

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY
OCTOBER 11, 2017

+ + + + +

The Regular Public Hearing convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:30 a.m., Frederick Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LESYLLEE M. WHITE, Board Member
CARLTON HART, Board Member (NCPC)

ZONING COMMISSION MEMBER[S] PRESENT:

MICHAEL TURNBULL, FAIA, Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

CHRISTOPHER COHEN, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN
KAREN THOMAS

The transcript constitutes the minutes from the Public Hearing held on October 11, 2017.

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

(10:24 a.m.)

CHAIRPERSON HILL: All right, Mr. Moy, let's do the appeal first actually if we could, the last case here just kind of -- we might be able to move this along fairly quickly, so that's why.

MR. MOY: Yes, very good, Mr. Chairman. So in the hearing session then the Board will be addressing Appeal Number 19571 of Carl and Hallie Smith, captioned and subtitled the Appeal from a decision made on May 5, 2017, by the Zoning Administrator, Department of Consumer Regulatory Affairs, to issue Building Permit Number B-1708004 extending the Retaining Wall Permit RW-1600005 to construct a new retaining wall in the R-1-A Zone at premises 5019 Lowell, L-O-W-E-L-L, Street, NW, Square 1436, Lot 46.

As you are aware, Mr. Chairman, there is a filing of a joint Motion to Dismiss in the record file under Exhibit 17.

CHAIRPERSON HILL: Okay. Thank you, Mr. Moy. Could you just introduce yourself, please?

MS. CROOKS: Yes. Good morning. Kristina Crooks of Holland and Knight on behalf of the Appellants.

CHAIRPERSON HILL: Okay. You can sit down, thanks. Did you fill out your witness cards?

MS. CROOKS: No, Your Honor, we don't have any

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1 witnesses.

2 CHAIRPERSON HILL: No, I'm sorry, just for you.
3 I thought that you had to fill it out, but I don't know, I
4 guess not.

5 MS. CROOKS: Oh.

6 CHAIRPERSON HILL: Okay. So, and I -- Well, DCRA
7 was here --

8 MR. MOY: Yes, he must have stepped out.

9 CHAIRPERSON HILL: Okay, all right.

10 MR. MOY: But that's fine.

11 CHAIRPERSON HILL: So, again, and I'm just kind
12 of turning to the Board because this, again, was both the
13 Appellant and DCRA has filed a joint Motion to Dismiss as
14 moot, so because the permits have been revoked. Revoked?
15 And so I don't see -- Or surrendered, I should say, I'm
16 sorry.

17 And I am inclined to agree with that. Do you have
18 anything to add, Ms. Crooks?

19 MS. CROOKS: No.

20 CHAIRPERSON HILL: Okay. Does the Board have
21 anything to add?

22 MEMBER WHITE: I would agree with your assessment
23 as well.

24 CHAIRPERSON HILL: Okay. Then I am going to go
25 ahead and make a motion -- Do you have to make a motion, Mr.

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1 Moy or how -- Okay. So I am going to make a motion to
2 dismiss Appeal Number 19571 as moot and ask for a second.

3 MEMBER HART: Second.

4 CHAIRPERSON HILL: Motion has been made and
5 seconded. All those in favor?

6 (Chorus of ayes)

7 CHAIRPERSON HILL: All those opposed?

8 (No response)

9 CHAIRPERSON HILL: The motion passes. Mr. Moy.
10 Oh, sorry.

11 MR. COHEN: Sorry. Mr. Chair, you would have to
12 address the joint motion that was entered into the record by
13 both DCRA and the Appellant.

14 CHAIRPERSON HILL: Okay.

15 MR. COHEN: So the Board -- Forgive me.

16 CHAIRPERSON HILL: No, please.

17 MR. COHEN: The Board doesn't have to make its own
18 motion. The Board would be deciding whether or not to grant
19 the joint motion or deny the joint motion that was filed by
20 the parties.

21 CHAIRPERSON HILL: No, I appreciate that. Okay.
22 So then the motion that I, that would be a more accurate
23 motion to make is, again, to approve the joint Motion to
24 Dismiss as moot, and so that would be on Appeal Number 19571,
25 and I ask for a second.

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1 MEMBER HART: Second.

2 CHAIRPERSON HILL: Motion has been made and
3 seconded. All those in favor of the corrected accurate
4 motion that I just made?

5 (Chorus of ayes)

6 CHAIRPERSON HILL: All those opposed?

7 (No response)

8 CHAIRPERSON HILL: Okay.

9 MR. MOY: And then staff we record the vote as 4
10 to 0 to 1. This is on the motion of Chairman Hill to grant
11 the joint Motion to Dismiss the appeal as moot, seconded the
12 motion, Vice Chair Hart.

13 Also in support of the motion, Mr. Turnbull and
14 Ms. White, the fourth seat vacant. Motion carries, sir.

15 CHAIRPERSON HILL: Thank you. For OAG, now I am
16 just curious, since we started to make the first motion do
17 I have to do anything with that first motion? We didn't take
18 a vote or anything.

19 MR. COHEN: You didn't take a vote, I believe it's
20 okay.

21 CHAIRPERSON HILL: Okay, all right.

22 MR. COHEN: I think we can continue.

23 CHAIRPERSON HILL: Well, Vice Chair Hart just
24 wanted to make sure that, you know, I didn't get all crossed
25 up in --

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1 MR. COHEN: Understood.

2 CHAIRPERSON HILL: Okay. Thank you so much.

3 MS. CROOKS: Thank you.

4 CHAIRPERSON HILL: All right, so now we're back
5 to the top, Mr. Moy. We only have two.

6 MR. MOY: Thank you, Mr. Chairman. So the first
7 of the two is Application Number 19585 of Leonard and Sheryl
8 Bennett as amended. This is an amended application for a
9 special exception under Subtitle D, Section 5201, from the
10 rear yard requirements of Subtitle D, Section 306.3, and for
11 non-conforming structure provisions under Subtitle C, Section
12 202, to construct a three-story rear addition to an existing
13 one-family dwelling in the R-3 Zone at premises 1644 U
14 Street, SE, Square 5765, Lot 855.

15 CHAIRPERSON HILL: Okay. Great, thank you, Mr.
16 Moy. Could you please introduce yourselves?

17 MR. BENNETT: Good morning. Leonard Bennett.

18 MS. BENNETT: Good morning. Sheryl Bennett.

19 CHAIRPERSON HILL: Good morning. Okay, all
20 right, so I saw that you guys got sworn in because you're
21 like one of the only two people that stood up to get sworn
22 in, so you're easy to point out.

23 I guess you could go ahead and go through your
24 presentation, whoever is going to present to us, in terms of
25 the relief that you are requesting and how you are meeting

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1 the criteria for us to grant the relief.

2 I guess there was some question, and we can get
3 to that, also, that we had some question in terms of the C-
4 202 in terms of the non-conformity that you guys just added.
5 I'm kind of trying to understand what exactly was the non-
6 conformity that you are requesting relief from.

7 And so I don't know if either one of you are land
8 use people or what happened, so we'll just -- If not, we can
9 get the Office of Planning and they can help us walk through
10 that as well, but you are the ones that requested that C-202.

11 And so -- But first why don't you go ahead and
12 walk us through, again, your presentation in terms of what
13 you are trying to do and how you believe you are meeting the
14 criteria for us to grant the relief requested.

15 And I'll just go ahead and put ten minutes on the
16 clock so that I know how long you are going and you can begin
17 whenever you like.

18 MS. BENNETT: Okay, thank you, Mr. Chairman. I
19 don't think that it will take that long, at least from our
20 perspective.

21 We purchased a home in 2016, in June of 2016. We
22 started the permitting process, as you know the house is in
23 a Historic District so we had to go through a number of, back
24 and forth emails with the Historic Preservation Office and
25 also the ANC 8A to ensure that the plans that we had for the

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1 home, which would include extending it to the back, to the
2 rear of the home, would be agreeable to them.

3 We began that process in I believe November or
4 December of 2016. The Historic Preservation Office approved
5 our plans with some recommendations regarding materials to
6 be used and whatnot for the rear extension of the home in
7 January of 2017.

8 So at that point we had our architect and
9 structural engineer start working on permit sets. As you
10 know that takes quite some time, or at least for us it took
11 some time, and so we submitted our application for permits
12 on March 31st, which was just five days, or four days,
13 actually, after a new rule on extensions that go beyond, that
14 go ten feet beyond your nearest neighbors were approved.

15 And so that's why we are going through the special
16 exception process now because the permit sets were rejected
17 based on that fact. In fact, I think we met Mr. Turnbull
18 last month when we came for a, there was a hearing on the
19 vesting period for that ruling, or that new rule.

20 Unfortunately, we weren't vested because we were
21 four days later. But in any event, we believe that we have
22 complied with the requirements for the special exception.
23 We have spoken with the neighbors, the adjacent neighbors,
24 they have supplied letters in support of our project.

25 We have met with the ANC 8A. All ANC members that

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1 were present at the meeting were in support of our project,
2 there is a letter that was submitted in our materials.
3 Letters were also submitted by each of our neighbors, each
4 of our adjacent neighbors in the record.

5 The Office of Planning has also submitted a report
6 in support, or a recommendation to approve our application.
7 I believe the Department of Transportation has also done the
8 same.

9 I believe that part of what you are looking at in
10 determining whether these applications should be approved or
11 not is whether these additions, and our addition is a 19-1/2
12 foot addition, so going 9-1/2 feet beyond what the ruling now
13 allows, or what we need for a special exception, I believe
14 you look at whether the light, air, and enjoyment of the
15 adjacent properties will be affected.

16 You can see from the Office of Planning's report
17 that they don't believe that it will be. Our neighbors,
18 again, are really probably looking forward to us living there
19 even more than we are at this point.

20 And so that's kind of where we stand with that and
21 I am happy to answer any questions. Unfortunately, you know,
22 we are not, this is not something that we do regularly and
23 we're not -- so I'm not sure what information you need, but
24 I'm happy to answer any questions to help alleviate any
25 concerns that you might have with respect to the project.

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1 CHAIRPERSON HILL: Okay, great. Thank you. It's
2 so funny, I remember watching the, I saw the ZC hearing when
3 you guys came down I think. Didn't you come down? Yes, you
4 testified in front of the Zoning Commission?

5 (Off microphone comment)

6 CHAIRPERSON HILL: Yes. So you all are tired.

7 (Laughter)

8 CHAIRPERSON HILL: Yes, okay, all right. I need
9 a particular --

10 (Off microphone comment)

11 CHAIRPERSON HILL: Well, yes, sorry. Go ahead,
12 Mr. Hart.

13 MEMBER HART: Yes, I just wanted to let you know
14 that you did a fantastic job. This is not easy to go, not
15 just come in front of us, but to talk about the project and
16 the process that you've gone through.

17 I know it's not easy because there are so many
18 kind of moving parts, so I was just commending you on it
19 because your presentation was very straightforward, was very
20 simple, and I know you probably are tired, so I didn't want
21 to keep you too long, but I do appreciate the information
22 that you have provided and I think it's sufficient for us,
23 but we can go ahead and talk to the Office of Planning.

24 CHAIRPERSON HILL: Okay, great. Does anyone have
25 any other questions or kudos for the Applicant?

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1 MEMBER WHITE: I will give a half of kudo, how's
2 that?

3 CHAIRPERSON HILL: Okay, all right. Go ahead,
4 sure.

5 MEMBER WHITE: No, you know, just echoing what my
6 colleague said, but can you just give a little bit more
7 detail about the conversations you've had with your adjacent
8 neighbor about the project, just to add, you know, some
9 support with respect to the criteria that you have to meet
10 under, as part of the special exception application?

11 MS. BENNETT: Sure.

12 MR. BENNETT: We, of course, have two adjacent
13 neighbors, one of which is a more seasoned gentleman. I met
14 with him on a number of occasions, one of which, you know,
15 I gave him a full set of plans and he indicated, you know,
16 I should meet with him in a few days to go over it, and a few
17 days later we met and went over the plans.

18 He asked a few questions, none of which were
19 concerns for him in terms of -- he wasn't concerned that it
20 was going to hinder his property or his enjoyment, but he had
21 a few questions that I answered, and after that meeting he
22 provided us with a letter of approval.

23 He did first ask if we were investors and I let
24 him know that we can't wait to move into the home, so that
25 was our one neighbor. and I believe my wife spoke with our

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1 other neighbor more extensively.

2 MS. BENNETT: Yes, we -- So my husband is
3 referring to the neighbor at 1646, which we share a wall
4 with, and then I spoke with our neighbors at 1642 U Street,
5 and, again, we provided them with the plans and walked them
6 through exactly what it would look like.

7 In fact, I was in their -- They were in our
8 backyard and I showed them where the extension would end and
9 what it would look like and just described the project in as
10 much detail as we could, or as I could given my knowledge.

11 I think that they understand, one, that whatever
12 impact it will have on them in terms of the construction
13 phase, but then, also, obviously, once it is constructed, and
14 they are still very much in support of it.

15 MEMBER WHITE: Okay. Thank you.

16 MS. BENNETT: And if I could just add, we did this
17 actually twice because we met with them originally when we
18 were going through the historic back in January or December
19 and then again as part of this special exception process.

20 MEMBER TURNBULL: Question, "seasoned" neighbor,
21 does that mean elderly or just had to do with how he talks
22 or language or --

23 MR. BENNETT: He has --

24 MEMBER WHITE: That's a loaded question.

25 MR. BENNETT: -- wonderful life experiences that

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1 I have, that I have learned from.

2 MEMBER TURNBULL: Oh, okay, all right. I was
3 going to say if it had to do age I could be called a seasoned
4 --

5 MEMBER WHITE: Seasoned.

6 MR. THOMAS: I like that. It kind of sounds
7 interesting.

8 CHAIRPERSON HILL: In the native community we call
9 you elders.

10 MEMBER TURNBULL: You know, when you first stood
11 up I'm looking and I thought like I know these people and I'm
12 thinking, I'm looking, we haven't had -- This case hasn't
13 been before and I'm like, oh, and then I suddenly realized
14 I was at a zoning hearing and you were looking to get
15 grandfathered in under the -- but I think I am glad you did
16 come back through this and we can get this over with.

17 It does, for the process of the Zoning Commission,
18 shows that you've contacted your neighbors and they are in
19 favor of it and so they have no argument, so I think it
20 fulfills the premise that we originally set up to allow for
21 a special exception but to meet with your neighbors and make
22 sure that everything is in sync and that you have addressed
23 any issues that they might have had.

24 So, again, I applaud you for doing that and I
25 think we're ready to vote on this then.

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1 CHAIRPERSON HILL: Okay. So I am going to turn
2 to the Office of Planning.

3 MS. THOMAS: Good morning, Mr. Chair, Members of
4 the Board, Karen Thomas with the Office of Planning, and we
5 will stand on the record of our report in support of this
6 application.

7 The Applicant made clear their intent and with
8 respect to also meeting with the neighbors, which is one of
9 the criteria that we look at. And what I would like to do
10 also is to -- and the fact that the Applicant amended the
11 application to include C-202 we would support that as well
12 out of an abundance of caution because the property is non-
13 conforming due to lot area and lot width, so we would support
14 that amendment.

15 CHAIRPERSON HILL: Okay, great, thanks. That's
16 the question that I had for the Office of planning. Does
17 anyone have any questions for the Office of Planning?

18 (No response)

19 CHAIRPERSON HILL: Does the Applicant have any
20 questions for the Office of Planning?

21 (No response)

22 CHAIRPERSON HILL: Okay. Is there anybody here
23 from the ANC wishing to speak?

24 (No response)

25 CHAIRPERSON HILL: Is there anyone here who wishes

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1 to speak in support?

2 (No answer)

3 CHAIRPERSON HILL: Is there anyone here who wishes
4 to speak in opposition?

5 (No response)

6 CHAIRPERSON HILL: All right. With that then I'll
7 turn back to you. Is there anything else you would like to
8 add?

9 (No response)

10 CHAIRPERSON HILL: Okay, all right, okay. All
11 right, so I am going to go ahead and close the hearing. Is
12 the Board ready to deliberate?

13 MEMBER HART: Mr. Chairman, I think that the
14 Applicant has provided us with information, sufficient
15 information, as well as the Office of Planning report and the
16 ANC, the support of the case that -- and the Applicant has
17 shown that they are meeting the criteria set forth in the
18 zoning regulations for their case and I would make a motion
19 to approve Application 19585 of Leonard and Sheryl Bennett
20 as read by the Secretary and including I guess the subtitle
21 --

22 MR. MOY: Yes.

23 MEMBER HART: Okay. I couldn't remember if we did
24 or didn't, so --

25 CHAIRPERSON HILL: Yes, he did. Okay, a motion

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1 has been made. Second. Motion has been made and seconded.

2 All those in favor?

3 (Chorus of ayes)

4 CHAIRPERSON HILL: All those opposed?

5 (No response)

6 CHAIRPERSON HILL: Motion passes. Mr. Moy.

7 MR. MOY: The Staff would record the vote as 4 to
8 0 to 1. This is on the motion of Vice Chair Hart to approve
9 the application for the relief requested, seconded the
10 motion, Chairman Hill, also in support, Mr. Michael Turnbull
11 and Ms. White. We have a Board seat vacant. The motion
12 carries.

13 CHAIRPERSON HILL: Is that a summary order?

14 MR. MOY: Yes, sir.

15 CHAIRPERSON HILL: Thank you. Thank you all very
16 much.

17 MS. BENNETT: Thank you.

18 MEMBER TURNBULL: Hopefully your contractor is
19 ready to start.

20 MS. BENNETT: Yes, he is. Thank you.

21 CHAIRPERSON HILL: Actually we're going to take
22 a quick three-minute break.

23 (Whereupon, the above-entitled matter went off the
24 record at 10:43 a.m. and resumed at 10:52 a.m.)

25 CHAIRPERSON HILL: All right, Mr. Moy, whenever

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1 you get an opportunity.

2 MR. MOY: Yes, sir. Thank you, Mr. Chairman.
3 Yes, I'm ready now, and I see the parties are at the table.
4 This is Application Number 19594 of 1469 Florida Avenue, or,
5 rather, Florida, LLC, captioned advertised for a special
6 exception relief under Subtitle F, Section 5201, from the
7 rear yard requirements, Subtitle F, Section 305.1, which
8 would construct an eight-unit rear addition to an existing
9 three-unit apartment house, RA-2 Zone, the premises is 1469
10 Florida Avenue, NW, Square 2660, Lot 864.

11 CHAIRPERSON HILL: Great. Thank you, Mr. Moy.
12 If you could please introduce yourselves from my right to
13 left.

14 MR. BLOOMFIELD: My name is Patrick Bloomfield and
15 I am with PT Building Development.

16 MR. KADLECEK: Cary Kadlecek from Goulston &
17 Storrs, land use counsel for the Applicant.

18 MR. KUHN: Jonathan Kuhn of Jonathan Kuhn
19 Architect, architect for the project.

20 CHAIRPERSON HILL: How come the developers are
21 never wearing ties? You know, it's like everybody else is
22 wearing a tie, you know, but the developers they just kind
23 of cruise in.

24 Okay. So, Mr. Kadlecek, are you going to be
25 presenting to us?

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1 MR. KADLECEK: Yes, we'll give you a short
2 presentation.

3 CHAIRPERSON HILL: Okay. So, I mean take your
4 time. I think there is some questions that we might have or
5 some issues that might get brought up when we go through the
6 process, but please go ahead. If you would just -- I don't
7 have anything specific I am looking for.

8 I mean I guess there was an issue or a condition
9 that was listed that we can get into later. Then there was
10 also -- Yes, I guess that's it for now though. I guess maybe
11 go ahead and -- You can just go ahead and start your
12 presentation.

13 I will put ten minutes on the clock just so I know
14 where we are and if you go through what you are trying to do
15 in terms of the relief requested and how you are meeting the
16 standard for it that would be great.

17 MR. KADLECEK: Sure. Thank you, again.

18 CHAIRPERSON HILL: Thank you.

19 MR. KADLECEK: Good morning, again. Cary Kadlecek
20 from Goulston & Storrs on behalf of the Applicant. The
21 application before you is for a request for special exception
22 from the rear yard requirement.

23 The proposed rear yard is ten feet, ten inches.
24 The requirement is 15 feet, so the relief is for four feet,
25 two inches. The Applicant is pleased to report that they

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1 have the support of both the ANC and the Office of Planning.

2 They have had extensive conversations with both
3 the immediately adjacent neighbors, both of whom are
4 supportive, and one of whom is here today. With that, I will
5 let the architect give you more specifics about the project.

6 MR. KUHN: Good morning again, this is Jonathan
7 Kuhn. The package that I just handed off to Mr. Moy are the
8 same ones that are in the slideshow that I have up on the
9 screen here for everyone.

10 So the intent here, to elaborate on the
11 description of the project that was read to us, is the
12 existing building is a three-story plus cellar structure with
13 a small two-story what I would call a dog leg at the back and
14 it is currently a three-unit structure.

15 And so for the proposed we are going from a three-
16 unit structure to an eight-unit building. The addition at
17 the rear will take over where the existing addition is and
18 provide additional space to get to the eight-unit building.

19 The scale, proportions, and the proposed addition
20 at the back are in keeping with the neighboring buildings.
21 As you can see from the first drawing, diagram, we are, you
22 know, maintaining, you know, a consistent rear setback to the
23 building, you know, as it aligns down Florida Avenue.

24 Additionally, the addition is also a three-story
25 structure, so from a massing standpoint, architecturally

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1 speaking, it's more consistent. We have one thing else to
2 note, that the owners of the building also worked with
3 Historic, correct, with Ann Brockett --

4 (Off microphone comment)

5 MR. KUHN: Yes. And received approval through
6 Historic also for the project, so that's worth noting on the
7 record.

8 The existing, that front building, again, that I
9 was referring to was built around 1900. There is some
10 speculation that maybe it was moved to this location and sits
11 on a rather large stone foundation, but we are going to be
12 maintaining the character of that building, that's not going
13 to change.

14 The addition at the back, we're adding, we're
15 maintaining the side yard setback to get to the rear yard
16 area and that rear yard area is going to be comprised of
17 patios that are really going to be kind of sunk into the
18 topography.

19 If you've looked at the drawings before there is
20 a very steep slope to the back, so these are really going to
21 be sunken patios, and because of the GAR requirements for the
22 property there will be planter boxes that will soften the
23 space, maintain, you know, a green feel to it as well as
24 having a green roof on the penthouse roof and planter boxes
25 on the proposed roof deck as well.

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1 And the front yard, again, kind of continuing
2 this, a very steep slope topography is also, you know, slated
3 to be, you know, fully landscaped. What would be the sixth
4 page in your document, the drawings, the proposed north
5 elevation kind of demonstrates a little bit more of the
6 sunken patio as well as the following sheet, Page 7.

7 And these, again, are to -- and provide,
8 obviously, some outdoor living space to the occupants of the
9 building, but, again, also meeting, you know, green space and
10 landscaping space for the property.

11 And the last page, sorry, Page Number 9, shows a
12 good perspective of the rear view of the building in showing
13 the scale proximity relationship and context with the
14 immediate neighbors.

15 MR. KADLECEK: With that, we're available for
16 questions. Thank you.

17 MEMBER HART: Could you talk a little bit about
18 the ANC discussion that you had?

19 MR. BLOOMFIELD: Our priority was working with our
20 abutting neighbors. We did satisfy multiple requests. Our
21 neighbor to the west of us is actually here today as a
22 proponent of the project. We sat aside numerous concerns
23 related to design, removal of the tree, et cetera.

24 The neighbor to the east of us conceded to -- she
25 had multiple requests listing out, you know, basically to not

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1 have dumpsters in front of her property, put up parking
2 signs, et cetera.

3 We have agreed to satisfy that and get it written
4 up into a formal agreement. She issued an email kind of
5 documenting that and that was shown to the ANC Commissioner.

6 The neighbor that's not directly abutting, but is
7 one more house over at 1465 had a concern that there would
8 be high visibility from the roof deck from how it's
9 positioned, so we have agreed to clip the corner of the roof
10 deck to kind of pull back that viewpoint, that vantage point
11 from the roof, so he could be afforded a little bit more
12 privacy. And if we got --

13 MEMBER TURNBULL: Could you show that on the plan
14 for us?

15 MR. KUHN: Sorry. If you go to Sheet Number 5 in
16 your packet, which is the proposed site plan, what's not
17 indicated here, and this was --

18 MEMBER HART: You mean A-100?

19 MR. KUHN: Yes, Sheet A-100. The corner that Pat
20 is referring to isn't shown clipped here only out of it being
21 consistent of the drawings and information that was provided
22 up to this date.

23 But where you can see the dimensions, the four
24 feet and the four feet, that corner has been chamfered, so
25 it was a 45 degree angle. We provided additional

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1 documentation showing what are called camera views in the
2 software that we used for the drawing program and showing
3 that anyone up there you wouldn't be able to see into the
4 rear yard, which is actually the property three doors down,
5 two doors down.

6 MR. BLOOMFIELD: Two doors down.

7 MR. KUHN: Two doors down.

8 MEMBER HART: And we also received some letters
9 in opposition yesterday and this morning. I am assuming
10 you've actually, one of the team has seen them, if you could
11 kind of talk about that as well.

12 MR. KADLECEK: Yes, we saw them this morning.
13 I'll let the architect speak to this a little bit more. As
14 far as I understand, well, two of them didn't even, sorry,
15 one of them didn't even have an address so we're not even
16 sure where that person is coming from, but two of them are
17 from a building that's on 15th Street.

18 I will let Jonathan speak to it a little more.
19 It's a property that's probably 100 or more feet away from
20 this property. I think it would be difficult to make the
21 argument that a special exception for four feet, four inches
22 of rear yard relief has any perceptible impact on a property
23 that's, or a building, rather, that's 100 feet away.

24 Jonathan, can you maybe show where that property
25 is, at least the property that we believe it is?

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1 MR. KUHN: So Sheet A-001, which is the second
2 page in the packet you have before you, if you look at the
3 zoning map, from our quick look I believe it is where you see
4 the "233," so it's on the lefthand side, it's an irregular-
5 shaped lot, kind of almost like a skeleton key to some degree
6 shape. Again, you can see the outline of their building and
7 the distance from our property.

8 And I believe one of the comments was about, you
9 know, patio noise, the -- A couple things on that front, one,
10 the patio that we are proposing is actually smaller than the
11 one that is existing, and, two, again, as I pointed out
12 before, the GAR requirements, we have to have landscaping in
13 those patio areas, so there is going to be planter boxes that
14 are going to be, it will soften the sound and also provide,
15 you know, a softer look, meaning, you know, there is going
16 to be landscaping.

17 And, again, to reiterate, you know, the patio is
18 sunken in so it's actually going to be shielded more than the
19 existing.

20 MEMBER HART: And you said that the existing
21 condition on the back is just grass or --

22 MR. KUHN: I'm sorry. If you go to the next page
23 and if you look at the bottom right-hand corner, that
24 photograph, you can see the existing conditions of the
25 existing patio.

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1 MEMBER HART: And that image is looking --

2 MR. KUHN: That's looking north. So if you were
3 at the back of the building --

4 MEMBER HART: Okay, looking -- Okay, yes.

5 MEMBER WHITE: I had a question. I'm just -- I
6 see the letters that were submitted from others opposing at
7 least part of the project, but did you get any specific
8 comments from the adjacent neighbors and what were their
9 positions?

10 I am looking at Page A-001, so you noted that the
11 neighbor at 233 submitted opposition, but what about 213,
12 849, 862, did they submit anything?

13 MR. KUHN: Yes, 213 and 849 are the immediate
14 neighbors which Cary and Pat both spoke of. One of them is
15 here today. Both of them have provided letters of support
16 in this through the ANC process.

17 MEMBER WHITE: Okay.

18 MEMBER TURNBULL: Well, are they submitted in our
19 records?

20 MR. KADLECEK: Sorry. The person who -- He can
21 speak for himself. The person at 213, the adjacent neighbor
22 at Lot 213, that's also the ANC SMD, so the Applicant had
23 extensive conversations with him.

24 There is no put-together letter from him, but I
25 believe he is going to testify in support, but that was all

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1 basically funneled through the ANC process, the conversations
2 with those neighbors.

3 MR. KUHN: Correct.

4 MR. KADLECEK: And as you can see in Exhibit 38
5 the ANC voted unanimously to support the project, and that's
6 the result of the conversations with those two immediately
7 adjacent neighbors. With respect to Lot 862, that's actually
8 a landlocked lot. No one lives there, it's undevelopable.

9 MEMBER WHITE: Okay.

10 MR. KADLECEK: And we actually describe part of
11 that in the application about how effectively that provides
12 more open space.

13 It's an undevelopable lot, it can never be built
14 on, so even though it's not part of this property, if it were
15 to be part of this property effectively, if you considered
16 that, the rear yard would actually be conforming. So that
17 will always remain open space.

18 MEMBER WHITE: And, I'm sorry, 849, what was your
19 response with respect to that one, was --

20 MR. BLOOMFIELD: That was the email exchange that
21 I showed today, and the ANC Commissioner is here today.

22 MEMBER WHITE: Okay.

23 MR. BLOOMFIELD: And that was basically where we
24 outlined, you know, where we're going to put our dumpster and
25 putting up parking signs, and just kind of adhering to the

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1 construction noise requirements for the District and stuff
2 like that.

3 MEMBER WHITE: Okay. Is that in the record?

4 MR. BLOOMFIELD: I've just shown him the email,
5 that's all I've done. I can put it in record.

6 MEMBER WHITE: Okay. It would be nice to see.

7 MEMBER HART: And you said 862, Mr. Kadlecek, that
8 is landlocked, but who owns that?

9 MR. BLOOMFIELD: The neighbor above.

10 MEMBER HART: The neighbor to the north?

11 MR. BLOOMFIELD: The neighbor to the north, yes.

12 And I should say the topography is, I mean there is almost
13 a 60-foot differential, so how we effect that --

14 CHAIRPERSON HILL: Can you maybe speak into the
15 microphone, I'm sorry.

16 MR. BLOOMFIELD: There is almost a 60-foot
17 differential from that hill, because that's the bottom of
18 Meridian Hill. So like even if we were to max out, right now
19 we're at about 35 feet of grade, which is 15 below of what
20 is allowed for in RA-2, so even if we went up to 50 by right
21 we would still be 40 feet below, you know, the bottom of his
22 house.

23 MEMBER HART: Thank you.

24 CHAIRPERSON HILL: Mr. Kadlecek, I'm curious of
25 one thing. So you had mentioned it was four feet two inches

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1 or four feet four inches back?

2 MR. KADLECEK: It's relief of 4 feet two inches.
3 So the requirement is 15 feet, the proposed rear yard is ten
4 feet ten inches.

5 CHAIRPERSON HILL: Right. So the request is for
6 four feet --

7 MR. KADLECEK: Two inches.

8 CHAIRPERSON HILL: -- two inches. So just out of
9 curiosity though, why didn't -- If you didn't do it you
10 wouldn't be here then, if it weren't for the four feet two
11 inches you wouldn't need to be here?

12 MR. KADLECEK: Yes, correct.

13 CHAIRPERSON HILL: Okay.

14 MR. KADLECEK: So if it weren't for the rear yard
15 relief then the project would not be here, correct.

16 CHAIRPERSON HILL: Right. So then what would that
17 -- You would just kind of lose -- I'm just curious if you
18 decided not to do the four feet two inches what would you
19 lose?

20 MR. KADLECEK: I'll let the architect address
21 that.

22 MR. KUHN: We'd lose living space essentially.

23 CHAIRPERSON HILL: Living space from those units?

24 MR. KUHN: Yes, and potentially, you know, imagine
25 lopping off, you know, four feet off the back of the

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1 building.

2 CHAIRPERSON HILL: Right.

3 MR. KUHN: It would go from two bedroom units
4 probably to one bedroom, if not less.

5 CHAIRPERSON HILL: Got it.

6 MR. KUHN: I mean it becomes -- It cramps the
7 footprint.

8 CHAIRPERSON HILL: Okay, all right. Okay, does
9 the Board have any more questions for the Applicant?

10 MEMBER TURNBULL: Yes, just a couple, Mr. Chair.
11 The existing retaining wall, you're removing the existing
12 retaining to the back of the property, right, I see on your
13 drawing?

14 MR. KUHN: That's correct.

15 MEMBER TURNBULL: And so, what, it's bumping back,
16 it's going to be at the end of your property, do you still
17 need a retaining -- because you're going to need a retaining
18 wall at the back then still?

19 MR. KUHN: That's correct, yes, there will still
20 be a retaining wall that will be at the rear property line.

21 MEMBER TURNBULL: Okay, and then--

22 MR. KUHN: So if you look at A-100 --

23 MEMBER TURNBULL: Yes.

24 MR. KUHN: -- which is Sheet Number 5 in there --

25 MEMBER TURNBULL: Right.

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1 MR. KUHN: -- you can see the new retaining wall
2 sits at the property line.

3 MEMBER TURNBULL: Okay. The other thing is the
4 west elevation which faces your neighbor to the west or
5 whatever, I guess it's really the east elevation or whatever
6 you want to call it, but it's the existing structure has like
7 a shiplap siding on the existing house or --

8 MR. KUHN: It's a lap siding.

9 MEMBER TURNBULL: It's a lap siding. But what's
10 the new siding? I see just a blank wall.

11 MR. KUHN: Yes, we're exploring materials right
12 now. We have talked about wood siding, we've talked about
13 corrugated metal, we've talked about a Hardie panel with a
14 smooth surface.

15 As you can see the addition is more of a modern
16 language, stylistically speaking, so from a material
17 standpoint we're looking at that same approach.

18 MEMBER TURNBULL: Yes, it looks kind of like stark
19 right now. I'm just, it's -- I mean it's at risk. I mean
20 the wall is at risk. It's on the property line, right?

21 MR. KUHN: No, along the east side it is not at
22 risk. We are off the property line four feet --

23 MEMBER TURNBULL: No, not that elevation, on the
24 other side, I'm sorry. Maybe I --

25 MR. KUHN: Oh, okay, sorry. On the west?

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1 MEMBER TURNBULL: Yes.

2 MR. KUHN: We don't have any windows in the west
3 elevation.

4 MEMBER TURNBULL: Right, there is none.

5 MR. KUHN: Yes.

6 MEMBER TURNBULL: But I mean I was just curious
7 what that material would be.

8 MR. BLOOMFIELD: Let me speak to that.

9 MR. KUHN: Sure.

10 MEMBER TURNBULL: I mean you can still it from the
11 street, right?

12 MR. BLOOMFIELD: No.

13 MEMBER TURNBULL: You can't see it at all from the
14 street?

15 MR. BLOOMFIELD: No. No, but the reason that's
16 kind of left open, too, is because we have agreed with the
17 neighbor that we would kind of integrate some green screen
18 walls into it that would kind of break up the monotony of the
19 wall.

20 MEMBER TURNBULL: Okay.

21 MR. BLOOMFIELD: So there will probably be, you
22 know, some degree, it will either be like a, you know, a flat
23 panel, a Hardie panel or something like that on the rear
24 addition, and then we are going to continue the lap around
25 from the existing facade around the side on the existing

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1 addition on the west wall.

2 MEMBER TURNBULL: Okay. OP in the report also
3 pointed out that you may need penthouse relief, which you are
4 not requesting, but I don't know if you want to comment on
5 that?

6 MR. KADLECEK: Yes, I'll --

7 MEMBER TURNBULL: Because of the unequal height?

8 MR. KADLECEK: Yes, I'll comment on that, and I'll
9 let the architect and Patrick address it a little more
10 thoroughly. They actually met with a zoning technician at
11 DCRA and at PDRM to discuss this very particular issue.

12 He did not express concern with it, but I think
13 ultimately it is a self-certified application and if during
14 permit the zoning administrator's office eventually says that
15 the roof needs to be leveled then it can be leveled at that
16 time.

17 MEMBER TURNBULL: Yes.

18 MR. KADLECEK: But they did actually discuss it
19 with DCRA and it was not raised as a concern with them at
20 that --

21 MR. BLOOMFIELD: The recommended it, actually.

22 MEMBER TURNBULL: Okay. The only other concern
23 I have is that we don't really have a correct set of drawings
24 then that reflect exactly what you are proposing with the
25 clipped angle at the back there, do we?

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1 MR. BLOOMFIELD: We have it, you know, on a
2 computer at home. I mean it's not --

3 MEMBER TURNBULL: Well, I would just think that
4 for our records here for the BZA that --

5 MR. BLOOMFIELD: Sure, absolutely.

6 MEMBER TURNBULL: -- we should have a current set
7 of drawings showing exactly what you are proposing.

8 MR. KUHN: Yes, the clipped piece, just to
9 elaborate, is just at the roof deck itself.

10 MEMBER TURNBULL: Just at the roof deck?

11 MR. KUHN: The roof deck. It's not the building,
12 it's only at the roof deck.

13 MR. BLOOMFIELD: It's where the handrail occurs.

14 MR. KUHN: If you go Sheet A-100, which is the
15 fifth page in the packet, again, on like the bottom right-
16 hand corner where you see the two 4-foot dimension strings
17 at that rear corner of the building --

18 MEMBER TURNBULL: Yes.

19 MR. KUHN: -- so that 4-foot setback is for the
20 railing of the roof deck and what I am saying is that corner
21 is being chamfered there. Again --

22 MEMBER TURNBULL: Oh, the railing of the roof
23 deck, not the actual roof itself?

24 MR. KUHN: Not the roof itself, no, because what
25 the concern of the neighbor two doors down was people

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1 standing at the roof deck specifically at that corner at that
2 railing could then look beyond our building, beyond our
3 neighboring building, and into their rear yard, and that's
4 what we were trying to address.

5 So by chamfering the corner of the railing and
6 pulling it back it therefore pulled back the sight line of
7 anybody standing there of being able to see to their rear
8 yard.

9 MEMBER TURNBULL: Okay. Well, for the sake of
10 argument, I don't know what my colleagues think, but we don't
11 have a record of that, but I'll let them comment on whether
12 we need it or not. Thank you.

13 MR. KUHN: You're welcome.

14 CHAIRPERSON HILL: Can you just put your cursor
15 over what you are talking about?

16 MR. KUHN: Sure. So right here, this area.

17 CHAIRPERSON HILL: Huh?

18 MR. KUHN: So, that --

19 CHAIRPERSON HILL: You're pulling it back.

20 MR. KUHN: Right now where I am showing it's a
21 right, you know, 90 degree angle --

22 CHAIRPERSON HILL: Yes.

23 MR. KUHN: -- we're going to clip it --

24 CHAIRPERSON HILL: Right.

25 MR. KUHN: -- the way that little hand cursor is

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1 showing and pull it back.

2 CHAIRPERSON HILL: Okay, okay.

3 MR. KUHN: And, again, it was a request of two
4 doors down from us. You'd --

5 CHAIRPERSON HILL: Sure, I understand. Okay,
6 that's fine, I was just curious. Thank you so much.

7 MR. KUHN: Okay, yes.

8 CHAIRPERSON HILL: Does anybody else have any more
9 questions?

10 MEMBER HART: Yes, Mr. Chairman.

11 CHAIRPERSON HILL: Sure.

12 MEMBER HART: Did you also say that you had
13 conversations with HPRB or had conversations with the HPO,
14 and is there something that I am just missing in our exhibits
15 that you could let us know?

16 MR. BLOOMFIELD: Originally we went through HPRB
17 and we have received full approval. During that timeframe
18 we didn't have a boundary survey back that we were clarifying
19 the location of the lot lines, so we didn't know we needed
20 the relief at the time.

21 Otherwise, we would have handled the BZA process
22 simultaneously. So we received approval for HPRB and the
23 building was three feet further back than we anticipated so
24 that's why we had to ask for relief to go into the setback.

25 MEMBER HART: Okay. And just did we, did you --

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1 Do we have an exhibit that has the HPRB approval, that's what
2 I'm trying to --

3 MR. KADLECEK: Oh, no, we haven't filed anything,
4 but they did receive concept approval.

5 MEMBER HART: Okay.

6 MR. KADLECEK: I believe I can give you the -- I
7 can put the --

8 (Simultaneous speaking)

9 MEMBER HART: I was just -- I didn't know if they
10 had any comments. I was just trying to understand where they
11 were with it.

12 MR. KADLECEK: Oh.

13 MEMBER HART: It's just, yes, an approval is one
14 thing, but approval with, oh, well we would like for you to
15 do X, Y, Z. I'm just interested to understand what it is
16 that they actually described.

17 MR. BLOOMFIELD: I don't have a copy of it. I
18 don't believe there was any comments.

19 MR. KADLECEK: Yes, the final approval was
20 delegated to HPO staff. So that's one of the reasons we
21 asked for flexibility to address comments from HPO staff in
22 development of final drawings.

23 MEMBER HART: And did you do any like shade
24 studies or anything, sun studies?

25 MR. KADLECEK: We did not. Just for the record

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1 the HPA number was 17-245, that was the concept approval for
2 the project.

3 CHAIRPERSON HILL: Mr. Kadlecek, the condition
4 that, again, the Office of Planning has, I'm just kind of
5 reading it and making sure that I am correct, "The Applicant
6 shall have flexibility to make minor changes to the final
7 design of the project in response to the request or
8 instructions from the Historic Preservation Office and/or the
9 Historic Preservation Review Board," and I am going to add
10 this, "so long as no new relief is needed."

11 MR. KADLECEK: That's fine.

12 CHAIRPERSON HILL: You're in agreement with that?

13 MR. KADLECEK: Yes.

14 CHAIRPERSON HILL: Okay. All right, does the
15 Board have any other questions for the Applicant at this
16 point?

17 (No response)

18 CHAIRPERSON HILL: Okay. I am going to turn to
19 the Office of Planning.

20 MR. MORDFIN: Good morning, Chair and Members of
21 the Board, I am Stephen Mordfin, and the Office of Planning
22 recommends approval of this application finding it's in
23 conformance with the required special exception criteria.

24 OP did note that there may be additional relief
25 or -- OP finds that additional relief would be needed for the

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1 sloped roof. However, the Applicant did state that if that
2 does become an issue at permitting they could level the roof
3 and there would not be additional relief required for this
4 application.

5 So the Office of Planning does recommend approval
6 of this application.

7 CHAIRPERSON HILL: All right. Mr. Mordfin, since
8 there are people here that are probably in opposition and
9 support could you just walk us through a little bit more in
10 detail your report in terms of, in your analysis as to how
11 this is meeting the criteria to grant the relief?

12 MR. MORDFIN: Yes. The first one, that light and
13 air to neighboring properties shall not be unduly affected.
14 There is a lot at the rear that is undevelopable so there
15 will not be any adverse impact on that, and then there is the
16 approximately 60-foot grade differential between this
17 property and the property to the north as it goes up and that
18 also minimizes the impact that this will have on any
19 properties to the north because it's so much lower than that.

20 The privacy, use, and enjoyment to neighboring
21 properties shall not be unduly compromised, you know, between
22 the grade separation between that property and to the north.
23 We don't think that this reduced rear setback would really
24 have a significant impact on them just because of the unusual
25 topography in that area.

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1 This addition, under sea, would not be visible
2 from the street. There is no alley to the rear, so there is
3 no alley for this building to be seen from, and then it's
4 also difficult to see it from, you go one block north it's
5 difficult to see it from there, again, because of the grade.

6 The Applicant did submit plans and photographs and
7 elevation section drawings so that we could analyze this
8 appropriately, and, also, the proposed lot occupancy you can
9 see is 59.8 percent, which is less than the 60 percent
10 permitted with the ARIE 2 as a matter of right.

11 The Office of Planning makes no recommendations
12 for special treatment and this application would not
13 introduce or expand an existing non-conforming use. And,
14 lastly, the section shall not be used to permit the
15 introduction or expansion of non-conforming height, and it's
16 not.

17 The building is in conformance with the maximum
18 height that is permitted, which is 50 feet. The proposed
19 building is 35.5 feet.

20 CHAIRPERSON HILL: Okay. Thank you for that
21 further clarification. Does the Board have any questions for
22 the Office of Planning?

23 MEMBER WHITE: Just for my own understanding, you
24 know, the properties are really close together, I mean it's
25 in the city so it's not unusual, but for this type of

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1 development I am just curious why you would not ask for a sun
2 study or look at a sun study?

3 You said you did not believe that, you know, the
4 light would, you know, the development would not have a
5 negative impact on neighboring properties, so I'm just trying
6 to understand that aspect of it.

7 But at the same time I know they have gotten
8 letters from the adjacent property owners, we're still
9 waiting to get maybe one copy as part of the record, but I
10 just wanted to get your feedback on that to help me with how
11 you came to that conclusion.

12 MR. MORDFIN: Okay. Well, this application is to
13 reduce the rear yard, and so that's primarily what we looked
14 at is how does it impact the rear yard and impact the
15 properties to the rear, because usually you have the
16 separation which provides privacy and light and air between
17 them.

18 The unusual topography here, which is very steep
19 as you go up from Florida Avenue, does have an effect on this
20 property and the way it impacts any properties to the north.
21 Those properties are set up much higher than this property
22 and building back, you know, it reduces any visibility that
23 they are going to have of this building addition, and that's
24 why we didn't ask for any impacts.

25 We don't see that it's going to adversely impact

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1 light and air. You still have the separation between the
2 buildings which will allow air. You know, whether or not it
3 put any -- It says "light," so I don't see where this is
4 going to adversely impact light.

5 Anything that you construct is going to cause
6 shadowing somewhere. You can't build anything without
7 resulting in that, but we don't see that that's going to
8 significantly impact any of the surrounding properties.

9 MEMBER WHITE: Okay. Thank you.

10 CHAIRPERSON HILL: Anyone else for the Office of
11 Planning?

12 (No response)

13 CHAIRPERSON HILL: Okay. Does the Applicant have
14 any questions for the Office of Planning?

15 MR. KADLECEK: No. Thank you.

16 CHAIRPERSON HILL: Okay. Is there anyone here
17 from the ANC wishing to speak?

18 (Off microphone comment)

19 CHAIRPERSON HILL: Oh, please, come forward.

20 (Off microphone comment)

21 CHAIRPERSON HILL: You can just give me a second,
22 you have to speak into the microphone.

23 (Off microphone comment)

24 CHAIRPERSON HILL: That's all right. And did you
25 fill out your witness cards?

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1 MR. ACKERMAN: I did.

2 CHAIRPERSON HILL: And did you get sworn in?

3 MR. ACKERMAN: I did not.

4 CHAIRPERSON HILL: Okay. Mr. Moy, if you could
5 swear in the witness, please, and anyone else who is here if
6 they haven't been sworn if you could just stand and take the
7 oath. Thank you.

8 MR. MOY: Do you solemnly swear or affirm that the
9 testimony you are about to present is the truth, the whole
10 truth, and nothing but the truth?

11 MR. ACKERMAN: I do.

12 MR. MOY: Thank you.

13 MR. ACKERMAN: I came here today just basically
14 to quickly reiterate what the ANC's process in this, role in
15 this process was. We extensively met with the Applicant of
16 this exception through our committee process.

17 We did have the neighbors, the concerns that were
18 raised by the neighbors were I believe accurately represented
19 in the testimony today. I believe that they were amenable
20 to the changes and the requests that I am aware of that were
21 made through the ANC.

22 Certainly, there were concerns about the impact
23 of the roof deck and privacy, and those were addressed, I
24 believe, in the plans, and they weren't just from the
25 neighbors to the east, they were also, I am also an abutter

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1 to the west, so I am the property that's right next to this,
2 I own the property at 1471 Florida, so I'm not sure what the
3 parcel number is there, but we have that fan lot, so it's
4 actually a private, kind of a backyard area that we had
5 requested that part of this plan would be to setback
6 significantly the edge of the roof deck so people couldn't
7 be looking down into our yard.

8 And through our attorneys, my attorney, and their
9 attorneys, we were able to kind of hammer out an agreement
10 that was amenable to all parties. They pushed back that roof
11 deck line on that west side as well, which was helpful.

12 Yes, I've been in the neighborhood for 20 years.
13 I was always told that that property was relocated from
14 another place. It was a building that was transplanted to
15 that spot and had a lot of engineering challenges in the
16 past, which my understanding is that this development will
17 address those issues.

18 It was kind of a leaning building on our block for
19 many, many years, so in that sense this should be an
20 improvement to that structure which we are looking forward
21 to.

22 There were also some negotiated community
23 amenities which they agreed to and which we are very happy
24 that they did that for us and I think it will -- including
25 supporting some of the community cultural programming events,

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1 helping out and maintaining some of the tree boxes in the
2 area that have been neglected for a long time, working on
3 some beautification issues around the front of that property,
4 which are sorely needed.

5 So our view is that this four and some inches
6 exception should be granted if all of the other requirements
7 have been met, and we believe that the line of communication
8 has been open and they have been very cooperative from our
9 standpoint in terms of addressing all of the questions that
10 we had.

11 So that's why I wanted to speak from my ANC
12 Commissioner's hat and I can also speak as an abutter if
13 there are any questions that you have as well.

14 CHAIRPERSON HILL: Okay, great. Well,
15 Commissioner Ackerman, thanks for coming down. I mean it's
16 really helpful for us to hear from the ANC and also
17 particularly the SMD in terms of any projects that are kind
18 of -- I was just curious, how long have you been an ANC
19 Commissioner?

20 MR. ACKERMAN: About a year and a half.

21 CHAIRPERSON HILL: Oh, so not that long, but,
22 still.

23 MR. ACKERMAN: Still new.

24 CHAIRPERSON HILL: Yes.

25 MR. ACKERMAN: Still learning, actually.

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1 CHAIRPERSON HILL: No, but still, that's -- I'm
2 sure you've learned a lot in a year and a half. Okay, do you
3 have some questions for the Commissioner?

4 MEMBER HART: Yes. Thank you, Mr. Chairman. And,
5 Mr. Ackerman, thank you very much also for coming down.

6 MR. ACKERMAN: Sure.

7 MEMBER HART: You talked about some community
8 amenities, which are fine, did you happen to have a
9 discussion about the kind of, it looks like actually on this
10 image there is some bike parking, bikes are kind of located
11 in this area, that they are going to be actually putting in
12 a new entrance for some of the housing?

13 Do you have any issue about having, you know, bike
14 parking at the front of this building or is there any issue
15 with -- It looks like they are putting these, I guess it's
16 the image to the bottom left, the two images just kind of
17 show where this narrow, you know, space is --

18 MR. ACKERMAN: Sure.

19 MEMBER HART: -- and they have, you know, folks
20 are riding bikes and they are putting them there because they
21 don't want them out kind of, you know, somewhere. So I don't
22 know where they're going to go once this building gets
23 constructed, and maybe the Applicant --

24 MR. KUHN: Mr. Hart, if I could respond to that.

25 MEMBER HART: -- could be able to kind of deal

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1 with that, but I just -- That's kind of one question, and I
2 do have another question for you.

3 MR. ACKERMAN: Would you like me to respond or
4 would you like the architect to respond?

5 MEMBER HART: Yes, actually if you could that
6 would be fine.

7 MR. ACKERMAN: Okay, sure.

8 MEMBER HART: The other question is about the
9 whole, this is a larger addition that is being put on from
10 what was being put on, what exists, could you talk a little
11 bit about any impact that you might find, too, of kind of the
12 light to the back of your property because it is adjoining
13 this and it's likely that, you know, you are now going to
14 have a larger space, a larger wall, like wall, like Mr.
15 Turnbull was talking about earlier that's going to be next
16 to your property?

17 I know I have asked a couple of questions, about
18 bikes and then the shade issue. If you could respond to
19 that.

20 MR. ACKERMAN: Sure, yes. I mean I don't know
21 that anyone is pleased when they see, you know, a structure
22 that takes away or creates shadow.

23 I think we looked at this as a tradeoff and I
24 think that the sum total of what the developers have offered
25 in terms of concessions put us into a situation where it was,

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1 you know, we see it as a positive contribution to the
2 community.

3 The question about, you know, the shade studies,
4 these weren't, you know, that's not something that we
5 discussed in detail. I will say that to the point that the
6 gentleman from the Office of Planning made, because the light
7 issue is somewhat reduced from a usual condition because of
8 the fact that there is quite a steep hillside behind us, so
9 that does actually, you know, the light issues is only
10 relevant from a few different, I would say fewer directions
11 than in the normal circumstances, so it's not as big of an
12 impact.

13 In terms of what the neighbors have told me, you
14 know, have raised for questions, you know, there wasn't a
15 great deal of negative response to this project at all. It
16 wasn't the kind of matter where you had a lot of contentious
17 meetings and it was more of an amicable discussion and I
18 think it was an open process.

19 And every issue I was made aware of has been dealt
20 with directly and I was present with the developers just to
21 verify that they had contacted the other direct abutter and
22 they had showed me evidence through email exchanges with the
23 owner exactly what her requests were, and it was, you know,
24 not just limited not putting, you know, being careful about
25 the dumpster blocking parking and things like that, but she

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1 also wanted to be assured that if there was damage to her
2 property that they would take responsibility for it and my
3 understanding was that they have.

4 And so I think that it was, her requests were
5 reasonable and the developer I believe acquiesced to all of
6 those.

7 Now in terms of the bike issue, I guess this is
8 just an existing condition. There are several rent tenants
9 that are in the property and maybe that's why they put their
10 bikes there.

11 You know, I can't speak to what the plans are with
12 how they are going to handle bikes. Our concern was about
13 the garbage for all those additional units being confined and
14 some sort of a system set up so that with all that additional
15 trash they either could seal off or come up with a solution
16 for the garbage which will also be stored there that won't
17 impact the neighboring community, and that was our concern.

18 We have bike racks in the area. We have a shared
19 bike station right across the street. So I will let them
20 address the bike issue.

21 MR. KUHN: We are providing interior bike storage
22 space at the lowest level to address this as one of the
23 things, again, that was touched on, you know, as kind of a,
24 even though it's for the tenants, but thinking more broadly
25 to the community rather than having kind of the circumstance

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1 that you see in the photos.

2 MEMBER HART: Thank you for all of that, for the
3 clarification on both of those issues. Thank you.

4 MR. ACKERMAN: I did have one further comment if
5 it's possible to Mr. Turnbull's observation about the
6 monolithic nature of that wall facing to the west, that is
7 facing my backyard and I certainly expressed concern about
8 how that would be handled in terms of materials and what it
9 would like and my hope is that through this process that the
10 developer will make good on what they have said, which is to
11 work with us on the materials and a greening approach, which
12 Pat had mentioned and which he was receptive to and I think,
13 in fact, actually suggested it.

14 We talked about how to make that look a little bit
15 more of an organic wall rather than just, you know, a white
16 wall against our backyard. So I think they have been
17 amenable and open to solutions on that.

18 I think that if any -- If the pass is any
19 indication we'll be able to get through that no problem
20 moving forward.

21 CHAIRPERSON HILL: Okay. Mr. Turnbull?

22 MEMBER TURNBULL: Commissioner, did they talk to
23 you anything about lighting on the deck, what's the plans for
24 lighting on the deck?

25 MR. ACKERMAN: I don't believe that had come up

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1 in our discussions, to be honest with you. I don't remember.
2 Do you remember that being an issue?

3 MEMBER TURNBULL: I mean normally there would
4 downlighting or something that's not going to be intrusive
5 and to --

6 MR. ACKERMAN: Yes.

7 MEMBER TURNBULL: -- make it like a glowing --

8 MR. ACKERMAN: Could the architect speak to that
9 plan?

10 MR. KUHN: Right now the intent is just providing
11 lighting at the penthouse, so the roof deck access, so there
12 would be light on the surface wall. I'll go to the
13 elevation, Sheet A-201, which is Page 6 in your packet, and
14 A-202.

15 So specifically on A-202 where you see the larger
16 overhang, which is where you will come out of the penthouse
17 onto the roof deck, I mean by code we have to have lighting
18 there, but as of right now, you know, we're not doing any
19 building lighting as I would call it.

20 MEMBER TURNBULL: Yes okay. I think it might be
21 good to clarify that just for the concerns of the neighbors
22 that there is a privacy issue for them and that they're not
23 looking up at a well-lighted --

24 MR. KUHN: A beacon, sure.

25 MEMBER TURNBULL: Yes.

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1 MR. KUHN: Yes.

2 MEMBER TURNBULL: Okay.

3 MR. ACKERMAN: And one other comment about just
4 in terms of because we don't for some reason have the plans
5 that should reflect some of the changes that we had discussed
6 I would just ask that the plans that do get submitted at the
7 final stage of this reflect that we did negotiate a setback
8 of the roof deck, which was I believe we had eight feet or
9 nine feet off of the west wall, is that correct, Patrick?

10 MR. BLOOMFIELD: To align with the back side of
11 the penthouse.

12 MR. ACKERMAN: To align with the back side of the
13 penthouse, so that alleviates our concerns with regard to the
14 space on the roof deck.

15 CHAIRPERSON HILL: Okay. Commissioner Ackerman,
16 again, or I should actually say, Mr. Kuhn, you're talking
17 about that railing, right, he's talking about the railing
18 there?

19 MR. KUHN: There were two things, the railing is
20 set back four feet --

21 (Simultaneous speaking)

22 CHAIRPERSON HILL: Yes, can you show me from that
23 overview I guess of where --

24 MR. KUHN: Yes. If you look at the slide that I
25 have up now, A-201 --

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1 CHAIRPERSON HILL: Yes.

2 MR. KUHN: -- you can see the penthouse at the
3 top. We're actually off both sidewalls a total of nine feet.

4 CHAIRPERSON HILL: Okay, so that one is already
5 reflected in the drawings?

6 MR. KUHN: Correct.

7 CHAIRPERSON HILL: The only thing that is not
8 reflected on the drawings is the railing?

9 MR. KUHN: And just that clipped corner that we
10 went through before talking --

11 CHAIRPERSON HILL: With the railing?

12 MR. BLOOMFIELD: Well, there is also --

13 CHAIRPERSON HILL: You have to speak into the mic.

14 MR. BLOOMFIELD: I believe what Nathan is
15 referring to is we have agreed on that roof deck on the right
16 side of that elevation we have agreed to align that with the
17 right side of the penthouse.

18 So it's actually a full nine feet off the right,
19 off the west wall of the property, off that west property
20 line.

21 CHAIRPERSON HILL: Okay. So that's not reflected
22 on the drawings now?

23 MR. BLOOMFIELD: It's not.

24 CHAIRPERSON HILL: Okay. So I mean I don't know
25 where we are going to get to this at end. We're probably

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1 going to have to see drawings before we're going to be able
2 to take a vote, regardless, and so just kind of something to
3 keep in mind as we kind of go through this process.

4 Another thing, and I don't know how the other
5 Board Members feel, but I'd like to see some kind of a
6 condition maybe, Mr. Kadlecek, that you could work in with
7 Commissioner Ackerman in terms of what you are agreeing to
8 do for the wall there in some kind of way that, you know, it
9 would make the Board feel comfortable that you all have
10 something in the record in terms of what you've agreed to do.

11 So that's another thought there. So, okay, is
12 that it, Mr. Commissioner?

13 (Off microphone comment)

14 CHAIRPERSON HILL: Okay, thanks so much. All
15 right, is there anybody wishing to speak in support?

16 (No response)

17 CHAIRPERSON HILL: Is there anybody here wishing
18 to speak in opposition?

19 MR. MURRAY: How about I'm sort of just --

20 CHAIRPERSON HILL: That's okay, sure, whoever --

21 (Simultaneous speaking)

22 CHAIRPERSON HILL: No, no, no, please come
23 forward. No, no, take your time. And you need to speak into
24 the microphone and then also you did get sworn in earlier?

25 MR. MURRAY: I did.

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1 CHAIRPERSON HILL: Okay. And there is no one else
2 here to speak in opposition?

3 (Off microphone comment)

4 CHAIRPERSON HILL: Oh, no, you have to turn on the
5 microphone, push on the button there.

6 MR. MURRAY: Yes, it says red -- oh, there it
7 goes, okay. Yes, I am Paul --

8 CHAIRPERSON HILL: Sure. You can tell us your
9 name, please, sir.

10 MR. MURRAY: Yes, Paul Murray. I wrote in
11 opposition this morning just to kind of try to be heard and
12 then I decided best to come down and see what was actually
13 up because it's hard to kind follow what's going on until you
14 study these things.

15 CHAIRPERSON HILL: And, Mr. Murray, just to let
16 you know --

17 MR. MURRAY: Yes?

18 CHAIRPERSON HILL: -- parties in opposition are
19 given three minutes to speak, so I was just letting you know.

20 MR. MURRAY: Oh, okay.

21 CHAIRPERSON HILL: Yes.

22 MR. MURRAY: Well, so I really came to listen and
23 hear what people had to say, including the neighbors, which
24 I thought was important to hear.

25 So I live in 2307 15th Street which is the keyhole

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1 lot, or the key lot that was referred to. I am directly to
2 the west, but I'm on 15th. So all I know about the backyard,
3 and it's true, it's much lower than where I am, is that all
4 the backyards in there are very green right now and people
5 often have parties back there, which is fine, and my main
6 concern was with the green space, not the unduly limited, and
7 I was also concerned about density in the neighborhood and
8 what was happening to Florida Avenue.

9 Now I don't live on Florida Avenue, but it is a
10 unique street given the way it angles there and it's
11 elevation. So I was really -- basically wanted to hear what
12 the process what, what a special exception was, how much you
13 actually deal with green space in your consideration and
14 what's to be done there.

15 So, as I said, backyard considerations, green
16 space, increasing the density, and the other thing is what
17 does this mean for development of neighborhood properties and
18 taking out more green space back there.

19 I know we heard from the neighbor, so that didn't,
20 he didn't seem to indicate that he was interested in kind of
21 expanding back there and taking away that green space, too,
22 but I just really wanted to come here and hear what your
23 questions were, to hear what the proposal was, and to hear
24 what the neighbors had to say, and I am not familiar with all
25 the processes and where people have weighed in and the

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1 planning committee has weighed in, so I did want to hear all
2 that.

3 So that's really why I am here, and it sounds like
4 you are asking questions about all these things. The back
5 space would go from, instead of being 15 feet it's going to
6 ten, or some version of that, close to that, and then
7 whatever the length of the backyard is.

8 So there will be space taken out, but people
9 already use that space for parties I know. So I'm not sure
10 I have anything else to add other than not wanting to
11 significantly change the character of the neighborhood, and
12 once you go from a three unit to 11 units or eight units,
13 maybe I misunderstood it, maybe it's --

14 (Off microphone comment)

15 MR. MURRAY: Go from three to eight. I just don't
16 -- You know, there is development going on in the
17 neighborhood all the time and I just wanted to follow what's
18 going on and what this does for other developments, et
19 cetera, et cetera.

20 CHAIRPERSON HILL: Okay. So, Mr. Murray, I am
21 just trying to -- I mean it sounds as though this was
22 informative for you in terms of like our process.

23 MR. MURRAY: It was and I know the two other
24 commenters, who are neighbors of mine, same building, and so
25 I just --

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1 (Simultaneous speaking)

2 CHAIRPERSON HILL: Yes. Okay, no, I appreciate
3 that. I am just curious, are you still in opposition or you
4 don't know exactly?

5 MR. MURRAY: I am not sure I am in opposition
6 because the scope of the building is clear. It's within the
7 ceiling, I mean the height, and so I'm not so sure.

8 CHAIRPERSON HILL: Okay.

9 MR. MURRAY: I just wanted to report back to the
10 other two people and tell them what I heard and I wanted to
11 understand and listen to what was being proposed here.

12 CHAIRPERSON HILL: Okay.

13 MR. MURRAY: And I know you are expanding a lot
14 of buildings in the neighborhood, I was just trying to figure
15 out what you guys do when you are expanding a building, in
16 other words.

17 CHAIRPERSON HILL: Sure.

18 MR. MURRAY: Because it will change that --

19 CHAIRPERSON HILL: Sure, I understand. I
20 understand. What was I going to say?

21 MR. MURRAY: So I don't know how to handle it from
22 here.

23 CHAIRPERSON HILL: It's okay. Well, I mean I am
24 glad that you have seen the process in terms of, you know,
25 the different types of analysis and reporting that we get

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1 from the Office of Planning, the information we receive from
2 your ANC and all the different ANCs, and then also then going
3 through the presentation as to how the Applicant meets the
4 criteria, so that's one comment I guess.

5 Does the Board Members have any questions for the
6 witness?

7 MEMBER TURNBULL: No, I don't have a question.
8 I think he's in that new category. We have proponents,
9 opposed, and then there is an undetermined. I think there's
10 a -- I can't think of the real name, but there is a third
11 category which says that you are neither one nor the other.

12 CHAIRPERSON HILL: Is there really? You added
13 that?

14 MEMBER TURNBULL: We added that new category for
15 someone who is neither for nor against.

16 CHAIRPERSON HILL: Okay, all right.

17 MEMBER TURNBULL: But for the life of me I can't
18 remember what it --

19 MR. MURRAY: It's undeclared on the witness card.

20 MEMBER TURNBULL: Undeclared, that's it.

21 CHAIRPERSON HILL: Okay.

22 MR. MURRAY: But I think --

23 MEMBER TURNBULL: We've never had that before.

24 CHAIRPERSON HILL: Okay, all right.

25 MEMBER TURNBULL: I think we put that --

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1 MR. MURRAY: I'm not sure I had that on the, I'm
2 sorry, the online --

3 CHAIRPERSON HILL: Okay, that's all right.

4 MR. MURRAY: It may not have had that, but --

5 CHAIRPERSON HILL: Okay. Does the Board have any
6 more questions for Mr. Murray?

7 (No response)

8 CHAIRPERSON HILL: Okay, all right. I see the
9 Commissioner wants to say something. I don't know if,
10 Commissioner, we have any questions for you necessarily. I
11 mean is there something you really -- If you have to say
12 anything you have to come forward and speak into the
13 microphone.

14 MR. ACKERMAN: And I am happy to meet --

15 CHAIRPERSON HILL: You're welcome to -- Just speak
16 into the microphone, Mr. Ackerman.

17 MR. ACKERMAN: Sure. It's really to address Mr.
18 Murray's observation about the green space issue. I don't
19 know how long you have lived there, but just to sort of give
20 a little quick snippet of history --

21 CHAIRPERSON HILL: Oh, sure.

22 MR. ACKERMAN: -- I remember when your building
23 was being built and the area where you are parking is it was
24 also green space and it was green space that directly abutted
25 my properties and that green space which I think occupies far

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1 more space than this proposed special exception would occupy
2 was turned into parking.

3 So it's one of those situations I think where a
4 little bit of history helps to change the perspective of
5 what's come before because your property actually basically
6 did the same thing in order to create those parking spaces
7 back there.

8 So I just wanted to let people know kind of what
9 the real background of what happened to that area was because
10 it's helpful.

11 CHAIRPERSON HILL: Okay, okay. All right, let's
12 see. All right, does the Board have any other further
13 comments or questions for anyone?

14 MEMBER TURNBULL: No, Mr. Chair. I would just say
15 then after -- I would say that Mr. Ackerman, Commissioner
16 Ackerman, is a seasoned resident of --

17 CHAIRPERSON HILL: I see, seasoned. I don't know
18 if he's a -- I think he is a seasoned resident, I'll give you
19 that he is a seasoned resident. All right, let's see. Mr.
20 Murray, just out of curiosity, do you face 15th Street or do
21 you face the back?

22 MR. MURRAY: That building is a four-unit condo
23 and each unit, there is one unit on each floor, so we face
24 15th south and west.

25 CHAIRPERSON HILL: Okay, okay. So do you hear the

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1 drum circles from your window?

2 MR. MURRAY: I have learned to tune them out, but,
3 yes, I do.

4 CHAIRPERSON HILL: Okay, just curious. You
5 learned to tune them out, okay. All right, let's see, so
6 support, opposition, I think that's it, right, we don't have
7 any other questions?

8 (No response)

9 CHAIRPERSON HILL: Yes, I was just -- again, I was
10 mildly curious, but, again, no one else is here to speak in
11 support and no one else is here to speak in opposition?

12 (No response)

13 CHAIRPERSON HILL: Okay. There's just two people
14 hanging out in the back and I haven't figured out exactly
15 what -- all right. So, okay.

16 All right, okay, so let's see, I think that I do
17 want to get some more information from the Applicant, I think
18 the Board does, in terms of before we can possibly vote.

19 I think, you know, I don't really have a lot of
20 questions and I'll let the Applicant speak at the end here.
21 I do think that, you know, as has been our protocol, you
22 know, we want to see whatever the drawings are that is
23 actually being proposed.

24 So we would need to see, you know, whatever it is,
25 the final drawings, okay, and then at least as far as those

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1 two issues that they are discussing, the setback with the
2 penthouse and then also the railing.

3 I guess you could also put in the email from, it
4 was Lot 849, I think that you got, if you could just put that
5 into the record as well as then if you could, Mr. Kadlecek,
6 just submit something in terms of something that we could add
7 as either a condition or an agreement with your neighbor
8 there in Lot 213 in terms of what you agreed to for the wall.

9 Does the Board have any other things they would
10 like to see or hear from the Applicant before we were able
11 to make a decision?

12 MEMBER TURNBULL: Mr. Chair, I'll just add I think
13 Ms. White had asked for letters of the neighbors and you've
14 got the proposal, and we talked about the revised deck
15 drawings. I wouldn't mind just seeing something on the deck
16 lighting that clarified exactly what the lighting is.

17 And maybe we should have something that just shows
18 where the bike storage is and where the trash is being
19 stored, just so we have a clear understanding that that's all
20 being addressed for the neighbors.

21 CHAIRPERSON HILL: Okay, that's fine with me.
22 Anyone else?

23 MEMBER HART: Mr. Chair, the Exhibit 30, I think,
24 which are floor plans, for Mr. Turnbull, they do actually
25 have the bike storage on the proposed cellar plan. I don't

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1 know about the --

2 MEMBER TURNBULL: Which drawing is that?

3 MEMBER HART: This is Page A-101 on I want to say
4 it's 30. Yes, it's the revised architectural plans. They
5 actually show the bike storage. After we had this
6 conversation about where the bikes were going to be and Mr.
7 Kuhn described that there was bike storage in there I had to
8 now look for where the plans were, and the floor plans, the
9 proposed floor plans, indicate where that bike storage is
10 going to be located.

11 MEMBER TURNBULL: You said on A-101?

12 MEMBER HART: A-101, I don't know what page it is.

13 MEMBER TURNBULL: Okay, I do see it.

14 MEMBER HART: Page 15 of 23.

15 MEMBER TURNBULL: Okay. And what about trash
16 storage, do we see --

17 MEMBER HART: I don't know. I don't know if it's
18 the utility that's -- There is a utility room that is
19 associated with that as well. I don't know if it's there or
20 if there is another place that's -- and if the architect
21 could, Mr. Kuhn, could --

22 MR. KUHN: Yes, the trash is going to be located
23 near where that entrance is into the bike storage, so along
24 that side away from, so it's going to be tucked back from the
25 front of the building.

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1 MEMBER HART: And it's going to be in a room or
2 is it going to be some other location, I mean like next to
3 the building?

4 MR. KUHN: Yes, it's going to be against the
5 building but not internal.

6 MEMBER HART: Okay.

7 MEMBER TURNBULL: Well, if you could just indicate
8 that then on a drawing.

9 MR. KUHN: I will.

10 MEMBER HART: And I don't know if we've, if the
11 Chairman actually discussed this, but the roof deck, you said
12 you were going to --

13 (Simultaneous speaking)

14 MR. KUHN: Yes, to show the plans, yes.

15 MEMBER HART: And I was just, kind of humor me for
16 a minute, in the elevations on page, what you have on the
17 screen here, A-201, I don't know what page that is --

18 MR. KUHN: They got it.

19 MEMBER HART: Oh. Is the property, Mr. Ackerman's
20 property, is the -- I am looking at the image on the right,
21 is that accurate, like is there an actual, the ground level
22 on the western side is that actually that low? I mean it
23 looks really low, that's why I was having a hard time trying
24 to understand --

25 MR. KUHN: No, there is a difference in grade, but

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1 it's not graphically where that shows basically L'ing down
2 there on the right-hand side, which would be Mr. Ackerman's
3 property.

4 MEMBER HART: And so then A-203 is that the, is
5 that what we're, is that what it's supposed to be looking
6 like? Is that more the --

7 MR. KUHN: 203.

8 MEMBER HART: Because this is supposed to be the
9 grade for, you know, and the elevation for the west side, so
10 --

11 MR. KUHN: Correct.

12 MEMBER HART: -- try to make sure that that's
13 what, that's supposed to --

14 MR. KUHN: Yes, the elevation is more correct on
15 A-203 than A-201.

16 MEMBER HART: And it as funny because the
17 photograph that you showed, which was the north wall, I was
18 thinking about that being the retaining wall, and then I was
19 thinking, well, is there a retaining wall on the west, and
20 then I couldn't figure out if that was the case.

21 MR. KUHN: Right, yes.

22 MEMBER HART: But there isn't a retaining wall on
23 the west-hand side because there is nothing to retain?

24 MR. KUHN: Correct, right.

25 MEMBER HART: So if you could just clean that up

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1 a little bit that would be helpful.

2 MR. KUHN: Yes.

3 MEMBER HART: Again, that's not a huge thing, it's
4 more of a minor thing, but it was just consistency sake
5 trying to understand the elevations versus that.

6 MR. KUHN: Yes.

7 MEMBER HART: And I don't know if Mr. Turnbull
8 said this, but what is happening on the, just on the addition
9 in terms of the material, if you could just include that on
10 that on the, or in the, actually all of the elevations --

11 MR. KUHN: Yes.

12 MEMBER HART: -- because we have kind of an
13 understanding what's going on in the existing building, but
14 that one is not, it's just unknown.

15 MR. KUHN: Okay. Yes, those will be included.

16 MR. KADLECEK: Just one point on the materials,
17 I believe that's still being worked out with HPRB or HPO, so
18 that's why we would actually still request the flexibility
19 to make changes to that if it was something that was
20 requested by HPO.

21 MEMBER HART: And Mr. Ackerman brought up
22 something about the western wall being green or something,
23 so that's the part that I'm trying to understand.

24 MR. KADLECEK: Yes.

25 MEMBER HART: Is there something going to be

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1 attached to that western wall? Maybe it's the rest of the
2 walls you are still working out, but that one it seems like
3 there could be something that's different that we don't
4 really know what that is so it would be helpful to understand
5 that.

6 MR. BLOOMFIELD: So right now we have a
7 construction agreement that basically dictates 400 square
8 feet of green area. The reason we have left it like that is
9 because we want to, you know, Nathan is going to be
10 coordinating landscaping and he wants to put it in certain
11 areas and then we can figure out what square footage would
12 kind of fit in those empty spaces.

13 So we have left it in our construction agreement,
14 which is drafted up, that outlines pretty much everything
15 with what we have agreed to for that side of the property.

16 MEMBER HART: For 400 square feet of the wall
17 surface you are talking about?

18 MR. BLOOMFIELD: Correct.

19 MEMBER HART: Okay.

20 MR. BLOOMFIELD: And that would be of the new
21 addition which consists of about 1200, so it's about a third
22 of that wall we have agreed to cover in green screens.

23 CHAIRPERSON HILL: Okay. Mr. Kadlecek, again, --

24 MR. KADLECEK: Yes, so --

25 CHAIRPERSON HILL: -- that's what I'm talking

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1 about, just give us something that shows whatever it was that
2 was agreed with the Commissioner, who is back at the table
3 again.

4 MR. KADLECEK: Yes.

5 CHAIRPERSON HILL: Mr. Commissioner?

6 MR. ACKERMAN: Sorry.

7 CHAIRPERSON HILL: That's all right.

8 MR. ACKERMAN: Yes, there is one important piece
9 I think that probably should be included in these additional
10 materials that are supplied, and that is that there was a
11 concern about the sound that all these eight, these condenser
12 units would be making on the rooftop since they are close to
13 the yards of the neighbors and we had negotiated a language
14 that basically specifies that sound mitigation would be
15 followed for, or to deal with that issue and that concern,
16 which they agreed to.

17 So it would be great to specify that in the
18 materials that are provided, please.

19 CHAIRPERSON HILL: Okay. Mr. Kadlecek, okay?

20 MR. KADLECEK: That's fine.

21 CHAIRPERSON HILL: Okay.

22 MR. KADLECEK: We can include that.

23 CHAIRPERSON HILL: Yes. No, we're just trying to
24 get stuff so that we're all comfortable, that we're all on
25 the same page, and we --

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1 MR. KADLECEK: Yes, sure.

2 CHAIRPERSON HILL: It sounds like you guys have
3 done -- It looks like a lovely project to me. I know the
4 area, I don't participate in the drum circle, but I know the
5 area, and so like, you know, so just so we're all on the same
6 page, okay, so if you can give us the drawings so we can move
7 forward on that.

8 MR. KADLECEK: Sure.

9 MEMBER TURNBULL: I just have one quick, Mr.
10 Chair.

11 CHAIRPERSON HILL: Yes, sure.

12 MEMBER TURNBULL: You've already had sort of a
13 draft review or a staff review at HPRB?

14 MR. KADLECEK: Concept approval, yes.

15 MEMBER TURNBULL: Concept approval. Have they
16 agreed in concept to the green wall aspect or does that come
17 into play or it's back -- I have a feeling that they wouldn't
18 want to weigh in. I don't know, maybe they will.

19 MR. BLOOMFIELD: You know, we should be able to
20 review that at HPO level and the permitting process, but it's
21 not visible from the street, so I couldn't imagine them
22 having --

23 MEMBER TURNBULL: I was just going to say because
24 if they didn't approve it then you're back to square one with
25 Commissioner Ackerman.

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1 MR. BLOOMFIELD: I don't think they are going to
2 have an issue with it. I mean the approved the finishes at
3 the rear of the property on how we intended to design that,
4 which is more of a modern feel.

5 MEMBER TURNBULL: Okay.

6 MR. BLOOMFIELD: So I can't imagine them having
7 an issue with, you know, adding more greenery.

8 MEMBER TURNBULL: Okay, I just wanted to bring it
9 up.

10 MR. BLOOMFIELD: I appreciate it, thanks.

11 CHAIRPERSON HILL: Okay. All right, does the
12 Board have anything else they'd like to see from the
13 Applicant before we were able to make a decision?

14 (No answer)

15 CHAIRPERSON HILL: Okay. I mean it's a lot of
16 stuff, but -- or not a lot of stuff, it's easy for you to get
17 it together. When do you think you'd be able to get all this
18 stuff together?

19 MR. KADLECEK: I mean we can do it within a day
20 or two.

21 CHAIRPERSON HILL: Yes.

22 MR. KADLECEK: So --

23 CHAIRPERSON HILL: I was afraid you were going to
24 say that.

25 MR. KADLECEK: So, you know, as soon as the Board

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1 can take it up --

2 CHAIRPERSON HILL: Sure.

3 MR. KADLECEK: -- we can probably have it in
4 tomorrow or Friday.

5 CHAIRPERSON HILL: Sure. Tomorrow is Friday? No,
6 tomorrow is Thursday. Well, I am -- Mr. Moy, I mean we just
7 add it to the meeting hearing, correct?

8 (Off microphone comment)

9 CHAIRPERSON HILL: For the 18th, right. I think
10 the 18th is thick, that's the only reason why I'm -- But it's
11 not --

12 MR. MOY: The -- I think it depends. If this is
13 for a decision meeting then you could always slide this one
14 in --

15 CHAIRPERSON HILL: Right.

16 MR. MOY: -- but if it's a hearing I would --

17 CHAIRPERSON HILL: No, it would be a decision.
18 What is the one after the 18th?

19 MR. MOY: It would be October 25th.

20 CHAIRPERSON HILL: The 25th. Is the 25th a little
21 lighter?

22 MR. MOY: Yes, a little bit lighter.

23 CHAIRPERSON HILL: Okay. Does the one week do
24 anything for you guys one way or the other?

25 MR. BLOOMFIELD: If you could get it in on the

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1 18th we would very much appreciate it. We're trying to
2 submit for a permit soon, so --

3 CHAIRPERSON HILL: Okay. I'm just, I'm asking the
4 one week, I don't mind, I can get it in there. If you -- So
5 the one week is going to mess with your timing a little bit?

6 MR. BLOOMFIELD: A little bit, yes.

7 CHAIRPERSON HILL: Only a little bit.

8 MR. BLOOMFIELD: I mean we can deal with the 25th,
9 but --

10 CHAIRPERSON HILL: Okay, then I'm just going to
11 move you to the 25th. I mean I got a lot on the docket on
12 the 18th.

13 MR. BLOOMFIELD: Okay.

14 CHAIRPERSON HILL: Even though it will be thick
15 it gives you -- I'm sorry, even though it is a decision
16 meeting it will still take time and we have a lot of things
17 going on on the 18th.

18 It will give you a little bit more time to get
19 your stuff into us, and so -- and I appreciate it, so I'll
20 remember you the next time if you come back, you know, for
21 a summer, that extra week you gave us.

22 MR. BLOOMFIELD: Okay.

23 CHAIRPERSON HILL: Okay. But if it were really,
24 I mean if it were going to hurt any of your finances or
25 anything like that, but I think the one week you can, you'll

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1 be okay.

2 MR. BLOOMFIELD: I think so.

3 CHAIRPERSON HILL: Okay.

4 MR. BLOOMFIELD: I know we were planning on
5 submitting I think like the 26th, so that should be all
6 right.

7 CHAIRPERSON HILL: Okay. All right, okay, great.
8 So then, Mr. Kadlecek, when would you like to -- or, have Mr.
9 Moy with you, ask for when do you want to ask for what we
10 need?

11 MR. KADLECEK: Yes, I mean we can do it as soon
12 as you need it, so whatever works.

13 MR. MOY: I would say the latest would be October
14 18th.

15 CHAIRPERSON HILL: Okay, so that's good, you know
16 what you need to get us by that time and then we'll put on
17 the decision for the 25th?

18 MR. KADLECEK: Yes. Maybe it will be helpful if
19 I just ran through the list. I'm sure a lot of things --

20 CHAIRPERSON HILL: Sure, yes, please. No, please.

21 MR. KADLECEK: I just want to make sure that we're
22 all in agreement so that we get everything in.

23 CHAIRPERSON HILL: Yes, please.

24 MR. KADLECEK: Ms. White asked for the
25 email/letter from the adjacent neighbor to the east. Mr.

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1 Turnbull asked for some clarification for the lighting on the
2 roof deck penthouse.

3 Mr. Hill, you asked for a condition regarding the
4 wall, the western facing wall, an additional drawing showing
5 the proposed condition for the roof deck railing, a plan
6 showing where the trash and bike storage will be, updated
7 elevations showing more accurately the grade on the west side
8 of the property, some description of the materials on the
9 addition, and the condition regarding sound mitigation for
10 the HVAC units.

11 (Off microphone comment)

12 MR. KADLECEK: I did, yes. If I missed anything
13 please let me know, but I think that was everything. Oh,
14 yes, did you want us to submit the HPRB concept approval into
15 the record as well?

16 CHAIRPERSON HILL: Yes. Mr. Turnbull is nodding.

17 MR. KADLECEK: Okay. Great, thank you.

18 CHAIRPERSON HILL: Okay, great. So with that
19 being the case we have done everything. I am going to close
20 the hearing and we will see you on the, or not, on the 25th.

21 MEMBER HART: One more, sorry, Mr. Chairman.

22 CHAIRPERSON HILL: Sure.

23 MEMBER HART: Trash cans?

24 MR. KADLECEK: Yes, I mentioned that.

25 MEMBER HART: I was actually having a little

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1 conversation.

2 MR. KADLECEK: No problem.

3 MEMBER HART: I just wanted to make sure, that's
4 all.

5 MR. KADLECEK: Yes, thank you.

6 MEMBER WHITE: And just one more, double check,
7 sound mitigation?

8 MR. KADLECEK: Yes.

9 CHAIRPERSON HILL: Oh, the sound mitigation.

10 MR. KADLECEK: Yes, got that one.

11 CHAIRPERSON HILL: Okay. All right, well, I'm
12 glad you actually have until the 25th. All right, so the
13 hearing is closed. Okay, thank you, gentlemen.

14 MR. KADLECEK: Thank you.

15 CHAIRPERSON HILL: Mr. Moy, do we have anything
16 else for the Board today?

17 MR. MOY: Nothing from the staff, Mr. Chairman.

18 CHAIRPERSON HILL: Okay. Then we stand adjourned.

19 (Whereupon, the above-entitled matter went off the
20 record at 11:59 a.m.)

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