

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

MARCH 20, 2024

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video Teleconference, pursuant to notice at 10:08 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CHRISHAUN S. SMITH, NCPC Designee
CARL H. BLAKE, Direct Resident Appointee

ZONING COMMISSION MEMBER PRESENT:

ANTHONY J. HOOD, Chairperson

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

RON BARRON
SHEPARD BEAMON
JOEL LAWSON
KAREN THOMAS
CRYSTAL MYERS

OFFICE OF ZONING ATTORNEY ADVISORS PRESENT:

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

The transcript constitutes the minutes from
the Regular Public Hearing held on March 20, 2024.

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

2 10:08 a.m.

3 MR. MOY: Okay, the Board has now entered their
4 public hearing session, and this first case as mentioned by
5 the Chairman is Application number 20976, of 1427 Shepherd
6 Street, LLC, self-certified application pursuant to Subtitle
7 X, Section 901.2, Special Exceptions under Subtitle U,
8 Section 320.2 to allow conversion of an existing residential
9 building to an apartment house use, and under Subtitle E,
10 Section 207.5 to allow the rear wall of a row building to
11 extend farther than 10 feet, in the RF-1 zone at 1427
12 Shepherd Street North West, Square 2694, Lot 30. And as the
13 Chairman mentioned, this is the applicant's third request for
14 a postponement, and that filing is under Exhibit 27.

15 BZA CHAIR HILL: Thank you. If the Applicant can
16 hear, if they could please introduce themselves for the
17 record?

18 MS. FERREIRA: Good morning Mr. Chair, members of
19 the Board, my name is Catarina Ferreira, principal at
20 architectural, we are the architects and representing the
21 property owners of 1427 Shepherd Street North West.

22 BZA CHAIR HILL: Great, Ms. Ferreira, if you could
23 tell us why you guys needed the postponement?

24 MS. FERREIRA: Sure, we have abutting properties
25 with solar panels on both sides. At one of the properties

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1 there is impact on the solar panels that exceeds the five
2 percent maximum, there have been some pretty intense
3 negotiations going on with both neighbors in order to get to
4 an agreement to offset the impact of shading on the solar
5 panel, and also negotiations about the nature of the
6 development overall and feedback from the neighbors has been
7 taken into account, and as of today one of the neighbors has
8 signed the agreement, actually this morning, and that is the
9 neighbor that is impacted in terms of solar shading, and the
10 neighbor on the opposite side has also agreed to sign as soon
11 as the neighbor on the other side signs.

12 So it appears that all issues have been resolved
13 and an agreement has finally be reached, but really that is
14 the reason why we had to request postponements repeatedly.
15 It's hard to predict the future and unfortunately it just
16 took longer to arrive at an agreement between all the parties
17 than we had anticipated.

18 BZA CHAIR HILL: Okay. Ms. Ferreira, I don't
19 have, I guess reports from OP or the ANC. Have you guys
20 presented to the ANC?

21 MS. FERREIRA: We have not, and again this was
22 because of the pending agreement, we wanted to make sure that
23 we go through this process as efficiently as possible in
24 terms of our coordination with the ANC and also with the BZA
25 so that we come to you with an agreement in place and with

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1 the final relief request which is actually going to be
2 amended. The five-foot beyond the 10-foot addition at the
3 rear is no longer going to be a part of the request, so I'll
4 be submitting revised documents into the record as soon as
5 possible. Once those are submitted, the Office of Planning
6 can then prepare the report and we will meet with the ANC to
7 --

8 BZA CHAIR HILL: Go to the ANC, okay. So then
9 when do you think you want to come back here?

10 MS. FERREIRA: Well, I guess it really is up to
11 the timelines required by OP in order to evaluate the revised
12 relief request and prepare their report, and for the ANC to
13 have a chance to vote on the project. So I guess a few
14 weeks.

15 BZA CHAIR HILL: Ms. Ferreira, it's going to take
16 you longer than that. Let's see, when is your next ANC
17 meeting, even? Ms. Ferreira, do you know when this ANC meets
18 next?

19 MS. FERREIRA: I do not.

20 BZA CHAIR HILL: That's all right. Mr. Moy, do
21 you know when we might be able to come back?

22 MR. MOY: Okay, this is originally the end of
23 March, if it requires another meeting with the ANC, we'd give
24 it another month, because I don't have my fingertips to date
25 of the next ANC meeting, so that would take me into, let's

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1 say end of April, and I think end of April we have, or rather
2 the Board has -- just a second.

3 MS. FERREIRA: I think they meet the second
4 Wednesday of every month. Sorry Mr. Moy, I just looked it
5 up.

6 MR. MOY: Okay, thank you, second Wednesday. All
7 right, what could be allowed for the Board for your docket
8 size, Mr. Chairman, April 24 you have seven cases, so if you
9 put it on that date, this would be your eighth case.

10 BZA CHAIR HILL: What about May 1st?

11 MR. MOY: May 1st? You have an appeal for a
12 decision and you have four cases and one appeal. May 8th you
13 have six cases.

14 BZA CHAIR HILL: Okay, let's go May 8th. And now
15 this is the seventh case.

16 MR. MOY: Okay, May 8th.

17 BZA CHAIR HILL: Right? That's going to be the
18 seventh case?

19 MR. MOY: Yes, sir.

20 BZA CHAIR HILL: Okay. All right, okay thanks,
21 Ms. Ferreira, we'll see you on May 8th.

22 MS. FERREIRA: Thank you very much.

23 BZA CHAIR HILL: Thank you, bye-bye. Okay Mr.
24 Moy, you may call our next postponement request, please.

25 MR. MOY: All right, this would be case

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1 Application number 21068, of Brunor, B-R-U-N-O-R Properties,
2 LLC, self-certified application pursuant to Subtitle X,
3 Section 901.2, for Special Exception under Subtitle C,
4 Section 703.2, from minimum vehicle parking requirements, is
5 Subtitle C, Section 701.5. Property is located in the MU-4
6 zone at 1725 Montello Avenue, North East, Square 4052, Lot
7 173, and again the Applicant filed, this would be their first
8 request for a postponement, under Exhibit 24.

9 BZA CHAIR HILL: Okay, can the Applicant hear me,
10 and if so could they please introduce themselves for the
11 record?

12 MR. SULLIVAN: Here, Marty Sullivan with Sullivan
13 and Barros, on behalf of the applicant.

14 BZA CHAIR HILL: Thanks, Mr. Sullivan. Could you
15 tell us why you guys need the postponement?

16 MR. SULLIVAN: Yes, so we've been to two ANC
17 meetings so far and one committee meetings, we're going to
18 another committee meeting tomorrow night, and after the first
19 ANC meeting things didn't look hopeful for their support, but
20 at the next ANC meeting there was some progress. And a
21 couple days ago the ANC reached out to us and said if you do
22 these three things, we'll support it, and so now we're in the
23 process of investigating whether those three things are
24 possible and how to do that, because it would be a
25 significant change. And so the ANC essentially at that time

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1 also requested that we postpone the hearing so that we can
2 come back to them.

3 Now, I asked for April 24th because that's after
4 their next meeting, but to be safe I'd say May 15th or later,
5 so that we can get past two ANC meetings, just in case, so
6 we don't come back again.

7 BZA CHAIR HILL: That's fair. We just had a May
8 8th day, yeah, May 8th day, so Mr. Moy, what do we have on
9 May 15th?

10 MR. MOY: For the May 15th docket, Mr. Chairman,
11 you have three cases and one appeal. After that you're open
12 for May 22nd.

13 BZA CHAIR HILL: There's nobody on May 22nd?

14 MR. MOY: Not at the moment, but I'm working on
15 it.

16 BZA CHAIR HILL: Okay, huh, can you tell me again
17 about May 15th?

18 MR. MOY: You have three applications and one
19 appeal, that's kind of a big one.

20 BZA CHAIR HILL: Okay, never mind. So we'll do
21 May 22nd then, Mr. Sullivan.

22 MR. SULLIVAN: Thank you.

23 BZA CHAIR HILL: Okay, all right. Mr. Moy, we'll
24 postpone until then, please. All right, can you call our
25 next case, Mr. Moy?

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1 MR. MOY: On the last case, that you just heard,
2 Mr. Chairman, there was a letter in opposition that just
3 arrived, would you be willing to allow that into the record,
4 since the record's still open?

5 BZA CHAIR HILL: Yeah, please allow that into the
6 record, and since we also postponed this until such a later
7 date.

8 MR. MOY: Thank you, sir. Okay, so the next live
9 case before the Board is Application number 21068, of Viva
10 Goettinger, as amended and self-certified pursuant to
11 Subtitle X, Section 901.2 for Special Exceptions under
12 Subtitle D, Section 5201.1, from rear yard requirements,
13 Subtitle D, Section 207.1, assess rear building location
14 requirements, Subtitle D, section 5004.1, to allow an
15 accessory structure and a required rear yard, and finally
16 accessory building side yard requirements, so Subtitle D,
17 Section 5005.1, property located in the R-1B zone at 5009
18 Weaver Terrace, North West, Square 1437, Lot 36. And I
19 think, yeah, so all we have here Mr. Chairman is the
20 Applicant, as far as I can tell for the moment. Thank you.

21 BZA CHAIR HILL: Okay, great. If the Applicant
22 can hear me, if they could please introduce themselves for
23 the record?

24 MS. GOETTINGER: Hi, I'm the Applicant, I'm Viva
25 Goettinger.

1 BZA CHAIR HILL: Hi, Ms. Goettinger. Okay, Ms.
2 Goettinger, you're here alone, correct, Ms. Goettinger?

3 MS. GOETTINGER: Well, I'm here with my husband,
4 but I don't have a representative.

5 BZA CHAIR HILL: Okay, great, would your husband
6 like to introduce himself?

7 MR. WEIMS: Hi, I'm Robert Weims, husband.

8 BZA CHAIR HILL: Okay, great, wonderful. All
9 right, welcome both of you. All right, Ms. Goettinger, you
10 want to go ahead and tell us a little about your project?

11 MS. GOETTINGER: Sure, it's a two-story addition
12 and it is on a relatively small house, so the final square
13 footage would be around 2,600 so very average or even small
14 for this neighborhood, and we're asking for the special
15 exception just because of the location of the house on the
16 property, which just originally was built in kind of one
17 corner, near the side and back of the property. And so the
18 clear, obvious space for this addition happens to be towards
19 the rear of the property that would cross that rear line.
20 Not the line but the space that's supposed to be allotted the
21 25 feet.

22 So we've talked to our neighbors, they've all
23 signed letters saying they're in support of the project and
24 there's plenty of space around, so we have approval from the
25 ANC and the Office of Planning, no one's voiced any

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1 objections of any kind.

2 BZA CHAIR HILL: Okay, and can you tell us how it
3 went with the ANC?

4 MS. GOETTINGER: They approved it. We had an ANC
5 representative come and look at it, she was very positive,
6 she's the one that recommended it to the ANC and they all
7 approved it with no problem.

8 BZA CHAIR HILL: Okay, great. May I hear from the
9 Office of Planning?

10 MS. MYERS: Crystal Myers with the Office of
11 Planning, the Office of Planning is recommending approval in
12 this case, and can stand on the record of the staff report.
13 I'll also add a farewell to Mr. Moy, I will miss your sense
14 of humor and our chats about Maryland, but I wish you well
15 in your next chapter. And with that, I will say, I'm here
16 for questions.

17 BZA CHAIR HILL: Thank you, Ms. Myers. Let's see,
18 does the Board have any questions for Ms. Myers or the
19 Applicant? Mr. Young, is there anyone here wishing to speak?

20 MR. YOUNG: We do not.

21 BZA CHAIR HILL: Okay, Ms. Goettinger, I guess you
22 know, you guys have done your homework. I believe that your
23 paperwork is all complete and your arguments are sound, and
24 so I wish you a good day.

25 MS. GOETTINGER: Okay, thank you.

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1 BZA CHAIR HILL: Have a nice afternoon, or
2 morning, or wherever we are right now, bye-bye. I'm going
3 to close the hearing and the record. I didn't have any
4 issues with this Applicant, I thought it was a relatively
5 small project, I thought it was again, meeting the criteria
6 for us to grant this particular relief, I would agree with
7 the analysis the Office of Planning has put forward, and that
8 the ANC is in support of this application, I will be voting
9 in support.

10 Mr. Smith, do you have anything you would like to
11 add?

12 MEMBER SMITH: -- for this case, and Office of
13 Planning's review of this case, so I would give the Office
14 of Planning's staff vote great weight and notable that the
15 ANC is in support of the application, and I will vote
16 affirmative.

17 BZA CHAIR HILL: Thank you, Mr. Blake?

18 MEMBER BLAKE: I agree with the statements that
19 have been made, I believe the Applicant has been met the
20 burden of proof to be granted the relief, give great weight
21 to the Office of Planning's recommendation for approval, and
22 great weight to the ANC's 3-D report which states no issues
23 or concerns, and also note that DDOT has no objection to the
24 approval. I will also note the persons in support, at least
25 two. I'll be voting in favor of the application.

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1 BZA CHAIR HILL: Thank you. Chairman Hood?

2 ZC CHAIR HOOD: I too will be voting in favor.
3 Thank you, Mr. Chairman.

4 BZA CHAIR HILL: Thank you. I'll make a motion
5 to approve Application number 21068 as captioned and read by
6 the secretary and ask for a second, Mr. Blake?

7 MEMBER BLAKE: Second.

8 BZA CHAIR HILL: The motion was made and seconded,
9 Mr. Moy, if you could take a roll call?

10 MR. MOY: Thank you, sir. When I call your name,
11 if you'd please respond to the motion made by Chairman Hill,
12 the motion to approve was seconded by Mr. Blake. Mr. Smith?
13 Your screen froze, Mr. Smith. I'll come back to you. Mr.
14 Blake?

15 MEMBER BLAKE: Yes.

16 MR. MOY: Chairman Hill?

17 BZA CHAIR HILL: Yes.

18 MR. MOY: Zoning Commission Chair Anthony Hood?

19 ZC CHAIR HOOD: Yes.

20 MR. MOY: Mr. Smith?

21 MEMBER SMITH: Yes.

22 MR. MOY: Thank you, sir. Yes, I hear you now.
23 Staff would record the vote as four to zero to one, and this
24 is on the motion made by Chairman Hill to approve, the motion
25 to approve was seconded by Mr. Blake who also voted to

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1 approve the application as well as approval from Zoning
2 Commission Chair Anthony Hood, Mr. Smith, Mr. Blake, Chairman
3 Hill, no other Board members. Motion carries, four to zero
4 to one.

5 BZA CHAIR HILL: Thank you, Mr. Moy. My fellow
6 Board members, I'm going to just keep chugging through this.
7 I know there's some things that are going to take more time
8 later, but I'm going to just keep moving forward and we'll
9 take a break, I guess whenever somebody needs a break.

10 The next case, Mr. Moy, if you're ready.

11 MR. MOY: Yes, so the next case is Application
12 number 21069, of Charles Cadwell and Mary Schapiro. A self-
13 certified application pursuant to Subtitle X, Section 901.2,
14 Special Exception under Subtitle D, Section 5201.1, for the
15 rear yard requirements of Subtitle D, Section 207.1, property
16 is located in the R-1B zone at 5207 38th Street, North West,
17 Square 1875, Lot 9, and I believe on this application, Mr.
18 Chairman, it's the Applicant's team. Thank you.

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

22 MR. DeBEAR: Hello, Chair, Eric DeBear, counsel
23 from Cozen O'Connor on behalf of the Applicant.

24 BZA CHAIR HILL: Hi, Mr. DeBear, if you want to
25 go ahead and walk us through your client's application and

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1 why you believe they're meeting the criteria for us to grant
2 the relief requested, I'm going to put 15 minutes on the
3 clock so I know where we are, and you can begin whenever
4 you'd like.

5 MR. DeBEAR: I just wanted to take an opportunity
6 to allow my client to introduce himself, we also have the
7 architect Ms. Tracy.

8 BZA CHAIR HILL: Sure, would the Applicant like
9 to introduce themselves?

10 MR. CADWELL: My name is Charles Cadwell, my wife
11 Mary Schapiro's on an airplane at the moment, to Vietnam, so
12 can't be here.

13 BZA CHAIR HILL: All right Mr. Cadwell, well
14 that's kind of you to join us. Mr. DeBear, are you ready?

15 MR. DeBEAR: Yes, and if Mr. Young would pull up
16 the PowerPoint, that would be great. And while he's doing
17 that I just wanted to share some of the sentiment, I
18 appreciate Mr. Moy who's been a wonderful presence on the
19 Board, I've been doing this for about eight years, and he's
20 always a joy to speak with and extraordinarily helpful, and
21 I wish him the best.

22 BZA CHAIR HILL: Thank you, Mr. DeBear.

23 MR. DeBEAR: With our presentation, I thank you,
24 Chair, we're going to try to move through this efficiently.
25 Next slide please.

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1 The property is in the R-1B zone at the corner of
2 Ingomar and 38th Street in the Chevy Chase neighborhood, next
3 slide please. Here's the existing home, it's an existing
4 two-story home, the image in the upper right depicts the area
5 and scope of the work, you can see there's an existing un-
6 covered deck in that area. Next slide please. And now I'm
7 going to turn it over to Mr. Cadwell to just give a brief
8 background on what the proposal is.

9 MR. CADWELL: Thank you. Mr. Chairman, this is
10 an addition at the rear corner of our house on the property,
11 if you move back to the last slide, actually, you can see the
12 picture while I talk about it, and what we're proposing to
13 do is a two-story elevator and cover an existing porch so
14 that we can age in place here in the house we've been in for
15 37 years. This addition is entirely within the footprint of
16 an existing uncovered porch, in front, the very corner near
17 the alley. We're here today because it extends a non-
18 conforming rear yard of 4.2 feet, and thus requires, I'm told
19 requires your approval, but otherwise it's consistent with
20 the R-1B development standards. And if you could advance two
21 slides.

22 We've presented to the ANC a month or so ago, and
23 they approved it six to zero, with one commissioner not
24 there. The Office of Planning is here and I believe their
25 report's in the file. We held a neighborhood meeting with

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1 my two abutting neighbors on my back porch and went over the
2 plans for this in some detail, and we have letters in the
3 record from both of those abutting neighbors, Harsha Murphy
4 and Caitlin Reilly on 38th Street and Anna and John Winkel
5 who are the Ingomar street neighbors, which is on the side
6 closest to the project, I guess, but their letters both
7 express support and their lack of concern about privacy,
8 light, air issues.

9 MR. DeBEAR: Thank you, and if you can, Mr. Young,
10 just advance it to now three slides forward. I'm going to
11 hand it off to Ms. Treacy to just briefly walk through the
12 project plans.

13 MS. TREACY: Thank you Eric and Chas, and thank
14 you to the Board.

15 BZA CHAIR HILL: Could you please introduce
16 yourself for the record, Ms. Treacy?

17 MS. TREACY: Can you hear me?

18 BZA CHAIR HILL: Yes, could you introduce yourself
19 for the record?

20 MS. TREACY: Yeah, sorry, Jeane Treacy, Treacy and
21 Eagleburger Architects. Sorry about that.

22 BZA CHAIR HILL: That's all right.

23 MS. TREACY: The house faces 38th street, that's
24 also facing West, and the proposed location for the elevator
25 is in the northeast corner, which because of the corner

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1 location, it is the tightest spot on this site. The idea of
2 getting an elevator for the clients to age in place is the
3 sole goal here. We proposed, you can see the site plan on
4 the right, the two-story elevator simply a very simple box
5 going two stories, two and a half, really, and then a one-
6 story porch to kind of have some bit of protection as you
7 come and go, and the next slide shows a plan of that.

8 So that is our elevator in the red circle, and
9 then the porch, which is allowing exiting from the existing
10 kitchen to kind of get out to the alley and get the trash out
11 and whatnot. There will be an entrance from the exterior
12 directly into the elevator, which is 42 inches lower than the
13 first floor. The next slide shows the second floor. Simply,
14 the elevator going to the second floor, accessing the second
15 floor through what is an existing bedroom. Next slide.

16 This is the view from the north elevation and as
17 well as the east elevation, showing the two-story elevator.
18 You can see the door on the north elevation, yeah, north
19 elevation, the door that goes directly into the cab, that
20 will go up 42 inches to the first floor and the up to the
21 second floor. The porch literally is giving us protection
22 from the weather to go in and out of the elevator. Next
23 slide. And then that's just a 3D description of exactly the
24 plan and the elevations. I think that's it for me, thank
25 you.

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1 MR. DeBEAR: Thank you. Next slide, please. I'm
2 just going to briefly walk through the special exception
3 relief. As Mr. Cadwell mentioned, we're extending a non-
4 conforming rear yard of 4.2 feet at that northeast corner,
5 25 feet is required in this R-1B zone. Next slide, please.

6 The request is harmonious with the purpose of
7 intent of the regulations, the addition is consistent with
8 the intent of the R zone as the Board heard, Mr. Cadwell and
9 Ms. Schapiro have been living here for 30 plus years and look
10 to install this elevator to age in place. It's a modest
11 addition with no expansion over the existing foot print, and
12 there are other homes in the area that have constructed
13 elevator additions. Next slide please.

14 No adverse impact, we have letters of support from
15 the two abutting neighbors, nevertheless the project's tucked
16 in by the alley to the rear of the property, it is well
17 within the maximum 40-foot height limit, being on 21 feet.
18 No impacts to privacy, there's already a porch at the
19 property and there are no windows in the elevator. Next
20 slide please. And there are special conditions, this is
21 slightly repetitive, the first two conditions being light and
22 air and privacy and no impacts, which I've already discussed.
23 Next slide.

24 And the third condition for rear yard relief would
25 be that the addition is consistent with the character, scale,

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1 and pattern. There are actually two existing bump outs that
2 largely obscure the addition from the two street frontages,
3 and on the alley side, it doesn't make a significant change,
4 but there are many homes along this alley that have large
5 accessory structures, so the increase in massing is familiar
6 in the area. Next slide. And with that, we'll end our
7 presentation and open it up to any questions. Thank you.

8 BZA CHAIR HILL: Thank you, Mr. DeBear. If the
9 Board's all right, I'd first like to hear from the Office of
10 Planning.

11 MS. THOMAS: Yes, good morning, Mr. Chair, members
12 of the Board, Karen Thomas for the Office of Planning, and
13 we will rest on the record of our report in support of this
14 application. We don't see any adverse impact to what is
15 being presented here today, and I also too would like to
16 extend my well wishes to Mr. Moy and I will miss all the help
17 that he has given us over the years, and particularly me, and
18 I wish him well, thank you.

19 BZA CHAIR HILL: Thank you, Ms. Thomas. Does
20 anyone have any questions of the Office of Planning or the
21 Applicant? Mr. Young, is there anyone here wishing to speak?

22 MR. YOUNG: We do not.

23 BZA CHAIR HILL: Okay, great. Mr. Cadwell, it
24 looks like a lovely project, and the fact that you can stay
25 there for as long as you have is a wonderful opportunity for

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1 you and your wife, going to Vietnam. So I hope you all have
2 a good day. Mr. DeBear, thank you so much.

3 MR. CADWELL: Thank you, Mr. Moy on our behalf,
4 the honor of being on his last day.

5 BZA CHAIR HILL: All right, Mr. Cadwell, that's
6 kind of you, that's wonderful. All right, you all have a
7 good day, closing the hearing and the record.

8 MR. DeBEAR: Thank you.

9 BZA CHAIR HILL: Okay, again this one is
10 relatively straightforward, I mean again, it's a small
11 elevator they're putting there on that corner, I believe it
12 all meets the intent of the regulations and it doesn't have
13 any adverse impact also being tucked in there on that side
14 that it is. It is also then, would agree with the analysis
15 that has been provided by the Office of Planning as well as
16 that of the ANC being in favor and then that there's the two
17 abutting neighbors in support. The outreach has been
18 outstanding on this case and is nicely presented. I'm going
19 to be voting in favor. Mr. Smith, do you have anything else
20 you'd like to add?

21 MEMBER SMITH: No, Chairman Hill, I completely
22 agree with everything that you've stated regarding this
23 particular application, and the way you said it, that it
24 meets the intent of the regulations. So with that, I will
25 give OP's stamped report great weight and will also vote in

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1 support.

2 BZA CHAIR HILL: Thank you. Mr. Blake?

3 MEMBER BLAKE: I will be voting in support of the
4 application, I agree with the comments that you made today.

5 BZA CHAIR HILL: Thank you. Chairman Hood?

6 ZC CHAIR HOOD: I'm going to be like everybody
7 else on the rest of the record and I'll be voting in support
8 of this application.

9 BZA CHAIR HILL: Thank you. I'm going to make a
10 motion to approve Application number 21069 as captioned and
11 read by the secretary and ask for a second. Mr. Blake?

12 MEMBER BLAKE: Second.

13 BZA CHAIR HILL: Motion made and seconded. Mr.
14 Moy, if you could take a roll call?

15 MR. MOY: When I call your name, if you will
16 please respond to the motion made by Chairman Hill to approve
17 the application for the relief requested, the motion to
18 approve was second by Mr. Blake. Mr. Smith?

19 MEMBER SMITH: Yes.

20 MR. MOY: Mr. Blake?

21 MEMBER BLAKE: Yes.

22 MR. MOY: Chairman Hill?

23 BZA CHAIR HILL: Yes.

24 MR. MOY: Zoning Commission Chair Anthony Hood?

25 ZC CHAIR HOOD: Yes.

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1 MR. MOY: Staff would record the vote as four to
2 zero to one, and this is on the motion made by Chairman Hill
3 to approve, motion to approve second by Mr. Blake who also
4 voted to approve the application, as well as approvals from
5 Zoning Commission Chair Anthony Hood, Mr. Smith, Mr. Blake,
6 Chairman Hill, no other Board members participating. Motion
7 carries, sir, four to zero to one.

8 BZA CHAIR HILL: Thank you, Mr. Moy. All right,
9 actually, Mr. Moy, is that ANC Commissioner here for 21037,
10 do you know?

11 MR. MOY: 21037? If you can give me a second to
12 double-check, sir.

13 BZA CHAIR HILL: Sure, that would be great. Thank
14 you, Mr. Moy.

15 MR. MOY: Mr. Chairman, that commissioner has not
16 responded to our contact, so I would recommend just moving
17 ahead as your line-up.

18 BZA CHAIR HILL: Okay, if you -- it was currently,
19 was it second to last?

20 MR. MOY: No, this one, 21037, that's the one you
21 asked me about?

22 BZA CHAIR HILL: Yes.

23 MR. MOY: That's right now, the third case in.
24 In other words, you have two cases, and then we can get to
25 that one.

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1 BZA CHAIR HILL: Oh, okay great. All right, well
2 let's just see what happens then. Okay, you can call our
3 next one then. And just so you all know, there's two cases
4 and then I'm going to take a break, unless something happens
5 where we hear from a commissioner in 21037 because there was
6 a timing issue.

7 MR. MOY: Okay, so the next case before the Board
8 is Application number 21070, of Muriel and Arden Wilkins,
9 application pursuant to Subtitle X, Section 901.2, for
10 Special Exception under Subtitle U, Section 421, to allow new
11 residential development, I believe a two family flat,
12 property located in the RA-1 zone at 243 Hawaii Avenue, North
13 East, Square 3672, Lot 13, and the only notes I have is
14 before you, Mr. Chairman, is the Applicant's team.

15 BZA CHAIR HILL: Great, if the Applicant can hear
16 me, if they could please introduce themselves for the record.

17 MS. VERBEKE: Hi, my name is Jennifer Verbeke, I'm
18 the architect for Muriel and Arden Wilkins, I'm with MCD
19 Studio, and Muriel is also here.

20 MS. WILKINS: It's the property owner with my
21 husband, of 243 Hawaii Avenue, North East.

22 BZA CHAIR HILL: Hello, Ms. Wilkins, nice to see
23 you.

24 MS. WILKINS: Hello, Mr. Hill.

25 BZA CHAIR HILL: Let's see, okay, could you

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1 pronounce your name again?

2 MS. VERBEKE: Just Verbeke, Verbeke.

3

4 BZA CHAIR HILL: Okay, great. Ms. Verbeke, if you
5 want to go ahead and give your explanation as to why you
6 believe your client is meeting the criteria for us to grant
7 the relief requested, I'm going to go ahead and put 15
8 minutes on the clock so I know where we are and you can begin
9 whenever you like.

10 MS. VERBEKE: Perfect, thank you. Thank you so
11 much for taking the time to hear our case today. We are here
12 today requesting a special exception to convert a single
13 family home into a new two family flat in the RA-1 zone, 243
14 Hawaii Avenue is currently the right side of a duplex on a
15 block with many, many similar style duplexes. The house is
16 currently a single family dwelling. As part of the permit
17 application for this property, the home owners are proposing
18 to convert the single family home into a new two family flat.
19 One unit would be within the first and basement levels, the
20 second unit would be the second story of the home. There's
21 no additions to the home as part of this request, everything
22 is within the existing footprint of the home.

23 The proposed special exception to convert the
24 single family home to a two family flat will be in harmony
25 with the general purpose and intent of the zoning regulations

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1 for this zone, the RA-1 zone is for low to moderate density
2 development, including detached dwellings and low rise
3 apartments, and a two family flat would fit well within this
4 context, and it would not tend to adversely affect the use
5 of neighboring property, as we're not changing any of the
6 existing footprint or the massing of the home.

7 There are 24 houses on this block with a Hawaii
8 address, and 25% of them already have a Certificate of
9 Occupancy on file for two family living. Within the square
10 itself, almost the entirety of the 200 numbers of Webster,
11 which is the street behind, have a certificate of occupancy
12 on file for a two family home, most of those are from the
13 1960s. So to convert this home from a single family to a two
14 family flat would be in keeping with the fabric of the
15 existing block and square, as more than half of the block and
16 square is already two family living. We have received
17 letters of support from four neighbors, including the owner
18 of the attached duplex side at 245 Hawaii, that is Exhibit
19 21 in the file, and we have also presented to the ANC 5A and
20 have their support as well, and I believe the Office of
21 Planning is also recommending approval. I'm happy to take
22 any questions, if you have any.

23 BZA CHAIR HILL: Great, thank you, Ms. Verbeke.
24 Let's see, could I hear from the Office of Planning?

25 MS. THOMAS: Yes, Mr. Chair, good morning again,

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1 Karen Thomas with the Office of Planning, and we will rest
2 on the record in support of this application, it's just
3 another unit within a single family home, and we anticipate
4 no adverse impacts, there's no extension of the footprint of
5 the project, and with that, I'll rest on the record of our
6 report. Thank you.

7 BZA CHAIR HILL: Thank you, Ms. Thomas. Mr.
8 Young, is there anyone here wishing to speak? Okay, Ms.
9 Verbeke -- I'm sorry. Do my Board members have any questions
10 of the Applicant or the Office of Planning? Okay, Ms.
11 Verbeke, anything you would like to add at the end?

12 MS. VERBEKE: Just thank you for your time.

13 BZA CHAIR HILL: Okay, thank you. Well I hope you
14 all have a good day, Ms. Wilkins I hope you also have a good
15 day. All right, I'm going to close the hearing and the
16 record.

17 I thought also that this one was relatively
18 straightforward, I do believe that the Applicant is meeting
19 the criteria for us to grant the relief requested, everything
20 is being contained in the footprint of the building, and this
21 is also just an additional dwelling unit in the existing
22 footprint and massing. It is comforting to know that the
23 Applicant's abutting neighbor has signed the letter in
24 support, and that the ANC is also in support. I would also
25 agree with the analysis of the Office of Planning has put

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1 forward and also make a comment that the Applicant's
2 application is very tidy and clean, and I appreciate that
3 coming before the BZA in this manner. I will be voting to
4 approve the application. Mr. Smith, do you have anything
5 else you would like to add?

6 MEMBER SMITH: I agree with your sentiment on this
7 one, that this is a fairly straightforward case, given that
8 the second dwelling unit would be entirely contained in the
9 existing footprint of the existing dwelling there, and I'm
10 also happy to see that we will see a letter of support from
11 an adjacent neighbor that may be most directly impacted by
12 additional density in that additional dwelling unit. So I
13 will give OP's stamp report great weight and will support the
14 application.

15 BZA CHAIR HILL: Great, thank you. Mr. Blake?

16 MEMBER BLAKE: Mr. Chair, I have nothing to add,
17 I am in favor of the application and reiterate the comments
18 made by you and Board Member Smith.

19 BZA CHAIR HILL: Thank you, Chairman Hood?

20 ZC CHAIR HOOD: Everything I've heard again, and
21 again, as I look at this regulation and how this is applied
22 to this particular case, this is exactly how I think the
23 zoning was initially intended for this particular regulation
24 to apply, from one existing unit to two units in the way it's
25 condensed. This is, I think, a model of all administered

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1 likeness, but this is writing regulations at its best. Thank
2 you, Mr. Chairman.

3 BZA CHAIR HILL: Thank you, Chairman Hood. All
4 right, I'll make a motion to approve Application number
5 21070, as captioned and read by the secretary and ask for a
6 second. Mr. Blake?

7 MEMBER BLAKE: Second.

8 BZA CHAIR HILL: Motion made and seconded. Mr.
9 Moy, if you could take a roll call?

10 MR. MOY: Thank you, sir. When I call your name,
11 if you'll please respond to the motion made by Chairman Hill
12 to approve the application for the relief requested. The
13 motion to approve was second by Mr. Blake. Mr. Smith?

14 MEMBER SMITH: Yes.

15 MR. MOY: Mr. Blake?

16 MEMBER BLAKE: Yes.

17 MR. MOY: Chairman Hill?

18 BZA CHAIR HILL: Yes.

19 MR. MOY: Zoning Commission Chair Anthony Hood?

20 (No audible response.)

21 MR. MOY: Staff would record the vote is four to
22 zero to one, and this is on the motion made by Chairman Hill
23 to approve, the motion to approve was seconded by Mr. Blake
24 who also voted to approve the application, as well as
25 approvals from Zoning Commission Chair Anthony Hood, Mr.

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1 Smith, Mr. Blake, and Chairman Hill, no other Board member
2 participating. Motion carries, under the vote of four to
3 zero to one.

4 BZA CHAIR HILL: Thank you, Mr. Moy. If you want
5 to call our next case, Mr. Moy?

6 MR. MOY: Okay, so this next case is Application
7 number 21072 of Allison Hill, actually Allison Hall-Jordan
8 and David Ireland, application pursuant to Subtitle X,
9 Section 901.2 for Special Exceptions under Subtitle D,
10 Section 5201.1 from side yard requirements, Subtitle D,
11 Section 208.7, and lot occupancy requirements of Subtitle D,
12 Section 210.1, property located in the R-2 zone at 3609 35th
13 Street, North West, Square 2064, Lot 109, and before you Mr.
14 Chairman is the Applicant's team. Thank you.

15 BZA CHAIR HILL: Great, thank you. If the
16 Applicant can hear me, if they could please introduce
17 themselves for the record?

18 MR. IRELAND: Good morning, my name is David
19 Ireland, at 3601 35th Street, North West, 20016.

20 BZA CHAIR HILL: Okay Mr. Ireland, if you could
21 just tell me a little bit about your project and why you
22 believe you are meeting the criteria for us to grant the
23 relief, but also if you could really just tell us more about
24 your project, and you can go ahead and begin whenever you'd
25 like.

1 MR. IRELAND: Thank you, I just have a statement
2 I wrote. Thank you for your consideration of my family's
3 deck project at the back of our home located at 3609 35th
4 Street, 20016. If approved, we would build the deck in the
5 back of our home off the main floor. In the front of our
6 home, our main floor is accessible at the street level, but
7 at the back it is about 10 feet above the ground as our
8 basement and garage are accessible via our alleyway in the
9 back. Building a deck off the back at the main level is our
10 only option given that we need to continue to use our parking
11 pad and garage for our car.

12 We have two main intended uses for our deck.
13 First, we think it's important to create an additional exit
14 and entry point to our main floor to increase the safety of
15 our home. Building a deck with stairs to the ground would
16 give us an alternative option for exiting the house in an
17 event of an emergency, and additionally our home has very
18 limited outdoor space. We live in a row of houses with a
19 house on either side of us. We believe adding a deck is the
20 best way to enhance the space we have in the back of our
21 house. We would use the deck for our own quiet enjoyment of
22 the neighborhood and our property. We love living in this
23 city and think having an additional outdoor space would
24 increase the likelihood of us staying here long term.

25 We addressed each of the special exceptions

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1 described in our referral memorandum in a burden of proof
2 statement. We modified our original design of our deck to
3 be under 50% of allowed occupancy and to maintain a 20-foot
4 setback from the public alley. We received written support
5 of our project from our three closest neighbors including the
6 neighbor across the alley, but more, most importantly the two
7 home abutting ours, ANC approval 3C, the Office of Planning,
8 and D.C. Historic Preservation. Additionally, DDOT recorded
9 no objections and the note that they put in their report
10 about the tree, we actually have gone through the process of
11 securing a permit to have that tree removed, but it also
12 isn't in the way of the project. Yeah, that's -- thank you
13 again for your time, if you have any questions I will do my
14 best to answer them.

15 BZA CHAIR HILL: Thank you, Mr. Ireland. Before
16 I turn to the Board, could I turn to the Office of Planning?

17 MS. THOMAS: Me again. We are in support of this
18 application and send in a record of our report. We don't
19 foresee any adverse impact to the neighbors, neither to the
20 sides or to the rear, abutting the alley. So with that, I'll
21 close out, thank you.

22 BZA CHAIR HILL: Thank you. All right, does the
23 Board have any questions of the Applicant or the Office of
24 Planning? Sure, Mr. Blake?

25 MEMBER BLAKE: One quick question to the

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1 Applicant. You indicated in your Burden of Proof statement
2 that you had received the support of the North and South
3 neighbors after you convinced them that their privacy would
4 not be impacted. Just curious how you convinced them that
5 their privacy would not be impacted, or use, or what was the
6 issue? What did you do there?

7 MR. IRELAND: There wasn't any issue that I was
8 aware of. I simply met with my neighbors and they agreed
9 that it was -- they were okay with the project and they
10 signed a written statement saying that they were okay with
11 it. There was really no negotiation or anything. Does that
12 answer your question?

13 MEMBER BLAKE: Yeah, thank you very much.

14 MR. IRELAND: Okay.

15 BZA CHAIR HILL: Thank you, Mr. Blake. Chairman
16 Hood?

17 ZC CHAIR HOOD: Chairman. Mr. Ireland, right
18 quick, in the submission from the Urban Forestry
19 Administration, I'm just curious, do you know what it means
20 in this -- and I probably could read the whole form, but I
21 didn't, when it says tree fund amount. What does that mean?
22 I know it's zero, but what is that about?

23 MR. IRELAND: I'm sorry, I didn't quite
24 understand.

25 ZC CHAIR HOOD: In this application there's a

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1 letter from DDOT which is the -- I probably could have asked
2 them, but Urban Forestry Administration special/heritage tree
3 program. Is that, what is the fund, the tree fund amount?
4 What is that? Is that the cost of the permit, or what is
5 that?

6 MR. IRELAND: I'm not entirely sure, I just
7 recently read this report, but the tree, while it's not in
8 the way of the project, we are actually, we've already
9 permitted to have it removed, so it's kind of I guess a moot
10 point at this point, but we do have a plan to have this tree
11 removed on April 8th of next month.

12 ZC CHAIR HOOD: All right, I'll ask DDOT.

13 MR. IRELAND: And we already have a permit, sorry.

14 ZC CHAIR HOOD: Yeah, yeah, I'm more concerned
15 about -- curious what the price would be for it if there was
16 a price.

17 MR. IRELAND: I would like to know too, but they
18 have waived it because it's a hazardous tree that needs to
19 come down due to its already being a little bit -- it's
20 dying.

21 ZC CHAIR HOOD: Okay, all right, thank you, thank
22 you.

23 BZA CHAIR HILL: Thank you, Chairman Hood. All
24 right, anyone else? Mr. Young, is there anyone here wishing
25 to speak?

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1 MR. YOUNG: We do not.

2 BZA CHAIR HILL: Okay. Mr. Ireland, do you have
3 anything you would like to add at the end?

4 MR. IRELAND: No, thank you very much for your
5 time and consideration.

6 BZA CHAIR HILL: Thank you, Mr. Ireland. All
7 right, I'm going to close the hearing and the record. Okay,
8 I again thought that this was relatively straightforward, I
9 didn't have any real concerns about it, I would be agreeing
10 with the analysis the Office of Planning has provided as well
11 as taking comfort in the fact that the ANC is in support as
12 well as neighbors that are in support, and I am going to be
13 voting to approve. Mr. Smith, do you have anything you would
14 like to add?

15 MEMBER SMITH: No, Chairman Hill.

16 BZA CHAIR HILL: Mr. Blake?

17 MEMBER BLAKE: I'll be voting in favor of the
18 application, I would also note the Historic Preservation
19 Office's support for this project as well. I'll be voting
20 in favor of the application.

21 BZA CHAIR HILL: Thank you, Chairman Hood?

22 ZC CHAIR HOOD: I will be voting in favor of this
23 application, thank you.

24 BZA CHAIR HILL: Thank you. I'm going to make a
25 motion to approve Application number 21072, as captioned and

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1 read by the secretary, and ask for a second? Mr. Blake?

2 MEMBER BLAKE: Second.

3 BZA CHAIR HILL: The motion has been made and
4 seconded. Mr. Moy, if you could take a roll call?

5 MR. MOY: Thank you, Mr. Chairman. When I call
6 your name, if you'll please respond to the motion made by
7 Chairman Hill to approve the application for the relief
8 requested. The motion to approve was second by Mr. Blake.
9 Mr. Smith?

10 (No audible response.)

11 MR. MOY: Mr. Blake?

12 MEMBER BLAKE: Yes.

13 MR. MOY: Chairman Hill?

14 BZA CHAIR HILL: Yes.

15 MR. MOY: Zoning Commission Chair Anthony Hood?

16 (No audible response.)

17 MR. MOY: Staff would record the vote as four to
18 zero to one, and this is on the motion made by Chairman Hill
19 to approve. The motion to approve was second by Mr. Blake
20 who also voted to approve the application as well as
21 approvals from Zoning Commission Chair Anthony Hood, Mr.
22 Smith, and of course Mr. Blake and Chairman Hill, no other
23 Board member participating. Motion carries, four to zero to
24 one.

25 BZA CHAIR HILL: Thank you, Mr. Moy. Okay, I'm

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1 going to take a break if that's all right with everybody, but
2 there was a timing issue so I just want to confirm one last
3 time that we don't have the ANC representative for 21037,
4 correct, Mr. Moy?

5 MR. MOY: Just a second, Mr. Chairman. All right,
6 Mr. Chairman, just to let you know, the Commissioner did not
7 appear, so we have no way -- he's not responding to our
8 contacts.

9 BZA CHAIR HILL: Okay, all right, so everybody
10 let's just take a 15 minute break and we will come back.

11 (Whereupon, the above-entitled matter went off
12 the record at 10:59 a.m. and resumed at 11:26 a.m.)

13 MR. MOY: The Board has returned to its public
14 hearing session after a brief break or recess. And the time
15 is now at or about 11:26 a.m. in the morning.

16 The next case before the Board is Application
17 Number 21037 of Nathaniel and Patricia Robb, Application
18 pursuant to Subtitle X, Section 901.2, for special exceptions
19 under Subtitle E, Section 5201.1, from lot occupancy
20 requirements, Subtitle E, Section 210.1, rear yard
21 requirements, Subtitle E, Section 207.1, property located in
22 the RF-1 zone at 1361 Oak Street Northwest, Square 2835, Lot
23 73.

24 Mr. Chairman, this was originally removed from the
25 expedited review calendar back on December 12 and placed on

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1 the hearing session. And other than that -- other than
2 applicant's team, we have three individuals signed up to
3 testify in opposition. Thank you, sir.

4 BZA CHAIR HILL: Thank you. Can the applicant
5 hear me? And if so, could they introduce themselves for the
6 record? Can you hear me?

7 MR. ALLEN: Yes, I can hear you.

8 BZA CHAIR HILL: Can you introduce yourself for
9 the record?

10 MR. ALLEN: I'm Delaunte Allen. I currently live
11 at 1361 Oak Street. And along with me, my grandparents are
12 also signed on, Nate and Patricia Robb. I'm not sure if
13 they're having issues speaking online.

14 BZA CHAIR HILL: That's all right. Mr. Allen, are
15 you using your camera or can you use your camera?

16 MR. ALLEN: Sure. I can turn it on.

17 MS. KILBY-ROBB: Okay. I think we're unmuted now.
18 Is that right? Can you hear me?

19 BZA CHAIR HILL: Yes. Can you hear us?

20 MS. KILBY-ROBB: Oh, yes. I was trying my best
21 to get unmuted.

22 BZA CHAIR HILL: No problem.

23 MS. KILBY-ROBB: Yeah, okay.

24 BZA CHAIR HILL: Could you introduce yourself for
25 the record?

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1 MS. KILBY-ROBB: Oh, yes. Good morning to each
2 of you. Thank you for meeting with us in reference to 1361
3 Oak Street Northwest. I am Patricia Kilby-Robb and --

4 MR. ROBB: And I am Nathaniel Robb.

5 MS. KILBY-ROBB: And we are the owners of the
6 property. We are not sophisticated commercial applicants.
7 We are just a blessed legacy family owners.

8 We have owned the property for more than 80 years.
9 And Delaunte that just spoke for a moment is the fourth
10 generation of family members. So we are probably the oldest
11 people who still live on 1361 Oak.

12 So this application is for a rear deck. And the
13 rear deck is an egress for safety reasons. Our daughter was
14 captain of the Fire Department in Loudoun County, our son-in-
15 law, captain of the Fire Department in the District of
16 Columbia, and now my grandson, who is on, is also a Fire
17 Department.

18 We are very concerned about not having a safety
19 exit. So that's why we are here so that we can have a deck
20 and make sure that the property is secure for whatever
21 eventuality.

22 Today we have our technical experts, because
23 that's not our area. And they can speak to the deck and how
24 it's going to be built and all of the other issues.

25 BZA CHAIR HILL: Okay. Ms. Kilby-Robb, that's

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1 great. Who are your technical experts?

2 MS. KILBY-ROBB: Ronald Alvaruda.

3 BZA CHAIR HILL: I don't see anybody. Could you
4 say that name again, please?

5 MS. KILBY-ROBB: I would have to spell it for you.

6 BZA CHAIR HILL: That's okay.

7 MS. KILBY-ROBB: He's not on at this time? They
8 said it was three people.

9 BZA CHAIR HILL: We're going to find him if you
10 can just spell the last name.

11 MS. KILBY-ROBB: I don't know if he's on his phone
12 or the contractor's phone.

13 BZA CHAIR HILL: Okay. We just have to identify
14 him somehow for the screen.

15 MS. KILBY-ROBB: Okay. I will spell it to you.

16 BZA CHAIR HILL: Okay.

17 MS. KILBY-ROBB: It's A-L-V-A-R-U-D-A.

18 BZA CHAIR HILL: Okay.

19 MS. KILBY-ROBB: Is it on there?

20 BZA CHAIR HILL: Give us one minute, please. Mr.
21 Young, I don't know if you're looking for that or see that
22 name.

23 MS. KILBY-ROBB: Ronald, are you on? Okay. All
24 right. Okay. He said that Chris Marshall is on the line as
25 the contractor. Do you see Chris Marshall?

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1 BZA CHAIR HILL: I see Chris Marshall.

2 MS. KILBY-ROBB: Okay.

3 BZA CHAIR HILL: Mr. Marshall, can you hear me?

4 MR. MARSHALL: Yes, sir, I can hear you.

5 BZA CHAIR HILL: Okay, great. All right. What
6 are you going to be testifying to, Mr. Marshall? Do you
7 know?

8 MR. MARSHALL: Yes, sir. Basically just speaking
9 to exactly what is going to be built, how it's going to be
10 built and the purpose as to why it is going to be built.

11 BZA CHAIR HILL: Could you introduce yourself for
12 the record, Mr. Marshall?

13 MR. MARSHALL: Yes, sir. My name is Chris
14 Marshall. I am a representative with AVMD Construction.
15 Ronald is the owner of the company. He is also here with me
16 as well.

17 BZA CHAIR HILL: Okay, great. All right. Ms.
18 Kilby-Robb, I am going to let you kind of lead. Do you want
19 Mr. Marshall to describe the project to us?

20 MS. KILBY-ROBB: Yes.

21 BZA CHAIR HILL: Okay. Go ahead, Mr. Marshall,
22 do you want to tell us about the project?

23 MR. MARSHALL: Yes, sir. So basically the
24 proposition is to build a two floor deck with a fire escape
25 coming -- a spiral staircase coming down the center, so

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1 leading from the top floor to the bottom floor, leading to
2 the alley.

3 BZA CHAIR HILL: Okay. Ms. Kilby-Robb, do you
4 have someone else to speak on your behalf?

5 MS. KILBY-ROBB: Yes. Do you need some additional
6 information about the rationale for the deck or any of that?

7 BZA CHAIR HILL: Ms. Kilby-Robb, we'll get back
8 to that. I just wanted to see if there were any other
9 witnesses that you had. And there are not, I guess, correct?

10 MS. KILBY-ROBB: No. No, technical speakers.

11 BZA CHAIR HILL: Okay. Wonderful. Let's see.
12 Can I hear from the Office of Planning, please?

13 MR. BARRON: Ron Barron, Development Review
14 Specialist with the DC Office of Planning. The Office of
15 Planning is recommending approval of the special exception
16 relief requested for lot occupancy and rear lot requirements
17 of Subtitle E.

18 Based upon the materials submitted to the record,
19 OP finds that the proposed two level deck with staircase
20 would be unlikely to have an undue adverse impact on the
21 light, air, privacy or general use of neighboring properties.
22 We can rest on the record for the remainder of it. And I
23 thank you for your time. And I am available to answer any
24 questions you may have.

25 BZA CHAIR HILL: Great. Okay. Does the Board

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1 have any questions of the Office of Planning or the
2 applicant? Okay. Mr. Young, is there anyone here wishing
3 to speak? Oh, sorry. I apologize.

4 MEMBER BLAKE: A quick question. One for the
5 applicant. How is the third floor currently accessed?

6 MS. KILBY-ROBB: It is accessed by elevator. And
7 it is also accessed from indoor stairs.

8 MEMBER BLAKE: And the elevator is from what entry
9 point, the hallway or another apartment? How do you enter
10 that elevator?

11 MS. KILBY-ROBB: On the ground floor, and it goes
12 up to where the deck is going to be.

13 MEMBER BLAKE: Okay. And that entrance is in
14 front of the building?

15 MS. KILBY-ROBB: No. All of this is in the back,
16 in the rear of the building. There will be no structures or
17 anything -- changes in the front of the building. This is
18 all in the rear.

19 MEMBER BLAKE: Okay. So that column that I see
20 in the middle of the building there in the back, that is the
21 elevator shaft?

22 MS. KILBY-ROBB: That is the elevator, yes.

23 MEMBER BLAKE: Okay. Thank you.

24 MS. KILBY-ROBB: Mm-hmm.

25 MEMBER BLAKE: That's what I wanted to clarify.

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1 MS. KILBY-ROBB: Okay.

2 MEMBER BLAKE: All right. I have a question for
3 the Office of Planning. Office of Planning, in the statement
4 you made today, you said you had no issues with the light,
5 air, privacy or anything like that. I recall in your report
6 there was a comment about potentially needing some type of
7 screening for privacy issues. Can you elaborate on that and
8 just help me understand a little better?

9 MR. BARON: The only issue that we could see with
10 it potentially would be because of the height of the third
11 floor level that's being proposed it would potentially create
12 substantial new views into the rear yard, particularly across
13 the alleyway. We were not recommending any type of specific
14 screening. I just wanted to have it on the record that if
15 the Board decided that that was an issue and that they wanted
16 to recommend that as a condition, OP would be in support of
17 that.

18 MEMBER BLAKE: I am looking at the Juliet
19 balconies that are on the third floor now. How would that
20 be a different view into the rear properties across the
21 alley?

22 MR. BARRON: Well, presumably because they are a
23 10 foot deck, that would allow any person who was on that
24 level to be further out into the yard, projected out into the
25 space and be able to see further into it potentially.

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1 We didn't see it as a significant issue. It was
2 just something that we raised that if the Board considered
3 it, we would be happy to support that.

4 MEMBER BLAKE: Okay. Thank you.

5 BZA CHAIR HILL: Questions for the Office of
6 Planning or the applicant?

7 MS. KILBY-ROBB: I don't think so unless you have
8 some questions.

9 BZA CHAIR HILL: No, I got you Ms. Kilby-Robb.
10 I am just going through now, we are going to hear testimony
11 from the public.

12 MS. KILBY-ROBB: Okay.

13 BZA CHAIR HILL: Okay. Go ahead, Mr. Young, could
14 you please allow the public testimony to move forward? And
15 give me their names if you wouldn't mind.

16 MR. YOUNG: Yes, we have Daniel Hayes, Tim Hampton
17 and Nishelle Goynes.

18 BZA CHAIR HILL: Okay. Mr. Hayes, can you hear
19 me?

20 MR. HAYES: Can you hear me?

21 BZA CHAIR HILL: Yes. If you could go ahead and
22 please introduce yourself for the record? And then you will
23 have three minutes to give your testimony. And there is a
24 clock on the screen that you can watch.

25 MR. HAYES: Thank you. My name is Daniel Hayes.

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1 I am an architect. I live at 1353 Oak Street, just down the
2 block from this residence and so I am a neighbor.

3 The issue that I see is that the building has a
4 third floor that they are trying to use as a third unit on
5 this property. And the property is in our Zone RF-1, which
6 is a two unit residential flat with accessory because of the
7 size of the property.

8 The current building is a replacement of one that
9 was there until a fire of December 6 of 2009, which burned
10 and blew out the back wall of the house during construction.
11 And when they built it, I believe they came before BZA before
12 and the top floor was -- it was not allowed to be a separate
13 unit, but they could use it as a party room, which is what
14 has been allowed.

15 There are entrances through the house to get to
16 it, which would allow the two units that are legitimately on
17 the property to actually use it as the party room. And the
18 elevator was at the back as an accessory to get in and out
19 of the property but not necessarily the main way to get in.

20 Currently, there is no front entry to this unit.
21 And there is no independent stairway to this third floor unit
22 at the house. And so all the egress happens either through
23 the apartments below or through the elevator.

24 The owners are absentee landlords, and they are
25 now having someone live in the household. And they have been

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1 absentee for the 25 years I have lived here at the property,
2 at my property down the street. They are seeking to use the
3 third floor as a separate apartment unit. And so we are
4 asking for denial of the unit to be a third unit in a two
5 unit RF-1 zone.

6 We are asking that they do not allow the porch
7 addition because of privacy, light, character pattern of
8 building in the back of the house. And also there is a whole
9 fire question depending on what the total of that deck, that
10 three story deck, is going to be. And we are also asking the
11 BZA ask the owners to cease and desist using the third floor
12 as an independent, separate third unit in a two RF-1 zone.
13 Thank you.

14 BZA CHAIR HILL: Thank you, Mr. Hayes. Mr.
15 Hampton, can you hear me? Or, yeah, Mr. Hampton.

16 MR. HAMPTON: Yes, I can. Can you hear me?

17 BZA CHAIR HILL: Yeah. Can you go ahead and give
18 your name and address and then your testimony. You will have
19 three minutes as well.

20 MR. HAMPTON: Thank you. My name is Tim Hampton.
21 I live at 1360 Otis Place. So I am one over from being
22 directly across the back alley from them. So I am very, very
23 impacted by this.

24 And I am opposing any building extensions or, you
25 know, additional changes or additions to the back. And I

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1 want to say currently this house is the most massive house
2 on the block on either side on the alley and as far as I know
3 -- I don't know -- nearby houses on the parallel blocks. It
4 is the most massive. It comes out the farthest. And its
5 parapet walls go up the highest. So it is already kind of
6 a visual imposition.

7 And in addition to that -- I'm just talking about
8 the main building. In addition to that, its deck then
9 extends further back than any other house into what's
10 normally the rear yard, you know -- I don't know -- place
11 where you're not supposed to build. And then beyond that
12 deck, they have a staircase going -- a full staircase going
13 even further, practically right to the alley. It stops maybe
14 a foot or two from the alley. I don't know.

15 So I think this building is already an imposition
16 in terms of light and air and just the mass and being a
17 different from all the other houses around it. And when they
18 built this back deck, they didn't get the permit originally.
19 If I remember correctly, the work was stopped, and they had
20 already built the elevator shaft and the deck and the stairs
21 or they were in the process of it. And I didn't oppose it
22 at the time. They are long-term owners, and there had been
23 fire. It was sad. And I know they wanted the elevator.
24 They are older.

25 And I didn't understand why the elevator couldn't

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1 be part of the actual normal footprint as opposed to sticking
2 back out because they rebuilt the entire thing from scratch.
3 But I didn't oppose it at the time even though it really is
4 kind of a -- I don't know -- it's kind of eyesore sticking
5 out. The elevator shaft sticks back. The deck sticks
6 further back. The stairs stick further back.

7 And then the whole idea of adding another
8 multilevel deck to this with a spiral staircase and having
9 increased traffic in the back, it seems totally wrong. And,
10 like, I don't know, kind of unfair to everybody else in the
11 neighborhood who is, like, respecting the setbacks and
12 allowing there to be views and keep the character in line.
13 And this house that already has more than anybody wants even
14 more than anybody else extra.

15 And this was all -- as far as egress, they have
16 indoor stairs. They already have an elevator, which sticks
17 back further out of the normal footprint. I don't
18 understand. They built this from scratch. So if there is
19 problems with the access, they did it. Like it was built
20 new. So I don't think they should then come back to zoning
21 and say, we now need to make changes, and it needs to come
22 out of everybody else's -- it needs to harm everybody else
23 as opposed to harming, you know, taking away from our own
24 footprint. I have more say, but I'll stop. Thanks.

25 BZA CHAIR HILL: Thank you. Ms. Goynes, can you

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1 hear me?

2 MS. GOYNES: I'm sorry. I'm actually for Case
3 21058.

4 BZA CHAIR HILL: Oh, okay. All right. Ms.
5 Goynes, we are going to let you go then. Mr. Young, we will
6 bring Ms. Goynes back. Thank you.

7 Okay. Let's see. Does the Board have any
8 questions for the witnesses? Okay. All right. Thank you
9 all for your participation. And we will see how this
10 continues forward. Thank you.

11 MS. KILBY-ROBB: Okay. So is it time for us to
12 clarify?

13 BZA CHAIR HILL: Yeah, Ms. Kilby-Robb, you can go
14 ahead and give a rebuttal if you would like.

15 MS. KILBY-ROBB: Okay. All right. Mr. Hayes is
16 correct. He has been on Oak Street for a period of time.
17 And he was there when our property caught on fire. So, yes,
18 the house burned down to the ground. And so I can understand
19 the neighbors, you know, being cognizant of our property.

20 It was unfortunate. It devastated us. It almost
21 destroyed our economy. But because our mother owned that
22 property for almost 80 years, we decided to make sure that
23 it would not become a victim or we would not become victims.
24 So we rebuilt.

25 And so when we rebuilt, we went through every step

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1 of providing an opportunity to work with the neighbors as
2 well as when the property was completed. We tried to come
3 back to BZA for the Juliet balconies to become a balcony.

4 And Mr. Hayes has been a long-term person who has
5 somehow decided that as a mission, he should make sure that
6 we do not build a deck. So we are, you know, dismayed about
7 that. But his depiction of a third floor apartment is
8 incorrect.

9 The house does not have a basement, so the third
10 floor is actually the basement, what you would consider a
11 basement in your home. It is not rented out. My grandson
12 can attest to the fact that he spends a great deal of time
13 on that third floor. And as I stated, he is a fireman so he
14 is well aware of what is needed to make sure that the safety
15 of anybody who comes to visit is taken care of.

16 It is not a party room. We are Christians. And
17 we do not party. And we expect our grandson to carry on that
18 same religious flavor. So he is wrong. It is not a place
19 to rent. It is a place for family living. So that takes
20 care of Mr. Hayes' issue.

21 Now, Mr. Hamilton, I have never personally met Mr.
22 Hamilton. And he mentioned about the alley. I am here to
23 tell you that almost all of the properties come out to the
24 very -- where the alley is, come out. Everybody has a garage
25 or it has staircases all the way up. So we are one of the

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1 few people without the deck, the double deck.

2 And if you look at the pictures, the pictures to
3 the left of the back of the property, you will see all the
4 way to the top of each property that is the back of 14th
5 Street that goes all the way up to the top.

6 If you see a few houses down, you will see other
7 properties with decks all the way up. So we are not sure
8 what the issue is. We are an African American family. And
9 we thank God that we are able to maintain our property. So
10 I am not clear as to what the problem is. But these issues
11 that have been presented are not correct.

12 So look at the pictures. My grandson can attest
13 to the fact that he is on the property. He lives on the
14 property.

15 BZA CHAIR HILL: Thank you, Ms. Kilby-Robb.

16 MR. ROBB: I had one question. The gentleman
17 that's on Otis, how is that directly affecting him? He is
18 on Otis, not on Oak Street. And I have been acquainted with
19 Oak Street all my life. And I cannot see any reason why
20 someone living on Otis Place can be affected by the fact is
21 of what we are trying to do on 1361 Oak Street. I do not
22 understand what the problem -- what the issue is with that
23 individual.

24 BZA CHAIR HILL: Okay. I mean, anybody can
25 testify in any capacity within the hearing. And so they were

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1 just giving their testimony. But really what matters is
2 what the Board, what questions they might have. So, Mr. And
3 Mrs. Kilby-Robb, give me one second.

4 So I had a question for the Office of Planning.
5 Mr. Barron, can you hear me?

6 MR. BARRON: Yes, I can.

7 BZA CHAIR HILL: When you were talking about
8 privacy screening that could potentially be a mitigation
9 factor, where were you talking about it?

10 MR. BARRON: I didn't really have a specific
11 location in mind, either to the sides or to the rear of the
12 deck may be appropriate. I just understand that this is a
13 mitigation factor that sometimes the Board considers. So we
14 wanted to make sure that it was understood that we were in
15 support of it as far as the third deck -- the third floor is
16 concerned.

17 BZA CHAIR HILL: Okay. Ms. Kilby-Ross, can you
18 hear me?

19 MS. KILBY-ROBB: Yes.

20 BZA CHAIR HILL: What did your neighbors on either
21 side have to say?

22 MS. KILBY-ROBB: As far as we know, our neighbors
23 to the right are physicians. And we had talked to them
24 several times. And we had made some concessions for them.
25 And they built all the way out to the alley. So they now

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1 have a new garage that extends all the way to the alley.

2 And then right on the other side is Pastor Matt.
3 We have known Pastor all of the time that we have been there.
4 And he has, as far as we are concerned, supported us. He has
5 come inside our home and helped us with some maintenance
6 issues. His son has cut the grass. So no one as far as I
7 know next to us on the right side, those two neighbors, have
8 not said any -- or given us any negative, you know, comments.

9 BZA CHAIR HILL: Okay. Ms. Kilby-Ross, are there
10 any interiors plans in the record on the home or project?

11 MS. KILBY-ROBB: Yes, they should be uploaded in
12 the system.

13 BZA CHAIR HILL: Okay. I didn't see any interior
14 plans.

15 MS. KILBY-ROBB: Okay. Mr. Marshall, is Ronald
16 right beside you?

17 MR. MARSHALL: Ronald is here, yeah.

18 MS. KILBY-ROBB: Okay. Ronald?

19 MR. ALVARUDA: Yes?

20 MS. KILBY-ROBB: Okay. He is asking about the
21 interior plans of house.

22 MR. ALVARUDA: Yeah. We have uploaded all of
23 those documents.

24 BZA CHAIR HILL: Where are they, Mr. Marshall?
25 Do you know what exhibit?

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1 MR. MARSHALL: They would have been -- I don't
2 know exactly where they would have been. But I know for this
3 application for relief that was submitted, it is only
4 exterior work that is taking place. There is nothing
5 interior that is going to be changed.

6 BZA CHAIR HILL: Right. So you didn't submit any
7 interior plans, correct?

8 MR. MARSHALL: To my knowledge, I don't think so.
9 There might be images of the inside that have been uploaded.
10 But none of this work that we are proposing to do is
11 impacting the interior of the house. There is no plans to
12 add a third unit to this --

13 BZA CHAIR HILL: The reason why I am asking is I
14 am trying to figure out how that third floor deck may or may
15 not be used. And so therefore, it would be the impact that
16 might be to the neighborhood. That is why I am curious as
17 to what the interior plans are. But I will let my fellow
18 Board members see if they have any issues or concerns.

19 So you were about to say something, sir?

20 MR. ALVARUDA: Yes. I want to say also there are
21 -- when I was trying to just build a two level deck, okay,
22 with spiral stairs, but as you can see we upload some other
23 picture from different locations around where there is the
24 same location.

25 BZA CHAIR HILL: Right. But you don't have the

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1 rear of the two adjacent properties, correct?

2 MR. ALVARUDA: Yes.

3 BZA CHAIR HILL: The only ones that you gave me
4 are ones from like 14th Street and different areas around.
5 But I don't see anything from either side of the property.

6 Okay. Let me ask -- Mr. Smith had his hand up.

7 MEMBER SMITH: Chairman Hill, I don't see anything
8 in the record showing any floor plans. And there were some
9 questions that were raised by some of the people that spoke
10 in opposition. So that would be something that I would like
11 to see given some of the concern that was raised.

12 Ms. Kilby-Robb --

13 MS. KILBY-ROBB: Yes.

14 MEMBER SMITH: -- so a similar question that was
15 raised by Mr. Hill. Given the size of your building now and
16 the size of this third floor deck that will stands out from
17 your building that stands fairly equal to your yard, it would
18 have been helpful to have some letters in the record from the
19 adjacent property owners directly to your left and to your
20 right and probably on that block that will help support what
21 you stated earlier that your neighbor isn't opposed to it.

22 So I would like to see some of that within your
23 record. So I'm not going to vote on this today. So I would
24 just like to see some of that -- some additional support from
25 the adjacent neighbors in the form of letters.

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1 BZA CHAIR HILL: Okay. Did somebody else have
2 their hand up? Mr. Blake?

3 MEMBER BLAKE: Clarify the plans as well. The
4 replacement would essentially demolish the existing deck and
5 the existing staircase?

6 MS. KILBY-ROBB: Yes.

7 MEMBER BLAKE: And if I --

8 MS. KILBY-ROBB: Yes.

9 (Simultaneous speaking.)

10 MEMBER BLAKE: There would be no staircase coming
11 down -- the spiral staircase would just come straight down
12 the middle in front of the elevator shaft, correct?

13 MS. KILBY-ROBB: Correct, yes.

14 MEMBER BLAKE: Okay. So how did --

15 MS. KILBY-ROBB: So the old -- the deck that's
16 there now will be completely replaced. So it's not as if,
17 you know, it's going to add to it.

18 Now let me say something about the size --

19 (Simultaneous speaking.)

20 MS. KILBY-ROBB: Can I say something about the
21 size of the house? The size of the house, I mean, it's a row
22 house. So it did not extend out in the front. It did not
23 extend out on the sides. So it is the same size as all of
24 the other houses. It just -- we wanted to add this deck to
25 the back.

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1 I don't know if you see other pictures in there
2 or not, but all of the -- I am not going to say all -- but
3 a lot of the properties come out to the entire -- to where
4 the back is. They come out to the -- what do you call it,
5 honey -- the alley, to the alley. We are not even asking to
6 come out to the alley.

7 MR. ROBB: No.

8 MS. KILBY-ROBB: But the others are. And our next
9 door neighbor right to the right of us, he put up his garage
10 right to the alley. So I am not sure, you know, what they
11 are saying about our house being much larger than anybody
12 else. Because --

13 MEMBER BLAKE: Well, do you --

14 MS. KILBY-ROBB: Yes?

15 MEMBER BLAKE: -- Ms. Kilby-Robb, I have a quick
16 question on this matter. The pictures we have don't show a
17 garage extending -- your next door neighbor's garage
18 extending to the alley front. So perhaps these are not
19 recently updated. I don't know. I don't see the garage out
20 there.

21 Second, the HVAC system is directly underneath the
22 staircase. Would that be relocated as well?

23 MS. KILBY-ROBB: No, because the deck would just
24 replace the deck that's there.

25 MEMBER BLAKE: I'm talking about the spiral

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1 staircase.

2 MS. KILBY-ROBB: The spiral staircase will not
3 interfere with the units.

4 BZA CHAIR HILL: Mr. Marshall, can you hear me?

5 MR. MARSHALL: Yes, sir, I can.

6 BZA CHAIR HILL: My fellow Board member, Mr.
7 Blake, was asking whether those HVAC units are going to have
8 to be moved.

9 MR. MARSHALL: No, the way it is designed, they
10 are not in conflict. And, Mr. Chairman, if I could clarify,
11 I just reviewed the stuff while I was waiting. And the third
12 floor deck will be accessed by the existing doors on the
13 third floor that currently have the bars.

14 So if you look at the Affidavit of Posting or the
15 picture of the rear of the home, you can see where those bars
16 are, those will be removed, which would allow access to the
17 third floor deck, which doesn't require any changes to be
18 made to the interior of the property.

19 BZA CHAIR HILL: All right, Mr. Marshall. Let's
20 see. All right. So, Chairman Hood, do you have anything you
21 want or have to add?

22 ZC CHAIR HOOD: I followed. I will say, though,
23 I really don't understand. Maybe we are missing some pieces
24 that my colleagues have asked for. I'm trying to -- I hear
25 what's being said, but I don't see it. And I think we are

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1 missing some things. And once we get that, that will
2 probably answer some of my questions.

3 So in other words, Mr. Chairman, thank you for
4 calling on me, but I am just waiting for things to come to
5 light so I can figure out what's going on.

6 BZA CHAIR HILL: So, Mr. Marshall, are you the
7 person that's helping submit drawings and things for Ms.
8 Kilby-Robb?

9 MR. MARSHALL: I am helping Ronald Alvaruda, who
10 is the owner of AVMD Construction, who is hired by Ms. Kilby-
11 Robb.

12 BZA CHAIR HILL: Okay. So if you can get us
13 internal drawings of the home, That is the first thing that
14 one Board member has asked for as well as myself.

15 MR. MARSHALL: Internal drawings of the home?

16 BZA CHAIR HILL: Yeah, internal drawings of the
17 home. If you want to take again a picture of the rear alley
18 in a way that shows both of the properties to either side and
19 then anything else Ms. Kilby-Robb might want to put forward
20 that speaks to -- she is saying the rear of the other homes
21 are also built out quite far or there is a lot of decks there
22 that are also in that alley. Okay?

23 MR. MARSHALL: Got it.

24 BZA CHAIR HILL: And then the only thing for me
25 is I'm just trying to see the size of that deck and how it

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1 is -- how far is it coming out past the elevator shaft? Do
2 you know?

3 MR. MARSHALL: The elevator shaft, I believe is
4 what, 4 foot. And then the exterior deck will come out
5 another 6 foot beyond the elevator shaft.

6 BZA CHAIR HILL: And that includes the spiral
7 stair?

8 MR. MARSHALL: The spiral staircase will be inside
9 of that. So nothing will extend further past the 6 foot
10 after the elevator shaft.

11 BZA CHAIR HILL: Okay.

12 ZC CHAIR HOOD: Mr. Marshall, what is it now? I'm
13 looking at the one showing the rear view. This is it, from
14 the shaft to what you have now?

15 MR. MARSHALL: So what we have currently is 4 foot
16 beyond the shaft. So it will only be -- the special
17 exception was requested to extend it another 2 foot from
18 where it currently stands.

19 ZC CHAIR HOOD: Two feet, okay. Thank you.

20 MR. MARSHALL: No problem.

21 BZA CHAIR HILL: Mr. Blake, do you need anything
22 else?

23 MEMBER BLAKE: No, that 2 feet extension helped
24 me a little bit to understand how that will work. Thank you.
25 That was actually very helpful.

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1 MR. MARSHALL: No problem.

2 BZA CHAIR HILL: Mr. Smith, Mr. Blake, do we need
3 to do a continued hearing or are we just coming back for a
4 decision?

5 ZC CHAIR HOOD: Leave it open because we might
6 have some additional questions once they -- I may have some,
7 but --

8 (Simultaneous speaking.)

9 BZA CHAIR HILL: That's great, Chairman Hood. I'm
10 just trying to understand. Go ahead, Mr. Smith.

11 MEMBER SMITH: Also, I agree. I think it needs
12 to amended. I may have some additional questions. Mr.
13 Marshall, I just have another question. You stated that the
14 spiral staircase was going to extend out more than -- it will
15 be within the framework of the new deck, which you can put
16 on the third floor? Because it looks like in the plans that
17 I am seeing that it sits forward of the deck. Is that
18 correct? The spiral itself is not incorporated into the deck
19 itself.

20 MR. MARSHALL: I am not sure if I'm understanding
21 your question correctly, but the spiral staircase will be
22 within the footprint of the new deck.

23 BZA CHAIR HILL: That's not what the floor --
24 that's not what the plan shows.

25 MR. MARSHALL: Oh, excuse me, excuse me. I'm

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1 sorry. I'm sorry. I'm sorry.

2 BZA CHAIR HILL: The plan shows the spiral stair
3 outside of the deck behind the elevator shaft.

4 MR. MARSHALL: That's correct. My apologies. It
5 will be 5 foot from the edge of the deck, of the new deck.

6 BZA CHAIR HILL: So I would like to know when you
7 come back here how far it is from the end of that spiral
8 stair to the end of the elevator shaft.

9 MR. MARSHALL: The end of the spiral stair to the
10 end of the elevator shaft. That is 4 foot 9 inches.

11 MEMBER SMITH: That doesn't seem -- so the --

12 MR. MARSHALL: That is S100 if you are looking at
13 the blueprints, Detail 4.

14 BZA CHAIR HILL: That looks like more than 4 feet
15 to me. Anyway, when you come back, re-measure, Mr. Marshall.
16 Okay?

17 MR. MARSHALL: Yes, sir.

18 BZA CHAIR HILL: All right. Okay. So then, Mr.
19 Marshall, find out what the adjacent neighbors have to say,
20 and if you don't have anything from them, that's also fine.
21 But just something that says you reached out to them and what
22 happened, okay? All right? And then the interior floor
23 plans, okay?

24 MR. MARSHALL: Yes, sir.

25 BZA CHAIR HILL: And then the measurement again,

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1 for me, from the rear of that elevator shaft out to the edge
2 of the spiral stair.

3 MR. MARSHALL: Understood.

4 BZA CHAIR HILL: Okay?

5 MR. MARSHALL: Okay. Yes, sir.

6 BZA CHAIR HILL: Okay. And then Mr. Blake or Mr.
7 Smith, did you have anything additional -- or Chairman Hood?

8 MEMBER BLAKE: I will recommend that they also try
9 to have some outreach, some definitive outreach with their
10 neighbors and see if they can get some letters of support
11 from them, given some of the testimony we are hearing today
12 from the adjacent property owners.

13 MR. MARSHALL: Yes, sir.

14 BZA CHAIR HILL: Okay. So Mr. Marshall, how long
15 do you think it will take you to get these things together?

16 MR. MARSHALL: I would say -- I mean, we want to
17 move on this as quickly as possible, so if you give us a date
18 as to when we could reconvene, we would make that deadline.

19 BZA CHAIR HILL: Mr. Moy? Mr. Moy? I mean, Mr.
20 Marshall, you have to reach out to the neighbors, right? So
21 I don't know how long that is going to take. If you have the
22 internal plans already, then that is easy enough to upload,
23 right?

24 MR. MARSHALL: Right.

25 MS. KILBY-ROBB: Yes.

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1 BZA CHAIR HILL: And then the measurement of the
2 rear of the elevator shaft to the edge of that spiral star,
3 that is also easy enough. The time that you are going to
4 need is to reach out to the neighbors and then also provide
5 us with pictures of what that alley looks like now, okay,
6 particularly the next door neighbors.

7 MR. MARSHALL: Okay.

8 BZA CHAIR HILL: Okay? And the reason why we are
9 asking these questions again, it is more of a privacy issue
10 than I think I am curious of in terms of the height of that
11 deck. Okay?

12 And then, Mr. Moy, what is -- I know that we are
13 extremely jammed up, but when do you think we might be able
14 to get back here?

15 MR. MOY: My suggestion, given the supplemental
16 information that the applicant is going to need to provide,
17 I am guessing more than week. So if I go a minimum of two
18 weeks, that will take us to April the 1st, but our hearing
19 is April 3, where you have four cases and one appeal. April
20 10 is not so good with 10 cases. So I think it is either
21 going to be April 3 or that following week.

22 MS. KILBY-ROBB: Okay. Could I ask a question,
23 please? You know, my husband and I will certainly reach out
24 to the neighbors. Could we have it as soon as possible, like
25 a week, so the first possible opportunity.

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1 We will be out of town beginning April 1. So if
2 we could have it before April 1 that would be greatly
3 appreciated.

4 BZA CHAIR HILL: Okay. I mean, I guess if -- I
5 am looking at my fellow Board members. Now, I mean, I
6 actually have my own issues as well in terms of some of the
7 dates. I mean, April 3 would be, you know -- Ms. Kilby-Robb,
8 if you're not here, I guess that would also be a problem
9 meaning we would have to -- I don't know if you can -- that
10 only gives you a week. There is only the 27th is the next
11 one ahead of us.

12 MS. KILBY-ROBB: That's fine.

13 BZA CHAIR HILL: Well, I don't know if it will
14 work for us, Ms. Kilby-Robb.

15 MS. KILBY-ROBB: I'm sorry.

16 BZA CHAIR HILL: That's all right.

17 MS. KILBY-ROBB: Okay.

18 BZA CHAIR HILL: I mean, you guys, Mr. Marshall,
19 and also it seems like, again, some of this the Office of
20 Planning had asked for. And so if you already had it in the
21 record, we would have been able to at least kind of
22 understand. I am trying to also understand how that third
23 floor is being used so that I can understand what the privacy
24 impacts for that deck, right?

25 MS. KILBY-ROBB: Okay.

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1 BZA CHAIR HILL: And that's why I want to know,
2 right?

3 MS. KILBY-ROBB: Sure.

4 BZA CHAIR HILL: And so if you have those plans
5 ready to go, I mean, I guess then, Mr. Moy, I don't think we
6 can get back here on the 27th because everyone has to have
7 an opportunity to look at that, including the ANC, correct?

8 MS. KILBY-ROBB: I thought the plans were uploaded
9 already. And Delaunte had taken all of the pictures of the
10 entire lot. So I am not sure why they are not in the
11 records. But I know Delaunte has pictures on his phone. And
12 we have plans right here in our room, bedroom. So those are
13 not issues for us. It's -- and I will be --

14 BZA CHAIR HILL: I got you, Ms. Kilby-Robb. I am
15 just saying they are not in the record so we can't see them.

16 MS. KILBY-ROBB: Right. I don't know why.

17 BZA CHAIR HILL: Yeah.

18 MS. KILBY-ROBB: I don't know why they're not
19 there.

20 BZA CHAIR HILL: Okay. All right. Anyway. So
21 let's see -- so you're not in town the 3rd, is that right,
22 Ms. Kilby-Robb?

23 MS. KILBY-ROBB: We will be leaving on the 1st and
24 we will not be back until the weekend.

25 BZA CHAIR HILL: So you're back on the 10th. And

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1 the 10th.

2 MS. KILBY-ROBB: Yes.

3 BZA CHAIR HILL: And the 10th, you said Mr. Moy,
4 there's an appeal and four cases?

5 MR. MOY: On April the 10th, Mr. Chairman, you
6 have -- April the 10th, right?

7 BZA CHAIR HILL: Yes.

8 MR. MOY: On April 10th, you have a decision-
9 making case and then 10 regular cases, April 10th.

10 MS. KILBY-ROBB: Okay.

11 BZA CHAIR HILL: Okay. All right. I will tell
12 you what. So, Ms. Kilby-Robb, just to let you know, we are
13 going out of our way to come back here on April 10 for you
14 guys because --

15 MS. KILBY-ROBB: Okay.

16 (Phone ringing.)

17 MR. MARSHALL: Sorry.

18 MS. KILBY-ROBB: Okay.

19 BZA CHAIR HILL: That's all right, Mr. Marshall.

20 Because there are conflicts on the 17th and 24th. So I
21 wouldn't even be able to bring you back here until May 1.

22 So we will try and accommodate you on April 10. Okay?

23 MS. KILBY-ROBB: Okay.

24 BZA CHAIR HILL: And so what that means, Mr.

25 Marshall -- and Mr. Marshall, somebody just pointed out to

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1 me that it might even be 15 feet from the back of that
2 elevator shaft to the back of that stairwell. Okay? So how
3 you are getting 4 feet makes me very confused. And just to
4 let you know, Mr. Marshall, if we are continuing to be
5 confused at the next hearing, it will get kicked down the
6 road, again?

7 MR. MARSHALL: Absolutely.

8 MS. KILBY-ROBB: Okay.

9 BZA CHAIR HILL: So make sure you've got your
10 measurements right and you know how you are answering the
11 questions before your answer the questions.

12 MR. MARSHALL: Will do.

13 MEMBER SMITH: To clarify, this is -- you are
14 referencing from the rear of the elevator shaft. It is 10
15 feet from the rear of the building, not even counting the
16 elevator shaft. And then an extra -- it's probably an extra
17 5 feet for that spiral staircase.

18 Mr. Marshall, you had just provided that
19 clarification to us and then outreach is critical here just
20 given the size of this deck.

21 BZA CHAIR HILL: All right. So Ms. Kilby-Robb,
22 just to let you know, Mr. Smith has mentioned a couple of
23 times now, outreach, right --

24 MS. KILBY-ROBB: Sure.

25 BZA CHAIR HILL: -- to find out what the neighbors

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1 have to say about that deck. All right?

2 MS. KILBY-ROBB: Sure, yes.

3 BZA CHAIR HILL: And so if you want to -- I will
4 tell you what, we will give you until the 3rd to submit
5 whatever you want to submit into the record. Okay, Ms.
6 Kilby-Robb?

7 MS. KILBY-ROBB: Okay.

8 BZA CHAIR HILL: Okay. That's April 3. I know
9 you are going to be out of town so try to do it by the 1st.

10 MS. KILBY-ROBB: Sure.

11 BZA CHAIR HILL: I understand, Mr. Moy, that means
12 -- oh, I'm sorry. Do it by April 2nd, April 2nd --

13 MS. KILBY-ROBB: Okay.

14 BZA CHAIR HILL: -- Ms. Kilby-Robb? And then that
15 gives everyone, including the ANC one week to submit anything
16 into the -- well, I shouldn't say that. We are going to have
17 submissions from parties. And the only party is the ANC.
18 Okay?

19 MS. KILBY-ROBB: Okay.

20 BZA CHAIR HILL: So we will leave the record --
21 and now I'm talking to Mr. Moy, Ms. Kilby-Robb -- Mr. Moy,
22 and let me know if I'm wrong about this. So then if we have
23 submissions by the 9th, keep the record open by the 16th for
24 parties, then we can come back here on the 17th for a
25 continued hearing, correct?

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1 MS. KILBY-ROBB: Okay.

2 BZA CHAIR HILL: No, Ms. Kilby-Robb, I am talking
3 to Mr. Moy.

4 MS. KILBY-ROBB: Oh, okay.

5 BZA CHAIR HILL: No problem.

6 MR. MOY: Okay. All right. All right. Five
7 cases and one appeal, so this will be the sixth case for
8 April 17, right?

9 BZA CHAIR HILL: No. Oh, I'm -- no, no, April
10 10th, April 10th, I'm sorry.

11 MR. MOY: That's what I thought.

12 BZA CHAIR HILL: Yeah, I'm sorry.

13 MR. MOY: You said April 10th.

14 BZA CHAIR HILL: I apologize. I gave the wrong --
15 submissions by April 2.

16 MR. MOY: Okay. From the applicant.

17 BZA CHAIR HILL: And then --

18 MR. MOY: By Tuesday, April 2, and then parties'
19 responses to ANC by April 8?

20 BZA CHAIR HILL: Sure.

21 MR. MOY: Or did you want to change that date?

22 BZA CHAIR HILL: No, I mean, if we can, I would
23 rather go with Friday the 5th.

24 MR. MOY: That's pretty short for the ANC.

25 BZA CHAIR HILL: I got you. So let's do Monday

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1 the 8th.

2 MR. MOY: Okay. All right. So the applicant
3 makes their submission with supplement information by
4 Wednesday, April the 2nd. The responses from the ANC to
5 reply by Monday the 8th. A limited scope hearing on
6 Wednesday, April the 10th. Okay?

7 BZA CHAIR HILL: Okay. Great. And if the Office
8 of Planning wants to supply any further, I guess they could
9 based on the submissions. I mean, the part -- can you -- Mr.
10 Barron, can you hear me?

11 MR. BARRON: Yes.

12 BZA CHAIR HILL: The only thing that -- I mean,
13 mine -- the lot occupancy is so small. It's only .4 percent
14 above the permitted, right?

15 MS. KILBY-ROBB: Yes.

16 BZA CHAIR HILL: And then the rear yard, even that
17 seems somewhat nominal. Like, the only concern that seems
18 to be, I guess, is maybe the privacy of that.

19 I mean, the Office of Planning doesn't have any
20 issues with that large of a deck that high up?

21 MR. BARRON: Not in and of itself, no. There were
22 -- we did look at -- I did do a site visit to try to get an
23 assessment because the particular street it is on is very
24 different, that particular apartment has very different
25 houses on the street.

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1 However, if you notice there is a T-shaped
2 alleyway, and one end of it, there is a higher density zone
3 so you have a lot of apartments that have very similar decks.
4 And there are some apartments that are on the opposite
5 street, opposite the alleyway, that do have similar decks
6 although they are not quite as close to the real lot line as
7 that.

8 So the only real issue that we had looked at was,
9 again, the character and then the light and air. But given
10 the size of the building and all the other considerations,
11 we didn't think that was enough to warrant a denial. I
12 didn't think that was enough to warrant a denial.

13 BZA CHAIR HILL: Okay. Okay. All right. Yeah.
14 I'm taking a look at the -- right, the greater density a
15 little bit farther up the road. Okay. Okay. All right.
16 Anyone else have anything else they want?

17 Ms. Kilby-Robb, do you understand?

18 MS. KILBY-ROBB: I do understand. Yes, I do.

19 BZA CHAIR HILL: Okay. Thank you. And then, Ms.
20 Kilby-Robb, we will see you on April 10th.

21 MS. KILBY-ROBB: Okay.

22 BZA CHAIR HILL: Okay. And by the way, for the
23 public, this is going to be a continued hearing just on the
24 information that is going to be submitted on the --

25 ZC CHAIR HOOD: 2nd.

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1 BZA CHAIR HILL: -- 2nd, thank you, April 2nd.
2 So if the public does come to testify, it will be a continued
3 hearing only on the additional information provided. Okay.

4 MS. KILBY-ROBB: Okay.

5 BZA CHAIR HILL: Okay. We will see you guys on
6 April 10th.

7 MS. KILBY-ROBB: Okay. Thank you very much.

8 MR. ROBB: Thank you.

9 BZA CHAIR HILL: Thank you.

10 MS. KILBY-ROBB: Okay.

11 BZA CHAIR HILL: Bye-bye.

12 MS. KILBY-ROBB: Bye.

13 BZA CHAIR HILL: Okay. All right. Okay. The
14 next case I think might actually ended up being a
15 postponement because there has been some additional
16 information provided. So may I suggest we go ahead and do
17 the postponement and then take lunch? Okay? Mr. Moy, do you
18 want to go ahead and bring up the next case?

19 MR. MOY: So the next case before the Board is
20 Application Number 21058 of Rupsha 2011, LLC, self-certified
21 application pursuant Subtitle X, Section 901.2, special
22 exception Subtitle U, Section 421, to allow a new residential
23 development, I believe, a 39-unit apartment house. The
24 property is located in the RA-1 zone at 2424 Pomeroy Road
25 Southeast, Square 5873, Lots 856, 857, 104, 903 and 932.

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1 Apart from the fact that there are four persons
2 signed up to testify in opposition, the ANC, I believe, is
3 in the panel, and of course, the applicant's team. And as
4 you just mentioned, Mr. Chairman, this morning there was a
5 letter submitted by ANC 8B with their position, their
6 comments, as well as a request for a postponement. And I
7 believe it's under Exhibit 30.

8 BZA CHAIR HILL: Okay. If the applicant can hear
9 me, if they could please introduce themselves for the record?

10 MR. SECK: Yes, good afternoon, Chairman Hill.
11 My name is Oumar Seck, representing Rupsha 2011.

12 BZA CHAIR HILL: Okay. Well, now I am looking at
13 my fellow Board members. I am not exactly sure what to do.
14 We could have the hearing and then, you know, postpone it for
15 later until the commissioners -- because I got four witnesses
16 here, and so postpone it so that the ANC can actually process
17 all of this information. Is the commissioner here?

18 MR. JOHNSON: Chairman, I am. I am the chair of
19 8B, Joseph Johnson.

20 BZA CHAIR HILL: Hi, Commissioner. How are you
21 doing?

22 MR. JOHNSON: I'm doing great. How about
23 yourself?

24 BZA CHAIR HILL: Good, good. Commissioner, I read
25 your submission. You are a newly elected chair, and you guys

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1 just had an opportunity to get the materials, correct?

2 MR. JOHNSON: That is correct. So the developer
3 reached out -- I think that was March 14, but what we were
4 able to determine last night after commissioners went through
5 their emails was that information was in the email box.

6 And so we were asking for the postponement due to
7 the fact that they did not have access to their email boxes
8 and then the main email box as well, we were also locked out
9 of that.

10 And so now that we have all of that cleared up,
11 we are in direct communication with the developers. And I
12 think prior to March 14, we have had about probably three
13 conversations. And so some of those residents echoed
14 concerns last night at our meeting. And we determined at
15 that time that, you know, we want to support the project, but
16 we want to make sure that the residents' concerns are
17 addressed, and that is what we are currently working through
18 with the developers at this moment.

19 BZA CHAIR HILL: Okay. Mr. Seck, do you think you
20 would want a postponement at this point or would you want to
21 go ahead and have the hearing and then continue? I am just
22 curious your opinion.

23 MR. SECK: We welcome the postponement although
24 we were ready to present the case. We thought we had
25 addressed a lot of things. But the postponement could work

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1 out. Commissioner Johnson is working hard to clear up these
2 issues.

3 BZA CHAIR HILL: Okay. All right. Mr. Moy, I
4 think I know the date that we could come back.

5 MR. MOY: While you are putting that together, Mr.
6 Chairman, two other things for your consideration. On a
7 smaller note, there was a letter trying to be submitted to
8 the record about 11 o'clock this morning. It is a letter in
9 opposition. So I wanted you to be aware of that. The record
10 is still open, of course.

11 And as well, there is a representative from DDOT
12 who I believe may want to provide some testimony. I don't
13 know anything more than that. So it's up to you and the
14 Board on whether you want to hear from DDOT now or later.

15 BZA CHAIR HILL: We postponed a case to 5/8,
16 correct, Mr. Moy? And that was our seventh case on that day,
17 right? And then what does the schedule look like after 5/8?

18 MR. MOY: After May 8, the next hearing is May the
19 15th where you have three cases and one appeal, not so bad.

20 BZA CHAIR HILL: Three cases and one appeal.

21 MR. MOY: Of course, I had indicated earlier that
22 one appeal is controversial.

23 BZA CHAIR HILL: Okay. That's right. So let's
24 put this on the 8th. Okay? Mr. Seck, can you hear me?

25 MR. SECK: Yes, Chairman Hill.

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1 BZA CHAIR HILL: So we are going to postpone this
2 to May 8th.

3 MR. SECK: Okay. That works. That works.

4 BZA CHAIR HILL: Commissioner, can you hear me?

5 MR. JOHNSON: I can hear you, Chairman Hill.

6 BZA CHAIR HILL: Thank you, Commissioner Johnson.

7 So that means that there will -- I mean, you will definitely
8 have another ANC meeting in April.

9 BZA CHAIR HILL: Yes. So that, I think, the
10 timing is perfect. We meet on April 16th and so we plan on
11 having everything worked out before then and voted on and
12 submit all the needed documents to BZA at that time.

13 BZA CHAIR HILL: When is your ANC meetings?

14 MR. JOHNSON: It's the third Tuesday of every
15 month.

16 BZA CHAIR HILL: So it will be the 17th of April,
17 correct?

18 MR. JOHNSON: If that's the third Tuesday, that
19 will be correct.

20 BZA CHAIR HILL: And so you would potentially hear
21 this case again on that day, correct?

22 MR. JOHNSON: Yes.

23 BZA CHAIR HILL: So for the public that is
24 listening now that had wanted to provide testimony, we are
25 not going to hear this case so therefore I am unable to take

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1 testimony -- or I should say I would be unable to take
2 thorough testimony.

3 MR. JOHNSON: Chairman Hill, it's the third
4 Tuesday of every month, so that would be April 16.

5 BZA CHAIR HILL: Oh, I apologize. I was thinking
6 --

7 MR. JOHNSON: No problem.

8 BZA CHAIR HILL: Right, so April 16. So then the
9 public will have an opportunity to testify again at your ANC
10 meeting, which actually has more weight -- well, I shouldn't
11 say that. It is helpful for the people to testify at the ANC
12 meeting. So I would suggest that anybody who is on the line
13 here that would like to testify, sign up to testify for this
14 case at the ANC meeting on the 16th.

15 Okay. So I am going to then let you guys go. Mr.
16 Seck, go ahead. You have your hand up?

17 MR. SECK: Yes. I just wanted an opportunity to
18 say thank you to this wonderful public servant, Mr. Clifford
19 Moy, who I have known for many years. He has always been
20 helpful. I can't say more than what all of the Board members
21 said, especially Commissioner Hood. The gentleman is just
22 wonderful, always helpful and always there for the public.
23 We wish you well, a happy, healthy life and for a long time
24 coming. Thank you.

25 BZA CHAIR HILL: Thank you, Mr. Seck. Go ahead,

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1 Mr. Moy.

2 MR. MOY: I was going to thank you, Mr. Seck. My
3 feelings are mutual, and I wish you all the best.

4 MR. SECK: Thank you.

5 BZA CHAIR HILL: Okay. You guys are going to make
6 me tear up.

7 I am going to go ahead and postpone this hearing
8 until the date we spoke. And, Mr. Moy, then I guess just so
9 I can back up, when would then filings and everything, I
10 guess, be needed or what have you for us to get back here on
11 whatever date I said. I can't remember.

12 MR. SECK: May 8.

13 BZA CHAIR HILL: May 8, correct.

14 MR. MOY: May 8. I don't think you stated -- you
15 or the Board stated additional information for the record
16 unless I missed that.

17 BZA CHAIR HILL: Well, I guess we would like to
18 get a report from the ANC after their April 16 meeting.

19 MR. MOY: Okay. So then if that's the case so if
20 the ANC can submit their report by say within a week, which
21 would be April 23.

22 BZA CHAIR HILL: Okay, Commissioner Johnson. Does
23 that sound acceptable?

24 MR. JOHNSON: Yes, Chairman Hill, yup.

25 BZA CHAIR HILL: Okay, great. Then we will see

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1 you guys on that date.

2 MR. MOY: And, Mr. Chairman, I hope I'm not
3 overstepping myself. There were four individuals who had
4 signed up to testify in opposition. If they would consider
5 -- I think one or two have already done so, but if the others
6 would consider writing letters of comment of what they were
7 going to testify into the case record then that would help
8 the Board review their position.

9 BZA CHAIR HILL: I agree. That would be helpful.
10 Okay. Okay, great. Anything else before I close this
11 portion of the hearing? All right.

12 MR. JOHNSON: Thank you.

13 BZA CHAIR HILL: Thank you, Commissioner Johnson.
14 Thank you, Mr. Seck.

15 MR. SECK: Thank you.

16 (Simultaneous speaking.)

17 BZA CHAIR HILL: Okay. It's 12:33. Maybe let's
18 try 1:15? Okay. All right. See you guys back here at 1:15.
19 Thank you.

20 (Whereupon, the above-entitled matter went off the
21 record at 12:33 p.m. and resumed at 1:24 p.m.)

22 BZA CHAIR HILL: Okay, Mr. Moy, do you want to
23 call our next case?

24 MR. MOY: All right, thank you, Mr. Chairman.
25 Sorry about that, I had to fetch my phone. Okay --

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1 (Simultaneous speaking.)

2 BZA CHAIR HILL: It's okay, go ahead.

3 MR. MOY: All right, after a lunch recess, the
4 Board has returned to its public hearing session, and the
5 time is now 1:25 p.m. And the next case before the Board is
6 application number 21044 of Theresa Roosevelt and Robert
7 O'Loughlin.

8 This is a self-certified application pursuant to
9 Subtitle X Section 901.2 for special exception under Subtitle
10 D Section 207.5, that would allow the rear wall of a semi-
11 detached building to extend further than ten feet. Property
12 located in the R2 Zone at 2918 Upton Street, Northwest,
13 Square 2235, Lot 86.

14 As you'll recall, Mr. Chairman, the hearing began
15 February 28, I believe it was to address parties. And there
16 are established parties in opposition, I believe a James
17 Gasser and Adam and Lindsey Darrow. And I want to check one
18 other thing on this application -- and those are the two --
19 again, those are the two parties in opposition. They were
20 present in the panel, as well as the Applicant's team.
21 That's all I have, sir.

22 BZA CHAIR HILL: Great, thank you. One moment,
23 please. Okay, great. If the Applicant can hear me, if they
24 could introduce themselves for the record?

25 MS. ROOSEVELT: I can hear you. My name is

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1 Theresa Roosevelt, I live at 2918 Upton Street with my
2 husband, Robert O'Loughlin, and our two small children.

3 BZA CHAIR HILL: Great, thank you, Ms. Roosevelt.
4 Mr. Gasser, can you hear me? And if so, could you introduce
5 yourself for the record?

6 You're on mute, Mr. Gasser. I think you're on
7 mute. There you go.

8 MR. GASSER: I am James Gasser, I'm at 2922 Upton
9 Street.

10 BZA CHAIR HILL: Okay, great. Mr. Darrow, can you
11 hear me?

12 MR. DARROW: Yes, sir, I can. My name is Adam
13 Darrow --

14 (Simultaneous speaking.)

15 BZA CHAIR HILL: Could you --

16 MR. DARROW: I live at 2920 Upton Street with my
17 family.

18 BZA CHAIR HILL: Mr. Gasser, can you remind me of
19 your address again? I'm sorry.

20 MR. GASSER: 2922 Upton Street, Northwest.

21 BZA CHAIR HILL: Okay, thank you. Okay, if you
22 all want to put yourselves on mute unless you're called upon,
23 that would be helpful. Ms. Roosevelt, can you tell us what
24 happened since the last time you were with us?

25 MS. ROOSEVELT: Yes, I'd be happy to. So, the

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1 Board asked us to go back and negotiate with our neighbors.
2 Thank you for that opportunity, and we took it to heart and
3 tried really hard, and I think we've made some progress. We
4 met with Mr. Darrow and, based on his suggestions, we
5 redesigned our roof and our deck, at considerable cost.

6 And the Board also asked a little bit about
7 wanting to see where our house was and what this would
8 actually look like, so I have a small PDF that Mr. Young can
9 show us for about 30 seconds, to show you what we're talking
10 about.

11 BZA CHAIR HILL: Which exhibit, do you know?

12 MS. ROOSEVELT: It's the last exhibit, I think
13 it's 87, it's the exhibit in the -- I may have the number
14 wrong, is it 78 instead of 87?

15 BZA CHAIR HILL: I got 69 is the last one and that

16 --

17 (Simultaneous speaking.)

18 MS. ROOSEVELT: Sorry.

19 BZA CHAIR HILL: -- seems to be your
20 presentation.

21 MS. ROOSEVELT: That's it then, that's it. Thank
22 you so much. Can he project it so I can talk about it?

23 BZA CHAIR HILL: Yeah. Let me see, though, it's
24 a big -- I don't see -- anyway, there's a bunch of slides.

25 MS. ROOSEVELT: Yeah. So would --

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1 (Simultaneous speaking.)

2 BZA CHAIR HILL: Maybe, Mr. Young, if you want to
3 bring that up and -- just one second, Ms. Roosevelt, he'll
4 get to the one you want.

5 MS. ROOSEVELT: Great. And just to recap, in case
6 it's helpful for you, what we're asking for is a 15-foot
7 addition, plus a deck. That's five feet more than we can do
8 as a matter of right. You've already granted a special
9 exception to our attached neighbor and so they can do the 15
10 feet, and once they do it we can do our project as a matter
11 of right. But we really want to do this together, and we
12 think that would be better for the neighborhood.

13 Our neighbors have largely agreed, we have
14 neighbor letters of support from 22 neighbors, and our ANC
15 giving us their approval with great weight, as well as the
16 Board of Planning in support. And there was a question about
17 which neighbors, so we have the three neighbors directly to
18 our East, the four neighbors on the other side of Mr. Gasser
19 are also in support, three neighbors in our alley are in
20 support, and many others. So, ones that are right here,
21 except the two objecting.

22 Here you can see the approach to our house, so
23 Upton Street is a house of, sorry, a row of many attached
24 Wardmans, you go up the first 15 are large attached Wardmans,
25 and then when you go to the next page you'll get a little

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1 closer to my house. Getting a little closer, you see Mr.
2 Gasser is there on the side, like, in the middle of the
3 attached Wardmans.

4 You can go to the next page, I'm going to go
5 through this really quickly for you. Then you see here, my
6 -- so you see Mr. Darrow's house, then you see, we get to a
7 row of smaller town houses starting with mine as the very
8 first one. There are 12 smaller town houses, that's mine as
9 Roosevelt, and then Galano is the attached one to mine, so
10 I'm semi-attached. And the Galanos already have their
11 special exception, so we're hoping to build out with them.

12 If you go one further you see it from the other
13 direction. Just so I'm completely clear, that wall you see
14 sticking up is, in the back, is the Darrow's wall which comes
15 above ours from their larger townhouse.

16 And we can go to the next one, if you want.
17 That's the back, which we're talking about. So, the addition
18 would be on the back right there where my covered patio is,
19 and then to the left you see Mr. Darrow's house with his, I
20 guess it's not an addition because he was saying it was built
21 at the time, but it's like, a piece that comes out from the
22 brick. And then you can see that privacy screen on the left
23 for Mr. Gasser's deck.

24 Our house has 1,462 square feet of living space
25 above ground over two stories, the objecting parties have

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1 3,000 square feet of living space above ground over three
2 stories. Even if the special exception is granted and we add
3 570 square feet of living space above ground, our house will
4 still only have two-thirds of the living area above ground
5 of the objecting parties.

6 Mr. Darrow and Mr. Gasser are next door neighbors
7 and close friends that live at the end of those attached town
8 houses, as you saw, where the first semi-detached smaller one
9 -- Mr. Darrow's house kind of towers over mine, but --

10 BZA CHAIR HILL: Ms. Roosevelt?

11 MS. ROOSEVELT: Yep? Should I go --

12 (Simultaneous speaking.)

13 BZA CHAIR HILL: That's okay. I'm going to cut
14 you off, and I know you're reading a lot of stuff --

15 MS. ROOSEVELT: Nope. Can I tell you about our
16 negotiations, would that be helpful?

17 BZA CHAIR HILL: Yeah, hold on a second, Ms.
18 Roosevelt. So right, I see everything that's -- I'm sorry,
19 I reviewed everything that's in the record --

20 MS. ROOSEVELT: Perfect.

21 BZA CHAIR HILL: As have my fellow Board members.

22 MS. ROOSEVELT: Great.

23 BZA CHAIR HILL: If you could, right, to speak to
24 the changes you did make and why, that would be helpful.

25 MS. ROOSEVELT: Great. So, and if you want, on

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1 the last page I made a little chart that shows you what we
2 agreed on and what we didn't agree on -- sorry, not the last
3 page, the last page before the plans, there. In case that
4 helps.

5 So I attempted to meet with Mr. Gasser, and sent
6 him an email on March 4 asking him to, but he didn't respond
7 to my email. He did, however, in his objection request that
8 the roof on the addition be flattened to conform with the
9 main part of the house, and we have done that.

10 Mr. Darrow and I met on March 3, I thought we had
11 a productive meeting. And after that I engaged an architect,
12 since, as you know, the earlier one that we wanted to use'
13 wife passed away and then he wrapped up his practice. So the
14 architect redesigned the roof and the deck, at considerable
15 expense.

16 Mr. Darrow wanted a, he said he wanted the Board
17 to require a reduced rearward dimension of the three-story
18 structure, or other mitigating design features such as an
19 angled southwest corner to minimize the severe impact of
20 light and air on the property. He suggested cutting a four-
21 by-four --

22 BZA CHAIR HILL: Ms. Roosevelt, I'm going to
23 interrupt you.

24 MS. ROOSEVELT: You got that? Okay.

25 BZA CHAIR HILL: I see everything that you're

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1 talking about, that's correct.

2 (Simultaneous speaking.)

3 MS. ROOSEVELT: Okay.

4 BZA CHAIR HILL: So that's all right, just give
5 me a second --

6 MS. ROOSEVELT: So on that piece, we asked our
7 architect about it and said --

8 BZA CHAIR HILL: I understand. Ms. Roosevelt,
9 give me a second.

10 MS. ROOSEVELT: Oh, yes?

11 BZA CHAIR HILL: I understand, just wait. Thanks.

12 MS. ROOSEVELT: Sorry, I'm a little nervous.

13 BZA CHAIR HILL: That's all right, I understand.

14 I did this before myself one time, I understand why it's
15 nervous. The -- okay, great. Do you have the new plans in
16 the record?

17 MS. ROOSEVELT: Yes. They're filed into the
18 record and they're also the last two pages of that
19 presentation.

20 BZA CHAIR HILL: I don't see it as the last --
21 it's okay, I don't see them as the last two, I see the
22 updating and existing floor plans. Okay, hold on one second.

23 MS. ROOSEVELT: Okay.

24 BZA CHAIR HILL: Mr. Young, can you bring up those
25 updated plans real quick for me? It is Exhibit 67.

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1 MS. ROOSEVELT: It's this, too.

2 BZA CHAIR HILL: Okay. So -- yeah. So what did
3 you update again, and why?

4 MS. ROOSEVELT: Yep. So Mr. Darrow wanted the
5 roof to be flatter. In the original picture if you go -- so
6 this is the floor plan we're looking at here, but if you go
7 to the next page where you see the plans -- the bottom-right
8 is where you can see the side of my addition that faces him.
9 And originally the roof went up in an angle, it was --

10 BZA CHAIR HILL: Got it. Okay, I see it. And
11 then I see the translucent privacy glass, right?

12 MS. ROOSEVELT: Yeah.

13 BZA CHAIR HILL: And the new deck and stairs,
14 that's from the original, correct?

15 MS. ROOSEVELT: No. We -- he wanted us -- the
16 deck had been, we had asked for ten feet, he really wanted
17 us to inset it or make it smaller, and so we took it back by
18 two feet and in by one foot, foot, for a 20 percent
19 reduction.

20 BZA CHAIR HILL: Okay. And then -- I'm seeing the
21 new roof. And so, then in the layout plans, the one slide
22 before, Mr. Young, those changed how?

23 MS. ROOSEVELT: So they did not change, because
24 Mr. Darrow had wanted us to cut a triangle out --

25 BZA CHAIR HILL: I understand. That's fine.

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1 Okay, I got you.

2 MS. ROOSEVELT: If we cut it, it would take that
3 bedroom and that bedroom would be pretty much unusable, so
4 our architect said don't do that.

5 (Simultaneous speaking.)

6 BZA CHAIR HILL: I got you. I understand. Okay,
7 sounds good --

8 MS. ROOSEVELT: He said if we need to do that,
9 just wait and proceed as a matter of right after our
10 neighbors build, that it just doesn't make sense.

11 BZA CHAIR HILL: I understand. Okay, Mr. Young,
12 can you drop that slide deck? Okay, before I move on to the
13 party in opposition's portion of their presentation, do my
14 fellow Board members have any questions of Ms. Roosevelt?

15 Okay, maybe you will later. Okay, Ms. Roosevelt
16 gave her presentation, I'd say what, maybe 15 minutes or so.
17 Mr. Darrow, since you seem to have the most discussion thus
18 far, you want to give us your presentation as to what
19 happened since the last time you were here?

20 MR. DARROW: Of course. Yes, sir. Really
21 appreciate Ms. Roosevelt taking the time to sit down and have
22 a productive discussion on the third. She was able to come
23 over and, I guess, appreciate perspective on just kind of how
24 the proposal would impact us and our use and enjoyment of the
25 house. I think I distilled a motion of that to writing

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1 before the Board, I don't know that I need to belabor that
2 in great detail out of respect for you all's time. Stand by
3 to answer any questions, and I think my writing speaks for
4 itself.

5 BZA CHAIR HILL: Okay. Thanks, Mr. Darrow. And
6 Mr. Darrow, I got you -- okay, let's see, I'm going to turn
7 to Mr. Gasser. Mr. Gasser, do you want to give us your
8 testimony as to what happened since the last time you were
9 here?

10 You're on mute, Mr. Gasser.

11 MR. GASSER: Basically, I've submitted my proposal
12 in writing. Now you're on mute.

13 BZA CHAIR HILL: No, I'm not on mute, I was just
14 mouthing the words. Sorry, Mr. Gasser, I just want to make
15 sure I'm -- which exhibit are you speaking to?

16 MR. GASSER: The exhibit that I sent in
17 electronically. I have it in front of me, should I read it?

18 BZA CHAIR HILL: No, I got it. I see it, yeah,
19 the four points. I just wanted to make sure I was looking
20 at the right testimony. Okay, thank you. All right. Does
21 anybody have any questions of the parties in opposition?

22 ZC CHAIR HOOD: Yes, Mr. Chairman. I do want to
23 ask Mr. Gasser -- Mr. Gasser, did you have a chance to speak
24 with Ms. Roosevelt? Maybe I misunderstood what Ms. Roosevelt
25 said. Obviously you all have not connected?

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1 MR. GASSER: You didn't misunderstand. I've never
2 been introduced to Ms. Roosevelt formally, so I have no idea
3 who she is when she emails me, and I just simply dropped the
4 email. Sort of like not picking up your phone when you have
5 someone calling you that you've never heard of.

6 ZC CHAIR HOOD: I could comment on that but I
7 won't because I'm going to try to stick to the zoning issues.
8 Thank you, Mr. Chairman.

9 MR. GASSER: Please do.

10 BZA CHAIR HILL: Thank you, Chairman Hood. Okay,
11 let me see. All right, does any -- Mr. Young, is there
12 anyone here wishing to speak?

13 MR. YOUNG: We do not.

14 BZA CHAIR HILL: Mr. -- could I hear from the
15 Office of Planning, I just want -- if the Office of Planning
16 would just introduce themselves for the record?

17 MR. BARRON: Yes. Hi, good afternoon again. Ron
18 Barron Development Review Specialist, D.C. Office of
19 Planning.

20 BZA CHAIR HILL: Thank you. Does anyone have any
21 questions for the Office of Planning?

22 Okay, that's for anybody. Does anybody have any
23 questions of the Office of Planning?

24 Okay. All right, I don't have anything, really,
25 else. I guess, Ms. Roosevelt, do you have anything you'd

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1 like to add at the end?

2 MS. ROOSEVELT: No. Just that I worked really
3 hard to redesign this and we're happy with our new plan, and
4 we'd appreciate your approval.

5 BZA CHAIR HILL: Exhibit 67 has your new floor
6 plans, correct?

7 MS. ROOSEVELT: It does, but the floor plans
8 haven't changed --

9 BZA CHAIR HILL: I'm sorry, your new plans and
10 those are the updated plans in 67? Okay, that's all I needed
11 to know. Okay. All right, I'm going to go ahead and close
12 the hearing and the record, thank you all.

13 MS. ROOSEVELT: Thank you.

14 BZA CHAIR HILL: Okay, I'll wait for everyone to
15 be excused. Okay, I thought this was interesting in that,
16 again, we had an adjacent party that shared a wall, right,
17 and that -- sorry, it's a little more confusing. The next
18 door neighbor was going to be able to build out 15 feet, I
19 think is what was the discussion in terms of what the BZA had
20 approved, and if that had been built then the Applicant could
21 have gone out ten additional feet by right.

22 The fact that it hasn't been built means that it
23 might not get built actually, right, you don't know that,
24 right, because you don't know what the finances are or what
25 may or may not happen. So I'm not even taking that into

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1 consideration as to whether or not that can be built by
2 right. I think that, given the shadow studies that we had
3 been supplied as well as the updated plans and the amount of
4 effort that the Applicant has gone through with trying to
5 accommodate the neighbors' concerns, I would also agree with
6 the recommendations that the Office of Planning has put
7 forward as well as that of the ANC.

8 I don't think there is undue impact from the
9 shadowing for basically the additional five feet. So you can
10 go by ten, you can go ten feet out matter of right, they're
11 going out another five feet, okay? In addition to that, I
12 did have some concern, but they are separated by that little
13 walkway, but the privacy of the windows. And so the windows,
14 they've gone ahead and provided some translucent screening
15 on that side of the property, and I think that would solve
16 any privacy issues that I would be concerned about on that
17 side.

18 In addition to that, the Applicant has gone ahead
19 and tried to accommodate the deck, I guess, the concerns of
20 the deck as well as the sloping of the roof. I don't think
21 that the, again, the -- it is unfortunate because views, as
22 we've said many times as is the case in D.C. law, views are
23 not protected. And it's really just light and air and
24 privacy issues that are of our concern with this particular
25 criteria, in terms of the regulations.

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1 I am comfortable with what has been put forward,
2 I'm comfortable with the new design and I'm comfortable
3 voting in favor of this application. Again reiterating the
4 reports that we have from the Office of Planning as well as
5 that of the ANC, and also the testimony from the Applicant.
6 Mr. Smith, is there anything you'd like to add?

7 MEMBER SMITH: Chairman Hill, you know, we heard
8 this case with, February 28, and the questions and concerns
9 that was raised by the adjacent property owners had to deal
10 with, primarily privacy, there was some concerns that was
11 raised about light and air impacting the adjacent properties,
12 especially the two parties in opposition for this particular
13 case.

14 Given everything that's within the record, given
15 that the Applicant has done, to me, some considerable work
16 to try to allay some of the most impactful concerns that was
17 raised by the property owners related to privacy, I do
18 believe that the Applicant's met the burden of proof for us
19 to grant the special exceptions. As you stated previously,
20 and it seems the Applicant stated also on the record, some
21 of the concerns that was raised by her adjacent property
22 owner is we designed this addition primarily for views.

23 And just to reiterate what, I believe we heard
24 this a little earlier in the conversation with Mr. Hood, we
25 do have to just stick with the zoning concerns and the issues

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1 that were raised, and a view is not a zoning concern. And
2 again, I reiterate, we cannot prevent, we cannot -- you're
3 not entitled to a view, but we can protect, you know, against
4 issues related to privacy, light and air.

5 Privacy, I think has been for the most part
6 addressed, I will also note that this particular property is
7 raised by, as we have stated, is of a different style and it
8 is slightly at a lower topography than the larger Wardman
9 townhomes. And it seems to me that the ward, some of the
10 Wardman townhomes create privacy issues for this particular
11 property owner, given that there are windows that face to the
12 east towards this, towards the Applicant's property. So I
13 think in and of itself there are privacy concerns even now.

14 But I think, given the topography and the height
15 of this particular row home, that the privacy concerns are
16 not undue. Also, because this is not attached to the Wardman
17 Row home to the west, there is sufficient light and air that
18 would be able to access the properties to the west, given the
19 topography, given the height of this existing town, row home.
20 So I do not believe that the proposed addition would have any
21 undue impact on on the adjacent property owners, so I do
22 believe it has met all of the criteria under Subtitle X 901
23 for the special exception review standards that we typically
24 use to evaluate these particular additions.

25 And I will note that an ANC is also in support and

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1 I will give great weight to OP staff report, and will also
2 support the application.

3 BZA CHAIR HILL: Thank you. Mr. Blake?

4 MEMBER BLAKE: You guys said most of what I had
5 in mind. I just want to emphasize, I think that in general
6 I believe the Applicant has met the burden of proof to be
7 granted the relief. When I look at the Subtitle D 5201,
8 looking at the issue of light, air, privacy, and virtual --
9 visual intrusion, clearly a visual intrusion is not an issue,
10 I think, in this case.

11 The Privacy issue to some extent has been
12 addressed, I believe, by the actions that Ms. Roosevelt took
13 to frost the windows and things of that nature. The, as
14 well, with the light and air, that was a difficult question
15 for me as well, because I realized that the, Mr. Darrow had
16 an interesting point in the sense that his existing situation
17 will be materially different. The question for us in our
18 comparison is not existing versus proposed, but more so
19 matter of right versus proposed. And in this case, looking
20 at the shadow studies I was not able to detect any difference
21 between the two.

22 So I don't think that the incremental difference
23 would have an undue impact on the Applicant versus the matter
24 of right. I think that the steps that Ms. Roosevelt took to
25 make some adjustments were appreciated. A lot of instances

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1 people don't do that, and I thought that was a step in the
2 right direction. Rather it fully met the expectations there
3 or not is different, but I certainly do think she definitely
4 made an effort to accommodate without necessarily harming the
5 project that she had and what she intended to do.

6 All that said, I do believe the Applicant has met
7 the burden of proof. I would also say with regard to Mr.
8 Gasser's home, again, the distance from that, again, I did
9 not see the impact from the shadow study on that beyond the
10 matter of right option. So therefore, I wasn't able to
11 really get behind the undue impact on that. So I'm in favor
12 of the application, I will be voting in favor of it.

13 BZA CHAIR HILL: Thank you. Chairman Hood?

14 ZC CHAIR HOOD: Thank you, Mr. Chairman. I would
15 agree, I believe we met Subtitle D and Subtitle X, and I want
16 to commend the Applicant as well as the Office of Planning's
17 report, and I appreciated the shadow studies. I think the,
18 what impacts there are I think have been shown, this record
19 shows they have been mitigated.

20 And even further than what the Supreme Court has
21 said about views, you don't buy a view, so it's not -- that's
22 even beyond District law, so I'll leave it at that. And I
23 think this is right, and I appreciate again the Applicant,
24 all she did to try to yield some of the concerns that have
25 been expressed. Thank you, Mr. Chairman.

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1 BZA CHAIR HILL: Thank you, Chairman Hood. All
2 right, I'm going to make a motion to approve application
3 number 21044 as captioned and read by the Secretary, and ask
4 for a second, Mr. Blake?

5 MEMBER BLAKE: Second.

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

8 MR. MOY: When I call your name if you'll please
9 respond to the motion made by Chairman Hill to approve the
10 application for the relief requested. The motion was second
11 by Mr. Blake. Zoning Commission Chair Anthony Hood?

12 ZC CHAIR HOOD: Yes.

13 MR. MOY: Mr. Smith?

14 MEMBER SMITH: Yes.

15 MR. MOY: Mr. Blake?

16 MEMBER BLAKE: Yes.

17 MR. MOY: Chairman Hill?

18 BZA CHAIR HILL: Yes.

19 MR. MOY: Staff would record the vote as four to
20 zero to one, and this is on the motion made by Chairman Hill
21 to approve. The motion to approve was second by Mr. Blake
22 who also voted to approve the application. Approvals to the
23 application also voted by Zoning Commission Chair Anthony
24 Hood, Mr. Smith, Mr. Blake, Chairman Hill, no other Board
25 members, the motion carries, sir, four to zero to one.

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1 BZA CHAIR HILL: Thank you, Mr. Moy. All right,
2 Mr. Moy, you can call your last case ever.

3 MR. MOY: Okay, I didn't know what to say to that.
4 Okay, so the next case -- we do have another Board action
5 after this, so -- but anyway, so the next case is application
6 number 21065 of Thirteen 201, LLC. This is a self-certified
7 application pursuant the Subtitle X Section 901.2 for a
8 special exception under Subtitle U Section 421, to allow a
9 new residential development, a nine-unit apartment house.
10 The property is located in the RA-1 zone at 6108 13 Street
11 Northwest, Square 2790, Lot 57.

12 And the only thing I'll add, well two things, one
13 is the, remind you that there are two parties in opposition
14 that was granted party status by the Board, Gayle Petersen
15 and a Donna Marie Alexander. And also with us today on the
16 panel, Mr. Chairman, are four persons signed up to testify
17 in opposition, the ANC is present and the Applicant's team.
18 Thank you, sir.

19 BZA CHAIR HILL: Okay, great. Thank you. You
20 guys, I just need to talk, I need to clarify something with
21 Mr. Moy, so let me just step away for one minute and I'll
22 come back. Mr. Moy, I'm going to give you a call.

23 (Whereupon, the above-entitled matter went off the
24 record at 1:53 p.m. and resumed at 1:55 p.m.)

25 BZA CHAIR HILL: Okay, let's see. Before I move

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1 on to the Applicant my fellow Board Members, there was an
2 additional item that we're going to have to deal with at the
3 end of this, and it was a Board order that was sent out, just
4 so you all know, and to check your inbox recently, that was
5 sent out today.

6 And there was some information or requests for
7 some parties to get some exceptions or whether there was
8 going to be any additional information. There wasn't any
9 additional information so we're going to speak about that
10 Board order after this case. I just wanted to kind of point
11 that out.

12 All right. So if the Applicant could hear me, if
13 they could introduce themselves for the record?

14 MR. CRAIN: Adam Crain. I'm the architect for
15 2Plys. Joined here today by the developer and owner, Ethan
16 Arnheim.

17 BZA CHAIR HILL: Okay. All right, Mr. Crain.
18 Let's see, Ms. Patterson, can you hear me, and if so, could
19 you introduce yourself for the record?

20 COMMISSIONER PATTERSON: Yes, I can hear you. Can
21 you hear me?

22 BZA CHAIR HILL: Yes. I am ANC Kim Patterson.
23 I'm 4A05. I'm with the 4A Commission.

24 BZA CHAIR HILL: Oh hi, Commissioner, I'm sorry,
25 I got you confused. Okay, welcome. Let's see. Is Ms.

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1 Alexander here?

2 Okay. Could you introduce yourself for the record
3 please?

4 MS. ALEXANDER: My name is Donna Marie Alexander.
5 I'm opposed to the development.

6 BZA CHAIR HILL: Okay. Thank you, Ms. Alexander.
7 Ms. Marie Alexander. Let's see, is Mr. Petersen here? Or
8 Ms. Petersen? Ms. Petersen, can you hear me?

9 Ms. Petersen?

10 MS. PETERSEN: Hi.

11 BZA CHAIR HILL: Hi.

12 MS. PETERSEN: Yes, hi. Can you --

13 BZA CHAIR HILL: Yes.

14 MS. PETERSEN: -- hear me now?

15 BZA CHAIR HILL: Yes, thank you.

16 MS. PETERSEN: Okay.

17 BZA CHAIR HILL: Could you introduce yourself for
18 the record?

19 MS. PETERSEN: Okay. My name is Gayle Petersen.
20 I live directly across the alley from 6108 13th Street.

21 BZA CHAIR HILL: Okay. So I know that we gave you
22 guys party status last time, and so, maybe if everybody could
23 mute their line until their time comes to speak that would
24 be helpful.

25 Let's see. And just so the party status people

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1 in opposition know, as well as the Commissioner, the way it
2 works is, the Applicant will go ahead and give their
3 testimony as to why they believe they're meeting the criteria
4 for us to grant the relief, like there is criteria, zoning
5 criteria that we are going to be taking a look at. And then
6 they're going to go ahead and tell us about the project, as
7 they're telling us about this criteria.

8 Then what we'll do is we'll go ahead and hear from
9 the Commissioner in terms of their testimony and whatever
10 type of presentation they'd like to give, or testimony they'd
11 like to give. Then we'll hear from the party's in
12 opposition. Also, Ms. Marie Alexander as well as Ms.
13 Patterson. Petersen, sorry.

14 And then everyone will have an opportunity to ask
15 questions of each other. Meaning, that again, if the
16 Commissioner or those people in opposition have any questions
17 to ask of the Applicant they can go ahead and do so. And
18 we'll start with their questions first in order that they,
19 again, give their presentation. So Commissioner, Ms.
20 Alexander, Ms. Petersen. And then reverse, the Applicant
21 will have an opportunity to ask questions of the Commissioner
22 or Ms. Alexander or Ms. Petersen.

23 Then we're going to have testimony from the Office
24 of Planning. Then everyone will get an opportunity to ask
25 any questions they might have of the Office of Planning.

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1 Then the Applicant will have an opportunity for
2 rebuttal. Rebuttal, again, is just basically testimony given
3 in response to anything they hear from either Ms. Alexander,
4 the Commissioner or Ms. Petersen. Then Ms. Petersen, Ms.
5 Alexander and the Commissioner will have an opportunity to
6 ask questions of rebuttal. Only questions of rebuttal at
7 that time.

8 And then the, everyone is going to give a small
9 conclusion. In the regulations it only states that the
10 Applicant gives a conclusion, but I kind of like to hear from
11 everybody. So we have a conclusion from, in reverse order,
12 Ms. Petersen, Ms. Alexander, the Commissioner. And then the
13 person who gets the last word is the Applicant. So that is
14 basically how it's going to get run. And I will do my best
15 to guide us along as we do this.

16 So the next step is for Mr. Crain to give us your
17 presentation, Mr. Crain. And you can, I'm going to put 15
18 minutes on the clock just so I know where we are. And you
19 can begin whenever you like.

20 MR. CRAIN: Sure thing. I also wanted to say
21 thank you to Mr. Moy. I feel honored to be his last case
22 being called.

23 I think we'll be looking at what I think is the
24 last Exhibit, Number 60, of the PowerPoint presentation. If
25 someone can pull that up.

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1 My name is Adam Crain, an architect with 2Plys.
2 Today we're talking about 6108 13th Street Northwest, D.C.
3 This is a nine unit addition. Conversion from a single
4 family in the RA-1 Zone.

5 Next slide please. So a bit of an overview here.
6 The existing is a detached single family home, two levels.
7 It's got a bit of an odd large, one-level addition that
8 exists at the rear that we intend to demolish. The proposed
9 use will be a nine-unit apartment house. It will be fully
10 detached with two side yards.

11 We're here today to request special exception
12 relief, as is required for new residential developments in
13 the RA-1 zone. The Office of Planning has recommended
14 approval. DDOT has no objection. And as I'm sure we'll find
15 out today, the ANC does not support.

16 Next slide please. From existing photos from 13th
17 Street to front, it's the house with the arched portico entry
18 and the big slab of solar panels in the front. You'll see
19 it's flanked by two similar, or two same zone RA-1 zoned
20 single-family houses.

21 Next slide please. This is just an overview of
22 the zoning and the site showing the confluence of three
23 different zones here. You see the blue box points out where
24 this property is. Everything in the bottom, the bottom left
25 of that is the RA-1 multifamily zone. You'll see several

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1 large apartment buildings that exist several lots to the
2 left, and several across the street to the south.

3 Across the alley, which is the dividing line
4 between the RA-1 zone and the R-3 zone here, you'll see to
5 the north a lot of these attached row homes that exist in the
6 R-3 zone as single families. To the northeast you'll see the
7 R1-B zone that I've covered and noted there with a lot of
8 detached single families.

9 Notably on the bottom right across the street is
10 Fort Stevens, which I believe is managed by the National Park
11 Service.

12 Next slide please. This shows the existing and
13 proposed site plans. On the left we got the existing demo
14 site plan. I would note that we are actually slightly
15 reducing the lot occupancy from a little over 40 to I think
16 37 percent.

17 There's a small garage at the back left, adjacent
18 to the alley, on the top left of this slide that's being
19 removed. Again, that's, the kind of red hatching on the left
20 shows what I believe might have been a commercial kitchen or
21 some kind of business that was part of a one-level addition
22 that exists at the back of the existing house. And as noted
23 here, our intent is to keep that massing of the existing
24 single-family house at the front with minimal modifications
25 to the upper levels.

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1 Moving to the right-hand side with the proposed
2 site plan, starting from the back, we are providing three
3 parking spaces. Zoning requires two for this number of
4 units. We're providing a trash and recycle area just beyond
5 those, which will be screened from view. And we do have some
6 additional permeable paver areas that residents can use
7 beyond the parking spaces.

8 You'll see that we are providing a bit of a
9 dumbbell shape here with the front mass of the existing home
10 remaining, with a modified upper floor. A stair in-between.
11 And in the back it will be the mass that will be housing the
12 additional units.

13 The existing site plan does have a nonconforming
14 side yard, we are bringing it into conformity. So eight foot
15 sides free and clear are provided on both sides of the
16 property. You'll see we have entries to one of the units at
17 the existing front door of the house, so that will be kept
18 as a unit entry. Most of the other entries to the rear units
19 will have walkways going past the main house.

20 Next slide please.

21 BZA CHAIR HILL: Mr. Crain?

22 MR. CRAIN: Yes, sir.

23 BZA CHAIR HILL: Mr. Young, can you go back that
24 one slide? No, the other way.

25 MR. CRAIN: Other way.

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1 BZA CHAIR HILL: Thank you. I got confused. That
2 existing footprint, that's all one story?

3 MR. CRAIN: Yes. It's --

4 BZA CHAIR HILL: Okay.

5 MR. CRAIN: -- a little odd. Yes, there's an
6 addition that was put on that's one-story that kind of --

7 BZA CHAIR HILL: Okay. No --

8 (Simultaneous speaking.)

9 BZA CHAIR HILL: -- I got confused.

10 MR. CRAIN: Yes, that exists.

11 BZA CHAIR HILL: Okay. All right, thank you.
12 Please continue.

13 MR. CRAIN: Yes. Next slide. I think this one
14 might have gotten a little messed up when we printed, but it
15 was pointing out, I'll have to re-upload this after the
16 hearing, it was just kind of showing the drawings of that odd
17 one-level addition.

18 But next slide please. This is focusing on the
19 front facade. So on the top left there we have the existing
20 facade and the modifications that will be done. We're
21 keeping the height just about the same, within a foot or two.
22 We worked pretty close with the Office of Planning, and had
23 several iterations, to bring this into compliance with them.
24 It will be keeping the porch portico, the arched portico.
25 The single windows at the first floor. And we're modifying,

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1 keeping the soldier course of brick above the first floor,
2 and then we'll be changing materials and doing a roof line
3 with a dormer above. All within approximately the same
4 height of the existing house.

5 The whole goal here was to not present this as an
6 apartment house, or a multifamily building to the street, is
7 to maintain the aesthetic of a single-family in matching with
8 the adjacent properties. That was the goal from day one.
9 The whole reason we designed it this way. And the photo on
10 the bottom left of the existing conditions for reference.

11 So on the next slide please. Some renderings,
12 just to kind of get a better visualization. At the front,
13 from 13th Street, you'll see we've kind of, we show it
14 painted gray but, you know, as far as how the brick will be
15 treated that's going to be decided on later. A change in
16 materials above that soldier course, and then the dormer.
17 Again, all within the approximate existing height of that
18 single-family. And peeking behind that you will see the
19 addition that will be housing the majority of the units.

20 On the right is a rear-hand view from the rear
21 yard. Just showing where we've provided outdoor deck and
22 living space for some of these units.

23 Next slide please. This is an overview of the
24 layouts here. Initially, in working with the client and the
25 program we had, the majority of these were four-bedroom

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1 units. I believe after, when I'm done with my presentation
2 Ethan, the owner, will take over and he'll explain how in
3 responding to some neighbor concerns and the number of
4 bedrooms those fours were reduced to three bedrooms. So the
5 total bedroom count has been reduced in response to the
6 neighbor concerns.

7 But in general it's, other than the first floor
8 it's two units per floor, with a bike room at the cellar
9 level flanking stairs that are used for access. On the first
10 floor, at the front, I'm looking at the top right on the
11 slide, again, we've got that Unit 101. That's a one-bedroom
12 there. That will keep the existing entry and front door to
13 the single-family. So it will still be a front door for
14 somebody there. Three levels over cellar, so general
15 building setup. No penthouse here, no roof deck.

16 Next slide please. Just an overview of the
17 exceptions here. For a nine-unit apartment house, which is
18 permitted via special exception in the RA-1 zone for low to
19 moderate residential developments. In working with the
20 Office of Planning we have the capacity rates for the schools
21 here that are not at capacity.

22 Regarding the public streets recreation, the Fort
23 Stevens Park is right across the street, so on Sundays if
24 they want to go out and enjoy, they can just walk across the
25 street. There's a quarter mile from Georgia Avenue bus route

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1 and Route 70 bus on 14th Street. It's all walking distance.

2 Regarding 421.3, site plan and arrangement of
3 buildings and provision to light and air. We're providing,
4 by design, side yards that are eight feet as required on both
5 sides. So in tandem with the existing side yards beyond the
6 property line of the other houses there's a significant
7 amount of separation between the two adjacent single families
8 and this one keeping it light and air.

9 The mass of the addition, again, is in the rear
10 yard. As I stated, our design intent was to maintain an
11 aesthetic of the existing single family at the front without
12 too much modification so it doesn't read as an apartment
13 building. And again, we're providing trash and recycling
14 areas that are screened near the alley at the rear with
15 parking in access of what zoning required. We do provide
16 only additional parking space beyond zoning requirements.
17 And then an additional paved area, that is not designated as
18 parking, but can be used by residents.

19 Regarding landscaping and grading, we're not doing
20 any significant grading change. We'll have to comply with
21 the green area ration for DOEE, so we'll have solar panels
22 here. And we'll have various plantings around the property,
23 and possibly green roof, depending on how the calculation
24 works out.

25 Next slide please. Special exception review

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1 standards here regarding, this is for moderate density, low
2 to moderate, which is exactly what this is in the RA-1 zone.
3 And we're not even fully maximizing or utilizing the lot
4 occupancy allowance.

5 And regarding the first effects on neighboring
6 properties, again, we're providing eight foot side yards on
7 both sides to maintain light and air and space. Parking
8 spaces were provided beyond the minimum code requirement.
9 And we're providing screen trashed alleys to keep those out
10 of view.

11 And next slide. My Client Ethan will now speak
12 to his work in the neighborhood outreach.

13 BZA CHAIR HILL: You may be on mute. If you're
14 trying to talk.

15 MR. ARNHEIM: Sorry. Hopefully you can hear me
16 now. My name is Ethan Arnheim, I'm the owner of Thirteenth
17 202, LLC at 6108 13th Street Northwest. I'm a D.C. resident,
18 developer and real estate investor and I take these
19 neighbors' concerns very seriously. I've tried to engage as
20 much as I could.

21 There were initially some missteps because I've
22 done other developments in RA-1 neighborhoods wherein fact
23 the ANC didn't even respond to the initial overture. And
24 once realizing that there was significant concerns about this
25 we've really done our best to address them.

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1 I do think there is some misunderstanding about
2 the project. So specifically around design. We did want to
3 keep the existing facade so that it reads from the street
4 like a single-family home. And in coordination with the
5 Office of Planning I think we did a good job with that.

6 We've also providing a shading study. There isn't
7 any impact on the 6104 13th Street property that's to the
8 south. The impact on the property to the north, 6112 varies,
9 although the existing structure does already cast a shadow.
10 And there is no shadow on any of the structures on the
11 Rittenhouse properties.

12 So next slide. I think this probably should have
13 proceeded, but next slide. Some of the neighbors have asked,
14 well why did I think that this would work in this location?
15 And the reason I thought it would work in this location is
16 because it was an RA-1 zone that already has a significant
17 number of multifamily dwellings. Some of these dwellings
18 already have greater density than we are proposing.

19 The RA-1 zone is the lowest density zone. And,
20 you know, just 200 feet away from 6108 13th is 1329 Fort
21 Stevens. That has 63 units, and on a unit, square foot lot
22 per unit basis, that actually has greater density than what
23 we are proposing.

24 I do sense that the neighbors are concerned that
25 somehow granting an exemption to a property in a RA-1 zone

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1 would have an impact on the R-2 properties to the north. But
2 of course this special exception that we are seeking would
3 not have any impact on whether or not your Board would review
4 anything along these lines in R-2.

5 Next slide please. And this really just
6 demonstrates the same, the same thing as the previous slide.
7 The R-2 slides are all to the north. They are all single-
8 family homes. Everything, the properties to the south are
9 a mix of multifamily and single-family homes. And the
10 multifamily, I know that the neighbors aren't fond of the
11 multifamily properties but they're there and they are, what
12 at least to me made it seem like, at least in this RA-1 zone,
13 that apartment, multifamily dwellings existed, if not
14 something that the neighborhood appreciate.

15 Next slide please. This is just a brief timeline
16 of the efforts that I've made to engage with the community.
17 Sort of as soon as the project began to take form I
18 introduced myself to the resident, to the North, to 6112
19 13th. I have tried over a dozen times to meet the owner at
20 6108 13th, and just seeing her today on the Zoom is the first
21 time I've actually seen her.

22 On December 13th we had our first call with ANC
23 Ms. Patterson. And we probably, we may have done that
24 earlier, but I've tried to rectify that. We posted the
25 property, the BZA notice on January 19th. On February 15th

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1 we had the first community Zoom meeting. That was between
2 4A residents and us. And they considered our project, along
3 with three other projects.

4 I have talked to Nick Bartolomeo. He's the
5 resources manager of National Park Service. He was curious
6 about the project. I told him that we were only changing the
7 front height of the building ever so slightly, so it would
8 not really have an impact on any of the sight lines for Fort
9 Stevens. And we have not heard anything else from them.

10 Understanding that there were still very, very
11 many neighbor concerns and many, many misunderstandings about
12 the project I arranged, in coordination with ANC Patterson,
13 a community meeting at JINYA Restaurant and Walter Reed where
14 we discussed, or I tried, we discussed neighborhood concerns
15 as best as possible. I know there were a lot of concerns
16 around maintenance and upkeep. And I offered the
17 perspective, and presence, of a current tenant who spoke to
18 my attentiveness as a landlord. And then lastly on March 6th
19 we had a meeting at Children's National Research Center.

20 I would say that this engagement has really,
21 although we haven't been able to win over the ANC by a
22 longshot, it has resulted in some changes to the design. And
23 I hope that the community members will continue to
24 communicate with me directly over the course of the project.

25 I am planning on serving as the GC for the

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1 project. I hire my own subs, and I am very much involved in
2 public construction. And I'm well positioned to address
3 issues that emerge as well as I can.

4 Next slide please. So I know that neighbors are
5 very, almost universally concerned about parking. As Adam
6 mentioned, there is three parking spaces that are legal. We
7 can accommodate up to five vehicles. And I am willing to
8 priorities tenants who do not have vehicles, to the extent
9 that's legally possible. There is a bike storage facility,
10 bike storage area in the neighbor, in the building. And I
11 hope that some of the tenants will use bikes.

12 I would highlight again, and this was something
13 that made me think that a multifamily property would work in
14 those areas. The location has a walk score of 83. There's
15 ample bus service on 14th Street and Georgia Avenue. And the
16 retail options at the Walmart are just 1,100 square feet
17 away. It really, under 1,100 feet away. And it is possible
18 to live in the neighborhood without being car dependent.

19 Neighbors are also concerned about what impact the
20 construction would have on their alley, which they already
21 feel it's over congested. There will not be any vehicles
22 that are staged in the alley. And I have completed projects
23 of this scale on much narrower allies and I do not anticipate
24 needing to make use of the alley for construction at all.

25 And lastly, the neighbors were concerned that, how

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1 would the streetscape, or alleyscape more specifically, look
2 with the parking back there. And we've added a roll-up fence
3 so it really, the view from the alley, with respect to the
4 parking, should be unchanged.

5 Next slide. Just briefly talking about
6 construction maintenance, because I know a lot of neighbors
7 are concerned about erosion. There's an eight foot buffer
8 between any of the ground that would be disturbed and the
9 property line. There really shouldn't be any impact from
10 construction debris on neighboring properties.

11 Again, I'm a D.C. based developer, resident,
12 landlord and I really do take a great deal of pride in my
13 properties. I want my tenants to be treated the way that I
14 was, with the way that I wanted to be treated when I was a
15 tenant. And I have developed units of this size, and I keep
16 my tenants, I like -- and my tenants really value the housing
17 that I have provided them.

18 There also have been concerns of whether or not
19 we have the management plan in place for things like trash
20 and rodent prevention. And we do, on all of my properties
21 I have a permanent contract with Elite Pest for rodent and
22 prevention treatment and abatement. And trash services,
23 because of the unit's size, will be handled at Tenleytown
24 Trash. I anticipate that there will be twice weekly
25 collections. And I'm happy if neighbors feel like there is

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1 ever trash on the ground or is not being well maintained, I
2 would personally ensure that there is additional trash
3 collection. I very much do not to be, this to be a burden
4 on the community.

5 And I think that's it. There may be one more
6 slide. Yes. Just with, well, I guess I already spoke to
7 this to some degree, but the one thing that I would highlight
8 is that neighbors are concerned about the curb appeal. The
9 existing structure, that addition which I think Mr. Hill
10 mentioned, is fairly unsightly. It's not very well made.
11 It's potentially legal.

12 It's a second kitchen that has, what I've learned
13 from neighbors, various commercial purposes over the years.
14 I do think that from a curb appeal perspective a smartly
15 designed modern, but tasteful, addition will actually look
16 more appealing than the current weird storage space addition
17 that currently exists back there. And again, we are
18 decreasing the footprint of that addition.

19 Thank you very much for your time. And I'm really
20 eager to answering questions that you might have.

21 BZA CHAIR HILL: Okay, thanks. Mr. Crain, can you
22 just, you can just tell me, I know that, is it Mr. Arnheim?

23 MR. ARNHEIM: Arnheim.

24 BZA CHAIR HILL: Arnheim, sorry. I know Mr.
25 Arnheim spoke to some of this, but what actually did change

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1 through this process in terms of working with the ANC,
2 working with neighbors? Can you tell me a little bit about
3 that?

4 MR. CRAIN: Sure. What's changed in working with
5 the ANC is that the originally proposed, the majority then
6 were four bedrooms, those were reduced to three bedrooms
7 thereby reducing the overall bedroom count across the board.

8 And a lot of the concerns regarding parking, you
9 know, we've had experience doing many other BZA cases so,
10 along with keeping the single-family character, they were
11 kind of I guess addressed in advance based on our experience.
12 Because we're familiar with the concerns of ANCs and doing
13 a lot of these cases. So keeping the single-family aesthetic
14 as much as we can at the front, trying to provide parking
15 beyond what zoning requires. Those are kind of baked into
16 how we design just because we know these are very common
17 concerns. So I'd say the biggest one, really, would be the
18 reduction of the overall bedrooms in response to the ANC.

19 BZA CHAIR HILL: Okay, thank you. And then, oh,
20 there is no Affordable Housing in this, correct?

21 MR. CRAIN: No.

22 MR. ARNHEIM: No.

23 MR. CRAIN: Oh, sorry, go ahead.

24 MR. ARNHEIM: Yes, so this is, there is no IZ.
25 We did not seek IZ, which would have increased the density

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1 even further. Some of the units may be voucher tenants, but
2 there is nothing in the covenant that would require a certain
3 AMI or anything like that.

4 BZA CHAIR HILL: Okay. And just because I always,
5 it's the tenth unit that triggers it, correct?

6 MR. CRAIN: When you're adding ten units, yes.

7 BZA CHAIR HILL: You're at nine. You're at nine.

8 MR. CRAIN: Yes, we're at nine. So if you're
9 adding it, or if you're opting to get the 20 percent FAR
10 increase, which we did not.

11 BZA CHAIR HILL: Got it. Okay, I was just
12 curious. Okay. All right, does my Board have any questions
13 for the Applicant? Go ahead Chairman Hood.

14 ZC CHAIR HOOD: Thank you, Mr. Chairman, really
15 quick. Mr. Crain, I'm just curious, the biggest thing that
16 I'm looking at of some of our opposition, is it parking? I
17 see it. And the main thing, would you say the main issue has
18 been the parking? The community issue with parking.

19 MR. CRAIN: I'll be honest, I think the main thing
20 is the neighbors opposing an increase in density in general.

21 ZC CHAIR HOOD: Okay. So you think it's not
22 relative to the parking?

23 MR. CRAIN: I'm not sure that it's any specific
24 item. I think the idea of increasing units, even though it
25 is a multifamily zone, they've been opposed to that.

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1 ZC CHAIR HOOD: All right. Okay, thank you. I'll
2 wait to hear from others. Thank you, Mr. Chairman.

3 BZA CHAIR HILL: Thank you. All right,
4 Commissioner Patterson, would you like to give us your
5 presentation?

6 COMMISSIONER PATTERSON: I submitted a ten-page
7 report, which I'm not going to read. I think all of you have
8 that. I'm going to highlight some of the main concerns. And
9 I'll let you guide me through any other questions or points
10 that I should raise at this time.

11 So I just want to state that on March the 5th the
12 4A commission held our public meeting. And at that meeting
13 the 4A Commission voted to oppose the Applicant's application
14 for a special assessment for many reasons. There are a few.

15 We're opposing it because there is an enormous and
16 overwhelming opposition to this by the neighboring abutting
17 and adjoining neighbors and homeowners. Everyone I have
18 spoken to, everyone that has come to the meeting and spoken
19 to other ANC's is completely against this development. Zero
20 that we have spoken with or have come to us approve of this.

21 The other reason why the ANC 4A is opposed is this
22 not by right and we feel it does not meet the requirements
23 of a special exception. I want to state that on this block,
24 all four of the homeowners, and this is the 6100 Block of
25 13th Street where this development is proposed to be. There

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1 are five homes. One of the properties is the property that
2 we're speaking of. So there's five total.

3 So all of the four home owners who are abutting
4 or direct neighbors located on the same block of the proposed
5 development, and represent 100 percent of the homes on the
6 block, except for the property that the applicant has
7 purchased, all attended the 4A public meeting on March the
8 5th. And all four of these homeowners gave testimony
9 opposing the Applicant's proposed development of a 26 bedroom
10 apartment building in-between their two family homes. This
11 building will be right in the middle of two single-family
12 homes.

13 Additionally, 97 percent of the homeowners within
14 200 feet of the radius of this proposed development, they
15 have signed a petition against it. Which I submitted to the
16 Board of zoning. Along with numerous opposition letters from
17 neighbors and homeowners. I submitted about 25, or I think
18 there is more. Our Ward 4 Councilmen, Janeese Lewis George,
19 also sent in an opposition letter against this development.

20 Here are some of the current concerns of the 4A
21 commission. We're concerned about the destruction of the
22 harmony of the block. We're concerned about adverse effects
23 of use of adjoinment of the property owners. We're concerned
24 about extremely high increase in density, size and mass.
25 We're concerned about light and loss of light of the

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1 adjoining properties.

2 We're concerned about a high-risk of single-family
3 homes, especially the ones that are abutting, losing value,
4 losing their property value. Because we are concerned, who
5 wants to buy a house next to a 26 bedroom apartment? And the
6 neighbors are very concerned that they're going to lose
7 generational wealth. These homes they want to pass on to
8 their grandchildren. And we're just concerned that the
9 property value will just drastically diminish when an
10 apartment building is built next to your single family home.

11 We are also concerned about the reduction of
12 street parking. As you noted there is only three parking
13 spaces provided for 26 people and their visitors.

14 We're very concerned about increased rodent
15 activity in this alley. I've been a Commissioner for a year
16 and a half, I'm also the vice president of the Brightwood
17 Community Association. So for at least nine years I have
18 worked with the Department of Health, Mr. Brown, Mr. Jermaine
19 Matthews, on that alley and the surrounding communities.

20 And in January of 2023 Jermaine Matthews at
21 Department of Health estimated that there is 25,000 rats in
22 this alley. Now we have worked very hard to decrease it.
23 Maybe we've gotten it down to 15,000, but the rodent is,
24 rodent problems are very large in this alley. We are very
25 afraid of construction and disruption of the earth. And

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1 after the construction is over we're going to have another
2 dumpster in that alley with trash coming from 26 people. And
3 that is a huge concern.

4 We are concerned that we have too much Affordable
5 Housing in Brightwood. Mr. Arnheim told us at the meeting
6 that we had with the tenants of, I'm sorry, the residents of
7 the 6100 Block, that this building be affordable and that
8 there will be voucher residents in the building. Not all,
9 you know, some. Not a hundred percent, but they will be
10 there.

11 And as was noted in the presentation by the
12 architect yes, on Fort Stevens Drive there are five apartment
13 buildings that are all affordable. We are surrounded by
14 them. The single-family homes in Brightwood, literally we
15 are in a fish bowl. There are affordable housing units and
16 apartment building surrounding us. And our single homes are
17 in jeopardy. They're being destroyed one-by-one with multi-
18 units and we do not approved of this activity. It's
19 diminishing our quality of life.

20 We moved to Brightwood to live in a single-family
21 home. If we wanted to live next to an apartment building we
22 would have bought our homes downtown. This building
23 diminishes our quality of life and the harmony of our
24 neighborhood.

25 So moving on. We do not believe that this

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1 development will meet the qualifications for a special
2 exception. Stating that we state that we believe this
3 building will not be in harmony with the general preface of
4 our neighborhood. And that it will adversely affect our
5 neighborhood property.

6 We're also stating that the light and air
7 available to neighboring properties will be unduly affected.
8 We're stating that the privacy of use and adjoinment or
9 properties shall be unduly compromised.

10 We're also stating that the building will intrude
11 in the street and the alley in a public way. It will be a
12 visual intrusion. I want to note that the architect and the
13 owner of the property, you know, made a couple comments about
14 the frontage of the building and how the frontage will be in
15 harmony with the homes that are already there. Well, okay,
16 that may be a certain look of that particular home as it is
17 now, but the side view and the back view will definitely be
18 a visual intrusion. It is a one-story building now, it's a
19 little home that's maybe 290 square feet. And this one is
20 about 5,900-ish. That's a huge difference in size and
21 density.

22 The architect and the owner did mention that we
23 have been in many conversations with the community, and I do
24 appreciate the owner coming out and meeting the neighbors one
25 night. And we had a three hour meeting at a restaurant where

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1 a lot of things were discussed. The owner did mention that
2 he is going to reduce some of the bedrooms, but I'm very
3 curious to know that number because right now we know it to
4 be 26 bedrooms, and at that meeting he mentioned that he
5 would reduce two, so we're down to 24. That is not
6 meaningful at all.

7 We asked the developed to consider making this
8 home a beautiful residential single-family home that would
9 be in harmony with the other four homes on the block. Why
10 can't that be possible? Why isn't that enough for this
11 developer because he would still make a profit. The homes
12 on the block, they sell for \$1.1 million. So there is room
13 here for profit for the developer. He purchased this
14 property for \$660,000. And it's just not acceptable to our
15 neighbors, to my constituents, to have this home just, huge
16 apartment home dropped in the middle of their single-family
17 homes.

18 The main issue here, Chair, is with density, the
19 destruction of the harmony of our street and our block, and
20 that there is an overabundance of apartment buildings,
21 particularly in Brightwood and in 4A, that are affordable
22 housing. We have a fair share. We are overburden. And we
23 simply do not want us, Brightwood, to be a dumping ground for
24 this type of development. We want to save our single family
25 homes.

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1 There is much more that I can highlight, but I
2 think I've covered most of the main concerns of the community
3 at this point. I'm happy to share more information later on.

4 BZA CHAIR HILL: Okay, thank you, Commissioner.
5 And yes, your exhibit is very helpful. And all of the
6 testimony that you have given. Thank you for taking all the
7 time that you have.

8 COMMISSIONER PATTERSON: And, Chair, I would like
9 to say, I really want the letters that constituents sent to
10 the BZA to be highly considered. They were heartfelt, they
11 were honest, and they definitely go into detail about the
12 issues that are very important to them.

13 BZA CHAIR HILL: Okay, thank you, Commissioner.
14 All right. Okay, let's see. Ms. Alexander. Ms. Marie
15 Alexander, can you hear me?

16 MS. ALEXANDER: Yes I can.

17 BZA CHAIR HILL: Would you like to give your
18 testimony?

19 MS. ALEXANDER: Yes. Can you unmute my Attorney?
20 He says he has been trying to get in. Kenneth.

21 BZA CHAIR HILL: What's his name?

22 MS. ALEXANDER: Kenneth, last name Crickman, C-R-
23 I-C-K --

24 BZA CHAIR HILL: Oh, I see him.

25 MS. ALEXANDER: -- M-A-N.

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1 BZA CHAIR HILL: I see him. Mr. Crickman, can you
2 hear me?

3 MR. CRICKMAN: Yes, I can.

4 BZA CHAIR HILL: Okay. So, Mr. Crickman, you're
5 representing Ms. Marie Alexander?

6 MR. CRICKMAN: That's correct.

7 BZA CHAIR HILL: So are you going to be giving
8 this testimony?

9 MR. CRICKMAN: I would like to help her through
10 it. It's fairly brief. It touches on the things that Ms.
11 Patterson has already stated. Ms. Alexander does have a
12 statement in the record, that's Exhibit 38. So I just want
13 to, I thought it would be helpful to hear her perspective as
14 to the --

15 BZA CHAIR HILL: Yes. Ms. Marie Alexander, do you
16 want to go ahead, and I appreciate that your Attorney is
17 here, do you want to go ahead and give us your testimony or
18 you want him? Yes, would you like to give us your testimony?

19 MS. ALEXANDER: Well he is, what we talked about
20 is, because this is very hard and, this is very hard and
21 passionate, and so he was going to ask me questions.

22 BZA CHAIR HILL: I got you.

23 MR. CRICKMAN: If that's okay.

24 MS. ALEXANDER: To help me.

25 MR. CRICKMAN: Yes.

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1 MS. ALEXANDER: To help me.

2 BZA CHAIR HILL: Oh sure.

3 MS. ALEXANDER: To help me through this.

4 BZA CHAIR HILL: Yes, of course.

5 MS. ALEXANDER: Okay.

6 BZA CHAIR HILL: Sorry about that. Ms. Marie
7 Alexander, I'm sorry. I'm sorry about that.

8 MS. ALEXANDER: It's okay.

9 BZA CHAIR HILL: We'll get through it, okay?

10 MR. CRICKMAN: It won't take very long, but this
11 goes to the harmony and the general purpose and intent. And
12 at the fact it will affect her adversely from her unique
13 perspective as being directly adjacent to this proposed
14 development.

15 So I just, would you, Ms. Alexander, would you
16 state where you reside?

17 MS. ALEXANDER: I reside at 6104 13th Street,
18 right next door to the property.

19 MR. CRICKMAN: Okay.

20 MS. ALEXANDER: Proposed.

21 MR. CRICKMAN: And this is the on the street that
22 has, right now, five residential single-family homes, is that
23 correct?

24 MS. ALEXANDER: That is correct.

25 MR. CRICKMAN: Okay. Are there any other multi-

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1 unit dwellings of this proposed nature on your street or
2 directly in your neighborhood?

3 MS. ALEXANDER: Not in this block it is not.

4 MR. CRICKMAN: Okay. And how long have you lived
5 there?

6 MS. ALEXANDER: I've lived here at my house for
7 37 years.

8 MR. CRICKMAN: Thirty-seven years?

9 MS. ALEXANDER: Yes.

10 MR. CRICKMAN: Okay. And you raised your, you
11 raised children there, correct?

12 MS. ALEXANDER: Yes. I'm a born and raised
13 Washingtonian. This is my first house, and this is my only
14 house. This is the house that I'm hoping to stay in, live
15 in and die in, God willing. And right, I've been here for
16 37 years. And I did raise my children here.

17 MR. CRICKMAN: And perhaps --

18 MS. ALEXANDER: In the house.

19 MR. CRICKMAN: -- you might pass the house on to
20 them or one of them or?

21 MS. ALEXANDER: Yes.

22 MR. CRICKMAN: Okay. Do you consider it to be a
23 generally quiet residential street?

24 MS. ALEXANDER: I mean the block, because it's
25 only five houses of us there, the block is pretty quiet.

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1 It's on 13th Street so the streets busy, but actually as far
2 as the activity in the community in our block we're a pretty
3 quiet block.

4 MR. CRICKMAN: And do you think the addition of
5 26 or 24 renters, residents, you know, temporary tenants
6 right in the middle of that street, do you think that will
7 impact the quiet and the peaceful nature of your street?

8 MS. ALEXANDER: It will impact my sense of
9 privacy, it will impact my sense of, just the, that level of
10 footprint sitting next to my house. It's just, the
11 apartment, it's unbelievable that this can even happen in the
12 District of Columbia.

13 But it's like, when I come outside my door and I
14 can, it's very peaceful environment that I live in. And
15 thinking about having these many people, the foot traffic,
16 the noise, having this building looking down on, if I'm
17 barbecuing in my backyard. It's just unbelievable that the
18 impact that this kind of structure will be next to your house
19 and these many people. It's just, I don't know, it's just
20 hard that it would impact just my overall quality of life in
21 my house, with that many people next door.

22 MR. CRICKMAN: Sure. And so you would be uniquely
23 impacted by this development more so than any other person
24 in the area, other than the house on the other side?

25 MS. ALEXANDER: Yes.

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1 MR. CRICKMAN: Yes.

2 MS. ALEXANDER: Correct.

3 MR. CRICKMAN: Okay. How about the parking
4 situation on the street as it stands now?

5 MS. ALEXANDER: The parking is tough because right
6 now we have apartments, like he said, on Fort Stevens.
7 During the day it's not a problem but at night, and when I
8 come home, I'm actually, the block away from me I can finally
9 park when I come home at night. But if you ask, if you're
10 adding that many people than the question would be, how far
11 away do I have to, am I going to have to park at night?
12 During the day it's not a problem, but at night there is a
13 problem. And it's only a block that I have to walk, and I
14 don't have a problem with walking when I can come home late.

15 But adding, I hear that they're going to put
16 parking spaces behind it, but you can't make people park
17 there. You can't force anybody to park there. They're going
18 to park on the street because it's just easier. And so what
19 is going to happen when I come home late at night?

20 So it's just a, I get that they say they putting
21 whatever was the requirement, but how are they going to make
22 people park back there.

23 MR. CRICKMAN: Right.

24 MS. ALEXANDER: How are they going to make sure
25 that, because if not, then I have to park blocks away.

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1 MR. CRICKMAN: Yes. And it's only three spaces
2 and they're adding 24, 26 people. That doesn't make --

3 BZA CHAIR HILL: Mr. Crickman?

4 MR. CRICKMAN: -- no sense to me either.

5 BZA CHAIR HILL: Mr. Crickman, can I just confirm
6 one thing real quick?

7 MR. CRICKMAN: Certainly.

8 BZA CHAIR HILL: Ms. Marie Alexander, Ms. Marie
9 Alexander, I just want to confirm for the record, Mr.
10 Crickman then is your also Attorney representing you, because
11 I don't have a letter of authorization in the record.

12 MR. CRICKMAN: There should be one. I did submit
13 a letter.

14 BZA CHAIR HILL: Do you know when you submitted
15 it? But anyway, just real quick, Ms. Marie Alexander, Mr.
16 Crickman is your representative, correct?

17 MS. ALEXANDER: Mr. Crickman is my representative,
18 correct.

19 BZA CHAIR HILL: Okay, great. And, Mr. Crickman,
20 I guess you think you submitted one?

21 MR. CRICKMAN: I don't have the record in front
22 of me, but it would have been Friday I believe. Last Friday.

23 BZA CHAIR HILL: Okay. All right. Well go ahead
24 and continue. I have it on the record that Ms. Marie
25 Alexander testified that you are her representative, and

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1 we'll just continue to move forward. Go ahead, Mr. Crickman.

2 MR. CRICKMAN: Okay. Really just one more
3 question. So you said that the parking might be, you might
4 have to walk farther from, to get, you know, from your car
5 to your home. Do you consider that to be a safety issue?

6 MS. ALEXANDER: Yes. I mean, well, I feel
7 relative safe in my neighborhood right now. I realize that
8 the city is having some challenges. Having to think about
9 walking further away does impact my safety. The number of
10 people makes me concerned about just the security and safety.
11 And so yes, having to walk pretty far away if I got to do
12 that at night --

13 MR. CRICKMAN: Sure.

14 MS. ALEXANDER: -- is concerning to me.

15 MR. CRICKMAN: Yes. Okay. Is there anything else
16 you'd like to add?

17 MS. ALEXANDER: No. It's, I guess I do. I've
18 worked hard, like I said, I'm a born and raised
19 Washingtonian, I've worked hard to keep my house, I've been
20 here more than 37 years, and just the impact of something
21 like this next to my house is just unbelievable.

22 And there something about the, there's something
23 missing when it's okay to even think about putting this next
24 to a single-family home in a community that from my house
25 down north are all single-family homes. I just, I don't,

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1 it's hard. And it's been painful experience having to deal
2 with this. That's all I got to say.

3 MR. CRICKMAN: Okay, thank you very much.

4 BZA CHAIR HILL: Thank you, Mr. Crickman. Thank
5 you, Ms. Marie Alexander.

6 MR. CRICKMAN: Thank you.

7 BZA CHAIR HILL: All right. Does the Board have
8 any questions for Ms. Marie Alexander?

9 ZC CHAIR HOOD: I don't necessarily have any
10 questions for Ms. Marie Alexander, but I do have a question,
11 Mr. Chairman, if it's in order, for Commissioner Patterson.

12 BZA CHAIR HILL: Sure, go ahead.

13 ZC CHAIR HOOD: Maybe I missed the opportunity to
14 do that, but I do have a question. Commissioner, first of
15 all, good afternoon. You know, I'm just curious, because
16 this is not the first time, and I do need to ask Mr. Barron,
17 does he know the status, I made a request about RA-1 zones
18 probably about a year and a half ago. I mean two years now.
19 And I need to, and now that I'm, this is all coming back to
20 life again about some of the issues we have in these RA-1
21 zones, which I've asked Office of Planning to look into this,
22 so we can see how we can lessen impacts. But anyway.

23 As you know, Commissioner Patterson, this is a RA-
24 1 zone. What are some of the, how do you see -- what, and
25 if you don't have an answer you can give it to me later, but

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1 how do you see how we can lessen impacts of homes like this
2 when it comes to RA-1 zones because this is not the first
3 time this BZA has dealt with this. We dealt with this some
4 years ago.

5 And what Ms. Marie Alexander is bringing up is
6 like deja vu all over again. So, Commissioner Patterson,
7 help me, what do you think we need that needs to be done, not
8 that it's going to help this case, with RA-1 zones so we
9 won't keep coming back to the same place?

10 COMMISSIONER PATTERSON: Thank you, Mr. Hood, for
11 your question. So, in my opinion, apartment buildings should
12 not be placed between single-family homes. As you mentioned,
13 this is an RA-1 zone which allows for single family homes and
14 smaller style mid-sized apartment buildings.

15 I will state my opinion. If there is an existing
16 block of single-family homes in an RA-1 zone, but they're
17 around the corner in the same RA-1 zones there are
18 established apartment buildings, to put the new structure
19 there, on the block with established apartment buildings and
20 don't destroy a block of single-family homes.

21 ZC CHAIR HOOD: So you're saying don't mix it in.
22 I get that.

23 COMMISSIONER PATTERSON: Don't mix it.

24 ZC CHAIR HOOD: Okay.

25 COMMISSIONER PATTERSON: Why do that?

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1 ZC CHAIR HOOD: All right.

2 COMMISSIONER PATTERSON: It's destruction to the
3 families, it's destruction to the neighborhood. Ms.
4 Alexander is practically in tears. It's a total destruction
5 of harmony.

6 ZC CHAIR HOOD: Okay. Thank you, Commissioner
7 Patterson.

8 COMMISSIONER PATTERSON: Thank you.

9 ZC CHAIR HOOD: Mr. Barron, you don't have to
10 answer this right now, but I need an update on my requests
11 of RA-1 zones that I asked for. And I know we got a lot of
12 stuff going on, it may have fell through the cracks, I just
13 have not been updated. You can maybe ask Ms. Steingasser to
14 refresh my memory because I know I did, and this case is
15 jogging my memory, that I've asked for this a while back and
16 it was supposed to be the first thing that Office of Planning
17 was going to look at. So, Mr. Barron, you don't have to
18 respond, but if you can pass that on to Ms. Steingasser I
19 would really appreciate it. Thank you, Mr. Chairman.

20 BZA CHAIR HILL: Thank you, Chairman Hood.
21 Anymore questions for the witnesses thus far? Or the
22 testimony thus far? Okay. Let's see --

23 COMMISSIONER PATTERSON: Chairman Hill?

24 BZA CHAIR HILL: Sure.

25 COMMISSIONER PATTERSON: I'm sorry, and I don't

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1 know if it's appropriate for me to ask at this time, but I'm
2 very curious, the developer did mention that they're reducing
3 the number of bedrooms. I would like to know to what?

4 BZA CHAIR HILL: Sure. No, that's a good
5 question. We'll go, before I get to that question I'm trying
6 to process, I'm just trying to get everybody to give their
7 testimony, and then everybody is going to be able to ask
8 questions of everyone.

9 So, I mean, I'm going with my Board asking
10 questions just because it started to happen that way, but
11 everyone have an opportunity to ask questions. I only have
12 one more person to give presentation, and that would be Ms.
13 Peterson. Can you hear me?

14 MR. YOUNG: -- dropped off and Staff has not been
15 able to get in touch with her.

16 BZA CHAIR HILL: Okay. All right. Well, we may
17 be keeping the record open for any conditional further
18 testimony that she might have. We will see what happens.

19 All right. So then that being the case,
20 Commissioner, you had questions for the Applicant, correct?

21 COMMISSIONER PATTERSON: Yes.

22 BZA CHAIR HILL: Go ahead.

23 COMMISSIONER PATTERSON: So, hello, Mr. Crain and
24 Mr. Arnheim. Thank you for presenting today. Yes. And as
25 we discussed, I would like to know what is the reduction in

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1 the apartments? And for the bedrooms.

2 MR. CRAIN: With the reduction from the four
3 bedrooms to the three-bedroom units.

4 COMMISSIONER PATTERSON: Okay.

5 MR. CRAIN: I think we're 24 bedrooms overall.

6 COMMISSIONER PATTERSON: Okay, that's what I
7 thought. Two-bedrooms. So obviously, that's not a huge
8 change in much of anything when it comes to density. We're
9 talking two people. Okay, I just wanted clarity on that at
10 the moment. Thank you.

11 BZA CHAIR HILL: Okay. Any other questions,
12 Commissioner?

13 COMMISSIONER PATTERSON: There may be questions
14 that may come up later, or is this my opportunity to ask
15 questions?

16 BZA CHAIR HILL: Yes, this is your time to ask
17 questions?

18 COMMISSIONER PATTERSON: Okay. To the exhibit
19 that you, I think that was an exhibit that you had in your
20 presentation, about the rear entrance. I just want to get
21 clarity, you did mention there's a front door, correct, where
22 one person can enter? I'm trying to understand the majority
23 of the 26 people, where are they entering the building?

24 MR. CRAIN: Sure. And yes, Unit 101, which is the
25 front of the existing, I guess house mass, is going to be

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1 utilizing that front, reusing that entry door. There's a
2 walkway on the left-hand side, when you're facing front, that
3 goes past the existing house to the somewhat centered stair
4 mass. And that's where the majority of the other residents
5 will be entering their units.

6 COMMISSIONER PATTERSON: Okay.

7 MR. CRAIN: Unit 102 --

8 COMMISSIONER PATTERSON: Where is that located?

9 MR. CRAIN: On the left-hand side --

10 COMMISSIONER PATTERSON: On the side --

11 MR. CRAIN: -- when you're looking at the front.

12 COMMISSIONER PATTERSON: On the left-hand side?

13 MR. CRAIN: Yes.

14 COMMISSIONER PATTERSON: So that would face which
15 home? What's the address?

16 MR. CRAIN: The home to the south. So that
17 walkway is on the south hand side.

18 COMMISSIONER PATTERSON: So that could be 6112
19 13th Street or is it --

20 MR. CRAIN: That would be --

21 COMMISSIONER PATTERSON: -- 6104?

22 MR. CRAIN: 6104.

23 COMMISSIONER PATTERSON: Okay. So that would face
24 Ms. Alexander's house?

25 MR. CRAIN: That's what we show now, yes.

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1 COMMISSIONER PATTERSON: Okay, that's very
2 unfortunate. So, there will be numerous people using that
3 side entrance, correct? That faces Ms. Alexander's,
4 Alexander's house.

5 MR. CRAIN: Yes, as we have the entries to --

6 COMMISSIONER PATTERSON: Okay.

7 MR. CRAIN: -- to a lot of those rear units --

8 COMMISSIONER PATTERSON: Okay.

9 MR. CRAIN: -- from that centered stairway.

10 COMMISSIONER PATTERSON: Okay. And also in your
11 presentation I saw the diagram for the rear of the apartment
12 building where there were numerous balconies. So
13 constituents have raised privacy issues regarding those
14 balconies since they're really literally on top of their back
15 yards and their side units. And I'm very concerned that the
16 tenants of the apartment building have a direct line of
17 eyesight into private yards and private windows of the
18 surrounding and abutting homes. And I would like to know how
19 is privacy of these homeowners going to be protected?

20 MR. CRAIN: Sure. I would point out that the
21 balconies exist at the rear facing the alley --

22 COMMISSIONER PATTERSON: Right.

23 MR. CRAIN: -- and the north side facing, not the,
24 it's the north side, not Ms. Alexander's house to the south.
25 So Ms. Alexander's house, I believe that what's facing her

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1 property is really a wall that has bedroom windows in each
2 level, but then the kitchen cabinets are up against them so
3 there's no outward space that's looking directly into that
4 yard.

5 So, you know, it's tough to balance providing nice
6 liveable conditions for these proposed units because all
7 these future residents they want, you know, they need outdoor
8 space and recreation as well, so that's the purpose of these
9 balconies. We do understand, you know, that there is privacy
10 concerns that are raised with that, but we have to balance
11 those with the livability of these units. I'm sure the
12 developer would be open to decreasing the size of these
13 somewhat, but I'd have to have a conversation or a decision
14 from him.

15 COMMISSIONER PATTERSON: Well I disagree about the
16 livability of these units. I mean, you have a 744 square
17 foot apartment that has four beds, but apparently you reduced
18 it to three. I used to live in Logan Circle in a condo that
19 was 730 square feet with my dog, and I barely had enough room
20 for a twin bed. So I really don't understand how a 744
21 square foot apartment with three bedrooms is livable. Can
22 you explain that?

23 MR. CRAIN: Sure. We've provided all the layouts
24 on the floor plan so they can be viewed --

25 COMMISSIONER PATTERSON: Yes.

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1 MR. CRAIN: -- if you want to look at that, but --

2 COMMISSIONER PATTERSON: Yes, that's my issue.
3 I don't find this livable. I feel that it's being very
4 cramped. And apparently you're maybe earning income per
5 bedroom or something of that nature and --

6 BZA CHAIR HILL: Commissioner?

7 COMMISSIONER PATTERSON: -- and I truly --

8 BZA CHAIR HILL: Commissioner?

9 (Simultaneous speaking.)

10 BZA CHAIR HILL: Commissioner, I'm just trying to
11 get to your question. I listened for a while about the dogs
12 and everything and the other place you lived in, and so
13 finally you got to the question. And so your question is
14 that, how are, you are giving your opinion as that you don't
15 think these three bedrooms are livable, so is there a
16 question there?

17 COMMISSIONER PATTERSON: Yes. Why are the spaces
18 so small? It seems that you're --

19 BZA CHAIR HILL: Okay, I'm -- Commissioner, I'm
20 just trying to understand your question. So --

21 COMMISSIONER PATTERSON: Yes. Why are the spaces
22 --

23 BZA CHAIR HILL: -- your --

24 COMMISSIONER PATTERSON: -- so small?

25 BZA CHAIR HILL: You believe the spaces are small,

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1 and so the question is, to the architect is, does he believe
2 the spaces are small, or to Mr. Crain, do you have an answer
3 for the Commissioner?

4 MR. CRAIN: I --

5 BZA CHAIR HILL: I guess they're smaller, but this
6 is subjective, I don't believe they're small. I've lived in
7 places smaller than this.

8 BZA CHAIR HILL: Okay, that's your answer, that's
9 fine, Mr. Crain. Okay, Commissioner, what's your next
10 question?

11 COMMISSIONER PATTERSON: I was going to the point
12 of density, the issue with the community is a density --

13 BZA CHAIR HILL: Commissioner, I'm sorry, I'm
14 being respectful. I'm not trying to -- you're not giving a
15 presentation on it, you're asking questions of what the
16 person did, right? So, you gave your presentation to us, and
17 so, we understand your concerns about density. I'm just
18 trying to get to the questions that you have for the
19 applicant.

20 COMMISSIONER PATTERSON: Well, my question is why
21 does this building have to be so dense? Why can't it be
22 reduced? They reduced it by two bedrooms, but that doesn't
23 solve the issue of the community, which is density.

24 BZA CHAIR HILL: So, your question is why is the
25 program the way it is, Mr. Crain?

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1 COMMISSIONER PATTERSON: Yes, it is.

2 MR. CRAIN: I actually think it fits the program
3 quite well, and I could respond by saying it could be a lot
4 denser. We did not utilize the IV bonus here, we could put
5 more units than this in if we chose to. So, I think the
6 design provides a breathable --

7 BZA CHAIR HILL: Okay, it fits their program,
8 Commissioner Patterson, what's your next question?

9 COMMISSIONER PATTERSON: Well, I guess based on
10 that answer, that it fits their program, how does it fit the
11 harmony of the neighborhood? Which is a requirement of the
12 special exception approval.

13 BZA CHAIR HILL: Commissioner, I guess the board's
14 going to determine whether or not they're meeting the
15 criteria. They've given their presentation as to what they
16 think about how they're meeting the criteria, and then the
17 board is going to determine whether or not we think they're
18 meeting the criteria. And I guess the part -- and by the
19 way, I also feel very much for what's going on here in terms
20 of the community.

21 Commissioner, what Chairman Hood's been asking,
22 this is zoned RA-1, this is an RA-1 zone, and so that's what
23 we're trying to figure out. Whether or not given that this
24 is an RA-1 zone, is this something that is compatible with
25 what the RA-1 zone calls for? So, I'm just saying that's

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1 what the board is going to be tasked with trying to figure
2 out. But do you have another question for the architect?

3 COMMISSIONER PATTERSON: Not at this time. But
4 I see Gayle Petersen is back on the call.

5 BZA CHAIR HILL: Okay, great, thank you. Ms.
6 Petersen, can you hear me? Ms. Petersen, can you hear me?

7 MS. PETERSEN: Can you hear me?

8 BZA CHAIR HILL: Yes, hi.

9 MS. PETERSEN: Okay, I missed my -- turn this one
10 off, it's just not working, I'm going to have to talk through
11 my cell phone.

12 BZA CHAIR HILL: Well, go ahead, put your computer
13 on mute.

14 MS. PETERSEN: We did. Okay, so I've listened to
15 everything everyone has to say --

16 BZA CHAIR HILL: Could you reintroduce yourself,
17 Ms. Petersen?

18 MS. PETERSEN: Hi, my name is Gayle Petersen, I
19 live at 1320 Rittenhouse Street Northwest. I have been
20 living in Washington, D.C. in the Brightwood neighborhood
21 before moving to Shepherd Park since 1966. My father was in
22 the military, and we moved back and forth every two years,
23 but we always came back here, because we were near Walter
24 Reed with the commissary, and the PX, and the bowling alley,
25 and the theaters, and all of that.

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1 So, this is my neighborhood. This is where I grew
2 up, I'm very familiar with it, and how it's supposed to look,
3 and how it's supposed to feel. I like to tell people that
4 we have a Norman Rockwell portrait of a life. Having said
5 that, all the world is changing, but our neighborhood is
6 changing, and I can't change the world, but I can try to have
7 a say in what happens in my portion of the world.

8 So, right now we have a lot of crime, no one has
9 talked about that, but that's important. We have a lot of
10 crime, we've had a home invasion, we've had car break ins,
11 we've had people stealing catalytic converters, we had --
12 somebody got shot at the corner of 13th and Rittenhouse a day
13 ago. My concern is that our area, more than anything else,
14 it needs to be calm.

15 An introduction into our community of something
16 this expansive, something of this magnitude, the only people
17 it's going to benefit is going to be the people who are
18 developing it. And we know that because of the size of the
19 rooms that there's probably going to be low income, or
20 voucher building. We know that, we took the pictures, and
21 showed it to an architect, and he said this is low income
22 housing.

23 So, I'm just not going to try to be polite here,
24 I'm just going to say we have enough of that. We have enough
25 of that. It starts on Military Road all the way up to Aspen

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1 Street. The single family home residents would like to have
2 some quiet enjoyment of their life. I mean, is that too much
3 to ask for with all the insanity that goes on in the world
4 every day, every time we turn on the news, your home is your
5 sanctuary.

6 Where you come home, you shut the door, and you
7 control your environment. So, this intrusion, which is what
8 it is, is not really that welcome. Because even though I'm
9 in my house at night, I'm constantly calling the police, and
10 it's all for the same group of people that are in the
11 Rittenhouse. And I'm not going to say anything more, you
12 figure out what I'm talking about.

13 They are fighting, they're drunk, they keep a lot
14 of stuff going on, and there's a potential for this to be
15 coming to our neighborhood even closer. I have cameras all
16 over my house, I have security on all my doors, I have
17 something to dim my windows so people can't look in my
18 windows. I'm scared -- I'm terrified to go out at night, and
19 have to come home, and park in front of my house because
20 there's so much crime.

21 I don't even want to come down the alley and park
22 at night, because somebody might follow me into the car port.
23 And you know, this is just -- that's the emotional side of
24 it, but it's very, very real. It's very, very real. But you
25 guys have -- I've listened to the other arguments that the

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1 other people made, and you guys have already said the view
2 does not matter. To who? To you? Do you want to look at
3 a big brick wall? Nobody does.

4 And you know, the light in the area, you say that
5 won't affect us, but you only did a shade study on one side.
6 So, I mean it seems to me that the applicant, when he filled
7 out the application, he answered the questions in the light
8 most favorable to him, which is what he's supposed to do.
9 Our job is to tell you how it's not really accurate. And one
10 of the things that nobody has discussed, so my point here is
11 everything that's already been said, I'm not going to repeat
12 it.

13 But nobody's talking about the balconies. These
14 people are going to build something that's very, very tall
15 that already can look into our houses. By the way, I can
16 look into my neighbor Lucho Karacic's house from my house,
17 and he lives at 6100 13th Street. I can see his windows
18 because I'm far sighted. So, something that's closer to me,
19 I know I'll be able to look in their windows, just like
20 they'll be able to look into mine.

21 I mean, I don't need to measure, I know just from
22 common sense. So, if you put balconies in, that's going to
23 be even more of an intrusion. But it looks like this thing
24 is so small you need to have balconies, because the people
25 are going to be packed in like sardines, and they're going

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1 to get claustrophobic, they're going to go crazy. Everything
2 that's going on in their house is going to spill out into our
3 world, it'll start with the balconies.

4 I mean, this is an exclusive neighborhood. It is,
5 after all, the mouth to Shepherd Park. This is an
6 encroachment on a certain type of life style. And I know
7 there's no regulations that cover that. I know you're going
8 to say well, this is R1, but the history of the regulation
9 needs to be examined. Because years ago the ANCs voted
10 against this section of 13th Street being zoned for R1.

11 And even though they voted against it, it went in
12 as R1 in the final ruling of the bill. It is a mistake, it
13 is a mistake. Somebody needs to care about single family
14 houses and the people who live in them. Some people, the
15 most important thing they have is their home. Some people
16 put all the money they have into their homes. Some people
17 have pride in home ownership, and they want to leave a legacy
18 to their family.

19 And these kind of buildings, they're so
20 impersonal. This is a very personal neighborhood, we are all
21 friends, we all look out for each other, we have phone trees,
22 we talk to each other, we do barbecues together, we're
23 friendly. You're putting something very unfriendly, and
24 it'll change the tone and character of our world. So, you
25 know, this thing by its size and its mass alone is very

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1 unfriendly.

2 And it visually intrudes upon the character,
3 scale, and pattern of the houses already there. So, it's
4 going to stick out like a sore thumb. So, I mean you know,
5 we held a meeting with Ethan, we asked him if he would like
6 to live in something -- would he like something introduced
7 like this into his world, he wouldn't answer. He wouldn't
8 answer, because nobody would.

9 But this is definitely going to be more voucher
10 families, and we have had enough, we've had our share. We
11 don't to be run out of our homes, we don't want to lose our
12 property values. And you know, I think I've said everything
13 that wasn't said, but that's all I'm going to say, and I'm
14 going to let the next person talk, or whatever. But Mr.
15 Robinson, do you want to say anything?

16 MR. ROBINSON: No.

17 MS. PETERSEN: Okay, all right, so I'm done.

18 BZA CHAIR HILL: Okay, thanks, Ms. Petersen.

19 MS. PETERSEN: Wait a minute, I have something,
20 I want to make sure that you looked at the statement that I
21 submitted. March 19th, 2024 to the Board of Zoning and
22 Adjustment regarding application 21065. So, I'm the person
23 associated with that.

24 BZA CHAIR HILL: Yeah, that's the one on March
25 13th, 2024?

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1 MS. PETERSEN: March -- well, it looks like yeah,
2 March 13th, 2024. You have my statement?

3 BZA CHAIR HILL: Yeah.

4 MS. PETERSEN: Okay, thank you.

5 BZA CHAIR HILL: Thank you. All right, Ms.
6 Petersen, hold one on second.

7 MS. PETERSEN: You might have questions?

8 BZA CHAIR HILL: Yeah, why don't you put yourself
9 on mute, Ms. Petersen, and let me see what happens with the
10 board here. Does the board have any questions of Ms.
11 Petersen? Okay, Mr. Young, is there anyone here wishing to
12 testify?

13 MR. YOUNG: -- Witnesses.

14 BZA CHAIR HILL: Okay. Ms. Petersen, you might
15 want to mute your line.

16 MS. PETERSEN: I don't know -- okay, here we go,
17 I'm muting it.

18 BZA CHAIR HILL: Okay, thanks, don't go anywhere
19 though. Okay, go ahead, Mr. Young, if you could give me the
20 names of the people testifying?

21 MR. YOUNG: That is Ms. Gordon and Mr. Karacic.

22 BZA CHAIR HILL: Ms. Gordon, can you hear me?

23 MS. GORDON: I can.

24 BZA CHAIR HILL: Can you go ahead and introduce
25 yourself for the record, and then you'll have three minutes

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1 to give your testimony?

2 MS. GORDON: Sure. My name is Katherine Gordon,
3 I live at 1322 Rittenhouse Street, I live next door to Ms.
4 Petersen. I submitted a letter for the record. But I did
5 want to just highlight a few things. I'm not opposed to
6 density, you have a number of neighborhoods that are -- I'm
7 sorry, we have a number of housing unit buildings across the
8 alley.

9 I am however, concerned about the adverse impacts
10 of this particular development, on what as other people have
11 said, is a single family neighborhood. The parking is of
12 significant concern, and I think the one thing that hasn't
13 really been addressed is that the distance from Fort Stevens,
14 which is the road where all the multi-unit housing is, they
15 have to walk around the block, and then walk down what is a
16 very long block to get to Rittenhouse.

17 When we're talking about this particular
18 development, it's literally around the corner, so this will
19 have a much larger, and much more out sized impact on the
20 residents of Rittenhouse, as well as, of course, the
21 residents of 13th Street. The balconies are a great concern
22 to all of us that are on the alley. I share an alley, I can
23 literally look out my back window, and see, as I think other
24 people have described, the odd little building that is in the
25 back of this unit.

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1 But if that is more than one story, it will be
2 significant, and those balconies will absolutely have
3 unfettered access to not only their neighbor's backyards, but
4 my backyard, Ms. Petersen's back yard, and our neighbors'
5 back yards, so that is of significant concern. I have not
6 lived here for 37 years, as Ms. Alexander has, or Ms.
7 Petersen has.

8 I have lived here for a year and a half, but I
9 very intentionally selected this neighborhood because I
10 wanted to live in a residential community. I value the fact
11 that we have families and seniors that are choosing to age
12 in place. I have significant concerns over the ability for
13 them to do that if we bring in 20, 30, 40 people depending
14 on how many people are in each of these bedrooms.

15 With cars, with traffic, and congestion, and
16 noise, so I'm deeply concerned about the adverse impacts of
17 this. I understand that the developer and the architect
18 spoke about that there would not be any use of the alley
19 during construction. But as we all know, construction does
20 stir up rats and rodents, so that will significantly impact
21 all of the neighbors, and then that impact will continue.

22 It doesn't go away, it's not like they go back
23 into the ground because that earth will have been disturbed.
24 So, we all are fighting a rat battle. Commissioner Patterson
25 has been doing yeoman's work trying to get the city to help

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1 us with that. But it is a losing battle, and adding 26
2 units, I'm sorry, 26 beds, or 20 beds, or whatever the final
3 number is, adding 9 units is significant.

4 I also share Commissioner Patterson's concerns
5 regarding an apartment building built between single family
6 homes. And this isn't even what I think is typical in some
7 areas, a condo conversion, where you put two or three condos
8 in between single family homes. This is nine units, so this
9 is not in use, in scale, or in scope with --

10 BZA CHAIR HILL: Ms. Gordon, I just want to let
11 you know, you've kind of run out of your time, if you'd like
12 to sum up.

13 MS. GORDON: The only other thing I will say is
14 that I did not receive any outreach from the developers, or
15 anything. So, thank you.

16 BZA CHAIR HILL: Okay, thank you, Ms. Gordon.

17 MS. GORDON: Absolutely.

18 BZA CHAIR HILL: Ms. Karacic, if I'm pronouncing
19 it wrong, please correct me.

20 MR. KARACIC: Yes, Karacic, can you hear me, sir?

21 BZA CHAIR HILL: Yes. Mr. Karacic, can you go
22 ahead and introduce yourself for the record, and then you'll
23 have three minutes to give your testimony, and you can begin
24 whenever you like.

25 MR. KARACIC: Yes. So, one second, I have to get

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1 off the road, and I just found a parking space so I can be
2 safe here. Let me get my statement. Good afternoon,
3 Chairman Hill, and members of the board. Sorry I have to be
4 on the road, I'm in a car right now, but I parked.

5 BZA CHAIR HILL: It's okay.

6 MR. KARACIC: My name is Karacic, I live on 6100
7 13th Street, two doors down from 6108. I also submitted my
8 opposition letter to the BZA on March 13th. I want to
9 highlight my concerns briefly here that I express in that
10 letter. I'm opposing this massive building development among
11 single family homes. It not only includes a modification of
12 the existing front building like we have said, but most
13 importantly, a new three story building with cellar on the
14 back.

15 The issues that I can see are harmony, density,
16 overcrowding, privacy, enjoyment, impact on our living
17 conditions, and value of our properties. I lived here in
18 this home since 2008. My home is my retirement plan. I
19 wish, and I intend to pass it onto my son as generational
20 wealth. However, the developer's plan will significantly
21 disrupt my life plan, and it is causing immense consternation
22 and stress.

23 To touch briefly on the issues that I mentioned,
24 the harmony, this massive structure does not fit with the
25 characteristics of the 61st Street block of 13th Street

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1 Northwest, and will not be in harmony with the general
2 purpose of this in zoning regulations. Density and
3 overcrowding, nine units and 26 or 24 beds in that foot
4 print, and among single family homes, will be extremely
5 disrupting to the existing community.

6 Very important, the privacy. This massive
7 structure with multiple windows on balconies will severely
8 intrude on the privacy of my own bedrooms and backyard. The
9 enjoyment of our homes and yards will dramatically be
10 effected by a crowded environment that this massive structure
11 will bring to the neighborhood. These facts would have a
12 dramatic impact on our living conditions.

13 And lastly, the value of our properties. My home
14 is a beautiful single family home built in 1936 that I have
15 invested in maintenance and improved through the years. It
16 will most definitely lose its value as a single family home
17 next to an overcrowded nine unit building. Thank you for
18 your time and consideration to vote against this development,
19 sir.

20 BZA CHAIR HILL: Thank you, Mr. Karacic. Does
21 anybody have any questions for the public testimony people?
22 Okay, I'm going to excuse them then. Thank you for your
23 testimony, and taking the time to be with us today. Okay,
24 so Mr. Crain, what you're going to have an opportunity to do
25 is give any rebuttal that you might like to give.

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1 And then the other party in opposition parties,
2 as well as the ANC will have an opportunity to ask any
3 questions that they might have from your rebuttal. Do you
4 have any rebuttal, Mr. Crain?

5 MR. CRAIN: Yeah, I can address some comments, and
6 just to clarify, is this for Ms. Patterson, Petersen, and
7 Alexander, or also for the two people who testified as well?

8 BZA CHAIR HILL: It's for any rebuttal you might
9 have.

10 MR. CRAIN: Sure. I guess going into my notes for
11 Ms. Patterson, she stated that this project was not by right.
12 But we're conforming with the requirements of the zoning code
13 that is designated by the city for this. So, I would argue
14 that it is. And it does seem that a lot of her issues or
15 concerns really have to do with the zoning code itself, not
16 specifically this project.

17 This project just being manifested gives a target
18 to address these concerns. I do want to reiterate that the
19 bedroom count was reduced from having four bedroom units to
20 having three bedroom units in response to the concerns. She
21 mentioned adverse effects of the use and enjoyment of light
22 and air. Again, we're providing side yards a fully detached
23 structure with eight foot side yards on both sides.

24 So those, coupled with the side yards of the
25 adjacent properties do provide significant separation between

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1 them. We're providing no balconies on the southern side,
2 facing Alexander's house. We do have balconies on the north,
3 and the rear facing the alley. Again, the possibility of
4 either moving or reducing those can be done at my client's
5 discretion.

6 She mentioned that the risks to single family
7 homes losing value, I think that's more of a realtor concern,
8 so I can't address that. Regarding the reduction of street
9 parking, zoning code requires two parking spaces, we're
10 providing three, plus additional paved area beyond those in
11 an effort to mitigate that. With increased rodent activity,
12 it seems like there's an existing issue regardless of whether
13 this project happens or not, of 25000 rats in the alley.

14 So, I'm not sure that the blame for that can be
15 passed on to this project. I understand it's something
16 existing, but I know that my client has a plan in place for
17 rodent prevention. I know moving onto Ms. Petersen, I too
18 grew up on military bases. Every one of the housing projects
19 that I grew up in was smaller than any of the units, so we
20 have a similar background in that.

21 There are concerns about crime in the area.
22 Again, along with the rats, I do believe that's a pre-
23 existing issue that I don't think any blame can be passed
24 onto a new development project. I'm not sure addressing
25 crime is within the purview of this board or this project.

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1 She did mention this was an exclusive neighborhood, but also
2 Ms. Patterson said there's too much affordable housing.

3 So, those two viewpoints seem to conflict. Ms.
4 Petersen mentioned this intrudes on the scale and pattern,
5 but with the RA-1 zone that this is in, and the two adjacent
6 properties sit in, we very much believe this conforms to the
7 scale and pattern that is written into the zoning code. And
8 regarding Ms. Alexandra, she had mentioned that she has to
9 park more than a block away.

10 But I believe she's on the south side, and she
11 does have alley access with a garage. So, I guess I do
12 question why she chooses to park when she has alley access
13 onto her property, that was confusing to me. That's all I
14 have. Ethan, if you have anything, feel free to chime in.

15 MR. ARNHEIM: Okay. You know what -- would I have
16 time for a conclusion, or?

17 BZA CHAIR HILL: -- So, this is rebuttal. And now
18 what's going to happen, and I'm sorry, I am going to butcher
19 your last name again, Arnheim?

20 MR. ARNHEIM: Arnheim, you got it.

21 BZA CHAIR HILL: Mr. Arnheim, you've been before
22 us before, correct, Mr. Arnheim?

23 MR. ARNHEIM: That's correct.

24 BZA CHAIR HILL: Okay, so Mr. Crain has given some
25 rebuttal, and so now if you have any rebuttal you can go

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1 ahead and give it. And then those participating will have
2 an opportunity to ask any questions they may have about your
3 rebuttal. Do you have any rebuttal?

4 MR. ARNHEIM: I do not have a rebuttal.

5 BZA CHAIR HILL: Okay. Commissioner Patterson,
6 do you have any questions pertaining to any of the comments
7 Mr. Crain said in rebuttal?

8 COMMISSIONER PATTERSON: Well, I have comments.

9 BZA CHAIR HILL: No, I'm sorry, not comments, just
10 questions. Okay.

11 COMMISSIONER PATTERSON: I guess one question
12 would be about the balconies.

13 BZA CHAIR HILL: Your question is what?

14 COMMISSIONER PATTERSON: The question, I
15 understand from the diagram that there are -- that I can see
16 from the diagram, three balconies or four balconies, can you
17 give me the number of balconies, please?

18 MR. CRAIN: Per floor, or per unit?

19 COMMISSIONER PATTERSON: For the building, the
20 whole building.

21 MR. CRAIN: For the building, we have, one second,
22 and they're stacked balconies, so they occur in two places,
23 at the rear facing the alley, and at the north side. There's
24 balconies at first, second, and third floor, so there's two
25 stacks of three. Three on the north side, three facing the

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1 alley.

2 COMMISSIONER PATTERSON: So, six total?

3 MR. CRAIN: Correct.

4 COMMISSIONER PATTERSON: So, chair, my question
5 would be regarding the balconies, because there's six on the
6 rear -- there are six total, three here, and three there, on
7 the rear and on the side, I'm just not understanding his
8 statement that this is not a privacy issue for the neighbors
9 that live next door and across the alley. And that is a
10 concern.

11 BZA CHAIR HILL: Right, so I'm just --

12 COMMISSIONER PATTERSON: Because it is a privacy
13 issue for us, but he is stating that it is not, which I'm not
14 clear on how that could be.

15 BZA CHAIR HILL: Mr. Crain, I don't think -- he's
16 not stating there's a privacy or not a privacy issue,
17 Commissioner Patterson. So --

18 COMMISSIONER PATTERSON: Okay, I thought I heard
19 him say that the balconies were not a privacy issue.

20 MR. CRAIN: I said it was tough to balance between
21 neighborhood privacy and providing outdoor recreation space
22 for the proposed units, I was acknowledging that.

23 MEMBER SMITH: Okay, so can I -- let me explain
24 this in the form of a question. Mr. Crain, was there some --
25 and I get the balance that you're speaking of, was there some

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1 iterative thought given to those balconies. Was there any
2 consideration of Juliet balconies, or smaller balconies, or
3 less balconies? Was there any consideration, can you go
4 through the iterative discussion that you may have had?

5 MR. CRAIN: Sure. There's been no -- well, I
6 guess being that we provide two balconies per unit, the ones
7 at the rear are off of two bedrooms that flank each other.
8 The ones at the north are access from the living areas. A
9 very simple fix, or mitigation here would be to reduce or to
10 remove the balconies at the rear from the bedrooms, again,
11 with my client's directive.

12 But I would probably think that the balconies that
13 are off the living rooms, that provide the main outdoor space
14 for these units should be retained as much as possible. So,
15 we could very easily cut the balconies in half.

16 BZA CHAIR HILL: Hold on, Mr. Crain, I got you,
17 I think that we were going to -- I know that I was going to
18 ask about the balconies a little later, I'm just trying to
19 get through rebuttal, and the questions of rebuttal. And I
20 think you answered Mr. Smith's question, which was that you
21 did consider it. And so, he has his thumb up. And I think
22 that my board members are going to have some questions that
23 I know we're going to want to talk about a little bit.

24 I know I am at least, and so I'm sure that my
25 fellow board members will as well, as we get through this.

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1 Commissioner, are there any more questions about rebuttal?

2 COMMISSIONER PATTERSON: No, thank you.

3 BZA CHAIR HILL: Okay. Mr. Crickman, can you hear
4 me? Do you have any questions on behalf of Ms. Marie
5 Alexander concerning any comments Mr. Crain made in rebuttal?

6 MR. CRICKMAN: Just one quick one just for
7 confirmation. I believe it was stated that the access to the
8 units in the rear would all be on a walkway that is directly
9 next to Ms. Marie Alexander's property, is that right? And
10 then there would be an entrance to the building in the middle
11 of that rear structure.

12 MR. CRAIN: Correct, the shared walkway is on the
13 south side of our proposed building.

14 MR. CRICKMAN: Okay, so there would be a lot of
15 foot traffic for 24 tenants right alongside Ms. Marie
16 Alexander's property.

17 MR. CRAIN: Well, several feet off the property
18 line, it would be 8 to 10, maybe 12 feet off the property
19 line, but that is the side --

20 BZA CHAIR HILL: I would imagine, Mr. Crickman,
21 the answer is yes.

22 MR. CRICKMAN: That's fine, that's all.

23 BZA CHAIR HILL: Go ahead, Mr. Crickman, what's
24 your next question?

25 MR. CRICKMAN: That's all, thank you.

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1 BZA CHAIR HILL: And I love it, I was just
2 reminded, and as I'm trying to go through this I neglected
3 the Office of Planning. So, Mr. Crain, I think what we are
4 going to want to get to, I think we're going to discuss
5 different opportunities concerning those balconies. Either
6 Julietts in the rear, or I know there's other things that I'm
7 going to be curious of in terms of providing some ability for
8 us to see how those balconies might affect -- what they'd be
9 able to look into, the ones in the rear.

10 I would agree that the ones on the side are --
11 they seem more nominal. However, again, then as you all
12 continue to go through this, I guess thinking about how Ms.
13 Marie Alexander's property there is going to be affected, and
14 what kind of mitigation issues you might be able to do.
15 Whether it's privacy fencing, whether it's other kinds of
16 things to mitigate those factors.

17 Those are things I'm just throwing out there as
18 we continue to process this, and we're going to get to the
19 Office of Planning. Before I move onto the Office of
20 Planning however, is Ms. Petersen gone? Mr. Young, did Ms.
21 Petersen leave?

22 MR. YOUNG: -- anymore.

23 BZA CHAIR HILL: Okay. I'm going to turn to the
24 Office of Planning.

25 MR. BEAMON: Good afternoon, Shephard Beamon with

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1 the Office of Planning. We've reviewed the special exception
2 application and recommend approval of the requested relief
3 to allow the nine units. The RA-1 zone is intended for areas
4 with moderate density development, including low rise
5 apartment buildings which are common in the surrounding
6 neighborhood.

7 The project has been designed so that the building
8 and its placement on the site are consistent with the
9 intention of the zoning regulations, including height, lot
10 occupancy, density, and setbacks. The proposed development
11 would meet the minimum eight foot side yard requirement,
12 which would help to reduce possible impacts on air flow or
13 light for the neighboring homes.

14 The rear addition is designed an oriented in a way
15 that it would not have significant -- sorry, it's designed
16 and oriented in a way that it would only have views into the
17 neighboring rear yards or alley, and not directly into the
18 adjacent homes, which should not unduly impact the privacy
19 of neighbors. The proposal meets the minimum parking
20 requirements, includes bike storage, and is in proximity to
21 public transit.

22 Schools for which the property is zoned should not
23 be over burdened by students who may reside in the project.
24 And lastly, the proposed development should retain some of
25 the existing characteristics and design features of a single

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1 family home as seen from the street view, which should help
2 maintain some of the streetscape's character.

3 We're more than happy to continue working with the
4 applicant on how we can address some of the concerns brought
5 about by the ANC and other neighbors, including the
6 balconies, and with that I'm going to conclude my testimony,
7 and I'm open for any questions.

8 BZA CHAIR HILL: Thank you. Does the board have
9 any questions for the Office of Planning?

10 ZC CHAIR HOOD: Quickly, Mr. Beamon, good
11 afternoon. If you could take my concern back to Ms. Thangash
12 something I asked for, I know it predates you, but RA-1
13 zones, I would be asking her again on another forum about
14 that. So, if you could let her know that question is coming?
15 Not that it's germane to this case, but thank you. Thank you,
16 Mr. Chairman.

17 BZA CHAIR HILL: Thank you, Chairman Hood.
18 Anything else for the Office of Planning from the board? Go
19 ahead, Mr. Smith.

20 MEMBER SMITH: Mr. Beamon, can you speak to the
21 broader character of the neighborhood, was that looked at?
22 Did you just look at the block, or did you look at the square
23 in conducting your analysis of the character of the
24 neighborhood? So --

25 MR. BEAMON: So, yeah -- I'm sorry.

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1 MEMBER SMITH: Go ahead, sorry.

2 MR. BEAMON: So, yes, we did look at the block
3 face, but then the entire block itself, the entire square.
4 So, we did look at the row homes to the north, the single
5 family detached homes that this block, that this property is
6 on, as well as what's behind it. And it's just a mix of
7 development, and density, and we felt that with that mix of
8 uses and density that this wouldn't be too out of character
9 with the surrounding neighborhood.

10 And I think the applicant showed you a few
11 examples of some of the higher density uses in the rear, or
12 behind this property. So, they're looking at apartment units
13 with up to 63 units in them. So, again, the nine units here
14 wouldn't be significantly out of character with the
15 surrounding neighborhood.

16 MEMBER SMITH: Thank you.

17 BZA CHAIR HILL: Okay, I see Ms. Petersen is back.
18 Can you hear me, Ms. Petersen? Ms. Petersen, can you hear
19 me?

20 MS. PETERSEN: Can you unmute me?

21 BZA CHAIR HILL: Yes, can you hear me?

22 MS. PETERSEN: Yes, yes. Can you see me?

23 BZA CHAIR HILL: I can hear you, I can't see you.

24 MS. PETERSEN: I don't know why it won't, okay.

25 BZA CHAIR HILL: That's all right.

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1 MS. PETERSEN: Okay, I'm ready for your question.

2 BZA CHAIR HILL: Now we can see you. So, Ms.
3 Petersen, what happened was Mr. Crain had an opportunity to
4 give rebuttal --

5 MS. PETERSEN: I heard it.

6 BZA CHAIR HILL: Okay, did you have any --

7 MS. PETERSEN: I don't have a response.

8 BZA CHAIR HILL: Hold on one second, it's not a
9 response, it's a question. Do you have any questions for him
10 about what he said?

11 MS. PETERSEN: Well, you know, one of the things
12 that I just -- how does he plan, if he's planning on putting
13 this structure that's going to have an enormous amount of
14 trash for 26 people, and there's an existing rodent problem
15 that is exploding all the time, what do they plan to do to
16 contain it? What do they plan to do about parking? Because
17 when I asked Mr. Ethan Arnheim about parking, he told me
18 specifically these people will not have cars.

19 And I said well that's ludicrous. If they don't
20 have cars, you know, are they not going to have friends, are
21 they not going to have family?

22 BZA CHAIR HILL: Ms. Petersen --

23 MS. PETERSEN: What are they going to do about the
24 parking?

25 BZA CHAIR HILL: Hold on, Ms. Petersen, give me

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1 a second, I'm trying to just understand the question. So,
2 the question again, to you Mr. Crain, first, and I don't even
3 know if this was in rebuttal or not, but --

4 MS. PETERSEN: It is.

5 BZA CHAIR HILL: No, I'm --

6 MS. PETERSEN: Sorry.

7 BZA CHAIR HILL: That's all right. How do you
8 plan on handling the rodent issue while you're doing
9 construction, or what is your rodent plan? You said you had
10 one.

11 MR. CRAIN: Ethan, can you respond about the thing
12 you have in place for that?

13 MR. ARNHEIM: I take rodent concerns very
14 seriously, I live next to a neighbor who is negligent, and
15 I am regularly on his case in calling 311 to conduct
16 additional rodent abatement. I would not accept rodents
17 being an issue on a property that I own. On the properties
18 that I do own, we have an ongoing contract with Elite Pest.
19 Elite Pest sets up rodent bait traps, and they also fill
20 rodent holes.

21 And that's a contract that is a lifetime contract
22 until there is more than 60 days without any reports of
23 rodents or sightings of rodents, or sites of burrows. So,
24 this is not -- this is a concern that I very much share with
25 the neighbors. I'm going to do everything in my power to

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1 make sure that --

2 BZA CHAIR HILL: Okay, Mr. Arnheim, you gave your
3 answer.

4 MR. ARNHEIM: Sorry.

5 BZA CHAIR HILL: That's all right. Ms. Petersen,
6 did you have another question concerning --

7 MS. PETERSEN: I'd like to know if my attorney can
8 ask a question now please, to Mr. Crain?

9 BZA CHAIR HILL: Hold on a second.

10 MS. PETERSEN: My attorney has a question for Mr.
11 Crain.

12 BZA CHAIR HILL: Hold on, who is your attorney?

13 MS. PETERSEN: Wendall Robinson.

14 BZA CHAIR HILL: Where is Mr. Wendall Robinson?

15 MS. PETERSEN: He's right here with me.

16 BZA CHAIR HILL: Okay.

17 MS. PETERSEN: -- His name is on the list to the
18 right hand of the screen. There he is.

19 BZA CHAIR HILL: All right, hold on a second now.
20 And I saw your hand, Mr. Blake, also, I won't forget you.
21 So, you now have an attorney, Ms. Petersen, that I didn't
22 have before. So, Mr. Robinson, you are helping to represent
23 Ms. Petersen, is that correct?

24 MR. ROBINSON: That's correct.

25 BZA CHAIR HILL: Okay, could you introduce

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1 yourself for the record?

2 MR. ROBINSON: Yes, thank you very much, Mr.
3 Chairman, and board members. My name is Wendall Robinson,
4 I did send -- to Mr. Reed, who acknowledged that I was
5 representing Ms. Petersen and -- other people that --

6 (Simultaneous speaking.)

7 BZA CHAIR HILL: I'm sorry, you're breaking up,
8 Mr. Petersen, you're breaking up for me.

9 MR. ROBINSON: I'm Wendall Robinson, not Mr.
10 Petersen.

11 BZA CHAIR HILL: Got it, got it. You're breaking
12 up, Mr. Robinson, just hang on one second.

13 MR. ROBINSON: Okay.

14 BZA CHAIR HILL: So, Mr. Robinson.

15 MR. ROBINSON: Correct.

16 BZA CHAIR HILL: The question that I'm -- we're
17 currently in rebuttal --

18 MR. ROBINSON: I understand.

19 BZA CHAIR HILL: Okay, so you probably understand
20 better than me. And so, if you wanted to ask Mr. Crain any
21 question you have concerning his rebuttal.

22 MR. ROBINSON: Yes, one.

23 BZA CHAIR HILL: Go ahead.

24 MR. ROBINSON: Mr. Crain, you had indicated that
25 you all were in compliance with the code with respect to your

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1 project. My question to you is in terms of complying with
2 the code, if you looked at the area, and saw that the area
3 where you wanted to place your project was consistently with
4 single family homes, did you consider maybe putting it in a
5 different location?

6 BZA CHAIR HILL: I guess, Mr. Crain, they're
7 asking if you thought about putting it in a different
8 location.

9 MR. CRAIN: I mean, Ethan can answer that, but we
10 were hired to design this project specifically. So, for us,
11 no. I think the decision on what's compliant with code, and
12 where development should happen are two different subjects.

13 BZA CHAIR HILL: He asked -- well anyway, so your
14 answer was no, okay. Okay, Mr. Robinson, do you have another
15 question?

16 MR. ROBINSON: Yes, can I just ask you, when you
17 looked at the nature of the -- you said you're complying with
18 the code, you comply with the spirit of the code, the letter
19 of the code, but did you consider when you said -- and how
20 it impacted the area, so that even though you met the
21 requirements of the code, it might be inappropriate to go
22 there because of the impact it would have upon the single
23 family homes there?

24 BZA CHAIR HILL: I think -- I'm not exactly
25 understanding the question, other than I think Mr. Robinson

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1 is asking, Mr. Crain, did you take into consideration the
2 single family homes when you were designing the project?

3 MR. CRAIN: We did, and that's why, from the get
4 go, we designed this to retain the existing single family
5 house at the front with minor modifications. Our goal from
6 the start was to keep that single family aesthetic, and not
7 interrupt the row of houses there on 13th Street. Yes, we
8 took that in consideration.

9 BZA CHAIR HILL: Okay. Mr. Robinson, do you have
10 any further questions?

11 MR. ROBINSON: No further questions. Thank you,
12 Mr. Chairman.

13 BZA CHAIR HILL: Thank you. All right, now I'm
14 going to go around the table again. Does the commissioner
15 have any questions for the Office of Planning?

16 COMMISSIONER PATTERSON: Thank you, Chair, yes.
17 Is it Mr. Beamon?

18 BZA CHAIR HILL: Yes, Mr. Beamon.

19 COMMISSIONER PATTERSON: Beamon, thank you.

20 BZA CHAIR HILL: Ms. Petersen, if you could mute
21 your line while we try to do this, that would be great. And
22 then we'll come back to you all soon -- or Mr. Robinson.
23 Okay, Commissioner, go ahead and ask your question.

24 COMMISSIONER PATTERSON: Yes, I have a question
25 regarding in your testimony, I did hear you state that you

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1 felt, or believed, or came to the conclusion that the
2 proposed building fit within the harmony of the residential
3 neighborhood. Can you please tell me why you came to that
4 conclusion?

5 MR. BEAMON: Sure. Again, we look at not only
6 just that one particular block, but the surrounding
7 neighborhood. And as I previously said, there are other
8 examples of low to moderate density development in the area
9 that include low rise apartments, and seeing that in the
10 surrounding neighborhood, it did not seem that this proposal
11 would be out of character with that type of development,
12 within that neighborhood.

13 COMMISSIONER PATTERSON: Okay, but doesn't that --

14 MR. BEAMON: And also considering that there are
15 other examples of it that are, again, much higher density
16 development too. So, yeah.

17 COMMISSIONER PATTERSON: Okay, so what about the
18 block, the 6100 block of 13th Street, can you describe that
19 please?

20 MR. BEAMON: Right, and so we did work with the
21 applicant and its architect to ensure that from the street
22 view, that this development would still have the
23 characteristics and appearance of a single family home, so
24 it --

25 COMMISSIONER PATTERSON: But it's not, it's the

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1 opposite. It's not a single family home.

2 MR. BEAMON: It wouldn't exceed the --

3 BZA CHAIR HILL: Commissioner Patterson, let him
4 answer the question. You may disagree with his answer, but
5 he's trying to give you an answer. So, you are asking him
6 if he took into consideration those other single family homes
7 in that block there. And Mr. Beamon, can you please continue
8 with your answer?

9 MR. BEAMON: Yes. So, again, considering the
10 appearance of the block face itself, we did ask the applicant
11 to make some modifications to the front of the design of the
12 building. To one, retain some of the characteristics of the
13 existing home, and then to also, whatever modifications were
14 being made, that they would also still have the similarities
15 or characteristics of a single family home.

16 This includes the dormer windows on the third
17 floor, the overall height of the building. So, I think the
18 height proposed would not exceed significantly different --
19 wouldn't be much different from what's currently existing.
20 So, again, yes, we did, to answer your question, yes, we did
21 consider what is currently on that block. The
22 characteristics, the appearance, the type of development
23 that's on the block currently.

24 COMMISSIONER PATTERSON: Okay, thank you for that
25 comment. I am just confused of when you say the front of it

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1 will look like a house, but it is not a house, it just seems
2 like this is smoke and mirrors. What is the purpose of
3 designing an apartment building to look like a house when it
4 is not? Why is that acceptable? This is a block of single
5 family homes, I'm trying to get your answer of why this is
6 in harmony with a block of single family homes.

7 MR. BEAMON: So, I'm trying to figure out how to
8 answer this otherwise, but just going back to what I said
9 previously, it's really that we want to keep the overall
10 appearance and characteristics of it. But we also understand
11 that they're proposing to increase the density. So, we're --
12 in efforts to find a good balance for what's being requested,
13 or proposed in conjunction with what's already there.

14 BZA CHAIR HILL: Commissioner, do you have another
15 question?

16 COMMISSIONER PATTERSON: I have a question
17 regarding Fort Stevens across the street. Fort Stevens is
18 a national park, it's a historic landmark, and I think that
19 you mentioned Fort Stevens previously, or maybe in the actual
20 report, is that true? I'm looking through it right now, or
21 maybe you didn't.

22 BZA CHAIR HILL: What's your question,
23 Commissioner?

24 COMMISSIONER PATTERSON: Was Fort Stevens
25 mentioned in the OP's report?

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1 MR. BEAMON: Yes.

2 COMMISSIONER PATTERSON: Okay, and can you share
3 your comments about Fort Stevens please?

4 MR. BEAMON: They're on the record, but --

5 COMMISSIONER PATTERSON: What page are they on?
6 I don't really see them.

7 MR. BEAMON: It's in the OP report, I don't --

8 BZA CHAIR HILL: I'm going to try to pull it up
9 also, but what's your question, Commissioner?

10 COMMISSIONER PATTERSON: My question is about the
11 harmony of apartment buildings surrounding Fort Stevens Park.
12 And if you approve of this, I'm just trying to get clarity
13 on your stance on --

14 BZA CHAIR HILL: You're trying to get clarity on
15 what, their --

16 COMMISSIONER PATTERSON: Their approval, I believe
17 there's an approval of building this apartment building in
18 front of a national park, and if so, I want to know why that
19 is.

20 MR. BEAMON: I don't think it's a national park,
21 first. But it is owned and maintained by the National Parks
22 Service, I believe that's -- but anyway, we have no objection
23 with it being adjacent or across the street to Fort Stevens.
24 I think opposite of this property there is a four story multi
25 family, pretty high density example of other --

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1 BZA CHAIR HILL: Okay, Mr. Beamon, you're just
2 repeating yourself now. Commissioner Patterson, do you have
3 another question?

4 COMMISSIONER PATTERSON: I just want to be clear
5 on the record, that the Office of Planning does not have any
6 opposition of an apartment building going in front of a
7 national park, Fort Stevens Park.

8 BZA CHAIR HILL: I don't think that's --

9 COMMISSIONER PATTERSON: The one that --
10 (Simultaneous speaking.)

11 BZA CHAIR HILL: I didn't think that was part of
12 the zoning regulation, but Mr. Beamon -- go ahead Mr. Smith.

13 MEMBER SMITH: And I'll speak to this, because as
14 a federal representative on this board, these types of cases
15 would be sent to the National Parks Service, and this
16 particular instance, it's a question of whether there is a
17 federal interest. This is privately owned, this is not any
18 historic district, so there is not a federal interest in this
19 particular case. There isn't a zoning concern for an
20 apartment building to be located next to a property owned by
21 the National Parks Service.

22 There are a multitude of examples across the
23 District of Columbia of apartment buildings sitting next to
24 a National Parks Service Property.

25 BZA CHAIR HILL: Okay. Commissioner, what's your

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1 next question?

2 COMMISSIONER PATTERSON: I think that was the only
3 two that I had for the Office of Planning.

4 BZA CHAIR HILL: Okay, I lost Ms. Marie Alexander
5 -- no, Mr. Crickman, can you hear me? Do you have any
6 questions for the Office of Planning?

7 MR. CRICKMAN: I did have one. Mr. Beamon, I
8 think you said several times that if you're standing right
9 in front of this proposed structure, it might have the
10 illusion of a single family house, and that's kind of what
11 you considered when you decided it was in harmony with the
12 3100 block. But would you agree that if you stand at any
13 other angle, to the left, or to the right, or to the side of
14 the structure, to the rear of the structure, it'd be pretty
15 obvious that this is not a single family house, and that it's
16 actually a 24 unit multi family apartment building?

17 So, is your analysis limited only to the direct
18 view standing right in front of the house?

19 MR. BEAMON: So, I think our director here wants
20 to chime in on that one.

21 MR. LAWSON: Hello -- I got a promotion, which is
22 kind of fun. Hi, I'm Joel Lawson with the D.C. Office of
23 Planning. And I was just going to kind of comment a little
24 bit about on how we do our analysis. OP cases, as the board
25 knows, a relatively restricted view of the applications like

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1 this of whether they meet the criteria of what's in the
2 zoning regulations.

3 We weren't trying to make this building look like
4 a fake house, that's not the intent of the regulations, and
5 that's not what the criteria say. What we were trying to do
6 when we worked with the applicant is to make it fit in with
7 the existing residential character a little bit better than
8 maybe what it otherwise would have. But we understand that
9 it's not a single family dwelling, and it's not going to feel
10 like one, it's not going to look like one.

11 But there are elements that can help it, make it
12 fit in visually a little bit better. That comment was more
13 of a visual analysis component of our review against the
14 criteria within the regulations.

15 BZA CHAIR HILL: Okay. Commissioner, do you have
16 any more questions?

17 COMMISSIONER PATTERSON: I have one question. My
18 constituents are texting me, and wanting to know if the
19 Office of Planning visited the site.

20 MR. BEAMON: No, they did not.

21 BZA CHAIR HILL: They didn't go, okay. I'm going
22 to move on. Let's see, yeah, go ahead Ms. Marie Alexander.

23 MS. ALEXANDER: Yes, I do want to ask a question.
24 We're using the term harmony, and I guess I would like for
25 somebody on the planning commission to define what harmony

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1 means. Because this doesn't feel harmonious, so maybe I'm
2 missing the definition. Because if it's only about
3 structure, and the building, and the harmony of the
4 neighborhood, or the block is not considered, I just need a
5 definition of what harmony means please.

6 MR. LAWSON: Thank you for the question, and I
7 think it's a really good one. The regulations on -- it is
8 an odd regulation for our zoning regulations, and it is kind
9 of like a site plan review of the building. The review
10 that's before the board, or at least the component that OP
11 is trying to address is not really the use issue. The zoning
12 anticipates multifamily use.

13 So, what Office of Planning is looking at is has
14 the building been designed so that it generally fits in with
15 the character of the area. Now, I understand that there are
16 concerns raised by many people today, and Mr. Beamon has
17 already suggested that we'd be willing to work with the
18 applicant to try to address some of those concerns. But our
19 review is less about the use, and more about kind of the
20 physical characteristics of the structure.

21 What is the site plan like, and how does that
22 relate to what else is happening on the streetscape. Like
23 I said, the use is not really part of the review. It's not
24 part of the criteria that we're evaluating. It can certainly
25 be part of what the Board of Zoning Adjustment looks at. But

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1 as we're providing a more technical analysis kind of based
2 on our experience of review of dozens of cases similar to
3 this for small apartment buildings in RA-1 zones, our review
4 is based more on that.

5 On the technical review of whether the proposal
6 addresses the criteria in the regulations or not. And in
7 this case, we came to the conclusion that it generally did.
8 But again, as I said, we'd be happy to, at the direction of
9 the board, continue to work with the applicant on that.

10 BZA CHAIR HILL: Okay, I think we're going to try
11 to do some different things as we kind of move forward here.
12 Mr. Crickman, do you have any final questions? Okay. Did
13 I miss Ms. Petersen? Did Ms. Petersen -- there we go, Ms.
14 Petersen, do you have any questions of the Office of
15 Planning? You're on mute, Ms. Petersen. You're on mute
16 still.

17 MS. PETERSEN: Muted.

18 BZA CHAIR HILL: Yeah, we got you.

19 MS. PETERSEN: Okay, all right. So, I think that
20 we have exhausted substantially almost everything. But one
21 thing I want to know is why the building in the back doesn't
22 retain the same character as the front. Because it is, it's
23 like a song out of key when you look --

24 BZA CHAIR HILL: So, I guess Ms. Petersen, you're
25 asking the Office of Planning if they took into account the

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1 way the rear of the building looks when they did their
2 analysis, is that correct?

3 MS. PETERSEN: Thank you, yes.

4 BZA CHAIR HILL: Okay. Did the Office of Planning
5 take into account what the rear of the building looks like
6 when they did their analysis? Mr. Beamon?

7 MS. PETERSEN: Why not?

8 BZA CHAIR HILL: Hold on, give me a second, Ms.
9 Petersen.

10 MR. BEAMON: This is not in a historic district,
11 so we're not --

12 BZA CHAIR HILL: Give me a second, I've got to
13 answer the question a little bit. The Office of Planning,
14 Mr. Beamon, did look at the rear of the building. I mean,
15 you all looked at the rear of the building, and you took into
16 consideration how it looked, and how the whole architectural
17 element of the building was. And I know that you do that
18 because that's what you do, and so you did do that, correct,
19 Mr. Beamon?

20 MR. BEAMON: Yeah, I'm sorry, I should have
21 clarified. Yes, we look at the entire project, right. But
22 if we're talking about aesthetics and how it looks from the
23 rear in terms of material, again, that's not something that
24 we necessarily have to --

25 BZA CHAIR HILL: I understand, Mr. Beamon, I

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1 understand. Ms. Petersen, do you have another question?

2 MS. PETERSEN: I just want to know why the
3 concerns of the Rittenhouse alley homes doesn't rate the same
4 character and look as those on 13th Street. It's just
5 there's a big difference. Everything is --

6 BZA CHAIR HILL: So, Ms. Petersen, I'm trying to
7 understand the question. So, from the Office of Planning's
8 perspective, does the rear of the building fit within the
9 characteristics of that alley system?

10 MS. PETERSEN: Yeah, because it's in the
11 regulations --

12 BZA CHAIR HILL: Ms. Petersen, I'm trying to help.

13 MS. PETERSEN: Okay, okay.

14 BZA CHAIR HILL: Okay. Mr. Beamon, did you hear
15 my question? Which I think was Ms. Petersen's question.

16 MS. PETERSEN: Could you just repeat it one more
17 time?

18 BZA CHAIR HILL: Sure. Did the Office of Planning
19 take into consideration the characteristics of the rear of
20 the building as it compares to other buildings in that alley
21 system?

22 MR. BEAMON: Yes, we did.

23 BZA CHAIR HILL: Okay, thank you. Okay, so now
24 I'm going to go onto my fellow board members, is there
25 anybody else -- okay, great. Sorry, Mr. Smith, did you have

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1 your hand up? Okay. Mr. Crain, okay, all right, now listen
2 to me everybody. I'm going to let everybody give a
3 conclusion if -- sorry, go ahead, Mr. Blake.

4 MEMBER BLAKE: Yeah, I've just got a couple of
5 cleanup questions, and I apologize for dragging this out.
6 But Ms. Gayle Petersen had indicated at one point in her
7 statement that there was a concern that the building, because
8 the massive building would impede her access to the car port.
9 I assume that, has that answer sufficiently been covered for
10 you, Ms. Petersen, in concert with this?

11 MS. PETERSEN: No, no.

12 MEMBER BLAKE: Mr. Crain, could you just help me
13 a little bit just to make sure that you demonstrated how that
14 would not be the case? That would be helpful for me. And
15 I appreciate the answer from the Office of Planning with
16 regard to the alley, visual intrusion issue. That was an
17 issue for me, thank you.

18 MR. CRAIN: I guess the question was about alley
19 access, and is this for the property that's across the alley

20 MS. PETERSEN: Yes.

21 MEMBER BLAKE: Yeah.

22 MR. CRAIN: Okay. So, I guess with the proposed
23 building and parking, there would be no change. There would
24 be three parking spaces provided access from the alley that
25 would be screened visually. I believe we also have a roll

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1 up garage door to further provide a visual separation and
2 privacy. Is the concern about during the construction
3 process? Because we're not allowed to build anything in the
4 alley.

5 MS. PETERSEN: Can I just illuminate the question
6 a little bit? I have a car port, it's a very tight space,
7 so I have to sort of swing out a little bit to get into the
8 car port. Their plans show that they're going to bring that
9 garage on their side almost all the way out to the edge of
10 the alley, and it'll take up the space that I use to just get
11 in and out. So, my ingress and egress will -- I don't know
12 if I'll be able to use my car port anymore. I doubt it,
13 because it's such a tight space.

14 MR. CRAIN: So, you're saying that you require the
15 use of other properties to get into your car port?

16 MS. PETERSEN: Well, I mean it's an alley space.
17 You're trying to enlarge it so much that you have to bring
18 it all the way out to the edge of the alley. Now, I'm just
19 saying what my life is going to be like. I don't want to
20 argue about it, I'm just saying that --

21 BZA CHAIR HILL: So, Ms. Petersen, I'm just trying
22 to clarify also, and I'm trying to help us get through this.
23 In so much as it seems, Ms. Petersen, what they're asking is
24 if you go onto their property in order to fit into your car
25 port. And they're now doing a garage door, so that there

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1 could be better privacy from other people as people are going
2 in and out of that parking spot.

3 They did the garage door to help with the privacy
4 issues. Now, is that -- are you -- I don't know the
5 technicality, they're not going to go into public space,
6 they're going to stay on their property, they're not going
7 to do anything with public space.

8 MS. PETERSEN: You know, I just know that it's
9 going to be a very tight fit. And I don't really know where
10 their property ends and where it begins, I'm not a
11 construction person, I really don't know. But just from
12 looking at the drawings, they want to extend it out, it looks
13 like pretty far, to the maximum limit. So, I mean --

14 BZA CHAIR HILL: Ms. Petersen, they're just doing
15 whatever they can do with their property, they're not going
16 anywhere past their property.

17 MS. PETERSEN: Okay.

18 BZA CHAIR HILL: But I can find out what's going
19 on, and we're not going to be done today.

20 MS. PETERSEN: I didn't think so.

21 BZA CHAIR HILL: So, does anybody have any further
22 questions from my board? Okay. So, what I think we should
23 do is have a continued hearing, and there are some things
24 that perhaps my board members would like to see, okay? Now,
25 this is just the board. So, now the board is having their

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1 opportunity to speak. So, what I'd like to see, again, Mr.
2 Crain, is go ahead and go back to the Office of Planning.

3 The Office of Planning has offered to work again
4 with your client to see what they may or may not be able to
5 do with the privacy concerns on the rear of that property.
6 It seems to -- I don't know, you guys can revisit the whole
7 balcony issue if you'd like. And as we've been here, we know
8 that Ms. Marie Alexander has had a lot of concerns about that
9 entrance, and I would also know what kind of things you might
10 be able to mitigate concerning that entrance.

11 Have you, Mr. Crain, or your client there, I'm
12 trying to -- heard from the property on either side -- Ms.
13 Petersen, could you mute your line please? On the other side
14 of your property, who is there, Mr. Crain?

15 MR. CRAIN: Are you saying which neighbor is
16 there?

17 BZA CHAIR HILL: Yeah, in 6112.

18 MR. CRAIN: I think that was Falcon, is that Ms.
19 Falcon? I know that my client has had discussions directly
20 with her.

21 BZA CHAIR HILL: So, Mr. Arnheim, what happened
22 with your discussion with 6112?

23 MR. ARNHEIM: I have had discussions with her.
24 Her main concern was whether or not the four bedroom units
25 were livable, and her comments were one of the main reasons

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1 that we now have no four bedroom units. I've also asked if
2 she would like any changes to the fence between us to
3 increase her privacy.

4 BZA CHAIR HILL: Are you speaking about 6112?

5 MR. ARNHEIM: I'm speaking about 6112.

6 BZA CHAIR HILL: Okay.

7 MR. ARNHEIM: So, I've also asked her if she likes
8 the fence that's currently there, or if she would like me to
9 put in any other fence that might increase the separation
10 between her and my property. I haven't heard back from her
11 on that.

12 BZA CHAIR HILL: All right, I was just curious if
13 you had heard from 6112. So, then back to you --

14 COMMISSIONER PATTERSON: Mr. Hill, Chairman Hill?

15 BZA CHAIR HILL: Commissioner Patterson?

16 COMMISSIONER PATTERSON: If I may?

17 BZA CHAIR HILL: Go ahead.

18 COMMISSIONER PATTERSON: 6112 voted at the hearing
19 that the commission had against this property. She also
20 signed the petition against this property.

21 BZA CHAIR HILL: Okay, thank you, Commissioner,
22 that's helpful. So, back to you, Mr. Crain. So, again, if
23 you could work with the Office of Planning, and see about the
24 privacy issues concerning the balconies, and if there might
25 be anything that the Office of Planning has in terms of

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1 suggestions. I would also be a little curious if you all do
2 keep the balconies, or make them smaller, or make them
3 Juliets.

4 I am curious as to what -- I don't know what you
5 can give me that kind of shows me -- I mean, I have my little
6 Google thing, kind of shows me what those balconies may or
7 may not be able to look into, right? Just kind of
8 understanding the angle at the back of that alley as to what
9 they may or may not be able to look down upon, if you will,
10 right?

11 If there's something you can show me, that would
12 be helpful. And then again, the sign with Ms. Marie
13 Alexander, again, that coming and going of that main entrance
14 there, how through fencing, or through whatever things you
15 might be able to provide that helps any kind of privacy or
16 noise issues, that would be helpful. And then I am kind of
17 curious, Mr. Arnheim, it does not pertain to zoning, but I
18 am curious.

19 When you were doing the program, and figuring out
20 what you were going to do, was this going to be market rate?
21 I asked earlier, or whether this was going to be primarily
22 vouchers, you do not know, is that what you're saying?

23 MR. ARNHEIM: So, it's my understanding that based
24 on what the D.C. Office of the Attorney General said is that
25 you cannot discriminate based on source of housing income.

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1 So, I have units that -- I have properties, developments that
2 are both market rate, and voucher tenants. And that you list
3 the property at a certain price, and you can't discriminate
4 against whether or not that applicant comes to you with a
5 voucher, or comes to you with -- wants to pay market rate.

6 I anticipate that there will be some voucher
7 tenants, I would be surprised if it is all voucher tenants.
8 I would also be surprised if it is all market rate tenants.
9 I would expect a balance between the two, I think --

10 BZA CHAIR HILL: That's fine, Mr. Arnheim, you
11 answered my question. All right, so go ahead -- all right,
12 I'm done. That's okay, I just want to be done. So, Mr.
13 Blake, go ahead.

14 MEMBER BLAKE: With the owner, did you also
15 consider, I know the market's a little tough, the condominium
16 option, which would create home ownership in that environment
17 as well, and is that just a market issue, or is this really
18 intended for rental only?

19 MR. ARNHEIM: Well, what I've done on other
20 similar projects is I've basically created what's called a
21 shelf tax lot. So, the opportunity exists at some point to
22 convert the property into individual tax lots, which would
23 allow them to be sold as condos. That is a possibility that
24 exists at some point far in the future. But my initial plan,
25 I would say over the next three to five years -- I have no

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1 plans to turn it into condos, but that possibility exists at
2 some point distant.

3 But I think underlying your question, is will the
4 properties be well maintained? Because condo owners tend to
5 maintain their properties better. And I really do have a
6 commitment to making sure my properties are well maintained.
7 I've got a great maintenance staff, I'm very responsive to
8 tenant requests. I remember when I was a tenant, and I try
9 and address tenant requests within 24 hours.

10 So, I'm really trying to sure everybody, as I have
11 to Commissioner Patterson and her constituents, that the
12 property will be well maintained.

13 BZA CHAIR HILL: Okay. Does anyone --

14 COMMISSIONER PATTERSON: And I have a follow up
15 question.

16 BZA CHAIR HILL: Commissioner Patterson, I'm
17 trying to do my best to kind of get through this. We're
18 asking questions now from the board, and we're trying to do
19 some things. I'm going to let you ask your question, but I'm
20 just trying to process this hearing so that we can also get
21 to the next phase, which is we will probably be coming back.
22 But go ahead, Commissioner Patterson, what's your question?

23 COMMISSIONER PATTERSON: Thank you, I do
24 appreciate that. It's just that hearing some of these
25 comments have brought up some issues that I failed to

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1 mention. To the owner's response about management, he told
2 us there would be no management on site, and no security, and
3 no wrap around services. He said there will be cameras,
4 which cameras break, but there's no security, and there's no
5 on site management, I just wanted to state that.

6 And quickly, to the voucher issue, when we met
7 with the owner at a restaurant, there were probably nine
8 abutting and adjoining nearby neighbors, most of them on this
9 call, the owner asked if he could bring a tenant to speak on
10 his behalf about how great of a landlord he may or may not
11 be. And that person was a voucher resident, I just want to
12 state that.

13 BZA CHAIR HILL: Okay, Commissioner Patterson, as
14 the applicant has stated, it's D.C. law, meaning that you
15 can't discriminate in terms of what you do offer, in terms
16 of a place for people to live. And so --

17 COMMISSIONER PATTERSON: I understand that, and
18 I agree, I'm just stating what the meeting was all about.

19 BZA CHAIR HILL: Got you. Okay, so I guess, Mr.
20 Arnheim, if you wouldn't mind putting something into the
21 record, again, about your thoughts on security for the
22 property, and then also the rat issue. I guess that got
23 brought up, and now I'd also be curious about construction
24 management, as you're kind of going through it, how you plan
25 to keep the community abreast of what's going on.

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1 Like we've had people offer up a phone line for
2 people to call if there was any kind of concerns about
3 construction management, that type of thing. If you could
4 kind of think about that. And I'm going to try to get you
5 back here as soon as possible, because I want to get an
6 outcome of this as efficiently as we can, Mr. Arnheim. So,
7 Mr. Crain, do you have any questions about what I was
8 requesting?

9 MR. CRAIN: My marching orders are to contact OP,
10 and continue the conversation with them.

11 BZA CHAIR HILL: Yeah. But then also, even
12 whether OP has or hasn't, I mean I'm very curious as to there
13 has been a lot of discussion about these balconies now. So,
14 regardless, when you come back to us, some type of what
15 happened with the discussion.

16 MR. CRAIN: Yes.

17 BZA CHAIR HILL: Okay, I'm looking at my fellow
18 board members, do you all want anything? Go ahead, Mr.
19 Smith.

20 MEMBER SMITH: So, I think you raised this as
21 well, I think concerning the neighborhood's concerns about
22 privacy, I think it would be great to reconsider, or rethink
23 about your program those outdoor spaces, it may mean reducing
24 the size of the balconies, or removing some of the balconies,
25 especially to the rear. So, I would like to see, hopefully

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1 a redesign based on some of the discussions that we've had
2 today.

3 Also we had questions that came up about
4 character. And you have some great illustrations, but I
5 think it would be great to see the illustrations in context
6 with the adjacent, not only single family homes, but the row
7 homes, to at least show them in context with the heights of
8 those particular properties. I think that would be great for
9 the board to see, and also for the surrounding community to
10 see.

11 And possibly a stronger discussion on the part of
12 the applicant about how the design of the building towards
13 the rear. And I understand that there's a greater weight
14 given to how it's seen along the street, but you should also
15 give some weight to how it may be seen along any public
16 street, including the alley. So, give us some additional
17 context on how the design may result to the rear of the
18 building.

19 The addition that you're building may relate in
20 context to the row homes across that alley, I think that
21 would be helpful for us to see. So, that's what I need.

22 BZA CHAIR HILL: Okay. Mr. Blake, Chairman Hood?

23 ZC CHAIR HOOD: I would agree with what everybody
24 has asked for. I would especially agree with Board Member
25 Smith about the perspective. I would like to see how that's

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1 going to sit down in the surrounding area if it was to come
2 to fruition. Also I do want to add, and I'm glad we'll have,
3 I guess we're going to have a continued hearing, because I'm
4 trying to put all the pieces together.

5 I do want to add, while I want to give D.C. all
6 the credit about the law, about the fair -- but the Fair
7 Housing Act is federal. I had a deal with the Zoning
8 Commission, we had to deal with the Fair Housing Act. That's
9 federal law, that's not district law, it's federal law. And
10 D.C. has to follow, because if not, they were going to sue
11 us every day that we were out of compliance.

12 And I asked -- I just started my turn on the
13 Zoning Commission, and so just make sure we -- I'm just
14 saying that it's federal law. All right, thank you, Mr.
15 Chairman.

16 BZA CHAIR HILL: Thank you. Mr. Blake? Okay,
17 then Mr. Crain, how do you think this might go for you, in
18 terms of time?

19 MR. CRAIN: I think we're quicker than people
20 think we can be, so how soon can you have us back?

21 BZA CHAIR HILL: Okay, I'd have to get help from
22 the Office of Planning. Mr. Moy, as one of your final acts
23 of service, can you help me try to figure out a time when you
24 will not be here that we can -- I mean I don't even know what
25 we have. I mean, I'm a little -- I'm just trying to figure

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1 out what we have, how we can even fit this in. I don't know
2 what's on the 27th, the 3rd, the 10th, and then I'm gone the
3 17th and the 24th. So, really I'm looking like -- I mean,
4 is next week even possible?

5 MR. MOY: Well, anything's possible.

6 BZA CHAIR HILL: Well, not really. They need a
7 little time.

8 MR. MOY: Yeah, I think next week, and concerning
9 the applicant to be able to coordinate with OP, unless OP
10 tells me differently, I think they're going to need more than
11 a week. And I would like to, I think, not me, but to allow
12 the parties time to respond as well, given that this is going
13 to be a continued hearing.

14 BZA CHAIR HILL: What does the 10th look like
15 again?

16 MR. MOY: Is this April 10th?

17 BZA CHAIR HILL: Yeah.

18 MR. MOY: Well, you have one decision case, and
19 then you have ten cases. So, yeah, I mean we can put that,
20 we've done 11 before.

21 BZA CHAIR HILL: I know, I'm just thinking.

22 MR. MOY: Because with you being absent on the
23 17th and the 24th makes it a little bit difficult, because
24 I was going to suggest April 24th.

25 BZA CHAIR HILL: All right. And then the 1st is

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1 what?

2 MR. MOY: May 1st is -- you have a decision making
3 on an appeal, but apart from that one you have four regular
4 cases and one appeal. So, that's doable, you can do that.

5 BZA CHAIR HILL: Four regular cases and one
6 appeal. Mr. Arnheim, so, I know you've been -- I know how
7 this whole thing works in terms of time, and finances, and
8 everything like that. The 10th -- I have ten cases plus
9 something else, and so you guys would be at the end of the
10 day, right? So, if I did make it on the 10th, and I don't
11 even know what that means, that might mean like 7:00 p.m.,
12 8:00 p.m., 9:00 p.m., not really sure in terms of what that
13 means.

14 Or the 1st is, there's four cases and an appeal.
15 So, I'm actually just talking about your project time, and
16 finances, and et cetera. Is there a big difference between
17 the 10th and the 1st for you?

18 MR. ARNHEIM: We'd like to come back as soon as
19 possible, and I think we're okay with something in the
20 evening. We'll follow up with OP as quickly as possible, and
21 I think that some of the requests that have already been
22 made, like making sure that neighbors have contacts made, if
23 there are any issues, I've been emphasizing that from the
24 beginning of the project.

25 BZA CHAIR HILL: Okay, all right. I'll put you

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1 on the 10th as the last case.

2 ZC CHAIR HOOD: Mr. Chairman, let me just say the
3 10th, the D.C. Zoning Commission, so I will not -- I can't
4 even pass that on to nobody. So, I'm pretty sure that
5 there's another event that the commission has to deal with
6 on the 10th. So, I mean I don't have to vote on this case,
7 but I'll leave it at that.

8 BZA CHAIR HILL: All right, well then you're going
9 to have to come back the 1st, I'm afraid, Mr. Arnheim. The
10 1st is -- hold on, just let me think. The 10th, when did you
11 start this process, Mr. Arnheim?

12 MR. ARNHEIM: I don't remember, but I believe we
13 submitted it -- it may have been submitted in December. I
14 can try and pull that up and look for it.

15 BZA CHAIR HILL: That's all right. Chairman Hood,
16 if we had it first thing, does that do anything for you on
17 April 10th?

18 ZC CHAIR HOOD: First thing April 10th is a lot
19 better.

20 BZA CHAIR HILL: I mean, I'm not -- you do not
21 need to commit, I just want to know, do you think you will
22 attend?

23 ZC CHAIR HOOD: April 10th, the evening is the
24 problem.

25 BZA CHAIR HILL: All right. Mr. Moy, let's put

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1 this on the first case on April 10th. I'm getting an echo,
2 if everybody could mute their line, unless you're talking.
3 So, that means you would have to have all your submissions
4 in, Mr. Crain, with the Office of Planning, and the Office
5 of Planning is here, so I'm going to -- Mr. Lawson is still
6 here. So, Mr. Lawson, do you think you'd be able to work
7 with the applicant in a way that I can get stuff back from
8 the applicant by April 2nd?

9 MR. LAWSON: I certainly could, it would be up to
10 the applicant to decide whether they'd be able to provide the
11 additional information in that time.

12 BZA CHAIR HILL: Okay. You, Mr. Crain, are going
13 to have to work with the Office of Planning to get us
14 something by April 2nd so that the parties that are on this
15 call can submit something to us by April the 8th. So, that
16 means commissioner, Ms. Marie Alexander, and Ms. Petersen,
17 I think, was it Petersen? I'm sorry. But will have an
18 opportunity to submit something to us based upon whatever the
19 applicant submits on April 2nd.

20 Please give us your submissions by April 8th,
21 because then we'd be able to look at them on the 2nd -- I'm
22 sorry, on the 9th, and then we'll have our case first thing
23 in the morning on the 10th, okay? And so, I just want to --
24 Mr. Crickman, can you hear me? Okay. So, and Commissioner
25 Patterson, this is to you guys. You've been a commissioner

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1 for how long, Commissioner?

2 COMMISSIONER PATTERSON: I have been a
3 commissioner for one year and three months.

4 BZA CHAIR HILL: Gosh, all right, well that's kind
5 of new, meaning that --

6 COMMISSIONER PATTERSON: It's my first term, yes.

7 BZA CHAIR HILL: Meaning that ten cases is a lot
8 of cases, okay? So, you guys are going first. So, I'm going
9 to have to make it as efficient as possible because I have
10 ten cases that day, okay? And so what I'd like you to do,
11 Mr. Crain, also, is reach out to Ms. Marie Alexander, okay?
12 Once you kind of know what your proposing, and what's going
13 on. Because I'm very concerned about what's going to happen
14 to Ms. Marie Alexander's side of the fence, okay?

15 So, just talk to -- I just want to know what's
16 going to happen, what you're trying to propose in terms of
17 mitigating impact for primarily that entrance, okay? Okay,
18 Mr. Crain, you seem to be nodding your head.

19 MR. CRAIN: I was just making a note, not a
20 problem.

21 BZA CHAIR HILL: All right, great. All right,
22 let's see, great. All right, then that's it. Does anybody
23 have any final questions?

24 COMMISSIONER PATTERSON: I have a question.

25 BZA CHAIR HILL: Go ahead, Commissioner.

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1 COMMISSIONER PATTERSON: I have many, many
2 constituents asking for a transcript. Is there a summary,
3 or a recording of this hearing?

4 BZA CHAIR HILL: I don't think transcripts -- I
5 don't know, Mr. Moy, if transcripts happen on this one, do
6 they? I guess they do.

7 MR. MOY: We would have the recording, the
8 recording and the transcript is usually received about two
9 weeks after a hearing, generally. But apart from the written
10 transcript, of course the video of the matter can be
11 reviewed, which you will have within 24 hours. It's on the
12 website.

13 BZA CHAIR HILL: Okay, so they can go back up.

14 COMMISSIONER PATTERSON: Thank you.

15 BZA CHAIR HILL: All right. Then we will see you
16 guys back here again on April 10th, first thing in the
17 morning, okay? All right, thank you all very much.

18 COMMISSIONER PATTERSON: Thank you.

19 BZA CHAIR HILL: Bye bye.

20 MR. MOY: So, Mr. Chairman, for the record, for
21 my clarity, so the continued hearing will be the first case
22 of the day on April the 10th. Responses due by Monday, April
23 the 8th, and the applicant to make their filing by Tuesday,
24 April the 2nd?

25 BZA CHAIR HILL: Yes.

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1 MR. MOY: Very good.

2 BZA CHAIR HILL: Okay. Now, I think, Mr. Moy,
3 that there was one other item that you had mentioned that was
4 -- give me one second here. Right, so this was concerning
5 order number 20053.

6 MR. MOY: That's correct.

7 BZA CHAIR HILL: So, what I would propose is that
8 I didn't have any issues with that order, and I know that
9 parties had an opportunity, and none were received to have
10 any comments on that order. So, I don't know if I have to
11 make a motion, but I would like to make a motion, I guess,
12 that we go ahead and release that final order. Is that
13 what's before the board, Mr. Moy?

14 MR. MOY: That's correct. To vote on allowing OZ
15 to issue that final order.

16 BZA CHAIR HILL: Okay, I make a motion to allow
17 Office of Zoning to issue the final order on order number
18 20053, and ask for a second, Mr. Blake?

19 MEMBER BLAKE: Second.

20 BZA CHAIR HILL: That motion has been made and
21 seconded. Mr. Moy, you can take a roll call, your final roll
22 call.

23 MR. MOY: When I call your name, if you'll please
24 respond to the motion made by Chairman Hill to issue the
25 final order to application number 20053. The motion was

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1 seconded by Mr. Blake. Zoning Commission Chair Anthony Hood?

2 ZC CHAIR HOOD: Yes.

3 MR. MOY: Mr. Smith?

4 MEMBER SMITH: Yes.

5 MR. MOY: Mr. Blake?

6 (No audible response.)

7 MR. MOY: Chairman Hill?

8 BZA CHAIR HILL: Yes.

9 MR. MOY: Staff would record the vote as four to
10 zero to one. And this is on the motion made by Chairman
11 Hill, the motion was second by Mr. Blake who voted to approve
12 the issuance, as well as voting to approve the issuance from
13 Zoning Commission Chair Anthony Hood, Mr. Smith, Mr. Blake,
14 Chairman Hill, no other board members. The motion carries,
15 sir.

16 BZA CHAIR HILL: Thank you, Mr. Moy. Well, Mr.
17 Moy, you wouldn't have wanted your final case to be an easy
18 one now, would you have?

19 MR. MOY: No, that wouldn't be right.

20 BZA CHAIR HILL: No. I do not have anything
21 further to add. Mr. Moy, do you have anything you'd like to
22 add in the last concluding moments of your term?

23 MR. MOY: Well, it would be unusual for staff to
24 have a concluding statement. But I appreciate all the well
25 wishes, and the niceties that were said. I'm still

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1 overwhelmed by that, but yeah, I appreciate it, and I have
2 tributes for all of you as well. As I said earlier, I really
3 mean it, that I, as well as the BZA staff, and those here,
4 we work really hard because we know you work hard, so that's
5 always been our motivating factor. So, I think it's a great
6 team, it's all team work, and I'll miss you all as well.

7 BZA CHAIR HILL: Thank you. Well said, Mr. Moy.
8 All right, we are adjourned everyone.

9 (Whereupon, the above-entitled matter went off the
10 record at 4:28 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 03-20-24

Place: teleconference

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



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