All right. So, I know, Mr. Moy, that you've
16 got 20900.

17 MR. MOY: Yes.

18 CHAIRMAN HILL: That's next, but I think we're going to
19 push that back, okay?

20 MR. MOY: (Nodded in the affirmative.)

21 CHAIRMAN HILL: Because we're waiting -- we have to
22 adjust some things for one of our Board members, and so let's go
23 ahead and do 20906, okay? And for those that are here for 20900,
24 you're just going to have to wait around, because I don't know
25 exactly about when you'll be coming back, because I still need

1 one of my Commissioners, so you'll just have to wait
2 unfortunately.

3 So, you want to go ahead and call 20906, Mr. Moy.

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

5 So, as Chairman just said, the next application is 20906
6 of KIPU, LLC. This is a self-certified application pursuant to
7 Subtitle X, Section 901.2 for the following special exceptions:
8 Subtitle U, Section 320 -- 320.2 to allow the conversion of an
9 existing residential building into an apartment house. Subtitle
10 E, Section 5201 from the court requirements. Subtitle E, Section
11 203.1, side-yard requirements. Subtitle E, Section 207.3.
12 Subtitle E, Section 205.5 to allow rear wall to extend further
13 than 10 feet. Subtitle E, Section 206.4 and 5207 from the
14 rooftop, architectural feature requirements. Subtitle E, Section
15 206.1.

16 The property is located in the RF-1 zone at 1251 Morse
17 Street, N.E. (Square 4069, Lot 57), and I want to check for one
18 other thing.

19 And of the following, Mr. Chairman, there's a request
20 for party status that was submitted within the 24-hour block from
21 a Dawn Boutelle, B-O-U-T-E-L-L-E. There's six letters in
22 opposition from ANC-5D-03, and the applicant's response to the
23 party's status request.

24 So those are waiting on the side for you to allow into
25 the record, if you wish.

1 CHAIRMAN HILL: Sure. Okay. So, unless the Board has
2 any issues, we need to see everything in order to understand
3 what's going on.

4 So, please, allow everything into the record, unless the
5 Board has any issues with that and, if so, please speak up, okay?
6 Okay. All right. What I need to do here now, so, Ms. Wilson,
7 if you can hear me, can you introduce yourself for the record?

8 MS. WILSON: Hi. Alex Wilson from Sullivan and Barros
9 on behalf of the applicant in this case.

10 CHAIRMAN HILL: Okay. So, there is a lot of information
11 now that has just been added to the record, and, well maybe, Ms.
12 Boutelle, can you hear me? I'm sorry. I can't hear you. I
13 don't know if I'm pronouncing your name correct.

14 MS. BOUTELLE: That is correct. Thank you. Yes.

15 CHAIRMAN HILL: Great. Can you introduce yourself for
16 the record.

17 MS. BOUTELLE: Yes. Hi. My name is Dawn Boutelle, and
18 I am a neighbor. My house is located one house away from the
19 house in question, and the house between us is vacant, unoccupied.
20 So I am the closest neighbor living on the street.

21 CHAIRMAN HILL: Okay. Can you give me your address
22 again, Ms. Boutelle?

23 MS. BOUTELLE: Sure. It is 1247 Morse Street.

24 CHAIRMAN HILL: 1247 Morse, okay. And you kind of know
25 the criteria for us to grant the party status request, correct?

1 MS. BOUTELLE: I have been learning it very quickly in
2 the last couple of days.

3 CHAIRMAN HILL: Okay. That's all right.

4 Okay. Well, we have a regulation that we look under in
5 order to determine whether or not we believe you are uniquely
6 qualified and more affected than the general public, and so that
7 is something that the Board will take a look at.

8 Then, let's see. Commissioner Roblin, are you there?
9 Roblin?

10 COMMISSIONER ROBLIN: Yes, I'm here.

11 CHAIRMAN HILL: Great. Could you introduce yourself
12 for the record, please, Commissioner.

13 COMMISSIONER ROBLIN: Sure. Hi, my name is Anna Roblin.
14 I'm Commissioner of the SMD, where 1251 is.

15 CHAIRMAN HILL: Great. And, Commissioner, I guess
16 you're -- there are -- I don't know where the -- we're going to
17 take a look at it -- I'll let -- Ms. Wilson, I'll let you respond
18 to all this in a second. I guess you guys have put in something
19 into the record in opposition. I haven't opened it up yet.

20 COMMISSIONER ROBLIN: Yes, it's in opposition. We voted
21 in opposition.

22 CHAIRMAN HILL: Okay. And then let's see -- I got --
23 who's Mr. Sadeghi?

24 MR. SADEGHI: Sadeghi, that's me.

25 CHAIRMAN HILL: Did you --

1 MR. SADEGHI: I'm the Developer.

2 CHAIRMAN HILL: Oh, you're the developer. Okay, great.
3 All right.

4 Ms. Wilson, so you know we're going to, like -- what I'm
5 going to propose we do now is like there's just a lot of stuff
6 that you got to put into the record for us to take a look at.
7 I'm going to go ahead and do the next case. Let all this stuff
8 get into the record. We're probably going to take a break. We
9 can take a look at this stuff that's in the record, and then we
10 can come back and figure it out. Okay?

11 MS. WILSON: That's good.

12 CHAIRMAN HILL: That's my thought. Okay, Ms. Wilson?

13 MS. WILSON: That makes sense, and we'll take a look as
14 well.

15 CHAIRMAN HILL: Okay, great. All right.

16 Then, Mr. Moy, if you want to go ahead and allow
17 everything into the record, please go ahead and call up our next
18 case. We'll take a break, and then we'll come back and see where
19 we stand with all of the preliminary matters.

20 MR. MOY: So the next case would be Application No.
21 20907 of Ryan Smith. This is a self-certified application
22 pursuant to Subtitle X, Section 901.2 for special exception under
23 Subtitle E, Section 5201 from the lot-occupancy requirements of
24 Subtitle E, Section 304.1.

25 The property is in the RF-1 zone at 424 10th Street,

1 N.E. (Square 937, Lot 70), and let's see -- and that's all I have
2 for you, Mr. Chairman.

3 CHAIRMAN HILL: Okay, great. Thank you.

4 Mr. Curry, if you can hear me, if you can introduce
5 yourself for the record.

6 MR. CURRY: Hello, Chairman. My name is Daniel Curry.
7 I am the architect speaking on behalf of the applicant, Ryan
8 Smith.

9 CHAIRMAN HILL: Great, Mr. Curry. Okay, Mr. Curry, I'm
10 going to go ahead and let you give your justification as to why
11 you believe your client is meeting the criteria for us to grant
12 the relief requested. I've pulled up your PowerPoint. It's
13 actually very good. I'm just trying to work through my docket
14 as efficiently as possible, because there's a lot of different
15 moving parts today it seems like.

16 So, Mr. Curry, if you could kind of work through your
17 presentation as efficiently as possible. Again, the area that
18 I'm most interested in are the regulations when presenting your
19 burden of proof and then if my Board Members have any questions,
20 I can also have them ask that after I hear from the Office of
21 Planning. But, Mr. Curry, you can go ahead and begin.

22 Mr. Young, if you can pull up Mr. Curry's slide deck,
23 and, Mr. Curry, you can begin whenever you like.

24 MR. CURRY: Great. Thank you, Chairman and Members of
25 the Board. My name is Daniel Curry. I'm speaking on behalf of

1 Ryan Smith, who is the owner of the subject property at 424 10th
2 Street, N.E., so if you could advance to the next slide, please.

3 The property is a single-family row house. It's in the
4 RF-1 zone and the premises will continue to serve as the residence
5 of Mr. Smith and his family. It's located on Lot 70 of Square
6 937, and it's located in the Capital Hill District.

7 So, my client, who resides at the property with his wife
8 and two children is seeking a special exception pursuant to
9 Subtitle E, Section 5201.1 to permit an addition and deck at the
10 rear of their property and the proposed addition will vary from
11 Subtitle E, Section 304.1, which pertains to the lot occupancy.

12 The allowable lot occupancy in RF-1 is 60 percent, and
13 the proposed addition will increase lot occupancy to just under
14 69 percent, which is under the 70 percent threshold allowable by
15 zoning.

16 So, if you could advance to the next slide, please.

17 These are just some establishing shots of the front and
18 rear of the property. To the right, you'll see the photo from
19 the rear yard, where the existing deck that will be removed and
20 the new addition will take its place.

21 If you could please advance to the next slide. Thank
22 you.

23 This is the plat, showing the dimensions of the
24 property, which is a 15-foot-wide property and 100 and -- 100
25 feet and 9 inches deep.

1 And the next slide, please. So I think the best way to
2 help you guys understand the project is by showing these sections
3 through the property, which show on the top the existing deck and
4 on the bottom the proposed deck.

5 So the existing deck, as we mentioned, will be removed.
6 The new deck -- the screened porch with the enclosed addition
7 above will extend out an additional 3 feet into the rear property,
8 so all of the other requirements will be met.

9 We do not encroach on the rear lot lines, the side lot
10 lines. All those other requirements are as a matter-of-right.
11 The height as well.

12 Next slide, please. And these are just some floor plans
13 showing, again, the existing first floor and the proposed first
14 floor, showing on the first floor, the screened porch.

15 And next slide, please. This is the second floor, which
16 is the enclosed bedroom up over the screen porch.

17 Next slide, please. And these are rear elevations,
18 showing the existing and proposed addition.

19 Next slide, please. So, this is my exhibit
20 demonstrating the calculations for the lot occupancy. So the
21 existing garage is at the rear of the property, is also included
22 in this calculation. So the lot occupancy, you can see, is just
23 under 69 percent.

24 Next slide, please. So under the burden of proof for
25 Section 901, we must demonstrate that the proposed project will

1 be in harmony with the general purpose and intent of the zoning
2 regulations and map, that it will not tend to affect adversely
3 the use of the neighboring property, and we must demonstrate that
4 the light and air available to the neighboring property shall not
5 be unduly affected, the privacy of use and enjoyment of the
6 neighboring property shall not be unduly compromised, and that
7 the proposed addition, together with the original dwelling as
8 viewed from the street alley and other public way, shall not
9 substantially, visually intrude upon the character, scale, and
10 pattern of houses along the street frontage.

11 The next slide, please. So with regard to the harmony
12 and general purpose and intent of the zoning regulations, the
13 proposed single family dwelling use will remain unchanged. It
14 will continue to serve as the residence of the applicant.

15 The proposed deck is a common element in the
16 neighborhood. It's particularly common on Square 937.

17 I'm showing a couple of images of other properties
18 across the alley, and up the block, which show similar additions.
19 And other than varying from the lot-occupancy requirements, the
20 existing dwellings are in compliance with the zoning regulations
21 and zoning map.

22 Next slide, please. So with regard to the potential to
23 affect adversely the use of the neighboring property, the
24 neighboring property, a few lots to the north, has a similar deck
25 with an enclosed addition above it, which we showed in the

1 previous slide. The adjacent properties are also zoned RF-1, so
2 the subject property is consistent with the properties on either
3 side as single-family dwellings.

4 The lot which is oriented east and west, the front being
5 at the east and the west being at the rear. So this -- you know,
6 given the depth of the lot, I believe, and their distance being
7 removed by at least 43 feet, which is, you know, from the addition
8 to the rear lot line, plus the width of the alley, and if you
9 also take into consideration the backyards of those properties,
10 we feel like there's substantial distance between the properties
11 to the west, and with regard to the property to the north and
12 south, the proposed addition only extends approximately three
13 feet past the adjacent properties to the north and the south, as
14 is shown in the bottom image.

15 Next slide, please. With regard to the light and air,
16 the -- again, the proposed addition extends approximately three
17 feet past the adjacent properties to the north and the south.

18 Again, due to the orientation with regard to solar
19 access, the southern property would not be unduly affected, and
20 again, given the distance to the properties across the alley, we
21 also believe that they will not be unduly affected, and given the
22 addition is only extending out another three feet, we believe we
23 demonstrated that the property to the north will not be unduly
24 affected as well.

25 Next slide, please. So with regard to the privacy, use

1 and enjoyment to the neighboring properties, again, the uses are
2 all consistent on the adjacent properties.

3 The proposed addition only extends three feet past the
4 adjacent property, and the use of the covered deck of the screen
5 porch will be consistent with that of the existing covered deck,
6 and the addition of the deck does not have windows. The addition
7 above, the enclosed space, does not have windows that would face
8 the adjacent neighbors to the north and the south, as you can
9 see here in the proposed second floor plan.

10 The next slide, please. So the addition, together with
11 the original single-family dwelling, as viewed from the street
12 alley and other public way shall not be substantially and visually
13 intrude upon.

14 So this is a section showing the public way to the right,
15 which is the east, so you can see that the height of the addition
16 is substantially lower than the elevation at the front of the
17 property, so from the public street on 10th street, the addition
18 will not be visible, and we believe given the previous exhibits,
19 the photos that it will be consistent with the construction and
20 character of the other properties on the block.

21 Next slide, please. So since our initial filing, we
22 have continued to work with relevant community organizations, so
23 on April 19th, we presented to the ANC-6(A), Economic Development
24 and Zoning Committee, and that Committee recommended that the
25 ANC-6(A) send a letter of support to the BZA for the requested

1 special exception.

2 On May 11th, the ANC-6(A) Commission voted 6-0-0 to
3 support the request for special exception and that letter has
4 been entered into the ISIS system.

5 On May 3rd, we presented it to the Capitol Hill
6 Restoration Society, and they also voted to support the
7 applicant's request for special exception and that letter has
8 also been entered into the record.

9 And on June 2nd, the Office of Planning submitted their
10 letter recommending the approval of special exception as well and
11 that letter is also entered into the record.

12 Next slide, please. Actually, I think that may be it.

13 Yes, so that concludes my presentation. I'd be happy
14 to answer any questions that the Board may have.

15 CHAIRMAN HILL: Great. Thank you.

16 I'm just going to turn to the Office of Planning, if I
17 could?

18 MR. JESICK: Sure. Thank you, Mr. Chairman and Members
19 of the Board.

20 My name is Matt Jesick, presenting OP's testimony in
21 this case, and the Office of Planning is happy to rest on the
22 record in support of the application. I'd be happy to take any
23 questions.

24 CHAIRMAN HILL: Okay. Does the Board have any questions
25 of the applicant and/or the Office of Planning?

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

2 MR. YOUNG: We do not.

3 CHAIRMAN HILL: Okay. All right.

4 Mr. Curry, do you have anything you'd like to add at the
5 end?

6 MR. CURRY: Nothing to add. Thank you very much for
7 your time and consideration of the applicant.

8 CHAIRMAN HILL: Okay. I am going to close the hearing
9 and the record.

10 Mr. Young, if you could please excuse everyone.

11 CHAIRMAN HILL: Okay, thanks.

12 Okay. I didn't have any issues with this application.
13 I thought that what the applicant had put forward in its
14 presentation and power slide, I'm sorry, PowerPoint is persuasive
15 and I would agree with what has been put forward as to why they're
16 reading the regulations for us to grant the relief requested.

17 I will also agree with the analysis that has been
18 provided by the Office of Planning, as well as that of the ANC,
19 as they are in support.

20 Mr. Smith, do you have anything else to add?

21 MR. SMITH: No, I don't have anything else to add. I
22 agree with your assessment of this case. It seems to me to have
23 been fairly straightforward and I was comfortable with what the
24 applicant presented and what the Office of Planning presented
25 within its staff report, and I will support the application.

1 CHAIRMAN HILL: Thank you.

2 Chairman Hood?

3 CHAIRMAN HOOD: I, too, Mr. Chairman, will support the
4 application, and I think one of the things that had highlighted
5 for me was when ANC talked about how the addition is and the
6 character of the neighborhood and it will not disrupt the privacy
7 and light of the neighbors. All of that has been considered --
8 taken into consideration by the applicant in this case, and I
9 think all the prudence necessitates me approving this vote in
10 support. Thank you.

11 CHAIRMAN HILL: Thank you.

12 Vice Chair John.

13 VICE CHAIR JOHN: Thank you, Mr. Chairman. I have
14 nothing to add. I believe as everyone has said so far that the
15 application meets the criteria for relief, and I will be voting
16 in support.

17 CHAIRMAN HILL: Great. Thank you.

18 All right. I'll go ahead and make a motion to approve
19 Application No. 20907 as captioned and read by the Secretary and
20 ask for a second? Ms. John?

21 VICE CHAIR JOHN: Second.

22 CHAIRMAN HILL: The motion has been made and seconded.
23 Mr. Moy, take a roll call, please.

24 MR. MOY: When I call your name, if you please respond
25 to the motion made by Chairman Hill to approve the application

1 for the relief requested. The motion to approve was seconded by
2 Vice Chair John.

3 Mr. Smith?

4 MR. SMITH: Yes.

5 MR. MOY: Zoning Commission Chair, Anthony Hood?

6 CHAIRMAN HOOD: Yes.

7 MR. MOY: Vice Chair John?

8 VICE CHAIR JOHN: Yes.

9 MR. MOY: Chairman Hill?

10 CHAIRMAN HILL: Yes.

11 MR. MOY: We have no other Board Members. Staff would
12 record the vote as 4-0-1 and this is on the motion made by
13 Chairman Hill to approve. Motion to approve was seconded by Vice
14 Chair John who also voted to approve, as well as approval from
15 -- voting to approve from Mr. Smith, Zoning Commission Chair
16 Anthony Hood, Vice Chair John, and Chairman Hill.

17 Motion carried, sir, 4-0-1.

18 CHAIRMAN HILL: All right. Thank you, Mr. Moy.

19 Okay. All right, everybody. Let's just take a break.
20 Take a look at the filings in that previous case and then let's
21 come back to hear thoughts, and let's just, I mean, if we can
22 come back in like 10 minutes, that would be great. Okay? Thank
23 you. Bye.

24 (Whereupon, there was a brief recess.)

25 CHAIRMAN HILL: Okay. Mr. Moy, if you are there, if

1 | you could call us back for that previous meeting that we spoke
2 | about, a hearing.

3 | MR. MOY: Yes, sir. Thank you.

4 | After a quick recess, the Board has returned to its
5 | public hearing session and the time is at or about 10:54 a.m.

6 | So after hearing -- after calling the case earlier this
7 | morning, I think -- I believe it was the third case in the
8 | morning, The Board's returning to Application No. 20906 of K-I-
9 | P-U, LLC, and I'm not going to restate the relief that's being
10 | requested, but remind the Board that there's a request for party
11 | status, as well as, Mr. Chairman, we have two individuals signed
12 | up to testify today in opposition. So that's all I have.

13 | CHAIRMAN HILL: Okay. Thank you.

14 | All right. Ms. Wilson, can you hear me? And could you
15 | reintroduce yourself for the record, please?

16 | MS. WILSON: Yes, I'm Alex Wilson from Sullivan and
17 | Barros on behalf of the applicant in this case.

18 | CHAIRMAN HILL: Okay, great. And let me see if I can
19 | find -- Ms. Boulay, if you're there, could you reintroduce
20 | yourself for the record, please?

21 | MS. BOUTELLE: I am Dawn Boutelle, and I am a neighbor,
22 | 1247 Morse. One house away from the property in question and
23 | the closest neighbor that lives there.

24 | CHAIRMAN HILL: Thanks, Ms. Boutelle.

25 | Okay. Just so you guys know, we're not going to be --

1 well, I'll see if my fellow Board Members have any issues or
2 questions. I don't. I have an opportunity to kind of read the
3 record, and so we're going to talk about the preliminary matters,
4 and it's not something that we're going to ask anything of the
5 applicant or the party status person, unless we have any
6 questions.

7 So I have had an opportunity to read through the request
8 for party status, as well as the applicant's response to the
9 party status, as well as all the letters in opposition.

10 We have waived the requirement to allow items into the
11 record within the 24-hour period, so that we could take a look
12 at things, and I'm fine with that. I'm fine that that is what
13 we did do.

14 In terms of party status requests, I believe that under
15 the requirements of Y-404.1, I think that, basically, the party
16 status should have been filed 14 days prior to the hearing, and
17 I think that it does actually harm the applicant to have something
18 at this short time put forward in terms of party status, and I
19 don't necessarily think they're uniquely affected. I think that
20 the issues that are being raised concerning the character of the
21 neighborhood are issues that are more in line with the general
22 interest of the neighborhood and its surrounding area.

23 I do see that the ANC has put forward their information
24 in terms of what we are to give great weight to, and I see that
25 the ANC Commissioner is here, so I think that the Board will have

1 an opportunity to hear from the Commissioner as a party, and then
2 also, all of those that are wishing to testify will have an
3 opportunity to testify in as members of the public.

4 I think that this case actually is one that we'll be
5 taking a pretty good look at, because of all of the interests
6 that is put forward and also the nature of the request that's
7 being -- the relief that's being requested.

8 So I'm not comfortable with the party status at this
9 time. However, the applicant, again -- or, I'm sorry, the person
10 requesting party status will be able to testify as a member of
11 the public and I think that the Board will be able to get all of
12 the information, as I do think that (A) it prejudices the
13 applicant for being such a short time in terms of the request
14 for party status, and that (B) I don't think that they're as
15 uniquely affected as the rest of the neighborhood, based upon
16 what has been put forth in the record.

17 I will ask my other Members of the Board what they think,
18 and I'll start with Mr. Smith, if I could.

19 MR. SMITH: I agree with your assessment on this
20 particular case regarding the party status request. I do believe
21 it would prejudice -- I think -- well, I'll leave it at that. I
22 do agree with your assessment on this case and will not support
23 the party status request.

24 CHAIRMAN HILL: Okay. Let's see, Commissioner -- I'm
25 sorry, Chairman Hood.

1 CHAIRMAN HOOD: I would -- what I've heard thus far, I
2 think at least what's written in the request, that the party
3 status to me does not pass the test and it doesn't get me over
4 the hill. I've tried to figure it out. The uniquely affected,
5 I think, is the main criteria we should look at. I don't see
6 where it's uniquely affected.

7 I hear the proximity, but I don't think uniquely more
8 than anyone else, and I would agree with your assessment, so
9 thank you, and that person will have a chance to testify.

10 Thank you, Mr. Chairman.

11 CHAIRMAN HILL: Vice Chair John.

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

13 I also agree that party status should not be granted,
14 because the applicant -- the requester is not uniquely affected
15 and also the application is not timely, and so it would be
16 prejudicial to the applicant to allow party status at this late
17 stage.

18 CHAIRMAN HILL: Okay.

19 VICE CHAIR JOHN: I will not be in support of the
20 applicant -- of the request for party status.

21 CHAIRMAN HILL: Okay. All right. Then, I'm going to
22 make a motion to deny the request for party status of
23 Ms. Boutelle, if I'm pronouncing that correctly and ask for a
24 second? Ms. John.

25 VICE CHAIR JOHN: Second.

1 CHAIRMAN HILL: The motion's been made and seconded.

2 Mr. Moy, if you can take a roll call and, Ms. Boutelle,
3 I'll come back before I excuse you.

4 Mr. Moy, if you can take a roll call, please.

5 MR. MOY: When I call your name, if you'll please
6 respond to the motion made by Chairman Hill to deny the request
7 for party status. The motion was seconded by Vice Chair John.

8 Zoning Commissioner -- Zoning Commission Chair Anthony
9 Hood?

10 CHAIRMAN HOOD: Yes to the motion.

11 MR. MOY: Mr. Smith?

12 MR. SMITH: Yes to the motion.

13 MR. MOY: Vice Chair John?

14 VICE CHAIR JOHN: Yes.

15 MR. MOY: Chairman Hill?

16 CHAIRMAN HILL: Yes, to the motion.

17 MR. MOY: We have no other Board Member.

18 Staff would record the vote as 4-0-1, and this is on
19 the motion made by Chairman Hill to deny the request for party
20 status. The motion was seconded by Vice Chair John, who also
21 voted to deny, as well as denial vote from Mr. Smith, Zoning
22 Commission Chair Anthony Hood, of course, Vice Chair John, and
23 Chairman Hill. Thank you, sir.

24 CHAIRMAN HILL: Okay. Ms. Boutelle, can you hear me?

25 MS. BOUTELLE: I can and thank you. I appreciate the

1 consideration and I will just testify as a regular public citizen.

2 CHAIRMAN HILL: Okay. And as you know, Ms. Boutelle,
3 now you can go ahead and watch, because the Commissioner is here
4 with you as well and can fill us in a little bit how the ANC
5 meeting has been going and how the community outreach has been
6 going.

7 So with that, I will excuse you, Ms. Boutelle, and see
8 you during the public hearing portion.

9 MS. BOUTELLE: Okay, great. Thank you.

10 CHAIRMAN HILL: Thank you, Ms. Boutelle.

11 Mr. Young, if you would please excuse Ms. Boutelle.

12 Okay. Ms. Wilson, if you could go ahead and walk us
13 through your client's application and why you believe they're
14 meeting the criteria for us to grant the relief being requested.

15 I'm going to put 15 minutes on the clock just so I kind
16 of know where we are, and you can begin whenever you like.

17 Before you do that, however, I'm going to ask the
18 Commissioner -- Commissioner Roblin, can you hear me?

19 COMMISSIONER ROBLIN: Yes.

20 CHAIRMAN HILL: Okay. Commissioner, if you're not
21 using your camera, that's fine. I just want to know, are you
22 not using a camera?

23 COMMISSIONER ROBLIN: Oh, no. I didn't realize it
24 wasn't on. I'm sorry about that.

25 CHAIRMAN HILL: That's all right. Okay, great. Thanks,

1 Commissioner.

2 So, Commissioner, what's going to happen now is the
3 applicant will give its reasoning behind why they believe they're
4 meeting the zoning criteria for us to grant the relief requested.
5 You'll then have -- and then the Office of Planning will give us
6 their information or opinion, and we'll kind of work through this
7 hearing.

8 You'll also then have an opportunity to give your
9 presentation as to why -- just the thoughts again of the ANC,
10 and how the process has been going forward at this point, and
11 then you'll be able to ask questions of everyone, and the Board
12 will be able to ask questions, as well as you, the Commissioner,
13 are an automatic party to this case.

14 Let's see, Ms. Wilson. If you want to go ahead and
15 give your presentation whenever you'd like to begin.

16 MS. WILSON: Great. Thank you so much.

17 I'm also here with Mr. Sadeghi, who is the property
18 owner, and then our architect, Nima Biabani. Sorry, I -- sorry
19 about that. Nima Biabani.

20 Mr. Young, could you please pull up the presentation?
21 Thank you.

22 CHAIRMAN HILL: Do you have -- is your presentation
23 in the record somewhere?

24 MS. WILSON: It should be. Yes. Let me find its
25 exact location.

1 CHAIRMAN HILL: I think it's 24. It's 24, if I'm not
2 mistaken. Okay, I got it. Okay. Go ahead, Ms. Wilson. You
3 can begin whenever you'd like.

4 MS. WILSON: Okay, great. And I'll try to, you know,
5 respond a little bit to some of the comments I've just read, and
6 of course, the ANC report was filed yesterday, so we did have an
7 opportunity to review that more thoroughly.

8 Mr. Young, could you please go to the next slide?
9 Thank you.

10 The property is located in the RF-1 zone and it's
11 improved with a two-story, single-family row dwelling.

12 In this case, the applicant is proposing to maintain
13 the existing building, construct a third-story addition, a three-
14 story addition at the rear, and a side addition.

15 As part of the project, the applicant also seeks to
16 convert the building from one unit to three units. There is no
17 cellar level existing nor proposed, so each unit will be on its
18 own level, and each unit is a three-bedroom family-sized unit.
19 The applicant is also providing two parking spaces.

20 Since we are maintaining the existing building
21 footprint, we need relief to extend the building to the lot line,
22 as there is an existing 6-foot and 9-inch side yard and so we
23 would be required to maintain at least a 5-foot side yard. And
24 so we are proposing to extend the building to the east, which is
25 the left side of this rendering.

1 As part of that extension, we are extending the cornice
2 and architectural elements to that side edition, which requires
3 relief. We are also proposing an internal closed court for
4 windows so that they will not face the neighbor to the side, and
5 all of this requires special exception review under the light,
6 air, and privacy test, as does the relief for the 10-foot rule.

7 We are proposing to go an additional 5-feet past the
8 neighboring building to the west, which is shown in red or to
9 the right there. It's attached to the subject property or subject
10 building.

11 The neighbor to the east still has a side yard and so
12 there should be some separation there, about 8-feet, that is
13 maintained, and finally, we are seeking relief to convert the
14 building to three units.

15 Next slide, please.

16 In terms of community outreach, the applicant attended
17 four different meetings: one with the Zoning and Development
18 Committee; one with the Committee as a whole. There is an in-
19 person SMD meeting, and on Monday the full ANC meeting. OP is
20 recommending approval, and DDOT has no objection.

21 Next slide, please.

22 This is the subject property in green. As I mentioned,
23 it is attached to that property to the west at 1249 Morse, and
24 that property is the one which we are seeking to go 5-feet past
25 at the rear.

1 Next slide, please.

2 So, while we have a good view of the property, I'll try
3 to respond to some of the general comments we've heard in the
4 ANC report and in the letters and SMD comments.

5 The main takeaway from the ANC and community comments
6 is that we didn't do enough work on the design and we're
7 uncompromising, and there are suggestions that there is a
8 workable solution that we are missing here. And so the
9 alternative proposed by the ANC is to either do something else
10 that might not provide as much housing. Specifically, the SMD
11 comments suggested only two units, or there's a suggestion to do
12 a new accessory building and put a third unit in there. That
13 requires variance relief, I believe.

14 I don't know if the Board remembers the other case on
15 1117 Morse. We proposed a third unit in an accessory building,
16 and then after waiting about 18 months, OEG actually made --
17 required that we go back to the Board and revisit how we were
18 incorporating that third principal dwelling unit into the
19 accessory building. It couldn't be an independent unit. It
20 actually had to be part of one of the principal units in the
21 building, so it was just effectively bonus space for a unit.

22 It was a very complicated case and so doing a separate
23 principal dwelling unit in a new accessory building is not
24 permitted within the zoning regulations, and so that's why we
25 didn't contemplate that option. I'm sorry, if that wasn't

1 clarified to the ANC.

2 I actually had specific conversations with Mr. Kevin
3 Horrigan, who is part of the Zoning Committee about this specific
4 option, and I tried to make it clear that it's just not a viable
5 option under the Zoning regulations. It's not permitted via
6 special exception and all the relief we are seeking today is
7 permitted via special exception.

8 And so, in terms of contemplating all other options,
9 you know, we advise clients based on their experience,
10 specifically, what's a reasonable request for a relief within the
11 zoning regulations, or what could be done by right and this is
12 an RF zone. It's a Row District and in this case, by-right option
13 would be to, say, raze the building and then they would be free
14 to do any design and really any building configuration within the
15 zoning regulations, and that would include building lot line
16 to lot line, if the building were razed.

17 And another alternative could be to build along the
18 eastern lot line, like we're proposing now, next to 1253 Morse,
19 but then leave 5 feet between the adjacent building in the red,
20 so that we're effectively not subject to the 10-foot rule.

21 In that case, we could go all the way back to 60 percent
22 and leave only a 20-foot rear yard, and I am going through this
23 exercise, not as a threat of what we would do if we didn't get
24 the relief, I hope it's not seen that way. This is genuinely
25 what we discuss with clients when we look at the options, and I

1 just wanted to walk through this because, again, there's a lot
2 of suggestions that we didn't do this work and a lot of work goes
3 into these decisions, and, you know there's a trade-off, of
4 course, because the by-right option contemplates two units,
5 because in order to convert to three units, the regulations
6 require preservation and restoration of existing buildings, and
7 in this case, the building is in desperate need of that.

8 In a lot of cases, it is more work and more of a risk
9 to preserve and add to an existing building, rather than start
10 new with new construction, and so that's where that third unit
11 incentive is provided in the regulations. It's a balance.

12 So when Mr. Sadeghi came to us, we walked through these
13 options, and based on our experience, it seemed reasonable to
14 request an additional 5-feet of side yard and 5-feet of rear yard
15 to make this project work under the special-exception regulations
16 and to preserve the existing building.

17 One of the critical things that we discussed in the
18 initial meetings was maintaining the character and architectural
19 elements of the existing house in that side-yard provision and
20 request, and we've seen issues with the architectural element
21 cases and extensions that are more modern and don't match the
22 existing building.

23 In the ANC report, I believe it notes their
24 appreciation of maintaining the architectural elements, and,
25 further, the design was vetted by OP's Design Division, and we

1 worked with them on the window pattern.

2 Our goal is to preserve the existing design while
3 providing additional housing with minimal disruption to the
4 existing building.

5 Now, we are not digging down to do a cellar level and
6 there is only minimal relief with respect to the side and rear
7 additions; 5-feet each compared to a by-right footprint, and
8 these provide legitimate family-size units.

9 So in terms of exploring all options and coming up with
10 the best solution within the regulations and for the
11 neighborhood, we do believe this solution finds the balance
12 within the regulations, rather than razing the building and
13 building, approximately, the same building footprint or larger,
14 but only doing two units, and that goes to the intent of the
15 regulations and then to the use of neighboring properties, as
16 well, for the general special exception criteria.

17 Next slide, please.

18 And this just shows another view of the rear of the
19 property building is 1251 Morse and the adjacent building to the
20 west, which we are attached to up-front is shown there.

21 Next slide, please.

22 So as I mentioned, the floor plans have one-unit per
23 floor. It's the same floor plan on each unit and each unit has
24 three bedrooms.

25 In terms of the impact, if relief were not granted,

1 | there's currently a 6-foot, 9-inch side yard on the property, so
2 | if we didn't get that side-yard relief for the 5-feet and kept
3 | the building, we would effectively lose most of the space to the
4 | right of the bay window in the front.

5 | That extension past the bay window is, approximately,
6 | 8-and-a-half feet, I think, there. So we lose a good amount of
7 | that space there, and if you can imagine all of that space being
8 | cut off, as well as the 5-feet in the rear, it would certainly
9 | result in the loss of at least one bedroom. It would be much
10 | better to work within the existing footprint, and at that point
11 | it would be a legitimate consideration to do two units, because
12 | the loss in space genuinely compromises the size and layout of
13 | each unit.

14 | This isn't a variance case, of course. They did want
15 | to point that out, just, you know, the incentive to maintain the
16 | existing building, which is in pretty bad shape, gets lost to a
17 | certain extent, if we lose this space and that's why you do see
18 | requests for additions, along with these conversions oftentimes.

19 | Next slide, please.

20 | And this just shows the third floor, which is identical
21 | to the first and second floor.

22 | Next slide. Thank you.

23 | These are the elevations. We have more detailed
24 | renderings. And the next slide. Those rear elevations. Next
25 | slide. Side elevation. Next slide. There you go.

1 This is a better view of the front facade proposed.
2 We are going to be extending that existing cornice element and
3 again, the idea was to preserve the existing character in that
4 extension.

5 Next slide, please. That shows a better view of the
6 court there and the window space in, so as not to disrupt the
7 privacy of the neighboring property.

8 Next slide, please. And this shows the rear of the
9 property proposed. Next slide, please.

10 In terms of the general special exception criteria,
11 covered a bit of this. This is a road-dwelling zone. Sorry. A
12 row zone. The RF zones are residential zones, which provide for
13 areas primarily with row-dwellings and the RF zones contemplate
14 for units via special exceptions, subject to the 900 square foot-
15 rule, which we safely meet in this case.

16 And, again, comparing this to a by-right project, the
17 relief allows for the provision of one additional three-bedroom
18 housing unit, five additional feet at the rear, and the retention
19 and extension of the existing architectural cornice and should
20 not impact the use of the neighboring properties.

21 Next slide, please. So these are the Shadow Studies
22 and we did incorporate -- we included Ms. Patel's property at
23 1247, just to show any impacts there. This is the equinox of
24 fall and spring. The additional shade is shown in peach, and of
25 course, the property that we are attached to and subject to the

1 10-foot rule is 1249, and so any shade on that property is gone
2 by the afternoon, and then there's just a little bit of shade on
3 the adjacent property to the east.

4 CHAIRMAN HILL: Ms. Wilson, what did you hear from 1249
5 in terms of your outreach, as well as the neighbor to the other
6 side?

7 MS. WILSON: So we sent notices to them, separate from
8 the notices sent out by OZ, and I don't think we've heard
9 anything. From what I understand, 1249 is vacant and the owner
10 hasn't provided any feedback, so no one is currently living there.

11 Sepehr, have you heard anything from 1253? I thought
12 the last time you checked there was just radio silence there as
13 well.

14 MR. SADEGHI: Unfortunately, I haven't heard from
15 either of their neighbors.

16 CHAIRMAN HILL: Okay. And you reached out,
17 specifically, to both sides, correct?

18 MS. WILSON: Correct.

19 CHAIRMAN HILL: Okay. Okay. Please continue, Ms.
20 Wilson.

21 MS. WILSON: Okay. Thank you.

22 Next slide, please.

23 This shows the summertime, less of an impact and,
24 again, very minimal additional shade compared to 10-feet. The
25 difference is only in 5-feet.

1 Next slide, please. And this shows winter, and any
2 additional shade is effectively gone by the afternoon and in the
3 morning, and at noon, it's very minimal, additional shade.

4 Next slide, please. Thank you.

5 Regarding the side yard, so these specific requirements
6 of E-5201 and 5207 apply to the side yard, the court, the 10-
7 foot rule, and the architectural elements. The architectural
8 elements section is under 5207, but it's the same test: Light,
9 air, privacy, character.

10 Regarding the side yard, the difference between the
11 proposed side-yard addition and the required side yard is only
12 5-feet. The side yard is not a requirement in the RF-1-zone,
13 and if the applicant were to raze the structure and construct a
14 new building, the new building could extend lot line to lot line
15 as a matter-of-right. Similarly, the additional 5-feet at the
16 rear should not unduly impact the light and air available as
17 demonstrated by the Shadow Study.

18 Regarding the court, the applicant is not required to
19 provide a court and the provision of the court will not at all
20 impact the light and air available to the neighboring property
21 to the east and merely provides additional light for the eventual
22 residents, and so the granting of relief here will not impact the
23 light and air available to neighboring properties.

24 In terms of privacy, there are no east or west facing
25 windows proposed and with respect to the character, as this has

1 | been a critical comment.

2 | We discussed this, or I already discussed this a bit,
3 | and there's been a lot of reference to this being a historic
4 | building, and one thing, of course, I'm sure Mr. Sadeghi looked
5 | into before purchasing the property was whether this was historic
6 | and, of course, it's not a landmark. It's not a historic
7 | district, and so this gives us the option to do an addition
8 | without HPRV review, which might require stricter limitations in
9 | the zoning regulations.

10 | In terms of character, we are respecting the nature of
11 | these buildings and this will still appear to be semi-detached
12 | as the neighboring property has a side yard, and that aside, we
13 | are maintaining the character of the building.

14 | The proposal maintains the existing facade, the
15 | critical cornice element on the second floor, including its
16 | design and scale, and it extends it to the new side addition,
17 | maintaining the key architectural features of the building.

18 | To respond to some of the concerns about setting
19 | precedent with respect to character, we know Board decisions
20 | don't do that, but getting into this concept, anyone can demolish
21 | any of these semi-detached buildings on this block and do
22 | effectively whatever design they want within the zoning
23 | regulations, which allows lot line to lot line, two units maximum.

24 | And we know there's a push for more housing in the
25 | District and it's understandable and reasonable to believe that

1 some of these buildings will eventually be purchased and
2 additional housing developed on these sites.

3 And the thought process in terms of character was not
4 one of disruption, but rather setting an example of how to
5 preserve existing character and provide more housing, rather than
6 start off with a raze, which I can imagine other developers doing,
7 and so we are doing as much as can be done to maintain the
8 character of this building, short of not doing any addition and
9 then we wouldn't be here.

10 Next slide, please.

11 In terms of the requirements for the conversion, the
12 building exists and will exist at the time of the permit
13 application. The applicant is proposing three-dwelling units,
14 which requires 2700 square feet of land area, and the property
15 has well over that amount of land area.

16 Next slide, please. Great, thank you. That concludes
17 my presentation, but of course, we're happy to answer any
18 questions.

19 CHAIRMAN HILL: Okay. Before I turn to questions and
20 then also -- I'm going to do the Office of Planning and then
21 questions from the Board and then the presentation of the ANC.

22 Well, actually, let me do this first. Let me think.
23 Actually, Commissioner, if you want to go ahead and give us your
24 testimony and then we can maybe see how we move next.

25 COMMISSIONER ROBLIN: Thank you.

1 So, we had a community meeting with about 20 neighbors
2 and 1251's owner. We had over an hour of discussion between us.
3 The neighbors are adamantly against this project.

4 We were trying to work out some kind of compromise, but
5 the owner absolutely refused to consider any changes at all,
6 because it would cost him too much loss of profit. Every single
7 person in that meeting is extremely, all 20 people, extremely
8 unhappy with this development as it is.

9 Most neighbors in this part of Morse Street are long-
10 time homeowners and have lived in their homes for over there for
11 10, 20, 30, 40 years, and this project will likely end up changing
12 a lot about their neighborhood in a relatively short span of
13 years, because of the amount of precedent it will enable for
14 other developers.

15 I mean, I think that you could really call this
16 development a gentrification starter and this block of Morse
17 Street is pretty pristine about the way that it's been for many
18 years. It really hasn't had this kind of change in a big way,
19 as far as on this block, until now.

20 As our Commission's report says, "The relief requested
21 would substantially intrude on the character, scale, and pattern
22 of the houses there, some of which were built in the 1890s."
23 1251 and the neighboring houses were built in the 1890s.

24 The exceptions expanding both the side and the back
25 would be a serious disaster for the neighborhood. I understand

1 that you're keeping the façade, but the -- it's not -- it's just
2 the precedent would be so bad that the changes would just be
3 really not okay for the community.

4 And I do want to say that we really do appreciate that
5 KIPU is building large three-bedroom units, but we think that
6 only two units can fit in the house in a way that's really good
7 for the community.

8 We don't understand exactly what the problem with
9 putting the ADU in the back is. I didn't quite grasp, because
10 I'm not experienced with the zoning issues at all, but it sounded
11 like you were saying that you would need a variance for that?

12 Well, I just feel like the neighborhood is worth
13 getting a variance. I mean this is really something that's going
14 to make a really big change for people and really not in a good
15 way.

16 I mean, they want \$800 -- you all are asking \$800,000
17 for each unit. That is so far beyond what the average earning
18 level of people in that neighborhood is. It just seems like it
19 is a very disruptive project.

20 Yeah. The court exception will be an issue for fire
21 egress. I don't know if you all can deal with that, but it is
22 an issue. It would be very difficult for people if there was a
23 fire to leave the building, because of that court exception.

24 I'd just like to quote the letter of one of my
25 constituents, Olima Yarullina, who lives behind the building on

1 Florida. She wrote, "If approved, these exceptions would destroy
2 the fabric of my neighborhood and would set a precedent for
3 undesirable architectural practices of building atrocious
4 inflamed structures, which will ultimately over-populate our
5 neighborhood."

6 So, the community and the ANC are asking you to please
7 consider the destruction, the exceptions of the side and the
8 backyards would have on the neighborhood, and ask KIPU to come
9 back with a better plan that cares about the neighborhood more.

10 Thank you.

11 CHAIRMAN HILL: Okay. Thanks, Commissioner. I'll let
12 us kind of work through this together. Commissioner, you're
13 doing a great job.

14 Like, I mean, Zoning is very specific and really what,
15 for everyone that's listening, what they're asking for is special
16 exceptions that are actually within the zoning code, if they meet
17 the criteria that they've outlined during their presentation.

18 For them to actually go for a variance, it'll be
19 very -- whether -- they're not here for a variance anyway, but
20 again, a variance is something that like, it's outside of the
21 zoning regulations, meaning we would have to change -- they have
22 to prove that they need a variance in order to do what they're
23 trying to accomplish, and so -- but that's not why they're here
24 anyway. They're here for a special exception for us, which is
25 why you're seeing all of the different criteria that we're working

1 through and that's also listed within the Office of Planning's
2 report, which we will also hear from in a moment.

3 And I'm going to go and turn it when we get to the
4 Office of Planning, ask the Office of Planning to, again, as
5 Ms. Myers is aware, you know, how I usually ask, if they could
6 walk us through how they reach those criteria when we have members
7 of the public with us in this way, so that it's a little bit
8 easier to understand.

9 Now, that's, again, not to say it's going to work one
10 way or the other, but it's just how the Office of Planning gives
11 their recommendations to the Board.

12 Let's see before I move on and, Commissioner, I'm going
13 to ask you -- you can ask questions also to the applicant and
14 the Office of Planning, as well, but I'm just going to hear from
15 everybody and then we'll have questions, okay?

16 CHAIRMAN HILL: So, go ahead, Ms. Myers, if you wouldn't
17 mind introducing yourself and giving your recommendation -- or
18 the Office of Planning's recommendation, I should say.

19 Hello.

20 MS. MYERS: Hello, Crystal Myers for the Office of
21 Planning. As you know, Office of Planning is recommending
22 approval of this case.

23 We did recommend a condition that there be a privacy
24 fence installed on the western property line to enclose the trash
25 area to minimize potential impacts. We discussed this condition

1 with the applicant, and they were agreeable, and they actually
2 updated their plans to show a note saying that they are going to
3 include a fence, so that has been satisfied.

4 So, as you've requested, I'm going to go through the
5 report and explain how Office of Planning got to the conclusion
6 of approval.

7 When looking at the relief for the court, the rear
8 extension, and the side yard, we looked at the light and air,
9 the privacy impact, and how it fits in with the character of the
10 neighborhood, and we also look at the general special exception
11 requirements, which target us to looking at the more specific
12 ones that I had just mentioned, so the way it looks -- we look
13 at it is if they comply with the specific recommendations, I'm
14 thinking, then they do generally pretty much comply with the
15 general recommendation that there will be no -- it will be in
16 harmony with the general purpose and intent of the regulations
17 and will not adversely affect the neighboring property.

18 So again, we look at the specific criteria to get a
19 better sense of, you know, how that complies. So when we look
20 at this, the light and air, the applicant's provided a Shadow
21 Study, which the applicant discussed.

22 We are looking at whether or not the Shadow Study shows
23 any impacts that are to undue levels to the neighboring
24 properties. We did not see there being an undue impact when
25 compared to what could be done as a by-right project, so we've

1 concluded that it satisfies that criteria when it comes to air,
2 because we are looking at a side yard being filled.

3 Then when it comes to the air situation, we thought
4 that there would be sufficient airflow between the properties,
5 because the property on the other side actually has their own
6 side yard, so there would be sufficient airflow on that side.

7 When it comes to the privacy of use and enjoyment of
8 the neighboring properties, neither neighbor should be impacted.
9 The addition would have no windows facing either neighbor, and
10 as has been discussed with the Court, it actually allows for the
11 new windows to not be facing the neighbor on the other side.

12 So that eliminates the concern for privacy because we
13 will look at, you know, other windows facing the neighboring
14 property. In this case, there would not be.

15 As I mentioned earlier, we had some concerns about the
16 trash area, which is why we recommended a condition.

17 The proposal includes the trash area in the western
18 corner of the rear yard, along the alley, which is where the
19 existing dumpsters are currently located, and today there is a
20 fence there, but it wasn't clear from the plans earlier if that
21 would be maintained, so that has now been clarified. There will
22 be a fence there.

23 So for reducing potential impacts when it comes to the
24 trash area, the fencing should eliminate that concern, and when
25 it comes to the character of the neighborhood, whether or not the

1 addition would disturb the visual character from the alley or
2 would there be any impacts coming from the street, we have
3 concluded that there should not be undue impacts. The addition
4 would not substantially, visually intrude on the street or alley.

5 Along the street, the proposal would turn the semi-
6 detached building, as we've all discussed -- it would turn the
7 semi-attached building into an attached building by expanding it
8 to the eastern lot line, but as an attached building, it would
9 be in character with the surrounding area, which has a mix of
10 semi-detached and detached residential buildings and attached
11 residential buildings.

12 So when looking at it from that perspective, it should
13 not be out of character. It would be -- at three-stories, the
14 building would be taller than the closest neighboring buildings,
15 but there are other three-story buildings further up and down the
16 street.

17 So, again, this should not be, significantly, I guess
18 -- if an impacted, it should not be undue impact because of this,
19 and then when looking at the renderings that the applicant showed,
20 the coloring, the materials they're using, would make it kind of
21 in-keeping with the area.

22 And when it comes to the extension of the cornice, that
23 actually helps it -- the addition stay or maintain compatibility
24 with the area, because it would also have -- the cornice would
25 go along the whole front side, which is a feature that is a

1 distinctive feature for the other houses adjacent to it.

2 And then when looking at the next section of relief,
3 we look at the roof-top element alteration, so again, looking at
4 the cornice extension. We felt that it met the general criteria
5 for that, which was that it would -- the regulations intend for
6 the architectural feature, original to the building, to be
7 preserved to maintain the architectural integrity of the row
8 buildings, and then with granting this relief, the cornice to be
9 extended, it's maintained that integrity, because that feature
10 is still being maintained.

11 And then when looking at impact to the neighboring
12 properties, it should not adversely impact them, because it would
13 comply with the general -- the more specific criteria for an
14 alteration's impact on the neighboring properties, and a lot of
15 it is similar to what I discussed earlier.

16 There should be no light or air impacts for extending
17 the cornice. The privacy of use and enjoyment. Again, there
18 should be no privacy impact, because they extended the cornice,
19 and then with neighboring properties when it comes to the
20 character of the neighborhood, extending the cornice should
21 actually help maintain the character of the neighborhood, because
22 it isn't a key feature that has been maintained on the property.

23 And then when looking at the residential, the
24 conversion itself, so there is this special exception criteria
25 to increase the number of units to three units and they are

1 meeting that criteria.

2 One big one is that they have enough square footage
3 area of the property, and they are. They need about 900 square
4 feet for each unit, and they exceed that, so they have enough
5 space for three units. They have more than that.

6 When it comes to looking at -- let's see -- proposed
7 structural. Yeah, so it meets the time frame that you need to
8 do it. The building is sufficiently old enough to do it. You
9 have to have a lot -- I mean, that's been around prior to 1958.
10 They have that.

11 We didn't see any concerns when it came to the building
12 permits. The building had it's - has already -- the building
13 proposed for conversion and expansion currently exists on the
14 property and will the property -- will still be on the property
15 when the Department of Building accepts the building permit.

16 So that's one of the criteria is just making sure that
17 this building has been around, prior to May 12th, 1958, and the
18 Department of Buildings will accept the building permit
19 application as complete, and so, you know, it met all the
20 criteria.

21 I mean a key thing that we've already discussed
22 earlier, except that this is not a historic district. So, you
23 know, it's just looking at what are the special exception
24 criteria?

25 Do they meet it? And we came to the conclusion that

1 | they do and we did, you know, ask for the condition for the fence,
2 | but otherwise felt that it was all -- it all complied and now
3 | that the applicant has provided the fencing, the Office of
4 | Planning has nothing else of a concern and feel they've met their
5 | requirements on this. And that's all I have, but of course, I'm
6 | here for questions.

7 | CHAIRMAN HILL: Okay. Thank you, Ms. Myers. It looks
8 | like I lost the applicant.

9 | Did Ms. Wilson drop off? Oh, there's Ms. Wilson. Okay.
10 | I think Ms. Wilson froze. Okay.

11 | Ms. Wilson, where's the fence that the Office of
12 | Planning is speaking of?

13 | MS. WILSON: It around the entire property.

14 | CHAIRMAN HILL: And when you say "around the entire
15 | property," what does that mean?

16 | MS. WILSON: In the rear yard, it's around both side
17 | lot lines.

18 | CHAIRMAN HILL: Okay. And how far back does it go?

19 | MS. WILSON: Nima can confirm, but I believe it goes
20 | all the way to the rear, correct? Or, Sepehr can confirm.

21 | MR. SADEGHI: That is correct. It goes all the way to
22 | the alleyway. Yeah.

23 | CHAIRMAN HILL: Okay. Were you guys not proposing a
24 | fence at one point or --

25 | MS. WILSON: I believe it was where the Office of

1 Planning just wanted it noted on the plat and plans.

2 CHAIRMAN HILL: Okay. Okay. Okay. And then before I
3 forget, so are these rentals or are these being -- I'm just
4 curious. Are these rentals or are these being sold?

5 MR. BIABANI: They're going to be sold as condos.

6 CHAIRMAN HILL: Okay. I ask that because it seems like
7 a pretty basic design. Like it's not, you know, in order to get
8 your three bedrooms, it seems, again, very conservative, and so,
9 I say that, because it's not -- we've seen designs that push the
10 envelope a little bit differently, and so I think it's a
11 conservative design, and that's not saying it's good or bad, but
12 just making notes.

13 Okay. Let's see. First, let me turn to my fellow
14 Board Members. Who would you like to ask questions of? And if
15 you would raise your hand first.

16 Chairman Hood.

17 CHAIRMAN HOOD: I guess I would ask Ms. Wilson and I'm
18 trying -- or either the Office of Planning or Ms. Myers, I'm not
19 sure. I'm trying to reconcile what the ANC has mentioned,
20 Commissioner Roblin, and what they've mentioned in their report
21 versus when I read -- let me back up.

22 Ms. Myers, has the fire department, and I didn't see
23 it in your report, or if it was in there, I missed it. Have they
24 weighed in, or do they typically weigh in on any of these cases?
25 I'm not sure. I get mixed up sometimes.

1 MS. MYERS: They typically don't. I know that the
2 concern about fire was brought up in the ANC letter, but that
3 would also be something, like, they have to comply with building
4 code, and then, of course, when they go through the permitting
5 process. So if there were some concerns or issues, that would
6 be brought up during that time. But for this, you know, special
7 exception relief, that's not a criteria that we particularly
8 review as much.

9 It's more about, you know, the neighboring properties
10 that are complying with those specific criteria, but we rely on
11 the building code and the permitting process to make sure that
12 this building meets fire code requirements.

13 CHAIRMAN HOOD: Okay, thank you, Ms. Myers. And which
14 we do the exact opposite. So maybe that's why I get confused
15 whenever I'm sitting here or on the Zoning Commission.

16 So, yeah, I will tell you that, it was my concern. I
17 wanted to go into that, but if the BCA relies on the building
18 code, I will withdraw my comments.

19 Commissioner Roblin, that'll take away some of my
20 questions. Commissioner Roblin, let me add that in the ANC
21 report, it says that we support this, and we support that, so I
22 see only two issues, and most of them are dealing with the side
23 yard and the set-back. Is that a correct assessment?

24 COMMISSIONER ROBLIN: Yeah, in back and the side yard,
25 because of the precedent issue.

1 CHAIRMAN HOOD: Because of the precedent issue, okay.
2 All right. I don't have any other questions, Mr. Chairman. Thank
3 you.

4 COMMISSIONER ROBLIN: Maybe I'm missing something. It
5 was more than just the precedent issue, because I don't have a
6 good understanding of zoning issues, but the precedent issue will
7 cause the neighbor to go 10-foot further back. Then anyone else
8 could go 10-foot further back. Then they can go further back
9 and further back, and just the prices are out of the range of
10 people in Trinidad

11 CHAIRMAN HOOD: So, I appreciate that Commissioner
12 Roblin. I share the concern. I helped write the rule about the
13 10-foot issue, which sometimes gets waived, and I'm still
14 grappling with that, because I also share that concern, but that's
15 a reality, but I think there's some development standards, which
16 the Board goes by, and I'm sure that's what we look to.

17 So I didn't want you to think I was just mentioning
18 that on the precedent's issue. It's just, I wanted to know if
19 there was any other issues, and I hear your concerns, but those
20 concerns are concerns that I had starting off, but I had to learn
21 to compromise, and I do know that the 10-foot rule is a major
22 issue in the city, and the city is still grappling with it,
23 including me, and I helped write the rule. So anyway, I'll leave
24 it at that.

25 Thank you, Commissioner. I appreciate it. Thank you,

1 Mr. Chairman.

2 COMMISSIONER ROBLIN: Thank you.

3 CHAIRMAN HILL: Thank you. Thank you, Chairman Hood.
4 Okay. Anyone else with questions at this point? And then I'm
5 going to ask the Commissioner.

6 Go ahead, Vice Chair John.

7 VICE CHAIR JOHN: Okay. I have a question of the
8 applicant, which is not really related to the relief, but just
9 from my understanding of your thoughts of the applicant's thought
10 process.

11 So, I believe you mentioned that there is - that you
12 had the option to dig down, to create more space, but elected
13 not to do that, and so my question is, is there a cellar that
14 would be used for storage or something like that?

15 MS. WILSON: Sepehr, I don't know if you want to answer
16 this. There's confirmed there's no cellar level, right?

17 MR. SADEGHI: Correct. There's no cellar level.

18 VICE CHAIR JOHN: Okay. Thank you.

19 CHAIRMAN HILL: Anyone else? Commissioner, do you have
20 any questions for anybody?

21 COMMISSIONER ROBLIN: Well, I do want to mention that
22 there was -- there appeared to be some work being done. An
23 inspector was called and there was a stop work order issued
24 earlier, and so I just wanted to add that in, because nobody
25 mentioned that, but I don't -- unfortunately, I'm not

1 knowledgeable enough to have questions right now.

2 CHAIRMAN HILL: No, that's all right.

3 Commissioner, you're doing a good job. Like, this is
4 all we ask of the ANC. Like, some, you know -- I mean --

5 COMMISSIONER ROBLIN: Thank you.

6 CHAIRMAN HILL: -- they're here. You're here, you're
7 giving your testimony as, you know, you're SMD and ANC and
8 community member, and we're parsing out what is zoning versus
9 what is non-zoning issues, and regardless of whether there's
10 zoning or non-zoning issues, we are hearing from the ANC and the
11 community to try to figure it out.

12 So, you don't have to worry about, you know, what, you
13 know, you just get to ask any questions you want, and as far as
14 the stop work order, Ms. Wilson, you guys aren't doing any work
15 on it right now, correct?

16 MS. WILSON: No, not at all.

17 CHAIRMAN HILL: Okay. All right. Let me do this. Let
18 me see, if I could just take a few minutes. I'll just take a
19 really quick break and we'll come back and take public testimony,
20 okay. One moment.

21 (Whereupon, there was a brief recess.)

22 CHAIRMAN HILL: Let's see. Mr. Young, if you want to
23 go ahead and please allow the parties in for testimony and maybe
24 we, you know, how many do you have, Ms. Young?

25 MR. YOUNG: Three people.

1 CHAIRMAN HILL: Okay. Well, let's bring them all in
2 then, if you can just give me their names.

3 MR. YOUNG: That's Ms. Boutelle, Ms. Arnold. It looks
4 like the third one dropped off. I'll check with staff and have
5 them reach out to her.

6 CHAIRMAN HILL: Okay, great.

7 Ms. Boutelle, can you hear me?

8 MS. BOUTELLE: Yes, I can.

9 CHAIRMAN HILL: Okay, great. If you could re-
10 introduce yourself for the record, please, and then you'll have
11 three minutes to give your testimony, and you can begin whenever
12 you'd like.

13 MS. BOUTELLE: Okay, great.

14 Hi. My name is Dawn Boutelle. I am a neighbor at
15 1247 Morse Street. I am the closest neighbor. I'd like to thank
16 the Board for giving me this opportunity to speak.

17 CHAIRMAN HILL: Okay. Please go ahead whenever you
18 like.

19 MS. BOUTELLE: Okay. I'm at 1247. The two neighboring
20 properties is 1253 and 1249. Both of those properties are vacant,
21 and they have been vacant for more than three years. 1249 is on
22 the market and 1253 has talked about selling.

23 So, you know, for me I look at this property as a
24 property that will set the stage of what the adjoining properties
25 will or could do, and my guess is that both of those properties

1 are kind of watching to see what will happen with this property.

2 Our lots are very deep, which makes them very inviting
3 for development and very inviting for over-development.

4 1251 is looking to extend 10-feet or 15-feet, if
5 they're granted the exception, past the adjoining building, which
6 is 1249, and 1249 already has a 10-foot extension past the
7 original home, so they would then be going 25-feet past the
8 original home, which I'm only pointing out, because the neighbor
9 on the other side has not extended, so the 20 -- they wouldn't
10 be only 10-feet past the neighbor on the other side.

11 Okay. So let me try this again. 1249 is on one side
12 and they would only go 10 to 15 feet past that one, and on the
13 other side is 1253, but they would be extending 25-feet past that
14 building.

15 So I know that this whole 10-foot rule, and I don't
16 know if there's any kind of exception that, you know, allows for
17 the idea that, yeah, they would be going 10-feet past one side,
18 but then it would end up being 25-feet past the other side.

19 I know that the Office of Planning does not think that
20 these changes would make a difference to the neighborhood, but
21 there is a cluster of these duplexes on Morse and then on the
22 backside on Florida, and those houses have been like that since
23 they were built in the 1890s, and so it would vastly impact the
24 look and feel of the neighborhood if this was allowed to go
25 forward.

1 And as far as like meeting, I am all for having more
2 housing options in the District, but this is not affordable
3 housing, so you know, we're not talking about, you know, providing
4 affordable housing here. We're just talking about providing some
5 more housing and we already have plenty of vacant housing in the
6 neighborhood as it is.

7 Oh, I'm running out of time.

8 CHAIRMAN HILL: That's all right.

9 MS. BOUTELLE: I have enjoyed over 15 years in this
10 neighborhood, and I really care about the fabric of the
11 neighborhood. I am thankful that the developer is coming in and
12 updating this house, but the plan as it is now with the side
13 yard, I really would like the Board to oppose the side-yard
14 addition. Okay, I'm out of time.

15 CHAIRMAN HILL: That's okay, Ms. Boutelle.

16 All right. Let's see. Oh, Ms. Arnold. Can you hear
17 me?

18 MS. ARNOLD: Yes, I can. Can you hear me?

19 CHAIRMAN HILL: Yes. Could you introduce yourself for
20 the record and then also give us your testimony?

21 MS. ARNOLD: Sure. My name is Cynthia Arnold.

22 I am a resident at 1208 Neal Street, N.E. I'm in the
23 block above Morse Street, and I've been a resident in the
24 community for 35 years. I submitted a letter of opposition, but
25 I believe I missed the 24-hour period, so I don't know if it's

1 | been accepted, or I should say an email, but in case --

2 | CHAIRMAN HILL: Go ahead and give us your testimony,
3 | and then I'll take a look at the record.

4 | MS. ARNOLD: Okay. And so, in essence, I'm trying to
5 | submit an application for historical designation for the Trinidad
6 | neighborhood. There's been some significant development and a
7 | loss of some houses of historical significance, including the
8 | house that Bishop Smallwood Williams created, owned as first
9 | African American to move into a segregated neighborhood of
10 | Trinidad and to defy the segregated schools in sending his child
11 | to Wheatley Elementary School, as well as we've lost the house
12 | where the Lovings, who actually defied the -- defied the 14th
13 | Amendment of Equal Protection and overturned the ruling that
14 | there could be no interracial marriages. And I listed that --
15 | those two houses in my letter of opposition, as support for why
16 | this historical character, historical significance is eroding and
17 | evaporating from our neighborhood, because we don't have any
18 | statute of what we want to come in and what we want to be
19 | redeveloped.

20 | Getting back to the house in question, 1251.

21 | 1251 sits in sort of this set of 10 homes that are
22 | duplexes with side yards and deep backyards. And the current
23 | development requests the use of the side yard for 5-feet, which
24 | in this case sits sort of in the middle of these 10 houses. So
25 | in terms of really disrupting the historical, and character, and

1 the architect's intent, it was not meant to be a row-house design,
2 and the current design creating the window well will create a
3 fire egress, because it will essentially be a row house with a
4 well and two windows facing each other and the occupants would
5 not be able to move, get out of the house or the window well,
6 for if there's a fire, but again, you guys don't look at building
7 codes. I understand that, but that is a point of contention
8 here.

9 But my proposal and opposition is that it will change
10 the appearance and the historical charm of the set of 10 houses
11 that were developed as duplexes with a side yard and extended
12 backyard.

13 The 1200 block of Neal Street and Morse Street,
14 historically, had like working mini farms. They supported the
15 food markets that were located on 8th street and Florida Avenue
16 market, that's now known as Union Market.

17 The alleys were working alleys, and we still have some
18 representative carriage houses, and the developer could redesign
19 his proposed development to not create a window well, but stay
20 within that footprint of the house. And what I noticed in the
21 presentation by the attorney is that you didn't get the existing
22 floor plan, which shows a three-bedroom house with one bath, and
23 I think you're on point when you said that his design was very
24 conservative, but it's -- it's --

25 Anyway, with that in mind, I feel that the developer

1 could redesign his proposed development to not create a window
2 well, recapture that space into his design, maintain a 5-foot
3 side yard, and go back the 10 feet that he's allowed.

4 This would allow congruence with a streetscape and
5 historical charm, preservation, and look of these houses as they
6 are now, as well as not disrupt the landscape architecture and
7 the design intent of the original architects of these homes.
8 Another reason why historical designation of Trinidad is sorely
9 needed. That's all I have, sir.

10 Thank you.

11 CHAIRMAN HILL: Okay. Thanks, Ms. Arnold.
12 Yeah, Ms. Arnold, your testimony is in the record.

13 MS. ARNOLD: Okay.

14 CHAIRMAN HILL: I appreciate it for, if nothing else,
15 how very interesting it is, and I've learned something new about
16 the Loving case.

17 All right. Let's see. Okay. Does the Board have
18 any questions for either members of the public who have given
19 testimony?

20 Okay. Let's see. Ms. Boutelle, can you hear me?

21 MS. BOUTELLE: Yes, sir.

22 CHAIRMAN HILL: Yeah. I understand a little bit more
23 about your concern about what may happen to that other property
24 now.

25 The one -- what's the number that's right next to

1 | yours again?

2 | MS. BOUTELLE: 1249 is between me and the property in
3 | question.

4 | CHAIRMAN HILL: Can you tell me the address again?
5 | I'm sorry.

6 | MS. BOUTELLE: 1249.

7 | CHAIRMAN HILL: 1249, okay. All right. Okay.

8 | Okay. All right. Mr. Young, if you could please
9 | excuse the witnesses.

10 | MS BOUTELLE: Thank you.

11 | CHAIRMAN HILL: Thank you.

12 | Okay, let's see. Ms. Wilson -- well, first of all,
13 | does the Board have anything else for anybody?

14 | CHAIRMAN HOOD: Mr. Chairman, right quick, and I'm
15 | not sure if the Board -- it would give me a better comfort level
16 | if I hear from the fire department. I know you all don't do
17 | that, but I think you should, and I'll just leave -- I'll throw
18 | that out there for the other members to opine on it, if they
19 | choose.

20 | CHAIRMAN HILL: Okay. I mean, I don't -- I don't know
21 | -- I don't mind asking, or waiting, or whatever you want to see.
22 | I don't know how long that takes, Chairman Hood. I know that in
23 | the past for us, and you know that it's different from where you
24 | guys sit, we do rely on the building code stuff.

25 | That's like --- that's something that if the fire

1 department says that they can't do it, they can't do it, but I
2 don't know. I might just want to take a pause anyway, but the
3 question that I had for the Office of Planning really was -- and
4 this where I also somehow get a little -- I know that the Office
5 of Planning cannot -- well, I'm going to ask you to opine about
6 something.

7 So, again, Ms. Myers, are you there? There you go.

8 MS. MYERS: Yes, I'm here.

9 CHAIRMAN HILL: Right. So, 1249, again, right. So,
10 12 -- I always get a little confused about the 10-foot rule. So
11 right, 1240 -- 1251 is asking to go back 5-feet more than the
12 10-feet rule, which as my Board knows is not a lot going back
13 from what we normally find, right?

14 And depending upon the depth of the lots, in this
15 case, it is quite a deep Lot. I mean what the Zoning Commission
16 did a while back was because people were going out and filling
17 out the lot occupancy, which could be 60 percent or whatever it
18 was, right, and that's how far back they were going, and that's
19 how the Zoning Commission got to where the Zoning Commission was,
20 and I know we got Chairman Hood with us, and I know his quandary
21 with the 10-foot rule, right, but again, just so my clarification
22 is right.

23 So, at 1251, if they go back to 15-feet, then 1249
24 can go back 10-feet past that by-right, correct?

25 VICE CHAIR JOHN: I think so.

1 CHAIRMAN HILL: I'm saying, Ms. Myers.

2 MS. MYERS: Yes. Yes. Yeah.

3 CHAIRMAN HILL: Okay. Yeah, just checking, okay.

4 All right. Okay.

5 Does anybody got anything else for anybody before I
6 ask Ms. Wilson if she has anything in rebuttal?

7 Ms. John?

8 VICE CHAIR JOHN: Thank you, Chairman.

9 So I know Chairman Hood asked to hear from the fire
10 department, but since the architect is here, maybe he could just
11 walk us through what the exit routes would be for, say, the
12 apartment shown on A-102.

13 If Mr. Young could put that slide back up. I think
14 either A-1 -- I think, A-102, or A-101. They both show the court
15 and just for informational purposes.

16 MS. WILSON: Either Sepehr or Nima, whoever wants to
17 take that one.

18 CHAIRMAN HILL: Mr. Young, you want to pull up --
19 it's in the slide deck.

20 VICE CHAIR JOHN: Yeah, it's in the presentation.

21 CHAIRMAN HILL: It's in the presentation and it was
22 like the 1, 2 -- 1, 2, 3, 4, 5. It looks like the 6th or 7th
23 slide.

24 MR. SADEGHI: On page A-102.

25 Okay. So technically, for the bedrooms in the back,

1 we have direct access to the balcony in the back and we definitely
2 don't have any issue there for the fire. The only thing that I
3 think is a concern is the bedroom in the middle, which opens to
4 the well-light of the building, which the window size is
5 acceptable for fire code to, you know, in case of emergency and
6 getting rid of -- getting out of the building from there, but
7 based on the building code and the fire code that I know, we
8 don't have any issue on this property, because of the distance,
9 and, you know, travel path.

10 VICE CHAIR JOHN: Okay. So the diagram to the right
11 between the two bedrooms --

12 MR. SADEGHI: Uh-huh.

13 VICE CHAIR JOHN: -- that's the court with the window-
14 wells, right?

15 MR. SADEGHI: Correct.

16 VICE CHAIR JOHN: Where the window is.

17 MR. SADEGHI: Just for that bedroom. Yeah.

18 VICE CHAIR JOHN: Yes. So a person trying to exit
19 out of that bedroom could not get out outside. They would have
20 to come through one of those -- through the back window on the
21 left, in the left bedroom?

22 MR. BIABANI: If I may add to that?

23 We have done this design multiple times in the past
24 and it has always passed the fire department and fire code, mainly
25 because there's less than 30 feet exit from the bedroom to the

1 back balcony.

2 VICE CHAIR JOHN: Okay.

3 MR. SADEGHI: The travel path is less than what we
4 need, based on the occupant load, so that window needs to be
5 accessible for egress, but it's just additional convenient thing.
6 We don't need to have that because the distance -- travel distance
7 to the back balcony is less than what we need based on the code.

8 VICE CHAIR JOHN: I understand. I understand that.
9 I'm just trying to understand your design, so when it comes up
10 again, I'm not confused. I believe this is the question Chairman
11 Hood had as well.

12 So if you're in that bedroom, the windows are large
13 enough for egress, but where -- how can you get out?

14 MR. SADEGHI: From the other bedrooms to the back
15 balcony.

16 VICE CHAIR JOHN: Right. So you cannot get outside
17 from that middle bedroom? That's my question.

18 MR. SADEGHI: Yeah. That's just in case of the trap
19 and the fire department bank ladder, I think. Yeah.

20 VICE CHAIR JOHN: Okay. So you would need a ladder
21 from this?

22 MR. SADEGHI: Yeah. In case of any trap have happen.

23 VICE CHAIR JOHN: No, I've seen designs where they're
24 like 10-foot ladders going up one level, and I always wonder how
25 a person who needs assistance will get up there, but that's what

1 the fire department is for.

2 Okay. I think I understand the issue. You're saying
3 egress would be from that back bedroom near the stairs and that
4 it's within -- it's an allowable travel path under the fire code?

5 MR. SADEGHI: Correct.

6 VICE CHAIR JOHN: Okay, thank you. I don't need it
7 to decide the case. I just wanted to understand what the design
8 is doing.

9 MR. SADEGHI: That's correct.

10 VICE CHAIR JOHN: So, thank you.

11 MR. BIABANI: Sure.

12 CHAIRMAN HOOD: Mr. Chairman?

13 CHAIRMAN HILL: Yeah.

14 CHAIRMAN HOOD: I want to thank Vice Chair John for
15 even bringing that up. I will tell you, and this might not have
16 nothing to do with Zoning, but this is real life.

17 When you're sitting at home and you hear the news that
18 there's a fire, I'm not going to say where it was, and you know
19 you helped vote for it and you helped put it in place and two
20 people were killed, then that stuff stays with you.

21 So, for me, I know you all don't do this, but I would
22 like the experts. I know, Mr. Sadeghi -- I appreciate his
23 explanation, but for me to get a comfort level and the ANC's
24 concerns, because this will come up, yeah, hopefully this never
25 comes back to haunt you. I've had it done. It's always good

1 for the experts, and I don't know if we have any experts on here
2 to weigh in and I'll leave it at that.

3 Thank you, Mr. Chairman.

4 MR. BIABANI: Just to put everyone's mind at ease,
5 this is also going to be in a sprinkler building, so there's --
6 on top of everything else, it's also a sprinkler building that's
7 going to be preventing fire.

8 CHAIRMAN HOOD: Right, and that's required, so I get
9 all that. I get that. I get that.

10 CHAIRMAN HILL: Okay. So, Ms. Wilson or whoever is
11 on this call that might be able to tell me, OP, or whomever, how
12 long would it actually take to get something from the fire
13 department about this?

14 MS. WILSON: I'm trying to think. I don't know.
15 Ms. Myers, you have more experience --

16 CHAIRMAN HILL: Not that we've ever asked for anything
17 from the fire department and how long it takes. I mean, I
18 appreciate everything that's being said and I'm not --

19 MS. WILSON: So --

20 CHAIRMAN HILL: Yeah, go on.

21 MS. WILSON: So, I think it might be helpful and we
22 could probably get this faster, so it's a building code issue.
23 I don't know if FEMS would -- I'm not sure if FEMS would opine
24 on it, but I mean, we can reach out to someone from DOB, who
25 would review this, if that would be helpful, because that's who

1 eventually would review it. I mean --

2 CHAIRMAN HILL: Ms. Wilson, I got you. I'm just trying
3 to figure out the timing. I think --

4 MS. WILSON: Okay.

5 CHAIRMAN HILL: -- I'm going to probably put this off
6 until next week to decide anyway, and so I'm just trying to see
7 whether DOB is going to -- I mean, again -

8 MS. WILSON: You know how DOB is. It's --

9 CHAIRMAN HILL: Yeah, I appreciate, Chairman Hood, you
10 know, this -- so anyway -- so let me just --

11 MR. BIABANI: Would it be satisfactory if they
12 provided the code?

13 CHAIRMAN HILL: Yeah, I guess you can provide a code
14 too.

15 MR. BIABANI: Instead of waiting on someone to review
16 it, we can just provide the fire code that's going to fall on
17 the --

18 CHAIRMAN HILL: I understand the distance. Yeah,
19 that's fine. We can try that as well, and then we can see what
20 it is.

21 MR. BIABANI: It'll be more time consuming.

22 CHAIRMAN HILL: Because --

23 CHAIRMAN HOOD: It sounds like what I'm asking for
24 is like, I know it's definitely out the realm, but I have to have
25 a comfort level. If you haven't been in that situation, you

1 don't understand it, but I've been there.

2 So, Mr. Chairman, if it meets the fire code, I will
3 deal with it next week, as you stated. I don't know where I'm
4 going, but I'll deal with it at that time.

5 CHAIRMAN HILL: That's fine. I got you.

6 So, let me ask, Mr. Sageri -- how do you say your last
7 name, sir?

8 MR. SADEGHI: Sadeghi.

9 CHAIRMAN HILL: Say that it again.

10 MR. SADEGHI: Sadeghi.

11 CHAIRMAN HILL: Sadeghi. See, Sadeghi.

12 MR. SADEGHI: It's a hard name to pronounce.

13 CHAIRMAN HILL: Sadeghi is a hard one.

14 Okay. Mr. Sadeghi, I guess if you want to go ahead
15 and go through Ms. Wilson or whatever. Make sure you speak with
16 her before you submit something to us and show us, because
17 basically, what we're looking for, I guess, is the distance from
18 that bedroom to that egress point, which I think you're inside.

19 Like, I mean, I'm not building code. I mean, I'm
20 pretty sure you're inside of it. Like, I don't even know if you
21 needed a window. I think you need a window there for it to be a
22 bedroom, but then still, you know, egress for the emergency exit,
23 I think has to be that egress point that you're close to, but
24 nonetheless, if you want to supply something into the record so
25 that we can look at the fire code, that's one issue that I think

1 at least my fellow Board Members will have to take a look at.

2 I would like to look at this and then decide next week
3 -- and so, I saw your hand, Ms. John -- and then see what else
4 anybody has that they'd like to see.

5 And, Ms. John, why did you have your hand up?

6 VICE CHAIR JOHN: So I am not comfortable interpreting
7 the fire code. That's just beyond my capacity. So to the extent
8 we need something, I think it should come from, you know, the
9 expert.

10 CHAIRMAN HILL: Okay. So, I'll get you, sir --
11 Commissioner, as well. Just give me one second. Let's see.
12 Okay. All right. Go ahead, Commissioner.

13 COMMISSIONER ROBLIN: In our statement from the
14 Commission, in our report, it details more about the conclusions
15 that we came to about the fire situation with the court exception.

16 CHAIRMAN HILL: I got you. Okay. So, I'm just letting
17 you all know. Like, I appreciate it. We're not the fire code
18 people. I'm sure they're passing through the fire code and so
19 it's not something that we look at. Like, I mean, there's no
20 way they're here that they're going to, you know -- I'm not an
21 expert either, but, I mean, DOB is going to tell us whether or
22 not this is compliant, and they've done their homework.
23 Otherwise, they wouldn't be here before us, so I'm sure -- it's
24 a very simple architectural exercise and they're meeting the
25 regulations, otherwise they wouldn't be here, but I understand

1 | what my Board would like to see in order for them to be
2 | comfortable, so that's all I'm concerned about.

3 | Let's see. I was going to say -- okay. All right.

4 | So, it looks like Chairman Hood. Do you have anything
5 | else?

6 | CHAIRMAN HOOD: If I need to go and get the fire
7 | department to get you all what you need, just let me know. I'll
8 | leave it at that. Thank you, Mr. Chairman.

9 | CHAIRMAN HILL: Okay. There you go. All right. Let's
10 | see, then. Okay. Any final words?

11 | All right, so now what happens is Ms. Wilson will have
12 | rebuttal from any of the testimony and get the last word, because
13 | it's her case. Go ahead, Ms. Wilson.

14 | MS. WILSON: Thank you. So, I'll just review the
15 | points we are discussing right now. We're happy to submit a
16 | better explanation with the fire code and egress travel distance
17 | for the court issue, but in terms of getting anything from DOB,
18 | I doubt that they would review this issue prior to us submitting
19 | something for permitting, which can't occur until first this
20 | happens or does not happen, either, depending on what happens in
21 | a couple of weeks.

22 | So, I just wanted to note that for the record.

23 | Mr. Sadeghi and the architect have testified that this
24 | should meet fire code, and it will, of course, be reviewed by
25 | DOB, and so, you know, I don't know how else to satisfy that

1 issue, other than by providing more information to the record on
2 our end. We just hope that we don't have to wait, you know,
3 months for a DOB response. That's all I wanted to note.

4 In terms of characters, that was another issue raised
5 today. I just wanted to reiterate that the thought process is
6 not one of disruption. It was setting an example of how to
7 preserve existing character with a modest addition and to provide
8 more housing, rather than start off with a raise and doing
9 something more disruptive.

10 The preservation of architectural elements is as much
11 as can be done to maintain the character of this building, short
12 of not doing any addition and doing the by-right option, which,
13 of course, would be allowed to do any design. Thank you all for
14 your time today and we appreciated the ANC and those that came
15 to testify, and that concludes my presentation.

16 CHAIRMAN HILL: Okay, great. Thanks, Ms. Wilson.

17 Okay. So, Ms. Wilson, go ahead and submit something
18 into the record, if you can, whatever you'd like to submit by -
19 - and what I'm trying to get at also is we'll see whether or not
20 whatever you submit satisfies my fellow Board Members, so I'm
21 going to try to put this on the decision for next week and see
22 where we get.

23 When do you think you can submit that into the record?

24 MS. WILSON: Probably, today, or tomorrow. It
25 shouldn't be complicated to just continue.

1 CHAIRMAN HILL: That's fine. If you could also put
2 something into the record as to how long it might take for us to
3 actually get something from the fire department or DOB, okay,
4 just a guess, right? And drop that in by the 16th, which is
5 Friday, that'll give an opportunity for the ANC, who is a party,
6 to respond, and the ANC, Ms. -- Commissioner Roblin, you can give
7 us anything you'd like to respond to, whatever they put into the
8 record by the 20th, which is Tuesday --

9 COMMISSIONER ROBLIN: Okay, good.

10 CHAIRMAN HILL: -- and then come back -- then we'll
11 come back here for a decision on the 21st.

12 MR. MOY: Mr. Chairman?

13 CHAIRMAN HILL: Yes. Go ahead, Mr. Moy.

14 MR. MOY: If I may, you may want to extend those dates
15 you just gave by a week, because the next hearing for the Board
16 is June 28th, because June 21st there's no scheduled hearing,
17 because Monday on the 19th is a holiday.

18 CHAIRMAN HILL: Oh, yeah. Okay. All right. I will
19 do that, then. Go ahead and let's do it all for -- well, then
20 if that's the case, then submit your, whatever you're going to
21 submit by the 23rd, Ms. Wilson, okay? And then -- well, actually,
22 no. I'm going to take that back. Go ahead and give it to us by
23 the 20th, okay, and then that'll give the ANC a week, the 27th.

24 Commissioner, if you can submit by the 27th. And,
25 Commissioner, all you're basically submitting now is a response

1 to whatever they submit. You're not giving new information.
2 It's really just going to be about the fire criteria.

3 Do the Board Members have anything else before we go?
4 Go ahead, Ms. John.

5 VICE CHAIR JOHN: So will you be closing the record
6 except for the information that you requested, Mr. Chairman?

7 CHAIRMAN HILL: That's what I was going to do with Ms.
8 John, unless there's something else you guys want.

9 VICE CHAIR JOHN: No, just clarification. Thank you.

10 CHAIRMAN HILL: Okay, yeah. Let's go ahead. I'm going
11 to close the hearing. I'm sorry. I'm going to close -- I'm
12 going to close the hearing and the record, except for what was
13 just asked for and those dates and we'll come back here for a
14 decision on 6/28, okay?

15 Okay. Anything else from anybody? If so, raise your
16 hand. Okay.

17 MR. SADEGHI: Unfortunately, I cannot be present on
18 6/28. I'm traveling. I will be out of country.

19 CHAIRMAN HILL: It's okay. It's just a decision.

20 MR. SADEGHI: Okay.

21 CHAIRMAN HILL: We're not going to take any public
22 testimony.

23 MR. SADEGHI: All right.

24 CHAIRMAN HILL: Nobody's going to be there. It's just
25 going to be the Board talking.

1 MR. SADEGHI: Okay. Okay.

2 CHAIRMAN HILL: Okay? All right, thank you.

3 So, then Ms. Wilson, we will wait to hear from you to
4 give us some support of everything that you just heard concerning
5 the fire code, and then the agency will have an opportunity to
6 respond, and then we'll see you guys back here for the decision
7 on 6/28. Okay, thank you.

8 Closing the hearing on the record except for what was
9 just asked for.

10 MS. WILSON: Thank you.

11 CHAIRMAN HILL: Okay. Now, I believe we're going to
12 lose Commissioner Hood for a little while. Sorry, Chairman Hood
13 for a little while, and then we are going to bring in Commissioner
14 May for a particular hearing, but since I'm running around a
15 little bit today, I just need to take another five-minute break.
16 So, let's take another, you know, 5, 6, 7 minutes, whatever
17 anybody needs to take care of whatever they need to take care
18 of, and we'll be right back, okay?

19 Commissioner May. Oh, go ahead. I can't hear you,
20 Commissioner May. You're on mute.

21 COMMISSIONER MAY: Did you want to actually take lunch
22 now and then come back right after lunch?

23 CHAIRMAN HILL: No, because then we got -- we'll go
24 ahead and take care of you and then take lunch, because Chairman
25 Hood also needs to do what --

1 COMMISSIONER MAY: That's fine.

2 CHAIRMAN HILL: -- he needs to do.

3 COMMISSIONER MAY: That's fine.

4 CHAIRMAN HILL: Okay, thank you.

5 (Whereupon, there was a brief recess.)

6 CHAIRMAN HILL: Right. Got this team together for one
7 final time.

8 Let's go ahead, Mr. Moy, and bring up the next case,
9 please.

10 MR. MOY: Thank you, sir. After a very quick break,
11 the Board has returned to its public hearing session and the time
12 is at or about 12:30.

13 The next application before the Board is 20900 PSG 5
14 Fisher, SPV, LLC. Once again, this is an amended self-certified
15 application for special exceptions, pursuant to Subtitle X,
16 Section 901.2, Subtitle C, Section 703.2 from minimum vehicle-
17 parking requirements, Subtitle C, Section 701.5, Subtitle G,
18 Section 409.1, and G Section 1200 from the lot occupancy
19 requirements, Subtitle G, Section 404.1.

20 The property is located in the MU-4 zone at 1108
21 Montello Avenue, N.E. (Square 4070, Lot 84.)

22 As the Board will recall, this was last heard on June
23 the 7th, 2023, and the Board continued a limited scope hearing
24 to June 14th, 2023. Thank you, sir.

25 CHAIRMAN HILL: Okay.

1 MR. MOY: Mr. Chairman?

2 CHAIRMAN HILL: Yeah.

3 MR. MOY: I should add that within the 24-hour block,
4 there are revised architectural plans, a revised plat, and the
5 revised PowerPoint from the applicant.

6 CHAIRMAN HILL: Yeah. Give me one second here. Okay.
7 Ms. Rogers, if you can hear me, if you can introduce yourself
8 for the record.

9 MS. ROGERS: Yes. Good afternoon, Chairman Hill and
10 Members of the Board. For the record, my name is Elizabeth Rogers
11 with the law firm at Lerch, Early and Brewer. Pleasure to be
12 back before you today on behalf of the applicant.

13 CHAIRMAN HILL: Okay. Is your architect with you, Ms.
14 Rogers?

15 MS. ROGERS: Yes. Adam Crain with 2Plys Architects is
16 on the line.

17 CHAIRMAN HILL: Okay. Mr. Crain, can you hear me?

18 MR. CRAIN: Yes, I can. Adam Crain with 2Plys here.

19 CHAIRMAN HILL: Okay. Great. Thank you.

20 I didn't see you before. Commissioner Roblin, do you
21 want to introduce yourself for the record? You're on mute,
22 Commissioner.

23 COMMISSIONER ROBLIN: Hi. I'm Commissioner Anna
24 Roblin. This is my SMD also.

25 CHAIRMAN HILL: No. That's great, Commissioner. We

1 | didn't see -- I see the item that's in the record from you, and
2 | you're getting double-duty today. You weren't with us before,
3 | right?

4 | COMMISSIONER ROBLIN: No, I wasn't.

5 | CHAIRMAN HILL: Okay.

6 | COMMISSIONER ROBLIN: Now, I'm sorry, I missed it.

7 | CHAIRMAN HILL: That's all right. You're learning a
8 | lot about the BZA today. All right. So you don't have to worry.
9 | You haven't missed it all yet. Okay. Okay.

10 | All right. Let me say, first -- let me go to
11 | Commissioner, if you wouldn't mind muting your line,
12 | Commissioner, just because you're joining us here now for what
13 | is a continued hearing on what has happened since the last time
14 | we were here, but basically, it kind of opens it all up anyway,
15 | so you will hear from me. Okay?

16 | So, Ms. Rogers and or Mr. Crain, if you guys want to
17 | walk us through whatever you want to walk us through whatever you
18 | want to walk us through, that spoke to the issues and concerns
19 | of my fellow Board Members, and you can begin whenever you like.

20 | MS. ROGERS: Great. Thank you, Chairman Hill.

21 | As Mr. Moy mentioned, we did submit -- well, we did
22 | submit our updated plan as requested by the Board last Friday.
23 | Those were also sent directly to the Commissioner. Those plans
24 | maintain the chamfered corner at the ground floor from the
25 | existing exterior corner on Montello Avenue, that had a minor

1 infill still at that corner, and after further reflection, we
2 decided to take the chamfered 45-degree angle from the exterior
3 corner on Florida Avenue so that there was zero infill at the
4 corner, and that's the only change that's reflected in the plans
5 and the updated PowerPoint we submitted into the record
6 yesterday.

7 So we would ask that those be admitted, and if so, if
8 Mr. Young can pull up that updated PowerPoint. It's a more
9 conservative approach than what was submitted into the record on
10 Friday.

11 CHAIRMAN HILL: "A more conservative approach than
12 submitted into the record on Friday." So, these plans are
13 different from the ones that you submitted before?

14 MS. ROGERS: The ones we submitted on Friday were to
15 respond to the Board's comments, and we were taking that chamfered
16 corner from Montello. The corner is not a 45-degree angle, and
17 so that left this little sliver that was still being infilled at
18 the building corner, and on further reflection, we decided to
19 take the chamfered corner from Florida so that there's zero infill
20 at the corner of the building and that's what -- a very modest
21 change in what we submitted yesterday.

22 CHAIRMAN HILL: Got it. You went through --

23 MS. ROGERS: I'm just explaining why we submitted a
24 second set of updated plans.

25 CHAIRMAN HILL: No, that's great. I just got to

1 understand, and so I see the PowerPoint.

2 Mr. Young, if you could pull that up.

3 MR. MOY: Mr. Chairman?

4 CHAIRMAN HILL: Yeah. Go ahead, Mr. Moy.

5 MR. MOY: So, it sounds like you' are allowing
6 everything into the record that was filed within the 24-hours?

7 CHAIRMAN HILL: Yeah, I'm sorry. Within the 24-hour
8 period. No, I appreciate it.

9 If we could please allow everything into the record,
10 unless my fellow Board Members have any issues, and if so, please
11 speak up.

12 Okay. So, then we see the Commissioner's letter and
13 the PowerPoint, and is Exhibit 55 reflective of the PowerPoint,
14 the new plans?

15 MS. ROGERS: It'll be the -- Exhibit 55 is what was
16 submitted on Friday. Once they're admitted in, there will be a
17 new set of plans that just changed the ground floor plan slightly.

18 CHAIRMAN HILL: Okay. Can you -- you have those with
19 you, Mr. Moy, or no?

20 MR. MOY: I believe we do if the applicant filed
21 yesterday, so that's on our hands. So that should be in the
22 process of being uploaded.

23 CHAIRMAN HILL: Okay. So that's not Exhibit 55,
24 correct, Ms. Rogers?

25 MS. ROGERS: It'll be a new exhibit, correct. 50 --

1 CHAIRMAN HILL: Okay.

2 MS. ROGERS: 58 or something.

3 CHAIRMAN HILL: 58 maybe? All right. I'm going to
4 wait a minute, then. Well, actually, put me -- go ahead and walk
5 us through --

6 MS. ROGERS: The updated PowerPoint does also show
7 them.

8 CHAIRMAN HILL: Well, that's great, but I just need to
9 see the updated plans anyway --

10 MS. ROGERS: Yes.

11 CHAIRMAN HILL: -- but go ahead and walk us through
12 your PowerPoint, Ms. Rogers, while we wait for the plans to be
13 updated. I mean, included.

14 MS. ROGERS: Thank you.

15 So at our hearing last week, the Board raised some
16 concerns and questions regarding the impact to the existing site
17 lines at the intersection of Florida Avenue and Montello Avenue,
18 as well as questions regarding the building's impact on the public
19 space at the ground plane.

20 With the Board and ANC's feedback in mind, the applicant
21 has re-evaluated the building design. I'd like to describe very
22 brief additional background that I think will provide helpful
23 context and answer some of the questions that the Board raised
24 at our last hearing, and also then walk through those proposed
25 revisions.

1 Next slide, please. This is just an aerial to remind
2 everyone where the property is located at the corner of Florida
3 and Montello Avenue.

4 Next slide, please. This image just kind of clarifies
5 what I think we were discussing during our last meeting with you
6 all last week in terms of Florida Avenue. Montello Avenue is an
7 existing signalized intersection. Montello Avenue, approaching
8 the intersection, is actually a one-way street.

9 Next slide, please. Just as a refresher, these are
10 existing condition photos of the property. As we discussed, it's
11 a vacant story commercial building and just behind it is a newly
12 constructed apartment building with a very modern design.

13 Next slide, please. This image, I think, helps to respond
14 to some of the discussion points we had last week in terms of
15 kind of what the existing conditions are at the intersection of
16 Montello Avenue and Florida Avenue.

17 Next slide, please. We've tried to put this into context
18 in terms of kind of what that existing site distance is, but a
19 car stopped behind that stop bar on Montello Avenue, which is a
20 one-way street, as I mentioned, can see a distance of
21 approximately 196 feet down Florida Avenue, and as I mentioned,
22 and you'll see in our revised plans, we are not changing those
23 site lines at all with our revised drawings.

24 Next slide, please. This is just looking back, so we had
25 it in the record to speak if we need to, from the opposite side

1 of the intersection, looking back at the property.

2 Next slide, please. So we heard the Board's concerns
3 regarding the project's impact on the Florida Avenue streetscape
4 and existing site lines and to respond to these comments, the
5 applicant has retained the chamfered corner at the ground floor
6 and eliminated the bay projection on Florida Avenue to preserve
7 those existing site -- vehicular site lines that exist today, as
8 you saw in the last street view image.

9 The image on the top is the previously proposed ground
10 floor plan. The image on the bottom is the revised floor plan
11 that will be now Exhibit 58 or 59 and the record reflecting no
12 infill at the existing corner of the building, or additional bay
13 windows along Florida Avenue.

14 We have retained -- if you can go to the next slide.

15 These are just some renderings to provide us some
16 additional context of that revised design. As you can see, we
17 have retained the projections at this intersection on the floors
18 above.

19 We believe that this provides some visual interest, which
20 is one of the things we discussed last week and to help break up
21 that building mapping with kind of pushes and pulls of the
22 building facade, but without impacting the pedestrian environment
23 or vehicular-site distance.

24 These additional floor area after further consideration
25 was also critically important in order to maintain some of the

1 bedrooms. Otherwise, the units will get very small, and one of
2 the things we had heard from the community and even the ANC was
3 a desire to see larger units.

4 So eliminating these upper floor projections would
5 significantly impact that which weighed in our consideration of
6 keeping them.

7 We can go to the next slide. We have two more renderings.
8 These are just other renderings, taken a little bit further back
9 from across the street, so that you can see the building in a
10 little bit more context with the surroundings.

11 This hopefully provides a high-level overview and I'm
12 sure the architect can answer more specific questions of the
13 changes that we've made, but we think with these changes the
14 Board is able to make all of the necessary findings to approve
15 the special exception to allow for the redevelopment of this
16 vacant building to provide much needed additional housing and
17 street activating ground floor commercial use.

18 As we noted last week, I won't reiterate unless the Board
19 wants me to that special exception promotes many of the goals and
20 objectives of the plan, as well as the intent of the zoning
21 regulations and will not adversely affect the use of neighboring
22 properties.

23 The applicant is maintaining ample sidewalk and
24 pedestrian widths now with these revised provisions to the ground
25 floor plan, along both Florida Avenue and Montello Avenue, and

1 preserving the vehicular-site distance and the relief we're
2 requesting will allow the applicant to move forward with as much
3 anticipated redevelopment.

4 I just reiterate for the record that, and as we discussed
5 last week in terms of, you know, we've heard the community's
6 excited to finally see redevelopment on this property. So I'm
7 happy to answer questions about the specific changes that we've
8 made, but hopefully that provides some clarity, and that
9 concludes the main --

10 CHAIRMAN HILL: Thanks. I was on mute.

11 MS. ROGERS: Sorry.

12 CHAIRMAN HILL: Do you know what the lot occupancy is
13 now?

14 MS. ROGERS: The lot occupancy remains unchanged, because
15 of the second-floor level, where we still have those infills and
16 projections (indiscernible) --

17 CHAIRMAN HILL: It's still 90 percent? It's still 90
18 percent?

19 MS. ROGERS: Yes. The ground floor or lot occupancy will
20 decrease with these changes.

21 CHAIRMAN HILL: But it's still 90 percent proposed?

22 MS. ROGERS: Correct.

23 CHAIRMAN HILL: Okay.

24 MS. ROGERS: Because of the upper floors.

25 CHAIRMAN HILL: Yup, got it. Okay.

1 Okay. Since I got the Commissioner here, Commissioner,
2 I see that your letter that's in the record -- do you want to
3 give us your testimony? You're on mute, Commissioner. Sorry.

4 COMMISSIONER ROBLIN: Sure. Thank you. I just wanted
5 to begin with what happened with our vote, because it was sort
6 of represented that we, basically, didn't vote or didn't take a
7 formal position and we did, as the ANC, our whole ANC did not
8 consider that at all to be the case in any way.

9 We voted. We voted us strongly. We voted 1-4-2 against
10 in our motion to support it. We considered that a vote for sure
11 and we considered it a vote against it. We considered it a vote
12 opposing it. Sorry.

13 CHAIRMAN HILL: Okay. That's all right.

14 COMMISSIONER ROBLIN: Yeah, so I just wanted to really
15 make that clear.

16 CHAIRMAN HILL: And the reasons why, I see like an IZ
17 unit is something that you guys were -- one of the items that
18 you're listing in your letter. Is that part -- I mean, I don't
19 think the IZ is not within this particular relief, but that is
20 what you had been -- one of the things you mentioned in your
21 letter, at least, and then the --

22 COMMISSIONER ROBLIN: Many of us just basically feel
23 that it would have been really nice for the community if they
24 had included one IZ unit, instead of having everything very high
25 priced in our neighborhood, which is a low-earning neighborhood.

1 CHAIRMAN HILL: Got it. Okay. Yeah, in just -- in
2 your -- when I'm reading through your report, it just wasn't
3 clear what you were voting, right. It wasn't like, that's why I
4 got confused.

5 COMMISSIONER ROBLIN: Yeah.

6 CHAIRMAN HILL: Your letter is clear, but the report
7 doesn't tell me really clearly whether it was in support or in
8 objection to, so that's something I guess you can help rectify
9 in the future.

10 COMMISSIONER ROBLIN: Probably, yeah. I think we
11 thought that it was -- that it was clear, but, yeah, I'm sorry
12 about that.

13 CHAIRMAN HILL: That's okay. You're not the only one.
14 Meaning, you're not the only ANC that it sometimes gets a little
15 confusing. Like, just say we vote yes or no at the very beginning
16 and then tell us why.

17 Okay. All right. Commissioner May, or well, I know
18 Commissioner May had some thoughts or questions.

19 COMMISSIONER ROBLIN: Oh, I'm sorry. I wasn't finished
20 yet.

21 CHAIRMAN HILL: Oh, sorry. Go ahead, Commissioner.

22 COMMISSIONER ROBLIN: Sorry about that.

23 So, I just wanted to say that the community is very,
24 very supportive of this development. That, you know, everybody
25 signed the developers petition to support it, but that's really

1 basically for one reason, and that's because there's a group of
2 people who are always hanging out in front of and even inside
3 1108 Montello. They're loud, very loud. Sometimes they go to
4 the bathroom in other people's backyards. They litter in large
5 quantities and neighbors, including the owner, has to regularly
6 pick up the trash. They do drug deals in the open and the
7 community feels that they're guilty of many break-ins.

8 So everybody that signed that petition was not really
9 going to look at the details of the development. They were just
10 going to sign it, because it's been empty for probably 8 or 10
11 years or something like that, a long period of time, so they were
12 just signing to try to deal with that particular problem. I
13 don't think anyone probably really looked at the details that
14 much.

15 So, but, as a Commission we were very strongly against
16 it, not just because of the visibility issue and there was the
17 trash, now that's been fixed, but some of us also felt that the
18 architecture is not in keeping with the neighborhood, doesn't
19 blend in.

20 And I just want to say it was very discouraging that
21 in -- we sort of mentioned the trash like three times, at least,
22 and they were not going to make a large move, but when the Office
23 of Planning said they had to move it, they had to move it.

24 It just seems like it's not really honoring and
25 respecting the community like they really could have with all

1 that.

2 It's just a very unaffordable unit. I think that for
3 two bedrooms, they are on the small side, so we were strongly
4 against it as a Commission because we're trying to protect
5 affordability in Trinidad as one of our foremost goals as a
6 Commission. Things are through the roof price-wise, as I think
7 everyone knows and it's just not healthy for the community.

8 CHAIRMAN HILL: (Inaudible.)

9 COMMISSIONER ROBLIN: Yeah.

10 So, and I want to say that our Chair, Salvador Saucedo-
11 Guzman is here as well and he can testify more, particularly,
12 what was the visibility issue. I don't know how much that's
13 changed, because he drives, I don't drive, and so he says that
14 visibility was very poor on the corner.

15 CHAIRMAN HILL: Okay.

16 COMMISSIONER ROBLIN: I think that's all.
17 Thank you.

18 CHAIRMAN HILL: Yeah, no problem. I'm sorry to
19 interrupt.

20 And, Commissioner, like a lot of those things, like,
21 just aren't things that come before the Zoning Board, meaning,
22 affordability and, you know, we don't have anything to do with
23 how much things cost, and we don't have anything to do with, you
24 know, if they do or don't supply IZ units. That's all part of
25 the regulations as to whether or not it's something, and then on

1 the other hand, and this is where it's just, it's difficult for
2 as a Commission and the neighborhood, I mean, if you vote no
3 right now, then you get -- then you get what you have right now,
4 right, which is that what -- so that's where it is interesting
5 as an ANC what your vote is, right? Like, I mean, right now you
6 guys are voting no, then you have -- then you're voting no to
7 this project.

8 COMMISSIONER ROBLIN: But you could still develop it
9 by-right. It could still be developed in other ways.

10 CHAIRMAN HILL: But that's not what's in front of us.
11 That's not what's in front of us or what's in front of -- you
12 know, that's not what's being proposed, right.

13 COMMISSIONER ROBLIN: Yeah.

14 CHAIRMAN HILL: So anyway, since your Chairman is here,
15 what's his name again? I'm sorry.

16 COMMISSIONER ROBLIN: Salvador Saucedo-Guzman.

17 CHAIRMAN HILL: Okay. Chairman Guzman, are you here?
18 Are you there somewhere, Mr. Young, to find him? Oh, I see it,
19 a block at least.

20 COMMISSIONER GUZMAN: Yes, hello. I'm here.

21 CHAIRMAN HILL: Hi, Mr. Guzman, or Chairman Guzman.
22 You want to go ahead and introduce yourself for the record.

23 COMMISSIONER GUZMAN: Yes. My name is Salvador
24 Saucedo-Guzman. I am the Chair for ANC -5(D).

25 CHAIRMAN HILL: Okay.

1 Commissioner, you want to go ahead and give your
2 testimony?

3 COMMISSIONER GUZMAN: Yeah.

4 So, I think we apologize for the confusion on the vote,
5 but the ANC wasn't in support of the project, based on some of
6 the issues with the trash receptacles and the lack of visibility
7 from Montello - coming from Montello onto Florida Avenue.

8 I see that the party has made changes to and made
9 changes to their plans in reference to those concerns, so we
10 appreciate those changes.

11 I think at this point, the only concern that the
12 community has in regards to seeing this project go forward is not
13 one based on what the housing looks like in terms of availability
14 to community, but the façade.

15 We just discussed a similar project in Trinidad right
16 now, today, where the facade means a lot to the culture and
17 history of the neighborhood and being that a majority of the
18 neighborhood are middle class, hardworking class residents, it's
19 hard for us to get the ability to preserve some of the
20 architecture in our buildings, but this right here, Trinidad. At
21 the bottom of Trinidad is Florida Avenue, and this is one of our
22 most distinct -- distinct parts of the neighborhood that we have
23 these traditional row houses, beautiful buildings from a period
24 long ago and being that this is one of the last few remaining
25 spots, block streets in the neighborhood, it's hard to support a

1 project like this that distinctly destroys that.

2 It's great to have additional housing. Who's it for?
3 That's a different conversation, but in terms of the look of the
4 project, it doesn't marry with the neighborhood and that is a
5 direct concern and that's my testimony for today, being that the
6 party has addressed our original concerns from our public
7 meeting.

8 Thank you for the time.

9 CHAIRMAN HILL: Okay. Thank you, Commissioner. All
10 right. Does anybody of my Board Members have any questions for
11 the Commissioners or the applicant?

12 Chairman -- I mean, Commissioner May.

13 COMMISSIONER MAY: Yeah, I just want to be clear about
14 this. When the ANC wanted to consider this, there was a motion
15 to support it and that motion was voted down, right?

16 COMMISSIONER ROBLIN: Right.

17 COMMISSIONER GUZMAN: Right.

18 COMMISSIONER MAY: Everybody agrees. Everybody agrees
19 that's what happened. The applicant as well.

20 COMMISSIONER MAY: And then we do not have a letter in
21 the record from the ANC, or a report from the ANC that states
22 that.

23 Is that right?

24 COMMISSIONER ROBLIN: I think it was on the report --
25 on the Commissioner's -- Chair's report.

1 CHAIRMAN HILL: We have something from the ANC --

2 COMMISSIONER MAY: Yeah.

3 CHAIRMAN HILL: -- that speaks to all of their concerns,
4 and I guess it wasn't clear from the report as to whether or not
5 it was in support or in denial or in opposition, and now they're
6 stating that it was in opposition, meaning, I'm reading it right
7 now, so I can see that -

8 COMMISSIONER ROBLIN: -- it lists all of the issues,
9 but now, I guess, you know, I don't think that they need to add
10 anything new to the record, as far as I know.

11 Meaning, this now is a - and I can ask Legal, I guess
12 -- this is now a submission in opposition.

13 COMMISSIONER MAY: Yeah, I think -- I do think there
14 does need to be some clarification, because, you know, what is
15 the vote that was recorded, it's 1,4,2, which I assume now means
16 1 -- 1-4-2, but that would be a vote against and then the
17 language above that is the recommendation, which sort of implies
18 that the ANC is not supporting that recommendation.

19 You know what I'm saying?

20 CHAIRMAN HILL: Okay.

21 COMMISSIONER MAY: So, having a clear vote that says
22 that or a more clearer statement that the ANC decided not to
23 support it, I think is helpful, and it's frankly necessary in
24 order to grant the great weight that's afforded to the ANC.

25 I mean, it's just -- it is very confusing. I understand

1 now what happened, but it is confusing, and it probably warrants
2 having a clarification in the record.

3 COMMISSIONER GUZMAN: I'll submit a cover letter for
4 this report.

5 COMMISSIONER MAY: Okay. And make sure that you hit
6 all of the necessary points, that it was a duly noticed meeting
7 and all that kind of stuff, so that that letter can be given the
8 same great ways that this report theoretically should have.

9 So, and I do want to ask a question of both the Chair
10 and Commissioner Roblin. Roblin. You understand that the Zoning
11 regulations don't require an IZ unit when the development
12 includes less than ten units, right?

13 COMMISSIONER ROBLIN: Yeah, we understood it, but we
14 were hoping that just out of the goodness of their heart, out of
15 just doing something good for the community, they would do it.

16 COMMISSIONER MAY: Okay.

17 COMMISSIONER ROBLIN: Other developers do do good
18 things like that for the community. We know they did not have
19 any obligation to put that in, but we would have really, really
20 liked to see that and we might have supported the project if they
21 had.

22 COMMISSIONER MAY: Right. I understand that
23 perspective.

24 COMMISSIONER ROBLIN: Yeah.

25 COMMISSIONER MAY: The fact that there's not an IZ unit

1 is not necessarily going to carry weight here, because we have
2 to base our decisions on what's in the Zoning regulations --

3 COMMISSIONER ROBLIN: I understand.

4 COMMISSIONER MAY: -- in order to have that.

5 COMMISSIONER ROBLIN: Yeah. We just -- that was one
6 reason why, at least, I think many of the Commissioners voted
7 against it.

8 COMMISSIONER MAY: Right.

9 COMMISSIONER ROBLIN: So that was just one of our
10 reasons -- one for our reasons for voting against it.

11 COMMISSIONER MAY: Right. Okay. All right. That's
12 it for my questions. Thank you.

13 CHAIRMAN HILL: Okay. So, Chairman Guzman, can you
14 hear me?

15 COMMISSIONER GUZMAN: Yes, sir.

16 When do you think you could put something in the record
17 just to clarify your vote?

18 COMMISSIONER GUZMAN: We can do that by Friday.

19 CHAIRMAN HILL: Okay. Okay. All right, great. Please
20 do that. We'll leave the record open for that, Mr. Moy.

21 Okay. Does anybody have any questions for Ms. Rogers?
22 Nobody has questions. Okay. All right.

23 Okay. Let's see. Mr. Moy, can you hear me? You're
24 on mute, Mr. Moy.

25 MR. MOY: Yes, I can hear you. I heard everything.

1 CHAIRMAN HOOD: Yeah. Okay.

2 So, we're going to leave the record open for the
3 clarification on the vote from the ANC by the 16th, okay?

4 MR. MOY: Which is this Friday.

5 CHAIRMAN HILL: Which is this Friday.

6 Now, this is why I'm trying to look at my fellow Board
7 Members. Does that change your opinion of anything? Because
8 we've left the record open for clarification. We've left the
9 record open for clarification from the ANC in the past. I'm just
10 trying to understand whether that -- I think it's pretty clear
11 now as to what the ANC is saying, and, unfortunately, it's not
12 necessarily changing my thoughts, because of what we've already
13 gone through with this application.

14 If, however, the applicant would also like to have an
15 opportunity to respond to the ANC in some capacity, then we can
16 put this back on the decision again for the 28th, which is what
17 we just did a moment ago.

18 And, Ms. Rogers, do you have -- because what's going
19 to end up happening, Ms. Rogers, as you understand, is that we're
20 then going to be putting a full order together, which is going
21 to -- you might want to respond to what the ANC puts on the record
22 on the 16th.

23 Do you, Ms. Rogers, have any thoughts or any opinion?

24 MS. ROGERS: Thank you, Chairman Hill.

25 Yes. So, for the record, I just want to make sure it's

1 very clear in terms of what Commissioner May had noted. Our
2 interpretation of the vote was a motion to support, and that
3 motion failed, and that was that the ANC did not take a formal
4 motion to oppose. I just want to be clear on the record. I
5 rewatched it in terms of making sure kind of how that wording
6 came forward.

7 So that was our understanding of the formal action that
8 the ANC took, and they had noted -- several of them noted that
9 if we came back and made some changes that, perhaps, we could
10 gain their support.

11 I think, as you're hearing today, there are other
12 considerations that were part of those discussions with the ANC,
13 like the IZ units that we feel are not part of the release we're
14 requesting and not appropriate request of this applicant that I
15 think are still going to keep us from getting their support, so
16 I think that we would move forward with the BZA case today.

17 CHAIRMAN HILL: Okay. I'm just going to since I have
18 a little bit of time here. Chairman Guzman, when's your next
19 ANC meeting?

20 COMMISSIONER GUZMAN: We have a break for the month of
21 July, so that would actually be August 14th, I believe.

22 CHAIRMAN HILL: All right. Okay.

23 So, all right. Ms. Rogers, so, okay. All right.

24 So, then I'm going to go ahead and leave the record
25 open for the ANC filing for the 16th, and then, I guess, unless

1 my fellow Board Members have any issues, we'll deliberate on this
2 right now.

3 COMMISSIONER MAY: I'm fine with deliberating right
4 now.

5 CHAIRMAN HILL: Okay. I don't see anybody else raising
6 their hand. Okay. All right.

7 MR. SMITH: I'm fine with deliberating.

8 CHAIRMAN HILL: Okay. All right.

9 I'm going to go ahead -- and Commissioners, thank you
10 for joining us.

11 Mr. Guzman, thank you.

12 MR. MOY: (Indiscernible.)

13 CHAIRMAN HILL: Yes. Go ahead, Mr. Moy.

14 MR. MOY: I'm sorry to do this to you, a procedural
15 matter. Chairman Guzman did not take the oath, but since he's
16 Chairman of the ANC, do you want to assume that he took the oath?

17 CHAIRMAN HILL: Yeah, I assume Chairman Guzman will
18 have taken the oath, but I appreciate that clarification, and I
19 guess it's so odd, meaning, I wonder what we're getting --

20 I guess, Chairman Guzman, can you hear me?

21 COMMISSIONER GUZMAN: Yes, sir.

22 CHAIRMAN HILL: So, whatever you submit from us on the
23 16th, that's really just going to be testimony from whatever your
24 ANC did, because again, what's happening is, what was stated
25 before, and it's just what the words that were probably used

1 during the hearing was that you made a motion to support, and it
2 was denied. It was voted down, the motion to support; is that
3 correct?

4 COMMISSIONER GUZMAN: Yes. Yes.

5 CHAIRMAN HILL: Okay. So, then, this is where -- I
6 don't know how this is going to go.

7 COMMISSIONER GUZMAN: Well, Mr. Chairman, well, just to
8 clarify, being that they satisfied some of the big concerns with
9 the visibility issue, the trash receptacles, there wouldn't be
10 really much additional testimony that we would need to provide,
11 so I don't think it's necessary for ANC-5(D) to try to bring this
12 up to another vote, if necessary, just because it doesn't seem
13 like it's possible, and if you're saying it's just additional
14 testimony, I don't see the need if we've already kind of discussed
15 this today.

16 CHAIRMAN HILL: All right. You all, give me a three-
17 minute break. I'll be right back.

18 (Whereupon, there was a short recess.)

19 CHAIRMAN HILL: Okay. Are you all there? Sorry.
20 Chairman Guzman, we'll leave this record open for the 16th if you
21 guys want to. What it is -- what I'm trying to figure out,
22 Commissioner or Chairman, is that you're not taking a vote, so
23 whatever you submit on the 16th is basically testimony as to what
24 you all put in your report. Okay?

25 COMMISSIONER GUZMAN: That's fine, sir. Uh-huh.

1 CHAIRMAN HILL: Okay. So, I'll leave the record open
2 for whatever you give us on the 16th. Okay? Let's see.

3 Ms. Rogers, is there anything else you'd like to add
4 at the end?

5 MS. ROGERS: No further comments. Thank you very much
6 for the Board's time.

7 CHAIRMAN HILL: Okay, thanks everybody.

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

9 Mr. Young people, if you could please excuse everyone.
10 It is with great pleasure that I ask Commissioner May if he would
11 like to begin the deliberations, because this is what started the
12 deliberations also, which I think has gotten us to a lovely
13 position, but I'd like to hear Commissioner May's comments.

14 COMMISSIONER MAY: Okay. I don't really understand all
15 that. So, it's hopeful to have clarification from the ANC about
16 what their position is, and I appreciate seeing from the applicant
17 that they did address the concern about visibility at the corner,
18 which was one of those concerns.

19 As for the other concerns raised by the ANC, you know,
20 the fact that there's not an IZ unit is not really a concern of
21 ours, because it's compliant with the zoning regulations and it's
22 not required to have an IZ unit, and we can't count the lack of
23 an IZ unit as a strike against the application for that reason.

24 The other aspects of it as it was stated earlier, there
25 has been action on the issue of the placement of trash

1 receptacles, and, you know, there are some aspects about the
2 encroachment of the building onto the sidewalks or the bays, but,
3 you know, bays are common in what is now sort of a public space
4 there, because the pavement going all the way up to the face of
5 the building or close to the face of the building in some parts.
6 You know, I don't think that that's really an issue in terms of
7 the, you know, the ANC's concerns.

8 You know, the design itself, I don't find anything
9 problematic about the design and nor does the design itself go
10 to any of the areas of the requested relief in this case.

11 So, I'm at this moment ready to support the application.
12 I, you know, I understand and appreciate the concerns of the ANC,
13 but there's not enough there when it comes to disagreement or the
14 issues that are specifically related to Zoning that I would be
15 inclined not to support it, so I am ready to support it. Yeah,
16 and I think that's pretty much all I have to say.

17 CHAIRMAN HILL: Thank you.

18 Mr. Smith.

19 MR. SMITH: So, regarding this application, thank you
20 to the applicant for taking a harder look.

21 Given some of the comments that were raised by us on the
22 (indiscernible) and also the comments that was raised by the ANC,
23 I share, you know, with Mr. May the same thankfulness that we
24 gotten here from the ANC and, officially, hear their position on
25 their stance on this particular project, and also it seems like

1 | there may have been a split or, you know, just the background
2 | knowledge of what occurred as far as this vote.

3 | So, as Chairman -- I mean, Chairman -- as Mr. May stated,
4 | some of the concerns that was raised by the ANC was related to
5 | trash. It was related to the site triangle. It was related to
6 | the design.

7 | The applicants, by-and-large, as much as possible, took
8 | two of them. They have restored the site triangle at this
9 | particular corner and restored the chamfer that exists, as we see
10 | with the original building here; the original design as it is
11 | now.

12 | They had relocated the trash receptacles to address some
13 | of the concerns relayed by the ANC. As far as the design, I
14 | think many of us on the Board raised, you know, questions about
15 | the design of the building. Yes, the design is very front loaded
16 | and even along Florida Avenue, this is for some reason a desire
17 | amongst developers to front load those buildings, and I get it.
18 | To have sight lines down Florida Avenue is very marketable, blah,
19 | blah, blah, down that, and I get it.

20 | The requested relief does not allow us to get too deep
21 | into design and character. If this was a special exception for
22 | a new development, we would have some additional leeway within
23 | the standard for us to evaluate to be able to dive a little bit
24 | more into design than we have here.

25 | We have two special exceptions. One is for parking

1 relief. The other one is for lot occupancy, and I do not believe
2 that either one of those one of those really allow us to really
3 do a deep dive into redesigning this building outside of questions
4 about effort impact related to safety, and I believe that the
5 applicant has addressed that with restoring the site triangle.

6 So, I do believe that the applicant has met the burden
7 of proof for us to grant the special exception for both of the
8 special exceptions being requested from the minimal vehicle
9 parking requirements and also the requirements and will support
10 the application.

11 CHAIRMAN HILL: Thank you.

12 Vice Chair John.

13 VICE CHAR JOHN: Thank you, Mr. Chairman.

14 I am essentially in support of the application as well,
15 and I appreciate that the applicant took another look at the
16 design and improved on the visibility from that corner, and I
17 also appreciate the ANC's comments, but I think that the Board
18 cannot require the applicant to provide an IZ unit, and so the
19 Board is required to give great weight to the applicant's legally
20 relevant zoning concerns, and because the regulations do not
21 require an ID unit, I could not give great weight to that
22 particular issue, and with respect to the design, this is not
23 store district, as I understand it, and so the developer has some
24 flexibility in choosing an appropriate design, and so I'm going
25 to give great weight to the Office of Planning's report in this

1 case and I will, as I said support the application. Thank you.

2 CHAIRMAN HILL: Thank you, Ms. John.

3 Okay. I appreciate everything that my fellow colleagues
4 have said. Again, we're here for parking relief and lot
5 occupancy. Those are the things that we're here for and within
6 the parking relief, they are asking for zero parking, and I think
7 that based upon where the location is -- and that only, I think,
8 one is required. Based upon where this property is in the
9 proximity of public transit, I don't see the one parking spot
10 being removed being an issue.

11 In terms of lot occupancy. That is what brought into,
12 I guess, the question of visibility and the chamfer and the --
13 yeah, visibility issues. I like the design better now,
14 personally, but that's, you know, I think also that's because
15 thanks to my colleagues, learned the new word chamfer, the chamfer
16 has been retained and so the visibility is there and I do
17 appreciate the familiarity with Florida Avenue that we all have,
18 that some of the issues that Florida Avenue has in terms of its
19 width and visibility around corners, and so I think this is a
20 better design.

21 Just to speak to the IV units, again. It's not something
22 that is within the regulations that we're supposed to provide.
23 I do kind of want to make one comment that, you know, there's a
24 lot of support in the record for this, also from the community,
25 and so, it is conflicting that I'm sure the ANC had trouble with

1 | it in terms of what they would like to see in their neighborhood
2 | in regard to developments.

3 | However, this does seem to be a blighted -- not a
4 | blighted property, but something that they want to see develop,
5 | and so the difference between this and something else they'd like
6 | to see, it's not something else they'd like to see isn't before
7 | us.

8 | Like, it's kind of like this or what is currently there,
9 | seems to be the choice, and but, again, within the regulations
10 | and within what is before us in terms of parking relief and the
11 | lot occupancy relief, I believe they're meeting the regulations
12 | by meeting the criteria for us to grant the relief requested.

13 | I will also rely on the Office of Planning's
14 | recommendation and interpretation and analysis, and also be
15 | voting in support.

16 | I would like to make a motion to approve Application No.
17 | 20900. Oh, and one last thing. DDOT had wanted them to remove
18 | the curb-cut, I believe, and the applicant is already doing that.
19 | I don't think that it's something that is really within the
20 | Board's purview to ask the applicant to do something that is a
21 | public space issue, and so, I wouldn't be interested in putting
22 | in that as a condition.

23 | And so, I'm going to go ahead and make a motion to
24 | approve Application No. 20900 as captioned and read by the
25 | Secretary, and for the last time as Chairman -- Commissioner. I

1 keep saying, "Chairman" -- Commissioner May, if he would be
2 willing to second?

3 COMMISSIONER MAY: I will second. I also have a comment.

4 CHAIRMAN HILL: Okay. With the comment before or after?

5 COMMISSIONER MAY: Well, I've second it, and seconded
6 the motion.

7 CHAIRMAN HILL: Go ahead and make the vote then.
8 Mr. Moy, please.

9 COMMISSIONER MAY: Well, wait a minute. Hold on. What
10 about my comment?

11 CHAIRMAN HILL: I just asked you whether you wanted it
12 before or after. You said, you second it.

13 COMMISSIONER MAY: No. You asked me to vote.

14 CHAIRMAN HILL: Which would seem to indicate --

15 COMMISSIONER MAY: I said, "to the second."

16 Oh, okay. I'm sorry. I misunderstood.

17 CHAIRMAN HILL: So, yes, my comment is just that I
18 disagree with the idea that we cannot require the removal of the
19 curb-cut, because this, you know, we are granting parking relief,
20 and granting parking relief does incur the possibility that there
21 will be bad actors who try to pull up on that, through that curve
22 cut and park in the public space next to the property, so even
23 though that is a public space issue, I believe it is also a
24 mitigation that the Board of Zoning Adjustment could apply in
25 this circumstance.

1 Now, the fact that the applicant has already submitted
2 drawings that remove it, I think takes that question off the
3 table. I am just raising this issue so that you have the benefit
4 of my advice in future cases where this might come up, since I
5 won't be here to offer it next time.

6 CHAIRMAN HILL: I would like OZLD to take note of the
7 comment that Commissioner May have just made and my fellow Board
8 Members will also take his comment into consideration, and it is
9 disappointing that we will no longer have your particular input
10 for these. It really is it's been really just great to have
11 this, you know, particular input on cases, and I think that, you
12 know, it's been great to have you, and I don't want to go through
13 the same we love you thing again.

14 So, Mr. Moy, would you please take a vote -- and anybody
15 can say they love you again. So, Mr. Moy, take a vote. Take a
16 vote, please.

17 MR. MOY: Yes, sir. So, when I call your name if you'll
18 please respond to the motion made by Chairman Hill to approve the
19 application for the special exception request. The motion to
20 approve was second by Zoning Commission - Zoning Commissioner,
21 Peter May.

22 Mr. Smith?

23 MR. SMITH: Yes, and God-speed Commissioner May.

24 MR. MOY: Vice Chair John?

25 VICE CHAIR JOHN: Yes, and best of luck Commissioner

1 May.

2 MR. MOY: Chairman Hill?

3 CHAIRMAN HILL: I don't know, Commissioner May, I get
4 last word. Oh, no. Never mind.

5 MR. SMITH: We made him a promise. We made him a
6 promise.

7 CHAIRMAN HILL: I'll agree. I'll agree. I made him a
8 yes, and I don't know where people are going, but God speed,
9 wherever the speediness of God is going to take you. Commissioner
10 May, voting yes. Go ahead, Mr. Moy, on the last word.

11 MR. MOY: Our last word then goes to Zoning Commissioner
12 Peter May.

13 COMMISSIONER MAY: Yes.

14 MR. MOY: This staff would record the vote, 4-0-1, and
15 this is on the motion made by Chairman Hill. Motion to approve
16 was second by Zoning Commission Peter May also, who voted to
17 approve, as well as voting to approve from Mr. Smith, Vice Chair
18 John, and, of course, Chairman Hill. Motion carries 4-0-1. The
19 vote is back to you, sir.

20 CHAIRMAN HILL: All right. Thanks, everybody. Let's
21 take lunch. Let's go ahead and shoot for, like, let's try 2:00,
22 2:15, if possible, but 2:00 o'clock, let's see what happens,
23 okay? Okay. Bye bye. Thank you, everybody.

24 COMMISSIONER MAY: Bye.

25 (Whereupon, there was a lunch recess.)

1 CHAIRMAN HILL: All right. Good afternoon, everyone.
2 Vice John, unfortunately, is not going to be able to join us for
3 the afternoon, and I think that we'll see what happens. I think
4 we're going to lose a Board member. Perhaps in another hour or
5 so. So, we'll see how that goes.

6 Mr. Moy, do you want to call our first case back, please.

7 MR. MOY: Yes. Thank you, Mr. Chairman.

8 The Board has returned to its public hearing session
9 after a lunch recess, and the time now is at about 2:15 p.m. for
10 its remaining three case applications.

11 The first of which is before the Board, is application
12 number 20910 of Jermaine Johnson and Sheila Morgan Johnson. This
13 is an application pursuant to Subtitle X, section 90 1.2 for
14 special exception, under subtitle U, section 421, to allow a new
15 residential development, a four-unit apartment house. The
16 property is located in the RA-1 zone at 315 Parkland Place, S.E.
17 (Square 5988, Lot 65.)

18 CHAIRMAN HILL: Great, thank you. If the applicant can
19 hear me. If they could introduce themselves for the record.

20 Ms. Johnson: Hello. Can you hear me?

21 CHAIRMAN HILL: Yes. Could you introduce yourself for
22 the record?

23 MS. JOHNSON: Yes. My name is Sheila Morgan Johnson.

24 CHAIRMAN HILL: Okay. Ms. Johnson, are you choosing not
25 to use your camera? I just need to know.

1 MS. JOHNSON: I don't mind using it. How do I do so?

2 CHAIRMAN HILL: You should just be able to turn the
3 video on there.

4 MS. JOHNSON: Oh, I don't know what I'm doing. I'm
5 sorry.

6 CHAIRMAN HILL: That's all right, Ms. Johnson.

7 MS. JOHNSON: Oh, I see it. I'm sorry.

8 CHAIRMAN HILL: Okay.

9 MS. JOHNSON: I think I see it. I think. No. There
10 I am.

11 CHAIRMAN HILL: Okay, great. Okay.

12 Ms. Johnson, if you could just go ahead and tell us a
13 little bit about your project and what you're trying to do and
14 we'll kind of walk through this together, okay?

15 MS. JOHNSON: Okay.

16 Well, I have a prepared statement. May I read it?

17 CHAIRMAN HILL: Please.

18 MS. JOHNSON: It only takes a few minutes.

19 CHAIRMAN HILL: Please, go ahead.

20 MS. JOHNSON: Okay. My name is Sheila Morgan Johnson.
21 My son, Jermaine Johnson, and I own 315 Parkland Place, S.E. The
22 property was constructed in 1942 as a four- unit apartment
23 building.

24 Now, when we purchased the semi-detached property in
25 2015, it had recently been converted to a two-unit building with

1 a three-bedroom flat on each floor. The surrounding neighborhood
2 is a mix of four-unit apartment buildings and row homes.

3 In early 2022, our property was heavily damaged by fire,
4 burning all of the partition walls, floors, doors, and roof
5 structure. Fortunately, no one was injured.

6 Now, since the fire, the building has been unoccupied.
7 Now, we are proposing to restore and revert the building to its
8 original configuration. That is, as a four-unit apartment
9 building with the addition of two units to the existing building.

10 The proposed four-unit apartment building will be
11 consistent with the current use of the majority of apartment
12 buildings on our block.

13 Now, the property is zoned, as you heard RA-1, a zone
14 that requires special exception review under Subtitle S, Section
15 900 by the Board of Zoning Adjustment for all new multifamily
16 developments, including expansions of existing ones like and that
17 is all consistent with the criteria of Subtitle U, Section 421.

18 Now, our proposed use of a low-rise apartment is in
19 conformance with the general purpose and intent of the Zoning
20 ordinances and in harmony with the Zoning regulations and Zoning
21 maps.

22 No significant changes to the exterior of the building
23 will be made, except for we may have some additional windows, and
24 these additional windows, we believe, should not change the
25 degree of privacy for the adjacent properties.

1 Again, the proposal does not include external additions
2 to the building. We believe that the requested special exception
3 will not negatively impact area schools, public streets,
4 recreation, or other services.

5 The Office of Planning concurs and recommends approval
6 of our special-exception application. Now, for the record, we
7 contacted our next-door neighbor who lives at 319 Parkland Place,
8 and he submitted a letter of support for the proposed conversion.

9 is well, we met with a few of our homeowners. We met
10 with a few homeowners who reside directly behind Parkland Place,
11 and they signed a letter of support of a special exception.

12 I met with the Vice Chair of ANC-8C in early February
13 to discuss the merits of our case and my son and I attended the
14 ANC-8C meetings in April where we presented our proposal.

15 The members of ANC-8C voted unanimously to approve our
16 special exception. This concludes my statement. Thank you for
17 the opportunity to present the merits of our case and we are
18 available to answer any questions you may have.

19 CHAIRMAN HILL: Thank you, Ms. Johnson.

20 MS. JOHNSON: You're welcome.

21 CHAIRMAN HILL: Before I ask my fellow Board Members
22 if they have anything, let me turn to the Office of Planning.

23 MS. THOMAS: Yes. Good afternoon, Mr. Chair, Members
24 of the Board. Karen Thomas for the Office of Planning, and as
25 addressed in our report, we believe the application satisfies

1 Section 421 and the special-exception requirements and we rest
2 on the record of that report. Thank you.

3 CHAIRMAN HILL: Thank you.

4 Mr. Young, do we have anyone here wishing to speak?

5 MR. YOUNG: We do not.

6 CHAIRMAN HILL: Okay.

7 Does the Board have any questions of the Office of
8 Planning or the applicant?

9 CHAIRMAN HOOD: Mr. Chairman, I just want to thank the
10 applicant for a very well-done presentation. That's it. Thank
11 you.

12 MS. THOMAS: Well, thank you.

13 CHAIRMAN HILL: Thank you, Chairman Hood.

14 I will second that. Ms. Johnson, thank you so much.
15 I also agree with Chairman Hood and your efficiency with your
16 application, and I hope you have a nice day.

17 MS. JOHNSON: Thank you.

18 CHAIRMAN HILL: Thank you.

19 Mr. Young, we'll close the hearing and the record. I
20 thought that this is a pretty straightforward application. I
21 didn't have any issues or concerns with it. I would agree with
22 the analysis of the Office of Planning as well as that of all
23 the homework that the applicant has done in terms of getting all
24 of their ducks in a row, as well as the support of the ANC-8C
25 and DDOT, and I will be voting in support.

1 Mr. Smith, do you have anything you'd like to add?

2 MR. SMITH: I don't have anything to add. I agree with
3 your assessment of this particular case. It seems to be fairly
4 straightforward. The applicant is proposing to do any outward
5 expansion. They're proposing to convert the building back to
6 what, essentially, it was prior probably 10, 15, 20 years ago as
7 a four-unit. It was a four-unit building.

8 So, I will recognize the OP staff for giving it great
9 weight. I recognize that Celine has wrote a letter from the ANC
10 in recognition of their support and will support the application.

11 CHAIRMAN HILL: Thank you. Chairman Hood.

12 CHAIRMAN HOOD: I have nothing to add. I agree, Mr.
13 Chairman. Thank you.

14 CHAIRMAN HILL: Thank you. I will make a motion to
15 approve Application No. 20910 as captured and read by the
16 Secretary, and ask for a second? Mr. Smith.

17 MR. SMITH: Second.

18 CHAIRMAN HILL: Motion made and seconded.

19 Mr. Moy, if you can take a roll call?

20 MR. MOY: Thank you, Mr. Chairman.

21 When I call your name, if you'll please respond to the
22 motion made by Chairman Hill to approve the application for the
23 relief requested. The motion to approve was second by Mr. Smith.
24 Zoning Commission Chair, Anthony Hood?

25 CHAIRMAN HOOD: Yes.

1 MR. MOY: Mr. Smith?

2 MR. SMITH: Yes.

3 MR. MOY: Chairman Hill?

4 CHAIRMAN HILL: Yes.

5 MR. MOY: We have no other Board Members as participating
6 staff. Staff would record the vote as 3-0-2, and this is on the
7 motion made by Chairman Hill to approve. The motion to approve
8 was second by Mr. Smith who also voted to approve, as well as
9 approval from Zoning Commissioner, Anthony Hood and, of course,
10 Chairman Hill. The motion carries 3-0-2.

11 CHAIRMAN HILL: All right. Thank you, Mr. Moy.

12 Mr. Moy. If you could, call our next case.

13 The next application before the Board is 20911 of
14 Jonathan Lloyd Jones. This is a self-certified application,
15 pursuant to Subtitle X, Section 901.2, special exception under
16 Subtitle E, Section 303.3 and 5203 from the building-height
17 requirements. Subtitle E, Section 303.1.

18 The property is located in the RF-1 zone at 1112 8th
19 Street, N.E. (Square 886, 8-8-6, Lot 64.)

20 The only -- I think that's all I have. Just to inform
21 you, we do have one witness signed up to speak.

22 CHAIRMAN HILL: Okay, great. Thank you.

23 CHAIRMAN HILL: Let's see. Mr. Weaver, are you giving
24 the presentation?

25 MR. WEAVER: Yes.

1 CHAIRMAN HILL: Okay. Could you introduce yourself for
2 the record, please.

3 MR. WEAVER: Robert Weaver, KGRW and Associates, and
4 I'm here for Jonathan Lloyd Jones.

5 CHAIRMAN HILL: Okay. And Mr. Jones, can you hear me?
6 And if so, can you introduce yourself for the record.

7 MR. JONES: Yes, I can hear you. My name is Jonathan
8 Lloyd Jones. I'm the owner of 1112 8th Street, N.E.

9 CHAIRMAN HILL: Okay. Mr. Jones, for the record, Mr.
10 Weaver is representing you, correct?

11 MR. JONES: That is correct.

12 CHAIRMAN HILL: Okay. Because I don't think the letter
13 was signed, so, Mr. Weaver, if you want to go ahead and give us
14 your presentation as to why you believe your client is meeting
15 the criteria for us to grant the relief requested.

16 I'll put 15 minutes on the clock, so I know where we
17 are, and you can begin whenever you like.

18 MR. WEAVER: All right --

19 CHAIRMAN HILL: Mr. Weaver, you may be on mute.

20 MR. WEAVER: Can you hear me?

21 CHAIRMAN HILL: Now, we can hear you.

22 MR. WEAVER: Pull up the presentation on the screen.

23 CHAIRMAN HILL: Yeah, thank you, Mr. Young.

24 MR. WEAVER: Thank you, Mr. Young.

25 So, good afternoon. I think this is a fairly

1 straightforward case. The applicant is looking to -- there's an
2 existing roof deck that is towards the rear of the property and
3 the existing roof plan at the top, you can see the stair that
4 goes up to it and that left side, which is to the rear existing
5 roof deck.

6 The proposed addition expands that roof deck and has a
7 covered porch pergola structure that would provide cover from the
8 elements from sun and rain, et cetera, and so we are looking for
9 a height relief for 38-feet, instead of the 35-feet per section.

10 Subtitle E 303's special exception is allowed up to 40-
11 feet, provided it meets the other conditions of 5203, Section
12 5203 and Subtitle X, Chapter 9.

13 Real briefly, and then we'll go through a couple
14 drawings and photos. We did go before the ANC on April 19th and
15 had a unanimous vote in support of it. The Office of Planning
16 has also issued their report in support of it and the Capitol
17 Hill Restoration Society. Also, we went to a meeting on May 3rd,
18 and they issued into the record, a letter of support as well,
19 Exhibits 22, 25 and 26.

20 And, in addition, the neighbors to either side and
21 below, Exhibits 11, 12 and 13 all have letters of support. I
22 should say, this is a two unit, pretty -- Mr. Lloyd Jones owns
23 the upper, and so, we're looking at the roof deck that's on that
24 third floor.

25 Briefly, in terms of light and air drawings in the

1 | photos, the property that's to the north, which is the above on
2 | the sheet there, the structure is actually taller than what we're
3 | proposing, and so, it kind of nestles between most of the
4 | structure nestles between the stair and the top of the roof stair
5 | and the property to the south, as we'll see, it's a shorter
6 | property, alley, kind of doglegs around the back of the property,
7 | inside of the property, so the proposed addition really isn't in
8 | conflict with the neighbor to the south either, so we'll see
9 | images of that in a second.

10 | In terms of being in harmony with the surrounding
11 | neighborhood and the spirit of the zoning. I think you'll see
12 | that, you know, roof decks and roof structures are fairly common
13 | for this type of structure. It's also set very far back from
14 | the front street, as you'll see. We have a photo that will show
15 | that. It's about 27 feet off the street, and it's also minimally
16 | visible from the alley as well.

17 | So, if you could go to the next slide, please. So, you
18 | can see here on the plat plan that the street is to the east and
19 | the alley actually kind of doglegs around the rear of the property
20 | and the side of the property, so the property to the south is
21 | actually a fairly short property. There's a one-story garage
22 | that's immediately to the south, beyond where the structure is
23 | currently.

24 | To the north, it is, again, already a three-story
25 | building that was recently done that is front to back, three

1 stories, and so, it is a larger structure than what we're
2 proposing.

3 Slide, please So this is a view of the plan. There's
4 a deck floor. The deck extends -

5 CHAIRMAN HILL: Mr. Weaver?

6 MR. WEAVER: Yes.

7 CHAIRMAN HILL: Let me interrupt you. I have -- I'm
8 trying to manage the docket here, and I'm rolling through your
9 PowerPoints, and I understand your presentation.

10 Let me pull it back for a second, Mr. Young, if I could,
11 and I'm going to run through some of the issues that I - oh, no.
12 I'm going to ask some questions in a moment, but first let me
13 turn to the Office of Planning.

14 MR. KIRSCHENBAUM: Good afternoon, Chairman Hill, and
15 Members of the Board of Zoning. I'm Jonathan Kirschenbaum with
16 the Office of Planning. I will recommend approval for the special
17 exception to increase the height to, approximately, 38-feet and
18 rest on the staff report.

19 Please let me know if you have any questions. Thank
20 you.

21 CHAIRMAN HILL: Thank you.

22 Mr. Young, there was here is someone wishing to speak?

23 MR. YOUNG: Yes, one witness signed up.

24 CHAIRMAN HILL: Will you bring that person forward,
25 please.

1 Mr. McLean, can you hear me?

2 MR. MCLEAN: Yes, I can hear you.

3 CHAIRMAN HILL: Yes, could you introduce yourself for
4 the record, please, sir?

5 MR. MCLEAN: My name is Ricky B. McClean. My address
6 is 1122 on 8th Street. I live five houses from this property.

7 CHAIRMAN HILL: Okay.

8 MR. MCLEAN: I have been living in this neighborhood for
9 28 years, and I have seen the transition of new development and
10 new construction.

11 CHAIRMAN HILL: Mr. McLean, I just wanted to point out,
12 you have three minutes to give your testimony and you can begin
13 whatever you like.

14 MR. MCLEAN: Okay. My testimony for this property, even
15 though, it's not adjacent to my house, the property at 1112
16 already had existing structures on the top. Didn't know if it
17 was a two-owner building. I just heard that today that it's
18 owned by two different individuals, and the property, the
19 residents to the left or the right of this property, 1112, 1110
20 and 1114 -- 1114 has been vacant for seven years, so I don't know
21 if you can get residents to sign or just the owner that's not
22 going to live there, to sign to approve this property and the
23 residents that live in 1110, they've been living there now about
24 four years.

25 So, I think the evidence is new to them to agree because

1 that's what they're doing. They just moved into this
2 neighborhood. I believe that if it's already existing, we don't
3 need to add on, but, basically, if you live where I live, you
4 can't see anything down the alley until you go in the alley.

5 So 1114 is already blocked -- blocking the alley, the
6 view of the residents, so if I stand in my yard, I can't see
7 anything, going from 1120, 18, 16 and 14, because the structures
8 are so big, so I came on and put my information in the request
9 that I deny this, because once you do bigger structures and add,
10 takeaway parking spaces now, it's going to cause more havoc on a
11 busy street with Metro, and it just takes up the oxygen of these
12 huge buildings and as a resident born, Washingtonian -- I'm 55.
13 I have been here. I have seen this community go upside down and
14 that's -- those are my comments. Thank you.

15 CHAIRMAN HILL: Okay. Thanks, Mr. McLean. I just
16 smiled, because I'm just about to turn 55, so Mr. McLean, they're
17 not here before us for parking, just so you know. They're here
18 because they're trying to go 3-feet higher than they're able to
19 do by-right.

20 MR. MCLEAN: Yes, I heard that.

21 CHAIRMAN HILL: Okay. All right.

22 Does anybody have any questions for the witness

23 CHAIRMAN HOOD: Right quick. I'm just trying to get
24 -- very quickly. Mr. McLean, that 3 feet that the Chairman just
25 mentioned, if they did a matter right, from your point of view,

1 | what is the difference in the 3 feet?

2 | MR. MCLEAN: I think the building is already tall enough
3 | already.

4 | CHAIRMAN HOOD: Okay.

5 | MR. MCLEAN: That's my issue.

6 | CHAIRMAN HOOD: Okay.

7 | MR. MCLEAN: I just think that.

8 | CHAIRMAN HOOD: Okay. So, you think that --

9 | MR. MCLEAN: From zero to three is not a real big
10 | difference, but I just think it's already tall enough already.

11 | CHAIRMAN HOOD: Okay. I got you. I got you. Thank
12 | you, Mr. McLean.

13 | CHAIRMAN HILL: Thank you, Chairman Hood. Mr. McLean,
14 | thank you for your testimony.

15 | MR. MCLEAN: Thank you.

16 | CHAIRMAN HILL: All right. Does the Board have any
17 | questions for the witnesses? I'm sorry. Does the Board have
18 | any questions for the Office of Planning and or the applicant?
19 | Okay. Mr. Weaver, is there anything you like to add at the end?

20 | MR. WEAVER: We're open to questions if you
21 | (indiscernible)

22 | CHAIRMAN HILL: I got you, Mr. Weaver.

23 | MR. WEAVER: They're set back from the street and I can
24 | answer questions. I know it's late in the afternoon, so.

25 | CHAIRMAN HILL: No. Mr. Weaver, I'm just -- I'm up

1 against a deadline for another Board Member. Okay. I'm going
2 to go ahead and close the hearing and the record.

3 In this particular case, again, I didn't have any issues
4 with it. I mean, I understand the witness and that they are
5 already concerned about the height of the property. However,
6 this property now, what they're trying to do is 3-feet more than
7 what they're able to do by matter-of-right. I don't think the
8 additional 3-feet is going to be much of a difference, and,
9 therefore, I would be in support of the request being asked.

10 Also, I note that the ANC has taken this up and has
11 voted in favor of this, as well as CHRS, and they're also
12 particular about what happens with their area there, and, also,
13 I would rely on the analysis of the Office of Planning and will
14 be voting in favor. Mr. Smith, do you have anything else you'd
15 like to add?

16 MR. SMITH: No, I don't have anything to add. I agree
17 with your assessment and support the application.

18 CHAIRMAN HILL: Chairman Hood?

19 CHAIRMAN HOOD: Chairman, I agree with you. Nothing
20 else to add.

21 CHAIRMAN HILL: Okay. I'm going to make a motion to
22 approve Application No. 20911, as captioned and read by the
23 Secretary, and ask for a second? Mr. Smith

24 MR. SMITH: Second.

25 CHAIRMAN HILL: Motion made and seconded.

1 Mr. Moy, would you make a roll call, please.

2 MR. MOY: When I call your name, please respond to the
3 motion made by Chairman Hill to approve the application for the
4 relief requested. The motion to approve was second by
5 Mr. Smith. Zoning Commission Chair, Anthony Hood?

6 CHAIRMAN HOOD: Yes.

7 MR. MOY: Mr. Smith?

8 MR. SMITH: Yes.

9 MR. MOY: And Chairman Hill?

10 CHAIRMAN HILL: Yes.

11 MR. MOY: Staff would record vote 3-0-2, and this is on
12 the motion made by Chairman Hill to approve. The motion to
13 approve was second by Mr. Smith who voted to approve, as well as
14 approval from Zoning Commissioner Anthony Hood. The motion
15 carried, sir, 3-0-2.

16 CHAIRMAN HILL: Thank you, Mr. Moy.

17 Would you call our next case, please?

18 CHAIRMAN HOOD: Mr. Moy, I think you're on mute.

19 MR. MOY: Thank you, sir.

20 Okay. So, this is Application No. 20915 of Tacoma Lot
21 5, LLC. This is a self-certified application pursuant to Subtitle
22 X, Section 901.2, for special exception, under Subtitle U,
23 Section 421, to allow a new residential development, nine-unit
24 apartment house.

25 The property is located in the RA-1 zone at 6905 Willow

1 Street, N.W. (Square 3359, Lot 52), which was formerly Lots 5 and
2 43, and that's all I have for the Board. Thank you, sir.

3 CHAIRMAN HILL: Thank you.

4 Ms. Bloomfield, if you could hear me. If you could
5 please introduce yourself for the record.

6 MS. BLOOMFIELD: There we go. Good afternoon. Jessica
7 Bloomfield with the Law Firm of Holland and Knight.

8 CHAIRMAN HILL: Okay. Thank you, Mr. Bloomfield,
9 unfortunately, I am a little bit up against a deadline, and so,
10 what I'd like to do is I see your PowerPoint, and I do see a lot
11 of what you were speaking to, as is, you know, we've reviewed
12 the record prior to you coming here.

13 Can you tell me what happened at the ANC meeting?

14 MS. BLOOMFIELD: Absolutely. We met with the ANC a
15 number of times, including, before we filed the application. We
16 met with their Housing Justice Committee at the full ANC meeting.
17 They voted to support. Their resolution is actually in the record
18 twice. It's the same resolution. It was a 7-0 vote in support
19 with three abstentions. They asked a couple of items of us and
20 there were three. We agreed to three.

21 One would be to construct the parking area with
22 permeable materials. We're happy to do that. Second would be
23 to provide a new playground across Willow Street from the site.
24 We've agreed to do that. It would be on property already owned
25 by the applicant, and the third would be to work with DDOT to

1 install a new mid-block raised crosswalk connecting the school
2 abutting our property to the new play area.

3 CHAIRMAN HILL: You're asking for design flexibility in
4 order to work with HPRB?

5 MS. BLOOMFIELD: Correct.

6 CHAIRMAN HILL: In what regards?

7 MS. BLOOMFIELD: So, we've been to HPRB twice. They
8 have agreed and supported that the project mapping design be and
9 is fully consistent with the Historic District, but they have
10 asked for refinements to the roof details of the building.

11 So we're proposing to go back to the HPRB for their June
12 22nd hearing, but because that happens next week, not before this
13 hearing, we're asking for flexibility to make minor refinements
14 to the exterior details of the building in order to comply with
15 whatever final design HPRB approves and you all have granted that
16 flexibility in other cases that are very similarly situated for
17 both HPRB and CFA approval.

18 CHAIRMAN HILL: Is it just the roof details?

19 MS. BLOOMFIELD: That's what they have asked us for, but
20 the language that we proposed in our pre-hearing submission is a
21 broader set -- is broader language and I copied it really just
22 directly from a prior case that I personally had worked on with
23 you all.

24 CHAIRMAN HILL: Right. I think I'm reading it. Okay.
25 Let me let my --

1 MS. BLOOMFIELD: I'm happy to read it. I have it in
2 front of me.

3 CHAIRMAN HILL: That's okay. I have it in front of me
4 also.

5 Let me let my Board Members think about all that as I
6 turn to the Office of Planning.

7 MR. KIRSCHENBAUM: Good afternoon again. Jonathan
8 Kirschenbaum with the OP. I'm filling in for my colleague, Joel
9 Lawson.

10 We recommend approval of the special exception for new
11 residential development in the RA-1 zone and rest on the staff
12 report. Please let me know if you have any questions. Thank
13 you.

14 CHAIRMAN HILL: Thank you. Before I take questions from
15 the Board.

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

17 MR. YOUNG: We do not.

18 CHAIRMAN HILL: Okay. Let me see. I see the design
19 flexibility for my Board Members. "The applicant may make minor
20 refinements to exterior details and dimensions, including, belts,
21 courtesies, sills, bases, cornices, railings, and trim balconies
22 and patios, landscaping, building (indiscernible), size and
23 shape, and the final design of the pitch or any other changes to
24 comply with HPRB approval, or that are otherwise necessary to
25 obtain a final building per --

1 All right, it's a lot of stuff, Ms. Bloomfield. I don't
2 know exactly know how to hone that, or I don't know what my --

3 Mr. Smith, do you have any thoughts on the design
4 flexibility?

5 MR. SMITH: No, I don't have any thoughts on it.

6 CHAIRMAN HILL: Okay. All right. Chairman Hood, do you
7 have any thoughts on design flexibility.

8 CHAIRMAN HOOD: To allow them to design the flexibility
9 with my BJ app, because I believe BJ app will get into so much
10 of the design and if it pertains to something with Zoning, they
11 would have to come back to BJ anyway, and I'm confident in HPRB
12 and the design piece, but as long as we hit our zoning pieces,
13 so that's what I'm - thank you, Mr. Chairman.

14 CHAIRMAN HILL: Okay. I will --

15 Ms. Bloomfield, I'm just -- as I mentioned, I'm trying
16 to do this in a way that doesn't make us have to come back later
17 in the afternoon, because I'm up against a time window.

18 However, this is not something that this would have been
19 more of a discussion, right, and that it's a pretty broad piece
20 of design flexibility. I know what you're trying to do, and in
21 this particular instance, I would be comfortable with it,
22 however, the next time you're here, we'll probably want to see a
23 little bit more refinement of the language, but I don't have any
24 problems at this juncture.

25 Does my fellow Board Members have any questions

1 concerning the applicant?

2 COMMISSIONER MAY: No questions.

3 CHAIRMAN HILL: Okay.

4 All right. Ms. Bloomfield, do you have anything at the
5 end?

6 MS. BLOOMFIELD: No. I will rest on our PowerPoint.

7 CHAIRMAN HILL: Okay. I'm going to close the hearing
8 and the record. Mr. Young, if you can, please, excuse everyone.

9 Okay. In this particular case, I am in agreement with
10 the analysis that the Office of Planning has provided. I'm also
11 in agreement with what the ANC has provided.

12 The ANC spoke a lot about things that aren't actually
13 within our purview and a lot of the things that they have worked
14 out with the applicant is up to them and the applicant, but
15 they're not things that, again, are easy purview, necessary, so
16 they won't be conditions that would be part of this order.

17 I will agree to the design flexibility as noted, so the
18 applicant can have minor design exterior details as per HPRB, as
19 long as they don't have to do anything with the zoning issues
20 that are before us, otherwise, they'll have to come back before
21 the Board.

22 Mr. Smith, do you have anything you'd like to add?

23 MR. SMITH: No. I agree with your assessment of this
24 case and will support the application, giving OP's
25 (indiscernible) great weight.

1 Okay. Chairman Hood, do you have anything you would
2 like to add?

3 CHAIRMAN HOOD: I too will support this application with
4 all the support it has. Thank you, Mr. Chairman.

5 CHAIRMAN HILL: Okay. All right. I'm going to make a
6 motion to approve Application No. 20915, as the caption read by
7 the Secretary, included the minor design flexibility, as noted,
8 and ask for a second?

9 Mr. Smith?

10 MR. SMITH: The motion remains at second, and Mr. Moy,
11 take a roll call, please.

12 MR. MOY: If you will please respond to the motion made
13 by Chairman Hill to approve the application for the relief
14 requested, including, the language for design flexibility as the
15 Chairman has read into the record. The motion to approve was
16 second by Mr. Smith.

17 Zoning Commission Chair, Anthony Hood?

18 CHAIRMAN HOOD: Yes.

19 MR. SMITH: Yes.

20 MR. MOY: Chairman Hill?

21 CHAIRMAN HILL: Yes.

22 MR. MOY: We have no other Board Members present. Staff
23 would record the vote as 3-0-2, and this is on the motion that
24 was made by Chairman Hill to approve and was second by Mr. Smith
25 who also voted, as well as approval from Zoning Commissioner

1 Chair, Anthony Hood, and, of course, Mr. Smith and Chairman Hill.
2 Motion carried, sir.

3 CHAIRMAN HILL: Thank you, Mr. Moy.

4 And I would like to mention that, again, we had to work
5 a little bit more efficiently to try to get to this conclusion
6 in the manner that which we would have accommodated our fellow
7 Board members.

8 So, with that, do we have anything else, Mr. Moy?

9 Go ahead, Chairman. Commissioner Hood.

10 CHAIRMAN HOOD: Real quick, Mr. Chairman, I watched you
11 navigate all this. You are the second-best Chairman, or you are
12 the best Chairman, I've seen to do that, so thank you very much
13 for accommodating all those many, moving pieces today.

14 Thank you.

15 CHAIRMAN HILL: Thank you, Chairman Hood.

16 Mr. Moy, is there anything else before us today?

17 MR. MOY: No, sir. I would not dare to add anything
18 more to your agenda.

19 CHAIRMAN HILL: Okay. All right. Everyone has a good
20 day. Thank you so much. Bye-bye.

21 (Whereupon, the above-entitled matter went off the
22 record at 2:53 p.m.)

23

24

25

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 Hearing

Before: DCBZA

Date: 06-14-23

Place:

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

Donna S. Smith

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