

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

JUNE 18, 2025

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The Public Hearing of the District of Columbia Board of Zoning Adjustment convened via teleconference, pursuant to notice at 9:26 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson  
CHRISHAUN SMITH, Commissioner  
CARL H. BLAKE, Commissioner  
ANTHONY J. HOOD, Zoning Commission Chairperson  
GWEN WRIGHT, Zoning Commissioner  
TAMMY STIDHAM, Zoning Commissioner

BOARD OF ZONING ADJUSTMENT STAFF COUNSEL:

KEARA MEHLERT, Zoning Data Specialist  
PAUL YOUNG, A/V Operations

The transcript constitutes the minutes from the Regular Public Hearing held on June 18, 2025.

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T-A-B-L-E    O-F    C-O-N-T-E-N-T-S

Case No. 21295  
Justin Ryan Gomez and Jesse Martinez, Jr. .... 6

Case No. 21330  
Paul Pike ..... 15

Case No. 21315  
Chelsey Simonovich and Ben Brockschmidt ..... 18

Case No. 21160A  
Three Tables, The LLC ..... 20

Case No. 21250  
Fikremariam Mengesha ..... 24

Case No. 21299  
3121 Warder St, LLC..... 35

Case No. 21302  
Tyler Mott ..... 42

Case No. 21301  
Church of the Pilgrims, LLC ..... 52

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

(9:26 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen, the Board of Zoning Adjustment. Today is 6/18/2025. This public hearing will please come to order.

My name is Fred Hill, Chairman of the District of Columbia Board of Zoning Adjustment. Joining me today are Board Members Crishaun Smith, Carl Blake; Zoning Commissioners, Chairman Anthony Hood, Commissioners Gwen Wright and I also believe Commissioner Tammy Stidham at some point in time.

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

Accordingly, everyone who is listening on WebEx or by telephone will be muted during the hearing. Also, please be advised that we do not take any public testimony at our decision meeting session. If you're experiencing difficulty accessing WebEx or with your telephone call in, then please call our OZ hotline number at (202) 727-5471 to receive WebEx login or calling instructions.

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

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1 whether a full or summary order may be issued. A full order is  
2 required when the decision it contains is adverse to a party,  
3 including an affected ANC.

4 A full order may also be needed if the Board's decision  
5 differs from the Office of Plans recommendation. Although the  
6 Board favors the use of summary orders whenever possible, an  
7 applicant may not request the Board to issue such an order.

8 In today's hearing session, everyone who's listening  
9 on WebEx or by telephone will be muted to the hearing, and only  
10 persons who have signed up to participate or testify will be  
11 unmuted at the appropriate time. Please state your name and home  
12 address before providing oral testimony or your presentation.

13 Oral presentation should be limited to a summary of  
14 your most important points. When you finish speaking, please  
15 mute your audio so that your microphone is no longer picking up  
16 sound or background noise. All persons planning to testify,  
17 either in favor or in opposition should go sign up in advance.  
18 They'll be called by name to testify. And if this is an appeal,  
19 only parties are allowed to testify. By signing up to testify,  
20 all participants completed the oath or affirmation as required  
21 by Y408.7.

22 Request to enter evidence at the time an online virtual  
23 hearing, such as written testimony or additional supporting  
24 documents other than live video, which may not be presented as  
25 part of the testimony, may be allowed pursuant to Y103.13,

1 provided that the person making the request to enter an exhibit  
2 explain A), how the proposed exhibit is relevant; B), the good  
3 cause justifies allowing exhibit into the record, including an  
4 explanation of why the requester did not file the exhibit prior  
5 to the hearing pursuant to Y206; and C), how the proposed exhibit  
6 would not unreasonably prejudice any parties. An order of  
7 procedures for special exceptions and variances are under Y409.

8           At the conclusion of each case, an individual who is  
9 unable to testify because of technical issues may file a request  
10 for leave to file a written version of the planned testimony to  
11 the record within 24 hours following the conclusion of public  
12 testimony hearing. If additional written testimony is accepted,  
13 then the parties would be allowed a reasonable time to respond,  
14 as determined by the Board.

15           The Board will then make its decision at its next  
16 meeting session, but no earlier than 48 hours after the hearing.  
17 Moreover, the Board may request additional specific information  
18 to complete the record. The Board staff will specify the end of  
19 the hearing exactly what is expected, and the date when persons  
20 must submit the evidence to the Office of Zoning. No other  
21 information shall be accepted by the Board.

22           Finally, the District of Columbia Administrative  
23 Procedures Act requires that the public hearing on each case to  
24 be held in the open before the public. However, pursuant to  
25 405(b) and 406 of that Act, the Board may, consistent with its

1 rules of procedures and the Act and to close meeting on case for  
2 purposes of seeking legal counsel on a case pursuant to D.C.  
3 Official Code, Section 2-575(b)(4) and/or deliberate on a case  
4 pursuant to D.C. Official Code, Section 2-575(b)(13), but only  
5 after providing the (indiscernible) public notice in the case of  
6 emergency closed meeting after taking a roll call vote.

7 Madam Secretary, do we have any preliminary matters?

8 MS. MEHLERT: Good morning, Mr. Chairman, members of  
9 the Board. Regarding the schedule today, Application No. 21298  
10 of Justin Riordan and Zach Bache has been postponed to July 30th,  
11 2025. And Appeal No. 21270 of Alexis Sainz and Robyn Epstein  
12 has been postponed to October 1st, 2025. Any specific preliminary  
13 matters will be noted when the case is called.

14 CHAIRPERSON HILL: Okay, great. Well, welcome  
15 everybody. Madam Secretary, you can call our first order of  
16 business.

17 MS. MEHLERT: Okay. In the Board's meeting session,  
18 the first case is Application No. 21295 of Justin Ryan Gomez and  
19 Jesse Martinez, Jr.

20 This is an application pursuant to Subtitle X, Section  
21 901.2 for a special exception under Subtitle E, Section 5201,  
22 from the rear yard requirements of Subtitle E, Section 207.1 and  
23 pursuant to Subtitle X, Section 1002, for an area variance from  
24 the lot occupancy requirements of Subtitle E, Section 210.1.

25 This project is at rear deck addition to an existing

1 two-story with cellar principal dwelling. It is located in the  
2 RF-1 zone at 1151 Abbe Place, NE Square 773, Lot 199. This was  
3 heard last week on June 11th. The Board closed the record and  
4 scheduled for a decision.

5 Participating are Chairman Hill, Vice Chair Blake, Mr.  
6 Smith and Commissioner Wright. And as preliminary matters, the  
7 applicant has submitted two requests to reopen the record as well  
8 as a request to reopen the hearing. These are in Exhibits 54  
9 and 55 and this was to allow in additional information and  
10 testimony from the property owners.

11 CHAIRPERSON HILL: Okay, great. Thanks. So I know  
12 we've all had a chance to review the information that they are  
13 requesting to reopen the record for.

14 And then so in this particular case, I don't think that  
15 the testimony is necessarily going to help me come to any kind  
16 of a decision. And so I don't really see the need for it at this  
17 point in time. If we had, then you know, we'd have to let  
18 obviously the ANC and all give their input on the testimony that  
19 is trying to be provided.

20 I do think that all of the information that we received  
21 at the last hearing, which I thought was pretty extensive, was  
22 enough for me. So I would not be inclined to allow the  
23 information into the record.

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

25 COMMISSIONER SMITH: What's your assessment of this

1 case? I don't think adding any additional information as shown  
2 in the exhibits, would add any additional pertinent information,  
3 I think, into the record. So I'm not in favor of adding.

4 CHAIRPERSON HILL: Thank you, Vice Chair Blake.

5 COMMISSIONER BLAKE: Yes, Mr. Chair. I'm comfortable  
6 that the record is full. I don't think there's any additional  
7 information will help in this decision.

8 CHAIRPERSON HILL: Okay. Thank you. Commissioner  
9 Wright.

10 COMMISSIONER WRIGHT: With my colleagues and I don't  
11 think we need to reopen the record.

12 CHAIRPERSON HILL: Okay. Thank you. All right. So  
13 in terms of the actual relief that's being requested, I mean, I  
14 thought that -- I mean, we had a long hearing and there was a  
15 lot of testimony taken from the applicant as well as the ANC.  
16 And you know, the variance test is one of the highest standards  
17 that we have before us in terms of whether or not relief can or  
18 can't be granted.

19 This is an area variance which makes it a little bit  
20 different than a use variance. However, it still is the three  
21 prong test in terms of whether or not we think this should be  
22 approved. I hate to say it, I mean, it really is just a terrible  
23 situation, actually, for me. You know, I mean, I feel for the  
24 property owners, but I don't think -- I don't see how they meet  
25 this criteria for me to feel comfortable voting for it.



1 I mean, they have to show that the property is  
2 exceptional in some capacity, either from narrowness, shallowness  
3 or shape of a specific piece of the property. And I mean, we  
4 have had similar situations where because of like the slope of  
5 the land or because of other confluence of factors on that piece  
6 of property as to why it is particularly exceptional. But I  
7 don't think in this case it is a whole lot different than the  
8 ones that are in the row.

9 And then in terms of the next one was exceptional  
10 practical difficulties, I guess, again, if this weren't here, if  
11 this deck weren't here already, we would be trying to approve it  
12 as if it's -- we're supposed to look at it as if it's not there,  
13 right? And this is whether we would have approved this if this  
14 were before us and they were asking for this relief. And they  
15 can access the ground from the second story, but with a stair of  
16 some kind.

17 And so I don't even think there's necessarily any  
18 practical difficulty had this not been there. I do see the  
19 practical difficulty and hardship since it is there now, but I  
20 don't think this is something that I would have, again, felt  
21 comfortable voting for had this been before us, where it's not  
22 there, which is the way we're supposed to look at it. I don't  
23 necessarily think there'd be substantial detriment to the public  
24 good or the zone plan. So that third prong, I guess I could have  
25 gotten over.

1           Again, I feel disappointed for the property owners  
2 because -- and even the developer. I mean, I don't know how they  
3 got themselves in this particular situation, but I hope they can  
4 somehow figure out how to resolve it, and make the property work  
5 for the owners because it is a nice project. So anyway, I don't  
6 think I'll be able to vote in favor for it.

7           Mr. Smith.

8           COMMISSIONER SMITH: I won't belabor the points that  
9 you've raised. I, by and large, agree with your assessment on  
10 how this particular deck or this request does not meet the prongs  
11 of the test.

12           As you stated, the request needs to be tied to the  
13 property itself. And there's nothing based on the planning of  
14 the lots and all the lots within the block, there's nothing unique  
15 about this particular lot. It seems that, as it is very common  
16 within the District, there are some lots that are fairly small  
17 for the building that sits on them. So this is not a unique  
18 situation.

19           I agree with your assessment on the second prong and I  
20 will just end, as far as the final prong about being -- regarding  
21 the zone plan, I do believe that it's out of character with  
22 zoning. It does not meet the intent and purpose and integrity  
23 of the zone plan to request a lot occupancy or to request a  
24 variance for occupancy that essentially covers the entire lot.

25           I am sympathetic, and we've had several cases like this

1 that deals with these open decks. And it has been stated by the  
2 Office of Planning that it has been the, I guess, the precedent  
3 of -- or not a precedent, but historically, this Board has favored  
4 these types of variances in order to protect open space.

5 My concern is us legislating that from this bench when  
6 we are here to adjudicate, not legislate. I do believe that  
7 there is some value in creating or allowing for some measurable  
8 open space, but I believe that the avenue to do that is through  
9 the zoning commission to allow some measure of not -- of open  
10 decks not counting towards lot occupancy. I think that's probably  
11 the better avenue to be able to handle this type of case.

12 But it's tough. We've seen a fair amount of these.  
13 And as I will state here and I stated in some of these other  
14 cases, I do not believe that they meet the standards for us to  
15 grant a variance in this particular case. So with that, Chairman  
16 Hill, I agree with your assessment and will not support the  
17 variance nor the special exception.

18 CHAIRPERSON HILL: Thank you. Vice Chair Blake.

19 COMMISSIONER BLAKE: Sir, I am in agreement with you.  
20 Your assessment and that of Board Member Smith. I do not believe  
21 that the applicant has met the first prong of the variance test,  
22 nor the special exception in this case, on account of privacy,  
23 frankly.

24 I believe that the applicants can secure access to the  
25 rear view, a matter of right or special exception a method.

1 There's nothing in the regulations that state that the residents  
2 are entitled to private or outdoor recreational space. And if  
3 outdoor space is important to the applicants, they might consider  
4 a rooftop deck and in order -- and that way they can preserve  
5 the quality of the amenities to their short-term rental unit.  
6 But they can either share the space or make themselves another  
7 place for it. So long story short, I am not in support of this  
8 application.

9 CHAIRPERSON HILL: Thank you. Commissioner Wright.

10 COMMISSIONER WRIGHT: I agree with everything that has  
11 been said, and I definitely do not think they've met the test  
12 for a variance. I also, just in general, have a problem with 90  
13 percent lot coverage, even if it is an open deck.

14 I know I'm the newest member here. I've seen a few  
15 cases and in the one I'm thinking of, I voted against a large  
16 rear deck because I felt it filled up the backyard, and that it  
17 was just not appropriate to do that. And I think this is another  
18 situation where it is not appropriate for a variance to allow  
19 this amount of lot coverage.

20 CHAIRPERSON HILL: Okay. All right. I'm going to make  
21 a motion then to deny Application No. 21295 as caption read by  
22 the Secretary and ask for a second.

23 Mr. Blake.

24 COMMISSIONER BLAKE: Second.

25 CHAIRPERSON HILL: Motion made and seconded.

1 Madam Secretary, take a roll call.

2 MS. MEHLERT: Motion to deny the application. Chairman  
3 Hill.

4 CHAIRPERSON HILL: Yes.

5 MS. MEHLERT: Vice Chair Blake.

6 COMMISSIONER BLAKE: Yes.

7 MS. MEHLERT: Mr. Smith?

8 COMMISSIONER SMITH: Yes.

9 MS. MEHLERT: And Commissioner Wright.

10 Staff would record the vote is four to zero to one to  
11 deny application 21295 on the motion made by Chairman Hill and  
12 seconded by Vice Chair Blake.

13 CHAIRPERSON HILL: Okay. Thank you. All right.  
14 Commissioner Wright, you have a good day. We'll see you next  
15 time.

16 Do we have Commissioner Stidham?

17 MS. MEHLERT: So she's able to join at 10:00. I don't  
18 know if you want to move to -- if Chairman Hood's available for --

19 CHAIRPERSON HILL: Let's go to Chairman Hood because  
20 some of these things, I think, are things we can take care of  
21 while we wait for Commissioner Stidham.

22 Welcome, Chairman Hood.

23 ZC CHAIRPERSON HOOD: Thank you. Good morning,  
24 everyone.

25 CHAIRPERSON HILL: Good morning, Chairman Hood.

1 Chairman Hood, since we have you with us, I don't know  
2 exactly how to articulate some of the issues we've had with  
3 concerning outdoor space and open decks and all these things.  
4 And I guess maybe a discussion with the Office of Planning might  
5 be helpful if there's -- I mean, I don't know how things change  
6 over there or what we need to do, but we are getting these and  
7 they're somewhat difficult for us to figure out. They seem to  
8 be asking for more. Anyway, I think you understand kind of what  
9 I'm saying so if you want to try to help us figure that out,  
10 that'd be great.

11 ZC CHAIRPERSON HOOD: Was that in reference to the  
12 first case that you all just heard?

13 CHAIRPERSON HILL: Yes.

14 ZC CHAIRPERSON HOOD: I thought we -- I think we had  
15 something in the pipeline. I don't know, I would have to check  
16 with OP, but I think we're on that. I'm not sure though. I'm  
17 sure somebody at OP will -- or at the later time will let me know  
18 or refresh my memory.

19 CHAIRPERSON HILL: Okay. I'll ask the Secretary to  
20 also help me remember to ask OP or somebody. If you could, Madam  
21 Secretary, just remind me.

22 MS. MEHLERT: Sounds good.

23 CHAIRPERSON HILL: Thank you. All right. You can go  
24 ahead and call our next item, please.

25 MS. MEHLERT: Okay. So the next is an advanced party

1 status request. Is that -- you want to move forward with that  
2 one?

3 CHAIRPERSON HILL: Yes, please. Thank you.

4 MS. MEHLERT: Okay. Next is Application No. 21330 of  
5 Paul Pike. This is a self-certified application pursuant to  
6 Subtitle X, Section 1002, for an area variance from the lot  
7 occupancy requirements of Subtitle E, Section 210.1.

8 This is for a new accessory structure in the rear yard  
9 of an existing attached principal dwelling. It's located in the  
10 RF-1/DC zone at 1818 15th Street NE, Square 191, Lot 63.

11 This hearing is scheduled for July 30th, 2025, and  
12 before the Board today is a request for advance party status in  
13 opposition from Jacqueline Jacobson, located at 1508 Swan Street,  
14 NW.

15 CHAIRPERSON HILL: Okay, great. Thank you. Give me a  
16 minute here. Okay. I don't think we need them, but for the  
17 record, the agent for the person requesting advanced party status  
18 and the requester is here. Correct, Madam Secretary?

19 MS. MEHLERT: Correct.

20 CHAIRPERSON HILL: Okay. So I'm just saying, for the  
21 record and for the regulation, they have to be present for us to  
22 be able to do this, as I recall. And so I don't think we need  
23 them, but they're here if we need them for some reason. My fellow  
24 Board members.

25 In terms of the advanced party status, this is a

1 neighbor who's adjacent to the property that's being discussed.  
2 And I do think that they meet the criteria as how they would be  
3 more uniquely affected than the general area, so I'd be in favor  
4 of voting for advanced party status. Mr. Smith.

5 COMMISSIONER SMITH: To -- I agree with it. Sorry, I  
6 agree with your assessment on this. So no objection.

7 CHAIRPERSON HILL: Thank you. Vice Chair Blake.

8 COMMISSIONER BLAKE: Yes, Mr. Chair. Because of the  
9 proximity to the subject property and the nature of the relief  
10 being requested and the fact that the party status requestor has  
11 really addressed a lot of the legally relevant issues, I'm  
12 comfortable supporting the party request.

13 CHAIRPERSON HILL: Thank you. Chairman Hood.

14 ZC CHAIRPERSON HOOD: Mr. Chairman, I don't have any  
15 objections to party status.

16 CHAIRPERSON HILL: Okay. Thank you. And I will make  
17 a note for the applicant and then the person in opposition.

18 We have read some of the items in the record, and it  
19 does seem as though it's kind of already a little bit contentious  
20 in terms of what is being requested and that the applicant -- I'm  
21 not really -- I can't say I've fully read all of the record, but  
22 it seems as though the item that they're asking for relief for  
23 is already there, and I'm not really sure if that is the case or  
24 not.

25 But again, you know, it would be best if they could



1 somehow figure out how to resolve the neighbor's opposition. I  
2 don't know if that's possible or not by just reading the record  
3 but just making a point of that.

4 Okay. So with that, I'll go ahead and make a motion  
5 to grant the party status in Application 21330 to, I guess, it's  
6 Jacqueline Jacobsen, Gail Jacobsen and John Jacobsen, who I  
7 assume are all from the same property and ask for a second. Mr.  
8 Blake.

9 COMMISSIONER BLAKE: Second.

10 CHAIRPERSON HILL: Motion been made and seconded.  
11 Madam Secretary will take roll call, please.

12 MS. MEHLERT: Please respond to the Chair's motion to  
13 grant party status in opposition. Chairman Hill.

14 CHAIRPERSON HILL: Yes.

15 MS. MEHLERT: Vice Chair Blake.

16 COMMISSIONER BLAKE: Yes.

17 MS. MEHLERT: Mr. Smith?

18 COMMISSIONER SMITH: Yes.

19 MS. MEHLERT: And Chairman Hood.

20 ZC CHAIRPERSON HOOD: Yes.

21 MS. MEHLERT: Staff would record the vote is four to  
22 zero to one to grant party status in opposition in Application  
23 No. 21330 on the motion made by Chairman Hill and seconded by  
24 Vice Chair Blake.

25 CHAIRPERSON HILL: Great. Thank you.

1           Madam Secretary, you can call our next item of  
2 business, please.

3           MS. MEHLERT: Next is on the Board's expedited review  
4 calendar. It's Application No. 21315 of Chelsey Simonovich and  
5 Ben Brockschmidt.

6           This is a self-certified application pursuant to  
7 Subtitle X, Section 901.2 for a special exception under Subtitle  
8 E, Section 5201, from the rear yard requirements of Subtitle E,  
9 Section 207.1. This is for a one-story rear addition to an  
10 attached two-story principal dwelling. It's located in the RF-  
11 4 zone at 750 18th Street, NE, Square 4507, Lot 118.

12           As a preliminary matter, the applicant submitted a  
13 motion to allow an untimely filing to give an update on the  
14 applicant's outreach to the ANC that's in Exhibit 28. And then  
15 yesterday, the ANC 5D submitted their report in support of the  
16 application in Exhibit 29.

17           CHAIRPERSON HILL: Thank you. Unless the Board has any  
18 issues, I'm going to go ahead and approve the late filing, as I  
19 was interested in what the outreach had -- what kind of outreach  
20 they had done and now we actually have the ANC report. So unless  
21 my Board has any objection, I'm going to allow that into the  
22 record. Hearing none.

23           Madam Secretary, if you could allow that into the  
24 record, please.

25           In terms of the application, I had an opportunity to

1 review the record and also the argument that the applicant is  
2 putting forward as to why they're meeting the requirement for the  
3 special exception. I will agree with their argument, as well as  
4 that of the Office of Planning. And I'm thankful to see that  
5 -- or happy to see that the ANC actually had an opportunity to  
6 review this and vote in favor of this application. So I am going  
7 to be in favor of this application.

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

9 COMMISSIONER SMITH: I have nothing to add, Chairman  
10 Hill and will vote in support.

11 CHAIRPERSON HILL: Thank you. Vice Chair Blake.

12 COMMISSIONER BLAKE: Application as well.

13 CHAIRPERSON HILL: Great. Thank you, Chairman Hood.

14 ZC CHAIRPERSON HOOD: Thank you, Mr. Chair. I, too,  
15 am in support.

16 CHAIRPERSON HILL: Okay. Great. And I'm going to go  
17 ahead and make a motion to approve Application No. 21315 as  
18 caption read by the Secretary and ask for a second. Mr. Blake.

19 COMMISSIONER BLAKE: Second.

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

22 MS. MEHLERT: Please respond to the Chair's motion to  
23 approve the application. Chairman Hill.

24 CHAIRPERSON HILL: Yes.

25 MS. MEHLERT: Vice Chair Blake.

1 COMMISSIONER BLAKE: Yes.

2 MS. MEHLERT: Mr. Smith?

3 COMMISSIONER SMITH: Yes.

4 MS. MEHLERT: Chairman Hood. Staff would record the  
5 vote is four to zero to one to approve Application No. 21315 on  
6 the motion made by Chairman Hill and seconded by Vice Chair Blake.

7 CHAIRPERSON HILL: Okay, great. Madam Secretary.  
8 Let's do our next item and then we'll see if Commissioner -- oh,  
9 Commissioner Stidham is here. Let's just do our next item real  
10 quick with Chairman Hood and then we'll bring back in Commissioner  
11 Stidham if that's okay.

12 So Madam Secretary if you could call our next item  
13 please.

14 MS. MEHLERT: Sure. Next is a time extension  
15 Application No. 21160-A of Three Tables, The LLC.

16 This is a request pursuant to Subtitle Y, Section  
17 705.2, for a six-month extension of the validity of the order in  
18 Application No. 21160 issued on October 15th, 2024. This approves  
19 an art gallery with prepared food shop and retail use on the  
20 first floor of an existing three-story building located in the  
21 RA-2/DC zone at 1314 21st Street, NW, Square 69, Lot 228.

22 CHAIRPERSON HILL: Okay. So I'm disappointed with this  
23 one as well. I mean, I remember the case and I remember how much  
24 time we put forward on the case. And I remember the unique  
25 character of what was going on that we voted in favor of this

1 application.

2           Unfortunately, in terms of the time extension, it  
3 appears after reviewing the subtitle and Y 702.2 that -- and also  
4 talking with the Office of Zoning, it doesn't seem as though we,  
5 the Board, are authorized to grant this relief, which is  
6 disappointing. It seems as though, again, since this falls under  
7 Y 702.2 the Board's not authorized to grant this. And really,  
8 the Zoning Commission actually intentionally put this so there  
9 was just going to be a six-month deadline on this type of relief  
10 in order to move forward with this particular project.

11           So unfortunately -- and I don't know how to get around  
12 it, that they're going to have to come back to us again and put  
13 this forward as a case. And then I would imagine they'll get  
14 approved again because it all -- we went through the whole thing  
15 before and I think my fellow Board members were here, I don't  
16 know if Chairman Hood was on this one or not.

17           But in any case, in terms like this, we're going to  
18 have to dismiss this request because it's not something that the  
19 Board is able to actually approve.

20           Mr. Smith, do you have any thoughts?

21           COMMISSIONER SMITH: No, you've summed up the issue  
22 with this particular case. We can't grant the time extension  
23 because this falls under a different subtitle provision. So  
24 we're going to have to dismiss this, and this is just going to  
25 have to come back to us as a new special exception.

1 CHAIRPERSON HILL: Vice Chair Blake.

2 COMMISSIONER BLAKE: We're with you, Mr. Chair. It was  
3 best to dismiss this case. I was going to talk about a little  
4 bit about Y, though just to clarify matters.

5 Section 75.2 authorizes the Board to extend the time  
6 periods for orders for which the time period is set by Subtitle  
7 Y, Section 702.1 for good cause. Subtitle 702.1 applies to orders  
8 where the establishment of the use is dependent upon the erection  
9 or alteration of a structure. Such orders are valid for two  
10 years and can be extended pursuant to Subtitle Y, Section 705.2  
11 for up to two years for good cause.

12 Orders where the establishment of the use is not  
13 dependent upon the erection or alteration of a structure covered  
14 by Subtitle Y, Section 702.2, they are valid for six months, and  
15 the Board is not authorized to grant extensions under Subtitle  
16 Y, Section 705.2 or any other provision of the title.

17 The applicant did not identify a provision authorizing  
18 this request so I am comfortable with your assessment that we do  
19 not have jurisdiction -- the jurisdiction to -- authorization to  
20 provide extension on this matter. So I'm in support of dismissing  
21 the request.

22 CHAIRPERSON HILL: Vice Chair Blake, thank you for that  
23 clarification and clarity. I thought that was very helpful. I  
24 appreciate it. Chairman Hood.

25 ZC CHAIRPERSON HOOD: Mr. Chairman, I did review this,

1 and I would agree with the Board and I tried to remember, I didn't  
2 look it up. I tried to remember the legislative history of why  
3 this was done.

4 I'm pretty sure I could speculate and recall why we did  
5 such manners of this, and also some other issues that we've done  
6 about time extensions. But I won't do that at this time. But I  
7 appreciate the Board following the regulations thoroughly,  
8 because I think that at the time, the legislative history, as we  
9 just did discovery, I believe, that we -- there was a reason we  
10 did this and I think this is one of the reasons to keep things  
11 moving. So that's my comment on -- or my 10 second comment on  
12 it. Thank you, Mr. Chairman.

13 CHAIRPERSON HILL: Thank you, Chairman Hood. All right  
14 then, I'm going to make a motion to dismiss the time extension  
15 request under application 21160-A. I don't know if you take a  
16 vote or not, but I'll ask for a second, Mr. Blake.

17 COMMISSIONER BLAKE: Second.

18 CHAIRPERSON HILL: Okay. And that's, again, for what  
19 was read by the Secretary and captioned by the Secretary for the  
20 time extension. And Madam Secretary will take roll call.

21 MS. MEHLERT: Please respond to the Chair's motion to  
22 dismiss the time extension application. Chairman Hill.

23 CHAIRPERSON HILL: Yes.

24 MS. MEHLERT: Vice Chair Blake.

25 COMMISSIONER BLAKE: Yes.

1 MS. MEHLERT: Mr. Smith. And Chairman Hood.

2 ZC CHAIRPERSON HOOD: Yes.

3 MS. MEHLERT: Staff would record the vote as four to  
4 zero to one to dismiss time extension request No. 21160-A on the  
5 motion made by Chairman Hill and seconded by Vice Chair Blake.

6 CHAIRPERSON HILL: Great. And hopefully again they can  
7 get back before us in an efficient manner. Chairman Hood, if  
8 you wouldn't mind, we'll let you go for a second and talk with  
9 Commissioner Stidham.

10 Okay. Commissioner Stidham, welcome. I feel like I'm  
11 directing a circus of some kind, like people are popping in and  
12 out and everything. I don't think I get paid enough. Okay.

13 Okay. Madam Secretary, if you can call our next item  
14 for decision.

15 MS. MEHLERT: Okay. Next is in the Board's meeting  
16 session still. It's Application No. 21250 of Fikremariam  
17 Mengesha. As amended, this is a self-certified application  
18 pursuant to Subtitle X, Section 901.2 for special exceptions  
19 under Subtitle U, Section 203.1(J) to allow a healthcare facility  
20 use for 14 persons, and Subtitle C, 703.2 from the minimum vehicle  
21 parking space requirements of Subtitle C, Section 701.5.

22 This is for a new 14-bed healthcare facility in an  
23 existing one-story building located in R-2 zone at 7410 Eastern  
24 Avenue, NW, Square 3178E, Lot 115.

25 This hearing began on May 7th and was completed last



1 week on June 11th. The Board closed the record and scheduled  
2 for decision. Participating are Chairman Hill, Vice Chair Blake,  
3 and Commissioner Stidham. There is, as a preliminary matter, a  
4 request from Lisa Adams to reopen the record to submit additional  
5 letters from neighbors. This is in Exhibit 45.

6 CHAIRPERSON HILL: Okay. Thank you. So I've had a  
7 chance to review what the person making the request is trying to  
8 get into the record. I don't think that at this point it's  
9 something that is necessary for the Board. I think that we took  
10 a lot of testimony from the neighborhood, the ANC, as well as  
11 public testimony. So I don't see it -- any help in opening the  
12 record up to allow this testimony into the record.

13 Mr. Blake, do you have a thought?

14 COMMISSIONER BLAKE: I agree with you, Mr. Chair. I  
15 think we have adequate information at this point.

16 CHAIRPERSON HILL: Okay. Commissioner Stidham.

17 COMMISSIONER STIDHAM: I also agree.

18 CHAIRPERSON HILL: Okay. So I'm going to go ahead and  
19 deny the request to reopen the record unless anyone has any  
20 objection. And if so, please state that such. Not hearing  
21 anything.

22 Madam Secretary, if you could please go ahead and not  
23 allow that into the record and return it to the requester.

24 In terms of the decision itself, this is -- these  
25 things are just -- they're just taking -- I don't know what to

1 do with them, you know? I mean, they're, like -- they're now,  
2 we seem to -- and Commissioner Stidham, you were on at least one  
3 of the ones before, right. Were you on both of them?

4 COMMISSIONER STIDHAM: This one and the one before, not  
5 the third one.

6 CHAIRPERSON HILL: Okay. You missed one of them, right?  
7 So I asked Commissioner Stidham, if you can and are available for  
8 any ones that come forward, because I think there are some that  
9 are coming forward, I'd rather not bring somebody else up to  
10 speed on all this. So if you're available, we'll try to schedule  
11 around your availability for you participating in those cases.

12 COMMISSIONER STIDHAM: Absolutely.

13 CHAIRPERSON HILL: Thank you so much.

14 COMMISSIONER STIDHAM: Yes, we can make it work.

15 CHAIRPERSON HILL: Thank you. So I mean, we approved  
16 one of these. We approved two of these, and they're each  
17 different is what I'm trying to get to the applicant, right. Each  
18 one of these are different, it's not like we've established  
19 whatever it is with all these cases moving forward, right.

20 The objection or the concern that I had the last time  
21 was that there are two in the same area, right? There was two  
22 in the same area and they were -- also there was, I think, another  
23 something was there, right, in the neighborhood, like a halfway  
24 house or something like that, right.

25 And because of the conditions that we had put forward,

1 I thought that it actually could work, right. And to be quite  
2 honest, it was Board Member Smith who I kind of articulated the  
3 conditions in a way that I felt more comfortable with them and  
4 was able to vote in favor. Otherwise, I was probably going to  
5 vote against it.

6 And in this particular case, they're asking for this  
7 parking relief, and I got to tell you, I'm just more uncomfortable  
8 with this one, in that, they're going from 8 to 14 -- they're  
9 going from 8 to 14 people. We seem to be jumping through a lot  
10 of hoops to try to figure out how to make this work, to the point  
11 where it seems like we shouldn't be jumping through this many  
12 hoops to try to figure out how to make this work, right. It's  
13 like squeezing a round peg into a square hole or whatever they  
14 say about that, right?

15 So I do appreciate what the applicant is trying to do.  
16 Like, I mean, they're trying to have a business and they're trying  
17 to provide what possibly could be needed use there in that  
18 neighborhood. But I just don't think that in this particular  
19 case, I'd be able to vote in favor of it.

20 And I would suggest that the applicant go do the matter  
21 of right, which is the eight beds, and see how that works out.  
22 And then maybe after a little while, they'd be able to get the  
23 backing of the community because they'd see that they're able to  
24 do this, this is not a problem. And it's actually something  
25 that's good for the community, because people within the

1 community, I guess, can go there in terms of an aging in place  
2 in the area.

3           However, I don't even know if that's the case yet so  
4 I'm not going to be able to vote in favor of this. And I  
5 appreciate all the work that the applicant has gone through. I  
6 appreciate all the work that the attorney has gone through. And  
7 I see what they're trying to do, but I just can't get -- I just  
8 don't think that this is not possibly going to cause enough undue  
9 impact in that area that I can vote for it.

10           So with that, I will turn to you, Vice Chair Blake.

11           COMMISSIONER BLAKE: Thank you, Mr. Chair. I've looked  
12 at this back and forth as well with the other cases and compared  
13 them to see, kind of, what made the difference to me in  
14 understanding those cases and what made them palatable.

15           The question is, obviously, if such a facility is  
16 possible in a residential neighborhood, such a facility is  
17 possible at the scale that we've discussed in a residential  
18 neighborhood. The conditions that we've put on the other  
19 facilities that we've approved, as you pointed out, will mitigate  
20 some of the issues that we have, that concerns that were raised  
21 and try to balance that out and we have an opportunity to kind  
22 of filter through that, one is an operating one. And of course,  
23 as you point out, the big issue is the proximity of other  
24 facilities which impact the neighborhood.

25           In this particular situation, I found this one a little

1 bit challenging as well. The thing that made the other facilities  
2 attracted to me really came down to the available parking in the  
3 rear. As we think about it -- so for example, some of the main  
4 issues and concerns raised by the ANC really talked about the,  
5 say, the appropriateness of the facility for the proposed use,  
6 the size of the facility, that the fact that it wouldn't be enough  
7 stuff for the residents and so forth.

8 And as I pointed out before, I think I pointed out  
9 before, it's not clear that the internal functioning of the  
10 facility is really within our purview. And I'm pretty sure that,  
11 and we're going to rely on the Department of Health and the  
12 Department of Buildings to determine if the right -- if this is  
13 the right facility internally to provide the services that the  
14 applicant wants to provide.

15 Our issue really does boil more so to the Board's  
16 concerns, real potential of the impact on the neighboring  
17 properties. And in Provision 5, it talks about that the facility  
18 shall not have an adverse impact on the neighborhood because of  
19 traffic, noise, operations or the number of similar facilities  
20 in the area. Now, we understand that there aren't any similar  
21 facilities in the area, according to Office of Planning's report.  
22 But would it have an impact on the surrounding community from in  
23 terms of traffic noise or operations?

24 As I said, the issue for me was parking. In the prior  
25 situation, we had four spaces provided where one was required.

1 It was going to take this parking -- that parking was being  
2 provided in the rear. There were three parking spaces available  
3 for the staff and one space available for visitors, some other  
4 potential persons who came to visit for other reasons, visitors.

5 It also was going to be used -- there was a ramp in the  
6 rear that was going to provide for egress for the patients that  
7 they were going to be moving in and out that way. And also, they  
8 were going to have food delivery, which was going to take place  
9 from the rear. Now, those are a lot of things -- because that  
10 was closest to the kitchen. So there were a lot of reasons why  
11 I saw this as not impacting the residential character of the  
12 community.

13 So when we looked at those elements -- of course, in  
14 trash collection was going to be in the rear, from the alley. So  
15 in that sense, I saw that as taking a lot of the burden off the  
16 community, and they did anticipate using some street parking,  
17 which they demonstrated was amply available, but it was going to  
18 be more of an ancillary use. It wasn't going to be the primary  
19 use.

20 In this instance, with the removal of all parking,  
21 which I would say just parenthetically, I agreed that the  
22 conditions for removal of the parking have been met as per the  
23 provisions in the zoning regulations given the topology of the  
24 property and the fact that the Department of Transit wants to  
25 remove the curb cut and so forth. So I think that -- for that

1 perspective, I definitely think that they have qualified. And  
2 also, I'd also mention the proximity to public transportation.

3 I do think they've qualified for parking relief. But  
4 the question is, is this the right site for a facility of this  
5 type with no parking and I don't think so. I think because the  
6 parking burdens so much, the public space and the public street,  
7 I think it really does take a lot of the character away from  
8 neighborhood.

9 For example, one thing that we talked -- that the  
10 applicant actually pointed out was that, to a large extent, the  
11 residents in the community used their -- park primarily on their  
12 property in their parking spaces. Well, this isn't something  
13 that we now take a commercial facility and allow them to  
14 monopolize the street and the persons that have theirs to put it  
15 in their own property. So I think that that was -- that concerned  
16 me. The fact that one of the characteristics of this community  
17 is the fact that it has a more suburban feel to it, even though  
18 it's an urban environment, with not a whole lot of cars all over  
19 the place.

20 So I think it was -- I thought it was inappropriate to  
21 overburden the neighborhood with the parking and considering  
22 everything, the food delivery will be from the front of the  
23 building, housekeeping will have to be in the front of the  
24 building, coming and going will be in the front of the building.  
25 There'll be a ramp in public space. Everything takes away from

1 the residential, I think, to a large extent the character of the  
2 community.

3 So for that reason, I think focusing on 5, the facility  
4 not having adverse impact on neighborhood because of traffic  
5 noise and operations causes some reason for pause. And for that  
6 reason, I'm not comfortable with this application. So that's  
7 where I am.

8 CHAIRPERSON HILL: Thank you. Vice Chair Blake.  
9 Commissioner Stidham.

10 COMMISSIONER STIDHAM: Thank you. And I have to agree,  
11 we cannot look at these all the same because where each individual  
12 property sits is different. And we really have to look at overall  
13 each individual property and what the characteristics of are that  
14 neighborhood and what are the potential operational and  
15 neighborhood impacts.

16 And you know, I have to agree with both what Chairman  
17 Hill and Board Member Blake said in relation to the parking. And  
18 for me, it does come down to the parking. They are dependent  
19 completely on street parking and with having 14 residents in the  
20 facility and the number of operational things that need to take  
21 place on a daily basis, in addition to visitors picking up and  
22 dropping off for doctor's appointments, just the array of  
23 activity that is going to happen at this location with only use  
24 from the front. That alley is very, very small.

25 As others have mentioned, many property owners have



1 adjusted their property to have the parking from the alley, but  
2 on their property. So really impacting the street and the  
3 character of that street, this is really just going to do it.

4 And for those reasons, you know, even -- and I  
5 appreciate all the work that the applicant has done in proposing  
6 different conditions to help with mitigating the impacts and  
7 ensuring that there aren't any impacts to the community. But  
8 frankly, in this location, I just don't think any of them mitigate  
9 the situation.

10 So I'm not going to duplicate what Board Member Blake  
11 said so eloquently, but I think that this is just -- I can't  
12 support this particular operation in this location.

13 CHAIRPERSON HILL: Okay. Thanks, Commissioner Stidham.  
14 And I just want to mention that, like, I know that there are more  
15 of these coming in. I don't know exactly how many, but from the  
16 applicant and that I think, like, two are right next to each  
17 other. And so I don't see how -- I mean, I think the applicant  
18 is going to have to think about this as to what they're trying  
19 to bring forward as to whether or not they're going to be  
20 successful with this Board.

21 But again, we did think that it was possible, but it  
22 did have a lot of conditions. It had a term limit. It had a  
23 lot of things to it. So whether or not these should be done as  
24 a matter of right again first and then see how that goes, and  
25 then see if they can convince the Board or the neighborhood that

1 there's not going to be undue impact. But you know, everybody  
2 can do what they want to do in terms of submitting an application  
3 to the Board.

4 But I think that there will -- these are getting looked  
5 at individually. These are not getting looked at as -- because  
6 they are, they're individual properties.

7 So okay, I'm going to make a motion to deny Application  
8 No. 21250 as captioned and read by the Secretary and ask for a  
9 second, Mr. Blake.

10 COMMISSIONER BLAKE: Second.

11 CHAIRPERSON HILL: The motion made and seconded. Madam  
12 Secretary, take a roll call please.

13 MS. MEHLERT: Please respond to the Chair's motion to  
14 deny the application. Chairman Hill.

15 CHAIRPERSON HILL: Yes.

16 MS. MEHLERT: Vice Chair Blake.

17 COMMISSIONER BLAKE: Yes.

18 MS. MEHLERT: Commissioner Stidham.

19 COMMISSIONER STIDHAM: Yes.

20 MS. MEHLERT: Staff would record the vote is three to  
21 zero to two to deny application 21250 on the motion made by  
22 Chairman Hill and seconded by Vice Chair Blake.

23 CHAIRPERSON HILL: Okay. Commissioner Stidham, thank  
24 you for joining us.

25 COMMISSIONER STIDHAM: All right. Thank you. Enjoy

1 the rest of your day.

2 CHAIRPERSON HILL: Thank you. You guys, I think this  
3 is going to be kind of a shortish day, so. But let me just take  
4 a quick break if we could. So let's just go ahead and take a  
5 10-minute break. Come back in 10 minutes. Thank you so much.

6 (Pause.)

7 CHAIRPERSON HILL: Madam Secretary, if you can call us  
8 back in and call our next case, please.

9 (Whereupon, there was a brief recess.)

10 MS. MEHLERT: The Board is back from a quick break and  
11 returning to its hearing session.

12 The next case is Application No. 21299 of 3121 Warder  
13 St., LLC. This is a self-certified application pursuant to  
14 Subtitle X, Section 901.2 for a special exception under Subtitle  
15 U, Section 320.2 to allow conversion of a residential building  
16 existing on a lot prior to May 12th, 1958, to an apartment house.

17 This is for a rear and third floor additions to an  
18 existing attached two-story with basement principal dwelling, and  
19 conversion to a three-unit apartment house. It's located in the  
20 RF-1 zone at 3121 Warder Street, NW, Square 3049, Lot 47.

21 As a preliminary matter, the applicant submitted a  
22 motion to allow an untimely filing for revised burden of proof  
23 and revised plans and these are in Exhibit 23.

24 CHAIRPERSON HILL: Great. Thank you. If the applicant  
25 could hear me, if they could please introduce themselves for the

1 record.

2 MR. CARBALLO: Adam Carballo of Carballo Architecture,  
3 representing the property owner, 3121 Warder St., LLC. And I  
4 appreciate the opportunity to present this project to the Board  
5 today.

6 CHAIRPERSON HILL: Great. Thank you, Mr. Carballo.  
7 Welcome back.

8 MR. CARBALLO: Thank you.

9 CHAIRPERSON HILL: Let's see, if you want to go ahead  
10 and walk us through your client's application and why you believe  
11 they're meeting the criteria for us to grant the relief requested.  
12 I'm going to put 15 minutes on the clock so I know where we are  
13 and you can begin whenever you like.

14 MR. CARBALLO: Thank you. I'm going to share my screen,  
15 if that's okay.

16 CHAIRPERSON HILL: Mr. Carballo, yeah, you can't do  
17 that. Sorry.

18 Now Mr. Young, I think, has your presentation.

19 MR. CARBALLO: Okay. Could Mr. Young share a  
20 presentation? Okay. Excellent. Okay. All right. This is --  
21 okay. This will work. I added a few notes to mine, but  
22 nevertheless.

23 So we're here to present 3121 Warder Street. As was  
24 presented, this is in the RF-1 zoning district. This property  
25 is a existing single-family house. The property itself, as you

1 can see from the site plan where it's indicated with the subject  
2 site, is a unusually large property. The property dimensions  
3 measure 185 feet by 16 foot 8, as do the two adjoining properties  
4 on either side.

5 For whatever reason, when subdivision occurred, we got  
6 three lots that are nearly two and a half times as deep as a  
7 typical RF-1 lot. And per RF-1 and specifically under Subtitle  
8 X, Chapter 9, we're looking to convert this into a residential  
9 apartment building really with three units. RF-1 generally  
10 allows two units per a matter of right. We're seeking the special  
11 exception that would allow for three dwelling units.

12 The required lot for each dwelling unit is 900 square  
13 feet per lot. Our lot is 3084 square feet, so we certainly meet  
14 the minimum lot size requirement for three units, which would be  
15 900 square feet per unit or 2700 square feet, is required. We're  
16 providing 3084 square feet for that change.

17 As far as other criteria, we are not seeking relief for  
18 any other zoning bulk regulation. We would present a lot coverage  
19 limitation of 48 percent, whereas 60 percent is the maximum.  
20 There's a 20 foot rear yard lot requirement. We're providing 79  
21 feet, 11 inches for that rear yard set. So you know, nearly four  
22 times the rear yard setback. We also would not -- we're not  
23 seeking a relief for the height either. We're keeping the height  
24 within the 35-foot height limitation that is required for RF-1.

25 Further that, we did for community outreach, we have

1 adjoining neighbor support. We've presented the ANC and received  
2 their support. And we've also incorporated -- we had a few  
3 comments from the Office of Planning that we've incorporated.  
4 They were fairly minor in nature regarding a court -- you know,  
5 the configuration of a court that we were presenting.

6 But it's, I think, a fairly straightforward case. And  
7 again, under special exception versus full variance, the  
8 requirement is -- we are providing the appropriate amount of lot  
9 size for the number of dwelling units that we're proposing.

10 CHAIRPERSON HILL: Okay. Is that it, Mr. Carballo?

11 MR. CARBALLO: Yes, sir.

12 CHAIRPERSON HILL: Okay. Go ahead and drop it. What  
13 you guys -- I know you put in some plans late because you were  
14 trying to do things that were going to work with the Office of  
15 Planning. Or I'm sorry, because of feedback you got from the  
16 Office of Planning. Did the plans that you presented to the ANC,  
17 were they more or less the same or like which ones did you present  
18 to the ANC?

19 MR. CARBALLO: Yeah. So They're more or less the same.  
20 The feedback from the Office of Planning, we had an interior  
21 court along the one side, they asked us to remove that court and  
22 bring the -- so the building is actually smaller now. Based on  
23 the --

24 CHAIRPERSON HILL: Just finish telling me that you had  
25 an interior court and what?

1 MR. CARBALLO: The Office of Planning requested that  
2 we remove that interior court.

3 CHAIRPERSON HILL: Okay.

4 MR. CARBALLO: So we've actually made the building  
5 smaller, from what we presented to the ANC.

6 CHAIRPERSON HILL: I'm just looking to try to see where  
7 your interior court was.

8 MR. CARBALLO: It was on the -- on the upper floors,  
9 we extended the rear bedrooms to the property line. They just  
10 asked us to cut those back to align with the side setback that  
11 we were providing.

12 CHAIRPERSON HILL: Okay. I think I see it. Okay.  
13 Before I turn to my board, can I hear from the Office of Planning?

14 MR. BRADFORD: Good morning, Chairman Hill, members of  
15 the Board. For the record, my name is Phillip Bradford,  
16 development review specialist with the Office of Planning.

17 The Office of Planning recommends approval of the  
18 requested special exception relief and stands on the record of  
19 the report in Exhibit 22. Thank you. And I'm available for any  
20 questions.

21 CHAIRPERSON HILL: Thank you. Mr. Young, is there  
22 anyone here wishing to speak?

23 MR. YOUNG: We do not.

24 CHAIRPERSON HILL: Okay. Does the Board have any  
25 questions of the applicant or the Office of Planning? Okay. Mr.

1 Carballo, I hope you have a nice day.

2 MR. CARBALLO: All right. Thank you so much.

3 CHAIRPERSON HILL: All right. I'm going to close the  
4 hearing and the record.

5 I would agree with the argument that the applicant has  
6 put forward in terms of how they're meeting the criteria to grant  
7 this relief. I also agree that it's a pretty large lot. And I  
8 was able to flip through even the rest of the PowerPoint that is  
9 in the record to understand better what I had already reviewed.

10 And I will also agree with the analysis that the Office  
11 of Planning has put forward in support, as well as then the great  
12 weight that we afford the ANC for their opinion and they are in  
13 support of this. And I also appreciate Commissioner Michael Ray,  
14 as he is always very efficient in what he does and that he's the  
15 one who also is in the SMD for this case.

16 So I'll be voting in favor of this application. Vice  
17 Chair Blake, Do you have anything you'd like to add?

18 COMMISSIONER BLAKE: Yes. Mr. Chair, I think this --  
19 I agree with the comments you made. I believe that the great  
20 weight to the Office of Planning's report and recommendation for  
21 approval, great weight to ANC 1E's support with no issues or  
22 concerns.

23 And I also note that the Office of Planning noted that  
24 they got the support from the DDOT as well. There's no comments  
25 or testimony from the community in opposition, and there were no



1 elements submitted in the record or testimony in opposition at  
2 the hearing. So I will be in support of the application.

3 CHAIRPERSON HILL: Great. Thank you. I went out of  
4 order. Mr. Smith, do you have any comments?

5 COMMISSIONER SMITH: No comments. I agree with the  
6 testimony provided by you and Vice Chair Blake and will support  
7 the application as well.

8 CHAIRPERSON HILL: Thank you. Chairman Hood.

9 ZC CHAIRPERSON HOOD: And I will be supporting this  
10 application also. Thank you.

11 CHAIRPERSON HILL: All right. Thank you. I'm going  
12 to make a motion to approve Application No. 21299 as captioned  
13 and read by the Secretary and ask for a second, Mr. Blake.

14 COMMISSIONER BLAKE: Second.

15 CHAIRPERSON HILL: Motion made and seconded.

16 Madam Secretary, could you take roll call, please.

17 MS. MEHLERT: Please respond to the Chair's motion to  
18 approve the application. Chairman Hill.

19 CHAIRPERSON HILL: Yes.

20 MS. MEHLERT: Vice Chair Blake.

21 COMMISSIONER BLAKE: Yes.

22 MS. MEHLERT: Mr. Smith.

23 COMMISSIONER SMITH: Yes.

24 MS. MEHLERT: Chairman Hood.

25 ZC CHAIRPERSON HOOD: Yes.

1 MS. MEHLERT: Staff would record the vote is four to  
2 zero to one to approve Application No. 21299 on the motion made  
3 by Chairman Hill and seconded by Vice Chair Blake.

4 CHAIRPERSON HILL: Madam Secretary, if you'd call our  
5 next one, please.

6 MS. MEHLERT: Next is Application No. 21302 of Tyler  
7 Mott. This is a self-certified application pursuant to Subtitle  
8 X, Section 901.2 for a special exception under Subtitle U, Section  
9 421 to allow a new residential development.

10 This is for the creation of two additional dwelling  
11 units in the basement of an existing four-unit apartment house.  
12 It's located in the RA-1 zone at 4921 1st Street, NW, Square  
13 3401, Lot 14.

14 And as a preliminary matter, the applicant filed a  
15 motion to accept an untimely filing to submit an updated survey  
16 and revised plans in Exhibit 34.

17 CHAIRPERSON HILL: Okay. Unless the Board has any  
18 issues, I'm going to go ahead and allow the items into the record  
19 as I would like to see what it is that we're looking at more  
20 closely. If the Board has any issues with that, please speak  
21 up. Hearing none.

22 Okay. Madam Secretary, please allow those into the  
23 record. If the applicant could hear me, if they could please  
24 introduce themselves for the record.

25 MS. FERRUFINO-MENDOZA: Good morning, Mr. Chairman,

1 members of the Board. My name is Patricia Ferrufino-Mendoza, and  
2 I am the applicant agent. The architect of record was not able  
3 to attend, so I'm going to go over the highlights of this  
4 application. We submitted this document where we were showing  
5 the exhibits. I don't know if I can --

6 CHAIRPERSON HILL: Yeah. And I'm sorry, I'm going  
7 to -- Ms. Mendoza, how -- I'm having difficulty with the first  
8 part of your name, so. But are you in -- so there's somewhere  
9 in the record then that you're allowed to represent the applicant,  
10 is that what you're telling me?

11 MS. FERRUFINO-MENDOZA: Yes.

12 CHAIRPERSON HILL: Okay.

13 MS. FERRUFINO-MENDOZA: What I did say at the end was  
14 that the architect on record was not able to attend, so I'm going  
15 to go -- yeah.

16 CHAIRPERSON HILL: Okay. I see actually, I see you're  
17 the authorized agent.

18 MS. FERRUFINO-MENDOZA: Yeah.

19 CHAIRPERSON HILL: Yeah. Then Mr. Young, if you could  
20 pull up their application. And Ms. Mendoza, it looks like you  
21 have 38 slides. That's a lot of slides, so it --

22 MS. FERRUFINO-MENDOZA: I would actually -- yes, I  
23 would actually just refer to Exhibit 23, which showed the picture  
24 of the existing conditions and then if we could just go over the  
25 landscape and some floor plans. But in the meantime, I just

1 wanted to inform you that this is a two-story apartment building.  
2 This is a semi-attached building plus a unconditioned basement.  
3 So what we are -- what the applicant --

4 CHAIRPERSON HILL: I'm sorry.

5 MS. FERRUFINO-MENDOZA: Yes.

6 CHAIRPERSON HILL: Which exhibit would you like us to  
7 pull up?

8 MS. FERRUFINO-MENDOZA: The 23. I'm sorry.

9 CHAIRPERSON HILL: 23. I don't think 23 is right.  
10 That's just your zoning certification.

11 MS. FERRUFINO-MENDOZA: Oh, I'm sorry. It's 31 -- 31  
12 to 34. I'm sorry.

13 CHAIRPERSON HILL: 31.

14 MS. FERRUFINO-MENDOZA: I think so. That's the order  
15 that -- I apologize.

16 CHAIRPERSON HILL: It's not 31 either. Why don't you  
17 just go ahead and pull -- Mr. Young, pull up No. 37.

18 And Ms. Mendoza, just kind of tell us, you know, next  
19 slide, next slide until you get to where you want to be. Okay.

20 MS. FERRUFINO-MENDOZA: Okay. Okay. So in this first  
21 page, pretty much what it says is that what we are actually  
22 seeking is the -- to add two units to an existing four-unit  
23 apartments, no change to the footprint or grade. So that's pretty  
24 much what we are seeking under this special exception Subtitle  
25 U, Section 421.

1           So yeah, if you could go forward and I'll let you know  
2 where. Yeah. Continue, please. Yeah, so that's -- as you can  
3 see, that's the front of the house, the building that's existing  
4 conditions. And if you could go to the next one that will show  
5 the back of the rear. And if you continue, we will be able to  
6 see the layout on -- so that's one of the survey.

7           Continue, please. Yeah, that's the same as part of the  
8 document. Continue, please. I think here. So as we all can  
9 see, that's the -- on my left-hand side, I have the existing  
10 basement unfinished. And this is the propose to create these two  
11 units and if you continue, so this is this was added for  
12 reference, but those are the upper units.

13           Yeah. Continue, please. Continue. I want to get to  
14 the landscape images. So this is the elevations, as you can see,  
15 no change on the height. And we are able here -- able to see  
16 that, obviously, the proposed two units are part of the unfinished  
17 basement. If you continue, please. Yeah, continue. I want to  
18 get to the landscape.

19           CHAIRPERSON HILL: I'm flipping. I'm flipping through.  
20 I don't see where the landscaping plan is, actually.

21           MS. FERRUFINO-MENDOZA: Actually, yeah. If you keep  
22 going. Sorry.

23           CHAIRPERSON HILL: I think it's No. 29.

24           MS. FERRUFINO-MENDOZA: They should be there. And  
25 right after that one, I believe, yes.

1 CHAIRPERSON HILL: Oh, I got it. Okay.

2 MS. FERRUFINO-MENDOZA: Yeah. So that's the existing,  
3 as you can see. And then because of the existing layout or the  
4 existing entry was at the rear. So we are keeping, or they are  
5 keeping that one as the access for that rear unit. And if you  
6 continue with the next one, you will see the proposed new  
7 landscape. The next slide. Yeah, that one. You know, I'm sorry,  
8 yeah. You were -- you were, yeah.

9 CHAIRPERSON HILL: No, I'm at 48. I see it. Okay.

10 MS. FERRUFINO-MENDOZA: Yeah. So yeah, they are not  
11 on the same page so we can compare but that's pretty much the  
12 --

13 CHAIRPERSON HILL: Okay. All right. Ms. Mendoza, I  
14 see what you're doing. You go ahead and stop for a moment,  
15 please. Mr. Young, if you could drop that. Thank you.

16 Okay. Can I hear from the Office of Planning?

17 MR. JESICK: Chairman and members of the Board, this  
18 is Matt Jesick presenting Office of Planning's testimony in this  
19 case. And I can mostly rest on the record of the written report.  
20 We did ask that the applicant provide a site plan showing the  
21 location of the trash bins on the property and they did do that  
22 at Exhibit 34A and it's also included as part of Exhibit 34B.

23 So we are fine recommending approval of the  
24 application. I'm happy to take any questions. Thank you.

25 CHAIRPERSON HILL: Thank you, Mr. Jesick.

1 Mr. young, is there anyone here wishing to testify?

2 MR. YOUNG: Yes, I believe the ANC commissioner is on.

3 CHAIRPERSON HILL: Oh. Commissioner, can you introduce  
4 yourself? Oh, I can't hear you. Commissioner, if you're  
5 Commissioner Kauffman, I can't hear you. Sure. Sure, no problem.  
6 Take your time.

7 COMMISSIONER KAUFFMAN: Hear me now?

8 CHAIRPERSON HILL: Yep, we got you.

9 COMMISSIONER KAUFFMAN: Okay. Great. There was four  
10 microphones, apparently, to choose from. So good morning. My  
11 name is Jenn Kauffman. I am Chair of ANC 4D. We actually met  
12 during our May meeting and discussed this, but Commissioner  
13 Brancheck, this property is in SMD 4805.

14 Commissioner Brancheck, who is a commissioner for that  
15 SMD did not actually present a Form 129 at that time, so we  
16 weren't able to actually vote on anything in approval, even though  
17 the conversation was in favor. He had indicated he had  
18 conversations with neighbors, had no objection. I would like to  
19 note for the record that as a commission, we passed a resolution  
20 in, I believe, March in support of maximum flexibility for RA-1  
21 zoning.

22 So we generally support the amendment change for by  
23 right development in that and this seems very similar to other  
24 applications that we have approved. So I can't officially give  
25 you an approval because we did not vote on a Form 129, but I

1 wanted to add that context.

2 CHAIRPERSON HILL: Thank you, Commissioner. Thanks for  
3 taking the time to be with us and appreciate your input, because  
4 it's very helpful.

5 All right. Does the Board have any questions for the  
6 applicant, the Office of Planning or the Commissioner?

7 COMMISSIONER BLAKE: I have a couple questions for the  
8 applicant.

9 CHAIRPERSON HILL: Okay. Go ahead, Vice Chair Blake.

10 COMMISSIONER BLAKE: Sure. Is the building currently  
11 occupied? The procedure you're talking about is fairly invasive,  
12 and I'm just curious to know if there are tenants in the building  
13 at this time. And will they be there during the construction  
14 period?

15 MS. FERRUFINO-MENDOZA: We would have to -- I have the  
16 representative of the owner in here, too, which happened to be  
17 the project manager. I don't know if Santiago is in here.

18 CHAIRPERSON HILL: What's the person's name, Ms.  
19 Mendoza?

20 MS. FERRUFINO-MENDOZA: Santiago Noriega (sic).

21 CHAIRPERSON HILL: Okay, I see. Is it Mr. Noriega  
22 (sic) or you -- can you hear me?

23 MR. NOGUERA: Yes. Hi. This is Santiago Noguera. I  
24 am with the property management team.

25 CHAIRPERSON HILL: Okay.



1 MR. NOGUERA: So they wanted me to be here if there was  
2 any questions from them.

3 CHAIRPERSON HILL: Mr. Blake, what's the question  
4 again?

5 COMMISSIONER BLAKE: Is the property currently  
6 occupied? Will it be vacated in order to facilitate this, because  
7 it's a fairly invasive process?

8 MR. NOGUERA: Yes. So I think in the exhibits, there's  
9 the burden of proof. So we actually also own the building  
10 immediately next door and completed the same project, pretty  
11 much, in an unconditioned basement as well, with the tenants in  
12 place undisturbed, pretty much. So part of the process is going  
13 to involve moving all of the mechanical utilities and those such  
14 things at the very beginning of the project so that the upstairs  
15 units are undisturbed.

16 COMMISSIONER BLAKE: That's good. Thank you. The  
17 other thing I wanted to ask about is the trash. I see it's back  
18 behind the fence by the cemetery.

19 Could you tell me -- but also, you have the air  
20 conditioning unit and the egress to the unit number one is on  
21 that south side of the building. That only leaves about two and  
22 a half feet to the property line. Could you explain how you plan  
23 to bring things in and out? And I understand you -- the owner  
24 has control of both properties at this time, but in the event  
25 that ownership did change, there should be at least an easement

1 or something in place to preserve that if that's the only  
2 mechanism to get through there.

3 MR. NOGUERA: Yeah. So there is already existing a  
4 shared walkway between those properties, so I believe that is how  
5 the trash is currently handled.

6 COMMISSIONER BLAKE: I understand. But the shared  
7 walkway is half and half from it looks like on the diagrams,  
8 which leaves you two and a half feet between the staircase, and  
9 you also have an air conditioning unit currently downstairs. I  
10 assume that'll be placed on a roof, but it doesn't seem like  
11 there'd be a way to do that unless you, in part, share that that  
12 walkway.

13 But I'm saying is there a relationship or easement in  
14 place to guarantee that access? I mean, obviously, since you own  
15 both properties -- or the owner owns both properties, that's not  
16 going to be a problem currently, but it might be long, long down  
17 the road.

18 MR. NOGUERA: Not that I know of there. I don't think  
19 there's any easements, no.

20 COMMISSIONER BLAKE: Okay. The only other question I  
21 had with regard was community outreach and that was adequately  
22 addressed. So I'm all set. Thank you.

23 CHAIRPERSON HILL: Thank you, Mr. Blake. Anyone else  
24 have any questions?

25 Okay. Ms. Mendoza, I'm going to go ahead and let you

1 go. Commissioner Kauffman, thanks for joining us. You all have  
2 a good day. I'm going to close the hearing in the record.

3 Okay, great. Thank you. Okay. I will agree with the  
4 argument that the applicant is putting forward as to how they're  
5 meeting the regulations. I am also comfortable with this because  
6 they're not changing the envelope of the building, per se.

7 And I do appreciate the analysis that the Office of  
8 Planning has put forward, and I will agree with their report.  
9 And also, I appreciate the commissioner taking her time to be  
10 here, even though we don't have a report in order to give great  
11 weight to. There has been now testimony, given that this has  
12 been before the ANC and they have voted in favor of it.

13 So I will be voting in favor of this application. Mr.  
14 Smith, do you have anything you'd like to add?

15 COMMISSIONER SMITH: Chairman, I agree with your  
16 assessment on this, and I will be voting in support.

17 CHAIRPERSON HILL: Thank you. Vice Chair Blake.

18 COMMISSIONER BLAKE: Mr. Chairman, I'm in support of  
19 the application, I have nothing to add.

20 CHAIRPERSON HILL: Thank you. Chairman Hood.

21 ZC CHAIRPERSON HOOD: Mr. Chairman, I'm in support and  
22 I appreciate the questioning of Vice Chair Blake as well. Thank  
23 you.

24 CHAIRPERSON HILL: Thank you. All right. I'm going  
25 to make a motion to approve Application No. 21302 as caption read

1 by the Secretary, and asked for a second, Mr. Blake.

2 COMMISSIONER BLAKE: Second.

3 CHAIRPERSON HILL: Motion made and seconded.

4 If you could please take roll call.

5 MS. MEHLERT: The Chair's motion to approve the  
6 application. Chairman Hill.

7 CHAIRPERSON HILL: Yes.

8 MS. MEHLERT: Vice Chair Blake.

9 COMMISSIONER BLAKE: Yes.

10 MS. MEHLERT: Mr. Smith?

11 COMMISSIONER SMITH: Yes.

12 MS. MEHLERT: Chairman Hood. Staff would record the  
13 vote is four to zero to one to approve Application No. 21302 on  
14 the motion made by Chairman Hill and seconded by Vice Chair Blake.

15 CHAIRPERSON HILL: Great. Thank you.

16 Madam Secretary, call our last order of business,  
17 please.

18 MS. MEHLERT: The last case is Application No. 21301  
19 of the Church of the Pilgrims, LLC. This is a self-certified  
20 application pursuant to Subtitle X, Section 901.2 for a special  
21 exception under the daytime care use requirements of Subtitle U,  
22 Section 203.1(h), to allow a child development center for 74  
23 children and 18 staff in a portion of an existing two-story  
24 building. It's located in the R-3 zone at 2201 P Street, NW,  
25 Square 2510, Lot 827.

1 CHAIRPERSON HILL: Okay. Great. Thank you. If the  
2 applicant could hear me. If they could please introduce  
3 themselves for the record.

4 MS. ROGERS: Yes. Good morning, Chairman Hill and  
5 members of the Board. For the record, my name is Elizabeth Rogers  
6 with the law firm of Lerch, Early & Brewer here today representing  
7 the applicant, also with me today online is Katie Gibson, who's  
8 the head of school for the School for Friends on behalf of the  
9 applicant.

10 CHAIRPERSON HILL: Okay. Great. Welcome back, Ms.  
11 Rogers. Ms. Gibson, you want to introduce yourself for the  
12 record?

13 MS. GIBSON: Katie Gibson, I'm the head of school at  
14 School for Friends at Early Childhood Center in DuPont. And it's  
15 playtime outside, so it's a little loud. I'm going to shut --  
16 turn my volume off so you're not hearing the kids going out to  
17 recess.

18 CHAIRPERSON HILL: Okay. No problem. Everybody loves  
19 recess.

20 All right. Ms. Rogers, if you could walk us through  
21 your client's application and why you believe they're meeting the  
22 criteria for us to grant the relief requested? I'm going to put  
23 15 minutes on the clock so I know where we are and you can begin  
24 whenever you like.

25 MS. ROGERS: Great. Thank you. Mr. Young, if you can

1 please pull up the PowerPoint. I think it's Exhibit 29 in the  
2 record. Thank you.

3 As we will discuss today, the applicant is merely  
4 seeking to renew a long-standing special exception for a daytime  
5 care use on the property.

6 Next slide please. The property is located along 22nd  
7 Street in the southwest quadrant of the intersection with Q  
8 Street, and is in the R-3 zoning district. It's outlined in the  
9 slide on red.

10 Next slide please. As you can see here, the property  
11 is improved with a church which is operated by the Church of  
12 Pilgrims and an adjoining two-story building with basement that  
13 houses the School for Friends.

14 Next slide please. There is a long history of early  
15 childhood education on this property, dating all the way back to  
16 1964, when a preschool group was first approved by the Board for  
17 this property. The School for Friends has been operating a child  
18 development center on the property since 1984. The special  
19 exception has been modified numerous times throughout the years.  
20 For the most recent special exception approval, the school is  
21 approved to operate with up to 74 students and 18 staff members.

22 Importantly with this application, the applicant is not  
23 seeking any increase in the number of students, any changes to  
24 the number of employees or any changes to operation, no additional  
25 building area, anything like that. Rather, the school is merely

1 seeking to continue this long-standing early childhood education  
2 use. They've successfully operated on the property for decades  
3 and have worked diligently to be a good neighbor to the community  
4 and ensure compliance with all conditions of approval.

5           However, the most recent special exception that was  
6 approved back in 2015 imposed a ten-year term limit. As such,  
7 the applicant is before the Board again today to allow for that  
8 continuation of this school use or daytime care use on the  
9 property and we are requesting to eliminate -- next slide  
10 please -- eliminate Condition No. 1 to allow for this long-  
11 standing use to continue permanently on the property without  
12 imposing the obligation on the school and their finite resources  
13 to keep coming back to the Board for renewals of the special  
14 exception.

15           Next slide please. Our burden of proof statement  
16 detailed the findings for the Board to be able to make to grant  
17 this special exception, given the number of findings that need  
18 to be made, I'll be brief and just touch on them in high level,  
19 but happy to provide any additional information that the Board  
20 may want.

21           In terms of the special exception findings under  
22 Subtitle X, 901.2 the project will not adversely affect the use  
23 of neighboring properties, and it's in harmony with the general  
24 purpose and intent of the zoning regulations. As I mentioned,  
25 the School for Friends has operated and existed as an integral

1 part of this community since 1984 and will continue -- that use  
2 will continue and will continue to be in harmony with that general  
3 purpose and intent of the zoning regulations. There are no  
4 changes proposed to the building, and as such, it will continue  
5 to comply with all development standards of the zone and be  
6 compatible with the surrounding community.

7           The special exception also satisfies the requirements  
8 and conditions under Subtitle U, Section 203.18. The proposed  
9 special exception will not result in any new adverse impacts in  
10 terms of noise or traffic or any other objectionable condition,  
11 and the school will continue to comply with all existing  
12 conditions of approval that regulate traffic and access to the  
13 site. There is an approximately 2000 square foot playground  
14 that's located behind the school that will remain and will  
15 continue to provide safe and secure access for children for play  
16 as they're going to now.

17           And as demonstrated through the school's successful  
18 operation over the past 40 years, there's really no special  
19 treatment that's necessary to protect the adjacent or nearby  
20 residential property owners. As noted, this application does not  
21 seek to establish a new daytime care use, but rather to allow  
22 for the continuation of the long-standing existing use on the  
23 property, which has been proven to not have any adverse impacts  
24 on the surrounding community.

25           So we're pleased that both the ANC 2B and 2D voted



1 unanimously to support the proposed special exception  
2 application. Those ANC support letters are in the record at  
3 Exhibit 19 and Exhibit 23.

4 And for all these reasons we believe the Board may make  
5 the necessary findings to allow for the continuation of this  
6 long-time child-development center and request the Board's  
7 approval but would be happy to elaborate or provide any additional  
8 information that the Board would like.

9 CHAIRPERSON HILL: Okay. Thank you, Ms. Rogers. And  
10 I guess for the record, Ms. Rogers, and this just got brought to  
11 my attention. I mean, this is a new application, like, it's not  
12 a renewal. It's just -- it's a new application, but it --

13 MS. ROGERS: It's a new application seeking to continue  
14 the existing use, correct. And to eliminate that term limit.

15 CHAIRPERSON HILL: Yeah. It's a -- so we're good.  
16 Let's see. Before I -- okay. So go ahead, Mr. Blake.

17 COMMISSIONER BLAKE: Sure. Mr. Chair, we had one letter  
18 from a neighboring property talked a little bit about the trash  
19 situation. In fact, there was a lot of rats and whatnot in the  
20 area. Could you just point out, perhaps on Exhibit 8 or some  
21 plat or something, where you show where the trash situation --  
22 where the trash receptacle is and how it's managed?

23 MS. ROGERS: Yeah. I'm trying to see what exhibit  
24 would be the best one for that.

25 COMMISSIONER BLAKE: Let's see. Let's see. The plat

1 has a reasonable diagram on it, a reasonable layout.

2 MS. ROGERS: That's Exhibit 2. Mr. Young, are you able  
3 to pull up Exhibit 2? Thank you.

4 Ms. Gibson, do you want to elaborate on where the  
5 dumpsters are specifically located? I know they're behind the  
6 building.

7 MS. GIBSON: Sure thing. I was going to say I was  
8 happy to do that.

9 There is a small parking lot that belongs to the church  
10 that we use for some of our parking and drop off and on the very  
11 edge of that parking lot is where there are three dumpsters that  
12 belong to the church. They are where we throw away our garbage,  
13 they are also where the church and the other inhabitants or  
14 renters or users of the church dispose of garbage as well.

15 We have a nightly cleaning service that bags all of our  
16 garbage and puts it in there. And we make sure that they close  
17 it properly at the end of the night after they clean. We also  
18 employ a regular person for extermination purposes within the  
19 building that we use. But I don't believe that those are our  
20 trash cans that we have control over. I think that would be  
21 something that I could certainly go to the pastor of the church  
22 and inquire about when they were most recently replaced, or if  
23 that's something she's able to look into.

24 COMMISSIONER BLAKE: Can you, again, point out to me  
25 exactly where they are? I couldn't follow you.

1 MS. GIBSON: Sure. Let me see. They are -- so if you  
2 see, up at the corner, of where it says 22nd Street and Q Street,  
3 that edge of the building there which appears to be classrooms.  
4 The parking lot is on the outside of that wall, and it doesn't  
5 appear that I can -- maybe it's the part that says not included.  
6 I can't quite tell from this map exactly, but it's to the outside  
7 of our building, butting up on Q and 22nd Street.

8 COMMISSIONER BLAKE: Okay. So the person that put in  
9 the comment -- the nearby resident, could you point out that  
10 person's location?

11 MS. GIBSON: I think, if I read correctly, they live  
12 on Q Street somewhere near that public alley that is behind the  
13 property.

14 COMMISSIONER BLAKE: Okay. Okay. All right. And you  
15 said this is the responsibility of the church about the containers  
16 and it's -- they're in a dumpster -- three dumpsters specifically  
17 for this. So it is enclosed in a metal container that -- is it  
18 always closed to your knowledge?

19 MS. GIBSON: Yes, it is closed. And the church even  
20 has a man that lives on the property who does a walk through  
21 every night to ensure that things are closed, that windows are  
22 closed, the dumpsters haven't been overfilled. And if that ever  
23 happens, he lets us know so that we can be in touch with our  
24 nighttime crew.

25 COMMISSIONER BLAKE: And you contract for the trash

1 removal for stuff or is that part of the church's responsibility?

2 MS. GIBSON: The church deals with the dumpsters and  
3 the removal from the main dumpsters, because I think multiple  
4 people are dumping into those three dumpsters. We contract a  
5 cleaning service that empties our trash cans internally every  
6 night and takes things out to the dumpsters.

7 COMMISSIONER BLAKE: Okay. And while you have that  
8 particular exhibit up, it depicts a pickup/drop off. Is that  
9 consistent with what you're doing currently?

10 MS. GIBSON: Yes, yes. So that is the parking lot  
11 right there. Sorry, that looked like classrooms to me. Sorry,  
12 my glasses aren't working very well.

13 So that little entry is the entry to the parking lot  
14 and if you were to look over where, in the top left corner of  
15 that parking lot, right where it says -- near where it says not  
16 included, that edge of the parking lot is where the three  
17 dumpsters are housed.

18 COMMISSIONER BLAKE: Okay.

19 MS. ROGERS: Are pick up and drop off -- Katie, are  
20 contained or operated within this parking facility on site as I  
21 think the exhibit is showing?

22 MS. GIBSON: Correct. So the cars that do pick up or  
23 drop off, come into the parking lot, park and drop off. Although  
24 the majority of our families are neighborhood families who walk  
25 or bike to school.

1 COMMISSIONER BLAKE: Okay. Great. Thank you very much  
2 for that clarification.

3 MS. GIBSON: Absolutely.

4 CHAIRPERSON HILL: Okay. Mr. Young, you can drop that  
5 exhibit.

6 Okay. Before I turn to the rest of the Board, can I  
7 hear from the Office of Planning?

8 MR. JESICK: Members of the Board. My name is Matt  
9 Jesick, and I'm filling in for Mr. Barron today. And the Office  
10 of Planning is happy to rest on the record in support of the  
11 application. And we also support deleting Condition No 1. I'm  
12 happy to take any questions. Thank you.

13 CHAIRPERSON HILL: Okay. Great. Thank you.

14 Mr. young, is there anyone here wishing to speak?

15 MR. YOUNG: I do not.

16 CHAIRPERSON HILL: Okay. All right. I do have just a  
17 couple of quick questions about the conditions.

18 Ms. Rogers, and I think and then I'll turn to my Board  
19 if I can. But there's been some discussion about some of them,  
20 such as in Condition No. 2, staff shall be limited to a maximum  
21 of 18 persons. It was a little confusing because, I guess, it's  
22 eight -- staff shall be limited to a maximum of 18 persons at  
23 any one time. Is that the -- I'm just going to add at any one  
24 time, are you comfortable with that?

25 MS. GIBSON: Great. That that would be -- that is our

1 intent of that condition.

2 CHAIRPERSON HILL: Okay. Great. One second, please.  
3 Okay. Let's see. Then in --

4 COMMISSIONER BLAKE: Just to clarify a question then.  
5 Is that the entirety of the staff or do you have a lot of contract  
6 workers as well?

7 MS. ROGERS: Katie, I'll let you take that one as well.

8 MS. GIBSON: Entirety of the staff, sometimes there's  
9 a consultant who might come in and do a half day work. Sometimes  
10 there are subs, if we have -- from a sub agency, if we have people  
11 missing. But that's the entirety of the teaching staff, yes.

12 COMMISSIONER BLAKE: Okay.

13 CHAIRPERSON HILL: Okay. And then Condition No. 4, the  
14 applicant shall provide a right turn only sign on Florida Avenue.  
15 In terms of just the clarification, I mean, we can just almost  
16 get rid of that condition. I mean, you guys make it so that  
17 your -- how do you teach people or tell people take a right turn  
18 only on Florida Avenue?

19 MS. GIBSON: Well, we actually can't exit to Florida  
20 Avenue. Our exit is only to 22nd and there is a sign there that  
21 says that you can only take a right onto 22nd.

22 CHAIRPERSON HILL: Okay. So I'm going to get rid of  
23 Condition No. 4.

24 MS. GIBSON: We don't have the -- we don't have an exit  
25 to Florida.

1 COMMISSIONER BLAKE: Mr. Chair, can we use that exhibit  
2 that showed the -- that somewhat depicted the drop off plan  
3 because it would reflect that, I would think. So if we reference  
4 that, I think.

5 MS. GIBSON: It's been a little while here for the last  
6 year, because there was a really big water sewer project that  
7 made all of 22nd and Q a little bit of a mess, but they moved  
8 last week, and now it is very clear when you come in and out that  
9 you can only turn right onto 22nd.

10 COMMISSIONER BLAKE: Is that consistent with what that  
11 plan depicts on that exhibit we saw?

12 MS. GIBSON: I thought it said 22nd, but if you pull  
13 it up, I'll take another look.

14 MS. ROGERS: It's Exhibit 2.

15 MS. GIBSON: So the -- I guess 22nd becomes Florida,  
16 is that true?

17 MS. ROGERS: I do -- Florida is really below 22nd. I  
18 guess that maybe was the intent, but my understanding is 22nd  
19 kind of terminates into Florida.

20 MS. GIBSON: Okay. Where we enter and exit really is  
21 at 22nd Street. It's sort of at the -- right at the corner of  
22 22nd and Q. If that becomes Florida further down, it might be,  
23 but the where we exit that street sign, I believe, right there  
24 says 22nd Street. And that's -- and there is a sign that says  
25 right turn only.

1 MS. ROGERS: So it's at the --

2 COMMISSIONER BLAKE: Is that consistent with what I see  
3 on this exhibit?

4 MS. GIBSON: Yes.

5 COMMISSIONER BLAKE: And that is making a right turn  
6 onto what is now called Florida Avenue in this exhibit, correct?

7 MS. GIBSON: Yes.

8 COMMISSIONER BLAKE: So then, Mr. Chair, rather than  
9 do that, we went by this plan. It does have everyone exiting  
10 via right turn so that would be consistent with -- if they just  
11 adhere to this traffic -- proposed traffic plan, which is in that  
12 exhibit, it would be consistent with that.

13 MS. GIBSON: Correct, yeah.

14 CHAIRPERSON HILL: So I'm still striking No. 4. Is  
15 that what you're saying, Mr. Blake?

16 COMMISSIONER BLAKE: It would actually replace it with  
17 the -- how they have described it here in terms of you would  
18 adhere to this pick up and drop off reflected in this exhibit.

19 MS. ROGERS: To chime in, what I'm hearing. What I'm  
20 hearing is that the condition is already complied with, there  
21 already is the right turn only sign as you exit the parking lot  
22 from the property. We have that sign installed today. This  
23 sounds like some confusion on whether it's called 22nd Street  
24 there or Florida, but there is the sign installed.

25 COMMISSIONER BLAKE: Right. I think the issue is this



1 was done under 58 regulations. And I'm trying to just look at  
2 things so that the regulator -- they're very loose and very simple  
3 and I understand they work fine, but I was just trying to make  
4 them a little bit more in keeping with the current regulations  
5 to have a reflection of what we believe the plan is, as opposed  
6 to putting up a sign which is really not within our purview, I  
7 believe.

8 Mr. Chair, you can address that.

9 CHAIRPERSON HILL: So this Exhibit No. 2, so the  
10 applicant will follow the traffic plan as in Exhibit No. 2, fair?  
11 Okay.

12 COMMISSIONER BLAKE: Yes.

13 CHAIRPERSON HILL: Okay. Great. Mr. Young, you can  
14 drop that.

15 Then I didn't have any other questions about any of the  
16 conditions. Does the Board have any other questions of the  
17 applicant or the Office of Planning? Okay.

18 All right. Ms. Rogers, thank you for coming. Ms.  
19 Gibson, thank you for coming. The children photos are very cute.

20 MS. GIBSON: Thank you very much.

21 CHAIRPERSON HILL: Okay. I'm going to close the hearing  
22 on the record. Thank you. Okay. Great. Thank you.

23 I appreciate all of the feedback that Vice Chair Blake  
24 has also put forward, as this is a new application and going over  
25 the different conditions that are there. This is obviously now

1 something that has been there for a very long time, and they  
2 figured out how to make it work within the community, and I don't  
3 have any issues with the application.

4 I do appreciate all of the time that the applicant has  
5 gone forward with all of their community outreach and also the  
6 time that the attorney has put forward in this application.

7 I'm going to also agree with the analysis that the  
8 Office of Planning has put forward and also the feedback from the  
9 ANC and vote in favor of this application with the conditions  
10 that I will put forward as I make the motion, if we get to that  
11 point.

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

13 COMMISSIONER SMITH: No, Chairman, your assessment of  
14 this particular case has been operating successfully in the  
15 neighborhood and I had no issues with removing the term limit  
16 going forward given the success of his operations.

17 So I will support and will sit back, and I guess we'll  
18 discuss the condition.

19 CHAIRPERSON HILL: Okay. Great. Thank you. Mr. Blake.

20 COMMISSIONER BLAKE: Mr. Chair, I'm actually in support  
21 of the application. I do believe that the conditions are  
22 sufficient, and I believe again, it is -- I'm in support of the  
23 application.

24 CHAIRPERSON HILL: Okay. Great. Thank you. Chairman  
25 Hood.

1           ZC CHAIRPERSON HOOD: Agree with the conditions and I  
2 also would agree to the discussion I heard. I think these  
3 conditions would mitigate -- continue to mitigate any issues that  
4 may arise as well as to continue good coordination and the good  
5 running of the operation. So I'll be voting in support of this  
6 application with the condition as noted.

7           CHAIRPERSON HILL: Okay. Thank you. All right. I'm  
8 going to make a motion to approve Application No. 21301 as caption  
9 read by the Secretary, including the Condition No. 1, the  
10 applicants enrollment shall be limited to 74 children ages 12  
11 months to 6 years, and its staff shall be limited to a maximum  
12 of 18 persons at any one time.

13           Condition No. 2, the applicant's days and hours of  
14 operation shall be Monday through Friday, 8:00 a.m. to 6:00 p.m.

15           Condition No. 3, the applicant shall follow the traffic  
16 plan as in Exhibit No. 2.

17           Condition No. 4, the applicant shall maintain in good  
18 condition the fence around the property and do all that is  
19 possible to limit any infringement on neighboring properties.

20           Condition No. 5, the applicant shall provide commercial  
21 trash and garbage collection.

22           Condition No. 6, the applicant shall designate a school  
23 employee to be an on-site traffic monitoring coordinator to  
24 ensure the safe pickup and drop off of children, and to resolve  
25 any traffic flow issues and concerns as may be appropriate. And

1 I ask for a second, Mr. Blake.

2 COMMISSIONER BLAKE: Second.

3 CHAIRPERSON HILL: The motion made and seconded. Madam  
4 Secretary, if you could take roll call.

5 MS. MEHLERT: Please respond to the Chair's motion to  
6 approve the application with conditions. Chairman Hill.

7 CHAIRPERSON HILL: Yes.

8 MS. MEHLERT: Vice Chair Blake.

9 COMMISSIONER BLAKE: Yes.

10 MS. MEHLERT: Mr. Smith. And Chairman Hood.

11 ZC CHAIRPERSON HOOD: Yes.

12 MS. MEHLERT: Staff would report the vote is four to  
13 zero to one to approve Application No. 21301 with conditions on  
14 the motion made by Chairman Hill and seconded by Vice Chair Blake.

15 CHAIRPERSON HILL: Okay. Great. Thanks, everybody.  
16 Chairman Hood, you got a lucky day.

17 ZC CHAIRPERSON HOOD: Well thank you. I'll take it  
18 when I can get it.

19 CHAIRPERSON HILL: Yeah. All right. All right, y'all  
20 have a good one. We're adjourned. See you next time.

21 (Whereupon, the above-entitled matter went off the  
22 record at 11:20 a.m.)

23

24

25

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

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCBZA

Date: 06-18-25

Place:

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



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