

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC HEARING

+ + + + +

WEDNESDAY

APRIL 30, 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 BLAKE, Vice Chairperson  
CHRISHAUN SMITH, Commissioner  
ROBERT E. MILLER, Zoning Commission Vice Chair  
TAMMY STIDHAM, Zoning Commissioner  
GWEN WRIGHT, Zoning Commissioner

BOARD OF ZONING ADJUSTMENT STAFF PRESENT:

KEARA MEHLERT, Secretary  
PAUL YOUNG, A/V Operations

The transcript constitutes the minutes from the Regular Public Hearing held on April 30, 2025.

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(9:30 a.m.)

CHAIRPERSON HILL: Good morning, ladies and gentlemen, to the Board of Zoning Adjustment. Today is 4/30/2025. 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 members Chrishaun Smith, Vice Chair Carl Blake, Zoning Commissioners Tammy Stidham, Gwen Wright and Rob Miller.

Today's meeting and hearing agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter. It 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 the OZ hotline number 202-727-5471, once again 202-727-5471, to receive Webex login or call-in instructions.

At the conclusion of a 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

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1 including an affected ANC. A full order may also be needed if  
2 the Board's decision differs from the Office of Planning's  
3 recommendation. Although the Board favors the use of summary  
4 orders whenever possible an applicant may not request the Board  
5 to issue such an order.

6 In today's hearing session everyone who is listening  
7 on Webex or by telephone will be muted during the hearing and  
8 only persons who have signed up to participate or testify will  
9 be unmuted at the appropriate time. Please state your name and  
10 home address before providing oral testimony or your  
11 presentation. Oral presentations should be limited to a summary  
12 of your most important points. When you've finished speaking  
13 please mute your audio so that your microphone is no longer  
14 picking up sound or background noise. Once again, if you're  
15 experiencing difficulty please call the hotline number. It's  
16 also listed on your screen.

17 All persons planning to testify either in favor or in  
18 opposition should have signed up in advance. They'll be called  
19 by name to testify. If this is an appeal only parties are allowed  
20 to testify. By signing up to testify, all participants complete  
21 the oath or affirmation as required by Y-408.7. Requests to  
22 enter evidence at the time of an online virtual hearing such as  
23 written testimony or additional supporting documents other than  
24 live video which may not be presented as part of the testimony  
25 maybe allowed pursuant to Y-103.13 provided that the persons

1 making the request to enter an exhibit explain, a) how the  
2 proposed exhibit is relevant, b) the good cause justifies  
3 providing an exhibit into the record including an explanation of  
4 why the requester did not file the exhibit prior to the hearing  
5 pursuant to Y-206 and, c) how the proposed exhibit would not  
6 unreasonably prejudice any parties. The order for procedures and  
7 special exceptions and variances are pursuant to Y-409.

8           At the conclusion of each case an individual who is  
9 unable to testify because of technical issues may file a request  
10 for leave to file a written version of the planned testimony to  
11 the record within 24 hours following the conclusion of public  
12 testimony in the hearing. If additional written testimony is  
13 accepted then the parties will be allowed a reasonable time to  
14 respond as determined by the Board. The Board will then make  
15 its decision at its next meeting session but no earlier than 48  
16 hours after the hearing.

17           Moreover, the Board may request additional specific  
18 information to complete the record. The Board and staff will  
19 specify at the end of the hearing exactly what is expected and  
20 the date when persons must submit the evidence to the Office of  
21 Zoning. No other information shall be accepted by the Board.

22           Finally, the District of Columbia Administrative  
23 Procedures Act requires a public hearing on a case be held in  
24 the open before the public. However, pursuant to Section  
25 405(b)(4) and 406 of that Act the Board may, consistent with its

1 rules and procedures and the Act, enter into a closed meeting on  
2 a case for the purposes of seeking legal counsel on a case  
3 pursuant to D.C. Official Code Section 2-575(b)(4) and/or  
4 deliberate on a case pursuant to D.C. Official Code Section 2-  
5 575(b)(13) but only after providing the necessary public notice  
6 in the case of an emergency closed meeting after taking a roll  
7 call vote.

8 Madam Secretary, do we have any preliminary matters?

9 MS. MEHLERT: Good morning, Mr. Chairman and members  
10 of the Board.

11 Regarding the schedule today, Application No. 21264 of  
12 SIM Development, LLC has been postponed to July 16th, 2025 and  
13 Application No. 21265 of Sennai Ghezze has been postponed also  
14 to July 16th, 2025. Any other preliminary matters will be noted  
15 when the case is called.

16 CHAIRPERSON HILL: Okay. Great. Thank you.

17 Good morning everybody. Let's see. As I think I  
18 mentioned the other day, I have a hard stop in the early afternoon  
19 as I'm going to do my best to move as efficiently as possible  
20 through the day. And so that being the case, Madam Secretary, I  
21 believe our first Commissioner is Commissioner Wright and also  
22 we have a decision if I'm not incorrect.

23 MS. MEHLERT: Yes. The first case is in the Board's  
24 meeting session. It's Application No. 21262 of Ian Packman and  
25 Ellen Carlson. This is a self-certified application pursuant to

1 Subtitle X, Section 901.2 for a special exception under Subtitle  
2 D, Section 5201, from the requirements for a rear yard pursuant  
3 or from the rear yard requirements of Subtitle D, Section 207.1  
4 and the lot occupancy requirements of Subtitle D, Section 210.1.

5 It's for a two-story rear addition to an existing two-  
6 story attached principal dwelling. It's located in the R-3/GT  
7 zone at 2728 O Street, Northwest, Square 1239, Lot 864. This  
8 case was heard on April 2nd and the Board requested submissions  
9 from the parties and closed the record for a decision.  
10 Participating are Chairman Hill, Vice Chair Blake, Mr. Smith and  
11 Commissioner Wright.

12 CHAIRPERSON HILL: Okay. Good morning. Good morning  
13 everybody. Let's see.

14 So what, we took live testimony concerning this case  
15 and there was a lot of concern from the neighbors and the ANC  
16 about the request and so, you know, as, I'm kind of clarifying  
17 this for more the people that were participating in the case,  
18 this is before us as a special exception. So the Zoning  
19 Commission, they set the regulations and so what we are supposed  
20 to do is help interpret those regulations and if there's something  
21 that's a special exception and if that criteria is being met,  
22 then it's something that we are not, we don't have to approve  
23 it, but something we're supposed to kind of approval and that's  
24 because of the way that the regulations are set up. However, we  
25 have to determine whether or not we think that the criteria is

1 met to approve those special exceptions.

2           In this particular case the Applicant is coming in for  
3 rear yard relief and they have 20 foot required, they have 9.3  
4 feet existing and they have 9.3 feet proposed. Now that doesn't  
5 really, does not really change there in that particular relief  
6 because there's already a small amount of the property that is  
7 in the nine foot area, 9.3 foot area. The lot occupancy is going  
8 up about 4.3 percent it looks like from what's existing to what  
9 is allowed and I think you can go up to 70 percent I think it is  
10 by special exception.

11           Then what we're looking at, again, is the criteria as  
12 to whether or not we think they're meeting the different things  
13 we are supposed to take a look at such as light, air, privacy,  
14 enjoyment for the neighboring properties and whether or not, you  
15 know, it really, it's kind of going to harm the overall zoning  
16 integrity of the special exceptions being requested.

17           For me what this came down to, again, was there was a  
18 window that was going to be covered over if this were to take  
19 place and then also, you know, privacy concerns of the neighbor  
20 of the property to the south and I believe it was. So, I mean,  
21 the window, we have this at-risk window discussion often because  
22 it does come up from time to time and in this particular case, I  
23 mean there was a discussion whether or not it was an at-risk  
24 window, whether or not that again is looking into the backyard  
25 of the property before those properties were split.

1           Once the properties were split, I believe that the  
2 people that split the properties sold the property and therefore  
3 benefited from the sale of the property and then also created  
4 another lot that then there also has rights, right? And so that  
5 window I think actually is at-risk and can be covered up because  
6 it's the property owner who now has bought the property's ability  
7 to use their lot as they should be allowed to do.

8           So I'm not, I don't really think that, and the window  
9 is in a stairwell which is also, you know, I completely understand  
10 why the property owner would not want that window to be covered  
11 but, again, they kind of sold that lot, not they particularly but  
12 whoever owned that property sold the lot that was their backyard.  
13 So I think that that window can be covered over because of the,  
14 the items, the notes that I just mentioned.

15           Then the privacy issues I think, in terms of light and  
16 air I don't think that there's any difference with the light and  
17 air that any of the other properties would get if this were  
18 actually to be built. Because of where it's kind of set back  
19 you can't even really see anything from the roads. I mean, you  
20 have to kind of look back through there and I don't think the  
21 light and air is affected for any other property. If anything,  
22 it's affected, the air would be affected by the people that are  
23 proposing to do this but, you know, this is what they want to do  
24 for their own property. So I don't think that there's a light  
25 and air issue. It's the privacy issue for the people that are

1 to the south that I was most interested in looking at more closely  
2 and that's why I asked for the items as to where these windows  
3 were in relation to where the windows are now.

4           So the current property the way it is, they have a  
5 window on the third floor and on the second floor. So they have  
6 kind of windows that are looking into the southern side and then  
7 they also have I guess on the southern side windows there are  
8 three windows there looking to the property to the north that is  
9 the proposed property.

10           I mean, I do feel bad that this property owner doesn't  
11 want this work to be done. However, I don't really think rises  
12 to the fact that it's an undue situation, right? Like, we're  
13 supposed to look at undue impacts. It's not that there isn't an  
14 impact, there's going to be an impact on anything that gets done,  
15 it's whether or not, you know, I'm just talking about myself now.  
16 I believe it's undue. I don't think that moving, you know, that  
17 filling in the area that the property owner is trying to fill in  
18 is necessarily any more, causes any more problems to the property  
19 to the south than it already has with what it's kind of looking  
20 at.

21           The way that the property owner is proposing to  
22 alleviate some of the people in opposition's concerns are by  
23 frosting the windows, right, or frosting some windows and I'm a  
24 little bit torn about the window frosting to be quite honest. I  
25 understand the frosting on the windows in the bathroom and I

1 think that's fine. I mean, I don't see how that really is going  
2 to affect the people that are doing the work, right? The frosting  
3 that's taking place on the third floor, I think what we've done  
4 in the past is we've had frosting on the bottom half of the  
5 windows so that the top half of the windows can still allow light  
6 in and so what would happen is that if people were sitting down,  
7 they couldn't look out and if they were standing up you could  
8 obviously look out but it then still does allow light inside the  
9 property that's being proposed.

10 I think that the windows that are on the southern side,  
11 again, for this building who is in opposition, I think they're  
12 kind of small windows. I mean, you're not really, it's difficult  
13 to look into those windows. I mean, if anything it's easier to  
14 look out of the small windows at the bigger windows that the  
15 property is being proposed.

16 So, all that being said and I guess you're kind of  
17 hearing the direction I was going, I'm going to approve. I think  
18 that they're meeting the criteria. I mean, I went back over the  
19 Office of Planning's recommendation and their report and I also  
20 agreed with the Office of Planning's report. I get it. I  
21 understand that the property owner that is in opposition is  
22 disappointed and upset about what might be proposed here, but I  
23 think that the conditions that are being put forward with the  
24 screening on the, you know, the shading of the windows I think  
25 would alleviate any real concerns and that we, us here in the

1 District of Columbia, we live close to everybody so we really,  
2 you know, we're seeing into people's houses on a pretty regular  
3 basis in some angle or another. You can't not see into people's  
4 homes usually and they can see into yours.

5 But in any case, that's where I am. I think they're  
6 meeting the criteria. I don't think this arrives at the level  
7 of undue impact and I think that I'm going to be voting in favor  
8 of this application.

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

10 COMMISSIONER SMITH: Chairman Hill, I think you  
11 sufficiently summed up the metrics of this particular case and  
12 how I believe they meet the burden of proof for us to grant the  
13 special exception. But I do want to revisit some of the  
14 conversation that was had at that last hearing.

15 So I believe there was some discussion by parties in  
16 opposition and maybe the ANC regarding the amount of special  
17 exceptions that are received for rear yard relief as well as lot  
18 occupancy relief, and I just want to reiterate this. Georgetown  
19 is the oldest area of the District. It pre-dates the District.  
20 So there are a large amount of properties that may be  
21 nonconforming as it relates to lot occupancy, as it relates to  
22 rear yard, any type of yard requirement based on the age of the  
23 lots in question and the buildings in question. So that's the  
24 reason why we have this process to evaluate whether the requested  
25 relief is appropriate.

1           So based on the criteria for special exceptions, we are  
2 tasked with reviewing whether the requested nature of relief has  
3 impacts related to privacy, light and air and whether that's  
4 undue. Based on what I see what's in the record and to the extent  
5 of this addition, I do not believe that the requested relief  
6 rises to the level of having a undue adverse impact on the  
7 adjacent properties. The proposed addition would be by and large  
8 in line with the existing, of the southern wall of the existing  
9 homes and the adjacent properties. So I do believe that it's  
10 met the criteria proof for us to grant the special exception.

11           Regarding this concern about privacy and the windows  
12 of the party in opposition, same thing, the windows of the  
13 extended home. Just as you stated, this is the District of  
14 Columbia. We're in the oldest area of the District of Columbia  
15 in Georgetown. There is some measure of closeness to properties  
16 and I do not believe or am comfortable with conditioning glazing  
17 windows of the office to avoid the neighbor who also has an office  
18 with windows across the street from being able to see into the  
19 new office of their neighbor.

20           I think in this case I would highly recommend that's a  
21 civil matter and I would highly recommend that both of the  
22 adjacent property owners consider how best to interact with their  
23 neighbors in a civil manner to address any type of privacy  
24 concerns at that level. I will not recommend any type of glazing  
25 in any of the windows in this particular case.

1           So with that I give the Office of Planning's staff  
2 report, I can't even remember the term right now, my God, it's  
3 in the morning. Let's say I'll just recommend approval of the  
4 special exception. It's too early, Chairman Hill. You're on  
5 mute.

6           CHAIRPERSON HILL: That's okay. We're going to get on  
7 a roll pretty soon because we have to work through this day  
8 efficiently. Let's see. Well, we'll come back to the glazing  
9 discussion.

10           Mr. Blake?

11           VICE CHAIRPERSON BLAKE: Sure, Mr. Chair. I will go  
12 through this as quickly as I can.

13           I reviewed this case record in detail including  
14 supplemental filings and also took into consideration some of the  
15 issues that were raised by the parties in opposition. I do  
16 believe that the Applicant has met the burden of proof to be  
17 granted the relief as you and Board member Smith pointed out.  
18 When you look at D-5201, it's clear from the light and air  
19 perspective this will result in a loss of direct sunlight and air  
20 flow to the adjacent property to the west. This is primarily  
21 because the addition will block and necessitate the removal of a  
22 window of the adjacent property, that is like the shared property  
23 line.

24           But as you pointed out, I believe this is a hallway  
25 window and it doesn't serve any main rooms of the dwelling. Also

1 I understand from the testimony provided during the hearing that  
2 this was, as you pointed out, once a part of the rear addition  
3 to the property to the west. But it was separated and sold and  
4 there is no evidence in the record of an easement or covenant  
5 providing continued access to that air space. So also the owner  
6 to the south expressed concerns that the proposed addition would  
7 absorb the natural light as well as reflect it creating just a  
8 harsh layer. A shadow study indicates that the impact of direct  
9 light on both the property to the south and west would be  
10 negligible. Considering these factors, I don't believe that the  
11 light and air available to neighboring properties would be unduly  
12 affected.

13           With regard to privacy, you know, looking at the  
14 illustrations provided by the Applicant and the photographs  
15 provided by the parties in opposition the addition should not  
16 compromise the privacy of the use and enjoyment of the neighboring  
17 properties. There don't appear to be any privacy issues as it  
18 relates to the adjacent property to the east or the west. The  
19 new addition would however include windows parallel to the  
20 neighboring property to the south looking into the north facing  
21 side wall of that property.

22           Now, looking at the illustrations provided by the  
23 Applicant as well as photographs provided by parties in  
24 opposition, it appears that those views from the windows on the  
25 first floor into the property to the south don't appear

1 significantly more intrusive than the existing views from the sun  
2 porch and while the distance of a second level may be closer with  
3 the proposed glazing, privacy may actually be even greater. I  
4 mean, when you consider these factors I don't believe the addition  
5 should compromise the privacy, use and enjoyment of the  
6 neighboring properties and I believe the privacy issue goes both  
7 ways, as Board member Smith pointed out. But I would be willing  
8 to support a condition requiring frosted windows on the bathroom  
9 and partially frosted on the windows of the upper floor, as  
10 Chairman Hill you recommended or suggested.

11           With regard to visual intrusion. The addition will be  
12 visible from 28th Street. The design, which is supported by the  
13 Old Georgetown Board, is in keeping with the neighborhood ANC.  
14 We're required to give great weight to the issues and concerns  
15 raised by the affected ANC. ANC 2E expressed concern about the  
16 over-building of the neighbor's window and that the construction  
17 is a relatively large house on a relatively small lot might impede  
18 light and air flow to neighboring properties. I believe the  
19 record has demonstrated that the project's impact on those on the  
20 use of enjoyment to neighboring properties did not rise to the  
21 undue level, particularly in urban areas like this.

22           The ANC also expressed concern that the proposed  
23 addition might affect neighborhood character and encouraged the  
24 Applicant to reduce the footprint of the proposed addition that  
25 already exists. While I completely understand the Commission and

1 neighbor's concerns about the integrity and purpose of the rear  
2 yard and lot occupancy required in the zone, I disagree with the  
3 ANC's categorization that this a relatively large house on a  
4 relatively small lot. This is actually a very small addition on  
5 a relatively small house with a footprint of about 500 square  
6 foot and it's on a very small lot with an area of only 770 square  
7 feet versus a requirement of 4,000 for the zone.

8           So the requested relief, as I see it, is in harmony  
9 with the regulations and maps. The relief is anticipated by the  
10 regulations and the proposed addition would have no discernible  
11 impact on the character, the buildings and the open space of the  
12 R-3/GT zone. I give great weight to the Office of Planning's  
13 recommendation for approval and I will be voting in support of  
14 this application.

15           CHAIRPERSON HILL: Thank you, Mr. Blake. As I said  
16 we'll come back to the glazing discussion and see what happens.

17           Commissioner Wright?

18           ZC COMMISSIONER WRIGHT: Well, I agree with what my  
19 colleagues have said. I particularly want to associate myself  
20 with what Mr. Blake said. I think he laid out the issues very,  
21 very clearly and I agree completely. I would be interested in  
22 some glazing, particularly on the bathroom windows and maybe half  
23 height glazing on some of the other windows to deal with some of  
24 the concerns that have been raised. But otherwise I will be  
25 voting in favor of this application.

1 CHAIRPERSON HILL: Okay. Great. Okay.

2 So it sounds like we're all fine with the glazing,  
3 well, I don't know. We're all fine with the glazing in the  
4 bathroom, correct? Okay.

5 So I don't mean to get stuck on this, but I am a little  
6 torn about the glazing on the upstairs window. I think that  
7 what, the reason why we're talking about the glazing on the  
8 upstairs window is because there is concern from the neighbors,  
9 right? Had there been no concern from anybody, we wouldn't be  
10 talking about glazing probably at all and even the bathroom window  
11 that, you know, whoever is there is going to have some kind of  
12 curtains or something to keep, so they have some privacy, right?  
13 So we wouldn't even have probably a discussion about glazing on  
14 the bathroom window.

15 So I don't know. I mean, I think, I mean definitely  
16 think that glazing the whole window is just ridiculous. You  
17 know, that's, like, you know, it just doesn't even make any sense  
18 to me and so, and I guess, you know, Mr. Smith is making a decent  
19 argument which is that, you know, again, the privacy issue goes  
20 both ways, right? So, like, if somebody's sitting down and  
21 working at their desk they can look out just as well as anybody  
22 can look in, but I'm a little bit, you know, I don't know. We  
23 can go around the horn again.

24 I mean, do you, Mr. Blake, have, because I don't know  
25 what to do. Do you, Mr. Blake, have, you know a strong opinion

1 | about the glazing on the bottom half of the window?

2 |           VICE CHAIRPERSON BLAKE: No. Actually I must state  
3 | that I agree with your assessment that half, partial glazing on  
4 | the upper floor is fine and also that the bathroom made sense.  
5 | As I said, privacy goes both ways and so I think that would  
6 | accomplish a lot in terms of privacy for the subject property as  
7 | well as the adjacent property. So I'm in support of that.

8 |           I do not see, there's no pause for glazing on the  
9 | windows where the sun, well, on the lower level, so I don't think  
10 | that would change because that's the same. So I'm very  
11 | comfortable with what you've recommended.

12 |           CHAIRPERSON HILL: No, I appreciate that. What I  
13 | thought was that Mr. Smith was saying there's no glazing on the  
14 | third floor at all. Is that, Mr. Smith --

15 |           COMMISSIONER SMITH: Exactly. That's exactly what I'm  
16 | saying. So I'm comfortable with, can everyone hear me? Am I  
17 | coming in?

18 |           CHAIRPERSON HILL: Yeah, yeah, we can hear you.

19 |           COMMISSIONER SMITH: I thought you zoomed in so I didn't  
20 | know if I was low.

21 |           I am only comfortable with glazing the bathroom  
22 | windows. I am not comfortable with glazing any of the other  
23 | windows that are proposed.

24 |           CHAIRPERSON HILL: I understand. I understand. And  
25 | so that's what I'm asking, and I'm going to turn to Commissioner

1 Wright also in a second.

2           That's what I'm kind of stuck with. I don't even know,  
3 I might go with the comments that Mr. Smith is making in that,  
4 as you Mr. Blake mentioned, privacy goes both ways and that if  
5 we didn't have opposition we wouldn't be talking about glazing  
6 at all probably, right? And so I'm torn with the, I mean, we  
7 definitely are seeing them on the same place, the third floor,  
8 the top floor, no glazing, right? So what Mr. Smith is arguing  
9 is that there shouldn't be any glazing on the top floor and so  
10 that's what I'm trying to understand as to how strong you all's  
11 opinions are on glazing the bottom half of the top floor. One  
12 point I will mention is they did, the Applicant put it forward  
13 so I guess they're comfortable enough with it as well.

14           But so I, again, turn to you, Mr. Blake. Do you have  
15 a strong opinion one way or the other?

16           VICE CHAIRPERSON BLAKE: Okay, sure.

17           My opinion is strong. I am comfortable with the partial  
18 glazing. I am also comfortable with no glazing as you pointed  
19 out. I can go with partial glazing of the upper floor.

20           CHAIRPERSON HILL: Okay.

21           Commissioner Wright?

22           ZC COMMISSIONER WRIGHT: I agree. I think what we're  
23 all struggling to do is to have some acknowledgement of the  
24 southern property owner's concerns and trying to help address or  
25 alleviate some of their concerns with this glazing. I could go

1 either way. I would be happy with no glazing except maybe on  
2 the bathroom. I think the bathroom needs glazing, or half glazing  
3 plus the bathroom. But, you know, I think that, you know, I hate  
4 to be wishy washy but I could go either way.

5 CHAIRPERSON HILL: Okay. Okay.

6 This is going to, I don't know either. I mean, I'm  
7 going to pause here again because I also don't know what to do.  
8 I'm also stuck, right? I think that, I'm looking at this glazing  
9 right now, like, to me it also seems a little, it doesn't seem  
10 very practical to have the glazing on the lower half. I'm looking  
11 at Exhibit 37B, right? And so I'm in 37B and I'm looking at the  
12 glazing. So what I can't figure out is whether or not the privacy  
13 is something that is rising to an undue level where those bottom,  
14 where the bottom half of those windows need to be glazed and I'm  
15 now leaning towards the fact that I think it doesn't arise to an  
16 undue level to have those, even the bottom half glazed.

17 I think that, again, as this was mentioned many times,  
18 we're in one of the oldest neighborhoods in the city and, you  
19 know, if I went thinking about Old Town Alexandria, I know you  
20 all got, like, some experience there. Everybody's built right  
21 next to everybody, right? And so, you know, I'm now leaning  
22 towards again the glazing on the bathroom window and no glazing  
23 on any other windows and that's where I think Mr. Smith is and --

24 ZC COMMISSIONER WRIGHT: And I can go for that also.

25 CHAIRPERSON HILL: Okay. There we go. I got three.

1 Okay.

2 And so, Mr. Blake, did we convince you or are you going  
3 to stay with your half glazing?

4 VICE CHAIRPERSON BLAKE: No, no. I was indifferent  
5 from the beginning so, yes, I am perfectly comfortable going with  
6 this option.

7 CHAIRPERSON HILL: Okay.

8 VICE CHAIRPERSON BLAKE: As Commissioner Wright pointed  
9 out, it was an issue to try to provide some degree of  
10 acknowledgement of the owner to the south's concerns. But I do  
11 think, as you pointed out, it's (indiscernible).

12 CHAIRPERSON HILL: Okay. All right.

13 I'm going to make a motion then to approve Application  
14 No. 21262 as captioned and read by the secretary with the plans  
15 that were submitted with glazing only on the bathroom windows,  
16 and ask for a second. Mr. Blake?

17 VICE CHAIRPERSON BLAKE: Second.

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

20 MS. MEHLERT: So to clarify, is that a condition that  
21 you are including regarding the bathroom window glazing?

22 CHAIRPERSON HILL: I guess it's a condition. I don't  
23 remember how we do the glazing. But you can go ahead and put it  
24 as a condition.

25 MS. MEHLERT: Okay.

1 Please respond to the Chair's motion to approve the  
2 application with the condition.

3 Chairman Hill?

4 CHAIRPERSON HILL: Yes.

5 MS. MEHLERT: Vice Chair Blake?

6 VICE CHAIRPERSON BLAKE: Yes.

7 MS. MEHLERT: Mr. Smith?

8 COMMISSIONER SMITH: Yes.

9 MS. MEHLERT: Commissioner Wright?

10 ZC COMMISSIONER WRIGHT: Yes.

11 MS. MEHLERT: Staff would record the vote as four to  
12 zero to one to approve Application 21262 with the condition, on  
13 the motion made by Chairman Hill and seconded by Vice Chair Blake.

14 CHAIRPERSON HILL: Okay. Great.

15 Commissioner Wright, is that it for you today? All  
16 right. You have a lovely day. Okay.

17 What number are we doing next now again, Madam  
18 Secretary?

19 MS. MEHLERT: I believe we were moving Application No.  
20 21275 up next.

21 CHAIRPERSON HILL: Okay.

22 MS. MEHLERT: In the hearing session.

23 CHAIRPERSON HILL: I think that is correct. You may  
24 go ahead and call it up, please.

25 MS. MEHLERT: Next in the Board's hearing session is

1 Application 21275 of HSMG Properties, LLC. As amended, this is  
2 a self-certified application pursuant to Subtitle X, Section  
3 901.2 for special exception under Subtitle U, Section 203.1(h)  
4 to allow a daytime care use, under Subtitle C, Section 714.3 from  
5 the screening requirements for external surface parking spaces,  
6 of Subtitle C, Section 714.1 and Subtitle C, Section 714.2 and  
7 under Subtitle C, Section 715.9 from the landscaping requirements  
8 of a surface parking lot under Subtitle C, Section 715.

9 This is for a child development center for 118 children  
10 and 25 staff in a portion of an existing three-story detached  
11 building. Located in the R1-B zone at 4401 16th Street,  
12 Northwest, Square 2701, Lot 809, and as a preliminary there are  
13 two motions from the Applicant to waive the 30 day supplemental  
14 filing requirements. The submissions include a revised self-  
15 certification and transportation statement and are in the record  
16 at Exhibits 30A and 30B, and 32A and B.

17 CHAIRPERSON HILL: Okay. Great. All right.

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

20 MS. WILSON: Hi. My name is Alex Wilson from Sullivan  
21 & Barros on behalf of the Applicant in this case. We do have  
22 our transportation expert, Ms. Nicole White, as well as the  
23 owners, Maribel and Hussain, and our architect on the line if  
24 there are any questions, but I plan to present the bulk of the  
25 presentation.

1 CHAIRPERSON HILL: Okay.

2 Ms. Wilson, we'll see where we get. What are the two  
3 things that you're trying to get in?

4 MS. WILSON: Oh. It was a revised self-certification.  
5 We had a somewhat last minute determination from the Zoning  
6 Administrator regarding the parking and screening requirements,  
7 and so we added that in. And then after an additional discussion  
8 with DDOT, we made minor revisions to the transportation study  
9 that was already in the record.

10 CHAIRPERSON HILL: Okay.

11 Tell me that again? What did you revise? The self-  
12 cert to include what?

13 MS. WILSON: So we added in the parking, sorry, the  
14 screening and landscaping relief so we can maintain the parking  
15 lot as is and we went back to the ANC last night to present that  
16 information and they voted on that and that is in the record as  
17 well.

18 CHAIRPERSON HILL: Okay. And they voted, so you're  
19 saying they voted on the landscaping and the parking issues?

20 MS. WILSON: Correct. They did.

21 CHAIRPERSON HILL: Okay.

22 MS. WILSON: Yeah. A unanimous vote in support twice  
23 now from the ANC. They've been great.

24 CHAIRPERSON HILL: Okay.

25 So, Ms. Wilson, I guess, like, I'm getting some advice,

1 | pushback, whatever, from different people that, like, we have to  
2 | become -- in terms of notice, like, when we change things that  
3 | are in the self-certified application we're supposed to get 30  
4 | days and so I guess that's something that I just want to throw  
5 | out for your firm I guess. That, you know, when we change those  
6 | types of things if it rises to the level that we think there is  
7 | a notice issue, you guys might get kicked down the road, okay?

8 |           And so if in this particular case I think that the, I  
9 | understand the reasons why you're making the change and I guess  
10 | I'm comfortable enough with the timing of that also given that  
11 | the ANC had an opportunity to hear those changes. It would just  
12 | kind of be more a matter of the public at large that would have  
13 | been kind of a concern to me, but in this particular case I think  
14 | that, you know, it didn't change the plans enough to where I have  
15 | an issue. So unless the Board has any issues, I'm going to go  
16 | ahead and allow all these changes into the record and move  
17 | forward. If you have any issues, please let me know. Okay.

18 |           All right, Ms. Wilson. Why don't you go ahead and give  
19 | us your presentation. Let us know why you think your client is  
20 | meeting the criteria for the relief requested, and you can begin  
21 | whenever you like.

22 |           MS. WILSON: Great. Thank you so much and we appreciate  
23 | the flexibility with that and the poster did include that relief,  
24 | I just want to note that for the record.

25 |           CHAIRPERSON HILL: Okay.

1 MS. WILSON: Thank you. Mr. Young, could you please  
2 go to the next slide? Thank you.

3 The property is currently improved with a large church  
4 located in the R1-B zone and the Applicant is proposing to  
5 adaptively re-use the church building and convert it to a child  
6 development center, a daycare, Soles Montessori, with 118  
7 children and 25 staff members and the Applicant is not proposing  
8 any changes to the building envelope nor any substantial internal  
9 demolition and intends to use the structure as is. Next slide,  
10 please.

11 CHAIRPERSON HILL: Ms. Wilson, again. One of the things  
12 that I know that might be of concern is how the trash is going  
13 to get moved around. So if you, I know it's in your presentation  
14 but that's something we'll want to talk about. Okay?

15 MS. WILSON: Absolutely. So a child development center  
16 use requires special exception approval in this zone and that's  
17 why we are in front of the Board today. Additionally, as we  
18 discussed initially the Applicant plans to use the existing on-  
19 street parking lot for parking, pick-up and drop-off and so  
20 although some past interpretations have exempted existing  
21 nonconforming lots pre-dating 2016 from certain landscaping and  
22 screening requirements, the ZA's office recently determined that  
23 the change of use will trigger a de novo review of the lot and  
24 so that's why we are requesting the relief from the screening and  
25 landscaping sections so that the lot can remain as is.

1           And then I'll discuss this more herein, but there is a  
2 DDOT comment. There are four spaces that we're proposing that  
3 are located in public space and so those require a Public Space  
4 permit, and since whatever we submit to the record and whatever  
5 may get approved has to be identical to what we eventually do,  
6 we are requesting a condition that would allow for flexibility  
7 with those parking spaces located in public space. Either  
8 configuration is well over the required amount of space, but we  
9 just don't want to have to do a modification if Public Space  
10 doesn't approve the four parking spaces and so we did discuss  
11 this condition with the ANC and they were supportive of that as  
12 well. Next slide, please.

13           This is a view from 16th Street. Next slide, please.

14           This is the view from Webster. Next slide, please.

15           This is an aerial view. Next slide, please.

16           In terms of community and agency support, the Office  
17 of Planning is recommending approval. DDOT has no objection.  
18 The Applicant agrees to the proposed conditions and has provided  
19 a TDM plan and this is the condition we are requesting, this  
20 flexibility based on the DDOT note for the spaces in public space  
21 that will provide 13 zoning compliant off-street parking spaces  
22 in addition to eight stacked spaces and we'll talk more about  
23 this in a few slides. And then the Applicant may, if approved  
24 by Public Space provide an additional four spaces in public space.

25           ANC 4E voted unanimously to support on March 25th and

1 | voted again last night for the newly added relief in this  
2 | condition and we received another unanimous vote and that report  
3 | was submitted last night. There are nine letters of support in  
4 | the record from neighbors including the only directly and  
5 | abutting adjacent neighbor to the north and the church located  
6 | across from Webster and multiple community meetings were held and  
7 | the neighbors have been extremely receptive and supportive. Next  
8 | slide, please.

9 |           The proposed school, Soles Montessori, is an early  
10 | childhood education facility operated by Maribel Gutierrez-Shehab  
11 | and Hussain Shehab and they currently own two nearby Montessori  
12 | schools under the same name. These existing locations both within  
13 | a mile of the new site are leased and are facing expiring leases  
14 | and the Applicant needs to consolidate operations into a single  
15 | owned location. Next slide, please.

16 |           So the existing building will be converted to  
17 | classrooms and administrative space. There are already some  
18 | classroom and admin spaces on the south side so there's limited  
19 | interior work proposed. The second floor of the sanctuary will  
20 | remain as an open space potentially usable as an indoor play  
21 | area. Plans potentially include an outdoor play area that is  
22 | also subject to Public Space approval and the Applicant  
23 | acknowledges that the BZA approval doesn't give that Public Space  
24 | approval but we did include it in the plans with that note.

25 |           Similarly, there are four spaces in that red box

1 highlighted there located in Public Space and that's where the  
2 requested condition comes in, so that these can be added if we  
3 are approved but they're not required. So that way if there's a  
4 zoning reviewer looking at the order it's clear where that  
5 flexibility is.

6 In terms of trash and pest control, there is a screened  
7 dumpster off the alley with (audio interference) --

8 CHAIRPERSON HILL: Did we lose Ms. Wilson?

9 MS. WILSON: -- particular and then with the ANC. And  
10 then pest control on a monthly basis is already happening on site  
11 and that was another item that was discussed at the community.  
12 Next slide, please.

13 These are the floor plans. This shows the first floor  
14 with (audio interference) areas as well as staff (audio  
15 interference) storage, reception and kitchenette. Next slide,  
16 please.

17 This shows the indoor area. It's already an open area,  
18 as well as the staff break room, offices and one classroom on  
19 that floor. Next slide, please.

20 And then the third floor is for the older preschoolers.  
21 Next slide, please.

22 So regarding the requested capacity, we are seeking up  
23 to 118 children and up to 25 staff members. Many will already  
24 come from the existing school. There are daycare hours from 8  
25 to 5:30 with parents having the option to have some before and

1 after care if needed. The age range is primarily from six weeks  
2 to five years, but as the summer sessions are not always full a  
3 summer program would be available for children up to 13 years  
4 including siblings or other local children, but all within that  
5 118 student path, and then we wanted to include it here so it's  
6 clear for any other administrative approval. Next slide, please.

7 The Applicant's proposal aligns with the intent and  
8 purpose of the zoning regulations. Particularly for this area  
9 it's defined by institutional, religious, educational and  
10 diplomatic uses. The former church at this location was no longer  
11 viable and was, according to some neighbors, a potential nuisance  
12 property at times. Rather than constructing a new building, the  
13 Applicant proposes an adaptive re-use that fulfils a community  
14 need, consolidates two separate schools and is not disruptive to  
15 the fabric of the community. The property is on a corner with  
16 an adjacent alley limiting direct impact to only one abutting  
17 neighbor to the north who is supportive and has submitted a letter  
18 in support.

19 There is ample on-site parking to accommodate staff and  
20 family needs, preventing spillover into neighborhood parking and  
21 there's a 25 foot separation between the subject building and the  
22 neighboring home due to the confined side yards and no activities  
23 will occur on that side yard, and there is an existing fence  
24 between the properties. Next slide, please.

25 In terms of the specific requirements, the proposed

1 facility is designed to avoid objectionable traffic for sticky  
2 issues during child pick-up and drop-off. With ample on-site  
3 parking, a designated lot everything will take place entirely on  
4 the property. Regarding play areas, there is a proposal to have  
5 an outdoor play area if approved. In the event approval isn't  
6 granted or in the event that they want to take the children around  
7 to nearby parks such as Upshur Park, to ensure safety to off-  
8 site travel they'll use the adult to child supervision ratios as  
9 they do in the center along with block grips for older children  
10 and wagons and strollers. The Applicant will comply with any  
11 requirements the Board deems necessary.

12 I'll note again, the neighbor requested the Applicant  
13 fence in the garbage to avoid any illegal dumping and that's  
14 shown on the site plans. And then regarding the last condition,  
15 there is a nearby child development center called Amazing Life  
16 Games. It's located across from 16th Street and Grace Lutheran  
17 Church (audio interference) operates subject to a BZA order. It  
18 serves 35 children ages two and a half to five with only five  
19 staff members and so Soles will serve children as young as six  
20 weeks addressing a critical gap in care for infants and toddlers  
21 and the proposal aims to consolidate two existing schools into  
22 one central facility continuing to serve the current families,  
23 many of whom are local residents and then accommodate children  
24 on the wait list generally from this area as well, and so the  
25 proximity of multiple centers is not expected to negatively

1 | impact the neighborhood as the proposed operations have been  
2 | designed to minimize traffic, noise, and other distractions.  
3 | Next slide, please.

4 |           So this is the relief that was added a few weeks ago  
5 | once we learned that this parking lot would not be grandfathered  
6 | in and then the BZA noted the change of use triggers the 2016  
7 | regulations to retroactively apply. This parking lot has  
8 | operated in the same configuration for decades. Retroactive  
9 | compliance to meet the screening or landscaping requirements  
10 | would require demolition and reconfiguration, contradicting the  
11 | project's cost effective adaptive re-use approach. It would also  
12 | reduce the number of functional parking spaces and potentially  
13 | disrupt some safe pick-up and drop-off operations which are vital  
14 | for a child care facility, let's say, if we had to move operations  
15 | elsewhere.

16 |           In terms of neighborhood context and impact, the area  
17 | is primarily comprised of other institutional and religious  
18 | properties along 16th Street with very similar parking  
19 | arrangements. The parking lot is not visually disruptive. It  
20 | has some setbacks and there are no pedestrian areas where, or  
21 | exist where the screening would otherwise be required. It's  
22 | required where the lot meets the alley.

23 |           And so, again, the project emphasizes adaptive re-use  
24 | and enforcing new parking construction standards would undermine  
25 | this approach and we will look for ways to upgrade and update

1 the existing parking lot where possible in the future, including  
2 potential landscaping in existing public space, if required by  
3 DDOT during permitting. And we also spoke to DDOT before we  
4 applied for this relief and they were support specifically of the  
5 screening because they want to keep free access to the alley. If  
6 you could please go to the next slide.

7 This just more clearly shows where the alley meets the  
8 parking lot. Next slide, please.

9 And then I just wanted to quickly show this. So this  
10 is how we could technically meet the screening requirements.  
11 It's an odd requirement and you can meet it by adding small areas  
12 of fence along the alley so long as the gaps are limited to 20  
13 feet. We've had clients do this to avoid relief but this is  
14 clearly not the intent and, again, DDOT supports the free access  
15 to the alley. It's consistent with their guidelines as they  
16 noted at a meeting, whereas the screening would not be and the  
17 relief will allow for smooth operations and no disruption to the  
18 long time use of the lot. Next slide, please.

19 This is another view. Next slide, please.

20 Thank you, and with that I will turn it over to Ms.  
21 White to highlight some of the transportation characteristics.

22 MS. WHITE: Good morning. Nicole White, principle with  
23 Symmetra Design. Next slide, please.

24 So we received a favorable report from DDOT with no  
25 objection to the project with a few conditions and the Applicant

1 is supportive of the conditions including the ability to provide  
2 indoor and outdoor bicycle spaces. We submitted a TDM plan into  
3 the record as part of the initial transportation statement and  
4 we have adapted additional measures suggested by DDOT and those  
5 are listed here on the slide. Next slide, please.

6 So site access is off of the alley in between Allison  
7 and Webster Streets. We are proposing, and DDOT is supportive,  
8 of making the alley one way south bound for daycare users only  
9 so this would ensure safe and efficient access for parents  
10 dropping off. The alley would remain as a two-way alley for non-  
11 daycare users. Next slide, please.

12 And Alex has already mentioned the parking spaces.  
13 There are five parking spaces required by zoning. The site would  
14 provide between 21 and 25 spaces depending on if the four spaces  
15 are approved as part of the occupancy permit process. We have  
16 13 zoning compliant spaces, eight non-compliant stacked spaces  
17 and four stacked spaces in public space. Next slide, please.

18 For pick-up/drop-off operations you'll see the spaces  
19 in red in the front would be designated for the staff to use and  
20 the stacked spaces would be allowed for parents to use for pick-  
21 up and drop-off and I already mentioned that the alley would be  
22 converted to one-way for parents to use and that information will  
23 be documented in the handbook for parents. Next slide, please.

24 And then we've outlined and are prepared to have the  
25 language for the parent handbook entered in as part of the

1 condition just to make sure parents are aware of the policies  
2 for the alley use and the enforcement penalties for policy  
3 violations. Next slide, please.

4 And, again, we have a transportation demand management  
5 plan that will reduce traffic and parking demands and we have  
6 agreed to the additional four measures proposed by DDOT in DDOT's  
7 report and the TDM plan could become a part of the conditions of  
8 approval. Next slide, please.

9 That concludes my presentation.

10 MS. WILSON: Thank you. That concludes the  
11 presentation. We do have additional data if there are any  
12 questions.

13 CHAIRPERSON HILL: Okay. Great. Thank you, Ms. Wilson.

14 Before I turn to my Board, can I hear from the Office  
15 of Planning?

16 MS. MYERS: Good morning. Crystal Myers with the Office  
17 of Planning.

18 The Office of Planning is in support of this case and  
19 can stand on the record of the staff report.

20 Thank you.

21 CHAIRPERSON HILL: Thank you. All right. Let's see.

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

23 MR. YOUNG: We do not.

24 CHAIRPERSON HILL: Okay. All right.

25 My fellow Board members, do you have any questions for

1 anybody?

2 (Pause.)

3 CHAIRPERSON HILL: Okay. All right.

4 My questions really just are a little bit about the  
5 conditions, I guess. Like, the DDOT conditions, Ms. Wilson,  
6 they're all in your TDM plan, right?

7 MS. WILSON: The rest of the DDOT conditions are in the  
8 TDM plan. The only one that isn't listed is the condition from  
9 5/7 regarding the 13 zoning compliant spaces and then the ability  
10 to add the four in.

11 CHAIRPERSON HILL: Right. The one that you wanted to  
12 point out there --

13 MS. WILSON: Correct.

14 CHAIRPERSON HILL: -- so you have some flexibility?

15 MS. WILSON: Correct.

16 CHAIRPERSON HILL: Okay. Okay.

17 I don't know if my Board members have any issues. I  
18 don't really have any issues with that condition today because,  
19 like, it allows basically for flexibility about public Space and  
20 I guess I don't want them to have to come back here if Public  
21 Space allows those parking spots. But I'm just looking to my  
22 Board if you all have any thoughts about that, against it.

23 (Pause.)

24 CHAIRPERSON HILL: Okay. All right.

25 And as far as the conditions, I would just go with the

1 TDM plan I got to say, Ms. Wilson, because, like, some of the  
2 stuff with the Public Space and the bike parking, like, I don't  
3 know how to work through that because I don't have Public Space  
4 yet. So I would be in favor of using those as a condition. But  
5 I would be in favor of putting the TDM plan in there as a condition  
6 and it lists most of the things that DDOT was speaking to anyway  
7 and the Applicant has put that as they're comfortable with.

8 Ms. Wilson, do you have anything you'd like to add at  
9 the end?

10 MS. WILSON: No. Thank you so much.

11 CHAIRPERSON HILL: Okay.

12 Mr. Young, I'm going to close the hearing and the  
13 record. Please excuse everyone.

14 (Pause.)

15 CHAIRPERSON HILL: Okay. Thanks.

16 I'm comfortable with the application. I'm comfortable  
17 with what the Applicant has put forward in terms of how they're  
18 meeting the requirements. I think that, you know, the fact that  
19 the property is not being expanded and it seems as though I am  
20 understanding about how they're going to be handling trash and  
21 also the traffic and also using the property in a way that I  
22 think would be helpful for the community. I would be in favor  
23 of adding the TDM plan as a condition as well as the condition  
24 that the Applicant has requested primarily for flexibility so  
25 that if the Applicant does get approved by Public Space they

1 don't have to come back to change the plans.

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

3 COMMISSIONER SMITH: I have nothing to add, Chairman  
4 Hill. I'm comfortable with the application and the conditions  
5 that are being requested and will support the application.

6 CHAIRPERSON HILL: Thank you.

7 Mr. Blake?

8 VICE CHAIRPERSON BLAKE: Thank you, Mr. Chairman.

9 I'm in favor of the application. I give great weight  
10 to the Office of Planning's recommendation for approval and also  
11 give great weight to the ANC's report which was submitted at the  
12 end providing, in support with no issues or concerns. I'll be  
13 voting in favor.

14 CHAIRPERSON HILL: Thank you.

15 Commissioner Miller?

16 ZC VICE CHAIRPERSON MILLER: Good morning, Mr.  
17 Chairman.

18 Yes, I support the application. I appreciate the  
19 presentation by Ms. Wilson and Ms. White and the report by the  
20 Office of Planning, and written report that we've received from  
21 DDOT. I appreciate the Applicant's community outreach  
22 particularly in this case, their going back to the ANC after they  
23 needed to make some modifications because of the ZA consultation.  
24 So, they got unanimous support twice as they noted from ANC 4E  
25 plus support from many neighbors and I appreciate that the

1 Applicant said that they were going to try go through the Public  
2 Space approval process in getting an outdoor play area if they  
3 can. I think that would be a good use, so I hope they're  
4 successful in that effort. But, as you noted, there is a public  
5 park just a few tenths of a mile away, but that would be great  
6 if they could get outdoor play right on the property. So I'm  
7 supportive of this application and I concur with my colleagues.

8 Thank you.

9 CHAIRPERSON HILL: Thank you, Commissioner Miller, and  
10 also good morning to you.

11 I'm going to make a motion to approve Application No.  
12 21275 as captioned and read by the secretary, and also including  
13 the condition that the Applicant will provide 13 zoning compliant  
14 off-street parking space and eight additional non-compliant  
15 parking spaces in a stacked configuration. The Applicant may  
16 also provide four additional stacked parking spaces in Public  
17 Space along the Webster Street northwest right of way but only  
18 if a Public Space occupancy permit is approved and that they also  
19 implement the TDM plan as proposed, and ask for a second. Mr.  
20 Blake?

21 VICE CHAIRPERSON BLAKE: Second.

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

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

1 Chairman Hill?

2 CHAIRPERSON HILL: Yes.

3 MS. MEHLERT: Vice Chair Blake?

4 VICE CHAIRPERSON BLAKE: Yes.

5 MS. MEHLERT: Mr. Smith?

6 COMMISSIONER SMITH: Yes.

7 MS. MEHLERT: Commissioner Miller?

8 ZC VICE CHAIRPERSON MILLER: Yes.

9 MS. MEHLERT: Staff would record the vote as four to  
10 zero to one to approve Application 21275 with conditions on the  
11 motion made by Chairman Hill, and seconded by Vice Chair Blake.

12 CHAIRPERSON HILL: Okay.

13 I will ask for our next item of business, please, Madam  
14 Secretary.

15 MS. MEHLERT: Next is back to the Board's meeting  
16 session. This is appeal No. 20183, The Residences of Columbia  
17 Heights, A Condominium. These are motions pursuant to Subtitle  
18 Y, Section 700 for reconsideration or in the alternative a request  
19 pursuant to Subtitle Y, Section 703 for a technical correction  
20 to the Board's order issued March 4th, 2025 in the appeal pursuant  
21 to Subtitle Y, Section 302 from a decision made on September  
22 30th, 2019 by the Zoning Administrator, Department of Consumer  
23 and Regulatory Affairs to issue building permit No. B1908601 to  
24 permit a new building with 50 residential apartments for short  
25 term family housing.

1           It's located in the MU-5A zone at 2500 14th Street,  
2 Northwest, Square 2662, Lot 205.

3           CHAIRPERSON HILL: Okay.

4           So I know you guys, welcome, Dr. Imamura. So one person  
5 pops out, another person pops in. So I kind of don't understand  
6 this. I kind of do and I kind of don't. The final order has  
7 already been issued. They want reconsideration but not  
8 necessarily the final order. They're kind of wanting  
9 reconsideration or technical corrections of basically what seems  
10 to be a process of ours. So if not all of the original members  
11 were on the case, we have kind of a cover letter that says that  
12 if anyone wants to present exceptions to the Board concerning the  
13 drafted order, then they can go ahead and so so. We don't ask  
14 for "arguments" to be made, it's just whether they have any  
15 exceptions to the order.

16           We got some exception to the order from parties that  
17 basically seem to repeat their argument that we rejected and then  
18 gave our explanation as to why we rejected those arguments. So  
19 I don't really see the need to reopen this or make any technical  
20 corrections. Why this kind of happens or why I believe or  
21 understand this happens is that if somebody were to read the  
22 transcript if they weren't there and maybe there was a nuance in  
23 the language that they missed, it's an opportunity for somebody  
24 to point out the nuance in the language.

25           It's, again, not a time to make new, you know, revise

1 | the arguments or make new arguments and so, I mean, we might take  
2 | a look at our cover letter but we've been using that cover letter  
3 | now for 20-some years or a very long time. So I'm not in favor  
4 | of either one of these motions and so I'll be denying or voting  
5 | to deny.

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

7 |           COMMISSIONER SMITH: Nothing to add. I'll be voting  
8 | to deny.

9 |           CHAIRPERSON HILL: Thank you.

10 |           Mr. Blake?

11 |           VICE CHAIRPERSON BLAKE: Mr. Chair, I agree with you.  
12 | I will be voting to deny. I believe that the letter itself does  
13 | reference the official Code and the section which does speak to  
14 | this. I would also indicate that the Code itself says the  
15 | opportunity and expectation, exceptions and present argument to  
16 | the majority of Board members who render a decision.

17 |           In this case the motions, like you said, the motions  
18 | don't address the final order and they don't acknowledge a claim  
19 | of error in the final order. There no alleged error and I think  
20 | in this particular instance the Appellant had the opportunity to  
21 | comment and they did and they elaborated on the commentary. The  
22 | Board reviewed it and rendered its opinion of that. So I believe  
23 | that the requirement was met and I, because again I see no alleged  
24 | error in respect to the final order, so I would not be in support  
25 | of the motion to reconsider.

1 CHAIRPERSON HILL: Thank you.

2 Dr. Imamura?

3 (Pause.)

4 CHAIRPERSON HILL: We can't hear you, Dr. Imamura. No.

5 ZC COMMISSIONER IMAMURA: Is that better?

6 CHAIRPERSON HILL: Yes.

7 ZC COMMISSIONER IMAMURA: Great.

8 I'm in agreement with Mr. Blake and Board member Smith  
9 as well as yourself, Mr. Chairman, and prepared to deny.

10 CHAIRPERSON HILL: Thank you.

11 I'm going to make a motion to deny the request for  
12 reconsideration or in the alternative technical corrections to  
13 Appeal No. 20183 as read by the secretary and ask for a second.  
14 Mr. Blake?

15 VICE CHAIRPERSON BLAKE: Second.

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

18 MS. MEHLERT: Please respond to the Chair's motion to  
19 deny the request in Appeal No. 20183.

20 Chairman Hill?

21 CHAIRPERSON HILL: Yes.

22 MS. MEHLERT: Vice Chair Blake?

23 VICE CHAIRPERSON BLAKE: Yes.

24 MS. MEHLERT: Mr. Smith?

25 COMMISSIONER SMITH: Yes.

1 MS. MEHLERT: Dr. Imamura?

2 ZC COMMISSIONER IMAMURA: Yes, to deny.

3 MS. MEHLERT: Staff would record the vote as four to  
4 zero to one to deny the motion in Appeal No. 20183 on the motion  
5 made by Chairman Hill and seconded by Vice Chair Blake.

6 CHAIRPERSON HILL: Okay. Great. Thank you. All right.

7 Dr. Imamura, you have a good day and pop in to whatever  
8 next meeting you have to pop in to.

9 ZC COMMISSIONER IMAMURA: All right. Thank you. You  
10 all have a good day.

11 CHAIRPERSON HILL: Let's see. Madam Secretary, you can  
12 call our next one.

13 MS. MEHLERT: Next in the Board's meeting session is  
14 Application No. 21177 of the D.C. Department of General Services.  
15 This is a request pursuant to Subtitle Y, Section 700 for  
16 reconsideration of an order issued on March 18th, 2025 that  
17 approved subject to conditions a special exception under Subtitle  
18 X, Section 900.3 to allow an extension of enlargement of a use  
19 that was originally permitted and lawfully established as a  
20 matter-of-right for which the zoning regulations now require  
21 special exception approval under Subtitle I, Section 303.1(c).

22 It is for, improve an enlargement of an existing large  
23 scale government use in an existing structure to serve as a  
24 temporary location for the D.C. Department of Corrections Central  
25 Cell Block pending renovation of its current location. It is

1 | located in the D-4-R zone at 501 New York Avenue, Northwest,  
2 | Square 482-S, Lot 800.

3 |           CHAIRPERSON HILL: Okay. Thanks. Okay.

4 |           So I'm sure all of you remember this case. So we spent,  
5 | gosh, I don't know, countless hours, you know, going through  
6 | this, many days, met a lot of testimony from all different parties  
7 | and came to the conclusion that the Board came to and, you know,  
8 | I don't feel like repeating all of the deliberations that the  
9 | Board had. That's on the record.

10 |           So this basically comes to, again, a reconsideration  
11 | of the order. I mean, it's within the right for those parties  
12 | to ask for reconsideration and I am actually going to align my  
13 | thoughts with the Applicant's response and I'm actually just  
14 | going to read it.

15 |           ANC 2G has failed to identify any error, misapplication  
16 | of fact or material omission in the Board's findings that would  
17 | justify reconsideration. The conclusion regarding the release  
18 | of no paper detainees was supported by the record and provides  
19 | no basis for reconsideration. We had a lot of discussion about  
20 | no paper detainees. ANC's concerns are speculative and not  
21 | supported by any evidence in the record. Speculative future  
22 | impacts were properly found to be outside the zoning analysis and  
23 | provide no basis for reconsideration. The Board properly  
24 | evaluated parking impacts and the ANC 2G has not identified any  
25 | error warranting reconsideration. The ANC's arguments that the

1 parking layout cannot fit within the allocated space is based on  
2 personal observation, not on expert or technical analysis and  
3 zoning approval is not contingent upon completion of the PDRM  
4 process.

5 I'm going to align my discussion on those comments  
6 which I agree with and I will be voting to deny the Motion for  
7 Reconsideration.

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

9 COMMISSIONER SMITH: Chairman Hill, I agree  
10 wholeheartedly with what you just stated that the Applicant  
11 indicated within their letter in opposition to the motion.  
12 Everything that the ANC has raised is completely speculative and  
13 most of it is probably outside of the zoning analysis that this  
14 Board is required to conduct when evaluating these types of  
15 applications. So I will be in opposition to the ANC's motion to  
16 reconsider because there's no basis for it.

17 CHAIRPERSON HILL: Thank you.

18 Vice Chair Blake?

19 VICE CHAIRPERSON BLAKE: I'm aligning myself with those  
20 comments. I believe, also I'd say that the no paper release  
21 issue could, it's really not a zoning issue, it's more of a  
22 Constitutional issue which is beyond the purview of the Board and  
23 also I would argue that the parking issue was found, was resolved  
24 and examined by the Board and the Applicant's representations are  
25 credible, and so I think that if there is an issue they can come

1 back for a modification if need be. So I too will be voting to  
2 deny the Motion for Reconsideration.

3 CHAIRPERSON HILL: Thank you.

4 Vice Chair Miller?

5 ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

6 I agree with your remarks and those of Board members  
7 Blake and Smith. Aligning myself also with the Applicant's  
8 opposition to the ANC 2G's arguments. I believe that our Board's  
9 findings of fact and conclusions of law were based on evidence  
10 in the record and I think we gave great weight to the ANC's  
11 concerns and discussed and deliberated in particularity why we  
12 were going along with whatever conditions or modified conditions  
13 that they were suggesting and why we were not.

14 So there's no error that's been identified so, and/or  
15 change in conditions or new evidence, so I would also join you  
16 all in denying the Motion for Reconsideration by ANC 2G.

17 CHAIRPERSON HILL: Thank you.

18 I'm going to make a motion to deny Application No.  
19 21177 concerning a Motion for Reconsideration as read by the  
20 secretary, and ask for a second. Vice Chair Blake?

21 VICE CHAIRPERSON BLAKE: Second.

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

24 MS. MEHLERT: Please respond to the Chair's motion to  
25 deny the ANC's Motion for Reconsideration in Application No.

1 21177.

2 Chairman Hill?

3 CHAIRPERSON HILL: Yes.

4 MS. MEHLERT: Vice Chair Blake?

5 VICE CHAIRPERSON BLAKE: Yes.

6 MS. MEHLERT: Mr. Smith?

7 COMMISSIONER SMITH: Yes.

8 MS. MEHLERT: Commissioner Miller?

9 ZC VICE CHAIRPERSON MILLER: Yes.

10 MS. MEHLERT: Staff would record the vote as four to  
11 zero to one to deny the motion in Application No. 21177 on the  
12 motion made by Chairman Hill and seconded by Vice Chair Blake.

13 CHAIRPERSON HILL: Okay. Thank you.

14 Madam Secretary, if you could call our next one.

15 MS. MEHLERT: Next is in the Board's, still in the  
16 Board's meeting session. It's an expedited review, Application  
17 No. 21285 of Dana and Dominic Ju. This is a self-certified  
18 application pursuant to Subtitle X, Section 901.2 for a special  
19 exception under Subtitle D, Section 5201 from the rear yard  
20 requirements of Subtitle D, Section 207.1.

21 This is for a new one-story accessory structure in the  
22 rear yard of an existing two-story detached principal dwelling.  
23 It is located in the R-1B zone at 1311 Floral Street, Northwest,  
24 Square 2777, Lot 33.

25 CHAIRPERSON HILL: Okay. Thank you. Okay.

1           So this is here as an expedited review and there seems  
2 to be some discrepancy about what the Office of Planning thinks  
3 might be necessary for relief here versus what the Applicant is  
4 proposing. I know that I've had some discussions with a few  
5 Board members and that this might be something that we want to  
6 pull off expedited review to actually hear from the Applicant and  
7 the Office of Planning to make sure that the relief that's being  
8 requested is correct because we do not want to have to have the  
9 Applicant go through this and I don't want to approve something  
10 that isn't here with the right relief and also then if they have  
11 to revise their self-cert, they should go ahead and do so and  
12 come before us in a way that this is more clean and organized so  
13 that we can actually evaluate what we're supposed to evaluate.

14           So my recommendation would be to pull this off the  
15 expedited review and have a hearing. May I go around the table  
16 and see what you all think starting with you, Mr. Smith.

17           COMMISSIONER SMITH: I agree. We should pull this off  
18 expedited review in order to ensure that the Applicant is getting  
19 the correct relief for their benefit. So I will put.

20           CHAIRPERSON HILL: Thank you. Mr. Blake?

21           VICE CHAIRPERSON BLAKE: Yes. I agree with you, Mr.  
22 Chair. I also add that the ANC 4A has not yet had an opportunity  
23 to review this project and has also not taken a position presented  
24 in Exhibit 22. I also learned that there's nothing in the record  
25 from any of the neighbors and while I recognize this is a self-

1 certified application, I would rather have the Applicant come  
2 back with the right relief having reviewed the project with the  
3 ANC and its neighbors with a complete record.

4 CHAIRPERSON HILL: Thank you.

5 Vice Chair Miller?

6 ZC VICE CHAIRPERSON MILLER: Thanks, Mr. Chairman.

7 Yeah. I totally agree with you, your comments and the  
8 comments of my other colleagues. I'm prepared to go with your  
9 direction.

10 CHAIRPERSON HILL: Thank you, Vice Chair Miller.

11 Madam Secretary, I guess what I would like you to do  
12 if you could reach out to the Applicant and have them review this  
13 if they're not watching right now. You know, they have to work  
14 with the Office of Planning and make sure that they have the  
15 correct relief, or at least the relief that they think they want  
16 to come forward with because the Board is then going to evaluate  
17 the relief that is going to be asked for.

18 We also want to hear from the ANC. We have to have  
19 something from the ANC in terms of their outreach to the ANC and  
20 why the ANC hasn't heard this yet and then also any other  
21 questions that the Board has actually now put forward, the  
22 Applicant should look at this and come prepared because now this  
23 has taken up more time of the Board and it being an expedited  
24 review and having to look at this as an expedited review and  
25 realize they're not here as an expedited review and they should

1 | be here for a hearing.

2 |           So with all that being said, when do you think we might  
3 | be able to have this hearing?

4 |           MS. MEHLERT: So to give the ANC potentially a chance  
5 | to review the application, although they do meet I think next  
6 | week for May, you could schedule it for a hearing on June 11th.  
7 | You only have four cases and two meeting cases that day.

8 |           CHAIRPERSON HILL: Okay. Okay. We only have what?

9 |           MS. MEHLERT: Four hearing cases and two meeting cases  
10 | that day.

11 |           CHAIRPERSON HILL: Hearing cases, okay, let's do that.

12 |           MS. MEHLERT: Okay.

13 |           CHAIRPERSON HILL: Okay.

14 |           So we're going to come back on 6/11. Okay. And then  
15 | if the Office could please pass on what I mentioned to the  
16 | Applicant so that they're prepared the next time.

17 |           Why don't we take a quick break, if that's okay, and  
18 | then we'll come back, we'll try to come back at 11. Let's just  
19 | take a quick ten minute break.

20 |           Thank you.

21 |           (Whereupon, there was a brief recess.)

22 |           CHAIRPERSON HILL: All right. We're going to go ahead  
23 | and do our next one, Madam Secretary, and then we'll see if  
24 | Commissioner Stidham joins us.

25 |           MS. MEHLERT: Next is in the Board's hearing session.

1 It's Application No. 21254 of 1355-1359, LLC. As amended, this  
2 is a self-certified application pursuant to Subtitle X, Section  
3 901.2 for special exceptions under Subtitle G, Sections 207.14  
4 and 5200.1, from the rear yard requirements of Subtitle G, Section  
5 207.1 and under Subtitle H, Section 6007.1(e)(2) to allow an  
6 eating and drinking establishment in an H Street, Northeast  
7 neighborhood next to zone and under Subtitle U, Section 513.1(e)  
8 to allow a fast food establishment in a mixed use zone.

9 This is for new eating and drinking establishment uses  
10 and retail space in an existing building. It's located in the  
11 NMU-4/HA and MU-4 zones at 1355, 1357, 1359 H Street, Northeast,  
12 1355 Rear H Street, Northeast and 1351 Linden Court, Northeast,  
13 Square 1027, Lots 163, 139, 140, 144 and 136, and as a preliminary  
14 matter the Applicant submitted a motion to waive the 30 day  
15 supplemental filing requirements, submissions for revised plans  
16 and the self-certification form which are in the record in  
17 Exhibits 33A and B.

18 CHAIRPERSON HILL: Okay. Thank you.

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

21 MS. WILSON: Hi. Alex Wilson from Sullivan & Barros  
22 on behalf of the Applicant in this case.

23 CHAIRPERSON HILL: Okay. Great.

24 Ms. Wilson, this is the one I was actually trying to  
25 focus more on with the trash. I got confused with the last one.

1 | But why again do you need, what are you trying to add into the  
2 | record?

3 |           MS. WILSON: Sure. The nature of the updates it's to  
4 | provide additional information, not new information or anything  
5 | related to the relief so we submitted a revised self-  
6 | certification with a more precise lot occupancy, 100 percent lot  
7 | occupancy is permitted here but I wanted to make sure we had the  
8 | exact measurement on the second floor and so I was just saying  
9 | we need it. And then the plans were updated to include a second  
10 | trash room based on conversations with the Office of Planning and  
11 | then an FAR chart just to break down the FAR for informational  
12 | purposes.

13 |           CHAIRPERSON HILL: Okay.

14 |           So I guess, again, the same thing. Ms. Wilson, I guess  
15 | some of the, we the Board are trying to do our best to make sure  
16 | that things can be, we can accommodate but we have to make sure  
17 | that we need up to notice regulations and things such as that  
18 | and one of the things may be that in Y-300.17 about showing a  
19 | little bit more good cause as to why we should allow some of  
20 | these things to happen might be helpful for the record in the  
21 | future.

22 |           MS. WILSON: Okay. Understood.

23 |           CHAIRPERSON HILL: And so just kind of pointing that  
24 | out.

25 |           Commissioner Stidham, are you on a tight schedule

1 | because we started this other one and then we'll come to you  
2 | right after this?

3 |           ZC COMMISSIONER STIDHAM: I'm good for a bit. Just  
4 | having some work, we have a power outage so I'm working off my  
5 | cell phone, but I'm here.

6 |           CHAIRPERSON HILL: Okay.

7 |           I'll tell you what then. Why don't we go ahead and, I  
8 | mean if you think -- well, Commissioner Stidham, we'll see how  
9 | long this goes. We'll do you right next. Okay? Okay. Thank  
10 | you.

11 |           Ms. Wilson, if you can go ahead and walk us through  
12 | your client's application and why you believe they're meeting the  
13 | criteria for us to grant the relief requested. I'm going to put  
14 | 15 minutes on the clock so I know where we are and you can begin  
15 | whenever you like.

16 |           MS. WILSON: Great. Thank you. We should have some  
17 | members of the team joining us who can potentially talk more  
18 | about the trash if it's not covered in my presentation. I don't  
19 | see them on but if they join throughout the hearing it would be  
20 | Mr. Ruel and Mr. Askarinam and the project architect, Mr. Rivers,  
21 | just if Ms. Mehlert can keep an eye out or Mr. Young.

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

24 |           The properties are located in both the NMU-4/HA, the H  
25 | Street overlay zone and MU-4 zone. The Applicant is proposing

1 to consolidate two street facing lots and three alley lots to  
2 create one single record lot. I'll go into more detail but we  
3 are seeking special exception for a rear yard in association with  
4 the lot consolidation as well as special exception to some of the  
5 proposed tenant's stalls as fast casual restaurants. Next slide,  
6 please.

7 In terms of community and agency support, the Office  
8 of Planning is recommending approval. The Applicant agreed to  
9 the proposed condition regarding trash. DDOT has no objection.  
10 ANC 6A voted unanimously in support and CHRS supports the  
11 application and there are 26 letters of support in the record as  
12 of April 29th and both adjacent neighbors are supportive. Next  
13 slide, please.

14 This shows the split zoning more clearly with the MU-  
15 4 portion being in orange. Next slide, please.

16 The property consists of five lots totaling about 8,800  
17 square feet. The lots were historically under common ownership  
18 and were most recently used for various retail service and  
19 restaurant purposes. It appears there was some unrestricted  
20 access across a few, if not all, of the properties. While they  
21 remain under common ownership, the proposal seeks to formally  
22 consolidate them into one single record lot primarily to comply  
23 with building code requirements. Zoning-wise, the lots are  
24 already treated as one structure due to the long standing common  
25 ownership and consistent use but building code compliance

1 requires formal lot consolidation to allow for shared  
2 infrastructure and internal connectivity. The project will  
3 retain the existing façade with some minor adjustments and  
4 selective demolition of non-structural walls enclosing parts of  
5 the current open first floor and creating one single structure.  
6 Next slide, please.

7 In terms of the proposed use, the development is  
8 envisioned as a small urban commercial center or mall potentially  
9 featuring coffee, bakery, bar restaurant. There are smaller  
10 spaces proposed to be for retail businesses and local food vendors  
11 and some of the food vendors will require the fast food use  
12 relief. So it's for any of those small spaces that need to obtain  
13 a C of O for fast food, that is why the relief is being requested.  
14 And so all of the other uses except for these fast casual stalls  
15 are allowed by-right in the zone, it's just that there's no in-  
16 between for fast casual compared to fast food or a full  
17 restaurant. There's not an in-between category so anything  
18 that's not strictly restaurant, falls into this fast food  
19 category and must seek relief.

20 In terms of operation, each individual tenant seeking  
21 to serve alcohol must go through the ABRA licensing process  
22 including review by the ANC and a settlement agreement which  
23 often includes items like hours of operation, trash, pest control  
24 and stuff like that. The hours of operation will vary by use.  
25 There are some gym-type spaces proposed and so those uses would

1 open a little earlier than, say, a bar restaurant. There are  
2 multiple trash rooms and the Applicant agreed to the trash  
3 condition proposed by the Office of Planning which is related  
4 directly to the fast food uses, and daily trash pick-ups will  
5 occur for the property. Loading will occur in the alley based  
6 on discussions with DDOT. That's the preferred location because  
7 it's in an unusually large alley with 30 feet in width. Next  
8 slide, please.

9           In terms of special exceptions, we need two, one for  
10 the rear yard and one for the fast casual uses. So there's  
11 currently no rear yard and the proposal is not to expand the  
12 building closer to the alley. Right now the rear lots are alley  
13 lots and so they conform to the alley lot requirements regarding  
14 setbacks from that alley. Once the lots are combined, they will  
15 all be subject to the street facing lot rear yard requirement  
16 which is 15 feet and so for the first 20 feet in height of the  
17 building, rear yard is measured from the center line of the alley.  
18 It's a 30 foot alley and so the first 20 feet in height  
19 automatically meet that 15 feet rear yard requirement without  
20 needing any setback from the rear property line.

21           Once these are all combined, anything above that 20  
22 foot height mark requires rear yard relief and then in addition  
23 to that, the Applicant plans to raise a portion of the rear wall  
24 slightly beyond that 20 foot mark and so the relief is for any  
25 portions of the rear wall inside of that red box. So it's not

1 | for the first floor, it's for any portions of the building above  
2 | 20 feet we need rear yard relief because those would ordinarily  
3 | be required to be set back 15 feet from the property line.  
4 | Anything below that is by-right as it exists now. And then we  
5 | also need relief to use the fast casual or smaller concept  
6 | restaurant spaces as fast food since there's no middle ground.  
7 | Next slide, please.

8 |           These next few slides have photos of the existing  
9 | buildings. Next slide, please.

10 |           This is a view from H Street. Next slide, please.

11 |           It was most recently used as restaurant space. Next  
12 | slide, please.

13 |           This is the view from the alley. Next slide, please.

14 |           This is the view from the alley. Next slide, please.

15 |           Next slide, please.

16 |           This shows the width of the alley. Next slide, please.

17 |           This is the current interior on the first floor. It's  
18 | open to the sky currently. Next slide, please.

19 |           And none of this is structural. I think these were  
20 | created for private spaces during Covid. Next slide, please.

21 |           Formerly used as a beer garden. Next slide, please.

22 |           This is the site plan. I just wanted to highlight the  
23 | 30 foot alley and that's where the loading will take place. Next  
24 | slide, please.

25 |           This is the existing layout and portions are currently

1 open to the elements. Next slide, please.

2           These are the existing elevations. As noted the  
3 property, sorry, the building is already on the rear property  
4 line. Next slide, please.

5           This is the proposed layout with the tenant spaces, T1,  
6 T2 and T3. Next slide, please.

7           These are the proposed elevations. Next slide, please.

8           And then this just shows a little more clearly what's  
9 open to the sky. The red space is what's covered right now.  
10 Next slide, please.

11           And this shows a little better. The first floor is  
12 being covered so all of that will now be FAR space. That's  
13 technically increasing the FAR even though the space is already  
14 there and then there's some rearrangement for the second floor  
15 structures. A little bit more space added, but overall a minimum  
16 change in terms of what's being added and it's all internal to  
17 the lot. Next slide, please.

18           One more telling about the space that's going to be  
19 covered. Next slide, please. Thank you.

20           So the uses are primarily by-right uses except for that  
21 fast food use which are going to be more fast casual or smaller  
22 concept restaurant spaces and not traditional fast food. Based  
23 on the existing improvements, it appears that despite the  
24 separate lots and structures there was some unrestricted access  
25 between the 1355 H Street property and at least two of the alley

1 | lots so the proposal is effectively continuing the unrestricted  
2 | access albeit it under proper Code review and licensing by  
3 | combining the lots formally, making the building safer and  
4 | protecting it from the elements. So given that the other adjacent  
5 | properties are commercial uses and there's no envelope expansion  
6 | resulting from the adaptive re-use, the proposal will not tend  
7 | to adversely affect the use of neighboring properties. Next  
8 | slide, please.

9 |           In terms of the criteria for approval for the rear  
10 | yard, (a) through (c) do not apply. Regarding (d) the proposed  
11 | project will not eliminate or reduce any functional space on the  
12 | site. The requested relief pertains only to a small portion of  
13 | the building above 20 feet at the rear and whether that area is  
14 | setback or not has no effect on service functions such as parking,  
15 | loading or trash. Both the by-right and proposed scenarios offer  
16 | identical space and access for these operations. The property  
17 | will continue to have access from both H Street and the alley  
18 | for loading with a 30 foot wide alley serving as the preferred  
19 | loading area as it likely has in the past, and trash will be  
20 | stored internally and the tenants are expected to coordinate  
21 | daily trash pick-up. Next slide, please.

22 |           In terms of the fast food approval, trash shall be  
23 | stored internally in storage rooms at the rear of the building  
24 | for the fast food uses and this is per the condition proposed by  
25 | OP and agreed to by the Applicant and the requested relief is

1 | limited to a handful of tenants stalls, not the entire building,  
2 | and so we did work with OP to make sure the proposed condition  
3 | was related to the relief for the fast food uses.

4 |           The use is located in the commercial zone in a  
5 | commercial area. The neighbors are supportive and excited in  
6 | fact for new foot traffic and, again, any alcohol service will  
7 | go through the ABRA process including a settlement agreement with  
8 | the ANC. Next slide, please.

9 |           In terms of parking, there's ample public  
10 | transportation. It's considered a walker's paradise. Parking  
11 | is not required and the previous uses on site are effectively the  
12 | same as listing proposed now, eating, drinking, retail and  
13 | service. There will be no objectionable traffic conditions.  
14 | There's public transit. This is a commercial area and, again,  
15 | the Applicant agrees to the related trash condition and speaking  
16 | before the ANC felt there was an understanding that any uses with  
17 | alcohol or any bar-related uses would go through that ABRA process  
18 | which would provide a more detailed discussion with the ANC and  
19 | the settlement agreement process, and we do have unanimous  
20 | support from the ANC and, next slide, please.

21 |           So that concludes the presentation and we are happy to  
22 | answer any questions.

23 |           CHAIRPERSON HILL: Okay. Thank you.

24 |           Before I turn to my Board, can I hear from the Office  
25 | of Planning?

1 MR. JESICK: Thank you, Mr. Chairman, and members of  
2 the Board. My name is Matt Jesick, and the Office of Planning  
3 can rest on the record in support of this application.

4 We are proposing the one condition of approval as noted  
5 by the Applicant, and we appreciate them working with us to get  
6 that in writing and, again, we recommend approval but happy to  
7 answer any questions.

8 Thank you.

9 CHAIRPERSON HILL: Okay. Thank you.

10 Before I turn to the Board, I apologize. Is there  
11 anybody here wishing to speak, Mr. Young?

12 MR. YOUNG: We do not.

13 CHAIRPERSON HILL: Okay. All right.

14 So do my fellow Board members have questions for the  
15 Applicant or the Office of Planning?

16 Vice Chair Miller?

17 ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman,  
18 and thank you, Alex Wilson, for the presentation on behalf of the  
19 Applicant. Again, like in the previous case, I appreciate all  
20 the community outreach that you've done in garnering the  
21 unanimous support of ANC 6A and the Capitol Hill Restoration  
22 Society, and 26 neighbors. That's a lot. So, that's great.

23 And, who is the principle of the Applicant if you can,  
24 if you're able to identify them just for the record? I realize  
25 it's an LLC I think or --

1 MS. WILSON: Yes. So it's Mr. Askarinam who I believe  
2 is a D.C. resident and this is a special project for him. I  
3 think he's on.

4 ZC VICE CHAIRPERSON MILLER: I don't need to hear from  
5 him. What was his name?

6 MS. WILSON: Jonathan Askarinam. If you, page 1 of our  
7 presentation his name is listed with Mr. Ruel.

8 ZC VICE CHAIRPERSON MILLER: Thank you. I appreciate  
9 that.

10 Mr. Jesick, I appreciate your report and I strongly  
11 support the condition that you recommended and the Applicant  
12 agrees to it and I think it probably was part of the ANC's, the  
13 discussion that the Applicant had with the ANC about the design  
14 and mitigating any adverse impacts about the internal trash so  
15 even though that may be outside our direct zoning because I think  
16 there are other regulations that cover that but I think that is  
17 an important mitigation and potential adverse impact.

18 I just have one quick question for you, not question,  
19 maybe a comment. The fast casual may be needed to be looked at  
20 as a separate category in the zoning regulations because this is  
21 being categorized fast food. It's probably, it may need to go  
22 through a special exception process as well and if it does then  
23 maybe we can just leave it there. But I know OP has a huge work  
24 program and we've asked you to do a lot of things and Public has  
25 as well and the Mayor has as well as others. But if OP can look

1 at the fast casual category and see if it needs to be carved out  
2 separately and maybe have separate criteria, then I'd appreciate  
3 that.

4 Thank you, Mr. Chairman. Mr. Jesick, did you want to  
5 say something about that?

6 MR. JESICK: Just thank you for that comment and I'll  
7 be sure that that gets passed on to our leadership.

8 CHAIRPERSON HILL: Okay. Great.

9 Ms. Wilson, who is the property owner? What was his  
10 name?

11 MS. WILSON: It's an LLC but one of the principles is  
12 Mr. Askarinam and then Mr. Ruel should be on as well.

13 CHAIRPERSON HILL: Mr. Young, can you bring those two  
14 forward please, if they're there.

15 MS. WILSON: I see Jonathan. Yeah, they've done the  
16 majority of the community outreach.

17 MR. ASKARINAM: Hi. This is Jonathan Askarinam.

18 CHAIRPERSON HILL: Okay. Great, Mr. Askarinam.

19 MR. ASKARINAM: All right. Let me, I'm just going to  
20 go. This is my family's restaurant. Just give me one second.

21 CHAIRPERSON HILL: Which restaurant is your family's  
22 restaurant, Mr. Askarinam?

23 MR. ASKARINAM: It's called Johnny Pistolas. So we've  
24 been in Adams Morgan for about 50 years. We own the Spaghetti  
25 Garden, Tom Tom, Johnny Pistolas now for about ten years. But

1 my uncle's name is Iraj and my dad's name is Soleiman. They were  
2 partners for many, many years. My uncle passed away a couple of  
3 years ago. But, yeah, it's a family business.

4 CHAIRPERSON HILL: Okay. Great. Okay.

5 MR. ASKARINAM: All right. In response to the trash --

6 CHAIRPERSON HILL: No, no, no, that's okay. That's  
7 okay. I just needed (indiscernible) real quick. I'm making this  
8 go longer than I wanted it to go.

9 Madam Secretary, can you hear me?

10 MS. MEHLERT: Yes.

11 CHAIRPERSON HILL: Can you swear in the witness,  
12 please?

13 MS. MEHLERT: Yes. Please raise your right hand.

14 Do you swear and affirm that the testimony you will  
15 give today is the truth?

16 MR. ASKARINAM: Yes, I do.

17 MS. MEHLERT: (Audio interference).

18 CHAIRPERSON HILL: How do you say your last name, sir?

19 MR. ASKARINAM: Askarinam [As-kari-nam].

20 CHAIRPERSON HILL: Askarinam. Mr. Askarinam, this is  
21 just a personal privilege here. Like, I've got property down the  
22 road and I was just curious as to who was going to move in there  
23 and so, there you go. All right.

24 MR. ASKARINAM: Right.

25 CHAIRPERSON HILL: Anybody have any questions for

1 anybody? Okay. All right.

2 Well, Mr. Askarinam, I mean I'm not saying that too  
3 well.

4 MR. ASKARINAM: Yeah, it's all right. We're working  
5 on it.

6 CHAIRPERSON HILL: Anyway, good luck to you guys. Okay?

7 MR. ASKARINAM: Thank you.

8 CHAIRPERSON HILL: All right. Thank you. All right.

9 Ms. Wilson, do you have anything you'd like to add at  
10 the end?

11 MS. WILSON: Thank you all for your time.

12 CHAIRPERSON HILL: Okay.

13 I'm going to go ahead and close the hearing and the  
14 record. Mr. Young, if you could please excuse everyone.

15 (Pause.)

16 CHAIRPERSON HILL: Okay.

17 As Vice Chair Miller mentioned, I do appreciate all the  
18 work that the Applicant has gone into concerning this project.  
19 It is a very interesting project. It's something that I think,  
20 you know, has been in the discussions within the community for  
21 quite some time. I would agree with the arguments that the  
22 Applicant has put forward concerning the regulations as well as  
23 that of the Office of Planning as well as the feedback that we've  
24 received from the ANC, as well as all the members of the community  
25 who have given their support for this project.

1 I will be voting in support of this project. I did  
2 have a little bit of consternation concerning the condition,  
3 however, I will also agree with Commissioner Miller that it's  
4 fine to add that into the record. We could also have referred  
5 to it in the order, but I'm also comfortable leaving it in as a  
6 condition.

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

8 COMMISSIONER SMITH: I don't have anything to add. I  
9 agree with keeping it in as a condition as well and I will support  
10 that.

11 CHAIRPERSON HILL: Okay.

12 Vice Chair Blake?

13 VICE CHAIRPERSON BLAKE: Mr. Chairman, I'm in support  
14 of the application. As for the condition, I am comfortable with  
15 keeping it in.

16 CHAIRPERSON HILL: Okay. Great.

17 Vice Chair Miller?

18 ZC VICE CHAIRPERSON MILLER: I concur with my  
19 colleagues and I support that condition.

20 CHAIRPERSON HILL: Thank you. All right.

21 I'm going to go ahead and make a motion to approve  
22 Application No. 21254 as captioned and read by the secretary,  
23 including the condition recommended by the Office of Planning,  
24 approval subject to conditions requiring indoor storage of trash  
25 associated with fast food use, no trash recycling containers in

1 public space, exterior doors to any trash room must be kept  
2 closed, and ask for a second. Vice Chair Blake?

3 VICE CHAIRPERSON BLAKE: Second.

4 CHAIRPERSON HILL: Motion made and seconded. Madam  
5 Secretary, take a roll call.

6 MS. MEHLERT: Please respond to the Chair's motion to  
7 approve the application with condition.

8 Chairman Hill?

9 CHAIRPERSON HILL: Yes.

10 MS. MEHLERT: Vice Chair Blake?

11 VICE CHAIRPERSON BLAKE: Yes.

12 MS. MEHLERT: Mr. Smith?

13 COMMISSIONER SMITH: Yes.

14 MS. MEHLERT: And Commissioner Miller?

15 ZC VICE CHAIRPERSON MILLER: Yes.

16 MS. MEHLERT: Staff would record the vote as four to  
17 zero to one to approve Application 21254 with the condition, on  
18 the motion made by Chairman Hill and seconded by Vice Chair Blake.

19 CHAIRPERSON HILL: Thank you.

20 Mr. Miller, if you could please excuse us and we'll  
21 bring in Commissioner Stidham. Thank you. Great.

22 And, Madam Secretary, if you can call our next case  
23 concerning Commissioner Stidham.

24 MS. MEHLERT: Yes. This is the Board's meeting session.  
25 It is Application No. 21240 of 71 Florida Ave 39, LLC. This is

1 a self-certified application pursuant to Subtitle X, Section  
2 901.2 for a special exception under Subtitle U, Section 203.1(J)  
3 to allow a healthcare facility use for 16 persons. This is a  
4 new 16-bed healthcare facility in an existing two-story detached  
5 building with basement.

6 It is located in the R-2 zone at 4237 Eads Street,  
7 Northeast, Square 5889, Lot 72. This was heard on March 26th  
8 and April 23rd and scheduled for a decision, and participating  
9 are Chairman Hill, Vice Chair Blake, Mr. Smith and Commissioner  
10 Stidham.

11 CHAIRPERSON HILL: Okay. Thank you.

12 So I have a suggestion for this. There was another  
13 facility like this that the Applicant had also put forward and  
14 it's going to be decided -- and, Madam Secretary, if you can  
15 please look up when the decision date is again -- but we had  
16 asked for some feedback from the Applicant concerning suggested,  
17 not even necessarily a condition, but could suggest a condition  
18 I guess that could be used to possibly mitigate some of the  
19 concerns that had been brought up during the hearing. And what  
20 I would like, and then the ANC was going to have a chance to kind  
21 of look at those and go through that again and then we were going  
22 to come back to vote on that particular hearing.

23 What I would like to do is postpone this again until  
24 we have that decision, therefore we can take a look at the items  
25 that the Applicant is putting forward concerning that application

1 and actually I can ask Madam Secretary how are we going to be  
2 able to do this because I noticed a couple of things that the  
3 Board may be interested in sharing, and I'll go around the table  
4 to hear from the Board if I'm missing anything. But if there's  
5 a way to reach out to the Applicant to ask them to add the same  
6 information that they're adding for that case into this case,  
7 right? And if we need to then leave, I don't want to complicate  
8 things. I don't have to have it if it's going to mess up the  
9 timing on when we're supposed to get feedback. So, because I  
10 can look at what they're going to submit on the next time and  
11 then use it to at least have a mental discussion about this case.

12           The other that I know is that there has been some  
13 suggestions from people concerning a time limit, whether that be  
14 five years or eight years or three years or ten years. I wanted  
15 to give the Applicant an opportunity to understand that the Board  
16 may be looking at a time limit and if they did have a time limit,  
17 if we did start thinking about a time limit, what time limit  
18 would the Applicant understand or think might be something they  
19 could work around.

20           And I know the reason for this is, again, going from  
21 the matter-of-right eight up to 16 and, again, I know that that  
22 difference is now just eight but it's kind of figuring out whether  
23 or not that is going to arise to any kind of an issue with the  
24 community prior to us making a decision. So to clarify, Madam  
25 Secretary, it would be, like, if there's some way if you could

1 | look while we're going through this with the Board. The feedback  
2 | that we're giving right now to the Applicant to what we previously  
3 | asked on the previous application and also give them time to  
4 | respond to a possible time limit that we're discussing now.

5 | All that being said, I'm going to go around the Board  
6 | and see if I'm missing anything or what my Board members have to  
7 | think and start with you, Mr. Smith.

8 | COMMISSIONER SMITH: No. I think you're covering  
9 | everything, Chairman Hill.

10 | CHAIRPERSON HILL: Thank you.

11 | COMMISSIONER SMITH: From my standpoint.

12 | CHAIRPERSON HILL: Thank you.

13 | Vice Chair Blake?

14 | VICE CHAIRPERSON BLAKE: I think you're covering  
15 | everything as well, Mr. Chair. Thank you.

16 | CHAIRPERSON HILL: Thank you.

17 | Commissioner Stidham?

18 | ZC COMMISSIONER STIDHAM: I also agree you're covering  
19 | everything very well.

20 | CHAIRPERSON HILL: Thank you.

21 | Madam Secretary, do you have some dates or suggestions?

22 | MS. MEHLERT: So the other application that I believe  
23 | you're referencing is 21249 on Clay Street and that is scheduled  
24 | for a decision on May 14th. So if you want to put them both on  
25 | the same day, you know, the Applicant could submit a response to

1 the term limit proposal perhaps by Friday and then the ANC could  
2 respond by next Friday.

3 CHAIRPERSON HILL: When did we ask for the submissions  
4 on the previous case?

5 MS. MEHLERT: So submissions are due this Friday, May  
6 2nd, from the ANC and the Applicant.

7 CHAIRPERSON HILL: Okay.

8 On everything they did do?

9 MS. MEHLERT: You asked for a list of proposed  
10 conditions from the Applicant.

11 CHAIRPERSON HILL: And then the ANC was going to have  
12 a week to respond?

13 MS. MEHLERT: Correct. And you also asked for, like,  
14 the transcript and videos from the ANC meeting.

15 CHAIRPERSON HILL: On the 2nd?

16 MS. MEHLERT: On the 2nd.

17 CHAIRPERSON HILL: So I guess, right. If the Applicant  
18 could, and if the Office could please reach out to the Applicant  
19 to see if the Applicant could include whatever information they  
20 think might be applicable to 21240 from the previous case by  
21 Friday, the 2nd for this case that would also be helpful, and  
22 then the Applicant can make some comments about the discussion  
23 about a time limit for both 21240 and what was the other number  
24 again?

25 MS. MEHLERT: 21249.

1 CHAIRPERSON HILL: And 21249. So they can talk about  
2 it, because we're also going to be talking about a time limit  
3 for 21249 and at least discussing that. I just know the Board  
4 has some interest in that discussion, so if the Applicant would  
5 like to submit anything to the record by Friday the 2nd and the  
6 ANCs can also going to respond to anything by the 9th, then we  
7 can come back here again on the 14th for a decision about this  
8 case.

9 Madam Secretary, does that work?

10 MS. MEHLERT: Oh, yes. That's fine.

11 CHAIRPERSON HILL: No, I got it. I just thought you  
12 were writing something down. Okay. All right.

13 Commissioner Stidham, are you on the other one also?

14 ZC COMMISSIONER STIDHAM: Yes.

15 CHAIRPERSON HILL: Is that your day? You don't know.

16 ZC COMMISSIONER STIDHAM: It's not but I can make it  
17 work.

18 CHAIRPERSON HILL: Okay.

19 Well, we'll try to work around your schedule. If you  
20 have to be in the morning or whatever, just let us know. I can't  
21 remember whether we promised somebody else the morning slot that  
22 day or not, but we'll do whatever you need to do and you can just  
23 talk to the office. Okay?

24 ZC COMMISSIONER STIDHAM: Great. Thanks.

25 CHAIRPERSON HILL: All right, Commissioner. Thank you

1 | for joining us.

2 |           ZC COMMISSIONER STIDHAM: Thank you. Have a good  
3 | afternoon.

4 |           CHAIRPERSON HILL: Bye bye. Okay.

5 |           I'm just going to keep chugging along here and do my  
6 | best to actually finish before we have to eat. So if anybody  
7 | needs a break let me know, but I'm going to keep chugging.

8 |           Madam Secretary, you may call our next one.

9 |           MS. MEHLERT: Next case after the Board's hearing  
10 | session, next would be Application 19887-A of Marjorie  
11 | Hutchinson. This is a request pursuant to Subtitle Y, Section  
12 | 704 for a modification with hearing to remove a condition of  
13 | approval adopted in the order approving Application No. 19887.  
14 | This would actually modify Condition No. 10 of the original order  
15 | concerning the storage of trash at a restaurant in the RF-1  
16 | zone.

17 |           It's located at 1724 North Capitol Street, Northwest,  
18 | Square 3105, Lot 72. The public hearing began on September 11th,  
19 | 2024, was continued on April 9th, 2025. The Board requested  
20 | additional submissions and scheduled a continued hearing.  
21 | Participating are Chairman Hil, Vice Chair Blake, Mr. Smith and  
22 | Commissioner Miller.

23 |           CHAIRPERSON HILL: Okay. Great.

24 |           If the Applicant can hear me, if they could please  
25 | introduce themselves for the record.

1 MS. STEDMAN: Janet Stedman for Jam Doung Style.

2 CHAIRPERSON HILL: Okay. Great. Thank you. Good  
3 morning.

4 MS. STEDMAN: Good morning.

5 CHAIRPERSON HILL: Okay. Let me see here. One second,  
6 please.

7 MS. STEDMAN: Okay.

8 CHAIRPERSON HILL: Okay. All right.

9 So I'm going to allow my Board to ask any questions  
10 that they may or may not have. I'm going to, before I do that,  
11 I do want to thank the Applicant for all of the photographs that  
12 have been put into the record concerning what we have asked for  
13 and then I'm going to, again, hear from the Office of Planning  
14 about their revised thoughts concerning the condition, and then  
15 ask again the Applicant some questions about the HPO process and  
16 before I do that, Mr. Young, is there anyone here wishing to  
17 speak?

18 MR. YOUNG: I --

19 MS. STEDMAN: I did have a witness but I don't know.  
20 He's a teacher so I don't know if he had to hop off the line.

21 MR. YOUNG: Yeah. We had one witness signed up and  
22 we've been unable to get into contact with him recently, but I'll  
23 keep an eye out for him.

24 CHAIRPERSON HILL: That's okay.

25 Ms. Stedman, that was somebody who was going to testify

1 | in favor of your application?

2 |           MS. STEDMAN: That is correct, yes. He lives straight  
3 | across the street from me.

4 |           CHAIRPERSON HILL: Okay. All right. Okay.

5 |           Let me do this. Again, I see all of the information  
6 | that you have added to the record, as the Board has asked for.  
7 | We have gone back and forth on this for quite some time and I  
8 | understand what the Office of Planning is requesting in terms of  
9 | their condition. The modification of the language the Condition  
10 | 10, not the removal but the modification of the language.

11 |           I will mention one thing concerning their  
12 | recommendation that the last piece, the enclosure must be  
13 | constructed out of material compatible with the historic  
14 | district, meaning HPO. I mean, that is something that HPO would  
15 | also enforce and do you know, Ms. Stedman, the exhibit that you  
16 | put in in terms of the shed, is that something that you know HPO  
17 | has already approved?

18 |           MS. STEDMAN: When I spoke with Brendan at HPO, he  
19 | indicated that he would be willing to discuss the shed and any  
20 | other ideas, design idea with me after everything has been decided  
21 | because he didn't want to have a discussion that wasn't really  
22 | necessary if it wasn't approved. So he said he would have a  
23 | discussion with me after everything was approved.

24 |           CHAIRPERSON HILL: Okay.

25 |           And, Ms. Stedman, you'd have to comply with them

1 | regardless so that's something that I understand why they wanted  
2 | to do this in the order that they're trying to do it.

3 |           Mr. Beamon, you want to introduce yourself for the  
4 | record?

5 |           MR. BEAMON: Sure. Good morning if it's morning still.  
6 | Shepard Beamon with the Office of Planning.

7 |           CHAIRPERSON HILL: Okay, Mr. Beamon.

8 |           I got everything that you have in terms of your  
9 | condition. I did mention however I don't think I could agree  
10 | with the last line of it in terms of the enclosure because I  
11 | think, again, that's something that will be complied with during  
12 | the historic process.

13 |           But now, I'm going to turn to my Board. Does my board  
14 | have any questions of anybody?

15 |           ZC VICE CHAIRPERSON MILLER: I don't have any questions  
16 | but I appreciate all the work that everybody has done in response  
17 | to comments in the records by us and others and DDOT and OP's  
18 | additional reports.

19 |           Thank you.

20 |           CHAIRPERSON HILL: Thank you, Vice Chair Miller.

21 |           Mr. Smith? He's shaking his head no.

22 |           Mr. Blake?

23 |           VICE CHAIRPERSON BLAKE: I have no questions, Mr.  
24 | Chair.

25 |           CHAIRPERSON HILL: Okay. Great. All right.

1 Well, Ms. Stedman, it looks like you've been through a  
2 long process. It looks like things are trying to, moving along.  
3 I wish you and your family success with your business endeavors  
4 and I hope you have a nice day.

5 MS. STEDMAN: Thank you.

6 CHAIRPERSON HILL: Okay.

7 I'm going to go ahead and close the hearing and the  
8 record. Please excuse everyone, Mr. Young. Okay.

9 This has been a long process for us. I am comfortable  
10 with where we have ended up. I believe that the Applicant will  
11 continue to do their best and if not improve even upon the way  
12 they're trying to work with the trash concerning also their  
13 neighbors and how the trash is processed. I am comfortable  
14 modifying the language in Condition No. 10, not removal of it,  
15 but modifying the language in Condition No. 10 and I can move  
16 forward with this application.

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

18 COMMISSIONER SMITH: No. I agree with your assessment  
19 of modifying the condition, of Condition 10 and I will support  
20 the application.

21 CHAIRPERSON HILL: Thank you.

22 Vice Chair Blake?

23 VICE CHAIRPERSON BLAKE: Yes, Mr. Chair.

24 We've been through a lengthy discussion about this and  
25 I do think we've finally gotten to a place of comfort, so with

1 that I will support the application.

2 CHAIRPERSON HILL: Thank you. Let's see.

3 Vice Chair Miller?

4 ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

5 I concur with all the comments of my colleagues.

6 CHAIRPERSON HILL: Okay. Thank you. All right.

7 I'm going to make a motion to approve Application No.  
8 19887-A as to request, I'm making a motion that Application No.  
9 19887-A pursuant to Y-704 for a modification to the Condition No.  
10 10, sorry, to Condition No. 10 in the order from Application No.  
11 19887 from April 1st, 2019.

12 This is again to modify the condition as such. The  
13 Applicant, modify Condition 10 as such. The Applicant shall  
14 remove trash and garbage from the property at least three times  
15 per week. The Applicant shall remove grease from the property  
16 on a regular basis as required for business operations. The  
17 Applicant shall remove recycling at least once per week. All  
18 such removals shall occur during morning hours. The Applicant  
19 shall retain a private contractor for all such removals. The  
20 Applicant shall ensure that the, or ensure contractors shall not  
21 block traffic or impede traffic flow.

22 All trash, garbage, grease and recycling shall be  
23 properly stored internally or in a fully covered outdoor  
24 enclosure that should not be moved from the improved location  
25 that we are now approving. The trash enclosure should be properly

1 closed and locked when it is not in use and cleaned and maintained  
2 at a minimum of once a week, cleaned and maintained at a minimum  
3 of once a week, and ask for a second. Mr. Blake?

4 VICE CHAIRPERSON BLAKE: Second.

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

7 MS. MEHLERT: Please respond to the Chair's motion to  
8 approve the Application modifying Condition 10 of the original  
9 order.

10 Chairman Hill?

11 CHAIRPERSON HILL: Yes.

12 MS. MEHLERT: Vice Chair Blake?

13 VICE CHAIRPERSON BLAKE: Yes.

14 MS. MEHLERT: Mr. Smith?

15 COMMISSIONER SMITH: Yes.

16 MS. MEHLERT: And Commissioner Miller?

17 ZC VICE CHAIRPERSON MILLER: Yes.

18 MS. MEHLERT: Staff would record the vote as four to  
19 zero to one to approve Application 19887-A on the motion made by  
20 Chairman Hill and seconded by Vice Chair Blake.

21 CHAIRPERSON HILL: Great. Thank you.

22 You guys, I'm doing so well today. I'm actually going  
23 to survive. Okay. Meaning I have a long drive ahead of me  
24 people, I'm sorry that I'm, anyway. But thank you all very much  
25 for all your help. Can we call the next one, please.

1 MS. MEHLERT: Next is Application No. 21226 of  
2 Alexander-Benons, LLC. As amended, this is an application  
3 pursuant to Subtitle X, Section 901.2 for special exceptions  
4 under Subtitle E, Section 204.4 from the roof top architectural  
5 element requirements of Subtitle E, Section 204.1 to allow  
6 removal or significant alteration of a rooftop architectural  
7 element original to a principal building and under Subtitle E,  
8 Section 207.5 to allow the rear wall of a row building to extend  
9 farther than ten feet beyond the farthest rear wall of any  
10 adjoining principal residential building on any adjacent property  
11 and under Subtitle E, Section 5201 from the rear yard requirements  
12 of Subtitle E, Section 207.1 and from the lot occupancy  
13 requirements of Subtitle E, Section 210.1

14 This is for a new third story with roof deck and three-  
15 story rear addition to an existing attached principal dwelling  
16 for use as a flat. It's located in the RF-1 zone at 1206 Staples  
17 Street, Northeast, Square 4067, Lot 58. This was previously  
18 heard on February 12th, March 19th and April 9th. The Board  
19 requested submissions from the Applicant and scheduled a  
20 continued hearing and participating are Chairman Hill, Vice Chair  
21 Blake, Mr. Smith and Commissioner Miller.

22 CHAIRPERSON HILL: Okay. Great.

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

25 MS. ALEXANDER-BENONS: Yes. Good morning everyone.

1 | It's still morning. My name is Jaranne Alexander-Benons.

2 | CHAIRPERSON HILL: Okay, Ms. Alexander-Benons. Welcome  
3 | back.

4 | MS. ALEXANDER-BENONS: Thank you.

5 | CHAIRPERSON HILL: Let's see here. Okay. Okay.

6 | We asked for a lot of, or we asked for different  
7 | information which is whatever you really were actually trying to  
8 | ask for and then a revised burden of proof, and I see that you  
9 | have, I've reviewed the record and all of the information that  
10 | you have put in there and so what I'm trying to figure out here  
11 | real quick is, I'll tell you what.

12 | Ms. Alexander-Benons, why don't you go ahead and walk  
13 | us through your slide deck and try to do so in an efficient  
14 | manner, and I'll let you begin whenever you like.

15 | MS. ALEXANDER-BENONS: Absolutely. Thank you very  
16 | much. If you can, perfect. All righty. Continue, please.

17 | So right here we were able to get a revised memo from  
18 | the Zoning Administration. I've just recapped here the relief  
19 | items that we are seeking. We have reduced the number of  
20 | exceptions that we are seeking relief from and they're listed  
21 | here and I believe that Ms. Mehlert went through them so I won't  
22 | repeat. Next slide, please.

23 | Just outlining the time line. As you've mentioned just  
24 | in terms of we've gotten our approval from the ANC. We have OP  
25 | and Department of Transportation support as well and then in the

1 last hearing just showing for the completion of the tasks and the  
2 asks that you guys have had over the course of our various  
3 meetings. Next slide, please.

4 Just as a quick overview. This is what we are  
5 proposing. A two unit conversion. For the first unit it's a  
6 one bedroom, one and a half bath. For the second two bedroom,  
7 two and a half bath with some other features to the home. Next  
8 slide, please.

9 I've also included and pointed out that they are also  
10 in the exhibit, one item that you did ask for was consolidated  
11 plans. These are the plans that we provided both to the Zoning  
12 Administration and to you all in our exhibits, but they're here  
13 as well. So this is the floor plan that we have. There haven't  
14 been too many questions about the interior of the building so  
15 I'll move on to the next slide.

16 Looking at the exterior of the building we have made  
17 modifications to our rooftop elements. Again, from the continued  
18 conversation that we've had with you all, we removed sort of the  
19 pop-up that we had originally on the rooftop deck and we are now  
20 using a hatch for means of moving in and out of that space. We  
21 have also made changes to the setback requirements which we can  
22 see more clearly illustrated in future slides but in this one  
23 it's just showing a front façade elevation of the building. Next  
24 slide, please.

25 This is the side view. Again, at the top you can see

1 that that setback is included, one per zoning requirements but  
2 also just based on feedback and our ongoing conversations. Next  
3 slide, please.

4           So here I've included a rendering. I know that last  
5 time we had spoken I believe it was Chairman Hill had given some  
6 feedback of what would be helpful for in terms like making the  
7 case and seeing what the experience would be with the setback  
8 rooftop. This is a view from the same side sidewalk looking up  
9 as a pedestrian. They would not be able to see the front façade  
10 of the rooftop element, they'd only be able to see the side with  
11 the amount that we've set back. I know that that's been an item  
12 in the past so just wanted to make sure that we had clear  
13 illustration of that.

14           I also want to talk about sort of what we have planned  
15 for the aesthetic of the building. As you can see at the bottom  
16 floor our building is the one on the right, 1206 Staples Street,  
17 Northeast. It currently has a stucco light yellow façade. We  
18 do, just for continuity and to maintain as much as we can of the  
19 original elements, continue that stucco through the third floor  
20 extension. So currently it's on the first floor and the second  
21 floor. We would continue it up. And then we would do a color  
22 in like. Again, it's currently light yellow. We would do a sort  
23 of soft palette color for the extension as well, again with the  
24 expectation of not being too visually daring (phonetic), but I  
25 know that that's subjective but at least we would be keeping with

1 | some of what is there currently.

2 |           I also in this view wanted to give some context and  
3 | perspective. 1200 Staples Street is three doors to our left.  
4 | Just wanted to give some perspective of their current height. I  
5 | do acknowledge that they did their structure before the current  
6 | zoning regulations but, again, just showing that there is sort  
7 | of continuity with what is currently existing on the street.  
8 | Next slide, please.

9 |           So in the next four slides I'm going to talk about the  
10 | specific exceptions and those examples that I've provided to kind  
11 | of show that it is not something new to the street. So in this  
12 | first special exception it's the third floor addition in the  
13 | front porch roof deck. There's many examples on the block both  
14 | across and adjacent of spaces where they have included a front  
15 | porch roof deck and so just provided these as examples for you  
16 | guys's edification. Next slide, please.

17 |           Continue along with special exception 1. This does  
18 | have to do with that rooftop element as well. This is a rendering  
19 | of just, again, similar to the one I showed before of what the  
20 | building would look like, wanting to show sort of it in position  
21 | and relation to adjacent buildings, wanting to show the  
22 | experience with the rooftop element and what I consider to not  
23 | be obstructive but, again, I know that that's subjective but just  
24 | giving you this visual here for your understanding. Next slide,  
25 | please.

1           One special exception that we're looking for relief for  
2 is the proposed rear setback being less than the 20 feet required  
3 setback for the zone. So currently we are at 18 feet which is  
4 within that 20 feet. The rationale or the reasoning why we  
5 believe that we should receive relief is that we are, our building  
6 depth is aligning with the current dwelling that we have adjacent  
7 to us. You'll see in another exception when I get to it, I  
8 believe it's exception 3, that we are also exceeding the ten foot  
9 extension toward the back. We're going to 12 feet but the  
10 intention in that one is to line up with the rear line of our  
11 neighbors. All of our neighbors to the left extend to that point  
12 and so we would just be meeting them in that space.

13           What we've also done in the back here is that we have  
14 allocated for appropriate means of egress from both units and so  
15 adding an external stairwell to the structure does impose into  
16 that 20 feet requirement which is, by two feet, which is giving  
17 us that 18 foot measurement that we currently have. Next slide,  
18 please.

19           This is what I was alluding to before. So this is  
20 another exception that we're looking to receive relief from and  
21 that our rear addition is greater than ten feet. We are going  
22 back 12 feet. Again, the expectation here is to match our  
23 neighbors at 1208 and 1210 and continuing down the block and so  
24 we feel like the visual sort of impact would be sort of congruous  
25 with what other neighbors are doing. So that's this one that

1 we're looking for relief for.

2           And then the last item, next slide, please, is that  
3 our, that we are exceeding the maximum lot occupancy. As you  
4 can imagine we are bumping up a floor, adding somewhat livable  
5 space on the rooftop so that is contributing to our square footage  
6 and with the size of the lot, the calculations have us at about  
7 65.5 percent lot occupancy as opposed to the 60 percent specified  
8 in the zoning laws. Next slide, please.

9           I don't know if I have anything else. No, I think that  
10 is it. So, yeah, again the purpose of the presentation is really  
11 just to level set on all the conversation that we've had to this  
12 point, kind of exemplify the work that we have put in to kind of  
13 show that we are deserving of the relief but also show that we  
14 are in compliance and open to the conversations that we've been  
15 having on these calls.

16           CHAIRPERSON HILL:     Okay.     Great.     Thank you, Ms.  
17 Alexander-Benons.

18           Before I turn to my Board, can I turn to the Office of  
19 Planning, please.

20           MR. BRADFORD:         Good morning, Chairman Hill,  
21 Commissioners.

22           The Office of Planning continues to recommend approval  
23 for this case and stands on the record of the report that was  
24 submitted prior to the previous hearing for this case. We were  
25 not asked to provide a new report for this hearing but there are

1 no changes, so our approval has not changed from the last time.  
2 Our recommendation for approval has not changed.

3 CHAIRPERSON HILL: Okay. Great.

4 MR. BRADFORD: Here for any questions.

5 CHAIRPERSON HILL: Thank you.

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

7 MR. YOUNG: We do not.

8 CHAIRPERSON HILL: Okay. All right.

9 Does my Board have any questions of anybody? Go ahead,  
10 Mr. Miller.

11 ZC VICE CHAIRPERSON MILLER: While the Applicant is  
12 still here, I just wanted to thank the Applicant for all of the  
13 additional time and effort that you and everyone, including  
14 Department of Buildings, has put into this case and your  
15 responsive to the concerns that have been raised.

16 CHAIRPERSON HILL: Thank you.

17 MS. ALEXANDER-BENONS: I appreciate that. I do want  
18 to especially thank, I mean we have worked with Philip and the  
19 Office of Planning but also not on the line the Zoning  
20 Administration who, even with the Easter week and holidays and  
21 lots of out of offices, were able to turn around that revised  
22 memo for us in a timely manner, so thank you.

23 ZC VICE CHAIRPERSON MILLER: Right. That's what I was  
24 referring to the ZA, who I was referring to when I said DOB.

25 MS. ALEXANDER-BENONS: Gotcha.

1 CHAIRPERSON HILL: Okay. Great.

2 Anyone else? Okay. Yeah, Ms. Alexander-Benons, I will  
3 second Vice Chair Miller's comments. All right.

4 Then that's it. So you have a nice day. Going to go  
5 ahead and close the hearing and the record.

6 MS. ALEXANDER-BENON: Thank you everyone. Have a great  
7 day.

8 (Pause.)

9 CHAIRPERSON HILL: Okay. Great. All right.

10 Vice Chair Miller is the best at thanking people. Vice  
11 Chair Miller, I just want to let you know. You are the best at  
12 thanking people, you really are.

13 ZC VICE CHAIRPERSON MILLER: I've been working at that  
14 for a while.

15 CHAIRPERSON HILL: Yeah. I mean, I've got to try more  
16 but, like, I'm just so caught up and busy --

17 ZC VICE CHAIRPERSON MILLER: I got you covered.

18 CHAIRPERSON HILL: I appreciate it. But I am now going  
19 to take a moment to again, yeah, thank all the people that are  
20 on this call because you all are trying to get it put in a way  
21 that we're able to look at this as efficiently as possible and  
22 the Board appreciates it because this is our Wednesday each and  
23 every week and this is kind of a volunteer gig. So thank you  
24 very much for your time. All right.

25 All that being said, I will agree with the Applicant

1 and what they have put forward in terms of how they're meeting  
2 the relief. I do appreciate that they did see the writing on  
3 the wall and that they needed to go to a hatch instead of what I  
4 think was going to be difficult for the Board to approve and then  
5 also I appreciate the view from the street because it kind of  
6 clarified, again, what the setback looked like from the roof.

7           So I'm going to be voting in favor of this application.  
8 I know that there was, I remember some concerns from some, from  
9 a neighbor, but my thoughts about the concerns from the neighbor  
10 I think we did speak to it the last time is that all the activity  
11 going on really on the other side of the house and so that side  
12 of the house isn't really changing at all except for the fact  
13 maybe that there was something you might be able to see from the  
14 street and the Applicant has shown that you won't be able to see  
15 it from the street. So I'm going to be voting in favor of this  
16 application.

17           Mr. Smith?

18           COMMISSIONER SMITH: So I will, you know, piggyback off  
19 of my colleagues. Thank you to the Applicant for their patience  
20 through this. I think we've had, I think me and Commissioner  
21 Miller have had several questions about the design as it can be  
22 seen from the street, does it overwhelm the neighborhood  
23 character and I think it's been a big part of the reason why this  
24 has been continued, you know, several times at this point.

25           So thank you to the Applicant for, you know, as Chairman

1 Hill stated, seeing the writing on the wall and recognizing we  
2 were very uncomfortable with the stair penthouse and for removing  
3 the stair penthouse and putting in a hatch. I also want to thank  
4 you for providing some additional architectural details where we  
5 could see it from the street and also can see that the upper  
6 floor, the top deck and the railing is set back from the street  
7 so it doesn't read as an additional wall fronting on that street,  
8 the front right-of-way along Staples Street.

9 So I am fairly comfortable that the Applicant met the  
10 burden of proof for us to grant the special exceptions and this  
11 proposed design is tasteful and in keeping with the character  
12 along the street, especially as it relates to the home at 1200  
13 Staples Street. It looks to be about the same size and that's  
14 the point of the, I think the zoning regulations, to ensure that  
15 it's not overwhelming the character of the original design of the  
16 home. So it seems to be in keeping with that one.

17 So with that I do give the Office of Planning's staff  
18 report great weight and will support the application.

19 CHAIRPERSON HILL: Thank you.

20 Vice Chair Blake?

21 VICE CHAIRPERSON BLAKE: Yes, Mr. Chair.

22 I am in support of the application. I would like to  
23 also acknowledge the efforts the Applicant has made to refine the  
24 project to meet the regulations and our requirements and I am  
25 definitely voting in favor of the application. The criteria has

1 | been met and I'm in favor of the application.

2 |           CHAIRPERSON HILL: Thank you.

3 |           Vice Chair Miller?

4 |           ZC VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

5 |           I concur with all the comments of my colleagues.

6 |           CHAIRPERSON HILL: Thank you. All right.

7 |           I'm going to make a motion then to approve Application  
8 | No. 21226 as captioned and read by the secretary and citing the  
9 | plans that were in Exhibit 49A1, and ask for a second. Mr. Blake?

10 |           VICE CHAIRPERSON BLAKE: Second.

11 |           CHAIRPERSON HILL: Motion is made and seconded. Madam  
12 | Secretary, take a roll call, please.

13 |           MS. MEHLERT: Please respond to the Chair's motion to  
14 | approve the application.

15 |           Chairman Hill?

16 |           CHAIRPERSON HILL: Yes.

17 |           MS. MEHLERT: Vice Chair Blake?

18 |           VICE CHAIRPERSON BLAKE: Yes.

19 |           MS. MEHLERT: Mr. Smith?

20 |           COMMISSIONER SMITH: Yes.

21 |           MS. MEHLERT: Commissioner Miller?

22 |           ZC VICE CHAIRPERSON MILLER: Yes.

23 |           MS. MEHLERT: Staff would record the vote as four to  
24 | zero to one to approve Application 21226 on the motion made by  
25 | Chairman Hill and seconded by Vice Chair Blake.

1 CHAIRPERSON HILL: Okay. Thank you. Let me see here.  
2 Okay.

3 Madam Secretary, if you could call our last case,  
4 please.

5 MS. MEHLERT: The last case is Application No. 21277  
6 of Erica Spencer. This is a self-certified application pursuant  
7 to Subtitle X, Section 901.2 for a special exception under  
8 Subtitle E, Section 5201 from the lot occupancy requirements of  
9 Subtitle E, Section 210.1.

10 This is for a new third story with roof deck and three-  
11 story rear addition to an existing three-story attached principal  
12 dwelling. It's located in the RF-1 zone at 1513 D Street,  
13 Southeast, Square 1075, Lot 76.

14 CHAIRPERSON HILL: Thank you.

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

17 MS. FOWLER: Hi. This is Jennifer Fowler with Fowler  
18 Architects and also the homeowner, Erica Spencer, is on.

19 CHAIRPERSON HILL: Okay. Great.

20 Want to introduce yourself, Ms. Spencer?

21 MS. SPENCER: Yes. I'm Erica Spencer.

22 CHAIRPERSON HILL: Okay. Great.

23 Well, since you've waited all this time to be here go  
24 ahead, that's great. All right. Let's see.

25 Ms. Fowler, if you can go ahead and walk us through

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

5 |           MS. FOWLER: Okay. Thank you very much for your time.

6 |           This is a request for a third floor rear addition.  
7 | We're requesting relief for lot occupancy for 210.1. The addition  
8 | is proposing an extra 7.8 feet of depth beyond what is allowed  
9 | by the matter-of-right which is an extra 116 square feet of  
10 | occupancy. The proposal does not exceed the ten foot rear yard  
11 | setback. We're maxed out about ten feet beyond each adjacent  
12 | neighbor's rear wall.

13 |           We did submit a sun study in Exhibit 20 that kind of  
14 | demonstrates the impact on the neighbors. There is some impact  
15 | but I don't think it's an undue amount when you're comparing the  
16 | proposed to the matter-of-right option. Also because of the  
17 | orientation of the houses north and south the impact is kind of  
18 | spread out over the two adjacent properties during the day.

19 |           We did get support from the ANC 7D, unanimous support.  
20 | We also have neighbor letters from 1509, 1511 and across the  
21 | street at 1510. So overall it's been very well received. The  
22 | only thing we did get a letter of opposition from the CHRS and I  
23 | believe their concern was filling in the dog leg, but that's not  
24 | actually kind of part of this relief because the relief we're  
25 | looking for is kind of for the extension beyond the rear wall

1 | whereas the dog leg infill would be matter-of-right. But that's  
2 | the only opposition we've faced or had registered for this  
3 | proposal.

4 |           And so that's really it for my presentation. I'll  
5 | leave it open to questions.

6 |           Thank you.

7 |           CHAIRPERSON HILL: Okay. Thanks, Ms. Fowler. I am  
8 | actually going through your sun study as well as your plans.

9 |           Could the Office of Planning please introduce  
10 | themselves for the record, please.

11 |           MR. BEAMON: Yes. Shepard Beamon with the Office of  
12 | Planning.

13 |           We've reviewed the application for the requested relief  
14 | from lot occupancy and find that the request meets the criteria  
15 | for Subtitle X. Therefore, we recommend approval and we stand  
16 | on the record.

17 |           CHAIRPERSON HILL: Thank you.

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

19 |           MR. YOUNG: We do not.

20 |           CHAIRPERSON HILL: Ms. Fowler, are those letters in  
21 | support, are they from the neighbors, adjacent neighbors?

22 |           MS. FOWLER: So we have 1511 is the adjacent neighbor  
23 | which is to the west.

24 |           CHAIRPERSON HILL: Yes.

25 |           MS. FOWLER: Then 1509 is the other side of that

1 neighbor and then 1510 is across the street. We did work to get  
2 a letter of support from 1515 but they weren't comfortable with  
3 providing support and as you can see, we did set back the third  
4 floor from that property just to avoid any snow drift issues, you  
5 know, impact to that neighbor's roof top.

6 CHAIRPERSON HILL: Got it.

7 MS. FOWLER: Ms. Spencer can probably speak a little  
8 bit more in depth about that neighbor.

9 CHAIRPERSON HILL: That's okay. That's okay. So,  
10 let's see. And then another question I have.

11 Like, CHRS. Are they just, I mean you've done a lot  
12 of stuff. Are they just always opposed to those dog legs getting  
13 filled in?

14 MS. FOWLER: I know that the Historic Committee tends  
15 to oppose historic proposals that fill in the dog leg. The CHRS  
16 zoning committee, I haven't seen that they kind of oppose them  
17 unanimously for all the cases but it does seem a little bit more  
18 of an historic concern, but they did raise the issue of, you  
19 know, massing and kind of compatibility. But, yeah, they tend  
20 to not like the going more than ten feet past.

21 CHAIRPERSON HILL: Right. Okay.

22 MS. FOWLER: That tends to be more of an issue.

23 CHAIRPERSON HILL: Okay.

24 I was just curious about their (indiscernible). Okay.

25 My fellow Board members, do you have any questions of

1 anybody?

2 Go ahead, Vice Chair Miller.

3 ZC VICE CHAIRPERSON MILLER: Sorry. Lost the screen  
4 for a second.

5 Thank you to the Applicant, Ms. Spencer and Ms. Fowler,  
6 for your presentation and thank you, Shepard Beamon, for the OP  
7 report and for your community outreach getting ANC 7, is that  
8 7D --

9 MS. FOWLER: 7D.

10 ZC VICE CHAIRPERSON MILLER: -- unanimous support. I  
11 think that was a recent entry into the record and the neighbor  
12 support that you did garner.

13 Does the, is this in the historic, is it in Capitol  
14 Hill historic district?

15 MS. FOWLER: No, it is outside of the District.

16 ZC VICE CHAIRPERSON MILLER: Yeah. So it doesn't go  
17 through any HP review?

18 MS. FOWLER: That is correct.

19 ZC VICE CHAIRPERSON MILLER: Okay. Thank you. Thank  
20 you for your presentation.

21 MS. FOWLER: Thank you.

22 CHAIRPERSON HILL: Anyone else? Okay. All right.

23 Thank you, Ms. Fowler and thank you, Ms. Spencer. I  
24 hope you guys have a nice day.

25 MS. FOWLER: Thank you very much. Appreciate it.

1 CHAIRPERSON HILL: Okay.

2 Of all the cases I think this is actually the most  
3 straightforward one of the day and so I do not particularly have  
4 any issues with it. I will agree with the analysis that the  
5 Office of Planning has provided as well as that of the Applicant,  
6 and also the ANC and to second Vice Chair Miller's comment of  
7 the outreach that they have put forward and garnered from the  
8 neighbors, I also find that to be helpful. I'm going to be voting  
9 in support of this application.

10 Mr. Smith?

11 COMMISSIONER SMITH: I have nothing to add. I will be  
12 voting in support.

13 CHAIRPERSON HILL: Thank you.

14 Vice Chair Blake?

15 VICE CHAIRPERSON BLAKE: I'm in support of the  
16 application, Mr. Chairman, as well.

17 CHAIRPERSON HILL: Thank you.

18 Vice Chair Miller?

19 ZC VICE CHAIRPERSON MILLER: I agree. Thank you.

20 CHAIRPERSON HILL: Thank you. All right.

21 I'm going to make a motion to approve Application No.  
22 21277 as captioned and read by the secretary, and ask for a  
23 second. Mr. Blake?

24 VICE CHAIRPERSON BLAKE: Second.

25 CHAIRPERSON HILL: Motion is made and seconded. Madam

1 Secretary, can you take a roll call, please.

2 MS. MEHLERT: Please respond to the Chair's motion to  
3 approve the application.

4 Chairman Hill?

5 CHAIRPERSON HILL: Yes.

6 MS. MEHLERT: Vice Chair Blake?

7 VICE CHAIRPERSON BLAKE: Yes.

8 MS. MEHLERT: Mr. Smith?

9 COMMISSIONER SMITH: Yes.

10 MS. MEHLERT: Commissioner Miller?

11 ZC VICE CHAIRPERSON MILLER: Yes.

12 MS. MEHLERT: Staff would record the vote as four to  
13 zero to one to approve Application 21277 on the motion made by  
14 Chairman Hill and seconded by Vice Chair Blake.

15 CHAIRPERSON HILL: Thank you.

16 Madam Secretary, do we have anything else today?

17 MS. MEHLERT: No.

18 CHAIRPERSON HILL: You're shaking your head no.

19 You guys, I really appreciate, I appreciate all your  
20 help for moving forward and it really was helpful. So thank you  
21 all very much, and I will see you all next time. We stand  
22 adjourned.

23 (Whereupon, the above-entitled matter went off the  
24 record at 12:13 p.m.)

25

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: DC BZA

Date: 04-30-25

Place: Via Webex

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



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Louise Zontek