

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

DECEMBER 3, 2025

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 11:26 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARL BLAKE, Vice-Chairperson

ZONING COMMISSION MEMBERS PRESENT:

ROBERT MILLER, Vice-Chairperson
JOSEPH S. IMAMURA, PhD, AOC Designee

OFFICE OF ZONING STAFF PRESENT:

KEARA MEHLERT, Secretary
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING DEVELOPMENT REVIEW STAFF PRESENT:

PHILIP BRADFORD
MATTHEW JESICK
MICHAEL JURKOVIC
JOSHUA MITCHUM
CRYSTAL MYERS

1 OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

2 SARAH BAJAJ, ESQ.
3 CARISSA DEMARE, ESQ.

4 The transcript constitutes the minutes from
5 the Public Hearing held on December 3, 2025.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 C-O-N-T-E-N-T-S
2 Application No. 21376 of District Line Development, LLC 4
3 Application No. 21379 of Washington Real Estate Development, Inc. 11
4 Application No. 21382 of JYL Healing, LLC 20
5 Application No. 21389 of Saint Peter School 30
6 Application No. 21381 of Institute of Caribbean Studies 67
7
8 Adjourn
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

2 10:26 a.m.

3 MS. MEHLERT: Okay, next is moving into the
4 Board's Hearing Session. It's Application No. 21376
5 of District Line Development, LLC.

6 This is a self-certified application,
7 pursuant to Subtitle X Section 901.2, for a special
8 exception under Subtitle U Section 421, to allow a new
9 residential development.

10 This is for the creation of four additional
11 dwelling units in an existing, two-story,
12 semi-detached, four-unit apartment house building with
13 expanded cellar and third-floor addition. It's located
14 in the RA-1 zone at 228 Hamilton Street NW, Square 3326,
15 Lot 82.

16 And as a preliminary matter, the Applicant
17 has filed a motion to waive the filing deadline to allow
18 the submission of supplemental materials, which are in
19 the record in Exhibits 15 through 15C.

20 CHAIRPERSON HILL: Okay, thank you.

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

23 MR. WILLIAMS: Good morning, Chairman Hill.

24 Zach Williams from Venable, representing the
25 Applicant, District Line Development. Matt Medvane is

1 here with the Applicant, as well as Ryan Petyak, the
2 architect for the project.

3 CHAIRPERSON HILL: Okay, great, thanks. Mr.
4 Williams, what are you trying to get into the record
5 again, please?

6 MR. WILLIAMS: We updated our
7 self-certification and our architectural plans and
8 statement in support. We were responding to feedback
9 from Office of Planning.

10 CHAIRPERSON HILL: Okay. I don't have any
11 issues adding those items into the record unless my
12 fellow Board members do, and if so, please speak up.

13 Okay. Hearing none, Madam Secretary, if you
14 could please put that into the record.

15 Mr. Williams, if you want to go ahead and walk
16 us through your client's application and why you believe
17 they're meeting the criteria for us to grant the relief,
18 I'm going to put 15 minutes on the clock so I know where
19 we are.

20 And I only have one screen. So I will be
21 moving a little bit slowly perhaps, but please, start
22 whenever you'd like.

23 MR. WILLIAMS: Absolutely. Mr. Young, can
24 you pull up our presentation, please? Great, thank you.

25 This is an application for a special exception

1 at 228 Hamilton Street NW to add four units to an existing
2 four-unit apartment house.

3 Next slide, please.

4 The property is zoned RA-1. It's located near
5 the corner of Hamilton Street NW and 2nd Street NW, as
6 you can see on the zoning map here. All of the
7 neighboring properties on each side of Hamilton Street
8 are also zoned to the RA-1 district.

9 Next slide.

10 Here's an aerial map to provide a little bit
11 more context. As you can see, immediately to the east
12 of this property is a large apartment building. There
13 are additionally apartment houses typical on this
14 street, and along 2nd Street NW as well, of similar and
15 varying sizes.

16 Next slide, please.

17 Here's some photographs of the current
18 existing conditions of the house. You can see that the
19 property to the right of the picture on the left was
20 renovated recently, and there was an addition put on
21 that apartment house. Here's the property as you
22 currently see it today on the front on the left side
23 and from the rear on the right side.

24 Next slide, please.

25 Here's a current survey of the property. The

1 lot is about 5,600 square feet. As I mentioned, it's
2 zoned RA-1. There's an existing two-story
3 semi-detached apartment house, which you just saw in
4 the photographs, currently with four units. There is
5 alley access to the property in the rear.

6 Next slide, please.

7 Here are some of the proposed elevations for
8 the project. This is one of the things that we updated
9 in our plans in response to some feedback from the Office
10 of Planning that wanted to see some additional detail.

11 As you can see here, there will be a third-level
12 addition to the apartment house here that's proposed,
13 as well as a minor rear addition of about five feet.

14 Next slide, please.

15 We've included shadow studies as well. As
16 you can see here, there is very limited shadowing impact
17 from the proposed project. Part of the reason is
18 because the buildings on either side are larger than
19 this building. But also, there's only going to be a
20 minor rear addition, in addition to the third-story
21 addition.

22 Next slide. Some additional shadow studies,
23 just walking through these from our architectural plans.

24 Next slide.

25 The relief requested is to add four units to

1 the existing four-unit apartment house in the RA-1 zone.
2 This is relief that's required from the Board pursuant
3 to Subtitle U Section 421. Everything else about the
4 project is as a matter-of-right, permitted, and in
5 compliance with development standards in the RA-1 zone.

6 Next slide, please.

7 Walking through the special exceptions
8 standards, the project must be in harmony with the
9 general purpose and intent of the Zoning Regulations.

10 As we know, the RA-1 zone allows for this type of low-
11 to moderate-density development. And I already
12 mentioned the project will meet all development
13 standards in that RA-1 zone.

14 Next slide, please.

15 The next standard is that the project should
16 not adversely affect neighboring property. Typically,
17 for this standard, we think about light, air, and
18 privacy.

19 As I mentioned, other than a minor rear
20 addition of less than five feet, the footprint remains
21 largely the same. Only four units are going to be added.

22 There is a third-story addition, but this is
23 in harmony with the neighboring properties, and
24 apartment and multi-family buildings are common in this
25 neighborhood and on this block in particular. So it

1 should not adversely affect the neighboring properties.

2 Next slide.

3 We did receive support from ANC 4D for this
4 application, and Office of Planning also recommends
5 approval.

6 That concludes our presentation, and we're
7 available for any questions. Thank you.

8 CHAIRPERSON HILL: Thank you, Mr. Williams.

9 Could I turn to the Office of Planning, please?

10 MS. MYERS: Good morning. Crystal Myers with
11 the Office of Planning. The Office of Planning is in
12 support of this case and can stand on the record of the
13 staff report. I'm, of course, here for questions.

14 Thank you.

15 CHAIRPERSON HILL: Great, thank you.

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

18 MR. YOUNG: We do not.

19 CHAIRPERSON HILL: Okay. Does the Board have
20 any questions of the Applicant or the Office of Planning?

21 Okay. Mr. Williams, thank you, and to your
22 client also. You guys had a pretty smooth day, I guess.

23 So I hope you guys enjoy your day. Okay, thank you.

24 Bye-bye.

25 Closing the hearing and the record.

1 Okay. For me, I thought this was pretty
2 straightforward. I mean, they're meeting all the
3 developmental standards. They have to come to us for
4 U Section 421.1, and I think they're meeting criteria
5 under X Section 901.2.

6 I also would agree with the analysis that the
7 Office of Planning has provided to us, as well as that
8 the ANC is in support. So I think this is a pretty clean
9 case, and I'm going to be voting in favor of this
10 application.

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

13 VICE CHAIRPERSON BLAKE: Mr. Chair, I agree
14 with your assessment, and I'll be voting in favor of
15 the application.

16 CHAIRPERSON HILL: Thank you.

17 Commissioner Imamura?

18 COMMISSIONER IMAMURA: Thank you, Mr.
19 Chairman. I'm also in agreement that this is a pretty
20 clean application.

21 I think the only thing that I didn't find very
22 clean was the elevations. They were a little difficult
23 to read just because of the rendering of it and the color
24 tone.

25 Otherwise, I think this is pretty

1 straightforward. And I'm prepared to vote in support.

2 CHAIRPERSON HILL: Okay, great. Thank you.

3 All right. I'm going to make a motion to
4 approve Application No. 21376, as captioned and read
5 by the Secretary, and ask for a second.

6 Mr. Blake? You're on mute.

7 VICE CHAIRPERSON BLAKE: Second.

8 CHAIRPERSON HILL: Motion has been made and
9 seconded.

10 Madam Secretary, take a roll call.

11 MS. MEHLERT: Please respond to the Chair's
12 motion to approve the application.

13 Chairman Hill?

14 CHAIRPERSON HILL: Yes.

15 MS. MEHLERT: Vice Chair Blake?

16 VICE CHAIRPERSON BLAKE: Yes.

17 MS. MEHLERT: Dr. Imamura?

18 COMMISSIONER IMAMURA: Yes.

19 MS. MEHLERT: Staff would record the vote as
20 3-0-2 to approve Application No. 21376 on the motion
21 made by Chairman Hill and seconded by Vice Chair Blake.

22 CHAIRPERSON HILL: Thank you. Madam
23 Secretary, if you'll call our next order of business?

24 MS. MEHLERT: Next is Application No. 21379
25 of Washington Real Estate Development, Inc. This is

1 a self-certified application, pursuant to Subtitle X
2 Section 901.2, for a special exception under Subtitle
3 C Section 703.2 from the minimum vehicle parking
4 requirements of Subtitle C Section 701.5.

5 This is for additions to an existing one-story
6 building for use as a nine-unit apartment house in a
7 five-story building. Located in the MU-4 zone at 3700
8 14th Street NW, Square 2692, Lot 43.

9 As a preliminary matter, the Applicant
10 submitted a motion to waive the filing deadline for
11 supplemental materials, which are in the record in
12 Exhibits 19 through 19B and Exhibits 24 through 24B.

13 CHAIRPERSON HILL: Thank you.

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

16 MS. WILSON: Hi. My name is Alex Wilson from
17 Sullivan & Barros, on behalf of the Applicant in this
18 case. I'm also here with a representative from the
19 owner, Mr. Matta, and our architect, Dagmawi.

20 CHAIRPERSON HILL: Okay, great. Ms. Wilson,
21 what is it that you're trying to get into the record?

22 MS. WILSON: We talked to DDOT about updating
23 the bicycle room. And so the plans should show updates
24 to the bike room so we could have over 50 percent of
25 the bicycle spaces horizontal as opposed to vertical.

1 CHAIRPERSON HILL: Okay, all right. Unless
2 the Board has any issues, I'd like to see what the changes
3 were to that that DDOT was interested in. If my Board
4 has any issues, please speak up.

5 Okay. We're going to go ahead and put that
6 into the record then, Madam Secretary.

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

12 MS. WILSON: Great. Thank you so much.

13 Mr. Young, could you please pull up the
14 presentation? Thank you so much. Could you please go
15 to the next slide? Thank you.

16 So the property is located in the MU-4 zone.
17 It's currently improved with a small, one-story
18 commercial building. The Applicant is proposing to
19 construct an addition and convert the building to nine
20 residential units.

21 The project is otherwise permitted as a
22 matter-of-right except for the Applicant cannot
23 physically provide the required parking on site due to
24 a building restriction line. Accordingly, the project
25 requires special exception relief for two parking

1 spaces.

2 Next slide, please.

3 The Office of Planning is recommending
4 approval. ANC 4C voted unanimously in support. We
5 also have an ANC across the street, 1D, who voted
6 unanimously in support. And DDOT is recommending
7 approval.

8 Next slide, please.

9 CHAIRPERSON HILL: Ms. Wilson?

10 MS. WILSON: Yes.

11 CHAIRPERSON HILL: Ms. Wilson, sorry to
12 interrupt. Is it three spaces that you're supposed to
13 provide or two?

14 MS. WILSON: So it's two spaces.

15 CHAIRPERSON HILL: Okay. There seemed to be
16 some discrepancy in the -- was it the DDOT report that
17 had three spaces?

18 MS. WILSON: Yes. I'm not sure, but the
19 calculation is two spaces. We asked for two spaces.

20 It's arguably one space with the 50 percent reduction.

21 There is some confusion about the bus lines
22 since the bus lines have changed. And I think once the
23 omnibus tax amendment passes, we could request one
24 space, but we just wanted to be safe. So we requested
25 two.

1 CHAIRPERSON HILL: Okay. All right, thank
2 you. Please go ahead.

3 MS. WILSON: Next slide, please. That's just
4 the subject property located on the corner. Next slide,
5 please. Thank you. Some additional context. Next
6 slide, please. Next slide, please. Thank you. Next
7 slide, please.

8 This highlighted area shows the only portion
9 of the lot that is open and not within the BRL. And
10 obviously, it's too small for the required parking
11 spaces.

12 Next slide, please.

13 So the use itself and the proposed building
14 bulk and density are permitted as a matter-of-right in
15 the zone. The property has a walk score of 90. It's
16 located close to amenities and grocery stores,
17 restaurants, shops.

18 It's on 14th Street. It's relatively close
19 to the Metro, and it is near the high-priority corridor
20 lines. And it's anticipated that future residents are
21 unlikely to have cars.

22 Next slide, please.

23 And so all of these factors go towards the
24 requirements for approval for parking. We are only
25 required to meet one, but in this case, a number are

1 met. There is no physical way to get parking on this
2 lot due to that building restriction line.

3 The use is particularly well served by mass
4 transit facilities. And we are adding nine short-term
5 bike parking spaces, as requested by the ANC, in addition
6 to the three interior long-term bike parking spaces.

7 The property has a walk score of 90. It's
8 characterized as a walker's paradise, and the reduction
9 is only for the amount that cannot be provided on site.

10 Next slide, please. I won't walk through all
11 the plans. If you go to the next slide, this shows the
12 nine bike parking spaces, the short-term. Next slide,
13 please.

14 CHAIRPERSON HILL: Ms. Wilson, does that show
15 where the building restriction -- how does the building
16 restriction line come into where you can't provide the
17 parking?

18 MS. WILSON: Can you go back one slide? So
19 if you see the red line --

20 CHAIRPERSON HILL: Yes.

21 MS. WILSON: -- that cuts across, that's where
22 the building restriction line is. So all of that space,
23 while it's the Applicant's property, is public space.

24 And so we cannot locate parking spaces in public space
25 per DDOT's code.

1 CHAIRPERSON HILL: Okay.

2 MS. WILSON: Next slide, please. Next slide,
3 please.

4 And then this shows the internal short-term
5 and the exterior -- sorry, the internal long-term and
6 the exterior short-term bike parking.

7 And then, we're happy to take any questions
8 on this or any of the other plans, but this was just
9 the relevant material for the actual parking request.

10 And that concludes our presentation.

11 CHAIRPERSON HILL: Okay, thanks.

12 Mr. Young, if you can drop that.

13 And before I turn to my Board, can we hear
14 from the Office of Planning?

15 MR. MITCHUM: Hi, this is Joshua Mitchum with
16 the Office of Planning. We are in support of the
17 application and are able to rest on the record, and we
18 are available for any questions if necessary. Thank
19 you.

20 CHAIRPERSON HILL: Okay, great. Thank you.

21 Does the Board have any questions for the
22 Applicant?

23 Okay. Mr. Young, is there anyone here wishing
24 to speak?

25 MR. YOUNG: We do not.

1 CHAIRPERSON HILL: Okay, let's see. All
2 right. Ms. Wilson, I don't have any further questions
3 for you. It doesn't seem like anybody else does. So
4 you have a nice afternoon. You were on mute, but I think
5 you said thank you.

6 MR. MATTA: Thank you.

7 CHAIRPERSON HILL: You're welcome.

8 Okay. Really, this comes down to, again, the
9 parking relief and whether or not we think it's necessary
10 -- I'm sorry, whether it meets the criteria for us to
11 grant this particular relief.

12 I was interested in the building restriction
13 line and why they can't provide the parking. I
14 understand now better why it's difficult for them to
15 actually provide the parking, because the building would
16 then just be extremely small, actually, I think, and
17 I don't know how they would do it if we really thought
18 it was necessary.

19 I think that because of the access to public
20 transportation and the bicycle parking that they've
21 added, I think that I can get behind this. I also
22 appreciate that the Office of Planning has put their
23 recommendation in the record and is in support, as well
24 as that of DDOT and both the ANCs.

25 I think the Applicant said that they wouldn't

1 have cars. I kind of disagree. I'm sure people will
2 have cars, but maybe some of them won't have cars. And
3 so I'm going to be voting in favor of this application.

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

6 VICE CHAIRPERSON BLAKE: Well, Mr. Chair, I
7 actually am in favor of this application as well. We've
8 got the support of the Office of Planning report, which
9 I agree with. I also agree with your analysis you
10 provided. And DDOT is in support. I'm also giving
11 great weight to the Office of -- the ANC 4C's report,
12 which is in support and stating no issues of concern.

13 So I'm in support of this application.

14 CHAIRPERSON HILL: Thank you.

15 Dr. Imamura?

16 COMMISSIONER IMAMURA: Thank you, Mr.
17 Chairman. I'm also in support. I think given the site
18 configuration, this seems pretty reasonable for the
19 request. As Board Member, Vice Chair Blake has
20 mentioned, as well as you did, we have ANC support from
21 two ANCs, as well as OP and DDOT has no objections.
22 So this is pretty straightforward.

23 CHAIRPERSON HILL: Okay, great. Thank you.

24 All right. I'm going to make a motion to
25 approve Application No. 21379, as captioned and read

1 by the Secretary, and ask for a second.

2 Mr. Blake?

3 VICE CHAIRPERSON BLAKE: Second.

4 CHAIRPERSON HILL: Motion has been made and
5 seconded.

6 Madam Secretary, take a roll call.

7 MS. MEHLERT: Please respond to the Chair's
8 motion to approve the application.

9 Chairman Hill?

10 CHAIRPERSON HILL: Yes.

11 MS. MEHLERT: Vice Chair Blake?

12 VICE CHAIRPERSON BLAKE: Yes.

13 MS. MEHLERT: Dr. Imamura?

14 COMMISSIONER IMAMURA: Yes.

15 MS. MEHLERT: Staff would record the vote as
16 3-0-2 to approve Application No. 21379 on the motion
17 made by Chairman Hill and seconded by Vice Chair Blake.

18 CHAIRPERSON HILL: Okay, great. Thank you.

19 Madam Secretary, if you can call our next case, please?

20 And then, you guys, maybe we'll take a quick
21 break after this one.

22 MS. MEHLERT: Next is Application No. 21382
23 of JYL Healing, LLC. This is an application pursuant
24 to Subtitle X Section 901.2, for a special exception
25 under Subtitle U Section 513.1(h), to allow a new massage

1 establishment used on the second floor of an existing,
2 attached commercial building. It's located in the MU-4
3 zone at 4818 MacArthur Boulevard NW, Square 1388, Lot
4 28.

5 CHAIRPERSON HILL: Great, thank you. One
6 moment, please. Okay, great.

7 If the Applicant can hear me, if they could
8 please introduce themselves for the record?

9 I do not see the Applicant. Oh, maybe I do.

10 Mr. Busch, can you hear me? Maybe you're on
11 mute.

12 MR. BUSCH: Yes. Can you hear me?

13 CHAIRPERSON HILL: Yes.

14 MR. BUSCH: Yes, sorry.

15 CHAIRPERSON HILL: Could you introduce
16 yourself for the record?

17 MR. BUSCH: Sure. My name is Joseph Busch.

18 I'm a private citizen, but I'm representing JYL
19 Healing's owner, Anna Li, and have been responsible for
20 the filings related to this request for an exception.

21 CHAIRPERSON HILL: Okay. Mr. Busch, is your
22 camera working? If not, that's fine. If you know how
23 to turn it on, turn it on. Okay, that's okay. Mr.
24 Busch, can you hear me?

25 MR. BUSCH: Yes, I can hear you. There we

1 go.

2 CHAIRPERSON HILL: Oh, there you go.

3 Perfect. If you could just walk us through -- welcome
4 -- if you could just walk us through your client's
5 application, we'll see if we have any questions. You
6 can go ahead and tell us about the application and what
7 you're trying to do.

8 MR. BUSCH: Okay. I did have a presentation
9 that was submitted, if that could be started.

10 CHAIRPERSON HILL: Sure. Mr. Young?

11 MR. BUSCH: Thank you. Can we go to the next
12 slide, please? There we go.

13 All right. As I said, I'm Joseph Busch, and
14 I've been advising Anna Li. Unfortunately, she's not
15 here today. She's working at another location.

16 Can I have the next screen, please? Thanks.

17 So we've been working for quite some time to
18 get a special exception relief from the strict
19 requirements of the Zoning Regulations under Subtitle
20 U Section 513.1(h), to change the use of a
21 623-square-foot commercial tenant on the second floor
22 of 4818 MacArthur Avenue NW, Square 1388, Lot 0028, from
23 commercial office, which is the current use, to massage
24 establishment. And that requires us to get this
25 exception.

1 Next, please.

2 The business is called Eastern Reflexology
3 Spa. It offers Swedish massage and deep tissue massage.

4 It's across the street from a CVS. It's in a relatively
5 small space that is shown in the picture on the right.

6 It's the second floor. There's a single
7 entrance through the door there with a foyer. And
8 there's two further doors, one leading to the
9 first-floor suite and one leading to the stairs going
10 upstairs.

11 On the first floor -- this is one of the
12 considerations -- is a child care development center
13 called Little Ivies, and we have a letter of support
14 from them. We have independent entrances, and we have
15 sort of different primary hours of operation. This has
16 been discussed with the ANC and also with the Planning
17 Department report.

18 Next slide, please.

19 The criteria are that we need to be compatible,
20 so there's some concern about the child care center,
21 should not be objectionable because of the character
22 of the neighborhood and not have an adverse impact on
23 the institutions, such as the child care center
24 downstairs.

25 Next slide, please.

1 So the area already includes quite a few
2 enterprises that fit into this Section 513 special
3 exception. There's some fast food. There's animal
4 boarding, including right next door. There's a
5 veterinary hospital and also a gas station.

6 Next slide.

7 There also are other personal services in the
8 area, such as nail spas, personal trainers, and other
9 professional services. The child care, Little Ivies,
10 is represented by their logo there. There's also
11 medical and pharmacy. Like I said, the CVS and clinic
12 is across the street.

13 Next slide, please.

14 The establishment should be compatible. So
15 we think it would be very compatible and actually provide
16 enhanced value through referrals. But also mentioned
17 in the Office of Planning report, the concern about
18 Little Ivies, which is on the first floor, they have
19 separate access to both units, and it wouldn't be
20 affecting their operations.

21 Next slide, please.

22 In terms of the character of the neighborhood,
23 it's a very small establishment. As we said, there will
24 be three treatment rooms. It's very basic. It's
25 manual reflexology and acupressure. There's no

1 equipment that's used involving water, electricity, or
2 sound equipment.

3 Next slide, please.

4 The hours of operation are pretty much the
5 same as other businesses in the area. There's a lot
6 of restaurants and fast food, as well as the pharmacy.

7 The Office of Planning report also indicates
8 that the clients are primarily by appointment. There's
9 a bit of flexibility for walk-ins. There's no on-site
10 parking, but it is on a bus route, and there's also street
11 parking and a nearby parking lot.

12 Next slide.

13 We don't think it'll have an adverse impact.

14 It's basically a healthy living and quality of life
15 type of a business. There's other businesses in the
16 area. We've also already become active in the Palisades
17 community, joining their community association,
18 advertising, and having articles in their newsletter
19 and other activities.

20 Next slide, please.

21 As we mentioned, there's support from Little
22 Ivies, the child development center. There's a letter
23 of support in the application materials that you have.

24 The DC Office of Planning recommended approval in the
25 November 19 report.

1 We also met several times with the ANC 3D,
2 first on October 8th. And on November 18, they voted
3 6-0 to recommend approval of the case. I see the letter
4 is now in the file. I hadn't seen the letter before,
5 but I did see it when I checked yesterday.

6 Next slide. I think that's pretty much it.

7 Thank you very much for your consideration.

8 CHAIRPERSON HILL: Thank you, Mr. Busch.

9 There we go, perfect.

10 Before I turn to the Board, could I hear from
11 the Office of Planning?

12 MS. BROWN-ROBERTS: Good morning, Mr.
13 Chairman and members of the BZA. Maxine Brown-Roberts
14 on Zoning Case 21382 to permit an establishment that
15 has as a principal use the administration of massages.

16 As outlined in our report, the Applicant has
17 met the conditions of Subtitle U 513.1(h), and the
18 purposes of the MU zone or the use of neighborhood
19 properties should not be adversely affected. We
20 therefore recommend approval of the requested special
21 exception. Thank you, Mr. Chairman.

22 CHAIRPERSON HILL: Thank you.

23 Does the Board have any questions of the
24 Applicant or the Office of Planning?

25 Okay. Mr. Young, is there anyone here wishing

1 to speak?

2 MR. YOUNG: We do not.

3 CHAIRPERSON HILL: Okay, great. Mr. Busch,
4 thank you so much for your time, and I hope you have
5 a good day.

6 MR. BUSCH: Thank you very much.

7 CHAIRPERSON HILL: We're going to go ahead
8 and close the hearing and the record.

9 I thought this was actually relatively
10 straightforward. My real thing was whether or not it
11 was going to meet the criteria for U 513.1, in
12 particular, whether it's compatible with the other uses
13 in the area.

14 And I thought the Applicant did, actually,
15 a pretty good job, considering they're probably not a
16 zoning attorney, to show how they're meeting the
17 criteria. It is all the different types of
18 establishments that are there.

19 I think that it's a small establishment.
20 There's only three rooms, and it's also by appointment
21 only. So I don't necessarily see any adverse impacts
22 to the area.

23 I also would agree with the Office of
24 Planning's report that is in support, and it's in the
25 record, and also giving great weight to the ANC 3D that

1 is also in support. I appreciate the ANC's time in all
2 of the hearings that we do, but thank you for their
3 support -- I'm sorry, thank you for their report.

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

6 VICE CHAIRPERSON BLAKE: Mr. Chairman, I
7 agree with you. This actually is a fairly
8 straightforward case.

9 The concern you had with how it fit in with
10 the other establishments was a concern for me as well,
11 but the Applicant did in fact address that, I think,
12 well.

13 So with that, I do believe the Applicant has
14 met the burden of proof to be granted relief, and I'll
15 be in support.

16 CHAIRPERSON HILL: Thank you.

17 Dr. Imamura?

18 COMMISSIONER IMAMURA: Thank you, Mr.
19 Chairman. I agree that the burden of proof has been
20 met.

21 It's generally compatible with the mix of uses
22 of the surrounding neighborhood, and I don't find it
23 objectionable in terms of the character of the area.

24 So I'm prepared to vote in support.

25 CHAIRPERSON HILL: Thank you.

1 All right. I'm going to make a motion, then,
2 to approve Application No. 21382, as captioned and read
3 by the Secretary, and ask for a second.

4 Mr. Blake?

5 VICE CHAIRPERSON BLAKE: Second.

6 CHAIRPERSON HILL: Motion has been made and
7 seconded.

8 Madam Secretary, take a roll call.

9 MS. MEHLERT: Please respond to the Chair's
10 motion to approve the application.

11 Chairman Hill?

12 CHAIRPERSON HILL: Yes.

13 MS. MEHLERT: Vice Chair Blake?

14 VICE CHAIRPERSON BLAKE: Yes.

15 MS. MEHLERT: Dr. Imamura?

16 COMMISSIONER IMAMURA: Yes.

17 MS. MEHLERT: Staff would record the vote as
18 3-0-2 to approve Application No. 21382 on the motion
19 made by Chairman Hill and seconded by Vice Chair Blake.

20 CHAIRPERSON HILL: Okay, this is up to you
21 guys. We can either do this one more, and then probably
22 have to bring in Chairman Hood for a couple of decisions,
23 and then come back for our last case, or do you want
24 to take a break now? Nobody cares?

25 COMMISSIONER IMAMURA: I say let's keep it

1 going and then take a break and bring in Chairman Hood.

2 CHAIRPERSON HILL: Perfect, okay. If you
3 want to call our next case, Madam Secretary?

4 MS. MEHLERT: Yes. Next is Application No.
5 21389 of Saint Peter School. This is a self-certified
6 application, pursuant to Subtitle X Section 901.2, for
7 special exceptions under Subtitle U Section 203.1(m),
8 to allow the expansion of an existing private school
9 use; under Subtitle C Section 1506.1 from the penthouse
10 setback requirements of Subtitle C Section 1504.1(c);
11 and pursuant to Subtitle X Section 1002, for an area
12 variance from the penthouse height requirements of
13 Subtitle E Section 402.1.

14 This is for a three-story addition to an
15 existing, three-story building to expand an existing
16 private school use. It's located in the RF-1/CAP zone
17 at 422 3rd Street SE, Square 793, Lot 25.

18 As a preliminary matter, the Applicant has
19 proffered three expert witnesses: Meagan Jancy, Jami
20 Milanovich, and Shane Dettman. Ms. Jancy is not in the
21 witness book, and her resume is in Exhibit 24. And I'll
22 also note the Architect of the Capitol Report was filed
23 yesterday in Exhibit 31.

24 CHAIRPERSON HILL: Great, thank you. If the
25 Applicant can hear me, if they could please introduce

1 themselves for the record?

2 MR. UTZ: Good morning. My name is Jeff Utz
3 with Goulston & Storrs. I am land use counsel for the
4 school.

5 CHAIRPERSON HILL: Great. Thank you, Mr.
6 Utz. Nice to see you.

7 Let's see. So the only person who's not in
8 the book, you said, is Ms. Jancy, Madam Secretary?

9 MS. MEHLERT: That's correct.

10 CHAIRPERSON HILL: Okay. We've worked with
11 everyone else. Her resume is in which exhibit, Madam
12 Secretary?

13 MS. MEHLERT: Exhibit 24.

14 CHAIRPERSON HILL: Thanks.

15 Could you guys all mute your lines unless
16 you're speaking? Thank you.

17 Okay. I don't have any issues with Ms. Jancy
18 being proffered as an expert in architecture and
19 historic preservation.

20 Do my fellow Board members have anything
21 they'd like to add about that?

22 COMMISSIONER IMAMURA: No. I'm comfortable
23 with giving her expert status.

24 CHAIRPERSON HILL: Okay. Mr. Blake, are you
25 also comfortable?

1 VICE CHAIRPERSON BLAKE: I am.

2 CHAIRPERSON HILL: Okay, all right. Madam
3 Secretary, we're going to go ahead and, as the
4 preliminary matters, accept all these people as expert
5 witnesses, some of which have already been put in the
6 book.

7 Mr. Utz, I saw your presentation. You can
8 go ahead and walk us through why you believe your client
9 is meeting the criteria and use your witnesses as you
10 see fit. I'm going to put 15 minutes on the clock so
11 I know where we are, and you can begin whenever you'd
12 like.

13 MR. UTZ: Great. Thank you so much. Hello
14 again. For the record, I'm Jeff Utz from Goulston &
15 Storrs, land use counsel on behalf of the school. In
16 today's case, I wanted to start by thanking the Board
17 for the opportunity to present.

18 As discussed in our filings, this application
19 seeks special exception relief under Subtitle U 203.1(m)
20 to permit the renovation and expansion of an existing
21 private school, special exception relief from the
22 one-to-one setback for the roof structures located on
23 the side building wall, and a variance from the penthouse
24 height requirements of the CAP/RF-1 zone here, which
25 is ten feet.

1 Saint Peter School is located in the Capitol
2 Hill Historic District. The site is currently
3 RF-1/CAP. It is an irregular lot. It contains a little
4 bit under 39,000 square feet of land area.

5 The school has served Capitol Hill families
6 for over 156 years. The two buildings that are now on
7 the property were constructed in 1874 and 1936, and the
8 school has not expanded since the 1936 building was
9 constructed. As it is now, the building is a
10 contributing structure in the Historic District. It
11 contains about 26,500 square feet of GFA.

12 This application greatly enhances the
13 educational mission of the school. It allows it to
14 proceed with a long overdue expansion, enhancement, and
15 modernization of its program and facilities, which we
16 will detail today.

17 Since the school predates the Zoning
18 Regulations, there is no record of any Zoning Commission
19 or BZA reviews for the private school or property. The
20 school currently operates under a C of O for a private
21 school with a maximum of 283 students, 40 faculty and
22 staff, and the school is not proposing any increase to
23 those caps.

24 I'm happy to share that the application
25 received unanimous support from ANC 6B, as well as a

1 report of support from OP and a report of no objection
2 from DDOT, subject to the condition in the report of
3 implementing a transportation management plan and a
4 loading management plan, which are in the transportation
5 statement. And the Applicant agrees to do so.

6 The project was also approved by the Historic
7 Preservation Review Board over the summer, so we're
8 happy and excited to be at this moment of the process.

9 With me today is the principal of the school,
10 Karen Clay, the project community liaison, Sherry
11 Rutherford of Rutherford & Associates, Meagan Jancy of
12 the architecture team, and Jami Milanovich of Wells +
13 Associates, along with my colleague, Shane Dettman of
14 Goulston.

15 Now I would like to ask that, Mr. Young, if
16 you could bring up the application presentation, we can
17 walk through that as well. If you go to slide 2, I will
18 hand it over to Karen Clay, principal of the school.

19 Thank you so much.

20 MS. CLAY: Good morning, everyone. I'm Karen
21 Clay, Principal of Saint Peter School.

22 Our school has been part of the Capitol Hill
23 community for 157 years, and this next step is about
24 honoring our history while preparing our students for
25 the future. Since 1868, Saint Peter School has provided

1 students with a strong foundation rooted in faith,
2 service, and academic excellence.

3 Our school's mission is not just about
4 academics. It's about forming thoughtful,
5 compassionate citizens. We're proud of this tradition
6 and want to ensure our campus continues to support that
7 mission for future generations.

8 Our historic building has served us well, but
9 it also presents significant limitations, including
10 shared offices, insufficient meeting and support
11 spaces, no indoor recreation area, outdated systems,
12 and limited accessibility.

13 In 2019, we began a master planning process
14 to better understand the needs of our students and
15 faculty. And although the pandemic temporarily paused
16 this work, we are now ready to move forward with a clear
17 and focused mission.

18 Our goal is to create a modern, welcoming,
19 and flexible learning environment, one that supports
20 our students' academic growth, physical well-being, and
21 sense of community without increasing our current
22 enrollment and staff capacity.

23 We're proposing two key changes. One is the
24 renovation of our current building to improve
25 functionality and energy efficiency.

1 And two, a thoughtful addition on 3rd Street
2 that includes: a new accessible main entrance; updated
3 classrooms and support spaces; a multi-purpose indoor
4 space for activities and gatherings, both internally
5 and externally, such as CYO basketball; and a rooftop
6 play area with greenery to buffer sound and enhance
7 safety.

8 Saint Peter School families and faculty and
9 staff are an active part of the Capitol Hill community,
10 and we want the school to remain a good neighbor.
11 Throughout this planning process, we've prioritized
12 preserving the historic character of our building.

13 We've also worked to design improvements that
14 are sensitive to you, our neighbors, whether that's in
15 aesthetics, scale, or how the building is used. We want
16 to ensure this project reflects both the needs of our
17 students and the values of our community.

18 So thank you again for being part of this
19 conversation. We are excited about the direction we're
20 headed and committed to doing it in partnership with
21 you.

22 MR. UTZ: Great. And with that, I'd like to
23 turn it over to Meagan Jancy -- I'm sorry, Sherry
24 Rutherford to speak a bit.

25 MS. RUTHERFORD: If we could advance to the

1 next slide. Actually, I think two, advance two, the
2 next one after this one.

3 My name is Sherry Rutherford. I've been
4 working with the school to help facilitate their
5 community engagement and work with the ANC as well.
6 I'm proud to say that I think these efforts have been
7 successful and that we come to you today on a school
8 project without any opposition, which is a great
9 position to be in, and in full support of our ANC.

10 So just to give you an overview of the
11 proactive approach the school has taken, it was really
12 a multi-layered approach to reach as many members of
13 the community as we could through online meetings,
14 in-person meetings, direct mailings to members of the
15 community, specifically the 215 immediate and nearby
16 neighbors.

17 We created a dedicated project website where
18 all information about the project, submissions, and
19 reports could be easily accessible 24 hours a day, seven
20 days a week, for members of the community.

21 And then we also had individual meetings with
22 nearby neighbors to address and resolve any individual
23 issues that came up. There really weren't many.
24 Again, folks came to our community meetings. We were
25 able to address those issues in turn, but issues such

1 as parking, pick up and drop off, and things like that.
2 And then obviously, the design and scale of the
3 building.

4 Next slide, please.

5 In addition to coordinating directly with our
6 neighbors, we worked very closely and forged a very
7 strong partnership with ANC 6B throughout this project.

8 We've been going to all of their meetings since early
9 in 2025, when really we started moving forward with this
10 effort.

11 And then worked closely with them throughout
12 the spring in anticipation of the HPRB hearing, and then
13 throughout the fall in anticipation of our zoning
14 application that's before you today, culminating in
15 unanimous support from the BZA at their October 15th
16 meeting.

17 And again, throughout this collaborative
18 effort, we really have coalesced both the community and
19 the ANC around what's really a great project for this
20 school and for the community.

21 MS. JANCY: Good morning, everyone. I'm
22 Meagan Jancy with MTFA, the architect for the project.

23 CHAIRPERSON HILL: Ms. Jancy, can you hang
24 on one second?

25 MS. JANCY: Sure.

1 CHAIRPERSON HILL: Ms. Rutherford, I'm just
2 curious. Are you a private contractor that does
3 community outreach?

4 MS. RUTHERFORD: Yes. I work with schools
5 and universities across the District.

6 CHAIRPERSON HILL: Okay. Wow, interesting.
7 Okay, thank you.

8 Go ahead, Ms. Jancy.

9 MS. JANCY: Great, thank you.

10 If you could go to the next slide, please?

11 As previously mentioned, our site is located
12 on Capitol Hill in the Capitol Hill Historic District
13 RF-1/CAP zone. It is located on the corner of 3rd and
14 E Street SE, with a prominent site location on the corner
15 of Providence Park.

16 Next, please.

17 Here are some images of the context around
18 our school site itself. Our school, as you can see,
19 is elevated four and a half to five feet above grade,
20 depending upon where you are along our site perimeter,
21 which poses quite a significant accessibility issue for
22 both the staff and families of the school.

23 Next slide, please.

24 Here are some additional pictures of the mixes
25 of uses around Providence Park, mostly residential but

1 of varying scales from multi-family to single-family
2 row homes, as well as some additional institutional
3 schools, as well as gym conversion projects.

4 Next slide, please.

5 As also mentioned, our site is quite an odd
6 shape as it sits within the larger context of our block,
7 outlined here in red. The historic building sits
8 prominently on the corner of 3rd and E Street, built
9 at two separate times, with the original building
10 running north and south and the second building added
11 in 1937.

12 It's been in existence since 1868 as a school
13 and in this configuration since the second addition in
14 1937, with very limited renovations and modernization
15 throughout the years.

16 Next slide, please.

17 We are proposing, in addition, the north of
18 our building to sit within the corner of the two projects
19 in order to provide ADA accessibility and an elevator.

20 As part of this project, we're proposing to dig an
21 existing playground down to grade to allow for that ADA
22 accessibility off of 3rd Street and a prominent
23 elevation to remain along that street as well.

24 Next slide, please.

25 Just preliminarily, as mentioned, this is

1 really to modernize. It is not adding any students,
2 but this is really to help expand and really modernize
3 the offices as well as the support spaces. There are
4 a lot of shared classrooms.

5 So moving into modern staff spaces, proper
6 security, visibility from the street, as well as adding
7 a chapel, as it is a religious school. And then
8 separating out classrooms that are currently sharing
9 spaces, so converting additional interior space into
10 classrooms, which allows for art, music, and other
11 special classes to have their own dedicated classrooms.

12 Next slide, please.

13 Because of the two-story space, our
14 multi-purpose indoor gymnasium is on the second floor.

15 Along with this comes modernized bathroom facilities
16 for boys and girls, as well as those support spaces,
17 resource rooms. You can see here a renovation for a
18 music classroom.

19 Next slide, please.

20 And again, on the third floor surrounding that
21 two-story gymnasium indoor recreation space used as a
22 multi-purpose room, both cafeteria, plays, all types
23 of school community events. We are surrounding up on
24 the third floor with some additional support spaces in
25 order to provide the needed facilities for the existing

1 school.

2 Next slide, please.

3 And then, since we're building on our existing
4 playground, the proposal includes adding a playground
5 on the rooftop. It is set back off of the perimeter
6 of the roof, obviously, for safety reasons, but also
7 in order to meet requirements.

8 We are providing elevator access throughout
9 the building to all of our occupied spaces to allow for
10 that accessibility, including to the roof itself.

11 Next slide, please.

12 Here in our elevations, you can see we're
13 proposing to build the building out of compatible-use
14 materials.

15 As mentioned, our building has already been
16 approved by the Historic Preservation Review Board, as
17 we have worked closely with them to discuss scale,
18 proportion, and relationship to the historic building
19 as well as the community.

20 Separating our new addition from the historic
21 building by a glass enclosure really allows for our new
22 structure to create a composition that's compatible with
23 its context.

24 Next slide, please.

25 We've studied the sections. As I mentioned,

1 the elevator does go to the roof. The concern related
2 to that is it does exceed the allowable height in order
3 to accommodate the overrun required for the elevator
4 itself to access that roof level. The elevator is
5 tucked well into the site, in the crux behind the sloped
6 roofs, and well out of visibility from the elevations
7 along the street, as shown in our section.

8 Next slide, please.

9 As you can see, we're maintaining a lot of
10 the historic landscape around E Street and then
11 providing that new accessible entrance off of 3rd
12 Street, maintaining a respect of the original doors,
13 although they will not be opened. They are being
14 maintained in conjunction with discussions with
15 Historic Preservation in order to maintain its presence
16 on the corner.

17 We are using additional planters to step down
18 and create additional landscape, as well as providing
19 bike racks and public space and public use. And as you
20 can see here, just really creating a more friendly
21 atmosphere for students and families as they gather.

22 Rather than trying to stand on a small, limited
23 sidewalk, there is now a larger plaza to allow gathering
24 and student accessibility more quickly and easily
25 flowing into the building.

1 Next slide, please.

2 Really taking those images from the ground,
3 the fence is stepped back along the primary facade.

4 The requirements, we are seeking relief from the north
5 as it is limited.

6 Our site area is limited and obviously trying
7 to maximize occupiable play space for the students at
8 the school itself, but really, the compatibility of our
9 building, both in the context as well as an institutional
10 building that has been the longstanding community
11 member.

12 Next slide, please.

13 And finally, really just showing it more in
14 its context of the character from across the park as
15 you move away. That fencing is considered very light,
16 disappearing into the sky, and has very minimal impact
17 on the community itself.

18 Next slide. I'll turn it over to Jami
19 Milanovich.

20 MS. MILANOVICH: Thanks, Meagan. For the
21 record, my name is Jami Milanovich with Wells +
22 Associates. We are the transportation consultants for
23 the school.

24 CHAIRPERSON HILL: Ms. Milanovich, I don't
25 know if you went on mute or something. We heard you

1 at the beginning. Maybe we can hear you now. Can you
2 hear me? Okay, you can hear me.

3 MS. MILANOVICH: Can you hear me now?

4 CHAIRPERSON HILL: Yes. Thank you.

5 MS. RUTHERFORD: Okay, I apologize. I'm not
6 sure --

7 CHAIRPERSON HILL: Now we can't hear you
8 again. Try to say something. No.

9 MS. JANCY: Jeff, if you want, I can go ahead
10 and explain the site circulation. And then if Jami can
11 figure this out, we can bring her back on if there's
12 any questions.

13 CHAIRPERSON HILL: Yes, that's a good idea.
14 Go ahead, Ms. Jancy.

15 MS. JANCY: Okay, great. So currently shown
16 along E Street, as the yellow line indicates, is the
17 pickup and drop-off zone. It is signed as no parking
18 during school days and is where pickup and drop-off will
19 remain as part of the new project as well.

20 The red arrows indicate site access points
21 into the building itself, the larger ones representing
22 primary entry points after the new building is
23 constructed, both for staff and students.

24 Although there are other entrances both to
25 our upper level playground as well as along E Street,

1 which is our primary pickup and drop-off entry point
2 for cars. Pedestrians can enter off of 3rd Street.

3 As noted, we are providing bicycle parking
4 both in public space as well as at the rear of our
5 building and interior to our building for staff. The
6 site does extend as a private alley all the way to D
7 Street to the north.

8 This is where our primary vehicle and trash
9 access occurs to our building, both today and in the
10 future. And you can see the blue area, which indicates
11 the parking spaces that are currently on site, which
12 will be expanded by one as part of this project.

13 Next slide.

14 As mentioned, there is -- Jami, are you back?

15 MS. MILANOVICH: I think I am. Can you all
16 hear me now?

17 MS. JANCY: Yes.

18 MS. MILANOVICH: Okay, I apologize. I'm not
19 sure what happened.

20 From a trip generation perspective, a couple
21 of things to take into consideration. The school is
22 not proposing to increase its currently allowed maximum
23 student enrollment or faculty and staff populations.

24 However, they are operating slightly below
25 the maximum allowed. You can see in the table before

1 you that we do have a little bit of room to grow within
2 those current maximums, so we could potentially increase
3 the student enrollment by 54 students and faculty and
4 staff by six employees.

5 Next slide, please.

6 I did want to note that a significant portion
7 of the student body walks or bikes to school, so nearly
8 half, 47 percent of students walk and bike to school,
9 29 percent of faculty and staff walk and bike to school,
10 and another 12 percent of faculty and staff take transit
11 to school.

12 Next slide, please.

13 So what that means in terms of vehicular trip
14 generation, if the school were to increase its
15 enrollment to the currently allowed maximums, that would
16 result in 39 additional morning peak hour vehicle trips,
17 16 additional p.m. peak hour trips during the school
18 peak, and 13 additional trips during the afternoon
19 commuter peak hour.

20 Next slide, please.

21 As requested by DDOT, the school will
22 implement the transportation management plan and the
23 loading management plan. We're happy to have DDOT's
24 support. The minimal trip generation is not expected
25 to have an adverse impact on the surrounding

1 neighborhood.

2 The transportation management plan includes
3 strategies to incentivize and encourage non-auto modes
4 of transportation, as well as some recommendations in
5 terms of the operation of the pickup/drop-off lane.
6 That can be found in Exhibit 10 of the record on pages
7 78 to 82 of the transportation statement.

8 The loading management plan simply documents
9 the existing measures that the school already takes to
10 manage their loading and service, and that can be found
11 on page 63 in Exhibit 10 as well.

12 And so with the implementation of those two
13 plans, we do not expect that this proposed project would
14 have any adverse impact on the traffic operations in
15 the surrounding neighborhood. And so with that, I will
16 turn it over to Shane Dettman to talk through the zoning
17 relief.

18 MR. DETTMAN: Thank you, Jami.

19 And good morning, members of the Board. Can
20 you hear me okay?

21 CHAIRPERSON HILL: Yes.

22 MR. DETTMAN: Great. Mr. Young, can we go
23 to the next slide? So the Applicant in this case is
24 --

25 CHAIRPERSON HILL: Mr. Dettman, could you

1 just introduce yourself for the record?

2 MR. DETTMAN: Shane Dettman, urban planner
3 with the law firm Goulston & Storrs. And so in this
4 application, as set forth in detail in the case record,
5 the Applicant is requesting three areas of relief.

6 There's two special exceptions. The first
7 special exception is under Subtitle U Section 203, to
8 allow the addition to, in this case, an existing private
9 school.

10 The second special exception is from the roof
11 structure setback provisions under Subtitle C, Chapter
12 15, to allow just a portion of the enclosing fence of
13 the rooftop play area to not meet the one-to-one setback.

14 You can see in the diagram, it's limited to just the
15 northern portion of the project there in that red line.

16 In that situation, the setback requirement
17 -- there's a ten-foot fence, and so the setback
18 requirement is ten feet. What's being proposed along
19 the north side of the project is a five-foot setback,
20 so we have a deviation of five feet.

21 Lastly, we're requesting an area variance from
22 the penthouse height requirement under Subtitle E
23 Section 402 to allow the elevator override to extend
24 above the ten-foot limit that's imposed under the CAP,
25 Capitol Area Interest Overlay.

1 Like I said, the requirement is ten feet.
2 Our elevator override extends to a height above the
3 roof of 14-foot, ten inches. And so we have a deviation
4 of four foot, ten inches.

5 | Next slide.

6 The standard of review for the requested
7 special exception for the expansion of the -- next slide,
8 please -- the proposed addition is set forth under
9 Subtitle X Section 901.2.

10 And you know the standard of review,
11 certainly. That would be, in order to grant the special
12 exception, the Board needs to find that the special
13 exception will be in harmony with the general purposes
14 and intent of the Zoning Regulations and zoning maps.

20 | Next slide.

21 And so with respect to the expansion of the
22 school under Subtitle U, again, as Mr. Utz mentioned,
23 this is an existing private school that's existed since
24 the 1980s. It was expanded in the 1930s and has
25 facilities that are in need of modernization and

1 expansion.

2 The project will not propose any sort of
3 increase in students and staff. So as Jami mentioned,
4 under the current staff and student load of the school,
5 no additional trips and no additional parking is
6 required for the project.

7 The site currently provides five parking
8 spaces at the rear of the school. Those will be
9 maintained. And that is the minimum required under
10 Zoning given the historic resources on the property.

11 Next slide. Next slide, please.

12 With regard to the special exception for the
13 penthouse setback requirement, the relief can be granted
14 pursuant to the conditions that are set forth on the
15 left part of this slide.

16 The first criteria is that the Applicant
17 demonstrates that a reasonable effort has been made for
18 all of the mechanical equipment, the stairways, the
19 elevator penthouses, to meet the one-to-one setback.

20 And you can see there the two stair towers that are
21 proposed in the proposed addition, as well as the
22 mechanical yard and the elevator override, all meet the
23 one-to-one setback requirement.

24 Next slide.

25 We also need to demonstrate that at least one

1 of the criteria set forth in 1506.1(c), and in this case,
2 the strict application of the Zoning Regulations would
3 result in construction that's unduly restrictive.

4 You can see here that the Applicant in
5 consultation with Historic Preservation staff has
6 prioritized meeting the one-to-one setbacks along the
7 two street frontages, being 3rd Street on the west and
8 E Street on the south. It's only along that north side
9 where the one-to-one setback for the ten-foot fence is
10 not met.

11 And what those red shaded areas would show
12 is that that's the additional setback that would be
13 required in order to meet the one-to-one setback, and
14 then you need the required clearance around the play
15 equipment. So there would be a need to sort of shrink
16 the size and the circulation space of the rooftop play
17 area in order to meet the one-to-one setback.

18 Next slide.

19 You can see here that there's still going to
20 be a 10-foot distance between the proposed fence and
21 the northern property line. And so in terms of adverse
22 impacts to neighboring properties, no adverse impacts
23 are anticipated.

24 Next slide.

25 This is just showing the site from the view

1 of the proposed addition from Providence Park. You can
2 see the rooftop fence is very minimal. It was designed
3 in accordance with Historic Preservation staff to be
4 compatible with the surrounding neighborhood and the
5 proposed architecture of the building, so no adverse
6 visual impacts are anticipated.

7 Next slide.

8 Finally, looking at the proposed area variance
9 for the elevator override height. In order to grant
10 the area variance, the Board must find that the Applicant
11 has met the three prongs of the variance test, which
12 are set forth before you on this slide.

13 Next slide.

14 The first prong of the variance test is that
15 the property is affected by an exceptional extraordinary
16 situation. In this case, we have outdated historic
17 resources on the property. Both the 1867 portion of
18 the school and the 1936 expansion of the school are
19 considered contributing structures to the Capitol Hill
20 Historic District.

21 They're in need of modernization and they
22 currently lack ADA accessibility. And with the extent
23 of the proposed addition, the entire facility has to
24 be brought to ADA standards. There's also a
25 programmatic need to maintain different types of outdoor

1 spaces given the age ranges that are at the school.

2 Next slide.

3 The second prong is that the strict
4 application of, in this case, the penthouse height
5 requirement would result in practical difficulties with
6 the Applicant as a result of those unique conditions.

7 You can see here in the section showing the
8 proposed addition in relation to the 1867 portion of
9 the building, there is a slight misalignment of the
10 floors between the new and existing structures. There
11 is also the need to maintain accessibility up to the
12 roof in order to get to the play space.

13 So as a result of that, making the existing
14 and proposed structures fully ADA accessible and getting
15 access to the roof, we need some additional elevator
16 cab height for the mechanical equipment, which would
17 exceed the 10-foot height requirement.

18 Next slide.

19 And finally, granting the variance will not
20 cause substantial detriment to the public good or
21 substantially impair the intent and purpose of the
22 Zoning Regulations. The purpose of the penthouse
23 height requirement is to minimize visibility and
24 exercise a reasonable degree of architectural control
25 over the utilitarian functions and features that go on

1 top of the building.

2 The elevator override is centrally located
3 where all three existing and proposed structures come
4 together, so that's the ideal location for it. And it's
5 centrally located. So visibility from the street
6 frontages would be minimal, if at all.

7 And then finally, it'll be screened by the
8 taller portions of the existing school building. So
9 in terms of visibility and architectural harmony with
10 the existing and proposed addition, I think that this
11 particular prong is satisfied.

12 Next slide.

13 So in conclusion, Board members, the Applicant
14 satisfies the applicable criteria for the special
15 exception, as well as the three-prong variance test for
16 the requested penthouse height relief.

17 The property is exceptional by virtue of the
18 existing structures being historic structures that lack
19 ADA accessibility. And as I mentioned, the variance
20 relief can be granted without causing substantial
21 detriment to the public good and without compromising
22 the intent, purpose, and integrity of the Zoning
23 Regulations.

24 So again, just to reiterate the three areas
25 of relief, the special exception, the variance test,

1 I believe that the Applicant does meet the standard of
2 review for all areas of relief being requested.

3 I'll hand it off to Jeff.

4 CHAIRPERSON HILL: Thank you.

5 MR. UTZ: Great. Thank you, Shane.

6 With that, that concludes our presentation.

7 We're happy to answer any questions or provide any other
8 information that the Board might like. Thank you so
9 much.

10 CHAIRPERSON HILL: Okay, great. You guys,
11 I'm sorry. I'm trying to juggle a bunch of different
12 needs today. So what I'm going to have to do is I'm
13 going to have to put us on hold for about 30 minutes.

14 I have to do a decision case first.

15 My fellow Board members, when we come back,
16 we'll go to the Office of Planning. But if you have
17 any questions, try to hold on to them at that point.

18 Madam Secretary, can you hear me?

19 MS. MEHLERT: Yes.

20 CHAIRPERSON HILL: We're going to put this
21 on hold. You can try to reach out to Chairman Hood,
22 and then we'll come back for that decision, and then
23 we'll come back to this, okay?

24 Mr. Utz, it'll be just a little bit. It'll
25 be just a little bit. We'll come back, okay?

1 MR. UTZ: Thank you.

2 CHAIRPERSON HILL: Thank you.

3 Maybe my fellow Board members, let's take a
4 quick break while we get the Chairman.

5 (Whereupon, the above-entitled matter went
6 off the record at 11:32 a.m. and resumed at 12:00 p.m.)

7 MS. MEHLERT: The Board is returning to its
8 Hearing Session and Application No. 21389 of St. Peter's
9 School.

10 Would you like me to read the caption again?

11 CHAIRPERSON HILL: No, I don't think you need
12 to. That's all right. Thank you.

13 All right. Mr. Utz, can you hear me?

14 MR. UTZ: I can, yes.

15 CHAIRPERSON HILL: Okay, great. Thank you.

16 Mr. Utz, just you, could you reintroduce yourself for
17 the record?

18 MR. UTZ: Sure. I'm Jeff Utz with the law
19 firm of Goulston & Storrs, Land Use Counsel for the
20 Applicant, St. Peter's School.

21 CHAIRPERSON HILL: Okay, great. Thank you.

22 So where we left off was we were going to hear
23 from the Office of Planning. Could we hear from the
24 Office of Planning concerning this case?

25 MR. BRADFORD: Good afternoon, Chairman Hill

1 and members of the Board. For the record, Philip
2 Bradford with the Office of Planning.

3 The Office of Planning supports the requested
4 special exception relief and can stand on the record
5 of the report in Exhibit 28 for that aspect of the
6 project.

7 As far as the area variance request, OP is
8 also in support, as the reason behind the penthouse
9 height issue stems from the elevator needing to meet
10 multiple misaligned floors within the campus buildings
11 and provide ADA access to the historic buildings, and
12 also, the lack of an elevator system that would be able
13 to be built and meet our penthouse height requirements.

14 Thank you. I'm available for any questions.

15 CHAIRPERSON HILL: Okay, great. Thank you.

16 Members of the Board, do you have any questions
17 of the Applicant or the Office of Planning?

18 Go ahead, Dr. Imamura.

19 COMMISSIONER IMAMURA: Sorry, Mr. Chairman,
20 not for the Office of Planning but for the Applicant.

21 CHAIRPERSON HILL: Sure, go ahead.

22 COMMISSIONER IMAMURA: All right. Mr. Utz,
23 I guess this is a question probably for Ms. Jancy. This
24 is specific to the playground on the penthouse level.

25 I'm not fully convinced, or I'd like to be

1 convinced, why you weren't able to slide the playground
2 equipment down to meet the ten-foot setback on the north
3 perimeter there to meet C § 1504.1.

4 I think it's on slide 33, so if Mr. Young can
5 pull that back up?

6 MS. JANCY: Sure, I'd be happy to address your
7 comment.

8 CHAIRPERSON HILL: Ms. Jancy, one second.

9 MS. JANCY: Okay.

10 COMMISSIONER IMAMURA: Ms. Jancy, the other
11 question that I had, if you could speak to clearance,
12 I guess, I think I might have heard that in the
13 explanation that there needed to be a certain clearance
14 around the playground equipment, but that's not
15 articulated in any of the drawing sets. So if you could
16 just address that in your explanation. Thank you.

17 MS. JANCY: Sure, yes. Thank you. So the
18 area shown in blue is the clearances around the
19 playground equipment itself for the safety zone that's
20 required in working with our playground manufacturer,
21 but there is more than just playground equipment and
22 activities that occur up on the roof. It isn't just
23 playground.

24 With students, the younger students use this.
25 So often there are multiple grades on the playground

1 at the same time. And there's a variety of play options
2 available to them; riding tricycles as well as other
3 play, sand tables, et cetera. So it isn't just about
4 the playground itself.

5 You can see the area required for the
6 equipment, but there is other activity. So we have
7 benches and other activities that occur up on the roof
8 as well. And those activities are limited when we have
9 to extend our roof parapet further back, further
10 reducing that area up on the roof.

11 COMMISSIONER IMAMURA: Thank you, Ms. Jancy,
12 for your explanation. Certainly, I think you hit the
13 mark on the 3rd Street side, which is the most critical.

14 I appreciate your explanation. While I don't
15 think it's egregious, I guess your response is generally
16 reasonable. I do see the benches there.

17 As I said before, I'm amenable to the area
18 variance for the height requirement. I think you did
19 a great job in tucking that back and out of visibility
20 there. In general, obviously, this has support from
21 the HPRB for concept approval.

22 I just want to put it out there that I think
23 it's actually a really nice design solution that you
24 and your firm have put together. So the school, I think,
25 is very lucky to have had your design leadership on this.

1 With that, I don't have any other questions,
2 Mr. Chairman. I'm moderately satisfied by Ms. Jancy's
3 response. We don't make it a habit of just handing out
4 special exceptions, so I appreciate the additional time.

5 All right, thank you, Mr. Chairman.

6 CHAIRPERSON HILL: Thank you, Dr. Imamura.

7 COMMISSIONER IMAMURA: Thank you, Ms. Jancy.

8 CHAIRPERSON HILL: Mr. Blake, do you have any
9 questions?

10 VICE CHAIRPERSON BLAKE: Mr. Chairman, I do
11 not.

12 CHAIRPERSON HILL: Okay. Mr. Young, is there
13 anyone here wishing to speak?

14 MR. YOUNG: We do not.

15 CHAIRPERSON HILL: Okay, great. Mr. Utz, it
16 was a big presentation. I want to let you know, you
17 guys really did a great job for your team there. I can
18 see how long you went through the different processes
19 and how you got your community engagement people in
20 there.

21 And who was the principal? Who was the
22 principal?

23 MR. UTZ: Sherry Rutherford, or no --

24 MS. JANCY: The principal is Karen Clay.

25 CHAIRPERSON HILL: Who is the lady that spoke

1 at the very beginning?

2 MR. UTZ: Yes, that was the principal.

3 MS. JANCY: That was Karen.

4 CHAIRPERSON HILL: Karen Clay? I don't see
5 her.

6 MR. UTZ: I think she might not have been
7 elevated.

8 CHAIRPERSON HILL: Okay, it was Karen Clay.

9 That's okay. That's all right. Anyway, she said,
10 thoughtful, compassionate citizens. I would love to
11 see more thoughtful and compassionate citizens. So if
12 she can speed up that process, that would be really
13 great, okay?

14 All right. Okay, I've got nothing. Thank
15 you, Mr. Utz. You all have a nice afternoon.

16 MR. UTZ: Thank you. Thank you so much for
17 your time.

18 MS. JANCY: Thank you.

19 CHAIRPERSON HILL: Okay, let's see. It was
20 extensive. It was an extensive presentation. I can
21 already see how they went through. They really took
22 a lot of time. They did their outreach. They went out
23 to the ANC with that big presentation. They went
24 through the transportation.

25 They're agreeing to the loading management

1 plan. They're agreeing to the transportation demand
2 management plan from DDOT. I don't know. I guess I
3 can get behind the DDOT conditions because they're
4 expanding, I guess, the building, but they're not really
5 expanding the students any.

6 When this first came up, there wasn't these
7 type of plans. So I can understand why DDOT's asking
8 for it, and the Applicant's fine with it. I guess I
9 can agree why it should be a BZA condition.

10 Again, I thought it was a very good
11 presentation. I understand why they need the relief
12 for the elevator and for the -- I know, Dr. Imamura,
13 it might have been a little bit of a weak argument,
14 perhaps, but I do think the little extra area for the
15 tricycle sounds like a good idea to me.

16 So I'm going to be voting in favor of this
17 application and the relief that has been requested,
18 primarily due to what a great presentation they did.

19 I'm going to reference the presentation itself in terms
20 of how I believe they're meeting the criteria.

21 As well as I have the Office of Planning.
22 Thank you very much to the Office of Planning for their
23 report, as well as the ANC, and giving them great weight.

24 One final thing, I guess. I really
25 appreciated that I could actually see what they were

1 trying to do, whatever the architectural thing means
2 and I can see it. I can actually imagine it and didn't
3 have to really imagine it. I was like, okay, that's
4 what it's going to look like, that's what it's going
5 to do, and that was very helpful for me. So I would
6 be voting in favor of this application.

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

9 VICE CHAIRPERSON BLAKE: Mr. Chairman, you've
10 said a great deal in that. And I appreciate the fact
11 that the Applicant did make a very strong presentation
12 covering all the facts and issues. I do believe the
13 Applicant has met the burden approved for all the
14 requested relief.

15 The TDM plan, I do think, should be
16 incorporated. As you said, when they first started
17 this, that wasn't required. Now it is. So now, they're
18 doing something that requires that they put that in,
19 and I'm comfortable with it. I'm glad they're willing
20 to do it. It's a condition that's very common for these
21 schools, so I think it'll be acceptable.

22 We have support from the neighboring property
23 owner. And everyone else is on board, including the
24 Architect of the Capitol, who we'll hear from next.
25 Thank you.

1 CHAIRPERSON HILL: Great. Dr. Imamura, as
2 the Architect of the Capitol, you happen to be the
3 Architect of the Capitol.

4 COMMISSIONER IMAMURA: Sure. Thank you, Mr.
5 Chairman.

6 Thank you, Vice Chair Blake, for the setup,
7 for the tee-up there.

8 I agree. I think the stipulation that DDOT's
9 asking for is reasonable. I'm also in agreement that
10 it was a very thorough and well-planned presentation,
11 something that we see on the Zoning Commission
12 frequently from Mr. Utz and his team. So I was not
13 surprised by that.

14 I do agree that it's a great design solution.
15 I think all the renderings, elevations, and drawings
16 they provided were very helpful.

17 I agree with you, Mr. Chairman, that the
18 argument for the north perimeter, for the special
19 exception, was a little weak. But if it takes an extra
20 five feet for tricycles to move around and to generate
21 thoughtful, compassionate citizens, five feet seems
22 reasonable to me.

23 Architecturally, I think they met the critical
24 issue here, which is along 3rd Street and the west
25 elevation there. The north side, that five feet isn't

1 as critical because of the existing structure
2 immediately adjacent to the school here or to this
3 expansion. So it won't be as visible, if at all, really.

4 In that regard, I'm willing to agree with Ms.
5 Jancy's comments, or at least her explanation, and
6 willing to support. Otherwise, I have nothing further
7 to add.

8 CHAIRPERSON HILL: Okay. Thank you, Dr.
9 Imamura. There's nothing like the word tricycle. It
10 just makes you feel like -- you're just like, a tricycle.
11 You just get a picture of a little kid on a tricycle.

12 We'll have to remember that. You just throw
13 a tricycle out every now and again. I can't fit the
14 tricycle. I need a tricycle for my deck.

15 All right. I'm going to make a motion to
16 approve Application No. 21389, as captioned by the
17 Secretary, and ask for a second.

18 Mr. Blake?

19 VICE CHAIRPERSON BLAKE: Second.

20 CHAIRPERSON HILL: Motion made and seconded.

21 Madam Secretary, take a roll call, please.

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

24 Chairman Hill?

25 CHAIRPERSON HILL: Yes.

1 MS. MEHLERT: Vice Chair Blake?

2 VICE CHAIRPERSON BLAKE: Yes.

3 MS. MEHLERT: Dr. Imamura?

4 COMMISSIONER IMAMURA: Yes.

5 MS. MEHLERT: Staff would record the vote at
6 3-0-2 to approve Application No. 21389 on the motion
7 made by Chairman Hill and seconded by Vice Chair Blake.

8 CHAIRPERSON HILL: Great. You guys, can we
9 just take five minutes? I only need five minutes.
10 Okay, thank you.

11 (Whereupon, the above-entitled matter went
12 off the record at 1:21 p.m. and resumed at 1:27 p.m.)

13 CHAIRPERSON HILL: Great. Thank you.
14 Madam Secretary, can you call us back and then call our
15 next case, please?

16 MS. MEHLERT: The Board is back from its break
17 and returning to its Hearing Session.

18 The next case is Application No. 21381 of
19 Institute of Caribbean Studies. This is a
20 self-certified application pursuant to Subtitle X §
21 901.2, for a special exception under Subtitle J § 5200
22 from the transition setback requirements of Subtitle
23 J § 210, and pursuant to Subtitle X § 1002, for a use
24 variance from Subtitle U § 801 to allow new residential
25 use.

1 This is for a third story and three-story rear
2 addition to an existing two-story row building for use
3 as an office on the first floor and two dwelling units
4 on the second and third floors. It's located in the
5 PDR-1 zone at 1106 3rd Street NE, Square 0748, Lots 72
6 and 824.

7 The Board previously denied party status in
8 opposition to Fred Irby. Also, as a preliminary matter,
9 the Applicant submitted a motion to waive the filing
10 deadline to submit a shadow study, which is in the record
11 in Exhibit 27B. And then ANC 6C's letter in support
12 is in the record in Exhibit 28.

13 CHAIRPERSON HILL: Okay, great. Unless the
14 Board has any issues with letting those items into the
15 record, I'd like to see the shadow study as well as,
16 obviously, the ANC letter. If the Board has any issues,
17 please speak up now.

18 Okay, all right. Please, Madam Secretary,
19 if you could put those into the record?

20 If the Applicant could hear me, if they could
21 please introduce themselves for the record?

22 MS. WILSON: Hi. My name is Alex Wilson from
23 Sullivan & Barros on behalf of the Applicant. And I'm
24 here with Ms. Howie, representing the Applicant, and
25 Mr. Grant, who is our project architect.

1 CHAIRPERSON HILL: I'm sorry. Go ahead, Mr.
2 Grant. Do you want to introduce yourself for the
3 record?

4 MR. GRANT: Afternoon. I'm Aubrey Grant from
5 -- Emotive Architecture.

6 CHAIRPERSON HILL: Hi, Mr. Grant.

7 Who else is with you, Ms. Wilson?

8 MS. WILSON: Ms. Georgetta Howie.

9 CHAIRPERSON HILL: Ms. Howie, can you --

10 MS HOWIE: Good afternoon. Georgetta Howie,
11 the rep for Institute of Caribbean Studies.

12 CHAIRPERSON HILL: Okay, great. Thank you,
13 Ms. Howie.

14 So Ms. Wilson, you can go ahead and walk us
15 through your client's application and why you believe
16 they're meeting the criteria for us to grant the relief.

17 I noticed, Ms. Wilson, you have 46 slides in
18 your presentation deck. I assume some of them are just
19 to set the tone of where everything is. So just to let
20 you know, please move as efficiently as possible, as
21 you can.

22 And then with regard to the person that was
23 concerned about their solar, I hope maybe the shadow
24 studies might help some of that. But also, I do
25 appreciate that the ANC's letter did speak to the solar

1 panel arrays and how those things are protected or not
2 protected in a PDR zone versus RF zones. Maybe you can
3 talk through that also as you're going through your
4 presentation, and you can begin whenever you'd like.

5 MS. WILSON: Great, thank you so much. I will
6 try to move as efficiently as possible. It is a lot
7 of context.

8 Mr. Young, could you please pull up the
9 presentation?

10 CHAIRPERSON HILL: Ms. Wilson, by the way,
11 I don't want you to speed through it. I want to be able
12 to understand. I'm just saying do your best.

13 MS. WILSON: Understood. Great, thank you
14 so much. Could you please go to the next slide?

15 So the property is located in the PDR-1 zone,
16 along with the other properties in this square on the
17 side. To the west of the property, directly west, is
18 1109 Congress Street, which was approved as a PUD in
19 2016, 2017.

20 That project's changed a number of times.
21 They've had a number of extensions and modifications,
22 but it's finally being developed and constructed as an
23 all-affordable, 69-unit rental development. As part
24 of the PUD, it was upzoned to C-2-B or what is now MU-5A.

25 So that's directly to the west of the property,

1 and then further west of that is the PDR-3 zone. To
2 the south is also the MU-5A zone, and then across the
3 street to the east is the MU-5A as well. A little
4 further north is the RF-1 zone. And then there are other
5 zones further west, MU-9B and PDR.

6 So this is not a traditional PDR area. It's
7 made up of a mix of uses, and none of the immediate uses
8 are industrial. And the properties directly north are
9 residential row homes.

10 Next slide, please. This is an aerial view.

11 Next slide, please. Just a wider view with a location
12 relative to the Metro to the north. Next slide, please.

13 This is a view of the subject property and
14 the construction of the apartment building directly
15 behind. It's next to a small park.

16 Our subject property is a small row building
17 in a line of other row buildings. And the subject
18 property has been vacant for well over three years,
19 losing its non-conforming residential status in the PDR
20 zone as residential uses are not permitted in PDR.

21 Next slide, please. This is an older photo.

22 It just shows another angle.

23 Next slide, please. This is a view of the
24 other row dwellings and commercial properties to the
25 north.

1 Next slide, please.

2 And then this is some information about the
3 development directly behind the subject property. So
4 these are all going to be rental units, and they're
5 smaller units. I wanted to note this as our property
6 will have two for-sale units. So it's an important
7 distinction. It's two two-bedroom units. They're
8 fulfilling a great need, of course, but it's not the
9 same need that the subject development and property are
10 fulfilling with for-sale affordable housing.

11 Next slide, please. This is a view across
12 the street. These are RF-1 zone properties.

13 Next slide, please. This is the apartment
14 building directly across the street. This is MU-5A,
15 I believe.

16 Next slide, please. And this is another view.
17 Next slide, please.

18 So the Applicant, the Institute of Caribbean
19 Studies, is a longstanding non-profit dedicated to
20 cultural education and community empowerment, advancing
21 the interests of Caribbean Americans by building bridges
22 between Caribbean Americans and the US population at
23 large.

24 Prior to its purchase of the property, the
25 property was blighted and vacant for about a decade and

1 had been acquired by the DC government and enrolled in
2 the PADD program through DHCD, requiring redevelopment
3 with residential use.

4 Next slide, please.

5 This is a little bit more information about
6 the PADD program, which helps transform blighted and
7 abandoned residential properties into affordable
8 development opportunities.

9 Next slide, please.

10 And this particular property, highlighted
11 here, was advertised as one of the PADD properties up
12 for redevelopment into housing. And this is the
13 original announcement on DC's website listing the
14 property, that it was going through March Madness
15 program, which is a preview of new and upcoming
16 development projects. And this was in 2021.

17 Next slide, please.

18 And this is the slide deck that was associated
19 with the March Madness program following the slide with
20 the subject property. It said, the following
21 opportunities will build capacity of smaller housing
22 providers through equity and inclusion. So this
23 particular property was directed for smaller housing
24 providers for residential development.

25 Next slide, please.

1 ICS was selected for the opportunity. And
2 they entered into several legally binding agreements,
3 including an affordable housing covenant mandating
4 office use and two affordable residential units.

5 Next slide, please. And specifically,
6 for-sale residential units.

7 The redevelopment proposal calls for an
8 interior renovation, a three-story addition on top of
9 the existing two-story building, and the proposal is
10 within the bulk and density generally set forth in this
11 zone.

12 Once complete, it will consist of nonprofit
13 office space for ICS and community programming on the
14 first floor, and then two two-bedroom residential units
15 above, one on each floor. They will be at a 50 percent
16 and then an 80 percent AMI level.

17 Next slide, please.

18 In terms of the requested relief, the PDR zone
19 does not permit residential use. So we are seeking
20 relief from the use provisions of U-801, a use variance,
21 in order to provide the residential portion.

22 The previous residential use was abandoned.

23 So the only permitted uses are now PDR and commercial
24 uses, but due to the proximity of the residential
25 properties both directly next door and across the

1 street, any PDR commercial use that would otherwise be
2 permitted requires some sort of special exception
3 relief.

4 And in this particular case, for the office
5 use, for example, there's a transition setback
6 requirement of 25 feet since it's next to a residential
7 use. There are exemptions, but it's that your PDR lot
8 be used exclusively for residential purposes. And
9 obviously, we cannot meet that exception because we have
10 the office use.

11 So as the project includes office use, the
12 transition setback requirements are triggered for that
13 first floor. And we are seeking relief from that, and
14 that is a special exception. The lot itself is only
15 17.8 feet, so it would be impossible to set the first
16 floor back 25 feet from the shared property line.

17 The same would be true for all other uses
18 except for residential use. Technically, there are no
19 by-right uses allowed. And of course, there are more
20 stringent buffer requirements for other PDR uses that
21 aren't proposed here.

22 Next slide, please.

23 CHAIRPERSON HILL: Can you tell me again, why
24 is there technically no by-right? Do that again for
25 me.

1 MS. WILSON: Sure.

2 CHAIRPERSON HILL: Go back one slide, Mr.
3 Young, please. Thanks.

4 MS. WILSON: So in the PDR zone, if your
5 property is adjacent to a residential property, there
6 is a requirement of a 25-foot buffer or setback from
7 your building for any use except for residential use
8 on your property. Residential use is not permitted as
9 a matter of right. So any other use that would be
10 permitted otherwise, an office use, for example, or any
11 other PDR uses, have to be setback.

12 The lot itself is only 17.8 feet. So due to
13 the lot constraints, it's impossible to ever meet that
14 setback without the special exception relief. So any
15 other use would have to seek the same special exception.

16 CHAIRPERSON HILL: Okay, thank you.

17 MS. WILSON: There are special exceptions
18 available for the other uses, but there's technically
19 no by-right uses due to the lot constraint.

20 Next slide, please.

21 CHAIRPERSON HILL: Okay, thank you.

22 MS. WILSON: So in terms of agency and
23 community support, OP is recommending approval. We
24 attended the committee meeting and full ANC meeting,
25 and ANC 6C voted to support unanimously.

1 The Applicant has been communicating directly
2 with the adjacent neighbor fairly frequently and has
3 also spoken to the solar panel company who owns the
4 panels to determine if there's any impact. The
5 Applicant is also working with the NoMa BID on a new
6 mural once construction is complete. There's a lottery
7 system they'll be entering.

8 DHCD is supportive, and we were expecting a
9 letter of support from them. I don't see that in the
10 record now. So we will work on getting that if the Board
11 is interested or needs that, but obviously, they do
12 support this project.

13 Next slide, please.

14 So as part of the use variance test, I did
15 want to discuss the public need associated and why the
16 public good flexibility standard should be considered
17 in this case. The standard was established in Monaco
18 when the RNC wanted to expand its headquarters in an
19 RF zone, requiring a use variance.

20 In that case, the Court of Appeals determined
21 that although the RNC's wish to move to the subject site
22 did not make the site unique, the site was uniquely
23 suitable for their headquarters because of the
24 surrounding use, the Capitol. The case also discussed
25 restrictive covenants and affirmed that they can also

1 be considered in zoning decisions.

2 And then the Monaco decision and discussion
3 on this greater flexibility when evaluating use variance
4 and other variances has also been confirmed in other
5 DC Court of Appeals cases, including Neighbors for
6 Responsive Government and, most recently, McDonald.

7 McDonald is the latest Court of Appeals
8 decision on this point and discussion. And in that
9 case, the applicant asked for a special exception and
10 a collection of variances relying in part on a doctrine
11 that the court first recognized in Monaco to afford some
12 flexibility in zoning requirements to certain
13 organizations fulfilling a public need.

14 In that case, the decision continues
15 discussing this public good flexibility doctrine, has
16 a fairly robust discussion on this doctrine and how it's
17 evolved not only to be limited to government
18 organizations but a variety of service-oriented
19 applicants. It's not only limited to the first prong.

20 It can be applied to the second as well.

21 In that case, it was a hybrid application with
22 the church being not-for-profit and Sunrise Homes, I
23 believe, being for-profit. And even in that case, the
24 court determined that the flexibility doctrine could
25 apply due to the public need.

1 So what does this mean? It means that the
2 specific public need being met can be considered as part
3 of the confluence of factors for uniqueness prong as
4 well as the second prong, in this case, the undue
5 hardship in meeting said public need.

6 As I mentioned earlier in the presentation,
7 we are providing two for-sale affordable units. While
8 there are some notable affordable rental projects in
9 the area, the need for affordable for-sale housing is
10 not being met. This sentiment was echoed by the SMD
11 at the ANC meeting and is strongly supported by data.

12 The property is located in Ward 6. According
13 to census data, only 35 percent of units in Ward 6 are
14 owner-occupied, which is lower than the District. And
15 that's already fairly low at 40 percent.

16 And then the most illuminating factor is that
17 the median value of owner-occupied units is about
18 \$870,000, which is about 20 percent higher than the
19 average for DC. And then 71 percent of these units are
20 valued at over \$500,000, and then 30 percent are over
21 \$1 million.

22 So not only are people dealing with very
23 limited opportunities to purchase in the area,
24 considering it's a majority rental area, but on top of
25 that, 70 percent of the units that are not in the rental

1 pool are over \$500,000 and then 30 percent are over \$1
2 million.

3 We talk about the need for affordable housing,
4 but the numbers really bring this even into a sharper
5 perspective to demonstrate this need. And compare
6 these prices to the prices for affordable 50 percent
7 and 80 percent AMI two-bedroom units, which are maximum
8 \$117,000 and \$250,000 respectively.

9 So that's well below the average in this area,
10 creating meaningful opportunities for those who cannot
11 otherwise afford this area to purchase a home and perhaps
12 purchase a home for the first time. This need and
13 fulfillment of this need can be considered a part of
14 the variance test.

15 Next slide, please.

16 So in terms of variance test, there are, of
17 course, District-imposed obligations. There's the
18 Affordable Housing Covenant, Loan Agreement and Deed
19 of Trust that require the two affordable for-sale units.

20 There is long-term vacancy, which extinguished the
21 grandfathered property right of being able to maintain
22 that residential use. So the property was held by DHCD
23 for years and was vacant long enough to lose that
24 grandfathered status, which is only three years. Then
25 it was enrolled in PADD program, requiring residential

1 use. And then now, no residential use can be restored
2 without a use variance by any applicant, including the
3 DC government if it were to revert back to them.

4 And there are also physical constraints
5 limiting other uses. As I mentioned, the property is
6 only 17.8 feet. It's a shallow depth. This is a
7 relatively small building envelope, and this limits the
8 viable use options and prevents adaptive reuse for
9 typical PDR uses, even if these obligations didn't
10 exist.

11 There are no by-right uses, as I mentioned,
12 as every other use other than the residential use
13 requires special exception relief in this particular
14 circumstance, given this narrow lot. In summary, the
15 combination of factors creates a situation completely
16 unique to this property, meeting the test.

17 Next slide, please.

18 Again, there are no matter-of-right or special
19 exception options that actually comply with DHCD's
20 binding covenant. Without residential use, ICS cannot
21 meet its legal obligations to DHCD.

22 Per the advertisement, DHCD was redeveloping
23 this for residential purposes without a use variance.

24 Even if it reverts back to DHCD ownership, no
25 redevelopment is programmatically possible.

1 It's likely it would continue to remain
2 vacant. It was vacant for over a decade, and this
3 hardship and circumstance are shaped by any applicant,
4 not just ICS.

5 And DHCD acquired the property due to
6 long-term blight and vacancy, so it's not a case of
7 self-imposed hardship as it relates to the District.

8 It's part of the District's program to redevelop these
9 properties and fulfill a public need.

10 And of course, there are no other by-right
11 uses, given both the footprint and the proximity to other
12 residential uses. The area is relatively unique. It's
13 a pocket of PDR in a group of mixed-use zones and an
14 RF-1 zone directly across the street.

15 All the PDR commercial uses require relief
16 from either those setback transition requirements, and
17 there are, of course, other residential proximity
18 limitations. There are often 100 or 200-foot buffers
19 for PDR uses, and those are also subject to discretionary
20 approvals to determine if they will have an adverse
21 impact on the use of residential properties.

22 And then, of course, the non-profit hardship
23 standard applies. McDonald considered the application
24 to the second prong of the test, noting a natural
25 relationship between the first and second prong of the

1 variance test. And McDonald, they considered an area
2 variance, but there would be no reason why it wouldn't
3 apply to the second prong of the use variance as well,
4 as those prongs are also naturally related.

5 So I think it's appropriate here to provide
6 some flexibility to consider the specific use and public
7 need in this case in determining whether the property
8 can be reasonably adapted to suit the public need through
9 any other by-right or special exception purpose.

10 And this is opposed to someone who purchased
11 the property in a traditional way and, say, was a fully
12 for-profit developer trying to reestablish this use,
13 compared to the public non-profit partnership element.

14 As noted in McDonald, quoting Monaco, the bare
15 desire to occupy a site is not usually an exceptional
16 condition, but the site was uniquely suitable for the
17 RNC's headquarters because of the proximity to the
18 Capitol. And the Board may be more flexible when it
19 assesses a non-profit organization which is a
20 well-established element of our governmental system.

21 So because the Zoning Regulations preclude
22 any use for which the property is reasonably adapted,
23 while simultaneously preventing ICS from fulfilling its
24 legally binding DHCD obligations, strict application
25 of the PDR-1 requirements and uses creates an undue

1 hardship under Palmer, as without the relief, the site
2 cannot be developed for residential purposes, cannot
3 satisfy the covenant, and will remain idle, vacant, and
4 blighted, contrary to the District housing and public
5 policy goals. And again, without the use variance, the
6 public need cannot be fulfilled.

7 Next slide, please.

8 In terms of the public good and zone plan,
9 although it's zoned PDR-1, the block face and
10 immediately surrounding area consists of row dwellings
11 and a mix of apartments and low-density commercial uses.

12 It, of course, advances the District's policy
13 goals. It's not contrary to them. It provides a needed
14 non-profit use and affordable housing.

15 And the project is small in size. Its limited
16 office component do not undermine the viability intent
17 of the surrounding PDR zone, which does permit office
18 use, of course, in this case, subject to special
19 exception.

20 And strict adherence to the PDR would only
21 leave the site idle and continue the vacancy. The
22 variance process was created to prevent land from
23 remaining unused and idle. The requested variance
24 promotes rather than undermines District land use and
25 housing policies.

1 It revitalizes a long-vacant property,
2 produces deeply affordable home ownership units needed
3 in this area, which has an average housing value of
4 nearly \$900,000, which is even higher than the District.

5 It supports a non-profit mission and remains compatible
6 with the block's existing residential pattern and row
7 house design.

8 Next slide, please. Next slide, please, Mr.
9 Young. Thank you.

10 And this just discusses the transition setback
11 requirements, which are subject to the general special
12 exception requirements. And here, it's consistent with
13 the purpose and intent of the Zoning Regulations. The
14 property is in a transitional area at the edge of NoMa,
15 where industrial uses are diminishing and new mixed-use
16 development is increasingly common.

17 It still remains low in scale and low in impact
18 and serves the immediate community. And so granting
19 the office component to continue is compatible -- or,
20 sorry, granting the office component to be established
21 without the transition setback requirement of 25 feet
22 is compatible with the zone.

23 Next slide, please.

24 In terms of the impact to neighboring
25 properties, we provided some shade analysis. And I've

1 been talking to the solar company who owns the panels
2 next door, as well as the next door neighbor. And the
3 proposed development will not adversely affect the use
4 of neighboring properties.

5 The adjacent lots are not anticipated to be
6 negatively impacted by a low-density project that
7 includes only two residential units and a non-profit
8 office component. It will improve the existing
9 condition of the lot, which is a long vacant and
10 under-utilized structure, and the physical scale of the
11 project is consistent with the surrounding development
12 pattern.

13 So the relief enables a context-sensitive,
14 mission-driven replacement or redevelopment that
15 promotes community reinvestment without displacing any
16 existing uses or introducing disruptive impacts that
17 could be felt with other PDR uses.

18 So with that, I'll turn it over to Mr. Grant
19 to walk through the plans.

20 MR. GRANT: Thank you, Alex.

21 Next slide, please. Next slide, please.

22 So it's a high level. So the volume and the
23 envelope of the building is confined to conforming to
24 the PDR-1 zone requirements. We're at the 2.0 FAR.
25 We're limited to 50 feet, and 2.0 basically ended up

1 with a footprint.

2 Next slide, please. It resulted in the
3 footprint that you see here of the proposed building.

4 Next slide, please. Next slide, please.

5 So on the ground floor, we have the office
6 space that ICS is going to use.

7 Next slide, please.

8 And then this slide just reflects the typical
9 -- one of the two units that we're proposing. It's a
10 modest-sized two-bedroom, but I think it's reasonably
11 sized for the neighborhood. It's competitive compared
12 to some other smaller units that we're seeing on the
13 market.

14 Next slide, please. The third floor is
15 similar. Next slide, please.

16 And this is just a section to the building
17 showing that the height is 39 feet from the curb, which
18 is in compliance with the PDR-1 requirements.

19 Next slide, please.

20 And then this kind of just shows you the extent
21 of the addition. So on the east elevation on 3rd Street,
22 you just have a one-story addition. And on the rear,
23 you can see the addition on the back, the three-story
24 addition on the back.

25 Next slide, please.

1 This is the elevation that faces south, that
2 faces the park. And we're in conversation with the NoMa
3 BID to replace the mural that's there once the building
4 is complete. So we chose simple materials that would
5 not conflict with actually adding a mural to this wall.

6 Next slide, please. And then this is the side
7 that faces north, which would face 1108 3rd Street.

8 Next slide, please.

9 So this is just a 3D representation of our
10 building with respect to the addition, which you can
11 see it with the white siding. So you see the south
12 elevation facing the park and the north elevation facing
13 the neighbor's building to the north.

14 Next slide, please. So I think this goes into
15 the solar studies. Next slide, please. And next
16 slide, again.

17 So what we did when we were doing our analysis
18 was we looked at it, the impact of the neighboring
19 buildings before our addition and after.

20 Unfortunately, the software did not render the images,
21 the shadows of the trees, because the trees actually
22 do have some impact as well.

23 In the spring and fall, as you can see, at
24 4:00 and 6:00, the building to the west does have a
25 significant impact on our building already.

1 Next slide, please. Next slide, please. Oh,
2 sorry. This is it, sorry.

3 The proposed shows that, again, in the fall
4 and spring, our addition has a modest impact, but
5 compared to the existing building, the existing building
6 already pass in the shadow from 4:00 to 6:00. So we
7 do have some impact, but not a significant impact
8 compared to the existing buildings that are being
9 constructed.

10 Next slide, please. For the summer, which
11 is peak generation time, you can see that in the existing
12 slide, again, the building is primarily impacted by --
13 1108, sorry -- is primarily impacted by the building
14 to the west.

15 Next slide, please. What's interesting is
16 that in this slide, at peak generation time, our building
17 barely impacts 1108. If you can look closely, from
18 10:00 through 2:00 p.m., the shadow is extremely
19 limited, has an extremely limited impact on the
20 neighbor's building to the north.

21 Next slide, please. Next slide, please. And
22 then, of course, in winter, it's probably a different
23 thing, but that's the period of least generation. So
24 again, at 4:00 and 6:00, the building to the west has
25 an impact.

1 Next slide, please. And then proposed at this
2 point, our building starts to kind of have an impact,
3 but it's at, you know, periods of generation where
4 there's not a lot of output. And again, it doesn't
5 factor in the tree that does have an impact already on
6 the existing panels.

7 Next slide, please. So what we were finally
8 able to get after some conversation with the installer,
9 they're drawing up the array. And what's interesting
10 is they do not have panels on the entire roof. And on
11 the south side of the building, where -- in the summer
12 where it has the most impact, we anticipate that only
13 one or two panels actually gets affected.

14 However, we're having conversations about
15 possibly rearranging this array so we can move some of
16 these panels that are on the right side of the building
17 and redistribute it to the left side of the building
18 so that more panels can get access to sunlight for more
19 times throughout the day and throughout the year. So
20 I think there's a possibility where we can rearrange
21 these things and --

22 (Simultaneous speaking.)

23 CHAIRPERSON HILL: This is the immediate
24 next-door neighbor?

25 MR. GRANT: This is the immediate next-door

1 neighbor, yes.

2 CHAIRPERSON HILL: Okay.

3 MR. GRANT: So this is literally something
4 that we just discovered this week because they finally
5 presented us with this plan. And so we've been in
6 conversations about rearranging these panels just to
7 make sure that we maintain as much of the efficacy of
8 those panels as possible.

9 CHAIRPERSON HILL: Mr. Aubrey, and then also
10 maybe Ms. Wilson, I'm curious. So how is 1114 affected?

11 MR. GRANT: If you could go back to the
12 previous slides, any of the shadow studies. In short,
13 it's not affected at all.

14 CHAIRPERSON HILL: Okay. The shadow
15 studies, I'm going to rely on our architect if he wants
16 to open those in the slide deck and take a look, but
17 that's right. That's what I was taking away from them,
18 that it's currently not affecting -- your project is
19 not affecting 1114, correct?

20 MR. GRANT: That is correct.

21 CHAIRPERSON HILL: Okay, all right. Please
22 continue, Mr. Aubrey.

23 MR. GRANT: Is there another slide? I think
24 this is the last slide in the deck.

25 So this slide shows the effect of the trees

1 on the existing solar array. So based on this Google
2 image, about a third or a little bit more than a third
3 of the panels are actually already affected by the shadow
4 of the existing trees.

5 And in this slide, I think you can see Mr.
6 -- 1114's panels further down, and it's nowhere near
7 our project site, which is up here.

8 (Simultaneous speaking.)

9 CHAIRPERSON HILL: Thank you. I got it.

10 MR. GRANT: -- my mouse.

11 CHAIRPERSON HILL: Thank you.

12 MR. GRANT: Thank you.

13 CHAIRPERSON HILL: Mr. Grant, if you can drop
14 that?

15 Ms. Wilson, have you been reaching out to 1114?

16 MS. WILSON: Ms. Howie has been in touch with
17 him, I believe

18 CHAIRPERSON HILL: Okay. Do you know in
19 terms of, like, has the shadow study been explained to
20 him? You don't know?

21 MS. WILSON: I don't know, but I'm sure we're
22 happy to --

23 MS. HOWIE: We have not explained the shadow
24 study to him in full detail.

25 We have gathered this information from the

1 solar company. We just received those plans and the
2 impact from the solar company just this past week, but
3 we have not had a chance to explain that to Mr. Irby.

4 CHAIRPERSON HILL: Okay. Ms. Howie, I guess,
5 and also Mr. Aubrey, might be able to show something
6 that's more easily understandable for the layperson as
7 to how those shadows are not being affecting 1114,
8 because that seems to be the big concern of that
9 homeowner.

10 And so Ms. Howie, you are in touch with that
11 homeowner, and that is your intention to try to convey
12 that information, correct?

13 MS. HOWIE: Yes, that is correct.

14 CHAIRPERSON HILL: Okay, all right. Okay.
15 Before I turn to our Board, may I hear from the Office
16 of Planning?

17 MR. JURKOVIC: Good afternoon, Chair Hill and
18 members of the Board. For the record, this is Michael
19 Jurkovic, Development and Review Specialist with the
20 Office of Planning.

21 OP is in support of the Applicant's requested
22 areas of relief, both for a special exception to the
23 transition setback requirements, the Subtitle J § 210.1,
24 and for the requested use variance. On the requested
25 use variance, to restore the property partially to

1 residential use with two new dwelling units, OP is in
2 support due to a culmination of factors. Most important
3 are the binding affordable housing agreement between
4 the Applicant, a non-profit entity, and a District
5 agency; the fact that the existing vacant structure was
6 likely purpose-built for residential use, predating the
7 Zoning Regulations; and that the Zoning Regulations'
8 intent to preserve space for industrial use is not
9 currently feasible due to the abundance of PDR zone
10 properties already in residential use in this square.

11 We otherwise stand on the record of our report
12 and are here to answer any questions. Thank you.

13 CHAIRPERSON HILL: Thank you. Okay, great.

14 Does my Board have questions for the Applicant
15 and/or the Office of Planning?

16 Go ahead -- I was going to say professor --
17 Dr. Imamura.

18 COMMISSIONER IMAMURA: Thank you, Mr.
19 Chairman.

20 Mr. Grant, I do have a question about one of
21 the statements you made in terms of the neighbor that's
22 immediately adjacent, 1110. I think about their solar
23 panels that you're looking at how you can reconfigure
24 their array, and so I just wanted to ask if you could
25 elaborate a little bit more on that.

1 You mentioned that there's just a couple
2 panels, and I'm looking through your shadow studies in
3 more detail here, and it really appears as if it's mostly
4 in the wintertime where it might be impacted the most.

5 So if you could just elaborate a little bit,
6 that'd be great. You're muted, Mr. Grant.

7 MR. GRANT: Sorry, Mr. Imamura. So you're
8 correct. In the winter, it's going to be impacted the
9 most. What we're talking about doing is taking -- if
10 you can go to the second to last slide that shows the
11 existing panels, there's an opportunity with the
12 remaining second half of the house to actually take --

13 CHAIRPERSON HILL: Mr. Grant, one second.

14 Mr. Young, which slide, which slide, the
15 second to last slide in your deck?

16 MR. GRANT: Yes.

17 CHAIRPERSON HILL: Mr. Young, maybe put up the
18 second to last slide in his deck.

19 MR. GRANT: Yes, that slide. If you can
20 actually able to zoom in to the drawing on the top left.

21 So the thought process is we could take at least those
22 four panels, possibly the first seven that's closest
23 to our property, and shift them over to the left on the
24 second half of the building, and we think that that's
25 going to basically allow exposal panels to more sunlight

1 based on what we're seeing in our studies.

2 Obviously, we're still in early talks with
3 the solar company, but that's our thought process.

4 Again, we only got these drawings this week, so we are
5 still working through that solution, but we do believe
6 that a solution exists.

7 COMMISSIONER IMAMURA: All right. Thank
8 you, Mr. Grant.

9 And I appreciate, Ms. Wilson, you're including
10 these slides in your presentation, so I appreciate your
11 forthrightness and honesty about that. From what I can
12 tell from the shadow study is that property 1114 isn't
13 really impacted at all by this proposed project here.

14 So I guess I'll just leave it there, leave
15 it at that, but all right. Thank you, Mr. Grant and
16 Ms. Wilson.

17 I don't think I have any further questions.

18 So I yield my time back, Mr. Chairman.

19 CHAIRPERSON HILL: Thank you.

20 Ms. Wilson, what was the input again from that
21 neighbor in terms of the outreach?

22 MS. WILSON: Sure. Ms. Howie's been in
23 contact with her for data. Would you be able to speak
24 to all of your outreach to her?

25 MS. HOWIE: Yes. We've been in communication

1 as early as yesterday. Ms. Brown has -- her and her
2 daughter and I have been in communication. While they
3 have not expressed their opposing to the project, what
4 they wanted to know and what they wanted to figure out
5 was what we were going to do about the solar panels.

6 So, what would be the additional benefits to them before
7 they submitted any letters in complete support of the
8 project?

9 We have a meeting scheduled because the
10 daughter is out of town for Monday, this coming Monday,
11 to really dive into details in terms of the information
12 we got back from the solar company. And then we have
13 forthcoming meetings with the solar company and them
14 to explain what we would need to do and what would be
15 responsible for fixing and changing for them to be
16 informed about the next steps.

17 And so those are sort of the next couple steps
18 we have to take in the communication I've had with Ms.
19 Brown.

20 CHAIRPERSON HILL: Okay. And Ms. Howie,
21 you're committed to working with them, correct?

22 MS. HOWIE: Absolutely, yes.

23 CHAIRPERSON HILL: Okay. Mr. Blake, do you
24 have any questions?

25 VICE CHAIRPERSON BLAKE: I actually don't.

1 CHAIRPERSON HILL: Okay. Mr. Young, is there
2 anyone here who wishes to speak?

3 MR. YOUNG: Yes, we do.

4 CHAIRPERSON HILL: Okay. Can we go ahead and
5 have that person come forward, please?

6 MR. YOUNG: We have three witnesses signed
7 up. The first is Fred Irby. He's calling in by phone.

8 MR. IRBY: Hello? Hello? Can you hear me?

9 CHAIRPERSON HILL: Hold on one second, Mr.
10 Irby. Yes, we can hear you. Can you just mute yourself
11 for one moment, please?

12 Go ahead, Mr. Young.

13 MR. YOUNG: We also have Ronnette Jewell,
14 who's also calling in by phone. And the last one is
15 Dr. Claire Nelson.

16 CHAIRPERSON HILL: And is that person on my
17 phone?

18 MR. YOUNG: No, they're not.

19 CHAIRPERSON HILL: Okay, great. Mr. Irby,
20 can you hear me?

21 MR. IRBY: Yes, I can hear you.

22 CHAIRPERSON HILL: Great, wonderful. If you
23 could please introduce yourself for the record? And
24 then as a member of the public, you'll have three minutes
25 to give your testimony. And you can begin whenever

1 you'd like.

2 MR. IRBY: All right. I am Fred Irby. I'm the
3 owner of 1114 3rd Street, a property that's, what, three
4 or four properties north of the proposed Applicant.

5 Yeah, I filed for party status. I was hoping
6 to be able to speak during that hearing earlier today,
7 but was unable to. So I'm just hoping to be able to
8 say what I was going to say then as well.

9 CHAIRPERSON HILL: Yeah, sure. Go ahead, Mr.
10 Irby.

11 MR. IRBY: Okay. So I guess, first off, in
12 the application, I exclusively said that I wasn't
13 necessarily opposed to or for the project. I wanted
14 to have a shade study done for the property to be able
15 to analyze the impact that this project would have upon
16 the solar panels on my house, like they did with the
17 project that's directly behind us when they were filing
18 their PDD back in 2017, 2018. I'd also like to note
19 that it wasn't until I filed this that the Applicant
20 actually then commissioned a shade study to be done.

21 Third, with regards to us speaking with one
22 another, I was aware she was in contact with, I believe,
23 Ms. Arita Brown-Johnson, as well as Ronnette. And I
24 think she also spoke with possibly -- no, I know she
25 spoke with the owner of 1110, Todd Singleton. In fact,

1 it was from him that I actually got Ms. Howie's
2 information and called her because she never reached
3 out directly to me. And then we had a call over the
4 phone, and I specifically brought up the shade study
5 and held off on filing the application about the party
6 status with respect to the shade study in the hopes they
7 would file a shade study, but they did not. I filed
8 it, and then we got the shade study on the 1st.

9 I'm able to look at it. And now I see that,
10 hey, it does not impact my property, but when I did file,
11 I said I wanted to file on behalf of the neighbors just
12 to make sure that we were all covered.

13 And it does appear that Ms. Arita
14 Brown-Johnson and Ronnette Jewell's property is
15 impacted by the solar panels -- I'm sorry, her solar
16 panels are impacted by the property, specifically, as
17 you all stated before, the winter months. So I'm hoping
18 that they'll be able to reach a resolution, and this
19 is my personal opinion. I think that that should be
20 resolved before any decisions are made just because you
21 never know with people and developers and everything.

22 They say they're going to do one thing, and they go
23 do another; I'm not saying it that way.

24 I'm just saying that to make sure that someone
25 is held accountable for saying they're going to actually

1 do something with respect to a project, a lot of times,
2 promises aren't kept. Again, I'm not saying Ms. Howie
3 is that way. I'm just saying that it might be something
4 the Board might want to consider.

5 CHAIRPERSON HILL: Okay, thanks, Mr. Irby.

6 Ms. Jewell, can you hear me? Ms. Jewell, can
7 you hear me? Ms. Jewell, can you hear me?

8 MS. JEWELL: Can you hear me?

9 CHAIRPERSON HILL: Yes.

10 MS. JEWELL: Hello? Hey, how are you all
11 doing today?

12 CHAIRPERSON HILL: Good, good. How are you?

13 MS. JEWELL: I'm fine. So me and my mother
14 have not been --

15 CHAIRPERSON HILL: Ms. Jewell, give me one
16 second. If you could please introduce yourself for the
17 record, and then you'll have three minutes to give your
18 testimony, and you can go ahead and start.

19 MS. JEWELL: Okay. My name is Ronnette
20 Jewell. Me and my mom, Arita Brown-Johnson, own the
21 adjacent housing. So we are at 1108.

22 Okay, so, I'm here to express my concerns
23 regarding the proposed construction of the property
24 adjacent to ours. After reviewing the shadow study
25 associated with the project, I have significant

1 reservations about the potential impact the new
2 structure may have on our home, specifically on our roof
3 and the solar panels installed there.

4 The shadow study indicates that plan building
5 height and placement could result in increased shadowing
6 on our property during key daylight hours. Any
7 reduction in direct sunlight may negatively affect the
8 performance and efficiency of our solar energy system,
9 which was designed and positioned to maximize exposure
10 during -- based on the current conditions. This could
11 not only lead to diminished energy generation, but also
12 to financial impacts associated with the long-term
13 return on investment for the solar installation.

14 Additionally, prolonged shading may
15 contribute to moisture retention and accelerated wear
16 on the roof surface, potentially shortening its lifespan
17 and increasing future maintenance costs. These
18 cumulative effects represent a substantial concern for
19 us as homeowners.

20 For these reasons, I respectfully request that
21 the potential impacts identified in the shadow study
22 be carefully reconsidered and that appropriate measures
23 be explored to mitigate adverse effects on our property.

24 My mom is on a fixed income, so any extra cost to her
25 would be a bad impact on her. So that's my concern.

1 CHAIRPERSON HILL: Okay. Thanks, Ms.
2 Jewell. Thank you for your testimony.

3 Dr. Nelson, can you hear me? Dr. Nelson, can
4 you hear me?

5 MS. HOWIE: I don't think she can come --

6 DR. NELSON: I'm not able to say anything at
7 this time.

8 CHAIRPERSON HILL: I can hear you now, Dr.
9 Nelson. Can you hear me?

10 DR. NELSON: Yes, I'm hearing you. I'm
11 saying I am about to travel, so I'm not able to speak
12 at this time.

13 CHAIRPERSON HILL: Okay. Do you have any
14 testimony to give? I don't understand.

15 DR. NELSON: No, I do not.

16 CHAIRPERSON HILL: Okay, all right. Thank
17 you, Dr. Nelson.

18 All right. Does the Board have any questions
19 of the witnesses?

20 Okay, all right. Mr. Young, if you could just
21 please excuse everybody.

22 Okay. Is the Office of Planning here again,
23 please? Mr. Jurkovic?

24 MR. JURKOVIC: Yes, Chairman.

25 CHAIRPERSON HILL: Thanks. I'm trying to

1 remember how this solar panel thing works. In the PDRs
2 -- in the RF zones, I forget. There's a percentage,
3 right? I don't know if you know this off the top of
4 your head. Five percent or something, like, how the
5 solar panels actually get affected? And does that
6 matter in the PDR zone, or you don't know?

7 MR. JURKOVIC: There is not a similar
8 protection as there is in the RF zone as for solar panels
9 in the PDR zone.

10 CHAIRPERSON HILL: What's the protection in
11 the RF zone?

12 MR. JURKOVIC: I would have to look that up.

13 CHAIRPERSON HILL: Do you remember the
14 percentage? Ms. Wilson, do you remember the
15 percentage?

16 MS. WILSON: Without certainty, five percent.

17 CHAIRPERSON HILL: Yes, I think five
18 percent's right. Okay. So I'm just going to -- I'm
19 having a little bit of hesitancy, just because about
20 the solar panel stuff and that the shadow study is just
21 being kind of put forward. And personally, I find
22 shadow studies pretty confusing.

23 It seems as though Ms. Jewell and Ms. Brown,
24 they're the immediate neighbors whose panels you've been
25 talking about, right, Ms. Wilson?

1 MS. WILSON: Correct. And we've been talking
2 to them. And of course, it's the solar panel company
3 that owns the panels, and they finally responded.

4 So of course, we need to talk to the immediate
5 neighbors, but in terms of logistics, it's the solar
6 panel company that we'll also have to be working with.

7 That's one of the reasons perhaps why it seems like
8 we just provided this information, but we just received
9 the solar panel array, and of course --

10 CHAIRPERSON HILL: So the solar panel
11 company, they're paying to be on that roof? Is that
12 what you're telling me?

13 MS. WILSON: I'm not clear of the arrangement.

14 MR. GRANT: If I can jump in for a second.

15 Typically, what happens is you have two choices. You
16 can buy the system outright, or you pay for the
17 installation. You get the benefit of the reduced solar
18 energy, and the solar company keeps the rights to
19 something called SRECs, which is basically a system
20 where you get paid for every kilowatt hour that's
21 generated.

22 So in a situation like that, the solar company
23 is basically benefitting from the SRECs that this person
24 is producing. That's why they kind of have some
25 ownership of it as well.

1 CHAIRPERSON HILL: I got you. So I'll just
2 tell you where I am right now, Ms. Wilson. And I guess
3 I'm more or less comfortable with everything that's been
4 put forward, and you put a lot of information out of
5 there. I mean, I see that the slide deck went up, but
6 there was a lot of stuff that you all put forward in
7 terms of how you're meeting the uniqueness of the
8 criteria. There's a lot of things that went into this
9 discussion. And so I don't mind taking a look at that,
10 actually, now that I'm thinking about this, to give me
11 a beat.

12 And I'll see what my Board has to say about
13 this, but I would like to -- I don't really like that
14 this hasn't been tidied up a little bit more with that
15 immediate next-door neighbor. Whether or not this is
16 something we're supposed to be doing or with the PDR
17 zone, it still is something that is affecting the
18 neighbor, or at least these concerns. And it sounds
19 like you're almost -- it sounds like you've been talking
20 about them. You're trying to address them.

21 So if you could get something in the record
22 in terms of whatever you were able to do with the
23 immediate next-door neighbor, that would provide me some
24 kind of comfort before my just saying, again, you're
25 committed to working with the people and then setting

1 you on your way, right? I don't really think there's
2 a lot of teeth involved with that. I'd be like, great,
3 yeah, I'm committed too, and I'm going to go have my
4 nice weekend now.

5 So if you can give me something that might
6 make me feel a little bit more confident with that, that
7 would be helpful as I think about this. And then I can
8 probably make a decision next week, because I don't want
9 to kick it into the next year.

10 You're trying to get this done sooner rather
11 than later, correct, Ms. Wilson?

12 MS. WILSON: Correct. The timeline is
13 already an issue.

14 CHAIRPERSON HILL: Okay. And I see Mr.
15 Blake's hand up. So if I can get a decision next week,
16 that'd be great, but I want to see something from 1108.

17 Mr. Blake, you had your hand up, I think?

18 VICE CHAIRPERSON BLAKE: Yeah, I do
19 appreciate that, Mr. Chairman. I think one of the
20 things that has come up a lot of times when we're doing
21 use variances like this, you tend to not have -- the
22 zone didn't anticipate the things that we're doing, so
23 it doesn't take them into consideration.

24 So I think it's important that we look at the
25 solar, just like we would look at it, say, if it's an

1 RF, because these are row houses, and just get a sense
2 to understand what that potential impact might be.

3 It would be helpful, and to compare it to that
4 standard, just so that you get a sense of it because,
5 again, when we do a use variance in a zone that didn't
6 anticipate it, there aren't any typical guardrails to
7 protect the housing. So we kind of overlook them, but
8 we really should, I think, at least take a look at it,
9 as you said.

10 CHAIRPERSON HILL: Ms. Wilson, what do you
11 think you can get to me, and when?

12 MS. WILSON: Let me think. It's a little
13 open-ended. So I know Ms. Howie is going to -- she noted
14 that there would be a meeting on Monday, and so we can
15 provide a summary of, perhaps, discussion points in that
16 meeting.

17 And then, I'll look to Mr. Grant, perhaps,
18 to see if -- now that we know where the panels are
19 located, we can focus on that property, since that's
20 really the only impacted property, and provide something
21 more detailed or a better summary of how that's
22 anticipated to be impacted. Just some more evidence
23 on that.

24 CHAIRPERSON HILL: Okay. If you can -- if
25 you have that meeting on Monday -- one second, Dr.

1 Imamura -- if you have that meeting on Monday, and then
2 you get this into the record by Tuesday, then we might
3 -- it kind of depends on what you get us into the record
4 on Tuesday.

5 I personally would like to feel good about
6 the fact that you all are going to do what you say you're
7 going to do, and this is how you're going to do it.
8 Whatever you need to do to make me -- because I think
9 you're there, right? I just don't have any more time,
10 because this is the last trip, and I'm sorry, this is
11 the last week next week, and then I go on a trip.

12 And so Dr. Imamura, you had your hand up?

13 COMMISSIONER IMAMURA: Thank you, Mr.
14 Chairman. Just two comments. Well, one comment, one
15 question. To your point, Mr. Chairman, this is for Ms.
16 Wilson.

17 This is incredibly nuanced, as you described,
18 Ms. Wilson. This is a confluence of issues on top of
19 one another, and you did a great job in laying all that
20 out. So I appreciate your thoroughness in your
21 presentation this afternoon.

22 The question that I have is really for Mr.
23 Grant, and I guess for you too, Ms. Wilson. Mr. Grant,
24 from what I can tell, is sort of expressing some cautious
25 optimism in terms of reconfiguring the array for the

1 immediate neighbor in a way that either achieves the
2 existing efficacy of the array or something similar.

3 I believe, at least from what I've seen, I
4 think that there might be a solution there, but here's
5 my question to Chairman Hill's point about sort of the
6 time frame here: What is plan B? And what I mean by
7 that, this is, I guess, maybe more for Mr. Grant, sort
8 of the creative solution, if you're not able to achieve
9 sort of a reconfiguration of that array to achieve the
10 same efficacy that it currently exists, what other
11 creative solutions are you starting to explore or maybe
12 that you're willing to share, whether it be on the south?

13 Is it the south?

14 I don't know if there's some way to incorporate
15 the solar panels in a way where the mural might be or
16 in some way, in some other fashion, right? But I guess
17 my point here is, Mr. Grant, is in order to come back
18 to us with -- if you're not able to land plan A, come
19 back with plan B and a solution.

20 MR. GRANT: Thank you. So one, I think it
21 starts with a conversation with the solar provider,
22 obviously. We've spoken of some solutions. I don't
23 want to commit the owner to any of them. Plan A is the
24 plan that I'm going to already choose for. Anything
25 else out of that, so, in terms of relocating panels and

1 all the properties, they've already told us that that's
2 not possible, because that was something that we
3 proposed. However, I think we just need to have more
4 conversation with the solar company to understand what
5 that looks like and what the possibilities are.

6 And until we just saw this information, we
7 were operating on the assumption that it was the entire
8 roof. So that's why I'm cautiously optimistic, because
9 now that I'm seeing that half of the roof is not covered,
10 I think. And based on what I'm seeing from the solar
11 studies that we have, I do feel that I'm cautiously
12 optimistic that plan A is going to work. And then for
13 any other plan, I think that's going to have to come
14 down to a conversation between myself, the owner, the
15 solar company, and the neighbor.

16 COMMISSIONER IMAMURA: Okay, very good. All
17 right. I just wanted you all to kind of think that
18 through before you come back in case you run down one
19 rabbit hole and it doesn't pencil out. Thanks.

20 MR. GRANT: And I appreciate the question.
21 We are throwing things at the wall. We're determined
22 to resolve it.

23 CHAIRPERSON HILL: Okay. So anyway, I just
24 want to get a couple of things. We're under a time
25 crunch because it's the last hearing of the year next

1 week. So the next hearing after that is January, I want
2 to say the 14th.

3 When do we get back, Madam Secretary?

4 MS. MEHLERT: It's actually January 21st.

5 CHAIRPERSON HILL: January 21st. I am really
6 fine with that.

7 Okay. So Ms. Wilson, again, I'm a little --
8 this is a little complicated. I'm sorry because, again,
9 it's a PDR zone. This stuff doesn't apply. However,
10 you're trying to get residential. You're kind of
11 looking at it as an RF zone. And then also, it's only
12 five percent. The protection is only five percent.
13 So however you want to write this so that you think that
14 we should be comfortable with what's going on and/or
15 that you're committed to do what you say -- because,
16 again, I don't like this, are you committed to doing
17 it and then we set people on their way, right?

18 And Ms. Howie, again, this is the first time
19 we're here together. So I can't exactly be blamed for
20 the timing that we have. And I appreciate what you're
21 trying to do and how you've been working with the city
22 to get to where you are and DHC day and all that. I
23 know it's been a very long process, so you're kind of
24 near the end. But Ms. Wilson, if you can get us
25 something on Tuesday that puts the Board at ease with

1 this information that's come up, I think that would be
2 very helpful.

3 And if you're not and if we're not comfortable,
4 then this is going to get pushed off to decision until
5 we can talk to you again in January. Ms. Wilson, you
6 can respond in some fashion.

7 MS. WILSON: Apologies. Yes, we understand.

8 And yes, we'll get you something. I'm confident we
9 can figure something out.

10 CHAIRPERSON HILL: Okay. I wish that the
11 next-door neighbor was right there now. We can ask her,
12 but please reach out, obviously, immediately.

13 Does the Board have any other final thoughts
14 before I set this loose?

15 Okay, all right. Madam Secretary, we're
16 going to keep the record open for one piece of
17 information from the Applicant on Tuesday. And then
18 we'll put this up for decision on Wednesday.

19 MS. MEHLERT: Okay. So it's just the update
20 on engagement with the neighbor from the Applicant.

21 CHAIRPERSON HILL: Yes. And I'd also leave
22 the record open for if the -- I don't know. You guys
23 can tell me what you think. I'm looking for the Board.

24 We can leave the record open, because normally the
25 record would be open for a week after for somebody to

1 respond.

2 And so I guess we can leave the record open
3 for House 1108 if they want to put something in the record
4 also after their Monday meeting, because I don't think
5 -- we're not going to get anything from the ANC. The
6 ANC is not going to do anything. It's just 1108.

7 COMMISSIONER IMAMURA: That sounds
8 reasonable.

9 CHAIRPERSON HILL: Okay. So then we'll leave
10 the record open for whatever 1108 wants to put in, in
11 response to whatever's coming on Tuesday, or at least
12 their conversation. And hopefully, we can get this tied
13 up.

14 All right. That's it. We'll go ahead and close
15 the hearing and the record except for the information
16 that was asked for. You all have a nice day.

17 Okay. Well, I appreciate all of the
18 efficiencies that were put forward today, because we
19 had a deadline that we were going to meet.

20 So are we done, Madam Secretary?

21 MS. MEHLERT: There's nothing else for the
22 Board.

23 CHAIRPERSON HILL: Okay, we're adjourned.

24 (Whereupon, the above-entitled matter went
25 off the record at 2:31 p.m.)

1 C E R T I F I C A T E

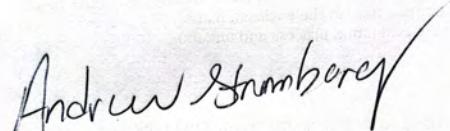
2 This is to certify that the foregoing transcript was
3 duly recorded and accurately transcribed under my
4 direction; further, that said transcript is a true and
5 accurate record of the proceedings; and that I am neither
6 counsel for, related to, nor employed by any of the
7 parties to this action in which this matter was taken;
8 and further that I am not a relative nor an employee
9 of any of the parties nor counsel employed by the
10 parties, and I am not financially or otherwise
11 interested in the outcome of the action.

12

13

14

15

A handwritten signature in black ink that reads "Andrew Stromberg". The signature is written in a cursive style with a vertical line extending from the end of the "g" in "Stromberg" towards the right.

16

17

18 Andrew Stromberg

19

20

21

22

23

24

25