

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

MARCH 13, 2019

+ + + + +

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 L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA JOHN, Board Member
CARLTON HART, Board Member (NCPC)

ZONING COMMISSION MEMBER[S] PRESENT:

ANTHONY HOOD, Chairman

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary

OFFICE OF PLANNING STAFF PRESENT:

CRYSTAL MYERS
STEPHEN MORDFIN
JONATHAN KIRSCHENBAUM
KAREN THOMAS
ELISA VITALE

The transcript constitutes the minutes from the Public Hearing held on March 13, 2019.

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

(10:36 a.m.)

1
2
3 MR. MOY: So, with that, we're into the public
4 hearing session. And the first case application if we can
5 have parties to the table to No. 19939 of Robert L. Strayer
6 II. This is advertised and captioned for special exception
7 under Subtitle F, Section 5201 from the lot occupancy
8 requirements of Subtitle F, Section 304.1. This would
9 construct a two-story rear and side addition to an existing,
10 attached principal dwelling unit, RA-2 Zone. This is at 1229
11 W Street Northwest, Square 271, Lot 76.

12 BZA CHAIR HILL: Good morning. If you'd please
13 introduce yourselves for the record.

14 MR. MORRIS: Good morning, Chairman Hill and board
15 members. My name is Frank William Morris with the firm of
16 Morris Architects, the authorized representative for the
17 owner, Robert Strayer.

18 BZA CHAIR HILL: Okay.

19 MR. STRAYER: Good morning. I'm Robert Strayer,
20 the owner.

21 MR. STRASSER: And good morning. I'm Stephen
22 Strasser with Strasser Studio, the project designer.

23 BZA CHAIR HILL: Okay. Mr. Morris, are you going
24 to be presenting to us?

25 MR. MORRIS: Yes, Mr. Chairman. We have a brief

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1 presentation on PowerPoint for the Board.

2 BZA CHAIR HILL: Okay, great. You can pull it up
3 there if you like. And so Mr. Morris, I'm going to go ahead
4 and let you walk through your presentation in terms of,
5 again, what you're proposing and the relief that you're
6 requesting and also the standard to which you believe you are
7 meeting for us to grant the relief. I'm going to put 15
8 minutes on the clock just so I know where we are, and those
9 clocks are located all around the room. And you can begin
10 whenever you like.

11 MR. MORRIS: Thank you, Mr. Chairman. The first
12 slide is up. This is for the property located at 1229 W
13 Street Northwest. The relief requested is for the lot
14 occupancy requirements. The existing lot occupancy of this
15 property is 58.5 percent lot coverage and the proposed is
16 69.6 which is under the 70 percent lot occupancy in which
17 special exception relief may be granted.

18 You see here the front elevation of this
19 photograph, the front of the house. And then let's go to the
20 next one. And then the next slide shows the existing rear
21 of the property. The proposed two-story addition seeking
22 relief is at the rear elevation on the north side of the
23 existing row dwelling.

24 This slide really shows the essence of the
25 project. On the left, you see the existing conditions, the

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1 row house. The subject row house is in the middle, and
2 there's an open court on the east or the right side of that
3 rear dogleg. And the plan on the left shows a two-story
4 addition which infills that open court and in conjunction
5 with a four-foot rear addition comprises the two-story
6 proposed addition into the rear yard.

7 You see here the plans. This is a proposed, an
8 existing first floor plans. It's essentially an open plan
9 and the proposed use which because of the relatively small
10 footprint of the house really needs the extra square footage
11 to make a decent open floor plan. And then here you see the
12 existing and proposed second floor plans, keeping the stair
13 where it is and then showing on the right the proposed four
14 -- the four foot five extension in the rear.

15 Here you see the existing front elevation on the
16 right and then existing north elevation on the left of the
17 two story row dwelling. And here you see the proposed two
18 story rear addition with a propensity of -- a lot of windows
19 I should say. And then on the sides of the proposed rear
20 addition, there are no windows facing either side adjacent
21 neighbor.

22 VICE CHAIR HART: Mr. Morris, just -- oh, there
23 are skylights? I was trying to figure out what these things
24 were right here. I figured it out on the next drawing.

25 MR. MORRIS: And there you see the two story

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1 building section. There's no existing basement or proposed,
2 just a two story simple row house. And there you see the
3 floor to floor heights noted. And that's really our brief
4 presentation for the Board today. We have support of OP and
5 the ANC along the way. And I'll turn it over to Stephen
6 Strasser for any design questions that you may have.

7 BZA CHAIR HILL: Okay. Does the Board have any
8 questions for the applicant?

9 VICE CHAIR HART: Just one, and that's kind of
10 with regard to the dogleg. And can you just show a plan
11 again? Actually, showing the neighbors as well. Are any of
12 the other doglegs filled in, in the block?

13 MR. MORRIS: In the block, yes, there are two
14 combined row houses that have been subdivided into one. And
15 they filled in the dogleg.

16 VICE CHAIR HART: Yeah, it's one of these things
17 that you kind of see just throughout certain parts of D.C.,
18 just kind of a very uniform look. And I was wondering how
19 this would kind of play into kind of the rest of the block.
20 But I understand that sometimes folks have already filled
21 them in or in the process of doing it. More of curiosity
22 than anything. Thank you.

23 MR. MORRIS: And in further answer to your
24 question, sir, the lot with the 16 feet which is a relatively
25 narrow lot. And so part of the reason for filling it in is

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1 the narrow dimension of the lot.

2 MR. MOY: That's to kind of gain a little bit more
3 space without having to necessarily go -- because if you
4 wanted to get this kind of same square footage, you'd
5 actually have to push back even more to kind of gain that
6 square footage. So this kind of helps you to be able to do
7 that. That's what I'm assuming.

8 MR. MORRIS: Absolutely, yes, correct.

9 MR. MOY: Okay. Thank you.

10 BZA CHAIR HILL: Okay. I'm going to turn to the
11 Office of Planning.

12 MS. MYERS: Good morning. Crystal Myers for the
13 Office of Planning. The Office of Planning is recommending
14 approval of this case and stands on the record of the staff
15 report.

16 BZA CHAIR HILL: Okay. Does anybody have any
17 questions for the Office of Planning? Does the applicant
18 have any questions for the Office of Planning?

19 MR. MORRIS: No.

20 BZA CHAIR HILL: Okay. Is there anyone here
21 wishing to speak in support? Is there anyone here wishing
22 to speak in opposition? Is there anything else you'd like
23 to add, Mr. Morris, at the end?

24 MR. MORRIS: No, thank you.

25 BZA CHAIR HILL: Okay. I'm going to go ahead and

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1 close the hearing. Is the Board ready to deliberate? Okay.
2 I can start. I mean, I think that based upon the record and
3 the filings, I didn't have particularly any questions with
4 this application. I would agree with the analysis that was
5 provided by the Office of Planning and also that of the
6 analysis from the ANC 1B which was in support 11 to 0 to 0.
7 DDOT also had no objection, and I will be voting in favor of
8 this application. Is there anything else anyone would like
9 to add? Go ahead and make a motion to approve Application
10 No. 19939 as captioned and read by the Secretary and ask for
11 a second.

12 ZC CHAIR HOOD: Second.

13 BZA CHAIR HILL: Motion made and seconded. All
14 those in favor, say aye.

15 (Chorus of aye.)

16 BZA CHAIR HILL: All those opposed? The motion
17 passes, Mr. Moy.

18 MR. MOY: Staff would record the vote as four to
19 zero to one. This is on the motion of Chairman Hill to
20 approve the application for the relief request. Seconded the
21 motion, Mr. Anthony Hood. Also in support, Ms. John and
22 Vice-Chair Hart with no other member with us today. Motion
23 carries.

24 BZA CHAIR HILL: Thank you. Thank you, gentlemen.

25 MR. MORRIS: Thank you.

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1 MR. MOY: The next case application before the
2 Board is No. 19947 of Dilan Investment, LLC. Caption
3 advertised for a special exception under Subtitle C, Section
4 703.2. This is from the minimum parking requirements of
5 Subtitle C, Section 701.5. This would construct a partial
6 second story addition to an existing commercial building, MU-
7 4 Zone at 1600 Rhode Island Avenue Northeast, Square 4132,
8 Lot 4.

9 BZA CHAIR HILL: Thank you, Mr. Moy. Could you
10 please introduce yourself for the record.

11 MR. SULLIVAN: Good morning, Mr. Chairman and
12 members of the Board. My name is Marty Sullivan with the law
13 firm of Sullivan and Barros on behalf of the applicant.

14 BZA CHAIR HILL: Thank you. Thank you, Mr.
15 Sullivan. Mr. Sullivan, is this your only case today?

16 MR. SULLIVAN: No.

17 BZA CHAIR HILL: Oh, okay. I was going to say we
18 could put this last maybe if I knew that you were --

19 MR. SULLIVAN: Yeah.

20 BZA CHAIR HILL: So go ahead. Mr. Sullivan, I'm
21 going to go ahead and let you walk us through the application
22 here and what you're trying to do or what your client is
23 trying to do, including how you are meeting the standards for
24 us to grant the application. I'm going to put 15 minutes on
25 the clock. Mr. Moy, if you don't mind. And you can begin

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1 whenever you like.

2 MR. SULLIVAN: Thank you. I have a PowerPoint
3 presentation. It's up on my screen.

4 BZA CHAIR HILL: It's not on ours.

5 MR. SULLIVAN: I'm sorry. I think there's one
6 button I need to push.

7 BZA CHAIR HILL: I don't know if support --

8 MR. SULLIVAN: Tell the --

9 BZA CHAIR HILL: -- could come on out.

10 MR. SULLIVAN: -- man in the sky up there.

11 BZA CHAIR HILL: Someone will come out.

12 MR. SULLIVAN: If you need it. I mean, it's in
13 front of you.

14 BZA CHAIR HILL: Someone will come out. Yes,
15 please. Thank you.

16 (Pause.)

17 BZA CHAIR HILL: Okay, great. Thank you.

18 MR. SULLIVAN: Thank you. So this is Case 19947,
19 Dilan Investments, 1600 Rhode Island Avenue. You see there
20 that that's the subject property. It's a one-story building.
21 It's 100 percent lot occupancy. It's a flooring store and
22 also has some offices for the applicant.

23 So the rear, the first floor of the building is
24 set up as office space, and that limits the size of the
25 showroom. So they want to move the office space upstairs.

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1 And to do that, they have an additional .5 FAR available.
2 So they're proposing that they're going to build a second
3 story no more than half of the footprint of the first story.
4 And to do that, they need special exception parking relief.
5 They won't be increasing the number of employees. They will
6 just be spreading out from the existing space.

7 There's currently, of course, no parking on site
8 because of the 100 percent lot occupancy. And the addition
9 would trigger a parking requirement of two spaces. Property
10 is zoned MU-4. It's a corner lot. You can see the location
11 there on Rhode Island Avenue.

12 This area of Rhode Island Avenue is characterized
13 by commercial properties. Here's a photo of the front, the
14 corner of Rhode Island Avenue, and then this is the side of
15 the building. And that's the rear of the building. And that
16 driveway there is in public space.

17 So the special exception test, we're required to
18 meet one of the requirements of 703.2. And we've listed two
19 of them here. The Office of Planning has listed three of
20 them. Due to the physical constraints of the property, of
21 course, the 100 percent lot occupancy.

22 We're unable to provide parking, and parking
23 cannot be provided within 600 feet of the lot. And then the
24 applicant's also not increasing the number of employees. So
25 Subsection D, the amount of traffic congestion existing which

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1 the parking would be expected to create in the neighborhood
2 is negligent or negligible.

3 There's a TDM plan. According to DDOT's
4 recommendation, we'll be providing two short-term bike
5 parking spaces. ANC 5B is in support, and DDOT has no
6 objection.

7 Thank you. If you have any questions.

8 BZA CHAIR HILL: Okay. Does the Board have any
9 questions for the applicant?

10 ZC CHAIR HOOD: The ANC, it looks like one person
11 abstained. Do I have that correct?

12 MR. SULLIVAN: Yes, that's what I --

13 ZC CHAIR HOOD: Did they say --

14 MR. SULLIVAN: -- saw.

15 ZC CHAIR HOOD: -- why they abstained?

16 MR. SULLIVAN: No, and I didn't attend the
17 meeting. The applicant attended the meeting.

18 ZC CHAIR HOOD: Oh, okay. All right. Thank you.

19 VICE CHAIR HART: Just a quick question. And I
20 think I just missed it. Where is the bike parking located?

21 MR. SULLIVAN: It's going to be in public space.
22 I'm not sure entirely --

23 VICE CHAIR HART: Okay.

24 MR. SULLIVAN: -- exactly where.

25 VICE CHAIR HART: You have to go through that --

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1 you're just saying --

2 MR. SULLIVAN: Yeah, yes. And we've talked to
3 DDOT. The DDOT reviewer suggested where it would be, but
4 they haven't determined finally where it would be.

5 VICE CHAIR HART: That's fine. Thank you.

6 BZA CHAIR HILL: Okay. I'm going to turn to the
7 Office of Planning.

8 MR. MORDFIN: Good morning. I'm Stephen Mordfin
9 and the Office of Planning finds this application to be
10 confirming to the requirements, to grant the approval to
11 reduce the parking, and therefore recommends approval of the
12 application. Thank you.

13 BZA CHAIR HILL: Okay. Does the Board have any
14 questions for the Office of Planning? Does the applicant
15 have any questions for the Office of Planning?

16 MR. SULLIVAN: No, thank you.

17 BZA CHAIR HILL: Okay. Is there anyone here
18 wishing to speak in support? Is there anyone here wishing
19 to speak in opposition? Okay.

20 The only note that I will make because I know that
21 it says DDOT, the applicant proposed a TDM plan calling for
22 the installation of the short term bike parking. You did do
23 that, and I don't think necessarily we need to put a
24 condition in there since it is conditioned on public space
25 approval. And so I'm comfortable with the way that the

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1 applicant has submitted their application and is also going
2 to be working with DDOT for the bike parking. So unless
3 anybody has anything else, I wouldn't necessarily add that
4 as a condition.

5 Do you have anything you'd like to add at the end,
6 Mr. Sullivan?

7 MR. SULLIVAN: No, thank you.

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

10 ZC CHAIR HOOD: Yes, Mr. Chairman.

11 BZA CHAIR HILL: Would someone else like to do it?

12 ZC CHAIR HOOD: Yeah, I would just say that I
13 believe that this is ready for approval. This is -- I think
14 the merits of this case warrants BZA's approval and I would
15 just move that the Office of Planning report as well as the
16 ANC approval as well as the DDOT. I know you mentioned not
17 to put the condition, but the DDOT report also be reflected
18 is granting this approval. And I think this is pretty
19 straightforward. So I would move that we approve the parking
20 requirement, Subtitle C, 701.5, two spaces required, non-
21 existing -- none proposed and ask for a second.

22 VICE CHAIR HART: Second.

23 BZA CHAIR HILL: Motion made and seconded. All
24 those in favor, say aye.

25 (Chorus of aye.)

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1 BZA CHAIR HILL: All those opposed? Motion
2 passes, Mr. Moy.

3 MR. MOY: Staff would record the vote as four to
4 zero to one. This is on the motion of Commissioner Anthony
5 Hood to -- a motion to approve the application for the relief
6 requested. Seconded the motion, Vice-Chair Hart. Also in
7 support, Ms. John and Chairman Hill. No other members
8 participating today. Motion carries.

9 BZA CHAIR HILL: Okay. Thank you.

10 ZC CHAIR HOOD: Mr. Chairman --

11 BZA CHAIR HILL: Certainly.

12 ZC CHAIR HOOD: -- can I just say this. Mr.
13 Sullivan, this is one of the easiest cases I've ever seen.

14 MR. SULLIVAN: I know. I wish they could all be
15 like this.

16 ZC CHAIR HOOD: And I had to say that. I started
17 not to, but I felt like I needed to.

18 BZA CHAIR HILL: Mr. Sullivan, we'll see if we say
19 that about the next one. All right. We're going to take a
20 quick break, everybody. Thank you so much.

21 (Whereupon, the above-entitled matter went off the
22 record at 10:52 a.m. and resumed at 11:05 a.m.)

23 BZA CHAIR HILL: All right, Mr. Moy. Whenever
24 you'd like.

25 MR. MOY: Thank you, Mr. Chairman. The Board is

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1 back in session. It's about 11:06 which sounds pretty exact.
2 But we can have parties to the table to Case No. 19842 of Ana
3 DaCruz, D-A-C-R-U-Z.

4 This application has been amended for special
5 exceptions under Subtitle E, Section 5201 from the
6 nonconforming structure requirements of Subtitle C, Section
7 202.2, and from the rear yard requirements of Subtitle E,
8 Section 306.1, under Subtitle E, Section 206.2 and 5203.3
9 from the upper floor addition requirements of Subtitle E,
10 Section 206.1, and under Subtitle C, Section 1504.1 from the
11 penthouse setback requirements of Subtitle C, Section
12 1502.1(c)(1)(A); and pursuant to Subtitle X, Chapter 10 for
13 area variances.

14 This is from the lot occupancy requirements of
15 Subtitle E, Section 3014.1 from the penthouse requirements
16 of Subtitle C, Section 1500.4(b), and the penthouse area
17 requirements of Subtitle C, Section 1503.2(a). This would
18 construct a third-story addition and penthouse and convert
19 the existing attached principal dwelling unit to a flat, RF-1
20 Zone at 1365 Meridian Place Northwest, Square 2835, Lot 15.

21 BZA CHAIR HILL: Okay. Good morning. If you'd
22 please introduce yourselves for the record.

23 MR. CRUICKSHANK: My name is Neil Cruickshank,
24 architect representing the owner, Ms. Ana DaCruz.

25 MS. DACRUZ: My name is Ana DaCruz.

1 BZA CHAIR HILL: Okay. Sir, I always have trouble
2 with your name. Can you please spell it for me, your last
3 name, sir?

4 MR. CRUICKSHANK: It's spelled C-R-U-I-C-K-S-H-A-
5 N-K. It's pronounced Cruickshank.

6 BZA CHAIR HILL: Okay, good. Thank you, sir. So
7 Mr. Cruickshank, I'm going to go ahead and let you get your
8 presentation pulled up there and kind of walk us through what
9 you're trying to do and how you believe you're meeting the
10 standards for us to grant the relief that you're looking for.
11 I know that there was some discussion, again, about the
12 variance. And if you would, as you're going through your
13 presentation, really kind of speak to the variance issues as
14 well as the exceptional situation that's resulting in a
15 practical difficulty.

16 I know you've been here with us before, so I think
17 you do know the criteria with which you need to make your
18 argument. And so I'll go ahead and put 15 minutes up on the
19 clock just so I know where we are. That might go longer
20 depending upon questions that we may get from the Board. And
21 then as soon as you're ready, you can begin whenever you'd
22 like.

23 MR. CRUICKSHANK: Okay. Give me a minute to try
24 to get these open.

25 BZA CHAIR HILL: Sure. Go ahead.

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1 MR. CRUICKSHANK: Okay. I think that's all of it.
2 I'm missing something. Sorry. Okay. So what I have up now
3 is the existing and proposed site plan finally. The existing
4 property has a single-story garage which is primarily driving
5 the lot occupancy to be over the allowable 60 percent lot
6 occupancy.

7 And my client would like to do an addition, and
8 that's the primary reason that we are before the Board
9 because we are over the allowable lot occupancy. The
10 existing lot occupancy right now is 81.8 percent. And we are
11 increasing that by about two and a half percent because we're
12 adding a rear access here to access, but it's more of a
13 convenience accessible stair from the rear of the property
14 up to park in the garage to access the upper level unit that
15 we will be creating as well as the lower level unit.

16 The owner also wants to add a roof deck. And to
17 access the roof deck, we have to create a penthouse access
18 to the stair access and the roof deck. Let me just try to
19 walk through. I'm a little bit slow with your PC here.
20 Before we get to the elevation, let me try to walk you
21 through the floor plans.

22 Okay. So this is the cellar and first floor plan
23 where we have reconfigured the floor plans. I wanted to have
24 as much bedrooms as possible for the proposed layout. And
25 after several back and forth, this is the layout that we came

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1 up with that she's approved.

2 So this is the lower level unit with the basement
3 and first floor. And turning to the first floor of this
4 level --

5 VICE CHAIR HART: Mr. Cruickshank, just one quick
6 question. You said that Ms. DaCruz wanted to have as many
7 bedrooms as she could in there?

8 MR. CRUICKSHANK: Yeah.

9 VICE CHAIR HART: Was there a particular reason
10 for that?

11 MR. CRUICKSHANK: A big family. She has a big
12 family I think is going to be moving in with her, and she
13 wanted to get the most optimal price for the rental of the
14 second unit.

15 VICE CHAIR HART: And is this an accessible stair
16 that's required by code?

17 MR. CRUICKSHANK: No, it's more a convenience
18 access to access both units. It's not an egress there. It's
19 more convenience.

20 VICE CHAIR HART: Okay. So I'm just a little bit
21 confused.

22 MR. CRUICKSHANK: So the basic scenario is if you
23 have two units and somebody parks in the back, you won't be
24 able to access the upper level apartment without having to
25 go around the block.

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1 VICE CHAIR HART: No, no. I'm not confused by
2 that. I'm confused by when you're -- you said that you were
3 also creating the -- you creating as many bedrooms as you
4 can. So you're kind of moving some things around internally
5 in the residence, right?

6 MR. CRUICKSHANK: Correct.

7 VICE CHAIR HART: Okay. So when you're doing
8 that, the stair can be accommodated inside of the building.
9 You don't need to have the lot occupancy variance to do that.
10 And I'm just trying to understand if it's not required by
11 code, if you're just doing it for convenience, then what is
12 the practical difficulty that you're kind of dealing with
13 here? I don't understand that aspect of it because if you
14 are trying to do this, you can do this as an internal stair.
15 And in that case, you wouldn't require to have the --

16 MR. CRUICKSHANK: Lot occupancy.

17 VICE CHAIR HART: Yeah. And so I understand that
18 you're going up a little bit from what is already -- what the
19 lot occupancy is. But it already is in nonconforming use.
20 It is already over the limit that you have.

21 MR. CRUICKSHANK: Right.

22 VICE CHAIR HART: So I'm just trying to get to we
23 have to be able to kind of look at.

24 MR. CRUICKSHANK: I think I understand your
25 question.

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1 VICE CHAIR HART: Okay.

2 MR. CRUICKSHANK: So for me, the reason why I did
3 the design this way is that if I was to demo the rear wall
4 which is an eight inch masonry wall, that's where the --
5 excuse me. That's where the hardship comes in for the
6 construction hardship. Because I would've had to break down
7 that wall and move it back and then add the stair to make
8 sure that I maintain the 8.13 percent lot occupancy.

9 VICE CHAIR HART: So you're saying that you
10 couldn't do it within the building itself? I'm just saying
11 that --

12 MR. CRUICKSHANK: Yeah, I mean --

13 VICE CHAIR HART: -- if you're punching a hole
14 through a wall, I'm not saying that you have to take down the
15 entire wall. But you could have an entry or an exit out of
16 the building, have the stairs as an internal thing, not have
17 an addition, and you're not before us or at least not before
18 us for this variance. And that's the part that is --

19 MR. CRUICKSHANK: Right.

20 VICE CHAIR HART: -- I've been struggling with as
21 I reviewed the case.

22 MR. CRUICKSHANK: Okay. So granted, I could have
23 probably look at a way to put that circular stair inside the
24 building and also a landing. But again, I think it's a
25 better solution the way I've presented it.

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1 VICE CHAIR HART: Okay.

2 BZA CHAIR HILL: Again, Mr. Cruickshank, what Mr.
3 Hart is saying is that the variance test in terms of what's
4 the exceptional situation resulting in a practical difficult.
5 A lot of the things that you're saying is that it's just
6 preference.

7 MR. CRUICKSHANK: Right. So I saw the practical
8 difficulty as not wanting to demo that existing masonry wall
9 to create this -- to design this stair rather than to just
10 add it to the property. And again, it's a very light touch
11 in terms of the type of stair that we've designed.

12 VICE CHAIR HART: Yeah, I get it. I'm just saying
13 that you've taken the position that it's demo the masonry
14 wall or not. And I was saying I'm not sure if you actually
15 had to demo the wall. You might have to have an entry or an
16 entry point in it. But I'm not saying take down the entire
17 wall. So I don't know why there's an either/or that's going
18 on. But I'll let you continue with your presentation.

19 MR. CRUICKSHANK: So this is the lower level unit,
20 the basement and first floor. This is the upper level unit
21 with the proposed addition and the existing second floor.
22 The front and rear elevations, and this gives you a better
23 view of the proposed stair and landing addition in the rear
24 of the property which is the elevation to the right. This
25 is the patio -- I'm sorry, the roof deck and the access stair

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1 that takes us to the roof deck where we created the penthouse
2 to access the roof deck and just roof.

3 And side elevation is typical. The side
4 elevation, we modified along with the front elevation to some
5 comments from the local ANC where they did not like the
6 three-foot setback that's required by code for the floor
7 addition. And we've created a mansard roof in that space
8 where the three-foot setback would've been, creating a couple
9 dormer windows for the required egress windows from that
10 proposed floor addition. This is the side elevation on the
11 opposite side of the property.

12 Any questions?

13 VICE CHAIR HART: A couple of questions. One on
14 the -- I'm glad you put this up. So the two windows that are
15 right here, what are they exactly? Are they just -- I'm not
16 exactly sure what they -- I was looking at the elevation and
17 --

18 MR. CRUICKSHANK: The front elevation?

19 VICE CHAIR HART: I was looking at the side
20 elevations. You can keep it here, though, for a minute. And
21 these two windows are dormer windows. But where's the floor
22 in this? I'm not sure how you access these windows or what
23 they look like.

24 MR. CRUICKSHANK: So right now, those windows are
25 sitting approximately three feet above finished floor.

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1 VICE CHAIR HART: Okay. And so they are -- now
2 you can go to the --

3 MR. CRUICKSHANK: Side elevation?

4 VICE CHAIR HART: Side elevation. So what happens
5 here? Because I can understand the wall coming down here and
6 that's where kind of the door and the rest of the room is.
7 But what happens when that kind of juts out? I don't
8 understand what that condition --

9 MR. CRUICKSHANK: You don't understand how the
10 dormer is working?

11 VICE CHAIR HART: I understand how a dormer works.
12 I don't understand how these dormers work.

13 MR. CRUICKSHANK: So what I've created, so the
14 requirement is where this line is showing here, that's, like,
15 would be the three-foot setback from the existing mansard
16 which zoning requires us to setback. And when I presented
17 to the local ANC, they did not like that look.

18 VICE CHAIR HART: Okay.

19 MR. CRUICKSHANK: And so we worked with them to
20 come up with something that is more acceptable. And after
21 looking around the neighborhood, we saw some three-story
22 addition that had similar mansard roofs. And that's what I
23 tried to develop for this proposed floor addition. So this
24 area here that's not colored is the existing mansard that
25 exists on the property. And then the colored area is the

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1 mansard roof that we are doing for our addition. And it
2 slopes back. It slopes back with a curve. And what you see
3 projecting here is the dormers which are required for the
4 egress window coming from the bedrooms that we create in
5 there.

6 VICE CHAIR HART: Okay. I guess what I'm just
7 saying is, I mean, I studied architecture. I understand how
8 it's working as an element. I'm just trying to -- it seems
9 a very strange space that you've created because there is
10 like a four-foot space that's here.

11 MR. CRUICKSHANK: Yes, it's a portion of space
12 that -- sorry.

13 VICE CHAIR HART: It's just a space that's kind
14 of unused.

15 MR. CRUICKSHANK: They're trying to occupy it
16 because of how it's designed.

17 VICE CHAIR HART: So this is in a false or faux
18 dormer that's on -- it's not something -- it's not, like, a
19 window that you can look out. It's just going to be a -- I'm
20 not even sure what it would be.

21 MR. CRUICKSHANK: Well, where the window is, you
22 can look out of it. Between the windows, there's a portion
23 of space that you really cannot access. It's like any other
24 dormer. In those areas, really dormer is sloped. As you
25 come from the inside, there's going to be a sloped area that

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1 you don't have head room. You might be able to open
2 something below and create some storage space. But it's not
3 a space that you could walk into.

4 VICE CHAIR HART: Yeah, most definitely it's not.
5 It's less than four feet tall. So it's going to be a very
6 odd space. And the dormer, above the dormer, it's also a
7 very odd look. So that's why I'm saying it's a very curious
8 solution for this. I'm just not sure how that works. But
9 kind of be that as it may.

10 So with regard to the back stair kind of
11 conversation that we were having earlier, I understand that
12 there is an existing masonry wall that is along the rear.
13 And actually I'm not really sure what this is showing. Are
14 you putting something on -- what's on the rear? What's the
15 material of the rear wall now?

16 MR. CRUICKSHANK: It seemed to be covered with
17 some type of a vinyl siding existing.

18 VICE CHAIR HART: So is it --

19 MR. CRUICKSHANK: It's cladded.

20 VICE CHAIR HART: Are they CMUs now?

21 MR. CRUICKSHANK: No, it's brick.

22 VICE CHAIR HART: It's brick underneath the
23 siding?

24 MR. CRUICKSHANK: Correct.

25 VICE CHAIR HART: Okay. And so you're proposing

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1 to have more siding on there?

2 MR. CRUICKSHANK: Well, it's existing. I'm not
3 proposing to remove it.

4 VICE CHAIR HART: Okay. But you're also saying
5 that the problem with trying to -- that in your estimation
6 that the issue you're either removing that and you're moving
7 that masonry wall and you're pushing the entire building out
8 to accommodate this stair? Or you're creating what your
9 proposing that's in front of us on this drawing?

10 MR. CRUICKSHANK: So when the zoning department
11 wrote up the first memo and I discussed it with OP, my
12 thought at that point was, well, to make it conforming or to
13 maintain the existing nonconformity at the existing 8.38
14 percent, I would have to push the wall back by about a foot
15 and then build the stair that I'm showing. That's how I
16 conceived it at the time. Not to go at the interior and
17 build the stair.

18 VICE CHAIR HART: So there is no option to be able
19 to build the stair or is it just costly?

20 MR. CRUICKSHANK: I mean, as you said, there's
21 probably an option where I can go and look at a way to put
22 the stair in the inside and keep the wall where it is and
23 take away a little bit from the floor plan to do it.

24 VICE CHAIR HART: I mean, I would like to see that
25 option because I think that it can be a cleaner option than

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1 trying to add something on to the end. And it wouldn't also
2 require the zoning -- the variance request. I just think
3 that that is -- while it isn't a very large addition that
4 you're talking about, it is -- you're already at the lot
5 occupancy limit.

6 And so this is just, in my mind, creating more of
7 a concern than what you would do if you had an internal
8 stair. And I understand that you're trying to get as many
9 bedrooms or whatever, but it still seems like -- I mean, this
10 is a five and a six bedroom units that you're talking about.
11 It seems as though there should be an ability to create a
12 stair inside that can not require a lot occupancy --

13 MR. CRUICKSHANK: Variance.

14 VICE CHAIR HART: Variance, yes.

15 BZA CHAIR HILL: I mean, Mr. Cruickshank, again,
16 we keep coming back to the variance argument. And that's
17 where we're kind of -- at this point you can see kind of
18 asking more questions about and struggling with. But are you
19 done?

20 MR. CRUICKSHANK: I'm finished, yes.

21 BZA CHAIR HILL: Okay. All right. I'm going to
22 go ahead and turn to the Office of Planning.

23 MR. KIRSCHENBAUM: Good morning, Chairman and
24 members of the Board. John Kirschenbaum from the Office of
25 Planning.

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1 So I would like to go over the requested relief
2 first. The description is not fully accurate that was read
3 into the record. This application went through a myriad of
4 DCRA referrals. Unfortunately the last referral we received
5 from DCRA was still not fully correct. So I will sort of
6 read out how we analyzed this application.

7 So the applicant needs a variance from lot
8 occupancy and that's it. The rest is special exception and
9 that would be for nonconforming structures, rear yard,
10 penthouse enclosure, and penthouse setbacks. The referral
11 had said that the penthouse structure was a variance but it's
12 not. You can get that via special exception. And the
13 penthouse enclosure that is proposed meets the requirements
14 of the special exception.

15 The referral had also said that relief was needed
16 from Subtitle C, Section 1503.2(a) which was for penthouse
17 area. The referral had said that the penthouse area was more
18 than half of the whole roof area. It's very obvious from the
19 plans that it's not, and that relief is not required at all.
20 And I was able to get a verbal agreement about this from the
21 zoning administrator's office. So I just want to make sure
22 we're all analyzing the correct relief.

23 And then we do recommend approval of the lot
24 occupancy request. The way we had looked at it was that the
25 house has an existing exterior staircase in the rear yard and

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1 the applicant would essentially be replacing that. And the
2 variance request for the lot occupancy is just for the first
3 floor. So the second and third floors do comply with lot
4 occupancy because the garage is not existing at the second
5 and third floors of the property.

6 So part of the practical difficulty was the
7 applicant had stated that they would have to demolish the
8 rear wall. And in their proposal, they're not proposing to
9 further extend the house back. So they're not going to be
10 altering the rear wall for this conversion. And they would
11 essentially be replacing an existing exterior staircase with
12 a new exterior staircase. The reason why the lot occupancy
13 increases by 1.9 percent according to the applicant is the
14 diameter of the spiral staircase they are choosing to put in,
15 in this case.

16 And we also recommend approval of all of the
17 special exceptions that I just read. Please let me know if
18 you have any questions.

19 BZA CHAIR HILL: Okay. Any questions for the
20 Office of Planning?

21 VICE CHAIR HART: Sure. So I mean, this is the
22 question that I had with the applicant as well. I mean, I
23 just am struggling with the -- I shouldn't say struggling.
24 I don't understand how because they're looking for something
25 that is a variance and I don't understand how the applicant

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1 is stating that they have to remove the rear wall. There
2 isn't -- at least I don't see the evidence in the record that
3 says that is a necessity.

4 Just the units that they are proposing are
5 actually very large units. And it seems as though there
6 should be enough space inside the building to accommodate
7 this because it is already at the allowable lot occupancy.
8 It's over that. And it just is strange to me to not have an
9 exploration as to an interior stair being a requirement. I
10 just don't know you all were not looking at that option
11 either or at least saying that there is a potential to do
12 this.

13 It'd be one thing if this were a three bedroom
14 unit or a two bedroom unit and they were trying to do this.
15 But this is five and six bedroom. So again, they're very
16 large units. But I'd like to hear your thoughts on that.

17 MR. KIRSCHENBAUM: Sure. I mean, I understand
18 your concern. And we did ask the applicant about trying to
19 put the staircase inside the house. And he said that it
20 would be very difficult to do that because the entire rear
21 wall would have to be reconstructed.

22 Now I think we would've been more concerned if
23 they -- as part of the conversion and enlarging the house,
24 if they had proposed to extend the rear wall back and then
25 further extend that staircase back. About for sure I don't

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1 think we would've concerned that a practical difficulty. But
2 the fact is that as part of this enlargement, they are
3 keeping the existing rear wall.

4 So they're not altering it. And they are also
5 replacing essentially an existing exterior staircase with a
6 new exterior staircase. And again, the lot occupancy
7 variance is just for the first floor. And it's also all open
8 and not enclosed.

9 VICE CHAIR HART: And so you're not thinking that
10 they need to look at an interior because of the architect
11 saying that the rear wall would have to be removed? On the
12 entire rear wall or is it just the first floor?

13 MR. KIRSCHENBAUM: I'm sorry. Can you restate
14 that?

15 VICE CHAIR HART: The architect has said -- Mr.
16 Cruickshank has said that the rear wall -- and I'm actually
17 not sure if it's the entire rear wall or I guess it would be
18 because it's masonry. But kind of why that has to be
19 removed. So do you have any further information as to --
20 besides them saying that it'd have to be removed, why that's
21 necessary?

22 MR. KIRSCHENBAUM: I don't have anymore
23 information. I would defer to the Board to inquire more from
24 the applicant.

25 VICE CHAIR HART: Okay. I think that was it. I

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1 think that's it. Thank you.

2 MR. KIRSCHENBAUM: I'm sorry. And also the
3 applicant, I just left out one last area of relief and I just
4 want to make sure it's in the record. The applicant after
5 the record -- sorry, after our report response to record then
6 also request special exception relief from the rooftop
7 architectural element which is accurately in the description
8 that was read into the record by the Secretary. And we
9 recommend approval of altering the rooftop architectural
10 element.

11 VICE CHAIR HART: I do actually have one further
12 question. Did you ask about the stair being -- this stair
13 is not required by code?

14 MR. KIRSCHENBAUM: It's not required by code.
15 It's a convenience staircase to allow access from the second
16 unit, access to the garage that's existing.

17 VICE CHAIR HART: And do you think that played any
18 role in your analysis?

19 MR. KIRSCHENBAUM: I think it did partially to
20 allow tenants of the second floor unit to have access to the
21 garage without having to fully leave the property and walk
22 around the block to the rear of the property via the alley.

23 VICE CHAIR HART: And I'm sorry. I'm just making
24 sure I kind of get all these. Do you know if any of the
25 other units have to kind of go through this? If there are

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1 two units and one of them has to kind of go around the block
2 to get to the back to the alley.

3 MR. KIRSCHENBAUM: Other properties on the square?

4 VICE CHAIR HART: On the square, yeah.

5 MR. KIRSCHENBAUM: That, I am not sure. I don't
6 think there are too many other properties with enclosed
7 garage.

8 VICE CHAIR HART: Thank you.

9 BZA CHAIR HILL: Okay. Anybody else from the
10 Office of Planning? Okay. Does the applicant have any
11 questions for the Office of Planning?

12 MR. CRUICKSHANK: I do not.

13 BZA CHAIR HILL: Okay. Is there anyone here
14 wishing to speak in support? Is there anyone here wishing
15 to speak in opposition? Is the ANC here also? Okay, great.
16 Come on over. Please have a seat, yes sir.

17 ZC CHAIR HOOD: Mr. Chairman, can we go back to
18 Office of Planning, Mr. Kirschenbaum, you mentioned the
19 penthouse. Do you think the way the penthouse is designed
20 as, would you consider that in your analysis to be intrusive?

21 MR. KIRSCHENBAUM: The penthouse as designed in
22 terms of the height of the enclosure and more or less the
23 placement of it complies with the zoning regulations. But
24 it does need a little relief from setback, but not much. And
25 the intention of the zoning regulations is to provide these

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1 penthouse enclosures directly in the middle of row houses.

2 ZC CHAIR HOOD: So you're saying it does need a
3 little relief?

4 MR. KIRSCHENBAUM: That's correct. It needs a
5 little relief from the side setbacks.

6 ZC CHAIR HOOD: Okay. All right. Thank you.
7 Thank you, Mr. Chairman.

8 BZA CHAIR HILL: Okay, great. If you can please
9 introduce yourselves for the record.

10 MR. BOESE: Sure. I'm Ken Boese, Chair of ANC 1A
11 and this is my colleague.

12 MS. LOVE WADE: Dotti Love Wade, Vice-Chair, ANC
13 1A.

14 BZA CHAIR HILL: Okay. Well, thank you,
15 commissioners for both coming down. Go ahead and just let
16 know what you'd like to say.

17 MR. BOESE: Sure. Truth be told, you're going to
18 see us again because we predominately come down for a later
19 case. But since we're here and since some of these issues
20 that have been discussed were things that we discussed at the
21 commission. At the broadest sense, we voted unanimously to
22 support the relief requested.

23 Some of the concerns, however, that we discussed
24 had to do with trying to understand the number of bedrooms.
25 Typically, when someone is converting a house into

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1 apartments, you don't end up with 11 bedrooms. Now we don't
2 feel that use is something we're being asked to weigh in on
3 or that we have a right to weigh in on. But it seemed
4 strange to us.

5 And architecturally, the height as we understand
6 it is 35 which is something that they can do as a matter of
7 right. So there's not much we can do with that. We're not
8 being asked for approval of the height for the third story.
9 I think some of the discussions with regards to extending a
10 mansard roof versus the original had to do with hopefully
11 requesting some kind of relief from the architectural
12 character in order to preserve architectural character if you
13 get what I'm saying.

14 Two sets of dormers are odd. Incorporating or
15 getting relief to remove the original dormers for something
16 that made more sense would've been something we would've
17 supported. But it wasn't asked of us to support that. Also
18 I know Commissioner Goldschmidt and I were both concerned
19 about part of the front porch has been enclosed to be one of
20 the bedrooms. But it's our understanding it's currently
21 already enclosed. So it's not like we feel we can ask for
22 that to be removed.

23 So in the broadest sense, the various areas of
24 relief that are being requested in their purest form we do
25 support. And that's why there's such strong support from the

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1 ANC for the applicant. But personally, we think that there
2 could have been a better architectural solution.

3 BZA CHAIR HILL: Okay. Commissioner Love Wade,
4 is there anything you'd like to add?

5 MS. LOVE WADE: I just felt that the rear stairs
6 was an improvement over the existing one and did not think
7 that that would be an issue that require any additional work
8 on the part of the contractor. So we did not oppose that
9 since there was an existing structure.

10 BZA CHAIR HILL: Okay. And I guess the struggle
11 -- and you've heard us. I mean, again, not using the word
12 struggle, but the discussion that you've heard us have again
13 is the issue with the variance relief even for the stairs.
14 And so that's why I think we're having this kind of
15 discussion. Does the Board have any questions for the
16 Commissioners?

17 VICE CHAIR HART: Just one question. Thank you
18 very much, commissioners, for coming out. And Commissioner
19 Boese, you stated a little bit about the mansard roof.
20 You're just saying that the ANC was supportive of the
21 project, not necessarily saying that this was the
22 architecture that you would necessarily like. But it wasn't
23 adverse to what you would see on the block. Did I capture
24 that correctly?

25 MR. BOESE: The applicant is correct in that the

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1 discussion we had and the request we made was to walk through
2 the neighborhood and look at other examples that had been
3 done to try -- I mean, if you're going to change the
4 character of the house and in Holmead Village, a lot of them
5 are very similar. And there's a rhythm to each row. So
6 frankly, it's kind of impossible to change this roof without
7 impacting a century-old architectural scheme.

8 But if you're going to do that, and some houses
9 already have done that and they did it prior to Zoning Case
10 1611 which changed consideration, we would at least like for
11 better examples that have already been accomplished to maybe
12 be the model. And that's what we were hoping to achieve by
13 asking them to look around and see other examples in that
14 particular section and maybe get inspiration from that.

15 VICE CHAIR HART: Thank you. And do you
16 necessarily have -- they looked at kind of pushing back
17 originally and then there was kind of a discussion and then
18 they kind of decided this kind of alternative mansard that's
19 kind of connected to the existing mansard. So was there any
20 idea about maybe pushing back a little farther? Was it that
21 the three feet wasn't enough that you would think that you
22 would see it? Or was it not back far enough so that it would
23 still kind of have an effect on the front of the house? I
24 just didn't know how you thinking.

25 MR. BOESE: I don't think either solution was

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1 architecturally pleasing. I mean, if they're not required
2 to any more than a three foot setback on a very modest row
3 and they can already do the 35 feet by height because it is
4 a lower house. Either direction they choose is going to
5 impact the character. Again, because it's 35 feet high and
6 they're not asking for 40. There's not much we can do. It's
7 by right.

8 VICE CHAIR HART: No, I understood that.

9 MR. BOESE: So that's where we're stuck.

10 VICE CHAIR HART: Yeah, I understood that. And
11 I think that I wasn't saying that three feet was the best
12 solution. I was just saying, was there kind of a distance
13 that you would've -- it's that you didn't want to see it from
14 the front of the building. Or if you want to have it close
15 to the building, then make it part of the actual mansard
16 that's there so that it doesn't have -- it doesn't stand
17 apart.

18 MR. BOESE: I think that's precisely the point is
19 there wasn't really much ability to have a conversation of
20 setting it back further because they have devoted so much
21 square footage to the bedroom requirement. And that would've
22 negatively impact what they were trying to accomplish with
23 their plan. And so the feeling was if it were able to bring
24 it up to the extension of the existing mansard that perhaps
25 they could achieve a better architectural solution. And

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1 personally, I would've gone through the effort to maybe
2 remove the smaller dormers and have something that's a little
3 bit more in character. But they're not my plans.

4 VICE CHAIR HART: Fully understood. You're
5 dealing with what you have, what's in front of you. And I
6 understand that. So now to kind of switch gears a little
7 bit. The rear of the building, are there a lot of other kind
8 of units that have this kind of back stair along the -- in
9 the neighborhood? I mean, is this kind of, like, an outlier?
10 Is this something -- like, how do people deal with being on
11 a second floor trying to get down to the rear of the building
12 if they don't have a stair?

13 MR. BOESE: And honestly, it's not my district.
14 And while I walk many alleys, I've not walked the ones over
15 there recently. I know Commissioner Goldschmidt was
16 originally planning to come, and he was unable to and could
17 answer that. But I do know from the conversations we met
18 with the applicants twice prior to deliberating at a full ANC
19 meeting. And what was going on at the rear of the building
20 was not a concern that was ever brought up.

21 That's not -- with regards to what goes on at the
22 rear of the building, you can't see it from the street and
23 the primary concern in the community is always going to be
24 related to parking conditions. Are they meeting the parking
25 requirements? And if not, what's the impact on the overall

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1 community? Or in some cases, if you're meeting the parking
2 requirements, is it actually due to a unique lot
3 configuration creating more of a hardship than it should be?

4 VICE CHAIR HART: Thank you. And Commissioner
5 Love Wade, do you have anything to add to any of that?

6 MS. LOVE WADE: No, not at this time. Thank you.

7 VICE CHAIR HART: That's fine. Thank you. I just
8 wanted to kind of understand a little better.

9 MS. LOVE WADE: We had a discussion about what you
10 were saying, that we hadn't seen the back of the house. But
11 we did know about the existing rear entry. And I know in my
12 neighborhood, for example, there are lots of porches that
13 people use or they do have access steps from their garage
14 because my alley had all garages and mostly parking spaces.
15 So we do have the back access.

16 VICE CHAIR HART: Thank you very much. Oh, sure.

17 MR. BOESE: And actually, when Commissioner Wade
18 was talking about porches, it also brought to mind one thing
19 we do see more frequently is a request for variance for rear
20 decks. And we've always supported those, and I can't think
21 of anyone asking for a rear deck that's ever not gotten
22 support. Again, and I think it's a situation that in some
23 ways has some comparisons here because the major impact is
24 going to be on the first floor but not the floors above.

25 BZA CHAIR HILL: Can I ask, a variance for a rear

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1 deck --

2 MR. BOESE: Oh, a special exception.

3 BZA CHAIR HILL: -- or a special exception? Okay.

4 MR. BOESE: But we've often been requested for
5 support for putting that on because of the lot coverage. And
6 we've never seen a reason not to.

7 BZA CHAIR HILL: Sure. Okay. Sure, please.

8 ZC CHAIR HOOD: Let me ask. First of all, let me
9 thank Mr. Boese and Commissioner Love Wade for all your work
10 that I know that you do. Let me just ask this. I've heard
11 a number of concerns, and I know the number of bedrooms is
12 not necessary brought before us at this particular time. So
13 we have to see how that pans out, and that's kind of a hint
14 to the applicant to make sure we do what's in order.

15 But what all that you said about the concerns, you
16 still have full approval in this particular application. Did
17 I get that, with all those concerns?

18 MS. LOVE WADE: Because these applicants have been
19 really working very diligently with our ANC in trying to meet
20 our concerns, trying to address the concerns of the
21 residents. When we get applicants of this type who are
22 willing to come back and back and back and work with us to
23 get pretty much what we as a community want and expect, then
24 we want to support that kind of action in light of some of
25 the other situations that are faced with.

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1 ZC CHAIR HOOD: All right. Thank you.

2 MS. LOVE WADE: And I'll add to that too. The
3 various areas where we had some perhaps concerns, we didn't
4 find them to be strongly related to the relief being sought.
5 Again, zoning isn't about aesthetics. Zoning isn't about how
6 the interior is configured from our perspective. It may be
7 from your perspective, and you have more experience. So we
8 felt that for what they were requesting specifically that
9 there were areas we could support.

10 ZC CHAIR HOOD: Okay. Thank you both. And once
11 we get through the variance left, we'll see how it goes.
12 Thank you, Mr. Chairman.

13 BZA CHAIR HILL: Okay. Thank you. And I guess,
14 commissioners again, the difference between the standards to
15 grant the special exception and the difference between the
16 standards to grant a variance, they're different. And so
17 that's what brings us to kind of, like, the whole issue with
18 the variance test and then what we have to get through in
19 order approve something like that. Does the applicant have
20 any questions for the commissioners?

21 MR. CRUICKSHANK: No, not at this time.

22 BZA CHAIR HILL: Okay, great. Okay. Thank you
23 all very much. All right. So support, opposition, nobody
24 else here to speak? Okay. I think where we are, at least
25 where I thought we seem to be, and I don't know if this

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1 accurate or not. But, like, Mr. Hart mentioned kind of
2 something about a design for the internal stair that he'd
3 like to see just in terms of -- which would keep it so you
4 wouldn't need the variance, right?

5 I guess and then -- and you can speak to what I
6 was also asking for. And then evidence that you actually
7 would have to remove the rear wall, some further evidence.
8 So that might support your practical difficulty if there was,
9 like, some kind of evidence to remove the rear wall. And
10 then you mentioned something about the dormer design. But
11 I had more of a question, I suppose, was that the spiral
12 staircase. It's under 1.9 percent as I'm looking at OP, I
13 think, for the stair. You can't make that more narrow,
14 right, I mean, the spiral stairs so that you don't need the
15 relief?

16 MR. CRUICKSHANK: I will consult with the owner
17 and I could try to find a way to redesign the stair, maybe
18 punch into the rear wall where I'm not getting that 1.9
19 increase in lot occupancy.

20 BZA CHAIR HILL: Okay, okay. Yeah, just -- I
21 mean, again, you're trying to make the argument that you
22 can't do this any other way which makes it for the -- I'm
23 just telling you how we have to look at it, right, yeah. And
24 so it's not that -- I mean, I think great. Like, I'd love
25 to -- I think your stair looks nice. It's just that these

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1 are the standards that we have to go through. And so you
2 have convinced the Office of Planning. I don't know if you
3 convinced all the Board here. And so that's why we're kind
4 of trying to figure out what else you might be able to do so
5 that you don't need that variance relief. But let me see.
6 Is there anything I'm missing from the Board?

7 MEMBER JOHN: So what would be the cost of moving
8 the stairs inside? So you should give us some idea of
9 whether or not that would be an economic burden for you to
10 reconfigure the inside to bring the stairs inside. Because
11 it seems to me that adding the stairs outside is the simplest
12 solution. But that gets you way over the lot occupancy.

13 MR. CRUICKSHANK: So I mean, it's a modest
14 increase. But again, what I've just proposed and we'll
15 consult with you is to find a way to do the design. Probably
16 the stairs are going to remain on the outside, but we're not
17 going to have any 1.9 percent increase.

18 BZA CHAIR HILL: Okay. And you can come back with
19 it however you would like to. I mean, I think we're trying,
20 and Board Member John is just again suggesting another
21 possible avenue if you want to come back with the practical
22 difficulty argument, right? So --

23 MR. CRUICKSHANK: So if I understand correctly,
24 if I'm able to get rid of the variance for the lot occupancy
25 it may be more acceptable to the Board?

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1 VICE CHAIR HART: Well, actually, what I'm saying
2 is that we don't have enough information to be able to say --
3 the information that we have is not strong enough to be able
4 to say, okay, we can agree with that. In my estimation, that
5 we can agree with that. So we need to have other information
6 as to why you only have the two options, removing the masonry
7 rear wall or not removing it. It seems as though there's
8 another option which is to put it inside. And we just don't
9 have that option.

10 So for us, we have to be able to look at the
11 information and then say, okay, I can see why this is a
12 practical difficulty. This is this reason. But I don't have
13 enough information to do that. So if I don't have enough
14 information to do that, then I can't -- in my mind, I can't
15 vote for it. So it becomes a difficulty to do that.

16 You can decide how you want to do that. I'm not
17 telling you to take out the variance. I'm telling you that
18 you need to give us more information because right now we
19 don't have enough, in my estimation, to be able to say, this
20 is how we can support that. So I would like to the
21 information because I think you need to kind of do the due
22 diligence to kind of say this is why this not possible. I
23 just don't think I have enough information to have that
24 understanding right now.

25 MR. CRUICKSHANK: Understood.

1 VICE CHAIR HART: Okay.

2 BZA CHAIR HILL: Okay, Mr. Cruickshank. So you
3 understand, right?

4 MR. CRUICKSHANK: I do.

5 BZA CHAIR HILL: Okay. All right. Mr.
6 Cruickshank, I think you can talk with your client. You're
7 going to be coming back with us anyway.

8 (Simultaneous speaking.)

9 BZA CHAIR HILL: Again, and just to clarify, even
10 for my mind. You can come back here and still ask for the
11 same relief. You just need to provide more evidence that
12 you're meeting the standard for us to grant the variance.
13 The variance standard is a hard standard that we get a
14 scrutiny on variances. And so that's that. Or you come back
15 with a different design. You don't have that need.

16 So that being the case, when you think you might
17 be able to determine what you're doing to do and then submit
18 the information to us?

19 MR. CRUICKSHANK: I think I can now work out a
20 redesign within a week, and you tell me when is the best time
21 for you to reschedule.

22 BZA CHAIR HILL: Okay. So Mr. Moy, and then we
23 would need a supplemental from the Office of Planning if the
24 Office of Planning would like to give us a supplemental. And
25 I suppose the ANC would also have an opportunity if you

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1 wanted to comment upon whatever the new design is or the new
2 information that comes from the applicant.

3 MR. MOY: Excuse me, Mr. Chairman. I have a
4 question. Was the Board think of a --

5 BZA CHAIR HILL: It'd have a to be a --

6 MR. MOY: -- continued hearing?

7 BZA CHAIR HILL: -- continued hearing, yeah.

8 MR. MOY: Well, I don't know if this is too far
9 away. But Mr. Hood is back with the BZA on April the 10th.
10 If you want something sooner than that, then I can --

11 ZC CHAIR HOOD: I can always turn this over to my
12 colleagues, whoever is here.

13 BZA CHAIR HILL: No, understand. I think April
14 the 10th is actually kind of fine. I mean, does that -- I'm
15 trying to think in terms of your time line. I don't know
16 what we have. I know we're jammed up from now until, like,
17 Labor Day or whenever we get a day off.

18 MR. MOY: And I'm not clear if the ANC would need
19 to take it back to their full ANC meeting or not.

20 BZA CHAIR HILL: I don't think they necessarily
21 need to because it's just going to be -- the ANC will have
22 an opportunity to come. And I'm just trying to say, so
23 that's basically a month. Would that be anything that would
24 harm the applicant?

25 MR. CRUICKSHANK: No.

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1 BZA CHAIR HILL: Okay. All right. Then we'll
2 come back here for a continued hearing on the 10th.

3 MR. MOY: On the 10th?

4 BZA CHAIR HILL: So then when will we need to get
5 all the information?

6 MR. MOY: I think preferable for the Board to
7 review the materials if the applicant make their filing by
8 March the 27th. That'd give you some time.

9 MR. CRUICKSHANK: Okay. I think I can do better
10 than that. So I'll just go ahead and make the revisions,
11 discuss it with my client, and then try to upload it before
12 the end of next week.

13 BZA CHAIR HILL: Okay. Before the end of next
14 week. And then so you have to get an actually date, Mr. Moy.
15 And then the Office of Planning and the ANC will have up
16 until --

17 MR. MOY: Okay. In other words, let's give a
18 little flexibility. Let's give it to March 20th for the
19 applicant to file. And obviously you can submit it tomorrow
20 if you like. But we're going to give you until March 20th.

21 MR. CRUICKSHANK: That's acceptable.

22 MR. MOY: And then we'll have the continued
23 hearing April the 10th.

24 BZA CHAIR HILL: Okay. And then if the Office of
25 Planning or the ANC want to submit anything to the record on

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1 anything else that the applicant gives for us, they'll be
2 able to do so. And we will have -- just for the record,
3 again, we will have a continued hearing. We've had a full
4 hearing now on this whole application. We will have a
5 continued hearing on just whatever is submitted from the
6 record, anything new that's submitted to the record, a
7 limited scope hearing.

8 MR. CRUICKSHANK: Thank you.

9 BZA CHAIR HILL: Okay. All right. Okay. Thank
10 you all very much.

11 All right, Mr. Moy.

12 MR. MOY: Thank you, Mr. Chairman. So if we can
13 have parties to the table. This is to the Application No.
14 19936 of Matthew and Alicia Amling as captioned and
15 advertised for a special exception under Subtitle D, Section
16 1206.4 and 5201 from the rear addition requirements of
17 Subtitle D, Section 1206.3, to construct a third story and
18 a rear addition to an existing, attached principal dwelling
19 unit, R-20 Zone. This is at 3617 T Street Northwest, Square
20 1296, Lot 338.

21 BZA CHAIR HILL: Okay. Good morning. If you
22 could please introduce yourselves for the record from my
23 right to left.

24 MS. STUART: Elizabeth Stuart, the project
25 designer.

1 MR. CROSS: Michael Cross, architect.

2 MR. AMLING: Matt Amling, the owner.

3 MS. AMLING: And Alicia Amling.

4 BZA CHAIR HILL: Okay. Could you spell your last
5 names for me? I'm sorry.

6 MS. AMLING: A-M as in Mary, L-I-N like Nancy, G
7 like Gordon.

8 BZA CHAIR HILL: Okay, great. Thank you. Okay.
9 So Mr. Cross, you were saying to us?

10 MR. CROSS: Yeah, I believe Ms. Stuart will.

11 BZA CHAIR HILL: Oh, okay. So Ms. Stuart, I guess
12 there seems to be -- well, I'm just going to let you kind of
13 go through your presentation and the process -- I'm sorry,
14 the project and what you're trying to accomplish. And then
15 also if you could speak to the different requirements of the
16 standards of relief that you're requesting and how we should
17 grant that relief. I think there are going to be some
18 questions that we'll have, but I'll let you go ahead. I'm
19 going to put 15 minutes on the clock just so I know where
20 we're are. And you can begin whenever you like.

21 MS. STUART: Okay. Thank you. So the project
22 we're discussing is 3617 T Street Northwest. It's located
23 in the R-20 zone.

24 BZA CHAIR HILL: Ms. Stuart, I'm going to
25 interrupt just one second. So just to let everybody know,

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1 we're probably going to take lunch after this case. So just
2 to let you know. Okay. Please go ahead.

3 MS. STUART: Sure. The property is an existing
4 single family home which we are proposed to remain as a
5 single family home for our clients. We are seeking relief
6 from 11 DCMR D, Section 1206.4 in order to construct a rear
7 wall of an attached building further than ten feet beyond the
8 farthest wall of any adjoining property.

9 The proposed addition will extend 21 feet past the
10 existing property to the west at 3619 T Street and 11 feet
11 past the newly constructed addition to the east at 3615 T
12 Street Northwest.

13 Our client has received support from both adjacent
14 neighbors for this project as well as support from the ANC.
15 The solar studies provided show the effect of the addition
16 on both adjacent neighbors. In addition, we have added
17 screening elements to the third level rear balcony to help
18 restrict the views of the neighboring properties and help
19 maintain their light and air in the rear and privacy

20 To maintain character of the neighborhood, facade
21 studies have been conducted as well as coordination with the
22 new construction to the east to ensure that our proposed
23 construction will be in kind with the neighborhood and with
24 similar materiality and form of the neighborhood.

25 In conclusion, we are seeking relief for the rear

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1 addition to this property. It is our belief that all other
2 aspects of the conforming is a matter of right and therefore
3 not part of the relief being sought.

4 VICE CHAIR HART: So I just had a question for
5 this. So I was looking through the sun study. There were
6 a couple of things that kind of -- I was trying to kind of
7 understand a little bit better. One of them was just as a
8 kind of -- if you can go to the sun studies themselves. I
9 think they're page 14 -- 13, 14.

10 So I couldn't quite understand why some of the
11 images on the existing, like, here and here, why they show
12 up as being, like, negative. Like, it's in shadow. And I
13 don't know if you were just trying to make that so that you
14 could see them. Just try and make them visible so that you
15 can see them or if there was something else that was going
16 on. Because it looks like they were lower than the building
17 instead of next to them, and I don't think that's the case.

18 MS. STUART: It is the case. There is new
19 construction at the property next to it. So that when that
20 construction is finished, that will be the existing
21 condition.

22 VICE CHAIR HART: So that --

23 MS. STUART: The building to the east of it will
24 have a third story added to it. They're currently under
25 construction now, so there will be shadowing on the existing

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1 structure which is only two-story structure right now.

2 VICE CHAIR HART: So what happens here on the
3 lower ones then? Because it looks like it's -- I don't know
4 if it's showing up in the images that you're looking at. But
5 it's the two, this one down here and this one. I'm just
6 trying to understand what shadowing is actually occurring
7 with it.

8 MS. STUART: I'm unsure. I would need to pull up
9 the model of it to be able to tell exactly.

10 VICE CHAIR HART: That's fine. I just think
11 there's something that's kind of off on it. And it's just
12 kind of throwing me off because I was trying to figure out
13 if something was higher or lower. And I'm, like, okay, I
14 don't -- this is not --

15 MS. STUART: Sure.

16 VICE CHAIR HART: -- easily understandable. So
17 that kind of brings me to the second piece which is I
18 understand what you're proposing and I understand what the
19 existing is. But there's a by right option that is not shown
20 in this. And so it is hard for me to kind of understand what
21 would be the impact of the by right versus what is the impact
22 of what you're proposing. Because these look like they are
23 much larger shadows and not necessarily the next door
24 neighbors but the neighbors that are kind of two away on
25 either side. And I just don't know what that impact is.

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1 And so it makes me a little bit uncomfortable to
2 try to understand that. And I think it would be helpful to
3 have at least something that shows if it is a line that shows
4 what's kind of outside the by right or something that shows
5 what that difference is. And maybe there's something else
6 that's in the -- what you all have submitted. But that's the
7 part that I'm concerned about.

8 And I'm concerned about it because while I
9 understand that you have the support of the neighbors and the
10 ANC, we're looking at it as what the impact would be for the
11 neighborhood, what the impact would be for -- in our
12 estimation, we understand what they're saying. But in the
13 zoning code, it doesn't say what the neighbors say. It says,
14 well, what is the impact. And so we have to kind of
15 understand that.

16 MS. STUART: Sure, sure.

17 VICE CHAIR HART: And I'm trying to gauge that a
18 little bit further.

19 MS. STUART: Sure.

20 VICE CHAIR HART: So it'd be helpful to see that.

21 MS. STUART: Yeah, and if I may, while it isn't
22 submitted for that exact purpose, this new construction to
23 the east, the one that's will be three stories, is
24 constructed matter of right. So while looking at those
25 existing drawings, that would give an idea of what the volume

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1 of the matter of right would be. And like I said, while that
2 was not submitted specifically to show that, I think that's
3 a good example for you to look at right now.

4 VICE CHAIR HART: I appreciate. Still it would
5 be helpful. I mean, while I've studied architecture and I
6 actually know how to read plans, not all of us do. And so
7 it's helpful to actually show where this is the by right for
8 your particular project. I understand that might be for the
9 -- what it is for the other projects. But it's still a
10 little hard to translate that sometimes from one drawing to
11 the next. So I would prefer to have something in the record
12 that actually shows, this is where the by right is. This is
13 the amount that's outside of -- that's being requested that's
14 outside of what that by right option would be.

15 BZA CHAIR HILL: Okay. I have a question. I
16 mean, you guys are here for a special exception, and we do
17 see these often in terms of going back. How far? You're
18 going 21 feet, is that what it was?

19 MS. STUART: Correct, it's 21 feet total.

20 BZA CHAIR HILL: Okay. So you're going 11 feet
21 past what you could do by right?

22 MS. STUART: We are going -- let me just make
23 sure. We are going 21 feet past the property to the west
24 which we could allow 10 feet.

25 BZA CHAIR HILL: Right.

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1 MS. STUART: And 11 feet past the new addition to
2 the east which if we were doing it matter of right, we would
3 be aligned with the addition to the east.

4 BZA CHAIR HILL: Right. Okay. All right. Does
5 anyone have anymore questions? Okay. Let me turn -- oh,
6 sure.

7 ZC CHAIR HOOD: I would just concur with the Vice-
8 Chair in looking for some of those things that he asked for.
9 That's all.

10 VICE CHAIR HART: Thank you so much.

11 BZA CHAIR HILL: I see April 10th in my future.
12 So can I turn to the Office of Planning, please.

13 MS. VITALE: Good afternoon, Mr. Chair, members
14 of the Board. Elisa Vitale with the Office of Planning.
15 Excuse me. The Office of Planning is recommending approval
16 of the special exception relief to permit the construction
17 of an addition that would extend 21 feet beyond the farthest
18 rear wall of the principal residential building on the
19 adjacent property. I'm happy to answer any questions that
20 you might have. Thank you.

21 BZA CHAIR HILL: Does anybody have any questions
22 for the Office of Planning?

23 VICE CHAIR HART: Since my mic is on, sure. And
24 since I seem to be talking a lot this morning. So Ms.
25 Vitale, thank you for the report. I followed along with it

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1 and the one part that I just needed a little bit more
2 clarification on was what I was asking Ms. -- what is your
3 last name -- Stuart. I had Elizabeth and I realized I didn't
4 your last name.

5 So Ms. Stuart was talking about in terms of the
6 shadowing. How did you look at that? I mean, I understand
7 that the next door neighbors were okay with it. But how did
8 you look at that aspect of it, this sun study?

9 MS. STUART: I do think in reviewing the sun
10 study, we notice the extent of shadows cast. And I actually
11 did reach out to the architect to discuss that in a bit more
12 detail. And that's when they indicated the ongoing
13 construction next door. And at that point, they were able
14 to provide the letters from the adjoining property owners.
15 So I think factoring that into our analysis is what got us
16 to the point of being able to recommend approval.

17 I do think if the Board is interested in a bit
18 more information, it would be helpful to have a shadow study
19 that shows existing matter of right and then the proposal.
20 And I guess, yeah, it's not clear or wasn't clear in the
21 application that the shadow study submitted incorporated that
22 construction on 3615. So I think having a full set that
23 shows those three scenarios and is specific as to what the
24 extent of the height of the buildings in the shadow study,
25 that would be helpful.

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1 VICE CHAIR HART: Thank you. I think it's I'm
2 almost getting to the point that we see these now so
3 frequently that I'm almost wanting to have whatever the by
4 right is just so that I can get the comparison. Because I
5 think that it's always helpful to see what this is what
6 they're asking for and this is what would've been allowed
7 under the zoning and this is the difference between what is
8 that they're asking for, the shadow impact versus for the two
9 pieces what they're actually asking for and what's actually
10 allowed. So thank you.

11 MEMBER JOHN: So I had a question too about your
12 comment about reducing the bulk of the addition. And I
13 wasn't quite sure how to interpret that paragraph. It seems
14 to me you were saying that another possibility would be to
15 reduce the bulk to reduce the shading and any potential
16 adverse impacts. So if you could just clarify that, that
17 would be great.

18 MS. STUART: Certainly. This one is a little
19 tricky. The applicants just -- the third story is matter of
20 right. So the only relief that they need is for ten feet.
21 And that ten foot is on all levels. So there are ways that
22 in our review we were thinking if the shading was a concern
23 or was something the Board wanted to mitigate a bit more that
24 the applicant could reduce the bulk of the addition. They're
25 doing three floors that extend the 21 feet back.

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1 The third floor steps in a bit, but the volume is
2 still occupied by a spiral stair, by a roof deck, by railings
3 at that third floor level and at the rooftop level. They
4 could step that third floor back. The second floor could
5 step back. There are ways that the bulk of that 21-foot rear
6 addition, that it could be decreased which would potential
7 mitigate impacts to light and air on the adjoining
8 properties.

9 And again, were they to take that approach, I
10 think that would be situation where we might want to see --
11 again, see a shadow study to see how that might affect the
12 shadows on adjoining properties if they were to step back at
13 the upper levels to a greater degree than is proposed
14 currently.

15 BZA CHAIR HILL: Okay. I got a bunch of
16 questions. And thanks for pulling this one up. This is
17 helpful. So the ANC mentioned -- I guess the ANC voted to
18 support, right? And did you go to the ANC meeting, Ms.
19 Stuart? Okay. And so they did raise some concerns about the
20 roof deck. What were their concerns about the roof deck?
21 And I guess they still voted in favor of it anyway. But I
22 mean, I'm just trying to understand what happened at the ANC
23 meeting.

24 MS. STUART: Sure. Well, the ANC for this
25 property is also shared with the Georgetown area. And a

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1 concern was brought up that in Georgetown, roof decks are not
2 matter of right. So they started discussing the roof deck
3 in that because that's in a different zone.

4 However, as soon as we brought up that it's the
5 R-20 zone, they said this is matter of right in your zone.
6 We understand that. But in general, we are not in favor of
7 roof decks. They said while we cannot restrict your ability
8 to build this roof deck, we just wanted that on the record
9 that, in general, we do not support roof decks because of the
10 other zones they deal with.

11 BZA CHAIR HILL: Okay. All right. Thanks. And
12 you guys are in Burleith, right? Okay.

13 MS. STUART: That's correct.

14 BZA CHAIR HILL: Sure.

15 ZC CHAIR HOOD: Do they have the customized -- is
16 that where the customized zoning was put in that area? That
17 was a customized zone?

18 MS. STUART: Yes.

19 ZC CHAIR HOOD: Okay. That's fine. All right.
20 Thank you.

21 BZA CHAIR HILL: Okay. So I'm back over to the
22 Office of Planning again. So Ms. Vitale, I'm struggling
23 because these R-1s that we continue to kind of talk about,
24 or talk about with the Office of Planning. And Mr. and Mrs.
25 Amling, I'm sorry that this is stressful, I'm sure. But it's

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1 a little stressful, but maybe not. I don't know. I mean,
2 I'm stressed.

3 So Ms. Vitale, so again, like, the two -- what
4 seems to often happen -- or not often happen and I mentioned
5 this before is that the two adjoining neighbors are the ones
6 that would be most affected by the light and air and the
7 shadowing. And both the adjoining neighbors are in support.
8 Now that's how maybe went into some of the analysis of the
9 Office -- I'm actually asking how much of that goes into the
10 analysis of the Office of Planning. And then if you could
11 again clarify with me your analysis of how you're approving
12 the 21 feet -- I'm sorry, 21 feet -- the additional 11 feet.

13 MS. VITALE: Certainly. I think we do take into
14 account adjoining property owners because we are evaluating
15 impacts to light and air for adjoining property owners. If
16 the applicant was proposing an addition and both adjoining
17 property owners were indicating that the impact would be
18 undue, if the shadow study indicated that the impact would
19 be undue, if the ANC was opposed. We weigh all of those
20 things. We look at the plans. We look at the shadow study.
21 We look at neighbor support, and we look at the ANC input.
22 So we look at all of those factors in our analysis.

23 BZA CHAIR HILL: Okay. And Ms. Stuart, and if
24 there's other questions, that's fine. You said that there
25 was one property to the east that is already going to do

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1 their by right version, right? They're going up to 35 feet
2 and they're going back to 10 feet by right. And then the
3 property to the west, do you know what -- I mean, I guess
4 they're planning on doing something as well or you don't
5 know?

6 MS. STUART: Not to our knowledge.

7 BZA CHAIR HILL: Okay. So Mr. and Mrs. Amling,
8 you don't know what -- I mean, your neighbor approved what
9 was going on. I'm just curious. Do you know what their
10 intentions are about expanding or not?

11 MS. AMLING: Do you want us to take --

12 BZA CHAIR HILL: Oh, you haven't taken the oath?
13 Okay, great. Yeah, I guess. Okay, yeah, sure. If there's
14 anybody who hasn't taken the oath, if you could please take
15 the oath, stand and take the oath by Mr. Moy here to the
16 left. Anybody else who missed it? Okay, great. Thank you.

17 MR. MOY: Do you solemnly swear or affirm that the
18 testimony you're about to present at this proceeding is the
19 truth, the whole truth, and nothing but the truth? Thank
20 you.

21 BZA CHAIR HILL: Okay, great. Thanks. I
22 appreciate that. I mean, you could have lied, but now you
23 can't. Okay, please. Go ahead.

24 MS. AMLING: Our neighbors to the west, it's a
25 landlord owned property. So it's occupied by Georgetown

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1 students. He does own a number of properties in the
2 neighborhood. So the best of our guessing, he at some point
3 will develop the property further. But right now, he has no
4 intentions --

5 BZA CHAIR HILL: Okay, okay.

6 MS. AMLING: -- of developing it.

7 BZA CHAIR HILL: Okay, great. All right. Does
8 anybody have anymore questions for the Office of Planning or
9 the applicant? Okay. All right.

10 VICE CHAIR HART: Yeah, I can't think of the
11 question now. It's so bad. I can't recall.

12 BZA CHAIR HILL: Is there anybody here wishing to
13 speak in support? Is there anyone here wishing to speak in
14 opposition? Okay. Is there anything else you'd like to add,
15 Ms. Stuart?

16 MS. STUART: No, thank you.

17 BZA CHAIR HILL: Okay. So where are we with this?
18 So you had wanted to see something, right? Can you explain
19 again what you wanted to see?

20 VICE CHAIR HART: Yeah, sure. It was just
21 understanding what the shadow impacts, the sun study. So
22 having a by-right option added to this. I think it's helpful
23 for us to kind of have that in the record to be able to then
24 look at the impacts of the by right versus what is being
25 proposed. Because I think we need to know what kind of that

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1 delta is. And right now, we just -- I mean, it's kind of a
2 guess, and I don't want to have to guess that.

3 And I think that I do remember the question now.
4 It had to do with the sun study and one of the issues that
5 I have with projects that have a southern facing front facade
6 is that you have shadow in the back of the building. And
7 that shadow is elongated at times of when the sun is lower
8 in the sky. And so that would then have greater impacts on
9 the neighbors because it's now shadowing, putting more of the
10 neighbors' properties in shadow.

11 When you have properties that are the reverse and
12 they have the rear of the building to the south, then the
13 shadows are now kind of on the street side of the building.
14 So there tends to be less impacts. And so that's why I'm
15 more concerned about it because of the orientation of the
16 building. And that was the question I was going to ask
17 before. I knew I'd remember it at some point.

18 But it's not necessarily a question. It's more
19 just understanding that because this is a southern-facing
20 building that the shadows will have more impacts. And that's
21 why I think we need to have the by right versus the proposal
22 just drawing to show us what that is.

23 MS. STUART: Sure. And if I may, as we provided
24 here and will in the future if you request, we show both the
25 winter solstice and summer solstice to show those two

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1 extremes.

2 VICE CHAIR HART: And I appreciate -- I understand
3 why you didn't have the others in there because there's less
4 of a -- the sun is higher up. It's less of a shadow impact.
5 So this is where you would have more of the image of this
6 what that impact might be. And just again, just to try to
7 clean up these two, just to understand what they were
8 because, like I said, it was just throwing me off. And I was
9 trying to figure out, where is that? And I don't know.

10 I think the other two are okay because you said
11 that the building is to the east is taller. And so that's
12 throwing the shadow on the roof of the building that you're
13 in, the building for the owners of the building. So I'm
14 sorry. The shadow is more on the property that's before us
15 now because the building to the east has a taller roof that
16 is throwing that shadow. So if you could just figure that
17 out, that'd be helpful just to clean it up.

18 BZA CHAIR HILL: Okay. Does anybody else have
19 anything else? I'm going to say that we can have a decision
20 and we don't need a continued hearing, correct? Okay. So
21 then in that case, we don't need to wait for Mr. Chairman
22 Hood. And I don't know when. Are you guys -- never mind.
23 So what day could we do a decision and when could you get us
24 that information?

25 MS. STUART: I can post it by the end of this

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1 week.

2 BZA CHAIR HILL: Okay. How many decisions do we
3 have next week, Mr. Moy?

4 MR. MOY: The Board had three, four, five. What's
5 one more?

6 BZA CHAIR HILL: No, no, no. What's the week
7 after that?

8 MR. MOY: The 27th. The week after that is the
9 27th, and we have ten application then. But this is for
10 decision making then. That would be the Board's --

11 BZA CHAIR HILL: Okay. All right. So we'll add
12 another decision case, I guess, to next week.

13 MR. MOY: To next week? Okay. So --

14 BZA CHAIR HILL: Unless is OP interested in
15 providing a supplemental?

16 MS. VITALE: I don't believe it would be
17 necessary.

18 BZA CHAIR HILL: Okay. Because I'm not asking for
19 it. So unless you -- okay.

20 MR. MOY: Okay. I think I heard the applicant say
21 that they could making their filing next week?

22 BZA CHAIR HILL: By the end of the week she said.

23 MR. MOY: By the end of this week?

24 MS. STUART: Yeah, by end of day Friday, so 3-15.

25 MR. MOY: If it's Friday, we're looking at March

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1 the 15th, right?

2 MS. STUART: Correct.

3 BZA CHAIR HILL: Yeah, actually, Mr. Moy, I'm
4 sorry, I'm sorry. We're going to have to do it the week
5 after that because I want at least OAG to have a little bit
6 of time to look at whatever the shadow studies come in on.
7 So if you guys give it to us by Friday -- or I guess it
8 doesn't matter whether you get it Friday or -- anyway, just
9 go ahead and say Friday because you can do it by Friday. And
10 then we'll put you on for decision the Wednesday after that
11 Wednesday.

12 MR. MOY: Okay. That will be the 27th, sir.

13 BZA CHAIR HILL: Okay, okay. Okay. All right.
14 So again, for the record, the hearing is closed. We ask for
15 this supplemental information, and we're putting you guys on
16 for a decision for March 27th. Okay? All right. Thank you
17 very much. Thank you.

18 Okay. And now we're going to break for lunch and
19 hopefully be back here at 1:00, yeah. Okay. Thank you.

20 (Whereupon, the above-entitled matter went off the
21 record at 12:23 p.m. and resumed at 1:18 p.m.)

22 BZA CHAIR HILL: All right, Mr. Moy. You can
23 start us off whenever you like.

24 MR. MOY: All right. Thank you, Mr. Chairman.
25 The Board is back from its recess. And let's do this right.

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1 So it appears to be about 1:18. Did I do that right? Okay.
2 I see everyone is at the table to Case Application No. 19943
3 of The Mills Building Associates, LLC. Caption advertised
4 for area variances from the loading requirements of Subtitle
5 C, Section 901.1, and from the habitable penthouse
6 regulations of Subtitle C, 1500.3(d). This would renovate
7 and construct additions to an existing office building. This
8 is a D-5/D-6 Zone at 1700 Pennsylvania Avenue Northwest,
9 Square 168, Lot 50.

10 BZA CHAIR HILL: Okay. If you could please
11 introduce yourselves for the record. And you need to push
12 the button. Sorry.

13 MR. ZEID: Will Zeid, Wells and Associates.

14 MR. ZIELINSKI: Greg Zielinski, Gensler.

15 MR. FERRIS: Lawrence Ferris with the law firm of
16 Goulston and Storrs on behalf of the applicant.

17 MR. TUCHMANN: David Tuchmann with Akridge on
18 behalf of the owner.

19 BZA CHAIR HILL: Could you spell your name for me
20 again, sir? I'm sorry.

21 MR. FERRIS: Sure. My last name?

22 BZA CHAIR HILL: Yes.

23 MR. FERRIS: It's F-E-R-R-I-S.

24 BZA CHAIR HILL: Okay. Mr. Ferris, sometimes I
25 have a hard -- I don't know why. I just heard it wrong.

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1 Okay. So are you going to be presenting to us?

2 MR. FERRIS: Yes, briefly, sir.

3 BZA CHAIR HILL: Okay. Briefly. So let's see.
4 If you go ahead and walk us through the project which you're
5 trying to accomplish. And in particular, I guess, what we
6 were kind of, like, looking through again is, again, the
7 variance issue and the argument that you're giving us in
8 terms of why you're meeting the standard for that relief.
9 I'm going to put 15 minutes on the clock, Mr. Moy, just so
10 I know where we're are. And you can begin whenever you like.

11 MR. FERRIS: Thank you, Chairman Hill and members
12 of the Board. We're here today to request zoning relief for
13 the proposed renovation and addition to the Mills Building
14 located at 1700 Pennsylvania Avenue Northwest, just east of
15 the White House, directly across the street from the
16 executive office building.

17 We're requesting two areas of relief. First, an
18 area variance from Subtitle C, Section 1500.3(d) to permit
19 penthouse habitable space within the restricted area
20 surrounding the White House. And second, an area variance
21 from Subtitle C, Section 901.1 to permit one loading berth
22 where two berths are required and to continue accommodating
23 additional loading with the 115-foot commercial loading zone
24 along G Street adjacent to the property.

25 As outlined in our application materials, we

1 believe we meet the standards for the relief requested. I
2 have to initial notes. First, DDOT in its report had request
3 that the applicant modify its loading management plan to add
4 a condition to provide a flagger to coordinate traffic during
5 any deliveries to the loading dock. The applicant has agreed
6 to that condition and has no objection to adding it to the
7 loading management plan.

8 And our second note is just that this was called
9 out in the architectural plans and the written statement
10 we've submitted. But the applicant is asking for flexibility
11 with respect to the final design and massing of the project,
12 recognizing that the project will undergo additional review
13 with the Commission of Fine Arts prior to permitting. So
14 we're requesting flexibility to accommodate any adjustments
15 that need to be made based on that review.

16 I would also note that we have reports in support
17 from the Office of Planning, DDOT, and ANC 2A. We've also
18 submitted correspondence from the U.S. Secret Service noting
19 that they're aware of the project and have no objection to
20 the proposed penthouse space or the fact that it will
21 occupied or habitable as proposed.

22 With that, I'm happy to walk through any questions
23 the Board has about the variance standards and how we meet
24 them. But we're also prepared to rest on the record. We
25 have, again, our transportation consultant and Greg Zielinski

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1 with the design team to answer any specific questions. But
2 with that, I would pass it back to the Board.

3 BZA CHAIR HILL: Okay. Just a couple of quick
4 things. So again, as far as the DDOT condition, applicant
5 will implement the loading management plan LMP provided in
6 the February 11, 2019 transportation memo with the addition
7 of the following language. A flag will be present whenever
8 a vehicle is entering, exiting the loading dock. This flag
9 will alert pedestrians, bicyclists, other vehicles to trucks
10 that may be entering or exiting the facility. And the
11 applicant is in agreement with this condition.

12 MR. FERRIS: Correct.

13 BZA CHAIR HILL: Okay. Then in terms of Mr. Zeid,
14 I guess you're not in our expert book. But I did take a look
15 at the application that you provided us in terms of your
16 expertise. And I don't have any conditions or concerns about
17 you being considered an expert unless the Board has any
18 questions. Okay. Then we're going to include you into our
19 book.

20 And now, does the Board have any questions of the
21 applicant?

22 VICE CHAIR HART: Just a little bit of
23 clarification. And I'm not sure who, Mr. Ferris or anyone
24 else. So regarding the CFA review, this a Shipstead-Luce
25 requirement?

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1 MR. FERRIS: Correct.

2 VICE CHAIR HART: And so you're going to them this
3 month or when?

4 MR. FERRIS: It would be right now we are
5 scheduled for a hearing in May; is that correct?

6 VICE CHAIR HART: That's when you're going to be
7 -- I mean, they haven't done their -- they don't do their
8 agendas. It's like two weeks before their meeting. So --

9 MR. FERRIS: That's when we're --

10 VICE CHAIR HART: -- that's when you want to go
11 them?

12 MR. FERRIS: Correct.

13 VICE CHAIR HART: And you're going for a final
14 then or you're going for a concept or what?

15 MR. FERRIS: Concept.

16 VICE CHAIR HART: Okay. And so we have heard in
17 other cases about kind of flexibility. And it's very
18 difficult for us to kind of deal with that in some ways
19 because we usually are approving particular plans. And those
20 plans then would be going to DCRA and then kind of move on.
21 We're looking at a particular aspect of it. And so I just
22 would like to understand what that flexibility might entail
23 and include. And remember I don't really have that good
24 understanding of what that might be. I mean, are you looking
25 at material? Are you looking at massing? Are you looking

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1 at different setbacks? Are you looking at all of the above?
2 I just don't know.

3 MR. FERRIS: Sure. It would be fairly inclusive
4 of the general massing of the building. Obviously, if they
5 have any issues with the extent to which the upper stories
6 and the penthouse are set back, we would need to adjust the
7 design based on that. It's not related to the relief we're
8 requesting, so would think that would be in line even though
9 the BZA plans are obviously a condition to approval that
10 there be some flexibility on that end as opposed to having
11 to come back to the Board to file a modification -- I would
12 assume a minor modification given that the adjustments that
13 may need to be made wouldn't be directly related to any of
14 the relief we're requesting today.

15 VICE CHAIR HART: There may or may not be. We
16 don't know. I mean, right now, I'm not really sure what they
17 would be.

18 MR. FERRIS: Right.

19 VICE CHAIR HART: So you're not really sure what
20 they are. It's just that there may be some changes to the
21 actual design.

22 MR. FERRIS: And so maybe Greg can speak more to
23 this, but any adjustments would be to the facade design or
24 the extent to which the penthouse is set back or not. The
25 relief we're requesting is the variance from loading and to

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1 not permit that penthouse at all but to permit it to be
2 habitable so there's somewhat a disconnect between what we're
3 requesting and the adjustments that would need to be made as
4 far as the appearance of the design. But maybe Greg can
5 speak in more detail about that.

6 MR. ZIELINSKI: Just to add of bit of context to
7 that point. We have already shared the design as presented
8 in this package with CFA. And it's based on incorporating
9 some of their feedback about their preferred setbacks from
10 Pennsylvania Avenue and 17th Street. So we don't anticipate
11 that there would be major revisions based on the fact that
12 they've seen this. It's based on their recommendations. But
13 I think there's always the chance that as you go before them,
14 they may have different input or additional tweaks that they
15 would like made. And so I think that's what the language is
16 intended to cover.

17 VICE CHAIR HART: And maybe there's some language
18 that we can kind of deal with to kind of address that. And
19 the conversation that you had were with CFA staff as opposed
20 to the Commission itself?

21 MR. ZIELINSKI: That's correct.

22 VICE CHAIR HART: Yeah, I mean, and I'm only
23 making the clarification because the Commission itself are
24 the ones that would be making the actual changes, requesting
25 any changes. The staff is making those as part of a staff

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1 consultation which doesn't lessen them. It's just
2 understanding that there's a difference between the two.
3 Thank you.

4 BZA CHAIR HILL: Okay. I'm going to turn to the
5 Office of Planning.

6 MR. KIRSCHENBAUM: Good afternoon, Chair Hill,
7 members of the Board. This is Jonathan Kirschenbaum from the
8 Office of Planning. We recommend approval of the variance
9 relief for the penthouse habitable space and from the
10 providing the second loading dock. And we rest on the
11 record. Please let me know if you have any further
12 questions.

13 BZA CHAIR HILL: All right. I know that Board
14 Member John has questions of the applicant. But does anybody
15 have any questions of the Office of Planning? Okay. Does
16 the applicant have any questions for the Office of Planning?

17 MR. FERRIS: No sir.

18 BZA CHAIR HILL: Okay. Board Member John, you had
19 a question of the applicant?

20 MEMBER JOHN: Yes, I was interested in how you
21 meet the area variance test for the penthouse, the habitable
22 space.

23 MR. FERRIS: Sure. So we believe that we meet the
24 variance standard for the penthouse habitability issue based
25 on the exceptional condition of the property, specifically

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1 that it's located at obviously a very prominent location just
2 east of the White House and directly across the street and
3 the fact that the building is over 50 years old at this point
4 and requires substantial work and updates, modernizations
5 both from a functional perspective and from an urban design
6 standpoint.

7 So the substantial investment that would be
8 required in order to accomplish the necessary modernizations,
9 they're only justified going into it with a high degree of
10 confidence that the building will be able to be marketed at
11 the highest possible level. And so basically every other
12 building -- not every other building. But many other
13 buildings that the project will have to compete with will
14 have habitable penthouse space that's become something that's
15 expected within the area downtown.

16 And so strict enforcement of the prohibition on
17 habitable penthouse space at this site would pose a practical
18 difficulty by essentially automatically hamstringing the
19 property, making it much more difficult to compete with other
20 sites, other Class A office buildings downtown.

21 There's no substantial detriment to the public
22 good in this case because the U.S. Secret Service has
23 confirmed that they have no issue which is my understanding
24 that they are the source behind the restriction and they have
25 no problem with the habitable penthouse space for us. And

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1 I would also note that the penthouse will result in a
2 contribution to the affordable housing trust fund as we noted
3 in our submission.

4 But with that, I hope that speaks to your
5 question.

6 MEMBER JOHN: So I wondering if there are other
7 buildings that are sort of similarly situated that could make
8 that same argument.

9 MR. FERRIS: There are, and the Board has granted
10 relief to other applicants in similar situations as well.

11 MEMBER JOHN: Was that recently?

12 MR. FERRIS: Yes, in the last couple of years.
13 I don't have the case numbers offhand unfortunately. But the
14 Board has done so in the last two, three years.

15 MR. TUCHMANN: David Tuchmann for Akridge. I'll
16 add that to our knowledge, all the properties that are within
17 this precinct around the White House that fall under this
18 regulation when they've come forward for relief, they've
19 received approval first from the Secret Service and then had
20 been granted the relief at the variance standard level by the
21 BZA. So it puts us in both the buildings that are outside
22 this area that are not subject to the restriction. It would
23 put us at a disadvantage. But even the buildings that are
24 inside now, all of our peers that are in close proximity to
25 the White House are able to do this as well from what we've

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1 seen.

2 VICE CHAIR HART: Yes, but I do want to say that
3 I understand the point that you're making. But it is not a
4 kind of foregone conclusion that we approve these. We have
5 to look at each of these at a case-by-case basis. We do want
6 to have the information from the Secret Service, and we want
7 to look at what this case is versus what's happening in the
8 kind of surrounding area.

9 As Board Member John has just asked about, kind
10 of what are the other kind of areas are like. I mean, I'm
11 not really sure how many that are buildings that are around
12 here that don't have habitable penthouses. I don't know.
13 And it's helpful for us to have this kind of information
14 because the variance test is a much higher test than a
15 special exception test.

16 And so it is helpful for us to have as much
17 information as we can as we look at these case as we do look
18 at the cases on a case-by-case basis. So while I understood
19 the point that you were trying to make, it's still something
20 that we have to kind of understand and go through before we
21 can approve it on -- think that it actually has met the
22 variance test.

23 I, in some ways, would want to see more
24 information about other habitable penthouses in this area to
25 understand what other buildings have done. And I don't

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1 remember seeing if there was anything. The only thing I saw
2 in the materials was a height analysis to understand what the
3 different heights were with regard to this building, kind of
4 where all of the buildings were in the immediate vicinity.

5 So there was no question. It was more of a
6 statement.

7 MR. FERRIS: If I may, and just to add onto
8 David's point. Our assumption is not that this relief is
9 automatic or that we're simply entitled to it because others
10 have gotten it. But I think his point just further to add
11 onto the practical difficulty. The exceptional situation
12 here is the prominence of the site, the fact that the
13 building is in need of significant repairs due to the age of
14 the building. It also could stand an improvement with
15 respect to how it relates to the public space and the public
16 realm particularly because of how prominent the site is.

17 It's also a substantially underbuilt building.
18 It was built in the 1960s. The zoning at the time is split
19 zoning was C-3C -- or C-3B, excuse me, and C-4 and permitted
20 much lower height. And so not only are we an old building
21 that's out of date that needs a lot of work, but the building
22 is really an underutilized asset in the heart of the city's
23 downtown core.

24 Again, the issue is simply that in order to
25 justify the extensive renovations that need to be done to the

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1 building, we can really only justify that investment with a
2 great degree of confidence that the building will be
3 marketable at the highest possible level and can compete with
4 other Class A office buildings in the area. Just to speak
5 to that question a little bit more.

6 VICE CHAIR HART: I think that's a better way of
7 putting it because I think that's more in line with what we
8 are having to look at as opposed to it being a, well, we're
9 kind of like everybody else. And so we want to be like
10 everybody else, so we should have this. So that's the only
11 point that I was making. But I appreciate the clarification.

12 MEMBER JOHN: So now the question is, is there
13 anything in the record to support what you've just said that
14 in order to be competitive in that neighborhood, you would
15 have to have habitable penthouse space in order to be a Class
16 A building? Is that what you're saying? I understand the
17 need for modernization and all of that and the need to go up
18 to the maximum height limit and that's great. But I'm still
19 not close to finding that there is an exceptional condition
20 based on what's in the record. And so to the extent that
21 there's something that you could point to, to support what
22 you just said, that would be great.

23 MR. FERRIS: I'm sorry. To clarify, the question
24 is evidence --

25 MEMBER JOHN: What you're saying is --

1 MR. FERRIS: -- supporting that exceptional
2 situation --

3 MEMBER JOHN: Yes.

4 MR. FERRIS: -- affecting the property?

5 MEMBER JOHN: Because what you're saying is that
6 in order to be competitive with another Class A building,
7 this building has to have habitable penthouse space. And is
8 there anything in the record that supports that statement?

9 MR. FERRIS: I wish I had an exhibit to point you
10 to. We're happy to submit additional materials on that point
11 in a supplemental submission if you would like. But I do
12 believe that what we have submitted is sufficient to meet the
13 standards.

14 BZA CHAIR HILL: Okay. So let's see where we are.
15 All right. Is there anyone here wishing to speak in support?
16 Is there anyone here wishing to speak in opposition? Okay.
17 So just with regard to the flexibility issue, I don't know,
18 Mr. Hart. I mean, I understand the -- well, right, with the
19 flexibility. But, like, just the fact they have to go to
20 CFA. And one possible comment in terms of flexibility could
21 be flexibility with regard to -- no, flexibility with regard
22 to discussions with CFA as long as they do not need to change
23 the zoning relief requested.

24 MEMBER JOHN: Yes, although I'm never in favor of
25 flexibility --

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1 (Simultaneous speaking.)

2 BZA CHAIR HILL: That's fine. Then we can go back
3 to -- then that means they come back here for a minor
4 modification. Okay? And I don't even know if we're
5 necessarily approving this right now. I'm just trying to get
6 through the flexibility issue. And so I know that we have --
7 this is kind of a sliding scale for us. Okay? And when I
8 say, us, I mean on this right side of the us. Okay?

9 And so we have gone from no flexibility to very
10 specific flexibility dependent upon something within the
11 plans and such. I'm not arguing. I can go either way. I'm
12 just saying that -- and Chairman Hood is over there. But
13 this was one possible discussion in terms of flexibility with
14 CFA or the applicant would come back to us after they -- if
15 they had any changes they would need. So that's, I guess,
16 the first comment on the table. And I'm fine with them
17 having to come back with a minor modification. Again, I
18 don't even know if we're necessarily going to deliberate this
19 case at this moment today.

20 ZC CHAIR HOOD: Mr. Chairman. Can I just
21 interrupt --

22 BZA CHAIR HILL: Yes.

23 ZC CHAIR HOOD: -- before you lose your thought.
24 What you mentioned, I'm in favor of the flexibility as long
25 as it doesn't affect the zoning relief that's been requested.

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1 I think that solves the issue for me. I don't know how my
2 other colleagues feel.

3 BZA CHAIR HILL: Okay. So I got one over here.

4 ZC CHAIR HOOD: I just wanted you to know I was
5 supporting you on that.

6 BZA CHAIR HILL: Okay. That's all right. That's
7 fine. So now what do Vice-Chair Hart and Board Member John
8 have to say? And I'm fine with whatever we end up talking
9 about.

10 MEMBER JOHN: I can support it. I would just note
11 that there's a DCRA process for changes up to two percent.
12 Would that work here? No? No?

13 ZC CHAIR HOOD: I was doing fine until you
14 mentioned that.

15 MEMBER JOHN: That's what the regulation says.

16 ZC CHAIR HOOD: It does, and I have problems with
17 some of that.

18 MEMBER JOHN: However, if the Board decides that
19 this alternate language would be sufficient, I'm fine. I
20 would just note that we keep going back and forth on this
21 flexibility. And there's already a process built in for
22 making changes that do not involve coming back to the Board.

23 BZA CHAIR HILL: I think we could have further
24 discussions on that flexibility because I think that there
25 are -- I know that Chairman Hood has had issues with the

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1 flexibility. And I don't exactly know how that flexibility
2 may or may not pertain to this issue here with us on this
3 application. And I also don't know how that flexibility
4 would have pertained to that other issue for a different case
5 when we specified it was, like, the north side of the
6 building or whatever the change, whether we got specific
7 about it.

8 However, I also am aware that this flexibility
9 thing has been coming up now more and more. And so you're
10 hesitantly yes. And so Mr. Hart, where are you? Because as
11 I said -- and we're not even discussing the case here. We're
12 just continuing to kind of hammer through this flexibility
13 issue.

14 VICE CHAIR HART: Yeah, it is a -- I think that
15 if -- since they are actually looking for a variance for a
16 habitable penthouse regardless of the size of it, that is
17 okay. That may change, but the problem that I keep on kind
18 of running into is I don't know if they make changes to the
19 top that the Secret Service would then want to relook at it.
20 Honestly, I don't know what their -- I don't know if the
21 Secret Service's position would be altered if the habitable
22 penthouse area gets larger or whatever happens to it. So
23 hold on a second. So that would be the concern that I have
24 is that we're kind of giving away some of this and then
25 saying, oh, well, this is --

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1 (Simultaneous speaking.)

2 BZA CHAIR HILL: No, that's fine. I'm taking a
3 pause because I'd rather than -- and we'll continue to
4 discuss. They can just come back.

5 VICE CHAIR HART: I think Mr. Ferris has --

6 BZA CHAIR HILL: Yeah, he has his hand up. Yeah,
7 I saw. So Mr. Ferris, I'm sorry. What did you have to say?

8 MR. FERRIS: Just the question of what Secret
9 Service would or would not approve. I thought David would
10 be able to inform that discussion a little bit.

11 MR. TUCHMANN: Thanks, Board Member Hart. Partly
12 for that reason, we showed the Secret Service. And as part
13 of the exhibit where it shows their approval and we can
14 provide the plan set that they saw that was attached. We
15 showed them the most expansive penthouse possible per zoning
16 requirements. And that's not even the penthouse that we're
17 showing right now. So in other words, they came up with
18 their sniper team. They looked at everything, and then we
19 said, this is the maximum. And then we ended up setting back
20 from that anyway. So we tried to hedge against that concern
21 to make sure they were seeing the most extreme situation.

22 VICE CHAIR HART: So you gave them a conservative
23 design and they were okay with that conservative design. So
24 anything less than that would presumably be okay with them.
25 It's helpful to know that, and I don't think we need to see

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1 the designs for that because I think it may just get
2 confusing as to what's being proposed. But I think it's
3 helpful to actually note that, that they have looked at that.

4 So I'm fine with your language, Mr. Chairman, if
5 you want to do that. Yeah, I'm okay with it.

6 BZA CHAIR HILL: Okay. So we're done with that
7 portion. So back to the now. Do we need more information?
8 Does anyone need more information to understand this case?

9 MEMBER JOHN: I am not quite there with the
10 exceptional condition in the absence of something in the
11 record to demonstrate that in order to have a Class A
12 building in that location that the applicant needs a
13 habitable penthouse to get there when there's already an
14 increase in the height. So it seems to me there's ample
15 space already. But I would prefer -- I would feel better in
16 terms of the completeness of the record if there was some
17 expansion of that thought in the record. I saw nothing
18 unless I missed it. But I didn't see it.

19 BZA CHAIR HILL: Okay, Mr. Ferris. Would you be
20 able to supply some specification to that argument?

21 MR. FERRIS: Yes, we can submit a supplemental
22 submission.

23 BZA CHAIR HILL: Okay. Mr. Hart, is there
24 anything additional?

25 VICE CHAIR HART: Actually, I think what Board

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1 Member John said. It would be helpful to understand maybe
2 looking at like a block, either that block or look at the
3 block that's in the vicinity to understand what's going on
4 with Class A office space and the habitable penthouse issue.
5 These areas have it and we're looking to have it as well.
6 I think that may bolster some of the argument that Board
7 Member John is kind of seeking as well. So I don't think
8 that's necessarily that difficult. It's more of just kind
9 of like a, I don't know, survey or something just to
10 understand what that is.

11 You could even put it using that same image that
12 showed all the building heights and just say that this
13 building doesn't have it, this building does have it. It's
14 just helpful for us as kind of background information. Just
15 give you further information about this, so --

16 MR. FERRIS: Certainly. I think David has a
17 question.

18 MR. TUCHMANN: I just want to clarify something
19 to make sure we're providing the Board with the information
20 its looking for. So in terms of competition, we'll be
21 competing with building on Pennsylvania Avenue and other
22 similarly well-addressed locations throughout the downtown.
23 So the primary competition comes from other buildings at the
24 top of the market in terms of what's expected as far as the
25 views and what can be provided in the amenity space. And so

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1 that's one area that we can provide on the record. And then
2 it sounds like in addition to that, what you're requesting --

3 VICE CHAIR HART: Actually, that would be --

4 MR. TUCHMANN: That's sufficient?

5 VICE CHAIR HART: Yes. What we're trying to
6 figure out is while you're saying all of this, but we don't
7 have anything in the record that says that.

8 MR. TUCHMANN: Understood.

9 VICE CHAIR HART: When we have to make a decision,
10 we have to base it on the record and what you all say. So
11 it's helpful for us to have this information to be able to
12 say, okay, we understand that Class A along Pennsylvania
13 Avenue has these types of things.

14 MR. TUCHMANN: Okay.

15 VICE CHAIR HART: And I'm assuming you have that
16 information already --

17 MR. TUCHMANN: Right.

18 VICE CHAIR HART: -- as part of any research and
19 information that you've kind of gathered. So we're just
20 saying that we would like to actually have it submitted to
21 us. I was asking for the immediate area because I didn't
22 know how much of that information that you had. But it
23 sounds like you already have that. So just provide us what
24 you already have collected.

25 MR. TUCHMANN: Okay. Thank you.

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1 BZA CHAIR HILL: Okay. So you're clear?

2 VICE CHAIR HART: Yes.

3 BZA CHAIR HILL: Okay. All right. So okay. When
4 can you submit that information?

5 MR. FERRIS: Seven to ten days.

6 BZA CHAIR HILL: Okay. So you still have to go
7 to CFA, correct?

8 MR. FERRIS: Correct.

9 BZA CHAIR HILL: And so I'm just trying to think
10 of time. Like, Chairman Hood is back here on the 10th of
11 April. Does that do anything for you one way or the other
12 in terms of a decision, yes or no? Because I don't know when
13 CFA -- you won't have anything -- like, let's just say
14 something did change at CFA. Then you could be back before
15 us and straighten that out as well. But I don't know when
16 you're going to go to CFA, correct?

17 MR. FERRIS: That wouldn't be until May. If April
18 10th I think is what I heard the earliest the Commissioner
19 Hood would be back, that would be workable for us --

20 (Simultaneous speaking.)

21 BZA CHAIR HILL: Okay. All right. Okay, great.
22 All right. Then so go ahead and submit the information. And
23 Mr. Moy, if you could come up with some dates for us, please.

24 MR. MOY: What it sounds like, Mr. Chairman, so
25 working back from the date of April the 10th, then if the

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1 applicant can make their filing, let's say by the end of this
2 month, March 27th.

3 MR. FERRIS: That works.

4 MR. MOY: Okay. Would the Board care for any
5 other responses from OP, yes, no?

6 BZA CHAIR HILL: I mean, if the Office of Planning
7 would like to file a supplemental if they think it would be
8 helpful, please feel free to do so. But I don't think we
9 necessarily need a supplemental.

10 MR. MOY: Yeah, Mr. Chairman, the only other thing
11 I want to add that given the nature of the filing and the
12 fact that Mr. Hood will be here on April 10th that this could
13 be a continued hearing because you can still make a bench
14 decision. You don't have to put it off to another date for
15 a decision.

16 BZA CHAIR HILL: All right. Okay. All right.
17 We'll go with a continued hearing. We'll go with a continued
18 hearing. We'll go with a continued hearing. So we'll do a
19 continued hearing with you guys on the 10th.

20 MR. FERRIS: As opposed to a decision?

21 BZA CHAIR HILL: Yeah, limited on the information
22 that you're going to submit to us.

23 ZC CHAIR HOOD: Mr. Chairman, I was just saying
24 just in case because it may be a decision.

25 BZA CHAIR HILL: No, that's fine.

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1 (Simultaneous speaking.)

2 BZA CHAIR HILL: I'm getting all kinds of mixed
3 messages up here right now. So I'm just going to go with the
4 we're going to go with a continued hearing on the 10th, a
5 limited scope hearing based upon the additional information
6 that you're going to supply to support your variance
7 argument. Okay? That's where we are. All right. And so
8 Mr. Ferris, again, so just go ahead and submit that
9 information as requested. We'll see you back here on the
10 10th. If you do talk to Mr. Moy ahead of time, perhaps we
11 can get you here first, okay, on the hearing. Because then
12 maybe it'll go well and we then we can get you out of here,
13 one way or the other.

14 Okay. Mr. Moy, is that good?

15 MR. MOY: Yes sir.

16 BZA CHAIR HILL: Okay. All right. Then we will
17 see you on the 10th of April.

18 MR. FERRIS: All right. Thank you.

19 BZA CHAIR HILL: Thank you.

20 (Pause.)

21 BZA CHAIR HILL: All right, Mr. Moy.

22 MR. MOY: All right. The next case application
23 is No. 19944 of 3554 10th Street LLC. This application was
24 captioned and advertised for a special exception under the
25 residential conversion requirements, Subtitle U, Section

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1 320.2, and to construct a three-story rear addition to an
2 existing semi-detached principal dwelling unit and convert
3 it to a three-unit apartment house in the RF-1 Zone at 3554
4 10th Street Northwest, Square 2832, Lot 52. And other than
5 that, Mr. Chair, just a reminder that this application may
6 need a waiver. But I'll leave that to the Board and the
7 applicant.

8 BZA CHAIR HILL: Okay. Is the ANC here? If the
9 ANC would please come forward. Okay, great. Thank you. If
10 everybody could just introduce themselves for the record,
11 please, from my right to left.

12 MS. LOVE WADE: Dotti Love Wade, Vice-Chair, ANC
13 1A.

14 MR. BOESE: Kent Boese, Chair, ANC 1A.

15 MR. GREENHOUSE: Jake Greenhouse, Applicant.

16 MR. SULLIVAN: Marty Sullivan on behalf of the
17 applicant.

18 MR. HEKMAT: Omeade Hekmat with the applicant.

19 BZA CHAIR HILL: Can you spell your last name for
20 me, sir?

21 MR. HEKMAT: Yes, it's H-E-K-M-A-T.

22 BZA CHAIR HILL: Okay, great. All right. So
23 okay, great. So the ANC is an automatic party to the case.
24 And so first of all, I tried to get you guys here ahead of
25 this last case because there was only one more case here.

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1 They're already sitting down. So it just seemed like it was
2 going to be more of a hassle to get everybody organized. So
3 because we know the commissioners are actually not getting
4 paid here, so nonetheless.

5 So we're going to have the applicant -- well, Mr.
6 Sullivan, I assume you're going to present to us?

7 MR. SULLIVAN: Yes.

8 BZA CHAIR HILL: Okay. So again, if you can start
9 with what you're actually trying to accomplish and the
10 standards with which you're meeting the relief that you're
11 requesting and as to why we should grant that relief. And
12 then I'm going to put 15 minutes on the clock just so I know
13 where I am.

14 Commissioners, you'll both have the same amount
15 of time to present whatever you'd like to do. And also after
16 the presentation, you'll be able to ask questions of the
17 applicant based upon their presentation. So just to kind of
18 let you know. And then what happens is you'll go ahead and
19 make a presentation. The applicant will have a chance to ask
20 you questions based upon your presentation because you are
21 now a party to the case. We're going to go through with the
22 Office of Planning, and we'll just kind of work our way
23 through this case. Okay?

24 So Mr. Sullivan, that being all said and done, you
25 can begin whenever you like.

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1 MR. SULLIVAN: Thank you, Mr. Chairman and members
2 of the Board. I just want to give a brief overview and then
3 turn it over to the applicant to explain the project. We're
4 requesting special exception relief pursuant to U 320.2 in
5 order to convert the property to three units. We are not
6 requesting relief from the ten-foot rule. So the addition
7 that's connected to this conversion does not extend more than
8 ten feet past the rear wall of the neighboring property who
9 is -- and the one adjacent property to this is in support of
10 the project. And the Office of Planning is recommending
11 approval.

12 The requirements of 320.2 are met. The height is
13 35 feet. There is no fourth dwelling, so there's only three
14 units proposed. So there's no fourth unit of IZ. It was an
15 existing residential building at the time of filing. The
16 property has a lot area of 2,727 square feet, so we meet the
17 900-foot rule. Not asking for relief as mentioned from the
18 ten-foot rule. The addition shall not block or will not
19 block any chimneys or vents and will not interfere with any
20 solar panels.

21 And the original rooftop architectural elements,
22 we are asking for a waiver of this provision, not as the
23 property faces 10th Street but on the side street. And the
24 Office of Planning is in support of those. And so I'll turn
25 it over to the applicant to explain the project in a little

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1 more detail.

2 MR. HEKMAT: Good afternoon. So this is a one-
3 unit row home which we're proposing to convert into a three-
4 unit condo building for sale. Our idea has always been to
5 have larger units that are family style and the addition is
6 supporting that goal. If you look at the site plan, you can
7 see the project. Can I see the mouse? Where is it? Yeah,
8 can I see the mouse?

9 So the top left image of the site plan where the
10 top of the site plan is Otis Street and on the right side you
11 have 10th Street. Going to the right, that's the facade
12 along Otis Street. When you go straight down, that's the
13 rear of the property, and to the left, bottom left, that's
14 the front of the building which is actually covered by the
15 tree which is on 10th Street.

16 So looking at the site plan again, we're proposing
17 adding two units to the project. One unit will be accessed
18 off of 10th Street which will be using the existing entrance
19 to the building. We are also proposing adding a second
20 entrance off Otis Place which will provide access to one unit
21 which is below the first floor and then one unit which is
22 above the first floor. So the unit off of -- the one unit
23 will be off 10th Street at the first level and then there'll
24 be unit above and below.

25 This is a site plan of the proposed -- I'm sorry

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1 -- the proposed cellar unit. As you can see, there are
2 stairs that come down and you can access the unit off of Otis
3 Place. And this unit takes the entirety of the site plan.

4 On the second floor on the right side, you have
5 10th Street. And that's the entrance to the second unit
6 which is on the first floor. And you also have a third unit
7 which is entered off of Otis. And you can see the stairs
8 that lead up to the third -- or sorry, the second and third
9 floor which is on this page here. This is the second floor
10 and the third floor is the top.

11 This is a comparison between the existing
12 elevation on the left and the proposed elevation on the
13 right. On the right, you can see that there is an addition
14 to the right which makes it slightly larger. You can also
15 see the stairs for the entrance to the two added units. And
16 we also have a dormer that was added which is similar to what
17 is currently there.

18 VICE CHAIR HART: Could you go back to that for
19 a second? So why are you building outside the building
20 restriction line with the stairs?

21 MR. HEKMAT: Outside the building restriction
22 line? That's just to provide access to the two new units.

23 VICE CHAIR HART: Why aren't you doing it within
24 the building restriction line, this area right here?

25 MR. HEKMAT: I'm not sure exactly. This was part

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1 of our design. Yeah, I think we're within -- is there a
2 better view? These are the stairs you're talking about?

3 VICE CHAIR HART: That's correct.

4 MR. HEKMAT: Is that outside?

5 MR. SULLIVAN: The building's on the BRL now.
6 There's no way to access it from that side without --

7 VICE CHAIR HART: No, I'm just looking at -- I'm
8 looking at the drawings that you all provided. So this line
9 right here is a building restriction line. This is the
10 building face. So those things are not the same at the same
11 line.

12 MR. HEKMAT: Correct.

13 VICE CHAIR HART: So the drawing that you're
14 showing is that same face is here, but the stairs are now
15 going into the building restriction area and I don't know --
16 or outside of the -- well, just within that. And I just
17 don't know why you're doing that. Why are you not keeping
18 within the stairs that you're building there. Why aren't you
19 keeping them within your own -- sorry, your own property or
20 not on the other side of that line?

21 MR. HEKMAT: So our addition goes out to the
22 building restriction line. So I believe that's why it's
23 pushed out.

24 VICE CHAIR HART: So your drawings are incorrect?
25 Those drawings are incorrect?

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1 MR. SULLIVAN: No, I think it's correct.

2 MR. HEKMAT: Sorry, I'm just trying to understand
3 where the discrepancy is.

4 VICE CHAIR HART: So I don't want to hold it up.
5 I just want to understand kind of what that is. I wasn't
6 sure what I was looking at. And it just is a little unclear
7 as to -- I don't know if the drawings are not syncing or
8 something. But something is amiss.

9 MR. SULLIVAN: We could look at that and maybe
10 check on it as we're proceeding.

11 VICE CHAIR HART: I mean, it may be that this is
12 the existing building, and you're actually projecting to the
13 building restriction --

14 MR. HEKMAT: That is the case.

15 VICE CHAIR HART: -- by doing this?

16 MR. HEKMAT: Yes, that is the case.

17 VICE CHAIR HART: Is that what I'm looking at?

18 MR. HEKMAT: I think it's just difficult to see
19 the addition. For some reason, it's not coming out very
20 clearly because the addition goes out here, right?

21 VICE CHAIR HART: You can continue. I just didn't
22 --

23 MR. HEKMAT: So our building does -- the new
24 proposed building does go out to the building restriction
25 line as you see here. You can see the building restriction

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1 line, and then we have a projection that is actually up
2 against that.

3 MR. GREENHOUSE: So to clarify, what you're seeing
4 in the drawing, it's hard to detail. But there's an arrow
5 and a key that points to the new addition that's being
6 proposed which will protrude past the existing building line
7 closer to the building restriction line in order to get a
8 landing and entrance into those two unit for them to
9 function. Those stairs are showing past that dotted red line
10 I guess is visually that's --

11 VICE CHAIR HART: You can continue.

12 MR. HEKMAT: Okay. So this is the west elevation,
13 the rear elevation of the project comparing the existing on
14 the left to the proposed on the right. You can see the
15 addition here and how it projects up to the building
16 restriction line in this case. This is the existing north
17 elevation along Otis Place, and this is the proposed
18 addition. You'll see on the right side there's a dormer that
19 was added which we worked on with the Office of Planning to
20 determine that it's within the character of the neighborhood.
21 And we tried to keep the same architectural style across the
22 addition. And then you have these two projections that come
23 out to the building restriction line which are new. And in
24 the middle, you can see the entrance to the two units that
25 are added.

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1 This is an overlay of our neighboring building
2 relative to our building showing the addition and how much
3 it sticks out past their existing building. And that's
4 pretty much the presentation on the project. Is there
5 anything else you'd like to add, Marty?

6 MR. SULLIVAN: Just to point out that we're asking
7 for a waiver of the restriction against removing or altering
8 an architectural element and would note that we do meet the
9 test for such a waiver. And that is supported by the Office
10 of Planning. And in fact, the design, the ANC, although they
11 do have an issue with the curb cut, was gracious enough to
12 acknowledge that they believe that the design is compatible
13 with the neighborhood. And then the actual test is U
14 320.2(i). The light and air available to a neighboring
15 property should not be unduly affected as a result of that
16 change.

17 We do have shadow studies. And the shadow studies
18 -- now this is -- so it's just bordering one adjacent
19 building. And that neighbor is in support, and it's not
20 going more than ten feet past that building. And then it's
21 Otis Street, and then there is a property to the rear.

22 And so the first page of the shadow study, so we
23 put a red box around the general area where you would see
24 additional shade as a result. And so you see in the summer
25 at 8:00 a.m., there's a little bit more shade on the top left

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1 of that. There's slightly more shade but all within our
2 property on this slide.

3 Same with this, no additional shade on the winter
4 morning. On the winter at noon, there is some additional
5 shade. And again, it's either on the street or on the
6 applicant's property. No additional shade for the winter
7 solstice at 5:00 o'clock. And then you see in the sprint
8 something similar to the summer in the morning where the red
9 box is, just a small additional amount of shade. And nothing
10 on those.

11 The privacy use of adjoining neighborhood
12 properties will not be unduly compromised. There's no
13 proposed windows facing the adjacent buildings. And the rear
14 of the property is separated from the abutting property by
15 a 20-foot rear yard and the abutting property side yard. And
16 there's a significant amount of foliage on the subject
17 property at the rear.

18 Again, regarding the character from the street,
19 just point out again, the support at OP and the
20 acknowledgment of the ANC of the design. And that's it for
21 our presentation. If the Board has any questions.

22 BZA CHAIR HILL: I've got a couple, Mr. Sullivan.
23 Was there a motion for a 21-day filing requirement?

24 MR. SULLIVAN: Yes.

25 BZA CHAIR HILL: Could you explain the motion

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1 again? I see it here, but can you explain the motion?

2 MR. SULLIVAN: Yeah, let me pull that up.

3 BZA CHAIR HILL: It's like 36.

4 MR. SULLIVAN: I'm sorry. If I could just have
5 a minute. I was I know we made changes in response to DDOT
6 comments on public space. And I just wanted to confirm that
7 that was the motion we're talking about.

8 BZA CHAIR HILL: Yeah, it seems like you guys
9 tried to do something with the cellar and then you couldn't
10 do it. And then you had to revise the plans.

11 MR. SULLIVAN: Yeah, that was on 312. It was the
12 area ways, and we didn't think it had anything to do with the
13 relief. But we wanted to make sure that when we got to this
14 point that we -- we debated to whether to just come and just
15 revise them later. But we wanted the Board to see the exact
16 --

17 (Simultaneous speaking.)

18 BZA CHAIR HILL: The actual plans. Okay. And
19 then you did submit those to the ANC?

20 MR. SULLIVAN: Yes.

21 BZA CHAIR HILL: Okay. All right. Does the Board
22 have any issue with the filing requirements? I'm comfortable
23 with them. Okay. So we're going to go ahead and waive that
24 requirement.

25 A lot of the discussion from the ANC in terms of

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1 reports are, like, the curb cut. Can you show me the curb
2 cut again, where it is?

3 MR. SULLIVAN: So you can see it here. Notice
4 there's a curb cut at the rear of the building.

5 BZA CHAIR HILL: Right. And then where is the
6 parking?

7 MR. SULLIVAN: And then there's parking space
8 here.

9 BZA CHAIR HILL: It's just parking space?

10 MR. SULLIVAN: Yeah, it's parking space behind
11 there.

12 BZA CHAIR HILL: Can you fit two there?

13 MR. SULLIVAN: Maybe. I mean, one legally, one
14 legal-sized space.

15 BZA CHAIR HILL: Okay. Just one legal-sized
16 space. Okay, okay. All right. Okay. All right. Does the
17 ANC have any questions? Oh, well, before we get to -- yeah,
18 does the ANC have any questions for the applicant concerning
19 their presentation?

20 MR. BOESE: I don't think we do on the
21 presentation, no.

22 BZA CHAIR HILL: Okay. Does the Board have any
23 questions for the applicant?

24 VICE CHAIR HART: Just if they could address the
25 -- there was a letter that was put in the record. And I

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1 can't remember the number for the record or of the case.
2 Give me a second.

3 Exhibit 34, I think, Mr. Bernagros (phonetic).
4 And there were a few issues that he raised around the
5 parking, tree retention, and then basically the aesthetic,
6 the need for brick. And if you could just address, the
7 applicant could address that. I'm not sure if it's Mr.
8 Sullivan or one of the owners, so --

9 MR. HEKMAT: Sure. So we've actually been in
10 front of ANC I think four times since the project started.
11 And the first time, we had some feedback on the design and
12 the massing and how it wasn't in context with some of the
13 other properties in the neighborhood. So we went back and
14 we revised that. Throughout this process, we've had people
15 on our team knock on doors and reach out to neighbors to get
16 feedback. And the ones that we were able to get a hold off,
17 we did make them aware of the project and did ask for their
18 feedback.

19 And this has been an ongoing process. We've gone
20 back and forth with the Office of Planning. We actually
21 hired a different architect and kind of went back to the
22 drawing board and re-approached our design because we weren't
23 getting there with our first plan. So this has been kind of
24 a work in progress to make sure that the building fits into
25 the neighborhood. And we take into consideration as many

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1 comments as we can. So what you're seeing today is a
2 culmination of the feedback we received over the past several
3 months.

4 VICE CHAIR HART: So you've not had a conversation
5 with Mr. Bernagros?

6 MR. HEKMAT: No, I haven't.

7 VICE CHAIR HART: So the letter was the first time
8 that you had actually seen that?

9 MR. HEKMAT: Yes, that's correct.

10 VICE CHAIR HART: Are you amenable to -- I don't
11 know what the -- I can't recall exactly what the tree
12 retention one is. And I'm not sure if you're -- you're also
13 saying that you're not looking to have brick for the
14 exterior. The exterior that you want is what you've
15 provided, what --

16 MR. HEKMAT: Sure.

17 VICE CHAIR HART: -- you've proposed?

18 MR. HEKMAT: Sure.

19 VICE CHAIR HART: That's --

20 MR. HEKMAT: So yeah, we originally had a brick
21 design, and then we changed it. We felt that the addition,
22 if you just add brick, it's going to feel too big and heavy.
23 And that by breaking it up with a different massing would
24 actually help break it down into smaller pieces. So we
25 didn't make that decision lightly and just use a cheaper

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1 material. It was more of an architectural design.

2 VICE CHAIR HART: And tree retention issue?

3 MR. HEKMAT: Sure. I'm not sure if I completely
4 understand what the issue is. But if the concern is we want
5 to have as many trees as possible. We do have landscaping
6 in our plan back there, and we will try and preserve as many
7 trees as we can. I don't think there's any plans to take any
8 other trees down at this moment.

9 VICE CHAIR HART: Yeah, he just said it's not
10 clear if any onsite or adjacent existing trees will be
11 preserved for this project. I understand that it's one
12 person. That's not beyond me. I'm not saying that you have
13 to do these things. I just wanted to --

14 MR. HEKMAT: Sure.

15 VICE CHAIR HART: -- know if you had a response
16 for him. That's all.

17 MR. HEKMAT: We will definitely take this into
18 consideration.

19 VICE CHAIR HART: It looks like the ANC may have
20 a comment to make as well. So Commissioner Boese?

21 MR. BOESE: Sure, since it's come up. So in their
22 description of the process, they were right, that there have
23 been many, many meetings. One thing that was omitted is
24 every single time this has come before us, we have brought
25 up the issue of the then potential curb cut and how we

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1 wouldn't support it, even before work was done and then
2 following. And one of the reasons that we were not
3 originally supportive is that there was a mature tree in the
4 rear of the property which has since been cut down. That's
5 decreasing our urban forest canopy. We weren't supportive
6 of that.

7 So there's already been removal of a mature tree
8 which may be what is being referred to. And I'm appreciative
9 that this has come up because I also have a question or a
10 need for a clarification on the building restriction line.
11 Because I'm not sure if this is the current condition or the
12 proposed condition as where the building restriction line is
13 showing the property.

14 VICE CHAIR HART: Yeah, so I actually think this
15 is their proposal, but I could be wrong. I think this
16 building restriction line is somewhat of a moving target
17 because some of the drawings have it at different places it
18 looks like. But I can ask the applicants whether or not this
19 is the -- the plat that we see is the proposed design.

20 MR. HEKMAT: Yes, this is the proposed design.

21 VICE CHAIR HART: This is the currently proposed
22 design?

23 MR. HEKMAT: Currently proposed design, yes.

24 VICE CHAIR HART: Okay. Because it looks like
25 there's some things that were not included. I don't know

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1 where the projections are in this plat because they don't
2 show up in this.

3 MR. HEKMAT: Yes, the roof covers it, I believe.
4 Let me see if there's a better drawing. So this is the first
5 floor, and you can see the building restriction line in red.

6 VICE CHAIR HART: Sure.

7 MR. HEKMAT: It's a little bit faint. So this
8 uncovered porch access to the space is outside of our
9 property line and in the building restriction line.

10 VICE CHAIR HART: Okay. If you go back to the
11 plat again.

12 MR. HEKMAT: Sure.

13 VICE CHAIR HART: So what you're telling me is
14 that there's an area that's right here that's an overhang for
15 the roof that doesn't show the, I think, an area way in the
16 front?

17 MR. HEKMAT: Yes, so the area ways have been
18 removed. That was the supplemental document because that was
19 the comment that DDOT had. So the area ways are no longer
20 in the public right of way. That's been removed. I think
21 the question you're asking is, are those stairs inside or
22 outside of the public right of way?

23 VICE CHAIR HART: No, that's not the question I'm
24 asking. I'm trying to understand the differences between the
25 two drawings we just saw.

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1 MR. HEKMAT: Okay.

2 VICE CHAIR HART: So what I'm trying to get to is
3 that this the building restriction line. That line shows a
4 part of the roof looks like it may be on the other side of
5 the building --

6 MR. HEKMAT: Correct.

7 VICE CHAIR HART: -- restriction line --

8 MR. HEKMAT: Correct.

9 VICE CHAIR HART: -- as well as a stairwell. But
10 when you go down into one of the levels of the first floor,
11 I guess, there's a different outlying for the actual plans.
12 But that seems a little bit different than this. So I'm not
13 exactly sure where that building restriction line goes.

14 MR. HEKMAT: It looks like the roof overhangs.

15 VICE CHAIR HART: So the roof overhangs here. But
16 here was the issue that I was trying to figure out. And I
17 guess it's the -- there's the roof that kind of comes there.
18 So it overhangs a portion of this?

19 MR. HEKMAT: Yeah, that's what it looks like, yes,
20 yes.

21 VICE CHAIR HART: So like I said, it's a little
22 bit hard to follow this if you're -- you really got to pay
23 attention to where all these lines are because it looks like
24 some of this stuff is moving. But it's actually where the
25 roof is, where the --

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1 MR. HEKMAT: Right.

2 VICE CHAIR HART: -- actual walls are.

3 MR. HEKMAT: Correct. Sorry that it's not as
4 clear as it should be. We'll go ahead and correct that.

5 VICE CHAIR HART: And I don't know what the --
6 Chairman Boese, you had a -- what was the question that you
7 asked?

8 MR. BOESE: Oh, I just wanted clarification on the
9 building restriction line. Based on my understanding of what
10 was just discussed, it looks like there is a portion of an
11 area way that's still outside the building restriction line
12 and then the stairs.

13 VICE CHAIR HART: I mean, I understand that. I
14 think maybe that this just needs to be cleaned up. And
15 sometimes it's hard when you're actually doing the drawings
16 that it may look like something is or may not. I don't know
17 in either case. And I think that it would be helpful to have
18 something that is consistently showing where all of this
19 stuff is.

20 I think it may be helpful as well to have on some
21 of the plans a dotted line showing the edge of the roof
22 because then you can understand and be able to kind of say,
23 oh, I see these are apples and apples that I'm looking at.
24 Not, like, okay, I'm assuming this is here. And I don't like
25 assuming stuff. So I think it would be helpful to have some

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1 definitive plans that show this is the outline of the roof.
2 This is where's the building restriction line. That line is
3 not moving anywhere so that everybody is on the same page.

4 MS. LOVE WADE: Can we make sure that it's crystal
5 clear that the stairs are not outside of the restriction
6 area, the access?

7 VICE CHAIR HART: The stairs are.

8 MS. LOVE WADE: Are they asking for relief for
9 that?

10 VICE CHAIR HART: No.

11 MS. LOVE WADE: Well, then.

12 VICE CHAIR HART: I think the Public Space
13 Committee may be the ones that are looking. That would be
14 the ones looking at that. They're not asking for relief from
15 us. So if the zoning administrator at DCRA has a different
16 view of that, then they may have to come back -- then the
17 applicant may have to come back to us. I don't think that's
18 the case, but we have to leave it up to them, the applicant
19 that is submitted the project to us. And they're saying that
20 this is the relief that they need, so --

21 MS. LOVE WADE: Did they ask for relief?

22 MR. HEKMAT: We're not asking for any relief for
23 our building going outside the building restriction line.

24 BZA CHAIR HILL: Okay. Are --

25 MS. LOVE WADE: Are they asking for the DDOT

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1 public space permit? Are they asking for the additional
2 authority to extend, whether it's from you or another
3 district agency? Are they asking for that?

4 MR. SULLIVAN: Yeah, that won't be required.

5 VICE CHAIR HART: Hold on, Mr. Sullivan. So
6 you're asking the question as to whether or not they will be
7 doing that in the future. We're not the ones that would be
8 approving that. If they need some zoning relief, then they
9 would have to come back to us. But they would have to, my
10 understanding, go to the public space committee which is a
11 who other process. And they would do that in the future to
12 get the approval of that. We would not be providing the
13 approval for the public space committee at this point.
14 They'd have to have another approval from them, from the
15 Public Space Committee in the future. So I think that's the
16 question that you're asking. Yes sir?

17 ZC CHAIR HOOD: Vice Chairman? Mr. Chairman?
18 Who's the chairman? Chairman and Vice Chairman. Vice
19 Chairman, I just wanted to add, I think Ms. Love Wade's
20 question is in order. But I had something that struck me.
21 Chairman Boese mentioned that you all have been having all
22 these meetings. And it seems like every time you had a
23 meeting, the issue of the curb cut has been ignored.

24 I believe in a good neighbor policy. I'm not
25 saying you have to change or whatever. But I think you need

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1 to have a discussion. It can't go ignored. These ANC
2 commissions are seasoned, and they need to be given the
3 respect that is due to them. So sometime before I get to
4 what I'm required to, I need to make sure to respect. I'm
5 not saying you've been disrespectful. But I think what
6 they're asking are questions that could be answered.

7 Just like the question she just asked you right
8 now. I know the vice chair was in a mode of questioning
9 which was in our jurisdiction. If you want to ask for
10 something, whenever when you come out to the meeting, you can
11 explain to them what you're going to be asking for so they
12 know whether they're going to support you or not support you.
13 So you might want to take that recommendation from me because
14 it might make your life a little easier if you make sure you
15 fully vet what you're trying to do or what you wish to do in
16 the neighborhood. Do you live in the neighborhood?

17 MR. HEKMAT: Yes, I do.

18 ZC CHAIR HOOD: Okay. Well, that's a plus.
19 Because a lot of times I ask that question, they don't. But
20 anyway, since you live in the neighborhood, you still want
21 to make sure if you've got to live there, you don't want to
22 have to move. You want to make sure you get along with your
23 neighbors. So let's talk about O Street. Is O Street one
24 way?

25 MR. HEKMAT: Yes, it is.

1 ZC CHAIR HOOD: And I looked to see. Is there
2 zoned parking? I know Ward 1 has this complement of
3 residential parking on certain --

4 MR. HEKMAT: I'm not 100 percent sure, but I
5 believe it is.

6 ZC CHAIR HOOD: Is it zoned?

7 MR. BOESE: We believe it is. This may shock you,
8 but I've actually walked that street five times since the
9 application.

10 ZC CHAIR HOOD: Actually, Chairman Boese, it
11 doesn't. It doesn't. Let me ask this. How many spaces are
12 -- and I think it's, what, eight feet, the cut that's being
13 requested. It is eight feet?

14 MR. HEKMAT: And so the curb cut that's in place,
15 I don't have the exact dimension. But I believe it takes one
16 parking space off the street.

17 ZC CHAIR HOOD: One parking space. Is there a
18 parking problem? I guess if it's zoned parking, there's
19 obviously some parking issues around as it is.

20 MR. HEKMAT: I think there's parking issues in the
21 entire city, but most definitely --

22 ZC CHAIR HOOD: That's not a true statement. But
23 I know in Ward 1, there's definitely some.

24 MR. HEKMAT: Yeah, it's --

25 ZC CHAIR HOOD: Some wards are less restricted and

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1 have less issues on parking.

2 MR. HEKMAT: It's very congested, yes.

3 ZC CHAIR HOOD: I shouldn't say this because
4 everybody park on my street. I have plenty of parking. So
5 anyway, I think that it's important, though, that -- and I'm
6 not sure and I'm waiting to hear the ANC's testimony of how
7 the interaction was and how you worked through some of the
8 differences. Mr. Sullivan, did you have something you wanted
9 to add?

10 MR. SULLIVAN: No, thank you.

11 ZC CHAIR HOOD: All right. Thank you, Mr.
12 Chairman.

13 BZA CHAIR HILL: Okay. So as I understand it --
14 Commissioner Love Wade, as I understand it, they are going
15 to have to apply for the public space for those stairs and
16 for the overhang, right? And if that didn't get approved,
17 they would be back to us. Okay?

18 MS. LOVE WADE: Uh-huh. And us.

19 BZA CHAIR HILL: Yes, yes, yes. Sure, please.
20 Go ahead.

21 MR. HEKMAT: I just wanted to respond to one of
22 your comments. So I think a more accurate statement would
23 be that I don't think we've ignored the ANC. I think we just
24 disagreed on something. We met four times and we've had
25 discussions about this. And it's just something that we

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1 didn't see eye to eye on. So we have been forthcoming, and
2 we have tried talking about it. Unfortunately, it's just a
3 situation that we just couldn't compromise on.

4 BZA CHAIR HILL: Okay. All right. So now the ANC
5 will have an opportunity to present to us, and you'll have
6 the same amount of time as the applicant. And so either
7 commissioner or both commissioners, you're welcome to begin
8 whenever you like.

9 MR. BOESE: We can tag team this. We'll pretend
10 it's world wrestling federation or something. So let's get
11 back to this curb cut because this is really what it all
12 boils down to. And while the statement was made is it's
13 something we just didn't see eye to eye on and that's
14 unfortunate, that's also why we have unanimous opposition to
15 this application particularly for the third unit because this
16 whole supposition that it's only space that's been removed.
17 It's insane to remove one space if you're only creating one
18 off-street space because now you're privatizing a public
19 resource.

20 The ANC historically has never supported a curb
21 cut unless there's been an increase in supporting parking,
22 not a decrease and not a null value. And even when it's one
23 to one, it's not null because you're creating conflicts with
24 pedestrians. You're creating a space where a car is coming
25 out where a cyclist may not be expecting it. And let's break

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1 it down. The way DDOT measures a parking space is 20 to 22
2 feet. That's in their guidelines and that's what's being
3 creating off street.

4 But the reality is they measure it that way
5 because it's a generous space for when you're marking a space
6 where there's meters and things like that. This is an RPP
7 street. There are no lines in the street to tell you where
8 the parking spaces are. On a good day, a really good day,
9 it might be the loss of one parking space. We're talking
10 about an eight-foot curb cut with five feet on either side
11 that are required for no obstruction so that you can use it.

12 The average car size is 15 -- mid-size car is 15
13 to 16 feet. We also know that in a city, people will often
14 go with smaller cars because parking is difficult. So the
15 reality is on a really good day, it might be a one-to-one
16 ratio. On a really horrible day, you may have lost three
17 spaces when people don't line up perfectly and they leave
18 gaps at four feet between cars.

19 Parking gets sloppy, and it's unacceptable to lose
20 three parking spaces on a bad day because someone wanted to
21 privatize and have personal parking 24/7 when they should be
22 out there fighting for parking like everyone else. That's
23 the neighborhood this is. That's the way we are.

24 When you add on the additional unit they're asking
25 for, you can add on a really bad it's four spaces. They've

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1 mentioned that they're trying to create family-sized units.
2 That's great. But a family generally needs transportation
3 that's reliable, especially if they have a small child. The
4 family-sized units are probably going to have a higher degree
5 of someone needing a car. And if we're really trying to get
6 to less reliance on cars, we really shouldn't be creating
7 off-street parking and taking on-street parking away to do
8 it.

9 I mean, from my perspective, the question actually
10 boils down to this is private parking that someone has taken
11 from public space and that they're going to sell to the
12 highest bidder. Are we really privatizing public space for
13 residents who may eventually move to the district that are
14 more affluent and tend to be whiter? Are they more deserving
15 of parking than families who have lived in these
16 neighborhoods their entire lives? No. This is bad public
17 policy.

18 And we've been fighting with DDOT. At our last
19 ANC meeting, we unanimously passed a resolution asking DDOT
20 to review the situation and remove the parking. And what we
21 have consistently told them is they should be seeking relief
22 from the off-street parking requirements and move forward.
23 We would support this project without off-street parking.
24 I think that's fair. That's fair.

25 I'll let Commissioner Wade build on that.

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1 MS. LOVE WADE: Yes, and to go on to that, it's
2 the total disrespect that this applicant and his
3 representatives has shown our commission as a body. As they
4 indicated, they have come to us. They came to us before they
5 made the curb cut. We made it crystal clear, unanimously
6 that we did not support a curb cut and we explained to them
7 the exact reasons. There was quite a bit of discussion about
8 it.

9 And through out of total disrespect to our
10 commission, they applied for and got with DDOT's very limited
11 30-day notice. They got the curb cut. And when we talked
12 to them about it, to show further disrespect, they said,
13 well, we don't have anything to do with it. Zoning will
14 approve us because Planning has approved us. I found that
15 disrespectful to not only my commission but to this Board
16 we're before today and to our zoning commissions.

17 We're all supportive of our district government.
18 And we are all here to work on behalf of the residents of
19 this city who deserve or first consideration. Business and
20 commerce is important. Housing development is important.
21 But those people who live here, support and do business in
22 our city come first. Our residents and our children
23 especially come first.

24 There's a school across the street from this
25 property. That blind spot affects them as well. There's a

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1 bicycle lane. That blind spot affects them as well. I take
2 total exception to total disrespect, and we have been given
3 that. I took my whole day out to come down here to express
4 to you the disrespect they showed you publically. I think
5 it's important for you to know that. It's not only in our
6 written records. But when a contractor, a developer, an
7 owner disrespects and disregards our true deliberation
8 because we don't do this in the blind. We each deliberate
9 and we each take our tasks very seriously. I know each of
10 you do.

11 I'm not trying to influence you based on that, but
12 I want you to know, Mr. Hood, that I appreciate your comments
13 about your appreciation for our hard work. We are the only
14 unpaid public servants in this city. I've been doing it for
15 21 years because I love my city and I love my community and
16 I welcome developers. We work with them all the time. We
17 supported a developer here earlier because they came to us
18 with the right spirit, the right spirit of cooperation, and
19 the right attitudes.

20 We do not support this project for many reasons.
21 First of all, we did not support that lower level. But
22 because we do know there's a housing crunch, we were willing
23 to consider it to make a pass for that. But this curb cut
24 has left a very distasteful feeling with all the
25 commissioners and with a majority of the residents in that

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1 neighborhood. So I don't know what else to say.

2 BZA CHAIR HILL: Okay, okay. All right. Well,
3 thank you. Mr. Boese, you had some more?

4 MR. BOESE: Yeah, I can add a little bit more.
5 I'm glad I let Commissioner Love Wade speak because I was
6 able to calm me down a little bit. But I think in honestly
7 why does the Board of Zoning Adjustment exist? Why do ANCs
8 exist? We're supposed to be review these so that we can
9 assess the extent of impact to the community. And we're
10 seeking the least impactful solution possible.

11 And when you consider that this curb cut has an
12 impact of up to loss of four spaces for the additional units
13 versus the impact in the worst case scenario would only be
14 three additional cars, then clearly we're moving in the wrong
15 direction. I think it's very clear based on the interactions
16 our commission has had with DDOT in the last couple of
17 months. We're not going to support anything in public space,
18 and we are actively trying to make sure that no permits are
19 issued to complete the driveway because it's not entirely
20 finished in public space.

21 The path forward -- the correct path forward is
22 to ask for an exemption from the parking requirements. That
23 has the least negative impact on the community. For
24 instance, that house that's adjoined to it, the attached
25 house is in a similar situation where it has no alley access.

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1 It could very well ask for three units. We would support it.
2 It would not be able to put a curb cut on 10th for off-street
3 parking.

4 Some properties just don't have alley access.
5 That's the way it is. But we shouldn't be chopping up our
6 public space and making Swiss cheese out of it accommodate.
7 It impacts our future needs for other forms of
8 transportation. It impacts walkability. It impacts our
9 street trees and our tree canopy. The impacts may seem small
10 when looked at in isolation. But they add up to a real
11 negative impact to the community which is not a neighborhood
12 that's a place people want to stay long term.

13 BZA CHAIR HILL: Okay. Thank you. I'm going to
14 ask if the Board has any questions of the commissioners, and
15 I have a couple questions of the commissioners. I would like
16 to say something real quick. So let's all kind of, like,
17 take a breath just a little bit insofar as, Mr. Sullivan,
18 your first case, as I said the very beginning of the day, I
19 said was very easy. And I didn't realize that this one was
20 going to be as interesting as it's now suddenly starting to
21 become. So we're here to kind of take a look at what you
22 came before us, right? You guys have already looked at this,
23 apparently, four times or more with your ANC and you've gone
24 round and round before.

25 This is the first time that we're seeing everybody

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1 here together, so we're trying to understand what has been
2 going on, right? And so I guess what I'm just trying to get
3 at is now we're going to be asking questions. Mr. Sullivan,
4 since you come here a lot, right, and we're going to be
5 asking you, if you have any questions of the ANC. I'd just
6 try to keep this as calm as possible. That's all I'm just
7 kind of, like, pointing out. Just kind of pointing it out.

8 So first, I do have some questions of the
9 commissioners. So Commissioner Boese and Commissioner Love
10 Wade, I mean, you guys have basically only been talking about
11 the parking, right? So I'm just saying thus far. You've
12 only been talking about the parking. And so from what I've
13 understood from your testimony, it's the curb cut that's
14 really been -- I mean, that was also what you have provided
15 in the ANC report, right?

16 And so if it weren't for the curb cut, you think
17 that your -- because otherwise it's conversion, right?
18 They're trying to get an additional unit. And we see the
19 special exceptions for the conversion all the time. And you
20 do know, I'm sure you do know as commissioners, like, what
21 the standard of relief is that we look at in terms of
22 reviewing whether or not to approve or not, this application.
23 And so you know what we're going to be looking at in terms
24 of that.

25 But I just want to be clear on two things. You're

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1 here just really about the parking and the curb cut. And if
2 it weren't for the curb cut, you think your ANC would've been
3 in approval of this?

4 MR. BOESE: We've already stated that if the
5 applicant were willing to forego the parking, we would
6 support the third unit.

7 BZA CHAIR HILL: The curb cut, right, right,
8 right.

9 MR. BOESE: We would support relief from parking
10 requirements and we would support the project.

11 BZA CHAIR HILL: Okay.

12 MR. BOESE: What's been stated to us in no
13 uncertain terms is that from the opinion of the applicant the
14 parking is a nonissue and therefore we shouldn't even be
15 talking about it. Our opinion is because you're asking for
16 a third unit which is more density, it is an issue because
17 you are bringing more cars and parking is relevant.
18 Therefore, the curb cut does come into play.

19 BZA CHAIR HILL: And commissioner, I mean,
20 everybody is entitled to their opinion. And so they're going
21 to give us their opinion. The fact that you've been here all
22 day to give us your opinion is helpful because we don't
23 normally necessarily have the commissioners here. Okay? And
24 so I noticed your ANC is 12 people. To get anybody to vote
25 one -- I can't believe that you guys ever get a 12 to 0

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1 anyway, and you got 12 to 0 against. The last time, you got
2 12 to 0 in favor, right?

3 So I'm going to let my board members have some
4 questions. I just had a quick question for Mr. Sullivan.
5 Mr. Sullivan, your client knows the difference between a
6 summary order and a full order, correct --

7 MR. SULLIVAN: Yes, absolutely.

8 BZA CHAIR HILL: -- and the time involved?

9 MR. SULLIVAN: Yes.

10 BZA CHAIR HILL: Okay, right. I'm just saying
11 there is a financial component to a summary order versus a
12 full order. Okay, just to clear.

13 MR. SULLIVAN: Yes, understood, yes.

14 BZA CHAIR HILL: Okay. So any questions from the
15 Board for the commissioners?

16 ZC CHAIR HOOD: Mr. Chairman, I would ask -- for
17 the ANC commissioners?

18 BZA CHAIR HILL: Yes.

19 ZC CHAIR HOOD: Okay. I want to wait and ask.
20 I think I've heard loud and clear from the ANC commissioners.
21 I do have a follow up for the applicant, so I'll wait.

22 BZA CHAIR HILL: Okay. Does anybody have any
23 questions for the commissioners?

24 VICE CHAIR HART: Not a question, per se. Just
25 I guess a short comment that one of the things that,

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1 Commissioner Boese or Chairman Boese, you've talked about the
2 impacts. And one of the impacts are kind of ill will. And
3 it's now going to be hard to -- you have to go against that
4 ill will now, and that's going to be hard to do because the
5 commissioners are representing the entire community. And so
6 it's, like, I understand and hear you. And I appreciate you
7 all for coming down and providing your comments to us. I
8 think they've been very helpful. But just a comment, that's
9 all.

10 BZA CHAIR HILL: Mr. Sullivan, do you have any
11 questions for the commissioners?

12 MR. SULLIVAN: No, thank you.

13 BZA CHAIR HILL: Okay. All right. I'm going to
14 turn to the Office of Planning.

15 MS. THOMAS: Good afternoon, Mr. Chairman and
16 members of the Board. Karen Thomas from the Office of
17 Planning. We will stand on the record of our report in
18 support of this application for a conversion of the single
19 family row structure into a three-unit apartment house. And
20 we also support the waiver as requested. Just to correct our
21 report on page 5 where that was incorrect to say that a
22 request for a waiver was not made for this application. So
23 I'd just like to correct that.

24 BZA CHAIR HILL: Okay, great. Thank you.

25 MS. THOMAS: Thank you.

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1 BZA CHAIR HILL: Thank you. Does the Board have
2 any questions for the Office of Planning? Does the applicant
3 have any questions for the Office of Planning?

4 MR. SULLIVAN: No, thank you.

5 BZA CHAIR HILL: Do the commissioners have any
6 questions for the Office of Planning?

7 MR. BOESE: Just one.

8 BZA CHAIR HILL: Okay, sure. Go ahead.

9 MR. BOESE: Well, actually, I had a question for
10 you so not the Office of Planning. What I would I have is
11 I have lots of questions for DDOT which I notice is never
12 here.

13 BZA CHAIR HILL: I don't know how that works to
14 be quite honest. Well, I'm glad I'm not DDOT today. Okay.
15 Let's put it that way. Let's see. So you had a question for
16 me. You can go ahead.

17 MR. BOESE: I have a question for the Board. So
18 understanding -- give unto Caesar what is Caesar's.
19 Understanding what belongs to DDOT in all of this, if we're
20 able to work through this with DDOT and they do not get
21 approval to complete the curb cut and we are successful in
22 having it removed, I would presume it would then need to come
23 back before this Board for relief from parking. Is that
24 correct? Because they would not be meeting their off-street
25 parking requirements.

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1 BZA CHAIR HILL: Yes, yes. Right, okay. All
2 right. Yes, that is correct. So all right. Is there
3 anybody here wishing to speak in support? Is there anyone
4 here wishing to speak in opposition? Okay. All right.

5 ZC CHAIR HOOD: Mr. Chairman?

6 BZA CHAIR HILL: Yes, please. Go ahead.

7 ZC CHAIR HOOD: The rationale -- and I understand
8 the compassion of Commissioner Love Wade. But the rationale
9 that Chairman Boese talked about parking to me is all
10 interconnected because one has an impact on the other. So
11 it's like the domino effect, and I wasn't good in dominos.
12 But I'm all right with some of this.

13 But let me just say explain to me how I can get
14 beyond what -- and I cannot repeat everything that Chairman
15 Boese mentioned when he did the analysis of his assessment
16 of the parking which I felt was very good and it convinced
17 me. My question, if you could write that, that would be
18 great. But how do I get over that lift when I look at
19 adverse impacts? Because it's connected for me. So tell me
20 how can I get over that. And you're already in the pipeline.
21 Things have already happened. You hear what he's asked you
22 to come back for, relief from that minimum requirement. But
23 how do I get over that after I heard the adverse impact
24 that's already happening over in that area or already --
25 because your project is already put in place? Because

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1 special exceptions are always dealing with adverse impacts.

2 And here's the thing. I want you to be thoughtful
3 of your answer. I don't want you to answer that off the
4 cuff. If you need to get back to this Board, my other board
5 members. I'd rather not have an answer off the cuff. I'd
6 rather have a thoughtful answer because I can't get over that
7 lift and I'm just telling you why.

8 MR. SULLIVAN: Okay. So --

9 BZA CHAIR HILL: I'll clarify.

10 MR. SULLIVAN: -- I'm confused. Do you want me
11 to respond?

12 BZA CHAIR HILL: That's okay. That's okay.
13 That's okay. I don't know. Apparently, he's wanting you to
14 think about it for a second.

15 ZC CHAIR HOOD: Nothing off the cuff.

16 MR. SULLIVAN: Understood.

17 BZA CHAIR HILL: But I don't know where we are
18 just yet. So give me a second, Mr. Sullivan. Commissioner
19 Boese, you had a comment?

20 MR. BOESE: A brief one, because it gets to
21 something Mr. Hood said. With regards to how tight the
22 parking is there, as I've mentioned, I've been there at least
23 five times with my tape measure measuring things out and
24 seeing how everything can go. It's been my observation that
25 even though following our very clear request that it not be

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1 put in. When the curb area was installed in November, I
2 believe, of last year, it has not been completed past the
3 sidewalk. So it's not an active driveway. It's been my
4 observation on every single visit that there's a car either
5 entirely or partial in front of that curb cut. No one is
6 respecting now because parking is so tight.

7 BZA CHAIR HILL: Okay. All right. So anyway, I
8 think that -- I mean, Commissioner Boese, like, I mean, I
9 understand. I think it's very clear everything that you've
10 spoken to about the parking. And again, as far as what the
11 applicant is trying to do, the applicant is trying to do what
12 they think they can do. And so we'll see whether or not they
13 can do it.

14 Okay. I mean, I don't know how much more in
15 conclusion you're going to have. But I'm going to go ahead
16 and give you a couple minutes for a conclusion and I'm going
17 to give Mr. Sullivan a couple minutes for a conclusion. Mr.
18 Sullivan, I think we are going to ask -- I know one thing I'm
19 going to ask of you. So I know we're not going to do a
20 decision today. All right. Actually, there's a request for
21 a quick break. So we're going to have a quick break.

22 (Whereupon, the above-entitled matter went off the
23 record at 2:44 p.m. and resumed at 2:53 p.m.)

24 BZA CHAIR HILL: And there's a possibility that
25 Chairman Hood might have to stand up for a minute. So if

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1 that happens, don't be concerned.

2 So let's see where we are. So Mr. Sullivan -- so
3 you could have an opportunity for rebuttal. And so would you
4 like any rebuttal?

5 MR. SULLIVAN: Yes, a little bit.

6 BZA CHAIR HILL: Okay. So I'm going to go ahead
7 and give you a couple minutes for rebuttal.

8 MR. SULLIVAN: It's going to be closing.

9 BZA CHAIR HILL: All right, fine. Then we'll do
10 it in closing. That's great, perfect. Because this isn't
11 an appeal. So Commissioner, normally again -- and I
12 shouldn't say normally. What I do normally is I get a
13 conclusion from everybody. But normally the conclusion is
14 only from the applicant. Okay? So if you just want to give
15 us a little bit of conclusion, then we're going to have a
16 little bit of a conclusion from the applicant. And then I
17 guess we'll see where we are. Okay?

18 MR. BOESE: Sure. I can promise not to take a lot
19 of times. So I mean, clearly the issue, and it's mentioned
20 is that we're looking at this project in its totality and how
21 little changes in one section affect the public good in
22 another. The issue of off-street parking was originally from
23 a single member district commissioner back in late 2017. The
24 response was that we didn't support.

25 When the applicant came before us I believe in

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1 June of 2018, it was a mixed vote. But we voted against it
2 because of the parking. In fact, that was the only aspect
3 of the proposal that we reviewed. At that time, they
4 withdrew their BZA application and then came back to us with
5 a new filing.

6 Frankly, because they withdrew their BZA
7 application and re-filed, we were expecting more than
8 architectural improvements because that was not the primary
9 feedback we gave them. In every other instance where someone
10 has requested a curb cut for whatever reason that has only
11 resulted in a one-to-one swap, our feedback to them
12 personally has been we wouldn't support it and they've been
13 withdrawn and they have not been installed.

14 The position of the applicant, both before our
15 committee and the full ANC, has been, well, DDOT gave me the
16 permit. I'm allowed to do it. Tough, I'm doing it. That's
17 not how we like to work with people in our community, and it
18 doesn't speak well of the kind of neighbor that's going to
19 be there. And we have a long history here. Never do we feel
20 that we've been listened to on the most important impact and
21 that's why we are today with unanimous opposition. And
22 frankly, anything going forward, unless this is solved, will
23 be met with unanimous opposition.

24 Thank you.

25 BZA CHAIR HILL: Okay. Thank you, Commissioner.

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1 Commissioner, you don't mean that you're not listened to
2 here? Is that what you meant?

3 MR. BOESE: No.

4 BZA CHAIR HILL: Okay. No, I just wanted to
5 clarify. I just wanted to clarify. I just wanted to
6 clarify.

7 MR. BOESE: You listen quite well.

8 BZA CHAIR HILL: I just wanted to clarify. I just
9 got confused. Okay. All right. Okay. Mr. Sullivan?

10 MR. SULLIVAN: Thank you, Mr. Chairman and member
11 of the Board. I do want to have the applicant address just
12 briefly in response to that and some of the other claims.

13 But just as to this application itself, we're in
14 a tough position here. I totally understand the passion of
15 the ANC and understand where they're coming from. But as to
16 the provision of three units and impact on parking, we're
17 actually -- the curb cut actually allows us to meet the
18 parking requirement. So as to this property itself, we meet
19 the parking requirement and it would presume to be no impact
20 from parking because if we have that parking space.

21 As to the curb cut and the impact of the curb cut,
22 I believe that's a Public Space Committee issue. And I think
23 that most of the things that you heard today, privatizing a
24 public resource, not a good public policy, it's elitist, it's
25 classist, if we're ever going to get to less reliance on

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1 cars, blind spots. And I think all those things are Public
2 Space Committee issues and it's been decided on that plane.

3 Now the applicant can talk about how this all
4 played out. They actually filed and received the permit for
5 the curb cut before they even filed the original BZA
6 application. So the withdrawal of the BZA application had
7 everything to do with the design and they hired a new
8 architect. They already had the permit at that point,
9 although the curb cut wasn't constructed.

10 We have a disagreement. We have a serious
11 disagreement with the ANC. And there seems to be no middle
12 ground because they purchased the property, believed they had
13 an opportunity to get a curb cut. Maybe underestimated the
14 response or didn't expect the response from the ANC that they
15 got after they purchased the property. But yet for their
16 program needed this curb cut and needed to meet the parking
17 requirement.

18 So it's an unusual situation where the ANC is
19 saying, we would support this application if you ask for more
20 relief which tells me that the concern that they have is not
21 really related to the BZA special exception criteria of
22 course other than as to impact. But the impact is all
23 related to public, larger public policy issues which are in
24 the province of DDOT and the Public Space Committee.

25 And the curb cut is in. I mean, it's either going

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1 to stay or go not based on this approval. And I don't think
2 there's any -- if we go through the BZA criteria again, I can
3 do that. But it doesn't have anything to do -- I mean, as
4 to parking, the normal argument, we meet the parking
5 requirement. I've never been faced with the argument, well,
6 you meet the parking requirement. Well, we don't want you
7 to.

8 And the ANC did point out, I know the number has
9 gotten higher to how many spaces that the curb cut will
10 remove. But it's one to two on the ANC report. I would like
11 the applicant to briefly address some of the other concerns.

12 MR. HEKMAT: Sure. I just wanted to mention one
13 thing in closing. So we've been around -- our company has
14 been around since 2006, and we've developed numerous
15 buildings in Columbia Heights including 1020 Monroe which
16 houses The Coupe which is a community serving restaurant.
17 We've done three condo projects one block away from there,
18 and we've always been regarded as someone who does good in
19 the community. And we have a good reputation there.

20 I disagree with us being disrespectful. I think
21 we've come to a disagreement that unfortunately doesn't have
22 a middle ground, and we've always been respectful in the way
23 we've conducted ourselves. And saying that, oh, tough luck.
24 You guys have to deal with this. That tone was never used
25 with ANC. We've always been respectful, and we just simply

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1 disagree.

2 And I hate to be in a position where we feel like
3 we're bullies and just doing what we want to do. That's not
4 who we are. We're always listening and we're always doing
5 what we can. And unfortunately in this case, we're in a
6 tough place where we can't make these changes. And that's
7 all I wanted to mention.

8 BZA CHAIR HILL: Okay. All right. Thank you.
9 Let's see. I have a question for the Office of Planning
10 actually. Do you know -- so if they were to request parking
11 relief, right, you can't tell whether the Office of Planning
12 would be in approval of parking relief?

13 MS. THOMAS: We would support -- I guess, in this
14 instance, I could safely we would support parking relief,
15 especially if the curb cut is repealed or --

16 BZA CHAIR HILL: And there is another comment
17 about did the curb cut permit expire? That hasn't expired,
18 right? There's nothing --

19 MR. SULLIVAN: Yeah, I didn't understand that
20 comment from DDOT. I think maybe they just didn't understand
21 that it was already constructed.

22 BZA CHAIR HILL: Okay. So the curb cut -- now I
23 keep talking about this curb cut. The curb cut is there, is
24 that correct, going all the way to the street?

25 MR. HEKMAT: That is correct. It's fully

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1 installed.

2 BZA CHAIR HILL: Okay. And so if you all -- and
3 I'm just kind of asking questions of the applicant. If you
4 guys were not to get the conversion, right, you think you
5 would keep -- you would do two -- you would just do your
6 matter of right and then keep the curb? You don't know? You
7 would just do matter of right and keep the curb cut if you
8 don't get the conversion?

9 MR. HEKMAT: Our plan was if we don't get the
10 conversion, we would still have the curb cut.

11 BZA CHAIR HILL: Right, okay. So okay. Does
12 anybody have any questions? I need to think for a minute
13 also before I ask what I want. But I'm not going to be able
14 to decide this today. But does anybody have any questions
15 for anybody?

16 MEMBER JOHN: Just one quick question. I may have
17 missed it. Is there an alley access here?

18 MR. HEKMAT: There's no alley access. That's why
19 we went for the curb cut.

20 MEMBER JOHN: Right. So in the absence of alley
21 access, you could get the parking relief if you wanted to
22 apply for it?

23 MR. HEKMAT: We understand that.

24 MEMBER JOHN: Okay.

25 MR. HEKMAT: Thank you.

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1 BZA CHAIR HILL: Okay. I'm going to -- okay.
2 Give me one second, Commissioner. So Commissioner, as long
3 as it's a question. It's not like a rebuttal to any of the
4 things that we're saying. Please, you have a question?

5 MS. LOVE WADE: I do have just a simple question
6 about the actual parking permit. Will that parking space be
7 sold or is it included, a monthly rental?

8 BZA CHAIR HILL: I don't know. I mean, I don't
9 think they --

10 MS. LOVE WADE: Is that relevant?

11 BZA CHAIR HILL: -- decided anything, what they're
12 going to do yet with the -- I mean, they don't even know
13 whether they're going to get a conversion.

14 MS. LOVE WADE: The reason we ask that question
15 was because it seemed to me -- it sounded to me that they
16 would be willing to give up a whole apartment to keep the
17 parking.

18 BZA CHAIR HILL: Yeah, I don't know what they're
19 going to do. But that's what I just also kind of heard.

20 MS. LOVE WADE: Yes.

21 BZA CHAIR HILL: So anyway, what they're here for
22 is what you're here for. And I've been doing this long
23 enough that I do know what you're here for. And so we will
24 deliberate as to whether or not we think that you've made
25 your case, right? I don't know where the Board is at, and

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1 so I'm just trying to kind of -- I'm a little hesitant to
2 just kind of like close this for a decision.

3 I don't know. I was going to actually make a
4 question to the applicant in terms of, like, do you guys want
5 to come back with anything else? Do you want to come back
6 with -- what I was going to ask for originally was I was kind
7 of interested in seeing what it'd look like without the curb
8 cut. But now I just realized that there's nothing to see
9 other than I now won't see a curb cut, right? And so there's
10 nothing that I would necessarily see in your plans that
11 changes the plans other than now there's a curb cut.

12 However, I suppose if you wanted to and if the
13 Board is interested in seeing it, we can keep the record open
14 to see what submitted plans would look like without a curb
15 cut and then let the applicant determine whether or not --
16 okay. So I think that I'd be interested in hearing from the
17 applicant -- like, I'd be interested in seeing from the
18 applicant what it would like without a curb cut and then
19 having a continued hearing on whether or not we get anything,
20 I suppose. And if we don't get anything, then it won't be
21 much of a continued hearing. And then we can just make a
22 decision.

23 And so I think that if you want to go ahead and
24 submit something that is I'd like to see what it looks like
25 without the curb cut. If you want to submit something, what

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1 it looks like without the curb cut. And then in that case,
2 you might then want to ask for parking relief if you decide
3 to go that -- I'm not suggesting you change your application.
4 I'm just trying to keep open the -- I just would like to see
5 what it looks like without a curb cut. Okay? And so unless
6 the Board has any objection to that and you want to close the
7 hearing. And then we will deliberate and just have a
8 decision the next time.

9 But my current preference would be to go ahead and
10 have the record open, submit some drawings that speaks about
11 taking away the curb cut. Have the applicant have a little
12 time to determine what they would like to come back to us
13 with. Perhaps put this off again until April 10th since
14 everything is getting continued to April 10th and having the
15 opportunity for Mr. Hood to be here to see if the applicant
16 has changed anything to their plans. And if not, then I
17 think we can deliberate. We can deliberate on April 10th if
18 you don't have any changes to your plans.

19 Does the Board have any thoughts?

20 ZC CHAIR HOOD: Mr. Chairman, I would also like --
21 and I guess applicant will have a chance to respond -- but
22 enough time, those sound bite points that Chairman Boese had
23 mentioned because I'd like to really take my time so I can
24 give a thoughtful analysis myself. The way you phrase that,
25 I can probably try to go back and look at the stream. But

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1 I would rather have it in bullet points. And if the
2 applicant has to respond to it, I don't know. But that was
3 his testimony, and I'd just like to have it written. It
4 won't have to be a long two or three pages. Half a page
5 would be --

6 MR. BOESE: Quarter page?

7 ZC CHAIR HOOD: Quarter page would be very fine.

8 BZA CHAIR HILL: Okay. So you'd like some bullet
9 points of Chairman Boese's testimony?

10 MR. BOESE: And for clarity, you're talking about
11 what I'm talking about, 20 to 22 feet versus 15 to 16 feet?

12 ZC CHAIR HOOD: How you tied all that in. I can
13 go back and look at the stream. But how you tied everything
14 in for the adverse impacts of how we're basically -- I don't
15 want to put words in your mouth but that first part.

16 MR. BOESE: I can put words in my mouth.

17 ZC CHAIR HOOD: No, I only had a comment for the
18 applicant. I noticed that Mr. Sullivan's comments were
19 really testimony. And I know -- to some point, I know that
20 lawyers do, do that so that they can't be cross examined.
21 But I know this is a different process. But I want to him
22 to know it did not fall on deaf ears with me.

23 BZA CHAIR HILL: No, I thought you had a question,
24 Chairman Hood. There was an earlier question that you wanted
25 them to think about. And I can't remember now what the

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1 question was. And I don't remember if Mr. Sullivan, you
2 remember what the question was.

3 ZC CHAIR HOOD: Oh, yeah, yeah. Oh, that's right,
4 yeah. I did. I wanted to ask about an analysis. How can
5 I -- you heard the impacts that Chairman Boese mentioned.
6 And I think it was in response to that. Tell me how those
7 adverse and how those were not adverse impacts, even with
8 this additional unit. Okay. Something down those lines, but
9 Mr. Sullivan got it. If not -- do you got it, Mr. Sullivan?
10 If not, we all look like we're going to be watching the tape
11 again. I'm depending on you to answer that for me.

12 MR. SULLIVAN: Okay.

13 ZC CHAIR HOOD: Yeah, I'm going to be watching it.

14 BZA CHAIR HILL: Okay.

15 MEMBER JOHN: Mr. Chairman --

16 BZA CHAIR HILL: Sure.

17 MEMBER JOHN: -- I just wanted to follow up on
18 that. I had the same response in terms of the adverse
19 impacts. And the entire design with removal of the curb cut
20 does have potential adverse impacts. And I have to tell you
21 I'll never look at a curb cut the same way again after this
22 hearing. And in my own personal experience walking with a
23 little kid and trying to navigate all those curb cuts. And
24 just listening to the explanation today, I've always sort of
25 glossed over the matter when the cases have come before us.

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1 But I think it would be helpful to see just how you would
2 address that adverse impact issue.

3 MR. SULLIVAN: And I could try to address that.
4 But I think we're far afield into Public Space Committee,
5 DDOT issues now because --

6 ZC CHAIR HOOD: I disagree.

7 MR. SULLIVAN: -- we're talking about the impact
8 of the curb cut.

9 ZC CHAIR HOOD: I disagree. If you want us to --
10 if you want this commissioner to make a decision, give us
11 what we ask for. I don't need nobody to tell me I'm not in
12 the game because I'm in the game. I've been here long
13 enough. I know what the game is and what the game entitles.
14 So I would ask you either you -- here's the thing. Either
15 provide it or I'll make the decision on the merits that --
16 my position will be on the merits. I just ask you to help
17 me get there. But if you don't want to help me get there,
18 I'll get there by myself. That's just for me. I'm not
19 associating my comments with anybody else.

20 MR. SULLIVAN: Okay. So --

21 BZA CHAIR HILL: Wait, just give me one second.
22 I'm sorry, Mr. Sullivan. So design without the curb cut,
23 right, if you want to submit that. We'll just see what you
24 submit. Okay? Design without the curb cut or you decided
25 not to submit a design without the curb cut, right? Answer

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1 Chairman Hood's question as best you can, if you want to, and
2 also, sorry, Board Member John. And I'm a little -- so the
3 clarity of that, you can go back and look at the tape
4 yourself, as you will. And then Commissioner Boese, you're
5 going to give us kind of a bullet point of your testimony.

6 I suppose I'll be very interested to see what
7 happens on April 10th. And I say, like, there's been so far
8 -- and I'm just going to -- since everybody seems to be
9 telling everybody what they think, right? This was
10 originally -- one comment that was made earlier. And I've
11 been here -- actually, I've been here as long as Chairman
12 Hood. I've been here long enough to know that I kind of also
13 kind of know some things, right?

14 So if you're talking about by right, two units,
15 curb cut, there you go, right? You're here for the
16 conversion. We're going to look at the standards that we
17 have. You've made your argument in your case. And so then
18 as I mentioned earlier, there's a difference between summary
19 orders and full orders. And I'm going to just leave it all
20 at that, and we'll see what we get, whatever we get before
21 April 10th, for a continued hearing on the additional
22 information that we've requested. Okay?

23 MEMBER JOHN: Can I just -- something?

24 BZA CHAIR HILL: Sure.

25 MEMBER JOHN: I didn't want it to seem I was just

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1 looking at the curb cut alone. But in terms of the impact
2 on the loss of parking and that trade off, we've always
3 discussed that in terms of adverse impacts. And that's what
4 I was getting to. Okay. Thanks.

5 ZC CHAIR HOOD: That's exactly the lines I'm at.
6 Maybe I might've phrased it a different way. But that's
7 exactly -- so if you bring back for me -- if you just bring
8 one sheet back for Commissioner John, I'm fine, either way.

9 BZA CHAIR HILL: Okay. So when do -- how much --
10 well, anyway, we're going to come back here on April 10th
11 because I'm not going to do this with anybody else now
12 because the commissioners have already been here, right? So
13 then Mr. Moy, if you could work backward for me on April 10th
14 when we would get stuff from the applicant. And then give
15 me enough time also, I suppose, for a possible supplemental
16 from the Office of Planning if the Office of Planning thinks
17 we need one. Okay. Based upon the information that we're
18 going to get from the applicant I'm not really sure we're
19 going to get yet whether or not we need a supplemental from
20 the Office of Planning. Okay. So Mr. Moy?

21 MR. MOY: Yes sir. So as you say, working
22 backwards, we're looking at a continued hearing on April the
23 10th. If the applicant can make their submission by March
24 27th and then we'll give ample time -- also including the
25 ANC, same date or you want more time? A week after that?

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1 MR. BOESE: What was the date again?

2 MR. MOY: The applicant would file by March the
3 27th.

4 BZA CHAIR HILL: Mr. Moy, the ANC would need time
5 to look at whatever the applicant files.

6 MR. MOY: Okay. That just hit me. Is a week
7 sufficient for you? Because I don't know what they're going
8 to file. It could be something or whatever. So let's try
9 a week. And if you need more time or whatever, then send
10 something into the record, a request. So a week after March
11 27 would be April 3rd. And then a week after that would be
12 the continued hearing on the 10th of April. It's still a
13 continued hearing, so the record is still open for the issues
14 that the Board is discussing. And then, of course, if OP
15 wants to weigh in with a supplemental, they can do that also
16 a week before the hearing.

17 BZA CHAIR HILL: Okay. Does everybody have their
18 dates?

19 MR. SULLIVAN: I'm in the dark a little bit about
20 responses. Are we responding -- is the applicant responding
21 to the ANC? Because the ANC is responding to some questions
22 from the Board. Will we have an opportunity to respond to
23 that? Are we responding to each other?

24 BZA CHAIR HILL: Okay.

25 MR. SULLIVAN: Or they just responding to us?

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1 BZA CHAIR HILL: That's a good question. I mean,
2 you're welcome to respond to the ANC. I'm just trying to
3 figure out a time. I wasn't listening when Mr. Moy started
4 to give out the dates because that's not my job. So Mr. Moy,
5 what were the dates again? When was the applicant going to
6 submit?

7 MR. MOY: If the applicant would submit on the
8 27th of March.

9 BZA CHAIR HILL: Give me a second. So the 27th
10 of March you'll make your submittal. And Commissioner, if
11 you could just give your comments by the 27th of March that
12 Chairman Hood had asked for.

13 ZC CHAIR HOOD: And that's already public
14 testimony. I didn't ask for anything that's already --

15 BZA CHAIR HILL: Just clarifying.

16 MR. BOESE: Well, and that's my question to you.
17 If my bullet points are nothing more than clearly pulling out
18 what's in my testimony, what is there to respond to, the
19 opportunity to --

20 (Simultaneous speaking.)

21 BZA CHAIR HILL: I don't know what -- you might
22 put something in there that isn't what you thought. I don't
23 know. And so when I'm saying response, like, it just give --
24 you're submitting something to the record. I'm just letting
25 the applicant have an opportunity to submit.

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1 ZC CHAIR HOOD: Mr. Chairman, I will go back and
2 review it myself. I'll withdraw that.

3 BZA CHAIR HILL: Okay.

4 ZC CHAIR HOOD: Then there's nothing for nobody
5 to respond to because it's already testimony.

6 BZA CHAIR HILL: Okay.

7 ZC CHAIR HOOD: I'll review it.

8 ZC CHAIR HOOD: Okay. So you don't have to do any
9 homework, Commissioner. Okay. You're done with that. So
10 now we just need everything from the applicant on the 27th.
11 Okay. And I know it's a little confusing, but I think you
12 understand what some of the questions are before you. And
13 then that gives -- I'm sorry. Then that gives time for the
14 ANC to respond by when?

15 MR. MOY: Yeah, the ANC to respond, if they have
16 any, a week later which puts us at April the 3rd. And then
17 we'll have the continued hearing on the 10th. Although I
18 understand the applicant's desire to respond to the ANC. But
19 if we do that, I'm going to need more time to push us beyond
20 April 10th.

21 BZA CHAIR HILL: I think the applicant can just
22 respond in testimony if you have anything to respond to the
23 ANC at the continued hearing. Okay. So we're going to have
24 a limited scope hearing just one what has been requested.
25 Otherwise, we've taken all the testimony we're going to take

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1 on everything that we've done today. And I think that's it.
2 Anything else from anyone? Is everyone clear? I have one
3 comment. I know what I'd do. Okay? All right. Okay.
4 Thank you very much.

5 Mr. Moy, do we have anything else before the
6 Board?

7 MR. MOY: That's it from the staff, Mr. Chairman.

8 BZA CHAIR HILL: All right. We stand adjourned.

9 (Whereupon, the above-entitled matter went off the
10 record at 3:17 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 Board of Zoning Adjustment

Date: 03-13-19

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
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