

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Office of Zoning

3 Board of Zoning Adjustment

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9 PUBLIC HEARING

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13 9:35 a.m. to 11:27 a.m.

14

Wednesday, December 7, 2016

15

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18 441 4th Street, N.W.

19

Jerrily R. Kress Memorial Room

20

Second Floor Hearing Room, Suite 220 South

21

Washington, D.C. 20001

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1 Board Members:

2 FREDERICK L. HILL, Chairperson

3 ANITA BUTANI-D'SOUZA, Vice-Chairperson

4 CARLTON HART, Board Member

5 ROBERT MILLER, Zoning Commission

6 CLIFFORD MOY, Board Secretary

7

8

9 Office of Planning:

10 ANNE FOTHERGILL

11 STEPHEN MORDFIN

12

13 Department of Transportation:

14 AARON ZIMMERMAN

15

16

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

2 CHAIRMAN HILL: We're located in the Jerrily
3 R. Kress Memorial Hearing Room at 441 4th Street
4 Northwest. This is the December 7, 2016 public
5 hearing of the Board of Zoning Adjustment, District
6 of Columbia.

7 My name is Fred Hill, Chairperson. Joining
8 me today is Anita Butani-D'Souza, Vice Chairperson,
9 Carlton Hart, Board member, and representing the
10 Zoning Commission is Rob Miller.

11 Copies of today's hearing agenda are
12 available to you and are located in the wall bin near
13 the door to my left. Please be advised that this
14 proceeding is being recorded by a court reporter and
15 is also web cast live. Accordingly, we must ask you
16 to refrain from any disruptive noises or actions in
17 the hearing room. When presenting information to the
18 Board, please turn on and speak into the microphone,
19 first stating your name and home address.

20 When you're finished speaking, turn off your
21 microphone so that your microphone is no longer
22 picking up sound or background noise. All persons
23 planning to testify either in favor or in opposition
24 must have raised his or her hand, and been sworn in
25 by the secretary. Also, each witness must fill out

1 two witness cards. Those cards are located on the
2 table near the door and on the witness table.

3 Upon coming forward to the Board please give
4 both cards to the reporter sitting to the table to my
5 right.

6 If you wish to file written testimony or
7 additional supporting documents today, please submit
8 one original and 12 copies to the secretary for
9 distribution. If you do not have the requisite
10 number of copies, you can reproduce copies on an
11 officer printer in the Office of Zoning located
12 across the hall.

13 The order of the procedures for special
14 exceptions and variances are also located in the bin
15 to my left, as is the appeals in terms of the order
16 of the procedures for the appeal is also located in
17 the bin to the door there as you enter in to the
18 right.

19 The record will be closed at the conclusion
20 of each case, except for any materials specifically
21 requested by the Board. The Board and the staff will
22 specify at the end of the hearing exactly what is
23 expected and the date when the persons must submit
24 the evidence to the Office of Zoning.

25 After the record is closed, no other

1 information will be accepted by the Board. The
2 District of Columbia Administrative Procedures Act
3 requires that the public hearing on each case be held
4 in the open before the public, pursuant to Section
5 405B and 406 of that act. The Board may, consistent
6 with its rules of procedures and the act, enter into
7 a closed meeting on a case for purposes of seeking
8 legal counsel on a case, pursuant to D.C. Official
9 Code Section 2-575(b)(4), and/or deliberating on a
10 case pursuant to D.C. Official Code Section 2-
11 575(b)(13), but only after providing the necessary
12 public notice, and in the case of an emergency closed
13 meeting after taking a roll call vote.

14 The decision of the Board in these contested
15 cases must be based exclusively on the public record.
16 To avoid any appearance to the contrary the Board
17 requests that persons present not engage the members
18 of the Board in conversation. Please turn off all
19 beepers and cell phones at this time so as not to
20 disrupt the proceedings.

21 Preliminary matters are those which relate to
22 whether a case will or should be heard today, such as
23 request for a postponement, continuance, or
24 withdrawal, or whether proper and adequate notice of
25 the hearing has been given.

1 If you're not prepared to go forward with the
2 case today or if you believe that the Board should
3 not proceed, now is the time to raise such a matter.

4 Mr. Secretary, do we have any preliminary
5 matters?

6 MR. MOY: Yes. Good morning, Mr. Chairman,
7 Members of the Board.

8 CHAIRMAN HILL: Good morning.

9 MR. MOY: This is for the record, and this
10 goes to cases in reference to the docket for today,
11 Application No. 19280 of Martin Hardy has been
12 withdrawn by the applicant, so that's not on the
13 docket today.

14 We have two, four, six, cases that have been
15 at the request of the applicant, postponed and
16 granted. These cases are Application No. 19355 of
17 Selenfriend and Pharr has been rescheduled to
18 December 14th, 2016. Appeal No. 19334 of, I believe
19 it's pronounced Qureshi, has been rescheduled to
20 February 1st as well as the application, its
21 companion application No. 19385, rescheduled and
22 postponed, rescheduled to February 1st, 2017, both on
23 the same day. Application No. 19377 of the Boundary
24 Companies and the Missionary Society of St. Paul, the
25 Apostle, rescheduled to February 22nd, 2017. And

1 Application No. 19384 of S&R Foundation, Inc.,
2 rescheduled to March 8th, 2017.

3 So, again these cases rescheduled to 2017
4 with the exception of the first one I read, which is
5 December 14th, 2016. And that's it, Mr. Chairman.

6 CHAIRMAN HILL: Okay. Great. So, if you
7 wouldn't mind, if anyone is here planning on
8 testifying, if you could please stand now, and Mr.
9 Secretary, if you could administer the oath?

10 MR. MOY: With pleasure. Thank you, Mr.
11 Chairman.

12 [Oath administered to the participants.]

13 MR. MOY: Ladies and gentlemen, you may
14 consider yourselves under oath.

15 CHAIRMAN HILL: Okay. So, for those in the
16 audience we're going to go a little bit out of order
17 in terms of the cases today. We're going to start
18 off with Application 2027 of Rhode Island Avenue,
19 then we're going to do Application Evermay
20 Georgetown, and then finish it off with the
21 application of District of Columbia Public Schools.

22 So, I guess, Mr. Moy, if you wouldn't mind
23 calling our first case?

24 MR. MOY: Yes, thank you. As captioned and
25 advertised for relief for special exceptions under

1 the -- ah, this is Application No. 19383 of 2027
2 Rhode Island Avenue Northeast, LLC. This is a
3 request for special exceptions under the zone
4 boundary line extension requirements of Subtitle A,
5 Section 207.2, closed court area requirements,
6 subtitle G, Section 1200.4, and variances from the
7 zone boundary line extension requirements, Subtitle
8 A, Section 207.2, and the drive aisle requirements of
9 Subtitle C, Section 711.6 which would construct a
10 mixed-use building with ground floor retail in the M-
11 U-4 and R-1-B zones, 2027 Rhode Island Avenue
12 Northeast, Square 420 -- rather 4217N, Lot 3, and I
13 believe Mr. Chairman updated architectural plans and
14 drawings under Exhibits 32A1 through 32A2. Previous
15 exhibit was 13A1 through 13A5.

16 CHAIRMAN HILL: Okay. Thank you. Before we
17 start, also, I just want to welcome Carlton Hart
18 here. This is his first day with us and we'd like to
19 welcome you and appreciate your time and I hope you
20 enjoy your time here.

21 MR. HART: Thank you very much, Mr. Chairman.

22 CHAIRMAN HILL: Okay. So, with that if you
23 wouldn't mind just introducing yourselves from my
24 left to right with your name and address, please?

25 MR. SALEM: My name is Rasheed Salem. I'm

1 the owner of the property. My address is 1222 Coven
2 Meadows Lane, Great Falls, Virginia, 22066.

3 MR. MARKUS: Rich Markus, I'm the architect,
4 2601 P Street Northwest, Washington, D.C.

5 MS. RODDY: Christine Roddy with Goulston and
6 Storrs at 1999 K Street Northwest.

7 MS. HODDEL-COX: Meghan Hottel-Cox, also with
8 Goulston and Storrs, 1999 K Street Northwest.

9 CHAIRMAN HILL: I'm sorry, how do you say
10 your last name again?

11 MS. HODDEL-COX: Hottel-Cox.

12 CHAIRMAN HILL: Okay. Great. Thank you.
13 So, Ms. Roddy -- Roddy? Ms. Roddy. I guess, I don't
14 have a lot of specific questions. I mean, I'd really
15 like if you could just kind of go, and if any other
16 board members have specific questions they'd like to
17 ask they can go ahead and please do so now for the
18 presentation.

19 But, I'd just like to hear like kind of an
20 overall, you know, high level presentation on the
21 variances that, you know, the request that you're
22 asking for and how you meet the standards. And then
23 I'm really more curious on some of the conditions
24 that DDOT and the Office of Planning had to address.
25 I'd like of like to work through that. So, is there

1 anything else that the Board would like to ask about?

2 Okay.

3 MS. BUTANI-D'SOUZA: In looking over the
4 plans that you uploaded yesterday, I thought I saw
5 that there was a less than one-to-one setback on a
6 portion of the penthouse. If that's not the case --

7 MS. RODDY: That is the case. That will be
8 fixed.

9 MS. BUTANI-D'SOUZA: Okay.

10 MS. RODDY: But we're checking that,
11 confirming that now.

12 MS. BUTANI-D'SOUZA: Okay. And then the
13 other issue that I was curious about was I thought I
14 saw, and this may be a question for OP, but I thought
15 I saw in the OP report that the ANC had some
16 conditions, but I didn't see a report from the ANC.
17 So, if you're able to give us a little bit of
18 information on how it went with the ANC, that would
19 be great.

20 MS. RODDY: Sure. So, as you know, this
21 property is located at 2027 Northeast, and one of the
22 unique features of the property is the fact that it
23 is a split zoned property. Seventy-five percent of
24 the lot is located in the M-U-4 zone district, and
25 the remaining portion is located in the R-1-B zone

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1 district.

2 So, we are asking for four areas of relief,
3 and I can give a brief overview of each of those
4 areas. And we have the plans that we can walk
5 through as well to demonstrate this, but the first
6 area of relief is the request for special exception
7 relief to extend the zoned boundary line by 35 feet,
8 and that would move the M-U-4 portion further south.

9 We are also asking for a variance to further
10 extend the zone boundary line and additional is, I
11 would say on average, about three and a half feet.
12 And that would make the M-U-4 zone boundary line
13 consistent and aligned with the property line,
14 because as it is now it bifurcates the property.

15 Without that relief then the rear of the
16 property really would not be able to be incorporated
17 into this project and it would remain dead space.
18 And we are currently proposing parking in that area,
19 which wouldn't be permitted, and it's our required
20 parking, so we wouldn't be able to put that parking
21 in the rear of the property, but for that relief.

22 The other area of relief that we're
23 requesting is court relief. We are seeking a special
24 exception for the court area requirements. We do
25 satisfy the court width requirements, but not the

1 court area. And we can show you that. Really the
2 intent of the courts was to break up the massing.
3 There is no effect on the light or air of the units,
4 so there's no detrimental impact from that request.

5 And then finally we are seeking a variance to
6 -- from the driveway with requirements, and in this
7 case we currently have a curb cut on Rhode Island
8 Avenue and we are proposing to close that curb cut,
9 and I think that that's consistent with a number of
10 policies. It allows for a safer pedestrian
11 experience, so safer pedestrian circulation along
12 Rhode Island. But it also allows us to incorporate a
13 strong retail frontage along Rhode Island.

14 It does move the access to the property to
15 Mills Avenue, where we currently have an easement for
16 the private alley off of Mills, and then that would
17 be used to access the parking in the rear. That
18 alley is 10-feet wide, whereas the driveway is
19 required to be 20-feet wide. So, there are many
20 alleys in the District that are 10-feet wide and it's
21 not an issue, and as DDOT's report states, they
22 aren't concerned about the width of the alley. But
23 that's the final variance relief that we are
24 requesting.

25 With respect to the reports, we're happy to

1 have the support of OP and DDOT, and as you
2 mentioned, DDOT did name a few conditions in their
3 report. And we generally don't have an issue. I
4 think we would want to have further conversations
5 with them with respect to the request that the first
6 floor be flush with grade. But we think that that
7 condition specifically, as well as the loading
8 conditions, would be more appropriate for the public
9 space process, seeing as we're not requesting loading
10 relief or obviously relief for the first floor in
11 this case.

12 And so, with that I will walk through the
13 plans. But before we do that I'll turn to Rasheed
14 and he can give you a little bit more detail on the
15 ANC and his community outreach.

16 MR. SALEM: Thank you, Christine. So, we met
17 with the ANC twice with our single-member district
18 that has small ANC meeting, had roughly 40 people
19 show up. Went through a myriad of concerns with the
20 surrounding buildings, the church next door, just
21 general questions about the building.

22 We responded to those concerns, one of which
23 was this actually used to be the old Woodridge
24 Savings and Loan Bank back in the early 20s. We
25 didn't really know that up until that point, so we

1 really kind of dug in and tried to find a way to
2 incorporate the existing structure, which is not
3 historic at the moment, but seemed to be a very
4 important structure in the neighborhood, right there
5 on the vista of Rhode Island Avenue.

6 So, we responded back and forth going in to
7 our second ANC meeting. The conditions that we had
8 from the ANC, the second ANC meeting, was they were
9 supposed to provide us with a list of concerns that
10 they had that they wanted us to formally respond to.
11 And they were supposed to get that to us by the
12 Wednesday before Thanksgiving, and we just never got
13 anything.

14 So, we really covered -- I think a lot of the
15 concern was, a lot of the things that we covered at
16 the first ANC meeting came back up in the second ANC
17 meeting with the people who weren't at the first ANC
18 meeting, and we had already sort of addressed those.
19 So, I don't know if it died out. Or, I reached out
20 to Nolan Treadway three times since our last ANC
21 meeting, and I just didn't receive anything.

22 But we have met with several neighbors in
23 the area. Those who are right behind us, I'm
24 scheduled to meet with Father Brian next door at the
25 church, just, you know, general structural concerns

1 about his building. Met with Cal Todd at Rhode
2 Island Avenue Main Street and got his support. So,
3 we spent a lot of time over there just kind of
4 getting to know the neighborhood and understanding
5 what the concerns of the neighborhood would be.

6 MS. RODDY: And, Rasheed, if you could
7 clarify if the ANC took a vote at the public meeting?

8 MR. SALEM: They did. They voted to support
9 the project with the condition being that they would
10 get us seven days before. I had to get them back,
11 written notice of whatever their concerns were, just
12 some type of written response, but we never actually
13 received that. He was supposed to actually get it to
14 me before Wednesday, but he said it would be Monday
15 before Thanksgiving, which gave us roughly two weeks,
16 or a week and a half to respond to the concerns
17 before the seven-day period that we had verbally
18 agreed to. But those things just never happened.

19 MR. HART: Mr. Chair.

20 CHAIRMAN HILL: Sure.

21 MR. HART: When did you last talk to the ANC?

22 MR. SALEM: At the ANC meeting. There's just
23 been no response since.

24 MR. HART: So you've not called them
25 subsequent to the --

1 MR. SALEM: Well, I have. I've sent three e-
2 mails and I've called Mr. Tredway.

3 MR. HART: Oh, he just hasn't responded.

4 MR. SALEM: He just has not responded.

5 MR. HART: Thank you.

6 CHAIRMAN HILL: I'm sorry. So, the ANC vote,
7 do you remember what the vote was, whether it was
8 unanimous or whether it was any concerns from any of
9 the commissioners?

10 MR. SALEM: It was unanimous, correct? Yeah,
11 it was unanimous. The concerns in the -- from the
12 commissioners was more along the lines of just
13 specific details associated with our plans, ADA
14 access, and things like that. Overall, they liked
15 the project, they thought it would be a positive
16 contribution to the neighborhood.

17 CHAIRMAN HILL: Okay. Ms. Roddy, you can go
18 ahead and continue.

19 MS. RODDY: Thank you.

20 MR. MARKUS: Again, Rich Markus, architect.
21 I can just walk you through.

22 CHAIRMAN HILL: Sure, that would be great.

23 MR. MARKUS: Quickly. The project that
24 Rasheed had mentioned, there is -- this is the
25 existing, and you see the existing building, it's a

1 bank.

2 CHAIRMAN HILL: Excuse me, I'm sorry to
3 interrupt. As you kind of walk us through, if you
4 could just kind of point out again where the requests
5 are.

6 MR. MARKUS: Okay. Okay.

7 CHAIRMAN HILL: The relief that you're asking
8 for, if you could just kind of --

9 MR. MARKUS: Okay. I can skip that.

10 CHAIRMAN HILL: -- highlight that as you --

11 MR. MARKUS: Okay.

12 CHAIRMAN HILL: Take your time. Just, when
13 you get to those points, just highlight it for me.
14 Thanks.

15 MR. MARKUS: Okay, no problem. So, the site
16 now is accessed from -- there's a curb cut on Rhode
17 Island and our proposal is to close that off and the
18 access to the building will be behind. And then the
19 original proposal is that the bank building that's
20 there, we were going to raise it but after we met
21 with the ANC and saw their concerns and how important
22 it was to the community, we worked with the building
23 and we're keeping what's most important of the
24 building, which is the front and a piece of the front
25 as it kind of turns back to our new building.

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1 The rest of the building kind of has been
2 altered pretty heavily over the years, but we wanted
3 to keep what's most important to Rhode Island.

4 This is kind of a diagram of the site, and it
5 shows the line, the angled line as the split zone.
6 And our new building is actually completely on the
7 commercial property. In the back on the residential
8 property now it's parking. I'm going to skip
9 through.

10 So, this you see, the Rhode Island and then
11 you see Mills Avenue on the upper side, and then this
12 is the alley coming in the side, and that's where all
13 the access will be in the back. There are eight
14 parking spaces, which are exactly what's required by
15 code. One is for retail and then the seven are for
16 the 43 units of the building.

17 And also in this diagram, you can see the
18 building is an H shape, and it's the piece in the
19 center of the H is actually the circulation with the
20 elevator and the stairs, and then the two wings on
21 either side are actually the residential units as you
22 go up. And it's an efficient building. The two
23 sides basically repeat and they're symmetrical.

24 And, Rhode Island is actually not
25 perpendicular to the site, so it's a slight angle,

1 and what we did for a couple of reasons is the retail
2 level comes out and meets up with the property line
3 at Rhode Island, and that continues the line of the
4 street that's already there, of the buildings, and
5 that also sets off the bank building, and I'll show
6 you that a little bit more clearly.

7 This is the cellar level, and you can see
8 there's retail spaces up front, and residential in
9 the back. On the main level, first floor, there's
10 two retail spaces and a central residential entry,
11 and then there's residential zones in the back, and
12 there's a court in between the two. And as you go
13 up, you can see the H shape and there's residential
14 on both sides, and the circulation in the center, and
15 then the penthouse on the top.

16 And here's the front. So, there you see on
17 the left is the bank building, and what's evolved
18 over the course of the -- after meeting with ANC and
19 the design, is that we've incorporated that building,
20 and this doesn't -- I have some three-dimensional
21 diagrams which showed a little bit better, but the
22 bank building actually juts out a little bit from the
23 main mass of the building, so the massing of the bank
24 and the presence of it, we're going to maintain, and
25 I'll show you that a little bit better. That's that

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1 rear, these are the court elevations.

2 I'm going to skip through it to the -- there
3 is a view on the street. So, the massing of our
4 building is very similar to the massing of the
5 existing building on the corner. And then you can
6 see the bank building there, and I'll skip through to
7 the three-dimensional views. So, there you see the
8 bank building is keeping the line of the street, and
9 then it also is jutting out just a little bit from
10 the main mass of the building, so we went to some
11 lengths to try and keep the massing of the building,
12 and that presence on the street.

13 There is -- we show some treatment of the
14 front. And of course we'd work with public space to
15 find out what's best for the community and for the
16 street, and we're pretty open as to what that evolves
17 into. But there's a couple other views of the front.
18 And I can answer questions.

19 MS. BUTANI-D'SOUZA: I noticed on the plans
20 that were -- which I assume these are the same plans
21 that were uploaded yesterday.

22 MR. MARKUS: Correct.

23 MS. BUTANI-D'SOUZA: Okay. So, maybe I'm
24 reading this incorrectly, but it says that -- and
25 again, maybe this is a question for the Office of

1 Planning, Northeast side setback, one half to one,
2 southwest side setback, one half to one. Doesn't it
3 need to be set back?

4 MR. MARKUS: For the penthouse?

5 MS. BUTANI-D'SOUZA: On all sides. Yeah.
6 Penthouse calculation design compliance. And so I
7 was just confused about --

8 MS. RODDY: It's a closed court, so it's not
9 a one-to-one setback on closed courts.

10 MS. BUTANI-D'SOUZA: Oh, this is on the
11 closed court. I see. Can you show me where that is
12 on the plans?

13 MR. MARKUS: It's the open area, the two open
14 areas.

15 MS. BUTANI-D'SOUZA: Okay.

16 MR. MARKUS: Here and there. That's the
17 closed court.

18 MS. BUTANI-D'SOUZA: Okay. So, got it. All
19 right. Thanks.

20 MR. HART: Can you talk a bit about -- the
21 loading is happening on the back of this building.
22 And so, can you talk about how that works with the
23 accessing the residential portion of the building,
24 because it looks like when you're kind of parking
25 where the residential is parking as well, you have to

1 kind of mix these two as you're trying to access the
2 retail, which is all in the front.

3 I appreciate that aspect of it. It's just
4 trying to understand how that's kind of actually
5 going to work in -- operationally.

6 MR. MARKUS: It is a small alley so that the
7 truck size will be limited. We're also restricting
8 the total size of the retail spaces, so by code we're
9 not required to provide an official loading dock.
10 What would have to happen is that a small truck would
11 have to pull up in the back. There's a limited
12 number of cars and they would be in the center and
13 off-load, and then leave right away.

14 MR. HART: And they're all -- everything is
15 coming in the back. There's no loading that would
16 happen in the front. I mean, after a while folks
17 kind of get, you know, why can't I just park on the
18 street and then be able to load from there and that's
19 what I'm trying to understand if -- you know, is
20 there -- I'm assuming there's parking along the Rhode
21 Island in front of the building.

22 MR. MARKUS: Yeah, it's metered parking and
23 where the driveway is now, that will get closed off
24 and there will be another parking space there, so
25 we're adding one more parking space to Rhode Island,

1 but the intent is that all the deliveries in the car
2 accesses from the rear.

3 MR. HART: Thank you.

4 MR. MILLER: Thank you, Mr. Chairman. Yeah,
5 I just had a couple questions. Not really related to
6 the relief being requested, but just the use.

7 So, do you have an idea of what type of
8 retail you're going to have there? It looks like it
9 might be a restaurant with those umbrellas out front.

10 MR. MARKUS: That's the intention, something
11 that -- certainly not a -- I know there were concerns
12 from the ANC and it really doesn't fit into our sort
13 of company profile, no bar, no nightclub, something
14 that would actually be somewhere that people would
15 want to land on Rhode Island Avenue, what that be a
16 restaurant or some type of communal fitness facility
17 or there is a grocer across the street, but maybe
18 something that's supplemental, maybe something like
19 that.

20 MR. MILLER: And on the -- I saw on the
21 Office of Planning's report that the Inclusionary
22 Zoning does apply and they gave the square footages
23 and they said that 50 percent is going to be at the
24 50 percent AMI level, and 50 percent at the 80
25 percent AMI level. Can you confirm that?

1 MS. RODDY: The affordable housing that is
2 required from the penthouse would be at the 50
3 percent AMI level. This is going to be a condo
4 building and so it would be at the 80 percent level;
5 the remaining that's triggered from the units within
6 the building itself.

7 MR. MILLER: So, the 50 percent AMI that's
8 triggered from the penthouse, does that translate
9 into one unit or how many units?

10 MS. RODDY: I can confirm the square footage,
11 but it's like to be around one unit.

12 MR. MILLER: And the remainder 80 percent AMI
13 units, I see that OP's calculation is -- yeah, for
14 penthouse they say the trigger is 342 square feet,
15 and for the remainder they had 4,043 square feet.
16 Although, they're showing in their report, and we'll
17 ask Ms. Fothergill about that, that they thought it
18 was 50 percent AMI, 50 at 50 percent and 50 at 80
19 percent. So --

20 MS. RODDY: I think the confusion may be from
21 the fact that the regulations have recently changed
22 and this was the former C-2-A zone district where
23 half were required at 50, half were required at 80,
24 but under the newly adopted IZ regulations where the
25 order has not yet been issued, but this would be

1 subject to that order. So, pending what that order
2 says, if this is rental they would all be at 60
3 percent. If this is a condo building, which it's
4 slated to be, they would be at 80 percent.

5 I think this is where the confusion is coming
6 from.

7 MR. MILLER: Okay. Well, we'll ask OP more
8 about that later. Thank you very much.

9 CHAIRMAN HILL: Please continue. Thank you.
10 I know you want to --

11 MS. RODDY: That's our presentation.

12 CHAIRMAN HILL: Okay.

13 MS. RODDY: We're happy to answer questions.

14 CHAIRMAN HILL: Okay. Does the Board have
15 any other questions at this time for the applicant?

16 Okay. Well, with that I'm going to turn it
17 over to the Office of Planning and we have DDOT with
18 us today. I'm very excited. And so, we'd start with
19 -- let's start with the Office of Planning.

20 MS. FOTHERGILL: Good morning. For the
21 record. I'm Anne Fothergill with the Office of
22 Planning and we, as you saw in our report, we support
23 the application. We find it meets the variance test
24 in terms of the question about the IZ units. That
25 information was taken from the applicant. I don't

1 know what's in the plans that were uploaded
2 yesterday, if that was changed or if it's changing
3 based on the pending zoning regs change and what
4 condos -- in compliance for condos.

5 So, but it was just taken from the
6 application. And we rest on the record and are happy
7 to answer any questions.

8 CHAIRMAN HILL: Does the Board have any
9 questions for the Office of Planning?

10 No? All right. So, could I hear from DDOT,
11 please? Thank you.

12 MR. ZIMMERMAN: For the record my name is
13 Aaron Zimmerman. I'm with the District Department of
14 Transportation. I'm with our Development and Review
15 branch.

16 I'll just say that, you know, we are
17 supportive of this project. There were a number of
18 conditions that we had recommended, particularly with
19 regards to the loading and unloading in order to use
20 that narrow alley. You know, you have two buildings
21 that are coming up pretty close on both sides of the
22 private alley, and we want to make sure that the
23 trucks can fit back there and that they can turn
24 around back there, and that they're not backing out
25 across public space, either entering the alley or

1 coming out of the alley, and we believe that our --
2 that our conditions of approval would help solve
3 those issues.

4 We also made some comments about the items
5 that are currently being shown in public space on the
6 Rhode Island Avenue side of the property, and sounds
7 like, you know, the applicant is amenable to our
8 conditions -- to most of our conditions of approval
9 and that, you know, some of these issues can be taken
10 up at Public Space Committee. Particularly the one
11 regarding the building being at grade with the
12 existing sidewalk. You know, we had had some
13 conversations with the applicant recently and you
14 know, we would be amenable to dealing with that one
15 more at the Public Space Committee. However, you
16 know, all the other items that are currently shown in
17 public space right now, like the gardens, the steps,
18 the grade changes, all those things don't meet
19 current DDOT standards, and so we would request that
20 those be removed from public space.

21 And then another one of our conditions of
22 approval is to obtain any necessary formal agreements
23 to be able to use the alley, the private alley.
24 There are a number of property owners back there.
25 And so, you know, it sounds like the applicant has

1 obtained an easement or some other kind of agreements
2 in order to use that. So, in general, we're very
3 supportive of this project with our conditions.

4 CHAIRMAN HILL: Okay. Thank you. I mean,
5 that's really the main question that I had and also
6 the Office of Zoning has kind of mentioned it to me
7 that you have obtained an easement with the
8 neighbors.

9 MS. RODDY: Yes, there has been an easement
10 for use of the private alley since, I think, 1927.
11 It's recorded in the land records.

12 CHAIRMAN HILL: Okay. So, you've seen all of
13 the conditions and you don't have any issues with any
14 of the conditions?

15 MS. RODDY: We did want to have further
16 conversations during Public Space with respect to
17 making the first floor flush with grade, and so I
18 think we can continue that conversation with DDOT
19 during the Public Space process.

20 If the Commission or if the Board feels that
21 it's necessary to include the loading conditions in
22 this order, we don't object. We just thought it
23 might be more appropriate to include those in our
24 public space discussions with DDOT since we aren't
25 seeking loading relief in this application.

1 But again, that would -- we would leave that
2 to the Board.

3 CHAIRMAN HILL: And, DDOT, you're fine with
4 that?

5 MR. ZIMMERMAN: Well, I mean, we're
6 supportive of our conditions. We think they are
7 necessary in order to prevent, you know, over-sized
8 trucks. We don't want, you know, large 55-foot
9 trucks. You know, if there's a restaurant component
10 to this project that might encourage much larger
11 trucks, and we want to make sure that the alley works
12 so that they're not trying to use the on-street along
13 the Rhode Island front edge in order for loading and
14 unloading.

15 So, I mean, we believe these conditions
16 should stay in.

17 CHAIRMAN HILL: Okay. All right. So I don't
18 have a -- it does seem like you're giving me a lot of
19 push-back too, so I'm fine with that.

20 So, does anyone have any other questions for
21 DDOT?

22 [Pause.]

23 CHAIRMAN HILL: Thank you. So, it was just
24 kind of brought to my attention again, so that you
25 will give us revised plans once you have worked out

1 the issues with public space?

2 MS. BUTANI-D'SOUZA: So, the Office of Zoning
3 would require revised plans that show whatever the
4 final agreed upon situation is. So, I think your
5 options would be either to -- we could continue this
6 or you could submit revised plans as like a minor
7 modification I would imagine would be one way to do
8 it as well, if they don't affect the zoning relief.

9 MS. RODDY: I don't know that we need to do a
10 minor modification. We're happy to submit plans, but
11 if it's public space I think that would be DDOT's
12 purview. I don't know that that would affect our BZA
13 relief in this instance. We are happy to work with
14 DDOT. We understand that they have comments on the
15 Rhode Island frontage and we can work with them
16 through that.

17 MS. BUTANI-D'SOUZA: I think as a matter of
18 practice, and Mr. Moy might need to weigh in here,
19 the Office of Zoning typically requests that whatever
20 plans are approved through the BZA process that those
21 be final plans so that there's no confusion at DCRA
22 regarding what was approved. So, maybe, Mr. Moy, do
23 you have some thoughts on that?

24 MR. MOY: I think the Board in the past is
25 online with, as the applicant has described, if these

1 are user agreements between the applicant and with
2 the agency, and they're not on -- how shall I say it?
3 What's the word? On to the zoning relief, then we're
4 fine and we can make that notation in the body of the
5 order.

6 But if there are other -- if we're talking
7 about rights, that would not be included in the
8 easement. I would be able to, OHA, to weigh in.

9 MS. BUTANI-D'SOUZA: Does it matter if they
10 are conditions of our order? If not, I mean, I'm
11 fine either way. I'm just sort of noting from the
12 guidance that we've been given.

13 MS. RODDY: Would it help if the plans were
14 stamped that have been entered to say -- or the
15 order, it says that any items in public space are not
16 deemed approved, that's to be continued to work with
17 DDOT, just so that there's no confusion that we will
18 continue the public space dialog?

19 [Pause.]

20 CHAIRMAN HILL: Could you make your
21 suggestion again?

22 MS. RODDY: Well, perhaps in the order we
23 could incorporate language to say that nothing in
24 public space is deemed approved by the Board and that
25 needs to continue to be discussed with the District

1 Department of Transportation.

2 CHAIRMAN HILL: I'm fine with that. Okay.

3 Does anyone have any more questions for the
4 applicant? Okay. All right. So, I'm going to ask
5 if there's anyone here from the -- do you have
6 anything else you'd like to say at this point? Okay.
7 Thank you.

8 So, I'm going to go ahead and ask if there's
9 anyone here from the ANC wishing to speak. No? Is
10 there anyone here wishing to speak in support of the
11 application? No? Is there anyone here wishing to
12 speak in opposition of the application?

13 If you could please come forward, sir?

14 Yeah, you can just, yeah, give the witness
15 cards over there to the gentleman to my right.

16 And if you could just have a seat and then
17 tell us your name and address, and if you push the
18 little button there that says push, the green light
19 will come on. Is it on?

20 MR. BRYANT: No, it wasn't.

21 CHAIRMAN HILL: Okay. Great. And then, sir,
22 you'll have three minutes to make your statement.
23 Okay?

24 MR. BRYANT: Yes. My name is -- excuse me.
25 My name is Walter Bryant. I live at 3107 20th Street

1 Northeast, right around the corner on 20th at Rhode
2 Island Avenue where the proposed building is
3 scheduled to be built.

4 At the ANC Commission meetings there were
5 two, and I am somewhat surprised that no one is there
6 -- no one is here from that meeting because they did
7 vote, but it was a conditional vote. And one of
8 those issues that I brought up was public parking of
9 the tenants in an area that is already squeezed to
10 death. The residents who live on the side streets
11 accommodate the parking for businesses that are on
12 Rhode Island Avenue already during the day and during
13 the evening hours.

14 My initial question to the owner of the
15 property was, what -- no, I ask will you have
16 underground parking for your tenants, because I have
17 42 apartment buildings there. His answer is no.

18 My question, and no one has sufficiently
19 answered my question, that where will these owners
20 park, or renters then, but now it's owners.

21 There was a condition, or how do I put it,
22 the new tenants would necessarily be required to, but
23 we would not rent to people who had cars. That was
24 the essence of what he was saying. They would prefer
25 people who did not have cars, they would get

1 preference. That sounds illegal to me.

2 And still not solved. At that ANC Commission
3 meeting, we -- they, voted a conditional support upon
4 solutions of what problems we brought up. I would
5 suggest that you delay anything until you get that
6 ANC report because we are -- at least people on my
7 street are concerned. Most of them are workers, so
8 they're at work today. I'm retired, after 41 years
9 of teaching, I should be.

10 However, I'm still concerned about the
11 parking in that area. I live on an alley, and every
12 day I've got to ask someone, you can't park there.
13 Please move your car. Well, we're talking with
14 people overnight now. If they cannot park on that
15 property where will they park?

16 And it's not logical that you could have
17 tenants without an automobile. Where would you get -
18 - or, how would you get home from the grocery store?
19 Just one simple thing like that. You got out
20 shopping on Saturday, or wherever you do it, and you
21 load your car up. Oops, you don't have a car. How
22 are you going to get your groceries home?

23 This is common sense. That's my issue. If
24 you can solve that, I have no problem with it.

25 CHAIRMAN HILL: All right. Thank you, Mr.

1 Bryant. It's parking is the concern that you have.

2 MR. BRYANT: Residential area parking.

3 CHAIRMAN HILL: Okay. So, Ms. Roddy, you
4 guys are providing the required numbers of spaces,
5 correct?

6 MS. RODDY: That is correct.

7 CHAIRMAN HILL: Do you have any things that
8 you like to address in terms of your trying to
9 establish as much parking as possible, and how many
10 spaces there are, and also to the witness's
11 testimony, any further discussion about what might
12 have been pushed back at the ANC meeting in terms of
13 parking or either the owner could speak to that
14 point, or you could tell me more about the parking
15 issues.

16 MS. RODDY: And I'll let the owner speak to
17 that point, as well as the previous request that you
18 had.

19 CHAIRMAN HILL: Okay.

20 MR. SALEM: Sure. So, yeah, we pretty at
21 length spoke about parking at the ANC and one of the
22 issues that came up that I think wasn't really clear,
23 we had someone from the District at the last ANC
24 meeting, and there was a big concern over RPP and why
25 RPP wasn't available there specifically. And a

1 request was made by the Board to look in to why,
2 excuse me, RPP wasn't available to residents who live
3 on the side streets right now.

4 And to that, by the time this building is
5 built, our thought is RPP will be there and we're not
6 able to get any RPP parking for our residents there.
7 The building is really geared to kind of where the
8 District is going now with the reduced parking
9 requirement to attract people who either Zip Car or
10 Uber, or there's the new G9 bus line that's coming
11 directly down Rhode Island Avenue that starts second
12 quarter next year.

13 Not to pick and choose by no means, but
14 really understanding who would be interested in the
15 price range and the location of the building.

16 All that being said, you know, we're not
17 really requesting for parking relief, so, I think
18 it's really just a question of how people live today
19 as opposed to --

20 CHAIRMAN HILL: Okay. Okay. So --

21 MS. RODDY: If I could -- I'm sorry, if I
22 could just --

23 CHAIRMAN HILL: Sure. Sure.

24 MS. RODDY: -- clarify quickly? The
25 residents here would not be able to receive a parking

1 permit. So they won't be able to park on the street.
2 They won't be taking up any of the neighborhood
3 parking. And that will remain in perpetuity, that
4 they wouldn't be able to receive that permit.

5 The other thing is that by closing the curb
6 cut on Rhode Island we actually are creating
7 additional parking for the neighborhood. At least
8 one to two spaces would be created there, so that's
9 additional.

10 And as Mr. Salem has said, that there really
11 have been a big move policy wise from the District,
12 and a big shift, I think, in just the mindset of how
13 people do their daily errands and that cars are no
14 longer necessary. So, the required parking, again,
15 is being provided and we are seeking that relief.

16 CHAIRMAN HILL: Okay.

17 MS. BUTANI-D'SOUZA: How many units are
18 there?

19 MS. RODDY: There are 42 units.

20 CHAIRMAN HILL: Okay. All right. Thank you.
21 Does the Board have any questions for the witness?

22 MS. BUTANI-D'SOUZA: I have just one other
23 question for the owner. What's the mix of units in
24 terms of bedrooms?

25 MR. SALEM: It's close to half and half, one-

1 bedroom and two-bedroom units.

2 MR. HART: Mr. Bryant.

3 MR. BRYANT: Yes.

4 MR. HART: Just out of curiosity, do you have
5 -- have you spoken to the ANC since the ANC meetings?
6 Do you know if they are going to be submitting
7 anything? Have you talked to anybody over there to
8 see if they would be able to submit something to us
9 in writing? It seems like we haven't gotten that and
10 it may be helpful for us to do that. And I didn't
11 know if you had, you know, said, oh yeah, I contacted
12 this person and they said they would give us
13 something in a week or you know, it's hard for us to
14 kind of say --

15 MR. BRYANT: I can relay your request back to
16 the ANC Commissioner, who doesn't return my calls
17 either. Okay? But I will go by his Ward 5
18 councilman's office where he works to be sure that he
19 gets this message that the ANC report as we decided
20 at that meeting that would be submitted, wasn't, and
21 would he get to it immediately.

22 I'm hoping, praying, that he will get that
23 information to you because their support of the
24 project was conditional.

25 CHAIRMAN HILL: Mr. Bryant, you keep

1 mentioning it's conditional. Conditional on what?

2 MR. BRYANT: One of those issues was one that
3 I'm talking about now, was street parking. How do we
4 resolve it?

5 CHAIRMAN HILL: Okay. All right. Okay. All
6 right.

7 MS. BUTANI-D'SOUZA: Can I ask just one -- I
8 just want to clarify this RPP question.

9 So, currently Rhode Island Avenue has metered
10 parking? Okay, there's metered parking on Rhode
11 Island.

12 MR. BRYANT: On Rhode Island only.

13 MS. BUTANI-D'SOUZA: On Rhode Island Avenue.
14 And then on the side streets there's RPP parking.

15 MR. BRYANT: No.

16 MS. BUTANI-D'SOUZA: No, it's free parking on
17 the side streets?

18 MS. RODDY: I'll be honest, I don't know the
19 answer to that question.

20 MR. BRYANT: I do.

21 MS. BUTANI-D'SOUZA: Okay. It's free parking
22 on the side streets. There's --

23 MR. BRYANT: Except for one block.

24 MS. BUTANI-D'SOUZA: Okay. And has --

25 MR. BRYANT: Across the street from that

1 proposed area.

2 MS. BUTANI-D'SOUZA: And, Mr. Branch, do you
3 know if --

4 MR. BRYANT: Bryant.

5 MS. BUTANI-D'SOUZA: Mr. Bryant, I'm sorry.

6 MR. BRYANT: Uh-huh. It's all right.

7 MS. BUTANI-D'SOUZA: Mr. Bryant, do you know
8 whether your -- because I believe, and we're lucky to
9 have DDOT here today to weigh in on this. But I
10 believe that the RPP is done on a block-by-block
11 basis.

12 MR. BRYANT: It has been refused at previous
13 requests by the ANC.

14 MS. BUTANI-D'SOUZA: So, the ANC has refused
15 to --

16 MR. BRYANT: At least on my block it had
17 been.

18 MS. BUTANI-D'SOUZA: Okay. Okay. So, then
19 the concern is that the new residents will park in
20 the unrestricted parking on the side streets.

21 MR. BRYANT: Uh-huh.

22 MS. BUTANI-D'SOUZA: And Ms. Roddy? Rodney?
23 Is it Roddy or Rodney?

24 MS. RODDY: Roddy.

25 MS. BUTANI-D'SOUZA: Roddy. You're saying

1 that because these residents are on a street with
2 metered parking they're eligible for RPP passes. Is
3 that correct?

4 MS. RODDY: Correct. They would not be able
5 to petition. They aren't eligible for RPP.

6 MS. BUTANI-D'SOUZA: Okay. And okay. So, to
7 me it sounds as though the ANC, at least on your
8 block has not made a decision in favor of parking for
9 RPP.

10 MR. BRYANT: They had, according to what I
11 heard at that meeting.

12 MS. BUTANI-D'SOUZA: Okay.

13 MR. BRYANT: And they will continue in that
14 avenue.

15 MS. BUTANI-D'SOUZA: Okay. So they are going
16 to try to get RPP restrictions.

17 MR. BRYANT: We hope.

18 MS. BUTANI-D'SOUZA: Because it's, you know,
19 as I look at this and I don't want to get into the
20 deliberation yet, but as I look at this, if there is
21 congested parking and if this is really a concern for
22 the community with this building coming in, the best
23 thing for your community to do would be to petition
24 DDOT to make those blocks RPP, because the 43 owners
25 of the units here will not be able to get resident

1 parking permits, because their building is located on
2 Rhode Island Avenue.

3 So, when your building is located on a main
4 thoroughfare like Rhode Island Avenue, and the
5 representative from DDOT can correct me if I'm wrong
6 on this, but if it's located on a main thoroughfare
7 where you have metered parking, you are not eligible
8 for -- your block is not eligible for RPP. So, they
9 would not be eligible to park on your side streets if
10 your side street community came together with your
11 ANC and petitioned DDOT to make those RPP spots.

12 So that's my understanding, and Mr.
13 Zimmerman, was it, is that a correct understanding?

14 MR. ZIMMERMAN: Yes, that's correct. Someone
15 cannot obtain a permit, RPP permit, if their block
16 does not currently allow for RPP. So if, you know,
17 this being on Rhode Island Avenue, it would not be
18 able to obtain a -- what is this, in Ward 5? A pass
19 for Ward 5 RPP parking. So.

20 MS. BUTANI-D'SOUZA: Okay. All right. That
21 helps me understand a little bit better. I don't
22 have any further questions.

23 CHAIRMAN HILL: Okay. Great. Thank you.
24 Mr. Bryant, thank you so much.

25 MR. BRYANT: Thank you.

1 MR. MILLER: Mr. Chairman, I just have one --

2 CHAIRMAN HILL: Oh, sorry. Maybe there's
3 more questions, Mr. Bryant.

4 MR. MILLER: I just wanted -- Ms. D'Souza
5 asked most of my questions about the RPP. But I just
6 had one more for Mr. Zimmerman, I guess.

7 A block doesn't need the ANC's approval to
8 petition, or for you to accept their petition. Isn't
9 it just 51 percent of the households on that block?

10 MR. ZIMMERMAN: That's correct. That's my
11 understanding. And there's some other criteria too,
12 such as like length of road and occupancy and things
13 like that, that go into the decision. But yeah,
14 that's my understanding of what you just said.

15 MR. MILLER: And it's your understanding that
16 that block, those side streets are RPP eligible?

17 MR. ZIMMERMAN: Right now Mills Avenue does
18 currently have RPP available today. 20th Street is
19 currently unregulated. The blocks just west and
20 south of here, and then further down are both
21 unregulated right now.

22 MR. MILLER: But they are eligible to --

23 MR. ZIMMERMAN: But they would be eligible
24 for anyone to petition, correct.

25 MR. MILLER: Thank you.

1 MS. BUTANI-D'SOUZA: So, Mr. Bryant, did you
2 catch that, that --

3 MR. BRYANT: Yes, I did.

4 MS. BUTANI-D'SOUZA: -- 51 percent of your
5 neighbors need to petition DDOT. You don't need the
6 ANC.

7 MR. BRYANT: We've done that. We did that
8 years ago.

9 MS. BUTANI-D'SOUZA: Maybe what -- maybe Mr.
10 Zimmerman can provide, after this hearing, the
11 information for who Mr. Bryant can reach out to so
12 that this time his petition does not fall on silent
13 ears.

14 MR. BRYANT: That will go through the ANC.
15 That's -- oh, understood. Yeah, okay.

16 MS. BUTANI-D'SOUZA: Yeah. Thanks.

17 CHAIRMAN HILL: Okay. Great. Does anyone
18 have any more questions for Mr. Bryant? Okay, Mr.
19 Bryant, thank you so much.

20 MR. BRYANT: Okay.

21 CHAIRMAN HILL: All right. Does anyone have
22 any questions for the applicant?

23 Okay. I do, just real quick. I want just
24 about the conditions. So, the ones that I want to
25 make sure we're just on the same page with is that

1 loading, unloading, and trash pickup must occur from
2 the private alley or internal to the subject
3 property. Yeah?

4 Trucks serving the site must be limited to 30
5 feet in length. Trucks -- yeah, trucks serving the
6 site must drive head-in, head-out down the alley
7 connecting with Mills Avenue Northeast.

8 All terrace gardens, steps, and grade changes
9 must be removed from public space.

10 MS. RODDY: That's fine.

11 CHAIRMAN HILL: Huh?

12 MS. RODDY: That's fine. We're fine with
13 working with DDOT through the Public Space process to
14 refine what that landscape looks like.

15 CHAIRMAN HILL: Okay. So, with flexibility.

16 MS. RODDY: Right. I think that that would
17 be one the items where we would coordinate through
18 the Public Space process.

19 CHAIRMAN HILL: Okay. All right.

20 MS. RODDY: Since all of those items are --

21 CHAIRMAN HILL: Okay. Okay. The sidewalk
22 must be at least eight feet wide, exclusive of the
23 tree box.

24 MS. RODDY: Again, we would coordinate with -
25 - since it's public space.

1 CHAIRMAN HILL: Okay.

2 MR. MOY: Yeah, staff -- sorry to interrupt,
3 MR. Chairman. And I've been discussing with OHA, in
4 the order we could provide language that we have done
5 similarly with -- when applicants have to go to HPRB,
6 where we provide flexibility, the language with
7 flexibility to adjust the plans, last game plans
8 that's in agreement with DDOT.

9 CHAIRMAN HILL: Okay.

10 MR. MOY: So long as it doesn't change or
11 enlarge the zoning relief that the Board would be
12 approving.

13 CHAIRMAN HILL: Okay. And then the last one
14 that I've got here is the short-term bicycle parking
15 must be moved from the edge of the road where it is
16 shown partially blocking the sidewalk, and installed
17 as u-shaped racks close to the building entrance.

18 MS. RODDY: That's fine.

19 CHAIRMAN HILL: Okay. All right. All right.
20 Again, does the Board have any other questions for
21 the applicant? Okay.

22 Would you have anything else you'd like to
23 say?

24 MS. RODDY: No, we just, we appreciate your
25 time and we are happy that we have the support of

1 DDOT and the Office of Planning and again, we'll
2 obviously continue our dialog with DDOT and we'll
3 reach out to the ANC again as well.

4 CHAIRMAN HILL: Okay. All right. Then I'm
5 going to close the hearing. I already called out for
6 people that were in support in opposition. Did you
7 just get here?

8 MR. PAPPAGEORGE: [Speaking off mic.]

9 CHAIRMAN HILL: Okay. I'm going to -- I'm
10 sorry, can you come forward, please?

11 MR. PAPPAGEORGE: [Speaking off mic.]

12 CHAIRMAN HILL: That's okay. I can't hear
13 you. Just have to -- you have to speak in -- if you
14 can sit over there and just speak into the
15 microphone? I didn't hear what you said in terms of
16 if you had been here for the swearing in, and did you
17 just arrive, and if you --

18 MR. PAPPAGEORGE: [Speaking off mic.]

19 CHAIRMAN HILL: Could you push the
20 microphone? I'm sorry. Speak in to it.

21 MR. PAPPAGEORGE: Yeah, I came in after the
22 9:30 swearing in.

23 CHAIRMAN HILL: Okay. So, you came in after
24 I asked for support in opposition?

25 MR. PAPPAGEORGE: [Speaking off mic.]

1 CHAIRMAN HILL: Okay. I'm going to let you
2 provide your testimony anyway. Let's see. If you
3 could be sworn in by Mr. Moy?

4 [Oath administered to the participant.]

5 CHAIRMAN HILL: Okay. Yeah, if you could
6 hand your witness cards over to the transcriber,
7 please?

8 If you could give us your name and address,
9 and then also, are you speaking in support or
10 opposition?

11 MR. PAPPAGEORGE: I'm sort of undeclared,
12 although I've met with Rasheed and I've got a rapport
13 with him.

14 CHAIRMAN HILL: Okay.

15 MR. PAPPAGEORGE: But there's just a concern
16 or two I had --

17 CHAIRMAN HILL: Okay. That's fine. That's
18 great. We'll put you down as an independent.

19 MR. PAPPAGEORGE: Okay.

20 CHAIRMAN HILL: Okay.

21 MR. PAPPAGEORGE: Not a republican or
22 democrat.

23 CHAIRMAN HILL: Okay. What's your name
24 again, please, and your address?

25 MR. PAPPAGEORGE: It's George, middle initial

1 C, last name is Papageorge.

2 And I'm partners with Yayworg Herringer
3 (phonetic), and we own a property that is immediate
4 adjacent to the subject property, which is 2960 Mills
5 Avenue Northeast.

6 CHAIRMAN HILL: Okay. Go ahead.

7 MR. PAPPAGEORGE: Here's a couple of
8 concerns. The alley is private and we own it, along
9 with the other gentleman, John Ludd in the back of
10 the room. So, I own to the center line, he owns to
11 the center line. Right now it's only 10 foot. I'm
12 kind of questioning the validity of this whole
13 easement situation.

14 I know there's a document from 1926. And
15 again, my concern is even if there was an easement,
16 that really wasn't intended to take on the size and
17 scale and dimension of the property we're talking
18 about. Now, right now we have dumpsters in the back
19 of our property. Trucks don't even go up there. One
20 went the other year and they gouged the hell out of
21 our masonry because we're right on the alley. They
22 literally take the dumpsters, wheel them out, and
23 bring them to Mills Avenue.

24 So, the subject property would be under the
25 same sort of similar restriction, shall we say. So

1 again, questioning the easement situation. It's a
2 big, big deal. And then again, even if the existence
3 is there we're talking about size, scale, scope
4 that's beyond whatever anybody would have imagined
5 from 1926.

6 So, that's a big concern. I don't know if
7 there's any questions on that.

8 CHAIRMAN HILL: Okay. So, Mr. Salem? Salem?
9 And Ms. Rodney (sic), can you tell me a little bit
10 about how we can address these concerns or thoughts?

11 MS. RODDY: Sure. I would just first say
12 that the easement is recorded in the land records.
13 There is an easement. I would also just say that the
14 existing use has the rights to use the easement, and
15 there's 18 parking spaces for a bank. So, the
16 intensity of that use is a bit more than it would be
17 for eight spaces for a residential use.

18 So, we don't think that the scope here is
19 being enlarged as he has stated, and so we're happy
20 to have the conversations. We have -- Mr. Salem can
21 speak with respect to the size of the trash trucks
22 that would be picking up from our property. We won't
23 be using the standard sized trash trucks. They would
24 be smaller, but I'll let the owner speak to that.

25 MR. SALEM: That was one of the concerns of

1 the ANC was trash, and we're going to keep the trash
2 internal which really drives us to dispose of trash
3 just about every day. So it would be a private trash
4 carrier that we would hire that would probably be
5 more along the lines of an F350 than an actual
6 commercial sized trash truck.

7 CHAIRMAN HILL: Okay. Have you met with Mr.
8 Papageorge before?

9 MR. SALEM: I have, yes. And I met with
10 his --

11 CHAIRMAN HILL: Okay.

12 MR. SALEM: -- the other owner on the other
13 side of the lot on Friday as well, and we've
14 continued the conversation.

15 CHAIRMAN HILL: Okay. I mean, I can't do
16 anything about the size of the alley. And so, you
17 know, really all I can think of is again, as far as
18 being good neighbors, trying to do things that
19 obviously don't damage other people's property. And
20 so you're aware of this. You're going to take -- you
21 know, do things so that the property doesn't get
22 harmed, you know, trucks don't go down there that
23 aren't the correct size, and the dumpster issue, I
24 guess, how would you address that or where is the --

25 MR. SALEM: Well, there wouldn't be a

1 dumpster because we're going to keep the trash
2 internal. So it would really be hand removed and put
3 in a truck every day, so there wouldn't be a -- there
4 would have to be a truck that would be able to fit
5 inside the alley. Like I said, it would be not a
6 commercial size truck, not like a Tanley Town type
7 truck, but an actual private truck that we would hire
8 in the condominium association to dispose of the
9 trash daily.

10 CHAIRMAN HILL: Okay. Mr. Zimmerman, since
11 DDOT -- we don't normally have DDOT here, so, do you
12 have any comments concerning what Mr. Papageorge has
13 mentioned?

14 MR. PAPPAGEORGE: Well, I would say that, you
15 know, we agree with the applicant on the intensity of
16 the use with the eight parking spaces. You know, we
17 feel that eight cars using the alley on a daily
18 basis, or maybe not even a daily basis, as well as
19 the trash pick-up and deliveries, we don't feel that
20 that is too intense for an alley this narrow.

21 There are other alleys throughout the city
22 that are 10-feet wide that would be used more heavily
23 than this one, so we don't think that that's too big
24 of an issue.

25 CHAIRMAN HILL: Okay. Thank you. Does the

1 Board have any questions for the witness?

2 No? You had one more comment, it looks like.

3 I'll let you have one more comment.

4 MR. PAPPAGEORGE: Again, the trash thing,
5 that can be dealt with. We went from 18 units from
6 back bank building 1926, or whatever, people dropping
7 deposits off in their cars or whatever they had. Now
8 we're talking about moving trucks and people moving
9 out every year out of a 40-unit building. They're
10 going to go to the back alley. They're going to go
11 to the back of the building and that's what's going
12 to happen. That's the type of restrictions or
13 whatever it's got to be, finessed around, shall we
14 say?

15 CHAIRMAN HILL: No, and I think, Mr.
16 Papageorge, again, just working with the owners as
17 best he can.

18 MR. PAPPAGEORGE: Yeah, and we are. We are.

19 CHAIRMAN HILL: Like that's really --

20 MR. PAPPAGEORGE: I want to --

21 CHAIRMAN HILL: And I appreciate that. And
22 so, and so I'll -- Ms. Butani has a question.

23 MS. BUTANI-D'SOUZA: Yeah. One thing that
24 you all may want to discuss is bollards or other
25 items being placed in the alley to prevent trucks

1 from gouging the masonry there. I think we've
2 suggested that in previous cases. It may just be
3 something that you would like to discuss with them.
4 Since this is a private alley and DDOT wouldn't
5 therefore impose that kind of restrictions through
6 the public space process.

7 I'm sure everybody would -- nobody wants
8 their moving truck to get smashed along an alleyway.
9 Certainly, that would not be the best for the
10 residents who have to pay for that moving truck and
11 obviously, we would want that for your building. So,
12 I think you guys have some aligned interests in
13 making sure that whatever goes on in that alley is --
14 that the alley can handle it. And I am heartened
15 that DDOT did evaluate whether this alley was wide
16 enough or had the capability to handle this kind of
17 traffic. So.

18 MR. PAPPAGEORGE: So that's happened, you're
19 saying?

20 MS. BUTANI-D'SOUZA: I'm sorry?

21 MR. PAPPAGEORGE: You're saying that's
22 happened with --

23 MS. BUTANI-D'SOUZA: Well, that was actually
24 going to be my question to DDOT. Did DDOT evaluate
25 when you prepared your report, did you evaluate

1 whether this alley could handle the traffic that's
2 proposed here?

3 MR. ZIMMERMAN: Yes. And we stated in our
4 report that, you know, we didn't think, you know,
5 eight vehicles current -- you know, that would be
6 using the alley plus some move-ins here and there
7 would be too much for an alley like this.

8 MS. BUTANI-D'SOUZA: Uh-huh.

9 MR. ZIMMERMAN: So, we did not believe that
10 there would be that much conflicting traffic through
11 there. And typically, you know, as you know, the
12 standard is 20 feet. That way cars can pass each
13 other. But we don't think, you know, that that's too
14 big of an issue with an alley; with this particular
15 alley with -- it's closed off in the back so it
16 doesn't actually connect to the church through there,
17 so it can't be used as a cut-through.

18 MS. BUTANI-D'SOUZA: Uh-huh.

19 MR. ZIMMERMAN: There's only a couple
20 properties back there using it today, pretty
21 sparsely. And so, adding, you know, eight additional
22 vehicles a day, maybe not necessarily every day
23 somebody would use their car, but you know, with
24 whatever activity would be going on back there would
25 not be too significant.

1 MS. BUTANI-D'SOUZA: Okay. And just curious,
2 do you have a separate service elevator for this
3 building that people would be moving -- using to move
4 in and out of, or would they be using the main
5 elevator?

6 MR. SALEM: Main elevator.

7 MS. BUTANI-D'SOUZA: Okay. So, then probably
8 it would be most sensible for people to move in and
9 out of the building from the front property, correct?
10 Rather than parking in the back and bringing their
11 stuff around; something to consider when your -- if
12 your neighbors are concerned about you using moving
13 trucks is how you're building a set up to allow
14 people to move in and out, and you know, whether you
15 need to put something in your condo docs around
16 requiring people to get permits from DDOT.

17 MR. SALEM: I'd be happy to do that. Sure.

18 MS. BUTANI-D'SOUZA: Okay. That might be
19 something else to discuss. Again, you guys have
20 aligned interests here and it sounds like we have
21 someone who has a desire to be a good neighbor. So,
22 I don't have any further questions.

23 CHAIRMAN HILL: Okay. All right, great. So,
24 Mr. Saleem (sic) again. Is it Saleem?

25 MR. SALEM: Salem.

1 CHAIRMAN HILL: Salem. Gosh, I'm doing bad
2 today. There's another owner here in the back and so
3 I guess you guys have all talked and hopefully we can
4 do your best to make the alley function properly.

5 Do you have any concluding comments that
6 you'd like to make?

7 MS. RODDY: I just wanted to follow up on the
8 comment that Board Member D'Souza had just made. One
9 of the conditions from DDOT was that loading would
10 occur from the alley, so I think that maybe we would
11 ask for the flexibility then to work with DDOT to
12 also achieve or obtain the required permits if they
13 were to load from Rhode Island Avenue, pursuant to
14 your comment. Just to make sure that that condition
15 then, would be flexible.

16 CHAIRMAN HILL: That's fine. Okay. Does
17 anybody --

18 MR. PAPPAGEORGE: One second and I'll be
19 done.

20 CHAIRMAN HILL: Oh, okay. All right. Go
21 ahead.

22 MR. PAPPAGEORGE: There is some sort of bi-
23 lateral agreement going on with you guys and it would
24 seem to me we, as the owners of the alley, would have
25 to be involved with that.

1 CHAIRMAN HILL: We don't have a bi-lateral
2 agreement going on.

3 MR. PAPPAGEORGE: Okay. Well, maybe
4 formulated, shall we say, between DDOT --

5 CHAIRMAN HILL: All I'm asking is that you
6 guys try to work together.

7 MR. PAPPAGEORGE: Okay.

8 CHAIRMAN HILL: And that's all I can do.
9 Okay? All right. Thank you. All right.

10 So, with that I'm going to -- do you have
11 anything else? All right. I'm going to close the
12 hearing, unless the Board has any other questions.
13 Okay. All right.

14 So, are we ready to deliberate? Okay. I am
15 very appreciative that people have come down to talk
16 about their concerns. I'm appreciative that the
17 applicant has been working with the Office of
18 Planning and DDOT to get to this point.

19 As far as the concerns that the neighborhood
20 had about the parking, I mean, the building is giving
21 the parking that it's required to give. There is
22 additional space that is going to be made from the
23 curb cut going away, so even though I can definitely
24 understand the concern from the community in terms of
25 more parking, they're doing what they're supposed to

1 be doing in terms of the design of the building.

2 I mean, just from a personal standpoint I
3 like the design of the building. I like that they're
4 saving what they can of the existing bank and the
5 neighborhood.

6 I also agree with the analysis that the
7 Office of Planning has given as to why the request
8 should be granted. So, I'm in favor of granting the
9 request. Does anyone else have any comments?

10 MS. BUTANI-D'SOUZA: Yeah, I'm actually -- I
11 appreciate that DDOT has come down. I think this is
12 a great thing to have you here for this particular
13 case. I appreciate that DDOT has evaluated the use
14 of the alley and indicated that it can handle this
15 intensity of use, which I think was a concern of the
16 neighbors. I think we've also had a chance to
17 discuss the RPP and we have a good path forward on
18 that.

19 Since the BZA -- since relief is not being
20 requested for parking we can't really evaluate
21 parking beyond what is being provided. But I'm glad
22 that there is something here for the gentleman who
23 testify, Mr. Bryant.

24 We are typically required to give great
25 weight to the written report of the ANC. In this

1 case we don't have a written report from the ANC, but
2 I -- it sounds, based on the testimony, there was
3 support, you know, with tipping our hat to the two
4 issues that have been raised here today.

5 So, I think that this -- I'm supportive of
6 this project.

7 MR. MILLER: I would concur with the comments
8 of the chair and the Vice Chair and appreciate
9 everyone coming down. I think the concerns that had
10 been addressed, that had been raised, can be
11 addressed through the RPP petitioning process by the
12 neighbors, and should be addressed that way. And the
13 other issues should be addressed between the
14 neighbors -- between the neighbors and through the
15 Public Space permitting process, so.

16 MR. HART: Again, I also reiterate the other
17 board members' comments. I appreciate the -- Mr.
18 Bryant for coming out and Mr. Papageorge for coming
19 out as well to provide the testimony that you have.
20 It's very helpful for us to hear kind of all sides of
21 the issues, as well as the applicant for addressing
22 it. And it seems like you've done your due diligence
23 in terms of talking to the various property owners as
24 well as the neighborhood and going to the
25 neighborhood. You can ask but so much and at some

1 point, you kind of have to say, okay, this is what
2 we've gotten, this is what we have to move forward
3 with. So, with that I'm actually supportive of the
4 report -- of the project, as well as appreciative of
5 DDOT and OP for coming to provide us with their
6 information in the report so far. So, that's it.

7 [Pause.]

8 CHAIRMAN HILL: Okay. So, with that I'm
9 going to make a motion to go ahead and approve the
10 application No. 19383 as advertised.

11 MR. HART: Seconded.

12 CHAIRMAN HILL: Okay. The motion has been
13 made and seconded.

14 [Vote taken.]

15 CHAIRMAN HILL: The motion passes. Mr. Moy.

16 MR. MOY: Staff would record the vote as
17 four, to zero, to one. This is on the motion of
18 Chairman Hill to approve the application for the
19 relief being requested, along with the conditions
20 that was agreed upon during the discussion of the
21 Board, and I believe which also include a language
22 for flexibility as to the plans, asks that the
23 applicant works with the Public Space Committee and
24 DDOT.

25 And let's see, the -- and in an order we

1 would reference the final revised drawings under
2 Exhibit 38A1, 38A2, those two sets. Seconded the
3 motion, Mr. Hart. Also in support, Vice Chairperson
4 Butani, Mr. Miller, we have a seat vacant. Motion
5 carries, sir.

6 CHAIRMAN HILL: Thank you. Can we do a
7 summary order?

8 MR. MOY: Yes, sir.

9 CHAIRMAN HILL: Okay. All right. We're
10 going to take a five-minute break. Okay. Thank you.

11 [Break.]

12 CHAIRMAN HILL: Mr. Moy, can we go ahead and
13 get started again?

14 MR. MOY: Yes, sir.

15 CHAIRMAN HILL: Then call the next case.

16 MR. MOY: That would be Application No.
17 18315A of Evermay Georgetown, LLC., as captioned and
18 advertised for special exception relief under the R
19 use requirements of Subtitle U, Section 203.1N. This
20 would allow the -- I'm going to say what was
21 captioned and advertised. We actually wrote, to
22 allow the continued operation of a non-profit use, R-
23 19 zone, 1623 28th Street Northwest, Square 1285, Lot
24 815.

25 Yeah, please come forward. Okay. Good

1 morning.

2 If you could please just -- you just push the
3 little green, the little button there that says push,
4 and then the light will come on and you can turn it
5 off again. If you could just introduce yourselves if
6 you wouldn't mind, from my left to right? Or it
7 doesn't matter.

8 MR. YANAGUTANI: Oh, for me?

9 CHAIRMAN HILL: Yeah. Sure.

10 MR. YANAGUTANI: Hi. My name is Ryo
11 Yanagitani, and I'm artistic director of the
12 Dusiwinnow (phonetic) Foundation. Address, 4521
13 Wetherell Road, Bethesda.

14 MS. HAASE: I'm Alice Hasse.

15 CHAIRMAN HILL: Try again?

16 MS. HAUSE: It is -- oh, there it goes.

17 CHAIRMAN HILL: There you go.

18 MS. HAASE: Alice Hasse with the law firm
19 CastroHaase. We're at 2001 L Street in Washington,
20 D.C.

21 MS. KUNO: My name is Sachiko Kuno. Address
22 is 1620 Street and 28th Street Northwest, and I am
23 the co-owner of Evermay Estate.

24 CHAIRMAN HILL: Okay. Great. Well, thank
25 you. It's nice to have you guys all with us today.

1 I guess, Ms. Haase, you can go ahead and give
2 your presentation. For me, and I'll go ahead and let
3 the board members also speak for themselves in terms
4 of any specifics they'd like to hear from you during
5 the presentation, but I'm mostly concerned with just
6 the conditions that were being proposed, and making
7 sure we're all on the same page in terms of what
8 would happen going forward, and it seems you've
9 submitted something to us as well concerning those,
10 or speaking to some of those conditions. So, that
11 would be my -- what I'd be most focused on. But
12 please go ahead and give us you know, kind of a high-
13 level presentation if you wouldn't mind about, you
14 know, what you're proposing and the request you're
15 asking for.

16 MS. HAASE: Okay. Thank you. This is really
17 on just a renewal of a special use permit that the
18 Board of Zoning Adjustment granted almost five years
19 ago.

20 As I looked at the front of the room I
21 thought how interesting it was that I was here, Dr.
22 Kuno was here, Mr. Moy was here, and Mr. Mordfin was
23 here. And Obviously, no one else was here. So,
24 hopefully you've heard some good things already about
25 Evermay. It is a very historic estate in Georgetown.

1 It was built approximately 1801, and it has a rather
2 large land area for Georgetown, over two acres. And
3 probably the most defining feature of it, in contrast
4 to many of the cases that you hear is, it does not
5 have a parking issue. As a matter of fact, there are
6 about 100 parking spaces on the property. So, that's
7 not an issue.

8 For the past almost five years the S&R
9 Foundation, which was started by Doctors Kuno and
10 Ueno have, for the most part, used Evermay as their
11 nonprofit headquarters. They moved earlier in 2016
12 to Halcyon House, which was subject to another BZA
13 approval and for which that renewal will be coming up
14 in the next year or so. So hopefully, I'll see some
15 of you again.

16 And so, once S&R moved, then Evermay is
17 coming up on the end of its five-year period and the
18 doctors started two new foundations, the Ryuji Ueno
19 Foundation and the Sachiko Kuno Foundation. And
20 those two nonprofits will now be housed at Evermay.

21 The Ueno Foundation focuses primarily on
22 music and the support of young artists. But already,
23 to some degree, acclaimed Ryo to my left here, is one
24 such artists. I should be calling him Dr. Yanagitani
25 because he did get his doctorate from Yale, or just

1 before he joined as the resident artists at Evermay
2 under the auspices of the S&R Foundation. He is a
3 brilliant concert pianist and I think anyone who has
4 ever heard him wants to go back for more.

5 But he has now transferred over to the Ueno
6 Foundation as the artistic director. And of course,
7 Dr. Kuno, to my right, is a wonderful, compassionate,
8 brilliant woman who cares very much about the
9 preservation of historic properties. And that is
10 evidenced with the purchase and just beautiful
11 maintenance of Evermay. It is truly a beautiful
12 property.

13 And so, that's one of the goals of her
14 foundation and it's evidenced right at the property.
15 Also, she is very involved in cultural understanding,
16 and the leadership and development of entrepreneurs
17 and I will say that sometimes women might take a
18 little bit of a priority in that effort, which I
19 appreciate as a woman on business.

20 So, her foundation will focus more on those
21 type of events, just nonprofit events. Usually very
22 small, under 50 people, where as Dr. Ueno will focus
23 on concerts.

24 So, five years ago, we had, working with the
25 neighbors surrounding Evermay with whom continue to

1 maintain a very wonderful, cordial, warm
2 relationship. We worked out a set of conditions.
3 And those conditions obviously addressed the term,
4 the maximum number of annual events, the number of
5 people, deliveries, valet parking, the prohibition on
6 amplified music, and one of the important ones was
7 that Evermay would not be used as a rental venue.
8 And those conditions have been adhered to.

9 So, as we come forward here with this new
10 renewal period as we come to the expiration of the
11 five-year term, there are really only two significant
12 or primary changes to those original conditions.

13 And those are, instead of the five-year term,
14 we've asked for a tenure term and a very significant
15 reduction in events. When this application was filed
16 a little over five years ago there were plans for
17 Evermay. The concerts were always a plan, but the
18 Overture Concert Series evolved into such a special
19 event that I think that really is what Evermay may be
20 known for at this point in time. So, the Fellows
21 meetings that were granted in the last go-around are
22 absolutely deleted. That program has been
23 refashioned and is not intended to be held at
24 Evermay.

25 We have asked for 12 nonprofit meetings for

1 the Kuno Foundation. In the earlier application, it
2 was 24. So, that's a reduction, 12. And then in the
3 concerts, its 18 and 12 were in the original
4 application. For this application, the Evermay
5 concerts, which will now be not Overture, but
6 Evermay, we have asked for up to 10 to 11 per seasons
7 and there will only be two seasons. So, that's 21.

8 And then every now and then Foundation
9 anticipates having some very well-known musicians
10 come that might push the typical attendance limit of
11 90 up to 120. Ryo can tell you a little more about
12 this, but an example is the violinist who just
13 recently won the Shanghai Isaac Stern -- it's not a
14 contest. It's violin competition. Will be coming to
15 Evermay in the spring and that will be a big concert.
16 We're all looking forward to that.

17 So, 26 total concerts. And then the ability
18 for each foundation to have a fundraiser or, you
19 know, a large party, whether it's honoring artists
20 or, you know, whatever, just two of those a year.

21 So, the net, net on this is that as opposed
22 to the 93 events that were approved in the original
23 order, this application asks for only 40. So, that's
24 obviously a lot. Now --

25 CHAIRMAN HILL: May I just interrupt you for

1 one second? So, in the Office of Planning's report
2 there's a chart that has the different activities and
3 what, you know, you're calling them and the different
4 numbers that have changed.

5 And then we also just got something from you.
6 Is that correct? Is this different from what's in
7 the Office of Planning's report?

8 MS. HAASE: It's different from the report
9 only because this number of -- this number of events
10 was filed November 7th, and I think the Office of
11 Planning perhaps didn't pick it up in their report,
12 so we have spoken about it. And this is the number
13 of events that the ANC did recommend approval for,
14 this 40.

15 CHAIRMAN HILL: Okay. And the Office of
16 Planning has this. Now they can take a look at it.
17 Or they have it. I'll turn to you in a second, but I
18 just want to make sure you have it.

19 MR. MORDFIN: I do have it, yes. Thank you.

20 CHAIRMAN HILL: Okay. All right. Great.
21 Thank you. Okay, please continue.

22 MS. HAASE: The only other thing would be the
23 resident respite, and these are up to two-week stays.
24 We realized over the past five years that every now
25 and then an artist or a scholar, or someone just

1 needs a break. And/or they might be playing with the
2 Evermay Chamber for the Washington Ballet and
3 rehearsing night and day so they would stay at
4 Evermay.

5 So, up to 10 persons can stay at Evermay for
6 up to a two-week stay, but only 12 persons a year.
7 So, that's really it in a nutshell. The conditions
8 that restrict deliveries, hours, everything else have
9 stayed the same. So, here you have much less impact,
10 much less events on the property. But still very, I
11 think, you know, restrictive and appropriate
12 conditions for the use.

13 CHAIRMAN HILL: Okay. Great. Thanks. And
14 really, the point of contention right now is just the
15 limit, the term limit in terms of the Office of
16 Planning who is recommending five years, you're
17 asking for 10.

18 MS. HAASE: Well, actually I think we -- I
19 think the Office of Planning and I had a discussion
20 about that because that was the same issue in that
21 November --

22 CHAIRMAN HILL: Okay. That's okay, I'll turn
23 to him in a second. Does the Board have any
24 questions for the applicant?

25 Okay, great. Then if it's all right with

1 you, I'll turn to the Office of Planning.

2 MR. MORDFIN: Good morning Chair, and Members
3 of the Board. I'm Stephen Mordfin and the Office of
4 Planning does recommend approval of this application
5 with the revisions that were submitted by the
6 applicant, and also the Office of Planning does
7 support a 10-year approval for this application.

8 CHAIRMAN HILL: So, Mr. Mordfin, I am
9 curious, how come you now agree with the 10 years?

10 MR. MORDFIN: Well, initially we had done the
11 five year. That was what the ANC had wanted. But I
12 don't see that there's that much difference in this.
13 The changes in the numbers of the events, I think
14 that's minor. But we would like to support 10 years
15 just to give it more time between having to come back
16 again. We're not aware of any issues with this
17 application. I mean, with this use that has been
18 going on there, and therefore we do support that.

19 MS. HAASE: If I may just say --

20 CHAIRMAN HILL: Yeah, did the ANC -- okay.

21 MS. HAASE: -- the ANC did recommend 10 year
22 period and --

23 CHAIRMAN HILL: Okay. And where is that in
24 the record?

25 MS. HAASE: Well, I have e-mails to that

1 affect, from Monica Roche (phonetic), but I did bring
2 the 10-year term and the 40-year events. I mean, the
3 40 events per year to the ANC and it was -- the ANC
4 did have this chart of 40 events and the 10 years.
5 They had the draft conditions that I submitted on
6 November 7th, and that was what their recommendation
7 was based on.

8 And I'm sorry if it's not clear, but they did
9 not have an issue with the 10 years.

10 CHAIRMAN HILL: And so, I'm just being clear.
11 I just want to understand. So, at the ANC meeting,
12 they approved a five-year or a 10-year?

13 MS. HAASE: Ten-year.

14 CHAIRMAN HILL: Okay. Okay.

15 MS. BUTANI-D'SOUZA: I have a question. Your
16 foundations do wonderful work and Evermay is a
17 beautifully maintained property. I'm just curious
18 about why the events are being reduced. It seems
19 like it's such a wonderful benefit to the city to
20 have it used in this manner. We're so lucky to have
21 a historic home used in this manner. I'm just
22 curious about why it was reduced.

23 MS. HAASE: Well, two events occurred. One,
24 the foundation moved to Halcyon. And in some ways
25 the space there to hold events is better. Not the

1 parking, necessarily, but the space itself. And then
2 in March -- June of 2015, the foundation also bought
3 the historic Fillmore School.

4 MS. BUTANI-D'SOUZA: Okay.

5 MS. HAASE: And I hope to be -- we hope to be
6 back in front of you about that in the spring.

7 MS. BUTANI-D'SOUZA: Okay. So, we're not
8 losing --

9 MS. HAASE: You're not losing. You're going
10 to be gaining, but you know, Evermay is very quiet,
11 very pastoral, and I think there was just a desire to
12 make it a little calmer there.

13 MS. BUTANI-D'SOUZA: Okay. Thank you.

14 CHAIRMAN HILL: Okay. Does anyone have any
15 more questions for the applicant? Okay.

16 Do you have anything else you'd like to say?

17 MS. HAASE: If you're happy, I'm happy.

18 CHAIRMAN HILL: Okay. So, I'm going to then
19 check and see if there's anyone here from the ANC
20 wishing to speak. Is there anyone here wishing to
21 speak in support of the application? Is there anyone
22 here wishing to speak in opposition of the
23 application? Okay.

24 Again, I'm just going to ask, the Board
25 doesn't have any more questions, obviously. You

1 don't have anything else you'd like to add. So, if
2 that's the case I'm going to close the hearing.
3 Okay. I'm closing the hearing.

4 So, are we ready to deliberate? Would
5 someone like to start the deliberations?

6 MS. BUTANI-D'SOUZA: Sure. I think this is -
7 - I'm heartened to hear that the events are moving to
8 other places in the city and that they're not
9 disappearing. I think coming in front of the BZA is
10 a significant investment of resources and time, and I
11 support, therefore, a longer term for something
12 that's as noncontroversial as this is.

13 So, I would make a motion to -- I would be
14 ready to make a motion if there's no other comments.
15 I would make a motion to approve the relief requested
16 with the conditions as amended for a term of 10
17 years.

18 MR. MILLER: I would second that, Mr.
19 Chairman, and just comment -- echo the Vice Chair's
20 comments that for the foundation being such a good
21 steward of that property and others, and bringing
22 such cultural arts benefits to our city. We very
23 much appreciate that.

24 CHAIRMAN HILL: I agree.

25 MR. MILLER: And being a good neighborhood,

1 as the ANC 2E letter in Exhibit 33 attests to.

2 MR. HART: I would also like to offer my
3 support for the project. It's interesting that it's
4 actually almost five years since the last one, so --
5 and there is a change in terms of the amount of
6 what's being proposed now, which is fine. I just
7 find it interesting that we're kind of at the five-
8 year point now and we're actually hearing this. So,
9 it may be that we may hear this again in five years
10 regardless of when the time frame is. But I don't
11 have a problem with the 10 years. I just, just noted
12 that. That's all.

13 CHAIRMAN HILL: Okay. And I did want to
14 clarify something, that again the application will
15 start from the time of your -- when your permit is
16 expiring now. And so, the current conditions will
17 remain until that time, and then the new conditions
18 will start after that time for a period of 10 years.
19 Okay? Okay. All right.

20 So, the motion has been made and seconded.

21 [Vote taken.]

22 CHAIRMAN HILL: The motion passes, Mr. Moy.

23 MR. MOY: Staff would record the vote as four
24 to zero to one. This is on the motion of Vice
25 Chairperson Butani to approve the application for the

1 relief requested, including the conditions and for a
2 10-year period. Seconding the motion, Mr. Miller.
3 Also in support, Chairman Hill, Mr. Hart, board seat
4 vacant. Motion carries, Mr. Chairman.

5 CHAIRMAN HILL: Great. Thank you. Summary
6 order, please?

7 MR. MOY: Yes, sir.

8 CHAIRMAN HILL: Thank you all very much.

9 MS. HAASE: Thank you.

10 MS. KUNO: Thank you so much.

11 MR. MOY: The next and final application for
12 the day, Mr. Chairman, is Application No. 19381 of
13 the District of Columbia Public Schools, as captioned
14 and advertised for special exception relief under the
15 penthouse structure requirements of Subtitle C,
16 Section 1504.1, which would install rooftop equipment
17 to an existing public school in the R-1-B zone, 7800
18 14th Street Northwest, Square 2740, Lot 810.

19 CHAIRMAN HILL: Okay. Great. Would the
20 applicants please come to the table? Good morning.

21 If you would, please, just introduce
22 yourselves from left to right. If you'd push the
23 little button until the green light comes on, and
24 then you can push it again and it will go off.

25 MR. BRATHWAIT: Good morning. My name is

1 Newport Brathwaite. I am an employee of the District
2 of Columbia Government in the Department of General
3 Services as a project manager.

4 MS. SCUTER: Good morning. My name is Elena
5 Skotar, and I am principle architect for Shepard
6 Elementary School.

7 CHAIRMAN HILL: Could you pronounce your name
8 again?

9 MS. SCUTER: Elena. Elena Skotar.

10 CHAIRMAN HILL: Okay. And for the record, I
11 guess, Vice Chair D'Souza has recused herself from
12 this case.

13 So, who is going to be presenting?

14 MR. BRATHWAIT: I'll present.

15 CHAIRMAN HILL: Okay. Great. So, I don't
16 have a lot of specific questions, I suppose, and if
17 the Board does, please let the applicant know now.
18 I'm kind of interested in hearing just kind of a
19 high-level presentation on the request you're asking
20 for and why you meet the variance. I mean, I'm
21 sorry. Why you've reached the standard for it to be
22 granted.

23 And also, I'm really kind of interested in
24 that we don't have a report from ANC 4A, and so those
25 are the things -- oh, did it go in?

1 MR. BRATHWAIT: May I?

2 CHAIRMAN HILL: Sure. Go ahead. Please.

3 MR. BRATHWAIT: So, we -- when was it?

4 October we met with -- October? We initially
5 scheduled a meeting in October with the ANC, and that
6 did not yield a decision. However, we met with the
7 ANC last night at ANC meeting, and the ANC considered
8 the resolution and approved it. And I have the hard
9 copy with their signature to distribute.

10 CHAIRMAN HILL: I see it. And I'm sorry,
11 it's in the record.

12 MR. BRATHWAIT: Okay.

13 CHAIRMAN HILL: It just -- I didn't know when
14 it got put in. Okay. All right. Great. Thank you.

15 Okay, Mr. Brathwaite, again, I don't have a
16 lot of questions. But if you just want to tell us a
17 little bit about the project and what you guys are
18 trying to do, and then we'll turn to the Office of
19 Planning?

20 MR. BRATHWAIT: Sure. Shephard Elementary
21 School has been an excellent academic performer in
22 the District of Columbia public school system, and we
23 you know, efforts to modernize -- oh, charges to
24 modernize all of D.C. District of Columbia public
25 schools and Shephard falls, Shephard Elementary

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1 School falls within that realm.

2 And we embarked on our phased modernization
3 project over the last three years. Essentially
4 because the school did not want to vacate while we
5 implement the modernization. So, most of the work
6 was conducted during the summers and under off
7 periods.

8 So, essentially the school building, what we
9 found was there are three distinct buildings. One
10 built in 1931, one built in 1956, and the third
11 building was built in 1970. And these buildings were
12 two-story in nature, but they're never evenly
13 connected.

14 And so, they were only connected by one
15 level, essentially. And what we did was the project
16 is located in a corner of Kalmia and 14th Street, and
17 what we essentially did is we, in the 1970 building,
18 we capture the ground space, essentially, and
19 accommodated and installed a library and the computer
20 lab and classrooms.

21 And that level, which is the third level of
22 the 19 -- the ground level of the 1931 building, we
23 connected it to the cafeteria of the 1956 building,
24 and that's the first summer's work.

25 Since then we have modernized all the

1 classrooms and installed all modern amenities and
2 smart boards, and the like. and the challenge and
3 most challenging component we reserved for the end of
4 the project, which was conducted over the last year
5 and the last school year.

6 We did two major things. We added a floor
7 above the 1956 building, which housed the music, art,
8 and special needs classroom, and also the central --
9 the three buildings came together in such a way that
10 we were able to capture what we call the interior
11 courtyard space. So, we placed a two-story atrium
12 over that space and connected them, essentially on
13 that level.

14 And so, when we installed the elevator we
15 installed the elevator that has five stops, which
16 tells you how many elevation changes and floor
17 changes there is in the building. And we establish a
18 courtyard which essentially, in 1931 when they built
19 the first building, it was -- it presented it, the
20 main entrance at the corner of Kalmia and 14th
21 Street. And so, our efforts with this modernization
22 was to reestablish that entry courtyard and brought
23 the students and the staff into the building from
24 that entry area, which was initially established in
25 1931.

1 And so, today, the building is a very
2 successful modernization of that complex. And so,
3 what we have done also was to install the HV
4 mechanical system on the roof of the 1970 and of the
5 1956 buildings. And the mechanical units are not
6 visible from the street, from the corner of Kalmia or
7 14th Street.

8 And so, in installing the code requirements,
9 which is the screen around the mechanical units, with
10 the appropriate setbacks from the units, the screen
11 will be visible and it -- from the street level. And
12 the screen does not present any sound attenuation
13 barrier to -- for the units at all. So therefore, it
14 is only for visual purposes. And so, with that,
15 having no visual impact for the units and we'll be
16 putting up a visual element, we felt that it was
17 necessary to request a variance to this.

18 CHAIRMAN HILL: Okay. Great. Does the Board
19 have any questions for the applicant?

20 [No audible response.]

21 CHAIRMAN HILL: Okay. Then, I'm going to
22 turn to the Office of Planning.

23 MS. FOTHERGILL: Good morning. For the
24 record, again, I'm Anne Fothergill with the Office of
25 Planning, and we found that the application does meet

1 the review criteria set out in Subtitle C, Section
2 1504.1, and we recommend approval of the special
3 exception relief.

4 CHAIRMAN HILL: Okay. Thank you. Does the
5 Board have any questions for the Office of Planning?

6 [No audible response.]

7 CHAIRMAN HILL: Okay. Does the -- I don't
8 have any questions for you and I appreciate the
9 photographs in terms of the architectural plans.
10 Also, you know, the line that clearly shows the RTU
11 without the screen and then the proposed screen, that
12 was very helpful.

13 So, if you don't have anything else to add
14 I'll ask if there's anyone here wishing to speak in
15 support of, or opposition. No? Do you have anything
16 else to say? Okay.

17 So, I can see there's nobody here, but is
18 there anyone here from the ANC that would like to
19 speak? Is there anyone here that would like to speak
20 in support of the application? Is there anyone here
21 that would like to speak in opposition of the
22 application?

23 Okay. Then, with that I'll turn back to the
24 applicant. There's nothing else you'd like to add?
25 All right. Then I'm going to go ahead and close the

1 hearing unless the Board has any further questions.

2 All right, going to close the hearing then.

3 Is the Board ready to deliberate? Okay.

4 I again, I appreciate the comments from Mr.
5 Brathwaite?

6 MR. BRATHWAIT: Brathwaite. That's correct.

7 CHAIRMAN HILL: Thank you. Thank you. And
8 the fine work you're doing, and also, you know, the
9 fine work that the Bowser Administration is doing to
10 upgrade the schools. And so, I would -- and I
11 appreciate the way that the plans were submitted. As
12 I mentioned the photographs did clear show that with
13 the screen it would be worse than without the screen.

14 So, I'm going to go ahead and make a motion
15 to approve Application No. 19381 of District of
16 Columbia Public Schools as advertised.

17 MR. HART: Seconded.

18 CHAIRMAN HILL: Motion has been made and
19 seconded.

20 [Vote taken.]

21 CHAIRMAN HILL: Hold on one second. I'm
22 sorry, before I close this. The Office -- Ari, you
23 have something to say, or Mr. Ebi?

24 MR. EBI: Yes. Just a quick note. Wanting
25 to make sure that the special exception relief

1 approved is from Section, what is it, 15 -- 1500.6.

2 CHAIRMAN HILL: Okay. So noted. So, I'll
3 ask again, the motion has been made and it's been
4 seconded.

5 [Vote taken.]

6 CHAIRMAN HILL: All right. The motion
7 carries, Mr. Moy.

8 MR. MOY: I'm sorry, Mr. Chairman. So, you
9 made the motion and -- okay.

10 CHAIRMAN HILL: And seconded by --

11 MR. MOY: Okay. So --

12 CHAIRMAN HILL: -- Mr. Miller. Oh, I'm
13 sorry, Mr. Hart seconded.

14 MR. MOY: So, staff would record the vote as
15 three to zero to two. And this is on the motion of
16 Chairman Hill to approve the relief requested,
17 1500.6, special exception. Seconded the motion is
18 Mr. Hart. Also in support, Mr. Miller. We have Ms.
19 Butani recused and a board seat vacant. Motion
20 carries, sir.

21 CHAIRMAN HILL: Okay. Great. Summary order.

22 MR. MOY: Thank you.

23 CHAIRMAN HILL: Thank you. Thank you.

24 MR. BRATHWAIT: Thank you, Mr. Hill.

25 CHAIRMAN HILL: Mr. Moy, do we have anything

1 else to do today?

2 MR. MOY: Not today, sir.

3 CHAIRMAN HILL: Okay. Then, with that we are
4 adjourned. Thank you all.

5 [Whereupon, the Board Hearing was adjourned.]

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