

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

NOVEMBER 8, 2023

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The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video/Teleconference, pursuant to notice at 9:47 a.m. EST, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA L. JOHN, Vice-Chairperson

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice-Chairperson

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, A/V Production Specialist

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS, Program Director
JONATHAN KIRSCHENBAUM, Planner
SHEPARD BEAMON, Associate Planner
MAXINE BROWN-ROBERTS, Planner
JOEL LAWSON, Associate Director, Development Review
CRYSTAL MYERS, Development Review Specialist,
Development Review and Zoning
MATT JESICK, Development Review Specialist,
Development Review and Zoning

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OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

SARAH BAJAJ, ESQ.
COMETRIA COOPER, ESQ.
CARISSA DEMARE, ESQ.
RYAN NICHOLAS, ESQ.

The transcript constitutes the minutes from
the Regular or Public Hearing held on November 8, 2023.

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

(9:47 a.m.)

CHAIR HILL: Okay. Who -- We have Commissioner Miller next on the lineup agenda.

I think it's like -- it's like a vaudeville act. The next one, and the next one, and the next one.

Vaudeville. I was able to pull a vaudeville, somehow.

Mr. Moy, please call the next one when you have the opportunity.

MR. MOY: Thank you sir. So the Board is into its public hearing session. And the next case is Application Number 20191 of William Huffman and Colleen Bevins, B-E-V-I-N-S.

This is a self-certified application pursuant to Subtitle X section 1002 for variance from the lot occupancy requirements, Subtitle E section 210.1, Subtitle X section 901.2 for a special exception under Subtitle E section 5201 for the rear yard requirement, Subtitle E section 207.1. The property is located in the RF-1 zone at 1005 Quebec Place NW (Square 2902, Lot 65).

This was last heard by the Board at its hearing on -- most recently at its hearing on October the 18th, and was continued -- The hearing was continued to today -- to today's hearing November 8th. And participating is the

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1 Chairman, Chairman Hill, Vice Chair John. Mr. Smith is
2 absent today. And then of course, Zoning Commissioner Rob
3 Miller. Thank you, sir.

4 CHAIR HILL: Great. Thank you. Can the
5 Applicant introduce themselves for the record, please?

6 MR. HUFFMAN: I'm William Huffman. I am the
7 owner-Applicant. My co-Applicant Colleen Bevins had an
8 emergency that she had to take care of. So, she's going
9 to try to make it but -- but she had just a quick
10 emergency that -- hopefully it's quick. And, you know, I
11 don't know if you need it, but my address is 1005 Quebec
12 Place NW. And again, --

13 CHAIR HILL: Thanks --

14 MR. HUFFMAN: I'm the owner --

15 CHAIR HILL: Thanks, Mr. Huffman. I'm sorry.
16 I just I wanted to get -- There's a couple of cases that
17 have some similar characteristics to it. And I wanted to
18 get to them as quickly as possible.

19 I appreciate the diagrams that were put forward
20 that elaborated the -- the argument that, again, you're
21 putting forward for the variance and the unique situation
22 concerning how you're meeting the criteria, the three
23 prong test for the variance.

24 However, I still think that I'm going to need a
25 fifth member in order to come to a decision on this case.

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1 And I know that the City Council has already done some --
2 has had a hearing on our fifth member, and so the vote is
3 going to come up in the next couple of weeks I believe.
4 And then what I want to do is give -- give that member an
5 opportunity to read through more of the record, and also
6 give my fellow Board members here more time to look at
7 your diagrams.

8 And then we'll come back on 12/6. And that day
9 is when I believe that we can have again, a continued
10 hearing to finally, you know, to ask any final questions
11 we may have on this. And then at least you'll get a yes
12 or no. And so I believe that is what we shall do.

13 Do any of my fellow Board members have anything
14 they'd like to add?

15 Sure. Go ahead, Commissioner Miller.

16 VICE CHAIR MILLER: Thank you, Mr. Chairman.

17 Well, I just wanted to thank the Applicant
18 since our last hearing, for submitting -- having your
19 architect Kiley Wilfong Cullen from Ven Studios submit an
20 affidavit as requested by or in response to concerns of
21 some of the members of the Board. And I appreciate that
22 information and the -- and the drawings, as the Chairman
23 referenced to having been submitted. Thank you.

24 MR. HUFFMAN: You're welcome.

25 CHAIR HILL: Okay.

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1 Okay, then, Mr. Huffman, we will see you on
2 | December 6th --

3 MR. HUFFMAN: Thank you very much.

4 CHAIR HILL: -- for a continued hearing. For a
5 | continued hearing.

6 Okay, Mr. Moy. Thank you.

7 MR. MOY: Thank you.

8 CHAIR HILL: So Mr. Moy again, we'll put that
9 | on 12/6. And I think -- I didn't find out whether
10 | Commissioner Miller was around 12/6, but we'll do it first
11 | Commissioner Miller, if you're not.

12 VICE CHAIR MILLER: Okay, I think that's fine.
13 | Thank you.

14 CHAIR HILL: Okay, great.

15 So Commissioner Miller, you have a good day.

16 VICE CHAIR MILLER: Thank you. You too. All
17 | of you.

18 CHAIR HILL: Bye-bye.

19 All right. And we have Chairman Hood next up.
20 | We have the whole Commission. The only one we don't have
21 | is the new member that I don't know.

22 Right. We saved the best for last, Chairman
23 | Hood.

24 ZC CHAIR HOOD: Cool, but I'm not going to say
25 | that.

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1 CHAIR HILL: All right. Okay.

2 Mr. Moy if you want to call the next one
3 please.

4 MR. MOY: Okay.

5 And I believe Mr. Chairman, we did move the
6 cases a little bit so -- this morning, I believe it's --
7 it is 20928.

8 ZC CHAIR HOOD: Yep.

9 MR. MOY: Okay. Case Application 20928 of
10 Matthew and Sarah Tucker.

11 This is an application for relief pursuant to
12 Subtitle X section 901.2 for special exceptions under
13 Subtitle E section 5201 from the rear yard requirements of
14 Subtitle E section 207.1, and Subtitle X section 1002 for
15 area variance from the lot occupancy requirements Subtitle
16 E section 210.1. The property is located in the RF-1 zone
17 at 616 7th Street NE, Square 860, Lot 135.

18 This application, sir, was last heard at the
19 Board's hearing on September 20th and was continued to
20 October 18th. And again to -- to today's hearing,
21 November 8th.

22 Participating on this continued hearing is the
23 Chairman, Vice Chair John. Mr. Smith is absent of course.
24 Zoning Commission Chair Anthony Hood.

25 Thank you, sir.

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1 CHAIR HILL: Okay, great.

2 Could the Applicants please introduce
3 themselves for the record?

4 MR. TUCKER: Good morning, Commissioner. Matt
5 Tucker and my wife Sarah here.

6 CHAIR HILL: Good morning.

7 Let me see. So, Mr. and Mrs. Tucker, I
8 appreciate the added exhibit, which is fifty-four, that
9 has also an alternative design. I think still probably --
10 If you were listening to you the other hearing, it was
11 also -- it also pertained to a variance for a deck. And
12 so, I still think we might be in need of a fifth vote.

13 And if that's the case, again, the council did
14 approve -- Well, the council had hearings for a fifth
15 member. The fifth member will be joining us, and I want
16 to give time for the fifth member to weigh in. And so
17 that fifth member will be coming here on -- well, they're
18 coming in, I think, before this, but giving them enough
19 time would then, we would do this on 12/6, which is the
20 same time that we're hearing the other case that has
21 similar issues.

22 I didn't even realize whether or not that date
23 does or doesn't work for you guys. I should have even
24 asked the person before, because -- depending upon what
25 your availability is on 12/6.

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1 MR. TUCKER: We -- We'll be able to make that
2 work.

3 CHAIR HILL: Okay. So then -- Let's see who's
4 -- So then can I -- is the Office of Planning -- Mr.
5 Kirschenbaum, can you hear me?

6 MR. KIRSCHENBAUM: Good morning, Chair Hill.
7 Yes, I can hear you.

8 CHAIR HILL: Okay, great.

9 Could you introduce yourself please, for the
10 record?

11 MR. KIRSCHENBAUM: I am John Kirschenbaum with
12 the Office of Planning.

13 CHAIR HILL: Okay. So Mr. Kirschenbaum, have
14 you seen the alternative design that they put forward?

15 MR. KIRSCHENBAUM: We have.

16 CHAIR HILL: Okay. And I would like the Office
17 of Planning to let us know what they think of the
18 alternative design, and I'd rather not know right now.

19 MR. KIRSCHENBAUM: Okay.

20 CHAIR HILL: And I say that because this -- I
21 know that Mr. Kirschenbaum -- And I love that I realized
22 that the entire Office of Planning perhaps may be
23 listening to this. There's a previous deck, right, that I
24 understand has a confluence of factors that the Office of
25 Planning thought had met the criteria that we could

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1 approve it. Right?

2 That's not to necessarily say it's going to get
3 approved, because I still need my fifth member to
4 determine whether or not this is going to get approved.

5 What I would find helpful personally, is that,
6 if the Office of Planning can take a look at this
7 alternative drawing, and just let us know what they think.
8 Right?

9 Because I get a little bit confused between --
10 that I know that each case is different, but I get a
11 little bit confused between the two cases as to how the
12 Office of Planning is, you know, saying yes to one and no
13 to another.

14 MR. KIRSCHENBAUM: Sure.

15 CHAIR HILL: It's kind of my sticking -- or I
16 get confused. So if the Office of Planning could just
17 take a look at this alternative drawing and let me know
18 what they think, that'd be wonderful.

19 Do any of the fellow Board members have
20 anything else for anybody until I stick it to 12/6?

21 Go ahead, Vice Chair John.

22 VICE CHAIR JOHN: We wish you that it would be
23 helpful to hear from the Office of Planning on this case.
24 And since there were alternative drawings in a previous
25 case, it would be helpful for the Office of Planning to

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1 comment on those alternative drawings as well.

2 I -- I was asleep at the wheel. I should have
3 asked you.

4 CHAIR HILL: No, no. That's all right. I was
5 moving forward. If -- if again, Mr. Kirschenbaum, you
6 could pass that along to take a look at -- at -- I wasn't
7 clear, Vice Chair John, if there were alternative
8 drawings. I got a little confused I think as well.

9 VICE CHAIR JOHN: Yeah. There were -- there
10 were alternatives suggested. And --

11 CHAIR HILL: I see.

12 VICE CHAIR JOHN: Well maybe not alternatives,
13 but drawings from the architect explaining which options
14 were feasible and which ones were not. And I believe they
15 came in fairly late, so it would be good for the Office of
16 Planning to -- to respond to those submissions. In the
17 previous case as well.

18 CHAIR HILL: Got it. Mr. Kirschenbaum, can you
19 pass that along, please?

20 MR. KIRSCHENBAUM: Yes sir, and Mr. Jesick is
21 listening as well. But yes, I will pass that on.

22 (Simultaneous speaking.)

23 CHAIR HILL: Mr. and Mrs. Tucker, I'm trying to
24 be as efficient as I can with everyone's time so we will
25 see you on 12/6. And we will do this also first thing.

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1 Because I don't know if Chairman Hood is going to be with
2 us or not that day.

3 ZC CHAIR HOOD: Mr. Chair, I will be, but I
4 just think that we may be at the same point. I get that
5 you don't want to hear from the Office of Planning. I
6 actually did, but that's fine. I want to be efficient.
7 Because we may have to go further. But we'll see. We'll
8 have another member by then, so -- but we'll see. Thank
9 you.

10 CHAIR HILL: Okay. Thank you, Chairman Hood.

11 All right. Okay, great. Okay, then, Mr. and
12 Mrs. Tucker -- Oh. I'm sorry. Go ahead, Mr. Moy.

13 MR. MOY: Thank you, Madam Vice Chair.

14 So are we, Mr. Chairman, thinking about setting
15 suspense date for the OP follow up report or not? This
16 would be a continued hearing, but if you wanted something
17 sooner, you need for the parties to have a chance to
18 review the OP Report. December 6th, of course Wednesday.
19 If -- if OP could submit, if that's your desire, maybe
20 perhaps by Wednesday, November 29th or that Friday, which
21 would be December 1st.

22 CHAIR HILL: Friday, December 1st is fine with
23 me. Mr. Kirschenbaum does that work for you?

24 MR. KIRSCHENBAUM: It's working for us.

25 CHAIR HILL: Okay. Yeah. Let me know when

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1 you're good with him.

2 One second, Mr. Tucker.

3 Go ahead, Mr. Tucker.

4 MR. TUCKER: Just from our perspective, is
5 there anything additional for the Board members here today
6 that we can help provide in addition to photos, the
7 alternative designs, anything else that we can do in
8 preparation, please let us know.

9 CHAIR HILL: Thank you, Mr. Tucker.

10 Sorry, Mr. Tucker. I don't -- You can pray. I
11 don't know what -- You know, they're -- I'm waiting to see
12 what happens myself, Mr. Tucker.

13 Go ahead, Vice Chair John.

14 VICE CHAIR JOHN: So I had just one question
15 for Mr. Tucker, which I didn't understand. In -- in one
16 of the photographs, there are stairs going to a lower
17 level from the patio. Did I understand that correctly?

18 MS. TUCKER: What drawing are you looking at?

19 MR. TUCKER: I'm pulling up what we have. Yes.
20 So there are from the basement level of the -- of the two
21 I guess units that are in this row house, there is a
22 staircase up currently from that basement level that
23 occupies pretty much the middle third of the --

24 MS. TUCKER: Yard

25 MR. TUCKER: -- yard back there. And then,

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1 this is two detached separate units in -- in between. So
2 they are from the upper two floor unit, there is
3 absolutely no access or ability to use any of the rear
4 space.

5 VICE CHAIR JOHN: Yes. But at the patio level
6 where the AC unit was, --

7 MR. TUCKER: Mm-hmm

8 VICE CHAIR JOHN: -- in the middle.

9 MR. TUCKER: Yes.

10 VICE CHAIR JOHN: There appear to be steps
11 going downstairs from the patio.

12 MR. TUCKER: Yes.

13 VICE CHAIR JOHN: Or are those stairs going
14 upstairs?

15 MR. TUCKER: Those stairs go down to the
16 basement units so --

17 VICE CHAIR JOHN: So the patio is above the
18 basement level?

19 MR. TUCKER: We --

20 MS. TUCKER: It's about three steps about three
21 feet something around there, three feet --

22 MR. TUCKER: -- ground level is kind of through
23 the middle of the basement level here.

24 VICE CHAIR JOHN: Okay, I didn't understand
25 that. I didn't know where those steps went. And I --

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1 CHAIR HILL: Vice Chair John?

2 VICE CHAIR JOHN: Yeah.

3 CHAIR HILL: If you look at Exhibit 37, which
4 were additional photos that Chairman Hood at one point had
5 asked about, --

6 VICE CHAIR JOHN: Uh-huh.

7 CHAIR HILL: -- I think the second photo. If
8 you look down, it's kind of difficult to necessarily
9 understand. But if you look down, those stairs go down
10 into the basement unit from the patio. It looks like one,
11 two, three, four steps down.

12 VICE CHAIR JOHN: Right. That's what I looked
13 at. So I didn't understand. I -- I thought that the
14 patio level was level with the basement level. But
15 apparently you step up from the basement. Those three or
16 four steps to get to the patio.

17 MS. TUCKER: Correct.

18 MR. TUCKER: Yes.

19 VICE CHAIR JOHN: Okay. That's what I needed
20 to confirm. So thank you.

21 CHAIR HILL: Okay.

22 ZC CHAIR HOOD: I want to thank you for taking,
23 especially the aerial view photographs, it's one I was not
24 pushing to take, but I see you took it. So thank you.
25 Thank you for these additional photographs. Very helpful.

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1 Thank you, Mr. Chairman.

2 CHAIR HILL: Thank you, Chairman Hood. Okay,
3 we'll see you guys on December 6th. Bye-bye.

4 Okay, the next one, Mr. Moy, you may call and I
5 believe it's going to be 20978.

6 MR. MOY: All right. Thank you, Mr. Chairman.
7 So the case before the Board is application number 20978
8 of 2626 Penn LLC. This is a self-certified application
9 pursuant to Subtitle X section 901.2 for the following
10 special exceptions under Subtitle G section 5200 open
11 court with requirements Subtitle G section 209.1 lot
12 occupancy requirements for inclusionary zoning development
13 of Subtitle G section 210.1. This property is located in
14 the MU-10 zone at 2626 Pennsylvania Avenue NW (Square 4N,
15 Lot 27).

16 Preliminary matter in this case. As a
17 reminder, Mr. Chairman, you have a request for party
18 status in opposition I believe under Exhibit 2727A. And I
19 think that's all I want to say.

20 Except that there are proffered two expert
21 witnesses by the Applicant, and they are already contained
22 in the witness book. William Zeid and Kevin Sperry.
23 That's all I have, sir.

24 CHAIR HILL: Okay. If the Applicant can hear
25 me, if they can please introduce themselves for the

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1 record.

2 MS. PRINCE: Allison Prince at Goulston &
3 Storrs, here on behalf of the Applicant.

4 CHAIR HILL: Good morning, Ms. Prince.

5 The two people, I guess, Ms. Prince, Mr. Sperry
6 and Mr. Zied. They are with you. Correct?

7 MS. PRINCE: Correct.

8 CHAIR HILL: And Mr. Sperry -- Who's the
9 architect and who's -- Who's who?

10 MS. PRINCE: Kevin Sperry is the architect and
11 Williams Zeid is the traffic engineer.

12 CHAIR HILL: Okay, great. Thank you. And I
13 guess Mr. Moy had mentioned that they were all previously
14 in our book. That's unless the Board has any issues, I
15 will go ahead and move forward with Mr. Sperry and Mr.
16 Zeid for their testimony and architecture and
17 transportation when and if we get to it.

18 Ms. Giordano, can you hear me?

19 MS. GIORDANO: I can. Can you hear me?

20 CHAIR HILL: Yes. Can you introduce yourself
21 for the record, please?

22 MS. GIORDANO: Yes, Cynthia Giordano for the
23 record from Saul Ewing Law Firm, representing the party in
24 opposition request.

25 CHAIR HILL: Yep. So Ms. Giordano, I mean, if

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1 you could explain two things. One, how you believe your
2 client is meeting the criteria for -- for us to grant
3 party status. And then also, why you guys are late in
4 your filing for the request for party status.

5 MS. GIORDANO: Sure. I'll take the first one
6 first. We are immediately adjacent. The party is a condo
7 association. It's a high rise building immediately
8 adjacent to the property. We're late because we have been
9 actually trying to work with the Applicant on a number of
10 issues, to hopefully withdraw our party status request.
11 And I think we have an agreement now.

12 The issues as I indicated in the party status
13 request are to get the Applicant's agreement to move the
14 mechanical penthouse to the west, to reconsider with CFA
15 approval hopefully, the existing windows on the eastern
16 facade on the seventh, eighth, and ninth floors that face
17 our buildings windows, and also to get the Applicant's
18 agreement to enter into a commercially reasonable --

19 (Telephonic interference)

20 -- of their agreement on those issues now, and
21 pending their ability to get the revised plans, which
22 indicate the two changes that I just mentioned into the
23 record late, we will withdraw our party status in
24 opposition request.

25 CHAIR HILL: Okay, well, I didn't know we were

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1 where we are now with this.

2 So, Ms. Prince, you know -- where do you think
3 you are in terms of what Ms. Giordano said? In terms of
4 how much time it might get to where -- and if that's
5 accurate in terms of a -- getting to an agreement?

6 MS. PRINCE: What she said is fully accurate.
7 We're in full agreement. There's a one-page sheet of the
8 drawings that will get modified to identify the windows
9 that are the subject of her comment.

10 Yeah, and that that plan we have not yet
11 submitted. however, in our twenty-four-hour submission
12 that we submitted yesterday, that contains the shifted
13 penthouse.

14 So to proceed with, I think full agreement from
15 the party, assuming she's a party, and I would not have
16 oppose that. We would simply need permission to submit a
17 drawing that identifies the three issues that we are
18 obligated to ask the Commission of Fine Arts if we can
19 remove. And if we cannot remove them, we need to frost
20 them. It's just a privacy issue that we've worked out
21 with Ms. Giordano.

22 CHAIR HILL: Okay, let me do this Ms. Giordano.
23 So what was going to happen, just so you all know, is that
24 we were going to determine whether or not we're going to
25 have some party status, and then this case was going to

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1 get put on the end of the day. If you guys can somehow get
2 all this resolved by the end of the day, it would be most
3 helpful for all parties.

4 And so, I -- I did have some issue with the
5 late filing. But since it was something that you all had
6 been talking about beforehand, I was less at issue with
7 it. Does my Board members have -- Do my Board members have
8 any questions concerning the party status issue?

9 ZC CHAIR HOOD: No sir, so questions on that.

10 VICE CHAIR JOHN: No. So are you deciding the
11 party status issue now? Or are you deferring it to see if
12 the party status request is still on the table?

13 CHAIR HILL: That's interesting. So I can go
14 ahead and I will defer. Right? Until the end of the day.
15 We'll come back at the end of the day and see where
16 everybody is.

17 Sure.

18 MS. PRINCE: Sorry to interrupt, but we have
19 fully resolved the issues. That's, I think Ms. Giordano
20 was -- was saying that they're fully resolved. But we
21 need to have one sheet of drawings added to the record to
22 fully address her client's concern, and we have it all
23 teed up ready to email to you.

24 CHAIR HILL: No, that's great. So then you all
25 can do that and get it all taken care of and we'll put you

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1 at the end of the day to see whether the party status
2 person is still here, or whether it has been withdrawn.

3 If party status is given, and I have to hear
4 this case, then we're going to have to have a little bit
5 more -- it will require more time on the other side in
6 terms of an order. And so I'm trying to also be efficient
7 with this. And if we get back here, if I mean, Ms.
8 Prince, if you guys can somehow do this before lunch, I'll
9 be happy to try to figure out how to get you guys in here
10 after lunch. But currently, I have somebody with --
11 currently I have somebody before me requesting party
12 status. And so --

13 MS. GIORDANO: Can I interject? If -- if the
14 plans if you if you will accept the plan into the record
15 now we can withdraw the party status requests. Now.

16 CHAIR HILL: I understand.

17 MS. GIORDANO: I don't know if that's not
18 appropriate.

19 CHAIR HILL: That is fine. And that's what I
20 would have done also. And so I'm trying to do my best
21 given I also have a very full docket.

22 Go ahead, Chairman Hood.

23 ZC CHAIR HOOD: And I will be to be here too.
24 It would be different if I was leaving. Ms. Giordano I'm
25 just curious, without you, would you all then have become

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1 a party in support. It's kind of where I'm -- because just
2 withdrawing your party status, and y'all have an
3 agreement, then will you become a party in support?

4 MS. GIORDANO: I think we would just become a
5 person in support at that point.

6 ZC CHAIR HOOD: All right, thank you Mr. Chair.

7 CHAIR HILL: Okay. So I'll tell you what I'll
8 do. Okay. If you guys want to work this amongst yourself
9 between now and lunch, okay. And if you want to go ahead
10 and submit into the record, whatever the actual plans are,
11 and if you all agree one way or the other to opposition,
12 no opposition. Okay? Then we can come back right after
13 lunch and hear your case and see where you guys are.
14 Okay?

15 MS. PRINCE: All right. I will email the plans
16 into the record right now. And I think --

17 CHAIR HILL: Yeah, what I need, I need plans
18 into the record and then I need whatever the party status
19 in opposition is going to do. That's what I need by after
20 lunch. If you guys want to come back after lunch. Okay?

21 MS. PRINCE: Okay.

22 MS. GIORDANO: Okay.

23 CHAIR HILL: Okay. All right. Mr. Moy, we'll
24 go ahead and see what we get. And you can let me know --
25 you can let me know, Mr. Moy, at lunch, what we received

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1 from these parties so that I can review it, and then we
2 can come back hopefully after lunch and hear this case.

3 Okay?

4 MR. MOY: Yes, sir.

5 CHAIR HILL: Okay, thank you. All right.
6 Thanks, you guys.

7 Okay. So we still haven't done anything.

8 Okay.

9 Okay. All right. Mr. Moy, you may call our
10 next one.

11 MR. MOY: I believe it's 21000, sir.

12 CHAIR HILL: It is 21000. Correct.

13 MR. MOY: The next case before the Board is
14 Application Number 21000 of Casey Dlott, D-L-O-T-T and
15 Joel Schulman. This is a self-certified application
16 pursuant to Subtitle X section 901.24 for special
17 exception under Subtitle D section 5201 for the side yard
18 requirements, subtitle D section 403.1. The property is
19 located in the R-1A/FH zone at 2726 Brandywine Street NW
20 (Square 2250, Lot 825).

21 And a notation for you, Mr. Chairman,
22 originally there was a request for a party status and
23 opposition from a Mr. Yang. And I believe yesterday, I
24 believe it's in the case record now that I would like
25 confirmation from the party status person if he's here,

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1 that, in fact, his opposition letter has been withdrawn as
2 well as his request for party status. And that's all I
3 have, Mr. Chairman.

4 CHAIR HILL: Okay. Great, thank you. Let's
5 see. If the Applicant could hear me if they can introduce
6 themselves for the record?

7 MS. DLOTT: Yes. Hi, I'm Casey Dlott.

8 MR. SCHULMAN: And I'm Joel Schulman.

9 MR. NETTLEBACK: And I am the architect, Pete
10 Nettleback. I'm having a hard time with my video. Let me
11 --

12 CHAIR HILL: Mr. Nettleback, are you going to
13 be the one giving the testimony?

14 MR. NETTLEBACK: Yes. Well, we all will.

15 CHAIR HILL: Okay. All right.

16 MR. NETTLEBACK: Hold on, let me see.

17 CHAIR HILL: Mr. Young, do you have a Mr. Yang
18 with us? Probably not. Okay.

19 MR. NETTLEBACK: So hold on. Let me see here.

20 CHAIR HILL: Mr. Nettleback, that's okay. I
21 can hear you.

22 MR. NETTLEBACK: Okay. Yeah. So -- So
23 basically, I have a whole presentation that I'm happy to
24 do and present. We had a meeting with Mr. Yang a few days
25 ago, and we addressed all his concerns. And we had a

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1 really pleasant meeting. We talked about, you know, the
2 light and air and how this -- this project will affect his
3 property. I showed him a bunch of sun studies, which I
4 included in the record. And he was -- he seemed satisfied
5 with our explanations. And he ended up revoking his party
6 status application, as well as rescinded his letter of
7 opposition. And that -- that should have been -- He did
8 that after 9:30 yesterday,

9 CHAIR HILL: That's great.

10 MR. NETTLEBACK: -- which is why it's not in
11 the record.

12 CHAIR HILL: Okay. Mr. Nettleback, I
13 appreciate that. And we do have it in the record. And
14 now, you know, again, just reiterating that as part of
15 your testimony has been helpful. So, you know, the party
16 status request has been withdrawn.

17 Let's see. So, Mr. Nettleback, did you say you
18 have a presentation?

19 MR. NETTLEBACK: I do. And I'd be happy to do
20 it if I can figure out how to how to do this.

21 CHAIR HILL: Yeah. Do you -- Did you submit it
22 into the record?

23 MR. NETTLEBACK: Not the presentation itself.
24 I think a lot of the drawings --

25 CHAIR HILL: You can't share.

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1 MR. NETTLEBACK: -- are submitted.

2 CHAIR HILL: You cannot share. And so --

3 MR. NETTLEBACK: I can't share?

4 CHAIR HILL: You cannot.

5 MR. NETTLEBACK: Okay.

6 CHAIR HILL: And so, is there something in the
7 record that you can refer us to that you can to give your
8 presentation from?

9 MR. NETTLEBACK: I can look through the --

10 CHAIR HILL: Okay. Let me stop you, Mr.
11 Nettleback.

12 MR. NETTLEBACK: Yeah.

13 CHAIR HILL: So, Mr. Nettleback, can you submit
14 your presentation to the Office of Planning? I mean, to -
15 -

16 Mr. -- Mr. Moy -- I don't even know who to go
17 to. Mr. Moy, who can Mr. Nettleback send the presentation
18 to?

19 MR. MOY: Well, if he can sends it to BZA
20 Submissions, we can receive it this way.

21 CHAIR HILL: Mr. Nettleback --

22 MR. MOY: Then we can post it.

23 CHAIR HILL: Mr. Nettleback, can you do that
24 now?

25 MR. NETTLEBACK: I can do that right now.

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1 Yeah.

2 CHAIR HILL: We're going to see the next case.
3 We'll come back right after that.

4 MR. SCHULMAN: Mr. Chairman, quick question for
5 you. Because there's no opposition now, because we have
6 support of OP, because we have support of the ANC, is it
7 necessary for you to see it? Would you like to go through
8 it? Or I don't -- I don't want to waste everyone's time.

9 CHAIR HILL: It's okay. I appreciate it. It's
10 Mr. Dlott -- Dlott, right?

11 MS. DLOTT: I'm Ms. Dlott, and this is Mr.
12 Schulman.

13 CHAIR HILL: Okay, Mr. Schulman. Mr. Schulman,
14 all of the other people, like, they don't -- They're --
15 They are just helpful in what they do to advise the BZA.

16 MR. SCHULMAN: I understand.

17 CHAIR HILL: Whether or not somebody has party
18 status in support or opposition doesn't mean whether the
19 BZA is going to do one thing or another.

20 MR. SCHULMAN: I understand.

21 CHAIR HILL: And whether the Office of Planning
22 or the architect, it's just easy for, at least for me,
23 since it's only going to be one other case that we're
24 going to hear, it's easier for me to flip through the
25 presentation when I have it on my screen. And so that's

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1 why I was asking for it.

2 MR. SCHULMAN: I think -- Yeah. Yeah. Thank
3 you.

4 CHAIR HILL: That's all right.

5 I saw Vice Chair John's hand up.

6 VICE CHAIR JOHN: That's fine, Mr. Chairman. I
7 withdraw my comment.

8 CHAIR HILL: Okay. So, Mr. Moy, we're just
9 going to move to the next one and come back to this one as
10 soon as we get that in the record.

11 MR. NETTLEBACK: And Mr. Chairman, sorry. One
12 more thing. So if I submit BZA Submission. What's --
13 What's the website or the address?

14 CHAIR HILL: Mr. Moy, do you know?

15 MR. MOY: Submissions with an s at dc.gov.

16 MR. NETTLEBACK: Right.

17 MR. MOY: Unless Paul tells me otherwise.

18 MR. NETTLEBACK: Okay. I'll -- I'll send it
19 right now.

20 CHAIR HILL: Okay. We'll see you after the
21 next case.

22 MR. NETTLEBACK: Thank you.

23 CHAIR HILL: Thank you.

24 All right, Mr. Moy. You can call the next one.

25 MR. MOY: All right, I do believe that next

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1 case is 20961, Mr. Chairman, of Park Road.

2 CHAIR HILL: Yes, Mr. Moy.

3 MR. MOY: Perfect. All right. Can we have
4 parties to the table to Application Number 20961 of Park
5 Road Associates, LLC.

6 This is an amended self-certified application
7 pursuant to Subtitle X section 901.2 for the following
8 special exceptions under Subtitle F section 5201 lot
9 occupancy requirements, Subtitle F section 210.1 and the
10 accessory building location requirements Subtitle F
11 Section 5003.1. The property is located in the RA-2 zone
12 at 1648 Park Road NW Square 2608, Lot 635.

13 And that's all I have for you, Mr. Chairman.
14 Thank you.

15 CHAIR HILL: Thank you.

16 Can the Applicant hear me and if so, could they
17 introduce themselves for the record?

18 MR. FINN: I'm Michael Alan Finn, I'm the
19 applicant. Can you hear me?

20 CHAIR HILL: You're kind of breaking up, Mr.
21 Finn.

22 MR. FINN: It's kind of an echo.

23 CHAIR HILL: Yeah, you're breaking up.

24 MR. FINN: Well, let me try to mute myself and
25 unmute. Let me try that.

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1 ZC CHAIR HOOD: Also Mr. Chairman, if everybody
2 else will mute, I think that problem will go away.

3 MR. FINN: Is it better?

4 CHAIR HILL: If everybody else can -- can mute
5 themselves.

6 Mr. Finn, go ahead and say it again.

7 MR. FINN: Can you hear me now? Am I -- Am I
8 garbled?

9 CHAIR HILL: No, you're better. Can you
10 introduce yourself for the record?

11 MR. FINN: Yes. My name is Michael Allen Finn.
12 I'm a registered architect in the District of Columbia,
13 and I am the Applicant for Case 20961.

14 CHAIR HILL: Okay, great.

15 All right, Mr. Finn. If you want to go ahead
16 and walk us through your client's application and why you
17 believe they are meeting the criteria for us to grant the
18 relief requested. I'm going to put fifteen minutes on the
19 clock so I know where we are. And you can begin whenever
20 you like.

21 MR. FINN: I'd like to mention two things that
22 are in the application that I noted when I pulled up the
23 notice of the virtual hearing this morning.

24 It says that we are asking for a variance from
25 the building height requirements, but that is not so,

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1 because with the aid of the Office of Planning, we lowered
2 our building height from twenty-three feet to twenty-two
3 feet. So that's no longer part of the equation. So --
4 So, we're not --

5 CHAIR HILL: Now, Mr. Finn, what I understood
6 was that your self-serve, as amended, was for special
7 exception relief for lot occupancy, which sixty percent
8 permitted sixty-one point three percent propose, and an
9 accessory structure may be located within a rear yard.
10 Accessory building location. Those are the two areas of
11 relief that I understand you're before us for. Is that
12 correct?

13 MR. FINN: Yes. Yes, that's exactly right.

14 CHAIR HILL: I appreciate that. And that is
15 the way that it was read into the record, but I appreciate
16 if there's some other place that had the earlier relief
17 that that is no longer needed. So we are here with the
18 correct thing, Mr. Finn.

19 MR. FINN: Right. One more thing. There has
20 been some construction activity in the alley two doors
21 down from us. I believe it's 1644. I used as a reference
22 an existing one-story garage located in the rear yard.
23 But as of -- as of right now that's been demolished.

24 CHAIR HILL: That's fine.

25 MR. FINN: Okay.

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1 CHAIR HILL: I appreciate your -- your
2 information. But that would -- You can go ahead and
3 continue.

4 MR. FINN: All right, so basically, what we're
5 trying to do here is to use this rear yard in a similar
6 fashion to -- well now it's one property on the alley, a
7 two-story accessory garage. And we think it's compatible
8 because we already have some examples in the alley and the
9 -- the RA-2 zone does permit a -- a rather -- how shall we
10 say it -- a rather lively use, because we have existing
11 garage.

12 And it's an urban -- it's an urban
13 neighborhood, so we don't feel it will be distracting in
14 any way. We like to feel that it will -- will be aiding
15 the -- the use of the property. And it's basically pretty
16 similar. And I think it might add to the flexibility of
17 RA-2. And that's what -- that's what we're after. And so
18 it appears to be rather -- a rather if I -- if I may say
19 so myself, a modest request.

20 Light and air to the adjoining properties will
21 certainly not be affected. As a matter of fact, also on
22 the alley is a existing five-story apartment house. So
23 once again, we think we're rather modest. And so we -- I
24 don't think -- we don't think we -- we're asking for much.

25 We're also setting back our building five feet,

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1 which I think is a necessity on the garage. Some of the -
2 - a lot of the buildings on the south side of the alley
3 are actually face-on-line. And we have a couple of face-
4 on-lines on our side of the alley too. But we're setting
5 our -- our building back, and we think the design is
6 fairly compatible with the style of these rows.

7 And Mount Pleasant is a -- is a -- actually is
8 a neighborhood of two-story detached garages. And we just
9 we feel we're continuing the general ambience of the
10 neighborhood. So it's basically kind of a straightforward
11 request.

12 CHAIR HILL: All right, Mr. Finn. Let's see.
13 Do you know, Mr. Finn, what happened -- and I see there's
14 a submission from the ANC Commissioner letting us know who
15 would be able to participate. But I don't see a report.
16 Did you go to the ANC?

17 MR. FINN: I actually -- I don't -- I don't
18 quite understand what happened. But maybe it was a
19 technical difficulty, but I had been applying to the ANC
20 for a couple of months. And I finally got through, and I
21 did do a very brief, here, presentation at the last ANC
22 meeting. I think it was October 24th. At the very end.
23 And then I met with a member of the ANC a couple of days
24 ago. And so I have -- I have made myself known before the
25 ANC.

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1 CHAIR HILL: And what happened? Did they take
2 a vote? What -- what happened?

3 MR. FINN: I don't know, because my -- I
4 officially appeared. I didn't -- I didn't -- there wasn't
5 a --

6 CHAIR HILL: Okay. I think the commissioner
7 might be here.

8 MR. FINN: Yes, she is.

9 CHAIR HILL: Is the Commissioner here with us?

10 MR. FINN: Yes, yes. I think so. I hope so.
11 Because we met.

12 CHAIR HILL: Commissioner -- I understand, Mr.
13 Finn.

14 Commissioner Nunez, are you there?

15 MS. NUNEZ: I can give a little bit more
16 context from the ANC end.

17 CHAIR HILL: Can you introduce yourself for the
18 record, please?

19 MS. NUNEZ: Sure. So I'm Erika Nunez. I'm the
20 ANC Commissioner for 1D03.

21 The -- the project that's being discussed is
22 actually located in 1D04 and the hang-up, despite Mr. Finn
23 having reached out to his ANC member, they've
24 unfortunately been tied away with a family emergency for
25 some time, and as soon as the ANC was made aware that he

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1 was looking for us, he found sort of another ANC member to
2 -- to get to the group for -- to get through to the group
3 with.

4 We -- we've been in closer touch. So it's just
5 been an unfortunate timing for him that we were not -- not
6 able to have our ANC meeting until November 14th. We have
7 discussed the location. He's taken me on a tour. We've
8 sort of emailed, and I've gotten a letter of authorization
9 to represent the ANC's support for this project since it
10 is consistent with the rest of the alleyway's feel and
11 current construction.

12 And so, we -- we are open to passing a
13 resolution in favor on November 14th but wanted to try to
14 have a representative join and, as he's expressed, that --
15 that positive support today.

16 CHAIR HILL: Okay, thanks Commissioner, thanks
17 for taking the time to be with us today. I know that it's
18 like you never know when you're going to come up. So,
19 appreciate that.

20 We're going to go ahead probably move forward
21 with discussing this today. But if you did want to take a
22 vote, so that we could get a formal -- so that we could
23 get a formal vote from your ANC, I would leave the record
24 open for that.

25 And then also, what that would do is if there

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1 were any issues or concerns concerning this case, we would
2 be able to hear them also if those came up during your
3 actual hearing. But I'd leave the record open for that
4 testimony. Do you understand?

5 MS. NUNEZ: Yes, that sounds great.

6 CHAIR HILL: Okay, great.

7 MS. NUNEZ: Thank you.

8 CHAIR HILL: Thank you. Yep.

9 I'm going to turn to the Office of Planning.

10 MS. THOMAS: Yes. Good morning, Mr. Chair,
11 members of the Board. I'm Karen Thomas for the Office of
12 Planning.

13 And essentially, we are in support of the --
14 the request to construct this garage with an increased lot
15 occupancy and a reduction with the rear yard. We do not
16 anticipate adverse impacts on -- on the neighbors in the
17 vicinity. And we do believe it meets the criteria under
18 5201. And with that, I'll be happy to take any questions.
19 Thank you.

20 CHAIR HILL: Thank you. Does the Board have
21 any questions for either the Office of Planning or the
22 Applicant?

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

25 Okay. Mr. Finn, is there anything you'd like

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1 to add at the end?

2 MR. FINN: No. I mean, I'm happy to entertain
3 any -- any critique or comments anyone on the might have.

4 CHAIR HILL: Okay, great. Thank you, Mr. Finn.
5 I'm going to go ahead --

6 Oh. Commissioner Nunez, again, I'm leaving the
7 hearing of the record open. Your -- your ANC meeting you
8 said is when?

9 MS. NUNEZ: The 14th at 7:00 p.m.

10 CHAIR HILL: Okay. Think you get something in
11 by the 24th of November?

12 MS. NUNEZ: Yeah. I'll just shoot -- We have a
13 draft agenda for this. So I'll add it to our agenda to
14 vote on next, next Tuesday. And we'll upload it as soon
15 as it's completed.

16 CHAIR HILL: Great, Commissioner. And thanks
17 for all the work the ANC does. It's -- it's -- it's a --
18 it's a long day and night, I know.

19 MS. NUNEZ: That's nice to hear. Thank you.

20 CHAIR HILL: Okay. All right. Go ahead and
21 close the hearing and the record.

22 CHAIR HILL: All right. Okay.

23 I didn't really have a lot of concerns about
24 this. special exception. I thought that they are meeting
25 the criteria for us to grant the relief requested. I

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1 would also agree with the analysis the Office of Planning
2 has provided. I would make note that the ANC says they
3 are probably in support, but we're going to leave the
4 record open for their testimony.

5 And Mr. Moy, I'm just going to put down, you
6 know, November 24th. But if it comes in after that,
7 obviously, we would just go ahead and take that and allow
8 that into the record. But I thought it was a fairly
9 straightforward application, and I didn't have a lot to
10 speak on about it.

11 Mr. Hood -- Chairman Hood, do you have anything
12 to add?

13 ZC CHAIR HOOD: No. I would agree with what
14 you have -- have already stated. That the Subtitles 901,
15 the requirements under that, I think they meet that. I
16 think Mr. Finn is fully satisfied -- and this Applicant
17 has fully satisfied that.

18 And then I look at 5201, the special
19 exceptional relief from the certain requirements,
20 development standards, and when I looked through the
21 requirements that are there, I believe that they are fully
22 satisfied.

23 And I think it's pretty straightforward. So,
24 I'll be voting in favor of this. And I appreciate the
25 commissioner coming on and echoing the support from the

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1 ANC.

2 Thank you, Mr. Chairman.

3 CHAIR HILL: Okay. Thank you, Chairman Hood.

4 I think Vice Chair John might be having some
5 technical issues. I'm not sure. Okay, great.

6 VICE CHAIR JOHN: So, I'm back now, Mr.
7 Chairman.

8 I'm fine with the -- with your suggestion.

9 CHAIR HILL: Okay. All right.

10 I'm going to go ahead and make a motion to
11 approve Application Number 20961.

12 Oh. Go ahead, Chairman -- I mean, Mr. Moy.

13 MR. MOY: Just really quickly, for my own
14 edification Mr. Chairman. So, if I heard correctly, the
15 ANC is meeting on this application at their meeting on the
16 evening of November 14th, right? And I suspect right
17 after that the Board, they'll submit that ANC results to
18 the record. And hopefully Nunez -- Commissioner Nunez
19 would be identified as representing the ANC.

20 So I was -- I -- I didn't know if you were
21 going to vote on this today, or would you vote on it on
22 November 15th or the following hearing day. Because we
23 don't have the ANC letter.

24 CHAIR HILL: I understand.

25 MR. MOY: Yeah.

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1 CHAIR HILL: If we can have this discussion in
2 another way -- Mr. I've lost you Mr. Moy.

3 We can have this discussion or do this in other
4 ways. In the past, I know that the Board has left the
5 record open for submissions from the ANC. The Board
6 currently has a letter that has the -- the Board currently
7 has a letter that already identifies who the Commissioner
8 is for the ANC. That Commissioner has provided testimony
9 that the ANC will be voting in favor. We've taken notes
10 whether the ANC has provided information or not. And
11 we've also taken notes, I believe, where we've left the
12 record open to allow for the ANC to provide their official
13 testimony. We've done it all different ways.

14 If however, legal would like us to do it a
15 different way, or if there's now a standard that we should
16 now adhere to, we can also discuss that as well. I don't
17 particularly mind either way holding the vote open for the
18 ANC's report, if that's what the Board would like to do.
19 So I'm fine holding the record open and taking the vote
20 after.

21 Vice Chair John?

22 VICE CHAIR JOHN: So, I should have caught this
23 earlier. I think the -- the only issue is that we can't
24 give great weight to the ANC's support. But if -- if the
25 Board is otherwise in support of the application, I would

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1 think that we could just note that we can't give great
2 weight to the ANC's report. But we otherwise -- otherwise
3 support the application.

4 CHAIR HILL: That's fine. It sounds as though
5 this is something, Mr. Moy, that maybe we can discuss at
6 our next closed meeting session. Okay? However, I will
7 go ahead and postpone the vote, right?

8 ZC CHAIR HOOD: So, Mr. Chairman --

9 CHAIR HILL: So, let's go ahead and take a
10 vote. So the ANC is meeting on the 14th. The -- the
11 record was supposed to be left open until the 24th. So we
12 can take a vote on the 29th.

13 ZC CHAIR HOOD: Mr. Chairman --

14 CHAIR HILL: Yes, Chairman Hood?

15 ZC CHAIR HOOD: I would associate my comments
16 with you. I've seen it done both ways. I know we're
17 getting advice now one way, but we've had advice other
18 way. And what we have done in the past, something that I
19 recon -- I think the Vice Chair has already mentioned.
20 I'm in support of it.

21 And here's the thing. If the ANC decision
22 letter in support -- actually, they don't get great weight
23 anyway, but we appreciate them echoing it. Even if they
24 send you a letter that says support, and they have no
25 issues, the law states that they don't really -- it's no

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1 great weight, because they had no issues for us to -- to
2 deliberate upon.

3 So I think you're the way you're moving is
4 fine. If legal wants to tell me that I'm wrong this time,
5 then that's fine too.

6 But I think we do ourselves a disservice
7 because we -- I'm looking at your agenda, and how they're
8 building up and building up. This is one thing we won't
9 have. So I'll leave it at that. Thank you, Mr. Chairman.

10 CHAIR HILL: All right. All right. Then we
11 will -- I will move forward with the way I was planning on
12 moving forward. And we will come back and discuss with
13 legal what is the appropriate way to do this in the future
14 and discuss that, because we have done it in a variety of
15 ways.

16 And so at this point, we do not have an ANC
17 report to give great weight to, and so I'm not referring
18 to great weight from the ANC. I'm referring to the
19 analysis that I've provided by looking at the record the,
20 reports of the Office of Planning, and the testimony of
21 the Applicant, and the burden of proof of the Applicant.

22 So with that, I'm going to go ahead and make a
23 motion to approve Application Number 20961 as captured by
24 the Secretary and ask for a second. Ms. John.

25 VICE CHAIR JOHN: Second.

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1 CHAIR HILL: Thank you. Mr. Moy, the motion
2 made and seconded. If you can take a roll call please.

3 MR. MOY: When I call your vote, if you will
4 please respond.

5 VICE CHAIR JOHN: Yeah, I'm so sorry. I'm
6 multitasking. I'm just going to mute --

7 CHAIR HILL: Go ahead. Mr. Young, if you can -
8 - if you could mute Ms. John.

9 Mr. Young? Gotcha. Great. Go ahead.

10 MR. MOY: Thank you, sir.

11 When I call your name, if you will please
12 respond to the motion made by Chairman Hill to approve the
13 Application for the relief requested. The motion was
14 seconded --

15 CHAIR HILL: Ask Ms. John first, Mr. Moy.

16 MR. MOY: Ask Ms. -- ask --

17 CHAIR HILL: Ask Ms. John first.

18 MR. MOY: Oh, Okay. All right.

19 Vice Chair John.

20 VICE CHAIR JOHN: Yes.

21 CHAIR HILL: Okay. Vice Chair John, you can go
22 ahead. And we're going to take a break after this.

23 Go ahead, Mr. Moy.

24 MR. MOY: Thank you, sir. Zoning Commissioner
25 -- Zoning Commissioner Anthony Hood.

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1 ZC CHAIR HOOD: Yes.

2 MR. MOY: Chairman Hill.

3 CHAIR HILL: Yes.

4 MR. MOY: We have no other members
5 participating on this case. Staff would record the vote
6 as 3-0-2. And this is on the motion made by Chairman Hill
7 to approve. Motion to approve was seconded by Vice Chair
8 John. Also in support of approving the application is
9 Zoning Commission Chair Anthony Hood, Vice Chair John,
10 Chairman Hill. Motion carries, sir, on a vote of 3-0-2.

11 CHAIR HILL: Thanks, Mr. Moy. Okay. We're
12 going to take a break. And I don't know how long it'll
13 last, but it shouldn't be that long. And then we'll come
14 back.

15 You know, I think the next case is to 21000.
16 And I think there was something that was getting put into
17 the record. Mr. Moy, do you know if that happened?

18 MR. MOY: I'll have to get --

19 CHAIR HILL: That's fine.

20 MR. MOY: -- an answer to you directly.

21 CHAIR HILL: That's fine.

22 So, you know, we're at least going to take
23 fifteen minutes. So 11 o'clock at the earliest. Thank
24 you.

25 (Whereupon, the above-entitled matter went off

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1 the record at 10:44 a.m. and resumed at 11:12 a.m.)

2 CHAIR HILL: Wonderful. Chairman Hood, good to
3 see you as well.

4 And Mr. Moy, you may call our next case.

5 You're on mute, maybe Mr. Moy. I don't know.
6 We're calling back 21000.

7 MR. MOY: All right. The Board has returned to
8 its hearing, public hearing session after a quick recess
9 and the time is at or about 11:13 a.m. And the chair is
10 addressing Case Application Number 21000 of Casey Dlott
11 and Joel Schulman. I'm not going to read -- reread the
12 caption, but this is the property located in the R-1A/FH
13 zone at 2726 Brandywine Street NW, Square 2250, Lot 825.

14 And I believe, Mr. Chairman, you deferred this
15 case to wait for the architect to file his PowerPoint --

16 CHAIR HILL: Yep.

17 MR. MOY: -- slides, which is I believe under
18 Exhibit 32. Thank you, sir.

19 CHAIR HILL: Yep. Let's see. Mr. Nettleback,
20 if you could reintroduce yourself for the record, please.

21 MR. NETTLEBACK: Absolutely. My name is Pete
22 Nettleback. I am a registered architect in Washington DC,
23 and I am the architect working on the project at 2726
24 Brandywine Street NW.

25 CHAIR HILL: Got it. One second.

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1 Mr. Nettleback, I mean, I appreciate -- I'm
2 | glad that we have the PowerPoint now. Like, like what I
3 | need you to do is kind of briefly tell us a little bit
4 | about your project.

5 MR. NETTLEBACK: Yeah.

6 CHAIR HILL: And really, what I wanted you to
7 | do was highlight the criteria, you know, within the
8 | regulations that we are looking at about your project.
9 | But what I want to do now is, since I have the opportunity
10 | to look through your presentation, and I appreciate that.
11 | And once again, for the record, unless my fellow Board
12 | members have any issues, I want to go ahead and allow the
13 | presentation into the record.

14 And normally if we were in person, we would be
15 | seeing this live during the hearing, so then we wouldn't
16 | have to be worried about this being in the record. But
17 | now I want to put it in the record. So unless the Board
18 | has any issues with that, please speak up. Hearing none,
19 | I'm going to put that into the record.

20 But what I'd like to do, Mr. Nettleback, before
21 | I even turn it back over to you, --

22 MR. NETTLEBACK: Yeah.

23 CHAIR HILL: -- since you have thirty-four
24 | slides here, and it's easy for me to kind of peruse
25 | through them and see what -- I mean -- At the last slide

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1 is your burden of proof.

2 MR. NETTLEBACK: Yep.

3 CHAIR HILL: I think that what you do, if you
4 want to, I'm going to go to the Office of Planning first,
5 and I'm going to come back to you.

6 MR. NETTLEBACK: Okay.

7 CHAIR HILL: But I appreciate all the slide
8 presentation and as well as the letters of support that
9 you put forth in the record, even in your presentation.

10 However, if I could turn to the Office of
11 Planning first. If they can introduce themselves for the
12 record.

13 MS. THOMAS: Good morning, Mr. Chair. Karen
14 Thomas with the Office of Planning.

15 And this application, specifically, as part of
16 the home's renovation at Brandywine Street. Specifically,
17 the application relates to the screen porch, which would
18 reduce the existing nonconforming side yard from five feet
19 to three -- three point two feet. And we do not
20 anticipate, based on our review, we do not anticipate that
21 the screen porch -- the one-story screen porch, which I
22 think is about nine feet, is going to have an impact to
23 the light and air or to the privacy of the neighboring
24 property. Either neighboring property -- There are three
25 abutting properties, and none of which we believe would

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1 have an impact on the privacy and light and air, which is
2 the criteria under 5201.

3 So with that, we believe the use of the
4 neighboring property will continue as it exists without
5 adverse impact due to the proposed addition, and the
6 relief if granted, would be in harmony with the intent of
7 the regulations. Thank you.

8 CHAIR HILL: Thank you. Okay. Let's see. I'm
9 -- In fact and Mr. Nettleback, I don't even -- I don't
10 even need you to kind of necessarily walk through your
11 presentation now. But you can go ahead and tell us a
12 little bit about the project and -- and for the record, I
13 didn't realize this, but this property is near my sister's
14 property.

15 And one of the people in the record happened to
16 be a letter of support from my brother-in-law. And so I
17 did not know this, but this is not going to sway my
18 ability to process this case in either way. But I just
19 wanted to put that out onto the record as I'm looking
20 through the slide deck.

21 Okay. Let's see. So, Mr. Nettleback, if you
22 want to go ahead and just again, I guess, I mean, you have
23 thirty-four slides. That's I'm trying to figure out how -
24 -

25 MR. NETTLEBACK: Yeah, so you want me to go

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1 through them quickly, I mean --

2 CHAIR HILL: Why don't you go ahead and pull up
3 the slide deck, Mr. Young, if you could, and then Mr.
4 Nettleback, you can go ahead and take a little time
5 walking us through the presentation.

6 MR. NETTLEBACK: Yeah. I'll try to -- I'll try
7 to move swiftly and appreciate you giving me the
8 opportunity.

9 You know, basically we're asking for a side
10 yard relief from the twenty-four foot and aggregate with
11 no side less than eight feet.

12 And initially, you know, the -- if you go to
13 slide five, it's probably the easiest way to kind of see
14 what we're proposing from a diagrammatic standpoint. So
15 in the upper northeast side of the slide shows a one story
16 addition in the back center. And that's kind of the
17 diamond hatch pattern shows, raising the roof, where it's
18 basically going to be a one-story addition. And the back
19 zigzag pattern, that's going to be a two-story addition.

20 So all that area where it's over an existing
21 poché, that's going to be over the existing footprint of
22 the house. And that footprint of the house was set in
23 1935, with a side yard of approximately five feet, six
24 inches. But we actually believe we can do all of that as
25 a matter of right.

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1 And so the -- what we're asking for relief for
2 is for the screen-in porch addition, which is a diagonal
3 pattern on the rear west. And that's going to infringe to
4 three foot, two inches on the western side.

5 If you go to slide -- Oh, where should we go
6 here? Slide eight, maybe, it's probably the best way to
7 go. So architecturally, you know, I think we're trying --
8 the house is pretty traditional from the front façade.
9 We're trying to match some of those traditional details,
10 keeping the window alignments, adding mansard roof above
11 on the left hand side, adding -- adding dormers in,
12 keeping the same kind of roof material and trim -- trim.
13 And so from the front, I think we kind of want to keep it
14 more traditional.

15 And then, next slide. So in the back it's
16 going to be a little bit more contemporary and -- and
17 modern. And so it's going to be a little -- have a little
18 more glass. And so, on the right hand side, it shows the
19 western elevation, and that elevation has -- it's pretty
20 glassy, but it actually looks back into the property.

21 The left image is the east elevation, and that
22 abuts the property line. And so we want to keep the --
23 one of the considerations is that wanted to keep some
24 separation and some privacy between the property on the --
25 on the east side.

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1 Slide ten, again, shows the additions -- kind
2 of the modern addition, on the right hand side. In the
3 center shows the location where we're raising the
4 roofline. And then the bottom left shows the screened-in
5 porch addition.

6 Slide eleven shows elevations of the screened-
7 in porch. Use those for reference purposes. Slide twelve
8 shows images of the -- of 2726 Brandywine Street. The
9 upper image shows the northeast neighbor and the bottom
10 image -- Sorry, the northwest neighbor. And the bottom
11 image shows it's the northeast neighbor. There are a lot
12 of trees that separate the property.

13 If you go to slide thirteen, it shows the rear
14 of the property. And again, you can kind of see a lot of
15 the -- a lot of foliage, a lot of deciduous trees that
16 separate the properties.

17 The bulk of the addition, as you can see here
18 in the main image, is going to be above the garage. And
19 so we're going to go above that existing footprint, and
20 the screened-in porch addition is going to come off the --
21 off the double doors that you see here.

22 Go to slide --

23 CHAIR HILL: Mr. Nettleback?

24 MR. NETTLEBACK: Yes sir.

25 CHAIR HILL: Let me just -- That's okay.

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1 Because I'm going to -- I'm going to come back to my
2 fellow Board members. I mean, I'm looking back at your
3 sun studies in Exhibit 29, and then your site plan. I
4 mean, the -- your slide deck is very helpful. And again,
5 I'm glad that we put it into the record. So again, the
6 whole Board could flip through it in a way that they saw
7 necessary.

8 The neighbor who was at one point concerned,
9 what was their concerns? And how did you address them
10 after you spoke with them? And then also, could you tell
11 me what happened at your ANC meeting?

12 MR. NETTLEBACK: Yeah, absolutely. Let me
13 first start with ANC meeting. We met with ANC twice, and
14 we have a letter of support on page twenty-six that
15 indicates a 6-0 in support of the ANC special exception.
16 So, we got -- we won the support of the of the ANC.

17 We met with the neighbor a few days ago, and I
18 showed the sun studies again. The sun study start out --
19 start on twenty-seven and they continue on all the way
20 down to -- to thirty-three. And, you know, I think the --
21 the adjacent neighbor was -- was mainly concerned with --
22 with light, and he was also concerned with, kind of -- I
23 think he was concerned with how the -- how the information
24 was presented to him, and he was a little concerned with -
25 - with that.

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1 We were able to meet with him. We showed him
2 the light studies. Showed him -- We talked about air, and
3 you know, how the sun kind of travels in DC along the --
4 from the south, and how his western facade is going to be
5 in darkness. And that's not from our property. It's
6 going to be a adjacent properties. 2738 Brandywine
7 Street, as well as just kind of the nature of the sun kind
8 of going down further in the south. So the sun -- most of
9 the sun is going to be cast from the south, and so the
10 shadows will be cast to the -- to the north. And so,
11 there's virtually no day of the year that his house will
12 be affected by, you know, by this addition.

13 CHAIR HILL: Okay. All right. Do my fellow
14 Board members have any questions of the Applicant or the
15 Office of Planning?

16 ZC CHAIR HOOD: Mr. Chairman, maybe I missed
17 something. Mr. Nettleback, you're not an ANC
18 Commissioner, are you?

19 MR. NETTLEBACK: I'm not. No.

20 ZC CHAIR HOOD: Okay. That is unusual they
21 have you as representing the ANC. So, I've never seen
22 that before.

23 MR. NETTLEBACK: Is that on the paper? Or --

24 ZC CHAIR HOOD: You represent -- It says name a
25 person authorized by the ANC to present the report. So,

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1 anyway, I have never seen that before.

2 MR. NETTLEBACK: Oh. Mitchell -- They -- Yeah,
3 I think Mitchell Baer is the ANC commissioner who -- He
4 filled out the authorization

5 ZC CHAIR HOOD: It's good. It's good.

6 MR. NETTLEBACK: I'm definitely not an ANC
7 Commissioner.

8 ZC CHAIR HOOD: Okay. All right.

9 MR. NETTLEBACK: Nor do I aspire to be one. So
10 --

11 ZC CHAIR HOOD: Thank you. Appreciate it.

12 MR. NETTLEBACK: Yeah.

13 CHAIR HILL: Okay. Anyone else for the
14 Applicant? Okay.

15 (Simultaneous speaking.)

16 CHAIR HILL: Mr. Nettleback, go ahead.

17 MR. NETTLEBACK: Oh, were you asking if Casey
18 or Joel want to speak?

19 CHAIR HILL: No, I was asking my fellow Board
20 members had any questions.

21 MR. NETTLEBACK: Oh, sorry. I'm sorry.

22 CHAIR HILL: Okay. Let's see. Mr. Young, is
23 there anyone here wishing to speak?

24 MR. YOUNG: We do not.

25 CHAIR HILL: Okay. I don't think we need to

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1 hear from anybody unless the Board has any further
2 questions.

3 And Mr. Nettleback, thank you for your
4 presentation. And I wish you all a good day. I'm going
5 to close the hearing and the record. Thank you.

6 MR. NETTLEBACK: Okay. Quick question. Is --
7 Will there be a vote? Or is that going to be --

8 CHAIR HILL: That's all right, Mr. Nettleback.
9 Yeah, we're going to talk now.

10 MR. NETTLEBACK: Oh, okay. Got it.

11 CHAIR HILL: Okay? All right. Thank you.

12 MR. NETTLEBACK: Thank you.

13 CHAIR HILL: Okay. All right. So, I am glad
14 that we had that presentation, because it was easier to go
15 through it. I mean, again, what the applicant is here for
16 is relief from the side yard requirements. And I thought
17 that the shadow studies were very helpful to show that, as
18 well as the plans. I got to see the whole plans.

19 The Office of Planning in their analysis, I
20 would also agree with the Office of Planning's analysis.
21 I think that the relief requested is somewhat de minimis
22 in comparison to the project. But I would agree with the
23 Office's plans and analysis.

24 I also agree with the analysis that was
25 provided by the ANC. It is very good that the Applicant

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1 had put forth all of the effort they had in terms of
2 reaching out to the community. And I appreciate them
3 having done that. Does anyone have anything additional to
4 add? Chairman Hood?

5 ZC CHAIR HOOD: I agree with your assessment,
6 Chairman. And also, one of the things -- the words I
7 would use in this case is very de minimis.

8 I appreciate all the work that was being done
9 as -- the outreach to the community, and especially when
10 looking at the neighbors in support. I think they
11 probably captured everyone, including some of our family
12 members.

13 So I would agree with your comments, Mr.
14 Chairman.

15 CHAIR HILL: Thank you. Vice Chair John?

16 VICE CHAIR JOHN: Thank you, Mr. Chairman. I
17 agree with all of the comments so far. I guess this shows
18 why it's important to -- to read the record, so we can
19 spot family members. So anyway. I thought that the
20 relief requested was really de minimis, as the
21 Commissioner said. One point eight foot side yard relief.
22 And I also agree it was important to meet with Mr. Yang,
23 and explain the project so that he can more fully
24 appreciate the impact on his property.

25 So I'm in support of the application.

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1 CHAIR HILL: Thank you. All right. I will
2 agree with all of the comments with my colleagues and
3 their analysis.

4 I'm going to make a motion to approve
5 Application Number 21000 as captioned and read by the
6 Secretary, and ask for a second. Ms. John?

7 VICE CHAIR JOHN: Second.

8 CHAIR HILL: The motion is made and seconded.
9 Mr. Moy, take a roll call.

10 MR. MOY: When I call your name, please respond
11 to the motion made by Chairman Hill to approve the
12 application for the special exception relief requested.
13 The motion to approve was seconded by Vice Chair John.

14 Zoning Commission Chair Anthony Hood.

15 ZC CHAIR HOOD: Yes.

16 MR. MOY: Vice Chair John.

17 VICE CHAIR JOHN: Yes.

18 MR. MOY: Chairman Hill.

19 CHAIR HILL: Yes.

20 MR. MOY: We have no other members
21 participating. Staff would record the vote as 3-0-2, and
22 this is on the motion made by Chairman Hill to approve.
23 The motion to approve was seconded by Vice Chair John.
24 Voting to approve the application is Zoning Commission
25 Chair Anthony Hood, Vice Chair John, and Chairman Hill.

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1 Motion carries on a vote of 3-0-2.

2 CHAIR HILL: Thank you, Mr. Moy. Mr. Moy,
3 coming up and call -- go ahead and call the next one when
4 you when you get an opportunity.

5 MR. MOY: Okay, Mr. Chairman. I believe this is
6 20973.

7 CHAIR HILL: Yes.

8 MR. MOY: All right. The case before the Board
9 is 20973 of Mulumbet Fisseha, F-I-S-S-E-H-A. This is a
10 self-certified application -- This is a self-certified
11 application pursuant to Subtitle X section 901.2 special
12 exception on the Subtitle U section 421. The property is
13 located in the RA-1 at 1375 Bryant Street NE Square 3952,
14 Lot 51.

15 And I'm going to check one other thing, Mr.
16 Chairman, if I may.

17 And that's all I have. Thank you, sir.

18 CHAIR HILL: Thank you. If the Applicant can
19 hear me, if they could please introduce themselves for the
20 record.

21 Can the Applicant hear me?

22 MR. SOLOMON: My name is Negussu Solomon. I am
23 representing Mulumbet Fisseha, the owner of the building.

24 CHAIR HILL: Okay. Mr. Dossul -- Dossul?

25 MR. SOLOMON: Solomon is my name.

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1 CHAIR HILL: Oh. I thought you said Solomon --
2 Last name Solomon?

3 MR. SOLOMON: Yes.

4 CHAIR HILL: Okay. Mr. Solomon, if you want to
5 go ahead and walk us through your client's application and
6 why you believe they are meeting the criteria for us to
7 grant the relief requested. I'm going to put fifteen
8 minutes on the clock, and you can begin whenever you like.

9 MR. SOLOMON: Sure. The project is located at
10 1375 Bryant Street NE as mentioned. It's an existing
11 four-unit building. We're -- We're requesting a special
12 exception under U 421 to add two more units to the
13 existing four units. We're essentially keeping the
14 envelope, and lowering, excavating the basement to add two
15 units in the basement and converting the interior to above
16 grade to four units. So, there will be a total of six
17 units, with the envelope essentially staying the same.

18 We are providing parking -- four parking spaces
19 in the back, as submitted in the application. And
20 providing landscaping in the front as well.

21 CHAIR HILL: Okay. All right. I'm going to
22 turn to the Office of Planning. Can I hear from the
23 Office of Planning please?

24 MR. LAWSON: Hi. Good morning, Mr. Chair.
25 Joel Lawson of the Office of Planning. Very briefly, I'm

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1 just here to introduce a new member to the Development
2 Review View Team here at OP. Shepard Beamon is the
3 manager of this case. He joined us just about a month
4 ago, Shepard? And he has a lot of great experience
5 working in Arlington County in San Antonio. So he brings
6 a lot of experience, and he's going to be representing the
7 OP in this case. Thank you.

8 CHAIR HILL: Thank you, Mr. Lawson. Mr.
9 Beamon, welcome.

10 MR. BEAMON: Thank you. Good morning, Mr.
11 Chair and Board members. As Joel mentioned, I'm Shepard
12 Beamon. I'm with the Office of Planning. I think one of
13 the newer members we have one more new member join us
14 recently.

15 But OP recommends approval of the special
16 exception requests for relief for the two new residential
17 units and stands on the record of the request -- I'm
18 sorry, of the report. And we're available for any
19 questions if you have any.

20 CHAIR HILL: Thank you, Mr. Beamon. Mr.
21 Beamon, since you are just joining us, could you please
22 walk us through your analysis of the criteria and why you
23 believe they're meeting that criteria? You don't have to
24 go through each and every one, but kind of tell us a
25 little bit about your thought process

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1 MR. BEAMON: Foregoing OP's analysis, we found
2 that the Applicant fulfilled the criteria for both
3 sections 421 and 901.2. The request relief is not
4 expected to adversely impact any of the neighboring
5 properties. The new units wouldn't result any -- result
6 in any expansion of the existing building footprint. And
7 the proposal is consistent with the existing multifamily
8 development in the surrounding neighborhood.

9 CHAIR HILL: Thank you, Mr. Beamon.

10 Does any Board members have any questions for
11 Mr. Beamon?

12 Mr. Solomon, you have any questions for Mr.
13 Beamon?

14 MR. SOLOMON: No.

15 CHAIR HILL: All right. Well, Mr. Beamon, we
16 look forward to seeing you again.

17 And sometimes when there is a lot of questions
18 from the public, I do have an opportunity to ask the
19 Office of Planning a little bit more critical as to what
20 their thinking was. And so just kind of an FYI on that
21 one. And we won't hold you -- we won't hold you in
22 disregard for having spent some time in Texas.

23 MR. BEAMON: I hope not. It's a great place
24 sometimes. Sometimes, emphasis.

25 CHAIR HILL: Thank you, Mr. Beamon.

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1 MR. BEAMON: Yeah.

2 CHAIR HILL: All right.

3 MR. BEAMON: No problem.

4 CHAIR HILL: Okay. All right. Let's see. Mr.
5 Young, do you have anyone else here wishing to speak?

6 Okay. Mr. Solomon, do you have anything you'd
7 like to add at the end?

8 MR. SOLOMON: No, I don't. We do have ANC
9 support. I believe it's this part of the exhibit, though.

10 CHAIR HILL: No, I appreciate that. The
11 Commissioner isn't here, is he or she?

12 ZC CHAIR HOOD: Mr. Chairman, I have a question
13 about this ANC letter.

14 CHAIR HILL: Go ahead, Chairman Hood.

15 ZC CHAIR HOOD: This is one here I missed. I
16 do see a single-member district in its constituency. And
17 I did -- And I know this Commissioner works hard, but it
18 didn't go to the full ANC, and I seeing where he said he
19 flagged it. I don't know. Mr. Solomon -- Mr. Solomon,
20 can you bring some light to this ANC -- You said you had
21 ANC permission -- I mean, ANC's support. You actually
22 don't. What you have is a single-member district support.
23 And by law, that's not really support. So I -- can you
24 shed some light on this for me?

25 MR. SOLOMON: I don't have -- I don't -- I

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1 don't have the letter here in front of me. But I do
2 believe we -- we did reach out to the neighborhood. We --
3 And it was my understanding that we have the support
4 letter.

5 ZC CHAIR HOOD: Okay. All right. Mr. Solomon.
6 I got it. You have -- you have the single-member
7 district's Commissioner's support. I don't want to hold
8 this up any longer. Mr. Chairman, I will turn it back to
9 you. Thank you.

10 CHAIR HILL: Thank you. Okay. Let's see. All
11 right.

12 Yeah, it appears again, and thank you, Chairman
13 Hood, that we have a letter from the SMB but not a full
14 vote from the ANC with which to give great weight.
15 However, I do find the letter from the SMB comforting that
16 they have had an opportunity to take a look at it.

17 All right. Mr. Solomon, anything else before I
18 close the hearing?

19 MR. SOLOMON: No.

20 CHAIR HILL: All right. I'm going to close the
21 hearing and the record.

22 Okay. I thought this was relatively
23 straightforward. I mean, they're not changing the
24 existing envelope of the building in order to add the
25 additional units. I didn't see how it was necessarily

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1 going to affect adversely the -- the light and air, or the
2 neighboring community, or in the zoning plan. I would
3 also agree with the analysis that was provided by the
4 Office of Planning as well as, even though we don't have a
5 full letter, or a full vote for the ANC, having some
6 feedback from the SMB is helpful. And I will be voting in
7 support.

8 Commissioner Hood -- I'm sorry. Chairman Hood,
9 do you have anything to add?

10 ZC CHAIR HOOD: Thank you, Mr. Chairman.

11 I don't have anything to add. I would agree.
12 It looks like you have a lot of support. My only concern
13 is, while I noticed the single-member district supported
14 it, he did raise a concern, which I think is -- which is
15 universal to some of the things that have been approved in
16 this area, and which are in ANC 5C. That's what I was
17 hoping he would be here. I'm sure there'll be another
18 time where he would be able to come in and have a
19 conversation about that. Maybe not in this forum. So I
20 would agree with your assessment, Mr. Chairman, and I
21 will be voting in favor as well. Thank you.

22 CHAIR HILL: Thank you, Chairman. Vice Chair
23 John.

24 VICE CHAIR JOHN: I agree with the comments so
25 far. I -- Unfortunately, we can't give great weight to

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1 the ANC's report. And thank you, Chairman Hood for
2 catching that. But at least they state that they're
3 generally in support of the project and have reservations
4 about the parking.

5 However, I'm going to give great weight to the
6 Office of Planning's report as to how the application
7 meets the criteria for approval, and I'm in support.

8 CHAIR HILL: Thank you. All right. I'm going
9 to go ahead and make a motion to approve application
10 number 20973 as caption read by Secretary and ask for a
11 second. Ms. John?

12 VICE CHAIR JOHN: Second.

13 CHAIR HILL: The motion was made and seconded.
14 And Mr. Moy, please take a roll call.

15 MR. MOY: Thank you, sir.

16 When I call your name, will you please respond
17 to the motion made by Chairman Hill to approve the
18 application for the relief requested. The motion to
19 approve was seconded by Vice Chair John.

20 MR. MOY: Zoning Commission Chairman Anthony
21 Hood.

22 ZC CHAIR HOOD: Yes.

23 MR. MOY: Vice Chair John.

24 VICE CHAIR JOHN: Yes.

25 MR. MOY: Chairman Hill.

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1 CHAIR HILL: Yes.

2 MR. MOY: We have no other Board members
3 participating. Staff would record vote as 3-0-2, and this
4 is on the motion made by Chairman Hill to approve. Motion
5 to approve seconded by Vice Chair John. Members voting to
6 approve the Application is Zoning Commission Chairman
7 Hood, Vice Chair John, Chairman Hill. Again, the motion
8 carries on a vote of 3-0-2.

9 CHAIR HILL: Okay. Thank you, Mr. Moy.

10 All right. Let's see. Let's go ahead and do 20969,
11 Mr. Moy. And I don't know, Mr. Moy if you can ask staff -
12 - I know we had a -- well before I call the next case, I
13 know Mr. Moy, we had talked about postponing a case until
14 after lunch. I saw -- I just quickly looked into the
15 record and I know that we were asking for some plans that
16 were going to speak to some of the changes that the
17 applicant had worked with the party status of opposition.

18 But the other thing that we needed was the status of
19 the party status and opposition's requests. So that's
20 something that you know, I want to have some feedback upon
21 before we bring this back to us.

22 So just wanting -- like I don't want any -- like,
23 you know, just kick back to the end of the day if we don't
24 get something in the record that at least explains that.
25 So with that Mr. Moy, you can go ahead and call 20969

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1 again, or not again, for the first time.

2 MR. MOY: Okay. So the next case before the board
3 is 20969 of Daniel Blaise, B-L-A-I-S-E. This is a self-
4 certified application pursuant to sub-title X, section
5 901.2. Special exception under sub-title U, section 421,
6 probably located in the RA1 zone at 357 Parkland Place,
7 SE, Square 5988, Lot 79. And that's all I have. Thank
8 you, sir.

9 CHAIR HILL: Great. Thank you. If the applicant
10 can hear me if they could please introduce themselves for
11 the record.

12 MR. SULLIVAN: Members of the Board, Marty Sullivan
13 with Sullivan and Barros on behalf of the Applicant.

14 CHAIR HILL: Okay, great Mr. Sullivan. Mr.
15 Sullivan, the last I saw the Office of Planning still
16 hadn't made a recommendation. I'm trying to pull up the
17 file here.

18 I guess you can speak to that. Do you know about
19 that?

20 MR. SULLIVAN: They filed it yesterday.

21 CHAIR HILL: Why do I not have that? Okay. Well
22 then Mr. Sullivan as I continue to search my files if you
23 want to please go ahead and walk us through your
24 application and why you believe your client is meeting the
25 criteria for us to grant the relief requested.

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1 And I'm going to put two -- fifteen minutes on the
2 clock so we know where we are, and you can begin whenever
3 you like.

4 MR. SULLIVAN: Thank you, Mr. Chair.

5 If Mr. Young could please load the Power Point
6 presentation.

7 The property is 357 Parkland Place, SE. Next slide
8 please.

9 This is an RA-1 case; it's located in RA-1, approved
10 currently with a three story, two unit building. The
11 Applicant is proposing to add two units in the existing
12 basement level of the building for a total of four units
13 and there's no changes to the exterior of the building at
14 all.

15 ANC 8C is unanimously in support, and it's not
16 listed here but we do have the recommendation of the
17 Office of Planning now. Next slide please.

18 So, I'm sorry -- it's actually two stories but with
19 the lower level, so it's three levels, two stories. And
20 the two extra studio units are going in the lower level.
21 Next slide please.

22 This is the rear of the building. There's not going
23 to be any changes here. No changes to the exterior at
24 all. Next slide please.

25 There's the plat. Next slide please.

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1 There's the front elevation. Again, not changing.

2 Next slide please.

3 There's the site plan. There was a communications
4 room being added in previous versions of the plans. That
5 was removed. And so there's now no changes at all to the
6 FAR or lot occupancy. Next slide please.

7 Front elevation. Showing where the units are going.
8 Next slide please.

9 The application is in harmony with the general
10 purpose and intent of the zoning regulations and zoning
11 maps and will not tend to affect adversely the use of
12 neighboring property. The RA-1 zone provides for areas
13 predominantly developed with low to moderate density
14 development including multi-family residential buildings.
15 And this project is in harmony with that.

16 The area is made up of a mix of moderate density,
17 multi-family developments and the buildings adjacent to
18 the property along the block have at least two residential
19 units and are similar in scale to this building.

20 The Applicant is not proposing to alter the existing
21 building footprint or massing. Next slide please.

22 Regarding the specific criteria, it is expected that
23 the Office of State -- Superintendent of Education will
24 not have an issue with the increased residence from two
25 units. The property is well served by public

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1 transportation as noted here, including five priority
2 court or bus lines and it's noted, OP has not yet filed a
3 report in regards to 421.3 but they have today. They
4 hadn't as of the time that I filed this. Next slide
5 please.

6 And that's it. Obviously without OP's report,
7 without having -- making any changes to the building,
8 concerns about site plan and grading and light and air,
9 not really applicable in this case.

10 That's all we have. Thank you.

11 CHAIR HILL: Okay. Thanks Mr. Sullivan. I'm just
12 curious, you don't have to pull back up the slide. What's
13 a communications room?

14 MR. SULLIVAN: I wasn't really sure. I just --
15 apparently it wasn't essential and so I asked him to
16 remove it.

17 CHAIR HILL: Okay.

18 MR. SULLIVAN: But I assume it was for -- it was for
19 some sort of utility equipment.

20 CHAIR HILL: Okay. Got it. Okay. All right. My I
21 turn it to the Office of Planning please.

22 MS. BROWN ROBERTS: Good morning, Mr. Chairman and
23 members of the BZA. For the record, I'm Maxine Brown
24 Roberts in the Office of Planning on BZA case 20969.

25 The Office of Planning did file the supplemental

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1 report yesterday and it's at Exhibit 35. So the proposal
2 is to add two new units to an existing two-unit building.
3 And as stated in our application, the proposal, and as
4 stated by the Applicant, that the proposal would meet all
5 the development standards of the RA-1 zone.

6 As demonstrated in our report, the proposal also
7 meets the special exception requirements of subtitle U 421
8 and therefore the Office of Planning recommends approval
9 of the requested special exception.

10 Thank you, Mr. Chairman, and I'm available for
11 questions.

12 CHAIR HILL: Okay. Does anybody have any questions
13 for the Office of Planning?

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

15 Mr. Sullivan, do you have anything at the end?

16 MR. SULLIVAN: No I don't. Thank you, Mr. Chairman.

17 CHAIR HILL: Okay. Thank you.

18 Thank you, Ms. Brown Roberts.

19 MS. BROWN ROBERTS: Okay.

20 CHAIR HILL: Okay. We're going to close the hearing
21 on the record. Okay. You guys have that? This is pretty
22 straightforward actually. Again, I think that the
23 criteria is being met. I would agree with the analysis
24 that the Office of Planning has put forward in their
25 report and also the -- and I again just note that the ANC

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1 is in support of the application. I will be voting in
2 support of the application itself.

3 Chairman Hood, do you have anything you'd like to
4 add?

5 ZC CHAIR HOOD: Chairman, at first I thought this
6 was RF-1, I was trying to figure out how we got here but I
7 had that incorrect. It is RA-1. So I would agree. I
8 think it meets the development standards for RA-1 and I
9 think the Applicant has made its case and as you have
10 already mentioned, ANC is supportive so I don't have any -
11 - I would be voting in support of this.

12 CHAIR HILL: All right. Thank you, Chairman Hood.
13 Vice Chair John?

14 VICE CHAIR JOHN: Thank you, Mr. Chairman. I think
15 this application is fairly straightforward and I thank the
16 Applicant for making the corrections to remove that
17 communications room. And I'm in support.

18 CHAIR HILL: Thank you. All right, I'm going to
19 make a motion then to approve Application No. 20969 as
20 caption read by Secretary and ask for a second. Ms. John?

21 VICE CHAIR JOHN: Second.

22 CHAIR HILL: The motion has been made and seconded.
23 Mr. Moy, if you could take a roll call please?

24 MR. MOY: When I call your name if you'll please
25 respond to the motion made by Chairman Hill to approve the

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1 application for the relief requested. The motion to
2 approve was seconded by Vice Chair John.

3 Zoning Commission Chair Hood?

4 ZC CHAIR HOOD: Yes.

5 MR. MOY: Vice Chair John?

6 VICE CHAIR JOHN: Yes.

7 MR. MOY: Chairman Hill?

8 CHAIR HILL: Yes.

9 MR. MOY: We have no other members participating
10 today. Staff would record the vote as three to zero to
11 two and this is on the motion made by Chairman Hill to
12 approve. Motion to approve was seconded by Vice Chair
13 John. Members voting to approve the application is Zoning
14 Commission Chair Anthony Hood, Vice Chair John, and
15 Chairman Hill. Motion carried, sir. Three to zero to
16 two.

17 CHAIR HILL: Thank you, Mr. Moy. Give me one moment
18 please. All right Mr. Moy, you may call our next case
19 when you get an opportunity.

20 MR. MOY: The next case is Application No. 20963 of
21 Thomas Schultz, S-C-H-U-L-T-Z. This is an amended self-
22 certified application pursuant to subtitle X, section
23 901.2 for special exception under subtitle C, section
24 1501.1(c). From the penthouse height requirement of
25 subtitle C, section 1501.1.(b)(2). And special exception

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1 from the implosion wall requirement, subtitle C, section
2 1503.4 pursuant to subtitle C, section 1506.1 and subtitle
3 X, section 901.2.

4 Property located in the RF-1 zone at 1315 Corcoran
5 Street, NW, Square 240, Lot 25. And I think that's all I
6 need to say. Yeah. Thank you.

7 CHAIR HILL: Okay. If the Applicant can hear me, if
8 they could please introduce themselves for the record.

9 MR. SULLIVAN: Marty Sullivan with Sullivan and
10 Barros on behalf of the Applicant.

11 CHAIR HILL: Okay. Mr. Sullivan. I'm going to go
12 ahead and let you walk us through your client's
13 application and why you believe they're meeting the
14 criteria for us to grant the relief requested. I hadn't
15 seen the Office of Planning's report. I now see it and so
16 I'm having an opportunity to walk through that. However,
17 I still don't see -- oh no, I do. Okay.

18 From the ANC. I wasn't sure whether we had an ANC
19 report. We do. So therefore Mr. Sullivan, please go
20 ahead and please again, walk us through your client's
21 application. I'll put 15 minutes on the clock so I know
22 where we are, and you may begin whenever you like.

23 MR. SULLIVAN: Thank you, Mr. Chairman. I believe
24 the project architect should be on the panel here, Michael
25 Beidler.

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1 CHAIR HILL: Great. Mr. Beidler, if you're here --
2 I see you waiving. Could you please introduce yourself
3 for the record.

4 MR. BEIDLER: Michael Beidler from Trout Design
5 Studio.

6 CHAIR HILL: Great. Thank you, Mr. Beidler.
7 All right, Mr. Sullivan.

8 MR. SULLIVAN: Thank you, Mr. Chair.

9 Mr. Young if you could please load the Power Point
10 presentation.

11 So the property is 1315 Corcoran Street, NW. Next
12 slide please.

13 The property is in the RF-1 zone. It's a flat. And
14 the Applicant is proposing to construct a mechanical
15 penthouse on the roof of the existing building. Applicant
16 is requesting -- this is self-certified -- two areas of
17 relief. Special Exception from C 1501.1(b)(2) because the
18 top, or the height of the proposed penthouse is higher
19 than the manner of right building height for the building.
20 And two, Special Exception relief from the requirement
21 that requires walls enclosing the penthouse mechanical
22 space to be of a single uniform height.

23 ANC 2F has voted unanimously in support of this
24 application. I want to address the Office of Planning
25 report. They mention that they don't believe that we need

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1 relief from the first request. And we've been back and
2 forth with DOB on this since, really since January or
3 February trying to get a good answer and it's not clear to
4 me that DOB agrees that we don't need that relief. And so
5 out of an abundance of caution, we wanted to include that
6 relief as well.

7 Now there are no specific criteria for that, it's
8 just the general criteria. So in proving that we meet the
9 general criteria for the second relief, area of relief,
10 which does have specific criteria, we think that the Board
11 could find that we also meet the requirements to approve
12 the other special exception. And I don't know, maybe the
13 Office of Planning could -- would weigh in as well on
14 their thoughts on that.

15 Although I think their report officially just stated
16 that we don't need the relief and so they didn't really
17 have an opinion on that. Next slide please.

18 And I'll turn it over to Mr. Beidler to explain the
19 project. Thank you. Michael? You're muted Michael.

20 MR. BEIDLER: Sorry. I just clicked out of the
21 screen.

22 As you can see here, on the second floor plan, third
23 floor plan, there is a -- and then the roof plan.

24 The second floor plan is basically the master
25 bedroom suite with a nursery here on the top floor and

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1 then the stairwell. And the mechanical penthouse is over
2 the stairwell and over part of the, what's shown as the
3 master bathroom there.

4 If you look at the roof plan, there's a mechanical
5 penthouse that has the air handlers for several of the
6 floors up there and then there are a couple of skylights
7 that punch through that to the stairwell below. It's very
8 simple.

9 Is there a slide that shows the section? We've been
10 through historical on this --

11 MR. SULLIVAN: Yeah, next -- this -- there --

12 MR. BEIDLER: Yep. So the profile of the penthouse
13 here was designed to that it is not visible from anywhere
14 in the public space. Historic has approved this back when
15 we submitted our original permit a year and a half ago or
16 two years ago.

17 So really that space up there is just for the
18 mechanical equipment for the house.

19 MR. SULLIVAN: Next slide please because I think we
20 included the site plan here. Okay. So I can go through
21 the general requirements here. But included on this is a
22 site line drawing which wasn't necessarily a requirement
23 but --

24 Mr. Beidler, this does -- you do have HPO staff
25 approval for this construction. Is that correct?

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1 MR. BEIDLER: We do.

2 MR. SULLIVAN: Okay.

3 MR. BEIDLER: And it's not visible anywhere from
4 public space.

5 MR. SULLIVAN: Thank you. So the proposal is in
6 harmony with the general purpose and intent of the zoning
7 regulations and zoning maps. Subject property will remain
8 a two-family residential flat. Penthouse height is
9 permitted but by way of special exception.

10 The thing about -- the reason why OP thinks we don't
11 need relief is because the regulations to me seem fairly
12 clear that we should not need this relief for a mechanical
13 penthouse. But I'm not confident that that's the answer
14 we're going to get from DOB. When we had stairs included
15 in this and it was a stairway penthouse, the answer from
16 DOB was, it's habitable not mechanical.

17 It wasn't clear whether that was because of the
18 stairs or not. But a stairway tower is very specifically
19 included in mechanical and yet they were calling it
20 habitable. So I don't expect that they're going to change
21 their opinion and frankly it's been really difficult to
22 get a response out of them.

23 And so in the event that they would term a portion
24 of this habitable, I'm not sure how because it just has a
25 ceiling and you can only access it with some difficulty to

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1 get to the mechanical equipment, we want to still include
2 this relief.

3 CHAIR HILL: Mr. Sullivan, how do you get to it?
4 You just have to have a ladder or something, right?

5 MR. SULLIVAN: Mr. Beidler can explain.

6 MR. BEIDLER: If you can go back to the previous
7 slide. On the third -- no sorry, one more slide. Thank
8 you very much. Yep.

9 So in the master bathroom above the bathtub you'll
10 see there is a sky light, and you can see that on the roof
11 plan as well. That sky light now has an access hatch. So
12 you would put a ladder in the master bathroom and go
13 through that hatch to get up on the roof to service the
14 condensers on the north end of the roof at the top of the
15 page and also then the air handlers that are in the
16 penthouse.

17 CHAIR HILL: How do you get to the other side of the
18 roof?

19 MR. BEIDLER: The roof is all completely -- like the
20 area around the square sky light that's above the master
21 bath --

22 CHAIR HILL: How do you access the other part?

23 MR. BEIDLER: -- that's all basically flat roof.

24 CHAIR HILL: I got you.

25 MR. BEIDLER: And I think Mr. Sullivan may have some

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1 photographs in the --

2 CHAIR HILL: That's okay. I see it. I understand.
3 Okay.

4 Go ahead, Mr. Sullivan. Sorry.

5 MR. SULLIVAN: Thank you. Next slide, and next
6 slide, and next slide.

7 So the specific requirements -- and this is for the
8 relief from the uniform height of the penthouse walls --
9 the relief requested will result in a penthouse that has a
10 better design without appearing to be an extension of the
11 building wall and is visually less intrusive.

12 If the walls were of equal height they would
13 basically be higher in some locations. And providing the
14 unequal height has allowed us to lower the height in
15 portions of the penthouse and to make sure that it's not
16 visible from the public space. And as noted before of
17 course, HPO staff has approved this design. Next slide
18 please. And I think that's it. Yeah.

19 Thank you. So if the Board has any questions for me
20 or for Mr. Beidler.

21 CHAIR HILL: Thank you. I'm going to first turn to
22 the Office of Planning if I could.

23 MS. MYERS: For the record Crystal Myers with the
24 Office of Planning. The Office of Planning is in support
25 of the relief related to the uniform height of the walls

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1 for the penthouse.

2 We did not believe that the other relief was
3 relevant. The criteria for 1501.1(b)(2), the height
4 related one is more related to the matter of right
5 criteria for a penthouse, for a habitable penthouse. And
6 in this case the Applicant is saying that this is a
7 mechanical penthouse. And we did not feel that the other
8 relief was relevant, so we just focused our report on the
9 penthouse wall uniform height issue.

10 And with that you know, I'll say on the record, the
11 staff report but of course I'm here for questions.

12 CHAIR HILL: Got it. I mean the Office of Planning,
13 like I understand why the Applicant is requesting the
14 relief out of an abundance of caution and that DOB is
15 going through new leadership and so there might be just
16 some adjustment and changes going on there.

17 Did the Office of Planning have any issues with the
18 requested relief?

19 MS. MYERS: We don't object to it, we just didn't
20 think it was relevant. But we don't -- we don't have an
21 opinion on it.

22 CHAIR HILL: Okay.

23 MS. MYERS: We thought it was -- it's not even
24 relief really, it's criteria but we are okay with it if
25 the Board decides to approve it, to approve both reliefs.

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1 CHAIR HILL: Okay. All right. Does anybody have
2 any questions of the office of planning?

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

4 MR. YOUNG: We do not.

5 CHAIR HILL: Okay. Mr. Sullivan, do you have
6 anything at the end?

7 MR. SULLIVAN: No. Thank you.

8 CHAIR HILL: Okay. I'm going to go ahead and close
9 the hearing and the record. Okay. I didn't have any
10 issue with what the applicant was asking for in terms of
11 again, out of an abundance of caution asking for the
12 penthouse habitable space. And so it also being that as
13 they say -- okay -- is from the general criteria and as
14 for us to grant that relief.

15 The Office of Planning also not having an issue with
16 it, I would be in favor of that as well. I also would
17 agree that they are meeting the other criteria for the
18 relief that is being requested and I also note that --
19 let's see -- that the ANC has provided their report and
20 having no issues or concerns.

21 Does anyone have anything they would like to add?
22 Chairman Hood?

23 ZC CHAIR HOOD: I have nothing, Mr. Chairman.

24 CHAIR HILL: Vice Chair John?

25 VICE CHAIR JOHN: Thank you, Mr. Chairman. I am in

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1 general agreement and I, listening to the applicants and
2 looking at the drawings, I don't believe this is habitable
3 penthouse space as well. But I don't object to granting
4 the relief the Applicant requested out of an abundance of
5 caution.

6 CHAIR HILL: Okay. So the secretary did read the
7 relief as requested, as the Applicant has put forward. I
8 would like to make a motion to approve Application No.
9 20963 as captioned and read by the secretary and ask for a
10 second.

11 Ms. John?

12 VICE CHAIR JOHN: Second.

13 CHAIR HILL: Motion made and seconded.

14 Mr. Moy, if you could take roll call please.

15 MR. MOY: Thank you, Sir. When I call your name if
16 you will please respond to the motion made by Chairman
17 Hill to approve the application for the relief requested.
18 The motion to approve was seconded by Vice Chair John.

19 Zoning Commission Chair Hood?

20 ZC CHAIR HOOD: Yes.

21 MR. MOY: Vice Chair John?

22 VICE CHAIR JOHN: Yes.

23 MR. MOY: Chairman Hill?

24 CHAIR HILL: Yes.

25 MR. MOY: We have no other board members. Staff

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1 would record the vote as three to zero to two and this is
2 on the motion made by Chairman Hill to approve. The
3 motion to approve was seconded by Vice Chair John.
4 Members voting to approve the application is Zoning
5 Commission Chair Anthony Hood, Vice Chair John, and
6 Chairman Hill. Motion carried, sir. Three to zero to
7 two.

8 CHAIR HILL: Thank you, Mr. Moy. You may call our
9 next case if everyone's good moving forward. Okay. When
10 you get an opportunity, Mr. Moy.

11 MR. MOY: The next case before the Board is
12 Application No. 20979 of Lynn Parrish. Self-certified
13 application pursuant to subtitle X, section 901.2 for
14 Special Exception under subtitle D, section 52.01 from
15 side yard requirements of subtitle D, section 207.1.
16 Property located in the R-1-B zone at 4531 Q Street, NW.
17 Square 1367, Lot 34.

18 That's all I have. Thank you, sir.

19 CHAIR HILL: Thank you, Mr. Moy.

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

22 MR. SULLIVAN: Marty Sullivan with Sullivan and
23 Barros on behalf of the Applicant and with us here also is
24 Ellen Whitmore, the project architect. And the property
25 owner may be here, I'm not sure.

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1 CHAIR HILL: Okay. Thanks Mr. Sullivan. Mr.
2 Sullivan, if you want to go ahead and just walk us through
3 the application and why you believe your client is meeting
4 the criteria for us to grant the relief requested. I'm
5 going to put 15 minutes on the clock so I know where we
6 are, and you can begin whenever you like.

7 MR. SULLIVAN: Thank you, Mr. Chairman and board
8 members. If Mr. Young could please load the slide
9 presentation. Thank you.

10 This is for 4531 Q Street, NW. Next slide please.

11 Property is in the R-1-B zone district. The
12 building is already significantly set back from the front
13 line. You can see from the diagram here it's set back
14 from Q Street as a necessity because of the topography in
15 front of the building on this block. So the only place to
16 put an addition is in the rear. And so rear yard setback
17 relief is required.

18 The resulting lot occupancy with the addition will
19 only be 32 percent but the rear yard requirement will be
20 five feet four inches. Behind this in the back, that's a
21 paper alley. So there's just foliage and trees and brush
22 back there. And so it doesn't affect anything on the
23 alley or on those properties across the alley.

24 And the adjacent house to the south has a similarly
25 massing rear addition very close to the lot line. That

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1 was granted by variance relief in 1992. Next slide
2 please.

3 ANC-3D has voted unanimously in support of the
4 application, and we do have recommendation of the Office
5 of Planning as well and we have letters of support from
6 each of the adjacent neighbors. Next slide please. And
7 I'll turn it over to Ms. Whitmore to take you through the
8 photos and the plans. Thank you.

9 MS. WHITMORE: Hello. Thank you for your time. On
10 the photo on the left is showing the topography on the
11 front of the property. There are two --

12 CHAIR HILL: Ms. Whitmore. Ms. Whitmore, I'm sorry
13 to interrupt you. Could you introduce yourself for the
14 record?

15 MS. WHITMORE: Sorry. My name is Ellen Whitmore. I
16 work at Case Design Remodeling. I'm the Project Designer.

17 CHAIR HILL: Thank you, Ms. Whitmore. Please
18 continue.

19 MS. WHITMORE: So the photo on the left shows the
20 topography at the front of the lot and why the houses are
21 pushed so far back. The photo on the right is showing the
22 existing condition of the house, the rear wall of the
23 house. There is a screen porch on the left there that
24 we're leaving. There's a dormer on the top right that
25 we're going to incorporate into the new addition.

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1 You can see a little bit on the far right of that
2 photo the addition at the house to the south. Next slide
3 please.

4 There again is a picture on the left of the rear of
5 our property and then on the right is a picture of the
6 addition that was put on the house to the south of us.
7 And there is a tree and all kinds of greenery on the far
8 right which is in the alley that's not an alley. Next
9 slide.

10 This is our proposed site plan. You can see the
11 buildings on either side. Both of the neighboring
12 buildings have been granted zoning relief in the past.

13 Our addition is a two-story addition on a crawl
14 space shown on the shaded area. Next slide please.

15 This is the existing basement and first floor.
16 We're going to be taking out a small areaway that leads to
17 the basement. Next slide.

18 The existing second floor. We're going to be
19 removing part of the wall, the dormer, but otherwise
20 leaving that floor alone. Next slide.

21 This the proposed basement plan showing the
22 crawlspace and relocating an areaway down to the basement.
23 Next slide.

24 This shows the extent of the new room on the back of
25 the house. It's a modest family room with a slight

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1 kitchen expansion. The screen porch is remaining. Next
2 slide.

3 This is what it looks like on the second floor.
4 We're adding a small bedroom. Next slide.

5 This is showing the exterior elevation facing the
6 neighbor to the south. The house is brick. We're going
7 to be doing a Hardie siding addition. Next slide.

8 This is the front of the house just showing the
9 technical recalculation of the building height. A tiny
10 bit of this addition will show over the front of the roof
11 but from any angle where you would stand you wouldn't be
12 able to see it. Next slide.

13 The addition facing the neighbor to the north
14 there's some windows and French doors and Hardie siding.
15 Next slide.

16 This shows the rear, and this is the basic rear
17 addition with windows and siding. Next slide.

18 MR. SULLIVAN: Thank you, Ellen. So the project
19 meets the general requirements. It is in harmony with the
20 purpose and intent of the zoning regulations located in
21 the R-1-B intended to provide for areas predominantly
22 developed with detached houses on moderately sized lots
23 and the property will remain a detached, single-family
24 dwelling, and the lot occupancy is 32 percent, still well
25 under the 40 percent limit in this zone.

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1 And also I'll note that -- well actually I'll save
2 this for the next slide. Next slide please.

3 Regarding light and air. So the addition will
4 essentially mirror the neighboring rear addition and note
5 that that addition has no windows and it's also to the
6 south of this property. So there's no impact on the light
7 and air or privacy as a result of that. And any resulting
8 shadow basically just falls on the area of the paper
9 alley.

10 We are proposing two south facing windows but they -
11 - as noted, there are no windows on that wall on the
12 addition, that's just a blank wall. So it doesn't impact
13 the privacy of any neighboring properties. And again,
14 both neighbors are in support.

15 Regarding character, scale, and pattern, the
16 property does not border any public alleys other than the
17 paper alley and the addition will not be visible from Q
18 Street other than, as Ms. Whitmore noted, the slight
19 increase in the height as shown behind in the elevation.
20 Next slide please. I think that's it.

21 Yes. That's it for presentation. If the Board has
22 any questions for me or Ms. Whitmore. Thank you.

23 CHAIR HILL: All right. Before I turn it to my
24 fellow board members, if I could turn to the Office of
25 Planning please.

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1 MR. LAWSON: This is Joel Lawson with the Office of
2 Planning. Just very quickly, the Office of Planning will
3 stand on the record of our report and our recommendation
4 of approval for this case. Thank you.

5 CHAIR HILL: Thanks, Mr. Lawson. Does the Board
6 have anything for either the Office of Planning or the
7 Applicant?

8 Okay. Mr. Young, is there anyone here wishing to
9 speak? Okay. Okay. Great. All right.

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

12 MR. SULLIVAN: No, thank you Mr. Chairman. No.
13 Nothing further.

14 CHAIR HILL: All right. I'm going to close the
15 hearing and the record.

16 Mr. Young, if you could please excuse everyone.

17 Okay. Although they are going from 25 feet to 5.4
18 feet for the required rear yard, I did kind of think the
19 project was modest. I would also agree with the
20 Applicant's presentation as to how they're meeting the
21 criteria. I didn't think there was any issues again, with
22 light and air, and also I do believe that they're within
23 the plans of the zoning regulations.

24 I also am happy to see that the Office of -- sorry -
25 - the ANC has provided their support although they believe

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1 that Chairman Hood is the head of the Board of Zoning,
2 which is great Chairman Hood, if you'd like to be the
3 head, you're welcome to take over any time you're here.

4 And I do not think that they will be unduly
5 compromising the privacy and enjoyment of the neighboring
6 properties. And so I will agree with again, the
7 Applicant's statement as well as that of the Office of
8 Planning as well as that of the ANC and vote to approve.

9 Chairman Hood, do you have anything you'd like to
10 add?

11 ZA CHAIR HOOD: Thank you, Chairman. I think this
12 is pretty straightforward. I think the relief requested
13 has been mitigated. If there are any mitigations matters
14 that need to be put in place I will be voting in support
15 of this. Thank you, Mr. Chairman.

16 CHAIR HILL: Thank you, Chairman Hood.

17 Vice Chair John?

18 VICE CHAIR JOHN: Thank you, Mr. Chairman. So I'm
19 in support of the application, and it meets all of the
20 development standards except for the rear yard relief
21 which I support because it's -- the rear yard is next to
22 the 15 foot paper alley. So in terms of light and air and
23 privacy I don't believe there would be significant impact
24 to any neighboring properties.

25 And the properties to the rear, the property

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1 directly to the rear has a very large setback, well a
2 large rear yard setback. So for all of those reasons and
3 what's already been stated and I'm going to give great
4 weight to the Office of Planning's report, I'm in support
5 as I said earlier.

6 CHAIR HILL: Okay. Okay. Okay. Great. All right.
7 I'm going to go ahead and make a motion to approve
8 Application No. 20979 as captioned and read by secretary
9 and ask for a second. Ms. John?

10 VICE CHAIR JOHN: Second.

11 CHAIR HILL: Motion made and seconded.

12 Mr. Moy if you could take a roll call please.

13 MR. MOY: Thank you, sir. When I call your name if
14 you'll please respond to the motion made by Chairman Hill
15 to approve the application for the relief requested. The
16 motion to approve was seconded by Vice Chair John.

17 Zoning Commission Chairman Hood?

18 ZC CHAIR HOOD: Yes.

19 MR. MOY: Vice Chair John?

20 VICE CHAIR JOHN: Yes.

21 MR. MOY: Chairman Hill?

22 CHAIR HILL: Yes.

23 MR. MOY: We have no other members participating.
24 Staff would record the vote as three to zero to two and
25 this is on the motion the Chairman made to approve the

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1 application. Motion to approve was seconded by Vice Chair
2 John. Members voting to approve, Zoning Commission Chair
3 Anthony Hood, Vice Chair John, and Chairman Hill. No
4 other members. Motion carries. Three to zero to two.

5 CHAIR HILL: Thank you, Mr. Moy. Mr. Moy, you may
6 call our next case.

7 MR. MOY: The next case is Application No. 20988 of
8 Himmelfarb, that's H-I-M-M-E-L-F-A-R-B, Properties, Inc.
9 Self-certified application pursuant to subtitle X, section
10 901.2 for Special Exception under subtitle U, section
11 802.1(g) that would permit an automobile repair use within
12 200 feet of a residential zone.

13 The zone -- property is located in zone PDR-1 at
14 1221 Taylor Street, NW, square 2911, lot 816. And I
15 believe that's all I have. Thank you, sir.

16 CHAIR HILL: Great. Thank you.

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

19 MR. SULLIVAN: Marty Sullivan with Sullivan and
20 Barros on behalf of the Applicant. And possibly with us
21 on the panel is a representative of the property owner,
22 David Preston -- I'm not certain if he's coming or not --
23 and the general manager of the Service King operation,
24 John Morroni.

25 CHAIR HILL: Okay. I see both in the hearing room

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1 and Mr. Sullivan, we'll see who we get to as you're doing
2 your presentation. If you do, or if the two gentlemen do
3 provide testimony, if you could please introduce
4 yourselves for the record before you provide your
5 testimony.

6 Mr. Sullivan if you could walk us through your
7 client's application and why you believe they're meeting
8 the criteria for us to grant the relief requested. I'll
9 put 15 minutes on the clock so I know where we are, and
10 you can begin whenever you like.

11 MR. SULLIVAN: Thank you Mr. Chairman and members of
12 the board.

13 Mr. Young, if you could please load the slide
14 presentation. Thank you.

15 The property is 1221 Taylor Street, NW. The
16 property owner is Himmelfarb Properties. Next slide
17 please.

18 Property is located in a PDR-1 zone district and
19 it's improved with a commercial building. And the
20 building's lower level cellar space, it's approximately
21 20,000 square feet of space, is currently vacant and it's
22 been vacant for about six years.

23 Service King Collision Repair & Body Shop currently
24 operates out of a building at 4121 13th Street, NW. It's
25 in the same square as the subject property although it's

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1 not contiguous to this property, so this is really a new
2 use, not an expansion of an existing use.

3 Service King seeks to expand its operation using
4 this subject premises at 1221 Taylor. And the use of the
5 subject premises for auto body repair is permitted by
6 special exception approval pursuant to U 802.1(g) which
7 permits auto repair uses within 200 feet of residential
8 zones subject to these requirements.

9 And the proposed use consists of, and if you have
10 any further questions on this Mr. Morroni could answer
11 those, on auto body repair operations which involves
12 disassembling damaged car parts, installing replacement
13 parts, and sanding and finishing. The operation at the
14 subject property relies primarily on the use of battery
15 operated hand tools, and in some cases hand tools powered
16 by compressed air via a compressor unit which will be
17 installed as part of this fitting of the space.

18 And once the new auto body parts are installed and
19 sanded at the subject premises, the cars are then
20 relocated to the existing Service King location at 4121
21 13th Street, NW for painting. And that's -- actually
22 painting was never, is not intended to take place here and
23 it never was, but the ANC did note that as a condition of
24 their approval too. They were in favor of that as well,
25 that the painting takes place at the existing space. Next

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1 slide please.

2 So the two highlighted areas show the space. The
3 space on the left, 4121 13th is the existing Service King
4 space, and 1221 Taylor is the proposed space. I think
5 this would be a good opportunity to go see a photo. If we
6 could go to the next slide please. Next slide.

7 So there's a driveway under, to the left of 1221
8 Taylor. And this is where the entrance is. So cars will
9 be brought to the site, to the existing Service King space
10 when they're processed and taken in and ready for work.
11 This is essentially the extended space. They'll be
12 brought here, down this ramp, downstairs underneath the
13 building and they'll turn right. Next slide please.

14 And be in this space. So this space is actually
15 perfect for a use like this. It's under 12 inches of
16 concrete separating it from the office building, or the
17 commercial building above it. The commercial building
18 houses MBI Health Services which is a for-profit
19 contractor of the DC Government that treats people with
20 mental illness. Next slide please.

21 This is showing the location of the air compressor.
22 This is the only piece of equipment that potentially makes
23 noise or vibration, although we don't expect it to make
24 much. There's actually two air compressors at the
25 location at 4121 and that's also adjacent to a space that

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1 services veterans for PTSD and they've operated there for
2 four years without complaints.

3 So it's in the corner of the space underneath. It
4 will be in a soundproof room, and it will be underneath
5 this driveway, so it won't be underneath the space, the
6 commercial space above it. This is the right side of the
7 building here that you're looking at. The driveway I
8 showed you originally was the left side of the building.
9 Next slide please.

10 This is the site plan, but it doesn't have -- in the
11 bottom right corner of that is where you would see the air
12 compressor room. Next slide please.

13 So the proposal's in harmony with the purpose and
14 intent of the zoning regulations and zoning maps and will
15 not tend to affect adversely the use of neighboring
16 property. The PDR zones provide for heavy, commercial,
17 and light manufacturing activities, employing large
18 numbers of people and requiring some heavy machinery under
19 controls that would minimize any adverse effect among
20 other nearby more restrictive zones and includes areas
21 suitable for development as heavy industrial sites but at
22 the same time protects those industrial developments from
23 the intrusion of non-industrial uses that impede the full
24 utilization of property located in industrial sites.

25 This specific relief is required because of its

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1 proximity to a residential zone which makes this site so
2 great because the use is completely underground and
3 internal to the square and does not throw off any
4 additional need for parking either on the street or in any
5 surface space within the block as well. It will all be
6 interior to that space. Next slide please.

7 So the specific criteria. The biggest one is that
8 the use shall meet the standards of external effects which
9 I will address after the next couple, after two, three,
10 and four.

11 All vehicles shall be parked or stored completely on
12 site and shall not be located within any required buffered
13 area or yard adjacent to a residential zone. The vehicles
14 will all be inside the premises, inside that garage. They
15 won't be even on the site or anywhere on the street.

16 No vehicles will be parked -- the vehicles -- I'm
17 sorry -- will be driven into the underground premises and
18 will remain there until moved to the existing Service King
19 space for painting before completion.

20 And regarding the lighting of the site, all lighting
21 on the site is arranged and shielded to reduce glare and
22 avoid lights to go on to any adjacent residential
23 property. This is, basically it's underground in a garage
24 so there's no concerns about light or glare on residential
25 properties. Next slide please.

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1 So regarding the standard of external effects in U
2 804.2. I could go through all these specifically but just
3 in generally speaking, the use is not that intensive from
4 a noise emission or vibration standpoint because primarily
5 they're using hand tools.

6 So regarding 804.2, the volume of sound shall not
7 exceed the maximum permissible sound levels. There's no
8 expectation that any of the proposed activities would
9 generate anything other than a low or moderate amount of
10 noise. And in addition, there's a 12 inch thick
11 reinforced concrete floor between the premises and the
12 tenant space above. I've mentioned the air compressor
13 that will be installed in a soundproof room in the corner
14 underneath the other ramp.

15 Odorous gases. Nothing involved in this operation
16 could potentially omit or produce any odorous gases or
17 other odorous matter or stink. Nothing involved could
18 potentially omit or produce any noxious, toxic, or
19 corrosive fumes or gases. Next slide please.

20 Continuing with the standards of external effects.
21 The proposed operations will not produce cinders, dust, or
22 fly ash. In regard to sanding of the cars, Service King
23 uses special equipment that instantly vacuums and
24 eliminates dust as the sanding occurs. It essentially
25 doesn't even hit the ground or the air or even the cars

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1 around it let alone leaving the space, leaving the
2 premises.

3 Nothing, as noted before, nothing involved in the
4 proposed operation could potentially produce any direct or
5 reflected glare or heat detectable in objectionable
6 amounts. And regarding every use being operated for
7 ground vibration. The air compressor's not expected to
8 produce any material vibration however if it did as noted,
9 it's not located below the tenant space. It's located
10 below the ramp and within a dedicated sound proof room.

11 We have no barbed or razor wire. There are no
12 backup generators or power systems unless it's -- the air
13 compressor is considered a power system. It is for hand
14 tools. And as noted there, it's fully enclosed within a
15 small sound proof room within the structure. Next slide
16 please.

17 And that's it. And again, the property owner is
18 here. And the property owner actually owns the entire
19 square, so they have control of these properties, and
20 their offices are in this square, essentially in between
21 the two locations. So Mr. Preston is here if you have any
22 questions for the property owner, landlord. And Mr.
23 Morroni is here if you have any questions about the
24 operation of Service King itself. Thank you.

25 CHAIR HILL: Okay. I appreciate it, Mr. Sullivan.

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1 I'll see if the Board has any questions of your witnesses,
2 but I am glad they are here in case they have any
3 questions because we don't get a lot of PDR stuff in
4 general. But I think your walking through the criteria of
5 U 804 was helpful.

6 And I turn it to the Office of Planning and then
7 I'll turn to my fellow board members.

8 MS. MYERS: Hello again, Crystal Myers with the
9 Office of Planning. The Office of Planning is in support
10 of this case. Thank you.

11 CHAIR HILL: Thank you, Ms. Myers.

12 Does the Board have any questions of the Office of
13 Planning and/or the Applicant?

14 ZC CHAIR HOOD: I appreciate -- let me ask Mr.
15 Sullivan, you mentioned the external effects I think was
16 the first in your presentation. Who monitors the external
17 effects in the District of Columbia? And to your
18 knowledge, does it work?

19 MR. SULLIVAN: To my knowledge it's DOB that would
20 monitor those.

21 ZC CHAIR HOOD: Yes.

22 MR. SULLIVAN: And so I'm assuming it's for the
23 Board to decide the likelihood of these things in
24 relationship to the use.

25 ZC CHAIR HOOD: Okay. I also think there's another

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1 agency as well but we're not going to debate that. Let me
2 ask this of the Applicant, Mr. Sullivan. You spoke about
3 no paint, I get that. But there is going to be some
4 sanding, there is going to be some -- I assume there's
5 going to be some primer. Is all that going to be
6 considered on the painting side or is it on the pre-make
7 side of the primer? And that may be for the Applicant.

8 MR. SULLIVAN: Yes. I'd like Mr. -- maybe Mr.
9 Morroni could answer that question.

10 ZC CHAIR HOOD: Mr. Morroni.

11 MR. SULLIVAN: John. If you could introduce
12 yourself, John and answer the question. You're muted.

13 ZC CHAIR HOOD: While he's on mute, I just think
14 that's very important. Okay. Go ahead, Mr. Morroni.

15 MR. MORRONI: Is it working?

16 ZC CHAIR HOOD: Yes. Yes.

17 MR. MORRONI: Hello, John Morroni. As far as the
18 primer goes, that would be done in the other building
19 where the paint booths are. That would be done at -- not
20 at this building.

21 ZC CHAIR HOOD: So all you would do in this building
22 is just apply whatever you're going to do, whatever the
23 method is, sand it down, and then take it. And you're
24 probably going to sand it down some more and then prime
25 it. Okay.

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1 MR. MORRONI: Yes. At the other building.

2 ZC CHAIR HOOD: Okay. All right. And do you, let
3 me ask you, in the other building, I'm just curious, and
4 that's not the subject. Do you have a spray booth or how
5 do you use the other building? I'm just curious.

6 MR. MORRONI: Yes, sir. It's a -- we have two down
7 draft paint booths. The cars go inside there, and they
8 get painted, and it's waterborne paint.

9 ZC CHAIR HOOD: Okay. All right. Thank you. I
10 appreciate you answering my questions.

11 MR. MORRONI: You're welcome, sir.

12 ZC CHAIR HOOD: Thank you both.

13 MR. MORRONI: No problem.

14 ZC CHAIR HOOD: Thank you, Mr. Chairman.

15 MR. MORRONI: You're welcome.

16 CHAIR HILL: Thank you, Chairman Hood.

17 Vice Chair John, do you have anything?

18 VICE CHAIR JOHN: My questions were answered in the
19 Applicant's presentation of just how the operation would
20 work. And so my understanding is that basically there
21 will just be sanding in the building. And if there's use
22 of a compressor, that would be done in the sound proof
23 room. So how many cars do you anticipate handling at the
24 same time at that location?

25 MR. SULLIVAN: Mr. Morroni, if you could answer

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1 that. If not, I think I may have something in the
2 applicant statement about that.

3 VICE CHAIR JOHN: Yeah. I guess my question goes to
4 the fact that there's only one sound proof room and I
5 think you mentioned, Mr. Sullivan, something about the
6 dust not emitting out of the sound proof room. Did I get
7 that correct?

8 MR. SULLIVAN: No. So there's a tool that, when
9 they sand it, the tool actually eliminates and vacuums the
10 dust as it sands it. It's a particular. I'm not sure if
11 John could expand on this. I'm sure they use it at the
12 other location.

13 But it's a 3M dust tool sanding system that actually
14 makes -- the dust doesn't even touch the ground. In fact,
15 he's told me that they -- they could be painting a car
16 next, right next to it and they're not worried about the
17 dust hitting that car because this system eliminates it.
18 So that would take place in the premises, not just in the
19 sound proof -- or not in the sound proof room.

20 The sound proof room will be rather small and just
21 have the compressor.

22 VICE CHAIR JOHN: Okay. And just for my general
23 information. I guess, following on what Chairman Hood
24 mentioned. Who inspects these facilities? Who from the
25 city inspects these facilities?

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1 MR. SULLIVAN: So I'm not certain about that. DOB
2 or DOEE possibly. I know that it would be, as it's
3 conditioned, it's in the zoning regulations so I assume
4 that gives the zoning administrator some jurisdiction over
5 that as well. Although I'm guessing that would sort of be
6 a -- they would defer to the Agency or take responsibility
7 for it but yeah DOEE or DOB would do the actual analysis.

8 VICE CHAIR JOHN: So I could ask Mr. Morroni, so the
9 other facility has been operating for some time. So are
10 there regular inspections to make sure there's compliance?

11 MR. MORRONI: Every -- their random, but people come
12 in to walk through to view everything.

13 VICE CHAIR JOHN: Mm-hmm.

14 MR. MORRONI: In the other building. They just --
15 they show up and you know, we take them through so they
16 can inspect everything.

17 VICE CHAIR JOHN: And these are random people from
18 DOB or DOEE?

19 MR. MORRONI: I don't -- honestly, I don't remember
20 where they were from but over the past couple of years
21 we've had some people that have come through to walk.
22 It's every few months, maybe every -- I can't remember the
23 exact timeline. But people come in to look at everything
24 and make sure everything's running properly.

25 VICE CHAIR JOHN: Okay. Thank you.

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1 MR. MORRONI: You're welcome, ma'am.

2 CHAIR HILL: All right. Guys, it's been a long day.

3 Did I hear from the Office of Planning yet? I did? Okay.

4 Oh my gosh. Jiminy Crickett. Okay.

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

6 MR. YOUNG: We do not.

7 CHAIR HILL: Okay. All right.

8 Mr. Sullivan, is there anything you'd like to add at
9 the end?

10 MR. SULLIVAN: Just, I don't think I mentioned at
11 the beginning that ANC 4C was unanimously in support of
12 the application. Other than that nothing further. Thank
13 you, Mr. Chairman. Thank you, board members.

14 CHAIR HILL: Yeah, thanks for bringing that up Mr.
15 Sullivan. I would have tried -- I would have forgotten a
16 little bit. I mean, the ANC had a bunch of things that
17 they were trying to get the Applicant to agree to. I
18 don't think any of them really pertain to us. One of
19 which I guess seems to be street parking. And the Office
20 of Zoning legal has been kind enough to point out that
21 those are requirements that are already being addressed in
22 another area.

23 So all of the other issues are really kind of
24 outside the Board's scope. However I guess your applicant
25 is working with that ANC and is amenable to the things

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1 that the ANC was looking for. Is that correct?

2 MR. SULLIVAN: That's correct. The Applicant
3 wouldn't have any objection to any of these -- any of the
4 bullet points on the ANC resolution being conditions in
5 the BZA order. I think the last item is just an FYI, but
6 the other bullet points are things that Service King
7 already complies with and intends to continue to comply
8 with, so.

9 CHAIR HILL: Okay. Got it. All right. Okay.
10 Thank you. All right. I'm going to go ahead and close
11 the hearing and the record. All right. Let me see.
12 Okay.

13 I did appreciate the Applicant walking through all
14 of the standards in U 804. I thought that was helpful
15 because again, the PDR stuff is not something that is a
16 regular for us. In this particular case also I can't
17 recall like you know, an auto repair shop or -- I know
18 we've had some heavy industrial type applications coming
19 through us before, but I appreciate the opportunity to see
20 those in the presentation.

21 I would also agree with the special exception
22 criteria that -- the general special exception criteria
23 that has been put forward by the Applicant as well as
24 agreeing with the analysis that the Office of Planning has
25 provided.

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1 The ANC, I would not lean toward adopting any of
2 those conditions. Some I guess are really going into
3 detail that aren't I think within the Board's purview.
4 Although I guess you could argue some of them could be
5 within the Board's purview, particularly those that might
6 address lighting. But as is the case right now, I'm
7 comfortable that the Applicant has agreed to work with the
8 ANC individually on those issues, and I would be
9 comfortable leaving them to the ANC and the Applicant to
10 work out.

11 Outside of that I have nothing else to add.
12 Commissioner Hood, I'm sorry, Chairman Hood do you have
13 anything you'd like to add?

14 ZC CHAIR HOOD: No Mr. Chairman, I don't have
15 anything to add, and I appreciate Mr. Sullivan actually
16 mentioning about the standards of the emittance of the air
17 as well as some of the newer technology that is now in the
18 trade of capturing the dust, and it's being sucked up into
19 the vacuum. All those things 20 years ago were not there
20 when I was working in a body shop. So I really appreciate
21 it.

22 And I think it's very critical that we find ways in
23 this PDR zone, and it's not necessarily in this
24 application, but we do have incidents where we run into
25 cars, as we need to make sure we reserve some of those

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1 type of uses here in the city, so you don't always have to
2 run out to Maryland and Virginia to get your car fixed.

3 So I'll leave it at that, and I think this Applicant
4 will work very well as far as it sounds with the good
5 neighbor policy in that neighborhood as he's already done
6 it seems like in the past. So thank you, Mr. Chairman.

7 CHAIR HILL: Thank you, Chairman Hood.

8 Vice Chair John?

9 VICE CHAIR JOHN: Thank you, Mr. Chairman. So I'm
10 in support of the application. I appreciate the Applicant
11 stepping us through all of the criteria for approval.
12 Especially because even though this is a PDR zone, it's
13 close to a residential zone. But this -- the proposal is
14 for use in a space that's completely underground. And the
15 applicant has tried to mitigate some of the potential
16 adverse impacts through having this sound proof room.

17 And as Chairman Hood just said, having newer
18 technology to mitigate some of the dust. And I guess if
19 the Applicant is not complying with the regulations, there
20 are other agencies within the District government that
21 would be responsible for enforcing those conditions.

22 So I appreciate the ANC's support as well, and I
23 agree with Chairman Hill that some of these conditions are
24 not within our purview. They go to, deeply to the
25 internal operations of the Applicant and are not strictly

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1 zoning required. So I would not be in favor of including
2 those conditions in the order, but they are reasonable
3 concerns. Thank you.

4 CHAIR HILL: Thank you. All right. I'm going to go
5 ahead to make a motion then to approve Application No.
6 20988 as captioned and read by the secretary and ask for a
7 second. Ms. John?

8 VICE CHAIR JOHN: Second.

9 CHAIR HILL: Motion made and seconded.

10 Mr. Moy, if you would take a roll call.

11 MR. MOY: When I call your name if you will please
12 respond to the motion made by Chairman Hill to approve the
13 application for the relief requested. The motion to
14 approve was seconded by Vice Chair John.

15 Zoning Commission Chairman Hood?

16 ZC CHAIR HOOD: Yes.

17 MR. MOY: Vice Chair John?

18 VICE CHAIR JOHN: Yes.

19 MR. MOY: Chairman Hill?

20 CHAIR HILL: Yes.

21 MR. MOY: We have no other board members. Staff
22 would record the vote as three to zero to two and this is
23 on the motion to approve made by Chairman Hill. The
24 motion to approve was seconded by Vice Chair John.
25 Members voting to approve the application is Zoning

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1 Commission Chairman Hood, Vice Chair John, and Chairman
2 Hill. Motion carried, sir. Three to zero to two.

3 CHAIR HILL: Thank you. All right everyone. We
4 have one more with this attorney's firm. And so I'd say
5 let's go ahead and do that then we'll take lunch and we'll
6 come back with the one final case that we were trying to
7 get some information on.

8 Mr. Moy, unless anybody has any issues, Mr. Moy if
9 you want to call the last -- I'm sorry, the next case.

10 MR. MOY: Yes, sir. Thank you very much. So this
11 case is Application No. 20824 of Rupsha 2011, LLC. This
12 amended self-certified application as it stands is relief
13 from Special Exceptions pursuant to subtitle X, section
14 901.2 under subtitle U, section 421 to allow new
15 residential development.

16 Under subtitle F, section 5201, from the alley lot
17 minimum side yard requirements of subtitle F, section
18 5100.1(c), subtitle C, section 710.3 from the parking
19 space location requirements of subtitle C. Section
20 710.2(c) pursuant to subtitle X, section 1002, area
21 variances from the new alley record lot requirements of
22 subtitle C, section 306.1 and this new alley record lot
23 would need frontage on the public alley with a minimum
24 alley width of 24 feet, with the alley frontage no less
25 than 14 feet under C, subtitle C, section 306.1(a) and

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1 access to a public street through a public alley which
2 would be under subtitle C, section 306.1(b).

3 Property located in the RA-1 zone at 4226 Rear 6th
4 Street, SE, square 6208, lot 823. And Mr. Chairman, this
5 -- there are two commissioners from ANC 8E who have signed
6 up to testify.

7 CHAIR HILL: Okay. Thanks, Mr. Moy. If the
8 Applicant can hear me, if they can please introduce
9 themselves for the record.

10 MR. SULLIVAN: Marty Sullivan with Sullivan and
11 Barros on behalf of the Applicant.

12 CHAIR HILL: Okay Mr. Sullivan. This looks like
13 it's not going to be exactly as quick as I thought. But
14 we'll see how we get through this. Meaning that like, I
15 would have taken you after lunch. Hold on, Mr. Sullivan -
16 -

17 MR. SULLIVAN: I have a request actually. We
18 haven't filed anything, but I would like to request a
19 postponement.

20 CHAIR HILL: Okay. Okay. So before I get to you
21 there. The commissioners are here. I see one
22 commissioner, Williams. Is that correct?

23 MR. WILLIAMS: That's correct, Mr. Chairman.

24 CHAIR HILL: Commissioner Williams, could you
25 introduce yourself for the record please?

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1 MR. WILLIAMS: Absolutely. Kelly Mikel Williams,
2 Commissioner 8E03, Chairman of 8E.

3 CHAIR HILL: Okay. Commissioner Williams, thank you
4 for joining us. Thank you for taking the time to be here
5 and also the time that it's taken to get to this case.

6 Mr. Sullivan, I do see the most recent Office of
7 Planning report. And I mean, I understand the
8 application. So what is it that you would like to propose
9 in terms of your postponement and let's see what could
10 happen with the board here.

11 MR. SULLIVAN: So thank you, Mr. Chairman and
12 members of the board. There are -- there are about seven,
13 seven or eight areas where the Office of Planning is
14 asking for more information and this partially my fault.
15 I thought that the information I had provided two weeks
16 ago would be enough but it's a little more extensive than
17 that.

18 Some of these things, I think, just need responded
19 to. I think we maybe have met one or two of the issues
20 already. But the others, some others relate to getting
21 some comments from other district agencies, which is
22 obviously very important. And one relates to a question
23 about whether there's multiple record lots underlying the
24 tax lot. I didn't find information to that effect, but I
25 should probably look further because Office of Planning

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1 thinks that there is.

2 And also a grading plan which I didn't realize
3 wasn't in there. Also, sort of complicating things from
4 the Applicant, Mr. Seck who was going to be with us and
5 who we have been working with, is at a family funeral in
6 Senegal. So he's been out for the last couple of weeks
7 and he's not available today as well.

8 So combined with the fact that we think we have a
9 case, and we think that the Office of Planning thinks we
10 might have a case and that we can get there instead of
11 outright rejecting it. So in light of all that, we would
12 like to ask for a postponement and leave it to the Board
13 to provide a date. I'm not going to ask for any specific
14 date because --

15 CHAIR HILL: No, I appreciate that. It's -- it
16 sounds like it could potentially be a little while.
17 Particularly if you need Agencies to respond back.

18 But before I get to that, Commissioner Williams,
19 could you give us kind of your testimony and what your
20 understanding is of this case at this point?

21 MR. WILLIAMS: Yes, sir, Mr. Chairman. I actually
22 just got the letter from Mr. Sullivan this morning, or
23 this afternoon about the information from the Office of
24 Planning. I had been actually trying to communicate with
25 Mr. Sullivan and Mr. Seck since the last hearing to

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1 discuss the issues that the ANC had because one of the
2 issues, while parking was not something that we put in the
3 letter, it was something that I kind of, sort of allowed.
4 I kind of took it away from the commission in a way.

5 One of the issues was the parking in the alley and
6 because there is a lot next to where they're going to
7 build, that that would become another parking lot.
8 Although the Applicant does not own that area, own that
9 property. There is a daycare right behind it.

10 So there were some concerns about that. But because
11 I had spoken to Mr. Seck briefly prior to our ANC hearing
12 to vote on this issue, I felt confident that what he was
13 conveying to me we would be able to work out and you know,
14 get past.

15 Unfortunately we've had no communication since then
16 and that was back in I think early October. And I have
17 been wanting and waiting to try to communicate with the
18 Applicant to discuss our concerns and issues with the
19 parking as well as with the 11 units that they're going to
20 be building.

21 I know it's only nine with this particular
22 application, but they have two letters that we wanted to
23 discuss with them because they're all in the same area.
24 And we have not been able to do that.

25 So I welcome the continuance and the postponement so

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1 that we can do that and hopefully Mr. Seck will be you
2 know, returning from his unfortunate family emergency and
3 we can probably resolve that and be supportive of this in
4 a greater manner.

5 CHAIR HILL: Okay. Thanks, Mr. Williams. Did you
6 guys take a vote on it in support? I wasn't clear.

7 MR. WILLIAMS: We did take a vote on it in support
8 because I was confident that, in the conversation that I
9 had with Mr. Seck prior to the vote, we actually spoke
10 just before we went into the vote. And I was speaking to
11 Mr. Seck at that time.

12 And based on his commitment to me of, they were
13 going to work with us and mitigate some of the concerns
14 that we had, I encouraged my commission to vote in favor
15 of it and to, you know, let's work with them because I
16 talked to him and he's going to work with us.

17 There was commissioners who had reservations but
18 because I had personally spoken with Mr. Seck, I kind of
19 convinced them to say let's go ahead and support this
20 because we talked to the Applicant.

21 CHAIR HILL: Okay.

22 MR. WILLIAMS: And that's where it went.

23 CHAIR HILL: Okay. Okay. The reason why I ask is
24 again, your ANC is currently on the record in support. So
25 if you had any other issues, please let the Board know.

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1 MR. WILLIAMS: Okay.

2 CHAIR HILL: Just in case we're not here at the next
3 hearing, right?

4 MR. WILLIAMS: Okay.

5 CHAIR HILL: As of now, within the record --

6 MR. WILLIAMS: We can send you another letter for
7 that.

8 CHAIR HILL: Pardon me?

9 MR. WILLIAMS: I said we can send you a letter of
10 the full concerns that the commission had.

11 CHAIR HILL: Okay. What was I going to say? You
12 can send the letter Commission Williams, but you know, and
13 I'll let the Office of Zoning -- let me know if I'm
14 mistaken, but what I'm trying to let you know
15 Commissioner, is that you all are currently on the record
16 in support. And so I don't think you want to change that,
17 you're not trying to change that, that's not what you're
18 saying.

19 All that I'm saying is that if something different
20 happens between now and the next time we're here, and
21 you're not here, then let the Board know. Okay?

22 MR. WILLIAMS: Okay. We can do that.

23 CHAIR HILL: Okay. Thank you.

24 MR. WILLIAMS: Thank you.

25 CHAIR HILL: So Mr. Sullivan, we are now already in

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1 -- I love it, my gosh -- we're already at Thanksgiving.
2 And so then you've got December I know is completely gone.
3 Then there's January, then Mr. Moy, what is happening.

4 And I know this one has been around for a long time
5 which they're fortunate in that they now have
6 representation that can help them shepherd this through
7 one way or the other because this has been around for so
8 long that it was going to possibly get denied or just
9 dismissed because it's been around for so long.

10 So I would not want to take up the Board's time
11 again with having to re-read, and read, and prepare, and
12 then postpone it again. And so Mr. Moy, first of all,
13 when is kind of the next time that the Board even has the
14 ability to put stuff on its docket?

15 MR. MOY: Thanks for that narrative, Mr. Chairman.
16 If pushed, the Board could see this on January 31st, but
17 you already have seven cases for that day. And if I push
18 it to the following week which would be February the 7th,
19 you have three cases, two appeals. I'm attempting -- I'm
20 planning on moving one of those appeal cases forward to a
21 future date. So that could be a possibility, February
22 7th. But I think it's more likely to take this up either
23 February 14th or later.

24 CHAIR HILL: Okay. So Mr. Sullivan, what is
25 February 14th looking like in terms of your ability to get

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1 all of this done and tidied up by then?

2 MR. SULLIVAN: That's plenty of time.

3 CHAIR HILL: All right. Okay. Mr. Sullivan, we
4 will see you then --

5 Commissioner Williams, can you hear me?

6 MR. WILLIAMS: Yes, sir. I can.

7 CHAIR HILL: They are going to try and do a bunch of
8 stuff. Or I shouldn't say try to do a bunch of stuff.
9 They're trying to get information to the Office of
10 Planning. I'm sure Mr. Sullivan is going to reach out to
11 you, Mr. Williams, or someone from his office, to make
12 sure that you are informed of what things are going on.

13 Correct, Mr. Sullivan?

14 MR. SULLIVAN: Yes of course. And I struggled -- I
15 didn't do that until yesterday, I reached out to Mr.
16 Williams. And so I intend to do that and continue to work
17 with them because regardless of the letter of support, we
18 want -- we know there's some concerns and we want to
19 continue to work with them.

20 CHAIR HILL: Okay. And Mr. -- Commissioner
21 Williams, I mean I know -- I can't see your face but for
22 some reason I think I know you, I recognize you. But Mr.
23 Sullivan's firm does this and so they're very aware of
24 keeping up their relationship with the ANCs. So they will
25 be reaching out to you. And Commissioner, we're going to

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1 be back here on February 14th.

2 MR. WILLIAMS: Okay. That's fine.

3 CHAIR HILL: Okay.

4 MR. WILLIAMS: And I recognize also, in their
5 defense, that they were going to do a multi-unit
6 originally and it was in another ANC and now because of
7 redistricting they're in our ANC and now they're doing
8 nine townhouses of single family.

9 So in their defense to somewhat of the delays,
10 they've had to go from one thing to another and now they
11 have new representation. So I don't know if that helps
12 them any but certainly I wanted to say that on the record
13 for you, Mr. Chairman if you weren't aware of the long
14 history and where it started.

15 CHAIR HILL: Thank you. Thank you, Commissioner.
16 That's kind and helpful of you.

17 All right. I'm going to go ahead, unless my fellow
18 board members want to raise their hand with anything.
19 Okay. I'm going to go ahead and close this portion of the
20 hearing on the record and postpone the case to 2/14.

21 Okay, Mr. Moy? Okay. So we're going to take --

22 MR. WILLIAMS: Thank you, Mr. Chairman.

23 CHAIR HILL: Thank you, Commissioner Williams.

24 All right. We're going to take lunch. Okay. And
25 then we'll come back for that one case that hopefully all

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1 the items into the record that we wanted are in the
2 record. Do you want to say 1:45? Is that fair? Okay.
3 All right. See you guys at 1:45. Thank you.

4 (Whereupon, the above-entitled matter went off the
5 record at 1:02 p.m. and resumed at 1:52 p.m.)

6 CHAIR HILL: If you would please call us back into
7 session and recall that case that we were trying to work
8 with.

9 MR. MOY: With pleasure, thank you. The board has
10 returned to its public hearing session after a lunch
11 recess and the time is now at or about 1:52 p.m.

12 So the board is returning to a previous case that
13 started in the morning. And this is case Application No.
14 20978 of 2626 Penn, LLC. And I believe, Mr. Chairman if
15 you go to the case record, I believe there should be a
16 filing or documentation that the party who was originally
17 in opposition has now filed to withdraw their party status
18 request.

19 But I'll let the Applicant and the party status
20 clarify that. Thank you.

21 CHAIR HILL: Yep. Thank you.

22 If the Applicant can hear me if they can please
23 introduce themselves for the record.

24 MS. PRINCE: Allison Prince here on behalf of the
25 Applicant.

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1 CHAIR HILL: Okay, Ms. Prince welcome back. Let's
2 see, I guess Ms. Prince, if you want to go ahead and walk
3 us through your client's application and why you believe
4 they're meeting the criteria for us to grant the relief
5 requested.

6 Since I do know we spoke about someone who had some
7 concerns and even so was reaching out to be a party in
8 opposition, maybe if you could speak to some of their
9 concerns and what you all did to address the concerns.

10 I'm familiar with the location and I'm looking
11 forward to the presentation. So I'm going to put 15
12 minutes on the clock, and you can begin whenever you like.

13 MS. PRINCE: Great. Thank you, Chairman Hill and
14 members of the board. Good afternoon. I'm here today on
15 behalf of 2626, LLC, the owner of the property located at
16 2626 Pennsylvania. The owner is pursuing the construction
17 of a new residential building to replace an existing
18 vacant office building that was built in '75. So it's 48
19 years old.

20 The new building will be under the maximum permitted
21 FAR and will not contain a habitable penthouse level even
22 though zoning allows that. It will contain the required
23 IZ units.

24 The lot occupancy relief that we're seeking is
25 needed so that lot occupancy of the lower five floors can

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1 exceed the 80 percent limit, thereby allowing us to offset
2 the lesser lot occupancy of the upper four floors, which
3 is only 72 percent.

4 And the lower lot occupancy -- I'm sorry, the higher
5 lot occupancy on the lower floors allows us to create a
6 setback on the upper floors that will protect the 12 at
7 risk windows located on the western façade of the 2600
8 condominium building.

9 That's -- a representative of that building is the
10 person that had filed the party status request that was
11 later removed. And I will explain how we addressed their
12 concern.

13 In addition, the Application seeks very minor court
14 relief because there's an irregularly configured court at
15 the seventh floor level that's created by the angled
16 orientation of the upper mass of the building. That court
17 is very slightly under the ten foot minimum width
18 requirement.

19 This geometry, this -- the intersecting masses, that
20 was received very favorably by the Commission of Fine
21 Arts. They granted conceptual design approval to the
22 project.

23 Since the outset, the owners have had a keen
24 interest in designing a building that relates well to the
25 park service property to the west and also to the

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1 condominium to the east. As I mentioned, the condominium
2 has 12 at risk windows. So instead of blocking those
3 windows which could be done as a matter of right, we
4 always since the beginning chosen an approach that allows
5 for the protection of all those windows.

6 And so this is one of those instances where by
7 granting the relief you're achieving a condition that has
8 a lesser impact on the neighbor than a matter of right
9 project code.

10 In addition, the two level parking garage is being
11 retained although the number of spaces is being reduced.
12 So there won't be an excavation factor here. An
13 excavation as you know is pretty disruptive on abutting
14 owners. So we're glad to be able to reuse the existing
15 garage.

16 The burden of proof is fully satisfied. The
17 requested relief is certainly in harmony with the general
18 purpose and intent of the regs. They allow flexibility
19 through the special exception process to allow the
20 sensitive design such as that that we've proposed.

21 In addition, we certainly won't affect neighboring
22 properties. As I mentioned, our building will have less
23 of an impact on neighboring properties as a result of the
24 granted relief, with the grant of this relief.

25 We have the support of the Office of Planning, DDOT,

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1 ANC 2A. And with respect to the condominium, it's a
2 subtle issue and I'll try to explain it. But the
3 architect will explain it better.

4 First of all the more obvious issue that we were
5 able to address is we've shifted the mechanical equipment
6 on the rooftop toward the west away from the condominium.
7 That's the final sheet of the drawings that are in the set
8 that you have, that the architect can go through.

9 But in addition, there's a tier of windows in the
10 rear corner of the building that faces the condominium
11 building. It's at the seventh -- the windows, there's one
12 window per floor facing the condo building. At the
13 seventh, eighth, and ninth floor levels. Those windows
14 are bubbled in the plans that we submitted as a result of
15 this settlement discussion with the condominium
16 association.

17 They're bubbled because the owner is willing to go
18 back to the Commission of Fine Arts and try to get
19 permission to simply remove the windows because the
20 condominium building representative has privacy concerns
21 about the 22 foot separation between the newly proposed
22 windows and the windows in the condo building.

23 If, however, the Commission of Fine Arts will not
24 allow the removal of the windows, then we've agreed to
25 frost them or have some kind of privacy treatment on the

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1 windows to address those privacy concerns. And we're
2 happy to do that. We just needed to coordinate and get
3 everybody together and understand what the concern was.

4 So the main concern was those windows, the pushing
5 the mechanical equipment to the west, and then finally, I
6 know this Board has taken the position you don't have
7 jurisdiction over construction matters but I do want to
8 state on the record that the Applicant is willing to agree
9 to a commercially reasonable construction management
10 agreement. We think that benefits both parties. So we
11 are willing to agree to that if you want to make it a
12 condition of the order. I think the condominium would
13 welcome that.

14 If you're not willing to make it a condition of the
15 order I just want to make sure it's on the record that we
16 are willing to agree to a commercially reasonable
17 construction management agreement.

18 The owners are here but you've had a long morning so
19 I'm going to skip over the owners unless you want to hear
20 from them directly and that's Ron Eichner and Phil Kang,
21 and then go straight to Kevin Sperry.

22 I don't know what the echo is.

23 MR. SPERRY: That might be me. I just unmuted
24 myself.

25 MS. PRINCE: All right. Then I'm going to mute

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1 myself and Kevin can walk through the plans.

2 Mr. Young, if you could bring the plans up.

3 CHAIR HILL: Thank you. Mr. Sperry, if you could
4 introduce yourself for the record. And also, I didn't see
5 the bubbled thing and/or the other item that Ms. Prince
6 was speaking of. So just if you can -- if you can point
7 those out as you go through it, that'd be great. Thank
8 you.

9 MR. SPERRY: Certainly. Will do. Am I still
10 echoing now or has that been fixed? Great. Okay. Thanks
11 everybody. My name is Kevin Sperry. I'm with the
12 architecture firm Kasa. We've been in front of your board
13 before and thank you very much for the opportunity to
14 present here today.

15 So this, as Allison just went through, I want to
16 keep -- there we go, eight minutes left. I want to keep a
17 sense on time. So here we have the cover sheet. Why
18 don't you go ahead and skip to page number 10, which is
19 actually the same image as on the cover and we'll start
20 from there for the sake of time.

21 So this is the rendering of the newly proposed
22 building from the northwest looking back southeast. So
23 this is kind of like being west of the building. To the
24 right here on the image you have the sort of green area
25 just to the west of Rock Creek Park, to the east of Rock

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1 Creek Park. We're looking back east. The neighboring
2 building that we're talking about is the one there on the
3 left of the image that's behind our building in this
4 image.

5 This, what we're proposing is a nine-story building.
6 It is 100 feet in height. The FAR is 7.07 and the
7 required limit FAR is 7.2. So we are at the height limit,
8 and we are below the FAR limit.

9 One thing as Allison mentioned, we've gone through a
10 series of meetings with CFA. They were great to work
11 with. We met with staff a lot to get a sort of amenable
12 design and we went through some revisions. And we only
13 met with the board once and they were very, very receptive
14 to the plan. We were very happy about that.

15 So it was a really, really positive process with
16 CFA. We've been back to them, to staff a couple of times
17 and they're still very much in the loop. And every
18 iteration of modifications that we make, we like to keep
19 them in the loop. And that's why this coordination with
20 the neighbors I think has been possible. Because we will
21 have to go back to CFA, but they won't be surprised. They
22 know the building as it is right now, and I think we'll be
23 able to get what we have requested here today.

24 So the building as you can see, the first six
25 stories on this façade are orthogonal to Pennsylvania

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1 Avenue. And at the sixth floor the building kind of
2 twists a little bit. And that twisting, you'll see it in
3 a later slide, but what it does is it kind of represents
4 the change on the site between Pennsylvania Avenue to the
5 north and L Street to the south.

6 And what it does from this view, is it kind of pulls
7 that building back on the front and the side facades. As
8 Allison mentioned, it's a very highly glazed building,
9 eight-foot tall windows. All of the balconies of the
10 residential condominium project with 32 units, and all of
11 the exterior space, all of the balconies are actually
12 pulled in to the façade so there's nothing protruding from
13 the skin. That is kind of in an effort to protect the
14 park to our west and just kind of create a higher end feel
15 for the building. And it was also very well received by
16 CFA.

17 So that sixth floor datum that we kind of draw,
18 where the building kind of raw where the building twists a
19 little bit, that helps bring the massing down a bit in
20 relation to the building to our east, the neighboring
21 building. And then once you get to the ninth floor, at
22 the very top you can see the ninth floor of the project.
23 It is not a penthouse, it is actually -- one thing that
24 we've agreed to with CFA is to actually be below the full
25 building height limit which is 100 feet with no enclosed

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1 mechanical penthouse above it.

2 So the building kind of looks like it's an eight
3 story building with a habitable ninth story penthouse but
4 it's actually a nine story building with no penthouse
5 above it. And that is important in terms of some of the
6 setback requirements and things like that.

7 So effectively we have given up a top floor of the
8 building when working with CFA and that was one of the
9 reasons why we wanted to fill in sort of an area on the
10 opposite side of the building that you're not seeing here.
11 So please go to the next slide. Thank you.

12 This is also on Pennsylvania Avenue on the north
13 façade looking back the other way. And here you can see
14 as the building turns the corner to the east façade of our
15 building on the north side we have one window before it
16 goes solid. And that kind of relationship is mirrored on
17 the south side as well, as Allison mentioned.

18 And so the CFA really wanted us to create this
19 corner condition where it feels like a building in the
20 round. Where it's not a completely blank façade on the
21 east side. We agree with that. We do think it's
22 important, but also we respect the neighbors' concerns of
23 privacy. So we're trying to sort of work between these
24 two elements there. Go to the next slide please.

25 Okay. So here's a view from the south side of the

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1 project now. It looks considerably different because of
2 this twisting that I mentioned. So as you can see on the
3 left side there's a six story volume. That looks like an
4 angle here but it's actually orthogonal to the
5 Pennsylvania street side.

6 Then when the building twists on the north side it
7 looks actually orthogonal to L Street on the south side.
8 Now if you look on the right side of this image, you can
9 see a five story volume that abuts the neighbors building.
10 And as Allison mentioned, we have very, very carefully
11 placed that volume to not go higher than five stories in
12 the front here and also to be pushed back by about eight
13 feet in the front so that none of the existing at risk
14 windows on the neighboring building will be covered.

15 So we've, very, from the very beginning we have been
16 very careful to design our project so as not to disturb
17 the neighboring building next to us. That sort of
18 reduction in mass on this side of the building is
19 precisely what we're kind of putting into the building
20 because it's being reduced on the height. And we have
21 kind of had to navigate between these two restrictions
22 like I mentioned before.

23 We think it's very successful and that little area
24 right in there is exactly what requires us to request this
25 additional lot occupancy.

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1 As Allison mentioned above that fifth story, the lot
2 occupancy drops drastically down to 72 percent. On this
3 site we have an 80 percent limit. So on the upper levels
4 it's 72 percent. Down at the very bottom, it's actually
5 about 88 percent. And then when you add all of the levels
6 together and project that down to the ground, it's about
7 89 percent. So that's the request here today.

8 If we could, and again, I don't want to run out of
9 time, move forward to the plan page please.

10 CHAIR HILL: That's all right, Mr. Sperry. Fifteen
11 minutes is just what I'm trying to understand. But I
12 mean, it's helpful to move forward because it has been a
13 long day. But please continue at your pace.

14 MR. SPERRY: Okay. Great. Thank you.

15 So here you can see the ground floor plan has --
16 there's no retail in the building, there's all residential
17 space. So the kind of orange/yellow is public space,
18 lobbies. Not public space, but amenity space for the
19 residents. There's an entry lobby, a small gym, some
20 storage lockers, and a mail room.

21 And then we have, just the rest of the area is
22 units. Three units on the ground floor. There's a small
23 loading area in the back. And then on the left side of
24 the image you have the typical floor from two through six.
25 And what you'll see here is on the upper right corner of

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1 that building you can see the one window to the side. And
2 then below that one window we have a solid wall. Our
3 building up to, sorry the fifth floor, up to the fifth
4 floor juts out to the right there against the neighbors
5 building and then at the sixth floor it stops. So you can
6 go to the next sheet.

7 And we'll go from the right to left here. The right
8 plan is the sixth level plan, and you can see how there's
9 a small, there's a very small public space area before you
10 get to a small roof deck on the right. That's all set
11 back so it has no interference with the neighboring
12 windows.

13 Then in the middle you have the floors seven and
14 eight floor plan. And these, you can start to see the
15 windows that the neighbor is concerned about. On the
16 lower right corner of that blue unit you can see one
17 window that we have in the bedroom of that unit. And
18 that's the one that we will discuss with CFA enclosing.
19 And if they will not allow it to be closed we will, like
20 Allison said, consider a treatment for that window so
21 there's no vision access between our building and the
22 neighboring building.

23 And then on the left side you can see the level nine
24 plan. This is the top floor plan. And it goes back to a
25 very simple rectangular level with again, one window on

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1 that lower right corner and the upper right corner. So
2 both of those windows will be under consideration as well
3 with the CFA. Next slide please.

4 I'm going to skip ahead, next slide, to the east
5 elevation. Two more I think. Yeah. One more. There we
6 go.

7 So here we can see, this is the side façade that not
8 a lot of people will actually see. It's actually a very
9 complicated façade because of the angles of the building
10 but where those two red circles are, just to the left of
11 those circles are the corners of that volume. From there
12 it starts to go back at an oblique, so you do see the
13 windows, but it's basically the side façade as related to
14 this elevation.

15 So the two windows on the lower circle are floors
16 seven and eight, and the window on the top is floor nine.
17 And will request that all of those windows are removed.
18 And if again, if we are not granted that removal we will
19 consider a treatment of them so there's still privacy
20 between the two units. Between the two buildings, excuse
21 me.

22 So on the right side there you can see another row
23 of windows going from floors two through eight -- sorry
24 floors three through eight. And those are not currently
25 being requested to be removed. So we're considering

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1 keeping them. CFA was actually very, very adamant that we
2 did keep windows in this corner. And their thought was
3 actually that it would improve visibility from the
4 neighboring building because they could see sort of
5 obliquely between this window and then the front window
6 and have more sun and vision access.

7 So it's kind of a little dance that we're doing here
8 between the neighbor that we have worked very well with,
9 we think, and CFA as well, that we've kept in contact
10 with. So we'll have to go back to them and have one more
11 discussion.

12 But that's the area that we're modifying those two
13 circles on the left. Let's move forward. One more slide.
14 Next slide again.

15 Here we have the small matter of the court relief
16 where again, this is kind of peculiar because of the angle
17 of that, the west setback. So it looks like a front
18 façade. There will never be a building built to our west.
19 It is National Park Service land. It is a park. And they
20 have told us that there you know, are obviously no plans
21 to build on that site.

22 But technically it is a site. So technically this
23 is an open court, and we would need ten foot minimum
24 circle to be drawn in that court, and we were only allowed
25 a nine-foot four, based on the geometry of the building.

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1 And I'll tell you, it seems like I'm anticipating a
2 request of just shifting it a bit to make ten feet but the
3 way that the math works with the angles and the geometry
4 and where the columns align, it's really, really difficult
5 to do that. So the nine-foot four is ideal structurally
6 for the building and in terms of the rhythm of the design.
7 So that is the technical matter of the open court relief.
8 And then one more slide please.

9 Here we have the roof plan where Allison mentioned
10 we will be relocating the mechanical units as far west as
11 possible. So you can see in the middle there sort of the
12 greyed out volume. That is not an enclosed penthouse, it
13 is an area that is behind a screen. All of our mechanical
14 units are going to be low.

15 The green rectangle in the middle is actually the
16 elevator overrun that we plan to put green roof on top of.
17 The small rectangle to the right is a hatch access to the
18 roof and those I guess, eight rectangles to the left of
19 the elevator overrun are the mechanical units.

20 So the good news is that they're going to be
21 actually screened from the neighboring property to our
22 east by the elevator overrun. So not only vision, but
23 sound will be screened as well for them. So it is a very
24 nice location to put those mechanical units and we're very
25 happy to work with the neighbor on that.

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1 And I think that concludes my presentation. We're
2 obviously here for any questions if you have them and I'd
3 like to thank you for your time.

4 MS. PRINCE: And Chairman Hill, we have the traffic
5 engineer here if you have any interest in hearing from
6 him. Otherwise, that completes our presentation.

7 CHAIR HILL: Oh my gosh, I'm on mute. Okay. So my
8 question was, do my fellow board members have any
9 questions of the Applicant?

10 VICE CHAIR JOHN: Mr. Chairman, so where would the
11 IZ units be located and how many bedrooms would each have?

12 MR. SPERRY: So we have three IZ units currently
13 slated for the project. One is a two-bedroom unit on the
14 ground floor. It's 1343 square feet. One is a one-
15 bedroom unit on the ground floor. That's 1023 square
16 feet. And one is a one-bedroom plus den unit on the
17 second floor which is 1801 square feet.

18 So the interesting thing about this project is that
19 it is a high-end project with fairly large units. And
20 that means that the IZ units are also very large. So
21 while there's only three units, those units are very big,
22 and they'll be nice IZ units. And I think it amounts to
23 about -- I think it's 5000 square feet of IZ space, right
24 around there.

25 VICE CHAIR JOHN: Thank you. And would those be 80

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1 percent AMA or something other than that?

2 MR. SPERRY: I'm not sure I can --

3 MS. PRINCE: No. Those are 60 percent.

4 VICE CHAIR JOHN: Sixty percent?

5 MS. PRINCE: I'm sorry. I'm sorry. Ron, this is a
6 condominium project, so it is 80 percent. Sorry.

7 VICE CHAIR JOHN: Thank you.

8 CHAIR HILL: Okay. Anyone else at this point? All
9 right, I'm going to turn to the office of planning.

10 MS. BROWN ROBERTS: Good afternoon members of the
11 BZA. I am again, this is Maxine Brown Roberts
12 representing the Office of Planning on BZA Case 20978 to
13 permit the demolition of the existing office building and
14 replace it with a nine-story residential building.

15 As demonstrated in the OP report the requested
16 increase in lot occupancy and to reduce court width would
17 be in harmony with the general purpose and intent of the
18 zoning regulations and would not -- and should not
19 adversely affect neighboring properties.

20 The resulting design balances the zoning regulations
21 and integrity of the Rock Creek Park. The Office of
22 Planning therefore recommends approval of the requested
23 special exceptions. Thank you, Mr. Chairman, and I'm
24 available for questions.

25 CHAIR HILL: Does anyone have a question to ask

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1 Planning?

2 Ms. Prince, do you have any questions for the Office
3 of Planning?

4 MS. PRINCE: I do not.

5 CHAIR HILL: Mr. Young, is there anyone here wishing
6 to speak?

7 MR. YOUNG: Yes. Ms. Giordano wanted to speak but
8 we have no one signed up.

9 CHAIR HILL: I don't think so, I don't believe --
10 well you can -- oh, is Ms. Giordano there?

11 Ms. Giordano, can you hear me?

12 MS. GIORDANO: Yes, I can. I don't have any
13 comments unless my client, the president of the condo
14 association wants to speak. He is signed up.

15 CHAIR HILL: Okay. Well I don't know, I mean Ms.
16 Giordano I guess you guys -- I appreciate and understand
17 that you pulled your party status request. Who is -- the
18 only other person in -- you're saying there was somebody
19 who signed up Mr. Young, to speak or is just the -- he is
20 signed up as part of the party status request? You don't
21 know, right Mr. Young?

22 MS. GIORDANO: He signed up to testify.

23 CHAIR HILL: Oh, okay. What is his name?

24 MS. GIORDANO: John Didiuk. If he hasn't spoken up,
25 then I think he does not want to speak.

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1 CHAIR HILL: Well I don't think he's been promoted
2 yet.

3 MS. GIORDANO: Oh, okay.

4 CHAIR HILL: Mr. Young, just to clearly make sure
5 I've got a full record. John Didiuk, or Mr. Didiuk can
6 you hear me? As a member of the public, did you have
7 something that you were trying to say or are you already
8 done through your lawyer?

9 MR. DIDIUK: I think we're already done through our
10 lawyer. Thank you.

11 CHAIR HILL: Okay. Great. All right. Thanks, MR.
12 Didiuk.

13 Okay. Let's see. I've got a quick couple of
14 questions.

15 Sure. Go ahead, Ms. John.

16 VICE CHAIR JOHN: I just wanted to clarify that the
17 request for party status has been officially withdrawn.
18 Because I don't believe we ruled on it at all.

19 CHAIR HILL: I believe, Ms. Giordano, you all --
20 from the exhibit it seems that you all officially withdrew
21 your party status request, correct?

22 MS. GIORDANO: That is correct.

23 CHAIR HILL: Okay.

24 VICE CHAIR JOHN: Thank you.

25 CHAIR HILL: Thank you.

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1 All right. Ms. Prince, can you tell me how it went
2 just with the ANC presentation?

3 MS. PRINCE: The application?

4 CHAIR HILL: Okay.

5 MS. PRINCE: There's a letter in the record.

6 CHAIR HILL: No, I got that one. I was just curious
7 if you had any commentary on it, that's all.

8 MS. PRINCE: My clients can comment on that if they
9 -- I understood the meeting went very well.

10 CHAIR HILL: Which ones are your clients again? Is
11 it Mr. Kang and who else?

12 MS. PRINCE: Mr. Eichner and Mr. Kang.

13 CHAIR HILL: Got you. Go ahead with either one that
14 would like to comment on the ANC presentation.

15 MR. EICHNER: I will.

16 CHAIR HILL: And if you could introduce yourself,
17 Mr. Eichner that would be great.

18 MR. EICHNER: Sure. My name is Ron Eichner and I'm
19 a partner in the development entity for 2626 Penn. And
20 our ANC presentation went very smoothly and the
21 commissioner's voted 5-0 to support us and made a lot of
22 very nice comments about how cooperative we've been
23 through this process. And asked similar questions that
24 commissioners here have asked about -- IZ units et cetera
25 -- and we answered them.

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1 CHAIR HILL: Okay, great. Okay. Thanks, Mr.
2 Eichner. Mr. Eichner, since I've got you here. So these
3 are condos, correct?

4 MR. EICHNER: Correct.

5 CHAIR HILL: And you guys are going to sell the
6 third bedroom, the three-bedroom 901 unit?

7 MR. EICHNER: Sure. Are you interested?

8 CHAIR HILL: Yeah. So just -- that's a lovely unit.
9 I'm jealous of that location. You've got the whole four-
10 season condo building going on and I know that view very
11 well from that building.

12 MR. EICHNER: We like the idea of selling condos
13 that look down on the Four Seasons, yes.

14 CHAIR HILL: Yes. That's always a good thing to do.
15 Anyway, okay.

16 Does anybody have any questions for anyone else?
17 Okay.

18 All right. Ms. Prince, do you have anything you
19 would like to add at the end?

20 MS. PRINCE: Really, no. We're -- our presentation
21 is complete, and we appreciate your time and your patience
22 while we worked out our party situation.

23 CHAIR HILL: Great. Thank you, Ms. Prince.

24 All right. Unless my fellow board members have
25 anything else, I'm going to close the hearing on the

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1 record. Thank you all for coming.

2 Okay. Great. Thank you.

3 Okay. I thought that it was a very well done
4 presentation. I thought that in terms of the open court
5 requirements and also lot occupancy requirements, I am
6 comfortable with the analysis that the Office of Planning
7 has provided. It seems as though the project has gone
8 through a lot of different iterations with the community.
9 The IZ units actually are quite unique I think because
10 they are big. You know, it's a luxury condominium
11 property. And so I think that it is nice that those
12 inclusionary zoning units can be the size that they are.

13 And then also, I note that the developers and the
14 project I guess with their program was able to accommodate
15 the building and the property next door concerning their
16 at risk windows. And I do appreciate that effort and work
17 that has been done.

18 I also do appreciate the effort that has been gone
19 through with even the minutia of some of the requests that
20 some of the people in the adjacent condominium had
21 concerns with and I do think that they, the property owner
22 is trying to accommodate working with either CFA to have
23 those windows removed, or bubbled, or frosted in some
24 capacity.

25 I would again, agree with the analysis that the

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1 office of planning has provided as well as that of the
2 burden of proof from the Applicant and do note that the
3 ANC has submitted their approval which is always nice, and
4 I will be voting in favor of the application.

5 Chairman Hood, do you have anything you would like
6 to add?

7 ZC CHAIR HOOD: I agree. I think the relief
8 requested has been mitigated. It looks like even today a
9 lot of work has been put in to come to an overall
10 agreement in moving forward and I think it meets all of
11 the relief requested in this zoning case. And as you
12 mentioned, it has a lot of support, a lot of things have
13 been implemented and changed.

14 And I would agree with your assessment and I'm sure
15 I'm going to agree with Vice Chair John's assessment in
16 advance. Thank you.

17 CHAIR HILL: Thank you.

18 Vice Chair John?

19 VICE CHAIR JOHN: Thank you Chairman Hill for that
20 vote of confidence and I will not disappoint. I'm going
21 to agree with Chairman Hood. Just kidding.

22 I think that, as you all have said, this is a very
23 well done project, and the explanation of how the
24 application meets the criteria for relief was very clear.
25 And I just wanted to note, Mr. Chairman, that we are, if

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1 we were to approve this application it would be with the
2 windows that are currently shown in the plans. And if
3 they were to be removed then the applicant would need to
4 come back for modification.

5 Of course, if there's just glazing, there would be
6 no need to return to the Board. So I just wanted to see
7 if my understanding is correct.

8 CHAIR HILL: I don't know. I guess I don't really
9 know how the glazing works. I can't rule on the glazing.
10 I know that if they remove the windows, that's correct.

11 VICE CHAIR JOHN: Right. So that's my
12 understanding. So I am in support of the application as
13 it is presented to the Board.

14 CHAIR HILL: Thank you, Ms. John.

15 All right. I will go ahead and make a motion to --
16 so what you were -- just to clarify in case the Applicant
17 is listening. What I thought was part of the process was
18 that again, if you were to remove the windows, that's a
19 change that the Board would need to be made aware of and a
20 modification would need to come forward.

21 If there were a glazing being done to the windows,
22 that is something that would not need to come before the
23 Board. And that is again what my understanding is at this
24 point and I'm sure someone else will correct me at another
25 time if I am mistaken.

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1 So that being all said I would make a motion to
2 approve Application No. 20978 as captioned and read by the
3 secretary and ask for a second.

4 Ms. John?

5 VICE CHAIR JOHN: Second.

6 CHAIR HILL: Motion has been made and seconded.

7 Mr. Moy, if you would take a roll call please.

8 MR. MOY: When I call your name if you will please
9 respond to the motion made by Chairman Hill to approve the
10 application for the relief requested. The motion to
11 approve was seconded by Vice Chair John.

12 Zoning Commission Chairman Hood?

13 ZC CHAIR HOOD: Yes.

14 MR. MOY: Vice Chair John?

15 VICE CHAIR JOHN: Yes.

16 MR. MOY: Chairman Hill?

17 CHAIR HILL: Yes.

18 MR. MOY: We have two members not participating.
19 Staff would record the vote as three to zero to two and
20 this is on the motion made by Chairman to approve. The
21 motion to approve was seconded by Vice Chair John. Voting
22 to approve the application, Zoning Commission Chair Hood,
23 Vice Chair John, and Chairman Hill. Motion carried, sir.
24 Three to zero to two.

25 CHAIR HILL: Okay. Great. Thank you. Mr. Moy, is

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1 there anything else before the Board today?

2 MR. MOY: No sir. Nothing else from the staff.

3 CHAIR HILL: All right. Chairman Hood, Vice Chair
4 John. You all have a good day.

5 (Whereupon the above-entitled matter went off the
6 record at 2:27 p.m.)

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In the matter of: Public Hearing

Before: DCZC

Date: 11-08-23

Place: videoconference

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