

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JULY 26, 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, Lorna John, Vice Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

LORNA JOHN, Vice Chairperson
CHRISHAUN SMITH, Member
ANTHONY HOOD, Zoning Commissioner

OFFICE OF ZONING ADJUSTMENT STAFF PRESENT:

TRACEY ROSE, Staff
PAUL YOUNG, Data Specialist

OFFICE OF ZONING ADJUSTMENT LEGAL COUNSEL:

MARY NAGELHOUT, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on July 26, 2023.

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

2 (9:30 a.m.)

3 VICE CHAIR JOHN: Good morning, ladies and gentlemen.
4 The Board of Zoning Adjustments July 26, 2023 public hearing will
5 please come to order.

6 My name is Lorna John, Vice Chairperson of the District
7 of Columbia Board of Zoning Adjustment. Joining me today is
8 Board Member Chrishaun Smith and Zoning Commission Chair Anthony
9 Hook. Today's meeting and hearing agendas are available on the
10 Office of Zoning's website. Please be advised that this
11 proceeding is being recorded by a court reporter and is also
12 webcast via WebEx and YouTube Live. The video of the webcast
13 will be available on the Office of Zoning's website after today's
14 hearing. Accordingly, everyone who is listening on WebEx or by
15 telephone will be muted during the hearing. Also, please be
16 advised that we do not take any public testimony at our decision
17 making session. If you experience difficulty accessing WebEx or
18 with your telephone call-in, then please call our OZ hotline
19 number at 202-727-5471 to receive WebEx login or call-in
20 instructions.

21 At the conclusion of the decision meeting, I shall, in
22 consultation with the Office of Zoning, determine whether a full
23 or summary order may issue. The full order is required when the
24 decision it contains is adverse to a party including an affected
25 ANC. A full order may also be needed if the Board's decision

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

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

13 | Once again, if you experience difficulty accessing
14 | Webex or with your telephone call-in, or you have forgotten to
15 | sign up 24 hours prior to this hearing, then please call our OZ
16 | hotline number at 202-727-5471 to sign up to testify and to
17 | receive Webex login or call-in instructions.

18 | All persons planning to testify either in favor or in
19 | opposition should have signed up in advance. They will be called
20 | by name to testify. If this is an appeal only parties are allowed
21 | to testify. By signing up to testify all participants must
22 | complete the Oath or Affirmation as required by Subtitle Y 408.7.
23 | Requests to enter evidence at the time of an online virtual
24 | hearing such as written testimony or additional supporting
25 | documents other than live video which may not be presented as

1 part of the testimony may be allowed pursuant to Subtitle Y §
2 103.13 providing that the person making the request to enter an
3 exhibit explains how the proposed exhibit is relevant, the good
4 cause that justifies allowing an exhibit into the record
5 including an explanation of why the requestor did not file the
6 exhibit prior to the hearing pursuant to Subtitle Y § 206 and
7 all the proposed exhibits would not unreasonably prejudice any
8 party.

9 The order of procedure for special exceptions and
10 variances pursuant to Subtitle Y § 409 will be as follows:
11 preliminary and procedural matters, statement of the applicant
12 and the applicant's witnesses, report and recommendation from the
13 D.C. Office of Planning, reports and recommendations from other
14 public agencies, reports and recommendations from the affected
15 Advisory Neighborhood Commission and the ANC's witnesses, if any,
16 for the area within which the property is located, parties in
17 support of the application, individuals and organization
18 representatives in support of the application, parties in
19 opposition to the application, individuals and organizations'
20 representatives in opposition to the application, individuals and
21 organization representatives who are undeclared with respect to
22 the application, rebuttal and closing statements by the
23 applicants.

24 Pursuant to Subtitle Y §§ 408.2 and 408.3 the following
25 time constraints shall be maintained. The applicant, appellant

1 and all parties except for an affected ANC in support, including
2 witnesses exclusive of cross-examination, a maximum of 60 minutes
3 collectively. The appellee, persons and parties except an
4 affected ANC in opposition including witnesses collectively have
5 an amount of time equal to that of the applicant and parties in
6 support but in no case more than 60 minutes collectively.
7 Individuals, maximum of three minutes, organization
8 representatives, maximum of five minutes. These time constraints
9 do not include cross-examination and/or questions from the Board,
10 cross-examination of witnesses by the applicant or parties
11 including the ANC is permitted. The ANC within which the property
12 is located is automatically a party in a special exception or
13 variance case. Nothing prohibits the Board from placing
14 reasonable restrictions on cross-examination including time
15 limits and limitations and scope of cross-examination pursuant
16 to Subtitle Y § 408.5.

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

1 information to complete the record. The Board and the staff will
2 specify at the end of the hearing exactly what is expected and
3 the date when persons must submit the evidence to the Office of
4 Zoning. No other information shall be accepted by the Board.

5 Once again, after the Board adjourns the hearing the
6 Office of Zoning, in consultation with me, will determine whether
7 a full or summary order may issue. A full order is required when
8 the decision it contains is adverse to a party including an
9 affected ANC. A full order may also be needed if the Board's
10 decision differs from the Office of Planning's recommendation.
11 Although the Board favors the use of summary orders whenever
12 possible, an applicant may not request the Board to issue such
13 an order.

14 Finally, the District of Columbia Administrative
15 Procedures Act requires that the public hearing on each case be
16 held in the open before the public. However, pursuant to §§
17 405(b) and 406 of that Act, the Board may, consistent with its
18 rules of procedures and the Act, enter into a closed meeting on
19 a case for purposes of seeking legal counsel on a case pursuant
20 to D.. Official Code § 2575(b)(4) and/or deliberating on a case
21 pursuant to D.C. Official Code 2575(b)(13) but only after
22 providing the necessary public notice and in the case of an
23 emergency closed meeting, after taking a roll call.

24 Madam Secretary, do you have any preliminary matters
25 and if so, let's proceed with the agenda?

1 MS. ROSE: Good morning. Yes, we have a couple. Please
2 note that for the meeting agenda Application No. 20935 of Jeremy
3 Emmert will not be decided today. It has been removed from the
4 expedited review consent calendar and scheduled for a public
5 meeting, public hearing, I'm sorry, on October 4th, 2023, and for
6 the hearing agenda Application No. 20837 of Howard University was
7 postponed to November 29th, 2023, and will not be heard today.
8 If it is all right with the Board, we can address other
9 preliminary matters when we call the cases.

10 VICE CHAIR JOHN: Thank you, Ms. Rose. So let's then
11 proceed with the first case on the public meeting agenda.

12 MS. ROSE: Yes. The first matter on the public meeting
13 agenda is a request for advanced party status in opposition. Is
14 that where we are?

15 VICE CHAIR JOHN: Yes.

16 MS. ROSE: Advanced party status in opposition from
17 Glover Plaza Condominium Association in Application No. 20937 of
18 40th St. Heights, LLC. The application is for a special exception
19 from the screening requirements for surface parking of Subtitle
20 C § 714.2 pursuant to Subtitle C § 714.3, and Subtitle X § 901.2
21 in a special exception from the matter-of-right uses of Subtitle
22 U § 401 pursuant to Subtitle U § 421 and Subtitle X § 901.2 to
23 construct a third story with roof deck and a three story rear
24 addition with cellar and an additional two dwelling units to an
25 existing semi-detached two story with cellar, four unit apartment

1 house in the RA-1 zone at 2236 40th Street, N.W., Square 1317,
2 Lot 14.

3 VICE CHAIR JOHN: Okay. Thank you. Mr. Young, is the
4 requesting party here? I believe that would be Ms. Wilson, Susan
5 Wilson?

6 MR. YOUNG: Yes. Would you like me to bring her in?

7 VICE CHAIR JOHN: Yes. Please let her in. I believe
8 there's also, okay. Just Ms. Wilson. Good morning, Ms. Wilson.

9 MS. WILSON: Good morning. Can you hear me?

10 VICE CHAIR JOHN: Yes, I can hear you.

11 MS. WILSON: Oh, good.

12 VICE CHAIR JOHN: So the Board will not take any
13 testimony today and we, as you know, the regulations require you
14 to be present so you can just listen in to the deliberations.

15 MS. WILSON: Okay. Thank you.

16 VICE CHAIR JOHN: You're welcome. So I'll go ahead and
17 start the discussion. So I reviewed the application and the
18 record and in particular the addendum which is attached to the
19 application in Exhibit 17A and the requestors together own all
20 of the apartments, I believe there are four, of the condominium
21 and an authorized representative at this hearing as shown in the
22 record. I believe Ms. Wilson is one of the owners and the
23 condominium itself is located, is an adjacent property to the
24 Applicant's property and as indicated there is potential adverse
25 impacts, including light and air and privacy and other concerns

1 which are not before the Board, are outside the scope of the
2 Board.

3 Generally, as the next door neighbor, there's a
4 presumption that the requestors have demonstrated or would be
5 able to demonstrate that their interest would be more uniquely,
6 uniquely effective in character or kind than others in the general
7 public and that they meet the criteria of Subtitle Y § 404.13
8 and so if no one objects, I will go ahead and grant the Motion
9 for Advanced Party Status.

10 Chairman Hood.

11 ZONING COMMISSIONER HOOD: I would agree with your
12 analysis and I think this application warrants us giving them
13 party status. Thank you, Madam Chair.

14 VICE CHAIR JOHN: Thank you, Chairman Hood.

15 Board Member Smith.

16 MR. SMITH: I don't have any objection to your approach.
17 I do agree with your assessment and Mr. Hood's assessment on the
18 reasons to grant this Applicant party status, given their
19 adjacency to the property in question. So I support.

20 VICE CHAIR JOHN: Thank you. So the motion is granted.
21 Ms. Rose, I don't believe we need a roll call.

22 MS. ROSE: I don't think so. It's up to the Board.

23 MS. WILSON: Thank you.

24 VICE CHAIR JOHN: Thank you, Ms. Wilson. And when
25 you're ready, Mr. Rose, please call the next case.

1 MS. ROSE: The next case on the meeting agenda is an
2 expedited review case on the consent calendar. It is application
3 No. 20942 of Christopher Rodriguez. This is a self-certified
4 application for a special exception from the side yard
5 requirements of Subtitle D § 206.7. Pursuant to the Subtitle D
6 § 5201 and Subtitle X § 901.2 to construct a second story rear
7 addition over the one story portion of an existing detached two
8 story with cellar principal Dwelling unit in the R-1-B zone at
9 premises 4726 Sedgwick Street, N.W., Square 1526, Lot 47.

10 VICE CHAIR HILL: Thank you, Ms. Rose. So I'll go
11 ahead and start the discussion.

12 I did not have a lot of questions about this
13 application. There is an existing 1.9 foot side yard which the
14 Applicant would maintain and this side yard is adjacent to a 16
15 foot alley, which I believe should provide adequate light and air
16 to the neighbor who is across the alley. The other side yard is
17 quite large and it would, in my view, there would be no adverse
18 impact. The neighbor across the alley that's closest to that 1.9
19 foot side yard is in support of the application and there is no
20 request for relief from any other development standards.

21 OP's analysis was thorough and I give great weight to
22 OP's analysis and recommendation and I also note that the ANC
23 supports the application with no issues or concerns.

24 Board Member Smith, did you have anything to add?

25 MR. SMITH: No. I by and large agree with your

1 assessment of this particular case and will also support your
2 approach.

3 VICE CHAIR JOHN: Thank you. Commissioner Hood.

4 ZONING COMMISSIONER HOOD: I agree with both of you.
5 I'm looking to voting and supporting this application. Thank
6 you.

7 VICE CHAIR JOHN: Thank you.

8 So then I'll make a motion to approve application No.
9 20942 as captioned and read by the secretary and ask for a second.
10 Board Member Smith?

11 MR. SMITH: Second.

12 VICE CHAIR JOHN: Ms. Rose, would you take the roll
13 call, please?

14 MS. ROSE: Certainly. When I call your name please
15 respond with your vote on the motion.

16 Vice Chair John?

17 VICE CHAIR JOHN: Yes.

18 MS. ROSE: Board Member Smith?

19 MR. SMITH: Yes.

20 MS. ROSE: Commissioner Hood?

21 ZONING COMMISSIONER HOOD: Yes.

22 MS. ROSE: And staff would record the vote as three to
23 zero to two to approve the application. This is on a motion made
24 by Vice Chair John, seconded by Board Member Smith, with
25 Commissioner Hood in support of the motion. Chairman Hill No

1 pressure, not voting. One Board seat vacant.

2 VICE CHAIR JOHN: Thank you, Ms. Rose. And when you're
3 ready please call the next case which I believe is 20875A.

4 MS. ROSE: Yes. Application No. 20875A of American
5 Association of Colleges and Universities. This is a request
6 pursuant to Subtitle Y § 703 for a modification of consequence
7 to plans approved in Board of Zoning Adjustment Application No.
8 20875. The order was issued on March 7th, 2023. The proposal
9 was to construct a rear addition to an existing attached four
10 story with basement residential building devoted to non-profit
11 use and permit a deck and ramp at the rear for handicap access
12 ability. The property is located in the RA-8 zone at premises
13 1816 through 1818 R Street, N.W., Square 134, Lots 149 and 150.

14 Okay. Thank you. So I'll start. This is a request
15 for a modification of consequence to change plans previously
16 approved by the Board and because this is a request under Subtitle
17 Y § 604.9 and 604.10, a modification of consequence is appropriate
18 and that basically means that if the Applicant changes the plans
19 that were approved by the Board, then the Applicant needs to
20 return to the Board for approval.

21 In this case, the Applicant proposes to add a rear deck
22 and ramp for handicapped access. Existing parking will be
23 maintained and none of these changes would require zoning relief.
24 The Office of Planning plan is in support of the application and
25 as of last night there was no request from the ANC. I'm generally

1 in support of the application and would like to hear from my
2 fellow Board Members starting with Board Member Smith.

3 MR. SMITH: Yes, Vice Chair John, I am by and large in
4 support of the requested modification of consequence. It seems
5 that modification of consequence was necessitated by changes
6 requested by the Historic Preservation Office staff to align with
7 historic preservation policy. As was previously, when we first
8 heard this case, I would be in support of the proposed rear
9 addition and modification which would permit the deck and ramp
10 at a rear for handicap accessibility, and so I think it needs to
11 be a fairly straightforward request for modification of
12 consequence and will support the application.

13 VICE CHAIR JOHN: Thank you, Board Member Smith.
14 Chairman Hood.

15 ZONING COMMISSIONER HOOD: I would agree, Madam Chair,
16 with you and Board Member Smith. I always look at these cases
17 and wonder why we just don't do the reasonable combinations but
18 I'm sure there's some lawyering of why we don't do it so I'll
19 leave that alone, but I'll be voting in favor of this application.

20 VICE CHAIR JOHN: Thank you. So I'll make a motion
21 to approve application 20875A as captioned and read by the
22 Secretary and ask for a second. Mr. Smith?

23 MR. SMITH: Second.

24 VICE CHAIR JOHN: Commissioner Hood?

25 ZONING COMMISSIONER HOOD: Yes.

1 VICE CHAIR JOHN: Thank you. Ms. Rose, would you please
2 take the roll call?

3 MS. ROSE: When I call your name please respond with
4 your vote on the motion.

5 Vice Chair John?

6 VICE CHAIR JOHN: Yes.

7 MS. ROSE: Commissioner Hood?

8 ZONING COMMISSIONER HOOD: Yes.

9 MS. ROSE: Board Member Smith?

10 MR. SMITH: Yes.

11 MS. ROSE: The staff will record the vote as three to
12 zero to two to approve the modification. This is on a motion
13 made by Vice Chair John, seconded by Board Member Smith with
14 Commissioner Hood in support of the motion. Chairman Hill not
15 present, not voting, and one Board seat vacant.

16 VICE CHAIR JOHN: Thank you, Ms. Rose. And when you're
17 ready, please call the next case.

18 MS. ROSE: The next case is application No. 20872A of
19 the New Macedonia Baptist Church. This is a request pursuant to
20 Subtitle Y § 703 for a modification of consequence from plans
21 approved in BZA application No. 20872, order issued May 19, 2023
22 to construct a new detached four story with cellar penthouse and
23 roof deck, 35 unit mixed use building in the MU-4 zone. This is
24 located at premises 2026 Jackson Street, N.E., Square 4220, Lot
25 802 and we have four letters in support that came in yesterday

1 and Monday, three from neighbors and one joint letter from SMD
2 Commissioners for ANC 5B06 and 5C07. These letters are Exhibits
3 13 through 16 in the record.

4 VICE CHAIR JOHN: Thank you, Ms. Rose. I saw those
5 letters last night. I believe the last one was from the two ANC
6 Commissioners.

7 MS. ROSE: Yes.

8 VICE CHAIR JOHN: Okay. Thank you. So I'll go ahead
9 and start the discussion.

10 As noted, this is a request for modification of
11 consequence to expand the number of units in an apartment building
12 to four units within the MU-4 zone. The Applicant is not
13 proposing to increase the building footprint and no other relief
14 is required. The updated plans also showed two additional long
15 term parking spaces. I almost set down bicycle ramps but these
16 are additional two parking spaces because of the addition of the
17 four new apartments. Let me make sure that's correct. It might
18 just be bicycle parking spaces.

19 So again, because this is a request to change the plans
20 which were approved by the Board in a previous application, this
21 is an appropriate request for a modification of consequence.
22 Under Subtitle Y §§ 604.9 and 604.10.

23 I agree with OP's analysis and recommendations. As I
24 said this was fairly straightforward. There's several letters
25 of support from neighbors which I appreciate and there's also a

1 joint letter in support from the Single Member District
2 Commissioners ANC 5B/6 and ANC 5C/7. They generally support the
3 application but have raised issues regarding the reduced parking
4 and I believe they would prefer to see more parking. However,
5 this application, as I'm sure they know, is not entitled to great
6 weight because it was not approved by the full ANC, but I
7 appreciate them taking the time to write such a lengthy letter
8 in support of the application and so I'm generally in support of
9 granting the request.

10 Board Member Smith.

11 MR. SMITH: By and large, Chair John, I by and large
12 agree with your statements in this particular case. But they are
13 allowed to increase the number of units per the modification of
14 consequence regulations under Subtitle Y 703.

15 I do agree with you. I do note that the ANC had
16 submitted a letter and most of it is regarding parking. It has
17 been the case in this neighborhood for many of the projects that
18 we've seen, but I'll note that this particular project with these
19 additional units would not require additional vehicle parking
20 spaces but they would be required to increase the number of bike
21 parking spaces. So that concern is a little bit mitigated and
22 there are a number of bus lines and other multi-modal
23 transportation opportunities along Rhode Island Avenue for people
24 to be able to access the Rhode Island Avenue Brentwood metro
25 station that's further to the west.

1 So I do believe that the Applicant has met the burden
2 of proof for us to grant the modification of consequence and will
3 support the application.

4 VICE CHAIR JOHN: Thank you, Board Member Smith, and I
5 believe there is no need for parking relief because they meet the
6 parking requirement. It's just the bicycle parking.

7 MR. SMITH: Correct.

8 VICE CHAIR JOHN: They wouldn't (indiscernible). I
9 might not have been clear. Thank you for clarifying though.
10 Commissioner Hood.

11 ZONING COMMISSIONER HOOD: Thank you, Madam Chair. I
12 agree with both you and Board Member Smith. Also a comment. I
13 really appreciate the ANC Commissioners because when this project
14 started off and the many facets, it started off under ANC 5C and
15 due to redistricting they went to the ANC 5B, I think that was
16 known previously and (indiscernible) collaboration. I understand
17 the issue about parking. Parking in this area, even on the Zoning
18 Commission when we did the amendments, text amendments, it's
19 always been a parking issue so I would, again, encourage the
20 Applicant to continue to work with ANC Commissions in the
21 community so we can try to resolve it (indiscernible) figure out
22 ways to make it work for everyone.

23 So with that I think as far as Subtitle, just a second,
24 Subtitle Y 703 and as you all have already stated, I would be in
25 favor of this application. Thank you, Madam Chair.

1 VICE CHAIR JOHN: Thank you, Commissioner Hood. So
2 I'll make a motion to approve application 20872A as captioned and
3 read by the Secretary and ask for a second. Mr. Smith.

4 MR. SMITH: Second.

5 VICE CHAIR JOHN: Commissioner Hood.

6 ZONING COMMISSIONER HOOD: So, Madam Chair, I'm
7 curious. Do you want me to second it too? Are we voting?

8 VICE CHAIR JOHN: No.

9 ZONING COMMISSIONER HOOD: I'm not sure what's going
10 on because you did that last time.

11 VICE CHAIR JOHN: No, I thought I said Board Member
12 Smith? Would you like to second it?

13 ZONING COMMISSIONER HOOD: No, but you called on me so
14 I don't know what I'm supposed to do.

15 VICE CHAIR JOHN: Oh, no, I'm sorry.

16 BOARD MEMBER SMITH: I already seconded.

17 VICE CHAIR JOHN: Oh, okay. It's time --

18 ZONING COMMISSIONER HOOD: But if you want to hear me
19 talk I can do that.

20 VICE CHAIR JOHN: Thank you, thank you. We'll take a
21 break soon so I can have some coffee and thank you for catching
22 that, Commissioner Hood. It means that somebody is awake.

23 Okay. So seconded by Board Member Smith. Ms. Rose,
24 would you please take the roll call?

25 MS. ROSE: Yes. When I call your name, please respond

1 with your vote on the motion.

2 Commissioner Hood?

3 ZONING COMMISSIONER HOOD: Yes.

4 MS. ROSE: Board Member Smith?

5 MR. SMITH: Yes.

6 MS. ROSE: Vice Chair John?

7 VICE CHAIR JOHN: Yes.

8 MS. ROSE: And staff would record the vote as three to
9 zero to two to approve the modification. This is on a motion
10 made by Vice Chair John, seconded by Board Member Smith with
11 Commissioner Hood in support of the motion. Chairman Hill not
12 present not voting, one Board seat vacant.

13 VICE CHAIR JOHN: Thank you. Okay. Please call the
14 next case. So let me clarify. Ms. Rose, is that the end of the
15 meeting --

16 MS. ROSE: Yes.

17 VICE CHAIR JOHN: -- calendar? Okay. Let's take a
18 quick break so some people can have a cup of coffee and we'll
19 resume at 10:15. Is that okay?

20 MS. ROSE: Thank you.

21 VICE CHAIR JOHN: Thank you.

22 (Whereupon, there was a brief recess.)

23 MS. ROSE: The first case on the hearing agenda is
24 application No. 20853 of 1212 Oates Street, LLC. This is a self-
25 certified application for a special exception from the rooftop

1 and upper floor requirements of Subtitle E § 206.1, pursuant to
2 Subtitle E § 206.4, Subtitle E § 5207 and Subtitle X § 901.2 to
3 construct a third story addition and convert to a flat an existing
4 attached two story with cellar, principal dwelling unit in the
5 RF-1 zone at premises 1212 Oates Street, N.E., Square 4060, Lot
6 79.

7 As a preliminary matter, on Thursday, July 20th, the
8 Applicant's representative filed a motion to postpone the hearing
9 until September 6th, 2023. We are now within the seven day
10 response period and this matter is before you for consideration.

11 VICE CHAIR JOHN: Thank you, Ms. Rose. Is the Applicant
12 here?

13 MR. OLIVER: Yes, Madam Vice Chair. John Oliver with
14 Holland & knight here on behalf of 1212 Oates Street, LLC.

15 VICE CHAIR JOHN: Okay. Good morning. Please go ahead
16 and tell us why you need this continuance.

17 MR. OLIVER: Of course. So as stated here we requested
18 a motion to postpone. The motion was timely filed and properly
19 served on the parties and is in the case record at Exhibit 50.
20 The reason for the motion is that we've been unable to meet with
21 the ZA to discuss some outstanding zoning issues as he's been out
22 recovering from a medical procedure.

23 So with that, we ask that the Board grant the motion
24 and continue the hearing until the next available hearing date.

25 VICE CHAIR JOHN: Thank you. I don't believe, was

1 there something from Mr. Holmes in the record?

2 MR. HOLMES: Yes. Good morning, ma'am. This is Martin
3 Holmes. I am party to the case in opposition of the application.
4 I do not have any concern with continuing the case. My only
5 request is that on behalf of myself and my expert witness,
6 Guillermo Rueda, it not be continued to September 20th, otherwise
7 we are fine with continuing the matter.

8 VICE CHAIR JOHN: Okay. So let's address the
9 continuance first. I have no objection to continuing the case.
10 Do any other Board Member -- do any of my fellow Board Members
11 have any concern?

12 ZONING COMMISSIONER HOOD: No objection.

13 MR. SMITH: No.

14 VICE CHAIR JOHN: Okay. So we'll go ahead and continue
15 the case to sometime in September, and what was the date you were
16 requesting, Mr. Holmes?

17 MR. HOLMES: Yes, ma'am. We are hoping that it not be
18 September 20th, otherwise we are fine with any other date in
19 September.

20 VICE CHAIR JOHN: Okay. Ms. Rose, do you have a
21 suggestion?

22 MS. ROSE: I spoke with the Secretary and he recommended
23 November 1st, November 29th or December 6th and I can go over
24 the number of cases. The reason is the caseload, the heavy
25 caseload.

1 VICE CHAIR JOHN: That's fine. That's fine, Ms. Rose.
2 So those are the dates. November 1st, what was the other one?

3 MR. ROSE: November 29th --

4 VICE CHAIR JOHN: Uh-huh.

5 MS. ROSE: -- and December 6th.

6 VICE CHAIR JOHN: And December 6th. Okay. Is there
7 any date that doesn't work for you, Mr. Oliver or Mr. Holmes?

8 MR. OLIVER: No, ma'am. Those three dates are fine
9 with us.

10 VICE CHAIR JOHN: Mr. Holmes?

11 MR. HOLMES: Given how far out that is in the calendar,
12 I can't imagine any problems and if there is something, we can
13 probably adjust. So I think all three of those dates would also
14 be fine.

15 VICE CHAIR JOHN: Okay. So Ms. Rose, how does November
16 1st look?

17 MS. ROSE: November 1st there are eight cases, eight
18 hearing cases and one meeting case, which is expedited review.
19 On the 29th there are seven hearing cases and December 6th, we
20 have none currently scheduled.

21 VICE CHAIR JOHN: Okay. So December 6th sounds like a
22 good date. That should give the parties enough time to meet with
23 the zoning administrator and making any changes if necessary.

24 MS. ROSE: So noted.

25 VICE CHAIR JOHN: Thank you. Okay. So Mr. Holmes, I

1 think it's appropriate to address the matter of the expert witness
2 at the time that the case is called and right now the only matter
3 before the Board is the request for a continuance.

4 MR. HOLMES: That's fine, ma'am. I do believe in my
5 original application for party status I had listened and noted
6 that I would be using an expert witness, but if we need to address
7 it and handle it on December 6th, if that's the more appropriate
8 procedural way, I have no problem with that.

9 VICE CHAIR JOHN: So Mr. Rueda is already in the witness
10 book here. He appears before us fairly often so if that's your
11 only witness, I don't see an issue. Does any Board Member have
12 any comments? No. Okay. So I'll go ahead then and approve the
13 request for a continuance and so we'll see you on December, what
14 date did we say?

15 MS. ROSE: 6th.

16 VICE CHAIR JOHN: 6th.

17 MS. ROSE: Yes.

18 VICE CHAIR JOHN: Okay.

19 MS. ROSE: Thank you.

20 VICE CHAIR JOHN: Thank you very much. Have a great
21 day.

22 MR. HOLMES: Thank you.

23 VICE CHAIR JOHN: I'm sorry, was someone speaking?
24 Okay. When you're ready, Ms. Rose, please call your next case.

25 MS. ROSE: Next is application No. 20571-A of Verizon

1 Wireless. This is a request pursuant to Subtitle Y § 704 for a
2 modification of significance to change a condition adopted in BZA
3 order No. 20571 to extend for an additional 12 months the term
4 of approval of a special exception allowing a monopole use. This
5 is to construct a temporary monopole in the RA-1 zone at premises
6 700 Yuma street, S.E., Square 6124, Lot 47. The Applicant's
7 PowerPoint was filed late and needs a waiver.

8 VICE CHAIR JOHN: Okay. Please go ahead and include
9 it in the record, Ms. Rose.

10 MS. ROSE: Thank you. That's all I have.

11 VICE CHAIR JOHN: Okay. Thank you very much. Good
12 morning, Ms. Hottel-Cox.

13 MS. HOTTEL-COX: Good morning.

14 VICE CHAIR JOHN: So before we start your presentation,
15 does the Board need any time to review that presentation? No?
16 Okay. Okay. Please go ahead and introduce yourself and tell us
17 about the application.

18 MS. HOTTEL-COX: Thank you. Good morning again. My
19 name is Meghan Hottel-Cox with Goulston & Storrs and I, along
20 with my colleague Derick Wallace, are representing Verizon
21 Wireless and its agent Network Building & Consulting, the
22 Applicant in this case.

23 We are here today asking for a modification of
24 significance to extend the approval for a temporary monopole at
25 700 Yuma Street, S.E., for one year. The Board originally

1 approved BZA case 20571 in December, 2021 to install a temporary
2 cell tower at 700 Yuma Street because the previous permanent
3 antenna site was being torn down. That temporary tower has been
4 providing coverage to the community since that time.

5 The Applicant has been working diligently since that
6 initial approval to establish a permanent location and has
7 identified the new KIPP school that will be located at the same
8 property as the best location. However, while the Applicant has
9 begun negotiations with KIPP schools to install the antennas on
10 the rooftop, the negotiations have taken longer than originally
11 anticipated and so to avoid a gap in coverage and allow for
12 additional time to finalize the permanent location, we are here
13 today asking for a modification to the two year condition for the
14 temporary monopole to allow for one additional year. This will
15 allow the Applicant to finalize that permanent location and
16 maintain coverage for the community.

17 As demonstrated in our initial and supplemental filings
18 the application meets all of the requirements of Subtitle Y §
19 704.6 for a modification of significance, including continuing
20 to meet the special exception requirements of Subtitle X § 900.2
21 and Subtitle C § 1313.2 for the approval of a monopole antennae.

22 Because the modification of significance allows the
23 Board to extend or alter a condition after that initial approval,
24 we believe the modification is appropriate because of the need
25 for the temporary antenna to continue to provide service for the

1 community.

2 VICE CHAIR JOHN: So Ms. Hottel-Cox, I apologize for
3 mispronouncing your name earlier, but so this is down as a
4 modification of significance, but in reviewing the record, the
5 Board has to view it as a new application because the term has
6 expired. So there's nothing to renew and so it has to be a new
7 application.

8 So since the application is properly noticed the Board
9 thinks that, and this is a self-certified application, the Board
10 is of the view that you can address the burden of proof for a
11 new application and just have to restyle your presentation and
12 not refer to this as a modification of significance. The term
13 has already expired if I'm reading the record correctly.

14 MS. HOTTEL-COX: Yes. Although we filed the
15 application before the term had expired, it was just the available
16 hearing wasn't until after the term had expired and so our thought
17 was that because it was filed before the two year time
18 limitations, that it would be in line with the way that the Board
19 has typically addressed extensions that provided the application
20 as filed since we don't have control over the hearing dates but
21 that is sufficient.

22 That said, if the Board would prefer for us to address
23 the full set of standards and how we continue to meet those in
24 the same way that we did in December of 2021, we're happy to do
25 so. I just wanted to explain our reasoning for the styling as a

1 modification of significance. We had actually initially filed
2 it as a modification of consequence, thinking that because it was
3 simply a modification of a condition of the order, those can
4 sometimes be accepted as modifications of consequence. However,
5 we were advised by Office of Zoning Staff that the Chair typically
6 prefers to see those cases as modifications of significance and
7 so in order to expedite the process, we refiled it as that
8 modification of significance.

9 VICE CHAIR JOHN: Okay. That's fine. And I believe
10 the Office of Planning reviewed it as a new application and went
11 through all of the criteria. So if you'd like to continue, that's
12 fine.

13 MS. HOTTEL-COX: Sure, I'm happy to do so.

14 VICE CHAIR JOHN: Okay.

15 MS. HOTTEL-COX: So as I noted, we believe that the
16 continuance of the monopole continues to meet the special
17 exception requirements of the Subtitle C § 1313.2 for approval
18 of a monopole antenna. That section walks through the reasons
19 that a monopole antenna might be allowed by the Board as a special
20 exception and specifically, we continue to provide all of the
21 necessary service through this antenna. We have community
22 support for the antenna and the visual location of the monopole
23 is best narrowed in the location that it is currently being
24 provided and is currently meeting the various requirements of
25 Subtitle C § 1313 for a monopole, and we have detailed that in

1 our filings as well as the Office of Planning report goes through
2 significant detail on how we continue to meet all of those
3 criteria.

4 So because the regulations here are underscoring the
5 importance of maintaining service in the community, we are
6 requesting this time extension or the additional year of
7 allowance for a monopole, and we believe it meets the general
8 special exception standards because it is in harmony with the
9 purpose and intent of the regulations by maintaining that service
10 in a location the Board had previously approved.

11 Before turning to our presentation, I am happy to
12 report that we are here today with a report in support from the
13 Office of Planning, which includes a note of no objection from
14 DDOT and additionally ANC 8E voted at its May regular monthly
15 meeting to support the application and submitted a resolution in
16 support in the record at Exhibit 18.

17 So with that, we have one witness today, Shea Beltran
18 with NB+C, and he'll provide greater detail on the need for the
19 monopole to stay in its location, and Mr. Young, if you could
20 pull up the PowerPoint that we submitted that would be great.

21 MR. BELTRAN: Okay. Can everyone hear me?

22 VICE CHAIR JOHN: Yes. Good morning, Mr. Beltran.

23 MR. BELTRAN: Hi. Good morning.

24 VICE CHAIR JOHN: If you could give your name and
25 address for the record, please.

1 MR. BELTRAN: My name is Shea Beltran at 6075 Marshalee
2 Drive, and once again as Ms. Hottel-Cox already explained,
3 Verizon previously had antennas installed on the rooftop of the
4 Ferebee-Hope Rec Center which was scheduled to be torn down. We
5 received approval for a temporary monopole under BZA case 20571.

6 IF you could just go to the next slide, please.

7 And the next slide after that. This is an example of
8 our site plan we used in our original filing. The existing
9 monopole is down in that bottom left corner. As Ms. Hottel-Cox
10 explained, we have been in negotiations with the KIPP schools to
11 install the new antennas on the rooftop of their school building
12 on the subject property.

13 If we can go to the next slide, please, is an aerial
14 view. Our existing temporary tower in the bottom left there, and
15 the proposed rooftop is on the right side. The proposed antennas,
16 or rather the relocated antennas will be installed behind RF
17 friendly stealth screen walls which would shield the antennas
18 from view from the ground level. We are in leasing negotiations
19 with the schools. Our hope is to be completed with leasing,
20 zoning and permitting by the Spring of 2024 so that would allow
21 us enough time to install the antennas before the one year
22 extension would then expire.

23 She has also mentioned that we have support from ANC
24 8E. I have met with them a handful of times at their monthly
25 meetings in February, May and June to discuss this process and

1 they have provided their support to us, and that's all I have
2 for you guys today.

3 Thank you for the time to allow me to provide testimony.

4 MS. HOTTEL-COX: And we're happy to answer any
5 questions that the Board might have.

6 VICE CHAIR JOHN: Thank you. Does any Board Member
7 have any questions?

8 ZONING COMMISSIONER HOOD: One question I have for Mr.
9 Beltran and Ms. Hottel-Cox is, are we asking for enough time this
10 time? I know we're treating this as a new case but are we asking
11 for -- you're asking for one, I think it's one year and I think
12 the term it was June, 2024. Are we asking for enough time?

13 MR. BELTRAN: Yes. We do believe that this is enough
14 time. Obviously these are not quick processes but we have been
15 in discussions already with the school and are hoping to have the
16 leasing finished up by the Spring which would leave us plenty of
17 time to complete the permitting process and deploy construction.

18 ZONING COMMISSIONER HOOD: I don't know if I was on
19 this case previously but I think I asked that question once
20 before. Anyway, I'll leave it at that, so thank you. Thank you,
21 Madam Chair.

22 VICE CHAIR JOHN: Board Member Smith?

23 MR. SMITH: Madam Chair, along those lines could you
24 break down how you arrived at just, you know, one year? Was that
25 accounting -- would that account for, you know, unanticipated

1 construction delays and whatnot? I just want to make sure that,
2 you know, that's a fully thought out timeline and you're not
3 going to come back for another bite of that apple. So yes, can
4 you break that down a little bit more?

5 MR. BELTRAN: Yes. Initially we had thought that a six
6 month extension would be sufficient. But as the months went on
7 from Spring until now, or rather when we submitted the
8 application, it was in negotiations with -- were taking a little
9 longer than expected so we wanted to request for a full year
10 instead of, you know, six months and then coming back to ask for
11 another six months after that. So that is our goal, to have this
12 completed by next June so we do feel like that is enough time.

13 MR. SMITH: All right. Well, we'll see. All right.
14 Thank you.

15 VICE CHAIR JOHN: Thank you, Board Member Smith. So I
16 just wanted to make a comment that because the Board is treating
17 this as a new application than the one year period would begin
18 on the date that the order becomes final or date the order is
19 issued, I believe. A term of approval starts from the date an
20 order becomes final, which is why it's 604.8. So that would be
21 the start of the new term.

22 Is the Office of Planning here. Ms. Thomas?

23 MS. THOMAS: Good morning, Madam Chair, Members of the
24 Board. Karen Thomas of the Office of Planning.

25 VICE CHAIR JOHN: Good Morning.

1 MS. THOMAS: Is there a question?

2 VICE CHAIR JOHN: No. Can you go ahead and give your
3 report, please?

4 MS. THOMAS: All right. Yes, Madam Chair. The Office
5 of Planning is recommending approval of this application as a
6 modification of significance, as OZ had requested. We have
7 discussed this back and forth with OZ's staff, and they did decide
8 that it was a modification of significance and not a new
9 application per se. So analysis is hinged on the fact that the
10 Applicant's installation continues to meet the criteria of § 1313
11 of Subtitle C and we found no new relief has been requested and
12 that the continued operation of the temporary monopole would be
13 in harmony with the general purpose and intent of the regulations
14 because it's based on continued satisfaction of the criteria and
15 the conditions and the provision of continuous service to meet
16 the neighborhood's demands for service until we have a new
17 facility at the campus, and since co-location on another facility
18 is desired by the community, the proposed solution of continuing
19 this installation would satisfy the intent of the regulations
20 with the least impact on the neighborhood until we have a new
21 rooftop installation.

22 So with that, we did not think that there would be an
23 adverse effect on the use of the neighboring property and we
24 continue to support this temporary installation for a period of
25 one year. Thank you.

1 VICE CHAIR JOHN: Thank you, Ms. Thomas. Does the
2 Board have any questions for Ms. Thomas? Does the Applicant have
3 any questions for Ms. Thomas?

4 MS. HOTTEL-COX: No, thank you.

5 VICE CHAIR JOHN: Thank you. Mr. Young, is there anyone
6 signed up to testify?

7 MR. YOUNG: We do not.

8 VICE CHAIR JOHN: Thank you. Ms. Hottel-Cox, do you
9 have any closing comments?

10 MS. HOTTEL-COX: No. Thank you for the Board's time
11 today. We really appreciate it.

12 VICE CHAIR JOHN: Thank you. So I'll go ahead and
13 start the discussion. As I said earlier, I thought that the
14 Office of Planning's report was very detailed in analyzing the
15 criteria under Subtitle C § 1313 and usually in these cases, I
16 am particularly concerned about the impact on the community, and
17 I am persuaded that the antenna has been there for some time and
18 that if there had been any adverse impact, there would have been
19 some expression of concern by the community and so I think it
20 makes sense to continue to locate the temporary monopole in the
21 same location, and I would be in support -- I am in support of
22 the application.

23 Board Member Smith, do you have any comments?

24 MR. SMITH: I have no comments. I hope that we can be
25 constructive within the time frame of a year essentially, and

1 hopefully they don't want to come back in and make some additional
2 requests to extend the time frame. But other than that, I do
3 believe that the Applicant met the burden of proof for us to
4 grant the special exception and I give OP's staff report great
5 weight in support of that.

6 VICE CHAIR JOHN: Thank you. Commissioner Hood.

7 ZONING COMMISSIONER HOOD: Madam Chair, I would agree
8 with you both you and Board Member Smith and you, Madam Chair.
9 I just hope, I don't know if we can add time but as Board Member
10 Smith mentioned, I just think it would save all of us some time
11 if we extend more time. I know the Applicant is asking what
12 they're asking for, so I'll leave it at that. So I'll be voting
13 in support of this application.

14 Thank you, Madam Chair.

15 VICE CHAIR JOHN: Thank you, Commissioner Hood, and I
16 would also add that the ANC is in support of the application. So
17 with that, I'll make a motion to approve application No. 20571-
18 A as captioned and read the Secretary and ask for two second.
19 Boar Member Smith?

20 MR. SMITH: Second.

21 VICE CHAIR JOJHN: Ms. Rose, will you please take the
22 roll call?

23 MS. ROSE: When I call your name please respond with
24 your vote on the motion.

25 Vice Chair John?

1 VICE CHAIR JOHN: Yes.

2 MS. ROSE: Board Member Smith?

3 MR. SMITH: Yes.

4 MS. ROSE: Commissioner Hood?

5 ZONING COMMISSIONER HOOD: Yes.

6 MS. ROSE: The Staff would record the vote as three to
7 zero to two to approve the application. This is on a motion made
8 by Vice Chair John, seconded by Board Member Smith with
9 Commissioner Hood in support of the motion. Chairman Hill not
10 present not voting, and one Board seat vacant.

11 VICE CHAIR JOHN: Thank you, Ms. Rose. Please call the
12 next case when you are ready and just for anyone who is listening,
13 the Board will take a break after this next case which I believe
14 is 20938; is that correct?

15 MS. ROSE: Yes.

16 VICE CHAIR JOHN: Okay.

17 MS. ROSE: Application No. of The Kings and Queens
18 Child Care Center. This is a special exception from the matter-
19 of-right use of Subtitle U § 201 pursuant to Subtitle U §
20 251.1(b)(3), Subtitle U § 251.6 and Subtitle X § 901.2 to expand
21 an existing child development home to 12 children and five staff
22 in an attached two story with cellar principal dwelling unit in
23 the R-3 zone at premises 4831 9th Street, N.W., Square 3010, Lot
24 84.

25 As a preliminary matter we just received a letter this

1 morning from the SMD Commissioner for ANC 4D04 in support of the
2 application and we can enter that into the record if it pleases
3 the Board.

4 VICE CHAIR JOHN: Yes. Please go ahead and enter that
5 into the record, Ms. Rose.

6 MS. ROSE: Thank you. That is all I have.

7 VICE CHAIR JOHN: Good morning, Ms. Davis. Can you
8 hear me?

9 (Pause.)

10 VICE CHAIR JOHN: Ms. Davis, can you hear me?

11 (Pause.)

12 VICE CHAIR JOHN: I see that the Commissioner has signed
13 in. Can you introduce yourself for the record while we try to
14 get Ms. Davis online?

15 ANC COMMISSIONER COURNIOTES: My name is Commissioner
16 Corniotes of Single Member District 4D04.

17 VICE CHAIR JOHN: Okay. Thank you. Could you spell
18 your last name for me?

19 ANC COMMISSIONER COURNIOTES: Yes. It's C-O-U-R-N-I-
20 O-T-E-S. My parents didn't like me very much I guess. They gave
21 me a complicated name as a child.

22 VICE CHAIR JOHN: Well, I thought that was your last
23 name.

24 ANC COMMISSIONER COURNIOTES: That is my last name.

25 VICE CHAIR JOHN: Okay. Courniotes.

1 ANC COMMISSIONER COURNIOTES: Courniotes.

2 VICE CHAIR JOHN: Thank you.

3 ANC COMMISSIONER COURNIOTES: Yes.

4 VICE CHAIR JOHN: Okay. So we'll get to you in a
5 second. Let me see if Ms. Davis is able to hear us. Ms. Davis,
6 can you hear me? Mr. Young, can you tell if she's muted?

7 MR. YOUNG: Yes. She's going to stop and unmute
8 herself.

9 VICE CHAIR JOHN: Ms. Davis?

10 (Pause.)

11 VICE CHAIR JOHN: Can you hear me, Ms. Davis? Ms.
12 Rose, is it possible for staff to try to reach out to her? We
13 can take a two minute break while you do that.

14 MS. ROSE: Yes, we can do that.

15 VICE CHAIR JOHN: Okay. All right. Let's take a five
16 minute break.

17 (Whereupon, there was a brief recess.)

18 MS. ROSE: After a brief break we are returning to
19 application 20938 of The Kings and Queens Child Care Center at
20 10:55.

21 VICE CHAIR JOHN: Thank you. So Ms. Davis, can you
22 hear me now?

23 MS. DAVIS: Yes, I can hear you now.

24 VICE CHAIR JOHN: Okay. Please introduce yourself for
25 the record including your home address.

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1 MS. DAVIS: Hi. I'm Cynthia Davis and my address is
2 4831 9th Street, N.W.

3 VICE CHAIR JOHN: Okay. Can you tell us a little about
4 your application and let me say at the outset that the Board has
5 to view this as a new application because the previous order
6 expired. So if you can, can you go over what you're trying to
7 achieve and how your application meets the criteria for relief.

8 MS. DAVIS: What I was doing was I thought I was
9 renewing my old BZA case because I never got a chance to actually
10 use the BZA case, the first one. It was like, hold on for a
11 second, hold on for a second -- sorry, the baby's on a swing --
12 I never got a chance to use my BZA case because OSSE was in
13 transition, the Office of State Superintendent of Education, and
14 DCRA, they would keep denying my HOPs even though I got the BZA
15 case some time ago for 12 children, I was never ever allowed to
16 be able to even get the expansion, I mean to get the license for
17 it because they just kept denying it.

18 What I'm doing now is trying to finally be able to
19 expand my child development home to 12 children, and it was a
20 hard process for me to go through, to even get here because they
21 raised the rates during the pandemic. There was a lot of things
22 that just went on with me not being able to technically expand
23 my child development home even though I was approved to do so.

24 So now basically what I'm asking for is if this can be,
25 if I can get the TP expansion indefinitely until I dissolve the

1 business because this is a very expensive process for family
2 childcare teachers like myself. We don't make a lot like
3 teachers, like D.C. public school teachers in child development
4 centers. What I'm just basically doing is just as a matter-of-
5 right, if I can, finally be able to expand and also help the City
6 with the overage of child care slots. You know, parents call
7 every day and we can't meet the need for them because of the fact
8 of children, of not being able to have available slots for
9 parents.

10 VICE CHAIR JOHN: Okay. I didn't have a lot of
11 questions. So you have two parking spaces at the rear of your
12 property?

13 MS. DAVIS: Yes, from the first BZA case. Yes, I do.

14 VICE CHAIR JOHN: Right. And so when there are cars
15 parked there, is there still a play area for the children?

16 MS. DAVIS: Yes, it is.

17 VICE CHAIR JOHN: Okay. And my other question to you
18 is have you spoken to your neighbors, the immediate neighbors?

19 MS. DAVIS: Yes. Both of my neighbors both signed my
20 petition.

21 VICE CHAIR JOHN: Okay.

22 MS. DAVIS: On the left and the right side of me and
23 all the ones down the road that I had access to.

24 VICE CHAIR JOHN: Okay. And what about the -- I see
25 the Commissioner here so I can speak to her directly. Okay.

1 I'll go to the Office of Planning then. Ms. Maxine Brown=Roberts.
2 Can you make your report, please?

3 MS. BROWN-ROBERTS: Good morning Madam Cahir and
4 members of the Commission. For the record, this is Maxine Brown-
5 Robert from the Office of Planning on BZA case 20938 for an
6 expanded child development home.

7 As outlined by the Applicant in the report, the
8 Applicant had a prior order which allowed nine children, but has
9 expired, and she wants to expand to accommodate 12 children. The
10 Applicant states that the provisions for at least 35 square feet
11 of space for individual will be provided as approved by the fire
12 safety and evacuation plan that's in the record. As a home
13 occupation the use would be secondary to the residence and there
14 would be no internal or external changes are necessary to
15 accommodate 12 children.

16 There is a small outdoor play area, but the Applicant
17 has also stated that the children would be taken to nearby local
18 parks and recreation facilities. Noise from the children should
19 not be undue as the property is fenced and their outdoor hours
20 are limited to two hours. Two parking spaces, as the Applicant
21 said is provided on site. No modification for the requirements
22 have been requested.

23 The Office of Planning finds that the request is
24 consistent with the general purpose of the chapter to allow an
25 extended child development home within a residential unit. The

1 proposal also meets the general special exception requirements
2 in that the R District allows support of nonresidential uses that
3 would meet all the outlined requirements for the extended child
4 development home and therefore meets the intent of the zoning
5 regulations. In addition, with the recommended condition, there
6 should not be any adverse effect on the use and enjoyment of
7 neighboring properties.

8 The Office of Planning therefore recommends approval
9 with the outlined conditions. Thank you, Madam Chairman, and I'm
10 available for questions.

11 VICE CHAIR JOHN: Thank you. Does the Board have any
12 questions for either the Applicant or the Office of Planning?

13 ZONING COMMISSIONER HOOD: I do have a quick question.
14 I heard Ms. Davis mention about, and I'm not clear. Was there a
15 time five years they had to come back or something of that nature,
16 because I heard her mention she wanted indefinite? Or did I get
17 that mixed up? Wouldn't be the first time.

18 MS. BROWN-ROBERTS: Yes, Mr. Chairman. Yes, Mr. Hood.
19 There was a time limit on her on the former application or former
20 order and that has expired.

21 ZONING COMMISSIONER HOOD: Okay. So what's the time,
22 five years? I didn't see it. I may have missed it. But whatever
23 the time was, and you all support it, not putting a time limit?

24 MS. BROWN-ROBERTS: Yes, I do. Yes, I do.

25 ZONING COMMISSIONER HOOD: All right. Thank you. Thank

1 you, Madam Chair. Thank you, Ms. Brown-Roberts.

2 VICE CHAIR JOHN: Thank you. Are there any questions
3 for the Applicant? Okay. So, one more question, Ms. Davis. Are
4 you planning to continue to live in the home?

5 MS. DAVIS: Yes, as I have done so for over 26 years.

6 VICE CHAIR JOHN: Okay. And so I'll go to the
7 Commissioner now. Ms. Courniotes, can you hear me?

8 MS. COURNIOTES: Yes, I can.

9 VICE CHAIR JOHN: Okay. Please introduce yourself for
10 the record.

11 MS. COURNIOTES: Commissioner Courniotes of Single
12 Member District 4D04. Ms. Davis is a constituent of mine since
13 the redistricting took place last year. She was previously in
14 Single Member District 4D06.

15 VICE CHAIR JOHN: Okay. Thank you. So you may be able
16 to, you may ask questions of either the Applicant or the Office
17 of Planning, and you may give your statement at this time.

18 ANC COMMISSIONER COURNIOTES: Thank you. Ms. Davis, I
19 think you clearly spoke about what your request is. Currently,
20 as you provided to our Commission, how many children are currently
21 under your care?

22 MS. DAVIS: Enrolled I have about seven, but on my
23 license I have nine even though my HOP still has 12.

24 ANC COMMISSIONER COURNIOTES: Okay. Great. And as you
25 stated, all of your neighbors are in support of this request;

1 correct?

2 MS. DAVIS: Yes.

3 ANC COMMISSIONER COURNIOTES: Okay. Those are my only
4 questions. I don't have any questions for the Office of Planning.

5 In regards to Ms. Cynthia Davis's request as a, I guess
6 it's not a renewal, but it's a request for a special exception
7 to increase the number of children that can be under her care to
8 12, the ANC 4D Commission is in full support of Ms. Davis's
9 request and will formally vote and approve an updated resolution
10 from the one that was provided in 2018. But in the interim, I've
11 been given the authority to provide a letter of support from our
12 Commission for this request, and I'm happy to answer any questions
13 that the Board may have today.

14 VICE CHAIR JOHN: Thank you. Does the Board have any
15 questions for the Commissioner? Does the Applicant Have any
16 questions for the Commissioner?

17 MS. DAVIS: I have one other question. I wanted to
18 address the five staff that was on my application that this would
19 never be separately. The fifth staff would be technically a
20 staff person, it'll just be a replacement in case someone didn't
21 show up. We are desperately needing additional staff, and I just
22 wanted that person to stay as a request because they had mentioned
23 before that they would take the fifth person away, but the fifth
24 person is desperately needed in case someone is out. We have to
25 most definitely have to maintain licensing and ratios. We -- the

1 education field is always seeking for new staff, we are under-
2 staffed, and if we find the extra person or a floater, it's really
3 like a godsend to an education program and I didn't want to lose
4 that additional slot because of that purpose.

5 VICE CHAIR JOHN: Okay. Thank you, Ms. Davis.

6 So Mr. Young, is there anyone signed up to testify?

7 MR. YOUNG: We do not.

8 VICE CHAIR JOHN: Ms. Davis, do you have any closing
9 comments?

10 MS. DAVIS: No, not at this time.

11 VICE CHAIR JOHN: Okay. Thank you. So I'm going to
12 go ahead and excuse you now, Ms. Davis, and close the record and
13 the hearing.

14 So does anyone want to start? Okay. So I'll go ahead
15 and I will make a few comments. So this application for an
16 expanded child development home for ten to 12 children is based
17 on a zoning administrator, which is in the record, and as Ms.
18 Davis testified she currently operates a child development home
19 for nine children but has seven children actually in the program
20 at the present time and she's operated this child development
21 center for a long time and previously it received BZA approval
22 to expand the center for up to 12 children and was able to
23 demonstrate that she met the criteria at that time, however, the
24 expanded child development home was never implemented because of
25 issues regarding certification and OSSE, as well as other issues.

1 So the Board looks at this as a new application and in
2 terms of the zoning questions presented, I believe that the Office
3 of Planning did an excellent job in showing how the application
4 meets the criteria for approval and I appreciate ANC Commissioner
5 Courniotes presence here today to explain how the ANC supports
6 the application although the ANC was not able to issue a full
7 report before today's hearing and because Ms. Davis had
8 previously received approval and an order was in effect which
9 expired, I don't believe it has been in the Board's interest or
10 her interest to continue this case for a full vote by the ANC,
11 given the dire need for child development centers and child care
12 in the District.

13 I'm satisfied, I appreciate the testimony of the ANC
14 Commission and regret that we're not able to give it great weight,
15 but nevertheless we will take it into consideration, at least I
16 will take it into consideration. There's several letters in
17 support from previous and current parents and a petition from
18 neighbors and of note, the two adjacent neighbors are in support
19 and that's usually a big hurdle. But in this case the neighbors
20 at 4833 and 4829 9th Street are in support. So I'm satisfied
21 that there should not be any adverse impact because of the
22 operation of this center.

23 The other issue is that if the Board approves the
24 application, the Office of Planning recommends approval subject
25 to several conditions. The enrollment shall not exceed 12

1 children age 15 years or less. The center shall have a maximum
2 of five staff. Drop-off hours are primarily between 6:30 a.m.
3 and nine a.m. Pick-up hours shall be primarily from four p.m.
4 to six p.m. Two parking spaces should be reserved on site for
5 use by the staff and trash collection shall be scheduled for at
6 least once a week.

7 So based on the record, I'm in support of the
8 application and I'd like to hear from my fellow Board Members,
9 starting with Board Member Smith.

10 MR. SMITH: By and large I agree with your assessment
11 of this particular case to grant a special exception in order for
12 the Applicant to have a maximum of 12 children, 12 individuals
13 and expand the child development home. I am in support of the
14 conditions that were recommended by the Office of Planning, those
15 six conditions that you had read, not to exceed 12 children,
16 maximum of five staff, the general drop-off and pick-up hours,
17 the two parking spaces that shall be reserved and that there
18 should be trash collection once a week.

19 I will note that I'll be in support of this application
20 as well as the Office of Planning and I give great weight to the
21 Office of Planning's staff report and will support the
22 application.

23 VICE CHAIR JOHN: Thank you, Board Member Smith.
24 Commissioner Hood.

25 ZONING COMMISSIONER HOOD: Yes, Madam Chair. I agree

1 with both you and Board Member Smith.

2 This again is allowed under Subtitle U § 251.1(b)(3)
3 which talks about a home occupation uses. This shows that this
4 Applicant has done good previously and I'm sure will continue
5 because of, and I too will, while the ANC cannot be given great
6 weight by statute, it's just the Commissioner coming to support
7 it, I take that under very good consideration and also the record
8 is very clear on the merits of this case. In cases like this
9 typically you see some objections. I don't see any objections,
10 so kudos to the Applicant on how she's been performing and
11 continuing to perform and as you stated Madam Chair, this is a
12 critical need for our City.

13 So I'll be voting in favor of this application.

14 VICE CHAIR JOHN: Thank you, Commissioner Hood.

15 So with that I'll make a motion to approve application
16 No. 20938 as captioned and read by the Secretary with the
17 conditions recommended by the Office of Planning at Exhibit 28,
18 and those are the six conditions that I read earlier and ask for
19 a second.

20 Board Member Smith?

21 MR. SMITH: Second.

22 VICE CHAIR JOHN: Ms. Rose, will you please take a roll
23 call.

24 MS. ROSE: Sure. When I call your name please respond
25 with your vote on the motion with the conditions as stated.

1 Vice Chair John?

2 VICE CHAIR JOHN: Yes.

3 MS. ROSE: Board Member Smith?

4 MR. SMITH: Yes.

5 MS. ROSE: Commissioner Hood?

6 ZONING COMMISSIONER HOOD: Yes.

7 MS. ROSE: And staff would record the vote as three to
8 zero to two to approve the application with conditions. This is
9 on a motion made by Vice Chair John, seconded by Board Member
10 Smith with Commissioner Hood in support of the motion. Chairman
11 Hill not present, not voting. One Board seat vacant.

12 VICE CHAIR JOHN: Thank you, Ms. Rose. So let me
13 address the Board.

14 We have two applications left. Would you like to take
15 a 30 minute break now for snacks/lunch and then finish up the
16 last two cases afterwards? Or do you want to power through with
17 a short break now?

18 MR. SMITH: Power through with a short break now.

19 VICE CHAIR JOHN: Okay. So 15 minutes?

20 ZONING COMMISSIONER HOOD: Sounds good.

21 VICE CHAIR JOHN: Okay. So we will reconvene at 11:30.

22 ZONING COMMISSIONER HOOD: Okay. Thank you.

23 MS. ROSE: Thank you.

24 (Whereupon, there was a brief recess.)

25 MS. ROSE: After a brief break we are returning for the

1 hearing session at about 11:37 a.m.

2 VICE CHAIR JOHN: Thank you. I believe our next case
3 is 20771.

4 MS. ROSE: Yes. Application No. 20771 of District
5 Properties.com, Inc. This is an amended self-certified
6 application for special exception from the side yard requirements
7 of Subtitle D § 206.2 pursuant to Subtitle D § 5201 and Subtitle
8 X § 901.2 to construct a new detached, two story principal
9 dwelling unit in the R-1-B zone at premises 4451 Douglas Street,
10 N.E., Square 5115, Lot 34.

11 As a preliminary matter, the Applicant has filed
12 revised documents at Exhibits 58 through 60 and 62 and there is
13 a motion to waive the late filings.

14 VICE CHAIR JOHN: Okay. Thank you. And the late
15 filing, please remind me what that was? I'm looking at my notes.

16 MS. ROSE: So 58 is updated architectural plans and
17 elevations, 59 revised burden of proof, 60 is the revised zoning
18 sub-certification and then 62 is a shadow study.

19 VICE CHAIR JOHN: Okay. Thank you very much.. Mr.
20 Seck, can you hear me? Mr. Seck, can you hear me? You're muted,
21 Mr. Seck.

22 (Pause.)

23 VICE CHAIR JOHN: Ms. Rose, can you have staff reach
24 out to Mr. Seck?

25 MS. ROSE: Certainly.

2 MS. ROSE: I've made a request. I see he's on but just
3 muted.

4 VICE CHAIR JOHN: Can you hear me, Mr. Seck?

5 ZONING COMMISSIONER HOOD: He's unmuted now.

6 VICE CHAIR JOHN: Can you hear me, Mr. Seck? Let's
7 move on to the next case and give Mr. Seck an opportunity to sign
8 on. I don't like to do this, but --

9 MS. ROSE: He's having trouble unmute himself.

10 VICE CHAIR JOHN: Right. So let's just move on to
11 20898. He's muted again. So can you call the next case, Ms.
12 Rose, and then we'll get back to this case later.

13 MS. ROSE: Sure.

14 VICE CHAIR JOHN: Thank you.

15 MS. ROSE: This is application No. 20898 of United
16 General Contractors, Inc. This is an amended self-certified
17 application for a special exception from the matter-of-right uses
18 of Subtitle U § 401 pursuant to Subtitle U § 421.1 and Subtitle
19 X § 901.2 and a special exception from the minimum vehicle parking
20 requirement of Subtitle C § 701.5 pursuant to Subtitle C § 703.2
21 and Subtitle X § 901.2 to raise an existing structure and
22 construct a new detached three story with cellar and roof deck
23 36 unit apartment house in the RA-1 zone at premises 4915 Quarles
24 Street, N.E., Square 5172, Lot 810.

25 This case was postponed from the hearing on June 14th.

1 The merits have not been heard and as a preliminary matter, the
2 Applicant needs a waiver for the filing of an updated surveyor's
3 plat at Exhibit 34 and an updated architectural plan at Exhibit
4 35. We also received a filing this morning from the ANC 7C.
5 There is a report in support and a construction management
6 agreement between the Deanwood Citizens Association and the
7 Applicant and these filings are at Exhibits 36 and 36A.

8 VICE CHAIR JOHN: Okay. Thank you, Ms. Rose. Mr.
9 Bello, can you introduce yourself for the record, please? Can
10 you hear me, Mr. Bello?

11 (Pause.)

12 ZONING COMMISSIONER HOOD: People are having a problem
13 unmuting. I know that happens from time to time in our hearings.
14 Something, they can't unmute themselves. Something that we do,
15 they can't unmute.

16 VICE CHAIR JOHN: I'm not sure, Mr. Hood, but I guess
17 we can wait for a few more minutes.

18 ZONING COMMISSIONER HOOD: Right. Because the common
19 denominator both of them not being able to unmute might be on
20 us. There you go.

21 VICE CHAIR JOHN: Okay. Give me a moment here.

22 MR. BELLO: All right. Madam Chair, sorry. There was
23 a technical difficulty unmuting.

24 VICE CHAIR JOHN: Okay.

25 MR. BELLO: (Indiscernible).

1 VICE CHAIR JOHN: Please give me a minute, Mr. Bello.
2 Now I'm having technical problems.

3 Okay. Go ahead, please. Introduce yourself again and
4 tell us why you're here and why the Board should waive the
5 regulations with respect to the late submitted items which I
6 believe are in 36A and 36. I haven't had a chance to review them
7 but there have been a number of filings in this case and a number
8 of changes in the relief that you're requesting, so if we can
9 spend some time on that.

10 So please go ahead. Mr. Young, please put 15 minutes
11 on the clock and you can get started.

12 MR. BELLO: Thank you, BZA Commission Board Members.
13 My name is Toye Bello and I'm the authorized agent for the
14 Applicants in this BZA application.

15 The request to accept late filings -- can you still
16 hear me?

17 VICE CHAIR JOHN: Yes. We can hear you. Go ahead,
18 please.

19 MR. BELLO: Okay. I was getting a text that I was
20 being removed from the hearing. Anyway, the reason that we
21 request late filings is because it took us that long to resolve
22 all outstanding issues with the Deanwood Citizens Association and
23 the ANC in order to be able to get the ANC report.

24 The change in the relief sought is because DDOT denied
25 the application, the existing curb cut. So the required parking

1 that the Applicant intended to comply with was no longer feasible,
2 so we had to add that relief to the original relief that we
3 requested. So these documents apply -- respond to those delays
4 because they got resolved at a very late stage of the application.

5 VICE CHAIR JOHN: Okay. Thank you. Now I have a
6 question. What is meant by no CCP? The option B on the --

7 MR. BELLO: No. That'll be no curb cut, no parking.

8 VICE CHAIR JOHN: Okay. All right. Okay. Please
9 continue.

10 MR. BELLO: Okay. I also just sent not too long ago
11 in the PowerPoint presentation for this application if Mr. Young
12 can bring it up.

13 VICE CHAIR JOHN: Okay. Mr. Young, can you pull that
14 up?

15 Next, please. So the Applicant requests two areas of
16 relief, special exception to establish the use of an apartment
17 house in the RA-1 zone district, and then the special exception
18 to request a waiver of all required parking pursuant to the
19 recited provision. I think it's probably in order to have the
20 architect go first to walk through the project drawings.

21 VICE CHAIR JOHN: Sure.

22 MR. BELLO: And then if we turn back. Those drawings
23 I think are at the last pages of the presentation and then I can
24 come back and complete the application process.

25 VICE CHAIR JOHN: Okay. Thank you. Mr. Ali, please

1 introduce yourself for the record.

2 MR. ALI: Yes. Ramy Ali with RAM Design, the project
3 architect.

4 VICE CHAIR JOHN: Okay. Thank you. Please give me a
5 couple of minutes.

6 (Pause.)

7 VICE CHAIR JOHN: Okay. Thank you. My apologies.
8 Please go ahead.

9 MR. ALI: Yes. So as Mr. Bello indicated, the property
10 is located in the RA-1 zone and the lot area is around 16,884
11 square feet. That's a pretty big lot for a single family that
12 existed. The lot is around 75 foot wide and a good 230 foot deep
13 and the property in general slopes up from Quarles Street that
14 is down from the north and it slopes up to six feet towards the
15 unimproved alley at the south side of the property.

16 On the east and the west we have two existing apartment
17 buildings on both sides of the existing lot, very light vegetation
18 on the site and the site was recently fenced and secured
19 throughout from the unimproved alley all the way towards the
20 front of the property. The property currently has an existing
21 single family dwelling. It's a two story with a basement and
22 with dormers on both sides of the second floor, allowing for a
23 partial third floor.

24 The property, we are proposing to partially demo the
25 existing structure and not a full raze by retaining at a minimum

1 of 30 percent of the existing structure that would be utilized
2 and incorporated within the proposed building.

3 So the proposal is basically a 36 unit apartment
4 building and sits between 14 apartments that would vary between
5 studios and one bedrooms, the smaller size units, and the
6 remaining 22 units will be one, a den and a bedroom and two
7 bedrooms. Part of that unit count, we have six handicap
8 accessible units and we have three IZ units on the property
9 distributed evenly among the other floors while the accessible
10 units are all located on the main level given the lack of elevator
11 within the building.

12 The property will also retain the existing front yard
13 at around 12 foot eight inches and we propose two equal side
14 yards 12 foot six inches each side of the building along with
15 approximately 100 feet deep rear yard.

16 Given what Mr. Bello had indicated that the comments
17 that we got from DDOT would require us to close the existing curb
18 cut, we have revised the site plan recently to eliminate all the
19 parking that was proposed originally and this is the subject why
20 we have added that second relief.

21 So the proposed structure is a three story with a
22 cellar. It has two sets of stairs connected with a corridor
23 along with two entrances, a front lobby and a back lobby. We
24 have a front desk leasing office, a small gym along with cargo
25 storage and long term bike storage, around 12 long term bike

1 storage located at the basement level. We also have a trash
2 enclosure that would be managed by a trash pick-up company and
3 that's something I think that was listed and discussed into the
4 construction management agreement or part of that comes in a
5 different agreement. The project also features a green roof that
6 helped us comply with the GR requirements of the project and
7 along with securing and fencing all the rear yard from the back
8 towards the front. I think that basically describes the function
9 of the project. As far as the exterior architecture the project
10 does have the brick element that appears along many of the
11 apartment buildings in the neighborhood along with hardie board
12 panels.

13 Can I control the slides, the PowerPoint in there so
14 --

15 VICE CHAIR JOHN: No. You can ask Mr. Young to advance
16 the slide. Tell him how many slides you need to advance.

17 MR. ALI: I mean, I just gave a quick brief on
18 everything. If we can go to the next slide so this way I can
19 relate some of the conversations that I had to the slides.

20 This slide affects the existing structure and to the
21 left where you see the lot line is the portion that we are
22 retaining from the existing structure. The right hand side images
23 is basically locating the surrounding apartment buildings around
24 the subject parcel.

25 Next slide, please. This slide basically summarizes

1 the unit matrix and also a summary of how many IZ units, a total
2 of three and six accessible units and the division between the
3 smaller apartments, ranging studios of one bedrooms around 14
4 and 22 total between one and a den and two bedrooms.

5 Next slide, please. This is the third floor plan where
6 you see along the center of the floor plan you see all the bike
7 storage off the corridor. The bigger units are basically located
8 on the corner of, each corner of the building, a total of four
9 and then the remaining intermediate lots are the studios and the
10 one bedrooms.

11 Next slide, please. First floor plan. Here we can see
12 the front lobby and the back lobby, two entrances of the building,
13 and some of the amenities where we have the gym at the back lobby,
14 front desk leasing office and the accessible units are basically
15 on this floor. We used to have a handicap lift on the previous
16 design but we eliminated on the current design simply because we
17 have moved the accessible route from the front of the building
18 through a ramp that we are proposing open to public space.

19 We are also showing a two bike rack for short term
20 bicycle storage in the front at the public space area and we're
21 also highlighting that we are enclosing the existing curb cut on
22 the lower left corner where you see that gray portion of the site
23 plan.

24 Next slide, please. A typical floor, basically this
25 is typical for second and third floor, just interior partitions

1 of the floor plans. I won't go into the details but just an idea
2 of the unit matrix and how we are distributing phonetic) the
3 bigger units and the smaller units.

4 Next slide, please. The roof plan where we're
5 presenting the green roof in order to comply with the GR
6 requirements and we previously have proposed the roof condensers
7 on the top of the building given that we were occupying most of
8 the backyard with the parking but now that we have eliminated the
9 parking we will be relocating those condensers back to the side.
10 So this particular roof plan would largely get developed further
11 and basically that's all we need to get picked up on the roof.

12 Next slide, please. Front façade just highlighting the
13 finishes that will be used on the exterior of the building.
14 Basically floor to ceiling windows so that we can capture as much
15 daylight towards the interior of the spaces and the finishes
16 would be summarized by using the brick and the hardie board
17 panels.

18 Next slide, please. Site elevations, same exterior
19 finishes and also it presents the slope that we have, around six
20 feet in difference between the front and the back. The six foot
21 difference is basically from the front of the property line to
22 the rear of the property line but within the extents of the
23 building we have a variation of four feet between the front yard
24 and the back yard.

25 Next slide. There are more slides on the design package

1 where we have renderings and a few area images but I think most
2 of the information is covered within the plans and the elevations,
3 and if you have any questions I'll be glad to answer.

4 VICE CHAIR JOHN: So I have a question. So you said,
5 Mr. Ali, that there will be a ramp in public space. Can you talk
6 more about that?

7 MR. ALI: Yes. Given the deep front yard that we have
8 we have around 40 feet in total between the sidewalk to the
9 existing structure and the first floor is only around 80 inches
10 of the sidewalk. So simply by -- it's actually going to be like
11 the LEED walk with a one to 12 slope. So there won't be any
12 elevated ramp or anything, it's just we are sloping the LEED walk
13 from the side walk all the way to the front of the building
14 following the existing grade which will act as our accessible
15 route.

16 VICE CHAIR JOHN: Okay.

17 MR. ALI: We're taking (indiscernible) as the property
18 that exists today.

19 VICE CHAIR JOHN: Okay. So there is no raised ramp,
20 just the natural slope of the land?

21 MR. ALI: Correct.

22 VICE CHAIR JOHN: okay.

23 MR. ALI: The spacious front yard helped us accomplish
24 that without any ramps.

25 VICE CHAIR JOHN: Okay. And why is that in public

1 space?

2 MR. ALI: Why it's in public space?

3 VICE CHAIR JOHN: Yes. You said it's in public space
4 and then you're saying it's in the front yard. I didn't
5 understand.

6 MR. ALI: Well, we have a total of 12 foot eight inches
7 in the front yard and the remaining is public space.

8 VICE CHAIR JOHN: Okay.

9 MR. ALI: And since we are proposing a LEED walk through
10 public space to get to our front yard, we are extending that LEED
11 walk with that particular gentle slope that is acting as a ramp
12 but it's basically just a one to 12 slope that starts from the
13 sidewalk.

14 VICE CHAIR JOHN: Okay. And you said there was bicycle
15 parking in the cellar?

16 MR. ALI: Correct.

17 VICE CHAIR JOHN: Okay. And then --

18 MR. ALI: (indiscernible) of 12.

19 VICE CHAIAR JOHN: Pardon?

20 MR. ALI: A total of 12 bike racks, 12 bicycle spaces
21 we have.

22 VICE CHAIR JOHN: Right. And how many short term how
23 many long term?

24 MR. ALI: Two.

25 VICE CHAIR JOHN: okay.

1 MR. ALI: Just one per three for the long term and one
2 for 20 for the short term.

3 VICE CHAIR JOHN: So you have two short term and 12
4 long term?

5 MR. ALI: Correct.

6 VICE CHAIR JOHN: Okay. Thank you. Does any other
7 Board Member have questions for the Applicant? All right. I'll
8 go to the office of Planning then. Mr. Mordfin.

9 MR. MORDSFIN: Good morning or good afternoon. I'm
10 Stephen Mordfin with the Office of Planning and since the Office
11 of Planning submitted its report back on June 2nd, the Applicant
12 has revised the application to address the conditions that the
13 Office of Planning had listed on page one, the three conditions,
14 concerning the on-site parking, they applied for the special
15 exception for which they meet the criteria. They don't have
16 access to an open public alley and they are within close proximity
17 to transit. So they meet those criteria.

18 They do, as the Applicant indicated, they do provide
19 the two short term parking spaces, sorry, two short term bicycle
20 parking spaces to the front of the building and the 12 within
21 the building, the long term ones, and so therefore we find that
22 this application is now in conformance with the criteria for the
23 granting of the special exception to permit the construction of
24 an apartment building on this site in the RA-1 zone.

25 So we recommend approval of this application without

1 any of the conditions that were initially listed in the report.

2 VICE CHAIR JOHN: Okay. Does anyone have questions for
3 the Office of Planning? Anyone from the Board? Does the
4 Applicant have any questions for the Office of Planning?

5 MR. BELLO: No, Madam Chair.

6 MR. ALI: No, thank you.

7 VICE CHAIR JOHN: Okay. Is there anyone signed up to
8 testify, Mr. Young?

9 MR. YOUNG: No, we do not.

10 VICE CHAIR JOHN: Okay. So I had, with respect to the
11 TDM plan. Mr. Toye, you said that you were in agreement with
12 DDOT's recommendations?

13 MR. BELLO: Yes, Madam Chair. We've come to an
14 agreement with DDOT to comply with all the TDM plans as itemized.

15 VICE CHAIR JOHN: Okay. And so the only comment I will
16 make with respect to that is that there's a statement that the
17 Applicant will implement the TDM plan for the life of the project
18 and the Board would not approve that language because the special
19 exception runs with the land and it's not limited to a specific
20 project. So the Board cannot incorporate that particular
21 language.

22 The other thing is that there was a condition that the
23 Applicant would fund the installation of four dock expansion
24 plates at a nearby Capitol bikeshare station. That's not
25 something that the Board would order in the order and with respect

1 to the bicycle storage and parking, these were stated in
2 conditions five and six and the Applicant has already satisfied
3 that condition.

4 So, and I believe there is, well I think that's it.
5 Now, is the Commissioner here? Oh, Mr. Smith, I'm sorry. Go
6 ahead, please. You're muted, Mr. Smith.

7 MR. SMITH: Now (indiscernible).

8 VICE CHAIR JOHN: Now we can hear you.

9 MR. SMITH: Okay. My question is probably more so
10 directed to the Commissioner because I do see that there's a
11 letter in the record that they are in support of this but when
12 the plans -- it looks when the plans were presented they did show
13 parking. So I just want to make sure that we're on the same page
14 and that the ANC really understands that there's a request to
15 waive all the parking, am I correct, seeing that there is, you
16 don't have alley access so it would just be a TDM.

17 Mr. Bello or whoever went to the ANC, are they fully
18 aware of that that you're fully waiving all of the parking? The
19 required (indiscernible)?

20 MR. BELLO: Yes, Mr. Smith. I believe that the ANC's
21 resolution speaks to that, maybe not with that specificity but
22 they do approve the two reliefs requested.

23 MR. SMITH: Okay. All right. Thank you, and that
24 leads to Ms. John's question. Ms. Rose, is the Commissioner here
25 for the ANC? Is Mr. Holmes here?

1 MS. ROSE: I don't believe he's on to testify. I can
2 check with staff just to be sure.

3 MR. SMITH: Okay.

4 MS. ROSE: Mr. Young maybe would know.

5 MR. SMITH: Mr. Young. Sorry.

6 MR. YOUNG: Yes. What was the name again?

7 MS. ROSE: Antawan Holmes.

8 MR. YOUNG: He is not on.

9 MR. SMITH: Okay.

10 MR. MORDFIN: Okay. Thank you.

11 ZONING COMMISSIONER HOOD: Madam Chair.

12 VICE CHAIR JOHN: Yes, Commissioner Hood. Please
13 follow up.

14 ZONING CMMISSIONER HOOD: I want to follow up with
15 Board Member Smith's line of questioning. I too, I'm going to
16 go to Mr. Bello, even though I know you can't speak for Mr.
17 Holmes, but was Mr. Holmes aware of the parking situation when
18 he wrote this letter of support?

19 MR. BELLO: Mr. Hood, and I think the resolution report
20 alludes to that.

21 ZONING COMMISSIONER HOOD: Okay. If you can tell me
22 where? I missed indiscernible).

23 MR. SMITH: Mr. Bello, it doesn't allude to that. It
24 just simply restates what you're requesting and I just want to
25 make sure that the Deanwood Citizens Association and ANC 7C,

1 given that you presented to them, yes, you were seeking relief
2 but in the plans that you presented to them there was parking
3 spaces. But, in essence, you're not going to build them, so I
4 just want to make sure that they were clear and clearly
5 understanding that you will not have any on-site parking because
6 this has been a concern that's been raised by the ANC with many
7 other projects that we have seen in this neighborhood.

8 MR. BELLO: Yes. In fact if you recall, Mr. Smith, the
9 dates for the first continuance of the hearing case was essential
10 to add on this relief, so both the Deanwood Citizens Association
11 and the ANC are aware, and they agreed to that postponement for
12 that very reason.

13 MR. SMITH: Okay. All right. I think that answered
14 my question. Chairman Hood, I don't know if that answers your
15 question.

16 ZONING COMMISSIONER HOOD: Yes. I agree. I just wanted
17 Mr. Bello to put it on the record so when it comes back Mr. Bello
18 had testified and mentioned to us that everybody was all aware
19 of exactly what's taking place. That's all I wanted to put on
20 the record. So thank you, and I think it's a great question,
21 Board Member Smith. Thank you.

22 VICE CHAIR JOHN: Thank you. So while you all were
23 discussing the issue, I looked at the ANC report, and the ANC
24 report does note that the request is for a special exception for
25 relief under U 421 and X 901.2 and they put parking under Subtitle

1 C 703.2 and X 901.2. So I think that answers your question and
2 the ANC voted in support seven to zero to zero.

3 ZONING COMMISSIONER HOOD: Madam Chair, I think it's a
4 little different. I'm looking at it too and I saw that. I think
5 --

6 VICE CHAIR JOHN: Uh-huh.

7 ZONING COMMISSIONER HOOD: -- the issue how it was
8 presented previously to what we have now, we're just making sure
9 that it was consistent with what exactly Mr. Bello presented here
10 today in front of us. Other than that, I think that was pretty
11 much it.

12 MR. SMITH: Yes. Exactly.

13 VICE CHAIR JOHN: Okay. So I don't fully understand.

14 ZONING COMMISSIONER HOOD: Board Member Smith, if you
15 want to explain. I get it but since you started it with your
16 questions --

17 MR. SMITH: Sure.

18 ZONING COMMISSIONER HOOD: -- I'll take a back seat.

19 VICE CHAIR JOHN: I thought the issue was whether the
20 ANC knew that there would be no parking?

21 MR. SMITH: Correct. So we just wanted to make sure
22 that it was fully presented to the ANC that it would be no parking
23 because the way it's advertised it just says, and what's also in
24 the letter, it just says special exception from the minimum
25 vehicle parking requirements within the letter that came from the

1 ANC. So that could be a waiver, we just wanted to make sure that
2 they fully understand that that waiving is waiving it down to a
3 goose egg of, you know, parking.

4 So I think Mr. Bello explained that they fully
5 understand that and, you know, my concern about that was because
6 they went back to the ANC based on the site plans within the
7 record. It did show parking, so I just wanted to make sure that
8 the ANC is aware that it doesn't look like they updated those
9 plans to show no parking and I just wanted to make sure the ANC
10 is aware of what was going on here but it sounds like Mr. Bello
11 (indiscernible) make sure what they explained, there would be no
12 parking. It was just to have that on the record.

13 VICE CHAIR JOHN: Okay. So, Mr. Bello, did you show
14 the ANC the plans with no parking?

15 MR. BELLO: Absolutely, Madam Chair.

16 VICE CHAIR JOHN: And this was before they voted, this
17 last time?

18 MR. BELLO: Well, they had voted June 8th but in
19 abeyance of resolution of the construction management agreement
20 with the DCA including the request for postponement to allow to
21 add on the relief from the required parking, we have now come to
22 a resolution with DDOT, which we couldn't, so these copies were
23 served on the ANC and as you can tell, the ANC just simply did
24 their report last night.

25 MS. ROSE: The ANC is on now, Madam Chair.

1 VICE CHAIR JOHN: Oh, very well. Thank you. Do you
2 have a name for me?

3 MS. ROSE: It should be Antawan Holmes.

4 MR. HOLMES: Antawan Holmes, Chairman of ANC 7C. Can
5 you hear me?

6 VICE CHAIR JOHN: Yes. I can hear you, Mr. Holmes.

7 ANC COMMISSIONER HOLMES: Thank you.

8 VICE CHAIR JOHN: Can you introduce yourself for the
9 record again?

10 ANC COMMISSIONER HOLMES: Yes. Antawan Holmes, Chair,
11 ANC 7C and this project is in my Single Member District Commission
12 7C 07.

13 VICE CHAIR JOHN: Okay. Please go ahead and give your
14 statement.

15 ANC COMMISSIONER HOLMES: Well, I said the statement
16 that the ANC voted 7 0 in contingent with the approval from the
17 Deanwood Citizens Association. I was informed that both parties
18 met. I saw the construction management agreement. I know the
19 case was postponed for another month because there was an issue
20 with the diagrams or there was some matter that was at issue and
21 Mr. Bello was not able to come and present to us at the meeting,
22 but someone else from his team was able to show us the diagrams
23 of the, I believe I'm hearing you all talk about there was an
24 issue about parking. I don't have an update for that. Is that
25 something you all were talking about as well?

1 VICE CHAIR JOHN: Yes. The issue was the ANC aware
2 that the Applicant was seeking relief from all parking because
3 of the inability to get a curb cut and that the final plans do
4 not include any parking?

5 ANC COMMISSIONER HOLMES: Oh, okay. No, we did not get
6 an update for the parking. We always tell people that we are
7 concerned about parking on that block because there's another
8 multi-use building on that site with no parking. We did not see
9 that as part of what was listed on the website. That wasn't
10 listed in the ICIS (phonetic) was it because if not, no, we did
11 not have that update.

12 VICE CHAIR JOHN: So the only question I have for you,
13 Mr. Holmes, is that the ANC letter does list the relief, special
14 exception relief for parking.

15 ANC COMMISSIONER HOLMES: Okay. Unfortunately, I'm
16 driving right now so what I'll tell you is that whatever was
17 based on the site is what we decided upon.

18 VICE CHAIR JOHN: Okay.

19 ANC COMMISSIONER HOLMES: Yes.

20 VICE CHAIR JOHN: So the current plans do not show any
21 parking because DDOT would not approve a curb cut and, go ahead.

22 ANC COMMISSIONER HOLMES: Okay. Well, that's an issue
23 because there's an alleyway here that -- there's an alleyway
24 there that we have been, that was done years ago that DDOT hasn't,
25 it hasn't been worked on. We had informed the Mayor's office as

1 well as DDOT and actually worked with DDOT for that site to see
2 what they want to do with it.

3 I think the other issue goes on with that back side is
4 that it's something that's being possible done from a DOEE
5 environmental issue because there is a creek back there as well.
6 There was also a homeless encampment back there right on that
7 fence line of that project which the City was able to work on.
8 So there's a lot of issues going on in that back area but I think
9 it's because it's still in flux on what with DOEE and DDOT are
10 trying to do with that Nash Creek area.

11 VICE CHAIR JOHN: Right. But you understand that as
12 of this time there is no approval for a curb cut and there's no
13 access from the alley because of the conditions you just
14 described?

15 ANC COMMISSIONER HOLMES: Okay.

16 VICE CHAIR JOHN: Please go ahead, Chairman Hood.

17 ZONING COMMISSIONER HOOD: My issue is their letter
18 states a waiver from parking. Board Member Smith brought up the
19 issue, as Mr. Bello mentioned, that there's no parking. A waiver
20 and no parking are two different things the way this Board Member
21 sees it.

22 So I think that the issue now is that we asked Mr.
23 Bello was the ANC and the Association aware that there was going
24 to be no parking. Mr. Bello said yes. I'm hearing from Mr.
25 Holmes, oh, no, they didn't know it. I think at this point where

1 I am, because I will tell you where I am right now with this
2 uncertainty and not being sure, I think that we need further
3 clarification with the ANC.

4 If I had to vote today, I would not vote at all. I
5 would vote against it because I'm uncertain that the community
6 knows exactly what's going on and I think this project has a lot
7 of merit to it, but I'm sure there needs to be a resolved, an
8 explanation to the community, ANC and Commissioner Holmes who
9 works very well with his Commission, Citizens Association, they
10 work well together. I've seen, just not this case, but all cases
11 and I think they need to make sure they understand it.

12 So I think that's a good catch, Board Member Smith, and
13 I'll leave it at that. Thank you, Madam Chair.

14 VICE CHAIR JOHN: So as I read this, the report that
15 was approved seven to zero zero, the only issue is that it's
16 contingent on the Applicant presenting their development plans
17 and seeking approval of the Deanwood Citizens Association.

18 Mr. Bello, did you show the Deanwood Citizens
19 Association the plan with no parking on it?

20 MR. BELLO: Yes, ma'am. I believe the DCA is aware of
21 this issue. In fact, if you look at most of our submissions
22 because of the situation of the unimproved alley, and the
23 existence of a creek which is subject to a DOEE overview, that
24 we would continue to work with DDOT to see if the possibility
25 comes to light that they can still provide parking and in fact

1 if you look at DDOT's report DDOT actually is not notwithstanding
2 that the Applicant may provide parking in the future, that they
3 would still require that we maintain the TDM plan and just for
4 clarification, the curb cut does exist. So what DDOT is
5 recommending is closure of that existing curb cut.

6 VICE CHAIR JOHN: Yes. I did see that and the plans
7 do show that the curb cut is closed. Okay.

8 So are there any other questions or concerns?

9 ZONING COMMISSIONER HOOD: So, Madam Chair, maybe I did
10 not hear the frequency correctly. I heard Mr. Bello say one
11 thing and I heard Commissioner Holmes say something completely
12 different. Am I missing it and if I am, I stand to be corrected?

13 MR. SMITH: And I'm sitting here saying the same. So,
14 Mr. Holmes, I understand that you're driving. Can you provide
15 some additional clarification on if the ANC fully saw that the
16 parking will be waived and if they're in support?

17 ANC COMMISSIONER HOLMES: Thank you, Commissioner
18 Smith. I am actually on the line. I'm double following you
19 right now, pulling over to the side talking to the DCA and they
20 are informing me that Mr. Bello had informed them there was going
21 to be some parking at the site and so as I'm telling them now
22 that they are saying that we're hearing it real time that there
23 is not going to be any parking, this goes against all what was
24 had at that previous conversation.

25 MR. SMITH: Okay. So thank you, Mr. Holmes. So in

1 light of that I'll second the same concerns raised by Mr. Hood.
2 I'm not prepared to, you know, vote on this particular case today.
3 I want the ANC to meet with the Applicant again so that they
4 fully understand and everybody's on the same page on where -- on
5 which parking would be provided at this site. So I think some
6 additional dialog needs to be had between the Applicant and the
7 ANC and maybe DCA, and I'm not prepared to vote on this today
8 (indiscernible).

9 VICE CHAIR JOHN: Okay. So I'm just going to make one
10 comment. I'm prepared to continue the case because two Board
11 Members I can see who are to decide today would not be a yes
12 vote. But I would just like to say I don't know where this
13 Applicant is going to put the parking on-site. If there is no
14 alley, there's an unimproved alley and other conditions at the
15 site and DDOT has said to close the parking, to close the curb
16 cut.

17 So I could see a condition requiring the Applicant to
18 continue to meet with DDOT to provide parking from the rear and
19 somebody would be responsible for improving the alley so that
20 cars can go through the alley. It is an unimproved alley. It's
21 not as if there's an alley that the Applicant could use to put
22 parking on the site and there is no curb cut. So I'm not going
23 to get on my soap box.

24 Before I adjourn, I want to ask Ms. Rose -- go ahead.

25 ZONING COMMISSIONER HOOD: I still think the point for

1 me is being missed. The point is the conversation has not been
2 had with the community about no parking. Mr. Bello represents
3 that it has, and it has not. Being a Commissioner in this City,
4 we want to make sure -- I know I have to make sure, I want to
5 make sure and I'm sure all of us do that we've done our due
6 diligence and the correct information is being given to the
7 community because we also live here too, we mingle and we're out
8 here and when people come to us and we haven't done our due
9 diligence, then that makes us look like we haven't done our job.

10 So I just think that that conversation, Mr. Holmes,
11 regardless of what the record says I just need Mr. Bello to have
12 that conversation with, and I think Board Member Smith as well,
13 have the conversation. Tell the people there's no parking and
14 then we will deal with the merits of the case. We get the
15 constraints, I get that, and we will deal with that then but
16 before we move forward we have to do our due diligence. That's
17 all I'm saying. It's not --

18 VICE CHAIR JOHN: I get it. I get it, Chairman Hood.
19 I didn't get it before so thank you for bearing with me and
20 hitting me over the head.

21 ZONING COMMISSIONER HOOD: I would never do that.

22 VICE CHAIR JOHN: My head is aching. I'm just saying,
23 Chairman Hood, my head is aching. So, Mr. Bello, this is on you.
24 Apparently you did not clearly explain the conditions of the site
25 before the ANC voted and you did not take the revised plans back

1 to them to show them why you would have difficulty providing
2 parking on the site and Chairman Hood and Board Member Smith's
3 contention is that that is an absolute requirement for the
4 Applicant to communicate with the community and to explain
5 everything that's happening to them, to the site.

6 So I'm prepared to go ahead and recommend that we
7 continue this case for the Applicant to meet with the ANC to
8 explain clearly the issues with the providing the parking from
9 the rear to the alley that's not improved and that there's no
10 curb cut, and maybe between now and when the case comes back DOEE
11 may have a change of heart. I don't know.

12 So, Ms. Rose, what does the calendar look like in
13 September?

14 MS. ROSE: To get the best date I need to know if the
15 ANC will be meeting on this again and when that would possibly
16 be so that we will set our date after.

17 VICE CHAIR JOHN: Okay. Mr. Holmes, are you there?

18 ANC COMMISSIONER HOLMES: Yes, ma'am.

19 VICE CHAIR JOHN: Okay. Mr. Holmes, when can your ANC
20 meet?

21 ANC COMMISSIONER HOLMES: Well we end -- Summer recess
22 ends in August so we will be meeting again in September, the
23 second week I believe as I don't have a calendar in front of me.
24 It's the 14th maybe? Whatever that second Thursday is going to
25 be, if we get the -- they have revised plans what we can do is

1 we can have an executive meeting at the end of August and have
2 them on the agenda to take another vote in September.

3 VICE CHAIR JOHN: Okay. So, Ms. Rose -- thank you,
4 thank you Commissioner. So, Ms. Rose, the end of September early
5 August?

6 MS. ROSE: You mean early October?

7 VICE CHAIR JOHN: Early October, early October.

8 MS. ROSE: So the second Thursday is the 14th. We will
9 have a hearing on the 20th. We have eight cases and an appeal
10 on the 20th. The 27th we have eight cases.

11 VICE CHAIR JOHN: Okay. Let's do the 27th --

12 MS. ROSE: Okay.

13 VICE CHAIR JOHN: -- of September, and Mr. Bello, we
14 have a very full calendar for the rest of the year, so hopefully
15 --

16 MR. BELLO: Noted.

17 VICE CHAIR JOHN: Okay. All right.

18 MR. BELLO: Thank you.

19 MS. ROSE: Did you want filings --

20 VICE CHAIR JOHN: Pardon?

21 MS. ROSE: Did you want filings and deadlines for the
22 filings?

23 VICE CHAIR JOHN: I don't think -- we just need
24 something from the ANC, a revised letter from the ANC and I guess
25 the ANC does have some leeway in submitting I guess seven days

1 before the 27th. How does that look?

2 MS. ROSE: We can leave the record open and they can
3 submit.

4 VICE CHAIR JOHN: Okay. All right. So I'm going to
5 excuse everyone. Thank you all for your testimony. Thank you
6 Commissioner for calling in and clarifying, you know, all of the
7 issues that were discussed.

8 ANC COMMISSIONER HOLMES: Thank you.

9 VICE CHAIR JOHN: And see you all back in September.

10 ZONING COMMISSIONER HOOD: Madam Chair, I would never
11 hit you over the head. I would never, ever do anything like
12 that.

13 VICE CHAIR JOHN: Must have been a phantom because I'm
14 still having a splitting headache, Commissioner.

15 ZONING COMMISSIONER HOOD: And Board Member Smith and
16 I would have had one if we would have went forward when there
17 was no parking.

18 MR. SMITH: Yes.

19 VICE CHAIR JOHN: I have no words.

20 MR. SMITH: This is (indiscernible) --

21 VICE CHAIR JOHN: What did you say, Board Member Smith?

22 MR. SMITH: I said it's probably to their benefit that
23 we continue and just leave it at that.

24 VICE CHAIR JOHN: Well, no. I think it's a good
25 solution.

1 MR. SMITH: Yes.

2 VICE CHAIR JOHN: Okay, Ms. Rose, when you're ready if
3 you could call the next case.

4 MS. ROSE: All right. So the next case is 20771.
5 Hopefully we have Mr. Seck back. This is District Properties.com,
6 Inc., Yes. Application No. 20771 of District Properties.com,
7 Inc. This is an amended self-certified application for special
8 exception from the side yard requirements of Subtitle D § 206.2
9 pursuant to Subtitle D § 5201 and Subtitle X § 901.2 to construct
10 a new detached, two story principal dwelling unit in the R-1-B
11 zone at premises 4451 Douglas Street, N.E., Square 5115, Lot 34
12 and we do have the motions to waive the late filings by the
13 Applicant before you as well.

14 VICE CHAIR JOHN: Okay. Thank you. Mr. Seck, can you
15 hear us now? Mr. Seck, are you on the phone?

16 MS. ROSE: See him.

17 MR. SECK: Afternoon, can you hear me?

18 VICE CHAIR JOHN: Yes, I can hear you, Mr. Seck.
19 Please go ahead --

20 MR. SECK: Okay.

21 VICE CHAIR JOHN: Yes, please go ahead and introduce
22 yourself for the record and I assume you're not using your camera?

23 MR. SECK: I do have my camera and my, I'm seeing you
24 all but for some reason I'm having technical difficulties
25 unmuting myself and also making my camera open from the computer.

1 That's why I had to call on my phone. But I can see you all,
2 and I wish it wasn't the case and I do apologize for this delay.

3 VICE CHAIR JOHN: Okay. So, Mr. Seck, may I make a
4 recommendation that during the Summer you hire a technical expert
5 to help at these hearings? Just kidding.

6 MR. SECK: Actually, I see Mr. Hood laughing because
7 (indiscernible) every time I have some, little technical
8 difficulties. But this is Apple that I have unfortunately, I'm
9 working from home today and I'll definitely get a regular computer
10 laptop and that will not give me this headache because to unmute,
11 it asked me to press spacebar and hold it. At one point you all
12 heard me but then you disappeared and I apologize. I'll
13 definitely correct this next time.

14 VICE CHAIR JOHN: So thank you, and respectfully, I
15 don't think it's your laptop. I'm using an Apple product as
16 well. But anyway, let's get started. Okay. I think it might
17 be the operator.

18 But anyway, let's get started, Mr. Seck. If you could
19 just tell us why you're here and what relief you're requesting
20 and how your application meets the criteria, and I'll put 15
21 minutes on the clock for you, ask Mr. Young to do that.

22 MR. SECK: Yes. So my name is Omar Seck, representing
23 District Properties and Rupsha, LLC.

24 So this project is at 4451 Douglas Street, N.E. This
25 project is seeking, we are seeking relief for a special exception

1 due to lot width. Our lot size is not a conforming (phonetic)
2 lot in this neighborhood of R-1-B and it has a width of 25 feet
3 that's significantly deep with a length of 239 feet. No access
4 to the rear but we are proposing to obtain relief from the Board
5 for a side yard variance with a minimum requirement by zoning of
6 eight feet to three feet. The house would be constructed in line
7 with the neighboring houses and in the package we present both
8 the left side and the right side house look very similar to what
9 we're looking to construct. It's a two story house with a crawl
10 space with a full porch and a A-frame roof. Even the window
11 counts are matching.

12 We've done the light and air study recommended by OP
13 in this case and made adjustments on one of the windows on the
14 side of the house due to privacy to the neighbor and that has
15 granted us support. This would not have any adverse effect in
16 the neighborhood. It is an established Kenilworth community and
17 we have also obtained support from Commissioner Siraaj Hasan who
18 is also the SMD for this project.

19 We seek relief and I've mentioned that the previous
20 relief were two. One was parking and this particular one side
21 yard. We introduced the revision of this application (phonetic)
22 because last week, if you recall Madam Chair, we had a similar
23 case on the same street and Chairman Hill and also OP recommended
24 that we remove the parking variance request from that project,
25 so we did it and that's what created the 21 day notification

1 waiver and I will rest the case there and thank you all for the
2 opportunity and for moving the case because of my difficulties.

3 VICE CHAIR JOHN: Thank you, Mr. Seck. I had a question
4 about the solar panels issue and there's a sun study in the
5 record, if I have the right case.

6 MR. SECK: Yes. We did the sun study, light and air.

7 VICE CHAIR JOHN: Can you talk about that? Do you need
8 Mr. Young to pull something up? Mr. Young, if you could put that
9 slide up. Let's see. Exhibit 56, Mr. Young.

10 (Pause.)

11 VICE CHAIR JOHN: Okay, Mr. Seck. Can you talk about
12 the sun study and do you know what you'd like Mr. Young to pull
13 up? What particular slide?

14 MR. SECK: Yes. I'm not an expert here, to be frank,
15 on the sun study. I do know that we hired an expert do the work
16 and presented it to the Office of Planning. The comments made
17 was one of the windows on the side to be modified in size but
18 the actual effect on solar panel nearby was not a case, an issue.
19 That's as far as I can elaborate not to get into technical
20 explanation, but I'm not (indiscernible).

21 VICE CHAIR JOHN: So which property had the solar panel?

22 MR. SECK: Let me see. One second.

23 VICE CHAIR JOHN: Okay, Mr. Seck. We can go to the
24 Office of Planning and then get back to you on that one. Does
25 the Board have any questions for Mr. Seck?

1 ZONING COMMISSIONER HOOD: Madam Chair, I think you're
2 going -- I'll wait for us to get to the Office of Planning. I
3 do have some questions from Ms. Henderson about her letter to Mr.
4 Seck but I'll wait until we go through that.

5 VICE CHAIR JOHN: Okay.

6 ZONING COMMISSIONER HOOD: Okay.

7 VICE CHAIR JOHN: Okay. Good afternoon again, Mr.
8 Mordfin. Would you like --

9 MR. MORDFIN: Good afternoon.

10 VICE CHAIR JOHN: Yes. Would you like to present your
11 report and if you could help us with the sun study, the shadow
12 study which is at Exhibit 62, that would be fine.

13 MR. MORDFIN: Okay. Good afternoon, Madam Chair and
14 Members of the Board. I'm Stephen Mordfin with the Office of
15 Planning and the Office of Planning is in support of this
16 application.

17 The Applicant has requested relief from the side yard
18 which would reduce it from eight feet to three feet on both sides
19 of the property. He was also discussing relief from lot size
20 and lot area, however this is an existing record lot. It was
21 legally created so therefore it is a record lot. He does not
22 need relief in order to make use of this lot.

23 As for the sun study that you were speaking of, our
24 review of it indicates that, you know, although there will be
25 some shadowing on the adjacent property, it should not adversely

1 affect ostensibly the solar panels that are on the roof of that
2 property. So therefore, we do not find that the structure of
3 this house on this property as proposed would adversely affect
4 the solar panels of that neighboring property.

5 The application also talks about parking. However, as
6 a one family house, he does not need to apply for a special
7 exception in order to reduce the parking from the one space that's
8 typically required for a one family detached residence to zero.
9 He does not have access to an alley also, or at least not an
10 improved alley so he does not need the relief for that or for
11 the lot size and lot area and obviously the structure that he's
12 proposing to adversely affect the solar panels on the roof next
13 door.

14 So therefore the Office of Planning is in support of
15 this application.

16 VICE CHAIR JOHN: Thank you, Mr. Mordfin. So the solar
17 panels are on, I just had it.

18 MR. SECK: Madam Chair, if I may.

19 VICE CHAIR JOHN: I'll just finish with the Office of
20 Planning for now.

21 MR. SECK: Oh, just the location. It's 4449.

22 VICE CHAIR JOHN: Yes.

23 MR. SECK: To the right.

24 VICE CHAIR JOHN: Right.

25 MR. SECK: Yes.

1 VICE CHAIR JOHN: So, Mr. Mordfin, you don't think that
2 there's any adverse impact on those solar panels?

3 MR. MORDFIN: That is correct.

4 VICE CHAIR JOHN: And it's the one, if I'm looking at
5 the property of the house to the right, because it seemed to me
6 most of the shadowing was, if I'm looking at the front of the
7 house would be to the left?

8 MR. MORDFIN: I'm sorry. Were you asking that to me
9 or to the --

10 VICE CHAIR JOHN: (Indiscernible) I forgot, I forgot.
11 If you could please go back over which house has the solar panels
12 and where the shadow would fall?

13 MR. MORDFIN: Were you asking the Applicant or were you
14 asking me if that was (indiscernible)?

15 VICE CHAIR JOHN: No, I was asking you, Mr. Mordfin.

16 MR. MORDFIN: Oh, okay. Thank you. So the property
17 with the solar panels, as you look at the solar study is to the
18 right and that is the direction that the shadows fall because
19 that's going towards the east and when the sun is in the west.

20 However, from our review of that sun study or shadow
21 study, although it's going to shadow the yard there and the side
22 yard of the adjacent property, we don't see that it's going to
23 adversely impact the roof which is the shadowing will not extend
24 up to the roof as it does to the side yard, so therefore we don't
25 see that this is going to adversely affect the solar panels.

1 VICE CHAIR JOHN: Thank you. And did you say in your
2 report that if the Applicant were to eliminate, were to build to
3 the allowed height the shadowing would be greater? I believe I
4 read that someplace.

5 MR. MORDFIN: Oh, in the OP report?

6 VICE CHAIR JOHN: Yes.

7 MR. MORDFIN: I mean, it's true. As you increase the
8 height you're going to increase the shadowing. So the taller the
9 building, the more shadowing that will come to the east of the
10 property as the sun sets in the west.

11 VICE CHAIR JOHN: Thank you. Okay. Does any Board
12 Member have a question? I believe you had a question,
13 Commissioner Hood?

14 ZONING COMMISSIONER HOOD: Yes. I had a question, I'm
15 still trying to figure it out. First of all let me say this,
16 Mr. Mordfin, and I hope you'll tune in tomorrow even with
17 congratulations. I will say that looking at this, so did the
18 Office of Planning and I'm not sure if it's germane in this case,
19 did the Office of Planning work with the Zoning Commission on
20 solar panel statute regulations? I know we had a conversation
21 but did we do anything with that? I don't remember, recall.

22 MR. MORDFIN: I'm going to have to check on that. I
23 don't recall if we adopted new solar panel regulations in the
24 zoning regs.

25 ZONING COMMISSIONER HOOD: I know we talked about it.

1 But anyway, and I'm trying to stay and get my orientation right,
2 Madam Chair, so bear with me. Isn't there a tree near there, as
3 well, because I see it on the shadow studies?

4 MR. MORDFINI: The tree. Yes, the shadow study does
5 show a tree between those properties, an existing tree.

6 ZONING COMMISSIONER HOOD: Okay. And in your analysis
7 it won't, and as our Chair has already talked about it, it won't
8 cause any more than a matter-of-right project would do as well.
9 Is that what you're saying?

10 MR. MORDFIN: That's what we're saying, that we don't
11 see that it's going to extensively have any impact on that
12 adjoining property. Everything you build is going to have a
13 shadow but because of the height, so that's why the shadows may
14 be in the side yard but not as much when you get up to the roof
15 of that adjoining property.

16 ZONING COMMISSIONER HOOD: Okay.

17 MR. MORDFIN: That's what's indicated on what they
18 submitted.

19 ZONING COMMISSIONER HOOD: Okay. All right. Thank
20 you, Mr. Mordfin. Thank you, Madam Chair.

21 VICE CHAIR JOHN: Mr. Smith, did you have a question?

22 MR. SMITH: Yes. I'm thinking you've answered it, Mr.
23 Mordfin. I think it would have been great to see what would be
24 the effect if it was a by-right height of the house, because you
25 did you speak to that in your report, that if it was built up to

1 40 feet it may be more impactful.

2 Other than that, this is a technical question, how does
3 the Office of Planning validate these shadow studies to show that
4 they are accurate?

5 MR. MORDFIN: It is the Applicant's responsibility to
6 submit truthful applications. We do not do our own shadow
7 studies. We do not have the capacity to do that, so as with
8 anything else that they submit in their application, it's on them
9 to submit truthful applications.

10 MR. SMITH: Okay. So my question is, you know, because
11 on some of these the shadowing stops right at the count. So are
12 these panels elevated on the roof or are they flipped (phonetic)?

13 MR. MORDFIN: Well, they're typically angled, not flat.

14 MR. SMITH: Okay. It was just a very interesting
15 observation that I noticed but there is some, it does show some
16 shadowing in the Fall as a result of the construction of this
17 property. S, again, I think mine was more of a technical
18 question, so thank you.

19 VICE CHAIR JOHN: Okay. Thank you. Mr. Seck, did you
20 have a question for the Office of Planning?

21 MR. SECK: Madam Chair. Thank you.

22 VICE CHAIR JOHN: I'm sorry. I didn't hear you.

23 MR. SECK: No questions, Madam Chair.

24 VICE CHAIR JOHN: Okay. Thank you. Mr. Young, has
25 anyone signed up to testify?

1 MR. YOUNG: We do not.

2 VICE CHAIR JOHN: Okay. Mr. Seck, do you have any
3 closing comments?

4 MR. SECK: No. Again, thank you for allowing the
5 presentation and also again and again my apologies for the
6 technical difficulties and I'll remedy to that on the next one.
7 Thank you.

8 VICE CHAIR JOHN: Okay. Thank you.

9 So I'm going to close the record and, oh, I'm sorry.

10 ZONING COMMISSIONER HOOD: I had a quick question for
11 Mr. Seck before he leaves. Two things. First thing, Mr. Seck,
12 did you have a conversation with Ms. Henderson?

13 MR. SECK: With, Commissioner Hood, you said miss who?

14 ZONING COMMISSIONER HOOD: Ms. Henderson who lives next
15 door.

16 MR. SECK: Not Ms. Henderson, no. For this particular
17 unit 4455?

18 ZONING COMMISSIONER HOOD: I'm not sure what the
19 address --

20 VICE CHAIR JOHN: 4449 I believe.

21 ZONING COMMISSIONER HOOD: Fifty one, isn't it?

22 MR. SECK: No, not with her, no. But she was notified.
23 I didn't get a call or anything.

24 ZONING COMMISSIONER HOOD: Right. I know she was
25 notified because she wrote us a letter.

1 MR. SECK: Oh.

2 ZONING COMMISSIONER HOOD: Are you familiar with that?
3 Wait. Hold on. Let me back up. Do I have the right case, Madam
4 Chair?

5 VICE CHAIR JOHN: Yes. It's Ms. Henderson is at 4449
6 Douglas Street and she's the adjacent property and her letter is
7 at Exhibit 37 and she's concerned about the sunlight on her solar
8 panels, among other things.

9 ZONING COMMISSIONER HOOD: Right.

10 MR. SECK: (Indiscernible).

11 ZONING COMMISSIONER HOOD: Can you respond to that,
12 Mr. Seck, or anything, are you aware of that?

13 MR. SECK: Yes. I wasn't aware of the letter but as
14 far as the sun study and the height of the building, this building
15 basically goes to a maximum to the peak of the roof of 27 feet.
16 It's two stories, an A-frame with no intention to go different
17 from this and the difference in height with the adjacent house
18 is not a significant difference that would even cause any
19 reflection of shadows on panels, as the study shows. They are
20 almost from a distance, if you look at the first page, I mean
21 plan 000 where the three houses are shown they are mostly similar
22 in height and I don't think there would be any difference on her
23 solar.

24 ZONING COMMISSIONER HOOD: Okay. I could ask more
25 questions about her profit (phonetic) or releasing her profit

1 because solar sometimes is sold back and they remove
2 (indiscernible) credits, she's invested money. So I think that
3 was the whole conversation and I know I'm digressing and going
4 off probably and talking about other things, but it's always good
5 to have that communication.

6 So, Mr. Seck, the only other thing I would say I don't
7 know where my other Board Members will be going with this. I'll
8 wait to follow their lead and see where I go. The only thing
9 else I would say is if you need help with your computer, get a
10 young person and I'll leave it at that.

11 Thank you, Madam Chair.

12 VICE CHAIR JOHN: Thank you. Board Member Smith? Board
13 Member Smith?

14 MR. SMITH: I don't think I have -- so what is the
15 pitch roof height in comparison to the neighboring property?

16 MR. SECK: It's pitch roof height from the grade is 27
17 feet maximum.

18 MR. SMITH: The grade to the pitch or the grade to the
19 mid point of the roof?

20 MR. SECK: No. From grade to the pitch of the roof.

21 MR. SMITH: To the ridge?

22 MR. SECK: (Indiscernible).

23 MR. SMITH: To the ridge.

24 MR. SECK: Oh, to the ridge yes. The ridge cap, yes.

25 MR. SMITH: Okay. What's the difference in height

1 between that and the property at 4445?

2 MR. SECK: I don't have the exact measurements but I
3 was referring to one of the pages I don't know exhibit number,
4 it is page, planning page 000 as a cover sheet. When you look
5 at how they lined up, the difference to the right side
6 particularly 4449, I'd be very doubtful if it is even more than
7 five feet.

8 MR. SMITH: Okay.

9 MR. SECK: Considering --

10 MR. SMITH: And who completed your sun study because I
11 don't see it stamped? I don't see any seal or stamp.

12 MR. SECK: I believe it's the architect. They do these
13 things with the renderings, the consultant.

14 MR. SMITH: Okay. All right. Thank you.

15 MR. SECK: Thank you, Mr. Smith.

16 VICE CHAIR JOHN: Okay. Mr. Seck, I'm just going to
17 say one other thing. Oh, please tell us what happened with the
18 ANC. There's no report.

19 MR. SECK: Yes. There is a report. I have it here
20 dated June 29th from Single Member Commissioner and also
21 Chairperson Sirraaj Hasan. It's in the record.

22 But he issued this report, this letter of support for
23 both projects -- as I was mentioning earlier last week we
24 presented 4419 and this case for today -- he issued one letter
25 for both and we have it as a reference BZA case No. 20770 which

1 was approved last week and 20771, that's today's case.

2 VICE CHAIR JOHN: And so that was not from the full
3 ANC. Please remind us why there was no report from the full ANC.

4 MR. SECK: Right. As Commissioner Hasan mentioned on
5 the letter of support, we had made multiple attempts to reach out
6 to the Commission and be added in the agenda and Mr. Hasan -- I
7 can read the -- he said,

8 "The developer of the referenced properties, LNDC,
9 Inc., has made multiple attempts to be considered in our BZA ANC
10 agenda in order to present before us. Given this project is
11 taking place within my Single Member District of 7D01, I, the
12 7D01 Advisory Neighborhood Commissioner, reached out to LNDC and
13 held a virtual meeting during which both cases were presented.

14 I was able to ask a series of in-depth questions
15 around both the builders "intent" for the property, as well as
16 gain additional insight on the requested modifications being
17 proposed for the variances."

18 In this case it's one now.

19 "At the juncture, I am in support of the variance
20 request and have no objections. I believe it will have a positive
21 impact on the continued improvement of the greater Kenilworth
22 community."

23 And that's what he signed.

24 VICE CHAIR JOHN: Okay. All right. Thank you, Mr.
25 Seck.

1 MR. SECK: Thank you, Madam Chair.

2 VICE CHAIR JOHN: So I believe Mr. Young said there was
3 no one signed up to testify, so do you have any closing comments,
4 Mr. Seck?

5 MR. SECK: No. Just hopefully this case will be
6 approved and we thank you for the time to present, that you've
7 allowed us to present.

8 VICE CHAIR JOHN: Thank you. So I'll ask Mr. Young to
9 excuse you.

10 MR. SECK: Thank you.

11 VICE CHAIR JOHN: So, Mr. Mordfin, would you mind
12 turning on your camera? So, Mr. Mordfin, before we go into
13 deliberations I wanted to say that it is my understanding that
14 you're retiring and you're leaving the BZA and Office of Planning,
15 and it is with deep regret that I make this announcement because
16 I have learned so much from you. I've always admired your depth
17 of understanding of the zoning regulations and you're basically
18 unflappable, with a vast knowledge of the history and I understand
19 you're going on -- you're moving to a wonderful place with lots
20 of family, including a grandchild and so I want to commend you
21 on your many years of exemplary service to the Office of Planning. This
22 is not a very easy job to do, especially when Board Members ask you
23 to respond to hypotheticals which you never fail to sidestep
24 with, and you're very polite about it too.

25 So the other thing is I would like to, aside from

1 congratulating you, I would like to wish you a very enjoyable
2 retirement with your family and best of luck wherever this new
3 phase takes you because it's a new phase, it's part of the journey
4 as I've come to know, and the only advice I'll give you is the
5 one I give everybody who I talk to who is retiring is that please
6 get some rest before you, you know, do anything else. Should
7 you decide to come out of retirement, getting some rest is always
8 good and so with that, I will pause here to see if any of my
9 fellow Board Members would like to say anything.

10 Commissioner Hood, I will defer to your rank.

11 ZONING COMMISSIONER HOOD: I'm actually going to say
12 it like this. Mr. Mordfin, tune in tomorrow. (Indiscernible)
13 want you to come back so tune in tomorrow for my comments and
14 I'll yield to Board Member Smith for now, but please tune in
15 tomorrow.

16 VICE CHAIR JOHN: And Board Member Smith?

17 MR. SMITH: Mr. Mordfin, it has been a pleasure working
18 with you. I know that I could probably be a pain to a certain
19 degree I guess, and, you know, that comes from being a planner.
20 So I've been on both sides of this dais so I do recognize the
21 type of work that you put in and also the pressure that you're
22 under with some of the questions that we may ask. So kudos to
23 you, and I know you're ready to get out of that hot seat, you're
24 ready to, you know, jump out of the fire and essentially I echo
25 Ms. John. Happy retirement. Enjoy however long you're resting,

1 hopefully for, you know, the summer or through the end of the
2 year but congratulations and great work. Great work working with
3 you here at DCOP.

4 VICE CHAIR JOHN: Thank you, Board Member Smith. Great,
5 great, great -- I didn't mean to say great work, but it really
6 has been a pleasure working with you, Mr. Mordfin, and so God
7 speed, all the best.

8 MR. MORDFIN: Thank you very much and I've enjoyed
9 working with all of you. It's -- I really have, I've really
10 learned a lot from working with everybody and thank you.

11 VICE CHAIR JOHN: Thank you so much for your service.
12 Be well.

13 MR. MORDFIN: You too.

14 VICE CHAIR JOHN: Take care. Bye.

15 So with that I'll close the record and the hearing and
16 discuss this case, and I don't suppose anyone would like to start.
17 Hearing none.

18 ZONING COMMISSIONER HOOD: Madam Chair (indiscernible).

19 VICE CHAIR JOHN: Oh, thank you. Did I see your hand
20 up, Board Member Smith?

21 ZONING COMMISSIONER HOOD: Oh, you maybe
22 (indiscernible).

23 MR. SMITH: (Indiscernible).

24 VICE CHAIR JOHN: Commissioner Hood, I didn't hear you.

25 MR. SMITH: Chairman Hood, go forward. Go forward.

1 ZONING COMMISSIONER HOOD: You were doing such a great
2 job, Chair John, so I would just yield to you. You've been doing
3 an excellent job, really seriously.

4 VICE C HAIR JOHN: Thank you, Commissioner Hood. Coming
5 from you, that's a compliment. Just takes a little, yes. Go
6 ahead, Chairman Smith, you can see it's the last day. Everybody's
7 (indiscernible). Go ahead.

8 MR. SMITH: Don't give me that title.

9 VICE CHAIR JOHN: Go ahead, Board Member Smith.

10 MR. SMITH: Sure. I'll speak to, and I think, you
11 know, some of the concerns that were raised related to shadowing.
12 So I will state that the Applicant's requested a special exception
13 for relief from the side yard setback requirements of Subtitle D
14 206.2 to reduce the required side yard from eight feet to three
15 feet.

16 In analyzing this request, it is important that the
17 Board is sure that the request meets the standards 5201.4 and the
18 subsequent setback beginning with questions of light and air
19 availability. The Applicant has submitted a sun study that shows
20 shadowing throughout the year and it appears to show minimum
21 additional shadowing that what would occur if the building were
22 to be built at the maximum permitted height of 40 feet as opposed
23 at 27 feet.

24 I do agree with the Office of Planning that given their
25 knowledge that the amount of shadowing would not be undue, or

1 would not burden the adjacent property with less light, I do
2 believe probably there's some operational concerns about the
3 solar panels as it is anyway because I do believe there's a large
4 tree that blocks a fair amount of the light from accessing those
5 solar panels and I'll leave it at that because that tree may not,
6 or that'll be a question that comes up with building permits.

7 In analyzing 5201.4(c) which deals with neighborhood
8 character, the design of the home is largely in keeping with the
9 character that currently exists along the street, that matches
10 the design of the adjacent dwellings to the east and the west of
11 the Applicant's property.

12 I will also note that the proposed setbacks, the side
13 yard setbacks, would be in keeping with the character that also
14 fits within the narrow 25 foot lots along Douglas Street that
15 also have narrow side yards.

16 So given this analysis, I do believe that the Applicant
17 has met the burden of proof for us to grant the special exception
18 and also would note that I believe that the Applicant has met
19 the burden of proof in analyzing the standard special exception
20 criteria, and I will support the application giving OP's staff
21 report great weight.

22 I will also note, just put it out there that it would
23 be great for us to analyze or for the Office of Planning to
24 provide additional analysis on how they verify a lot of these sun
25 studies to ensure that they are accurate, honestly, and assure

1 that they are stamped so that if they aren't accurate the
2 Department of Buildings can have additional conversations, and
3 the Office of Zoning can have additional conversations with the
4 Applicant that prepared those studies to keep them honest and to
5 keep their feet to the fire. So, you know, I will welcome also
6 an analysis of that and how can you verify those plans,
7 particularly that a future Board will treat (phonetic).

8 But that's a side note. I am in support of the
9 application.

10 VICE CHAIR JOHN: Thank you, Board Member Smith.

11 Commissioner Hood.

12 ZONING COMMISSIONER HOOD: Thank you, Madam Cahir. I'm
13 not going to belabor and be redundant, but I would agree with
14 everything that Board Member Smith mentioned as well as the
15 verification process which I think is great.

16 The only thing that concerned me in this was the impact
17 it was going to have on Ms. Henderson's property and I think I
18 would also about what the Office of Planning has said in their
19 analysis and hopefully the shadow study and the analysis of the
20 Office of Planning are correct because we want to have as less
21 impact on her profit or whatever she, happy with her solar panels.

22 So with that, I don't have anything to add. I think
23 the way this is formulated for me I would vote in support of this
24 application with the Office of Planning's support and also
25 everything that's been presented.

1 So thank you, Madam Chair.

2 VICE CHAIR JOHN: Thank you, Commissioner Hood. And
3 so I'm also in support of the application and I have nothing to
4 add except that I was also concerned about the shadowing and the
5 potential impact on Ms. Henderson, but I also agree that it's a
6 two story building and it's, you know, doesn't really -- the
7 height is not what it could be as a natter-of-right and so I will
8 just go ahead and support the application, and with that I will
9 make a motion to approve application 20771 as captioned and read
10 by the Secretary, and ask for a second. Board Member Smith?

11 MR. SMITH: Second.

12 VICE CHAIR JOHN: Ms. Rose, would you please take the
13 roll call.

14 MS. ROSE: Please respond with your vote on the motion.

15 Vice Chair John?

16 VICE CHAIR JOHN: Yes.

17 MS. ROSE: Board Member Smith?

18 MR. SMITH: Yes.

19 MS. ROSE: Commissioner Hood?

20 ZONING COMMISSIONER HOOD: Yes.

21 MS. ROSE: Staff would record the vote as three to zero
22 to two to approve the application with a motion made by Vice
23 Chair John, seconded by Board Member Smith with Commissioner Hood
24 in support of the motion. Chairman Hill not present, not voting,
25 and one Board seat vacant.

1 VICE CHAIR JOHN: Thank you. Do we have anything else
2 on the agenda, Ms. Rose?

3 MS. ROSE: Staff does not. Just to enjoy your summer
4 break and see you in September.

5 VICE CHAIR JOHN: Thank you. And I'd just like to say
6 to everyone I wish you have a great summer. Stay out of the
7 heat, get some fun in the sun at the beach if that's what you
8 like to do and I would like to thank the Office of Zoning Legal
9 Division, the Office of Planning and OZ Staff, and again Ms. Rose
10 for filling in today. I think it's been a great year, and will
11 state that we're adjourning at 1:04 p.m., on the last day of our
12 calendar.

13 So, again, have a great summer and I look to seeing
14 everybody in September.

15 (Whereupon, at 1:04 p.m., the above-entitled hearing
16 was adjourned.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: BZA

Date: 07-26-2023

Place: Teleconference

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

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