

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

NOVEMBER 15, 2023

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video/Teleconference, pursuant to notice at 9:49 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
LORNA L. JOHN, Vice-Chairperson  
CHRISHAUN S. SMITH, NCPC Designee

ZONING COMMISSION MEMBERS PRESENT:

ROBERT MILLER, Vice-Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON, Associate Director, Development Review  
MATT JESICK, Development Review Specialist,  
Development Review and Zoning

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OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.  
COMETRIA COOPER, ESQ.  
RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from  
the Regular Public Hearing held on November 15, 2023.

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

(9:49 a.m.)

CHAIRPERSON HILL: You're on mute, Mr. Moy.

MR. MOY: Okay. That's great. I was waiting for the vice-chair so I can talk now. All right.

BZA VICE-CHAIR JOHN: Mr. Moy, I'm here without the correct background, but we're fine.

MR. MOY: Oh, that's fine. You look very professional. Thank you.

So, the first case before the Board in this public hearing session is Appeal No. 20944 of the Advisory Neighborhood Commission 3D and Rohit, R-O-H-I-T, Kumar.

This is an appeal pursuant to Subtitle X Section 1100 from the decision made March 1st, 2023, by the Zoning Administrator, Department of Buildings, to issue Building Permit No. B2303238.

The property is located in the R1-B zone at 5122 Cathedral Avenue, N.W., Square 1439, Lot 60. This was last heard or started by the Board at its hearing on October 4th and this was continued to today's hearing. And I believe all the parties are in the panel today, sir.

CHAIRPERSON HILL: Thank you. Ms. Themak, if you could hear me, could you introduce yourself for the record?

(Pause.)

CHAIRPERSON HILL: I'm sorry, Ms. Themak, you're

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1 on mute.

2 MS. THEMAK: There we go. Is that better?

3 CHAIRPERSON HILL: Yes.

4 MS. THEMAK: Tracy Themak for ANC 3D and Rohit  
5 Kumar.

6 CHAIRPERSON HILL: Great. If DOB can hear me, if  
7 they can introduce themselves for the record?

8 MR. MAYO: Good morning. This is Hugh Mayo,  
9 assistant general counsel for DOB

10 CHAIRPERSON HILL: Okay. Hi, Mr. Mayo. So, I did  
11 review your filings and I can see that DOB now agrees that  
12 this was a raze. And that it seems what has happened before,  
13 is that we're still waiting for the property owner to  
14 determine what they think their next steps are.

15 And the reason why we kept this as an appeal was  
16 that we were waiting to see what happened with the property  
17 and what the appellant may or may not want to do after seeing  
18 what happened with the property.

19 Does DOB know what the status is and whether or  
20 not they know if -- what the property owner may be doing and  
21 then also if DOB knows when they may be issuing a permit, if  
22 so?

23 MR. MAYO: So, DOB's position remains essentially  
24 the same as when we were here before, which is that since the  
25 initial permits were surrendered by the property owner, we

1 still believe that this appeal is moot.

2 The permit is still in process and under review.  
3 Comments have been provided by DOB, and continue to be  
4 provided by DOB and OZA, based on the plans submitted by the  
5 owner and developer of the property.

6 So, that process is ongoing and it really is  
7 uncertain when the permits will be issued. It depends on the  
8 plan review process and the ongoing dialog between DOB and  
9 the property owner.

10 CHAIRPERSON HILL: Okay, Mr. Mayo. Do you have any  
11 idea when a permit may be issued?

12 MR. MAYO: At this time, I couldn't say.

13 CHAIRPERSON HILL: Okay. All right. Well, I think  
14 the Board -- and I'm looking at my fellow board members --  
15 I'm still in the same category that I was in before, which  
16 is that I don't want to dismiss this because I don't want the  
17 appellant to go back to the beginning again.

18 I'd rather see what happens with the property  
19 owner and what the plans are and the permit and see if this  
20 appeal continues to move forward.

21 Do my fellow board members have anything they'd  
22 like to add or ask?

23 BZA VICE-CHAIR JOHN: I don't have anything to add,  
24 Mr. Chairman.

25 CHAIRPERSON HILL: Okay. Thank you.

1 I'll get to you, Ms. Themak. One moment.

2 (Pause.)

3 CHAIRPERSON HILL: Okay, Ms. Themak. You had your  
4 hand up?

5 MS. THEMAK: Well, I'll let Commissioner Duncan  
6 really speak. While we have DOB and you here, we were hoping  
7 I could get just a few questions answered.

8 And it doesn't involve whether they're going to  
9 approve the permit or anything like that. We just wanted to  
10 get sort of a chronology set up for what we can expect moving  
11 forward while DOB is here.

12 Is that okay for Commissioner Duncan to --

13 CHAIRPERSON HILL: Yeah, sure.

14 MS. THEMAK: Just some questions and if they can  
15 give us answers, that would be great. Commissioner, I'll  
16 leave it to you.

17 CHAIRPERSON HILL: Commissioner, could you  
18 introduce yourself for the record, please.

19 MS. DUNCAN: For the record, my name is Tricia  
20 Duncan. I'm the Chair of ANC 3D. One of our concerns here  
21 is that there is work that has already been done that is now  
22 done under a defunct, withdrawn, surrendered permit and there  
23 has been damage to the neighboring properties.

24 And we are worried, because we don't know what the  
25 owner of the property is going to do, whether he's going to

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1 redesign -- do a raze and redesign. Is he going to try and  
2 do -- redesign the house so that he can make it an addition?  
3 Is he going to sell the property?

4 Because we don't know that, we don't know what the  
5 recourse is for the neighbors who have existing damage to the  
6 property. So, that's one thing that we would like to discuss  
7 with DOB here.

8 We are grateful that they recognize that this is  
9 indeed a raze the way the house is designed. One of the  
10 things that DOB does is they don't make plans available to  
11 the public until the permit has been issued, hence why we  
12 have to go through this BZA process.

13 Is there a way, in this peculiar instance, that  
14 we might be able to get a copy of the plans, or at least a  
15 site plan, while it's under review so we could incorporate  
16 our comments? That would be very useful and beneficial to  
17 us.

18 And particularly the rear wall that has been  
19 constructed, you know, from the foundation up is so close to  
20 the back property line, we would like that removed because  
21 we don't think that that's going to be allowed, under any  
22 circumstances, without a BZA variance.

23 So, I will leave my questions there, but that sort  
24 of sums up what our concerns are moving forward.

25 MS. THEMAK: I guess I would also follow up, Mr.

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1 Mayo that. Have you given the applicant here or the  
2 developer, Silverstone, a time frame that they have to get  
3 back to you to determine whether they are going to raze or  
4 redesign as an addition?

5 I know you said you currently have plans, but  
6 those plans could change, as Commissioner Duncan referred to,  
7 if they're going to reorient that wall, if they're going to  
8 consider it a raze and then go back to the setbacks that they  
9 need.

10 What's the time frame there is the only thing I  
11 would add. How long are you guys going to wait for him to  
12 make a decision?

13 CHAIRPERSON HILL: Okay. Mr. Mayo, just so I'm  
14 clear on the questions, I think one was, like, who do they  
15 call if there's some kind of, you know, penalty or -- forget  
16 that word -- like, that, you know, who do they call to get  
17 some kind of penalty, or whatever it is, making the move, you  
18 know, the developer to do something?

19 And then the other is again, I guess, if they can  
20 see plans ahead of time, which I think the answer is no, but  
21 whatever, see plans ahead of time.

22 And then the third is again, you know, any kind  
23 of a time frame, you know, is there any kind of information  
24 you guys can give the appellant?

25 MR. MAYO: I can kind of take those one at a time.

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1 So, regarding the, you know, alleged damage to adjoining  
2 properties, so, you know, speaking theoretically, the  
3 construction code does require production for adjoining  
4 properties during construction, which could be the basis for  
5 a Notice of Infraction and civil fine.

6 So, the way that works, and I believe we discussed  
7 this last time we were here, is that the neighbors can report  
8 damage to DOB using our inspection forms, which we have  
9 online, and then that will trigger an inspection.

10 A DOB inspector will come out, inspect the site.  
11 And if there's damage to a neighboring property, an NOI will  
12 be issued. So, that's the general process for how DOB  
13 handles that in terms of enforcing code compliance in that  
14 regard.

15 MS. DUNCAN: Yeah, that's already been done and  
16 that is why there was a stop work order put on this property  
17 because the inspector came out and saw the damage to the  
18 neighbor's property.

19 And now, we're just sitting here, like, we've  
20 already done that. So, I guess we're asking, what is DOB  
21 doing about getting these things remediated?

22 MS. THEMAK: Right.

23 MR. MAYO: So, beyond that, you know, we're purely  
24 here today to discuss the zoning issues related to this  
25 property. So, I can't speak to any other matters. I haven't

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1 reviewed, you know, additional NOIs, Notice of Infractions,  
2 or the property.

3 That's, you know, subject to a separate, you know,  
4 entirely separate, essentially, process for adjudication and  
5 enforcement at DOB.

6 So, if you're interested in learning more about  
7 that, I encourage you to make a separate inquiry, you know,  
8 to reach out to DOB separately about those matters.

9 CHAIRPERSON HILL: Give me one second, you guys.  
10 I'm just trying to process also. So, we'll come back to that  
11 infraction question, Mr. Mayo.

12 So, then the other two questions, like, you guys  
13 can't share plans ahead of time before you get the permit  
14 issued, correct?

15 MR. MAYO: Yeah, I believe that's correct, but I  
16 can refer that to deputy general counsel Erik Cox.

17 CHAIRPERSON HILL: Okay. Maybe if you could do  
18 that, that would be helpful because my --

19 MR. COX: Good morning, everyone. So, in this  
20 case, the construction codes have a neighbor notification  
21 requirement.

22 As part of that requirement --

23 BZA VICE-CHAIR JOHN: Mr. Cox?

24 MR. COX: -- the plans are required --

25 BZA VICE-CHAIR JOHN: Mr. Chairman?

1 MR. COX: -- to be made available to ProjectDox  
2 to the neighbors --

3 CHAIRPERSON HILL: Mr. Cox, Mr. Cox --

4 MR. COX: Yes, sir.

5 CHAIRPERSON HILL: -- hold on a second. First of  
6 all, could you introduce yourself for the record?

7 MR. COX: All right. Erik Cox, deputy general  
8 counsel, DOB.

9 CHAIRPERSON HILL: Okay. Great. Thank you. Go  
10 ahead, Mr. Cox.

11 MR. COX: The plans will be available in advance  
12 of permit issuance owing to the neighbor notification rules  
13 under the construction codes.

14 They're made available through ProjectDox, don't  
15 hold me to it, without looking it up, I think 30 days in  
16 advance of -- it's either permit issuance or permit  
17 application. I forget which under the neighbor notification  
18 rule without looking it up, but they are absolutely available  
19 in advance of issuance.

20 CHAIRPERSON HILL: Okay.

21 MR. COX: It's listed for the purpose of the  
22 neighbors being able to see what's going on.

23 CHAIRPERSON HILL: Okay. 30 days before a permit  
24 might be issued, plans are uploaded into ProjectDox; is that  
25 what you're saying?

1 MR. COX: It's either issued or even applied for.  
2 I don't remember the rule off the top of my head. I'd have  
3 to look it up.

4 CHAIRPERSON HILL: Okay.

5 MR. COX: But they're available in advance of  
6 issuance, for sure.

7 CHAIRPERSON HILL: Okay. So, I guess, Ms. Themak,  
8 if they're not there yet, that means that they might not even  
9 have them. I don't know.

10 In terms of the infraction, Mr. Mayo, it sounds  
11 as though they did what they're supposed to do and now you're  
12 saying, go ahead and submit another one? Is that what you're  
13 saying?

14 MR. MAYO: If they've already submitted an  
15 inspection request and there is a Notice of Infraction that  
16 has been issued -- again, this is me speaking not having  
17 reviewed the record for the property for this -- then if DOB  
18 is proceeding with enforcement, if there -- we sometimes get  
19 notice of -- or an inspection request where the inspector  
20 goes out and they aren't able to find a violation.

21 But if there is -- if an inspector did go out and  
22 there was a Notice of Infraction issued, then it should be  
23 currently scheduled for enforcement before the Office of  
24 Administrative Hearings, but that's a lot of ifs. So -- but  
25 that's the general process for how that works.

1 CHAIRPERSON HILL: Okay. Hold on. I've got Ms.  
2 Themak's hand up. Go ahead, Ms. Themak.

3 MS. THEMAK: Yes. I'm confused because we know,  
4 per Commissioner Duncan's statement, the inspector did come  
5 out and a stop work order resulted from that.

6 So, if it was a recognizable offense and a stop  
7 work order was issued, what would trigger an NOI as opposed  
8 to the stop work order? Why wouldn't an NOI go hand in hand  
9 with that because it hasn't been remediated?

10 I mean, we can tell you that right now that  
11 nothing has changed. They've done nothing. So, can we go  
12 ahead and skip the inspector coming back out so that the NOI  
13 can get processed so that we can take this to OAH?

14 I'm happy to do that in the meantime while we're  
15 waiting for the appeal to process here. But if we don't have  
16 an NOI -- and this was an issue that came up at the last  
17 hearing. We talked about this.

18 So, I'm a little bit frustrated -- a little bit  
19 frustrated at the thought that you haven't reviewed the  
20 property records to see if an NOI exists because it should  
21 given that we -- the neighbors have done their part here.

22 So, could you look into that and tell us we're  
23 issued one so that then we can take it through the channels  
24 at OAH?

25 MR. MAYO: So, as I said before, the NOI is -- this

1 is a building code violation, not a zoning violation. There  
2 are zoning NOIs, but that's not what we're talking about  
3 here.

4 Secondly, DOB enforces the NOIs, not private, you  
5 know, citizens themselves. So, there is no action necessary  
6 on your part to proceed to OAH.

7 And then lastly, it's very common for an NOI to  
8 be issued alongside a stop work order if there is a violation  
9 of a serious nature that requires both.

10 If it's both a civil infraction and necessary to  
11 issue a stop work order, there's no one or the -- they're not  
12 mutually exclusive. So -- but, again, this is me generally  
13 describing the process.

14 I encourage you if you're, you know, if you're  
15 interested and, you know, or the neighbors are interested,  
16 to reach out to DOB separately because BZA is not the forum  
17 for this kind of inquiry.

18 CHAIRPERSON HILL: Mr. Mayo -- or, Mr. Cox, I know  
19 you're about to say something. I'm just trying to figure  
20 out, like, I know that -- I mean, the BZA spends a lot of  
21 time here on all this stuff, right? Particularly appeals.

22 So, we've been here now twice and I know the  
23 property owner and the Commissioner and, you know, everybody  
24 has been here a long time, but what I'm also just pointing  
25 out for Ms. Themak and the Commissioner is that, you know,

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1 we're here a lot. And so, like, I'm also trying to figure  
2 out how we don't have to get back here again in this same  
3 way.

4 And it sounds like, Mr. Mayo, I don't know who --  
5 and, Mr. Cox, maybe you know, I don't know who we need to  
6 talk to -- or they need to talk to to find out whatever the  
7 next step is other than what you just said was to reapply  
8 again.

9 MR. MAYO: Well, I --

10 CHAIRPERSON HILL: You're not the next step.

11 MR. MAYO: For the issue of the NOI, I think they  
12 --

13 CHAIRPERSON HILL: I got you, Mr. Cox. Give me one  
14 second -- or go ahead, Mr. Cox.

15 MR. COX: Let me take this. I just looked it up  
16 realtime while you were talking. An NOI has been issued and  
17 that's going to be handled at OAH. It's a violation --  
18 alleged violation of 12A DCMR, which is a construction code's  
19 regulation.

20 It was filed August -- where did it go? I just  
21 had it up. August 12th, looks like.

22 MR. MAYO: That's right.

23 MR. COX: We went out August 12th. Looks like we  
24 served it September 27th of this year. The way the timing  
25 works is we file it at OAH and they're running about four

1 months to docket things upon receipt.

2           So, if we sent it at the end of September --  
3 October, November, December, January -- this will be set for  
4 a hearing at OAH sometime in January or February probably.

5           So, that is the process. It's a separate process  
6 from this proceeding and it will be handled by OGC at OAH in  
7 the ordinary course.

8           CHAIRPERSON HILL: Okay. So, Mr. Cox, now -- and,  
9 Commissioner, I'll get you -- "enforcement" was the word I  
10 was looking for.

11           So, there's nothing now that happens until OAH  
12 hears this in January; is that correct?

13           MR. COX: Yes, that's correct.

14           CHAIRPERSON HILL: Okay. There you go.

15           MR. COX: Well, I will say -- I'll back up. In the  
16 meantime, we do routinely, I'm not going to speak to the  
17 specifics of this case, but we routinely, when we serve an  
18 NOI and are responding to OAH, we routinely engage with them  
19 and invite them to abate and fix the reason they received the  
20 NOI.

21           And if they do that, usually we will work out any  
22 resolution that's less than the full amount of fine that's  
23 possible because we reward compliance and abatement when  
24 there's a violation. So, that could happen in the meantime.

25           If not, we go to OAH and we'll litigate and our

1 enforcement authority is limited to seeking the full fine  
2 cited.

3 CHAIRPERSON HILL: Okay. So, do you know, Mr. Cox,  
4 if this property owner is aware of all this and somebody --  
5 is there, like, a person who that -- who, in your -- in DOB  
6 that calls the property owner and lets them know about this  
7 NOI and tries to resolve the issue?

8 MR. COX: Yes, there are definitely people that do  
9 that.

10 CHAIRPERSON HILL: And they've done that?

11 MR. COX: We have served it -- oh, I just had it  
12 open. We have served it on September 27th. So, the property  
13 owner, or his agent, certainly has it, is aware of it.

14 CHAIRPERSON HILL: Okay. All right. Ms. Themak,  
15 or anybody -- I mean, it sounds like we're at a wait-and-see  
16 place and -- hold on. I got a whole bunch of hands up.

17 And so, go ahead, Commissioner.

18 MS. DUNCAN: So, there is one concern. There is  
19 a not zero chance that the owner has decided to get rid of  
20 his sunk cost and sell this property.

21 Is there -- does anyone know if there's a  
22 mechanism for the owners to be made whole with -- I mean,  
23 we've got a collapsed fence, we've got a hole in somebody's  
24 yard, we've got earth piled up against someone's wall that  
25 wasn't built for that. Like, we've got some significant

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1 costs here.

2 Is there concern that he could abandon the project  
3 and sell it? I'm just trying to speak for the neighbors  
4 here.

5 CHAIRPERSON HILL: Okay, Commissioner, I'll get you  
6 a -- I mean, I'm going to answer before Mr. Cox -- it's just  
7 a guess.

8 It sounds as though, Mr. Cox, this process now is  
9 over. The NOI has been issued. It's going to go to whoever  
10 hears this in January.

11 And until then, someone in your office is speaking  
12 with the property owner to try to at least -- they've been  
13 notified of the NOI.

14 There's nothing now that DOB does; is that  
15 correct?

16 MR. COX: Right. And I can't say that someone is  
17 speaking immediately right now. It was just filed six weeks  
18 ago. I don't know if someone has actively reached out at  
19 this point, but we will prior to the hearing date.

20 And the property owner is always invited to  
21 contact us, once they are served, and initiate a discussion.

22 CHAIRPERSON HILL: Okay. Commissioner, I don't  
23 think they know whether or not the guy is going to sell --  
24 is interested in selling the property or not or what they're  
25 going to do.

1           Let's see. Mr. Kumar, you had your hand up.  
2 Could you go ahead and introduce yourself for the record and  
3 then ask your question?

4           MR. KUMAR: Sure. Rohit Kumar. I am at 5401  
5 Hawthorne Place. I am the property owner of the property  
6 that abuts the back of 5122 Cathedral.

7           Commissioner Duncan raised this although it got  
8 overwhelmed by the damage to the adjoining properties, but  
9 there's a collateral issue which I think is a zoning issue --  
10 so, it is, I think, properly before this venue, this forum,  
11 this board -- which is, as a part of the original  
12 construction, the property owner at 5122 built a wall from  
13 grade and then -- or, you know, above grade and then  
14 backfilled to try to make it look less than four feet above  
15 grade although they haven't finished doing that.

16           So, you can see where the backfilling happened,  
17 but we now have a concrete wall that is less than 10 feet  
18 from the back property line which I think, under any  
19 circumstance, is a violation of the rear setback requirement.

20           And so, the question is, what do we do about that?  
21 Like, I mean, that should go presumably at some point, but  
22 do we have to wait for the entirety of this process, however  
23 many months or years it takes, for that back wall to be  
24 removed or can something be done about that now?

25           Does DOB have the authority to do that or does

1 someone get to build an illegal wall and it just stays there  
2 kind of until someone else decides to do something different?

3 And, for me, this is the issue because the  
4 backfilling of the dirt is now putting additional pressure  
5 on my retaining wall that was not built to sustain this  
6 additional earth. It was built when the grade was the  
7 original grade, not the now-adjusted grade.

8 CHAIRPERSON HILL: Mr. Cox, do you have an answer?

9 MR. COX: At this point, I'm not aware that DOB has  
10 authority to do anything about what is currently built while  
11 the plans are under review.

12 CHAIRPERSON HILL: Okay.

13 MS. THEMAK: Can I just ask a question?

14 CHAIRPERSON HILL: Sure, Ms. Themak.

15 MS. THEMAK: I hear you saying that the plans are  
16 under review. So, those were the original plans that were  
17 reviewed by DOB and determined to be -- should have -- those  
18 plans should have applied for a raze permit. Nothing about  
19 the plans that we've already seen have been revised.

20 I guess I'm asking, am I correct that the  
21 developer has not made a decision as to whether he will apply  
22 for a raze permit or a redesign; is that correct?

23 MR. COX: As far as I know, that's accurate.

24 MS. THEMAK: So, I guess my followup --

25 MR. COX: The current status of the matter is since

1 we were here last, new plans have been submitted. They are  
2 under review and we are evaluating whether the plans would  
3 be compliant with the zoning regs.

4 MS. THEMAK: And the new plans are part of an  
5 application for a raze permit or for a redesign?

6 MR. COX: It's a building permit.

7 MR. MAYO: All right. So, it's worth mentioning  
8 that there is a distinction between a raze for zoning  
9 purposes and a raze versus demolition for the purposes of  
10 applying for a raze permit or a building permit. So, the  
11 construction codes are what define "raze," "demolition."  
12 Those terms aren't in the zoning regulations.

13 And so, when we're deciding whether to issue a  
14 building permit, we refer to the building code. So, that is  
15 one issue versus -- razed versus demolition for a zoning --  
16 for the purposes of -- for zoning purposes.

17 MS. THEMAK: I guess I am just really confused.  
18 What plans determine that -- plans that you reviewed and the  
19 -- going out with a Matterport and making the measurements  
20 determine that the plans you have before you and the building  
21 that is currently in place should have been a raze because  
22 the correct number of percentage of exterior wall was not  
23 remaining.

24 MR. MAYO: A raze for zoning purposes.

25 MR. COX: Ms. Themak, that's a zoning raze.

1 MS. THEMAK: Do the new plans now, do they show  
2 something different than what's currently in place?

3 MR. MAYO: They're currently being, you know, being  
4 assessed and is subject to comments and revisions. So,  
5 anything we say now could be subject to change tomorrow, next  
6 week.

7 MS. THEMAK: So --

8 MR. MAYO: It's an ongoing --

9 MS. THEMAK: -- I guess my final question is, has  
10 Silverstone given you plans since Silverstone found out that  
11 they built it wrong?

12 MR. COX: Yes.

13 MS. THEMAK: Okay.

14 MR. COX: Without necessarily agreeing with the  
15 characterization of the underlying assertion of "built it  
16 wrong," we have new plans that were submitted -- building  
17 plans since we were here last. Those are under review now.

18 CHAIRPERSON HILL: Mr. Cox --

19 MR. COX: They are different than the plans that  
20 were --

21 CHAIRPERSON HILL: Mr. Cox and you guys, I'm going  
22 to try to move us along here because I just want to make sure  
23 who Ms. Themak gets to talk to.

24 And this is what I tried to do the last time and  
25 I appreciate, Mr. Cox and Mr. Mayo, you're doing your job and

1 you're trying to do your job. Like, you get -- this is not  
2 your project, but I'm just trying to understand where we are  
3 in the process.

4 So, Mr. Cox, when do those plans become available  
5 to the public so they can see it?

6 MR. COX: They should be -- we're checking into  
7 that realtime right now. The question is -- hang on. I have  
8 it somewhere.

9 If you want to ask one other question, I'll try  
10 to look in the --

11 CHAIRPERSON HILL: Okay. I'm going to ask some  
12 questions.

13 MR. COX: Yeah.

14 CHAIRPERSON HILL: Ms. Themak, who have you been  
15 in contact with over in DOB since the last time we were here?

16 MS. THEMAK: We've been -- the Commissioner and I  
17 and the neighbors have been talking to Mr. Cox.

18 CHAIRPERSON HILL: Okay. Great.

19 MS. THEMAK: Um-hm.

20 CHAIRPERSON HILL: All right. So then, Mr. Cox,  
21 this is at the top of your -- or it's somewhere near the top  
22 of your list.

23 And so, you know, if you, you know, they are  
24 trying to figure out what is supposedly going to be built so  
25 that they can determine what their next steps are.

1 And I understand the DOB is trying to do their due  
2 process. You've submitted the NOI. That's going to wherever  
3 that goes now and that sounds like that's, like, in January.

4 It doesn't sound like the property owner is being  
5 forced to do anything until the plans are determined one way  
6 or the other, and that's as I understand what the situation  
7 to be.

8 And I guess, Mr. Cox, Ms. Themak and the neighbors  
9 are just trying to figure out when they'll get an opportunity  
10 to see the plans and you're looking at your computer.

11 So, I guess you can tell us and then I'm going to  
12 move on and set a time for when we're coming back here again.

13 MR. COX: Yes. I am looking --

14 CHAIRPERSON HILL: While you're looking, Mr. Moy,  
15 it sounds like we don't know what's happening with the plans  
16 yet and do you want to look at our calendar and see when we  
17 might come back here again?

18 It will definitely be not until, you know, late  
19 January, early February. And that can change determined  
20 upon, I guess, if something happens between now and then, but  
21 do you have our docket in front of you?

22 MR. MOY: So, yes, sir. I've been doing that as  
23 you've been deliberating. And I can tell you that for what  
24 you usually ask for late January, I'm looking at January  
25 31st, the Board's docket contains six or seven cases and one

1 expedited review case.

2 CHAIRPERSON HILL: I remember we were trying to put  
3 something on January 31st that was going to be problematic,  
4 perhaps.

5 MR. MOY: That's right.

6 CHAIRPERSON HILL: What does the 7th look like of  
7 February?

8 MR. MOY: We have -- we have three cases before the  
9 Board. And we have an appeal case which may or may not stay  
10 depending on an earlier decision on the same property by the  
11 board.

12 And I'm currently working with the appellant on  
13 another appeal on that same date to push it out to a further  
14 date, which I think I will be successful with. So, February  
15 7th, I think, is doable.

16 Other than that, then, we can slide into February  
17 14th where we'll have eight cases.

18 CHAIRPERSON HILL: Let's see February 7th because  
19 even if we get two appeals -- well, I hope we don't get two  
20 appeals. So -- anyway, so let's do 2/7, okay?

21 And it sounds, Ms. Themak, you actually have  
22 contact with Mr. Cox, which, you know, he has a lot of stuff  
23 going on, I'm sure, as well, but at least you have contact  
24 with him.

25 And Mr. Cox is here and he's looking to see

1 whether or not, or when, you might be able to look at plans,  
2 correct, Mr. Cox?

3 MR. COX: Again, it's in 12A DCMR 106.2.18.3.1.1  
4 sub 1. The neighbor who is filing for permit shall post  
5 notice that they are applying for permit for a continuous  
6 period of at least 30 days, including the 30-day period  
7 immediately prior to issuance of permit.

8 As part of that notice, there should be a way for  
9 the affected neighbors to, through ProjectDox, the electronic  
10 system, to log in and see what's been filed as the permit  
11 application, including the plans.

12 CHAIRPERSON HILL: That's fine. So, that hasn't  
13 happened yet, correct, Mr. Cox?

14 MR. COX: The neighbor posts it, not DOB. Sorry,  
15 I don't know.

16 CHAIRPERSON HILL: Okay. When do you think -- and  
17 I'm sorry, Mr. Cox, because you even lost me. When do they  
18 think they -- I mean, you guys have the plans, apparently.

19 MR. COX: Yes.

20 CHAIRPERSON HILL: So, when do you think they might  
21 be able to see the plans in ProjectDox?

22 MR. COX: When the plans are -- we do not have any  
23 plans that we would consider final yet. I think they are --  
24 there's a bit of a dialog to see -- honestly, they're HFC at  
25 this point, Held For Comment, asking for several revisions

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1 and there's a bit of a back-and-forth and we find things that  
2 don't quite look right.

3 So, there's nothing to see that would give the  
4 neighbors any comfort of knowing what the final place might  
5 look like. We're not there yet.

6 CHAIRPERSON HILL: Okay. But, at the very least,  
7 it's 30 days before you guys possibly may issue the permit.

8 MR. COX: Yes, that's the code.

9 CHAIRPERSON HILL: Okay. Then I guess, Ms. Themak,  
10 you just have to keep looking at ProjectDox. That's the only  
11 thing I can think of and that's correct, right, Mr. Cox?

12 MR. COX: Well, one of my folks just said it's --  
13 it might be e-records, not ProjectDox, but either way they're  
14 in one of those two.

15 And, Ms. Themak, you know, you can contact me.  
16 We can do this more offline without taking the Board's time  
17 up. We'll make sure that you are able to see them.

18 CHAIRPERSON HILL: Yeah. Mr. Cox, if you can get  
19 it to Ms. Themak -- as soon as you're legally allowed to give  
20 her the plans, let her have the plans.

21 MR. COX: Absolutely.

22 CHAIRPERSON HILL: Ms. Themak, do you have anything  
23 -- oh, go ahead, Ms. John.

24 BZA VICE-CHAIR JOHN: This is for Mr. Cox.

25 So, how does the neighbor notification process

1 work in this situation?

2 MR. COX: In this situation, it would be 30 days  
3 prior to issuance of the permit. The party doing the  
4 construction gives the neighbors, within a certain radius,  
5 notification of what's going to be happening, including that  
6 they can go online and look at the plans.

7 The neighbors can evaluate it for technical  
8 sufficiency and they have the right to challenge the issuance  
9 of the permit, but only after it's issued.

10 And there's a window of after the permit is  
11 issued, the neighbors have basically some legal standing to  
12 challenge the permit for a period of time.

13 BZA VICE-CHAIR JOHN: Okay. So, does that help  
14 you, Ms. Themak?

15 MS. THEMAK: Yes. I appreciate that. Thank you.

16 BZA VICE-CHAIR JOHN: Okay. Thank you.

17 CHAIRPERSON HILL: I think it's 60 days also after  
18 the permit is issued, but I'm not sure. I would do it right  
19 away.

20 MS. THEMAK: I hope you're right.

21 CHAIRPERSON HILL: Okay. All right. Any other  
22 final things, before I let you guys go, until we see you  
23 possibly on the 7th and hopefully not?

24 Okay. All right. Nice to see you guys. Have a  
25 nice holiday. See you next year, maybe.

1 MS. THEMAK: Thank you.

2 MR. COX: Goodbye.

3 CHAIRPERSON HILL: Bye-bye.

4 (Pause.)

5 CHAIRPERSON HILL: Okay. Mr. Moy, you can call our  
6 next one when you get a chance.

7 (Pause.)

8 MR. MOY: Okay. So, the next application before  
9 the Board in this public hearing session is Application No.  
10 20985 of 2610 41st Street, N.W., LLC.

11 This is a self-certified application pursuant to  
12 Subtitle X Section 901.2 for a special exception under  
13 Subtitle U Section 421.

14 And the property is located in the RA-1 zone at  
15 2610 41st Street, N.W., Square 1708, Lot 10. And I believe  
16 that's all I have for you, sir. Thank you.

17 CHAIRPERSON HILL: Thank you. If the applicant  
18 could hear me, could they please introduce themselves for the  
19 record?

20 MR. CROSS: Sure. My name is Michael Cross,  
21 architect responsible for the project here at 2610 41st  
22 Street, N.W.

23 And I'm joined here today by Mrs. Gupta, who is  
24 the project designer and who will be presenting the project.

25 CHAIRPERSON HILL: Okay. Ms. Gupta, do you want

1 to introduce yourself for the record, please.

2 MS. GUPTA: Hi. Good morning. This is Garima  
3 Gupta and we are here to present on behalf of the applicant  
4 for project 2610 41st Street, N.W.

5 CHAIRPERSON HILL: Okay. Great. Ms. Gupta, if you  
6 can go ahead and walk us through your application, why you  
7 believe that your client is meeting the criteria for us to  
8 grant the relief requested?

9 I'm going to put 15 minutes on the clock so I know  
10 where we are and you can begin whenever you like.

11 MS. GUPTA: Sure.

12 Mr. Young, can you please pull up the presentation  
13 in Exhibit No. 28.

14 (Pause.)

15 MS. GUPTA: Perfect. Thank you. So, good morning  
16 everybody again. This project proposes expansion of existing  
17 four-unit building into a seven-unit, three-story structure.

18 This project is being developed with the adjacent  
19 property. All units are proposed as two-bedroom/two-bathroom  
20 except for one unit which is on the first floor, which is the  
21 one-bedroom plus den.

22 All these properties are zoned for residential  
23 apartments. In the RA-1 zone, any new residential  
24 development, or any development that is relating to the  
25 expansion of existing structure, requires relief as a special

1 exception under DCMR 11 Subtitle U Section 421.1.

2           This project is located mid-block on 41st Street  
3 between Davis Place, N.W., and Edmunds Street, N.W., as you  
4 can see on the location map, and it is well-connected to the  
5 public transport with nearest bus stops being about half a  
6 mile.

7           Next slide, please. The total land area is about  
8 4,980 square feet and the owner is proposing to largely  
9 maintain the existing footprint.

10           They are proposing to remove and replace the  
11 existing rear addition and maintaining the lot occupancy of  
12 40 percent, which is allowed as a matter of right in this  
13 zone, and the remaining 60 percent of the site to be used as  
14 green cover, pavers, window wells, parking, et cetera.

15           Next slide, please. The zoning code requires only  
16 one parking space for this development; however, we are  
17 proposing four parking spaces, with three being full-size  
18 spaces and one being a compact space, all located directly  
19 off the alley. You can see on the site plan towards the left  
20 side these are all parking spaces.

21           There is trash space at the rear of the property.  
22 Trash will be collected by a private service at intervals  
23 that are set to meet the building demand.

24           Since this project is being developed with the  
25 adjacent lot, it requires stormwater management. BMPs are

1 proposed in the side yard with plantings to manage stormwater  
2 runoff from impervious surfaces, including the roof.

3           Next slide. This is the layout for cellar floor  
4 with two two-bedroom units, one in front and one in rear.  
5 An existing crawlspace will be excavated and the foundations  
6 will be underpinned to provide adequate head heights to the  
7 new cellar units.

8           Next slide. This is the layout for the first  
9 floor showing typical two-bedroom units in a side-by-side  
10 orientation.

11           All units would be afforded with increased natural  
12 light through larger windows and these units have access to  
13 outdoor space via rear decks. Each unit in this building is  
14 proposed to be around 800 to 1,000 square feet.

15           Next slide. Similar to the first floor, this is  
16 the layout showing two two-bedroom units in a side-by-side  
17 orientation. Again, every unit would also have access to  
18 outdoor space be it a private patio, balcony or a deck.

19           Next slide. This is an autonomous seventh unit  
20 located on the partial third-floor addition over the existing  
21 two-story building. This is also a two-bedroom/two-bath unit  
22 and has access to outdoor space by a private roof deck.

23           Next slide, please. We are proposing to maintain  
24 the existing mansard in front to keep the look and feel of  
25 the neighboring structures.

1           The brick on the existing front and side wall will  
2 remain with repairs as needed. The third-story addition is  
3 set back from the front and side allowing the original  
4 massing to largely remain.

5           Can you please go back to the cover? Thank you.  
6 We have presented this project at ANC on September 14 and  
7 I've received their support, which can be found in the  
8 record, I think, in Exhibit 25.

9           We have also received a few letters of support  
10 from the neighborhood, which can be found in Exhibits 17 and  
11 19, and have not received any opposition to this project.

12           We have worked with Office of Planning prior to  
13 the hearing and have received their approval, which is also  
14 located at Exhibit 26.

15           We appreciate your time and welcome any questions  
16 that you may have.

17           CHAIRPERSON HILL: Okay. Let me quickly turn to  
18 the Office of Planning and then I'll turn to my fellow board  
19 members.

20           (Pause.)

21           CHAIRPERSON HILL: Mr. Lawson, can you hear us?

22           MR. LAWSON: Sorry about that. Good morning. I'm  
23 not sure if my video is working.

24           CHAIRPERSON HILL: Yes.

25           MR. LAWSON: Oh, great. Okay. Thank you. Joel

1 Lawson with the Office of Planning. I'm happy to stand on  
2 the record our report is recommending approval of this case  
3 and we think they have adequately met the test. So, we  
4 recommend approval and I'm available for any questions.  
5 Thank you.

6 CHAIRPERSON HILL: Mr. Lawson, if I'm correct,  
7 there was something about the landscaping plan in Exhibit 21;  
8 is that correct?

9 MR. LAWSON: Yeah.

10 CHAIRPERSON HILL: The Office of Planning wanted  
11 a condition?

12 MR. LAWSON: Yeah. What we would really like to  
13 make sure of is that, particularly if it's a summary order  
14 if this is approved, that there is a reference to which set  
15 of plans are the appropriate ones to be approved as part of  
16 that and that's simply to help out Department of Building.

17 When they're doing permitting for the application,  
18 they know -- clearly know which set of plans are attached to  
19 the BZA's approval.

20 CHAIRPERSON HILL: Okay. And so, I looked at 21  
21 and I didn't see anything different from the other  
22 architectural drawings; however, Ms. Gupta, is 21 still the  
23 correct exhibit to reference?

24 MS. GUPTA: Give me one second on this.

25 (Pause.)

1 MS. GUPTA: Yes.

2 CHAIRPERSON HILL: Although actually in 17 it says  
3 -- oh, no, wait. Sorry. Yeah, 21. Okay.

4 MS. GUPTA: 21 is the updated architectural plans  
5 and elevation study.

6 CHAIRPERSON HILL: Okay. Okay. Great. All right.  
7 Does the Board have any questions of the applicant and/or the  
8 Office of Planning?

9 Go ahead, Mr. Smith.

10 MEMBER SMITH: This is regarding the condition  
11 about landscaping. When I'm looking at Exhibit 21, I'm  
12 assuming what you're referencing is that last page that  
13 speaks to a landscape plan, but that landscape plan is barely  
14 bare bones.

15 Are you proposing to -- I'm just seeing planter  
16 box, planter box, green, green. What does that mean,  
17 honestly, or what are you proposing to plan?

18 MR. CROSS: Yeah, I can answer that. As alluded  
19 to in Ms. Gupta's testimony, this project is being developed  
20 in connection to an adjacent property which puts the total  
21 disturbed area in excess of 5,000 square feet. And because  
22 of that, we are subject to compliance with DOEE's stormwater  
23 management plans.

24 And so, while this plan is relatively generic,  
25 that is intentional so that we can ensure that the details

1 are listed in that, you know, precedent plan for DOEE.

2 And so, I think this is to provide Office of  
3 Planning and the Board an understanding generally of what  
4 we're doing while giving us the flexibility to sort out the  
5 details to meet the DOEE requirements.

6 MEMBER SMITH: Interesting. I've never seen a  
7 landscape plan that's bare bones IN, you know, the ten years  
8 I've been on Planning.

9 What does "green" mean in the eyes of DOEE, Mr.  
10 Cross?

11 MR. CROSS: I think that's just green space that  
12 we have. We have generic green ground cover in that area.

13 MEMBER SMITH: So, that doesn't mean a green  
14 planter box?

15 MR. CROSS: I believe the planter boxes are located  
16 where the notes referencing a planter box are specifically  
17 tagged.

18 The planter box are used as BMP. Those are  
19 retention areas to capture and process onsite runoff.

20 MEMBER SMITH: Mr. Lawson?

21 MR. LAWSON: Yes.

22 MEMBER SMITH: Are you comfortable -- from a  
23 planning standpoint, are you comfortable with what is  
24 presented with this landscape plan and us conditioning this  
25 bare bones?

1 MR. LAWSON: Well, I think, like you, we always  
2 prefer to have more information rather than less. Our  
3 concern, in this case, was to make sure that the overall site  
4 plan is made clear, again, to DOB that this is the general  
5 layout of the property. In other words, the building  
6 wouldn't shift, parking areas wouldn't shift.

7 I'm speaking a bit more generically right now, but  
8 things like trash rooms and enclosures wouldn't move. That's  
9 the general layout.

10 I'm not sure, to be honest, how much DOB, through  
11 the permitting process, would enforce the details of  
12 landscaping, but certainly, in this case, you know, we would  
13 defer to DOEE on issues of landscaping and stormwater  
14 management and questions like that.

15 MEMBER SMITH: So, just so I'm clear, Office of  
16 Planning's primary concern was about the placement of, you  
17 know, the trash infrastructure or things of that particular  
18 nature and less so the landscape, the green part of the  
19 landscaping.

20 MR. LAWSON: Yeah. In this case -- we often work  
21 with applicants in cases like this to augment the landscape  
22 plan and to provide more detail particularly with kind of the  
23 larger items, I guess.

24 Some of the details of the landscaping, we  
25 understand, are kind of dealt with kind of later in the

1 process, but things like, you know, trees to be retained or  
2 to be removed, major retaining wall work or site disturbance.  
3 Those are the kind of level of issues that we tend to focus  
4 on more rather than, you know, the individual plants that may  
5 be proposed at individual locations.

6           So, kind of the overall scheme for landscaping and  
7 -- but as the applicant said, in this case they'll be going  
8 through the separate DOEE-administered process. I assume  
9 that's done at the building permit -- at the time of building  
10 permit.

11           So, you know, yeah, again we wanted to make sure  
12 that the overall site plan that the BZA -- if the BZA  
13 approves this, that the overall site plan that the BZA  
14 approves will actually be what's included in their building  
15 permit drawings and that it can be enforced by DOB.

16           MEMBER SMITH: Would it just make more sense to  
17 condition the site plan, not the landscape plan?

18           MR. LAWSON: Yeah, that's fine. If you -- and we  
19 weren't really proposing this as a condition of our approval.  
20 In other words, we're recommending approval of the  
21 application.

22           Again, this is really more of a request that the  
23 order be drafted to reflect the plans that the BZA approves.  
24 And that -- again, that's to make sure that the plans that  
25 are filed with the building permit to DOB are consistent with

1 what's approved by the Board of Zoning Adjustment.

2           We understand that there will be more detail  
3 added, you know, as they get into the building permit phase,  
4 but the overall site plan should be what you are approving.  
5 You should be comfortable with the site plan if you approve  
6 this.

7           MEMBER SMITH: Okay. All right. That helps with  
8 -- helps me for clarification. So, thank you. Thank you,  
9 Mr. Cross, too. That's all I have.

10           CHAIRPERSON HILL: Thank you, Mr. Smith.

11           Mr. Lawson, what I was understanding is that you  
12 just want us to refer to Exhibit 21 to those plans, not  
13 specifically -- I guess, you know, I guess now we can talk  
14 about the site plan and the landscaping that is in the  
15 proposed exhibit, but you had wanted us to highlight Exhibit  
16 21 to make sure the DOB knew where to be looking to make sure  
17 they're building this in the way that we have approved,  
18 correct?

19           MR. LAWSON: Yeah. And I will say this: We weren't  
20 calling out this applicant for this. It's not -- you're  
21 going to see this condition in a number of reports, I think,  
22 from OP for this kind of a case.

23           And I think, again, it's just to make sure that  
24 DOB knows where to look to make sure that the plans that are  
25 submitted for building permit by the applicant are consistent

1 with what's being approved by the Board of Zoning Adjustment.

2 We think that there have been some cases where the  
3 BZA has granted approval and then the site plan has shifted  
4 and, in some ways, not in a positive way. And we want to  
5 make sure that that kind of stuff is minimized and the DOB  
6 knows how to adequately enforce the BZA's approval.

7 CHAIRPERSON HILL: Okay. Thank you, Mr. Lawson.

8 Anyone else?

9 Go ahead, Commissioner.

10 ZC VICE-CHAIR MILLER: Thank you. Thank you for  
11 the presentation by the applicant and thank you to my fellow  
12 board members for their questions.

13 I guess following up on the landscaping, can I  
14 just ask the -- Ms. Gupta or Mr. Cross, your reaction to the  
15 Office of Planning's statement that -- encouraging the  
16 applicant to include shrubbery along fencing where  
17 appropriate, including the 41st Street frontage.

18 So, I see on that Exhibit 21, the landscaping plan  
19 that shows the green, green that Board Member Smith talked  
20 about, I mean, what is your reaction to the shrubbery  
21 suggestion -- encouragement along fencing, including 41st  
22 Street?

23 MR. CROSS: Yeah, I don't think that we -- we  
24 clearly don't have any objection to it. I would have to  
25 review the civil engineer's design for stormwater compliance

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1 to see if it already includes shrubbery and/or if shrubbery  
2 is an option that would still be complying with the DOEE  
3 stormwater requirements.

4 That is a pretty strict program. And so, each  
5 element has a calculated compliance value to it and we'd have  
6 to make sure that it still works if we included that type of  
7 planting.

8 ZC VICE-CHAIR MILLER: I'm just wondering if there  
9 should be a notation on that exhibit that there would be  
10 beyond the green space, the green, green, that there should  
11 be a notation that there will be additional shrubbery, where  
12 appropriate, if approved in the stormwater management plan  
13 by DOEE.

14 I'm just wondering if that should be referenced  
15 there or -- I'm just wondering if it should be referenced  
16 there in terms of what we approve.

17 MR. CROSS: Yeah, I'm trying to quickly get to that  
18 plan to even -- and be able to -- I guess without -- I  
19 obviously would love to agree to that. It seems like a very  
20 simple request. It would obviously make the project look  
21 better.

22 I just -- I don't know if I can commit to it  
23 without knowing if it is going to be compliant with the DOEE  
24 requirements. That's my concern.

25 ZC VICE-CHAIR MILLER: Right. And so, that's why

1 I was suggesting a notation that said, additional  
2 landscaping, including shrubbery, if compliant with DOEE  
3 stormwater management plan that will be -- I don't know.

4 I don't know if it's necessary. That happens --  
5 DOEE has a separate process. I guess I'll just leave it at  
6 that. Thank you, Mr. Chairman.

7 CHAIRPERSON HILL: Thank you, Commissioner Miller.

8 All right. Does anyone else have anything to say?

9 BZA VICE-CHAIR JOHN: Mr. Chairman, I'm not sure --  
10 we typically see stormwater management plans included in the  
11 architectural drawings. I'm just throwing that out there.  
12 I mean, I didn't see stormwater management on this plan.

13 MR. CROSS: I don't know if that was a question to  
14 us, but --

15 BZA VICE-CHAIR JOHN: I think there's a question  
16 lurking there someplace and that might be you, Mr. Cross.

17 MR. CROSS: Yeah, I guess I can speak to it. From  
18 our position, I believe that the two applications are being  
19 prepared in parallel.

20 BZA VICE-CHAIR JOHN: Um-hm.

21 MR. CROSS: And so, in order to do that, we have  
22 been working the details with the most restrictive agency and  
23 having the other set show general compliance so that we don't  
24 have to ensure that the two are constantly in synch  
25 throughout the entire process.

1 BZA VICE-CHAIR JOHN: So, are you building them  
2 together at the same time so it would look like one project,  
3 not serially?

4 MR. CROSS: You're referencing the two development  
5 projects at the --

6 BZA VICE-CHAIR JOHN: Yes, yes.

7 MR. CROSS: -- two adjacent properties?

8 BZA VICE-CHAIR JOHN: Um-hm, yes.

9 MR. CROSS: It's my understanding they will be  
10 built around the same time. The permit applications are  
11 being applied for in parallel as are the BZA cases. So, that  
12 would set the opportunity to develop them around the same  
13 time, yes, ma'am.

14 BZA VICE-CHAIR JOHN: Okay. Thank you. I don't  
15 have a suggestion for you, Mr. Chairman.

16 CHAIRPERSON HILL: Okay. All right.

17 ZC VICE-CHAIR MILLER: Just one more question.

18 CHAIRPERSON HILL: Sure.

19 ZC VICE-CHAIR MILLER: When does DOEE review and  
20 approve the stormwater management plan, Mr. Cross, in this  
21 process?

22 MR. CROSS: Yeah. As previously suggested, it is  
23 part of the DOB review process. I guess, in what we often  
24 call the sister agencies, it is a requirement -- a required  
25 discipline under the ProjectDox system.

1 And so, to get our building permit issuance, we  
2 need a DOEE approval. And so, in that regard it's part of  
3 the DOB process.

4 ZC VICE-CHAIR MILLER: Okay. Thank you.

5 CHAIRPERSON HILL: Okay. Well, unless you guys  
6 have anything else you want to see again to make your comfort  
7 level higher for the zoning issues that are before us, the  
8 plans that I see are the plans that we're going to approve.

9 And so, I'm not going to change anything other  
10 than reference Exhibit 21 and, I guess, the site map and the  
11 landscaping plan that has been provided in Exhibit 21.

12 And I guess I can also -- or we can make a motion  
13 to also mention that, you know, they will comply with DOEE  
14 and that's the only thing that I can think of off the top of  
15 my head.

16 So, Mr. Young, is there anyone here who wishes to  
17 speak?

18 (Pause.)

19 CHAIRPERSON HILL: Mr. Young, you might be on mute.

20 MR. YOUNG: No, we do not.

21 CHAIRPERSON HILL: Okay. All right. Does the  
22 Board have anything additional to add?

23 (Pause.)

24 CHAIRPERSON HILL: Mr. Cross, do you have anything  
25 you'd like to add at the end?

1 MR. CROSS: No. I appreciate everybody's time.

2 CHAIRPERSON HILL: All right. I'm going to close  
3 the record of the hearing. Mr. Young, if you could please  
4 excuse everyone.

5 (Pause.)

6 CHAIRPERSON HILL: Okay. I didn't particularly  
7 have any issues with these. I mean, I think that, you know,  
8 it's relatively straightforward. These all have to come  
9 before us as a new development.

10 I think that they're meeting the general special  
11 exception standards and criterias. I also think they're  
12 meeting the criteria for the zone that they're in as well as  
13 the new residential development standards.

14 I also will note that they have received -- and  
15 I would agree with the analysis provided by the Office of  
16 Planning, and then also they have received, and gone through,  
17 the community process with the ANC and the ANC is in support.  
18 So, I'm going to be voting in support.

19 Mr. Smith, do you have anything you'd like to add?

20 MEMBER SMITH: I don't have any concerns regarding  
21 this project. I think it's fairly straightforward, for the  
22 various reasons that you also stated.

23 I am prepared to support the application as I do  
24 believe that it meets the standards for us to grant the  
25 approval, you know, and also with the condition, as requested

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1 by the Office of Planning, regarding the site plan for this  
2 particular case. So, with that, I will support the  
3 application for that reason.

4 CHAIRPERSON HILL: Thank you. Commissioner Miller?

5 ZC VICE-CHAIR MILLER: I really -- I don't have  
6 anything to add. I concur with each of your comments. Thank  
7 you.

8 CHAIRPERSON HILL: Thank you. Vice-chair John?

9 BZA VICE-CHAIR JOHN: Thank you, Mr. Chairman. I  
10 don't have anything to add as well.

11 CHAIRPERSON HILL: Okay. All right. I'm going to  
12 make a motion then to approve Application No. 20985 as  
13 captioned and read by the Secretary and ask for a second.

14 Ms. John?

15 BZA VICE-CHAIR JOHN: Second.

16 CHAIRPERSON HILL: The motion made and seconded.  
17 Mr. Moy, can you take a roll call, please.

18 MR. MOY: Before I do that, Mr. Chairman, could you  
19 clarify your motion again? Did it include a condition?

20 CHAIRPERSON HILL: I appreciate that. I'm sorry.  
21 I said it all and then I didn't say it again. I'm going to  
22 make a motion, please, to approve Application No. 20985, as  
23 captioned and read by the Secretary, including a reference  
24 note in the order referring to Exhibit 21 that those are the  
25 plans, in particular, the landscaping plans and that the

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1 applicant will meet the DOEE requirements, and ask for a  
2 second.

3 Ms. John?

4 BZA VICE-CHAIR JOHN: Before I second, Mr.  
5 Chairman, would it not be better just to say that the  
6 applicant will comply with the plans in Exhibit 21?

7 CHAIRPERSON HILL: Sure.

8 BZA VICE-CHAIR JOHN: In other words, whatever  
9 storm management they do has to fit within the green space  
10 in Exhibit 21, is what I'm thinking.

11 CHAIRPERSON HILL: Sure. Before I make the motion  
12 again, does any board member have any comments to that?

13 Okay. Going ahead. Again, Mr. Moy, I guess the  
14 staff can make note of what Vice-Chair John just had  
15 indicated and then ask for a second.

16 Ms. John?

17 BZA VICE-CHAIR JOHN: Second.

18 CHAIRPERSON HILL: Mr. Moy, you can take a roll  
19 call, please.

20 MR. MOY: Very good. Thank you, Mr. Chairman.

21 When I call your name, if you'll please respond  
22 to the motion made by Chairman Hill to approve the  
23 application for the relief requested along with the condition  
24 to reference in the order, the BZA order. The motion to  
25 approve was second by Vice-Chair John.

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1 Zoning Commissioner Rob Miller?

2 ZC VICE-CHAIR MILLER: Yes.

3 MR. MOY: Mr. Smith?

4 MEMBER SMITH: Yes.

5 MR. MOY: Vice-Chair John?

6 BZA VICE-CHAIR JOHN: Yes.

7 MR. MOY: Chairman Hill?

8 CHAIRPERSON HILL: Yes.

9 MR. MOY: We have no other board members today.

10 Staff would record vote as three to zero to one and this is  
11 on the motion made by Chairman Hill to approve. Motion to  
12 approve was second by Vice-Chair John.

13 Members voting to approve the application; Zoning  
14 Commissioner Rob Miller, Mr. Smith, Vice-Chair John, Chairman  
15 Hill. Motion carries, sir, three to zero to one.

16 CHAIRPERSON HILL: Okay. If you guys can manage,  
17 let's go ahead and do the next one and then we'll take a  
18 break.

19 MR. MOY: Actually, the count is four to zero to  
20 one.

21 CHAIRPERSON HILL: Okay. All right. Mr. Moy, do  
22 you want to call our next case?

23 (Pause.)

24 MR. MOY: The next case before the Board is  
25 Application No. 20986 of Jessica Sun and Kyle Lehman. This

1 is a self-certified application pursuant to Subtitle X  
2 Section 901.2 for the following special exceptions: Subtitle  
3 E Section 207.5 to allow rear wall to extend further than 10  
4 feet; Subtitle U Section 301.1(e) to allow use of a new  
5 accessory structure as a dwelling unit.

6 Property located in the RF-1/CAP, C-A-P. Property  
7 located at 504 4th Street, S.E. (Square 822, Lot 814). And  
8 that's all I have. Thank you, sir.

9 CHAIRPERSON HILL: Okay. That's fine, Mr. Moy.  
10 Just to make sure, we still have 20987 to go, right?

11 MR. MOY: That's correct.

12 CHAIRPERSON HILL: Okay. If the applicant can  
13 hear me, if they could please introduce themselves for the  
14 record?

15 MR. DEMIAN: This is Ziad Elias Demian with  
16 Demian/Wilbur/Architects, the architects on the project.

17 CHAIRPERSON HILL: Okay, Mr. Demian -- oh, sorry,  
18 go ahead.

19 MR. LEHMAN: My apologies, sir. Kyle Lehman,  
20 homeowner and applicant.

21 CHAIRPERSON HILL: Okay, Mr. Lehman. Is the  
22 architect going to be presenting before us?

23 MR. LEHMAN: Yes.

24 MR. DEMIAN: Yes, sir.

25 CHAIRPERSON HILL: Okay. Mr. Demian, if you could

1 please go ahead and walk us through your client's application  
2 and why you believe they're meeting the criteria for us to  
3 grant the relief requested?

4 I'm going to put 15 minutes on the clock so I know  
5 where we are and you can begin whenever you like.

6 MR. LEHMAN: It's off.

7 MR. DEMIAN: Sorry?

8 MR. LEHMAN: Your video is off.

9 CHAIRPERSON HILL: Also, somebody is not on mute  
10 or -- Mr. Demian --

11 MR. DEMIAN: Yes.

12 CHAIRPERSON HILL: -- if you're choosing not to  
13 use your video, that's fine, but, just to let you know, we  
14 can't see you.

15 MR. DEMIAN: Sorry, I forgot to do that.

16 CHAIRPERSON HILL: Okay. Great.

17 MR. DEMIAN: Okay. Good morning, everyone. The  
18 project consists of two components. One is the demolition  
19 and rebuilding of -- demolition of a two-story addition, or  
20 rebuilding a new three-story addition in the back, and a by-  
21 right second dwelling in an RF-3 zone.

22 There was a little bit of confusion at the  
23 beginning whether this is an ADU. It's not an ADU. So, it  
24 went in the application, but it is a by-right second dwelling  
25 unit in an RF-3 zone.

1 Mr. Moy, if you don't mind putting the -- Exhibit  
2 28 so we can follow what we're saying, the --

3 MR. MOY: Paul, can you put that up on the screen,  
4 please. Paul? Paul Young.

5 CHAIRPERSON HILL: Thank you. Exhibit 28.

6 (Pause.)

7 MR. DEMIAN: Well, the extension adds about 223  
8 square feet. You go to the plat and it describes pretty much  
9 at page No. 3, I believe, or 4. That's it.

10 This shows the, in white, the footprint of the  
11 existing addition -- project and you will see the -- where  
12 we are proposing the extension, story extension, and then the  
13 ADU in the back.

14 The ADU complies with all the zoning regulation.  
15 For the second dwelling unit, all the zoning regulation and  
16 setback and height and no additional relief requested.

17 The relief will be requested for building the  
18 extension to 13 feet beyond the adjacent neighbors as opposed  
19 to 10 feet, which is required.

20 We got neighborhood approval from all impacted  
21 property owners and Historic Preservation, as well, approved  
22 it and the ANC. So, we got full approval from everyone.

23 In terms of height, if you go to the next step --  
24 the next slide, please, this shows the aerial view where the  
25 project is and the context around it. So, there is a lot of

1 three stories and four-story buildings in that block.

2           Next. We can skip to the next one. It's a little  
3 more detailed for Historic Preservation issues. That shows  
4 the existing floor plan of the property.

5           Next. And this shows pretty much where the  
6 extensions are.

7           Next. This is also, again, showing that we're  
8 complying with all the height regulations as the existing and  
9 that site line was put together for Historic Preservation  
10 purposes.

11           Next. And it shows that we are still under -- no  
12 visibility from the public right-of-way from across the  
13 street. And it's 40 feet high and we are going to be around  
14 30 feet when it's all said and done. So, we're well below  
15 the height limit.

16           Next. We can skip through these, the iteration  
17 that we went through with Historic Preservation and show  
18 where we ended up. So, I'd like to skip those, if possible.

19           I think you may have an older version of this.  
20 That's fine. This is also a study showing that there are --  
21 for Historic Preservation purposes, showing that there are --  
22 additions were built and rebuilt over and over in the history  
23 of the block.

24           Next. Again, these are elevation studies. So,  
25 we can skip through those quickly before until get to the

1 visuals of the project or perspectives.

2           Next. Next. Again, these are all the iteration  
3 we went through for the Historic Preservation Board for their  
4 approval.

5           Next. That's the elevation of the second dwelling  
6 unit in the back.

7           Next. These are perspectives of the rear addition  
8 in the back.

9           Next. And this is the perspective of the second  
10 dwelling unit in the back.

11           Next. These are three-dimensional studies to show  
12 that we are -- even adding the third floor, you will not --  
13 we are not -- we are the lowest three-story addition in the  
14 block.

15           Next. And that's a diagram that describes all of  
16 that.

17           Next. These are before and after images. So, to  
18 show that we are -- that we are -- just show that we are  
19 compliant and it's not visible. This is again for Historic  
20 Preservation purposes.

21           Next. These are again more before and after of  
22 the project looking at it from the closer sidewalk.

23           Next. And there are requested views from across  
24 -- from the park to see what's visible, what's not. So, you  
25 can see that it's hardly any visible from the street.

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1           Again, these are for -- not for zoning purposes.  
2 These are for Historic Preservation purposes, but we use the  
3 same presentation for both purposes.

4           Next. More views also of before and after.

5           Next. More views. I would like to actually go --  
6 if we go to Exhibit 29, the burden of proof, which is more  
7 relevant to the BZA case, Office of Planning encouraged us  
8 to do new additional sun studies. And we did that in Exhibit  
9 29 in the burden of proof.

10           And it shows that our request for adding the  
11 additional three feet for the extension will hardly have any  
12 impact beyond what you would have gotten when you do this as  
13 a matter of right.

14           So, Mr. Young, if you don't mind, share Exhibit  
15 29, which is the burden of proof that will describe that  
16 well.

17           So, that will be toward the end of the document.  
18 These are the same type of information. We can get to the  
19 sun study and then we can show -- yeah, that's the sun study.

20           So, the top diagram shows what the existing  
21 shading -- so, the shading on the whole block. And the lower  
22 diagram -- if you zoom in on that, if it's possible, that  
23 would be great.

24           And what we've showed in gray on the -- what we've  
25 showed in gray, that's the upper diagram, I believe. So, the

1 -- oh, this is it. What we show in gray is the -- is this --

2 MR. LEHMAN: That's the existing.

3 MR. DEMIAN: That's the existing, yeah. Thank you.

4 So, we're showing gray, the shadow cast on the  
5 entire area with by-right addition. And the sliver of black  
6 that you will see is the shadow that will be cast on the  
7 addition if we added the three-foot extension. It's just  
8 pretty much to demonstrate that the impact of the additional  
9 two-story is really minimal.

10 So, this is more relevant to our discussion here  
11 and the Office of Planning suggested that we present this for  
12 you guys in addition to what we've done before.

13 That's very much the entire story. We would be  
14 happy to take questions.

15 CHAIRPERSON HILL: Okay. Thank you, Mr. Demian.  
16 And I hope I am pronouncing that right. I apologize for my  
17 pronunciation.

18 MR. DEMIAN: Close enough.

19 CHAIRPERSON HILL: Thank you. How do you say it?

20 MR. DEMIAN: "Dem-ee-an."

21 CHAIRPERSON HILL: Demian. Demian. Okay, Mr.  
22 Demian. Let me turn to the Office of Planning first and then  
23 I'll come back to the Board, please.

24 (Pause.)

25 MR. LAWSON: Hi again, Mr. Chair. Joel Lawson for

1 the Office of Planning once again. Once again we would stand  
2 on the record of our report and recommend approval.

3 We did note that we thought that one aspect of the  
4 relief in this case was not needed. And I think that's been  
5 discussed a little bit, but we recommend approval of the  
6 application as filed. Thanks. Available for questions.

7 CHAIRPERSON HILL: Mr. Lawson, does the Office of  
8 Planning have any issues with that, allow these for new  
9 accessory structure under Subtitle U 301.©?

10 I mention that because it's a self-certified  
11 application and if DOB has any concerns about it moving  
12 forward, does the Office of Planning have any issues with  
13 that?

14 MR. LAWSON: We don't. We're very comfortable,  
15 given the wording of the regulation, that this relief is not  
16 needed.

17 In an abundance of caution, we did provide a bit  
18 of an analysis, kind of a cursory analysis of that relief and  
19 we don't have an issue with it at all.

20 So, if the Board determines to include that as  
21 part of the application, we would recommend approval of that  
22 as well.

23 CHAIRPERSON HILL: Okay. Thank you, Mr. Lawson.

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

1 BZA VICE-CHAIR JOHN: Just to clarify, Mr. Lawson,  
2 so you're saying the relief is not required because the plans  
3 show that there is more than 20 feet of rear yard behind the  
4 principal building?

5 MR. LAWSON: That's correct. In this case, the  
6 provision only applies if the accessory building with the  
7 accessory unit is within the required rear yard.

8 In this case, it is not within the required rear  
9 yard. So, we're comfortable saying that it would be  
10 permitted by right, but we're also comfortable, as I said,  
11 with the relief if you determine that it's needed.

12 BZA VICE-CHAIR JOHN: Thank you.

13 CHAIRPERSON HILL: Okay. Anyone else?

14 Mr. Young, do you have anyone who wants to speak?

15 MR. YOUNG: We do not.

16 CHAIRPERSON HILL: Okay. All right. Does the  
17 applicant have anything else they'd like to add at the end?

18 MR. DEMIAN: No.

19 CHAIRPERSON HILL: Okay. All right. All right.  
20 I'm going to close the hearing on the record then.

21 (Pause.)

22 CHAIRPERSON HILL: Okay. I thought actually the  
23 shadow studies were quite helpful. I was able to see easily  
24 the difference between the by-right and the difference that  
25 is being proposed. I think that the additional extension

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1 beyond the 10 feet, I think it's not going to have an adverse  
2 impact.

3 And also, I would agree with the argument that the  
4 applicant has purported in their burden of proof as well as  
5 the analysis that the Office of Planning has provided as well  
6 as the ANC.

7 As I had mentioned, I mean, I'm comfortable just  
8 leaving it in as a self-cert concerning the new accessory  
9 structure that is in the captioned relief being requested.

10 However, if some of my fellow board members think  
11 that we should not include that, then I'm also fine with that  
12 as well.

13 Mr. Smith, do you have anything you'd like to add?

14 MEMBER SMITH: I don't. I'm fairly comfortable  
15 with the application as presented. Regarding the OP's  
16 position that the second area relief is not needed, would we  
17 need them to withdraw the request for that?

18 CHAIRPERSON HILL: I don't think so. I just think  
19 we would make that in the motion. But, as I said, I mean,  
20 I'm fine with the way it is unless someone really has an  
21 objection to leaving it in there.

22 MEMBER SMITH: I mean I don't object to leaving it  
23 in there just as a matter of caution. But if it's -- I mean,  
24 well, actually, if it's not needed, I'd rather not grant it.  
25 I'd rather, you know, err on the side of being conservative

1 in this particular case. So, I'd rather just act on the  
2 first area of relief regarding Subtitle E 207.5.

3 CHAIRPERSON HILL: Okay. Commissioner Miller?

4 ZC VICE-CHAIR MILLER: Thank you, Mr. Chairman.

5 I think the -- as you said, Mr. Chairman, I think  
6 the applicant has met the burden of proof for the relief  
7 that's being requested in this case. I don't see any adverse  
8 impacts. You can hardly see the addition.

9 And so, I think all of the standards for the rear  
10 extension have been met and the -- I don't have a problem  
11 with leaving the relief for the accessory dwelling unit --  
12 leaving the relief in there because it's a self-certification  
13 -- self-certified application.

14 I don't see the harm in doing that. I don't want  
15 to delay the case if -- I don't want to have to deny it and  
16 then we have to do a full order, as I understand it, maybe.  
17 I don't really want to delay or create a burden on our staff  
18 to do something that's not necessary necessarily.

19 So, anyway, I'm prepared to approve the  
20 application as filed, as recommended by Office of Planning,  
21 as recommended by ANC, as supported by Capitol Hill  
22 Restoration Society and adjacent neighbors as well. We have  
23 record of those letters also in the record of this case. So,  
24 thank you, Mr. Chairman.

25 CHAIRPERSON HILL: Thank you. Vice-Chair John?

1 BZA VICE-CHAIR JOHN: Thank you, Mr. Chairman.

2 I agree with the comments so far regarding how the  
3 application meets the criteria for relief. And like you, Mr.  
4 Chairman, I was pleased to see such clear shadow studies and  
5 I was able to see that there was minimal impact in terms of  
6 light and air on any adjacent neighbor.

7 With respect to the relief for the new accessory  
8 structure and the required rear yard, I don't believe that  
9 relief is necessary, as the Office of Planning explained, but  
10 out of an abundance of caution and since this is a self-  
11 certified application, I would go ahead and support the  
12 application as, you know, in its current form and would not  
13 -- I would depart from Board Member Smith in that, in this  
14 respect, that I wouldn't ask the applicant to amend the  
15 application.

16 CHAIRPERSON HILL: Okay. I agree, Ms. John. And  
17 also, I think that we would have to make separate motions to  
18 approve and deny certain portions.

19 So, let's see what happens in this case and  
20 whether Mr. Smith has changed his mind depending upon our  
21 discussion thus far.

22 Mr. Smith, have you changed your mind depending  
23 upon our discussion thus far?

24 MEMBER SMITH: So, I'm not completely whetted to  
25 the idea of amending the application as it is self-certified.

1 I would rather, you know, from a philosophical standpoint,  
2 not grant relief for things that aren't necessary.

3 But being that it is a self-certified application,  
4 I'm comfortable with proceeding with the application as  
5 presented.

6 CHAIRPERSON HILL: Okay. Thank you. All right.  
7 I'm going to make a motion then to approve Application No.  
8 20986 -- 20986 as captioned and read by the Secretary and ask  
9 for a second.

10 Ms. John?

11 BZA VICE-CHAIR JOHN: Second.

12 CHAIRPERSON HILL: The motion is made and second.  
13 Mr. Moy, take a roll call, please.

14 MR. MOY: Thank you, sir. When I call your name,  
15 if you'll please respond to the motion made by Chairman Hill  
16 to approve the application for the relief that's being  
17 requested. The motion to approve was second by Vice-Chair  
18 John.

19 Zoning Commissioner Rob Miller?

20 ZC VICE-CHAIR MILLER: Yes.

21 MR. MOY: Mr. Smith?

22 MEMBER SMITH: Yes.

23 MR. MOY: Vice-Chair John?

24 BZA VICE-CHAIR JOHN: Yes.

25 MR. MOY: Chairman Hill?

1 CHAIRPERSON HILL: Yes.

2 MR. MOY: Staff would record the vote as four to  
3 zero to one and this is on the motion made by Chairman Hill  
4 to approve. The motion to approve was second by Vice-Chair  
5 John.

6 Members who voted to approve the application is  
7 Zoning Commissioner Rob Miller, Mr. Smith, Vice-Chair John  
8 and Chairman Hill.

9 Staff will record the vote as four to zero to one.  
10 Motion carries, sir.

11 CHAIRPERSON HILL: Thank you, Mr. Moy.

12 Okay. You guys, let's go ahead and take a quick  
13 break and we'll come back in 10, 15 minutes or so. Thank  
14 you.

15 (Whereupon, the above-entitled matter went off the  
16 record at 11:15 a.m. and resumed at 11:33 a.m.)

17 CHAIRPERSON HILL: Okay. All right. Mr. Moy, if  
18 you want to call our next case?

19 MR. MOY: Yes. Thank you, sir. After a quick  
20 recess, the Board has returned to its public hearing session  
21 and the time is now at or about 11:34 a.m.

22 The next case before the Board, hopefully I have  
23 it right this time, is Case No. 20987 of 2610 41st Street,  
24 N.W., LLC, self-certified application pursuant to Subtitle  
25 X Section 901.2 for special exception under Subtitle U

1 Section 421 to allow a new residential development.

2 Property located in the RA-1 Zone at 2606 41st  
3 Street, N.W. (Square 1708, Lot 803). And I believe that's  
4 all I have for you. Thank you, sir.

5 CHAIRPERSON HILL: Thank you. If the applicant can  
6 hear me, if they could please introduce themselves for the  
7 record?

8 MR. CROSS: Michael --

9 MS. GUPTA: Garima -- sorry. Go ahead, Mike.

10 MR. CROSS: Yeah, my apologies. Michael Cross,  
11 architect of record for 2606 41st Street, N.W. I'm joined  
12 here by project designer Garima Gupta and she will be  
13 presenting.

14 CHAIRPERSON HILL: Okay. Great. Ms. Gupta, could  
15 you please introduce yourself for the record.

16 MS. GUPTA: Good morning. This is Garima Gupta  
17 from architect's team. We are here to present on behalf of  
18 the applicant for 2606 41st Street, north -- west, sorry.

19 CHAIRPERSON HILL: Okay. And just so, Ms. Gupta,  
20 I can be clear, you guys are proposing the architectural  
21 plans that are in Exhibit 21, if you could confirm that.

22 And then also, if you could walk us through your  
23 application and why you believe your client is meeting the  
24 criteria for us to grant the relief requested and you can  
25 begin whenever you like.

1 MS. GUPTA: Yes. Could we please have Exhibit 28  
2 presented?

3 (Pause.)

4 MS. GUPTA: Thank you. So, this is the development  
5 that is being developed with the adjacent property which we  
6 discussed before in the morning today.

7 And this project is also proposing expansion of  
8 existing four-unit building into a seven-unit, three-story  
9 structure. And all units are proposed, too, as two-bedroom,  
10 two-bath, except for the first-floor unit, which is a one-  
11 bedroom plus den.

12 It is located close to the intersection of 41st  
13 Street and Davis Place, N.W., as can be seen on the location  
14 map.

15 Next slide. The total land area is about 4,704  
16 square feet. The owner is proposing to largely maintain the  
17 existing footprint and removing and replacing the existing  
18 rear addition maintaining the lot occupancy of 40 percent,  
19 which is allowed as matter of right in the zone.

20 Next slide. The zone code requires only one  
21 parking space for this development; however, we are proposing  
22 four parking spaces with three full-size spaces and one  
23 compact space, all located directly off the alley.

24 There is trash space at the rear, which will be  
25 collected by a private service at intervals that meet the

1 building standard.

2           Next slide. This is the layout for a cellar floor  
3 with two bedroom units; one in front, one in rear.

4           Next slide. This is the layout for the first  
5 floor identical to the other development, which is adjacent.  
6 This shows the typical two-bedroom units in a side-by-side  
7 orientation.

8           Next slide. Similar to the first floor, this is  
9 the layout showing second floor in a side-by-side  
10 orientation. Again, two-bedroom, two-bath.

11           Next slide. This is an autonomous seventh unit  
12 located on the commercial parker addition over the existing  
13 two-story building. This is also a two-bedroom, two-  
14 bathroom, and has access to outdoor space via a private roof  
15 deck.

16           Next slide. Similar to the adjacent property, we  
17 are proposing to maintain the existing mansard in trying to  
18 keep the look and feel of the neighboring structures.

19           The brick on the existing front and side wall will  
20 remain with repairs as needed. The third-story addition is  
21 set back from the front and side elevations allowing the  
22 original massing to largely remain.

23           Can we please go back to the cover sheet? We have  
24 presented the project at ANC on September 14 and have  
25 received their support, which can be found in the record at

1 Exhibit 25.

2 We have also received two letters of support from  
3 the neighborhood, which can be found in Exhibits 17 and 19  
4 and have not received any opposition to this project.

5 We have worked with the Office of Planning prior  
6 to the hearing and have received their approval located at  
7 Exhibit 26.

8 The most updated plans would be Exhibit 21 as  
9 connected to this hearing. Thank you. We really appreciate  
10 your time and open to questions that you may have.

11 CHAIRPERSON HILL: Okay. Thanks, Ms. Gupta.

12 Was it Exhibit 21? Maybe I didn't hear you. I  
13 see you nodding yes that Exhibit 21 are your plans. I'm  
14 going to turn to the Office of Planning, if I could.

15 MR. LAWSON: Hi. Good afternoon. Joel Lawson with  
16 the Office of Planning. Once again we're happy to stand on  
17 the record of our report recommending approval of this case  
18 and I'm available for any questions. Thank you.

19 CHAIRPERSON HILL: Okay. Does anyone have any  
20 questions for the Office of Planning and/or the applicant?

21 Okay. Ms. John, your camera is pretty low, just  
22 in case you knew. Great. Thank you.

23 And then, Mr. Young, is there anyone here who  
24 wishes to speak?

25 MR. YOUNG: No, we do not.

1 CHAIRPERSON HILL: Okay. Ms. Gupta, is there  
2 anything you'd like to add at the end?

3 MS. GUPTA: I'm good. Thank you.

4 CHAIRPERSON HILL: Okay. I'm going to close the  
5 hearing and the record unless my board members have anything  
6 to add.

7 Seeing no hands being raised, okay, Mr. Young, if  
8 you can please excuse everyone.

9 (Pause.)

10 CHAIRPERSON HILL: Okay. Similar to what was the  
11 adjacent case, I didn't have any issues of this. I think  
12 that they are meeting the new residential development  
13 criteria, as well as meeting the purpose and intent of the  
14 zoning regulations, as well as meeting the special exception  
15 review standards.

16 I also would agree with the analysis, and thankful  
17 for the analysis that the Office of Planning has provided.  
18 I will again refer to Exhibit 21 in terms of their plans, as  
19 I did in the last one, if we do get to make a motion to  
20 approve this application.

21 I would also note that the ANC has also been able  
22 to take a look and also had no issues or concerns. I am  
23 going to be voting to approve.

24 Mr. Smith, do you have anything you'd like to add?

25 MEMBER SMITH: I don't have anything to add. I

1 agree with your analysis of this particular case and will  
2 support the requested special exception.

3 CHAIRPERSON HILL: Thank you. Commissioner Miller?

4 ZC VICE-CHAIR MILLER: I concur with each of your  
5 comments. Thank you.

6 CHAIRPERSON HILL: Thank you. Vice-Chair John?

7 BZA VICE-CHAIR JOHN: I agree with your comments,  
8 Mr. Chairman.

9 CHAIRPERSON HILL: Thank you. All right. Then I'm  
10 going to make a motion to approve Application No. 20987 as  
11 captioned and read by the Secretary and ask in the report we  
12 refer to the plans that are listed in Exhibit 21.

13 And ask for a second, Ms. John?

14 BZA VICE-CHAIR JOHN: Second.

15 CHAIRPERSON HILL: The motion was made and  
16 seconded.

17 Mr. Moy, if you take a roll call, please.

18 MR. MOY: Thank you, sir. When I call your name,  
19 if you'll please respond to the motion made by Chairman Hill  
20 to approve the application for the relief requested. Motion  
21 to approve was seconded by Vice-Chair John.

22 Members voting to approve: Zoning Commissioner  
23 Rob Miller, Mr. Smith, Vice-Chair John and Chairman Hill.  
24 We have no other members today.

25 Staff would record the vote as four to zero to one

1 and this is on the motion made by Chairman Hill to approve.  
2 Motion carries four to zero to one.

3 ZC VICE-CHAIR MILLER: I actually didn't vote, but  
4 you anticipated --

5 BZA VICE-CHAIR JOHN: We did not vote.

6 MR. MOY: Oh. Oh, my goodness. I'm having a  
7 really bad day.

8 BZA VICE-CHAIR JOHN: Thank you, Commissioner  
9 Miller. I was trying to, you know, did I vote and I forgot?  
10 And, you know --

11 ZC VICE-CHAIR MILLER: I was thinking the same  
12 thing.

13 BZA VICE-CHAIR JOHN: Yeah. I was wondering if I  
14 was having a senior moment or --

15 MR. MOY: No, that's on me.

16 BZA VICE-CHAIR JOHN: I have those often.

17 MR. MOY: I'm the one that needs a long vacation.

18 (Laughter.)

19 MR. MOY: Okay. Strike everything that I said.  
20 Okay. This is a redo. All right. When I call your name,  
21 if you'll all please respond to the motion made by Chairman  
22 Hill to approve. All right. And motion to approve was  
23 seconded by Vice-Chair John.

24 Zoning Commissioner Rob Miller?

25 ZC VICE-CHAIR MILLER: Yes.

1 MR. MOY: Mr. Smith?

2 MEMBER SMITH: Yes.

3 MR. MOY: Vice-Chair John?

4 BZA VICE-CHAIR JOHN: Yes.

5 MR. MOY: Chairman Hill?

6 CHAIRPERSON HILL: Yes.

7 MR. MOY: All right. I have no other board  
8 members present. Staff will record the vote as four to zero  
9 to one and this is on the motion made by Chairman Hill to  
10 approve.

11 This motion to approve was second by Vice-Chair  
12 John. Members voting to approve the application; Zoning  
13 Commissioner Rob Miller, Mr. Smith, Vice-Chair John and  
14 Chairman Hill.

15 Motion carries, sir, four to zero to one.

16 CHAIRPERSON HILL: Thank you. I'm glad I have all  
17 my fellow board members with me, because I pulled up the next  
18 file and I'm looking at the next case and -- all right.

19 BZA VICE-CHAIR JOHN: I'm trying to figure out if  
20 I'm going to look stupid.

21 CHAIRPERSON HILL: No, that's all right. I was  
22 just cruising right along.

23 All right, Mr. Moy. If you can call our last  
24 case?

25 (Pause.)

1 MR. MOY: All right. This next case is Application  
2 No. 20989 of Sheridan School, Inc. This is a self-certified  
3 application pursuant to Subtitle X Section 901.2 for the  
4 following special exceptions: Subtitle U Section 203.1(m),  
5 which would allow an expansion of an existing private school;  
6 Subtitle C Section 703.2 from the minimum parking  
7 requirements; and Subtitle C Section 1506 from the penthouse  
8 enclosing wall requirements of Subtitle C Section 1503.

9 Property is located in the R-2 Zone at 4400 36th  
10 Street, N.W. (Square 1968, Lot 10). Let me double-check.  
11 I don't have anything else for you. I think the applicant's  
12 party is in the panel. Thank you, sir.

13 CHAIRPERSON HILL: Okay. Thank you.

14 If the applicant can hear me, if they could please  
15 introduce themselves for the record?

16 MS. ROGERS: Good morning, Chairman Hill and  
17 members of the Board. For the record, my name is Elizabeth  
18 Rogers with the law firm of Lerch Early & Brewer. I have  
19 several of the applicant team members here today who I will  
20 introduce and they'll speak in turn.

21 CHAIRPERSON HILL: Thank you, Ms. Rogers.

22 Okay, Ms. Rogers. If you want to go ahead and  
23 walk us through your client's application and why you believe  
24 you're meeting the criteria for us to grant the relief  
25 requested? I'm going to put 15 minutes on the clock so I

1 know where we are and you can begin whenever you like.

2 MS. ROGERS: Thank you.

3 BZA VICE-CHAIR JOHN: Mr. Chairman, before we  
4 begin, I believe there is a preliminary matter with the  
5 expert witnesses.

6 CHAIRPERSON HILL: Okay. Thank you.

7 BZA VICE-CHAIR JOHN: This would be 21.

8 CHAIRPERSON HILL: Thank you, Ms. John.

9 I guess, then, let's see, Ms. Rogers, the two that  
10 you have in architecture, Mr. Clark and Mr. Field, I assume,  
11 as I look through it here, they are not in our witness book  
12 already. Give me one second.

13 (Pause.)

14 CHAIRPERSON HILL: Okay. I don't have any issues  
15 with either of your witnesses being included as experts in  
16 architecture.

17 Do my fellow board members have any issues or  
18 concerns?

19 BZA VICE-CHAIR JOHN: No, I have no questions.

20 CHAIRPERSON HILL: Okay. Neither do Mr. Miller or  
21 Mr. Smith. All right. Thank you, Vice Chair John, for that  
22 helpful reminder. We'll go ahead and allow them as experts  
23 into the record and, Ms. Rogers, you can begin whenever you  
24 like.

25 MS. ROGERS: Okay. Thank you. Mr. Young, if you

1 could pull up a copy of the PowerPoint, I believe it's  
2 Exhibit 31 in the record. Thank you.

3 Just by a way of quick introduction, with me here  
4 today is my colleague Patrick O'Neil also of Lerch Early.  
5 We have Suzanne Badoux and Courtney Martin on behalf of the  
6 Sheridan School. Jim Clark and Braden Field with MTFA  
7 Architecture. And Amanda Aiken with Wiles Mensch. And  
8 Stephen Karcha with Advanced Project Management, Inc.

9 We are requesting special exception relief to  
10 allow for an expansion of an existing private school facility  
11 located in the R-2 zoning district.

12 Specifically, the applicant is seeking to  
13 construct a modest two-story, approximately 3800 square foot,  
14 expansion of a longstanding private school in order to  
15 implement much-needed safety, security and accessibility  
16 enhancements.

17 In connection with this narrow two-story addition,  
18 we're also requesting relief from the minimum vehicular  
19 parking requirements and from the enclosing wall requirements  
20 for replacement rooftop mechanical equipment.

21 Next slide, please. The property is located at  
22 4400 36th Street, N.W., with frontage on Yuma Street, Alton  
23 Place and 36th Street.

24 The Sheridan School has been operating on the  
25 property for the past 60 years pursuant to a special

1 exception that was originally granted by the Board in 1963  
2 with very subsequent modifications.

3           The property has a constrained net lot area of  
4 only 1.62 acres. This presents challenges for accommodating  
5 all of the necessary school operations especially in today's  
6 competitive independent school environment.

7           Next slide, please. The existing building, this  
8 is a picture of the front. It fronts on 36th Street. As you  
9 can see from this photo, the building is set back from the  
10 street with an intervening surface parking lot between the  
11 building and the street. This is the area of the site that  
12 is the primary subject of the proposed modification.

13           Next slide. These are just a few other photos of  
14 the site. Particularly, I would note the stairs that are  
15 leading to the front main entrance on the photo on the left,  
16 which the applicant is seeking to resolve by creating a more  
17 accessible entrance, and then the photo from the bottom right  
18 just kind of looking back from the intersection of Alton and  
19 36th towards the front of the school.

20           Next slide, please. The property is well-served  
21 by various forms of public transportation, including two  
22 metro stations; the Tenleytown-AU Station within  
23 approximately 0.6 miles, and the Van Ness-UDC Station within  
24 0.4 miles, numerous bus lines within a half mile, including  
25 the Wisconsin Avenue priority metro bus route No. 32, as well

1 as several capitol bike share stations.

2 Before we get into the details of the proposed  
3 addition, I'd just like to turn it over to Courtney Martin,  
4 as head of school, to say a few remarks on behalf of the  
5 applicant.

6 MS. MARTIN: Thank you, Liz. I first just want to  
7 reiterate thanks to the Board for considering our application  
8 today.

9 So, again, I'm Courtney Martin. I'm the head of  
10 Sheridan School, and Sheridan is an independent co-ed  
11 kindergarten-through-eighth-grade school that has 221  
12 students and not to exceed 230 students.

13 We currently have 60 faculty and staff members and  
14 our mission is to create a vibrant, inclusive, joyful  
15 learning community.

16 So, the modifications proposed by this special  
17 exception are time-sensitive and critically important to the  
18 school as they provide much-needed safety and accessibility  
19 enhancements for our students, teachers and visitors.

20 And as the Board knows from its own experience as  
21 by reading the tragic headlines about security breaches,  
22 school safety, for us, is a top priority.

23 The proposed additions includes an enclosed  
24 vestibule entryway which provides a secure location for  
25 school employees to observe entrance to the school before

1 allowing them access to the interior.

2           And it's also a feature -- a standard best  
3 practice in modern school security and provides an important  
4 line of defense in controlling interior access to the school.

5           Additionally, as I noted, our mission is to create  
6 a truly inclusive learning community. And to this end, the  
7 proposed addition accommodates better access to the school  
8 for persons with disabilities through a wheelchair ramp and  
9 internal -- interior elevator.

10           Lastly, we are seeking to replace four of our  
11 existing rooftop HVAC units with three new units, which is  
12 essential to improving air quality, filtration and  
13 circulation (audio interference) the recent COVID-19  
14 pandemic.

15           The school is committed also to being a good  
16 neighbor in the community. We've hosted a neighborhood  
17 farmers market on the property free of charge for the past  
18 34 years and we know the continuation of the farmers market  
19 is important to the community.

20           As such, we work closely with the farmers market  
21 to ensure that the proposed building addition and site  
22 modifications will continue to accommodate its use. The  
23 farmers market submitted a letter of support, which is  
24 located in the record at Exhibit 20.

25           Neighborhood engagement is also important to the

1 school and we've been hosting a community liaison Google  
2 group for communicating with neighbors about school events  
3 and the needed renovation project.

4           This year, we have already held several virtual  
5 meetings, including one in February, two in September, and  
6 another in October, to specifically discuss the proposed  
7 project and answer any questions that the community had. We  
8 are pleased that the community has submitted several letters  
9 in support of this application.

10           We've also kept a close line of communication with  
11 the ANC who voted to support the proposed special exception  
12 application, and that report is Exhibit 24 in the record.

13           I'd like to turn it over to Braden and Jim, my  
14 colleagues, to give an overview (audio interference).

15           CHAIRPERSON HILL: Somebody maybe if they could  
16 mute if they're not speaking, someone's microphone seems to  
17 be creating some background noise.

18           Please continue, Ms. Rogers, with your next  
19 witness.

20           MS. ROGERS: Sure. Next, Mr. Braden Field is  
21 going to give an overview of the proposed project.

22           MR. FIELD: Good morning everyone. My name is  
23 Braden Field, for the record, with MTFA. We are the  
24 architects representing the applicant and I will provide a  
25 brief overview of our proposed project.

1           If you could go to the next slide, please. So,  
2 we are proposing, as mentioned earlier, a modest, two-story,  
3 approximately-3800-square-foot addition to the front of the  
4 school on 36th Street outlined in purple on the screen. The  
5 rest of the existing building is hashed in gray and is not --  
6 it will remain unchanged.

7           That first floor of the addition is only about  
8 1600 square feet with a larger second floor cantilevered out  
9 above, which you'll see in the next slide. It shows the  
10 first-floor plan.

11           Next slide, please. And the primary safety  
12 improvement on that first floor is the creation of an  
13 enclosed vestibule at the entrance, which provides a secure  
14 entrance for school visitors in light of Ms. Martin's earlier  
15 comment.

16           And the first floor also provides a new elevator  
17 and a new accessible ramp pathway to the school as part of  
18 the proposed improvements.

19           Next slide, please. On the second floor, you can  
20 see the proposed addition on the right that provides  
21 additional classroom space, which accommodates some flexible  
22 sizing and uses for the school's programs.

23           The remainder of the area is interior renovation.  
24 So, only the addition on the right is being added. And it's  
25 important to point out that this application does not include

1 any enrollment increases. So, the student population will  
2 remain.

3 Next slide, please. We have a couple of  
4 architectural renderings showing some illustrative views of  
5 the proposed project.

6 From a design perspective, the building's mass  
7 seems compatible with the surrounding neighborhood. It  
8 includes materials that match and complement the existing  
9 building facade.

10 The next slide, please, will also show a street-  
11 level view looking at the new entrance and this is the new  
12 facade facing 36th Street.

13 Next slide, please. For the front plaza, the  
14 proposed addition will result in the elimination of eight  
15 existing parking spaces on the 36th Street frontage. And  
16 removing those and building out the addition allows for a  
17 more welcoming entry plaza that we've designed to continue  
18 to accommodate the farmers market onsite with the community  
19 and improved pedestrian safety.

20 So, we have eliminated two vehicular curb cuts off  
21 of 36th Street, and we've created an uninterrupted sidewalk  
22 along 36th Street all the way up to Alton at the corner.

23 And given the constraints of the property, there's  
24 no room to accommodate those additional parking spaces that  
25 are being removed. And through working with DDOT early on,

1 they were not willing to relocate that parking closer to 36th  
2 Street.

3           So, as such, and as we'll go into in a little  
4 greater detail in our presentation, the school is seeking  
5 relief from the minimum vehicular parking requirements to  
6 address those issues.

7           Next slide, please. So, Ms. Martin mentioned the  
8 HVAC and also that importance of interior air ventilation  
9 that has only increased since the COVID-19 pandemic.

10           As such, the school is proposing to replace four  
11 of the existing, aging rooftop units with three new ones.  
12 So, on the left side of this exhibit you'll see the four  
13 marked with an X that are proposed to be removed and three  
14 on the right that are being added in roughly the same  
15 location.

16           This does result in a decrease in the amount of  
17 rooftop equipment, although the new units are slightly larger  
18 in size compared to what exists there today.

19           So, as with those existing units, the proposed new  
20 HVAC equipment will be set back from the edge of the building  
21 so that it will be visually concealed from view in accordance  
22 with Subtitle C Section 1504.

23           Additionally, the proposed building addition on  
24 the right on the 36th Street side provides some additional  
25 screening from the street side. So, really enhancing the

1 screening of those proposed units from the current conditions  
2 today.

3           The school's current special exception under  
4 Condition No. 11, requires that any replacement rooftop HVAC  
5 equipment be of the same size or smaller and be screened, or  
6 that the applicant seek BZA approval if those requirements  
7 cannot be met.

8           Subtitle C Section 1503 also requires an enclosing  
9 wall around the rooftop equipment, which is not feasible,  
10 under our circumstances, and we'll walk you through a couple  
11 of reasons why.

12           One, as you can see on the left, the existing  
13 rooftop equipment is distributed across that roof surface in  
14 a number of different locations and in order to service that  
15 school facility and their existing HVAC systems.

16           And, as such, with the clearances required around  
17 those units, having to screen all those units would  
18 effectively require the school to build an enclosure around  
19 the entire perimeter of the building.

20           Not only would such an enclosure be financially  
21 burdensome, it also presents structural challenges as the  
22 roof structure is currently also designed to support a solar  
23 panel.

24           Next slide, please. I think that covers the  
25 special exceptions that are being sought and I will hand it

1 over to Ms. Rogers to pick back up.

2 MS. ROGERS: Thank you. As we detailed in our  
3 Burden of Proof Statement, the proposed special exception  
4 satisfies all the various requirements for the Board to grant  
5 the requested relief.

6 Given the number of criteria, I will be very brief  
7 as there is one issue we wanted to discuss with the Board  
8 regarding DDOT's report.

9 So, these are the special exception findings  
10 regarding -- that govern the school addition. As we  
11 discussed, the proposed special exception is seeking to allow  
12 for the continuation of the existing school, which has  
13 occupied this property for the past 60 years.

14 The special exception will not result in any new  
15 adverse impacts in terms of noise or traffic or objectionable  
16 conditions. No additional traffic is being generated as  
17 there are no changes to the overall enrollment or hours of  
18 operation and we will not generate any additional noise with  
19 these additions.

20 To the contrary, we are proposing to replace the  
21 exterior vehicular activity with an architecturally pleasing  
22 building addition which will internalize outside activity.  
23 And the new HVAC equipment will not generate additional noise  
24 compared to what exists today with the aging equipment that  
25 it's replacing.

1           Next slide, please. As you just heard as Mr.  
2 Field walked you through in detail how the applicant kind of  
3 meets the standards for the Board to grant relief from the  
4 enclosing wall requirement, as discussed, we are seeking to  
5 replace four units with three new units that will continue  
6 to be screened through the longstanding practice of screening  
7 them and through setbacks.

8           They will not generate more noise as compared to  
9 the aging equipment they're replacing, and we believe that  
10 the practice of screening the HVAC equipment through setbacks  
11 is the least visually obtrusive on the neighborhood as  
12 opposed to constructing a screening wall which would  
13 basically be required around the entire perimeter of the  
14 building based on kind of the disbursement of those  
15 mechanical equipment on the rooftop, which would result in  
16 increasing the perceived height and mass of the building,  
17 which would have an adverse -- more adverse affect to the  
18 community.

19           And there are structural and cost challenges that  
20 would be unduly burdensome on the applicant, as Mr. Field  
21 noted.

22           Next slide, please. Lastly, we meet the special  
23 exception criteria for the Board to grant relief from the  
24 vehicular parking. Providing the required number of parking  
25 onsite is impractical due to the configuration and physical

1 constraints of the property.

2           As we've noted, the proposed building addition is  
3 being driven by the need to provide a more safe and secure  
4 building entrance.

5           Based on the existing conditions and interior  
6 layout, that addition necessarily has to be accommodated  
7 along 36th Street to tie in with the existing building, which  
8 results in the elimination of those eight parking spaces.

9           There's no ability to expand parking elsewhere  
10 onsite or within 600 feet of the property given the  
11 neighborhood that surrounds this property is almost  
12 exclusively single-family homes and a few embassies. The  
13 parking is unnecessary due to the school's transit proximity,  
14 as I've noted in my introductory remarks.

15           And we would also note that if the property was  
16 not located in a residential zone, it would have been  
17 eligible for 50 percent parking reduction based on that  
18 transit proximity.

19           Additionally, the nature of the use supports a  
20 parking reduction. The school shares many of the same use  
21 and operational characteristics as a public school. If it  
22 were public, it also would have been entitled to a 50 percent  
23 parking reduction, but we did not avail ourselves of that,  
24 obviously, because it is a private school.

25           And lastly, I would note the elimination of the

1 parking along 36th Street brings the property further to  
2 conformance with DDOT's regulations by closing those two  
3 existing vehicular curb cuts.

4           Next slide, please. The applicant has worked  
5 closely with DDOT on the proposed TDM strategies that the  
6 school will employ. The school agrees with DDOT's proposed  
7 conditions of approval with the exception of the sidewalk  
8 along Alton Place.

9           We do not believe that the request for a sidewalk  
10 along Alton Place is within the scope of the special  
11 exception as no work is being proposed along the property's  
12 Alton Place frontage.

13           Additionally, we have serious concerns regarding  
14 the pedestrian safety and neighborhood impacts that this  
15 sidewalk to nowhere would create.

16           The existing sidewalks in the neighborhood are  
17 shown dashed in blue on this exhibit. They provide complete  
18 connections between streets within the surrounding blocks  
19 that terminate at marked pedestrian crossings as opposed to  
20 the partial sidewalk that the applicant is being asked to  
21 construct, which is shown in red, which would terminate mid-  
22 block and force unsafe mid-block pedestrian crossings.

23           In effect, as I mentioned, this would be a  
24 sidewalk to nowhere until such time as DDOT completes the  
25 missing leg and connection to Reno Road.

1           The unsafe mid-block pedestrian crossing that will  
2 result during that interim period are particularly concerning  
3 given the school-age children that are onsite.

4           Next slide, please.       Additionally, we are  
5 concerned regarding the potential impact to mature trees  
6 along the property's Alton Place frontage, including a 38-  
7 inch heritage tree.

8           Furthermore, the sidewalk will result in the  
9 removal of the existing landscaping, evergreen hedge that is  
10 along Alton Place shown in the bottom left image, that was  
11 a strong neighbor concern and also a requirement of the  
12 previous special exception approval, specifically Condition  
13 No. 18 of the BZA's 2003 order reference to landscape  
14 screening of the parking lot along Alton Place in order to  
15 decrease its visibility to neighbors.

16           While the applicant has concerns about the  
17 sidewalk altogether, these pedestrian safety impacts and  
18 neighborhood impacts certainly are not warranted until such  
19 time as DDOT has funding and plans to implement the remaining  
20 segment to complete that connection up to Reno Road.

21           The ANC has submitted a letter into the record,  
22 which is Exhibit 27, echoing the same concerns regarding the  
23 sidewalk construction timing, as have several surrounding  
24 neighbors.

25           As such, the school is asking the Board to accept

1 DDOT's conditions with the exception of the requirement to  
2 fund and construct a sidewalk along Alton Place at this time.

3 The applicant will work with DDOT during the  
4 permitting stage and is willing to enter into a Memorandum  
5 of Understanding or covenant that will provide for the  
6 school's participation in the construction of the sidewalk  
7 on our frontage if and when DDOT comes in to complete that  
8 connection up to Reno Road.

9 Next slide, please. Lastly, we would note that  
10 we submitted an updated site plan which the chairman admitted  
11 into the record at the outset of the hearing.

12 This was submitted just past the 21-day deadline  
13 as it was specifically created to respond to DDOT's request  
14 for us to submit a plan that showed that we could accommodate  
15 the relocation of the dumpster enclosure onto the school's  
16 property without impacting parking further, and that we could  
17 accommodate a screening fence for the parking along Alton  
18 Place if, and when, the sidewalk is implemented in the  
19 future, thus requiring removal of that evergreen hedge I was  
20 mentioning.

21 So, this plan shows both of those improvements can  
22 be accommodated on the property without triggering the need  
23 for any additional parking relief.

24 In conclusion, I would just reiterate that we are  
25 pleased the ANC voted to support the project. Their support

1 is in the record at Exhibit 24. Several additional letters  
2 of support have been submitted by the surrounding community.  
3 Those are in Exhibits 17 through 20, 26, 28 -- or 29, 30 and  
4 33.

5 For all the reasons, we believe the Board may make  
6 the necessary findings to approve these special exceptions  
7 and to facilitate these time-sensitive, much-needed safety,  
8 security, accessibility enhancements for the school.

9 We respectfully request the Board's approval to  
10 the special exception. Given the time sensitivities, we are  
11 hopeful that the Board is able to issue a summary order  
12 should they choose to approve the applications, and we are  
13 available to answer any questions that the Board may have.

14 CHAIRPERSON HILL: Great. Thank you, Ms. Rogers.  
15 I'm just trying to clarify a couple things. In the original  
16 order, it looks as though there was 1 through 19 conditions;  
17 is that right?

18 MS. ROGERS: I was referencing the 2003 order. I  
19 can confirm what the latest special exception order had.

20 (Pause.)

21 MS. ROGERS: That's correct.

22 CHAIRPERSON HILL: 1 through 19, right?

23 MS. ROGERS: Yes.

24 CHAIRPERSON HILL: And you're trying to change 1  
25 and 16, correct?

1 MS. ROGERS: Of the most -- yes, of that most  
2 recent order.

3 CHAIRPERSON HILL: Of that one that's in -- right.  
4 From the most recent order, okay. So, that's my first  
5 question.

6 Does the Board have any questions of the  
7 applicant?

8 Vice-Chair John?

9 BZA VICE-CHAIR JOHN: So, I'm trying to understand  
10 something in DDOT's report. Can you please explain how this  
11 would affect the expansion?

12 DDOT is saying that closing the two curb cuts  
13 would restore four parking spaces on 36th Street and that's  
14 where the expansion would be; is it not?

15 MS. ROGERS: I think what DDOT is referencing there  
16 is that it will restore four on-street parking spaces during  
17 the evening hours.

18 Those parking spaces are currently part of the  
19 school's pick-up and --

20 BZA VICE-CHAIR JOHN: Okay.

21 MS. ROGERS: -- drop-off. So, they are not  
22 available for parking during the school day.

23 BZA VICE-CHAIR JOHN: Got it. This is on-street?

24 MS. ROGERS: Yes.

25 BZA VICE-CHAIR JOHN: Okay. Not on the property.

1 And could you pull up that -- or have -- tell Mr. Young which  
2 slide would explain where the proposed sidewalk would be.  
3 It would be between 36th?

4 MS. ROGERS: Yeah. Mr. Young, if you could pull  
5 up slide 18. Yes, thank you.

6 So, the sidewalk that DDOT is requesting would be  
7 along Alton Place. So, planned north kind of basically  
8 running the length of the property back to the existing  
9 parking lot that will remain all the way up to the  
10 intersection with 36th Street.

11 BZA VICE-CHAIR JOHN: And the applicant's position  
12 is that that shouldn't happen until DDOT completes the rest  
13 of the sidewalk across from 36th Street? Do I understand  
14 that correctly?

15 MS. ROGERS: That's correct. Given the concern  
16 that it's going to dump pedestrians at the edge of our  
17 property and force them to cross the street to access the  
18 sidewalk on the other side of Alton Place to complete the leg  
19 of their journey.

20 BZA VICE-CHAIR JOHN: Okay. And what is happening  
21 now currently?

22 MS. ROGERS: If you -- Mr. Young, if you can go  
23 back one more slide, you can kind of see it all here. So,  
24 currently there is not a sidewalk on our side of Alton Place.  
25 But as you can see in the top left photo, there is a sidewalk

1 along the opposite side of Alton Place that provides a  
2 complete pedestrian connection between 36th Street and Reno  
3 Road.

4 And there are marked pedestrian crossings on both  
5 ends of that sidewalk, both at 36th Street and then again at  
6 Reno Road, to continue on to the other sidewalk networks.  
7 So, currently there is just not a sidewalk along our side.

8 As you can see, the red arrow in that top left  
9 photo kind of demonstrates where pedestrians will be forced  
10 to cross if we construct our sidewalk and they kind of get  
11 left there with nowhere to continue, because above that is  
12 just single-family driveways and front lawns.

13 BZA VICE-CHAIR JOHN: Okay. Thank you.

14 CHAIRPERSON HILL: Okay. Anyone else from my  
15 board?

16 All right. May I turn to the Office of Planning,  
17 please.

18 MR. JESICK: Thank you, Mr. Chairman and members  
19 of the Board. My name is Matt Jesick presenting OP's  
20 testimony in this case and we can largely rest on the record.

21 We found that the application met the relevant  
22 criteria for the three areas of special exception relief and  
23 we are supportive of those special exceptions. I'm available  
24 for any questions and thank you.

25 CHAIRPERSON HILL: Thank you, Mr. Jesick.

1 Does the Board have any questions of the Office  
2 of Planning?

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

5 MR. YOUNG: Yes. We have one witness signed up.

6 CHAIRPERSON HILL: Okay. If you could please --

7 MR. YOUNG: That is Paul Harrison.

8 CHAIRPERSON HILL: Mr. Harrison, can you hear me?

9 MR. HARRISON: Yes. Good morning, Mr. Chairman and  
10 members of the Board. Thank you. I'm Paul Harrison. I am  
11 -- some of you will recognize me from -- we also have a case  
12 in front of the Board for our own family house, but today I'm  
13 here to --

14 CHAIRPERSON HILL: May I just interrupt you one  
15 second? I appreciate you introducing yourself. And just so  
16 you know as a member of the public, you have three minutes  
17 to give your testimony and you can begin whenever you like.

18 MR. HARRISON: All right. I'll be quicker than  
19 that. So, today I'm here as a father of a Sheridan fourth  
20 grader who's attended since kindergarten.

21 We live in ANC 3F and walk her bike a half mile  
22 to school, except when it's pouring or for some kid reason  
23 we're running really late. I'm sure some of you will be  
24 familiar with that.

25 So, today I appear solely in my capacity as a

1 parent and neighbor, but I am the at-large representative to  
2 the City Pedestrian Advisory Council as appointed by Chairman  
3 Mendelson. I also chair ANC 3F's Streets and Sidewalks  
4 Committee.

5 I mention those two affiliations only to note my  
6 subject matter expertise in pedestrian safety neighborhood  
7 livability issues, and I'm here to strongly support  
8 Sheridan's special exception requests and to encourage the  
9 Board to vote in favor and move this forward noting also that  
10 DDOT public space is a separate permit process and they will  
11 have to work forward with that in the normal construction  
12 permit process.

13 Just really quickly to the point of the sidewalk,  
14 in general, ANC 3F has a massive sidewalk gap issue. Ward  
15 3 has, by far, the largest sidewalk gap problem in the city,  
16 which totals about 250 miles of roads, just to give you some  
17 context.

18 Next year, they have had a significant increase  
19 in funding and will be building six miles of that gap. So,  
20 it will be a very long time until they're able to address  
21 low-priority sidewalk gaps.

22 Alton fits into the low-priority situation because  
23 it already has a sidewalk on one side of the street, it's low  
24 traffic, low pedestrian danger, again, relative to other  
25 situations, and is not in an area of socioeconomic priority.

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1           So, I think the school's proposal to build the  
2 rest of the sidewalk when DDOT is ready to complete it  
3 through Alton Place up to Reno Road is -- makes strong policy  
4 sense and conserves resources that are needed for other  
5 things in this case.

6           Otherwise, I just really want to highlight the  
7 fact that the community has asked Sheridan to work to reduce  
8 vehicle traffic to the school and this special exception and  
9 their work with DDOT on bike share and the TDM really does  
10 that.

11           So, thank you for your consideration. Strongly  
12 encourage you to move this process forward as it will allow  
13 Sheridan to move forward with needed accessibility, a key  
14 part of their commitment to social justice and inclusivity  
15 as well as the safety issues.

16           And just noting this school is half a mile from  
17 the Edmond Burke site where less than a year and a half ago  
18 we had a significant school shooting. So, any delay to this  
19 could have significant consequences. We appreciate you  
20 moving it forward. Thank you.

21           CHAIRPERSON HILL: Thank you, Mr. Harrison. Thank  
22 you for your time today and also your service to the  
23 community.

24           Does anyone have any questions of the witness?

25           All right. Mr. Young, if you would please excuse

1 the witness?

2 Ms. Rogers, again I'm just trying to clarify. I  
3 looked through the old order. And so, all of the conditions,  
4 1 through 19, will remain in effect except for us removing  
5 Condition 1 and 16, correct?

6 MS. ROGERS: Correct.

7 CHAIRPERSON HILL: Okay. And then -- right. Okay.  
8 All right. Does the Board have any final questions -- oh,  
9 sorry, Vice-Chair John?

10 BZA VICE-CHAIR JOHN: So, I have a question about  
11 existing Condition No. 16. Maybe the applicant can explain  
12 what's happening because it seems to me that the TMP is in  
13 Exhibit 27 of the original order. Is that what is intended?

14 I don't understand the -- what is the applicant  
15 seeking to do with respect to Condition No. 16?

16 MS. ROGERS: Sorry. I am pulling back up the  
17 original special exception just to make sure I can -- so  
18 Condition No. 16, what we asked for was just to clarify --  
19 it's actually a correction.

20 So, I'm sorry, Chairman Hill. We were asking to  
21 not eliminate it, but to clarify that the applicable TMP is  
22 described in actually Exhibit 27 of BZA Order 18740.

23 So, we will continue to comply with the TMP, but  
24 it was a clarification for the record regarding what TMP  
25 governs the site.

1 CHAIRPERSON HILL: No, no, I appreciate -- I'm just  
2 trying to clarify the -- I'm just looking now at the TMP from  
3 --

4 MS. ROGERS: It's a clarification moving forward.  
5 As you move that special exception forward, it's not going  
6 to be Exhibit 27 of this special exception. So, we are just  
7 asking to clarify. It's an exhibit of the previous special  
8 exception.

9 BZA VICE-CHAIR JOHN: But if you're only asking to  
10 eliminate existing Condition No. 1 in the original order,  
11 18740, then the TMP would not be eliminated. It would be the  
12 same TMP; am I right?

13 MS. ROGERS: Correct. Yes. So, I didn't do a good  
14 job explaining that. We just wanted to clarify as that  
15 condition is carried forward to this special exception, that  
16 the TMP that's being described was in Exhibit 27 of BZA Order  
17 18740 because it's not changing.

18 BZA VICE-CHAIR JOHN: Right. So, unless the Board  
19 changes it, it will continue. So, the Board will change  
20 Condition No. 1 because it doesn't make sense anymore, but  
21 Condition No. 16 would continue and the Board would not have  
22 to take any action.

23 MS. ROGERS: Correct. We're going to continue to  
24 -- that's correct. I just wanted to make sure that was clear  
25 in the record moving forward. But if there's no adjustment

1 made to that condition and it's clear that it continues to  
2 incorporate the TMP plan from the previous BZA order, that's  
3 exactly the applicant's intention.

4 BZA VICE-CHAIR JOHN: Sure. All the conditions  
5 continue except as modified by the Board.

6 Thank you, Mr. Chairman.

7 CHAIRPERSON HILL: Yes. No, thank you for your  
8 clarification, Ms. John. Now, I want to make sure I'm  
9 understanding, which I do believe I am and appreciate that,  
10 Ms. John, because I'm going back to the DDOT report for this  
11 application and just checking something.

12 (Pause.)

13 CHAIRPERSON HILL: Okay. All right. I don't have  
14 anything additional. Does anyone else from my Board have  
15 anything additional?

16 All right, Ms. Rogers. Do you have anything you'd  
17 like to add at the end?

18 MS. ROGERS: No further comments. Thank you very  
19 much for your consideration.

20 CHAIRPERSON HILL: Thank you. Thank you. I will  
21 now close the hearing and the record. Mr. Young, if you  
22 could please excuse everyone.

23 (Pause.)

24 CHAIRPERSON HILL: Okay. In terms of the  
25 application and the criteria to reduce the parking from the

1 37 to the 29 proposed, as well as the enclosures of the  
2 penthouse wall requirements for the mechanical units, I don't  
3 have any issues with it. I thought that it was pretty -- I  
4 understood what the applicant has put forward in terms of its  
5 argument and its burden of proof and I am comfortable with  
6 what the applicant is putting forward.

7 I also would rest on the analysis of the Office  
8 of Planning as well as the ANC's report. I do appreciate the  
9 time the Office of Planning has taken with this.

10 I also do appreciate our discussion about the  
11 existing conditions that we now remove No. 1 from the Order  
12 No. 18740, and just be clarifying that in Condition No. 16  
13 they're speaking of the TDM plan that is in Exhibit 21 of  
14 Order -- I'm sorry, of Case No. 18740.

15 I'm comfortable. I've looked through those  
16 conditions, keeping those conditions there that the prior  
17 board had gone through to implement, and that this applicant  
18 has been there for a long time and then I do appreciate also  
19 the -- what I've learned about the Sheridan School, that I  
20 had not known before, and all of the fine work they're doing  
21 there in the community.

22 I would disagree with DDOT's recommendation for  
23 creating the sidewalk there because I would agree with the  
24 applicant that it creates a sidewalk that basically would  
25 then create a more unsafe condition, which is then people

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1 probably crossing in the middle of the road to get to the  
2 other side of the sidewalk where it's completed. So, I would  
3 not be agreeing with DDOT at this time.

4 I don't even know if I would agree with DDOT about  
5 us asking the applicant to build something that DDOT should  
6 end up building themselves, meaning that if they do put a  
7 sidewalk in, they should put the sidewalk in the whole way  
8 in front of the school and not insist that the school pay for  
9 it, but those are at least my initial thoughts.

10 Mr. Smith, do you have anything you'd like to add?

11 MEMBER SMITH: I largely agree with your assessment  
12 of this particular case especially regarding the areas of  
13 relief regarding the minimum parking requirement and  
14 penthouse enclosing walls and your recommendations regarding  
15 most of the conditions.

16 As far as the DDOT requirement, to me, it's about  
17 bringing those connections that already exist. There is some  
18 sidewalks within -- surrounding the existing school site.  
19 So, it seems, to me, DDOT is trying to better complete those  
20 connections whereas if the applicant was to put in the  
21 sidewalk along -- is that Alton Place to their property line  
22 to the west, it does create a dead-end situation for the  
23 sidewalk, it looks like, but it does create a more complete  
24 network for pedestrians traversing the school site itself.

25 So, it doesn't -- I'm not necessarily inclined to

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1 remove that condition based on the applicant's position. But  
2 if we want to, you know, remove the condition because we feel  
3 that is within the public realm and less of a zoning concern,  
4 then I can get on board with that, but I -- keeping the  
5 condition in doesn't offend me. I would, you know, I would  
6 prefer to keep the condition in.

7 Other than that, I agree with all of your  
8 assessments of this case, but would recommend to keep that  
9 condition.

10 CHAIRPERSON HILL: Okay. Vice-Chair John?

11 BZA VICE-CHAIR JOHN: So, I was looking at the DDOT  
12 report again and the applicant mentioned removal of the over-  
13 height fences and shrubs.

14 And DDOT's comment is that those shrubs are within  
15 the building restriction area and should not be restricted  
16 to a private user.

17 So, in any event, I just wanted to highlight that,  
18 you know, as something that DDOT is well within its rights  
19 to require some change there.

20 I agree that requiring the applicant to install  
21 a sidewalk is not something within this board's purview and  
22 that DDOT should pay for the public space work that it  
23 requires, but -- and so, I am in support of the application.

24 I note that DDOT has a comment requiring the  
25 applicant to work with the Office of Planning to resolve some

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1 of the -- some of DDOT's public space issues.

2           So, I will leave it at that and I am in support  
3 of the application. I will give great weight to the Office  
4 of Planning's report.

5           CHAIRPERSON HILL: Thank you. Commissioner Miller?

6           ZC VICE-CHAIR MILLER: Thank you, Mr. Chairman, and  
7 thank you, Sheridan School, for bringing this application  
8 forward for the addition that will improve accessibility and  
9 safety and security at the school.

10           And it seems to be a very well-designed addition  
11 and especially the enhanced plaza that they are going to do  
12 in conjunction with that for both their use and for the  
13 community's use with the farmers market that the Sheridan  
14 School has generously provided their property -- use of their  
15 property for that New Morning market -- farmers market twice  
16 a week for many years.

17           I've had occasion to go there myself and I've had  
18 occasion to drive past the school during the pickup hour,  
19 which I probably should know to avoid, but it actually works  
20 very well.

21           They have a transportation coordinator out there  
22 on 36th Street, at least one, if not two, that controls the  
23 vehicle traffic. So, again, thank you, Sheridan School, for  
24 being a good neighbor and working with the neighbors.

25           And I agree with the neighbors and 3F -- ANC 3F

1 commissioner's comments and my fellow board members' comments  
2 that the sidewalk on the Alton Street side is not only not  
3 necessary, but would create a dangerous mid-crossing  
4 situation with the sidewalk not being completed on the rest  
5 of Alton Place and no plans in the short term to do so by the  
6 city.

7           And so, I agree that -- I hope that DDOT will work  
8 with the neighbors in the public space approval process to  
9 go with the compromised position that the applicant has  
10 suggested in terms -- or the ANC -- maybe both have suggested  
11 in terms of timing if, and when, the city is ready to do  
12 something further down the -- that's when Sheridan could be  
13 asked to do something if they need to.

14           And I think the landscaping that's there is an  
15 important amenity or important benefit for the neighborhood  
16 as well in terms of the screening. And to have to remove a  
17 large heritage tree, I would think that the DDOT's tree  
18 division would not look kindly on that.

19           In any event, I think the applicant has met the  
20 burden of proof for the special exceptions that are necessary  
21 for this security and accessible addition in terms of the  
22 private school use, the conditions that we had that were in  
23 the previous BZA order, the reduction of eight parking  
24 spaces, and the penthouse enclosing wall special exception  
25 relief, I think, is also -- the burden of proof has been met

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1 for the relief.

2           So, I'm prepared to support the application, Mr.  
3 Chairman. Thank you.

4           CHAIRPERSON HILL: Thank you. Okay. I think that  
5 in this case it seems as though we're all mostly in agreement  
6 in terms of that, for a variety of reasons, I think that  
7 sidewalk is not necessarily within the purview of the Board  
8 to try to have the applicant pay for; however, I do think in  
9 other areas or other cases it might be different. The Board  
10 might have a different opinion.

11           The conditions -- I'm just again being clear that  
12 unless I missed something along with my fellow board members,  
13 2 through 19 would remain in effect and Condition No. 16, I'm  
14 just going to highlight again that the TDM plan that's being  
15 referred to is the one that's in Exhibit 21 in the original  
16 order.

17           So, that is what I understand. Am I missing  
18 anything? If anybody has anything to raise their hand about  
19 -- okay.

20           Then I'm going to go ahead and make a motion to  
21 approve Application No. 20989 and clarify that the conditions  
22 from BZA Order 18740, Conditions 2 through 19 remain into  
23 effect and highlight that in Condition No. 16 the TDM plan  
24 is in Exhibit 21 that is in Order 18740, and ask for a  
25 second, Ms. John.

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1           BZA VICE-CHAIR JOHN: Before I second, my  
2 understanding is that the Board is only changing one  
3 condition in the original order, which is Condition 1, and  
4 I'm not sure why we would refer to other conditions if we're  
5 only deleting one condition.

6           CHAIRPERSON HILL: That's fine. I was just -- they  
7 were just clarifying or they can put it in the order or not  
8 put it in the order, meaning -- well, I shouldn't say it that  
9 way -- pointing out that the -- you're right. There's no  
10 need to say anything about anything.

11           Exhibit 21 has the TDM plan. So, I'll restate my  
12 motion, which is to approve Application No. 20989 as  
13 captioned and read by the Secretary, including the Conditions  
14 2 through 19 in BZA Order 18740, and ask for a second, Ms.  
15 John.

16           BZA VICE-CHAIR JOHN: Second.

17           CHAIRPERSON HILL: Okay. Motion made and a second.  
18 Mr. Moy, take a roll call.

19           MR. MOY: Thank you, Mr. Chairman. When I call  
20 your name, if you'll please respond to the motion made by  
21 Chairman Hill to approve the application for the relief  
22 requested, as well as in -- I'm going to restate what you  
23 said in your motion, Mr. Chairman. So, correct me if I'm  
24 wrong -- in retaining Condition Nos. 2 through 19 in the  
25 original order, No. 18740.

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1 And the motion was -- was there another part to  
2 that motion?

3 BZA VICE-CHAIR JOHN: No.

4 MR. MOY: Okay. And that motion was second by  
5 Vice-Chair John. Zoning Commissioner Rob Miller?

6 ZC VICE-CHAIR MILLER: Yes.

7 MR. MOY: Mr. Smith?

8 MEMBER SMITH: Yes.

9 MR. MOY: Vice-Chair John?

10 BZA VICE-CHAIR JOHN: Yes.

11 MR. MOY: Chairman Hill?

12 CHAIRPERSON HILL: Yes.

13 MR. MOY: We have no other board member. Staff  
14 would record the vote as four to zero to one and this is on  
15 the motion made by Chairman Hill to approve. The motion to  
16 approve was second by Vice-Chair John.

17 Members voting to approve the application: Zoning  
18 Commissioner Rob Miller, Mr. Smith, Vice-Chair John and  
19 Chairman Hill. Motion carries, sir, in a vote of four to  
20 zero to one.

21 CHAIRPERSON HILL: Okay. Great. Thank you, Mr.  
22 Moy.

23 All right. Is that all before the Board today,  
24 Mr. Moy?

25 MR. MOY: There's nothing else from the staff, sir.

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1 The only statement I would like to make at your adjournment  
2 is that on behalf of the staff of the BZA, as well as the  
3 overall staff of the Office of Zoning, we wish you all a very  
4 happy and safe Thanksgiving holiday.

5 BZA VICE-CHAIR JOHN: Oh, that's right.

6 CHAIRPERSON HILL: That's right. I forgot also.  
7 That's right. We are off until after Thanksgiving and it is  
8 because of your chairman that we do not have a hearing the  
9 day before Thanksgiving because the staff, or at least some  
10 members of the staff, would like us to have a hearing just  
11 before Thanksgiving.

12 (Laughter.)

13 CHAIRPERSON HILL: But anyway, so I hope you all  
14 have a lovely Thanksgiving. Nice to see you guys on this  
15 little video world that now is the world and my dog says  
16 happy Thanksgiving also.

17 Okay. Anybody want to say anything?

18 BZA VICE-CHAIR JOHN: Happy Thanksgiving, everyone.

19 MEMBER SMITH: Happy Thanksgiving.

20 CHAIRPERSON HILL: Okay, you all have a good day.

21 BZA VICE-CHAIR JOHN: Goodbye.

22 (Whereupon, the above-entitled matter went off the  
23 record at 12:37 p.m.)

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Public Hearing

Before: DC BZA

Date: 11-15-23

Place: videoconference

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

  
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Court Reporter

**NEAL R. GROSS**

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