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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning
Board of Zoning Adjustment

PUBLIC HEARING AND MEETING OF
THE BOARD OF ZONING ADJUSTMENT

9:37 a.m. to 11:20 a.m.
Wednesday, May 31, 2017

441 4th Street, N.W.
Jerrily R. Kress Memorial Room
Second Floor Hearing Room, Suite 220-South
Washington, D.C. 20001

OLENDER REPORTING, INC.
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1 Board Members:

2 FREDERICK HILL, Chairperson

3 CARLTON HART, Vice Chairperson

4 LESYLLEE WHITE, Board Member

5 PETER MAY, Zoning Commission

6 CLIFFORD MOY, BZA Secretary

7

8 Office of Attorney General

9 CHRISTOPHER COHEN, Esq.

10

11 Office of Planning

12 KAREN THOMAS

13 CRYSTAL MYERS

14 BRANDICE ELLIOTT

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

2 CHAIRPERSON HILL: Good morning, ladies and
3 gentlemen. We're located in the Jerrily R. Kress
4 Memorial Hearing room at 441 4th Street Northwest.
5 This is the May 31st, 2017 public hearing of the Board
6 of Zoning Adjustment of the District of Columbia.

7 My name is Fred Hill Chairperson. Joining me
8 today is Carlton Hart, Vice Chair, Lesyllee White,
9 Board Member, and representing the Zoning Commission
10 will be Peter May.

11 Copies of today's hearing agenda are available
12 to you and are located on the wall bin near the door.

13 Please be advised that this proceeding is being
14 recorded by a court reporter, and is also webcast
15 live.

16 Accordingly, we must ask you to refrain from
17 any disruptive noises or actions in the hearing room.

18 When presenting information to the Board, please turn
19 on and speak into the microphone, first stating your
20 name and home address. When you're finished speaking,
21 please turn off the microphone so your microphone is
22 no longer picking up sound or background noise.

23 All persons planning to testify, either in
24 favor or in opposition, must have raised their hand
25 and been sworn in by the secretary. Also, each

1 witness must fill out two witness cards. Those cards
2 are located at the table near the door on the witness
3 table, upon coming forward to the Board, please give
4 both cards to the reporter sitting to the table to my
5 right.

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

13 The order of procedures for special
14 exceptions, variances, and appeals are also in the bin
15 to the right as you walk in the door. The record will
16 be closed at the conclusion of each case, except for
17 any materials specifically requested by the Board.
18 The Board and the staff will specify at the end of the
19 hearing exactly what is expected and the date when the
20 persons must submit the evidence to the Office of
21 Zoning.

22 After the record is closed, no other
23 information shall be accepted by the Board. The
24 District of Columbia Administrative Procedures Act
25 requires that the public hearing on each case be held

1 in the open before the public pursuant to Section
2 405(b) and 406 of that act. The Board may, consistent
3 with its rules of procedures and the act, enter into
4 closed meeting on a case for purposes of seeking legal
5 advice on the case pursuant to D.C. Official Code
6 Section 2-575(b)(4) and/or deliberating on a case
7 pursuant to D.C. Official Code Section 2-575(b)(13),
8 but only after providing the necessary public notice.

9 And in the case of an emergency closed meeting, after
10 taking a roll call vote.

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

18 Preliminary matters are those which relate to
19 whether a case will or should be heard today, such as
20 request for a postponement, continuance, or
21 withdrawal, or whether proper and adequate notice of
22 the hearing has been given. If you're not prepared to
23 go forward with the case today, or if you believe that
24 the Board should not proceed, now is the time to raise
25 such a matter.

1 Mr. Secretary, do we have any preliminary
2 matters?

3 MR. MOY: Not this morning, Mr. Chair. If we
4 do, we'll take that -- I would advise taking that on a
5 case by case basis.

6 While I have the microphone, I think I'd like
7 to, for the record, to go over what cases are not on
8 today's docket. First is, a request for modification
9 of consequence to Application No. 16-334A of Bright
10 Beginnings. That's been postponed to September 13th,
11 2017.

12 On the public hearing session we have, one,
13 two, three, four, cases. Well, three that have been
14 postponed. One has been withdrawn by the appellant.
15 The withdrawn appeal is number 19407 of the Friends of
16 Lowell Street. The other three cases have been
17 postponed to a future date. The first, Application
18 9492 of Henry M. Hunt, rescheduled to June 14th, 2017.
19 Application No. 19459 of Andrew Phillips, rescheduled
20 to June 28th, 2017, and Application No. 19377,
21 Boundary Companies and the Missionary Society of St.
22 Paul, the Apostle, rescheduled to September 27th,
23 2017. Thank you, Mr. Chair.

24 CHAIRPERSON HILL: All right, great. If
25 anyone is here wishing to testify, if you could please

1 stand and take the oath, which is going to be
2 administered by the secretary?

3 MR. MOY: Good morning.

4 [Oath administered to the participants.]

5 CHAIRPERSON HILL: All right. Just so
6 everyone in the audience here is aware, we are going
7 to basically follow the agenda in both the meeting
8 agenda, as well as the hearing agenda, with one
9 exception. We're going to move Application No. 18852
10 of SB-Urban, to the last meeting case. Other than
11 that, that seems like we're going to do the order as
12 written up.

13 So, Mr. Moy, please call the first meeting
14 case.

15 MR. MOY: Thank you, Mr. Chairman. I believe
16 that's Application No. 19466 of Beresford Davis as
17 amended. This is a request for a special exception
18 under the parking requirements of Subtitle C, Section
19 703.2, and the RF Use requirements of Subtitle U,
20 Section 320.2, which would convert a two-story flat
21 into a revised now for a three-unit apartment house in
22 the RF-1 Zone. This is at 1215 Holbrook Terrace
23 Northeast, Square 4057, Lot 195.

24 And we have participating for decision,
25 Chairman Hill, Vice Chair Hart, Ms. White, and Mr.

1 Anthony Hood.

2 CHAIRPERSON HOOD: Okay, great. Thanks.
3 Gentlemen, we don't need you guys right now unless we
4 ask for you. It's just a meeting case now so we're
5 just going to go ahead and deliberate. You're welcome
6 to just sit there, and maybe if the Board does have
7 any questions we'll go ahead and ask you. But at this
8 point we're just going to discuss the case.

9 Is the Board ready to deliberate?

10 Okay, I can go ahead and start. I mean,
11 again, what the applicant was trying to do originally
12 was not supported by, I think it was the Office of
13 Planning, although they did have, I believe, the
14 support of the ANC. We had asked the applicant to go
15 back and take a look at the units, or that the Office
16 of Planning was in support of a special exception for
17 the three units rather than four. And so, we're
18 interested in hearing, or seeing, I guess, the new
19 design. And then also, I was interested in getting a
20 supplemental report from the Office of Planning.

21 And so, we did get all of the material that we
22 asked for, and after reviewing the record, I don't
23 really have any particular questions. I think that
24 the Office of Planning has made the analysis in terms
25 of how this would be approved.

1 So, I'm comfortable with the application.

2 MS. WHITE: I am as well, Mr. Chairman. I'm
3 pleased that the applicant made revisions to the plan
4 to reduce the units from a two-story flat to a three-
5 unit flat located on 12-15 Holbrook Terrace Northeast.
6 There were no ANC reports with this, but I did not,
7 from my understanding, see any opposition from the
8 ANC. So, I'm comfortable with the application.

9 MR. HART: I would concur, but I also was -- I
10 think it's a good thing that you all had a
11 conversation with the Office of Planning and made that
12 decision to go, instead of having the four units,
13 which would have required a variance, going with the
14 three units and proceeding with your project, and I
15 didn't have any issues with this, reviewing the Office
16 of Planning report and the other material that was
17 provided.

18 CHAIRPERSON HILL: Okay. Now, with that I'll
19 go ahead and make a motion to approve Application No.
20 19466 as read by the secretary.

21 MS. WHITE: Second.

22 CHAIRPERSON HILL: Motion has been made and
23 seconded.

24 [Vote taken.]

25 CHAIRPERSON HILL: Mr. Moy.

1 MR. MOY: Before I read back the vote count,
2 Mr. Chair, we do have an absentee ballot from Anthony
3 Hood, who participated. And his absentee ballot is to
4 approve the application with any conditions that the
5 Board may impose. So, that would give a final vote of
6 four, to zero, to one on Chairman Hill's motion to
7 approve further amended request relief. Seconded the
8 motion, Ms. White. Also in support, Vice Chair Hart
9 and of course Mr. Hood, and we have a board seat
10 vacant. Motion carries.

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

13 MR. MOY: Yes, sir.

14 CHAIRPERSON HILL: All right, thank you.

15 [Pause.]

16 MR. MOY: The next case application for
17 decision is No. 19475 of D.C. Boathouse, and this
18 application as captioned and advertised for a special
19 exception relief under the penthouse restaurant use
20 requirements, Subtitle C, Section 1500.3(c), and the
21 retail use requirements of Subtitle U, 504.1(j), to
22 construct an addition to an existing dormitory to
23 create an apartment building with a ground floor
24 retail use and penthouse café in the MU-2 Zone. This
25 is at premises 2601 Virginia Avenue Northwest, Square

1 6, Lot 42.

2 As a preliminary, Mr. Chair, there's a request
3 from the applicant to reopen the record to allow
4 additional information regarding the ZC map amendment,
5 and this is noted under Exhibit 44, an another filing
6 from the applicant under Exhibit 45.

7 Well, actually, it might be Exhibit 45, but
8 that's up to the Board.

9 CHAIRPERSON HILL: Okay, great. Thank you.
10 Is the Board ready to deliberate?

11 Okay. So, there's the preliminary matter in
12 terms of allowing -- reopening the record and allowing
13 some information into the record. I would be in
14 support of reopening the record and allowing
15 information into the record on this matter because it
16 was relating to when the map amendment was going to
17 actually take effect. And so, does anyone have any
18 issues with that?

19 MS. WHITE: No.

20 CHAIRPERSON HILL: Okay. So, then that being
21 the case, and Mr. Moy, I don't think -- I can just go
22 ahead and reopen the record and allow the information
23 in there, correct? We don't take a vote?

24 MR. MOY: Yes, sir, you can do that by
25 consensus.

1 CHAIRPERSON HILL: Okay. All right. So,
2 we're going to go ahead and do that. Then the next
3 step is again the letter itself, and the information
4 that was put forward in the letter was asking the
5 Board to go ahead and take a vote on this now, today,
6 rather than -- we, as a board, had postponed this
7 until the map amendment was going to take effect. And
8 so, I think this hearing was over a month ago. I
9 can't recall that. But so, the map amendment now will
10 not take effect until July, so the applicant has asked
11 in their letter if we would go ahead and take a vote
12 and then hold the effect of that, if this were to be
13 passed, hold that until after the map amendment was
14 actually going to take place in July. And this is so
15 that now they're having -- they're getting pushed up
16 against financing, as well as different needs they
17 have in terms of trying to secure tenants and things
18 such as that.

19 So, I would also be comfortable moving forward
20 with voting on this now. Does the Board have any
21 objection to that?

22 MS. WHITE: I don't have any objection.

23 CHAIRPERSON HILL: Okay. So, then that being
24 the case, we can go ahead and discuss the -- oh,
25 sorry. Please, go ahead.

1 MR. HART: I just want to make sure that we're
2 -- it's okay that we are adding this letter into the
3 record and I just want to make sure that the AG's
4 office is okay with all of this as well.

5 MR. COHEN: Sure. The Board is okay to reopen
6 the record. However, I do want to draw it to the
7 Board's attention, Rule 602.7, regarding the seven-day
8 window to allow other parties to file responses to
9 what was recently allowed into the record.

10 CHAIRPERSON HILL: Thank you, Mr. Hart. So,
11 that's -- thank you, again. So, again, because of
12 that rule, we're unable to take a vote today. So, we
13 have to let the parties have seven days, even though
14 the parties that had been involved in it were in
15 support, we have to wait seven days, and this did get
16 -- actually, now that I think about it, this did get
17 allowed into the record yesterday.

18 MR. COHEN: If it were -- if the submission
19 was into the -- that doesn't -- the Board made a
20 motion to reopen the record today. So, technically,
21 the record was reopened today. And that submission
22 was formally into the record today.

23 [Discussion off the record.]

24 CHAIRPERSON HILL: All right. So, we'll hold
25 this off until next Wednesday, which is seven days, so

1 that people have an opportunity to comment as per that
2 regulation. And so now, we'll move this to next week.

3 Mr. Moy, can you move this to next week, then?

4 MR. MOY: All right, done.

5 CHAIRPERSON HILL: Okay. All right.

6 MR. MOY: It will be first of the day.

7 CHAIRPERSON HILL: Okay. It's not my
8 regulation.

9 [Pause.]

10 CHAIRPERSON HILL: Mr. Moy, you want to call
11 the last -- the next to the last meeting case?

12 MR. MOY: Yes, sir. That would be, there was
13 a request from the applicant for a modification of
14 consequence to Application No. 18852 and 18853A of SB-
15 Urban, LLC. This request was filed on April 12th,
16 2017, and there are two responses to the request under
17 Exhibit 6 and Exhibit 7.

18 I'll stop there unless you want more
19 clarification.

20 CHAIRPERSON HILL: Okay, great. Commissioner
21 May, welcome. Are we all ready to deliberate?

22 Okay. Okay. I'll go ahead and start. So,
23 we've requested that the applicant go back to -- this
24 is, again, for the modification of consequence, go
25 back to the ANC and particularly also there was a few

1 people that were in original opposition to the
2 application, and then the Office of Planning has
3 submitted a report and I saw that there was a letter
4 from the ANC wherein, actually, Chairman Fanning had
5 submitted something and I know that they're a very
6 thorough ANC, as well as he is being a very good
7 chairman, did not have any issues with, the
8 modification.

9 And then, I did want -- if this were to move
10 forward and get approved, I would like to note that I
11 did -- you know, the information that was provided by
12 Mr. Akazella (phonetic) and Ms. Shower (phonetic),
13 just wanted to also mention that I hope that the
14 applicant does take their concerns into effect in
15 terms of the pedestrian movement in that alley. I
16 actually do frequent that alley quite a bit myself.
17 And so, I am aware of the amount of foot traffic that
18 they have in there. But I didn't have any issues with
19 this application. Does anyone else have any comment?

20 MR. MAY: I just had a question. We got a
21 late submission from the applicant, rebutting the
22 comments from the opponent. Exhibit 8, I think.

23 CHAIRPERSON HILL: [Speaking off microphone.]

24 MR. MAY: No, I think we have to waive it in,
25 but I don't think we have to wait.

1 MR. COHEN: That's up to the Board. The Board
2 can make that call.

3 MR. MAY: Right.

4 MR. COHEN: The Board can decide whether or
5 not to let Exhibit 8 into the record.

6 CHAIRPERSON HILL: Right. But if we let it
7 into the record then I'm back to that seven-day thing.

8 MR. COHEN: No, you're not.

9 MR. MAY: The circumstance here I think, is
10 that we had left the record -- we had requested a
11 response from the opponents in this case. They're not
12 a party, but they are opponents. And they, according
13 to the applicant, that submission was made late. And
14 so, the applicant's response to that was made late.
15 It was supposed to happen on the 17th and the 24th.
16 The applicant, in their letter, is saying that the
17 letter, which is dated the 17th, actually didn't
18 appear in IZIS until May 30th. And so, they submitted
19 their response, I don't know, I guess yesterday or
20 this morning or something.

21 CHAIRPERSON HILL: Okay. Well, that's the one
22 that I reviewed also, so. I don't have any issue with
23 letting him into the record, then. So, we can let him
24 into the record. Does the Board -- okay. All right.
25 So, we'll allow that into the record.

1 So, again, I'm still where I was. Does the
2 Board have any comments in terms of deliberation?

3 MR. MAY: So, I think I was probably the only
4 one who was on this case originally, and I'm glad to
5 see that it is finally resolved. I think actually,
6 you know, the decision, the earlier decision,
7 regardless of the legal complications, was an overall
8 a good decision for the neighborhood because it
9 included these mitigations for the parking demand.
10 And so, the people who lived in this new building, in
11 these micro-units, would not be eligible for
12 residential parking permits and so on. Those
13 conditions go away, so theoretically there may be more
14 demand that results from this project and, you know,
15 that may be an unfortunate outcome for the
16 neighborhood. I mean, I guess, you know, we don't
17 really know. We don't track it after that occurs.

18 But you know, I'm fine with the solution. I'm
19 glad that the solution was possible, was feasible as a
20 result of the changes in the zoning regulations. So,
21 I'm just glad to see it moving forward.

22 So, do you want me to make a motion? Okay.
23 So, I would move approval of Zoning Commission
24 18852/18853A of SB-Urban, LLC for the captioned
25 relief.

1 CHAIRPERSON HILL: Second.

2 MR. MAY: And I guess this is really just
3 approval of a modification of consequence. There's
4 not relief requested here. So.

5 CHAIRPERSON HILL: Motion has been made and
6 seconded.

7 [Vote taken.]

8 CHAIRPERSON HILL: Motion passes, Mr. Moy.

9 MR. MOY: Staff would record the vote as four,
10 to zero, to one. This is on the motion to approve the
11 modification by Peter May. Seconding the motion,
12 Chairman Hill. Also in support, Ms. White, Vice Chair
13 Hill. We have a board seat vacant. The motion
14 carries.

15 CHAIRPERSON HILL: Summary order.

16 MR. MOY: Yes, sir.

17 [Pause.]

18 CHAIRPERSON HILL: For clarification, Mr. Moy,
19 that was to remove those conditions.

20 MR. MOY: Right. Which would be Conditions
21 1B, 1C, 2, 3, and 4. This is for the staff's own
22 edification.

23 CHAIRPERSON HILL: Yes, thank you. Again,
24 summary order.

25 MR. MOY: Yes, sir. Thank you.

1 CHAIRPERSON HILL: All right. I think we're
2 on hearing cases now.

3 MR. MOY: In the hearing session we have case
4 Application No. 19497 of Elizabeth Riordan. Riordan?
5 Riordan? I'm sorry. And Kathleen (sic) Kimpel,
6 captioned and advertised for a special exception under
7 Subtitle E, Section 5201. This is from the
8 nonconforming structure requirements, Subtitle C,
9 Section 202; lot occupancy requirements, Subtitle E,
10 Section 304.1; rear yard requirements, Subtitle E,
11 Section 306.1, to construct a third-story addition to
12 an existing one-family dwelling, RF-1 Zone, 1506 E
13 Street Southeast, Square 1075, Lot 47.

14 CHAIRPERSON HILL: All right. Great. Thank
15 you, Mr. Moy. Good morning.

16 If you could please introduce yourselves from
17 my right to left?

18 MR. FOWLER: Mike Fowler, from Fowler
19 Architects.

20 MS. RIORDAN: Elizabeth Riordan.

21 CHAIRPERSON HILL: Okay, great. Mr. Fowler,
22 are you going to be presenting to us? Or, who's going
23 to be talking first?

24 MR. FOWLER: I'll be talking, but --

25 CHAIRPERSON HILL: Okay.

1 MR. FOWLER: But, yeah.

2 CHAIRPERSON HILL: Okay, great. So, you know,
3 in reviewing all of the information I didn't have a
4 tremendous amount of questions, I suppose. Like I
5 would like to hear, you know, about the project. The
6 Board would like to hear about the project and also,
7 you know, how you're meeting the standards for the
8 relief requested. And you know, I don't need a lot of
9 detail, I suppose, because the record is pretty full,
10 I think. However, I'm going to give you like 10
11 minutes, if that's all right, for your presentation.

12 Does the Board have anything specific they'd
13 like to add?

14 MS. RIORDAN: I would just want to see if you
15 could address some of the letters, the two letters in
16 opposition, if you could kind of give your feedback in
17 terms of how you feel about it and how you're
18 potentially addressing some of the concerns.

19 CHAIRPERSON HILL: Okay. All right, great.
20 There you go. So, please, go ahead and start whenever
21 you'd like.

22 MR. FOWLER: Okay. It's fairly
23 straightforward. Currently, the house is over 60
24 percent lot coverage and we are adding a third floor,
25 set back from the front about five feet. We're in-

1 filling an existing open court, which is changing the
2 lot occupancy from 63 to 69 percent. The rear yard is
3 nonconforming but is remaining the same. We're not
4 encroaching any further on the rear yard. We do have
5 support from all three adjacent neighbors from the
6 ANC.

7 As far as the letters of opposition that I saw
8 on IZIS, I believe both were concerned about the
9 building height, which we're not requesting relief
10 for. We're below the 35-foot requirement, as measured
11 from the grade of the yard to the main roof structure.
12 So, that is not part of the relief we're seeking.

13 I think we are proposing approximate 32-and-a-
14 half-foot main height, which is a foot below the 35-
15 foot limit.

16 That's about it, unless you have any specific
17 questions about the project.

18 CHAIRPERSON HILL: Okay. Does anyone have any
19 questions for the applicant before I turn to the
20 Office of Planning?

21 MR. MAY: I have one, and it doesn't really
22 relate to the relief, but it just has to do with the
23 design of this. The sidewalls, you're showing Hardy
24 panel. I mean, the full four-by-eight sheets or
25 whatever. Which, by the way, is not a material that I

1 really like very much.

2 So, how do you join that? I mean, is it just
3 going to be butt joints between them, or is it going
4 to be? Is there reveal, or are there going to be
5 battens over it?

6 MR. FOWLER: The intent of this project would
7 be to either butt joint or use a matching small reveal
8 so that the sides look more or less monolithic. What
9 we were trying to avoid was kind of the lap-siding
10 look of Hardy Plank and wanted to go with something a
11 little bit more uniform, since we are using a brick on
12 the front to match the existing material, we wanted to
13 kind of create a more, kind of solid look to the rest
14 of the addition rather than siding.

15 MR. MAY: Uh-huh. Right. I guess, that's an
16 aesthetic choice. Not one I would make, but whatever.
17 I mean, just the large panels, I mean, you live in
18 the neighborhood, right? And you go down the freeway
19 and you see those townhouses in the
20 Capper/Carrollsburg Development, on the top floor
21 they've got Hardy Plank on the siding, on the faces of
22 those buildings. Which of course, the Zoning
23 Commission approved that. You know, I'll take my
24 share of the blame.

25 But they just don't look very good. They just

1 look cheap. So, you know, whatever you can do in the
2 detailing to make it not look cheap. Not that it's
3 going to be very visible, but I'm sure that you want
4 to get a quality looking -- you know, something that's
5 comparable to the quality of the existing structure.

6 MR. FOWLER: I agree, and we'll take that
7 recommendation and make sure that our permit plans
8 reflect.

9 MR. MAY: Okay. All right. Thank you, Mr.
10 Chairman for indulging me on the --

11 MS. WHITE: I had a question. You were
12 talking about the aluminum clad solid. What --

13 MR. MAY: No, that was the sidewall.

14 MS. WHITE: The sidewall?

15 [Discussion off the record.]

16 CHAIRPERSON HILL: Okay, great. All right.
17 I'm going to turn to the Office of Planning.

18 MS. MYERS: Good morning. Crystal Myers for
19 the Office of Planning. Office of Planning is
20 recommending approval, and stands on the record of the
21 staff report.

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

24 All right. Does the applicant have any
25 questions for the Office of Planning?

1 MR. FOWLER: No.

2 CHAIRPERSON HILL: Okay. I'm going to turn to
3 the audience. Is there anyone here from the ANC?

4 Is there anyone here wishing to speak in
5 support?

6 Is there anyone here wishing to speak in
7 opposition?

8 [No audible response.]

9 CHAIRPERSON HILL: All right. That being the
10 case, I turn back to the applicant. Is there anything
11 you'd like to add before we get to deliberations, if
12 that's where we're going to get to?

13 MR. FOWLER: No.

14 CHAIRPERSON HILL: Okay. All right. Then,
15 I'm going to go ahead and close the hearing. Is the
16 Board ready to deliberate?

17 Okay. I, after again reviewing the record and
18 also including, you know, there's letters in support
19 from the adjacent neighbors, the Office of Planning's
20 report I thought was very thorough, and I also was in
21 agreement with their analysis. I would be moving
22 forward to -- I thought that, you know, it's nice that
23 they actually managed to keep the turret in terms of,
24 I don't know if they were able to take it away or not,
25 but I know that there was another project recently

1 where, you know, they removed the turret and that was
2 something that was a problem. And so, I was in --
3 glad to just see that, I suppose, in general.

4 And so, I would be in approval of the
5 application. Does the Board have anything else they'd
6 like to add in discussion? With that being the case
7 I'd go ahead and make a motion to approve Application
8 No. 19497 as read by the secretary.

9 MR. SHAPIRO: Second.

10 CHAIRPERSON HILL: Motion has been made and
11 seconded.

12 [Vote taken.]

13 CHAIRPERSON HILL: Motion passes, Mr. Moy.

14 MR. MOY: Okay, Chair. Staff would record the
15 vote as four, to zero, to one. This is on the motion
16 of Chairman Hill for the relief requested. Seconded
17 the motion, Mr. Peter May. Also in support, Ms.
18 White, Vice Chair Hart, board seat vacant, the motion
19 carries, sir.

20 CHAIRPERSON HILL: Thank you, Mr. Moy. If we
21 could do a summary order that would be great.

22 MR. MOY: Yes, sir.

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

25 This Hardy stuff, nobody likes this Hardy

1 stuff. It's like --

2 MR. MAY: No, there's --

3 CHAIRPERSON HILL: I have never heard anybody
4 say --

5 MR. MAY: It's a very fine product.

6 CHAIRPERSON HILL: -- I love Hardy. Yeah.

7 MR. MAY: But there's Hardy panel and there's
8 Hardy plank, and there are other Hardy products as
9 well. And many of them are really great. It's just
10 the Hardy panel in large scale applications --

11 CHAIRPERSON HILL: Oh, I'm aware, it's not a -
12 - nobody is a fan.

13 MR. MAY: It does not look very good.

14 CHAIRPERSON HILL: Nobody is a fan.

15 MR. MAY: Just drive the southeast freeway and
16 you'll see it all on those buildings to the south, and
17 you'll know what I mean.

18 CHAIRPERSON HILL: Let's just let everybody
19 know, if they come here, don't have Hardy plank or
20 Hardy paneling.

21 MR. MOY: All right. Case application No.
22 19499 of Brad and Rebecca Kenemuth. Is that how to
23 pronounce that correctly? As amended for special
24 exception relief under Subtitle E, Section 5201, from
25 the lot occupancy requirements of Subtitle E, Section

1 304.1, special exception from the accessory structure
2 use requirements, Subtitle U, Section 301.1(e), this
3 would construct a two-story accessory structure,
4 garage and second-floor dwelling unit, RF-1 Zone at 12
5 -- or rather -- yes, 120, or 120 6th Street Southeast,
6 Square 870, Lot 813.

7 CHAIRPERSON HILL: All right, great. Thank
8 you. If you could please introduce yourself?

9 MR. KENEMUTH: Good morning. My name is Brad
10 Kenemuth. I'm the homeowner of 120 6th Street
11 Southeast.

12 CHAIRPERSON HILL: All right, great, Mr.
13 Kenemuth. I don't really have a lot of specific
14 questions to hear from, in terms of your presentation.
15 I you know, we all reviewed the record and know what
16 you're requesting, I suppose, if you could just give
17 an overview as to what you're doing and how you're
18 meeting the relief requested.

19 And I'm going to go ahead and put 10 minutes
20 on the clock for you, just so I know where we are.
21 And you can begin whenever you'd like. Unless the
22 Board has any other specifics they'd like to hear from
23 the applicant. All right. So, then you can go ahead
24 and start whenever you'd like.

25 MR. KENEMUTH: Sure. We, our property sits on

1 an 18-foot wide by 112-foot lot, and it currently
2 consists of a single-family dwelling unit with an
3 accessory structure. Two-story accessory structure.

4 What we are proposing is to raise the existing
5 accessory structure and replace it with a new modern
6 two-story accessory structure. The recommendation to
7 raise the structure was submitted to us by Historic
8 Preservation Office. They actually encouraged us to
9 pursue the raze permit versus try to rehab the
10 existing structure.

11 So, we aligned, because there are benefits to
12 us as a homeowner. It's easier to construct, and it
13 will be cheaper for us to construct using a raze
14 solution.

15 So, we are pursuing a raze. We have full
16 support on the raze portion of this project.

17 We have presented in front of the Capitol
18 Restoration Society, ANCs, subcommittees, and the full
19 ANC, as well as the Historic Preservation Board, and
20 to our neighbors and have full support, no opposition
21 on any of those boards to date.

22 We are seeking the relief on the lot occupancy
23 to 62.14 percent, and also the use requirement for not
24 constructing a dwelling unit on a property that's
25 built after 2013, January. And we'll get into more

1 details of that in a second.

2 I do want to note that our original request
3 was -- included a relief on height. It has come to
4 our attention that we do not need relief on the height
5 portion of this project. The code has been clarified
6 for us by Office of Planning, and we also have reduced
7 our height slightly. So, we are now within compliance
8 on the height portion of this project. And that is
9 reflected in the drawing package.

10 So, with regards to the five items for special
11 exception, I'll go through those one by one, if you
12 don't mind. The first item being light and air of the
13 available -- of the neighboring properties. We
14 already do have a two-story structure there. We
15 proposed to build a slightly larger one. It will be
16 in compliance with the existing neighborhood. Our
17 structure is to the east of our property, so if
18 anybody is blocked by light it's going to be our own
19 primary residence.

20 The neighbors to the south have supported this
21 project and there will be no impact on light on the
22 southern portion of the property. And the neighbors
23 on the north side, which is 118 6th Street, they have
24 almost full lot occupancy coverage, and it's pretty
25 much all garages to the north side. So, there's no

1 residence within 50 feet of our garage, 40 feet of our
2 garage. So, no neighbors will be impacted by light or
3 air with regards to this project.

4 Privacy and use is similar. We are a two-
5 story structure again. There is no real changes that
6 are occurring here, other than a new modern structure
7 that's being put up in its place. We expect --
8 there's no roof deck going on as part of the project,
9 so we don't expect any impacts on use.

10 With regards to the character of the
11 neighborhood, which is Item C, Browns Court is a
12 unique court in Capitol Hill. It is a live-in court.
13 There are houses, two-story houses throughout Browns
14 Court. There are two-story carriage houses within
15 Brown's Court, and there are a few single-story
16 carriage houses in Browns Court. So, this will be
17 indirect harmony with the existing neighborhood that
18 already is in place. No changes.

19 And then for Item D, I will walk you through
20 the different exhibits to provide evidence that what I
21 said is true. So, if you don't mind, I'd like to
22 start with the drawing package. Exhibit 36, I want to
23 mention that I am referencing these exhibits by the
24 listing on IZIS. The file names, when I downloaded
25 these, are different, so I'm using the case number

1 from the IZIS system. Okay.

2 So, 36 is the drawing package. It's the
3 revised one that reflects the update to the height.
4 I'll turn to page CS-2. On there, you can see the
5 official plat overlaid with the proposed addition to
6 the garage. The existing garage was about 12.6 feet
7 wide by 21.3 feet deep. We're proposing going to full
8 property width with a 27-foot deep garage. No changes
9 to the existing primary residence.

10 On P-1, the next page, you can see different
11 views. Photo 2 is a view from our current garage
12 looking Northeast, into Browns Court. Photo 3 is
13 looking southeast. Directly in front of us, between
14 Photo 2 and Photo 3 is a cinder block façade wall
15 painted white. You can see a little bit of that in
16 Photo 3. Very similar to the wall in Photo 2 that you
17 see in front.

18 And then in Photo 1 is a representation of our
19 property. In the center, there you can see our
20 current garage structure, as well as the gate and ramp
21 that resides there. We are expecting to eliminate the
22 gate and go full property within -- have a garage
23 door/entry door on that front façade with three
24 windows on the upper portion. You'll see that in the
25 drawing package to follow.

1 Page 2 is a view looking Southwest from Browns
2 Court. And again, just taking another perspective at
3 the current property, and then Photo 5 looks down
4 east, down into Browns Court, so you can see the
5 harmony with the existing neighborhood. It's all two-
6 story structures already, to date.

7 Okay. I'm going to skip page 3, because I'm
8 going to talk about that in another exhibit. So, 1-A
9 is the basement that we're considering putting into
10 the structure. A-1 is the garage itself with the
11 staircase. And A-2 is living quarters that we are
12 proposing to put on the second story.

13 I get a lot of questions on where the kitchen
14 is. It's on the left-hand side. You can see the
15 countertop. We didn't do a good job representing the
16 sink and the stove. I apologize for that, but we are
17 not trying to mislead anybody. That is planned to be
18 a kitchen.

19 And then A-3 is the representation, the
20 vertical representation. On the left-hand side of A-3
21 you can see the height depicted at 20 feet. We do --
22 we will build to the max height of 20 feet per the
23 Zoning Administrator's guidance.

24 Okay? And then the following pages are just
25 the 3-D renderings of the project. Okay?

1 The next one is 9, Exhibit 9, and I just want
2 to mention here that we are a one-car family. It's
3 written on page -- Section 3, Page 2 and 3 that we're
4 a one-car family. We hope to park in this parking
5 garage, so it will be used by us as the primary
6 owners. And we do, as our second mode of
7 transportation, we commute daily by bike, with our
8 kids to schools, and so we need adequate parking for
9 the bikes inside the garage, which also helps support
10 the 27-foot depth. We have cargo bikes. I don't know
11 if you guys are familiar. They're like eight feet
12 long. And we need to be able to park that in the
13 garage.

14 So, the theft in our area is extremely high
15 for bikes, and you can't leave them out. So, they're
16 expensive and they need to be stored appropriately.
17 That's why the garage is 27-feet deep.

18 With regards to lot occupancy, inside that
19 report there's also a graphic that I'd like to
20 reference. And that is what I have instead of the
21 plan. And there's a red line depicted on that graphic
22 that represents the boundary of the neighboring
23 property's rear lots. And you can see that we will
24 actually, our depth, our garage depth, will actually
25 be less than the property to the north and the

1 property to the south, as well as the property on Lot
2 815, which has a deeper lot than what we're proposing
3 as well.

4 So, we will be shallower than every neighbor
5 that we have to the north and south. Okay? And --

6 MR. SHAPIRO: Mr. Kenemuth, just one quick
7 question. What's going on in the basement?

8 MR. KENEMUTH: The basement will be for
9 storage. So, I do a lot of home repairs myself, and
10 tools, and we also have no basement in the house. So,
11 we probably will put either the tools from upstairs
12 down in the basement so that we can store our bikes
13 and car, and we also possibly put a desk and maybe a
14 living room at some point in the future down there.

15 MR. SHAPIRO: That's fine. I was just more
16 curious because you didn't have that in any of the
17 drawings. But, it showed in the section and I was
18 kind of, wow, there's a basement to that. So, thank
19 you.

20 MR. KENEMUTH: Yeah, we were given that idea
21 by Historic as well. There's a veterinary clinic
22 that's doing the same thing, they're putting dogs
23 underneath their parking pad. So, we got that idea
24 from Historic. So, thank you, Historic for giving us
25 to it.

1 Okay. So, the next one is Exhibit 11. I'm
2 actually going to use Exhibit 11, 26, 28, and 37 as
3 one. We have 35 letters of support from neighbors as
4 part of those exhibits. All but two of those have
5 provided concurrence on a height exceeding 20 feet, a
6 lot occupancy between 60 and 70 percent, and the raze
7 permit, all 33 of those neighbors have signed off on
8 those three elements. Again, we're not asking for
9 height, but neighbors have supported it. We have no
10 letters of opposition on this project. Okay.

11 And the Zoning Administrator's discussion,
12 Exhibit 33, I'm going to skip to the use section, page
13 2, the bottom of page 2. And I just want to go on
14 record for this one. We are asking for special
15 exception for this code, 301.1 E. We have been
16 working with Office of Planning and have been very
17 cooperative. I just want to go on record that says,
18 we are compliant with this code.

19 The way this code is written, we are compliant
20 with it, even though we're asking for a special
21 exception. We are not located within the required
22 rear setback.

23 So, the way this code is written, we are
24 complaint. We don't need a special exception. But
25 it's our understanding from talking to the Zoning

1 Administrator and the Office of Planning, that this
2 was a typo in the code, and that as a risk mitigator,
3 we should pursue a special exception because we're
4 putting a kitchen into our unit. So, if you read the
5 code it says, "And located within a required setback."

6 We are not located with the required setback, so this
7 shouldn't apply. But we are pursuing the special
8 exception.

9 CHAIRPERSON HILL: Okay. Mr. Kenemuth, I gave
10 you 10 minutes originally. You're out of your 10
11 minutes.

12 MR. KENEMUTH: I'm sorry.

13 CHAIRPERSON HILL: That's all right. I don't,
14 again, have a lot of -- I think you're doing a very
15 good job by the way. I don't have a lot of specifics
16 at this point, but I mean, do you have anything
17 further you'd like to speak of in wrapping up before I
18 turn to the Office of Planning?

19 MR. KENEMUTH: Yes. So, I'll end with the
20 fact that we have no opposition from DOT, Office of
21 Planning, or 6B, and that we hope that you support our
22 special exception.

23 CHAIRPERSON HILL: Okay. Great. Thank you.

24 MR. KENEMUTH: Thank you.

25 CHAIRPERSON HILL: Does anybody have any

1 questions for the applicant at this point?

2 MR. SHAPIRO: And, Mr. Kenemuth, I also concur
3 with the Chairman. That was a very good presentation.
4 I mean, I'm like, I'm just trying to figure out,
5 gosh, do you actually do this as a job or not. But,
6 you don't have to answer, just --

7 MR. KENEMUTH: I just want my project
8 approved.

9 MR. SHAPIRO: And I think that being very
10 thorough is very helpful for us because then we kind
11 of -- you know, you step through all of this so I
12 think it's very helpful.

13 Just one quick question. You said that you
14 had gone to the -- what's the Historic Preservation
15 Group?

16 MR. KENEMUTH: HPRB?

17 MR. SHAPIRO: No, no.

18 MR. MAY: Capitol Hill Restoration Society.

19 MR. SHAPIRO: Thank you. Capitol Hill. Do
20 you have a letter from them? Did I miss that in this,
21 or is that -- did they not submit anything with --
22 it's okay if they didn't, I just want to make sure I'm
23 not missing it. That's all.

24 MR. KENEMUTH: Yeah, I don't think it's in the
25 case file, but yes, they have a letter. I can add it

1 to the case of you'd like. It is in support.

2 MR. SHAPIRO: I mean, you've stated it and I
3 just was curious as to --

4 MR. KENEMUTH: Yes.

5 MR. SHAPIRO: -- if they had. Thank you.

6 MR. KENEMUTH: Sorry I missed that.

7 CHAIRPERSON HILL: Yeah, Mr. Kenemuth, you're
8 not an attorney are you?

9 MR. KENEMUTH: No, sir. Engineer.

10 CHAIRPERSON HILL: Oh, Engineer. Oh, that at
11 least makes sense now, right. I'm like, okay. All
12 right. Engineer. I got that part. All right. You
13 are definitely an engineer.

14 May I turn to the Office of Planning, please?

15 MS. THOMAS: Okay. Good morning, Mr. Chair,
16 Karen Thomas with the Office of Planning and we do
17 concur with his testimony. He was very thorough with
18 us, and forthcoming, and we appreciated that, and we
19 stand on the record of our report as presented here
20 today.

21 CHAIRPERSON HILL: Okay.

22 MS. THOMAS: I'd be happy --

23 CHAIRPERSON HILL: All right. Great. Thank
24 you.

25 MS. THOMAS: Thank you.

1 CHAIRPERSON HILL: Does anyone have any
2 questions for the Office of Planning?

3 MS. WHITE: I don't.

4 CHAIRPERSON HILL: Okay. All right. Do you
5 have any comments or questions for the Office of
6 Planning?

7 [No audible response.]

8 CHAIRPERSON HILL: Okay. I'm going to turn to
9 the audience. Is there anyone here from the ANC? Is
10 there anyone here wishing to speak in support? Is
11 there anyone here wishing to speak in opposition?

12 All right, there you go. Is there anything
13 else you'd like to say in conclusion before we get to
14 whatever we're going to do?

15 MR. KENEMUTH: I'm good. Thank you.

16 CHAIRPERSON HILL: Okay, great. Then I'm
17 going to go ahead and close the hearing. Is the Board
18 ready to deliberate? Oh, sure. Go ahead. Sorry.

19 MR. SHAPIRO: Mr. Chairman, since you've been
20 speaking all morning -- no, I mean, you've been taking
21 the lead, which is what you --

22 CHAIRPERSON HILL: I don't have any problem
23 (speaking off mic).

24 MR. SHAPIRO: I heard some laughing down at
25 the other end so I wanted to clarify that.

1 I wanted to just reiterate that we appreciate
2 Mr. Kenemuth coming in and giving such a thorough
3 presentation, and the Office of Planning, I think I --
4 I feel that after hearing a presentation, after
5 reading the Office of Planning's report on this, and
6 going through the rest of the record, I believe that
7 you've met the criteria for the special exception
8 relief that you're requesting and I would like to make
9 a motion to approve Application 19499 of Brad and
10 Rebecca Kenemuth, and as it was ready by the
11 secretary.

12 MS. WHITE: I will make a strong second.

13 CHAIRPERSON HILL: Motion has been made and
14 seconded. All those in favor.

15 MR. MAY: Hold on. You didn't ask for -- I
16 didn't get a chance to talk.

17 CHAIRPERSON HILL: Please, I am sorry. We
18 didn't mean to cut you off there, Commissioner.
19 Please, go ahead.

20 MR. MAY: No, I would complement the use of
21 materials on this. No, no, no. I, no, I think this
22 is a fine project and it's well thought out and it's
23 the right thing to do, and I appreciate the fact that
24 you're doing this. I happen to be familiar with the
25 house. I knew one of the former owners and spent much

1 time there over the years, and it's a very interesting
2 house. You have a deep lot and I think it's great
3 that you're making use of that carriage house space
4 that's, you know, just totally appropriate for the
5 context, and that you're not kind of overdoing it with
6 lots of other stuff. So, hopefully that will stay the
7 case. I mean, that's that you won't, you know, start
8 glomming on a lot to the back of the house or anything
9 like that. But, I think this is a pretty smart
10 addition. So, I like it.

11 MR. KENEMUTH: Thank you very much.

12 CHAIRPERSON HILL: And, yeah, we had a light
13 day today, so this is why I guess we're all so, you
14 know, it's a light day. So, you know. But yes, you
15 did a very good presentation actually, I must admit,
16 and it was thorough. And I learned what a cargo bike
17 is.

18 And so, the motion has been made and seconded.

19 [Vote taken.]

20 CHAIRPERSON HILL: The motion passes, Mr. Moy.

21 MR. MOY: Staff would record the vote as four,
22 to zero, to one. This is on the motion of Vice Chair
23 Hart for the relief requested as shown on revised
24 plans under Exhibit 36. Seconding the motion, Ms.
25 White. Also in support, Mr. Peter May, Chairman Hill,

1 we have a board seat vacant. The motion carries.

2 CHAIRPERSON HILL: All right. Thank you. WE
3 can do a summary order.

4 MR. MOY: Yes, sir.

5 CHAIRPERSON HILL: And we're going to take a
6 quick break after this. Or I should say, before our
7 last case. Thank you.

8 [Off the record from 10:31 a.m. to 10:39 a.m.]

9 CHAIRPERSON HILL: All right, Mr. Moy,
10 whenever you'd like.

11 MR. MOY: Thank you, Mr. Chair. Okay, I see
12 the parties are to the table to Case Application No.
13 19500 of Middle East Institute, as captioned and
14 advertised for a special exceptions from the off-
15 street parking requirements, Subtitle C, Section
16 701.5; long-term bicycle parking space requirements,
17 Subtitle C, Section 802.3. This would construct a
18 rear addition to an existing three-story building, MU-
19 15, at premises 1761 through 1763 N Street Northwest,
20 Square 158, Lot 70. Preliminary matter before the
21 Board is the applicant is requesting to waive the 21-
22 day submission deadline to submit responses to OP,
23 DDOT reports understand Exhibits 39 and 40. And
24 that's it for me, Mr. Chair.

25 CHAIRPERSON HILL: Okay, great. Thank you,

1 Mr. Moy.

2 As far as the waiving the time requirements,
3 in this particular case I don't have an issue because
4 they are supplying information, or the applicant is
5 supply information that DDOT was looking for. So,
6 unless there's a problem I'm going to waive the time
7 limit.

8 Okay. All right. So, Mr. Moy, we're going to
9 go ahead and do that.

10 That being the case, then could you please
11 introduce yourselves from my right to left?

12 MS. BASTRESS: Good morning. My name is Susan
13 Bastress. I act as general counsel to the Middle East
14 Institute.

15 MS. HOTTEL-COX: Megan Hottel-Cox with
16 Goulston and Storrs.

17 MR. SAMALA: Paul Samala with Gensler
18 Architect.

19 MR. VANPELT: Dan VanPelt with Gorove Slade
20 Associates.

21 CHAIRPERSON HILL: I'm sorry, sir, how did you
22 say your name again?

23 MR. SAMALA: Samala.

24 CHAIRPERSON HOOD: Okay, great. All right.
25 Ms. Hottel-cox, I guess I'm going to go ahead and give

1 you I guess 10 minutes for your presentation. I don't
2 have any specific questions in terms of what I'd like
3 to hear from for your presentation. I guess,
4 obviously I'd like to hear about what it is you're
5 trying to do, as well as how you're meeting the
6 standards for the relief to be requested.

7 Does the Board have any other specifics they'd
8 like to hear from?

9 MR. MAY: Yeah, I'm interested to know more
10 about the HPRB review, because I saw only the
11 indication of the concept review and I'm wondering
12 what's happened since then.

13 CHAIRPERSON HILL: Okay. So, Ms. Hottel-Cox,
14 I guess if you can like, you know, during your
15 presentation, speak to those different items. And you
16 can start whenever you'd like.

17 MS. HOTTEL-COX: Thank you. Good morning.
18 Again, my name is Megan Hottel-Cox, and I'm an
19 attorney with Goulston and Storrs representing the
20 property owner. With me is Paul Samala with Gensler,
21 the project architect, Dan VanPelt with Gorove Slade,
22 the transportation consultant, and Susan Bastress with
23 the applicant, the Middle East Institute.

24 We are here this morning requesting special
25 exception relief to construct an addition to the

1 property in the 1700 block of N Street Northwest.

2 The subject of this application is an existing
3 contributing building in the DuPont Circle Historic
4 District. That project provides a much-needed
5 addition to create additional office and programmatic
6 space for the Institute's mission.

7 We're seeking special exception relief from
8 both the vehicular parking and long-term bicycle
9 parking requirements. The project will not
10 significantly increase the staff, events, or visitors
11 to the property, but it will provide much needed space
12 to better accommodate the existing staff and events.

13 As a note, the Historic Preservation Review
14 Board has already reviewed and approved the project.

15 First, the applicant is requesting special
16 exception relief from the vehicular parking
17 requirement. The addition would trigger a nine-space
18 parking requirement under the zoning regulations.
19 There is one existing parking space at the property,
20 and that space is going to remain.

21 However, due to existing site constraints,
22 particularly limited alley access, it's not feasible
23 to provide any additional parking spaces at the
24 property. The property is located in a prime transit
25 location, and thus, the parking relief will not

1 adversely impact the community. the site is located
2 within a short walk of the DuPont Circle Metro rail
3 station, as well as numerous bus lines. It's also a
4 prime walking and cycling location for staff and
5 visitors.

6 Finally, for employees and visitors who do
7 choose to drive, there are numerous public parking
8 garages within a short walk of the property.

9 Additionally, we are requesting relief from
10 the strict requirements for long-term bicycle parking
11 spaces. The addition would require two long-term
12 bicycle parking spaces to be located on the first
13 floor of the building. However, given the core of the
14 building and the much-needed programmatic space, MEI
15 is unable to locate the spaces within the building.
16 But based on conversations with DDOT, the applicant is
17 instead providing four long-term bicycle parking
18 spaces. So, double the required amount in an arcade
19 at the rear of the building. And those spaces will be
20 covered and secure with easy access for staff. As I
21 note, the applicant is not requesting relief from the
22 short-term bicycle parking spaces.

23 Before I turn this over to our witnesses, I am
24 happy to report that we are here today with the
25 support of the Office of Planning and the Department

1 of Transportation. As discussed in the May 25th
2 filing, the applicant has modified the transportation
3 demand management plan to address DDOT's concerns
4 regarding the project and has agreed with OP's
5 condition to provide those long-term bicycle parking
6 spaces I was mentioning as shown on the plans.

7 Additionally, the ANC has submitted a
8 resolution into the record showing unanimous support
9 for the project, and the requested relief. There are
10 also letters in the record from the immediate
11 neighbors, indicating they have no objections to the
12 project.

13 As I mentioned, we have three witnesses today.
14 Susan Bastress with the applicant, Paul Samala, who
15 we are offering as an expert in architecture, and Dan
16 VanPelt, who we are offering as an expert in
17 transportation engineering. Their resumes were
18 submitted without prehearing statement.

19 CHAIRPERSON HILL: Mr. Moy, I think you
20 discussed this during our call, but are they already
21 in the book?

22 MR. MOY: Mr. VanPelt is. He's a regular to
23 the BZA.

24 CHAIRPERSON HILL: Yeah.

25 MR. MOY: And --

1 CHAIRPERSON HILL: I'm sorry.

2 MR. MOY: He's the only one.

3 CHAIRPERSON HILL: Right. Okay. And then,
4 Mr. Samala.

5 MR. SAMALA: Yes, that's correct.

6 CHAIRPERSON HILL: I mean, we did take a look
7 at your experience, thank you, resume. I was
8 struggling for the word. And so, I don't particularly
9 have any questions. Does the Board have any questions
10 in adding Mr. Samala?

11 Mr. Samala, normally I ask for a little bit of
12 a description of your services for the record, but I'm
13 okay today.

14 MR. SAMALA: Okay.

15 CHAIRPERSON HILL: But so, unless anyone has
16 any questions.

17 All right. Then we'll go ahead and admit you
18 as an expert witness, and now you're going to be in
19 the book, and so we don't have to do that again.

20 All right. So please, go ahead, Ms. Hottel-
21 cox.

22 MS. HOTTEL-COX: Thank you. So, with that,
23 I'll turn it over to Ms. Bastress to walk through some
24 of the history of the institute as well as the needs
25 for the addition.

1 MS. BASTRESS: Sorry. I'd like to be brief
2 and be responsive to any questions you may have. The
3 Middle East Institute is the oldest thinktank solely
4 focused on the Middle East in the United States. It's
5 been based in this historic building on N Street since
6 1946. It's owned it the entire time. The building
7 itself was built in 1856. It was simply time, after
8 70 years, to upgrade this building. The only code it
9 really complied with is the historic code. And so, it
10 was simply time.

11 And the project includes an expansion of space
12 to accommodate a new conference center and an art
13 gallery, in addition to modernizing and upgrading the
14 classrooms where the language classes are taught, and
15 where public speaking events are convened.

16 I wanted to mention that the Middle East
17 Institute has 30 full-time employees. They were in
18 the old building. They're currently residing and
19 working from temporary premises located right around
20 the corner on 18th Street. That space, the temporary
21 space, is approximate the same space size as the new
22 space will be when we move back into it.

23 The current transportation methods are the
24 same in our temporary space as they were in our old
25 space, and will continue to be when we move back into

1 our newly renovated space. And those transportation
2 methods are roughly, of our 30 employees, 25 percent
3 of them drive. I'm one of them. I drive in from the
4 Eastern Shore every day, and I park in the adjacent
5 parking lot, underneath the Palladium Condos, which
6 are right next door, as do the other people who drive.

7 The balance of folks who work at the Middle
8 East Institute either by cycle, walk, or use public
9 transportation. The guests to come for events at the
10 lunch hour, we have an awful lot of public speaking
11 events, and we have educational classes in the
12 evening. None of those people drive. They all arrive
13 by public transportation or bicycle or walk.

14 But I'm here today, to answer any questions
15 that any of you may have. And thank you for your
16 consideration.

17 MS. HOTTEL-COX: And with that, we'll turn it
18 over to the architect to walk through some of the site
19 plan, as well as the historic preservation process.

20 MR. SAMALA: Sure. So, the Middle East
21 Institute has essentially two what was historically
22 residential townhouses adjacent to each other. And
23 what we focused on, at least during the HPRB process,
24 was we call it five levels existing. The first level
25 being one that is subgrade, so it's actually four

1 stories above the grade.

2 And the emphasis there was on the N Street
3 side, if you can see the middle picture was that the
4 building out of that fourth story, what we call level
5 five, was to minimum its impact visually from the
6 street. So, the concession that was made was, rather,
7 we had pushed the footprint back towards the alley
8 side so that there used to be a balcony, we got rid of
9 the balcony, and that way the minimal impact was felt.

10 So, along with the cladding of materials,
11 using like materials for what you see on N Street,
12 this little sliver of gray is what we were able to --
13 which is slate, is what we were able to come to an
14 agreement on with regards to the visual impact. So,
15 the focus was on the N Street side.

16 What you can see in plan here, in the red
17 dashed line, is that there are certain challenges on
18 the alley side of the property with regards to access.

19 There's a pinch point here, which is created by what
20 was a carriage house, but it's being used as a
21 library, and so that the only parking is really
22 adjacent to it, and it constricts further, the gateway
23 into the rear yard.

24 So, if we were to go to what is the planned
25 buildout, what you see in this hatched area here is

1 the alleyway.

2 CHAIRPERSON HILL: Excuse me. I'm sorry.
3 Could you use a pointer? Mr. Moy, is there a pointer?

4 MR. SAMALA: Oh, yeah.

5 CHAIRPERSON HILL: Just so you can --

6 MR. SAMALA: Sure.

7 CHAIRPERSON HILL: -- either point at the
8 screen or use your cursor, whichever works for you.

9 MR. HART: And you need to be near the mic
10 too.

11 CHAIRPERSON HILL: And you need to be hear the
12 microphone. Or Mr. Moy is going to give you --

13 MR. SAMALA: Okay. All right. Perfect. So,
14 this being the N Street side of the project, and this
15 hatched area being the public alley to the rear, what
16 we have here is the existing structure, which is the
17 carriage house and library, and then the courtyard.

18 The buildout of the project, you can see the
19 rear ends right there. And so, this is the open
20 courtyard area secured by a fence. So, this adjacent
21 area here, next to the library, is the existing
22 parking stall and the only stall that will remain.
23 You can see the property line basically cuts that area
24 in half.

25 So, the difficulty comes in with the addition

1 of any potential additional parking, is that you're
2 already constrained with about 10 feet to get in here.

3 And if you were to go into the courtyard area, the
4 maneuvering would be extreme to say the least, and
5 also you'd be impacting the use of that as an outdoor
6 space.

7 So, that's what kept us constrained to keeping
8 that one parking stall. I'll show you a rendering of
9 the rear, which might make this more clear. But the
10 rear façade, which is part of the addition, has an
11 arcade, which is covered with a glass canopy and that
12 is where the locations for the four total long-term
13 bike stalls would be, would be proposed.

14 So, let me just take you through the -- so,
15 looking here is, if we were a bird in the alley side,
16 so, looking at the rear addition, you can see that the
17 arcade area projects into the courtyard space and has
18 a glass canopy throughout. And in these corners here
19 is where we would tuck in. It's two stalls on each
20 side for the long-term parking. If this view were
21 extended further this way, you would then see that
22 library structure here and what is essentially the
23 employee entry into the rear of the building.

24 MR. HART: Mr. Samala.

25 MR. SAMALA: Yes.

1 MR. HART: Just making sure that we are kind
2 of on the same page with all this, the image that you
3 have on the left-hand side, is what you are proposing.

4 MR. SAMALA: Correct. Yes. Yes.

5 MR. HART: Okay. And so it kind of threw me
6 off because you said the -- the image on the right
7 says, "Example of long-term bicycle rack." I was
8 thinking that it was actually -- I wasn't actually
9 sure that was the building you were proposing or if
10 that was some other, I don't know, some other site
11 than saying, this is what --

12 MR. SAMALA: Oh, no, that was meant to --
13 since we couldn't really get a view, the space is
14 tight in there, to show what type of rack we would use
15 within the proposed arcade. So, you would essentially
16 have those two kind of upside down u-shaped racks that
17 the bikes would go into. Again, they're tucked into
18 underneath that arcade area.

19 So, as you can see here, in this section,
20 again this would be the N Street side here, and this
21 would be the courtyard and alley side. It's this
22 arcade area here, where the bikes would go into.

23 Here, you see all the levels from our subgrade
24 level, which we call level one, all the way up to the
25 fourth floor, which is level five for us.

1 MR. HART: And how do they -- they're only --
2 the bicycles were accessing this by the alley as well,
3 did you say?

4 MR. SAMALA: Correct. That would be the way
5 to go through it because, see if you've got a public
6 alley coming down here, and then here you have a gate
7 which allows you into that back area, so you could go
8 through the gate and just stow your bike here, and
9 then enter the building through the back side for the
10 -- that's for the long-term.

11 On the N Street side is obviously the short-
12 term racks that are a more unrestricted use for
13 whoever may, whoever in the neighborhood may be using
14 them.

15 Let's see, what else? Okay, and this is more
16 section, so you see that. You see that canopy.

17 MS. HOTTEL-COX: With that, we'll turn it over
18 to Dan Van-Pelt to walk briefly through the TDM
19 measures that were agreed to with DDOT.

20 MR. VANPELT: Good morning. Dan VanPelt with
21 Gorove Slade. I think most of the transportation has
22 really been covered by the other members of the team
23 here at the table, so I'll talk just a little bit
24 about the transportation demand management plan. The
25 bike parking is a big component of that. We met early

1 with DDOT and to talk about the kind of the
2 constraints of the site, how we were going to
3 accommodate the long-term bike spaces, exceeding what
4 would be the zoning requirement, but we're meeting the
5 spirit and the intent of it by having these be covered
6 under the arcade as just described by Paul. And then
7 secure because they're behind the gate, so we're
8 really trying to exceed the intent of the zoning
9 requirement by providing four long-term spaces in that
10 way.

11 The TDM plan, they currently don't have one in
12 place today, so this is a new thing for Middle East
13 Institute. The components of here are shown on the
14 slide. After DDOT reviewed this, one of the things
15 they did ask for us was to add in the Capital
16 Bikeshare memberships for all the employees for three
17 years, and we have agreed to do that, and there is a
18 supplemental filing that shows the revised TDM plan.
19 So, with that, I'd be happy to answer any of your
20 questions.

21 CHAIRPERSON HILL: Okay. Does the Board have
22 any questions for the applicant? Okay. Before you
23 ask your question, now if that's all right, I just
24 wanted to clarify even with the OAG, there was -- you
25 had mentioned like some comment about 701.5 and 802.3.

1 if you could elaborate that for me, please?

2 MR. COHEN: I think the applicant has probably
3 clarified the relief that it's requesting today, so
4 we're good to go.

5 CHAIRPERSON HILL: Excuse me. Okay, great.
6 Thank you.

7 And then, as far as now as that DDOT and the
8 Office of Planning, their conditions have already been
9 met now, so I don't need to -- we don't need to add
10 them to the condition.

11 So, Mr. Commissioner May, you had a question
12 or two?

13 MR. MAY: Or two. So, you mentioned the
14 Historic Preservation approval, but what I saw in the
15 records was the concept approval by the Board, and
16 then a delegation to staff. I didn't see anything
17 indicating there was a final approval from staff. Has
18 it been finely approved by staff?

19 MR. SAMALA: Yes, we've been working with Kim
20 Elliott to get the final approval. I don't know
21 there's, to be honest, that there's a letter of
22 something. Or if they needed to further document
23 that. But as far as we know right now there's nothing
24 left outstanding.

25 MR. MAY: Okay. So, there was a condition in

1 the concept approval indicating that the stair and
2 elevator tower should be moved out of the historic
3 portion of the building and into the addition, and
4 according to your plans, that has not been done.

5 MR. SAMALA: Correct. Yeah.

6 MR. MAY: So, how did that get resolved,
7 because that seemed like a pretty clear condition of
8 the concept approval? Did the staff overrule the
9 Board?

10 MR. SAMALA: Yeah, so in working with Kim
11 Elliott it seemed that they were weighing the impact
12 of the addition on the N Street side as being more
13 important than the plan impact of moving the vertical
14 circulation. We worked with them to decrease the
15 amount of historic fabric, which is being taken out
16 because of the vertical circulation. But in further
17 discussion there's just discussion about the
18 specificity of where it could land, or is existing
19 because it's basically where the vertical circulation
20 already is, and they felt that that was an appropriate
21 place to place it, so long as it minimally impacted
22 the side of it, particularly from the N Street side.

23 MR. MAY: Okay. So, I mean, the concern I
24 would have is that we don't have documentation that it
25 is fully approved.

1 MR. SAMALA: Right.

2 MR. MAY: And if there's the potential that
3 there are further changes to the building that might
4 affect the relief that you need. So, this is -- I
5 mean, you know, sure, we can go ahead and approve it,
6 but if winds up changing something, then you'd have to
7 come back. So, I think that, you know, I mean, just
8 note this for further, or for future awareness, it's
9 best to get those things resolved when there are open
10 questions like that, that might affect the form of the
11 building.

12 MR. SAMALA: Yes.

13 MR. MAY: And document that. So, you know, it
14 would have been helpful to have some kind of report
15 from staff. I mean, I'll ask OP the same question.
16 Maybe they know what Historic Preservation staff has
17 actually done on this. But again, because there's --
18 you know, I saw the recommendation that came from
19 staff, and then I saw the that the Board took, and it
20 was pretty clear they wanted to move the elevator and
21 stair, or at least, you know, elevator and stair out
22 into the new construction.

23 So, you know, I heard the statement that you
24 couldn't accommodate the bike parking indoors because
25 that would require moving stuff around. It's not very

1 detailed and the Office of Planning noted that you
2 didn't actually submit a plan that showed that. So,
3 can you tell me something about the investigations
4 that you did?

5 MR. SAMALA: Yes.

6 MR. MAY: Because this is something, I mean,
7 this is a substantial requirement and it's not one
8 that I personally think should be waived with any
9 frequency because I, you know, understand very well
10 how important it is to have that --

11 MR. SAMALA: Right.

12 MR. MAY: -- bike parking.

13 MR. SAMALA: Yeah. So, the two levels which
14 would be most appropriate for -- or the most
15 accessible from the street entry, are level one and
16 level two of the project. Level one accommodates,
17 because the building was ultimately historically a
18 residential building, wasn't blessed with a lot of
19 core space, as it were, or building infrastructure.

20 So, on the level one portion, much of the
21 building is accommodating the infrastructure we've had
22 to put in, from pump rooms, electrical rooms, and the
23 like. The balance of which goes deeper into the
24 grading of the building, has to accommodate ramping.
25 And that is where, between ramping and the classrooms,

1 because this is the language center. There leaves
2 very little room, if any, for to accommodate this type
3 of storage.

4 Level one -- that's level on. Level two, is
5 the only other level of the building that one can
6 access without getting on to an elevator. So, you
7 essentially go up to front streets on the N Street
8 side.

9 The program, and this is really, you know, the
10 reason for being of this project, accommodates an art
11 gallery and a multi-purpose room. The art gallery,
12 which is going to be show piecing the fine art from
13 the Middle East, which is what you see. I hope I
14 don't move the slide. This front area here is such
15 that we wouldn't want the proximity of bicycles or
16 something that practical around those art pieces.

17 The multipurpose room here is really the
18 gathering space, and again the, you know, a large part
19 of the reason why we're doing this. And as much as
20 possible, that space has to be left aside for actual
21 assembly. So, people to stay and enjoy the
22 programming of the Middle East Institute.

23 Once we get beyond these two levels, we're
24 talking about office levels that need to be accessed
25 either by the egress stairs or by what is a fairly

1 humble elevator. So, it practically gets harder and
2 harder.

3 MR. MAY: Okay, so I'm going to cut you off
4 and just ask you a couple of specific questions.

5 MR. SAMALA: Yeah.

6 MR. MAY: So, way back here we have what I
7 presume is like a kitchen or something like that?

8 You don't need to point to it. I'm pointing
9 to it, but --

10 MR. SAMALA: Yeah, so that is the storage
11 for --

12 MR. MAY: Storage.

13 MR. SAMALA: -- the chairs and the IT
14 infrastructure to run. It's a room kind of like this.
15 It has a lot of AV racks and that type of thing.

16 MR. MAY: Right. So, those two rooms that
17 support this room, that just have the divider or
18 something?

19 MR. SAMALA: Yeah, the one that --

20 MR. MAY: Removable?

21 MR. SAMALA: That's a moveable divider,
22 correct.

23 MR. MAY: So, there really isn't any
24 opportunity to sort of push things around to dedicate
25 space in that corner that would be accessed off the --

1 directly off the patio?

2 MR. SAMALA: I mean, yes. The room is a room,
3 but I think practically speaking in the use of that
4 room, that will be one of the most used rooms in the
5 space, so if they were to have the programming, the
6 large meetings, and the level finishes there, I think
7 it would actually be not a place where if you were
8 going to go on your bike, you would want to go because
9 there's no egress.

10 MR. MAY: I'm not saying you'd go into that
11 room with your bike. Listen to what I'm saying. What
12 I'm saying is that there, if you could push things
13 around a little bit here, you could make a room right
14 in that corner that's accessible directly off the
15 patio. Did you look at that?

16 MR. SAMALA: We didn't because at this part of
17 the patio there's sort of competing interests. There
18 is, we have a large requirement for the green roof
19 area and basically the treatment of water. So, in
20 this back area here is basically, along with our green
21 roof, the major part where we're going to use our
22 landscaping to hold back the site drainage.

23 So, it's -- we frankly need that area to be
24 working for that, because there's not many areas.

25 MR. MAY: Well, you have a very large patio

1 too. I mean, you know, I can see it. I can sort of
2 understand it, except that it just doesn't look like
3 you tried very hard, is what it boils down to. And I
4 think that you're going to wind up with a situation
5 that nobody is going to really like, where those bike
6 racks are in, you know, that arcade space. I mean
7 you're, you know, looking at the rendering of this --

8 MR. SAMALA: Uh-huh.

9 MR. MAY: -- from over the alley. I mean, it
10 looks like a very fine, you know, outdoor space, and a
11 beautiful arcade area. And you're going to have a
12 couple of bikes just kind of jammed into the corners.

13 MR. SAMALA: Right.

14 MR. MAY: I don't think it's planned very
15 well, and I think in the long run people are going to
16 be unsatisfied with it. And when I say people, I
17 mean, you know, the people running the building.

18 Maybe the bike users will be perfectly happy with it.

19 But I just, you know, it just seems like it's an ad
20 hoc solution, it's a -- the rest of it is so
21 thoroughly thought out and this is just kind of thrown
22 in, and I don't think it's going to work very well in
23 the long run. I mean, I think I'm okay with approving
24 it. But --

25 MR. SAMALA: Okay.

1 MR. MAY: -- I think that, you know, again,
2 for the future, you could put a little more effort
3 into it. You could find a way to -- I mean, you only
4 had to park two bikes. It's not a big requirement.
5 To say that you're going to add an -- make an addition
6 of this size and not be able to accommodate two bikes
7 indoors just seems like not very thorough planning.

8 So, let me ask you this question about the
9 number of -- among the employees, you say a number of
10 them bicycle right now. Can you tell me how many?

11 MS. BASTRESS: One.

12 MR. MAY: One right now? Okay. Well, that
13 helps, but I expect that's going to change over time,
14 because it's changing everywhere else.

15 MS. BASTRESS: Uh-huh.

16 MR. MAY: All right. That's it for my
17 questions.

18 CHAIRPERSON HILL: Ms. Hottel-Cox, somebody
19 came to the table. Was there someone that wanted to
20 add something?

21 MS. RODDY: No, I'm sorry. I was just here
22 for assistance.

23 CHAIRPERSON HILL: Okay. All right. Great.
24 Okay. All right. Does the Board have any other
25 questions?

1 [No audible response.]

2 CHAIRPERSON HILL: Okay. I'm going to turn to
3 the Office of Planning.

4 MS. ELLIOTT: Good morning, Mr. Chairman,
5 members of the Board. I'm Brandice Elliott
6 representing the Office of Planning.

7 The original application that we actually saw
8 for this proposal was actually requesting relief for
9 providing no bicycle parking spaces. So, I believe
10 that once OP and DDOT and for the applicant, that they
11 could probably do better than that. That's when we
12 ended up with four. So, we're actually quite pleased
13 to have double the requirement.

14 Although they don't meet the, you know, the
15 specifications of the zoning regs in terms of where
16 they're located, we feel that the intent has been met
17 and that the applicant has demonstrated that there's
18 no adverse impact.

19 So, we are recommending approval of both areas
20 of relief, with the condition that we've noted in our
21 report, which the Board has also mentioned, that those
22 four bicycle parking spaces are provided under the
23 arcade where they're shown in the drawings.

24 In terms of the Historic Preservation update,
25 I'm afraid I don't have anything really to add to that

1 discussion. Generally, once HP has issued concept
2 approval, you know, it can go on for a while. So, I
3 don't really have an update as to where this is at the
4 staff level at the moment.

5 But if there are any other questions I'd be
6 happy to address them.

7 CHAIRPERSON HILL: Okay. Does the Board have
8 any questions for the Office of Planning?

9 MR. HART: Just one question.

10 CHAIRPERSON HILL: Sure.

11 MR. HART: In the ANC report, I know you're
12 not ANC, but they actually were looking for -- what
13 are the -- urge the applicant to consider provisioning
14 short-term bicycle parking spaces on their property
15 rather than in the public right of way. Does OP have
16 any -- do you have any concerns with the short-term
17 bicycle parking not being on their property?

18 MS. ELLIOTT: So, this is something that the
19 applicant would actually be working with DDOT
20 concerning. Short-term parking spaces do -- bicycle
21 parking spaces, do tend to be located in the public
22 space rather than on private space. So, I would just
23 defer to the conversations that the applicant has had
24 with DDOT in that regard.

25 MR. HART: Didn't mean to put you on the spot.

1 I know that it was DDOT. I just was wondering from a
2 District perspective, if you saw that as being an
3 issue. I only bring it up because it was raised in
4 the ANC report.

5 MS. ELLIOTT: Well, certainly we would have no
6 qualms with the applicant providing additional bicycle
7 parking spaces on their property if they went that
8 direction.

9 MR. HART: Thank you.

10 MS. WHITE: You said you would not have a
11 problem?

12 MS. ELLIOTT: No, we would have no concerns
13 with additional parking spaces.

14 CHAIRPERSON HILL: I did have one question. I
15 mean, it is -- it seems like, I mean, people come with
16 us with parking issues all the time and it seems as
17 though, you know, nine required, one provided. The
18 reason that the Office of Planning, and this is just
19 more for my clarification after reading and reporting
20 it, it's just, you don't think there's an adverse
21 impact for allowing that kind of relief. I mean, I
22 know that we've been here and people have been up in
23 arms was when less parking space -- you know, and so
24 this is eight less. And so, I was just kind of, just
25 curious to hear a little bit more if you could

1 elaborate that a little bit more for me.

2 MS. ELLIOTT: Sure. Well, in this case the
3 standard is for a special exception, and not for a
4 variance. And I think that that probably sets this
5 apart from other cases that we've seen. So, the
6 applicant doesn't have to demonstrate that there's an
7 unusual circumstance resulting in a practical
8 difficulty.

9 Although, I think that they would probably
10 have that argument in this case, and I think that we
11 alluded to that in our report. But the standard in
12 this case is special exception and they have to
13 demonstrate that there's no adverse impact.

14 They've provided a -- the applicant has
15 provided a transportation study that shows the various
16 options for parking in the neighborhood. There's
17 plenty of metered spaces, there are parking garages.
18 Not to mention the various modes of transportation in
19 the area. And so, we feel that all of these things in
20 combination do result in the request not having an
21 adverse impact.

22 CHAIRPERSON HILL: Okay, thank you. Does the
23 Board have anything else for the Office of Planning?

24 [No audible response.]

25 CHAIRPERSON HILL: All right. Does the

1 applicant have anything for the Office of Planning?

2 MS. HOTTEL-COX: No.

3 CHAIRPERSON HILL: Okay. All right. I'm
4 going to go ahead and turn to the audience. Is there
5 anyone here from the ANC? Is there anyone here
6 wishing to speak in support? Is there anyone here
7 wishing to speak in opposition?

8 [No audible response.]

9 CHAIRPERSON HILL: All right. So, I'm just
10 going to turn back to the applicant. Is there
11 anything else you'd like to add in conclusion?

12 MS. HOTTEL-COX: We could just touch on Mr.
13 Hart's point, asking about the conversations that
14 we've had with DDOT regarding the short-term bicycle
15 parking in public space.

16 MR. VANPELT: Yeah. Following up on the
17 request from the ANC to look at putting those short-
18 term spaces on the private property, I did discuss
19 that with DDOT, and DDOT as I would expect, said that
20 our preferences is for those short-term spaces to be
21 in public space while this project is making the
22 commitment to implement those short-term bike spaces.
23 They want them accessible to anyone who might want to
24 use them. So, the preference is -- DDOT's preference
25 is to have them in public space, and that will be --

1 the exact location will be worked out through the
2 public space permitting process.

3 MR. HART: Yeah, and I appreciate that. It
4 was really just making sure that we were -- the issue
5 was raised and I wanted to make sure there was some
6 finality to it. So --

7 MR. VANPELT: Understood.

8 MR. HART: -- thank you.

9 CHAIRPERSON HILL: Okay. Is it Ms. Bastress?

10 MS. BASTRESS: Yes.

11 CHAIRPERSON HILL: What's your title there
12 again?

13 MS. BASTRESS: General counsel.

14 CHAIRPERSON HILL: So, are you the head of the
15 whole group, kind of, sort of?

16 MS. BASTRESS: No.

17 CHAIRPERSON HILL: Oh, okay. So, you won't
18 get the parking space?

19 MS. BASTRESS: No.

20 CHAIRPERSON HILL: Okay. Just curious who's
21 going to get the parking.

22 MS. BASTRESS: The president gets the parking
23 space, sir.

24 CHAIRPERSON HILL: Oh, got you. Got you. All
25 right. Okay.

1 Does the Board have any other questions?

2 [No audible response.]

3 CHAIRPERSON HILL: All right. I'm going to
4 close the hearing. Is the Board ready to deliberate?

5 MS. WHITE: Yes.

6 CHAIRPERSON HILL: Okay. I can go ahead and
7 start the deliberation.

8 I thought that it was a thorough presentation.

9 I do think that the record is full. I do very much
10 appreciate the work that the institute -- is it
11 institute? Yeah, the institute does, and I wish you
12 all the best, and I after you know, the ANC is in
13 approval and they've gone through the process, I think
14 that the attorneys have also done a good job in terms
15 of working for the applicant, I don't really have any
16 issues with the application.

17 I did appreciate the discussion that
18 Commissioner May had brought up in terms of, you know,
19 the practicality of the bike parking. Although, I
20 guess the Office of Planning was happy that they went
21 from two four. But other than that, I didn't really
22 have much in terms of the application. Does anyone
23 have anything to add?

24 MS. WHITE: My addition to the conversation is
25 that very impressed with the work that you're doing

1 here at the Middle East Institute. The addition that
2 you have here, the rendering, is very impressive. I
3 look forward to seeing the complete project.

4 I was very sensitive to the parking issue.
5 I'm very familiar with the neighborhood. I'm also a
6 biker, you know, so very sensitive to having
7 sufficient spaces. And I think with the work that
8 you've done with DDOT and with the Office of Planning,
9 I'm satisfied you know, that you've met the criteria.
10 And as things change, as more people begin to ride
11 more bikes, perhaps there could be something put in
12 place to add to the number of bike parking spaces that
13 you've currently worked through with the Office of
14 Planning and DDOT. So, that's my comment.

15 CHAIRPERSON HILL: Anyone else? Commissioner?

16 MR. MAY: Yeah, so I'm willing to support the
17 application. I do think it is a bit lacking. I would
18 have preferred to have better documentation of the
19 Historic Preservation approval. But I also think that
20 the bike parking solution is adequate and acceptable.
21 It's just not very good. And I think in the long
22 run, that the Middle East Institute is going to wind
23 up looking at alternative locations for that bike
24 parking. I just don't think it's a really practical
25 solution.

1 I mean, I appreciate the fact that it's four
2 rather than two. That's a good thing. That's also
3 not uncommon, and I think that, you know, you'd be
4 better served by a little more work on the plan to try
5 to figure out a way to accommodate this in a more
6 seamless way into the site. But again, this is I
7 think acceptable, just not, I believe, very good.

8 CHAIRPERSON HILL: Okay. All right. Then,
9 I'll go ahead and make a motion to approve Application
10 No. 19500 as read by the secretary.

11 MS. WHITE: Second.

12 CHAIRPERSON HILL: Motion has been made and
13 seconded.

14 [Vote taken.]

15 MR. MOY: Just for clarification, sorry to
16 interrupt. Does that include the two conditions?

17 CHAIRPERSON HILL: Yeah, that's where I didn't
18 think --

19 MR. MOY: I just want to be sure.

20 CHAIRPERSON HILL: No, no, I appreciate that.
21 I didn't think we needed the two conditions now that
22 they've already been met.

23 MS. HOTTEL-COX: The applicant has agreed to
24 both of the conditions in the filings already.

25 CHAIRPERSON HILL: Okay. So, we will then --

1 and, thank you, Mr. Moy, for clarifying that for me as
2 I'm making the motion. That is with the conditions
3 then. We would include the conditions. So, again,
4 you know, approving Application No. 19500 as read and
5 with the conditions, the two conditions, one by the
6 Office of Planning and the other by DDOT.

7 CHAIRPERSON HILL: The motion has been made
8 and seconded.

9 [Vote taken.]

10 CHAIRPERSON HILL: The motion passes, Mr. Moy.

11 MR. MOY: Staff would record the vote as four,
12 to zero, to one. This is on the motion of Chairman
13 Hill for the relief requested, along with the two
14 conditions as shown under Exhibit 34A. Seconding the
15 motion was Ms. White. Also in support, Mr. Peter May,
16 Vice Chair Hart, we have a board seat vacant. Motion
17 carries.

18 CHAIRPERSON HILL: Thank you, Mr. Moy. Can we
19 get a summary order?

20 MR. MOY: Yes, sir.

21 CHAIRPERSON HILL: Thank you. Thank you, all.

22 MS. BASTRESS: We thank you.

23 CHAIRPERSON HILL: You're welcome.

24 All right. So, I still have one more thing to
25 do there. In accordance with Section 405(c) of the

1 Open Meetings Act, D.C. Official Code, Section
2 2575(c), I move that the Board of Zoning Adjustment
3 hold closed meetings on Monday, June 5th, June 12th,
4 June 19th, and June 26th. These meetings start at
5 3:00 p.m. and are held for the purpose of obtaining
6 legal advice from our counsel and deliberating upon,
7 but not voting on the cases scheduled to be publicly
8 heard or decided by the Board on the day after each
9 such -- or the Wednesday after each such closed
10 meeting. Those cases are identified on the Board's
11 public meeting and hearing agendas for June 7th, June
12 14th, June 21st, and June 28th. A closed meeting for
13 these purposes is permitted, again, by Section 405(b)
14 and -- 405(b)(4) and 405(b)(13) of the act.

15 Is there a second?

16 MR. HART: Seconded.

17 CHAIRPERSON HILL: Motion has been made and
18 seconded. Will the secretary please take a roll call
19 vote on this motion?

20 MR. MOY: When I call a member's name, if you
21 would reply with a yes or a no?

22 [Roll call vote taken.]

23 MR. MOY: The motion carries, sir.

24 CHAIRPERSON HILL: Thank you. I request that
25 the Office of Zoning provide notices of these closed

1 meetings in accordance with the act.

2 Mr. Secretary, is there anything else before
3 the Board today?

4 MR. MOY: Not from the staff, sir.

5 CHAIRPERSON HILL: Thank you. Then we are
6 adjourned.

7 [Whereupon, at 11:20 a.m., the public hearing
8 was adjourned.]

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