

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

WEDNESDAY  
APRIL 18, 2018

+ + + + +

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

- FREDERICK L. HILL, Chairperson
- CARLTON HART, Vice Chairperson (NCPC)
- LESYLLEE WHITE, Board Member
- LORNA JOHN, Board Member

ZONING COMMISSION MEMBER PRESENT:

- PETER MAY, Zoning Commission Member

OFFICE OF ZONING STAFF PRESENT:

- CLIFFORD MOY, Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

- HILLARY LOVICK, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN  
CRYSTAL MYERS

The transcript constitutes the minutes from the  
Public Hearing or held on April 18, 2018.

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10:52 a.m.

CHAIR HILL: All right, Mr. Moy, whenever you like.

MR. MOY: Mr. Chairman. Before the Board moves forward with the case applications and the hearing session there is a preliminary matter to application number 19734 of Angel Donchev.

The applicant yesterday filed a request for postponement. I don't have the exhibit number but it's dated yesterday's date April 17, 2018.

So the staff would ask that the Board act on his request for postponement. I believe the applicant is in the audience.

CHAIR HILL: Okay. Is the applicant here? If you could please come forward. Thank you.

VICE CHAIR HART: Exhibit number 54.

CHAIR HILL: You can just sit down. We do that actually now. We got to the point in the day we're actually talking to somebody.

If you could please give us your name and address.

MR. SOLOMON: James Solomon. My address is 8100 Flower Avenue, Takoma Park and I'm an architect for Angel Donchev.

CHAIR HILL: Okay, and you're representing the

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1 owner?

2 MR. SOLOMON: Correct.

3 CHAIR HILL: Could you tell us again, you're  
4 asking for a postponement?

5 MR. SOLOMON: We are. We've been working with the  
6 community extensively over the last few weeks with the ANC  
7 to get their approval on the project.

8 And Office of Planning had some similar concerns  
9 with some neighbors. And we've revised the plans  
10 considerably since then.

11 And so we've finished our work with the ANC and  
12 gotten their approval. In fact that's in the record now.  
13 But Office of Planning needs more time to get their report  
14 finished.

15 CHAIR HILL: Okay. The reason why you're in front  
16 of us right now is because we found out about the request for  
17 postponement last night I think or yesterday and therefore  
18 there could be people here that wanted to talk about this  
19 case.

20 Is there anyone here wishing to speak on this  
21 case? All right. Does the Board have any issues granting  
22 the postponement? Okay.

23 Then we're going to go ahead and grant the  
24 postponement. Did you set a date, Mr. Moy?

25 MR. MOY: No, I have not, Mr. Chair. I was going

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1 to --

2 CHAIR HILL: Work that out with the applicant?

3 MR. MOY: Well, I think we should set a date since  
4 the applicant's here. How much time you would need to  
5 facilitate your application with the neighborhood community?

6 MR. SOLOMON: Well, in speaking with planning  
7 that's the only thing left we have to do since the ANC is  
8 already okay with it.

9 She was supposed to be ready as soon as next week  
10 so I'd say your earliest convenience is fine with us.

11 MS. LOVICK: I just wanted to interject. The OP  
12 report indicates that there is a need for rear wall extension  
13 relief.

14 And so I just didn't know if the intent was to  
15 amend the application to include that relief.

16 MR. SOLOMON: It is and that's also what we need  
17 to do before we come back as well. So I need to figure out  
18 how to get that done before we come back.

19 MS. LOVICK: Okay. And posting for that.

20 MR. SOLOMON: Okay. We're not aware of that being  
21 necessary. Okay.

22 MS. LOVICK: Okay. I just wanted to raise the  
23 issue because I think even with your revised plans there is  
24 still the need for that relief.

25 MR. SOLOMON: There is. It was mentioned and

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1 brought up at the ANC meeting last week so they were fully  
2 aware of it and understood that we needed to do that still.  
3 That had not been done yet.

4 MS. LOVICK: Okay.

5 CHAIR HILL: So Mr. Moy, they have to post again  
6 with that?

7 MS. LOVICK: I think that --

8 MR. SOLOMON: I think it's special exception.

9 CHAIR HILL: If it's special exception I don't  
10 think you have to post again. But if it's variance you'd  
11 have to post again. Mr. May, you have something you'd like  
12 to add?

13 COMMISSIONER MAY: What's the -- I didn't read the  
14 case because I assumed we were going to postpone it.

15 MS. LOVICK: Yes, it is, special exception.

16 COMMISSIONER MAY: If the level of relief is the  
17 same as was previously posted I don't think --

18 CHAIR HILL: Right. As long as it's not a higher  
19 level of relief then you're okay.

20 So you can work that out then and confirm with the  
21 Office of Planning. So Mr. Moy, whatever day works.

22 MR. MOY: This would also require a revised self-  
23 certification too since we're talking about additional  
24 documentation in the record.

25 I think judging from what you're describing in

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1 terms of the nature of your continued work today's the 18th.  
2 I'd like to give you at least two weeks if you think that's  
3 reasonable.

4 MR. SOLOMON: I think so.

5 MR. MOY: Okay. So then we're looking at May 2.

6 MR. SOLOMON: That would be fine.

7 CHAIR HILL: Okay, great. Thank you.

8 MR. SOLOMON: Thank you.

9 MR. MOY: Okay, Mr. Chairman, so we're back at the  
10 top of the order which is case application number 19662 of  
11 Demetrios Bizbikis as amended for area variance from the lot  
12 area per dwelling unit requirement subtitle E section 201.4.

13 This would permit an existing four-unit apartment  
14 house in the RF-1 zone. This is at premises 924 N Street NW  
15 square 368 lot 890.

16 This was previously postponed and rescheduled from  
17 March 28, 2018.

18 CHAIR HILL: Okay, great. Good morning.

19 MS. SHELTON: Good morning.

20 CHAIR HILL: If you could please introduce  
21 yourselves.

22 MS. SHELTON: My name is Nneka Shelton, agent for  
23 the owner.

24 MR. BELLO: Toye Bello to assist the agent for the  
25 owner.

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1 CHAIR HILL: Okay, great. Mr. Bello, you're going  
2 to be presenting?

3 MS. SHELTON: I will be.

4 CHAIR HILL: Okay, great. So the first thing that  
5 I was kind of wanting to ask you guys, we've read through the  
6 record and I want you to go ahead if you could present what  
7 you're trying to do and then also the relief you're asking  
8 for and how you're meeting the standards for that relief.

9 But also what I saw was that you're proffering the  
10 IZ unit, one of the four units was going to be an IZ. And  
11 if that's the case we also -- consulting with OAG is that you  
12 would need to amend or agree to amend for a special exception  
13 to the relief so that we could add the IZ unit in there.

14 Mr. Bello, are you aware of that and do you  
15 understand and do you add that amendment?

16 MS. SHELTON: Yes, we agree to --

17 CHAIR HILL: Okay. All right, great. There you  
18 go. Okay, that's all I needed to hear.

19 MR. BELLO: Mr. Chair, there may be a question was  
20 twofold. One is if we agree to the amendment and whether a  
21 special exception is necessary to do so.

22 CHAIR HILL: The special exception is necessary  
23 to do so. I'm asking if you agree to add the special  
24 exception to your application.

25 MR. BELLO: We do.

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1 CHAIR HILL: Okay. All right. So with that being  
2 the case Ms. Shelton you can please go ahead and begin  
3 whenever you like.

4 MS. SHELTON: Sure. The relief we're requesting  
5 is an area variance. And I'd like to point out the reason  
6 why we are here today is because the current owner of the  
7 property has a certificate of occupancy.

8 We went before the zoning administrator and  
9 instead of appealing the zoning administrator's decision that  
10 is why we are here before the BZA.

11 What we are trying to do is continue to -- the  
12 owner of the property would like to continue to operate the  
13 four-unit building as is and as it has been for the past 15  
14 years.

15 The extraordinary or exceptional situation of the  
16 condition or property. The property was constructed and has  
17 been in existence prior to May 12 of 1958 in its current  
18 building footprint and condition.

19 The subject property abuts N Street NW to its  
20 north, Blagden Alley NW to the west and a commercial building  
21 abuts the subject property on the southern lot line.

22 While the adjacent property to the east is also  
23 a multifamily residence that has been in existence prior to  
24 May 12 of 1958 the property is located in such a way that the  
25 owner is unable to acquire the necessary amount of land to

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1 meet the land area requirement per dwelling unit.

2 Without relief it will impose upon the owner the  
3 burden of extensive reconfiguration and partial demolition  
4 of an existing structure, a prohibitive hardship to the  
5 owner.

6 The peculiar and practical difficulties to the  
7 owner. The property exceeds the number of dwelling units as  
8 it relates to the total land size which compiles the relief  
9 sought before the Board today.

10 The only option available to the owner of the  
11 property is to partially demolish and reconfigure the  
12 existing structure to the extent that it will bring the  
13 subject property to conformity with the prescribed total land  
14 size standard per dwelling unit.

15 The option imposes upon the owner peculiar and  
16 practical difficulties and will in this course of the hearing  
17 provide additional information, evidence providing the cost.

18 Substantial detriment to the public good. It  
19 meets the third relief of substantial detriment to public  
20 good and substantial impairment.

21 By proposing this area variance will not result  
22 in substantial harm to zoning regulations as the applicant  
23 continues to operate the four-unit apartment home in the  
24 manner it has been for over 15 years.

25 The applicant seeks only relief it is compelled

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1 and consigned to by the extraordinary or exceptional  
2 situation of condition of the property and will otherwise  
3 comply with all other applicable provisions of the zoning  
4 regulations.

5 CHAIR HILL: Okay, thank you. Does anyone have  
6 any questions for the applicant?

7 COMMISSIONER MAY: I'm just curious how did this  
8 actually come to pass. How long has it been a four-unit?

9 MR. BELLO: It's been a four-unit for 15 years and  
10 exhibit 45 is a copy.

11 COMMISSIONER MAY: The one that we have is the  
12 first time. That was when it was first converted.

13 MR. BELLO: Well, there isn't any conclusive  
14 evidence that the use did not predate that certificate of  
15 occupancy.

16 COMMISSIONER MAY: The first time there was a C  
17 of O for it was 15 years ago.

18 MR. BELLO: That is correct. But again the fact  
19 that there isn't a previous C of O for it at DCRA in itself  
20 is not dispositive of the fact that it may have been --

21 COMMISSIONER MAY: Right, I understand that. So  
22 then the current owner has owned it since when?

23 MS. SHELTON: They owned it in 2014.

24 COMMISSIONER MAY: They purchased it in 2014.

25 MR. BELLO: Well, the exercise here is to transfer

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1 the certificate of occupancy to the new owner. So the new  
2 owner actually inherited this property. But the previous  
3 owner had owned that property for at least 20 years.

4 COMMISSIONER MAY: At least 20 years. Okay. But  
5 the applicant here, Ms. Bizbikis is the person acquiring the  
6 property.

7 MR. BELLO: That's correct.

8 COMMISSIONER MAY: But their name is on one of the  
9 pieces of paper from 2004.

10 MR. BELLO: A different name. The property is  
11 being transferred from --

12 COMMISSIONER MAY: Different name? Somebody else  
13 in the family.

14 MR. BELLO: That's correct.

15 COMMISSIONER MAY: I see. Okay.

16 MEMBER WHITE: I have one question about your  
17 contact with the community and the ANC. Can you kind of give  
18 me a little feedback, perhaps the ANC is here, I'm not sure,  
19 but I just wanted to hear what you've done in terms of having  
20 conversations about the development with the people in the  
21 neighborhood as well as the ANC.

22 MS. SHELTON: Outside of our meeting with the  
23 community development committee and the ANC they were in  
24 opposition because -- I would say because of their  
25 understanding of the property and the zoning.

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1           So their main concern is that this is a four-unit  
2 and it should not be in the RF-1 zone. And their main  
3 opposition is kind of based on that.

4           Aside from the fact that the neighboring property  
5 is a three-unit apartment building as well.

6           MEMBER WHITE: What about the IZ aspect of the  
7 project? Did you get any positive feedback with respect to  
8 that at all?

9           MR. BELLO: That actually made no difference to  
10 the ANC.

11          CHAIR HILL: All right. We're going to turn to  
12 the Office of Planning.

13          MS. MYERS: Hello. Crystal Myers with the Office  
14 of Planning.

15          The Office of Planning is recommending approval  
16 of this case with the condition that one of the units be  
17 dedicated to the IZ program.

18          Otherwise we stand on the record of the staff  
19 report.

20          CHAIR HILL: Does the Board have any questions for  
21 the Office of Planning? Okay. Does the applicant have any  
22 questions for the Office of Planning?

23          MS. SHELTON: Not at this time.

24          CHAIR HILL: Okay. Is there anyone here from the  
25 ANC wishing to speak? Is there anyone here wishing to speak

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1 in support? Is there anyone here wishing to speak in  
2 opposition? All right. Do you have anything else you'd like  
3 to add?

4 MS. SHELTON: Not at this time.

5 CHAIR HILL: Okay. I'm going to go ahead and  
6 close the hearing. Is the Board ready to deliberate? Okay.

7 So I thought the record was pretty full and I  
8 thought that the applicant made a good argument as to how  
9 they're meeting the criteria for us to approve this.

10 I also thought that the Office of Planning's  
11 report was very clear.

12 Actually, I had a question. Was there an ANC  
13 report? There wasn't an ANC report. And I think maybe --  
14 oh, there is?

15 MS. SHELTON: They submitted it yesterday I  
16 believe.

17 MR. MOY: It's in the record, sir. Exhibit 50.

18 CHAIR HILL: Okay, I'm sorry, I missed it. So the  
19 ANC is in support. Oh it's not. So now I'm back to talking  
20 to you again. So what happened at the ANC meeting?

21 MS. SHELTON: They basically were in opposition  
22 because they believed that the apartment should have never  
23 been there.

24 Aside from the fact that the neighboring building  
25 is also a three-unit apartment and they do have a certificate

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1 of occupancy that was procured a year after our client or the  
2 current property owners.

3 CHAIR HILL: But the building has been there you  
4 said for 20 years?

5 MS. SHELTON: Yes, sir.

6 CHAIR HILL: Okay. And the ANC has a problem with  
7 it being an apartment building? What did they want it to be?

8 MS. SHELTON: They just believed that it shouldn't  
9 be a four-unit. They think it should be a two-unit.

10 CHAIR HILL: I see, okay. They wanted two units  
11 rather than four. Okay. Does the Board have any questions  
12 about that?

13 All right. Okay. I still think that the  
14 applicant has met the criteria for us to move forward. I  
15 also am excited by the fact that one of the units is going  
16 to be an IZ unit.

17 And so -- and that the Office of Planning is also  
18 in support of that. So I still am where I was after  
19 reviewing the record. Does anyone else have anything they'd  
20 like to add?

21 MEMBER WHITE: I think they met the criteria as  
22 well. Obviously we always like to get positive feedback from  
23 the ANC if possible. That's not always the case.

24 But I don't think -- their argument kind of goes  
25 to the criteria for the relief that you're requesting. I

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1 think you did meet the criteria and like Mr. Chair here I'm  
2 always positive about IZ units being added to the city so  
3 that's something that you'll be required to do and I'm  
4 looking forward to seeing it go forward.

5 COMMISSIONER MAY: So I am very sympathetic to the  
6 Office of Planning's position that this is the sort of case  
7 that they ordinarily wouldn't approve.

8 I mean it was basically a conversion that somehow  
9 happened and got through the system and wasn't prevented when  
10 it should have been.

11 But I think the bottom line does come down to the  
12 fact that there are a number of tenants in the property at  
13 the moment and they would be the ones who would be most  
14 impacted if we were to simply say it's got to be converted  
15 back to a two-unit flat basically, back to flat.

16 So I'm never comfortable sort of rewarding the bad  
17 behavior that occurred in the past but at this moment it  
18 makes sense the benefit that can be salvaged from it is that  
19 one of the units will be IZ. I think that's some  
20 consolation.

21 But it's not a great situation. So I'll support  
22 at this stage. But I'm just a little grumpy.

23 CHAIR HILL: Yes, I was concentrating on trying  
24 to figure out this special exception thing for a minute and  
25 so I was again -- the Office of Planning supported the 900.

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1 Like the 900, they never move on the 900 thing.

2           And so I am also -- well not surprised. As you  
3 just said this has been -- somebody would get kicked out or  
4 people would get displaced.

5           Okay. Anyone else?

6           MEMBER JOHN: Mr. Chairman, I support everything  
7 that's been said. I noted that the certificate of occupancy  
8 copy is in the file and so you have to be sympathetic to the  
9 fact that there was a certificate of occupancy for four units  
10 in the current configuration.

11           So for that reason and because of the cost of  
12 converting the four-unit back to two units and the fact that  
13 there is also another three-unit building in the same zone  
14 next door I don't think -- I think those are considerations  
15 we need to take into account.

16           I don't think there's been any testimony that the  
17 current applicant was responsible for the fact that there is  
18 a four-unit building with approximately 500 square foot per  
19 unit with a certificate of occupancy.

20           So in a way what I see is that the applicant is  
21 trying to bring the property into compliance. And so because  
22 of all of that, the record and giving full weight to the  
23 recommendation of the Office of Planning and having read the  
24 recommendation of the opposition of the ANC which I cannot  
25 agree with entirely I would support the application. Sounds

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1 a little convoluted but I think I got there. Thank you.

2 CHAIR HILL: All right, great. Thank you, Ms.  
3 John. All right, I'm going to make a motion to approve  
4 application number 19662 as amended for special exception  
5 relief from U 320.2 to convert an existing residential  
6 building to an apartment house and for variance relief from  
7 the 900 square foot of land area per dwelling unit  
8 requirements of E 201.4 and U 302.2(d) to permit an existing  
9 four-unit apartment house in the RF-1 zone at premises 924  
10 N Street NW square 368 lot 890 with the condition that one  
11 of the four units is dedicated as an affordable IZ unit and  
12 ask for a second.

13 MS. LOVICK: Excuse me, sorry, I just want to  
14 interject. You're not adopting the condition, you don't need  
15 to adopt the condition because the special exception -- a  
16 condition of the special exception is the IZ unit.

17 CHAIR HILL: Oh, okay, great. Thank you, OAG.  
18 Let's see. So I strike the condition and I don't have to  
19 reread the motion I don't think and ask for a second.

20 MEMBER WHITE: Second.

21 CHAIR HILL: Motion has been made and seconded.  
22 All those in favor?

23 (Chorus of ayes)

24 CHAIR HILL: All those opposed? The motion  
25 passes, Mr. Moy.

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1 MR. BELLO: Thank you.

2 MS. SHELTON: Thank you.

3 MR. MOY: Staff would record the vote as 5-0-0.  
4 This is on the motion of Chairman Hill to approve the  
5 application as amended. Seconding the motion Ms. White.  
6 Also in support Mr. Peter May, Vice Chair Hart and Ms. Lorna  
7 John. The motion carries.

8 CHAIR HILL: Great. Summary order, Mr. Moy. Oh  
9 no, that's right, full order. And we're going to just take  
10 a quick, quick break.

11 (Whereupon, the above-entitled matter went off the  
12 record at 10:16 a.m. and resumed at 10:19 a.m.)

13 CHAIR HILL: All right, Mr. Moy, we're ready to  
14 get back started whenever you like.

15 MR. MOY: Thank you, Mr. Chairman. I see the  
16 parties are at the table to case application number 19733 of  
17 Terrace Manor Redevelopment LP.

18 This is a request for a special exception under  
19 the new residential development requirement subtitle U  
20 section 421.

21 This would construct a new apartment building in  
22 the RA-1 district at premises 3341-3353 23rd Street SE and  
23 2270-2272, 2276 Savannah Street SE, square 5894, lots 3, 4  
24 and 5.

25 CHAIR HILL: Great, thank you. Good morning, if

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1 you could please introduce yourselves.

2 MR. TUMMONDS: Paul Tummonds, Goulston & Storrs.

3 MS. ASKEW: Pam Askew, WC Smith.

4 MR. MROCZKOWSKI: Nicholas Mroczkowski, Stoiber  
5 & Associates Architects.

6 CHAIR HILL: Can you say your last name again,  
7 sir?

8 MR. MROCZKOWSKI: Mroczkowski. Just like it's  
9 spelled.

10 CHAIR HILL: Okay. It's Toms again, I'm sorry?

11 MR. TUMMONDS: Tummonds.

12 CHAIR HILL: Tummonds. Mr. Tummonds. There's  
13 nothing particular I had an interest in you folks hitting on  
14 so if you can just kind of go through, walk us through what  
15 you're trying to do also in the relief you're requesting and  
16 how you're meeting the standards for us to approve that  
17 relief.

18 I'm going to go ahead and put 15 minutes on the  
19 clock just so I know where we are. And you can begin  
20 whenever you like.

21 MR. TUMMONDS: Great, thank you. Good morning,  
22 members of the Board. I'm Paul Tummonds with Goulston &  
23 Storrs. Lawrence Ferris with Goulston is also with me here  
24 this morning.

25 We are here today requesting approval of a special

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1 exception application to allow for the redevelopment of a --  
2 for the development of a multifamily all affordable  
3 residential building on property that is located at the  
4 intersection of Savannah Street and 23rd Street SE.

5 The property is located in the RA-1 zone.  
6 Therefore we need BZA approval for any proposed new  
7 residential use.

8 We are not seeking any relief from any of the RA-1  
9 development standards. So Commissioner Hill, this is this  
10 kind of odd zone where any time we have to have new apartment  
11 use we just have to show that somehow apartment use is  
12 consistent with apartment use in an apartment use zone.

13 So we think that the written information that  
14 we've provided in the record clearly details how we meet the  
15 somewhat amorphous standards for new residential development  
16 in the RA-1 zone.

17 But probably just as important this application  
18 has received the support of the Office of Planning and the  
19 support of DDOT.

20 The Office of Planning's report requested that the  
21 applicant make two design modifications to the building.  
22 While again this is not a design review application Mr.  
23 Mroczkowski will be here and he'll just really go through  
24 those two issues that OP had raised.

25 For the Board's convenience we've submitted a

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1 complete set of our building plans, materials for you to  
2 review. And those have been filed with Mr. Moy.

3 The other agency review we have here is Department  
4 of Transportation. They noted their support of this  
5 application conditioned upon the submission and  
6 implementation of a loading management plan.

7 We have reviewed a loading management plan with  
8 DDOT. They are supportive of it. I believe they sent an  
9 email to Mr. Moy yesterday to that effect.

10 We have submitted for the record today a loading  
11 management plan that we would allow -- we support being  
12 implemented as a condition of approval of this application.

13 We have two witnesses. The first is Pam Askew,  
14 WC Smith, the applicant in this case. And she will give a  
15 quick overview of her involvement, her firm's involvement  
16 with this case and what this project is all about.

17 MS. ASKEW: Good morning, Pam Askew, William C.  
18 Smith. I am a senior vice president and I lead the  
19 affordable housing development for the company.

20 Last year we were approached by Bread for the City  
21 who we work with on another project, Petworth Station that  
22 we received BZA approval.

23 And they were working with and still are the  
24 Terrace Manor Tenants Association.

25 The property had gone into receivership and was

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1 going through bankruptcy through the previous owner Sanford  
2 Capital.

3 And the Office of Attorney General had also  
4 approached us to see if we could come in and help with the  
5 property.

6 So the property had gone into bankruptcy. We  
7 acquired the property and we entered into agreement with the  
8 tenant association and Bread for the City where we moved all  
9 the residents to properties within the proximity of Terrace  
10 Manor that are either subsidized or at the same rent level  
11 of what they're paying now or what they were paying at the  
12 previous apartment.

13 So they're either paying the same level or less  
14 in their new move. We paid for the moving costs.

15 And we came up with a development plan initially  
16 to renovate the property. As we assessed the buildings and  
17 the conditions that they were in it was beyond repair or  
18 should I say the cost to repair was at the same amount of  
19 building new.

20 So we thought let's look to see if we could build  
21 the property new into a more quality affordable housing  
22 development.

23 So we worked with our design team and worked with  
24 the residents. They were onBoard.

25 What's there now is 61 units and what we're

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1 proposing is about 120 units. So we're doubling the impact  
2 to the community.

3 And if I may say the surrounding community,  
4 William C. Smith owns or manages about 2,500 units within a  
5 one-mile radius as well as we've built a community center  
6 called The Arc and we've built a retail strip center that  
7 includes Giant, the first ward 8 grocery store.

8 So we have a presence in the community which is  
9 I think partly also why Bread for the City approached us.

10 So as I said we're working with the residents,  
11 we're working to preserve affordability. The property will  
12 have amenities that include a business center, a fitness  
13 center, and a 24-hour front desk to complement security  
14 efforts that our management company offers.

15 So the goal is really to not only preserve and  
16 return the existing residents into new units, but to increase  
17 the affordable housing opportunities in ward 8, increase the  
18 new construction opportunities. We're going to strive for  
19 LEED gold certification.

20 So to build sustainable affordable housing is also  
21 a goal. And to just further build upon the success within  
22 this community.

23 MR. MROCZKOWSKI: And again, Nick Mroczkowski with  
24 Stoiber & Associates.

25 I'll just walk you through as Paul indicated a

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1 couple of things that the Office of Planning's report and  
2 recommendations asked us to focus on.

3 The first relates to --

4 CHAIR HILL: Excuse me, sir, I'm sorry. It was  
5 just pointed out to me. You're just testifying as a witness  
6 or an expert? Because you're not in our expert witness book  
7 and if you want to be we have to go through that process.

8 MR. MROCZKOWSKI: Sure and we anticipated that  
9 might be the case. I am an expert witness, the architect  
10 project manager for the project.

11 CHAIR HILL: Okay.

12 MR. TUMMONDS: And I'm sorry. We had previously  
13 submitted Mr. Mroczkowski's resume.

14 CHAIR HILL: That's all right. Which exhibit do  
15 you know off the top of your head?

16 VICE CHAIR HART: Thirty-seven.

17 CHAIR HILL: Okay.

18 MR. TUMMONDS: Mr. Mroczkowski, you have been  
19 admitted as an expert previously?

20 MR. MROCZKOWSKI: Correct, both in BZA and Zoning  
21 Commission.

22 CHAIR HILL: Oh, so then you're already in the  
23 book perhaps, Mr. Moy? Well, nonetheless, I don't know  
24 whether you are or aren't at this point so I'm just going to  
25 make sure you are.

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1 Can you tell us just a little bit about yourself?

2 MR. MROCZKOWSKI: Sure. Registered architect in  
3 Washington, D.C. A partner with Stoiber & Associates since  
4 2009, been with the firm since 2003.

5 And project manager on a number of multifamily  
6 projects both new and renovation. Like Pam I started to  
7 focus even more on affordable housing so somewhere over 400  
8 units of both new and renovation projects currently.

9 CHAIR HILL: Okay, great. Commissioner May, do  
10 you have any comments on his resume?

11 COMMISSIONER MAY: No, I do not, thank you.

12 CHAIR HILL: All right. We're going to go ahead  
13 and admit you as an expert. So you can continue with your  
14 testimony.

15 MR. MROCZKOWSKI: Sure. Thank you. So the Office  
16 of Planning's report and recommendations asked us to consider  
17 a potential variation on window configuration particularly  
18 where we gang together four windows.

19 They were saying maybe aesthetically a three  
20 window pattern might be more appropriate or just sort of feel  
21 better. So we have been studying that again with WC Smith  
22 and feel like we see the potential for that working but would  
23 like the flexibility to continue studying that either in a  
24 three or four window pattern, and a ganged pattern.

25 But it would be within the same rough opening.

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1 So edge of ganging of windows to edge of ganging windows,  
2 whether it's three or four would be the same.

3 The other piece of the Office of Planning's  
4 request was to look at the materials and to understand both  
5 their durability and appropriateness for the site.

6 So we put together sort of a materials palette  
7 that speaks to what the intent would be, different flavors  
8 of brick, fiber cement siding of different exposure widths,  
9 high performance vinyl windows both in black and white and  
10 then potentially a pre-finished metal paneling as accent.

11 MR. TUMMONDS: Mr. Mroczkowski, have you had  
12 experience that those materials are durable, are attractive?

13 MR. MROCZKOWSKI: Yes. In both cases. We  
14 personally have experience using those materials and I know  
15 WC Smith and several of their properties in the same ward in  
16 adjacent areas successfully use those materials.

17 MR. TUMMONDS: Thank you.

18 CHAIR HILL: Okay. All right, great. Does anyone  
19 have any questions for the applicant?

20 COMMISSIONER MAY: Since we're talking about the  
21 design of the building first on the materials what is the  
22 sort of white vertical cladding.

23 MR. MROCZKOWSKI: Sure. Fiber cement Board  
24 probably with Board and batten style look. So vertical  
25 joints with a batten trim.

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1 COMMISSIONER MAY: Okay. So it's larger panels.

2 MR. MROCZKOWSKI: Correct.

3 COMMISSIONER MAY: Which is not my favorite look  
4 but this is not a PUD and I'll try not to treat it that way.

5 I don't have any problem with fiber cement siding  
6 particularly in a low-rise residential building like this.  
7 I think that's perfectly fine.

8 And I think that flexibility with regard to the  
9 gang of three windows versus gang of four windows is fine.  
10 Because the four does look a bit funny.

11 But when you take the same width and then you  
12 spread three between it then the proportions of each sash  
13 look a little goofy. They look too squat.

14 So I would suggest that the flexibility we grant  
15 give you some flexibility to vary the overall width. I don't  
16 even know the extent to which we would care to try to define  
17 window openings on something like this.

18 But I didn't want to tie your hands because I  
19 think you can do a little bit more work to massage it.  
20 Because I don't think either one of these is quite right yet.

21 I don't know what the right groupings are. And  
22 again if it were a PUD and if we had time to sort of flesh  
23 these things out we could take another look at other options.  
24 But I would just be in favor of giving you all the  
25 flexibility you need to make it look as good as possible.

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1           MEMBER WHITE: I just had one question. So this  
2 is a pretty significant project. And I applaud you for doing  
3 affordable housing. I'm a proponent of that.

4           But I'm just curious. You're basically  
5 demolishing 11 existing apartment buildings and you're doing  
6 new construction. And you haven't gotten any feedback from  
7 the ANC? It's a pretty significant project and they haven't  
8 reported anything in the record.

9           I just want to make sure that they've been  
10 contacted.

11           MS. ASKEW: Sure. So I worked on Sheridan Station  
12 which was the demolition of existing buildings, building new  
13 on Sheridan Road across from the Anacostia Metro stop.

14           And I worked on Archer Park which was a demolition  
15 of 26 buildings on Mississippi Avenue, 10th Place and 13th  
16 Place. That's actually getting an award tonight with the OEE  
17 for sustainability.

18           And that also is new construction from demolishing  
19 existing buildings.

20           So what we've found in some of the existing  
21 buildings is not only kind of an antiquated architectural  
22 design. So you may have a smaller one-bedroom unit that's  
23 400 square feet whereas I can build a new construction one-  
24 bedroom at a larger and then build more units on top of that.

25           The renovation of the existing buildings wouldn't

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1 allow me to add necessarily amenity space. It wouldn't allow  
2 me to add additional parking and so forth.

3 So this allows us to double the impact of the  
4 affordable housing units, but to renovate existing. If you  
5 go to the buildings the structural, the masonry conditions  
6 and so forth have gotten just beyond because of years of not  
7 maintaining the buildings well. So it is almost a point of  
8 no return which is kind of what we saw.

9 MEMBER WHITE: I'm not arguing with your strategy.  
10 I'm just curious why the ANC --

11 MS. ASKEW: The ANC, right. So we've had four  
12 meetings with the ANCs and we do have support from the single  
13 member district. And then we had resident support here as  
14 well.

15 And so have we gotten a final letter from all five  
16 of them unanimously? No, we do not.

17 MR. TUMMONDS: And I would say quickly the  
18 discussion that has occurred at the ANC meetings have been  
19 about things that really I think are not applicable to a BZA  
20 special exception case.

21 They've been requests for a significant community  
22 benefits agreement. And we just felt that for the benefits  
23 of this project (a) a special exception, such an agreement  
24 is not required, and (b) the benefits that are inherent in  
25 this project, 120 affordable units, the ability for people

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1 who lived at Terrace Manor before to come back, that's the  
2 benefit and amenity of this project.

3 CHAIR HILL: You got something from the SMD. Is  
4 that what you said?

5 MR. TUMMONDS: Yes, we have a letter.

6 CHAIR HILL: Was that in the record?

7 MR. TUMMONDS: No.

8 CHAIR HILL: Okay. Can you add that to the  
9 record?

10 MR. TUMMONDS: Sure.

11 CHAIR HILL: Okay, great. All right, anyone else?

12 VICE CHAIR HART: Just a couple of quick  
13 questions. One, I'm assuming that you all have the emergency  
14 egresses through the garage. I wasn't quite sure how you got  
15 out.

16 MR. MROCZKOWSKI: No actually because the garage  
17 is below grade there are stairs to get from the garage level  
18 to grade above. So if you happen to be in the garage you go  
19 up a level to the terrace level for some egress and then also  
20 there's egress through the first floor front entry.

21 So there's two terrace level exits and a first  
22 floor exit. Because of the grade, the slope and topography  
23 of the site drops off 20-30 feet corner to corner.

24 VICE CHAIR HART: I just saw the plan now where  
25 that is.

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1           And then the parking for the bikes, that's  
2 accessed through the garage entrance.

3           MR. MROCKOWSKI: Correct. Or through the front  
4 depending on how the building would want to control bike  
5 access and movement. But you could theoretically go through  
6 the garage or directly in from the front door.

7           VICE CHAIR HART: Okay, thank you.

8           CHAIR HILL: All right, Mr. Tummonds. I'm just  
9 kind of curious. I don't have any issues with not having a  
10 full vote from the ANC in this particular case and I  
11 appreciate the letter from SMD.

12           I'm just curious because I just want to learn more  
13 about the different ANCs. So they didn't take a vote. I  
14 mean you presented, they didn't take a vote.

15           MR. TUMMONDS: Correct. We presented at both the  
16 --

17           CHAIR HILL: Do you know why they didn't take a  
18 vote? You don't know. Okay, just curious. That's okay.

19           All right, anyone else have questions?  
20 Commissioner May.

21           COMMISSIONER MAY: One of the things that comes  
22 up with certain ANCs in ward 8 have to do with sort of having  
23 too much affordable housing and not enough market rate. Was  
24 that one of the topics of discussion?

25           MS. ASKEW: No.

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1 COMMISSIONER MAY: Okay. That's reassuring.

2 MS. ASKEW: And if I can add, the political  
3 environment has changed a bit so now tax credits can allow --  
4 although at this property we will have a tranche of zero to  
5 30 percent AMI and then up to 60 percent AMI it will be 100  
6 percent tax credit.

7 They've now made it so that you can have a blended  
8 average. I have to deny a lot of people at my properties  
9 that are 65 percent AMI.

10 So now if someone at 65 comes in and I accept  
11 someone at 55 they can both be tax credit certified. So it's  
12 an opportunity now that the tax credit regulations have  
13 changed for us to be able to kind of meet that little higher  
14 tranche.

15 COMMISSIONER MAY: And what's the highest level  
16 that you'd be -- is it capped at 60? Is that what it is?

17 MS. ASKEW: It would be a blended average of 60.  
18 So if I brought someone in without a portable voucher and  
19 they were at 40 or 50 then maybe I could get as high as 70.

20 But someone at 40 or 50 may not be able to  
21 relatively pay that rent level let's say if it's \$1,000. But  
22 we will have returning residents that will pay the lower  
23 amount and we've built that into our pro forma. So that may  
24 give us the opportunity to get kind of the higher person in  
25 at a different income level.

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1           As long as the -- at placed in service there's the  
2 average of 60 percent AMI.

3           COMMISSIONER MAY: One of the things that we also  
4 encounter is that sometimes market rate is actually less than  
5 the -- or less than 80 percent AMI or at 80 percent AMI.

6           Do you know what it happens to be in this  
7 particular area?

8           MS. ASKEW: In our submarket we're finding  
9 actually 55 percent AMI is the market. But at Archer Park  
10 which is about a mile away half of my declines are because  
11 of over income and they are at 65-70 percent AMI. And it's  
12 actually mostly one-bedroom applicants, so singles.

13           So I'm hoping with this change in the tax credit  
14 regulations that we can help meet that. Because there's  
15 nothing else from what I see working in D.C. affordable  
16 housing for 20 years nothing else being built, new  
17 construction in ward 8 without tax credit money. Which means  
18 that the person who's 61-80 is having a tough time.

19           So we hopefully can help that as well.

20           COMMISSIONER MAY: Thank you.

21           CHAIR HILL: Anyone else? Commissioner May, so  
22 at the Zoning Commission for PUD you get to really rake them  
23 over the coals, is that what you're?

24           COMMISSIONER MAY: Because I don't do that here.

25           CHAIR HILL: No, I was like we're missing out on

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1 all the fun if that's really what, you know. So it could  
2 take hours, colors.

3 COMMISSIONER MAY: We spent a lot of time on  
4 Sheridan working over the design. Working through the  
5 design. But that was a long time ago.

6 MS. ASKEW: Yes. We finished phase 3 in 2016.  
7 But it took us 10 years.

8 CHAIR HILL: That's a long time. That's a lot of  
9 raking over the coals.

10 COMMISSIONER MAY: I don't even remember which of  
11 my stints on the Zoning Commission that was approved in.  
12 When was the initial approval?

13 MS. ASKEW: It was 2008-2009.

14 COMMISSIONER MAY: Okay.

15 MS. ASKEW: Affordable housing takes a long time.

16 CHAIR HILL: Okay. I'm going to turn to the  
17 Office of Planning.

18 MR. MORDFIN: Good morning, I'm Stephen Mordfin.  
19 And the Office of Planning recommends approval of this  
20 application and would like to point out an error in the staff  
21 report.

22 It notes that the parking required is 1 per 6  
23 units or 22, in reality it's 1 per 3 units. So the total  
24 required parking is 44 which means that the applicant is not  
25 providing double the amount of parking.

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1           And so therefore no relief is required from  
2 subtitle C section 707.

3           CHAIR HILL: Okay. And also that wasn't part of  
4 the relief that you mentioned, Mr. Moy, anyway in the  
5 beginning, correct? No. Okay. All right.

6           Does anyone have any questions for the Office of  
7 Planning? Does the applicant have any questions for the  
8 Office of Planning?

9           MR. TUMMONDS: No questions.

10          CHAIR HILL: All right. Is there anyone here from  
11 the ANC? Is there anyone here wishing to speak in  
12 opposition? Is there anyone here wishing to speak in  
13 support? All right, if you'd please come forward.

14          Have you guys been sworn in? Were you sworn in?  
15 No? Okay. If you could just please stand and Mr. Moy here  
16 to my left is going to administer the oath.

17          (Whereupon, the witnesses were sworn)

18          CHAIR HILL: Okay, great. If you could please  
19 introduce yourselves first.

20          MS. HEALY: Sure. Good morning. My name is  
21 Taylor Healy. I'm an attorney at Bread for the City and I'm  
22 counsel for the Terrace Manor Tenants Association.

23          MS. JACKSON: Good morning. My name is Monica  
24 Jackson and I am the president of Terrace Manor for Change  
25 tenant association.

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1 CHAIR HILL: All right, great. Well, welcome.  
2 So as members of the public you get three minutes to present  
3 testimony. So the -- five minutes, I'm sorry. As an  
4 association you have up to five minutes, association member.

5 So, Ms. Jackson I'll start with you if that's  
6 okay. And you can begin whenever you like.

7 MS. JACKSON: Thank you. I just want to take this  
8 opportunity to say that I was a resident of Terrace Manor for  
9 over 20 years. So I know what the property looked like when  
10 it was initially remodeled 20 plus years ago.

11 And so coming up to date me speaking on behalf of  
12 the remaining tenants that were there was a life of very much  
13 how can I say this nicely, terror.

14 And so to have a developer like William C. Smith  
15 to come in and give us some hope and some light is definitely  
16 an add to us.

17 They have come in and have brought us to a point  
18 where we can feel like we can at least begin to live again  
19 and have that community base and community feel as a tenant  
20 going forward.

21 Not to make this too long because I don't know if  
22 Taylor may have something to say. So we are definitely in  
23 support of what they are proposing to do over in ward 8 to  
24 bring affordable housing and just a better environment  
25 period. Thank you.

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1 CHAIR HILL: Great, thank you. And Ms. Jackson,  
2 thanks for coming down and thanks for your testimony and all  
3 of the work that you're doing as an association. It is --  
4 you should be commended for it and so good for you.

5 Does anybody have any questions for the witness?  
6 Okay. Ms. Healy.

7 MS. HEALY: So I just wanted to give you a little  
8 bit of history of Bread for the City's involvement with the  
9 property.

10 We first started representing Terrace Manor back  
11 in 2012 when it was sold to Sanford. And that was the only  
12 buyer at the time so we did a settlement in development  
13 agreement through TOPA.

14 The tenants were promised all sorts of repairs  
15 I'll make a long story short that never happened. And the  
16 attorney general's office got involved like Ms. Askew  
17 mentioned. The property was put into receivership and then  
18 Sanford declared bankruptcy.

19 And so in bankruptcy there are no TOPA rights so  
20 the tenant association really lost hope for a little bit of  
21 time that we were going to be able to find a buyer who would  
22 match the price but also offer something to the tenants when  
23 really that's not a requirement of bankruptcy.

24 And the judge in bankruptcy court made it clear  
25 that this property was going to be sold to the highest bidder

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1 pretty much regardless of what was going to happen to the  
2 tenants.

3           So William C. Smith, we entered into a really  
4 extensive 12-page memorandum of understanding as part of --  
5 entered into the bankruptcy case and receivership case, the  
6 settlement of that case.

7           So the tenants are -- there were only 13 people  
8 that were left of the 61 units by the time that case was  
9 resolved. And really 13 people that were left for the last  
10 2 years that I've been involved at the property.

11           One of those people, that was not the person's  
12 primary residence so they're not covered by the agreement but  
13 the other 12 tenants were all relocated as Ms. Askew said to  
14 other William C. Smith properties.

15           They were able to maintain their current rent  
16 levels. They will be returning to the new property and will  
17 be able to keep the same rent levels adjusted for rent  
18 control every year.

19           So even though it will be a LIHTC property these  
20 tenants will be able to maintain the affordability levels  
21 that they had at the original Terrace Manor.

22           And we basically built in everything into this  
23 agreement. It took us a really long time to get there and  
24 with the speed of the bankruptcy case it was wonderful  
25 working with William C. Smith, getting this agreement,

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1 getting things done.

2           And we're really hopeful that this is the relief  
3 that at least since I've been involved. I know things were  
4 not great in 2012 but since we've been involved for the last  
5 six years this is something we've been looking forward to,  
6 having a responsible owner come in and beyond just a rehab  
7 which we thought maybe was the only option, but getting a  
8 redevelopment is actually what the tenant association was  
9 most supportive of and having new units, larger sizes and the  
10 amenities that could not be part of the original Terrace  
11 Manor given the 11 buildings and sort of the structure that's  
12 there.

13           CHAIR HILL: That's great. Okay, thank you.  
14 William C. Smith, they just sound great. I'm really glad  
15 that we also live in a city where it actually works out.

16           If the city wasn't doing as well as it is it  
17 wouldn't necessarily be something that kind of works.

18           Does anybody have any questions for the witness?

19           MEMBER WHITE: Just one question for -- I'm sorry,  
20 I missed your name that quickly. Ms. Jackson. So are you  
21 going to be moving back into the building when it's  
22 redeveloped?

23           MS. JACKSON: Yes, that's my prayer.

24           MEMBER WHITE: When do you think that will be?

25           MS. JACKSON: As soon as it's done.

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1 MEMBER WHITE: Okay, that was a good answer. I  
2 appreciate your testimony and I think it will do a lot to  
3 revitalize the community. So thank you for coming down.

4 MS. JACKSON: Thank you.

5 CHAIR HILL: Mr. Tummonds, when are you set to  
6 deliver?

7 MR. TUMMONDS: Obviously this is the first step,  
8 getting BZA approval. But the next step would also be that  
9 DHCD, this is a project that we are requesting funding from  
10 DHCD so we hope with this BZA approval that we will be one  
11 of the projects that is granted that.

12 And then we would --

13 CHAIR HILL: Yes, please. I'm just curious. You  
14 can slide on in there and just push the button.

15 MS. ASKEW: So the last funding round for DHCD  
16 required that you had to have zoning approval in place before  
17 you applied.

18 I brought this to DHCD's attention to say this can  
19 be a challenge because it can take a year sometimes to get  
20 that approval and then you have to apply. Can't you do it  
21 concurrent.

22 So they changed their process where now you just  
23 have to file your zoning application, whether BZA, PUD, or  
24 what have you when you submit your funding application.

25 So that's what we did. We got the application for

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1 BZA submitted before we filed for our DHCD and we received  
2 notification last week that DHCD has selected us to go to the  
3 next round.

4 So potentially the Mayor will be announcing this  
5 at the end of April. And it usually takes about a year to  
6 close with DHCD. We could close sooner but that's just the  
7 time.

8 CHAIR HILL: And then construction and all that.

9 MS. ASKEW: Construction will probably take about  
10 24 months so it could potentially take 3 years, 2 and a half  
11 to 3 years.

12 CHAIR HILL: Okay. We'll try to move quickly here  
13 today. All right. Let's see. Support, opposition. Anyone  
14 here else wishing to speak? No. Okay, thank you all very  
15 much.

16 Mr. Tummonds, do you have anything further you'd  
17 like to add?

18 MR. TUMMONDS: No, just I think based on the  
19 written information and testimony this morning we believe the  
20 application satisfies the special exception approval and that  
21 we request your approval of this application this morning.

22 CHAIR HILL: Okay. And what was pointed out to  
23 us with a report that we got from OAG, there's kind of a  
24 range that you're looking for in terms of the number of  
25 units.

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1           And I think that what we're going to end up doing  
2 is putting a condition in there to give you plus or minus  
3 range to match kind of the numbers you're asking for.

4           Because as I understand it and was pointed out to  
5 me before the zoning administrator can only do 2 percent.  
6 And so we're going to go ahead and put 5 percent in there in  
7 terms of a range.

8           MR. TUMMONDS: Perfect.

9           CHAIR HILL: All right. I'm going to go ahead and  
10 close the hearing. Does anyone want to start deliberation?  
11 Okay, go ahead.

12           MEMBER WHITE: This is application number 19733  
13 of Terrace Manor Redevelopment LP. And they are requesting  
14 a special exception under the new residential development  
15 requirements of U section 421 to construct a new apartment  
16 building in the RA-1 district zone.

17           And the addresses are 3341-3353 23rd Street SE and  
18 2270-2272, 2276 Savannah Street SE.

19           They are requesting the ability to demolish 11  
20 existing apartment buildings. They're going to be  
21 constructing a new unit apartment building with a range that  
22 will be stated I believe between 118 to 128. Plus or minus  
23 5 percent.

24           So again looking at the record I think the  
25 information was full as the chair says often. I think they

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1 met the criteria for special exception.

2 I believe that the Office of Planning's report was  
3 full. It recommended approval.

4 We were also given a letter from the SMD that also  
5 supports the project as well as DDOT. We've gotten some  
6 really good testimony from representatives from the  
7 community, from Terrace Manor Organized for Change tenants  
8 association as well as the attorney for Bread for the City  
9 which both supported the project.

10 I think it's an excellent project. It's going to  
11 be LEED gold certified. Will be in the city.

12 I think, Mr. Chair, that they've met the criteria  
13 for the special exception.

14 CHAIR HILL: Great, thank you. Anyone else?  
15 Okay. I'm going to go ahead then and make a motion to  
16 approve application number 19733 as captioned and read by the  
17 secretary.

18 And then also include a condition that the number  
19 of units can be more or less plus or minus 5 percent.

20 And then also put there -- I don't know if it's  
21 a condition or not, but allow flexibility to work with the  
22 design in terms of the openings of the windows. And ask for  
23 a second.

24 MEMBER WHITE: Second.

25 CHAIR HILL: Motion has been made and seconded.

1 All those in favor?

2 (Chorus of ayes)

3 CHAIR HILL: All those opposed?

4 MS. LOVICK: Sorry, excuse me, did you state the  
5 range?

6 CHAIR HILL: Yes, the plus or minus 5 percent.

7 MS. LOVICK: But what was the range?

8 CHAIR HILL: I don't have the exact numbers.

9 MEMBER WHITE: I mentioned 118 through 128.

10 CHAIR HILL: Okay.

11 MEMBER WHITE: -- modified but that's in the  
12 report, the zoning report.

13 MS. LOVICK: I just, I think you should note the  
14 range.

15 CHAIR HILL: That's all right. I was told to do  
16 plus or minus 5 percent at one point. So that's okay, we can  
17 change right now.

18 So we're going to go ahead and as I mentioned  
19 approve application number 19733 as read by the secretary and  
20 captioned with a range of the number of units from 118 to  
21 128, and then also flexibility to work with the window  
22 openings in terms of the design. And ask for a second.

23 MS. LOVICK: So it's a range of 118 to 128 plus  
24 or minus 5 percent. It's both.

25 CHAIR HILL: Correct. Okay, that's all right.

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1 I don't need to understand. Okay. I'm going to say this  
2 again.

3 So we're going to make a motion to approve  
4 application number 19733 as read by the secretary and  
5 captioned with a range of 118 to 128 number of units plus or  
6 minus 5 percent and the flexibility to work with window  
7 openings.

8 Does anyone have anything else to add?

9 MS. LOVICK: And a condition as to the loading  
10 management plan.

11 CHAIR HILL: I thought they already added that  
12 into there. I thought it was in the record.

13 And the condition to use a loading management plan  
14 that is currently in the record and ask for a second. Mr.  
15 Moy, do you got all this?

16 MR. MOY: I've got it, sir.

17 CHAIR HILL: Okay. Can I ask for a second?

18 MEMBER WHITE: Second.

19 CHAIR HILL: Motion has been made and seconded.  
20 All those in favor?

21 (Chorus of ayes)

22 CHAIR HILL: All those opposed? Motion passes,  
23 Mr. Moy.

24 MR. MOY: Staff would record the vote as 5-0-0.  
25 This on the motion of Chairman Hill to approve the

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1 application for the relief requested along with two  
2 conditions as he cited. Seconding the motion, Ms. White.  
3 Also in support Mr. Peter May, Vice Chair Hart and Ms. Lorna  
4 John.

5 CHAIR HILL: There's three conditions, Mr. Moy,  
6 just to be sure. The loading management plan.

7 MR. MOY: Okay, I combined the first two.

8 CHAIR HILL: Okay, all right. There you go, three  
9 conditions. Okay, thank you. All right, thank you very  
10 much. Summary order.

11 MR. MOY: Yes, sir.

12 CHAIR HILL: Okay, great. Summary order is better  
13 than a full order. That's a little closer.

14 All right, thank you all very much. Mr. Moy, do  
15 we have anything before the Board?

16 MR. MOY: That's it from the staff, sir.

17 CHAIR HILL: Okay, then we are adjourned.

18 (Whereupon, the above-entitled matter went off the  
19 record at 11:57 a.m.)  
20  
21  
22  
23  
24  
25



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: 04-18-18

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.



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