

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

MARCH 26, 2025

+ + + + +

The Public Hearing of the District of Columbia Board of Zoning Adjustment convened via teleconference, pursuant to notice at 9:30 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARL H. BLAKE, Vice Chairperson
CRISHAUN S. SMITH, Board Member
TAMMY STIDHAM, Zoning Commissioner

OFFICE OF ZONING STAFF PRESENT

KEARA MEHLERT, Secretary to BZA
SARA A. BARDIN, Director, Office of Zoning
PAUL YOUNG, Zoning data specialist
PHILIP BRADFORD
MAXINE BROWN-ROBERTS
JOEL LAWSON
SHEPARD BEAMON

The transcript constitutes the minutes from the Regular Public Hearing held on March 26, 2025.

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(9:30 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen. Today is March 26, 2025. This public hearing will please come to order. My name is Fred Hill, Chairman of the District of Columbia Board of Zoning Adjustment. Joining me today are Board member Chrishaun Smith and Zoning Commissioner Tammy Simmons. Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised that these proceedings are being recorded by a court reporter and is also webcast live via WebEx and YouTube Live. The video of the webcast will be available on the Office of Zoning's website after today's hearing. Accordingly, everyone who is listening on WebEx or by telephone will be muted during the hearing.

Also, please be advised that we do not take any public testimony at our decision meeting sessions. If you're experiencing difficulty accessing WebEx or with your telephone call-in, then please call our OZ hotline number at 202-727-5471 to receive WebEx login or call-in instructions. At the conclusion of the decision meeting session, I shall in consultation with the Office of Zoning determine whether a full or summary order may be issued. A full order is required when the decision it contains is adverse to a party, including an affected ANC. A full order may also be needed if the Board's decision differs from the Office of Planning's recommendation. Although the Board favors the use

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1 of summary orders whenever possible, an applicant may not request
2 the Board to issue such an order.

3 In today's hearing session, everyone who is listening
4 on WebEx or a telephone will be muted during the hearing, and
5 only persons who have signed up to participate or testify will
6 be unmuted at the appropriate time. Please state your name and
7 home address before providing oral testimony or your
8 presentation. Oral presentations should be limited to a summary
9 of your important points. When you're finished speaking, please
10 mute your IO so that your microphone is no longer picking up
11 sound or background noise.

12 All persons planning to testify either in favor and
13 opposition should have signed up in advance and will be called
14 by name. If it is an appeal, only parties are allowed to testify.
15 When signing up to testify, all participants complete the oath
16 or affirmation as required by 4 -- Y-408.7. Requests to enter
17 evidence at the time of an online virtual hearing, such as written
18 testimony or additional supporting documents other than live
19 videos may not be presented as part of the testimony, may be
20 allowed pursuant to Y-103.13 provided that the persons making the
21 request to enter exhibits, (a) how the proposed exhibit is
22 relevant, (b) the good cause that justifies allowing the exhibit
23 into the record, including an explanation of why the requester
24 did not file the exhibit prior to the hearing, pursuant to Y-
25 206, and (c) how the proposed exhibit would not unreasonably

1 prejudice any parties. The order of procedures for special
2 exceptions and variances are pursuant to Y-409.

3 At the conclusion of each case, an individual who's
4 unable to testify because of technical issues may file a request
5 for leave to file a written version of the planned testimony to
6 the record within 24 hours following the conclusion of public
7 testimony in the hearing. If additional written testimony is
8 accepted, the parties will be allowed a reasonable time to respond
9 as determined by the Board. The Board will then make its decision
10 at its next meeting session but no earlier than 48 hours after
11 the hearing. Moreover, the Board may request additional specific
12 information to complete the record. The Board and the staff will
13 specify at the end of the hearing exactly what is expected and
14 the date when persons must submit the evidence to the office of
15 Zoning. No other information shall be accepted by the Board.

16 Finally, the District of Columbia Administrative
17 Procedures Act requires that a public hearing on each case be
18 held in the open before the public. However, pursuant to 405(b)
19 and 406 of that act, the Board may, consistent with its rules
20 and procedures and the Act, enter into a closed meeting on the
21 case for purposes of seeking legal counsel on the case pursuant
22 to the D.C. Official Code, Section 2-575(b)(4) and/or deliberate
23 on a case pursuant to the D.C. Official Code, Section 2-
24 575(b)(13), but only after providing necessary public notice in
25 the case of an emergency closed meeting after obtaining a roll

1 call vote. Madam Secretary, do we have any preliminary matters?

2 MS. MEHLERT: (No audible response.)

3 CHAIRPERSON HILL: You're on mute, Madam Secretary.
4 I've got you.

5 MS. MEHLERT: Can you hear me?

6 CHAIRPERSON HILL: Yes.

7 MS. MEHLERT: Okay. In terms of the schedule today,
8 Appeal No. 20889 of Chukwuma Ewelike has been withdrawn, and
9 Application No. 21254 of 1355-1359, LLC, has been rescheduled to
10 April 30th, 2025. Also, the Chairman has reviewed and granted
11 waivers to allow late filings into the Applicants' record
12 pursuant to Subtitle Y, Section 206.7 and Section 103.13. Any
13 other late filings during the course of today's live hearing
14 should be presented before the Board by the Applicant, parties,
15 or the witnesses after the case is called, and any other
16 preliminary matters will be noted when the case is called.

17 CHAIRPERSON HILL: Okay. Thank you. You guys, I'm a
18 little bit at a loss today because I have one screen, so I'm
19 going to be moving a little bit slower. And I can only -- I
20 can't see people necessarily, so if you all need something or
21 want something, please just go ahead and speak up. Madam
22 Secretary, can you call our first order of business?

23 MS. MEHLERT: The first case is in the Board's meeting
24 session. It's on the expedited review agenda. This is
25 Application No. 21278 of Stephen Voss. It is a self-certified

1 application pursuant to Subtitle X, Section 901.2, for special
2 exceptions under Subtitle D, Section 5201, from the rear yard
3 requirements of Subtitle D, Section 207.1, and from the accessory
4 building location requirements of Subtitle E, Section 5004.1(a),
5 to allow an accessory building in a required rear yard. This is
6 for a one-story rear addition to an existing two-story detached
7 principal dwelling with an existing accessory structure in the
8 required rear yard. It's located in the R-2 Zone at 3841 Warren
9 Street, N.W., Square 1833, Lot 23.

10 CHAIRPERSON HILL: Okay. Great. Thank you.

11 I've had an opportunity to review the file and the
12 Applicant's application, and I do think that they are meeting the
13 criteria for us to grant this particular relief. There seem to
14 be some inconsistencies of what Office of Planning thought may
15 or may not be needed. However, I think that this being a self-
16 certified application and I feel comfortable enough moving
17 forward with it the way it is put forward before us. I also see
18 that they had an opportunity to go to the ANC and the ANC didn't
19 have any issues with this at all, so they do have the support of
20 the different properties around the Applicant's property. And
21 again, I would cite that the Office of Planning's recommendation
22 and their report was very helpful. I don't have anything
23 additional to add. Mr. Smith, do you?

24 MR. SMITH: I have nothing to add, Chairman Hill. I
25 agree with your assessment and the Office of Planning's

1 assessment of this case and will support the application.

2 CHAIRPERSON HILL: Thank you. Commissioner Stidham,
3 do you have anything to add?

4 COMMISSIONER STIDHAM: No. I also agree with your
5 assessment and the Office of Planning and am prepared to support.

6 CHAIRPERSON HILL: Thank you. I'll go ahead and make
7 a motion to approve Application No. 21278 as captioned and read
8 by the secretary and ask for a second. Mr. Smith.

9 MR. SMITH: Second.

10 CHAIRPERSON HILL: The motion is made and seconded.
11 Madam Secretary, would you take the roll call, please?

12 MS. MEHLERT: Please respond to the Chair's motion to
13 approve the application. Chairman Hill.

14 CHAIRPERSON HILL: Yes.

15 MS. MEHLERT: Mr. Smith.

16 MR. SMITH: Yes.

17 MS. MEHLERT: Commissioner Stidham.

18 COMMISSIONER STIDHAM: Yes.

19 MS. MEHLERT: Three to zero to two to approve
20 Application 21278 on the motion made by Chairman Hill and seconded
21 by Mr. Smith.

22 CHAIRPERSON HILL: Thank you. I'm sorry. Bear with
23 me one moment, please.

24 (Pause.)

25 CHAIRPERSON HILL: Okay. Madam Secretary, you can call

1 our next one, please.

2 MS. MEHLERT: Next in the meeting session is
3 Application No. 20184-B, of Fort Lincoln Eastern Avenue, LLC.
4 This is a request pursuant to Subtitle Y, Section 705.1, for a
5 one-year time extension of the Board's order, and Application No.
6 20184, that was issued and final on April 20th, 2022, for a new
7 residential development of 51 townhouse dwellings in a
8 theoretical lot subdivision. It's located in the RA-1 and RA-4
9 zones at Square 4325, Lots 44, 802, and Parcel 174/15, which is
10 the property bounded by Eastern Avenue, Bladensburg Road, and
11 Fort Lincoln Drive, N.E.

12 CHAIRPERSON HILL: Okay. Thank you.

13 All right. So as you guys know, this is for a one-
14 year time extension of Order 20184, and after having a chance to
15 look at the record, this would be something that will be extended
16 to April 20th, 2026. I'm looking down at the Office of Planning's
17 report again, and they have been -- they're recommending approval
18 as there have been no changes of significance to the zoning
19 regulations that would impact the original approval since the
20 original approval in case 20814 and on the previous one-year
21 extension in 20184-A.

22 And so the area remains in an RA-1 zone, which continues
23 to permit the use by special exception and the RA-4 zone, which
24 permits this use as a matter of rights. OP is aware of no new
25 substantial development standards in the vicinity of the subject

1 site that would impact the original OP analysis or the BZA's
2 decision. The application indicates that no changes to the
3 approved development plans are proposed for (indiscernible)
4 extension request, and the Applicant affirms that the material
5 facts upon which the Board based its approval have not changed.
6 There are no changes to the architectural plans. I don't know
7 if somebody wants to mute themselves as there seems to be some
8 background noise, or maybe it's me.

9 Den-Pen (phonetic) is in support of this application.
10 The ANC and party in opposition, Fort Lincoln Civic Association,
11 they are in opposition to this time extension. However, since I
12 don't believe there's any material changes to this, I don't see
13 why I wouldn't grant this extension as I believe that the
14 Applicant's statement in Exhibit 4, speaking to why -- the timing
15 of them getting title to the property has hindered their ability
16 to move forward with this project, and I think the one-year time
17 extension, I would be in favor of granting. Mr. Smith, do you
18 have anything you might add?

19 MR. SMITH: No, I don't have anything to add. I agree
20 with your assessment of this case and the reasons why the
21 Applicant is requesting the time extension given the title
22 issues. I do not -- you know, I think this request for not
23 extending this by the Fort Lincoln Civic Association, I don't
24 agree with their argument that it doesn't meet the criteria for
25 us to grant the extension. Most of it's predicated on their

1 building a new institution. D.C. Government is building a new
2 institution relatively close to this Applicant's property, which
3 I don't think is materially an adverse change to me. So I do
4 not buy the argument put forth by the Fort Lincoln Civic
5 Association, and I will support the time extension as well.

6 CHAIRPERSON HILL: Thank you. Commissioner Stidham.

7 COMMISSIONER STIDHAM: I agree with Board Member Smith
8 in his review of the ANC letter, and with your assessment of the
9 Applicant's need for the time extension and am able to support
10 this request.

11 CHAIRPERSON HILL: Thank you. It does seem as though
12 the parties were kind of asking for a reconsideration, and a
13 reconsideration is something that would have had to be done after
14 the initial order. At least, that's the way it seemed to be
15 implied to me. So with that, I'm going to go ahead and make a
16 motion to approve Application No. 20184-B for a time extension
17 that will take them to April 20th, 2022 (sic), and ask for a
18 second. Mr. Smith?

19 MR. SMITH: Second.

20 CHAIRPERSON HILL: Motion made and seconded. Madam
21 Secretary, take a roll call.

22 MS. MEHLERT: Yes. And just to clarify, this would be
23 extended to April 20th, 2026.

24 CHAIRPERSON HILL: Oh, I'm sorry. Thank you. Sorry.

25 MS. MEHLERT: Please respond to the Chair's motion to

1 approve the application. Chairman Hill.

2 CHAIRPERSON HILL: Yes.

3 MS. MEHLERT: Mr. Smith.

4 MR. SMITH: Yes.

5 MS. MEHLERT: Commissioner Stidham.

6 COMMISSIONER STIDHAM: Yes.

7 MS. MEHLERT: Staff would record the vote as three to
8 zero to two to approve Application 20184-B on the motion made by
9 Chairman Hill and seconded by Mr. Smith.

10 CHAIRPERSON HILL: Okay. Great. All right. Okay. I
11 can see you guys again. Okay. All right. I'm going to get
12 somebody for this; I don't know who. I don't know. Anyway,
13 okay. Never mind. All right.

14 If you would, please, go ahead, Madam Secretary, and
15 call our first case.

16 MS. MEHLERT: The first case in the Board's hearing
17 session is Application No. 21246 of Bobby Henry. As amended,
18 this is an application pursuant to Subtitle X, Section 901.2, for
19 special exception; under Subtitle D, Section 207.5, to allow the
20 rear wall of a row building to extend farther than 10 feet beyond
21 the farthest rear wall of any adjoining principal residential
22 building on any adjacent property; and under Subtitle D, Section
23 5201, in the rear yard requirements of Subtitle D, Section 207.1;
24 the side yard requirements of Subtitle D, Section 208.7; the lot
25 occupancy requirements of Subtitle D, Section 210.1; and the

1 pervious surface requirements of Subtitle D, Section 211.1. This
2 is for a first two-story rear addition and rear deck addition to
3 a semi-detached principal dwelling. It's located in the R-3 zone
4 at 1956 Fendall Street, S.E., Square 5764, Lot 47. The Board
5 removed this application from the expedited review agenda on
6 February 26th and requested submissions from the Applicants and
7 an updated OP report.

8 CHAIRPERSON HILL: Okay. Thank you. If the Applicant
9 is here, would they please introduce themselves for the record?

10 MR. COMEDY: Yes. My name is Darren Comedy on behalf
11 of Bobby Henry. He is here, but he's actually just joined another
12 Zoom call, but he's actually listening.

13 CHAIRPERSON HILL: Okay. Mr. Comedy, can you turn on
14 your camera?

15 MR. COMEDY: Oh, sure. Yes. Here I am.

16 CHAIRPERSON HILL: Okay. Great. Thank you. All right,
17 Mr. Comedy. I kind of remember when you were here the last time.
18 If you could go ahead and walk us through your client's
19 application and why you believe they're meeting the criteria for
20 us to grant the relief. I'm going to put 15 minutes on the clock
21 so I know where we are, and you can begin whenever you like.

22 MR. COMEDY: Okay. Well, first of all, I want to thank
23 you all for this opportunity today. I believe the last time that
24 we were before you, there were some inconsistencies with the
25 Office of Zoning and the documents, and your recommendation was

1 that we would meet up again to kind of rectify those
2 inconsistencies, and we have done that. So basically where we
3 are today is that we have been trying to get this thing through
4 to Zoning for about four years now, and we've got the
5 construction. The facility has been built and we have been, over
6 the last three to four years, we have been fighting off the
7 vandals from the neighborhood.

8 But in terms of the property and the square footage,
9 the allowable, we are like 7 inches off from the rear yard space.
10 The side yard is existing 2-and-a-half feet, and we have not
11 encroached beyond that, so we've kept in the line of the existing
12 structure, but obviously, this was over by 7 inches. It kind of
13 went through, and our lot occupancy was over because of that all
14 the way around. But we have -- since our report and spoke with
15 the neighbors, we have backup from the ANC, the commissioners.
16 Everyone has supported this, and so we just need you guys to help
17 us out here, if you could, so that we can continue and not have
18 to go back out to the property every other week for, you know,
19 homeless people breaking windows and breaking doors and just
20 being a menace to the entire community.

21 CHAIRPERSON HILL: Okay. We'll see where we get with
22 this. I mean, the problem is you should have come to us before
23 you built the thing --

24 MR. COMEDY: Understood.

25 CHAIRPERSON HILL: -- and so now you're trying to

1 figure out what you're trying to do, right?

2 MR. COMEDY: Understood. And sir, sir, if I could just
3 give you a little bit of clarification on that, the builder
4 actually built to the other side of the line and that's what
5 caused the problem when we had the wall check done. And so we
6 didn't realize it until well after the structure was up. Realized
7 it, and then said, okay, we got to stop here and let's go to BZA.

8 CHAIRPERSON HILL: Okay. I'm going to ask for my fellow
9 colleagues to help me get through some of this. But before I do
10 that, can I turn it -- I'm sorry. Before I do ask for questions,
11 can I turn to the Office of Planning real quick?

12 MR. BRADFORD: Good morning. Excuse me. Good morning,
13 Chairman Hill, members of the Board. For the record, my name is
14 Philip Bradford with the Office of Planning. The Office of
15 Planning recommends approval of the requested special exception
16 relief and finds that the request meets the special exception
17 criteria in Subtitles D and X. And we stand on the record of
18 the report in Exhibit 37, and I'm available for any questions.

19 CHAIRPERSON HILL: Okay. Mr. Young, is there anyone
20 here asking to be a witness?

21 MR. YOUNG: We do not.

22 CHAIRPERSON HILL: Okay. All right. I'm looking to
23 my Board members. Do you guys have -- like I have a couple of
24 questions. Do you have questions for the Office of Planning or
25 the Applicant?

1 (No audible response.)

2 CHAIRPERSON HILL: Okay. Mr. Comedy, what do you think
3 that you guys are doing? Are you trying to -- because under what
4 is going to be approved is a single principal dwelling with an
5 accessory apartment, right, or accessory building, meaning that
6 one person has to live in one of the things and they can rent
7 the other one out. You can't have two separate rentals.

8 MR. COMEDY: Correct. We're aware of that.

9 CHAIRPERSON HILL: Okay. And so --

10 MR. COMEDY: And sir, Chairman, if I can just shed --
11 this property has been in the family for over 40 years. So they
12 just want to occupy and rent out the lower suite, and we've been
13 trying to get that done for the last number of years. And so
14 we're well aware that we have to occupy one of the units and rent
15 out the other one.

16 CHAIRPERSON HILL: Okay.

17 MR. HENRY: Actually 67 years, but yeah.

18 MR. COMEDY: Okay. Sorry.

19 CHAIRPERSON HILL: Who said that?

20 MR. HENRY: This is Mr. Henry. I'm the owner. I can't
21 turn my camera on. I don't know what's wrong. I was just able
22 to get the --

23 CHAIRPERSON HILL: That's okay.

24 MR. HENRY: Okay. All right.

25 CHAIRPERSON HILL: All right. Does anybody have any

1 | questions? Okay. All right. Mr. Henry, I'm going to go ahead
2 | and close this hearing in the record. I'm sorry, Mr. Henry, Mr.
3 | Comedy, and excuse you. Okay?

4 | MR. HENRY: Okay.

5 | CHAIRPERSON HILL: Thank you.

6 | MR. HENRY: You're welcome. Is that for me also?

7 | CHAIRPERSON HILL: Yes. You as well, Mr. Henry.

8 | Okay. I guess I found this a little bit confusing in
9 | terms of what we were or weren't approving. And so if we were
10 | to grant this, I would grant it based off the numbers that are
11 | in Exhibit 35 and not be granting it off of the plans necessarily,
12 | because I'm not terribly sure what things match or don't match.
13 | But the numbers in Exhibit 35, I'm comfortable with, and so I
14 | would be able to approve this based off of that and also the
15 | analysis the Office of Planning has put forward.

16 | Mr. Smith, do you have anything you'd like to add?

17 | MR. SMITH: Nothing to add. I'm in support.

18 | CHAIRPERSON HILL: Okay. Commissioner Stidham.

19 | COMMISSIONER STIDHAM: Nothing to add either. I'm in
20 | support.

21 | CHAIRPERSON HILL: Okay. Thank you. I'm going to go
22 | ahead and make a motion to approve Application No. 21246 as
23 | captioned and read by the secretary, based on the numbers that
24 | are in Exhibit 35, and ask for a second. Mr. Smith?

25 | MR. SMITH: Second.

1 CHAIRPERSON HILL: Motion is made and seconded. Madam
2 Secretary, take a roll call.

3 MS. MEHLERT: Please respond to the Chair's motion to
4 approve the application. Chairman Hill.

5 CHAIRPERSON HILL: Yes.

6 MS. MEHLERT: Mr. Smith.

7 MR. SMITH: Yes.

8 MS. MEHLERT: Commissioner Stidham.

9 COMMISSIONER STIDHAM: Yes.

10 MS. MEHLERT: Staff would record the vote of three to
11 zero to two to approve Application 21246 on the motion made by
12 Chairman Hill and seconded by Mr. Smith.

13 CHAIRPERSON HILL: Thank you. I'm sorry. If you guys
14 haven't figured it out, I'm not in my normal situation right now,
15 and so give me one minute again. I'll be right back.

16 (Pause.)

17 CHAIRPERSON HILL: Okay. Sorry. Okay. Madam
18 Secretary, can you call our next order of business, please?

19 MS. MEHLERT: Next is Application No. 21240 of 71
20 Florida Ave 39, LLC. This is a self-certified application
21 pursuant to Subtitle X, Section 901.2, for special exception
22 under Subtitle U, Section 203.1(j), to allow a healthcare
23 facility use for 16 persons in an existing two-story detached
24 building with basement. It's located in the R-2 Zone at 4237
25 Eads Street, N.E., Square 5089, Lot 72, and this hearing was

1 postponed from March 12th at the ANC's request.

2 CHAIRPERSON HILL: Okay. Thank you. If the Applicant
3 can hear me, if they could please introduce themselves for the
4 record.

5 MS. WILSON: Hi. Alex Wilson from Sullivan and Barros
6 on behalf of the Applicants in this case, and I'm here with Mr.
7 Aaron Eyob and Mr. Olutoye Bello.

8 CHAIRPERSON HILL: Okay. Great. All right. Ms.
9 Wilson, can you hear me?

10 MS. WILSON: Yes. Can you hear me?

11 CHAIRPERSON HILL: Yeah, you seemed to break up there
12 for half a second.

13 MS. WILSON: Sorry.

14 CHAIRPERSON HILL: That's okay. All right. So we'll
15 see who you need to bring in for testimony as we go through this.
16 If you want to go ahead and walk us through your client's
17 application and why you believe they're meeting the criteria for
18 us to grant the leave requested, I'm going to put 15 minutes up
19 on the clock so I know where we are, and you can begin whenever
20 you like.

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

22 Mr. Young, could you please pull up the presentation?
23 Thank you. Could you please go to the next page? Thank you so
24 much.

25 In this case, the Applicant is proposing an assisted

1 | living residence, which falls under the definition of a
2 | healthcare facility, and a healthcare facility may have up to
3 | eight residents as a matter of right, and the Applicant is
4 | proposing 16 residents, requiring special exception approval.

5 | OP is recommending approval, DDOT has no objection, and
6 | there are eight letters of support from surrounding neighbors,
7 | including neighbors to the east and west. The property to the
8 | west appears vacant. And the Applicant, along with Mr. Bello,
9 | attended the ANC last week, and I don't think they took a vote.

10 | Next slide, please. So in terms of neighbor outreach,
11 | the Applicant sent packets to the neighbors via certified mail.
12 | A majority of the households within 200 feet have submitted
13 | letters, and most of those are in support, including the closest
14 | neighbors.

15 | Next slide, please. The proposed use, as I mentioned,
16 | is an assisted living facility. This is different from, say, a
17 | senior living community, which could have a mix of able-bodied
18 | patients and those who need help, and those typically also have
19 | age minimum. This is designed to be a lower intensity use
20 | specifically for those who need physical assistance or medical
21 | help in a smaller homelike setting. The idea is that those who
22 | can no longer live independently or maybe couldn't afford live-
23 | in healthcare or a condo in a senior living community, or just
24 | want to stay in their own neighborhood, can age in place in a
25 | homelike setting.

1 Next slide, please. This is the proposed interior
2 layout. There are no additions or major external changes
3 proposed. The idea is to adaptively re-use the existing house
4 and make it accessible. It will still appear to be a single-
5 family home from the street.

6 Next slide, please. In terms of operations, we've
7 submitted detailed manuals and a facility description on the
8 record in Exhibit 26-D and -E. They're at a high level. There
9 will be three staff members onsite at any given time. There are
10 food delivery services that will occur between 7:00 a.m. and 9:00
11 a.m. daily. Urgent medical care protocols have been detailed in
12 Exhibit 26. Visitors will be coordinated through staff and
13 activities will be customized depending on health assessments.

14 Next slide, please. There is a back yard that's fenced
15 in with a patio area. There will be an outdoor use policy, noise
16 policy, visitor policy, and quiet hours to minimize noise for
17 both residents of the facility and neighbors. Visitors are
18 permitted during mealtimes and activities, and the facility will
19 assist in scheduling visits if there is a larger group that's
20 planning to come. In terms of parking and transportation, the
21 facility has four designated parking spaces located at the rear
22 of the building used for staff and visitors, which is four times
23 the amount of parking required per the regulations. The spaces
24 are screened with fencing to comply with the zoning requirements.
25 Additional on-street parking is available adjacent to and across

1 from the facility. There is a mail delivery service, and waste
2 management will be hired as well, and there is a screened waste
3 storage area near the alley.

4 Next slide, please. In terms of the general special
5 exception requirements, the proposed use is residential in nature
6 and is appropriate in this location given the nature of the use,
7 the fact that up to eight residents are permitted by right, and
8 the request is only for eight additional residents and also
9 permitted via special exception.

10 Next slide, please. So this is the criteria for
11 approval. The following slides go into additional details for
12 requirements 3, 5, and 6. No. 1 does not apply. Regarding No.
13 2, there is a facility that already operates at Clay Street with
14 eight residents. That is permitted by right, although there is
15 an application to increase it to 16 residents that will also be
16 heard today by the same Applicant. So that is again addressed
17 in more detail in the following slides as No. 6 discusses the
18 cumulative impacts from healthcare facilities within 500 feet of
19 each other. And then for No. 4, the proposed facility will meet
20 all applicable code and licensing requirements as detailed in
21 Exhibit 26-D, which is the facility's manual.

22 Next slide, please. Thank you. Regarding the third
23 requirement, it's that there shall be adequate, appropriate
24 located, and screened off-street parking. There are four parking
25 spaces at the rear. The parking is screened. There is an

1 existing fence that will be maintained, and it's hidden by a
2 roll-up door alongside the alley.

3 Next slide, please. This just shows the screening and
4 fencing.

5 Next slide, please. I wanted to talk about these two
6 requirements in more detail, specifically what can reasonably be
7 anticipated in terms of traffic, noise, operations, or the
8 cumulative impact of those along with the other facility on Clay
9 Street and why these impacts would not rise to the level of an
10 adverse impact.

11 Next slide, please. In terms of traffic and parking,
12 context for this is appropriate because this special exception
13 request is a broad encompassing approval for healthcare
14 facilities generally. "Healthcare facility" is a broad term that
15 encompasses many different types of healthcare uses, not just
16 assisted living. So perhaps in other types of healthcare facility
17 uses, such as a community residence facility which houses able-
18 bodied people, car use would be desired or needed, but this
19 particular use would not necessitate a car for the occupants.
20 Regarding employees, there will be three employees per shift.
21 The employees may park onsite, and this will not create any
22 additional traffic. There is four times the amount of parking
23 onsite than required.

24 Visitors in groups greater than four must be planned
25 for and there are specific times visitors are permitted and

1 | scheduled. In addition to the onsite parking, there is ample on-
2 | street parking available nearby for the expected meal delivery
3 | and housekeeping, and we have photographs in the following slides
4 | taken on two different days to demonstrate this. Further, there
5 | are several bus stops nearby and the property is only four-tenths
6 | of a mile from the Metro if visitors or employees desire to use
7 | public transit. The additional eight residents being requested
8 | should not generate enough visitors to create objectionable or
9 | adverse traffic impacts, and DDOT agreed to this assessment in
10 | its report.

11 | Next slide, please. So these are photos in front of
12 | the property. Meal deliveries, which should be fairly quick at
13 | the drop-off, would occur during this time of day, as would
14 | housekeeping.

15 | Next slide, please. This is another one. This is the
16 | morning of March 6, and it's a Thursday morning.

17 | Next slide, please. Thank you. Next slide, please.
18 | Next slide, please. Next slide, please. So this is March 7th,
19 | which is the following morning, just showing the same conditions.

20 | Next slide, please. Thank you. And next slide, please.
21 | Next slide, please. Regarding noise and safety, again, in other
22 | types of healthcare facilities, there may be more able-bodied
23 | people. Perhaps noise and public safety would be more of a
24 | concern, but this particular facility will assist those who need
25 | physical assistance, are sometimes wheelchair-bound, and do not

1 | pose any harm to the neighborhood nor risk of wandering. Of
2 | course, there are safety protocols in place, such as an alarm
3 | system and security locks.

4 | There are staff onsite 24 hours a day to monitor
5 | residents. There are established quiet hours to minimize noise
6 | from residents, staff, and visitors. There is a visitor policy.
7 | Physical fencing is in place, and the patio is not a particularly
8 | large area. It's available during the day so patients can enjoy
9 | the out of doors. The directly adjacent neighbors are supportive.
10 | And given the nature of the facility and the need to keep a
11 | peaceful environment for the residents, it's anticipated that the
12 | proposed use will not create any adverse impact regarding noise
13 | that would impact the use and enjoyment of neighboring
14 | properties.

15 | Next slide, please. And then finally, what are the
16 | cumulative impacts that could be expected? The proposed Clay
17 | Street facility already operates as an assisted living residence
18 | with eight people permitted by right. It's approximately 450
19 | feet away from this proposed facility. That facility also has
20 | four parking spaces, the same operator who will use the same
21 | service providers, which one could view as a benefit since, if
22 | these two facilities are using one provider for housekeeping and
23 | one provider for meal service delivery, there's not a cumulative
24 | impact of having two different providers for meal services or
25 | housekeeping services like you might find if there were two

1 different operators for these facilities.

2 Accordingly, given that each facility will have four
3 times the amount of required parking, more parking than needed
4 for staff, as well as limited amounts of visitors, strict noise
5 policies, and are both intentionally quiet uses for the care of
6 patients and are relatively small in size, 16 beds each where 8
7 are allowed by right, the facilities will not have a cumulative
8 impact nor adverse impact on the neighborhood because of traffic,
9 noise, or operations, or other factors. That concludes our
10 presentation, but we are happy to answer any questions.

11 CHAIRPERSON HILL: Okay. Thank you, Ms. Wilson, for
12 your presentation. Let's see. Before I turn to questions from
13 the Board, can I hear from the Office of Planning?

14 MS. BROWN-ROBERTS: Good morning, Mr. Chairman and
15 members of the BZA. For the record, I'm Maxine Brown-Roberts
16 from the Office of Planning. I've stated in the reports this is
17 the first of a number of applications for this type of healthcare
18 facility that is being proposed. We coordinated with other
19 District agencies who license and monitor these facilities, and
20 we were assured that the use proposed does in fact fall within
21 the healthcare facilities category for zoning purposes.

22 So the proposal for the 16-bed facility meets the
23 requirements of Subtitle U, Section 203(j) in that it will not
24 adversely or should not adversely impact the neighborhood due to
25 noise, as the use would be mostly confined internal to the

1 building, or due to traffic since they are providing four parking
2 spaces and there seems to be available on-street parking, and
3 DDOT has no objections.

4 There are currently no other facilities within the
5 square, but there is -- as the Applicant identified, there is
6 another facility which is within 500 feet of the property to the
7 south. We do not think that having these two facilities would
8 adversely impact the neighborhood due to noise, traffic, and
9 parking. The proposal would meet the intent of the zoning
10 regulations. OP therefore recommends approval of the requested
11 special exception. Thank you, Mr. Chairman, and I'm available
12 for questions.

13 CHAIRPERSON HILL: Thank you, Ms. Brown-Roberts. Does
14 the Board have any questions for the Applicant and/or the Office
15 of Planning?

16 MR. SMITH: I do. Either Ms. Wilson or Mr. Bello,
17 being that we didn't receive a letter from the ANC, and I seem
18 to remember that there is some sensitivity within this
19 neighborhood to these types of uses, can you give us some -- you
20 know, covering what you heard at the ANC? And also a secondary
21 question I have is, I think this is within the bounds of the
22 Deanwood Citizens Association, which they often hear these types
23 of cases, so I just wanted to see if you also went to that group
24 if you're within those bounds.

25 MS. WILSON: Mr. Bello, do you want to discuss the ANC?

1 And then I'll look up the bounds, because we didn't hear from
2 the Deanwood Citizens Association, so I'll check that for you.

3 MR. BELLO: Yes, that's good. Mr. Chairman and Board
4 members, good morning. We did present before the ANC, and it
5 seems to me that the major concern of the ANC was whether this
6 facility would be for returning citizens, which I think alludes
7 to either youth or adult rehab facilities. For that reason, the
8 ANC has resolved to request for further continuance, so they
9 didn't vote one way or the other to approve or disapprove. And
10 that's why I was a bit surprised that they didn't file a formal
11 resolution.

12 MR. SMITH: Are you saying that they recommended a
13 continuance at their hearing?

14 MR. BELLO: That's what they wanted to request
15 formally, yes.

16 MR. SMITH: Because for what reason?

17 MR. BELLO: They thought they needed for their
18 understanding of the type of facility that this would be, and the
19 major concern was whether the facility would serve returning
20 citizens, because there's, I think, another such facility in the
21 neighborhood. Returning citizens would be your adult rehab or
22 youth rehab facilities, which are a different category of youth
23 than what is being asked for here.

24 MR. SMITH: Okay. And I'm sure that you indicated that
25 to the civic association. So when you indicated to them that

1 | this isn't of that particular nature, what did they say?

2 | MR. BELLO: Well, the single member District
3 | commissioner was inclined to move forward with the application,
4 | but the other members thought that they needed a little bit more
5 | time to understand what the facility -- the type of facility is.
6 | But we clearly explained without a doubt that this was not going
7 | to be a rehab facility of any kind.

8 | MS. WILSON: I believe the ANC or the SMD is on in the
9 | attendees. I don't know if he was trying to get promoted. That
10 | might help. We could hear directly from the ANC.

11 | MR. SMITH: That would definitely help.

12 | CHAIRPERSON HILL: Do you know the name of the SMD, Ms.
13 | Wilson?

14 | MS. WILSON: Kimory, ANC, 7F03, on the attendees' list.

15 | CHAIRPERSON HILL: Got it. Mr. Young, could you promote
16 | that person, please? Commissioner, can you hear me?

17 | COMMISSIONER ORENDOFF: Yes, I can.

18 | CHAIRPERSON HILL: Great.

19 | COMMISSIONER ORENDOFF: I was trying to get into -- to
20 | be on the testimony, but I wasn't able to get into it. I had a
21 | long day yesterday, so I wasn't able to get into the testimony.

22 | CHAIRPERSON HILL: Sure. No problem. Could you
23 | introduce yourself for the record?

24 | COMMISSIONER ORENDOFF: Kimory Orendoff, Commissioner,
25 | 7F03, Ward 7.

1 CHAIRPERSON HILL: Okay. Commissioner, can you tell
2 us what happened at your ANC meeting concerning this case?

3 COMMISSIONER OREDOFF: We had a Q and A. We had a
4 busy zoning night, and we had a Q and A with the Applicant in
5 which I am fully for new housing. But what happened at the
6 meeting was the commission was not afforded the same layout that
7 was just presented to you guys. So the commission voted seven-
8 oh to have the Applicant come back for our April meeting so they
9 can provide the same profile that they just provided to you guys,
10 because we had the 7 -- the 2149 Applicant. When I expressed at
11 the last hearing that we just had last week, couple of weeks ago,
12 that when they come to the Commission, come with some
13 spreadsheets, come with something that they can sink their teeth
14 into that we can make a formal vote that can move them over to
15 the position that they're trying to get to.

16 CHAIRPERSON HILL: So, Commissioner, I'm sorry to
17 interrupt you. Just one thing. I don't think you've taken the
18 oath. Could you turn on your camera if you can? If you can't,
19 it's also fine.

20 COMMISSIONER OREDOFF: Give me one second. Hold on.
21 Okay. It should come on. Hold on.

22 CHAIRPERSON HILL: Okay. Right there should --

23 COMMISSIONER OREDOFF: Got a few more things on that
24 need to be on. There we go.

25 CHAIRPERSON HILL: Madam Secretary, could you please

1 swear in the Commissioner?

2 MS. MEHLERT: Commissioner, please raise your right
3 hand.

4 (Witness sworn.)

5 MS. MEHLERT: Thank you. You may consider yourself
6 under oath.

7 CHAIRPERSON HILL: Okay. Thank you. Commissioner,
8 everything you've said before was true, correct?

9 COMMISSIONER OREDOFF: Yes.

10 CHAIRPERSON HILL: Okay. Great. So you all had asked
11 for a continuance so that they could present -- only to the ANC?
12 They didn't present -- only to the ANC? I'm a little confused.

13 COMMISSIONER OREDOFF: Right. It wasn't -- we didn't
14 have a PowerPoint. We didn't have anything to know exactly what
15 was going on up there on Clay Street. I walked through Clay
16 Street on the earlier part of the week, on the 17th and 18th to
17 put out flyers for our meeting on the 18th, and there is parking
18 up there. I mean, there are people's cars parked on there, so I
19 was kind of concerned about those pictures, as some of my
20 colleagues were, that are right next door to 7F03, right there
21 off of 44th Street. So that's why we wanted them to come back
22 to us so they can just give us a plan for 2149 and 2140, since
23 they had come to our FNB meeting with both of those projects. So
24 that way, we can vote on it. We can see what they're doing, have
25 a more formal engagement with the project.

1 CHAIRPERSON HILL: Okay. Mr. Bello, what happened
2 when you were there?

3 MR. BELLO: Well, I think what the Commissioner is
4 alluding to is that our presentation did not include the
5 PowerPoint. It was just presented. But we spoke to and responded
6 to every question and inquiry from members of the ANC, and I
7 think that the ANC was not aware that both Eads and Clay Street
8 were on the schedule for hearing today. So I believe that they
9 were not prepared to hear Clay Street, but we did respond to
10 questions with respect to both, particularly with respect to the
11 type of facility it is, the number of parking spaces, and the
12 operational information for the facility.

13 CHAIRPERSON HILL: Okay. Commissioner, did you guys
14 hear about the Clay Street project?

15 COMMISSIONER ORENDOFF: No. We got into the Clay Street
16 just a little bit, again because again, we had other zoning.
17 When they got into 2140, it kind of merged into 2149 and they
18 kind of was like, okay, wait a minute with that. It wasn't on
19 the agenda.

20 CHAIRPERSON HILL: And the -- Mr. Bello, because
21 like -- because you guys don't have -- Commissioner, you didn't
22 submit anything for the Clay Street project either, correct?

23 COMMISSIONER ORENDOFF: No, sir.

24 CHAIRPERSON HILL: Okay. All right. Give me a minute.
25 Let me look to my Commissioners, -- well, my fellow Board members.

1 I guess when is your next hearing? Is it April?

2 COMMISSIONER ORENDOFF: Yeah, the next hearing will be
3 on April the 18th.

4 CHAIRPERSON HILL: Okay. I don't know, I mean, Board
5 members, what you all think about -- you know, now I'm even
6 wondering whether you postpone a vote and go ahead and do that
7 after April. But I'm looking to my Board members.

8 COMMISSIONER STIDHAM: I'm inclined to wait on both of
9 them. I'm inclined to wait on both of them and allow for a proper
10 presentation at the ANC and allow the ANC to give us their
11 feedback.

12 CHAIRPERSON HILL: Okay. And I saw Mr. Smith nod. Mr.
13 Young, is there anyone here wishing to speak?

14 MR. YOUNG: Yeah, we have one witness signed up.

15 CHAIRPERSON HILL: Okay. All right. I think --
16 Commissioner, do you think you can get them on your April agenda
17 then?

18 COMMISSIONER ORENDOFF: Yes, if they send a request
19 today, that way I can forward it to the chair. Just make sure
20 that it's forwarded to the chair and also to myself. And also,
21 if you have all of the emails of my former colleagues, just make
22 sure it's forwarded to everybody so it's not missed across the
23 board. Okay. But make sure I get it, and I'll make sure that
24 the other commissioners get it also.

25 CHAIRPERSON HILL: Okay. Ms. Wilson, I think you know

1 | the direction the Board's going in at this point. Like do you
2 | have everybody's email? Do you know how you can get on, make
3 | sure you're on the agenda for April?

4 | MS. WILSON: Yes. We can do that.

5 | CHAIRPERSON HILL: Thanks. Madam Secretary, can you
6 | hear me?

7 | MS. MEHLERT: Yes.

8 | CHAIRPERSON HILL: So if -- Commissioner, what did you
9 | say? April what?

10 | COMMISSIONER OREDOFF: 18th.

11 | CHAIRPERSON HILL: 18th. So if they meet on April
12 | 18th, when can we come back here again for both of them, even
13 | though we're going to call the next petition?

14 | MS. MEHLERT: You could come back on April 23rd.

15 | CHAIRPERSON HILL: Okay. So, Commissioner, could you
16 | get us something? You guys are meeting on a Friday, right? Can
17 | you --

18 | COMMISSIONER OREDOFF: I'm just going to say, what's
19 | that code number, because I don't have my actual April calendar
20 | in front of me. I'm sorry. Excuse me for not having that
21 | calendar in front of me.

22 | MS. WILSON: May I just -- I just want to say one thing?
23 | So this was postponed so we could go to the March meeting and
24 | then Clay, even though we were told was going to be on that,
25 | wasn't, so I just -- we would like some sort of guarantee we will

1 | be on that April agenda, and I, of course, will email everybody.
2 | But we've been postponed already.

3 | COMMISSIONER ORENDOFF: No, I will -- like I said, you
4 | get it to me, the sooner the better to get it to me. I can
5 | channel it to the Chair. That way, it gets to the top of the
6 | agenda. I am the secretary of the Commission, but I'm trying to
7 | get protocol so we can make sure that zoning -- either we do
8 | separate meetings for zoning or just kind of --

9 | MS. WILSON: Sure.

10 | COMMISSIONER ORENDOFF: -- (indiscernible) take over
11 | as much.

12 | MS. WILSON: I guess I'm just confuse, because we just
13 | went through that and we're concerned. So okay. This time,
14 | we'll definitely be on the agenda. This will be definite. Okay.

15 | COMMISSIONER ORENDOFF: -- 2149 -- and make sure that
16 | the letter is 2140 and 2149 so there is no reason to postpone
17 | it.

18 | MS. WILSON: Okay. Okay.

19 | CHAIRPERSON HILL: Okay. And, Ms. Wilson, we're going
20 | to go ahead and know that now you have been here, and whether or
21 | not you get to present in front of the ANC, we're going to be
22 | able to move forward.

23 | Were you starting to say something, Mr. Smith?

24 | MR. SMITH: Yes. You know, I think the second part of
25 | my question was, is this within the bounds of the Deanwood

1 Citizens Association?

2 MS. WILSON: I don't think it is, but I'll defer to the
3 ANC Commissioner. I think it's just outside the bounds; is that
4 correct?

5 COMMISSIONER ORENDOFF: It's just right on the
6 boundary, but yes. It's not Deanwood.

7 CHAIRPERSON HILL: Okay.

8 MR. SMITH: All right. Well, you're in luck, Ms.
9 Wilson, just once.

10 CHAIRPERSON HILL: Ms. Wilson, is the Clay Street in
11 Deanwood?

12 MS. WILSON: No. It's, I think, even further south.

13 CHAIRPERSON HILL: Okay.

14 COMMISSIONER ORENDOFF: Eads Street and Clay Street are
15 like, you know, if you put the streets parallel, it would be you
16 drop down one street then you have -- it would be like -- because
17 I've just walked. I walked it and I took pictures of all of the
18 properties, the zoning signs, and everything, so I did my own
19 spring walk to see exactly where these properties are going to
20 be at.

21 CHAIRPERSON HILL: Okay. All right. So then -- okay,
22 great. Then what I think we're going to do is, if you all --
23 I'm sorry, Commissioner. You thought you're on the 18th. You're
24 not on the 18th.

25 COMMISSIONER ORENDOFF: Hold on. I have to get the

1 | calendar up. One more second. Okay. Come on. We're on the
2 | 20th. Wait a minute. Hold on. Excuse me. I'm pulling up the --

3 | MS. WILSON: On the website, it says --

4 | COMMISSIONER ORENDOFF: No. Listen, listen. I'm
5 | sitting here pulling up calendars. I'm pulling up calendar 2055
6 | by accident. I went way into a time zone. Okay. All right.

7 | That's going to be the 22nd.

8 | MS. WILSON: So is the website incorrect? The website
9 | says April 15th.

10 | COMMISSIONER ORENDOFF: Okay. So whatever the website
11 | has, that's what the date is. I'm sorry.

12 | CHAIRPERSON HILL: That's a Tuesday. This is Tuesday
13 | night.

14 | COMMISSIONER ORENDOFF: It's a Tuesday, the meeting.

15 | CHAIRPERSON HILL: Got it.

16 | COMMISSIONER ORENDOFF: And falls on the 20th and the
17 | 15th on this month's (indiscernible).

18 | CHAIRPERSON HILL: Got it. Commissioner, if you guys
19 | meet on the 15th, do you think you can get us something by Friday
20 | the 18th?

21 | COMMISSIONER ORENDOFF: Yes. If she can get that to
22 | me today, I will forward this to the chair, so we can go ahead
23 | and just make sure that the chair is aware and it will come from
24 | your office. They know the importance of trying to make sure we
25 | get these two projects moved forward, so.

1 CHAIRPERSON HILL: I got you. So, Ms. Wilson, if we
2 get something from the ANC by the 18th, you can give us something
3 by the 21st if you have any comments on what the ANC gives us.
4 Okay?

5 MS. WILSON: Thank you. Yes, that works.

6 CHAIRPERSON HILL: Okay. Great. Madam Secretary, does
7 that follow? And then we'll get you back here on the 23rd of
8 April. Okay? And that's 4/23/25. Okay. That's that one. And
9 then -- right. Okay. So, Madam Secretary, I'm going to let you
10 tell me what to do now. We're going to postpone the 21249 to
11 the same date. Do we need to call it or can I just do that?

12 MS. MEHLERT: Why don't we split. Just since everyone
13 is here, I'll call it again, and then you can officially postpone
14 it.

15 CHAIRPERSON HILL: Okay. Do you want to leave and then
16 come back?

17 MS. WILSON: Yes, so let's -- yes, and you can let
18 everyone go for this item.

19 CHAIRPERSON HILL: Commissioner? Commissioner?

20 COMMISSIONER OREDOFF: Um-hum?

21 CHAIRPERSON HILL: Why don't you just hang out for a
22 minute. Okay?

23 COMMISSIONER OREDOFF: No problem.

24 CHAIRPERSON HILL: And we're going to jump the line.
25 And we're going to bring 21249 up next. Okay?

1 COMMISSIONER ORENDOFF: No problem.

2 CHAIRPERSON HILL: So I'm going to close this portion
3 of the hearing and the record because we're going to postpone the
4 hearing again until 4/23/25. So the person who is here wishing
5 to testify can come back on 4/23/25, and also I would suggest
6 they attend your ANC meeting on 4/15, and then they may or may
7 not want to come back and testify, right?

8 So currently I'm going to postpone this case to
9 4/23/2025 unless any of my Board members have any issues with
10 that. Okay? I'm going to go ahead and close the record and the
11 hearing for this case. And please, Mr. Young, if you can excuse
12 everyone, and then we'll come back in a minute with the other
13 one.

14 Madam Secretary, whenever you're ready, you can call
15 21249.

16 MS. MEHLERT: Okay. Next is Application No. 21249 of
17 4231 Clay Street, N.E., LLC, the self-certified application with
18 special exception pursuant to Subtitle X, Section 901.2, for a
19 special exception under Subtitle U, Section 203.1(j), to allow
20 healthcare facility use for 16 persons in an existing two-story
21 building with basement. It's located in the R-2 zone at 4231
22 Clay Street, N.E., Square 5088, Lots 45 and 46.

23 CHAIRPERSON HILL: Okay. Can the Applicant hear me for
24 the record and introduce themselves, please?

25 MS. WILSON: Hi. Alex Wilson from Sullivan and Barros

1 on behalf of the Applicant in this case.

2 CHAIRPERSON HILL: Okay. Great. Commissioner, can you
3 hear me, and if so, could you introduce yourself for the record?

4 COMMISSIONER ORENDOFF: Yes. Commissioner Orendoff,
5 Kimory Orendoff, 7F03, Ward 7.

6 CHAIRPERSON HILL: Great. Thank you, Commissioner. So
7 what I understand is that we're going to postpone this so that
8 this can be heard at your 4/15 ANC meeting. Then you will give
9 us any comments you have on this case by 4/18, and then the
10 Applicant can comment on those comments by that following Monday,
11 and then we'll be back here on the 23rd of April to hear this
12 case. Does anybody have any questions on anything I just said?

13 MR. SMITH: No, sir.

14 CHAIRPERSON HILL: Okay. Madam Secretary, do you have
15 anything additionally to add?

16 MS. MEHLERT: Nothing else to add.

17 CHAIRPERSON HILL: Okay. Unless my Board members have
18 any issues, I'm going to go ahead and postpone this until then
19 as indicated and close this portion of the hearing and the record.
20 So thank you all for coming. We'll see you on April 23rd. Thank
21 you.

22 Okay. Okay. Let's take a break. Okay. All right.
23 And Commissioner Stidham and Mr. Smith, I'm going to explain
24 where I am later, but you all are going to have a good laugh.
25 Okay. Okay. All right.

1 Madam Secretary, we're going to take a 10-minute -- a
2 15-minute break. Okay? Let's do 15 minutes. Okay? Thank you.
3 Bye-bye.

4 (Whereupon, there was a brief recess.)

5 CHAIRPERSON HILL: Could you call us back in, and also
6 there was an issue with 21246 that I wanted to address if we
7 could bring that back in for a vote.

8 MS. MEHLERT: Yes. The Board is back from a quick
9 break and returning to its hearing session. I will call again
10 Application No. 21246 of Bobby Henry as amended. This is an
11 application pursuant to Subtitle X, Section 901.2 for special
12 exceptions under Subtitle D, Section 207.5 to allow the rear wall
13 of a row building to extend farther than 10 feet beyond the
14 farthest rear wall of any adjoining principal residential
15 building and under Subtitle D, Section 5201; from the rear yard
16 requirements of Subtitle D, Section 207.1; the side yard
17 requirements of Subtitle D, Section 208.7; the lot occupancy
18 requirements of Subtitle D, Section 210.1; and the pervious
19 surface requirements of Subtitle D, Section 211.1. This is for
20 a two-story rear addition and rear deck addition to a semi-
21 detached principal dwelling. It's located in the R-3 zone at
22 1956 Fendall Street, S.E., Square 5764, Lot 47.

23 CHAIRPERSON HILL: Great. Thank you.

24 So, my fellow Board members, we heard this case and
25 deliberated on this and what I just wanted to specify, and I

1 | thought I had done so, but I wanted to clear upon it is that
2 | I'm not claiming that we are approving the plans because there
3 | seems to be possibly some confusion between some of the plans and
4 | the plat. And so all of my discussion and deliberation, as I
5 | mentioned before, were based on the numbers that have been
6 | provided in Exhibit 35. And so I just want it to be clear that
7 | we're not approving the plans.

8 | Does anybody have any questions about what I just said,
9 | and if so, please raise your hand? Seeing no one raised their
10 | hand, I go ahead and make another motion again to approve
11 | Application No. 21246 as captioned and read by the secretary,
12 | based upon the numbers provided in Exhibit 35 and not approving
13 | the plan. And may I get a second, Mr. Smith?

14 | MR. SMITH: Yes. Oh, second. Sorry.

15 | CHAIRPERSON HILL: Thank you.

16 | Madam Secretary, if you could take a vote, please?

17 | MS. MEHLERT: Please respond to the Chair's motion to
18 | approve the application. Chairman Hill.

19 | CHAIRPERSON HILL: Yes.

20 | MS. MEHLERT: Mr. Smith.

21 | MR. SMITH: Yes.

22 | MS. MEHLERT: Commissioner Stidham.

23 | COMMISSIONER STIDHAM: Yes.

24 | MS. MEHLERT: Staff will record the vote as three to
25 | zero to two to approve Application 21246 on the motion made by

1 Chairman Hill and seconded by Mr. Smith.

2 CHAIRPERSON HILL: Okay. Great. Madam Secretary, you
3 can call our next order of business when you have an opportunity.

4 MS. MEHLERT: The next case is Application No. 21243
5 of Thomas Quinn and Kathleen Quinn. This is an application
6 pursuant to Subtitle X, Section 901.2, for a special exception
7 under Subtitle D, Section 5201, from the side yard requirements
8 of Subtitle D, Section 208.7, and pursuant to Subtitle X, Section
9 1002, for an area variance from the lot occupancy requirement
10 requirements of Subtitle D, Section 210.1. This is for a rear
11 deck addition to an attached two-story principal dwelling. It's
12 located in the R-2 zone at 5322 41st Street, N.W., Square 1742,
13 Lot 53. And as a preliminary matter, there is a motion from the
14 Applicant to allow an untimely filing in Exhibit 30. And just
15 to clarify, this motion is intended to correct and replace the
16 previous request from the Applicant to reopen the record, which
17 wouldn't be necessary since the record is open.

18 CHAIRPERSON HILL: Okay. Thank you.

19 If the Applicant is here, could they please introduce
20 themselves for the record? You're on mute, I think, sir.

21 MR. MARTINEZ: Good morning. I apologize. My name is
22 Rodrigo Martinez. I will be representing Kathleen and Thomas
23 Quinn.

24 CHAIRPERSON HILL: Okay, Mr. Martinez. Thank you.

25 If my fellow Board members have any issues, I'm going

1 to go ahead and approve the request that was put forward by the
2 Applicant. And if you have any issues with that, please raise
3 your hand. Seeing none.

4 Okay, Madam Secretary, we're going to go ahead and move
5 forward with that.

6 Mr. Martinez, if you want to go ahead and walk us
7 through your client's application and why you believe they're
8 meeting the two items of relief that you're asking for. And I'm
9 going to put 15 minutes on the clock so I know where we are, and
10 you can begin whenever you like.

11 MR. MARTINEZ: I appreciate it. Thank you. Can you
12 please start the presentation, Mr. Young? Thank you. So as
13 stated previously, we're requesting a new uncovered 12-by-17 deck
14 in the rear yard to the existing attached two-story principal
15 dwelling in the R-2 zone.

16 Next, please. This property was constructed in 1918.
17 It's been nonconforming since the day it was built. It was zoned
18 in R-2 with a requirement of 4,000 square feet for the lot, and
19 the lot has been only 9,136 square feet at a lot occupancy of
20 57.9 percent, which exceeds the accepted R-2 lot occupancy. The
21 addition of the landing and rear steps were built in 1979, and
22 they went through a different variance under Case 13662 back in
23 1982.

24 Next, please. So we're requesting a special exception
25 from Subtitle D, 208.7, nonconforming side yard pursuant to

1 Subtitle D, 5201.1(b), and Subtitle X, 901.2. We're seeking 100
2 percent relief on the side yard as was the case back in the
3 approved 1982 case. For the area variance, Subtitle D, 210.1,
4 the lot occupancy exceeds the maximum lot occupancy of 40 percent
5 pursuant to Subtitle X, 102. We're seeking to add 204 square
6 feet to the already approved 1,216, which brings the total to a
7 lot occupancy of 1,420 and represents 73.3 percent.

8 Next, please. So this is what the current conditions
9 are. As you can see, the landing and the steps that were built
10 and approved.

11 Next, please. The current site plans versus the
12 proposed site plans.

13 Please, next. Here is a picture of the adjacent
14 properties. As you can see, they all have a similar deck built,
15 which is what we're requesting permission to build.

16 Next, please. In support of our case, we have three
17 letters from the adjacent neighbors approving. We also have the
18 ANC approval. That took place on March 13th, a couple of weeks
19 ago. And the Office of Planning had no objections to our case
20 as well. That is all I have. Thank you.

21 CHAIRPERSON HILL: Thank you, Mr. Martinez. Before I
22 turn to my Board, can I hear from the Office of Planning, please?

23 MR. BRADFORD: Good morning again, Chairman Hill,
24 members of the Board. For the record, my name is Philip Bradford,
25 development review specialist with the Office of Planning. The

1 Office of Planning recommends approval for the requested special
2 exception and the area variance release and finds the request
3 meets the criteria in Subtitles D and X, and we stand on the
4 record of the report in Exhibit 26. Thank you, and I'm available
5 for any questions.

6 CHAIRPERSON HILL: Thanks, Mr. Bradford. Mr. Bradford,
7 I'm limited by my computer screen availability today. Can you
8 do me a favor and just walk through your thoughts concerning the
9 special exception and in particular the area variance?

10 MR. BRADFORD: In terms of how they're meeting the
11 criteria or something specific about --

12 CHAIRPERSON HILL: In terms of how they're meeting the
13 criteria, yes, please.

14 MR. BRADFORD: So in this situation, the Office of
15 Planning believes they do have a practical difficulty in meeting
16 the regulations in that the property is nonconforming. It
17 predates D.C. zoning, and as it is, it's already in the variance
18 territory. So any changes to the deck would basically require a
19 variance, and the one unique aspect about this lot is, it's kind
20 of a double frontage lot on two public streets. So to exit the
21 house which fronts 41st Street for front of the property, the
22 back faces Belt Road, which is where the vehicles park. So every
23 house along the row, due to the grade change, has a small rear
24 deck or some sort of stair that leads down to their parking space,
25 if they have one at the rear or rear patio. But given the size

1 of the lots and the fact that the typology of the row home itself
2 is nonconforming to the zone, we believe it's very difficult to
3 meet the criteria to do a deck by right or by special exception
4 for this specific property.

5 CHAIRPERSON HILL: Okay. Thanks, Mr. Bradford.

6 Do my Board members have any questions for the
7 Applicant or the Office of Planning? Okay.

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

9 MR. YOUNG: We do not.

10 CHAIRPERSON HILL: Okay. All right. Can you all hold
11 on just one moment, please? (Pause.) I'm sorry, guys.

12 Mr. Young, let's take it up where I left off.

13 MR. YOUNG: You did ask, and we do not.

14 CHAIRPERSON HILL: Okay. Great. All right. Mr.
15 Martinez, do you have anything you'd like to add at the end?

16 MR. MARTINEZ: No. That's it. Thank you.

17 CHAIRPERSON HILL: Okay. All right. I'm going to go
18 ahead and close the hearing and the record. Okay. In this
19 particular case, I'm going to rest on the Office of Planning's
20 report and their analysis, and I also am going to rest on the
21 input that we've received from the community in terms of the ANC,
22 and also the outreach that the neighbors have put forward. I do
23 believe they're meeting the criteria given that there is kind of
24 an extremely narrow lot with a big grade change. And I will
25 agree with the Office of Planning in terms of the nonconformity

1 aspect of it as how is that a contributing factor, and I'll be
2 voting in favor of this application.

3 Mr. Smith, do you have anything you'd like to add?

4 MR. SMITH: Mr. Chairman, I don't have anything to add.
5 I agree. In this particular case, I know I've been fairly vocal
6 on these area variances for these decks, but I think in this
7 particular case, given there is a confluence of factors, I think,
8 that do support the requested area variance to allow for a deck
9 given the size of the lot, the topography, and the fact that this
10 lot predates the zoning regulations. So I will rest on the Office
11 of Planning's analysis of this case and will support the special
12 exceptions and the area variance.

13 CHAIRPERSON HILL: Great. Thank you.

14 Commissioner Stidham?

15 COMMISSIONER STIDHAM: I rest on the OP report as well
16 and am prepared to support both.

17 CHAIRPERSON HILL: Okay. Great. Thank you.

18 I'm going to go ahead and make a motion to approve
19 Application No. 21243 as captioned and read by the secretary and
20 ask for a second. Mr. Smith.

21 MR. SMITH: Second.

22 CHAIRPERSON HILL: Motion has been made and seconded.
23 Madam Secretary, take a roll call, please.

24 MS. MEHLERT: Please respond to the Chair's motion to
25 approve the application. Chairman Hill.

1 CHAIRPERSON HILL: Yes.

2 MS. MEHLERT: Mr. Smith.

3 MR. SMITH: Yes.

4 MS. MEHLERT: Commissioner Stidham.

5 COMMISSIONER STIDHAM: Yes.

6 MS. MEHLERT: Staff would record the vote as three to
7 zero to two to approve Application 21243 on the motion made by
8 Chairman Hill and seconded by Mr. Smith.

9 CHAIRPERSON HILL: Okay. Thank you. I apologize, you
10 guys. There's just kind of a lot of different things going on
11 here where I am. And I'm trying to do my best so that I can
12 support the city in doing what I'm doing, so I appreciate you
13 all's patience. If you all can give me just like five minutes,
14 and I'll come back, five to ten minutes. Thank you.

15 (Pause.)

16 CHAIRPERSON HILL: Okay. Madam Secretary, you can call
17 our next order of business.

18 MS. MEHLERT: The next case is Application No. 21250
19 of Fikremariam Mengesha as amended. It is a self-certified
20 application pursuant to Subtitle X, Section 901.2, for special
21 exceptions under Subtitle U, Section 203.1(j), to allow a
22 healthcare facility for 14 persons, and under Subtitle C, Section
23 703.2, from the minimal vehicle parking space requirements of
24 Subtitle C, Section 701.5. This is for a new 14-bed healthcare
25 facility in an existing one-story building with basement. It's

1 | located in the R-2 zone at 7410 Eastern Avenue, N.W., Square
2 | 3178E, Lot 115. And there was a motion to postpone filed
3 | yesterday by ANC-4B in Exhibit 24.

4 | CHAIRPERSON HILL: Okay. Thank you. If the Applicant
5 | can hear me, if they could please introduce themselves for the
6 | record.

7 | MS. WILSON: Hi. Alex Wilson from Sullivan and Barros
8 | on behalf of the Applicant in this case.

9 | CHAIRPERSON HILL: Okay. Great. Thank you, Ms. Wilson.
10 | Is the commissioner here? I see a couple of people. I'm
11 | confused. Which commissioner is here, please?

12 | MS. JOHNSON: This is Tiffani Nichole Johnson. I'm
13 | vice-chair of ANC-4B, and I believe our chair, Sophia Tekola, is
14 | also on.

15 | CHAIRPERSON HILL: Okay. Thanks, Commissioner Johnson.

16 | COMMISSIONER PAYTON: Commissioner Doug Payton on 4B01.

17 | CHAIRPERSON HILL: Okay. I see Commissioner Payton.
18 | And then there's another one maybe, Commissioner Tekota (sic).

19 | COMMISSIONER TEKOLA: Hello. Hello, everybody. My
20 | name is Sophia Tekola, and I am the chair for 4B.

21 | CHAIRPERSON HILL: Tekola. Okay.

22 | So, Ms. Wilson, I guess we're here again in the same
23 | capacity that we've been for all of these healthcares today. And
24 | so the Commission seems to be asking for a postponement. I've
25 | read the record. I understand what has gone on in the past in

1 terms of what your outreach has been, Ms. Wilson, in terms of
2 this particular case. However, I think we're probably going to
3 postpone this. But we're going to make sure that the ANC has a
4 plan as to when they will or won't be able to hear this, and
5 we're going to kind of move forward from that.

6 Chair Tekola, do you know when's your next meeting for
7 your ANC?

8 COMMISSIONER TEKOLA: Yes. Our next meeting will be
9 the fourth Monday in April. However, after some conversation, I
10 believe, and correct me if I'm wrong, fellow commissioners, that
11 we are requesting for them to come to the June meeting as they
12 said they were not able to come to the May.

13 COMMISSIONER JOHNSON: It was my understanding that
14 they had said that they weren't available until May to --

15 CHAIRPERSON HILL: It's okay. Hold on. We're going
16 to work it out. It's okay. I'm just saying, like, I'm don't
17 think I'm comfortable postponing to June, number 1. Number 2,
18 when's -- now, Commissioner, your next meeting, again, you said
19 is in April what?

20 COMMISSIONER PAYTON: That would be April 21st.

21 COMMISSIONER JOHNSON: No, April 28th.

22 COMMISSIONER PAYTON: Okay.

23 CHAIRPERSON HILL: So you just had your ANC meeting?

24 COMMISSIONER JOHNSON: Correct. This past Monday. We
25 meet the fourth Monday of the month.

1 CHAIRPERSON HILL: Okay. And how come you didn't get
2 them on the past ANC meeting, this last one?

3 MS. JOHNSON: It was my understanding they were not
4 even available until May.

5 MS. WILSON: We were available and we reached out. I
6 just want to clarify. I'm confused who has been communicating
7 with the ANC about our availability. I just wanted to get that
8 on the record.

9 We've been communicating with Commissioner Payton, and
10 we were told we were on the 24th. And then about a week before,
11 we were told we were removed from the agenda. And then the only
12 communication we had seen since then was the postponement
13 request, which said we communicated to you that we were not
14 available until May, which is not accurate. And I just want to
15 make sure you're not having communication with someone who's not
16 on our team, because that was very confusing to me.

17 COMMISSIONER PAYTON: Okay. Confusion, I was talking
18 to Sarah Harcome (phonetic). I was --

19 MS. WILSON: Yes, from my office, just for the record.
20 Yes.

21 COMMISSIONER PAYTON: And I apologize to her because I
22 did think we were on for our March meeting, and there has been
23 an issue of the history of what's been going on, the scope
24 thereof, being a new commission. And I only found out about
25 this, because I had no knowledge of it, until February. And then

1 | trying to get it on the -- well, obviously, February wasn't going
2 | to work. March wasn't going to work either, and I was told that
3 | the only time possible to meet would have been in May, which
4 | would have been a Tuesday meeting because of the Monday holiday
5 | of Memorial Day.

6 | CHAIRPERSON HILL: Let me interrupt you guys real
7 | quick. It doesn't matter. I'm just going to talk this through.
8 | Okay? There's a lot of information in the record in terms of
9 | how much communication has gone on with the Applicant in trying
10 | to get on the agenda with the ANC. Are you, the Applicant,
11 | available on 4/28's meeting?

12 | MS. WILSON: Absolutely. We're available for the April
13 | meeting.

14 | CHAIRPERSON HILL: Okay. So, Chair Tekola, can you get
15 | them on the 4/28 meeting?

16 | COMMISSIONER TEKOLA: Yes, we can.

17 | CHAIRPERSON HILL: Okay. So you meet on 4/28, and I'm
18 | pulling up my calendar.

19 | Madam Secretary, when can we come back here?

20 | MS. MEHLERT: You could come back on April 30th or the
21 | following week, May 7th, when Commissioner Stidham is back also
22 | on the 7th.

23 | CHAIRPERSON HILL: How many cases do we have on the 7th
24 | and/or the 30th?

25 | MS. MEHLERT: On the 30th, there are two meeting cases,

1 five hearing cases, and the 7th, there are four hearing cases,
2 but one is an appeal.

3 CHAIRPERSON HILL: Okay. All right. Let's go ahead
4 and put it on the 7th. If you all meet on the 28th, meaning
5 commissioners -- there's many commissioners, but if the chair
6 would like to just confirm this. If you all meet on the 28th,
7 do you think you can get us a report by the 30th, which is two
8 days later?

9 COMMISSIONER TEKOLA: I prefer that we do it on May 7th
10 if that's not too many people for your schedule.

11 CHAIRPERSON HILL: No, no, no. You're going to do the
12 hearing on the 7th. If you can give us a report by the 30th. If
13 you guys have a meeting on the 28th, let us know what you think
14 by the 30th. That means the Applicant would have a week to
15 respond, right? Or, Madam Secretary --

16 COMMISSIONER TEKOLA: Yes, we can do that.

17 CHAIRPERSON HILL: -- you know, or Madam Secretary, I
18 can change those dates, I guess, as well a little bit. I'm just
19 trying to see here.

20 COMMISSIONER JOHNSON: So we would need time. So you're
21 asking for them to present and then for two days later for us to
22 as a commission have voted on a resolution for or against it?
23 Because --

24 CHAIRPERSON HILL: Who's speaking?

25 COMMISSIONER JOHNSON: This is Vice-Chair Tiffani

1 Nichole Johnson. I'm with 4B06.

2 CHAIRPERSON HILL: Got you. Commissioner Johnson, what
3 I'm saying is, you guys are meeting on the 28th --

4 COMMISSIONER JOHNSON: Right.

5 CHAIRPERSON HILL: -- and I wish you would vote on the
6 28th. And then you would tell us what you think. I mean, I
7 guess I can give you until Friday, the 7th. I'm just trying to
8 figure out, Madam Secretary, how much time, I guess, could we
9 give them until the 7th, which is a Friday, and then the
10 Applicant -- oh, no. I'm sorry. If we give them until the Friday
11 which is the 2nd of May, and then we give the Applicant until
12 the 5th of May to respond, then we can still get back here on
13 the 7th of May. Madam Secretary, I'm looking at you.

14 MS. MEHLERT: Yes, we could do that.

15 CHAIRPERSON HILL: Okay. So, Commissioners, what I
16 would ask of you is, if you guys meet on April 28th, then you
17 let us know by that Friday, the 2nd, what you thought. Okay?
18 And then we'll come back here on May 3rd for the hearing.

19 COMMISSIONER PAYTON: Okay.

20 CHAIRPERSON HILL: Okay. Commissioner Tekola, did you
21 hear me?

22 COMMISSIONER TEKOLA: Yes, I did. That can work. That
23 is much better than the 30th in making sure that everybody has
24 time to check in, especially with Commissioner Payton and
25 checking the rest of it that will be most greatly impacted.

1 CHAIRPERSON HILL: Okay. Great. So let's go ahead and
2 do that. Let's put this off now until May 7th.

3 COMMISSIONER PAYTON: Okay.

4 CHAIRPERSON HILL: Okay. And then you all meet on the
5 28th of April, and you'll give us your report by May 2nd. And
6 then the Applicant will have until May 5th to respond, and then
7 we'll come back here on the 7th. Does everyone understand?

8 COMMISSIONER PAYTON: Yes.

9 CHAIRPERSON HILL: Okay. Great.

10 COMMISSIONER TEKOLA: Yes. Thank you.

11 CHAIRPERSON HILL: All right. And so again, I'll go
12 ahead and close this portion of the hearing and the record, and
13 we'll see you guys on 5/7.

14 COMMISSIONER PAYTON: Thank you.

15 CHAIRPERSON HILL: Thank you. Okay.

16 All right, Madam Secretary. You can call our next one.

17 MS. MEHLERT: Next is Application No. 21257 of Newlen
18 and Faith Moravian Church of the Nation's Capital. It's a self-
19 certified application pursuant to Subtitle X, Section 901.2, for
20 a special exception under Subtitle U, Section 203.1(h) to allow
21 a daytime care use. This is for a child development center for
22 59 children and 11 staff in a two-story detached building. It's
23 located in the R-2 zone at 405 Riggs Road, N.E., Square 3741,
24 Lot 809. And I'll just note that yesterday ANC-4B submitted a
25 report in support of the application in Exhibit 26.

1 CHAIRPERSON HILL: Thank you. If the Applicant can
2 hear me, if they could please introduce themselves for the record.

3 MR. SULLIVAN: Thank you, Mr. Chairman and Board
4 members. Marty Sullivan with Sullivan and Barros on behalf of
5 the Applicant.

6 CHAIRPERSON HILL: Okay, Mr. Sullivan. If you wouldn't
7 mind walking us through your client's application and why you
8 believe they're meeting the criteria for us to grant the relief
9 requested. And I've put 15 minutes on the clock so I know where
10 we are. It looks like another person has joined us from your
11 team, I guess; is that correct, Mr. Lennon?

12 MR. SULLIVAN: So yes. We have Mr. Lennon, who's the
13 head of Newlen Education, the operator of the school, and then
14 Mr. Richardson might be here, the architect. I wasn't -- Mr.
15 Lennon, if you could mute the microphone, please.

16 CHAIRPERSON HILL: Okay. Mr. Lennon.

17 MR. SULLIVAN: It is a school day.

18 CHAIRPERSON HILL: No, I got it. Mr. Lennon, that's
19 good. We can tell then there are actually children where you
20 are. So if you would please introduce yourself for the record
21 and then re-mute yourself.

22 MR. LENNON: I am Newton Lennon. I am the owner-
23 operator of Newlen Early Childhood School Readiness Center,
24 operating from 405 Riggs Road.

25 CHAIRPERSON HILL: Okay. Great. Welcome, Mr. Lennon.

1 MR. LENNON: Thank you.

2 CHAIRPERSON HILL: Mr. Richardson, you want to
3 introduce yourself for the record?

4 MR. RICHARDSON: Good morning. My name is Kendrick
5 Richardson. I am the project manager for Newlen.

6 CHAIRPERSON HILL: Thanks, Mr. Richardson.

7 All right, Mr. Sullivan. I'm going to turn it back
8 over to you.

9 MR. SULLIVAN: Thank you, Mr. Chair. If Mr. Young
10 could load the PowerPoint presentation. I was just going to
11 handle the presentation myself, and at the end, if the Board has
12 questions for Mr. Lennon or Mr. Richardson, they're available for
13 that.

14 Next slide, please. So the property is in the R-2
15 zone. It's improved with a two-story building used as a church
16 and childcare center. In 1998, the church requested and the BZA
17 grant a special exception in Case 16322 for a portion of the
18 building to be used as a child development center for 59 children
19 and 11 staff, and that was subject to a 10-year time limit. And
20 the space was originally used then by that daycare; that was a
21 different operator. Newlen Education began using the space in
22 2016. Newlen also operates another successful location on
23 Michigan Avenue, and they've been operating there since 2021.
24 When Newlen Education took over, the C of O did not note the time
25 limit in the BZA order, which by that time had already expired,

1 and so they were operating under the assumption that the C of O
2 was still valid because it didn't indicate the expiration of the
3 time limit.

4 So they're doing some work now, and they discovered
5 that the approval's no longer valid, so they're now seeking to
6 reinstate the original approval through this BZA application.
7 And so Newlen has operated in this space since 2016. They're
8 not proposing to increase capacity or change any of the conditions
9 of the original approval, only to continue the approved use. And
10 accordingly, we're asking for special exception approval under
11 U, 203.1(h).

12 Next slide, please. The Office of Planning is
13 recommending approval and DDOT has no objection, and ANC-4B voted
14 unanimously in support. We went to two meetings. We had a
15 meeting last month, and then on Monday, we were on the consent
16 agenda and they voted unanimously to support.

17 Next slide, please. Some program overview. Newlen
18 serves children ages 2 through 5 using the creative curriculum,
19 scientifically based comprehensive educational approach. It's
20 designated as a high-quality program by the Office of State
21 Superintendent of Education, and the mission is to prepare
22 children and families for the future through comprehensive early
23 childhood education and family support program in a bilingual and
24 multicultural setting. Newlen has experienced staff with a
25 combined hundred-years-plus experience.

1 And some of the operations and logistics, the hours of
2 operation are 7 a.m. to 6 p.m. The entrance location is on
3 Chillum Place, which is separate from the church entrance on
4 Riggs Road. And parking and transportation, there's ample street
5 parking available in front of the school and surrounding area.
6 Pickup and drop-off run smoothly, with most families driving,
7 some walking or biking in warmer months. The drop-off hours are
8 7:00 to 9:30 and pickup is 3:00 to 5:30. Staff can park onsite
9 or use the available street parking. There is parking along the
10 alley along the property, on the property in the alley. It's
11 not in the alley. There's some space that's on the property, so
12 it's adjacent to the alley, so. And that's where we've provided
13 two parking spaces to meet the parking requirement.

14 Next slide, please. There's a map showing where the
15 property is at the corner of Riggs and Chillum.

16 Next slide, please. It's an overhead photo. The
17 entrance to the daycare is on the left on Chillum.

18 Next slide, please. Next slide, please. These are
19 just plans that we included with the application for some of the
20 work that's taking place. It's not an expansion. There's just
21 some ADA work necessary.

22 Next slide, please. Next slide, please. That shows
23 the space. The one on the right shows the floor plan space.

24 Next slide, please. The granting of a special
25 exception in this case will be in harmony with the purpose and

1 | intent of the zoning regulations and maps. In general, the
2 | Applicant's request to reinstate the original approval with the
3 | same numbers within the existing church is compatible with the
4 | originally approved use and other similarly situated centers
5 | approved by the Board, and Newlen has operated peacefully and as
6 | a good neighbor since 2016 and will continue to operate with no
7 | issues. There are parking spaces available for staff, and ample
8 | space for pickup and drop-off on the street on Chillum Place.

9 | Next slide, please. The facility is located and
10 | designed to create no objectionable traffic condition and no
11 | unsafe condition for picking up and dropping off persons in
12 | attendance. Under the proposed column, I think I've testified
13 | to all these things already, but specifically, the only thing
14 | I'll add is the average drop-off takes about five minutes, and
15 | then there's the drop-off hours. The Applicant has a playground
16 | on the property, and they do not walk children to offsite play
17 | areas, and the BZA Applicant will comply with any additional
18 | requirements. There was another child development center within
19 | 1,000 square feet, but as noted in the Office of Planning report,
20 | that's not a factor that makes this particular application any
21 | more objectionable.

22 | Next slide, please. And so I think that's it. So if
23 | the Board has any questions for myself; or Mr. Richardson, the
24 | project manager; or Mr. Lennon? Thank you.

25 | CHAIRPERSON HILL: Thank you, Mr. Sullivan. So I guess,

1 | like, I appreciate that you walked us through the criteria and
2 | what specificity into the regulations. And it's not just you
3 | guys, like you guys kind of -- people have mentioned reinstating.
4 | There is no reinstating. Like, you know, once the order is over,
5 | the order is over. And so I appreciate it's not just your firm
6 | like other firms that do it. Like if you guys want to tell us
7 | what the Board did in the past or if, you know -- I'm just
8 | thinking the term "reinstatement" just kind of throws some people
9 | around here, so just kind of an FYI.

10 | MR. SULLIVAN: Noted. Thank you.

11 | CHAIRPERSON HILL: Thanks. All right. Let's see.
12 | Before I turn this to the Board members, can I hear from the
13 | Office of Planning? I don't know if OP can hear me. Can you
14 | all hear me? Mr. Young, do you have OP?

15 | MR. YOUNG: Ms. Thomas is on.

16 | CHAIRPERSON HILL: Okay. I'll just wait then. I think
17 | I saw them. Okay. All right. While the Office of Planning is
18 | coming on, real quick, does the Board have any questions of the
19 | Applicant then? Okay. All right. Then we will wait for the
20 | Office of Planning.

21 | MR. LAWSON: Hi. Good morning, Mr. Chair. I'm filling
22 | in for Karen Thomas on this case. And I guess I would just note
23 | that OP stands on the record in support of this case, and we're
24 | available for any questions. Thank you.

25 | CHAIRPERSON HILL: Thanks, Mr. Lawson. Could you

1 introduce yourself for the record?

2 MR. LAWSON: I'm sorry. Of course. My name's Joel
3 Lawson. I'm with the D.C. Office of Planning.

4 CHAIRPERSON HILL: Great. Thank you, Mr. Lawson. All
5 right. Does anybody have any questions for the Office of
6 Planning? Go ahead, Commissioner Stidham.

7 COMMISSIONER STIDHAM: I just have one question on a
8 clarification of the OP report. Under the requirements for
9 special treatment, it says "OP does recommend any special
10 treatment for the approved (indiscernible) use". I just want to
11 confirm that they meant "does not", based on how it's written.

12 MR. LAWSON: Thank you. Yes, that's correct.

13 COMMISSIONER STIDHAM: Okay. Thank you for that.

14 CHAIRPERSON HILL: Mr. Lawson, since Commissioner
15 Stidham asked a question, you guys do not recommend reinstatement
16 of the 10-year term, correct?

17 MR. LAWSON: That's correct. We don't think that it
18 is necessary to continue that term limit at this point.

19 CHAIRPERSON HILL: And I can't recall. There weren't
20 any other conditions then that the Office of Planning was
21 recommending?

22 MR. LAWSON: That's correct.

23 CHAIRPERSON HILL: Okay. Thank you, Mr. Lawson. All
24 right. Let's see.

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

1 MR. YOUNG: We do not.

2 CHAIRPERSON HILL: Okay. All right. Mr. Sullivan, is
3 there anything you'd like to say at the end?

4 MR. SULLIVAN: No, thank you, Mr. Chairman and members
5 of the Board.

6 CHAIRPERSON HILL: Thank you. All right. I'm going
7 to go ahead and close the hearing and the record. You can please
8 excuse everyone, Mr. Young.

9 Okay. I appreciate the communication by the Applicant
10 and them walking through the criteria for approval or non-
11 approval of the relief that's being requested. I think that they
12 are meeting the criteria. And I will also rest on the records
13 that the Office of Planning has put forth, and also I'm happy to
14 see that in Exhibit 26, as mentioned, the ANC has given their
15 support for this application. I will be voting in favor of this
16 application without a 10-year time limit term and/or any other
17 condition, and I ask for the comments.

18 Mr. Smith, do you have anything you'd like to add?

19 MR. SMITH: No comments, Chairman Hill. I agree with
20 your assessment of the case and not the imposition of any 10-
21 year term limits, so I will support the application as well.

22 CHAIRPERSON HILL: Thank you. Commissioner Stidham.

23 COMMISSIONER STIDHAM: I agree also with what you both
24 have already said, to include removal of the 10-year time frame,
25 and am in support of the application.

1 CHAIRPERSON HILL: Thank you. I now make a motion to
2 approve Application No. 21257 as captioned and read by the
3 secretary and ask for a second. Mr. Smith.

4 MR. SMITH: Second.

5 CHAIRPERSON HILL: The motion is made and seconded.
6 Madam Secretary, take a roll call.

7 MS. MEHLERT: And just to clarify, you do not want to
8 include the other conditions from the original order?

9 CHAIRPERSON HILL: I got confused now. So, the Office
10 of Planning didn't have any further conditions. But now that
11 you're clarifying this, and this is where I'm going to have
12 trouble with my screen, is there the exhibit that has the previous
13 conditions?

14 MS. MEHLERT: They are listed in the original order,
15 and then OP also includes, I believe on page 2, the other
16 conditions of their report.

17 CHAIRPERSON HILL: Okay. Thank you, Madam Secretary.
18 Yeah, there were some things that were not clear. Okay. Can
19 you bring back in the Applicant, Madam Secretary? All right.

20 For the record, I'm reopening Case 21257 to ask some
21 specific questions about conditions. Mr. Sullivan, could you
22 please reintroduce yourself?

23 MR. SULLIVAN: Yes, thank you, Mr. Chair. Marty
24 Sullivan with Sullivan and Barros.

25 CHAIRPERSON HILL: Okay. Thanks. So, Mr. Sullivan,

1 I'm working off of one screen here, and so this is why I've been
2 a little bit more inefficient. Give me a second, please. Okay.
3 So is your client still comfortable with the hours of operation
4 shall be between 6 a.m. and 7 p.m. Monday through Friday?

5 MR. SULLIVAN: Yes.

6 CHAIRPERSON HILL: Okay. And that the number of
7 children shall not exceed 59, correct?

8 MR. SULLIVAN: Correct.

9 CHAIRPERSON HILL: And the number of staff shall not
10 exceed 11, correct?

11 MR. SULLIVAN: Correct.

12 CHAIRPERSON HILL: Okay. And then so those will be the
13 conditions that we put forth in the order, removing the 10-year
14 time period.

15 MR. SULLIVAN: There was one other condition. I'm
16 sorry, Mr. Chair. The number of parking spaces shall not exceed
17 13, which is perfectly fine. I'm not sure why that was in there
18 last time, but we're happy to have that there again.

19 CHAIRPERSON HILL: What did you say? The number of
20 parking spaces will not exceed how many?

21 MR. SULLIVAN: 13.

22 CHAIRPERSON HILL: 13. Okay. All right. Mr. Sullivan,
23 I only have one screen. I can't see anybody. Mr. Sullivan, is
24 there anything else you'd like to add?

25 MR. SULLIVAN: No, thank you.

1 CHAIRPERSON HILL: Okay. I'm going to close the hearing
2 and the record. Please excuse everyone. Okay. Okay.

3 So as stated before, I'm comfortable with the
4 presentation the Applicant has put forward. I'm comfortable with
5 the Office of Planning's recommendation and the ANC. I'm going
6 to go ahead and make a motion to approve Application No. 21257
7 as captioned and read by the secretary, including the conditions,
8 the hours of operation shall be between 6 a.m. and 7 p.m. Monday
9 through Friday, the number of children shall not exceed 59, the
10 number of staff shall not exceed 11, and the number of parking
11 spaces will not exceed 13.

12 May I have a second, Mr. Smith?

13 MR. SMITH: Second.

14 CHAIRPERSON HILL: Motion is made and seconded. Madam
15 Secretary, if you can please take a roll call.

16 MS. MEHLERT: Please respond to the Chair's motion to
17 approve the application with conditions. Chairman Hill.

18 CHAIRPERSON HILL: Yes.

19 MS. MEHLERT: Mr. Smith.

20 MR. SMITH: Yes.

21 MS. MEHLERT: Commissioner Stidham.

22 COMMISSIONER STIDHAM: Yes.

23 MS. MEHLERT: Staff would record the vote as three to
24 zero to two to approve Application 21257 on the motion made by
25 Chairman Hill and seconded by Mr. Smith.

1 CHAIRPERSON HILL: Thank you. Madam Secretary, you can
2 call our last order of business.

3 MS. MEHLERT: Last case is Application No. 21245 of
4 David Hughes. This is a self-certified application pursuant to
5 Subtitle X, Section 901.2, for a special exception under Subtitle
6 E, Section 5201, from the lot occupancy requirement of Subtitle
7 E, Section 210.1. This is for a new two-story accessory building
8 in the rear yard of an existing two-story attached principal
9 dwelling. It's located in the RF-1 zone at 1227 Independence
10 Avenue, S.E., Square 1015, Lot 140.

11 CHAIRPERSON HILL: Great. Thank you. If the Applicant
12 can hear me, could you please introduce yourself for the record?

13 MR. PUTNAM: Bill Putnam from Putnam Architects,
14 representing David Hughes, the owner.

15 CHAIRPERSON HILL: Great. Mr. Putnam, I'm going to go
16 ahead and let you walk us through the application in terms of
17 how you believe your client is meeting the criteria for us to
18 grant this particular relief. I see there's somebody else with
19 you. Is that the owner, Mr. Hughes?

20 MR. PUTNAM: Yes.

21 CHAIRPERSON HILL: Okay. Mr. Hughes, do you want to
22 go ahead and introduce yourself for the record?

23 MR. HUGHES: Thank you, Mr. Chairman. I'm David Hughes.
24 I'm the owner of 1227 Independence Avenue, S.E.

25 CHAIRPERSON HILL: Okay. Thanks, Mr. Hughes. Welcome.

1 Mr. Putnam, do you want to go ahead and continue? And
2 as I mentioned, I'll put 15 minutes on the clock just so I know
3 where we are, and you can begin whenever you like.

4 MR. PUTNAM: Thank you, Mr. Chairman. We are seeking
5 special exception relief from Subtitle E, 210.1, for lot
6 occupancy. The lot, as it seems now, the existing condition, the
7 lot occupancy is at 57 percent. The proposed work, which is a
8 two-story detached garage in the rear, would increase the lot
9 occupancy to 68.7 percent. In addition to adding the garage, we
10 are planning on removing an existing one-story screened porch at
11 the rear to stay within the 70 percent threshold for variance.
12 And that will result in a deck below the 48-inch requirement
13 against lot occupancy.

14 We believe that the proposed garage will be compatible
15 with the zoning regulations and the zoning maps. There are other
16 properties on this block, both on Independence and on Walter
17 Street to the south, that have one-story garages of the same
18 size, and we are matching that size. If we can see the exhibit,
19 again look at the site plans, and I can show you. Please, Mr.
20 Young. Thank you.

21 So as it currently stands, the rear yard is a parking
22 pad with a wood fence for privacy to the rear yard. You'll see
23 that we are setting back the garage to match the face of the
24 neighboring garage to the west and matching their depth as well.
25 The only difference is that our garage will be two stories to

1 | their one, and we don't believe this will have any effect on the
2 | light or air or privacy of the neighbor.

3 | If we can go to the next slide, please. The existing
4 | conditions showing the wood fence privacy, showing the one-story
5 | garage to the west.

6 | Next slide, please. And here is our plans, at a grade
7 | and the second floor. The access from the rear yard with a stair
8 | up to the second floor with a stair landing to the garage. We
9 | have received support from HBRB, the ANC, and numerous neighbors
10 | on the block. And I will stop there and wait for questions.

11 | CHAIRPERSON HILL: Okay. Thank you, Mr. Putnam. Thank
12 | you for your presentation. Before I turn to my Board, can I hear
13 | from the Office of Planning?

14 | MR. BEAMON: Good afternoon, Board members. For the
15 | record, Shepard Beamon with the Office of Planning. OP has
16 | reviewed the application for the request of special exception
17 | relief from lot occupancy and finds that the request meets the
18 | criteria for Subtitles E and X. Therefore, OP is recommending
19 | approval. And with that, I'll take any questions.

20 | CHAIRPERSON HILL: Thank you. Does the Board have any
21 | questions of the Applicant and/or the Office of Planning? Okay.

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

23 | MR. YOUNG: We do not.

24 | CHAIRPERSON HILL: Okay. Mr. Putnam, is there anything
25 | you'd like to add at the end?

1 MR. PUTNAM: No, thank you, Mr. Chairman.

2 CHAIRPERSON HILL: Okay. Great. Thank you. All right.
3 I'm going to go ahead and close the hearing and the record. Mr.
4 Young, if you could please excuse everyone. Okay.

5 I thought this was relatively straightforward. I
6 didn't have any issues with the lot occupancy request. I do
7 appreciate the report that was put forward by the Office of
8 Planning as well as that of the ANC, and then all of the outreach
9 that the Applicant has actually gone through with regard to a
10 variety of other neighbors and people that were in support. And
11 I'm going to be able to vote in favor of this application,
12 including CHRS that gave their approval for it.

13 Mr. Smith, do you have anything you'd like to add?

14 MR. SMITH: I have nothing to add. I will support.

15 CHAIRPERSON HILL: Thank you.

16 Commissioner Stidham.

17 COMMISSIONER STIDHAM: Nothing to add either, and I
18 also support.

19 CHAIRPERSON HILL: Thank you. All right. I'll go
20 ahead and make a motion to approve Application No. 21245 as
21 captioned and read by the secretary and ask for a second. Mr.
22 Smith.

23 MR. SMITH: Second.

24 CHAIRPERSON HILL: Thank you. Madam Secretary, could
25 you please take a roll call?

1 MS. MEHLERT: Please respond to the Chair's motion to
2 approve the application. Chairman Hill.

3 CHAIRPERSON HILL: Yes.

4 MS. MEHLERT: Mr. Smith.

5 MR. SMITH: Yes.

6 MS. MEHLERT: Commissioner Stidham.

7 COMMISSIONER STIDHAM: Yes.

8 MS. MEHLERT: Staff would record the vote as three to
9 zero to two to approve Application 21245 on the motion made by
10 Chairman Hill and seconded by Mr. Smith.

11 CHAIRPERSON HILL: Okay. Great. Thank you.

12 Madam Secretary, if I could ask a favor, the next time
13 we do a training, if we could at least look into these accessory
14 buildings and how, like, whether a washer and dryer is in there
15 or a shower is in there. I'm just a little bit -- I just want
16 to know a little bit more about, you know --I don't know, to hear
17 a little bit of the training as to what people think about a
18 washer and dryer and shower being in some of these.

19 MS. MEHLERT: Sure.

20 CHAIRPERSON HILL: Thanks. Anybody else have anything
21 they'd like to say before we adjourn? Okay. I really appreciate
22 you all's patience. It was more confusing than you would know.
23 Okay. You all have a good day. We're adjourned.

24 (Whereupon, the above-entitled matter went off the
25 record at 11:57 a.m.)

C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCBZA

Date: 03-26-25

Place:

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

A handwritten signature in black ink, appearing to read "Rebekah Robinson", written over a horizontal line.

Rebekah Robinson