

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

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WEDNESDAY

JULY 2, 2025

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARL BLAKE, Vice Chairperson
CHRISHAUN SMITH, Commissioner
ROBERT E. MILLER, Zoning Commission Vice Chairperson

BOARD OF ZONING ADJUSTMENT STAFF PRESENT:

KEARA MEHLERT, Secretary
PAUL YOUNG, A/V Operations

The transcript constitutes the minutes from the Regular Public Hearing held on July 2, 2025.

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

2 (9:30 a.m.)

3 CHAIRPERSON HILL: Good morning, ladies and gentlemen.
4 The Board of Zoning Adjustment 7/2/2025 hearing will please come
5 to order. My name is Fred Hill, Chairman of the District of
6 Columbia Board of Zoning Adjustment. Joining me today are Board
7 members Carl Blake, Chrishaun Smith and Zoning Commission Vice
8 Chair Rob Miller.

9 Today's meeting and hearing agenda are available on the
10 Office of Zoning's website. Please be advised this proceeding
11 is being recorded by a court reporter and is also webcast live.
12 The video of the webcast will be available on the Office of
13 Zoning's website after today's hearing. Accordingly, everyone
14 who is listening on Webex or by telephone will be muted during
15 the hearing. Also please be advised we do not take public
16 testimony at our decision meeting sessions. If you're having
17 trouble accessing Webex or with your login, please call 202-727-
18 5471, once again 202-727-5471. It's also listed on your screen.

19 At the conclusion of a decision meeting session I
20 shall, in consultation with the Office of Zoning, determine
21 whether a full or summary order may be issued. A full order is
22 required when the decision it contains is adverse to a party
23 including an affected ANC. A full order may be needed if the
24 Board's decision differs from the Office of Planning's
25 recommendation. Although the Board favors the use of summary

1 orders whenever possible, an applicant may not request the Board
2 to issue such an order.

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

12 All persons planning to testify either in favor or in
13 opposition should have signed up in advance. They'll be called
14 by name to testify. If this is an appeal only parties are allowed
15 to testify. By signing up to testify all participants completed
16 the oath or affirmation required by Subtitle Y-408.7. Requests
17 to enter evidence at the time of an online virtual hearing such
18 as written testimony or additional supporting documents other
19 than live video which may not be presented as part of the
20 testimony may be allowed pursuant to Y-103.13 providing that the
21 person making the request to enter an exhibit explain, a) how the
22 proposed exhibit is relevant, b) the good cause justifies
23 allowing the exhibit into the record including an explanation of
24 why the requester did not file the exhibit prior to the hearing
25 pursuant to Y-206 and see how the proposed exhibit would not

1 unreasonably prejudice any parties. The order of procedures for
2 special exceptions and variances are in Y-409.

At the conclusion of each case an individual who is unable to testify because of technical issues may file a request for leave to file a written version of the planned testimony to the record within 24 hours following the conclusion of public testimony in the hearing. If additional written testimony is accepted, the parties will be allowed a reasonable time to respond as determined by the Board. The Board will then make its decision at its next meeting session no earlier than 48 hours after the hearing. Moreover, the Board may request additional specific information to complete the record. The Board and the staff will specify at the end of the hearing exactly what is expected and the date when persons must submit the evidence to the Office of Zoning. No other information shall be accepted by the Board.

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

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1 Madam Secretary, do we have any preliminary matters?

2 MS. MEHLERT: Good morning, Mr. Chairman, and members
3 of the Board.

4 Regarding the schedule today Application No. 21319 of
5 1332 HARVAR, LLC has been postponed to July 23rd, 2025. Appeal
6 No. 20944 of ANC 3D and Rohit Kumar has been withdrawn and
7 Application No. 21269 of GAH Development, LLC has also been
8 withdrawn. Also the Chairman has reviewed and granted waivers
9 to allow late filings into the applicable case record pursuant
10 to Subtitle Y, Section 206.7 and Section 103.13. Any other late
11 filings during the course of today's live hearing should be
12 presented before the Board by the Applicant, parties or the
13 witnesses after the case is called. Any other preliminary matters
14 will be noted when the case is called.

15 CHAIRPERSON HILL: Okay.

16 Just so you all know, and I appreciate it, or not
17 appreciate, I might have to step away if somebody shows up at my
18 door and Vice Chair Miller, who is joining us with you there?

19 ZC VICE CHAIRPERSON MILLER: Who's this is, who are
20 you?

21 ARCHIE: Archie.

22 ZC VICE CHAIRPERSON MILLER: Archie.

23 CHAIRPERSON HILL: Archie. All right, Archie.

24 ZC VICE CHAIRPERSON MILLER: Wave, wave, wave.

25 CHAIRPERSON HILL: I like your glasses, Archie.

1 ARCHIE: Thank you.

2 ZC VICE CHAIRPERSON MILLER: Wave.

3 CHAIRPERSON HILL: Okay. Good. Excellent. All right.

4 So I'm going to be stepping away at some point in time if it
5 happens.

6 Do you want to call our first case, Ms. Mehlert?

7 MS. MEHLERT: The first case in the Board's hearing
8 session is Application No. 21304 of Muluwork Kenea. This is an
9 application pursuant to Subtitle X, Section 901.2 for a special
10 exception under Subtitle U, Section 251.1(b)(3) to allow an
11 expanded child development home for up to 12 children. This
12 would expand an existing child development home from nine to
13 twelve children as a home occupation use in a three-story
14 principal dwelling located in the R-2 zone at 5357 Gay Street,
15 Northeast, Square 5210, Lot 25.

16 This hearing started last week on June 25th and was
17 continued to this week. The Board asked for supplemental
18 information and a report from OP which is in the record at Exhibit
19 36.

20 CHAIRPERSON HILL: Great. Thank you.

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

23 MS. KENEA: Yes. Good morning.

24 CHAIRPERSON HILL: Hi, Ms. Kenea. You want to introduce
25 yourself?

1 MS. KNEA: My name is Muluwork Kenea. I'm provider
2 of Amen Family Child Development Learning Center.

3 CHAIRPERSON HILL: Okay. Great.

4 So, Ms. Kenea, I know we started this last week and you
5 had a lovely presentation that we tried or, you know, had an
6 opportunity to go through and then I was trying to hear from the
7 Office of Planning and they had some questions. It seems as
8 though the Office of Planning has given us their report and I
9 was able to review that.

10 Could the Office of Planning please give us their
11 updated report?

12 MS. BROWN-ROBERTS: Good morning, Mr. Chairman and
13 members of the BZA.

14 Thanks to the Applicant for turnaround the information
15 we requested pretty quickly and so our recommendation is to
16 approve the special exception. The application was also amended
17 to include a waiver for having the outside play area and we also
18 reviewed that and recommended approval of both relief that has
19 been requested, and therefore we stand on the record and I am
20 available for questions.

21 Thank you, Mr. Chairman.

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

23 Thank you, Ms. Kenea, for helping the Office of
24 Planning produce a report for us. I also wanted to note that I
25 have had an opportunity to review the information that the ANC

1 has provided and I also want to thank Chairperson Holmes for all
2 his work that he does there at that ANC. And I again reviewed
3 your application, PowerPoint, and your explanation as to what
4 you're trying to do there.

5 I don't particularly have any questions. However, do
6 any of my Board members have any questions for either the
7 Applicant or the Office of Planning?

8 Go ahead, Commissioner Miller.

9 ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman,
10 and thank you, Ms. Brown-Roberts, and Ms. Kenea for your
11 presentations.

12 I wasn't here for last week's hearing but I have
13 reviewed the record and watched the video of that hearing and
14 I've read everything in the public hearing record.. I just had
15 one question, Ms. Brown-Roberts. Does the special exception,
16 well, do they need a special exception for the, I realize they
17 have the special exception for the expanded number of children
18 to be taken care of at this home and they have a special exception
19 for the, request for the play area as you said, but do they need
20 a separate special exception for the square footage? The
21 Applicant's statement says they exceed, that they're using 420
22 square feet exclusively for child care. Do they need the special
23 exception for that amount of square feet? It meets the 35 square
24 feet per child if you divide that 420 by 12, it's 35 square feet.
25 Do they need, does the 250 square foot limit, that only applies

1 to regular, the non-expanded childcare? I don't know if you --

2 MS. BROWN-ROBERTS: I'm not sure of the question but
3 let me see if I can answer it. There are two things that they
4 have to meet, that the square footage of that, the facility
5 occupies cannot be over 25 percent of the total square footage
6 of the house and they do meet that. And then it's the 35 square
7 foot per child and they do meet that because the number is right
8 at 35, so they do meet that. So I don't think there is the
9 necessity for another special exception.

10 ZC VICE CHAIRPERSON MILLER: Okay. Thank you. I just
11 wanted the clarification of that. Thank you very much.

12 MS. BROWN-ROBERTS: Okay.

13 CHAIRPERSON HILL: Thank you.

14 Vice Chair Blake? You're on mute, Vice Chair Blake.

15 (Pause.)

16 MR. YOUNG: Mr. Blake, you might need to go to your
17 audio/video tab and you go to audio settings and then for your
18 microphone there's a dropdown menu. If you just switch to a
19 different one that you're on. Still can't hear you.

20 (Pause.)

21 CHAIRPERSON HILL: Maybe if you go out and come back
22 in.

23 (Pause.)

24 CHAIRPERSON HILL: I think it's still no and now there's
25 a repeat. Okay.

1 COMMISSIONER SMITH: Board member Blake, try to switch
2 it to, you have a phone maybe? Switch it to the phone. Change
3 your audio settings to call on the phone.

4 CHAIRPERSON HILL: You can do that?

5 COMMISSIONER SMITH: Switch audio, type in the phone
6 number and then it'll switch to your phone.

7 (Pause.)

8 CHAIRPERSON HILL: Or you could just call, you can use
9 your phone to call the hotline number and then they can patch
10 you in and you can just talk through the phone.

11 (Pause.)

12 COMMISSIONER SMITH: Drop down so there it says file,
13 edit, share view, audio and video. I think audio and video,
14 switch audio and you type in your phone number there and hit
15 switch.

16 (Pause.)

17 CHAIRPERSON HILL: Okay. This is how uncool I am.
18 Biance is going to be here on the 4th of July? I am so not cool
19 at all.

20 Okay. Now we seem to be (indiscernible). Hold on,
21 hold on, somebody's now at the door. Hold on a second.

22 (Pause.)

23 CHAIRPERSON HILL: It's okay. Let me try this.

24 (Pause.)

25 CHAIRPERSON HILL: Does that work?

1 VICE CHAIRPERSON BLAKE: I can hear you. (Audio
2 interference.)

3 CHAIRPERSON HILL: Ms. Kenea? I'm sorry. I'm going
4 to try, otherwise we're going to give up on this. He wants to
5 know how many children do you, do you have children overnight and
6 if so how many and just clarify how that all works?

7 MS. KNEA: Overnight most of the time we don't have
8 all the children because we work with children hospital, in
9 Washington hospital. Some parents when they are working the
10 second shift we're doing that, but most of the times we have five
11 or three, four children overnight schedule.

12 CHAIRPERSON HILL: Okay. Great. Okay.

13 Mr. Blake, we're going to have to figure out your audio
14 so we can move forward with the rest of the day I suppose, so
15 we'll take a break after this.

16 But, Mr. Smith, do you have any questions?

17 COMMISSIONER SMITH: No questions.

18 CHAIRPERSON HILL: Okay.

19 Vice Chair Miller, do you have any questions?

20 ZC VICE CHAIRPERSON MILLER: No questions.

21 CHAIRPERSON HILL: Okay. So I know we have a lot of
22 witnesses and I'm actually now just speaking to the witnesses.
23 It's, like, we've had now a lot of discussion about this case
24 and I think that Ms. Kenea has done, how do you say [Ken-a]?

25 MS. KNEA: It's [Kenya] or [Ken-ee-a]?

1 CHAIRPERSON HILL: Kenya, Kenya, that's easy. Kenya
2 is easy. So Ms. Kenea has done a lot of good work putting this
3 case together. I don't think there's a lot of controversy with
4 this case. I think that it'll probably be fairly easy for the
5 Board to have a discussion in order to move forward. I say all
6 that because there's 15 witnesses all in support. Nobody's in
7 opposition and you're all going to get three minutes. So if you
8 guys try not to repeat yourselves and if you don't need to take
9 up your three minutes, otherwise we'll be here for an hour.

10 So with that, Mr. Young, you want to bring in the first,
11 why don't you bring in five at a time?

12 MR. YOUNG: Okay. The first is Makenzi McIntosh
13 Rollins. Then we have Yeabsira Geda, Maria Nseyo, Veronica
14 Madrigal, that's four. Then the fifth would be Mestawet Dejene.

15 CHAIRPERSON HILL: Okay. Great. Let me see.

16 Ms. Rollins, can you hear me?

17 MS. ROLLINS: Can you hear me?

18 CHAIRPERSON HILL: Yeah, I can hear you. Great.

19 MS. ROLLINS: Okay. Awesome.

20 CHAIRPERSON HILL: If you want to introduce yourself
21 and you'll have three minutes to give your testimony, and I think
22 again this is pretty straightforward but you can begin whenever
23 you like.

24 MS. ROLLINS: Okay. Awesome.

25 Hi. My name is Makenzie McIntosh Rollins. I am the

1 daughter of Kennedy (phonetic) Rollins who is a student and
2 attendee at Mulu's daycare. Kennedy loves the daycare. We love
3 Mulu. We love all the teachers. We found that my daughter has
4 really thrived since going there. She's been attending since I
5 think around maybe six months. You know, she is extremely smart
6 and Ms. Mulu and her staff really support her and, you know,
7 making sure that she's thriving and is advancing where they feel
8 like she needs to and where they, you know, feel like she might
9 need more help they always provide additional attention.

10 They're very communicative with myself and my husband
11 about her needs and her triumphs, and all around it's just been
12 an amazing daycare experience that we've had and one that, you
13 know, we feel other people in the neighborhood who, you know, had
14 young kids or were planning to have young kids that they should
15 definitely place their children there.

16 You know, how she runs her daycare is really like a
17 tight ship. You know, she, again, lets us know when things are
18 going to be closed, when things are going to be open, when there
19 are special occurrences happening at the daycare and so, you
20 know, all in all to say we just really appreciate her business.
21 We feel like it is, you know, a definite need for the community
22 and I'm glad that she's expanding. You know, it's very difficult
23 to find high quality and (indiscernible) price quality healthcare
24 in D.C. (audio interference).

25 You know, it's very, when we found her it was a Godsend

1 and we haven't, you know, regretted the decision for one second.
2 And so all to say I'm happy that, you know, hopefully the Zoning
3 Commission will be moving forward with, you know, the expansion
4 because I do think it would really benefit more kids and
5 especially more parents and the community all in all would see
6 the benefit from it.

7 CHAIRPERSON HILL: Okay. Great. Thank you, Ms.
8 Rollins. Thank you for joining us today.

9 Ms. Geda or Mr. Geda, can you hear me?

10 MS. GEDA: Yes, I can hear you.

11 CHAIRPERSON HILL: Okay. Great.

12 Could you introduce yourself for the record and you'll
13 also have three minutes to give your testimony and you can begin
14 whenever you like.

15 MS. GEDA: Thank you so much. My name is Yeabsira
16 Geda. I'm a new childcare provider and I met Ms. Mulu and I
17 volunteer at her facility. I used to volunteer her facility,
18 then I start working with her and then I open my daycare. So my
19 own daycare, so she helped me with the application. She helped
20 me with the hiring process of new employees, how to deal with
21 the OZ qualification and hiring people. Everything that I do she
22 helped me figure it out.

23 Every time that I need her I can just call her and ask
24 her questions. She helped me, helped to train my employees to
25 be qualified assistant caregivers. She helped me with my school,

1 you know, how to register schools, how to get my, like, how to
2 get qualified and all of that.

3 Well, what I'm trying to say is this is going to help
4 a lot of people, a lot of children and a lot of the teachers too
5 who want to their own daycare because if she's expanding, she's
6 going to hire more people and that's going to help the community.

7 Thank you.

8 CHAIRPERSON HILL: Thank you, Ms. Geda. Thank you for
9 joining us.

10 Ms. Nseyo, can you hear me?

11 MS. NSEYO: Yes. Nseyo.

12 CHAIRPERSON HILL: Okay. Great. Nseyo? Thank you,
13 Ms. Nseyo. You want to introduce yourself for the record and
14 then you'll have your three minutes to give your testimony.

15 MS. NSEYO: Okay. Thank you.

16 Good morning, everyone. My name is Maria-Ada Nseyo.
17 Ms. Mulu has been the caregiver of all my three kids. My first
18 daughter, she is six. She's no longer in the daycare but my
19 other two kids are still in the daycare. So, Ms. Mulu has been
20 a great help to me and my family, you know. She has been there.
21 She has always been the one telling me, oh, this is the right
22 way to do things, this is the right way to do things and at the
23 end of the day it comes out right.

24 So what I'm trying to say is I will appreciate and I
25 believe a lot of parents too has always also gained most help

1 from her and which others have also gained more if her daycare
2 is extended and she have more kids.

3 My other daughter, my second daughter which is, she has
4 a little speech delay. She has always given her Open Hands for
5 heart therapy and the therapist comes I think twice a month and
6 she always make that ability for them to meet and all that. She,
7 like I said, she has been a great help. She is just wonderful
8 and I believe she always train her employee to be the best of
9 the best. So it's a good thing and I believe if her daycare is
10 extended and she have more kids, more parents will gain just as
11 I have gained.

12 Thank you.

13 CHAIRPERSON HILL: Thank you, Ms. Nseyo. Ms. Madrigal,
14 can you hear me?

15 MS. MADRIGAL: Hi, yes.

16 CHAIRPERSON HILL: Good morning.

17 MS. MADRIGAL: Good morning. My name is Veronica
18 Madrigal. I'm at 5228 Karl Place, Northeast, and I have one
19 child enrolled with Ms. Mulu.

20 I'm also certified by School Readiness Consulting to
21 conduct observations in child development centers using the
22 infant/toddler environment rating scale to assess quality of
23 early childhood education for children's cognitive, physical, and
24 social emotional development, and in 2024 I completed dozens of
25 observations in CDCs across D.C. for the Capital Quality and

1 Improvement Rating and Improvement System as a subcontractor to
2 the Office of the State Superintendent of Education. So that's
3 a little bit about me.

4 I'm here to express my strong support for Ms. Mulu's
5 expansion. As I mentioned, I have one child with her. He has
6 attended for the last two years since he was five months old and
7 I found Ms. Mulu's center through a search on my childcare D.C.
8 for facilities in our neighborhood with high quality ratings in
9 the Capital Quality System of which there are very, very few.

10 After multiple visits my spouse and I carefully
11 selected her to provide our son's education. It's one of very
12 few facilities in our area offering care that is both affordable
13 for families like ours and that promises a high quality of
14 education. Ms. Mulu's most recent score on my Childcare D.C.
15 website of 6.19 out of seven on the Family Childcare Environment
16 rating scale is almost unheard of. It's exceptionally high and
17 she's, you know, regularly visited by officials from the State
18 Superintendent to observe as an exemplar of early childhood
19 education.

20 So I want to express my support because, you know, as
21 a family with one child in her facility, if we are fortunate to
22 expand our family we would, you know, love to be able to place
23 another child with her which of course depends on her having the
24 space to do so, and so we consider her to be an incredible asset
25 to our community and, you know, we are incredibly grateful that

1 she exists or that her business exists.

2 CHAIRPERSON HILL: Okay. Thanks, Ms. Madrigal. Thank
3 you for coming in to see us today.

4 Mr. or Ms. Dejene, can you hear me?

5 MS. DEJENE: Yes, I can hear you.

6 CHAIRPERSON HILL: Oh, great. Could you introduce
7 yourself for the record and then you'll have three minutes to
8 give your testimony as well.

9 MS. DEJENE: Okay. Thank you.

10 My name is Mestawet Dejene and I'm a childcare provider
11 too because of Mulu. She just helping me to do everything from
12 the beginning to the end on my licensing and each of the
13 trainings, to take each training and she is a wonderful person.
14 Also she is good for her family, friends and the community.

15 So because of her I am here to open my own childcare
16 and almost eight years, so we know each other almost twelve years.
17 So she is still with me when I need anything support. She's
18 always been there for me. So she is able to extend her childcare
19 to 12, she can do, the community, to help the community, so that's
20 why I'm here to give my testimony.

21 Thank you so much.

22 CHAIRPERSON HILL: Thank you, Ms. Dejene.

23 Okay. Thank you guys all for joining us today. Mr.
24 Young, you want to bring in the next five and please allow these
25 five to depart.

1 | (Pause.)

2 MR. YOUNG: Okay. Next we have Shaquan Smoot who's
3 calling in by phone. Cynthia Davis, and then we have Crystal
4 Cruchfield, Mahlet Drar and for now that's it. I will check to
5 see if others are calling in.

6 CHAIRPERSON HILL: Okay. Great. Thank you.

7 Mr. or Ms. Smoot, can you hear me? I think you have
8 to push Star 6 to unmute.

9 (Pause.)

10 CHAIRPERSON HILL: Ms. Smoot, can you hear me, or Mr.
11 Smoot?

12 MS. SMOOTH: Yes, I can hear you. I just unmuted myself.

13 CHAIRPERSON HILL: Oh, great. Perfect. You want to
14 go ahead and introduce yourself and give your testimony.

15 MS. SMOOT: Yes. My name is Shaquan Smoot. I've been
16 with Mama Lu (phonetic) since 2012. My son, Joon (phonetic), he
17 goes there. He's six-weeks-old. And one thing I can say about
18 Mama Lu, her passion for kids, you know, her patience and
19 everything is (audio interference). I wouldn't go anywhere else.
20 She doesn't just support the kids, she supports the parents and
21 more.

22 CHAIRPERSON HILL: Okay. Great. Well, thank you very
23 much.

24 MS. SMOOTH: You're welcome.

25 CHAIRPERSON HILL: Have a good day.

1 MS. SMOOT: You too.

2 CHAIRPERSON HILL: Ms. Davis, can you hear me?

3 MS. DAVIS: Yes, can you hear me?

4 CHAIRPERSON HILL: Yes. Thank you.

5 Could you go ahead and give us your testimony and
6 introduce yourself.

7 MS. DAVIS: Oh, yes. I'm sorry. I'm with babies too.

8 CHAIRPERSON HILL: You're good.

9 MS. DAVIS: Okay. Great.

10 Hello, Chairman. My name is Cynthia Davis. I am a
11 child development expanded home in Northwest D.C. and Muluwork
12 is one of my colleagues. I'm also the executive director of the
13 D.C. Family Childcare Association which Muluwork Kenea is a
14 member of and we provide support for child development homes
15 who's acquiring special exceptions or dealing with regulations
16 and things like that.

17 Me and Mulu have worked side by side in many things.
18 She also completed the Masters program along beside me as well
19 in early childhood education, so that having a high quality
20 program with her education level and for how much she does in
21 her community, as well as I do in my community, is a benefit to
22 all parents. Parents love her. She's been a great colleague.
23 Always volunteers, we do a lot of volunteering together in our
24 communities and things like that, so I'm totally in support of
25 her application of 21304 and hopefully the city can see that we

1 also hire within. We make sure that we hire D.C. residents and
2 things like that so it's a total benefit for her community as
3 well as I support my community as well. So I'm totally in
4 support.

5 Thank you for allowing me to speak.

6 CHAIRPERSON HILL: Thank you. Thank you, Ms. Davis,
7 for taking the time to be with us and thank you for the good work
8 that you apparently are doing as well.

9 Let's see. Is it Ms. Cushfield (phonetic) or
10 Cruchfield?

11 MS. CRUCHFIELD: Good morning. How are you?

12 CHAIRPERSON HILL: Good morning. Good, thank you. You
13 want to introduce yourself for the record and give us your
14 testimony?

15 MS. CRUCHFIELD: My name is Crystal Cruchfield. I got
16 with Ms. Mulu literally right in the heart of Covid which was
17 probably 2020. My daughter was seven months and my son was a
18 year old. They're now five and six-years-old and they still go
19 there. Ms. Mulu has been a great asset to my family and a
20 definite support.

21 My son was diagnosed with having speech language
22 problems when he was one-years-old and she has been a support
23 from day one with helping him, with helping me with getting
24 outside resources as well as providing me with the best schools
25 which is, the school that he goes to right now with helping with

1 speech and language. She also partnered with a lot of different
2 programs and helped us to partner with programs as well as to
3 provide free Pampers, wipes, books and other things for our
4 children to help with their education.

5 So this expansion is definitely needed in the community
6 and is very helpful for us. She's like family to me. My mom
7 just recently passed away. Her and her staff supported me through
8 that as well as coming to sole support. She still continues to
9 show support with my children because my children are still taking
10 it very hard but Ms. Mulu is like family.

11 I've referred two families to her in which there was
12 four children. Two children currently still go there. The other
13 two have aged out but, yes, this expansion is definitely needed
14 for our community.

15 CHAIRPERSON HILL: Thank you. Thank you, Ms.
16 Cruchfield. Sorry you lost your mom.

17 MS. CRUCHFIELD: Thank you.

18 CHAIRPERSON HILL: Okay. Ms. Drar, can you hear me?
19 I don't know if I'm saying it right. D-R-A-R?

20 MS. DRAR: Good morning.

21 CHAIRPERSON HILL: Good morning. Could you please
22 introduce yourself for the record and then give us your testimony?

23 MS. DRAR: Okay. Good morning all. My name is Mahlet
24 Drar and I am a former client of Mulu's daycare. My first born
25 attended (indiscernible) for about three years and I have a seven

1 weeks newborn baby that I'm planning to attend to the
2 (indiscernible) as well.

3 When my first child attended the daycare I can
4 completely say that it was one of the most nurturing
5 (indiscernible) and functioning (phonetic) environment. I have
6 experienced Ms. Muluwork and her staff showed exceptional care,
7 maintained and kept (indiscernible) environment and
8 (indiscernible). So as a parent I would say that my child was
9 safe and the home was more than just a childcare, it was a
10 foundational part of my child's early development.

11 So based on my positive experience, I wanted my second
12 child to attend this care center. So expanding the center would
13 benefit more families like me in our community that provides high
14 quality and trusted care in the neighborhood. So I strongly
15 support this expansion, and thank you.

16 CHAIRPERSON HILL: Thank you. Thank you. All right.
17 Thank you all very much for joining us.

18 Mr. Young, is there any more?

19 MR. YOUNG: Yeah, I believe we have one more that's
20 also calling in by phone, Kokey Melles.

21 CHAIRPERSON HILL: Melles? Okay.

22 Ms. Melles, can you hear me, or Mr. Melles?

23 MS. MELLES: Can you hear me?

24 CHAIRPERSON HILL: Yes, yes. Okay. Good morning,
25 everyone.

1 I'm Kokey Melles. I'm Mulu Kenea's educational coach.
2 It's been a pleasure working alongside her and witnessing the
3 remarkable care commitment she brings to her program and she is
4 not only an outstanding childcare giver, but she's also a person
5 of integrity, kindness and compassion. And Mulu also brings a
6 warm and inclusive environment where every child feels self
7 valued and encouraged to reach their full potential and her
8 natural ability to connect with children and families is her
9 greatest strength.

10 Beyond her work with children, Mulu is also dedicated
11 on her own professional growth, constantly taking professional
12 development courses to expand on her knowledge and she's also
13 actively participating in training a CDE program and other
14 trainings that she also gives and, you know, she stands out, Ms.
15 Mulu, her character. She's dependable and always carries herself
16 in grace and positivity. And it's been truly a privilege to
17 support Mulu in her professional journey and I am confident that
18 she'll continue to making a lasting and positive impact on
19 children, families she serves.

20 Thank you.

21 CHAIRPERSON HILL: Thank you. Thank you for joining
22 us. Mr. Young, if you could please excuse the witnesses. There's
23 no one else, Mr. Young, is that correct?

24 MR. YOUNG: Correct.

25 CHAIRPERSON HILL: Okay. Great.

1 Ms. Kenea, so I've been doing this for ten years and I
2 haven't had 15 people show up to say such nice things about
3 anybody in ten years, and so I'm sure you're doing a lovely job
4 and I'm sure you're very fortunate to have all these people care
5 about you and that you're doing such wonderful work for them that
6 they're taking time to come and say, give their testimony.

7 So does anybody have any final questions? Okay. Ms.
8 Kenea, I'm going to go ahead and close this hearing and the
9 record. You have a good day. Bye bye.

10 MS. KENEAE: Thank you very much for your time.

11 CHAIRPERSON HILL: Bye bye.

12 (Pause.)

13 CHAIRPERSON HILL: Okay.

14 In terms of the application, you know, there was the
15 discussion about the number of square feet and how many needed
16 for the children and we've established it is 35 per child and
17 that they have the appropriate square feet that is necessary.
18 And then the other discussion that was put forward by the Office
19 of Planning again was whether or not, there was the whole 25
20 percent question which I believe has also been addressed.

21 And then there was the waiver for the outside play area
22 which I also appreciate the Office of Planning helping us to
23 negotiate through that, and I would be also in favor of the waiver
24 with the Office of Planning, and I will also agree with the
25 analysis that the Office of Planning has put forward to expand,

1 I mean basically have three more children, right? And I don't
2 think that that's going to be a big difference or anything that's
3 going to cause any kind of undue impact, and obviously this has
4 been a tremendous amount of support from the community for this
5 application.

6 And also the ANC has voted in favor of this and I did
7 mention that the Chairperson there has been very helpful in past
8 cases and I appreciate the help that the ANC has put forward in
9 this effort, and I'll be voting in favor of this application.

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

11 COMMISSIONER SMITH: No, I don't have anything to add.
12 I think it's, you know, a fairly straightforward case given that
13 the Office of Planning received the information that they needed.
14 So I do believe that she's met the burden of proof to grant the
15 special exception and I would also like to, you know, give her
16 flowers for being a pillar of the community for allowing parents
17 and the children as well and being able to get them to work. So
18 I vote in the affirmative to approve.

19 CHAIRPERSON HILL: Thank you.

20 Mr. Blake, I don't know if you can hear us or if you're
21 with us. Can you hear us or talk, I guess?

22 VICE CHAIRPERSON BLAKE: Can you hear me?

23 CHAIRPERSON HILL: Oh, yeah, we can. Go ahead.

24 VICE CHAIRPERSON BLAKE: Well, it did work out. Yeah,
25 Mr. Chair, thank you very much and I apologize for the

1 inconvenience.

2 I would like to also give the Applicant some kudos for
3 the successful operation and the support she's gotten from the
4 community. Clearly those are heartfelt testimonies which really
5 are very impressive, as you pointed out.

6 I believe the Applicant has met the burden of proof.
7 I concur with the assessments you guys have made and also give
8 great weight to the Office of Planning's report which really kind
9 of capsulized everything and give great weight to its
10 recommendation for approval. I'll also note the ANC's support,
11 as you pointed and also the support from OSSE and I'll be voting
12 in favor of the application.

13 CHAIRPERSON HILL: Thank you.

14 Vice Chair Miller?

15 ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

16 Yes, I echo everything you and our colleagues have said
17 about this application. High quality child development care is
18 very important and happy to see that this is being provided in
19 the community. So I'm ready to move forward.

20 CHAIRPERSON HILL: Thank you. All right.

21 I'm going to make a motion to approve Application No.
22 21304 as captioned and read by the secretary, and ask for a
23 second. Mr. Blake?

24 VICE CHAIRPERSON BLAKE: Second.

25 CHAIRPERSON HILL: Motion made and seconded. Madam

1 Secretary, if you can take a roll call?

2 MS. MEHLERT: Please respond to the Chair's motion to
3 approve the application.

4 Chairman Hill?

5 CHAIRPERSON HILL: Yes.

6 MS. MEHLERT: Vice Chair Blake?

7 VICE CHAIRPERSON BLAKE: Yes.

8 MS. MEHLERT: Board member Smith?

9 COMMISSIONER SMITH: Yes.

10 MS. MEHLERT: And Commissioner Miller?

11 ZC VICE CHAIRPERSON MILLER: Yes.

12 MS. MEHLERT: Staff would record the vote as four to
13 zero to one to approve Application No. 21304 on the motion made
14 by Chairman Hill and seconded by Vice Chair Blake.

15 CHAIRPERSON HILL: Okay. You guys, let's just take a
16 quick break. Let's just do ten minutes, if that's all right.
17 We'll come back. Thank you.

18 (Whereupon, there was a brief recess.)

19 CHAIRPERSON HILL: Madam Secretary, if you can call us
20 back and call the next case.

21 MS. MEHLERT: The Board is back from a quick break and
22 returning to its hearing session. The next case is Application
23 No. 21080 of Aulona Alia, as amended. This is an application
24 pursuant to Subtitle X, Section 1002 for area variances, from
25 Subtitle C, Section 306.1(a) to allow new alley record lots with

1 frontage along a public alley less than 24 feet in width, from
2 Subtitle C, Section 306.1(b) to allow new alley record lots with
3 access to a public street through a public alley less than 24
4 feet in width, and from Subtitle C, Section 306.1(c) to allow new
5 alley record lots not meeting the minimum lot area standard
6 applicable for non-alley lots, and pursuant to Subtitle X,
7 Section 901.2 for a special exception under Subtitle D, Section
8 5201 from the side yard requirements of Subtitle D, Section
9 5100.1(d).

10 This project is a subdivision of an alley record lot
11 to create two new alley record lots and allow a two-story semi-
12 detached principal dwelling on each new lot. It's located in the
13 RF-1 zone at 2717 Rear 2nd Street, Northeast, Square 3564, Lot
14 39. The hearing which was originally scheduled for March 27th,
15 2024 began on June 12th, 2024 and was continued to September. It
16 was also postponed five times at the Applicant's request. And
17 as a preliminary matter there's a motion from the Applicant to
18 submit an untimely filing to submit a revised ZA memo that is
19 the record at Exhibit 55A.

20 CHAIRPERSON HILL: Okay. Great. Thank you.

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

23 MS. ALIA: Yes. Hello, everyone. My name is Aulona
24 Alia and I am the owner of this lot and I will be the one
25 presenting.

1 CHAIRPERSON HILL: Okay, Ms. Alia. Okay.

2 I'm fine allowing the items that Ms. Alia had asked to
3 be allowed into the record because I think that it's not going
4 to prejudice anyone at this time and I would like to see those
5 items. If the Board has any issues with that, please speak up.
6 Okay. Hearing none, we're going to put those into the record.

7 Ms. Alia, if you want to go ahead and walk us through
8 your project and why you believe you should be granted this
9 relief. I'm going to put 15 minutes on the clock and you can
10 begin whenever you like.

11 MS. ALIA: Okay. We can share content, can I share my
12 presentation?

13 CHAIRPERSON HILL: You can't. You can't. We have to
14 pull up exhibits unless you've submitted that into the record.

15 MS. ALIA: I did. I did, yeah.

16 CHAIRPERSON HILL: Oh, great. There you go.

17 MS. ALIA: Perfect. Okay. Excellent.

18 So the first slide you guys will see here is the
19 overview and requested reliefs. So this is, as you mentioned,
20 RF-1 zone. Requested relief is C-306.1(a), (b) and (c) as well
21 as E-5100.1(d) and E-5201.3. The subject property is unimproved.
22 It's a record lot that was converted into a tax lot in January,
23 2020 when I did another BZA application No. 20177 if you all
24 remember. So I'm requesting to subdivide the existing lot into
25 two and construct two family row buildings. Please if we can go

1 to the next slide. Thank you.

2 The lot is 4,751 square feet and it does not have any
3 street frontage. It is surrounded by row houses and multi-family
4 buildings. Alley width varies from 15 feet to 20 feet. It is
5 below the 24 foot minimum. Lot is undeveloped as I mentioned
6 and it is a site of illegal dumping at times where we have
7 received some tickets and calls from the neighbors. Next slide,
8 please.

9 This is a quick floor plan so that you can see the
10 division of the alley lot into two and how that would look like
11 physically. If we can go to the next one, please.

12 This is how it would look like from the front view from
13 the alley so you will all have also an idea. It does meet all
14 of the height standards and everything else except the five foot
15 side yard, which we'll discuss in a second. Please go to the
16 next slide.

17 So I will ask to skip a couple of slides here so that
18 I don't keep you too long because I have a better view here if
19 you go to, one more.

20 Another one.

21 And another one.

22 Another one. That's it. Perfect.

23 So the 20 foot alley rule. This does meet all of the
24 requirements except the 24 foot. It is larger than the 1,800
25 square foot required lots width to create new alley lot, meets

1 all lot occupancy setback height, storys, pervious surfaces
2 requirements except this 24 four foot rule. If you may go to
3 the next slide.

4 The area variance requirement here, it does have
5 extraordinary or exceptional condition affecting the subject
6 property. The property is exceptional because it is the only
7 alley lot of this size on this block. It does not have the 24
8 foot wide alley and cannot increase the alley width. The property
9 has the requisite square footage and lot width. There are
10 increased development costs that prohibit the development of a
11 single family dwelling and the costs are directly related to the
12 size and location in an alley which is unique. The last point
13 here is unique cost of bringing utilities to the alley property
14 and unique alley width compared to other alley lots. If you can
15 go to the next one, please.

16 We only have a couple more and that's it. So the
17 practical difficulty here, I have broken down the costs of what
18 the practical difficulties would be if the zoning regulations
19 were strictly enforced. As you can see here on the right hand
20 side you'll see the construction cost breakdown. You have to
21 bring water and sewer which can cost up to \$500,000. Pepco
22 utility extension, Washington Gas, site grading, all other
23 constructions costs and then below that we have other general
24 project costs, land cost and architectural, engineering permits
25 which bring it to about 1.4 million if you were to do one single

1 family home here.

2 Even without factoring in the purchase price of the lot
3 six years ago when I purchased this, the costs of developing this
4 lot into a single family dwelling is more than a million. That
5 is double the cost of the average price to build a home in the
6 District of Columbia directly related to bringing utilities which
7 is unique to this lot because of its distance to the nearest
8 water and sewer which is over 200 feet away in Street V. If we
9 can go to the next one, please.

10 So the cost of development into a single family
11 dwelling, it's 1.4 million. D.C. Water stated, and this is in
12 quotes when I met with them, "There are no water or sewer lines
13 in the alley and the public lines are greater than two feet away.
14 The Applicant would need to construct public water and sewer
15 lines meeting policy for alley lots which it may not be able to
16 do without looping the water line, as already shown in the plan."

17 According to Zillow, the average estimate for houses
18 in this square is around 644K to 700K, so much less than the 1.4
19 estimate to break even and the difference between the average and
20 the requisite price tag for the matter-of-right option is 700K
21 which is also the cost of additional utilities and grading unique
22 to this site. These are the exceptional practical difficulties
23 because no other alley lot or street facing lot faces challenges
24 as I have here, and also there's no market for a 7,000 square
25 foot alley dwelling and it will be extremely difficult and likely

1 impossible to get financing, too big of a risk given the unique
2 development challenges. Next one, please, and this should be
3 maybe.

4 There is practical difficulties to widening the alley
5 as you all know. We would have to purchase 35 plus properties
6 that back into the alley if we were to do this. DDOT widened
7 the alley a couple of years ago to 24 feet in some parts taking
8 part of our land to do the widening around our lot. However,
9 other parts are 15 to 20 feet. If it would have been possible
10 to take land from the other lots, I'm pretty sure that they would
11 have done so and widened the alley even more than it is now. The
12 next slide, please.

13 So relief can be granted without substantial detriment
14 to the public and without impairing the intent, purpose and
15 integrity of the zoning plan. Granting this requested relief
16 will allow the Applicant to utilize the unique dimensions of the
17 site to make the proposed buildings more compatible with the
18 surrounding area than one single matter-of-right building.
19 Rather than a mega mansion or, in this case, another development
20 at all 2 row-type dwelling RF-1 zoning row home district would
21 be ideal.

22 The proposed uses and building footprints are permitted
23 as a matter-of-right as is the subdivision but for the 24 foot
24 rule. Any existing alley tax lot created before 1958 with at
25 least 450 square foot can convert to a record lot without meeting

1 the 24 foot rule. (See the reference here.) Therefore, the 24
2 foot rule is not a consistent factor for creating a new record
3 lot and a single structure of this size with six bedrooms is
4 allowed by-right, thus not feasible. The proposed lots are as
5 big as other RF-1 non-alley lots allowed by-right. Only
6 unimproved alley lot of this size in its entire surrounding area
7 truly unique and exceptional. The last maybe.

8 Oh, yeah. This one. Public safety and criminal
9 activity. Nuisance lots are not great for any community because
10 they can encourage rodent activity or amplify it from the illegal
11 dumping that occurs. Public safety is a big consideration here.
12 Neighbors do not want this lot to be grounds for illegal activity
13 that can threaten their safety. There has been several instances
14 of abandoned stolen cars where neighbors have called the police
15 to remove them. And please the last, I mean this is the last
16 one. Yeah.

17 Okay. So in conclusion, this has unique conditions
18 that justify the relief. Our proposal aligns with the zoning
19 intent and Applicant, myself, respectfully requests approval.

20 Thank you.

21 CHAIRPERSON HILL: Thank you.

22 Before I turn to my Board, can I turn to the Office of
23 Planning?

24 MR. JESICK: Thank you, Mr. Chairman, and members of
25 the Board. My name is Matt Jesick presenting OP's testimony in

1 this case.

2 And I can largely rest on the written record of this,
3 of our report which recommends approval. The application, we
4 found that the application met the, both the variance test for
5 relief for alley width and lot area, as well as the special
6 exception criteria for side yard. I'd be happy to take any
7 questions.

8 Thank you.

9 CHAIRPERSON HILL: Does the Board have any questions
10 for the Applicant or the Office of Planning?

11 Mr. Blake?

12 VICE CHAIRPERSON BLAKE: Thank you, Mr. Chair.

13 My questions are for the Applicant actually. I
14 understand the argument that you're making for the variances and
15 I think fundamentally they do make sense. The question I have a
16 little bit in looking at the practical difficulty was to
17 understand exactly what, you know, that cost element was.

18 So, for example, if you could do me a favor and just
19 kind of describe a little bit further about the property that
20 you're actually constructing. I know it's two bedroom, two and
21 a half bath duplex units with parking and outdoor space and
22 rooftop decks, but what is the livable square footage of each of
23 these units, first of all?

24 MS. ALIA: I believe it's around 1,800 or 2,500 if I'm
25 not mistaken. But it is in line with other row dwellings that

1 are in the area so we wanted to make something that is very
2 similar to everybody else around us, namely the neighbors.

3 VICE CHAIRPERSON BLAKE: How many bedrooms are you
4 going to have in each of these units? Is it two bedrooms or
5 three bedrooms? How many bedrooms are there?

6 MS. ALIA: I believe it's two bedrooms, yeah.

7 VICE CHAIRPERSON BLAKE: Two bedrooms? Okay. And so,
8 see when I look at that you, and Eckington's a very attractive
9 area and when I look at the numbers that you presented in terms
10 of single family dwellings at \$644,000, it just seems to me that,
11 you know, there are a lot of condos and things in that area which
12 would bring that number down. But for a single family house this
13 size, I mean the valuation would be substantially higher and to
14 some extent when I look at your analysis here, if I were saying
15 I'm going to develop two of these units I still wouldn't pencil
16 it out at 1.4, \$1.5 million in development costs.

17 So I suspect these numbers are probably a little bit,
18 you know, off which is a little bit concerning to me but I do
19 think that the argument that you make does make sense. Can you
20 just give me a sense of what you, just to help me understand,
21 what's your outsell expectations for those units? Just help me
22 a little with that.

23 MS. ALIA: Yes. A very good question, Mr. Blake. I
24 can answer that.

25 Where I found the information was from Zillow and it's

1 a median average price of these homes that are selling right now
2 and that's why I put that. I didn't want to put an inflated
3 price of another area, but that's basically the median price that
4 I put there and it's exactly what Zillow comes back with.

5 In terms of the costs, they're actually quite high. I
6 have, I bought this land to build my house six years ago and I
7 was told that it was going to be very easy to bring utilities to
8 it. However, I called several companies to give me quotes. Many
9 would not show up. Many would not tell me anything. When I
10 talked to D.C. Water they said all this could easily cost you
11 500,000 or more because we have to do a loop system.

12 So I have different numbers that these companies had
13 given me anywhere from 200 plus to 500 plus and no one will stand
14 by it because it is very difficult to be able to bring water and
15 sewer to it and the only reason that I'm asking for the
16 subdivision is the cost of bringing these utilities. If you just
17 do it for one house the math just doesn't add up.

18 Truly it's exceptional how much it costs to do the
19 grading because also it's not very steep kind of a slope. You
20 have to do the grading. You have to do a retaining wall. So
21 you have to do all kinds of things here to make it, you know,
22 livable so it's not something that it's going to cost less than
23 the amount that I put there. I think that amount is pretty spot
24 on.

25 VICE CHAIRPERSON BLAKE: Well, I'd asked about the

1 outsell amount actually? What's your anticipation for the
2 outsell amount?

3 MS. ALIA: Honestly, I haven't looked at what the cost
4 would be but it would be market price. It's not like I'm going
5 to, you know, list it tomorrow and, like, try to sell it. In
6 all honesty, yeah, I'm here just to see what we can do to
7 subdivide this lot into two so that it makes sense
8 (indiscernible). I'm not here to make money or, like, --

9 VICE CHAIRPERSON BLAKE: Yeah, sure. The one question
10 I had for you in terms of the, previous iterations had this as
11 a, almost like a two family-type flat. You would basically have
12 the same amount of square footage and if you did that, well,
13 what's the difference and why is this duplex structure more
14 attractive?

15 MS. ALIA: Previous iteration, you said that it was a
16 two-story flat, a two family flat you said? I think in this
17 iteration we made it smaller because the footprint had us go all
18 the way back and also had to worry about retaining walls, whereas
19 with this one we don't have to worry about that and it's about
20 making it conform to all of the dimensions that the zoning
21 requires versus asking for the zoning to help us out in different,
22 you know, heights.

23 If you remember I came, you know, one time maybe two
24 or three years ago, when I was asking for the height to be instead
25 of 20 feet to be 30 feet and that was not approved. So I had to

1 go back to the drawing board with the architect and figure out
2 what would be something that is within all of the rules so I'm
3 not coming here to ask for more things than would be granted.

4 VICE CHAIRPERSON BLAKE: All right. Thank you very
5 much for your input.

6 MS. ALIA: Sure.

7 VICE CHAIRPERSON BLAKE: Appreciate it.

8 CHAIRPERSON HILL: Okay. Thank you.

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

10 MR. YOUNG: We do not.

11 CHAIRPERSON HILL: Okay. Let's see. Anybody else have
12 any final questions?

13 Ms. Alia, A-L-I-A?

14 MS. ALIA: Yes.

15 CHAIRPERSON HILL: Ms. Alia, okay. Well, I hope this
16 ends for you. So anyway, I'm going to go ahead and close the
17 record and the hearing and excuse you, and we'll see what happens
18 next.

19 MS. ALIA: Yeah, and I think the ANC also wanted to
20 speak but they didn't know what time I was going up so maybe,
21 but they maybe submitted something to the record because I --

22 CHAIRPERSON HILL: Yes, we got the ANC.

23 MS. ALIA: Okay. Perfect. Thank you.

24 CHAIRPERSON HILL: Thank you.

25 (Pause.)

1 CHAIRPERSON HILL: Okay.

2 I asked Mr. Blake to start, crack on this if he wanted
3 to and if he does fine, otherwise I can do it.

4 VICE CHAIRPERSON BLAKE: All right, Mr. Chair.

5 I'm going to just kind of skip to the chase. In
6 reviewing this application I actually do think the Applicant has
7 met the burden of proof to be granted the relief and I do agree
8 with the Office of Planning's analysis. I give great weight to
9 its approval for both the variance and the special exceptions.
10 I do think that this, I have, I do believe it's a unique lot
11 because of the size, its location, and I do think that the
12 additional cost of, you know, sewer system and so forth are
13 prohibitive development costs. I can justify the variance
14 criteria for a difficulty.

15 I do, however, as I spoke a few minutes ago do disagree
16 necessarily with the numbers presented but, as I said, at the end
17 of the day if we go through this we'll probably end up in same
18 place with the fact that there is a practical difficulty
19 represented by the uniqueness of the lot which does make it
20 difficult to do this. I do think it may have been possible to
21 do something else but, again, that's not what's on the table
22 right now and I do believe that the practical difficulty standard
23 has been met with regard to the costs for the development, the
24 additional development costs that would be incurred because of
25 the location and unique size and location of the lot.

1 I also think that the second prong of the test is met
2 with regards to substantial detriment to the public good.
3 Obviously, it's an unimproved lot. This will remove a nuisance
4 lot and the proposed size of the lot with the configuration will
5 be more in keeping with the lots and structures of the house
6 facing even 2nd Street, so I believe in that sense there's not a
7 substantial detriment to the public good.

8 I also think that the integrity of the regulations are
9 going to be maintained as it is the intent to develop alley lots
10 and things of that sort and of this size. So I believe it meets
11 the prongs for the variance test. As for the special exceptions,
12 the relief is only really about 1.1 feet and it's only for a
13 portion of the building facade. The proposed design would, again,
14 add a sense of open space and the proposed building would meet
15 the other zoning parameters. So there shouldn't be no undue
16 impacts regarding the factors such as light, air, privacy, and I
17 would give great weight to the report of ANC 5F which is in
18 support of the application.

19 In looking at the ANC's report and DDOT. First of all
20 with regard to the ANC, they have recommended a condition where
21 we limit the design and the contractor can start on water and
22 sewer lines supporting no more than two single family homes. I
23 don't recommend the inclusion of that because I don't see the,
24 they haven't made a connection between undue impact to justify
25 that.

1 I also see that DDOT recommends that we put a clause
2 in that address the portion of the property that will be used
3 for the lots and transfer that. Again, I don't think that that,
4 where the Board can adopt that condition because it wouldn't
5 operate and it's taking the Board as a portion of the Applicant's
6 property. So I would not be comfortable adopting the DDOT
7 condition as well.

8 That said, I am, like I said, I am in support of the
9 application. I do think that theoretically it does meet the
10 criteria for the first, second and third prongs of the test.
11 I'll be voting in favor of the application.

12 CHAIRPERSON HILL: Thank you. Thank you, Mr. Blake.

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

14 COMMISSIONER SMITH: I don't have anything to add. I
15 think Board member Blake has sufficient, has, you know, summed
16 up this case very well I think, the merits of this particular
17 case. I do agree that the Applicant has met the burden of proof
18 for us to grant the variances.

19 I do believe that they have met the burden of proof to
20 prove that they've met an extraordinary, or the lot presents an
21 extraordinary and exceptional situation given that it's an alley
22 lot and you will need to create record lots to be able to
23 construct any particular type of units (phonetic) on this
24 property that is allowed as a matter-of-right or by special
25 exception.

1 I do, I agree with his assessment on the practical
2 difficulties prong. You know, it's an open question of whether
3 based on costs could they do a different use but I do believe
4 that they've met the criteria given the cost of extending
5 utilities to this lot. I don't believe it would be a substantial
6 detriment to the public good to construct this type of use within
7 an alley.

8 This is something that we commonly see throughout the
9 District and there would not be a substantial impairment to the
10 intent, purpose and integrity of the zoning regulations at the
11 end. This is something that we have seen in certain cases. We
12 also haven't receive any negative feedback from the agencies that
13 would be opposed to any type of construction in an alley such as
14 Fire & Rescue or even DDOT or D.C. Water. There aren't any public
15 safety issues with constructing this type of use within the alley.

16 So with that I agree with the Office of Planning's
17 assessment of this case. I would also agree with Mr. Blake
18 regarding the condition that was proposed, recommended by the ANC
19 regarding the design of water and sewer taps to this facility.
20 That's not a zoning concern. I know it's something that we can
21 condition because it's not a zoning concern. So with that I will
22 approve the requested variances and special exception.

23 CHAIRPERSON HILL: Thank you.

24 Vice Chair Miller?

25 ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

1 Yeah. I agree that Board member Blake gave a very
2 comprehensive analysis of this case which I, I've reviewed the
3 entire record. I wasn't here for a previous hearing that got
4 started and I think you guided, Mr. Chairman, the Applicant as
5 to what they needed to do and they went back to the Office of
6 Planning, went to the Zoning and (indiscernible) and went to the
7 ANC, and got the information that, so most of the information
8 that's before us is actually since I'm on this case.

9 So it's all there and I agree that the burden of proof
10 has been met for both the variance and the special exception and
11 that this will bring a vacant and underused and alley parcel
12 where there's been illegal dumping into productive residential
13 use. It's in keeping with the zone and the character of the
14 neighborhood so I'm fully in support of this application.

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

17 I have nothing to add. I agree with all of my
18 colleagues' comments. I'm going to make a motion to approve
19 Application No. 21080 as captioned and read by the secretary, and
20 ask for a second. Mr. Blake?

21 VICE CHAIRPERSON BLAKE: Second.

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

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

1 Chairman Hill?

2 CHAIRPERSON HILL: Yes.

3 MS. MEHLERT: Vice Chair Blake?

4 VICE CHAIRPERSON BLAKE: Yes.

5 MS. MEHLERT: Board member Smith?

6 COMMISSIONER SMITH: Yes.

7 MS. MEHLERT: And Commissioner Miller?

8 ZC VICE CHAIRPERSON MILLER: Yes.

9 MS. MEHLERT: Staff would record the vote as four to
10 zero to one to approve Application No. 21080 on the motion made
11 by Chairman Hill and seconded by Vice Chair Blake.

12 CHAIRPERSON HILL: Great. Thank you.

13 Madam Secretary, you may call our next one when you
14 get a chance.

15 MS. MEHLERT: Next is Application No. 21311 of James
16 and Alison Eyring. This is a self-certified application pursuant
17 to Subtitle X, Section 901.2 for special exceptions under
18 Subtitle E, Section 5201, from the rear yard requirements of
19 Subtitle E, Section 207.1 and the lot occupancy requirements of
20 Subtitle E, Section 210.1.

21 This is for a new two-story rear addition to an existing
22 two-story semi-detached principal dwelling. The project is
23 located in the RF-1 zone at 406 7th Street, Northeast, Square
24 862, Lot 33.

25 CHAIRPERSON HILL: Thank you.

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

3 MS. FOWLER: Hi. Good morning, everyone. My name's
4 Jennifer Fowler. I'm the architect representing the homeowners.

5 CHAIRPERSON HILL: Hello, Ms. Fowler. Welcome back.

6 MS. FOWLER: Thank you.

7 CHAIRPERSON HILL: If you want to go ahead and walk us
8 through your client's application. I'm going to put 15 minutes
9 on the clock so I know where we are and you can begin whenever
10 you like.

11 MS. FOWLER: Okay. Thank you so much.

12 So this is an existing three-story Wardman-style house
13 on 7th Street, Northeast. Currently there's a rear two-story
14 covered porch that's original to the house and what we're
15 proposing and we're requesting your permission to do is to rebuild
16 the porch the same depth as it is currently but expand it four
17 feet one inches to the side.

18 So currently it's a six foot seven deep porch. A very
19 small addition relative to the size and massing of the house.
20 The existing covered porch could be modernized and closed in the
21 existing, in its massing currently so the only relief we're asking
22 for is the extra 13.4 square feet. So it's really just filling
23 in the space between, there's kind of an awkward gap between the
24 porch and the south property line and this proposal will take us
25 to 61.1 percent occupancy.

1 So that's one item of relief we're asking for. And the
2 other thing is the rear yard. Currently, the rear yard is 9.67
3 feet which obviously is well below the 20 foot required rear yard
4 as it is now. But it is matching the three houses adjacent that
5 all have the same type original porch. So we're extending the
6 existing nonconformity of 9.67 feet by extending to the property
7 line. I guess the proposed rear addition will align with the
8 other two houses. There are three houses in that stretch of that
9 block that were built together and are identical in terms of
10 their property size and the original houses.

11 Finally, the ANC 6D has supported the project
12 unanimously and we also have support from the Restoration
13 Society. So I think it's been well received and hopefully you
14 will agree and will approve our request. So I'll leave it open
15 to questions.

16 Thank you.

17 CHAIRPERSON HILL: Thank you, Ms. Fowler.

18 Before I turn to my Board, could I please hear from the
19 Office of Planning?

20 MR. JURKOVIC: Good morning, Chairman Hill, members of
21 the Board. This is Mike Jurkovic, Development Review Specialist
22 with the Office of Planning.

23 OP is in support of the Applicant's requested relief
24 and stands on the record of our report. Happy to answer any
25 questions.

1 Thank you.

2 CHAIRPERSON HILL: Thank you.

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

4 MR. YOUNG: We do not.

5 CHAIRPERSON HILL: Okay. Great.

6 Does the Board have any questions for the Applicant?

7 (Pause.)

8 CHAIRPERSON HILL: Okay, Ms. Fowler. Do you have
9 anything you'd like to add at the end?

10 MS. FOWLER: No. Thank you so much for your time.
11 Really appreciate it.

12 CHAIRPERSON HILL: Okay. We're going to go ahead and
13 close the hearing and the record. If you can please excuse
14 everyone, Mr. Young.

15 (Pause.)

16 CHAIRPERSON HILL: Okay.

17 I thought this was relatively straightforward. I
18 didn't have any issues or concerns with it. I agree with the
19 argument that the Applicant is putting forth concerning how
20 they're meeting the criteria. I will also rest on the record of
21 the Office of Planning's report as well as the ANC's
22 recommendation and vote to approve this application.

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

24 COMMISSIONER SMITH: Nothing to add. I agree with your
25 assessment of this case and Office of Planning, and will support.

1 CHAIRPERSON HILL: Thank you.

2 Mr. Blake?

3 VICE CHAIRPERSON BLAKE: Mr. Chairman, I'm in support
4 of the application. I agree with the comments that you made and
5 also the analysis provided by the Office of Planning. I'll be
6 voting in support.

7 CHAIRPERSON HILL: Thank you.

8 Commissioner Miller?

9 ZC VICE CHAIRPERSON MILLER: I agree with everything
10 that's been said. Thank you.

11 CHAIRPERSON HILL: Thank you. All right.

12 I'm going to make a motion to approve Application No.
13 21311 as captioned and read by the secretary, and ask for a
14 second.

15 Mr. Blake?

16 VICE CHAIRPERSON BLAKE: Second.

17 CHAIRPERSON HILL: Motion made and seconded. Madam
18 Secretary, take a roll call.

19 MS. MEHLERT: Please respond to the Chair's motion to
20 approve the application.

21 Chairman Hill?

22 CHAIRPERSON HILL: Yes.

23 MS. MEHLERT: Vice Chair Blake?

24 VICE CHAIRPERSON BLAKE: Yes.

25 MS. MEHLERT: Board member Smith?

1 COMMISSIONER SMITH: Yes.

2 MS. MEHLERT: Commissioner Miller?

3 ZC VICE CHAIRPERSON MILLER: Yes.

4 MS. MEHLERT: Staff would record the vote as four to
5 zero to one to approve Application No. 21311 on the motion made
6 by Chairman Hill and seconded by Vice Chair Blake.

7 CHAIRPERSON HILL: Great. Thank you.

8 You may call our next one if you like, Madam Secretary.

9 MS. MEHLERT: Next is Application No. 21313 of Anahita
10 Mehrani and Siavash Koohmaraie. This is a self-certified
11 application pursuant to Subtitle X, Section 901.2 for special
12 exceptions under Subtitle E, Section 207.5 to allow the rear wall
13 of a row building to extend farther than ten feet beyond the
14 farthest rear wall of an adjoining principal residential building
15 on an adjacent property, under Subtitle E, Section 5201 from the
16 lot occupancy requirements of Subtitle E, Section 210.1 and under
17 Subtitle C, Section 711.11 from the requirements of Subtitle C,
18 Section 711.7 to allow a parking space within a building with
19 vehicle entrances and exits not set back at least 12 feet from
20 the center line of an adjacent alley.

21 This project includes third floor and three-story rear
22 additions to an existing two-story attached principal building,
23 a new two-story accessory structure in the rear yard. It's
24 located in the RF-1 zone at 30 W Street, Northwest, Square 3118,
25 Lot 70.

1 Regarding preliminary matters, I'll note that a request
2 for party status in opposition by Cynthia and Ilir Salihi has
3 been withdrawn as well as their request to postpone the hearing.
4 There is also a motion from the Applicant to waive the
5 supplemental filing deadline to submit revised plans which are
6 in the record at Exhibit 30A.

7 CHAIRPERSON HILL: Okay. Thank you.

8 Unless the Board has any issues I'd like to allow the
9 exhibits into the record because I am, you know, obviously they're
10 talking about the frosted windows and the changes of the design
11 and I would like to have an opportunity to see those as well. If
12 the Applicant can hear me, if they could please introduce
13 themselves for the record.

14 MR. SULLIVAN: Thank you, Mr. Chairman and Board
15 members, this is Marty Sullivan with Sullivan & Barros on behalf
16 of the Applicant and with us as well is the property owner and
17 the architect, Paul Dupnick should be here as well.

18 CHAIRPERSON HILL: Okay. Great.

19 Mr. Sullivan, let's see who we need to hear testimony
20 from as we work through this. If you want to go ahead and walk
21 us through your client's application, let us know why you believe
22 they're meeting the criteria to be granted this relief. I'm
23 going to put 15 minutes on the clock so I know where we are, and
24 you can begin when you like.

25 MR. SULLIVAN: Thank you very much. Mr. Young, if you

1 could please load the PowerPoint.

2 This is 30 W Street, Northwest. The Applicant's
3 proposing an addition. The addition includes a third story
4 addition and a rear addition to the principal building, also
5 constructing a new accessory building, two-story accessory
6 building.

7 So for the basement and the first two stories, I'm
8 sorry, next slide please. The addition extends 15 feet past the
9 rear wall of the adjacent property to the west at 32 W and the
10 third floor addition will be set back ten feet, the third floor
11 of our addition set back ten feet from the rear. So it's only
12 five feet past at that point. So we've scaled the top back.

13 Also the addition set back in the front, this is a
14 historic district, they don't have the historic application in
15 yet but it's set back 15 feet from the front building line. So
16 the total lot occupancy for the property will be 67.9 percent
17 where 60 percent is permitted. What makes up that amount is the
18 principal building, the house is about 42 percent of that lot
19 occupancy and there's a deck in the accessory building which
20 takes it to almost 68.

21 So the Applicant is requesting special exception relief
22 from the lot occupancy requirement and the ten foot rule and also
23 from the alley center line setback requirement because the
24 accessory building will be on the property line at the back.
25 It's a 20 foot wide alley so it's ten feet from the center line

1 of the alley instead of the required 12. Next slide, please.

2 The Office of Planning is recommending approval. ANC
3 SE voted to support and DDOT has no objection. Next slide,
4 please.

5 And I think I'll turn it over to Paul. Paul, if you
6 could briefly go through the plans.

7 MR. DUPNICK: Yes. So the plans are on the following
8 slides.

9 CHAIRPERSON HILL: Could you also introduce yourself
10 for the record.

11 MR. DUPNICK: Oh, yes. I'm sorry. Yes. My name's
12 Paul Dupnick. I'm the architect for the project.

13 CHAIRPERSON HILL: Okay. Great. Thank you.

14 MR. DUPNICK: Yes. So as Marty was saying, it's a
15 proposed three-story rear addition. The third story is set back
16 both in the front and the rear of the building footprint and
17 includes a rear deck. The deck is above four feet above grade
18 so it counts towards occupancy, and then we have a two-story
19 accessory building with, it's a studio above a garage. For that
20 we aren't maxing out the 450. I think it comes in around 422.
21 And if we could progress the slides to the plans.

22 Yeah, these are just. Yeah. But I think the previous
23 slide, if we could go back one, was showing an existing, well I
24 guess it's a garage at the rear that's being replaced with the
25 proposed accessory building and it's also showing that there is

1 not a consistent carriage house along that back alley that has
2 been maintained. It's pretty, pretty varied as far as the styles
3 of the rear buildings. If you could, yeah, progress one, please.

4 This is the plat showing the lot areas that Marty's
5 already gone over. One forward, please.

6 The cover. One more.

7 So here on the floor plans you can see what's being
8 proposed. We have three bedrooms on the second floor and on the
9 third floor you can see the front and rear setback. We don't,
10 we have a roof deck, a ten foot roof deck so the projection is
11 only going to be five beyond the neighbors for that third floor
12 and there's no roof deck proposed at the front of the third floor.
13 It's just the offset for Historic. And you can see on the
14 accessory building we have a garage on the first floor and a
15 studio with bathroom on the second of the accessory building.
16 Progress one, please.

17 These are the elevations. You can see on the accessory
18 building we are frosting the, all the windows on the accessory
19 building elevation facing the main portion of the property and
20 you can see on the site elevations the third floor setback from
21 the rear. One forward, please.

22 This building section is showing, in addition to the
23 section of the building itself, it's showing the third floor
24 front setback as required by Historic. As Marty says, we have
25 yet to go in front of the Historic Board but we feel we'll be

1 adhering to their criteria of essentially a one-to-one setback
2 or not being visible from the opposing street. If you could go
3 forward, please.

4 This is our shadow study and just shows the impact of,
5 zoom in here. Shows the impact of the shading of the proposed
6 additions. And if you can go forward one more, please.

7 Here is, these are shadow studies that show the
8 difference between what we can do by-right and what the relief
9 being sought as far as additional shadows and that can be seen
10 in the pink shadows are the additional, and the grey are the by-
11 right, and you can see such as the pink that's being created by
12 the accessory building moving to the property line, that just
13 shows the difference of the two feet moving forward, and of course
14 the additional shadows of the additional five feet at the back
15 which are less of an impact due to that third floor setback. If
16 you could move forward, please.

17 I think these just show the shadows at different points
18 in the year so let me know if you have any questions. As you
19 can see the buildings are facing north so not much shadow
20 throughout most of the day on the south facing sun, but from east
21 to west you can see that it has an impact. Less impact on the
22 afternoon hours because the addition to our right as you're facing
23 here is actually beyond our building. So it's really the building
24 to the west that's going to be impacted in the morning hours as
25 you can see from the last shadow study. Okay. One forward,

1 | please.

2 | Again, this is just the equinox shading study. And
3 | again you can see the primary impact on the building will be to,
4 | I believe that's 28 W Street, to the west of us. All right. One
5 | forward.

6 | I think that might be it. Okay. Let me know if you
7 | have any questions about any of those drawings.

8 | CHAIRPERSON HILL: Thank you.

9 | MR. SULLIVAN: Thank you, Paul.

10 | We meet the general special exception requirements.
11 | The property is located in the RF-1 zone and the RF-1 zone is to
12 | provide areas predominantly developed with row houses on small
13 | lots with no more than two dwelling units. This is going to be
14 | a single family home. This is a large lot. It's more than 2,700
15 | square feet of it could have been converted to three, but the
16 | owner intends to live in the property so it's being redeveloped
17 | as, or restored as a single family. Next slide, please.

18 | Regarding light and air, and character, scale and
19 | pattern, the proposed accessory building is situated at the rear
20 | of the property and is limited to the two-storys and it's under
21 | the height limit for an accessory building, and the height and
22 | the footprint and number of storys is all permitted as a matter-
23 | of-right. The addition itself aligns with the rear wall of the
24 | property to the east and is 15 feet past the rear wall of the
25 | property to the west for the five feet of relief, and, again,

1 the top story is scaled back, is set back ten feet from that
2 line.

3 The Applicant's not proposing windows on the east or
4 west side of the addition. There were concerns from both
5 neighbors about the windows from the accessory building and that
6 privacy concern and so we agreed to frost those windows and that
7 was the action that prompted the Salihi's next door to withdraw
8 their party opposition.

9 And it will not be visible. The proposed accessory
10 building will not be visible from the street and the addition
11 won't be visible from the street so we have no issue with
12 character, scale and pattern. Next slide, please.

13 So for the turning diagram, we wanted the accessory
14 building to align with the adjacent accessory building and other
15 accessory buildings on the block and it is a wide alley, and it's
16 only a one car garage even though technically there could be room
17 for two. So there's going to be no issue in getting into the
18 garage with the two feet of relief. Next slide, please.

19 And I think that's it. Thank you.

20 CHAIRPERSON HILL: Thank you.

21 Before I turn to the Board, can I hear from the Office
22 of Planning?

23 MR. BRADFORD: Good morning, Chairman Hill, members of
24 the Board. For the record my name is Philip Bradford, Development
25 Review Specialist with the Office of Planning.

1 The Office of Planning recommends approval of the
2 requested special exception relief and stands on the record of
3 the report in Exhibit 23.

4 Thank you, and I'm available for any questions.

5 CHAIRPERSON HILL: Thank you.

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

7 MR. YOUNG: We do not.

8 CHAIRPERSON HILL: Okay.

9 Does the Board have any questions of the Applicant?

10 (Pause.)

11 CHAIRPERSON HILL: Okay.

12 Mr. Sullivan, do you have anything you'd like to add
13 at the end?

14 MR. SULLIVAN: No. Thank you, I don't. Thank you, Mr.
15 Chair.

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

17 I'm going to close the hearing and the record.

18 (Pause.)

19 CHAIRPERSON HILL: Okay.

20 I appreciate all of the effort that the Applicant has
21 gone through with regard to this application. I appreciate that
22 they've gone to their ANC. They've done all the community
23 outreach that they have. I am, I want to congratulate the
24 attorneys I suppose and the Applicant for working with the
25 neighbors to get to a point where they are comfortable with this

1 project and also after seeing the shadow studies concerning the
2 extension, I'm not concerned.

3 The shadow studies are helpful. It is helpful to see
4 what's there by matter-of-right versus what is something that is
5 proposed. I would agree with the Applicant as well as that of
6 the Office of Planning as well as that of the ANC with regard to
7 this application and be voting in support.

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

9 COMMISSIONER SMITH: Nothing to add, Chairman Hill.
10 I'm in support.

11 CHAIRPERSON HILL: Thank you.

12 Mr. Blake?

13 VICE CHAIRPERSON BLAKE: Yeah. I'm in support as well,
14 Mr. Chair, and I agree with your observations and give great
15 weight to the Office of Planning's report and recommendation.

16 CHAIRPERSON HILL: Thank you.

17 Vice Chair Miller?

18 ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.
19 Yeah, I agree. I'm supportive of this application and the ANC,
20 we have the ANC support at Exhibit 18 for ANC 6B, is it? Five?
21 I don't know. Anyway, I'm supportive. Thank you.

22 CHAIRPERSON HILL: Thank you, Vice Chair Miller.

23 I'm going to make a motion to approve Application No.
24 21313 as captioned and read by the secretary, and ask for a
25 second. Mr. Blake?

1 VICE CHAIRPERSON BLAKE: Second.

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

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

6 Chairman Hill?

7 CHAIRPERSON HILL: Yes.

8 MS. MEHLERT: Vice Chair Blake?

9 VICE CHAIRPERSON BLAKE: Yes.

10 MS. MEHLERT: Board member Smith?

11 COMMISSIONER SMITH: Yes.

12 MS. MEHLERT: Commissioner Miller?

13 ZC VICE CHAIRPERSON MILLER: Yes. And it was ANC 5E
14 that they have the support of in the exhibit. I just wanted to
15 add that.

16 CHAIRPERSON HILL: Thank you.

17 MS. MEHLERT: Staff would record the vote as four to
18 zero to one to approve Application No. 21313 on the motion made
19 by Chairman Hill and seconded by Vice Chair Blake.

20 CHAIRPERSON HILL: Thank you.

21 You want to call our last one when you get a chance,
22 Madam Secretary.

23 MS. MEHLERT: The last case is Application No. 21318
24 of D.C. Department of General Services. This is a self-certified
25 application pursuant to Subtitle X, Section 1002 for an area

1 variance from Subtitle C, Section 302.2 to allow multiple
2 principal buildings on one record lot. This is for seven
3 temporary structures on the campus of an existing public school.
4 Located in the R-1B zone at 1820 Munroe Street, Northeast, Square
5 4203, Lot 1.

6 CHAIRPERSON HILL: Great. Thank you.

7 If the Applicant is here if they could introduce
8 themselves for the record.

9 MS. MOLDENHAUER: Good morning, Chairman Hill and the
10 Board, Meredith Moldenhauer here as counsel for the Applicant.
11 With me today I have additional members from our team from both
12 DGS and DCPS.

13 CHAIRPERSON HILL: Okay. Great.

14 Ms. Moldenhauer, welcome back. We'll see where we get
15 or whoever you want to call and as you call upon them, if they
16 could please introduce themselves for the record. You're kind
17 of breaking in and out a little bit, Ms. Moldenhauer, so just to
18 let you know. We'll see how this goes. You can go ahead and
19 please walk us through your client's application. I'm going to
20 put 15 minutes on the clock so I know where we are and you can
21 begin whenever you like.

22 MS. MOLDENHAUER: Great. If Mr. Young could pull up
23 our PowerPoint presentation.

24 So we are here for the Burroughs Modular Campus. We'd
25 just like to note the updated address. We have the address that

1 was in the record which is 1820 Monroe Street, Northeast, and you
2 also have the updated address of 1825 Newton Street, Northeast.
3 Next slide.

4 With me today is Kristina Jardis from Quinn Evans
5 Architecture. We have Patrick Moloney from DGS and we have
6 Melissa Pegram from DCPS. Next slide.

7 As you can see, the property site is located in the R-
8 1B zone. It is a full square block. Next slide.

9 Here you can see that full square block between 18th
10 and 20th Street with Newton on the bottom and Munroe on the
11 northern side of this image. You have the John Burroughs
12 Elementary School campus along with the field to your left. Those
13 public fields are the area in which the proposed temporary modular
14 campus will be located. Next slide.

15 I'd like to turn it over to our architectural team to
16 walk through the layout of the project.

17 MS. JARDIS: Thank you. And, again, my name is Kristina
18 Jardis with Quinn Evans. I'll be running through the plans today
19 of the modular campus.

20 As you can see here, we're oriented plan north. To
21 plan north there's the campus entrance located along Newton
22 Street and there are four academic modular buildings on the south
23 end of the site that you can see in the bottom right there just
24 above where it's labeled Monroe Street. There is a multi-purpose
25 tent located in the northeast corner of the site as well as

1 modular kitchen. All of the walkways are covered that connect
2 all of the buildings. The existing playground will remain and
3 will be used by the modular campus school.

4 Overall, our design aims to maximize open space to be
5 provided back to the school and the community since it was an
6 open field before and surrounding the modular campus is a seven,
7 minimum of seven foot tall chain-link fence and all gates will
8 be lockable and appropriate panic hardware will be provided for
9 egress to ensure safety of the school community.

10 MS. MOLDENHAUER: Thank you so much. If we can go to
11 the next slide, and Melissa. Melissa, we can't hear you. You
12 look like you're speaking but we don't hear anything.

13 (Pause.)

14 MS. MOLDENHAUER: I don't, is anybody else not hearing?

15 CHAIRPERSON HILL: We can't hear. I can't hear.

16 (Pause.)

17 CHAIRPERSON HILL: No. Still no. Maybe Ms. --

18 MS. PEGRAM: Can you hear me?

19 CHAIRPERSON HILL: Yes, please. Go ahead and introduce
20 yourself.

21 MS. PEGRAM: Hi. Good morning, everyone. Again, my
22 name is Melissa Pegram. I'm with DCPS. I'm a project specialist
23 as well as overseeing the Burroughs Modular Campus project.

24 Regarding community outreach DGS and DCPS, we have
25 conducted ongoing engagement with families, staff and neighbors

1 throughout the design and zoning process. The current site was
2 selected in response to the community feedback. An alternative
3 location approximately three miles away was considered but it was
4 raised as a significant concern about commuting challenges for
5 families.

6 Since January of 2024 the project team has held over
7 ten community meetings including six school improvement teams,
8 six sessions, as well as we have also attended ANC meetings. The
9 project was presented to the ANC 5B twice, first in November of
10 2024 and again on June 18th, 2025 and the ANC voted to support
11 the relief requested subject to the condition that the modular
12 campus be used for the lesser of six years or by no more than
13 three schools. So as far as community outreach that's where we
14 stand right now.

15 MS. MOLDENHAUER: Thank you so much, Melissa.

16 I'd just like to note to the Board before we go to the
17 next slide that we do have a letter of support at Exhibit 21 from
18 Christopher Fisher who is on the SIT Committee and is a school
19 parent and expressed the support of the parents and community.
20 We also have, as indicated, ANC 5B, a letter of support from them
21 at Exhibit 23 which does recommend that condition, but then we
22 also have a letter from ANC 5C at Exhibit 24 which recommends
23 support of the application without the condition. That's the ANC
24 for which Langdon Elementary School, which would be another,
25 which would be one of the three schools utilizing this modular

1 campus which would be for support of this application. Happy to
2 answer those questions after I walk through the zoning relief.
3 Next slide.

4 The zoning relief here we're requesting is an area
5 variance from D.C.M.R. Section 302.2(c) which prohibits no more
6 than one principal structure on a single record lot in a
7 residential zone. The property is improved with the John
8 Burroughs Elementary School which is a primary structure and
9 given the fact that this property would eventually be occupied
10 by other schools after the conclusion of the construction of the
11 Burroughs campus there would be two primary structures and
12 multiple structures obviously given the layout of the modular
13 campus. The modular campus is necessary for students during the
14 modernization as well as for use after. It has five classroom
15 trailers, one kitchen trailer and a bubble that are all deemed
16 to be separate principal structures thus triggering the relief.

17 Next slide.

18 Pursuant to the area variance standard, we believe we
19 satisfy the three prong test and I'll walk through each of these
20 requirements slide by slide. So, next slide.

21 The first prong of the variance test is that there is
22 a exceptional condition that affects the property. Here we
23 believe there's a confluence of factors. The property requires
24 the modular construction due to the cost, speed and variability
25 of the modular campus style which limits the width and design

1 type, also based on fire separation and transport limitations.
2 The modular campus must remain physically separated from the
3 school building due to active construction and the rendering of
4 the, if we did have a connection to create a meaningful
5 connection, that would create an unsafe environment during
6 construction both for the workers and for the elementary school
7 children.

8 Also a factor is while Burroughs is not a landmark, HPO
9 have identified it as a future designation and physically
10 connecting a proposed modular campus to that structure will
11 potentially create preservation concerns. The modular site is
12 bounded by the existing playground and parking which also creates
13 challenges of physically connecting those structures while not
14 having to completely redesign the playground or the parking area.
15 Next slide.

16 Based on this confluence of factors and the uniqueness
17 they would create a practical difficulty if the zoning
18 requirements were needed to be met thus construction of a single,
19 cohesive structure is infeasible. The prefabrication of these
20 modular structures would not permit that based on obviously
21 eliminating natural light, increased costs and code challenges.
22 Subdividing the property into multiple different lots would also
23 create a challenge and connecting the modular campus to the
24 existing building as described based on the historic façade would
25 be a practical difficulty. Therefore, we are seeking this relief.

1 Next slide.

2 There would be no harm to the public good or to the
3 zone plan based on permitted relief under the section. The R-1B
4 zone does permit by matter-of-right public elementary schools.
5 The swing space would not be permanent. We are using the term
6 head of a temporary modular campus. It's not temporary as deemed
7 under the zoning regulations because that's only one year, but
8 the structure is intended to be eventually decommissioned after
9 six years and the use of three schools and would be returned to
10 an open space and green area as it currently exists.

11 The project also complies with all other zoning
12 requirements such as height, lot occupancy, FAR, parking, bike
13 parking and therefore we believe that there's no detriment to the
14 public good. Next slide.

15 With that, we conclude our presentation and are happy
16 to answer any questions the Board may have.

17 CHAIRPERSON HILL: Okay. Great.

18 Before I turn to the Board, could I hear from the Office
19 of Planning?

20 MS. THOMAS: Yes. Good morning, Mr. Chair, and members
21 of the Board. Karen Thomas with the Office of Planning.

22 We rest on the record in support of this application.
23 We do recognize the extent of the exceptional situation as
24 explained by the Applicant here this morning and we see that it
25 does create a practical difficulty for the school and DCPS in

1 continuing their educational mission and with that we will
2 support the application as stated.

3 Thank you.

4 CHAIRPERSON HILL: Okay.

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

6 MR. YOUNG: We do not.

7 CHAIRPERSON HILL: Okay.

8 Does the Board have any questions of the Applicant?

9 VICE CHAIRPERSON BLAKE: Mr. Chair, yeah. I have a
10 question.

11 CHAIRPERSON HILL: Go ahead, Mr. Blake.

12 VICE CHAIRPERSON BLAKE: The ANC is talking about
13 (audio interference) of six years (audio interference).

14 CHAIRPERSON HILL: Maybe (audio interference), could
15 you mute yourself? Sometimes, maybe it's you or everybody can
16 mute themselves except for who's talking. I'm going to do the
17 same. Go ahead, Mr. Blake.

18 VICE CHAIRPERSON BLAKE: Okay.

19 The ANC talk about a time limit of six years or limiting
20 it to three schools. Could you talk a little bit more about what
21 you think the actual construction time requirement is and if that
22 six year limitation would be feasible?

23 MS. MOLDENHAUER: Sure. We have Patrick Moloney from
24 the DGS team. If I say anything that you need to clarify, please
25 feel free to jump in.

1 But this is a unique situation where the project is
2 moving forward currently and we became aware of the relief
3 necessary at a later date, and so the construction is currently
4 started and so I think the six year time period is a reasonable
5 time period in which we believe is a standard period for which
6 modular campuses are typically used by DGS and DCPS. However,
7 obviously, we informed the ANC that they had the right to request
8 this condition and that it would be upon the Board to determine
9 whether or not that time period was necessary.

10 VICE CHAIRPERSON BLAKE: And you believe that this time
11 period is sufficient for six years or could it take longer?

12 MR. MOLONEY: Melissa, would you mind if I just chime
13 in?

14 CHAIRPERSON HILL: Yes. Could you go ahead and
15 introduce yourself, please, for the record.

16 MR. MOLONEY: Hi. My name is Patrick Moloney. I'm the
17 DGS project manager for the Burroughs Elementary School.

18 So just to explain. The actual modular campus is just
19 about completed on the existing site. Burroughs School will move
20 into the modular campus. They'll occupy the space for two years
21 and then they will move back in to their new refurbished
22 modernized school, existing school. At that time you'll have a
23 second school that will move into the campus and that will be
24 identified as Bunker Hill currently. We do not have identified
25 a third school.

1 It's the District's policy that typically when we build
2 a swing space we have it for a lifecycle of about six years. So
3 that's where the six years comes from. It's a lot of money to
4 be spent and it's just this community has requested that we build
5 it on their current location to assist with the transportation
6 to and from a swing space within the region. Does that help to
7 clarify?

8 VICE CHAIRPERSON BLAKE: Yes, it does. Thank you very
9 much.

10 MR. MOLONEY: Any time.

11 COMMISSIONER SMITH: Now, I have a follow-up question.

12 CHAIRPERSON HILL: Mr. Smith, go ahead.

13 COMMISSIONER SMITH: Mr. Moloney, I recognize that the
14 District's trying to use this for a swing space for three schools.
15 My question, and I've seen this done with other jurisdictions but
16 I've never seen it be this aggressive where it's six years and
17 using three schools. My question is has the District, in having
18 a modular swing space, have they had it, that swing space for
19 three schools or is this something new? Has it been for two
20 schools, one school, three schools? This two years seems very
21 aggressive. And then the second question I have, have all three
22 of these been funded? So it's a go for all three?

23 MR. MOLONEY: So let's just start with the first
24 question.

25 You know, the reason why they build these swing spaces

1 is just to accommodate students and the staff during the
2 modernization of a school. Initially they had decided some other
3 location which is about three miles away. The community objected
4 and based on that objection, the District decided to build the
5 modernization, sorry, the modular campus on the existing sports
6 field.

7 When they spend that kind of money on a modular campus
8 like this, they like to benefit the other schools that are set
9 for modernization. So they have to kind of pick those schools
10 that are in proximity and that's why --

11 COMMISSIONER SMITH: Hold on. Let me quickly, sorry
12 (indiscernible) this conversation --

13 MR. MOLONEY: Yes.

14 COMMISSIONER SMITH: -- Mr. Moloney. And I'm not
15 debating anything that you're saying. My only concern is that
16 it seems to me that the six year limit may be too short. But
17 that's my concern. Not so much about the level of investment
18 that the District is doing. Two years seems to be very
19 aggressive. A two year period for three schools seems very
20 aggressive for us to just do six years because that's going to
21 run with the land. I don't want you coming back in 2031 with a
22 request for some form of an extension for a variance and I don't
23 even know if you could get an extension for a variance. It would
24 have to be a new variance.

25 So my question is, has the District thoroughly thought

1 this through that six years is enough because the ANC has given
2 you somewhat of an out because they've said either six years or
3 until you complete the three schools, whichever comes first. So
4 my question is, are you too aggressive with six years? Can you
5 extend this out?

6 MR. MOLONEY: Forgive me, I don't have a crystal ball
7 to kind of predict what's coming down in the future, but what I
8 will say is that right now DCPS and DGS have selected not just
9 Burroughs but Bunker Hill. If during that time, that'll be four
10 years from now, when Bunker Hill will vacate the property, if
11 they have selected another school, that will be the third school
12 to go into that space. It's a very difficult selection process
13 in terms of the proximity to the site, also the number of
14 occupants. They can't put a school that has 400 students into a
15 modular campus that's designed for around 300. So that's the
16 decision process that happens with the District. I'm not privy
17 to that at this moment so I don't want to --

18 CHAIRPERSON HILL: Mr. Moloney?

19 MR. MOLONEY: Yes.

20 CHAIRPERSON HILL: I'm just going to interrupt you. I
21 mean, we're just trying to figure out how much more time to maybe
22 give you and so it's like, you know, if it's the three schools
23 that is the limiting factor, I mean, you're not going to do more
24 than three schools?

25 MR. MOLONEY: At the moment, no. At the moment, no.

1 CHAIRPERSON HILL: Okay. So then I'm back to, I don't
2 know, Ms. Moldenhauer. Do you have any, like, you know, I mean,
3 the Board seems as though they're interested in giving more time
4 than six to make sure this project can get done but we don't want
5 to make it permanent because it goes with the land, right? And
6 so that we're trying to come up with a time limit here that might
7 actually work for the project and if there's going to be a fourth
8 school, I mean, you know, I guess you can come back and ask for
9 another variance. You know, that's something that, you know, you
10 can do. But do you, Ms. Moldenhauer, have any additional thoughts
11 on a time limit?

12 MS. MOLDENHAUER: I think that obviously the DCPS has
13 used swing spaces (audio interference) in ADC (phonetic) and
14 other facilities throughout the city so I think that, you know,
15 the three schools is a standard kind of life cycle that I think
16 would be preferable and so if you wanted to provide it or just
17 simply the use by three schools with no time limit, but the
18 ability to have it used for two, for three schools for a cycle
19 that maybe I see some maybe no, shaking heads. I don't know if
20 that's the proposal or maybe provide a little extra, some
21 additional time if there is some gap between the selection
22 process, as Mr. Moloney indicated, since two of the schools have
23 already been selected.

24 It's really the question of whether that third school
25 is selected and the time period in which that school's

1 modernization program is moving forward for when the modular
2 campus would be utilized. Does that make sense?

3 CHAIRPERSON HILL: Yes. Okay.

4 COMMISSIONER SMITH: (Indiscernible).

5 CHAIRPERSON HILL: All right. I mean, Mr. Smith, we
6 can talk --

7 COMMISSIONER SMITH: So --

8 CHAIRPERSON HILL: Sorry. Go ahead, Mr. Smith.

9 COMMISSIONER SMITH: Chairman Hill, I understand what
10 everyone's saying. I've seen this happen in other jurisdictions
11 where they've had to come back when they're trying to do this
12 number of schools in a swing space. My recommendation, given
13 that it doesn't seem like the ANC would necessarily be opposed
14 to it, would be to add another year. That way it gives some
15 flexibility for the District with completing some of these
16 projects. You know, this is a very aggressive time line that
17 you have and some of these projects may see construction delays.
18 So add another year. Seven years.

19 CHAIRPERSON HILL: That's fine. I mean, it's funny.
20 Like, I was going to say eight to ten. But go ahead --

21 MR. MOLONEY: I'm sorry. Excuse me. Sorry. Can I
22 just speak, just to let you know. The time slots for schools
23 occupying swing space for a modernization program is typically
24 two years. So it's either six or eight as opposed to seven
25 because just typically it takes two years to modernize a school.

1 COMMISSIONER SMITH: Okay.

2 MR. MOLONEY: Thank you.

3 CHAIRPERSON HILL: Go ahead, Commissioner Miller.

4 ZC VICE CHAIRPERSON MILLER: I'd like to hear from, I
5 do have a comment. Thank you for the team for presenting this
6 on behalf of the public school system and DGS.

7 School modernization is very important and the swing
8 space is necessary. I want to hear from DCPS who obviously wants
9 to speak but I would prefer to go with what the District is asking
10 for in terms of six years. That's what's been presented to the
11 community. There's been a lot of community engagement and I
12 realize each ANC has given flexibility in that time period. But
13 this is what the District has asked for. Six years is a long
14 time to lose your field.

15 As for Burroughs I don't know where, I appreciate that
16 they got the playground there that whole time but they've lost
17 their field. I don't know where the nearest field is or if
18 they're going to be taking them to a rec center or what, but I
19 think they should come back and the community can reassess it
20 after, we can reassess it after six years if they need more time
21 for an additional school.

22 So that's just where I am, but I see that Ms. Pegram
23 from DCPS wanted to speak and I wanted to hear what their
24 perspective was.

25 MS. PEGRAM: Oh, yes. I just wanted to kind of follow

1 up to what Patrick was saying. Typically we would require for
2 each school would be a two year cycle and so six years would be
3 our minimum. That's the only information that we have is that
4 Burroughs is swinging into the modular campus and that Bunker
5 Hill is swinging into the modular campus and, again, we haven't
6 identified that third school but we know at minimum it will be
7 six schools and that's all the information that we have at this
8 time.

9 I did hear you guys say about an extension for eight
10 years and I think that would be probably appropriate just because
11 we want to kind of be safe. So if that is something that you
12 guys are extending to us, I would agree to that. But at minimum
13 we are looking at six years including Burroughs.

14 MS. MOLDENHAUER: Thank you so much. Can I, Chairman
15 Hill, add a comment?

16 CHAIRPERSON HILL: Go ahead, Ms. Moldenhauer. Go
17 ahead, Ms. Moldenhauer.

18 MS. MOLDENHAUER: So, Commissioner Miller, I just want
19 to be clear. We did not propose a specific time period as a
20 condition. The ANC asked for it obviously in their ANC resolution
21 based on our representation that we think this would be needed
22 for approximately six years. But obviously we informed the ANC
23 that it would be up to the Board and here you can hear based on
24 our conversation if the Board does decide to put a condition on
25 this from a time perspective, we would like a little bit of

1 additional flexibility there. Just to be clear.

2 Thank you.

3 CHAIRPERSON HILL: Okay. All right.

4 We're, okay. Mr. Young, is there anyone here wishing
5 to speak or did I ask that already?

6 MR. YOUNG: We do not.

7 CHAIRPERSON HILL: Okay. All right.

8 I mean, and I think the Board is going to have to talk
9 about this which is fine. Do you, Ms. Moldenhauer, have anything
10 else to add at the end?

11 MS. MOLDENHAUER: We appreciate your time and
12 flexibility and look forward to the Board's deliberation.

13 CHAIRPERSON HILL: Okay. Thanks. All right. Oh, go
14 ahead, Commissioner Miller.

15 ZC VICE CHAIRPERSON MILLER: I just had one question I
16 want to have answered is, and maybe Ms. Moldenhauer or Ms. Pegram
17 can answer it. Where is the closest or recreational center to
18 Burroughs? I'm just not familiar with the location. And do you
19 intend to utilize that for the hundreds of students that are
20 there?

21 MS. PEGRAM: I don't know the closest field but I will
22 say regarding the design and maybe Quinn Evans, Kristina, you can
23 speak to this. They are partially giving some of the field back
24 for the modular campus. They're not getting the whole 100 percent
25 of the field returned to them while the modular campus is there,

1 but they're, I would say they're getting a portion of the field.
2 They will be using a portion of the field while they're occupying
3 the modular campus. I don't know, Kristina, if you want to add
4 to that, but.

5 MS. JARDIS: We shared concerns about the fact that a
6 whole field was going to be taken away but we've done our best
7 to lay everything out to give back as much as possible to the
8 school and surrounding community in terms of that open space.

9 ZC VICE CHAIRPERSON MILLER: How much of the open space
10 would be available in addition to the playground which I realize
11 stays there as well?

12 MS. PEGRAM: Yeah. The playground stays there for the
13 duration of the modular campus. I would say maybe about 50
14 percent, 60 percent of the field will be there while they're
15 occupying the modular campus and then 100 percent return back to
16 the school once the modular campuses are gone.

17 ZC VICE CHAIRPERSON MILLER: Well, that's significant.

18 MS. PEGRAM: Yeah. I wish I had the floor plan in
19 front of me to show you, but.

20 MR. MOLONEY: Yeah. I believe it's on the drawings on
21 the site plan.

22 MS. MOLDENHAUER: Yeah.

23 MR. MOLONEY: If you can share that.

24 MS. MOLDENHAUER: And let me just answer, let me answer
25 Commissioner Miller's question directly. Dwight Mosely

1 playground and field is one block away, one block north up 18th
2 Street.

3 ZC VICE CHAIRPERSON MILLER: Thank you. That's the
4 kind of information and in addition to the open space that I
5 needed to have the comfort level to extend the time period. So
6 thank you.

7 CHAIRPERSON HILL: Ms. Evans, can you hear me? Is it
8 Quinn Evans?

9 MS. JARDIS: Oh, yes. Sorry.

10 CHAIRPERSON HILL: Yes, sorry. Can you just introduce
11 yourself for the record. I don't know if you did.

12 MS. JARDIS: Oh, I did initially when we were going
13 through the presentation. My name is Kristina Jardis, architect
14 with Quinn Evans.

15 CHAIRPERSON HILL: I missed it. Sorry. Okay.

16 Mr. Wong (phonetic), can you hear me? No, not Mr.
17 Wong. Yeah. Who's Office of Planning with us today? Oh, Ms.
18 Thomas. Ms. Thomas. Mr. Wong, I'm sorry. Ms. Thomas, can you
19 hear me?

20 (Pause.)

21 CHAIRPERSON HILL: Ms. Thomas?

22 MS. THOMAS: Yes. Sorry, what was the question?

23 CHAIRPERSON HILL: Yes, I'm sorry. I was done but
24 since we're kind of going around this again, like, the Office of
25 Planning also put the six years in there.

1 MS. THOMAS: Uh-huh.

2 CHAIRPERSON HILL: Like, how were, were you guys
3 getting from the six years? Just because that's what the
4 Applicant had spoken about?

5 MS. THOMAS: Yes. And also I knew just from my own
6 experience that that is typically what these interim uses, prefab
7 uses, the length of time that they take. But I will also be in
8 support of extending the time to give them a little flexibility
9 for construction if the Board is so willing.

10 CHAIRPERSON HILL: Okay. Great. Okay. Thanks, Ms.
11 Thomas.

12 Okay, Ms. Moldenhauer, anything else at the end?

13 MS. MOLDENHAUER: Thank you for your time and
14 questions.

15 CHAIRPERSON HILL: Okay. Great. Thank you. All right.

16 I'm going to close the hearing and the record. Thank
17 you all for coming and joining us. Bye bye.

18 (Pause.)

19 CHAIRPERSON HILL: Okay.

20 For me, I appreciate all of the work the Applicant has
21 gone to to explain how they're meeting the criteria for the area
22 variance and I understand how they're getting to there which is
23 what the exceptional situation is, how the practical difficulty
24 they're achieving due to the nature of the program that they're
25 trying to achieve and then also I don't think it has a problem,

1 I don't have an issue with the zone plan portion of the criteria.

2 We're just talking about the time limit and for me I
3 guess, you know, I don't mind taking it out to eight years just
4 because it's another couple of years, but at the same time if
5 DGS can't figure it out in six years they'll just have to come
6 back and pay to do it again, and so that's why I'm kind of stuck.
7 But I understand Commissioner Miller and his concern about the
8 field and the time that has been going up.

9 I'm fine with eight years but I'll go ahead and go
10 around the horn and see where we are. Also where we are with
11 the case itself and start with you, Mr. Smith.

12 COMMISSIONER SMITH: I agree with the Office of
13 Planning's assessment and how they meet the criteria for us to
14 grant the variance. You know, my only concern is just seeing
15 these types of redevelopments of schools and use of swing spaces
16 occur. Six years is a tight time frame, especially given, it
17 seems like they have funding for one. They already know the
18 second and third. They want to build a second one. They're
19 trying to plan to build a third one and they have construction
20 costs going up. It doesn't sound like, I haven't heard, I didn't
21 hear any testimony. I did ask the question, if all of these
22 schools are funded where you can keep this aggressive time line.

23 I think six years is very aggressive for three schools.
24 My recommendation, and to me it's even a compromise because I
25 think eight is reasonable. I don't even know if that's, if they

1 can move that fast, but I do think an eight year time line is
2 reasonable. I think that the ANC, and I get that there's been a
3 dialogue amongst the ANC about six years. But they seem to be
4 fairly comfortable with a longer time frame than six years for
5 the greater good that they're rehabilitating schools within the
6 area.

7 So my recommendation would be for approval with an
8 eight year time limit, not six, for efficiency purposes.

9 CHAIRPERSON HILL: Okay. Thank you.

10 Mr. Blake?

11 VICE CHAIRPERSON BLAKE: First of all, I'm going to say
12 I agree with the analysis provided for the variance relief
13 requested. As it relates to the time frame I started to question
14 initially about time frame and that for the reason we exactly
15 talked about. But I saw it more as a wiggle room issue more so
16 than an additional opting for yet a fourth school.

17 So in the context of what I was looking at, another
18 year so seven years was sufficient because they say a two gap,
19 two year intervals, that's six years and if they were a little
20 bit over there's 12 months to work with. Not what they would
21 plan but if there was something, meaning for some wiggle room.
22 So I thought a seven year time limit really kind of respected
23 what they were trying to do with the three schools and, you know,
24 gave them some wiggle room.

25 So I was looking more like at the seven year thing.

1 But if you want to do eight years I'll support that, but I did
2 think seven years was the, and when I started the questioning at
3 the beginning it was really just to get to something where if we
4 could see a short falling in funding, construction delays or
5 something like that, I just wanted to comment and say it's
6 sufficient for that. But that was all my (indiscernible). So
7 in support, seven or eight, but I thought seven was logical and
8 rational I thought made sense.

9 CHAIRPERSON HILL: Okay. Thank you.

10 Vice Chair Miller?

11 ZC VICE CHAIRPERSON MILLER: Thank you.

12 I agree with all the comments and appreciate all the
13 comments of my colleagues and, well, especially the variance test
14 has been met even if it's after the fact of the construction
15 having begun. But I'm glad they did comply with the regulations
16 at this point. Yeah. I can go with seven or eight. I have a
17 comfort level now that I heard that, I thought it was all the
18 field that was being used. I guess I didn't look carefully at
19 the plans and the fact that there's a public recreation center
20 one block away is important and so I can go with whatever the
21 majority wants to do, seven, eight.

22 I think the flexibility, I appreciate you bringing that
23 up, all of you, Commissioners Blake and Smith. I think that is
24 important too. So I can go with whatever you want to do, Mr.
25 Chairman.

1 CHAIRPERSON HILL: Okay. Thanks.

2 Well, in that case I just would prefer to go with eight
3 only because I like the number eight and also once they're going
4 to be done, they're going to be done. Like, they're not going
5 to, if they're finished they're finished. If they're finished
6 in six, they're finished in six. They're going to go ahead and
7 give the fields back I would assume. They're not going to try
8 to, well, I guess they could if the needed the flex space for a
9 fourth school they can somehow do it and I guess they're doing
10 it because D.C., you know, DGS needs it done. So nobody's doing
11 this for profit or fun. So I'm going to stick with eight unless
12 you all got a problem with it. Okay. Fine. All right.

13 Then I'm going to make a motion to approve Application
14 No. 21318 as captioned and read by the secretary, including a
15 limit of eight years and ask for a second. Mr. Blake?

16 VICE CHAIRPERSON BLAKE: Second.

17 CHAIRPERSON HILL: Motion is made and seconded. Madam
18 Secretary, take a roll call.

19 MS. MEHLERT: Please respond to the Chair's motion to
20 approve the application with an eight year term limit.

21 Chairman Hill?

22 CHAIRPERSON HILL: Yes.

23 MS. MEHLERT: Vice Chair Blake?

24 VICE CHAIRPERSON BLAKE: Yes.

25 MS. MEHLERT: Board member Smith?

1 COMMISSIONER SMITH: Yes.

2 MS. MEHLERT: Commissioner Miller?

3 ZC VICE CHAIRPERSON MILLER: Yes.

4 MS. MEHLERT: Staff would record the vote as four to
5 zero to one to approve Application 21318 on the motion made by
6 Chairman Hill and seconded by Vice Chair Blake.

7 CHAIRPERSON HILL: Okay, everybody. You all have a
8 good day. We made it in time for lunch. We are adjourned. Bye
9 bye.

10 (Whereupon, the above-entitled matter went off the
11 record at 12:05 p.m.)

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

This is to certify that the foregoing transcript

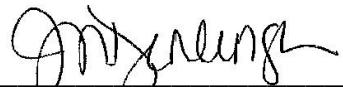
In the matter of: Public Hearing

Before: DC BZA

Date: 07-02-25

Place: Via Webex

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



Jacqueline Denlinger