

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

SEPTEMBER 21, 2022

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:36 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA JOHN, Vice Chairperson
CARL BLAKE, Board Member
CHRISHAUN SMITH, Board Member (NCPC)

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY HOOD, Chairperson
ROB MILLER, Vice Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
TRACEY W. ROSE, Sr. Zoning Specialist
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

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MARY NAGELHOUT, ESQ.

The transcript constitutes the minutes from
the Regular Public Meeting held on September 21, 2022.

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

9:36 A.M.

BZA CHAIR HILL: Good morning, ladies and gentlemen to the Board of Zoning Adjustment. Today's date is 9/21/2022. This public hearing will please come to order. My name is Fred Hill and I'm the chairperson of the District of Columbia Board of Zoning Adjustment.

Joining me today is Vice Chair Lorna John, Board Members Carl Blake and Chrishaun Smith and Zoning Commissioners Rob Miller and Anthony Hood.

Today's meeting and hearing agenda are available in the Office of Zoning website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and Youtube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on Webex or by telephone will be muted during the hearing. Also, please be advised that we do not take any public testimony at our decision meeting session.

If you're experiencing difficulty accessing Webex or with your telephone call-in, please call our OZ Hotline. The number is 202-727-5471 to receive Webex call-in or login instructions.

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

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1 whether a full or summary order may be issued. A full order
2 is required when the decision is adverse to a party including
3 an affected ANC. A full order may also be needed if the
4 Board's decision differs from the Office of Planning's
5 recommendation. Although the Board favors the use of summary
6 orders whenever possible, an applicant may not request the
7 Board to issue such an order.

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

14 Oral presentations should be limited to a summary
15 of your most important points. When you are finished
16 speaking, please mute your audio so that your microphone is
17 no longer picking up sound or background noise. Once again,
18 if you are experiencing difficulty, please call our OZ
19 Hotline number at 202-727-5471. It's also listed on the
20 screen.

21 All persons planning to testify either in favor
22 or in opposition should have signed up in advance. They will
23 be called by name to testify. If this is an appeal, only
24 parties that are allowed to testify. By signing up to
25 testify, all participants completed the oath or affirmation

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1 as required by Subtitle Y408.17.

2 Requests to enter evidence at the time of an
3 online virtual hearing, such as written testimony or
4 additional supporting documents other than live video, which
5 may not be presented as part of testimony, may be allowed
6 pursuant to Y103.13 provided that the person making the
7 request to enter an exhibit by (a) how the proposed exhibit
8 is relevant, (b) and a good cause justifies allowing the
9 exhibit into the record including the explanation of why the
10 requester did not file the exhibit prior to the hearing
11 pursuant to Y206 and how the proposed exhibit would not
12 unreasonably prejudice any parties.

13 The order of procedures for special exceptions and
14 variances are pursuant to Y409.

15 At the conclusion of each case, an individual who
16 is unable to testify because of technical issues may file a
17 request for leave to file a written version of the planned
18 testimony to the record within 24 hours following the
19 conclusion of the public testimony in the hearing. If
20 additional written testimony is accepted, then parties will
21 be allowed a reasonable time to respond as determined by the
22 Board. The Board will then make its decision at its next
23 meeting session, but no earlier than 48 hours after the
24 hearing. Moreover, the Board may request additional specific
25 information to complete the record. The Board and staff will

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1 specify at the end of the hearing exactly what is expected
2 and the date when the person must submit the evidence to the
3 Office of Zoning. No other information shall be accepted by
4 the Board.

5 Once again, after the Board adjourns the hearing,
6 Office of Zoning, in consultation by itself, will determine
7 whether a full or summary order may be issued.

8 Finally, the District of Columbia Administrative
9 Procedures Act requires that a public hearing on each case
10 be held in the open before the public. However, pursuant to
11 Section 405 and 406 of the Act, the Board may, consistent
12 with its rules and procedures and the Act, enter into a
13 closed meeting on a case for purposes of seeking legal
14 counsel on a case pursuant to D.C. Official Code Section 2-
15 575(b)(4) and/or deliberating upon a case pursuant to D.C.
16 Official Code Section 2-575(b)(13), but only after providing
17 the necessary public notice in the case of emergency closed
18 meeting after taking a roll call vote.

19 Ms. Rose, do we have any preliminary matters that
20 we need to talk about?

21 MS. ROSE: Good morning. Staff does have a couple
22 of preliminary matters for the meeting. One case will not
23 be decided today. That is Application No. 20795 of Amelia
24 and Michael Mattler. This was an expedited review case. It
25 was been withdrawn.

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1 For the hearing, the following cases were
2 postponed to January 25th, 2023: Application No. 17429A of
3 St. Patrick's Episcopal Church and Day School on Foxhall
4 Road; and Application No. 18465A of St. Patrick's Episcopal
5 Church and Day School on Whitehaven Parkway. Both of these
6 cases are modifications of significance and they are
7 rescheduled to January 25th, 2023.

8 And finally, Appeal No. 20782 of Carol Howell has
9 been rescheduled to the public hearing of January 28th, 2023.
10 And we can address any other preliminary matters after we
11 call the case.

12 BZA CHAIR HILL: Okay, great. Thank you, Ms.
13 Rose.

14 If you all could just give me one second, I just
15 have to get a file.

16 (Pause.)

17 Okay, thank you. Sorry about that. All right,
18 Ms. Rose, if you could call our first decision case.

19 MS. ROSE: The first matter on the meeting agenda
20 today is Application No. 19722A of Kline Operations, LLC.
21 This is a request for a time extension to Board of Zoning
22 Adjustment Order No. 19722, effective date January
23 19, 2019, pursuant to Subtitle Y § 705.1. This is to extend
24 for an additional two years, BZA Order Number 19722, pursuant
25 to 11 DCMR Subtitle Y Chapter 705, to allow for the

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1 construction of a new hotel in the D-4-R District at premises
2 925-927 5th Street, NW, Square 516, Lots 827, 828, 829, and
3 833.

4 BZA CHAIR HILL: Okay, great. All right, good
5 morning again, everyone. It's nice to see everybody. I'm
6 back from the summer for the first time, sorry I missed you
7 guys yesterday.

8 Let's see, in terms of this case, I can kind of
9 begin what I think. This again for a two-year time extension
10 on 19722A and this was for a special exception for
11 requirements for a penthouse, side setback in rear yard. And
12 then variances from requirements for the number of loading
13 berths the width of an access to a loading berth, closed
14 court dimensions and floor to ceiling clearance height.

15 We heard this earlier and I remember there was
16 some opposition and some concerns and I think we deliberated
17 about all of those at that time and now we're back here for
18 again a two-year time extension.

19 After reviewing the record and the arguments that
20 the applicant has made, I mean I would agree that due to the
21 pandemic and some other legal issues, I guess, that were
22 upholding this case, they had had troubles with financing,
23 well, not troubles with financing, but again, it's a hotel,
24 so you know, one of the biggest areas that I think the
25 pandemic hit was like hotels and hospitality and things such

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1 as that, so it makes sense to me that they might have had
2 trouble getting financing and that they might need more time
3 to kind of see if they can make this project happen.

4 There were a variety of conditions that were put
5 forward that are in the original order that if we were to
6 extend this time extension and you all agreed or thought so,
7 then I would say that we would keep those same conditions in
8 effect.

9 There was a letter in opposition to the extension
10 and asking for a one-year extension, rather than two, and
11 then also that they would not be allowed to come back again.
12 I guess my thoughts on that is that a year is not really a
13 long-enough time in terms of -- it's a fairly big project,
14 152 rooms, and they would need the extra time I would think
15 to kind -- not the extra time, but two years seems reasonable
16 to try to make this thing kind of happen.

17 And then in terms of people not being able to come
18 back again, you know, we look at this on a case-by-case basis
19 and who knows what the next Board, if whatever members are
20 here, not here at that time, what they might think. I don't
21 think that we should tie their hands and that Board would be
22 able to determine whether or not the time extension, if they
23 were to need one would be granted.

24 I would say that what I've seen from the time
25 extensions is that the Board doesn't do them indefinitely.

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1 At some point in time, the Board would want to hear more from
2 the applicant as to why this project is not happening and if
3 it's not going to happen, then this should not be kept open,
4 particularly since there seems to be some community concerns
5 about the project. But in this particular case, and given
6 that I would agree also that the Office of Planning's
7 recommendation in Exhibit 15 is also thorough.

8 The ANC, I guess, had some concerns about
9 mitigation of vermin and graffiti on the property and that
10 it would be continued to be secured. I think that that's
11 something that I would hope that the applicant or would
12 request the applicant take into consideration as they're
13 trying to keep the property free of trash and rodents and
14 graffiti as they're working through this process, to see if
15 they are able to make this project happen.

16 So given all those things that I mentioned, I am
17 going to be voting in favor of the time extension and I'm
18 going to go around the table, if that's okay now, and start
19 with you Mr. Smith.

20 MEMBER SMITH: More than what you've just stated,
21 Chairman Hill, I do agree with your assessment on us granting
22 this time extension for two years so that the one is
23 requested by the parties in opposition for the exact same
24 reasons that you stated. So with that, I'll support the
25 extension.

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1 BZA CHAIR HILL: Thank you. Mr. Blake.

2 MEMBER BLAKE: Yes, Mr. Chair, I agree with the
3 observations of you and Board Member Smith. I believe that
4 the applicant has demonstrated a reasonable cause. I'd be
5 in support of this request for the time extension.

6 BZA CHAIR HILL: Thank you. Commissioner Miller?

7 ZC VICE CHAIR MILLER: Thank you, Mr. Chairman.
8 Yes, I concur with the analysis and comments of you, Mr.
9 Chairman, and my colleagues. And also note the support for
10 the time extension of Office of Planning and the ANC 6E with
11 the contingency that it be properly maintained and secured.
12 I think if it can get under construction, the maintenance and
13 security issues might go away, if they can get the building
14 built.

15 Of course, the party that is opposing this time
16 extension is the party that appealed our decision, the BZA
17 decision which was -- the decision was made over four years
18 ago, July of 2018 and it became effective in January of 2019
19 and by the time they started to get -- by the time they got
20 -- then it was a year and a half for the D.C. Court of
21 Appeals to consider their case and they got uphold, the BZA's
22 decision. But by the time that that happened the pandemic
23 was raging. It's still ongoing, but I guess it's not raging.

24 So I support the time extension that the applicant
25 has made. Good cause has been demonstrated. The litigation

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1 that the party opposing here today, the time extension that
2 the party that appealed and lost, so I think they're the
3 adjacent building.

4 And I think in the original order there were a
5 number of conditions. As you referenced, Mr. Chairman, and
6 the changes have been made in the original application to try
7 to address that neighbor's -- that adjacent property owner's
8 concern. So I am supportive of the time extension that has
9 been requested.

10 BZA CHAIR HILL: Thank you. Ms. John?

11 BZA VICE CHAIR JOHN: So I support the request for
12 the time extension. I agree with all of the comments so far.
13 I would just draw the -- I'm sorry, the Board's attention and
14 some people have already mentioned it to the applicant's
15 filing in Exhibit 7. And I believe that the applicant's
16 affidavit has demonstrated good cause to grant the extension
17 in terms of how the applicant has not been able to get
18 financing and I agree with Commissioner Miller's statement
19 that the party in opposition's own actions contributed to the
20 delay in obtaining financing and stalling the project. And
21 of course, the party in opposition did have a right to
22 appeal, but that party's own actions affected the applicant's
23 ability to obtain financing and cause some delay as well as
24 the pandemic. So I agree that the extension should be
25 granted.

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1 I don't believe the Board should limit the time
2 of the extension to one year or for the reasons you stated,
3 Mr. Chairman, or state that the applicant could never again
4 request an extension because that would tie the Board, a
5 future Board's hands. We can't tell a future Board that it
6 not ought to consider the facts and circumstances before it
7 can rule in a particular way. So I am in support again.
8 Thank you.

9 BZA CHAIR HILL: Okay, thank you. And thank you,
10 Ms. John again for referencing Exhibit 7. I neglected to do
11 that.

12 I'm going to go ahead and make a motion to approve
13 Application No. 19722A as in apple, as captioned and read by
14 the Secretary including the previous conditions that were set
15 forth and ask for a second.

16 Ms. John?

17 BZA VICE CHAIR JOHN: Second.

18 BZA CHAIR HILL: The motion has been made and
19 seconded.

20 Ms. Rose, if you could take a roll call?

21 MS. ROSE: When I call your name, please respond
22 with a yes, no, or abstain.

23 Mr. Hill?

24 BZA CHAIR HILL: Yes.

25 MS. ROSE: Ms. John?

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1 BZA VICE CHAIR JOHN: Yes.

2 MS. ROSE: Mr. Blake?

3 Mr. Smith?

4 MEMBER SMITH: Yes.

5 MS. ROSE: Mr. Miller?

6 Staff will record the vote as 5 to 0 to 0 to
7 approve the time extension with the motion by Mr. Hill,
8 seconded by Ms. John, with Mr. Blake, Mr. Smith, and Mr.
9 Miller in support of the motion.

10 BZA CHAIR HILL: Thank you, Ms. Rose. Ms. Rose,
11 when you get a chance, you may call our next decision case.

12 MS. ROSE: The next matter is Application No.
13 20744 of On Fourteenth NE, LLC with special exceptions from
14 the loading requirements of Subtitle C § 901.1 , pursuant to
15 Subtitle C § 909.2 and Subtitle X § 901.2. The design
16 requirements of Subtitle H § 909.1, pursuant to Subtitle H
17 § 910, Subtitle H § 1200, Subtitle H § 1202, and Subtitle X
18 § 901.2: to raze three existing buildings and to construct
19 a new, six-story with cellar and penthouse, mixed use
20 building in the NC-15 zone at premises 814 14th Street, NE,
21 Square 1026, Lots 66, 177, and 173.

22 BZA CHAIR HILL: Okay, thank you, Ms. Rose. I'm
23 pulling up some items and I'm happy to go first, but does
24 anybody else want to go first while I'm pulling up some
25 items? If anyone wants to raise their hand.

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1 Okay, so as the Board recalls -- did someone say
2 something?

3 BZA VICE CHAIR JOHN: I was speaking, but my mic
4 was off. So please go ahead, Mr. Chairman.

5 BZA CHAIR HILL: Okay. So as the Board recalls,
6 we had heard this previously. With summer always kind of
7 makes things seem longer ago and the Office of Planning was
8 in favor of this application and they provided their analysis
9 as such, Exhibit 21. Then we, the Board, had asked for some
10 clarifications on some issues in terms of things we wanted
11 to see.

12 I'm trying to pull up --

13 BZA VICE CHAIR JOHN: Is Exhibit 42 a recent
14 submission, Mr. Chairman?

15 BZA CHAIR HILL: I don't know why I'm having
16 trouble with my filings. One moment, please.

17 (Pause.)

18 Exhibit 42, Ms. John?

19 BZA VICE CHAIR JOHN: Yes.

20 BZA CHAIR HILL: Okay. One moment, please. I'm
21 sorry.

22 MEMBER SMITH: The last exhibit I see is 33.

23 BZA VICE CHAIR JOHN: Okay, let's see. Well, mine
24 says 42. Anyway, it's alley access page 32A.

25 BZA CHAIR HILL: Got it, got it. I see that.

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1 Okay, thanks.

2 MEMBER SMITH: There it is.

3 BZA CHAIR HILL: Okay, so I had a chance again to
4 go back and look at some of the items included in Office of
5 Planning's report, DDOT's report, and some of the concerns
6 of the ANC. Some of the concerns of the ANC that they had
7 raised, I thought they were going to send us something
8 additional, but I see that they have not. They sent some
9 things from their committee on comments about things that
10 they would like to see happen. And unfortunately, I don't
11 think those are items that necessarily we would -- well, I'll
12 see what you guys say -- that are things that the Board
13 necessarily can apply, concerning also RPP has always been
14 something that has been an issue with us and that we're not
15 really able to control that, and then also the additional
16 units. I mean what they have now is what is in the plans.

17 In terms of meeting the criteria for the
18 application, I mean I would agree with the analysis that the
19 Office of Planning had put forward and how they're meeting
20 those criteria. As I review the record, I would again agree
21 with that.

22 And so at this point in time, I'm going to go
23 ahead and see what my fellow board members have to say, but
24 I will be voting in favor of the application.

25 Mr. Smith, may I ask you your comments?

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1 MEMBER SMITH: On the matter of what was submitted
2 by the ANC, I do agree with you that the question about RPP
3 and the unit mix, the affordable unit mix. Those are two
4 items that we can't necessarily impact as a Board. RPP is
5 controlled by DDOT and it is up to the applicant to apply for
6 that and the unit mix is just -- is the unit mix that's up
7 to applicant to change that, but they're under no zoning
8 requirement to be able to change that.

9 And even that email, I do question whether that's
10 the full position of the ANC because it doesn't seem to be
11 a full report. So I don't know if we can really give great
12 weight to that letter that we received. But that's my
13 particular position on it, but those items aren't something
14 that we can necessarily control.

15 Regarding the other special exceptions, I do
16 believe that applicant -- and I'll go back to both of them.
17 I do believe that the applicant has met the burden of proof
18 as to meeting the special exception for --- under Subtitle
19 H 909.1, Subtitle H 1200, Subtitle H 1202, to allow a new
20 building on a lot larger than 6,000 square feet.

21 I believe that the design of the building largely
22 is in keeping with the intent of the H Street NE neighborhood
23 mixed use zone, based on the design, as shown within the
24 record.

25 On the matter of the special exception from the

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1 loading requirements of Subtitle C, 901.1, I readily admit
2 at the previous -- when we last heard this case, I did have
3 some heartburn on this one to understand how this smaller
4 stub of an alley that is ten feet wide would be able to do
5 the work that it needs to be done as far as access for the
6 six parking spaces that the applicant is proposing to
7 construct as part of this project and also for any loading
8 or residential moving trucks to be able to access this
9 particular alley. So I do know that I had requested at the
10 last hearing for the applicant to provide us with additional
11 detail on how those turning movements can happen in this
12 alley and I'm fairly comfortable with what was presented by
13 the applicant.

14 The alley is narrow, narrower than most alleys
15 that would be doing this type of work, but I would say that
16 I'm comfortable with the DDOT report, the TDM plan that would
17 require them to meet some additional standards for operations
18 within that alley, to avoid this alley being blocked for an
19 extended period of time for the residents of the rowhomes
20 that access this particular alley. So I give great weight
21 to the DDOT's report and OP staff report and will support the
22 special exceptions.

23 BZA CHAIR HILL: Thank you. Commissioner Miller,
24 can I turn to you next?

25 ZC VICE CHAIR MILLER: Sure. Okay. Thank you,

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1 Mr. Chairman. I concur with your comments and those of Board
2 Member Smith. I note the Office of Planning's approval of
3 DDOT. No objection to the ANC letter such as it is, as Mr.
4 Smith pointed out, not necessarily a formal report of the
5 ANC, but it says the ANC is supportive with conditions which
6 the applicant seemed willing to explore at our hearing that
7 we had in July including placing restrictions in the lease
8 agreement or the condo bylaws that residents are not allowed
9 to get Zone 6 residential parking permits which is a
10 condition that we -- that the Zoning Commission at least has
11 attached to orders approving those Zoning Commission cases,
12 especially when the applicant is willing to do it.

13 And then on the mix of units, I agree that that's
14 beyond our authority, but the applicant indicated they would
15 be exploring additional larger size units and more affordable
16 units. They are meeting the zoning requirements on --
17 minimum zoning requirements on that, on those points. So I
18 am supportive of this application going forward.

19 It is a narrow alley. It's going to have to work
20 for the residents who are there now and the residents who
21 will be there and the property owner, it's incumbent on them
22 to make sure that it works, otherwise the project won't work
23 for anybody.

24 And I think there was some note in the applicant's
25 most recent filing on the alley turning radius that it may

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1 be paved, although platted at a narrow width, the alley
2 accessing to this property is actually paved wider. We don't
3 have any verification of that from DDOT, but the applicant's
4 submission asserts that, so I would just note that for the
5 record. And I'm prepared to support it today. Thank you,
6 Mr. Chairman.

7 BZA CHAIR HILL: Thank you, Mr. Miller. Mr.
8 Blake.

9 MEMBER BLAKE: I'm going to vote in favor of the
10 application, but the main issue that concerned me with this
11 is the community outreach. The request we made the other day
12 was first floor, the diagram regarding the turning radius and
13 use of the alley. That was provided. And it did give us
14 some good insights into how the alley could be accessed for
15 the project. It was a bit confusing, but I went through it.
16 I did feel comfortable that the access could ultimately be
17 provided one way or the other.

18 But one of the things we did have in this was also
19 a request for information regarding the servicing and parking
20 in the alley and also, we wanted update on the communication
21 from the neighborhood regarding the alley, so that the
22 neighbors understood what was going on and how it might
23 impact them and so forth. We did not receive that from the
24 applicant which I was disappointed. Further, as you recall,
25 we received the ANC report, I believe -- the ANC email after

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1 the hearing, so we weren't able to actually digest that
2 information. And I do not believe we have a report that we
3 can attribute great weight to, nor that this may fully
4 reflect what the ANC's views are as it is only an excerpt
5 from an email.

6 So for that reason, we only have one neighbor
7 which was in, I believe, the 1391 Florida Avenue to be --
8 let's see 835, Lot 835, where he was the only person that
9 talked about it. His concern was -- I wanted to understand
10 how the alley access was going to be and there's some other
11 issues there, but that was a very major concern and I was
12 hoping that perhaps that would be addressed prior to today's
13 decision. We don't have that information back so there's
14 nothing there.

15 But having said that, as I said, I do think that
16 the applicant has met the burden of proof to be granted
17 relief and I'll be supportive of the application, but I am
18 concerned about the community outreach and the ANC's input,
19 but we've seen in recent cases that it's challenging. We
20 need that information. We need that information for the
21 community. So I'll leave it at that. Thank you.

22 BZA CHAIR HILL: Thank you, Mr. Blake, and I guess
23 to the applicant because it appears as though there's the
24 votes for this to pass, that they should continue to reach
25 out to the community and be clear that this is something that

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1 how the construction is moving forward and what items they
2 have particularly a concern with the alley as we all are
3 concerned about that alley in terms of it being a little bit
4 narrow, but as Vice Chair Miller mentions, that alley is
5 already being serviced and is narrow and so it's something
6 that the people there are trying to work with and continue
7 hopefully with the new property, everyone will work together
8 in order to make that alley better serviced. And there's the
9 conditions that DDOT has put forward that I do believe we
10 will implement in terms of the TDM plan data.

11 Vice Chair John?

12 BZA VICE CHAIR JOHN: Thank you, Mr. Chairman.
13 I am also in support of the application and the applicant is
14 requesting relief for the loading requirement and I believe
15 that DDOT did a very good job in explaining why relief could
16 be granted and conditioned its statement of no objection to
17 the applicant maintaining a loading management plan. And I
18 believe that will help to mitigate any potential adverse
19 impacts from not meeting the loading requirement.

20 And so I am also not prepared to give great weight
21 to the ANC's report because it was not -- it does not meet
22 the criteria for granting great weight and so I'm in support
23 of the application. Thank you. Thank you, Mr. Chairman.

24 BZA CHAIR HILL: Thank you Vice Chair John. Okay,
25 I'm going to go ahead and make a motion to approve

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1 Application No. 20744 as captioned and read by the Secretary,
2 including the TDM plan that's in Exhibit 25 from DDOT and ask
3 for a second.

4 Ms. John?

5 BZA VICE CHAIR JOHN: Second.

6 BZA CHAIR HILL: The motion is made and seconded.

7 Ms. Rose, if you can take a roll call?

8 MS. ROSE: Please respond. Chairman Hill?

9 BZA CHAIR HILL: Yes.

10 MS. ROSE: Vice Chair John.

11 Mr. Blake.

12 MEMBER BLAKE: Yes.

13 MS. ROSE: Mr. Smith.

14 Mr. Miller?

15 ZC VICE CHAIR MILLER: Yes.

16 MS. ROSE: Staff will record the vote as 5 to 0
17 to 0 to approve the application. This is with the motion by
18 Chairman Hill, seconded by Vice Chair John, with Mr. Blake,
19 Mr. Smith, and Mr. Miller in support of the motion.

20 BZA CHAIR HILL: Thank you. Did Vice Chair says
21 yes?

22 MS. ROSE: I think so.

23 BZA CHAIR HILL: You're on mute, Vice Chair John.

24 Well, Vice Chair John is nodding for the record.

25 MS. ROSE: Nodding yes.

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1 BZA CHAIR HILL: So she's nodding yes. So then
2 we'll fix her sound in a moment here.

3 BZA VICE CHAIR JOHN: Thank you, Mr. Chairman.
4 I lost my screen for a minute, so yes, I did vote in support.

5 MS. ROSE: Thank you.

6 BZA CHAIR HILL: Okay, can I just take a quick
7 five-minute break and then we'll come back for our one and
8 only case.

9 (Whereupon, the above-entitled matter went off the
10 record at 10:11 a.m.)

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In the matter of: Meeting

Before: BZA

Date: 09-21-22

Place: Vieoconference

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
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