

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning
Board of Zoning Adjustment

PUBLIC HEARING OF THE BOARD OF ZONING ADJUSTMENT

9:45 a.m. to 10:51 a.m.
Tuesday, June 7, 2016

441 4th Street, N.W.
Jerrily R. Kress Memorial Room
Second Floor Hearing Room, Suite 220-South
Washington, D.C. 20001

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1 Board Members:

2 MARNIQUE Y. HEATH, Chairperson

3 ANITA D'SOUZA, Vice Chair

4 FREDERICK L. HILL, Board Member

5 Michael Turnbull, Zoning Commission

6 Ms. Rose, BZA Secretary

7

8

9 Office of Planning

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11 MATT JESICK

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

2 CHAIRPERSON HEATH: Good morning, ladies and
3 gentlemen. We're located in the Jerrily R. Kress
4 Memorial Hearing Room at 441 4th Street Northwest.
5 Today's date is June 7th, 2016, and we're here for the
6 public meeting and hearings of the Board of Zoning
7 Adjustment of the District of Columbia.

8 My name is Marnique Heath, Chairperson.
9 Joining me today is Anita Butani-D'Souza, Vice
10 Chairperson, Fred Hill, Board Member, and Michael
11 Turnbull, Member of the Zoning Commission sitting in
12 as a Member of the Board today.

13 Please be advised that this proceeding is
14 being recorded by a court reporter and is also being
15 webcast live. Accordingly, we must ask you to refrain
16 from any disruptive noises or actions while in the
17 hearing room today.

18 The Board's hearing procedures and how we will
19 process applications can be found on the table by the
20 back door. All individuals wishing to testify today
21 will need to do two things. The first is, prior to
22 testifying each person who wants to address the Board
23 must complete two witness cards, that's two witness
24 cards, and give them to the court reporter seated to
25 my right. The second is you'll now need to stand and

1 take the oath as administered by Ms. Rose, who is
2 sitting in for Mr. Moy today.

3 MS. ROSE: Please raise your right hand.

4 [Oath administered to the participants.]

5 CHAIRPERSON HEATH: All right. Good morning,
6 Ms. Rose. Do we have any preliminary matters coming
7 before the Board today?

8 MS. ROSE: Yes, Madam Chair. Good morning and
9 Members of the Board, good morning.

10 CHAIRPERSON HEATH: Is your mic on?

11 MS. ROSE: Good morning, Madam Chair, Members
12 of the Board. Staff would like to note the cases that
13 will not be heard today. There is one withdrawn case,
14 and that is Application 19268, of Caroline Kettler.
15 Next at the postponed and rescheduled cases. There
16 are seven that have been postponed at the applicant's
17 request.

18 First is Case 19254, the application of 1612
19 Seventh Street N.W., LP. This case was postponed to
20 July 19th, 2016.

21 Case 19264, application of Frances Seymour was
22 postponed to June 14th, 2016.

23 19269, application of Cavit Ozturk was
24 postponed to June 14th, 2016.

25 19224, appeal of ANC 1C, was postponed to June

1 14th, 2016.

2 19225, appeal of Frederick W. McCarthy III was
3 postponed to June 14th, 2016.

4 19219, application of 2001 2nd Street
5 Northeast, LLC., was postponed to July 6th, 2016.

6 And finally case No. 19219, application of
7 2001 2nd Street -- oh, that's the same one. I did
8 that twice. So those are the cases that have been
9 postponed.

10 CHAIRPERSON HEATH: All right. Thank you. So
11 if that's it for our preliminary matters you could
12 call our first meeting case. Our only meeting case.

13 MS. ROSE: Yes. Okay. It is a request for a
14 two-year time extension of BZA order number 18723,
15 issued on May 23rd, 2014. This is now Case No. 18723A
16 in the application of Morning Bright, LLC., pursuant
17 to 11 DCMR, Subsection 3103.2, for variances from the
18 following requirements.

19 Section 772 for lot occupancy, Section 774 for
20 rear yard, and Section 2116.12, off-street parking
21 location. And pursuant to Subsection 3104.1, a
22 special exception from the rooftop structure
23 requirements under Subsection 770.6B to allow the
24 construction of a mixed use residential building with
25 ground floor retail in the R/C-2-B District at 2105

1 10th Street Northwest, Square 358, Lots 5, 6, and 802.

2 Board members participating are Ms. Heath, Mr.
3 Hill, Ms. Butani, and Mr. Turnbull.

4 CHAIRPERSON HEATH: All right. Is the Board
5 ready to deliberate on this case? All right.

6 MS. BUTANI-D'SOUZA: Yes.

7 CHAIRPERSON HEATH: So, as Ms. Rose has said,
8 this is a request for a two-year time extension on the
9 previous order number 18723, and the Board can grant a
10 time extension as long as the applicant meets the
11 criteria listed under 3130.6. The first point under
12 that criteria, 3130.6A requires that the applicant
13 serve notice on all parties and that notice is served
14 for 30 days prior to our meeting.

15 And there is only one party on this case.
16 That is the ANC 1B. There was some confusion, it
17 appears, as to whether or not there were other parties
18 on this case. It's not sufficient for someone to just
19 submit a party status request. They need to be at the
20 hearing and the Board has to determine whether or not
21 they're going to accept that party status request.
22 And in this case, Mr. David Stirpe, I believe is how
23 it's pronounced, submitted a party status request, but
24 because he didn't appear at the hearing his party
25 status was withdrawn by the Board. So he is not a

1 party to this case.

2 There was another party status request on the
3 original application that was also withdrawn by that,
4 by Urbaniak, LLC. That party withdrew, or that
5 potential party opponent withdrew their party status
6 request prior to the decision on this case. So, the
7 only party is the ANC and they were served notice.

8 The second criteria here is that the applicant
9 represent that there were no substantial changes to
10 any of the material facts upon which the Board based
11 its original decision. And based on the information
12 that's in the record, this application for a time
13 extension is the same. The drawings have not changed.

14 I know there has been quite a bit of documentation
15 into the record and again, some confusion as to what
16 is before the Board as we approve this time extension.

17 But what is before the Board is the project with the
18 38 units, the apartment project with 38 units as
19 originally submitted by the applicant.

20 There are potentially other directions that
21 this project could take, but that's not before the
22 Board at this point, and so should the applicant
23 determine that they want to take a different direction
24 with this and that relief is necessary, that will
25 require a new application or a new request coming back

1 to the Board for approval. But at this time, no
2 substantial change, based on what I've seen, has
3 occurred to the material facts.

4 MS. BUTANI-D'SOUZA: And I would like to say
5 that, you know, I know that I did go back and look at
6 the previous case, the original case. I did watch the
7 video and carefully evaluated the material facts upon
8 which the Board based its previous decision, and in my
9 view there is no substantial change here. So the
10 potential for a project to take place does not
11 constitute a substantial change in this approval, and
12 we did verify that with the Office of the Attorney
13 General.

14 And, you know, to be clear, there is the
15 possibility that if the use that's been discussed in
16 the press goes forward, that there may be the need for
17 special exception approval on the use. But that would
18 depend on what the shape of that project actually is.
19 If there are changes to the envelope of the building,
20 or the interior of the building, again, that may
21 require it to come back to the BZA. But that is not
22 what is under consideration here today.

23 CHAIRPERSON HEATH: All right. And then the
24 third criteria under 3130.6C, that the applicant has
25 to meet is regarding showing good cause due to an

1 inability to secure government approvals by the
2 expiration date. There are a number of criteria here,
3 actually, but what the applicant has argued is that
4 they -- is under 3130.6C2, that they haven't been able
5 to secure all government agency approvals by the
6 expiration date of the Board's order because of delays
7 that are beyond their reasonable control.

8 And they cited in their documentation to the
9 Board that they have -- that they submitted for
10 foundation permit that that process took significantly
11 longer than anticipated due to some new requirements;
12 specifically the GAR requirements, that they had to go
13 back to -- in order to satisfy. And there's also
14 been, it appears, a lot of back and forth regarding a
15 potential lease of this site.

16 And so a number of factors, including an
17 extended permitting process is what I think is
18 justifying this third part of the criteria, and so I
19 would support the time extension request based on the
20 applicant having met the criteria.

21 MR. HILL: Yeah, Madam Chair. Thank you. I
22 think that you know, you both and the Vice Chair have
23 really clearly outlined your thoughts on this. And,
24 you know, the criteria under 3130.6, I mean, I think
25 that it has been met. And again for me it was more

1 just kind of looking at the -- whether there were any
2 substantial changes to the project and I didn't feel
3 as though there were. And so I would I would also be
4 in support of this.

5 And again, I think that due to the fact that
6 there were people that are concerned about what might
7 happen in the future, that's not really what's under
8 our consideration here today. It's just an extension
9 of what was approved during the previous decision.

10 So, yeah, so I'd also be in approval with the
11 extension.

12 MR. TURNBULL: Yeah, Madam. I would concur
13 with everyone's comments. I think under 3130.6 it's -
14 - and as you referenced, it took two years to get a
15 building -- to get a foundation permit. So I think
16 that's ridiculous, but it is what it is. So I think
17 there's more than enough evidence in the letter that
18 was provided that shows documentation as to how it
19 took so long to get to where they are. So I would be
20 in favor of granting the extension also.

21 CHAIRPERSON HEATH: Okay.

22 MS. BUTANI-D'SOUZA: And I would tend to
23 concur with all of my colleagues here. I think the
24 one point that I would note is that in general,
25 although I understand that DCRA does take a long time

1 and rarely puts things in writing, I think it would be
2 useful for applicants to at least be sending e-mails
3 to the folks that they are having discussions with at
4 DCRA to confirm that discussions have occurred and
5 that that kind of information be submitted to the
6 record. Although I appreciate that in this case an
7 affidavit was submitted, just in general for future
8 cases.

9 I'd feel more comfortable if there is more
10 documentation on the efforts that have taken place,
11 just so that there is no question in anyone's mind
12 that, you know, the project was diligently pursued. I
13 think here, as we've all said, I think that there is
14 substantial evidence that they meet the criteria for a
15 time extension and I would be in favor of granting
16 one.

17 CHAIRPERSON HEATH: Okay. A couple other
18 points that I'd like to make is that we do have
19 several requests for party status regarding the time
20 extension. And I just want to state for the record
21 that because this is a meeting case and not a hearing,
22 there are no procedures regarding time extensions on a
23 meeting -- regarding party status on a meeting case.
24 And so unless any other members of the Board have --

25 MR. HILL: No.

1 CHAIRPERSON HEATH: Okay. Then --

2 MS. BUTANI-D'SOUZA: So the ANC has voted
3 again --

4 CHAIRPERSON HEATH: Your mic isn't on.

5 MS. BUTANI-D'SOUZA: The ANC has voted in
6 opposition to this extension request. However, in
7 reviewing their resolution the basis of their
8 opposition is the project that has been discussed and
9 advertised in the media as a potential project for
10 this site. And that is not part of the criteria that
11 we are able to consider as a board in looking at the
12 time extension request. So I think we all did give
13 great -- I know I speak for myself. I gave great
14 weight to the opinion of the ANC, carefully reviewed
15 their resolution when I think it was released on
16 Thursday night and put into the record maybe
17 yesterday. But we did review it carefully and
18 although I recognize that the ANC is opposed to this
19 potential project with regard to the time extension, I
20 don't think there was an argument there for why the
21 time extension should not be granted that we could
22 actually consider.

23 CHAIRPERSON HEATH: Sure. So thank you for
24 that. That was the next point that I was going to
25 make.

1 So we are denying the request for party status
2 and giving great weight to the ANC. I think the
3 comments that you made support why we cannot oppose
4 this based on the ANC's resolution.

5 We do also have recommendation of support from
6 the Office of Planning, which I just want to note for
7 the record. And so with that, I will move that we
8 approve the request for time extension, for the two-
9 year time extension of Order No. 18723, with regard to
10 Application No. 18723A of 2101 Morning Bright, LLC.

11 MR. HILL: Second.

12 CHAIRPERSON HEATH: The motion has been made
13 and seconded. Any further discussion?

14 [Vote taken.]

15 CHAIRPERSON HEATH: So the motion carries.

16 MS. ROSE: Staff will record the vote as four
17 to zero to one to approve the request with a motion by
18 Ms. Heath, seconded by Mr. Hill, with Ms. Butani and
19 Mr. Turnbull in support, and Mr. Hinkle not present,
20 not voting.

21 CHAIRPERSON HEATH: All right. And we'll need
22 a full order on this because of the ANC opposition.

23 MS. ROSE: Thank you.

24 CHAIRPERSON HEATH: All right. So, we have
25 four hearing cases today and we're going to take them

1 a bit out of order so, we'll do our two DGS cases
2 last, and so our next case will be Ryland Memorial
3 Church, and then we'll hear GINLIN, and then our two
4 DGS cases. So if you could call --

5 MS. ROSE: Ryland.

6 CHAIRPERSON HEATH: -- Ryland, Ms. Rose.

7 MS. ROSE: Yes. Application No. 19261, Ryland
8 Memorial Church, as originally advertised pursuant to
9 11 DCMR, 3103.2 for a variance from the nonconforming
10 use requirements under Subsection 2002.3, to allow the
11 expansion of a nonconforming child development center
12 in the R-1-B District at premises 3200 S Street
13 Southeast, Parcel 207, Lot 80.

14 In this case OP recommended amended relief
15 pursuant to 11 DCMR, Subsection 3104.1 for a special
16 exception under Section 205 for a child development
17 center.

18 CHAIRPERSON HEATH: Is that applicant here?
19 Please come forward. Would you please introduce
20 yourselves? Make sure your mic is on when you do.
21 Your mic is not on.

22 MR. ZANDERS: Michael Steve Zanders.

23 MS. DOWTIN: And Ms. Monica Downtin.

24 CHAIRPERSON HEATH: And you're with?

25 MS. DOWTIN: Agape Woodland Tigers Children's

1 Academy.

2 CHAIRPERSON HEATH: Okay. And you?

3 MR. ZANDERS: Agape Woodland Tigers Children's
4 Academy.

5 CHAIRPERSON HEATH: Okay. All right. So,
6 we've reviewed your request and it appears that you
7 are now, I believe as Ms. Rose has stated, your relief
8 being requested is a special exception under 205 for a
9 child development center. Is that correct?

10 MS. DOWTIN: Yes.

11 CHAIRPERSON HEATH: Okay. We still don't have
12 a ZA memo on this for the relief under 205. But I
13 think we'll still be able to go forward. Let's see,
14 all right. Does the Board have any questions on this
15 application?

16 MS. BUTANI-D'SOUZA: I noticed that the OP
17 report, we all noticed that the OP report suggested
18 some conditions. One of those conditions was that the
19 total enrollment not exceed 75, but you've applied
20 for, I believe, a total enrollment of 81.

21 MS. DOWTIN: No, that was incorrect. The
22 total number was supposed to be 78.

23 MS. BUTANI-D'SOUZA: The total number was
24 supposed to be 78.

25 MS. DOWTIN: Yes, ma'am.

1 MS. BUTANI-D'SOUZA: So do you have any
2 problems with OP's condition that the enrollment not
3 exceed 75?

4 MS. DOWTIN: No, ma'am.

5 MS. BUTANI-D'SOUZA: So you would accept an
6 enrollment of 75?

7 MS. DOWTIN: Yes.

8 MS. BUTANI-D'SOUZA: And what's the total
9 enrollment right now?

10 MS. DOWTIN: Fifty-one.

11 MS. BUTANI-D'SOUZA: Okay.

12 CHAIRPERSON HEATH: Okay. And we did also
13 receive a letter from OSSE, the Office of State
14 Superintendent, concurring with the maximum number of
15 78. So, I think as long as Office of Planning is fine
16 with that number then we're all in agreement as to the
17 maximum enrollment number.

18 Any other questions from the Board?

19 MR. TURNBULL: You do have a current
20 certificate of occupancy, correct?

21 MS. DOWTIN: Yes, sir.

22 MR. TURNBULL: Okay.

23 MR. HILL: Well, just Madam Chair, again, I
24 guess ANC 7B had some conditions also that the
25 applicant is aware of and it was in agreement too. Is

1 that correct?

2 MS. DOWTIN: Yes, sir.

3 CHAIRPERSON HEATH: Okay. All right. Okay.
4 Then we're not going to need a full presentation from
5 you. The Board, as you saw, had a few questions. But
6 if you're okay with us proceeding on with the hearing
7 we'll then turn to Office of Planning.

8 MS. DOWTIN: Okay.

9 CHAIRPERSON HEATH: For any additional
10 comments.

11 MS. DOWTIN: All right.

12 MR. ZANDERS: Fine.

13 CHAIRPERSON HEATH: Thanks.

14 MR. JESICK: Thank you, Madam Chair and
15 Members of the Board. My name is Matt Jesick.

16 The Office of Planning recommends approval on
17 the application subject to the conditions as noted,
18 and we have absolutely no concern of enrollment of 78
19 as opposed to 75. Thank you.

20 CHAIRPERSON HEATH: Okay. All right. Okay.

21 MS. BUTANI-D'SOUZA: I think there was one
22 other question that came up in the conditions. You
23 indicated that vehicular drop-off of students shall
24 only be from S Street. Was there any reason why it
25 shouldn't be drop-off and pick-up? Or is that just

1 meant to be drop-off and pick-up?

2 MR. JESICK: Yes, it's meant to be drop-off
3 and pick-up. So.

4 MS. BUTANI-D'SOUZA: Okay.

5 MR. JESICK: You can amend that if that makes
6 it more clear.

7 MS. BUTANI-D'SOUZA: Okay. And I guess this
8 is a question for the applicant. It says here that
9 one of the conditions from OP is the staff shall not
10 exceed 18. Is that -- that's acceptable?

11 MS. DOWTIN: Correct.

12 MS. BUTANI-D'SOUZA: And the operating hours,
13 7:00 a.m. to 6:00 p.m., Monday through Friday.

14 MS. DOWTIN: Yes, ma'am.

15 MS. BUTANI-D'SOUZA: Okay. Okay.

16 CHAIRPERSON HEATH: All right. Go ahead.

17 MR. HILL: Madam Chair, I'm sorry. I was a
18 little confused. So is Office of Planning in
19 agreement with the 78? Was it 78?

20 MR. JESICK: Yes, total, in agreement.

21 MR. HILL: Okay. Okay. Thank you.

22 CHAIRPERSON HEATH: Okay. All right. And all
23 of the conditions are good.

24 MR. TURNBULL: Do you happen to have a copy of
25 the C of O with you?

1 MS. DOWTIN: Yes, sir.

2 MR. TURNBULL: Could we make a copy of that
3 for our records?

4 MS. DOWTIN: Sure.

5 MR. TURNBULL: Okay, great.

6 CHAIRPERSON HEATH: Okay. All right. So
7 given that we've clarified the condition number 1 from
8 the Office of Planning and the applicant has agreed to
9 the other conditions, I think we're fine with both
10 OP's and the ANC's conditions.

11 All right. Is anybody here from ANC 7B?
12 Anyone here from ANC 7B? Okay. So as noted we do
13 have a recommendation of approval from the ANC with
14 conditions and you've indicated already that you are
15 in support of their conditions. You have no issues
16 with them.

17 MS. DOWTIN: Right.

18 CHAIRPERSON HEATH: Okay. All right. We also
19 have a letter recommending no objection from
20 Department of Transportation, and I assume there's no
21 one here from DDOT on this case.

22 Is there anyone here wishing to speak in
23 support of this application? Anyone here in support?

24 Anyone here wishing to speak in opposition to
25 this application? No opposition? All right.

1 Then unless the Board has any other questions?

2 Okay. Normally we would turn back to you at this
3 point for rebuttal or closing but there's definitely
4 nothing to rebut and probably no need for you to make
5 a closing. So if you're okay, we'll conclude the
6 hearing and I think the Board is ready to deliberate
7 on this.

8 MS. DOWTIN: All right.

9 CHAIRPERSON HEATH: Okay. So, given that
10 we've clarified the relief as special exception from
11 205, the maximum number of students as 78 and we've
12 gotten a letter from OC on this case. I think I'm
13 ready to move forward and would recommend approval of
14 the special exception request for Application No.
15 19261.

16 MS. BUTANI-D'SOUZA: I agree. Shall we --

17 CHAIRPERSON HEATH: Did I make a -- that
18 wasn't an official -- that was a motion. I will move
19 that we approve the request for special exception.

20 MS. BUTANI-D'SOUZA: I will second.

21 CHAIRPERSON HEATH: Thank you. The motion has
22 been made and seconded. Any further discussion?

23 [Vote taken.]

24 CHAIRPERSON HEATH: The motion carries. Thank
25 you.

1 MS. DOWTIN: Thank you, ma'am.

2 MR. ZANDERS: Thank you.

3 MS. ROSE: Staff will record the vote as four
4 to zero to one to approve the application with a
5 motion by Chairperson Heath, seconded by Vice Chair
6 Butani, with Mr. Turnbull and Mr. Hill in support of
7 the motion, Mr. Hinkle not present, not voting.

8 CHAIRPERSON HEATH: We are adopting the
9 conditions that have been put forth by ANC and OP.
10 The applicant has agreed to --

11 MS. BUTANI-D'SOUZA: With the modification to
12 78 and the pick-up/drop-off modification.

13 CHAIRPERSON HEATH: Correct.

14 MS. ROSE: Thank you.

15 CHAIRPERSON HEATH: Thank you.

16 MS. ROSE: Is this a summary order? Summary
17 order.

18 CHAIRPERSON HEATH: Yes, that's a summary.

19 All right. And then when you're ready, Ms.
20 Rose, you can call our next case, GINLIN.

21 MS. ROSE: All right. At the hearing on May
22 24th, 2016, the Board scheduled this case for a
23 limited hearing on June 7th, and that's today.
24 Application No. 19259 of GINLIN, LLC., as amended
25 pursuant to 11 DCMR 3104.1 for a special exception

1 under Section 223, not meeting the lot occupancy
2 requirements under Section 403.2, and the
3 nonconforming structure requirements under 2001.3 to
4 construct a one-story rear addition to an existing
5 three-story one-family dwelling in the R-3 District at
6 premises 3420 P Street Northwest, Square 1246, Lots
7 866 and 867.

8 CHAIRPERSON HEATH: All right. Good morning.
9 Would you all please introduce yourselves?

10 MR. SULLIVAN: Good morning, Madam Chair and
11 Members of the Board. My name is Marty Sullivan with
12 the law firm of Sullivan and Barros.

13 MR. WILSON: Paul Wilson with the firm of
14 Trout Design. I'm the project architect.

15 CHAIRPERSON HEATH: All right. And it appears
16 that the party opponents are not here. We understand
17 that Ms. McGuirl has seen the shadow studies and that
18 she's satisfied and that you also reached an agreement
19 which was saw as a part of the record, the executed
20 agreement. And so she's withdrawn her party status.

21 And we didn't get a withdrawal of party status
22 from the rest of the consolidated party. Have you had
23 any further conversations with them to clarify where
24 things stand with Ms. McGuirl?

25 MR. SULLIVAN: No, no, not with Mr. Miller.

1 CHAIRPERSON HEATH: Okay.

2 MR. SULLIVAN: With Mr. Cunningham, he's never
3 been here and --

4 CHAIRPERSON HEATH: Right.

5 MR. SULLIVAN: -- he never had a
6 representative here. And I don't think he ever made
7 the case, even in his initial filing.

8 As to Mr. Miller, I mean, we could show you on
9 a map, too. He has no connection to this addition.
10 He just can't see it.

11 CHAIRPERSON HEATH: Right.

12 MR. SULLIVAN: So I really don't think he's
13 uniquely affected. I don't know what the procedure
14 would be for -- I know he was joined with Mrs.
15 McGuirl.

16 CHAIRPERSON HEATH: Uh-huh.

17 MR. SULLIVAN: But I suspect if that was
18 separated maybe the Board would consider not giving
19 him party status and giving it to Mrs. McGuirl because
20 she was potentially affected. And so --

21 CHAIRPERSON HEATH: I think, I'm not sure what
22 makes -- well, actually what I'll say is I'm not sure
23 that it makes a difference. I think that, you know,
24 we did grant party status. I know that we granted
25 party status to the consolidated party, including Ms.

1 McGuirl. She's withdrawn her party status request, or
2 her party status, and during the hearing we really
3 focused the issues on the impact to Ms. McGuirl. Even
4 Mr. Miller was really focused on the impact to Ms.
5 McGuirl.

6 He also talked about the garage being reduced
7 and the impact on parking. But it seems like a minor
8 issue and so I don't have any questions regarding the
9 shadow studies or the additional information that
10 you've submitted to the record. I don't know if the
11 Board has any other questions.

12 MS. BUTANI-D'SOUZA: I don't have any
13 questions. Well, I suppose, let me just ask in
14 general. Is that garage space currently used for a
15 car?

16 CHAIRPERSON HEATH: There are three of them.

17 MS. BUTANI-D'SOUZA: There are three of them.
18 So are all three of them used for cars?

19 MR. SULLIVAN: There's three garage spaces
20 used for cars and it's not -- you know, it's not
21 really part of the application. That's a -- we could
22 remove the garage space. We're just creating more
23 green space.

24 MS. BUTANI-D'SOUZA: Yeah.

25 MR. SULLIVAN: So yeah, there's three cars

1 there now, there will be two cars parked there.

2 MS. BUTANI-D'SOUZA: Okay. So I guess in
3 looking at that, because I did look at the letter,
4 because we all did look at the letter very closely.
5 And I think the two -- there were three arguments that
6 Mr. Miller was making. One was the opposition related
7 to Mrs. McGuirl's house, which I think we can set
8 aside since Mrs. McGuirl is no longer in opposition.

9 The second one was the change in his view.
10 And, you know, as a board I guess I'm getting into the
11 deliberation portion of this but I don't really see
12 that in the law that -- or in the code that someone's
13 view is protected. It's light and air and I think
14 based on where his house is, I don't think it's
15 possible for his light and air to be affected. So I
16 would set that argument aside.

17 And then this argument about the car, it's my
18 understanding that this house is currently a rental
19 house. Is that correct?

20 MR. SULLIVAN: No, it's not actually. It may
21 have been prior to the applicant purchasing it.

22 MS. BUTANI-D'SOUZA: Okay.

23 MR. SULLIVAN: And then since she's purchased
24 it, it's been vacant. And then it's going to be
25 marketed and sold as a single-family house.

1 MS. BUTANI-D'SOUZA: Okay.

2 MR. SULLIVAN: Presumably to be occupied by
3 the purchaser.

4 MS. BUTANI-D'SOUZA: So certainly single
5 families can have three cars, but you know, I think
6 anybody who is buying this with two parking spaces in
7 Georgetown, I would be surprised if they were looking
8 to have a third car, understanding the parking
9 constraints that everybody understands. So, I don't
10 really find that argument to be a compelling reason to
11 deny this.

12 CHAIRPERSON HEATH: Uh-huh. Okay. So, then
13 unless the --

14 MR. TURNBULL: Madam Chair, I just wanted to
15 point out that Mr. Hood originally sat on this case
16 for the Zoning Commission and I'm taking -- he's asked
17 me to sit in for him, so I've read the transcript and
18 gone through all the materials, and ready to -- and I
19 feel that the car issue in one way is not really part
20 of what we were looking at in one sense. I mean,
21 anybody could have four cars. It's not really before
22 us right now to really look at this. I think,
23 especially if the house is being sold, I mean, that's
24 sort of a separate issue entirely as to how many cars
25 somebody buys. I mean, the fact that it's got a two-

1 car garage I think is probably better than what a lot
2 of places have in the city.

3 So but as I say, I am ready to go forward with
4 this.

5 CHAIRPERSON HEATH: Okay.

6 MS. BUTANI-D'SOUZA: Oh, I would want to make
7 one other note. And that is, Mr. Sullivan, we did
8 appreciate that you submitted the materials timely.
9 Thank you very much.

10 CHAIRPERSON HEATH: All right. Okay. So then
11 if you're okay with us concluding the hearing, I don't
12 know if you have a closing you'd like to make or --

13 MR. SULLIVAN: Just one comment. It would be
14 critical to get a summary order for the purposes of
15 completing the project in a timely manner, which was
16 something that was very important to all the
17 opponents, actually. And so that's why I was focusing
18 on clearing up the party status issue and hoping that
19 we could do that, because it's taking quite a while to
20 get orders out these days.

21 CHAIRPERSON HEATH: Uh-huh.

22 MR. HILL: [Speaking off mic.]

23 CHAIRPERSON HEATH: I don't know how we do
24 that. Does OAG want to weigh in on the separation or
25 withdrawal of one portion of the party status request?

1 We have consolidated the parties, I don't know if we
2 can --

3 MR. EBI: Yeah, because the parties are
4 consolidated there is still a party in opposition.
5 However, Mr. Sullivan, you can submit a proposed order
6 if you'd like to expedite the order process.

7 MR. SULLIVAN: Thank you. And I've done that
8 and it still takes a good while. But I think the
9 counsel that was representing the consolidated party
10 has issued a withdrawal. I think it's a different
11 situation now that a portion has withdrawn. I think
12 the Board could reconsider the party status request
13 separately. You no longer have a consolidated party
14 because one portion of the party has left.

15 And now I don't think it would it be
16 inappropriate for the Board to reconsider or -- it
17 wouldn't even be reconsidering. It would be
18 considering for the first time, the individual request
19 of Mr. Miller as opposed to the group request.

20 CHAIRPERSON HEATH: Okay. Is there any issue?
21 Does OAG see any issue with us reconsidering the
22 single request of Mr. Miller at this point?

23 MR. EBI: No, there's no issue. If the Board
24 wishes to reconsider the party status request with the
25 withdrawal of Ms. McGuirl, then --

1 CHAIRPERSON HEATH: Okay.

2 MR. EBI: -- it's all right.

3 CHAIRPERSON HEATH: All right. I'm -- go
4 ahead.

5 MR. HILL: Yeah, I don't know. I mean, I'm
6 happy to talk about it. And the only problem that I -
7 - the only issue that I have and I am completely aware
8 of summary orders versus full orders and the fact that
9 he's not here is the only thing that I have issue
10 with. I think that, you know, I would like to
11 expedite it also and I think we're getting to where
12 you want to go. However, I mean, I'm happy to listen
13 and -- that's the only hesitation is, he's not here.

14 CHAIRPERSON HEATH: Okay. So another question
15 for OAG, can we do a summary order with just more
16 focus paid to the party status? I mean, I know we do
17 a hybrid order at times.

18 MR. EBI: No.

19 CHAIRPERSON HEATH: Okay. All right. Okay.
20 I thought maybe a hybrid could help us expedite this.
21 But it seems that we can't do a hybrid. We do have
22 support from the ANC at this point, right?
23 Previously, when this hearing originally came to us,
24 we didn't have the ANC's report, or the ANC support.
25 But after seeing the shadow studies and understanding

1 the agreement that the applicant has with Ms. McGuirl,
2 the and is now in support. So I think that certainly
3 does change things.

4 MR. HILL: Yeah, and again, I'm happy to talk
5 with my colleagues here. I mean, I don't necessarily
6 think that, you know, I would have agreed to party
7 status for Mr. Miller, was it, on his own? And so
8 that's where I'm kind of conflicted right now. I just
9 don't know how to do it with OAG and what would be
10 proper for us to be able to do.

11 CHAIRPERSON HEATH: All right. Yeah.

12 MS. BUTANI-D'SOUZA: I tend to agree. I don't
13 think that we -- that I would have agreed to his being
14 a party on his own basis, and I think it is
15 appropriate to reconsider that. I just can't envision
16 an argument where -- that he could make to justify
17 being party status on this case, even if he were here.
18 So if there's no -- nothing improper with regard to
19 the rules of practice and procedure to reconsidering
20 it, then I would certainly be in favor of
21 reconsidering it.

22 CHAIRPERSON HEATH: And I see OAG shaking
23 their head yes, that we can reconsider. So.

24 MR. EBI: Yes.

25 CHAIRPERSON HEATH: Okay. All right. All

1 right. So then I will, I guess we can handle this as
2 a motion. I'll make a motion that we reconsider the
3 party status request that were before the Board now
4 that Ms. McGuirl has withdrawn her request.

5 MR. TURNBULL: Well, she's withdrawn her
6 request for opposition. The question is whether or
7 not she still wanted to be a party.

8 CHAIRPERSON HEATH: She withdrew her request
9 for party status.

10 MR. SULLIVAN: I think she's withdrawn her
11 opposition as a party. Well, I know that's what she's
12 done. The question is how then do we handle, or how
13 then does the Board address Mr. Miller's --

14 CHAIRPERSON HEATH: right.

15 MR. TURNBULL: Yeah.

16 MR. SULLIVAN: -- request.

17 CHAIRPERSON HEATH: So given that, I think as
18 Ms. Butani-D'Souza has pointed out, I don't know that
19 any of the Board would have given or granted party
20 status to Mr. Miller given the distance of his
21 property from this property and the lack of impact to
22 him directly. I think when we were considering the
23 party status request we were considering really Ms.
24 McGuirl and Ms. McGuirl's issues. But we combined
25 them because they all were talking about the same

1 issues, or at least largely raising the same issues.

2 And so, as a part of the reconsideration I
3 would move that we decouple them, that we grant the
4 withdrawal of Ms. McGuirl's request, and deny the
5 request by Mr. Miller to receive party status. That
6 is a motion.

7 MR. HILL: I second that.

8 CHAIRPERSON HEATH: All right. So the motion
9 has been made and seconded. Any further discussion?

10 [Vote taken.]

11 CHAIRPERSON HEATH: All right. So there are
12 no longer any party status or party opponents on this
13 case, and given that we have the ANC's support now,
14 the applicant has certainly done everything that we've
15 requested. I would move that we -- we heard from --
16 okay. Okay. Yeah, we went through the full hearing,
17 unless Office of Planning has anything else to add.

18 MS. BROWN-ROBERTS: No, I don't have anything
19 else to add.

20 CHAIRPERSON HEATH: Okay. All right.

21 MS. BROWN-ROBERTS: So, thanks.

22 CHAIRPERSON HEATH: Thank you. So then, with
23 that I will move that we approve the request for
24 special exception under 223, not meeting lot occupancy
25 requirements under 403.2, and the nonconforming

1 structure requirements under 2001.3, to construct a
2 one-story rear addition to an existing three-story,
3 one-family dwelling at 3420 P Street Northwest.

4 MR. HILL: I second.

5 CHAIRPERSON HEATH: The motion has been made
6 and seconded. Any further discussion?

7 [Vote taken.]

8 CHAIRPERSON HEATH: All right. So the motion
9 carries.

10 MS. ROSE: Staff would record the vote as four
11 to zero to one to uncouple the parties, grant the
12 withdrawal of party status by Ms. McGuirl, and deny
13 party status to the remaining party applicants.

14 CHAIRPERSON HEATH: Mr. Miller.

15 MS. ROSE: Mr. Miller and Mr. Cunningham.

16 CHAIRPERSON HEATH: Mr. Cunningham wasn't
17 here.

18 MS. ROSE: Okay. With a second by Mr. Hill,
19 with Ms. Butani and Mr. Turnbull in support of the
20 motion. Mr. Hinkle not present, not voting.

21 CHAIRPERSON HEATH: All right. So summary
22 order.

23 MR. HILL: And, Madam Chair, I would just
24 again like to say it is, I think nice -- I don't know
25 if nice is the right word, but I'm glad that we're

1 able to accommodate as best as we can. I mean, there
2 is difference between a summary and full orders in the
3 time that it takes. And when it is possible we're
4 happy to try to do that. But sometimes it's also just
5 not going to be possible. But in this case I'm glad
6 it was.

7 CHAIRPERSON HEATH: Uh-huh. Right. Thank
8 you.

9 All right. And then there were three. Ms.
10 Butani-D'Souza is leaving us. All right. Thank you.

11 MS. ROSE: You ready?

12 CHAIRPERSON HEATH: We are. So you can call
13 our next hearing case.

14 MS. ROSE: Yes. Application No. 19258 of DGS
15 of D.C. as amended pursuant to 11 DCMR, Subsections
16 3104.1 and 411 for a special exception from the
17 penthouse setback requirements under Subsection 411.18
18 to modernize the systems of an existing public
19 elementary school in the R-4 District at premises
20 1350, Upshire Street Northwest, Square 2822, Lot 800.

21 CHAIRPERSON HEATH: All right. Okay. Would
22 you please introduce yourselves?

23 MS. BRADY: Good morning. My name is Novella
24 Brady. I am with the Department of General Services.

25 MR. SCHNEIDER: Good morning. My name is Rick

1 Schneider, I Studio Architects.

2 CHAIRPERSON HEATH: All right. Can we just
3 clarify the relief being requested? I know there have
4 been some changes and so the application has been
5 amended. Is the current relief being requested only
6 411.11, penthouse requirements?

7 MS. BRADY: Yes.

8 CHAIRPERSON HEATH: Okay. All right. And we
9 don't have an ANC report in the record. Did you meet
10 with the ANC?

11 MS. BRADY: I have a copy of e-mails
12 correspondence that I shared with the ANC. The ANC
13 reached out to me back on April, it was 11th, and he
14 shared some concerns that were presented to him by a
15 neighbor, so I responded to the Commissioner,
16 explaining to him exactly what the reason for the
17 exception was, and I have 11 copies of the e-mail that
18 I sent. I didn't bring 12. I apologize.

19 CHAIRPERSON HEATH: We don't need that many,
20 actually.

21 MS. BRADY: Okay.

22 CHAIRPERSON HEATH: What were the issues that
23 the neighbor raised?

24 MS. BRADY: The neighbor asked about whether
25 or not the stairwell was taller in the renderings that

1 we shared at a community meeting, and also whether
2 there was any deviation from the renderings. And I
3 clarified that the original renderings always showed
4 the stair tower. It's an egress stair tower. And in
5 fact the tallest structure on the school is an
6 existing cupola. And that there was no deviation from
7 what had been originally shown on the drawings.

8 The master plan for this school was approved
9 back in -- or generated, rather, back in 2013. So
10 this building D for this school, is the final phase.
11 There are four phases. A Building A, which we did
12 renovation on in summer of 2013. Building B, which we
13 did renovation on last summer. A Building C, which is
14 an existing new wing that was added. And this is the
15 final phase, Building D, which we anticipate
16 completion in 2007.

17 CHAIRPERSON HEATH: Okay. All right. And
18 just from my understanding, this stair is being added
19 on to Building C, that addition that was --

20 MS. BRADY: No, ma'am. The stair is actually
21 an egress square on the Building D addition.

22 CHAIRPERSON HEATH: Oh, okay. Got it. Got
23 it. Okay. All right.

24 MR. TURNBULL: But it also serves mechanical
25 equipment on the roof? Or no? It serves no

1 mechanical equipment?

2 MR. SCHNEIDER: No. It's actually intended to
3 serve program space on the roof because the school is
4 growing so quickly we had to take away the curriculum
5 gardens for parking lots, so we put the roof gardens,
6 which they have programs for in the school, on the
7 roof. And the stair is intended to allow students and
8 classes to access the roof garden.

9 MR. TURNBULL: Okay. Thank you.

10 CHAIRPERSON HEATH: Okay.

11 MR. HILL: So, Ms. Brady -- oh, sorry. So,
12 Ms. Brady, what is it that finally the ANC, what did
13 they agree to in the end, or the single-member
14 district commissioner. Is that who you spoke to?

15 MS. BRADY: I did not receive any further
16 communication or correspondence from the Commissioner
17 upon responding to his initial e-mail. So I submitted
18 a clarification and asked him if he had further
19 questions to let me know. But I did not receive any
20 further questions from the Commissioner.

21 MR. HILL: Okay. After you sent your
22 response.

23 MS. BRADY: Correct.

24 MR. HILL: And so, how come you guys didn't
25 present to the ANC?

1 MS. BRADY: Quite honestly, I don't have an
2 answer for that. We presented drawings at community -
3 - a sit meeting, and the ANC was present, but we did
4 not specifically present to the ANC.

5 MR. HILL: Okay.

6 MS. BRADY: We did not attend any of the
7 meetings.

8 MR. HILL: Okay. And I don't know if it's
9 DGS's policy, or what their policy is. I mean, for me
10 it would be great if we could get something from the
11 ANC, or DGS presents to the ANC, just like everybody
12 else.

13 MS. BRADY: Okay.

14 MR. HILL: And so that would be helpful but I
15 can, in this instance, follow along with the e-mail
16 chain. But in the future it would be nice if you
17 could just present to the ANC, even on something
18 that's a special exception.

19 MS. BRADY: Absolutely.

20 MR. HILL: Thank you.

21 CHAIRPERSON HEATH: Yeah. I would support Mr.
22 Hill's request, that it seems that it's become a
23 practice for DGS to not take the time to present to
24 the ANC. I know we have another application coming
25 before us today where it also appears we don't have an

1 ANC report from a DGS project. So it would be, I
2 think -- I think we can go forward with this today, as
3 Mr. Hill has pointed out, based on the fact that you
4 have corresponded with the ANC. And if you could
5 submit that correspondence to the record, I think that
6 would also be helpful.

7 MS. BRADY: Absolutely.

8 CHAIRPERSON HEATH: But in the future the
9 Board is requesting that you go through the same
10 procedures that all other applications go through,
11 which requires that you meet with the ANC, present to
12 them and hear their feedback, the community's
13 feedback, get the ANC vote so that we can give great
14 weight to the ANC, whether they're in support or
15 opposition.

16 MS. BRADY: Noted. And we apologize for the
17 oversight. But we will make sure moving forward that
18 we will meet directly with the ANC.

19 CHAIRPERSON HEATH: All right. And it's not
20 enough to just have a community meeting where an ANC
21 representative is present. We really need you to
22 attend the ANC meeting, just to make sure you're
23 clear. You need to attend the ANC meeting where they
24 have a quorum and they can vote, and then submit a
25 letter to us.

1 MS. BRADY: Okay.

2 CHAIRPERSON HEATH: All right.

3 MS. BRADY: We will.

4 CHAIRPERSON HEATH: Thanks. All right. Any
5 other questions from the Board? All right. Then if
6 you're okay with us proceeding on, we'd like to hear
7 from Office of Planning.

8 MS. THOMAS: Good morning, Madam Chair. Karen
9 Thomas with OP. We were happy to work with DGS and
10 act as a go-between between DGS and DCRA to clarify
11 the relief that was needed, and we will stand on the
12 record of our report.

13 CHAIRPERSON HEATH: Great.

14 MS. THOMAS: Thank you.

15 CHAIRPERSON HEATH: Thank you, Ms. Thomas.
16 All right.

17 Is anybody here from ANC 4C? I assume they're
18 not, since we've talked so much about the ANC. So no
19 one here from ANC 4C. All right.

20 We have a letter of no objection from
21 Department of Transportation on this case. It isn't
22 really a transportation heavy case, so I assume nobody
23 is here from Department of Transportation.

24 Is there anybody here wishing to speak in
25 support of this application? Anyone in support?

1 Anyone wishing to speak in opposition? No
2 opposition? All right. Then we would turn back to
3 you if you have a desire to make any closing. I don't
4 know that it's necessary, but --

5 MS. THOMAS: No, Madam Chair, at this time we
6 will just defer to the Board.

7 CHAIRPERSON HEATH: Okay. All right. Thank
8 you. Then we'll conclude the hearing. Is the Board
9 ready to deliberate on this?

10 MR. HILL: Sure.

11 CHAIRPERSON HEATH: All right. Do you want to
12 make a motion?

13 MR. HILL: Sure. I mean, Madam Chair, as I
14 said before, I have no issue with the relief. I think
15 that they meet the standard. I'm in agreement with
16 Office of Planning's analysis, and just that if DGS
17 can kind of go ahead and meet with the ANC ahead of
18 time it makes it easier for us to understand and not
19 have to interpret it.

20 But I'll go ahead and make a motion for
21 special exception for approval of height requirements
22 under 400.3, and 770.6, and the penthouse requirements
23 under 411.11.

24 CHAIRPERSON HEATH: Just 411.

25 MR. HILL: Oh, sorry. Just 411.11, to

1 modernize an existing public elementary school in the
2 R-4 District at premises 1350 Upshire Northwest.

3 CHAIRPERSON HEATH: The motion is second.

4 MR. HILL: Second.

5 CHAIRPERSON HEATH: So the motion has been
6 made and seconded. Any further discussion?

7 [Vote taken.]

8 CHAIRPERSON HEATH: The motion carries. Thank
9 you.

10 MS. BRADY: Thank you.

11 MS. ROSE: Staff would record the vote as
12 three to zero to two, with Mr. Hill making the motion,
13 seconded by Ms. Heath, and in support is Mr. Turnbull,
14 Ms. Butani, and Mr. Hinkle not present, not voting.

15 Did you want a summary order?

16 CHAIRPERSON HEATH: Yes, summary order,
17 please.

18 MS. ROSE: Yes, summary order. Thank you.

19 CHAIRPERSON HEATH: And then you can call our
20 last case.

21 MS. ROSE: The last case is Application 19271
22 of DGS of D.C. as amended, pursuant to 11 DCMR,
23 Subsection 3103.2 for a variance from the off-street
24 parking requirements under Subsection 2101.1, and
25 pursuant to Subsection 3104.1, a special exception

1 under Section 2108 allowing a 25 percent reduction in
2 parking spaces to operate a public school in the R-2
3 District at premises 4800 Mead Street Northeast,
4 Square 5159, Lot 801.

5 CHAIRPERSON HEATH: All right. Good morning.
6 Would you all please introduce yourselves?

7 MS. SENSABAUGH: Good morning, Board. My name
8 is Mia Sensabaugh. I'm with the Department of General
9 Services.

10 MS. RANKIN: Good morning. Mary Rankin,
11 Perkins Eastman D.C. We are the architects of the
12 project.

13 CHAIRPERSON HEATH: Okay. So, just to
14 clarify, you are requesting relief from 2101.1, as
15 well as 2108. Is that correct? 2108 for the
16 reduction in parking?

17 MS. RANKIN: Our application was revised from
18 a special exception to the use variance. So we are
19 only asking for the reduction in parking per 3103.
20 Or, sorry. The area variance, 3103.2, for a reduction
21 in parking.

22 CHAIRPERSON HEATH: Okay. That does not sound
23 like what we -- all right. Yeah, we had 2101.1 and
24 2108. So 3103.2, do we have, let's see, see revised
25 or self-certification. I'm looking at it now.

1 [Discussion off the record.]

2 CHAIRPERSON HEATH: They did revise their
3 self-certification. We'll talk to OP about this too,
4 but all right. Let's see, and then you -- you heard
5 our last discussion about --

6 MS. SENSABAUGH: Yes. And we actually do have
7 a letter from our ANC.

8 CHAIRPERSON HEATH: Okay.

9 MS. SENSABAUGH: That we can supply to you
10 this morning.

11 CHAIRPERSON HEATH: Okay.

12 MS. SENSABAUGH: I received it at 8:15 this
13 morning.

14 CHAIRPERSON HEATH: Great. So you did meet
15 with them?

16 MS. SENSABAUGH: Yes, we did on --

17 CHAIRPERSON HEATH: Thank you.

18 MS. SENSABAUGH: -- May 12th. And then also
19 with the Deanwood Citizen's Association on the 23rd of
20 May.

21 CHAIRPERSON HEATH: Very good. Thank you. No
22 problem. And so their letter is in support at this
23 point?

24 MS. SENSABAUGH: Correct.

25 CHAIRPERSON HEATH: Okay. All right. Great.

1 MR. HILL: So, just again, curiosity, like not
2 everyone meets with the -- like you met with the ANC,
3 but other people don't necessarily meet with the ANC?

4 MS. SENSABAUGH: I wish I had an explanation
5 for you with that.

6 MR. HILL: Sure.

7 MS. SENSABAUGH: I am fairly new to the
8 Department of General Services.

9 MR. HILL: Sure. You're doing it the right
10 way.

11 MS. SENSABAUGH: And my architect did inform
12 me that it would be necessary.

13 MR. HILL: Okay. Okay. Great. Thank you.

14 MS. SENSABAUGH: But I will be sure that that
15 message gets back.

16 MR. HILL: Thank you.

17 MS. SENSABAUGH: You're welcome.

18 [Pause.]

19 CHAIRPERSON HEATH: Okay. So, you currently
20 have 86 parking spaces, correct?

21 MS. RANKIN: Yes.

22 CHAIRPERSON HEATH: And what's required is
23 142. If we applied the special exception in 2108, it
24 gets you down to 106 parking spaces needed. If we
25 apply the variance on top of that, the 2101, it gets

1 you down to a requirement of 86. So is -- just to
2 clarify, that is what you want, correct?

3 MS. RANKIN: The --

4 CHAIRPERSON HEATH: To get down to 86?

5 MS. RANKIN: Yes.

6 CHAIRPERSON HEATH: Okay. All right. So,
7 that means we're going to need both 2108 and 2101.1 in
8 order to get you there, the two reductions. So I just
9 want to be clear. I'd also like to hear from Office
10 of Planning on this --

11 MS. RANKIN: Okay.

12 CHAIRPERSON HEATH: So if you're okay with
13 US --

14 MS. RANKIN: Yes.

15 CHAIRPERSON HEATH: -- proceeding on, I'd like
16 to hear from you to hear your thoughts on how we get
17 down to 86.

18 MR. MORDFIN: All right. Good morning. I'm
19 Stephen Mordfin. And in this case the initial
20 application was special exception but it didn't meet
21 one of the criteria, which is you could only reduce by
22 up to 25 percent. And that was the reason that we
23 suggested the variance because in this case we found
24 that the application could conform to the requirements
25 of the granting of a variance.

1 Under 2108 the application did conform to all
2 of the criteria except for one, which was the 25
3 percent, and that's why we recommended that they go
4 with the variance instead because the variance could
5 reduce it down to the 86.

6 CHAIRPERSON HEATH: Okay. And not instead,
7 it's in addition to? That's my understanding.

8 MR. MORDFIN: We had reviewed it, instead.

9 CHAIRPERSON HEATH: Okay.

10 MR. MORDFIN: Because the variance can reduce
11 it to whatever --

12 CHAIRPERSON HEATH: Okay.

13 MR. MORDFIN: -- is appropriate based on the
14 criteria, and we thought that the exceptional
15 situation in this case was that they can't -- excuse
16 me. They cannot provide additional parking without
17 eliminating the recreational fields, the athletic
18 fields which interferes with the operation of a public
19 high school.

20 CHAIRPERSON HEATH: Okay. All right. Okay.
21 Yeah, look at that. Yeah, it sounds like we can just
22 go with 2101. Okay.

23 MR. MORDFIN: Okay.

24 CHAIRPERSON HEATH: As the variance to get us
25 down to 86. Okay. Okay. All right. Any other

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

3 MS. SENSABAUGH: No.

4 CHAIRPERSON HEATH: Okay. All right. Thank
5 you for clarifying.

6 All right. So we're back to 2101.1 for your
7 relief. Okay.

8 So, we now have the letter of support from the
9 ANC. Thank you.

10 MS. SENSABAUGH: You're welcome.

11 CHAIRPERSON HEATH: For getting this to us.
12 And this will become a part of the record. Let's see.

13 We also have --

14 MS. ROSE: Madam Chair.

15 CHAIRPERSON HEATH: Yes.

16 MS. ROSE: Before you go on, this is an SMD
17 letter and they didn't vote yet.

18 CHAIRPERSON HEATH: Okay.

19 MS. ROSE: So we wouldn't --

20 CHAIRPERSON HEATH: So we can't give it great
21 weight.

22 MS. ROSE: I think they're going to vote on
23 June 9th.

24 MS. SENSABAUGH: Correct. They met with the
25 exec board last week and they plan to do the official

1 vote at the ANC meeting this Thursday.

2 CHAIRPERSON HEATH: There were no issues
3 raised --

4 MS. SENSABAUGH: No.

5 CHAIRPERSON HEATH: -- at the initial meeting
6 were there? Okay. All right. And they understand,
7 they fully understand I think then, the limitations on
8 the site and your inability to create additional
9 parking.

10 MS. SENSABAUGH: Correct.

11 CHAIRPERSON HEATH: Okay. All right. Okay.
12 Okay. So, Ms. Rose is correct. We can't give this
13 great weight but we do appreciate that you have gone
14 through the process.

15 MS. SENSABAUGH: Okay.

16 CHAIRPERSON HEATH: Or are still going through
17 the process, and that you have submitted this letter
18 from the single-member district commissioner.

19 All right. We also have a letter of no
20 objection from Department of Transportation, and
21 they've recommended conditions. We can accept the --
22 let me get to their conditions. So, we can accept the
23 first condition, which states the applicant shall
24 provide way-finding information on all media used to
25 advertise events at the auditorium, to encourage the

1 use of non-auto modes of transportation, and provide
2 directions to the campus using transit and other non-
3 auto modes. The second requirement is based on
4 regulations that are not in place yet and speaks to
5 parking that -- or bicycle parking that is in public
6 space, which is not under this Board's purview. So we
7 can't include condition number two, but we will -- I
8 would recommend that we include condition number 1.
9 Do you have any issues with DDOT's condition number 1?

10 MS. RANKIN: No. The school has been notified
11 of the condition.

12 CHAIRPERSON HEATH: Okay.

13 MS. RANKIN: The DCPS as well as the
14 principal.

15 CHAIRPERSON HEATH: Okay.

16 MS. RANKIN: And they will proceed in that
17 way.

18 CHAIRPERSON HEATH: Okay. All right. So
19 assuming that this application gets approved, we will
20 include condition number 1 from DDOT as a condition of
21 this order.

22 MS. RANKIN: Okay.

23 CHAIRPERSON HEATH: Is there anyone here
24 wishing to speak in support of this application?
25 Anyone in support?

1 Anyone wishing to speak in opposition? No
2 opposition? All right. Then we'll turn back to the
3 applicant, unless the Board has any questions, we'll
4 turn back to the applicant for any closing you might
5 want to make.

6 MR. TURNBULL: I just had one. Just curious.
7 You're down for an enrollment, no more than 600.
8 What's your target? What do you think you're going to
9 actually -- where do you think you'll actually be as
10 far as enrollment?

11 MS. RANKIN: Six hundred would be the max. It
12 is slated for between 500 to 600 students.

13 MR. TURNBULL: And you have that many, then?

14 MS. RANKIN: This is a two-phase project,
15 phase one being completed this August will be for 150
16 9th grade students.

17 MR. TURNBULL: Okay.

18 MS. RANKIN: And the school will matriculate
19 one grade level per year for the next four years until
20 full enrollment.

21 MR. TURNBULL: Okay. All right. Thank you.

22 CHAIRPERSON HEATH: Okay. All right. Does
23 the applicant want to make any closing or are you okay
24 with us concluding the hearing?

25 MS. RANKIN: I do not have any comments.

1 CHAIRPERSON HEATH: Okay. All right. Then I
2 will make a motion that we approve the Application No.
3 19271, which is a request for variance from the off-
4 street parking requirements under 2101.1 to operate a
5 public school in the R-2 at 4800 Mead Street Northeast
6 with the condition number 1 from DDOT.

7 MR. HILL: I second.

8 CHAIRPERSON HEATH: So the motion has been
9 made and seconded. Any further discussion?

10 [Vote taken.]

11 CHAIRPERSON HEATH: The motion carries. Thank
12 you.

13 MS. RANKIN: Thank you.

14 MS. ROSE: Staff will record the vote as three
15 to zero to two to approve the application with the
16 motion by Ms. Heath, second by Mr. Hill, with Mr.
17 Turnbull in support of the motion, Ms. Butani and Mr.
18 Hinkle not present, not voting.

19 CHAIRPERSON HEATH: Summary.

20 MS. ROSE: Thank you. With one condition.

21 CHAIRPERSON HEATH: Yes, with one condition.
22 All right.

23 Any other matters coming before the Board
24 today, Ms. Rose?

25 MS. ROSE: No, Madam Chair.

1 CHAIRPERSON HEATH: All right. Then we are
2 concluded. We're adjourned.

3 MS. ROSE: Thank you.

4 CHAIRPERSON HEATH: Thank you.

5 MR. HILL: Thank you.

6 [Whereupon, at 10:15 a.m., the Board Hearing
7 was adjourned.]

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