

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY
NOVEMBER 29, 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 10:08 a.m., Frederick Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
CARLTON HART, Vice Chair
LESYLLEÉ M. WHITE, Board Member

ZONING COMMISSION MEMBERS PRESENT:

PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

OFFICE OF PLANNING STAFF PRESENT:

STEVE COCHRAN
MATT JESICK
STEPHEN MORDFIN
CRYSTAL MYERS
KAREN THOMAS
ELISA VITALE

The transcript constitutes the minutes from the Public Hearing held on November 29, 2017.

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

10:08 a.m.

1
2
3 CHAIRPERSON HILL: All right, Mr. Moy, well, first
4 of all, welcome, Commissioner Shapiro. And as I mentioned
5 before, I'm sick, so stay over there.

6 And Mr. Moy, whenever you'd like to call our first
7 hearing case.

8 SECRETARY MOY: Yes, sir. That would be Case
9 Application No. 19601 of 443 Ridge, LLC, captioned for
10 special exception under Subtitle E, Section 5201. This is
11 from the rear yard requirements of Subtitle E, Section 205.4
12 to permit a rear addition to an existing one family dwelling,
13 RF-1 zone, 443 Ridge Street, N.W., Square 515, Lot 908.

14 As you'll recall, Mr. Chairman, this was last heard
15 on November 8, 2017. This is a continued hearing and there
16 are additional filings in the record which the Board, I
17 believe, had requested from its hearing on November 8th. So
18 this would be under Exhibits 39, 40, 41, and 42.

19 CHAIRPERSON HILL: Thank you, Mr. Moy. Good
20 morning. If you could please introduce yourselves from my
21 right to left. You have to push the button.

22 MR. AGBIM: My name is Ike Agbim, I'm the
23 architect.

24 CHAIRPERSON HILL: Can you spell the last name for
25 me?

1 MR. AGBIM: A-G-B-I-M.

2 MS. AKINSAN: Olivia Akinsan. I'm mostly here as
3 the designer on the project.

4 CHAIRPERSON HILL: You have to push the button.
5 Sorry.

6 MR. OPPENHEIM: My name is Matt Oppenheim, the
7 owner, developer.

8 CHAIRPERSON HILL: Okay. Great. So Ms. Akinsan,
9 I think the last time you were here, you presented to us.
10 So whoever wants to answer some of these questions. There
11 was some additional things that the Board had asked for after
12 that hearing and could you just kind of tell us what you have
13 done since the last hearing?

14 MS. AKINSAN: Sure. Yes. We have submitted the
15 neighbor letters on either side who have no problems with the
16 project, a revised authorization letter which includes my
17 name, and the ANC approval. Those are the three main items.

18 CHAIRPERSON HILL: Okay, so I do remember that the
19 Board had asked for some of that information. Does the Board
20 have any questions of the Applicant?

21 Yes, you can go ahead.

22 VICE CHAIR HART: I do appreciate it. It's helpful
23 to see the other drawings that you've included in here. And
24 I understand that you're looking at -- that you have designed
25 a roof that you call it butterflyed which has kind of two

1 different slopes to it. And the window on the top level --
2 I shouldn't say top level, the window that is near the roof
3 on the rear elevation, that is -- that is open to the -- are
4 you calling it an attic?

5 MS. AKINSAN: Yes, it's an attic level. It's not
6 at full level.

7 VICE CHAIR HART: And so that window is just open
8 to the attic level?

9 MS. AKINSAN: Correct.

10 VICE CHAIR HART: And so you said there was a
11 scuttle that you were using to actually pull down, to be able
12 to access the --

13 MS. AKINSAN: Yes.

14 VICE CHAIR HART: -- in there. And that's to be
15 used for storage?

16 MS. AKINSAN: Storage and mechanical facilities for
17 the building.

18 VICE CHAIR HART: Are you looking to kind of mimic
19 the building that's to the -- if you're looking at that
20 facade, are you look to mimic the buildings to the right?

21 MS. AKINSAN: Yes, that is the aim.

22 VICE CHAIR HART: Because I couldn't figure out why
23 that was there, but understanding that those things are --
24 looking at the photographs which are helpful, I think that
25 was what kind of clicked that you were trying to do.

1 I didn't have much of a question beyond the
2 proposed first floor. The addition is this kind of long
3 room. Part of it says living room, but I'm not really sure
4 what the rest of it is. I know where the kitchen is. I see
5 where the family room is. Is that supposed to be the dining
6 room?

7 MS. AKINSAN: Are you speaking of the front of the
8 existing house?

9 VICE CHAIR HART: On Exhibit 41 and it's page 5 of
10 10.

11 MS. AKINSAN: Yes.

12 VICE CHAIR HART: It has a proposed first floor.
13 There's a half bath. And then a storage, looks like the hot
14 water heater is there as well. But there's an area that's
15 to the -- that's just next to that that I don't know what
16 that is. Is that a dining room?

17 MS. AKINSAN: It could be. It's an extension of
18 the living room.

19 VICE CHAIR HART: It's a 30 foot long room and you
20 have a living room and then some other -- I didn't know what
21 that was supposed to be.

22 MS. AKINSAN: Well, due to the narrowness of the
23 lot, unfortunately, by putting in the powder room, it does
24 diminish the living area somewhat, but that is why it's so
25 long to compensate for the smaller living area in the front

1 of the building.

2 VICE CHAIR HART: Because you are, in effect, kind
3 of doubling the size of the building because it's starting
4 at 30 feet and you're adding 30 feet to that, 31 feet to
5 that.

6 MS. AKINSAN: Yes.

7 VICE CHAIR HART: I just was curious as to what
8 that part of it was and you're not really sure. I understand
9 that it's narrow, probably about nine feet that we're talking
10 about, 9 feet wide, maybe 15 feet long. And I just didn't
11 know what that -- what you were intending that to be.

12 MS. AKINSAN: It's an extension of the living area.

13 VICE CHAIR HART: Okay, this area here. Okay,
14 thanks.

15 CHAIRPERSON HILL: I'm sorry, I'm having trouble
16 with my system here.

17 Okay, does the Board have any further questions?

18 MEMBER WHITE: Just one question. Can you just talk
19 a little bit about the opinions of the adjoining neighbors
20 about the work that you're proposing? They agree with it?
21 They have concerns about it? Just for the record, if you
22 could just talk about that. Because you are adding, you
23 know, an additional 31 feet to the rear.

24 MR. OPPENHEIM: They're happy to see the continued
25 improvement of Ridge Street. We've done similar projects in

1 the area and have a long-standing relationship with pretty
2 much the whole street. There's been two -- almost the exact
3 same projects done on that street. And it's a way to take
4 these old narrow tiny houses and make them livable for
5 families and the neighbors get it. They might want to do the
6 same thing at some point as well. And one of our neighbors
7 has pretty much the exact same design that we're proposing,
8 so she's fine with it.

9 MEMBER WHITE: And just for the record, can you just
10 talk a little bit about the ANC's perspective on this as
11 well?

12 MR. OPPENHEIM: I mean similar to the neighbors.
13 They see -- since the neighbors aren't in opposition, they
14 aren't in opposition and they see it as an opportunity to
15 create a small, narrow house into a house that can support a
16 family.

17 MEMBER WHITE: And this is ANC 6C, correct?

18 MR. OPPENHEIM: Yes.

19 MEMBER WHITE: Okay.

20 MR. OPPENHEIM: There's been no opposition from
21 anyone.

22 MEMBER WHITE: Thank you.

23 CHAIRPERSON HILL: Okay, great. Thank you. I got my
24 computer up and running. Okay. I think we did go through
25 the full hearing, Mr. Moy, last time. So we did support and

1 opposition.

2 SECRETARY MOY: I believe so. As I've always
3 advised, there's no harm to -- if there's a continued
4 hearing.

5 CHAIRPERSON HILL: Unless there's people here.
6 Okay. Is there anybody here from the ANC?

7 Is there anybody here who wishes to speak in
8 support? Is there anybody here who wishes to speak in
9 opposition? Okay, great.

10 All right, yes, I don't have any further question.
11 Again, basically, we had -- there was a couple of issues
12 about like authorization letters, as I recall the last time.
13 And I did see how you brought all your drawings here with
14 you. I saw you struggling in the hallway. I don't think
15 we'll need any of those today, but thanks for bringing them
16 all in.

17 I guess we don't have any other questions. Then I'm
18 going to go ahead and close the hearing. Is the Board ready
19 to deliberate? Okay.

20 So again, I was mostly -- I was pretty comfortable
21 even after the last hearing. However, I did want to get the
22 further clarity from -- in terms of the Applicant providing
23 the letter as to the authorization to speak for the
24 application, and then also I did find that the most recent
25 letter from ANC 6C, I know that Alexander Padro, who is the

1 chair there, it's a very active ANC and I thought the report
2 was very well thought out in terms of their response. But I
3 would agree with the analysis of the Office of Planning and
4 their analysis in terms of how the special exception could be
5 met.

6 Does anyone else have any further comment?

7 VICE CHAIR HART: Only, Mr. Chairman, that I
8 appreciate the Applicant for submitting the additional
9 information and I have a better understanding of the
10 application and what's being proposed. And I agree with the
11 Applicant's statement, Exhibit 9, as well as an agreement
12 with the OP report in Exhibit 31 which recommends approval of
13 the application. So that's it.

14 CHAIRPERSON HILL: Okay, I'll go ahead and make a
15 motion to approve Application No. 19601 as read by the
16 Secretary and ask for a second.

17 VICE CHAIR HART: Second.

18 CHAIRPERSON HILL: Motion made and seconded. All
19 those in favor?

20 (Chorus of ayes.)

21 All those opposed?

22 (No response.)

23 The motion passes. Mr. Moy?

24 SECRETARY MOY: Staff would record the vote as 3 to
25 0 to 2. This is on the motion of Chairman Hill to approve

1 the application for the relief that's being requested. This
2 is as to the revised drawings and plans on their Exhibit 41;
3 seconding the motion, Vice Chair Hart; those in support Ms.
4 White. We have a board member not participating, seat
5 vacant, motion carries.

6 CHAIRPERSON HILL: Great. Thank you, Mr. Moy. Can
7 we do a summary order?

8 SECRETARY MOY: Yes, sir.

9 CHAIRPERSON HILL: Thank you. Thank you all very
10 much.

11 (Pause.)

12 SECRETARY MOY: Sorry, sir. I had to flip through
13 my pages here.

14 Next hearing case to Application 19631 of E Street
15 LLC. And this application, as originally advertised and
16 published for special exception under the use requirements of
17 Subtitle U, Section 301.1(c), and pursuant to Subtitle X,
18 Chapter 10 for area variances from the lot occupancy
19 requirements of Subtitle E, Section 304.1, from the height
20 requirements, Subtitle E, Section 5002.1, lot occupancy
21 requirements, Subtitle E, Section 5003.1, rear yard
22 requirements, Subtitle E, Section 306.1, side yard
23 requirements, Subtitle E, Section 307.1, and from the use
24 requirements of Subtitle U, Section 301.1(d). This would
25 construct an accessory dwelling unit and convert the existing

1 three unit apartment house to a flat in an RF-1 zone at
2 premises 602 E Street S.E., Square 876, Lot 65.

3 The only note I have for the Board is that -- is
4 that what? There may be a discrepancy as described in the OP
5 Report regarding a special exception relief to Subtitle U,
6 Section 301.1(d) instead of the variance as advertised, as
7 well as the additional relief of Subtitle U, Section
8 301.1(e). That's it, Mr. Chairman.

9 CHAIRPERSON HILL: All right, good morning. If you
10 could please introduce yourselves from my right to left?

11 MR. AESCHLIMAN: Good morning, Aaron Aeschliman of
12 1014 Anderson Place, S.E., the project architect.

13 MR. GRIFFIN: Bradley Griffin of E Street LLC, one
14 of the owners.

15 MR. CERNY: Mark Cerny, 1038 North Monroe Street,
16 Arlington, with Emcee Design, the architect.

17 CHAIRPERSON HILL: Okay, great. So who is going to
18 present to us? Okay, great. Well, we get information from
19 the Office of the Attorney General when we do these reports
20 and whenever they start out that this is an interesting case,
21 it isn't usually that interesting for me. But this is an
22 interesting case, apparently.

23 So what we were trying to work through again is I
24 suppose kind of what the ZA memo and the Office of Planning
25 and yourself and what you're actually asking for in terms of

1 the relief. So I guess what I'd like to start with is go
2 ahead and let you do your presentation, and as you're doing
3 your presentation, help to clarify, we're going to get the
4 Office of Planning here to make sure we're all on the same
5 page as to what it is that you're asking for, okay?

6 So I'm going to put ten minutes up on the clock just
7 so we know where we are. And you can begin whenever you
8 like.

9 MR. AESCHLIMAN: Thank you very much for being here
10 this morning with us. I'll just run through really quickly,
11 kind of existing conditions of the site and then what we've
12 heard back from our interaction with the community and the
13 agencies in the community, and then go through the different
14 reliefs that we are requesting.

15 COMMISSIONER SHAPIRO: Mr. Chair?

16 CHAIRPERSON HILL: Yes?

17 COMMISSIONER SHAPIRO: Can I ask you to pull your
18 mic closer?

19 MR. AESCHLIMAN: Yes. You'll have to excuse me, I'm
20 not feeling all that great.

21 CHAIRPERSON HILL: Oh, great. Good. That's
22 wonderful. This is great. Don't sit next to him.

23 MR. AESCHLIMAN: The existing lot is an under-sized
24 lot. There's an existing building with a semi-detached
25 structure on it. There is an existing -- just over one and

1 a half foot side yard that extends all the way through the
2 site. The site itself fronts on E Street, but it backs up to
3 South Carolina Avenue, S.E., another main thoroughfare in the
4 city.

5 Specifically interesting about our site is that
6 between us and our neighbor to the rear, there is about a
7 5-foot gap that allows views from the center lots of the
8 block through to Marion Park which in our original proposal
9 which had been as a matter of right, we had put an addition
10 on the rear of the existing structure and it closed that gap
11 and it was met with opposition from neighbors. We did have
12 support from the ANC and the HPO to proceed that way, but we
13 have since revisited because of the Capitol Hill Restoration
14 Society requesting that we look at putting an accessory
15 dwelling unit at the rear of our property which actually
16 fronts South Carolina and at the request of our neighbors.

17 In order to do that, we need relief from the overall
18 lot occupancy, one; and these would be variances. We need
19 relief from accessory building height, accessory building lot
20 occupancy, as well, from the rear yard setback and from the
21 side yard setback.

22 In effect, what we're doing is creating another
23 rowhouse along South Carolina Avenue that fronts South
24 Carolina Avenue. While it is called and considered an
25 accessory dwelling unit or accessory building with a

1 principal dwelling unit, it acts as its own rear house or row
2 house that fronts South Carolina.

3 One of the items in the discrepancy between the
4 Zoning Administrator and the Office of Planning regards the
5 roof deck on the accessory building. The Zoning
6 Administrator thought that it should be a variance. The
7 Office of Planning via Karen Thomas suggested that it should
8 be a special exception as roof decks are a common happening
9 in our Zone RF-1.

10 In terms of our perspective on that discrepancy, we
11 would tend to agree that it should be a special exception.
12 The hesitation is if we would be able to convince the Zoning
13 Administrator of the same thing when we make application for
14 permit. So I would be interested in hearing your perspective
15 on that, as well the Office of Planning.

16 In regards to the other special exception, allowing
17 a principal dwelling unit and an accessory building, the
18 Zoning Administrator suggested that we apply for special
19 exception to U 301.1(c) which has a number of items outlined,
20 one of them being that the accessory building should be
21 constructed before 2013.

22 The Office of Planning thinks that it's more
23 appropriate to be under 301.1(e) where the accessory building
24 is constructed after 2013, but a principal dwelling unit
25 isn't allowed there until 5 years after. And I would be

1 interested to hear your perspective on that as well.

2 To summarize, we are requesting significant relief
3 to do what we feel is not a huge lift of adding a rowhouse
4 along South Carolina where there's an existing gap in the
5 facade of the street. We're doing that at the request of
6 local community organization as well as our neighbors. And
7 we think that we would be fitting well in the context and
8 reducing any detriment that would be caused by a matter of
9 right development. Thank you.

10 CHAIRPERSON HILL: Yes, sure, please. Any
11 questions?

12 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just
13 a quick question. I just want to make sure I understand that
14 the roof deck that you're talking about is on the accessory
15 dwelling? I'm just looking at the plans and elevations.

16 MR. AESCHLIMAN: Yes, that's correct.

17 COMMISSIONER SHAPIRO: And the roof deck that you're
18 talking about is the one that's tucked in below the roof
19 level with the two --

20 MR. AESCHLIMAN: Correct. Both roof decks are walk
21 out from the second level, so they are below the upper-most
22 roof.

23 COMMISSIONER SHAPIRO: I'm only seeing -- I may be
24 missing something.

25 MR. AESCHLIMAN: There is a proposed roof deck on

1 the existing structure as well. The one in question is the
2 one on the accessory building.

3 COMMISSIONER SHAPIRO: Okay, I see. Below the roof
4 level, the walk out from the second or third floor, whatever
5 that is.

6 MR. AESCHLIMAN: Correct.

7 COMMISSIONER SHAPIRO: I see.

8 MR. AESCHLIMAN: Part of the calculus for that is to
9 give future tenants kind of a semi-private space in the
10 exterior as well as help maintain the views from the center
11 of the block towards Marion Park. So we kind of carve away
12 that upper story corner to pull out a better view.

13 COMMISSIONER SHAPIRO: Better view of the view shed
14 a little bit.

15 MR. AESCHLIMAN: The existing view.

16 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

17 VICE CHAIR HART: I had a question, Mr. Chair. And
18 I'm assuming that you've tried this or maybe the issue is
19 just that the -- if you try to do a subdivision, the lots,
20 neither lot would be -- both lots would be substandard. Is
21 that the issue?

22 MR. AESCHLIMAN: Yes, that's correct. We had looked
23 at that and Karen Thomas had even proposed that to the Zoning
24 Administrator, but basically they would not approve a
25 subdivision where both lots are substandard.

1 VICE CHAIR HART: So what we're having to kind of
2 deal with is is how the accessory building can be built
3 really as a rowhouse, but it is under the zoning regulations
4 an accessory building. And so it's how to shoehorn this in
5 to be able to kind of allow this given this -- given the size
6 and configuration of a fairly odd lot in this block.

7 MR. AESCHLIMAN: Yes, that's correct. We are, as I
8 said, asking for a lot of relief, but it is all under the
9 same purpose of trying to construct a rowhouse that's
10 appropriate for South Carolina Avenue.

11 VICE CHAIR HART: I may have missed it, but do you
12 have a drawing that shows all of the relief that you are
13 requesting? Is this a graphic representation that is
14 anywhere?

15 MR. AESCHLIMAN: I don't believe that I have a
16 specific drawing that kind of charts out all of the different
17 relief.

18 VICE CHAIR HART: I think in this case it may be
19 helpful. I don't know about the other board members, but it
20 may be helpful. There are so many different elements that
21 we're talking about here that I think that that would be
22 helpful for me to kind of get -- I'm more graphically
23 inclined than -- I mean while I love reading because I do
24 that quite a bit for this, seeing it as a drawing -- and I
25 know some of these you may not be able to do which I

1 understand, but the ones that kind of deal with the side and
2 rear yard, side yard, rear yard stuff, that I think would be
3 helpful to kind of understand where that is that you're
4 asking for the relief.

5 MR. AESCHLIMAN: Yes, they are -- it is contained in
6 the drawing set. It's just not spelled out specifically in
7 one drawing.

8 VICE CHAIR HART: I think it's -- you know, we're
9 looking at six variances, seven variances, somewhere around
10 there?

11 MR. AESCHLIMAN: It would be for the Office of
12 Planning five variances and two special exceptions.

13 VICE CHAIR HART: Okay.

14 MR. AESCHLIMAN: Do you want me to go through --

15 CHAIRPERSON HILL: No, not yet. That's okay.

16 VICE CHAIR HART: Yes, we're still -- and I
17 understand the necessity for it, given the situation that you
18 have with this particular lot. I get that part of it. I
19 think it is helpful to be very clear in this case what the
20 actual -- again, I think the drawings would be helpful and
21 for me to be able to kind of see where all of these occur on
22 this site.

23 CHAIRPERSON HILL: Sure, go ahead, Ms. White.

24 MEMBER WHITE: I'm looking at the architectural
25 plans and elevations on page 11 and just to copy off of Mr.

1 Hart's question, can you kind of walk me through what you are
2 actually going to be doing?

3 VICE CHAIR HART: This is Exhibit 6?

4 MEMBER WHITE: That's Exhibit 6, yes, page 11.
5 That's a nice little 3-dimensional graphic on page 11. I
6 just wonder if you could just -- for someone who is not an
7 architect, I would just like to kind of understand exactly --

8 VICE CHAIR HART: Page A203?

9 MEMBER WHITE: Yes, thank you.

10 MR. AESCHLIMAN: What we're requesting?

11 VICE CHAIR HART: Yes, page A203 on your --

12 MEMBER WHITE: You've got a lot of properties in
13 that graphic, so I'm just trying to understand exactly what's
14 going on there.

15 MR. AESCHLIMAN: Correct. The darker of the
16 buildings are the ones on our lot, the smaller of which is
17 the proposed accessory building that fronts South Carolina
18 Avenue.

19 VICE CHAIR HART: So on the right --

20 MR. AESCHLIMAN: It's the one facing you on the
21 detail number 2, northwest ortho view?

22 VICE CHAIR HART: Which is the upper right hand
23 corner of the drawing?

24 MR. AESCHLIMAN: Correct. So that is the accessory
25 structure. It's two stories plus a basement. We are keeping

1 it below the level of the neighbors and the existing building
2 on our site to make it subordinate. But in effect, we are
3 pushing up one story higher than is allowed under the zoning
4 code for accessory building and we're over the square footage
5 that is allowed on our lot for an accessory structure.

6 As you can see, it isn't filling the lot
7 significantly. I think we're requesting 77 percent lot
8 occupancy, but I think you can also see that is kind of the
9 situation at the end of our block because we narrow down. So
10 actually, all of the lots around us are over their 60 percent
11 lot occupancy. Now that ranges from 68 percent to some of
12 our neighbors on E Street to over 80 percent to our neighbor
13 just to the west on the smallest lot.

14 In terms of the rear yard setback, because our
15 accessory building is over 100 square feet, we would not be
16 allowed to be in the rear yard setback from the other
17 principal structure, so we are requesting to be within that.
18 Now you can see how close they are, they're about eight feet
19 apart which is -- the furthest part of the accessory that
20 sticks out is actually an interior stairway.

21 In terms of the side yard, in order to get an
22 appropriate width for the row house, we are proposing to go
23 lot line to lot line, as opposed to having the required five-
24 foot setback on each side yard, which would reduce us down to
25 nine foot for a building width.

1 You can also see the roof deck on the accessory
2 building structure that is carved out to help allow views
3 from the center of the block where more of the buildings are
4 out towards Marion Park. And then obviously, there would be
5 a principal dwelling unit in that accessory structure. Is
6 that helpful?

7 MEMBER WHITE: The adjacent properties, they're on
8 board with with all of the drawings that I'm seeing here.

9 MR. AESCHLIMAN: Yes, and I think a number of
10 neighbors have come, but yes, we have support of our
11 neighbors as well as the ANC. The HPRB voted in favor. Yes,
12 we have community support.

13 VICE CHAIR HART: Actually, can you talk about
14 Exhibit 40 which is the letter from the Capitol Hill
15 Restoration Society? Because you said you have support from
16 -- I think there's a subcommittee that you had support of,
17 but if you could talk about that a little bit, it would be
18 helpful.

19 MR. AESCHLIMAN: Are you referring to their Zoning
20 and Planning Committee letter?

21 VICE CHAIR HART: Yes, I think that's the letter
22 that I'm looking at. It's Exhibit 40.

23 MR. AESCHLIMAN: They just recently posted this, I
24 think the end of last week.

25 VICE CHAIR HART: Yes.

1 MR. AESCHLIMAN: Yes, we had met with them a couple
2 of weeks ago. We presented to them for like ten minutes.
3 They didn't really have a whole lot of questions for us, and
4 we left, and then they posted this letter. This is
5 specifically from their Zoning Committee. We did have
6 support from the Historic Preservation Committee of this
7 organization which the Historic Preservation Committee of the
8 CHRS had actually requested that we look at doing an
9 accessory structure in the first place. So it's a little
10 perplexing to us that the same organization would at the same
11 time support and oppose our project. That's my initial take
12 to the letter.

13 MR. CERNY: If I can speak to that letter?

14 VICE CHAIR HART: Sure.

15 MR. CERNY: I think and I don't know if the
16 Commissioner of the Planning and Zoning Committee is here.
17 What the letter seems to state to me is they don't have to
18 set a precedent for a through lot having two rowhouses on it.
19 And that's what they cite because they cite another
20 neighborhood where the Commissioner actually lives that has
21 similar lots, but I think what's unique is that they don't
22 address at all the hardship which is maintaining the view
23 shed in the center of the lot and the back yards for the
24 existing lots. That's not referenced in this letter, so I
25 think to me when I read this it states that they don't want

1 to set a precedent that all through lots are allowed to do
2 this. But I think what we're stating is this is a little bit
3 unique because the benefit of the lot is really preserving
4 the center being open and also it adds the benefit of South
5 Carolina in-filling a vacancy in a row of dwellings.

6 VICE CHAIR HART: And yes, hopefully, somebody from
7 CHRS is here to kind of talk about that when we get to that
8 portion of the hearing. It was just more trying to kind of
9 gauge where they were. Usually we have unanimity in that
10 organization to kind of understand where they came up with
11 it, so.

12 MR. AESCHLIMAN: Right. And I had sent an email
13 along those same lines to CHRS to their Historic Preservation
14 and to the Zoning Committee chair and they basically said
15 they are different committees. Historic Preservation doesn't
16 have any -- he said authority in regards to zoning.

17 I do find it a little strange as the CHRS' kind of
18 stated goal is to preserve and protect the character of the
19 neighborhood. It seemed like the letter kind of proposed
20 putting a garage with a parking lot at the front.

21 VICE CHAIR HART: Thank you.

22 CHAIRPERSON HILL: Okay, Commissioner Shapiro?

23 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just
24 a question. I'm not sure. I'm looking at the architectural
25 plans and elevations again. I may be missing this. There's

1 an existing alley?

2 MR. AESCHLIMAN: No, there is an existing alley in
3 the center of the block, but it stops a couple lots short of
4 our lot.

5 COMMISSIONER SHAPIRO: So it does not go all the way
6 through.

7 MR. AESCHLIMAN: Correct.

8 COMMISSIONER SHAPIRO: That last property with the
9 garage and the building --

10 MR. AESCHLIMAN: That fronts on South Carolina.

11 COMMISSIONER SHAPIRO: Okay. Thank you, Mr. Chair.

12 CHAIRPERSON HILL: Thank you, Mr. Shapiro.

13 VICE CHAIR HART: There's a -- on Exhibit 6, page 3,
14 they actually have the property lines that are included in
15 there. It looks like there's an alley that kind of comes
16 about a half a lot from this.

17 MR. AESCHLIMAN: Yes, I think it's a five foot right
18 of way.

19 VICE CHAIR HART: Looks pretty shallow. I don't
20 exactly know the distance.

21 CHAIRPERSON HILL: All right, I'm going to try to
22 get through this a little bit because I'm kind of confused
23 still. I do think it's obviously a very interesting case and
24 also the lot is interesting. And so I'm going to turn to the
25 Office of Planning and Office of Planning, I guess what I'm

1 trying to get my head around again is what we're trying to go
2 through here in terms of our approving, in terms of like, you
3 know, the difference between what you're speaking of, and the
4 Zoning Administrator and the Applicant and so if you can kind
5 of while you're talking through it, explain where there is a
6 discrepancy and/or what that would actually mean. And so
7 I'll leave it with that. Whenever you'd like, you're welcome
8 to start.

9 MS. THOMAS: Okay, good morning, Mr. Chairman,
10 members of the Board. You're correct, this is an unusual
11 situation. And we thought about this carefully with respect
12 to what you asked about whether the lot could be subdivided
13 or not. That is something albeit the fact that we have all
14 these variances. We reviewed the situation and that's
15 something that we weren't comfortable with, both the Zoning
16 Administrator and OP in terms of carving up a lot with that
17 size.

18 So given the fact that this was an exceptional
19 condition where you had a through lot, not just a through
20 lot, but a through lot in a Historic District where we had
21 intervention by not just the neighbors, but by Capitol Hill
22 Restoration Society, where you had the issue of character
23 having to be considered because you have a main avenue of
24 South Carolina and the other portion which is already built.
25 So in that sense, that structure couldn't resemble a typical

1 accessory structure in terms of being like a garage with a
2 residence above which is typical.

3 So in that case, we agreed with the Capitol Hill
4 Restoration Society, yes, that this seems appropriate. That
5 said, it triggers a lot of variances in terms of side yard,
6 rear yard, and given the size of that lot in itself where it
7 has to sit, we had a time going back where we did ask the
8 Applicant to prove why he needed extra height. And we saw
9 that where it had to bump up because it couldn't go out,
10 because the rear yard would become even less, so -- and then
11 the height itself would be more uniform with the structures
12 on South Carolina Avenue. So you had that conflict back and
13 forth going at push and pull.

14 So we agreed that this was an exceptional situation
15 with respect to the -- it also affected the lot occupancy
16 because you would have a very small footprint for an
17 inefficient floor plate for a residence, so they had to go up
18 a bit as well. So we lumped -- we saw an interplay among
19 those three issues with the lot occupancy, the rear yard,
20 side yard, and height. So we saw that in that aspect. And
21 we looked at it and reviewed it under that aspect.

22 So with respect to the issue of the U 301.1, to
23 permit an accessory unit, that is also a special exception.
24 That is a special exception and it's not a variance. Is that
25 what was confusing you? Yes, because if you --

1 CHAIRPERSON HILL: One of the many things that is
2 confusing me, yes.

3 MS. THOMAS: If you look at the regulations and I
4 found it, it says "it shall be permitted as a special
5 exception." Where am I? I had it. 301.1 -- yes, give me a
6 minute.

7 VICE CHAIR HART: Is this in your report?

8 MS. THOMAS: No, I'm looking at the regulations.
9 301.1(e) says "an accessory building" la-la-la "for a period
10 of five years after the approval of the building permit for
11 the accessory building, unless approved as a special
12 exception." So that's what we looked at.

13 CHAIRPERSON HILL: Okay, can I ask a quick question?
14 Where is the difference between what the ZA has recommended
15 and what you guys are recommending?

16 MS. THOMAS: I didn't see any, except that -- let me
17 look at the ZA's recommendation.

18 CHAIRPERSON HILL: Because I guess what I'm trying
19 to get to and the Applicant can explain to me, is you guys
20 have it captioned in a certain way. Then I'm a little
21 unclear as to what we're necessarily analyzing. And so
22 that's what I'm trying to get to a little bit.

23 MS. THOMAS: Well, we're analyzing the variances as
24 just discussed, lot occupancy, accessory lot occupancy,
25 building height, rear yard, and side yard. Those are the

1 variances.

2 And then we have special exception relief to permit
3 an accessory unit with an accessory building within a
4 required setback. That will be 301.1(e). And that's a
5 special exception. And we reviewed the special exception to
6 permit an accessory building that houses a principal dwelling
7 with a deck.

8 MR. AESCHLIMAN: The discrepancy is the deck.

9 MS. THOMAS: The deck.

10 MR. AESCHLIMAN: The Zoning Administrator thought
11 that that would be -- need relief under the variance. The
12 Office of Planning is considering it through --

13 CHAIRPERSON HILL: Right, the 301.1(d).

14 MS. THOMAS: Yes, and we went back and forth with
15 them on that.

16 CHAIRPERSON HILL: Okay. Okay.

17 MS. THOMAS: And we agreed that it was a special
18 exception.

19 CHAIRPERSON HILL: Okay, so you guys are on the same
20 page?

21 MS. THOMAS: Yes.

22 CHAIRPERSON HILL: The Zoning Administrator and you
23 are on the same page.

24 MS. THOMAS: Yes.

25 CHAIRPERSON HILL: Oh, okay. So you guys now

1 understand that or you want to ask a question of OP?

2 MR. AESCHLIMAN: No, that is clear, if the Zoning
3 Administrator is on board with that and it is relieved as a
4 special exception. I think we would tend to agree with that.

5 The other discrepancy is --

6 COMMISSIONER SHAPIRO: Mr. Chair?

7 CHAIRPERSON HILL: Sure. Please.

8 COMMISSIONER SHAPIRO: So if I'm looking at our
9 sheet, that means use requirement U 301.1(d) under variance,
10 that goes away.

11 VICE CHAIR HART: It gets moved to special
12 exception.

13 COMMISSIONER SHAPIRO: Which is already up there
14 301.1, but is that now an additional special exception?

15 MS. THOMAS: No, that was there.

16 MR. AESCHLIMAN: Yes, there are different sections
17 of 301.1.

18 CHAIRPERSON HILL: Right, so --

19 COMMISSIONER SHAPIRO: So now it's 301.1(e) as the
20 special exception?

21 MR. AESCHLIMAN: As opposed to 301.1(c) which the
22 Zoning Administrator had originally --

23 COMMISSIONER SHAPIRO: We had (d) originally.

24 MR. AESCHLIMAN: The Zoning Administrator and Office
25 of Planning agree on that. Office of Planning had just moved

1 it from variance to special exception. The other one, the
2 Zoning Administrator said that it was Section C and the
3 Office of Planning is saying it's Section E.

4 MS. THOMAS: Wait, wait, wait. Let me -- it's 301.1
5 -- I'm seeing it here as (d) and (e).

6 MR. AESCHLIMAN: That's correct. If you look at the
7 letter from the Zoning Administrator and from our
8 application, the subtitle that we request special exception
9 from is 301.1(c).

10 CHAIRPERSON HILL: Right, so from the Office of
11 Planning's report and this is what I think we're all on the
12 same page and I just want to understand for sure, variance
13 relief of lot occupancy from E 403, accessory lot occupancy
14 from E 5003.1, accessory building height from E 502.1, rear
15 yard from E 306.1, and side yard from E 307.1. Then the
16 special exception relief is E 301.1(d) and E 301.1(e).

17 MS. THOMAS: Okay, so you can -- that's Subtitle E.
18 For Subtitle U 301.1(d) and Subtitle U 301.1(e). Right?
19 That's how we read it --

20 CHAIRPERSON HILL: Say the second one again.

21 MS. THOMAS: U 301.1(e). That's how I'm seeing it
22 here in the zoning regs. In our report, it is written as
23 301, but I think in the front of the page it's a typo, the
24 first page, it's a typo. It should be U.

25 CHAIRPERSON HILL: So it should be U 301.1(d) and U

1 301.1(e).

2 MS. THOMAS: Yes. Right?

3 CHAIRPERSON HILL: Okay, does anybody have any
4 questions from the Office of Planning?

5 COMMISSIONER SHAPIRO: So I just wanted to make sure
6 that we're clear. We're looking at two special exceptions
7 and five variances.

8 MS. THOMAS: That's correct.

9 COMMISSIONER SHAPIRO: Okay, thank you.

10 VICE CHAIR HART: And actually, just to make sure
11 that we have put also this to bed, the 301.1(c) is not needed
12 at all we're saying? I'm trying to figure what that one is
13 as well. I just want to make sure that we're not missing
14 that. That's what the Zoning Administrator had in their
15 letter and I don't know if that was a typo or if it was
16 actually something they intended and I don't want to drop it
17 if we don't --

18 MS. THOMAS: You mean under Subtitle E?

19 VICE CHAIR HART: Subtitle U 301.1 --

20 MS. THOMAS: No, it's U 301.1(d).

21 VICE CHAIR HART: I know, but the Zoning
22 Administrator has (c) in there and I just want to make sure
23 -- we don't know if that's just a typo or if it's something
24 that they intended and there are some other things that
25 they're intending, too. I just need to make sure --

1 MR. AESCHLIMAN: If I could interject quickly? The
2 subtitle portion under (c) has -- allows for principal
3 dwelling in an accessory building and then it lists out a
4 number of conditions. One of those conditions is that the
5 accessory building be built before 2013. And I think that's
6 why the Office of Planning is moving down to (e) where it
7 says the accessory building is constructed after 2013.

8 MS. THOMAS: Yes, after 2013. It allows for that.
9 So we have that disagreement. These are the conditions.
10 301.1(c) are the conditions for an accessory unit on an
11 existing accessory building. If you don't have one, if you
12 don't have an accessory structure that's already existing,
13 and you're building it after 2013, and you didn't wait the 5
14 years, God knows why, then you -- it's a special exception
15 under U 301.1(e). Right?

16 CHAIRPERSON HILL: Yes, that's fine. That's okay.
17 So I'm back to what I thought was happening which is the U
18 301.1(d) and the U 301.1(e).

19 MS. THOMAS: Right, exactly.

20 CHAIRPERSON HILL: Okay. Right. Let me see. So
21 Mr. -- what's your name again?

22 MR. AESCHLIMAN: Aaron Aeschliman.

23 CHAIRPERSON HILL: Aeschliman. Okay. All right, so
24 Mr. Aeschliman, I'm not going to be able to do this today.
25 I'm sorry, because it's just too -- I'm a little bit

1 confused. I'd really like to have a really clear
2 understanding now. So if you can just -- and if the Office
3 of Planning can just fix this, make sure that I'm looking at
4 the same -- I mean I understand it. It's U. But if you can
5 just submit whatever -- as I understand it, submit what it is
6 you're asking relief from, okay? And I think you all are on
7 the same page now. Just submit it in an exhibit so that I
8 can just be provided a little bit more clarity on it. That
9 would be helpful for me. Because I just want to go back and
10 have a little bit more time to kind of understand what we're
11 reviewing.

12 Does anyone have any questions of the Office of
13 Planning?

14 VICE CHAIR HART: Just making sure about the -- so
15 the roof deck issue is no longer an issue because it's a
16 special exception?

17 MS. THOMAS: Yes.

18 VICE CHAIR HART: Okay.

19 MS. THOMAS: That's right.

20 VICE CHAIR HART: I was going to ask about the roof
21 deck versus a balcony, what the difference is.

22 MS. THOMAS: I can try to find out that.

23 VICE CHAIR HART: It would be helpful just to kind
24 of understand that a little bit, since we dealt with that
25 recently.

1 And actually, I had a question of the Applicant, but
2 I'll -- those are all the questions I have for now.

3 MS. THOMAS: I'll be happy to find -- go into the
4 definitions or consult with the Zoning Administrator.

5 VICE CHAIR HART: Thank you.

6 MS. THOMAS: Thanks.

7 CHAIRPERSON HILL: Okay. All right, so I'm going to
8 see who is here. Do you have any more questions for the
9 Applicant right now? We'll just keep chugging away?

10 Is there anyone here from the ANC? Is anyone here
11 to speak in support? Great, come on up.

12 Good morning, if you could just introduce yourselves
13 for the record, please?

14 MR. HELM: Sure. My name is Larry Helm at 610 E
15 Street.

16 MS. BUDJEVAC: And Julijana Budjevac, 610 E Street
17 and we're also representing our neighbor that immediately
18 abuts the property in question on E Street at 604, Sandra
19 Waterman. She wasn't well enough to come in today.

20 CHAIRPERSON HILL: Okay, well, everybody is sick.
21 Great. Unfortunately, you can't speak for her because she's
22 not here, but she can submit something to the record.

23 MS. BUDJEVAC: We did already. She has sent a
24 letter in support and we also sent another letter.

25 CHAIRPERSON HILL: Okay. Someone else is joining us

1 as well. Could you introduce yourself?

2 MS. ROGERS: Cecelia Rogers. I'm at 608 E Street.

3 CHAIRPERSON HILL: Ms. Rogers, you understand we're
4 doing support here, correct?

5 MS. ROGERS: Support?

6 CHAIRPERSON HILL: These are people in support.

7 MS. ROGERS: Oh, yes.

8 CHAIRPERSON HILL: Okay, great, just checking. How
9 did you say your again?

10 MS. BUDJEVAC: Julijana Budjevac.

11 CHAIRPERSON HILL: Could you spell the last name for
12 me?

13 MS. BUDJEVAC: Sure. It's B as in boy, U as in
14 umbrella, D as in David, J as in Jack, E as in Edward, V as
15 in Victor, A as in Adam, C as in Charles.

16 CHAIRPERSON HILL: Okay, thank you.

17 MS. ROGERS: Excuse me for just a second. On the
18 card that I filled out. I put undecided or uncertain.

19 CHAIRPERSON HILL: Okay.

20 MS. ROGERS: So does that allow me to --

21 CHAIRPERSON HILL: That's fine, you can speak now,
22 sure, of course. If you don't know, we'll put you in the --
23 we'll figure it out.

24 Let's see, have you all been sworn in?

25 MS. BUDJEVAC: Yes.

1 MS. ROGERS: Yes.

2 CHAIRPERSON HILL: So you'll each get three minutes
3 and the clock is right there. And so I'm just going to go
4 from right to left and I'll start with you if that's okay,
5 and you can go ahead and begin whenever you like.

6 MS. ROGERS: Okay, so I'm at the west end of the
7 block. This part of E Street funnels down to a very narrow
8 end. I'm sure you can see that on the drawings. Anyway, so
9 by the time we get down towards the west end of E Street and
10 South Carolina Avenue, there's very little room for any
11 maneuvering if people want to put extensions on their homes,
12 whatever. So here we have 602 E Street. They would like to
13 rebuild on this lot. I think the ideal situation would be to
14 reconstruct or restore what is presently there in the exact
15 footprint that it's in, but I think that in terms of
16 practicality and expenses and whatever, that it's not a
17 viable project unless they build a second building in the
18 back of the South Carolina end of the lot.

19 So to me, it's a matter of the lesser of two evils,
20 that being one big long structure would be unacceptable to
21 me. The two separate structures would be acceptable to me
22 because it would provide an air and light shaft to come down
23 to our funneled end of the block. So I guess that means I'm
24 in acceptance of it.

25 CHAIRPERSON HILL: That's all right, we talk our way

1 through this all the time. That's okay.

2 MS. ROGERS: I'm finished.

3 CHAIRPERSON HILL: Okay. Great. Very good. You
4 figured out where you were.

5 CHAIRPERSON HILL: All right, please go ahead.

6 MS. BUDJEVAC: I want to say just a few things
7 connected with context.

8 CHAIRPERSON HILL: If you can speak a little closer
9 to the microphone maybe.

10 MS. BUDJEVAC: I just wanted to say a few things in
11 terms of context for how we got where we are today. One,
12 this property has been neglected as long as we have lived
13 there. We moved in in '99. And I think the intent of the
14 owner was to sell it. The house was for sale for more than
15 ten years before these gentlemen purchased it. And it was in
16 abysmal condition. The lot in which they're proposing to
17 construct the new townhome has been used for illegal parking
18 for as long as we have lived there. And if you guys are
19 interested, I have a photo so you can see what this looks
20 like.

21 That said, when they came before HPRB with the first
22 plan, CHRS had drafted under their own initiative a
23 recommendation that a second dwelling be constructed to be on
24 South Carolina to protect the view shed. This came up at the
25 HPRB hearing and the sitting chair of HPRB at that time very

1 strongly suggested that the architect and owner go back to
2 their plans and revisit CHRS' recommendation. So I think
3 that's relevant that you understand how we got to this.

4 We saw this as a compromise position on their part,
5 so that it respected what the neighbors were concerned and
6 there were nine of us that sent a letter in to HPRB from that
7 end of the block within about 100 feet of the property
8 because since it is on the west end of the block, both the
9 prevailing breeze in the neighborhood and light in the spring
10 and fall comes in through that area. And it's the flow of
11 air that we were concerned with more than anything else being
12 cut off because there's a tributary of Tiber Creek that runs
13 between 610 and 612 underneath our properties, so as it is,
14 the block is a tad on the damp side.

15 So I think that about explains our position for
16 arguing against the first thing. And we very pleased to see
17 that they were willing to undertake a complete redesign of
18 the plans and put in -- explore putting in a secondary
19 structure.

20 I also believe that the neighbor on South Carolina
21 has registered a letter of support for that second structure
22 which will be built next to his property.

23 CHAIRPERSON HILL: Okay, great. Thank you.

24 MR. HELM: Good morning. I will not take up any
25 more than the 34 seconds allotted still for Julijana's time.

1 The reason to have a Historic District, the reason to have
2 zoning rules is to ensure that any new construction doesn't
3 affect the existing use. Our existing use to the area in
4 question is our back yards. And if the original building had
5 gone through, it would have radically changed our ability to
6 use the back yards. This compromised position reached
7 between what I consider to be very rare and uncommon,
8 responsible developers, and all of the neighbors that we've
9 spoken with in the area represents exactly what we're
10 supposed to be here to do. This is exactly why we have a
11 Historic District, why we have zoning laws.

12 So we are very much in favor of this and hope the
13 Board grants them whatever variances they need to proceed
14 with the proposed development of this compromised design.

15 CHAIRPERSON HILL: Okay, great. Thank you. Does
16 the Board have any questions of the witnesses? Okay.

17 I'm sorry, what's there now? You said there's legal
18 parking.

19 MS. BUDJEVAC: Illegal.

20 CHAIRPERSON HILL: Illegal, that's right. Just tell
21 me, that's okay, that it's illegal parking.

22 MS. BUDJEVAC: Yes, yes. There is a curb cut for
23 the property next door and people have been using that to
24 then drive across the sidewalk and pull into the lot that is
25 currently empty.

1 CHAIRPERSON HILL: Okay, great. Does the Board have
2 any questions?

3 VICE CHAIR HART: One quick question. I appreciate
4 you coming down and giving us some perspective and your last
5 18 years what's gone on with the site.

6 I did have one quick question and that was -- I
7 don't know if you had actually gone to the ANC meeting when
8 this was in front of them?

9 MS. BUDJEVAC: I'm trying to remember which meetings
10 I've attended. I don't think I was able to attend the last
11 ANC.

12 VICE CHAIR HART: If any of you --

13 MR. HELM: I was at the original ANC meeting where
14 they voted to approve the original design. I wasn't at -- if
15 you guys went back for a second ANC meeting, I was not at
16 that. Okay.

17 MS. BUDJEVAC: Sandy was at the second ANC meeting.

18 VICE CHAIR HART: Okay, and I was just looking at
19 the ANC report and it talks about special exceptions, but it
20 doesn't talk about there being variances. I just didn't know
21 why that was the case. I'll ask the Applicant, but I didn't
22 know if you had gone to the meeting, if you had some
23 undertaking of that. That's fine. Thanks.

24 CHAIRPERSON HILL: Okay, great. Thank you. Thank
25 you all very much.

1 Is anyone here wishing to speak in opposition? Is
2 anyone here wishing to speak in opposition? Okay. There you
3 go.

4 So I've gone back over now this Office of Planning
5 report and everything and I understand now in terms of the
6 discrepancies between just the typo. So I'm okay, unless the
7 Board needs other clarification on it. I'm okay as to where
8 we are.

9 MEMBER WHITE: I'm okay, too, Mr. Chairman. I think
10 she did a fine job kind of just adding a little validity to
11 what we were actually approving today.

12 CHAIRPERSON HILL: Okay. Okay.

13 MEMBER WHITE: So I'm comfortable.

14 CHAIRPERSON HILL: Does the Board have any questions
15 for the Applicant?

16 VICE CHAIR HART: Just the understanding about the
17 ANC report and I'm just trying to kind of gauge when -- if
18 their kind of approval is the approval that is kind of before
19 us now. They talk about the special exceptions. They don't
20 talk about variances at all. And I just find that to be odd.
21 So I just wanted to understand how you saw that.

22 MR. AESCHLIMAN: I don't have that in front of me
23 and I don't recall exactly what they said in their letter,
24 but I know when we presented, we did present it as six
25 variances and special exception.

1 MEMBER WHITE: Mr. Hart, there is a letter that --
2 are you looking at the October 17 ANC letter 6B. They do in
3 the last paragraph talk about special exceptions and
4 variances. Exhibit 30.

5 VICE CHAIR HART: Okay. And what I was looking at,
6 too, was the -- their Form 129 and they don't talk about them
7 there. So I just thought that was a little odd, at least I
8 don't see it in here.

9 COMMISSIONER SHAPIRO: I think that's correct. It's
10 not in the form, but it is in the letter.

11 VICE CHAIR HART: And that's fine. Again, I just
12 wanted to make sure that we were -- that they were looking
13 at the -- it seems as though there have been some changes
14 over time and sometimes there's somebody maybe in support or
15 something when they thought it was one thing, and they see it
16 another way and they realize oh, we're necessarily in support
17 of that. I was trying to understand where this kind of fit
18 within that time frame.

19 MR. AESCHLIMAN: Yes, this would have been the last
20 ANC meeting. We had actually met with -- this was the third
21 of three meetings with the ANC. The first one was a
22 different proposal all together and the last two were for
23 this current proposal. And they were aware that it would be
24 the variances and special exception.

25 VICE CHAIR HART: Thank you, Board Member White, for

1 pointing that out. I was kind of reading through some of
2 this. Sometimes you miss things. And I had missed where
3 they said in their whatever paragraph, like the third
4 paragraph. "While the design requires multiple sources of
5 relief in the ANC B's view, the Applicant has met the three-
6 part test for their requested special exception and
7 variances." So they actually do raise that. That was
8 something that was before them. That's helpful for me and I
9 understand.

10 CHAIRPERSON HILL: Okay, great. Anyone else got
11 anything for the Applicant? All right. Would you have
12 anything you'd like to say at the end?

13 MR. AESCHLIMAN: Just quickly, a note to respond to
14 our neighbors that the existing building will -- the front
15 facade is being completely restored at the request of the
16 community and the HPRB. That is our intent.

17 CHAIRPERSON HILL: Okay. All right. Then I'm going
18 to close the hearing. Is the Board ready to deliberate?
19 Okay, would somebody like to start the deliberation? I can
20 start the deliberation.

21 So again, I was just kind of confused as to what
22 specific areas we were looking at in terms of the confusion
23 with the Office of Planning and the Zoning Administrator.
24 And from the testimony that was given, because there was just
25 a lot of different relief that's being requested. I mean I

1 do think that it's a very unique property in terms of where
2 it is and also the necessity concerning the character of the
3 neighborhood.

4 So I would be in agreement with what the Office of
5 Planning has put forth in their report, as well as the
6 testimony that the Applicant has provided concerning how
7 they're meeting the standards for the different variances
8 that are necessary, as well as the special exceptions.

9 Does the Board have any other comments? Okay, then
10 I'm going to see if I can make this motion and you guys can
11 help me if I'm getting a little lost here. But I'm going to
12 go ahead and make a motion to approve Application No. 19631
13 of E Street LLC for variances of lot occupancy in E 403,
14 sorry, there you go, approval of variance relief for lot
15 occupancy in E 403, accessory lot occupancy --

16 (Pause.)

17 COMMISSIONER SHAPIRO: I have 304 in the OAG
18 comments and in the --

19 CHAIRPERSON HILL: Okay, the medication has taken
20 its toll on me today.

21 Commissioner Shapiro, would you like to try and make
22 a motion?

23 COMMISSIONER SHAPIRO: Mr. Chair, I'd be happy to.
24 So I move that we approve Application No. 19631 of E Street
25 LLC, specifically to grant the relief requested as special

1 exceptions or use requirements U 301.1(d) and U 301.1(e).
2 Variances are for lot occupancy E 304.1; height, E 5002.1;
3 lot occupancy, E 5003.1; rear yard, E 306.1; side yard, E
4 307.1. I'm up for a second.

5 CHAIRPERSON HILL: Second. The motion has been made
6 and seconded. All those in favor?

7 (Chorus of ayes.)

8 All those opposed?

9 (No response.)

10 The motion passes. Mr. Moy?

11 SECRETARY MOY: Okay, staff would record the vote as
12 4 to 0 to 1. This is on the motion of Mr. Peter Shapiro and
13 seconding the motion, Chairman Hill. And this is per the
14 relief as Mr. Shapiro has read into the record.

15 Seconding the motion, as I said, Chairman Hill also
16 in support; Ms. White, Vice Chair Hart, with one board seat
17 vacant. The motion carries.

18 CHAIRPERSON HILL: Thank you, Mr. Moy. Summary
19 order?

20 SECRETARY MOY: Very good.

21 CHAIRPERSON HILL: Thank you. We're going to take
22 a quick three-minute break. Thank you all very much.

23 (Whereupon, the above-entitled matter went off the
24 record at 11:14 a.m. and resumed at 11:22 a.m.)

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

1 you're ready.

2 SECRETARY MOY: Okay. Thank you, Mr. Chairman. The
3 hearing is back in session. What do we have, 11:22?

4 Okay, so the case, next case application is number
5 19583, of Jemal's East 451, LLC, captioned. This is as
6 amended for special exceptions under Subtitle C, Section
7 1500.3(c).

8 This is from the penthouse regulations of Subtitle
9 C, 1500, which would construct a 13-story hotel D-4-R zone,
10 601 K Street, N.W., Square 451, Lots 23, 24, 25, 823, and
11 822.

12 There's a revised self-certification under Exhibit
13 38.

14 CHAIRPERSON HILL: Okay, great. Thank you, Mr. Moy.
15 I'd also just like to mention, disclose to the Board, I live
16 in a property that was developed by this developer, and I
17 don't think that's going to have any influence on my ability
18 to proceed here.

19 Does the Board have any issues?

20 Okay. All right.

21 so, with that, if you could go ahead and introduce
22 yourselves, please, from my right to left?

23 Left to right, right to left, either way.

24 (Laughter.)

25 MS. BLOOMFIELD: I'm Jessica Bloomfield, with the

1 law firm of Holland and Knight.

2 MR. HARDOS: I'm George Hardos, with Douglas
3 Development.

4 MR. FILLAT: I'm Peter Fillat, with Fillat
5 Architecture.

6 CHAIRPERSON HILL: Okay. Ms. Bloomfield, I think
7 you're going to -- is it Bloomfield, or Bloomfeld?

8 MS. BLOOMFIELD: Bloomfield.

9 CHAIRPERSON HILL: Bloomfield, thank you.
10 Bloomfield, you're going to be presenting to us today, I
11 assume?

12 MS. BLOOMFIELD: Yes.

13 CHAIRPERSON HILL: Okay. So there's been a lot of
14 changes, I guess, in terms of what was originally proposed,
15 and how you've kind of gotten to where you are now. I guess,
16 you can go ahead and go through the presentation, in terms of
17 what you're trying to do and the requested relief you're
18 asking for, and how you're meeting the criteria for that
19 relief.

20 I guess, there was some -- the only items I was kind
21 of curious of, I guess, was kind of like, you know, the
22 affordable housing issues, and kind of just speaking a little
23 bit more to kind of like the FAR that the Office of Planning
24 is bringing up.

25 Does the Board have any other specifics they'd like

1 to hear about?

2 Okay. Ms. White?

3 MEMBER WHITE: I noticed that the ANC report came in
4 kind of late, so anything you can share with respect to your
5 interaction with the ANC would be helpful.

6 CHAIRPERSON HILL: Okay, great. So, Ms. Bloomfield,
7 you -- oh, please go ahead.

8 COMMISSIONER SHAPIRO: I would be curious to see
9 whether you, at any point, considered solar panels on the
10 roof of the building, and if you did consider it, why you
11 chose not to go that route.

12 CHAIRPERSON HILL: Okay, so those particular points,
13 I guess, are things that the Board might be interested in
14 hearing a little bit more clarity about, and then, I'm going
15 to put 10 minutes up on the clock so I know where -- I'll put
16 15 minutes up on the clock just so I know where I am, Mr.
17 Moy. And then you can begin whenever you like.

18 MS. BLOOMFIELD: Great. Good morning, members of
19 the Board. Again, my name is Jessica Bloomfield from the law
20 firm of Holland and Knight, and our application is for a
21 special exception relief to allow a bar and restaurant use in
22 the penthouse of a hotel building at the corner of 6th and K
23 Streets N.E., and that's in the D-4-R zone district.

24 Set forth in the record, we have amended our
25 application. We originally had five areas of zoning relief,

1 and we now only have one, so we've simplified things. And
2 it's just simply for the special exception relief.

3 Our pre-hearing submission sets forth in detail how
4 the project meets the special exception standards of review.
5 We have Office of Planning support, we have a letter of no
6 objection from DDOT, and we have a letter in support with
7 conditions from the ANC.

8 We have reviewed that letter, and we agree with all
9 of those conditions.

10 With respect to your questions, the affordable
11 housing -- we will be satisfying our affordable housing
12 created by the penthouse use by providing affordable housing
13 -- a contribution to the affordable housing trust fund, in
14 accordance with the zoning regulations. That was something
15 that was noted in the OP report, so we will be doing that.

16 The on-site residential requirement is 4.5 FAR, and
17 we will be satisfying that off-site through the use of
18 combined lot development covenants.

19 Regarding the ANC, as I mentioned, we did get a
20 letter from them submitted to the record, actually yesterday,
21 so I don't know if you've seen it, and they do have
22 conditions, and we've reviewed those, and we're fine with it.

23 Regarding solar, I think I would turn to my
24 colleagues to see what we've done on that.

25 MR. HARDOS: Yes. And just to reiterate a little

1 bit more the background with the ANC, we did offer to set
2 ground rules today as far as what the bar -- the operating
3 hours are, for this bar/restaurant use, as well as we were
4 open to excluding a nightclub use whenever the user goes for
5 their liquor license on the rooftop.

6 As it relates to solar, we actually -- we have not
7 thought that through yet. We're still pretty early in the
8 design. We still have to satisfy our green area ratio, and
9 we do know from other projects, there is some technology out
10 there now that there is solar that you can put on top of
11 green roofs, that we understand some of it is still kind of
12 in concept. It hasn't necessarily been proven here in D.C.
13 that it can work. But we just -- we haven't gotten that far
14 yet. We would potentially consider it in the future.

15 COMMISSIONER SHAPIRO: If I can, Mr. Chair, I would
16 encourage you to do that, have the conversation with DOE, and
17 see what the options are. I certainly wouldn't hold up
18 anything related to that, but I would encourage you to do
19 that.

20 MR. HARDOS: We will.

21 VICE CHAIR HART: We agree.

22 CHAIRPERSON HILL: Is that it?

23 MS. BLOOMFIELD: We're happy to go through our
24 presentation, if you'd like, but it's what's already in the
25 records, so --

1 CHAIRPERSON HILL: Actually, I wouldn't mind if you
2 want to just kind of flip through it.

3 MR. FILLAT: You want me to go for it?

4 Briefly, this is a view of the building from the
5 Southeast -- sorry, Southwest.

6 This plan here shows you the roof plan, and the
7 drop-off area along K street. And the building is located at
8 the corner of 6th and K.

9 The lightest color is the roof terrace, and the grey
10 color is the roof penthouse.

11 The green around it is a living roof -- will be the
12 living roof, and the dark grey in the north corner is the
13 lower courtyard.

14 It's a very quick plan of the penthouse level,
15 showing the interior area, where the rooftop bar, and
16 restaurant lounge will be. There's also space for a kitchen
17 and rest rooms on this level.

18 The roof terrace is sort of the stippled area. And
19 then this is a very quick axonometric view of the extent of
20 the penthouse and the outdoor area associated with it.

21 And these are all parts of the overall presentation,
22 so this is what I thought was the most pertinent for this
23 conversation this afternoon.

24 MS. BLOOMFIELD: That's really all we have, so if
25 you have any questions, we're happy to answer them.

1 VICE CHAIR HART: Do you have a view on the reverse
2 side of what you're showing here?

3 MR. HARDOS: Say that again, please?

4 VICE CHAIR HART: A view looking at the other side
5 of the building, kind of the back side of the building?

6 MR. HARDOS: Let's walk you through real quick.

7 VICE CHAIR HART: I thought I'd seen something in
8 this, but --

9 MR. HARDOS: We have several other -- so this is the
10 K Street side, and this is 6th Street right here.

11 VICE CHAIR HART: Okay.

12 MR. HARDOS: And then -- do we have the back? I
13 don't think we have the back. But we have this elevation,
14 which shows the back, which is right here.

15 So that's our court. This is looking back from the
16 north, looking south.

17 VICE CHAIR HART: So the court is -- starts at the
18 20th -- 20-foot level?

19 MR. HARDOS: That's correct, right.

20 VICE CHAIR HART: And so that whole thing is --

21 CHAIRPERSON HILL: The windows aren't set back.

22 MR. HARDOS: Yes, if you go back to our floor plan,
23 that court, you can see --

24 VICE CHAIR HART: Ah.

25 MR. HARDOS: It's right here. And that's the view

1 looking back south.

2 VICE CHAIR HART: Thank you.

3 MR. HARDOS: Okay. Thank you.

4 Anyone else?

5 Commissioner?

6 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. So you
7 said that you've agreed with the conditions that were laid
8 out in the ANC, so just for my edification, one of the
9 conditions is that you would agree to -- what's the exact
10 language here -- to make sure that there was -- you would
11 have a prohibition on loud noises.

12 I'm scratching my head to try to figure out --
13 that's clearly not a term of science, that's a term of art.

14 MR. HARDOS: That's correct, and as we were working
15 with the ANC, this is somewhat of a new request for the ANC,
16 this bar used on a penthouse, and they understood at this
17 point in time, we don't know who the operator is, we don't
18 know how it's exactly going to be operated. And we wanted to
19 work with the ANC to make sure that we, you know, appease
20 their concerns.

21 However, at that time, neither us, nor the ANC was
22 in a position to say it's X decibels, or exactly what it is.

23 However, in the spirit of trying to work with the
24 ANC, we agreed it wouldn't -- as technical as loud can be,
25 that we would agree that we would work with them to ensure

1 that it wouldn't be loud, whether that's hearing it from the
2 street, kind of in our mind is what we would think of as
3 loud, but we will continue to work with the ANC once we
4 really have a better understanding of who the operator is,
5 we'll be back in front of the ANC going through the ABRA
6 process with them. And at that point, we'll be able to
7 better detail exactly how that penthouse -- how loud it would
8 necessarily be.

9 COMMISSIONER SHAPIRO: Mr. Chair, I mean, it's kind
10 of a question for us, and this may be my ignorance around our
11 process, but if we're -- if we were to approve this, and this
12 condition were in there, with that lack of specificity, is
13 that relevant for us? Is that of concern to us?

14 CHAIRPERSON HILL: Well, I suppose I've seen it both
15 ways, but the Office of Planning seems like he has an answer,
16 and so I'll turn to him -- I was going to say, in one second,
17 but -- before I do that, and the Office of Planning can
18 answer your question, Commissioner Shapiro.

19 But Ms. Bloomfield, can you read through again what
20 the conditions were from the ANC? Because I'm just trying to
21 -- into the record here, because I get a little -- I just
22 want, for clarity, for my own sake.

23 MS. BLOOMFIELD: Sure. So the ANC lists a couple of
24 items. The fourth one down is the first one where I see a
25 condition, and it's --

1 CHAIRPERSON HILL: Which exhibit are you looking at?

2 MS. BLOOMFIELD: I am looking at Exhibit 40.

3 CHAIRPERSON HILL: Thank you.

4 MS. BLOOMFIELD: And on the second page, the
5 Applicant has agreed to restrict the hours of operation of
6 said restaurant, bar, or lounge, so that the hours end no
7 later than 11:59 p.m. on weekends, Sunday through Thursday,
8 and 2:00 a.m. on weekends, Friday and Saturday, and to not
9 allow the loud noises on the rooftop at any time.

10 CHAIRPERSON HILL: Okay, right. So that's the
11 condition that we'd be putting into the record.

12 MS. BLOOMFIELD: Right.

13 CHAIRPERSON HILL: As you understand it at this
14 point. Okay. All right.

15 Other than that, because I'm going to turn to the
16 Office of Planning to answer your question, Commissioner, is
17 there anything else? Okay.

18 Could we turn to the Office of Planning?

19 MR. COCHRAN: Sure. For the record, my name is
20 Steve Cochran. I have a little familiarity with this,
21 because I live in Adams Morgan.

22 There are regulations that govern decibel levels,
23 and citizens have not shown any reluctance to call excessive
24 noise to the attention of the proper District of Columbia
25 authorities, and bars and even restaurants have been

1 temporarily even shut down when they exceed the loud noise
2 regulations. Essentially, it means that they probably have
3 to play Sam Smith rather than AC/DC.

4 (Laughter.)

5 COMMISSIONER SHAPIRO: Thank you. Thank you for
6 that. I guess my question is, how do we approve something
7 that doesn't say you can't play AC/DC, but you can only play
8 Sam Smith?

9 MR. COCHRAN: I was being facetious, sir.

10 COMMISSIONER SHAPIRO: No, I'm with you, and I like
11 them both. I would tend toward Sam Smith. But I think, you
12 know, the issue for me is, what -- are we setting -- loud
13 noise feels unenforceable, but we're putting a condition.
14 But it's not specific enough.

15 MR. COCHRAN: A loud noise is unenforceable, but
16 excessive noise is enforceable through the requirements that
17 regulate how many decibels are appropriate.

18 COMMISSIONER SHAPIRO: So would that be a more
19 helpful level of specificity for our conditions, let's say,
20 excessive noise per ABRA regulations?

21 MR. COCHRAN: That would be appropriate, sir.

22 CHAIRPERSON HILL: Ms. Bloomfield?

23 MS. BLOOMFIELD: That sounds good. Thank you.

24 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

25 CHAIRPERSON HILL: Okay. Mr. Cochran, do you want

1 to speak to the rest of your report?

2 MR. COCHRAN: Thank you. Actually, that wasn't part
3 of my report, but OP notes that the Applicant has been very
4 responsive to concerns that OP and our Historic Preservation
5 Office had expressed, and has actually thoroughly redesigned
6 the project during this process.

7 They have submitted information on how they'll
8 satisfy the housing requirement through the use of credits,
9 and they'll meet the Mount Vernon Triangle sub-area design
10 requirements, so OP is in support of your approving this
11 application. We do note that they'll still need to, of
12 course, go through DDOT's public space requirements for some
13 of the designs that they're proposing for outside of their
14 property line.

15 CHAIRPERSON HILL: Okay, does the Board have any
16 questions for the Office of Planning?

17 Okay. Is the ANC here, by any chance?

18 Is there anyone here wishing to speak in support of
19 the application?

20 Is there anyone here to speak in opposition to the
21 application?

22 All right. Does the Applicant have anything further
23 that they'd like to add?

24 MS. BLOOMFIELD: No, we would just hope that you
25 would take a vote on this application today, given that we

1 have support in the record. Thank you.

2 Oh, and my colleague has reminded me that we did
3 file a revised set of plans yesterday, at Exhibit 39.
4 They're exactly the same as what was filed in our pre-hearing
5 submission, except for the number of hotel rooms, which was
6 noted incorrectly by four units on the zoning tabulation
7 sheet. It was shown correctly on the plans, but the note on
8 the zoning tabulation sheet was incorrect. So for the
9 record, the plans at Exhibit 39 are the ones that should be
10 approved, if you choose to approve.

11 CHAIRPERSON HILL: Okay. Okay, great. Thank you.

12 Go ahead?

13 MEMBER WHITE: I was going to -- so what is the new
14 number of rooms?

15 MR. HARDOS: So 235.

16 MEMBER WHITE: Two hundred thirty five, okay. And
17 you're still working on selection of an operator?

18 MR. HARDOS: That's correct.

19 MEMBER WHITE: Okay.

20 CHAIRPERSON HILL: Okay, great. Does the Board have
21 anything else?

22 All right. I'm going to go ahead and close the
23 hearing. Is the Board ready to deliberate?

24 Okay, I can start.

25 I -- I mean, the questions that I had were kind of

1 some -- in terms of what I had started to ask about, in terms
2 of the FAR and the affordable housing components.

3 I thought that -- I'm really glad that the Applicant
4 has done what it's done in terms of reaching out to the ANC,
5 and working with the community. Again, as I was mentioning
6 earlier, Chairman Padro is -- it's a very active ANC, and you
7 guys have worked well with them.

8 I guess the conditions that I would add in there, if
9 we get to that point, again, would be the closing hours for
10 the rooftop restaurant/lounge/bar shall be no later than 2
11 a.m. on weekends and midnight on weekdays -- 2 a.m. on
12 weekends, and midnight on weeknights. And then, the music
13 will -- or there will be no excessive noise per the ABRA
14 regulations, and you agreed to that, correct?

15 Okay. And so but other than that, I think that they
16 meet the criteria for us to approve this. Does the Board
17 have any other comments?

18 MEMBER WHITE: I had one question.

19 CHAIRPERSON HILL: Sure.

20 MEMBER WHITE: And maybe I just missed this, but
21 does the Applicant have to submit a revised self-
22 certification reflecting the new relief that they're seeking
23 today?

24 MS. BLOOMFIELD: We did.

25 MEMBER WHITE: You did already?

1 MS. BLOOMFIELD: Yes. It's at Exhibit 38.

2 MEMBER WHITE: Got it. Thank you.

3 CHAIRPERSON HILL: Okay. And --

4 MEMBER WHITE: That was my only remaining question.

5 CHAIRPERSON HILL: Okay, great. Anyone else?

6 Okay. Now, with that, I'll go ahead and make a
7 motion to approve Application No. 19583 as read by the
8 Secretary, with the conditions that we put forth, and ask for
9 a second.

10 MEMBER WHITE: Second.

11 CHAIRPERSON HILL: Motion made and seconded. All
12 those in favor, aye?

13 (Chorus of ayes.)

14 All those opposed?

15 (No response.)

16 The motion passes. Mr. Moy?

17 SECRETARY MOY: Staff would record the vote as 4 to
18 0 to 1. This is on the motion of Chairman Hill to approve
19 the application for the relief being requested, as well as
20 the conditions related to the hours of operation and the
21 excessive noise.

22 Second the motion, Ms. White, also in support Vice
23 Chair Hart, Mr. Peter Shapiro, we have a board seat vacant.
24 The motion carries.

25 CHAIRPERSON HILL: Thank you. Could we do a summary

1 order, Mr. Moy?

2 SECRETARY MOY: Yes, sir.

3 CHAIRPERSON HILL: Thank you. Okay, thank you guys
4 very much.

5 SECRETARY MOY: All right, Mr. Chairman, the next
6 case application, if we can have parties to the table, to
7 Application No. 19607 of the Great American Bistro LLC.

8 Now, this -- the original caption that was
9 advertised was for a variance from the non-conforming use
10 requirements, Subtitle C, Section 204.3, to operate a new
11 food service restaurant in an RF-1 zone at premises 1545 New
12 Jersey Avenue N.W., Square 501-E, Lot 800. As the testimony
13 will go, Mr. Chair, I believe that there may be consideration
14 for a revised caption for a use variance from Subtitle U,
15 Section 301, that would allow the new restaurant. That's it
16 from the staff, Mr. Chairman.

17 CHAIRPERSON HILL: Okay. Thank you, Mr. Moy.

18 Good afternoon, morning, I'm not really sure.

19 MR. MCKINNEY: Good afternoon.

20 CHAIRPERSON HILL: Thank you. Please, would you
21 introduce yourselves from my right to left?

22 MR. MCKINNEY: James McKinney, 4214 13th Street,
23 N.E., Washington, D.C.

24 MS. MANAGES: Victoria Manages, 4256 East Capitol
25 Street, N.E.

1 CHAIRPERSON HILL: Okay, thank you. Could you spell
2 your last name for me?

3 MS. MANAGES: M-A-N-A-G-E-S.

4 CHAIRPERSON HILL: Thank you. Which one of you is
5 going to be presenting to us?

6 MS. MANAGES: I am.

7 CHAIRPERSON HILL: Okay, great. So you can go
8 ahead, and if you would, just again, kind of tell us about
9 what you're trying to do, and also how you're meeting the
10 criteria for us to approve the requested relief.

11 I suppose, and maybe I'll get more of this with the
12 Office of Planning, but they're -- and I don't know if you
13 were here for the earlier one that kind of confused me, but
14 whether or not -- if you're on the same page as what the
15 Office of Planning is in terms of the relief you're
16 requesting, if you could provide a little bit of clarity for
17 me at that point when you're going through your presentation,
18 and also, I can talk to the Office of Planning when we get to
19 that point as well.

20 But I'm going to put ten minutes on the clock, Mr.
21 Moy, just so we know where we are.

22 And you can begin whenever you like.

23 MS. MANAGES: Okay. Again, Victoria Manages, 4256
24 East Capitol Street.

25 The lease was signed last year, September 2016, to

1 create a neighborhood nook for 1545 New Jersey Avenue. We
2 watched two businesses come in and fail. So what we did was
3 we took ownership of the property and did a focus group of
4 the neighborhood to find out exactly what they wanted to see.

5 We had approximately four meetings with them, and
6 three with the ANC Commission. And the collaborative
7 consensus was, all they want is regular American fare, a
8 small neighborhood nook that they can call their own. They
9 were even a part of coming up with the menu.

10 Right now, the space has a COO for prepared foods
11 and retail, and all we're asking for is to add seats.

12 CHAIRPERSON HILL: Okay. You've seen the
13 recommendations in terms of the hours of operations?

14 MS. MANAGES: Yes, sir.

15 CHAIRPERSON HILL: And the hours of operation -- we
16 might change some of the wording, but the hours of operations
17 not to exceed from 6 a.m. to 10 p.m. Sundays through
18 Thursdays, and 6:00 a.m. to 11:00 p.m. Fridays and Saturdays?

19 MS. MANAGES: Yes, sir.

20 CHAIRPERSON HILL: And then, trash shall be
21 collected in dumpsters on the 4th Street side of the
22 building. Dumpsters shall be visually screened, subject to
23 public space approval, and shall be emptied at least a
24 minimum of three times per week?

25 MS. MANAGES: Yes, sir.

1 CHAIRPERSON HILL: And no music shall be permitted
2 outside of the building. Any music on the interior of the
3 building, either recorded -- I'm sorry, either recorded or
4 live, shall not be louder than 55 decibels when measured at
5 the exterior building face.

6 MS. MANAGES: Yes, sir.

7 CHAIRPERSON HILL: We could have used that on the
8 last one. There you go. It's 55 decibels, apparently.

9 All right. Okay. Let's see. So I'm going to turn
10 to the Office of Planning, maybe, if you could provide your
11 report, and then also a little bit of clarity as to what the
12 request is?

13 MR. JESICK: Sure. Thank you, Mr. Chairman, and
14 members of the board. My name is Matt Jesick.

15 In terms of the actual relief that was requested,
16 DCRA provided the Applicant with a referral letter
17 referencing Subtitle C, Section 204.3, which deals with the
18 expansion of a nonconforming structure, which didn't seem to
19 apply in this case.

20 So we discussed that with DCRA and I think we came
21 to an agreement that the appropriate relief would be from
22 Subtitle U, Section 301, which is the list of matter-of-right
23 uses in the RF-1 Zone, and this Applicant would require a use
24 variance from that section.

25 That being said, we have no objection to the

1 application. We felt that the Applicant met the variance
2 criteria. We proposed these conditions of approval, which
3 the Applicant agreed to, and I'd be happy to take any
4 questions.

5 CHAIRPERSON HILL: Okay, great, thank you. The
6 Applicant understands what -- you understand everything that
7 the Office of Planning just said?

8 MS. MANAGES: Yes, I've worked very closely with Mr.
9 Jesick, so yes.

10 CHAIRPERSON HILL: Okay. Okay, great. Does the
11 Board have any questions for the Office of Planning?

12 Okay. Do you have any questions for the Office of
13 Planning?

14 MS. MANAGES: No, sir.

15 CHAIRPERSON HILL: Okay. I love being called sir,
16 that's great.

17 MS. MANAGES: I'm sorry.

18 CHAIRPERSON HILL: That's okay. I wish my wife
19 would do that. That would be so great.

20 All right. Let's see. Is anybody here from the
21 ANC? Is there anyone here wishing to speak in support of the
22 application? Is there anyone here wishing to speak in
23 opposition to the application? All right.

24 I'm going to turn back to the Applicant there. Is
25 there anything further you'd like to add?

1 MS. MANAGES: No, just thank you.

2 CHAIRPERSON HILL: Okay. Anything else from Mr.
3 Shapiro?

4 COMMISSIONER SHAPIRO: Just, in the DDOT report,
5 DDOT has no objection, but they were clear that you would
6 still be required to go through the public space permitting
7 process, and I just want to make sure you get that.

8 MS. MANAGES: Yes, sir. Yes.

9 COMMISSIONER SHAPIRO: Okay. Thank you. Thank you,
10 Mr. Hill.

11 CHAIRPERSON HILL: Okay. great. Anyone else?

12 VICE CHAIR HART: Just once clarification point. I
13 think that the hours of operation issue, hours of operation,
14 just to make sure that this gives a little bit more latitude,
15 this case, in this case, the hours of operation, the
16 condition says that the hours of operation shall be from 6:00
17 a.m. to 10:00 p.m., and it gives you the days, Sunday through
18 Thursdays, and then the same times, Fridays and Saturdays.
19 My only concern is that shall be from 6:00 a.m. means to be
20 that they would have to start at 6:00 a.m., and if you -- but
21 if you did not, if you decided to do 7:00, then that may be
22 problem with the -- it's how it's been written.

23 And I think to give you a little bit more
24 flexibility, it probably should have something that, you
25 know, should say something like, hours of operation shall not

1 exceed 6:00 a.m. to 10:00 p.m., you know, to give you some
2 ability to not be so rigid in 6:00 a.m. and 10:00 p.m., those
3 are your operating hours.

4 MS. MANAGES: Well, actually we plan on being that
5 rigid, if this ever opens up at 6:00 a.m., we'd plan on being
6 open at 6.

7 VICE CHAIR HART: Things change, and --

8 MS. MANAGES: True.

9 VICE CHAIR HART: -- I just want to make sure that
10 you will have the ability, and you don't have to come back
11 here to change your hours.

12 MS. MANAGES: Thank you very much.

13 VICE CHAIR HART: Because you have to do that. And
14 that's the part that gets kind of annoying. So I would just
15 maybe suggest that we change that to, you know, "shall not
16 exceed," so --

17 MS. MANAGES: Sure.

18 VICE CHAIR HART: -- hours of operation shall not
19 exceed 6:00 a.m. to 10:00 p.m., Sundays through Thursdays,
20 and 6:00 a.m. to 11:00 p.m., Fridays and Saturdays.

21 CHAIRPERSON HILL: Sure, okay. Thank you, yeah,
22 thank you for mentioning that, Vice Chair Hart.

23 Okay, so again, as the Vice Chair just mentioned, in
24 terms of the not to exceed, yes, so do you guys have other
25 thing you'd like to add?

1 MS. MANAGES: No, not at all.

2 CHAIRPERSON HILL: Okay. All right. So I'm going
3 to go ahead and close the hearing.

4 Is the Board ready to deliberate?

5 Okay. I can start. I thought that the analysis
6 provided by the Office of Planning, I found very helpful in
7 terms of how we could approve this in terms of the criteria
8 that was put forward.

9 And I don't have an issue with the application. And
10 also, as mentioned, the conditions would be the same as I
11 read, including the hours of operation shall not exceed the
12 hours from 6:00 to 10:00 Sundays through Thursdays, and 6:00
13 to 11:00, Fridays and Saturdays.

14 And other than that, the conditions are read the way
15 I read them earlier.

16 Does the Board have any other thoughts?

17 MEMBER WHITE: Well, just a quick thought. Sorry to
18 interrupt.

19 I think, you know, first thing is obviously to look
20 at the variance test. So, in doing that, as Mr. Hill said,
21 I thought that the Office of Planning's report was excellent
22 in terms of spelling out how you met the variance test, which
23 is -- can be very challenging to meet. It's not as easy to
24 meet as a special exception as I said earlier.

25 But with the conditions that were set, and also I'd

1 like to compliment the Applicant on working with the
2 neighborhood.

3 MS. MANAGES: Thank you.

4 MEMBER WHITE: With the ANC, with getting a sense of
5 what the neighbors want. And I think if you take that
6 strategy, your chances of getting neighborhood support are a
7 lot better. So I just wanted to say that for the record. But
8 for the record as well, I do feel as though that the variance
9 test was met, three-part test was met.

10 MS. MANAGES: Yes, ma'am, thank you.

11 MEMBER WHITE: So I would be in support, Mr. Chair.

12 MS. MANAGES: Thank you, ma'am.

13 CHAIRPERSON HILL: Okay, great. Thank you. So I'll
14 go ahead -- sorry, does anyone else -- okay, I'm going to
15 make a motion to approve Application 19607 -- sorry, sorry --
16 19607, of Great American Bistro LLC, pursuant to 11 DCMR
17 Subtitle X, Chapter 10, for use variances from Subtitle U-301
18 to allow a new full-service restaurant in the RF-1 zone at
19 premises 1545 New Jersey Avenue N.W., Square 510-E, Lot 800.
20 And ask for a second?

21 And -- thank you, and the conditions as we have put
22 forward during the hearing. And ask for a second?

23 VICE CHAIR HART: I'll second.

24 CHAIRPERSON HILL: Motion made and seconded. All
25 those in favor?

1 (Chorus of ayes.)

2 All those opposed?

3 (No response.)

4 The motion passes, Mr. Moy.

5 MS. MANAGES: Thank you.

6 SECRETARY MOY: Staff would record a vote as 4 to 0
7 to 1 on the motion of Chairman Hill to approve the
8 application for the relief being requested, along with the
9 three conditions, as he's read into the record.

10 Seconding the motion is Vice Chair Hart, also in
11 support, Mr. Peter Shapiro, Ms. White, board seat vacant, and
12 the motion carries.

13 CHAIRPERSON HILL: Thank you. Summary order, Mr.
14 Moy?

15 SECRETARY MOY: Thank you, sir.

16 CHAIRPERSON HILL: Thank you.

17 Okay, good luck, you guys. I wish you -- we wish
18 you much success.

19 SECRETARY MOY: The next application, if I can have
20 parties coming to the table, to Application No. 19611 of 901
21 Webster Street Partners, LLC, captioned and advertised for a
22 special exception under the use provisions of Subtitle U,
23 Section 320.2. This would convert an existing residential
24 building to a three-unit apartment house, RF-1 zone, at 909
25 Webster Street, N.W.. Square 3020, Lot 22.

1 CHAIRPERSON HILL: Sorry, I had to go get some
2 Advil. Okay.

3 If you could please introduce yourselves, from my
4 right to left?

5 MR. KEYS: Good morning, Mr. Chairman. My name is
6 George Keys, Jordan and Keys PLLC, 910 17th Street, Suite
7 317. And I'm representing the Applicant.

8 MR. HABER: Ben Haber, the Applicant.

9 CHAIRPERSON HILL: Cuold you spell your last name for
10 me?

11 MR. HABER: H-A-B as in boy, E-R.

12 And Mr. Moy, you said 901. It should be 909.

13 SECRETARY MOY: I'm sorry, You're right. I stand
14 corrected, 909.

15 CHAIRPERSON HILL: Thank you. Thank you. The
16 sickness is going around.

17 All right. So Mr. Keys, I guess you're going to be
18 presenting to us? I suppose I really don't have a lot of
19 questions about this, to be quite honest. I think that it's
20 fairly straightforward.

21 However, if you want to go ahead and tell us about
22 the project a little bit, and also, how you're meeting the
23 criteria for us to grant this. And then other than that, I
24 don't have any specific questions.

25 I'm going to put ten minutes on the clock, just so

1 we know where we are. And you can begin whenever you like.

2 MR. KEYS: As a first matter, Mr. Chairman, I think
3 there's a preliminary matter we need to dispose of. I filed
4 a motion on Monday because I realized that the ANC report,
5 which had been given to my client a couple of weeks ago, had
6 not made it to the record, had not been filed. And looking
7 closer at the report, I realized that there was an erroneous
8 case number at the top, that may have caused that report to
9 have been filed in the wrong case. And so I filed a motion
10 Monday, asking permission for late filing of the ANC report.
11 And this is the report of an ANC meeting in September, that
12 approved the application.

13 CHAIRPERSON HILL: Okay, I'm just looking for your
14 motion. Which exhibit is it in?

15 MR. KEYS: It would be the very last exhibit.

16 CHAIRPERSON HILL: The last one that I see is the
17 ANC report.

18 MR. KEYS: Yes, well my motion was filed with that
19 report. I received a confirmation from the ISS system saying
20 that my motion had been received and would be taken as a
21 preliminary matter.

22 CHAIRPERSON HILL: Mr. Moy, I don't see the motion.

23 SECRETARY MOY: I agree with the Applicant. For
24 some reason, it's not coming up on my screen.

25 CHAIRPERSON HILL: Okay. So Mr. Keys, I'm sorry,

1 can you tell me again the motion?

2 MR. KEYS: It might be easier if -- do you have
3 copies of the ANC report?

4 CHAIRPERSON HILL: Yes.

5 MR. KEYS: If you look at the top of the report, you
6 can see that it references BZA Case No. 19553, but yet the
7 body of the report is concerned with case number 19611, this
8 case. And so for some reason, that report was not filed
9 until I submitted it with the motion on Monday.

10 CHAIRPERSON HILL: Okay. So what's your motion
11 again?

12 MR. KEYS: The motion is to permit the late filing of
13 the ANC report.

14 CHAIRPERSON HILL: Okay. I understand. Okay. I
15 don't have an issue granting the motion. Does the Board have
16 any issues?

17 Okay. So Mr. Keys, we're going to grant that
18 motion, then, and allow it into the record for the late
19 filing. And thank you for pointing that out.

20 MR. KEYS: Thank you. I think the record, as you
21 say, is fairly complete. It's a very simple case. I think
22 the Applicant meets all of the tests to standard, which is
23 Subtitle U, Section 320.2, and there are several conditions
24 to permit the conversion of the property.

25 The first is that it's an existing residential

1 building, that existed prior to 1958. And I think the record
2 shows that the building is over 100 years old.

3 The building height falls below the threshold. We
4 are proposing three apartment units, which does not involve
5 inclusionary zoning issues.

6 The existing building is a residential structure.
7 We have proposed three units and there is sufficient land
8 area, 2700 square feet exactly, to support three units.

9 And because the application is being accomplished
10 inside the building, there's no extension, there's no
11 enlargement, there's no change in circumstances, which also
12 gets to the issues, as far as the impact on adjacent
13 property. The building will remain in its current
14 configuration.

15 And finally, the consistency of this with the zone
16 scheme, this is an RF-1 zone, which really anticipates the
17 potential for multiple dwelling uses. It's a transition zone
18 between the mixed use on Georgia Avenue, and the single-
19 family residential elsewhere.

20 It's important to realize the context of this
21 property, that there is conversions to multiple dwellings on
22 both sides and across the street. And the Applicant, in
23 fact, has converted the adjoining building, which is 911.
24 And I think for all those reason is stated in the
25 application, the rather simple standards have been met.

1 CHAIRPERSON HILL: Okay. All right. Thank you, Mr.
2 Keys.

3 MR. KEYS: And I think the only question that the
4 Applicant may wish to address is the ANC condition. The ANC
5 attached one condition, that the parking spaces at the rear,
6 which had been proposed, that they be either pervious,
7 permeable, or porous paving, and I think the Applicant may --

8 CHAIRPERSON HILL: Okay, sure, yes, let's hear from
9 the Applicant.

10 MR. HABER: I'll do it.

11 (Laughter.)

12 CHAIRPERSON HILL: That's the first time I've heard
13 that. All right.

14 (Laughter.)

15 Okay, great. Thank you.

16 All right. Okay. Anybody else have anything for
17 the Applicant? I'll turn to the Office of Planning.

18 MS. VITALE: Good morning, Mr. Chair, members of the
19 Board, Elisa Vitale with the Office of Planning. And I'll
20 rest on the record in support of the requested special
21 exception relief for conversion. I can answer any questions
22 at this time. Thank you.

23 CHAIRPERSON HILL: Okay. Thanks, Ms. Vitale.

24 Does the Board have any questions for the Office of
25 Planning?

1 Okay. Does the Applicant have any questions for the
2 Office of Planning?

3 MR. KEYS: No.

4 CHAIRPERSON HILL: All right. Oh, Mr. Shapiro?

5 COMMISSIONER SHAPIRO: I appreciate they will do it.
6 I don't see that -- I'm maybe missing it in the ANC letter,
7 I don't see that request.

8 VICE CHAIR HART: Mr. Shapiro, it's the first --

9 COMMISSIONER SHAPIRO: Oh, there it is. Okay. I'm
10 fine. Thank you. Paragraph, I got it.

11 CHAIRPERSON HILL: Thank you. Is there anyone here
12 from the ANC?

13 Is there anyone here wishing to speak in support?
14 Is there anyone here wishing to speak in opposition?

15 All right. Would the Applicant like to say anything
16 else in closing?

17 MR. KEYS: Yes, Mr. Chairman. There's one nuance
18 that I think we would appreciate that the order acknowledge,
19 and that is that the number of required parking spaces for
20 this conversion is two. There's a requirement of one parking
21 space for every two units, and so since we're three units,
22 we're going to be providing two spaces.

23 However, there's room in the back, potentially, for
24 three, because it's a 30-foot wide lot, presumably, you could
25 get three parking spaces across the back.

1 It's not clear that that's going to be a comfortable
2 maneuvering situation. And so we'd simply like the order to
3 reflect the fact that the Applicant needs to provide two
4 spaces. If we can get three in, we will.

5 CHAIRPERSON HILL: Ms. Vitale, does that change
6 anything in terms of the order? It doesn't, right?

7 MS. VITALE: No, the Applicant would conform to the
8 parking required under Subtitle C, so they can certainly
9 provide more spaces if they're able to, but they would meet
10 that minimum requirement.

11 CHAIRPERSON HILL: So Mr. Keys, we don't have to do
12 anything.

13 MR. KEYS: No, but I noticed the ANC order
14 references three parking spaces, and I didn't want that to be
15 a condition of the order.

16 COMMISSIONER SHAPIRO: They're not adding that as a
17 condition, they're just -- that's their interpretation of
18 what is required.

19 CHAIRPERSON HILL: Yes, it doesn't say anything
20 about three parking spaces. It says, the Commission asked
21 the BZA to require the Applicant to use a permeable surface
22 for the proposed parking area. It doesn't say anything about
23 three spaces.

24 MR. KEYS: It does so later, in the third paragraph.
25 Second sentence of the third paragraph.

1 VICE CHAIR HART: Mr. Chair, I don't think we would
2 be necessitating any more than what is --

3 CHAIRPERSON HILL: Agreed.

4 VICE CHAIR HART: -- required under the zoning, so
5 --

6 CHAIRPERSON HILL: I would just be taking that first
7 condition.

8 MR. KEYS: That's okay. That's fine. Thank you.

9 CHAIRPERSON HILL: Okay. Thank you.

10 SECRETARY MOY: Mr. Chair?

11 CHAIRPERSON HILL: Sure, of course.

12 SECRETARY MOY: If I can interject for a second,
13 since this came up, the drawings under Exhibit A on the site
14 plan shows three parking spaces, so I don't know if that's
15 going to disrupt your discussion here or not.

16 VICE CHAIR HART: Mr. Moy, you're just -- the
17 drawings show that there are three parking spaces. What we
18 are approving is what are on the drawings, but we are not
19 specifically requiring the Applicant to provide three parking
20 spaces. That's what they've said that they are going to
21 have. We are only required to -- they are only required to
22 have two spaces, so I mean, I think that having this is fine.
23 This is kind of the more conservative -- they are trying to
24 get the three parking spaces in. If they can do that, that's
25 fine. I don't think that that's our -- I don't think we

1 would be saying that they can't do that, you know, that they
2 have to, that if they do two, that they have to come back to
3 us.

4 SECRETARY MOY: I understand. I just wanted to have
5 this discussion on the transcript.

6 VICE CHAIR HART: That's fine.

7 CHAIRPERSON HILL: Okay, so to provide clarity, I've
8 got three if you can do it, two if you -- you know, the
9 requirement is the two. And so -- and the only condition
10 that I'm going to say that the Board reads into the record
11 again is the pervious surface.

12 And so Ms. White?

13 MEMBER WHITE: Just for the record, I just want to
14 get some final feedback from you on the feedback that you've
15 gotten from adjoining neighbors. Has it been supportive? I
16 know the ANC has approved it. Or supported it. But there
17 are no letters of support or opposition. You know, there
18 might be some people in the audience, but.

19 MR. HABER: I own 911 Webster, next door, that's a
20 three-unit as well, and 907 Webster is also a three-unit. So
21 909 was the only one that wasn't a three-unit.

22 CHAIRPERSON HILL: Okay. All right. I'm going to go
23 ahead and close the hearing.

24 Is the Board ready to deliberate?

25 Okay. I can start. I -- I mean, I didn't have any

1 particular issues with the case, on its face, and I thought
2 that the Office of Planning provided further clarity as to
3 how this meets the criteria in order for us to grant the
4 relief.

5 Does anyone have any other questions or comments
6 before I make a motion?

7 VICE CHAIR HART: The only comment is, Mr. Chair,
8 that I don't know, I find this to be a very handsome
9 building. So I think it's a good job, and I also would
10 support the application.

11 CHAIRPERSON HILL: Wow, that's a compliment right
12 there.

13 Okay. Anyone else? All right. Okay. Then I'm
14 going to go ahead and make a motion to approve Application
15 No. 19611, as read by the Secretary, including the condition
16 that the Applicant use a permeable surface for the proposed
17 parking provided.

18 And ask for a second?

19 COMMISSIONER SHAPIRO: Second.

20 CHAIRPERSON HILL: Motion made and seconded. All
21 those in favor?

22 (A chorus of ayes.)

23 All those opposed?

24 (No response.)

25 The motion passes. Mr. Moy.

1 SECRETARY MOY: Staff would record the vote as 4 to
2 0 to 1. This is on the motion of Chairman Hill to approve
3 the application for the relief being requested, along with
4 one condition, as he stated into the record.

5 Seconding the motion, Mr. Peter Shapiro. Also in
6 support, Ms. White, Vice Chair Hart, we have a board seat
7 vacant. Motion carries.

8 CHAIRPERSON HILL: All right. Thank you. Summary
9 order?

10 SECRETARY MOY: Thank you.

11 CHAIRPERSON HILL: People are just like getting up
12 to rock, like, okay, we're done, we're out.

13 (Laughter.)

14 All right. Okay. Enjoy your lunch. I hope we have
15 some as well, one day.

16 Mr. Moy, did I mention a summary order?

17 SECRETARY MOY: I believe you did.

18 CHAIRPERSON HILL: Okay. All right. Great.

19 SECRETARY MOY: Yes, according to my notes.

20 CHAIRPERSON HILL: Okay, great. Thank you.

21 All right, Mr. Moy, whenever you're ready.

22 SECRETARY MOY: All right, if we could have the
23 Applicant to the table to Application No. 19615 of Gabriela
24 Maglione, I believe.

25 This application was amended for special exception

1 under the use provisions, Subtitle U, Section 513.1(n) and
2 pursuant to 11 DCMR Subtitle X, Chapter 10, variance from the
3 separation from the residential use requirements, Subtitle U,
4 Section 513.1(a)(2).

5 This would permit a dog grooming business on the
6 ground floor of an existing commercial building, MU-4 zone,
7 1408 9th Street, N.W., Square 366, Lot 801.

8 CHAIRPERSON HILL: Okay. Good afternoon. If you
9 could introduce yourself, please?

10 MS. MAGLIONE: Yes. My name is Gabriela Maglione,
11 and I live at 2027 Adam Place, N.W., D.C.

12 CHAIRPERSON HILL: Okay. All right. Ms. Maglione,
13 I guess there seems to be again a little bit of confusion,
14 perhaps, as to what is being asked for in terms of with you
15 and -- is this a trend, today, Mr. Moy? Is everyone going to
16 be like this?

17 SECRETARY MOY: It's -- maybe one more.

18 CHAIRPERSON HILL: Okay.

19 (Laughter.)

20 Because I'm totally happy if somebody wants this
21 job, if every time, this is going to happen.

22 So, okay, we'll go ahead and start going through
23 your presentation and try to figure this out, the Office of
24 Planning and everyone else.

25 And so -- and I guess there's a preliminary matter

1 that's being pointed to here. Oh, yeah, okay. The
2 preliminary matter, Mr. Moy, there's a preliminary matter?

3 SECRETARY MOY: I --

4 CHAIRPERSON HILL: It said --

5 SECRETARY MOY: I --

6 CHAIRPERSON HILL: The Vice Chair is pointing out,
7 he had a request to waive the 21-day deadline and notice
8 requirements?

9 SECRETARY MOY: Yes, there's a waiver in the record.
10 Under Exhibit 42.

11 CHAIRPERSON HILL: Okay. I don't have any issue
12 waiving that. Does the Board have any issue waiving that?

13 Okay, all right. So Mr. Moy, we're going to go
14 ahead and waive that deadline --

15 SECRETARY MOY: Thank you.

16 CHAIRPERSON HILL: -- and notice requirements.
17 Thank you, Mr. Hart.

18 All right. So Ms. Maglione, if you can go ahead and
19 just again start your presentation, tell us a little bit
20 about what you're trying to do, and I know you're not -- I'm
21 assuming you're not a zoning attorney, but kind of tell us
22 how you are finding that you're meeting the criteria
23 necessary for us to grant the relief that you're requesting.
24 And then I'll also turn to the Office of Planning to help
25 clarify what that relief is. And we'll see how we go from

1 there. Okay? So you can begin. And I'll put ten minutes on
2 the clock just so I know where we are. And you can start
3 whenever you like.

4 MS. MAGLIONE: Okay. Yeah, my proposed business is
5 at 1408, as you can see, 9th Street there. And it's a very
6 small building in which I'm trying to open a dog grooming
7 business. This building has been empty for roughly 11 years,
8 and I filled out -- I tried to get a C of O, and I was
9 notified that I needed a special exception. So I went
10 through with everything that I was supposed to submit, and
11 then later in the case we found out that I also need a
12 variance.

13 The building, it is not around any kind of
14 residence, and the only -- I think the only issue with the
15 variance was that I had a neighbor upstairs, and it's -- we
16 actually, actually there is an issue with the noise, too,
17 from -- for the neighbor upstairs, which, in fact, we
18 actually ran a test, a sound test, which the neighbor said,
19 he didn't find any issue with my business being run in the
20 first floor. He couldn't hear anything.

21 Actually going through all of these, I have support
22 from all my neighbors, I actually, before starting the
23 process, I went knocking door by door, around the
24 neighborhood, and everybody signed a petition, everybody who
25 I found, who were at home or in their business, they signed

1 a petition on my support.

2 I actually -- my direct neighbors, the two upstairs,
3 they actually have a letter of support for me, beside the
4 letter of the test sound -- the sound test. I actually went
5 through the CDC, ANC, and I got letters -- I mean, I got,
6 they support, too. They actually have three conditions which
7 I am happy to go with. That is, no dogs are going to be
8 boarded in the place, that the trash is going to be kept
9 inside until the day it's to be collected, and the third one,
10 I don't recall -- I don't recall it here, but --

11 CHAIRPERSON HILL: That's okay. So there was one
12 submission to the record of the findings of the person that
13 conducted the sound test on the second floor apartment
14 directly above the proposed use?

15 MS. MAGLIONE: Yes.

16 CHAIRPERSON HILL: So you did put that into the
17 record?

18 MS. MAGLIONE: Yes. Yes. It's actually, I think,
19 it's in one of the last ones, I mean, the last submissions
20 that I've done, I think it's 42, Exhibit 42, or -- no, it's
21 39.

22 CHAIRPERSON HILL: Thirty-seven?

23 VICE CHAIR HART: I see 37.

24 MS. MAGLIONE: Thirty-seven. You're right, you're
25 right, you're right.

1 VICE CHAIR HART: A sound test was conducted --

2 MS. MAGLIONE: Yes. Yes.

3 VICE CHAIR HART: -- today during which all the
4 equipment, and blah blah blah --

5 MS. MAGLIONE: Yes. Yes, that's handwritten from my
6 neighbor. Yes.

7 CHAIRPERSON HILL: Okay.

8 MS. MAGLIONE: And --

9 CHAIRPERSON HILL: We'll see if that's enough for
10 OP. I don't know. Okay.

11 MS. MAGLIONE: Okay. And then, I actually have
12 approval for the ANC. The Office of Planning also have some
13 conditions which I am happy to go with, and it's not in the
14 record, but I actually reached to Mr. Alex Padro, too, who
15 was happy with the idea.

16 CHAIRPERSON HILL: Chairman Padro is a busy guy
17 today. Okay. I did have a quick question for you.

18 It has been brought to our attention from the Office
19 of the Attorney General that like, the application for the
20 variance relief is undue hardship on the owner of the
21 property, and not necessarily the tenant. You don't own the
22 property, correct?

23 MS. MAGLIONE: No, I don't.

24 CHAIRPERSON HILL: So are you here representing the
25 owner?

1 MS. MAGLIONE: Yes.

2 CHAIRPERSON HILL: Do you have --

3 MS. MAGLIONE: I actually have a representation
4 letter.

5 CHAIRPERSON HILL: Okay.

6 MS. MAGLIONE: A representation letter that is
7 Exhibit 39. I actually didn't submit that before, because
8 though I have it, as you can see, it's dated back in the
9 moment when I started the application, for when I filed it,
10 it was an exception, it didn't ask -- I mean, I didn't have
11 a slot in which I could download that. So I was informed
12 later that I was missing that, and I submitted it as soon as
13 they let me know that I needed it.

14 CHAIRPERSON HILL: Okay. Thank you. All right.
15 Does the Board have any questions for the Applicant?

16 MEMBER WHITE: Just one question. I appreciate that
17 you did some tests on the noise levels, but you're not doing
18 boarding, so there's no need to --

19 MS. MAGLIONE: No. Yes, exactly.

20 MEMBER WHITE: You're not going to have multiple
21 dogs in there at one --

22 MS. MAGLIONE: Yes.

23 MEMBER WHITE: You're going to have one at a time.

24 MS. MAGLIONE: Yes, I think because, I think because
25 a lot of people do not know a lot about animal business, they

1 put everything together with doggie day care and boarding and
2 grooming. But the dog grooming is different, and we are not
3 supposed to hold dogs for more than one to three hours, which
4 is like the time of an appointment.

5 MEMBER WHITE: Yes.

6 MS. MAGLIONE: Actually, that's a big difference.

7 MEMBER WHITE: Thank you.

8 MS. MAGLIONE: Thank you for asking.

9 CHAIRPERSON HILL: All right, great. I'm going to
10 go ahead and turn to the Office of Planning.

11 MR. MORDFIN: Good morning. I'm Stephen Mordfin
12 with the Office of Planning and the Office of Planning
13 supports this application finding that it is in conformance
14 with all of the criteria necessary for dog grooming with the
15 exception of one of the criteria for which the Applicant did
16 apply for a variance. And the Office of Planning also
17 supports that variance in that it would not adversely affect
18 any of the neighbors because the Applicant did submit a test
19 study, but also more importantly I think the person living
20 upstairs from whose apartment they had to do that test has
21 submitted letters in support of the application indicating
22 that we don't see that this would have an adverse effect on
23 the person that lives directly above the space.

24 I heard your comment that the practical difficulty
25 should be relating more to the Applicant rather than, I

1 guess, the building or the building owner. So in that case,
2 although we do find it would adversely affect the building,
3 if there were a variance -- if this variance were not granted
4 and we do see the practical difficulty, but it also, it
5 limits in this neighborhood the ability to find spaces in
6 which to locate something where you don't have somebody
7 living directly above. Most of the buildings in this
8 neighborhood are older, although I am aware there are brand
9 new buildings across the street, but I think that that also
10 in the case of dog grooming which is not animal boarding or
11 other things, it is a much quieter use. You don't have
12 multiple animals there playing together and things like that.
13 And so I think that creates a difficulty for this Applicant
14 to be able to find a location in this part of the city where
15 you would be able to comply with that easily, especially when
16 the use is not generating the amount of noise that was
17 anticipated when we put together the regulations for animal
18 boarding.

19 So the Office of Planning continues to support this
20 application, subject to the conditions, the five conditions
21 on the front page which the Applicant has agreed with and
22 which the ANC also has recommended. Thank you.

23 VICE CHAIR HART: Mr. Mordfin, when the Office of
24 the Attorney General kind of gave us this -- some kind of a
25 heads up, I guess, about the variance test relief that relies

1 on the undue hardship of the property owner, and I understand
2 that Ms. Maglione is representing the property owner or has
3 been given the authority to do that. But I still am trying
4 to kind of understand this a little bit more.

5 This is a commercial space. The commercial space
6 could be another -- it could be another business. It does
7 not have to be this business. And so how is it that it is an
8 undue hardship on the property owner? I understand how it
9 would be an undue hardship on Ms. Maglione, but the property
10 owner themselves, it doesn't seem that -- it seems that they
11 have other options and dog grooming is -- may not be one of
12 those options, but there are quite a number of other things
13 that they could do. So how do we get past that part of this?

14 MR. MORDFIN: I agree there are other things they
15 could probably do. I think in every BZA application there
16 are other things that they could do. So I think that we have
17 to look at this in terms of what types of uses are proposed
18 in different places and that are to support the District of
19 Columbia and our communities.

20 In this case, it is a commercial space, like you
21 said, and could be used for anything else, but in this case
22 this use also is not likely to adversely affect the
23 residential component of this building. And so then it would
24 also be a practical difficulty on the owner in finding
25 somebody to occupy this space because we're limiting -- we're

1 further limiting the uses that could in there when this one
2 really doesn't create an adverse effect on the resident that
3 lives directly above who has submitted a letter who did let
4 the people into his apartment to do the test. So I don't see
5 that this is not a practical difficult for the owner.

6 VICE CHAIR HART: I mean I understand the public
7 good aspect of it. I understand the substantial harm aspect
8 of the zoning regulations, but the practical difficulty piece
9 is still one that I'm -- I don't think I have enough
10 information to be able to kind of get there.

11 I think, Ms. Maglione, you described that the
12 building had been empty for 11 years?

13 MS. MAGLIONE: Yes.

14 VICE CHAIR HART: Or at least this commercial space
15 had been empty for that long.

16 MS. MAGLIONE: Yes.

17 VICE CHAIR HART: Do you have an understanding as to
18 why it has been empty for that long? What I'm trying to get
19 to is there's some issue about this particular space that is
20 -- you know, I don't know if it was because the owner decided
21 that they weren't advertising it well or they weren't -- is
22 it the size of it? I don't know what it was actually used
23 for previously.

24 MS. MAGLIONE: I don't know exactly what it may have
25 been used for before. I suspect, actually, myself, that it

1 may have been a hairdressing salon, or something, a barber
2 shop, because there's a lot of plants around the walls and I
3 think maybe one of the reasons why it wasn't rented for so
4 long is because it's too small. It's around 600 square feet,
5 but workable space, it's like 500 square feet. I didn't
6 quantify, but it takes -- the whole building is like 1800 and
7 is divided in 3, so I have the stairs and I have the
8 machines, storage, and a bathroom. So basically workable
9 space, it's really small. So it could have been one of the
10 reasons, but I cannot tell you 100 percent sure why.

11 VICE CHAIR HART: Thank you.

12 CHAIRPERSON HILL: Okay, anyone else with the Office
13 of Planning? Ms. Maglione. How do you say it?

14 MS. MAGLIONE: Maglione.

15 CHAIRPERSON HILL: Maglione. Do you have any
16 questions for the Office of Planning?

17 MS. MAGLIONE: No.

18 CHAIRPERSON HILL: Okay. Is anyone here wishing to
19 speak from the ANC? Is anyone here wishing to speak in
20 support? Is there anyone here wishing to speak in
21 opposition? Okay.

22 Does anyone else have anything else for this
23 Applicant again? Okay.

24 Do you have anything else you'd like to add?

25 MS. MAGLIONE: No.

1 CHAIRPERSON HILL: Okay. One thing, with the Office
2 of Planning, actually, there was -- you had a condition
3 concerning a late fee and I guess after kind of thinking
4 about, it seems like the late fee would be a little difficult
5 to enforce and so I wasn't necessarily thinking that the late
6 fee would be something that we would add into a condition if
7 we did, in fact, get to the point we're approving this. Any
8 comment from the Office of Planning on that?

9 MR. MORDFIN: I agree with you. It would be
10 difficult to enforce for DCRA.

11 CHAIRPERSON HILL: Okay. Okay. And then you
12 already did submit into the record about the sound test on
13 the second floor, so that's already in there.

14 MS. MAGLIONE: Yes.

15 CHAIRPERSON HILL: Okay, so the only conditions that
16 again had been -- that are remaining again are the no more
17 than eight dogs shall be on the premises at any one time.
18 You're agreeing with this?

19 MS. MAGLIONE: Yes.

20 CHAIRPERSON HILL: No animal boarding shall be
21 permitted.

22 MS. MAGLIONE: Yes.

23 CHAIRPERSON HILL: And then all pet waste shall be
24 stored inside except on collection days.

25 MS. MAGLIONE: Sure.

1 CHAIRPERSON HILL: Okay. Ms. White?

2 MEMBER WHITE: One question. Going back to the
3 sound issue again. Let's say you have eight dogs in a very
4 small space. One of the reasons why I'm considering looking
5 at the variance is because of the unusual size of the
6 facility. And you've already indicated that it's an
7 extremely small space. So do you think eight dogs is too
8 much?

9 MS. MAGLIONE: I actually think eight dogs counting
10 the dogs that are waiting to be picked up, the dog then is on
11 the top, and the dog then could be on the table. So it's
12 like a total amount of dogs then could be inside -- not that
13 I'm actually having those dogs. Some of those eight dogs are
14 ready to go out, are ready to go home. But a total at the
15 same time could be that.

16 Thinking about the size of my business, I actually
17 was thinking in restricting a little bit the size of the dogs
18 to like put some kind of restriction for me, for myself, to
19 put like some -- not to get like very big dogs because then
20 that will reduce the number of dogs that I could have in
21 there.

22 MEMBER WHITE: Okay, just a thought.

23 CHAIRPERSON HILL: Okay, great. All right, I'm
24 going to close the hearing. Mr. Moy, are you ready to
25 deliberate? Okay.

1 I can start. There was a little bit of a struggle
2 for me, I suppose in terms of getting to the variance issue.
3 I wanted to get through the Applicant and the ownership
4 issue. I think that it is not something that I would
5 necessarily agree with all the time. However, I think that
6 the clarity that the Office of Planning has provided in terms
7 of how this particular case is meeting the standards for the
8 variance, I would agree with.

9 Does anyone have any other thoughts?

10 VICE CHAIR HART: Yes, Mr. Chairman. I think that
11 the testimony that Ms. Maglione provided is helpful in
12 understanding this is a -- the owner has had a vacant space
13 for 11 years. In that time frame, we're not sure what they
14 were looking to do during that time frame, but we do know it
15 wasn't used then.

16 And I think that understanding the size of this
17 space which sounds like there were some issues with the size
18 connected in some ways to the ability for someone to be able
19 to actually rent the space out. It wasn't large enough for
20 people to actually want to use. I think again connected to
21 that hardship that the owner would have for the project.

22 I mean I can be in support of it. I didn't have an
23 issue with the actual use. I thought that was fine. I
24 appreciate the care in which you have, Ms. Maglione, you've
25 gone to talk to and reach out to the people that are in the

1 building to understand if there is any impacts to them. And
2 I think that they appreciate that as well or will if we
3 approve this. But I was stuck on that one aspect of the
4 zoning regulations. I think that the testimony that you've
5 given has helped me to understand that a little bit better
6 and I could support the application.

7 MS. MAGLIONE: Thank you.

8 CHAIRPERSON HILL: Anyone else?

9 COMMISSIONER SHAPIRO: Mr. Chair, I concur with you
10 and my colleagues, and I'm struggling with the same thing
11 around this application for the practical difficulty.
12 Practical difficulty doesn't mean that there are no other
13 potential uses. It just means that it is a -- if I'm
14 understanding this correctly, that it is difficult to find
15 the kind, to find uses in that space because of the size.
16 That's what we're saying. So it's not impossible to find
17 another use, it's just practically difficult to find another
18 use. So that helps me be okay with this prong of the three-
19 prong test. And I will leave it at that.

20 VICE CHAIR HART: And I think, Mr. Chairman, I would
21 concur with Mr. Shapiro about that. And I think that that's
22 what I was also saying about the 11 years. They've been --
23 this thing has kind of sat empty for that period of time. So
24 to me, that kind of -- there is something that is going on
25 there.

1 COMMISSIONER SHAPIRO: It's a demonstration of
2 practical difficulty.

3 VICE CHAIR HART: Demonstration -- exactly.
4 Exactly. That's why I was appreciative of the testimony.

5 COMMISSIONER SHAPIRO: I'm comfortable with that.

6 MS. MAGLIONE: I just want to say that Mr. Padro was
7 really, really happy when he got to know that that building
8 would be used.

9 COMMISSIONER SHAPIRO: That's the fourth prong of
10 the test.

11 CHAIRPERSON HILL: Okay, okay. Ms. White?

12 MEMBER WHITE: I concur with my colleagues. I mean
13 the variance test is challenging to meet those tests, but
14 given the facts that you've presented, the narrowness of the
15 building, the fact that it's been basically not used for 11
16 years, and -- but especially because it's not posing a
17 detriment to the community. And it doesn't appear to be
18 contradictory to any of the zoning regulations. I feel as
19 though I can support it as well.

20 With the conditions, you may need to make some
21 adjustments once you get started in terms of the size and the
22 number of dogs, but I think the conditions as stated here, I
23 could get behind. So I think you've met the criteria for
24 variance and special exception for Application 19615.

25 MS. MAGLIONE: Thank you.

1 CHAIRPERSON HILL: Okay. Great. Thank you. And I
2 appreciate all the input from my colleagues because that
3 helped clarify again the practical difficulties as to how
4 we're getting to that and thank you, Commissioner Shapiro,
5 and everyone here.

6 So I'm going to go ahead and make a motion to
7 approve Application 19615 as read by the Secretary and ask
8 for a second.

9 MEMBER WHITE: Second. With the conditions?

10 CHAIRPERSON HILL: Sorry, sorry. Let me start this
11 again. I'm going to make a motion to approve Application
12 19615, as read by the Secretary, including the conditions
13 that we had clarified throughout the hearing, and ask for a
14 second.

15 MEMBER WHITE: Second.

16 CHAIRPERSON HILL: Motion has been made and
17 seconded. All those in favor?

18 (Chorus of ayes.)

19 All those opposed?

20 (No response.)

21 Motion passes. Motion passed, Mr. Moy?

22 SECRETARY MOY: Staff would record the vote as 4 to
23 0 to 1. This is on the motion of Chairman Hill to approve
24 the application for the relief being requested, along with
25 the three conditions, the first three conditions from the OP

1 report. Seconding the motion, Ms. White; also in support Mr.
2 Peter Shapiro, Vice Chair Hart. With a board seat vacant,
3 the motion carries.

4 CHAIRPERSON HILL: Okay, summary order, Mr. Moy?

5 SECRETARY MOY: Thank you, sir.

6 CHAIRPERSON HILL: Thank you. Thank you,
7 congratulations.

8 MS. MAGLIONE: Thank you.

9 COMMISSIONER SHAPIRO: Mr. Chair, could I -- I don't
10 have it in front of me, but we pulled one of the conditions
11 off, so that means there are three conditions left?

12 CHAIRPERSON HILL: Yes, there were just --

13 MS. MAGLIONE: The one that was not enforceable --

14 CHAIRPERSON HILL: -- the three that were there
15 again, were the ones that I did read during the hearing which
16 was "no more than eight dogs shall" and that the Applicant
17 did agree to which was "no more than eight dogs shall be on
18 the premises at any one time. No animal boarding shall be
19 permitted. And all waste shall be stored inside except on
20 collection days." The other one, the number four was taken
21 off because of the inability to enforcement or difficulty for
22 enforcement. And then the last, the Applicant had already
23 done.

24 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.

25 CHAIRPERSON HILL: Those three. Okay, great.

1 MS. MAGLIONE: Thank you.

2 SECRETARY MOY: All right, Mr. Chairman, I believe
3 the case is Application 19620, Petit Scholars West End LLC.
4 I am going to read what was originally captioned and
5 advertised. This was for a special exception under the use
6 provisions of Subtitle U Section 401.1(c) permitting a child
7 development center with greater than 25 individuals in the
8 MU-4 Zone at 2066 Rhode Island Avenue, N.E., Square 4219, Lot
9 823. I would propose, Mr. Chairman, that depending on the
10 Board's deliberation, that the other appropriate relief may
11 be, as being proposed by the Office of Planning, is it's a
12 special exception under Subtitle U, Section 512.1(c) and
13 513(n) for a maximum of 39 children and 12 staff, I believe.

14 CHAIRPERSON HILL: All right, thank you, Mr. Moy.
15 Good afternoon, if you could please introduce yourself.

16 MS. HAM-CAMPBELL: Yes, my name is LaShanda Ham-
17 Campbell and I am the owner of Petit Scholars.

18 CHAIRPERSON HILL: Okay. All right, Ms. Campbell,
19 I'm going to go ahead and let you go through your
20 presentation in terms of how -- what you're trying to do and
21 also how you're meeting the criteria for us to approve the
22 relief.

23 There are a few questions that I'm going to have
24 again for the Office of Planning in terms of what it is we're
25 doing, but maybe you can provide clarity also as you kind of

1 go through your presentation.

2 One thing I will note in terms of the conditions
3 that the Office of Planning had, and you can also mention the
4 ones from the Office of Planning as well as the conditions
5 from DDOT, is that we'll probably again use language as we
6 did to a similar one today wherein it's kind of a not to
7 exceed operating hours rather than the strict application of
8 those hours in case you wanted to start earlier or stop
9 earlier or something like that. So that being the case, does
10 anyone else have anything in particular they'd like to hear
11 from the Applicant before she begins? Okay.

12 So Ms. Campbell, you can begin whenever you like and
13 I'll put ten minutes on the clock. Thank you.

14 MS. HAM-CAMPBELL: Good afternoon.

15 CHAIRPERSON HILL: Did you get sworn in? Just real
16 quick. I'm sorry.

17 MS. HAM-CAMPBELL: I did the general swearing in.
18 Should I be sworn in?

19 CHAIRPERSON HILL: The general swearing in? This
20 morning?

21 MS. HAM-CAMPBELL: Yes. Like if you were going to
22 testify.

23 CHAIRPERSON HILL: This morning? Then that's it.
24 Okay, great.

25 MS. HAM-CAMPBELL: Yes, it's Petit Scholars. It's

1 open and operating at 2666 Rhode Island Avenue, N.E. We
2 received a temporary Certificate of Occupancy to proceed with
3 the child care and development center and currently we're
4 limited to a total capacity of 25 and the exception would
5 allow us to reach the capacity that has already been approved
6 by the Office of the State Superintendent of Education for
7 the space for 49, and 49 being the maximum that could be
8 allowed through the relief and currently, even prior to the
9 exception being required, we were at the capacity of 50 per
10 the OSSE review. So OSSE literally comes in, measures the
11 space, and decides how many infants and toddlers are
12 permitted within the space, based upon the regulations for
13 child care.

14 I believe the exceptions that we needed to meet were
15 in reference to -- well, just to give a little bit of
16 background about the program, this is the third Petit
17 Scholars location within five years and they're all within a
18 one-mile radius, so there is a definite need for child care
19 in the community and we're providing excellent child care.
20 And I would say that in regards to being nominated and
21 winning as per families voting in the Washington City Paper,
22 we were best. We were voted the best child care as
23 acknowledged in the Washington City Paper. So not only are
24 we providing care and meeting a need of the community, we're
25 doing so exceptionally well per the constituents of our

1 program.

2 Within the limitation, there was regards to noise,
3 parking, and I think just nuisance and parking. So in
4 regards to parking, the block that we're located on does not
5 have regulated parking, so although it's Rhode Island Avenue,
6 and generally, you can't park during rush hour with inboard
7 and outbound on both sides, because of previous businesses
8 that were existing, that block is unregulated. So our
9 families can park 24 hours a day unrestricted and drop off
10 and pick up their infants and toddlers.

11 And then the buildings that are on the left and
12 right of us, one is a church, who's operating hours don't
13 coincide with ours, and the other is a barbershop and we
14 don't impact their business in regards to meeting the
15 criteria for the relief of the exception or meeting the
16 exception.

17 CHAIRPERSON HILL: Okay, I want to get some
18 information from the Office of Planning. But does the Board
19 have any questions for the Applicant at this time? Okay,
20 then I'm going to turn to the Office of Planning.

21 MS. MYERS: Good afternoon, Crystal Myers for the
22 Office of Planning. The Office of Planning is recommending
23 approval of this case, but would note that the case was
24 originally referred -- well, the Zoning Administrator
25 originally referred this case for relief under U 401.1(c)

1 which is a special exception under the RA zone. And although
2 all the RA zone uses are permitted under the MU zone, the
3 Office of Planning feels that it would be more appropriate
4 for this case to request relief under the MU zone special
5 exceptions, because this is an MU zone property, the
6 difference being that under the RA zone, it was a child
7 development center of more than 25 children. And under the
8 MU zone, it would instead be a daytime care use for more than
9 20 persons.

10 However, the analysis is exactly the same, so we are
11 comfortable standing on the record of our staff report for
12 either. However, we think that it would be more appropriate
13 for the relief to come from the MU zone special exception
14 rather than the RA zone special exception. But otherwise,
15 Office of Planning stands on the record of the staff report.

16 CHAIRPERSON HILL: Sure, please. Go ahead, Mr.
17 Shapiro.

18 COMMISSIONER SHAPIRO: I'm just confused as to
19 whether your sense is there was an error made or this was a
20 difference in interpretation?

21 MS. MYERS: It may be a difference of
22 interpretation. We did try multiple times to contact the
23 Zoning Administrator's office and staff and as you all
24 probably are very well aware, they have a whole lot going on.
25 They're very busy and it was very difficult to get a final

1 response about this, which is why in our report we said that
2 the analysis can go for either, but just to keep things as
3 clean as possible, we thought that since this is an MU zone
4 property, a special exception under MU zone would be clearer.
5 However, if the Board feels differently and would like to
6 continue under what the ZA's office originally recommended,
7 we are comfortable with that as well. But we're just
8 recommending looking at it from the MU zone special
9 exception.

10 COMMISSIONER SHAPIRO: Mr. Chair, if I may follow
11 up? A question for us, is it appropriate for us, do we have
12 a history of approving relief, granting relief for either
13 one?

14 MS. MYERS: Oh, you mean as in granting relief --

15 COMMISSIONER SHAPIRO: I'm thinking more for our
16 providence. Is it appropriate or inappropriate to say that
17 we would grant relief for either one of these special
18 exceptions, depending on how it's interpreted by the --

19 MS. MYERS: My understanding is that you would need
20 to choose which one, so that's why the Office of Planning
21 wrote a report. I guess our report could work for either,
22 but I think when the Board makes a decision they'll have to
23 decide. You will have to decide on one or the other.

24 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

25 CHAIRPERSON HILL: Okay, anyone else for the Office

1 of Planning?

2 I just have a question. So you're speaking to
3 Subtitle U 512.1(c) and Subtitle U 513.1(n)?

4 MS. MYERS: Correct. So the requirement is under
5 512.1(c), but the special exception review criteria under the
6 MU zone is 513.1(n).

7 CHAIRPERSON HILL: Okay. And is it 49 children and
8 12 staff persons? Because there's different numbers in
9 different places.

10 MS. MYERS: It's a total capacity of 49.

11 CHAIRPERSON HILL: Well, what I was understanding
12 was it's -- it not necessarily staff people. It's actually
13 that's how many children would be allowed.

14 MS. MYERS: So the condition that we have says the
15 maximum number of children would be 39, but if we'd like to
16 change that to 49. I believe the capacity of the building
17 itself for individuals or persons was something like 49 or
18 50. But we wanted to specify just the children number.

19 CHAIRPERSON HILL: Right, so the children number is
20 39, okay. And then you get 10 people to get you to the 49?

21 MS. HAM-CAMPBELL: The ten are staff.

22 CHAIRPERSON HILL: Okay. Because I've got 12 here
23 somewhere for staff people. So you're comfortable with the
24 49 then?

25 MS. HAM-CAMPBELL: Correct.

1 CHAIRPERSON HILL: Okay. That's a good ratio. Okay,
2 all right. Does anyone have any further questions for the
3 Office of Planning?

4 COMMISSIONER SHAPIRO: Real quick, Mr. Chair. I
5 think we have a similar question, issue from the previous
6 case which is that we would -- if we approve this, we would
7 want to have the description of the hours be a not to exceed,
8 rather than a requirement to open and close at specific
9 times.

10 CHAIRPERSON HILL: Yes. I will clarify that again
11 as we kind of go through that, but thank you.

12 Okay, all right. Do you have any questions for the
13 Office of Planning?

14 MS. HAM-CAMPBELL: I do not.

15 CHAIRPERSON HILL: Okay. Is there anyone from the
16 ANC? Is there anyone here who wishes to speak in support?
17 Oh, please come forward.

18 Did you get sworn in earlier this morning? Okay.
19 When you sit down, please introduce yourself and Mr. Moy,
20 thank you for putting three minutes on there. You'll have
21 three minutes to present your testimony. What's your name,
22 please?

23 MS. REESE: Hi. My name is Audrey Reese and I live
24 at 2018 Jackson Street, N.E.

25 CHAIRPERSON HILL: Okay, great. All right, Ms.

1 Reese, you can begin whenever you like.

2 MS. REESE: Thank you. So I've moved to that home
3 about a year and a half ago and since then I met a lot of
4 neighborhood families who had children who went to Petit
5 Scholars and all had really positive things to say, so I was
6 obviously really pleased to hear about the plans for the new
7 center at 2066 Rhode Island because my home is directly
8 behind the center. So my front door looks at the back door
9 of that building, due to the angle of Rhode Island Avenue
10 there.

11 So surprised to hear that there was a need for a
12 special exception because I did see the space and it was
13 clearly very large, so it seemed plenty large for the
14 proposed number of people. So I wanted to come today just to
15 talk a little bit about my belief in neighborhood schools and
16 childcare centers.

17 I send my pre-school age son to our in-boundary
18 neighborhood DCPS and I also have an almost 18-month-old
19 daughter and I live and work in the same neighborhood, but
20 unfortunately, I was driving her to a different daycare
21 center because I didn't find one that met our needs locally.
22 So the exception would definitely allow my daughter to have
23 high quality child care that's extremely walkable to our
24 home.

25 And then aside from my personal reasons, I think the

1 daycare center will be very positive for the neighborhood.
2 There's a Rhode Island Main Street Revitalization project
3 going on in our area and I think the local businesses will
4 gain support of families coming to the center on those week
5 days for drop off and pick up.

6 I did go around to my neighbors and the neighbors in
7 the 2000 block of Jackson Street, N.E. do agree and I
8 submitted something in September with some support of
9 signatures of eight people who live within the block who
10 thought that the daycare center would be really positive for
11 our neighborhood.

12 And the last thing I wanted to say is that Petit
13 Scholars uses the neighborhood as a classroom, so since the
14 center has opened since the beginning of November, I know
15 that my daughter has almost daily been to the neighborhood
16 library and parks. So again, I can't think of more positive
17 thing for our neighborhood. So I would just urge you to
18 support this exception. Thank you.

19 CHAIRPERSON HILL: Okay, great. Thank you. Ms.
20 Reese, thanks for coming down and spending so much time here
21 to give positive testimony. It's helpful for us to hear from
22 the people both in support and in opposition. So it's nice of
23 you to stay here and it's nice to have the support,
24 obviously, from such a wonderful institution.

25 Does the Board have any questions for the witness?

1 MEMBER WHITE: I have one question. First of all,
2 I think this is fantastic. But as a Zoning Board member for
3 BZA I have to follow the criteria, but I'm curious because
4 this is an urban area or is it more residential? What's the
5 security like in that kind of environment?

6 MS. HAM-CAMPBELL: So Rhode Island itself is, of
7 course, commercial, but immediately behind us which is where
8 Ms. Reese lives, it's residential. So that block,
9 commercial, but as soon as you turn right, turn left, you're
10 in a residential community.

11 In regards to security for the space itself, we just
12 installed -- and it's a model that comes from one of the
13 other centers that's like in a shopping center, but we have
14 self-locking doors that also have a key pad. So as soon as
15 the door shuts, it's secure. And then the families enter
16 using a keypad code. So that was the measure of security
17 that we use at all of our programs where they're self-locking
18 doors and then families allow themselves in to enter and
19 exit.

20 MEMBER WHITE: Thank you. That wasn't necessarily
21 a zoning question. I was just very curious about it.

22 MS. HAM-CAMPBELL: Families ask the same question,
23 so security is an issue.

24 MEMBER WHITE: Thank you.

25 CHAIRPERSON HILL: Okay, just to let the audience

1 know here also, after this, we're going to take a ten-minute
2 break, so just to kind of let whoever is here left to know.

3 Anyone else have questions for the Applicant? No.
4 Okay. All right, then I'm going to go ahead and close the
5 hearing. Hold on, before I close the hearing.

6 I just wanted to be clear again that the conditions
7 were that the child development center shall have a maximum
8 of 39 children and then the child development center shall
9 not exceed operating hours from 7 a.m. to 6 p.m. Monday
10 through Friday. And then DDOT's condition was that the
11 Applicant shall install one inverted U-rack for short term
12 bicycle parking.

13 MS. HAM-CAMPBELL: And we're working with the Main
14 Street from Rhode Island Avenue that they're going to provide
15 that for us.

16 CHAIRPERSON HILL: Okay. So you agree to all of
17 those conditions?

18 MS. HAM-CAMPBELL: That's fine, yes.

19 CHAIRPERSON HILL: Okay. Thank you. So now I am
20 going to close the hearing.

21 Is the Board ready to deliberate? Okay. Let's see.
22 I can start. I didn't particularly have an issue with the
23 application. I think that the Applicant has done a good job
24 in terms of providing the testimony to meet the special
25 exception criteria. I also think that the Office of Planning

1 has provided a well-written report as to how they meet the
2 criteria.

3 I am also glad to see that the ANC is in support of
4 this as well as they have so much support from the community.
5 It does sound like a lovely place. I wish I could be there
6 right now. So I don't have any particular issues in terms of
7 how they're meeting the criteria.

8 Does the Board have any other things they'd like to
9 add?

10 VICE CHAIR HART: I guess it's the question that we
11 have which is whether or not we are approving this under what
12 the ZA, the Zoning Administrator relief that they described
13 or the relief that the Office of Planning described. I think
14 we still need to just make sure we're kind of --

15 CHAIRPERSON HILL: So thank you, Mr. Hart. I was
16 going along with the analysis that was provided by the Office
17 of Planning for the U 512.1(c) and the U 513.1(n).

18 VICE CHAIR HART: I would concur with that.

19 CHAIRPERSON HILL: I just want to make sure that's
20 what we're talking about and everybody understands.

21 VICE CHAIR HART: Yes.

22 COMMISSIONER SHAPIRO: Mr. Chair, I understand that.
23 I think if the Zoning Administrator is coming to us with a
24 different position, then the Applicant might need to know
25 that this might end up coming back to us.

1 CHAIRPERSON HILL: I think that, what I understood
2 is from the testimony from the Office of Planning that the
3 Office of Planning and the Zoning Administrator now are on
4 the same page. Is that accurate?

5 MS. MYERS: No. We were never able to get complete
6 clarification from the Zoning Administrator's office. We did
7 make a few attempts, but we just were never able to connect
8 on that. The Applicant and I have been in conversations
9 about this, but I must be clear that the Zoning Administrator
10 has not said either way. Well, they have said originally
11 what they were expecting which was a referral under U
12 401.1(c), but they have not responded to what we've
13 recommended.

14 CHAIRPERSON HILL: All right, Ms. Myers. Well, then
15 in terms of being prudent then I would go with what the
16 Zoning Administrator is listing so there isn't any kind of
17 issues when going to permitting. All right, so I'm back to
18 that. I still find the criteria to be the same in terms of
19 how I'm comfortable with the approval, but I am -- and thank
20 you, Mr. Hart, for helping with this. So then I would then
21 be inclined to be approving the application in the way that
22 it was submitted by -- and I will reread it, but the caption
23 by the Secretary.

24 Does anyone have any comments or thoughts other than
25 that?

1 COMMISSIONER SHAPIRO: Mr. Chair?

2 CHAIRPERSON HILL: Sure.

3 COMMISSIONER SHAPIRO: I'm wondering if we can put
4 in either as some kind of clarification as this goes to the
5 Zoning Administrator that while we are -- while our action,
6 the relief requested is 401.1(c), that -- I don't think we
7 can say we agree with OP because then we would take the other
8 position, but at least we would acknowledge OP's analysis, if
9 there's some way to include that in there because it's going
10 to -- it paints the fuller picture of the Zoning
11 Administrator about what action we're taking. I don't know
12 how to do that.

13 CHAIRPERSON HILL: Mr. Moy?

14 SECRETARY MOY: Mr. Chairman, I might be able to
15 suggest that if this turns out to be a summary order, then
16 the staff here can include that discussion of that language
17 in the body of the order.

18 CHAIRPERSON HILL: So we'll go ahead and do as
19 Commissioner Shapiro suggested and include that if we do get
20 to an approval vote, and including that discussion in the
21 summary order. So that being the case then, I'll go ahead
22 and make a motion to approve Application 19620, pursuant to
23 11 DCMR Subtitle X, Chapter 9 for a special exception under
24 the use provisions of Subtitle U 401.1(c) to permit a child
25 development center with greater than 25 individuals to the

1 MU-4 zone at premises 2066 Rhode Island Avenue, N.E., Square
2 4219, Lot 823 and ask for a second.

3 Sorry, thank you, with the conditions that I had
4 read at the beginning during the hearing and that the
5 Applicant had agreed to, and ask for a second.

6 VICE CHAIR HART: Second.

7 CHAIRPERSON HILL: Motion made and seconded. All
8 those in favor.

9 (Chorus of ayes.)

10 All those opposed.

11 (No response.)

12 Motion passes. Mr. Moy?

13 SECRETARY MOY: Staff would record the vote as 4 to
14 0 to 1. This is on the motion of Chairman Hill to approve
15 the application for the relief that the chair has cited,
16 along with the three conditions; and seconding the motion,
17 Vice Chair Hart. Also in support, Mr. Peter May --

18 CHAIRPERSON HILL: No, Shapiro.

19 SECRETARY MOY: What did I say?

20 CHAIRPERSON HILL: Peter May.

21 SECRETARY MOY: Did I really say that?

22 CHAIRPERSON HILL: That's all right.

23 SECRETARY MOY: Oh, my goodness. I apologize to Mr.
24 Shapiro. Ms. White. Board seat vacant. Motion carries.

25 CHAIRPERSON HILL: All right, thank you. Summary

1 order?

2 SECRETARY MOY: Yes, sir.

3 CHAIRPERSON HILL: Thank you. All right, thank you
4 all very much. Good luck. And we're going to take a ten-
5 minute break.

6 (Whereupon, the above-entitled matter went off the
7 record at 12:57 p.m. and resumed at 1:25 p.m.)

8 CHAIRPERSON HILL: All right, Mr. Moy, we'll go
9 ahead and get started here with our last case of the day.

10 SECRETARY MOY: Yes, thank you, Mr. Chairman. All
11 right. So I see parties are at the table to Case Application
12 No. 19599 of Georgetown Day School, captioned and advertised
13 for a special exception under Subtitle U § 203.1(1) to
14 construct a new private school in the R-2, R-3, and MU-4
15 Zones. This is at premises 4200 Davenport Street, N.W.,
16 Squares 1672 and 1673, Lots 4, 14, 804, 812, 815, 824, and
17 822.

18 And I believe, Mr. Chair, you're aware that there
19 may be a possible addition to the relief, but I'll leave that
20 -- possibly Subtitle X § 104, but we'll see how the
21 discussions goes.

22 CHAIRPERSON HILL: Okay. Thank you, Mr. Moy.
23 Before I get to that, is there -- there was a preliminary
24 matter concerning party status? Is that still on the table?
25 I think so, correct?

1 SECRETARY MOY: I believe one.

2 CHAIRPERSON HILL: Okay.

3 SECRETARY MOY: I believe my understanding is in the
4 record two -- there are two -- two requests for party status
5 have been withdrawn. And I think the other one is still
6 live.

7 CHAIRPERSON HILL: Okay. Could the party status
8 person come forward? And just -- that's okay. Just sit --
9 oh, okay. Well, all right. That's great.

10 Then actually let's swear everybody in.

11 (Whereupon, the witnesses were sworn.)

12 SECRETARY MOY: All right. You are under oath.
13 Thank you.

14 CHAIRPERSON HILL: Okay. Great. Thank you.

15 Did anyone miss the oath just now?

16 (No audible response.)

17 CHAIRPERSON HILL: No? Anybody planning on
18 testifying?

19 (No audible response.)

20 CHAIRPERSON HILL: Okay. Let's see. So -- yes?

21 COMMISSIONER SHAPIRO: Just a preliminary matter for
22 me. I feel confident to participate in this case, but I have
23 a current and former children at Georgetown Day School and I
24 just wanted to put that out there and make sure that you are
25 okay with that.

1 CHAIRPERSON HILL: Okay. Great. I don't have any
2 issues with that. Does the Board have any issues?

3 (No audible response.)

4 CHAIRPERSON HILL: Okay. All right. Thank you, Mr.
5 Shapiro. Thanks for pointing that out.

6 So let's see. Sir, if you could identify yourself,
7 please, for the record?

8 MR. RUBINSON: Adam Rubinson, 4821 43rd Street, N.W.

9 CHAIRPERSON HILL: Okay. And, Mr. Rubinson, you're
10 asking for party status in opposition?

11 MR. RUBINSON: No, in support.

12 CHAIRPERSON HILL: In support? Okay. You're asking
13 for party status in support. All right. This hasn't
14 happened before, so that's why I'm struggling all of a
15 sudden.

16 (Laughter.)

17 CHAIRPERSON HILL: So you're asking for party status
18 in support. So in -- party status in support?

19 PARTICIPANT: Yes.

20 CHAIRPERSON HILL: When you were here?

21 PARTICIPANT: Yes.

22 CHAIRPERSON HILL: Okay. Let's see. So if you
23 could please point out -- so what party status means is that
24 like the people present their case. Then whoever has party
25 status will have an opportunity to cross-examine the people

1 that were presenting their case. And then you would have an
2 opportunity to also present your case. And then you would
3 also get an opportunity to participate in this fully with the
4 Office of Planning and so forth. And so I suppose if you
5 could just point -- I see your application here. If you
6 could just point out why you think that you're more uniquely
7 qualified to act as someone getting party status as opposed
8 to like just say the ANC or another member of the community.

9 MR. RUBINSON: Sure. So for eight or nine years
10 I've been representing my neighbors on 43rd Street in all the
11 various iterations of projects on the Safeway site with
12 various organizations and for the last two years or more with
13 GDS. We are the group of town homes, row houses that are
14 immediately abutting the project. So in other words, we are
15 on -- we're just to the west. Our rear fences and in the
16 future a side fence are -- the other side of that is the
17 Safeway parking lot and will become the GDS project.

18 So with one exception of an absentee owner on
19 Ellicott Street, we are literally the people that are closest
20 to the project and will be most -- arguably most impacted by
21 the project.

22 CHAIRPERSON HILL: Okay. And the Applicant doesn't
23 have any opposition to providing party status to the person
24 who's going to be supporting your application?

25 MS. PRINCE: We certainly don't.

1 CHAIRPERSON HILL: Okay. All right. Then I guess
2 we're going to go ahead, unless the Board has any questions
3 -- going to allow you party status. And so I kind of went
4 through what's going to happen. And so we have a full house
5 today, and so this is really -- this is going to be very
6 interesting.

7 So with that, you've introduced yourself. If you
8 could please introduce yourselves from my right to left for
9 the remaining member, please?

10 MR. SHAW: Russell Shaw, Head of School at
11 Georgetown Day School.

12 MS. MILANOVIC: Good afternoon. Jami Milanovic with
13 Wells & Associates, transportation consultant for the
14 project.

15 MR. BARBER: Jeff Barber with Gensler, the designer
16 for the project.

17 MS. PRINCE: Allison Prince at Goulston & Storrs.
18 I'm representing GDS.

19 CHAIRPERSON HILL: Okay. Great. So, Ms. Prince,
20 I'm assume you're going to be presenting to us?

21 MS. PRINCE: I am.

22 CHAIRPERSON HILL: Okay. Let's see. There was a
23 little bit of clarification in terms of I guess what -- this
24 seems to be the day for this where like there's a little bit
25 of -- and it's -- and I don't particularly like that this is

1 the day for this, that there's a little bit of discrepancy
2 between the Applicant and the ZA and the Office of Planning.
3 And so as you go through your presentation if you can kind of
4 like help us work through that, that would be helpful.

5 I don't have any particular issues in terms of what
6 I'd like to hear from your presentation going forward. If
7 you just want to go ahead and present your -- what you're
8 trying to do and how -- you know, the standard in which
9 you're meeting the criteria for us to approve the relief
10 that's being requested, and we'll go ahead and start from
11 there.

12 I'm just -- since we have a lot of things going on
13 in terms of there seems to be a lot of people here, how much
14 time do you think you'd need for this phase?

15 MS. PRINCE: Really only about 20 minutes.

16 CHAIRPERSON HILL: Okay. Well, that's longer than
17 you were going to get, so but I'll go ahead and give you 20
18 minutes. That's all right.

19 MS. PRINCE: How about 15?

20 CHAIRPERSON HILL: That's okay. That's all right.
21 Actually, I'll put you to 15. Okay? We'll just see where we
22 are. Okay?

23 MS. PRINCE: I think that's fine.

24 CHAIRPERSON HILL: So let's go ahead and put you
25 down for 15 because then the party status person also has 15

1 minutes, although I don't know if he's necessarily going to
2 go that route.

3 So please go ahead and begin whenever you like. And
4 we started the clock.

5 And does the Board have anything else to thing to
6 add before we start?

7 VICE CHAIR HART: Just a quick note. There were
8 quite a number of, what do you call them, conditions that are
9 included, that DDOT has included and others have included.
10 If you could just kind of -- as you're going through the
11 presentation to be able to kind of say this is in response to
12 a condition that we're trying to address, that would be
13 helpful. Thanks.

14 MS. PRINCE: Sure.

15 CHAIRPERSON HILL: Okay. Great. Anyone else?

16 (No audible response.)

17 CHAIRPERSON HILL: Okay. So you can start whenever
18 you like.

19 MS. PRINCE: Good afternoon, Chairman Hill and
20 members of the Board. I'm Allison Prince with Goulston &
21 Storrs and I'm here today on behalf of GDS in connection with
22 an application to consolidate the campus, the lower school
23 and the high school.

24 This is a very important project and we're here
25 today with the support of the Office of Planning, DDOT, ANC

1 3D, and other members of the community. And I'd like to note
2 at the outset we were originally scheduled to be here in
3 September, and we still had work to do with the community,
4 frankly. And we did that work. So we're very, very happy to
5 be back today with a room that's filled with people who want
6 this project to go forward as opposed to opponents. Russell
7 will address that in more detail.

8 But in summary, we have an extraordinarily detailed
9 Memorandum of Understanding with ANC 3D, and we took the
10 items in that Memorandum of Understanding as well as requests
11 from Office of Planning and DDOT and we incorporated them
12 into a consolidated list of conditions. It is
13 extraordinarily detailed. So if you want to wade through it,
14 you can, but suffice it to say that we really tried to work
15 hard to address virtually every condition that every -- every
16 issue that was raised.

17 CHAIRPERSON HILL: Ms. Prince, I'm sorry to
18 interrupt you, but if you can point again the exhibit where
19 all those conditions are again as we kind of --

20 (Simultaneous speaking.)

21 MS. PRINCE: Sure. The most recent version of the
22 conditions was attached to the submission from November 22nd,
23 and it had attached to it -- it was a summary of our response
24 to the OP and DDOT conditions and had attached to it the most
25 recent version of the conditions.

1 CHAIRPERSON HILL: Is that Exhibit 60?

2 PARTICIPANT: I think so.

3 MS. PRINCE: Yes, I don't know what it is in your
4 record, but --

5 CHAIRPERSON HILL: I think it is Exhibit 60. Okay.

6 MS. PRINCE: And those conditions have not changed.

7 CHAIRPERSON HILL: Okay. All right. Thank you.
8 I'm sorry. Just because they're just lengthy I just want to
9 know where we are. Okay.

10 MS. PRINCE: They are.

11 CHAIRPERSON HILL: Great. Thank you.

12 MS. PRINCE: We need special exception relief to
13 consolidate the campus because of the residentially zoned
14 part of the campus, but I should note that a large part of
15 the campus in the MU-4 Zone, the old C-2-A Zone. The actual
16 lower school building itself that will be constructed is in
17 the Commercial Zone and is permitted as a matter of right,
18 however, there's a related garage and playing field and other
19 open spaces that require BZA approval. So we've treated the
20 entire application as being subject to your review.

21 As a preliminary matter our approach to the case has
22 been to take the existing order governing the operation of
23 the high school on the site and to take all of those
24 conditions and revamp them so that we have a new set of
25 conditions, those that are before you, that will supersede

1 the existing conditions for the high school. So we're not
2 looking to extinguish the high school order. We're simply
3 looking to have conditions that supersede those in the high
4 school order.

5 CHAIRPERSON HILL: Ms. Prince?

6 MS. PRINCE: Yes?

7 CHAIRPERSON HILL: I'm just going to help you again,
8 because we got- the paperwork here. You can take all the
9 time you like. Okay? Because just -- I want to go through
10 this. So don't be rushed or don't feel rushed.

11 MS. PRINCE: Okay.

12 CHAIRPERSON HILL: Okay. Thanks.

13 MS. PRINCE: Okay. Great. I would also -- I'm not
14 sure what you're alluding to with the areas of relief or the
15 -- some confusion over the manner in which we filed, but I'll
16 explain our approach.

17 Under the new Zoning Regulations we're clearly -- we
18 need a special exception under Section 201, I think it's
19 .1(h), but in addition to that there's a new section that no
20 one has quite figured out that refers to campus plans. And
21 it's in Chapter X. And it's Section 104.

22 And out of an abundance of caution, because we
23 really don't know how to use that new section, we cited
24 ourselves for relief under that section as well. So we've
25 embraced both. I've heard some take the position that we

1 could have simply cited the earlier section, but we cited
2 both just to be cautious. So if that's the discrepancy
3 you're wondering about, that's what it is. So we meet both
4 sections. We meet everything in both sections.

5 In terms of the conditions, just to give you the big
6 picture on the conditions, we have enrollment in staff caps.
7 We have the ability to increase only upon achieving certain
8 trip cap goals. As you'll see in the conditions this concept
9 of a trip cap is an overriding theme of our approach to
10 winning the community's support ultimately. There's a lot of
11 community engagement required. There's a lot of discussion
12 about access to the site, the porosity of the site, because
13 we do want to have some instances where the site can be
14 traversed. There are a lot of improvements on the site in
15 terms of sidewalk. There are requirements that address
16 sustainability. There are even requirements that govern the
17 use of the campus during the summer, which is not something
18 you often see.

19 So virtually every single issue that was raised in
20 the many, many meetings that we had in connection with this
21 project we made an effort to tackle it. So there were a lot
22 of detailed negotiations and we're really very pleased with
23 where we ended up.

24 I think at this point I'd like to turn the
25 presentation over to Russell Shaw, who is the head of school

1 at GDS. And after Russell we will move onto Jeff Barber of
2 Gensler, who is the project architect. And then we can close
3 with Jami Milanovic, who is with Wells & Associates, and
4 she's our traffic engineer.

5 CHAIRPERSON HILL: Okay. Great. Thank you.

6 MR. SHAW: Good afternoon, Chairman Hill. Good
7 afternoon, members of the BZA. I appreciate your considering
8 our application this afternoon.

9 I want to briefly talk about three topics; The
10 first is a little bit about the history of Georgetown Day
11 School. The second is why we want to consolidate our two
12 campuses. And finally, I will highlight the work that we did
13 with the community to get to a successful agreement around
14 this project.

15 So to begin, we are -- Georgetown Day School is an
16 independent school. We were founded in 1945 at a time when
17 the District of Columbia was deeply segregated and our nation
18 was segregated, and we were founded very intentionally to be
19 the first integrated school, public or private, in the
20 District. And we did this because the founders believed both
21 it was a moral imperative and that children learn more when
22 they have the opportunity to learn with people who are both
23 similar to and different from them.

24 Today we are a school that has maintained both a
25 commitment to academic excellence and to a diverse study body

1 and to preparing students to engage within their community
2 and beyond the walls of their community as well. We
3 currently provide more than \$6 million a year in tuition
4 assistance/financial aid that is need-based to our student to
5 nearly a quarter of the student body, and that is so that we
6 can ensure socioeconomic diversity as well.

7 We began back in 1945 on a single campus, however,
8 we have existed on two different campuses for almost 50
9 years. Our lower middle school campus is now on MacArthur
10 Boulevard. It's seven miles away from our high school
11 campus. We established the lower middle school on MacArthur
12 in 1965. The campus currently is permitted to enroll 575
13 students and to employ 120 full-time faculty and staff. Our
14 high school has been located at its Tenleytown location since
15 1985, and that campus is permitted to enroll up to 500
16 students and employ 100 full-time faculty and staff.

17 As part of our school's mission our students are
18 required to complete a rigorous multidisciplinary academic
19 program. They are also all required to complete a minimum of
20 60 hours of community service. Most far exceed that. It is
21 a floor and not a ceiling, but they need to do that prior to
22 graduation. And our students are engaged in projects all
23 over D.C. and many of which are in Ward 3. Some of the
24 organizations our kids serve include Kid Power, Friendship
25 Terrace, Friendship Place, Sibley Hospital, Martha's Table,

1 many others.

2 We have been envisioning a consolidated campus in
3 Tenleytown for a number of years. We recognize that there
4 are great programmatic benefits from existing on a single
5 campus and also that it will lead to efficiencies that will
6 allow us to realize more fully our mission to be an
7 accessible school. Therefore, we want to create a
8 consolidated campus by bringing our lower middle school to
9 the existing Safeway parcel and integrating it with our
10 current high school.

11 The consolidated campus would be located between the
12 Red Line Metro stations in Tenleytown and Friendship Heights,
13 and we believe this is crucial for the long-term success of
14 the school. It is fitting that this focus on consolidating
15 our two schools around transit options is where we ultimately
16 found common ground with our ANC. The ANC pushed us to
17 really think about how our culture of inclusivity and equity
18 and community would be served by a more intentional approach
19 to transportation and transit. We are excited about what
20 this means for our community as we work to achieve our
21 transportation commitments and to consolidate the two
22 campuses in Tenleytown.

23 And I want to commend ANC 3E, and particularly the
24 chair, who is also our SMD, John Bender. We spent hours and
25 hours and hours in constructive discussions in order to

1 achieve the ANC's support. This has been years of
2 conversation. And it was a very significant undertaking and
3 commitment by our ANC.

4 I will save any further remarks and questions and
5 will introduce Jeff Barber of Gensler to talk about the
6 design.

7 MR. BARBER: Thank you, Russell.

8 MS. PRINCE: One thing about Jeff: He's been
9 qualified as an expert many times. He's been practicing for
10 33 years. He's a principal at Gensler. I just wanted to
11 note that.

12 CHAIRPERSON HILL: Okay. Great. Thank you. I
13 think he's in our book. Is that --

14 MS. PRINCE: Yes.

15 CHAIRPERSON HILL: Okay. Great. Thank you.

16 MR. BARBER: Good afternoon, Board members and
17 Chairman Hill. We are proposing, as everyone has said, we're
18 proposing a new lower and middle school building and a
19 single-story garage to be collocated at the current GDS high
20 school campus.

21 The slides I'm showing today have a couple of very
22 minor modifications from the originally submitted deck.
23 There's no new design ideas or design changes, but there are
24 a few illustrations that make it easier to see some things
25 like the lighting plan and a few responses to OP comments

1 prior to coming today.

2 Wanted to begin with a little bit about
3 sustainability. We are very committed to sustainability in
4 the project, and we have two related approaches to LEED.

5 First, GDS will comply with the D.C. Green Building
6 Act requiring a minimum of LEED-certified level under the
7 current LEED v4.

8 Second, we concurrently have committed to the ANC
9 that we'll design the project in a way that it would meet the
10 requirements of the Gold level under the previous rating
11 system, LEED 2009. We'll therefore track both versions of
12 LEED to achieve these two separate but related commitments.

13 Highlights include commitment to low-flow water
14 fixtures, covered parking, healthy building materials and
15 access to natural daylight. And the engineering team is
16 optimized HVAC for high efficiency. We'll also reuse cooling
17 tower water for makeup. We're confident we'll also be able
18 to deploy solar panels across the main roof and the penthouse
19 roof.

20 We'll comply with the green area ratio on the MU
21 portion of the site with rooftop solar PV array, green roofs,
22 green walls and native planting features. The outdoor play
23 spaces will also contribute to rainfall retention in
24 compliance with D.C. stormwater requirements and underground
25 cisterns will complement the natural features of the site for

1 heavy rainfall events.

2 Before you is the vicinity map where you can see our
3 location and the border just between Friendship Heights and
4 Tenleytown.

5 Getting closer, this is the existing site plan. And
6 what you see there on the south is the existing high school.
7 To the left of it is the existing high school playing field.
8 Above it to the north is the existing Safeway building. And
9 to its left a large surface parking lot. In the farthest
10 northern end of the block is a WMATA substation. And to the
11 left are the town houses mentioned earlier and two individual
12 homes.

13 We're bordered on the north by Ellicott Street, on
14 the east by 42nd Street, on the south by Chesapeake Street,
15 on the west by River Road. And then we have two spurs: 43rd
16 Street coming from the northwest and Davenport from the east
17 to the west into the site itself.

18 Wanted to just share a few photos of the site. The
19 upper row is along 42nd Street looking in either direction.
20 You'll see the Safeway at No. 3 for instance. You'll see the
21 Safeway on the right and some commercial buildings on the
22 left side of 42nd Street. Photo No. 4 is the existing WMATA
23 facility on the northeast corner of the site.

24 And then a couple of photos from the 43rd Street --
25 if you look down 43rd Street, in the distance that's a

1 gateway into the site for emergency access. And then
2 Davenport surface parking is in the campus itself. And a
3 couple of views of the high school. The high school is a
4 brick building with punched windows and a number of different
5 colors of brick. The more recent addition to it is in
6 photograph No. 3 showing a condition near the entry with
7 storefront glazing.

8 So this is the beginning of the site plan that we
9 propose in its most basic way. And when we located the new
10 lower and middle school and the playing field, we made open
11 space a priority. And we also brought together these
12 buildings into a campus form. The school replaces the
13 Safeway building at the east.

14 And this is then -- is the illustrative plan of the
15 same diagram. In the illustrative plan you can see how the
16 project fits into the block. And we'll note on the bottom
17 left a new curb cut at River Road. That's the only new curb
18 cut here that adjoins the existing -- it goes under to a
19 parking lot beneath the existing athletic field. And Jami
20 will talk later about access to and through the site.

21 Getting a little bit closer up in the illustrative
22 site plan, we paid attention to how the building affected our
23 neighbors and especially to the immediately adjacent
24 neighbors. We've moved the new building as far east as
25 possible such that the above-grade portions are almost

1 entirely within a Commercial Zone and face 42nd Street. The
2 upper part of the building is 189 feet away from the closet
3 residential neighbor. And we have heavily buffered the edge
4 nearest our neighbors with landscape and a sound barrier
5 fence.

6 The playing field that you see here in the
7 foreground is essentially at grade with entry, and entry to
8 the school is right here. And so when you're at that level
9 the playing field is level with you. I mention that because
10 Davenport Street here slopes quite a bit from the right down
11 to the left, slopes about 20 feet. So you've gone down part
12 of that slope by the time you get to the entry, which then
13 means that the grade to the right of the school on 42nd
14 Street is higher than the grade to the left by about eight
15 feet. The building nestles into the grade into that slope.

16 Also on this you can see that we intend to close an
17 existing slip lane where traffic currently flows in this area
18 right here. We would close that which would slow down the
19 traffic. That was a request by the ANC.

20 Let's stay on the site plan for a minute and just
21 point out various things. So the school building is here.
22 You're looking at the ground floor plan. WMATA is in the
23 northeast corner. All of this is open play area including
24 the hardscape. So during the day this will all be play area.
25 And then the playing field itself at grade and flush with

1 these areas. This portion will be used for traffic at drop
2 off and pickup, but otherwise it will be gated and will be
3 part of the entire play zone.

4 Item 7 up here is a hard surface court. Item 8 is
5 a structured toy. And then because the site does slope down,
6 we take up most of that slope right here as we go to the west
7 to a lowered play area that's more of a soft zone with trees.

8 On the east side, on 42nd Street, we've planted
9 against the face of the building with grasses and low ground
10 cover. And importantly we have stitched back together a
11 complete line of street trees. There are only a couple of
12 street trees in place today and mostly gap-toothed. So we'll
13 stitching that back together.

14 We've also located some bike racks here near the
15 entry to the school. And we've also -- oh, it's just -- I'm
16 going to go back one slide. There's one thing to note.
17 There had been a request that we continue a sidewalk here on
18 the southern edge which is against the high school. We
19 continue it all the way as a handicapped route until it
20 connects to another proposed sidewalk that goes here next to
21 the jumping track. So this is a slightly new part of our
22 drawing.

23 I think those are the main elements of the site
24 plan, but then we have a lighting plan. We've gone ahead and
25 enlarged it. The main thing to think about lighting is that

1 we do not intend to light the face of this building in any
2 way. The only light that would be visible from outside of
3 the building would be through windows. The upper parts of
4 the windows are -- they're punched windows. They're
5 individual windows. We also have the lighting on an
6 occupancy sensor, so after the classrooms are vacated, the
7 lights all go off.

8 You'll see in a rendering in a moment that
9 additionally the upper stories of the building have an
10 exterior brise-soleil made up of vertical wood fins. So on
11 the oblique views even if there were light coming --
12 emanating from the building, it would be blocked as well from
13 the oblique views.

14 In this highlight you can see that the lighting that
15 we do need for safety and just general access to the site are
16 small and are pointing down. So this row of bollards
17 separates cars at the few times during the day that they
18 might be there. Separates cars from a walking surface. And
19 that will be illuminated down. We have some benches that
20 might have some under bench light here. And we have a soffit
21 -- you walk under a soffit. The floor is above you here.
22 And we have some downlights at the entry much like this
23 illustration to the right.

24 And then on the left side of the project we do have
25 some general illumination for this new portion of the site

1 using these medium-height poles. This is a photograph of an
2 existing light pole on the site today. It points down. It
3 has a cutoff. It's not meant to expose light horizontally to
4 the neighbors at all. We think we're going to need
5 approximately four of them to provide general illumination
6 for safety.

7 I suspect --

8 CHAIRPERSON HILL: Can you just --

9 MR. BARBER: Yes.

10 CHAIRPERSON HILL: Just can you go back for one
11 second?

12 MR. BARBER: Yes.

13 CHAIRPERSON HILL: That's where the town homes are
14 of Mr. Rubinson?

15 MR. BARBER: Yes, to the left. Yes.

16 CHAIRPERSON HILL: Okay. All right. Just -- okay.
17 Thank you.

18 MR. BARBER: And there will be fences around here as
19 well. There are fences today and there will continue to be
20 fences on this edge.

21 CHAIRPERSON HILL: Okay. Thank you.

22 MR. BARBER: Yes. And then I have the floor plans
23 if you care to see them, or I could skip that and go to
24 another section.

25 CHAIRPERSON HILL: No, I think you can skip it.

1 Thanks.

2 MR. BARBER: Skip that? Okay. What grade is the --
3 I should -- excuse me, what elevation is the playing field
4 on?

5 MR. BARBER: It's essentially zero.

6 VICE CHAIR HART: No, no. I mean, it's like you
7 have -- it's like 326 or 325. I can't figure out what
8 that --

9 MR. BARBER: Let me find it.

10 VICE CHAIR HART: I'm trying to figure out what's
11 the distance between the --

12 MR. BARBER: It's 326.

13 VICE CHAIR HART: And the height of the parking area
14 -- not parking -- I guess it's the parking area to the west
15 of it is like 308, 309? So you're talking about --

16 MR. BARBER: Oh, it's about 16 feet different -- I
17 believe it's --

18 VICE CHAIR HART: Okay.

19 MR. BARBER: -- 311. So 15 feet different.

20 VICE CHAIR HART: Okay. And you said also about the
21 fencing. There's a sound barrier along the -- I guess the
22 western side.

23 MR. BARBER: Mostly to the northwest.

24 VICE CHAIR HART: And how far does that extend?

25 MR. BARBER: It's in this zone right here and takes

1 a left right here. The fence continues but the sound
2 buffering is mostly in this zone.

3 VICE CHAIR HART: Okay. And is that that kind of --
4 there's like a gray double line that's there. Is that that
5 line that I'm looking at?

6 MR. BARBER: This is --

7 VICE CHAIR HART: I just can't figure out where the
8 actual -- it exists.

9 MR. BARBER: Oh, yes. The actual barrier will be on
10 the right-hand side.

11 VICE CHAIR HART: Okay.

12 MR. BARBER: Because this sort of green area is
13 meant to be planting.

14 VICE CHAIR HART: Okay.

15 MR. BARBER: But the fence is to the right of it.

16 VICE CHAIR HART: Okay. And it kind of curls up to
17 the -- I don't know, it's like a -- almost an S, I guess.

18 MR. BARBER: It comes up here and then it changes
19 material --

20 VICE CHAIR HART: Okay.

21 MR. BARBER: -- and turns here because we -- we're
22 fencing the play area of the school for safety for the kids.

23 VICE CHAIR HART: Yes, I mean, it's kind of -- would
24 be a necessity.

25 MR. BARBER: Yes.

1 VICE CHAIR HART: And what's the height of the wall?

2 MR. BARBER: The neighbor has asked for -- did it
3 turn out to be 7 or 10?

4 PARTICIPANT: She'd like 10.

5 MR. BARBER: Ten. Ten feet in this area.

6 VICE CHAIR HART: And so that continues up. And
7 then when it turns it changes into --

8 MR. BARBER: I actually have an exhibit if you want
9 --

10 VICE CHAIR HART: That would be great.

11 MR. BARBER: -- to go into it. Okay. I'm going to
12 jump to the end of this.

13 Okay. Are the colors visible to you?

14 VICE CHAIR HART: Yes.

15 MR. BARBER: Okay.

16 VICE CHAIR HART: Yes, I can see them. Thank you.

17 MR. BARBER: So this is a seven-foot high -- the
18 yellow is seven feet high. The darker blue, that became 10
19 in the latest discussion. So the dark blue here. And it's
20 going to remain 10 to the west here as you go across the town
21 homes. And then the field -- as you know, the road, the
22 Davenport area drops off, so we fenced the field as well.
23 And that's essentially -- it's a knee wall with a fence above
24 it. The fence above it could be de-mounted. And that's a --
25 yes, that's a detail.

1 And then we do bring the fence around and close it
2 off to the entry conditions. So if you're playing in this
3 zone, you always are in a safe zone.

4 VICE CHAIR HART: All right. Thank you.

5 MR. BARBER: Make sense?

6 VICE CHAIR HART: Sorry for moving off --

7 MR. BARBER: No, that's fine.

8 CHAIRPERSON HILL: Sure. Please, Mr. Shapiro?

9 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

10 Just could you go back to that slide, the one
11 that --

12 MR. BARBER: The fence?

13 COMMISSIONER SHAPIRO: -- Board Member Hart was
14 looking at, Vice Chair Hart?

15 Yes, so the -- I'm looking at the new field. That
16 hangs over a piece of the back parking right there?

17 MR. BARBER: Right there. It's up above you. So
18 it's 15 feet in the air. So you --

19 COMMISSIONER SHAPIRO: Fifteen feet?

20 MR. BARBER: -- do slightly drive under that one
21 corner. We were getting every inch we could as playing
22 field.

23 COMMISSIONER SHAPIRO: So how about SUVs that come
24 in and out of there? I'm just wondering if you have enough
25 height.

1 MR. BARBER: We definitely do. We definitely do.

2 COMMISSIONER SHAPIRO: Okay.

3 MR. BARBER: The parking is below that field and not
4 only can you drive under the corner, but you can drive under
5 the entire field.

6 COMMISSIONER SHAPIRO: Okay. Thank you.

7 Thank you, Mr. Chair.

8 MR. BARBER: So these elevations are -- they're
9 sometimes a little bit hard to read, but this is where you
10 can see -- on the bottom slide you can see the slope going
11 down. And the garage is that green area with openings, so
12 the garage is open to air, but it's got a green screen in
13 front of it. And then the upper view shows the base of the
14 school on 42nd Street where the grade is higher on 42nd
15 Street. And then the upper floors above that.

16 I'm going to show you now from the field side the
17 grade now is at entry condition and exposes more of the
18 ground floor story. Otherwise, the heights of everything are
19 the same. And then as you're in the playing fields and you
20 step down, we have louvers on the northern side of the
21 parking garage which will block light, any light spillage
22 that would have occurred towards the neighbors from that
23 side.

24 It's easier to understand the school though from the
25 perspectives. And in this perspective you can see that we've

1 organized the composition of the school to both differentiate
2 between the grades of the school where the lower school is
3 the bottom two floors of the building and the middle school
4 is the upper two floors of the building and yet to bring them
5 together at the same in a campus.

6 So the bottom is a rich mix of brick and windows
7 that have wood cladding and wood accents and the upper part
8 of the brick -- upper two stories of the building has punched
9 windows and a simple brick façade with an exterior sunshade
10 system of vertical wood fins. It's capped on the ends by
11 GFRC or some other cementitious materials. And most
12 importantly we've opened the zone to the playing fields and
13 all the play zones beyond that as well. And entry to the
14 school is right here.

15 VICE CHAIR HART: And, yes -- and so, Mr. Barber,
16 you've -- you're -- I'm just -- as I'm looking at it, I'm
17 realizing that the main entrance, main façade is really on
18 the school side. I mean, I guess I knew that, but --

19 MR. BARBER: Yes.

20 VICE CHAIR HART: So how do you make sure that
21 you're kind of activating or having to deal with that --
22 you're kind of -- in some ways you're kind of turning your
23 back to 42nd Street.

24 MR. BARBER: Yes.

25 VICE CHAIR HART: And I know it's hard because

1 you're in an urban context. Could you just talk about that
2 a little bit?

3 MR. BARBER: Sure, and I'm going to use the next
4 slide in combination with this.

5 So you're right, the connectivity internally to the
6 campus matters a lot. And so this became the entry to the
7 school and way back in that site plan. It's actually just
8 catty-cornered across Davenport Street from the high school
9 entrance itself. So people circulating back and forth across
10 the campus.

11 But as we approach 42nd Street, we still believe
12 we've provided a very interesting and lovely design to the
13 building. We will be stitching those trees back together as
14 well. You do see windows across the bottom of the building,
15 but this is where the grade has become elevated by an
16 additional eight feet. So you're seeing the top edge of
17 windows that belong to the ground floor of the building.

18 Is that making sense that -- yes, okay.

19 And then you get the brick base. And then you get
20 the second-floor windows here and the upper two floors above
21 that.

22 There is an entry condition available in this spot
23 right here as well, and it accesses a stair that connects you
24 down a floor to the entry and up a floor to the second floor.

25 COMMISSIONER SHAPIRO: Mr. Chair, if I may?

1 On that slide, the entry condition, is that for
2 future use or is that going to be --

3 MR. BARBER: It's for future use and it really
4 depends on how the school gets operated after it gets going,
5 because the main entry is probably perceived to be on the
6 field side. That's the one that's currently being programmed
7 with security. And -- but it does give flexibility in the
8 future of changing the way they might to operate the school.

9 COMMISSIONER SHAPIRO: Okay. Thank you.

10 Oh, actually while I'm on this, so there's a drop --
11 I'm looking at the people who are walking on the sidewalk.

12 MR. BARBER: Yes.

13 COMMISSIONER SHAPIRO: There's a drop just past
14 that, some kind of -- I don't know, some kind of a ditch that
15 -- where the windows are.

16 MR. BARBER: Oh --

17 COMMISSIONER SHAPIRO: Is that right?

18 MR. BARBER: -- there's not actually a ditch. It's
19 just that the grade is -- I can show you a better drawing in
20 a minute of that condition.

21 COMMISSIONER SHAPIRO: Thank you.

22 MR. BARBER: Yes.

23 This is just a comparison of the view today with the
24 Safeway, a brick wall with no openings, and the view in the
25 future with the school. And also with the Safeway you can

1 see there's just one or two trees along the entire 42nd
2 Street in that location. And I have these vignettes coming
3 up, I believe.

4 VICE CHAIR HART: Are you maintaining the trees?

5 MR. BARBER: They're in the back of the deck.

6 VICE CHAIR HART: Are you maintaining the trees or
7 are you just --

8 MR. BARBER: We're --

9 VICE CHAIR HART: -- are you replacing all of the
10 trees that are --

11 MR. BARBER: We're maintaining the couple that still
12 exist and adding all the others to bring them together as a
13 line of trees.

14 VICE CHAIR HART: Okay.

15 MR. BARBER: Yes. And these are the materials. The
16 base of the building would be slightly darker, sort of a
17 heather of mixed bricks. The upper part of the building
18 would be a lighter color brick. The concrete panels that we
19 showed at the end. The vegetative wall that is on the garage
20 face. And then the vertical fins of an engineered wood and
21 the cladding to the windows on the second floor of two
22 different colors of engineered wood. And the penthouse is
23 the metal panel up above. The --

24 CHAIRPERSON HILL: Ms. White, you had a question?

25 MEMBER WHITE: Yes.

1 MR. BARBER: Oh, would Mr. Shapiro --

2 CHAIRPERSON HILL: No, Ms. White had a question.

3 MR. BARBER: Okay.

4 MEMBER WHITE: Yes, did you finish yours?

5 COMMISSIONER SHAPIRO: Yes.

6 MEMBER WHITE: Yes, I wanted to just talk a little
7 bit about the student population. How many students are you
8 talking here and how many are using public transportation as
9 opposed to being dropped off and what -- in your opinion what
10 neighboring properties are going to be impacted by this the
11 most? If that was clear.

12 MS. MILANOVIC: Yes, so I actually have a few slides
13 that I think will get to your question. We actually have a
14 very aggressive Transportation Management Plan that we're
15 proposing, but maybe, Jeff, you had a plan you were going to
16 show to answer Mr. Shapiro's question, so if --

17 MR. BARBER: If you still need to see a little bit
18 more about the 42nd Street façade at grade?

19 CHAIRPERSON HILL: Yes. Sure. Sorry. I got out of
20 line there, out of turn. I --

21 MR. BARBER: It's all right. I think I have one in
22 the back of the deck here.

23 CHAIRPERSON HILL: Ms. White was like did the
24 question get answered? I was like --

25 MR. BARBER: The view No. 2 is on 42nd Street on the

1 sidewalk looking towards the building. So you're in between
2 the trees and the building. You can see the windows on the
3 right start at grade and go up about three feet.

4 COMMISSIONER SHAPIRO: So they were hidden just
5 because of the small slope from Davenport down across the
6 sidewalk?

7 MR. BARBER: I guess so. If they weren't visible in
8 the previous view -- they were there, but they were hard to
9 see. We had some grasses growing in front of them and stuff
10 in the --

11 COMMISSIONER SHAPIRO: Well, you can even look at --
12 if you look at Exhibit 1 versus Exhibit 2, there's sort of a
13 marked difference between what you can see in the windows.

14 MR. BARBER: It is --

15 COMMISSIONER SHAPIRO: I'm just trying to see how
16 far down the building is set on that front face.

17 MR. BARBER: Yes, that's actually coming from the
18 exact same model. It's just a question about how it appears
19 in the view and where the shadows fall, but that is the same
20 relationship. You get about three vertical feet of window
21 above grade.

22 COMMISSIONER SHAPIRO: Okay. Thank you.

23 Thank you, Mr. Chair.

24 MS. MILANOVIC: So I think in the interest of time
25 what I'd like to do is just sort of hit the highlights for my

1 part of the presentation, but, Ms. White, I'll be sure to
2 address your question in the abbreviated presentation.

3 This graphic just shows the existing site
4 circulation. You can see the Safeway, the former Safeway
5 building on the north side of Davenport Street. It currently
6 have three points of access. We're going to be closing the
7 one on 42nd Street, but making use of the two remaining
8 points of access. And currently the existing high school has
9 just one point of ingress and egress.

10 Under future conditions, as Jeff pointed out, we are
11 proposing a curb cut on River Road to provide an additional
12 point of ingress and egress. Generally speaking from a
13 transportation perspective it's better to have multiple
14 points of ingress and egress because that allows you to
15 disperse the traffic that you do have rather than
16 concentrating it at one point.

17 I will note that the egress onto Ellicott Street
18 will be via an existing public alley. And we have agreed due
19 to some concerns of neighbors to have a traffic control
20 officer at that point during morning drop off and afternoon
21 pickup to ensure that all traffic turns right and heads out
22 to Wisconsin Avenue as opposed to cutting through the
23 neighborhood.

24 I think one other important point on the
25 circulation, we've spent a lot of time working with Jeff and

1 his team ensuring that the pickup/drop off queues in
2 operation can be accommodated on the site so that it doesn't
3 spill out onto the neighboring street.

4 In terms of the trip generation the existing
5 facility today, what I've shown on this slide includes the
6 existing vehicular trip generation for the high school.
7 That's based on actual counts at the driveway. And it also
8 includes the trip generation for the Safeway. The Safeway is
9 closed now, but when it was open I think about a year-and-a-
10 half ago we actually were out there and did some data
11 collection, again actual driveway counts. So those are real
12 counts.

13 And so you can see the current site generates about
14 600 trips during the morning peak hour, 330 in the afternoon
15 school peak hour, which is generally in the 3:00 to 4:00
16 window, and then 288 peak hour trips during what we call the
17 P.M. computer trip peak hour, which is generally in the 5:00
18 to 6:00 time period.

19 The proposed trip site generation, again taking the
20 existing counts for the high school. We also did existing
21 counts at the lower middle school on MacArthur Boulevard.
22 And then we've estimated how many additional trips would be
23 generated by the additional 125 students that we're
24 requesting as part of this application. So the total
25 enrollment of both schools today is 1,075, and we're asking

1 to increase that cap to 1,200 students.

2 So that, for example, in the morning peak hour that
3 additional 118 trips is associated with those additional 125
4 students. And so you can see if we simply move the lower
5 middle school to the Tenleytown campus and continue operating
6 in the same manner they are today, we would be generating
7 1,223 trips during the morning peak hour.

8 We knew going into this that we were going to have
9 to implement a Transportation Management Plan and reduce
10 those trips, implement measures to get people out of their
11 cars and into alternate modes of transportation. And so
12 we've worked very long and hard with the community to come up
13 with a very detailed, very aggressive Transportation
14 Management Plan whereby we'll be reducing the A.M. peak hour
15 trip generation by 51 percent, which gets us down below 600
16 trips during the morning peak hour.

17 And I will say this is by far the most aggressive
18 Transportation Management Plan that I've been part of. And
19 I know I've said that in front of this Board before, but it
20 seems like every time I come back it's yet an even more
21 aggressive Transportation Management Plan. So this is a very
22 aggressive plan. The conditions are very detailed about the
23 commitments that the school has made in order to reduce those
24 trips. And I'll talk a little bit about those in a minute.

25 MEMBER WHITE: What percentage are using Metro

1 transportation?

2 MS. MILANOVIC: So currently -- if you just give me
3 one second, I want to make sure I get the --

4 VICE CHAIR HART: Actually could you just give us
5 what the mode split is?

6 MS. MILANOVIC: Yes, if you give me one second, I'm
7 going to find the existing mode split. I want to make sure
8 I get the numbers right.

9 (Pause.)

10 MEMBER WHITE: It's probably in the record, but I
11 didn't --

12 MS. MILANOVIC: So currently today the auto mode
13 split for lower school students is about 85 percent. It's
14 84.5 percent. For high school students it's 80.5 percent.
15 One percent of lower and middle school students take public
16 transportation. Eleven-and-a-half percent of high schools
17 take public transportation. In terms of walk/bike the lower
18 middle school has a three percent walk/bike mode split, and
19 eight percent walk mode split for the high school.

20 So we're obviously going to be significantly
21 changing those mode splits as a result of our Transportation
22 Management Plan, and I have a couple of slides that explain
23 what we're doing in order to achieve that 51 percent
24 reduction in vehicular trips.

25 This slide just shows a comparison, what the site

1 generates today, what it will generate in the future, and
2 then the bottom row shows the difference. And I think very
3 important to note that in the A.M. peak hour and the P.M.
4 commuter peak hour the school, when it's consolidated, will
5 generate fewer peak hour trips than the site does today. We
6 are showing a bit of an increase during the P.M. school peak
7 hour. Again, that's in generally the 3:00 to 4:00 window,
8 but those trips occur at a time when there's more capacity
9 available on the roadway because the surrounding roadways
10 don't have as much traffic in the 3:00 to 4:00 window as they
11 do later in the afternoon.

12 Just very quickly this chart shows a trip generation
13 comparison for some other independent schools in the
14 District. These happen to be schools that we have data for.
15 These are shown as a rate, so it's the number of vehicle
16 trips per student. You can see the GDS proposal is the green
17 bar. Just to the left of that is GDS' current trip
18 generation rate. So we're going from a trip generation rate
19 of 1.02 trips per student down to 0.5 trips per student. And
20 you can see by comparing the other schools GDS is doing
21 significantly better than a lot of other independent schools
22 in the District. Again, that's a result of the commitment to
23 the Transportation Management Plan.

24 And then in terms of the P.M. school peak hour we're
25 showing a slight reduction from 0.4 trips per student to

1 0.39, but again we're doing at or better than virtually all
2 of the schools in the District.

3 So I mentioned the Transportation Management Plan.
4 It has three components. There's the Demand Management Plan.
5 That includes commitments for how we reduce those vehicular
6 trips. The Operations Management Plan sets forth the
7 protocol for how the pickup/drop off operation is going to
8 work to ensure that we don't have any adverse impact on the
9 surrounding neighborhood.

10 And then I think importantly there's a monitoring
11 program aspect to this which really gives the community
12 assurance that we're not just saying we're going to do this;
13 we're actually going to follow through. And we'll be
14 submitting those monitoring reports to both the ANC and DDOT
15 so they can see what we're doing by way of performance.

16 So in terms of the demand management I'll just
17 highlight a couple of the key ones here. The school will be
18 implementing a mandatory carpool program. So if you're a
19 parent and you want to drop your child off at school, you
20 have to do so with at least two kids in your car.

21 And there are a few exceptions. For example, the
22 youngest kids in pre-K through first grade are not required
23 to carpool. And students with special transportation needs
24 would be granted an exemption from that carpooling
25 requirement.

1 The school will also be implementing a bussing
2 program. They've committed to running a minimum of three
3 buses to off-site locations. They'll be doing transit
4 subsidies for some of the students, particularly Maryland and
5 Virginia students with financial aid. They'll also be
6 assisting D.C. students in obtaining the DC One Card and the
7 unlimited transit pass that allows them to ride Metro for a
8 significantly reduced fee.

9 And then I think importantly enrollment will remain
10 at the current enrollment of 1,075 until they've demonstrated
11 that they've hit those trip caps that I showed you in a
12 couple of slides previously. Once they demonstrate that
13 they've met those trip caps, then they'll be permitted to
14 incrementally increase to the 1,200 students.

15 In terms of the Operation Management Plan, again you
16 can see the list here. I'll just highlight one of the things
17 that was very important to the community was that the school
18 have staff surrounding the perimeter of the school to ensure
19 that parents aren't dropping off or picking up students on
20 the neighboring streets such as Ellicott Street, 42nd Street,
21 43rd Street.

22 And then the annual monitoring study. It will be
23 done in the fall semester. We'll be doing trip generation
24 counts to determine how many vehicle trips are being
25 generated. We'll be determining the average number of

1 students per car to ensure they're meeting the carpool
2 requirement. And we'll be doing a queue study to ensure that
3 the pickup/drop off queues are accommodated on site and are
4 not spilling onto the neighbor streets.

5 CHAIRPERSON HILL: Okay.

6 MS. MILANOVIC: Sorry. Did you want have a
7 question?

8 CHAIRPERSON HILL: No, I'm just trying to figure out
9 how many slides are left.

10 MS. MILANOVIC: This is it.

11 CHAIRPERSON HILL: Okay. Thanks.

12 MS. MILANOVIC: Well, I'm sorry, there's a couple
13 more just to really quickly hit the --

14 CHAIRPERSON HILL: Okay. Sure. Please.

15 MS. MILANOVIC: -- DDOT report. So and then
16 assuming that the school is meeting their trip caps, they
17 will beginning in year five be able to do the monitoring
18 study every 3 years and then would phase that out at year 17,
19 again assuming they continue to meet their trip caps. If at
20 any time they aren't, they have to repeat the study in the
21 spring semester. They also have to meet with DDOT and the
22 ANC. And they would continue doing annual studies until such
23 time as they do meet the trip cap.

24 Just quickly, other transportation improvements. At
25 the request of DDOT and the community we're closing the 42nd

1 Street slip lane, installing a right turn lane on Ellicott
2 Street at its intersection with Wisconsin Avenue, and at the
3 request DDOT we've agreed to design and install a traffic
4 signal at Wisconsin and Chesapeake.

5 The DDOT report had a number of requests. The
6 school has agreed to all of those with two exceptions and one
7 caveat. There were a number of public space elements that
8 they requested such as adding detectable warning strips to
9 curb ramps. We think those are more appropriate to handle
10 during the public space phase, which we've agreed to continue
11 to work with DDOT on.

12 They've requested a sidewalk on the west side of
13 43rd Street. That's one that frankly we just don't agree
14 with given all of the other transportation commitments in
15 excess of half a million dollars plus the aggressive
16 Transportation Management Plan. We just don't think that the
17 missing sidewalk on 43rd Street is the responsibility of the
18 school.

19 And then the one other element that we've not
20 completely agreed with is that they requested five electric
21 vehicle charging stations. We've proposed one. If there's
22 demand in the future, certainly as part of the school's
23 sustainability initiative they're open to installing more in
24 the future. We just think it's premature to commit to five
25 as part of this application without knowing what the demand

1 for those are.

2 CHAIRPERSON HILL: Okay. So as far as the DDOT
3 recommendations, I mean all the conditions that they had were
4 in Exhibit 45, is that right? And so I'm just trying to make
5 sure that the ones that you're speaking of that you're not
6 agreeing to are the 43rd Street sidewalk and the one charging
7 station versus five?

8 MS. MILANOVIC: That's correct.

9 CHAIRPERSON HILL: So if we were to adopt Exhibit 45
10 as the conditions per DDOT, because I think there's a bunch
11 in there; and I don't know if we're going to get to this part
12 or not, but then -- and also agree to your 43rd Street
13 sidewalk -- removing that condition as adding the 43rd Street
14 sidewalk and then removing four of the charging stations,
15 then you would be in agreement with all of the other
16 conditions with DDOT?

17 MS. PRINCE: That's correct. I would note though
18 the conditions aren't consolidated into one portion of the
19 lengthy report. And there are some suggestions that bleed
20 into other parts of the report, and they're suggestions that
21 are pushed off to the public space stage. So what I did in
22 the draft conditions that are -- were filed on November 22nd
23 was to take everything that would be an immediate condition
24 that's appropriate for a BZA order -- as Jami's discussed,
25 I've put those DDOT conditions right into our proposed

1 conditions.

2 CHAIRPERSON HILL: In the MOU?

3 MS. PRINCE: In the -- not the MOU. The actual
4 conditions that were filed with the MOU --

5 CHAIRPERSON HILL: Okay.

6 MS. PRINCE: -- on November 22nd.

7 CHAIRPERSON HILL: And that's still again in --

8 MS. PRINCE: I think we heard --

9 CHAIRPERSON HILL: -- Exhibit 60?

10 MS. PRINCE: -- that was Exhibit 60, yes. It was
11 filed on November 22nd.

12 CHAIRPERSON HILL: All right. Because -- all right.
13 Okay. All right. Okay. Is that it?

14 MS. MILANOVIC: (No audible response.)

15 CHAIRPERSON HILL: Okay. Yes, okay. We'll get --
16 yes, we'll get to questions actually. So, but I just want to
17 clean up one thing.

18 So, Mr. Barber, I think that I've gone over your CV
19 while we've been talking here. I don't know whether you're
20 actually in the book or not, and that was something that was
21 just kind of pointed out in terms of clarification. There's
22 apparently an expert book somewhere that has everybody in the
23 world in it. And I don't know if you were in it or not, but
24 we are -- I've looked through the -- your CV here and I don't
25 have any issues with you being admitted into the book, if

1 you're not, as an expert. Again my staff report is showing
2 me something different.

3 So the Board doesn't have any issues with any of
4 that?

5 VICE CHAIR HART: No.

6 CHAIRPERSON HILL: Okay. All right. So after that,
7 Mr. Shapiro, you had a question?

8 COMMISSIONER SHAPIRO: I did. Thank you, Mr. Chair.

9 Just questions about the Transportation Management
10 Plan, but specifically around the circulation plan. Are you
11 -- I'm on slide -- you have it as No. -- slide No. 5. That's
12 the A.M. drop off circulation. So are you literally
13 segregating lanes between the lower and -- lower middle and
14 high school drop offs and pickups?

15 MS. MILANOVIC: No, we -- those lanes -- those lines
16 are just shown side by side to show that both lower school
17 and high school traffic can enter via Davenport. The lower
18 middle school would then turn right to head into the garage.
19 Queuing for the pickup/drop off operation for grades second
20 through eighth grade will be handled within the garage. Pre-
21 K through first will be handled in this area at grade. This
22 is the hardscaped area that Jeff referred to earlier that
23 would be used during morning drop off/pickup. So that's pre-
24 K through first.

25 And then leaving the lower middle school, if you're

1 in second through eighth grade you can leave via Ellicott
2 Street. In the morning you can leave via Reservoir Road, the
3 new curb cut. Pre-K through first has to leave via Ellicott
4 Street. This driveway is one-way egress only.

5 And then the high school traffic comes in Davenport.
6 And very similar to what they do today, they circulate
7 through the parking lot and then they line up in front of the
8 high school on the south side of Davenport in that area.

9 COMMISSIONER SHAPIRO: So is there no egress off
10 River Road?

11 MS. MILANOVIC: There is egress, yes. You can -- so
12 if you're in second through eighth grade or if you're a
13 student driver or a teacher you can leave via River Road. If
14 you're a parent dropping off your high school student, you
15 cannot circle back around to exit via River Road. You have
16 to exit via Davenport to 42nd Street.

17 COMMISSIONER SHAPIRO: I guess my question is,
18 practically speaking how would you even begin to enforce
19 this?

20 MS. MILANOVIC: Well, so the -- at the high school
21 that's --

22 COMMISSIONER SHAPIRO: Even in ways that there are
23 families that have kids who are both in the lower middle
24 school and the high school.

25 MS. MILANOVIC: Right. So that's part of --

1 COMMISSIONER SHAPIRO: You're going to have a lot of
2 pedestrian traffic.

3 MS. MILANOVIC: -- Operations Plan, the protocol.
4 So you would drop off in the area designated for your
5 youngest child. So if you have a student for example in
6 eighth grade and in the high school, they would get dropped
7 off in the garage and then the high school student would walk
8 across the street to the high school.

9 So they currently use a process by where the parents
10 have a tag in their window. So they'll have a color coded
11 tag that will designate which area they're supposed to be in.
12 So I think it will be -- it's manageable. And it's very
13 similar to what the school does today.

14 COMMISSIONER SHAPIRO: And it's currently -- you're
15 currently staffed now in that circle, in that area.

16 MS. MILANOVIC: Right. Yes, and there will be a
17 number of traffic control monitors, both in the area where
18 they are today in front of the high school as well as in the
19 garage and then over adjacent to the school building where
20 the pre-K through first gets dropped off.

21 COMMISSIONER SHAPIRO: Okay. Thank you. Thank you.
22 That's clear.

23 MS. MILANOVIC: Yes.

24 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

25 CHAIRPERSON HILL: Okay. Are you guys done?

1 MS. PRINCE: That completes our presentation.

2 CHAIRPERSON HILL: Okay. Let's see. I did have one
3 -- Ms. Prince, again, if we come back to this again, like I'm
4 looking at -- not right now, but just as we're kind of going
5 through all this I'm looking at Exhibit 60 and I'm just
6 trying to get an understanding where the one place is that
7 has everything and I just see an MOU. And I don't have the
8 list necessarily at the bottom that you're speaking to, but
9 I'll come back again. I'm going to just start kind of
10 continuing to work through this.

11 So, Mr. Rubinson -- so we started with 15 minutes
12 for them. They're now at 45. And so I'm going through all
13 this because like if I thought you were in opposition, we
14 would have never gotten to 45 minutes. Okay? So you now
15 have an opportunity to cross any of the testimony that has
16 been set forward. Do you have any questions in terms of
17 cross-examination?

18 MR. RUBINSON: Well, will I also have an opportunity
19 to make some remarks?

20 CHAIRPERSON HILL: Yes, you'll have an opportunity
21 to give your presentation.

22 MR. RUBINSON: So that -- but that's after cross?

23 CHAIRPERSON HILL: That's after cross.

24 MR. RUBINSON: Okay. Well, I just have a few -- I
25 hadn't realized I had this opportunity, so I just have a few

1 clarifying questions that hopefully are not hardballs because
2 they're all -- they're only clarifying things that we've
3 already discussed orally or by email, but I'm just not sure
4 if they --

5 CHAIRPERSON HILL: Sure. That's fine. Go ahead.

6 MR. RUBINSON: Yes. Okay. Great.

7 So one is that the traffic officer who is going to
8 be on Ellicott Street, the intention there I know is to keep
9 traffic flow going, but you've expressed that the intention
10 is not to have that traffic officer stop traffic on Ellicott
11 Street in order to allow the drop off parents to enter the
12 street. And so I just wanted to clarify.

13 MS. MILANOVIC: Yes, that's correct. And we've
14 clarified that in the --

15 MR. RUBINSON: Great.

16 MS. MILANOVIC: -- latest version of the conditions.

17 MR. RUBINSON: Just clarifying that there is no
18 intention to have student body outdoor assemblies or outdoor
19 evening activities with the exception of two or three times
20 a year for special events.

21 MR. SHAW: That's right.

22 MR. RUBINSON: Two more. One is the -- as I had
23 mentioned -- as I have mentioned to you all previously when
24 -- many years ago when there was a prior renovation project
25 in GDS the fence that is the dead end of 43rd Street was

1 changed and we expressed concerns about how it was changed to
2 have a much more industrial gate look rather than what it
3 used to look like, which was like the -- a nice wooden wall-
4 looking thing that made it look more like the end of a cul-
5 de-sac. And what you've said in the past is that you'll work
6 with the neighbors on when you -- when it comes to putting up
7 a new fence and your intention is to put up a new fence and
8 gate there and work with the neighbors on the aesthetics.
9 We're not expecting to have veto power, but just simply work
10 with us on that design. And it is -- and you're planning to
11 put in a new fence and gate there, is that correct?

12 MS. PRINCE: That's covered in the conditions. We
13 have a specific condition on that.

14 MR. RUBINSON: Sorry if I missed that or forgot.

15 And then the last is I know there's a lot of
16 discussion here about the 10-foot wall and I think discussion
17 about tree shielding, but the thing I want to reemphasize is
18 that our homes are at a lower elevation, and of course by the
19 time the field comes out close to our homes, the new playing
20 field, it will be at a higher elevation. And if you look at
21 the pictures, there's a certain place where there's almost
22 like a platform that's sort of looming over the side yard of
23 one of the neighbors and then it cuts -- you have down to
24 steps to the playground. And then right there to the side is
25 the elevated for us playing field.

1 And so we'd stress the need for both tree cover and
2 wall to shield out sound and to maintain privacy. It seems
3 like that's covered in these pictures. I don't know the
4 significance of what happens with a 10-foot wall as you're
5 stepping down, but we're just hoping that it is your
6 intention to make sure that where there is that elevated
7 platform, the elevated field that there -- that you're going
8 to be doing everything you can to maintain the privacy and
9 shield the sound, particularly into the neighbor who's
10 abutting that playground, the new playground that's going to
11 be built.

12 MR. BARBER: All of those are our intention. You
13 can see the heavily treed area that I'm pointing to here.

14 MR. RUBINSON: Yes.

15 MR. BARBER: And the trees run along this line as
16 well adjacent to the new fence.

17 CHAIRPERSON HILL: That's the 10-foot fence,
18 correct?

19 MR. BARBER: Yes, it is.

20 CHAIRPERSON HILL: Okay. So I think you're
21 answering the question.

22 Is he answering the question?

23 MR. RUBINSON: Yes. Yes, my concern was that it's
24 a 10-foot fence, but as the 10-foot fence comes down, I don't
25 know what that exactly means in terms of the sight lines,

1 etcetera. But as long as the intention is that once this is
2 being built to be looking at it from the perspective so that
3 people aren't literally at this field or at that platform
4 before the steps looking right down into the person's back
5 yard -- if that's -- if your intention is to mitigate that,
6 then that's what we're asking. And I think you answered.

7 CHAIRPERSON HILL: Okay. All right.

8 MR. RUBINSON: Yes, those are the questions I have.
9 And I have comments as well.

10 CHAIRPERSON HILL: Okay. All right. Great.

11 All right. So just -- the Vice Chair reminded me,
12 is the ANC here by any chance?

13 (No audible response.)

14 CHAIRPERSON HILL: No? Okay. All right. So, Mr.
15 Rubinson, so you'll go ahead and have an opportunity now to
16 present your comments. You have 45 minutes.

17 MR. RUBINSON: I hope to let us all have -- be able
18 to eat sooner rather than later.

19 CHAIRPERSON HILL: Yes. No, no.

20 MR. RUBINSON: I noticed that you're --

21 CHAIRPERSON HILL: I'm making a joke because I don't
22 think you're going to use --

23 (Simultaneous speaking.)

24 MR. RUBINSON: Yes, yes, yes.

25 CHAIRPERSON HILL: So please go ahead and give us

1 your testimony.

2 MR. RUBINSON: Yes, so I notice that BZA catered, so
3 I'm anxious as much as you are to make -- to wrap this up.

4 So real quick, thank you. I want to thank the Board
5 for recognizing our party status. If you can leave up the
6 picture of sort of that ground floor site plan. You get a
7 sense of -- other than the one absentee owner on Ellicott,
8 those -- we're the only homes that you're actually seeing in
9 this picture. So you get a sense of how much this influences
10 us.

11 If you look at the zoning history for Safeway going
12 back to the '70s, there was way back then some concern about
13 even putting in a commercial parking lot on that site and how
14 it might impact these homes in the middle of a neighborhood.
15 And at the time the decision was made to do that because the
16 parking lot wouldn't have a major impact and was seen as
17 having a buffer to the homes.

18 So when we've dealt with various iterations and most
19 recently GDS, we had concerns about not being walled off so
20 that we would literally just no longer have any light with --
21 based on the school footprint. We were concerned about --
22 obviously about traffic. We were concerned about rogue drop
23 offs.

24 So it takes a miscreant parent to know miscreant
25 parents, and I can say that it's just rational for people to

1 want to drop off your kid on 43rd Street or Ellicott or one
2 of the neighborhoods and have them walk through this new
3 pedestrian access point. So that was a concern that we
4 raised.

5 We've had a lot of concerns about the pedestrian
6 access point because of the uniqueness of putting it there,
7 concerns related to rogue drop offs and concerns -- other
8 concerns related to safety, and some of the other concerns
9 that we've already talked about.

10 What I can say is that in terms -- first off, in
11 terms of the process we've dealt with many organizations over
12 the past decade and there is no question that GDS has been
13 absolutely fantastic. I personally have had -- if I say I've
14 had 100 interactions with them, I'm probably not
15 exaggerating, and that's just me. So what I can say about
16 Russell and his team and Allison, they've been extremely
17 transparent, responsive and shown great integrity.

18 I also want to say the ANC was very heavily involved
19 in this process to my happiness. Our SMD and the chair, he
20 is a tough critic and a tough negotiator, and at the end of
21 this process -- he had real concerns originally about the
22 traffic issues. At the end of this process he felt like this
23 is the best traffic plan that he's seen for schools.

24 So the bottom line is that at -- and I'll say that
25 when I first applied for this I didn't realize I might be

1 establishing a precedent for being in favor of the project as
2 a party, but what I'll say is that when I first did this, I
3 didn't know for certain whether we'd be supporting or not.
4 And what I can say is that this project as written we are
5 enthusiastically as the most impacted neighbor supporting the
6 project.

7 I want to just highlight a few quick issues because
8 I want to emphasize that the language in this as written is
9 -- a lot of it is very, very careful -- strikes a very
10 careful balance. So the support for the project is very much
11 dependent on several items in there that are very
12 specifically written, and in some cases involve not only
13 negotiations with GDS, but also with DDOT.

14 So the first one I wanted to highlight is the
15 pedestrian access issue through the dead end at 43rd Street.
16 I think DDOT has been absolutely fantastic. They -- we
17 pointed out some areas -- we understood the need for
18 porosity, but we also pointed out some very unique things
19 about putting in this particular pedestrian access point at
20 this point that -- having to do as I say with potentially
21 rogue drop offs and other things. And DDOT came forward with
22 some solutions that GDS has agreed to. So as written we can
23 be -- we -- the neighbors have come along. We can be
24 supportive.

25 We're happy that the footprint has been moved from

1 the original designs all the way to 42nd Street. Originally
2 it was much closer to our homes. So now there is a green
3 space buffer and we're very happy about that.

4 We're very happy and it's very important to us to
5 the tree screening and wall screening that we've discussed.
6 We talked a great deal about the issue of sound pollution,
7 and they've done an awful lot to address that and make
8 assurances. The same thing with lighting.

9 A lot of concerns about the bottleneck of an egress
10 on Ellicott, and I believe that they have done everything
11 they can there.

12 And then reaffirming the -- keeping the vehicular
13 access point, emergency access point at 43rd Street
14 perpetually closed except for emergency purposes. So that's
15 -- our dead end street technically ends in a -- in what could
16 be a gate if there were ever a reason why the fire department
17 needed that kind of access, and we're absolutely fine with
18 that.

19 So to conclude, as long as the -- for all the things
20 that I discussed, that the language stays as it is in their
21 application -- and I didn't ask this question, but there's of
22 course the expectation that they're going to be working with
23 the community on a construction management plan. I can say
24 that I don't know of anybody in my immediate neighborhood
25 that's opposed to the project and I can say that we on 43rd

1 Street and those people I've talked to on Ellicott Street, as
2 well as myself, are enthusiastic about -- in support of the
3 project.

4 CHAIRPERSON HILL: Okay. Great. Thanks.

5 So, Ms. Prince, all of the things that Mr. Rubinson
6 must mentioned, those are all agreed to within somewhere,
7 like it has -- whenever I get to whatever it is the somewhere
8 is, you agreeing, you understand everything that was just
9 pointed out and you all are in agreement to that?

10 MS. PRINCE: Correct.

11 CHAIRPERSON HILL: Okay. All right.

12 Mr. Rubinson, after again looking at this, obviously
13 I would think you are very much affected, all the people that
14 are affected there and also from the Safeway lot that was
15 there for years as well. I had one question, it's I think Mr.
16 Shaw. So you're the headmaster?

17 MR. SHAW: I am.

18 CHAIRPERSON HILL: So that's like the principal?

19 MR. SHAW: Sort of, yes.

20 CHAIRPERSON HILL: Sort of?

21 MR. SHAW: We have three divisions each of which has
22 its own principal.

23 CHAIRPERSON HILL: Oh, okay.

24 MR. SHAW: Yes.

25 CHAIRPERSON HILL: So how do you stop people from

1 dropping off in that area?

2 MR. SHAW: It's a great question. So currently for
3 morning drop off at both campuses we have a combination of
4 school employees and off-duty D.C. police officers who do
5 traffic management for us. And we have those people posted
6 at places where they're either are or could be issues.

7 CHAIRPERSON HILL: So you send them away?

8 MR. SHAW: Yes.

9 CHAIRPERSON HILL: Put them back to where they're
10 supposed to be?

11 MR. SHAW: Yes, and actually for something sensitive
12 like rogue drop offs on 43rd Place we have language in our
13 enrollment contract that asks for agreement --

14 CHAIRPERSON HILL: Sure.

15 MR. SHAW: -- with our transportation conditions,
16 and it would be something that you would get a warning and
17 then you could lose your right to bring your students to
18 school.

19 CHAIRPERSON HILL: Sure. Okay. And then, Ms.
20 Prince, you guys are working through a construction
21 management plan, is that correct, with this group, or no?

22 MS. PRINCE: We'll certainly engage the community on
23 all construction matters, but we weren't doing that as a
24 condition of the BZA order.

25 CHAIRPERSON HILL: Okay. So, but you would be

1 working with the ANC then on the construction matters?

2 MS. PRINCE: We'll -- everyone. We'll be involved
3 with -- when we retain a general contractor and have our
4 approach to construction, we'll engage the community about
5 anything relating to construction.

6 CHAIRPERSON HILL: Okay. And how do you plan on
7 engaging the community?

8 MS. PRINCE: We're meeting with the community
9 quarterly as a condition of this approval, and I would just
10 expect to start that process before the building is even
11 open.

12 CHAIRPERSON HILL: Okay. So you're meeting
13 quarterly now within the -- wherever this list of conditions
14 is, right? There's something in the --

15 MS. PRINCE: I got it all figured out, Chairman
16 Hill.

17 CHAIRPERSON HILL: Right. Okay. That's fine. So
18 that has -- there's quarterly meetings in there and that's
19 when you would bring up the construction issues?

20 MS. PRINCE: Yes. Yes.

21 CHAIRPERSON HILL: And who is invited to those
22 meetings?

23 MS. PRINCE: We can -- we've had tremendous success
24 working with Commissioner Bender, the chairman, our SMD. And
25 we'll take his guidance and leadership on how to handle that

1 process. It might be invite owners within 200 feet. It
2 might be immediately affected neighbors.

3 CHAIRPERSON HILL: Okay. That would include Mr.
4 Robinson, the -- I mean, Rubinson?

5 MS. PRINCE: Absolutely.

6 CHAIRPERSON HILL: Okay. All right. Okay. Great.
7 Does anybody have any questions for the witness
8 other than me?

9 VICE CHAIR HART: Just one quick question. When you
10 were talking about the views, and I kind of realize that
11 there really isn't a view from 43rd Street of the -- what is
12 being proposed; and I don't know if the architect has that,
13 but you said you're not -- you wouldn't be opposed to it
14 because they've actually moved away from the buildings. Is
15 that what I heard you say?

16 MR. RUBINSON: Right. We -- so we -- all of our
17 back yards have decks. And our neighborhood lives on our
18 back decks, so the view across the street -- I mean, sorry,
19 not across the street, the view immediately towards 42nd
20 Street through what is now the Safeway parking lot and will
21 be the school is critically important to us. So in addition
22 to the fact that the footprint has been moved to 42nd so it's
23 not looming over us, we also talked to GDS not only about the
24 esthetics of the architecture, but also about the importance
25 of tree screening to maintain privacy and attractive sylvan

1 views.

2 VICE CHAIR HART: And there was no less of a concern
3 about having the kind of kids' play area that was -- because
4 you'll have kind of one to the west and one to the south.
5 Excuse me. One to the east and one to the south of where you
6 are. That didn't come up?

7 MR. RUBINSON: It's something we've discussed a lot.
8 We're very happy that there is -- we see it as green space
9 buffer between us and the building, so that's a very positive
10 thing. And so our understanding is the intention is not to
11 put buildings in there in the future, so that is a positive.

12 It is true that at least one of my neighbors does
13 have concerns about the amount of noise that could come from
14 children playing, but that's -- we understand that that's a
15 fact of life in a school. And so -- and we also feel that
16 the 10-foot fence -- I'm assuming will be certain kind of
17 soundproofing materials that can mitigate that issue, both
18 from a sound perspective and visually as well.

19 VICE CHAIR HART: Yes, I appreciate it. I just was
20 trying to make sure that you -- that those things were kind
21 of things you'd actually had discussions around, and it
22 sounds like you had, so --

23 MR. RUBINSON: We did. We understand that there are
24 trade-offs and this is just one of those trade-offs that
25 we're -- that we've wholeheartedly accepted.

1 VICE CHAIR HART: Thank you.

2 CHAIRPERSON HILL: Okay. Great. Ms. Prince, do you
3 have any cross?

4 MS. PRINCE: No cross.

5 CHAIRPERSON HILL: Okay. Great. All right. I'm
6 going to turn to the Office of -- oh, I'm sorry. Did the
7 Board have any questions at this point for either the
8 Applicant or the witness again?

9 Please go ahead, Mr. Shapiro.

10 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just
11 a clarification on the road closure on 42nd, the access from
12 I think it's Ellicott and the fish hook. So 42nd Street is
13 a two-way street, but that fish hook is only one way. So the
14 plan is that that little curve becomes a two-way street but
15 with no left turn out of it?

16 MS. PRINCE: That's correct. This piece right here
17 would become two-way. The DDOT has requested that we
18 restrict left turns out onto Wisconsin Avenue for safety
19 reasons.

20 COMMISSIONER SHAPIRO: Well, I mean, it will be up
21 to DDOT to put up a no left turn sign.

22 MS. MILANOVIC: True. That's true. I mean, we'll
23 be working with them on the design. We have to do a little
24 bit of widening to ensure that we can facilitate two-way
25 traffic. So we'll be coordinating with DDOT through the

1 public space process on that design, but I would expect that
2 it would simply be a posting of a no left turn sign.

3 COMMISSIONER SHAPIRO: And so then the block south,
4 which we don't have on this, that's where the Steak and Egg
5 is?

6 MS. MILANOVIC: That's right.

7 COMMISSIONER SHAPIRO: So then that becomes the main
8 egress and that will be a left or right turn and that will
9 become a signalized --

10 MS. MILANOVIC: That's correct. That's Chesapeake
11 and Wisconsin and we're required to design and install the
12 traffic signal there. And you will be able to make a left.

13 COMMISSIONER SHAPIRO: So you're actually designing
14 and installing the traffic signal per DDOT's specifications?

15 MS. MILANOVIC: That's correct.

16 COMMISSIONER SHAPIRO: Okay. Thank you.

17 MS. MILANOVIC: Yes.

18 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

19 VICE CHAIR HART: One question around the -- do you
20 have a pedestrian plan, like a pedestrian route planned? I
21 know you have vehiculars, but do you have one that kind of
22 shows -- because I was trying to figure out why -- so there's
23 going to be a gate on 43rd Street to keep people from kind of
24 driving down there, but can you walk out of there?

25 MS. MILANOVIC: Yes.

1 VICE CHAIR HART: My question was really around you
2 made a statement, Ms. Milanovic, about the 43rd Street and
3 not thinking that you needed to have a -- you thought it was
4 a little excessive, or GDS thought it was a little excessive
5 to put in the sidewalk in the western portion of 43rd Street,
6 but I just don't know where folks kind of walk around here
7 and it seemed as though if somebody's walking up there, maybe
8 it is a good thing to put a -- so they're not actually
9 walking in the street. But I don't know where those
10 pedestrian areas are, so I'm -- I don't live there, so I
11 don't have the ability to know that.

12 MS. MILANOVIC: Right. So there's a sidewalk here,
13 but it's missing on this part of 43rd Street just south of
14 Ellicott Street. That's the piece DDOT wants us to put in.

15 There will be a gate here. DDOT requested that we
16 provide pedestrian access. Even though vehicular access
17 won't be allowed they requested that we allow pedestrian
18 access. And this was the source of a lot of conversations
19 with the community. I think initially the community was
20 opposed to that and not wanting that pedestrian connection
21 through the site. And so as Mr. Rubinson had alluded to, we
22 developed a condition whereby we're required to monitor that
23 to make sure there aren't any what he calls rogue drop offs
24 on Ellicott Street.

25 So I mean, there is the potential that students who

1 are walking to school could enter the site via that
2 pedestrian gate. It will be open during school hours. But
3 there are also other points of access to the campus. It's an
4 existing condition. That sidewalk is missing. There are
5 existing homes in that area and it just felt a little bit out
6 of sort of the realm of DDOT -- GDS' responsibility to
7 install a sidewalk that's been missing for years.

8 VICE CHAIR HART: Yes. No, I understood that part.
9 What I was trying to get to was typically when I've seen
10 schools in kind of an urban context -- and that's also why I
11 was asking about the fencing was to understand exactly what
12 was kind of being fenced -- where that fencing and where the
13 barriers were and where people could actually -- where the
14 porosity was for people to be able to walk out there or
15 whatever.

16 And I'm not exactly sure where people are walking
17 from, how many of those students are actually are there? Are
18 they just being dropped off? Are any of them coming from the
19 neighborhood to be able to do that? And again, it's just
20 because we don't -- I and maybe it's just in the data
21 somewhere that we have that I just haven't seen, but it's
22 just helpful to kind of understand where that pedestrian
23 movement is happening so that you can kind of -- I mean, I
24 get they're coming from Metro so you'll have quite a number
25 of them coming from Wisconsin. I get that part of it. I

1 just thought that were maybe people coming from other
2 locations and I didn't know what that meant.

3 And if somebody's dropping off at Ellicott Street,
4 can they walk down 43rd Street? I mean, I don't know. And
5 I'm trying to kind of understand how they do that.

6 MS. MILANOVIC: Sure. So I mean, there will be
7 students walking. I think if I remember correctly, the
8 percentage of students that are walking to that campus
9 currently is about 8 percent. We expect that to increase
10 when the lower middle school moves to this location. So
11 there will be probably on the order of 10 to 12 percent of
12 students who will be walking and biking.

13 And so students that live sort of north and west of
14 the site can walk along Ellicott Street and they could use
15 43rd Street to access the campus. Of the 10 to 12 percent
16 those that live north and west would be a portion of that.
17 So again, it's not a significant number, but we certainly
18 expect there will be some people that are walking to school
19 to come in.

20 VICE CHAIR HART: Well, I mean, you're looking at --
21 you said you have -- you're looking at 1,200 students?

22 MS. MILANOVIC: Correct.

23 VICE CHAIR HART: So 10 percent of them is 120. So
24 that's a larger --

25 MS. MILANOVIC: Well, but they're not all coming

1 from the north and west.

2 VICE CHAIR HART: Oh, I know it's not all, but if
3 some of them are, you're -- trying to make sure that they
4 have a safe environment to be able to access the school is --
5 I think would be important and I think that having a
6 pedestrian kind of plan to figure out how people are moving
7 around the school would be helpful, because right now again
8 I don't have a sense as to -- if 100 of the people are coming
9 from the Metro, or less, or what. And that's what I was
10 trying to get to.

11 MS. MILANOVIC: Sure. So I mean, we have in our
12 comprehensive transportation study which was submitted for
13 the record -- there is a pedestrian plan in there. I'm not
14 sure that it provides the level of detail you're looking for.
15 We simply looked at all of the points of access and egress to
16 and from the campus and where pedestrians can enter and exit.
17 So for example, 43rd Street is one location. We're also
18 providing a new connection to River Road so you can access
19 the campus from River Road as a pedestrian And then
20 obviously from 42nd Street, which you can do today.

21 We haven't gone to the level of detail of looking at
22 ZIP code information and looking at those routes based on ZIP
23 code information for the current population.

24 VICE CHAIR HART: Yes, I didn't mean to -- and I
25 feel like I'm belaboring the point, but I was just trying to

1 understand that a little better. And it seemed as though the
2 43rd Street sidewalk wasn't a huge ask in that there may be
3 people that -- kids that are actually using -- or staff that
4 are using that, and I just didn't know what -- I understand
5 what you're saying about it, so I'll leave it there.

6 CHAIRPERSON HILL: Okay. Now he's opened a door.
7 So the sidewalk there -- okay. So, thanks for throwing this
8 up here. The sidewalk, there is existing sidewalk on that
9 first block and then DDOT is talking about that last little
10 piece, to take sidewalk from that corner up to Ellicott
11 Street. Correct?

12 MS. MILANOVIC: That's correct.

13 CHAIRPERSON HILL: Okay. And there's no sidewalk in
14 front of the group of homes that Mr. Rubinson is in?

15 MS. MILANOVIC: Correct.

16 CHAIRPERSON HILL: Correct? And is there a sidewalk
17 then along Ellicott Street there that runs -- I don't know,
18 is that --

19 MS. MILANOVIC: Yes. East-west, yes.

20 CHAIRPERSON HILL: And does the sidewalk where -- is
21 there a sidewalk right where that -- where the cursor just
22 was?

23 MS. MILANOVIC: Right here?

24 CHAIRPERSON HILL: Yes.

25 MS. MILANOVIC: Yes.

1 CHAIRPERSON HILL: Okay. So now before we get to
2 any of this, I'm just curious, so that's the part that you're
3 saying you don't want to build or saying that DDOT wants you
4 to build a sidewalk to that portion. You don't want to do
5 it. And before we even get to why you don't want to do it,
6 Mr. Rubinson, does -- do your -- do you know if those people
7 want a sidewalk there, or they don't care?

8 MR. RUBINSON: I would say that the people who -- by
9 the way, that sidewalk where it's missing, it's -- it would
10 be in front of just one home, one long area.

11 CHAIRPERSON HILL: Right.

12 MR. RUBINSON: If I had to guess, the people in that
13 home who've been there since 1960 or earlier when there
14 weren't any other houses around there, they might be against
15 the sidewalk. I haven't talked to them about it. But what
16 I will say is that the people who live on the part of the
17 street where there is a sidewalk would like the continuation
18 of the sidewalk so that they could not have to walk in the
19 street to get to the sidewalk.

20 CHAIRPERSON HILL: Okay. All right. That's good.
21 So now I'm confused again because it's that property owner.
22 I don't know what to do now. Okay. So all right.

23 MR. RUBINSON: And I'll say just one more thing; I'm
24 sorry, just to respond to what Mr. Hart was saying before,
25 and that is that the opening of the 43rd Street access

1 created a lot of concern for the neighborhood. I want to
2 really emphasize that. If it was up to the neighbors, it
3 would not be open. It was something that GDS was not asking
4 for. It was DDOT that's been asking for it. And we went in
5 with the notion that if that's something that was going to be
6 required by DDOT, we were looking to try to strike a
7 compromise regarding porosity and the concerns we have.

8 And so we feel and we hope that we've struck that
9 compromise, but if the Board ever decided that it was a bad
10 idea to have an opening there, you would find a lot of
11 support in the neighborhood for not.

12 CHAIRPERSON HILL: Okay. All right. Does anybody
13 have any more questions? Sure. Go ahead.

14 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

15 I just want to make sure I heard you correctly. If
16 there were a -- would you want a sidewalk on your side?

17 MR. RUBINSON: Absolutely not. We have very, very
18 small front yards on that side of the street, and so we would
19 -- we don't need one. We also have driveways, so -- anyway,
20 no.

21 COMMISSIONER SHAPIRO: Okay. I just want to be
22 clear.

23 Thank you, Mr. Chair.

24 CHAIRPERSON HILL: Okay. Great. Ms. White?

25 MEMBER WHITE: No, I was just commenting. I

1 understand why someone may not want a sidewalk if it would be
2 on the side of their house there, but considering that this
3 is going to be a school facility with a lot of kids walking
4 around, I think from a safety perspective it might be
5 something that you might want to take into consideration. I
6 guess my question would probably be to some of the students,
7 what would they think about having a sidewalk there? Would
8 it make life a little easier for them? But that was just a
9 comment that -- I think just in terms of having 1,200-plus
10 students in this small -- well, it's not a small area, but in
11 this vicinity, to have pedestrian safety and crosswalks will
12 probably go a long way because you're going to be bringing in
13 a lot of people into an area that weren't there before. So
14 not a question, but just a comment.

15 CHAIRPERSON HILL: Okay. Great. Thank you.

16 All right. Going to turn to the Office of Planning.

17 MR. COCHRAN: Thanks, Mr. Chair. Steve Cochran for
18 Office of Planning.

19 There's been a lot of change in the proposal since
20 we filed our report on the 17th and that's -- they have been
21 good changes, so much so that our recommendation is a lot
22 simpler than it was in the report.

23 We're simply recommending that you approve the
24 special exception provided that the Applicant further refines
25 aspects of the design and landscaping along 42nd Street as

1 noted on the top of page 2 of our report. I can go into more
2 detail on that in a minute. And subject to the conditions
3 under tab C in the Applicant's Exhibit 60 OP also supports
4 conditions that were in the DDOT report of November 17th.
5 DDOT couldn't be here today, but did ask me to emphasize a
6 sidewalk on 43rd Street. They feel that connection is very
7 important. They didn't mention anything about one charging
8 station versus five charging stations.

9 And that actually concludes our report. If you have
10 any questions, of course I'd be happy to go into more
11 details.

12 CHAIRPERSON HILL: Okay. Great. Thanks. This two
13 hours is going to come down to a sidewalk.

14 (Laughter.)

15 CHAIRPERSON HILL: Okay. All right.

16 MR. COCHRAN: And the one condition on the design on
17 42nd Street.

18 CHAIRPERSON HILL: Oh, there's all kinds of
19 conditions that I'm going to clear up at some point.

20 So, okay. Anybody got questions for DDOT?

21 VICE CHAIR HART: Yes, for OP.

22 CHAIRPERSON HILL: Sure. Oh, I'm sorry. OP. I got
23 questions for DDOT. All right. OP?

24 VICE CHAIR HART: Yes, actually just one question,
25 and I'm glad that you brought up the design and landscaping

1 of the GDS property for 42nd Street. This just seemed a
2 little odd and I just wanted to get your read on -- or why
3 you phrased it this way. I think I understand it, but I
4 wanted to make sure. And so you say that the -- for the 42nd
5 Street between Davenport and Ellicott Streets further refined
6 landscaping adjacent to the property line and the design of
7 the first, oh, 10 above-grade feet of the building façade.
8 Is that just because it is not a floor?

9 MR. COCHRAN: No, sir. The Applicant's already
10 thoroughly redesigned the building in response to some
11 earlier OP comments. What we're focusing on in this comment
12 on page 2 is just the pedestrian experience going down 42nd
13 Street. Anyone who knows that street knows that it's less
14 than an elevating experience to walk along the west side of
15 the street on the back of what used to be Martens Volvo. So
16 we're assuming that people will be walking down the west side
17 adjacent to the new building if you approve it.

18 Because of the way that the grade changes, as the
19 Applicant has noted, there would be about three feet of
20 window that would come up above the sidewalk level on 42nd
21 Street. It opens fully onto the field. Again, looking at
22 the illustration you'll see that an adult walking along there
23 would have an eye level adjacent to a brick wall for the
24 entire length of the block between Davenport and Chesapeake.

25 So we just were asking the Applicant to take a

1 little bit of a further look at that to try to introduce some
2 more variety, some more rhythm into either the fenestration
3 or into perhaps the addition of false windows that would be
4 below the actual windows, whatever, something to make that
5 pedestrian experience between those two streets of Davenport
6 and Chesapeake into something a bit more friendly. We're not
7 looking for thoroughgoing changes to the building. We think
8 that they've done that for the overall building.

9 VICE CHAIR HART: Okay. Could we call it just the
10 base of the building? Just the whole 10 feet above grade
11 seemed odd to me. That's the part that I was struggling
12 with. I'm like what if they -- it just seems like they just
13 need to kind of figure out what that -- I mean, it looks like
14 it's the base of the building, the --

15 MR. COCHRAN: I think that would be fine.

16 VICE CHAIR HART: I don't know, I guess that's brick
17 that's shown there?

18 MR. COCHRAN: It's darkest of the --

19 VICE CHAIR HART: Yes.

20 MR. COCHRAN: -- brick colors that --

21 VICE CHAIR HART: Yes.

22 MR. COCHRAN: -- they show in their exhibits.

23 VICE CHAIR HART: So, yes. And I kind of -- I think
24 I in some ways am appreciative of the design change from the
25 existing, so it's -- that's a positive, much positive, much

1 more positive direction. It is. But I understand what
2 you're talking about in terms of -- actually you can see it
3 in this image that's shown -- I don't know what slide this
4 is, but that the Applicant is showing right now with the
5 people, the adults kind of walking along and their heads are
6 where the -- that brick course is, which is kind of
7 unfortunate, but I guess that's just the way the site is
8 moved.

9 And just to make sure that you're not actually
10 asking this either, the housing supply issue, you raise that
11 or is that --

12 MR. COCHRAN: We raise that in our report. The
13 Applicant has submitted information since then that addresses
14 that question, which -- and we'd ask them to address why
15 they're doing what they're doing with respect to the two
16 existing -- one single-family detached house and one row
17 house.

18 VICE CHAIR HART: Okay. Thank you.

19 CHAIRPERSON HILL: Anyone else for the Office of
20 Planning?

21 No? Okay. All right. So do you have any questions
22 for the Office of Planning and/or any comments about the 10-
23 foot base design of the building?

24 MS. PRINCE: I think it would be a good opportunity
25 to have the architect just address the base of the building.

1 MR. BARBER: Okay. So I've got a couple different
2 slides in different areas. The one I showed here was we went
3 ahead and put -- in Photoshop we put the trees in place
4 because that is the actual character that will be there. The
5 trees will be in place. You have plantings additionally in
6 front of the building itself.

7 I'm going to go to the back of the deck where we
8 have -- we had rendered this just so the building would be
9 more understandable. You can see straight to the building
10 without the trees in this case, although they would be there.
11 This is essentially the exact same window pattern as the
12 pattern that occurs on the playing field side. It's just the
13 fact that the grade slopes up.

14 And it means, yes, that if you're a six-foot person
15 walking along, your eye level will be at the brick. But to
16 me that's not going to be an issue because what you'll
17 perceive is the overall composition of the base of the
18 building itself, not just the first 10 feet of the building.
19 I believe you'll understand the entire composition.

20 And then this set of views is -- the upper set of
21 views is what that will feel like. Again, not in a high
22 rendering style, but you'll be walking adjacent to trees on
23 the left. There will be a bit more plantings on the right.
24 To be honest, there's going to be some higher grasses through
25 here. But you'll perceive this entire base of the building

1 that will have rich brickwork. It's not going to be plain.
2 It will have wood-accented windows. And I just feel that
3 extending this up or extending this down as a false window,
4 it could be done. Construction-wise I just don't happen to
5 feel that it's an improvement.

6 CHAIRPERSON HILL: Okay. All right. Okay. So
7 there's no questions to the Office of Planning? You don't
8 have any questions of the Office of Planning? That was just
9 a comment to the Office of Planning?

10 MR. BARBER: Oh, no, I think I understand their
11 comments.

12 CHAIRPERSON HILL: Okay. All right. Mr. Hart, do
13 you have any further questions on that?

14 VICE CHAIR HART: No, I think I'm -- I don't have
15 any further questions for the Office of Planning.

16 CHAIRPERSON HILL: Okay. And, Mr. Cochran, before
17 we get to whether or not we're in agreement of that as a
18 condition for the Board, that's the only condition that the
19 Office of Planning currently has is the 10 feet or the base
20 of the building enhancement, correct?

21 MR. COCHRAN: If I could just clarify a little bit.

22 CHAIRPERSON HILL: Sure.

23 MR. COCHRAN: The landscaping area, is it within the
24 boundaries of the school property; i.e., not in public space?
25 The problem we have could be handled by more or different

1 types of landscaping. It could be handled by the inclusion
2 of art in there. We're just talking about something so the
3 pedestrian has something other than brick to look at. So
4 there are a lot of options that the Applicant would have if
5 they wanted to respond to our comment.

6 CHAIRPERSON HILL: Okay. Yes, you can go ahead.
7 Sure.

8 MR. BARBER: Yes, it is actually outside of our site
9 boundary, but our intention is to be the group that
10 landscapes that area. And so this quick rendering on the
11 upper right does not show the intensity of landscaping that
12 is already intended to be there. It's a little bit more
13 understandable here where you start to see tall grasses.
14 You'd have to combine that again with these trees.

15 So I think there is a chance to work on that
16 landscape together and continue to make sure it's a rich
17 experience.

18 CHAIRPERSON HILL: I'm just trying to figure out how
19 to write the condition or what the condition is that now
20 we're getting to. I mean, so I saw a bunch of nodding going
21 on over there a minute ago. I mean, what -- how would I --
22 how would this condition be put forward or how would you have
23 something that you think -- you seem to understand what the
24 Office of Planning is trying to get at. What would you
25 suggest?

1 MS. PRINCE: We could add -- I mean, we have the
2 existing conditions. We can add a concept that landscaping
3 will be handled in a way to address the eye level experience.
4 I think the trees will do that. I think additional
5 landscaping will do that. I mean, we understand the
6 question. I mean, we -- and we have looked at alternatives.
7 We ultimately determined that this -- we felt this was the
8 best approach, but we can certainly handle the landscaping in
9 a way that's sensitive to that experience.

10 CHAIRPERSON HILL: Okay. And I guess the part that
11 I'm struggling with again is like you're not -- you don't
12 have -- you're not responsible for the trees, right? That's
13 within public space.

14 MS. PRINCE: We're responsible -- we're planting the
15 trees. We're handling the landscaping in public space.

16 CHAIRPERSON HILL: Okay.

17 MS. PRINCE: I mean, it's subject to approval of the
18 Public Space Division --

19 CHAIRPERSON HILL: Right.

20 MS. PRINCE: -- but we're handling it.

21 CHAIRPERSON HILL: Okay.

22 MS. PRINCE: And that's a good point, Chairman Hill,
23 because that is a public process. So in connection with all
24 the public space review we can raise -- we can address this
25 issue. That's a whole separate review with the ANC and

1 everyone else, so --

2 (Simultaneous speaking.)

3 CHAIRPERSON HILL: No, I understand how that goes.
4 I guess what I always try to do or try to understand a little
5 bit better is once people leave here --

6 MS. PRINCE: Yes.

7 CHAIRPERSON HILL: -- we don't know what they're
8 going to do. And everybody says they're going to do
9 everything they're going to do and then they leave here and
10 they do whatever they do. And so, you know, I'm just trying
11 to understand before we leave here what is actually
12 supposedly going to happen, but I appreciate your comment and
13 I don't doubt your honesty and your genuineness. And it's a
14 lovely, beautiful school.

15 So, okay. Commissioner?

16 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. So on
17 this one point my issue, my question is more around that
18 bottom floor and the windows that are there and what the use
19 is there, and is part of the role of the landscaping to
20 screen the activities for whatever is there or not, or
21 there's -- is it tinted glass in some way or -- it's not
22 clear to me because it -- that also is a little bit odd to
23 have those windows be --

24 MR. BARBER: Yes, you will --

25 (Simultaneous speaking.)

1 COMMISSIONER SHAPIRO: -- people that are walking
2 by.

3 MR. BARBER: I should probably get off of this
4 drawing for a moment because it's not precisely correct. In
5 the plan you can see that the sidewalk is removed from the
6 building by about eight feet. So all we're intending to do
7 there is to enliven the pedestrian experience with planting.
8 We don't feel a real need to screen the view into those
9 areas. They are high windows in offices and classrooms. And
10 because of the planned distance of seven to eight feet we
11 don't feel like there's a lot of privacy concern. So we
12 intend clear glass and interesting landscape for that
13 experience.

14 COMMISSIONER SHAPIRO: Okay. And from a safety
15 perspective the screening there could potentially create some
16 kind of safety hazard with those glass windows if they were
17 hidden behind denser landscaping.

18 MR. BARBER: That could happen if the landscape were
19 too dense.

20 COMMISSIONER SHAPIRO: All right.

21 MR. BARBER: Yes. There's a balance.

22 COMMISSIONER SHAPIRO: So I just think there's a lot
23 to take into account in that space.

24 MR. BARBER: Yes.

25 COMMISSIONER SHAPIRO: A lot of competing interests.

1 So I don't know what to do about that beyond --

2 CHAIRPERSON HILL: We'll see how we get --

3 COMMISSIONER SHAPIRO: You all just have to figure
4 it out.

5 CHAIRPERSON HILL: We're going to figure it out.
6 Before I -- before we leave this issue I was going to ask
7 Office of Planning if they have any final comments, but they
8 do have a comment it looks like.

9 MR. COCHRAN: If it gives the Chair any comfort, the
10 Office of Planning does also have staff to the Public Space
11 Committee in our office. And the different divisions do have
12 conversations, so there will be other opportunities to
13 address this if you approve the project.

14 CHAIRPERSON HILL: Okay.

15 MR. COCHRAN: We would also be able to work with the
16 Public Space staff on this.

17 CHAIRPERSON HILL: Okay. Great. Okay. So you'll
18 still have to deal with them anyway it sounds like. All
19 right.

20 VICE CHAIR HART: A quick question.

21 CHAIRPERSON HILL: Sure, go ahead, Mr. Hart.

22 VICE CHAIR HART: I'm sorry. One question of OP.
23 I actually should have brought it up earlier. They can --
24 they're able to do a 10-foot wall? And I'm only asking
25 because they've now agreed to this 10-foot sound barrier

1 wall, whatever that's going to be, between the two. And I
2 just want to make sure that that's -- I know it's seven, or
3 maybe six is allowable or -- I just want to make sure that
4 that's okay.

5 MR. COCHRAN: I believe that it's permissible with
6 the -- as long as the neighbor doesn't object. And my
7 understanding is that this neighbor has actually asked for
8 the 10 feet, not 7 feet. It also goes through the Public
9 Space Committee. Well, no. Actually, no, excuse me, because
10 this is on -- in between two pieces of private property.

11 CHAIRPERSON HILL: Okay. Anybody else for Office of
12 Planning?

13 (No audible response.)

14 CHAIRPERSON HILL: Okay. Just out of curiosity
15 here, is there anyone here in opposition?

16 (No audible response.)

17 CHAIRPERSON HILL: Wow, so this is gone on this long
18 and there's nobody here in opposition.

19 (Laughter.)

20 CHAIRPERSON HILL: Okay. All right. Let's see.
21 Okay. Does anybody got anything else for the Applicant?

22 (No audible response.)

23 CHAIRPERSON HILL: Anybody got anything else for our
24 party status person?

25 (No audible response.)

1 CHAIRPERSON HILL: All right. Anyone here from the
2 ANC?

3 (No audible response.)

4 CHAIRPERSON HILL: No, did that already. Anybody
5 here in opposition?

6 (No audible response.)

7 CHAIRPERSON HILL: No. Is anyone here in support?
8 If you'd raise your hands.

9 (No audible response.)

10 CHAIRPERSON HILL: Okay. All right. There we go.
11 So you all have waited this long. So did everybody get sworn
12 in? And if anybody didn't get sworn in, could you raised
13 your hand?

14 (No audible response.)

15 CHAIRPERSON HILL: Okay. Sir, if you'd stand and
16 the secretary is going to administer the oath. That's number
17 one.

18 (Whereupon, the witness was sworn.)

19 CHAIRPERSON HILL: Okay. All right. You all can
20 just give up your seats. And how about everybody come on
21 forward, however many seats I got, and let's just -- just sit
22 behind -- let's see how many seats I can fill up first. One,
23 two, three, four -- I can fill up eight seats.

24 VICE CHAIR HART: And while you're sitting -- while
25 you're coming down here, I just want to say really, really

1 happy to see you guys here because I think kids need to be
2 involved in -- this is -- kind of involves you all and I
3 think it's really, really happy -- I'm very happy to see
4 this. So I welcome you guys to the BZA meeting.

5 COMMISSIONER SHAPIRO: And I'll just say I hope this
6 counts as community service credit, too.

7 (Laughter.)

8 CHAIRPERSON HILL: The headmaster shook his head no,
9 so I'm going to go with no. This is a learning experience.
10 This is beneficial.

11 All right. So let's see, if you all could first
12 please identify yourselves from my right here to left, and if
13 you'd just state your name and your home address. And if you
14 just push the button into the -- speak into the microphone,
15 push the button, and just speak as clearly as you can into
16 the microphone there. Thank you.

17 Starting with you, sir.

18 MR. SAVOY: I'm Bryce Savoy. My address is 655
19 Michigan Avenue, Northeast, Washington, D.C.

20 MS. MAYS: I'm Nyah Mays, 9620 Stuart Lane, Clinton,
21 Maryland.

22 CHAIRPERSON HILL: All right. Excuse me. I'm
23 sorry. The Commissioner here was actually curious as to what
24 grade you were in, if you don't mind saying that as well.

25 MR. SAVOY: Ninth.

1 CHAIRPERSON HILL: Thank you.

2 MS. MAYS: Tenth.

3 CHAIRPERSON HILL: Thank you.

4 MS. LUCAS WALKER: I'm Laela Lucas Walker, 9159
5 Stonegarden Drive, Lorton, Virginia and I'm in 10th grade.

6 MS. LOMAX: Nevada Lomax, 10201 Running Brook Lane,
7 Upper Marlboro, Maryland. I'm in 10th grade.

8 MR. SMITH: My name is Gabriel Smith, 6538 Joe
9 Klutsch Drive, Fort Washington, Maryland, 20744, and I'm in
10 12th grade.

11 MR. GUICHARD: My name is Christian Guichard, 440
12 Farmington Road West, Accokeek, Maryland. I'm a senior, 12th
13 grade.

14 MR. ALI: Kamal Ali, 1818 Shepherd Street,
15 Northwest, D.C., 20011. I'm in 13th grade. No.

16 (Laughter.)

17 CHAIRPERSON HILL: There you go. I was going to see
18 what's going to do at the end there.

19 MR. NESBITT: Hello, and I'm Leroy Nesbitt, Jr. and
20 I am -- live at 2618 Northampton Street, Northwest,
21 Washington, D.C., and I'm in 13th grade, too.

22 CHAIRPERSON HILL: Okay. There you go.

23 All right. So I'm going to start with you, sir, on
24 my right here and I'm going to put two minutes up on the
25 clock for you. You can take as much or as little as you

1 like. Thanks for coming down here. I'd also like to echo
2 the comments of the Vice Chair in that this is a long day.
3 I don't know if you all came first thing in the morning. Did
4 you guys come first thing in the morning?

5 (No audible response.)

6 CHAIRPERSON HILL: Oh, okay. All right. So you got
7 sworn in at the second half or there was some -- okay. Well,
8 so definitely welcome. I hope that it has been eye opening.

9 And with that, sir, I will start with you and you
10 can begin whenever you like. Just push the button.

11 MR. SAVOY: Okay. So as I said, my name is Bryce.
12 I'm a new ninth grader at GDS and -- well, since -- and it's
13 like contemporary existence. GDS' middle school and high
14 school have been separate. And this separation doesn't
15 really allow for its younger students to interact with us,
16 like the high schoolers. When I was in first grade at my old
17 school, there was like -- we had a system where our sixth
18 grade buddies would come to visit us and like, you know, we
19 would just talk.

20 And students from different levels of school
21 connecting is really a beautiful thing because it allows us
22 to create a tighter knit community, and community is
23 something that we valued greatly at GDS. Community is so
24 important that at our high school we have community
25 engagement opportunities that aid the local Tenleytown

1 inhabitants.

2 Students are also a large part of supporting the
3 area's small businesses, but what I really -- what really
4 affects me is like getting there. I wouldn't be able to go
5 to GDS if it weren't for the Metro station that's so close
6 by. I recently moved to D.C. and there's a Metro station; I
7 live three minutes from the Metro station, and I would not be
8 able to go there otherwise because my mom would have to drive
9 past her job to take me to school and then go back to her
10 job. And if that were the case, I would not be going there.

11 And that's just -- that's my story and a lot of
12 other students go through the same thing. And it would just
13 be easier for students who have siblings for -- just to go to
14 one campus.

15 CHAIRPERSON HILL: Okay. Great. Thank you, sir.

16 MS. MAYS: My name is Nyah Mays. I'm in 10th grade
17 and I'm a lifer at GDS and I've been going here for 12 years.

18 GDS is a fantastic school with a unique mission
19 focused on social justice and inclusion and I sacrifice
20 waking up at 5:00 a.m. every morning to experience this great
21 school.

22 Having a Metro nearby allows me and my peers from
23 other places to come and experience this education. It is
24 important to have Metro nearby the school because of traffic,
25 and we use it. While attending the lower middle school I

1 would be late to my first class almost every single day and
2 I would miss out on the fantastic education because there was
3 no Metro nearby. Having a Metro lessens the risk of my being
4 late and having to miss out on this education. I want this
5 for all students who want to be a part of our community.

6 We are a school committed to environmental justice
7 and taking the Metro is something that I know students and
8 families will do because it reduces traffic and cars in the
9 Tenleytown area. We need to focus on having a more
10 sustainable world. I along with my peers are committed to
11 this. Thank you.

12 CHAIRPERSON HILL: Thank you.

13 MS. LUCAS WALKER: My name is Laela Lucas Walker and
14 I'm in 10th grade. I've been going to GDS since pre-K.

15 Going to GDS has been a very important part of my
16 life since I can remember. For the past 12 years I've had
17 the privilege through the sacrifice of my parents of going to
18 a school founded on academic excellence, social justice and
19 educational innovation. In addition, I am grateful to go to
20 a school that embraces differences, coloring outside the
21 lines and one that provides an education that goes beyond the
22 classroom walls.

23 Two of the main foundations that GDS has built upon
24 and that I believe are very important are diversity and
25 equity. The student body of GDS is composed of individuals

1 who come from different racial backgrounds and socioeconomic
2 status backgrounds. That being said, it is important that
3 our high school campus is Metro-accessible in order for
4 students of different socioeconomic status to attend it.
5 This cannot always be the case for those at our MacArthur
6 Boulevard campus because it is not readily accessible to
7 many.

8 Since I have two full-time working parents I cannot
9 be picked up from the school until the end of the work day,
10 so I depend upon the Metro to get to their offices downtown
11 or to simply get home. When I attended the middle school
12 there was no Metro nearby so I had to walk or bike from the
13 lower middle school campus to downtown to meet them. Because
14 I've had such a great opportunity to go to a school like GDS,
15 making the sacrifice every morning to wake up early and
16 commute to school and take public transportation home was
17 never hard for me. Instead of seeing my dependence on the
18 Metro as an obligation I see it as an opportunity to engage
19 in and be exposed to real life beyond the walls of GDS and it
20 enables me to find my way around the city ultimately
21 developing the independence that I have today.

22 Using public transportation instead of vehicles
23 enables us as GDS students to become more street savvy, an
24 invaluable gift that will serve us for the rest of our lives.
25 I want to provide this gift to our entire GDS community.

1 In addition, I believe encouraging students to use
2 other means of transportation such as Metro, biking, walking,
3 as many here have, does allow GDS to contribute to create a
4 more sustainable environment using resources in our
5 surrounding community to prevent while also -- to prevent
6 traffic while also contributing to a healthier environment.
7 Please know that we will do this.

8 In my opinion unification of the campuses will
9 create a more efficient and streamlined operation while also
10 adding a more enriched and aligned neighborhood and student
11 community. GDS will continue to be a treasure and neighbor
12 in the Tenleytown community. I know that. Please support
13 our call. Thank you.

14 CHAIRPERSON HILL: Thank you.

15 MS. LOMAX: Hi, my name is Nevada Lomax and I am in
16 10th grade.

17 When I was in fifth grade my parents decided they
18 wanted me to attend a school that allowed me to meet people
19 with different cultural, religious, and racial backgrounds.
20 They believed that GDS would allow me to be exposed to
21 different opportunities and resources with a more diverse
22 learning environment.

23 For this opportunity I wake up at 5:00 every
24 morning, but I wouldn't have it any other way. When I began
25 attending GDS in sixth grade, I would leave my house around

1 6:20 so I could make it to the middle school by 7:50. That's
2 about a 60 to 90-minute commute. Traveling from Prince
3 Georges County to D.C. can be very difficult due to rush hour
4 traffic.

5 In middle school the only way I could access the
6 campus was by car, which was difficult at times because
7 traffic would cause me to be late. The only solution that
8 would help me not be able to be late would be to wake up
9 earlier or take a Metro, which is 45 minutes walking from the
10 middle school campus.

11 Now I'm in the high school I'm able to get around on
12 my own with the help of Metro. With having separate campuses
13 there is a divide within our community between the older
14 students and the younger students. If you allow us to bring
15 the campuses together, it will allow us as a school to have
16 a stronger bond throughout the whole community and gives us
17 a better chance to get to know the surrounding community of
18 Tenleytown even more than we already do.

19 Many of us volunteer in the community in places such
20 as Friendship Place and we build relationships with our
21 partners. Imagine more students, especially the younger
22 ones, having the opportunity to do this earlier. We would
23 grow deeper relationships. Having a Metro station so close
24 to the school allows us as students to come to and from
25 without having to get stuck in morning traffic and it's

1 easier for the students who have to come from further places.

2 Our lower middle school campus doesn't allow for the
3 same. Having the Metro near us would allow me and others to
4 develop a buddy system so the older students can be with the
5 younger students so that kids are not traveling by themselves
6 to and from school. It also allows more students at GDS to
7 be more independent, to take initiative in how they get to
8 school and get around in general. In addition, right now for
9 people that also have siblings it's harder for parents to
10 come back in between campuses to drive further away from
11 their jobs and then back.

12 Having combined campuses in Tenleytown is essential.
13 We need one central location for the most accessible and
14 equitable experience possible for all of our students and
15 community members. Please help us to make this a reality.
16 Thank you.

17 CHAIRPERSON HILL: Thank you.

18 MR. SMITH: Hello.

19 CHAIRPERSON HILL: Hello.

20 MR. SMITH: My name is Gabriel Smith. If I may have
21 your imaginations for a second. Imagine yourself lying in
22 bed in a deep REM sleep, but all of a sudden your alarm goes
23 off. It's 5:15 a.m. and your day has started. You pull
24 yourself out of bed, brush your teeth, wash your face and
25 fumble to your closet to find some clothes to wear for the

1 day.

2 You finally get yourself situated and awake, but now
3 it's 6:00. The ten minutes you gave yourself for breakfast
4 has disappeared and your parents are yelling from the car to
5 hurry up. You feel the pressure. The clock is ticking and
6 you only have 10 seconds left to rummage through your fridge
7 trying to find something to eat for lunch, but in your rush
8 you end up with an old banana and a half-eaten sandwich.

9 However, you know if you leave no more than -- if
10 you leave more than 10 minutes late from the house, the
11 probability of an hour-long trip to the Metro becoming an
12 hour, hour-and-a-half skyrockets. This is my typical
13 morning, rushing at the speed of light, but I wouldn't have
14 it any other way.

15 These are the sacrifices my family and many other
16 families make to attend GDS. And without access to Metro I
17 would not be able to be a part of the GDS community at all.
18 I stand here today to repay these sacrifices my family has
19 made to give my younger peers the opportunity to ease their
20 morning rushes and streamline their experiences in commuting
21 to school.

22 I stand in front of you not representing my school
23 solely, but as someone who stands for the right to access for
24 an equitable education. Much can be said for a person's ZIP
25 code or school zoning area where they grew up in.

1 Unfortunately, many are not brave enough to call out the
2 inequality that exists within a school system. However, I am
3 fortunate enough to have a growing -- for growing up with a
4 loving single mother that was willing to put me in a school
5 like GDS that was productive to my learning environment.

6 The school has given me the tools to stand up in
7 front of you all today without hesitation and to be confident
8 in myself and my ability and the gumption to stand up for
9 others. This unification of the GDS' lower, middle and high
10 school will not only better our school, but also better our
11 community.

12 The interaction between a school and its community
13 is vital and it fosters a caring and loving environment we
14 all strive for from having community service opportunities
15 that connect us to the Tenleytown residents to having the
16 peace and mind knowing that little ones will have a safe walk
17 to school. These ideals are what makes the difference
18 between a regular neighborhood and a strong unified
19 community. Through the unification of our high school we
20 hope to foster these ideals at a young age.

21 I will not remind you of all the proposed
22 compromises that we have made as a school to ensure that
23 traffic doesn't become a problem or how GDS students are not
24 your typical rambunctious teens. Instead, I ask for your
25 partnership in building a bigger community, a community not

1 afraid to grow, a community at work to become better than the
2 one we were yesterday. Without an open and loving community
3 like GDS I wouldn't be here today standing in front of you
4 all telling my life story. Thank you.

5 CHAIRPERSON HILL: Thank you, sir.

6 MR. GUICHARD: Hi, I'm Christian Guichard. I've
7 been part of the GDS community since before I can remember.
8 I actually showed up at GDS with my parents just a few weeks
9 after I was born to pick up my two older brothers who are
10 also lifers at GDS. After preschool I had a lot of options
11 for schools to choose from, but I decided to go to GDS and I
12 haven't looked back ever since.

13 Being a member of this community for what I'd like
14 to say is 17 years has endowed me with a certain feeling of
15 responsibility to better my school and the people around me.
16 I was asked to speak in front of you today out of a lot of
17 amazing students at GDS and I immediately jumped at the
18 opportunity to speak on behalf of my experiences.

19 I believe that out of the whole student body I may
20 live the furthest away from school. Beginning my 25-mile
21 daily trip to GDS 14 years ago, every time I step in the car
22 I have the same enthusiasm as I did the first day of
23 kindergarten.

24 Throughout my time at GDS the only unfortunate
25 experience I've had is losing the ability to see my brothers

1 every day walking down the hallway of the MacArthur Boulevard
2 campus. In their transition to high school I seemed to lose
3 touch with them. My oldest brother left the campus in 2008
4 when I was in second grade and my second oldest left in 2012
5 when I was in sixth grade. Not being able to see them had an
6 immense impact on my social life and how I held myself.

7 If I could go back and fix one thing, it would be to
8 consolidate both the upper and lower school campuses, which
9 is why I'm so excited to be here today. Without my brothers
10 Ron and Julian at the lower middle school campuses with me I
11 could only use the bus or Metro to go from the MacArthur
12 campus to the Tenleytown campus, which led to my mom and my
13 dad having to drive back and forth through traffic. Once I
14 reunited with my brothers in high school we frequently used
15 the Metro to travel from Tenleytown to Alexandria and from
16 there to our home in Accokeek.

17 Moreover, having a connection to older students
18 helps provide role models which aid in the cultivation of
19 leaders and this leads to what we both want in the future,
20 strong leadership in our community, united in our missions to
21 give back.

22 Just to humor Gabe for a little bit, you wouldn't be
23 able to imagine the difference between leaving at 6:30 and
24 leaving at 6:45. If I leave at 6:30, I'll get there at 8:15.
25 If I leave at 6:45, I'll get there at 9:00. So, yes.

1 (Laughter.)

2 CHAIRPERSON HILL: Yes. No, thank you, sir. I
3 mean, commuting, yes. Believe me, we all know the commuting.

4 (Laughter.)

5 CHAIRPERSON HILL: Fifteen minutes. That's 15
6 minutes. It turns into a whole other thing.

7 All right, young man. What do you have to say?

8 MR. ALI: These kids are great, aren't they?

9 All right. My name is Kamal Ben Ali, 1818 Shepherd
10 Street as I said. I'm Georgetown Day School alum. I'm a
11 Georgetown Day School past board member and a Georgetown Day
12 School parent. I'm also the family owner of Ben's Chili
13 Bowl. With my long history with both of these Washington,
14 D.C. institutions I see great similarities with how both --
15 how important both have been to Washington, D.C. in terms of
16 promoting diversity, building community and making this city
17 a better place to live, work and play.

18 I fully support GDS' application for the new school
19 and the school plan. I've been a life-long supporter of GDS
20 for many reasons, but I'll only name a few. The mission,
21 vision, values of the school which it carries out faithfully
22 daily; the outstanding leadership and faculty, which is the
23 lifeblood of the school that together help to produce No. 3,
24 the end product; these young adults that the school sends out
25 into the world prepared not just academically but with

1 conviction and the moral fiber and belief system to make the
2 world a better place, treat all people with dignity and
3 respect, and to work as catalysts for positive change.

4 I've always known GDS to be a transparent and good
5 neighbor and community partner and to go the extra mile and
6 due diligence in seeking the opinions of all sides so they
7 can see everything and all sides of the equation. When I was
8 on the board of GDS there were many instances when we saw
9 this in my life.

10 This is a very important step for GDS, probably the
11 biggest and most significant step since my adult involvement
12 with the school. Combining campuses will have an everlasting
13 positive effect on this institution, its constituents and
14 thus the community at large for decades for come. Please
15 vote to support the new school and the school plan.

16 CHAIRPERSON HILL: Thank you, sir.

17 MR. NESBITT: Good afternoon and thank you for
18 having us. My name is Leroy Nesbitt, Jr. and I too am a
19 Georgetown Day School graduate. I too am a Georgetown --
20 former Georgetown Day School board member, and I too am a
21 former parent. I have two children who graduated from the
22 school within the last couple of years. I'm also the
23 executive director of the Black Student Fund which works
24 specifically in the space providing opportunities for
25 students like these at independent schools, students of color

1 particularly.

2 And there are many things I could say, but what I
3 want to begin with saying, I'm really excited to be here
4 because I was in the very first kindergarten class at 4530
5 MacArthur Boulevard and learned at an early age to respect
6 the community. And I say that because we had a very, very
7 narrow entrance to the facility at 4530. If you've ever seen
8 it, it's that this is Cadillac access that we're talking
9 about now compared to what was in that location, or what will
10 soon be our history.

11 So I want to say to you a couple of things: One is
12 that for many, many years, for over 50 years GDS has been
13 very good at navigating small spaces, and I say that meaning
14 that internally within the building and externally there is
15 a culture of sharing and collaboration. It's reflected in
16 the fact that this particular school plan doesn't have
17 everything we want.

18 I wish it had a track because my daughter was on the
19 track team two years ago that won the city championship
20 without having any track facility. But GDS realizes that it
21 can't do everything in every space and also recognizes that
22 they need to share spaces with other people. And so I say to
23 you that this plan, this culture reflects a belief that we
24 want to share our space with others because we know that we
25 coexist in that space with others.

1 I also want to speak from my perspective as
2 executive director of the Black Student Fund about this issue
3 of transportation and access. I'm in the midst right now of
4 actually doing a study. I have surveyed over about 200
5 African American families in Maryland, D.C. and Virginia to
6 ask them about access to independent schools and this
7 transportation -- and this is an access and choice issue.

8 I am very excited that Georgetown Day School is
9 going to launch a transportation initiative that includes
10 buses that would not only address the congestion issues, but
11 really open the door. And I encourage you to encourage other
12 schools to think about doing more with transportation and
13 access to really provide school choice not only in the public
14 sector, but in the independent school sector.

15 So I'll just close by simply saying thank you for
16 having us and please approve this proposal.

17 CHAIRPERSON HILL: Thank you, Mr. Nesbitt.

18 Well, I'm going to let the Board -- ask if they have
19 any questions, but thank you all very much.

20 Does the Board have any questions? Please,
21 Commissioner.

22 COMMISSIONER SHAPIRO: Thank you. Just a brief
23 question. It's not related to this case, but considering
24 what you just said, are you aware of any efforts or involved
25 in any efforts where independent schools, private independent

1 schools actually are collaborating around transportation
2 resources and busing and the like? Or can you make that
3 happen, please?

4 MR. NESBITT: Yes, I would like to make that happen.
5 And I actually think that -- Mr. Shaw hasn't heard this
6 before, but I actually think that there is an opportunity
7 with all these schools on Wisconsin Avenue in particular to
8 create a conversation. What is happening and what should be
9 encouraged is the development of private individuals
10 providing transportation.

11 The good news is that there is a lot of effort to
12 bring families in from Prince George's County and Virginia
13 through contract vans and other organizations. And there is
14 actually school collaboration for doing that. But I'll take
15 that back and if you -- let me know if you know if you know
16 of any grant sources for me.

17 (Laughter.)

18 COMMISSIONER SHAPIRO: Thank you.

19 Thank you, Mr. Chair.

20 CHAIRPERSON HILL: Sure. Go ahead, Ms. White.

21 MEMBER WHITE: I just want to say that I am just
22 thoroughly impressed with the entire presentation, but this
23 part of your presentation was very thoughtful, strategic but
24 also smart, and it also gave me a chance and the other
25 members of the Board to be exposed to the future. And I'm

1 very impressed with the alumni as well as the current
2 students that you've presented here today.

3 I wasn't aware of the diversity within GDS. It
4 appears that you've made some great strides, but historically
5 this is a school that's always been very much integrated.
6 But from my perspective I just wanted to compliment the
7 younger folks that gave a very professional presentation. As
8 Board members we listen to community feedback, those that are
9 directly impacted to the relief that's being requested, but
10 obviously we have to look at the specific criteria within the
11 rules. And I think what you've added has definitely added
12 additional flavor to the presentation.

13 But I have a question for you. Do you remember
14 doing the presentation we were commenting about 43rd Street?
15 And do you know -- are you familiar with that street? A lot
16 of you are taking Metro, but the question for you is -- and
17 it may not be necessarily directly tied to how I vote, but do
18 you think that that should be completely -- that area of 43rd
19 should have a sidewalk? Do you feel safe walking around the
20 perimeter, outside of the perimeter of the school? Do you
21 think there needs to be more bike lanes? Just anybody that
22 could add any comment. It could be Bryce, Nyah, Laela,
23 Gabriel, Chris. I forget some of the other names.

24 MR. SMITH: I believe we kind of go to a school in
25 a community that is very aware of our goings and back and

1 forth and I feel as if we had a very -- a lot of support from
2 our residents around us of being mindful of us when we are
3 crossing the street and when we are going to and from classes
4 or going to and from Wisconsin Avenue for lunch. So
5 personally I do not feel unsafe as a student walking --

6 MEMBER WHITE: Yes.

7 MR. SMITH: -- through these avenues and streets,
8 but I do understand your concern as --

9 MEMBER WHITE: What about with the consolidation of
10 the lower middle school? Do you think they'll need to step
11 it up a bit or do you think the current layout is fine?

12 MR. GUICHARD: Actually I don't remember ever going
13 on 43rd Street.

14 MEMBER WHITE: Yes. You just go to class and --

15 MR. GUICHARD: Yes, I think there's a fence there.
16 I don't know exactly how it's -- I think there's a fence
17 between GDS and 43rd Street, so I've never actually been on
18 43rd Street. But when I was a kindergartner and in the lower
19 middle school I'd have to cross the street to go to Hardy --
20 no, to go to the park across the street. So I think lower
21 middle schoolers are pretty good at knowing when to the cross
22 the street and following the light signals.

23 If there's going to be some sort of sidewalk there,
24 or if not; I don't know what the neighbors' viewpoints on
25 that are, I think that we'll be pretty good at following the

1 safety rules and I don't think there will be a lot of
2 problems in that area.

3 MS. LUCAS WALKER: I don't really think it's needed,
4 because one, I didn't really know what 43rd Street was until
5 we saw that picture, but --

6 (Laughter.)

7 MS. LUCAS WALKER: -- two, we use that street for
8 track because we don't have a track. So we run around the
9 campus.

10 VICE CHAIR HART: Yes.

11 MS. LUCAS WALKER: And our track team is pretty
12 large; I'd say about 70 people, and there's no concerns with
13 us running. Like the neighbors see us. We see the
14 neighbors. Like I don't think there's any need for an
15 addition, but I might be wrong. That's just my personal
16 opinion.

17 MR. SAVOY: I agree with everything they said. I
18 also did not really know much about 43rd Street, but I think
19 if the lower middle school were to like combine, I think the
20 sidewalk there would be a good idea, but I also think like we
21 could go without. It's really like flexible. I don't think
22 it's like -- we're like, yes, we definitely need a sidewalk,
23 but like a sidewalk would be like still good.

24 MEMBER WHITE: I just wanted to give you something
25 to think about and respond to that maybe you weren't

1 expecting to get today, but obviously when you're sitting
2 there, we're able to ask you questions. So thank you for
3 your feedback, unless anybody has any comment.

4 CHAIRPERSON HILL: Thank you. Before you all go,
5 sir, what was your last name again?

6 MR. ALI: Ali.

7 CHAIRPERSON HILL: Ali. So how are you connected to
8 the family?

9 MR. ALI: I'm the son.

10 CHAIRPERSON HILL: You're the son? Right. Well,
11 what --

12 MR. ALI: I said one of the --

13 (Simultaneous speaking.)

14 CHAIRPERSON HILL: Well, I'm sorry, you need to
15 speak into the microphone. I apologize.

16 MR. ALI: One of the three sons.

17 CHAIRPERSON HILL: One of the three sons? Well,
18 once again, it's a -- congratulations on -- what a family
19 business that you've had for many, many years.

20 MR. ALI: Thank you.

21 CHAIRPERSON HILL: And, yes, just wanted to mention
22 that. So I --

23 (Simultaneous speaking.)

24 MR. ALI: You must be hungry. You must be hungry.

25 CHAIRPERSON HILL: I am hungry. That's true.

1 (Laughter.)

2 CHAIRPERSON HILL: That's true. I heard Ali later.
3 I was like, oh, is it -- so let's see. Oh, Mr. Hart has a
4 question.

5 VICE CHAIR HART: Yes, just a question, more a
6 statement and question. I actually have a 13-year-old
7 daughter, and so I appreciate your coming with the written,
8 a prepared -- what you were going to say because I think it's
9 helpful because it helps you kind of relax and you all were
10 very relaxed in doing it. I thought they were great
11 presentations.

12 I also wanted to note that I can kind of see the --
13 your pages from here. And then I look at Mr. Ali's and his
14 is really, really big type.

15 (Laughter.)

16 VICE CHAIR HART: I just noticed that. I was like
17 that's interesting.

18 So, but I wanted to say that I thought it was a
19 really good job that you all did and I try to get my 13-year-
20 old to -- well, I have a 13-year-old and a 10-year-old, but
21 I try to get both of them to think about speaking. And one
22 of the things that I wanted also to point out, if you're not
23 aware, this is being web cast. And actually it's taped, so
24 you all can like show this to your parents and they'll be
25 like wow, you guys were there talking to the BZA.

1 (Laughter.)

2 VICE CHAIR HART: So it's helpful to -- wherever the
3 cameras are, right? But when you were talking they -- that
4 actually is on the screen. So you can look through the BZA
5 case for today and look for the GDS portion of it. You're
6 going to have to kind of scan through it because it only
7 shows the very beginning portion. You have to get to where
8 the -- hours later when you all actually are in it. But I
9 thought that was really great.

10 I wanted to echo Ms. White's comments about 43rd
11 Street. I think it's fine to understand how you all -- that
12 you all are kind of -- are thinking that it's not something
13 that you use, and that's helpful for us to know as well. And
14 I mean, I kind of think that most of the people are coming
15 from the Metro coming over here, but I just don't know about
16 that portion of it and that's why we were asking the
17 questions.

18 It's -- and just kind of for your information this
19 is what happens when we get plans like this. We start
20 looking at the details of what it is that has been presented
21 to us and start trying to understand if there are things that
22 need to be corrected on them or improved on them. And so we
23 have conversations with the head of school and the other
24 representatives that are here to understand what it is that
25 we're seeing so that we understand what it is that we're

1 actually approving or not approving because we haven't
2 decided on that yet.

3 But as I said, I just wanted to give you all kudos
4 for your presentations today, all of you. So good to hear
5 and glad that you guys could make it.

6 CHAIRPERSON HILL: Okay. Great. Thank you all very
7 much. You guys can stand up now. Thank you. Just give the
8 witness cards to the gentleman there to my right.

9 All right. Could we have the rest of the children
10 back to the table?

11 Well, Mr. Shaw, as you've heard, you obviously
12 should be very proud.

13 MR. SHAW: I am, on the record.

14 CHAIRPERSON HILL: Okay. I could see you shaking
15 your head vigorously one way or the other. I really liked
16 when the 43rd Street was coming up. Oh, no, that's fine.
17 There's nothing going on 43rd Street.

18 (Laughter.)

19 MR. SHAW: It doesn't even exist.

20 CHAIRPERSON HILL: Oh, yes. What's that? I liked
21 the political answers also that a lot of people had. It was
22 like, oh, it could be, it couldn't be.

23 MR. SHAW: It's a Washington education.

24 CHAIRPERSON HILL: Exactly.

25 (Laughter.)

1 MR. SHAW: That's right.

2 CHAIRPERSON HILL: Exactly. All right. Let's see.
3 So we're back to here. Do you -- do we have any more
4 questions for the -- I have a couple more, but does anyone
5 else want to start on any questions they might have for the
6 Applicant?

7 VICE CHAIR HART: With regard to the conditions, Ms.
8 Prince, in the MOU there are -- I don't know, starting on
9 page 2 I think, they start with all of the -- those are the
10 conditions. From page 2 on is what we're talking about.

11 MS. PRINCE: I think -- can I just go through the
12 sequencing so that there's no more confusion on this --

13 VICE CHAIR HART: Sure.

14 MS. PRINCE: -- because I think I've completely
15 confused you.

16 VICE CHAIR HART: Yes.

17 MS. PRINCE: So --

18 CHAIRPERSON HILL: Okay. That's good, but before
19 you do, because it's a part of the sequencing then, if you
20 can include -- well, the -- I guess there is kind of somewhat
21 of a comment from the Office of Planning with the whole thing
22 about the wall thing that if you want to include in some way
23 in there --

24 MS. PRINCE: Yes.

25 CHAIRPERSON HILL: -- that might be helpful. Then

1 the others -- the only other little sticking point right now
2 is this sidewalk thing.

3 MS. PRINCE: Yes.

4 CHAIRPERSON HILL: And then kind of knowing where
5 like all of these conditions are.

6 MS. PRINCE: Yes.

7 CHAIRPERSON HILL: I mean -- and not to jump on Mr.
8 Hart's question here, but again like there was -- there's the
9 Exhibit 60, there's the Exhibit 47, tab A. I mean, I'm just
10 kind of trying to find the one place that everything is,
11 which I know you were working on while we've been going
12 through this. So please now go ahead.

13 MS. PRINCE: We went to the Advisory Neighborhood
14 Commission on November 20th, so that was -- we were in this
15 big time crunch to put -- pull everything together before the
16 hearing. We got the unanimous support of the ANC. They
17 adopted a resolution at the meeting. Two days later I -- and
18 that was based on a Memorandum of Understanding that hadn't
19 even been signed yet at that point. I mean, we were really
20 working hard and fast.

21 Based on that meeting and based on the draft MOU I
22 came up with this consolidated set of conditions which is in
23 the record as Exhibit 47. It's tab A to the letter that I
24 filed on November 22nd. That is the definitive controlling
25 set of conditions that includes everything that the ANC

1 requested in the MOU, some additional requests that came from
2 other neighbors, the DDOT requests on things like the traffic
3 light and the slip lane. It's a single consolidated set.
4 And if it's of any help I have an extra set if you would like
5 it for you. So the ANC resolution speaks to the MOU and the
6 MOU really is the basis of the conditions. So the conditions
7 is the controlling document. Exhibit 47.

8 CHAIRPERSON HILL: Okay. So Exhibit -- I'm sorry,
9 Exhibit 47, Exhibit A is what you're speaking of, correct?

10 SECRETARY MOY: Yes.

11 CHAIRPERSON HILL: And then, but in there again has
12 the only -- has all of the DDOT conditions --

13 MS. PRINCE: Yes.

14 CHAIRPERSON HILL: -- except the sidewalk that is
15 the one little issue here, right?

16 MS. PRINCE: And the charging stations.

17 CHAIRPERSON HILL: And the charging stations, right?

18 MS. PRINCE: Yes.

19 CHAIRPERSON HILL: And then there's no -- at this
20 point there's no mention to what the Office of Planning had
21 in terms of some flexibility, discussion, thoughts about that
22 area there?

23 MS. PRINCE: Correct.

24 CHAIRPERSON HILL: Okay. All right. Okay. So I'm
25 kind of sitting here with the Board a little bit in terms of

1 like if we want to ask anymore questions about -- I'm just
2 kind of curious of where we are with this sidewalk thing, I
3 suppose, and if we want to have a little bit more time to
4 think about the sidewalk thing, if we want to have a little
5 bit more time to talk about or think about anything that --
6 I don't really have any issues with the charging station and
7 it doesn't seem like there has been. And I know this is just
8 an extensive list of conditions. You guys have done a lot of
9 work, a lot of time to get to this point.

10 Does the Board have any questions of the Applicant
11 or any thoughts about that sidewalk?

12 VICE CHAIR HART: I mean, I know that I was one of
13 the ones raising it, so I'm -- I understand that it is a --
14 I think that there are -- I think that there is -- there are
15 kind of two issues with the sidewalk: One of them is that
16 DDOT is looking to -- they're the ones that kind of wanted to
17 have it included as one of the conditions. I can understand
18 it in many regards because of wanting to have the -- just
19 completing what seems like a short segment of the sidewalk,
20 and I understand that GDS has a different perspective on
21 that.

22 But the question that I'm also kind of grappling
23 with is the sidewalk is actually on -- and I thank Mr.
24 Rubinson about understanding that that's actually just one
25 person's property.

1 MS. PRINCE: Yes.

2 VICE CHAIR HART: And so it is --

3 (Off-microphone comments.)

4 VICE CHAIR HART: Yes, well, it's in the right-of-
5 way, but it is --

6 CHAIRPERSON HILL: It's going to affect one person.

7 VICE CHAIR HART: -- affecting one person as opposed
8 to like kind of a neighbor thing. And we have no idea what
9 that person is -- and so pushing it on that seems a little
10 bit like, oh, yes, we decided that you're going to have that
11 and they're like, well, I didn't want that. So, and I'm not
12 sure that the students themselves are necessarily going to be
13 using it. So that's kind of where I am. I have a -- I
14 understand DDOT's kind of desire to do that.

15 CHAIRPERSON HILL: Okay. Sorry.

16 VICE CHAIR HART: Yes, but I'm --

17 CHAIRPERSON HILL: I'm cutting you off. Gosh, it's
18 4:00.

19 VICE CHAIR HART: Yes. Yes, you are.

20 CHAIRPERSON HILL: So -- no, no. Because I have --
21 I have a quick question for you guys. Like depending upon
22 what the Board thinks of this, like I'm kind of a little bit
23 stuck, like I need to think a little bit in terms of I don't
24 -- I would be interested in knowing, right, what that person
25 -- if you want to reach out to that person, what that person

1 thinks. I mean, it's more -- again, as far as the Zoning
2 Regulations go and as far as what we're talking about, it's
3 really kind of DDOT's recommendation, and DDOT's not here so
4 I can't ask DDOT directly.

5 I mean, I personally am just now curious about that
6 one house, right, as to whether or not you could find out.
7 And whether you can or can't between now and next week, what
8 happens, whether that one house would or wouldn't want a
9 sidewalk. I'm just curious, right? Okay.

10 And my real question to you all is really -- is one
11 week going to do anything to this project? I suspect not,
12 right? Like you don't have any financial constraints with
13 waiting a week. In terms of a decision we've had the full
14 hearing. We're going to -- the record will be closed. It
15 will just now be time to kind of like understand a little
16 bit, take a little bit farther look at the conditions.

17 And as far as this sidewalk goes, I know you guys
18 don't really care about that sidewalk that much, I would
19 think. I mean, this whole process is taking you however
20 long. It's a freaking huge campus plan and you're talking
21 about 20 feet of sidewalk? And so I don't know that the
22 headmaster has to speak up about that. I mean, we're getting
23 stuck on this point again because DDOT is finding it
24 necessary for their conditions, and so I'm kind of struggling
25 with that, right?

1 And so I don't know if the rest of the Board has any
2 other thoughts on that issue as to whether or not you want to
3 think about it another week in terms of that sidewalk or not.

4 You can speak up. Please. I'm sorry. I really
5 want to know.

6 MEMBER WHITE: Yes, I mean, I'm kind of in favor of
7 it primarily because DDOT was recommending it, and I also
8 view it as almost like a safety issue as well.

9 But on the flip side there is a sidewalk on the
10 other side of the street there.

11 CHAIRPERSON HILL: No, there's not. That's the --

12 MEMBER WHITE: There's not? Well, there you have
13 it. Then I'm definitely more in favor of drilling down on
14 the possibility of having a sidewalk put in place because
15 DDOT --

16 (Simultaneous speaking.)

17 CHAIRPERSON HILL: Okay. I mean, we are the Board.
18 We can make it -- we can put it as a condition.

19 Mr. Shapiro, please?

20 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I'm at
21 that in-between place a little like you are. I'm wondering
22 about the resident next door. I'm hesitant to hold this up
23 even a week on this issue because the massive amount of
24 community process that's been involved. I mean, there's a
25 part of me that feels like is there a way to split the baby

1 and say let's require them to put \$10,000 in escrow toward
2 this in case it is required to be done --

3 MS. PRINCE: May I?

4 COMMISSIONER SHAPIRO: -- in case DDOT requires it.

5 VICE CHAIR HART: Go ahead. Ms. Prince?

6 MS. PRINCE: We think that's a very creative
7 approach and we would certainly advocate for that. That
8 would be very acceptable to us to put money in escrow.

9 COMMISSIONER SHAPIRO: And then if DDOT says this
10 really needs to be done, they'll find -- maybe it's the
11 20,000 that's going the whole amount, but just so that this
12 gets resolved.

13 CHAIRPERSON HILL: Okay. I understand. I mean,
14 DDOT is saying this needs to be done, so I don't know what
15 the discussion is in terms of going back to DDOT now.

16 COMMISSIONER SHAPIRO: I think the issue would be to
17 your point, Mr. Chair, if let's say the neighbor says --
18 against -- is going to fight this tooth and nail because the
19 neighbor really doesn't want the sidewalk there.

20 CHAIRPERSON HILL: Okay.

21 COMMISSIONER SHAPIRO: Then the process will really
22 just drag on a whole lot.

23 CHAIRPERSON HILL: Okay.

24 COMMISSIONER SHAPIRO: It stirs things up in ways
25 that -- I feel like you kind of want to reward all the

1 community process.

2 CHAIRPERSON HILL: I don't disagree. Okay.

3 Does anybody else have any thoughts on that?

4 (No audible response.)

5 CHAIRPERSON HILL: I'm just trying to figure out --

6 I don't know what a number is. There was 10,000. There's

7 20,000. I mean, this part I just -- okay.

8 COMMISSIONER SHAPIRO: I mean the cost estimate was

9 20, wasn't it?

10 CHAIRPERSON HILL: Where was the cost estimate? I

11 didn't see the cost estimate.

12 MS. PRINCE: We don't have a direct cost estimate

13 from DDOT. I think \$10,000 would be a meaningful

14 contribution. I would add as a resident of Ward 4 these

15 sidewalk controversies are very real. We have no idea how

16 that neighbor feels about the sidewalk. I think that's a

17 really good approach. We can put the funds in escrow. DDOT

18 has the burden of installing. We'll pay DDOT in the event

19 it's able to be installed. But then we won't be held up by

20 it, which is obviously our concern.

21 CHAIRPERSON HILL: Okay. I was only going to hold

22 you up a week, but that's okay.

23 So all right. Okay. So, well 10,000 to me just

24 seems like such a small amount, a minimal amount. I mean,

25 what can do with \$10,000?

1 COMMISSIONER SHAPIRO: I'm fine with 20.

2 CHAIRPERSON HILL: I mean, so --

3 COMMISSIONER SHAPIRO: It's in escrow.

4 CHAIRPERSON HILL: So, we'll put 20,000 in escrow.
5 Okay? And you can work it out. And then I'll put that in
6 that we'll add that to the conditions and you can see how it
7 goes with DDOT.

8 So does the Board have any other thoughts on the
9 conditions before we close the hearing?

10 VICE CHAIR HART: No, I mean, I think I'd be in
11 support of the escrow idea. Yes, I'd be in support of that.

12 CHAIRPERSON HILL: Okay. All right.

13 MEMBER WHITE: And you're reducing the charging
14 station to one?

15 CHAIRPERSON HILL: Yes, we're reducing the charging
16 station to one.

17 MEMBER WHITE: Okay.

18 CHAIRPERSON HILL: And that's what's in --

19 VICE CHAIR HART: Yes, that's what's in the
20 conditions now.

21 CHAIRPERSON HILL: Right, that's what's in Exhibit
22 47, tab A.

23 VICE CHAIR HART: Yes.

24 CHAIRPERSON HILL: Exhibit A.

25 VICE CHAIR HART: You're good at that, Mr. Chairman.

1 CHAIRPERSON HILL: Yes. Sure.

2 Okay. All right. So, okay. It's 20,000 in escrow.

3 Okay. Let's see. All right. Anybody got anything
4 else for anybody?

5 (No audible response.)

6 CHAIRPERSON HILL: No? All right. Then I'm going
7 to go ahead and close the hearing. Is the Board ready to --
8 oh, actually, before I close the hearing, now that -- I just
9 want to make sure I do this all properly, there was the party
10 status individual who I still see here is the party status
11 person here. I just want to wrap this up properly.

12 And so you having party status, if you could please
13 come to the table again.

14 MR. RUBINSON: Sorry, I took a call.

15 CHAIRPERSON HILL: That's all right. You have to
16 speak in the microphone. That's okay. You have to -- yes.
17 So --

18 MR. RUBINSON: Sorry, we took a call.

19 CHAIRPERSON HILL: Okay.

20 MR. RUBINSON: It was John Bender, the ANC
21 Commissioner, just asking how things were going.

22 CHAIRPERSON HILL: Okay. Great.

23 (Laughter.)

24 CHAIRPERSON HILL: Technology, right?

25 MR. RUBINSON: He was sort of surprised we were

1 still here.

2 CHAIRPERSON HILL: Sure.

3 (Laughter.)

4 CHAIRPERSON HILL: So we got a two appeals that
5 dropped off though. I'm really -- you have no idea how
6 excited we are right now that you are the last people we're
7 going to see today.

8 So you have party status. So you've heard
9 everything that's been said. So basically you have a right
10 to cross any of the witnesses that you heard and I'm -- so I
11 hope that you don't have any cross for any of those
12 witnesses. You don't have any cross for any of those
13 witnesses, correct?

14 MR. RUBINSON: Correct.

15 CHAIRPERSON HILL: Okay. And then would you like to
16 add anything in conclusion before I let the -- and this
17 process got a little out of hand because there was such --
18 all the good kindness of the children and everything. And so
19 we're not used to that here, and so it was very confusing.

20 (Laughter.)

21 CHAIRPERSON HILL: So then the attorney will have
22 the opportunity to finish. Do you have anything you'd like
23 to say in conclusion as party status?

24 MR. RUBINSON: No, only that this has been a long
25 process and we're just delighted. I think this could be a

1 model for how well an educational institution can work with
2 the neighbors through many, many, many thorny issues. And so
3 just want to reiterate that we support the project as the
4 language is written in the application.

5 CHAIRPERSON HILL: Okay. Thank you.

6 So, Ms. Prince, I'm going to come back again. There
7 was rebuttal and conclusions. So would you like to say
8 anything, add anything?

9 MS. PRINCE: Just to close by thanking you for your
10 time. And this case is all about impacts and I think we've
11 solved all the impacts through our really extensive community
12 outreach and the conditions.

13 CHAIRPERSON HILL: Okay. Great. Thank you.

14 Okay. Then I'm going to close the hearing. Is the
15 Board ready to deliberate?

16 VICE CHAIR HART: Sure.

17 CHAIRPERSON HILL: Okay. Why doesn't somebody else
18 talk for a minute so I can just rest.

19 COMMISSIONER SHAPIRO: Mr. Chair, if I can, there
20 was a comment from the Office of the Attorney General related
21 to -- I didn't quite understand it, but related to
22 extinguishing the old order, modifications, the significance.
23 Is there any action related to that that we need to take at
24 all?

25 CHAIRPERSON HILL: I think that all got cleared up

1 and it's just the way that it has been captioned.

2 COMMISSIONER SHAPIRO: Okay. Thank you. Thank you,
3 Mr. Chair.

4 CHAIRPERSON HILL: Does that mean you'd like to
5 start deliberations, Mr. Shapiro?

6 COMMISSIONER SHAPIRO: I have nothing further. I
7 would be happy to look for a motion from somebody.

8 CHAIRPERSON HILL: Okay. So, Ms. White, do you have
9 anything to add?

10 MEMBER WHITE: Well, it's been a long day. I don't
11 know how much more we can add here, but it was nice meeting
12 everyone.

13 This is Application No. 19599 of Georgetown Day
14 School. And here again you're asking for a special exception
15 under Subtitle U Section 203.1(1) to construct a new private
16 school in the R-2, R-3, MU-4 Zone at premises 4200 Davenport
17 Street, N.W.

18 And again, we all looked at the record very
19 carefully. There was a lot of testimony that was given by
20 the parties as well as our new party status individual, Adam
21 Rubinson. And in addition to that we got quite a bit of
22 testimony from the Office of Planning that's made a
23 recommendation with conditions to grant the application as
24 filed.

25 We also have gotten a lot of community support for

1 this particular application including testimony that came
2 from a number of very amazing young people that testified
3 today, as well as two alumni: one Mr. Ali and one Mr.
4 Nesbitt, which also supported the application and the
5 importance of the merger of both the lower middle school and
6 the high school into this location on Davenport Street.

7 So given the testimony and the feedback from my
8 colleagues here, but also taking in condition --
9 consideration the conditions that we also have to include as
10 part of this application, which include Exhibit 47, tab A --
11 and as one of the conditions we've also added that we would
12 put in escrow --

13 CHAIRPERSON HILL: Twenty thousand.

14 MEMBER WHITE: -- \$20,000; thank you, Chairman Hill,
15 that would be set aside until such time as DDOT resolves the
16 sidewalk issue on 43rd Street.

17 And I don't know if anybody else has anything to
18 add.

19 COMMISSIONER SHAPIRO: Just to note that -- if I'm
20 correct that -- perhaps this could be considered a friendly
21 amendment to the motion, if that was the motion. I believe
22 we also need to take -- that this is a -- this relief is
23 related to Subtitle X § 104 as well.

24 MEMBER WHITE: Yes.

25 COMMISSIONER SHAPIRO: Is that right?

1 VICE CHAIR HART: Yes.

2 MEMBER WHITE: Yes, so it is also related to
3 Subtitle X § 104, which relates to the construction of a new
4 private school as well, so that would also be incorporated as
5 part of the motion.

6 CHAIRPERSON HILL: Okay. That's great. And again,
7 Ms. White, you're making the motion to approve?

8 MEMBER WHITE: I am making the motion to approve,
9 Mr. Chair.

10 CHAIRPERSON HILL: Okay. So the motion has been
11 made and I believe -- and thank you, Ms. White. And again,
12 right, the -- as you had mentioned, the conditions under 47,
13 Exhibit A with the 20,000 set aside in escrow for the --
14 until the Applicant can work with DDOT and see whether or not
15 the sidewalk actually comes up. So the motion has been made.

16 VICE CHAIR HART: And --

17 CHAIRPERSON HILL: I'm sorry.

18 VICE CHAIR HART: -- the Office of Planning's -- I
19 don't know if that's actually one of the conditions that is
20 in -- the Office of Planning brought up the issue about 42nd
21 Street and the base of the building.

22 CHAIRPERSON HILL: Right.

23 MEMBER WHITE: For being pedestrian-friendly.

24 VICE CHAIR HART: Yes.

25 CHAIRPERSON HILL: It's not a -- oh, this is going

1 -- so it's not a condition. What I thought was that they had
2 agreed that they were working to work with them and that it
3 was going to go to public space and they'd have to fight with
4 the Office of Planning again as well.

5 VICE CHAIR HART: That's right. It's been --

6 (Simultaneous speaking.)

7 CHAIRPERSON HILL: Okay. That's okay. So, yes?

8 MEMBER WHITE: The Office of Planning is also on
9 that committee as well.

10 CHAIRPERSON HILL: Commissioner?

11 COMMISSIONER SHAPIRO: Thank you. I just want to
12 clarify about the escrow, which is that the condition is met
13 by putting the money in escrow. So my expectation of this
14 wouldn't be that we're requiring any process beyond putting
15 the money in escrow. So of course the money is in escrow.
16 There's going to be a lot more that goes on, but they've met
17 the condition by putting the money in escrow.

18 CHAIRPERSON HILL: Yes.

19 COMMISSIONER SHAPIRO: Because otherwise the entire
20 thing is help up until it's all resolved, which I think isn't
21 the intention. The intention is put away the 20,000 bucks.
22 You've done what you need to do. And then you'll engage in
23 a process with DDOT, with the neighbors, whatever you do, but
24 it doesn't stop the project.

25 CHAIRPERSON HILL: It's the and engage part that I

1 was waiting for. Yes, they put 20,000 in escrow and engage
2 with DDOT and the neighbors to see about the sidewalk issue.

3 COMMISSIONER SHAPIRO: But that's -- I think there's
4 a distinction there. I think once they've put the 20,000 in
5 escrow -- at least to my expectations, once they put the
6 20,000 in escrow they've actually done what they need to do
7 even though I know they'll be engaged in the process. But
8 then --

9 CHAIRPERSON HILL: I'm not saying that they have to
10 -- now, I don't -- and I don't think that they have to
11 resolve the issue. I just would think that they -- as part
12 of the condition there's -- and maybe not -- maybe this
13 semantics, but again 20,000 in escrow and engage with DDOT.
14 Or they just put 20,000 in escrow and they don't do anything.

15 COMMISSIONER SHAPIRO: They can, because I think
16 that the problem with the engagement piece is that there's no
17 way to sort of quantify that or -- I think it's the 20,000.
18 I think that's it. Because at that point there will be a
19 process. DDOT, the community, the ANC, the school, a whole
20 lot of folks are going to be involved, but the school has put
21 the 20,000 up.

22 CHAIRPERSON HILL: Okay.

23 COMMISSIONER SHAPIRO: Which is the -- which at the
24 end of the day is the real --

25 (Simultaneous speaking.)

1 CHAIRPERSON HILL: Okay. That's fine. Okay. So,
2 okay. Now I'm going to start again. I'm sorry.

3 So I apologize, Ms. White. So the -- and the motion
4 again was to approve Application No. 19599 of Georgetown Day
5 School pursuant to 11 DCMR, Subtitle X, Chapter 9 for a
6 special exception under U Section 203.1(1) and Subtitle X
7 Section 104 to construct a new private school use in R-2, R-3
8 and MU-4 Z Zones at premises 4200 Davenport Street, N.W.,
9 Squares 1672, 1673, Lots 4, 14, 804, 812, 815, 824, and 822,
10 including the conditions in Exhibit 47, tab A, including
11 putting \$20,000 in escrow.

12 That's the motion. Am I missing anything?

13 (No audible response.)

14 CHAIRPERSON HILL: The motion has been made.
15 Looking for a second.

16 MEMBER WHITE: Second.

17 CHAIRPERSON HILL: Motion has been made and
18 seconded. All those in favor?

19 (Chorus of aye.)

20 CHAIRPERSON HILL: All those opposed?

21 (No audible response.)

22 CHAIRPERSON HILL: Motion passes. Mr. Moy?

23 SECRETARY MOY: Staff would record the vote as four
24 to zero to one. This is on the motion of Chairman Hill now,
25 seconded the motion Ms. White to grant the relief being

1 requested as well as the conditions that you've outlined your
2 motion. Also in support Mr. Peter Shapiro and Vice Chair
3 Hart. We have a Board seat vacant. The motion carries.

4 CHAIRPERSON HILL: Thank you, guys.

5 Summary order, Mr. Moy?

6 SECRETARY MOY: Yes, sir.

7 PARTICIPANT: No.

8 CHAIRPERSON HILL: No?

9 PARTICIPANT: Oh, yes we can.

10 COMMISSIONER SHAPIRO: Can I do a summary order?

11 SECRETARY MOY: Yes, because the party in support is
12 not adverse to the application.

13 CHAIRPERSON HILL: Okay. Great.

14 SECRETARY MOY: So we can do a summary order.

15 CHAIRPERSON HILL: A summary order. Okay. Great.

16 MR. COCHRAN: Excuse me, Mr. Chair.

17 CHAIRPERSON HILL: Yes, one moment.

18 MR. COCHRAN: Might you want to at least mention the
19 -- put the \$20,000 in escrow for the purpose of the possible
20 construction of a sidewalk on 43rd Street so that it's
21 directed to something. Otherwise, it just stays there in
22 escrow without any purpose that anybody's required to try to
23 use it for. It could be used to purchase things for Mr.
24 Ali's restaurant.

25 CHAIRPERSON HILL: All right. So, well, I -- that's

1 what I was trying to understand, but I saw you nodding
2 earlier and then I went with -- the nod was the nod.

3 MR. COCHRAN: The nod was prior to you
4 actually --

5 CHAIRPERSON HILL: Okay. So do I have to make
6 another motion?

7 COMMISSIONER SHAPIRO: I think that --

8 CHAIRPERSON HILL: Okay.

9 COMMISSIONER SHAPIRO: -- could just be clarifying
10 what we did.

11 CHAIRPERSON HILL: Oh, so to clarify on the record
12 again, which is that the 20,000 in escrow is to go towards a
13 possible sidewalk.

14 COMMISSIONER SHAPIRO: On 43rd.

15 CHAIRPERSON HILL: On 43rd. Thank you. All right.
16 Okay. The motion's --

17 (Off-microphone comments.)

18 (Laughter.)

19 CHAIRPERSON HILL: On the west side. On the west
20 side.

21 COMMISSIONER SHAPIRO: Not on his side.

22 CHAIRPERSON HILL: Okay. So I think we're done.
23 Okay. Great. All right. Thank you all very much.

24 Mr. Moy, is there anything else before the Board?

25 SECRETARY MOY: There's nothing else from the staff,

1 Mr. Chairman.

2 CHAIRPERSON HILL: Okay. Thank you. We stand
3 adjourned. Thank you everyone.

4 (Whereupon, the above-entitled matter went off the
5 record at 4:07 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC BZA

Date: 11-29-17

Place: Washington, DC

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



Court Reporter

NEAL R. GROSS

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