

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

MAY 7, 2025

+ + + + +

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARL H. BLAKE, Vice Chairperson
TAMMY STIDHAM, ZC Commissioner

BOARD OF ZONING ADJUSTMENT STAFF PRESENT:

KEARA MEHLERT, Secretary
PAUL YOUNG, A/V Operations

The transcript constitutes the minutes from the Regular Public Hearing held on May 7, 2025.

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

(9:30 a.m.)

CHAIRPERSON HILL: Good morning ladies and gentlemen. The Board of Zoning Adjustment will please come to order. Today is 5/7/2025's public meeting. My name is Fred Hill, Chairman of the District of Columbia Board of Zoning Adjustment. Joining me today are Board members Vice Chair Carl Blake and Commissioner Tammy Stidham.

Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter. It is also webcast live via Webex and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing. Also please be advised that we do not take any public testimony at our decision meeting sessions. If you're experiencing difficulty accessing Webex or with your telephone call-in, then please call the OZ hotline number at 202-727-5471 to receive Webex login or call-in instructions.

At the conclusion of a decision meeting session I shall, in consultation with the Office of Zoning, determine whether a full or summary order may be issued. A full order is required when the decision it contains is adverse to a party including an affected ANC. A full order may also be needed if

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

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

14 All persons planning to testify either in favor or in
15 opposition should have signed up in advance. They'll be called
16 by name to testify. If this is an appeal only parties are allowed
17 to testify. By signing up to testify all participants completed
18 the oath or affirmation as required by Y-408.7. Requests to
19 enter evidence at the time of an on-line virtual hearing such as
20 written testimony or additional supporting documents other than
21 live video which may not be presented as part of the testimony
22 may be allowed pursuant to Y-103.13 (audio interference) how the
23 proposed exhibit is relevant, b) the good cause justifies
24 allowing the exhibit into the record including an explanation of
25 why the requester did not file the exhibit prior to the hearing

1 pursuant to Y-206 and how the proposed exhibit would not
2 unreasonably prejudice any parties. The order of procedures for
3 special exceptions and variances are in Y-409.

4 At the conclusion of each case, an individual who is
5 unable to testify because of technical issues may file a request
6 for leave to file a written version of the planned testimony to
7 the record within 24 hours following the conclusion of public
8 testimony in the hearing. If additional written testimony is
9 accepted, then parties will be allowed a reasonable time to
10 respond as determined by the Board. The Board will then make
11 its decision at its next meeting session but no earlier than 48
12 hours after the hearing.

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

18 Finally, the District of Columbia Administrative
19 Procedures Act requires that a public hearing on each case be
20 held in the open before the public. However, pursuant to 405(b)
21 and 406 of that Act the Board may, consistent with its rules and
22 procedures and the Act enter into a closed meeting on a case for
23 purposes of seeking legal counsel on a case pursuant to D.C.
24 Official Code 2-575(b)(4) and/or deliberate on a case pursuant
25 to D.C. Official Code, Section 2-575(b)(13) but only after

1 providing the necessary public notice in the case of an emergency
2 closed meeting after taking a roll call vote.

3 Madam Secretary, do we have any preliminary matters?

4 MS. MEHLERT: Good morning, Mr. Chairman, and members
5 of the Board. Regarding today's schedule, Appeal No. 21270 of
6 Alexis Sainz and Robyn Epstein has been postponed to June 18th,
7 2025. And then any preliminary matters will be noted when the
8 specific case is called.

9 CHAIRPERSON HILL: Okay. Great. Thank you.

10 Good morning everybody. Madam Secretary, if you could
11 go ahead and call our first case when you get a chance. I should
12 let everybody who's on by saying good morning. I'm sorry. Good
13 morning everyone.

14 MS. MEHLERT: The first case in the Board's hearing
15 session is Application No. 18906-C of Endeka Enterprises and 1320
16 Penelope, LLC. This is a request pursuant to Subtitle Y, Section
17 704 for a modification with hearing to the order issued in
18 Application No. 18906-B to add pursuant to Subtitle X, Section
19 901.2 a special exception under Subtitle C, Section 1506, from
20 the penthouse setback requirements of Subtitle C, Section
21 1504.1(c)(4).

22 This is for a new pergola with a retractable roof and
23 temporary sides over existing rooftop space at an existing seven-
24 story building. It's located in the MU-1/DC and MU-9B zones at
25 1337 Connecticut Avenue, Northwest, Square 137, Lot 7000 and 827.

1 CHAIRPERSON HILL: Thank you.

2 If the Applicant can hear me, if they could please
3 introduce themselves for the record.

4 (Pause.)

5 CHAIRPERSON HILL: Can the Applicant hear me?

6 MS. RODDY: Hi. This is Christine with Goulston &
7 Storrs and with me is Cindy Vong. Thank you, you're unmuted.

8 CHAIRPERSON HILL: Okay. I'm sorry. Who's from
9 Goulston & Storrs again? I just can't see very well.

10 MS. VONG: My name is Cindy Vong. I'm from Goulston &
11 Storrs, and with me is Christine Roddy who's also with Goulston
12 & Storrs.

13 CHAIRPERSON HILL: Okay, Ms. Roddy. Okay. Great. All
14 right. Okay.

15 Ms. Vong, are you presenting to us?

16 MS. VONG: I am.

17 CHAIRPERSON HILL: Okay. Great. And then who else is
18 with you? And so Will Lansing?

19 MR. LANSING: Yes. Will Lansing with the development
20 team also as the Applicant.

21 CHAIRPERSON HILL: Okay. Great. Okay.

22 Ms. Vong, if you want to go ahead and walk us through
23 your Applicant's application, I'm sorry, your client's
24 application and why you believe they are meeting the criteria for
25 us to grant the relief requested. I'm going to put 15 minutes

1 on the clock so I know where we are, and you can begin whenever
2 you like.

3 MS. VONG: Thank you so much, Commissioner. And I also
4 want to flag that David Delcher should also be elevated --

5 CHAIRPERSON HILL: Okay. We'll see --

6 MS. VONG: -- if possible.

7 CHAIRPERSON HILL: I guess we'll see --

8 MS. VONG: Okay. Great.

9 CHAIRPERSON HILL: -- if you need him or we need him.

10 MS. VONG: Awesome. Thank you so much.

11 So the Applicant here, as mentioned, is Endeka
12 Enterprises and 1320 Penelope, LLC and the subject property is
13 at 1337 Connecticut Avenue. We are seeking special exception
14 relief from the setback requirements of Subtitle C, Section
15 1504.1(c)(4) for rooftop structures.

16 This section requires a one-to-one penthouse setback
17 at a distance equal to its height from the side building wall of
18 the roof on which it sits and in this case we are proposing to
19 construct a pergola that would not be set back from the northern
20 or southern lot line. The pergola will have a retractable roof
21 and temporary roll down panels that will extend over the partial
22 seven floor restaurant that was previously reviewed in BZA case
23 No. 18906-B. Not only will this pergola provide shade and
24 protection from the elements for the restaurant's patrons, but
25 it will also allow the restaurant to be used throughout the year.

1 And I'll now hand it off to Will who will speak further
2 about the project's history and the support that the project has
3 received thus far.

4 MR. LANSING: Commissioners, thank you all for your
5 time this morning.

6 Yes, to Cindy's point real quick. Back on the project
7 this is the conversion of an old vacant office building that
8 we've been working on for the better part of close to eight years
9 now. We've been before the Board here a few times with some
10 revisions to our BZA approvals through the years.

11 Where the project now sits is we are completing
12 construction now. We are looking forward to a Certificate of
13 Occupancy. Our hope is the next seven to ten days and then the
14 hopeful activation of this rooftop space here in the summer with
15 planned events for our hotel and food and beverage operations
16 that are there.

17 We do have, we've been through, you know, the full
18 process, as we always do with our projects, you know, full sort
19 of ANC meetings and presentations, neighbors, et cetera, and so
20 as we come before you today we do have ANC support as well as
21 our direct neighbor support as well, letters of support for the
22 project as well.

23 CHAIRPERSON HILL: Ms. Vong, I think you're still on
24 mute.

25 MS. VONG: If you could --

1 CHAIRPERSON HILL: Oh, there you go. Sorry.

2 MS. VONG: I think Will might actually be frozen.

3 CHAIRPERSON HILL: No, I heard Will. We heard Will.

4 MS. VONG: Okay. Perfect.

5 Then is David Delcher available to now speak to you

6 about the project?

7 CHAIRPERSON HILL: Mr. Delcher, can you hear me?

8 MR. DELCHER: Yes, I can. How are you?

9 CHAIRPERSON HILL: Could you introduce yourself for the

10 record? I'm doing well, thank you. How are you?

11 MR. DELCHER: Sure. I'm good. I'm David Delcher. I'm

12 the architect on the project for Will with BBGM Architects here

13 in D.C. So how does this work about showing you images? I think

14 we submitted --

15 CHAIRPERSON HILL: There's two, there's two

16 PowerPoints. Mr. Young, if you can pull up the first one I guess.

17 I don't know which one you guys want to go through.

18 MS. VONG: The PowerPoint was submitted in two parts

19 because the file size was too large. So if we could go through

20 part one first and then roll into part two, that would be great.

21 Thank you.

22 CHAIRPERSON HILL: Okay, Ms. Vong. It's pulled up.

23 MR. DELCHER: Okay. I guess I just need to ask you

24 guys to forward when we need to move on?

25 CHAIRPERSON HILL: Yes.

1 MR. DELCHER: Okay.

2 So as we mentioned, this is at 1337 Connecticut Avenue.
3 An existing office building that we're converting into a hotel
4 which is very close to being finished construction finally, and
5 everything that is in the hotel, on top of the hotel, has all
6 been previously reviewed and approved and permitted. So the only
7 thing we're really talking about here today is adding a pergola
8 on the roof which is also considered the seventh floor. You can
9 move forward, please.

10 So just to show where this is. Connecticut Avenue,
11 actually the building spans through to 18th Street. It's actually
12 a combination of a building that was built I think in the 30s
13 and then a building that was built behind it in the 80s, and
14 essentially what we did with our other permits just to kind of
15 bring you up to speed is we added a floor and a half to the
16 building, gutted the entire inside and now it's going to have 73
17 hotel rooms, full service restaurant and bar and a roof bar. If
18 you can move on.

19 So this is a floor plan of the seventh floor/roof.
20 Where you see to the right is a, the penthouse enclosure that we
21 have, a small kitchen and some restrooms and then the rest of
22 this is exterior space. Connecticut Avenue is on the left hand
23 side, north is towards the top of the page and you can see the
24 posts and the pergola outline in that kind of hatch pattern. So
25 you see it's set back pretty far from the Connecticut Avenue side

1 and on the north and south sides it's partially set back from
2 the parapet. It's right behind the parapet that's up there. If
3 we can move on to the next one.

4 This is just a bird's eye view of the property with the
5 pergola. Not much else to kind of express but just the other
6 thing is that like you see there's, everything that you see here
7 that was built as part of the previous permit is not what we're
8 talking about today. And you can move to the next one.

9 This is a rendering that we had done showing a bird
10 flying by, I guess you could say, or a drone and it shows the
11 activated rooftop with the pergola and you can partially see some
12 of the retractable ceiling panels that are a part of that pergola.
13 If you can go to the next page.

14 And then the next two images, this one and the next one
15 are actual photographs from the street on Connecticut Avenue with
16 the pergola superimposed on top and it's also showing what it
17 would look like with the ceiling panels closed and also with the
18 screens that are the side panels pulled down which are pretty
19 transparent actually. So if you go to the next one.

20 This is looking from the south towards the north and
21 you can partially see it between the pieces of the building, and
22 I think that might be it.

23 Cindy, did I cover everything we were going to talk
24 about?

25 MS. VONG: I believe so. There were a few other images

1 that I believe you had put together.

2 CHAIRPERSON HILL: Ms. Vong, it's okay. It's okay.

3 MS. VONG: Okay.

4 CHAIRPERSON HILL: I think we're good. I understand
5 what you guys are trying to do and the relief you're asking for.
6 Let me just kind of move forward a little bit if that's okay,
7 before I get to my Board.

8 Could I hear from the Office of Planning, please.

9 MR. JURGOVIC: Good morning, Chairman Hill and members
10 of the Board. This is Mike Jurgovic, Development Review
11 Specialist with the Office of Planning.

12 OP is in support of the Applicant's request for
13 modification to add a special exception for penthouse setback
14 requirements and stand on the record of our report. I'm here to
15 answer any questions.

16 Thank you.

17 CHAIRPERSON HILL: Thank you.

18 Before I do that, Mr. Young, is there anyone here
19 wishing to speak?

20 MR. YOUNG: We do not.

21 CHAIRPERSON HILL: Okay.

22 Do my Board members have any questions for the Office
23 of Planning or the Applicant?

24 (Pause.)

25 CHAIRPERSON HILL: Okay. All right.

1 Ms. Vong, do you have anything to add at the end?

2 MS. VONG: Nothing to add now. We would just conclude
3 by stating that, you know, what we're merely asking for here is
4 setback relief to construct this pergola on an already approved
5 restaurant rooftop. So if there are any questions, we would be
6 happy to answer.

7 CHAIRPERSON HILL: Mr. Lansing, have you been around
8 since the beginning of this project?

9 MR. LANSING: Yes, sir. I have.

10 CHAIRPERSON HILL: So when did it start, because I'm
11 just going to ask a couple of questions? Was it like 11 years
12 ago? You guys were here ten years ago?

13 MR. LANSING: We, close to ten years. I'd have to look
14 at the record but I think it was well before Covid and then we
15 had taken it through I think the long way through the entitlements
16 and had initial permits ready and then Covid hit us, and then
17 we've been, you know, that was of course a battle on its own and
18 then as financing came back we've now -- so, yeah, it's been
19 2014.

20 CHAIRPERSON HILL: When are you going to open?

21 MR. LANSING: We're slated, we're literally, we've got
22 DOB in the building I think today and tomorrow and so we're hoping
23 fingers crossed, you know, within the next week to ten days. I
24 mean, the building's done, it's finished. We are ready to open
25 the doors and looking forward to doing it.

1 CHAIRPERSON HILL: Okay. Great.

2 Well, good luck. I know the area well. I was a young
3 person there at one time and it looks gorgeous and the brand is
4 great, and the rooftop's great and I am going to be there one
5 day.

6 MR. LANSING: Please, please. And let us know, please.

7 CHAIRPERSON HILL: No, no, that's okay. It's all good.

8 MR. LANSING: Yeah.

9 CHAIRPERSON HILL: It's all good. Thanks a lot.

10 MR. LANSING: Absolutely.

11 CHAIRPERSON HILL: All right. Okay.

12 Mr. Young, go ahead and close the record and the
13 hearing, please. If you could excuse everyone.

14 (Pause.)

15 CHAIRPERSON HILL: Okay. Thanks. I mean, like, this
16 even pre-existed me. I mean, this is how long, like, when I went
17 back in the record and I was like, oh, my God. And so, okay.

18 I think it's relatively straightforward. I don't see,
19 I understand why they're asking for this relief. I don't have
20 any issues with the relief that's being requested. I really do
21 thank the Applicant and their attorneys for moving as they have
22 done in the past with getting all of the ANC and neighbors on
23 board so that there's nothing that surprises the neighborhood and
24 I'm going to be voting in support of this application.

25 Vice Chair Blake, do you have anything you'd like to

1 add?

2 VICE CHAIRPERSON BLAKE: Mr. Chair, I'm in support of
3 the application as well and I agree with your analysis. I believe
4 that the Applicant has met the criteria for approval for the
5 modification pursuant to Y-704 and the special exception under
6 Section C-1506 for relief from the penthouse setbacks. So I do
7 agree with the Office of Planning's assessment that it would
8 result in a better design of the penthouse or rooftop structure,
9 really without it appearing to be an extension of the wall because
10 it is an open pergola with a retractable roof and temporary roll
11 down windows.

12 So I am in support. I give great weight to the Office
13 of Planning's recommendation for approval. I'd also give great
14 weight to ANC 2B who is in support with no issues or concerns
15 stated, and I note the support from the neighboring properties
16 and I will be voting in favor of the application.

17 CHAIRPERSON HILL: Great. Thank you, Mr. Blake.

18 Commissioner Stidham?

19 ZC COMMISSIONER STIDHAM: Nothing to add. I think
20 Board member Blake covered everything very, very well and I agree
21 with his analysis, and I'm prepared to support.

22 CHAIRPERSON HILL: Great. Thank you. All right.

23 I'm going to make a motion to approve Application No.
24 18906-C as captioned and read by the secretary, and ask for a
25 second. Mr. Blake?

1 VICE CHAIRPERSON BLAKE: Second.

2 CHAIRPERSON HILL: Motion is made and seconded. Madam
3 Secretary, take a roll call, please.

4 MS. MEHLERT: Please respond to the Chair's motion to
5 approve the application.

6 Chairman Hill?

7 CHAIRPERSON HILL: Yes.

8 MS. MEHLERT: Vice Chair Blake?

9 VICE CHAIRPERSON BLAKE: Yes.

10 MS. MEHLERT: Commissioner Stidham?

11 ZC COMMISSIONER STIDHAM: Yes.

12 MS. MEHLERT: Staff would record the vote as three to
13 zero to two to approve Application 18906-C on the motion made by
14 Chairman Hill and seconded by Vice Chair Blake.

15 CHAIRPERSON HILL: Great. Thank you.

16 Madam Secretary, if you could call our next one when
17 you get a chance.

18 MS. MEHLERT: Next is Application No. 21276 of Verizon
19 Wireless. This is a self-certified application pursuant to
20 Subtitle X, Section 901.2 for a special exception under Subtitle
21 C, Section 1313 to allow a monopole. This is for a new
22 telecommunications monopole adjacent to the football field of an
23 existing public high school.

24 It is located in the RF-1 zone at 151 T Street,
25 Northeast, Square 3530, Lot 891 and as a preliminary matter on

1 Monday the Applicant filed a request to waive the notice posting
2 requirements.

3 CHAIRPERSON HILL: Okay.

4 If the Applicant can hear me, if they could please
5 introduce themselves for the record.

6 MR. WALLACE: Good morning to the Board. My name is
7 Derick Wallace with Goulston & Storrs and I'm representing the
8 Applicant in this case, Verizon Wireless, and its agent Network
9 Building + Consulting.

10 CHAIRPERSON HILL: Okay. Thanks.

11 Mr. Wallace, you're asking for what now again?

12 MR. WALLACE: So we have a waiver request as well as
13 special exception relief for an antenna tower.

14 CHAIRPERSON HILL: Right. What's the waiver request?
15 What was it again? You guys (indiscernible).

16 MR. WALLACE: Exactly. A waiver from Subtitle Y,
17 Section 402.3 which required the Applicant to post the property
18 with notice of hearing a week to 15 days in advance of the public
19 hearing. We posted for five days.

20 CHAIRPERSON HILL: Okay. You posted for five days?

21 MR. WALLACE: Yes. And all of the other notice
22 requirements have been satisfied, it was just that one.

23 CHAIRPERSON HILL: I got it. I mean, as I see it you
24 went and presented to the ANC.

25 MR. WALLACE: Yes.

1 CHAIRPERSON HILL: I don't have any problems with that,
2 with waiving that requirement unless my Board members do and if
3 so, please speak up. Okay. Great.

4 Mr. Wallace, if you can go ahead and walk us through
5 your client's application and why you believe they're meeting the
6 criteria for us to grant the relief requested. I'm going to put
7 15 minutes on the clock so I know where we are and you can begin
8 whenever you like.

9 MR. WALLACE: Great. Okay.

10 So, good morning. Again, for the record my name is
11 Derick Wallace with Goulston & Storrs and I'm representing the
12 Applicant in this case, Verizon Wireless, and its agent Network
13 Building + Consulting.

14 Today we are requesting special exception relief for
15 construction of an antenna tower at 151 T Street, Northeast. As
16 demonstrated in the initial and supplemental filings, the
17 application meets all the requirements of Subtitle C, Section
18 1313 for antenna subject to Board of Zoning Adjustment approval.
19 Shortly our witness will provide brief a brief presentation and
20 then I will return to address how the application satisfies the
21 standards of relief.

22 Before turning to our presentation, I'm happy to report
23 that we are here today with the support of the Office of Planning
24 and no objection from DDOT. Additionally, ANC 5F voted in support
25 of the application and submitted a resolution which can be found

1 at Exhibit 26 in the record.

2 With that, we have one witness today, Corinne
3 Smallwood, with Network Building _+ Consulting. She'll provide
4 greater detail on the need for this antenna tower and coordination
5 with the community.

6 Mr. Young, could you please bring up the presentation
7 we submitted? Thank you, Mr. Young, and I will pass it over to
8 Corinne.

9 MS. SMALLWOOD: Thank you, Derick.

10 Good morning. My name is Corinne Smallwood. I'm here
11 with Network Building + Consulting representing Verizon Wireless
12 today. As Derick mentioned, Verizon is proposing a monopole at
13 the location of 151 T Street, Northeast, McKinley Tech High
14 School. Next slide, please.

15 Verizon is proposing the installation of a 94 foot tall
16 monopole as well as the auxiliary equipment including an
17 emergency standby generator. The monopole is replacing an
18 existing 82 foot tall light pole so the existing light fixture
19 will remain on this tower at its existing elevation and the
20 Verizon antennas will be installed near the top of the pole with
21 room for additional, two additional carriers to co-locate on the
22 tower if so needed. Next slide, please.

23 A little bit of the background for the need here.
24 Verizon Wireless expressed a service need in the area and several
25 factors were considered when identifying the site including the

1 elevation, feasibility of construction and the opportunity for
2 co-location of other carriers. And, again, this is, we're
3 utilizing the existing light standard to blend in with the
4 existing features of the property. Next slide, please.

5 This is an overview of the site plan. Next slide,
6 please.

7 The site elevation. The pole itself will be at 90 feet
8 with the antennas, the top of the antenna height being at 94
9 foot. Next slide, please.

10 This is an overview of the proposed location. Next
11 slide, please.

12 And we included some of our photo simulations. Next
13 slide, please.

14 The majority of these simulations show that the pole
15 will not be visible from these locations. This is the view from
16 3rd Street, Northeast and Randolph Place, Northeast. Next slide,
17 please.

18 This location Rhode Island Avenue and North Capitol
19 Street also non-visible. Next slide, please.

20 Location Todd Place, Northeast and 1st Street,
21 Northeast. Not visible from this location. Next slide, please.

22 And Florida Avenue, Northwest and North Capitol Street,
23 Northwest, also not visible from this location. Next slide,
24 please.

25 And here you can see the ballon (phonetic)

1 (indiscernible) and the pole that this proposed antenna, that the
2 proposed antennas are for existing, the existing site you can
3 see, sorry. And this is from 1st Street, Northeast. Next slide,
4 please.

5 That's all we have. Thank you for your time.

6 MR. WALLACE: Thank you, Corrine.

7 CHAIRPERSON HILL: Thank you.

8 MR. WALLACE: Once again, for the record my name is
9 Derick Wallace and now I will address how this application
10 satisfies the standards of relief. As demonstrated in the initial
11 and supplemental filings, the application meets all the
12 requirements of Subtitle C, Section 1313 for antennas subject to
13 Board of Zoning Adjustment approval as well as those in Subtitle
14 X, Section 901.2.

15 First, the property is in the RF-1 zone district so an
16 antenna is permitted as a special exception. Second, the antenna
17 tower is consistent with the purpose of Chapter 1313, it's design
18 for co-location, minimizes visual impacts and preserves existing
19 trees. Not only does the antenna improve telecommunication
20 service in the area and make itself available to additional
21 service providers, but also it will blend in with the surrounding
22 landscape by mimicking existing football field lights and not
23 remove any existing trees.

24 The antenna tower will also be set back from any
25 residentially developed or zone property by a distance equal to

1 its height and all remaining requirements are satisfied in the
2 Applicant's architectural plans which can be found at Exhibits
3 16A1 and 16A2 in the record.

4 Finally, the application is in harmony with the general
5 purpose and intent of the zoning regulations and zoning maps and
6 will not tend to affect adversely the use of neighboring property
7 in accordance with the zoning regulations and zoning maps. As
8 previously discussed, the antenna tower improves access to
9 telecommunication service, minimizes visual impacts, and
10 seamlessly blends in with the existing landscape.

11 This concludes our presentation and we are available
12 to answer any question from the Board at this time. Thank you.

13 CHAIRPERSON HILL: Thank you, Mr. Wallace.

14 Can we hear from the Office of Planning, please.

15 MS. THOMAS: Yes. Good morning, Mr. Chair, members of
16 the Board. Karen Thomas for the Office of Planning.

17 And the Office of Planning is in support of this
18 application. We believe that it satisfies the criteria and
19 conditions of Section 1313 and as the location is well away from
20 the residential uses and would provide co-location opportunities
21 for other carriers and would not tend to adversely affect
22 residential uses, and with that we will rest on the full record
23 of our report.

24 Thank you.

25 CHAIRPERSON HILL: Thank you.

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

3 (No response.)

4 CHAIRPERSON HILL: Mr. Young, is there anyone here
5 wishing to speak?

6 MR. YOUNG: We do not.

7 CHAIRPERSON HILL: Ms. Thomas, I have a quick question.

8 MS. THOMAS: Sure.

9 CHAIRPERSON HILL: When they do, like, we've had this
10 a lot with these monopolies and I forget this answer. If there's
11 co-locations, like, are other carriers allowed to put stuff on
12 there by-right or Verizon has to agree?

13 MS. THOMAS: Well, the regulations say that as for the
14 Verizon or the initial developer to agree to have, they should
15 have some sort of certification that they agreed to a co-location.
16 But the regulations are specific that we prefer co-location,
17 especially given the height of the tower and it supports co-
18 location.

19 So it is part of the regulations for it to support co-
20 location and the Applicant has stated on the record that it does
21 support co-location and they would entertain other carriers on
22 the pole.

23 CHAIRPERSON HILL: Okay. Thanks, Ms. Thomas.

24 (Audio interference) do you have anything you'd like
25 to add at the end?

1 MR. WALLACE: Sorry. You broke up a little bit,
2 Chairman Hill, but if the question was for us, no nothing else.
3 Thank you for your time.

4 CHAIRPERSON HILL: Thank you. All right.

5 Mr. Young, I'm going to go ahead and close the hearing
6 and the record. If you could please excuse everyone.

7 (Pause.)

8 CHAIRPERSON HILL: Thank you. Okay.

9 I didn't also have any concerns or questions about
10 this. I mean, I would agree with the analysis that the Office
11 of Planning has put forward as well as that of the ANC and also
12 the fact that this is also just kind of replacing that existing
13 light, and then also they will be able to co-locate other carriers
14 on this light as well. I will be in support of this application
15 and voting in favor.

16 Mr. Blake, do you have anything you'd like to add?

17 VICE CHAIRPERSON BLAKE: Yes, Mr. Chair.

18 I agree it does meet the burden of proof to be granted
19 the request for relief and I would credit the Applicant's
20 testimony as well as the Office of Planning's analysis on how the
21 criteria for Subtitle C, Section 1313 is met. It looks like the
22 project will improve cell phone reception (indiscernible) and
23 it's designed in a manner that minimizes any negative visual
24 impacts and it's situated away from residential properties. The
25 tower should not adversely impact the use of neighboring

1 properties.

2 So I believe that granting relief is in harmony with
3 the intent of the zoning regulations and maps, give great weight
4 to the Office of Planning's recommendation for approval and great
5 weight to ANC 5F's report which states no issues or concerns.
6 I'd also note that DDOT has no objection and there's no testimony
7 or letters in the record in opposition. I will be voting to
8 approve the application.

9 CHAIRPERSON HILL: Thank you.

10 Commissioner Stidham?

11 ZC COMMISSIONER STIDHAM: I think this is fairly
12 straightforward. I mean, it's replacing an existing pole. It's
13 blending in with the adjacent area by mimicking light, away from
14 the neighborhood. I am prepared to support.

15 CHAIRPERSON HILL: Thank you, Commissioner. All right.

16 I'm going to make a motion to approve Application No.
17 21276 as captioned and read by the secretary, and ask for a
18 second.

19 Mr. Blake?

20 VICE CHAIRPERSON BLAKE: Second.

21 CHAIRPERSON HILL: Motion made and seconded. Madam
22 Secretary, take a roll call, please.

23 MS. MEHLERT: Please respond to the Chair's motion to
24 approve the application.

25 Chairman Hill?

1 CHAIRPERSON HILL: Yes.

2 MS. MEHLERT: Vice Chair Blake?

3 VICE CHAIRPERSON BLAKE: Yes.

4 MS. MEHLERT: Commissioner Stidham?

5 ZC COMMISSIONER STIDHAM: Yes.

6 MS. MEHLERT: Staff would record the vote as three to
7 zero to two to approve Application 21276 on the motion made by
8 Chairman Hill and seconded by Vice Chair Blake.

9 CHAIRPERSON HILL: Thank you.

10 Madam Secretary, you can call our next one.

11 MS. MEHLERT: Next is Application No. 21283 of Sarah
12 Riley and Trevor Keck. This is a self-certified application
13 pursuant to Subtitle X, Section 901.2 for a special exception
14 under Subtitle D, Section 5201 from the building area
15 requirements for an accessory building, and from Subtitle D,
16 Section 5003.1.

17 This is for a new one-story accessory structure for use
18 as an accessory apartment in the rear yard of an existing two-
19 story detached principal dwelling. It's located in the R1-B zone
20 at 1330 Kalmia Road, Northwest, Square 2773, Lot 19.

21 CHAIRPERSON HILL: If the Applicant can hear me, if
22 they could please introduce themselves for the record.

23 MS. ROGERS: Hi. Good morning, Chairman Hill and
24 members of the Board. For the record my name is Elizabeth Rogers
25 with the law firm of Lerch, Early & Brewer representing the

1 Applicants today. With me here today is Sarah Riley on behalf
2 of the, she's the property owner and the Applicant as well as
3 her mother, Marie Riley, who will be the future occupant of the
4 accessory structure we're discussing with the Board today, and
5 Jeremy Tetreault, with Four Brothers, their builder.

6 CHAIRPERSON HILL: Okay. Great.

7 Ms. Rogers, we'll see who we need to talk to or any
8 questions we might have. If you want to go ahead and walk us
9 through your client's application. I'm going to put 15 minutes
10 on the clock so I know where we are, and you can begin whenever
11 you like.

12 MS. ROGERS: Thank you.

13 Mr. Young, can you please up our PowerPoint. It's
14 Exhibit 25 in the record. Next slide, please.

15 Thank you. We're here today to request special
16 exception relief to allow for the construction of an accessory
17 building which will be used as an accessory dwelling unit, as I
18 mentioned, for the Applicant's parents and in-laws and that
19 accessory building exceeds the 450 square foot footprint allowed
20 by-right. We're proposing 600 square feet of a single story
21 structure which we'll discuss in a moment. So we're requesting
22 relief for that extra 150 square feet.

23 This aerial shows you where the property is located.
24 It's located along Kalmia Road, Northwest just west of its
25 intersection with 13th Street. The property is currently zoned

1 R1-B. Next slide, please.

2 The property is currently improved with a two-story
3 detached house and there is also an approximately 181 square foot
4 accessory building which you see on the right. That's currently
5 used as a garage. The Applicants have resided in this home for
6 several years and their parents and in-laws currently live out
7 of state, Marie and her husband, and they are looking to downsize
8 and re-locate to Washington, D.C. to be closer to family and help
9 raise their grandchildren. So to accommodate this the Applicants
10 are proposing to replace that existing accessory garage with a
11 new accessory building that will be used as an accessory dwelling
12 unit to house Marie and her husband. Next slide, please.

13 This shows you a comparison between the kind of
14 existing conditions on the property on the left and our proposed
15 conditions on the right. The accessory building as designed,
16 actually if you go to the next slide it'll show it a little bit
17 better. Thank you.

18 It's going to be a single structure and a single story
19 as opposed to the two-stories that are otherwise permitted. This
20 is really important because the intention obviously is to house
21 their parents and in-laws and allow them to age in place here,
22 and so we really need to have a structure that doesn't have stairs
23 inside, right, to ensure that they can do that and remain and
24 age in place for the rest of their life, and so that one story
25 design is what is really driving the need for this relief.

1 | Instead of having the 450 square feet as a two-story, we're
2 | seeking 600 square feet as a single story and that's what's
3 | driving the additional footprint. But the accessory building has
4 | been modestly sized to provide for kind of the basic living
5 | functions. So if we go to the next slide there's some interior
6 | photos as well.

7 | But it's really designed just to provide for one common
8 | room including a kitchen and a small living area, one bedroom and
9 | one bathroom. Otherwise, except for the relief that we're seeking
10 | this accessory structure satisfies all setbacks, lot occupancy
11 | and height regulations of the zoning ordinance. It's also been
12 | designed to be compatible with the existing architecture and the
13 | architecture of the surrounding community. It has a design that
14 | matches that English Tudor cottage design to really kind of blend
15 | in with the surroundings.

16 | As we detailed in our burden of proof statement, I'll
17 | be brief because we provided great detail in the record. The
18 | special exception satisfies the findings the Board must make to
19 | approve it. It is in harmony with the general purpose and intent
20 | of the zoning regulations and maps including the specific
21 | purposes of the R1-B zone. So the R zones are intended among
22 | other things specifically to reinforce and recognize the need of
23 | housing affordability and aging in place, and this proposal seeks
24 | to accomplish exactly that. Accessory apartments are obviously
25 | a very important tool to address the housing supply and

1 | affordability crisis within the City and this, as I mentioned,
2 | accessory building specifically is intended to allow the
3 | Applicant's parents and in-laws to live with them but also age
4 | in place.

5 | The proposed construction is in keeping with also the
6 | character of the surrounding neighborhood. Accessory structures
7 | are a common feature within this neighborhood. There are a dozen
8 | or so accessory buildings along the subject alley frontage and
9 | the architecture has been designed to, as I mentioned, blend
10 | seamlessly in with that character. So the special exception will
11 | not adversely impact the surrounding neighborhood.

12 | If you go to the next slide we do have, we submitted
13 | detailed -- I'm sorry, one more slide forward -- detailed shadow
14 | studies within our application. This is one from the summertime.
15 | You can see based on the helpful (phonetic) orientation of the
16 | property, the proposed accessory building is not going to have
17 | an adverse impact in terms of light and air on surrounding
18 | properties. All of them show that it really has just a very
19 | modest impact on the adjacent neighbor's rear yard in the morning
20 | and the afternoon hours but it will not cast meaningful additional
21 | shade as compared to the 450 square foot structure that would be
22 | allowed by-right and certainly would be obviously less impactful
23 | than if we did a two-story structure.

24 | The proposed improvements have also been designed to
25 | ensure privacy and use and enjoyment of the adjacent neighboring

1 properties. This means based on the fact of where the accessory
2 structure is situated it will on its own kind of really not have
3 many privacy impacts with at the rear of the property right off
4 of the alley. The windows have been thoughtfully sized and placed
5 to preserve that privacy. We have requested with this application
6 that there be some flexibility granted.

7 As they get into final design details, I mean, Marie
8 and her husband are obviously significantly downsizing to live
9 here and they want to make sure that they have adequate kind of
10 light and enjoy their living space, and so when they get into
11 that detailed level of construction drawing they wanted to have
12 the ability to kind of shift some of those windows. Maybe
13 relocate them to conform with the interior footprint but have a
14 maximum of, you know, 15 percent openings on any given façade to
15 ensure that there still would be adequate protections for the
16 surrounding property owners and there's also obviously a fence
17 that makes it so that these windows really won't look into the
18 adjacent properties.

19 CHAIRPERSON HILL: Ms. Rogers, can you, what did you
20 say about 15 percent again?

21 MS. ROGERS: So our request was just that we have the
22 flexibility to adjust the window placement and sizing slightly
23 as, when we get to building permits that with the cap that there
24 would be no more than 15 percent opening on any given façade to
25 control the maximum window openings that would be allowed.

1 CHAIRPERSON HILL: Okay. Give me a second. Okay. All
2 right. Please continue.

3 MS. ROGERS: Thank you. Next slide, please.

4 So these are just elevations that kind of show you,
5 again, in more detail the design intent of all of the facades.
6 Next slide, please.

7 And this just shows, as I mentioned before, the
8 proposed accessory building will replace the existing garage and
9 the new building will not substantially intrude upon the
10 character, scale or patterning of houses. It's not going to be
11 visible from Kalmia Road, and then as you can see here this just
12 shows that it's in keeping with the character as viewed from the
13 alley frontage. There's a substantial amount of accessory
14 buildings including the accessory dwelling unit and other
15 accessory structures, some of which are used as garages that
16 already line that alley so it will be in keeping with that
17 surrounding character.

18 We are pleased the ANC voted unanimously to recommend
19 support of the proposed special exception application. Their
20 support is in the record at Exhibit 19. We also have letters of
21 support from our immediately adjacent property owners. Those are
22 in the record at Exhibits 16 and 21.

23 So that concludes our main presentation. For these
24 reasons we believe the Board is able to make the necessary
25 findings to approve the special exception to allow construction

1 of this accessory building with a footprint of 600 square feet,
2 and our team would be happy to answer any questions that the
3 Board may have.

4 CHAIRPERSON HILL: Thank you.

5 Mr. Blake, go ahead.

6 VICE CHAIRPERSON BLAKE: I'd like to go back to the
7 slide and look at some of the fenestration issues.

8 The flexibility to move them, the issue is going to be
9 privacy. So to the extent that we look at the current view that
10 we have, can you give me a sense of what that change could
11 potentially look like in, you know, altering that. One of the
12 things we like to do is approve the plans that we will be using,
13 so I'd like to make sure. You've been asking for flexibility on
14 fenestration or basically saying that, you know, we don't want
15 to have direct views into someone else's property or something
16 like that and I understand the fence is there. But give me a
17 sense of what the change might be in moving these windows around.

18 MS. ROGERS: So I think the bit one then, Jeremy
19 Tetreault could also speak from Four Brothers' perspective,
20 there's really not a lot of wiggle room to kind of make
21 substantial changes to the fenestrations that are there today.
22 I think the big one that I know of is that on the eastern facing
23 façade, you know, that's obviously the ones that get morning
24 light. That's where the bedroom is also located. The Applicant
25 currently, you know, has planned it where they won't have a window

1 | there. I think there is some intention that maybe there would
2 | be either a transom window or some other type of window to get
3 | natural light into that space once they have a better sense of
4 | where the interior cabinets or furniture is going to be laid out
5 | if there is an opportunity to get that natural light. But the
6 | windows currently are really maximized with what's there today,
7 | they just might shift slightly or just, but Jeremy, could you
8 | explain that any better than I did?

9 | MR. TETREAULT: Yeah. That's mostly on the mark, and
10 | Mr. Chairman, Jeremy Tetreault with Four Brothers, the building
11 | team.

12 | Yeah. I mean, I think what we have right now is pretty
13 | is consistent with the interior floor plan. So like was
14 | mentioned, I mean, there's nothing drastic. I think it'd be the
15 | difference of maybe changing a three foot by four foot window to
16 | a three and a half by five foot. Just small things like that to
17 | help jive with the cabinetry, just to give one example.

18 | And then one other thing that we are interested in
19 | hearing your feedback on that is not on this drawing. On the
20 | east façade we are wondering if there is any flexibility to do
21 | high clerestory windows, transom windows that are well above eye
22 | level but again just to bring in the eastern light in the morning
23 | and to have the space below a little bit more welcoming.

24 | CHAIRPERSON HILL: I guess, and I know that Mr. Blake
25 | has his question. I appreciate Mr. Blake asking the question

1 | which is why I was trying to understand what the flexibility
2 | request was. I mean, we normally don't, I shouldn't say normally,
3 | I think we have in the past allowed certain flexibility in some
4 | ways but Mr. Blake is pointing out is that the windows are one
5 | of the things that we actually kind of were looking at in terms
6 | of privacy and so not knowing where they're going to be or end
7 | up is kind of difficult for us to allow flexibility in that way.
8 | And so I was just trying to figure it out. I mean, even just
9 | now Mr. is it [Ta-row] --

10 | MR. TETREAULT: [Tay-tro].

11 | CHAIRPERSON HILL: [Tat-tro].

12 | MR. TETREAULT: Yes.

13 | CHAIRPERSON HILL: Like, you know, adding a window,
14 | that's just, it's another thing that just makes it kind of
15 | complicated for us to know what we're really looking at.

16 | I don't know, Mr. Blake, if you had any further
17 | comments.

18 | VICE CHAIRPERSON BLAKE: Well, again, if you could talk
19 | about the window additions, the changes and where they relate
20 | their view into neighboring properties would be helpful as well.
21 | So I understand perhaps adding a window here or there, but how
22 | do they relate to neighboring properties? That perspective would
23 | be very helpful.

24 | MS. ROGERS: If we can go back a couple of slides. I
25 | think it might help if we're looking at it where there's also a

1 plan view. Right, there we go. Yeah.

2 So, Jeremy, I'll take the first stab at it. So if you
3 see the eastern facing facade, so on this proposed floor plan or
4 site plan, on the right hand side of the screen we are really
5 looking for flexibility where the Applicant hasn't currently
6 intended to have a window but it's like he wants flexibility to
7 potentially add that clerestory higher kind of transom window
8 would be on that eastern facing façade.

9 So it would be basically, and if you're looking at the
10 accessory structure, it's kind of the bottom right hand corner
11 of that building, it is significantly set back obviously from the
12 side property line there's a fence there and then once they're
13 looking into, and Sarah or Marie can chime in if this is
14 incorrect, but my understanding is you're looking into the
15 neighbor's rear yard and there's kind of like a compost pile and
16 then there now, I mean it's truly like the back corner of their
17 rear yard significantly set back from obviously their main
18 dwelling. So you're having views into their rear yard, not into
19 their home.

20 MR. TETREAULT: Right. I mean, I would just add, I
21 mean the north, you know, the north and the south and the west
22 windows and those openings, I mean, in addition to the fence
23 they're sort of just looking into their own property. I think
24 if you could maybe tab one slide forward. One more, sorry.

25 So in the upper right image, if the Board was to allow

1 | this eastern façade window flexibility that we're talking about,
2 | in that upper right image where those upper, the wall of upper
3 | cabinets would be, that's where we would just put maybe an 18"
4 | tall clerestory windows well above eye level. No neighbor without
5 | a ladder could see in, but just to bring light. Just to bring
6 | natural light in. But we're perfectly comfortable I think
7 | blocking in the other three facades.

8 | VICE CHAIRPERSON BLAKE: Okay. Thank you. That's very
9 | helpful.

10 | MR. TETREAULT: Sure.

11 | CHAIRPERSON HILL: Okay.

12 | Ms. Rogers, so like, the 15 percent thing, you guys are
13 | okay. So, Mr., and I'm sorry, Mr. [Te-tro]?

14 | ME. TETREAULT: [Tay-tro].

15 | CHAIRPERSON HILL: [Tay-tro]?

16 | MR. TETREAULT: Yes.

17 | CHAIRPERSON HILL: All right, Mr. Tetreault.

18 | So, Mr. Tetreault, you're saying you guys are fine with
19 | the windows that you have now. You just want some flexibility
20 | to add a window up on that one corner, or you still need the 15
21 | percent maximum or you want to shift windows around?

22 | MR. TETREAULT: We don't want to shift windows around.
23 | I think this is stemming from a, you know, how fractional inch
24 | accurate are we, do we need to be about these windows from the
25 | time with the BZA to the time of (indiscernible).

1 CHAIRPERSON HILL: Yeah, yeah. Well, I'm trying, and
2 it sounds like a simple request and I don't disagree that it is.
3 We don't normally give a lot of flexibility and the reason why
4 is because we're basically trying to figure out whether or not
5 there's any privacy issues and if we now say, okay, go ahead and
6 move them around, that might change the way we're looking at
7 this.

8 So that's why we only do the plans. We approve the
9 plans that are put forward and so we're approving your plans. So
10 these are what your plans are going to be and when you go to get
11 your permit, these are the plans that are going to get approved.
12 And so trying to figure out how to even write or give a condition
13 is what I'm trying to figure out, right? Like, if you guys just
14 know what your plans are, I think that'd be great, right? But
15 you would have to come back again if you needed to add a window
16 or you wanted to move things around, right? Unless we write
17 something in here or say something that you can add a window in
18 that, and I'm trying to even figure out where that is. I see
19 the bedroom. I mean, is it right on the --

20 MS. ROGERS: If I could help. I mean, just to kind of
21 understand that. We certainly understand that's typically how
22 the Board approves and this, it's kind of a little unorthodox to
23 request it this way. I think just from a practical perspective,
24 you know, this is a significant cost that the Applicant is taking
25 on and so they kind of thought at this conceptual level of design

1 we haven't gone through this whole building permit detail design
2 yet, and so that's why we were seeking flexibility here just
3 because of the stage that they're at.

4 Sarah, I don't know if you wanted to, or Marie, to
5 chime in further. I think what I'm hearing is that the other
6 windows are pretty much set. It really was, you know, the transom
7 third-story windows and I misspoke when I said the bedroom, above
8 those kitchen cabinetries which wouldn't impact the privacy
9 because they're above eye level height, but would allow that
10 eastern sun to filter in I think is the intent on the Applicant
11 to be able to have the discretion to add those at time of building
12 permits.

13 MS. RILEY: Yeah, hi. This is Sarah Riley.

14 I'm the property owner and I can confirm that these
15 views would only be in the back yards of our neighbors' property.
16 Like, they would not be anywhere near the house based on the
17 orientation and the placement of this accessory dwelling unit.
18 So for privacy concerns I totally understand that. Don't want
19 other people to be able to see into your house. There would be
20 really no way to do that. Also based on the way our neighbors'
21 back yards are set up with their windows, there's not much
22 opportunity to see into their home from the back yard. It's more
23 the side windows and the front windows. Honestly, from our main
24 property, we can see into each other's houses a lot more easily
25 than you can from the back.

1 CHAIRPERSON HILL: Yeah. Go ahead, Mr. Blake.

2 VICE CHAIRPERSON BLAKE: Realistically, I prefer you
3 to put the windows in in the drawings and then if you choose not
4 to actually put the windows in, then that's your decision. But
5 as far as from our perspective, we'd rather have the ability to
6 assess the impact and it doesn't appear that a transom window
7 would have an adverse impact.

8 But I would like to see it and if you chose not to do
9 that ultimately, that would be fine. But I do think from our
10 perspective it would be better and easier actually for you to get
11 that approved before you actually do it and then, you know, you
12 may be faced with the situation where you have to come back to
13 us for a modification.

14 CHAIRPERSON HILL: Mr. Blake? You're very smart.

15 So, because, Ms. Rogers, I was trying to figure it out.
16 If you put the window in then I can say you can have the
17 flexibility to remove the window, right? So it's easier for us
18 to allow that flexibility.

19 Is there some, do you know, Mr., Mr. T. I'm going to
20 call you Mr. T.

21 MR. TETREAULT: That's perfectly fine.

22 CHAIRPERSON HILL: You know, you don't look like Mr. T
23 but Mr. T, do you know if, how long would it take to just show
24 us something that we can approve and then if you don't want to
25 put the window in there, we can say you, we would allow the

1 flexibility to remove the window.

2 MR. TETREAULT: In terms of just altering the drawings?

3 MS. ROGERS: The elevation.

4 MR. TETREAULT: Thirty minutes.

5 CHAIRPERSON HILL: Okay. All right.

6 We'll give you 30 minutes, okay? So I have one hearing.
7 It's going to go a little ish-longish, right, and then we're
8 going to take a break before the hearing so that should give you
9 30 minutes.

10 MR. TETREAULT: Okay.

11 CHAIRPERSON HILL: Okay?

12 So, Mr. T, get with your client and Ms. Riley,
13 congratulations to what you're trying to do. We all, some of us
14 have aging parents and it sounds lovely. And so, Mr. T, if you
15 can go ahead and write, put something in there for us to take a
16 look at, okay? And if the flexibility that you want is to remove
17 the window, that's easier for us to understand. Okay?

18 MR. TETREAULT: Okay.

19 CHAIRPERSON HILL: I'm going to go ahead and close this
20 hearing for 30 minutes and allow the Applicant to put the
21 information (audio interference) our next hearing.

22 Madam Secretary, is that clear enough?

23 MS. RILEY: May I say something? This is Marie Riley,
24 the person who will be living there. Is it --

25 CHAIRPERSON HILL: Could you introduce yourself for the

1 record, Ms. Riley.

2 MS. RILEY: I'm sorry. Yeah. This is Marie Riley. I
3 live in Rhode Island. I've been in the same residence for over
4 40 years. My husband and I are in our mid-70s which is why the
5 need for the extra space is important.

6 My only concern was, in looking back over the design,
7 I just wanted to have a little ability if I felt I needed some
8 openness and some light on that eastern side. If you're standing
9 in the back yard you would be able to see more than out of the
10 window. So I don't want to hold this whole process up, I just
11 wanted to have the ability that if we needed to do that once the
12 cabinets go into place and stuff, if we would have the ability.
13 I was just looking for, like, some place to put a window box or
14 a bird feeder or maybe have just a little additional light and
15 air into that bedroom area or that kitchen area.

16 MS. ROGERS: So what I hear the Chair is saying, Marie,
17 is that we are going to take the next 30 minutes to jump on a
18 call with Jeremy and we will revise that facade to show what
19 you're asking for, and then we can come back and ask for a
20 condition to either showing the window, that's the kind of I'll
21 say the worst case scenario and a condition that would allow us
22 to also not put them in if you choose not to from a cost
23 perspective. And then we'll come right back in 30 minutes to
24 the Board.

25 MS. RILEY: Okay. All right. I just didn't want to

1 | be reason to hold it all up, that's why. Okay.

2 | CHAIRPERSON HILL: Ms. Riley, I appreciate it and it's
3 | just the way the Board kind of functions, is that we approve the
4 | plans that are put before us and the flexibility, I'm trying to
5 | allow the flexibility in a way that's easy for when you go to
6 | permitting to understand.

7 | MS. RILEY: Okay.

8 | CHAIRPERSON HILL: And so --

9 | MS. RILEY: I understand. It's just that my husband
10 | and I have some issues with eyes and just extra light and
11 | whatever, so (indiscernible).

12 | CHAIRPERSON HILL: I wish that we, I wish that it was
13 | easier for us to allow flexibility.

14 | So, Ms. Rogers, I'll let you talk with your client and
15 | you know what we're looking for, and we will see you in 30
16 | minutes.

17 | MS. ROGERS: Thank you very much.

18 | MR. TETREAULT: Thank you.

19 | MR. YOUNG: Mr. Chairman?

20 | MS. RILEY: Thank you.

21 | CHAIRPERSON HILL: Thank you. Thank you.

22 | MR. YOUNG: Mr. Chairman?

23 | CHAIRPERSON HILL: Oh, yes. Sorry.

24 | MR. YOUNG: You also have the ANC Commissioner.

25 | CHAIRPERSON HILL: Sorry, sorry, sorry, sorry.

1 MR. YOUNG: I didn't know if you wanted to hear from
2 her.

3 CHAIRPERSON HILL: Sorry. Don't anybody leave yet. I
4 apologize. Mr., who's the Commissioner?

5 MR. YOUNG: Paula Edwards.

6 CHAIRPERSON HILL: Ms. Edwards, can you hear me?

7 ANC COMMISSIONER EDWARDS: Yes, I can.

8 CHAIRPERSON HILL: Hi, Commissioner Edwards.

9 I'm sorry. I didn't realize you were there. You want
10 to introduce yourself for the record?

11 ANC COMMISSIONER EDWARDS: I'm Paula Edwards, Chair of
12 ANC Commission 4A. I'm here to just support the Applicant and
13 answer any questions you may have about, on the application.

14 CHAIRPERSON HILL: Okay. Great.

15 Commissioner, thank you so much for joining us and I
16 know that you have to take your time to be here. I don't think
17 we have any questions for you. Does the Board have any questions
18 of the Commissioner?

19 (No response.)

20 CHAIRPERSON HILL: Okay.

21 Well, Commissioner, as I mentioned before it's very
22 kind of you to join us today and you're welcome to come back in
23 30 minutes if you'd like, but I don't think we have any questions
24 for you.

25 ANC COMMISSIONER EDWARDS: All right. Thank you very

1 much.

2 CHAIRPERSON HILL: Thank you, Commissioner.

3 All right. Then we will see you guys in 30 minutes.

4 MS. ROGERS: Thank you very much.

5 MR. TETREAULT: Thanks.

6 CHAIRPERSON HILL: Thank you, Mr. Young. Okay.

7 As I mentioned, let's take a quick -- is ten minutes
8 okay? I think, is a ten minute break okay? We'll just take,
9 let's just take a quick break. Okay? And then we'll come back
10 and then we'll have our last hearing and then we'll come back
11 with that and, there you go.

12 Thank you.

13 (Whereupon, there was a brief recess.)

14 MS. MEHLERT: The Board is back from a quick break and
15 returning to its hearing session. The next case is Application
16 No. 21250 of Fikremariam Mengesha. As amended, this is a self-
17 certified application pursuant to Subtitle X, Section 901.2 for
18 special exceptions under Subtitle U, section 203.1(J) to allow a
19 healthcare facility for 14 persons and under Subtitle C, Section
20 703.2 from the minimum vehicle parking space requirements of
21 Subtitle C, Section 701.5.

22 This is for a new 14 bed healthcare in an existing one-
23 story building. It's located in the R-2 zone at 7410 Eastern
24 Avenue, Northwest, Square 3178E, Lot 115, and this was postponed
25 from the March 26th hearing at the ANC's request and the merits

1 have not been heard.

2 CHAIRPERSON HILL: Great. Thank you.

3 If the Applicant can hear me, if they could please
4 introduce themselves for the record.

5 MS. WILSON: Hi. My name is Alex Wilson from Sullivan
6 & Barros on behalf of the Applicant in this case.

7 CHAIRPERSON HILL: Thank you.

8 Ms. Wilson, if you could walk us through your client's
9 application, why you believe they're meeting the criteria for us
10 to grant the relief requested and I'm going to put 15 minutes on
11 the clock so I know where we are, and you can begin whenever you
12 like.

13 MS. WILSON: Thank you so much. Mr. Young, could you
14 please pull up the presentation? Thank you so much. Next slide,
15 please. Thank you.

16 The Applicant is proposing to use the existing building
17 for an assisted living facility and this use falls under the
18 definition of a healthcare facility per the zoning regulations.
19 Healthcare facilities are permitted by-right for up to eight
20 residents in the R-2 zone in which this is located and the
21 proposed facility will have 14 residents requiring special
22 exception approval for the six additional residents.

23 Additionally, due to the topography at the side and
24 rear the Applicant cannot feasibly access parking from the side
25 nor rear allies. There is an existing curb cut and driveway

1 along Eastern Avenue which was historically used by previous
2 owners as a parking area, however that driveway is located in
3 public space and cannot legally be used for parking. Therefore,
4 DDOT has requested that the existing curb cut along Eastern Avenue
5 be closed and therefore the Applicant is also seeking parking
6 special exception relief as a minimum of one space is required
7 for the proposed use. Next slide.

8 I also wanted to walk through some background. So we
9 were originally scheduled for the BZA hearing on March 26th and
10 were postponed at the request of ANC 4B. Prior to that we had
11 reached out many times and were originally planning to be on the
12 March agenda, but then we were removed. So then at the hearing
13 it was postponed so we could attend the April meetings. We
14 attempted to attend an April 12 meeting but it switched from
15 hybrid to in-person right before the meeting and we were unable
16 to make it to the meeting in that time frame in-person.

17 But then the Applicant's team and Mr. Bello did attend
18 virtually the April 28th meeting. I did not, as of about a half
19 hour ago, see anything formal in the record from the ANC but if
20 they're here I'll defer to the ANC to discuss what they view as
21 the legally relevant issues. There's just nothing on the record
22 to respond to currently. Next slide, please.

23 OP recommends approval and DDOT has no objection.
24 Regarding neighbors, the Applicant sent packets to the neighbors
25 via certified mail with receipts but did not hear anything back

1 from the people within 200 feet. This is a corner lot with an
2 alley behind it so there's only one directly adjoining neighbor.
3 It's an LLC. We sent the information to that LLC address since
4 nobody answered the door and I've seen one letter from a neighbor
5 about 500 feet or so away with the address listed just relaying
6 concerns or notes about ADA compliance standards. And so just
7 so the public is clear this use takes years of approval and
8 monitoring from both DOB, GOH and DHCF which is related to the
9 Medicare exemptions.

10 So this BZA case is the first step of getting that
11 approved and the generally add in plans of the rooms and exterior
12 envelope of the plans in the record are going to be consistent
13 with the plans submitted for permitting, but it's after the
14 approval that there will be a much more detailed permit set that
15 gets reviewed by DOB and those detailed permit sets are often not
16 done until BZA approval or else it's somewhat of a risk because
17 they can be quite costly. And then I would also direct anyone
18 listening and anyone in the public with questions about
19 operations and procedures to Exhibit 17F. It's a 155 page manual
20 for the operation of this facility. Next slide, please.

21 So the proposed use is an assisted living facility and
22 this is a little different from the senior living community which
23 may have some able bodied patients who need no help mixed in with
24 those who need help as well as age minimums. This is designed
25 to be a lower intensity use for those who need physical assistance

1 | or medical help in a smaller home-like setting. The idea is
2 | those that can no longer live independently and maybe can't afford
3 | to live in a healthcare or condo in a senior living facility or
4 | want to stay in their own neighborhood can age in place in a
5 | home-like setting. Next slide, please.

6 | And I'll also note the use is for six more beds than
7 | are permitted by-right. And so this is the internal plan. The
8 | idea is to adaptively re-use the home and so it will appear to
9 | look like a single family home from the street. Next slide,
10 | please.

11 | In terms of operations, we've submitted detailed
12 | facility descriptions and manual in the record at Exhibits 17E
13 | and F, but at a high level there will be three staff members on-
14 | site at any given time. There are food delivery services that
15 | will occur between 7 a.m. and 9 a.m. daily. Urgent medical care
16 | protocols have been detailed in Exhibit 17F. Visitors will be
17 | coordinated through staff and activities will be customized
18 | depending upon health assessment. Next slide, please. Thank
19 | you.

20 | There is a back yard that is fenced with a patio area.
21 | There will be an outdoor use policy, visitor policy and quiet
22 | hours to minimize noise for both residents of the facility and
23 | neighbors. Visitors are permitted during meal times and
24 | activities and must be scheduled and the facility will assist in
25 | scheduling visits. There will be morning meal deliveries and

1 housekeeping in a window from 7 a.m. to 9 a.m. and there appears
2 to be ample street parking available. There will be daily waste
3 pick-ups from the alley which is how it appears to be picked up
4 for all of the neighbors currently. Additionally, the closing
5 of the curb cut will add spaces to the street resulting in a net
6 increase in overall parking in the area. Next slide, please.

7 In terms of the general special exception requirements,
8 the proposed use is residential in nature and appropriateness
9 location given the nature of the use. The fact that up to eight
10 residents are permitted by-right and the request is only for six
11 additional residents permitted via special exception. Next
12 slide, please.

13 So the first special exception is for parking and we
14 have photos in the following slides that make it very clear why
15 it's not possible to get parking at the rear. So right now the
16 only parking location is a driveway in public space so it's
17 technically not a legal space. It can't be occupied without a
18 Public Space permit but then also we would need permission to
19 keep the curb cut and it's against DDOT's policy to allow a curb
20 cut for just one space and so we have to close the curb cut.
21 That's what driving our relief.

22 In addition to that there are other factors that would
23 (audio interference) a parking special exception. First, there
24 is public transit nearby with a priority bus stop I believe about
25 two tenths of a mile and the Metro is within half a mile.

1 Additionally, the demand for parking can be considered.
2 Healthcare facility is a broad term. Some facilities will have
3 able bodied residents or be located as a hospital which I believe
4 is also the umbrella for healthcare and so of course those uses
5 would generate a much greater demand for parking. In this case
6 the residents don't need cars. There are at most three employees
7 on site at one time. There will be available street parking.
8 Deliveries follow a set schedule. Visitors are permitted only
9 during specific times and have to be scheduled and so the demand
10 for parking can be considered in this case. And I'll go more
11 into this in the special requirements for a healthcare facility
12 as well.

13 And finally from DDOT's report they note that DDOT
14 supports the requested relief given the site's proximity to
15 transit and the walkability of the neighborhood. With the
16 Applicant's agreement to close the existing curb cut for the
17 driveway to create additional on-street parking, the impacts on
18 the transportation network are expected to be minimal. The
19 existing driveway is in front of the BRL, therefore the current
20 off-street parking space is in public space and not permitted and
21 then, again, closing the curb cut will add spaces to the street
22 resulting in a net increase to the parking overall, just on-
23 street parking instead of off-street parking. Next slide,
24 please. Thank you.

25 So that's just showing the curb cut to be closed. Next

1 | slide, please.

2 | So these are photos of the side of the property as you
3 | move along the alley just to show the retaining wall and grade.
4 | Next slide, please.

5 | So this prevents parking at the rear. Without a
6 | significant land disturbance there would be no way to get parking
7 | in the rear. Next slide, please.

8 | This shows more of the alley. You can see that some
9 | people have parking in the rear and then some people do have
10 | parking in the front of their homes. Next slide, please.

11 | So this is the criteria for approval for the healthcare
12 | facility. One, two and six do not apply as there are no
13 | healthcare facilities within 500 feet. For No. 4, the proposed
14 | facility will meet all applicable code and licensing requirements
15 | as described in more detail in the manual in Exhibit 17F and I've
16 | gone into additional detail on requirements 3 and 5 in the
17 | following slides as we are seeking new parking relief. Next
18 | slide, please.

19 | So as noted, the special exception requirement is meant
20 | to cover all healthcare facilities that may have up to 300
21 | residents and so the special exception to be analyzed in the
22 | context of the proposed facility and the proposed facility
23 | operations are such that even without parking, the needs of
24 | occupants, employees and visitors to the site are provided for
25 | in this case.

1 Regarding the needs of the occupants, the Applicant is
2 proposing 14 beds, only six more than permitted as a matter-of-
3 right and does not anticipate any residents needing cars given
4 the type of use. Regarding employees and other visitors, there
5 will be three employees per shift and there are specific times
6 visitors are permitted and visitors must call ahead. Deliveries
7 are limited to between 7 a.m. and 9 a.m. There is ample on-
8 street parking available nearby as demonstrated by the
9 photographs in the following slide and the curb cut will be closed
10 adding at least two new on-street parking spaces where none
11 currently exist.

12 Further, the Route 70 bus is located two tenths of a
13 mile from the property and the property is only half a mile from
14 the metro if visitors or employees desire to use public transit.
15 The additional six residents being requested should not generate
16 enough visitors to create objectionable or adverse traffic
17 impacts and the requested additional six residents would not
18 require any more services than would a by-right eight person
19 facility. Next slide, please.

20 These are the photos in front of the property. Meal
21 deliveries which should be fairly quick would occur around
22 between 7 to 9 a.m. These photos were taken around 9, as would
23 daily housekeeping. Daily housekeeping we would expect it take
24 about an hour, so this time of day too. Next slide, please.

25 This shows the curb cut to be closed adding more spaces

1 to the street. Next slide, please.

2 This shows the view from Eastern facing intersection
3 of Eastern and Blair Street and there is also street parking on
4 the other side of the street too. So there should be ample
5 parking during the time for the quick meal delivery and
6 housekeeping as well as parking for employees, and the Applicant
7 would be willing to provide incentives for public transit for
8 employees. The parking request is too low to trigger a TDM plan
9 but we would be happy to have a condition similar to what you've
10 requested in similar healthcare cases if the Board deemed
11 mitigation necessary. We were just waiting to see where we end
12 up at this hearing before putting any specific conditions in the
13 record. Next slide, please.

14 Another view from 9 a.m. Next slide, please. Thank
15 you.

16 Regarding noise and other operations, there are safety
17 protocols in place such as an alarm system and security locks and
18 there are staff on-site 24 hours a day to monitor residents.
19 There are established quiet hours. There will be a visitor noise
20 policy. Given the nature of the facility and the need to keep a
21 peaceful environment for the residents it is anticipated the
22 proposed use will not create any adverse impacts regarding noise
23 that would impact the use and enjoyment of neighboring
24 properties.

25 That concludes the bulk of my presentation but we're

1 happy to answer any questions. I am here with Mr. Toye Bello
2 and Mr. Eyob and Mr. Medhani from the development team.

3 CHAIRPERSON HILL: Great.

4 Ms. Wilson, thanks so much.

5 Is the development team, they're not the owners,
6 they're just developing it? I don't understand.

7 MS. WILSON: They are the owners. So the owner is part
8 of the team. He just purchased it in his name and then it's
9 going to be eventually be moved to an LLC. They just haven't
10 done that yet.

11 CHAIRPERSON HILL: Great. Is that Mr. Eyob?

12 MS. WILSON: He's one of the partners and he, yeah,
13 he's here.

14 CHAIRPERSON HILL: And who you said was the other
15 person?

16 MS. WILSON: Mr. Medhani is also helping.

17 CHAIRPERSON HILL: Okay. Great.

18 Mr. Eyob, can you hear me and if so, could you introduce
19 yourself for the record?

20 (Pause.)

21 CHAIRPERSON HILL: Can you hear me, Mr. Eyob?

22 MR. EYOB: I can hear you.

23 CHAIRPERSON HILL: Great. Can you introduce yourself
24 for the record, please?

25 MR. EYOB: Yeah. My name is Aaron, Aaron Eyob. I'm

1 one of the development team also in the assistance living
2 facility.

3 CHAIRPERSON HILL: Okay. Great. And who is Mr.
4 Medhani?

5 MR. EYOB: Medhani is one of our partners also.

6 CHAIRPERSON HILL: Okay. Great.

7 Mr. Medhani, could you introduce yourself for the
8 record?

9 MR. MEDHANI: Yes. Good morning, everybody. My name
10 is Senai Medhani.

11 CHAIRPERSON HILL: Okay. Great.

12 Mr. Medhani, does your camera work?

13 MR. MEDHANI: It should. Here let me, there you go.

14 CHAIRPERSON HILL: Perfect. Thank you.

15 Are you guys both on the other two applications that
16 are before us?

17 MR. EYOB: Correct.

18 MR. MEDHANI: Correct.

19 CHAIRPERSON HILL: Okay. And are you also on the other
20 three applications that are going to be before us?

21 MR. EYOB: Correct.

22 MR. MEDHANI: Correct.

23 CHAIRPERSON HILL: Okay. All right. Okay.

24 Well, it's good you guys are here. Okay? Because I
25 don't remember meeting you guys the last couple of times or maybe

1 I just didn't realize all the work we were going to be doing
2 together. All right. Before I get any questions I just wanted
3 to introduce you guys.

4 Oh, the Commissioner is here. The ANC Commissioner.
5 Did you need to introduce yourself for the record?

6 (Pause.)

7 CHAIRPERSON HILL: Commissioner, can you hear me?
8 Commissioner?

9 ANC COMMISSIONER PAYTON: Yes. Hi.

10 CHAIRPERSON HILL: Oh, great. Good.

11 ANC COMMISSIONER PAYTON: Sorry. Yes. My name is Doug
12 Payton, that's P-A-Y-T-O-N. I am the Commissioner for Single
13 Member District 4B01 in which this proposed facility is located.

14 CHAIRPERSON HILL: Okay. Great. Thanks, Commissioner.

15 So, Commissioner, you guys had requested a postponement
16 the last time so that you could have an opportunity to hear from
17 the Applicant.

18 ANC COMMISSIONER PAYTON: Yes.

19 CHAIRPERSON HILL: Could you give your testimony as to
20 what happened and where you guys are now?

21 ANC COMMISSIONER PAYTON: Well, we did have our Single
22 Member District, excuse me, we had our general Commission meeting
23 and only a proxy, if you will, showed up for the meeting. The
24 Applicant did not show up and neither did any of the attorneys.
25 Consequently, the Commission wanted to hear from either the

1 Applicant or someone who's a representative of Sullivan & Barros,
2 LLC and not someone who was a proxy, if you will, or a consultant.

3 This is why I'm asking as the ANC to have a continuance
4 on the situation at hand because I don't feel, neither do my
5 neighbors, that we have been adequately informed about what is
6 going on. There are concerns in the neighborhood despite what's
7 been said about parking with 14 people, patients if you will, in
8 the house. There's a fear that this will bleed over on to both
9 Geranium and Holly Streets.

10 There's a concern that I just had with the presentation
11 about the supposed closeness to metro or to the 70 bus line. I
12 am a pedestrian. I've walked up and down that street a lot.
13 That is not close. It is not close. It is not close to the
14 metro and it is not close to Georgia Avenue. It's a very long
15 walk and that's a problem I'm having with it.

16 So we have that. I have problems with the trash
17 disposal. The alley, and I measured it, I got down on my hands
18 and knees with a tape measure and measured the alley. It is only
19 15 feet wide. It can accommodate a bin. It's a small alley.
20 This bothers me in the sense that I don't know how they're going
21 to do their trash collection. The idea of a daily trash
22 collection is intrusive upon the neighbors. These are just some
23 of the concerns that everybody has.

24 It's not only that, it's also the scope. With 14 people
25 in what was originally in 1961 when the house was built a three

1 bedroom house, and now it's going to become a seven bedroom house
2 with 14 people in it and the scope of that is beyond anyone's
3 can to try to figure out how you're going to put that many people
4 into what is essentially a 1,515 square foot house. So these
5 are the concerns neighbors have that I share with them, and this
6 is part of the problems that we are looking upon this that the
7 scope of it is entirely too much for this small of a residence.

8 CHAIRPERSON HILL: Okay. Thanks, Commissioner.

9 Commissioner, when you're saying a representative, are
10 you talking about Mr. Bello?

11 ANC COMMISSIONER PAYTON: Yes.

12 CHAIRPERSON HILL: Okay. Okay. All right. Let me
13 think. Okay.

14 Before I turn to my Board, can I hear from the Office
15 of Planning?

16 MS. BROWN-ROBERTS: Good morning, Mr. Chairman. I
17 don't know why my video isn't showing.

18 CHAIRPERSON HILL: That's all right, Ms. Brown-Roberts.
19 Commissioner can you mute yourself, or could everybody mute
20 themselves unless they're speaking?

21 Ms. Brown-Roberts, could you go ahead and introduce
22 yourself for the record, please.

23 MS. BROWN-ROBERTS: Yes. Good morning, Mr. Chairman
24 and members of the BZA. For the record, I'm Maxine Brown-Roberts
25 from the Office of Planning.

1 Again, this is a request for a healthcare facility and
2 in this case it's for 14 residents. The Applicant is also
3 requesting relief from the number of parking spaces. The proposed
4 facility meets the requirements of Subtitle U, Section 203(J) and
5 also for the parking relief.

6 As explained by the Applicant, I would also like to
7 state that the approval process for the operation of the facility
8 is basically in three steps. So at the this stage we are looking
9 at the, basically at the external impacts as required of the
10 zoning regulations and we sometimes make comments on internally
11 how it affects the external impacts. In this case there may be
12 some specified internal ADA order or specific building code
13 requirements that are evaluated by the Department of Buildings
14 and not by us because we're just not qualified to do that sort
15 of evaluation.

16 So at the time of DOB they will determine if the
17 building can accommodate up to 14 persons. After they get their
18 C of O, the Applicant will then go to DOH for their license to
19 operate who will evaluate the proposal and include a site
20 inspection. So unfortunately, our evaluation is not based on
21 input from either DOB or DOH because they come at a later stage.
22 So I just wanted to, you know, put that out on the record as to
23 what the process is.

24 So, therefore, from our evaluation we recommend an
25 approval of the requested special exceptions. Thank you, Mr.

1 Chairman, and I'm available for questions.

2 CHAIRPERSON HILL: Thank you, Ms. Brown-Roberts.

3 I have a couple of questions but before I get to mine,
4 do my Board members have any questions for the Applicant, the
5 Office of Planning or the ANC Commissioner?

6 VICE CHAIRPERSON BLAKE: Mr. Chair, I'd like to ask the
7 Applicant to just walk through the trash process, the trash, how
8 it's stored, how it will be picked up and stuff like that. I
9 definitely had a concern as I went through. I didn't see on the
10 layout where that would be and I couldn't understand how that
11 would be managed. So I appreciate to get some clarity on that.

12 MS. WILSON: I can jump in and then defer to Aaron.

13 So we can add a, we cannot have the trash bins in the
14 alley like that for this type of use I would imagine. So we
15 could show something, we'll double check that, but we could show
16 something like a trash enclosure.

17 VICE CHAIRPERSON BLAKE: What is your plan now? What
18 is it that you have in the plans right now that you've shown us?

19 MS. WILSON: I don't think we've shown anything on the
20 plans on the actual lot. So we could update that to show the
21 trash enclosure like we've done for the other two.

22 VICE CHAIRPERSON BLAKE: And procedure for pick-up of
23 trash and disposal of trash. What would that be?

24 MS. WILSON: I'll defer to either Aaron or Senai for
25 that.

1 (Pause.)

2 MS. WILSON: So do you understand, so I know there's
3 going to be daily trash pick-up so how will that work? Will you
4 contract with someone? They'll go up the steps. They'll take
5 the trash from the trash bin and then take it to the trash,
6 something like that?

7 MR. MEDHANI: Yeah, yeah. Yeah, we have, I apologize.
8 I have some camera issues here. Yeah. We're in discussion right
9 now with contracting that out with the daily trash pick-up that's
10 at a respectable hour for the neighborhood as well. So, you
11 know, right now we are looking at a couple of vendors but the
12 plan of execution is that we would have a trash pick-up in the
13 early a.m. to avoid any neighborhood traffic.

14 VICE CHAIRPERSON BLAKE: Okay. Well, I definitely
15 think we have to work through that and get that fleshed out before
16 you could move forward with the application in terms of timing
17 and collections and things of that sort.

18 Mr. Chair, I don't have anything else right this
19 second.

20 CHAIRPERSON HILL: Okay. Great.

21 Commissioner, do you have any questions? I mean,
22 Commissioner Stidham, do you have any questions?

23 ZC COMMISSIONER STIDHAM: I guess I'm somewhat, well
24 two questions. Sorry.

25 Do we have anybody from DDOT here? That's one of my

1 questions.

2 CHAIRPERSON HILL: No.

3 ZC COMMISSIONER STIDHAM: And then the other is more
4 for the ANC Commissioner. Is it Mr. Payton?

5 CHAIRPERSON HILL: Commissioner, can you hear us?

6 ANC COMMISSIONER PAYTON: Yes. Yes, I do. Thank you.
7 Yes, it is Commissioner Payton.

8 ZC COMMISSIONER STIDHAM: Okay.

9 So can you go back over the Applicant's, what they came
10 to the ANC with and what they talked to your group about and what
11 questions you had, and had you asked them to come back to
12 establish those? That's all my questions.

13 ANC COMMISSIONER PAYTON: Well, since neither the, I
14 have yet to meet the Applicant and at our ANC meeting no one from
15 Sullivan & Barros was there other than their proxy. So we would
16 like, and this is the reason why I'm asking for the continuance,
17 for before the whole Commission for them to please come and
18 address the questions that were before us.

19 We felt shortchanged, if you will, that it was merely
20 a proxy that came in to speak to us and frankly he said that
21 there were eight bedrooms. That did not help the case at all
22 and we were kind of aghast at what was presented to us, and we
23 were not getting the full story and this is why I'm asking for
24 the continuance so that the Commission as a whole can try to
25 figure out what is happening.

1 And so that would be the reason why I'm asking. We do
2 not feel that we had the full story, nor have we met the
3 Applicant, nor have we met anyone before the whole Commission
4 from Sullivan & Barros.

5 ZC COMMISSIONER STIDHAM: Thank you very much,
6 Commissioner. That's very helpful.

7 And I guess I'd asked if DDOT was here because the
8 whole parking situation is sort of making my head spin. There
9 is a driveway which could be allowed in public space that would
10 help with the parking issue and it's not clear to me how many
11 people we would be talking about on a daily basis that would be
12 coming with no parking. I think I read in the record there are
13 four, is it four people who are there daily?

14 MS. WILSON: Three people.

15 ZC COMMISSIONER STIDHAM: Three people there daily?
16 And then visitors could be at meal time and activities that are
17 scheduled. But with 14 people, does that mean you could have
18 the staff parking there as well as at least 14 additional cars
19 at one time?

20 MS. WILSON: We could have a condition that would limit
21 visitors so that that would never occur. So we would have the
22 three staff members and then visitors would have to call ahead
23 and be scheduled in order to go to the facility, and so perhaps
24 at one time we could have two visitors at one time, whatever the
25 condition is, whatever is needed.

1 MR. MEDHANI: And we've talked internally about having
2 designated visiting hours for, you know, the patients so that,
3 to avoid that traffic of having, you know, our maximum, you know,
4 occupancy and having guests, families come along. So to Alex's
5 point, we've internally talked about having, you know, visiting
6 hours for these particular patients or residents, excuse me, and
7 such, so.

8 ZC COMMISSIONER STIDHAM: Okay.

9 I don't think I have any further questions, Chair Hill.

10 CHAIRPERSON HILL: Okay. All right. I'm going to try
11 to figure this out just a little bit.

12 Oh, go ahead, Mr. Blake.

13 VICE CHAIRPERSON BLAKE: Yeah, Mr. Chair.

14 My thing is I'm listening to the Applicant's discussion
15 and clearly the business plan that they have in mind has a lot
16 of safeguards on it that, well, potentially have a lot of
17 safeguards that could protect the neighborhood and neighboring
18 properties from adverse impacts. What's interesting is that
19 somehow it's gummed up in Exhibit 17F and in the slides, and the
20 business plan itself could be good for the neighborhood but it's
21 not clear to us what elements of that business plan really do
22 protect the neighborhood.

23 For example, if we're going to have garbage collection
24 that's in the morning, we need to be more specific about when
25 it's going to be. We need to know where the trash facilities

1 are going to be located. We need to talk about the staffing. We
2 want to have more specificity on the number of staffing and if
3 you're talking about we could have quiet hours, well we'd like
4 to see a stipulation about the quiet hours. We'd like to see
5 the, you know, number of people that'll be there, how you will
6 do it and I keep hearing we could put something in and I guess
7 it's a hedging to get to the conditions.

8 But your plan is not bad, it just doesn't have the
9 specificity that locks in the business plan. So if I were to
10 approve the healthcare facility, you could change your business
11 plan tomorrow and we, it'd be totally different and it would not
12 provide any protection for the neighborhood because your business
13 plan is not evolved yet.

14 So we need to, I think the conditions, you need to give
15 us some clear understanding of what it's going to be. I've jotted
16 down as we've gone through here, you'd have something on staff
17 and you talked a little bit about services and outdoor policy and
18 referenced Exhibit 17F. I looked at Exhibit 17F. It's 155 pages.
19 Is that the condition? I mean, I need some more specificity.
20 That's all I'm going to just say for now, Mr. Chair.

21 CHAIRPERSON HILL: Okay. We're not going to all respond
22 just now. Mr. Blake just add a comment.

23 So I had a question for the Commissioner.
24 Commissioner, can you hear me?

25 ANC COMMISSIONER PAYTON: Yes, I can.

1 CHAIRPERSON HILL: Okay.

2 So I'm just looking back at what they have tried to do
3 and I don't need to kind of do the he said, she said thing or
4 wherever we are. I mean, this was originally going to be before
5 us on March 26th I think, and so there's been a couple of
6 postponements, some of which was requested by the ANC because we
7 also want to get you all's input. And so I just need to, you
8 know, understand how, if we were to continue this how we would
9 know what the steps are before and when you think we could get
10 some information from the ANC. Do you know?

11 ANC COMMISSIONER PAYTON: I would like that to happen
12 at our next meeting for this month which would be the last Monday
13 of this month.

14 CHAIRPERSON HILL: That's the 26th of May.

15 ANC COMMISSIONER PAYTON: Yes.

16 CHAIRPERSON HILL: Okay. And then so, and so, Ms.
17 Wilson, did you all -- so Mr. Bello went to the Planning
18 Commission meeting I assume with the ANC. Is that correct, Ms.
19 Wilson?

20 MS. WILSON: Yes. He went to the full ANC.

21 CHAIRPERSON HILL: Yeah. I'm --

22 MS. WILSON: Yes.

23 CHAIRPERSON HILL: I'm confused. Commissioner, did
24 their representative meet with the full ANC or just your Zoning
25 Commission?

1 ANC COMMISSIONER PAYTON: That was our general meeting
2 of the full ANC.

3 CHAIRPERSON HILL: Okay. He did meet with the full
4 ANC.

5 ANC COMMISSIONER PAYTON: Yes.

6 CHAIRPERSON HILL: And at the time the presentation you
7 got, Mr. Bello, you can hear me and, again, I'm just trying to
8 understand a little bit.

9 So, Mr. Bello, you gave a presentation to the ANC,
10 correct?

11 MR. BELLO: Correct, sir. We certainly did. But the
12 ANC was of the view that the Board mandated that only the legal
13 firm represents the Applicant who presented it which was not our
14 understanding and, for the record, both Applicants were present
15 and myself were present.

16 CHAIRPERSON HILL: Okay.

17 So Mr. Eyob and Mr. Medhani, you were present?

18 MR. EYOB: Yes.

19 MR. BELLO: Yes, sir. Yes.

20 CHAIRPERSON HILL: Okay.

21 So, Commissioner, I guess the owners were present, just
22 FYI.

23 ANC COMMISSIONER PAYTON: And, again, their, other than
24 Mr. Bello, to the Commission none of them introduced themselves.

25 CHAIRPERSON HILL: Okay.

1 So, okay. I'll (indiscernible). So, Ms. Wilson, there
2 are a lot of things, if everybody can mute themselves unless
3 they're talking. Ms. Wilson, there are two of these in front of
4 us already with this organization and there are three more coming
5 down the line, I believe, right? And you're representing all of
6 them, correct, Ms. Wilson, now?

7 MS. WILSON: Only the two that already went and then
8 this one, and then Mr. Bello is taking over which is why we felt
9 it would be appropriate for him to attend the ANC meeting.

10 CHAIRPERSON HILL: That's fine.

11 I mean, Commissioner, I appreciate, like, anybody can
12 present to the ANC. I don't think there are, you know, it doesn't
13 matter but the ANC can determine whether or not they wanted to
14 take a vote I suppose. But, so then but these are, Mr. Eyob and
15 Mr., and I'm sorry, not pronouncing your name correctly, both of
16 you are with the organization that is on all six applications,
17 correct?

18 (Pause.)

19 CHAIRPERSON HILL: I got a nod, so okay. I got a yes
20 for the record.

21 MR. MEDHANI: Correct. Sorry.

22 CHAIRPERSON HILL: So what I think -- I got you. So
23 you all are kind of moving through this. I guess we're going to
24 kind of work this out together, right? And so you've already
25 gone through two of these with us, this is now the third with

1 us, right, and I don't know which Commissioners were on with us
2 with the earlier ones.

3 But we've heard about trash, we've heard about parking.
4 It seems to be something that is common with the discussion.
5 Visitors seem to be common with the discussion. I haven't looked
6 at the things that you suggested for your last conditions or
7 something that you want to put forward. It seems as though some
8 of, and I guess this is just the way this process is going to
9 be, you're not aware of what the Board is concerned about, right,
10 and so now you're learning more about what the Board is concerned
11 about and how you're going to make the Board feel comfortable
12 with approving this if they were to approve this, right?

13 And one of these, you know, I know that eight's matter-
14 of-right. That's fine and you can do eight by matter-of-right
15 You're here because you're above the eight and if it's nine then
16 you're here above for the one that doesn't matter, right? So
17 there's some that I think you were asking for 14, you were asking
18 for 16. You know, I can't remember what the numbers are in all
19 of them but coming before the Board with, like, some specificity
20 about things that they might be concerned about will be helpful
21 moving forward, right? So that's No. 1 for you guys and I'm
22 looking at the ownership.

23 Next is I think, and I'm sorry to say this, but I guess
24 we can go ahead and postpone this one more time, right, so that
25 you all get to, you know, and, Commissioner, and I'm not asking

1 for an answer yet. I'm just saying, like, this is going to be
2 the last postponement. Like, whatever, you know, happens is
3 going to happen after this if we do postpone this so they can
4 have an ANC meeting and take a vote. Because, like, currently
5 there's nothing that I have, and Ms. Wilson, I'll give you a
6 chance to say something.

7 ANC COMMISSIONER PAYTON: I appreciate that.

8 CHAIRPERSON HILL: There's nothing we have in the
9 record, Commissioner, from you guys.

10 ANC COMMISSIONER PAYTON: Okay.

11 CHAIRPERSON HILL: So we need something, we need
12 something from you all as to where you all stand on this. Okay?

13 ANC COMMISSIONER PAYTON: Certainly, certainly.

14 CHAIRPERSON HILL: Okay. All right.

15 So I would suggest that we go ahead and continue this
16 to after the ANC meets with the Applicant. The ANC can meet with
17 the Applicant on the 26th, and then if we get something from the
18 ANC by the 30th --

19 ANC COMMISSIONER PAYTON: Uh-huh.

20 CHAIRPERSON HILL: -- then the Applicant will have by
21 the 6th to give a response and then we could come back on the
22 11th, and I'm actually asking Madam Secretary, what does the 11th
23 of June look like or the 4th of June?

24 MS. MEHLERT: Both are pretty much the same in terms
25 of the number of cases, so.

1 CHAIRPERSON HILL: Okay. The 11th of June will work
2 better for me, okay? And so that's No. 1. Ms. Wilson, you had
3 your hand up?

4 MS. WILSON: Monday the 26th is Memorial Day, I believe,
5 so I just wanted to clarify and make sure the ANC is having, is
6 that an issue because I probably won't be able to attend?

7 ANC COMMISSIONER PAYTON: Yes.

8 MR. MEDHANI: Thanks for bringing that up, Alex because
9 I may not be --

10 CHAIRPERSON HILL: Hold on, hold on, hold on.

11 Commissioner, I don't know if you're correct on your
12 ANC date. Are you?

13 ANC COMMISSIONER PAYTON: Then it would be the 27th,
14 the day after.

15 CHAIRPERSON HILL: Okay. It would be the 27th. Okay.

16 And, again, Ms. Wilson, I'm not saying you have to
17 attend this. I'm just saying that whatever you guys have to do
18 you have to do it on the 27th, right?

19 And so, Commissioner, whoever presents to you is
20 whoever's going to present to you. I don't think there's anything
21 in the regulations as to who has to present to you and so their
22 representative, one of their representatives is Mr. Bello and so
23 he is one of their representatives. He is allowed to present.
24 And so whoever presents to you, and I mean I should say,
25 Commissioner, they should try to answer your questions. Like,

1 | it is in their best interest to enable themselves to answer their
2 | questions, and so now they know that they'd like to hear from
3 | ownership or at least meet ownership.

4 | ANC COMMISSIONER PAYTON: Yes.

5 | CHAIRPERSON HILL: So I'm sure ownership will be there
6 | on the 27th.

7 | ANC COMMISSIONER PAYTON: Okay.

8 | CHAIRPERSON HILL: So we'll go ahead and have your
9 | hearing I believe, Commissioner, on the 27th with the Applicant
10 | and I believe they will coordinate with you --

11 | ANC COMMISSIONER PAYTON: Yes.

12 | CHAIRPERSON HILL: -- and try to make sure you get any
13 | information you need, right?

14 | ANC COMMISSIONER PAYTON: Yes.

15 | CHAIRPERSON HILL: And then Ms. Wilson, as we're kind
16 | of moving forward with this, because I know we're on a decision
17 | for your other two cases next week I believe, right? And so I
18 | guess you'll learn a little bit about how that goes next week
19 | because I haven't had a chance to review any of the documents
20 | yet, so I don't know where we stand on that. But I think you're
21 | hearing from Vice Chair Blake that he has concerns about the
22 | trash and other specificity, and I'm going to let him speak for
23 | himself as to what he might want to hear from you, and then
24 | Commissioner Stidham, what she might like to hear from you or see
25 | from you, and then we'll come back in the way we're kind of

1 planning on, and I know there might be here a witness, but so
2 we'll just say.

3 Mr. Blake, can you provide some specificity as to what
4 you might like to see?

5 VICE CHAIRPERSON BLAKE: Yes. Thank you, Mr. Chair,
6 and I apologize for ranting.

7 The issues that I have or the concern I have is I do,
8 on this particular case I would like to get more clarity on the
9 location of the trash facility and how it will be attended to.
10 That would be screened, et cetera.

11 In general when I look at the business plan itself is
12 it sounds feasible and it should not, and I think the Office of
13 Planning is very clear to say that given the nature of the
14 operations and the way it works, it should not have an adverse
15 impact on neighboring properties and one of the things that's
16 interesting about that is that the specifics that we talked about,
17 we talked about in this presentation quiet hours. We talked
18 about staffing. We're talking about the availability of parking,
19 quiet hours, all that sort of stuff are the elements that make
20 this business plan digestible for the neighborhood.

21 And I think that when we, and in your slides you have
22 talked about the outdoor use policies, you've talked about the
23 services that will be provided, the staffing requirements and so
24 forth, but we probably need to codify those in some way so that
25 we can be clear that those are the parameters in which the

1 facility is operating.

2 So, for example, we have an assisted living facility
3 for 14 persons, not simply a healthcare facility. It's a very
4 specific element and that assisted living facility is largely
5 self-contained, et cetera, et cetera, and it doesn't have a lot
6 of noise. Doesn't have a lot of things going on outside. But
7 to the extent that that healthcare facility is expanded beyond
8 that, it changes that dynamic a lot.

9 So I just want to make sure that in your description
10 we do capture the elements of this business plan that in fact
11 make it, mitigate the potentially adverse impacts of both the
12 healthcare facility in a residential neighborhood. So that's
13 why, when you go through this it would be very helpful just to
14 do that. I mean, that's all the things that I'm concerned about
15 and I think I hear it and I see it, I'm just not able to touch
16 it in one easy spot and I think the lack of specificity makes it
17 very difficult to support the application, for me.

18 CHAIRPERSON HILL: Commissioner Stidham, do you have
19 anything you'd like to request?

20 ZC COMMISSIONER STIDHAM: I agree wholeheartedly with
21 everything Board member Blake just mentioned and I would just add
22 to that specificity how deliveries would be handled and where
23 they would be handled. Just, you know, just dig in and provide
24 the details and the overall function and operation of the facility
25 so that we can understand that this is a adverse effect to the

1 neighborhood or if it can function within the neighborhood
2 setting because we really need to fully understand the details
3 to be able to support this. And that would go for any of the
4 facilities that we will see in the future or already on the docket
5 for decision.

6 CHAIRPERSON HILL: Okay.

7 Ms. Wilson, do you understand what the Board is asking
8 of your client?

9 MS. WILSON: Absolutely, and, yeah, we're happy to get
10 with, you know, I'm happy to have further discussions with
11 Commissioner Payton, too. You know, some of the reasons, one
12 reason we haven't provided that list of conditions, I was thinking
13 about it given the other two cases but I really just haven't
14 heard anything specific from the ANC, so I'd like to get with
15 the ANC too and see if there's anything we can add in those
16 conditions and we'll make sure we have something for you before
17 the next hearing.

18 ANC COMMISSIONER PAYTON: Thank you.

19 CHAIRPERSON HILL: Okay. Let's see. Okay.

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

21 MR. YOUNG: Yes, we do.

22 CHAIRPERSON HILL: Great. Could you give me the
23 person's name, is it just one person?

24 MR. YOUNG: No. We have four people signed up.

25 CHAIRPERSON HILL: Okay. Could you give me their names?

1 MR. YOUNG: The first is Sara Green, and then we have
2 Lea Adams-Ashby.

3 CHAIRPERSON HILL: Commissioner Payton, if you could
4 mute yourself. I think you're not muted.

5 ANC COMMISSIONER PAYTON: Oh, I certainly can.

6 CHAIRPERSON HILL: Thank you.

7 MR. YOUNG: Next is Lisa Adams.

8 CHAIRPERSON HILL: And if everyone can mute themselves
9 at this time (indiscernible).

10 MR. YOUNG: And the last is Amanuel Haileab.

11 CHAIRPERSON HILL: Okay.

12 If everyone could mute themselves unless they're
13 speaking, please. Thank you. All right.

14 So what I'm going to do is I'm going to ask people by
15 name to introduce themselves and then as members of the public
16 you'll have three minutes to give your testimony and there's a
17 clock on the screen that you'll be able to watch to know where
18 we are. Is it, let me see. Somebody's not muted by the way. Is
19 it Ms. Green? Can you hear me?

20 MS. GREEN: Yes. I can hear you. Can you hear me?

21 CHAIRPERSON HILL: Yes.

22 MS. GREEN: Okay.

23 CHAIRPERSON HILL: Would you introduce yourself for the
24 record --

25 MS. GREEN: Sure.

1 CHAIRPERSON HILL: -- and then you'll have three minutes
2 for your testimony.

3 MS. GREEN: Sure. I'm Sara Green. I live at 7106
4 Piney Branch Road for 50 years. I am a former chair of ANC 4B.

5 One of the reasons I'm testifying specifically is that
6 I live, have lived next to a licensed group home for about 30
7 years. But the first thing I want to say is that I am shocked
8 that the BZA would think that putting, cramping 14 people into a
9 1,500 square foot building is appropriate from any point of view,
10 well, from just any point of view. Whether they're 14 able bodied
11 people or 14 people who need a lot of assistance, I just find it
12 bizarre that a family by the definition is six people but now 14
13 people, it's crazy. No matter what the Health Department says.
14 I don't think the BZA ought to be entertaining this.

15 But next to living next to a licensed group home, by
16 the way, my licensed group home, my neighbors, live in a 1,500
17 square foot building at the corner of Dahlia and Piney Branch.
18 It's 611 Dahlia Street, Northwest, I believe, or 617, one of
19 them. They have five residents, three in wheelchairs, there's
20 never been more than six. I will tell you even in that situation
21 constant deliveries, constant motion, constant people going in
22 and out.

23 They have a very long driveway and a parking pad in the
24 back and, by the way, it's a one-story building, parking pad and
25 long driveway. There are usually three or four cars in the

1 driveway in addition to a large van. Because the back is so
2 congested there's a lot of movement of cars back and forth. The
3 staff, we're two blocks, two and a half blocks from a metro
4 station, we're very close to the metro, much closer than this
5 house. Nobody uses the metro. Metro is closed in the evening
6 and buses, so you have overnight, you know, issues.

7 So I don't, I think there's no reality here. I had a
8 rat issue because they weren't disposing of trash correctly. I
9 could not get anybody from the D.C. government, the licensing
10 people, to even return my phone calls. The only way I dealt with
11 the rat issue was by having the council, my councilperson, my
12 Ward 4 councilperson came out and after that visit things did
13 change. I mean, the trash situation was dealt with better and
14 things did change.

15 But I can tell you that there is a constant monitoring
16 issue. At night the staff are outside. They're very loud because
17 I believe they're not allowed to really do a lot of stuff
18 personally inside, so there's a lot of loud discussions. There's
19 a lot of loud late at night, and it's because the staff really
20 don't think of themselves as a home. They think of this as a
21 place of employment.

22 CHAIRPERSON HILL: Ms. Green, I appreciate it. I just
23 want to let you know if you want to wrap up. You're out of time.

24 MS. GREEN: Yeah. All right. I will wrap up.

25 I will say that the picture that I'm hearing from these

1 Applicants does not correspond with the reality that I have been
2 living next to a licensed group home of only five people, where
3 I think the staff are very well meaning but there's just so much
4 activity next to this house with only five people.

5 CHAIRPERSON HILL: Okay.

6 MS. GREEN: That I cannot imagine there's no adverse
7 impact.

8 CHAIRPERSON HILL: Okay. Okay. Thank you, Ms. Green.

9 VICE CHAIRPERSON BLAKE: One question, Ms. Green.

10 CHAIRPERSON HILL: Oh, sorry.

11 Go ahead, Mr. Blake.

12 VICE CHAIRPERSON BLAKE: Ms. Green, how far exactly do
13 you live from the subject property?

14 MS. GREEN: Oh, I'm probably about, I don't know, five
15 or six blocks. I'm not that close. I'm about, I don't know,
16 less than maybe a half mile, less than a half mile. I'm not that
17 close.

18 VICE CHAIRPERSON BLAKE: Okay.

19 MS. GREEN: But I am 4B01, I am a 4B01 resident and I
20 care about that neighborhood. I always have, they're my
21 neighbors.

22 VICE CHAIRPERSON BLAKE: Thank you very much.

23 CHAIRPERSON HILL: Ms. Ashby, can you hear me? Or Mr.
24 Ashby, I don't know. Ashby, can you hear me?

25 MS. ADAMS-ASHBY: Yes. Yeah, I can. I'm sorry. I

1 | didn't know now to unmute myself.

2 | CHAIRPERSON HILL: That's okay.

3 | If you could go ahead and introduce yourself for the
4 | record and then you'll have three minutes to give your testimony
5 | and the clock is on the screen, and you can begin when you like.

6 | MS. ADAMS-ASHBY: Okay. Thank you.

7 | My name is Lea Adams-Ashby. My husband and I live at
8 | 7464 7th Street, Northwest. We've lived here for approximately
9 | 16 years. I'm a lifelong D.C. resident and have lived in Ward 4
10 | most of my life.

11 | The house we live in now is approximately the same size
12 | and footprint and layout as the home in question. There's some
13 | concerns I have, there are a lot of concerns I have that keep
14 | coming up because I think there's a duplicitousness on the part
15 | of the Applicants. We were given a name of an owner whom we
16 | assumed was a resident or at some point had been a resident and
17 | therefore a neighbor. No one has any idea who this person is.
18 | He has yet to show up at anything to speak to us.

19 | The reason we were so upset about Mr. Bello showing up
20 | at the ANC meeting was that nobody had any idea who Mr. Bello
21 | was, we don't know what the name of this development company is
22 | that we're finding out now has, what, at least three people in
23 | this meeting. None of these people are somebody we know. We
24 | know our neighbors. We moved into this neighborhood because of
25 | neighbors.

1 My husband and I, as I said, have been here 16 years.
2 We got married at age 60 and we wanted to stay in place in the
3 District. We moved into a small house which, by the way, is
4 almost the same layout. It is not easy. I have spent 16 years
5 getting used to orthopedic conditions with no ramps. We have a
6 stairlift in our home. It does not make a difference and it does
7 take up a lot of space.

8 I have nine grandchildren. I would no more have my
9 nine grandchildren spend the night at my house, spend one night
10 at my house, than fly off a bridge. They are all adults. I'm
11 talking about my adult grandchildren. They are all responsible.
12 They are not in need of healthcare, physical therapy,
13 occupational therapy. I've seen no provisions for any of these
14 things. In fact I've seen no name of a company that takes
15 responsibility for all of this.

16 We keep hearing that we have this and we have that and
17 then the Applicants are, three different people have shown up and
18 an attorney has represented "the Applicants." We've yet to see
19 the person whose name is on the BZA application for a special
20 exception.

21 And then last, I just want to say that although the BZA
22 is authorized to grant an exception, it says here in 901.2 that
23 the special exception must be in harmony with the general purpose
24 and intent of the zoning of this neighborhood and this property
25 is zoned as a residence, not as a facility, not as a business,

1 not as a hospital, a residence. I don't hear anything here that
2 says residence.

3 Thank you.

4 CHAIRPERSON HILL: Ms. Ashby, okay. Thank you, Ms.
5 Ashby.

6 Mr. Blake, you had your hand up?

7 VICE CHAIRPERSON BLAKE: Yeah. Ms. Ashby, could you
8 also, again, clarify how far you are from the subject property?

9 MS. ADAMS-ASHBY: Less than one block. My home is on
10 7th Street which is one block long, has no sidewalks, therefore
11 people use the street itself to push baby carriages and walk dogs
12 and so on because there's no sidewalk. It is one block that
13 starts at Geranium Street, Northwest and ends at Hemlock. So at
14 the corner of Hemlock is where that house is. I can see the
15 house from my home.

16 By the way, no one has mentioned the other street in
17 question which is Eastern Avenue. Eastern Avenue has no, I mean,
18 Blair Road. Blair Road has no parking, none whatsoever. So
19 there are, I don't know, 20 houses and then on the other side on
20 the Maryland side there are at least three apartment buildings
21 and there's no parking on that street.

22 Thanks.

23 CHAIRPERSON HILL: Thank you, Ms. Ashby, or Adams-
24 Ashby. Is there another Adams? Is Lisa Adams the same Adams,
25 or no?

1 MS. ADAMS: Neighbor.

2 CHAIRPERSON HILL: Oh, okay.

3 Ms. Lisa Adams, can you hear me?

4 MS. ADAMS: I can hear you all. Thank you. Can you
5 hear me?

6 CHAIRPERSON HILL: Yes. Thank you.

7 MS. ADAMS: Okay. I am Lisa Adams. No relation to
8 Lea, however she is my neighbor.

9 I am a long term resident. I grew up at 7417 7th
10 Street.

11 CHAIRPERSON HILL: Okay, Ms. Adams. I just wanted to
12 make sure Mr. Young heard me. You have three minutes to give
13 your testimony, and there's a clock and you can begin whenever
14 you like.

15 MS. ADAMS: Absolutely. Thank you kindly.

16 So just to say, as I said, you walk in this house, 7417
17 7th Street. So the house in question is up the alley from me at
18 the opposite end of the alley.

19 I am one of the neighbors, a couple of neighbors and
20 myself went out to get signatures for the petition of opposition.
21 I can let you know there are many neighbors concerned about this,
22 as is myself. The number is just excessive. When you hear 14
23 in the space, so when you talk about people that live in the same
24 type of home we know these are homes that were built for a family,
25 okay? So it's built with the three homes, he has added an

1 additional four. As I said no emergency exits.

2 I'll give you my concerns. No emergency exits. We're
3 talking about from my understanding that this is deemed a
4 healthcare facility for neurological, orthopedic and long term
5 dementia patients. There's a lot of ambiguity and it has all of
6 us perplexed. As I say when you talk about, you've already
7 mentioned it, trash receptacles. Where would this go? You're
8 talking about medical trash removal, okay? These are all concerns
9 we have. Parking. The lack of bed space per, in the specs. I
10 don't have clarity on the specs.

11 So you're talking about two people per room. We're not
12 talking about medical beds. Are we mentioning therapy space
13 because I have seen none of that when you call yourself a
14 healthcare facility for short term dementia patients? Are we
15 talking about treatment in this space? This is the question that
16 we have.

17 Now I can say this. We are not familiar and never have
18 met the owner. What we do know is we had an issue at that same
19 house with being rented out and trash being all over the front
20 lawn. Believe it or not, you can pull it up on Google maps.
21 There is a picture actually of the trash being out on this
22 property on the front lawn. So we have a question as to why we
23 have not met him.

24 A couple of months, myself and a couple of other people,
25 Lea was one that was included, was at the ANC meeting and was

1 expecting to yield our questions to whomever was in charge and
2 this was never clear to us. Like I said, we had a name of Mr.
3 Mengesha but finding out that there are other people that are
4 owners, we're kind of perplexed. We're kind of perplexed.

5 So that is my concern. It just doesn't seem a feasible
6 site for, as I said, 14 people is excessive.

7 (Pause.)

8 MS. ADAMS: I can't hear you.

9 CHAIRPERSON HILL: I said thank you, Ms. Adams.

10 MS. ADAMS: You are more than welcome, Mr. Hill.

11 CHAIRPERSON HILL: Thank you.

12 I said does the Board have any questions for Ms. Adams?

13 (Pause.)

14 CHAIRPERSON HILL: Okay. All right.

15 May I hear from, is it Haileab?

16 MR. HAILEAB: Yes. Hi. How are you?

17 CHAIRPERSON HILL: Hi. If you could please introduce
18 yourself for the record and then you'll have three minutes to
19 give your testimony, and you can begin whenever you like.

20 MR. HAILEAB: Thank you.

21 Good morning, Chairman and members of the Board. My
22 name's Amanuel, Dr. Amanuel Haileab and I'm here today to speak
23 as a member of the public in strong support of the proposed
24 assisted living facility at 7410 Eastern Avenue, Northwest.

25 I'm a licensed pharmacist with over 20 years experience

1 serving patients and family across the healthcare spectrum. Over
2 the years I have seen first hand the urgent need for more high
3 quality immediate base care options for our aging population,
4 especially those that allow seniors to remain close to their
5 loved ones in environments that feel like home.

6 It's important to note that this is not a nursing home
7 that distinguish matter especially after what many family endured
8 during that pandemic. This is a more professional managed
9 residence designed to support seniors whose daily living needs
10 while still allowing them to maintain independence, dignity and
11 connection, with private rooms and shared common space designed
12 for the utmost privacy and sense of community helping the
13 residents to truly feel at home.

14 In my professional experience, I have seen far too many
15 local seniors forced to move to other states just to find
16 appropriate care separated from their family, friends and
17 community. That distance caused emotional strain and made
18 caregivers hard for loved one. This project gives our seniors
19 and their families a much needed local alternative and the need
20 is only growing. By 2030 all baby boomers will age 65 or older
21 and seniors will make up more than 20 percent of the U.S.
22 population. We must act now to ensure our infrastructure keeps
23 pace with the shift.

24 This facility is a compassionate, forward thinking
25 investment in our elderly and our community. I respectfully urge

1 the Board to approve this application and allow this important
2 project to move forward.

3 Thank you for your time and consideration.

4 CHAIRPERSON HILL: Thank you, Dr. Haileab.

5 Dr. Haileab, where do you live again?

6 DR. HAILEAB: I live in Capitol Hill, Washington, D.C.
7 and I'm a consultant pharmacist.

8 CHAIRPERSON HILL: Okay. Great. Okay. Thank you.

9 Does the Board have any questions for the witness?

10 (Pause.)

11 CHAIRPERSON HILL: Okay. All right, Mr. Young, thank
12 you so much. I'm sorry, thank you all for joining us and
13 participating. Mr. Young, if you could please excuse the
14 witnesses.

15 ANC COMMISSIONER PAYTON: May I?

16 CHAIRPERSON HILL: Commissioner?

17 ANC COMMISSIONER PAYTON: Yes.

18 With regard to what was just said with respect to Mr.
19 Haileab, I would like to make it very clear that the application
20 says that this is not a senior facility. That is very clear in
21 the application and that sort of obfuscation I find wrong. This
22 is not a senior facility and that was made very clear in the
23 application and I want to make that very clear.

24 CHAIRPERSON HILL: Okay. Thank you, Commissioner.

25 ANC COMMISSIONER PAYTON: You're welcome.

1 CHAIRPERSON HILL: Let's see. All right.

2 So I guess, okay. So I guess we're going to do this,
3 meaning you guys can go speak with the ANC. Ms. Wilson, you have
4 your work cut out for you. You're going to get to speak with
5 the ANC and see whatever you think they might, whatever questions
6 they might have before the meeting obviously. Have the ANC
7 meeting on the 27th.

8 Commissioner, if you can give us a report from your ANC
9 by the 30th of May; is that fair?

10 ANC COMMISSIONER PAYTON: Yes, it is.

11 CHAIRPERSON HILL: Okay. Great.

12 Because I have to give everyone a week. So that means
13 everybody would have until Friday the 6th, meaning the Applicant
14 would have until Friday the 6th to respond and then we would have
15 a continued hearing on June 11th.

16 ANC COMMISSIONER PAYTON: Okay.

17 CHAIRPERSON HILL: Okay?

18 ANC COMMISSIONER PAYTON: Yes.

19 CHAIRPERSON HILL: Let's see.

20 Before we go I will ask Ms. Wilson if she has any
21 questions or anything before we leave. Oh, I did have one
22 question I guess.

23 Mr. Eyob, can you hear me?

24 MR. EYOB: Yes, I can hear you.

25 CHAIRPERSON HILL: Great. Thanks.

1 So how did you guys decide to do this as a business
2 plan? When did you, how did you all get into this?

3 MR. EYOB: We have one actually across the street in
4 Georgia Avenue in Silver Spring, Maryland in Floral Court and we
5 saw the need of the population, so with many demand in the area.
6 And we have the Clay Street, 4231 Clay Street that's also we've
7 been adding over a year and we will see a lot of demand in that
8 community. So as a developer so we see there's a big need in
9 our community, that's why. And we have our aging parents need
10 the same care, so that's why we have we are --

11 CHAIRPERSON HILL: You guys already have a couple of
12 these facilities; is that correct, or just one?

13 MR. EYOB: So the 4231 Clay Street, the one we are in
14 process with the BZA application.

15 CHAIRPERSON HILL: Meaning you are running one now? I
16 didn't understand.

17 MR. EYOB: Yes.

18 CHAIRPERSON HILL: Okay. And I see my Board member,
19 he's going to help me out in a second.

20 You're expanding the one that you are running?

21 MR. EYOB: Correct.

22 CHAIRPERSON HILL: Okay. And that's one of the two
23 applications before us?

24 MR. EYOB: Correct.

25 CHAIRPERSON HILL: Okay. So, I'm sorry.

1 So, right. The one that you're running you have
2 currently eight beds?

3 MR. EYOB: Correct.

4 CHAIRPERSON HILL: Okay.

5 And that's the one that you're trying to take to 16?

6 MR. EYOB: Yes.

7 CHAIRPERSON HILL: Okay.

8 And so but, right. It's just the one facility, right?
9 And then you currently have one facility. And then you went and
10 bought five other properties?

11 MR. EYOB: No, we just turning the property that we own
12 into a facility. We already own them for probably couple of
13 years. Some of them from 2018, 2020. Yeah, we've been --

14 CHAIRPERSON HILL: Okay.

15 There's five other properties. Okay. So in terms of
16 what you all are thinking overall, are you and, you know, you
17 can only say what you can say right now, but there's no plan to
18 expand the number that you're trying to get now. Meaning you're
19 trying to go to 16 on the other one. You're trying to go to 14
20 on this one. Are you trying to expand that later? Are you going
21 to come back to the Board and try to get an expansion from the
22 16 to 18, you know? Do you plan on trying to expand --

23 MR. EYOB: No.

24 CHAIRPERSON HILL: -- the current operations?

25 MR. EYOB: No.

1 CHAIRPERSON HILL: In the future?

2 MR. EYOB: No. Just add the plans.

3 CHAIRPERSON HILL: Okay.

4 Ms. Wilson, the one that you have before us right now,
5 the envelope of the building is not changing, correct?

6 MS. WILSON: Correct.

7 CHAIRPERSON HILL: Okay.

8 And just, not that it matters, but the other previous
9 two, are the envelopes changing? I can't remember.

10 MS. WILSON: No, they're not. I think those, I think
11 if we were to change the envelopes we would need additional relief
12 or something like that for the building envelope, so no.

13 CHAIRPERSON HILL: Okay. Okay.

14 So, Mr. Eyob and Mr. Medhani, I'm sorry. I mean, we
15 all think that this, I don't see why we all wouldn't think this
16 is a good need and this is a need. The things that we have that
17 come before us are, again, the expansion of what is the matter-
18 of-right need which is the eight beds to whatever it is now that
19 you guys are trying to ask us to do. So we, the Board, have to
20 look at what might affect the community and the standards that
21 we're supposed to look at in order to grant the, or I'm sorry,
22 in order to grant this kind of exception.

23 And so that's why there's so much, and this is going
24 to happen with all of you. These are all, we can tell these are
25 going to happen on the next three, whatever you got going down

1 the road. So as we continue to learn from these, I just want to
2 point out that you should also be learning from these I would
3 think, right? And so I guess that's all I got.

4 Ms. Stidham, I mean, Commissioner Stidham or Mr. Blake,
5 do you have anything else to add before I allow the Applicant to
6 move on?

7 VICE CHAIRPERSON BLAKE: No, sir.

8 ZC COMMISSIONER STIDHAM: Not from me either.

9 CHAIRPERSON HILL: Okay.

10 Ms. Wilson, do you have any final words?

11 MS. WILSON: No. I'll wait until the continued hearing.

12 CHAIRPERSON HILL: Okay.

13 So continued hearing on 6/11, okay? And we will all
14 see you then, and then I know that we have a decision coming
15 forward on the previous two on Wednesday and, again, I haven't
16 looked at anything yet. So we'll have to see where we get as
17 well, and, yeah, and I guess that's it.

18 And, Mr. Eyob and Mr. Medhani, you know, I hope that
19 you all, again, are, I mean I hope so but I hope you're trying
20 to do your best for these clients. I would think so that you
21 are. But I'm just saying, you know, I hope you're trying to do
22 your best for these clients.

23 MR. MEDHANI: Appreciate the feedback. Thank you.

24 CHAIRPERSON HILL: Thank you, Mr. Medhani. Thank you,
25 Mr. Eyob. All right, and thank you, Mr. Bello. All right.

1 We will see you all on June 30th, I'm sorry, June 11th.

2 Thank you.

3 MR. EYOB: Thank you.

4 CHAIRPERSON HILL: Oh, my gosh. We still have to do
5 that other thing. Okay. Let's bring that other one back, okay?
6 And then we'll move forward.

7 Madam Secretary, if you could please re-call whatever
8 we have to do, and I can't remember what it was.

9 MS. MEHLERT: Sure. I'll go ahead and re-call the
10 case, the previous case.

11 It's Application No. 21283 of Sarah Riley and Trevor
12 Keck. This is a self-certified application pursuant to Subtitle
13 X, Section 901.2 for a special exception under Subtitle D, from
14 the maximum building area requirements for an accessory building
15 in Subtitle D, Section 5003.1.

16 This is for a new one-story accessory structure for use
17 as an accessory apartment in the rear yard of an existing two-
18 story detached principal dwelling. It's located in the R1-B zone
19 at 1330 Kalmia Road, Northwest, Square 2773, Lot 19, and the
20 requested plans are in the record in Exhibits 25 and 26.

21 CHAIRPERSON HILL: Okay. Just a sec. I'm sorry. Which
22 exhibit are they, I'm sorry, Madam Secretary?

23 MS. MEHLERT: Exhibits 25 and 26.

24 CHAIRPERSON HILL: Could the Applicant please introduce
25 themselves for the record, again.

1 MS. ROGERS: Yes. Good afternoon, Chairman Hill,
2 members of the Board. For the record, Elizabeth Rogers with the
3 law firm of Lerch, Early & Brewer representing the Applicant.

4 CHAIRPERSON HILL: Okay. Could you please pull up
5 those two exhibits, Mr. Young? Okay.

6 Ms. Rogers, or the architect, can you tell us what's
7 changed?

8 MS. ROGERS: Sure.

9 So what we've added, and this is a rendering, the other
10 ones are elevations to give you both views of them. But what we
11 have added for flexibility corresponding with Ms. Riley who will
12 be the future occupant of this home, is a skylight into the
13 bedroom on the far left hand side of the image on the roof to
14 get natural light into the bedroom and then in the kitchen space
15 you see we have added those transom windows above the cabinetry
16 and then, and Ms. Riley's requested also added a lower window
17 just above the sink that she could operate to get the fresh air
18 into that space.

19 CHAIRPERSON HILL: Okay. Just one second.

20 So that skylight window is on which direction of the
21 property?

22 MS. ROGERS: They're all on the eastern facing.

23 CHAIRPERSON HILL: Oh, all three of those, all three
24 of those were added?

25 MS. ROGERS: Correct.

1 CHAIRPERSON HILL: Okay. You said on the eastern side?
2 MS. ROGERS: Eastern.
3 CHAIRPERSON HILL: Okay. And then the transom windows
4 were added?
5 MS. ROGERS: Correct. Those are shown here on the high
6 third-story windows.
7 CHAIRPERSON HILL: Okay. I can see them.
8 MS. ROGERS: There are three of them.
9 CHAIRPERSON HILL: And then there was an other window
10 added there above the sink?
11 MS. ROGERS: Right below the transom windows.
12 CHAIRPERSON HILL: Got it.
13 MS. ROGERS: With the intention that she doesn't know
14 which one she wants to build so we were adding these as
15 flexibility. This would be the maximum she could have but in
16 all reality probably would choose between those options.
17 CHAIRPERSON HILL: Yeah, that's fine.
18 I mean, these are the ones that you would have the
19 flexibility to not build?
20 MS. ROGERS: Correct.
21 CHAIRPERSON HILL: Okay. That one that is above the
22 sink, does it look at the fence? I mean, can you look over that
23 fence?
24 MS. ROGERS: Jeremy --
25 MR. TETREAULT: (Indiscernible).

1 MS. ROGERS: -- (indiscernible) a higher fence. I'm
2 guessing that's blocked but I'll let you speak to that.

3 MR. TETREAULT: Yeah. The top of the fence is probably
4 ten feet. I think there is a two foot tall retaining wall between
5 the property and then there's the eight foot fence that we'll be
6 reconstructing on top of that, so.

7 CHAIRPERSON HILL: And that's the back yard that's over
8 there to the neighbor, correct?

9 MR. TETREAULT: Yes.

10 MS. ROGERS: Correct.

11 CHAIRPERSON HILL: Okay. All right.

12 Does the Board have any questions?

13 VICE CHAIRPERSON BLAKE: Yeah. A quick question for
14 the architect. What's the distance between the fence and the
15 side wall of the accessory building?

16 MR. TETREAULT: Eight feet on the eastern side.

17 VICE CHAIRPERSON BLAKE: Okay. Great. Thank you.

18 CHAIRPERSON HILL: Okay. Does anybody have any further
19 questions?

20 ZC COMMISSIONER STIDHAM: What is the height of the
21 fence?

22 MR. TETREAULT: The wooden portion of the fence would
23 be eight feet and then I believe it's been set, you know, roughly
24 two feet off the ground, just because of the elevation difference
25 between the adjacent lot.

1 ZC COMMISSIONER STIDHAM: Okay. Thank you.

2 MR. TETRAULT: Uh-huh.

3 CHAIRPERSON HILL: Right. So you'd have to stand up
4 on something and look at the very top of the window to look over
5 the fence, correct?

6 MS. ROGERS: Jeremy?

7 MR. TETREAULT: Right. Right. Uh-huh.

8 CHAIRPERSON HILL: Okay. Okay.

9 Anybody else have questions?

10 (Pause.)

11 CHAIRPERSON HILL: Okay. Mr. Young, if you could drop
12 that slide deck, please.

13 Ms. Rogers, anything to add at the end?

14 MS. ROGERS: No, I have nothing further to add. Thank
15 you very much.

16 CHAIRPERSON HILL: Okay.

17 I'm going to close the hearing and the record. Mr.
18 Young, if you could please excuse everyone.

19 (Pause.)

20 CHAIRPERSON HILL: Okay.

21 I am going to be able to vote in approval of this
22 application. I believe that I will side myself with the Office
23 of Planning's recommendation as how they are meeting the
24 criteria. I also appreciate the feedback from the ANC and I do
25 appreciate that the Applicant has gone through the outreach that

1 they have done.

2 I also would like to mention to the Applicant
3 themselves that it was money well spent by hiring a professional
4 to help walk through this process because it doesn't always work
5 easily if you try to do it yourself, so I am going to give that
6 plug. And then I do believe that I appreciate the slide deck
7 that was presented because it was actually easy to understand
8 where the property is and what they're actually trying to ask us
9 relief from.

10 So I'm going to be voting in favor, and I'm going to
11 allow the flexibility to remove and I'm going to say it when I
12 make the motion, the three skylights on the eastern side of the
13 building, the transom windows and the window above the sink. The
14 transom windows that are also on that side of the building that
15 has the window above the sink and they can, the flexibility is
16 to remove any of them or keep any of them, and otherwise it will
17 be built as drawn in the plans.

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

19 VICE CHAIRPERSON BLAKE: Yeah, Mr. Chair.

20 I'm in support of the application. I do think it meets
21 the burden of proof. Obviously the shadow studies indicate that
22 that not be too much of an issue versus a 450 square foot or less
23 accessory structure. We've gone through window placement and I
24 do feel comfortable with what you recommended there to allow
25 those openings, those windows.

1 Also I think the design is fine and will not be visually
2 intrusive, and I give great weight to the Office of Planning's
3 report and recommendation and I would also give great weight to
4 the ANC 4A's recommendation for approval with no issues or
5 concerns. I also would like to acknowledge the ANC's and the
6 SMD's efforts to go through and talk with all the neighbors and
7 get their feedback. I thought that (indiscernible)
8 documentation, I thought was very admirable the amount of effort
9 that went in from the ANC just to make sure everyone was
10 comfortable with all that's going on, and I also would note the
11 persons in support, and I'll be voting in favor of the
12 application.

13 CHAIRPERSON HILL: Thank you.

14 Commissioner Stidham?

15 ZC COMMISSIONER STIDHAM: I really don't have anything
16 to add with the statements that you both already made. I think
17 you hit all of the good points. I think that privacy is
18 protected. I did have a little concern about that eastern side,
19 but with the fence and the distance from the fence and the height
20 of the window it's not a concern, and am prepared to support.

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

22 So now I'm looking at my Board members because I forgot
23 about that fence a little bit. So do we need something that says
24 that the fence is going to remain?

25 ZC COMMISSIONER STIDHAM: I think if those windows on

1 the east side are going to be allowed, they will have to maintain
2 the fence.

3 CHAIRPERSON HILL: Okay. Okay. All right.

4 I'm going to make a motion and we'll see how this one
5 goes. And, Ms. Rogers, I'm sure you're watching and this is why,
6 and I appreciate, again, all the work that you all did. But this
7 is why we don't usually do flexibility because it's kind of
8 difficult, because we don't know what's going to happen. Okay.

9 So I'm going to make a motion to approve Application,
10 and I don't know how the attorneys are going to write this order
11 but I hope they can follow what I'm trying to say. I'm going to
12 make a motion to approve Application No. 21283 as captioned and
13 read by the secretary, with flexibility to change the plans to
14 keep or remove any of the three skylight windows on the eastern
15 side, any of the transom windows also on the eastern side and
16 the window that is above the sink on the eastern side. If the
17 window above the sink on the eastern side is to be kept, then
18 they have to maintain the fence that is between the neighbor on
19 the eastern side and, I'm sorry, the eastern side of that window
20 and the house.

21 I think that's somewhat understandable and that's my
22 motion, and I'm going to ask for a second. Mr. Blake?

23 VICE CHAIRPERSON BLAKE: I'll second.

24 CHAIRPERSON HILL: Motion is made and seconded. Madam
25 Secretary, could you take a roll call.

1 MS. MEHLERT: Please respond to the Chair's motion to
2 approve the application with the flexibility noted in his motion.

3 Chairman Hill?

4 CHAIRPERSON HILL: Yes.

5 MS. MEHLERT: Vice Chair Blake?

6 VICE CHAIRPERSON BLAKE: Yes.

7 MS. MEHLERT: And Commissioner Stidham?

8 ZC COMMISSIONER STIDHAM: Yes.

9 MS. MEHLERT: Staff would record the vote as three to
10 zero to two to approve Application 21283 on the motion made by
11 Chairman Hill and seconded by Vice Chair Blake.

12 CHAIRPERSON HILL: Thank you.

13 All right, everybody. I thought we'd be done earlier
14 but we did our best. So you all have a good day, and -- oh,
15 sorry, Commissioner Stidham, so you are available on June 11th?

16 ZC COMMISSIONER STIDHAM: I'll make it work.

17 CHAIRPERSON HILL: Okay. Great. Thank you.

18 We'll try to do it early if you want us to or whatever
19 you want us to do. Okay?

20 ZC COMMISSIONER STIDHAM: Thank you.

21 CHAIRPERSON HILL: All right. Thank you. You all have
22 a good day. We're adjourned.

23 (Whereupon, the above-entitled matter went off the
24 record at 12:16 p.m.)

25

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

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 05-07-25

Place: Via Webex

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

John Sheffield

John Sheffield