

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

PUBLIC HEARING AND MEETING  
OF THE BOARD OF ZONING ADJUSTMENT

9:40 a.m. to 12:39 p.m.

Wednesday, June 21, 2017

441 4th Street, N.W.

Jerrily R. Kress Memorial Room

Second Floor Hearing Room, Suite 220-South  
Washington, D.C. 20001

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2 FREDERICK HILL, Chairperson

3 CARLTON HART, Vice Chairperson

4 PETER MAY, Zoning Commission

5 CLIFFORD MOY, BZA Secretary

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1	C O N T E N T S	
2		
3		PAGE
4		
5	Introductory Remarks	4
6		
7	A.M. Session	
8	19485	9
9	19439	10
10	19507	11
11	19515	33
12	19512	41
13	19511	94
14	19513	136
15		
16	Conclusion of Meeting	141
17		
18		
19		
20		
21		
22		
23		
24		
25		

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

2 CHAIRPERSON HILL: This is the June 21st  
3 public hearing of the Board of Zoning Adjustment of  
4 the District of Columbia.

5 My name is Fred Hill, Chairperson. Joining me  
6 today is Carlton Hart, Vice Chair. And representing  
7 the Zoning Commission is Peter May.

8 Copies of today's hearing agenda are available  
9 to you and are located on the wall bin near the door.  
10 Please be advised that this proceeding is being  
11 recorded by a court reporter and is also webcast live.  
12 Accordingly, we must ask you to refrain from any  
13 disruptive noises or actions in the hearing room.  
14 When presenting information to the Board, please turn  
15 on and speak into the microphone, first stating your  
16 name and home address. When you're finished speaking,  
17 please turn your microphone off so that your  
18 microphone is no longer picking up sound or background  
19 noise.

20 All persons planning to testify either in  
21 favor or in opposition must have raised their hand and  
22 been sworn in by the secretary. Also, each witness  
23 must fill out two witness cards. These cards are  
24 located on the table near the door and on the witness  
25 table. Upon coming forward to speak to the Board,

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1 please give both cards to the reporter sitting to the  
2 table to my right. If you wish to file written  
3 testimony or additional supporting documents today,  
4 please submit one original and 12 copies to the  
5 secretary for distribution. If you do not have the  
6 requisite number of copies, you can reproduce copies  
7 on an office printed in the Office of Zoning located  
8 across the hall.

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

18           After the record is closed, no other  
19 information shall be accepted by the Board. The  
20 District of Columbia Administrative Procedures Act  
21 requires that the public hearing on each case be held  
22 in the open before the public, pursuant to Section  
23 405(b) and 406 of that act.

24           The board may, consistent with its rules of  
25 procedures, and the act, enter into a closed meeting

1 on a case for purposes of seeking legal counsel on a  
2 case, pursuant to D.C. Official Code Section 2-  
3 575(b)(4), and/or deliberating on a case pursuant to  
4 D.C. Official Code Section 2-575(b)(13), but only  
5 after providing the necessary public notice. And in  
6 the case of an emergency closed meeting after taking a  
7 roll call vote.

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

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

23           Mr. Secretary, do we have any preliminary  
24 matters?

25           MR. MOY: Yes, sir. Good morning, Mr.

1 Chairman, Members of the Board. For the record, as to  
2 today's docket, and we do have preliminary matter on  
3 the docket for next week, June 28th, but I'll come to  
4 that in a moment.

5 For today's docket, we have two cases that  
6 have been postponed and rescheduled at the request of  
7 the applicant. Both of these have been rescheduled to  
8 July 19th, 2017. The cases are Appeals 19410 of ANC  
9 6C, 19412 of ANC 6A, and Appeal 19505 of 57th Street,  
10 Mews, Inc.

11 There are two cases scheduled for today that  
12 have been withdrawn by the applicant, Application No.  
13 19440 of 311 P Street, LLC, and 19486, 19486 of 1500  
14 17th Street, LLC.

15 There are two other items for today's docket,  
16 but I'd like to skip these two and come back to it to  
17 deal with this case application for next Wednesday,  
18 Mr. Chair, June 28th docket. We have, from the  
19 applicant, a request to waive the 40-day notice  
20 requirement, which is under Exhibit 36. That document  
21 is dated June 12th. It goes to Application No. 19514  
22 of Hector Burgose, and I think I'll leave it at that  
23 unless you want me to go into more details about that  
24 application's request to waive the 40-day notice.

25 CHAIRPERSON HILL: No, that's okay, Mr. Moy.

1 Thank you. So, as far as the 40-day notice  
2 requirement that was -- that's for case 19514, under  
3 Exhibit 36, I guess if the Board is ready to  
4 deliberate this request, the ZA memo had originally  
5 identified it as a special exception relief, and later  
6 clarified that it should be area variance relief. And  
7 the information that the applicant had provided to the  
8 ANC, as well as all the other parties, is the same  
9 information. It's just that the standard has now  
10 changed, so I would be in line with waiving the 40-day  
11 notice requirement in order to keep it on the docket  
12 so that this doesn't get pushed into September after  
13 our recess. Does anyone have any comments?

14 Okay. So then, Mr. Moy, we're going to go  
15 ahead and waive the 40-day notice requirement.

16 MR. MOY: Thank you, Mr. Chairman. And  
17 finally, the two cases that I previously mentioned  
18 goes to the appeal of 1945 of Cambridge Road  
19 Preservation Committee. That's the appeal. And the  
20 other is to 19439 of 311 P Street, LLC, which is a  
21 request to postpone and continue for a good cause. We  
22 can come back to these when we call -- when we open  
23 the hearing session, or you can deal with it now.  
24 It's your choice, Mr. Chair.

25 CHAIRPERSON HILL: Why don't you just -- let's



1 go ahead and swear everybody in and then you can just  
2 call the cases, and then we'll go ahead and deal with  
3 those preliminary issues. So, if anyone wants to  
4 stand, or if they plan on testifying in support of  
5 opposition, if you could just stand and take the oath?  
6 Thank you.

7 MR. MOY: Good morning.

8 [Oath administered to the participants.]

9 MR. MOY: Ladies and gentlemen, you may  
10 consider yourselves under oath.

11 Okay. So, Mr. Chair, with that, then, we have  
12 attended to Appeal No. 19485 of Chain Bridge Road  
13 Preservation Committee, and your case folders, a  
14 filing from the appellant dated, Tuesday, June 14th,  
15 where they filed a joint stipulation of dismissal with  
16 prejudice under Exhibit 22.

17 CHAIRPERSON HILL: Thank you, Mr. Moy. So, as  
18 the Board is aware, this appeal 19485, both the  
19 appellant and the applicant have filed a joint  
20 stipulation of dismissal with prejudice under Exhibit  
21 22. And I would be in favor of just consensus with  
22 the Board, dismissing the appeal. Does the Board have  
23 any comments?

24 MS. GLAZER: Mr. Chair, I would interpret the  
25 stipulation as a request to dismiss, that's true.

1 But, to dismiss with prejudice.

2 CHAIRPERSON HILL: I'm sorry, I thought that's  
3 what I said, but yes, dismiss with prejudice.

4 So, Mr. Moy, we're going to go ahead and do  
5 that. Thank you, Ms. Glazer.

6 MR. MOY: Yes, sir. So, back to, or rather to  
7 Case Application 19439 of 311 P Street, LLC, as you  
8 know, the applicant filed a request to postpone and  
9 continue to next week, Wednesday, June 28th. And that  
10 is -- that document is under Exhibit 52.

11 CHAIRPERSON HILL: Okay. So, again, if the  
12 Board has any comments on this, I mean, I did review  
13 the request to postpone due to a family emergency that  
14 happened with the attorney for the case. And so, I  
15 would be in favor of also postponing this case until  
16 next week. Does the Board have any comments?

17 MS. GLAZER: Mr. Chair, the only -- sorry to  
18 interrupt.

19 CHAIRPERSON HILL: Sure.

20 MS. GLAZER: The only thing I wanted to point  
21 out is, there is an ANC involved in this case and I  
22 think they have submitted something in opposition.  
23 And I know the applicant has been revised, but I just  
24 wondered if the Board had any information from the  
25 ANC.

1 CHAIRPERSON HILL: Okay. Is the ANC here by  
2 any chance?

3 [No audible response.]

4 CHAIRPERSON HILL: Okay. So, is the ANC here  
5 that was in opposition to Case 19439?

6 [No audible response.]

7 CHAIRPERSON HILL: All right. So, then we  
8 will go ahead and if it's all right with the Board,  
9 and the Board has any objection, go ahead and postpone  
10 this to next week. Okay. Mr. Moy, we're going to go  
11 ahead and do that?

12 MR. MOY: Yeah, we'll do that and as well, the  
13 staff will contact the ANC out of an abundance of  
14 caution to relay that the Board had continued to next  
15 week.

16 CHAIRPERSON HILL: Okay, great. Thank you.  
17 Give me just one minute to get organized, Mr. Moy.

18 All right, Mr. Moy. You can call our first  
19 case whenever you're ready.

20 MR. MOY: Thank you, Mr. Chairman. I believe  
21 that would be case Application No. 19507 of 1005 or  
22 1005 First, LLC. They can come to the table. As  
23 amended, the relief is captioned for special  
24 exceptions from the loading access requirements of  
25 Subtitle C, Section 904.2, and the penthouse use

1 requirements, Subtitle C, Section 1500.3(c), and  
2 pursuant to Subtitle X, Chapter 10, for a variance  
3 from the court requirements of Subtitle I, Section  
4 207.1, which would allow construction of a mixed-use  
5 project consisting of a hotel, residential, and retail  
6 uses in the D-5 Zone, at premises 1005 First Street  
7 Northeast, Square 0713, Lot 53.

8 CHAIRPERSON HILL: Thank you, Mr. Moy. If you  
9 could just introduce yourselves from my right to left?

10 MR. CAMARO: I'm John Camaro with Perseus  
11 Realty.

12 MS. BAPTISTE: Lila Baptiste with the law firm  
13 of Holland and Knight.

14 MR. NICOLAUS: And Michael Nicolaus with HKS  
15 Architects.

16 CHAIRPERSON HILL: All right. Ms. Baptiste, I  
17 assume you're going to be presenting to us?

18 MS. BAPTISTE: I am.

19 CHAIRPERSON HILL: Okay.

20 MS. BAPTISTE: And I just want to note as one  
21 preliminary matter, Sheet 28 of the plans was revised  
22 to include a 20-foot delivery space, and the zoning  
23 table was revised to reflect that change, and that was  
24 electronically filed yesterday. And we have hard  
25 copies if you need them today. That was just that one

1 change so that we would not need a variance of the  
2 loading; of the loading requirements.

3 CHAIRPERSON HILL: Okay. Does the Board want  
4 a hard copy? No. Okay. All right. Thank you.

5 MS. BAPTISTE: Okay. Perhaps it should be  
6 submitted into the record. I know it was --

7 CHAIRPERSON HILL: It --

8 MS. BAPTISTE: The applicant says it was  
9 electronically filed, but --

10 MS. BAPTISTE: I haven't seen it.

11 CHAIRPERSON HILL: Sure. You can bring them  
12 on up, then.

13 MR. HART: It's Exhibit 42.

14 MS. BAPTISTE: Thank you.

15 CHAIRPERSON HILL: So, Ms. Baptiste, if you  
16 could give us, you know, during your presentation,  
17 again I'd like to hear again the types of reliefs that  
18 you're requesting and how the standards are being met  
19 for those. And then I was interested in hearing more  
20 about the ANC meeting, I guess. You just got that  
21 into the record, I think the other day. Or maybe it  
22 was Saturday.

23 Yeah, and I mean, since it's such a small  
24 project, you know, we -- you know, you --

25 MS. BAPTISTE: Okay.

1 CHAIRPERSON HILL: So, easy to follow along.

2 MS. BAPTISTE: Yes.

3 CHAIRPERSON HILL: If you could, that would be  
4 great.

5 So, I'm just going to go ahead and put 15  
6 minutes on the clock just so I know. Mr. Moy, if you  
7 wouldn't mind? Sorry, please.

8 MR. HART: And also, if you could talk about  
9 the -- and I know you will, but the courts that we're  
10 talking about, there are quite a number of courts that  
11 are here. Can you talk about, you're looking for  
12 relief from several of them, but others are not and  
13 just wanted to understand what the -- are those -- can  
14 those be reduced any more or are they kind of at the  
15 smallest size that they can get.

16 MS. BAPTISTE: Okay, great. Okay.

17 Good morning. The subject property is the old  
18 Greyhound Bus station site at 1005 First Street  
19 Northeast. There was a previous iteration of this  
20 project that was approved by the Board in 2014, which  
21 included office retail in a residential component.  
22 That approval expired, and so we're back before the  
23 Board, again with the mixed-use project, basically  
24 swapping out the office component for a hotel use.  
25 And so, the project will have approximate 185,000

1 square feet of hotel use, 460,000 square feet of  
2 residential use, generating approximate 460  
3 residential units, and approximate 27,000 square feet  
4 of retail. We're at a density of 9.4 FAR, which is  
5 within the density thresholds permitted for the D-5  
6 Zone, and we have a maximum building height of 130  
7 feet.

8           So again, the property is zoned D-5, which  
9 supports the proposed development as a matter of  
10 right. I know it's a fairly big project but it is  
11 permitted as a matter of right, with the exception of  
12 three areas of minor relief required by the --  
13 required for the project. And those are relief for  
14 variances for the two courts on the south side of the  
15 project, and I'm going to let, actually, the architect  
16 walk through where those are located and why the  
17 relief is needed.

18           The second area of relief is to have a loading  
19 ramp with a grade of 14 percent; a 14 percent slope or  
20 grade, where 12 percent is permitted.

21           And then, the last area of relief is a special  
22 exception to have a penthouse lounge on top of the  
23 hotel. So, as it relates to the hotel, rooftop  
24 lounge, that is a use that's permitted in the D-5  
25 Zone. And so, it's deemed to be an appropriate use

1 and the rooftop lounge would really be an accessory to  
2 that use and that standard of review for the Board is  
3 really kind of the appropriateness of the use, given  
4 the location and the zone, and we believe as set forth  
5 in our pleadings, that that relief has been met.

6 The loading ramp really relates to kind of the  
7 shape of the property and accessed. We are now in --  
8 Dan, are you prepared to speak more to that?

9 But, we have eliminated one of the curb cuts  
10 on First Street. So, we are limited to one curb cut  
11 and one vehicular access, and loading access from L  
12 Street, and the configuration of the site, not only  
13 the trapezoid site, but also the fact that it has  
14 bordered -- has a border with the Metro rail tracks,  
15 does actually impact how the below-grade improvements  
16 are configured and function.

17 So, with that and the kind of the trapezoid  
18 shape of the property, the boundaries of the property  
19 and location will also go to the standard for the  
20 variance of the Courts, and how the site is  
21 configured, how the hotel rooms and the residential  
22 units, specifically the residential units, are laid  
23 out on that south side of the property. And again,  
24 the architects can speak more to that.

25 As it relates to the ANC outreach, we met with



1 the ANC Planning, Zoning, and Economic Development  
2 Committee on June 7th. We received unanimous support  
3 from that group. And then last week, on June 14th,  
4 the full ANC, and that's ANC 6C, voted in unanimous  
5 support of the project, and that letter was submitted  
6 into the record, I believe, just maybe last week; late  
7 last week.

8           So, with that opening remark, I just wanted to  
9 add that the zoning -- as you already know, the zoning  
10 regulations have changed since the project was  
11 originally approved. And that actually, the new  
12 regulations in the D-5 Zone specifically prohibit or  
13 require a special exception or variance for a curb cut  
14 along First Street, which significantly impacted the  
15 design of the project and vehicular access to the  
16 project.

17           So, since the timely application was filed  
18 with this Board, the applicant has been working very  
19 closely with DDOT and the Office of Planning, and  
20 redesigning the project in a manner that does not  
21 require relief from that section of the regulations  
22 that preclude or prohibit vehicular access along First  
23 Street, which is a primary road.

24           And so, the project that you have before you  
25 does not require relief from that section of the

1 regulations, and is very much in compliance with kind  
2 of the policies of DDOT as it relates to vehicular  
3 access and circulation in this section of NoMa. And  
4 it took considerable work on the part of the applicant  
5 to redesign that portion of the project in a manner  
6 that made it feasible for all parties.

7           So, with that I'm going to close my opening  
8 remarks and then turn it over to John, and then the  
9 architect will speak more specifically on the court  
10 relief. Thank you.

11           MR. CAMARO: Hi. My name is John Camaro. I'm  
12 with Perseus Realty. I'm the development manager for  
13 the project. Just wanted to speak to how the project  
14 has changed since its initial iteration. Prior to  
15 this application, the project had an office component.  
16 We have since reconfigured the project to include a  
17 full-service hotel that will include 235 rooms. The  
18 office component has gone away, and the residential  
19 component of the project now has 460 units.

20           As Lila mentioned, the project also has 27,000  
21 square feet of retail, as well as a below-grade retail  
22 component. And the total parking count is at 295  
23 parking spaces.

24           The one change to the project that has come up  
25 in ANC meetings is that the public court, what was a

1 public court in the middle of the project, has gone  
2 away. That is because of the nature of the hotel, and  
3 the need to have an outdoor event space that serves  
4 the hotel. So, the prior staircase that led up to a  
5 courtyard in the middle that was accessible by the  
6 public, has gone away. But we feel that the hotel  
7 component of the project now offers a public benefit  
8 and an amenity to the community, in that it's a full-  
9 service hotel that this community doesn't have at the  
10 moment, and we're excited about what it's going to  
11 bring to the community.

12 With that, I'll turn it over to Mike to speak  
13 to the courts and any other questions you might have  
14 about the architecture.

15 MR. NICOLAUS: Thank you. I'll just show you  
16 -- share with you the courts plan that the -- the  
17 courts plan that you've seen in your information to  
18 date.

19 CHAIRPERSON HILL: Excuse me, one second. I  
20 think, Mr. Moy, do we have to get this on camera  
21 somehow?

22 MR. MOY: If you don't mind, this is also  
23 viewed live cam.

24 MR. NICOLAUS: Okay.

25 MR. MOY: My camera is like right here. We

1 have easels up in the corner, and if you could set it  
2 right in front of me on the corner, that would be  
3 great. Like, right over here. That would be  
4 terrific. I'd appreciate it.

5 MR. MOY: We want to be sure the public gets  
6 to view your lovely illustrations.

7 CHAIRPERSON HILL: And then, what was the  
8 Board just handed? Is that the -- Ms. Baptiste, do  
9 you know what the Board was just handed?

10 MS. BAPTISTE: They're just a set of drawings  
11 that may be used in this morning's presentation. So,  
12 these plans reflect the boards that the applicant has  
13 here.

14 CHAIRPERSON HILL: Okay. All right.

15 MS. BAPTISTE: We may not use all of them.

16 CHAIRPERSON HILL: Okay.

17 MS. BAPTISTE: We don't have a PowerPoint --

18 CHAIRPERSON HILL: Okay. Okay.

19 MS. BAPTISTE: -- presentation.

20 CHAIRPERSON HILL: So, if you could pass those  
21 out, Mr. Moy?

22 MR. MOY: If I could ask also, Ms. Baptiste,  
23 these are already in the records as well, right?

24 MS. BAPTISTE: Okay. Okay. So, Sheet -- are  
25 you on Sheet 7?

1 MR. NICOLAUS: Sheet 7. Yeah, zoning relief  
2 diagram.

3 CHAIRPERSON HILL: Ms. Baptiste, I'm sorry, I  
4 just want to be clear. Are these in the record?

5 MS. BAPTISTE: They're part of the plans that  
6 were submitted.

7 CHAIRPERSON HILL: Okay.

8 MS. BAPTISTE: For ease of reference today.

9 CHAIRPERSON HILL: Okay.

10 MS. BAPTISTE: We made them available to you,  
11 and the board that he's showing is Sheet 7 of --

12 CHAIRPERSON HILL: Okay. Okay, just trying to  
13 get clear. Thanks.

14 MS. BAPTISTE: Uh-huh.

15 MR. NICOLAUS: Is this location for the easel  
16 about right for the camera?

17 CHAIRPERSON HILL: Mr. Moy, are we good with  
18 that?

19 MR. MOY: Yes.

20 MR. NICOLAUS: Okay.

21 CHAIRPERSON HILL: Yeah. Yes, we are. Thank  
22 you.

23 MR. NICOLAUS: The project does have several  
24 courts. Just given the nature of the uses,  
25 residential and hotel, the footprints of the buildings

1 have been arranged to create a series of courts that  
2 allow light and air into different parts of the  
3 project, and allow the project to respond to an  
4 adjacent development to the south. So, generally  
5 speaking, you know, you could think of the overall  
6 site plan as sort of a donut with a large central  
7 space in the middle of the project that has what we're  
8 referring to as Court A and Court B, given the varying  
9 heights of the bottom of the court. If it's a large  
10 court, it's divided into parts because of the height  
11 of the bottom of the courts varying.

12           We have, in addition to that, along the east  
13 edge of the project, the property angles along with to  
14 -- with the rail line to the east. So, we have what  
15 is -- what you might think of as a leftover triangular  
16 space to the east that faces the tracks. There was  
17 quite a bit of debate over the course of the design  
18 process, whether that space was of any value and how  
19 to use it and whether it could be eliminated and  
20 combined into the middle of the project. But kind of  
21 given a variety of factors, we feel like a regularized  
22 footprint creating a central court yard was of great  
23 priority to all of the uses that access the courtyard.

24           We also have what are two courtyard -- defined  
25 as two courts to the south, Courts C and D. They're

1 fairly small, narrow spaces that -- where the building  
2 footprints coordinate with the footprints of the  
3 buildings to the -- of the building to the south. So,  
4 to the south of us. You know, we take about three  
5 quarters of the block. To the south of us is the  
6 remaining one quarter of the block that is an adjacent  
7 residential development.

8           So, our courts and footprints of our buildings  
9 coordinate with the footprint of the development to  
10 the south, creating what is a shared court in a way,  
11 between two developments. So, what's defined as Court  
12 C shows up as a shallow court space that fronts on to  
13 a larger court space to the south. So, we get into  
14 court definitions and semantics.

15           But in the bigger picture of things, the  
16 coordination of our court with their court was of a  
17 significant priority and value to each of the two  
18 property owners. So, we've gone to a good length to  
19 coordinate that to the benefit of each project.

20           MS. BAPTISTE: And if I may, just while he's  
21 stopping there, in terms of the standard of review, I  
22 mean, these courts are not required in the D-5 Zone,  
23 and they're not required for the project. But the  
24 alternative would be bringing the building to the  
25 property line, and that would very much limit the type

1 of -- you know, the uses the residents that you could  
2 have on this side of the building. So, from a  
3 practical difficultly standpoint, the design of the  
4 building and the courts on this side of the building  
5 allow for residential units to be along that south  
6 property line and get appropriate light and air.

7 MR. NICOLAUS: Right. I think there was a  
8 question earlier about, could the court be smaller,  
9 and I think you start to limit the openings that that  
10 façade could have if you make that from a building  
11 code perspective.

12 MR. HART: Actually, the question that I had  
13 was, you were saying that courts C and D were not --  
14 could not be -- were a nonconforming size. And I was  
15 asking whether or not Courts A and B, the ones that  
16 are in the center, could actually be smaller to make  
17 the Courts C and D larger, so that you would be able  
18 to kind of give up some, and then give up some in the  
19 middle so that you'd have --

20 MR. NICOLAUS: I see. Right.

21 MR. HART: And I just didn't see that analysis  
22 someplace, so it would be helpful to understand.

23 MR. NICOLAUS: Right.

24 MR. HART: I appreciate the circles that you  
25 have in there, which I'm assuming are the minimum



1 sizes for the courts.

2 MR. NICOLAUS: Right. Right.

3 MR. HART: And if you could just talk a little  
4 bit about how -- I understand that the buildings need,  
5 you know, double-loaded hallways.

6 MR. NICOLAUS: Right.

7 MR. HART: Which is fine.

8 MR. NICOLAUS: Right.

9 MR. HART: But some of this can be shifted and  
10 moved to be able to, you know, accommodate this. And  
11 you're asking us for relief and I'm just trying to  
12 figure out --

13 MR. NICOLAUS: Right.

14 MR. HART: Why you couldn't make the ones in  
15 the center, A and B, smaller to accommodate that.

16 MR. NICOLAUS: Oh, I see.

17 MR. HART: And I don't know if any other of  
18 the board members have any comment on it. It's just a  
19 question that I had.

20 MR. NICOLAUS: Right. Okay. You know, as we  
21 have studied the project, you know, the -- it's our  
22 sense that a large central court in the middle of the  
23 project is of greatest benefit to our project. You  
24 know, the courts are deep. So, having, you know, a  
25 grander court within the center of the project has

1 been a design priority for all of the elements of the  
2 project. The bottom of the central courtyard has  
3 public uses for the hotel. We foresee it being a very  
4 activated, used courtyard. So, wanting it to be sized  
5 appropriately was a priority for the project versus  
6 the court to the south, which would be very lightly  
7 used and is really providing light and air, you know,  
8 from a court perspective, and is less used and  
9 activated. So, it came down to how the courts would  
10 be used.

11 MS. BAPTISTE: And I want to supplement by  
12 saying, when we first went through this project design  
13 in 2012 or '13, it was always intended with  
14 coordination with the NoMa bid and the other community  
15 stakeholders that the center of the project have a  
16 very open and public feel, and that was also with the  
17 Office of Planning to have outdoor spaces and cafes,  
18 and really invite the public to come into the property  
19 and have it function as an open space. So, the size  
20 of the court was very important. There was that one  
21 point, the park proposed on L Street.

22 And so, the design was really around all of  
23 the concepts of creating open space for this section  
24 of NoMa.

25 MR. MAY: Could I ask a question? You're

1 showing a footprint for the building to the south. Is  
2 that accurate, based on what's going to be built?

3 MR. NICOLAUS: Yes.

4 MR. MAY: How do you know that?

5 MR. NICOLAUS: The project is under  
6 construction now, to the south.

7 MR. MAY: Okay.

8 MR. NICOLAUS: We worked with -- our client  
9 worked with the developer of that building to  
10 coordinate the two projects programmatically, and our  
11 office worked with the architect of that building to  
12 exchange drawings and information and dimensions, and  
13 anything we would need to coordinate.

14 MR. MAY: Just, you know, you've assured me  
15 that it's accurate, it's under construction.

16 MR. NICOLAUS: Yeah. Yeah. Yeah.

17 MR. MAY: Then I know it's not going to  
18 change.

19 MR. NICOLAUS: Yeah.

20 MR. MAY: And on Court D, as I recall, the  
21 rooms that are on your project that are going to be  
22 facing Court D, are hotel rooms?

23 MR. NICOLAUS: Correct. Yeah.

24 MR. MAY: Exclusively?

25 MR. NICOLAUS: Yes.

1           MR. MAY: Okay. I've been in some pretty  
2 lousy hotel rooms. I guess having a little courtyard  
3 like that doesn't have --

4           MR. NICOLAUS: Without a whole lot of view.

5           MR. MAY: Yeah. Theoretically, they're not  
6 spending much time in the room, right? So much to see  
7 in Washington.

8           MR. NICOLAUS: Right.

9           MR. MAY: National parks and everything.

10          MR. NICOLAUS: Should walk down to the mall,  
11 yeah.

12          MR. MAY: Yeah. Thank you.

13          CHAIRPERSON HILL: Mr. Hart, did you get your  
14 question answered?

15          MR. HART: Yeah, you can move on. I just, I  
16 was just trying to understand that fully, more fully.

17          MR. NICOLAUS: Yeah.

18          CHAIRPERSON HILL: Okay, thank you. You can  
19 go ahead.

20          MR. NICOLAUS: Thank you. Are there any other  
21 questions about courts? There are several courts that  
22 we've kind of walked through. Have we kind of covered  
23 that subject adequately?

24          MR. HART: And is a court niche is just your  
25 term that you've used. It's not an actual --

1           MR. NICOLAUS: Like a legal term? I would  
2 just make up a new --

3           MR. HART: I'm just asking what that --

4           MR. NICOLAUS: That might have been creative  
5 license on our part.

6           MR. HART: Is there -- is there one? Okay.

7           MS. BAPTISTE: It's in the zoning regs.

8           MR. HART: Okay.

9           MR. MAY: So, the zoning regs it's --

10          MR. HART: Just wondering because I hadn't  
11 heard that frequently, so I just was curious.

12          MS. BAPTISTE: Do you want him to walk through  
13 other elements of the project, or we can stick -- the  
14 only other relief that's required for the project is  
15 the slope of the loading -- the garage ramp. And with  
16 regard to other elements of the project, we're happy  
17 to walk -- we'll rest on the record or walk you  
18 through the project design.

19          CHAIRPERSON HILL: Does the Board have any  
20 further questions? Okay. All right. That's fine.  
21 Thank you.

22          MR. NICOLAUS: Thank you.

23          CHAIRPERSON HILL: Did you guys actually sign  
24 the Marriott?

25          MR. NICOLAUS: We're working on it.

1 CHAIRPERSON HILL: Okay. I can't believe that  
2 was the bus station. Okay. Do you have anything else  
3 for us?

4 MS. BAPTISTE: No, we don't.

5 CHAIRPERSON HILL: All right. I'm going to  
6 turn to the Office of Planning.

7 MR. GOLDEN: Good morning. Bryan Golden with  
8 the Office of Planning, standing in for Steve Cochran.

9 Office of Planning is recommending approval of  
10 the requested relief, and we're willing to rest on the  
11 record of the report, and I can try and answer any  
12 questions you may have.

13 CHAIRPERSON HILL: Does the Board have any  
14 questions for the Office of Planning?

15 [No audible response.]

16 CHAIRPERSON HILL: Does the applicant have any  
17 questions for the Office of Planning?

18 MS. BAPTISTE: No, we don't.

19 CHAIRPERSON HILL: Okay. All right. I'm  
20 going to turn to the audience. Is there anyone here  
21 from the ANC wishing to speak?

22 Is there anyone here wishing to speak in  
23 support of the application? Is there anyone here  
24 wishing to speak in opposition to the application?

25 Is there -- did the applicant have anything

1 else they'd like to add?

2 MS. BAPTISTE: No, we don't.

3 CHAIRPERSON HILL: All right. Okay. Then,  
4 I'm going to go ahead and -- does the Board have any  
5 final questions about anything?

6 [No audible response.]

7 CHAIRPERSON HILL: All right. I'm going to go  
8 ahead and close the record. Is the Board ready to  
9 deliberate?

10 Okay, I can start.

11 Let's see. Well, based on the analysis of the  
12 Office of Planning and the presentation, and also the  
13 report that we received from ANC 6C, after walking  
14 through everything, I don't particularly have any  
15 issues with the relief that's been asked, or asked.  
16 There was a condition that -- or the ANC had asked in  
17 their report that the applicant would work with the  
18 NoMa Bid, and I assume that that's correct, if  
19 wouldn't just mind stating that for the record that  
20 you'll work with the NoMa Bid.

21 MS. BAPTISTE: That's correct.

22 CHAIRPERSON HILL: Okay. All right. So, then  
23 I would go ahead and I don't have any issues with the  
24 application. Does anyone have anything they'd like to  
25 say? Okay.

1           Then, I'll go ahead and make a motion to  
2 approve Application No. 19507 as read by the  
3 secretary.

4           MR. HART: Second.

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

7           [Vote taken.]

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

9           MR. MOY: Staff would record the vote as  
10 three, to zero, to two. This is on the motion of  
11 Chairman Hill to approve the application for the  
12 relief requested. Seconding the motion, Vice Chair  
13 Hart. Also in support, Mr. Peter May. We have a  
14 board member not present, we have a board seat vacant.  
15 Motion carries, sir.

16           CHAIRPERSON HILL: Great. Thanks, Mr. Moy.  
17 Summary order.

18           MR. MOY: Yes, sir.

19           CHAIRPERSON HILL: Okay. And we're actually  
20 going to take a quick three-minute break everybody.  
21 Thanks so much.

22           MS. BAPTISTE: Thank you.

23           CHAIRPERSON HILL: Thank you.

24           MR. NICOLAUS: Thank you.

25           [Off the record from 10:15 a.m. to 10:21 a.m.]



1 CHAIRPERSON HILL: Okay, Mr. Moy, let's go  
2 ahead and get started again. And then also, I  
3 neglected to mention at the beginning, but we are  
4 going to follow the agenda that's in the board there,  
5 on the bin. So, just to let everybody know in the  
6 audience.

7 MR. MOY: Okay. Okay, back in session. So,  
8 if I can have parties to the table to Application No.  
9 19515. This is 2125 N Street, LLC. This has been  
10 captioned and advertised for variance relief from the  
11 minimum court dimensions, Subtitle F, Section 202.1,  
12 which would construct a partial third-story addition  
13 and roof deck on an existing three-story apartment  
14 house, RA-8 Zone, 2125 N Street Northwest, Square 69,  
15 Lot 178.

16 CHAIRPERSON HILL: Good morning. If you could  
17 please introduce yourself from my right to left?

18 MR. WOHLGEMUTH: I'm Jim Wohlgemuth. I'm the  
19 owner of the property.

20 CHAIRPERSON HILL: Could you spell your last  
21 name again?

22 MR. WOHLGEMUTH: W-O-H-L-G-E-M-U-T-H.  
23 Wohlgemuth.

24 CHAIRPERSON HILL: No. No, little more  
25 difficult.

1 MR. SOLOMON: I'm James Solomon, architect.

2 CHAIRPERSON HILL: Okay, great. So, Mr.  
3 Solomon, are you going to be presenting to us?

4 MR. SOLOMON: Yes.

5 CHAIRPERSON HILL: Okay. I guess, you know,  
6 I'll ask what the Board has in particular what they  
7 might be interested in hearing about. I'd be  
8 interested in just, I guess, hearing more about the  
9 request you're asking for. In particular, the  
10 variance and how you're meeting the variance test.  
11 And also, I didn't see an ANC report, so I kind of  
12 don't know whether we got that, or where you are with  
13 that.

14 Does the Board have any other specifics they'd  
15 like to hear about? Okay.

16 Then, I'll go ahead and put 15 minutes up on  
17 the clock just so I know where we are. Mr. Moy, if  
18 you wouldn't mind? And you can go ahead and begin  
19 whenever you'd like.

20 MR. SOLOMON: Great. Thank you. Good  
21 morning. The existing building that we're looking at  
22 is a four-unit apartment building, consisting of three  
23 stories over a cellar in the front, and two stories  
24 over a cellar in the rear dogleg. And Mr. Wohlgemuth  
25 is looking to add on to that top floor in the back to

1 make it a three-story over a cellar in the rear, which  
2 just adds on to the top unit to make it larger.

3           The variances we're looking for today actually  
4 have been modified since the original record was put  
5 in, based on OP's comments and some earlier questions  
6 we had, we're actually looking for an exception for  
7 Section C-202, expansion of the non-conforming  
8 building upwards, and the resulting court that comes  
9 out of that, relief from that F-202 for nonconforming  
10 court.

11           So, that's a slight change that's happened  
12 over the last week. That clarifies your variance  
13 question.

14           Otherwise, with regards to this property, no  
15 other relief is sought. We're well under FAR, lot  
16 coverage, and setbacks. So, the practical difficulty  
17 we're faced with here is the narrowness of the lot and  
18 the historic nature of the building, and the  
19 difficulty in expanding this building without creating  
20 a nonconforming court by going up, or some other means  
21 which would then destroy the historic fabric of the  
22 building and further infringe on neighboring  
23 property's light and air.

24           That's it.

25           CHAIRPERSON HILL: That's it. Okay. So, we

1 did get a report from the ANC.

2 MR. SOLOMON: I'm sorry, we did -- ANC we've  
3 been to -- we've talked with them and met with them  
4 twice, and we were in front of the ANC the past two  
5 weeks, and I was not present, but I'll let Mr.  
6 Wohlgemuth tell what he found out at the last ANC  
7 meeting, last Wednesday.

8 MR. WOHLGEMUTH: So, on Wednesday at the ANC  
9 meeting, the ANC past resolution to support the  
10 project. They initially were holding their opinion  
11 until they heard from the neighbors. We brought  
12 letters from the immediate neighbors who all supported  
13 the project. And the ANC then resolved to support it.

14 CHAIRPERSON HILL: So, we don't have that in  
15 the record, though, do we?

16 MR. SOLOMON: No, I've not seen it yet.

17 MR. MOY: No, it's not in the official record,  
18 Mr. Chairman.

19 CHAIRPERSON HILL: Okay, I'm sorry. How do  
20 you pronounce your name again?

21 MR. WOHLGEMUTH: Wohlgemuth.

22 CHAIRPERSON HILL: Mr. Wohlgemuth.  
23 Wohlgemuth. And I was trying to search for the report  
24 and everything. So, can you tell me again? So, what  
25 happened at the ANC meeting? When did you present,

1 and how did it go? When did the vote take place?

2 MR. WOHLGEMUTH: This was last Wednesday  
3 night. So, two weeks ago we showed them the plans, I  
4 guess the architectural review committee. They asked  
5 for letters from neighbors, so during the week, the  
6 next week, I found the immediate neighbors, both of  
7 whom supported the project. I brought those letters  
8 with me to the ANC meeting, the following Wednesday,  
9 which is a week ago today. And at that meeting they,  
10 when they saw the letters, they quickly voted to  
11 support the project.

12 CHAIRPERSON HILL: Okay. And do you remember  
13 if they voted unanimously, or how many --

14 MR. WOHLGEMUTH: Yes, they voted unanimously.

15 CHAIRPERSON HILL: Okay. Okay. Did you get  
16 sworn in this morning?

17 [No audible response.]

18 CHAIRPERSON HILL: Okay. Can I get you sworn  
19 in real quick? Mr. Moy. And if anybody else missed  
20 getting sworn in, if you could stand now and I'll --  
21 we'll swear you in?

22 MR. MOY: Oh, okay. They were late.

23 [Oath administered to the participants.]

24 CHAIRPERSON HILL: This always seems a little  
25 silly to me. Could you repeat what you just said?

1           MR. WOHLGEMUTH: Sure. I went to -- we went  
2 to the ANC two weeks ago for the architecture review.  
3 They didn't seem to have any problem with the plans.  
4 They wanted to -- they were concerned that we had no  
5 neighbor letters. So, in the proceeding, during that  
6 next week, I found the immediate neighbors on both  
7 sides who both enthusiastically supported the project.  
8 I brought those letters to the full ANC meeting last  
9 Wednesday night.

10           I gave them -- they asked me what happened  
11 with the neighbors. I gave them the letters. They  
12 voted to approve the project or support the project,  
13 resolve, or whatever they did, under a unanimous vote  
14 to approve it.

15           MR. HART: And so, those are from -- those are  
16 Exhibits 35 and 36 from Viver Matther (phonetic) and  
17 Enrique Sarda (phonetic)? Are those the neighbors?

18           MR. WOHLGEMUTH: Yes. Yes.

19           MR. HART: Okay. Thank you.

20           CHAIRPERSON HILL: Okay. Does the Board have  
21 any questions for the applicant?

22           MR. HART: Okay. All right. Then, I'm going  
23 to turn to the Office of Planning. Office of  
24 Planning, if you wouldn't mind just letting us know  
25 what your thoughts are?

1           MR. GOLDEN: Sure. Bryan Golden, Office of  
2 Planning, recommending approval of the variance  
3 request, and we're willing to stand on the -- rest on  
4 the record of the report.

5           CHAIRPERSON HILL: Does the Board have any  
6 questions for the Office of Planning? Does the  
7 applicant have any questions for the Office of  
8 Planning?

9           MR. HART: No.

10          CHAIRPERSON HILL: Okay. I'm going to turn to  
11 the audience. Is there anyone here for the ANC  
12 wishing to speak?

13          Is there anyone here wishing to speak in  
14 support of the application?

15          Is there anyone here wishing to speak in  
16 opposition to the application?

17          [No audible response.]

18          CHAIRPERSON HILL: All right. I'm going to  
19 turn back to the applicant. Is there anything else  
20 you'd like to add?

21          MR. SOLOMON: No.

22          CHAIRPERSON HILL: Does the Board have any  
23 final questions?

24          [No audible response.]

25          CHAIRPERSON HILL: Okay. Then, I'm going to

1 go ahead and close the hearing. Is the Board ready to  
2 deliberate?

3 Okay. So, after going through the record, in  
4 particular, looking at the Office of Planning's  
5 report, the questions that I really had were kind of  
6 more along the lines -- I was just curious as to what  
7 happened to the ANC, and even though we don't have a  
8 report from the ANC, taking the testimony of the  
9 applicant, that they were in approval just as again,  
10 it doesn't bear that we give it great weight or not,  
11 but it does make me feel more comfortable in that I  
12 believe they've met the standard of relief for what  
13 they're requesting.

14 Does the Board have anything to add? Okay.  
15 Then I would go ahead and approve -- make a motion to  
16 approve Application No. 19515 as read by the  
17 secretary.

18 MR. MAY: Second.

19 CHAIRPERSON HILL: Motion has been made and  
20 seconded.

21 [Vote taken.]

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

23 MR. MOY: Staff would record the vote as  
24 three, to zero, to two. This is on the motion of  
25 Chairman Hill to approve the application for the



1 relief requested. Seconded the motion, Vice Chair  
2 Hart. Also in support, Mr. Peter May. Board member  
3 not present with us today, board seat vacant. The  
4 motion carries.

5 CHAIRPERSON HILL: I think Commissioner May  
6 seconded, by the way.

7 MR. MOY: Oh, Mr. May seconded it?

8 CHAIRPERSON HILL: Yes.

9 MR. MOY: Oh, sorry.

10 CHAIRPERSON HILL: I know they look similar.

11 MR. MOY: MY apologies.

12 CHAIRPERSON HILL: All right. So, summary  
13 order, Mr. Moy?

14 MR. MOY: Yes, sir.

15 CHAIRPERSON HILL: All right. Thank you,  
16 gentlemen.

17 MR. SOLOMON: Thank you.

18 [Pause.]

19 CHAIRPERSON HILL: Mr. Moy, whenever you're  
20 ready. Thank you.

21 MR. MOY: All right. If I can have parties to  
22 the table to Application No. 19512 of 1262 Holbrook  
23 Terrace, LLC? This application, Mr. Chairman has been  
24 amended for special exceptions under E, Section 5203.3  
25 from the alteration of a rooftop architectural element

1 requirement, Subtitle E, Section 206.1, and under the  
2 residential conversion requirements of Subtitle U,  
3 Section 320.2. This would construct a rear addition  
4 and third -- a rear addition and a third-story  
5 addition to convert a one-family dwelling into a  
6 three-unit apartment house, RF-1 Zone, at 1262  
7 Holbrook Terrace Northeast, Square 4055, Lot 48.

8 And if I could ask that the applicant confirm  
9 that this is the correct relief?

10 Also, I believe, Mr. Chairman there, under the  
11 record under Exhibit 38, a motion to waive the 21-day  
12 filing deadline to amend the application.

13 CHAIRPERSON HILL: Okay. Could you go ahead  
14 and introduce yourself, please?

15 MS. WILSON: Sure. Alex Wilson from Sullivan  
16 and Barros on behalf of the applicant.

17 MR. ALI: Ramy Ali from Ram Design, the  
18 project architect.

19 CHAIRPERSON HILL: Okay. So first, Ms.  
20 Wilson, I guess is the application what you thought it  
21 was going to be as read by the secretary?

22 MS. WILSON: Yes. We are asking for relief  
23 from U-320.2 and from 5203.3 for relief from 206.

24 CHAIRPERSON HILL: Okay. And can you explain  
25 to me again now, the waiver that you're requesting?

1 MS. WILSON: Sure. So, we are requesting a  
2 waiver within U-320.2(h), for relief from the  
3 prohibition against altering architectural elements.  
4 And we are also requesting the same special exception  
5 for relief from 206, which prohibits altering  
6 architectural elements. And in order to get relief  
7 from that you have to get special exception relief  
8 from E-5203.3.

9 CHAIRPERSON HILL: Okay, thanks. Mr. Moy, I'm  
10 sorry. I thought you said there was a time request.

11 MR. MOY: Yes, there was a waiver to waive the  
12 21-day filing for supplemental information, which is  
13 their Exhibit 36.

14 CHAIRPERSON HILL: All right, and I'm sorry.  
15 Ms. Wilson, that's what I was kind of asking about.  
16 Could you explain the need for the filing deadline?

17 MS. WILSON: Sure. Like I said, we originally  
18 requested the waiver for the architectural elements  
19 under U-320.2(h), but we did not originally request  
20 the relief from 5203.3 because we thought that would  
21 be redundant. The Office of Planning later informed  
22 us that they had been instructed to begin asking  
23 applicants to apply for both.

24 CHAIRPERSON HILL: Okay. And that's how you  
25 presented to the ANC?

1 MS. WILSON: Yes.

2 CHAIRPERSON HILL: Okay. Unless the Board has  
3 any objection, I'm fine with waiving the 21-day filing  
4 requirement.

5 Okay, then we will go ahead and do that by  
6 consensus, Mr. Moy. All right.

7 So, as far as the presentation, Ms. Wilson, I  
8 guess you could go ahead and walk us through in terms  
9 of the relief that you're requesting and how you're  
10 meeting the standard for that relief. Earlier, I had  
11 not had an opportunity to -- over the weekend that is,  
12 see the ANC report. But now we have and see that they  
13 are in opposition to the project. So, you might want  
14 to speak about that. I would imagine that there will  
15 be more discussion about that as we kind of go through  
16 this process.

17 Does the Board have any other things they'd  
18 like specifically to hear about?

19 [No audible response.]

20 CHAIRPERSON HILL: Okay. Then, I'm going to  
21 go ahead and just put 15 minutes up on the clock just  
22 so I know where we are, and you can start whenever  
23 you'd like.

24 MS. WILSON: Thank you. We are here today  
25 requesting special exception relief pursuant to U320.2

1 to convert the existing building on the property from  
2 one unit to three units, and pursuant to E5203.3 for  
3 relief from the prohibition against altering  
4 architectural elements.

5 We have received approval from the Office of  
6 Planning for both areas of relief, and have the  
7 support of both adjacent neighbors. As I said  
8 earlier, we are also requesting a waiver within U-  
9 320.2 for relief from altering the architectural  
10 elements.

11 I would like to address the ANC's concerns and  
12 meetings and community outreach. The applicant's  
13 counsel reached out to the ANC in April requesting to  
14 get on the ANC agenda. The applicant was asked to  
15 attend community meetings for the full ANC meeting,  
16 and went to community meetings on May 20th, June 10th,  
17 and again on June 17th.

18 At the ANC meeting, there was a very close  
19 vote where the Commissioners who opposed wanted us to  
20 delay, because of community members showing up to  
21 oppose. While she didn't make her concerns clear, we  
22 invited her to the June 17th community meeting, but  
23 she did not attend.

24 I believe --

25 CHAIRPERSON HILL: I'm sorry, you invited who

1 to the June 17th meeting?

2 MS. WILSON: There is a neighbor who showed up  
3 to oppose at the ANC meeting, and we invited her to  
4 the June 17th community meeting after, and she did not  
5 attend.

6 CHAIRPERSON HILL: And where did you have the  
7 community meeting?

8 MS. WILSON: Mr. Ali can speak to that. He  
9 attended the community meeting.

10 MR. ALI: At the Trinidad Recreation Center.

11 CHAIRPERSON HILL: Okay. All right. Thank  
12 you. Continue.

13 MS. WILSON: Okay. And we would like to  
14 address the ANC's other concerns. The ANC had a  
15 concern over sewage, which we believe is not a zoning  
16 issue and is the concern of D.C. WASA and DCRA, and  
17 not part of the special exception criteria. In terms  
18 of notice, we believe the multiple community meetings  
19 and neighborhood notice letters provided adequate  
20 notice.

21 There is a specific issue with one condo  
22 building, who didn't receive adequate notice. But all  
23 of those owners attended the community meeting and  
24 were then briefed on the project. So, we believe that  
25 has been addressed.

1           In terms of parking, we are only required to  
2 provide two spaces, but we are providing three spaces,  
3 one for each unit. And in terms of concerns over the  
4 adjacent neighbors, we now have support from both  
5 adjacent neighbors. At the time of the ANC meeting we  
6 had not yet obtained those letters. And now we have  
7 them so I believe those concerns have also been  
8 addressed at this time. And now, I will turn it over  
9 to Mr. Ali to present the project.

10           MR. ALI: Good morning, Chairman Hill, members  
11 of the Board. As indicated, we're converting the  
12 existing single-family row dwelling on 1262, to a  
13 three-unit flat. I would like to pull up the  
14 photograph of the existing building just to start with  
15 that.

16           To the right-hand side you see that white  
17 structure. This is the subject property, 1262  
18 Holbrook. As far as the architecture, looking at it  
19 from Holbrook Terrace Northeast, we maintained all the  
20 roof lines. However, we are changing few elements on  
21 the building. Limited, for example, the exterior  
22 finishes. We are changing the vinyl siding. There  
23 you see the white in the front. We are changing that  
24 to brick, and it's a combination of two brick colors,  
25 gray and red.

1           In order to achieve the three units we are  
2   proposing more square footage and area to the subject  
3   footprint. So, we're adding a third floor -- go  
4   ahead.

5           MR. HART: Can you just hit control-L so we  
6   can see the full screen.

7           MR. ALI: Perfect. We are proposing a third-  
8   floor addition that sits back 10 feet from the  
9   exterior wall facing Trinidad, and along with a three-  
10   story and a cellar addition in the back that goes up  
11   25 feet from the existing back wall.

12           The extent of that footprint is governed by  
13   the two adjoining structures, 1264 and 1260. So, we  
14   pretty much stretched out this building in the back to  
15   align with those two walls. There's a few inches off  
16   from 1264, around 3-foot, 9-inches from 1260, just for  
17   the fact that property line goes on a curve in the  
18   back. So, that's what determined the rear addition,  
19   the 25-foot dimension.

20           As far as the building layouts, three stories  
21   and a cellar, every single unit will occupy one floor,  
22   except for the lower unit that will also have a bonus  
23   area on the cellar level, facing the rear alley, which  
24   actually ends up being a walkout, given that the site  
25   is very steep in that slop towards the alley. So, it



1 ends up being on grade, facing the rear alley.

2           This is basically the layout of the project.  
3 I don't want to go into the details, but basic open  
4 space. This is the site plan that shows more of the  
5 site aspects. There's an existing side yard today,  
6 and we are maintaining that five-foot side yard,  
7 towards 1260 Holbrook, and recreating the access by  
8 stairs coming through that yard, and having another  
9 side entrance to the building.

10           As far as the rear yard, we are proposing  
11 three standard nine by 19 parking spaces. We also  
12 have provided the concrete pads where they're going to  
13 have the rooftop -- sorry, the condensers and the  
14 trash enclosures, and the recycling bins.

15           Page 85.0 pretty much shows the elevations in  
16 more detail. To the right-hand side is the front  
17 elevation. That pretty much specifies the exterior  
18 finishes, and the rear addition setback 10 feet from  
19 the front. Because it's kind of more of a gray  
20 portion. That's why it's been presented that way, to  
21 show it's not in conflict with the existing roof  
22 lines.

23           However, we did change a couple of things on  
24 the existing façade by increasing the number of  
25 windows. The way the structure is today, it's only

1 two double-hung windows. We increase it to three  
2 double-hung windows simply because that floor where we  
3 have one unit, occupies this full floor. So, we  
4 wanted to have more natural light coming inside that  
5 space. And that's what driven that additional third  
6 window.

7           The existing conditions also have a green  
8 canopy. We are eliminating that green canopy, and we  
9 are restoring that existing front porch to a new  
10 condition.

11           The back façade, we are utilizing the same  
12 exact two combination of colors. The red brick. But  
13 instead of using the gray brick on top, we're just  
14 using stucco instead. However, one of the  
15 commissioners at the ANC were -- asked if we could  
16 change that to brick as well throughout the whole  
17 building, and we're fine. We confirmed with the  
18 client and he's fine with switching that exterior  
19 façade throughout the whole building in brick.

20           86.0 presents the side elevation, giving the  
21 existing five-foot yard that we are maintaining, and  
22 given the side flares out towards the rear alley,  
23 gives us more side yard as we head towards the back,  
24 which allowed us to have more natural light coming in  
25 from the side of the building. And this is on the

1 side elevation.

2 As far as 87.0, this is the building section.

3 It's a good graphic presenting the changing grade  
4 between Trinidad -- I'm sorry, Holbrook Terrace,  
5 towards the rear alley. And you see the dash lines  
6 running from the existing roof line from the front,  
7 towards the back. This presents the existing building  
8 outline that we're demolishing the roof and the back  
9 wall. That's how we're putting back the rear addition  
10 and going up a third floor.

11 And you notice in the front, the dimension of  
12 10 feet, this is a third floor, rear -- sorry, third  
13 floor setback from the exterior wall.

14 That's pretty much it for the floorplans and  
15 the sections. We also propose -- sorry, generate a  
16 shade and shadow study that -- let me just go back. I  
17 believe it's on record, right, Alex. The shade and  
18 shadow study.

19 MS. WILSON: No, it is not yet on record.

20 MR. ALI: We prepared the shade and shadow  
21 study later in the process. We were like -- the owner  
22 was communicating with both adjoining neighbors, and  
23 we were heading towards getting both their support.  
24 That's why we did not generate that shade and shadow  
25 study earlier in the process, because we had adjoining

1 neighbor support. But we did it anyways, just because  
2 part of the requirement to perform for that  
3 application. And I have it also here. I can pull it  
4 up.

5           The column to the left shows the before  
6 condition, and the right shows the after condition.  
7 If you look down to the center you see the timing of  
8 the shade and shadow perform. You see 9:00 a.m.,  
9 12:00 p.m., and 3:00 p.m. And right underneath that  
10 you see if there's an impact or no impact between the  
11 before and after conditions.

12           In the month of December, you would not see  
13 any impact. In the month of March you'll only see to  
14 where it's noon, 12:00 p.m. there is an impact. In  
15 June you have a 9:00 a.m. and 12:00 p.m. And  
16 basically, you see underneath that impact it says only  
17 if it's a side yard or a back yard.

18           MR. HART: Do you have copies of this?

19           MR. ALI: Yes, we do.

20           Given there is -- the rear addition does not  
21 project beyond the neighboring back wall, there is no  
22 impact on the actual windows. Where you see impact is  
23 basically stating if it's going to be a side yard or  
24 the back-yard shade generated after the proposed third  
25 floor addition.

1           CHAIRPERSON HILL: If you'd also just be sure  
2 to add these into the record? Thank you.

3           MR. ALI: And I just wanted to confirm that we  
4 have met with the community twice, and the third time  
5 was the ANC meeting. Both took place in the Trinidad  
6 Recreation Center, and we didn't get actual concerns  
7 on the project. It was basically on water and sewer,  
8 and how is that impacting, you know, actually, I had  
9 to explain the details and the technical process that  
10 we have to go through in obtaining WASA permits and  
11 upgrading our water and sewer lines.

12           The other concern, as Alex mentioned, was  
13 parking. We have provided three parking spaces in  
14 lieu of two, which -- as required. And the thing the  
15 third one was regarding, if you could remind me, what  
16 was the third requirement they had?

17           MR. HART: Notice. Notice.

18           MS. WILSON: Concerned about notice and  
19 adjacent --

20           MR. ALI: Yeah. The notice of the -- one of  
21 the neighbors showed up at the ANC meeting saying that  
22 she didn't have enough notice to review the design  
23 package, and that was brought before the vote, and I  
24 think that's what drove that vote to be three to four,  
25 because there wasn't enough notice given to that

1 neighbor. They asked us to postpone the BZA hearing  
2 in order to give that neighbor the time to review it.  
3 Given there's no hearings in August, so we don't want  
4 to go all the way to September and wait for the next  
5 hearing. But we stepped in and said, we are willing  
6 to meet and accommodate your schedule. We handed her  
7 another design package in order to review it, and we  
8 gave her our contact.

9           On top of that, Commissioner Shropshire also  
10 set up a third community meeting so that she can  
11 attend, and I will be there to respond to her  
12 questions. We went to that meeting again, and it was  
13 a whole new set of neighbors that we met and presented  
14 the project. But unfortunately, that particular  
15 neighbor was not there. I was hoping that she will be  
16 there. I can answer her concerns.

17           MR. HART: And a question that I had in the  
18 ANC report, they talk about some issues with impacts  
19 to 1260 Holbrook Terrace. But it seems like there is  
20 a letter from, was it Exhibit 38, I think, Izaiah  
21 Foskey (phonetic). And they're the ones that actually  
22 live in that. So, can you -- was it the -- was Mr.  
23 Foskey, was he the person that actually brought up the  
24 issues about the impacts to his house, or was that  
25 somebody else that brought it up that --

1           MR. ALI: No, the neighbors were just  
2     questioning the impact. And at the time of the ANC  
3     meeting, we did not have the signed letter by the  
4     owner of 1260. We had that after the vote.

5           MR. HART: And did you present the shadow  
6     study to the neighbors, or was this after the ANC  
7     vote?

8           MR. ALI: This -- the shade and shadow was  
9     after, and we didn't push for it before the ANC  
10    because communication was ongoing with both adjoining  
11    neighbors. And we know that they will have no issues  
12    with the project, and they were both supportive of the  
13    project. So, we knew that whatever the conditions  
14    are, they're -- you're supporting the project. So,  
15    that's why we had not performed that shade and shadow  
16    study before the ANC meeting. But --

17          MR. HART: Yeah. I was just asking whether or  
18    not the neighborhood had an opportunity to be able to  
19    see that. So, even though if it's not the adjacent  
20    neighbors, some of the other neighbors may have seen  
21    other projects and said, well, you know, folks do  
22    these shadow studies to you know --

23          MR. ALI: The answer is no. The other  
24    neighbors did not see the shade and shadow study at  
25    the ANC meeting.

1 MR. HART: Thank you.

2 MR. MAY: Just to clarify, the letter that you  
3 got in support from the owner of 1260, he owns the  
4 building, doesn't live in the building.

5 MR. ALI: He owns the building, correct.

6 MR. MAY: He owns living -- but he doesn't  
7 live there?

8 MR. ALI: He does not live there.

9 MR. MAY: Right. So, what we're hearing from  
10 are from the people who live in that apartment  
11 building.

12 MR. ALI: We had that actually on a different  
13 case that we had to call the tenants, and we were  
14 asked that the owner have to sign that document, not  
15 the tenants.

16 MR. MAY: Okay. That's all very interesting,  
17 but that's not what I was asking. I mean the people  
18 that we're hearing from or have issues with that are  
19 the people who live in the building. Right?

20 Are some of them the people who have concerns  
21 about people who live in that building?

22 MR. ALI: I don't know who from the meeting  
23 lived in 1260, because I think there were six to eight  
24 units in that building.

25 MR. MAY: Six to eight.



1 MR. ALI: Six to eight units.

2 MR. MAY: Yeah, okay.

3 MR. ALI: All in that building.

4 MR. MAY: All right. Thank you.

5 CHAIRPERSON HILL: In terms of the shadow  
6 study is it the 1264 Holbrook, so that was approved  
7 for three units, and in addition, is the shadow study  
8 assuming that that's completed, or has it been  
9 completed?

10 MR. ALI: For 1264?

11 CHAIRPERSON HILL: Yeah.

12 MR. ALI: We presented the shade and shadow  
13 study for 1264 at the 1264 application, yes.

14 CHAIRPERSON HILL: Okay.

15 MS. WILSON: I would just like to note that no  
16 tenants from the adjacent properties came and opposed  
17 at the two community meetings.

18 MR. MAY: Thank you. I just have a comment  
19 about the shade and shadow study. I think there's  
20 some -- I mean, I essentially agree with the  
21 conclusions. The impacts are not very substantial.  
22 But it seems you might have some glitches in the  
23 software. If you look at, on the December -- at 9:00  
24 a.m., and you look at before and after, the shadow  
25 casts in the after circumstance is smaller than the

1 shadow in the before circumstance. And the before  
2 circumstance, the shadow is being cast by the building  
3 next to this, the subject property. You see what I'm  
4 saying?

5 MR. ALI: The extent where you said longer.  
6 Which portion of it? Let me --

7 MR. MAY: Yeah, so I mean, just look at how  
8 much shadow is directly behind 1260 in both of those  
9 images at 9:00 a.m.

10 And in the before circumstance, the shadow  
11 that's striking the yard of 1260 is a little bit  
12 bigger than the shadow that is striking the yard of  
13 1260 in the after; after you've built this building.

14 MR. HART: I mean, there are issues with 3:00  
15 p.m. too.

16 MR. ALI: The shadow that you see, the shadow  
17 that actually is stretching behind 1260 is the  
18 addition on 1264. If you see that, the before  
19 exhibit.

20 MR. MAY: Yeah.

21 MR. ALI: That line starts from the 1264.

22 MR. MAY: Right.

23 MR. ALI: Building footprint. And goes east.

24 MR. MAY: Right.

25 MR. ALI: The portion I think that you're

1 noticing is from that last point to where it's further  
2 east is longer on the before exhibit. Is that what  
3 you're saying?

4 MR. MAY: I'm not talking about longer. I'm  
5 talking about deeper, within the yard of 1260. All  
6 right. Why don't you come up here? I'm not going to  
7 talk to you. I'm going to point to what I'm talking  
8 about, because we have to be on the record.

9 So, there's some sort of glitch. Again, I  
10 don't think that changes the conclusion, but if you're  
11 going to be using software to do shad and shadow  
12 studies, you want to make sure that it's being  
13 correctly depicted.

14 There are a couple other little glitches in  
15 there too. If you examine them carefully between  
16 before and after, there are a couple of other images  
17 that don't make sense. Again, they don't change the  
18 essential conclusion. But you should know that.

19 Are we in the general questions? Okay. So, I  
20 have a couple other questions. Is this -- the  
21 existing structure is brick. Or has it been -- or is  
22 it --

23 MR. ALI: Vinyl siding.

24 MR. MAY: The structure.

25 MR. ALI: It's frame, yes.

1 MR. MAY: It's wood frame. Wood frame.

2 Entirely, okay. So, it's a very old building.

3 MR. ALI: Correct.

4 MR. MAY: And the elevation that we saw in the  
5 very first image, that's you're showing the approved  
6 elevations of the building next door.

7 MR. ALI: Correct. On to --

8 MR. MAY: That's a previous one, a project  
9 that you're doing?

10 MR. ALI: Yes.

11 MR. MAY: Okay. And in that circumstance,  
12 you're demolishing the existing building?

13 MR. ALI: No.

14 MR. MAY: You're doing another addition kind  
15 of thing. Why don't you bring up the image? Right  
16 there. Okay.

17 So, what I found a little puzzling. I mean,  
18 the three townhouses that we're seeing to the right of  
19 the subject property, that's a previously approved  
20 project that you're doing.

21 MR. ALI: The three that you're seeing is  
22 actually, used to be one lot, 1264 Holbrook Terrace.  
23 So, after the zoning regs changed, June 26th --

24 MR. MAY: It was a yes or no question.

25 MR. ALI: Well, it's --

1 MR. MAY: Is that your project?

2 MR. ALI: Yes.

3 MR. MAY: Those three. Okay. And it's --  
4 will it -- and it's not going to involve the  
5 demolition of the building that's immediately adjacent  
6 to 1262.

7 MR. ALI: No, we're not going to demolish it.

8 MR. MAY: Okay. But you're substantially  
9 changing the façade.

10 MR. ALI: Correct.

11 MR. MAY: And that's because it predates the  
12 requirement that you can't change --

13 MR. ALI: Correct.

14 MR. MAY: -- key features on the façade.  
15 Okay. That's all I needed to know. Thank you.

16 And, so you also said that the entirety of the  
17 building is going to now be clad in brick? Did I  
18 understand that correctly? Or --

19 MR. ALI: Yes, we had one of the commissioners  
20 at the ANC requested that we don't use stucco or Hardy  
21 plank.

22 MR. MAY: You're using stucco. I thought you  
23 were using Hardy plank.

24 MR. ALI: Hardy plank, I'm sorry. Hardy plank  
25 and use brick instead.

1           MR. MAY: Okay. So, the last question I have  
2 is, the lowest level of this is described as cellar.

3           MR. ALI: Yes.

4           MR. MAY: Okay, but part of it actually, I  
5 think, is basement because of the grade.

6           MR. ALI: We had that back and forth and how  
7 to present that floor being cellar or basement.

8           MR. MAY: With whom?

9           MR. ALI: Sorry?

10          MR. MAY: With whom did you have that back and  
11 forth?

12          MR. ALI: Within the team.

13          MR. MAY: Okay.

14          MR. ALI: So, and then we presented a cellar.  
15 If you think basement is the more --

16          MR. MAY: Well, no, I'm just, it raises a  
17 zoning issue. The word matters less to me than how it  
18 is understood from a zoning perspective.

19          MS. WILSON: I believe since it's measured  
20 from the front point that it is considered a cellar  
21 for zoning and building code purposes.

22          MR. MAY: Okay. So, I mean, in certain  
23 circumstances, when there's a slope in grade like  
24 that, I guess maybe that only affects the FAR. It  
25 doesn't affect what's considered the height of the

1 building, right?

2 MS. WILSON: There is no FAR requirement  
3 for --

4 MR. MAY: I understand.

5 MS. WILSON: -- RF-1, but yes, correct. I --

6 MR. MAY: Okay.

7 MS. WILSON: It affects a number of stories,  
8 so it's still a three-story building.

9 MR. MAY: Right. Okay. That's why I'm asking  
10 the question, right? Okay. Thank you.

11 CHAIRPERSON HILL: Okay, I did have some  
12 questions but they're more, I think, with the  
13 opposition. And so, we'll see how we move forward  
14 here.

15 Going to go ahead and turn to the Office of  
16 Planning.

17 MS. THOMAS: Good morning, Mr. Chair. Karen  
18 Thomas sitting in for Maxine Brown-Roberts today. The  
19 Office of Planning understands the application and we  
20 rest on the record of our report. We believe the  
21 applicant has met the standards for relief under the  
22 special exception requirements, and for the waiver as  
23 requested, and we will rest on the record of our  
24 report. I will be happy to take any questions. Thank  
25 you.

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

3           MR. MAY: Ms. Thomas, if you could just  
4 confirm that, I mean, the question I was raising about  
5 cellar versus basement, it really doesn't apply here  
6 because there's no FAR limit and the met number of  
7 stories is measured strictly from the front.

8           MS. THOMAS: That's correct, and --

9           MR. MAY: Yeah.

10          MS. THOMAS: Uh-huh.

11          MR. MAY: Okay.

12          CHAIRPERSON HILL: Ms. Thomas, for my benefit,  
13 as well as people in the audience, and I have read  
14 your record, could you just again kind of walk me  
15 through your analysis as to how the standard is being  
16 met?

17          MS. THOMAS: Sure. Let me start with the  
18 relief from the upper floor addition. With respect to  
19 the addition, the applicant requested a waiver from  
20 the -- from removing the dormers, the existing dormer.  
21 In that case we would support that as being -- since  
22 that façade was dilapidated, we think that the waiver  
23 is appropriate in this case since there is an  
24 improvement to the façade that is being proposed. It  
25 has -- it did not affect -- the addition didn't affect



1 any adjacent chimneys or external vents or the  
2 abutting neighbors, and it satisfies the conditions  
3 with respect to section -- Subtitle X and 901, with  
4 respect to light and air. Any effect on light and  
5 air.

6 With respect to 5203, it also again satisfies  
7 those conditions, including again, the request to  
8 alter the dormer and replace the porch, and relocate  
9 the windows. And we believe that the changes proposed  
10 will be more in conformance with what is being  
11 constructed at 1264 Holbrook Terrace, to be more in  
12 conformance with that. And it satisfies all the  
13 development standards with respect to height, rear  
14 yard, parking, and we don't anticipate any adverse  
15 impacts with respect to those.

16 And on that basis, we would recommend approval  
17 of the special exception request. Thank you.

18 CHAIRPERSON HILL: Thank you. All right.  
19 Does the applicant have any questions for the Office  
20 of Planning?

21 MS. WILSON: No, thank you.

22 CHAIRPERSON HILL: Okay. So, it was brought  
23 to my attention, actually, that there was a request  
24 for a postponement of this hearing. And  
25 unfortunately, and this is where I can turn to the

1 Office of the Attorney General because I'm just  
2 unclear as to -- I mean, we got this today, is that  
3 correct? And so --

4 MS. GLAZER: Yes, Mr. Chair. I just happened  
5 to be looking at the Z-Docs exhibits and saw that  
6 there is an Exhibit 44 that was dated 6/21, which is  
7 today, and apparently filed today. And it's a letter  
8 from an organization self-proclaimed to be the  
9 Holbrook Terrace Alliance. And maybe the applicant  
10 can clarify who they are, but they make a number of  
11 comments in the letter and they also request a  
12 postponement.

13 Now, there is a rule, I think an amended text  
14 -- a text amendment under Subtitle Y, 206, that says  
15 that no comments should be submitted in the record  
16 electronically on the day of the hearing. Of course,  
17 these are already here. So, it depends on whether the  
18 Board is going to -- part of it does include comments  
19 and I suppose the Board could consider striking the  
20 comments.

21 But there is a request for a postponement too.  
22 Perhaps the Board can call and see if anybody is here  
23 that represents that organization.

24 CHAIRPERSON HILL: Okay. We'll see as we kind  
25 of move through the hearing, what is -- who's here and

1 how we're going to talk about this. And I can't ask  
2 the applicant about the Holbrook Terrace. But I am  
3 kind of curious, Ms. Glazer again, so if we're not  
4 supposed to get anything on the day that we're -- of  
5 the hearing, so then we're not even supposed to  
6 consider this, is that correct?

7 I'm just kind of thinking about down the line.

8 I just want to understand because if we're not  
9 supposed to get this -- if we're not supposed to get  
10 this the day of the hearing, and we got this the day  
11 of the hearing, then we don't even need to talk about  
12 it. Like, we're not supposed to have it.

13 MR. MOY: Yeah. My understanding, Mr. Chair,  
14 and OAG can correct me, but if there are any filings  
15 that were filed on the day of the hearing  
16 electronically, we would not accept it. This one, I  
17 have to admit, kind of slid in to IZIS.

18 CHAIRPERSON HILL: Uh-huh. But it was filed  
19 electronically.

20 MR. MOY: Electronic. But --

21 CHAIRPERSON HILL: So, per the --

22 MR. MOY: Obviously, if they had appeared  
23 physically, then they could --

24 CHAIRPERSON HILL: Right. No, I mean, there  
25 will be an opportunity and we definitely want to hear

1 from anyone who is here, in either support or  
2 opposition. And so, we will have an opportunity for  
3 people to speak. But I just am trying to, for my own  
4 clarity, understand that this is not something that  
5 we're supposed to accept due to the regulations.  
6 Correct?

7 MS. GLAZER: Technically, the regulations just  
8 states that it should not be filed. What happens once  
9 it has been filed, I guess, is up to the Board.

10 CHAIRPERSON HILL: I love the law. So, so --  
11 well, the hearing has started, so we're not going to  
12 postpone the hearing. And as far as allowing it into  
13 the record, you know, I don't know even how to deal  
14 with that right now. So, maybe we can think about it,  
15 or I can think about it, because I'm more interested  
16 in what is going to happen moving forward. I mean, I  
17 hope the people are here to speak. And so, we can get  
18 to that.

19 Do you know who the Holbrook Terrace, LLC is?

20 MS. WILSON: I do not. We have not heard of  
21 them.

22 CHAIRPERSON HILL: Okay. Okay. Okay. Do  
23 they happen to be here?

24 [No audible response.]

25 CHAIRPERSON HILL: Okay. All right. Great.

1 Okay, good. Then we'll have an opportunity to hear  
2 from you. Okay.

3 All right. Yes, please go ahead.

4 MR. HART: Just one question. Because this is  
5 an organization and we're really not sure kind of who  
6 they represent, but who can represent them, I mean,  
7 there should be something that says that, you know,  
8 that -- because usually we have that you know, if it's  
9 an ANC, it's somebody that's been given the authority  
10 to be able to speak for the ANC. I'm not really sure  
11 who should be given the authority to speak for this  
12 particular group. So, I just, I only bring it up  
13 because I don't want somebody to come up and say,  
14 well, I represent them and we don't know if they do or  
15 don't. And it just seems like it could get a little  
16 messy.

17 MS. GLAZER: Well, I think that's something to  
18 take up with the person who testifies. For now, you  
19 can just consider them, or he or she, I'm not sure, a  
20 person in opposition, and they can discuss those  
21 issues.

22 CHAIRPERSON HILL: Okay. Okay. So, all  
23 right. I kind of want to get past this one point real  
24 quick.

25 So, Ms. Glazer, you're saying that you're not

1 -- this isn't supposed to be in the record, but it now  
2 is in the record?

3 MS. GLAZER: Well, it appears as an exhibit  
4 and I suppose the Board could, on its own motion,  
5 strike the comments portion. And you've already  
6 decided you're not postponing the hearing. But it's  
7 kind of moot once you've addressed it, to then strike  
8 it, and you're going to hear from them anyway.

9 CHAIRPERSON HILL: Okay. So, in the future,  
10 if we can figure this out, because I want to  
11 understand what we're supposed to do -- no, I'm just  
12 saying, like I --

13 MS. GLAZER: We can discuss that at the  
14 hearing.

15 CHAIRPERSON HILL: We can discuss it later.  
16 Okay. Because so, all right. All right. So, is  
17 anyone here -- and I think I did this. You don't have  
18 any questions for the Office of Planning? All right.

19 Is there anyone here from the ANC?

20 Oh, great. And before I do that also, is  
21 there anyone here wishing to speak in support of the  
22 application? Okay.

23 Is there anyone here wishing to speak in  
24 opposition to the application? I guess you're both --  
25 if you could both please come forward?

1           If you could just maybe take a seat over here  
2 to the right? And the witness cards go to the  
3 gentleman over here to my right. Good morning.

4           If you could please actually just introduce  
5 yourselves first, and then we'll see where we go from  
6 there?

7           Is your microphone on? I'm sorry, sir. Just  
8 push on it until the glowing button comes on.

9           MR. LEE: Okay. Good morning. My name is  
10 Clarence Lee, and I'm the Chairman of ANC 5D.

11          CHAIRPERSON HILL: All right, great. Welcome,  
12 Chairman Lee.

13          MR. LEE: Thank you.

14          CHAIRPERSON HILL: And your name?

15          MS. LOVELACE: Good morning. My name is  
16 Arvette Lovelace, representing the Holbrook Terrace  
17 Alliance. I reside at 1267 Holbrook Terrace  
18 Northeast, across the street from the proposed  
19 development.

20          CHAIRPERSON HILL: Okay. So, Mr. Lee, I'm  
21 going to start with you, okay, as the ANC. And you  
22 get five minutes, but we're going to go ahead and hear  
23 what you have to say, even if you go past that. But,  
24 I'm going to put five minutes up on the clock because  
25 that's what I'm supposed to do. And then go ahead and

1 let you start and present whatever you'd like to tell  
2 us.

3 MR. LEE: Okay. Well, thank you for having me  
4 here. I just came to support the neighbors on  
5 Holbrook Terrace. As the ANC, we voted against it,  
6 and primary reason why we voted against it, because  
7 the neighbors didn't have enough time to digest the  
8 information, and we were willing to look at it again  
9 at a later time, but they wanted to go forward with a  
10 vote.

11 So, since even a few neighbors were objecting  
12 at the meeting, I had to vote against it for that  
13 reason only, because we just wanted to make sure the  
14 neighbors had a time to look at the information and be  
15 sure because a lot of changes are going on, on the  
16 block. There's a lot of density concerns. And, you  
17 know, we're trying to slow down because there's a lot  
18 of empty lots. So, this is the second lot that's  
19 being converted from a one-unit house to a three --  
20 well, the other one is three units.

21 So, the neighbors really have a lot of concern  
22 about density, even though parking is available. But,  
23 you know, it's three condos, which means most of our  
24 new folks that come to the neighborhood, they're in  
25 even with the amount of bedrooms is four or five



1 people in units. So, we do have a lot of parking  
2 problems. So, the block isn't zoned for residential  
3 only parking. But we just -- things are moving a  
4 little too fast for the neighbors. And we just wanted  
5 them to slow down and give them an opportunity.

6 Right. A lot of people didn't show up for the  
7 meetings because they weren't aware of the meetings,  
8 and the notifications. But it's just, when I hear the  
9 concerns from the neighbors, I think we just want to  
10 slow this process down and even look at more how we  
11 can address the density on this small block, because  
12 like I say, there are other empty lots. Most of the  
13 buildings were four-unit buildings. They're  
14 dilapidated, they're falling down. So, it's like  
15 prime real estate that everybody is jumping on. And  
16 we just want them to slow down so we can really  
17 support the neighbors and work with them so we can  
18 make sure that everybody is satisfied with what's  
19 going on in the block.

20 CHAIRPERSON HILL: Okay, thanks. Chairman  
21 Lee, first of all, thanks for coming down. I know you  
22 took time off your day to be down here. So, what was  
23 the vote again, that you guys had?

24 MR. LEE: It was four to three, opposing.

25 CHAIRPERSON HILL: It was four to three. And

1 you're one of the four that opposed?

2 MR. LEE: Yes.

3 CHAIRPERSON HILL: And so, it was split. And  
4 I'm just kind of curious on a variety of things. Is  
5 it often times that you guys split the votes? I'm  
6 just saying like do you tend to kind of vote together  
7 or --

8 MR. LEE: Well the ANC is sort of a -- we have  
9 a strange ANC.

10 CHAIRPERSON HILL: Uh-huh.

11 MR. LEE: I look at it as one --

12 CHAIRPERSON HILL: You're on the record, Mr.  
13 Chairman. Right. Right.

14 MR. LEE: Yeah, I know but --

15 CHAIRPERSON HILL: Yeah.

16 MR. LEE: I look at our ANC as one ANC.

17 CHAIRPERSON HILL: Right.

18 MR. LEE: But two neighbors.

19 CHAIRPERSON HILL: Okay.

20 MR. LEE: I live on the Trinidad side.

21 CHAIRPERSON HILL: Okay.

22 MR. LEE: The other side is across Bladensburg  
23 Road.

24 CHAIRPERSON HILL: Okay.

25 MR. LEE: So, we have completely different

1 issues --

2 CHAIRPERSON HILL: I see. Okay.

3 MR. LEE: -- in Trinidad as opposed to Carver  
4 Terrace, which is the other part of the ANC.

5 CHAIRPERSON HILL: I see.

6 MR. LEE: So, but actually the -- I was the  
7 only one on the Trinidad side that voted against it  
8 because any time a neighbor states that they have some  
9 concerns, I think the neighbors should come first.

10 CHAIRPERSON HILL: Okay. Okay, great. Does  
11 the Board have some questions for the chairman?

12 MR. HART: You -- thank you very much for  
13 coming out today. I echo our chairman's comments.  
14 You said that there was enough time for folks to look  
15 at the -- to know about this particular project. I  
16 noted that the site itself was posted, you know, for  
17 the project. And the letters, I guess, went out to  
18 people. What were the folks saying about their --  
19 about notice? Did they -- was it that they -- how did  
20 they learn about coming to the meeting to begin with?  
21 And is -- you know, I mean, how do they figure all  
22 this stuff out? I mean, some of them actually knew  
23 about this but it just took them a little bit more  
24 time to do that.

25 So, could you talk a little bit about that?

1           MR. LEE: Right. I just think it just didn't  
2 meet their schedules when the meetings were posted.  
3 Just life. That they just couldn't have the  
4 opportunity to make those meetings when they were  
5 scheduled.

6           I personally think they should have been maybe  
7 scheduled on the block, near their home so they can  
8 maybe, you know, on the evening walk there Saturday  
9 afternoons. And everybody has busy lives, but -- and  
10 work on Saturdays. So, I think that was the primary  
11 driver why they weren't at the meetings.

12          MR. HART: Okay.

13          CHAIRPERSON HILL: So again, Chairman Lee,  
14 we're going to hear from the other Holbrook Terrace  
15 here that's in opposition as well. And so, I'm just  
16 kind of curious. If there were more time than -- I'm  
17 trying to understand how you might have changed your  
18 vote. I mean, you're kind of the swing vote then  
19 there as well, you know. And like, if there had been  
20 more time, have you heard more now or since then that  
21 has changed your opinion on the project, or you just  
22 would like to have the neighbors have more time to  
23 understand what's happening?

24          MR. LEE: I have not heard more about the  
25 project -- more from the neighbors that say they

1 really understand what's going on. No, I have not.

2 CHAIRPERSON HILL: Okay. Okay.

3 MR. LEE: So, and that was the reason why I  
4 voted against it because I thought they should have  
5 more time. I think given the -- that they had more  
6 time, it probably would have gotten a unanimous vote.

7 CHAIRPERSON HILL: Okay. Okay. I appreciate  
8 that. Okay. All right. Ms. --

9 MS. LOVELACE: Lovelace.

10 CHAIRPERSON HILL: Lovelace, thank you so  
11 much.

12 MS. LOVELACE: Lovelace.

13 CHAIRPERSON HILL: Ms. Lovelace, I'm going to  
14 go ahead and as an association you also get five  
15 minutes, so I'm going to put five minutes on the clock  
16 for you. But again, we're going to go ahead and hear  
17 what you have to say. Or an alliance, I should say.

18 MS. LOVELACE: So, am I able to read the  
19 letter that was posted or --

20 CHAIRPERSON HILL: Sure. You don't have to  
21 read it, I suppose. It is -- well, now again, I don't  
22 know what it is, but you can highlight the -- you can  
23 read the letter if you want, or you can highlight what  
24 is in here.

25 MS. GLAZER: Mr. Chair, can I just make a

1 suggestion? I'm sorry to interrupt, but the Board  
2 could perhaps treat it as a statement in support of  
3 the alliance's position. And those are often filed  
4 with the testimony.

5 CHAIRPERSON HILL: Okay. All right. So, this  
6 is now a statement in support.

7 MS. LOVELACE: A statement of support.

8 CHAIRPERSON HILL: No, no, no, in your --

9 MS. GLAZER: Opposition of the project.

10 CHAIRPERSON HILL: Statement of, a statement  
11 of in support of opposition of alliance --

12 MS. GLAZER: No.

13 CHAIRPERSON HILL: Holbrook Alliance. No? Ms.  
14 Glazer, you're helping me out over here a lot. I've  
15 got to tell you. You know, right.

16 MS. GLAZER: I'm just saying, it's their  
17 statement.

18 CHAIRPERSON HILL: Okay.

19 MS. GLAZER: How about, the statement of the  
20 alliance.

21 CHAIRPERSON HILL: It's your statement that  
22 we're putting into the record now. Okay? So, you  
23 don't have to read it now because you're here. And  
24 so, if you just want to go ahead and highlight what  
25 you have to say in here, or if you'd like to read it,

1 if it makes you more comfortable. I know I'm not  
2 giving you an answer, but you can go ahead and do it  
3 either way you'd like.

4 MS. LOVELACE: That's fine.

5 CHAIRPERSON HILL: All right.

6 MS. LOVELACE: First and foremost, thank you  
7 for allowing me to sit in front of you. I am actually  
8 a 45-year old resident of Holbrook Terrace. So, I've  
9 been there through whatever changes have gone on. I'm  
10 raising a family there now too, in the same house I  
11 was raised in.

12 So, first and foremost, the communication as  
13 far as the notice, and I know the architect did reach  
14 out to our ANC in a timely manner. But our ANC did  
15 reach out to us in a timely manner. So, that was one  
16 of the concerns was that our particular ANC did not  
17 reach out to us in a timely manner as far as reviewing  
18 the plans, seeing what they were, being able to digest  
19 it.

20 I did attend the first meeting and after that  
21 meeting it was said that, okay, we're going to a  
22 hearing on the 21st. It's like, okay, wait a minute,  
23 there's only two of us here off the block. So, there  
24 wasn't enough notification. That's the first thing.

25 The second, the letters that they have, those

1 folks don't live on that block. They're owners of the  
2 properties. They don't exist. They don't live on the  
3 block.

4           And we have concerns because one of the owners  
5 just is -- is completing a project, one, what is it,  
6 1258? Is that 58? 1260? Fifty-eight. 1258, which  
7 has eight units.

8           So, we're concerned about, like Commissioner  
9 Lee said, the fast pace of the development, and it's  
10 sitting on top of a hill and we're concerned about the  
11 density too. So, you have eight units next door to a  
12 three-unit, and then you're on the other side of the  
13 three-unit, you want to make a condo of an existing  
14 townhome for three units, and then you have that  
15 project right next door, which is 1264, right? 1264,  
16 which is the one where they're going to do the four.

17           So, you know, for us, it's the concern of the  
18 density of how many units that you're putting on our  
19 small block within the time that you're doing it,  
20 versus being paced in, us looking at it. So, it's  
21 like you're throwing four dump trucks on top of us at  
22 one time, versus one at a time. It's like four at one  
23 time. And mind you, we're on top of a hill. So,  
24 that's one of the main concerns.

25           It's really not the parking because we know,



1 you know, parking is an issue in the city. But it's  
2 just the density of being able to -- you have eight  
3 units here, and you're going to possibly have a whole  
4 other 10 units within less than a 200-foot radius on  
5 the same block. So, that's really our concern, and we  
6 haven't had time to digest any of that. So that's  
7 where we were -- we put the information in to postpone  
8 because a lot of folks aren't aware that that's what  
9 is going on at the top of the hill, even though they  
10 might have gotten notice from zoning, they're still  
11 not aware of that's what's going on.

12 CHAIRPERSON HILL: So, Ms. Lovelace, who else  
13 do you think has missed out on -- I mean, I'm just  
14 trying to understand a little bit more like when you  
15 say a lot of people don't have notice, or a lot of  
16 people don't -- like who is it that you would like to  
17 have more time to reach out to if we were to give you  
18 more time?

19 Sure, of course.

20 MR. LEE: Okay, sir. There's some  
21 condominiums at the lower end of the block who don't  
22 have parking. And they're very concerned because of  
23 the parking and additional density. And these are  
24 just converted four-unit apartment buildings that are  
25 now converted to condominiums. So, it didn't change

1 anything about the building. It's just that they have  
2 more concerns about adding more density to the block  
3 also, because these were, like you say, single-family  
4 homes. Dilapidated, yes. An eyesore, yes. But, it  
5 wasn't -- now, this just brings in more people.

6 And like I say, and for those neighbors that I  
7 talk to down on that end, they are concerned because  
8 they don't have rear parking because they didn't make  
9 any changes to the building. They just converted from  
10 apartment buildings to condominiums. So, they weren't  
11 required to have parking.

12 So yes, some of this might get answered by  
13 residential parking, but still, the neighborhood is  
14 getting crowded.

15 CHAIRPERSON HILL: Okay. And Chairman Lee,  
16 I'm trying to just figure out I guess, what more time  
17 would do for you guys also. Because like, you know,  
18 you've heard you know -- well, you've read -- maybe  
19 you've read the report, maybe not, from the Office of  
20 Planning and how the Office of Planning has kind of  
21 come to the analysis that this application meets the  
22 standards with which to be granted. And so, and  
23 that's why I also ask that the Office of Planning kind  
24 of walk through their analysis as to how they got to  
25 there.

1           As far as the parking goes, they're adding  
2 more parking than they already need to add. So, I  
3 mean, I'm just, I'm trying to be very aware and  
4 cognizant of what you all are trying to do with more  
5 time. You know, that's what I'm trying to get at  
6 like, like if there was something where -- and you  
7 yourself, Mr. Chairman, said that like, you know, the  
8 more time, if there were more time the ANC could have,  
9 and you don't know for sure because you can't mention  
10 for everybody, but the ANC could have then possibly  
11 been in approval of this.

12           And so, I'm just trying to understand a little  
13 bit more what the time gets you at this point in terms  
14 of, you know -- and you mentioned that this was, Ms.  
15 Lovelace, kind of like it's on a hill, you know. I  
16 mean, there was -- you know, even the concerns that at  
17 one point seem to have been brought up by the  
18 applicant, at least for like, you know, sewage and  
19 things such as that, is that what you mean by the  
20 hill, being on the hill? Or I don't hear anything  
21 about the -- you guys aren't the people that were  
22 concerned about the sewage. You're just concerned  
23 about the amount of time that you've had to look at  
24 the plans.

25           MS. LOVELACE: Yes, the amount of time that we

1 had to look at the plans. And again, the fast pace of  
2 the development.

3 CHAIRPERSON HILL: Okay. Okay. If it's okay  
4 with you guys, I just need to take a quick break real  
5 quick.

6 MS. LOVELACE: Okay.

7 CHAIRPERSON HILL: And so, you all don't have  
8 to go anywhere. I'm just going to take a quick three-  
9 minute break. Thank you.

10 [Off the record from 11:23 a.m. to 11:29 a.m.]

11 CHAIRPERSON HILL: Okay. Let's get back here,  
12 please. All right. Where were we? Oh, Mr. Hurd.

13 So, okay, thanks. So, Mr. Hart, do you have  
14 any questions, or does the Board have any questions of  
15 the chairman or the person in opposition here?

16 And, Ms. Lovelace, also, we're going to accept  
17 your letter as your statement here that you're  
18 presenting for in opposition. Just to be clear on  
19 that.

20 And I guess, actually, I do have one more  
21 thing that I'm just again trying to figure out. Like,  
22 what is it, Ms. Lovelace, that you think your alliance  
23 would want to have happen here now? So, more -- I'm  
24 just still trying to understand. More time to look at  
25 everything. I mean, I understand that you would like

1 development to be paced out a little bit more in terms  
2 -- at least, that's the impression I'm getting, in  
3 terms of the changes to your neighborhood. But you  
4 would need -- you would like more time to look at  
5 these particular plans?

6 Can you speak into the microphone? I'm sorry.

7 MS. LOVELACE: In this case, yes.

8 CHAIRPERSON HILL: And how much more time  
9 would that be?

10 MS. LOVELACE: I mean, what's the, what's  
11 the --

12 CHAIRPERSON HILL: You need to lean forward  
13 more a little bit.

14 MS. LOVELACE: What is the time allotted? I  
15 mean, what is the minimum/maximum?

16 CHAIRPERSON HILL: There is no  
17 minimum/maximum. I'm just kind of -- you're the  
18 person who's asking me that you need more time, so I'm  
19 just trying to figure out what that time is.

20 MR. HART: Are you looking for two weeks? Are  
21 you looking for a month? We don't have a meeting. We  
22 don't have a --

23 CHAIRPERSON HILL: A week, right. I don't  
24 understand. I'm just trying to figure out who it is  
25 that -- I mean, I just don't know who it is you're

1 trying to get to that you think hasn't had enough time  
2 to look at things. Like, you know, if you had a week,  
3 a day. You know, you have everything in front of you  
4 now in terms of the plans, and trying to figure out  
5 just -- I mean, you can't prolong a development for  
6 like, you know, six months, a year. I mean, you know.

7 Right. No, no, but you see what I'm saying, like I  
8 don't -- who is it that you're trying to get to talk  
9 to, and when do you think you get to talk to them?

10 MS. LOVELACE: So, what I'm going to say is  
11 what? Thirty days.

12 CHAIRPERSON HILL: Uh-huh. But, okay. Who is  
13 it that you're trying to talk to again?

14 MS. LOVELACE: My neighbors.

15 CHAIRPERSON HILL: Your neighbors.

16 MS. LOVELACE: That are on the block; the  
17 existing block and the block behind the project, which  
18 is on Trinidad Avenue.

19 CHAIRPERSON HILL: Okay.

20 MS. LOVELACE: So, between Holbrook and  
21 Trinidad Avenue.

22 CHAIRPERSON HILL: Okay.

23 MS. LOVELACE: So, the folks there were  
24 supposedly -- received the letter. I don't know if  
25 they received it, but those are the folks in the 200-

1 feet radius.

2 CHAIRPERSON HILL: Okay. And so, then they  
3 would have an opportunity to look at the plans and  
4 then they just would probably get more comfortable  
5 with them, or you don't know what they would say, I  
6 suppose. That's what you're trying to --

7 MS. LOVELACE: Right. Yes.

8 CHAIRPERSON HILL: Understand. Okay. Mr.  
9 Hart, do you have any questions?

10 MR. HART: Yeah, actually, I do. Mr. Lee,  
11 when is the next ANC meeting? When is your next  
12 monthly meeting?

13 MR. LEE: So, that would be July, the second  
14 Tuesday in July. I think it's July the --

15 MR. MOY: It looks like it's July 11th, if  
16 it's on a Tuesday.

17 MR. LEE: Yes. July 11th.

18 MR. HART: You know, I was thinking, Mr.  
19 Chairman, that you all have another opportunity to  
20 have an ANC meeting. You, Ms. Lovelace, have time to  
21 be able to talk to your folks. I mean, I'm not saying  
22 that that's the -- I'm just asking if that's -- if  
23 that would be sufficient to be able to give you the  
24 time to do that and have -- to talk to the folks that  
25 are there, and then have some sort of resolution that

1 may be of benefit to the application because they  
2 would then get an ANC report that is actually -- that  
3 may change.

4 MR. LEE: And that's what we requested on the  
5 June meeting, that we just postpone the vote.

6 CHAIRPERSON HILL: Okay. All right. Well,  
7 I'm glad that -- well, so, I think that we're probably  
8 going to -- you know, that sounds like a plan to me,  
9 Mr. Hart. So, but now I'm trying to see what we're  
10 going to do.

11 Mr. May, do you have any questions or  
12 comments?

13 MR. MAY: No, I mean, it would be, I guess  
14 helpful to have a more definitive vote from the ANC.

15 CHAIRPERSON HILL: Okay. All right.

16 MR. MAY: If we were to continue the case at  
17 all, I would think it would be just to receive that  
18 further report.

19 CHAIRPERSON HILL: Right. Right. Okay. So,  
20 then this is what I would be proposing, I suppose,  
21 based upon what I'm hearing up here. So, the  
22 applicant would have enough time to give information  
23 to the Holbrook Alliance. I don't know what else you  
24 might want, Ms. Lovelace, in order to provide  
25 information to the other constituents that you're



1 trying to reach out to, or Mr. Chairman Lee as well.  
2 And then you, being the chairman, you have an  
3 opportunity to set the agenda, and you can put this on  
4 the vote again for July 11th.

5 MR. LEE: Yes.

6 CHAIRPERSON HILL: So then, that gives you  
7 between now and that time to at least give more  
8 information, give the same information, have them an  
9 opportunity to take a look at it, have the chairman  
10 have more of an opportunity to digest what has been  
11 proposed, and then another vote can be taken. Then,  
12 what the Board would like to know is, what that vote  
13 was. If you could submit that into the record,  
14 Chairman Lee, for us to then get to a meeting on,  
15 what's the following time we're here, Mr. Moy, after  
16 the 11th? I don't -- one day, can I have a calendar  
17 up here?

18 MR. MOY: It would be the next day.

19 CHAIRPERSON HILL: Oh.

20 MR. MOY: We have a scheduled hearing on July  
21 12th.

22 CHAIRPERSON HILL: So, that's the 12th.  
23 What's the following one?

24 MR. MOY: It would be July the 19th.

25 CHAIRPERSON HILL: Okay, the 19th. So, you're

1 meeting on the 11th, right? That's what you said?

2 And so, could you turn around something for me by the  
3 12th?

4 MR. LEE: Yes.

5 CHAIRPERSON HILL: Oh, okay. Great. Then we  
6 can put this on the meeting for the 12th. Is the  
7 Board following where I'm going?

8 MR. HART: I think that we should probably  
9 just state that we would accept something, you know, I  
10 don't know if we had to say that on -- accept  
11 something on that day, because we may be getting it on  
12 that --

13 UNIDENTIFIED SPEAKER: [Speaking off  
14 microphone.]

15 MR. HART: Yeah. And I still want to get back  
16 to the -- you know, because they're not going to have  
17 the meeting until that evening, so you know,  
18 presumably we might get something that evening, but it  
19 might be that, the next day. So, I just didn't want  
20 to, you know, run into the same problem.

21 MR. MOY: Yeah, then that would mean the 19th  
22 of July.

23 MR. LEE: Okay. So, I would submit it on the  
24 evening of the 11th.

25 MS. GLAZER: My concern is that the applicant

1 may want to review this and respond to whatever is in  
2 the new ANC report.

3 CHAIRPERSON HILL: Okay. So, would the  
4 applicant -- so, you obviously, because this is all  
5 done in the public and the open, and so would you like  
6 us to try to get you back here on the following  
7 Wednesday? Or do you want to have time to look at it  
8 and then we'd come back to a meeting the following  
9 Wednesday?

10 MS. WILSON: We would like the first one, stay  
11 July 12th.

12 CHAIRPERSON HILL: Okay. So, July 12th.  
13 Okay. So then, Mr. Lee, Chairman Lee -- and by the  
14 way, you all can thank Chairman Lee also because he is  
15 going to give you a report that same night, okay? One  
16 way or the other, okay? Which is getting you forward  
17 here. Okay?

18 So, if you can do that, Mr. Chairman, that  
19 would be great. Get us to report that Tuesday night,  
20 that way it's in electronically and I don't have to  
21 worry about this electronic stuff the morning of.  
22 Thank you, Mr. Hart. And then we can do a meeting for  
23 this on the 12th. Okay?

24 MR. MAY: Just to be clear, we are closing the  
25 hearing now and it will be a meeting on the 12th?

1 MR. HART: That is what I'm thinking.

2 MS. GLAZER: Of course it's up to the Board.  
3 I just, OAG just wants to state that depending on what  
4 is in the report, you might want to hear more from  
5 either the parties, or from the Office of Planning.  
6 I'm not sure if Maxine Roberts who prepared the  
7 report, will be back on that date.

8 MR. MAY: I cannot be here on the 12th.

9 CHAIRPERSON HILL: I think, I think --

10 MR. MAY: So, but if we have the information I  
11 can submit an absentee ballot.

12 CHAIRPERSON HILL: Submit absentee. Okay.  
13 All right. Back to the applicant here for one second.

14 So, the 12th, I'm just trying to work out  
15 time. Okay? So, if I push you back another week does  
16 it hurt you guys financially?

17 MR. ALI: That's fine.

18 CHAIRPERSON HILL: Okay. I love the secret  
19 peanut gallery in the back. The money man nods.

20 Okay. So, then we're going to -- what's the  
21 following Wednesday, Mr. Moy?

22 MR. MOY: Okay. It would be the 19th.

23 CHAIRPERSON HILL: Okay. So, the 19th. So,  
24 that means, Mr. Chairman Lee, if you can get it to me,  
25 even on Wednesday, that's fine. Okay? Get it to us

1 on Wednesday. The parties can take a look at whatever  
2 is submitted. They would have an opportunity to  
3 respond to what is submitted. And then we will have a  
4 vote take place on the 19th, a meeting. Okay? Which  
5 means, Mr. Moy, that I need a date for when we would  
6 accept anything into the record from the parties in  
7 response to the ANC report.

8 MR. MOY: Okay. Assuming that the ANC files  
9 at or about July 12th, then that would allow the  
10 applicant and OP to respond, let's say by the  
11 following Monday, which would be July 17th.

12 CHAIRPERSON HILL: Okay. That works for me.  
13 And just so I'm clear, Ms. Glazer again, that means  
14 that the applicant, and the alliance, and the Office  
15 of Planning, would have an opportunity to respond.

16 MS. GLAZER: The alliance is not a party.

17 CHAIRPERSON HILL: Okay.

18 MS. GLAZER: But the Board can provide --  
19 allow them to respond. But I think, it sounds like  
20 the ANC is speaking for their concerns.

21 CHAIRPERSON HILL: Well, I don't know if they  
22 are or not, so it doesn't matter. I'll let the  
23 alliance -- the alliance, if you want to submit  
24 something after you see what the ANC report is for  
25 that Monday, that's fine. So, you can go -- unless

1 the Board has any other issues with it.

2 So, we're going to get a report, we're going  
3 to get a vote from the ANC on Wednesday, or something,  
4 right? Then, you have Monday to present, Ms.  
5 Lovelace, anything into the record that you want to.  
6 And then the applicant will also have until that  
7 Monday to respond, and only to the ANC, not about  
8 anything else. And then the Office of Planning, if  
9 you want to submit anything based upon the ANC --  
10 whatever the ANC submits on the 12th, you may do so.  
11 And also, if you don't think it's necessary, then just  
12 let us know. Okay? All right.

13 So, are we all clear? Okay.

14 So, I did support opposition. Do you guys  
15 have any questions? Okay. All right. Well, thanks,  
16 you all, for coming down and then we're going to  
17 adjourn, close the hearing on this case. Okay, thank  
18 you.

19 [Pause.]

20 CHAIRPERSON HILL: All right, Mr. Moy.  
21 Whenever you're ready.

22 MR. MOY: Thank you, Mr. Chairman. So, if we  
23 can have parties to the Application No. 19511 of D.C.  
24 Department of General Services as captioned and  
25 advertised for a special exception from the maximum

1 lot occupancy requirements of Subtitle C, Section  
2 1603.3, and the minimum parking requirements, Subtitle  
3 C, Section 701.5, this would replace an existing one-  
4 story public recreation and community center with a  
5 new two-story recreation center in the RF-1 Zone.  
6 This is at premises 301 Franklin Street Northeast,  
7 Square 3550, Lot 801.

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

11 MR. DEERING: Drew Deering from Moody Nolan  
12 Architects.

13 CHAIRPERSON HILL: Could you say that again?  
14 Sorry.

15 MR. DEERING: Drew Deering.

16 CHAIRPERSON HILL: Deering. Thank you.

17 MR. SISCO: Brent Sisco from D.C. Department  
18 of Parks and Recreation.

19 CHAIRPERSON HILL: Thank you for speaking  
20 slower, Mr. Sisco.

21 MR. DeBEAR: Eric DeBear from Cozen O'Connor.

22 MS. MOLDENHAUER: And Meredith Moldenhauer  
23 from Cozen O'Connor.

24 CHAIRPERSON HILL: From where?

25 MS. MOLDENHAUER: A new firm. Our zoning

1 group has moved, Cozen O'Connor.

2 CHAIRPERSON HILL: Okay. Interesting. All  
3 right. Okay.

4 So, who's presenting?

5 MR. DeBEAR: I am.

6 CHAIRPERSON HILL: Mr. Bear. Mr. DeBear. So,  
7 if you could go over with us the relief that's being  
8 requested and why you're meeting the standard? And I  
9 did have kind of a little more questions. I didn't --  
10 and maybe it came in again this morning. But the ANC  
11 report, I didn't really see -- there's a lot of  
12 comments that have come in that I didn't see before.  
13 So, but you know, if you could speak again to the ANC  
14 report. If you could speak again to the TDM plan that  
15 you now have submitted that we needed, and so in order  
16 to review this as per the regulations.

17 So, I'm going to go ahead and give you -- I'm  
18 going to give you 10 minutes. Okay, right? On to the  
19 clock. It will be 15 minutes.

20 MR. DeBEAR: If you need a full presentation  
21 beyond explanation of the ANC and the TDM, then  
22 certainly 15.

23 CHAIRPERSON HILL: Okay. Yeah, just again for  
24 me, and the Board can speak up if they have different  
25 specifics. Those, as well as overall, the relief that



1 you're requesting in the standard in which we can  
2 grant that relief.

3 MR. DeBEAR: Yes, I'd be happy to --

4 CHAIRPERSON HILL: Okay.

5 MR. DeBEAR: -- go through all of that.

6 CHAIRPERSON HILL: Thank you.

7 MR. DeBEAR: I'll take the ANC first. We went  
8 to the ANC last night. There was a vote. It was a  
9 vote in opposition to the parking relief. So, as part  
10 of this project, the District Government is seeking  
11 relief from the parking requirement. Three spaces are  
12 required, whereas we will be providing zero spaces.  
13 As well as lot occupancy for a community and rec  
14 center in the RF Zone. The requirement is 20 percent  
15 and the building will be 28.5 percent.

16 I will note that the 22 letters in the record  
17 are all letters of support. I do think that's  
18 important. But nonetheless, we did go to the ANC last  
19 night, and there is a vote against the parking relief  
20 specifically. The vote was six to four, so it was  
21 virtually a split vote. Obviously not quite, but you  
22 can kind of see, I think that reflects the -- or I'm  
23 sorry. I don't think that quite reflects how the  
24 community feels about this project. And Brent has  
25 been to approximately, and he can speak to this, seven

1 community meetings leading up to this formal ANC  
2 presentation. And throughout that, the community  
3 clearly expressed an interest for amenities in this  
4 park, as opposed to parking. As we say, park  
5 overparking.

6           The ANC did express concerns for, in  
7 particular, elderly or disabled individuals. We did  
8 note that we'd be happy to work with DDOT to try to  
9 reserve a handicapped spot on the street. I believe  
10 Brent -- Brent can speak to this; had spoken with DDOT  
11 about you know, the parking situation around the park.  
12 Basically, it's the ANC expressed issue with the  
13 existing condition. There is a public charter school  
14 to the right, if you -- I'll show you on the site plan  
15 here.

16           So, this is the existing aerial. So, if you  
17 see at the bottom of the screen, inspired teaching  
18 public charter school, the ANC expressed concerns  
19 about parking for teachers, and drop-off and pick-up  
20 for students, which we feel like is an existing  
21 condition that really doesn't have much to do with the  
22 rec center use. But it was really the existing  
23 condition, and then the idea of how to -- in  
24 particular they mention elderly or disabled  
25 individuals get to the park.

1           But, I would like to note that there was  
2 considerable folks in support of the parking relief  
3 that voiced their opinion last night. And I think I'd  
4 just like Brent really to touch on the seven meetings  
5 he went to where he really -- the D.C., the goal of  
6 this is obviously to make a rec center that is great  
7 for the community. And the design was designed in  
8 direct response to what D.C. heard from the community.

9           So, I'll just let Brent talk a little to that  
10 because I think it goes to this parking issue.

11           MR. SISCO: Right.

12           MS. MOLDENHAUER: Before --

13           MR. SISCO: Oh, I'm sorry.

14           MS. MOLDENHAUER: I think what we'll do is go  
15 through the presentation and then Brent can elaborate  
16 on that during the presentation. But there's also a  
17 preliminary matter that we wanted to bring up before  
18 we get started.

19           MR. DeBEAR: There is one additional  
20 preliminary matter. We did file last night. First of  
21 all, I'd like to apologize to the Board. As we noted,  
22 we are now with Cozen O'Connor, our zoning and land-  
23 use team. That move was on Friday, so we've been kind  
24 of in the process of that. So, we filed it last  
25 night. We filed four items; the affordable of

1 maintenance, Mr. Deering's resume, a notice of  
2 transfer of representation for the District, kind of  
3 relating back to the agent authorization, and then the  
4 transportation demand management plan.

5           And I guess I'll take this opportunity to  
6 speak about the TDM plan that is -- it's notable that  
7 DDOT supports the parking relief here, supports the  
8 zero parking spaces, and requested 10 short-term  
9 bicycle parking spaces in lieu, sort of as a TDM plan.  
10 And the architect has designed this site so there  
11 will be 17 bicycle racks for short-term bicycle  
12 parking spaces. So, that's part of the TDM plan, and  
13 what's stated, I believe, in Tab D of that filing last  
14 night. And I do have copies of that if it pleases the  
15 Board.

16           In addition to that, DDOT -- or, I'm sorry,  
17 D.C. will work with both DDOT and Capital Bikeshare on  
18 potentially having a Bikeshare station either on site  
19 or in public space adjacent to the site. That is in  
20 negotiation right now, but it is something they're  
21 looking at. So, that's really the transportation  
22 demand management plan. It goes to, I believe,  
23 Subtitle C, 703.4. But those four items were in the  
24 filing that was made yesterday at about 5:00 p.m.

25           And again, I apologize for the late filing and

1 would request that the Board waive any filing  
2 requirements for the late filing.

3 So, at this point --

4 CHAIRPERSON HILL: No, hold on. Just give me  
5 one second.

6 MR. DeBEAR: Okay.

7 [Pause.]

8 CHAIRPERSON HILL: Okay. Unless the Board has  
9 any objection, I would go ahead and waive the filing  
10 requirements to allow this into the record, because I  
11 think that we need all of it.

12 Is your -- so, Mr. Deering is not in the book  
13 as an expert witness. Is that correct? Or, no?

14 MR. DeBEAR: We did submit his resume as part  
15 of that filing.

16 CHAIRPERSON HILL: Okay.

17 MS. MOLDENHAUER: But you're correct that he's  
18 not in the current book of prior --

19 CHAIRPERSON HILL: Okay.

20 MS. MOLDENHAUER: -- qualified individuals.

21 CHAIRPERSON HILL: Mr. Deering, I'm just  
22 looking at your CV here. And, would you mind telling  
23 us about yourself so we can see whether or not you're  
24 an expert or not?

25 MR. DEERING: Yes. I'm a practicing

1 architect. I've been practicing for 18 years, doing a  
2 wide variety of projects from commercial to large  
3 corporate facilities, currently working on this  
4 project. Also, another park facility for DPR, like  
5 Benning Park. Also, currently working on a new  
6 basketball arena for a local university.

7 CHAIRPERSON HILL: Is everything in Chicago?

8 MR. DEERING: Yes.

9 CHAIRPERSON HILL: How did they get you down  
10 here?

11 MR. DEERING: My director operates our Chicago  
12 office and our D.C. office. So, with personnel --

13 MR. DeBEAR: A plane.

14 CHAIRPERSON HILL: That's -- I'm sorry?  
15 What's that? What's that?

16 MR. DeBEAR: An airplane.

17 CHAIRPERSON HILL: Oh, very good. Very good.  
18 Mr. DeBears. Mr. DeBear. DeBear.

19 MR. DeBEAR: We manage -- our operational  
20 within Moody Nolan, we have expertise out of our  
21 Columbus offices, which are headquarters. Our  
22 director of operations runs the operations out of our  
23 Chicago office, and for the D.C. office.

24 CHAIRPERSON HILL: Okay. Does the Board have  
25 any objection to allowing Mr. Deering as an expert

1 witness? Okay. All right. So, then you're now in  
2 the book. All right.

3 Okay. So, Mr. DeBear, you can go ahead and  
4 move on.

5 MR. DeBEAR: Thank you, Chair Hill. I'm going  
6 to turn it over to Brent Sisco to start the  
7 presentation and talk a little bit about the goals and  
8 objectives for the site, for this Edgewood rec center.

9 MR. SISCO: Thank you, Eric. Again, Brent  
10 Sisco with the D.C. Department of Parks and  
11 Recreation.

12 This project started back in November of 2015,  
13 so we're coming up on about the year and a half mark.

14 In November of 2015, with Moody Nolan as our newly  
15 hired architect, we came to the community to start the  
16 community outreach process.

17 Since November of 2015, DPR and DDS have  
18 sponsored, I believe it's seven community meetings  
19 where we have invited ANC folks, folks from the  
20 community to come out and attend. We have had a  
21 really good turnout in terms of, you know, DPR  
22 meetings, for reference.

23 Also, I've attended multiple Edgewood Civic  
24 Association meetings, ANC meetings as a whole, the 5E  
25 meetings, two different single-member district ANC

1 meetings, as well as meetings with the residents of  
2 Edgewoods Commons, which is a housing development, I  
3 believe two blocks east of the site.

4           And the whole sort of project is to replace  
5 this existing small recreation center, which is about  
6 2,000 square feet in size, and was built in 1947. So,  
7 it's lived a long and sort of healthy life, and we are  
8 at the point now where it no longer serves our  
9 community and our programming needs. So, that is  
10 driving the new project that will be the raising of  
11 that recreation center.

12           MS. MOLDENHAUER: Can you just identify  
13 whether the current center is ADA compliant?

14           MR. SISCO: The current rec center is not  
15 fully ADA compliant, no. And so, that would be part  
16 of these new renovations, to include this new facility  
17 and all new park amenities to the community.

18           And additionally, I did speak with Mr.  
19 Patterson from DDOT about parking. You know, parking  
20 is -- this is a congested area. We've heard this from  
21 the community a couple times. There's a school, a  
22 charter school nearby. So, Mr. Patterson did give me  
23 three separate blocks within the Edgewood -- around  
24 the facility, adjacent to the facility that after  
25 initial inspection he thought that he would accept



1 applications for residential parking. As of right now  
2 it's completely unrestricted parking, and I think we  
3 get a lot of folks parking there from different areas  
4 that come to use this facility, or use the school.  
5 So, he basically indicated, and I don't think he's  
6 ever received any applications for residential parking  
7 to his knowledge. So, that's another option that we  
8 were talking to DDOT about.

9           So, that's a little just sort of context on  
10 this project, and our community outreach strategy.

11           MR. DeBEAR: Drew, you want to go ahead?

12           MR. DEERING: Yes. Thank you, Board. Moving  
13 on to the site plan, just kind of orientate yourself  
14 here. Franklin Street is on the north side, Lincoln  
15 is on the west. Everetts and 3rd is a little L shape  
16 on the bottom right. As mentioned before, the  
17 Inspirit (phonetic) Teach School is on the bottom, and  
18 the Trinity Washington University is on the other side  
19 of the site, on the north side.

20           As Brent mentioned before, trying to maintain  
21 and improve the sites, the amenities of the site,  
22 maintaining the existing tennis courts and basketball  
23 courts, which will both be refurbished. Between those  
24 will be a water feature. The playground, as you saw  
25 in the pictures before, had a few pieces which will be

1 upgraded and the new football field to provide new  
2 field turf for that football field.

3 I'd also like to point out, the recreational  
4 center sits on the same footprint as the existing  
5 recreational center, limiting the developmental site  
6 for the project.

7 With that is a new gymnasium, as requested  
8 during those community meetings to be expanded. And  
9 funds were provided by the council person to provide  
10 this extra amenity for the community.

11 Moving on to the site plans. If you walk into  
12 the bottom left, is the main entrance into the  
13 building. First floor, there's multipurpose rooms for  
14 community events, with some locker rooms above those.  
15 They're in orange. And as I mentioned before, on the  
16 right side is the new gymnasium being added to this  
17 facility.

18 Moving on to the second floor, this purplish  
19 color is a new fitness center. With moving on to the  
20 north, a white spot is actually a new rooftop farm,  
21 provide a resource for the community. They have  
22 existing community garden on the ground level. We're  
23 expanding that and providing new area for this on the  
24 roof itself.

25 Talking about public transportation, this

1 project is a great location for walkability and active  
2 transportation. The Metro Rhode Island Avenue station  
3 is a .7 miles just to the south of the site. There  
4 are seven bike routes adjacent to the site. The D8,  
5 G8, 8E, H1, H2, H3, H4, all within .3 miles of the  
6 facility.

7 There is also a car share location within .7  
8 miles. There is an existing bike share within .7  
9 miles of the site.

10 Turning on to the bike transportation, as the  
11 counsel mentioned before, we are providing 17 new bike  
12 racks on to the site. Nine of those will be right  
13 next to the main entrance, and eight of those bike  
14 racks will be on the right-of-way on Everetts and 3rd.

15 As mentioned before, we are exceeding the DDOT  
16 -- we are meeting the zoning requirement of six short-  
17 term bike facilities and fulfilling the requirement by  
18 DDOT to providing 10. As also mentioned before, we  
19 have a proposed location for the bike share location  
20 on the site.

21 MR. DeBEAR: Thank you, Drew. Now, for the  
22 Board I'm just going to quickly go through the special  
23 exception standard. As I mentioned earlier on, this  
24 is two special exceptions, one for parking based on  
25 the square footage of the building. Three spaces are

1 required, 3.2 rounded down to three. And the lot  
2 occupancy is 28.5 percent. And the requirement is 20,  
3 although it should be noted that pursuant to the  
4 public recreation and community center regulations, in  
5 Subtitle C, up to 40 percent may be approved by this  
6 Board as a special exception.

7           Again, we feel that this project and the  
8 relief meets the special exception standard. The  
9 project is harmonious with the purpose and intent of  
10 the zoning regulations as located in the RF-1 Zone,  
11 which is for residential life and supporting uses.  
12 And what could be better than a brand-new recreation  
13 facility?

14           Again, Brent and Drew talked a little bit  
15 about it. We're going to raise the 70-year-old  
16 existing rec center and greatly improve it, including  
17 the amenities of the park.

18           In addition to that, the relief will not  
19 adversely affect the use of neighboring property.  
20 Again, despite the slightly over lot occupancy of  
21 eight percent, we are still maintaining a great amount  
22 of open space, including the football field adjacent  
23 to the proposed new rec center. There's planted space  
24 to the east, community gardens, there's an urban roof,  
25 an urban farm on top of the roof of the rec center.

1 And the rear yard for this through lot is in excess of  
2 the zoning requirements.

3 As to parking, Drew talked a little about all  
4 the public transportation, and the accessibility. In  
5 addition to that, 17 bike racks will be provided, and  
6 the park is mainly for the surrounding community, and  
7 the intent is for folks to walk to the park within a  
8 few blocks, is what people mainly -- that will be  
9 coming to the park for.

10 As to the specific special exception  
11 conditions for parking, we meet two -- at least two of  
12 the factors set forth in Subtitle C, 703.2. Again,  
13 well served by mass transit and the transportation and  
14 land-use characteristics of the neighborhood minimize  
15 the required parking spaces. Again, this is mainly  
16 for the surrounding community and we feel as though  
17 the park will encourage people to walk.

18 And then, the reduction in the required spaces  
19 from three to zero would really be for the amount that  
20 the applicant is unable to provide. Again, if you  
21 look at the site plan, we are maintaining and  
22 improving the amenities. Amenities would have to be  
23 removed to provide parking beyond issues with Heritage  
24 Tree on the Franklin Street side of the site. And  
25 again, we are only requesting reduction for the amount

1 that -- or the applicant -- proportioned to the  
2 reduction in the demand.

3 And then finally we address the TDM plan in  
4 the filing last night, which is now on the record,  
5 which would satisfy 703.4 of Subtitle C for the  
6 reduction in parking.

7 And lastly, I just wanted to turn it back to  
8 Brent, just to talk a little bit more about the  
9 parking and the desires expressed by the community  
10 during the numerous meetings he was at.

11 MR. DEERING: Thanks, Eric. And I apologize,  
12 I meant to state this earlier. But, you know, since  
13 November, in all the committee meetings we've had, you  
14 know, you can't -- obviously can't please everyone.  
15 We had a request for a dog park which obviously didn't  
16 make it into the design. But the final design, the  
17 overwhelming majority of the folks that attended the  
18 meetings, the e-mails, the letters we received, were  
19 in support of the design we have today, which includes  
20 no parking.

21 And there was, you know, just a huge  
22 preference for park space and green space and  
23 amenities over provision of parking spaces. I did  
24 fail to say that in my previous wrap-up of the  
25 community input part. So, just want to add that.

1 Thank you.

2 CHAIRPERSON HILL: Okay. Does the Board have  
3 any questions? I only have one.

4 MR. HART: Not a question, just if you could  
5 submit the -- your power point into the record. That  
6 specific one because you have the -- the one we have  
7 is the -- your previous employer. So, I just realized  
8 that I didn't have all of this and I was like, where  
9 was this.

10 MR. DeBEAR: We did update it, and we will do  
11 that.

12 MR. HART: Thanks.

13 CHAIRPERSON HILL: Just the question I had was  
14 just kind of for the architect. In terms of since the  
15 parking is what everyone is particularly, you know,  
16 concerned with, or at least the ANC was, and that you  
17 know, you were required to provide three, where would  
18 you provide the three? Like, what would the community  
19 lose in order to gain three parking spaces? What are  
20 the different options?

21 MR. DEERING: If you go to the sections, the  
22 site is actually very sloping from right to the left,  
23 so there's a lot of criteria that makes it hard to  
24 provide that with the grade changes and ADA  
25 accessibility to get that in. So, possibility of

1 losing that basketball court on the north side of the  
2 site, because that would allow you direct access into  
3 the building and providing you ADA accessibility  
4 within that site.

5 CHAIRPERSON HILL: So, you'd lose the  
6 basketball court.

7 MR. HART: You would also need to have a curb  
8 cut to actually do this as well, correct?

9 MS. MOLDENHAUER: There would be a lot of  
10 other factors that would be challenging in regards to  
11 the challenge of trying to provide parking. One,  
12 obviously this project is already at a stage as we've  
13 indicated, it's been going through community review  
14 for a substantial amount of time. And so, there would  
15 be an issue where this would have to delay the park  
16 moving forward because it would have to be a redesign  
17 in certain aspects. They would have to go for curb  
18 cuts. There would be trees that would be impacted  
19 that are currently planned for those locations. All  
20 of those factors would be involved in possibly  
21 reconfiguring to comply with the standard for three  
22 spaces.

23 And currently the facility has no -- currently  
24 the facility has no parking on it.

25 CHAIRPERSON HILL: Right. No, I was just kind



1 of -- I'm just trying to understand what you would  
2 lose, right? And so, you know, but I understand you'd  
3 have to go back again and restart. So, does the Board  
4 -- Mr. May, do you have any questions?

5 MR. MAY: I really just have a comment which  
6 is that the bar that you have to reach to not provide  
7 parking in this circumstance is very low, right? You  
8 just have to prove one of like, 10 things. And the  
9 first one is that it's not possible to provide  
10 parking. And you say it's not possible to provide  
11 parking, but we just heard testimony that it is  
12 possible to provide parking.

13 So, I just think, you know, the statements  
14 have to be -- I mean, there are other ones where you  
15 say it's not applicable. You know, it doesn't apply,  
16 it doesn't work. But you know, the statement that  
17 it's not possible is not really correct. It was a  
18 fairly deliberate decision. It was done in  
19 conjunction with the community and it was done early  
20 on. I understand that. But I mean, all you have to  
21 say is, I mean, you had it right in your slide  
22 presentation, the two key things that make this a  
23 reasonable case for the special exception. And I  
24 think those are the things that should have been  
25 focused on.

1           And don't just try to hit every single point  
2 as if you can prove every single point because it  
3 diminishes the rest of the case.

4           CHAIRPERSON HILL: Okay. Any other comments?  
5 Okay. I'm going to turn to the Office of Planning.

6           MS. THOMAS: Good morning, Mr. Chair. Karen  
7 Thomas for the Office of Planning.

8           The applicant has satisfied the requirements  
9 for the special exception request of not providing  
10 parking and for the lot occupancy requested. It is  
11 well within the limits of the 40 percent that's  
12 allowed under special exception for the lot occupancy.

13 With respect to the parking, they had requested a  
14 waiver, but that's not in play right now since the  
15 applicant has satisfied the TDM requirements by DDOT.

16 We believe that DDOT has also explained to OP that  
17 they wouldn't support a curb cut for this site to  
18 provide parking. And it hasn't provided parking on  
19 that site.

20           So, we will support and concur with DDOT's  
21 recommendation that the TDM requirements would satisfy  
22 the relief from the parking requirements. Thank you.

23           CHAIRPERSON HILL: Okay, great. Thank you.  
24 Does anyone have any questions for the Office of  
25 Planning?

1 MR. MAY: Yeah. So, DDOT made the -- they  
2 stated that they would not support a curb cut? Did  
3 they state that they would support a reserved space at  
4 the curb for a handicapped parking space?

5 MS. THOMAS: They did not express that to me.  
6 But if they did express that to the applicant we'd be  
7 satisfied with that.

8 MR. MAY: Did they -- I know you said that  
9 you're going to work with them. Did they say that  
10 they would agree with that?

11 MR. SISCO: Actually, they did not say that.  
12 I did talk to the councilmember's office yesterday and  
13 that's --

14 MR. MAY: Councilmember?

15 MR. SISCO: Yes.

16 MR. MAY: I'm talking about DDOT.

17 MR. SISCO: No, DDOT has not expressed that to  
18 me.

19 MR. MAY: Because I don't -- didn't matter.

20 MR. SISCO: Okay.

21 MR. MAY: That's not what I'm asking. So, I  
22 mean, I don't -- did DDOT give you a rationale why  
23 they would not do a curb cut here? I mean, it just  
24 seems like it's a pretty -- I mean, that voids the  
25 possibility of having parking when parking is a zoning

1 requirement. And it seems to me that they're trying  
2 to trump zoning and that's just not what -- would not  
3 be proper.

4 MS. THOMAS: Well, in our preliminary  
5 discussions we discuss that 4th Street is a busy -- if  
6 they had to come in from 4th Street it will have a  
7 curb cut from 4th Street. Depending on where it was,  
8 it would be too close to Franklin Street. It might be  
9 too close to Franklin; Franklin Street, the traffic  
10 implications with respect to providing a curb cut.

11 There is an alley system that is not  
12 operational and is not paved, and they don't have any  
13 intentions of working on that.

14 MR. MAY: I mean, what about Everetts?

15 MS. THOMAS: And on Everetts --

16 MR. MAY: What about 3rd Street?

17 MS. THOMAS: And on 3rd Street, there's a  
18 grade difference there. It's coming up to the  
19 property. That wouldn't -- the site would require  
20 significant grading.

21 MR. MAY: Yeah. Okay. That's a different  
22 challenge.

23 MS. THOMAS: That's a different challenge. I  
24 accept that but --

25 MR. MAY: [Speaking off microphone.] I mean,

1 I guess I give up on the point. I'm just trying to  
2 make the point that that DDOT's concern about curb  
3 cuts in this circumstance seem to be a bit overblown  
4 and it's too bad they're not here. I'd love to talk  
5 to them about why they think that's the case. I  
6 certainly hope they're going to support a reserved  
7 parking space in front of the recreation facility  
8 because that's an absolute necessity. If they don't  
9 do that then, you know, there's a good chance the city  
10 is going to get sued over it.

11 CHAIRPERSON HILL: So, Mr. Sisco, you're  
12 nodding a lot and I know that you just said you had  
13 talked to the councilmember's office. But again, Mr.  
14 May was speaking about DDOT. So, DDOT, you don't have  
15 anything definitive, or where are you in terms of  
16 whether or not DDOT is going to provide a handicap  
17 spot there?

18 MR. SISCO: I've just had preliminary  
19 discussions with Mr. Patterson about residential  
20 parking. We haven't actually discussed the ADA  
21 parking spaces. That is something that I am planning  
22 on doing, along with our DGS counterparts. So, right  
23 now I guess we're continuing to work collaboratively  
24 to get this. We actually had a very similar situation  
25 at Friendship Park, where we had no parking but were

1 able to get an ADA on-street parking spot for that  
2 location.

3 MS. MOLDENHAUER: And obviously, as the zoning  
4 process permits, you know, we will go through that  
5 process during permitting and during the other  
6 requirements, and work with DDOT through that process.  
7 But, we do not have anything definitive on this.

8 CHAIRPERSON HILL: Yeah, I don't get  
9 something. Yeah, that's where I'm just --

10 MS. MOLDENHAUER: I don't have anything  
11 definitive.

12 CHAIRPERSON HILL: -- trying to figure it out.  
13 So, okay. All right. Does the Board have any other  
14 questions for the Office of Planning? Does the  
15 applicant have any questions for the Office of  
16 Planning?

17 MR. DeBEAR: No.

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

21 Oh, please. Wow. Come forward.

22 [Pause.]

23 CHAIRPERSON HILL: Good morning. You'll  
24 forgive my surprise. I don't get a lot of -- we don't  
25 get a lot of support.

1           So, okay. We'll wait here.

2           [Pause.]

3           CHAIRPERSON HILL: So, if you could please  
4 just give us your name from right to left? Oh, you  
5 have to push the button there until it glows green.

6           MS. MANI: Thank you. My name is Nalini Mani,  
7 10-year residents of Edgewood.

8           MS. ROBINSON: Marnee Robinson, two-year  
9 residents of Edgewood, and Friends of Edgewood  
10 volunteer.

11          MS. HOBAUGH: Sally Hobaugh.

12          CHAIRPERSON HILL: Okay. I'm going to give  
13 you all three minutes each, which is what I'm required  
14 to do. So --

15          MS. HOBAUGH: Could -- Ms. Mani came late, so  
16 she needs to be sworn in.

17          CHAIRPERSON HILL: Oh, sure. Great. Thank  
18 you. If you could please stand and take the oath from  
19 Mr. Moy? And if anyone else has missed the oath,  
20 please stand.

21          [Oath administered to the participants.]

22          CHAIRPERSON HILL: Okay, great. Thank you.  
23 Thank you. So, whoever wants to go first, you can.  
24 Sure. Oh no, you're going first now, you're the --  
25 you're being offered up. So, three minutes. Please,

1 go ahead.

2 MS. HOBAUGH: Like I said, my name is Sally  
3 Hobough. I am the former ANC commissioner for 5E-10,  
4 where the rec center is located. So, I just kind of  
5 wanted to go over. I have a little handout to  
6 document the numerous meetings and discussions we have  
7 had on this, over the last two and a half years in my  
8 community. I think it's important that everyone knows  
9 the history and the background and how much effort and  
10 time has been put in by my neighbors in designing and  
11 collaborative manner, and also coming to a lot of  
12 compromises as Brent Sisco said.

13 In the beginning, the big contention was dog  
14 park and parking. And at the end, we got a lot of  
15 things and neither one of those. So, there was  
16 winners and losers, but in the end, the community is  
17 happy with what we have.

18 I just want to say that there has been, like I  
19 said, dozens of meetings and opportunities for  
20 neighbors to give feedback. And sometimes they've  
21 been contentious and arduous, but we worked through  
22 them the best way we could to come together as a  
23 community and have a plan for something that we can  
24 enjoy. That field house has been there for the decade  
25 I've lived in the neighborhood, and 60 years before



1 that. And it doesn't serve our neighborhood. There  
2 is not enough space for kids to play. There's not  
3 enough space for seniors to come. Most of the seniors  
4 who live within a few blocks of the rec center don't  
5 go there because there's nothing for them to do, or  
6 they don't feel safe or comfortable there.

7           And I feel like the new design will allow them  
8 to have a space where they can gather. And contrary  
9 to popular belief, seniors in my neighborhood do walk.  
10 I'm not saying that we don't have some that are  
11 disabled. But most of them walk further than I do  
12 every day, and there are hundreds within a few blocks  
13 of the rec center as well.

14           I also wanted to say that during the design  
15 process we found that our ambitions were limited by  
16 funds. And Councilmember McDuffie was able to get us  
17 an extra \$4 million for the project. And the  
18 consensus of my neighbors was that we wanted an indoor  
19 gymnasium, where kids could play basketball. That  
20 basketball court that you're talking about that could  
21 potentially be parking, is used nonstop. It's the  
22 most popular amenity at the park right now.

23           And an indoor one will allow kids to continue  
24 to be able to play during the winter months as well.

25           And I truly believe that's a better use of the

1 money than any three parking spaces could provide for  
2 our neighborhood.

3 I think this final product, it reflects almost  
4 three years of hard-working compromise, and something  
5 that's going to be an outstanding addition to our  
6 neighborhood. I urge the Commission to vote in  
7 support of this variance, and we don't want any more  
8 delays. We've waited long enough, there's been delays  
9 with DPR, there's been delays with funding taken away  
10 over the years. We want the money used, we want the  
11 new rec center. That design is what we came to  
12 agreement as a community. It's not perfect, but I  
13 believe it fully serves our neighborhood's needs as it  
14 grows, and the people who are there currently. Thank  
15 you.

16 CHAIRPERSON HILL: Okay, great. Thank you.  
17 I'm going to put three minutes on the clock as well  
18 for you, and you can start whenever you'd like.

19 MS. ROBINSON: Okay, great. I'm just here to  
20 say that this is a beautiful project. It's going to  
21 be a really great addition to the neighborhood, and I  
22 would fully support the variance that's been shown  
23 before you today.

24 And let's build this, build this great  
25 amenity. Overwhelmingly support of this project.

1 There are always people coming in at the last minute  
2 and saying, oh, I didn't know this, I didn't know  
3 that. But that's only because they chose not to. And  
4 it's so hard for weight to be given to some people who  
5 are negative when they've come in late to the ballgame  
6 and they haven't been part of the process for the last  
7 three years.

8           There has been community newsletters, e-mail,  
9 social media, lots of awareness about what's been  
10 happening with this project and the parking issues,  
11 and I think we can all agree that parking in D.C. is  
12 always an issue, whether it's this project or any  
13 other project. You know, and I think that there's  
14 been some -- the idea about having three handicapped  
15 spaces maybe, you know, if we can work with DDOT on  
16 that. Maybe we've talked about having -- working with  
17 some community agencies, like Seabury, to you know,  
18 bring some of the elderly folks to the rec center via  
19 shuttles that we do.

20           These are all good suggestions. Those will  
21 come in time, you know. But today, we're just asking  
22 to -- for you to okay this variance. Thank you.

23           CHAIRPERSON HILL: Okay, great. Thank you.

24           MS. MANI: Great. Thank you very much.

25 Again, I'm here as a long-term resident of Edgewood,

1 and I fully support what these two ladies have stated  
2 today. From my part, again, the recreation center is  
3 something that we have desperately needed in our  
4 community. It's used right now in its current state  
5 by kids, by seniors, by adults. And the plan that's  
6 been put forward is absolutely fantastic in my  
7 opinion.

8 Yes, we always haven't agreed on certain  
9 things, but in general consensus being that this is  
10 something that's valuable for our community. I  
11 understand the issue is with neighborhood parking, and  
12 we all have issues with parking. I do too. That's  
13 not something that providing 200-odd spaces and  
14 putting trees in a tree museum, is going to alleviate.  
15 I think enforcement takes care of that. More  
16 community care around where we park, how we park, and  
17 then getting the support of our enforcement agencies  
18 and helping, will alleviate that. I do not believe  
19 that building additional parking at the rec center, at  
20 the risk of losing out other amenities and green  
21 space, is going to take care of that.

22 Again, I want to thank you for taking the time  
23 to listen to all of us and thank you to DPR for a  
24 fantastic job over the last few years. I strongly  
25 look forward to partnering with you and with others on

1 finding creative solutions to meet the needs of our  
2 general neighborhood. But again, I'd like to  
3 reiterate my support and those of many of my neighbors  
4 who I've met with and talked to for this much-needed  
5 rec center, and I do not want any delays in actually  
6 actualizing that project. So, thank you.

7 CHAIRPERSON HILL: Okay, great. Thank you.  
8 Well, I've let the other board members speak, but  
9 thank you guys for coming down. I mean, you've stayed  
10 here all morning long and often times people only stay  
11 because they are in opposition. And so, you know,  
12 it's nice to just -- it's always nice to hear from the  
13 community, but it makes it easier for us to come to a  
14 decision when we have information from the community,  
15 either in favor or in opposition. So, I'm just  
16 letting you know, we appreciate you coming down. And  
17 as an ANC commissioner, you know how the whole thing  
18 works.

19 And so, you know, particularly at the ANC  
20 level there's a lot of commotion one way or the other  
21 on things that are going on. So, I know that you  
22 appreciate the system here.

23 Does the Board have any questions for the  
24 witnesses?

25 [No audible response.]

1 CHAIRPERSON HILL: Okay. I have one question.

2 Mr. Sisco. So --

3 MR. SISCO: Yes, sir.

4 CHAIRPERSON HILL: What happened to the dog  
5 park?

6 MR. SISCO: The dog park there was a lot of  
7 back and forth, so it was shifted to another location  
8 nearby.

9 CHAIRPERSON HILL: Ok.

10 MR. SISCO: So, it's not --

11 CHAIRPERSON HILL: It's still there, it's just  
12 like, not on the property?

13 MR. SISCO: Exactly.

14 MS. HOBAUGH: It's not built yet.

15 MR. SISCO: It's not built yet, but there has  
16 been an application for a dog park, sort of across the  
17 street.

18 CHAIRPERSON HILL: Oh, okay.

19 MR. SISCO: On another property.

20 CHAIRPERSON HILL: All right. I'm just  
21 curious. I have a dog, so.

22 MR. SISCO: Oh, okay.

23 CHAIRPERSON HILL: All right. Is there anyone  
24 here wishing to speak in opposition?

25 [No audible response.]

1 CHAIRPERSON HILL: Okay. All right. Thank  
2 you all very much.

3 So, let's see. Does the board have any more  
4 questions for the applicant?

5 Does the Board have any more questions for the  
6 applicant?

7 [No audible response.]

8 CHAIRPERSON HILL: Okay. Do you happen to  
9 know, Mr. DeBear, if the ANC is filing a report?

10 MR. DeBEAR: I don't know for sure. I would  
11 assume so. But I do not know.

12 CHAIRPERSON HILL: Okay. And they voted  
13 again, in opposition.

14 MR. DeBEAR: They voted in opposition six to  
15 four, just to the parking.

16 CHAIRPERSON HILL: Okay. Okay.

17 MR. HART: So, were they -- did they vote on  
18 anything else, or they just focused on the parking?

19 MR. DeBEAR: They were just focused on the  
20 parking. I don't think they certainly did not take  
21 issue with the lot occupancy. I do not have a copy of  
22 the resolution, but from what I understand from all  
23 discussions last night, there's no opposition to the  
24 lot occupancy.

25 MR. HART: And they're in support of the

1 actual project. They just don't like the issue of not  
2 having parking on site.

3 MR. DeBEAR: Exactly.

4 MS. MOLDENHAUER: And I would just note that  
5 they were aware that we would be coming here today,  
6 and the ANC had previously -- we had been in  
7 communication with the ANC and the ANC commissioners  
8 about this project. We had postponed our prior  
9 attempt to try to get on the ANC agenda earlier, and  
10 let them know that we were going to be meeting with  
11 them the night before the BZA hearing. So, they were  
12 aware that we would be here this morning. We  
13 understand that it's not formally in the record, but  
14 we would request that the Board still, if possible,  
15 move forward with the deliberation if the Board so  
16 chooses.

17 MR. DeBEAR: And I did announce last night  
18 that this BZA hearing was this morning, or today, in  
19 front of everyone.

20 CHAIRPERSON HILL: Okay. Okay. Does the  
21 Board have any more questions? Okay, all right, then  
22 I'm going to close the hearing. Is the Board ready to  
23 deliberate?

24 Okay. Would someone else like to start?

25 MR. MAY: I think this is pretty



1 straightforward. We heard a lot of testimony about  
2 it. It's well supported. I mean, I understand that  
3 the ANC has reservations, but we don't actually have  
4 the report in the record. And I also don't think, you  
5 know, again, given the really low bar that you have to  
6 meet in order to get this particular relief, I don't  
7 see any complications with it, so I'm prepared to vote  
8 in favor.

9 CHAIRPERSON HILL: Okay. All right. I also  
10 you know, given the analysis that the Office of  
11 Planning has provided, and the testimony that we  
12 received today, as well as the testimony from the  
13 witnesses in support, I mean, I understand that the  
14 ANC had met yesterday and that they did vote in  
15 opposition, and I will take that, you know, as the  
16 testimony that the witness has provided. They were in  
17 opposition to the parking requirement.

18 I don't see that even if we had something from  
19 the ANC in terms of the parking, how the additional  
20 spots, you know, three additional spots, three spots,  
21 and taking away something as substantial as a  
22 basketball court, would I be able to be in favor of  
23 that, as well as the fact that DDOT is not even  
24 allowing a curb cut, which is another discussion all  
25 together, that might be discussed at another time.

1 So, I am also in favor of this.

2 Mr. Hart, do you have any comments?

3 MR. HART: Yeah, only -- and I'm not sure how  
4 to -- if we want to talk about this as a condition in  
5 terms of having the, you know, a space on the street.  
6 I mean, I know you all have started having the  
7 conversation about -- with the Office of Planning,  
8 with DDOT, but I don't know if we should be, I don't  
9 know, encouraging you to have that conversation. I  
10 don't know. I didn't know if the other board members  
11 had a thought on that.

12 CHAIRPERSON HILL: I would again be, in terms  
13 of that, and I appreciate that, Mr. Hart, in terms of  
14 that the other members of the community have been here  
15 in terms of delay, I would think that the applicant,  
16 DGS, is working with DDOT in order to get a  
17 handicapped spot there. And that, in conjunction with  
18 working with the Councilmember McDuffie, would be able  
19 to achieve that goal. And so, I would -- but I  
20 appreciate, if it's okay, if you would be comfortable  
21 with that, moving forward with their comments that  
22 they would continue to work with DDOT to try to get a  
23 spot.

24 MR. MAY: I would encourage it. I don't think  
25 we want to make it a condition because it's, you know,

1 somebody else's action. But certainly, the city  
2 government as a whole is going to have to step up to  
3 address this one way or another, either, you know,  
4 with the project or after they get sued. So, they're  
5 going to need to have a parking space there.

6 CHAIRPERSON HILL: Okay. I'd go ahead then,  
7 and make a motion to approve Application No. 19511 as  
8 read by the secretary.

9 MR. HART: Seconded.

10 CHAIRPERSON HILL: The motion has been made  
11 and seconded.

12 [Vote taken.]

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

14 MR. MOY: Staff would record the vote as  
15 three, to zero, to two. This is on the motion of  
16 Chairman Hill to approve the application for the  
17 relief requested. Seconding the motion, Vice Chair  
18 Hart. Also in support, Mr. Peter May. We have a  
19 board member not present today, board seat vacant.  
20 The motion carries.

21 CHAIRPERSON HILL: Thank you, Mr. Moy. Could  
22 we get a summary order?

23 MR. MOY: My personal opinion, I'm reluctant  
24 to do a summary order.

25 CHAIRPERSON HILL: Oh. Oh, yeah, I forgot.

1 That's right.

2 MR. MOY: Because I'm hoping --

3 MR. MAY: We do not have an official report  
4 from the ANC, right?

5 MR. MOY: But it may come in later today or  
6 come in tomorrow, or particularly if I call --

7 MR. MAY: The record is closed.

8 MR. MOY: The record is closed unless the --  
9 what's the --

10 CHAIRPERSON HILL: We're trying to work  
11 through this. I understand that the applicant wants a  
12 summary order. I don't know, and I want to listen to  
13 the Office of the Attorney General because we have had  
14 issues recently about trying to be expeditious.  
15 However, I also do want to make a point that I don't  
16 think that it behooves the community to push this  
17 back. And at the same time, though, I don't  
18 necessarily know whether DGS is going to hold this up  
19 anyway, based upon whether or not there is or isn't a  
20 full order.

21 But, I am going to turn to the OAG and get  
22 kind of -- I mean, I would like to give a summary  
23 order. That's what I would like to do. And I think  
24 that's what the Board would like to do. However, if  
25 there is an issue I'd like to hear about it now.

1 MS. GLAZER: I think it's possible there could  
2 be an issue. Not necessarily.

3 As you know, the Board only gives great weight  
4 to the written report. As of this date there is no  
5 written report to give great weight to. However,  
6 there is testimony in the record that the ANC meeting  
7 was only last night, and it could be a question of  
8 reasonableness for the Board not to wait a few days,  
9 at least, to receive such a writing, where it may even  
10 be in the record now and we're not aware if it because  
11 of the electronic filing system.

12 CHAIRPERSON HILL: And just to be clear, if  
13 the --

14 MS. GLAZER: The ANC act as -- have stricter  
15 requirements than the zoning regs on this point. The  
16 ANC report can be -- must be received by the Board any  
17 time up to the decision. However, a decision  
18 shouldn't really be rushed to get around that  
19 requirement.

20 MR. MAY: I don't think we're rushing. Right?  
21 I mean, they knew this was happening today, so I  
22 don't see any reason why this would be considered  
23 rushing.

24 I mean, I guess we could go on the assumption  
25 that it's going to be a summary order. But if in fact

1 the ANC report has been received in the record then,  
2 you know, before this moment, then we could address it  
3 then.

4 Let me just ask the applicant. When are you  
5 actually going to go to permitting on this?

6 MS. MOLDENHAUER: This project is actually  
7 already in the process. They're out for bids, and so  
8 it's really -- I mean --

9 MR. MAY: So, when do they go out for bids?  
10 When do you expect to award the contracts?

11 MR. SISCO: I believe the actual bids were  
12 received last week. And so, I would have to talk to  
13 the DGS procurement folks, but usually I think that's  
14 a 60 to 90-day --

15 MR. MAY: Right.

16 MR. SISCO: -- sort of process.

17 MR. MAY: Well, you clearly don't have your  
18 permits yet, but you've submitted for a permit?

19 MR. SISCO: I believe that's correct.

20 MR. DEERING: That is correct.

21 MR. MAY: Well, I can make a comment about the  
22 timeliness of DGS projects, but I guess I'll keep that  
23 to myself.

24 I'm happy going with a summary order because  
25 again, you know, we have -- the ANC has their process,

1 but we have our process and this is something that's  
2 been in the works for a long time. They could have  
3 taken this up before this moment, and I'm inclined to  
4 move ahead.

5 MS. GLAZER: If the Board does move ahead  
6 today and grant the relief. The only thing OAG could  
7 suggest is to issue a hybrid order where at least the  
8 issues are discussed, even though it's not a  
9 requirement, and that would certainly be not as quick  
10 as a summary order, but it would not be a full order.

11 MR. MAY: How quickly do you think that could  
12 happen?

13 MS. GLAZER: I think a few weeks as opposed to  
14 months.

15 MR. MAY: Well, if bids are just received,  
16 probably timing would be all right.

17 CHAIRPERSON HILL: So, this is the first one  
18 I've gotten with the summary order. Or sorry, the  
19 hybrid order. Although I recall it happening before.  
20 So, if we can issue a hybrid order that would speak  
21 to the ANC's concerns, however, it would be faster  
22 than a full order, that's what I would recommend to  
23 the Board. Okay? All right.

24 So, then, Mr. Moy.

25 MS. GLAZER: There is no legal terminology for

1 a hybrid order, but the Board has done it in the past.

2 CHAIRPERSON HILL: Mr. Moy, we're going to go  
3 with that.

4 MR. MOY: Yes. I'm not going to call it a  
5 hybrid.

6 CHAIRPERSON HILL: Okay.

7 MR. MOY: Because that doesn't exist. But it  
8 would be more of an expanded conversation than summary  
9 order.

10 CHAIRPERSON HILL: Okay. All right. Okay.  
11 All right. Thank you all very much.

12 MR. DeBEAR: Thank you.

13 CHAIRPERSON HILL: All right, Mr. Moy. If you  
14 can call our last case, please? And if you all could  
15 come forward, please?

16 MR. MOY: All right. This would be Case  
17 Application No. 19513 of Michael and Ashley Perry,  
18 captioned and advertised for variance relief from the  
19 nonconforming structure requirements, Subtitle C,  
20 Section 202.2, and the lot occupancy requirements of  
21 Subtitle E, Section 304.1, to construct a rear  
22 addition on the first floor of a one-family dwelling,  
23 RF-1 Zone, 520 12th Street Northeast, Square 984, Lot  
24 41.

25 CHAIRPERSON HILL: Hi. If you could please



1 introduce yourselves from right to left?

2 MS. PERRY: Ashley Perry.

3 CHAIRPERSON HILL: Okay.

4 MR. PERRY: Michael Perry.

5 CHAIRPERSON HILL: Okay.

6 MS. FOWLER: Jennifer Fowler, I'm the  
7 architect.

8 CHAIRPERSON HILL: All right, great. Have you  
9 guys enjoyed your day here at the BZA? Learned a lot  
10 about civics? Is this civics? Or zoning.

11 Ms. Fowler, are you going to present to us?

12 MS. FOWLER: Sure.

13 CHAIRPERSON HILL: So, I don't really need a  
14 lot of in-depth presentation. I don't think the Board  
15 does, based upon the record and what we have here. If  
16 you could just kind of highlight what you're trying to  
17 do, and then I'm going to turn to the Office of  
18 Planning.

19 MS. FOWLER: Sure. Thank you so much. So,  
20 the idea here is we were proposing a dogleg in-fill on  
21 the first floor only in order to enclose a -- create a  
22 stairway connection from the main house to the  
23 basement. The house was converted in, I believe, '06,  
24 into a two-unit apartment. And my clients purchased  
25 it recently and are hoping to reconnect the house to

1 the basement unit.

2           Unfortunately, when they did the original  
3 renovation, they put in a powder room under the  
4 stairs. There's also a full bathroom at the basement  
5 level, directly under the stairs, as well as a  
6 mechanical closet. So, it's a very destructive  
7 process trying to put a stair back into the original  
8 location.

9           So, we did explore other options for stair  
10 locations, and the court expansion seemed like the  
11 most reasonable way to connect the basement to the  
12 upper floor. And feel like the disruption in  
13 financial hardship created by having to do some major  
14 renovations to the interior, kind of justify the  
15 request for the variance on this proposal.

16           And that's also a very minimal impact. It's  
17 between two brick walls. They have a party wall  
18 that's shared with 522. So, they do own half of that  
19 wall. So, we will be just connecting to that portion  
20 of the house. And it will not be extending past the  
21 rear of the house, so there will be no additional  
22 shadows or any impact on the adjacent neighbors.

23           We did get support from the three abutting  
24 neighbors, so there's 518 and 522. And then there's  
25 also Maryland Avenue address that abuts the rear

1 property line. And they were able to get the support  
2 from that neighbor as well.

3 We did present the plans to the ANC, and they  
4 also supported the project.

5 CHAIRPERSON HILL: Okay, great. Thank you.  
6 Does the Board have any questions for the applicant?

7 All right. I'm going to turn to the Office of  
8 Planning.

9 Good afternoon, Mr. Chairman, members of the  
10 Board. I'm Brandice Elliott with the Office of  
11 Planning. We are recommending approval of the  
12 requested variance for lot occupancy. I'll go ahead  
13 and stand on the record, but I'm happy to answer any  
14 questions you may have.

15 CHAIRPERSON HILL: Does the Board have any  
16 questions for the Office of Planning? Does the  
17 applicant have any questions for the Office of  
18 Planning?

19 MS. FOWLER: No, I don't. I just wanted to  
20 thank Brandice for her time and assistance on this  
21 project.

22 CHAIRPERSON HILL: Okay. Is there anyone here  
23 from the ANC? Is there anyone here wishing to speak  
24 in support of the application? Is there anyone here  
25 wishing to speak in opposition?

1 [No audible response.]

2 CHAIRPERSON HILL: All right. Does the  
3 applicant have anything to add?

4 MS. PERRY: No, thank you.

5 CHAIRPERSON HILL: Does the Board have any  
6 final questions for the applicant?

7 Let's see, again, the record is very full and  
8 so you've gone through the process, which makes it  
9 easier for us to understand everything that's going  
10 on. So, I'm going to go ahead and close the record.  
11 And is the Board ready to deliberate?

12 I don't have any issues with the project. As  
13 I said, I thought that the record was very full. They  
14 have gone through the process with the Office of  
15 Planning, and ANC 6A is in approval, six to zero.  
16 They have letters in support from both their adjacent  
17 neighbors, and I think that they do meet the standard.  
18 So, I would go ahead and move to approve Application  
19 No. 19513 as read by the secretary.

20 MR. MAY: Second.

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

23 [Vote taken.]

24 CHAIRPERSON HILL: The motion passes.

25 MR. MOY: Staff would record the vote as

1 three, to zero, to two. This is on the motion of  
2 Chairman Hill to approve the application for the  
3 relief requested. Seconded the motion, Mr. Peter May.  
4 Also in support, Vice Chairperson Hart, board member  
5 not present, board seat vacant, motion carries.

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

8 MR. MOY: Thank you. Yes.

9 CHAIRPERSON HILL: Thank you. Thank you,  
10 guys.

11 Mr. Moy, do we have anything else before the  
12 Board?

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

14 CHAIRPERSON HILL: Okay. Then, we stand  
15 adjourned. Thank you.

16 [Whereupon, at 12:39 a.m., the public hearing  
17 was adjourned.]

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